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THE FEDERAL REGISTER SUBJECT INDEX

The Subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

Entries in this Index are carried primarily under the names of the issuing agencies, with the most significant subjects additionally carried in appropriate alphabetical position.

This Subject Index should be distinguished from the numerical codification guide (List of CFR Sections Affected) which is also published separately. The numerical guide is designed for quick checking in the *Code of Federal Regulations* numbering system of provisions whose numbers are already known or have been learned through use of the Subject Index.

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- Louisiana, Breton National Wildlife Refuge, addition (PLO 4100) — 6912, 12950
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43.9 Heading and (c) amended 3336
43.11 Heading, introductory text of (a), (a)(4) and (5), and (b) amended 3336
43.15 Heading, (a), (b), introductory text of (c), and (c)(1) and (2) amended 3336
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47.41 (b)(3) corrected 5483
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49.15 (b) amended 4499
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49.33 (b) amended; (c) revised 4499
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61.15 (l) added 12400
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65.59 Introductory text revised 7610
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(d) revised — 16266
3.54
Added — 11383
3.55
Added — 11141
3.56
Added — 11935
5.2
(c) added — 4677
(c) revised — 6491
5.3
(a), (b), and introductory text of (c) amended — 6491
5.5
Added — 8524
8.1
(e) amended — 12019
8.21
Revised — 3008
8.202
Added — 8
Effective date — 4127
8.275
Added — 3008
Effective date stayed — 8369
8.306
Revised — 5070
Effective date of revision — 7227
8.307
Added — 1064
Effective date — 4396
8.308
Added — 1064
Effective date — 4396
8.309
Added — 1064
Effective date — 4396
8.310
Added — 1064
Effective date — 4396
8.311
Added — 1064
Effective date — 4396
8.313
Added — 1065
Effective date — 4396
8.314
Added — 1065
Effective date — 4396
8.316
Added — 1065
Effective date — 12840
8.318
Added — 4784
8.319
Added — 6104
Effective date — 8216
8.501
(b) amended — 1066
(f) amended — 5127
(e) amended — 7172
(e) amended — 8216
(a), (b), (c), and (e) amended — 9106
(e) and (f) amended — 12840
8.510
(d) added — 5490
8.4175
Added — 3008
Effective date stayed — 8369
8.6001
Revised — 2653
Effective date of revision — 5127
8.6005
Added — 1065
Effective date — 12840
8.6006
Added — 5070
Effective date — 7172
10
Cross reference revised — 3008
10.2
(d) added — 7227
16.13
Added — 5618
Effective date — 7562
16.14
Added — 5618
Effective date — 7562
17.1
(a) (15) revised — 5432
Effective date of revision of (a) (15) — 7562
(a) (1) revised — 12949
(a) (7) revised — 13792
(a) (15) revised — 13793
Effective date of revision of (a) (1) — 15089
Effective date of amendment of (a) (7) — 16564
19.515
(b) (2) and (c) revised — 14350
19.520
(b) (2) and (c) revised — 14350
19.530
(b), (c), and (d) (1) revised — 11717
Effective date of revision of (b), (c), and (d) (1) — 13991
19.555
(a) revised — 9602
Effective date of revision of (a) — 11876
20.1
(a) amended; (f) (6) added; (g) (3) revised — 14829
20.3
(e) revised — 14830
20.4
(a) amended; (e) (11) and (g) (4) added — 14830
27.60
(a) revised; (b) (3) and (c) (2) (iv) added — 5958
27.101
Heading, (a), and (b) revised; (d) and (e) deleted — 8493
Effective date of revision of heading, (a), and (b), and of deletion of (d) and (e) — 12020
27.102
Revised — 8494
Effective date of revision — 12020
27.103
Added — 12019
Effective date — 14451
27.107
Effective date of revision of (d) and (e) postponed — 12949
27.111
Effective date of revision of (a) — 2896
Effective date of revision of (c) and (d) postponed — 12949
29.3
Introductory text of (b) revised; (c) (4) and (e) (7) added — 9796
Effective date of revision of introductory text of (b) and addition of (c) (4) and (e) (7) — 11754
31
Added — 1066
31.1
(a) and (b) (2) (i), (6), and (10) amended — 5490
(b) (10) amended — 10886
37.1
(b) amended — 16767

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42.10
Revised — 4677
Effective date of revision — 7562
42.20
Revised — 4677
Effective date of revision — 7562
42.30
(a) revised — 4677
Effective date of revision of (a) — 7562
42.40
Revised — 4678
Effective date of revision — 7562
42.50
Revised — 4678
Effective date of revision — 7562
42.60
(a) revised — 4678
Effective date of revision of (a) — 7562
42.70
Added — 4678
Effective date — 7562
42.71
Added — 4678
Effective date — 7562
42.72
Added — 4678
Effective date — 7562
45.1
Introductory text of (a) (2) revised; (a) (2) (vii) added; (a) (3) (iv) and (b) revised — 5433
Effective date of revision of introductory text of (a) (2), addition of (a) (2) (vii), and revision of (a) (3) (iv) and (b) confirmed — 8874
45.2
Added — 5434
Effective date — 7375
51.1
(d) (6) added; (f) (5) revised — 12716
Heading corrected — 12950
51.2
Heading revised — 12716
51.3
Heading revised — 12716
51.10
Introductory text of (a) revised; (b) (7) added — 12716
51.20
(a) (5) and (d) (4) added — 12716
51.990
Effective date of (c) (3) (iii) and (f) (12) confirmed — 9
(c) (12) and (f) (13) added — 9
Effective date of addition of (c) (12) and (f) (13) — 3116
(c) (13) and (f) (14) added — 12716
53.40
Revised — 10676
Effective date of revision — 12840
(b) amended — 16266
53.41
(a) (3) revised — 10677
Effective date of revision of (a) (3) — 12840
80
Added — 8525
Revised; effective date stayed — 15731
80.1
Corrected — 16312
120.3
(e) (4) amended — 289
(e) (4) amended — 7172
Introductory text of (e) revised — 9453
(e) (5) amended — 10960
120.36
Deleted — 11754
120.37
Deleted — 11754
120.106
Revised — 5619
Amended — 16565
120.109
Revised — 5958
120.110
Amended — 10574
120.114
Amended — 9001
120.123
Amended — 9643
120.131
Revised — 13211
120.138
Amended — 9454
120.142
Revised — 7680
120.147
Amended — 9454
120.153
Amended — 14830
120.176
Amended — 7741
120.183
Amended — 10181
120.200
Amended — 10263
Amended — 16768
120.202
Added — 289
120.203
Added — 7173
120.204
Added — 10960
120.1011
(b) revised — 7376
121.75
Revised — 4891
121.84
Deleted — 8008
121.89
Deleted — 8008
121.90
Deleted — 8008
121.91
Deleted — 8008
121.205
(c) amended — 7282
(c) amended — 10744
121.208
(d) amended — 6830, 8874, 10574, 11183
121.210
(c) amended — 1272
(c) amended — 7281
(e) amended; (d) (3) revised — 8873
(c) amended — 8874
(c) amended — 13435
(c) amended — 14590
121.213
(d) amended — 1069
(d) amended — 8874
121.217
(d) amended; (f) added — 3834
(d) amended — 6274
121.225
(f) (3) (viii) added — 11183
(j) revised — 16662
121.226
Revised — 7562
121.227
Revised — 7562
121.232
(d) amended — 8874
121.233
(d) amended — 8875
121.237
(d) corrected — 3178
121.242
Amended — 3116
121.251
(d) amended — 8875
121.252
(d) amended — 8875
121.253
(c) amended — 1069
(c) amended — 8875
121.254
(c) amended — 8875
121.256
(d) amended — 8875
121.258
(c) amended — 10959
121.260
(c) amended — 10182
121.262
(c) amended — 8875, 11876, 12435, 14350
121.263
(b) amended — 11877
121.264
Revised — 11877
121.266
(c) amended — 7282
(c) amended — 14590
121.269
Revised — 11878
(c) amended — 14350
121.270
Revised — 8369
121.278
Added — 289
121.279
Added — 289
121.280
Added — 2426
(a) corrected — 2547
121.281
Added — 4447
121.282
Added — 1068
121.284
Added — 4511
121.285
Added — 4955
121.286
Added — 10574
121.287
Added — 11101
121.288
Added — 11936
121.289
Added — 11608
121.290
Added — 11608
121.291
Added — 13722
121.292
Added — 16692
121.1002
Added — 13723
121.1008
(c) (3) (iii) added — 10264
121.1009
(c) (9) added — 10264
(c) (10) added; incorrectly designated as (c) (9) — 10886
(c) (10) correctly designated — 11609

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121.1009—Continued
(c) (11) added 11609
(c) (4) revised 15089
121.1014
Introductory text of (c) revised 11183
121.1018
(a) (1) revised 8008
121.1020
(c) redesignated as (w); new (c) added 4785
(a), (b), and (w) revised 8369
(a) and (b) amended 12841
(b) amended 15309
121.1022
(c) revised 8573
121.1029
(c) (6) added 5619
(c) (1) (iii) added 10264
121.1030
(c) (1) (iii) added 10264
121.1031
(d) and (f) amended 14351
121.1032
(a) amended 4511
121.1047
(c) (2) (iii) added 10264
(c) (3) added 13474
121.1058
Introductory text and (b) revised 9106
121.1059
(a) amended 13128
121.1070
(b) (2) and (c) (2) and (3) revised 11215
121.1074
Revised 11609
(a) (1) and (2) revised; (b) deleted 15310
121.1075
Revised 11609
(a) (1) and (2) revised; (b) deleted 15310
121.1091
(a) (2) amended 7227
(a) (2) amended 9216
121.1093
Revised 9454
Amended 12435
121.1099
(a) (2) amended 16768
121.1122
Amended 3116
121.1133
(c) revised 8370
(c) revised 15309
121.1142
Revoked 10744
121.1143
Revised 16693
121.1144
Added 2426
121.1153
Revised 10182
121.1155
Introductory text and (b) revised 5958
121.1164
(b) amended 7563
121.1178
Added 4447
(b) corrected 4836
121.1180
(a) amended 2961
121.1188
Added 290
121.1189
Added 290
121.1190
Added 1068
121.1192
Added 5959
(b) corrected 7563
121.1193
Added 3116
121.1194
Added 4785
121.1195
Added 5434
121.1196
Added 9454
Revised 12435
121.1197
Added 15089
121.2001
(a) amended 2897
Amended 11609
121.2501
Revised 2961
(a) (3) revised; (c) amended 6830
(c) amended; (d) (2) revised 7173
121.2503
Revised 15090
121.2507
(c) amended 2963
(c) amended 7228
(c) amended 15090
(d) amended 15570
121.2508
Revoked 2963
121.2510
Revoked 2963
121.2511
(b) amended 2963
121.2513
Revoked 10122
121.2514
(b) (3) (xxviii) (b) and (xxxiii) amended 2897
(b) (3) (xx) amended 9106
Introductory text of (b) (3) (xxxi) revised 10575
(b) (3) (xxvi) amended 13475
(b) (3) revised 15570
121.2520
(c) (5) amended ..... 1068, 2896, 2897, 4128, 11718, 13793, 14973, 15090, 15570.
121.2521
Added 15194
(d) (3) (ii) corrected 15349
121.2524
(c) revised 15570
121.2525
(b) amended 15570
121.2526
(d) (3) revised 560
(b) (2) and (c) amended 1149
(b) (2) amended 2476
(a) (5) amended 2897
(b) (2) amended 9107
(a) (5) amended 13793
121.2527
Revised 10122
121.2530
(c) revised 15570
121.2531
Revised 10
(f) corrected 216
(a) (3) added 3394
(a) (2) amended 11610
(a) (2) amended 13475
121.2533
(c) revised 15570
121.2534
(c) revised 15570
121.2535
(c) revised 15570
121.2536
(c) revised 15570
121.2537
(c) amended 2897
121.2540
(c) revised 15570
121.2541
(c) amended 7228
(c) corrected 7512
(c) amended 8876
(c) revised 9417
121.2542
(a) revised 7563
121.2543
(b) (4) revised; (b) (5) and (6) deleted 2963
121.2545
(b) revised 15570
121.2547
(b) (5) added; (c) (3) and (4) revised 10264
(b) (6) added; (c) (4) revised 11718
121.2550
(b) (5) amended 10745
(b) (4) amended 15570
121.2553
(c) revised 15570
121.2554
(b), introductory text of (c), and (c) (2) revised 2963
121.2557
(d) (3) amended 8008
(c) revised 15570
121.2562
(c) (4) (ii) (b) amended 216
(g) and (h) added 560
(c) (4) (iii) amended 1068
(c) (4) (ii) (b), (iii), and (iv) amended 10183
Introductory text of (c) (4) revised 15570
121.2566
(b) amended 1068
(b) amended 2964
(b) amended 4785
121.2567
(c) revised 15570
121.2569
(a) revised 2964
(b) (3) amended 11610
(b) (3) (iii) amended 15570
121.2570
(c) added 8009
121.2571
(b) (2) amended 8954, 10606, 11609, 15090
121.2573
Added 11609
121.2576
Introductory text of (a) revised; (a) (1) and (2) and (b) amended 290
121.2587
Added 2476

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121.2589
(c) added 3394
(c) (1) (iii) and (c) (2) corrected 4299
121.2590
(c) added 10182
121.2592
(a) (3) (xvii) added 11719
121.2598
Added 2896
121.2599
Added 8009
121.3002
Heading and introductory text revised; (d) added 9491
121.3003
Heading and (b) revised; (c) added 9491
121.3004
Heading revised; (e) added 9491
121.3005
Heading revised; (d) added 9491
121.3007
Added 9491
125
Revised 8522
Revised 15733
130.1
(i) and (j) added 4891
130.3
Heading revised; (f) revoked 4891
Closing paragraph of (d) amended 8009
130.3a
Added 4891
130.4
Introductory text of (c) revised 2653
130.37
Added 11415
130.102
(a) (28) added 9992
131.15
Amended 6705
Amended 6906
131.21
Amended 11383
132.3
(a) revised 14551
141.2
(b) (2) amended; (c) (3) revised 10029
141a.136
Added 889
141b.105
Revised 11383
141d.315
Heading revised 9993
141e.404
Revoked 4128
141e.406
Revoked 4128
141e.415
Revoked 4128
141e.420
Revoked 4128
141e.433
Effective date 560
144.1
Added 5959
144.2
Added 5960
144.8
Amended 4892
144.12
Added 11216
144.24
Revised 1070
Revised 10744
144.26
(b) (35) revised 11879
(b) (21) (vii) added 14591
145.2
(a) (28) added 890
(a) (20) added 4129
145.3
(a) (30) and (b) (30) added 890
(a) (29) and (b) (24) added 4129
(a) (35) and (b) (35) added 4201
145.4
(b) (31) added 890
(b) (23) added 4129
(b) (37) added 4201
145.32
Added 4128
(c) revised; (d) added 5755
146.2
(b) revised 11415
146.6
Revised 12841
146.10
(h) revised 11415
146.13
Amended 2653
146.14
(a) (5) revised 11416
146.15
Added 3008
146a.8
Heading and (a) revised 10123
146a.89
(b) (1) revised 8876
146a.113
(a) revised 4512
146a.115
(d) (2) (i) (a) and (3) (i) (b) revised 893
146a.119
(b) revised 13723
146a.122
Added 889
146c.219
(f) (4) (viii) deleted 8830
146c.260
(c) revised 11
146d.308
(c) (1) (i) revised 11216
146d.315
Heading revised; (a) and introductory text of (b) amended; (b) (2) revised 9993
146d.316
(b) revised 9107
146e.404
Revoked 4128
146e.406
Revoked 4128
146e.415
Revoked 4128
146e.418
(c) (3) revised 7228
146e.420
Revoked 4128
146e.433
Effective date 560
147.1
(c) (3) and (d) amended 4201
147.2
(a) (29) added 4202
148.5
Effective date of revision further postponed 7173
148b.5
Added 86
148c.1
(b) (1) (v) and (b) (5) revised 1070
148c.4
(b) (8) revised 1070
148c.5
Heading revised; (a) (1) amended; (a) (3) (ii) (b) (1) and (a) (4) revised 1071
148e.2
(b) (1) amended 13991
148e.6
(b) (6) revised 13991
148e.11
(b) (1) amended 13991
148e.16
(a) (1) and (3) (i) (a) and (b) revised 13991
148e.18
(a) (1) revised 10123
(b) (2) revised 13991
148e.20
(a) (4) revised 13991
148e.23
(a) (1) amended 13991
148e.24
(a) (1) revised 13991
148e.27
(b) (2) revised 13991
148e.29
(b) (2) revised 13992
148e.32
Added 5756
148e.33
Added 5756
148h.1
(b) (3) and (4) revised 10359
148h.3
(a) (3) (i) (a) revised 10359
148i.13
Added 4129
148i.17
Added 4130
148i.25
Added 4130
148i.30
Added 4131
148i.30a
Added 4131
148i.30b
Added 4132
148i.31
Added 4132
148i.36
Added 4132
148i.37
Added 4132
148i.38
Added 4133
148i.40
Added 4134
148i.41
Added 4134
148i.42
Added 4134
148i.43
Added 4135
148i.46
Added 8876
148k.3
Heading and (a) (1) revised 13603
148m.2
Added 4135
148m.4
Added 4137

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148m.5 Added 4138
148m.6 Added 4138
148m.7 Added 4139
148m.8 Added 4139
148n.25 Added 4139
148n.26 Added 4140
148n.27 Added 4140
148n.28 Added 4141
148n.29 Added 4141
148p.7 Added 4142
148q Added 890
148r.2 Added 4142
148r.3 Added 4142
148r.4 Added 4143
148r.5 Added 4143
148r.6 Added 4143
148r.7 Added 4143
148r.8 Added 4144
148r.9 Added 4144
148r.10 Added 4144
148x.5 Added 4203
148y Added 4202
148y.1 (b)(1)(vi) corrected 4512
164.1 Revised 2654
164.2 (a), (d), (e), (f)(11), and (g)(1), (6), and (7) revised 2654
164.3 (a)(2) revised; (c) amended 2655
164.4 (b) revised 2655
164.5 Revised 2655
164.6 (a)(2) and (3), (d), (e), introductory texts of (f) and (g), and (l)(2) revised 2656
164.7 Introductory texts of (a), (b), (c), (d), and (e) revised 2656
164.10 (a)(2), (b), and (e) revised 2656
164.13 Revoked 2656
164.14 Revoked 2656
164.15 Introductory text and (a) revised 2656
(b), (d), and (e) deleted; (f)(2), (g)(2), and (h) amended; (l) and (j) revised 2657
164.16 Added 3008

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166.1 Added 1071
166.2 Added 1071
166.3 Added 1072
(a)(3) corrected 1240
(b) and (c) added 4679
Effective date 7174
(e)(1) amended 9492
(b) amended 10029
Effective date of amendment of (b) 11754
(c)(1) amended 12436
Effective date of amendment of (e)(1) 11384
Effective date of amendment of (c)(1) 14830
166.4 Added 1072
(a) amended 3397
166.5 Added 1072
166.6 Added 1072
166.7 Added 1072
(a) amended 3397
166.8 Redesignated from 166.51 1074
(b) revised 4679
Effective date 7174
Introductory text revised 10124
166.16 Added 1073
(a) revised 4679
Effective date 7174
166.17 Added 1074
166.18 Added 4448
(d)(1) revised 6104
166.19 Redesignated from 166.101 1074
166.51 Added 264
Redesignated as 166.8 1074
166.101 Redesignated as 166.19 1074
191.1 (a) amended 16564
191.63 (a)(28) added 3117
(a)(29) added 3117
Introductory text of (a)(9) and (a)(9)(l) revised 6622
(a)(24) revised 11719
(a)(30) added 15091
(a)(25) revised 16565
191.109 Introductory text amended 16564
191.111 Added 11462
191.201 (d) revised 3008
191.212 (b) (1) and (2) amended 16564
191.213 (c) amended 16564
281.19 (a) revised 5071

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305.2 (b) revised 5435

Proposed Rules:

1 14840
3 14840

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5 10688
15 11396
17 7412, 8497, 9997, 10039, 10415, 15095
18 10415
19 5202, 7372, 10415, 10889, 13005
20 10415, 10689
25 10415
27 17, 4413, 5638, 8497, 16577, 16716
29 5638, 5906
31 10415, 11109, 12104
37 12080
45 3028, 14556
51 5969, 6120, 6792, 8504, 12643
53 1154, 8594
80 15746
120 908, 5483, 6318, 11155, 14359
121 908, 1155, 3196, 3402, 5131, 5483, 6120, 6318, 7245, 9008, 10198, 12849, 14350
125 3301
130 2967, 5203, 13347, 14553, 15096
133 7185, 7354, 10039
138 10690
148g 712
148l 4149
148r 4149
165 12451
166 565, 1155, 7245, 7573, 10039
191 13006

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Subchapter F revised 13537
Subchapter M revised 15174
10 Added 6300
41.6 (e)(1) revised 7741
(c) revised 10950
(b) revised 14674
41.114 Revised 13080
41.115 (a) revised 13080
41.117 Revised 13081
41.120 (b)(2) revised 13081
41.121 (c)(1) revised 13081
42.21 Revised 7742
42.30 (b) revised 7742
42.31 (b) revised 7742
42.32 (b) revised 7742
42.33 (b) revised 7742
42.34 (b) revised 7742
42.35 (b) revised 7742
42.50 Revised 7742
42.60 (b) revised 11416
Section designation corrected 11755
42.62 Revised 7742
42.63 Deleted 7743
42.63 Redesignated from 42.65; revised 7743
42.64 Deleted 7743
42.64 Redesignated from 42.68; revised 7743

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42.65 Redesignated as 42.63; revised 7743
42.66 Rescinded 7743
42.67 Rescinded 7743
42.68 Redesignated as 42.64; revised 7743
42.91 (a)(14) revised 10316
42.110 Revised 13081
50 Revised 13537
50.1 (f) corrected 14521
50.11 Corrected 14521
51 Revised 13540
51.1 (f) corrected 14522
51.8 (b) corrected 14521
51.21 Introductory text corrected 14521
51.22 Corrected 14521
51.27 (c) corrected 14521
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200 Added 6309
201 Appendix D added 14079
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201.01 (s) revised 15195
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201.52 Introductory text of (a) amended; (a)(6) revised; (a)(7) and (8) and (c) added 14079
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3.103 (d)(3) revised 5827
3.103a (d)(2) corrected 5827
3.103b (b)(2) corrected 5827
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4 Added 11364
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200.77 (n) revised 9005
200.83a Added 6867
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200.95 (aa) added 7565
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200.98 (b) added 12792
200.108 Added 16495
200.157 (f)(3) and (4) revised 14593
200.190 Introductory text revised 14593
201.2 (f) added 16615
201.5 (e) revised 16615
201.6 (d)(4) revoked; (f) redesignated as (g); new (f) added 16268
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203.253 (a)(1)(iii) revised; (a)(1)(iv) added; (c)(6) and (d)(3) revised 16268
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Federal Power Commission
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January–July 1966

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1–129 (Rev.)	2.00
130–end (Rev.)	2.50
22 (Rev.)	1.00
23 (Rev.)	.25
24 (Rev.)	1.25
25 (Rev.)	1.25
26 Parts:	
1 (§§ 1.0–1–1.300) (Rev.)	1.75
1 (§§ 1.301–1.400) (Rev.)	.65
1 (§§ 1.401–1.500) (Rev.)	.65
1 (§§ 1.501–1.640) (Rev.)	.70
1 (§§ 1.641–1.850) (Rev.)	1.00
1 (§§ 1.851–1.1200) (Rev.)	1.25
CFR Unit (as of Jan. 1, 1966):	Price
1 (§§ 1.1201–1.6000) (Rev.)	1.25
1 (§§ 1.6001–end) to Part 19 (Rev.)	.65
20–29 (Supp.)	.40
30–39 (Supp.)	.50
40–169 (Rev.)	1.75
170–299 (Supp.)	1.00
300–499 (Supp.)	.50
500–599	(*)
600–end (Supp.)	.40
27 (Supp.)	.30
28 (Rev.)	.50
29 Parts:	
1–499 (Rev.)	.65
500–899 (Rev.)	1.75
900–end (Rev.)	.65
30 (Rev.)	1.25
31 (Rev.)	1.25
32 Parts:	
1–39 (Rev.)	2.50
40–399 (Rev.)	1.00
400–589 (Supp.)	.65
590–699 (Rev.)	4.25
700–799 (Supp.)	1.00
800–999 (Rev.)	1.00
1000–1099 (Rev.)	1.50
1110–end (Supp.)	1.00
32A (Rev.)	1.00
33–34 (Supp.)	.75
35	(*)
36 (Supp.)	.60
37 (Supp.)	.45
38 (Rev.)	2.00
39–40 (Rev.)	2.00
41 Chapters:	
1 (Rev.)	1.75
2–4 (Rev.)	.70
5–5D (Rev.)	.50
6–17 (Rev.)	1.75
18 (Rev.)	1.75
19–100 (Rev.)	.50
101–end (Rev.)	1.25
42 (Supp.)	1.00
43 (Rev.)	2.50
44 (Supp.)	.40
45 (Supp.)	1.50
46 Parts:	
1–145 (Rev.)	2.75
146–149 (Rev.)	2.50
(Supp. as of July 1, 1966)	.60
150–199 (Rev.)	1.25
200–end (Rev.)	1.75
47 Parts:	
0–19 (Rev.)	1.00
20–69 (Rev.)	1.50
70–79 (Rev.)	1.00
80–end (Rev.)	1.50
48 (Rev.)	.40
49 Parts:	
0–70 (Supp.)	.40
71–90 (Rev.)	2.25
91–164 (Rev.)	1.50
165–end (Supp.)	.60
50 (Supp.)	.60
General Index (Rev.)	1.00
List of Sections Affected, 1949–1963 (Compilation)	6.75

*Note: No amendment to these volumes were promulgated during 1965. The cumulative pocket supplements issued as of January 1, 1966, should be retained.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Navy

Section 213.3108 is amended to show that positions of Medical Technology Intern in Naval and station hospitals are excepted under Schedule A when filled by students enrolled in approved programs of training in non-Federal institutions. Effective upon publication in the FEDERAL REGISTER, subparagraph (10) is added to paragraph (a) as set out below.

§ 213.3108 Department of the Navy.

(a) *General.* • • •

(10) Positions of Medical Technology Intern in Naval and station hospitals when filled by students enrolled in approved programs of training in non-Federal institutions. Employment under this authority may be on a full-time, part-time or intermittent basis but may not exceed 1 year. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80–330.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-9610; Filed, Aug. 31, 1966; 8:45 a.m.]

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION ACT SYSTEM

PART 534—PAY UNDER OTHER SYSTEMS

Miscellaneous Amendments

Section 511.201(b) is amended to show the exclusion from Part 511 and the Classification Act of 1949, as amended, of medical technology interns, Department of the Navy. Section 534.202(b) is amended to show exclusion from the Federal Employees Pay Act and the Classification Act, and the maximum stipend prescribed for medical technology interns, Department of the Navy. Sections 511.201(b) and 534.202(b) are amended as follows:

1. Effective August 15, 1966, the following item is added to paragraph (b) of § 511.201 as set out below.

§ 511.201 Coverage of and exclusions from the Classification Act.

• • • • • •

(b) *Exclusions.* • • •

Medical technology interns, Department of the Navy, 1 year approved training after a minimum of 3 years college level training.

• • • • • •

(Sec. 2, 61 Stat. 727 and sec. 1101, 63 Stat. 971, 5 U.S.C. 1052, 1072)

2. Effective August 15, 1966, the following item is added to paragraph (b) of § 534.202 as set out below.

§ 534.202 Maximum stipends.

• • • • • •

(b) • • •

Medical technology interns, Department of the Navy: One year approved training after a minimum of 3 years college level training. ------ L-40.

(Secs. 1, 2, 3, 61 Stat. 727; 5 U.S.C. 902, 1051, 1052)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-9511; Filed, Aug. 31, 1966; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-CE-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

Correction

In F.R. Doc. 66-9006 appearing at page 11015 in the issue of Friday, August 19, 1966, the Manhattan, Kans., transition area description is corrected as follows: The phrase beginning in the third line reading "(latitude 39°08'85" N., longitude 96°40'05" W.)" should read "(latitude 39°08'35" N., longitude 96°40'05" W.)".

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—U.S. Standards for Grades of Brazil Nuts in the Shell

SERIOUS DAMAGE; CORRECTION

In Federal Register Document 66-8155 appearing in the issue of Tuesday, July 26, 1966 (31 F.R. 10069), in the last line of the last paragraph of the standards, in column 2 of page 10070, the numbers "51.3345-51.3361", are corrected to read "51.3500-51.3511".

Dated: August 26, 1966.

ROY W. LENNARTSON,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 66-9546; Filed, Aug. 31, 1966; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular No. 2212]

PART 2230—SPECIAL USES

Subpart 2232—Recreation and Public Purposes Act

TERM OF LEASES

The purpose of this amendment is to incorporate into the regulations the provisions of the Act of June 20, 1966 (80 Stat. 210). This act permits the Secretary of the Interior to issue leases under the Recreation and Public Purposes Act for periods up to 25 years. It also permits the Secretary to issue new leases with a term up to 25 years in exchange for leases held under the Recreation and Public Purposes Act.

These rules incorporate into the regulations provisions of the 1966 law. For this reason they are not published as proposed rule making although this Department customarily follows that practice. Accordingly, these rules shall become effective upon the date of publication in the FEDERAL REGISTER.

1. Section 2232.0-3 is amended to read as follows:

§ 2232.0-3 Authority.

The act of June 14, 1926, as amended (43 U.S.C. 869; 869-4), authorizes the Secretary of the Interior, under specified conditions, to lease or sell lands for recreational and public purposes. This legislation is referred to as "the act" in the regulations of this part.

2. In § 2232.1-2, the heading and paragraph (a)(1) are amended, existing paragraphs (a) (5) and (6) are renumbered (a) (6) and (7) respectively, and a new paragraph (a)(5) is added, all to read as follows:

§ 2232.1-2 Applications for transfer, change of use, for renewal of leases, and for new leases under the Act of June 20, 1966.

(a)(1) Applications under the act for permission to add to, or to change the use specified in a lease or patent, applications to transfer title or lease to a third party, applications for a new lease under section 2 of the Act of June 20, 1966 (80 Stat. 210), and applications for renewal of a lease must be filed in triplicate with the appropriate office of the Bureau of Land Management. No form is specified but the matter should be fully explained by the applicant.

• • • • •

(5) Section 2 of the Act of June 20, 1966, authorizes the issuance of new leases in lieu of leases which were in force on June 20, 1966. Applications for new leases must be accompanied by consent of the lessee to cancellation of the existing lease upon the issuance of the new lease and by three copies of a statement showing (i) the need for a new lease and (ii) any changes in the terms and conditions of the lease which the applicant may desire.

• • • • •

3. In § 2232.2-2, paragraph (a) is amended to read as follows:

§ 2232.2-2 Lease provisions.

(a) The term of leases under the act will be fixed by the authorized official but will not exceed 25 years. Leases will be renewable at the discretion of such official.

• • • • •

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 26, 1966.

[F.R. Doc. 66-9530; Filed, Aug. 31, 1966; 8:47 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4076]

[Misc-47-53369]

FLORIDA

Exclusion of Land From National Forest

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 750 of August 29, 1951, adding lands to the Ocala National Forest, is hereby revoked so far as it affects the following described land:

TALLAHASSEE MERIDIAN

T. 17 S., R. 29 E.,
Sec. 11, lot 2.

Containing 32.88 acres in Volusia County.

The tract is upland in character with a mature overstory of slash and Longleaf pines and Cabbage Palm.

2. Until 10 a.m. on February 25, 1967, the State of Florida shall have a preferred right of application to select the land as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 25, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the land should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington, D.C.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 26, 1966.

[F.R. Doc. 66-9525; Filed, Aug. 31, 1966; 8:46 a.m.]

[Public Land Order 4077]

[New Mexico 0559622]

NEW MEXICO

Partial Revocation of Withdrawals for Public Water Reserve, and in Aid of State Exchanges

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of April 17, 1926, creating Public Water Reserve No. 107, and Executive Orders No. 6143 of May 23, 1933 No. 6276 of September 8, 1933, and No. 6583 of February 3, 1934, withdrawing certain lands in New Mexico to aid the State in making exchange selections as provided by the act of June 15, 1926 (44 Stat. 748), are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

PUBLIC LANDS

T. 24 S., R. 15 W.,
Sec. 1, lots 1 to 4, incl., S½N½ and N½S½;
Sec. 11, NE¼, E½NW¼, NE¼SW¼ and N½SE¼;
Sec. 12, N½.
T. 22 S., R. 16 W.,
Sec. 17, E½, E½W½;
Sec. 21, N½N½, SW¼NE¼, S½NW¼, NE¼SW¼ and S½S½;
Sec. 24, N½, N½S½, S½SW¼ and SW¼SE¼.
T. 23 S., R. 16 W.,
Sec. 1, lots 1 to 4, incl., S½N½ and S½;
Secs. 13, 23, 25, and 26;
Sec. 27, E½.
T. 23 S., R. 17 W.,
Secs. 1, 3 and 4;
Sec. 5, lots 1 and 2;
Secs. 9 to 15, incl.;
Sec. 18, lots 1 to 4, incl., E½W½;
Sec. 19, lots 1 to 4, incl., W½NE¼, SE¼NE¼, E½W½ and SE¼;
Sec. 20, S½N½ and S½;
Sec. 21, S½N½ and S½;
Sec. 23, N½, W½SW¼, SE¼SW¼, N½SE¼ and SE¼SE¼;
Sec. 24, N½, N½SW¼, SW¼SW¼ and NE¼SE¼;
Sec. 25, E½NE¼, SW¼NE¼ and SW¼;
Sec. 26, NW¼ and S½;
Secs. 27 and 28;
Sec. 29, E½;
Sec. 30, SE¼;
Sec. 31, lots 1 to 4, incl., E½ and E½W½.
T. 23 S., R. 18 W.,
Sec. 1, lot 4.

PATENTED LANDS

T. 22 S., R. 7 W.,
Sec. 5, lot 8;
Sec. 8, E½NE¼, N½NW¼, SW¼NW¼, SE¼SW¼ and N½SE¼;
Sec. 24, lots 1, 2, 7, 8, 9, and 10;
Sec. 27, W½;
Sec. 33, lots 1, 2 and N½SE¼;
Sec. 34, lots 3, 4, NW¼ and N½SW¼.
T. 24 S., R. 15 W.,
Sec. 3, lots 1 to 4 incl., S½N½ and SW¼;
Sec. 4, lots 1 to 3 incl., S½N½ and SW¼;
Sec. 5, lots 3, 4, SE¼NE¼ and N½SE¼;
Sec. 9, E½NW¼, NE¼SW¼ and N½SE¼;
Sec. 24, S½NE¼ and S½.
T. 23 S., R. 16 W.,
Sec. 3, lots 2, 3, 4, SW¼NE¼, S½NW¼ and S½;
Sec. 4 to 12, incl., 14 and 15;
Sec. 17, N½ and SW¼;
Sec. 18;
Sec. 19, lots 1, 2, NE¼ and E½NW¼;
Sec. 20, NW¼;
Sec. 21, E½ and E½W½;
Sec. 22;
Sec. 28, E½ and E½W½;
Sec. 29;
Sec. 33, S½NE¼, W½W½ and SE¼;
Sec. 34, S½NW¼ and SW¼;
Sec. 35.
T. 23 S., R. 17 W.,
Sec. 18, NE¼NE¼;
Sec. 25, SW¼NW¼;
Sec. 26, NE¼;
Sec. 30, NE¼ and NE¼NW¼.
T. 23 S., R. 18 W.,
Sec. 25, N½NE¼ and SE¼NE¼.

The areas described total in the aggregate 35,614.30 acres, of which 18,865.84 acres are public lands, and 16,748.46 acres are patented lands.

The public lands are located in the extreme southern Grant County and eastern Hidalgo County, about 10 miles east of Lordsburg, N. Mex. The topography is gently sloping. The soils are sandy loams in texture and of medium to shallow in depth. Vegetal cover consists of tobosa grass with scattered yucca and a heavy stand of American tarbush over the northern half of the lands.

2. At 10 a.m. on October 1, 1966, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 1, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals at 10 a.m. on October 1, 1966. They have been open to applications and offers under the mineral leasing laws, and location under the United States mining laws for metalliferous minerals.

The State of New Mexico has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 26, 1966.

[F.R. Doc. 66-9536; Filed, Aug. 31, 1966; 8:46 a.m.]

[Public Land Order 4078]

[New Mexico 0559461]

NEW MEXICO

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands in the Lincoln National Forest are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

NEW MEXICO PRINCIPAL MERIDIAN

LINCOLN NATIONAL FOREST

Black Cave

T. 25 S., R. 22 E., (unsurveyed),
Sec. 28, SW¼NW¼ and NW¼SW¼;
Sec. 29, SE¼NE¼ and NE¼SE¼.

Hidden Cave

T. 25 S., R. 22 E., (unsurveyed),
Sec. 29, SW¼.

Hell Below and McCollaum Caves

T. 25 S., R. 22 E., (unsurveyed),
Sec. 28, SW¼SW¼;
Sec. 29, SE¼SE¼;
Sec. 32, E½NE¼;
Sec. 33, W½NW¼.

Cottonwood Cave

T. 25 S., R. 22 E., (unsurveyed),
Sec. 31, SW¼NE¼, SE¼NW¼, N½NE¼SW¼, S½SE¼SW¼ and W½SE¼.
T. 26 S., R. 22 E.,
Sec. 6, NW¼NE¼ and NE¼NW¼.

Little Sentinel, Sentinel and Hermit Caves

T. 26 S., R. 22 E.,
Sec. 8, SE¼NE¼ and NE¼SE¼;
Sec. 9, SW¼NW¼ and NW¼SW¼.

Lonesome Cave

T. 26 S., R. 22 E.,
Sec. 18, lots 1, 2 and E½NW¼.

The areas described aggregate 1159.37 acres, more or less.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 26, 1966.

[F.R. Doc. 66-9527; Filed, Aug. 31, 1966; 8:46 a.m.]

[Public Land Order 4079]

[Misc-1825382]

NEVADA

Withdrawal for Desert National Wildlife Range; Revocation of Executive Order No. 7373

By virtue of the authority vested in the President by section 1 of the act of June

25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the public lands in the following described areas, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, but not from location under the mining laws (30 U.S.C., Ch. 2), nor leasing under the mineral leasing laws, and reserved as the Desert National Wildlife Range, for the protection, enhancement, and maintenance of wildlife resources, including bighorn sheep:

MOUNT DIABLO MERIDIAN

T. 16 S., R. 58 E.,
Sec. 10, E½;
Secs. 11, 12 and 13;
Sec. 14, E½;
Sec. 24.
T. 15 S., R. 59 E.
T. 16 S., R. 59 E.,
Secs. 1 to 30, incl.;
Sec. 31, NE¼;
Secs. 32 to 36, incl.
T. 17 S., R. 59 E.,
Secs. 1 to 4, incl.;
Sec. 5, E½;
Sec. 7, SW¼, E½;
Secs. 8 to 18, incl.;
Secs. 21 to 28, incl.;
Secs. 33 to 36, incl.
Tps. 9 to 12, incl., 12½, and 13 to 15, incl., 16 & 17 S., R. 60 E.
T. 18 S., R. 60 E.,
Secs. 1 to 18, incl.;
Secs. 22, 23, 24;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, N½.
Tps. 9 to 12, incl., 12½, and 13 to 16, incl., 17 & 18 S., R. 61 E.
T. 9 S., R. 62 E.,
Sec. 4, S½S½;
Sec. 5, NW¼SW¼, S½S½;
Sec. 6, SE¼NE¼, W½NE¼, NW¼, S½;
Secs. 7, 8 and 9;
Sec. 10, W½E½, W½;
Sec. 15, W½E½, W½;
Secs. 16 to 21, incl.;
Sec. 22, W½E½, W½;
Sec. 27, W½E½, W½;
Secs. 28 to 33, incl.;
Sec. 34, W½E½, W½.
T. 10 S., R. 62 E.,
Secs. 3 to 10, incl.;
Sec. 14, SE¼NW¼, W½NW¼, SW¼;
Secs. 15 to 22, incl.;
Sec. 23, W½, W½SE¼;
Secs. 26 to 35, incl.;
Sec. 36, W½W½.

MOUNT DIABLO MERIDIAN

Tps. 16, 17, 18, 19 and 20 S., R. 54 E.
Tps. 16 and 17 S., R. 55 E.
T. 18 S., R. 55 E.,
Secs. 1 to 9, incl.;
Sec. 10, W½;
Sec. 15, W½;
Secs. 16 to 22, incl.;
Secs. 26 to 35, incl.
T. 19 S., R. 55 E.,
Secs. 3 to 10, incl.;
Secs. 15 to 23, incl.;
Secs. 25 to 36, incl.
T. 20 S., R. 55 E.
T. 16 S., R. 55½ E.
Tps. 16 and 17 S., R. 56 E.
T. 18 S., R. 56 E.,
Secs. 1 to 17, incl.;
Secs. 23 and 24.
T. 20 S., R. 56 E.,
Secs. 6 to 10, incl.;
Secs. 14 to 36, incl.
T. 21 S., R. 56 E.
T. 16 S., R. 57 E.,
Secs. 13 to 36, incl.
T. 17 S., R. 57 E.
T. 18 S., R. 57 E.,
Secs. 1 to 29, incl.;
Secs. 32 to 36, incl.
T. 19 S., R. 57 E.,
Secs. 1 to 4, incl.;
Secs. 9 to 16, incl.;
Secs. 21 to 28, incl.;
Secs. 34, 35, 36.
T. 20 S., R. 57 E.,
Secs. 1, 2 and 3;
Secs. 10 to 17, incl.;
Secs. 19 to 36, incl.
T. 21 S., R. 57 E.
T. 16 S., R. 58 E.,
Secs. 28 to 33, incl.
Tps. 17, 18, 19, 20 and 21 S., R. 58 E.
T. 17 S., R. 59 E.,
Secs. 19, 20;
Secs. 29 to 32, incl.
T. 18 S., R. 59 E.
T. 18 S., R. 60 E.,
Secs. 19, 20 and 21;
Sec. 25, S½;
Sec. 26, S½;
Sec. 27, S½;
Secs. 28 to 36, incl.

The areas described aggregate approximately 600,000 acres in Clark County.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 26, 1966.

[F.R. Doc. 66-9528; Filed, Aug. 31, 1966; 8:46 a.m.]

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2211]

PART 3320—ACTS CONCERNING LIMITED AREAS

Subpart 3328—Development of Minerals in Lands Within Whiskeytown-Shasta-Trinity National Recreation Area

The Act of November 8, 1965 (P.L. 89-336; 79 Stat. 1295), established the Whiskeytown-Shasta-Trinity National Recreation Area, Calif. These regulations implement the provisions of the act by providing procedures for mineral development within the recreation area. Since these regulations follow the general pattern of regulations for similar areas, notice and public procedure thereon have been deemed unnecessary, and the regulations will become effective on the date of publication in the FEDERAL REGISTER.

Subpart 3328—Development of Minerals in Lands Within Whiskeytown-Shasta-Trinity National Recreation Area

Sec.
3328.0-3 Authority: description of area.
3328.1 Other regulations applicable.
3328.2 Leasing units.
3328.3 Royalties, rentals, and minimum royalties.
3328.4 Applications and qualifications.
3328.4-1 Qualifications of applicants.
3328.4-2 Applications.
3328.5 Leases.
3328.5-1 Term of lease.
3328.5-2 Lease term and conditions.
3328.5-3 Leases by competitive bidding.

AUTHORITY: The provisions of this Subpart 3328 issued under Public Law 89-336; 79 Stat. 1295; 63 Stat. 1196; 43 U.S.C. 387; 63 Stat. 683; 30 U.S.C. 192c, 181 et seq., 351-359.

§ 3328.0-3 Authority: description of area.

(a) Section 6 of the act of November 8, 1965 (P.L. 89-336; 79 Stat. 1295), authorizes the Secretary of the Interior to permit the removal of the nonleasable minerals from lands (or interest in lands) under his jurisdiction within the Whiskeytown-Shasta-Trinity National Recreation Area in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387), and from those under the jurisdiction of the Secretary of Agriculture within the recreation area in accordance with the provisions of section 3 of the Act of September 1, 1949 (63 Stat. 683; 30 U.S.C. 192c); and he may permit the removal of leasable minerals from lands (or interest in lands) within the recreation area in accordance with the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351-359), if he finds that such disposition would not have significant adverse effects on the purpose of the Central Valley project or the administration of the recreation area.

(b) The area subject to the regulations in this subpart is that shown in drawing numbered BOR-WEST 1004, dated July 1963, entitled "Proposed Whiskeytown-Shasta-Trinity National Recreation Area," which is on file and available for public inspection in the office of the Director of the Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C.

(c) Any lease or permit respecting minerals in lands administered by the Secretary of Agriculture shall be issued only with his consent and subject to such conditions as he may prescribe.

§ 3328.1 Other regulations applicable.

(a) Except as otherwise specifically provided in this Subpart 3328, the regulations contained in Parts 3100 and 3150 of this subchapter and in 30 CFR Part 231 shall govern the leasing of mineral deposits which are presently subject to location under the general mining laws.

(b) Mineral deposits of coal, oil, gas, phosphate, potassium, and sodium shall be governed by regulations issued under the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181-263), as amended, and February 27, 1927 (44 Stat. 1057; 30 U.S.C. 281-287), as amended, in which group 3100 is specifically applicable.

(c) Materials within the public lands covered by the regulations in this part which are not subject to the provisions of paragraphs (a) and (b) of this section, shall be subject to disposal under the Materials Act of July 31, 1947 (61 Stat. 681; 43 U.S.C. 1185), as amended, subject to the conditions and limitations on occupancy and operations prescribed for leases in this part.

§ 3328.2 Leasing units.

Leasing units may not exceed 640 acres consisting, if the lands are surveyed, of legal subdivisions in reasonably compact form or, if the lands are not surveyed, of a square or rectangular area with north and south and east and west boundaries so as to approximate legal subdivisions described by metes and bounds connected to a corner of the public survey by courses and distances. The authorized officer of the Bureau of Land Management may prescribe a lesser area for any mineral deposit if the Geological Survey reports that such lesser area is adequate for an economic mining operation.

§ 3328.3 Royalties, rentals, and minimum royalties.

Rentals and royalties will be determined on the basis of the fair market value. In no event shall the rentals or royalties be less than:

(a) Fifty cents per acre payable annually in advance until production is obtained.

(b) One dollar per acre after production is obtained as a minimum royalty payable annually in advance.

(c) Two percent of the amount or value of the minerals mined, the exact amount of royalty to be fixed prior to the issuance of the lease.

§ 3328.4 Applications and qualifications.

§ 3328.4-1 Qualifications of applicants.

Leases may issue to (a) citizens of the United States, (b) associations of such citizens, and (c) corporations organized under the laws of the United States or of any State thereof.

§ 3328.4-2 Applications.

An applicant must give his address and citizenship qualifications in the manner prescribed in § 3132.2 of this subchapter describe the land in terms of legal subdivisions if surveyed, otherwise by metes and bounds, and disclose the mineral for which the lease is desired. The applicant must state whether the mineral applied for can be developed in paying quantities stating the reasons therefor and must furnish such facts as are available to him respecting the known occurrence of the mineral, the character of such occurrence and its probable value as evidencing the existence of a workable deposit of such mineral. Each application must be accompanied by a filing fee of $10 which will not be returnable.

§ 3328.5 Leases.

§ 3328.5-1 Term of lease.

Leases will be issued for a period of 5 years. Any lease in good standing upon which production in paying quantities has been obtained will be subject to renewal for successive 5 year terms on such reasonable terms as may be prescribed by the Secretary of the Interior. Application for renewal must be filed within 90 days prior to the termination of the lease term for which renewal is sought unless land has been withdrawn from the recreation area at the expiration of such term.

§ 3328.5-2 Lease term and conditions.

Each lease will contain provisions for the following:

(a) Diligent development of the leased property except when operations are interrupted by strikes, the elements, or casualties not attributable to the lessee unless operations are suspended upon a showing that the lease cannot be operated except at a loss because of unfavorable market conditions;

(b) Occupation and use of the surface of the claim shall be restricted to such as is reasonably necessary to the exploration, development and extraction of the leased minerals and subject to any special rules to protect the values of the recreation area;

(c) No vegetation will be destroyed or disturbed except where necessary to mine and remove the minerals;

(d) Lessee shall not conduct operations in such a manner as to adversely affect the purpose of the Central Valley project through dumping, drainage, or otherwise;

(e) Lessee shall not erect any structure or open or construct roads or vehicle trails without first obtaining written permission from an authorized officer or employee of the National Park Service. The permit for a road or trail may be conditioned upon the permittee's maintaining the road or trail in passable condition, satisfactory to the officer in charge of the area so long as it is used by the permittee or his successor;

(f) The right is reserved to insert other terms in the lease when deemed necessary for the protection of the surface, its resources and use for recreation.

§ 3328.5-3 Leases by competitive bidding.

Leases may be offered competitively for any land applied for under this part without regard to the quantity or quality of the mineral deposit that may be present therein.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 25, 1966.

[F.R. Doc. 66-9529; Filed, Aug. 31, 1966; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order 69]

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Required Exterior Marking on Motor Vehicles and Combinations

At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C. on the 18th day of August A.D. 1966.

Upon consideration of Order No. 69, Docket 3666, Explosives and Other Dangerous Articles Board, herein, dated February 11, 1966, and of:

(1) Petition of National LP-Gas Association filed March 17, 1966;

(2) Petition of Central Committee on Highway Transportation of the American Petroleum Institute filed March 18, 1966;

(3) Petition of American Trucking Associations, Inc. filed March 18, 1966;

(4) Petition of Pacific Intermountain Express filed March 18, 1966;

It appearing, that the petitions present good cause for reevaluation and reconsideration of the order of February 11, 1966, with regard to the specific requests of those petitions;

It further appearing, That the revisions in the placarding requirements are warranted by the need for adequate identification of cargo hazards to fire and police officials, turnpike and tunnel officials, and the general public. Accidents have occurred in which improper placarding resulted in death, injury and property loss. Some of these accidents involved quantities of materials which did not require placarding. The previous placarding system did not provide adequate information in the wording and on the placards, and did not specify letter size or colors. Order No. 69 provided a remedy for those situations which will increase the degree of safety in such shipments without imposing an unreasonable economic penalty upon the carriers;

And it further appearing, That the placarding requirements in Order No. 69 should be modified in the following specific areas:

(1) Extension of the effective date of the order,

(2) Reduction in the required size of placards,

(3) Provision for optional front-end markings, and

(4) Clarification of the marking requirements for mixed cargoes and combination vehicles;

It is ordered, That 49 CFR 77.823 of said order of February 11, 1966 be, and it is hereby revised to read as follows:

§ 77.823 Required exterior marking on motor vehicles and combinations.

(a) Every carrier operating, hauling, or in any manner using, a motor vehicle or trailer containing any explosive or other dangerous article as specified in paragraphs (a)(1) and (b) of this section shall cause every motor vehicle, trailer, or combination vehicle, at all times while containing such explosive or other dangerous article, or combination of such articles, to display markings or placards in accordance with the following requirements.

(1) The marking or placards required to be displayed on each motor vehicle or trailer shall be as follows:

Commodity	*Type of marking or placard*
Explosives, class A, any quantity or a combination of class A and class B explosives.	EXPLOSIVES A (Red letters on white background).
Explosives, class B, any quantity	EXPLOSIVES B (Red letters on white background).
Poison, class A, any quantity; Poison, class B, 1000 pounds or more gross weight.	POISON (Blue letters on white background).
Flammable liquid, 1000 pounds or more gross weight; flammable solid, 1000 pounds or more gross weight.	FLAMMABLE (Red letters on white background).
Oxidizing material—1000 pounds or more gross weight	OXIDIZERS (Yellow letters on black background).
Nonflammable compressed gas—1000 pounds or more gross weight.	COMPRESSED GAS (Green letters on white background).
Corrosive liquid—1000 pounds or more gross weight	CORROSIVES (Blue letters on white background).
Flammable compressed gas—1000 pounds or more gross weight.	FLAMMABLE GAS (Red letters on white background).
Radioactive material, any quantity, requiring red label as prescribed in § 73.414 (a) and (c).	RADIOACTIVE (Black letters on yellow background).
Mixed ladings—see paragraph (a)(4) of this section	DANGEROUS (Red letters on white background).

(2) Each marking or placard shall consist of letters not less than 4 inches high, in the color specified, using approximately a ½-inch stroke. The placard must be larger than the lettering required thereon by at least 1 inch at the top and bottom sides. Such marking or placard described in subparagraph (a)(1) shall be contained in an area on the vehicle which has no other marking, lettering, or graphic display, for at least 3 inches in each direction, except as specified in paragraphs (a)(4) and (c) of this section.

(3) Such markings or placards shall be displayed at the front, rear, and on each side of the motor vehicle or trailer, or other cargo carrying body while it contains explosives or other dangerous articles of such type and in such quantity as specified in paragraphs (a)(1), (b), and (c) of this section. The front marking or placard may be displayed on the front of either the truck, truck body, truck tractor or the trailer.

(4) Any motor vehicle, trailer or other cargo carrying body containing more than one kind of explosives or other dangerous article requiring different placards under the provisions of paragraph (a)(1) of this section, the aggregate gross weight of which totals 1,000 pounds or more, shall be marked or placarded "DANGEROUS" instead of being marked or placarded as required by that subparagraph. Any such vehicle which contains any quantity of explosives class A, explosives class B, poison class A, or radioactive materials requiring red label as prescribed in § 73.414 (a) and (c), shall display the marking or placard "EXPLOSIVES A", "EXPLOSIVES B", "POISON", or "RADIOACTIVE", as appropriate, in addition to the marking or placard "DANGEROUS". If explosives class A and explosives class B are loaded on the same vehicle, the "EXPLOSIVES B" marking need not be displayed.

(5) In any combination of two or more vehicles containing explosives or other dangerous articles each vehicle shall be marked or placarded as to its contents and in accordance with paragraphs (a)(1) and (a)(4) of this section.

(b) Tank motor vehicles:

(1) Every tank motor vehicle or tank trailer used for the transportation of any explosive or other dangerous article, regardless of quantity or whether loaded or empty, shall be marked or placarded in accordance with the requirements of paragraph (a) of this section except as otherwise provided in subparagraphs (2), (3), and (4) of this paragraph: *Provided, however*, That no such marking or placard shall be displayed during such time as such vehicle or trailer is laden only with a commodity not classified as a dangerous article.

NOTE 1: Permanent markings on tank motor vehicles in compliance with the regulations prior to January 1, 1967, may be displayed until such vehicles are repainted or remarked but not later than July 1, 1967.

(2) Tank motor vehicles transporting gasoline may be marked or placarded "GASOLINE" in lieu of the required "FLAMMABLE" marking or placard and in the same size and color as required for the "FLAMMABLE" marking or placard.

(3) Tank motor vehicles transporting any flammable compressed gas shall be marked in letters at least 4 inches high with the words "FLAMMABLE GAS" or "FLAMMABLE COMPRESSED GAS". In addition, the common name of the contents shall be marked on the tank in letters at least 2 inches high using approximately a ¼-inch stroke, in colors specified in paragraph (a)(1) of this section.

(4) Tank motor vehicles transporting any nonflammable compressed gas shall be marked in letters not less than 4 inches high with the words, "COMPRESSED GAS". In addition, the common name of the contents shall be marked on the tank in letters at least 2 inches high using approximately a ¼-inch stroke, in the colors specified in paragraph (a)(1) of this section.

(c) In addition to displaying the marking or placards required by paragraphs (a) and (b) of this section, a carrier shall display markings or placards reading "CARGO FIRE—AVOID WATER" or words of similar meaning that denote the incompatibility of water with the lading, in letters at least 2 inches high, when such wording is specified or requested by the shipper on the shipping papers, or when the carrier knows that such warning is appropriate. Such wording shall be displayed immediately adjacent to all required marking or placards on the truck, trailer or trailers containing the commodity involved.

(d) The marking or placarding required by this section shall be removed from or covered on any motor vehicle to which it is attached when such vehicle does not contain the article for which the marking is required, except in the case of tank motor vehicles used exclusively for transportation of the article for which such marking is required.

It is further ordered, That the petitions in all other respects be, and they are hereby, denied;

It is further ordered, That this order shall become effective January 1, 1967, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Division 3, acting as an appellate division.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9552; Filed, Aug. 31, 1966; 8:49 a.m.]

[No. 34705]

PART 101—RAIL AND WATER CARRIER PASSES

Forms and Recording of Passes

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 18th day of August 1966.

The Commission having under consideration the matter of regulations governing the forms and recording of passes, pursuant to the Interstate Commerce Act, as amended; and

It appearing, that since these technical changes are a relaxation of the regulations, public rule making procedures pursuant to section 4 of the Administrative Procedure Act are deemed unnecessary, and for good cause shown;

It is ordered, that effective upon publication of this order in the FEDERAL REGISTER, Part 101 of Title 49 of the Code of Federal Regulations is amended as follows:

1. In § 101.5, paragraphs (a), (b), and (c) are amended to read as follows:

§ 101.5 Joint bureaus and associations.

* * * * *

(a) Requests may be made over the signature of an officer of a member line if such officer's name is included in a list maintained by such member line in compliance with § 101.3(b), with the countersignature of an officer or employee of the association.

(b) Requests may be made over the signature of an officer of the association if such officer's name is included in a list maintained in the files of one or more of the member lines in accordance with § 101.3(b), with appropriate evidence of authority to request passes on account of the association.

(c) Requests may be made over the signatures of officers of the association if such officers' names are included in a list maintained in the files of the association, in accordance with § 101.3(b), provided authority has been appropriately delegated to the officers by the member lines to request passes on account of the association.

2. In § 101.24, paragraph (a) is amended to read as follows:

§ 101.24 Optional pass requests.

* * * * *

(a) That acknowledgments, in accordance with Form 22 hereinafter prescribed, be secured from the persons to whom or on whose account the passes are issued, or from an officer whose name is included in a list maintained in compliance with § 101.3(b), of the carrier on whose account the passes are issued; and provided further,

* * * * *

§ 101.101 [Amended]

3. In § 101.101, Forms 16 and 17 are amended by deleting from the lower portion of each form the sentence reading, "My name is on file with the Interstate Commerce Commission," and substituting therefor the following sentence: "My name is on file pursuant to governing regulations promulgated by the Interstate Commerce Commission."

It is further ordered, That service be made on all carriers by railroad subject to the Act, including electric lines and sleeping car companies, and on every carrier by water subject to the Act, and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9553; Filed, Aug. 31, 1966; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Imperial National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail, and jack rabbits on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 33,000 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—quail, October 1 through October 31, 1966, inclusive, and December 1, 1966, through January 31, 1967, inclusive; cottontail and jack rabbits, October 1, 1966, through January 31, 1967, inclusive. California—quail, October 29, 1966, through January 2, 1967, inclusive; cottontail and jack rabbits—October 1, 1966, through January 2, 1967, inclusive.

Hunting shall be in accordance with all applicable State Regulations governing the hunting of quail, cottontail, and jack rabbits subject to the following special conditions:

(1) Use of dogs, not to exceed two per hunter, may be used only to hunt and retrieve quail and rabbits.

(2) Hunting is prohibited within one-quarter mile of any occupied dwelling or concession operation.

(3) Weapons—shotguns only, not larger than 10 gauge and incapable of holding more than 3 shells. Bow and ARROWS.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1967.

CLAUDE F. LARD,
Refuge Manager, Imperial National Wildlife Refuge, Yuma, Ariz.

AUGUST 23, 1966.

[F.R. Doc. 66-9520; Filed, Aug. 31, 1966; 8:46 a.m.]

PART 32—HUNTING

Ankeny National Wildlife Refuge, Oreg.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OREGON

ANKENY NATIONAL WILDLIFE REFUGE

The public hunting of pheasants and quail is permitted on the Ankeny National Wildlife Refuge, Oreg., from October 22 through November 6, 1966 on areas designated by signs as open to hunting. The open area, comprising 460 acres, is delineated on a map available at refuge headquarters, William L. Finley National Wildlife Refuge, Corvallis, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Hunters must check in by completing Part A of the Hunter Permit-Questionnaire form and inserting in a box provided at one of the designated self-service registration stations located on the refuge, and check out at the conclusion of their hunt by completing Part B of the form and inserting in the box. Part B of the Hunter Permit form and the map attached are the hunter's permit and must be on his person while he is afield on the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 6, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 26, 1966.

[F.R. Doc. 66-9522; Filed, Aug. 31, 1966; 8:46 a.m.]

PART 32—HUNTING

Kofa Game Range, Ariz.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

Public hunting of bighorn sheep and deer on the Kofa Game Range, Ariz., is permitted only on the area designated by signs as open to hunting. The bighorn sheep season is from November 26 through December 11, 1966, inclusive, and the deer season is from September 9 through September 25, 1966, inclusive,

and from October 28 through November 13, 1966, inclusive. The open bighorn sheep and deer hunting area, comprising 660,041 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations covering the hunting of bighorn sheep and deer subject to the following special condition:

(1) Bighorn sheep limited to 10 permits issued by the Arizona Game and Fish Department.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 11, 1966.

CLAUDE F. LARD,
Refuge Manager, Kofa Game Range, Yuma, Ariz.

AUGUST 23, 1966.

[F.R. Doc. 66-9519; Filed, Aug. 31, 1966; 8:45 a.m.]

PART 32—HUNTING

Ravalli National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MONTANA

RAVALLI NATIONAL WILDLIFE REFUGE

Archery hunting of deer on the Ravalli National Wildlife Refuge, Mont., is permitted from September 25 through November 27, 1966, but only on the area designated by signs as open to hunting. This open area, comprising 680 acres, is delineated on a map available at refuge headquarters, Stevensville, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) No overnight camping or open fires are permitted on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 27, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1966.

[F.R. Doc. 66-9521; Filed, Aug. 31, 1966; 8:46 a.m.]

PART 32—HUNTING

Carolina Sandhills National Wildlife Refuge, S.C; Correction

In F.R. Doc. 66-8831, appearing at page 10799 of the issue for August 13, 1966, subparagraph (3) should read as follows:

(3) The daily bag limit is two bucks per hunter.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-9523; Filed, Aug. 31, 1966; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 905]

[Docket No. AO-86-A6]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Amended Marketing Agreement and Order

Correction

In F.R. Doc. 66-9276 appearing at page 11236 in the issue of Thursday, August 25, 1966, the word "thereafter" in the penultimate line of proposed § 905.16 should read "hereafter".

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

ELEKTROKEMISK A/S

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Electrokemisk A/S, Oslo, Norway; Claim No. 6961; Vesting Order Nos. 814 and 2110; $70,099.24 in the Treasury of the United States.

Executed at Washington, D.C., on August 26, 1966.

For the Attorney General.

[SEAL] JOHN W. DOUGLAS,
Director, Office of Alien Property.

[F.R. Doc. 66-9550; Filed, Aug. 31, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Muskogee Area Office Redelegation Order 1, Amdt. 4]

SUPERINTENDENTS

Redelegation of Authority With Respect to Credit Matters

AUGUST 25, 1966.

Order 1, as amended, is further amended under Part 2 to add a new heading, "Functions Relating to Credit Matters", and § 2.120, "Loan agreements and modification", thereunder. The addition, which immediately follows § 2.16, reads as follows:

FUNCTIONS RELATING TO CREDIT MATTERS

SEC. 2.120 *Loan agreements and modifications.* The approval of applications for and modifications of loans to individuals, except loans for educational purposes, pursuant to declarations of policy and plans of operation approved by the Commissioner or his authorized representative: *Provided,* That the amounts and conditions of loans shall be consistent with and shall not exceed the limitations as set forth in sections 120 and 121 of Bureau Order 551 (Amendment 82, 28 F.R. 4206).

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 66-9524; Filed, Aug. 31, 1966; 8:46 a.m.]

Bureau of Land Management

[Group 431]

ARIZONA

Notice of Filing of Plat of Survey

AUGUST 26, 1966.

1. Plat of Survey of the lands described below will be officially filed in the Land Office, Phoenix, Ariz., effective at 10 a.m., October 3, 1966:

GILA AND SALT RIVER MERIDIAN

T. 37 N., R. 13 W.,
Secs. 1 to 15, inclusive, secs. 17 to 31, inclusive, secs. 33 to 35, inclusive.

The areas described aggregate 21,070.15 acres of public land.

2. The lands described above varies from nearly level to high rolling hills with the elevation ranging from approximately 4,000 to 5,500 feet above sea level. The soil is clay loam becoming shallow and rocky at the higher elevations. A medium growth of juniper and pinon is found throughout most of the township, with sagebrush the predominating undergrowth. There is only a fair growth of native grass and browse, so there is a limited grazing of livestock.

3. Section 2 has been conveyed to the United States by the State of Arizona. Therefore, all surface and mineral rights are vested in the United States.

4. The lands described in paragraph 1 are opened to petition, application, and selection, as outlined in paragraph 5 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition, application, and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., on October 3, 1966, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

C. G. BAZAN,
Acting Manager.

[F.R. Doc. 66-9531; Filed, Aug. 31, 1966; 8:47 a.m.]

[Oregon 018570]

OREGON

Revocation of Small Tract Classification

AUGUST 23, 1966.

Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 F.R. 10526), I hereby revoke in its entirety Oregon Small Tract Classification and Opening No. 58-1, published August 15, 1957 (22 F.R. 6580):

WILLAMETTE MERIDIAN

T. 22 S., R. 10 E.,
Sec. 11, N½N½SE¼SW¼, SE¼NE¼SE¼SW¼, S½SE¼SW¼;
Sec. 14, lots 124 to 159, inclusive.

Containing 112.5 acres of public domain.

MURL W. STORMS,
Acting State Director.

[F.R. Doc. 66-9532; Filed, Aug. 31, 1966; 8:47 a.m.]

[Oregon 018564]

OREGON

Revocation of Small Tract Classification

AUGUST 23, 1966.

Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 F.R. 10526), I hereby revoke in its entirety Oregon Small Tract Classification Order No. 2, dated October 27, 1953, published November 5, 1953 (18 F.R. 6999):

WILLAMETTE MERIDIAN

T. 22 S., R. 10 E.,
Sec. 14, lots 60 to 62, inclusive; lots 64 to 123, inclusive.

Containing 78.46 acres of public domain.

MURL W. STORMS,
Acting State Director.

[F.R. Doc. 66-9533; Filed, Aug. 31, 1966; 8:47 a.m.]

[Oregon 018563]

OREGON

Revocation of Small Tract Classification

AUGUST 23, 1966.

Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 F.R. 10526), I hereby revoke in its entirety Small Tract Classification No. 35, Oregon No. 1, dated November 2, 1943, and published November 12, 1943 (8 F.R. 15, 492):

WILLAMETTE MERIDIAN

T. 22 S., R. 10 E.,
Sec. 14, NW¼NW¼NW¼, S½NW¼NW¼, SW¼NW¼, NW¼SW¼ (lots 1 to 59, incl.).

Containing 110 acres of public domain land.

MURL W. STORMS,
Acting State Director.

[F.R. Doc. 66-9534; Filed, Aug. 31, 1966; 8:47 a.m.]

CHIEF, BRANCH OF ADMINISTRATION

Delegation of Authority

CASTLE VALLEY JOB CORPS CONSERVATION CENTER; PRICE, UTAH

Pursuant to authority contained in sections 1 and 2 of Bureau Order No. 698 as amended, the following authority is hereby delegated to Chief, Branch of Administration, J. Richard Rowley.

1. Contracts and leases: Issue orders, for equipment (including the rental of equipment), supplies and services obtained from General Services Administration Stores Stock, Federal Supply Schedules and other established sources of supply.

2. Make open market purchases for supplies, equipment, and services, not exceeding $500 per transaction, pursuant to section 302(c)(3)9f, the Federal Property and Administrative Services Act of 1949, as amended, provided that the supplies and services are not available from established sources.

3. With the exception of S.F. 44-Purchase Order-Invoice-Voucher, the authority delegated herein may not be redelegated.

4. This delegation will become effective the day of publication of October 1, 1966.

ED EVATS,
Center Director.

[F.R. Doc. 66-9535; Filed, Aug. 31, 1966; 8:47 a.m.]

AREA MANAGERS; WYOMING

Redelegation of Authority

Pursuant to Bureau Order 701 of July 23, 1964 (as amended), Part III, § 3.1, the Area Managers of the Clarks Fork-Shoshone, Shell-Nowood, and Gooseberry-Tatman Mountain Resource Areas of the Worland District, Wyo., are authorized to perform in their respective areas of responsibility and in accordance with the existing policies, and regulations of this Department and under the direct supervision of the District Manager, the functions of the Director, Bureau of Land Management as listed below, subject to the limitations of Part III of Bureau Order 701, together with any limitations specified below.

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.7 *Range management.* The Area Manager may take all the actions on:

(a) Licenses and permits to graze or trail livestock.

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(b) Grazing leases.

(d) Soil and moisture conservation; control of Halogeton glomeratus.

SEC. 3.8 *Forest management.* The Area Manager may take all the actions on:

(a) Disposition of forest products except sales exceeding $100 in value.

SEC. 3.9 *Land use.* The Area Manager may take all the listed actions on:

(g) Material other than forest products not exceeding $100 in value.

This order will become effective upon publication in the FEDERAL REGISTER.

REX D. COLTON,
District Manager.

Approved: August 18, 1966.

ED PIERSON,
State Director.

[F.R. Doc. 66-9536; Filed, Aug. 31, 1966; 8:47 a.m.]

AREA MANAGERS; WYOMING

Redelegation of Authority

Pursuant to Bureau Order 701 of July 23, 1964 (as amended), Part III, § 3.1, the Area Managers of the Copper Mountain and Sweetwater Resource Areas of the Lander District, Wyo., are authorized to perform in their respective areas of responsibility and in accordance with the existing policies, and regulations of this Department and under the direct supervision of the District Manager, the functions of the Director, Bureau of Land Management as listed below, subject to the limitations of Part III of Bureau Order 701, together with any limitations specified below.

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.7 *Range management.* The Area Manager may take all the listed actions on:

(a) Licenses and permits to graze or trail livestock.

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(b) Grazing leases.

(d) Soil moisture conservation; control of Halogeton glomeratus.

SEC. 3.8 *Forest management.* The Area Manager may take all the actions on:

(a) Disposition of forest products except sales exceeding $100 in value.

SEC. 3.9 *Land use.* The Area Manager may take all the listed actions on:

(g) Material other than forest products not exceeding $100 in value.

This order will become effective upon publication in the FEDERAL REGISTER.

CLAUDE A. MARTIN,
District Manager.

Approved: August 18, 1966.

ED PIERSON,
State Director.

[F.R. Doc. 66-9538; Filed, Aug. 31, 1966; 8:47 a.m.]

AREA MANAGERS; WYOMING

Redelegation of Authority

Pursuant to Bureau Order 701 of July 23, 1964 (as amended), Part III, § 3.1, the Area Managers of the Kemmerer, Rock Springs, and Farson Resource Areas of the Rock Springs District, Wyo., are authorized to perform in their respective areas of responsibility and in accordance with the existing policies, and regulations of this Department and under the direct supervision of the District Manager, the functions of the Director, Bureau of Land Management as listed below, subject to the limitations of Part III of Bureau Order 701, together with any limitations specified below.

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.7 *Range management.* The Area Manager may take all the listed actions on:

(a) Licenses and permits to graze or trail livestock.

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(b) Grazing leases.

(d) Soil and moisture conservation; control of Halogeton glomeratus.

SEC. 3.8 *Forest management.* The Area Manager may take all the actions on:

(a) Disposition of forest products except sales exceeding $100 in value.

SEC. 3.9 *Land use.* The Area Manager may take all the listed actions on:

(g) Material other than forest products not exceeding $100 in value.

This order will become effective upon publication in the FEDERAL REGISTER.

JAMES W. FRANKS,
District Manager.

Approved: August 18, 1966.

ED PIERSON,
State Director.

[F.R. Doc. 66-9539; Filed, Aug. 31, 1966; 8:47 a.m.]

AREA MANAGERS; WYOMING

Redelegation of Authority

Pursuant to Bureau Order 701 of July 23, 1964 (as amended), Part III, § 3.1, the Area Managers of the Piney and Pinedale Resource Areas of the Pinedale District, Wyo., are authorized to perform in their respective areas of responsibility and in accordance with the existing policies, and regulations of this Department and under the direct supervision of the District Manager, the functions of the Director, Bureau of Land Management as listed below, subject to the limitations of Part III of Bureau Order 701, together with any limitations specified below.

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.7 *Range management.* The Area Manager may take all the listed actions on:

(a) Licenses and permits to graze or trail livestock.

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(b) Grazing leases.

(d) Soil and moisture conservation; control of Halogeton glomeratus.

SEC. 3.8 *Forest management.* The Area Manager may take all the actions on:

(a) Disposition of forest products except sales exceeding $100 in value.

SEC. 3.9 *Land use.* The Area Manager may take all the listed actions on:

(g) Material other than forest products not exceeding $100 in value.

This order will become effective upon publication in the FEDERAL REGISTER.

HARRY R. FINLAYSON,
District Manager.

Approved: August 18, 1966.

ED PIERSON,
State Director.

[F.R. Doc. 66-9540; Filed, Aug. 31, 1966; 8:48 a.m.]

AREA MANAGERS; WYOMING

Redelegation of Authority

Pursuant to Bureau Order 701 of July 23, 1964 (as amended), Part III, § 3.1, the Area Managers of the Natrona and Inyan Kara Resource Areas of the Casper District, Wyo., are authorized to perform in their respective areas of responsibility and in accordance with the existing policies, and regulations of this Department and under the direct supervision of the District Manager, the functions of the Director, Bureau of Land Management as listed below, subject to the limitations of Part III of Bureau Order 701, together with any limitations specified below.

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.7 *Range management.* The Area Manager may take all the listed actions on:

(a) Licenses and permits to graze or trail livestock.

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(b) Grazing leases.

(d) Soil and moisture conservation; control of Halogeton glomeratus.

SEC. 3.8 *Forest management.* The Area Manager may take all the actions on:

(a) Disposition of forest products except sales exceeding $100 in value.

SEC. 3.9 *Land use.* The Area Manager may take all the listed actions on:

(g) Material other than forest products not exceeding $100 in value.

This order will become effective upon publication in the FEDERAL REGISTER.

HANS L. LARSEN,
Acting District Manager.

Approved: August 16, 1966.

ED PIERSON,
State Director.

[F.R. Doc. 66-9541; Filed, Aug. 31, 1966; 8:48 a.m.]

Office of the Secretary

ELLERTON E. WALL

Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER.

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 23, 1966 as Deputy Regional Administrator, Region 7, Emergency Petroleum and Gas Administration, an officer.

Standard Oil Co. of California, Western Operations, Inc., Regional Vice President.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: Stocks owned as of August 22, 1966.

Standard Oil Co. of California, 2067 shares.
Armco Steel Corp., 100 shares.
Westinghouse Electric Corp., 100 shares.
International Telephone & Telegraph, 100 shares.
International Business Machines, 30 shares.
First National City Bank of New York, 102 shares.
Tenneco, 224 shares.
Warner Lambert, 300 shares.
Texas Utilities Co., 100 shares.
General Mills Inc., 100 shares.
Fund American, 150 shares.
Rheingold Corp., 200 shares.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

Partnership: G. E. Wall and family (family land rental partnership).

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

ELLERTON E. WALL.

AUGUST 23, 1966.

[F.R. Doc. 66-9542; Filed, Aug. 31, 1966; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

RUSSELLVILLE LIVESTOCK SALES CO., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ARKANSAS	
Russellville Livestock Sales Company, Russellville, Dec. 15, 1958.	Valley Livestock Sales Co., Inc., Feb. 2, 1966.
CALIFORNIA	
Camden Auction Sales Yard, Laton, Nov. 10, 1959 (Mailing address: Riverdale).	Camden Livestock Sales Yard, July 18, 1966.
COLORADO	
Pueblo Livestock Auction Company, Pueblo, Mar. 7, 1957.	Hess Livestock Commission Company, Inc., May 19, 1966.
GEORGIA	
Tifton Stockyards, Tifton, May 14, 1959	Tifton Stockyards, Inc., Jan. 4, 1966.
IOWA	
Washington Livestock Sales Company, Washington, June 4, 1957.	Washington Livestock Auction Market, Inc., Jan. 1, 1966.
KANSAS	
Pawnee Cattle Co., Inc., Hutchinson, Apr. 10, 1950.	Hanson Livestock Auction, Inc., June 27, 1966.
Natoma Livestock Exchange, Inc., Natoma, May 25, 1959.	Natoma Livestock Company, Jan. 24, 1966.
KENTUCKY	
Ohio Valley Producers Livestock Association, Inc., Bowling Green, Jan. 7, 1965.	Warren County Farm Marketing Cooperative, Inc., Dec. 1, 1965.
MISSOURI	
Roy Baker Sales Co., Butler, May 18, 1959	Roy Baker Sales Co., Inc., June 11, 1966.
NEBRASKA	
Oshkosh Livestock Sales, Inc., Oshkosh, June 14, 1941.	Corbeman, Inc., Mar. 8, 1966.
NEW YORK	
Norwich Commission Sale, Norwich, July 13, 1960	Norwich Commission Sale, Inc., Nov. 30, 1961.
NORTH CAROLINA	
Riley's Livestock Market, North Wilkesboro, Apr. 6, 1959.	Riley's Livestock Market, Inc., Oct. 31, 1965.
Whiteville Livestock Market, Whiteville, July 10, 1959.	Whiteville Livestock Auction, Inc., July 29, 1966.
NORTH DAKOTA	
Dobler Livestock Sales, Inc., Jamestown, May 29, 1959.	Jamestown Livestock Sales Company, July 1, 1966.
OKLAHOMA	
Vinita Stockyards Auction Company, Vinita, Mar. 29, 1950.	Vinita Stock Yards, Inc., May 10, 1966.
OREGON	
Salem Auction Yard, Inc., Salem, May 14, 1960	Salem Auction Yard, July 24, 1966.
SOUTH CAROLINA	
Hemingway Livestock, Hemingway, Dec. 5, 1960	Hemingway Livestock Market, Feb. 13, 1966.
TEXAS	
Haskell Auction Company, Haskell, Oct. 11, 1963	Haskell Livestock Auction, Co., May 14, 1966.

Done at Washington, D.C., this 26th day of August 1966.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-9547; Filed, Aug. 31, 1966; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application

Notice is hereby given that Moore-McCormack Lines, Inc., has applied for permission to make calls at ports in Germany, France, and ports on the Atlantic coast of Spain, with subsidized freight vessels, which in connection with this operator's freight service between U.S. North Atlantic ports and Scandinavia, are now permitted to serve ports in the Netherlands and Belgium on a maximum of 56 sailings annually.

Any person, firm, or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on September 12, 1966, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board/Maritime Administration.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: August 26, 1966.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-9545; Filed, Aug. 31, 1966; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-264]

DOW CHEMICAL CO.

Notice of Application for Utilization Facility License

Please take notice that The Dow Chemical Co., under section 104c of the

Atomic Energy Act of 1954, has submitted an application for a license to construct and operate a TRIGA Mark I nuclear reactor for reseearch, development, and applications to technical problems in the company's products and operations, on the company's site at Midland, Mich. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 25th day of August 1966.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 66-9512; Filed, Aug. 31, 1966; 8:45 a.m.]

[Docket No. 50-156]

UNIVERSITY OF WISCONSIN

Notice of Application for Utilization Facility License

The University of Wisconsin, under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to install a modified TRIGA Mark III nuclear core in the existing reactor located on the University's campus at Madison, Wis., and to operate the facility at power levels up to 1 megawatt. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 25th day of August 1966.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 66-9513; Filed, Aug. 31, 1966; 8:45 a.m.]

[Docket No. 50-70]

GENERAL ELECTRIC CO.

Notice of Proposed Issuance of Amended Operating License

The Atomic Energy Commission is considering the issuance of an amended operating license for a 10-year period substantially as set forth below to the General Electric Co. for the General Electric Test Reactor (GETR) located near Pleasanton, Calif. General Electric has been operating the GETR under License No. TR-1, issued on January 7, 1959, and amendments thereto.

The proposed amended operating license (Amendment No. 5 to License No. TR-1) would authorize operation at power levels up to 50 Mwt, and incorporate revised Technical Specifications for operation of the facility.

Prior to issuance of the amended license, the facility will be inspected by representatives of the Commission to determine that the modifications described in the application have been completed with the exception of certain redundant containment isolation valves; in addition, the General Electric Co. will be required to submit proof of financial protection which satisfies the requirements of 10 CFR Part 140 and to execute an amended indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed license, see (1) General Electric's application for amendment of operating license dated October 29, 1965, and supplements thereto, (2) the report of the Advisory Committee on Reactor Safeguards dated July 22, 1966, (3) a related Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, and (4) the proposed Technical Specifications to be incorporated in the license, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) may be obtained in the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 29th day of August 1966.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Division of Reactor Licensing.

PROPOSED AMENDED OPERATING LICENSE

[License No. TR-1; Amdt. 5]

The Atomic Energy Commission (hereinafter "the Commission") having found that:

A. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. There is reasonable assurance (i) that the activities authorized by this amended operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

C. The applicant is technically and financially qualified to engage in the activities authorized by this amended operating license in accordance with the rules and regulations of the Commission, and to assume financial responsibility for payment of Commission charges for the special nuclear material allocated;

D. The applicant has submitted proof of financial protection which satisfies the requirements of 10 CFR Part 140, and has executed an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140;

E. The issuance of this amended operating license is not inimical to the common defense and security or to the health and safety of the public.

Facility License No. TR-1, as amended, is amended in its entirety to read as follows:

1. This operating license applies to the pressurized light water cooled and moderated testing reactor owned by the General Electric Co. (hereinafter "General Electric") and designated by General Electric as the "General Electric Test Reactor (GETR)". The reactor is located approximately 3.4 miles southeast of the town of Pleasanton, Calif., at General Electric's Vallecitos Atomic Laboratory, and is described in General Electric's application for operating license dated June 14, 1957, and amendments thereto (hereinafter collectively referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the General Electric:

(A) Pursuant to section 104(b) of the Act and 10 CFR Part 50, to possess, use and operate the reactor as a utilization facility.

(B) Pursuant to the Act and 10 CFR Part 70, to receive, possess and use in operation of the reactor at any one time:

(1) 170 kilograms of contained uranium 235 as fuel;

(2) 10 kilograms of uranium 235 in experimental irradiation devices;

(3) 2 kilograms of plutonium in experimental irradiation devices;

(4) 35 grams of plutonium in instrument check sources;

(5) 100 grams of uranium 235 in instruments and check sources.

(C) Pursuant to the Act and 10 CFR Part 40, to receive, possess and use at any time in connection with operation of the reactor:

(1) 20 kilograms of source material in experimental irradiation devices;

(2) 20 grams of source material in instrument check sources.

(D) Pursuant to the Act and 10 CFR Part 30, to receive, possess and use, but not to separate, the following byproduct materials in connection with operation of the reactor.

(1) 1,500,000 curies of cobalt 60.
(2) 200,000 curies of antimony 124.
(3) 100,000 curies of iridium 192.
(4) 100,000 curies of tellurium 170.
(5) 850 curies of actinium 227.
(6) 500 curies of iodine 131.
(7) 250 curies of phosphorus 32.
(8) 155 curies of carbon 14.
(9) 100 curies each of any except the above.

(E) Pursuant to the Act and 10 CFR Part 30, to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in 10 CFR Part 20, § 30.34 of 10 CFR Part 30, §§ 50.54 and 50.59 of 10 CFR Part 50 and § 70.32 of 10 CFR Part 70, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(A) *Maximum power level.* The licensee may operate the reactor at steady state power levels up to a maximum of 50 megawatts (thermal).

(B) *Technical specifications.* The technical specifications contained in Appendix A hereto[1] are hereby incorporated in this license. Except as otherwise permitted by the Act and the rules, regulations and orders of the Commission, the licensee shall operate the reactor in accordance with the technical specifications. No changes shall be made in the technical specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

(C) *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

(3) Records of emergency shutdowns and inadvertent scrams, including reasons therefor.

(4) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(5) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation and any unusual events involved in their performance and in their handling.

(6) Records of tests and measurements performed pursuant to the technical specifications.

(D) *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the technical specifications. For each such occurrence, the licensee shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, "Director, DRL") with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Safety Analysis Report or the technical specifications.

(3) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the Safety Analysis Report.

(4) General Electric shall make an annual report in writing to the Director, DRL, which summarizes the following:

(a) Total number of hours of operation and total energy generated by the reactor.

(b) Number of shutdowns of the reactor with a brief explanation of the cause of each shutdown.

(c) Operating experience including a summary of the experimental program, a description of other tests performed in the reactor, number of malfunctions in the control and safety systems with brief explanation of each, and a description of all emergency evacuations of the containment building.

(d) Principal maintenance performed and replacements made in the reactor and associated systems including a report on various tests performed on components of the reactor and associated systems.

(e) A description of the leak rate tests performed pursuant to the technical specifications and the results of such tests including a description of any necessary corrective measures taken to meet the requirements of the technical specifications for leak rate.

(f) Significant changes made in operating procedures and in the facility with an evaluation of the effect of these changes on the safety of the facility, and significant changes in plant organization.

(g) Radiation levels recorded at both on-site and off-site monitoring stations.

4. Pursuant to § 50.60 of 10 CFR Part 50, the Commission has allocated to General Electric for use in the operation of the reactor 221 kilograms of uranium 235 contained in uranium enriched to approximately 93 percent in the isotope U 235. Estimated schedules of special nuclear material transfers to General Electric and returns to the Commission are contained in Appendix B attached hereto.[1] Transfers by the Commission to General Electric in accordance with column (2) in Appendix B will be conditioned upon General Electric's return to the Commission of material substantially in accordance with column (3) of Appendix B.

5. This licensee shall be effective as of the date of issuance and shall expire ten years after said date.

Date of issuance:

For the Atomic Energy Commission.

Director,
Division of Reactor Licensing.

[1] This item was not filed with the Office of the Federal Register, but is available for inspection in the Public Document Room of the Atomic Energy Commission.

[F.R. Doc. 66-9522; Filed, Aug. 31, 1966; 8:49 a.m.]

[Docket No. 50-252]

UNIVERSITY OF NEW MEXICO

Notice of Proposed Issuance of Facility License

Please take notice that the Atomic Energy Commission ("the Commission") is considering the issuance of a facility license substantially as set forth below to the University of New Mexico which would authorize the operation of the Model AGN-201, Serial No. 112, nuclear reactor previously located on the campus of the University of California at Berkeley, Calif. and operated under Facility License No. R-30. The reactor was transferred from its former location and constructed on the campus of the University of New Mexico in Albuquerque, N. Mex. as authorized by construction permit No. CPRR-92, issued July 8, 1966.

Prior to issuance of the license the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of construction permit No. CPRR-92.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this facility license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue the facility license fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

For further details with respect to this proposed license, see (1) the application, dated April 4, 1966, and the amendments thereto, dated May 19, 1966, June 9, 1966, and August 4, 1966, (2) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing and (3) the technical specifications referred to as Appendix A to the proposed facility license, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the safety evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 29th day of August 1966.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Division of Reactor Licensing.

PROPOSED FACILITY LICENSE

[License No. R-102]

The Atomic Energy Commission (hereinafter "the Commission") having found that:

a. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The reactor has been constructed in conformity with construction permit No. CPRR-92 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

c. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

d. The University of New Mexico is technically and financially qualified to engage in the activities authorized by this license in accordance with the rules and regulations of the Commission;

e. The University of New Mexico is a nonprofit educational institution and will operate the reactor for the conduct of educational activities. The University of New Mexico is therefore exempt from the financial requirements of subsection 170a of the Act; and

f. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;

Facility License No. R-102, effective as of the date of issuance, is hereby issued as follows:

1. This license applies to the Model AGN-201, Serial No. 112, nuclear reactor (hereinafter "the reactor") which is owned by the University of New Mexico (hereinafter "the licensee"), located on the University's campus in Albuquerque, N. Mex., and described in the licensee's application for license, dated April 4, 1966, and the amendments thereto, dated May 19, 1966, June 9, 1966, and August 4, 1966 (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the University of New Mexico:

[1] This item was not filed with the Office of the Federal Register, but is available for inspection in the Public Document Room of the Atomic Energy Commission.

(a) Pursuant to section 104c of the Act and Title 10, CFR Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess, use and operate the reactor as a utilization facility at the designated location in Albuquerque, N. Mex.

(b) Pursuant to the Act and Title 10, CFR Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 700 grams of contained uranium 235 in connection with operation of the reactor; and

(c) Pursuant to the Act and Title 10, CFR Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50 and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in the effect; and is subject to the additional conditions specified below:

(a) *Maximum power level.* The licensee is authorized to operate the reactor at steady state power levels up to a maximum of 100 milliwatts.

(b) *Technical specifications.* The technical specifications contained in Appendix A[1] to this license (hereinafter "the technical specifications") are hereby incorporated in this license. Except as otherwise permitted by the Act and the rules, regulations and orders of the Commission, the licensee shall operate the reactor in accordance with the technical specifications. No changes shall be made in the technical specifications unless authorized by the Commission as provided in 10 CFR 50.59.

(c) *Authorization of changes, tests, and experiments.* The licensee may (1) make changes in the reactor as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report only in accordance with the provisions of 10 CFR 50.59 of the Commission's regulations.

(d) *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the technical specifications or in the Hazards Summary Report. For each such occurrence, the licensee shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter "the Director, DRL") with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Hazards Summary Report or the technical specifications.

(3) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accidental analysis as described in the Hazards Summary Report.

(e) *Records.* In addition to those otherwise required under this license and applicable regulations the licensee shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

4. This license is effective as of the date of issuance and shall expire at midnight July 8, 1986, unless sooner terminated.

Date of issuance:

For the Atomic Energy Commission.

RICHARD L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-9594; Filed, Aug. 31, 1966; 8:49 a.m.]

[1] This item was not filed with the Office of the Federal Register but will be available for inspection in the Public Document Room of the Atomic Energy Commission.

COMMISSION ON CIVIL RIGHTS

RACIAL ISOLATION IN MASSACHUSETTS SCHOOLS

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a hearing of the U.S. Commission on Civil Rights will commence on October 4, 1966, in Faneuil Hall, Market Street and Dock Square, Boston, Mass. The hearing is being held pursuant to the Commission's statutory authority and a request of the President of the United States on November 17, 1965, that the Commission gather facts concerning racial isolation in the Nation's schools. The purpose of the hearing is to collect and disseminate information concerning racial isolation in the schools of the city of Boston, County of Suffolk, Mass., and the schools of other cities and counties in the State of Massachusetts and to appraise the laws and policies of the Federal Government concerning racial isolation in such schools.

Dated at Washington, D.C., September 1, 1966.

JOHN A. HANNAH,
Chairman.

[F.R. Doc. 66-9600; Filed, Aug. 31, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-18; 2d Supp. Order]

DOMESTIC GUAM TRADE

Notice of Expansion of Investigation of General Rate Increase

Whereas, by order served March 31, 1966, the Commission entered into an investigation concerning the lawfulness of a general rate increase in the U.S./Guam Trade, filed by Pacific Far East Line, Inc. and American President Lines, Ltd., and named the said carriers as respondents in this proceeding;

Whereas, on May 24, 1966, Waterman Steamship Corp. filed with the Commission a new tariff FMC-F No. 22, which, upon becoming effective June 27, 1966, established commodity rates in the Pacific Coast/Guam Trade similar to these already under investigation in this proceeding;

Whereas, the Commission is of the opinion that the new Pacific/Guam tariff should also be made the subject of a public investigation to the same extent as the tariffs currently under investigation herein, to determine whether it is unjust, unreasonable, or otherwise unlawful, under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933:

Now therefore it is ordered, That this proceeding be, and it is hereby expanded to include Waterman Steamship Corp. as respondent herein and to include an investigation into and a hearing concerning the lawfulness of the new tariff of said carrier with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That (I) a copy of this order shall forthwith be served upon the respondents, petitioners, and any interveners herein; (II) the said respondents, petitioners, and interveners be duly notified of the time and place of the hearing ordered; and (III) this order be published in the FEDERAL REGISTER and notice of the said hearing be served upon all parties in this proceeding.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) with copy to respondents.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-9548; Filed, Aug. 31, 1966; 8:48 a.m.]

[Docket No. 66-43; 2d Supp. Order]

ATLANTIC-GULF/PUERTO RICO TRADES

Notice of Change of Name of Proceeding and Expansion of Investigation of Minimum Charges and Terminal Delivery Services

Whereas, by order served July 25, 1966, the Commission entered into an investigation concerning the lawfulness of a $10 minimum bill of lading charge and a rule requiring receivers of minimum shipments to accept store door delivery, filed by Sea-Land Service, Inc. and Gulf Puerto Rico Lines, Inc.;

Whereas, on July 1, 1966, Indian Towing Co., Inc., filed Tariff FMC-F No. 5 which became effective August 5, 1966, containing a $10 minimum bill of lading charge and a rule which requires receivers of minimum shipments to accept store door delivery;

Whereas, the Commission is of the opinion that this new tariff matter should be made the subject of a public investigation to the same extent as the matter currently under investigation herein to determine whether it is unjust, unreasonable, or otherwise unlawful, under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933:

Now therefore it is ordered, That this proceeding be, and it is hereby expanded to include Indian Towing Co., Inc., as a respondent herein and to include an investigation into and a hearing concerning the lawfulness of the minimum charge and delivery rule published in Rule No. 185 in the aforementioned tariff to the same extent as the matters already under investigation in this proceeding.

It is further ordered, That (I) a copy of this order shall forthwith be served upon the respondents, and any interveners herein; (II) the said respondents and interveners be duly notified of the time and place of the hearing ordered; and (III) this order be published in the FEDERAL REGISTER and notice of the said hearing be served upon all parties to this proceeding.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene herein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) with a copy to respondents.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-9549; Filed, Aug. 31, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-36]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

AUGUST 24, 1966.

Take notice that on August 17, 1966, Algonquin Gas Transmission Co. (Applicant), 1283 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP67-36 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing additional sales of natural gas to certain of its existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically requests authority to deliver the indicated volumes of natural gas to the following existing customers under its Rate Schedules F-1 and WS-1:

	F-1	WS-1	
	Maximum daily quantity	Maximum daily quantity	Winter contract quantity
	Mcf	Mcf	Mcf
The Connecticut Gas Co.	46,000		
New Bedford Gas & Ed. Light Co.		3,440	207,000
The Newport Gas Light Co.		900	18,000
North Attleboro Gas Co.	540	200	12,000
Norwood Gas Co.		1,414	84,840
Providence Gas Co.	36,000		

Applicant states that the foregoing volumes reflect increased Maximum Daily Quantities for these customers of 7,440 Mcf, under Rate Schedule F-1, and 976 Mcf under Rate Schedule WS-1, which increases are proposed to go into effect on November 1, 1966, and November 16, 1966, respectively.

Applicant further states that Texas Eastern Transmission Corp. has concurrently filed on August 17, 1966, in Docket No. CP64-5 a petition for authorization to deliver to Applicant the necessary volumes of natural gas to meet Applicant's increased requirements.

Applicant submits that the increased deliveries may be made through existing and authorized facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 21, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9514; Filed, Aug. 31, 1966; 8:45 a.m.]

[Docket No. RI67-37]

MONSANTO CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 24, 1966.

On July 27, 1966, Monsanto Co. (Operator), et al., (Monsanto)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 25, 1966.
Purchaser and producing area: Panhandle Eastern Pipe Line Co. (Singley Field, Meade County, Kans.).
Rate schedule designation: Supplement No. 2 to Monsanto's FPC Gas Rate Schedule No. 13.
Effective date: September 1, 1966.[2]
Amount of annual increase: $120.
Effective rate: 17.0 cents per Mcf.[3]
Proposed rate: 18.0 cents per Mcf.[4]
Pressure base: 14.65 p.s.i.a.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Monsanto's proposed increased rate and charge exceeds the area price level for increased rates in Kansas as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 2 to Monsanto's FPC Gas Rate Schedule No. 13 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Monsanto's FPC Gas Rate Schedule No. 13.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Monsanto's FPC Gas Rate Schedule No. 13 is hereby suspended and the use thereof deferred until February 1, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

[1] Address is: 1300 Main Street, Houston, Tex. 77002.
[2] The stated effective date is the effective date proposed by Respondent.
[3] Present rate in effect subject to refund in Docket No. RI62-86.
[4] Periodic rate increase.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 12, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-9515; Filed, Aug. 31, 1966; 8:45 a.m.]

[Docket No. CP67-35]

TENNESSEE GAS PIPELINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

AUGUST 24, 1966.

Take notice that on August 17, 1966, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tennessee), Post Office Box 2511, Houston, Tex. 77001, and Transcontinental Gas Pipe Line Corp. (Transco), Post Office Box 1396, Houston, Tex. 77001, (Applicants) filed in Docket No. CP67-35 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas by means of existing interconnections, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants specifically propose to exchange natural gas at (1) the point of interconnection between Transco's 36-inch line and Tennessee's Delta-Portland Line at Transco's Mile Post 746.08 and Tennessee's Mile Post MLV 538-1+1.50 miles near Heidelberg, Jasper County, Miss.; (2) the point of interconnection between Transco's 30-inch line and Tennessee's South Louisiana 20-inch line at Transco's Mile Post 489.73 and Tennessee's Mile Post MLV 506-1+0.97 miles in Section 28, T6S-R5W, Allen Parish, La.; and (3) the point of interconnection between Transco's 24-inch line and Tennessee's 24-inch line near Riverdale, Bergen County, N.J. Applicants state that since Tennessee and Transco both deliver and sell natural gas under long-term contracts to joint customers in the Pennsylvania-New Jersey-New York area under authorizations from the Federal Power Commission, Tennessee and Transco each can, through mutual dispatching arrangements, make deliveries to the other by delivering for the account of the other to such joint customers.

Applicants further state that no additional facilities are required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 19, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-9516; Filed, Aug. 31, 1966; 8:45 a.m.]

[Docket No. RI67-38]

SPARTA OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

AUGUST 26, 1966.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 15, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-38.....	The Sparta Oil Co., 2419 Fannin St., Houston, Tex. 77002, Attn: Mr. Ralph Walton, President.	2	1	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator)[1] (Fannett Field, Jefferson County, Tex.), (R.R. District No. 3).	$6,205	8-3-66	[2] 9-3-66	[3] 9-4-66	[4] 12.5	[4][5] 13.0	

[1] Successor to Texas Gas Corp. Buyer resells the gas involved to Texas Eastern Transmission Corp. under buyer's FPC Gas Rate Schedule No. 66 at a rate of 14.3675 cents per Mcf which is in effect subject to refund in Docket No. RI62-250. Buyer contractually due but not filed for periodic increase to 15.1 cents per Mcf plus tax reimbursement.

[2] The stated effective date is the first day after expiration of the statutory notice.

[3] The suspension period is limited to one day.

[4] Two-step periodic rate increase.

[5] Pressure base is 14.65 p.s.i.a.

[6] Subject to a downward B.t.u. price adjustment for gas below 1000 B.t.u.'s.

The Sparta Oil Co. (Sparta) requests that its proposed rate increase be permitted to become effective on September 1, 1966. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Sparta's rate filing and such request is denied.

Sparta's proposed two-step periodic rate increase, from 10.0 cents to 12.0 cents per Mcf, amounting to $5,280 annually, is for a wellhead sale of gas to Union Texas Petroleum, a Division of Allied Chemical Corp. (Operator) (Union Texas) who gathers the subject gas, together with gas purchased from other producers in the area, and delivers such gas to its Winnie Plant situated near the town of Winnie, Chambers County, Tex., for processing. The remaining residue gas after processing is sold to Texas Eastern Transmission Corp. (Texas Eastern) pursuant to Union Texas' FPC Gas Rate Schedule No. 66. Texas Eastern is currently paying 14.3675 cents (14.3 cents base plus 0.0675 cents tax reimbursement) for its share of gas purchased from Union Texas. Such rate is being collected subject to refund in Union Texas' rate suspension proceeding in Docket No. RI62-250. Although Sparta's proposed rate increase does not exceed the area increased rate ceiling of 14.0 cents per Mcf for Texas Railroad District No. 3 as announced in the Commission's statement of general policy No. 61-1, as amended, such area rate ceiling is applicable to the buyer's, Union Texas, resale rate which is in effect subject to refund in Docket No. RI62-250. We conclude that Sparta's proposed rate increase should be suspended for 1 day from September 3, 1966, the date of expiration of the statutory notice.

[F.R. Doc. 66-9517; Filed, Aug. 31, 1966; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated,

Alexandria Industrial Garment Manufacturing Co., Inc., Alexandria, Tenn.; effective 8-15-66 to 8-14-67 (work shirts).

Brooks Seas Manufacturing Co., 151-153 Park Avenue, Wilkes-Barre, Pa.; effective 8-15-66 to 8-14-67; 4 learners (children's blouses and outerwear jackets).

Curtis Manufacturing Co., Inc., 635 Wilmer Avenue, Orlando, Fla.; effective 8-19-66 to 8-18-67; 10 learners (men's and boys' trousers).

Delmeade Slacks, Inc., Okolona, Miss.; effective 8-23-66 to 8-22-67 (ladies' slacks).

Elder Manufacturing Co., (Dexter, Mo.; effective 8-31-66 to 8-30-67 (men's and boys' shirts, boys' slacks).

Greeneboro Manufacturing Co., Greensboro, Ga.; effective 8-17-66 to 8-16-67 (men's and boys' slacks).

Kellwood Co., Plant No. 3, Monticello Division, Wesson, Miss.; effective 8-21-66 to 8-20-67 (men's trousers).

Kennebec Manufacturing Co., Inc., Gardiner, Maine; effective 8-16-66 to 8-15-67 (children's pants).

Kingstree Industries, Kingstree, S.C.; effective 8-15-66 to 8-14-67; 10 learners (ladies' slacks).

Meyersdale Manufacturing Co., Inc., Meyersdale, Pa.; effective 9-4-66 to 9-3-67 (men's shirts).

Phil Campbell Manufacturing Co., Phil Campbell, Ala.; effective 8-23-66 to 8-22-67 (boys' jeans).

Reed Manufacturing Co., Inc., Mettleton, Miss.; effective 8-9-66 to 8-8-67 (men's work pants, boys' pants).

Sevier Industries, Inc., Sevierville, Tenn.; effective 8-24-66 to 8-23-67 (men's and boys' work pants).

Shawnee Garment Manufacturing Corp., 113½ North Bell Street, Shawnee, Okla.; effective 8-25-66 to 8-24-67; 10 learners (men's overalls, jeans and shirts).

Todd Manufacturing Co., Hikton, Ky.; effective 8-19-66 to 8-18-67 (men's work shirts and work jackets).

J. M. Wood Manufacturing Co., Inc., Hillsboro, Tex.; effective 8-21-66 to 8-20-67 (men's trousers).

The following plant expansion certificate was issued authorizing the number of learners indicated.

Glen of Michigan, Community Building, Ocean County Fair Grounds, Hart, Mich.; effective 8-11-66 to 8-10-67; 30 learners. Learners may not be employed at special minimum wages in the manufacture of women's, misses', and juniors' skirts (children's dresses and blouses, children's and juniors' sportswear).

Glove industry learner regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.66, as amended)

The Glove Corp., Heber Springs, Ark.; effective 8-15-66 to 2-14-67; 20 learners for plant expansion purposes (work gloves).

Tex-Sun Glove Co., 321 South 14th Street, Corsicana, Tex.; effective 8-19-66 to 8-18-67; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended)

DeKalb Hosiery Mills, Inc., Fort Payne, Ala.; effective 8-15-66 to 8-14-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Fort Payne Hosiery Mills, Inc., Fort Payne, Ala.; effective 8-24-66 to 8-23-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Merrill Hosiery Co., Hornell, N.Y.; effective 9-3-66 to 9-2-67; 5 learners for normal labor turnover purposes (seamless and full-fashioned).

Valley Hosiery Mills, Inc., Fort Payne, Ala.; effective 8-20-66 to 8-19-67; 5 learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended)

Hazlehurst Manufacturing Co., Inc., 202 Gill Street, Hazlehurst, Ga.; effective 8-10-66 to 2-9-67; 25 learners for plant expansion purposes (women's and children's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended)

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Alicia Embroidery, Inc., Post Office Box 234, St. Just, P.R.; effective 7-26-66 to 7-25-67; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 88 cents an hour (embroidery on ladies' lingerie).

Bonita, Inc., Industrial Avenue, Post Office Box 1127, Cayey, P.R.; effective 8-3-66 to 8-2-67; 10 learners for normal labor turnover purposes in the occupations of machine stitching, pressing, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.08 an hour for the remaining 160 hours (swimwear and brassieres for swimsuits).

Mohawk International, Inc., 66 Comercio Street, Post Office Box 501, Aguadilla, P.R.; effective 8-2-66 to 12-31-66; 10 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 78 cents an hour for the remaining 160 hours (leather sport gloves and golf head covers).

Olympic Mills Corp., Road No. 20, Km. 2.2, Guaynabo, P.R.; effective 7-26-66 to 7-25-67; 17 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 80 cents an hour (men's and boys' underwear).

Rosita Mills, Inc., Apartado 846, Bayamon, P.R.; effective 7-20-66 to 7-19-67; 21 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.08 an hour for the remaining 240 hours; and (2) machine stitching, hand sewing, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.08 an hour for the remaining 160 hours (full fashioned knitted outerwear).

Sabana Grande Manufacturing Corp., Apartado 354, Sabana Grande, P.R.; effective 8-1-66 to 1-31-67; 98 learners for plant expansion purposes in the occupations of: (1) Looping, for a learning period of 960 hours at the rates of 71 cents an hour for the first 480 hours and 78 cents an hour for the remaining 480 hours; (2) mending, for a learning period of 720 hours at the rates of 71 cents an hour for the first 360 hours and 78 cents an hour for the remaining 360 hours; and (3) knitting, examining and inspecting, each for a learning period of 240 hours at the

rate of 71 cents an hour (ladies' seamless hosiery).

United Corp., Road No. 104, Km. 715, Post Office Box 52, Cabo Rojo, P.R.; effective 8-8-66 to 3-31-67; 17 learners for normal labor turnover purposes in the occupations of: (1) Machine stitching, laying-off, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) die and clicker machine operating, for a learning period of 160 hours at the rate of 80 cents an hour (leather gloves).

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below:

Adelphian Academy, 820 Academy Road, Holly, Mich.; effective 9-1-66 to 8-31-67; authorizing the employment of 60 student-workers in the woodworking industry (manufacturing trellises, picnic tables, bird houses, etc.) in the occupations of woodworking machine operator, assembler, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 240 hours at the rates of $1.10 an hour for the first 120 hours and $1.15 an hour for the remaining 120 hours.

Andrews University, Berrien Springs, Mich.; effective 9-1-66 to 8-31-67; authorizing the employment of: (1) 140 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (2) 20 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (3) 105 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; and (4) 10 student-workers in the clerical occupations of bookkeeper, stenographer, and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours.

Campbellsville College, Campbellsville, Ky.; effective 9-1-66 to 8-31-67; authorizing the employment of: (1) 10 student-workers in the furniture and novelty manufacturing industry in the occupations of woodworking machine operator, veneer machine operator including glue reel worker, assembler, furniture finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; and (2) 10 student-workers in the metal fabricating industry in the occupations of machine tools operator, lathe operator, milling machine operator, drill press operator, and related skilled and semiskilled occupations, for a learning period of 850 hours at the rates of $1.10 an hour for the first 425 hours and $1.15 an hour for the remaining 425 hours.

Campion Academy, 42d and Academy Drive, Loveland, Colo.; effective 9-1-66 to 8-31-67; authorizing the employment of 36 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Enterprise Academy, Enterprise, Kans.; effective 9-1-66 to 8-31-67; authorizing the employment of 8 student-workers in the printing industry in the occupations of compositor, pressman, linotype operator, bindery worker, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours.

Forest Lake Academy, Maitland, Fla.; effective 9-1-66 to 8-31-67; authorizing the employment of: (1) 20 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; and (2) 60 student-workers in the bookbindery industry in the occupations of bookbinder, bindery worker, sewer, trimmer, backer, cutter, case maker, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Laurelwood Academy, Route 2, Gaston, Oreg.; effective 9-1-66 to 8-31-67; authorizing the employment of 30 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Maplewood Academy, 700 North Main Street, Hutchinson, Minn.; effective 9-1-66 to 8-31-67; authorizing the employment of: (1) 45 student-workers in the bookbindery industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (2) 45 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; and (3) 4 student-workers in the clerical occupations of typist, recordkeeper, and related skilled and semiskilled occupations in the office, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours.

Newbury Park Academy, 180 Academy Drive, Newbury Park, Calif.; effective 9-1-66 to 8-31-67; authorizing the employment of 40 student-workers in the broom manufacturing industry in the occupations of broom maker, sorter, seeder, winder, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Ozark Academy, Route 2, Gentry, Ark.; effective 9-1-66 to 8-31-67; authorizing the employment of 15 student-workers in the broom and mop manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, painter, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Sandia View Academy, Corrales Road, Sandoval, N. Mex.; effective 9-1-66 to 8-31-67; authorizing the employment of 20 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations including incidental clerical work in shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Shenandoah Valley Academy, New Market, Va.; effective 9-1-66 to 8-31-67; authorizing the employment of 20 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker sewer, trimmer, backer cutter, case-maker, letterer, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Sunnydale Academy, Centralia, Mo.; effective 9-1-66 to 8-31-67; authorizing the employment of 9 student-workers in the food manufacturing industry in the occupations of food manufacturing, skilled and semiskilled occupations, for a learning period of 300 hours at the rates of $1.10 an hour for the first 150 hours and $1.15 an hour for the remaining 150 hours.

Thunderbird Academy, 13401 North Scottsdale Road, Scottsdale, Ariz.; effective 9-1-66 to 8-31-67; authorizing the employment of 90 student-workers in the woodworking (manufacturing furniture) industry in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semiskilled occupations including incidental clerical work in shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

The student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 23d day of August 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66-9543; Filed, Aug. 31, 1966; 8:48 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The certificates are effective from September 3, 1966, to September 2, 1967, except as otherwise indicated. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the statutory minimum of $1.25 an hour.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

The Baby Shop, Inc., apparel store; 404 Main Street, Evansville, Ind.

W. T. Grant Co., variety stores: 139 East Broadway Street, Mount Pleasant, Mich.; No. 436, Houston, Tex.; 925 Caroline Street, Fredericksburg, Va. (9-1-66 to 8-31-67); 450 North Mason Street, Harrisonburg, Va.

S. S. Kresge Co., variety stores: No. 735, Miami, Fla.; No. 743, St. Petersburg, Fla.; No. 81, Aurora, Ill.; No. 354, Aurora, Ill.; No. 164, Canton, Ill.; No. 690, Champaign, Ill.; No. 8, Chicago, Ill.; No. 253, Chicago, Ill.; No. 430, Chicago, Ill.; No. 445, Chicago, Ill.; 1956 West Lawrence Avenue, Chicago, Ill.; No. 627, Chicago, Ill.; No. 901, Decatur, Ill.; No. 661, Decatur, Ill.; No. 179, Galesburg, Ill.; No. 4610, Lincoln, Ill.; No. 161, Oak Lawn, Ill.; No. 98, Quincy, Ill.; No. 321, Quincy, Ill.; No. 316, Rockford, Ill.; No. 656, Skokie, Ill.; No. 455, Springfield, Ill.; No. 124, Covington, Ky. (9-1-66 to 8-31-67); No. 79, Lexington, Ky. (9-1-66 to 8-31-67); 5330 South Third Street, Louisville, Ky. (9-1-66 to 8-31-67); No. 56, Louisville, Ky.; No. 385, Louisville, Ky. (9-1-66 to 8-31-67); No. 457, Louisville, Ky. (9-1-66 to 8-31-67); 100 East Main Street, Owensboro, Ky. (9-1-66 to 8-31-67); No. 112, Paducah, Ky. (9-1-66 to 8-31-67); No. 707, Metairie, La.; No. 483, Adrian, Mich.; No. 21, Battle Creek, Mich.; No. 296, Berkley, Mich.; No. 589, Dearborn, Mich.; No. 1, Detroit, Mich.; No. 190, Detroit, Mich.; No. 289, Detroit, Mich.; No. 383, Detroit, Mich.; No. 620, Detroit, Mich.; No. 682, Detroit, Mich.; No. 507, Escanaba, Mich.; No. 12, Flint, Mich. (9-15-66 to 9-14-67); No. 642, Flint, Mich.; No. 408, Iron Mountain, Mich.; No. 685, Lincoln Park, Mich.; No. 27, Livonia, Mich.; No. 529, Monroe, Mich.; No. 623, Plymouth, Mich.; No. 13, Pontiac, Mich.; No. 577, River Rouge, Mich.; No. 428, Saginaw, Mich.; No. 566, Wayne, Mich.; No. 176, Minneapolis, Minn.; No. 694, Minneapolis, Minn.; No. 683, St. Paul, Minn.; No. 52, Winona, Minn.; No. 74, Canton, Ohio; No. 586, Cambridge, Ohio; No. 120, Canton, Ohio; No. 281, Chillicothe, Ohio; No. 28, Cleveland, Ohio; No. 298, Cleveland, Ohio; No. 378, Cleveland, Ohio (9-28-66 to 9-27-67); No. 5, Columbus, Ohio; No. 29, Columbus, Ohio; No. 538, Cuyahoga Falls, Ohio; No. 631, Dayton, Ohio; No. 649, Dayton, Ohio; No. 606, South Euclid, Ohio; No. 307, Ironton, Ohio (9-7-66 to 9-6-67); No. 171, Lancaster, Ohio; No. 406, Lorain, Ohio; No. 4528, Lorain, Ohio; No. 541, Marietta, Ohio; No. 208, Milford, Ohio; No. 40, Newark, Ohio; No. 410, Painesville, Ohio; No. 676, Parma, Ohio; No. 498, Piqua, Ohio; No. 150, Portsmouth, Ohio; No. 48, Stow, Ohio; No. 447, Tallmadge, Ohio; No. 299, Warren, Ohio; No. 377, Zanesville, Ohio; No. 342, Danville, Va. (9-1-66 to 8-31-67); No. 633, Falls Church, Va. (9-1-66 to 8-31-67); No. 439, Norfolk, Va. (9-1-66 to 8-31-67); No. 660, Norfolk, Va. (9-1-66 to 8-31-67); No. 435, Bluefield, W. Va. (9-1-66 to 8-31-67); No. 391, Charleston, W. Va. (9-1-66 to 8-31-67); No. 91, Huntington, W. Va. (9-1-66 to 8-31-67); No. 607, Eau Claire, Wis.; No. 611, Fond du Lac, Wis.; No. 268, Madison, Wis.; No. 420, Manitowoc, Wis.; No. 617, Milwaukee, Wis.; No. 4604, Milwaukee, Wis.

McCrory-McLellan-Green Stores, Inc., variety stores: No. 442, Gadsden, Ala.; No. 1106, Birmingham, Ala.; No. 509, Little Rock, Ark.; No. 73, Daytona Beach, Fla.; No. 112, De Land, Fla.; No. 315, Hialeah, Fla. (8-17-66 to 8-16-67); No. 157, Lake City, Fla.; No. 1313, Lake Wales, Fla.; No. 61, Orlando, Fla.; No. 324, St. Petersburg, Fla.; No. 69, Sanford, Fla.; No. 1306, Savannah, Ga.; No. 44, Anderson, Ind.; No. 195, Indianapolis, Ind.; No. 229, New Orleans, La.; No. 466, St. Paul, Minn.; No. 1056, St. Paul, Minn.; No. 485, Hobbs, N. Mex.; No. 306, Fort Bragg, N.C.; No. 1140, Kinston, N.C.; No. 180, Dayton, Ohio; No. 26, East Liverpool, Ohio; No. 1124, Uhrichsville, Ohio; No. 164, Aiken, S.C.; No. 1136, Spartanburg, S.C.; No. 428, Chattanooga, Tenn.; No. 207, Kingsport, Tenn.; No. 307, Memphis, Tenn.; No. 417, Murfreesboro, Tenn.; No. 507, Nashville, Tenn.; No. 241, Galveston, Tex.; No. 218, Wichita Falls, Tex.; No. 505, Roanoke, Va. (9-1-66 to 8-31-67); No. 13, Charleston, W. Va.; No. 23, Fairmont, W. Va.; No. 15, Huntington, W. Va.; No. 1131, Huntington, W. Va.; No. 88, Martinsburg, W. Va.; No. 451, La Crosse, Wis. (9-8-66 to 9-7-67); No. 578, Marinette, Wis.; No. 579, Monroe, Wis.; No. 454, Marshfield, Wis. (9-8-66 to 9-7-67); No. 1133, Charleston, W. Va. (9-1-66 to 8-31-67).

J. J. Newberry Co., variety stores: No. 794, Moorhead, Minn. (9-30-66 to 9-29-67); 441 Main Street, Coshocton, Ohio; 141 South Washington Street, Tiffin, Ohio; No. 169, Fredericksburg, Va. (9-1-66 to 8-31-67); 125-127 East Main Street, Front Royal, Va. (9-1-66 to 8-31-67); No. 220, Salem, Va. (9-1-66 to 8-31-67); Main Street, South Boston, Va. (9-1-66 to 8-31-67); 404 West Main Street, Waynesboro, Va. (9-1-66 to 8-31-67); No. 261, Winchester, Va. (9-1-66 to 8-31-67).

Norby's of Grand Forks, Inc., department store: 402 DeMers Avenue, Grand Forks, N. Dak.

T. G. & Y. Stores Co., variety stores: No. 28, El Reno, Okla.; No. 73, Oklahoma City, Okla.

The following certificates were issued to establishments coming into existence after May 1, 1966, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum of $1.25 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Asheville Crest 5-10-25¢ Stores Co., variety store; South Forest Shopping Center, Asheville, N.C.; sales clerk, stock clerk; 10 percent for each month; 8-17-66 to 8-16-67.

The Baby Shop, Inc., apparel store; 1120 Washington Square Mall, Evansville, Ind.; sales clerk, marker, stock clerk; between 1.5 and 10 percent.

Cooke's Food Store, food store; 17 Broad Street SW., Cleveland, Tenn.; bag and carry-out boy, weight and stock boy; between 9.3 and 9.7 percent; 9-3-66 to 8-31-67.

W. T. Grant Co., variety stores for the occupations of sales clerk, office clerk, stock clerk, cashier: No. 1140, Granite City, Ill. (between 7.0 and 10 percent); No. 1166, Silver Spring, Md. (between 4.3 and 10 percent); No. 1096, Independence, Ohio (between 3.8 and 10 percent).

Home Town Super Market, food store; 6850 West Bank Expressway, Marrero, La.; packer; 10 percent for each month; 8-19-66 to 8-18-67.

S. S. Kresge Co., variety stores for the occupation of sales clerk: No. 772, Birmingham, Ala. (between 3 and 10 percent); No. 791, Clearwater, Fla. (between 6.7 and 10 percent); No. 763, Daytona Beach, Fla. (between 5 and 10 percent); No. 4044, Savannah, Ga. (between 3.5 and 10 percent); No. 4031, Bloomington, Ill. (between 3.9 and 10 percent); No. 4591, Chicago, Ill. (10 percent for each month, 9-16-66 to 9-15-67); No. 554, Moline, Ill. (10 percent for each month); No. 503, Oak Brook, Ill. (10 percent for each month); No. 4005, Peoria, Ill. (between 3.9 and 10 percent); No. 235, Louisville, Ky. (between 1.8 and 10 percent, 9-1-66 to 8-31-67); No. 504, Alpena, Mich. (between 6.2 and 10 percent, 9-7-66 to 9-6-67); No. 4516, Detroit, Mich. (10 percent for each month); No. 679, Kalamazoo, Mich. (10 percent for each month); No. 358, Madison Heights, Mich. (between 8.3 and 10 percent); No. 516, Pontiac, Mich. (10 percent for each month); No. 4021, Southgate, Mich. (10 percent for each month, 9-14-66 to 9-13-67); No. 323, Rochester, Minn. (10 percent for each month); No. 494, Cleveland, Ohio (10 percent for each month); No. 683, Columbus, Ohio (between 5.4 and 10 percent); No. 287, Dayton, Ohio (between 5.7 and 10 percent); No. 314, Parma, Ohio (10 percent for each month); No. 4556, Zanesville, Ohio (10 percent for each month); No. 779, Spartanburg, S.C. (between 6.7 and 10 percent); No. 758, Alcoa, Tenn. (between 2.1 and 10 percent, 9-24-66 to 9-23-67); No. 4060, Johnson City, Tenn. (between 2.1 and 10 percent, 9-1-66 to 8-31-67); No. 723, Cleveland, Tenn. (between 2.3 and 10 percent, 9-1-66 to 8-31-67); No. 4023, Amarillo, Tex. (between 0.2 and 5.8 percent); No. 701, Abilene, Tex. (between 7.3 and 10 percent); No. 773, Brownsville, Tex. (between 2.4 and 7.1 percent, 9-24-66 to 9-23-67); No. 761, Fort Worth, Tex. (between 7.3 and 10 percent); No. 748, Pasadena, Tex. (between 5.8 and 10 percent, 9-27-66 to 9-26-67); No. 196, Alexandria, Va. (10 percent for each month, 9-1-66 to 8-31-67); No. 561, Winchester, Va. (between 4.2 and 10 percent, 9-1-66 to 8-31-67); No. 4543, Beloit, Wis. (between 9.4 and 10 percent); No. 223, Green Bay, Wis. (between 5.5 and 10 percent); No. 442, Neenah, Wis. (10 percent for each month).

McCrory-McLellan-Green Stores, variety stores for the occupations of sales clerk,

stock clerk, office clerk: No. 360, East Alton, Ill. (10 percent for each month); No. 679, Sturgis, Mich. (10 percent for each month); No. 362, Fairborn, Ohio (between 6.1 and 10 percent).

T.G. & Y. Stores Co., variety stores for the occupations of sales clerk, stock clerk, office clerk: No. 65, Enid, Okla. (10 percent for each month); No. 30, Midwest City, Okla. (10 percent for each month).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 24th day of August 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66-9544; Filed, Aug. 31, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 960]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 26, 1966.

The following applications are governed by Special Rule 1.247* of the Commission's general rules of practice (49 CFR as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the Rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 531 (Sub-No. 218), filed July 20, 1966. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing chemicals*, liquid, in bulk, in tank vehicles, from LeMoyne, Ala., to North Portland, Oreg., Richmond and Los Angeles, Calif., and Omaha, Nebr. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 730 (Sub-No. 269), filed July 20, 1966. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, from points in Putnam County, Ill., to points in California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Washington, Wyoming, and the District of Columbia, and (2) *materials, equipment, and supplies used in the manufacture and distribution of the commodities described under (1), above*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 730 (Sub-No. 270), filed August 4, 1966. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (other than oilfield and pipeline commodities as defined by the Commission in T. E. Mercer and G. E. Mercer, Extension-Oilfield Commodities, 74 M.C.C. 459), from the plantsites and storage yards of the Colorado Fuel & Iron Corp. (which name will be changed to C F & I Steel Corp., effective August 1, 1966), located at or near Pueblo, Colo., to points in California, Idaho, Illinois, Iowa, Missouri, Nebraska, Nevada, Oregon, Utah, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 1759 (Sub-No. 20), filed August 5, 1966. Applicant: FROEHLICH TRANSPORTATION CO., INC., 31 Victory Street, Stamford, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, fresh* (except unleavened and frozen bakery products), from Greenwich, Conn., Long Island City, N.Y., and Totowa, N.J., to points in Monroe County, N.Y., and *empty containers, stale, damaged, refused, rejected, and nonsalable shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Hartford, Conn.

No. MC 2136 (Sub-No. 23), filed August 3, 1966. Applicant: CLEMANS TRUCK LINE, INC., 815 West Sample Street, South Bend, Ind. 46621. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, perishables, explosives (classes A and B, and dangerous explosives), and commodities in bulk), serving all points within 10 miles of Peru, Ind., as intermediate or off-route points in connection with presently authorized regular route operations. NOTE: Applicant states that it will tack at Peru, Ind., to serve points in Indiana. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Chicago, Ill., or Louisville, Ky.

* Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 2202 (Sub-No. 296), filed July 20, 1966. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Laurel, Md., and South Hill, Va.: From Laurel, over Maryland Highway 198 to junction Maryland Highway 197, thence over Maryland Highway 197 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Maryland Highway 404, thence over Maryland and Delaware Highways 404 to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. Alternate Highway 13, thence over U.S. Alternate Highway 13 via Seaford, Del., to junction Delaware Highway 20, near Blades, Del., thence over Delaware Highway 20 to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. Highway 58, thence over U.S. Highway 58 to South Hill, and return over the same route, serving the intermediate point of Seaford, Del., and points within 5 miles thereof as off-route points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dover, Del.

No. MC 2593 (Sub-No. 15), filed July 19, 1966. Applicant: BAUMANN BROS. TRANSPORTATION, INC., 1813 Yolande, Post Office Box 1524, Lincoln, Nebr. Applicant's representative: Robert P. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Mills County, Iowa, to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 2990 (Sub-No. 21), filed July 21, 1966. Applicant: BLUE ARROW-DOUGLAS, INC., 526 Burton Street SW., Grand Rapids, Mich. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies, used in the manufacture or processing of iron and steel articles* (except commodities in bulk and oil field and pipeline commodities as defined by the Commission), between points in Putnam County, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 3352 (Sub-No. 39), filed August 12, 1966. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from the plantsite of American Oil Co., South Portland, Maine, to points in New Hampshire south of New Hampshire Highway 25. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Portland, Maine.

No. MC 4494 (Sub-No. 32), filed August 8, 1966. Applicant: MOORE-FLESHER HAULING COMPANY, 100 Hafner Street, Pittsburgh, Pa. 15223. Applicant's representative: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies used in the manufacture of processing of iron and steel articles*, between the Chicago, Ill., commercial zone as defined by the Commission on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 4963 (Sub-No. 21), filed August 9, 1966. Applicant: JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: John C. Bradley, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Seaford, Del., and points within 5 miles thereof, on the one hand, and, on the other, points in North Carolina and that part of Virginia west of a line extending from the Virginia-North Carolina State line along U.S. Highway 15 to Warrenton, Va., and thence along U.S. Highway 211 to the District of Columbia-Virginia line, including points on the indicated portions of the highways specified. NOTE: Applicant states that the purpose of this application is to remove Wilmington, Del., as a required gateway on traffic moving between Seaford, Del., and certain points in Virginia presently authorized to applicant, and to remove the additional gateways of Roanoke and/or Charlottesville, Va., on traffic moving to or from other points in Virginia and points in North Carolina presently authorized to applicant. Applicant states that its existing *irregular* route, general commodity rights include the following:

(1) Between points in Delaware, those in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 1 (formerly portion U.S. Highway 122) to junction Pennsylvania Highway 10 (formerly portion U.S. Highway 122), thence along Pennsylvania Highway 10 to junction U.S. Highway 30, and on and south of a line beginning at junction U.S. Highway 30 and Pennsylvania Highway 10 (formerly portion U.S. Highway 122), and extending along U.S. Highway 30 to junction unnumbered highway (formerly portion U.S. Highway 30), thence along unnumbered highway through Coatesville, Pa., to junction U.S. Highway 30 near Downingtown, Pa., and thence along U.S. Highway 30 to the Pennsylvania-New Jersey State line (including Philadelphia, Pa.), and Aberdeen and Havre de Grace, Md., and points in that part of Maryland east of the Susquehanna River and Chesapeake Bay (except between points which regular service is authorized above). Restriction: The service authorized hereinabove is restricted to the transportation of shipments on the above-described regular and irregular route operations which move from, to, or through Wilmington, Del. (2) Between points in North Carolina, on the one hand, and, on the other, points in that part of Virginia west of U.S. Highway 29 and south of U.S. Highway 250, including points on the indicated portions of the highways specified.

(3) Between Roanoke, Va., on the one hand, and, on the other, points in that part of Virginia, west of a line extending from the Virginia-North Carolina State line along U.S. Highway 15 to Warrenton, Va., and thence along U.S. Highway 211 to the District of Columbia-Virginia line, including points on the indicated portions of the highways specified. Applicant states that, as may be seen, it holds (a) nonradial, irregular route authority throughout the State of Delaware with movement via Wilmington required, (b) radial authority between all points in North Carolina and those in a large segment of Virginia, including a portion of Charlottesville, and (c) radial authority between Roanoke and the same portion of Virginia described in the application. Applicant states that it possesses extensive regular route authority joining Wilmington with a network of routes extending into Virginia south and west from Washington, D.C., to numerous points including Charlottesville, Winchester, Front Royal, Waynesboro, Staunton, Lynchburg, Roanoke, Danville, Martinsville, Covington, and Bristol, Va. Applicant further states that it will tack the proposed authority with presently held authority, in which it is authorized to operate in the States

of Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Washington, D.C.

No. MC 5098 (Sub-No. 2) (Clarification), filed July 19, 1966, published FEDERAL REGISTER issue of August 25, 1966, and republished as clarified, this issue. Applicant: LIONEL G. CLARK, doing business as CLARK TRUCK LINE, 407 Clark Street, Clay Center, Kans. 67432. Applicant's representative: Ivan D. Kloppenberg, 513 Court Street, Clay Center, Kans. 67432. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Building materials, agriculture implements, equipment and parts*, serving off-route points within 15 miles of Morganville, Kans., in connection with applicant's authority to be acquired in MC-FC 68707. NOTE: The purpose of this republication is to clarify the application. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 7156 (Sub-No. 3), filed August 12, 1966. Applicant: WILLIAMS TRANSFER CO., a corporation, Post Office Box 706, Eugene, Oreg. Applicant's representative: Earle V. White, 2130 Southwest Firth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood*, from points in Lane County, Oreg., to Coos Bay and Portland, Oreg., and points in Clark and Cowlitz Counties, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 10761 (Sub-No. 197), filed August 1, 1966. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that joinder is intended at points within the Chicago, Ill., commercial zone, to points authorized under Certificate MC 10761 and subs thereto. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 10761 (Sub-No. 198), filed August 11, 1966. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of the above described commodities, between Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 10942 (Sub-No. 1), filed July 21, 1966. Applicant: PRIMO HAULAGE COMPANY, 55 Lane Avenue, West Caldwell, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, West Caldwell, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, in coils* from West Caldwell, N.J., to points in Nassau County, N.Y. NOTE: Applicant states it could tack with operations from and to Philadelphia, Wilkes-Barre, Pa., and Cold Springs, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 11220 (Sub-No. 108), filed July 21, 1966. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38102. Applicant's representative: J. W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), between Atlanta, Ga., and Birmingham, Ala., over U.S. Highway 78 (also Interstate Highway 20) as an alternate route for operating convenience only, in connection with applicant's regular route operations, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Montgomery, Ala.

No. MC 13123 (Sub-No. 39), filed August 8, 1966. Applicant: WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 13569 (Sub-No. 19), filed July 21, 1966. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, a corporation, 1200 South State Street, Girard, Ohio 44420. Applicant's representative: A David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago commercial zone, as defined by the Commission, Chicago Heights, Joliet, Waukegan, Ill., and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 15640 (Sub-No. 13), filed August 8, 1966. Applicant: DeBOLT TRANSFER, INC., 335 East Seventh Avenue, Homestead, Pa. Applicant's representative: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 17002 (Sub-No. 39), filed August 15, 1966. Applicant: CASE DRIVE-AWAY, INC., 6001 U.S. Route 60, East, Huntington, W. Va. 25705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, material and supplies used in the manufacture or processing of iron and steel articles*, between Chicago, Ill., and its commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Pittsburgh, Pa., or Washington, D.C.

No. MC 18459 (Sub-No. 5), filed July 21, 1966. Applicant: BRITTON MOTOR SERVICE, INC., 740 Westminister Street, St. Paul, Minn. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 18738 (Sub-No. 34), filed August 9, 1966. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 136th Street, Riverdale, Ill. Applicant's representative: Ferdiana Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 20992 (Sub-No. 15), filed July 21, 1966. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: W. T. Doar, Jr., 103 North Main Avenue, New Richmond, Wis. 54017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil storage tanks and truck compartment tanks and accessories* when moving in the same vehicle, all of which do not require special equipment, from Minneapolis, Minn., to points in Wisconsin, Indiana, and Michigan, and *damaged, defective and traded-in shipments* of the above tanks, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Madison, Wis.

No. MC 29886 (Sub-No. 231), filed August 11, 1966. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment and material used in the manufacturing or processing of iron and steel articles*, between Chicago and Chicago Heights, Ill., and points in the Chicago commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30022 (Sub-No. 86), filed August 9, 1966. Applicant: PAUL S. CREBS, 277 Ninth Street, Northumberland, Pa. Applicant's representative: Richard V. Zug, 1418 Packard Building, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators and refrigerator equipment, freezers, air conditioning units, domestic and commercial, laundry equipment, and ranges*, all crated, and *parts and accessories* for the foregoing commodities, from Muncie, Ind., to Allentown, Danville, Pottsville, and Williamsport, Pa., and points in Adams, Blair, Bedford, Cambria, Centre, Clearfield, Clinton, Cumberland, Fulton, Franklin, Huntingdon, Juniata, Mifflin, Perry, and Snyder Counties, Pa., and points in Allegheny County, Md., and *refused, damaged, and defective shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 30844 (Sub-No. 224), filed August 1, 1966. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel stampings, sheet steel, iron and steel auto parts, oil filters and oil filter cartridges, and air filters and air filter cartridges*, between Holly Springs, Miss., on the one hand, and, on the other, Lake Mills and Mason City, Iowa, restricted to shipments originating at or destined to manufacturing and/or warehouse facilities of or utilized by the supporting shipper. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, Minneapolis, Minn., or Chicago, Ill.

No. MC 36222 (Sub-No. 11), filed August 1, 1966. Applicant: JOHN L. FANSHAW, JR., doing business as CREWE TRANSFER, Crewe, Va. Applicant's representative: John C. Goddin, 10 South Tenth Street, Richmond, Va. 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, on hangers, loose and in bundles, hampers, or cartons, and (2) *cut and uncut goods, trimmings, and articles used in the manufacture of wearing apparel*, between Crewe, Va., on the one hand, and, on the other, Whitakers and Justice, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. M.C. 38183 (Sub-No. 43), filed August 15, 1966. Applicant: WHEELOCK BROS. INC., 720 East Third Street, Kansas City, Mo. Applicant's representative: John E. Lesow, 3737 North Meridian, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points in Putnam County, Ill., as off-route points in connection with applicant's presently authorized regular route operations to and from Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 42537 (Sub-No. 35), filed August 8, 1966. Applicant: CASSENS TRANSPORT COMPANY, a corporation, Post Office Box 468, Edwardsville, Ill. 62025. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in initial movements by driveaway and truckaway, from Belvidere, Ill., to points in Michigan, Minnesota, Kentucky, Tennessee, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or St. Louis, Mo.

No. MC 49392 (Sub-No. 4), filed August 5, 1966. Applicant: CAMPBELL'S MOVING COMPANY, INC., 3527 North Smedley Street, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia, on the one hand, and, on the other, points in Rhode Island, Vermont, Maine, New Hampshire, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 50069 (Sub-No. 363), filed August 8, 1966. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel*, in bulk, in tank vehicles, from the plantsite of the American Oil Co. located at or near Elk Grove

Village, Ill., to points in Indiana, Ohio, and the Lower Peninsula of Michigan. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50069 (Sub-No. 364), filed August 12, 1966. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Clermont, Ind., to Blue Island, Ill. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 50069 (Sub-No. 365), filed August 15, 1966. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, liquid resins, and varnish*, from Kansas City, Mo., to points in Michigan. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 52139 (Sub-No. 8), filed August 10, 1966. Applicant: CHICAGO, MICHIGAN & EASTERN FREIGHT LINES, INC., 9625 South Colfax Avenue, Chicago, Ill. 60617. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52574 (Sub-No. 32), filed August 5, 1966. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. 07111. Applicant's representative: August W. Heckman, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and containers therefor*, from Totowa, N.J., to points in Pennsylvania on and east of U.S. Highway 15, under contract with S. B. Thomas Baking Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 52574 (Sub-No. 33), filed August 5, 1966. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. 07111. Applicant's representative: August W. Heckman, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and containers therefor*, from Pottstown, Pa., to Linden, N.J., points in Nassau and Suffolk Counties, N.Y., and Philadelphia, Pa., under contract with Schulz Baking Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 52709 (Sub-No. 290), filed August 8, 1966. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Oregon, Washington, and Idaho, to points in Nebraska, Kansas, Missouri, Iowa, Illinois, Ohio, Indiana, Michigan, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Minnesota, Wisconsin, and Washington, D.C. NOTE: Common control may be involved. Applicant states no duplication is sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 57591 (Sub-No. 11), filed July 20, 1966. Applicant: ALBERT L. EVANS, doing business as EVANS DELIVERY COMPANY, Post Office Box 268, Pottsville, Pa. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pottsville, Pa., and Philadelphia, Pa., from Pottsville over Pennsylvania Highway 61 to Reading, Pa., thence over U.S. Highway 422 to junction Pennsylvania Highway 363, thence over Pennsylvania Highway 363 to junction Pennsylvania Highway 23, thence over Pennsylvania Highway 23 to junction Interstate Highway 76, thence over Interstate Highway 76 to Philadelphia, and return over the same route, serving no intermediate or off route points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 63973 (Sub-No. 8), filed July 21, 1966. Applicant: HARRY KALER, doing business as KALER FREIGHT LINE, 504 12th Street SE., Mason City, Iowa 50401. Applicant's representative: Clayton L. Wornson, 206 Brick and Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Mason City, and Saratoga, Iowa, on shipments having a prior out-of-State movement, from Mason City, east over U.S. Highway 18, to junction unnumbered highway, thence over unnumbered highway through Plymouth, Iowa, to junction Iowa Highway 9, thence over Iowa Highway 9 to junction Iowa Highway 337, thence over Iowa Highway 337 to junction unnumbered highway at Grafton, Iowa, thence over unnumbered highway to junction Iowa Highway 105 at Carpenter, Iowa, thence over Iowa Highway 105 to junction U.S. Highway 218, thence east over U.S. Highway 218 to junction unnumbered highway, thence over unnumbered highway to Stacyville, Iowa, thence east over unnumbered highway to junction Iowa Highway 312, thence over Iowa Highway 312 to junction Iowa Highway 9, thence over Highway 9 to Saratoga, Iowa, thence returning over Iowa Highway 9 to Osage, Iowa, thence east and south over U.S. Highway 218 to junction U.S. Highway 18, thence over U.S. Highway 18 to Mason City, Iowa, serving all intermediate points and the off-route points of Rock Falls, Otranto, Toeterville, Little Cedar, Meyer, David, Bailey, Mitchell, Orchard, and Colwell. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mason City or Des Moines, Iowa.

No. MC 63973 (Sub-No. 9), filed July 21, 1966. Applicant: HARRY KALER, doing business as KALER FREIGHT LINE, 504 12th Street SE., Mason City, Iowa 50401. Applicant's representative: Clayton L. Wornson, 206 Brick and Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Mason City, Iowa, and Thornton, Iowa: From Mason City, south over U.S. Highway 65 to Hampton, Iowa, thence west over Iowa Highway 3 to junction U.S. Highway 69, thence north over U.S. Highway 69 to Goodell, Iowa, thence east over unnumbered highway to Meservey, Iowa, thence east over unnumbered highway to Thornton, and return north over Iowa Highway 107 to Clear Lake, Iowa, thence over U.S. Highway 18 to Mason City; serving all intermediate points (except Clear Lake, Iowa) and the off-route points of Hansell, Dumont, Bristow, Geneva, Faulkner, Bradford, Latimer, Coulter, Dows, Popejoy, Galt, Alexander, Rowan, Swaledale, and Alden, Iowa; restricted to shipments having a prior or subsequent out-of-State movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mason City or Des Moines, Iowa.

No. MC 64994 (Sub-No. 79), filed July 21, 1966. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representatives: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. 27102, and James E. Wilson, 1735 K Street, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between Seaford, Del., and points within 5 miles thereof, on the one hand, and, on the other, points in Georgia, North Carolina, Virginia, and South Carolina. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64994 (Sub-No. 80), filed July 21, 1966. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representatives: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. 27102 and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods, frozen pies, not baked and frozen poultry, dressed or eviscerated*, from Macon, Marshall, Moberly, and Carrollton, Mo., to points in Connecticut, Maryland, Maine, Massachusetts, New Jersey, New York, North Carolina, New Hampshire, Delaware, Vermont, Virginia, West Virginia, Pennsylvania, Rhode Island, South Carolina, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 65019 (Sub-No. 5), filed August 8, 1966. Applicant: JAMES DAVISON, doing business as BEATRICE MOTOR FREIGHT, Beatrice, Nebr. Applicant's representative: Richard A. Peterson, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the facilities of Phillips Petroleum Co. and Cominco Products, Inc., at Hoag, Nebr., as off-route points in connection with applicant's regular route operations between Beatrice and Omaha, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 66462 (Sub-No. 10), filed August , 1966. Applicant: THE WILLETT COMPANY, a corporation, 700 South Desplaines Street, Chicago, Ill. 60607. Applicant's representative: Daniel J. Sweeney, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies*, used in the manufacture or processing of iron and steel articles, between Chicago Heights, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 74857 (Sub-No. 22), filed August 15, 1966. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the plantsite of Kentucky Asphalt Sales Terminal in Jefferson County, Ky., to points in Indiana on and south of Indiana Highway 28 and points in Brown, Butler, Clermont, Clinton, Greene, Hamilton, Highland, Montgomery, Preble, and Warren Counties, Ohio, under contract with Cargill, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., or Indianapolis, Ind.

No. MC 75651 (Sub-No. 64), filed July 21, 1966. Applicant: R.C. MOTOR LINES, INC., 2500 Laura Street, Post Office Box 2501, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Jacksonville, Fla., and Millen, Ga.: From Jacksonville, over U.S. Highway 23 via Folkston, Ga., to junction Georgia Highway 121, thence over Georgia Highway 121 to junction U.S. Highway 25, thence over U.S. Highway 25 to Millen (also from junction U.S. Highway 23 and U.S. Highway 301, over U.S. Highway 301 to Statesboro, Ga., thence over U.S. Highway 25 to Millen), and return over the same routes, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 82331 (Sub-No. 24), filed July 21, 1966. Applicant: CARTWRIGHT VAN LINES, INC., 7205-09 Prospect Avenue, Kansas City, Mo. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas, on the one hand, and, on the other, points in Washington, Oregon, California, Montana, Idaho, Nevada, Wyoming, Utah, Arizona, North Dakota, South Dakota, New Mexico, Minnesota, Iowa, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Mississippi, Michigan, Indiana, Kentucky, Alabama, Ohio, West Virginia, Virginia, North Carolina, Georgia, South Carolina, Florida, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia, and (2) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 83217 (Sub-No. 28), filed July 21, 1966. Applicant: DAKOTA EXPRESS, INC., 110 North Reid Street (Post Office Box 533), Sioux Falls, S. Dak. 57101. Applicant's representative: Henry J. Schuette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Sioux Falls, S. Dak., to Red Lodge, Mont., and Cody, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 83835 (Sub-No. 53), filed August 15, 1966. Applicant: WALES TRUCKING COMPANY, a corporation, 905 Meyers Road, Grand Prairie, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (other than oilfield and pipeline commodities as defined by the Commission in T. E. Mercer and G. E. Mercer Extension-Oilfield Commodities, 74 M.C.C. 459), from the plant and warehouse sites, and storage yards of the C F & I Steel Corp. at Pueblo, Colo., to points in Arkansas, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas, restricted to shipments originating at the plant and warehouse sites and storage yards of C F & I Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 83850 (Sub-No. 8), filed July 21, 1966. Applicant: JOHNSONS TRANSFER, INC., 2519 Morris Street, Philadelphia, Pa. 19145. Applicant's representative: Beverley S. Simms, 910 17th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products*, and materials and supplies used in the manufacture, installation, and application of gypsum and gypsum products, (1) between the plantsites, warehouses, and facilities of the United States Gypsum Co. in Baltimore, Md., on the one hand, and, on the other, points in New York, Massachu-

setts, Connecticut, Rhode Island, Vermont, and New Hampshire, and those in Virginia, West Virginia, and Pennsylvania, on and west of a line beginning at the junction of U.S. Highway 301 and the Virginia-North Carolina State line and extending through Lynchburg, Va., Clarksburg, W. Va., and Washington, Pa., to the junction of U.S. Highway 15 and the New York-Pennsylvania State line but not including any such point in Virginia, West Virginia, and Pennsylvania located within 200 miles of Baltimore, Md.; and (2) from points in Delaware and New Jersey to the plantsites, warehouses, and facilities of the United States Gypsum Co. in Baltimore, Md. NOTE: Applicant states that to the extent that the proposed commodities fall into the category of building materials, the proposed and present authorities, certificate No. MC-83850, would be joined at the common point of Baltimore, Md., for the performance of service between points in the States named in the application, on the one hand, and, on the other, points in Maryland, Pennsylvania, West Virginia, and Virginia within 200 miles of Baltimore, Md. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 85454 (Sub-No. 2), filed July 21, 1966. Applicant: BLACKWOOD'S MOTOR SERVICE, INC., 319 Pearl Street, Montgomery, Ill. 60538. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (a) between points within 50 miles of Aurora, Ill., and (b) between points within 50 miles of Aurora, Ill., on the one hand, and, on the other, points in Illinois. (2) *General commodities* (except those of unusual value, and classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points within a 50-mile radius of Aurora, Ill. (except points in the Chicago, Ill., commercial zone, in Illinois), to points in Benton, Carroll, Cass, Clinton, Fountain, Howard, Jasper, Lake, La Porte, Newton, Porter, Pulaski, Starke, Tippecanoe, Tipton, Warren, and White Counties, Ind. NOTE: Applicant conducts operations in Illinois pursuant to a Certificate of Registration in MC 85454 (Sub-No. 1). Since applicant now seeks to conduct operations in Indiana, it now seeks a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held in Chicago, Ill.

No. MC 87861 (Sub-No. 8), filed August 4, 1966. Applicant: BELL DIAMOND EXPRESS, INC., 6901 North Michigan Road, Indianapolis, Ind. 46268. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, material, and supplies used in the manufacture or processing of iron and steel articles*, between points in Lake and Porter Counties, Ind., and Lake, Cook, Du Page, and Will Counties, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 89693 (Sub-No. 39), filed August 12, 1966. Applicant: HARMS PACIFIC TRANSPORT, INC., 1430 130th Street NE., Post Office Box 66, Bellevue, Wash. 98004. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, from points in Klamath Falls County, Oreg., to points in Oregon, Washington, Idaho, California, Nevada, and Utah; and (2) *road oil, asphalt, and heavy fuel oils*, in bulk, between points in Oregon, Washington, Idaho, California, Nevada, and Utah; restricted to commodities having had a prior movement by rail. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Spokane or Seattle, Wash.; San Francisco, Calif.; or Portland, Oreg.

No. MC 89723 (Sub-No. 42), filed August 15, 1966. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis (same address as applicant). Applicant is authorized in certificate No. MC 89723 (Sub-No. 15) to transport, over regular routes, between named points therein, in Missouri, Kansas, Illinois, Arkansas, Tennessee, Louisiana, Mississippi, and Nebraska, general commodities, with certain exceptions, subject to restrictions, including certain key points. The purpose of the subject application is to seek authority to operate over the routes contained in MC 89723 (Sub-No. 15) by removal of Salina, Kans., as a key point in said certificate. The proposed authority is to be subject to the remaining key point restrictions and other restrictions contained in said certificate. NOTE: Applicant is a wholly owned subsidiary of Missouri Pacific Railroad Co.; therefore, common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salina, Kans., or Kansas City, Mo.

No. MC 95540 (Sub-No. 682), filed August 8, 1966. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. 31792. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Post Office Box XX, Thomasville, Ga. 31792. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, from Gordon, Nebr., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 99206 (Sub-No. 3), filed July 21, 1966. Applicant: SKYLINE TRANSPORTATION, INC., 2530 Mitchell Street, Knoxville, Tenn. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) (1) between Knoxville, Tenn., and the Tennessee-North Carolina State line at Deal's Gap, Tenn., over Tennessee Highways 71 and 35, via Sevierville, Tenn.; (2) between Sevierville, Tenn., and Douglas Dam, Tenn.: From Sevierville, over Allensville Road to junction Alder Branch Road, thence over Alder Branch Road to Douglas Dam, and return over the same route; (In the event a new highway is constructed between the above two points, applicant will also have the right to operate over it.); (3) between Sevierville, Tenn., and Newport, Tenn., over Tennessee Highway 35; (Service is not authorized between Newport and Knoxville, Tenn.); (4) between Knoxville, Tenn., and Jellico, Tenn., over Tennessee Highways 9 and 63, via La Follette, Tenn.; (5) between La Follette, Tenn., and Arthur, Tenn., over Tennessee Highway 63; (6) between Lake City, Tenn., and Cove Creek, Tenn., over U.S. Highway 25W; (7) between Knoxville, Tenn., and Cove Creek Dam Site, Tenn.: From Knoxville, over Tennessee Highway 33 to Hall's Crossroads, Tenn., thence over U.S. Highway 441 to junction U.S. Highway 25W, thence over U.S. Highway 25W to Cove Creek Dam Site; and return over the same route; (8) between Knoxville, Tenn., and the Tennessee-Kentucky State line: From Knoxville, over Tennessee Highway 33 to junction U.S. Highway 25E, thence over U.S. Highway 25E to the Tennessee-Kentucky State line; and return over the same route.

(9) Between Knoxville, Tenn., and the Tennessee-Kentucky State line: From Knoxville, over U.S. Highway 11W to junction U.S. Highway 25E, thence over U.S. Highway 25E to the Tennessee-Kentucky State line, and return over the same route, as an alternate route for operating convenience only; (10) between Knoxville, Tenn., and Gatlinburg, Tenn.: From Knoxville, over U.S. Highway 70 to junction Tennessee Highway 32 at Newport, Tenn., thence over Tennessee Highway 32 to junction Tennessee Highway 73 near Cosby, Tenn., thence over Tennessee Highway 73 to Gatlinburg, Tenn., and return over the same route; (11) between Knoxville, Tenn., and Newport, Tenn.; from Knoxville, over Tennessee Highway 71 to junction U.S. Highway 411, thence over U.S. Highway 411 to Newport, and return over the same route; and (12) between Knoxville, Tenn., and Melton Hill Dam Site, Tenn., at or near a point where Tennessee Highway 95 crosses the Clinch River, and points within a 5-mile radius thereof: From Knoxville, over Interstate Highway 40 to junction Tennessee Highway 95, thence over Tennessee Highway 95 to Melton Hill Dam Site, and return over the same route; and (B) (1) between Jellico, Tenn., and Jellico, Ky., over U.S. Highway 25W; and (2) between junction Tennessee Highway 90 and U.S. Highway 25W at or near Morley, Tenn., and Fonde, Ky.: From junction Tennessee Highway 90 and U.S. Highway 25W, over Tennessee Highway 90 to the Tennessee-Kentucky State line, thence over Kentucky Highway 74 to Fonde, Ky., and return over the same route; serving all intermediate points in (A) and (B) above. NOTE: Applicant states that the purpose of the application is to convert present routes from a Certificate of Registration, MC 99208 (Sub-No. 2), to a Certificate of Public Convenience and Necessity and extension to Jellico, Pruden, and Fonde, Ky. Applicant presently holds authority in (A) above, and proposes to tack the routes in (B) above for through service. Applicant further states that, upon issuance of a Certificate of Public Convenience and Necessity, it will surrender its Certificate of Registration. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Chattanooga, Tenn.

No. MC 100666 (Sub-No. 89), filed August 12, 1966. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles, posts, and piling*, between points in Louisiana and Mississippi. NOTE: Applicant states that it will tack proposed authority with presently held authority, in which it is authorized to operate in the States of Mississippi, Alabama, Kentucky, Tennessee, Florida, Georgia, Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Virginia, West Virginia, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., Oklahoma City, Okla., or Jackson, Miss.

No. MC 100666 (Sub-No. 90), filed August 12, 1966. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in New Mexico to points in Texas. NOTE: Applicant states that it will tack proposed authority with presently held authority, in which it is authorized to operate in the States of Texas, Arkansas, Kansas, Louisiana, Missouri, and Oklahoma. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Albuquerque, N. Mex.

No. MC 102150 (Sub-No. 11), filed August 8, 1966. Applicant: JENSEN TRANSPORT, INC., Highway 65 South, Albert Lea, Minn. 56007. Applicant's representative: Jack F. C. Gillard, 216 East Main Street, Post Office Box 947, Albert Lea, Minn. 56007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from the Mid-American Pipeline Terminal located in Blue Earth County, Minn., near the Village of Vernon Center, Minn., to points in Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Des Moines, Iowa.

No. MC 102616 (Sub-No. 808), filed July 26, 1966. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, between points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103051 (Sub-No. 210), filed July 21, 1966. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 403-11 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfural*, in bulk, in tank vehicles, from Belle Glade, Fla., to Port Everglades, Fla. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or Atlanta, Ga.

No. MC 103436 (Sub-No. 190), filed July 21, 1966. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, East 915 Springfield Avenue, Spokane, Wash. 99220. Applicant's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the *Description in Motor Carrier Certificate* from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Idaho, Illinois, Montana, North Dakota, Oregon, South Dakota, Wyoming, Indiana, Washington, Nebraska, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 103993 (Sub-No. 263), filed August 15, 1966. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, in truckaway service, from points in Richland County, S.C., to points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 104654 (Sub-No. 143), filed July 21, 1966. Applicant: COMMERCIAL TRANSPORT, INC., Belleville, Ill. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum asphalt and road oil*, from Wood River, Ill., to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 105813 (Sub-No. 146), filed August 12, 1966. Applicant: BELFORD TRUCKING CO., INC., 3500 North West 79th Avenue, Miami, Fla. 33144. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fort Wayne, Ind., to points in Arkansas, Florida, Georgia, Iowa, Kansas, Missouri, Oklahoma, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106644 (Sub-No. 70), filed August 8, 1966. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NE., Atlanta, Ga. 30321. Applicant's representative: Guy H. Postell, 1375 Peachtree Street NE., Suite 693, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite of United States Plywood Corp. at or near Holden, La., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107002 (Sub-No. 322) (Correction), filed July 21, 1966, published FEDERAL REGISTER, issue of August 18, 1966, and republished this issue. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Highway 80 West, Post Office Box 1123, Jackson, Miss. Applicant's representatives: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006, and Harold D. Miller, Jr., Post Office Box 1250, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Geismar, La., and points within 15 miles thereof (except Baton Rouge and Plaquemine, La.), to points in California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, New Jersey, North Carolina, North Dakota, Oregon, Ohio, Pennsylvania, South Carolina, South Dakota, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states that it will tack any of its present authority, in which it is authorized to operate in points in the United States, destinating traffic to Geismar, La., and points within 15 miles thereof (except Baton Rouge, La., and Plaquemine, La.), with the authority sought herein. The purpose of this republication is to show the correct docket number as set forth above in lieu of MC 107002 (Sub-No. 32), which was in error. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107107 (Sub-No. 376), filed August 11, 1966. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk, in tank vehicles), from the plantsite of North Aurora Packing Co., located at or near Aurora, Ill., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina. Restricted to traffic originating at said plantsite. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 96), filed August 11, 1966. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Pittsburg, Kans., to points in Alabama, Texas, Georgia, Louisiana, Mississippi, Missouri, and Oklahoma. NOTE: Applicant states the proposed authority can or will be joined with its presently authorized authority at any point in Missouri. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 107515 (Sub-No. 554), filed July 21, 1966. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved foodstuffs*, not frozen, from points in New York on and west of U.S. Highway 11 to points in Michigan (Lower Peninsula), Ohio, Missouri, Illinois, Indiana, Omaha, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 108053 (Sub-No. 74), filed July 21, 1966. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., 1520 West 23d Street, Post Office Box 129, Fremont, Nebr. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Arizona, California, Nevada, Oregon, Utah, and Washington. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 108119 (Sub-No. 14), filed July 21, 1966. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 2330 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require special equipment or special handling, and *related parts, materials, and supplies* not requiring special handling or the use of special equipment when their transportation is incidental to the transportation by carrier of commodities which, by reason of size or weight, require special handling or the use of special equipment, (1) between points in Indiana, Illinois, Michigan, Ohio, and Wisconsin, on the one hand, and, on the other, points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada (except points in Iowa, Alaska, Hawaii, Washington, Idaho, and Oregon); and (2) between points in Wisconsin, on the one hand, and, on the other, points in the United States on and east of the line described above. NOTE: Applicant states that it presently holds all the authority sought herein, but to perform service it must "gateway" through the State of Minnesota. By this application, applicant seeks only to avoid using said gateway. Applicant further states that no duplicate authority is sought, and proposed authority may be restricted so it is nonseverable. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108411 (Sub-No. 3), filed July 21, 1966. Applicant: STEARLY'S MOTOR FREIGHT, INC., Box 31, Conshohocken, Pa. 19428. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and articles of iron or steel manufacture, including aluminum sheet steel*, (1) between Salem, N.H., and Southington, Conn., (2) from Conshohocken and Fairless, Pa., to Salem, N.H., and (3) from Pittsburgh, Pa., and Glendale, Wier Cove, Wheeling, and Wierton, W. Va., to Salem, N.H., and Southington, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Harrisburg, Pa.

No. MC 108411 (Sub-No. 4), filed July 21, 1966. Applicant: STEARLY'S MOTOR FREIGHT, INC., Box 31, Conshohocken, Pa. 19428. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and equipment and industrial equipment, including tractors and parts and accessories thereof* when part of the same shipment and on the same bill of lading, from Rock Island, Chicago, and Melrose Park, Ill., and Louisville, Ky., to receiving stores or warehouses of Collegeville Equipment Co., Inc., at Collegeville, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 108449 (Sub-No. 240), filed August 8, 1966. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant and terminal facilities of Olin Mathieson Chemical Corp. at or near Joliet, Ill., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Wisconsin, Kentucky, and Ohio. NOTE: Applicant states that the above-proposed authority could or would be tacked with authorized operating authority in MC 108449, and Subs 136, 161, 183, and 199, wherein it is authorized to operate in Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, and South Dakota. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108449 (Sub-No. 241), filed August 8, 1966. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Lime*, in bulk, in bags or packages, and, (2) *cement*, in bags or packages, from Superior, Wis., to points in Minnesota. NOTE: Applicant states that the above-proposed operation could or would be tacked with present authority in MC 108449, Sub 166, wherein it is authorized to operate in Minnesota, Iowa, North Dakota, and South Dakota. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109124 (Sub-No. 13), filed July 21, 1966. Applicant: SENTLE TRUCKING CORPORATION, 210 Alexis Road, Toledo, Ohio. Applicant's representative: Carl L. Steiner, Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Joliet and Waukegan, Ill., points in the Chicago, Ill., commercial zone, as defined by the Commission, Portage and Chesterton (Burns Harbor, Ind.), on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109324 (Sub-No. 17), filed August 4, 1966. Applicant: GARRISON MOTOR FREIGHT, INC., 117 East Prospect, Harrison, Ark. 72601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and in tank vehicles, and those requiring special equipment), (1) between Mountain Home, Ark., and Memphis, Tenn., and the commercial zone thereof, as follows: From Mountain Home, over U.S. Highway 62 to junction U.S. Highway 63, thence over U.S. Highways 62 and 63 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction Interstate Highway 55, and thence over Interstate Highway 55 to Memphis; (2) between Norfork, Ark., and Memphis, Tenn., and the commercial zone thereof, as follows: From Norfork, over Arkansas Highway 5 to junction Arkansas Highway 56, thence over Arkansas Highway 56 to junction U.S. Highway 167, thence over U.S. Highway 167 to junction U.S. Highways 62 and 63, thence over U.S. Highways 62 and 63 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction Interstate Highway 55, and thence over Interstate Highway 55 to Memphis; and (3) between Norfork, Ark., and Memphis, Tenn., and the commercial zone thereof, as follows: From Norfork, over Arkansas Highway 5 to junction Arkansas Highway 56, thence over Arkansas Highway 56 to junction Arkansas Highway 9, thence over Arkansas Highway 9 to junction Arkansas Highway 69, thence over Arkansas Highway 69 to junction U.S. Highway 167, thence over U.S. Highway 167 to junction Arkansas Highway 14, thence over Arkansas Highway 14 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction Interstate Highway 55, and thence over Interstate Highway 55 to Memphis; and return over the same routes, serving no intermediate points. Restriction: Proposed authority is to be restricted against the rendition of service (1) between Memphis, Tenn., and the commercial zone thereof, and Little Rock, Ark., and the commercial zone thereof; and (2) between Memphis, Tenn., and the commercial zone thereof, and Conway, Ark., and the commercial zone thereof; and (3) between Memphis, Tenn., and the commercial zone thereof, and Springfield, Mo., and the commercial zone thereof. Foregoing restrictions are applicable to traffic originating or interlined at named points. NOTE: Applicant states that no duplicating authority is sought. Applicant further states that it intends to tack the above-described routes at Mountain Home and Norfork, Ark., with presently existing authority, MC 109324 and Subs thereunder, in which applicant is authorized to operate in the State of Arkansas. If a hearing is deemed necessary, applicant requests it be held at Harrison or Little Rock, Ark.

No. MC 109397 (Sub-No. 144), filed June 20, 1966. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, 315 East Seventh Street, Post Office Box 113, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive materials and empty containers*, between the Naval Research Laboratory, Washington, D.C., and Tuxedo Park, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109397 (Sub-No. 145), filed August 5, 1966. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting materials, blasting supplies*, and *blasting agents*, between the plantsite of Pacific Works of Hercules Inc. near Tenino, Wash., and Olympia, Mats Mats, and Bangor, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or San Francisco, Calif.

No. MC 109455 (Sub-No. 6), filed July 20, 1966. Applicant: GEORGIA-FLORIDA MOTOR EXPRESS, INC., 2500 Laura Street, Post Office Box 2501, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between junction Georgia Highway 42 and Georgia Highway 87, near Flovilla, Ga., and Macon, Ga., over Georgia Highway 87; (2) between Macon, Ga., and Eastman, Ga., over Georgia Highway 87; and (3) between Tarversville, Ga., and Warner Robins, Ga.; From Tarversville, over Georgia Highway 96 to Bonaire, Ga., thence over Georgia Highway 247 to Warner Robins; and return over the same routes, serving no intermediate points, but serving Tarversville, Ga., in (2) and (3) above, for the purpose of joinder only, as alternate routes for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Macon or Atlanta, Ga.

No. MC 110157 (Sub-No. 28) (Correction), filed July 19, 1966, published in FEDERAL REGISTER issue of August 11, 1966, corrected, and republished this issue. Applicant: LANG TRANSIT CO., a corporation, 38th Street and Quirt Avenue, Lubbock, Tex. 79404. Applicant's representative: W. D. Benson, Jr., 900 Citizens Tower, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lubbock, Tex., and Clovis, N. Mex., over U.S. Highway 84, serving Amherst, Sudan, and Farwell, Tex., and Texico, N. Mex., as intermediate points. NOTE: The purpose of this republication is to show that Farwell is in Texas, in lieu of New Mexico. Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Lubbock or Amarillo, Tex., or Clovis, N. Mex.

No. MC 111323 (Sub-No. 2), filed August 15, 1966. Applicant: DALE NICHOLS, doing business as NICHOLS TRUCKING COMPANY, 323 Southw st Fourth Street, Brainerd, Minn. 56401. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Milwaukee, Wis., to Little Falls, Pierz, and St. Cloud, Minn., and, (2) from La Crosse and Sheboygan, Wis., to Brainerd and St. Cloud, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 111435 (Sub-No. 31) (Correction), filed July 21, 1966, published FEDERAL REGISTER issue of August 18, 1966,

and republished this issue as corrected. Applicant: C & E TRUCKING CORPORATION, Saugerties, N.Y. Applicant's representative: William T. Croft, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, and blends of liquid and/or invert sugar and/or corn syrup*, from Yonkers, N.Y., and Bayonne, N.J., to Chestertown, Md., under contract to Refined Syrups & Sugars, Inc. NOTE: The purpose of this republication is to show the correct docket number as set forth above, in lieu of No. MC 11435 (Sub-No. 31), which was in error. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 113267 (Sub-No. 170), filed August 15, 1966. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris, Caseyville, Ill. 62232. Applicant's representative: R. H. Burroughs, 115 East Main Street, Collinsville, Ill. 62234. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Arkansas, Louisiana, Mississippi, and Tennessee. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 113470 (Sub-No. 3), filed July 17, 1966. Applicant: SLINGER TRANSFER CO., INC., W142 N9078 Fountain Boulevard, Menomonee Falls, Wis. 53055. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cedarburg, Wis., and junction Wisconsin Highways 60 and 175: From Cedarburg, over Wisconsin Highway 143 to junction Wisconsin Highway 60, thence over Wisconsin Highway 60 to junction Wisconsin Highway 175, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 113651 (Sub-No. 117), filed August 10, 1966. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses* as described in appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., Storm Lake and Postville, Iowa, to points in Maine and Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or Detroit, Mich.

No. MC 113678 (Sub-No. 264), filed August 15, 1966. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, fresh and frozen, and packinghouse products*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lemont and Chicago, Ill., to Providence, R.I., Boston, Mass., points in the New York, N.Y., commercial zone, Long Island, N.Y., Hoboken, N.J., Philadelphia, Pa., Washington, D.C., Detroit, Mich., Hartford, Conn., Denver, Colo., and Cleveland, Akron, and Youngstown, Ohio. NOTE: Applicant states that it will tack at Chicago, Ill., to serve from Denver, Colo.; Denison and Fort Dodge, Iowa; plantsites at Cherokee, Iowa, and Grand Island, Nebr., and Garden City, Kans., to the points sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113843 (Sub-No. 120) (Amendment), filed July 18, 1966, published FEDERAL REGISTER issue of August 18, 1966, amended August 16, 1966, and republished as amended this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Detroit, Mich., to points in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: The purpose of this republication is to amend the commodity description by including dairy products. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 114019 (Sub-No. 165), filed August 12, 1966. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, unmixed (glucose), corn syrup and blends thereof, starch, dextrin, steepwater, corn oil, and corn flour*, in bulk, from Lafayette, Ind., to points in the United States (except Alaska and Hawaii), and *rejected shipments*, on return. Restriction: Restricted to traffic originating at the plantsite and/or warehouse facilities of Anheuser-Busch, Inc., at Lafayette, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Indianapolis, Ind., or St. Louis, Mo.

No. MC 114045 (Sub-No. 255), filed August 15, 1966. Applicant: TRANS-COLD EXPRESS, INC., Finley and Belt Line Road, Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, in vehicles equipped with mechanical refrigeration, from Dunn, N.C., to points in New Jersey, New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Texas, Oklahoma, Kansas, Nebraska, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, and Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 114091 (Sub-No. 76), filed August 10, 1966. Applicant: HUFF TRANSPORT CO., INC., 4125 Algonquin Parkway, Louisville, Ky. 40213. Applicant's representative: Rudy Yessin, Box 457, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk and in packages, from the site of the Kentucky Asphalt Sales Terminal, Jefferson County, Ky., to points in Indiana and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 114290 (Sub-No. 29), filed August 15, 1966. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Frozen foods, and fresh and cured meats*, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(B)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen foods and fresh and cured meats; from points in California to points in Oregon and Washington, and Lewiston, Idaho; and (B) *canned goods*, from points in California to points in Oregon and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 115840 (Sub-No. 27), filed July 21, 1966. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West (Post Office Box 2169), Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, aluminum and aluminum products, and related machinery parts and related contractors' materials and supplies when moving therewith* (except in bulk or tank vehicles), between points in Jefferson County, Ala., on the one hand, and, on the other, points in Alabama, North Carolina, South Carolina, Kentucky, Virginia, and West Virginia. NOTE: Applicant states it could tack from Mississippi and that part of Louisiana east of the Mississippi River, at Birmingham, Ala. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115841 (Sub-No. 297), filed July 21, 1966. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West (Post Office Box 2169), Birmingham, Ala. 35201. Applicant's representatives: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. 37201, and C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candies and confectionery products*, in vehicles with mechanical refrigeration (except in bulk or tank vehicles), from Nashville, Tenn., to points in Tennessee and Kentucky on and west of U.S. Highway 127. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 116763 (Sub-No. 29), filed July 21, 1966. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used tires and tubes, rubber retreading materials, and plastic materials*, except commodities in bulk, between Greenville and Bryan, Ohio, and Mayfield, Ky., on the one hand, and, on the other hand, all points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, West Virginia, Rhode Island, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116763 (Sub-No. 106), filed July 21, 1966. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper articles, and printed material*, from points in Maine to points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 116763 (Sub-No. 107), filed July 21, 1966. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper articles, and printed materials*, from points in Maine, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 117119 (Sub-No. 339), filed July 21, 1966. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Engravers plates zinc, photo distillate* (2) *chemicals, photographer's material*, in vehicles equipped with temperature controlled devices, from Brooklyn, and Bronx, N.Y., to Joplin, Mo., Little Rock, Hot Springs, and Texarkana, Ark., Tulsa and Oklahoma City, Okla., Dallas, Houston, Fort Worth, San Antonio, Austin, Waco, and Corpus Christi, Tex., Wichita and Parsons, Kans., Denver and Colorado Springs, Colo., Los Angeles and San Francisco, Calif., and Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Denver, Colo.

No. MC 117574 (Sub-No. 155), filed August 5, 1966. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Motor Route No. 3, Carlisle, Pa. Applicant's representative: D. E. Lein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117654 (Sub-No. 156), filed August 8, 1966. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Motor Route No. 3, Carlisle, Pa. 17013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, and iron and steel products, machinery, boilers, and contractors' equipment*, between points in Franklin County, Ohio, on the one hand, and, on the other, points in Kentucky, West Virginia, Indiana, Michigan, and Pennsylvania, and (2) *commodities the transportation of which, because of their size or weight, requires the use of special equipment, and related iron and steel and iron and steel products when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight requires special equipment*, (a) between points within 80 miles of Columbus, Ohio, including Columbus, (b) between Columbus and points within 80 miles thereof (except points in Franklin County), on the one hand, and, on the other, points in Kentucky, West Virginia, Indiana, Michigan, and Pennsylvania, and (c) between Columbus and points within 80 miles thereof, on the one hand, and, on the other, points in Illinois and New York. NOTE: Applicant requests that this application be heard on a consolidated record with No. MC-F-8956, in which a petition for further hearing is pending. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117815 (Sub-No. 113), filed July 19, 1966. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in section A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, and Wisconsin, restricted to traffic originating at the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 117933 (Sub-No. 6), filed August 4, 1966. Applicant: LOUIS G. PARIS, Box "O," Kreba, Okla. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Houston, Tex., to points in Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118196 (Sub-No. 81), filed August 8, 1966. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Utah, to points in Washington, Oregon, California, and Arizona. NOTE: Applicant states the proposed authority could be joined with its presently authorized operating authority in MC 118196 Subs 2, 13, 26, 27, and 29 wherein it is authorized to operate in the States of Arizona, Arkansas, Minnesota, Missouri, California, Colorado, Idaho, Illinois, Iowa, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wisconsin, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 118196 (Sub-No. 83), filed August 11, 1966. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Albert Lea, Minn., to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; restricted to traffic originating at the plantsite or storage facilities of Miami Margarine Co., located at Albert Lea, Minn.; and further restricted in that foodstuffs must move in mixed loads with margarine and/or dairy products. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118196 (Sub-No. 84), filed August 11, 1966. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Albert Lea, Minn., to points in Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas; restricted to traffic originating at the plantsite or storage facilities of Miami Margarine Co., located at Albert Lea, Minn.; and further restricted in that foodstuffs must move in mixed loads with margarine and/or dairy products. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118989 (Sub-No. 7), filed July 21, 1966. Applicant: CONTAINER TRANSIT, INC., 5323 South Ninth Street, Milwaukee, Wis. Applicant's representative: Richard A. Hellprin, Post Office Box 941, 222 South Hamilton Street, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass bottles, glass jars, closures, lids, caps, covers, paper cartons* and *cases*, and *partitions*, from Lincoln, Ill., to Milwaukee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 119075 (Sub-No. 1), filed August 15, 1966. Applicant: ELLIS INTERSTATE CORPORATION, Post Office Box 336, 45–561 Oasis Street, Indio, Calif. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant of the Riverside Division of the American Cement Corp. at Oro Grande, Calif., to points in Clark, Lincoln, and Nye Counties, Nev. NOTE: Applicant states it is now authorized to serve the above counties in Nevada from the plantsite of Permanente Cement Co. at Cushenbury (San Bernardino County), Calif. If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev., or Los Angeles, Calif.

No. MC 119388 (Sub-No. 10), filed July 21, 1966. Applicant: GLEN R. ELLIS, 3911 Jerome Avenue, Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (empty malt beverage containers on return) (1) from Cumberland, Md., to points in Tennessee (except Chattanooga); (2) from Chicago, Ill., to points in Tennessee on and east of U.S. Highway 231 (except Chattanooga); and (3) from Baltimore, Md., to Chattanooga and Knoxville, Tenn. NOTE: Applicant states it will tack on Route 3 at Chattanooga, Tenn., with presently held authority in its Sub 2, for service to points in Georgia and Florida. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Nashville, or Knoxville, Tenn.

No. MC 119547 (Sub-No. 14), filed July 12, 1966. Applicant: EDGAR W. LONG, Route No. 4, Zanesville, Ohio. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Rochester, N.Y., to Cambridge, Ohio; and *empty malt beverage containers*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119726 (Sub-No. 9), filed July 21, 1966. Applicant: N. A. B. TRUCKING CO., INC., 939 Union Street, Indianapolis, Ind. Applicant's representative: James L. Beattey, 130 East Washington Street, No. 1021, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between Portage, Ind., on the one hand, and, on the other, points in Tennessee, Georgia, Alabama, Florida, Mississippi, Louisiana, Arkansas, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119767 (Sub-No. 181), filed July 21, 1966. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Prepared food products, dairy products, equipment, materials, and supplies*, used or useful in the packing, preparation and sale of these commodities, serving Plymouth, Minn., as an off-route point in connection with applicant's present authority acquired pursuant to MC–F 9095, consummated July 25, 1966. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 119934 (Sub-No. 130), filed July 20, 1966. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles, (1) from points in Michigan (except Alma, Charlotte, Detroit, Grand Rapids, Ionia, Jackson, Riga, and Trenton) to points in Indiana, and Ohio; also, (2) from Van Wert and Spencerville, Ohio, to points in Illinois and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119934 (Sub-No. 131), filed August 4, 1966. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry polyethylene resins*, in bulk, in tank vehicles, from Xenia, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123393 (Sub-No. 164), filed July 19, 1966. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 948, Commercial Station, Springfield, Mo. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, food and feed and feed ingredients, and supplements thereto* (except in bulk in tank vehicles), from points in La. Fourche Parish, La., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 123393 (Sub-No. 165), filed August 8, 1966. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. 65803. Applicant's representative: Harley E. Laughlin, Post Office Box 948 (Commercial Station), Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Closures for bottles, glasses, or jars*, from New Market, N.J., to points in Arkansas, Kansas, Missouri, Nebraska, Oklahoma, and points in Tennessee on and west of Interstate No. 65. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123486 (Sub-No. 7), filed July 21, 1966. Applicant: CAROLINA-VIRGINIA COURIERS INC., 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Ewell E. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments, including originals and copies of checks, drafts, notes, money orders, travelers' checks, and canceled bonds, and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips, and debit and credit records* (except coin, currency, bullion and negotiable securities), between Charlotte, N.C., on the one hand, and, on the other, points in South Carolina, under continuing contracts with banks and banking institutions only, namely, national banks, State banks, Federal Reserve Banks, savings and loan associations, and saving banks. NOTE: Applicant holds common carrier authority under MC 127431 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Columbia, S.C.

No. MC 124174 (Sub-No. 54), filed July 21, 1966. Applicant: MOMSEN TRUCKING CO., a corporation, Highway 71 and 18 North, Spencer, Iowa. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the terminal of Spector Freight System, Inc., on Minnesota Highway 49 in Egan Township, Dakota County, Minn., located approximately one-half mile south of the junction of Minnesota Highway 49 and 55, as an off-route point in connection with applicant's regular route operations.

No. MC 124208 (Sub-No. 2), filed July 21, 1966. Applicant: B. E. McDANIEL COMPANY, INCORPORATED, Middletown, Va. Applicant's representative: John P. Anderson, Gralchen Building, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, and in bulk, *agricultural lime and agricultural limestone*, dry and in bulk, in spreader mounted vehicles, from Baltimore, Md., to Washington, D.C., under contract with Agrico Chemical Co., a division of Continental Oil Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124408 (Sub-No. 6), filed July 21, 1966. Applicant: THOMPSON BROS., INC., Post Office Box 457, Toronto, S. Dak. 57268. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing materials, steel posts, smooth and barbed wire, nails, and reinforcing mesh*, from Duluth, Minn., to points in South Dakota, Nebraska, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 124774 (Sub-No. 60), filed July 21, 1966. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. 68701. Applicant's representative: David D. Tews, Post Office Box 4843, State House Station, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in South Dakota to Darr, Lincoln, and Norfolk, Nebr. NOTE: Applicant states it would tack at Norfolk, Nebr., with its present authority in MC 124774 and Subs 5, 14, and 17 wherein it conducts operations in the States of Nebraska, Iowa, Colorado, Kansas, Minnesota, Missouri, Illinois, Wisconsin, Michigan, Kentucky, Tennessee, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Omaha, Nebr.

No. MC 124796 (Sub-No. 33), filed August 8, 1966. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson Avenue, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, NSRA Building, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts and accessories, automotive jacks and cranes* (not self-propelled), *hand, electric, and pneumatic tools and advertising materials, premiums, racks, display cases, and signs*, from Aberdeen, Prairie Junction, and Holly Springs, Miss., to points in Texas, under contract with Walker Manufacturing Corp., Racine, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New Orleans, La.

No. MC 125777 (Sub-No. 103), filed August 4, 1966. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer material*, in bulk, in dump vehicles, from Springfield, Ill., to points in Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126014 (Sub-No. 4), filed August 18, 1966. Applicant: ELMER D. PALMER, Route 1, Fox Ridge, Ark. 72751. Applicant's representative: John H. Joyce, 37 North College, Fayetteville, Ark. 72702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, animal and poultry feed ingredients, and supplements* thereto, in bulk and in sacks; from points in Arkansas and Missouri, to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Louisiana, Nebraska, Ohio, Oklahoma, Tennessee, and Texas, under contract with Ralston Purina Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Kansas City, Mo., or Little Rock, Ark.

No. MC 126439 (Sub-No. 5), filed August 11, 1966. Applicant: CAMIRAND CARTAGE, LTD., 46 Milton Street, Ville St. Pierre, Province of Quebec, Canada. Applicant's representative: Douglas C. Pierson, 181 South Union Street, Burlington, Vt. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *classes A and B explosives*, from points on the international boundary line between the United States and Canada, located at New York and Vermont, on the one hand, and, on the other, points in the United States, under contract with Canadian Industries, Ltd., and Canadian Arsenals, Ltd., Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Burlington, Vt.

No. MC 127042 (Sub-No. 17), filed August 11, 1966. Applicant: HAGEN, INC., 4120 Floyd Street, Sioux City, Iowa. Applicant's representative: J. Max Harding, Nelsen, Harding, Ackile, Leonard and Tate 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the *Descriptions in Motor Carrier Certificates*, from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Illinois, Indiana, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming. NOTE: Applicant holds contract authority in MC 118918, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 128021 (Sub-No. 1), filed August 15, 1966. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 306 Columbus Parkway, Opelika, Ala. Applicant's representative: Robert E. Tate, 2026 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Physical fitness, gymnastic, athletic, and sporting goods equipment, ping pong tables, exer-cycles and boat anchors*, from the plantsite of Diversified Products Corp. of California at Gardena, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of physical fitness, gymnastic, athletic, and sporting goods equipment, ping pong tables, exer-cycles and

boat anchors, from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, to the plantsite of Diversified Products Corp. of California, at Gardena, Calif., under contract with Diversified Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Los Angeles, Calif.

No. MC 128053 (Sub-No. 2), filed July 21, 1966. Applicant: MORRIS J. DEMAREE, JR., doing business as GENERAL TRUCKING, 3226 Saint Johns Avenue, Billings, Mont. 59102. Applicant's representative: J. F. Meglen, 2822 Third Avenue North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, in cans and bottles, by cases and in kegs*, from St. Paul, Minn., and Milwuakee, Wis., to points in Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 128076 (Sub-No. 3), filed July 22, 1966. Applicant: PROTECTIVE SERVICE COMPANY, 725–29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: Peter Platten, 1035 Land Title Building, Philadelphia, Pa. 19110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, reports, records, and audit and accounting media of all kinds* (excluding plant removals), between points in Dauphin, Bucks, and Blair Counties, Pa., and Baltimore County, Md., under contract with D & H Distributing Co., Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia or Harrisburg, Pa.

No. MC 128076 (Sub-No. 4), filed July 22, 1966. Applicant: PROTECTIVE SERVICE COMPANY, 725–29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: Peter Platten, 1035 Land Title Building, Philadelphia, Pa. 19110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media of all kinds* (excluding plant removals), between Harrisburg, Pa., Baltimore, Md., and Washington, D.C., under contract with The Service Bureau Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia or Harrisburg, Pa.

No. MC 128407 (Sub-No. 1), filed August 4, 1966. Applicant: MIDWEST TRANSPORT COMPANY, a corporation, 860 West Cypress, Covina, Calif. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated iron and steel products, machinery, and parts and attachments therefor*, from the plantsite and warehouses of Pacific Coast Engineering, Alameda, Calif., to points in the United States (except Alaska and Hawaii), and (2) *raw steel*, on return, under contract with Pacific Coast Engineering, Alameda, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 128445 (Sub-No. 1), filed August 4, 1966. Applicant: STEVEN K. DOMBROSKI, doing business as SPORTS-LAND BEER DIST. COMPANY, 213 North Huron Street, Cheboygan, Mich. 49721. Applicant's representative: Rodger T. Ederer, 117 West Allegan, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and wines*, from Milwaukee, Wis., St. Paul, Minn., St. Louis, Mo., South Bend, and Fort Wayne, Ind., to Alpena, East Tawas, Grayling, Petoskey, and Tawas City, Mich.; and *empty containers and cooperage*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 128448 (Sub-No. 1), filed July 21, 1966. Applicant: C. G. WESTLUND, doing business as WESTLUND TRUCKING CO., 1018 Doyle Street, Oildale, Calif. Applicant's representative: Donald Murchison, Suite 211, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in appendix V of the Commission's Ex Parte MC–45 "*Descriptions in Motor Carrier Certificates*" 61 M.C.C. 209, and *metal fabricated and prefabricated articles*, from the ports of Long Beach, Los Angeles (including Wilmington, Terminal Island and San Pedro Districts), Hueneme, San Francisco, Oakland, and harbor dock facilities and installations at Alameda and Stockton, Calif., to Bakersfield, Calif., under contract with Hopper, Inc.

No. MC 128452 (Sub-No. 1), filed August 11, 1966. Applicant: KENNETH MACKENZIE & DOUGLAS MACKENZIE, a partnership, doing business as MACKENZIE'S MOVING & STORAGE, 1660 South Dixie Avenue, Vero Beach, Fla. Applicant's representative: John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla. 33125. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies* used in the installation, maintenance, and repair of such equipment for the account of Western Electric Co., Inc., such equipment, material, and supplies having a prior or subsequent movement in Interstate Commerce; between Vero Beach, Fla., on the one hand, and, on the other, points in Okeechobee, St. Lucie, Martin, and Indian River Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 128472 (Sub-No. 2), filed July 21, 1966. Applicant: BARTZ CARTAGE COMPANY, INC., 2611 Industrial Drive, Racine, Wis. 53403. Applicant's representative: John T. Porter, 1 South Pinckney, Room 708, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Bristol and Racine, Wis., from Bristol, over U.S. Highway 45 to junction Wisconsin Highway 11, thence over Wisconsin Highway 11 to Racine, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 128479 (Sub-No. 1), filed August 10, 1966. Applicant: FLOYD J. TREDWAY, doing business as DAYTONA MOVING AND STORAGE COMPANY, 1640 Mason Avenue, Daytona Beach, Fla. Applicant's representative: Norman J. Bolinger, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Daytona Beach, Fla., and points in Flagler and Volusia Counties, Fla., under contract with Western Electric Co., Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 128491, filed July 20, 1966. Applicant: GEORGE JOHN JOHANNSON, doing business as JOHANNSON TRUCKING, Route 1, Deer Park, Wis. 54007. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and ice milk mix, packaging, paper cartons, and supplies, and products used, distributed and sold by Dairy Queen Outlets*, from Stillwater, St. Paul, and Minneapolis, Minn., to points in Wisconsin, Minnesota, and Esterville, Iowa, under contract with Regal Services, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128494, filed July 21, 1966. Applicant: SOLOMON KOVLER, 6519 Everett Street, Philadelphia, Pa. 19149. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Housewares, such as, but not limited to bread boxes, brush holders, canisters, bathroom scales, towel dispensers, hampers, etc.*, and, *new furniture*, between New York, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 128507, filed July 21, 1966. Applicant: KENOSHA CARTAGE COMPANY, 5015 Thirty-eighth Avenue, Kenosha, Wis. 53140. Applicant's representative: John T. Porter, 1 South Pinckney, Room 708, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), regular routes: (1) Between Racine, Wis., and Kenosha, Wis., over Wisconsin Highway 31 (also over Wisconsin Highway 32), (2) between Racine, Wis., and Sturtevant, Wis., over Wisconsin Highway 11, (3) between Racine, Wis., and Franksville, Wis., from Racine over Wisconsin Highway 38 to junction Racine County Road K, thence over Racine County Road K to Franksville, and return over the same route; serving all intermediate points in connection with (1) through (3) above and points in the townships of Mount Pleasant, Caledonia, Yorkville, and Raymond, in Racine County, Wis., and Somers and Pleasant Prairie Townships, in Kenosha County, Wis., as off-route points. Irregular routes: Between points in Mount Pleasant, Caledonia, Yorkville, and Raymond Townships, in Racine County, Wis., and Somers and Pleasant Prairie Townships, in Kenosha County, Wis.; the authority sought herein is restricted to freight having immediately prior or subsequent common carrier movement by motor vehicle, railroad, or air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Milwaukee, Wis.

No. MC 128508 (correction), filed July 21, 1966, published in FEDERAL REGISTER issue of August 25, 1966, and republished as corrected, this issue. Applicant: JOSEPH GONZALEZ, doing business as J. G. DELIVERY SERVICE, 2268 Lafayette Avenue, New York, N.Y. 10472. Applicant's representative: Alfred V. Greco, 565 Fifth Avenue, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured religious articles, novelties, and costume jewelry, and supplies and materials used in the manufacture and sale thereof*, between Farmingdale, N.Y., and points in the New York, N.Y., commercial zone, on the one hand, and, on the other, points in New York, New Jersey, and Connecticut under contract with Guild Arts & Crafts, Inc., Farmingdale, L.I., N.Y. NOTE: The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128509 (Sub-No. 1), filed July 21, 1966. Applicant: WILLIAM E. JONES, doing business as SORENSEN MOVING & TRUCKING, 1111 Lockwood Avenue, Racine, Wis. 53403. Applicant's representative: John T. Porter, 1 South Pinckney Street, Room 708, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), regular routes: (1) Between Racine, Wis., and Kenosha, Wis., over Wisconsin Highway 31 (also over Wisconsin Highway 32), (2) between Racine, Wis., and Sturtevant, Wis., over Wisconsin Highway 11, (3) between Racine, Wis., and Franksville, Wis., from Racine over Wisconsin Highway 38 to junction Racine County Road K, thence over Racine County Road K to Franksville, and return over the same route; serving all intermediate points in connection with (1) through (3) above and points in the townships of Mount Pleasant, Caledonia, Yorkville, and Raymond, in Racine County, Wis., and Somers and Pleasant Prairie Townships, in Kenosha County, Wis., as off-route points. Irregular routes: Between points in Mount Pleasant, Caledonia, Yorkville, and Raymond Townships, in Racine County, Wis., and Somers and Pleasant Prairie Townships, in Kenosha County, Wis.; the authority sought herein is restricted to freight having immediately prior or subsequent common carrier movement by motor vehicle, railroad, or air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Milwaukee, Wis.

No. MC 128512, filed July 21, 1966. Applicant: COLUMBUS BOOKER, doing business as COLUMBUS EXPRESS, 255 East 27th Street, Paterson, N.J. 07514. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Furniture*, from Paterson, to Westwood and Hackensack, N.J.; New York, N.Y.; and Hartford, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hackensack or Paterson, N.J.

No. MC 128518, filed July 21, 1966. Applicant: ERNIE'S PRINTER'S DELIVERY SERVICE, INC., 461 Prospect Avenue, Piscataway, N.J. Applicant's representative: James H. French, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Papers for printing*, other than newsprint, and *printed matter*, including, but not limited to, advertising sheets ("throw aways") for insertion into catalogs, letterheads, envelopes, posters, coupons, and various sizes of single sheets of paper containing advertising, circulars, notifications and miscellaneous items (except newspapers, books, directories, and magazines), between New York, N.Y., and Newark, South Hackensack, Union City, Hillside, Linden, Plainfield, Dunellen, Piscataway, North Brunswick, Jersey City, Edison, Irvington, Passaic, Clifton, Harrison, Kearny, Hoboken, and Rutherford, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Newark, N.J., or Jersey City, N.J.

No. MC 128531, filed July 21, 1966. Applicant: BIRMINGHAM - NASHVILLE EXPRESS, INC., % 515 Nashville Bank & Trust Building, Nashville, Tenn. Applicant's representative: Walter Harwood (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and articles requiring special equipment), between Nashville, Tenn., and Birmingham, Ala., over U.S. Highway 31 and Interstate Highway 65, serving all intermediate points in Alabama, using any and all segments of said routes in conjunction with each other. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 128524, filed July 21, 1966. Applicant: MAX HESS, 160 Cabrini Boulevard, New York, N.Y. 10036. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are made, processed, used, dealt in or distributed by a manufacturer or processor of toilet preparations (except commodities in bulk, in tank vehicles), between Hicksville, New Hyde Park, Plainview, and Westbury (Nassau County), N.Y., and town of Huntington, Suffolk County, N.Y., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission, and Newark, N.J., under contract with Estee Lauder Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128525 (Sub-No. 1), filed August 15, 1966. Applicant: FLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 710 Atlantic National Bank Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* having a prior or subsequent movement in interstate commerce, between Jacksonville, Fla., and points in Duval, Nassau, St. Johns, Baker, and Clay Counties, Fla., under contract with Western Electric Co., Inc. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate MC 59150 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 128526, filed July 19, 1966. Applicant: ALLSTATE MOBILE HOME TRANSPORT, INC., 3140 North Oracle Road, Tucson, Ariz. 85705. Applicant's representative: Joseph P. Ralston, 500 Title and Trust Building, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, house trailers*, and *camper, travel trailers*, (1) between points in Texas, Arizona, California, and Nevada, (2) between points in Texas, (3) between points in Arizona, (4) between points in California, and (5) between points in Nevada. NOTE: Common control may be involved.

If a hearing is deemed necessary, applicant requests it be held at Phoenix or Tucson, Ariz.

No. MC 128527, filed August 5, 1966. Applicant: MAY TRUCKING COMPANY, 1619 Second Avenue South, Payette, Idaho. Applicant's representative: J. Charles Blanton, 525 First Security Bank Building, Post Office Box 1869, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer* for Pacific Fruit & Produce Co., from Nyssa and Ontario, Oreg., to points in Elmore, Ada, Payette, Washington, Owyhee, Gem, and Canyon, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128530, filed August 8, 1966. Applicant: ROBERT D. BOWEN, 100 16th Street NW., Watertown, S. Dak. Applicant's representative: Boyd L. Nelson, Post Office Box 431, Fifth and Omaha, Rapid City, S. Dak. 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and/or poultry feeds, seeds, and flour, including pancake flour* (manufactured and/or distributed from Watertown, S. Dak.), in bags and in bulk, from Watertown, S. Dak., to points in Richland, Sargent, Dickey, McIntosh, Emmons, Logan, La Moure, Ransom, Cass, Barnes, Stutsman, Foster, Griggs, Nelson, Steele, and Traill Counties, N. Dak., and Rock, Nobles, Pipestone, Murray, Jackson, Cottonwood, Lincoln, Lyon, Redwood, Yellow Medicine, Renville, Lac qui Parle, Chippewa, Kandiyohi, Swift, Big Stone, Traverse, Stevens, Pope, Douglas, Grant, Wilkin, Otter Tail, Clay, Becker, Aitkin, Crow Wing, and Wadena Counties, Minn., under contract with Watertown Milling Co., Watertown, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Watertown or Pierre, S. Dak.

No. MC 128533, filed August 15, 1966. Applicant: AA DRIVEAWAY, INC., 8295 Biscayne Boulevard, Miami, Fla. Applicant's representative: Bernard C. Pestcoe, 412 City National Bank Building, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles*, in driveaway service in secondary movement, with or without baggage and personal effects, between points in Florida, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fort Lauderdale, West Palm Beach, or Tampa, Fla.

No. MC 128534, filed July 29, 1966. Applicant: RUSSELL TRUCKING LINE, INC., 1820 Milan Road, Sandusky, Ohio. Applicant's representative: Charles B. Myers, 611 Field Building, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials, gypsum and gypsum products, and materials and supplies used in the installation and application of such commodities*, from the plant and warehouse of the United States Gypsum Co., located approximately 5 miles east of Shoals, Martin County, Ind., to points in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and Washington, D.C.; (2) *returned shipments, and materials, equipment, and supplies used in the manufacture and distribution of the commodities described in (1) above*, on return, in connection with (1) above; and (3) *plaster, plasterboard, plasterboard joint system, and gypsum block plank, slab or tile*, from the plantsite of United States Gypsum Co., at Gypsum, Ohio, to points in Crawford, Mercer, Venango, Clarion, Jefferson, Lawrence, Butler, Armstrong, Indiana, Westmoreland, Fayette, Beaver, Allegheny, Washington, and Greene Counties, Pa., and Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Marion, Doddridge, Tyler, Pleasants, Ritchie, Wood, Wirt, Jackson, Mason, and Cabell Counties, W. Va.; and *empty containers or other articles used in transporting the above-specified commodities*, on return, in connection with (3) above. NOTE: Applicant states it is already authorized by its certificate No. MC 112588, Sub 3, to transport as an irregular route *common* carrier, the same commodities from and to the same points as described in subparagraph (3) above. Applicant is seeking the conversion of its *common* carrier rights in MC 112588, Sub 3, to the *contract* carrier authority described in subparagraph (3) above. No extension in territory or commodities is involved in this request for conversion. Applicant also states it has common carrier rights on cement, (1) from Baybridge, Ohio, to points in the lower half of Southern Michigan; and (2) from Wampum, Pa., to points in Ohio, West Virginia, and two counties in New York. Applicant's request herein for contract carrier authority includes the four States referred to in (1) and (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Cleveland, Ohio, or Chicago, Ill.

MOTOR CARRIERS OF PASSENGERS

No. MC 13300 (Sub-No. 83), filed July 26, 1966. Applicant: CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, N.C. 27602. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Petersburg, Va., and Durham, N.C.: From Petersburg, over Interstate Highway 85 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction Interstate Highway 85, thence over Interstate Highway 85 to Henderson, N.C., thence over U.S. Highway 158 to junction U.S. Highway 158A, thence over U.S. Highway 158A to junction U.S. Highway 15, thence over U.S. Highway 15 to junction Interstate Highway 85, and thence over Interstate Highway 85 to Durham, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 47495 (Sub-No. 8), filed August 4, 1966. Applicant: MOUNTAIN VIEW COACH LINES, INC., Route 9W, West Coxsackie, N.Y. Applicant's representative: James G. Glavin III, 69 Second Street, Post Office Box 40, Waterford, N.Y. 12188. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (1) between Albany, N.Y., and Hannacroix, N.Y., over U.S. Highway 9W, serving all intermediate points, and, (2) between junction New York Highway 385 and U.S. Highway, and Catskill, N.Y., over U.S. Highway 9W, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 47497 (Sub-No. 9), filed August 4, 1966. Applicant: MOUNTAIN VIEW COACH LINES, INC., 36 Lafayette Avenue, Route 9W, West Coxsackie, N.Y. Applicant's representative: James H. Glavin III, 69 Second Street, Post Office Box 40, Waterford, N.Y. 12188. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Hudson, N.Y., and Poughkeepsie, N.Y., over U.S. Highway 9, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111978 (Sub-No. 7), filed July 29, 1966. Applicant: BLACK & WHITE TRANSIT COMPANY, INC., Grundy, Va. Applicant's representative: John C. Goddin, Insurance Building, 10 South 10th Street, Richmond, Va. 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and newspapers, mail, and express*, in the same vehicle with passengers, (1) between Elkhorn City, Ky., and Pikeville, Ky.: From Elkhorn City, over Kentucky Highway 80 (now also designated as U.S. Highway 460) to junction old U.S. Highway 460 at or near Nelse, Ky., thence over U.S. Highway 460 to Pikeville; and (2) between junction old U.S. Highway 460 and new (relocated) U.S. Highway 460 at or near Mouthcard, Ky., and junction new (relocated) U.S. Highway 460 and old U.S. Highway 460 at or near Nelse, Ky.: From junction old U.S. Highway 460 and new U.S. Highway 460, over new U.S. Highway 460 to junction old U.S. Highway 460; and return over the same routes, serving all intermediate

points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bristol or Roanoke, Va., or Washington, D.C.

No. MC 112934 (Sub-No. 4), filed August 8, 1966. Applicant: AUTOBUSES INTERNACIONALES S. de R. L., 1100 Los Angeles Drive, El Paso, Tex. 79902. Applicant's representative: Jack A. Smith, 715 Simms Building, Fourth and Gold, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between the port of entry on the international boundary line between the United States and Mexico located approximately 3 miles south of Columbus, N. Mex., and the port of entry on the international boundary line between the United States and Mexico located at or near Presidio, Tex.; From the port of entry on the international boundary line between the United States and Mexico located approximately 3 miles south of Columbus, N. Mex., over New Mexico Highway 11 through Columbus, N. Mex., to Deming, N. Mex.; thence over U.S. Highway 180 to Las Cruces, N. Mex.; thence from Las Cruces over New Mexico Highway 478 through Mesilla Park to Anthony, N. Mex., thence over Alternate U.S. Highway 80 from Anthony to El Paso, Tex., and to the ports of entry on the international boundary line between the United States and Mexico located at El Paso, Tex.; thence from El Paso, Tex., over Interstate Highway 10 to junction Horizon Boulevard, located approximately 18 miles southeast of El Paso, Tex., thence over Horizon Boulevard through Horizon City, Tex., to the unnumbered road known as the "Fabens Cutoff" located approximately 14 miles east of Horizon City thence northward over the "Fabens Cutoff", to junction U.S. Highway 62 at or near the "Hueco Turbine Station"; thence over U.S. Highway 62 to junction Texas Farm Road 1437, known as the Dell City Junction; thence over Texas Farm Road 1437 to Dell City, Tex.; thence from Dell City, Tex., northward over an unnumbered road approximately 5 miles to the entrances to the Maddox Ranches located in New Mexico; thence returning over the unnumbered road to Dell City, Tex.; thence from Dell City, Tex., over Texas Farm Road 1576 to junction U.S. Highway 62; thence over U.S. Highway 62 to junction Texas Highway 54; thence over Texas Highway 54 to Van Horn, Tex.; thence over U.S. Highway 90 to Marfa, Tex.; thence over U.S. Highway 67 through Presidio, Tex., to the port of entry located on the international boundary line between the United States and Mexico located at or near Presidio, Tex.; and return over the same route, serving all intermediate points, restricted to foreign commerce only with the exception of traffic to or from any of the following points: Columbus, N. Mex., Dell City, Tex., Presidio, Tex. These three points are to be served in interstate as well as foreign commerce. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 125569 (Sub-No. 16), filed July 21, 1966. Applicant: VALLEY TRANSPORTATION COMPANY, a corporation, 829 State Street, Lemoyne, Pa. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D. C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, during the authorized racing seasons at the respective tracks, between Abbottstown and New Oxford, Adams County, Pa., on the one hand, and, on the other, the Hagerstown Race Track, Hagerstown, Md., and the Charles Town and Shenandoah Downs Race Tracks, Charles Town, W. Va. NOTE: Applicant states that this operation will be conducted in conjunction with presently authorized operations to the same race tracks. If a hearing is deemed necessary, applicant requests it be held at Harrisonburg, Pa.

No. MC 128528, filed August 8, 1966. Applicant: ALPINE COACH LINES LTD., 229 West First Street, North Vancouver, British Columbia. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in one-way and round-trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada, located in Washington, and extending to points in Washington, Oregon, California, Idaho, and Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130011, filed July 19, 1966. Applicant: ERNEST H. WYCKOFF, doing business as WYCKOFF'S TRAVEL BUREAU, 564 Main Street, Stroudsburg, Pa. Applicant's representative: John J. Dempsey, Jr., Suite 1200, Miners National Bank Building, Wilkes-Barre, Pa. 18701. For a license (BMC 5) to engage in operations as a *broker* at Stroudsburg, Pa., in arranging for the transportation of passengers and their baggage, as individuals or in groups, in special and charter operations, in all expense tours, beginning and ending at points in Monroe County, Pa., and extending to points in the United States, including ports of entry on the international boundary lines between the United States and Canada and the United States and Mexico.

No. MC 130014, filed August 10, 1966. Applicant: THE PROVINCE OF ST. JOHN THE BAPTIST OF THE ORDER OF THE FRIARS MINOR (FRANCISCAN FATHERS), 1615 Vine Street, Cincinnati, Ohio 45210. Applicant's representative: John X. Monahan, Suite 1108, First National Bank Building, Cincinnati, Ohio 45202. For a license (BMC 5) to engage in operations as a *broker* at Cincinnati, Ohio, in arranging for transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, in groups beginning and ending at Cincinnati, Ohio, and extending to points in New Mexico and Arizona.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 3560 (Sub-No. 28), filed July 29, 1966. Applicant: GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Ken Wolford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Chicago, Ill., and Buffalo, N.Y., from Chicago, over Interstate Highway 94 to the Illinois-Indiana State line, thence over Interstate Highway 94 to the Indiana-Michigan State line, thence over Interstate Highway 94 to Detroit, Mich., thence over access streets and highways across the international boundary to Windsor, Ontario, Canada, thence over Canadian Highway 401 to junction Canadian Highway 4, thence over Canadian Highway 4 to junction Canadian Highway 3, thence over Canadian Highway 3 to Fort Erie, Ontario, Canada, thence over access streets and highways across the international boundary to Buffalo, serving no intermediate points as an alternate route for operating convenience only in connection with carrier's authorized regular route operations.

No. MC 17002 (Sub-No. 38), filed July 21, 1966. Applicant: CASE DRIVEWAY, INC., 6001 U.S. Route 60, East Huntington, W. Va. 25705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles* (except those articles which because of the size or weight require the use of special equipment and except those articles which are building materials), (2) *machinery and parts thereof* (a) from Huntington, W. Va., to Sweetgrass, Mont., International Falls, Minn., Port Huron and Detroit, Mich., Niagara Falls and Alexandria Bay, N.Y. and (b) from Charleroi, Pa., to Sweetgrass, Mont., International Falls, Minn., Port Huron and Detroit, Mich., and Niagara Falls and Alexandria Bay, N.Y., restricted to traffic destined to points in the Dominion of Canada.

No. MC 114897 (Sub-No. 74), filed August 1, 1966. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road (Post Office Drawer 9897), El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuel*, in bulk, in tank vehicles, from Phillips Pipe Line Terminal near Albuquerque, N. Mex., to airports located near Las Vegas, Nev.

No. MC 115331 (Sub-No. 207), filed August 15, 1966. Applicant: TRUCK

TRANSPORT, INCORPORATED, 707 Market, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in St. Charles County, Mo., to points in Illinois and Missouri.

No. MC 124328 (Sub-No. 26), filed August 5, 1966. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and valuable personal property* usually kept in safety deposit boxes, between Cincinnati, Ohio, on the one hand, and, on the other, points in Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knox, Knott, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Mason, Magoffin, Martin, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford Counties, Ky. NOTE: Common control may be involved.

No. MC 124333 (Sub-No. 9) (Correction), filed July 21, 1966, published FEDERAL REGISTER issue August 18, 1966, and republished as corrected, this issue. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, Del. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Wilmington, Del., to points in Cecil and Kent Counties, Md., and Chester County, Pa., for the account of Atlantic Richfield Co. NOTE: The purpose of this republication is to omit the hearing information.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-9497; Filed, Aug. 31, 1966; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 29, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40668—*Joint motor-rail rates—Central States*. Filed by Central States Motor Freight Bureau, Inc., agent (No. 110), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 2 to Central States Motor Freight Bureau, Inc., agent, tariff MF-ICC 1198.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-9554; Filed, Aug. 31, 1966; 8:49 a.m.]

[Notice 245]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 29, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

No. MC 623 (Sub-No. 87TA), filed August 25, 1966. Applicant: H. MESSICK, INC., Post Office Box 214, Duguesne and Newman Road, Joplin, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, blasting materials and blasting supplies*, (1) from Carl Junction, Mo., to points in Arkansas, California, Colorado, Indiana, Iowa, Kansas, Nebraska, Oklahoma, Texas, and Hobbs and Tatum, N. Mex.; (2) from Pittsburg, Kans., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Hobbs and Tatum, N. Mex.; (3) from Atlas, Mo., to points in Arkansas, Florida, Indiana, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas; (4) from Greenwood, Mo., to points in Arkansas, Colorado, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Hobbs and Tatum, N. Mex.; (5) from Freeburg, Ill., to points in Colorado, Michigan, Nebraska, North Dakota, Ohio, and South Dakota; (6) from Virginia, Minn., to points in Illinois (South of Route 36), Indiana (South of Route 36), Kansas, Missouri, Nebraska, Ohio, and Oklahoma; (7) from Ishpeming, Mich., to points in Illinois (South of Route 36), Indiana (South of Route 36), Minnesota, Missouri, Ohio, and Oklahoma; (8) from McAdory, Ala., to points in California and Colorado; (9) from Kenvil, N.J., to points in North Dakota and South Dakota; (10) from Strawn, Tex., to points in Arkansas, Oklahoma, Texas, and Hobbs and Tatum, N. Mex.; (11) from Jasonville, Ind., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia; (12) from Tenino, Wash., to points in Colorado, Montana, North Dakota, Oklahoma, South Dakota, Texas, and Hobbs and Tatum, N. Mex.; and (13) from Shumaker, Ark., to points in Arkansas, Louisiana, Oklahoma, and Texas, for 150 days. Supporting shipper: Hercules, Inc., 120 Oakbrook Center Mall, Oak Brook, Ill. 60521. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 51004 (Sub-No. 1 TA), filed August 25, 1966. Applicant: PAUL H. LISKEY, Rural Delivery 1, Kearneysville, W. Va. 25430. Applicant's representative: Donald E. Freeman, 172 East Green Street, Post Office Box 880, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete Silos and parts and accessories thereof*, from Massillon, Ohio, to Antietam, Bakersville, Downsville, Hagerstown, Halfway, Sharpsburg, and Williamsport, Md.; Berryville and Gaylord, Va., and Bakerton, Berkeley Springs, Charles Town, Middleway, Pikeside, and Rippon, W. Va., for 150 days. Supporting shipper: Michigan Silo Co., Massillon, Ohio. Send protests to: J. A. Niggemyer, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 531 Hawley Building, Wheeling, W. Va. 26003.

No. MC 114818 (Sub-No. 9 TA), filed August 25, 1966. Applicant: BARTON TRUCK LINE, INC., 455 West Fourth South Street, Salt Lake City, Utah 84101. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Salt Lake City, Utah, and the Utah-Idaho State Line, from Salt Lake City over U.S. Highway 89-91 to Logan, Utah; thence over U.S. Highway 91 to the Utah-Idaho line and return over the same route serving all intermediate points and serving the Ogden, Utah, arsenal and points in Utah within 10 miles of U.S. Highway 89-91 and U.S. Highway 91 as off-route points; (b) between Brigham City, Utah, and the Utah-Idaho State line, over U.S. Highway 191, serving all intermediate points and serving points in Utah within 10 miles of U.S. Highway 191 as off-route points; (c) between junction U.S. Highway 191 and U.S. Highway 30S, located near Tremonton, Utah, and the Utah-Idaho State line over U.S. Highway 30S, serving all intermediate points and serving points in Utah within 10 miles of U.S. Highway 30S, the plantsite of the Thiokol Chemical Corp., and all U.S. Government installations located 20 miles west of Corinne, Utah, on Utah Highway 83 as off-route points.

(d) Between Salt Lake City and Wendover, Utah, from Salt Lake City over U.S. Highway 40 to Lake Point Junction, Utah; thence over U.S. Highway 50A-40 to Wendover, and return over the same route serving all intermediate points and serving Hill Field, Utah, the Wendover Bombing Range and points between Lake Point Junction and Timpie, Utah, within 5 miles of U.S. Highway 50A-40 as off-route points, with service at points in Nevada, within the Wendover, Utah, commercial zone, restricted to the transportation of shipments originating at or destined to such points and with service at Wendover restricted against the transportation of classes A and B explosives; (e) between Mills Junction and Vernon, Utah, over Utah Highway 36, serving all intermediate points between Tooele and Vernon, Utah, and serving International, West International, Lakeview, St. John, and Granite Mountain, Utah, the Tooele Ordnance Depot and the Deseret Chemical Depot as off-route points; (f) between junction of Utah Highway 36 and Utah Highway 73 and Ophir, Utah, over Utah Highway 73, serving all intermediate points and serving Mercur, Utah, as an off-route points, and (g) between Timpie and the Dugway Proving Grounds, Utah, over unnumbered county road, serving all intermediate points and serving Orr's Ranch, Flux, and Dolomite, Utah, and points within 5 miles of such unnumbered county road as off-route points, and (h) between Tremonton, Utah, and Montello, Nevada, over U.S. Highway 30S to junction Utah Highway 70; thence over Utah Highway 70 to Nevada State line; thence over Nevada Highway 30 to Montello and points within 25 miles of said highways, and (i) between Wendover, Utah, and Montello, Nevada, over U.S. Highway 40 to junction Nevada Highway 30; thence over Nevada Highway 30 to Montello, Nevada, and points within 25 miles of said highway. (2) *Eggs and poultry feed*, between Grantsville and Draper, Utah, from Grantsville over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highway 50A-91 to Draper and return over the same route serving all intermediate points.

(3) *Salt*, between Saltair and Dolomite, Utah, from Saltair over U.S. Highway 40 to junction unnumbered county road; thence over unnumbered county road to Dolomite and return over the same route serving the intermediate points of Grantsville, Utah, and the Royal Crystal Co. and Morton Salt Co. plantsites and serving Lake Point, Erda, and Flux, Utah, as off-route points. (4) *Household goods* as defined by the Commission, over irregular routes, between points in Tooele County, Utah. (5) *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over irregular routes between Tooele, Utah, on the one hand, and, on the other, points within 10 miles thereof, for 180 days. Supporting shippers: Bar-O-Ranch, Keith Rank, Montello, Nev., Mr. and Mrs. I. M. Westover, Montello, Nev., with 35 additional residents of Montello, Nev., Cream O'Weber, Post Office Box 1539, Ogden, Utah 84402, Utah Wholesale Grocery Co., Inc., 2364 Wall Avenue, Ogden, Utah, Continental Baking Co., Inc., Post Office Box 108, Ogden, Utah, George A. Lowe Co., Post Office Box 791, Ogden, Utah 84402, Al's Service Station, Montello, Nev., Reynolds Chicken Farm, Montello, Nev., Ogden Egg Co., Inc., 333 20th Street, Ogden, Utah, The Shupe-Williams Co., Post Office Box 750, Ogden, Utah 84402, Thiokol Chemical Corp., Logan Division, Logan, Utah, Kay Kimber, Distributor, Standard Oil Co. of Calif. Products, Montello, Nev., Gold Note Mining Co., Montello, Nev., Arizona Colorado Cattle Co., Inc., Gamble Ranch, Nev., Westover General Store, Montello, Nev., A-1 Service, Post Office Box 237, Wendover, Utah, Swift & Co., Post Office Box 1151, Ogden, Utah, Whitney Appliance Co., 1006 North Main, Logan, Utah 84321, Pet Milk Co., 63 South Fifth Street, Richmond, Utah. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 116273 (Sub-No. 75 TA), filed August 25, 1966. Applicant: D. & L. TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products* (except chemicals derived from coal tar), in bulk, in tank vehicles, from Chicago, Ill., to points in Kentucky and Tennessee, for 180 days. Supporting shipper: Koppers Co., Inc., Pittsburgh, Pa. 15219. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-9555; Filed, Aug. 31, 1966; 8:49 a.m.]

[Notice 1405]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 29, 1966.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC-69058. By application filed August 25, 1966, CARDINAL AIR SERVICE CORPORATION, The Greater Buffalo International Airport, Buffalo, N.Y. 14225, seeks temporary authority to lease the operating rights of ESTATE OF CLIFFORD EARL FARNSWORTH, DECEASED, JANE ELIZABETH DeYOUNG FARNSWORTH, EXECUTRIX, doing business as FARNSWORTH'S AIR FREIGHT SERVICE, 4765 Barrville Road, Elba, N.Y., under section 210a(b). The transfer of CARDINAL AIR SERVICE CORPORATION, of the operating rights of ESTATE OF CLIFFORD EARL FARNSWORTH, DECEASED, JANE ELIZABETH DeYOUNG FARNSWORTH, EXECUTRIX, doing business as FARNSWORTH'S AIR FREIGHT SERVICE, is presently pending.

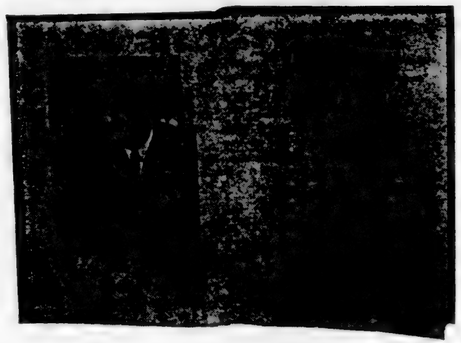
[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-9556; Filed, Aug. 31, 1966; 8:49 a.m.]

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Agricultural Stabilization and Conservation Service
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Commodity Credit Corporation
Consumer and Marketing Service
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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Canned Ripe Olives [1]

ABSENCE OF DEFECTS

A proposal to amend the U.S. Standards for Grades of Canned Ripe Olives was published in the FEDERAL REGISTER of June 18, 1966 (31 F.R. 8542). Interested persons were allowed 60 days to submit written data, views, or arguments.

Statement of consideration leading to the amendments. After considering all relevant data, views, and arguments presented, including the proposal set forth in the aforesaid notice, the following amendments to the U.S. Standards for Grades of Canned Ripe Olives are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Section 52.3763(e)(1)(ii) and (3)(ii) is revised to read:

§ 52.3763 Absence of defects.

* * * * *

(e) (C) *classification.* * * *

(1) *Whole; pitted; halved.* * * *

(ii) Not more than a total of 30 percent, by count, of the olives or units may possess major blemishes and serious wrinkles and may be mutilated olives: *Provided*, That not more than 25 percent, by count, of the olives or units may possess major blemishes and serious wrinkles and not more than 10 percent, by count, of the olives may be mutilated.

* * * * *

(3) *Broken pitted.* * * *

(ii) Not more than 20 percent, by weight, of the drained olives may be pieces affected by major blemishes.

* * * * *

It is found that good cause exists for not postponing the effective date of these amendments beyond that specified (5 U.S.C. 1003(c)), in that: (1) The olive processing season is imminent and the regulatory requirements of the Marketing Agreement and Order No. 932 (7 CFR Part 932) regulating the handling of California Olives become operative September 1, 1966, and involve the U.S. Standards for Grades of Canned Ripe Olives, and it is necessary that this amendatory action be effective by such date; (2) the olive industry requested the amendments and is also well aware of the provisions of the proposed amendments, which are herein adopted, through published notice of proposed rule making, industry meetings, trade publications, and other news media, and persons interested in the proposed amendment of the standards were supplied with copies of the proposed amendments, and; (3) this amendatory action relaxes certain requirements of the U.S. Standards currently in effect. (4) This amendatory action should become effective as herein set forth so as to afford the maximum time for all persons to use the amended standards and to conduct their operations accordingly; and (5) no useful purpose would be served by an effective date of this action beyond the date of publication in the FEDERAL REGISTER.

The amendments to the U.S. Standards for Grades of Canned Ripe Olives, contained in this subpart, shall become effective upon publication hereof in the FEDERAL REGISTER, and will thereupon supersede the applicable sections of the U.S. Standards for Grades of Canned Ripe Olives which have been in effect since November 16, 1959.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: August 30, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-9625; Filed, Sept. 1, 1966; 8:50 a.m.]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[ACP—1967, Supp. 2]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1967

PRIOR REQUEST FOR COST-SHARING

The regulations governing the 1967 National Agricultural Conservation Program, 31 F.R. 9712, as amended, are further amended as follows:

Section 701.15 of the regulations governing the 1967 National Agricultural Conservation Program, 7 CFR, Part 701, is amended by revising the first sentence to read as follows:

§ 701.15 Prior request for cost-sharing.

Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farmer or rancher before performance thereof is started, except that the Director, Farmer Programs Division, ASCS, may authorize the acceptance of requests for cost-sharing filed within a reasonable period after performance is started for (a) practices E-3 (§ 701.87), F-3 (§ 701.91), and F-4 (§ 701.92), and (b) other practices where the farmer or rancher establishes that he intended to file a prior request for cost-sharing but was prevented from doing so for reasons beyond his control. * * *

Signed at Washington, D.C., on August 26, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-9566; Filed, Sept. 1, 1966; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[§ 831.4; Rev. 1, Supp. 2]

PART 831—BEET SUGAR AREA

Rates of Recoverability; 1966 Crop

Section 831.13 is added to read as follows:

§ 831.13 Rates of recoverability; 1966 crop.

The hundredweight of sugar, raw value, commercially recoverable from sugarbeets of the 1966 crop shall be computed by multiplying the net weight thereof in tons, at the time of delivery to a processor, by the rate of commercially recoverable sugar which is applicable under the following provisions of this section:

(a) For sugarbeets marketed within a settlement area under any type of agreement other than an "individual test" or a "combined individual cossette test" contract, the rate of commercially recoverable sugar per ton of beets with respect to each settlement area is established as follows:

Settlement areas by factories in States	1959–65 average sugar content	Rate of commercially recoverable sugar
	Percent	*Hundredweight*
Idaho, Oregon:		
Idaho Falls	16.06	2.950
Rupert, Twin Falls	16.45	3.024
Utah		
Centerfield	15.91	2.924
Garland	15.91	2.924
Layton	15.83	2.910
Lewiston (Ogden)	15.72	2.889
West Jordan	15.18	2.790
Wyoming, Montana:		
Worland	16.01	2.942
Missoula	15.81	2.906
Sidney	15.87	2.917
Minnesota, Iowa, North Dakota:		
East Grand Forks, Moorhead, Crookston, Drayton	15.36	2.823
Chaska, Mason City	14.58	2.680
Great Lake States:		
Alma	14.86	2.731
Bay City	14.52	2.669
Caro	14.83	2.726
Carrollton	14.27	2.623
Croswell	14.59	2.682
Illinois	13.88	2.551
Ottawa	14.54	2.672
Sebewaing	14.67	2.696

(b) For sugarbeets marketed under "individual test" contracts, and for those sugarbeets marketed for processing by the Empire State Sugar Co., Inc., of New York, the rate of commercially recoverable sugar per ton of beets shall be computed by multiplying 20 hundredweight by the percentage of sugar content of such beets, and then multiplying the result by 87.9 percent (the average extraction rate, as adjusted for shrink, effective for such beets). This computation can be shortened by the use of the factor of 0.1758. As an example, a content of 16.37 when multiplied by 0.1758 would result in a rate of commercially recoverable sugar of 2.878 hundredweight.

(c) For sugarbeets marketed under "combined individual-cossette test" contracts, other than those sugarbeets marketed for processing by the Empire State Sugar Co., Inc., of New York, the rate of commercially recoverable sugar per ton of beets for a producer shall be computed by multiplying 20 hundredweight by the adjusted percentage of sugar content of the beets delivered by such producer and then multiplying the result by 91.9 percent (the average extraction rate effective for such beets). This computation can be shortened by the use of the factor of 0.1838. As an example, an adjusted content of 16.37 would result in a rate of commercially recoverable sugar of 3.009 hundredweight. The adjusted percentage of sugar content for each producer shall be obtained as provided in paragraph (b)(3)(i) of § 831.4. For use in computing the adjustment in the percentage of sugar content, the factory cossette test averages are as follows:

Area	*1959–65 factory (percent)*
Nyssa-Nampa	15.19
Billings-Lovell	16.39
Hardin	16.20
Toppenish, Moses Lake	15.17

Statement of bases and considerations. Section 831.4 (29 F.R. 11824) provides the method of determining and establishing amounts of sugar commercially recoverable from sugarbeets and provides that the rates shall become effective when public notice thereof is given in the FEDERAL REGISTER.

Pursuant to that regulation, this supplement sets forth the rates of recoverability as determined for the 1966 crop. Definitive rates are specified for the various settlement areas wherein sugarbeets are marketed under "cossette test" contracts. Within these areas, the rates give effect to 1959–65 average percentages of sugar content and the 1960–64 national average extraction rate of beet sugar, raw value, of 91.9 percent.

In lieu of an extensive table of definitive rates applicable to sugarbeets of various percentages of sugar content as marketed under "individual test" contracts, this supplement provides that the rate of recoverability per ton of beets of any given percentage of sugar content so marketed may be computed by multiplying such content by the factor of 0.1758. This factor gives effect to the average rate of extraction of sugar, raw value, of 87.9 percent, as applicable to individual test beets. Listings of the applicable rates (expressed in hundredths) will be available for inspection at ASCS county offices in sugarbeet producing counties. Similarly, for beets marketed under "combined individual cossette test" contracts, a factor of 0.1838 may be used to give effect to the average extraction rate of 91.9 percent. The difference between 91.9 and 87.9 percent represents the average "shrink" in percentage of sugar content between the time of delivery and the time of processing for all beets of the crops of 1960–64 marketed under individual test contracts. The lower percentage is not specified for beets marketed under combined individual cossette tests because the results of such tests include adjustments to the cossette basis.

The percentages of 91.9 and 87.9, as determined herein for the 1966 crop, compare with percentages of 92.0 and 87.8 for the 1965 crop.

When the "combined individual cossette test" contract was first adopted, the sugar content of each producer's beets was adjusted by a factor. This factor was computed by dividing the factory cossette test average for the current year by the weighted average sugar content of all beets delivered to the factory for the same crop determined by individual tests. Objections were raised by some producers over the delay in Sugar Act payments because a grower's adjusted percentage of sugar content could be determined only after all sugarbeets delivered to the factory were processed and the factory cossette test computed for the current year. For the 1963 crop, partial payments were made in one settlement area to alleviate the delay. To avoid costs involved in making of payments on a "partial" basis, the 1964-crop determination provided that the 7-year factory cossette test average would be substituted for the current year's factory cossette test average in calculating the factor to be applied to individual growers' sugar content. Thus, the factor could be computed and payments could begin as soon as all growers completed delivery of their sugarbeets.

Although a request has been made for a change in the method of determining the factor for "combined individual cossette test" settlement areas that would permit payments before the completion of the delivery of all growers' sugarbeets, this supplement provides for the same method that was used for the 1964 and 1965 crops. It is not believed that the minimal acceleration of payments that would result from the suggested procedure warrants a departure from the two basic methods followed in computing rates of commercially recoverable sugar for use in calculating payments under the Sugar Act.

Because the factory in New York has only 1 year of past production, that area will be considered as an "individual test" area, even though the sugarbeets are marketed to that factory under a "combined individual cossette test" contract.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C.; secs. 302, 303, 304, 61 Stat. 930, as amended; 7 U.S.C. 1132, 1133, 1134)

Effective date. Date of publication.

Signed at Washington, D.C., on August 26, 1966.

CHARLES L. FRAZIER,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 66-9570; Filed, Sept. 1, 1966; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1966 Crop Peanut Warehouse Storage Loan and Sheller Purchase Regs. Amdt. 1]

PART 1446—PEANUTS

Subpart—1966 Crop Peanut Warehouse Storage Loan and Sheller Purchase Regulations

LEVEL OF PRICE SUPPORT

The prices for each percent of sound mature and sound split kernels for Southeastern Spanish and for Valencia-type peanuts in areas other than Southwestern specified in § 1446.1633(d)(1)(i) of the 1966 Crop Peanut Warehouse Storage Loan and Sheller Purchase Regulations, 31 F.R. 10241, were understated by $0.011 per ton due to an error in computation. To correct that error, § 1446.1633(d)(1)(i) of those regulations is amended to read as follows:

§ 1446.1633 Level of price support.

* * * * * *

(d) *Calculation of support prices.* * * *

(1) *Kernel value per net ton excluding loose shelled kernels.* (i) Price for each percent of sound mature and sound split kernels shall be:

Type	*Dollars per ton*
Virginia type	69.366
Runner type	3.110
Southeastern Spanish type	3.214
Southwestern Spanish type	3.178
Valencia type:	
Southwestern area-suitable for cleaning and roasting	3.576
Southwestern area-not suitable for cleaning and roasting	3.178
Areas other than Southwestern	3.214

* * * * * *

Effective date. This amendment shall be effective as of July 29, 1966.

Signed at Washington, D.C., on August 30, 1966.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66-9624; Filed, Sept. 1, 1966; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-186]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Entry of Antiques

Section 10.53(e) of the Customs Regulations provides that furniture claimed to be free of duty under item 766.20 or 766.25, Tariff Schedules of the United States, except picture frames, must be entered at the ports of entry in the districts designated. Further studies regarding the trade in articles qualifying for treatment under these tariff provisions indicate the advisability of permitting entry of such articles at all ports in the customs territory of the United States.

It is also desirable to make clear that such shipments not exceeding $250 in value may be entered under informal entries, and that the entry of such articles under a passenger's baggage declaration is limited to those which accompany the passenger.

Accordingly, § 10.53 is amended as follows:

Paragraph (c) is amended to read:

(c) Articles accompanying a passenger and entitled to entry under the passenger's declaration and entry, or articles entered under an informal entry on customs Form 5119 or 5119-A, which are claimed to be free of duty under item 766.20 or 766.25 of the Tariff Schedules of the United States, may be admitted free of duty upon the execution of a declaration on customs Form 3307, provided the passenger or the person filing the informal entry is the owner of the articles and they are for his personal use and not for sale or other commercial use and provided the customs officer concerned is satisfied that the articles are of the requisite age.

Paragraph (e) is amended to read:

(e) Furniture" claimed to be free of duty under item 766.20 or 766.25, Tariff Schedules of the United States, may be entered for consumption at any port of entry within the customs territory of the United States.

Paragraph (g) is deleted.

The second sentence of paragraph (l) is amended to read: "In the case of any article imported in a passenger's baggage or entered under an informal entry, the customs officer concerned may accept the statement of the owner that the article was not imported for sale if he is satisfied of the truth of such statement."

The second paragraph of footnote 49 is deleted.

(77A Stat. 14, 390, secs. 481, 624, 46 Stat. 719, 759; 19 U.S.C. 1202 (Gen. hdnote. 11, sch. 7, pt. 11B, hdnote. 2), 1481, 1624)

The purpose of this amendment is to make all ports in the customs territory of the United States available for entry of antiques free of duty pursuant to Headnote 2, Part 11B, Schedule 7, Tariff Schedules of the United States, and to clarify the procedure for entry of such articles. The determination as to which ports may be made available for entry of such articles depends entirely on facts within the knowledge of the Bureau of Customs. It is to the benefit of the public that the amendment be made effective on the earliest practicable date. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 103), it is found that notice and public procedure are unnecessary and good cause is found for making this amendment effective upon publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 26, 1966.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 66-9607; Filed, Sept. 1, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7579; Amdt. 39-280]

PART 39—AIRWORTHINESS DIRECTIVES

Hiller Model UH-12 Series Helicopters

There have been failures of the mercury clutch due to cracking at the inner corners of driver lug slots in the side plates that could result in sudden loss of power transmission on Hiller Model UH-12 Series helicopters. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require inspection and replacement as necessary of the mercury clutches on Hiller Model UH-12D, UH-12E, UH-12E-L, UH-12L, and UH-12L4 helicopters equipped with clutches, Mercury Clutch Corp. P/N 4578-6 and 4692-6, clutch serial numbers 8584 through 9317.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HILLER. Applies to Model UH-12D, UH-12E, UH-12E-L, UH-12L, and UH-12L4 helicopters equipped with clutches, Mercury Clutch Corp. P/N 4578-6 and 4692-6, clutch serial numbers 8584 through 9317.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failures of the mercury clutch due to cracking at the inner corners of driver lug slots in the side plates, accomplish the following:

(a) Visually inspect the side plates for cracks using at least 8-power magnification.

(b) If cracks are found, replace clutch before further flight with a clutch of the same part number that has been inspected in accordance with this AD and found free of cracks.

(Fairchild Hiller Service Information Letters Nos. 3052 and 5009, dated July 20, 1966, pertain to this subject.)

This amendment becomes effective September 2, 1966.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on August 26, 1966.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-9564; Filed, Sept. 1, 1966; 8:45 a.m.]

[Docket No. 7584; Amdt. 39-279]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Model JT3C-7 and JT3C-12 Turbojet Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of first, fifth, and sixth stage compressor rotor spacer assemblies on Pratt & Whitney Model JT3C-7 and JT3C-12 Turbojet engines was published in 31 F.R. 7483.

Interested persons have been afforded an opportunity to participate in the

making of the amendment. A comment requested that the requirement that compliance with the AD be accomplished at the next compressor disassembly be eliminated, due to problems with parts availability. The Agency, after coordination with the manufacturer, has determined that there are sufficient parts available to operators to justify the compliance times specified in the notice of proposed rule making. Therefore, no changes have been made to the AD.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to Model JT3C-7 and JT3C-12 turbojet engines.

Within the next 6,000 hours' time in service after the effective date of this AD or at the next compressor disassembly, whichever occurs first, unless already accomplished, replace the first, fifth, and sixth stage compressor rotor disc spacer assemblies, P/N's 359410, 359414, and 359415, with spacer assemblies, P/N's 460559, 460604, and 460606, respectively.

(Pratt & Whitney Aircraft Turbojet Engine Service Bulletin No. 689, Revision No. 3, dated November 16, 1964, pertains to this subject.)

This amendment becomes effective September 30, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on August 19, 1966.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-9565; Filed, Sept. 1, 1966; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-CE-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On June 4, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 7977) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Davenport, Iowa, terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Initially, the Davenport, Iowa, control zone will be effective from 0700 to 1900 hours local time daily.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 13, 1966, as hereinafter set forth.

In § 71.171 (31 F.R. 2065) the following is added:

DAVENPORT, IOWA

Within a 5-mile radius of the Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.), and within 2 miles each side of the 224° bearing from the Davenport RBN extending from the 5-mile radius zone to 8 miles southwest of the RBN. This control zone shall be effective during the specific dates and/or times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on August 18, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-9567; Filed, Sept. 1, 1966; 8:45 a.m.]

[Airspace Docket No. 66-AL-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Amendment of Control Zone and Transition Area

On July 14, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9550) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Galena, Alaska, terminal airspace structure.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments but none were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

1. In § 71.171 (31 F.R. 2093) the Galena, Alaska, control zone is amended to read:

GALENA, ALASKA

Within a 5-mile radius of the Galena Airport (latitude 64°44'10" N., longitude 156°56'00" W.); within 2 miles each side of the Galena VORTAC 089° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC; and within 2 miles each side of the Galena VORTAC 269° radial extending from the 5-mile radius zone to 14 miles W of the VORTAC.

2. In § 71.181 (31 F.R. 2191) the Galena, Alaska, transition area is amended to read:

GALENA, ALASKA

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Galena VORTAC 089° radial extending from the control zone extension east boundary to 12 miles E of the VORTAC; within 2 miles S and 5 miles N of the Galena VORTAC 269° radial extending from the control zone boundary to 19 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 28-mile radius of the Galena VORTAC; within a 40-mile radius of the Galena VORTAC extending from the 240° radial clockwise to the 298° radial and extending from the 28-mile radius area to 40 miles W of the VORTAC; and within a 35-mile radius of the Galena VORTAC extending from the 089° radial clockwise to the 119° radial and extending from the 28-mile radius area to 35 miles E of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Anchorage, Alaska, on August 23, 1966.

GEORGE M. GARY,
Director, Alaskan Region.

[F.R. Doc. 66-9568; Filed, Sept. 1, 1966; 8:46 a.m.]

[Airspace Docket No. 66-WE-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Correction

On August 13, 1966, F.R. Doc. 66-8815 was published in the FEDERAL REGISTER (31 F.R. 10772). It contained amendments to Part 71 of the Federal Aviation Regulations altering the Sidney, Nebr., transition area and designating a new transition area in the Hugo, Colo., area.

Subsequent to the issuance of the final rule, it was determined that a portion of the description of the Hugo transition area, as originally intended, was omitted and a correction to the final rule is necessary.

Since this correction is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the final rule, as initially adopted, may be retained.

In consideration of the foregoing, effective immediately, the description of the Hugo, Colo., transition area contained in F.R. Doc. 66-8815 (31 F.R. 10772) is amended as follows:

HUGO, COLO.

That airspace SW of Hugo, Colo., VOR, extending upward from 8,500 feet MSL, bounded on the N by the S edge of V-108S, on the E by the W edge of V-169, on the S by the N edge of V-210, on the W by the E edge of V-81, and that airspace SE of Hugo VOR bounded on the W by the E edge of V-169, on the S by the N edge of V-10, and on the NE by the SW edge of V-263, excluding the airspace within Federal airways and the Pueblo and Colorado Springs, Colo., transition areas.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348))

Issued in Los Angeles, Calif., on August 25, 1966.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 66-9569; Filed, Sept. 1, 1966; 8:46 a.m.]

[Airspace Docket No. 66-SW-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation and Redesignation of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Waco, Tex. (James Connally AFB) control zone and redesignate the Waco, Tex. (Municipal Airport) control zone to include James Connally AFB. This action is required due to a reduction in weather services provided by the Air Force and will provide protection for aircraft executing prescribed instrument approach and departure procedures at James Connally AFB. Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as herein set forth.

1. In § 71.171 (31 F.R. 6489) the Waco, Tex. (James Connally AFB) control zone is revoked.

2. In § 71.171 (31 F.R. 2144) the Waco, Tex. (Municipal Airport) control zone is redesignated to read:

WACO, TEX.

That airspace within a 5-mile radius of the Waco Municipal Airport (latitude 31°36'40" N., longitude 97°13'40" W.); within 2 miles each side of the 330° radial from the Waco VORTAC extending from the 5-mile radius zone to 7.5 miles NW of the VORTAC; within 2 miles each side of the Waco ILS localizer N course, extending from the 5-mile radius zone to 0.5 mile S of the OM; within 2 miles each side of the Waco VORTAC 098° radial, extending from the VORTAC to a 5-mile radius circle centered at James Connally AFB (latitude 31°38'20" N., longitude 97°04'25" W.); within a 5-mile radius of James Connally AFB (latitude 31°38'20" N., longitude 97°04'25" W.); and within 2 miles each side of the James Connally TACAN 167° and 352° radials extending from the 5-mile radius zone to 7 miles N. and 4.5 miles S of the TACAN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Fort Worth, Tex., on August 24, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-9571; Filed, Sept. 1, 1966; 8:46 a.m.]

[Airspace Docket No. 66-CE-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

On June 28, 1966, a final rule was published in the FEDERAL REGISTER (31 F.R. 8910) which included redesignation of the Lincoln, Nebr., transition area. In this redesignation, the Lincoln, Nebr., airport coordinates were incorrectly recited as "latitude 41°50'55" N., longitude 96°45'05" W.". The coordinates for the airport should have been given as "latitude 40°50'45" N., longitude 96°45'20" W.". Action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the redesignation of the Lincoln, Nebr., transition area, as set forth in Airspace Docket No. 66-CE-30, is amended effective 0001 e.s.t., August 18, 1966, as follows: "(latitude 41°50'55" N., longitude 96°45'05" W.)" is deleted and "(latitude 40°50'45" N., longitude 96°45'20" W.)" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on August 11, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-9572; Filed, Sept. 1, 1966; 8:46 a.m.]

[Airspace Docket No. 66-SO-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area and Control Zone

On July 14, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9549) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Myrtle Beach, S.C., transition area.

Subsequent to the publication of the Notice, Coast and Geodetic Survey redefined the final approach radials for the VOR No. 1 approach procedure from the 052° to the 054° radial, and for the VOR No. 2 approach procedure from the 214° to the 220° radial. Because of the redefinement of these radials, it is necessary to alter the Crescent Beach/Myrtle Beach control zone and the Myrtle Beach 700-foot transition area as follows:

Crescent Beach/Myrtle Beach Control Zone: Redesignate the extensions predicated on the Myrtle Beach VORTAC 052° and 214° radials to the Myrtle Beach VORTAC 054° and 220° radials, respectively.

Myrtle Beach 700-foot transition area: Revoke the extension predicated on the Myrtle Beach VORTAC 214° radial, as the required airspace protection for the redefined final approach radial (220°) is encompassed in the 8-mile radii transition area.

Since these changes are either editorial or less restrictive in nature, notice and public procedure hereon are unnecessary and they are incorporated in this final rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2140) the Myrtle Beach, S.C., 700-foot transition area (31 F.R. 8909) is amended to read:

MYRTLE BEACH, S.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Myrtle Beach AFB (latitude 33°40'45" N., longitude 78°55'45" W.); within an 8-mile radius of the Myrtle Beach/Crescent Beach Airport (latitude 33°48'40" N., longitude 78°43'30" W.).

In § 71.171 (31 F.R. 2065) the Crescent Beach/Myrtle Beach, S.C., control zone (31 F.R. 8909) is amended to read:

CRESCENT BEACH/MYRTLE BEACH, S.C.

Within a 5-mile radius of Crescent Beach/Myrtle Beach Airport (latitude 33°48'40" N., longitude 78°43'30" W.); within 2 miles each side of the Myrtle Beach VORTAC 054° radial, extending from the 5-mile radius zone to 8 miles NE of the VORTAC; within 2 miles each side of the Myrtle Beach VORTAC 220° radial, extending from the 5-mile radius zone to 8 miles SW of the VORTAC. This control zone is effective during specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 22, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-9573; Filed, Sept. 1, 1966; 8:46 a.m.]

[Airspace Docket No. 66-CE-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 8, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8078) stating that the Federal Aviation Agency proposed to designate controlled airspace at Grand Rapids, Minn.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth:

In § 71.181 (31 F.R. 2149), the following transition area is added:

GRAND RAPIDS, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Grand Rapids Municipal Airport (latitude 47°12'45" N., longitude 93°30'35" W.), and within 2 miles each side of the Grand Rapids VOR 160° radial, extending from the VOR to 8 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles east and 5 miles west of the Grand Rapids VOR 160° radial, extending from the VOR to 12 miles south of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Kansas City, Mo., on August 18, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-9566; Filed, Sept. 1, 1966; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7571; Amdt. 490]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dublin Int	OSU RBn	Direct	2500	T-dn	300-1	300-1	200-½
Plain City Int	OSU RBn	Direct	2500	C-dn	400-1	400-1	400-1½
London Int	OSU RBn	Direct	2500	A-dn	NA	NA	NA
CM LOM	OSU RBn	Direct	2500				

Radar available.
Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 2500' within 10 miles.
Minimum altitude over 3-mile Radar Fix on final approach crs, 1600'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of OSU RBn, climb to 3000' on heading 090° to Appleton VOR. Hold northeast 1 minute right turns, 231° Inbnd.
CAUTION: 1110' tower, 1.8 miles. All circling and maneuvering N of airport.
NOTE: Use Columbus, Ohio, altimeter setting.
MSA within 25 miles of facility: 000°-360°—3000'.

City, Columbus; State, Ohio; Airport name, Ohio State University; Elev., 905'; Fac. Class., MIIW; Ident., OSU; Procedure No. 1, Amdt. Orig.; Eff. date, 24 Sept. 66

Edgerton Int	DFI RBn	Direct	2900	T-dn	300-1	300-1	NA
Gerald Int	DFI RBn	Direct	2900	C-dn	400-1	400-1	NA
McClure Int	DFI RBn	Direct	3000	A-dn	NA	NA	NA
Antwerp Int	DFI RBn	Direct	2800				

Procedure turn S side of crs 300° Outbnd, 120° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of the Defiance RBn, climb to 2600' within 10 miles on 120° crs, return to Defiance RBn, hold NW, 1-minute right turns, 120° Inbnd.
MSA within 25 miles of facility: 000°-360°—2400'.

City, Defiance; State, Ohio; Airport name, Bryan Defiance Memorial; Elev., 707'; Fac. Class., MHW; Ident., DFI; Procedure No. 1, Amdt. 1; Eff. date, 24 Sept. 66; Sup. Amdt No. Orig; Dated, 3 Oct. 64

FNT VOR	LOM	Direct	2100	T-dn	300-1	300-1	200-½
Fosters Int	LOM	Direct	2600	C-dn	400-1	400-1	400-1½
Russell Int	LOM	Direct	2700	S-dn-9	400-1	400-1	400-1
Owosso Int	LOM (final)	Direct	2600	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 2100' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 091°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, make left turn, and proceed to Davis Int via FNT, R 078° at 2400', or when directed by ATC, climb to 2100' on 091° bearing from LOM and return to LOM.
MSA within 25 miles of facility: 000°-090°—2200'; 090°-180°—2600'; 180°-270°—2200'; 270°-360°—2000'.

City, Flint; State, Mich.; Airport name, Bishop; Elev., 781'; Fac. Class., LOM; Ident., FN; Procedure No. 1, Amdt. 8; Eff. date, 24 Sept. 66; Sup. Amdt. No. 7; Dated, 8 Aug 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
GJT VOR	GJT RBn	Direct	8100	T-dn%@	300-1	300-1	200-½
Mack Int	Loma Int	Direct	8000	C-dn	700-1	700-1	700-1½
Loma Int	GJT RBn (final)	Direct	7500	C-dn	700-2	700-2	700-2
Sharp Int	GJT RBn	Direct	8000	A-dn	1000-2	1000-2	1000-2
Salt Creek Int	GJT RBn	Direct	8000				

Procedure turn S side crs, 290° Outbnd, 110° Inbnd, 8000' within 10 miles.
Minimum altitude over facility on final approach crs, 7500'.
Crs and distance, facility to airport, 110°—9.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.4 miles after passing GJT RBn, make a right-climbing turn, proceed direct to GJT RBn, climb to 8000' on 290° bearing from RBn within 10 miles.
NOTE: REIL Runways 11 and 29.
%IFR departures must comply with published Grand Junction SID's.
@1000-3 required for Runway 4.
#All maneuvering to S of airport: High terrain N.
MSA within 25 miles of facility: 000°-090°—11,400'; 090°-180°—12,000'; 180°-360°—11,000'.

City, Grand Junction; State, Colo.; Airport name, Walker Field; Elev., 4857'; Fac. Class., MHW; Ident., GJT; Procedure No. 1, Amdt. 4; Eff. date, 24 Sept. 66; Sup. Amdt. No. 3; Dated, 2 July 66

GUM VOR	UA RBn (LOM) (final)	Direct	2000	T-dn	300-1	300-1	200-½
GUM RBn	UA RBn (LOM)	Direct	2500	C-dn	400-1	400-1	400-1½
				S-dn-6R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 264° Outbnd, 084° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 084°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing UA RBn, climb to 2000' on the 084° bearing and contact Guam approach control.
NOTES: (1) Reductions not authorized. (2) This procedure applies to civil aircraft and prior approval required from commander, Andersen AFB.
MSA within 25 miles of facility: 000°-360°—9400'.

City, Guam, Mariana Islands; Airport name, Andersen AFB; Elev., 606'; Fac. Class., HW; Ident., UA; Procedure No. 1, Amdt. 3; Eff. date, 24 Sept. 66; Sup. Amdt. No. 2; Dated, 6 Aug. 66

EPH VOR	MW RBn	Direct	2900	T-dn%	800-1	800-1	200-½
MHW VOR	MW RBn	Direct	2900	C-dn	600-1	600-1	600-1½
Potholes Int	MW RBn	Direct	2900	S-dn-32	500-1	500-1	500-1
Wilson Creek Int	MW RBn	Direct	3200	A-dn	900-2	900-2	900-2

Procedure turn E side of crs, 141° Outbnd, 321° Inbnd, 2900' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 321°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MW RBn, turn left, climb to 2900' direct to MW RBn.
NOTES: (1) Weather service available 0600-2200 local time. (2) Alternate minimums not authorized when weather service not available. (3) Use Ephrata altimeter setting when control zone not effective.
%Takeoffs all runways: Climb direct to the Ephrata VOR, then continue on R 060° within 10 miles to cross the EPH VOR at or above: Southwestbound V2/V448 2800'; Westbound V2N 2800'.
AIR CARRIER NOTE: Sliding scale not authorized. Visibility reduction not authorized.
MSA within 25 miles of facility: 340°-070°—3200'; 070°-160°—3000'; 160°-250°—3700'; 250°-340°—4100'.

City, Moses Lake; State, Wash.; Airport name, Grant County; Elev., 1130'; Fac. Class., MHW/LOM; Ident., MW; Procedure No. 1, Amdt. Orig.; Eff. date, 24 Sept. 66

Liberty VHF Int	Prospect VHF Int	Via radar vectors to JFK VOR, R 289° and 043° bearing to LG LOM.	2500	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-2	700-2
				S-dn-4	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
Prospect VHF Int	LG LOM (final)	Via LGA VOR, R 220.7%	1300				
LGA VOR	LG LOM	Direct	2500				

Radar available.
Procedure turn S side of crs, 223° Outbnd, 043° Inbnd, 2500' S of Prospect Int within 10 miles of LG LOM.#
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 043°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LG LOM, climb to 4000' on LGA VOR, R 045° to Stamford Int. Cross Stamford Int at 3000' or above. Hold NE Stamford Int, 1-minute left turns, Inbnd crs, 225°.
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: (1) Unlighted obstructions in approach zone (Runway 4) protruding 40' above lights at beginning of approach lightlane decreasing to 10' above lights at 1100' from approach end of runway. (2) Tower 415', 3.8 miles SW; tower 390', 3.5 miles SW; building 605', 6.7 miles SW.
#Maintain 2800' Inbnd on final approach crs until crossing Prospect Int.
%LGA VOR, R 220° must be monitored on ADF approach until passing LG LOM.
MSA within 25 miles of facility: 045°-225°—1600'; 225°-315°—2800'; 315°-045°—2200'.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., LOM; Ident., LG; Procedure No. 1, Amdt. 24; Eff. date, 24 Sept. 66; Sup. Amdt. No. 23 Dated, 27 Mar 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SCK VOR	LOM	Direct	2000	T-dn	300-1	300-1	300-1½
Woodward Int	LOM	Direct	3000	C-dn	500-1	500-1	500-1½
Tracy Int	LOM	Direct	2000	S-dn-29 R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs. 111° Outbnd, 291° Inbnd, 2000' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 291°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, turn left, climb to 2000' on 233° crs from LOM within 15 miles.
MSA within 25 miles of facility: 000°-090°—3200'; 090°-180°—3500'; 180°-270°—4400'; 270°-360°—2000'.

City, Stockton; State, Calif.; Airport name, Stockton Metropolitan; Elev., 29'; Fac. Class., LOM; Ident., SC; Procedure No. 1, Amdt. 4; Eff. date, 24 Sept. 66; Sup. Amdt. No. 3; Dated, 27 Nov. 65

Utica VOR	BKG RBn	Direct	3300	T-dn	300-1	300-1	300-1½
Vernon Int	BKG RBn	Direct	3000	C-dn	400-1	400-1	400-1½
Lakeport Int	BKG RBn	Direct	2600	S-dn-18°	400-1	400-1	400-1
Westlake Int	BKG RBn (final)	Direct	2600	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs. 329° Outbnd, 149° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 149°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing BKG RBn, climb straight ahead to 3200' direct to UTI RBn. Hold SE of UTI RBn, 329° Inbnd, 1-minute right turns.
* Reduction not authorized.
MSA within 25 miles of BKG RBn: 000°-090°—4000'; 090°-180°—3500'; 180°-270°—3500'; 270°-360°—3000'.

City, Utica; State, N.Y.; Airport name, Oneida County; Elev., 742'; Fac. Class., MHW; Ident., BKG; Procedure No. 2, Amdt. 3; Eff. date, 24 Sept. 66; Sup. Amdt. No. 2; Dated, 27 May 65

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d	300-1	NA	NA
				C-d	600-1	NA	NA
				A-dn	NA	NA	NA

Radar available.
Procedure turn W side of crs. 358° Outbnd, 178° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 178°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing VWV VOR, climb straight ahead on R 178° of the Waterville VOR to 1500', then make a left-climbing turn to 2300' and return to the Waterville VOR. Hold SE on Waterville VOR, R 140°, right turns, 1 minute, 320° Inbnd.
CAUTION: Stack 943' ¾ mile SW of airport.
MSA within 25 miles of facility: 350°-080°—3100'; 080°-170°—2100'; 170°-260°—2400'; 260°-350°—2100'.

City, Bowling Green; State, Ohio; Airport name, University; Elev., 675'; Fac. Class., L-BVORTAC; Ident., VWV; Procedure No. 1, Amdt. 4; Eff. date, 24 Sept. 66; Sup. Amdt. No. 3; Dated, 31 July 66

				T-dn	300-1	300-1	300-1½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2
				DME minimums	*DME equipment required:		
				C-dn	400-1	400-1	400-1½
				S-dn-32° **	400-1	400-1	400-1

Procedure turn E side of crs. 146° Outbnd, 326° Inbnd, 3900' within 10 miles.
Minimum altitude over facility on final approach crs, 2900'; 2600' if 3-mile DME Fix, R 146° is received.
Crs and distance, facility to airport, 326°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing BFD VOR, climb to 3400' on R 326° within 10 miles of Bradford VOR. Make left-climbing turn, return to Bradford VOR at 4000'. Hold SE, 1-minute left turns, 326° Inbnd.
NOTE: When authorized by ATC, DME may be used between R 064° clockwise to R 288° at 3000' to position aircraft for approach via 10-mile DME Arc, with elimination of procedure turn.
**400-¾ authorized with operative high-intensity runway lights, except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 000°-360°—3600'.

City, Bradford; State, Pa.; Airport name, Bradford-McKean County; Elev., 2143'; Fac. Class., L-BVORTAC; Ident, BFD; Procedure No. 2, Amdt. 2; Eff. date, 24 Sept. 66; Sup. Amdt. No. 1; Dated, 30 July 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
R 134°, JVL VOR clockwise	R 286°, JVL VOR	Via 6-mile DME Arc	2600	T-dn	300-1	300-1	300-1½
R 291°, JVL VOR counterclockwise	R 286°, JVL VOR	Via 6-mile DME Arc	2600	C-dn*	400-1	400-1	500-1½
6-mile DME Fix, R 236° JVL VOR	JVL VOR (final)	Direct	2100	S-dn-44°*	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Procedure turn W side of crs. 236° Outbnd, 056° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 056°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing JVL VOR, climb to 2500' on R 035° within 15 miles, return to VOR and hold in 1-minute pattern on R 236° with right turns.
CAUTION: Runways 18/36 unlighted.
NOTE: Approach control available through Rockford, Ill., control tower. Use Rockford, Ill., altimeter setting, when control zone not effective.
§Circling and straight-in ceiling minimums are raised 100' and alternate minimums not authorized when control zone not effective.
‡400-¾ authorized except for 4-engine turbojet aircraft, with operative REIL or HIRL.
*These minimums apply at all times for those air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°-090°—2200'; 090°-360°—2000'.

City, Janesville; State, Wis.; Airport name, Rock County; Elev., 808'; Fac. Class., L-BVORTAC; Ident., JVL; Procedure No. 1, Amdt. 10; Eff. date, 24 Sept. 66; Sup. Amdt. No. 9; Dated, 25 Dec. 65

EPH VOR	MWH VOR	Direct	2800	T-dn‡	300-1	300-1	300-1½
Potholes Int	MHW VOR	Direct	2800	C-d	400-1	400-1	600-1½
Wilson Creek Int	MWH VOR	Direct	2200	C-n	800-2	800-2	800-2
				S-d-32	400-1	400-1	400-1
				S-n-32	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2
				If aircraft equipped to receive VOR and RBn or Z Mkr simultaneously and MW RBn/Z Mkr identified, the following minimums apply:			
				S-dn-32°	400-1	400-1	400-1

Procedure turn E side of crs. 141° Outbnd, 321° Inbnd, 2900' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'; over MW RBn/Z Mkr, 2200'.
Crs and distance, facility to airport, 321°—4.1 miles; MW RBn/Z Mkr to airport, 321°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MW RBn/Z Mkr, or 6.1 miles after passing MWH VOR, turn left, climb to 2900' direct MWH VOR.
NOTES: (1) Weather service available 0600-2200 local time. (2) Alternate minimums not authorized when weather service not available. (3) Use Ephrata altimeter setting when control zone is not effective.
‡Takeoffs all runways: Climb direct to the Ephrata VOR, then continue on R 080° within 10 miles to cross the EPH VOR at or above: Southwestbound, V2/V448—2800'; Westbound, V2N—2800'.
*400-¾ authorized with operative HIRL or ALS, except for 4-engine turbojets.
AIR CARRIER NOTE: Sliding scale for landing authorized to ¾-mile on 400-1 minimum only.
MSA within 25 miles of facility: 340°-070°—2200'; 070°-160°—3000'; 160°-280°—3700'; 280°-340°—4100'.

City, Moses Lake; State, Wash.; Airport name, Grant County; Elev., 1186'; Fac. Class., L-VOR; Ident., MWH; Procedure No. 1, Amdt. Orig.; Eff. date, 24 Sept. 66

MWH VOR	EPH VOR	Direct	4200	T-dn‡	600-1	600-1	600-1½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				A-dn	900-2	900-2	900-2

Procedure turn E side of crs. 316° Outbnd, 136° Inbnd, 4200' within 10 miles.
Minimum altitude over facility on final approach crs, 4000'.
Crs and distance, facility to airport, 136°—10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10 miles after passing EPH VOR, turn left, climb to 4300' direct to EPH VOR.
NOTES: (1) Weather service available 0600-2200 local time. (2) Alternate minimums not authorized when weather service not available. (3) Use Ephrata altimeter setting when control zone not effective.
‡Takeoffs all runways: Climb direct to the Ephrata VOR, then continue on R 080° within 10 miles to cross the EPH VOR at or above: Southwestbound, V2/V448—2800'; Westbound, V2N—2800'.
MSA within 25 miles of facility: 080°-090°—3800'; 090°-180°—2800'; 180°-270°—4700'; 270°-360°—4100'.

City, Moses Lake; State, Wash.; Airport name, Grant County; Elev., 1186'; Fac. Class., H-BVOR; Ident., EPH; Procedure No. 2, Amdt. Orig.; Eff. date, 24 Sept. 66

Linden VOR	Stockton VOR	Direct	2000	T-dn	300-1	300-1	300-1½
Orange Int	Stockton VOR	Direct	2000	C-dn	400-1	400-1	500-1½
Woodward Int	Stockton VOR	Direct	2000	S-dn-29R°	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs. 125° Outbnd, 305° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 304°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing VOR, turn left, climb to 2000' on SCK VOR R 229° within 15 miles.
*400-½ authorized with operative SALS, except for 4-engine turbojet aircraft; 600-¾ authorized with operative HIRL, except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 000°-090°—3200'; 090°-180°—3700'; 180°-270°—3600'; 270°-360°—2000'.

City, Stockton; State, Calif.; Airport name, Stockton Metropolitan; Elev., 29'; Fac. Class., H-BVORTAC; Ident., SCK; Procedure No. 1, Amdt. 7; Eff. date, 24 Sept. 66; Sup. Amdt. No. 6; Dated, 27 Nov. 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn	300–1	300–1	300–1½
				C–dn	500–1	500–1	500–1½
				S–dn–6°	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 046°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing ART VOR, make left-climbing turn to 2400′ and return to ART VOR. Hold SW of ART VOR, 1-minute right turns, 046° Inbnd.
NOTE: Approach from a holding pattern not authorized. Procedure turn required.
*Reduction for lighting not authorized.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—3000′; 180°–270°—2000′; 270°–360°—2200′.
City, Watertown; State, N.Y.; Airport name, Municipal; Elev., 325′; Fac. Class., L–BVOR; Ident., ART; Procedure No. 1, Amdt. 7; Eff. date, 24 Sept. 66; Sup. Amdt. No. 6; Dated, 8 May 65

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn*%	300–1	300–1	300–1
				C–dn	1000–1	1000–1	1000–2
				A–dn*	1500–3	1500–3	1500–3

Procedure turn S side of crs, 104° Outbnd, 284° Inbnd, 9500′ within 10 miles.
All turns to be made to the S side of crs, high terrain to the N.
Minimum altitude over facility on final approach crs, 7700′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over DRO VOR, turn right, climb to 9500′ on R 104° within 10 miles.
NOTE: Final approach from holding patterns at VOR not authorized; procedure turn required.
*Authorized when weather service available (normally 0600–2200 MST).
%IFR departures: Turn right to intercept DRO VOR R 104°, climb on R 104° within 10 miles to sufficient altitude to cross DRO VOR at: 13,200′ northbound, V421; 7500′ southbound, V421; 8700′ eastbound, V211; 9800′ westbound, V211.
MSA: 000°–090°—15,100′; 090°–270°—10,400′; 270°–360°—15,300′.
City, Durango; State, Colo.; Airport name, Durango-La Plata County Airport; Elev., 6684′; Fac. Class., L–BVOR; Ident., DRO; Procedure No. Ter VOR R-104, Amdt. 9; Eff. date, 24 Sept. 66; Sup. Amdt. No. 8; Dated, 2 July 66

10-mile DME Fix, R 152°	EUG VOR	Direct	2200	T–dn%	300–1	300–1	300–1½
10-mile DME Fix, R 167°	EUG VOR	Direct	3000	C–dn	800–1	800–1	800–1½
10-mile DME Fix, R 204°	EUG VOR	Direct	3000	A–dn	800–2	800–2	800–2
				If aircraft equipped to receive VOR and ADF simultaneously or equipped with DME and Junction City Int identified the following minimums apply:*			
				C–dn	500–1	500–1	500–1½
				S–dn–16°	400–1	400–1	400–1

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 2600′ within 10 miles.
Final approach from holding pattern at EUG VOR not authorized, procedure turn required.
Minimum altitude over Junction City Int on final approach crs, 1200′.
Crs and distance, Junction City Int to airport, 167°—3.8 miles; breakoff point to approach end of Runway 16, 150°—0.6 mile (LMM).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing EUG VOR, turn right, climb to 2600′ on R 347° within 10 miles, or when directed by ATC, turn right and climb to 3000′ on R 260° EUG VOR within 10 miles of EUG VOR.
CAUTION: High terrain E and W.
NOTE: When authorized by ATC, DME may be used between R 226° EUG VOR clockwise to R 010° EUG VOR within 10 miles at 2600′ to position aircraft for straight-in approach with elimination of the procedure turn.
*If Junction City Int not identified authorized minimum over EUG VOR is 1200′.
§400–½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
§400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
%Takeoffs all runways: Climb on the Eugene VORTAC 355° radial within 10 miles to cross the VORTAC, southbound, V23—900′; westbound, 231° radial, 1000′.
MSA within 25 miles of facility: 000°–090°—4500′; 090°–180°—4800′; 180°–270°—3800′; 270°–360°—4500′.
City, Eugene; State, Oreg.; Airport name, Mahlon Sweet Field; Elev., 365′; Fac. Class., L–BVORTAC; Ident., EUG; Procedure No. VOR–16, Amdt. 10; Eff. date, 24 Sept. 66; Sup. Amdt. No. 9; Dated, 16 July 66

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
R 125°, FNT VOR clockwise	R 222°, FNT VOR	Via 10-mile DME Arc.	2000	T–dn	300–1	300–1	300–1½
R 340°, FNT VOR counterclockwise	R 222°, FNT VOR	Via 10-mile DME Arc.	2000	C–dn	500–1	500–1	500–1½
10-mile DME Fix FNT, R 222°	4-mile DME Fix, R 222° (final)	Direct	1281	S–dn–8	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
				Minimums with DME:			
				C–dn	400–1	500–1	500–1½
				S–dn–8	400–1	400–1	400–1

Procedure turn W side of crs, 222° Outbnd, 042° Inbnd, 2100′ within 10 miles.
Minimum altitude over 4-mile DME Fix on final approach crs, 1281′.
Crs and distance, breakoff point to Runway 4, 040°—0.23 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FNT VOR, make right-climbing turn and proceed to Davis Int via FNT, R 078° at 2400′, or when directed by ATC, make left-climbing turn and proceed direct to FN LOM at 2100′.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—2600′; 180°–270°—2200′; 270°–360°—2600′.
City, Flint; State, Mich.; Airport name, Bishop; Elev., 781′; Fac. Class., L–BVORTAC; Ident., FNT; Procedure No. Ter VOR–5, Amdt. 3; Eff. date, 24 Sept. 66; Sup. Amdt. No. 2; Dated, 6 June 64

Owosso Int/DME Fix R 172°, FNT VOR clockwise	4-mile DME Fix (final)	Direct	1600	T–dn	300–1	300–1	300–1½
	R 283°, FNT VOR	Via 10-mile DME Arc.	2600	C–dn	500–1	500–1	500–1½
R 040°, FNT VOR counterclockwise	R 283°	Via 10-mile DME Arc.	2600	S–dn–9	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
				Minimums with DME:			
				C–dn	400–1	500–1	500–1½
				S–dn–9	400–1	400–1	400–1

Procedure turn S side of crs, 283° Outbnd, 103° Inbnd, 2100′ within 10 miles of VOR.
Minimum altitude over 4-mile DME Fix on final approach crs, 1281′.
Crs and distance, breakoff point to Runway 9, 091°—0.80 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FNT VOR, make left-climbing turn and proceed to Davis Int via FNT, R 078° at 2400′, or when directed by ATC, make climbing right turn and proceed direct to FN LOM at 2100′.
§400–¼ authorized, with operative high-intensity runway lights, except 4-engine turbojets; 400–½ authorized, with operative ALS except 4-engine turbojets.
MSA within 25 miles of facility: 090°–360°—2200′; 090°–180°—2600′; 180°–270°—2200′; 270°–360°—2600′.
City, Flint; State, Mich.; Airport name, Bishop; Elev., 781′; Fac. Class., L–BVORTAC; Ident., FNT; Procedure No. Ter VOR–9, Amdt. 6; Eff. date, 24 Sept. 66; Sup. Amdt. No. 5; Dated, 13 Feb. 65

R 283°, FNT VOR clockwise	R 354°, FNT VOR	Via 10-mile DME Arc.	2600	T–dn	300–2	300–1	300–1½
R 072°, FNT VOR counterclockwise	R 354°, FNT VOR	Via 10-mile DME Arc.	2600	C–dn	500–1	500–1	500–1½
10-mile DME Fix, R 354°	3-mile DME Fix (final)	Direct	1281	S–dn–18	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
				Minimums with DME:			
				S–dn	400–1	500–1	500–1½
				S–dn–18	400–1	400–1	400–1

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2200′ within 10 miles.
Minimum altitude over Dalton Int on final apprroach crs, 1281′.
Crs and distance, breakoff point to Runway 18, 182°—0.32 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FNT VOR, make climbing right turn and proceed to FN LOM at 2100′.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—2600′; 180°–270°—2200′; 270°–360°—2600′.
City, Flint; State, Mich.; Airport name, Bishop; Elev., 781′; Fac. Class., L–BVORTAC; Ident., FNT; Procedure No. Ter VOR–18, Amdt. 3; Eff. date, 24 Sept. 66; Sup. Amdt. No. 2; Dated, 6 June 64

10 340°, FNT VOR clockwise	R 055°, FNT VOR	Via 10-mile DME Arc.	2600	T–dn	300–1	300–1	300–1½
R 143°, FNT VOR counterclockwise	R 055°, FNT VOR	Via 10-mile DME Arc.	2600	C–dn	800–1	800–1	800–1½
R-mile DME Fix FNT, R 055°	3-mile DME Fix, FNT, R 055° (final)	Direct	1281	S–dn–23	800–1	800–1	800–1
				A–dn	800–2	800–2	800–2
				Minimums with DME:			
				C–dn	500–1	500–1	500–1½
				S–dn–23	500–1	500–1	500–1

Procedure turn N side of crs, 055° Outbnd, 235° Inbnd, 2200′ within 10 miles.
Minimum altitude over 3-mile DME Fix, on final approach crs, 1581′.
Crs and distance, breakoff point to Runway 22, 229°–0.39 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FNT VOR, make right-climbing turn and proceed direct to FN LOM at 2100′, or when directed by ATC, make climbing left turn and proceed to Davis Int via FNT VOR, R 078° at 2400′.
CAUTION: 1220′ tower, 4.3 miles SE.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—2600′; 180°–270°—2200′; 270°–360°—2600′.
City, Flint; State, Mich.; Airport name, Bishop; Elev., 781′; Fac. Class., L–BVORTAC; Ident., FNT; Procedure No. Ter VOR–22, Amdt. 4; Eff. date, 24 Sept. 66; Sup. Amdt. No. 3; Dated 6 June 64

Davis Int	Plant Int (final)	Direct	1758	T–dn	300–1	300–1	300–1½
R 340°, FNT VOR clockwise	R 078°, FNT VOR	Via 10-mile DME Arc.	2600	C–dn	800–1	800–1	800–1½
R 172°, FNT VOR counterclockwise	R 078°, FNT VOR	Via 10-mile DME Arc.	2600	S–dn–27	800–1	800–1	800–1
				A–dn	800–2	800–2	800–2
				Minimums with DME or dual VOR receivers:			
				C–dn	500–1	500–1	500–1½
				S–dn–27	500–1	500–1	500–1

Procedure turn N side of crs, 078° Outbnd, 258° Inbnd, 2200′ within 10 miles.
Minimum altitude over Plant Int on final approach crs, 1581′.
Crs and distance, breakoff point to Runway 27, 271°—0.49 mile.
Crs and distance, Plant Int to airport, 258°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FNT VOR, make right-climbing turn to 2100′ and proceed direct to the FN LOM, or when directed by ATC, make left-climbing turn and proceed to Davis Int via FNT, R 078° at 2400′.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—2600′; 180°–270°—2200′; 270°–360°—2600′.
City, Flint; State, Mich.; Airport name, Bishop; Elev., 781′; Fac. Class., L–BVORTAC; Ident., FNT; Procedure No. Ter VOR–27, Amdt. 3; Eff. date, 24 Sept. 66; Sup. Amdt. No. 2; Dated 6 June 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less 65 knots or less	2-engine or less More than 65 knots	More than 2-engine, more than 65 knots
Murdock Int	SRQ VOR	Direct	1500	T–dn	300–1	300–1	200–½
Hansen Int	SRQ VOR	Direct	1500	C–dn	500–1	500–1	500–1½
Egmont RBn	SRQ VOR	Direct	1500	S–dn–13°	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
				If identified at 5-mile Radar Fix, on R 296° minimums become:			
				S–dn–13	400–1	400–1	400–1

Tampa Radar available.
Procedure turn S side of crs, 296° Outbnd, 116° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 500′.
Facility on airport, breakoff point to Runway 13, 133°—0.1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of SRQ VOR, climb to 1500′ on R 116° within 20 miles.
NOTE: Use Tampa altimeter setting when control zone not effective.
°Reduction below ¾ mile not authorized.
‡Limited weather information available to public. Alternate usage authorized for air carriers only.
MSA within 25 miles of facility: 000°–090°—1300′; 090°–180°—1600′; 180°–270°—1200′; 270°–360°—1400′.

City, Sarasota (Bradenton); State, Fla.; Airport name, Sarasota-Bradenton; Elev., 24′; Fac. Class., L-BVOR; Ident., SRQ; Procedure No. TerVOR-13, Amdt. 6; Eff. date, 24 Sept. 66; Sup. Amdt. No. 5; Dated, 2 Apr. 66

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less 65 knots or less	2-engine or less More than 65 knots	More than 2-engine, more than 65 knots
12-mile DME Fix, R 107°	6-mile DME Fix, R 107°	287°—6 miles	2800	T–dn	800–1	800–1	200–½
6-mile DME Fix, R 107°	BUF VOR (final)	287°—6 miles	1600	C–dn	400–1	400–1	400–1½
				S–dn–31	400–1	400–1	400–1½
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn E side of crs, 107° Outbnd, 287° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 287°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, make a right-climbing turn to 2500′, intercept Buffalo VOR, R 302° Outbnd, proceed to Grant Island Int. Hold NW, 1-minute, right turns, 122° Inbnd, or when directed by ATC, make right-climbing turn to 2500′ proceed to Buffalo VOR. Hold E, 1-minute right turns, 287° Inbnd.
NOTE: When authorized by ATC, DME may be used between R 040° clockwise to R 140° at 3000′ to position aircraft for straight-in approach via 12-mile DME Arc, with elimination of procedure turn.
CAUTION: 1349′ TV tower, 5 miles WNW of airport. 860′ tank, 1.6 miles E of airport.
MSA within 25 miles of facility: 080°–170°—3200′; 170°–260°—3900′; 260°–350°—3400′; 350°–080°—2200′.

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 722′; Fac. Class., H-BVORTAC; Ident., BUF; Procedure No. VOR-DME No. 1, Amdt. 8; Eff. date, 24 Sept. 66; Sup. Amdt. No. 7; Dated, 13 Nov. 65

JVL VOR	10-mile DME Fix, R 035°	Direct	2500	T–dn	300–1	300–1	300–1½
R 335°, JVL VOR clockwise	R 035°, JVL VOR	Via 16-mile DME Arc	2500	C–dn*	600–1	600–1	600–1½
				S–dn–226°*	600–1	600–1	600–1
R 108°, JVL VOR counterclockwise	R 035°, JVL VOR	Via 16-mile DME Arc	2600	A–dn*	800–2	800–2	800–2
16-mile DME Fix, R 035°, JVL VOR	10-mile DME Fix (final), R 035°	Direct	2200				

Procedure turn N side of crs, 035° Outbnd, 215° Inbnd, 2500′ between 10- and 20-mile DME Fix, R 035°.
Minimum altitude over 10-mile DME Fix, R 035° on final approach crs, 2200′.
Crs and distance, 10-mile DME Fix, R 035° to airport, 215°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 8.2-mile DME Fix, R 035° climb to 2400′ on R 226° of JVL VORTAC within 10 miles, return to VOR and hold in 1-minute pattern on R 226° with right turns.
CAUTION: Runways 18/36 unlighted.
NOTE: Approach control available through Rockford, Ill., control tower. Use Rockford, Ill. altimeter setting when control zone not effective.
cCircling and straight-in ceiling minimums are raised 100′ and alternate minimums not authorized when control zone not effective.
*These minimums apply at all times for those air carriers with approved weather reporting service.
‡600–¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–360°—2600′.

City, Janesville; State, Wis.; Airport name, Rock County; Elev., 808′; Fac. Class., L-BVORTAC; Ident., JVL; Procedure No. 1, Amdt. 1; Eff. date, 24 Sept. 66; Sup. Amdt. No. Orig.; Dated, 25 Dec. 65

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less 65 knots or less	2-engine or less More than 65 knots	More than 2-engine, more than 65 knots
BRO VOR	LOM	Direct	1600	T–dn	300–1	300–1	200–½
Fresno Int	LOM (final)	Via localizer	1200	C–dn	400–1	400–1	400–1½
				S–dn–17L*	200–½	200–½	200–½
				A–dn	800–2	800–2	800–2

Procedure turn W side N crs, 353° Outbnd, 173° Inbnd, 1600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1200′.
Altitude of glide slope and distance to approach end of runway at OM, 1157′—8.8 miles; at MM, 225′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 1600′ on BRO VOR, R 062° within 15 miles or, when directed by ATC, climb to 1200′ on S crs, ILS within 4.5 miles.
*400–½ required when glide slope not utilized.

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22′; Fac. Class., ILS; Ident., I-BRO; Procedure No. ILS–17L, Amdt. 22; Eff. date, 24 Sept. 66; Sup. Amdt. No. 21; Dated, 10 Sept. 66

Owosso Int	LOM (final)	Direct	2000	T–dn	300–1	300–1	300–½
FNT VOR	LOM	Direct	2100	C–dn	400–1	400–1	400–½
Russell Int	LOM	Direct	2700	S–dn–09	200–½	200–½	200–½
Fosters Int	LOM	Direct	2500	A–dn	800–2	800–2	800–2
St. Johns Int	Vernon Int	Via FNT, R 273°	2600				
Vernon Int	LOM (final)	Direct	2000				

Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 2100′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1988′—3.9 miles; at MM, 986′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left-climbing turn and proceed to Davis Int via FNT, R 078° at 2400′, or when directed by ATC, make climbing right turn and proceed direct to FN LOM at 2100′.
NOTE: When authorized by ATC, DME may be used to position aircraft on final crs at 3800′ via 16-mile DME Arc 172° clockwise to 340° with the elimination of procedure turn.
‡400–¾ required when glide slope not utilized and 600–½ authorized with operative ALS, except for 4-engine turbojets.

City, Flint; State, Mich; Airport name, Bishop; Elev., 781′; Fac. Class., ILS; Ident., I-FNT; Procedure No. ILS–9, Amdt. 9; Eff. date, 24 Sept. 66; Sup. Amdt. No. 8; Dated, 13 Dec. 65

Willow DME Fix	Mack Int	Direct	12,000	T–dn¾◎	800–1	800–1	200–¼
Mack Int	Loma Int	Direct	8000	C–dn‡	800–1½	800–2	800–2
Loma Int	GJT RBn (final)	Direct	7700	S–dn–11°	800–1	800–1	800–1
Sharp Int	GJT RBn	Direct	8000	A–dn	760–2	760–2	760–2
GJT VOR	GJT RBn	Direct	8100				
Salt Creek Int	GJT RBn	Direct	8000				

Procedure turn S side crs, 290° Outbnd, 110° Inbnd, 8000′ within 10 miles of GJT RBn.
Minimum altitude over GJT RBn on final approach crs, 7709′.
Crs and distance, GJT RBn to airport, 110°—3.4 miles.
Minimum altitude at glide slope intercept Inbnd, 7729′.
Minimum altitude and distance to approach end of runway at OM, 8943′—2.6 miles; at MM, 8063′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile of MM, make a right-climbing turn, climb to 8000′ on NW crs of ILS within 10 miles NW of GJT RBn.
NOTES: (1) No approach lights. (2) REIL Runways 11 and 29.
NOTE: Final approach from holding pattern not authorized. Procedure turn required.
Glide slope unusable below 8132′.
*600–1 required without glide slope, 400–1 authorized if OM received, 800–¾ authorized, except for 4-engine turbojet aircraft with operative high-intensity runway lights.
‡All maneuvering to S of airport; high terrain N.
¾IFR departures must comply with published Grand Junction SID's.
◎1000–3 required for Runway 4.

City, Grand Junction; State, Colo.; Airport name, Walker Field; Elev., 4857′; Fac. Class., ILS; Ident., I-GJT; Procedure No. ILS–11, Amdt. 20; Eff. date, 24 Sept. 66; Sup. Amdt. No. 19; Dated, 2 July 66

GUM VOR	UA LOM	Direct	2000	T–dn	800–1	800–1	200–½
GUM RBn	UA LOM	Direct	2600	C–dn	400–1	800–1	800–1½
				S–dn–6R°	200–½	200–½	200–½
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn N side of crs, 246° Outbnd, 066° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distances to approach end of runway at OM, 2049′—4.6 miles; at MM, 924′—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing LOM, climb to 2000′ on 054° heading and contact Guam approach control.
NOTES: (1) This procedure applies to civil aircraft and prior approval required from commander, Andersen AFB. (2) Glide slope angle, 2.98°. (3) Reductions not authorized.
*400–1 required when glide slope not utilized.

City, Guam, Mariana Islands; Airport name, Andersen AFB; Elev., 609′; Fac. Class., ILS; Ident., I-UAM; Procedure No. ILS–6R, Amdt. 1; Eff. date, 24 Sept. 66; Sup. Amdt. No. Orig.; Dated, 26 Mar. 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Hyannis VOR	Hyannis LOM	Direct	1500	T–dn/	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–24°	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn S side of crs, 066° Outbnd, 246° Inbnd, 1500′ within 10 miles. Nonstandard.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 246°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing HY LOM, make a left-climbing turn to 1500′, returning to the HY LOM. Hold NE of HY LOM, 246° Inbnd, 1-minute left turns.
No glide slope.
/Takeoff minimums of 300–1 required for Runway 24.
°400–½ authorized with operative ALS and high-intensity runway lights, except for turbojet aircraft.
400–¾ authorized with operative high-intensity runway lights, except for turbojet aircraft.

City, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 52′; Fac. Class., ILS; Ident., I–HYA; Procedure No. ILS–24, Amdt. 5; Eff. date, 24 Sept. 66; Sup. Amdt. No. 4; Dated, 20 Mar. 65

EPH VOR	MW RBn	Direct	2000	T–dn%	300–1	300–1	200–½
MWH VOR	MW RBn	Direct	2000	C–dn	600–1	600–1	600–1½
Potholes Int	MW RBn	Direct	2000	S–dn–32	200–½	200–½	200–½
Wilson Creek Int	MW RBn	Direct	3200	A–dn	700–2	700–2	700–2

Procedure turn E side of crs, 141° Outbnd, 321° Inbnd, 2900′ within 10 miles.
Altitude of glide and distance to approach end of runway at OM, 2523′—4.7 miles at MM, 1402′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing OM, turn left, climb to 2900′ direct MW RBn.
NOTES: (1) Weather service available 0600–2300 local time. (2) Alternate minimums not authorized when weather service not available. (3) Use Ephrata altimeter setting when control zone not effective.
%Takeoffs all runways: Climb direct to the Ephrata VOR, then continue on R 060° within 10 miles to cross the EPH VOR at or above: Southwestbound, V2/V446—2800′; westbound, V2N—2800′.

City, Moses Lake; State, Wash.; Airport name, Grant County; Elev., 1186′; Fac. Class., ILS; Ident., I–MWH; Procedure No. ILS–32, Amdt. Orig.; Eff. date, 24 Sept. 66

Linden VOR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Woodward Int	LOM	Direct	2000	C–dn	500–1	500–1	500–1½
SCK VOR	LOM	Direct	2000	S–dn–29R	300–1½	300–1½	300–1½
Orange Int	LOM	Direct	2000	A–dn	600–2	600–2	600–2

Procedure turn N side of crs, 111° Outbnd, 291° Inbnd, 2000′ within 10 miles of OM.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1528′—5.4 miles; at MM, 248′—0.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 2000′ on SCK VOR, R 229° or on 233° bearing from SC LOM within 15 miles.
NOTE: Back crs unusable.

City, Stockton; State, Calif.; Airport name, Stockton Metropolitan; Elev., 29′; Fac. Class., ILS; Ident., I–SCK; Procedure No. ILS–29R, Amdt. 6; Eff. date, 24 Sept. 66; Sup. Amdt. No. 5; Dated, 27 Nov. 65

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
000°	360°	Within: 40 miles	4000	T–dn	300–1	300–1	200–½
000°	360°	30 miles	3000	C–dn	500–1	500–1	500–1½
000°	360°	15 miles	2700	Precision approach			
000°	360°	10 miles	2000	S–dn–15 and 33	200–½	200–½	200–½
000°	360°			A–dn	600–2	600–2	600–2
				Surveillance approach			
				S–dn–15 and 33	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

If visual contact not established on descent to authorized landing minimums or if landing not accomplished, Runway 15: Make right-climbing turn to 2000′ direct BGR VOR. Hold S of BGR VOR, one-minute left turns, 020° Inbnd. Runway 33: Climb to 2000′ direct BGR VOR. Hold S of BGR VOR, 1-minute left turns, 020° Inbnd.
NOTE: Standard clearance of 1000′ within 3 miles must be provided over a 1749′ antenna 12 miles SW of airport.
CAUTION: 327′ standpipe, 0.5 mile NE of approach end Runway 33, 532′ antenna, 2.5 miles NE of airport; 930′ antenna, 5.9 miles SE of airport.

City, Bangor; State, Maine; Airport name, Dow AFB; Elev., 192′; Fac. Class., Dow Radar; Procedure No. 1, Amdt. 3; Eff. date, 24 Sept. 66; Sup. Amdt. No. 2; Dated, 9 July 66

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Precision approach			
All directions	Radar site	Within: 25 miles	2800	C–dn	600–1	600–1	600–1½
All directions	Radar site	20 miles	1500	S–dn–4R°°	200–½	200–½	200–½
160°	22R°	4–15 miles	1000	A–dn–4R	600–2	600–2	600–2
				Surveillance approach			
				T–dn°	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–4L	600–1	600–1	600–1
				S–dn–13L&	500–1	500–1	500–1
				S–dn–22R	500–1	500–1	500–1
				S–dn–31R%	500–1	500–1	500–1
				A–dn–All	800–2	800–2	800–2

All bearings are from the radar site with azimuth progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 4R, 4L: Make right-climbing turn to 3000′ on JFK VOR, R 077° to DPK VOR. Hold E, 1-minute left turns, Inbnd crs, 257°. Runway 13L: Climb straight ahead to intercept JFK, R 077°, proceed to DPK VOR climbing to 3000′. Hold E, DPK VOR, 1-minute left turns, 257° Inbnd. Runways 22R, 31R: Make left-climbing turn to 2000′ on JFK VOR, R 180° to Channel Int. Hold S, 1-minute right turns, Inbnd crs, 009°.
/Except W of LGA VOR, R 045°–219°, 2500′ minimum altitude required.
&Runway 13L only: Maintain 800′ until passing 2-mile Radar Fix.
°RVR Runways 4R, 22L. 2000′ 4-engine turbojet. 1800′ other aircraft. RVR runway 31L, 2600′. RVR 31R, 2400′.
°°RVR 2000′ 4-engine turbojet. 1800′ other aircraft. Descent below 2.5° not authorized unless ALS visible.
%400–¾ (RVR 4000′) authorized with operative HIRL, except for 4-engine turbojet aircraft.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 13′; Fac. Class., Kennedy Radar; Procedure No. 1, Amdt. 12; Eff. date, 24 Sept. 66; Sup. Amdt. No. 11; Dated, 18 June 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on August 17, 1966.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 66–9232; Filed, Sept. 1, 1966; 8:45 a.m.]

SUBCHAPTER I—AIRPORTS

[Docket No. 7581; Amdt. 151–18]

PART 151—FEDERAL AID TO AIRPORTS

Incorporation of Technical Guidelines

The purpose of this amendment is to incorporate into Part 151 of the Federal Aviation Regulations certain technical guidelines, now set forth in Advisory Circulars, that govern airport development projects under the Federal-Aid to Airports Program in addition to the standards already set forth in the body and appendices of Part 151.

Incorporation of these guidelines is being effected by adding a list containing the pertinent Advisory Circulars, or parts of Circulars, as Appendix I to Part 151. The technical guidelines in the Circulars on that list are being made mandatory standards by new § 151.72. Advisory Circulars not made mandatory by Part 151 will retain their character of recommendations to airports receiving Federal assistance, and all technical standards in Part 151 or in Advisory Circulars will continue to be recommended to airports that do not receive Federal assistance.

Section 151.72 confers authority on the Director, Airports Service, to add Advisory Circulars to the list and to strike obsolete ones. His present authority to issue, amend, and revoke Advisory Circulars remains unimpaired. Section 151.72 provides that copies of the Circulars on the list are available to interested persons and states where the copies can be obtained. It also states how conflicts between incorporated provisions, or between them and other regulations, are resolved.

This amendment also adds a new § 151.99 that confers authority on the Director, Airports Service, and each Regional Director to allow modifications of programing standards under stated conditions.

This rule-making action is taken on the authority of sections 2 through 15 and 17 through 20 of the Federal Airport Act (49 U.S.C. 1101–1114, 1116–1119). Since it relates to public property, grants and benefits, notice and public procedure thereon are not required.

In consideration of the foregoing, effective October 2, 1966, Part 151 of the Federal Aviation Regulations (14 CFR Part 151) is hereby amended as set forth below.

Issued in Washington, D.C., on August 26, 1966.

WILLIAM F. MCKEE,
Administrator.

Part 151 of the Federal Aviation Regulations, 14 CFR Part 151, is hereby amended as follows:

1. By adding the following new sections:

§ 151.72 Incorporation by reference of technical guidelines in Advisory Circulars.

(a) *Provisions incorporated; mandatory standards.* The technical guidelines in the Advisory Circulars, or parts of Circulars, listed in Appendix I of this part, are incorporated into this subpart by reference. Guidelines so incorporated are mandatory standards and apply in addition to the other standards in this subpart. No provision so incorporated and made mandatory supersedes any provision of this Part 151 (other than of App. I) or of any other part of the Federal Aviation Regulations. Each Circular is incorporated with all amendments outstanding at any time unless the entry in Appendix I of this part states otherwise.

(b) *Amendments of Appendix I.* The Director, Airports Service, may add to, or delete from, Appendix I of this part any Advisory Circular or part thereof.

(c) *Availability of Advisory Circulars.* The Advisory Circulars listed in Appendix I of this part may be inspected and copied at any FAA Regional Office, Area Office, or Airports District Office. Copies of the Circulars that are available free of charge may be obtained from any of the offices or from the Federal Aviation Agency, Printing Branch, HQ–438, Washington, D.C. 20553. Copies of the Circulars that are for sale may be bought from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 for the price listed.

§ 151.99 Modifications of programing standards.

The Director, Airports Service, or the Regional Director concerned may, on individual projects, when necessary for adaptation to meet local conditions, modify any standard set forth in or incorporated into this subpart, if he determines that the modification will provide an acceptable level of safety, economy, durability, or workmanship.

2. By adding the following new Appendix:

Number	Subject
AC 150/5345-17	Specification for L-845 Semiflush Inset Prismatic Airport Light.
AC 150/5345-18	Specification for L-811 Static Indoor Type Constant Current Regulator Assembly, 4 KW; With Brightness Control and Runway Selection for Direct Operation.
AC 150/5345-19	Specification for L-838 Semiflush Prismatic Airport Light.
AC 150/5345-20	Specification for L-802 Runway and Strip Light.
AC 150/5345-21	Specification for L-813 Static Indoor Type Constant Current Regulator Assembly, 4 KW and 7½ KW; for Remote Operation of Taxiway Lights.
AC 150/5345-22	Specification for L-834 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit.
AC 150/5345-23	Specification for L-852 Taxiway Edge Light.
AC 150/5345-24	Specification for L-849 Condenser Discharge Type Flashing Light.
AC 150/5345-25	Specification for L-848 Medium Intensity Approach Light Bar Assembly.
AC 150/5345-26	Specification for L-823 Plug and Receptacle, Cable Connectors.
AC 150/5345-27	Specification for L-807 Eight-Foot Illuminated Wind Cone.
AC 150/5345-30	Specification for L-846 Electrical Wire for Lighting Circuits To Be Installed in Airport Pavements.
AC 150/5345-31	Specification for L-833 Individual Lamp Series-to-Series Type Insulating Transformer for 600 Volt or 3,000 Volt Series Circuits.
AC 150/5345-32	Specification for L-837 Large-Size Light Base and Transformer Housing.
AC 150/5345-33	Specification for L-844 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 20/6.6 Amperes 200 Watt.
AC 150/5345-34	Specification for L-839 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 6.6/20 Amperes 300 Watt.
AC 150/5345-35	Specification for L-816 Circuit Selector Cabinet Assembly for 600 Volt Series Circuits.
AC 150/5345-36	Specification for L-808 Lighted Wind Tee.
AC 150/5345-37A	FAA Specification L-850, Light Assembly, Airport Runway, Centerline.
AC 150/5370-3	Materials and Tests Required by AC 150/5370-1, Standard Specifications for Construction of Airports.
AC 150/5310-1	Preparation of Airport Layout Plans.
(b) *Circulars for sale at the price stated.*	
AC 150/5370-1	Standard Specifications for Construction of Airports; $2.75.
AC 150/5370-1, CH 1	Standard Specifications for Construction of Airports; $0.35.

[F.R. Doc. 66-9574; Filed, Sept. 1, 1966; 8:46 a.m.]

APPENDIX I

Lists of Advisory Circulars incorporated by § 151.72:

(a) *Circulars available free of charge.*

Number	Subject
AC 150/5300-3	Adaptation of TSO-N18 Criterion to Clearways and Stopways.
AC 150/5325-2A	Airport Surface Areas Gradient Standards.
AC 150/5325-4	Runway Length Requirements for Airport Design.
AC 150/5330-2	Runway/Taxiway Widths and Clearances.
AC 150/5340-1A	Marking of Serviceable Runways and Taxiways.
AC 150/5340-3	Configuration Details of In-Runway Lighting, Touchdown Zone, Runway Centerline, and Taxiway Turnoff Lighting Systems.
AC 150/5340-4	Installation Details for In-Runway Lighting.
AC 150/5340-5	Segmented Circle Airport Marker System.
AC 150/5340-7	Marking of Deceptive, Closed, and Hazardous Areas on Airports.
AC 150/5340-13	High Intensity Lighting System.
AC 150/5340-14	Economy Approach Lighting Aids.
AC 150/5340-15	Taxiway Lighting System.
AC 150/5345-1	Approved Airport Lighting Equipment.
AC 150/5345-2	Specification for L-810 Obstruction Light.
AC 150/5345-3	Specification for L-821 Airport Lighting Panel for Remote Control of Airport Lighting.
AC 150/5345-4	Specification for L-830 Internally Lighted Airport Taxi Guidance Sign.
AC 150/5345-5	Specification for L-847 Circuit Selector Switch, 5000 Volt 20 Ampere.
AC 150/5345-6	Specification for L-809 Airport Light Base and Transformer Housing.
AC 150/5345-7	Specification for L-824 Underground Electrical Cables for Airport Lighting Circuits.
AC 150/5345-8	Specification for L-840 Low Intensity Runway, Landing Strip and Taxiway Light.
AC 150/5345-9A	Specification for L-819 Fixed Focus Bidirectional High Intensity Runway Light.
AC 150/5345-10A	Specification for L-828 Constant Current Regulator with Stepless Brightness Control.
AC 150/5345-11	Specification for L-812 Static Indoor Type Constant Current Regulator Assembly, 4 KW and 7½ KW, with Brightness Control for Remote Operation.
AC 150/5345-12	Specification for L-801 Beacon for Small Airports.
AC 150/5345-13	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits.
AC 150/5345-14	Specification for L-857 "A" Frame Hinged Support for 12-Foot Wind Cone.
AC 150/5345-15	Specification for L-842 Airport Centerline Light.
AC 150/5345-16	Specification for L-843 Airport In-Runway Touchdown Zone Light.

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Budget of Expenses and Rates of Assessment for 1966

On July 19, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9745-46) regarding the budget of expenses and the fixing of the rates of assessment for the calendar year 1966, under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulated the handling of anti-hog-cholera serum and hog-cholera virus. This regulatory program is effective pursuant to Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 851 et seq.).

The notice provided a period of 30 days for interested parties to file data, views, or arguments with the Hearing Clerk. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that:

Section 131.166 is added to read as follows:

§ 131.166 Budget of expenses and rates of assessment for the calendar year 1966.

(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order (§§ 131.1 to 131.113), for the maintenance and functioning of said Agency during the calendar year 1966, will amount to $43,065.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $11,536.91 on hand with said Control Agency on January 1, 1966, from assessments collected during the calendar year 1965, leaving a balance of $31,528.09 to be collected during the calendar year 1966.

(b) *Rates of assessment.* Of the amount of $31,528.09 to be collected during the calendar year 1966, the sum of $26,767.35 shall be assessed against handlers who are manufacturers, and $4,760.74 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1966 by each handler who is a manufacturer shall be $23.20 for each $10,000 or fraction thereof of serum and virus sold by such handler during the calendar year 1965 and the pro rata share of such expenses to be paid for the calendar year 1966 by each handler who is a wholesaler shall be $25.00 for the first $10,000 or fraction thereof and $3.56 for each addition $10,000 or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order (§§ 131.1 to 131.113).

(c) *Terms.* As used in this section, the term "handler," "manufacturer," "wholesaler," "virus," and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order (§§ 131.1 to 131.113).

Findings relative to effective date. It is hereby further found that (1) the fiscal year of the Control Agency established pursuant to the provisions of the marketing agreement and the marketing order corresponds to the calendar year, and the current calendar year 1966 is already well advanced; (2) the expenses of operating this regulatory program since January 1, 1966, have been paid with funds representing assessments collected in excess of expenses incurred during the calendar year 1965 and prepayments of a portion of their 1966 assessments by manufacturer and wholesaler handlers; (3) nearly all such funds have now been expended; (4) in order for the administrative assessments to be collected, it is essential that the specification of the assessment rates be effective immediately so as to enable the Control Agency to perform its respective duties and functions under the aforesaid marketing agreement and marketing order; and (5) no preparation with respect to this determination is required of persons regulated which cannot be completed prior to the effective date hereof. Wherefore, it is hereby determined that good cause exists for making this determination effective upon its publication in the FEDERAL REGISTER.

(Sec. 60, 49 Stat. 782; 7 U.S.C. 855)

Done at Washington, D.C., this 29th day of August 1966, to become effective upon publication in the FEDERAL REGISTER.

R. J. ANDERSON,
Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 66-9606; Filed, Sept. 1, 1966; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Sale of Silverware Through Plan Involving Lottery Rejected

§ 15.87 Sale of silverware through plan involving lottery rejected.

(a) The Commission issued an advisory opinion (with Commissioner Elman not concurring) in which it disapproved a silverware manufacturer's plan because it involved the sale of merchandise by means of a lottery.

(b) Under the terms of the proposed plan, advertisements will be published inviting the reader to complete a contest entry form specifying his preference among certain flatware featured therein, together with his name and address. The reader will be invited to leave said form with the manufacturer's dealer or, in lieu of using the form featured in the advertisement, he can obtain the same form at his dealer or print the same information on a blank piece of paper and leave it with the dealer. At the conclusion of the contest, each dealer will draw the name of one contestant who will receive a free 4-piece place setting in the pattern specified on his entry form.

(c) There is absolutely no requirement on the part of any participant or winner to purchase or promise to purchase any merchandise. However, the rules further provide that if the winner purchased other settings in his particular pattern during the period of the contest, the dealer will donate additional pieces in that pattern equivalent in retail value to those purchased.

(d) In its advisory opinion, the Commission took the position that "the portion of the plan which awards a 4-piece place setting to the winner is unobjectionable."

(e) "However," the Commission added, "the matching provision on the part of the dealer creates the element of consideration on the part of participants and therefore constitutes the sale of merchandise by means of a lottery or by means of a chance or gaming device contrary to the provisions of section 5 of the FTC Act. As a result, the Commission cannot give its approval to this aspect of your proposed plan in its present form."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: September 1, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-9604; Filed, Sept. 1, 1966; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 39, 3d Rev., Amdt. 2]

PART 222—STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

Forms of Vessel Utilization and Performance Reports Prescribed

Effective September 1, 1966, § 222.2 of this part is hereby amended to read as follows:

§ 222.2 Forms of vessel utilization and performance reports prescribed.

Pursuant to authority of section 212 (A) of the Merchant Marine Act, 1936, as amended by Public Law 612, 84th Congress; 70 Stat. 332; 46 U.S.C. 1122a, the Secretary of Commerce has determined

that it is necessary and desirable in order to carry out the purposes and provisions of the Merchant Marine Act, 1936, as amended (49 Stat. 1985, et seq.; 46 U.S.C. 1101, et seq.) to require an operator of a vessel in waterborne foreign commerce of the United States to file an accurate report on Form MA–578 with respect to passenger and dry cargo vessels and an accurate report on Forms MA–7803 and MA–7804 with respect to tankers; such Forms and Instructions for the preparation thereof are hereby prescribed and approved.[1] An accurate report on Form MA–578, Vessel Utilization and Performance Report, shall be filed in duplicate with the appropriate district director of customs for transmittal to the Maritime Administration by the operator of every self-propelled dry cargo and passenger vessel of 1,000 or more gross registered tons before midnight of the 15th day after entry into the first U.S. port and before midnight within 15 working days (Saturdays, Sundays, and Holidays excluded) after clearing the last U.S. port. Operators desiring to submit combination reports for dry cargo and passenger vessels (inbound and outbound portions) after clearing the final U.S. port may do so upon obtaining written permission from the Maritime Administration, Washington, D.C. 20235. Separate reports on Forms MA–7803 and MA–7804 for tankers shall be filed within 15 working days after entering or clearing. Forms MA–578, MA–7803 and MA–7804 are required to be filed in duplicate for all voyages of merchant vessels operated by or for the account of the Department of Defense except vessels of the Military Sea Transportation Service (MSTS) nucleus fleet.

By agreement with the Bureau of Customs, District Directors will be responsible for policing receipts of dry cargo vessel inbound, outbound and combination inbound/outbound reports on Form MA–578 as well as tanker inbound and outbound reports on Forms MA–7803 and MA–7804.

The changes effected in this amendment being minor in nature, it is considered impracticable to delay the effective date thereof; therefore, the foregoing shall become effective as stated at the beginning of this document.

The reporting requirements herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Acting Maritime Administrator.

Dated: August 29, 1966.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-9908; Filed, Sept. 1, 1966; 8:48 a.m.]

[1] Copy each of the Form MA–578 (Rev. 8–66) and Instructions for its use were filed with the Office of the Federal Register; Forms MA–7803 and MA–7804 and Instructions were filed previously with said Office. These forms and instructions may be obtained from the Marine Section, District Director of Customs at United States ports.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

Subpart E—Substances for Which Prior Sanctions Have Been Granted

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PIPERONYL BUTOXIDE AND PYRETHRINS IN THE OUTER PLY OF MULTIWALL PAPER BAGS

A notice was published in the FEDERAL REGISTER of June 25, 1965 (30 F.R. 8165), proposing that the prior sanction for the use of pyrethrins in combination with piperonyl butoxide in the outer ply of multiwall paper bags, which was granted on the basis that these substances would not reasonably be expected to migrate to food in such bags, be withdrawn and tolerances be established for the residues that result. The proposal was based on the data in a petition (FAP 4H1455) submitted by Fairfield Chemicals, FMC Corp., 100 Niagara Street, Middleport, N.Y. 14105.

In response to the notice, the Paper Shipping Sack Manufacturers' Association commented that the proposal with respect to limiting use of the treated bags to dried foods or feeds containing 4 percent fat or less would present practical difficulties. Data presented by the U.S. Department of Agriculture show that the ratio of the total bag surface area to the capacity decreases proportionately as the capacity of the bag increases, and that the proposed limitation can be replaced by one permitting dried foods or feeds, regardless of fat content, to be packaged only in treated bags of 50 pounds or more capacity.

The Commissioner of Food and Drugs, having evaluated the data in the petition, comment received, and additional representation on the proposal, has concluded that the food additive regulations should be amended as set forth below to provide for the safe use of piperonyl butoxide and pyrethrins as described. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended in the following respects:

1. Two new sections are added to Subpart C, as follows:

§ 121.289 Piperonyl butoxide.

The food additive piperonyl butoxide may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with pyrethrins for control of insects on the outer ply of multiwall paper bags of 50 pounds or more capacity in amounts not exceeding 60 milligrams per square foot.

(b) It is used in combination with pyrethrins, whereby the amount of piperonyl butoxide is equal to 10 times the amount of pyrethrins in the formulation.

(c) A tolerance of 10 parts per million is established for residues of piperonyl butoxide in or on dried feeds when present as the result of migration from its use on the outer ply or multiwall paper bags of 50 pounds or more capacity.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture.

(e) Where tolerances are established under sections 408 and 409 of the act on both raw agricultural commodities and processed foods made therefrom, the total residues of piperonyl butoxide in or on the processed food shall not be greater than that permitted by the larger of the two tolerances.

§ 121.290 Pyrethrins.

The food additive pyrethrins may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with piperonyl butoxide for control of insects on the outer ply of multiwall paper bags of 50 pounds or more capacity in amounts not exceeding 6 milligrams per square foot.

(b) It is used in combination with piperonyl butoxide, whereby the amount of pyrethrins is equal to 10 percent of the amount of piperonyl butoxide in the formulation.

(c) A tolerance of one part per million is established for residues of pyrethrins in or on dried feeds when present as the result of migration from its use on the outer ply of multiwall paper bags of 50 pounds or more capacity.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture.

(e) Where tolerances are established under sections 408 and 409 of the act on both raw agricultural commodities and processed foods made therefrom, the total residues of pyrethrins in or on the processed food shall not be greater than that permitted by the larger of the two tolerances.

2. Sections 121.1074 and 121.1075 are revised to read as follows:

§ 121.1074 Piperonyl butoxide.

The food additive piperonyl butoxide may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with pyrethrins for control of insects:

(1) In cereal grain mills and in storage areas for milled cereal grain products.

(2) On the outer ply of multiwall paper bags of 50 pounds or more capacity in amounts not exceeding 60 milligrams per square foot.

(b) It is used in combination with pyrethrins, whereby the amount of piperonyl butoxide is equal to 10 times the amount of pyrethrins in the formulation.

(c) A tolerance of 10 parts per million is established for residues of piperonyl butoxide in or on:

(1) Milled fractions derived from cereal grains when present therein as a result of its use in cereal grain mills and in storage areas for milled cereal grain products.

(2) Dried foods when present as a result of migration from its use on the outer ply of multiwall paper bags of 50 pounds or more capacity.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture.

(e) Where tolerances are established under sections 408 and 409 of the act on both raw agricultural commodities and processed foods made therefrom, the total residues of piperonyl butoxide in or on the processed food shall not be greater than that permitted by the larger of the two tolerances.

§ 121.1075 Pyrethrins.

The food additive pyrethrins may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with piperonyl butoxide for control of insects:

(1) In cereal grain mills and in storage areas for milled cereal grain products.

(2) On the outer ply of multiwall paper bags of 50 pounds or more capacity in amounts not exceeding 6 milligrams per square foot.

(b) It is used in combination with pyrethrins, whereby the amount of pyrethrins is equal to 10 percent of the amount of piperonyl butoxide in the formulation.

(c) A tolerance of one part per million is established for residues of pyrethrins in or on:

(1) Milled fractions derived from cereal grains when present as a result of its use in cereal grain mills and in storage areas for milled cereal grain products.

(2) Dried foods when present as a result of migration from its use on the outer ply of multiwall paper bags of 50 pounds or more capacity.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture.

(e) Where tolerances are established under sections 408 and 409 of the act on both raw agricultural commodities and processed foods made therefrom, the total residues of pyrethrins in or on the processed food shall not be greater than that permitted by the larger of the two tolerances.

§ 121.2001 [Amended]

3. Section 121.2001 *Substances employed in the manufacture of food-packaging materials* is amended by deleting from paragraph (h) the item "Pyrethrins in combination with piperonyl butoxide in outside plies of multiwall bags."

§ 121.2571 [Amended]

4. Section 121.2571 *Components of paper and paperboard in contact with dry food* is amended by deleting from the list of substances in paragraph (b)(2) the item "Pyrethrins in combination with piperonyl butoxide" and its limitations.

5. A new section is added to Subpart F, as follows:

§ 121.2573 Piperonyl butoxide and pyrethrins as components of outer ply of multiwall paper bags.

Piperonyl butoxide in combination with pyrethrins may be safely used for insect control on the outer ply of multiwall paper bags that are intended for use in contact with dried feed in compliance with §§ 121.289 and 121.290, or that are intended for use in contact with dried food in compliance with §§ 121.1074 and 121.1075.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 24, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9629; Filed, Sept. 1, 1966; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 80; CORRECTION

In F.R. Doc. 66-8895 appearing in the issue of Tuesday, August 16, 1966, on page 10886, the designation of the subparagraph added to § 121.1009(c) is changed from "(9)" to "(10)".

Dated: August 24, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9629; Filed, Sept. 1, 1966; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 80

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6A2033) filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, and other relevant material, has concluded that the food additive regulations should be amended to prescribe the safe use of polysorbate 80 as a dispersing agent in gelatin desserts and in gelatin dessert mixes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.1009(c) is amended by adding a new subparagraph (11), as follows:

§ 121.1009 Polysorbate 80.

* * * * *

(c) * * *

(11) As a dispersing agent in gelatin desserts and in gelatin dessert mixes, whereby the amount of the additive does not exceed 0.082 percent on a dry weight basis.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 26, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9630; Filed, Sept. 1, 1966; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting from Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

SURFACE LUBRICANTS USED IN THE MANUFACTURE OF METALLIC ARTICLES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1967) filed by E. F. Houghton & Co., 303 West Lehigh Avenue, Philadelphia, Pa. 19133, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of methyl esters of coconut oil fatty acids in surface lubricants used in the manufacture of metallic food-contact articles under conditions such that the total residual lubricant does not exceed 0.015 milligram per square inch of food-contact surface. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2531(a)(2) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2531 Surface lubricants used in the manufacture of metallic articles.

* * * * *

(a) * * *
(2) * * *

List of substances	Limitations
* * *	* * *
Methyl esters of coconut oil fatty acids.	

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 26, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9631; Filed, Sept. 1, 1966; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting from Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS FOR POLYOLEFIN FILMS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1972) filed by Tenneco Chemicals, Inc., Newport Division, Post Office Drawer 911, Pensacola, Fla. 32502, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of terpene resins in resinous and polymeric food-contact coatings for polyolefin films. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2569(b)(3)(i) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2569 Resinous and polymeric coatings for polyolefin films.

* * * * *

(b) * * *
(3) * * *

List of substances	Limitations
(i) * * *	* * *
Terpene resins consisting of polymers of α-pinene, β-pinene, and/or dipentene; acid value less than 5, saponification number less than 5, and color less than 4 on the Gardner scale as measured in 50 percent mineral spirits solution.	

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 26, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9632; Filed, Sept. 1, 1966; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Ankeny National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons make it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

ANKENY NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves and bandtailed pigeons on the Ankeny National Wildlife Refuge is permitted from September 1 to September 30, 1966, inclusive, but only on the areas designated by signs as open to hunting. The open area, comprising 460 acres, is delineated on maps available at the refuge headquarters, William L. Finley National Wildlife Refuge, Corvallis, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Hunters must check in by completing Part A of the Hunter Permit-Questionnaire form and inserting in a box provided at one of the designated self-service registration stations located on the refuge, and check out at the conclusion of their hunt by completing Part B of the form and inserting in the box. Part B of the Hunter Permit form and the map attached are the hunter's permit and must be on his person while he is afield on the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through October 1, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 25, 1966.

[F.R. Doc. 66-9576; Filed, Sept. 1, 1966; 8:46 a.m.]

PART 32—HUNTING

Hart Mountain National Antelope Refuge, Oreg.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

HART MOUNTAIN NATIONAL ANTELOPE REFUGE

The public hunting of ducks, geese, and coots from October 8, 1966, through January 5, 1967, and of mourning doves from September 1, 1966, through September 30, 1966, on the Hart Mountain National Antelope Refuge, Oreg., is permitted only on the area designated by signs as open to hunting. This open area, comprising 12,150 acres, is delineated on maps available at refuge headquarters, Lakeview, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Camping will be permitted at designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 26, 1966.

[F.R. Doc. 66-9586; Filed, Sept. 1, 1966; 8:46 a.m.]

PART 32—HUNTING

William L. Finley National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons make it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

WILLIAM L. FINLEY NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves and bandtailed pigeons on the William L. Finley National Wildlife Refuge is permitted from September 1 to September 30, 1966, inclusive, but only on the areas designated by signs as open to hunting. The open area comprising 1,700 acres is delineated on maps available at the refuge headquarters, William L. Finley National Wildlife Refuge, Corvallis, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Hunters must check in by completing Part A of the Hunter Permit-Questionnaire form and inserting in a box provided at one of the designated self-service registration stations located on the refuge, and check out at the conclusion of their hunt by completing Part B of the form and inserting in the box. Part B of the Hunter Permit form and the map attached are the hunter's permit and must be on his person while he is afield on the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

PAUL T. QUICK,
Regional Director, Portland, Oreg.

AUGUST 25, 1966.

[F.R. Doc. 66-9577; Filed, Sept. 1, 1966; 8:46 a.m.]

PART 32—HUNTING

William L. Finley National Wildlife Refuge, Oreg.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OREGON

WILLIAM L. FINLEY NATIONAL WILDLIFE REFUGE

The public hunting of pheasants and quail is permitted on the William L. Finley National Wildlife Refuge, Oreg., from October 22 through November 6, 1966, on areas designated by signs as open to hunting. The open area, comprising 1,700 acres, is delineated on a map available at refuge headquarters, William L. Finley National Wildlife Refuge, Corvallis, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Hunters must check in by completing Part A of the Hunter Permit-Questionnaire form and inserting in a box provided at one of the designated self-service registration stations located on the refuge, and check out at the conclusion of their hunt by completing Part B of the form and inserting in the box.

PART 32—HUNTING

Cold Springs National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OREGON

COLD SPRINGS NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Cold Springs National Wildlife Refuge, Oreg., is permitted from October 22 through November 27, 1966; the hunting of quail is permitted from October 22, 1966, through January 15, 1967; and the hunting of chukar and Hungarian partridge is permitted from October 1, 1966, through January 15, 1967, but only on the area designated by signs as open to hunting. This open area comprising 900 acres is delineated on a map available at refuge headquarters, McNary National Wildlife Refuge, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Cars will be permitted on the public hunting area only at designated parking locations.

(2) Hunters will report at such checking stations as may be established when entering or leaving the area.

(3) Hunting will be permitted only on Saturdays, Sundays, and Wednesdays of each week.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

PAUL T. QUICK,
Regional Director, Portland, Oreg.

AUGUST 25, 1966.

[F.R. Doc. 66-9577; Filed, Sept. 1, 1966; 8:46 a.m.]

Part B of the Hunter Permit form and the map attached are the hunter's permit and must be on his person while he is afield on the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 6, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 26, 1966.

[F.R. Doc. 66-9579; Filed, Sept. 1, 1966; 8:46 a.m.]

PART 32—HUNTING

Hart Mountain National Antelope Refuge, Oreg.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OREGON

HART MOUNTAIN NATIONAL ANTELOPE REFUGE

The public hunting of pheasants is permitted from October 22 through November 27, 1966. Hunting of Hungarian partridge and chukars is permitted from October 1, 1966, through January 15, 1967. Quail hunting is permitted from October 22, 1966, through January 15, 1967. Rabbit hunting is permitted from September 1, 1966, through January 15, 1967. Hunting is permitted only on the area designated by signs as open to hunting. This open area, comprising 12,150 acres, is delineated on maps available at refuge headquarters, Lakeview, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Camping is permitted at designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 26, 1966.

[F.R. Doc. 66-9581; Filed, Sept. 1, 1966; 8:47 a.m.]

PART 32—HUNTING

McKay Creek National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OREGON

MCKAY CREEK NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the McKay Creek National Wildlife Refuge, Oreg., is permitted from October 22 through November 27, 1966; the hunting of quail is permitted from October 22, 1966, through January 15, 1967; the hunting of chukar and Hungarian partridge is permitted from October 1, 1966, through January 15, 1967, but only on the area designated by signs as open to hunting. This open area, comprising 660 acres, is delineated on a map available at refuge headquarters, McNary National Wildlife Refuge, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Cars will be permitted on the public hunting area only at designated parking locations.

(2) Hunters will report at such checking stations as may be established when entering or leaving the area.

(3) Hunting will be permitted only on Saturdays, Sundays, and Wednesdays of each week.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

PAUL T. QUICK,
Regional Director, Portland, Oreg.

AUGUST 26, 1966.

[F.R. Doc. 66-9582; Filed, Sept. 1, 1966; 8:47 a.m.]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special Regulations; upland game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Iroquois National Wildlife Refuge, Basom, N.Y., is permitted from October 3 through November 19, 1966, inclusive on the area known as the Game Bird Hunting Area and designated by signs as open to hunting, and from December 7, 1966 through February 28, 1967, inclusive on the entire refuge except those areas posted as closed. The Upland Game Bird Hunting Area, comprising 4,238 acres, and other open areas comprising 6,462 acres are delineated on a map available at Refuge Headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Ruffed grouse may be hunted only on the Upland Game Bird Hunting Area.

(2) The refuge shall be closed to hunting on Sundays. The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1967.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 25, 1966.

[F.R. Doc. 66-9608; Filed, Sept. 1, 1966; 8:49 a.m.]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Iroquois National Wildlife Refuge, N.Y., is permitted from November 7 through December 6, 1966, except on areas designated by signs as closed. This open area comprising 10,700 acres is delineated on maps available at Refuge Headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) The refuge shall be closed to hunting on Sundays.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1966.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 25, 1966.

[F.R. Doc. 66-9609; Filed, Sept. 1, 1966; 8:49 a.m.]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Hunting of big game on the Missisquoi National Wildlife Refuge, Vt., is suspended for the 1966 season. Annual inventory of big game animals indicates the population is such that no hunting should be permitted this year.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife, Boston, Mass.

AUGUST 25, 1966.

[F.R. Doc. 66-9610; Filed, Sept. 1, 1966; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 110, 112, 113]

CANNED FOOD, COLD-PACK FRUIT, AND SEEDS WAREHOUSES

Proposed Revocations

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Consumer and Marketing Service, U.S. Department of Agriculture, under authority of the U.S. Warehouse Act (7 U.S.C. 241 et seq.) is considering revoking the regulations (7 CFR Part 110) relating to Canned Food Warehouses; the regulations (7 CFR Part 112) relating to Cold-Pack Fruit Warehouses; and the regulations (7 CFR Part 113) relating to Seeds Warehouses under said act.

The regulations relating to Canned Food Warehouses were orignally promulgated under the act on August 11, 1926, as Service and Regulatory Announcement No. 101. There has been no appreciable activity in this commodity since 1930 when the total number of licenses reached 73. There have been few requests for new licenses since and none in the last 10 years. The last license terminated during fiscal year 1965 because the warehouseman's bond had expired. The regulations relating to Cold-Pack Fruit Warehouses were originally promulgated under the act on May 26, 1928, as Service and Regulatory Announcement No. 111. There have never been more than five licensed Cold-Pack Fruit Warehouses at one time. There have been no new licenses issued since 1934. Only one warehouse was under license from 1941 until 1965 when this license was not renewed on the bond renewable date due to failure by the warehouseman to furnish bond.

The regulations relating to Seeds Warehouses were originally promulgated under the act on November 21, 1930, as Service and Regulatory Announcement No. 122. The maximum number of warehouses licensed at one time under these regulations was 14 in 1932 soon after the regulations were promulgated. There have been no new applications since 1957 and the last license terminated at the request of the warehouseman in 1964.

Revocation of these three sets of regulations is being considered because of their limited use, and apparent lack of future interest by warehousemen in them.

Any interested persons who wish to submit written data, views, or arguments on the proposals may do so by filing them with the Director, Transportation and Warehouse Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, within thirty (30) days after publication hereof in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be available for public inspection at such times and places and in a manner convenient to the public business 7 CFR 1.27(b)).

Done at Washington, D.C., this 29th day of August 1966.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs, Consumer and Marketing Service.

[F.R. Doc. 66-9598; Filed, Sept. 1, 1966; 8:48 a.m.]

[9 CFR Parts 324, 325]

MEAT INSPECTION

Export Stamps and Certificates; Transportation

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71-91, 96), and delegations of authority thereunder (29 F.R. 16210, as amended; 30 F.R. 1260, as amended), the Consumer and Marketing Service is considering amending §§ 324.2, 324.3, and 325.14 of the Meat Inspection Regulations (9 CFR 324.2, 324.3, 325.14) as follows:

§ 324.2 [Amended]

1. Section 324.2 *Export stamps and certificates; instructions concerning issuance* would be amended by changing paragraph (e) to read:

(e) The duplicate of the certificate shall be delivered to the shipper and shall be delivered by him to the agent of the railroad or other carrier which transports the consignment from the United States otherwise than by water, or to the chief officer of the vessel on which the export shipment is made, and shall be used only by such carrier and only for the purpose of effecting the transportation of the consignment certified. The chief officer of the vessel shall file such duplicate with the customs officer at the time of filing the master's manifest or the supplemental manifest.

2. Section 324.3 would be amended to read:

§ 324.3 Clearance of vessels and export transportation without export certificate prohibited; exceptions.

No clearance shall be given to any vessel having on board any product destined to any foreign country, and no person operating any vessel, and no railroad or other carrier, shall receive for transportation or transport from the United States to any foreign country, any product, unless and until an export certificate of inspection covering the same has been issued and delivered as provided in this part, except in the case of ship stores or small quantities exclusively for the personal use of the consignee and not for sale or distribution, and except for exempted product eligible for transportation under the Act, and articles eligible for transportation under §§ 324.4 and 325.14.

§ 325.14 [Amended]

3. In § 325.14, paragraph (a) would be amended by deleting the phrase "No uninspected product, and no inspected and passed product which is known to have become" and substituting therefor the phrase "No uninspected product (except ship stores, small quantities exclusively for the personal use of the consignee and not for sale or distribution, and exempted product eligible for transportation under the Act), no inspected and condemned product, and no product which is known to be".

Statement of considerations. The proposed amendments of the regulations would eliminate the present waiver of the requirement of export certificates for product exported to certain countries. Under the amendments, such certificates would be required for all countries.

The present regulation requiring export certification for shipments to certain specified countries while exempting others has led to confusion and a lack of control over exports generally. Customs officials review these export certificates as a part of clearing an export shipment. However, since the requirements are variable as to country and changes are made frequently, there is a natural confusion and a tendency to neglect this part of clearing export shipments. A number of shipments have reached foreign ports without proper certification. This has resulted in shipments being refused entry to the foreign country, unnecessary expense to shippers, and a source of irritation to foreign officials.

The amendments would, therefore, provide a more uniform procedure in that export certificates would be required for exports to all countries. This would aid customs officials in determining eligibility of product offered for shipment to foreign countries and in preventing illegal shipments. It would also aid Department personnel in reviewing records for possible irregularities. It would thereby help to prevent ineligible shipments from reaching foreign ports.

No change would be made in the present requirement for affixing numbered export stamps or otherwise identifying packages or containers of product inspected and passed for export. The amendments would also coordinate the requirements of §§ 324.3 and 325.14 of the regulations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 29th day of August 1966.

S. R. SMITH,
Administrator.

[F.R. Doc. 66-9599; Filed, Sept. 1, 1966; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7590]

AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive requiring modification of certain fuel and electrical lines on Boeing Model 727 Series airplanes.

The proposed modifications, which have been developed by the manufacturer, provide protection against fuel ignition, deemed necessary by the Agency, in the event of a landing accident involving structural damage to the aft portion of the fuselage.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before October 3, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING. Applies to Model 727 Series airplanes.

Compliance required as indicated, unless already accomplished.

To minimize fuselage fire hazards resulting from fuel line ruptures during excessively hard landings involving structural damage, accomplish the following:

(a) Within the next 1,000 hours' time in service after the effective date of this AD, remove aluminum fuel lines, P/N 69-16668-1, in the fuselage (three places) located between Body Stations 887 and 1183, and replace with flexible fuel lines, P/N 10-60536-2, in accordance with Boeing Service Bulletin No. 26-36, dated April 27, 1966, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Within the next 7,000 hours' time in service after the effective date of this AD, reroute the generator electrical leads (three places) and encase in teflon tubing between Fuselage Stations 850 and 1183 in accordance with Boeing Service Bulletin No. 24-30, dated March 29, 1966, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Washington, D.C., on August 24, 1966.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-9559; Filed, Sept. 1, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-WE-54]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

In February of 1967, the Federal Aviation Agency proposes to commission an air traffic control tower for the Palm Springs Municipal Airport, Palm Springs, Calif. Therefore, the Agency is considering amendments to Part 71 of the Federal Aviation Regulations and proposes the following airspace actions:

1. Designate the Palm Springs, Calif., control zone as that airspace within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.). This control zone will be effective from 0600 to 2200 hours, local time, daily.

2. Designate the Palm Springs, Calif., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Palm Springs Municipal Airport (latitude 33°49'36" N., longitude 116°30'18" W.); and within 2 miles N and 7 miles S of the Palm Springs VOR 105° radial, extending from 6 miles W to 10 miles E of the VOR.

The proposed control zone and 700-foot transition area are required to protect aircraft executing prescribed instrument procedures at Palm Springs Airport.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A Public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on August 25, 1966.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 66-9560; Filed, Sept. 1, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-72]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace at Sioux Falls, S. Dak.

The Sioux Falls, S. Dak., control zone is presently designated as that airspace within a 5.5 mile radius of Sioux Falls/Joe Foss Field (latitude 43°34'44" N., longitude 96°44'27" W.).

The Sioux Falls ILS outer marker is being relocated to a site 5.8 nautical miles southwest of the airport. The instrument approach procedures which use the Sioux Falls outer marker and/or outer marker compass locator are being modified as a result of this relocation.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Sioux Falls, S. Dak., terminal area, proposes to take the following airspace action:

Redesignate the Sioux Falls, S. Dak., control zone as that airspace within a 5.5 mile radius of Sioux Falls/Joe Foss Field (latitude 43°34'44" N., longitude 96°44'27" W.); and within 2 miles each side of the Sioux Falls ILS localizer SW course extending from the 5.5 mile radius zone to the outer marker.

The proposed modification of the Sioux Falls control zone will provide additional controlled airspace protection for aircraft executing the modified prescribed instrument approach procedures during descent below 1,000 feet above the surface.

Specific details of this proposal and any instrument approach procedures

which it was developed to protect may be examined by contacting the Chief, Airspace Branch, Air Traffic Divsion, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on August 11, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-9561; Filed, Sept. 1, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-EA-34]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Chagrin Falls Airport, Chagrin Falls, Ohio.

A new VOR instrument approach procedure to Chagrin Falls, Ohio Airport is proposed. To provide airspace protection for the proposed procedure, a 700-foot floor transition area will be required.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Cleveland, Ohio, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Chagrin Falls, Ohio, as follows:

CHAGRIN FALLS, OHIO

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 41°25'45" N., 81°19'50" W., of Chagrin Falls Airport, Chagrin Falls, Ohio, and within 2 miles each side of the Cherdon, Ohio, VOR 235° radial extending from the 4-mile radius area to the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on August 16, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-9562; Filed, Sept. 1, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-EA-52]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Pittsfield Municipal Airport, Pittsfield, Maine.

A 700-foot floor transition area will be required at Pittsfield, Maine, to provide airspace protection for IFR arrival and departure procedures at Pittsfield Municipal Airport. The instrument approach procedure will be based on the Burnham, Maine, non-Federal radiobeacon to be established at 44°41'50" N., 69°21'30" W.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Pittsfield, Maine, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Pittsfield, Maine, as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°46'05" N., 69°22'40" W., of Pittsfield Municipal Airport, Pittsfield, Maine and within 2 miles each side of the Burnham, Maine, RBN (44°41'50" N., 69°-21'30" W.) 350° and 170° bearings extending from the 5-mile radius area to 8 miles south of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on August 16, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-9563; Filed, Sept. 1, 1966; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 531]

[Docket No. 1191]

AUTOMOBILES

Uniform Weights and Measurements

On July 28, 1964, the Federal Maritime Commission published in the FEDERAL REGISTER (29 F.R. 10472, 10473) proposed rules for the purpose of establishing a uniform method of declaring shipping rates and/or cubic measurements on new and/or used passenger automobiles; provide uniformity of treatment for all shipments of this type of cargo; enable shippers of passenger automobiles to accurately ascertain ocean transportation charges prior to movement of their cargoes; and facilitate billing of automobile shipments by the carriers.

Comments were received from various interested parties. The Commission has considered the comments received and pursuant thereto hereby publishes its revised proposed rules in accordance with provisions of section 4, Administrative Procedure Act (5 U.S.C. 1003), sections 2, 4, and 7 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844, 845(a), and 847) and section 43 of the Shipping Act, 1916 (46 U.S.C. 841(a)).

Because passenger automobiles vary extensively in size and are susceptible to mismeasurement it is believed that uniform measurements are a necessity and that the publication of a uniform passenger automobile measurement tariff would be highly desirable. The publication of such a tariff might impose a burden on the individual carriers. The Commission therefore proposes to publish this reference material showing the cubic measurements as prescribed by the manufacturers for each particular make and model of domestically manufactured passenger automobile for a period of 5 years. This of course would be a continuous process. Each year new models will be added and the last 5 years' model omitted from each succeeding publication. The individual carriers therefore could adopt this publication as its governing tariff or in the alternative republish the cubic measurements in its own tariff. The subscription cost to each carrier for the reference publication will cover the expense assumed by the Federal Maritime Commission in compiling and publishing the material.

Section 531.5 of Title 46, CFR, would be amended by the addition of a new paragraph, § 531.5(l), as follows:

§ 531.5 Contents of tariff publications.

* * * * * *

(l) Tariffs naming rates and charges for the transportation of automobiles shall contain a (measurement) rule governing such transportation worded substantially as follows:

(1) In the computation of charges for the transportation of automobiles, the cubic measurements for each automobile will be those prescribed by the manufacturer of the particular make and model as shown on pages _____ to _____ herein. Or (as shown in Federal Maritime Commission's Publication No. 1 entitled "Automobile Manufacturers' Measurements.")* (see Note (a)).

NOTE (a): Automobiles whose measurements are not shown in the carrier's tariff or in the Federal Maritime Commission's Publication No. 1 entitled "Automobile Manufacturers' Measurements," whichever is controlling, shall be individually measured by the carrier for rating purposes.

Automobiles which, because of added accessories or equipment, vary in dimensions from the standard measurements shown in the carrier's tariff or in the Federal Maritime Commission's Publication No. 1 entitled "Automobile Manufacturers' Measurements" shall be individually measured by the carrier for rating purposes. The fact that such vehicles were individually measured by the carrier and the variation from the standard measurement (in cubic feet) shall be noted on the bill of lading.

*Parenthetical clause to be used, as appropriate, in lieu of "as shown on pages _____ to _____ herein."

(2) Freight charges for transportation of automobiles on a weight basis shall be determined by individually weighing each automobile on the carrier's scale. Where the carrier does not provide weighing facilities, the shipper shall have the vehicle weighed and provide the carrier with a certification showing the weight thereof.

Interested parties may participate in this rule-making proceeding by submitting an original and 15 copies of written statements, data, views, or arguments pertaining thereto to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before the close of business September 23, 1966.

The Federal Maritime Commission, Bureau of Compliance, Office of Hearing Counsel shall particiapte in this proceeding and shall file Reply to Comments on or before October 14, 1966, by serving an original and 15 copies on the Federal Maritime Commission and one copy on each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before October 28, 1966.

By order of the Federal Maritime Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-9644; Filed, Sept. 1, 1966; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 66-184]

ACETYLENE AND RARE GAS CYLINDERS

Instruments of International Traffic

AUGUST 29, 1966.

It has been established to the satisfaction of the Bureau that metal cylinders filled with porous material, designed for transportation of acetylene and rare gas, of many sizes ranging in height from 12 inches to 56 inches and in diameter from 2 inches to 12 inches, are substantial and designed for and capable of repeated use in transportation, and are used in international traffic.

Under the authority conferred by § 10.41a(a), Customs Regulations (19 CFR 10.41a(a)), I hereby designate as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended, the above-described acetylene and rare gas cylinders. These containers may be released under the procedures provided for in § 10.41a.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-9605; Filed, Sept. 1, 1966; 8:48 a.m.]

[T.D. 66-185]

BEER BOTTLES OF UNUSUAL DESIGN

Cartons Designated as Instruments of International Traffic

AUGUST 29, 1966.

It has been established to the satisfaction of the Bureau that beer and ale bottles of unusual design, in that they are 8 inches high with a fill of 6½ ounces, and 8¾ inches or 9⅛ inches high with a fill of 11½ ounces, and cartons carrying 24 of the bottles, are substantial and designed for and capable of repeated use in transportation, and are used in substantial numbers in international traffic.

Under the authority conferred by § 10.41a(a), Customs Regulations (19 CFR 10.41a(a)), I hereby designate as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended, the above-described bottles and cartons. These containers may be released under the procedures provided for in § 10.41a.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-9606; Filed, Sept. 1, 1966; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of California State Protraction Diagram

AUGUST 25, 1966.

Notice is hereby given that effective October 3, 1966, the following protraction diagram, approved May 4, 1966, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m., on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 11

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 4 N., R. 19 E.,
Sec. 1;
Secs. 12 and 13;
Secs. 24 and 25;
Sec. 26, E½, SW¼;
Sec. 35.
T. 4 N., R. 20 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 4 N., R. 21 E.,
Sec. 7;
Sec. 8, W½, SE¼;
Secs. 17 to 22, inclusive;
Sec. 26, W½, SE¼;
Secs. 27 to 35, inclusive.
T. 5 N., R. 19 E.,
Sec. 1, E½, SW¼;
Secs. 12 and 13;
Secs. 24 and 25.
T. 5 N., R. 20 E.,
Sec. 3, W½, SE¼;
Secs. 4 to 10, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814 and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

HALL H. MCCLAIN,
District and Land Office Manager.

[F.R. Doc. 66-9583; Filed, Sept. 1, 1966; 8:47 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

AUGUST 25, 1966.

Notice is hereby given that effective October 3, 1966, the following protraction diagram, approved May 4, 1966, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m., on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 12

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 N., R. 21 E.,
Sec. 3, W½, SE¼;
Secs. 4 to 10, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 2 N., R. 21 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 21, inclusive;
Sec. 23;
Sec. 24, N½, SW¼;
Secs. 28 to 33, inclusive.
T. 2 N., R. 22 E.,
Secs. 5 to 7, inclusive;
Sec. 8, N½, SW¼;
Sec. 17, W½, SE¼;
Secs. 18 to 20, inclusive;
Sec. 29, N½, SW¼;
Sec. 30, N½, SE¼.
T. 3 N., R. 21 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 3 N., R. 22 E.,
Sec. 19, E½, SW¼;
Sec. 20, W½, SE¼;
Secs. 29 to 32, inclusive.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814 and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

HALL H. MCCLAIN,
District and Land Office Manager.

[F.R. Doc. 66-9584; Filed, Sept. 1, 1966; 8:47 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

AUGUST 25, 1966.

Notice is hereby given that effective October 3, 1966, the following protraction diagram, approved May 4, 1966, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m., on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 17

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 16 N., R. 9 E.,
Sec. 1, E½;
Sec. 2, NW¼;
Secs. 3 to 5, inclusive, N½;
Sec. 6, N½, SW¼;
Sec. 10, S½;
Sec. 12, E½;
Secs. 13 to 15, inclusive;
Secs. 21 and 22, excluding mineral surveys;
Secs. 23 to 26, inclusive;
Secs. 27 and 28, excluding mineral surveys;
Sec. 29;
Sec. 30, E½, SW¼;
Secs. 31 to 35, inclusive.
T. 16 N., R. 10 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 30, inclusive;
Secs. 31 to 33, inclusive, excluding mineral surveys;
Secs. 34 and 35.
T. 17 N., R. 9 E.,
Sec. 19, W½W½;
Sec. 21, SE¼;
Sec. 22, SW¼;
Sec. 26, SE¼;
Sec. 26, SW¼;
Sec. 27, W½, SE¼;
Sec. 28;
Sec. 29, E½, SW¼;
Sec. 30, W½, SE¼;
Secs. 31 to 34, inclusive;
Sec. 35, W½.
T. 17 N., R. 10 E.,
Secs. 1 to 4, inclusive;
Sec. 5, E½;
Sec. 8, NE¼;
Sec. 9, N½, SE¼;
Secs. 10 to 15, inclusive;
Sec. 21, E½;
Secs. 22 to 27, inclusive;
Sec. 28, E½;
Sec. 30, SW¼;
Secs. 31 to 35, inclusive.
T. 17 N., R. 11 E.,
Sec. 2, SW¼;
Sec. 3, S½;
Sec. 4, W½, SE¼;
Secs. 5 to 9, inclusive;
Sec. 10, N½, SW¼;
Sec. 11, NW¼;
Secs. 17 to 19, inclusive;
Sec. 20, N½, SW¼;
Sec. 29, W½;
Secs. 30 and 31;
Sec. 32, W½.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814 and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

HALL H. MCCLAIN,
District and Land Office Manager.

[F.R. Doc. 66-9585; Filed, Sept. 1, 1966; 8:47 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

AUGUST 25, 1966.

Notice is hereby given that effective October 3, 1966, the following protraction diagram, approved May 4, 1966, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m., on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 45

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 25 S., R. 41 E.,
Secs. 1 to 36, inclusive.
T. 25 S., R. 42 E.,
Secs. 1 to 24, inclusive;
Secs. 26 to 35, inclusive.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814 and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

HALL H. MCCLAIN,
District and Land Office Manager.

[F.R. Doc. 66-9586; Filed, Sept. 1, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Finding and Determination with Respect to Results of Referendum

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable provisions of Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), notice was given in the FEDERAL REGISTER on July 30, 1966 (31 F.R. 10327), that a referendum would be conducted among producers who, during the period from June 30, 1965, to July 1, 1966 (which was determined to be a representative period for the purpose of such referendum) were engaged in the production for market of lettuce grown in the production area, as defined in § 971.4 (7 CFR 971.4). The purpose of the referendum was to determine whether such producers favor continuation or termination of Marketing Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas.

Upon the basis of the results of the referendum which was conducted during the period August 5 through August 22, 1966, it is hereby found and determined that termination of said Marketing Order No. 971 regulating the handling of lettuce grown in the production area is not favored by the requisite majority of such producers.

Dated: August 29, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-9587; Filed, Sept. 1, 1966; 8:48 a.m.]

Forest Service

FLAT TOPS WILDERNESS

Proposal and Hearing Announcement

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on October 10, 1966, at the Village Inn (Colorado Hotel), Glenwood Springs, Colo., on a proposal for recommendation to be made to the President of the United States by the Secretary of Agriculture that a recommendation be submitted to Congress for the establishment of the Flat Tops Wilderness, comprised of approximately 153,245 acres within and contiguous to the Flat Tops Primitive Area. Approximately 24,000 acres are located within the Routt National Forest and approximately 129,245 acres are within the White River National Forest. The proposed Wilderness is located in Eagle, Garfield, and Rio Blanco Counties, all in the State of Colorado.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Forest Supervisor, White River National Forest, Glenwood Springs, Colo., or the Regional Forester, Denver Federal Center, Denver, Colo.

Individuals or organizations may express their views by appearing at this hearing, or they may submit written comments for inclusion in the official record to the Regional Forester at the above address by November 14, 1966.

A. W. GREELEY,
Associate Chief, Forest Service.

[F.R. Doc. 66-9626; Filed, Sept. 1, 1966; 8:50 a.m.]

RURAL ELECTRIFICATION ADMINISTRATION

Organization and Functions

The organization of the Rural Electrification Administration is as follows:

Central Organization. The principal office of the Rural Electrification Administration is at Washington, D.C. The function of the Agency is the carrying out of a program of rural electrification and rural telephony, as provided for by the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-15, 921-924).

The Administrator. The Administrator is appointed by the President, with the advice and consent of the Senate, for a term of 10 years. He functions as the chief administrative official of the Agency under the general supervision and direction of the Assistant Secretary, Rural Development and Conservation. He is aided directly by a Deputy Administrator, a Deputy Administrator for Policy and Program Review and Assistant Administrators for the Electric Program, for the Telephone Program and for Borrower Development. The work is carried on through the offices, and divisions described in succeeding paragraphs.

Office of Legislative and Interagency Consultant. This office counsels and advises the Administrator as to policy, program and procedural implications of Federal and State legislation relating to the REA program. Maintains liaison with agencies of the Department of Agriculture and other Government agencies concerning such legislative matters.

Office of Budget. This office administers the administrative and loan budget program of the agency and participates in program planning and evaluation. Maintains liaison on budgetary matters with Congressional Committees, the staff of the Department of Agriculture, the Bureau of the Budget, and other Government agencies.

Office of Program Analysis. This office analyzes and evaluates economic and statistical data concerning agency programs. Provides advice and assistance to the Office of the Administrator and to divisions and area offices to facilitate sound and effective program planning and appraisal. Conducts special program studies and analyses.

Information Services Division. The division administers the information services program of the agency to provide borrowers and the public with information concerning the operations, status, progress, and accomplishments of the rural electrification, rural telephone, and rural areas development programs.

Personnel Management Division. The division administers the personnel program of the agency involving classification and wage administration; conduct of organization studies and surveys; development of recommendations for organization changes required to administer agency problems; preparation of organization charts; employment and placement functions; employee relations; training; safety; and health activities.

Program and Administrative Services Division. The division administers agency activities concerned with: administrative and loan accounting and centralized statistical activities of the agency; the determination of the power requirements of rural electrification borrowers; management analysis, cost reduction and improvement; loan review; and the general administrative service functions of the agency pertaining to procurement, space, records management, and communications.

Electric Distribution Area Offices. The rural electrification program for electric distribution borrowers is administered through five area offices designated as Northeast, Southeast, North Central, Southwest, and Western. Each office within its assigned geographic area: Appraises loan applications and prepares loan recommendations; approves the advance of loan funds to borrowers; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications, and construction contracts; reviews and approves completed construction; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems.

Electric Operations and Standards Division. The division administers staff activities pertaining to the development of proposed policies, standards, and procedures concerning engineering, loans, and retail rate aspects of the rural electric distribution program. Develops standards, criteria, specifications, and technical data relating to rural electric distribution systems. Provides advice and assistance, in this subject matter field to the Electric Distribution Area Offices, and, as requested, to borrowers. Maintains liaison with Government and non-Government organizations on matters within the functional responsibility of the Division.

Power Supply Division. The rural electrification program for generation and transmission borrowers is administered through the Power Supply Division. The division appraises loan applications and prepares loan recommendations; reviews the financial and operating performance of borrowers; analyses engineering plans, specifications, and construction contracts; reviews and approves completed construction; approves advances of funds to borrowers; analyzes feasibility and benefits of generation and transmission systems; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems; and conducts studies and negotiations related to procurement of purchased power for all electric borrowers.

Telephone Area Offices. The rural telephone program is administered through five area offices designated as Northeast, Southeast, North Central, Southwest, and Western. Each office within its assigned geographic area: Appraises loan applications and prepares loan recommendations; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications and construction contracts; reviews and approves completed construction; approves advance of funds to borrowers; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems.

Telephone Engineering and Operations Division. The division administers staff activities pertaining to the development of proposed policies, standards and procedures concerning engineering, loans and technical operations aspects of the rural telephone program. This includes studies and analyses regarding rates, toll traffic agreements, and valuation and acquisition of facilities; solutions concerning the engineering problems of existing telephone systems; the review of telephone system cost estimates and the engineering requirements of loan applications. Provides advice and assistance to the area offices and, as requested, to borrowers concerning the above activities.

Telephone Standards Division. The division administers staff engineering activities concerned with the development of standards, criteria, specifications, and technical data relating to rural telephone systems and facilities; provides advice and assistance to agency officials, and, as requested, to borrowers concerning telephone standards; maintains liaison with Government and non-Government organizations on matters concerning the functions of the division.

Borrowers' Financial Management Division. The division administers agency activities concerned with: Borrowers' accounting; borrowers' auditing and examination of borrowers' records; borrowers' insurance; and staff activities concerned with borrowers' management. Provides advice and assistance to agency officials and borrowers concerning these activities.

Rural Areas Development Staff. This staff administers the rural area development program designed to meet the responsibilities of the agency within the broad framework of Department policies and those of other Federal agencies.

Specialist Staff. This staff performs centralized staff activities relative to borrower development including labor relations, architecture, safety, member services, commission regulation and other related functions.

Issued this 26th day of August 1966.

NORMAN M. CLAPP,
Administrator.

[F.R. Doc. 66-9627; Filed, Sept. 1, 1966; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

BONA FIDE MOTOR VEHICLE MANUFACTURERS

Notice of Determination

Notice is hereby given that pursuant to authority contained in Chapter III, Part 301, of Title 19 of the Code of Federal Regulations, the Administrator, as of August 25, 1966, has determined the following to be bona fide motor vehicle manufacturers:

The Administrator will publish from time to time such revisions of this list as may be appropriate to reflect additions, deletions, or other necessary changes in it.

FORREST D. HOCKERSMITH,
Acting Administrator, Business and Defense Services Administration.

Alloy Trailers, Inc., South 3025 Geiger Boulevard, Spokane, Wash. 99204, Jan. 18, 1965, Jan. 18, 1966.
American Body & Trailer, Inc., 1500 Exchange Avenue, Oklahoma City, Okla. 73101, Jan. 18, 1965, Jan. 18, 1966.
American Equipment & Trailer, Inc., 740 North Grand, Amarillo, Tex. 79105, Jan. 18, 1965, Jan. 18, 1966.
American Motors Corp., 14250 Plymouth Road, Detroit, Mich. 48232, Jan. 18, 1965, Jan. 18, 1966.
American Trailer Service, Inc., 2814 North Cleveland Avenue, St. Paul, Minn. 55113, Jan. 18, 1965, Jan. 18, 1966.
Antietam Equipment Co., Post Office Box 91, Hagerstown, Md. 21740, Jan. 18, 1965, Jan. 18, 1966.

Automotive Service Co., 111–113 North Waterloo, Jackson, Mich. 49204, Jan. 18, 1965, Jan. 18, 1966.
Automotive Safety, Inc., 252 Central Avenue, Newark, N.J. 07103, Jan. 18, 1965, Jan. 17, 1966.
Avanti Motor Corp., 613 South Michigan Street, South Bend, Ind. 46601, June 7, 1965, June 7, 1966.
Ballard Brake & Equipment Co., Inc., 1316 West Eighth Street, Marion, Ind. 46952, Jan. 18, 1965, Jan. 18, 1966.
Bankhead Welding Service, Inc., 1345 Bankhead Avenue NW., Atlanta, Ga. 30331, Jan. 18, 1965, Jan. 18, 1966.
Big "T" Truck Parts, Route 22, Post Office Box 144, Phillipsburg, N.J. 08865, Jan. 18, 1965, Jan. 18, 1966.
Adam Black & Sons, 276–300 Tonnele Avenue, Jersey City, N.J. 07306, Jan. 18, 1965, Jan. 18, 1966.
Blue Bird Body Co., Fort Valley, Ga. 31030, Jan. 18, 1965, Jan. 18, 1966.
Brake & Equipment Co., Inc., 1801 North Mayfair Road, Milwaukee, Wis. 53226, Jan. 18, 1965, Jan. 18, 1966.
Brake Service, Inc., 170 Washington Street, Bangor, Maine 04401, Jan. 18, 1965, Jan. 18, 1966.
Brown Trailer Division, Clark Equipment Co., Michigan City, Ind. 46360, Jan. 18, 1965, Jan. 18, 1966.
Burch Body Works, Rockford, Mich. 49341, Jan. 18, 1965, Jan. 18, 1966.
C. & C. Trailer & Body Co., 300 San Leandro Boulevard, San Leandro, Calif. 94577, Jan. 18, 1965, Jan. 18, 1966.
Capitol Trailer & Body Co., 3420 East Broadway, North Little Rock, Ark. 72117, Jan. 18, 1965, Jan. 18, 1966.
The Carnegie Body Co., 9500 Brookpart Road, Cleveland, Ohio 44129, Jan. 18, 1965, Jan. 18, 1966.
Checker Motors Corp., 2016 North Pitcher Street, Kalamazoo, Mich. 49007, Jan. 18, 1965, Jan. 18, 1966.
Chrysler Corp., 341 Massachusetts Avenue, Highland Park, Mich. 48231, Jan. 18, 1965, Jan. 18, 1966.
B. M. Clark Co., Route 17, Union, Maine 04862, Jan. 18, 1965, Jan. 18, 1966.
Clement-Braswell Division, Gar Wood Industries, Inc., Sibley Road, Minden, La. 71055, Jan. 18, 1965, Jan. 18, 1966.
Cloverleaf Equipment & Sales Inc., 7801 Old Granger Road, Cleveland, Ohio 44125, Jan. 18, 1965, Jan. 18, 1966.
Columbia Body & Equipment Co., 128 Northeast Oregon Street, Portland, Oreg. 97232, Jan. 18, 1965, Jan. 18, 1966.
Comet Corp., Spokane Industrial Park, Spokane, Wash. 99216, Jan. 18, 1966.
Commercial Body Sales & Manufacturing Co., Inc., 2680 South Orange, Fresno, Calif. 93706, Jan. 18, 1965, Jan. 18, 1966.
Commercial Truck & Trailer, Inc., 312 North State Street, Girard, Ohio 44420, Jan. 18, 1965, Jan. 18, 1966.
Connell Motor Truck Co. of Fresno, 2882 Church Avenue, Fresno, Calif. 93706, Jan. 18, 1965, Jan. 18, 1966.
Critser Equipment Co., East 3304 Front Avenue, Spokane, Wash. 99210, Jan. 18, 1965, Jan. 18, 1966.
Cross Truck Equipment Co., Inc., 5130 18th Street SW., Canton, Ohio 44706, Jan. 18, 1965, Jan. 18, 1966.
Dealers Truck Equipment Co., Inc., 2401 Texas Avenue, Shreveport, La. 71103, Jan. 18, 1965, Jan. 18, 1966.
Dealers Truckstell Sales, Inc., 659 Beale Street, Memphis, Tenn. 49428, Jan. 18, 1965, Jan. 18, 1966.
Decker Tank Co., 200 Lincoln Avenue, Hawthorne, N.J. 07506, Jan. 18, 1966.
Divco-Wayne Corp., 660 Fifth Avenue, New York, N.Y. 10019, Jan. 18, 1966.
Roy F. Drake Body & Equipment Co., 1501 North Minnesota Avenue, Sioux Falls, S. Dak. 57101, Jan. 18, 1965, Jan. 18, 1966.
Drake-Scruggs Equipment, Inc., 600 South 31st Street, Springfield, Ill. 62703, Jan. 18, 1965, Jan. 18, 1966.
Eastern Tank Corp., 290 Pennsylvania Avenue, Paterson, N.J. 07503, Jan. 1, 1966.
Eggiman Motor & Equipment Sales, Inc., 2959 West Beltline Highway, Madison, Wis. 53713, Jan. 18, 1965, Jan. 18, 1966.
Elder-Oilfield, Inc., 5875 North Loop, Box 2061, Houston, Tex. 77001, Jan. 18, 1965, Jan. 18, 1966.
Eight Point Trailer Corp., 6100 East Washington Boulevard, Los Angeles, Calif. 90022, Jan. 18, 1965, Jan. 18, 1966.
Elliott Machine Works, Rensch Avenue, Galion, Ohio 44833, Jan. 18, 1965, Jan. 18, 1966.
Emmert Trailer, 614–618 Mishawaka Street, Elkhart, Ind. 46514, Jan. 18, 1965, Jan. 18, 1966.
John Evans Manufacturing Co., Sumter, S.C. 29150, Jan. 18, 1965, Jan. 18, 1966.
FWD Corp., 105 East 12th Street, Clintonville, Wis. 54929, Jan. 18, 1965, Jan. 18, 1966.
Fleet Equipment Co., 10605 Harry Hines, Dallas, Tex. 75220, Jan. 18, 1965, Jan. 18, 1966.
Fleet Supply, Ltd., 183 Waughtown, Winston-Salem, N.C. 27107, Jan. 18, 1965, Jan. 18, 1966.
The Fixible Co., 326–332 North Water Street, Loudonville, Ohio 44842, Jan. 18, 1965, Jan. 18, 1966.
Ford Motor Co., The American Road, Dearborn, Mich. 48120, Jan. 18, 1965, Jan. 18, 1966.
Freightliner Corp., 5400 North Basin Avenue, Portland, Oreg. 97217, Jan. 18, 1965, Jan. 18, 1966.
Fruehauf Corp., 10900 Harper Avenue, Detroit, Mich. 48232, Jan. 18, 1966.
Garnon Brothers Truck Equipment Co., 1617 Peninsula Drive, Erie, Pa. 16505, Jan. 18, 1965, Jan. 18, 1966.
Garsite Products, Inc., 10 East Grand Boulevard, Deer Park, N.Y. 11729, Jan. 18, 1965, Jan. 18, 1966.
Ger-Wood—Albany Truck Equipment, Inc., Railroad and Maplewood, Albany, N.Y. 12206, Jan. 18, 1965, Jan. 18, 1966.
Gar Wood—Detroit Equipment, Inc., 21068 Mound Road, Warren, Mich. 48091, Jan. 18, 1965, Jan. 18, 1966.
Geoda Manufacturing Co., 438 West Market Street, Salinas, Calif. 93901, Jan. 18, 1965, Jan. 18, 1966.
General Motor Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202, Jan. 18, 1965, Jan. 18, 1966.
General Trailer Co., Inc., 1492 South B Street, Springfield, Oreg. 97477, Jan. 18, 1965, Jan. 18, 1966.
General Trailer Co., Inc., 546 West Wilkins Street, Indianapolis, Ind. 46225, Jan. 18, 1965, Jan. 18, 1966.
Gibbes Machinery Co., Columbia, S.C. 29202, Jan. 18, 1965, Jan. 18, 1966.
Gooch Brake & Equipment Co., 512 Grand Avenue, Kansas City, Mo. 64106, Jan. 18, 1965, Jan. 18, 1966.
Ole Granning Trailer, Inc., 3040 Wyoming, Dearborn, Mich. 48120, Jan. 18, 1965, Jan. 18, 1966.
Hardee Manufacturing Co., Plant City, Fla. 33566, Jan. 18, 1965, Jan. 18, 1966.
F. B. Hart Co., 1441 Richards Boulevard, Sacramento, Calif. 95807, Jan. 18, 1965, Jan. 18, 1966.
Hawkeye Truck Equipment Co., 1401 East 14th Street, Des Moines, Iowa 50313, Jan. 18, 1965, Jan. 18, 1966.
The Heil Co., 3000 West Montana Street, Milwaukee, Wis. 53201, Jan. 18, 1965, Jan. 18, 1966.
Heislers, Inc., Willard Airport, Willard, Ohio 44905, Jan. 18, 1965, Jan. 18, 1966.
Hendrickson Manufacturing Co., 3001 West 47th Street, Lyons, Ill. 60534, Jan. 18, 1965, Jan. 18, 1966.
The Hess & Eisenhardt Co., Blue Ash Road, Rossmoyne, Cincinnati, Ohio 45242, Dec. 15, 1965.
Hews Body Co., 82 St. John Street, Portland, Maine 04102, Jan. 18, 1965, Jan. 18, 1966.
Hobbs Equipment Co., Inc., Keeler Avenue, Norwalk, Conn. 06856, Jan. 18, 1965, Jan. 18, 1966.
Hudsonville Truck & Trailer Service Co., 5210 36th Avenue, Hudsonville, Mich. 49426, Jan. 18, 1965, Jan. 31, 1966.
O. G. Hughes & Sons, Inc., 312 South Central, Knoxville, Tenn. 37902, Jan. 18, 1965, Jan. 18, 1966.
Humes Truck & Trailer Manufacturing Co., 907 Franklin Avenue, Steubenville, Ohio 43952, Jan. 18, 1965, Jan. 18, 1966.
Illinois Auto Electric Co., 2001–37 Indiana Avenue, Chicago, Ill. 60616, Jan. 18, 1965, Jan. 18, 1966.
International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611, Jan. 18, 1965, Jan. 18, 1966.
J. C. Truck Equipment, Inc., Denton Avenue and Jericho Turnpike, Garden City Park, N.Y. 11530, Jan. 18, 1965, Jan. 18, 1966.
Jalco Truck Products Co., Inc., 534 Meridan Road, Youngstown, Ohio 44501, Jan. 18, 1965, Jan. 18, 1966.
Kaiser Jeep Corp., 940 North Cove Boulevard, Toledo, Ohio 43601, Jan. 18, 1965, Jan. 19, 1966.
Kay Wheel Sales Co., Tacony and Van Kirk Streets, Philadelphia, Pa. 19135, Jan. 18, 1965, Jan. 18, 1966.
Kencar Equipment Co., 1906 Lakeview Avenue, Dayton, Ohio 45406, Jan. 18, 1965, Jan. 18, 1966.
Kenworth Motor Truck Co., 8301 East Marginal Way, Seattle, Wash. 98108, Jan. 18, 1965, Jan. 18, 1966.
Knapheide Equipment Co., Post Office Box 553, Quincy, Ill. 62301, Jan. 18, 1965, Jan. 18, 1966.
Ledwell & Son, Inc., Post Office Box 1106, Texarkana, Tex. 75501, Jan. 18, 1966.
Ledwell & Son Sales, Inc., Robison Road at Waco Street, Texarkana, Tex. 75501, Jan. 18, 1965.
Leland Equipment Co., 406 North Main Street, Tulsa, Okla. 74101, Jan. 18, 1965, Jan. 18, 1966.
Mack Trucks, Inc., Executive Offices, Box M, Allentown, Pa. 18105, Jan. 18, 1965, Jan. 18, 1966.
Jay Madsen Equipment Co., Inc., 120 Wilson Avenue, Bath, N.Y. 14810, Jan. 18, 1965, Jan. 18, 1966.
Manning Equipment Co., 3709 Bishop Lane, Louisville, Ky. 40218, Jan. 18, 1965, Jan. 18, 1966.
Marion Metal Products, 959 Cheney Avenue, Box 406, Marion, Ohio 43302, Jan. 18, 1965, Jan. 18, 1966.
Marmon Motor Co., Post Office Box 5175, Dallas, Tex. 75222, Aug. 1, 1965, Aug. 1, 1966.
Massart Supply, Inc., 211 West Third Street, Lafayette, La. 70501, Jan. 18, 1965, Jan. 18, 1966.
Middleksuff, Inc., 1615 Ketcham Avenue, Toledo, Ohio 43606, Jan. 18, 1965, Jan. 18, 1966.
Midget Motors Corp., Campbell Street Extension, Athens, Ohio 45701, Jan. 18, 1965, Jan. 14, 1966.
Mid West Truck Equipment Sales Corp., 540 East Pershing Road, Decatur, Ill. 62526, Jan. 18, 1965, Jan. 18, 1966.
Dan Mitchell & Sons, Inc., 94 127th Street, Corona, Long Island, N.Y. 11368, Jan. 18, 1965, Jan. 18, 1966.
Moline Body Co., 323–53d Street, Moline, Ill. 61265, Jan. 18, 1965, Jan. 18, 1966.

Monon Trailer Inc., Monon, Ind. 47959, Jan. 18, 1965, Jan. 18, 1966.
Montone Manufacturing Co., Post Office Box P, Hazleton, Pa. 18201, Jan. 18, 1965, Jan., 18, 1966.
Motor Coach Industries, Inc., Pembina, N. Dak. 58271, Jan. 18, 1965, Jan. 18, 1966.
Motor Truck Equipment Corp., Post Office Box 10005, Dallas, Tex. 75207, Jan. 18, 1965, Jan. 18, 1966.
Mutual Truck Parts Co., Inc., 2000 South Wabash Avenue, Chicago, Ill. 60616, Jan. 18, 1965, Jan. 18, 1966.
Neil's Automotive Service, Inc., 167 East Kalamazoo Avenue, Kalamazoo, Mich. 49006, Jan. 18, 1965, Jan. 18, 1966.
Nelson Manufacturing Co., Ottawa, Ohio 45875, Jan. 18, 1966.
The Ness Co., Inc., 365 West Cottage Place, York, Pa. 17405, Jan. 18, 1965, Jan. 18, 1966.
Northwest Truckstell Sales, Inc., 835 Southeast Hawthorn Boulevard, Portland, Oreg. 97214, Jan. 18, 1965, Jan. 18, 1966.
Nye Implement Co., Inc., 250 East 4th Street, Post Office Box 311, Fostoria, Ohio 44830, Jan. 18, 1965, Jan. 18, 1966.
Ohio Body Manufacturing Co., New London, Ohio 44851, Jan. 18, 1965, Jan. 18, 1966.
Ohio Truck Equipment, Inc., 3470 Spring Grove Avenue, Cincinnati, Ohio 45223, Jan. 18, 1965, Jan. 18, 1966.
Chas. Olson & Sons, Inc., Pillsbury at Lake Street, Minneapolis, Minn. 55406, Jan. 18, 1965, Jan. 18, 1966.
Olson Trailer & Body Builders Co., 2740 South Ashland, Green Bay, Wis. 54306, Jan. 18, 1965, Jan. 18, 1966.
Omaha Standard, 2411 West Broadway, Council Bluffs, Iowa 51504, Jan. 18, 1965, Jan. 18, 1966.
Oshkosh Motor Truck, Inc., 2307 Oregon Street, Oshkosh, Wis. 54902, Jan. 18, 1965, Jan. 1, 1966.
Ottawa Steel Products, 1313 North Hickory Street, Ottawa, Kans. 66067, Jan. 18, 1965, Jan. 17, 1966.
Outboard Marine Corp., 100 Pershing Road, Waukegan, Ill. 60086, Jan. 18, 1965, Jan. 18, 1966.
Page & Page Co., Post Office Box 491, Portland, Oreg. 97207, Jan. 18, 1965, Jan. 18, 1966.
Palmer Spring Co., 355 Forest Avenue, Portland, Maine 04101, Jan. 18, 1965, Jan. 18, 1966.
Palmer Trailer Sales Co., Inc., 162 Park Street, Palmer, Mass. 01069, Jan. 18, 1965, Jan. 18, 1966.
Parsons Division, Koehring Co., Newton, Iowa 50208, May 28, 1965, Apr. 27, 1966.
Peerless Trailer & Truck Service, Inc., 549 Northeast Third Avenue, Portland, Oreg. 97232, Jan. 18, 1965, Jan. 18, 1966.
Perfection Equipment Co., 7 South Pennsylvania, Oklahoma City, Okla. 73107, Jan. 18, 1965, Jan. 18, 1966.
Perfection Spring & Equipment Co., 1172 Commonwealth Avenue, Boston, Mass. 02134, Jan. 18, 1965, Jan. 18, 1966.
Perfection Truck Equipment Co., 2550 McGee Trafficway, Kansas City, Mo. 64108, Jan. 18, 1965, Jan. 18, 1966.
Peterbilt Motors Co., 38801 Cherry Street, Newark, Calif. 94560, Jan. 18, 1965, Jan. 18, 1966.
Pezzani & Reid Equipment Co., Inc., 3960 West Fort Street, Detroit, Mich. 48216, Jan. 18, 1965, Jan. 18, 1966.
Polaris Industries, Inc., Roseau, Minn. 56751, Aug. 1, 1965.
Power Brake Co., Inc., 1506 West Morehead Street, Charlotte, N.C. 28208, Jan. 18, 1965, Jan. 18, 1966.
Power Brake Service & Equipment Co., Inc., 1307–17 Carnegie Avenue, Cleveland, Ohio 44115, Jan. 18, 1965, Jan. 18, 1966.
Dean Powers Co., Highway 30 South, Route 2, Cedar Rapids, Iowa 52404, Jan. 18, 1965, Jan. 18, 1966.
Reliable Spring Co., Inc., 10567 South Michigan Avenue, Chicago, Ill. 60628, Jan. 18, 1965, Jan. 18, 1966.
Reliance Trailer & Truck Co., Inc., 2768 16th Street, San Francisco, Calif. 94103, Jan. 18, 1965, Jan. 18, 1966.
Rowland Truck Equipment, Inc., 2265 Beaver Street, Jacksonville, Fla. 32206, Jan. 18, 1965, Jan. 18, 1966.
S.S. Automobiles, Inc., 161 West Wisconsin Avenue, Milwaukee, Wis. 53203, May 7, 1965, May 22, 1966.
Safety Sales & Service Corp., 50–96 South Cameron Street, Harrisburg, Pa. 17105, Jan. 18, 1965, Jan. 18, 1966.
Schaefer Body, Inc., 5006 Superior Avenue, Cleveland, Ohio 44103, Jan. 18, 1965, Jan. 18, 1966.
Schlen Body & Equipment Co., North on University, Carlinville, Ill. 62626, Jan. 18, 1965, Jan. 18, 1966.
Scientific Brake & Equipment Co., 314 West Genesee Avenue, Saginaw, Mich. 48601, Jan. 18, 1965, Jan. 18, 1966.
Schweigers, Inc., Highways 81 and 212, Watertown, S. Dak. 57201, Jan. 18, 1965, Jan. 18, 1966.
Shasta Truck & Equipment, Inc., 3333 South Market, Redding, Calif. 96001, Jan. 18, 1965, Jan. 18, 1966.
Smith-Moore Body Co., Inc., Brook Road at Lombardy, Richmond, Va. 23220, Jan. 18, 1965, Jan. 18, 1966.
Paul Stutler, Inc., 3397 East Waterloo Road, Akron, Ohio 44312, Jan. 18, 1965, Jan. 18, 1966.
Superior Coach Corp., 1200 East Kibby Street, Lima, Ohio 45802, Jan. 18, 1966.
Syracuse Auto Parts, Inc., 120 North Geddes Street, Syracuse, N.Y. 13204, Jan. 18, 1965, Jan. 18, 1966.
D. H. Thomas & Sons, Inc., 1005 Lee Street, Rockford, Ill. 61103, Jan. 18, 1965, Jan. 18, 1966.
Thumb Truck Equipment, Pigeon, Mich. 48755, Jan. 18, 1966.
Titzer Truck Sales, Inc., 1120 North Fares Avenue, Evansville, Ind. 47711, Jan. 18, 1965, Jan. 18, 1966.
Traffic Transport Engineering, Inc., 14301 Prospect, Box 298, Dearborn, Mich. 48121, Jan. 18, 1965, Jan. 18, 1966.
Transport Equipment Co., 3400 6th Avenue South, Seattle, Wash. 98134, Jan. 18, 1965, Jan. 18, 1966.
Truck Equipment Co., 2928 Tchoupitoulas, New Orleans, La. 70115, Jan. 18, 1965, Jan. 18, 1966.
Truck Equipment Co., 1911 Southwest Washington Street, Peoria, Ill. 61602, Jan. 18, 1965, Jan. 18, 1966.
Truck Equipment, Inc., 680 Potts Avenue, Green Bay, Wis. 54306, Feb. 28, 1966.
Truck Equipment Sales, Inc., 301 South Fourth Street, Murray, Ky. 42071, Jan. 18, 1965, Jan. 18, 1966.
Truck Parts & Equipment Co., 295 Hegenburger Road, Oakland, Calif. 94621, Jan. 18, 1965, Jan. 18, 1966.
Truck Parts & Equipment Co., 2225 Folsom Street, San Francisco, Calif. 94110, Jan. 18, 1965, Jan. 18, 1966.
Truck & Trailer Equipment Co., 4214 West Mount Hope Road at M–78, Lansing, Mich. 48904, Jan. 18, 1965, Jan. 18, 1966.
Tuff Boy, Inc., Route 2, Box 129A, Manteca, Calif. 95336, Jan. 18, 1965, Jan. 18, 1966.
Urbana Truck Body Co., 501 East University Avenue, Urbana, Ill. 61801, Jan. 18, 1965, Jan. 18, 1966.
Utility Trailer Sales Co., 1402 North 22d Avenue, Phoenix, Ariz. 85009, Jan. 18, 1965, Jan. 18, 1966.
Utility Trailer & Equipment Co., Inc., 4771 Southeast 17th Avenue, Portland, Oreg. 97202, Jan. 18, 1965, Jan. 18, 1966.
Valley Truck Parts, 862 North 10th, San Jose, Calif. 95112, Jan. 18, 1965, Jan. 18, 1966.
Walter Motor Truck Co., School Road, Voorheesville, N.Y. 12186, Jan. 18, 1965, Jan. 18, 1966.
Watson Automotive Equipment Co., 1401 South Eads Street, Arlington, Va. 22202, Jan. 18, 1965, Jan. 18, 1966.
Ward LaFrance Truck Corp., Grand Central Avenue, Elmira Heights, N.Y. 14902, Jan. 18, 1965, Jan. 18, 1966.
Weaver Trailer & Body Co., 1355 West Mound Street, Columbus, Ohio 43223, Jan. 18, 1965, Jan. 18, 1966.
Weaver Truck Trailer & Body Corp., 2405–15 North Wooster Avenue, Dover, Ohio 44622, Jan. 1?, 1965, Jan. 18, 1966.
Weigand GMC Truck Sales, Inc., 1008 North Tuscarawas Avenue, Dover, Ohio 44622, Jan. 18, 1965, Jan. 18, 1966.
White Autocar Sales, Inc., 140 Arbor Lane, Green Bay, Wis. 54305, Jan. 18, 1965, Jan. 18, 1966.
White Motor Corp., Post Office Box 6979, Cleveland, Ohio 44114, Jan. 18, 1965, Jan. 18, 1966.
Williamsen Idaho Equipment, Pole Line Road and Maple, Pocatello, Idaho 83201, Jan. 18, 1965, Jan. 18, 1966.

[F.R. Doc. 66–9601; Filed, Sept. 1, 1966; 8:48 a.m.]

Maritime Administration

MANUFACTURERS HANOVER TRUST CO. AND SAVINGS BANKS TRUST CO.

Notice of Approvals of Applicants as Trustees

Notice is hereby given that Manufacturers Hanover Trust Co., a New York banking corporation with offices at 40 Wall Street, New York, N.Y., and Savings Banks Trust Co., also a New York banking corporation with offices at 200 Park Avenue, New York, N.Y., were approved as trustees pursuant to Public Law 89–346 and 46 CFR 221.21–221.30.

Dated: August 30, 1966.

R. G. KEINER,
Deputy Chief,
Office of Ship Operations.

[F.R. Doc. 66–9602; Filed, Sept. 1, 1966; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CELANESE PLASTICS CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B2028) has been filed by Celanese Plastics Co., division of the Celanese Corp., 744 Broad Street, Newark, N.J. 07102, proposing the issuance of a regulation to provide for the safe use of 2,2,4-trimethylpentane-1,3-diisobutyrate as a plasticizer in cellulosic plastics for food-contact use.

Dated: August 24, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66–9633; Filed, Sept. 1, 1966; 8:51 a.m.]

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Pesticide 2-Aminobutane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0520) has been filed by Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of a tolerance of 35 parts per million for residues of the fungicide 2-aminobutane in or on oranges.

The analytical method proposed in the petition for determining residues of this fungicide is a method utilizing thin layer and gas chromatography.

Dated: August 26, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66–9634; Filed, Sept. 1, 1966; 8:51 a.m.]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Ethion

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0519) has been filed by FMC Corporation, Middleport, N.Y. 14105, proposing the establishment of tolerances for residues of the pesticide ethion, *O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate in or on raw agricultural commodities, as follows:

2 parts per million in or on sorghum grain and sorghum forage.

1 part per million in or on nectarines, sugarbeets, and sugarbeet tops.

The analytical method proposed in the petition for determining residues of ethion is a microcoulometric-gas chromatographic procedure with a sulfur dioxide cell.

Dated: August 24, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66–9635; Filed, Sept. 1, 1966; 8:51 a.m.]

GEIGY CHEMICAL CORP.

Notice of Withdrawal of Petition for Food Additive Ethyl 4,4'-Dichlorobenzilate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 346(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y. 10702, has withdrawn its petition (FAP 6H1980), notice of which was published in the FEDERAL REGISTER of March 4, 1966 (31 F.R. 3430), proposing the issuance of a food additive regulation establishing a tolerance of 15 parts per million for residues of ethyl 4,4'-dichlorobensilate in dried tea resulting from application of the insecticide to growing tea.

The withdrawal of this petition is without prejudice to a future filing.

Dated: August 26, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66–9636; Filed, Sept. 1, 1966; 8:51 a.m.]

MERCK & CO., INC

Notice of Withdrawal of Petition for Food Additive Thiabendazole

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Merck & Co., Inc., Rahway, N.J. 07065, has withdrawn its petition (FAP 5A1701), notice of which was published in the FEDERAL REGISTER of March 27, 1965 (30 F.R. 4083), proposing the issuance of a regulation to provide for the safe use of thiabendazole [2-(4'-thiazolyl)-benzimidazole] as a mold inhibitor in baked goods, except baked goods subject to a standard of identity.

The withdrawal of this petition is without prejudice to a future filing.

Dated: August 26, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66–9637; Filed, Sept. 1, 1966; 8:51 a.m.]

MIDWEST OIL & PROTEIN CO.

Notice of Filing of Petition for Food Additive Condensed Animal Protein Hydrolysates

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Midwest Oil & Protein Co., Post Office Box 743, Milwaukee, Wis. 53201, proposing the issuance of a regulation to provide for the safe use of condensed animal protein hydrolysates, a byproduct in rawhide preparation preliminary to tanning in leather production, for addition to poultry, swine, and cattle feeds as a source of protein, nitrogen, phosphorus, and salt (NaCl).

Dated: August 24, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66–9638; Filed, Sept. 1, 1966; 8:51 a.m.]

ROHM & HAAS CO.

Notice of Withdrawal of Petition Regarding Pesticide 1,1-Bis(p-Chlorophenyl)-2,2,2-Trichloroethanol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations, Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, has withdrawn its petition (PP 6F0472), notice of which was published in the FEDERAL REGISTER of March 19, 1966 (31 F.R. 4748), proposing the establishment of certain tolerances for residues of the insecticide 1,1-bis(*p*-chlorophenyl)-2,2,2-trichloroethanol in or on the raw agricultural commodities named in said notice.

The withdrawal of this petition is without prejudice to a future filing.

Dated: August 26, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66–9639; Filed, Sept. 1, 1966; 8:51 a.m.]

ROHM & HAAS CO.

Notice of Withdrawal of Petition Regarding Pesticide 2,4-Dichlorophenyl *p*-Nitrophenyl Ether

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations, Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, has withdrawn its petition (PP 6F0501), notice of which was published in the FEDERAL REGISTER of July 15, 1966 (31 F.R. 9610), proposing the establishment of a tolerance of 1 part per million for residues of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, and cauliflower.

The withdrawal of this petition is without prejudice to a future filing.

Dated: August 26, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 66–9640; Filed, Sept. 1, 1966; 8:51 a.m.]

WITCO CHEMICAL CO., INC.

Notice of Filing of Petition for Food Additive Calcium Stearate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Witco Chemical Co., Inc., Organic Chemicals Division, 6200 West 51st Street, Chicago, Ill. 60638, proposing the issuance of a regulation to provide for the safe use of calcium stearate as an anticaking agent in animal feeds.

Dated: August 25, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9641; Filed, Sept. 1, 1966; 8:51 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR RENEWAL AND HOUSING ASSISTANCE

Delegations of Authority Regarding Low-Rent Public Housing

The delegations of authority to the Assistant Secretary for Renewal and Housing Assistance and to the Deputy Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8967-8) are hereby amended as follows:

1. Subsection 5 of section A is amended to read as follows:

5. Power and authority (a) to redelegate to Regional Administrators, Deputy Regional Administrators, and other Regional Office officials and employees any of the powers and authorities delegated in subsection 1 of this section A, and (b) to authorize further redelegations by Regional Administrators and by Deputy Regional Administrators to other Regional Office officials and employees of any of such powers and authorities redelegated to them.

2. Section C is amended to read as follows:

SEC. C. *Redelegations of authority.* Power and authority to redelegate, as stated in subsections 5 and 6 of section A above, shall include power and authority to redelegate by continuing in effect in the respective officials of the Housing Assistance Administration and in the respective officials and employees of the Regional Offices of the Department the powers and authorities continued in or delegated to them as Public Housing Commissioner and other officials and employees of the Public Housing Administration pursuant to Department Interim Order II (31 F.R. 815-16) and continued in them as officials of the Housing Assistance Administration or as Housing Assistance Regional Office officials and employees by the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8968). As to any such powers and authorities so continued in effect, wherever the title "Regional Director" appears such title shall be deemed to refer to "Assistant Regional Administrator for Housing Assistance"; the titles "Assistant Director for Development", "Assistant Director for Management", and "Assistant Director for Programs" shall be deemed to refer to "Development Director", "Management Director", and "Programs Director", respectively; references to "Regional Offices" shall be deemed to be references to the Housing Assistance Offices in the Regional Offices of the Department; references to the "PHA" and the "Public Housing Administration" shall be deemed to be references to the Department of Housing and Urban Development, the Secretary of Housing and Urban Development, or the Federal Government, as may be appropriate; and references to powers, duties, functions, and authorities vested in the "Commissioner" shall be taken to mean powers, duties, functions, and authorities vested in the Secretary of Housing and Urban Development.

(79 Stat. 670, 5 U.S.C. 624d(d))

Effective date. These amendments shall be effective August 19, 1966.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 66-9646; Filed, Sept. 1, 1966; 8:51 a.m.]

REGIONAL ADMINISTRATORS AND DEPUTY REGIONAL ADMINISTRATORS

Redelegations of Authority Regarding Low-Rent Public Housing

The redelegations of authority by the Assistant Secretary for Renewal and Housing Assistance to the Deputy Assistant Secretary for Housing Assistance and other officials in the Housing Assistance Administration and to officials and employees in the Housing Assistance Regional Offices effective July 1, 1966 (31 F.R. 8968) are hereby amended as follows:

Section C is amended to read as follows:

SEC. C. Each Regional Administrator and each Deputy Regional Administrator is hereby authorized:

1. To exercise the powers and authorities continued in or delegated to Regional Directors and other Regional Office officials and employees of the Public Housing Administration pursuant to Department Interim Order II (31 F.R. 815-16) and continued in them as Housing Assistance Regional Office officials and employees by Section C of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8968), and

2. To redelegate to other Regional Office officials and employees any of the powers and authorities which he is authorized by subsection 1 of this section C to exercise.

(Secretary's delegation effective July 1, 1966, 31 F.R. 8967, June 29, 1966; as amended effective Aug. 19, 1966, 31 F.R. 11624, Sept. 2, 1966)

Effective date. This amendment shall be effective August 19, 1966.

DON HUMMEL,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 66-9647; Filed, Sept. 1, 1966; 8:51 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, ET AL., REGION I (NEW YORK)

Redelegations of Authority Regarding Low-Rent Public Housing

The Assistant Regional Administrator for Housing Assistance and other officials and employees of the Housing Assistance Office, Region I, are hereby authorized to exercise the powers and authorities continued in or delegated to them as Regional Director and other Regional Office officials and employees of the Public Housing Administration pursuant to Department Interim Order II (31 F.R. 815-16) and continued in them as Housing Assistance Regional Office officials and employees by the redelegations of authority from the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8968).

(Redelegation by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966, 31 F.R. 8968, June 29, 1966; as amended effective Aug. 19, 1966, 31 F.R. 11624, Sept. 2, 1966)

Effective date. These redelegations of authority shall be effective August 19, 1966.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 66-9651; Filed, Sept. 1, 1966; 8:52 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, ET AL., REGION II (PHILADELPHIA)

Redelegations of Authority Regarding Low-Rent Public Housing

The Assistant Regional Administrator for Housing Assistance and other officials and employees of the Housing Assistance Office, Region II, are hereby authorized to exercise the powers and authorities continued in or delegated to them as Regional Director and other Regional Office officials and employees of the Public Housing Administration pursuant to Department Interim Order II (31 F.R. 815-16) and continued in them as Housing Assistance Regional Office officials and employees by the redelegations of authority from the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8968).

(Redelegation by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966, 31 F.R. 8968, June 29, 1966; as amended effective Aug. 19, 1966, 31 F.R. 11624, Sept. 2, 1966)

Effective date. These redelegations of authority shall be effective August 19, 1966.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 66-9652; Filed, Sept. 1, 1966; 8:52 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, ET AL., REGION III (ATLANTA)

Redelegations of Authority Regarding Low-Rent Public Housing

The Assistant Regional Administrator for Housing Assistance and other officials and employees of the Housing Assistance Office, Region III, are hereby authorized to exercise the powers and authorities continued in or delegated to them as Regional Director and other Regional Office officials and employees of the Public Housing Administration pursuant to Department Interim Order II (31 F.R. 815-16) and continued in them as Housing Assistance Regional Office officials and employees by the redelegations of authority from the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8968).

(Redelegation by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966, 31 F.R. 8968, June 29, 1966; as amended effective Aug. 19, 1966, 31 F.R. 11624, Sept. 2, 1966)

Effective date. These redelegations of authority shall be effective August 19, 1966.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 66-9653; Filed, Sept. 1, 1966; 8:51 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, ET AL., REGION IV (CHICAGO)

Redelegations of Authority Regarding Low-Rent Public Housing

The Assistant Regional Administrator for Housing Assistance and other officials and employees of the Housing Assistance Office, Region IV, are hereby authorized to exercise the powers and authorities continued in or delegated to them as Regional Director and other Regional Office officials and employees of the Public Housing Administration pursuant to Department Interim Order II (31 F.R. 815-16) and continued in them as Housing Assistance Regional Office officials and employees by the redelegations of authority from the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8968).

(Redelegation by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966, 31 F.R. 8968, June 29, 1966; as amended effective Aug. 19, 1966, 31 F.R. 11624, Sept. 2, 1966)

Effective date. These redelegations of authority shall be effective August 19, 1966.

JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 66-9649; Filed, Sept. 1, 1966; 8:52 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, ET AL., REGION V (FORT WORTH)

Redelegations of Authority Regarding Low-Rent Public Housing

The Assistant Regional Administrator for Housing Assistance and other officials and employees of the Housing Assistance Office, Region V, are hereby authorized to exercise the powers and authorities continued in or delegated to them as Regional Director and other Regional Office officials and employees of the Public Housing Administration pursuant to Department Interim Order II (31 F.R. 815-16) and continued in them as Housing Assistance Regional Office officials and employees by the redelegations of authority from the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8968).

(Redelegation by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966, 31 F.R. 8968, June 29, 1966; as amended effective Aug. 19, 1966, 31 F.R. 11624, Sept. 2, 1966)

Effective date. These redelegations of authority shall be effective August 19, 1966.

W. W. COLLINS,
Regional Administrator, Region V.

[F.R. Doc. 66-9650; Filed, Sept. 1, 1966; 8:52 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, ET AL., REGION VI (SAN FRANCISCO)

Redelegations of Authority Regarding Low-Rent Public Housing

The Assistant Regional Administrator for Housing Assistance and other officials and employees of the Housing Assistance Office, Region VI, are hereby authorized to exercise the powers and authorities continued in or delegated to them as Regional Director and other Regional Office officials and employees of the Public Housing Administration pursuant to Department Interim Order II (31 F.R. 815-16) and continued in them as Housing Assistance Regional Office officials and employees by the redelegations of authority from the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8968).

(Redelegation by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966, 31 F.R. 8968, June 29, 1966; as amended effective Aug. 19, 1966, 31 F.R. 11624, Sept. 2, 1966)

Effective date. These redelegations of authority shall be effective August 19, 1966.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 66-9654; Filed, Sept. 1, 1966; 8:53 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, ET AL., REGION VII (PUERTO RICO AND VIRGIN ISLANDS)

Redelegations of Authority Regarding Low-Rent Public Housing

The Assistant Regional Administrator for Housing Assistance and other officials and employees of the Housing Assistance Office, Region VII, are hereby authorized to exercise the powers and authorities continued in or delegated to them as Regional Director and other Regional Office officials and employees of the Public Housing Administration pursuant to Department Interim Order II (31 F.R. 815-16) and continued in them as Housing Assistance Regional Office officials and employees by the redelegations of authority from the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8968).

(Redelegation by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966, 31 F.R. 8968, June 29, 1966; as amended effective Aug. 19, 1966, 31 F.R. 11624, Sept. 2, 1966)

Effective date. These redelegations of authority shall be effective August 19, 1966.

JOSÉ E. FERRER SILVA,
Regional Administrator, Region VII.

[F.R. Doc. 66-9653; Filed, Sept. 1, 1966; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-39]

CALIFORNIA NUCLEAR, INC.

Notice of Receipt of Application for Amendment of Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has received an application from California Nuclear, Inc., 2323 South Ninth Street, Lafayette, Ind., which requests amendment to License No. 13-10642-1 for authorization to receive, possess, process, store, and bury waste byproduct, source, and special nuclear material at a facility located near Sheffield, Ill., in Bureau County, Ill.

The application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

Dated at Bethesda, Md., August 26, 1966.

For the Atomic Energy Commission.

J. A. MCBURNEY,
Director, Division of Materials Licensing.

[F.R. Doc. 66-9655; Filed, Sept. 1, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15374]

AEROVIAS SUD AMERICANA, INC.

Route Renewal Proceeding; Notice of Hearing

Notice is hereby given, pursuant to provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on September 27, 1966, at 10 a.m., e.d.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., August 30, 1966.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 66-9611; Filed, Sept. 1, 1966; 8:49 a.m.]

[Docket No. 15619, etc.]

LAWRENCEVILLE, ILL./VINCENNES, IND.; KANKAKEE, ILL.

Notice of Further Prehearing Conference

Notice is hereby given that a further prehearing conference in the above-entitled proceeding, as expanded by the Board's Orders E-23868, dated June 28, 1966, and E-24079, dated August 15, 1966, is assigned to be held on September 20, 1966, at 10 a.m., e.d.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., August 26, 1966.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 66-9612; Filed, Sept. 1, 1966; 8:49 a.m.]

[Docket No. 17665; Order E-24133]

WASHINGTON/BALTIMORE HELICOPTER SERVICE

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of August 1966.

In 1963, the Board terminated the Washington, D.C. Helicopter Case, concluding that the public convenience and necessity do not require helicopter service eligible for Federal subsidy in the Washington/Baltimore area.[1] Developments since 1963 with respect to airline traffic in the Washington/Baltimore area, including the rapid growth of such traffic, the need to make changes in the pattern of flights previously serving the Washington National Airport, as well as the interest shown by trunkline carriers in supporting certificated helicopter service in other areas, appear to warrant a reexamintaion of the question to ascertain if it is now feasible to provide helicopter service in this area without the support of Federal subsidy.[2]

Therefore, the Board is instituting an investigation to determine the need for and feasibility of scheduled helicopter service in the Washington/Baltimore area. The service under investigation shall be limited to scheduled helicopter service between the downtown city centers of Washington and Baltimore, on the one hand, and the three airports within the area, National, Dulles, and Friendship, on the other hand, as well as between each of the three airports. The Board will consider those portions of pending applications which conform to the scope of the issues defined above and such additional applications which may be filed with appropriate motions for consolidation within the time allowed below.[3]

In the 1963 proceeding, applicants advanced in support of their applications arrangements for obtaining downtown heliports which would not have been available to another successful applicant. To obviate this problem, no applicant in this proceeding will be required to secure heliport facilities as a condition for selection if the Board decides there is a need for scheduled helicopter service. Instead, it is the Board's view that efforts should be made to establish neutral heliport sites at each of the airports involved as well as noncarrier owned and operated heliports in the downtown centers of Washington and Baltimore, and the Board will cooperate in these efforts to the extent possible.

To further insure impartial scheduled helicopter service within the area of investigation, all of the trunkline carriers presently serving the Washington/Baltimore area shall be made parties to this proceeding, and will be given an equal opportunity to participate in any financial support offered to the helicopter operator selected. We believe that such an opportunity will ease the burden of individual carrier support, avoid any unfair competitive disadvantage to nonparticipating carriers, and permit an opportunity for maximum traffic penetration by the helicopter operator selected. In this connection, the Board does not anticipate that any helicopter applicant would conclude financial arrangements with any one or more trunkline carriers which would preclude comparable participation by other carriers.

In order to insure that any financial arrangements with trunkline carriers will not disadvantage local service carriers and to insure the development of a complete record in this proceeding, the local service carriers authorized to serve the Washington/Baltimore area shall be made parties.

Accordingly, it is ordered:

1. That an investigation designated the Washington/Baltimore Helicopter Service Investigation, be and hereby is instituted in Docket 17665, pursuant to sections 204(a) and 401 of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the authorization of scheduled helicopter service on a subsidy-ineligible basis between the downtown city centers of Washington and Baltimore, on the one hand, and Washington National Airport, Dulles International Airport, and Friendship Airport, on the other hand, as well as between each of the three designated airports;

2. That the applications of U.S. Aviation Corp. (Dockets 15685 and 15686); New York Airways, Inc. (Docket 16099); Washington/Baltimore Helicopter, Inc. (Docket 16113); Loving Chevrolet (Docket 17496); and San Francisco/Oakland Helicopter, Inc. (Docket 17605), insofar as they conform to the scope of the issues defined in ordering paragraph 1, be and hereby are consolidated;

3. That motions to consolidate applications, motions, or petitions seeking modification or reconsideration of this order and petitions for leave to intervene be filed no later than 30 days after service date of this order, and answers to such pleadings be filed no later than 10 days thereafter;

4. That a copy of this order be served upon: Allegheny Airlines, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Lake Central Airlines, Inc.; Mohawk Airlines, Inc.; National Airlines, Inc.; Northeast Airlines, Inc.; Northwest Airlines, Inc.; Pan American World Airways, Inc.; Piedmont Aviation, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; and the Commissioners, District of Columbia and the city of Baltimore, Md.; which are hereby made parties to the investigation instituted herein; and

5. That this proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-9613; Filed, Sept. 1, 1966; 8:49 a.m.]

[1] Docket 11941, et al., Order E-19956, August 28, 1963.

[2] In 1965, the Congress terminated the availability of Federal funds to subsidize local helicopter services. The certificated helicopter operations in other metropolitan areas still are not economically self-supporting and are presently being financially aided by one or more trunklines under arrangements approved by the Board.

[3] The applications now on file with the Board are: U.S. Aviation Corp.; New York Airways, Inc.; Washington/Baltimore Helicopter, Inc.; Loving Chevrolet; and San Francisco/Oakland Helicopter, Inc. (Dockets 15685, 15686, 16099, 16113, 17496, and 17605).

FEDERAL MARITIME COMMISSION

KLAVENESS LINE AND MITSUI O.S.K. LINES, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. H. A. Magnuson, Jr., Assistant to the President, As Agents for Klaveness Line, Overseas Shipping Co., 310 Sansome Street, San Francisco, Calif. 94104.

Agreement 9571, between Klaveness Line joint service and Mitsui O.S.K. Lines, Ltd., establishes a through billing arrangement for movement of cargo from the West Coast of the United States ports to ports on the West Coast of Africa with transshipment at the port of Hong Kong, in accordance with the terms and conditions set forth in the agreement.

Dated: August 30, 1966.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66-9642; Filed, Sept. 1, 1966; 8:51 a.m.]

SEA-LAND SERVICE, INC., AND PUGET SOUND FREIGHT LINES

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. S. Provan, Commerce Attorney, Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement 9573, between Sea-Land Service, Inc. and Puget Sound Freight Lines, establishes a through billing arrangement for the movement of newsprint paper from British Columbia ports to ports within the State of Alaska with transshipment at Seattle, Wash., in accordance with the terms and conditions set forth in the agreement.

Dated: August 30, 1966.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66-9643; Filed, Sept. 1, 1966; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16218; RM-533]

COOPERATIVE USE OF PRIVATE MICROWAVE SYSTEMS IN PETROLEUM RADIO SERVICE

Order Extending Time for Filing Oppositions to Petitions for Reconsideration

In the matter of amendment of Parts 87, 89, 91, and 93 of the Commission's rules to permit expanded cooperative sharing of operational fixed stations, Docket No. 16218. Petition of the Central Committee for Communication Facilities of the American Petroleum Institute concerning cooperative use of private microwave systems in the Petroleum Radio Service, RM-533.

1. The Chief, Safety and Special Radio Services Bureau, acting under delegated authority, has under consideration a request filed by the National Retail Merchants Association (NRMA) for extension of time for filing oppositions to pending petitions for reconsideration in the above-entitled proceeding. The pending petitions for reconsideration were filed by the American Telephone & Telegraph Co. and by the Western Union Telegraph Co. on August 15, 1966. Public notice of the filing of these petitions was given on August 19, 1966, and therefore, the prescribed time for filing oppositions thereto expires on August 29, 1966. NRMA requested that this time be extended until September 17, 1966.

2. In support of its request, NRMA states that it is necessary that a group within the association, composed of retail department store representatives, review the petitions for reconsideration and formulate a policy with respect thereto.

3. In view of the foregoing: *It is ordered*, This 26th day of August 1966, pursuant to §§ 0.331(b)(4) and 1.46 of the Commission's rules, that the above-described request of NRMA is granted and that the time for filing oppositions to the petitions for reconsideration filed in the above-entitled proceeding is extended to September 17, 1966.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: August 29, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9645; Filed, Sept. 1, 1966; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-41]

ARKANSAS LOUISIANA GAS CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 25, 1966.

Take notice that on August 22, 1966, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP67-41 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing the Natural Gas Pipeline Company of America (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution by Applicant in the Town of Douglassville, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a distribution system for the resale of natural gas in the Town of Douglassville, Tex., along with a feeder distribution line extending north approximately 3½ miles from a tap on Respondent's transportation facilities to Applicant's Douglassville system.

Estimated peak day and annual volumes required by Applicant for the Town of Douglassville, Tex., are as follows:

	Peak day demand (Mcf)	Annual requirements (Mcf)
First year	167	10,311
Second year	174	10,720
Third year	180	11,095

Applicant estimates that the total cost of construction of the distribution system to be $33,885.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9614; Filed, Sept. 1, 1966; 8:49 a.m.]

[Docket No. CP67-37]

CITIES SERVICE GAS CO.

Notice of Application

AUGUST 25, 1966.

Take notice that on August 18, 1966, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP67-37 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of certain facilities and the sale and delivery of natural gas to The Gas Service Co. (Gas Service) for resale and distribution by it to customers in and about the cities of Dearborn, Camden Point, Edgerton, and Gower; and the villages of Grayson, New Market, and Trimble, Mo., which are all located near the Greater Kansas City Area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to tap its 12-inch transmission line in Platte County, Mo., and construct approximately 4.9 miles of 6-inch pipeline eastward from the tap and, at the terminus and at an intermediate point on the proposed 6-inch line, install and operate metering and other appurtenant facilities and make the proposed sale to Gas Service for resale.

Applicant states that the estimated third year peak-day and annual natural gas requirement is 996 Mcf and 76,885 Mcf of gas, respectively. The proposed sale for resale will be made under Applicant's F-2, C-2, and I-2 FPC Gas Rate Schedules.

The Applicant further states that Gas Service has been granted a certificate of public convenience and necessity by the Missouri Public Service Commission to serve these communities and the adjacent area, and that Gas Service has obtained franchises to provide gas service to these communities with the exception of the village of New Market, from which Gas Service advises that a franchise is unnecessary because the village is unincorporated.

The estimated net cost of Applicant's proposed facilities is $82,000, which will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 23, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9615; Filed, Sept. 1, 1966; 8:49 a.m.]

[Docket No. CP67-40]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

AUGUST 25, 1966.

Take notice that on August 19, 1966, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP67-40 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas at a new delivery point to Iroquois Gas Corp. (Iroquois), an existing customer of Applicant, and the construction and operation of a measuring and regulating station needed therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Iroquois plans to resell and distribute such gas in the Towns of Sheldon and Orangeville, Wyoming County, N.Y., in an area which does not presently have natural gas service. Applicant further states that the expected market requirements to be served by the proposed delivery point are:

	First year	Second year	Third year
Annual (Mcf)	14,000	21,000	28,000
Peak day (Mcf)	180	270	360

Specifically, Applicant proposes to tap its 20-inch transmission pipeline in the Town of Sheldon, Wyoming County, N.Y., and to construct and operate a measuring and regulating station for the sale and delivery of gas to Iroquois under Applicant's Rate Schedule ACR-5, in order to supply gas for Iroquois' proposed new market area.

The total estimated cost of Applicant's proposed facilities is $10,866, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 23, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9616; Filed, Sept. 1, 1966; 8:49 a.m.]

[Docket No. CP63-296]

EL PASO NATURAL GAS CO.

Notice of Petition to Amend

AUGUST 25, 1966.

Take notice that on August 19, 1966, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP63-296 a petition to amend the orders issued in the instant docket on December 16, 1963, and July 29, 1964, Phases I and II, respectively, as amended on March 23, 1965, by requesting authorization to continue the delivery of 70,000 Mcf of natural gas per day to Southern California Gas Co. and Southern Counties Gas Company of California (jointly Southern) through December 31, 1966, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued on December 16, 1963, in Phase I of the instant proceeding, Petitioner was authorized to sell and deliver to Southern at its delivery points near Blythe, Calif., and Topock, Ariz., up to 60,000 Mcf per day of natural gas on a limited term basis. By the order issued July 29, 1964, in Phase II of the instant proceeding, Petitioner was authorized to sell and delivery up to 100,000 Mcf per day of natural gas to Southern on a limited term basis. By the aforementioned order issued on March 23, 1966, amending Phases I and II of the instant proceeding, Petitioner was authorized to continue the sale and delivery to Southern of up to 70,000 Mcf per day of natural gas through November 1, 1966. Southern, by letter dated August 5, 1966, has requested Petitioner to continue said deliveries through December 31, 1966.

Acordingly, Petitioner requests authorization to continue the delivery of up to 70,000 Mcf per day of natural gas to Southern through December 31, 1966.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 23, 1966.

Specifically, Applicant proposes to abandon its existing meter and to construct and operate a new measuring station on its Sycamore branch line approximately 1.10 miles upstream from the existing measuring station and to sell said 1.10 miles of the Sycamore branch line to Northern Illinois.

The application states that both Northern Illinois and Applicant have determined that their existing facilities are not adequate to meet Northern Illinois' increasing market requirements in the De Kalb-Sycamore, Ill., market area, and on this basis, authorization is sought.

The estimated cost of Applicant's proposed construction of delivery facilities is $35,103, which cost will be met from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 15, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9617; Filed, Sept. 1, 1966; 8:49 a.m.]

[Docket No. CP67-42]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 25, 1966.

Take notice that on August 24, 1966, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP67-42 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of new sales facilities on Applicant's existing Sycamore branch lines for the continuation of deliveries of gas to Northern Illinois Gas Company's (Northern Illinois) De Kalb-Sycamore, Ill., market area, and authorization for the abandonment of the existing facilities now used for deliveries to said market area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon its existing meter and to construct and operate a new measuring station on its Sycamore branch line approximately 1.10 miles upstream from the existing measuring station and to sell said 1.10 miles of the Sycamore branch line to Northern Illinois.

The application states that both Northern Illinois and Applicant have determined that their existing facilities are not adequate to meet Northern Illinois' increasing market requirements in the De Kalb-Sycamore, Ill., market area, and on this basis, authorization is sought.

The estimated cost of Applicant's proposed construction of delivery facilities is $35,103, which cost will be met from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 15, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9618; Filed, Sept. 1, 1966; 8:49 a.m.]

[Docket No. CP67-39]

TRANSWESTERN PIPELINE CO.

Notice of Application

AUGUST 25, 1966.

Take notice that on August 19, 1966, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP67-39 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of certain measuring facilities for the sale and delivery of natural gas to Duval Corp. (Duval), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the installation and operation, for the period ending July 31, 1967, of minor tap, valve and measuring facilities in order to sell and deliver, if available, up to 5,000 Mcf of natural gas per day to Duval. Applicant states that the average daily quantity estimated to be required by Duval is 1,500 Mcf of gas, which will be delivered to Duval in section 589, GC & SF Survey, Pecos County, Tex., as provided in their gas sales agreement.

The total estimated cost of Applicant's proposed facilities is $850, which cost will be borne by Duval and not by Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 23, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9619; Filed, Sept. 1, 1966; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1898]

AMERICAN-IDEAL STANDARD INTERNATIONAL, INC.

Notice of Filing of Application To Modify Order of Exemption

AUGUST 26, 1966.

Notice is hereby given that American-Ideal Standard International, Inc. ("applicant"), 40 West 40th Street, New York, N.Y. 10018, a Delaware corporation has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") requesting modification of an existing order of the Commission exempting applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the applicant's representations which are summarized below.

Applicant was organized by American Radiator & Standard Sanitary Corp. ("American-Standard") under the laws of the State of Delaware on December 8, 1965. A principal purpose for organizing applicant was to provide assistance in improving the balance of payments position of the United States in compliance with the voluntary cooperation program instituted by the President in February 1965, while at the same time continuing the expansion and development of the operations of American-Standard outside the United States. The Commission, on January 31, 1966, granted applicant an exemption from all provisions of the Act and the rules and regulations thereunder (Investment Company Act Release No. 4498, herein called the "Order").

Applicant requests an order amending the order exempting it from all the provisions of the Act based upon the application as amended in the following manner. The order requires applicant, as a condition of the exemption, to file various reports with the Commission at the close of each fiscal year of the applicant and American-Standard. In addition, applicant must not issue, without a further order of the Commission, any securities (except to American-Standard, or to a wholly owned subsidiary of American-Standard) in the event that the U.S. Interest Equalization Tax Act expires or is repealed and is not replaced by another comparable deterrent to the purchase of its securities by U.S. persons. Applicant maintains that because it has not issued any securities under the order (except 1,000 shares of capital stock to

American-Standard as an incident in completing the corporate organization of applicant), it wishes to avoid filing the reports required by the order until such time as it issues securities under the order. However, applicant wishes the order, as amended, to remain in effect.

Applicant represents that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for it to be relieved of the duty to file such reports as called for in the order until such time as it issues securities, other than equity securities issued to a corporation owning all of the stock of applicant or to a corporation all of whose stock is owned by such a corporation.

Therefore, applicant has applied for an order modifying the order to provide that:

(1) Applicant will not issue any securities (except equity securities issued to a corporation owning all of the stock of applicant or to a corporation all of whose stock is owned by such a corporation) without first giving written notice to the Commission, at least 20 days prior to the date of such issuance, describing such issuance and setting forth in detail any differences in the proposed transaction from those set forth in applicant's application dated January 7, 1966. The proposed issuance of such securities will not be consummated except in accordance with an appropriate order of the Commission if the Commission shall within 15 days after its receipt of such notice notify the applicant of its determination that a substantial question exists as to continuance of the exemption granted by the order.

(2) For the first fiscal year of the applicant in which it issues additional securities as described in the order and for each fiscal year thereafter applicant will file reports required by conditions (1) and (2) of the order.

(3) Condition No. 3 of the order, which requires that applicant not issue, without a further order of the Commission, any securities (except to American-Standard, or to a wholly owned subsidiary of American-Standard) in the event that the U.S. Interest Equalization Tax Act expires or is repealed and is not replaced by another comparable deterrent to the purchase of its securities by U.S. persons, will remain in effect.

Notice is further given that any interested person may, not later than September 14, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–9587; Filed, Sept. 1, 1966; 8:47 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 29, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 30, 1966, through September 8, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–9588; Filed, Sept. 1, 1966; 8:47 a.m.]

[812–345]

F-I-F PLAN CORP.

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

AUGUST 26, 1966.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that The F-I-F Plan Corporation Series XD Periodic Payment and Fully Paid Plans ("F-I-F"), c/o First Investors Corp., 120 Wall Street, New York, N.Y., a trust created under the laws of the State of Pennsylvania and a unit investment trust registered under the Act, has ceased to be an investment company. The First Pennsylvania Banking & Trust Co. is the Successor Trustee ("Trustee"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

F-I-F filed its notification of registration on Form N–8A pursuant to section 8(a) of the Act November 1, 1940, covering plans for the accumulation of Diversified Trustee Shares, Series XD, issued pursuant to a Trust Indenture dated April 15, 1931. In 1947, Diversified Trustee Shares, Series E, were substituted for all underlying Diversified Trustee Shares, Series XD. The Series E Shares were subsequently liquidated on September 12, 1960, and a final distribution of the proceeds of said liquidation was made on December 8, 1961. As of August 10, 1966, the Trustee held $678.05 for the account of eight investors.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 15, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–9589; Filed, Sept. 1, 1966; 8:47 a.m.]

[811–944]

FINANCIAL INDEPENDENCE FOUNDERS

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

AUGUST 26, 1966.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Financial Independence Founders Series D Periodic Payment and Fully Paid Plans ("Financial"), c/o First Investors Corp., 120 Wall Street, New York, N.Y., a trust created under the laws of the State of Pennsylvania and a unit investment trust registered under the Act, has ceased to be an investment company. The First Pennsylvania Banking and Trust Co. is the Successor Trustee ("Trustee"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Financial filed its notification of registration on Form N–8A pursuant to section 8(a) of the Act on November 1, 1940, covering plans for the accumulation of Diversified Trustee Shares, Series D, issued pursuant to a Trust Indenture dated April 15, 1931. In 1947, Diversified Trustee Shares, Series E, were substituted for all underlying Diversified Trustee Shares, Series D. The Series E Shares were subsequently liquidated on September 12, 1960, and a final distribution of the proceeds of said liquidation was made on December 8, 1961. As of August 10, 1966, the Trustee held $44,294.39 for the account of 37 investors.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 15, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–9590; Filed, Sept. 1, 1966; 8:47 a.m.]

[File No. 1–3782]

GREAT AMERICAN INDUSTRIES, INC.

Order Suspending Trading

AUGUST 26, 1966.

The common stock, 10 cents par value, of Great American Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6-percent cumulative preferred stock, Series A, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 27, 1966, through September 5, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–9591; Filed, Sept. 1, 1966; 8:47 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

AUGUST 26, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5¾ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period August 27, 1966, through September 5, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–9592; Filed, Sept. 1, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 94]

AUTOMOBILE TRANSPORTERS TARIFF BUREAU, INC.

Application for Approval

AUGUST 30, 1966.

The Commission is in receipt of a section 5a application in the above-entitled proceeding for approval.

Filed August 5, 1966, by: George S. Dixon, Matheson, Dixon, and Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226.

Agreement involves: Agreement between common carriers by motor vehicle, members of Automobile Transporters Tariff Bureau, Inc., relating to joint consideration, initiation, change, and publication of rates, ratings, classifications, rules, regulations, and practices governing the transportation of automobiles and other property between points in the United States.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–9620; Filed, Sept. 1, 1966; 8:50 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 30, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40689—*Blackstrap molasses to Wilson, N.C.* Filed by O. W. South, Jr., agent (No. A4934), for interested rail carriers. Rates on blackstrap molasses, in tank carloads, from Port Westworth and Savannah, Ga., to Wilson, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 37 to Southern Freight Association, agent, tariff I.C.C. S–476.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9621; Filed, Sept. 1, 1966; 8:50 a.m.]

[Notice 246]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 30, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67, (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

No. MC 30837 (Sub-No. 336 TA), filed August 25, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile engines, and engine parts, and automobile parts*, from the international boundary line between Mexico and the United States at Laredo, Tex., to Detroit, Mich., for 180 days. Supporting shipper: Chrysler Corp., Post Office Box 1976, Detroit, Mich. 48231 (D. C. Rae, manager, Claims and Tariffs). Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 41116 (Sub-No. 27 TA), filed August 26, 1966. Applicant: FOGLEMAN TRUCK LINE, INC., 1001 West Northern Avenue, Crowley, La. 70526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bags, from Lake Charles, La., to points in Arkansas, Oklahoma, Mississippi, and Texas, for 180 days. Supporting shipper: Agricultural Division, Olin Mathieson Chemical Corp., Post Office Box 991, Little Rock, Ark., D. E. Taylor, Transportation, Supervisor Rates and Analysis. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, T-4009 Federal Office Building, New Orleans, La. 70113.

No. MC 82063 (Sub-No. 17 TA), filed August 26, 1966. Applicant: KLIPSCH HAULING CO., 119 East Loughborough Avenue, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Trichlorophenol*, in bulk, in tank vehicles, from St. Louis, Mo., to the port of entry on the international boundary line between the United States and Canada, at or near Port Huron, Mich., restricted to traffic destined to Canada, for 180 days. Supporting shipper: Thompson Chemicals Corp. (Marion S. Buckley, division manager), 3028 Locust, St. Louis, Mo. 63103. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 66562 (Sub-No. 2189 TA), filed August 26, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including class A and B explosives, moving in express service, (1) between Kansas City, Mo., and Salina, Kans., serving the intermediate points of Tonganoxie, Perry, Topeka, Rossville, St. Marys, Belvue, Wamego, Manhattan, Junction City, and Abilene, Kans., and the off-route points of Bonner Springs, Lawrence, Chapman, and Solomon, Kans., from Kansas City, Mo., in a westerly direction over Interstate Highway 70 to intersection with U.S. Highway 70 to intersection with U.S. Highway 73; thence over U.S. Highway 73 to intersection with U.S. Highway 24; thence over U.S. Highway 24 intersection with U.S. Highway 75; thence over U.S. Highway 75 to Topeka, Kans.; thence over U.S. Highway 75 to intersection with U.S. Highway 24; thence over Kansas State Highway 18 to Junction City, Kans.; thence over Interstate Highway 70 to Salina, Kans., and return over the same route, from Topeka, Kans., to Junction City, Kans., via Interstate Highway 70 serving no intermediate points, and return over same route, as an alternate route, for purpose of operating convenience and economy only; (2) to serve Minneapolis, Delphos, Glasco, Simpson, and Bennington, Kans., as off-route and/or intermediate points on applicant's existing authority between Salina, Kans., and Concordia, Kans., under certificate number MC 66562, sub 1775. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of Railway Express Agency, Inc. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Supporting shippers: There are 33 shippers' supporting statements which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 113024 (Sub-No. 59 TA), filed August 26, 1966. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in continental United States, including Alaska. Under a continuing contract, or contracts, with International Latex Corp. of Dover, Del., for 180 days. Supporting shipper: International Latex Corp., Playtex Park, Dover, Del. 19901, George Evans, Corporate Director, Traffic and Transportation. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Post Office Building, Salisbury, Md. 21801.

No. MC 128024 (Sub-No. 2 TA), filed August 26, 1966. Applicant: BUILDING TRANSPORTATION COMPANY, a corporation, 422 Maple Street, Richardson, Tex. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings*, from Baton Rouge, La., Dallas, Tex., Gloster, Miss., McKinney, Tex., Newport, Ark., Oklahoma City, Okla., and Woodville, Tex., to points in Tennessee, Missouri, and Kansas, for 180 days. Supporting shipper: Morgan Portable Building Corp., 510 Mayflower Building, 411 North Akard, Dallas, Tex. 75201. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 128076 (Sub-No. 5 TA), filed August 26, 1966. Applicant: PROTECTIVE SERVICE COMPANY, 725-29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: Morris Cheston, Jr., Land Title Building, Philadelphia, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnetic tape and miscellaneous audit data*, between Camp Hill, Pa., on the one hand, and, on the other, Baltimore, Md., for 120 days. Supporting shipper: Pennsylvania Blue Shield, Camp Hill, Pa. Send protests to: Peter R. Guman, District Supervisor, 900 Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9622; Filed, Sept. 1, 1966; 8:50 a.m.]

[Notice 1408]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 30, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68928. By order of August 29, 1966, the Transfer Board, on reconsideration, approved the transfer to Glenn R. Frensen, doing business as Iowa Steel Express, Cedar Rapids, Iowa, of a portion of the operating rights in certificate No. MC-68119, issued January 22, 1954, to Ralph Brown, doing business as Brown Transfer, La Porte City, Iowa, authorizing the transportation of: Iron and steel, fencing material, hardware, and agricultural implements, from Chicago, Ill., to La Porte City, Iowa, and points within 40 miles thereof. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50316, representative for applicants.

No. MC-FC-68943. By order of August 29, 1966, the Transfer Board approved the transfer to Merchants Transfer & Storage, Inc., doing business as Bemidji Bus Lines, Bemidji, Minn. 56601, of that portion of the operating rights of Northern Transportation Co., a corporation, Virginia, Minn. 55792, issued October 24, 1949, authorizing the transportation, over regular routes, of passengers and their baggage, between International Falls, Minn., and Bemidji, Minn. Joseph J. Dudley, E-1506 First National Bank Building, St. Paul, Minn. 55101, attorney for applicants.

No. MC-FC-68957. By order of August 26, 1966, the Transfer Board approved the transfer to Interstate Trucking Co., a corporation, Patton Road, Route 3, Delmar, Md. 19940, of the operating rights of Douglas C. Hudson, doing business as Hudson Construction Co., Post Office Box 187, Milton, Del. 19968, in certificate No. MC-126301 (Sub-No. 1), issued May 14, 1965, authorizing the transportation, over irregular routes, of asphalt mix, from Delmar, Md., to points in Sussex County, Del.

No. MC-FC-68977. By order of August 26, 1966, the Transfer Board approved the transfer to Able Express, Inc., Denver, Colo., a portion of the operating rights in certificate No. MC-981, issued December 3, 1965, to Able Transportation, Inc., Denver, Colo., authorizing the transportation of: General commodities, with the usual exceptions, from Chicago, Ill., to Iowa City, Iowa, serving the intermediate point of Cedar Rapids, Iowa, without restriction; and points in Illinois within the Chicago, Ill., commercial zone, as defined by the Commission, restricted to pickup only: From Chicago to Cedar Rapids, Iowa, as specified above, thence south over U.S. Highway 218 to Iowa City, and return with no compensation for transportation on return. Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602, attorney for applicants.

No. MC-FC-68986. By order of August 26, 1966, the Transfer Board approved the transfer to Terminal Transfer & Storage Co., Inc., Charlotte, N.C. 28208, a portion of the evidentiary rights contained in certificate of registration No. MC-99521 (Sub-No. 4) conducted under a lease arrangement from Henderson Jones, Jr., Hillsboro, N.C. 27278 and acquired by transferee through purchase, covering the transportation of: General commodities, with certain exceptions, between points within 100 miles of Hillsboro, N.C., including Murfreesboro, Kinston, and Wallace. Harry F. Gillis, 919 18th Street NW., Washington, D.C. 20006, attorney for applicants.

No. MC-FC-68997. By order of August 29, 1966, the Transfer Board approved the transfer to Maurice D. Crain, doing business as Crain Trucking Service, 1708 Dakota Street, Brookings, S. Dak. 57006, of the operating rights of Thomas J. Hurney, Elkton, S. Dak. 57026, in certificate No. MC-105048, issued March 25, 1946, authorizing the transportation, over irregular routes, of livestock, feed, grain, seed, and emigrant movables, between specified points in South Dakota, Iowa, and Minnesota, varying with the commodities transported.

No. MC-FC-69006. By order of August 29, 1966, the Transfer Board approved the transfer to Greenwood Transfer & Storage Co., Inc., Greenwood, S.C., of the operating rights in certificate No. MC-108948 issued by the Commission December 28, 1956, to L. C. Faulkner, doing business as Greenwood Transfer & Storage Co., Greenwood, S.C., authorizing the transportation of: Household goods, as defined by the Commission, between points in Greenwood County, S.C., on the one hand, and, on the other, points in North Carolina and Georgia. R. Evan Palmer, Post Office Box 457, Greenwood, S.C. 29646, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9623; Filed, Sept. 1, 1966; 8:50 a.m.]

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INTERNATIONAL LITERACY DAY

By the President of the United States of America

A Proclamation

It is not difficult to test a man for literacy.
Ask him to write a simple message.
Or to read one.

Millions upon untold millions of persons cannot pass that test. Their communication with their fellow man is severely limited. Their intelligence is unformed by contact with the written word. They live out their lives in the darkness of ignorance.

Illiteracy is the greatest single barrier to economic and social progress in many of the countries of the world.

The people of Angola are 97 percent illiterate.
Rhodesia is 98 percent illiterate.
Haiti has the highest illiteracy rate in the Western Hemisphere—nearly 90 percent.

In Iraq, in Iran, in Bolivia and in many more countries the majority of men and women cannot read and write. Even in our own country where education is accorded its proper importance, there are three million illiterate adults.

September 8, 1966 is the first anniversary of an event which I believe was the turning point in the battle against illiteracy. On that date one year ago the World Congress of Ministers of Education convened in Tehran, Iran to consider the problem.

That Congress, made up in part by a delegation of distinguished statesmen and scholars sent by the United States Government, established the principles which now guide the highly commendable efforts of the United Nations Educational, Scientific, and Cultural Organization. Through experimental projects UNESCO is creating methods, techniques, and materials for full-scale literacy programs.

Here at home education is receiving concentrated attention. A partnership of Federal, State, and local authorities is working to provide America with an educational system commensurate with our position of world leadership. More than a dozen major pieces of education legislation enacted in the past three years have added greatly to the effectiveness of the partnership.

Our efforts for education of quality and equality extend to those adult citizens who have received little or no formal schooling. They are not discards of our society. They must share in its economic, social, and cultural benefits. New adult education programs will equip them to participate as fully as possible.

The work of the United States of America to eradicate ignorance does not stop at our shores. Nowhere in the world is the universal desire to eliminate illiteracy held more passionately than in this Nation which was founded on belief in the dignity, worth, and perfectibility of the individual. Our worldwide endeavors—individual, private, and governmental—are unsurpassed.

In recognition of the foregoing, the Congress has, by a joint resolution of August 27, 1966, authorized and requested the President to proclaim the 8th day of September 1966 as International Literacy Day:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim September 8, 1966, as International Literacy Day, and call upon the people of the United States to commemorate that day in ways most appropriate to the occasion and to reaffirm our strong desire to cooperate with national and international organizations, private groups, and individuals dedicated to the goal of eliminating the scourge of illiteracy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of August in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-9744; Filed, Sept. 1, 1966; 2:13 p.m.]

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Louisiana Capital Construction and Improvement Commission Public Improvement Bonds

§ 1.174 Louisiana Capital Construction and Improvement Commission Public Improvement Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $15 million Public Improvement Bonds issued by the Capital Construction and Improvement Commission of the State of Louisiana are eligible for purchase, dealing in, underwriting and unlimited holding by National Banks pursuant to paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Capital Construction and Improvement Commission is a body politic and corporate created by an act of the Louisiana State Legislature. The Commission is authorized and empowered, inter alia, to borrow money for the purpose of obtaining funds for the construction and improvement of the State highway system and to issue bonds not in excess of $140 million to evidence such borrowing.

(2) The bonds will be payable solely from revenue derived from the Louisiana sales tax which has been irrevocably and irrepealably pledged and dedicated (subject to 7 percent of such revenues pledged to certain obligations of the Louisiana Fiscal Authority) to the payment of the bonds and which will be levied and collected so long as any of the Commission's obligations are outstanding. On the basis of current revenue levels, as well as the Commission's projections, sales tax revenues will be sufficient to exceed by 10 times the maximum annual bond interest and principal payments of the Commission, assuming the maximum permissible amount of bonds are issued, and of the Louisiana Fiscal Authority.

(3) The State of Louisiana has made adequate provision and is obligated for payments of amounts which will be sufficient to provide for all required payments in connection with the bonds. These bonds are thus general obligations of a state or political subdivision thereof within the meaning of § 1.3 (d) and (e) of the Investment Securities Regulation (12 CFR 1.3 (d) and (e)).

(c) *Ruling.* It is, therefore, our conclusion that the $15 million Public Improvement Bonds issued by the Capital Construction and Improvement Commission of the State of Louisiana are public securities as defined in § 1.3 (c), (d), and (e) of the Investment Securities Regulation (12 CFR 1.3 (c), (d), and (e)) issued pursuant to paragraph Seventh of 12 U.S.C. 24 and are, therefore, eligible for purchase, dealing in, underwriting and unlimited holding by National Banks.

Dated: September 1, 1966.

[SEAL]

JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 66-9742; Filed, Sept. 2, 1966; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7582; Amdt. 39-281]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Model DH.125–1A Airplanes

There has been a takeoff attempted by a Hawker Siddeley Model DH.125–1A airplane with the gust lock engaged. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require installation of a gust lock on Hawker Siddeley Model DH.125–1A airplanes that, when installed, braces the control column against the front end of the pilot's seat rails, effectively preventing occupancy of the seat.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY. Applies to Model DH. 125–1A airplanes equipped with aileron and elevator system gust lock, P/N 25CF–1703AB.

Compliance required within the next 300 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent operation with the elevator and aileron gust lock engaged, accomplish the following:

(a) Remove gust lock assembly, P/N 25CF–1703AB, located on left side of cockpit.

(b) Modify pilot's control wheel and seat rail, and install gust lock stowage box assembly, P/N 25.MM. 333, in accordance with Hawker Siddeley Aviation, Ltd. Service Bulletin No. 27–94–(1716), dated May 18, 1966, or later ARB-approved issue.

(c) Equip airplane with aileron and elevator gust lock assembly, P/N 25.MM. 2383.

This amendment becomes effective September 3, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on August 25, 1966.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-9695; Filed, Sept. 2, 1966; 8:48 a.m.]

[Reg. Docket No. 7539; Amdt. 91-32]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Positive Control Areas and Route Segments; Correction

On August 5, 1966, an amendment to § 91.97 of the Federal Aviation Regulations was published as F.R. Doc. 66–8527 (31 F.R. 10517) which altered the regulation governing the operation of aircraft within the positive control area.

Since the publication of this document, it was noted that the arrangement of § 91.97(a)(4) may result in a possible misinterpretation of the paragraph. Corrective action is therefore taken herein.

Since this action is editorial in nature, involving a rearrangement without substantive change, and is in conformity with the intent of the amendment, the Administrator has determined that notice and public procedure hereon are unnecessary, and the effective date of the amendment as initially adopted may be retained.

In consideration of the foregoing, F.R. Doc. 66–8527 (31 F.R. 10517) is amended, effective immediately, as hereinafter set forth.

Section 91.97(a) is amended to read as follows:

§ 91.97 Positive control areas and route segments.

(a) • • •

(4) Equipped, when in a positive control area, with—

(i) A coded radar beacon transponder, having at least a Mode A (Military Mode 3) 64 code capability, replying to Mode A/3 interrogation with the code specified by ATC; and

(ii) A radio providing direct pilot/controller communication on the frequency specified by ATC for the area concerned.

• • • • • •

(Secs. 307, 313, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354))

Issued in Washington, D.C., on August 29, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-9696; Filed, Sept. 2, 1966; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 579—STANDARDS OF CONDUCT FOR DEPARTMENT OF THE ARMY PERSONNEL

A new Part 579 is added to this subchapter, as follows:

GENERAL

Sec.
579.1 Purpose and objectives.
579.2 Explanation of terms.
579.3 Ethical standards of conduct.
579.4 Bribery and graft.
579.5 Unauthorized release of procurement information.
579.6 Selection and instruction of personnel assigned to procurement and related activities.
579.7 Unauthorized statements or commitments with respect to award of contracts.
579.8 Gratuities.
579.9 Prohibitions of contributions or presents to superiors.
579.10 Use of Government facilities, property, and manpower.
579.11 Use of civilian and military titles in connection with commercial enterprise.
579.12 Outside employment of DA personnel.
579.13 Political activities.
579.14 Letters and petitions to Congress.
579.15 Defamatory or irresponsible statements.
579.16 Borrowing and lending money.
579.17 Gambling, betting, and lotteries.
579.18 Indebtedness.
579.19 Information to personnel.
579.20 Reporting suspected violations.

STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

579.21 Statements of employment and financial interests.
579.22 Review of positions.
579.23 Manner of submission—statements of employment.
579.24 Excusable delay.
579.25 Special Government employees—statement of employment and financial interests.
579.26 Exceptions to specific appointees.
579.27 Supplementary statements.
579.28 Interests of employee's relatives.
579.29 Information not known by employees.
579.30 Information not required to be submitted.
579.31 Confidentiality of employee's statements.
579.32 Effect of employees' statements on other requirements.

CONFLICT OF INTEREST LAWS

579.33 Full-time officers and employees.
579.34 Special Government employees.
579.35 Former officers or employees.
579.36 Retired Regular officers.
579.37 Officers of Reserve components.
579.38 Other related laws applicable to all DOD personnel.
Appendix I—Extract from Appendix C of Civil Service Federal Personnel Manual System on Special Government Employees (Including Guidelines for Obtaining and Utilizing the Services of Special Government Employees).
Appendix II—Disposition of DD Form 1555 completed by General Officers.
Appendix III—Disposition of DD Form 1555 completed by civilian personnel referred to in § 579.23(c).

AUTHORITY: The provisions of this Part 579 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 201–209, 18 U.S.C.; E.O. 11222, May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; Part 40, Ch. I, 32 CFR; and 5 CFR 735.104.

GENERAL

§ 579.1 Purpose and objectives.

(a) This part prescribes the standards of conduct, relating to possible conflict between private interests and official duties, required of all Department of Defense personnel, regardless of assignment. Close adherence to these principles will insure compliance with the high ethical standards demanded of all public servants. Violations of this part may be cause for appropriate disciplinary action which may be in addition to any penalty provided by law. All military personnel and civilian employees will familiarize themselves thoroughly with the provisions of this part.

(b) This part is in implementation of (1) Executive Order 11222 of May 8, 1965 (30 F.R. 6469), prescribing standards of ethical conduct for Government officers and employees, (2) Department of Defense Directive 5500.7, March 22, 1966 (31 F.R. 4989), and (3) the Civil Service Commission Regulation of October 1, 1965 (Part 735, Chap. I, 5 C.F.R.). It is in consonance with the Code of Ethics for Government Service contained in House Concurrent Resolution 175, 85th Congress (72 Stat. 1312), which applies to all Government personnel.

(c) This part includes standards of conduct based on the revisions of the conflict of interest laws enacted in 1962 (Public Law 87–777 and Public Law 87–849) (76 Stat. 777, 1119).

§ 579.2 Explanation of terms.

(a) "DOD personnel" as used in this part, unless the context indicates otherwise, means all civilian officers and employees, including special Government employees, of all the offices, agencies, and departments in the Department of Defense (including nonappropriated fund activities) and all active duty officers and enlisted members of the Army, Navy, Air Force, and Marine Corps.

(b) The term "DA personnel" as used in this part, unless the context indicates otherwise, means all civilian officers and employees, including special Government employees, of the Department of the Army (including nonappropriated fund activities) and all active duty officers and enlisted members of the Army.

(c) The term "military personnel" as used in this part, unless the context indicates otherwise, means all officers, warrant, includes commissioned and warrant the Army on active duty.

(d) The term "officer" as used in this part includes commissioned and warrant officers.

§ 579.3 Ethical standards of conduct.

(a) *General.* DA personnel are bound to refrain from any private business or professional activity or from having any direct or indirect financial interest which would place them in a position where there is a conflict between their private interests and the public interests of the United States, particularly those related to their duties and responsibilities as DA personnel. Even though a technical conflict, as set forth in the statutes cited in this part, may not exist, DA personnel must avoid the appearance of such a conflict, from a public confidence point of view. DA personnel will not engage in any private business or professional activity or enter into any financial transaction which involves the direct or indirect use, or the appearance of use, of inside information gained through a DA position to further a private interest or for private gain for themselves or another person or entity, particularly one with whom they have family, business, or financial ties. DA personnel must not use their DA positions in any way to induce or coerce, or give the appearance of inducing or coercing, any person (including subordinates) or entity to provide any financial benefit to themselves or another person or entity, particularly one with whom they have family, business, or financial ties. For the purpose of this section "inside information" means information obtained under Government authority which has not become part of the body of public information. This section does not preclude DA personnel from teaching, lecturing, and writing as authorized by § 579.12, nor does it preclude DA personnel from having financial interests or engaging in financial transactions to the same extent as private citizens not employed by the Government so long as they are not prohibited by law or regulations.

(b) *Dealing with present and former military and civilian personnel.* DA personnel will not knowingly deal with military or civilian personnel, or former military or civilian personnel, of the Government, if such action will result in a violation of a statute or policy set forth in this part.

(c) *Membership in associations.* All DA personnel who are members or officers of nongovernmental associations or organizations must avoid activities on behalf of the association or organization that are incompatible with their official Government positions.

(d) *Solicitation—(1) Military personnel.* Military personnel on active duty are prohibited from personal commercial solicitation and sale to military personnel who are junior in grade or rank. This prohibition is applicable to activities on or off an installation, in or out of uniform, while on or off duty, and includes but is not limited to the personal solicitation and sale of life and automobile insurance, stock, mutual funds, real estate, or any other commodities, goods, or services. As used herein, "personal commercial solicitation" refers to those situations where a military member is employed as a sales agent on commission or salary, and contacts prospective purchasers suggesting they buy the commodity, real or intangible, that he is offering for sale. This prohibition is not applicable to the one-time sale by an individual of his own personal property or privately owned dwelling. It is not the intent of this subparagraph to discourage the off-duty employment of military personnel, but it is the intent to eliminate any and all instances where it would appear that coercion, intimidation, or pressure was used based on rank, grade, or position. See also § 552.18(j).

(2) *Civilian employees.* Civilian employees are not permitted to engage in canvassing, soliciting, or peddling on Department of the Army premises.

(i) This prohibition includes, but is not limited to the following activities:

(a) Canvassing, soliciting, or selling for personal monetary gain.

(b) Promoting group buying when such action could reasonably be interpreted as involving the improper use of Federal facilities and manpower.

(c) Canvassing or soliciting membership, except as authorized in Federal Personnel Manual, Chapter 711, and Civilian Personnel Regulation 700, Chapter 711, in connection with organized employee groups.

(ii) This prohibition is not applicable to the following activities:

(a) Those activities which have been specifically authorized by the activity commander § 552.18(j).

(b) Soliciting contributions for charitable, health, welfare, and similar organizations as authorized in AR 600–29 (DA regulations regarding fund raising within the Department of the Army).

(c) Accepting voluntary contributions from other employees in case of death, illness, marriage, retirement, or similar occurrence involving a fellow employee.

(d) Collecting contributions for group immunization programs conducted for the benefit of employees.

(e) Those activities of voluntary organizations of Federal employees which are of the type commonly accepted as normal functions of employee organizations sponsored or permitted by private employers.

(e) *Assignment of reserves for training.* DA personnel who are responsible for assigning Reserves for training should make every effort to assign them when they are on active duty for training to duties in which they will not obtain information that could be used by them or their employers to give them an unfair advantage over their civilian competitors.

(f) *Conduct prejudicial to the Government.* DA personnel shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the Government. Moreover, DA personnel shall avoid any action whether or not specifically prohibited by this part, which might result in, or create the appearance of—

(1) Using public office for private gain.

(2) Giving preferential treatment to any person.

(3) Impeding Government efficiency or economy.

(4) Losing complete independence or impartiality.

(5) Making a Government decision outside official channels.

(6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 579.4 Bribery and graft.

In general, DA personnel may be subject to criminal penalties if they solicit, accept, or agree to accept anything of value in return for performing or refraining from performing an official act. See 18 U.S.C. 201.

§ 579.5 Unauthorized release of procurement information.

It is the individual responsibility of all personnel, both military and civilian, of the Department of the Army to refrain from releasing to any individual or any individual business concern or its representatives any knowledge such personnel may possess or have acquired in any way concerning proposed procurements or purchases of supplies by any procuring activity of the Department of the Army. Such information will be released to all potential contractors as nearly simultaneously as possible and only through duly designated agencies, so that one potential source of supply may not be given an advantage over another. All dissemination of such information will be in accordance with existing authorized procedures and only in connection with the necessary and proper discharge of official duties.

§ 579.6 Selection and instruction of personnel assigned to procurement and related activities.

(a) The importance of the procurement function to the Department of the Army makes selection and instruction of procurement personnel a matter of major importance to appointing officials. Selected personnel are not only responsible for protecting the Government's interest but also for maintaining the reputation of the Department of the Army for honesty, courtesy, and fair dealings in all relations with contractors. All procurement and related activities personnel, military or civilian, must comply with the provisions of Title 10, United States Code, Chapter 137, the Armed Services Procurement Regulations (Subchapter A, Chap. I of this title), the Army Procurement Procedures (Subchapter G of this chapter), and the Department of the Army circulars, directives, and other publications pertinent thereto. Every person engaged in procurement and related activities must at all times protect the interests of the Government.

(b) A copy of this part will be furnished to individuals assigned to procurement and related activities in accordance with the distribution prescribed for the Army Procurement Procedures.

§ 579.7 Unauthorized statements or commitments with respect to award of contracts.

Only contracting officers and their duly authorized representatives acting within their authority are authorized to commit the Government with respect to award of contracts. Unauthorized discussion and commitments may place the Department of the Army in the position of not acting in good faith. Unauthorized personnel will refrain from making any commitment or promise relating to award of contracts and will make no representation which would be construed as such a commitment. Army personnel will not under any circumstances advise a business representative that an attempt will be made to influence another person or agency to give preferential treatment to his concern in the award of future contracts. Any person requesting preferential treatment will be informed by official letter that Department of Army contracts are awarded only in accordance with established contracting procedures.

§ 579.8 Gratuities.

(a) Except as provided in paragraph (b) of this section, DA personnel will not solicit or accept any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value either directly or indirectly from any person, firm, corporation, or other entity which—

(1) Is engaged or is endeavoring to engage in procurement activities or business or financial transactions of any sort with any agency of the Department of Defense;

(2) Conducts operations or activities that are regulated by any agency of the Department of Defense; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the official duty of the Department of Defense personnel concerned.

Gifts, gratuities, favors, entertainment, etc., bestowed upon members of the immediate families of DA personnel are viewed in the same light as those bestowed upon DA personnel. Acceptance of gifts, gratuities, favors, entertainment, etc., no matter how innocently tendered and received, from those who have or seek business with the Department of Defense may be a source of embarrassment to the department and the personnel involved, may affect the objective judgment of the recipient, and may impair public confidence in the integrity of the business relations between the department and industry.

(b) For the purpose of this section, a gift, gratuity, favor, entertainment, etc., includes any tangible item, intangible benefits, discounts, tickets, passes, transportation, and accommodations or hospitality given or extended to or on behalf of the recipient. However, the restrictions in paragraph (a) of this section do not apply to the following:

(1) Instances in which the interests of the Government are served by participation of DA personnel in widely attended luncheons, dinners, and similar gatherings sponsored by industrial, technical, and professional associations for the discussion of matters of mutual interest to Government and industry. Participation by DA personnel is appropriate when the host is the association and not an individual contractor. Acceptance of gratuities, or hospitality from private companies in connection with such association's activities is prohibited.

(2) Situations in which the interests of the Government are served by participation of DA personnel in activities at the expense of individual defense contractors when the invitation is addressed to and approved by the employing agency of DOD. These activities include public ceremonies of mutual interest to industry, local communities, and the Department of Defense, such as the launching of ships or the unveiling of new weapons systems; industrial activities which are sponsored by or encouraged by the Government as a matter of U.S. defense or economic policy, such as sales meetings to promote offshore sales involving foreign industrial groups or governments.

(3) Luncheons or dinners at a contractor's plant on an infrequent basis, when the conduct of official business within the plant will be facilitated and when no provision can be made for individual payment.

(4) Situations in which, in the judgment of the individual concerned, the Government's interest will be served by participation by DA personnel in activities at the expense of a defense contractor. In any such case in which DA personnel accepts any gratuity, favor, entertainment, etc., either directly or indirectly from any person, firm, corporation, or any other entity which is engaged in or is endeavoring to engage in business transactions of any sort with the Department of Defense, a written report of the circumstances will be prepared and forwarded within 48 hours. This report will be transmitted through the chain of command to the first command position occupied by an Army general officer superior to the person making the report. It will identify the favor, gratuity, or entertainment; when, where, and from whom received; and state the justification for acceptance. Personnel of the Office of the Secretary of the Army will forward such reports to the General Counsel, Department of the Army.

(5) Specialty advertising items of trivial intrinsic value.

(6) Customary exchange of social amenities between personal friends and relatives when motivated by such relationship and extended on a personal basis.

(7) Things available impersonally to the general public or classes of the general public such as a free exhibition by a defense contractor at a world's fair.

(8) Trophies, entertainment, rewards, or prizes given to competitors in contests which are open to the public generally or which are officially approved for participation in by DOD personnel.

(9) Transactions between and among relatives which are personal and consistent with the relationship.

(10) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees such as home mortgage loans.

(11) Social activities engaged in by officials of the Department of Defense and officers in command or their representatives with civilian leaders as part of community relations programs.

(12) Contractor-provided local transportation while on official business and when alternative arrangements are clearly impracticable.

(13) Participation in civic and community activities by DA personnel when the relationship with the defense contractor can reasonably be characterized as remote; for example, participation in a little league or Combined Federal Campaign luncheon which is subsidized by a concern doing business with a defense activity.

(14) Receipt of bona fide reimbursement, not prohibited by law, from other than defense contractors for actual expenses for travel and other necessary subsistence for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits.

(c) Except as provided in paragraph (b)(12) of this section, personnel on official business may not accept contractor-provided transportation, meals, or overnight accommodations in connection with such official business so long as Government or commercial transportation or quarters are reasonably available. However, where the overall Government interest would be served by acceptance by DA personnel of such transportation or accommodations in specific cases, authorization therefor may be granted by order issuing authorities.

(d) The principles in subparagraphs (1) through (5) of this paragraph will serve as appropriate guidelines when Government contractors provide training, orientation, and refresher courses to Government personnel. These training courses range from executive orientation courses in which all expenses are borne by the contractor to annual seminars devoted to technical developments in which the only "gratuity" may be the giving of lectures free of charge.

(1) When a course is given pursuant to a contractual undertaking with the Government, the course itself is not a gratuity. The furnishing of meals, lodging, and transportation to the extent required by the contract is likewise not a gratuity. However, the furnishing of same, or of entertainment and the like if not required by the contract, does constitute a gratuity if appropriate charge therefor is not made to the individual. If lodging, meals, transportation, and the like are furnished as a part of a contract, travel and other expenses otherwise chargeable to the Government will be appropriately reduced in accordance with applicable regulations.

(2) Attendance at tuition-free nonacademic training or refresher courses, seminars, and the like offered by contractors (although not required to do so by the contract) may be authorized when attendance is clearly in the interest of the Government. Under such circumstances the training or instruction itself will not be regarded as a reportable gratuity as required in paragraph (b)(4) of this section.

(3) Selection of personnel to attend such courses will be made by the Government and not by the contractor. Invitations to individuals to attend courses at the expense of the contractor may not be accepted.

(4) Authorized attendance at such courses will be considered official business, with payment of applicable transportation and per diem as well as reimbursement for any tuition or other training expenses paid. Attendance will not be authorized if there is any doubt of the contractor's intention to impose appropriate charges for such meals, lodging, and entertainment as may be furnished in connection with the course.

(5) The foregoing principles are in amplification of paragraphs (a) through (c) of this section, and the provisions thereof remain fully applicable to the conduct of those attending courses of any kind.

(e) Procedures with respect to gifts from foreign governments are set forth in AR 672–5–1, DA regulations pertaining to awards.

(f) Procedures with respect to ROTC staff members of payments or other benefits offered by educational institutions are set forth in paragraph 27, AR 145–5, DA regulations pertaining to the ROTC.

§ 579.9 Prohibitions of contributions or presents to superiors.

No officer or employee in the United States Government employ shall at any time solicit contributions from other officers or employees in the Government service for a gift or present to those in a superior official position; nor shall any such officials or superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a salary in an amount smaller than their own; nor shall any officer or employee make any donation as a gift or present to any official superior. Every person who violates this provision shall be discharged from the Government employ (R.S. 1784; 5 U.S.C. 113).

§ 579.10 Use of Government facilities, property, and manpower.

(a) *General.* DA personnel will not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. Government facilities, property, and manpower, such as stenographic and typing assistance and mimeograph and chauffeur services, may be used only for official Government business. DA personnel have a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted to them. This restriction is not intended to preclude the use of Government facilities for activities which would further military-community relations provided they do not interfere with military missions.

(b) *Special mission aircraft.* Special mission aircraft will be used only for official purposes in the implementation of projects or missions involving their use, approved by the Secretary of the Army or the Chief of Staff. See AR 95–20, DA regulations pertaining to transportation by aircraft.

(c) *Use of motor vehicles.* (1) Full-time assignment of official vehicles to officials of the Department of the Army at the seat of Government will be subject to the approval of the Secretary of Defense or the Deputy Secretary of Defense. Full-time assignments at Department of the Army field installations will be subject to the approval of the Secretary of the Army.

(2) DA personnel authorized full-time use of official vehicles will not use such vehicles for other than the actual performance of official duties.

§ 579.11 Use of civilian and military titles in connection with commercial enterprise.

(a) All civilian personnel, and military personnel on active duty, are prohibited from using their civilian and military title or positions in connection with any commercial enterprise or in endorsing any commercial product. For the purpose of this section, the term "commercial enterprise" includes any organization other than a nonprofit or charitable organization which is exempt from Federal income taxation because it comes within subsection (1), (3), (4), (5), (7), (8), (9), (10), (11), (13), or (14) of section 501(c) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 501). No civilian person and no military person on extended active duty will use his civilian or military title or position in connection with any organization unless he first determines from the organization involved that it is exempt from taxation under one of the above subsections of the Internal Revenue Code. The foregoing shall not be deemed to preclude publication by such personnel of books or articles which identify them as authors by reference to their military or civilian title or position, provided that publication of such material has been cleared under existing DOD procedures. See part 504 of this chapter.

(b) All retired military personnel and all members of Reserve components, not on active duty, are permitted to use their military titles in connection with commercial enterprises. Such use of military titles shall in no way cast discredit on the military services or the Department of Defense. Such use is prohibited in connection with commercial enterprises when such use, with or without the intent to mislead, gives rise to any appearance of sponsorship, sanction, endorsement, or approval by the Department of the Army or the Department of Defense. The Department of the Army may restrict retired personnel and members of Reserve components, not on active duty, from using their military titles in connection with public appearances in overseas areas.

§ 579.12 Outside employment of DA personnel.

(a) DA personnel shall not engage in outside employment or other outside activity, with or without compensation, which—

(1) Interferes with, or is not compatible with, the performance of their Government duties.

(2) May reasonably be expected to bring discredit upon the Government or the Department of the Army.

(3) Is inconsistent with § 579.3(a), including such inconsistent acts as the acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which that acceptance may result in or create the appearance of, conflicts of interest.

(b) No enlisted member of the Armed Forces on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession.

(c) Active duty military personnel who are engaged in outside employment as agents for the sale of any commodity are governed by the provisions of § 552.18(j), and § 579.3(d).

(d) No officer or enlisted person on the active list of the Army, or civilian employee of the Department of the Army, will act as a consultant for a private commercial enterprise with regard to any matter in which the Government is interested with the following exceptions:

(1) Literary activities as provided in Part 504 of this chapter.

(2) Service without remuneration in an advisory capacity (member of a board of directors, officer of an association, etc.) to a publication which is or may be issued by or for any branch or organization of the Army or military association. Other service on the staff of such a publication which accepts paid advertising is prohibited.

(e) Installation commanders will prohibit the use of military personnel or civilian employees of the Army, during normal working hours, in conducting cooperatives which operate in competition with civilian enterprises. This provision does not preclude the use of personnel where authorized for those nonappropriated funds and activities prescribed by AR 230–5 DA regulations pertaining to nonappropriated funds. The provisions of this section are not applicable to members of the Reserve components who are not on active duty and who are not employees of the Army.

(f) DA personnel are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment except when that information has been published or is available to the general public or will be made available on request, or when the Secretary of the Army gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a civilian Presidential appointee shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Department of the Army or which draws substantially on official data or ideas which have not become part of the body of public information.

(g) No civilian employee may engage in outside employment under a State or local government except in accordance with Part 734 of the Civil Service regulations (5 CFR Part 734).

(h) The standards prescribed in paragraph (a) of this section, apply also to foreign employment and interests. In addition, Executive Order 5221, November 11, 1929, prohibits Federal employees from accepting employment with any foreign government or foreign corporation, partnership, or individual that is in competition with American industry.

(i) This section does not preclude DA personnel from—

(1) Participation in the activities of national or State political parties not proscribed by law or regulation.

(2) Participation in the affairs or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational, nonprofit recreational, public service, or civic organization.

§ 579.13 Political activities.

(a) For political activities of civilian personnel, see Chapter 733, Federal Personnel Manual.

(b) For political activities of military personnel, see paragraph 42, AR 600–20, DA regulations pertaining to personnel.

§ 579.14 Letters and petitions to Congress.

The right of civilian employees, either individually or collectively, to petition Congress, or any member thereof, or to furnish information to any committee or Member of Congress, is provided by law (5 U.S.C. 652d). Letters to Congress, as well as petitions and other communications, are covered by this provision. While the Department of the Army desires that employees seek to resolve any problem or grievance locally, any employee exercising his right to correspond with a Congressman shall be free from restraint or coercion. However, the use of appropriated funds to influence the consideration of legislation is prohibited by statute (18 U.S.C. 1913). Accordingly, employees may not use duty time or Department of the Army materials or equipment to make their desires known to Congress. For information relating to Congressional activities of military personnel, see paragraph 41, AR 600–20.

§ 579.15 Defamatory or irresponsible statements.

Civilian employees are free to utilize the grievance procedure to express dissatisfaction with working conditions and relationships (CPR E2. 1-1); to petition Congress; and to present full and complete information as a defense against a proposed adverse personnel action (CPR S1. 2-2 and 2-4). While these policies encourage freedom of expression, employees are accountable for the statements they make or the views they express. Specifically, employees are not permitted to make irresponsible, false, or defamatory statements for the express purpose of injuring others or which attack, without foundation, the integrity of an organization or that of other individuals. The Supreme Court has ruled that officers of the Federal Government have an "absolute privilege" for defamatory statements issued in the course of their official duties. Although this privilege is referred to as an "absolute privilege," it applies only to statements made in the course of performance of official duties and is to be exercised with care and restraint. This privilege does not apply to defamatory statements unrelated to official duties.

§ 579.16 Borrowing and lending money.

Civilian employees may not borrow money from either their subordinates or their supervisors or have such persons act as indorser or comaker of a note given as security for a personal loan. Neither may an employee loan money to fellow employees for the purpose of monetary profit or other gain. Anyone failing to observe these rules of conduct will be subject to disciplinary action. These prohibitions do not apply to the operations of recognized credit unions or to employee welfare plans.

§ 579.17 Gambling, betting, and lotteries.

DA personnel shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities—

(a) Necessitated by an employee's law enforcement duties; or

(b) Under section 3 of Executive Order 10927 (26 F.R. 2383, March 22, 1961) and similar activities approved by Headquarters, DA. See paragraph 10, AR 28-125, DA regulations pertaining to service clubs.

§ 579.18 Indebtedness.

DA personnel shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the agency determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between DA personnel and alleged creditors, this paragraph does not require the Department of the Army to determine the validity or amount of the disputed debt (par. 36, AR 600-20, and CPR 700, Ch. 735).

§ 579.19 Information to personnel.

(a) Appropriate action will be taken to insure that new DA personnel are informed of the standards of conduct specified in this part upon employment or entry on duty. Appropriate action also will be taken to bring these standards of conduct to the attention of all personnel at least semiannually.

(b) The attention of DA personnel is directed to each statute relating to ethical and other conduct that is referred to in this part and in appendix B to Part 40, chap. I of this title (31 F.R. 4995, March 26, 1966). DA personnel will be advised how to obtain additional clarification of the standards of conduct set forth in this part and in related statutes, rules, and regulations. For this purpose, heads of DA agencies and major commanders will provide for the designation in each DA agency, command, or installation of one or more legal officers as deputy counselors who shall be responsible for providing advice and assistance on all matters relating to conduct and conflicts of interest and for reviewing statements of employment and financial interests covered by this part.

(c) Questions which cannot be resolved by a legal office will be referred, with recommendations, through channels to higher authority. The General Counsel, Office of the Secretary of the Army, is designated as the counselor for the Department of the Army and is responsible for proper coordination and final disposition of all problems relating to conflicts of interest and statements of employment and financial interests in accordance with this part.

(d) Procedures established governing the review of statements of employment and financial interests shall provide that—

(1) Whenever such review discloses a conflict or apparent conflict of interests, the individual concerned is entitled to an opportunity to explain the conflict or appearance of conflict.

(2) If the conflict or appearance of conflict is not resolved on review by the explanation made by the individual concerned, the information pertaining to the matter will be submitted through channels to the Under Secretary of the Army, as the designee of the Secretary of the Army, after review by the General Counsel, Office of the Secretary of the Army.

(3) The resolution of a conflict or apparent conflict of interest either on review or after referral to the Under Secretary of the Army will be effected promptly so that the conflict or appearance of conflict is ended. The resolution of the conflict or appearance of conflict may be accomplished by one or more means, such as changes in assigned duties, divestment of the conflicting interest, disqualification for a particular assignment, or disciplinary action. The resolution, whether by disciplinary action or otherwise, will be effected in accordance with applicable laws, Executive Orders, and regulations.

§ 579.20 Reporting suspected violations.

DA personnel who have information which causes them to believe that there has been a violation of a statute or policy set forth in this part will promptly report such incidents to their immediate superiors. If the superior believes there has been a violation, he will report the matter for further action in accordance with existing procedures. Any question or doubt on the part of the immediate superior will be resolved in favor of reporting the matter.

STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS

§ 579.21 Statements of employment and financial interests.

The following DA personnel are required to submit statements of employment and financial interests:

(a) DA personnel paid at a level of the Federal Executive Salary Schedule established by the Federal Executive Salary Act of 1964, as amended (Secretary of the Army, Under Secretary of the Army, Assistant Secretaries of the Army, Director of Civil Defense, and General Counsel).

(b) DA personnel in Grade GS-16 or above, of the General Schedule established by the Classification Act of 1949, as amended, or in comparable or higher positions not subject to that Act including Public Law 313 (61 Stat. 715) and commissioned officers in the pay grade of 0-7 or above.

(c) DA personnel in Grades GS-13 through GS-15 or commissioned officers in the rank of Lieutenant Colonel and Colonel whose basic duties and responsibilities require the incumbent to exercise judgment in making or recommending a Government decision or in taking or recommending Government action in regard to—

(1) *Contracting or procurement.* For the purpose of this part "contracting or procurement" includes all functions that pertain to the authorization, award, and administration of contracts or grants with nongovernmental entities. This includes agreements, supplemental agreements, subcontracts, leases, service orders, task orders, purchase orders, delivery orders, change orders, property disposal contracts, communication service authorizations, and other instruments or agreements which obligate the United States. It includes pre-award surveys; the evaluation, appraisal, selection, or approval of contractors and subcontractors, contractor and subcontractor facilities, and the location, transfer, or closing of, work sites. It also includes purchasing, renting, leasing, or otherwise obtaining supplies or services from, and disposing or selling supplies to nongovernmental entities and all functions that relate to obtaining or disposing of supplies and services, description and determination of requirements, preparation of specifications including the determination of technical requirements, selection and solicitation of sources, preparation and award of contracts or grants, and all phases of contract and grant administration and monitoring, including all aspects of quality control and quality assurance, inspection, and acceptance.

(2) *Auditing.* Auditing private or other non-Federal enterprise including the supervision of auditors engaged in audit activities or the participation in the development of policies and procedures for performing such audits, including the authorization and monitoring of grants to institutions or other non-Federal enterprise.

(3) *Other.* Activities in which the decision or action has an economic impact on the interests of any non-Federal enterprise.

§ 579.22 Review of positions.

(a) All positions in the category indicated in § 579.21(c), both military and civilian, will be reviewed and a statement as to whether the incumbent of the position must file a statement of employment and financial interest as required by this regulation will be included in each military and civilian position description or similar document describing the duties and responsibilities of the position. This determination will be reviewed at least annually. The review may be accomplished at the time performance, efficiency, or effectiveness ratings are given, or incident to other currently prescribed annual reviews. Incumbents of positions identified as involving any of the functions described in § 579.21(c) will be required to comply with the filing requirements of this part.

(b) Positions in the above categories may be excluded when it is determined by the Secretary of the Army, or his designee, that the duties are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review of the incumbent and the remote and inconsequential effect on the integrity of the Government.

(c) The Secretary of the Army, or his designee, may relieve personnel serving in an area designated as a hostile fire area from the requirement for the submission of statements of employment and financial interests.

(d) The statements of employment and financial interests will be submitted on DD forms as indicated below. DD Form 1555[1] (Confidential Statement of Employment and Financial Interests—DOD Personnel), is for use by all DA personnel except special Government employees. DD Form 1555-1[1] (Confidential Statement of Employment and Financial Interests) is for use by special Government employees. Information pertaining to deposits in savings accounts such as banks, credit unions, etc., will not be included as financial interests on these forms.

[1] Filed as part of the original document. Copies may be obtained through publication supply channels.

§ 579.23 Manner of submission—statements of employment.

(a) The Secretary of the Army, the Under Secretary of the Army, the Assistant Secretaries of the Army, the Director of Civil Defense, the Deputy Under Secretary of the Army (Manpower), the Administrative Assistant to the Secretary of the Army, and the General Counsel, OSA, will submit statements of employment and financial interests to the General Counsel of the Department of Defense.

(b) General officers will submit statements of employment and financial interests as prescribed in appendix II.

(c) Personnel in Grade GS-16 or above of the General Schedule established by the Classification Act of 1949, or in comparable or higher positions not subject to that Act, and not included in paragraph (a) of this section, will submit statements of employment and financial interests as prescribed in appendix III.

(d) DA personnel not included in paragraphs (a) through (c) of this section will submit statements of employment and financial interests to the officer designated under § 579.19(b), except that personnel of the Office of the Secretary of the Army will submit such statements to the General Counsel, OSA.

(e) Statements of employment and financial interests shall be submitted by each officer or employee required by this part to file a statement, not later than August 15, 1966 (as of a date no earlier than June 30, 1966) and periodically thereafter as prescribed in § 579.27. Employees who enter Government service after June 30, 1966, who are required to file a statement of employment and financial interests, shall file such statements within 30 days from the date of commencement of such service.

§ 579.24 Excusable delay.

If by reason of his duty assignment it is impracticable for an individual to submit a statement within the period required by this regulation, his immediate superior may grant an extension of time therefor. Any extension in excess of 30 days requires the concurrence of the Secretary of the Army. Statements submitted pursuant to an extension of time granted will include appropriate notation to that effect.

§ 579.25 Special Government employees—statement of employment and financial interests.

(a) For the purpose of this section, "special Government employee" has the meaning given that term by § 579.24.

(b) Each special Government employee who is an adviser or consultant shall, prior to appointment, file with the officer designated under § 579.19(b) a statement (DD Form 1555-1) setting forth his Government employment, his private employment, and his financial interests; except individuals assigned to the Office of the Secretary of the Army, such statements will be filed with the General Counsel, OSA. An appointee must list all of his investments and other financial interests such as a pension; retirement; group life, health, or accident insurance; and profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer. He is not required to list precise amounts of investments.

(c) The following categories of special Government employees are not considered advisers or consultants within the meaning of this section when performing the specific services listed below and are not required to file the statement of employment and financial interests:

(1) Physicians, dentists, and allied medical specialists performing care and service to patients.

(2) Veterinarians providing veterinary service to animals.

(3) Lectures participating in educational activities.

(4) Chaplains performing religious services.

(5) Individuals of national prominence in the motion picture and television fields who are utilized as narrators or actors in motion picture or television productions produced by the Department of Defense.

(6) A special Government employee who is not a "consultant" or "expert" as those terms are defined in Chapter 304 of the Federal Personnel Manual.

§ 579.26 Exceptions to specific appointees.

The Secretary of the Army may grant an exception to a specific appointee from completing that part of the statement of employment and financial interests relating to his investments and other financial interests referred to in § 579.25(b), upon the making of a determination that this information is not relevant in the light of the duties the appointee is to perform.

§ 579.27 Supplementary statements.

Changes in or additions to the information contained in an employee's statement shall be reported in a supplementary statement in the month following the end of the quarter in which the changes occur. Quarters end March 31, June 30, September 30, and December 31. If there are no changes or additions in a quarter, a negative report is not required. However, for the purpose of annual review, a supplementary statement (as of June 30), negative or otherwise, is required by July 31 of each year.

§ 579.28 Interests of employee's relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this part, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 579.29 Information not known by employees.

If any information required to be included on a statement of employment

and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his behalf.

§ 579.30 Information not required to be submitted.

An employee is not required to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this part, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 579.31 Confidentiality of employees' statements.

Each statement of employment and financial interests, and each supplementary statement, will be held in confidence. The Department of the Army may not disclose information from a statement except as the Secretary of the Army or the Civil Service Commission may determine for good cause shown.

§ 579.32 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

CONFLICT OF INTEREST LAWS

§ 579.33 Full-time officers and employees.

(a) *Full-time officer or employee.* The term "full-time officer or employee" includes all civilian officers and employees and all military officers on active duty, except those who are "special Government employees" (§ 579.34). It does not include enlisted personnel.

(b) *Prohibitions.* Appendix B(A) to Part 40, Chapter I of this title (31 F.R. 4995, March 26, 1966), contains a discussion of criminal laws relating to conflict of interest and exemptions therefrom. In general, a full-time officer or employee is subject to the following major prohibitions:

(1) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203, 205).

(2) He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209).

(3) He may not participate in his Governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment, has a financial interest (18 U.S.C. 208). Instead of participating in such a matter, he must promptly disqualify himself in accordance with paragraph (d) of this section, except as provided in paragraph (c) of this section.

(c) *Nondisqualifying financial interest.* A full-time officer or employee need not disqualify himself under paragraph (b)(3) of this section, if his financial holdings are in shares of a widely held diversified mutual fund or regulated investment company.

NOTE. The indirect interests in business entities which the holder of shares in a widely held diversified mutual fund or regulated investment company derives from ownership by the fund or investment company of stocks in business entities has been exempted from the provisions of 18 U.S.C. 208a, in accordance with the provisions of 18 U.S.C. 208b(2) as being too remote or inconsequential to affect the integrity of the Government officers' or employees' services.

(d) *Disqualification procedure.* (1) In any case where a full-time officer or employee must disqualify himself under paragraph (b)(3) of this section, he will promptly notify his immediate superior thereof and make a full disclosure of the financial interest. The superior will thereupon relieve him of his duty and responsibility in the matter, unless the Government official responsible for his appointment makes a written advance determination that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the officer or employee. The original copy of such written determination will be made a matter of permanent record and will become a part of the Official Civilian Personnel Folder or the military officer's Personnel Records Jacket.

(2) In the case of a military officer or a civilian employee, the "official responsible for his appointment" shall, for the purpose of this section, be his superior or such other person as the installation commander may designate, who is a full-time officer or employee serving in the grade of major or GS-12 or higher. The designation, authorized to be made by installation commanders as stated above, may be made by directors or heads of comparable offices in the Office of the Secretary of the Army and in Headquarters, Department of the Army, for personnel assigned to their respective offices.

(3) In addition, where a superior thinks anyone responsible to him may have a disqualifying interest, he will discuss the matter with that person and, if he finds such an interest does exist, he will relieve the person of duty and responsibility in the particular matter.

(4) In cases of disqualification under this section, the matter will be reassigned for decision and action to someone else who is not subordinate to the disqualified person.

§ 579.34 Special Government employees.

(a) The term "special Government employee" includes an officer or employee who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis (18 U.S.C. 202). The term also includes a Reserve officer while on active duty solely for training for any length of time, one who is serving on active duty involuntarily for any length of time, and one who is serving voluntarily on extended active duty for 130 days or less. It does not include enlisted personnel.

(b) Appendix B to Part 40, Chapter I of this title (31 F.R. 4995, March 26, 1966) contains a detailed discussion of criminal laws relating to conflict of interest. In general, a special Government employee is subject to the following major prohibitions:

(1) He may not, except in the discharge of his official duties, represent anyone else—

(i) Before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (18 U.S.C. 203, 205).

(ii) In a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365 (18 U.S.C. 203, 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

NOTE. The restrictions described in subdivisions (i) and (ii) of this subparagraph apply to both paid and unpaid representation of another.

(2) He may not participate in his Government capacity in any matter in which he, his spouse, minor child, outside business associate, or person with whom he is negotiating for employment has a financial interest (18 U.S.C. 208). Instead of participating in such a matter, he must promptly disqualify himself in accordance with § 579.33(d), except as provided in § 579.33(c).

(3) After his Government employment has ended, he is subject to the prohibitions in § 579.35(b) as a "former employee" (18 U.S.C. 207).

§ 579.35 Former officers or employees.

(a) The term "former officer or employee" includes those full-time civilian officers or employees who have left Government service, special Government employees who have left Government service, retired Regular officers, and Reserve officers released from active duty. It does not include enlisted personnel.

(b) Appendix B (B) of Part 40 of chapter I of this title contains a more detailed discussion of the criminal law. In general, a former officer or employee is subject to the following major prohibitions:

(1) He may not, at any time after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

(2) He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 202(b), 207(b)). This temporary restraint, of course, gives way to the permanent restriction described in subparagraph (1) of this paragraph if the matter is one in which he participated personally and substantially.

§ 579.36 Retired Regular officers.

(a) *Prohibitions.* Appendix B(C) of Part 40 of chapter I of this title contains a summary of the laws applicable to retired Regular officers. In general, a retired Regular Army officer is subject to the following major prohibitions:

(1) As an officer whose "employment has ceased," he may not engage in the prohibited activities listed in § 579.35 (18 U.S.C. 207).

(2) He may not, at any time, assist in prosecuting a claim against the United States if he worked on that claim while on active duty (18 U.S.C. 283).

(3) He may not, within 2 years after his retirement, assist in prosecuting a claim which involves the Department in whose service he holds a retired status (18 U.S.C. 283).

(4) He may not, at any time, sell anything to the Department in whose service he holds a retired status (18 U.S.C. 281).

(5) He may not, within 3 years after retirement, sell supplies or war materials to any agency of the DOD, the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service. See 37 U.S.C. 801(c), as amended 9 October 1962; Public Law 87-777, formerly 5 U.S.C. 59(c). See also definition of "selling," in appendix referred to at the beginning of this section.

(b) *Required statement of employment.* Each retired Regular Army officer will file a Statement of Employment (DD Form 1357). Each Regular officer retiring hereafter will file this Statement within 30 days after retirement. When the information in the Statement is no longer accurate, each such officer shall file a new DD Form 1357. Statements of Employment (DD Form 1357) or inquiries relative thereto should be forwarded to The Adjutant General, Attention: AGPO-AA, Department of the Army, Washington, D.C. 20310. These Statements will be reviewed to assure compliance with applicable statutes and regulations.

§ 579.37 Officers of the Reserve components.

(a) A Reserve officer who is voluntarily serving a period of extended active duty in excess of 130 days is a full-time Government officer and § 579.33 applies to him.

EXCEPTION. Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person (10 U.S.C. 1033).

(b) A Reserve officer who is serving on active duty involuntarily for any length of time, and a Reserve officer who is voluntarily serving on extended active duty for 130 days or less, is a "special Government employee," and § 579.34 applies to him.

(c) A Reserve officer (unless otherwise a full-time officer or employee of the United States) who is on active duty solely for training for any length of time is a "special Government employee," and § 579.34 applies to him.

(d) When he is released from active duty, a Reserve officer described in paragraphs (a), (b), or (c) of this section, is a "former officer" and § 579.35 applies to him.

(e) Membership in a Reserve component of the Armed Forces or in the National Guard does not, in itself, prevent a person from practicing his civilian profession or occupation before or in connection with any department (5 U.S.C. 30r(c), (d)).

(f) An officer of a Reserve component, whether in a Ready, Standby, or Retired Reserve, who is not on active duty is not, solely because of his status as a Reserve, considered to be an officer or employee of the United States for the purpose of bringing him within the prohibitions summarized in §§ 579.33, 579.34, or 579.35 (5 U.S.C. 30r(c), (d)).

(g) Receipt of retired pay by a Reserve or a former Reserve does not, in itself, make him an officer or employee or a former officer or employee for the purpose of bringing him within the prohibitions summarized in §§ 579.33, 579.34, or 579.35. Section 579.36 does not apply to a Retired Reserve.

§ 579.38 Other related laws applicable to all DOD personnel.

In addition to activities listed in Appendix B(D) of Part 40, Chapter I of this title, the following laws are applicable:

(a) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(b) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(c) The prohibition against proscribed political activities—The Hatch Act (5 U.S.C. 1181), and 18 U.S.C. 602, 603, 607, and 608. (Civilian employees).

APPENDIX I

EXTRACT FROM APPENDIX C OF CIVIL SERVICE FEDERAL PERSONNEL MANUAL SYSTEM ON SPECIAL GOVERNMENT EMPLOYEES (INCLUDING GUIDELINES FOR OBTAINING AND UTILIZING THE SERVICES OF SPECIAL GOVERNMENT EMPLOYEES)

Each department and agency should observe the following rules in obtaining and utilizing the services of a consultant, adviser, or other temporary or intermittent employee:

(a) At the time of his original appointment and the time of each appointment thereafter, the department or agency should make its best estimate of the number of days during the following 365 days on which it will require the services of the appointee. A part of a day should be counted as a full day for the purposes of this estimate, and a Saturday, Sunday, or holiday on which duty is to be performed should be counted equally with a regular work day.

(b) Unless otherwise provided by law, an appointment should not extend for more than 365 days. When an appointment extends beyond that period, an estimate as required by paragraph (a) should be made at the inception of the appointment and a new estimate at the expiration of each 365 days thereafter.

(c) If a department or agency estimates, pursuant to paragraph (a) or (b), that an appointee will serve more than 130 days during the ensuing 365 days, the appointee should not be carried on the rolls as a special Government employee and the department or agency should instruct him that he is regarded as subject to the prohibitions of 18 U.S.C. 203 and 205 to the same extent as if he were to serve as a full-time employee. If the estimate is that he will serve no more than 130 days during the following 365 days, he should be carried on the rolls of the department or agency as a special Government employee and instructed that he is regarded as subject only to the restrictions of 18 U.S.C. 208 and 205. Even if it becomes apparent, prior to the end of a period of 365 days for which a department or agency has made an estimate on an appointee, that he has not been accurately classified, he should nevertheless continue to be considered a special Government employee or not, as the case may be, for the remainder of that 365-day period.

(d) An employee who undertakes service with two departments or agencies shall inform each of his arrangements with the other. If both his appointments are made on the same date, the aggregate of the estimates made by the departments or agencies under paragraph (a) or (b) shall be considered determinative of his classification by each. Notwithstanding anything to the contrary in paragraphs (a), (b), or (c), if after being employed by one department or agency, a special Government employee is appointed by a second to serve it in the same capacity, each department or agency should make an estimate of the amount of his service to it for the remaining portion of the 365-day period covered by the original estimate of the first. The sum of the two estimates and of the actual number of days of his service to the first department or agency during the prior portion of such 365-day period shall be considered determinative of the classification of the appointee by each during the remaining portion. If an employee undertakes to serve more than two departments or agencies, they shall classify him in a manner similar to that prescribed in this paragraph for two agencies. Each agency which employs special Government employees who serve other agencies shall designate an officer to coordinate the classification of such employees with such other agencies.

(e) When a person is serving as a member of an advisory committee, board or other group, and is by virtue of his membership thereon an officer or employee of the United States, the requirements of paragraphs (a), (b), (c), and (d) should be carried out to the same extent as if he were serving the sponsoring department or agency separately and individually.

(f) The 60-day standard affecting a special Government employee's private activities before his department or agency is a standard of actual past service, as contrasted with the 130-day standard of estimated future service discussed above. A special Government employee is barred from representing another person before his department or agency at times when he has served it for an aggregate of more than 60 days during the past 365 days. Thus, although once having been in effect, the statutory bar may be lifted later by reason of an intervening period of nonservice. In other words, as a matter of law the bar may fluctuate in its effect during the course of a special Government employee's relationship with his department or agency.

(g) A part of a day should be counted as a full day in connection with the 60-day standard discussed in paragraph (f), above, and a Saturday, Sunday, or holiday on which duty has been performed should be counted equally with a regular work day. Service performed by a special Government employee in one department or agency should not be counted by another in connection with the 60-day standard.

To a considerable extent the prohibitions of 18 U.S.C. 203 and 205 are aimed at the sale of influence to gain special favors for private businesses and other organizations and at the misuse of governmental position or information. In accordance with these aims, it is desirable that a consultant or adviser or other individual who is a special Government employee, even when not compelled to do so by 18 U.S.C. 203 and 205, should make every effort in his private work to avoid any personal contact in negotiations for contracts or grants with the department or agency which he is serving if the subject matter is related to the subject matter of his consultancy or other service. It is recognized that this will not always be possible to achieve; for example, in a situation in which a consultant or adviser has an executive position and responsibility with his regular employer which requires him to participate personally in contract negotiations with the department or agency he is advising. When this situation occurs, the consultant or adviser should participate in the negotiations for his employer only with the knowledge of a responsible Government official. In other instances an occasional consultant or adviser may have technical knowledge which is indispensable to his regular employer in his efforts to formulate a research and development contract or a research grant and, for the same reason, it is in the interest of the Government that he should take part in negotiations for his private employer. Again, he should participate only with the knowledge of a responsible Government official.

Section 205 of title 18 contains an exemptive provision dealing with a similar situation which may arise after a Government grant or contract has been negotiated. This provision in certain cases permits both the Government and the private employer of a special Government employee to benefit from his performance of work under a grant or contract for which he otherwise would be disqualified because he had participated in the matter for the Government or it is pending in an agency he has served for more than 60 days in the past year. More particularly, the provision gives the head of a department or agency the power, notwithstanding any prohibition in either 18 U.S.C. 203 or 205, to allow a special Government employee to represent before such department or agency either his regular employer or another person or organization in the performance of work under a grant or contract. As a basis for this action, the department or agency head must first make a certification in writing, published in the FEDERAL REGISTER, that it is required by the national interest.

It is necessary occasionally to distinguish between consultants and advisers who are special Government employees and persons who are invited to appear at a department or agency in a representative capacity to speak for firms or an industry, or for labor or agriculture, or for any other recognizable group of persons, including, on occasion, the public at large. A consultant or adviser whose advice is obtained by a department or agency from time to time because of his individual qualifications and who serves in an independent capacity is an officer or employee of the Government. On the other hand, one who is requested to appear before a Government department or agency to present the views of a nongovernmental organization or group which he represents, or for which he is in a position to speak, does not act as a servant of the Government and is not its officer or employee. He is therefore not subject to the conflict of interest laws and is not within the scope of this chapter.

The following principles are useful in arriving at a determination whether an individual is acting before an agency in a representative capacity:

(1) A person who receives compensation from the Government for his services as an adviser or consultant is its employee and not a representative of an outside group. The Government's payment of travel expenses and a per diem allowance, however, does not by itself make the recipient an employee.

(2) It is rare that a consultant or adviser who serves alone is acting in a representative capacity. Those who have representative roles are for the most part persons serving as members of an advisory committee or similar body utilized by a Government agency. It does not follow, however, that the members of every such body are acting as representatives and are therefore outside the range of the conflict of interest laws. This result is limited to the members of committees utilized to obtain the views of nongovernmental groups or organizations.

(3) The fact that an individual is appointed by an agency to an advisory committee upon the recommendation of an outside group or organization tends to support the conclusion that he has a representative function.

(4) Although members of a governmental advisory body who are expected to bind outside organizations are no doubt serving in a representative capacity, the absence of authority to bind outside groups does not require the conclusion that the members are Government employees. What is important is whether they function as spokesmen for nongovernmental groups or organizations and not whether they can formally commit them.

(5) When an adviser or consultant is in a position to act as a spokesman for the United States or a Government agency—as, for example, in an international conference—he is obviously acting as an officer or employee of the Government.

While it would be highly desirable, in order to minimize the occurrence of conflicts of interest, for departments and agencies of the Government to avoid appointing to advisory positions individuals who are employed or consulted by contractors or others having a substantial amount of business with that department or agency, it is recognized that the Government has, of necessity, become increasingly concerned with highly technical areas of specialization and that the number of individuals expert in those areas is frequently very small. Therefore, in many instances it will not be possible for a department or agency to obtain the services of a competent adviser or consultant who is not in fact employed or consulted by such contractors. In addition, an advisory group may of necessity be composed largely or wholly of persons of a common class or group whose employers may benefit from the advice given. An example would be a group of university scientists advising on research grants to universities. Only in such a group can the necessary expertise be found. In all these circumstances, particular care should be exercised to exclude his employer's or clients' contracts or other transactions with the Government from the range of the consultant's or adviser's duties.

APPENDIX II—DISPOSITION OF DD FORM 1555 COMPLETED BY GENERAL OFFICERS

Officer	Submitted to
1. Chief of Staff, U.S. Army.	Secretary of the Army.
2. Vice Chief of Staff, U.S. Army.	Do.
3. General Officers in Office, Secretary of the Army.	General Counsel, OSA.
4. General Officers assigned to Army Staff agencies.	DCSPER — Attn.: GOB.*
5. Commanding Generals or Commanders and Deputies of Major Army Field Commands specified in section III of AR 10–5.	Do.*
6. General Officers (other than those in item 5 above), assigned to Major Army Field Commands.	Commanding general or Commander of the Major Army Field Command as appropriate.*
7. General Officers assigned to installations and activities under Army Staff agencies.	Head of Army Staff Agency concerned.*
8. General Officers assigned to DOD and Joint Activities.	DCSPER — Attn.: GOB.*
9. General Officers not specified above.	Do.*

*For attention of person designated as deputy counselor to review statements of employment and financial interests.

APPENDIX III—DISPOSITION OF DD FORM 1555 COMPLETED BY CIVILIAN PERSONNEL REFERRED TO IN § 579.23(c)

Employing Agency	Submitted to
1. OSA	General Counsel, DA.
2. Army Staff	Head of Army Staff agency concerned.*
3. Installations and Activities under Army Staff agencies.	Do.*
4. Major Army Field Commands specified in Section III of AR 10–5.	Commander of major command.*
5. Others	General Counsel, DA.

* For attention of person designated as deputy counselor to review statements of employment and financial interests.

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66–9699; Filed, Sept. 2, 1966; 8:48 a.m.]

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

"Stock Item" Exemption

Section 1455.6 *Subcontracts as to which it is not administratively feasible to segregate profits* is amended as follows:

1. Paragraph (b) is amended by deleting from the caption "July 1, 1966" and inserting in lieu thereof "July 1, 1967".

2. Paragraph (b) is further amended by deleting "July 1, 1966" and inserting in lieu thereof "July 1, 1967".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: August 31, 1966.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 66–9691; Filed, Sept. 2, 1966; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 47 (AGE–4, Amdt. 12)]

AGE–4—COMPENSATION PAYABLE TO AGENTS, GENERAL AGENTS, AND BERTH AGENTS

Miscellaneous Amendments

Effective September 1, 1966, AGE–4 is hereby amended as set forth below:

1. Amend section 2 by (1) changing the existing text of paragraphs (a)(1) and (e) thereof and (2) adding two new paragraphs designated (f) and (g) thereto to read as follows:

Sec. 2. Compensation of General Agents for husbanding services, etc.

(a) • • •

(1) *Dry cargo vessels.* $125.00 per day per vessel for each dry-cargo vessel.

• • • • •

(e) *Compensation of General Agents for predelivery services.* When the General Agent is required by the Director, National Shipping Authority, to inspect, survey and prepare specifications for the reactivation of a vessel in the reserve fleet prior to delivery of such vessel to a General Agent for repair or operation, the General Agent shall be paid at the rate of $125.00 per day per vessel for each day such services are rendered by the General Agent.

(f) *Compensation for reactivation services.* In addition to the compensation otherwise provided in this section, each General Agent shall be paid for reactivation services: $1500 per vessel for each vessel delivered to the General Agent and reactivated after September 1, 1966, and $25 per day per vessel for each day, not in excess of 60 days, required after September 1, 1966, for the General Agent to complete reactivation of a vessel delivered to the General Agent prior to September 1, 1966.

(g) *Compensation for deactivation services.* In addition to the compensation otherwise provided in this section, each General Agent shall be paid, for deactivation services, $750 per vessel for each vessel deactivated by the General Agent after September 1, 1966.

2. Amend sec. 3 *Compensation for conducting the business of the vessels* by deleting paragraph (c) thereof, the text of which reads as follows:

Sec. 3. Compensation for conducting business of the vessels.

• • • • •

(c) *Employment exclusively in service of Military Sea Transportation Service.* $25.00 per day per cargo vessel for the period of employment in the service of MSTS.

• • • • •

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Approved: September 1, 1966.

J. W. GULICK,
Director,
National Shipping Authority.

[F.R. Doc. 66–9755; Filed, Sept. 2, 1966; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 6, Amdt. 2]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of a Small Business Manufacturer Primarily Engaged in Men's Dress Shirts and Nightwear Industry

On June 28, 1966, there was published in the FEDERAL REGISTER (31 F.R. 8926) a notice of proposal to amend the definition of a small business for SIC Industry 2321, Men's dress shirts and nightwear, for the purpose of receiving financial assistance, by increasing the present size standard from 250 employees or less to 500 employees or less.

Interested persons were given an opportunity to present their comments or suggestions thereon to the Office of Economic Analysis, within 15 days after publication in the FEDERAL REGISTER.

After consideration of all relevant matters regarding the proposal the amendment set forth below is hereby adopted:

The Small Business Size Standards Regulation (Revision 6), 31 F.R. 9721, as amended (31 F.R. 10114), is hereby further amended by adding to Schedule A of § 121.3–10 the following industry size standard:

Census classification code	Industry or class of product	Employment standard (number of employees)
2321	Men's dress shirts and nightwear.	500

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: August 30, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66–9684; Filed, Sept. 2, 1966; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3112 is amended to show that under specified conditions scientific and technical positions are excepted under Schedule A when filled by aliens in the absence of qualified citizens. Effective on publication in the FEDERAL REGISTER, subparagraph (11) is added to paragraph (a) of § 213.3112 as set out below.

§ 213.3112 Department of the Interior.

(a) *General.* • • •

(11) Scientific and technical positions when filled by aliens in the absence of qualified citizens. Approval of the Office of the Secretary is required in each case. No more than 25 appointments may be made under this authority in any year.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–9713; Filed, Sept. 2, 1966; 8:50 a.m.]

PART 534—PAY UNDER OTHER SYSTEMS

Miscellaneous Amendments

Correction

In F.R. Doc. 66–9511, appearing at page 11545, of the issue of Thursday, September 1, 1966, the entry "L–40" appearing in § 534.202(b) should be corrected to read "L–4".

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4; Amdt. 9; Docket No. 66–2]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart B—Duties and Obligations

OCEANGOING COMMON CARRIERS AND PERSONS SHIPPING FOR OWN ACCOUNT

On January 20, 1966, the Federal Maritime Commission published a notice of proposed rulemaking in the FEDERAL REGISTER (31 F.R. 764), setting forth a proposed amendment of paragraph (a) of § 510.22 of the Commission's General Order No. 4 (46 CFR § 510.22(a)).

Section 510.22(a) pertains to the licensing of ocean carriers and their agents as independent freight forwarders and presently provides, inter alia, that:

> No licensee may charge or collect compensation in the event he requests the carrier or its agent to perform any of the forwarding services * * * unless no other licensee is willing and able to perform such services.

The Commission originally adopted this portion of the rule "to prevent forwarders in principal ports who may control cargo moving through outports from bypassing forwarders in the outports," thereby causing the erosion of the licensed forwarding industry in such ports.[1] In practice, however, the present rule created problems and caused hardship especially in the smaller outports where the only licensees available for forwarding services are also steamship agents. By the operation of the present rule, the originating carrier is required, in such a situation, to refer the forwarding services to a licensee/agent who is frequently employed by a competing carrier.

The purpose of the present amendment is to attempt to cure the ills of the existing rule by prescribing a procedure whereby port-wide exemptions from the operation of § 510.22(a) would be granted to common carriers or their agents, who also operate as licensed independent ocean freight forwarders. Therefore, the rule, as amended, allows compensation to be paid to the carrier when the outport forwarding services are performed by a licensee/agent if (1) "no other licensee is willing and able to perform such services" or if (2) "the Commission has granted a port-wide exemption from this rule (§ 510.22(a)) to [the] licensee/agent[s]" in the outport.

Written comments on the proposed rule were received from various persons, firms, and organizations and the Commission heard oral argument. The Commission has carefully considered all comments and arguments submitted on the proposed rule and in light thereof herewith adopts and promulgates its final rule. Comments and arguments not discussed nor reflected herein have been considered by the Commission and found not justified or not material.[2]

One association believes that the proposed rule modification would be detrimental to the forwarding industry and to commerce as well. This association refers to the phraseology "unless no other licensee is willing and able to perform such services" and argues that the willingness or ability to perform could be based on the inability of the originating forwarder and the outport forwarder to come to an understanding. We assume that this situation would arise where the originating forwarder was not agreeable to provide a reasonable fee to the outport forwarder, or that the outport forwarder was holding out for a larger fee than the originating carrier was willing to pay. This, of course, would be a matter which could be brought to the Commission's attention by the nonagent/forwarder whenever a licensee/agent applies for a port-wide exemption from the rule.

Some parties would give "grandfather rights" to bona fide licensees who were engaged both in the forwarding and in the agency business on the date the licensing Act was passed, and allow them to continue to handle shipments for originating forwarders without jeopardizing payment of compensation to such forwarder. We are of the opinion that this proposal, if adopted, would be unfair and restrictive to the development of new forwarders in the outports. The forwarder/agents who did not happen to be in business on the controlling date would be virtually precluded from accepting shipments from originating forwarders and, therefore, be at a competitive disadvantage with grandfather forwarder agents. Moreover, it would be all but impossible for new forwarders, free of agency connections, to enter the field because they could not compete with the grandfather forwarder agents.

It also has been urged that the Commission delete from the proposed rule the so-called "adequacy test," contained in Clause (3), which conditions the granting of an exemption upon whether inter alia, there is "an adequate supply of forwarding services * * * being held out by nonagent licensees domiciled at the port of loading * * *." Some parties characterize this clause as "discriminatory and highly objectionable." As an alternative, it is suggested that the Commission adopt a test which would condition the granting of an exemption upon a finding that no improper cargo control by the originating forwarder exists which could endanger the forwarding industry at the outport. This rulemaking proceeding was instituted for the purpose of attempting to resolve the problem of how to foster the outport forwarding industry while at the same time relieve the problem existing at those small ports, where, due to unique circumstances, the Commission's Rule 510.22(a) is actually working a hardship on a few agent/licensees. The suggested clause would do considerably more than relieve the problem; it would in fact grant a broader exemption than necessary. Thus the so-called "improper control test" would permit the use of agent licensees even where independent forwarders were available. This is not conducive to the growth of the forwarding industry in the outports. Moreover, the suggested clause is highly impractical. It would be virtually impossible for the Commission to determine in any given instance whether an originating forwarder was using his control of the cargo "improperly."

Finally, several forwarders objected to the provisions, contained in the last sentence of the proposed rules, for automatic annual review of exemptions. These parties argue that such a provision is unnecessary and burdensome. We have deleted this requirement since it does appear that it would impose an administrative burden on the Commission and the persons regulated by the Commission. This is not to say, however, that the Commission may not reexamine and withdraw a particular outstanding exemption when it deems such action warranted. For where the Commission grants an exemption, it may likewise withdraw that exemption if and when the circumstances justifying the exemption cease to exist.

Therefore, pursuant to the authority of section 4 of the Administrative Procedure Act (5 USC § 1003) and sections 43 and 44 of the Shipping Act, 1916 (46 USC 841(a) and 841(b)), paragraph (a) of § 510.22 of Title 46 CFR is hereby amended to read as follows:

§ 510.22 Oceangoing common carriers and persons shipping for own account.

(a) An oceangoing common carrier, or agent thereof, meeting the requirements of section 44 and these rules, may be licensed. An oceangoing common carrier may perform freight forwarding services without a license only with respect to cargo carried under its own bill of lading, in which case charges for such forwarding services shall be assessed in accordance with published tariffs on file with the Commission. No licensee can charge or collect compensation in the event that he requests the carrier or its agent to perform any of the forwarding services set forth in § 510.2(c) unless no other licensee is willing and able to perform such services; or unless the Commission has granted a portwide exemption from this rule to licensee/agents in the port of loading. Such exemptions may be granted by the Commission upon (1) application of any licensed forwarder/agent serving the port of loading, (2) publication in the FEDERAL REGISTER of notice of application and an opportunity for interested parties to comment and request a hearing, and (3) a finding by the Commission that an adequate supply of forwarding services is not being held out by nonagent licensees domiciled at the port of loading. Exemptions shall remain in effect until otherwise ordered by the Commission.

Effective date. This amendment shall become effective 30 days after date of publication of this notice in the FEDERAL REGISTER.

By order of the Commission.[3]

[SEAL] FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66-9740; Filed, Sept. 2, 1966; 8:50 a.m.]

[1] New York Foreign Frgt. F. & B. v. Federal Maritime Commission, 337 F. 2d 289, 297 (C.A. 2d 1964) cert. den. 380 U.S. 910.

[2] For instance, some comments question the soundness and legality of Rule 510.22(a), presently in effect, and belabor the principle that freight forwarders ought to be free to collect compensation (brokerages) from carriers even if they utilize carriers or carriers' agents, rather than forwarders, to complete documents at the outport. Not only is this argument not germane to the merits of the present rule making proceeding, but it has been expressly rejected by both this Commission and the Court of Appeals.

(a) *Calrose rough rice.*

MOISTURE METER CONVERSION CHART

Sample Size 200 Grams — CALIBRATE AT 53 — CALROSE ROUGH RICE

Meter Reading	Percent Moisture	Meter Reading	Percent Moisture
1	10.05	51	21.33
2	10.20	52	21.42
3	10.39	53	21.61
4	10.49	54	21.80
5	10.68	55	22.00
6	11.13	56	22.19
7	11.40	57	22.29
8	11.67	58	22.48
9	11.94	59	22.77
10	12.21	60	22.97
11	12.48	61	23.16
12	12.76	62	23.35
13	13.08	63	23.54
14	13.34	64	23.93
15	13.94	65	24.13
16	13.83	66	24.32
17	14.10	67	24.51
18	14.37	68	24.70
19	14.64	69	24.90
20	14.90	70	25.09
21	15.16	71	25.28
22	15.44	72	25.48
23	15.80	73	25.67
24	16.13	74	25.87
25	16.39	75	26.06
26	16.66	76	26.25
27	16.77	77	26.44
28	16.97	78	26.63
29	17.17	79	26.83
30	17.36	80	27.03
31	17.55	81	27.22
32	17.75	82	27.41
33	17.94	83	27.61
34	18.13	84	27.80
35	18.33	85	27.99
36	18.52	86	28.19
37	18.71	87	28.38
38	18.90	88	28.57
39	19.10	89	28.77
40	19.29	90	28.96
41	19.49	91	29.15
42	19.68	92	29.34
43	19.87	93	29.73
44	20.06	94	29.93
45	20.25	95	30.12
46	20.44	96	30.31
47	20.64	97	30.51
48	20.83	98	30.70
49	21.03	99	30.90
50	21.23	100	31.09

INSTRUCTIONS

1. To obtain percent moisture to tenths of a digit division:
   a. For meter readings below 50, see table "Proportional Parts for Fractional Meter Readings."
   b. For meter readings above 50, see values below and add to percent moisture.

FRACTIONAL METER READING VALUES

.1	.005	.7 .035
.2	.015	.8 .035
.3	.025	.9 .035
.4	.035	
.5	.035	
.6	.035	

2. TEMPERATURE CORRECTION: (Add or Subtract to § Moisture)
   (a) If sample temperature is below 77°F., add correction.
   (b) If sample temperature is above 77°F., subtract correction.

Temp. °F.	% Moist.	Temp. °F.	% Moist.	Temp. °F.	% Moist.
32	.32	59	.14	86	-.14
33	.32	60	.13	87	-.15
34	.31	61	.13	88	-.16
35	.31	62	.12	89	-.17
36	.30	63	.12	90	-.18
37	.30	64	.11	91	-.19
38	.29	65	.10	92	-.20
39	.28	66	.10	93	-.21
40	.28	67	.09	94	-.22
41	.27	68	.08	95	-.23
42	.26	69	.07	96	-.24
43	.26	70	.07	97	-.25
44	.25	71	.06	98	-.26
45	.24	72	.05	99	-.27
46	.23	73	.04	100	-.28
47	.23	74	.03	101	-.29
48	.22	75	.02	102	-.30
49	.21	76	.01	103	-.30
50	.20	77	0	104	-.31
51	.19	78	-.01	105	-.32
52	.18	79	-.02		
53	.18	80	-.03		
54	.17	81	-.04		
55	.16	82	-.05		
56	.15	83	-.06		
57	.15	84	-.07		
58	.14	85	-.08		

EXAMPLE:
(Assume dial reading of 32.5 and temperature of 82° F.)

For dial reading of 32.0, moisture is	17.59
Fractional meter value for .5 is	.06
Thus dial reading of 32.5 is	17.65
For temperature of 82° F.	-.22
Final moisture is	17.43

USDA—C&MS GRAIN DIVISION — Chart No. R-7-R-8

rice trade urged the development and issuance of high moisture charts for Calrose Rough Rice and Pearl Rough Rice. Accordingly, new moisture meter conversion charts have been developed for Calrose Rough Rice with moisture over 25 percent and for Pearl Rough Rice with moisture over 31 percent.

In addition, moisture testing data developed by the Department has shown a need for revising the existing moisture meter conversion charts for Calrose Rough Rice and Pearl Rough Rice at normal moisture contents. In the normal moisture range of 12 to 17 percent, the revisions will reduce the moisture value up to 1 percentage point.

Pursuant to the authority vested in the Secretary of Agriculture by section 205(b) of the Agricultural Marketing Act of 1946, as amended [7 U.S.C. 1624(b)], the regulations relating to the U.S. Standards for Rough Rice (7 CFR 68.201 et seq.), are hereby amended as follows:

1. Paragraph (c) of § 68.202 is amended to read:

§ 68.202 Principles governing application of standards.

* * * * *

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for rice prescribed by the U.S. Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1960 Revision), of the Agricultural Marketing Service, or ascertained by any method which gives equivalent results. The Grain Division has determined that equivalent results can be obtained with prescribed moisture meters when used with the moisture meter conversion charts set forth in section 68.233.

* * * * *

2. A new section, designated § 68.233, is added to read as follows:

§ 68.233 Moisture meter method.

The following moisture meter conversion charts shall be used in determining moisture as set forth in § 68.202(c) of this Subpart, provided, however, that the meter readings referred to in the charts shall be obtained by use of meters prescribed for such use by the Grain Division:

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Subpart C—U.S. Standards for Rough Rice

MISCELLANEOUS AMENDMENTS

Statement of considerations. Last year during the rice harvest in California, Calrose Rough Rice and Pearl Rough Rice were handled in commercial quantities at higher moisture contents than shown in the then existing moisture meter conversion charts used by the Department. As a result, it was not possible to determine the moisture content of the rice with prescribed meters. The

[3] Vice Chairman John S. Patterson did not participate. Commissioner George H. Hearn's dissenting opinion filed as part of the original document.

(c) *Pearl rough rice.*

MOISTURE METER CONVERSION CHART

Sample Size 200 Grams | CALIBRATE AT 53 | PEARL ROUGH RICE

Meter Reading	Percent Moisture	Meter Reading	Percent Moisture
1	10.00	51	21.00
2	10.25	52	21.21
3	10.50	53	21.44
4	10.75	54	21.62
5	11.00	55	21.83
6	11.25	56	22.03
7	11.50	57	22.24
8	11.75	58	22.44
9	12.00	59	22.65
10	12.25	60	22.86
11	12.50	61	23.06
12	12.75	62	23.27
13	13.00	63	23.47
14	13.25	64	23.68
15	13.50	65	23.89
16	13.74	66	24.09
17	13.98	67	24.30
18	14.21	68	24.50
19	14.43	69	24.71
20	14.64	70	24.92
21	14.85	71	25.12
22	15.05	72	25.33
23	15.25	73	25.53
24	15.45	74	25.74
25	15.65	75	25.94
26	15.85	76	26.15
27	16.05	77	26.36
28	16.27	78	26.56
29	16.47	79	26.77
30	16.68	80	26.97
31	16.88	81	27.18
32	17.09	82	27.39
33	17.29	83	27.59
34	17.50	84	27.80
35	17.71	85	28.00
36	17.91	86	28.21
37	18.12	87	28.42
38	18.33	88	28.62
39	18.53	89	28.83
40	18.74	90	29.03
41	18.94	91	29.24
42	19.15	92	29.45
43	19.36	93	29.65
44	19.56	94	29.86
45	19.77	95	30.06
46	19.97	96	30.27
47	20.18	97	30.48
48	20.38	98	30.68
49	20.59	99	30.89
50	20.80	100	31.09

INSTRUCTIONS

1. To obtain percent moisture to tenths of a dial division, see values below and add to percent moisture. For meter ranges 0 to 19 use Column A, above 19 use Column B.

FRACTIONAL METER READING VALUES

	A	B		A	B		A	B
.1	.02%	.04%	.4	.10%	.04%	.7	.18%	.14%
.2	.05%	.04%	.5	.13%	.10%	.8	.20%	.16%
.3	.08%	.06%	.6	.15%	.12%	.9	.23%	.18%

2. TEMPERATURE CORRECTION - (Add or Subtract to % Moisture)
(a) If sample temperature is below 77°F, add correction.
(b) If sample temperature is above 77°F, subtract correction.

Temp. °F	% Moist.	Temp. °F	% Moist.	Temp. °F	% Moist.	Temp. °F	% Moist.
2	+ .50	28	+ .30	54	+ 2.51	80	- .33
3	+ .47	29	+ .27	55	+ 2.40	81	- .44
4	+ .44	30	+ .24	56	+ 2.29	82	- .55
5	+ .41	31	+ .21	57	+ 2.18	83	- .66
6	+ .39	32	+ .20	58	+ 2.07	84	- .76
7	+ .36	33	+ .17	59	+ 1.97	85	- .87
8	+ .33	34	+ .14	60	+ 1.86	86	- .98
9	+ .30	35	+ .11	61	+ 1.75	87	-1.09
10	+ .27	36	+ .08	62	+ 1.64	88	-1.20
11	+ .24	37	+ .06	63	+ 1.53	89	-1.31
12	+ .21	38	+ .03	64	+ 1.42	90	-1.42
13	+ .18	39	0	65	+ 1.31	91	-1.53
14	+ .15	40	+ .04	66	+ 1.20	92	-1.64
15	+ .12	41	+ .03	67	+ 1.09	93	-1.75
16	+ .09	42	+ .02	68	+ .98	94	-1.86
17	+ .06	43	+ .01	69	+ .87	95	-1.97
18	+ .03	44	0	70	+ .76	96	-2.07
19	0	45	- .01	71	+ .66	97	-2.18
20	+ .03	46	- .02	72	+ .55	98	-2.29
21	+ .06	47	- .03	73	+ .44	99	-2.40
22	+ .09	48	- .04	74	+ .33	100	-2.51
23	+ .12	49	- .05	75	+ .22	101	-2.62
24	+ .15	50	- .06	76	+ .11	102	-2.73
25	+ .18	51	- .07	77	0	103	-2.84
26	+ .21	52	- .08	78	- .11	104	-2.95
27	+ .24	53	- .09	79	- .22	105	-3.06

EXAMPLE:
(Assume dial reading of 32.7 and temperature of 82° F.)

For dial reading of 32.0, moisture is	21.83
Fractional meter value for .7 is	.14
Thus dial reading of 32.7 is	21.97
For temperature of 82° F, subtract	.28
Final moisture is	21.69

USDA C&MS GRAIN DIVISION — Chart No. R-6-P-C

(b) *Calrose rough rice—high moisture.*

MOISTURE METER CONVERSION CHART

Sample Size 200 Grams | CALIBRATE AT 33 | CALROSE ROUGH RICE HIGH MOISTURE

Meter Reading	Percent Moisture	Meter Reading	Percent Moisture
1	23.09	51	31.09
2	23.29	52	31.29
3	23.48	53	31.47
4	23.67	54	31.67
5	23.87	55	31.87
6	24.06	56	32.06
7	24.25	57	32.25
8	24.43	58	32.43
9	24.61	59	32.61
10	24.80	60	32.80
11	25.00	61	33.00
12	25.19	62	33.19
13	25.37	63	33.37
14	25.55	64	33.55
15	25.73	65	33.73
16	25.92	66	33.92
17	26.10	67	34.10
18	26.28	68	34.28
19	26.46	69	34.46
20	26.64	70	34.64
21	26.82	71	34.82
22	27.00	72	35.00
23	27.18	73	35.18
24	27.36	74	35.36
25	27.54	75	35.54
26	27.72	76	35.72
27	27.90	77	35.90
28	28.08	78	36.08
29	28.26	79	36.26
30	28.44	80	36.44
31	28.62	81	36.62
32	28.80	82	36.80
33	28.98	83	36.98
34	29.16	84	37.16
35	29.34	85	37.34
36	29.52	86	37.52
37	29.70	87	37.70
38	29.88	88	37.88
39	30.06	89	38.06
40	30.24	90	38.24
41	30.42	91	38.42
42	30.60	92	38.60
43	30.78	93	38.78
44	30.96	94	38.96
45	31.14	95	39.14
46	31.32	96	39.32
47	31.50	97	39.50
48	31.68	98	39.68
49	31.86	99	39.86
50	32.04	100	40.04

INSTRUCTIONS

1. To obtain percent moisture to tenths of a dial division, see values below and add to percent moisture:

FRACTIONAL METER READING VALUES

.1	.02%	.4	.10%	.7	.18%
.2	.04%	.5	.12%	.8	.20%
.3	.06%	.6	.15%	.9	.23%

2. TEMPERATURE CORRECTION - (Add or Subtract to % Moisture)
(a) If sample temperature is below 77°F, add correction.
(b) If sample temperature is above 77°F, subtract correction.

Temp. °F	% Moist.	Temp. °F	% Moist.	Temp. °F	% Moist.	Temp. °F	% Moist.
2	+ 1.32	28	+ 1.27	54	+ 1.04	80	- .17
3	+ 1.27	29	+ 1.22	55	+ .98	81	- .23
4	+ 1.22	30	+ 1.17	56	+ .92	82	- .29
5	+ 1.17	31	+ 1.12	57	+ .86	83	- .35
6	+ 1.12	32	+ 1.08	58	+ .81	84	- .40
7	+ 1.08	33	+ 1.03	59	+ .75	85	- .46
8	+ 1.03	34	+ .98	60	+ .69	86	- .52
9	+ .98	35	+ .92	61	+ .63	87	- .58
10	+ .92	36	+ .86	62	+ .58	88	- .63
11	+ .86	37	+ .81	63	+ .52	89	- .69
12	+ .81	38	+ .75	64	+ .46	90	- .75
13	+ .75	39	+ .69	65	+ .40	91	- .81
14	+ .69	40	+ .63	66	+ .35	92	- .86
15	+ .63	41	+ .58	67	+ .29	93	- .92
16	+ .58	42	+ .52	68	+ .23	94	- .98
17	+ .52	43	+ .46	69	+ .17	95	-1.04
18	+ .46	44	+ .40	70	+ .12	96	-1.09
19	+ .40	45	+ .35	71	+ .06	97	-1.15
20	+ .35	46	+ .29	72	0	98	-1.21
21	+ .29	47	+ .23	73	- .06	99	-1.27
22	+ .23	48	+ .17	74	- .12	100	-1.32
23	+ .17	49	+ .12	75	- .17	101	-1.38
24	+ .12	50	+ .06	76	- .23	102	-1.44
25	+ .06	51	0	77	- .29	103	-1.50
26	0	52	- .06	78	- .35	104	-1.55
27	- .06	53	- .12	79	- .40	105	-1.61

EXAMPLE:
(Assume dial reading of 32.7 and temperature of 82° F.)

For dial reading of 32.0, moisture is	27.32
Fractional meter value for .7 is	.14
Thus dial reading of 32.7 is	27.46
For temperature of 82° F, subtract	.39
Final moisture is	27.07

USDA - C&MS GRAIN DIVISION — Chart No. R-5-R

FEDERAL REGISTER, VOL. 31, NO. 172—SATURDAY, SEPTEMBER 3, 1966

(d) *Pearl rough rice—high moisture.*

MOISTURE METER CONVERSION CHART

Sample Size 150 Grams | CALIBRATE AT 53 | PEARL ROUGH RICE HIGH MOISTURE

Meter Reading	Percent Moisture	Meter Reading	Percent Moisture
1		51	
2		52	
3		53	
4		54	31.20
5		55	31.48
6		56	31.76
7		57	32.04
8		58	32.32
9		59	32.60
10		60	32.88
11		61	33.16
12		62	33.44
13		63	33.72
14		64	34.00
15		65	34.28
16		66	34.56
17		67	34.84
18		68	35.12
19		69	35.40
20		70	35.68
21		71	35.96
22		72	36.24
23		73	36.52
24		74	36.80
25		75	37.08
26		76	37.36
27		77	37.64
28		78	37.92
29		79	38.20
30		80	38.48
31		81	38.76
32		82	39.04
33		83	39.32
34		84	39.60
35		85	39.88
36		86	40.16
37		87	40.44
38		88	40.72
39		89	41.00
40		90	41.28
41		91	41.56
42		92	41.84
43		93	42.12
44		94	42.40
45		95	42.68
46		96	42.96
47		97	43.24
48		98	43.52
49		99	43.80
50		100	44.08

INSTRUCTIONS

1. To obtain percent moisture to tenths of a dial division, see values below and add to percent moisture:

FRACTIONAL METER READING VALUES

.1	.03%	.4	.11%	.7	.20%
.2	.06%	.5	.14%	.8	.22%
.3	.08%	.6	.17%	.9	.25%

2. TEMPERATURE CORRECTION - (Add or Subtract to % Moisture)
(a) If sample temperature is below 77°F, add correction.
(b) If sample temperature is above 77°F, subtract correction.

Temp. °F	% Moist.	Temp. °F	% Moist.	Temp. °F	% Moist.	Temp. °F	% Moist.
2	+ .50	28	+ .30	54	+ 2.51	80	- .33
3	+ .47	29	+ .27	55	+ 2.40	81	- .44
4	+ .44	30	+ .24	56	+ 2.29	82	- .55
5	+ .41	31	+ .21	57	+ 2.18	83	- .66
6	+ .39	32	+ .20	58	+ 2.07	84	- .76
7	+ .36	33	+ .17	59	+ 1.97	85	- .87
8	+ .33	34	+ .14	60	+ 1.86	86	- .98
9	+ .30	35	+ .11	61	+ 1.75	87	-1.09
10	+ .27	36	+ .08	62	+ 1.64	88	-1.20
11	+ .24	37	+ .06	63	+ 1.53	89	-1.31
12	+ .21	38	+ .03	64	+ 1.42	90	-1.42
13	+ .18	39	0	65	+ 1.31	91	-1.53
14	+ .15	40	+ .04	66	+ 1.20	92	-1.64
15	+ .12	41	+ 3.93	67	+ 1.09	93	-1.75
16	+ .09	42	+ 3.82	68	+ .98	94	-1.86
17	+ .06	43	+ 3.71	69	+ .87	95	-1.97
18	+ .03	44	+ 3.60	70	+ .76	96	-2.07
19	0	45	+ 3.49	71	+ .66	97	-2.18
20	+ .03	46	+ 3.39	72	+ .55	98	-2.29
21	+ .06	47	+ 3.28	73	+ .44	99	-2.40
22	+ .09	48	+ 3.17	74	+ .33	100	-2.51
23	+ .12	49	+ 3.06	75	+ .22	101	-2.62
24	+ .15	50	+ 2.95	76	+ .11	102	-2.73
25	+ .18	51	+ 2.84	77	0	103	-2.84
26	+ .21	52	+ 2.73	78	- .11	104	-2.95
27	+ .24	53	+ 2.62	79	- .22	105	-3.06

EXAMPLE:
(Assume dial reading of 32.7 and temperature of 82° F.)

For dial reading of 32.0, moisture is	39.04
Fractional meter value for .7 is	.20
Thus dial reading of 32.7 is	39.24
For temperature of 82° F, subtract	.55
Final moisture is	38.69

USDA C&MS GRAIN DIVISION — Chart No. R-9-R

(Sec. 205, 60 Stat. 1090; 7 U.S.C. 1624; 29 F.R. 16210; 30 F.R. 2160; 30 F.R. 6697; 30 F.R. 1260; 30 F.R. 6597)

The amendments set forth the acceptable moisture meter conversion charts which may be used in determining the moisture content under the U.S. Standards for Rough Rice. There is an immediate need for these moisture meter conversion charts. The harvest of rough rice in California commences about the first of September. The charts are essential for use in determining the moisture content for inspection and grading purposes. Therefore, these charts should be made available for use as soon as possible to be of greatest benefit to the rice industry and ultimately to the consumers. Accordingly, it is found under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public procedure concerning the amendments are impracticable and contrary to the public interest and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of August 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-9506; Filed, Sept. 2, 1966; 8:45 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 23]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55), AND MARYLAND TOBACCO

Subpart—Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years

RATES OF PENALTY PER POUND

The amendments herein are based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and are made for the purpose of amending § 724.92 of the Tobacco Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years to include the rate of penalty per pound upon marketing of excess tobacco for the 1966–67 marketing year for the kinds of tobacco covered by this subpart except Maryland tobacco. Since quotas are not in effect on the 1966 crop of Maryland tobacco, a penalty rate for Maryland tobacco for such marketing year will not be applicable.

The harvesting of the kinds of tobacco for which the penalty rate for the 1966–67 marketing year are herein announced will shortly begin, and the producers of such kinds of tobacco need to know the penalty rate for such marketing year before they harvest their tobacco. Hence, it is necessary that the amendments set forth herein be made effective at the earliest possible date. In addition, the rate of penalty for a kind of tobacco is the result of a mathematical calculation provided for in section 314 of the Act (7 U.S.C. 1314). Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and contrary to the public interest and the amendments contained herein shall be effective upon publication of this document in the FEDERAL REGISTER.

New paragraphs (j) and (k) are added to § 724.92 to read as follows:

§ 724.92 Rate of penalty.

* * * * *

(j) *1965–66 average market price.* The average market price for the kinds of tobacco listed below as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture, for the 1965–66 marketing year was:

AVERAGE MARKET PRICE

Kinds of tobacco	Cents per pound
Burley	66.9
Fire-cured (type 21)	39.9
Fire-cured (types 22, 23, and 24)	43.6
Dark air-cured	37.0
Virginia Sun-cured	39.2
Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55)	28.6
Cigar-binder (types 51 and 52)	47.0

(k) *1966–67 rate of penalty per pound.* The penalty rate per pound for the kinds of tobacco listed below upon marketings of excess tobacco subject to marketing quotas during the 1966–67 marketing year shall be:

RATE OF PENALTY

Kinds of tobacco	Cents per pound
Burley	50
Fire-cured (type 21)	30
Fire-cured (types 22, 23, and 24)	33
Dark air-cured	28
Virginia sun-cured	29
Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55)	21
Cigar-binder (types 51 and 52)	35

(Secs. 314, 375, 52 Stat. 48, as amended, 66 as amended; 7 U.S.C. 1314, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 30th of August 1966.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-9685; Filed, Sept. 2, 1966; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 177]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.477 Valencia Orange Regulation 177.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 1, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 4, 1966, and ending at 12:01 a.m., P.s.t., September 11, 1966, are hereby fixed as follows:

(i) District 1: 125,000 cartons;
(ii) District 2: 375,000 cartons;
(iii) District 3: unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 2, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9812; Filed, Sept. 2, 1966; 11:39 a.m.]

[Lemon Reg. 230]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.530 Lemon Regulation 230.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 30, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 4, 1966, and ending at 12:01 a.m., P.s.t., September 11, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 186,000 cartons;
(iii) District 3: 1,861 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "Carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 1, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9756; Filed, Sept. 2, 1966; 8:50 a.m.]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Expenses and Rate of Assessment

On August 16, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 10888) regarding proposed expenses and the related rate of assessment for the period beginning April 1, 1966, and ending March 31, 1967, pursuant to the marketing agreement, and Order No. 924 (7 CFR Part 924), regulating the handling of Fresh Prunes grown in designated counties in Washington and in Umatilla County, Oreg. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 924.206 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee during the period April 1, 1966, through March 31, 1967, will amount to $10,890.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 924.41, is fixed at $1 per ton of fresh prunes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on April 1, 1966, and said rate of assessment will automatically apply to all such prunes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 31, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9686; Filed, Sept. 2, 1966; 8:47 a.m.]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Expenses and Rate of Assessment

On August 19, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 11035) regarding proposed expenses and the related rate of assessment for the period beginning April 1, 1966, and ending March 31, 1967, pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 926.206 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1966, through March 31, 1967, will amount to $29,188.50.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 926.46, is fixed at $0.01 per standard package or equivalent quantity of grapes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of Tokay grapes are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable Tokay grapes from the beginning of such period; and (3) such period began on April 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable grapes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 31, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9701; Filed, Sept. 2, 1966; 8:49 a.m.]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On August 18, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 10963) regarding proposed expenses and the related rate of assessment for the period beginning July 1, 1966, and ending June 30, 1967, pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 927.206 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Control Committee during the period July 1, 1966, through June 30, 1967, will amount to $36,850.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 927.41, is fixed at $0.01 per standard western pear box of pears, or an equivalent of pears in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1966, in the amount of $8,000, shall be carried over as a reserve in accordance with applicable provisions of § 927.42.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of fresh pears are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable pears handled during the aforesaid period; and (3) such period began on July 1, 1966, and the rate of assessment will automatically apply to all such pears beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 31, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9702; Filed, Sept. 2, 1966; 8:49 a.m.]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Expenses and Rate of Assessment

On August 18, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 10963) regarding proposed expenses and the related rate of assessment for the fiscal period beginning July 1, 1966, and ending June 30,

1967, pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Northwest Fresh Bartlett Pear Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 931.201 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee during the fiscal period July 1, 1966, through June 30, 1967, will amount to $17,450.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each person who first handles pears in accordance with § 931.41, is fixed at $0.01 per standard western pear box, or equivalent quantity, of pears.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable pears handled during the aforesaid period, and (2) such period began on July 1, 1966, and said rate of assessment will automatically apply to all such pears beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 31, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9687; Filed, Sept. 2, 1966; 8:47 a.m.]

[Area No. 2]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 2 (San Luis Valley), to be effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), was published in the August 12, 1966, issue of the FEDERAL REGISTER (31 F.R. 10747). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than the 15th day after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 2, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.252 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending June 30, 1967, will amount to $13,421.50.

(b) The rate of assessment to be paid by each handler in Area No. 2 pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, shall be $0.00225 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1967, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began July 1, 1966, and the rate of assessment herein will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 31, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9703; Filed, Sept. 2, 1966; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By Notice of Proposed Rule Making published in the FEDERAL REGISTER of May 24, 1966 (31 F.R. 7479), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for migratory game birds for the 1966–67 hunting seasons.

In this connection all interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

Subsequently, after due consideration of migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife and State game departments, and from other sources, the several State game departments were informed concerning the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1966–67 seasons on waterfowl and coots in all Flyways; on gallinules and common snipe in the Pacific Flyway; on lesser sandhill (little brown) cranes in limited areas of Texas and New Mexico; on whistling swans in Utah; and on ducks, coots, gallinules, and common snipe in Puerto Rico and the Virgin Islands. The State game departments were invited to submit recommendations for hunting seasons to conform to the shooting hours, daily bag and possession limits, and season lengths within frameworks of opening and closing dates, as established by this Department.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. These amendments will permit taking of those species within specified periods of time beginning as early as October 1, as has been the case in past years. Since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

1. Section 10.52 is amended by adding a new paragraph (c) to read as follows:

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

* * * * *

(c) *Puerto Rico and the Virgin Islands.*

	Ducks	Coots	Gallinules	Common snipe (Wilson's)
Daily bag limit	4	6	6	6
Possession limit	8	12	12	12
Shooting hours	One-half hour before sunrise until sunset daily.			
Seasons in:				
Puerto Rico [1]	December 17, 1966—January 20, 1967.[1]			
Virgin Islands	December 6, 1966—January 20, 1967.			

[1] CHECK PUERTO RICO REGULATIONS FOR ADDITIONAL RESTRICTIONS!

2. Section 10.53 is amended by revising paragraph (b) and by adding new paragraphs (c), (d), (e), (f), and (g) to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, gallinules, and Wilson's snipe.

* * * * *

(b) (1) A special open season for taking scoter, eider, and old-squaw ducks is prescribed during the period between September 25 and January 10 in all coastal waters and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and the waters of Gardiner's Bay lying east of a line from the Long Beach Bay lighthouse to the most easterly point of Ram Head on Shelter Island to the Cedar Point light; but not including any coastal waters of New York State lying south of Long Island; and the States of New Jersey, Maryland, and North Carolina in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least one (1) mile of open water from any shore, island and emergent vegetation: *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. The daily shooting hours are from one-half hour before sunrise until sunset, and the daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. In all other areas of these States and in all other States in the Atlantic Flyway, scoter, eider, and old-squaw ducks may be taken only during the open season for taking other ducks. During the open season on other ducks in all States in the Atlantic Flyway, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and old-squaw ducks, singly or in the aggregate of these species, are permitted in addition to the basic daily bag and possession limits prescribed for other ducks.

(2) Notwithstanding the provisions of § 10.3(b)(4), the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal water areas open to sea duck hunting during the special open season and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and the waters of Gardiner's Bay lying east of a line from the Long Beach Bay lighthouse to the most easterly point of Ram Head on Shelter Island to the Cedar Point light; but not including any coastal waters of New York State lying south of Long Island; and the States of New Jersey, Maryland, and North Carolina, under the following conditions: Any person who cripples any migratory waterfowl while shooting from a fixed position may, within a 200-yard radius of such fixed position, pursue, shoot, and retrieve such crippled waterfowl from a motorboat under power.

(c) *Atlantic Flyway States.*

	Ducks (except mergansers)	Mergansers	Coots	Geese (except snow geese)	Brant
Daily bag limit	(1)	[2] 5	10	2	6
Possession limit	(1)	[2] 10	20	4	6
Shooting hours	One-half hour before sunrise until sunset daily.				
Seasons in:					
Connecticut [3] [9]	Oct. 15–Oct. 29			Oct. 15–Nov. 8.	
	Nov. 19–Dec. 25.			Nov. 19–Jan. 7.	
Delaware [3]	Nov. 4–Nov. 26.			Nov. 4–Nov. 26.	
	Dec. 12–Jan. 7.			Nov. 29–Jan. 14.	
District of Columbia	Closed season.			Closed season.	
Florida [3] [10]	Nov. 24–Nov. 27.			Nov. 24–Nov. 27.	
	Dec. 3–Jan. 8.			Dec. 3–Jan. 8.	
Georgia [3] [8]	Nov. 24–Jan. 7.			Nov. 7–Jan. 15.	
Maine [3] [4]	Oct. 8–Dec. 1.			Oct. 8–Dec. 16.	
Maryland [3]	Nov. 14–Jan. 7.			Oct. 31–Jan. 7.	
Massachusetts [3] [9] [10]	Oct. 15–Dec. 8.			Oct. 15–Nov. 29.	
				Dec. 15–Jan. 7.	
New Hampshire [3] [4] [9]	Oct. 8–Dec. 1.			Oct. 8–Dec. 1.	
				Dec. 17–Dec. 31.	
New Jersey [3]	Oct. 22–Oct. 29.			Oct. 22–Dec. 30.	
	Nov. 22–Jan. 2.				
New York [3] [6] [9]	Oct. 15–Dec. 8.			Oct. 15–Dec. 23.	
North Carolina [3]	Nov. 14–Jan. 7.			Nov. 7–Jan. 14.	
Pennsylvania [3] [7] [10]	Oct. 8–Oct. 15.			Oct. 1–Dec. 9.	
	Nov. 4–Dec. 15.				
Rhode Island [3] [9]	Nov. 15–Jan. 8.			Nov. 7–Jan. 15.	
South Carolina [3]	Nov. 24–Jan. 7.			Nov. 7–Jan. 14.	
Vermont [3]	Oct. 8–Dec. 1.			Oct. 8–Dec. 16.	
Virginia [3]	Nov. 14–Jan. 7.			Nov. 5–Jan. 13.	
West Virginia [3]	Oct. 15–Oct. 22.			Oct. 15–Dec. 23.	
	Nov. 26–Jan. 7.				

[1] Ducks other than mergansers: In all States, the daily bag limit may not include more of the following species than: (a) 2 wood ducks, and (b) 2 canvasbacks; and the possession limit may not include more than: (a) 4 wood ducks, and (b) 4 canvasbacks. In the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, the basic daily bag limit on ducks other than mergansers is 3 and the possession limit is 6. In the States of Florida, Georgia, and South Carolina, the basic daily bag limit on ducks other than mergansers is 4 and the possession limit is 8.

[2] Bonus scaup and ringneck ducks: During any portion of the open season for ducks falling on or after November 15, 1966, a bonus daily bag limit of 2 and a possession limit of 4 scaup and ringneck ducks, singly or in the aggregate of these species, is permitted in addition to the basic limits on ducks other than mergansers in the following areas: (a) The entire States of Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and West Virginia; and (b) in restricted areas of the States of Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia, which are described, delineated, and designated as bonus scaup and ringneck areas under the State hunting regulations adopted by the respective States.

[3] Special scaup and ringneck season: During the period from Dec. 24–Jan. 7 in the entire States of Connecticut and New York; a special open season for the taking of scaup and ringneck ducks is prescribed, with a daily bag limit of 5 and a possession limit of 10 scaup and ringneck ducks, singly or in the aggregate of these species. During the bonus scaup and ring neck season for New York (excluding the Long Island area) shooting hours will be from sunrise to sunset.

[4] An experimental open season for taking black ducks under authority of a special Federal permit is prescribed from December 15, 1966, through January 8, 1967, in those lands and waters of the States of Maine, Massachusetts, and New Hampshire lying seaward from a line starting at Calais, Maine, and running southwesterly following U.S. Highway 1 to the junction with U.S. Highway 4 at Portsmouth, N.H.; thence northwesterly following U.S. Highway 4 to the intersection with State Highway 108; thence southerly following State Highway 108 to its junction with State Highway 101; thence easterly following State Highway 101 to its junction with U.S. Highway 1; thence southwesterly following U.S. Highway 1 to the junction with State Highway 3 at Boston, Mass.; thence southeasterly following State Highway 3 to the intersection with U.S. Highway 6; thence westerly following U.S. Highway 6 to its intersection with the Massachusetts-Rhode Island State line, subject to the following conditions: (a) Every hunter must have been issued and carry on his person while hunting black ducks a properly validated 1966 special black duck hunting permit furnished by the Bureau of Sport Fisheries and Wildlife and issued without charge by the respective State game departments; and (b) The daily bag limit is 4 and the possession limit is 8 black ducks.

[5] Mergansers: In all States, the daily bag limit may not include more than 1 hooded merganser and the possession limit may not include more than 2 hooded mergansers.

[6] New York: In the Long Island area (Long Island and that part of Westchester County lying south of the Hutchinson River Parkway) the open season for taking ducks and coots is Oct. 15–Oct. 29 and Nov. 19–Dec. 23, and for taking geese and brant Oct. 15–Nov. 3 and Nov. 19–Jan. 7.

In the Lake Champlain area (that part of New York lying east of the main line tracks of the Delaware and Hudson Railroad running south from the New York-Canada border to Whitehall, N.Y., and north of the branch line tracks of the Delaware and Hudson Railroad running east from Whitehall, N.Y., to the New York-Vermont State line) the open season for taking ducks and coots is Oct. 8–Dec. 1, and for taking geese and brant Oct. 8–Dec. 16.

[7] Pennsylvania: In Crawford and Erie Counties, the open season for taking geese is Oct. 8–Dec. 9, and in Crawford County the daily bag limit may not include more than 1 Canada goose.

[8] Georgia: No open season for the taking of geese and brant is prescribed in Liberty and McIntosh Counties.

[9] Not withstanding the provisions of 50 CFR 10.3(b)(4), the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal waters and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and the waters of Gardiner's Bay lying east of a line from the Long Beach Bay lighthouse to the most easterly point of Ram Head on Shelter Island to the Cedar Point light; but not including any coastal waters of New York State lying south of Long Island, under the following conditions: Any person who cripples any migratory waterfowl while shooting from a fixed position may, within a 200-yard radius of such fixed position, pursue, shoot, and retrieve such crippled waterfowl from a motorboat under power.

[10] CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS!

(d) *Mississippi Flyway States.*

	Ducks (except mergansers)	Mergansers	Coots	Geese
Daily bag limit	[1] 4 [1] 8	[2] 5 [2] 10	15 20	[3] 5 [3] 5
Possession limit				
Shooting hours	One-half hour before sunrise until sunset daily.			
Seasons in:				
Alabama	Nov. 24-Jan. 7			Nov. 7-Jan. 15.
Arkansas [4] [5]	do			Oct. 30-Jan. 7.
Illinois [4] [5]	Oct. 22-Dec. 5			Oct. 22-Dec. 23.
Indiana	Oct. 29-Nov. 20 Dec. 22-Jan. 2			Dec. 30-Jan. 5. Oct. 14-Dec. 10. Dec. 22-Jan. 2.
Iowa	Oct. 15-Nov. 28 Nov. 25-Jan. 8			Oct. 1-Dec. 9. Nov. 7-Jan. 15.
Kentucky	Nov. 18-Jan. 1			Do.
Louisiana [4] [6]	Oct. 15-Nov. 23			Oct. 1-Nov. 30.
Michigan [5] [7]	Oct. 8-Nov. 21			Oct. 1-Dec. 9.
Minnesota [5] [8]	Nov. 25-Jan. 8			Oct. 15-Nov. 8. Nov. 25-Jan. 8.
Mississippi [4] [9]				
Missouri: [4] [10]	Nov. 1-Dec. 15			Oct. 20-Dec. 28.
Squaw Creek Area	do			Do.
Swan Lake Area	do			Oct. 20-Dec. 3.
Remainder of State				Dec. 22-Jan. 15.
Ohio [5] [9]	Oct. 22-Nov. 26 Dec. 27-Dec. 31			Oct. 22-Dec. 24. Dec. 26-Dec. 31.
Tennessee [4]	Nov. 25-Jan. 8			Nov. 7-Jan. 15.
Wisconsin [5] [10] [11]	Oct. 8-Nov. 21			Oct. 8-Dec. 16.

[1] Ducks other than mergansers: In all States, the daily bag limit may not include more of the following species than: (a) 2 wood ducks; (b) 2 canvasbacks; and (c) 2 mallards. The possession limit may not include more than: (a) 4 wood ducks; (b) 4 canvasbacks; and (c) 4 mallards.

[2] Bonus scaup and ringneck ducks: A bonus daily bag limit of 2 and a possession limit of 4 scaup and ringneck ducks, singly or in the aggregate of these species is permitted in addition to the basic limits on ducks other than mergansers as follows: (a) During any portion of the regular open season for ducks occurring on or after Nov. 1, 1966, in the entire States of Minnesota and Wisconsin; and in certain areas of the States of Michigan, Missouri, and Ohio as described, delineated, and designated as bonus scaup and ringneck areas in hunting regulations adopted by these States; (b) During any portion of the regular open season for ducks occurring on or after Oct. 20, 1966, in the De Noc Bays area of Michigan as described, delineated and designated as a bonus scaup and ringneck area in hunting regulations adopted by Michigan; (c) during the entire regular open season for ducks in that part of Louisiana lying south and east of a line starting at the intersection of U.S. Highway 90 and the Louisiana-Texas State line; thence east following U.S. Highway 90 to its intersection with U.S. Highway 61; thence northwesterly following U.S. Highway 61 to the junction with U.S. Highway 51; thence north following U.S. Highway 51 to its intersection with U.S. Highway 190; thence easterly following U.S. Highway 190 to its intersection with the Louisiana-Mississippi State line, a daily bag limit of 2 and a possession limit of 4 scaup and ringneck ducks, singly or in the aggregate of these species, are allowed in addition to the basic limits on ducks other than mergansers.

[3] Mergansers: In all States, the daily bag limit may not include more than 1 hooded merganser and the possession limit may not include more than 2 hooded mergansers.

[4] Geese: In all States, the daily bag and possession limit may not include, in the alternative, more than: (a) 2 Canada geese or (b) 2 white-fronted geese or (c) 1 Canada goose and 1 white-fronted goose. No open season is prescribed for the taking of geese in the Mississippi Counties of Issaquena, Sharkey, and Washington; and in the Tennessee Counties of Dyer, Lauderdale, Shelby and Tipton. No open season is prescribed for taking Canada geese in the States of Arkansas and Louisiana.

[5] Illinois: In the State of Illinois, the kill of Canada geese will be limited to a total of 20,000 birds; and when the Director, Bureau of Sport Fisheries and Wildlife has determined the date upon which 20,000 Canada geese will have been killed, the season will be closed by the Director upon having given public notice thereof through public information media no less than 48 hours in advance of the time and date of closing.

[6] Louisiana: For the lands and waters of the State of Louisiana lying easterly of the centerline of the main navigable channel of the Mississippi River between the north boundary of Louisiana to latitude 31° N., the season for taking geese is Oct. 15-Nov. 8 and Nov. 25-Jan. 8. Canada geese may be taken in this area.

[7] Mississippi: For the lands and waters of the State of Mississippi lying westerly of the centerline of the main navigable channel of the Mississippi River between the north boundary of Louisiana to latitude 31° N., the season for taking geese is Oct. 15-Nov. 8 and Nov. 25-Jan. 8. Canada geese may not be taken in this area.

[8] Missouri: In the Swan Lake area consisting of those portions of the Missouri Counties of Livingston, Carroll, Lafayette, Saline, Howard, Chariton, and Linn, bounded by roads starting at the junction of U.S. Highways 36 and 65 at Chillicothe in Livingston County; thence South along U.S. Highway 65 to the junction with State Highway 41 at Marshall in Saline County; thence east along State Highway 41 to the junction with State Highway 240; thence north and east along State Highway 240 to the junction with State Highway 5 at Glascow in Howard County; thence west north along State Highway 5 to the junction with U.S. Highway 36 north of Marceline in Linn County; thence west along U.S. Highway 36 to the point of beginning, the combined kill of Canada geese will be limited to a total of 25,000 birds; and when the Director, Bureau of Sport Fisheries and Wildlife has determined the date upon which 25,000 Canada geese will have been killed in this area the season will be closed therein by the Director upon having given public notice thereof through local information media no less than 48 hours in advance of the tine and date of closing.

In the Squaw Creek Area consisting of Atchison and Holt Counties and those portions of Andrew and Nodaway Counties lying west of U.S. Highway 71, Canada geese may be taken only during the period from Oct. 20–Nov. 19, and in this area the daily bag limit may not include more than 1 Canada goose.

[9] Ohio: For Pymatuning reservoir in Ashtabula County and for one-quarter mile in any direction from said reservoir, the open season for taking ducks and coots is Oct. 8–Oct. 15 and Nov. 4–Dec. 15, and the open season for taking geese and brant is Oct. 8–Dec. 9. In this area the basic daily limit for ducks other than mergansers is 3 and the possession limit is 6. In this area the season is closed on snow geese; and the daily bag limit on geese is 2 of which not more than 1 may be a Canada goose and the possession limit is 4 geese; and the daily bag and possession limit is 6 brant.

[10] Wisconsin: In Wisconsin the combined kill of Canada geese will be limited to not more than 14,000 birds; and in the Counties of Columbia, Dodge, Fond Du Lac, Green Lake, Jefferson, Juneau, and Winnebago, Canada geese may be taken only on the days of Saturday, Sunday, and Monday during the open season for taking geese. When it has been determined by the Director, Bureau of Sport Fisheries and Wildlife that 14,000 Canada geese will have been killed, the season for taking Canada geese in the above named 7 Counties will be closed by the Director upon having given public notice thereof through local information media not less than 48 hours in advance of the time and date of closing; and in all other counties of the State the season for taking Canada geese will be closed at the end of the 20th consecutive day following the day of closing in the above named Counties.

[11] CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS!

(f) *Pacific Flyway States—Waterfowl.*

	Ducks (except mergansers)	Mergansers	Coots and Gallinules (in the aggregate)	Geese	Brant
Daily bag limit	[1] [2] 4 [1] [2] 8	[3] 5 [3] 10	25 25	[4] 6 [4] 6	6 6
Possession limit					
Shooting hours	One-half hour before sunrise until sunset daily.[5]				
Seasons in:					
Arizona	Oct. 11-Jan. 8			Oct. 11-Jan. 8	Closed season.
California [6] (west of Continental Divide)	Oct. 22-Jan. 4 Oct. 11-Jan. 8			Oct. 22-Jan. 8 Oct. 11-Jan. 8	Nov. 26-Feb. 13. Closed season.
Idaho [7]	Oct. 8-Jan. 5			Oct. 8-Jan. 5	Do.
Montana (see footnote 8 for area description) [9]	Oct. 8-Jan. 5			do	Do.
Nevada (see footnote 6 for area description) [10]	Oct. 15-Dec. 28			Oct. 8-Jan. 8	Do.
New Mexico (see footnote 6 for area description) [11]	Oct. 8-Dec. 21			Oct. 8-Dec. 21	Do.
Oregon [12]	Oct. 8-Jan. 5			Oct. 8-Jan. 5	Nov. 26-Feb. 13.
Utah [13]	Oct. 8-Jan. 5			do	Closed season.
Washington [14] (west of Continental Divide) [15]	Oct. 16-Jan. 8 Oct. 8-Jan. 5			Oct. 16-Jan. 8 Oct. 8-Jan. 5	Nov. 26-Feb. 13. Closed season.

[1] Ducks other than mergansers: In all States and in all areas except the Columbia Basin Areas of Washington, Oregon, and Idaho, the daily bag limit may not include more than 2 wood ducks and the possession limit may not include more than 4 wood ducks. In the States of Arizona, Colorado (west of Continental Divide), Idaho, Oregon, Utah, Washington, and Wyoming (west of Continental Divide) the basic daily bag limit on ducks other than mergansers is 8 and the possession limit is 16 except that the basic daily bag limit on ducks other than mergansers in the Columbia Basin area of Washington (all that portion of the State lying east of the Continental Divide) is 4 and the possession limit is 8. In the States of Nevada and New Mexico (west of Continental Divide) the basic daily bag limit on ducks other than mergansers is 7 and the possession limit is 14. In the State of California (west of the Continental Divide) the basic daily bag and possession limit on ducks other than mergansers is 6.

In all States, the daily bag limit may not include more than 1 hooded merganser and the possession limit may not include more than 2 hooded mergansers.

[2] Geese: In all States and in all areas the daily bag and possession limit may not include more than 1 Ross's goose; and the daily bag limit may not include more than 3 geese of the dark species. Possession limits are twice the daily bag limits. In Washington and Idaho the daily bag limit is 3 geese and the possession limit is 6 geese; and in the States of Arizona, California, Nevada, New Mexico, and Wyoming lying in the Pacific Flyway, the daily bag and possession limit is 4 geese. No open season is prescribed for taking snow, blue, and Ross's geese in the Idaho Counties of Clark, Madison, Fremont, and Teton.

In the Columbia Basin Areas of Idaho (counties of Ada, Benewah, Blaine, Bonner, Boundary, Canas, Canyon, Cassia, Clearwater, Gem, Gooding, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Union, Walowa, and Washington) and Oregon (counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Wallowa, and Wasco) and that portion of Washington (all that portion of the State lying east of the Continental Divide) the Columbia Basin area of Washington (all that portion of the State lying east of the Continental Divide) the open season for taking ducks, coots, and gallinules is Oct. 15–Jan. 22. In these areas, the basic limit on geese is 3 and the possession limit is 6 and the daily shooting hours are one-half hour before sunrise until sunset.

[3] Mergansers: In all States, the daily bag and possession limit may not include more than 1 Ross's goose; and the daily bag limit may not include more than 3 geese of the dark species. Possession limits are twice the daily bag limits. In Washington and Idaho the daily bag limit is 3 geese and the possession limit is 6 geese; and in the States of Arizona, California, Nevada, New Mexico, and Wyoming lying in the Pacific Flyway, the daily bag and possession limit is 4 geese. No open season is prescribed for taking snow, blue, and Ross's geese in the Idaho Counties of Clark, Madison, Fremont, and Teton.

In the Columbia Basin Areas of Idaho (counties of Ada, Benewah, Blaine, Bonner, Boundary, Canas, Canyon, Cassia, Clearwater, Gem, Gooding, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Union, Walowa, and Washington) and Oregon (counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Wallowa, and Wasco) and that portion of Washington (all that portion of the State lying east of the Continental Divide) the Columbia Basin area of Washington (all that portion of the State lying east of the Continental Divide) the open season for taking ducks, coots, and gallinules is Oct. 15–Jan. 22. In these areas, the basic limit on geese is Oct. 8–Jan. 5. In this area the daily shooting hours are one-half hour before sunrise until sunset.

[4] Montana Pacific Flyway area: Consists of the Montana Counties of Hill, Chouteau, Cascade, Meagher, Parks, and all Counties west thereof.

[5] New Mexico Pacific Flyway area: Consists of all that portion of New Mexico lying west of the Continental Divide and the entire area of the Vicarilla Apache Indian Reservation.

[6] In the Columbia Basin area of the State of California that portion of the State lying east and north of a line beginning at the point where U.S. Highway 99 intersects the California-Oregon State line; thence south and east following U.S. Highway 99 to the junction with State Highway 89; thence south and east on State Highway 89 to the junction with State Highway 49; thence east and north on State Highway 49 to the junction with State Highway 70; thence east on State Highway 70 to the junction with U.S. Highway 395; thence south and east on U.S. Highway 395 to the point of intersection with the California-Nevada State line, the open season for taking ducks, coots, and gallinules is Oct. 15–Jan. 22. In this area the basic limit on geese is Oct. 8–Jan. 5. In this area the daily shooting hours are one-half hour before sunrise until sunset.

In that portion of California Fish and Game District No. 22 beginning at the point where U.S. Highway 99 intersects the California-Nevada State line; thence southerly along said State line to the junction with U.S. Highway 395; thence southwesterly on the paved county road through Alturas to the junction with U.S. Highway 66–70 at Susanville; thence easterly 71 miles on U.S. Highway 66–70 to the intersection with the Wiley Wells road; thence south on this road to the junction with the paved county road through Likely to the junction with U.S. Highway 395; thence southerly on U.S. Highway 395 to the junction with the Alturas-Alcodones road; thence southerly on the Alturas-Alcodones road to the intersection with the Alcodones-Davis Lake intersection border, the open season for taking ducks, coots, gallinules, and geese is Oct. 11–Jan. 8. In this area the daily bag and possession limit on mergansers is 5 and the possession limit is 10; and the daily bag and possession limit on geese may not include more than 3 geese of which not more than 1 may be a Ross's goose.

The remainder of California Fish and Game District No. 22; the open season for taking Canada geese is from Oct. 22–Jan. 29 and the daily bag and possession limit may not include more than 1 Canada goose.

In the entire State of California there is prescribed an open season on snow and Ross's geese from Jan. 9–22, 1967.

[7] Idaho: The open possession limit is 6 geese of which not more than 1 may be a Ross's goose.

[8] OREGON STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS!

(e) *Central Flyway States.*

	Ducks (except mergansers)	Mergansers	Coots	Geese
Daily bag limit	[1] [2] 4 [1] [2] 8	[3] 5 [3] 10	15 20	[4] 5 [4] 5
Possession limit				
Shooting hours	One-half hour before sunrise until sunset daily.			
Seasons in:				
Colorado (east of Continental Divide) [16]	Oct. 22-Dec. 30			Nov. 3-Jan. 15.
Kansas	Nov. 19-Jan. 27			Oct. 8-Dec. 21.
Montana (see footnote 5 for area description) [7]	Oct. 8-Dec. 6			Do.
Nebraska (see footnote 5 for area description) [8]	Oct. 15-Dec. 13			Oct. 1-Dec. 16.
New Mexico (see footnote 5 for area description) [9]	Nov. 19-Jan. 7			Oct. 1-Dec. 14.
Oklahoma	Oct. 29-Nov. 20 Dec. 27-Dec. 31			Oct. 1-Oct. 21. Nov. 7-Jan. 15.
South Dakota [10]	Oct. 8-Dec. 6			Oct. 1-Dec. 14.
Texas	Nov. 19-Jan. 7			Oct. 29-Jan. 7.
Wyoming (east of Continental Divide) [11]	Oct. 8-Nov. 7			Oct. 8-Oct. 21.
	Dec. 17-Jan. 6			Nov. 21-Jan. 15.

[1] Ducks other than mergansers: In all States, the daily bag limit may not include more of the following species than: (a) 2 wood ducks, (b) 2 canvasbacks, and (c) 2 mallards. And the possession limit may not include more than: (a) 4 wood ducks, (b) 4 canvasbacks, and (c) 4 mallards. In the States of Colorado (east of Continental Divide), Kansas, Montana (east of Continental Divide), Nebraska, Oklahoma, South Dakota (east of Continental Divide), Texas, and Wyoming (east of Continental Divide), the basic daily bag limit on ducks other than mergansers is 8 and the possession limit is 16 except that the basic daily bag limit on ducks other than mergansers in the Counties of Cimarron, Texas, and Beaver in the Panhandle of Oklahoma is 4 and the possession limit is 8. In the States of New Mexico (east of Continental Divide), North Dakota, and Texas, the basic bag limit on ducks other than mergansers is 5 and the possession limit is 10.

[2] Mergansers: In all States, the daily bag limit may not include more than 1 hooded merganser and the possession limit may not include more than 2 hooded mergansers.

[3] Geese: In all States, the daily bag and possession limit may not include more of the following species than: (a) 1 Ross' goose and (b) in the alternative, 1 white-fronted goose; 1 white-fronted goose and 1 Canada goose or subspecies; or 2 Canada geese.

[4] Colorado: In the Colorado Counties of Alamosa, Conejos, Costilla, and Rio Grande, and those portions of Hinsdale, Mineral, and Saguache Counties lying east of the Continental Divide, the open season on ducks and coots is prescribed during the period from Oct. 1–Oct. 18, 1966, under a special permit system only. Any person hunting ducks or coots during this special season must have in his possession a properly validated special Federal duck and coot hunting permit furnished by the Bureau of Sport Fisheries and Wildlife and issued by the Colorado Game Department; (b) The daily bag limit is 5 ducks and coots singly or in the aggregate of these species and the possession limit is 10 ducks and coots singly or in the aggregate of these species; and the daily shooting hours are from one-half hour before sunrise until 13 o'clock noon mountain time. No open season is prescribed for the taking of geese in those portions of Conejos, Alamosa, Rio Grande, and Mineral Counties of Colorado bounded by a line beginning at the junction of U.S. Highway 285 with the Colorado-New Mexico State line; thence north following U.S. Highway 285 to the junction with State Highway 17; thence northeasterly following State Highway 17 to its junction with State Highway 112; thence west following State Highway 112 to its junction with U.S. Highway 160 in Del Norte; thence west and south following U.S. Highway 160 to its intersection with the Colorado-New Mexico State line; thence south following the Continental Divide to its intersection with the Colorado-New Mexico State line; thence east following the State line to the point of beginning.

[5] Montana Central Flyway area: Consists of the Montana Counties of Blaine, Fergus, Judith Basin, Wheatland, Sweet Grass, Stillwater, Carbon, and all Counties east thereof.

[6] New Mexico Central Flyway area: Consists of all that portion of New Mexico lying east of the Continental Divide and outside the Jicarilla Apache Indian Reservation.

[7] CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS!

(g) *Pacific Flyway States—Common (Wilson's) Snipe.*

Shooting hours	One-half hour before sunrise until sunset daily.
Daily bag limit	8
Possession limit	16
Seasons in:	
Arizona	Nov. 20–Jan. 8.
California	Nov. 19–Jan. 7.
Idaho	Oct. 8–Nov. 26.
Nevada	Oct. 15–Dec. 3.
Oregon	Oct. 22–Dec. 10.
Utah	Nov. 17–Jan. 1.
Washington	Oct. 15–Dec. 3.

[1] CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS!

3. Section 10.54 is amended to read as follows:

§ 10.54 Seasons and limits on lesser sandhill (little brown) cranes and whistling swans.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the areas open to hunting, the shooting hours, and the daily bag and possession limit on the species of migratory game birds designated in this section are prescribed as follows:

(a) An open season for the taking of lesser sandhill (little brown) cranes of 30 consecutive days between Saturday, October 29, 1966, and Sunday, November 27, 1966, is prescribed in the New Mexico Counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of the State of Texas lying west of a line from the International Toll Bridge in Del Rio, Val Verde County; thence northward following U.S. Highway 277 to the junction with U.S. Highway 87 at San Angelo, Tom Green County; thence northwesterly following U.S. Highway 87 to the junction with U.S. Highway 287 at Dumas, Moore County; thence northwesterly following U.S. Highway 287 to the point of intersection with the Texas-Oklahoma State line in Dallam County. The daily bag limit is 2 and the possession limit is 4 lesser sandhill (little brown) cranes, and the shooting hours are one-half hour before sunrise until sunset daily.

(b) A limited open season for the taking of whistling swans under special permit is prescribed for the State of Utah subject to the following conditions: (1) The open season dates and shooting hours will run concurrently with those for hunting ducks in the State of Utah; (2) not to exceed 1,000 special permits may be issued authorizing the permittee to take 1 whistling swan; and (3) the special permit forms and correspondingly numbered metal locking seals will be furnished by the Bureau of Sport Fisheries and Wildlife and issued by the Utah State Department of Fish and Game to persons making written application for such permit: *Provided*, That if more than 1,000 applications are received a drawing will be held to determine which applicants shall be issued permits. Each person must have been issued and must carry on his person while hunting a properly validated 1966 whistling swan hunting permit. When a whistling swan has been killed by a hunter he must immediately attach and lock the metal seal and the proper portion of his numbered permit around the upper right wing of the swan.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 706)

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1966.

[F.R. Doc. 66-9657; Filed, Sept. 2, 1966; 8:45 a.m.]

PART 32—HUNTING

National Wildlife Refuges and Ranges, Alaska

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds is permitted only on the islands of Adak, Atka, Unimak, Shemya, Attu, and Great Sitkin. A map of the area is available at the refuge headquarters, Cold Bay, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, little brown crane, ducks, and geese (except Canada geese and subspecies).

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset; September 1 through October 31, 1966.

(2) Ducks, geese, and brant—from one-half hour before sunrise to sunset. The islands of Adak, Atka, Shemya, Attu, Great Sitkin—October 15, 1966–January 27, 1967; the island of Unimak—September 1–December 14, 1966.

(3) Little brown crane—from one-half hour before sunrise to sunset, September 1 through October 15, 1966.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1966.

CLARENCE RHODE NATIONAL WILDLIFE RANGE

Public hunting of migratory game birds is permitted on all lands within the Clarence Rhode National Wildlife Range. A map of the area is available from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, little brown crane, ducks, and geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset, September 1 through October 31, 1966.

(2) Ducks, geese, and brant—from one-half hour before sunrise to sunset, September 1 through December 14, 1966.

(3) Little brown crane—from one-half hour before sunrise to sunset, September 1 through October 15, 1966.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1966.

ARCTIC NATIONAL WILDLIFE RANGE

Public hunting of migratory game birds is permitted on all lands within the Arctic National Wildlife Range. A map of the area is available from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, little brown crane, ducks, and geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset, September 1 through October 31, 1966.

(2) Ducks, geese, and brant—from one-half hour before sunrise to sunset, September 1 through December 14, 1966.

(3) Little brown crane—from one-half hour before sunrise to sunset, September 1 through October 15, 1966.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 28, 1967.

IZEMBEK NATIONAL WILDLIFE RANGE

Public hunting of migratory game birds is permitted on all lands within the Izembek National Wildlife Range. A map of the area is available at the refuge headquarters, Cold Bay, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, little brown crane, ducks, and geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset, September 1 through October 31, 1966.

(2) Ducks, geese, and brant—from one-half hour before sunrise to sunset, September 1 through December 14, 1966.

(3) Little brown crane—from one-half hour before sunrise to sunset, September 1 through October 15, 1966.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1966.

KENAI NATIONAL MOOSE RANGE

Public hunting of migratory game birds is permitted on all the lands within the Kenai National Moose Range. A map of the area is available at the refuge headquarters, Kenai, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, little brown crane, ducks, and geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset, September 1 through October 31, 1966.

(2) Ducks, geese, and brant—from one-half hour before sunrise to sunset, September 1 through December 14, 1966.

(3) Little brown crane—from one-half hour before sunrise to sunset, September 1 through October 15, 1966.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1966.

KODIAK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds is permitted on all the lands within the Kodiak National Wildlife Refuge. A map of the area is available at the refuge headquarters, Kodiak, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, little brown crane, ducks, and geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset, September 1 through October 31, 1966.

(2) Ducks, geese, and brant—from one-half hour before sunrise to sunset, September 1 through December 14, 1966.

(3) Little brown crane—from one-half hour before sunrise to sunset, September 1 through October 15, 1966.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1966.

NUNIVAK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds is permitted on all of the lands within the Nunivak National Wildlife Refuge. A map of the area is available from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, little brown crane, ducks, and geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset, September 1 through October 31, 1966.

(2) Ducks, geese, and brant—from one-half hour before sunrise to sunset, September 1 through December 14, 1966.

(3) Little brown crane—from one-half hour before sunrise to sunset, during the period September 1 through October 15, 1966.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1966.

PAUL T. QUICK,
Regional Director.

[F.R. Doc. 66-9663; Filed, Sept. 2, 1966; 8:45 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game species on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as the Big Timber Division and that portion of the Louisa Division known as the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations concerning the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1967.

JAMES W. SALYER,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

AUGUST 25, 1966.

[F.R. Doc. 66-9663; Filed, Sept. 2, 1966; 8:45 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as Big Timber and that portion of the Louisa Division known as the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be subject to the following conditions:

(a) Species to be taken: All species as authorized by Iowa State regulation.

(b) Seasons, limits and methods of taking are as authorized by Iowa State regulation.

(c) No locked or private blinds shall be allowed.

(d) No camping is allowed.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1966.

JAMES W. SALYER,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

AUGUST 25, 1966.

[F.R. Doc. 66-9664; Filed, Sept. 2, 1966; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Coast Guard

[46 CFR Parts 10, 11, 12]

[CGFR 66-48]

APPRENTICE ENGINEERS

Licensing and Certificating of Merchant Marine Personnel

1. The Commandant, U.S. Coast Guard, will consider proposals regarding the establishment of a seaman's entry rating as "apprentice engineer" and recognition of training programs for prospective third assistant engineers, as well as acceptance of the completion of an approved training program as qualifying experience for a license as a third assistant engineer. Interested persons and organizations are requested to submit written comments about the proposals in this document, which should be submitted in triplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20226, before October 1, 1966. It is desired that each comment set forth the section identification, the subject, the proposed change, the reason or basis for it, the business firm or organization (if any) and the name and address of the submitter. Each comment submitted will be considered and evaluated. After the rules and regulations are approved by the Commandant, they are published in the FEDERAL REGISTER as required by law.

2. The proposed changes will add new provisions designated 46 CFR 10.10–21 (a)(8) (Third assistant engineer; steam vessels), 11.10–50(a) (last sentence) (Temporary third assistant engineer), and 12.25–35 (Apprentice engineers). The current shortage of licensed third assistant engineers to man the active vessels in the merchant marine, as well as projection of statistics indicating this shortage will become more acute within the next few years, are factors indicating that prompt action needs to be taken to provide additional sources for future manpower needs. These problems have been discussed with representatives of labor and management, representing a large majority of the licensed engineers employed on board seagoing merchant vessels and the owners of such vessels. The Marine Engineers' Beneficial Association and the Brotherhood of Marine Officers have established training programs for prospective licensed engineers.

3. The first proposed program is based on a 2-year course of directed study and practical experience under instruction, as meeting the service requirements for a license as "temporary third assistant engineer." The course would consist of a 6-month academic period ashore, a 12-month period at sea during which the trainee would be participating in a supervised training program, and a final 6-month academic period ashore. When the temporary licensing program is terminated, this program will be revised and extended to a 3-year program.

4. The other proposal consists of the employment of an "apprentice engineer" on board ship under the direct supervision of the Chief Engineer. The trainee would be required to serve two (2) years to be eligible for an original license as temporary third assistant engineer. During this time he would participate in a planned training program of on-the-job training.

5. The Marine Engineers' Beneficial Association, the Brotherhood of Marine Officers, and the American Maritime Association have requested approval of these two programs. They have also requested that the rating of "apprentice engineer" be established as an endorsement on the merchant mariner's document of those trainees involved in the programs and that completion of the programs be considered as qualifying experience for a license as third assistant engineer. Both programs would be extended to 3 years when the temporary licensing program is terminated.

6. The authority to prescribe rules and regulations with respect to establishing an entry rating as "apprentice engineer" and qualifications for a third assistant engineer is in R.S. 4405, as amended, 4462, as amended, 4438, as amended, 4438a, as amended, 4441, as amended, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, and secs. 1, 2, 7, 49 Stat. 1544, 1545, as amended, 1936, as amended; 46 U.S.C. 375, 416, 224, 224a, 229, 643, 672, 367, 639. The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

7. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code and Treasury Department Order 120, July 31, 1950 (15 F.R. 6521), the actions as described in this document are proposed.

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.10—Professional Requirements for Engineer Officers' Licenses (Inspected Vessels)

8. It is proposed to amend § 10.10–21 by changing the period (.) to a semicolon and add the word "or," at the end of subparagraph (a)(7) and by adding a new subparagraph (a)(8) reading as follows:

§ 10.10–21 Third assistant engineer; steam vessels.

(a) • • •

(8) Satisfactory completion of a 3-year apprentice engineer training program approved by the Commandant.

PART 11—LICENSES IN TEMPORARY GRADES OR SPECIAL ENDORSEMENTS ON LICENSES TO PERMIT TEMPORARY SERVICE

Subpart 11.10—Licenses in Temporary Grades

9. It is proposed to amend § 11.10–50 by adding at the end of paragraph (a) a new sentence reading as follows:

§ 11.10–50 Temporary Third Assistant Engineer.

(a) • • • Satisfactory completion of a 2-year apprentice engineer training program approved by the Commandant will also be acceptable.

• • • • • •

PART 12—CERTIFICATION OF SEAMEN

Subpart 12.25—Certificates of Service for Ratings Other Than Able Seaman or Qualified Member of the Engine Department

10. It is proposed to add to Subpart 12.25 a new § 12.25–35 reading as follows:

§ 12.25–35 Apprentice engineers.

Persons enrolled in an apprentice engineer training program approved by the Commandant and who present a letter or other documentary evidence that they are so enrolled shall be issued a merchant mariner's document as "apprentice engineeer" and may be signed on ships as such. The endorsement "apprentice engineer" may be in addition to other endorsements. Persons holding merchant mariner's documents with the endorsement "apprentice engineer" shall be deemed to be seamen under the provisions of Title 53 of the Revised Statutes and the regulations in this subchapter. However, this endorsement of "apprentice engineer" only does not authorize the holder to fill any of the regular ratings.

Dated: August 31, 1966.

[SEAL] P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 66-9707; Filed, Sept. 2, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 55]

EGG PRODUCTS

Grading and Inspection

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the Regulations Governing the Grading and Inspection of Egg Products, under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

Statement of considerations. In May 1965, the Department announced changes to the egg products inspection regulations. These changes required pasteurization of egg products produced in official plants and became effective over a period of time beginning June 1, 1965, and ending June 1, 1966. Since that time, the Department has conducted tests to determine the effectiveness of the pasteurization program. These tests show a tremendous reduction in the number of samples of egg products found to be contaminated with Salmonella. In only rare and scattered instances are samples found to be Salmonella positive. Recontamination is the primary cause for this although faulty equipment can sometimes be responsible. The effectiveness of the pasteurization requirements is substantiated in reports and data of other regulatory agencies concerned with this problem. However, the Department feels that routine testing for the presence of Salmonella in pasteurized egg products would give added assurance of producing Salmonella negative product and would materially aid in eliminating or correcting faulty equipment and operating practices where recontamination is possible. The proposed amendments would require the testing of pasteurized egg products for the presence of Salmonella.

Information obtained by the Department also indicates that higher pasteurization temperatures are required for liquid yolks than for liquid whole eggs. Accordingly, the amendments would require that liquid yolks be flash heated to not less than 144° F. and held at this temperature for not less than 3½ minutes. The present 140° F. requirement for liquid whole eggs would not be changed.

The section which requires products to be pasteurized would be rewritten to eliminate the various dates which specified the effective dates or stages for implementation of the pasteurization program.

The regulations require that egg products labeled as "whites and yolks" have the total egg solids content declared on the label if the egg solids content is less than 25½ percent. This 25½ percent figure was established quite some time ago and was based on the natural proportion of solids found in shell eggs used for breaking. There has been some question as to whether this figure is truly representative of the solids content of shell eggs under present production and marketing practices. Shell eggs used as breaking stock today are of a much higher quality than eggs used for similar purposes years ago. There is a correlation between egg quality and egg solids. Generally, higher quality eggs have a lower solids content than lower quality eggs because less shrinkage or loss of moisture has occurred. There are other factors which affect the solids content but quality or freshness is probably the most important. The Department has collected data on this subject and a statistical analysis has recently been completed. This data shows that the solids content of shell eggs used for today's breaking stock is, in fact, below the 25½ percent level. Therefore, the Department proposes to change this figure to 24.75 percent.

The official inspection mark would be changed by deleting the words "selected eggs" and "Processed under Supervision of USDA Licensed Inspector." The term "selected eggs" is no longer applicable because practically all wholesome egg products, other than those produced from storage eggs, may be identified with the shield mark. The other term is only superfluous and in our opinion detracts from the appearance of the mark. In order to provide sufficient time for present label supplies to be utilized, this requirement would not become fully effective until July 1, 1968.

Provision is made in the regulations for the shipment, under certain conditions, of nonpasteurized egg products from one official plant to another for pasteurization or heat treatment. A new inspection mark is proposed for this nonpasteurized product when such product is packaged or placed in containers other than bulk tanks for shipment. This will facilitate control of this product.

The proposal would establish a new section dealing with the classification of shell eggs used in the processing of egg products. This is being done to clarify the types of eggs that can be broken and for the purpose of combining these requirements into one section so that this information is more accessible and understandable to inspectors, users of the service and others. The actual requirements are essentially the same as those presently in use.

The section on egg cleaning operations would be changed to require the temperature of the wash water to be at least 100° F. and that an approved detergent be used. In addition, immersion type washers would be eliminated. These changes will materially affect the cleanliness of eggs arriving at the breaking station since higher temperatures and approved detergents increase the effectiveness of washing and immersion type washers do not comply with present food processing standards.

The condition of liquid egg products deteriorates somewhat from the time of breaking until further processing (pasteurizing, freezing, drying, etc.). The proposal would establish a time limit of 48 hours between breaking and further processing for egg products other than whites which are to be fermented.

In order to lessen the possibilities of recontamination and to aid, generally, in producing a wholesome egg product, certain sections of the regulations dealing primarily with operating procedures, equipment and sanitation would be strengthened. Some of these changes include requiring a packaging room with a filtered positive air ventilation system in an area separate from other processing operations for spray-dried egg products; that surface coolers and all liquid holding vats containing pasteurized product be kept covered while in use and that a suitable inner liner be used for pasteurized egg products packaged in used containers.

The entire section on cooling is rewritten to more clearly specify the requirements presently in effect.

Other changes of a more minor nature are being proposed and certain administrative and clarifying changes would be made.

All persons who desire to submit written data, views or comments in connection with this proposal shall file the same in triplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 7, 1966.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

§ 55.2 [Amended]

1. Paragraphs (w) and (y) in § 55.2 would be deleted.

2. Section 55.6(b) would be amended to read:

§ 55.6 Basis of service.

• • • • •

(b) Whenever grading or inspection service is performed on a sample basis, such sample shall be drawn in accordance with the provisions of this paragraph except sampling for the presence of Salmonella shall be in accordance with the provisions set forth in § 55.77(p).

(1) When frozen egg products are packed in 30-pound or larger containers, a sufficient number of randomly selected containers shall be selected equivalent to not less than the square root of the total number in the lot. When frozen egg products are packed in smaller containers, the number of containers to be selected shall be not less than the figure obtained by dividing the total net weight of the lot by 30 and extracting the square root thereof. For sampling purposes, a lot shall consist of not more than 45,000 pounds.

(2) Samples of dried egg solids of appropriate size shall be drawn in approximately equal portions from four randomly selected containers in each lot. For sampling purposes, a lot shall consist of not more than 15,000 pounds. If the lot consists of less than four containers, the sample shall be drawn in equal portions from each container in the lot.

3. Subparagraph (5) of § 55.17(a) would be amended to read:

§ 55.17 Authority and duties of inspectors performing service on a resident inspection basis.

(a) • • •

(5) To issue a certificate upon request on any egg product processed in the official plant.

• • • • •

4. Section 55.20 would be amended to read:

§ 55.20 Who may obtain grading and inspection services.

(a) An application for grading and inspection service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

(b) Where grading service is offered: Any product may be graded or inspected, wherever a grader or inspector is available and the facilities and the conditions are satisfactory for the conduct of the service.

§ 55.22 [Amended]

5. The word "sampler" would be deleted from the text of paragraph (a) of § 55.22.

§ 55.23 [Amended]

6. The word "Four" would be changed to read "Three" in the first sentence of paragraph (b) in § 55.23.

§ 55.24 [Amended]

7. The words "grading service, inspection service or sampling service" would be changed to read: "grading or inspection service" in the first sentence of § 55.24.

§ 55.32 [Amended]

8. The word "sampler" would be deleted wherever it appears in § 55.32.

9. Section 55.33 would be amended to read:

§ 55.33 Reuse of containers bearing official identification prohibited.

The reuse, by any person, of containers bearing official identification is prohibited unless such identification is applicable in all respects to product being packed therein. In such instances, the container and label may be used provided the packaging is accomplished under the supervision of an inspector or grader and the container is in compliance with § 55.77(k).

10. Section 55.35 would be amended by changing the last two sentences to read:

§ 55.35 Approval of official identification.

• • • Egg products that are labeled "whites and yolks" or words of similar import shall have the total egg solids declared on the label if the egg solids content is less than 24.75 percent. The label, as well as the official mark, if used, shall be applied to the container and shall not be applied to a detachable cover such as a lid.

11. Section 55.36(b) would be amended to read:

§ 55.36 Form of official identification symbol and inspection mark.

• • • • •

(b) The inspection mark which is permitted to be used on egg products other than those prepared in accordance with §§ 55.39 and 55.40 shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except that the lot number and plant number may be omitted from the official identification if applied elsewhere on the container. When the lot number and plant number are omitted from the official identification, the inspection mark shall be in the form and design indicated in Figure 3 of this section.

• • • • •



FIGURE 2



FIGURE 3

12. Section 55.38 would be amended to read:

§ 55.38 Form of other identification.

Egg products prepared in accordance with §§ 55.39 and 55.40, if to be officially identified, shall be marked with the appropriate official identification of the wording and design set forth in Figure 4 or Figure 5 of this section whichever is applicable, except that the lot number and plant number may be omitted from the official identification if applied elsewhere on the container.



FIGURE 4

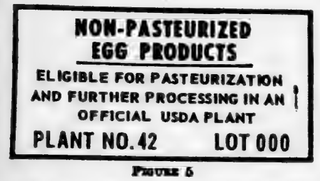


FIGURE 5

13. Section 55.39 would be amended to read:

§ 55.39 Products which may bear other official identification.

(a) Egg products which are produced in an official plant from edible shell eggs of other than current production or from other egg products which bear the rectangular mark set forth in Figure 4 of § 55.38 may bear the identification mark illustrated in Figure 4 of § 55.38 and such products may contain other edible ingredients. None of such products may bear the inspection mark illustrated in Figures 2 and 3 of § 55.36. After freezing and prior to shipping, such products shall be drilled and inspected organoleptically by a grader of frozen eggs and those products which are in satisfactory condition may bear the identification set forth in Figure 4 of § 55.38.

(b) All nonpasteurized egg products which are to be shipped from an official plant in packaged form to another official plant for pasteurization or heat treatment shall be marked with the official identification mark set forth in Figure 5 of § 55.38. Such products shall meet all requirements for egg products which are permitted to bear the official inspection mark shown in Figures 2 and 3 of § 55.36 except those pertaining to pasteurization or heat treatment. After pasteurization or heat treatment, such products may bear the official inspection mark shown in Figures 2 and 3 of § 55.36.

14. Section 55.45 would be amended to read:

§ 55.45 Grading certificates.

Grading certificates (including appeal grading certificates) shall be issued on forms approved by the Administrator.

15. Paragraphs (e), (k), (o), and (p) of § 55.77 would be amended to read:

§ 55.77 General operating procedures.

• • • • •

(e) Pasteurizing, drying, or freezing operations shall start within 48 hours from time of breaking for egg products other than those to be fermented.

• • • • •

(k) Packages or containers for egg products shall be clean when being filled with any egg products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such egg products. Only new containers or used containers that are clean, in sound condition and lined with suitable inner liners shall be used for packaging pasteurized egg products.

• • • • • •

(o) All egg products prior to being released into consumptive channels shall be pasteurized in accordance with § 55.101 except that dried whites prepared from nonpasteurized liquid shall be heat treated in accordance with § 55.103.

(1) Pasteurized liquid egg product shall be sampled and tested for the presence of Salmonella. The sample shall be drawn after final packaging and if to be frozen, may be drawn prior to freezing. Dried egg products shall be sampled in the final packaged form and tested for the presence of Salmonella. All sampling for the presence of Salmonella shall be in accordance with the procedures outlined in paragraph (p) of this section and product found to be Salmonella positive shall be reprocessed.

(2) Nonpasteurized or Salmonella positive egg product may be shipped from an official plant only when it is to be pasteurized, repasteurized, or heat treated in another official plant. All shipments of products from one official plant to another for pasteurization, repasteurization, or heat treatment shall be in sealed cars or trucks with an accompanying certificate stating that the product is not pasteurized or is Salmonella positive. If nonpasteurized or Salmonella positive products are to be stored in other than the official plant facilities, the grader or inspector-in-charge at the consignee and consignor's plants shall be given full knowledge of the disposition of the product, including warehouse inventory receipts, until such time as product is pasteurized, repasteurized, or heat treated. The containers of such products shall be marked with the identification mark shown in Figure 5 of § 55.38.

(p) Salmonella sampling and testing:

(1) Pasteurized egg products shall be sampled and tested for the presence of Salmonella in a manner prescribed by the National Supervisor.

(2) Dried whites which have been heat treated in the dried form shall be sampled at the rate of one composite sample per lot of not in excess of 4,000 pounds and analyzed for the presence of Salmonella. Each lot of product must be identified.

(3) Results of laboratory analyses for the presence of Salmonella shall be made available to the inspector. Such analyses shall be made by a laboratory approved by the National Supervisor and continuing approval will be based on the results of confirmation samples submitted to a USDA laboratory and analyzed at the applicant's expense.

16. Paragraphs (b), (e), (f), and (g) of § 55.79 would be amended to read:

§ 55.79 Candling and transfer-room operations.

• • • • • •

(b) Floors, benches, and conveyors shall be cleaned as often as necessary to maintain a clean operation but at least once daily.

• • • • • •

(e) All shell eggs eligible for breaking shall be placed on conveyors or into containers that are easily cleaned and handled in a manner which will minimize breakage.

(f) Shell eggs shall be handled in a manner to minimize sweating prior to breaking.

(g) Shell eggs with damaged shells unless prohibited under § 55.80(d) shall be placed into leaker trays and shall be broken promptly.

17. Section 55.80 would be amended to read:

§ 55.80 Classifications of shell eggs used in the processing of egg products.

(a) The shell eggs shall be sorted and classified into the following categories in a manner approved by the National Supervisor:

(1) Eggs listed in paragraph (d) of this section.

(2) Dirty.

(3) Leakers that may be broken.

(4) Eggs from other than chickens. Duck, turkey, guinea, and goose eggs may be processed in accordance with § 55.40.

(5) All other eggs—satisfactory breaking stock.

(b) Shell eggs received in cases having strong odors such as kerosene, gasoline, or other odors of a volatile nature, shall be candled and broken separately to determine their acceptability for egg meat purposes and each container of the resultant frozen product shall be drilled and examined organoleptically.

(c) Shell eggs, when presented for breaking, shall be of edible interior quality and the shell shall be sound and free of adhering dirt and foreign material, except that:

(1) Checks and eggs with a portion of the shell missing may be used when the shell is free of adhering dirt and foreign material and the shell membrane is not ruptured.

(2) Eggs with clean shells which are damaged in candling and/or transfer and have a portion of the shell and shell membrane missing may be used only when the yolk is unbroken and the contents of the egg are not exuding over the outside shell. Such eggs shall be placed in leaker trays and be broken promptly.

(3) Eggs with meat or blood spots may be used if the spots are removed in an acceptable manner.

(d) All loss or inedible eggs shall be placed in a designated container and be handled as required in § 55.77(c). Inedible and loss eggs for the purpose of this section and § 55.83 are defined to include black rots, white rots, mixed rots, green whites, eggs with diffused blood in the albumen or on the yolk, crusted yolks, stuck yolks, developed embryos at or beyond the blood ring state, moldy eggs, sour eggs, musty eggs, any eggs that are adulterated as such term is defined pursuant to the Federal Food, Drug and Cosmetic Act, and any other filthy and decomposed eggs including the following:

(i) Any egg with visible foreign matter other than removable blood and meat spots in the egg meat.

(ii) Any egg with a portion of the shell and shell membrane missing and with egg meat adhering to or in contact with the outside of the shell.

(iii) Any egg with dirt or foreign material adhering to the shell and with cracks in the shell and shell membrane.

(iv) Any liquid egg recovered from shell egg containers and leaker trays.

(v) Open leakers made in the washing operation.

(vi) Any egg which shows evidence that the contents are or have been exuding prior to transfer from the case.

(e) Incubator rejects shall not be brought into the official plant. Ova from slaughtered birds may be brought into the official plant for pasteurizing: *Provided*, That the ova is from poultry inspected in a plant operating under the Poultry Products Inspection Act; that the containers of such ova bear the poultry products inspection mark; that the ova is processed separately and properly labeled: *And provided further*, That the ova is not blended with egg products.

18. Section 55.81 would be amended to read:

§ 55.81 Egg cleaning operations.

(a) The following requirements shall be met when washing shell eggs to be presented for breaking:

(1) The temperature of the wash water shall be at least 100° F. and an approved detergent shall be used.

(2) The washing operation shall be continuous and eggs shall not be allowed to stand or soak in water.

(3) Immersion type washers shall not be used.

(4) Preventative measures shall be taken to prevent excess foaming action during the egg washing operation.

(5) Washed eggs shall be spray-rinsed with an approved sanitizing agent of not less than 100 p.p.m. nor more than 200 p.p.m. of available chlorine, or other approved sanitizers.

(b) Shell eggs shall not be washed in the breaking room or any room where edible products are processed.

(c) Shell eggs shall be sufficiently dry at time of breaking to prevent contamination or adulteration of the liquid egg product.

(d) Washed eggs shall be immediately broken after they are dried.

§ 55.82 [Amended]

19. Paragraph (o) of § 55.82 would be deleted.

20. Paragraphs (k), (y), and (bb) of § 55.83 would be amended and paragraph (o) would be deleted as follows:

§ 55.83 Breaking room operations.

• • • • • •

(k) Inedible and loss eggs as defined in § 55.80(d) apply to this section.

• • • • • •

(o) [Deleted]

• • • • • •

(y) Dump tanks, draw-off tanks and churns shall be flushed at least every 4 hours. All such equipment and all other liquid handling equipment unless cleaned by acceptable in-place cleaning methods, shall be dismantled and cleaned after each shift. Pasteurization equipment shall be thoroughly cleaned at the end of each day's production or more often if necessary. All such equipment shall be thoroughly flushed with a sanitizing solution and thoroughly drained prior to placing in use.

• • • • • •

(bb) Metal containers and lids for other than dried products shall be thoroughly washed, rinsed, sanitized and drained immediately prior to filling, except that if equally effective measures approved by the National Supervisor in writing are followed to assure clean and sanitary containers at the time of filling, the foregoing sequence shall not be required.

• • • • • •

§ 55.84 [Deleted]

21. Section 55.84 would be deleted.

22. Section 55.85 would be amended to read:

§ 55.85 Liquid egg cooling.

(a) Liquid egg storage rooms, including surface coolers and holding tank rooms, shall be kept clean, free from objectionable odors and condensation. Surface coolers and all liquid holding vats containing pasteurized product shall be kept covered while in use. Liquid cooling units shall be of approved construction and have sufficient capacity to cool all liquid eggs to the temperature requirements specified in this section.

(b) Compliance with temperature requirements applying to liquid eggs shall be considered as satisfactory only if the entire mass of the liquid meets the requirements.

(c) Unless the resultant liquid egg is immediately mechanically cooled to the temperatures specified in this section for each product, all shell eggs shall be cooled to temperatures that will result in liquid egg product not exceeding a temperature of 70° F. during processing, other than while being stabilized or pasteurized.

(d) Liquid egg product which is not to be held in excess of 8 hours and which is not subjected to immediate stabilization or pasteurization shall be cooled and maintained at the following temperatures within 2 hours from time of breaking:

(1) Liquid whites, except whites that are to be stabilized and dried—55° F. or lower.

(2) Liquid whites that are to be stabilized by removal of glucose and dried—70° F. or lower.

(3) Liquid egg product to which 10 percent salt has been added—60° F.: *Provided*, That immediately after processing product is packaged and placed in a freezer.

(4) All other liquid egg product—45° F. or lower.

(e) For liquid egg product to be held in excess of 8 hours; liquid whites shall be cooled and maintained at a temperature of 55° F. or lower, and all other liquid egg product shall be cooled and maintained at a temperature of 40° F. or lower; within 2 hours from time of breaking.

(f) Stabilized liquid whites shall be cooled to 55° F. or less. All other stabilized liquid egg product, if held 8 hours or less, shall be cooled to 45° F. or lower, and if held longer than 8 hours, shall be cooled to 40° F. or lower unless immediately dried or pasteurized following stabilization. The cooling process shall be started immediately after stabilization and completed within 3 hours.

(g) Pasteurized liquid whites shall be cooled to 55° F. or less. All other pasteurized liquid egg product, unless immediately dried or stabilized following pasteurization, shall be cooled to 45° F. or lower if held 8 hours or less or to 40° F. or lower if held longer than 8 hours. The cooling process shall be started immediately following pasteurization and completed within 2 hours.

(h) Upon written request and under such conditions as may be prescribed by the National Supervisor, liquid cooling and handling temperatures not otherwise provided for in this section may be approved.

(i) Agitators shall be operated in such a manner as will minimize the production of foam.

(j) When ice is used as an emergency refrigerant by being placed directly into the egg meat, the source of the ice must be certified by the local or State Board of Health. Such liquid shall not be frozen and identified with the Department legend, but it may be dried and so identified. All ice shall be handled in a sanitary manner.

23. Paragraph (a) of § 55.86 would be amended to read:

§ 55.86 Liquid egg holding.

(a) All tanks, vats, drums, or cans used for holding liquid eggs shall be of approved construction, fitted with covers and located in rooms maintained in a sanitary condition.

• • • • • •

24. Paragraph (i) of § 55.91 would be amended to read:

§ 55.91 Spray process drying facilities.

• • • • • •

(i) Sifters shall be constructed of an approved metal or metal lined interior. The sifting screens and frames shall be of an approved metal construction and shall be no coarser than the opening size specified for No. 10 mesh (U.S. Bureau of Standards). Sifters shall be so constructed that accumulations of large particles or lumps of dried eggs can be removed continuously while the sifters are in operation.

• • • • • •

25. Paragraph (a) of § 55.92 would be amended to read:

§ 55.92 Spray processing drying operations.

(a) The drying room shall be kept in a dust-free condition at all times and shall be free of flies, insects, and rodents. A packaging room with a filtered positive air ventilation system shall be provided in an area separate from other processing operations.

• • • • • •

26. Subparagraph (4) of § 55.93(b) would be amended by deleting the first sentence and substituting in lieu thereof the following:

§ 55.93 Spray process powder; definitions and requirements.

• • • • • •

(b) • • •

(4) When deemed necessary a resident inspector shall draw a representative sample to be scored for palatability. • • •

• • • • • •

27. Paragraph (b) of § 55.101 would be amended by deleting the first sentence and substituting in lieu thereof the following:

§ 55.101 Pasteurization of liquid eggs.

• • • • • •

(b) *Pasteurizing operations.* Except for liquid yolk, the strained or filtered liquid egg shall be flash heated to not less than 140° F. and held at this temperature for not less than 3½ minutes. The strained or filtered liquid yolk shall be flash heated to not less than 144° F. and held at this temperature for not less than 3½ minutes. • • •

• • • • • •

§ 55.103 [Amended]

28. Paragraphs (a) and (c) of § 55.103 would be deleted.

Done at Washington, D.C., this 30th day of August 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-9688; Filed, Sept. 2, 1966; 8:47 a.m.]

[7 CFR Part 1013]

[Docket No. AO-286-A8]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing

orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Southeastern Florida marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Fort Lauderdale, Fla., on March 3–4, 1966, pursuant to notice thereof which was issued February 10, 1966 (31 F.R. 2730).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area.
2. Class prices.
3. Butterfat differentials.
4. Location differentials.
5. Classification.
6. Enabling a cooperative to be the handler on bulk tank milk.
7. Diversion of producer milk.
8. Miscellaneous and conforming changes.

A portion (Class I price) of Issue 2 was considered in a separate decision issued June 24, 1966 (31 F.R. 8956). The remainder of that issue and all other issues at the hearing are considered in this decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The Southeastern Florida marketing area, which now contains four counties (Broward, Dade, Monroe, and Palm Beach), should be expanded by adding the counties of Glades, Hendry, Indian River, Martin, Okeechobee, and St. Lucie. The expanded marketing area comprises a contiguous area in which routes of milk handlers doing business in the area are interspersed.

The marketing area expansion was proposed by Independent Dairy Farmers' Association (IDFA), the principal cooperative in the Southeastern Florida market. It was supported at the hearing by the major handlers in the market. There was no opposition to the addition of the six counties to the marketing area.

The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products. The minimum sanitary requirements applicable to Grade A milk throughout the area are those of the State of Florida, which requirements are patterned after the U.S. Public Health Ordinance and Code.

The present marketing area does not constitute the proper marketing area under current marketing conditions. The 10-county area herein proposed as the marketing area represents more appropriately the sales area of the handlers now regulated by the Southeastern Florida order than the present 4-county area.

The total Class I distribution in Glades, Hendry, and Okeechobee Counties is by handlers presently regulated by the Southeastern Florida order. Martin, Indian River, and St. Lucie Counties are supplied from the plants of Southeastern Florida handlers and a presently unregulated plant in Indian River County. The latter plant, in addition to its Class I distribution in these three counties, has a minor amount of Class I sales in Brevard County, immediately to the north of Indian River County.

The operator of the plant in Indian River County obtains milk from four dairy farmers, all of whom are IDFA members. Settlement with the cooperative for these purchases is on the basis of Southeastern Florida order class prices. The operator of this plant indicated no opposition to the proposed expansion of the marketing area.

The present Class I distribution in the six counties proposed to be added to the marketing area is relatively small. However, their population is increasing at a much faster rate than that for the State as a whole. If these counties were excluded from the marketing area, an expanded population could provide an incentive for unregulated handlers to establish routes in the area at the expense of the regulated Southeastern Florida handlers now supplying the market. Such an unregulated handler, absent an order in the proposed area, would have a competitive advantage over the regulated handlers who would be required to pay the minimum order class prices based on their utilizations.

The proposed 10-county marketing area is the basic sales area for the operator of the plant in Indian River County and handlers presently regulated by the Southeastern Florida order. A number of such handlers, however, do have some Class I distribution outside the newly designated marketing area. All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market.

It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition. Further, the level of class price should be identical on Class I sales inside and outside the marketing area.

The essentials of the classified pricing plan for the Southeastern Florida order, and generally applicable to all Federal orders issued by the Secretary, are to establish one level of price to be paid by handlers for milk which is sold as milk or specified milk products for fluid consumption and other prices for the necessary surplus of the market which is disposed of in lower valued fluid products and in manufactured products.

It is necessary that the class prices effective under the Southeastern Florida order be established at levels which will bring forth a sufficient supply to meet the demands of milk for the particular marketing area but not necessarily to fulfill the requirements of outside markets. Nevertheless, handlers who are regulated by virtue of their sales in the marketing area may have varying proportions of their sales outside the regulated area. This is a situation normally unavoidable even in the establishment of a new marketing area. Sales areas of regulated and unregulated handlers may overlap, and it would be rarely possible, if at all, to find a line of demarcation around an entire marketing area such that no overlapping occurs. Other considerations in establishment of a marketing area may also preclude inclusion of all sales areas of fully regulated handlers.

The problem of establishing a price to supply adequately the marketing area is thus affected by the activity of handlers in selling milk outside the regulated area and in procuring milk for such sales. There is no basis in this price determination for discrimination between milk sold inside and outside the marketing area. The milk sold outside by a regulated plant is processed in the same plant and is produced under similar conditions as milk sold in the marketing area. Thus, the milk moving through the regulated handler's plant, whether it is sold inside or outside the marketing area, is part of the same supply and demand situation upon which proper price level determination must be made.

If the price to farmers were higher for milk sold inside than for milk sold outside the marketing area, returns for disposition in the area would be bearing the greater burden of providing the incentive for milk production for both. To the extent such discrimination in pricing at the procurement level is reflected

in higher prices to consumers inside than outside the marketing area, consumers in the marketing area will be subsidizing consumers outside the marketing area.

Further, it is not intended that Federal regulation be susceptible of manipulation to permit the use of adjacent outside markets as a dumping ground for milk in excess of a market's needs. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by unregulated distributors in such markets. Such action would tend to lower blended returns to dairy farmers supplying the unregulated handlers.

2(b). *Class II and Class III prices.* The Class II price should be established by adding $1, and the Class III price by adding 15 cents, to the basic formula price (Minnesota-Wisconsin manufacturing milk price).

The Southeastern Florida Class II and Class III prices are now determined by separate formulas, both based on the market prices of butter and nonfat dry milk. For the 24 months ending December 1965, the Class II price herein proposed would have averaged $4.225; the average Southeastern Florida Class II price in this period was $4.18. In the same 2-year period, the proposed Class III price averaged $3.375; the effective Class III price was $3.29.

The revised Class II and III formulas were proposed by producers and supported by the major handlers in the market. There was no opposition to the proposals.

The Minnesota-Wisconsin price series reflects the value of ungraded milk used in the production of a wide variety of manufactured dairy products in the major milk production areas of the United States. As such, it is a more appropriate basis for establishing Class II and Class III prices than the market prices for butter and nonfat dry milk. It is now used in establishing class prices other than Class I in 33 Federal orders. Utilizing it in the Southeastern Florida order will tend to obtain a Class II and Class III price level consistent with that prevailing in other markets and will insure an equitable return to producers for Class II and Class III milk.

The proposed Class II and Class III price formulas are the same as those in the Tampa Bay order. Southeastern Florida and Tampa Bay handlers have substantial overlapping in both their supply and sales areas. Providing for the same Class II and Class III prices in these markets will contribute to orderly marketing in these areas where the handlers regulated by these two orders compete for supplies and sales.

When local supplies are short, handlers obtain concentrated dairy products from other sources for further processing into Class II products in their plants. The cost of such supplies are affected by transportation over long distances. Local producer milk supplies used in Class II compete directly with these concentrated products delivered to Southeastern Florida. The proposed Class II formula will tend to obtain a Class II price in close alignment with the cost of these alternative supplies.

Negligible quantities of milk for Class III uses are produced in Southeastern Florida where handlers depend primarily on shipments of products in manufactured form for their Class III requirements. On these manufactured products, they incur transportation charges, although at relatively low rates in terms of dollars per hundredweight of milk equivalent.

The proposed Class III formula will tend to obtain a price at which handlers will accept and market the limited quantities of milk in excess of Class I and Class II needs that may arise from time to time. On the other hand, the proposed formula will not tend to obtain a level of price that would encourage handlers to seek milk supplies solely for the purpose of converting them into Class III products.

3. *Butterfat differentials.* Provisions for a specified butterfat differential for each class and a weighted producer butterfat differential, the same as in the Tampa Bay order, should be incorporated into this order.

The Southeastern Florida order presently makes no provision for a separate butterfat differential for each class of milk. The only butterfat differential specified in the order is the 7.5-cent differential applicable to the uniform price in paying producers.

The Southeastern Florida producers' proposal that the Tampa Bay butterfat differential provisions be adopted in the order was supported by handlers at the hearing.

As proposed, the Class I and Class II butterfat differentials would be established at 7.5 cents for each one-tenth of 1 percent variation in butterfat above or below 3.5 percent. The Class III and Class IV butterfat differentials would be determined by multiplying the Chicago butter price by 0.115.

The 7.5-cent differential on Class I and Class II milk is, in effect, the same differential that is now applicable to all milk classified under the order. There was no support for any other Class I or Class II differential.

The Class III and Class IV butterfat differential of 11.5 percent of the Chicago butter price will vary from month to month as the price of butter varies, thereby facilitating the movement of butterfat in the reserve supply of milk to manufacturing outlets. The Class III and Class IV butterfat differential, because it is based on current month prices, will not be announced until after the end of the month.

The butterfat differential to producers would be calculated on the average of the Class I, Class II, Class III, and Class IV butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Returns to producers will thus reflect the actual value of their butterfat at the class prices provided by the order.

4. *Location differentials.* The location differentials should be revised to give consideration to the current procurement and distribution practices of handlers in the proposed enlarged marketing area. The current location differentials have not been changed since the order was promulgated in 1957.

The Class I and uniform prices are now reduced 13 cents for milk received at plants from 60 to 70 miles from Boca Raton and by an additional 1.5 cents for each 10 miles or fraction thereof at plants beyond 70 miles. As proposed herein, the U.S. Post Office at West Palm Beach would replace Boca Raton's Post Office as the point from which location differential mileages are determined. The 13-cent initial rate would be retained but would be applicable at points 80 to 90 miles from the basing point instead of 60 to 70 miles as now provided. The 1.5-cent rate for each 10 miles beyond the initial 13-cent rate would be continued.

The changes herein provided are the same as those proposed by producers, with one exception. Producers proposed that the initial location differential rate be 10 cents instead of 13 cents.

West Palm Beach is 26 miles north of Boca Raton and 64 miles north of Miami, the largest city in the marketing area. Using West Palm Beach instead of Boca Raton as the basing point will result in no location adjustment at plants within approximately 106 miles of Boca Raton instead of within 60 miles as at present. This will generally reduce the location differential 6 to 7.5 cents at the various locations from which milk might be shipped to the marketing area.

The location differential is now applicable at only one pool plant, in Martin County. The relatively small quantity of producer milk received at this plant is obtained through IDFA. Although a 13-cent differential is applicable to the Class I price at this location, the handler pays the cooperative the same Class I price that would be applicable if no location adjustment applied.

If the location differential provisions were not changed, the plant (which would become a pool plant by expansion of the marketing area) in Indian River County would be eligible for a location differential credit of 17.5 cents. However, the actual price paid by the operator of the plant, who is now unregulated, is the same as the Southeastern Florida Class I price without the application of any location differential. His producer milk supply is obtained through IDFA.

Location differentials applicable at the various plants should reflect the efficiency resulting from technological changes in the marketing of milk in recent years. The rates proposed herein to both handlers and producers more appropriately reflect the cost of efficiently moving milk in the Southeastern Florida market under present economic conditions than do the location differentials incorporated into the order in 1957.

Technological improvements such as better roads and larger tank trucks have tended to reduce unit hauling costs for both producers and handlers. The pro-

posed location differentials are in line with the hauling charges currently in effect. The rates now charged by a major hauler in the area for a distance of 925 miles is $1.22 per hundredweight in 5,300 gallon tankers and $1.40 per hundredweight in 4,300 gallon tankers. The location differential rate proposed in this decision would result in a location adjustment of $1.29 for a plant 925 miles from Miami, the principal city in the marketing area.

It is not intended that the Class I price should be dependent on the type of plant receiving the milk. Transportation costs are involved whether supplemental supplies of milk are moved in tank trucks from faraway plants to the marketing area or whether packaged fluid milk products from processing plants at relatively closer locations are distributed on routes in the marketing area.

There was no opposition to replacing Boca Raton with West Palm Beach as the point for measuring location differential mileages. West Palm Beach is one of the larger cities in the marketing area and is more centrally located with respect to the enlarged marketing area. As such, it is a more practicable basing point for determining location differentials under current marketing conditions in the Southeastern Florida marketing area than is Boca Raton.

The producer proposal to reduce from 13 to 10 cents the initial location differential adjustment is denied. The 13-cent rate more nearly approximates the cost of hauling milk the 80 to 90 miles represented by the initial adjustment. The proposed location differential at plants more than 90 miles from West Palm Beach is an additional 1.5 cents for each 10 miles beyond 90. The 1.5-cent rate applied to the midpoint (85 miles) of the 80–90-mile range is 12.75 cents. It was not shown that there is any justification in this market for applying a location adjustment at a lower rate for the initial 80 to 90 miles than for distances beyond 90 miles.

The Southeastern Florida marketing area extends to the southernmost tip of the State. There are no plants in the proposed expanded marketing area to which a location differential as herein provided would be applicable. It would be appropriate, therefore, to specify that the location differentials be applicable only at plants north of West Palm Beach, the basing point for determining such differentials.

The location differential rates herein provided are economically sound and are representative of the cost of transporting milk to market by efficient means. They are comparable with those contained in other Federal milk orders, including the adjoining Tampa Bay order. Moreover, their compatability with location differential rates in the Tampa Bay order will insure a reasonable alignment of prices between the two orders at the various locations in which handlers under the Southeastern Florida and Tampa Bay orders compete.

5. *Classification.* (a) Producers proposed including in Class I the skim milk and butterfat disposed in the form of Class II products. They asserted that Florida statute requires that Class II products be made from Grade A milk. In practice, however, regulatory authorities permit the use of milk products other than Grade A fluid milk products in the preparation of Class II products.

Historically, Class II products have been included in a separate classification in Florida and priced significantly below the Class I price. This has been the case not only in the Southeastern Florida order since its inception but also under the Florida Milk Commission's regulations. The Tampa Bay order, which became effective at the beginning of this year, also provides a separate classification for Class II products.

No change has taken place in the application of the State statute to require any different classification of Class II products in the Southeastern Florida order than what has been effective in the order since its inception or what has been historically the practice in all Florida markets. The producer proposal to include Class II products in the Class I classification is therefore denied.

(b) Both producers and handlers proposed that the present method of classifying in Class II all skim milk and butterfat "used to produce" Class II products be changed. In its place, they propose that the Class II classification be based on the skim milk and butterfat actually disposed of by a handler in the form of Class II products. At the present time, the skim milk and butterfat used to produce a Class II product (e.g., cream) is classified as Class II even though the ultimate disposition of such product may be in a Class III classification, such as ice cream or butter.

The method herein proposed for establishing the Class II classification at a plant, on the basis of the actual disposition of the Class II product by the handler, is the same as that provided in the Tampa Bay order. Its adoption in the Southeastern Florida order provides a more equitable and appropriate basis for establishing a handler's Class II classification.

The changed basis for establishing the classification of skim milk and butterfat used to produce Class II products requires various revisions in the order. These are necessary since a handler must not only account for the Class II products produced in his plant but also must establish his actual disposition and month-end inventories of such products. The necessary changes in this regard are provided in the attached order.

In order to implement the changed basis for establishing the classification of Class II products on the basis of their disposition, a revised "other source milk" definition is necessary. Such a definition, as proposed by producers and handlers, is the same as that provided in the Tampa Bay order and is equally appropriate under this order.

As proposed and adopted herein, other source milk would include all skim milk and butterfat contained in or represented by (a) fluid milk products and Class II products utilized by the handler in his operation (except producer milk and fluid milk products and Class II products from pool plants and in inventory at the beginning of the month), (b) all manufactured dairy products from any source (including those produced in the plant) which are reprocessed or converted into another product during the month, and (c) any disappearance of nonfluid milk products in a form in which they may be converted into Class I products and which are not otherwise accounted for under the order.

So that he may verify the actual utilization of milk received from producers, the market administrator must be in a position to reconcile all receipts of milk and dairy products with the disposition records of the plant. If such records cannot be reconciled, the handler must be held responsible for the shrinkage or the overrun which occurs as the result of the discrepancy between the records of receipts and disposition. Otherwise, the handler with improper records would be in a position to gain an advantage over his competitors who properly account for all milk and other dairy products received. It is equally necessary that the handler be required to account for all nonfluid dairy products in a form in which they can be converted into Class I products. Otherwise, a handler, by failing to keep records of nonfat dry milk and similar products which can be reconstituted into skim milk or other fluid milk products, similarly would gain a competitive advantage over other handlers in the market.

(c) The shrinkage provisions should be revised to recognize current methods of handling milk in the market and to provide equitable division of shrinkage among handlers.

A handler should be permitted a Class III classification as shrinkage on quantities of skim milk and butterfat that are not in excess of 2 percent of producer milk (except that diverted to a nonpool plant), plus 1.5 percent of bulk fluid milk products received from (1) other pool plants, and (2) other order plants and unregulated supply plants (exclusive of the quantity for which a Class II or Class III utilization is requested by the handler), and less 1.5 percent of bulk fluid milk products transferred to other plants. Shrinkage assignable to any remaining receipts of other source milk would continue to be allowed a Class III classification without limit.

The order now provides a Class III shrinkage up to 2 percent of producer receipts and receipts of milk and skim milk in bulk from other order plants and unregulated supply plants (exclusive of the quantity for which a Class II or Class III utilization is requested by the handler). No provision is now made for the division of the shrinkage allowance on interhandler movements of fluid milk products.

The shrinkage provisions herein provided, which were proposed by producers, are patterned after those in the Tampa Bay order and are contained in the great majority of Federal orders. There was no opposition at the hearing

to the adoption of the proposed shrinkage provisions.

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to effectuate equitably the classified pricing plan.

It is appropriate to limit the volume of unregulated supply plant milk and other order milk that may be classified in Class III as shrinkage since these types of receipts are allocated pro rata to class uses with the receipts from pool plants and producers. No specific shrinkage limit is necessary on unregulated or other order milk that does not share a pro rata assignment and thus is allocated to Class III uses. The allocation procedures assure assignment of such milk to Class III in an amount at least equal to the shrinkage that may be associated with it.

As provided in this decision, a cooperative is required to be the handler for milk of its member-producers if delivered from the farm to the pool plant in a tank truck owned and operated by or under contract to such cooperative. When a cooperative is the handler under such conditions, the operator of the pool plant receiving this bulk tank milk directly from the farm would settle with the pool and the cooperative for such milk in the same manner as a receipt from producers. However, the full two percent allowance for shrinkage would be permitted the handler only if he is purchasing the milk on the basis of farm weights and the market administrator has been so notified. Otherwise, the maximum shrinkage in Class III allowed the handler on such milk would be 1.5 percent and the cooperative would be responsible for any difference between the gross weight of producer milk received in a tank truck at the farm and that delivered to pool plants. This procedure, which is followed in a number of Federal orders, provides a reasonable basis for the allocation of shrinkage allowance in those instances wherein the cooperative is the responsible handler with respect to milk picked up at producers' farms in bulk tank trucks.

(d) The skim milk and butterfat in fluid milk products and in Class II products in inventory at the end of the month should be classified in Class II. At the present time, only the fluid milk products in inventory are classified in Class II. This is because the skim milk and butterfat in Class II products were considered as having been disposed of in the Class II classification when used to produce a Class II product. As provided elsewhere in this decision, the skim milk and butterfat in Class II products would be classified in Class II only when disposed of from the plant as a Class II product. This change makes it necessary to consider the month-end inventories of such products in determining the classification of milk handled at that plant. This manner of handling inventories is identical with that provided in the Tampa Bay order. In urging its adoption, handlers stressed the desirability of having inventories handled in this same manner in these adjacent orders.

Producers proposed that ending inventories be classified in Class I and that the differences between the Class I prices in each month be taken into account when pricing inventories classified in Class I in the following month. As outlined at the hearing, it was not shown that application of the order would be facilitated or that producers would realize any significant advantage by classifying inventories in Class I.

The fluid milk products and Class II products contained in inventory and classified in Class II might be used in the following month in a Class I, Class II, or Class III classification. On any such inventory used in Class I in the following month, handlers must pay the difference between the applicable Class I price in the month it was utilized and the Class II price at which it was priced in the preceding month. Under the three-classification system in the Southeastern Florida order, this method of handling inventories will tend to work out more practicably and equitably than classifying closing inventories in Class I in the manner proposed by producers. The producer proposal, therefore, is denied.

(e) The order should specify that skim milk and butterfat used to produce milkshake mix be classified in Class III.

Including milkshake mix in Class III was proposed by a regulated handler who recently began producing and distributing this product. Because the order does not now specify another classification for milkshake mix, it is currently classified in Class I.

Milkshake mix is a product more nearly comparable to ice cream mix, a Class III product, than to flavored milk or any other Class I product. The ingredients used in its manufacture are butterfat, nonfat dry milk, sugar, flavoring and stabilizer. The total solids in the end product are in excess of 25 percent. There is no requirement that milkshake mix be made from Grade A milk. It is free from any regulation by local health authorities other than as a food product.

Milkshake mix is generally considered in the same category as frozen dessert and ice cream mixes. As such, it is classified in the same class as such products in a number of other Federal orders. Milkshake mix is sold in Florida in competition with soft frozen desserts, which are readily available in retail food stores. Ice cream manufacturers, who are not subject to order regulation and who handle no Grade A fluid milk products, may and do market milkshake mix in the marketing area. The regulated handler is at a disadvantage in competing with these handlers when he is required to pay the Class I price for skim milk and butterfat used in the production of the milkshake mix. There was no opposition to classifying milkshake mix in Class III in the Southeastern Florida order.

(f) The order now provides a Class IV classification for that milk, the skim milk portion of which is disposed of for livestock feed or dumped. The order does not, however, make any provision for the reclassification from Class I and Class II to a lower-priced class of fluid milk products (other than milk) and Class II products, respectively, that are disposed of for livestock feed or dumped.

Handlers proposed that (except as now provided in the Class IV classification) skim milk and butterfat in fluid milk products and Class II products dumped or disposed of by a handler for livestock feed be classified in Class III.

Class III outlets often represent not only an efficient, but also at times the only, means of disposing of surplus milk and spoiled fluid milk products and Class II products. In the case of route returns of such products as homogenized milk and chocolate milk, it is difficult and impractical to salvage the butterfat for further use. Such butterfat, which is not salvable, should be classified as Class III when dumped or disposed of for livestock feed under the conditions in which a Class IV classification would not be applicable. It is equally appropriate that the skim milk in fluid milk products and Class II products dumped or disposed of for livestock feed be classified in Class III when its disposition does not meet the conditions for a Class IV classification.

A Class III classification of the skim milk and butterfat in fluid milk products and Class II products under the conditions herein proposed is comparable with that provided in Tampa Bay and other Federal milk orders.

6. *Enabling a cooperative to be a handler on farm tank milk.* A cooperative association should be required to be a handler for milk delivered from the farm to a pool plant in a tank truck owned and operated by or under contract to such association.

Currently, the operator of the plant receiving milk from producers must account for such milk and pay the producers. Once milk from a producer has been commingled with milk from other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. A similar situation prevails when the milk of an individual producer is delivered in a tank truck to two or more plants. The operator of a pool plant to which bulk tank milk is delivered has an opportunity only to determine the weight and butterfat test of the total load.

If a tank truck picking up milk at the farm is operated under the supervision of a cooperative association, it is the association that determines the weight and butterfat content of each producer's milk. Handlers have no control and generally take no part in determining the weights and butterfat tests of milk at the farm. In some instances, handlers may not even know from which farms the milk is shipped.

The milk delivered by the cooperative as a bulk tank handler would be considered as a receipt of producer milk by the operator of the pool plant at which it was physically received. The pool plant operator's obligation for such milk to the producer-settlement fund, to the administration fund and to the cooperative would be the same as for producer milk received directly from the farm of an individual producer.

In some instances, as discussed earlier in this decision, differences between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant would be considered a receipt of producer milk by the cooperative at the location of the pool plant. For such differences, the cooperative (instead of the pool plant operator) would be required to settle with the producer-settlement and administration funds.

Requiring a cooperative to be a handler on its member-producers' bulk tank milk as herein provided will afford a practicable basis of accounting for such milk. In addition, it will provide flexibility to a cooperative's operations in allocating its members' bulk tank milk among handlers and facilitate the diversion of such milk to nonpool plants by the cooperative when it is not needed at regulated plants.

7. *Diversion of producer milk.* Diversion of producer milk by a cooperative to a nonpool plant should be limited to 25 percent of the milk physically received from its producer-members at pool plants during the month. Similarly, milk diverted by the operator of a pool plant for his account would be limited to 25 percent of the quantity of producer milk physically received at his plant during the month. Unlimited diversion of producer milk is now permitted under the order.

The proposed diversion provisions are the same as those in the Tampa Bay order. They were proposed for inclusion in the Southeastern Florida order by IDFA, the principal cooperative under both orders. There was no opposition to the inclusion of the proposed diversion provisions in the order.

Milk from the farms of producers shipping regularly to Southeastern Florida pool plants may on occasion be shipped to Tampa Bay pool plants. It would be inappropriate to consider such milk received at a Tampa Bay plant as producer milk under the Southeastern Florida order. Such milk's eligibility under a Federal order would more appropriately be determined at the Federal order plant where actually received. In fact, if the Southeastern Florida order permitted the diversion of producer milk to other order plants, it could result in the pricing and pooling of the same milk under two orders.

When milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant should be facilitated. It is necessary, however, to provide reasonable limitations on the amount of milk which may be diverted so that only that milk genuinely associated with the market will be diverted and only when it is not needed in the Southeastern Florida market for Class I purposes.

On a monthly basis, Southeastern Florida producers do not produce large quantities of milk in excess of the market's fluid requirements. Diversion provisions are for the purpose of enabling handlers and cooperatives to divert producer milk on such occasions as weekends and holidays, when it is not needed in the market for Class I purposes. The limitations herein proposed will be sufficient to accommodate diversion under current marketing conditions and will facilitate the orderly disposition of producer milk.

It is important that only milk genuinely associated with the market should be eligible for diversion to nonpool plants. The order now provides such a safeguard. At least 8 days' production of a dairy farmer must be physically received at a pool plant during either the current or preceding month to qualify him as a producer. A dairy farmer shipping on an every-other-day basis would, under this standard, be required to ship only 4 days.

Milk diverted to nonpool plants in excess of the limitation provided would not be considered producer milk. Hence, eligibility for pricing and pooling under the order would be forfeited on a quantity of milk equal to such excess. In such instances, the diverting handler would specify which milk is ineligible as producer milk. If the handler fails to make such designation, thereby making it infeasible for the market administrator to determine which milk was overdiverted, all milk diverted to nonpool plants by such handler would be made ineligible as producer milk.

A high proportion of milk produced for the Southeastern Florida market is utilized for Class I purposes. Hence, it is not likely that it will be necessary to divert producer milk to nonpool plants for extended periods or that such milk will move great distances from the market. To facilitate the pricing of such milk, therefore, it is appropriate to consider it as having been received at the plant from which diverted for the purpose of applying location pricing under the order.

8. *Miscellaneous and conforming changes.* The entire order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

(a) Producers proposed that various terms be explicitly defined in the order. The definitions added pursuant to the producer proposal, and to which there was no opposition, are commonly provided in Federal orders. The definitions for "distributing plant," "supply plant," "fluid milk product," and "Class II product" incorporated into the attached order are similar to those in the Tampa Bay order. Their inclusion in the Southeastern Florida order will be helpful in the administration of the order.

(b) The changes in the reporting provisions in the attached order were proposed by producers and supported by handlers. The most significant changes in this regard are those providing for reports to the market administrator by pool plant operators and cooperatives in those instances in which the cooperative elects to be the handler on farm tank milk. These reporting provisions are commonly provided in Federal orders in which a cooperative may be the handler on farm tank milk. They are equally appropriate and necessary under this order.

Another change would require reports by cooperatives and handlers to the market administrator of milk diverted to nonpool plants. Such information is necessary in determining whether the milk moved from dairy farms regularly supplying the market to nonpool plants may be included in the pool.

(c) Elsewhere in this decision, provision is made for replacing Boca Raton with West Palm Beach as a point from which location differential mileages are determined. It it likewise appropriate, therefore, to replace Boca Raton with West Palm Beach as a point from which the surplus disposal area under the transfer provisions of the order would be based. Accordingly, a classification other than Class I or Class II would, under certain conditions, be permitted on fluid milk products or Class II products transferred or diverted from a pool plant to nonpool plants within 500 miles of West Palm Beach (instead of Boca Raton as is now provided).

(a) A dairy farmer who has shipped less than 8 days' production during the month to a pool plant does not qualify as a producer under the Southeastern Florida order. Hence, such milk received at a pool plant is not producer milk and may not be pooled. Instead, it is considered the receipt of other source milk at the pool plant. Under the present allocation provisions, such milk is subtracted from a handler's utilization in series beginning with Class IV in the same manner as are receipts of ungraded fluid milk products. On any of such milk allocated to Class I, the handler must pay the difference between the Class I and Class III price.

Receipts at a pool plant from a dairy farmer who fails to qualify as a producer are now treated differently than if first received at an unregulated plant and then moved to a pool plant. Under the conditions in the Southeastern Florida order, it is more appropriate that such milk be treated the same as milk received at a pool plant from unregulated supply plants. In this manner, such milk would be allocated pro rata to a handler's overall utilization to the extent that not less than 80 percent of regulated milk at the handler's plants would be assigned to Class I. All additional unregulated milk would then be allocated in series beginning with Class IV. Any dairy farmer milk allocated to Class I would be subject to a payment to the pool of the difference between the Class I and uniform price.

(e) The order should provide that a dairy farmer may deliver milk to a nonpool plant during the month without losing his producer status. This was temporarily achieved by a suspension action effective April 9, 1966 (31 F.R. 5611). Prior to that time, any such delivery to a nonpool plant (except by diversion) caused a dairy farmer to lose his producer status for the month.

Until January 1, 1966, Southeastern Florida producer milk could be diverted to the unregulated Tampa Bay area plants without losing its producer milk status. This is because the milk so moved was considered as producer milk diverted to a nonpool plant. The status of such milk received at Tampa Bay area plants changed when the Tampa Bay order became effective January 1, 1966. Such milk no longer qualifies for diversion under the Southeastern Florida order because the order does not permit diversion to an other order plant. Thus, any such milk delivered by a dairy farmer to Tampa Bay pool plants is considered producer milk under the Tampa Bay order and is priced and pooled under that order. The provision under consideration, however, precludes milk delivered during the same month to a Southeastern Florida pool plant by the same dairy farmer from being producer milk under the Southeastern Florida order.

IDFA is the principal cooperative in both the Southeastern Florida and Tampa Bay orders. The marketing of its members' milk is facilitated when it can move unneeded supplies in temporary periods of shortage in the Tampa Bay market from the farms of its producers under the Southeastern Florida order. The removal of the provision in the Southeastern Florida order that causes a dairy farmer to lose his producer status under that order by a delivery to a nonpool plant will contribute to the efficient marketing of milk under the two orders.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Southeastern Florida marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

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DEFINITIONS

§ 1013.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1013.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 1013.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1013.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

1013.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the

act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 1013.6 Southeastern Florida marketing area.

The "Southeastern Florida marketing area," hereinafter called the "marketing area," means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all Government reservations and incorporated municipalities within this territory:

Broward.	Martin.
Dade.	Monroe.
Glades.	Okeechobee.
Hendry.	Palm Beach.
Indian River.	St. Lucie.

§ 1013.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers or milkshake mix.

§ 1013.8 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

§ 1013.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

§ 1013.10 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) that is specified in paragraph (a) or (b) of this section and which is not a facility described in paragraph (c) of this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products received at the plant during the month is disposed of on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section.

(c) Pool plant as defined in this section shall not be deemed to include any building, premises, or facilities, the primary function of which is to hold or store bottled milk or milk products in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

§ 1013.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) are moved to a pool plant during the month.

§ 1013.12 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1013.41(a), but does not include delivery to a milk receiving or processing plant.

§ 1013.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(d) Any cooperative association with respect to milk of its producer-members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(f) A producer-handler.

§ 1013.14 Producer-handler.

"Producer-handler" means any person who, during the month: (a) Produces milk; (b) distributes Class I milk on routes in the marketing area; and (c) receives no milk except from his own dairy farm, and receives no products designated as Class I milk pursuant to § 1013.41(a) from pool plants or other sources.

§ 1013.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk (as described in § 1013.63) in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable to agencies of the U.S. Government located in the marketing area for fluid consumption), and not less than 8 days' production of such person is physically received at a pool plant during the current month or was so received during the preceding month.

§ 1013.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1013.13(d): *Provided*, That if the milk received at a pool plant from a handler pursuant to § 1013.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1013.13(d) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the pool plant from which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the pool plant from which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from such producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1013.17 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products and Class II products from any source except (1) producer milk, (2) fluid milk products and Class II products from pool plants, and (3) fluid milk products and Class II products in inventory at the beginning of the month;

(b) Products other than fluid milk products and Class II products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for pursuant to § 1013.32.

§ 1013.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported for the month by the Department.

§ 1013.19 Class II product.

"Class II product" means cream, sour cream, half and half, buttermilk, acidophilus milk and chocolate drink.

§ 1013.20 Cream.

"Cream" means the product obtained by the separation of skim milk from whole milk such that the butterfat content of the remaining product exceeds 10 percent, and mixtures of such products with milk and skim milk such that the average butterfat content exceeds 10 percent.

Market Administrator

§ 1013.25 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 1013.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1013.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1013.86:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1013.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to §§ 1013.30 through 1013.32, or payments pursuant to §§ 1013.80 through 1013.86;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(h) Verify all reports and payments of each handler, by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, a notice of each of the following:

(1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month, and the Class II price, Class III price, Class IV price, and the corresponding butterfat differentials, all for the preceding month; and

(2) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

(k) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1013.46(a)(11) and the corresponding step of § 1013.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of milk products designated in § 1013.41(a) from an other order plant, the classification to which such receipts are allocated pursuant to § 1013.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped skim milk and butterfat in the form of milk products designated as Class I milk pursuant to § 1013.41(a) to an other order plant, the classification to which such skim milk and butterfat was allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

Reports, Records, and Facilities

§ 1013.30 Report of sources and utilization.

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1013.13 (e) or (f), shall report to the market administrator with respect to each plant at which milk is received for such month, and for each accounting period in each month, in detail and on forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of:

(1) Producer milk (or, in the case of handlers pursuant to § 1013.13(b) Grade A milk received from dairy farmers);

(2) Fluid milk products and Class II products received from pool plants;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1013.16; and

(5) Inventories of fluid milk products and Class II products at the beginning and end of the month or accounting period;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area;

(c) Such other information with respect to receipts and utilization as the market administrator may request; and

(d) Each handler who submits reports on the basis of accounting periods of less than a month, as described in § 1013.46 (d), shall submit a summary report of the same information for the entire month.

§ 1013.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler pursuant to § 1013.13 (a), (c), or (d) shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month, his producer payroll for that month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the days for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of the handler's payment with respect to such milk to the producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk as defined pursuant to § 1013.17(a) is received at his pool plants, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his sources and utilization of butterfat and skim milk and at such times as the market administrator shall prescribe.

(c) Each handler making payments pursuant to § 1013.62(a) shall report the information required pursuant to paragraph (b) of this section. In such reports receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk, and payments to dairy farmers delivering such milk shall be reported in lieu of payments to producers.

(d) Each handler who operates an other plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler pursuant to § 1013.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

§ 1013.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to requirements of this part, including, but not limited to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items or products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions, and the disbursement of money so deducted.

§ 1013.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification of Milk

§ 1013.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1013.30(a) shall be classified pursuant to the provisions of §§ 1013.41 through 1013.46.

§ 1013.41 Classes of utilization.

Subject to the conditions set forth in §§ 1013.42 through 1013.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b) (2), (c) (2), (3), and (4), and (d) of this section; and

(2) Not accounted for as Class II, Class III or Class IV milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a Class II product, except as provided in paragraphs (c) (2), (3), and (4), and (d) of this section; and

(2) In inventory of fluid milk products and Class II products at the end of the month.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product or Class II product;

(2) Except as provided in paragraph (d) of this section, skim milk and butterfat in fluid milk products and in Class II products disposed of by a handler for livestock feed;

(3) Except as provided in paragraph (d) of this section, skim milk and butterfat in fluid milk products and in Class II products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk represented by the nonfat solids added to a fluid milk product or Class II product which is in excess of an equivalent volume of such product prior to the addition;

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1013.16) but not in excess of:

(i) 2.0 percent of producer milk (except that received from a handler pursuant to § 1013.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1013.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1013.42(b)(2).

(d) *Class IV milk.* Class IV milk shall be all milk, the skim milk portion of which is:

(1) Disposed of for fertilizer or livestock feed, or

(2) Dumped after such prior notification as the market administrator may require.

§ 1013.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1013.41(c)(5); and

(2) Other source milk exclusive of that specified in § 1013.41(c)(5).

§ 1013.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that such skim milk and butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1013.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a Class II product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1013.46(a)(11) and the corresponding step of § 1013.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1013.46(a)(3) and (4), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1013.46(a)(10) or (11) and the corresponding steps of § 1013.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 500 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach.

(c) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product or a Class II product to a nonpool plant that is neither an other order plant nor a producer-handler plant located not more than 500 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted to the market administrator pursuant to § 1013.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk; and

(v) To the extent that Class I or Class III utilization is not assigned to it, the skim milk and butterfat in Class II products so transferred shall be classified as Class II milk.

(d) As follows, if transferred in the form of a fluid milk product or Class II product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes and shall be classified in a comparable classification as Class II or Class III milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1013.41.

(e) As Class II (to the extent of such utilization in the transferee plant) if transferred to the plant of a producer-handler in the form of a Class II product, unless a Class III classification is requested by the operators of both plants and sufficient Class III utilization is available in the transferee plant.

§ 1013.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1013.30(a) and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk and Class IV milk at each pool plant: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1013.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1013.45, the market administrator shall determine the classification of producer milk for each handler for each month or other accounting period described in paragraph (d) of this section as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1013.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III, the pounds of skim milk in other source milk as specified in § 1013.17(b);

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class IV, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(ii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III (and then Class II), the pounds of skim milk in Class II products received from nonpool plants for which the handler requests a Class III utilization;

(6) Subtract from the pounds of skim milk remaining in Class II, Class III and Class IV, pro rata to such quantities, the pounds of skim milk in Class II products received from nonpool plants that were not subtracted pursuant to subparagraph (5) of this paragraph;

(7) Subtract, in the order specified below, from the pounds of skim milk remaining in Class IV, Class III and/or Class II (beginning with Class IV unless otherwise specified) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers (except that subtracted pursuant to subparagraph (4) of this paragraph):

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products and Class II products at the beginning of the month;

(9) Add to the remaining pounds of skim milk in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers that were not subtracted pursuant to subparagraphs (4) and (7)(i) of this paragraph;

(11) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (7)(ii) of this paragraph:

(i) In series beginning with Class IV and thereafter from Class III and Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II, Class III, and Class IV utilization of skim milk announced for the month by the market administrator pursuant to § 1013.27(i) or the percentage that Class II, Class III, and Class IV utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(12) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and in Class II products received from pool plants of other handlers according to the classification of such products pursuant to § 1013.44(a); and

(13) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class IV. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section; and

(d) A handler may account for receipts of milk, utilization of milk and classification of milk, at his plant, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

MINIMUM PRICES

§ 1013.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent. However, for the purpose of computing the Class I price for each month from the effective date of this order through March 1967, the basic formula price shall not be less than $4.

§ 1013.51 Class prices.

Subject to the provisions of §§ 1013.52 and 1013.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* From the effective date of this paragraph through June 1967, the Class I price shall be the basic formula price for the preceding month plus $3.20.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus $1.

(c) *Class III price.* The Class III price shall be the basic formula price for the month plus 15 cents.

(d) *Class IV price.* The Class IV price shall be computed as follows: Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 3.5.

§ 1013.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1013.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I and Class II prices, 7.5 cents; and

(b) Class III and Class IV prices, 0.115 times the Chicago butter price for the month.

§ 1013.53 Location adjustments to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant north of, and 80 miles or more from, the U.S. Post Office in West Palm Beach, Florida, shall be reduced 13 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 90 miles from the U.S. Post Office in West Palm Beach.

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the U.S. Post Office in West Palm Beach.

§ 1013.54 Use of equivalent prices.

If, for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1013.60 Producer-handler.

Sections 1013.50 through 1013.54, 1013.61, 1013.62, 1013.70 through 1013.74, and 1013.80 through 1013.86 shall not apply to a producer-handler.

§ 1013.61 Plants where other Federal orders may apply.

Upon determination by the Secretary pursuant to this section, any plant specified in paragraphs (a), (b), and (c) of this section shall be a nonpool plant, except that the operator of such plant shall, with respect to the total receipts and disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant meeting the requirements of a pool plant pursuant to § 1013.10(b) but not pursuant to § 1013.10(a) which, if it were not a pool plant under this part, would be fully subject to the classification and pooling provisions of another order issued pursuant to the Act;

(b) Any plant meeting the requirements of a pool plant pursuant to § 1013.10(b) but not pursuant to § 1013.10(a) at which all receipts of skim milk and butterfat during the month would be priced and pooled under the terms of another order(s) issued pursuant to the Act if such plant were not a pool plant under this order: *Provided*, That such pricing and pooling results in all skim milk and butterfat disposed of from the plant in the form of milk and skim milk during the month being Class I milk under the terms of another order(s) issued pursuant to the Act; and

(c) Any plant which does not dispose of a greater volume of Class I milk on routes in the Southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

§ 1013.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1013.30 and 1013.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1013.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1013.70(e) and a credit in the amount specified in § 1013.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1013.30 and 1013.31(c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1013.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation, there will be deducted the sum of: (i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

§ 1013.63 Person producing milk.

The person who produces milk shall be considered to be the person who is responsible for the milk production enterprise on a continuing basis as to management and risk.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1013.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler pursuant to § 1013.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1013.46(c), by the applicable class price;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1013.46(a)(13) and the corresponding step of § 1013.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding accounting period and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(8) and the corresponding step of § 1013.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1013.46(a)(3) and (4) and the corresponding steps of § 1013.46(b); and

(e) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(10) and the corresponding step of § 1013.46(b).

§ 1013.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1013.70 for all handlers who filed the reports prescribed by § 1013.30 for the month and who made the payments pursuant to §§ 1013.80 and 1013.82 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1013.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 1013.73;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1013.70(e); and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

§ 1013.72 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1013.46 by the respective butterfat differential for each class.

§ 1013.73 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1013.53; and

(b) For purposes of computations pursuant to §§ 1013.82 and 1013.83, the uniform price shall be adjusted at the rates set forth in § 1013.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1013.74 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price for producer milk computed pursuant to § 1013.71 and the butterfat differential to producers;

(c) The amount and value of his producer milk at the uniform price; and

(d) The amounts to be paid by such handler pursuant to §§ 1013.82, 1013.85, and 1013.86, and the amount due such handler pursuant to § 1013.83.

PAYMENTS

§ 1013.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 20th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6, multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the fifth day of the following month to each producer who did not discontinue shipping milk to such handler before the last day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6, multiplied by the hundredweight of milk received from such producer after the 15th and through the last day of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(3) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform price computed pursuant to § 1013.71 adjusted by the butterfat and location differentials to producers, multiplied by the total pounds of milk received from such producer, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 1013.85;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1013.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall on or before the second day prior to each date on which payments are due individual producers, pay the cooperative association for milk received from the producer-members of such association as determined by the market administrator during the period for which payment is made, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of the month; and

(2) On or before the 10th day of the following month: (i) The total pounds of milk received during the month, (ii) the pounds of milk received each day, together with the butterfat content of such milk, (iii) the amount or rate and nature of any authorized deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1013.84.

§ 1013.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1013.62, 1013.82 and 1013.84 and out of which he shall make all payments pursuant to §§ 1013.83 and 1013.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1013.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That to this amount shall be added one-half of 1 percent of any amount due the market administrator pursuant to this section for each month or portion thereof that such payment is overdue: *And provided further*, That the requirement as to date of payment pursuant to this section shall be considered to have been met if the payment is made by mail postmarked not later than the required payment date:

(a) The net pool obligation computed pursuant to § 1013.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1013.80(a)(3); and

(2) The value at the uniform price pursuant to § 1013.71 at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1013.70(e).

§ 1013.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1013.82(b) exceeds the amount computed pursuant to § 1013.82(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1013.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1013.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1013.80, shall deduct 4 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association pursuant to paragraph (b) of this section; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed for each producer.

§ 1013.86 Expense of administration.

(a) As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (1) producer milk (including such handler's own production), (2) other source milk allocated to Class I pursuant to § 1013.46(a) (3), (4), and (10) and the corresponding steps of § 1013.46(b), and (3) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) With respect to payments pursuant to paragraph (a) of this section, if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the rate for monthly accounting periods multiplied by the number of accounting periods in the month, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

§ 1013.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1013.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1013.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto.

§ 1013.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1013.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1013.110 Agent.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1013.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on August 30, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-9680; Filed, Sept. 2, 1966; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1966 Rev. Supp. No. 3]

PRUDENCE MUTUAL CASUALTY CO.

Surety Companies Acceptable on Federal Bonds

SEPTEMBER 1, 1966.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13. An underwriting limitation of $83,000.00 has been established for the company.

Name of Company, Location of Principal Executive Office, and State in Which Incorporated.

Prudence Mutual Casualty Co.

Chicago, Ill.

Illinois

Certificates of Authority expire on May 31 each year, unless sooner revoked, and new certificates are issued on June 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

[SEAL] GEORGE E. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 66–9708; Filed, Sept. 2, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. S–368]

RICHARD N. JOHNSON

Notice of Loan Application

Richard N. Johnson, 14911 Washington Street SW., Tacoma, Wash. 98498, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 37-foot registered length wood vessel to engage in the fishery for salmon, albacore tuna, and Dungeness crab.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

AUGUST 29, 1966.

[F.R. Doc. 66–9665; Filed, Sept. 2, 1966; 8:45 a.m.]

[Docket No. Sub–B–52]

BOAT SEAFARER, INC.

Notice of Hearing

Boat Seafarer, Inc., New Bedford, Mass., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 90-foot overall wooden vessel to engage in the fishery for scallops, groundfish, flounder, and lobster.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88–498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on October 4, 1966, at 10 a.m., e.d.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change, along with the new location.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

AUGUST 31, 1966.

[F.R. Doc. 66–9655; Filed Sept. 2, 1966; 8:45 a.m.]

[Docket No. Sub–G–13]

CLYDE R. POTTER

Notice of Hearing

Clyde R. Potter, Belhaven, N.C., has applied for a fishing vessel construction differential subsidy to aid in the construction of an 86-foot overall steel vessel to engage in the fishery for butterfish, flounder, porgies, sea bass, sea trout, swordfish, lobster, scallops, and shrimp, including royal red shrimp.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88–498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on October 6, 1966, at 10 a.m., e.d.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

AUGUST 31, 1966.

[F.R. Doc. 66–9706; Filed, Sept. 2, 1966; 8:49 a.m.]

National Park Service

[Order 3]

MANAGEMENT ASSISTANT ET AL.; MOUNT McKINLEY NATIONAL PARK, ALASKA

Delegation of Authority Regarding Execution of Contracts

SECTION 1. *Management Assistant.* The Management Assistant, in the administration, operation, and development of Katmai National Monument, is authorized to exercise all of the authority now or hereafter delegated to the Superintendent, Mount McKinley National Park, Alaska, by the Regional Director, except with respect to the following matter:

(a) Reimbursement of employees and other owners for property lost, damaged, or destroyed.

The following delegations are subject to the limitations indicated:

(b) The execution or approval of contracts for construction, supplies, or services, not in excess of $10,000, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations, provided that construction contracts will be entered into only with the advice and consent of the Design and Construction Field Office Chief.

(c) Issuance of revocable special use permits having a term of not to exceed 3 years.

(d) Acceptance of donations of personal property not valued in excess of $5,000, and acceptance of donations of money not in excess of $5,000.

(e) Sales of timber pursuant to section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 ed. sec. 3), not to exceed $1,000 for any one transaction.

(f) Acceptance of any offer in settlement of a timber trespass when (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

(g) Issuance of concession permits having a term of not to exceed 3 years.

SEC. 2. *Administrative Officer.* The Administrative Officer may execute and approve contracts for construction, supplies, or services not in excess of $100,000 in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations, except negotiated contracts may not exceed $25,000. In exercising this authority, construction contracts shall be entered into only with the advice and consent of the Design and Construction Field Office Chief.

This authority may be exercised on behalf of any office or area under the supervision of the Superintendent, Mount McKinley National Park, Alaska.

SEC. 3. *Procurement and Property Management Assistant.* The Procurement and Property Management Assistant may execute and approve contracts for construction, supplies, or services, not in excess of $10,000, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations, provided that construction contracts will be entered into only with the advice and consent of the Design and Construction Field Office Chief.

This authority may be exercised on behalf of any office or area under the supervision of the Superintendent, Mount McKinley National Park, Alaska.

SEC. 4. *Revocation.* This order supersedes Order No. 2 issued March 17, 1960, and Order No. 1 issued October 5, 1963.

SEC. 5. *Effective.* This order becomes effective immediately upon publication in the FEDERAL REGISTER.

(National Park Service Order No. 34 (31 F.R. 4255); Western Region Order No. 4 (31 F.R. 5577))

OSCAR T. DICK,
Superintendent,
Mount McKinley National Park.

JULY 20, 1966.

[F.R. Doc. 66–9693; Filed, Sept. 2, 1966; 8:48 a.m.]

Office of the Secretary

DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE

Delegation of Authority

The following material is a portion of the Departmental Manual, and the numbering system is that of the Manual. This material supersedes the delegation appearing in Secretary's Order 2821 and published in 22 F.R. 5778.

PART 242—BUREAU OF SPORT FISHERIES AND WILDLIFE

CHAPTER 1—GENERAL PROGRAM DELEGATION

242.1.1 *Delegation.* The Director, Bureau of Sport Fisheries and Wildlife, may, except as provided in 242 DM 1.2, exercise the authority of the Secretary of the Interior with respect to any matter relating to sport fish and wildlife. This includes those matters relating to migratory birds, game management, wildlife refuges, sport fisheries, sea mammals (except whales, seals, and sea lions), and other activities of the Bureau.

242.1.2 *Limitations.* The authority granted in 242 DM 1.1 does not include:

A. Authority which the Secretary may not redelegate as set forth in 200 DM 1.4.

B. The authority to issue amendments of or additions to the Code of Federal Regulations except as provided in 242 DM 2.

C. Authority delegated on a functional basis in 205 DM.

242.1.3 *Redelegation.* This authority may be redelegated in writing to subordinates.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 26, 1966.

[F.R. Doc. 66–9666; Filed, Sept. 2, 1966; 8:45 a.m.]

COMMISSIONER, U.S. FISH AND WILDLIFE SERVICE

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 240—COMMISSIONER OF U.S. FISH AND WILDLIFE SERVICE

CHAPTER 1—GENERAL PROGRAM DELEGATION

240.1.1 *General Authority.* The Commissioner of Fish and Wildlife is authorized to exercise the authority of the Secretary of the Interior with respect to any matter relating to fish and wildlife except for the limitations contained in 200 DM 1.4 and 1.5.

240.1.2 *Redelegation.* The Commissioner of Fish and Wildlife may, in writing, redelegate the authority delegated to him in 240 DM 1 to employees of the Office of the Commissioner.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 26, 1966.

[F.R. Doc. 66–9667; Filed, Sept. 2, 1966; 8:46 a.m.]

DIRECTOR, BUREAU OF COMMERCIAL FISHERIES

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. This material supersedes the delegation appearing in Secretary's Order 2821 and published in 22 F.R. 5778.

PART 241—BUREAU OF COMMERCIAL FISHERIES

CHAPTER 1—GENERAL PROGRAM DELEGATION

241.1.1 *Delegation.* The Director, Bureau of Commercial Fisheries, may, except as provided in 241 DM 1.2, exercise the authority of the Secretary of the Interior with respect to any matter relating to commercial fisheries, whales, seals, and sea lions, and other activities of the Bureau.

241.1.2 *Limitations.* The authority granted in 241 DM 1.1 does not include:

A. Authority which the Secretary may not redelegate as set forth in 200 DM 1.4.

B. Authority to issue amendments of or additions to the Code of Federal Regulations except as provided in 241 DM 3.

C. Authority delegated on a functional basis in 205 DM.

D. Authority to approve fisheries loan authorizations.

241.1.3 *Redelegation.* This authority may be redelegated in writing to subordinates except that authority may not be redelegated to subordinates to:

A. Perform or exercise any defense function or power relating to fishery commodities or products delegated to the Director by the Secretary of the Interior.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 26, 1966.

[F.R. Doc. 66–9668; Filed, Sept. 2, 1966; 8:46 a.m.]

JOHN S. ANDERSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 5, 1966.

Dated: August 5, 1966.

JOHN S. ANDERSON.

[F.R. Doc. 66–9669; Filed, Sept. 2, 1966; 8:46 a.m.]

HUBBELL CARPENTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 8, 1966.

Dated: August 8, 1966.

HUBBELL CARPENTER.

[F.R. Doc. 66-9670; Filed, Sept. 2, 1966; 8:46 a.m.]

CLYDE M. EPPARD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 3, 1966.

Dated: August 3, 1966.

CLYDE M. EPPARD.

[F.R. Doc. 66-9671; Filed, Sept. 2, 1966; 8:46 a.m.]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 4, 1966.

Dated: August 4, 1966.

GLENN J. HALL.

[F.R. Doc. 66-9672; Filed, Sept. 2, 1966; 8:46 a.m.]

RUSSELL V. KNAPP

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 19, 1966.

Dated: August 19, 1966.

RUSSELL V. KNAPP.

[F.R. Doc. 66-9673; Filed, Sept. 2, 1966; 8:46 a.m.]

LEWIS W. LENGNICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Bought Tenneco. Transferred Standard Oil of New Jersey. Transferred Honolulu Construction & Draying.
(3) No change.
(4) No change.

This statement is made as of August 8, 1966.

Dated: August 8, 1966.

LEWIS W. LENGNICK.

[F.R. Doc. 66-9674; Filed, Sept. 2, 1966; 8:46 a.m.]

JOHN LAWRENCE McNEALEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 3, 1966.

Dated: August 3, 1966.

JOHN LAWRENCE MCNEALEY.

[F.R. Doc. 66-9675; Filed, Sept. 2, 1966; 8:46 a.m.]

CHARLES S. McNEER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 9, 1966.

Dated: August 9, 1966.

CHARLES S. MCNEER.

[F.R. Doc. 66-9676; Filed, Sept. 2, 1966; 8:46 a.m.]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Change in position from "Assistant Executive Director for Electrical Planning, Construction, and Research" to "Assistant Executive Director for Power Operations" in the Puerto Rico Water Resources Authority (a public corporation of the Commonwealth of Puerto Rico).
(2) None.
(3) None.
(4) None.

This statement is made as of August 8, 1966.

Dated: August 8, 1966.

JULIO A. NEGRONI.

[F.R. Doc. 66-9677; Filed, Sept. 2, 1966; 8:46 a.m.]

JOHN PAUL NEUBAUER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 9, 1966.

Dated: August 9, 1966.

JOHN PAUL NEUBAUER.

[F.R. Doc. 66-9678; Filed, Sept. 2, 1966; 8:46 a.m.]

RAFAEL R. RAMIREZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 3, 1966.

Dated: August 3, 1966.

RAFAEL R. RAMIREZ.

[F.R. Doc. 66-9679; Filed, Sept. 2, 1966; 8:46 a.m.]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 22, 1966.

Dated: August 22, 1966.

LEROY J. SCHULTZ.

[F.R. Doc. 66-9680; Filed, Sept. 2, 1966; 8:47 a.m.]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 2, 1966.

Dated: August 2, 1966.

CHARLES W. WATSON.

[F.R. Doc. 66-9681; Filed, Sept. 2, 1966; 8:47 a.m.]

CARL H. WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Hawaiian Electric Co., Inc.
(3) No change.
(4) No change.

This statement is made as of August 4, 1966.

Dated: August 4, 1966.

CARL H. WILLIAMS.

[F.R. Doc. 66-9682; Filed, Sept. 2, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

September 1966 CCC Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.d.t., on August 31, 1966, and, subject to amendment, continuing until superseded by the October Monthly Sales List. The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, and linseed oil.

Corn, oats, barley or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement CSM-3) for September 1966 are 5¼ percent for U.S. bank obligations and 6¼ percent for foreign bank obligations, without regard to credit periods involved up to a maximum of 36 months. Commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program as provided under specific commodity listings. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, milled and brown rice, cottonseed oil, soybean oil, and dairy products.

Information on commodities available under Title IV, P.L. 480, private trade agreements, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: Cotton (upland and extra long staple), and tobacco. For existing contracts, wheat, grain sorghum, and oats are also available. (In addition, free market stocks of corn, grain sorghum, wheat, wheat flour, tobacco, cottonseed, and soybean oils are eligible for barter programming, except that hard red winter, hard red spring, and durum wheats, and flour produced from those wheats, may not be exported through West Coast ports.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet Nam except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 108 percent of the 1966 support price for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel—in store).*

Markup in-store received by—		Examples—Agricultural Act of 1949; stat. minimum
Truck	Rail or barge	
$0.08	$0.04¾	Minneapolis—No. 1 DNS ($1.56) 108 percent+$0.04¾; $1.73¾. Portland—No. 1 SW ($1.46) 108 percent+$0.04¾; $1.62¾. Kansas City—No. 1 HRW ($1.43) 108 percent+$0.04¾; $1.59¾. Chicago—No. 1 RW ($1.49) 108 percent+$0.04¾; $1.65¾.

D. *Availability information.* Contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales will be made pursuant to the following announcements:

A. Announcement GR-345 (Revision III, July 6, 1962, as amended), wheat export program. When Hard Red Winter, HRS or durum wheat is delivered on the west coast by CCC, evidence of export must show exportation from west coast ports. Exports of these classes of wheat through west coast ports will not be eligible for P.L. 480 sales. When sold through west coast ports for dollars, these wheats must be exported to destinations west of the 170th meridian, west longitude and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

B. Announcement GR-346 (Revision I, June 23, 1960, as amended) for export as flour.

C. Announcement GR-261 (Revision II, Jan. 9, 1961, as amended and supplemented) for export as wheat and under Announcement GR-262 (Revision II, Jan. 9, 1961, as amended), for export as flour for application to barter commitments and contracts outstanding as of 3:30 p.m., e.d.t., on August 26, 1966, and to approved CCC credit sales only at prices determined daily. Hard Red Winter, Hard Red Spring, and durum wheat will not be sold for barter through west coast ports under these announcements. Sales from the west coast under CCC Export Credit Program may only be exported to destinations west of the 170th meridian, west longitude and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

D. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificate.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1966 price-support loan rate for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1965 price support rate[1] (published loan rate plus 20 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel—in store[1] basis No. 2 Yellow Corn 14 percent MT 2 percent F.M.).*

Markup in-store received by—	Examples
Truck	
$0.17¾	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.06+$0.03 +$0.17¾); $1.26¾. Agricultural Act of 1949 stat. minimums: McLean County, Ill. ($1.06+$0.30 +$0.03); 105 percent +$0.17¾; $1.53¾.

D. *Availability information.* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS Grain Offices shown at the end of this sales list.

Export.

Corn is not available for export sale.

GRAIN SORGHUM (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1966 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate[2] (published loan rate plus 53 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.09	$0.03¾	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.80+$0.09); $1.89. Kansas City, Mo. (ex-rail) ($1.78+$0.03¾); $1.81¾. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.50+$0.53); 105 percent +$0.09; $2.23. Kansas City, Mo. (ex-rail) ($1.78+$0.53); 105 percent +$0.03¾; $2.46¾.

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section of grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to barter commitments and contracts outstanding as of 3:30 p.m., e.d.t., on August 26, 1966, and to approved CCC credit sales.

C. Available. Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted Use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of barley as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1966 price-support loan rate for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable barley as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate[2] (published loan rate plus 20 cents per bushel) for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section, applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.08¾	$0.03¾	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. ($0.76+$0.07¾); $0.83¾. Minneapolis, Minn. (ex-rail) ($0.99 +$0.04¾); $1.03¾. Agricultural Act of 1949; statutory minimums. Cass County, N. Dak. ($0.76+$0.20); 105 percent +$0.07¾; $1.03¾. Minneapolis, Minn. (ex-rail) ($0.99 +$0.20); 105 percent +$0.04¾; $1.29¾.

D. *Availability information.* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Kansas City, Evanston, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for barley. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to barter commitments and contracts outstanding as of 3:30 p.m., e.d.t., on August 26, 1966, and to approved CCC credit sales.

C. *Available:* Kansas City, Evanston, and Minneapolis ASCS grain offices.

OATS, BULK

Unrestricted use.

A. Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1966 price-support rate[2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store[1] basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.05¾	Redwood County, Minn. ($0.86+$0.03 quality differential); 105 percent +$0.05¾; $0.97¾.

C. *Nonstorable.* At not less than the market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through the ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to barter commitments and contracts outstanding as of 3:30 p.m., e.d.t., on Aug ust 26, 1966, and to approved CCC credit sales.

C. *Available.* Kansas City, Evanston, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[2] of the applicable 1966 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.08	$0.04¾	Rollete County, N. Dak. ($0.80); 105 percent+$0.08; $1.02. Minneapolis, Minn. (ex-rail) ($1.23); 105 percent+$0.04¾; $1.34¾.

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. *Available.* Evanston, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1966 loan rate plus 5 percent, plus 16 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR-369 (Revision III, as amended), rice export program—and under GR-379 (Revision I), for approved credit sales.

Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the current loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, which shall be the highest price offered but not less than the minimum determined by CCC, and in no event at less than the loan rate for such cotton.

Export.

CCC disposals for barter (1966–67 marketing year). Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export under the Barter Program) and NO–C–31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO–C–6 (revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC sales for export.* Competitive offers under the terms and conditions of Announcements CN–EX–20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO–C–23 (Sale of Foreign-Grown Extra Long Staple Cotton), as amended.

Competitive offers under the terms and conditions of Announcements CN–EX–22 (Extra Long Staple Cotton Export Program) and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

B. *CCC credit sales and barter.* Competitive offers under the terms and conditions of Announcements CN–EX–26 (Purchase of Extra Long Staple Cotton for Export under the Export Credit Sales Program), or CN–EX–27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

Availability information. Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED

A. *Domestic crushing or export.*

1. Shelled peanuts of less than U.S. No. 1 grades may be purchased for foreign or domestic crushing.

2. U.S. Medium—Virginia type—for export.

3. Terms and conditions of sales as set forth in Peanut Announcement PR–1 effective July 1, 1966, and the lot list.

B. When stocks of any of the above categories are available in their area of responsibility, weekly lot lists are issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

All sales are made on the basis of competitive bids each Wednesday, by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C., to which all bids are submitted.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price but not less than the applicable 1966 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store* [1]*).*

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents $0.09½	*Cents* $0.05	Minneapolis..	No. 1.....	$3.34½

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

Export.

A. Announcement PS–GR–4, Revision 1, as amended, dispositions of flaxseed, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales. Such sales will be at the domestic market price as determined by CCC less the applicable export payment allowance. The flaxseed to be exported shall be No. 2 grade, or better.

C. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

LINSEED OIL, RAW (BULK)

Export.

Under Announcement PS–GR–4, Revision 1, as amended, dispositions of raw linseed oil, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Commodity Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 21.60 cents per pound.

Export.

Competitive bid, under MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and approved CCC credit.

Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 70.5 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 69.75 cents per pound—Washington, Oregon, and California. All other States 69.50 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and CCC credit.

Any butter offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

CHEDDAR CHEESE

(Standard Moisture Basis)

Unrestricted use.

Announced prices, under MP–14: 49 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 48 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under MP–10. Sales under this announcement may be made for application to CCC credit.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

Commodity Office each Wednesday.

FOOTNOTES

[1] The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 1.05 round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight and handling charges.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo. 64141. Telephone: Emerson 1–0860.

Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming.

Branch Office—Evanston ASCS Branch Office, 2201 Howard Street, Evanston, Ill. 60202. Telephone: Long Distance—University 9–0600 (Evanston Exchange). Local—Rogers Park 1–5000 (Chicago, Ill.).

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis, ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: 334–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: 226–3361.

Idaho, Nevada, Oregon, Utah, and Washington (domestic and export sales), Arizona and California (export sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif. 94704. Telephone: Thornwall 1–5121.

Arizona and California (domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: 334–3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y. 10013. Telephone: 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: 556–8185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 407, 63 Stat. 1066; Sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; Secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on August 31, 1966.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66–9714; Filed, Sept. 1, 1966; 9:57 a.m.]

Office of the Secretary

DELAWARE, IOWA, MARYLAND, WYOMING

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Delaware, Iowa, Maryland, and Wyoming natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

DELAWARE

Sussex.

IOWA

Lyon.

MARYLAND

Anne Arundel.
Baltimore.
Caroline.
Carroll.
Charles.
Frederick.
Hartford.
Howard.
Montgomery.
Prince Georges.
Washington.

WYOMING

Campbell.
Converse.
Crook.
Johnson.
Lincoln.
Niobrara.
Sheridan.
Weston.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 31st day of August 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–9704; Filed, Sept. 2, 1966; 8:49 a.m.]

IDAHO, NEBRASKA, VIRGINIA, WEST VIRGINIA

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Idaho, Nebraska, Virginia, and West Virginia natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IDAHO

Boise.
Custer.
Lemhi.

NEBRASKA

Butler.
Colfax.
Nance.
Platte.

VIRGINIA

Albemarle.
Augusta.
Fluvanna.
Franklin.
Greene.
Henry.
Highland.
Nelson.
Orange.
Pittsylvania.
Roanoke.
Spotsylvania.

WEST VIRGINIA

Barbour.
Boone.
Braxton.
Brooke.
Cabell.
Calhoun.
Clay.
Doddridge.
Fayette.
Gilmer.
Grant.
Greenbrier.
Hampshire.
Hancock.
Hardy.
Harrison.
Jackson.
Kanawha.
Lewis.
Lincoln.
Logan.
McDowell.
Marion.
Marshall.
Mason.
Mercer.
Mineral.
Mingo.
Monongalia.
Monroe.
Nicholas.
Ohio.
Pendleton.
Pleasants.
Pocahontas.
Preston.
Putnam.
Raleigh.
Randolph.
Ritchie.
Roane.
Summers.
Taylor.
Tucker.
Tyler.
Upshur.
Webster.
Wetzel.
Wirt.
Wood.
Wyoming.

It has also been determined that in the hereinafter-named counties in the State of Nebraska the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Nebraska	Original designation	First extension	Present extension
Boone	28 F.R. 9402.	30 F.R. 7616.	31 F.R. 8843
Greeley	28 F.R. 9402.	30 F.R. 7616.	31 F.R. 8843
Wheeler	30 F.R. 7616.	----------	31 F.R. 8843

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 31st day of August 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–9705; Filed, Sept. 2, 1966; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–254, 50–265]

COMMONWEALTH EDISON CO.

Notice of Receipt of Application for Construction Permit and Facility License

In an application dated May 31, 1966, Commonwealth Edison Co., 72 West Adams Street, Chicago, Ill. 60690, filed an application for a construction permit and facility license to authorize construction and operation of a single cycle, forced circulation, boiling water nuclear reactor at its Quad-Cities Station near Cordova in Rock Island County, Ill. A notice of receipt of the application was published in the FEDERAL REGISTER on June 17, 1966 (31 F.R. 8503).

Please take notice that Commonwealth Edison Co., pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application amendment dated August 18, 1966, requesting authorization to construct and operate a second single cycle, forced circulation, boiling water nuclear reactor at the applicant's Quad-Cities Station, an approximately 488-acre site. The proposed reactors, designated by the applicant as the Quad-Cities Units 1 and 2, will each have a design capacity of approximately 2,600 thermal megawatts but will be operated initially at approximately 2,300 thermal megawatts with a net electrical output of 715 megawatts.

Copies of the original application and the amendment are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 30th day of August 1966.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 66-9692; Filed, Sept. 2, 1966; 8:48 a.m.]

[Docket No. 50-77]

CATHOLIC UNIVERSITY OF AMERICA

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5, set forth below, to Facility License No. R-31. The license, as previously amended, authorizes the Catholic University of America to operate its Model AGN-201, Serial No. 101, reactor on its campus in Washington, D.C. The amendment incorporates Technical Specifications into the license as requested in the application for license amendment dated August 10, 1966.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment, (2) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 29th day of August 1966.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[License No. R-31; Amdt. 5]

FACILITY LICENSE AMENDMENT

The Atomic Energy Commission having found that:

a. The application for license amendment dated August 10, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. There is reasonable assurance that (i) the activities authorized by this license, as amended, can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

c. The Catholic University of America is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

d. The Catholic University of America is a nonprofit educational institution and will operate the reactor for the conduct of educational activities. The Catholic University of America is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Energy Act of 1954, as amended;

e. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and

f. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility License No. R-31, as amended, is hereby amended in its entirety to read as follows:

1. This license applies to the homogeneous nuclear reactor Model AGN-201, Serial No. 101, nuclear reactor (hereinafter "the reactor") which is owned by the Catholic University of America (hereinafter "the licensee"), located on the Catholic University of America's campus in Washington, D.C., and described in the application for license dated July 10, 1957, as amended (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter "the Commission") hereby licenses the Catholic University of America:

A. Pursuant to section 104c. of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility at the designated location in Washington, D.C.

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," to receive, possess and use in connection with operation of the reactor, up to 700 grams of uranium-235 contained in reactor fuel.

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Parts 70 and 30, "Rules of General Applicability to Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and is subject to the conditions specified in §§ 50.54 and 50.59 of Part 50, § 70.32 of Part 70 and § 30.32 of Part 30 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum Power Level.* The licensee is authorized to operate the reactor at steady state power levels up to a maximum of 0.1 watt thermal.

B. *Technical Specifications.* The Technical Specifications contained in Appendix A[1] to this license (hereinafter "the Technical Specifications") are hereby incorporated in this license. The licensee shall operate the reactor only in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR § 50.59.

C. *Authorization of Changes, Tests, and Experiments.* The licensee may (1) make changes in the reactor as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report only in accordance with the provisions of 10 CFR § 50.59 of the Commission's regulations.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the hazards summary report. For each such occurrence, the licensee shall promptly notify by telephone or telegraph the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Commission in writing within 30 days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the hazards summary report or the Technical Specifications.

(3) The licensee shall report to the Commission in writing within 30 days of its occurrence any significant change in transient or accident analysis, as described in the hazards summary report.

E. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

4. This license, as amended, is effective as of the date of issuance and shall expire at midnight, November 15, 1977, unless sooner terminated.

Date of issuance: August 29, 1966.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 66-9656; Filed, Sept. 2, 1966; 8:45 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

FEDERAL POWER COMMISSION

[Docket Nos. G-3270, etc.]

MARSHALL R. YOUNG OIL CO., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

AUGUST 24, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 19, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3270 7-20-66 [1]	Marshall R. Young Oil Co., et al. (formerly Marshall R. Young Drilling Co., et al.), 780 West Fifth St., Fort Worth, Tex. 76102.	United Gas Pipe Line Co., Bancroft and South Bancroft Fields, Beauregard Parish, La.	10.4970	15.025
G-10181 E 7-25-66	Houston Natural Gas Production Co. (Operator), et al. (a Delaware corporation) (successor to Houston Natural Gas Production Co.) (Operator), et al. (a Texas corporation)[2] Post Office Box 1188, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Salem Field, Victoria County, Tex.	13.8733	14.65
G-11861 D 8-15-66	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001 (partial abandonment).	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	Depleted	-------
G-12020 7-25-66 [2]	Houston Natural Gas Production Co., a Delaware corporation (formerly Morgan Minerals Corp.).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Rob Walder Field, Victoria County, Tex.	15.3333	14.65
G-12021 7-25-66 [2]	....do.....	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Morgan Field, San Patricio County, Tex.	14.6	14.65
G-12345 7-20-66 [1]	Marshall R. Young Oil Co. (formerly Marshall R. Young Drilling Co.).	United Gas Pipe Line Co., Ansley Field, Hancock County, Miss.	[4] 19.5	15.025
G-12797 E 7-25-66	Houston Natural Gas Production Co. (Operator), et al. (a Delaware corporation) (successor to Houston Natural Gas Production Co.) (Operator), et al. (a Texas corporation).[3]	Texas Gas Pipe Line Corp., Big Hill Area, Jefferson and Chambers Counties, Tex.	15.0	14.65
		Texas Eastern Transmission Corp., Hankamer Field, Liberty County, Tex.	12.1800	14.65
G-13746 D 8-15-66	Mobil Oil Corp. (partial abandonment).	Transcontinental Gas Pipe Line Corp., West Cameron Block 110 and Eugene Island Block 128 Fields, Offshore La.	(5)	-------
G-13714 D 8-15-66	Humble Oil & Refining Co. (Operator), et al., Post Office Box 2180, Houston, Tex. 77001.	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	Assigned	-------
G-19246 E 6-20-66 [2]	American Petrofina Co. of Texas (Operator), et al., (successor to Orardge Corp. (Operator), et al.), Post Office Box 2180, Dallas, Tex. 75221.	Texas Gas Transmission Corp., Mallard Bay Field, Cameron Parish, La.	11.7714	15.025
G-19646 E 7-25-66	Houston Natural Gas Production Co. (Operator), et al. (a Delaware corporation) (successor to Houston Natural Gas Production Co. (Operator), et al.) (a Texas corporation).[3]	Transcontinental Gas Pipe Line Corp., South Mineral Unit, Mineral Field, Bee County, Tex.	(7)	14.65
		Texas Eastern Transmission Corp., Holamark-Wilcox Field, Bee County, Tex.	[4] 14.3733	14.65
		Transcontinental Gas Pipe Line Corp., Mineral Unit, Mineral Field, Bee County, Tex.	(7)	14.65
		Transcontinental Gas Pipe Line Corp., Ray-Wilcox Field, Bee County, Tex.	(7)	14.65
		Transcontinental Gas Pipe Line Corp., South Mineral Unit, Mineral Field, Bee County, Tex.	10.92080	14.65
G-19628 7-25-66 [2]	Houston Natural Gas Production Co., Operator, a Delaware corporation (formerly Morgan Minerals Corp., Operator).	Valley Gas Transmission, Inc., Good Friday Field, Duval County, Tex.	15.0	14.65
G-19629 7-25-66 [2]	....do.....	Valley Gas Transmission, Inc., La Hacienda Field, Duval County, Tex.	15.0	14.65
G-19630 7-25-66 [2]	....do.....	Valley Gas Transmission, Inc., Oroones Field, Duval County, Tex.	15.0	14.65
G-20054 E 7-25-66	Houston Natural Gas Production Co. (Operator), et al. (a Delaware corporation) (successor to Houston Natural Gas Production Co.) (Operator), et al. (a Texas corporation).[3]	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Southwest Garwood Field, Lavaca and Colorado Counties, Tex.	14.5	14.65
G-20126 C 8-15-66	Pubco Petroleum Corp., Post Office Box 869, Albuquerque, N. Mex. 87103.	El Paso Natural Gas Co., South Blanco Pictured Cliffs Field, Rio Arriba County, N. Mex.	12.0	15.025
G-20404 7-25-66 [2]	Houston Natural Gas Production Co., a Delaware corporation (formerly Morgan Minerals Corp.).	United Gas Pipe Line Co., North LaWard Field, Jackson County, Tex.	14.1792	14.65
CI61-212 E 7-25-66	Houston Natural Gas Production Co. (Operator), et al. (a Delaware corporation) (successor to Houston Natural Gas Production Co.) (Operator), et al. (a Texas corporation).[3]	Valley Gas Transmission, Inc., Terrell Point Area, Goliad County, Tex.	[4] 13.25	14.65
CI61-648 7-25-66 [2]	Houston Natural Gas Production Co., Operator, a Delaware corporation (formerly Morgan Minerals Corp., Operator).	South Texas Natural Gas Gathering Co., Yeary Field, Kleberg County, Tex.	15.0	14.65
CI62-1238 E 7-25-66	Houston Natural Gas Production Co. (Operator), et al. (a Delaware corporation) (successor to Houston Natural Gas Production Co.) (Operator), et al. (a Texas corporation).[3]	Lone Star Gathering Co., Southeast Yorktown Field, De Witt County, Tex.	16.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-170 A 8-15-66	Texaco Inc. (Operator), et al.	Lone Star Gas Co., Danville Field, Gregg and Rusk Counties, Tex.	[10] 15.0	14.65
C167-171 A 8-15-66	Edwin L. Cox, 36th Floor, First National Bank Bldg., Dallas, Tex. 75202.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	[11] 16.5	14.65
C167-172 (G-16,560) F 8-15-66	Sun Oil Co. (successor to May Oil Co. Operator), 1608 Walnut St., Philadelphia, Pa. 19103.	Southern Natural Gas Co., Quitman Bayou Field, Adams County, Miss.	15.0	15.025
C167-174 A 8-15-66	Southland Royalty Co., 1608 Fort Worth Nat. Bldg., Fort Worth, Tex. 76101.	Michigan Wisconsin Pipe Line Co., Texas Field, Harper County, Okla.	[11] 17.0	14.65
C167-175 A 8-10-66	George Hitz and R. W. Evans, Rural Delivery No. 5, Cameron, W. Va. 26033.	Carnegie Natural Gas Co., Liberty District, Marshall County, W. Va.	20.0	15.325
C167-177 A 8-9-66	Grace Lumberville, 1205 Fifth Ave., Moundsville, W. Va. 26041.	Carnegie Natural Gas Co., Center District, Wetzel County, W. Va.	20.0	15.325
C167-178 A 8-9-66	Kermit L. Auvil, et al., c/o D. D. Roberts, agent, Post Office Box 1434, Parkersburg W. Va.	Carnegie Natural Gas Co., Union District, Ritchie County, W. Va.	20.0	15.325
C167-179 A 8-11-66	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	United Gas Pipe Line Co., Crescent Farms and Hollywood Fields, Terrebonne Parish, La.	[9] 22.75	15.025
C167-180 (C161-716) (G-16,746) F 8-15-66	Mobil Oil Corp., successor to Magnolia Petroleum Co. and J. M. Huber Corp.), Post Office Box 2444, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Quinlin Field, Woodward County, Okla.	[11] 17.0	14.65
C167-181 B 8-15-66	Northern Pump Co. (Operator), et al., 1300 Northwestern Bank Bldg., Minneapolis, Minn. 55402.	Texas Eastern Transmission Corp., Ursco Field, Bee County, Tex.	Depleted	
C167-182 A 8-17-66	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	Northern Natural Gas Co., various fields, Ellis County, and Woodward County, Okla.	[11] 17.0 [12] 18.0	14.65
C167-183 A 8-16-66	J. M. Huber Corp., Box 277, Corning, Iowa 50841.	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	12.0	14.65

[1] Application to amend certificate to reflect change in corporate name.
[2] Houston Natural Gas Production Co. (a Texas corporation) merged into Morgan Minerals Corp. (a Delaware corporation) and Morgan Minerals Corp. simultaneously changed its name to Houston Natural Gas Production Co. (a Delaware corporation).
[3] Amendment to reflect change in name only. No succession involved.
[4] Rate in effect subject to refund in Docket No. RI64-722.
[5] Rate in effect.
[6] Application erroneously noticed June 29, 1966 in Docket Nos. G-2947, et al. as a total initial rate of 11.5464 cents per Mcf.
[7] Price is 11.0 cents per Mcf for gas which does not require compression or for gas compressed by Buyer; 12.0 cents per Mcf for gas presently being compressed by Buyer with facilities for the operation and maintenance of which Seller pays Buyer a monthly demand charge; and 13.0 cents per Mcf for gas requiring compression, the facilities for which Seller elects to maintain and operate. All rates are subject to a reduction of 0.2163 cent per Mcf for gas dehydrated by Buyer.
[8] Rate in effect subject to refund in Docket No. RI64-666.
[9] Effective rate under FPC GRS No. 14.
[10] Effective rate under FPC GRS No. 15, as amended.
[11] Application erroneously noticed July 18, 1966 in Docket No. G-15815, et al. as a total initial rate of 10.0 cents per Mcf.
[12] By letter filed Aug. 17, 1966, Applicant agreed to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[13] Includes 3.4 cents estimated upward adjustment. Subject to upward and downward B.t.u. adjustment.
[14] Includes 1.4 cents estimated upward adjustment. Subject to upward and downward B.t.u. adjustment.
[15] Includes 2.0 cents transportation charge.
[16] Includes 2.0 cents per Mcf gathering and transportation charge.
[17] Subject to upward and downward B.t.u. adjustment. Contract rate is 16.0 cents per Mcf at 14.65 psia; however, Applicant states its willingness to accept permanent certificate authorization at 15.0 cents per Mcf.
[18] Includes 1.75 cents per Mcf tax reimbursement.
[19] Applicant states its willingness to accept permanent certificate at 15.0 cents per Mcf for production from that portion of acreage in Dewey County, Okla.

[F.R. Doc. 66-9018; Filed, Sept. 2, 1966; 8:45 a.m.]

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C162-1053 K 7-26-66	do	Valley Gas Transmission, Inc., Whitted Field, Hidalgo County, Tex.	15.0	14.65
C163-1347 E 8-15-66	Killam & Hurd (Operator), et al. (successor to The Schoolfield Corp. (Operator), et al.), 6th D. O. Hunt, agent, Post Office Box 480, Laredo, Tex. 78040.	South Texas Natural Gas Gathering Co. West Mirando City Field, Webb County, Tex.	16.0	
C163-1561 E 7-26-66	Houston Natural Gas Production Co. (a Delaware corporation) (successor to Houston Natural Gas Production Co.) (a Texas corporation), 1503 Walnut St., Philadelphia, Pa. 19103.	Valley Gas Transmission, Inc., South Coleto Creek Field, Victoria County, Tex.	14.0	14.65
C164-1314 E 7-25-66	Houston Natural Gas Production Co. (Operator), et al. (a Delaware corporation) (successor to Houston Natural Gas Production Co.) (a Texas corporation), et al.) (a Texas corporation) [1]	Valley Gas Transmission, Inc., Bejita Field, Duval County, Tex.	[2] 14.0 [3] 15.0	14.65
C165-564 6-20-66 [4]	Standard Oil Co. of Texas, a division of Chevron Oil Co., 1301 Travis et al., Post Office Box 1846, Houston, Tex. 77001.	Natural Gas Pipeline Co of America, Indian Basin Area, Eddy County, N. Mex.	[5] 16.608	14.65
C166-953 D 8-10-66	Austral Oil Co., Inc., et al., 2700 Humble Bldg., Houston, Tex. 77002 (partial abandonment).	Arkansas Louisiana Gas Co., acreage in Haskell County, Okla.	Uneconomical	
C167-10 A 7-6-66 [6]	J. M. Hawley d.b.a. Hawley Oil Co., 1100 Oil and Gas Bldg., Wichita Falls, Tex. 76301.	Phillips Petroleum Co., West Panhandle Field, Carson and Gray Counties, Tex.	12.0	14.65
C167-146 A 8-10-66	Northern Pump Co. (Operator), et al. [7] 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Northern Natural Gas Co., North Puckett Field, Pecos County, Tex.	15.0	14.65
C167-156 (G-16,994) F 8-11-66	Crystal Oil & Land Co. (successor in interest to Crystal Oil Refining Co.), 400 Beck Bldg., Shreveport, LA 71101.	United Gas Pipe Line Co., Bilgo Field, Beauregard Parish, La.	[13] 12.6252	15.025
C167-157 A 8-10-66	Monclar Oil & Gas Development Co., Inc., Operator, 1111 Northeast First Ave., North Miami Beach, Fla.	United Fuel Gas Co., Henry District, Clay County, W. Va.	25.0	15.325
C167-158 A 8-11-66	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	Texas Eastern Transmission Corp., Dalle Husky Field, Goliad County, Tex.	14.3733	14.65
C167-159 A 8-11-66	Robio Petroleum Co. 970 First National Office Bldg., Oklahoma City, Okla. 73102	Natural Gas Co. Calesby Area, Ellis County, Okla.	[14] 20.4	14.65
C167-160 A 8-11-66	G. Fred Shewey, Box 106, Kermit, W. Va. 25674.	United Fuel Gas Co., acreage in Mingo County, W. Va.	[15] 25.0	15.325
C167-161 A 8-8-66	A. G. Kirschner, 1st Office Box 8266, Amarillo, Tex. 79106.	El Paso Natural Gas Co. East Panhandle Field, Wheeler County, Tex.	12.0	14.65
C167-162 B 8-10-66	Southwest Gas Producing Co., Inc., 1300 Louisville Ave., Monroe, La. 71201.	Texas Gas Gathering Corp., Rodessa Field, Caddo Parish, La.	Depleted	14.65
C167-163 B 8-8-66	Allen & Allen & Mineral Co., 318 Professional Bldg., Clarksburg, W. Va. 26301.	Carnegie Natural Gas Co., Glenville District, Gilmer County, W. Va.	Depleted	14.65
C167-165 A 8-15-66	Delta Corp., 501 First National Bldg., Oklahoma City, Okla. 73102.	Cities Service Gas Co., Wakita Field, Grant County, Okla.	14.0	14.65
C167-166 A 8-15-66	Texaco Inc.	Texas Gas Transmission Corp., Lake Pagie Field, Terrebone Parish, La.	[16] 20.625	15.025
C167-167 A 8-11-66	Gulf Oil Co. (Operator), et al., Gulf Tower Bldg., Tulsa, Okla. 74102.	Natural Gas Co. North Northeast Hardtner Field, Woodward County, Okla.	17.0	14.65
C167-168 A 8-11-66	Allis Gale, 33 Parkview Ave., Bronxville, N.Y. 10708	Panhandle Eastern Pipe Line Co., Tegarden, South Field, Woods County, Okla.	[17] 17.0	14.65
C167-169 A 8-15-66	Allegheny Land and Mineral Co.	Carnegie Natural Gas Co., Center, Grant and Clay Districts, Monongalia County, W. Va.	[18] 27.0	15.325

[Project No. 2617]

PACIFIC POWER & LIGHT CO.

Notice of Application for License for Unconstructed Transmission Line Project

AUGUST 26, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Power & Light Co. (correspondence to: E. Robert de Luccia, Senior Vice President, Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204) for unconstructed transmission line Project No. 2617, to be located in Walla Walla County, Wash., and Umatilla, Union, and Wallowa Counties, Oreg., and affecting lands of the United States within the Umatilla National Forest.

The proposed transmission line, which will be a 230-kv single circuit line about 79 miles long, of which about 6.1 miles will cross the National Forest lands, will carry about 285,000,000 kilowatt-hours of hydroelectric energy in an average water year from Idaho Power Company's Hells Canyon Project (under Commission license as Project No. 1971) the source of supply, for transmission from Enterprise, Oreg., to Walla Walla, Wash.; and 394,000,000 kilowatt-hours of coordination energy for transmission in the opposite direction in connection with system operations and to provide reservoir holding energy for coordination of Project No. 1971 with the Northwest Power Pool.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 17, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9658; Filed, Sept. 2, 1966; 8:45 a.m.]

[Project No. 2101]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice of Applications for Amendment of License for Partially Constructed Project

AUGUST 26, 1966.

Public notice is hereby given that applications have been filed for amendment of license under the Federal Power Act (16 U.S.C. 791a–825r) by Sacramento Municipal Utility District (correspondence to: Paul E. Shaad, General Manager and Chief Engineer, Sacramento Municipal Utility District, 6201 S Street, Box 2391, Sacramento, Calif 95811) for partially constructed Project No. 2101, known as the Upper American River Project, located on the Rubicon River and tributaries, Silver Creek and tributaries, and South Fork of the American River in El Dorado County, Calif., near Placerville.

The applications for amendment seek authorization to: (1) Remove from the license for the project a project access road leading to Loon Lake and crossing Loon Lake Dam, which road is now partially included in the County highway system and used for recreational purposes; (2) remove the license time requirement for construction of the proposed Ice House tunnel as not being presently economically feasible; and (3) include under the license the proposed Loon Lake underground powerhouse development consisting of: (a) A short intake tunnel at Loon Lake; (b) fixed wheel and bulkhead intake gates; (c) a lined 10-foot diameter vertical penstock about 1,050 feet long; (d) an underground powerhouse containing a single 112,000 horsepower impulse turbine connected to a 80,750 kilowatt generator; (e) an 18-foot by 18-foot modified horseshoe tailrace tunnel about 20,000 feet long, to Gerle Reservoir; (f) a 13.8/69 kv transformer located underground; (g) an 8-mile 69 kv tt transmission line from the above ground switchyard to the Robbs Peak-Union Valley Line; and (h) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 18, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9659; Filed, Sept. 1, 1966; 8:45 a.m.]

FEDERAL AVIATION AGENCY

AIRPORTS DISTRICT OFFICE AT RENO, NEV.

Notice of Closing

Notice is hereby given that on June 30, 1966, the Airports District Office at Reno, Nev., was closed. Services to the public of Nevada concerning airport matters recently furnished partly by the Reno office and partly by the Salt Lake City office, will be furnished in the future by the Airports Branch of the Salt Lake City Area Office, 116 North 23d West, Salt Lake City, Utah 84116.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 66-9697; Filed, Sept. 2, 1966; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

WACHOVIA BANK & TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Wachovia Bank & Trust Co. for approval of merger with Bank of Ahoskie.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89–356), an application by Wachovia Bank & Trust Co., Winston-Salem, N.C., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Bank of Ahoskie, Ahoskie, N.C., under the charter and title of Wachovia Bank & Trust Co. As an incident to the merger, the four offices of Bank of Ahoskie would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 30th day of August 1966.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-9660; Filed, Sept. 2, 1966; 8:45 a.m.]

VALLEY BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (section 3(a)(3) of the Act, as amended by Public Law 89–485, which became effective July 1, 1966), by Valley Bancorporation, which is a bank holding company located in Appleton, Wis., for the prior approval of the Board of the acquisition by Applicant of 9,875 of the 10,000 voting shares of American State Bank, Grand Chute, Wis., a proposed new bank.

Section 3(c) of the Act, as amended, provides that:

The Board shall not approve—

(1) Any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Vice Chairman Robertson, and Governors Shepardson, Mitchell, Daane, and Brimmer. Absent and not voting: Chairman Martin, and Governor Maisel.

the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 29th day of August 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 66-9661; Filed, Sept. 2, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

AUGUST 29, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 29, 1966, through September 7, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-9683; Filed, Sept. 2, 1966; 8:47 a.m.]

[File No. 1-1666]

LINCOLN PRINTING CO.

Order Suspending Trading

AUGUST 30, 1966.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 31, 1966, through September 9, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-9698; Filed, Sept. 2, 1966; 8:48 a.m.]

[File No. 70-4410]

PENNSYLVANIA GAS CO., ET AL.

Notice of Proposed Acquisition and Sale of Assets and Dissolution of Nonutility Subsidiary Company

AUGUST 30, 1966.

Notice is hereby given that National Fuel Gas Co. ("National"), 30 Rockefeller Plaza, New York, N.Y. 10020, and its gas utility subsidiary company, Pennsylvania Gas Company ("Penn Gas"), and the latter's wholly owned nonutility subsidiary company, Pennsylvania Oil Co. ("Penn Oil"), 213 Second Avenue, Warren, Pa. 16365, have filed a joint application-declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9, 10, and 12(c) of the Act and Rule 42 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Penn Gas proposes to acquire and Penn Oil proposes to sell, at book value, all of the assets of Penn Oil in consideration of the assumption by Penn Gas of all of Penn Oil's liabilities and the surrender for cancellation of all of Penn Oil's outstanding capital stock. Penn Oil will then be dissolved. As of June 30, 1966, Penn Oil's assets, per books, amounted to $325,371 and liabilities and deferred credits amounted to $8,802 and $1,200, respectively. Penn Oil, which is engaged in the production of petroleum, has oil rights in substantially the same acreage in Pennsylvania where Penn Gas has gas rights. It is stated that the proposed elimination of Penn Oil will be another step in the corporate simplification of the National holding-company system.

The fees and expenses to be paid by National and Penn Gas total $1,330 including counsel fees of $225 for National and $1,000 for Penn Gas. It is stated that Penn Oil will pay no fees or expenses. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 26, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-9699; Filed, Sept. 2, 1966; 8:48 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

AUGUST 30, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 31, 1966, through September 9, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-9700; Filed, Sept. 2, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 31, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40690—*Silica sand to New Orleans, La.* Filed by Southwestern Freight Bureau, agent (No. B-8697), for interested rail carriers. Rates on silica sand, not ground, powdered, or pulverized, in carloads, from Cleburne, Tex., to New Orleans, La.

Grounds for relief—Market competition.

Tariff—Supplement 110 to Southwestern Freight Bureau, agent, tariff ICC 4565.

FSA No. 40691—*Mill feed and mill feed pellets to Texas gulf ports.* Filed by Texas-Louisiana Freight Bureau, agent (No. 582), for interested rail carriers. Rates on mill feed or mill feed pellets, in carloads, from points in Texas, to Corpus Christi, Freeport, Galveston, Houston, and Texas City, Tex. (for export).

Grounds for relief—Rate relationship.

Tariff—Supplement 62 to Texas-Louisiana Freight Bureau, agent, tariff ICC 1012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9709; Filed, Sept. 2, 1966; 8:49 a.m.]

[Notice 247]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 31, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5178 (Sub-No. 4 TA), filed August 26, 1966. Applicant: HAIN TRUCKING CO., INC., 12810 Sherman Way, North Hollywood, Calif. 91605. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plate glass, window glass, and rolled glass*, from Oakland, San Francisco, and Stockton, Calif., to points in Marin, Sonoma, Napa, Solano, Sutter, Yolo, Yuba, Sacramento, San Joaquin, Stanislaus, Merced, Fresno, Madera, San Benito, Monterey, Santa Clara, Santa Cruz, San Mateo, Contra Costa, Alameda, and San Francisco Counties, Calif., for 180 days. Supporting shippers: Ace Glass Co., 31625 Hayman Street, Hayward, Calif. 94543, Bradford Sales Co., 9900 Lakewood Boulevard, Room 206, Downey, Calif. 90240, Pacific Manufacturers Export Co., Post Office Box 7026, Long Beach, Calif. 90807. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 111434 (Sub-No. 67 TA), filed August 26, 1966. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo., Post Office Box 1488, Durango, Colo. Applicant's representative: Peter J. Crouse, 730 Equitable Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, from Gallup, N. Mex., to Shiprock, N. Mex., for 180 days. Supporting shipper: Vanadium Corp. of America, Pan Am Building, 200 Park Avenue, New York, N.Y. 10017. Send protests to: Luther H. Oldham, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 128481 (Sub-No. 1 TA), filed August 26, 1966. Applicant: HENRY V. MUSGROVE, Post Office Box 41, Axson, Ga. Applicant's representative: Schwartz, Proctor & Bolinger, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wooden laminated structural arches and beams and materials and supplies*, from Waycross, Ga., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, for 150 days. Supporting shipper: Dixie Laminated, Inc., Post Office Box 742, Waycross, Ga. Send protests to: George H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 128543 TA, filed August 26, 1966. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, Ill. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, couplings, elbows, and nipples*, from Struthers, Ohio, to points in Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, West Virginia, District of Columbia, and Delaware. Restricted to traffic moving under contract with Allied Tube & Conduit Corp. of Harvey, Ill., for 180 days. Supporting shipper: Allied Tube & Conduit Corp., 16100 South Lathrop Street, Harvey, Ill. Send protests to: Charles J. Kudelka, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9710; Filed, Sept. 2, 1966; 8:49 a.m.]

[Notice 1407]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 31, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68961. By order of August 29, 1966, the Transfer Board approved the transfer to Ralph Flesch & Son, Inc., 451 School Street, Box 577, Craig, Colo., of permit in No. MC-114595,

issued June 21, 1954, to Ralph Flesch, and Erna Mae Flesch, a partnership, Craig, Colo., authorizing the transportation of: Ore and ore concentrates, from the site of Oxark-Mahoning Co. mill, near Cowdrey, Colo., to Northgate and Kings Canyon, Colo.

No. MC-FC-68993. By order of August 29, 1966, the Transfer Board approved the transfer to Francis P. Ryan, doing business as Ryan's Heavy Hauling, Barre, Vt., of certificate No. MC-20492, issued November 30, 1961, to Fred S. George & Son, Inc., Stottville, N.Y., authorizing the transportation of: Contractor's equipment, machinery, and supplies, over irregular routes, between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island; also, between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, on the one hand, and, on the other, points in New York. John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207, attorney for applicants.

No. MC-FC-69001. By order of August 26, 1966, the Transfer Board approved the transfer to Monaco Tours, Inc., Niagara Falls, N.Y., of the operating rights of John J. Monaco and Albert P. Monaco, a partnership, doing business as Monaco Tours, Niagara Falls, N.Y., in certificate No. MC-116678, issued August 30, 1962, authorizing the transportation, over irregular routes, of passengers and their baggage, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than seven passengers in any one vehicle, but not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats, in seasonal operations between April 15 and October 1, inclusive, of each year, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within 6 miles thereof, and extending to ports of entry on the United States-Canada boundary line at Niagara Falls and Lewiston, N.Y. Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y. 14201, attorney for applicants.

No. MC-FC-69002. By order of August 26, 1966, the Transfer Board approved the transfer to Fame, Inc., Milton, Pa., of the operating rights in permits Nos. MC-111002, MC-111002 (Sub-No. 2), MC-111002 (Sub-No. 8), MC-111002 (Sub-No. 10), MC-111002 (Sub-No. 11), MC-111002 (Sub-No. 12), MC-111002 (Sub-No. 15), MC-111002 (Sub-No. 17), MC-111002 (Sub-No. 19), and MC-111002 (Sub-No. 20), issued by the Commission February 6, 1950, February 7, 1952, March 12, 1953, August 23, 1954, October 14, 1955, July 2, 1958, January 26, 1961, February 26, 1964, August 28, 1964, and March 16, 1965, respectively, to Clara Miles Schreyer, Frances H. Miles, and Thomas M. Miles, a partnership, doing business as T. M. Miles Oil Co., Milton, Pa., authorizing the transportation of: Potassium silicate, in bulk, in tank vehicles, between points in Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, and Pennsylvania. Preston L. Davis, 37 Archer Street, Milton, Pa. 17847, attorney for applicants.

No. MC-FC-69023. By order of August 29, 1966, the Transfer Board approved the transfer to Gerhard Fettes, doing business as Fettes Motor Freight, Fargo, N. Dak., of a portion of the operating rights in certificate No. MC-87178, issued by the Commission June 14, 1949, to Perry L. Nettbrook, doing business as Elliott Transfer Co., Fergus Falls, Minn., authorizing the transportation, of: Household goods, as defined by the Commission, between Fergus Falls, Minn., on the one hand, and, on the other, points in Iowa, Wisconsin, Illinois, and Indiana. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-69068. By order of August 30, 1966, the Transfer Board approved the transfer to Eugene Povero, McDonald, Pa., of a portion of the operating rights in certificate No. MC-41686, and the entire operating rights in certificate No. MC-41686 (Sub-No. 2), issued July 2, 1947, and October 29, 1956, respectively, to Keystone-Lawrence Transfer & Storage Co., a corporation, New Castle, Pa., authorizing the transportation of: General commodities, usual exceptions, from New Castle, Pa., and points within 20 miles thereof, to specified points, in Indiana, Illinois, Ohio, West Virginia, New Jersey, and New York. A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215, attorney for transferee. Bowes and Millner, 1060 Broad Street, Newark, N.J. 07102, attorney for transferor.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9711; Filed, Sept. 2, 1966, 8:50 a.m.]

[3d Rev. S.O. 562; ICC Order 211, Amdt. 1]

CANADIAN PACIFIC RAILWAY CO. ET AL.

Rerouting and Diversion of Traffic

Upon further consideration of ICC Order No. 211 (Canadian Railroads) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 211 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 7, 1966, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 31, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 31, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-9712; Filed, Sept. 2, 1966; 8:50 a.m.]

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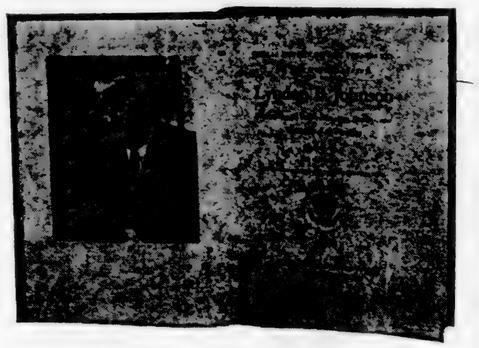
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SOCIOLOGY & ECONOMICS

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FEDERAL REGISTER

VOLUME 31 • NUMBER 173

Wednesday, September 7, 1966 • Washington, D.C.

Pages 11701–11736

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Title 3—THE PRESIDENT

Proclamation 3740

VETERANS DAY, 1966

By the President of the United States of America

A Proclamation

Since the birth of the Republic, more than half a million Americans have died for their country on the field of battle. Millions more have placed themselves as a living shield between their country and her enemies, emerging unscathed through the benevolence of a merciful Creator.

We have set aside one day of the year to honor the dead and the living whose actions have testified to their courage and devotion to country. On Veterans Day, we honor their heroism, we give thanks for their sacrifice, and we share—if only briefly and inadequately— the grief of loved ones who survive them.

We have preserved our freedom only through the continued willingness of brave men and women to risk the sacrifice of their lives for its sake.

We honor those who wore that uniform in days past, and those who wear it today. Especially this year our thoughts go out to the hundreds of thousands who are resisting the forces of aggression and violence in Vietnam.

We can never repay our debt to them, for it is beyond price. But we can show our recognition of the gift they have made their country. We can pay tribute to the nobility of man, as it is expressed in a soldier's courage.

To this end, the Congress has designated the eleventh of November as a legal holiday to be known as Veterans Day and has dedicated it to the cause of world peace (Act of May 13, 1938, 52 Stat. 351, as amended (5 U.S.C. 87a)).

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, call upon the people of our Nation to observe Friday, November 11, 1966, as Veterans Day, commemorating the service of our veterans of past wars, and pledging our full support to the men and women of today who are continuing the struggle for freedom and peace for which so many have fought and died. Let us join with fervor in this observance.

I direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on this day. In order that this day may be marked and observed in accordance with its full purpose and meaning, I request officials of the Federal, State, and local governments, and civic and patriotic organizations, to give their enthusiastic leadership and support to appropriate public ceremonies throughout the Nation.

I also urge all citizens, and particularly students in our schools, colleges, and universities, and other younger citizens whose contemporaries now continue to support at great personal risk the ideals of freedom and peace, to take part in these ceremonies to demonstrate to all the world their support of those who fight today, as well as their homage to those who have borne the battle for these ideals in previous times.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of August in the year of our Lord nineteen hundred and sixty-six, and of the [SEAL] Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-9816; Filed, Sept. 2, 1966; 1:50 p.m.]

Proclamation 3741

TWENTIETH ANNIVERSARY OF UNESCO

By the President of the United States of America

A Proclamation

On November 4, 1946, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) officially came into being as one of the specialized agencies of the United Nations.

UNESCO was created for the purpose of contributing to peace and security "by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations."

Our Government was active in the founding of UNESCO. It has continued to support the Organization in its effort to create a climate in the world in which a just peace may prevail.

UNESCO has a critical role to play in bringing the educational techniques of the developed world to the newly emerging nations of man's family. Its mission should embrace the simplest teaching, and the most sophisticated arts and sciences of which our species is capable.

As we work to build in America a truly great society, it is with hope and satisfaction that we look upon the work of UNESCO in its effort to advance the common welfare of mankind:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby call to the attention of the people of the United States that November 4, 1966, is the Twentieth Anniversary of UNESCO and call upon them to observe the occasion with appropriate ceremonies and manifestations of support for the Organization.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of August in the year of our Lord nineteen hundred and sixty-six, and of the [SEAL] Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-9815; Filed, Sept. 2, 1966; 1:50 p.m.]

Executive Order 11301

ESTABLISHING THE PRESIDENT'S COMMITTEE ON LIBRARIES AND THE NATIONAL ADVISORY COMMISSION ON LIBRARIES

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Committee.* (a) There is hereby established the President's Committee on Libraries (hereinafter referred to as the "Committee").

(b) The membership of the Committee shall consist of the Secretary of Health, Education, and Welfare, who shall be the Chairman of the Committee, the Secretary of Agriculture, the Director of the Office of Science and Technology, and the Director of the National Science Foundation, and may include, in addition, the Librarian of Congress who is hereby invited to be a member of the Committee. Each member of the Committee may designate an alternate, who shall serve as a member of the Committee whenever the regular member is unable to attend any meeting of the Committee.

SEC. 2. *Duties of the Committee.* (a) The Committee shall:

(1) Appraise the role of libraries as resources for scholarly pursuits, as centers for the dissemination of knowledge, and as components of the Nation's rapidly evolving communications and information-exchange network;

(2) Evaluate policies, programs, and practices of public agencies and private institutions and organizations with reference to maximum effective and efficient use of the Nation's library resources; and

(3) Develop recommendations for action by Government or by private institutions and organizations designed to ensure an effective and efficient library system for the Nation.

(b) Such recommendations shall take into account the final report of the National Advisory Commission on Libraries established by Section 3 of this order, which report shall be transmitted to the President with the recommendations of the Committee.

SEC. 3. *Establishment of Commission.* (a) To assist the Committee in carrying out its functions under Section 2 of this order, there is hereby established the National Advisory Commission on Libraries (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of not more than twenty members appointed by the President, none of whom shall be officers or full-time employees of the Federal Government. The President shall designate the Chairman of the Commission from among its members.

(c) The Commission shall meet on call of the Chairman.

(d) Each member of the Commission may be compensated for each day such member is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 55a; 5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

SEC. 4. *Duties of the Commission.* (a) The Commission shall transmit to the Committee its independent analysis, evaluation, and recommendations with respect to all matters assigned to the Committee for study and recommendations.

(b) In carrying out its duties under subsection (a), above, the Commission shall:

(1) Make a comprehensive study and appraisal of the role of libraries as resources for scholarly pursuits, as centers for the dissemination of knowledge, and as components of the evolving national information systems;

(2) Appraise the policies, programs, and practices of public agencies and private institutions and organizations, together with other factors, which have a bearing on the role and effective utilization of libraries;

(3) Appraise library funding, including Federal support of libraries, to determine how funds available for the construction and support of libraries and library services can be more effectively and efficiently utilized; and

(4) Develop recommendations for action by Government or private institutions and organizations designed to ensure an effective and efficient library system for the Nation.

(c) The Commission shall submit its final report and recommendations to the Committee no later than one year after the date of its first meeting, and shall make such interim reports as it deems appropriate for improving the utilization of library resources.

SEC. 5. *Federal departments and agencies.* (a) The Committee or the Commission is authorized to request from any Federal department or agency any information deemed necessary to carry out its functions under this order; and each department or agency is authorized, consistent with law and within the limits of available funds, to furnish such information to the Committee or the Commission.

(b) Each department or other executive agency the head of which is named in Section 1(b) of this order shall, as may be necessary, furnish assistance to the Committee or the Commission in accordance with the provisions of Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691), or as otherwise permitted by law.

(c) The Department of Health, Education, and Welfare is hereby designated as the agency which shall provide administrative services for the Commission.

SEC. 6. *Termination of the Committee and the Commission.* The Committee and the Commission shall terminate ninety days after the final report of the Commission is submitted to the Committee.

LYNDON B. JOHNSON

THE WHITE HOUSE,
September 2, 1966.

[F.R. Doc. 66-9857; Filed, Sept. 6, 1966; 10:01 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 9]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1966

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (30 F.R. 15313, 31 F.R. 2776, 2895, 3283, 5681, 7999, 9546, 9939, 11307) is to revise the determination of sugar requirements for the calendar year 1966, establish quotas, prorations and direct-consumption limits consistent with such requirements and to determine and prorate or allocate deficits in quotas pursuant to the Sugar Act of 1948, as amended), hereinafter referred to as the "Act".

Section 301 of the Act directs the Secretary to revise the determination of sugar requirements at such times during the calendar year as he deems necessary.

Raw sugar offerings for arrival in October and early November continue in relatively short supply. In view of the seasonally strong distribution of refined sugar through August, additional quantities of readily available raw sugars are needed to meet the requirements of consumers. Accordingly, total sugar requirements for the calendar year 1966 are hereby increased by 50,000 short tons, raw value, to a total of 10,325,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. The governments of the Republic of the Philippines, Nicaragua, and Panama notified the Department prior to August 1, 1966, that they would be unable to fill that part of their 1966 sugar quotas in excess of 1,202,978, 19,000 and 13,000 short tons, raw value, respectively. Accordingly, a finding has heretofore been made (31 F.R. 11307) under section 202(d)(4) of the Act, that such failure of the Republic of the Philippines, Nicaragua, and Panama to fill its respective quota was due to crop disaster or other force majeure. Pursuant to section 204(b) of the Act, the quota, including prorated deficits, for the Republic of the Philippines has been reduced to 1,202,978 short tons, raw value; the quota for Nicaragua has been reduced to 19,000 short tons, raw value; and the quota for Panama has been reduced to 13,000 short tons, raw value, representing the approximate quantity of sugar each country will be able to supply in 1966.

It is herein determined that 110,860 short tons, raw value, of the deficit previously allocated to the Republic of the Philippines shall be reprorated and total deficits are herein determined for Nicaragua and Panama of 32,010 and 18,185 short tons, raw value, respectively. In previous actions taken prior to September 1, 1966 (31 F.R. 11307), the deficit in the quota determined for Panama of 17,590 short tons, raw value, plus 105,430 short tons, raw value, of the deficit previously allocated to the Republic of the Philippines, which totaled 123,020 short tons, raw value, was allocated to the Dominican Republic on August 26, 1966, on the basis of a determination issued by the President to the Secretary of Agriculture dated August 17, 1966; and 31,040 of the deficit for Nicaragua was prorated to other Central American Common Market countries.

Such previous allocation of deficits are not disturbed by the action taken herein.

As a result of the increase in consumption requirements determined herein and under section 204(a) of the Act, Nicaragua has an additional deficit of 970 short tons, raw value, which is prorated herein to other Central American Common Market countries; Panama has an additional deficit in the amount of 595 short tons, raw value, and the Republic of the Philippines will be unable to fill the deficit previously allocated to it in the additional amount of 5,430 short tons, raw value, which amounts totaling 6,025 short tons, raw value, are herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which are able to supply such additional sugar on the basis of published quotas most recently in effect.

Effective date. This action increases by 50,000 short tons, raw value, the quantity that foreign countries, other than the Republic of the Philippines, may import. To permit such countries for which larger prorations are hereby established to plan and to market in an orderly manner the larger quantity of sugar, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be promptly informed of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.40, 811.41, 811.42, and 811.43 as follows:

1. Section 811.40 is amended to read as follows:

§ 811.40 Sugar requirements, 1966.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1966 is hereby determined to be 10,325,000 short tons, raw value.

2. Section 811.41 is amended by amending subparagraph (1) of paragraph (a) to read as follows:

§ 811.41 Quotas for domestic areas.

(a)(1) For the calendar year 1966 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,025,000	(1)
Mainland cane sugar	1,100,000	(1)
Hawaii	1,300,227	85,312
Puerto Rico	1,140,000	154,875
Virgin Islands	15,000	0

[1] No limit.

* * * * * *

3. Section 811.42 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.42 Proration and allocation of deficits and quotas in effect.

* * * * * *

(b) Pursuant to section 204(a) of the Act, a deficit is hereby determined in the section 202 quota determined herein in § 811.43 for Nicaragua amounting to 32,010 short tons, raw value. Of such amount, 31,040 short tons, raw value, previously allocated to other Central American Common Market countries on August 26, 1966 (31 F.R. 11307), are hereby allocated in the same manner, and 970 short tons, raw value, are allocated in § 811.43 to other Central American Common Market countries able to fill additional quota.

(c) Pursuant to section 204(a) of the Act, a deficit of 18,185 short tons, raw value, is hereby determined in the section 202 quota for Panama referred to in § 811.43 and it is hereby determined that the Republic of the Philippines will be unable to fill the proration established in paragraph (a) of this § 811.42 of 195,903 short tons, raw value, by 110,860 short tons, raw value. In accordance with section 204(a) of the Act and a Presidential memorandum dated Au-

gust 17, 1966, 17,590 short tons, raw value of the Panama deficit and 105,430 short tons, raw value of the Philippine shortfall were allocated on August 26, 1966, to the Dominican Republic, and such allocation is hereby reestablished. Pursuant to section 204(a) of the Act, the additional deficit for Panama of 595 short tons, raw value, and the additional 5,430 short tons, raw value, of the deficit proration which the Republic of the Philippines is unable to fill are prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which are able to supply such additional sugar.

4. Section 811.43 is amended by amended paragraphs (a), (b), and (c) to read as follows:

§ 811.43 Quotas for foreign countries.

(a) For the calendar year 1966, the quota for the Republic of the Philippines is 1,202,978 short tons, raw value, representing 1,117,875 tons established pursuant to section 202 of the Act and 85,103 short tons established pursuant to section 204 of the Act.

(b) Of the quantity of 1,117,875 short tons established in paragraph (a) of this section, only 59,920 short tons, raw value, may be filled by direct-consumption sugar, pursuant to section 207(d) of the Act.

(c) For the calendar year 1966, the prorations to individual foreign countries pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in amendments 5 and 8 of this § 811.43 (31 F.R. 7999, 11307), are shown in column (3). In column (4) the additional deficit in the section 202 quota for Nicaragua due to the increase in requirements and amounting to 970 short tons, raw value, is prorated herein to other Central American Common Market countries; the additional deficit in the section 202 quota for Panama due to the increase in requirements, amounting to 595 short tons, raw value, and the additional portion of the previously prorated deficit which the Republic of the Philippines is unable to fill, amounting to 5,430 short tons, raw value, are herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which are able to supply such additional sugar on the basis of published quotas recently in effect. Total quotas and prorations are herein established as shown in column (5).

Country	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Previous deficits and deficit prorations	New deficits and deficit prorations	Total quotas and prorations
Mexico	210,376	220,000	43,356	1,126	474,967
Dominican Republic	205,749	215,249	166,432	1,399	587,829
Brazil	205,749	215,249	42,412	1,101	464,511
Peru	164,109	171,687	33,828	878	370,502
British West Indies	82,191	73,908	16,942	415	173,456
Ecuador	29,937	31,319	6,171	160	67,587
French West Indies	25,855	23,249	5,330	131	54,565
Argentina	25,310	26,479	5,217	136	57,142
Costa Rica	24,222	25,788	17,753	558	89,321
Nicaragua	24,222	25,788	31,040	970	19,000
Colombia	21,772	22,778	4,488	117	49,155
Guatemala	20,412	22,575	14,980	470	58,417
Panama	15,241	15,944	17,580	595	13,000
El Salvador	14,969	16,555	10,973	345	42,841
Haiti	11,430	11,959	2,356	61	25,806
Venezuela	10,342	10,819	2,132	55	23,348
British Honduras	5,987	5,384	1,234	36	12,638
Bolivia	2,449	2,563	508	13	5,530
Australia	97,976	87,546			185,522
Republic of China	40,823	36,478			77,301
India	39,190	35,019			74,209
South Africa	26,548	26,778			54,626
Fiji Islands	21,500	19,212			40,712
Thailand	8,981	8,026			17,006
Mauritius	8,981	8,025			17,006
Malagasy Republic	4,627	4,134			8,761
Swaziland	3,538	3,161			6,699
Ireland	5,351				5,351

[1] Proration of quotas withheld from Cuba, Southern Rhodesia and the proration of the Honduras quota to Central American Common Market countries.

(Secs. 201, 202, 204 403; 61 Stat. 923 as amended, 924 as amended, 925 as amended, 932 as amended; 7 U.S.C. 1111, 1112, 1114, 1153)

Effective date. This order will become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 1st day of September 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-9757; Filed, Sept. 6, 1966; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[948.353; Area 2]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948) regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Area No. 2 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation as hereinafter set forth, will tend to effectuate the declared policy of the act and thereby maintain orderly marketing conditions and tend to increase returns to producers of such potatoes.

(b) It is hereby found that is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1966 crop potatoes grown in Area No. 2 will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to all such shipments during the effective period, (3) producers and handlers have operated under the marketing order since 1949 so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

§ 948.353 Limitation of shipments.

During the period September 7, 1966, through June 30, 1967, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), (f), (g), and (h) of this section. The maturity requirements specified in paragraph (b) of this section shall terminate October 15, 1966, at 11:59 p.m., m.s.t.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2⅛ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade, and if handled in accordance with the reporting requirements of paragraph (h) of this section.

(b) *Maturity (skinning) requirements*—(1) *Russet Burbank and Red McClure varieties.* Not more than "slightly skinned" for U.S. No. 1 grade, and not more than "moderately skinned" for U.S. No. 2 grade.

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Container requirements.* Potatoes may be handled only in containers classified by weight as follows:

(1) 5 pounds;
(2) 10 pounds;
(3) 20 pounds;
(4) 25 pounds;
(5) 50 pounds; or
(6) 100 pounds and larger.

(d) *Special purpose shipments*—(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of 1½ inches minimum diameter, and if U.S. No. 2, or better grade, except for (i) scab, and (ii) the maturity requirements of paragraph (b) of this section, if such potatoes are handled in accordance with paragraph (e) of this section.

(2) *Other special purposes.* (i) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for livestock feed, relief or charity.

(ii) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to the handling of potatoes for seed pursuant to § 948.6; but any lot of potatoes handled for seed shall be subject to assessments.

(e) *Safeguards.* Each handler of potatoes which do not meet the quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section and which are handled pursuant to paragraph (d) of this section for any of the special purposes set forth therein shall,

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee,

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to inspection and the requirements of paragraphs (a), (b), and (c) of this section, but this exception shall not apply to any portion of a shipment of over 1,000 pounds of potatoes.

(g) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate, except that inspection certificates issued on potatoes for use as potato chips handled pursuant to paragraph (d)(1) of this section shall be exempt from this 5 day requirement.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto.

(h) *Reports.* Pursuant to § 948.80, no handler may ship Size B potatoes from Area No. 2 unless he reports to the committee in a manner prescribed by it the quantities handled and the destinations of such potatoes.

(i) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "slightly skinned," "moderately skinned," and "scab" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(j) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1, *Import regulations* (7 CFR 980.1 of this chapter), red skinned round type potatoes, except certified seed potatoes, imported into the United States during the period October 1, 1966, through June 30, 1967, shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 31, 1966, to become effective September 7, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9756; Filed, Sept. 6, 1966; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

Section 103.6 is amended to read as follows:

§ 103.6 Surety bonds.

(a) *Posting of surety bonds*—(1) *Extension agreements; consent of surety; collateral security.* All surety bonds posted in immigration cases shall be executed on Form I–352. A district director is authorized to approve a bond, a formal agreement to extension of liability of surety, a request for delivery of collateral security to a duly appointed and undischarged administrator or executor of the estate of a deceased depositor, and a power of attorney executed on Form I–312. All other matters relating to bonds, including a power of attorney not executed on Form I–312 and a request for delivery of collateral security to other than the depositor or his approved attorney in fact, shall be forwarded to the regional commissioner for approval.

(2) *Bond riders.* Bond riders shall be prepared on Form I–351 and attached to Form I–352. If a condition to be included in a bond is not on Form I–351, a rider containing the condition shall be executed and forwarded with Form I–352 to the regional commissioner for approval.

(b) *Acceptable sureties.* Either a company holding a certificate from the Secretary of the Treasury under 6 U.S.C. 6–13 as an acceptable surety on Federal bonds, or a surety who deposits cash or U.S. bonds or notes of the class described in 6 U.S.C. 15 and Treasury Department regulations issued pursuant thereto and which are not redeemable within 1 year from the date they are offered for deposit is an acceptable surety.

(c) *Cancellation*—(1) *Public charge bonds.* A public charge bond posted for an immigrant shall be canceled when the alien dies, departs permanently from the United States, or is naturalized, provided he did not become a public charge prior to his demise, departure, or naturalization. The district director may cancel a public charge bond at any time if he finds that the immigrant is not likely to become a public charge. A bond may also be canceled in order to allow substitution of another bond. Request for cancellation of a public charge bond shall be made on Form I–356.

(2) *Maintenance of status and departure bonds.* When the status of a nonimmigrant who has violated the conditions of his admission has been adjusted as a result of administrative or legislative action to that of a permanent resident retroactively to a date prior to the violation, any outstanding maintenance of status and departure bond shall be canceled. If an application for adjustment of status is made by a nonimmigrant while he is in lawful temporary status, the bond shall be canceled if his status is adjusted to that of a lawful permanent resident or if he voluntarily departs within any period granted to him. As used in this subparagraph, the term "lawful temporary status" means that there must not have been any break in the approval of the alien's stay and all the time he is in the United States, from the date of admission to the date of departure or adjustment of status, he must have had uninterrupted Service approval in the form of regular extensions of stay or dates set by which departure is to occur, or a combination of both. A maintenance of status and departure bond posted at the request of an American consular officer abroad in behalf of an alien who did not travel to the United States shall be canceled upon receipt of notice from an American consular officer that the alien is outside the United States and the nonimmigrant visa issued pursuant to the posting of the bond has been canceled or has expired.

(d) *Bond schedules*—(1) *Blanket bonds for departure of visitors and transits.* The amount of bond required for various numbers of nonimmigrant visitors or transits admitted under bond on

Forms I–352 shall be in accordance with the following schedule:

Aliens	
1 to 4	$500 each.
5 to 9	$2,500 total bond.
10 to 24	$3,500 total bond.
25 to 49	$5,000 total bond.
50 to 74	$6,000 total bond.
75 to 99	$7,000 total bond.
100 to 124	$8,000 total bond.
125 to 149	$9,000 total bond.
150 to 199	$10,000 total bond.
200 or more	$10,000 plus $50 for each alien over 200.

(2) *Blanket bonds for importation of workers classified as nonimmigrants under section 101(a)(15)(H).* The following schedule shall be employed by district directors when requiring employers or their agents or representatives to post bond as a condition to importing alien laborers into the United States from the British West Indies, the British Virgin Islands, or from Canada:

Less than 500 workers	$15 each.
500 to 1,000 workers	$10 each.
1,000 or more workers	$5 each.

A bond shall not be posted for less than $500 or for more than $12,000 irrespective of the number of workers involved. Failure to comply with conditions of the bond will result in the employer's liability in the amount of $75 as liquidated damages for each alien involved.

(e) *Breach of bond.* A bond is breached when there has been a violation of the stipulated conditions. The district director having jurisdiction over the place where any immigration bond is retained shall finally determine whether a bond shall be declared breached or canceled, and shall notify the obligers in writing on Form I–323 or Form I–391 of his decision.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Subparagraph (3) *Assurances: bonds* of paragraph (b) *Section 212(g) (tuberculosis and certain mental conditions)* of § 212.7 *Waiver of certain grounds of excludability* is amended by adding the following sentence at the end thereof: "For procedures relating to cancellation or breaching of bonds, see Part 103 of this chapter."

PART 213—ADMISSION OF ALIENS ON GIVING BOND OR CASH DEPOSIT

Section 213.1 *Admission under bond or cash deposit* is amended by adding the following sentence at the end thereof: "For procedures relating to cancellation or breaching of bonds, see Part 103 of this chapter."

PART 214—NONIMMIGRANT CLASSES

Paragraph (a) *General* of § 214.1 *Requirements for admission, extension, and maintenance of status* is amended by adding the following sentence at the end thereof: "For procedures relating to cancellation or breaching of bonds, see Part 103 of this chapter."

PART 221—ADMISSION OF VISITORS OR STUDENTS

Section 221.1 *Admission under bond* is amended by adding the following sentence at the end thereof: "For procedures relating to cancellation or breaching of bonds, see Part 103 of this chapter."

PART 299—IMMIGRATION FORMS

Section 299.1 *Prescribed forms* is amended by adding the following forms and references thereto in numerical sequence:

Form No.	*Title and description*
I–351	Bond Riders.
I–356	Request for Cancellation of Public Charge Bond.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: September 1, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66-9765; Filed, Sept. 6, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7377; Amdt. 39-282]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Model 744 and 745D Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring installation of replacement access panels and cowls for the inverters located in the fuselage baggage compartment on Vickers Viscount Model 744 and 745D Series airplanes was published in 31 F.R. 7354.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One operator requested an increase in the compliance time from 1,000 hours' time in service to 1 year from the effective date of the AD, to enable it to obtain FAA approval of an equivalent means of complying with the AD. The Agency believes that the present compliance time of 1,000 hours provides ample time for operators to comply with this AD.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Model 744 and 745D Series airplanes.

Within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished, install replacement access panels and cowls for the inverters in accordance with British Aircraft Corp., Ltd. Modification Bulletin No. D.3157 or later ARB-approved issue or an equivalent approved by the Chief, Aircraft Certification Staff, Europe, Africa, Middle East Region.

This amendment becomes effective October 7, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on August 29, 1966.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-9719; Filed, Sept. 6, 1966; 8:45 a.m.]

[Docket No. 7152; Amdt. 39-283]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Model S–61 Series Helicopters

There have been fatigue cracks in the spar of the main rotor blades on Sikorsky Model S–61L helicopters. Since this condition is likely to exist or develop in other rotor blades of the same type design, an airworthiness directive is being issued to specify a reduced service life limit for these blades, which are used on Sikorsky Model S–61 Series helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIKORSKY. Applies to Model S–61 Series helicopters.

Compliance required as indicated.

To prevent operation with fatigue cracks in the spar of a main rotor blade, accomplish the following:

(a) Except as provided in paragraph (c), remove from service S6115–20501 series main rotor blades with 3,375 or more hours' time in service on the effective date of this AD within the next 25 hours' time in service.

(b) Except as provided in paragraph (c), remove from service S6115–20601 series main rotor blades with less than 3,375 hours' time in service on the effective date of this AD before the accumulation of 3,400 hours' time in service.

(c) The service life limits specified in paragraphs (a) and (b) may be extended to 7,000 hours' total time in service for S6115–20501–3 and S6115–20601–5 main rotor blades, S6115–20501–2 blades modified to S6115–20501–3 blades, and S6115–20601–4 blades modified to S6115–20601–5 blades, provided the blades are inspected at the times and in the manner set forth in Sikorsky Service Bulletin No. 61B15–6, dated July 22, 1966, and, if low pressure is indicated, the cause is determined and corrected before further flight in accordance with that Bulletin.

This amendment becomes effective September 17, 1966.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on August 29, 1966.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-9720; Filed, Sept. 6, 1966; 8:45 a.m.]

[Docket No. 7584; Amdt. 39-284]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707–300B, 707–300B (ADV), and 707–300C Series Airplanes

There have been failures in the antiskid system of certain Boeing Model 707–300B Series airplanes due to stray radio energy from the H.F. radio transmitter. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued to impose an operating limitation prohibiting use of the H.F. radio transmitter on certain frequencies while the antiskid is on during taxi, takeoff roll, and landing, until an antiskid H.F. filter is installed.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to Model 707–300B 707–300B (ADV), and 707–300C Series airplanes.

Within the next 100 hours' time in service after the effective date of this AD, until an antiskid H.F. filter is installed in accordance with Boeing Service Bulletin 2367 (R–2), dated June 16, 1966, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, amend the Certification Limitation Section I of the FAA-approved Airplane Flight Manuals, Boeing Model 707–300B (Boeing Document D6–1571), Model 707–300B (ADV) (Boeing Documents D6–1576 and D6–1588) and Model 707–300C (Boeing Documents D6–1575 and D6–1567) to include the following or an FAA-approved equivalent:

ANTISKID LIMITATIONS

Until antiskid H.F. filter installation is accomplished either during airplane manufacture or by Service Bulletin, do not use H.F. to transmit between 2 and 6.5 M.C. with antiskid on during taxi, takeoff roll, and landing.

This amendment becomes effective September 7, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on August 29, 1966.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-9721; Filed, Sept. 6, 1966; 8:45 a.m.]

[Docket No. 7686; Amdt. 39-285]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the pneumatic brake system on Boeing Model 727 Series airplanes was published in 31 F.R. 6498.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 727 Series airplanes listed in Boeing Service Bulletin No. 29–22, dated February 21, 1966.

Compliance required within the next 700 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the pneumatic brake system due to leaks between the control valve and tire brake housing, modify the pneumatic brake system line installation in accordance with Boeing Service Bulletin No. 29–22, dated February 21, 1966, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective October 7, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on August 29, 1966.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-9722; Filed, Sept. 6, 1966; 8:45 a.m.]

[Docket No. 6886; Amdt. 39-275]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Models F–27A, F–27F, F–27G, and F–27J Airplanes

Correction

In F.R. Doc. 66-8969 appearing in the issue for Thursday, August 18, 1966, at page 10987, the first paragraph of the directive should read as follows:

FAIRCHILD. Applies to Models F–27A, F–27F, F–27G, and F–27J airplanes, Serial Numbers 1 through 122.

[Airspace Docket No. 65–WE–91]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones, Designation of Transition Area, and Revocation of Transition Area and Control Area Extension

On April 7, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 5496) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter controlled airspace in the Monterey, Calif., terminal area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The California Council of Aviation Associations asked the following questions. Is the area west of Paso Robles uncontrolled below 5,000 feet MSL? Is this the beginning of planning for positive control in any of this area? Why is it necessary to encompass such a large area for Monterey, Fort Ord IFR transition? The CCAA objected to the proposal on the basis that the proposed area is used extensively by north and south VFR flights.

The area west of Paso Robles will be uncontrolled below 5,000 feet MSL. This is not the beginning of positive control in the area. As stated in the notice, it is a part of the implementation of the provisions of CAR Amendments 60–21/60–29. The Monterey, Fort Ord terminal airspace is necessary to provide protection for aircraft executing prescribed instrument approach, departure and holding procedures within the area. The 5,000-foot MSL portion of the transition area is required to protect en route aircraft holding and for radar vectoring between airways. Most of the airspace covered by this docket is within controlled airspace having a floor of 700 feet above the surface. The action taken in this docket will raise the floor of most of this airspace to 1,200 feet above the surface, and provide an additional 500 feet of uncontrolled airspace for the VFR user. The FAA believes that the action taken in this docket will provide benefits to both the VFR and IFR users of the airspace involved.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

1. In § 71.165 (31 F.R. 2055), the Monterey, Calif., control area extension is revoked.

2. Section 71.171 (31 F.R. 2065) is amended as follows:

a. The Monterey, Calif., control zone is amended to read:

MONTEREY, CALIF.

Within a 5-mile radius of the Monterey Peninsula Airport (latitude 36°35'30" N., longitude 121°51'00" W.), and within 2 miles each side of the 317° bearing from the Monterey ILS LMM, extending from the 5-mile radius zone to 7 miles NW of the LMM, ex-

cluding the portion within the Fort Ord, Calif., control zone.

b. The Salinas, Calif., control zone is amended to read:

SALINAS, CALIF.

Within a 5-mile radius of the Salinas Municipal Airport (latitude 36°39'40" N., longitude 121°36'20" W.), and within 2 miles NE and 3 miles SW of the Salinas VORTAC 319° radial, extending from the 5-mile radius zone to 6 miles NW of the VORTAC, excluding the portion within the Fort Ord, Calif., control zone.

c. The Fort Ord, Calif., control zone is amended to read:

FORT ORD, CALIF.

Within a 5-mile radius of the Fritzsche AAF (latitude 36°40'55" N., longitude 121°45'40" W.), excluding the portion SW of a chord drawn between the points of INT of 5-mile radius circles centered on the Monterey Peninsula Airport and Fritzsche AAF, and the portion E of a chord drawn between the points of INT of 5-mile radius circles centered on the Salinas Municipal Airport and Fritzsche AAF. This control zone is effective from 0600 to 2400 hours, local time, daily.

3. Section 71.181 (31 F.R. 2149) is amended as follows:

a. The Big Sur, Calif., transition area is revoked.

b. The following transition area is added:

MONTEREY, CALIF.

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Fritzsche AAF, Fort Ord, Calif., latitude 36°40'55" N., longitude 121°45'40" W., excluding the portion S of latitude 36°32'00" N.; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 37°05'00" N., longitude 122°43'15" W., thence E via the S boundary of Control 1173 to V-27, thence SE via V-27 to latitude 37°00'00" N., thence E via latitude 37°00'00" N., to a line 11 miles SW of and parallel to the Priest, Calif., VORTAC 331° radial, thence SE via this line to a line 12 miles SE of and parallel to the Big Sur, Calif., VOR 047° radial, thence SW via this line to V-27, thence SE via V-27 to longitude 121°03'00" W., thence S to latitude 35°30'00" N., longitude 121°03'00" W., thence to latitude 35°30'00" N., longitude 121°22'00" W., to latitude 35°45'00" N., longitude 121°40'15" W., to latitude 36°15'00" N., longitude 122°01'00" W., to latitude 36°29'00" N., longitude 122°01'00" W., to latitude 36°29'00" N., longitude 122°17'30" W., to point of beginning; and that airspace extending upward from 5,000 feet MSL bounded on the NW by a line 12 miles SE of and parallel to the Big Sur VOR 047° radial, on the NE V-25, on the S by a line extending from the SW boundary of V-26 and latitude 35°33'00" N., to latitude 35°33'00" N., longitude 121°03'00" W., thence S to the NE boundary of V-27 and longitude 121°03'00" W., and on the SW by V-27, excluding the portion within the Paso Robles, Calif., transition area.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (29 F.R. 9565))

Issued in Washington, D.C., on August 26, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-9723; Filed, Sept. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 65-EA-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 7, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8025) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would amend the Martha's Vineyard, Mass., control zone and the Falmouth, Mass., transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In the notice, we proposed to amend the description of the Martha's Vineyard control zone, in part, by deleting "040° bearing from the Martha's Vineyard RBN," and substituting therefor "041° bearing from the Martha's Vineyard RBN,". Due to a revision to the Martha's Vineyard ADF instrument approach procedure, this amendment will not be necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

1. In § 71.171 (31 F.R. 2065) the Martha's Vineyard, Mass., control zone is amended by deleting "Martha's Vineyard VOR 050° radial," and substituting therefor, "Martha's Vineyard VOR 055° radial,".

2. In § 71.181 (31 F.R. 2149) the Falmouth, Mass., transition area is amended by deleting "Martha's Vineyard VOR 050° radial, extending from the VOR to 12 miles NE of the VOR;" and substituting therefor, "Martha's Vineyard VOR 055° radial, extending from the VOR to 12 miles NE of the VOR; within 2 miles each side of the 183° bearing from Martha's Vineyard RBN, extending from the 6-mile radius area to 8 miles S of the RBN; and within a 5-mile radius of the Oak Bluffs Airport, Oak Bluffs, Mass. (latitude 41°26' 25" N., longitude 70°34'-10" W.);".

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on August 26, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-9724; Filed, Sept. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SW-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation and Extension of Federal Airways

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke VOR Federal airway No. 192 from Socorro, N. Mex., to Tucumcari, N. Mex.; and extend VOR Federal airway No. 264 from Socorro to Tucumcari.

VOR Federal airway No. 192 is designated from Socorro to Tucumcari via Corona, N. Mex.; VOR Federal airway No. 264 is designated from Los Angeles, Calif., to Socorro. The Federal Aviation Agency is taking action herein to revoke V-192 airway and to extend V-264 as a replacement for V-192. Airway floors presently designated between Socorro and Tucumcari will be retained. These actions will provide route continuity for flight planning.

Since this action is editorial in nature and does not require the designation of additional airspace, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective November 10, 1966, as hereinafter set forth.

Section 71.123 (31 F.R. 2009, 6484) is amended as follows:

a. V-192 is revoked.

b. In V-264 "12 AGL Socorro, N. Mex." is deleted and "12 AGL Socorro, N. Mex.; 12 AGL Corona, N. Mex.; 15 miles 12 AGL, 35 miles 105 MSL, 12 AGL Tucumcari, N. Mex." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on August 26, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-9725; Filed, Sept. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone; Correction

On August 19, 1966, F.R. Doc. No. 66-9008 was published in the FEDERAL REGISTER (31 F.R. 11015) amending Part 71 of the Federal Aviation Regulations.

In the amendment, the geographic coordinate for the Liberty County Airport was published in the description of the Fort Stewart, Ga., control zone as "• • • (latitude 31°47'20" N., longitude 81°38'-20" W.) • • •".

Subsequent to the publication of the rule, it was determined that the location of the Liberty County Airport had been changed and the geographic coordinate should have read "• • • (latitude 31°-47'22" N., longitude 81°38'15" W.) • • •".

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. No. 66-9008 is amended as follows:

Beginning on line four of the Fort Stewart, Ga., control zone description "• • • (latitude 31°47'20" N., longitude 81°38'20" W.) • • •" is deleted and "• • • (latitude 31°47'22" N., longitude 81°38'15" W.) • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 25, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-9726; Filed, Sept. 6, 1966; 8:46 a.m.]

[Airspace Docket No. 66-WA-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Area

On August 19, 1966, F.R. Doc. 66-9003 was published in the FEDERAL REGISTER (31 F.R. 11014) amending Part 71 of the Federal Aviation Regulations. This amendment, in part, revoked the Key West, Fla., control area extension. Subsequent to the publication, it was determined that the description of Control 1233 would have to be altered to delete reference to the Key West, Fla., control area extension and to preclude dual designation of controlled airspace.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Agency has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since this amendment is editorial and clarifying in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., October 13, 1966, as hereinafter set forth.

In § 71.163 (31 F.R. 2050), Control 1233 is amended to read:

CONTROL 1233

That airspace bounded on the N by the Key West, Fla., transition area and V-25, on the E by a line 5 miles E of and parallel to the 187° bearing from the Marathon, Fla., RBN, on the S by latitude 24°00'00" N., and on the W by a line 5 miles W of and parallel to the 205° bearing from the Key West RBN, excluding the portion below 2,000 feet MSL and excluding the portion within W-465.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on August 26, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-9727; Filed, Sept. 6, 1966; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Creamed Cottage Cheese; Listing of Certain Caseinates and Dried Milk Protein as Optional Ingredients

In the matter of amending the standard of identity for creamed cottage cheese by listing the sodium, ammonium, calcium, and potassium salts of casein and dried milk protein as optional ingredients in the creaming mixture:

One comment was received in support of a notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of May 26, 1966 (31 F.R. 7572), based on a petition submitted by Crest Foods Co., Inc., Ashton, Ill. 61006, and Land O'Lakes Creameries, Inc., Minneapolis, Minn. 55413.

Based on the information submitted by the petitioners, the comment received, and other relevant material, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments as proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008); *It is ordered*, That § 19.530 be amended as set forth below.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in six copies. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 29, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

Section 19.530(b), (c), and (d)(1) are revised to read as follows:

§ 19.530 Creamed cottage cheese; identity; label statement of optional ingredients.

• • • • • •

(b) The creaming mixture consists of cream or a mixture of cream with milk or skim milk or both, to which one or more of the following optional ingredients may be added, subject to the conditions set forth in this section:

(1) Salt.

(2) Nonfat dry milk, concentrated skim milk, sodium caseinate, ammonium caseinate, calcium caseinate, potassium caseinate, or dried milk protein may be added singly or in any combination to adjust the solids content, provided the weight of the solids added thereby does not exceed 3 percent of the weight of the creaming mixture.

(3) A culture of harmless lactic acid and flavor-producing bacteria, with or without rennet.

(4) A preparation of pasteurized skim milk with added citric acid, which preparation has been cultured with harmless flavor- and aroma-producing bacteria.

(5) Lactic acid, citric acid, phosphoric acid.

(6) (i) A stabilizing ingredient consisting of one or any mixture of two or more of the following: Carob (locust) bean gum, guar gum, gum karaya, gum tragacanth, calcium sulfate; carrageenan or salts of carrageenan complying with the requirements of §§ 121.1066 and 121.1067 of this chapter; furcelleran or salts of furcelleran, complying with the requirements of §§ 121.1068 and 121.1069 of this chapter; gelatin, lecithin, algin (sodium alginate), propylene glycol alginate, sodium carboxymethylcellulose (cellulose gum).

(ii) Stabilizing ingredients used may be added in a mixture with a carrier consisting of one or any mixture of two or more of the following: Sugar, dextrose, corn sirup solids, dextrin, glycerin, propylene glycol. The quantity of the stabilizing ingredient, including any carrier used, is such that the weight of solids contained therein is not more than 0.5 percent of the weight of the creaming mixture.

The creaming mixture is pasteurized, except that the bacterial cultures permitted by this paragraph and the acids listed in subparagraph (5) of this paragraph may be added after pasteurization.

(c) For the purposes of this section:

(1) "Milk" means sweet milk of cows; "skim milk" means milk from which the milk fat has been separated; and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(2) "Sodium caseinate," "ammonium caseinate," "calcium caseinate," and "potassium caseinate" mean the dried form of the reaction product resulting from treating casein precipitated from skim milk with a suitable alkali in such a manner that no excess of alkali is present, as determined by a pH of not more than 8.0 in a 2-percent solution at 25° C.

(3) "Dried milk protein" means the dried form of the reaction product resulting from treating coprecipitates of milk proteins of which casein and lactalbumin are the constituents of major content with a suitable alkali in such manner that no excess of alkali is present, as determined by a pH of not more than 8.0 in a 2-percent solution at 25° C.

(d)(1) When one or a mixture of two or more of the optional ingredients listed in paragraphs (b) (5) and (6)(i) and (c) (2) and (3) of this section is used, the label shall bear the statement "_____ added" or "with added _____," the blank being filled in with the common name or names of the optional ingredients used; *Provided, however,* That the name "vegetable gum" may be used in lieu of the specific names for carob (locust) bean gum, guar gum, gum karaya, and gum tragacanth.

* * * * *

[F.R. Doc. 66-9759; Filed, Sept. 6, 1966; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in petitions (FAP 6B1943, 6B1960) filed by E. I. du Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, Del. 19898, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional optional substances in the formulation of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2520(c)(5) is amended by inserting alphabetically in the list of substances new items, as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

Components of Adhesives	
Substances	*Limitations*
* * *	* * *
2-Anthraquinone sulfonic acid, sodium salt.	For use only as polymerization - control agent.
* * *	* * *
p-tert-Butylpyrocatechol.	For use only as polymerization - control agent.
* * *	* * *
Components of Adhesives—Continued	
Substances	*Limitations*
Iodoform	For use only as polymerization - control agent.
* * *	* * *
4,4'-Methylenebis-(2-chloroaniline).	For use only as a vulcanization agent for polyurethane resins.
* * *	* * *
Phenothiazine	For use only as polymerization - control agent.
* * *	* * *
Potassium ferricyanide.	For use only as polymerization - control agent.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 30, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9761; Filed, Sept. 6, 1966; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6H1962) filed by Du Bois Chemicals, division of W. R. Grace & Co., Broadway at Seventh, Cincinnati, Ohio 45202, and other relevant material has concluded that the food additive regulations should be amended to provide for the safe use of an additional sanitizing solution, as set forth below, on food-processing equipment and utensils. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2547 is amended by adding to paragraph (b) a new subparagraph (6) and by revising paragraph (c)(4), as follows:

§ 121.2547 Sanitizing solutions.

* * * * *

(b) * * *

(6) An aqueous solution containing elemental iodine, sodium iodide, sodium dioctylsulfosuccinate, and polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 1,900), together with components generally recognized as safe.

(c) * * *

(4) Solutions identified in paragraph (b) (4), (5), and (6) of this section will contain iodine to provide not more than 25 parts per million of titratable iodine. The adjuvants used with the iodine will not be in excess of the minimum amounts required to accomplish the intended technical effect.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 30, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9763; Filed, Sept. 6, 1966; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ROSINS AND ROSIN DERIVATIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1512) filed by Smith & Walton, Ltd., Haltwhistle, Northumberland, England, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of citric acid-modified glycerol ester of rosin as a blending agent in coatings for cellophane food-contact film. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2592(a)(3) is amended by adding thereto a new subdivision (xvii):

§ 121.2592 Rosins and rosin derivatives.

* * * * *

(a) * * *

(3) * * *

(xvii) Citric acid-modified glycerol ester of rosin, having an acid number less than 20, a drop-softening point of 105° C.–115° C., and a color of K or paler. For use only as a blending agent in coatings for cellophane complying with § 121.2507.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 30, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9760; Filed, Sept. 6, 1966; 8:48 am.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Fire Extinguishers; Exemption From Labeling Requirements

The Commissioner of Food and Drugs, having considered the information submitted in a request, and other relevant information, to amend the hazardous substances regulation that exempts certain fire extinguishers from labeling otherwise required by section 2(p)(1) of the Federal Hazardous Substances Labeling Act because such extinguishers are under pressure, has concluded that the regulation should be amended by changing the conditions of such exemption to those set forth below.

Therefore, pursuant to the provisions of that act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 191.63(a)(24) is revised to read as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

(a) * * *

(24) Fire extinguishers containing fire extinguishing agents which are stored under pressure or which develop pressure under normal conditions of use are exempt from the labeling requirements of section 2(p)(1) of the act insofar as such requirements apply to the pressure hazard as defined in § 191.1(m): *Provided,* That,

(i) If the container is under pressure both during storage and under conditions of use, it shall be designed to withstand a pressure of at least 6 times the charging pressure at 70° F., except that carbon dioxide extinguishers shall be constructed and tested in accordance with applicable Interstate Commerce Commission specifications, or

(ii) If the container is under pressure only during conditions of use, it shall be designed to withstand a pressure of not less than 5 times the maximum pressure developed under closed nozzle conditions at 70° F. or 1½ times the maximum pressure developed under closed nozzle conditions at 120° F., whichever is greater.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of the labeling requirements under certain conditions.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: August 30, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9762; Filed, Sept. 6, 1966; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8617 o.]

PART 13—PROHIBITED TRADE PRACTICES

Montgomery Ward & Co.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Montgomery Ward & Co., Chicago, Ill., Docket 8617, July 26, 1966]

Order requiring a large mail order and chain store retailer to cease making guarantee claims in advertising without disclosing that the guarantees are subjected to certain conditions and limitations, as set forth in guarantee certificates furnished purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Montgomery Ward & Co., Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of any articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, directly or by implication that any of respondent's merchandise is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth herein.

Issued: July 26, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-9734; Filed, Sept. 6, 1966; 8:46 a.m.]

[Docket No. 7018 o.]

PART 13—PROHIBITED TRADE PRACTICES

National Dairy Products Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.725 *Cumulative quantity discounts and schedules;* Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, National Dairy Products Corp., New York, N.Y., Docket 7018, July 28, 1966]

Order requiring a company engaged in processing and distributing dairy and food products with headquarters in New York City, to cease discriminating in prices and promotional allowances between competing retailers handling the product line of its Sealtest Foods Division, in violation of sections 2(a) and 2(d) of the Clayton Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent National Dairy Products Corp., a corporation, and its officers, employees, agents, and representatives, directly or through any corporate or other device in or in connection with the offering for sale, sale, or distribution of any of the items in the product line of its Sealtest Foods Division, including but not limited to fluid milk, dairy products, ice cream and other food products, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to any purchaser at net prices higher than the net prices charged any other purchaser who competes with the purchaser paying the higher price;

2. Paying or contracting for the payment of anything of value to or for the benefit of any customer as compensation or in consideration for any services or facilities furnished by or through such customer, in connection with the offering for sale, sale or distribution of any of the products in the Sealtest product line, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products with the favored customer.

It is further ordered, That respondent, National Dairy Products Corp., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist set forth herein.

Issued: July 28, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-9735; Filed, Sept. 6, 1966; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 367-66]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart R—Immigration and Naturalization Service

DESIGNATING COMMISSIONER OF IMMIGRATION AND NATURALIZATION AND IMMIGRATION OFFICERS AS LOCAL AUTHORITIES AND COMPETENT OFFICERS FOR CONVENTION BETWEEN UNITED STATES AND GREECE

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22), section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), and Executive Order No. 11300 of August 17, 1966, Subpart R of Part 0 of Title 28 of the Code of Federal Regulations (relating to the duties of the Commissioner of Immigration and Naturalization) (Order No. 271-62) is hereby amended by adding a new section 0.110 as follows:

§ 0.110 Implementation of the Convention Between the United States and Greece.

The Commissioner of Immigration and Naturalization and immigration officers (as defined in 8 CFR 103.1(i)) are hereby designated as "local authorities" and "competent officers" on the part of the United States within the meaning of Article XIII of the Convention Between the United States and Greece (33 Stat. 2122, 2131), and shall fulfill the obligations assumed by the United States pursuant to that Article in the manner and form prescribed.

The amendment made by this order shall be effective upon its publication in the FEDERAL REGISTER.

(R.S. 161; 5 U.S.C. 22; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR 1949-53 Comp.; E.O. No. 11300 of August 17, 1966)

Dated: August 31, 1966.

NICHOLAS DEB. KATZENBACH, *Attorney General.*

[F.R. Doc. 66-9736; Filed, Sept. 6, 1966; 8:47 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 800—EQUAL PAY FOR EQUAL WORK UNDER THE FAIR LABOR STANDARDS ACT

Application to Employees

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I hereby amend section 800.104 of Title 29 of the Code of Federal Regulations as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay of effective date are not applicable because 29 CFR Part 800 consists only of interpretative rules. I do not believe such procedures will serve a useful purpose here. Accordingly, the amendment shall become effective immediately.

Section 800.104 is amended to read as follows:

§ 800.104 Application to employees.

As has been seen, there must be compliance by the employer with the equal pay requirements within any establishment in which employees subject to the Act's minimum wage provisions are employed by him. The Act's concern with wage discrimination by an employer on account of sex to the detriment of his employees who are subject to the minimum wage provisions is not limited either by its language or by its legislative history to those employees whose work is performed on the premises of their employer's establishment. The Act speaks of the employment of employees in the establishment rather than of their engagement in work there. Also, the legislative history of the Equal Pay Act makes it clear that coverage under the equal pay provisions is equal to that provided by the other provisions of section 6 of the Fair Labor Standards Act, and that those employers and employees who are subject to the minimum wage provisions will be subject to the new provisions on equal pay. (See S. Rept. No. 176, 88th Cong., 1st sess., p. 2; H. Rept. No. 309, 88th Cong., 1st sess., p. 2.) Congress clearly rejected the concept that the equal pay provisions apply only to work performed inside a physical establishment. Otherwise, those employees, subject to section 6 of the Act, would be incongruously deprived of equal pay protection simply because their work is performed away from the physical premises of the establishment in which they are employed. On the other hand, it is clear from the language of the Act that in each distinct physical place of business where employees of an employer work (including, but not limited to, the employer's own establishments), the obligation of the employer to comply with the equal pay requirements must be determined separately with reference to those of his employees who are employed in that particular establishment. Accordingly, where there are a number of distinct physical places of business in which an employer's employees are employed, compliance with the equal pay provisions must be tested within each establishment for any workweek by comparing the jobs and pay of those only of his employees who are employed there during that workweek.

(52 Stat. 1060, as amended; 77 Stat. 56; 29 U.S.C. 201 et seq.)

Signed at Washington, D.C., this 26th day of August 1966.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 66-9739; Filed, Sept. 6, 1966; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16475; FCC 66-786]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Television STL and Television Intercity Relay Stations

In the matter of amendment of the TV broadcast auxiliary rules, Part 74, Subpart F, to modify and clarify permissible use of television STL and television intercity relay stations; Docket No. 16475; RM-863, RM-864.

1. On February 23, 1966, the Commission adopted a notice of proposed rule making in the above entitled matter and invited interested parties to submit comments on or before April 4, 1966, and replies to such comments on or before April 14, 1966. This action was taken in response to petitions for rule making filed by Electronic Industries Association (EIA).

2. Present rules governing the operation of television broadcast STL (studio-transmitter link) and television broadcast intercity relay stations permit the transmission of aural program material, and operational communications in addition to visual program material by multiplexing, i.e., by modulating the main carrier with subcarriers containing the additional communications. However, present rules permit the operation of the STL or intercity relay transmitters only when they are delivering visual program material to the parent TV broadcast station. The purpose of the proposed amendment is to permit the STL or intercity relay transmitter to operate at times other than when the parent TV station is operating so that use of the aural program and operational communication circuits will not be tied to the daily operating schedule of the parent TV broadcast station.

3. Newhouse Broadcasting Corp., by its attorneys, filed a brief comment supporting the proposed amendment on the grounds that it would do away with spectrum waste and allow a more efficient use of channels assigned to television STL and intercity relay stations. The attorneys for WAPA-TV Broadcasting Corp., Screen Gems Broadcasting of Utah, Inc., Screen Gems Broadcasting of Louisiana, Inc., and Western Broadcasting Corp. of Puerto Rico filed a single comment on behalf of all four, supporting the proposed amendment on the grounds that all of the named licensees can make advantageous use of the expanded operation and that the expanded use would foster spectrum economy. There was no opposition to the proposal.

4. Accordingly, pursuant to the authority contained in sections 4(i) and 303(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective October 10, 1966, § 74.631 (d) and (e) of the Commission rules is amended to read as follows:

§ 74.631 Permissible service.

• • • • •

(d) The transmitter of an STL or intercity relay station may be multiplexed to provide additional communication channels for the transmission of aural program material and operational communications. Operational communications include voice communications, telemetry signals, alerting signals, fault reporting signals, and control signals all of which must be directly related to the technical operation of the associated broadcast station or the STL or intercity relay system of which the multiplexed transmitter is a part. Aural program material may include the sound accompanying the visual program material transmitted over the STL or intercity relay system or aural program material intended for broadcast by other AM, FM, or TV broadcast stations owned by or under the common control of the licensee of the television STL or intercity relay station. A television broadcast STL or intercity relay station will be authorized only in those cases where the principal use is the transmission of television broadcast program material for use by its associated TV broadcast station. However, STL or intercity relay stations so licensed may be operated at any time for the transmission of aural program material and operational communications whether or not visual program material is being transmitted, provided that such operation does not cause harmful interference to television broadcast pickup, STL, or intercity relay stations transmitting television broadcast program material.

(e) Except as provided in paragraphs (a), (d), and (f) of this section, all program material transmitted over a television pickup, STL, or intercity relay station shall be used by or intended for use by a television broadcast station owned by or under the common control of the licensee of the television pickup, STL, or intercity relay station. Program material transmitted over a television pickup, STL, or intercity relay station and so used by the licensee of such facility may, with the permission of the licensee of the broadcast auxiliary facility, be used by other television broadcast stations and by nonbroadcast closed circuit educational television systems operated by educational institutions.

• • • • •

5. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: August 31, 1966.

Released: September 1, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-9709; Filed, Sept. 6, 1966; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

Pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451; 16 U.S.C. 718d), and the Fish and Wildlife Coordination Act, as amended (48 Stat. 401; 16 U.S.C. 661), 50 CFR 32.11 and 32.21 are amended by the addition of Flint Hills National Wildlife Refuge, Kans., to the list of wildlife refuges open to public hunting of migratory game birds and upland game, as legislatively permitted.

It has been determined that public hunting of migratory game birds and upland game may be permitted on the Flint Hills National Wildlife Refuge without detriment to the objectives for which the area was established.

Notice and public procedure on this amendment are deemed contrary to the public interest because of the proximity of the hunting season in the State of Kansas. Since the amendment benefits the public by relieving existing hunting restrictions on the Flint Hills National Wildlife Refuge, it shall become effective upon publication in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

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KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

2. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

§ 32.21 List of open areas; upland game.

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KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

STANLEY A. CAIN, *Assistant Secretary of the Interior.*

AUGUST 31, 1966.

[F.R. Doc. 66-9715; Filed, Sept. 6, 1966; 8:45 a.m.]

PART 32—HUNTING

Havasu Lake National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail, and jack rabbits on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,526 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box

[1] Commissioners Bartley, Cox, and Wadsworth absent.

1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—quail, October 1 through October 31, 1966, inclusive, and December 1, 1966, through January 31, 1967, inclusive; cottontail and jack rabbits, September 1, 1966, through January 31, 1967, inclusive. California—quail, October 29, 1966, through January 2, 1967, inclusive; cottontail and jack rabbits, September 1, 1966, through January 2, 1967, inclusive. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, cottontail, and jack rabbits subject to the following special conditions:

(1) Use of dogs, not to exceed two per hunter, may be used only to hunt and retrieve quail and rabbits.

(2) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(3) Weapons—Shotguns only, not larger than 10 gauge and incapable of holding more than 3 shells.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1967.

JOSEPH M. WELCH,
Acting Refuge Manager, Havasu Lake National Wildlife Refuge, Needles, Calif.

AUGUST 22, 1966.

[F.R. Doc. 66-9736; Filed, Sept. 6, 1966; 8:46 a.m.]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, bobwhite quail, rabbits, raccoons, opossums, skunks, and weasels on the Crab Orchard National Wildlife Refuge, Ill., is permitted only on the area designated by signs as open to hunting. This open area comprising 9,380 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations during the seasons specified below. The hunting of upland game species, as may be otherwise authorized by Illinois State regulations, is prohibited.

(1) Open season: *Pheasants*—from 12 noon to sunset Central Standard Time on November 11, 1966, and from sunrise to sunset Central Standard Time November 12, 1966, through December 11, 1966, except that the season is closed on November 18, 19, 20, and December 9, 10, and 11, 1966. *Bobwhite quail*—from 12 noon to sunset Central Standard Time on November 11, 1966, and from sunrise to sunset Central Standard Time November 12, 1966, through December 11, 1966, except that the season is closed on November 18, 19, 20, and December 9, 10, and 11, 1966. *Rabbits*—from November 19, 1966, to January 31, 1967, except that the season is closed on November 19, 20, and December 9, 10, and 11, 1966. *Racoon, Opossum, Skunk, and Weasel*—from 12 noon November 10, 1966, to 12 noon January 31, 1967, except that the season is closed November 18, 19, 20, and December 9, 10, and 11, 1966.

The provisions of the special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1967.

LOYAL A. MEHRHOFF, Jr.,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

AUGUST 30, 1966.

[F.R. Doc. 66-9737; Filed, Sept. 6, 1966; 8:46 a.m.]

PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

The public hunting of pheasants on the Bear River Migratory Bird Refuge, Utah, is permitted from November 5, 1966, through November 13, 1966, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 12,855 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) No hunting is permitted from dikes or roadways or within 100 yards of dikes or roadways.

(2) Checking in and out—Each hunter who enters area A is required to register at the checking station and check out before leaving the refuge.

(3) To reach open hunting area, travel is permitted on foot or bicycle from refuge checking station over roads between Units 1 and 2 and Units 2 and 3.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 13, 1966.

LLOYD F. GUNTHER,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

AUGUST 29, 1966.

[F.R. Doc. 66-9754; Filed, Sept. 6, 1966; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 66-47]

PART 80—PILOT RULES FOR INLAND WATERS

SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

PART 95—PILOT RULES FOR WESTERN RIVERS

Lights for Moored Barges in Western Rivers, and in Gulf of Mexico Area

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of February 10, 1966 (31 F.R. 2602–2614), and the Merchant Marine Council Public Hearing Agenda dated March 21, 1966 (CG–249), the Merchant Marine Council held a Public Hearing on March 21, 1966, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items I to XII, inclusive.

This document is the fifth of a series regarding the regulations and actions considered at the 1966 Public Hearing and Annual Session of the Merchant Marine Council. This document contains the actions taken with respect to Item IXc—*Lights for moored barges* in the Item IX—Rules of the Road. The proposals designated IXc, as revised, are approved and set forth in this document The actions of the Merchant Marine Council with respect to comments received regarding these proposals are approved. The major change concerned the proposal to permit omission of lights on moored barges entirely when in the Illinois River north of Brandon Lock and Dam at Joliet, Ill. It was modified to permit omission of lights only in well-lighted areas. The regulations identify the areas where such lights may be omitted.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code and Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521) and others specifically listed with the various rules and regulations below, the following actions are ordered:

1. The rules and regulations in 33 CFR Parts 80 and 95 shall be amended in accordance with changes in this document.

2. The amendments to the regulations shall be effective October 1, 1966.

LIGHTS FOR CERTAIN CLASSES OF VESSELS

Section 80.16a(h) is amended to read as follows:

§ 80.16a Lights for barges, canal boats, scows, and other nondescript vessels on certain inland waters on the Gulf Coast and the Gulf Intracoastal Waterway.

* * * * * *

(h) Lights for moored barges shall be as described in this paragraph.

(1) The following barges, when moored in or near a fairway, shall display between the hours of sunset and sunrise the barge lights described in subparagraph (2) of this paragraph:

(i) Every barge projecting into a buoyed or restricted channel.

(ii) Every barge so moored that it reduces the available navigable width of any channel to less than 250 feet.

(iii) Barges moored in fleets more than two barges wide or to a maximum width of over 80 feet, parallel to the bank.

(iv) Every barge moored to the bank in any manner other than parallel thereto.

(2) Barges required to be lighted under subparagraph (1) of this paragraph shall carry two white lights of such character as to be visible on a dark night with a clear atmosphere at a distance of at least 1 mile, so located as to give unobstructed view and arranged as follows:

(i) On a single moored barge, a light on each outboard or channelward corner.

(ii) On barges moored in group formation, a light on the upstream outboard or channelward corner of the outer upstream barge and a light on the downstream outboard or channelward corner of the outer downstream barge. In addition, any barge projecting toward or into the channel in such a group formation shall have two white lights similarly placed on the outboard or channelward corners of the barge.

(3) Barges moored in any slip or slough which is used primarily for mooring purposes are exempt from the lighting requirements of this paragraph.

* * * * * *

(Sec. 2, 30 Stat. 102, as amended; 33 U.S.C. 157. Treasury Department Order 167–33, Sept. 23, 1958, 23 F.R. 7582)

LIGHTS FOR FERRYBOATS AND BARGES

§ 95.35 [Canceled]

1. Section 95.35 *Lights for barges at bank* is canceled. (The revised requirements are in § 95.36.)

2. Section 95.36 is amended to read as follows:

§ 95.36 Lights for barges at bank or dock.

(a) Lights for barges at bank or dock in the Mississippi River and its tributaries and in the Atchafalaya River above its junction with the Plaquemine-Morgan City Alternate Waterway shall be as required by this section.

(b) The following barges, when moored in or near a fairway, except those barges exempted under the provisions of paragraph (e) of this section, shall display between the hours of sunset and sunrise the barge lights described in paragraph (c) of this section:

(1) Every barge projecting into a buoyed or restricted channel.

(2) Every barge so moored that it reduces the available navigable width of any channel to less than 250 feet.

(3) Barges moored in fleets more than two barges wide or to a maximum width of over 80 feet, parallel to the bank.

(4) Every barge moored to the bank in any manner other than parallel thereto.

(c) Barges required to be lighted under paragraph (b) of this section shall carry two white lights of such character as to be visible on a dark night with a clear atmosphere at a distance of at least 1 mile, so located as to give unobstructed view and arranged as follows:

(1) On a single moored barge, a light on each outboard or channelward corner.

(2) On barges moored in group formation, a light on the upstream outboard or channelward corner of the outer upstream barge and a light on the downstream outboard or channelward corner of the outer downstream barge. In addition, any barge projecting toward or into the channel in such a group formation shall have two white lights similarly placed on the outboard or channelward corners of the barge.

(d) Barges moored in any slip or slough which is used primarily for mooring purposes are exempt from the lighting requirements of this section.

(e) Barges moored in well-illuminated areas of the Illinois River north of Brandon Lock and Dam at Joliet, Ill., shall not be required to display the lights prescribed in paragraph (c) of this section. These areas are as follows:

CHICAGO SANITARY SHIP CANAL

(1) Mile 293.2 to 293.9—Material Service Corp.

(3) Mile 295.2 to 296.1—Material Service Corp. and Commonwealth Edison Co.

(5) Mile 297.5 to 297.8—Pure Oil Docks.

(7) Mile 298 to 298.2—Ceco Steel Docks.

(9) Mile 298.6 to 298.8—Lemont Manufacturing Co.

(11) Mile 299.3 to 299.4—Mechmar Development Co.

(13) 299.8 to 300.5 (Stephen Street Bridge)—Tri-Central Oil Co.

(15) Mile 303 to 303.2—North American Car Corp.

(17) Mile 303.7 to 303.9—Hannah Inland Waterways Transportation Co.

(19) Mile 306.7 to 306.8—Publicker Chemical Co.

(21) Mile 310.7 to 310.9—Shell Oil Co.

(23) Mile 311 to 311.2—General American Tank Storage Terminal.

(25) Mile 312.5 to 312.6—Trumbull Asphalt Co.

(27) Mile 313.8 to 314.2—Lake River Oil Terminal.

(29) Mile 314.6—Waterways Terminals, Inc.

(31) Mile 314.8 to 315.3—Commonwealth Edison Co. and Material Service Corp.

(33) Mile 315.7 to 316—Sanitary District Rock.

(35) Mile 316.8—Whitewater Petroleum Terminal Co.

(37) Mile 316.85 to 317.05—Hughes Oil Co.

(39) Mile 217.5—Socony Vacuum Oil Co.

(41) Mile 318.4 to 318.9—Commonwealth Edison Co.

(43) Mile 318.7 to 318.8—Bell Oil Co.

(45) Mile 320 to 320.3—Globe Fuel & Humble Oil.

(47) Mile 320.6—American Sugar Refining Co., South Branch of Chicago River and Chicago River.

(49) Mile 322.3 to 322.4—Commonwealth Edison Co.

(51) 322.8—Time, Inc.

(53) Mile 322.9 to 327.2.

CALUMET SAG CHANNEL

(61) Mile 316.5—Marine Oil Co. unloading piers.

LITTLE CALUMET RIVER

(71) Mile 321.2—Pump house outfall.

(73) Mile 322.3—South bank.

CALUMET RIVER

(81) Mile 328.5 to 328.7—Cargill Grain Elevator.

(83) Mile 329.2 to 329.4—Continental Grain Elevator.

(85) Mile 330, west bank to 330.2.

(87) Mile 331.4 to 331.6—Rail to Water Transfer Corp.

(89) Mile 332.2 to 332.4—Dundee Cement Co.

(91) Mile 332.6 to 332.8—Material Service Corp.

(R.S. 4233A, as amended, 33 U.S.C. 353. Treasury Department Order 167–33, Sept. 23, 1958, 23 F.R. 7582)

Effective: August 29, 1966.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 66-9743; Filed, Sept. 6, 1966; 8:47 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-SW-43]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the 1,200-foot floor portion of the Wichita Falls, Tex., transition area.

This portion of the Wichita Falls, Tex., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 34°10'00'' N., longitude 97°49'00'' W.; thence E via latitude 34°10'00'' N., to and counterclockwise along the arc of a 25-mile radius circle centered at the Ardmore Airport, Ardmore, Okla. (latitude 34°18'00'' N., longitude 97°00'50'' W.) to longitude 97°18'00'' W.; thence S via longitude 97°18'00'' W.; to latitude 33°56'00'' N., longitude 97°18'00'' W.; to latitude 33°48'00'' N., longitude 97°44'-00'' W.; to latitude 33°34'00'' N., longitude 97°44'00'' W.; to latitude 33°22'00'' N., longitude 97°55'00'' W.; to latitude 33°16'00'' N., longitude 98°30'00 W.; to latitude 33°16'00'' N., longitude 98°51'-00'' W.; to latitude 33°02'00'' N., longitude 98°51'00'' W.; to latitude 32°52'00'' N., longitude 99°02'00'' W.; to latitude 32°52'00'' N., longitude 99°14'00'' W.; to latitude 33°31'00'' N., longitude 99°14'-00'' W.; to latitude 33°31'00'' N., longitude 99°49'00'' W.; to latitude 33°56'00'' N., longitude 99°42'30'' W.; to latitude 34°15'00'' N., longitude 99°30'00'' W.; to latitude 34°08'00'' N., longitude 99°05'-00'' W.; to latitude 34°21'00'' N., longitude 98°46'00'' W.; to point of beginning.

It is proposed to alter that portion of the description which reads, "latitude 33°56'00'' N., longitude 99°42'30'' W.; to latitude 34°15'00'' N., longitude 99°30'-00'' W.; to latitude 34°08'00'' N., longitude 99°05'00'' W.; to latitude 34°21'00'' N., longitude 98°46'00'' W.; to point of beginning," to read "latitude 33°56'00'' N., longitude 99°42'30'' W.; to latitude 34°18'00'' N., longitude 99°33'00'' W.; to latitude 34°15'00'' N., longitude 99°30'-00'' W.; to latitude 34°08'00'' N., longitude 99°05'00'' W.; to latitude 34°21'00'' N., longitude 99°46'00'' W.; to point of beginning."

The proposed transition area alteration would provide protection for aircraft executing a new high altitude VOR approach procedure to Altus AFB, Altus, Okla.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on August 24, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-9729; Filed, Sept. 6, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-71]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace at Webster City, Iowa.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Webster City, Iowa, terminal area, proposes the following airspace action:

Designate the Webster City, Iowa, transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Webster City Municipal Airport (lat. 42°26'25'' N., long. 93°52'00'' W.), and within 2 miles each side of the 151° bearing from Webster City Municipal Airport, extending from the 5-mile radius area to 8 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 151° bearing from Webster City Airport extending from the airport to 12 miles SE, excluding the portion which overlies the Fort Dodge, Iowa, transition area.

A public instrument approach procedure is being developed utilizing the privately owned "H" facility located on the Webster City, Iowa, Municipal Airport. This procedure will become effective concurrently with the designation of controlled airspace.

The proposed 700 foot floor transition area will provide controlled airspace protection for departing aircraft during climb from 700 feet to 1,200 feet above the surface. It will also provide controlled airspace protection for aircraft utilizing the prescribed instrument approach procedure during descent from 1,500 feet to 700 feet above the surface.

The proposed 1,200 foot floor transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during the portion of the procedure executed at and above 1,500 feet above the surface, and while in the holding pattern airspace at Webster City.

No airways will traverse the proposed transition area.

Since the proposed controlled airspace is being developed to protect a new instrument approach procedure, no procedural change will be required by the actions proposed herein.

Specific details of this proposal and the procedure which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on August 19, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-9730; Filed, Sept. 6, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-WE-35]

FEDERAL AIRWAYS

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. Designate a north alternate to V-4 from Burley, Idaho, 10 miles 1,200 feet AGL, 6,500 feet MSL INT Burley 344° T (326° M) and Boise, Idaho, 104° T (085° M) radials, 59 miles, 10,500 feet MSL, 16 miles, 8,500 feet MSL, 1,200 feet AGL to Boise excluding the airspace between V-4 and this north alternate.

2. Extend V-138 from Boise, 22 miles, 1,200 feet AGL, 16 miles, 8,500 feet MSL, 84 miles, 10,500 feet MSL, 1,200 feet AGL to Pocatello, Idaho.

3. Extend V-293 from Twin Falls, Idaho, 29 miles, 1,200 feet AGL, 36 miles, 8,700 feet MSL, 81 miles, 11,300 feet MSL, 9,900 feet MSL to McCall, Idaho.

4. Extend V-484 from Salt Lake City, Utah, 56 miles, 1,200 feet AGL, 79 miles, 10,500 feet MSL, 1,200 feet AGL to Twin Falls.

These actions would provide controlled airspace within which air traffic services could be provided to scheduled air carrier aircraft presently operating along certificated off airway routes.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 26, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-9731; Filed, Sept. 6, 1966; 8:46 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 66-CE-69]

JET ROUTE AND RADAR AND NONRADAR JET ADVISORY AREAS

Proposed Extension and Designation

The Federal Aviation Agency is considering amendments to Part 75 of the Federal Aviation Regulations which would: Extend Jet Route No. 515 from Pembina, N. Dak., direct to Fargo, N. Dak.; extend J-515 radar advisory area from Pembina to 14 nautical miles south of Pembina; designate J-515 nonradar advisory area from 14 nautical miles south of Pembina to Fargo; and designate a nonradar jet advisory area for the segment of Jet Route No. 36 from Fargo to the positive control area boundary southeast of Fargo.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The extension of J-515 and the designation of the advisory areas as proposed would facilitate the movement of scheduled jet traffic operating from Minneapolis, Minn., over Fargo; Pembina to Winnipeg, Canada.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 26, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-9732; Filed, Sept. 6, 1966; 8:46 a.m.]

[14 CFR Part 121]

[Docket 7522; Notice 66-26A]

CRASHWORTHINESS AND PASSENGER EVACUATION

Operating Rules

On July 26, 1966, the Federal Aviation Agency issued a notice of proposed rule making (Notice 66-26) relating to emergency evacuation equipment requirements and operating procedures for transport category airplanes (31 F.R. 10275). Many of the proposed items affected Federal Aviation Regulations Part 25 only, while others were intended to apply to both Parts 25 and 121. There is apparently some confusion as to whether the Agency intended two of the proposed items to apply to both Parts 25 and 121. This supplement to Notice 66-26 is being issued to clarify the Agency's intent with regard to these items. Except for the two items discussed herein there is no change to the proposals contained in Notice 66-26.

All comments with respect to this supplement received on or before October 15, 1966, will be considered by the Administrator before taking action on the proposals contained herein and those contained in Notice 66-26. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Emergency lighting system. (Item 5 under "emergency exit marking and interior lighting" in Notice 66-26.) The Agency intends the proposed change in the manner in which the emergency lighting system functions to apply to both Parts 25 and 121. Therefore, sole dependence on an inertial switch would not suffice for airplanes type certificated (including amendments and supplemental type certificates involving an increase in passenger seating capacity) under Part 25 or for transport category airplanes operated under Part 121 after June 30, 1968. Thus, § 121.310(d) would be amended as set forth below to make it consistent with the requirement proposed for § 25.812(g) in Notice 66-26. In addition, the crew would be required to turn the emergency lighting system on before each takeoff and each landing and during taxiing.

Exterior marking. The Agency intends the proposed changes in the reflectance level requirements for exterior marking to apply to passenger emergency exits on all airplanes operated under Part 121. However, the Agency does not propose to require the immediate repainting of the airplanes that have recently been repainted to comply with the requirements of present § 121.310(g).

The Agency therefore proposes to make this new requirement applicable whenever the exterior exit markings of an airplane operating under Part 121 are repainted but not later than June 30, 1969.

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations by amending paragraphs (d) and (g) of § 121.310 to read as follows:

§ 121.310 **Additional emergency equipment.**

• • • • •

(d) *Interior emergency light operation.* After June 30, 1968, each light on each passenger-carrying airplane required by paragraph (c) of this section must be designed so that—

(1) It is operable manually from the flight crew station and from a point in the passenger compartment that is readily accessible to a flight attendant during takeoff and landing; and

(2) When it is switched on at either station, each light remains energized after interruption of the airplane's normal electric power.

Each light must be switched on before each takeoff and landing and during taxiing.

• • • • •

(g) *Exterior exit markings.* Whenever the exterior exit markings on an airplane are repainted or after June 30, 1969, whichever occurs first, each passenger emergency exit that is required to be openable from the outside, and its means of opening, must be marked on the outside of the airplane in accordance with the following:

(1) There must be a two inch colored band outlining the exit.

(2) Each outside marking, including the band, must have color contrast to be readily distinguishable from the surrounding fuselage surface. The contrast must be such that if the reflectance of the darker color is 15 percent or less, the reflectance of the lighter color must be at least 45 percent. "Reflectance" is the ratio of the luminous flux reflected by a body to the luminous flux it receives. When the reflectance of the darker color is greater than 15 percent, at least a 30 percent difference between its reflectance and the reflectance of the lighter color must be provided.

(3) In the case of exits other than those in the side of the fuselage, such as ventral or tail cone exits, the external means of opening, including instruction if applicable, must be conspicuously marked in red, or bright chrome yellow if the background color is such that red is inconspicuous. When the opening means is located on only one side of the fuselage, a conspicuous marking to that effect must be provided on the other side.

• • • • •

These amendments are proposed under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, 1424).

Issued in Washington, D.C., on September 2, 1966.

C. W. WALKER,
Director,
Flight Standards Service.

[F.R. Doc. 66-9817; Filed, Sept. 6, 1966; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 91]

[Docket No. 16777]

INDUSTRIAL RADIO SERVICES

Allocation of Certain Unassigned Band-Edge Frequencies; Order Extending Time for Filing Comments

In the matter of amendment of Part 91 of Commission's rules to allocate certain unassigned band-edge frequencies in the 150.8–162 Mc/s band; Docket No. 16777.

1. The Chief, Safety and Special Radio Services Bureau, acting under delegated authority, has under consideration a request filed by the Special Industrial Radio Service Association, Inc. (SIRSA) for extension of time for filing comments in the above-captioned matter from September 1, 1966, to October 21, 1966.

2. In support of its request, SIRSA states that the frequency coordinators of the Association will be holding an annual meeting in Washington, D.C., on October 13, 1966, and the Association's Board of Directors will be conducting a business meeting on the following day at which time possible alternatives or complementary uses of the spectrum for which allocation is proposed in the above-entitled proceeding will be explored.

3. It appears that the additional time requested by SIRSA would not unduly delay action and the comments would be useful to the Commission in resolving the issues in this proceeding.

4. In view of the foregoing: *It is ordered,* This 1st day of September 1966, pursuant to §§ 0.331(b)(4) and 1.46 of the Commission's rules, that the time for filing comments in the above-captioned proceeding is extended from September 1, 1966, to October 21, 1966, and that the time for filing reply comments is extended from September 15, 1966, to November 7, 1966.

Released: September 1, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9767; Filed, Sept. 6, 1966; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3–b]

PLASTIC CONTAINERS FROM CANADA

Withholding of Appraisement Notice

AUGUST 31, 1966.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price is less or likely to be less than the foreign market value of polyethylene containers, item No. 665 F–30, imported from Canada, manufactured by Reliance Products Ltd., Winnipeg, Canada, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

In accordance with the provisions of § 14.9(a) of the Customs Regulations (19 CFR 14.9(a)), customs officers are being directed to withhold appraisement of polyethylene containers, item No. 665 F–30, imported from Canada, manufactured by Reliance Products Ltd., Winnipeg, Canada. This withholding order, and the dumping investigation on which it is based, is limited to the importations from and transactions of and with Reliance Products Ltd., Winnipeg, Canada. All importations entered, or withdrawn from warehouse, for consumption, after the date of publication of this notice in the FEDERAL REGISTER are subject to this order.

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on January 25, 1966. This information was the subject of an "Antidumping Proceeding Notice" which was published on page 5527 of the FEDERAL REGISTER of April 7, 1966, pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)).

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-9745; Filed, Sept. 6, 1966; 8:47 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1965 Rev. Supp. No. 4]

UNITED FIRE AND CASUALTY CO

Surety Company Acceptable on Federal Bonds

AUGUST 31, 1966.

A certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13. An underwriting limitation of $101,000.00 has been established for the company.

Name of Company, Location of Principal Executive Office, and State in Which Incorporated.

United Fire & Casualty Co.
Cedar Rapids, Iowa
Iowa

Certificates of Authority expire on May 31 each year, unless sooner revoked, and new Certificates are issued on June 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 66-9746; Filed, Sept. 6, 1966; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

Please take notice that the Atomic Energy Commission has issued an order extending to February 28, 1967, the expiration date specified in Provisional Operating License No. DPR–7 issued to the Pacific Gas & Electric Co. authorizing steady state operation at thermal power levels up to 240 megawatts of the Humboldt Bay Unit No. 3 nuclear reactor located at its site in Humboldt County, Calif.

Copies of the Commission's order and the application dated August 11, 1966, filed by the Pacific Gas & Electric Co., are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 29th day of August 1966.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 66-9717; Filed, Sept. 6, 1966; 8:45 a.m.]

[Docket No. 27-10]

NUCLEAR ENGINEERING CO., INC.

Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 25 to License No. 4–3766–1 as set forth below.

This amendment provides for a change in the license provisions referring to the transportation of radioactive materials to assure conformity with the AEC–ICC Memorandum of Understanding dated March 21, 1966.

In a letter dated July 25, 1966, the AEC notified Nuclear Engineering Co., Inc., of its intent to amend License No. 4–3766–1 to assure that the license provisions referring to transportation of radioactive materials were in conformity with the AEC–ICC Memorandum of Understanding. Nuclear Engineering Co., Inc., consented to the proposed modification of its license in a letter dated August 2, 1966.

This amendment authorizes Nuclear Engineering Co., Inc., to receive and dispose at its facility near Beatty, Nev., 2,317 grams of uranium 235 contained in a total of 95 55-gallon drums.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details with respect to this amendment see (1) the application and (2) the related memorandum prepared by the Division of Materials Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Materials Licensing.

Dated at Bethesda, Md., August 29, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[License No. 4-3766-1; Amdt. 25]

The Atomic Energy Commission having found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property;

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property;

C. The application for license amendment dated June 10, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter 1, and is for a purpose authorized by that Act; and

D. The issuance of the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License is amended as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material", 10 CFR Part 40, "Licensing of Source Material", and 10 CFR Part 70, "Special Nuclear Material", a license is hereby issued to Nuclear Engineering Co., Inc., Box 594, Walnut Creek, Calif., to receive and possess waste byproduct and source material in any State of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150, to receive and possess waste special nuclear material in any State of the United States, to store waste special nuclear material at a facility located in Cowell, Calif., and to process, package, store, and dispose by burial in the soil waste byproduct, source, and special nuclear material.

Condition 4 is amended to read:

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Interstate Commerce Commission in §§ 73.391-73.395, 49 CFR Part 73, "Regulations Applying to Shippers," and §§ 77.823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exceptions to those requirements, any requests for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

Condition 18B is hereby deleted.

Condition 19 is hereby added to read as follows:

19. The licensee is authorized to receive 95 55-gallon drums containing a total of 2,317 grams of uranium 235 and to dispose of the drums by burial in the soil at its facility near Beatty, Nev. The uranium 235 shall be contained in drums as set forth in the application for license amendment dated June 10, 1966. The licensee shall receive and dispose of the uranium 235 in accordance with the radiological safety procedures and limitations contained in the application for license amendment dated June 10, 1966.

Dated at Bethesda, Md., August 29, 1966.

For the Atomic Energy Commission.

J. A. McBURNS,
Director,
Division of Materials Licensing.

[F.R. Doc. 66-9718; Filed, Sept. 6, 1966; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 66-CE-3]

MINNESOTA-IOWA TELEVISION CO.

Notice of Hearing

Counsel for the Minnesota-Iowa Television Co., Myrtle, Minn., with the concurrence of the Minnesota Department of Aeronautics, has requested continuance of the hearing while a study is made of a new proposal for an antenna structure 1,000 feet above ground level at the same site.

Therefore, notice is hereby given that the above entitled proceeding, now noticed to be convened on September 19, 1966 (31 F.R. 10288), is continued until further notice.

Issued in Washington, D.C., on August 29, 1966.

GEORGE R. BORSARI,
Presiding Officer.

[F.R. Doc. 66-9733; Filed, Sept. 6, 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16678, 16831; FCC 66-765]

BAY BROADCASTING CO. AND REPORTER BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Bay Broadcasting Co., San Francisco, Calif.; Docket No. 16678, File No. BPCT-3621; Reporter Broadcasting Co., San Francisco, Calif.; Docket No. 16831, File No. BPCT-3562; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 24th day of August 1966;

1. The Commission has before it for consideration the above-captioned applications of Bay Broadcasting Co. and Reporter Broadcasting Co., each requesting a construction permit for a new television broadcast station to operate on Channel 38, San Francisco, Calif. By Order (FCC 66-501) released June 8, 1966, the Commission designated for hearing the above-captioned application of Bay Broadcasting Co., but declined to designate the mutually exclusive application of Reporter Broadcasting Co. for comparative hearing because its application was not sufficiently complete to enable a determination to be made as to whether the applicant was qualified to construct, own and operate the proposed station. The Commission, however, determined to afford Reporter Broadcasting Co. an opportunity to amend its application to eliminate the deficiencies therein. On July 27, 1966, Reporter Broadcasting Co. filed an amendment to its application in response to the Commission's letter of June 2, 1966.

2. The following matters are to be considered in connection with the issues specified below with respect to the application of Reporter Broadcasting Co.:

a. Based on information contained in the application, cash of approximately $470,000[1] will be required for the construction and operation of the proposed station for 1 year. To meet these requirements, the applicant relies upon the availability of cash on hand of $10,000 and loans of $75,000 from each of three stockholders who appear to be financially qualified to meet their commitments to the applicant, totaling $235,000 available to the applicant. The applicant relies upon revenues (estimated to be $518,400 in the first year) for the balance ($235,000) of the necessary funds. Although the Commission requested the applicant to furnish a showing as to the basis for its estimate of revenues (as required by Ultravision Broadcasting Co., FCC 65-581, 5 RR 2d 343) and establishing the reasonableness thereof, no such showing has been made. An issue will be specified, therefore, to determine the basis for the applicant's estimate of revenues and whether such estimate is reasonable.

b. The Commission requested the applicant to furnish a comprehensive statement showing the basis for its estimate of first year operating expenses and establishing the reasonableness thereof because the Commission was unable to determine, from the information contained in the application, whether the applicant could effectuate the operation proposed. The applicant made no changes in its estimate of first year operating costs and has not furnished the showing requested. An issue will be specified, therefore, to determine the basis for the applicant's estimate of first year operating costs and whether such estimate is reasonable.

c. Reporter Broadcasting Co. proposes to operate 56 hours per week, of which 46.7 percent (approximately 26 hours) will be local live programing. The applicant, however, has not furnished the information required by section IV-B, page 4, FCC Form 301, with respect to program classification and it is not possible, therefore, to ascertain the accuracy of the applicant's representations. The applicant will, therefore, be required to furnish the necessary information subsequent to the release date of this order.

d. In the light of the substantial amount of local live programing proposed, question is raised as to the ability of the applicant to effectuate the type of operation proposed with the staff proposed.[2]

3. Reporter Broadcasting Co. has not furnished the information required by section IV, paragraph 12, FCC Form 301, with respect to the citizenship and other information as to the department heads and other officials enumerated therein. The applicant will, therefore, be required to amend its application within twenty (20) days after the date of release of this order to furnish the required information.

4. The transmitter proposed by Reporter Broadcasting Co. has not been type-accepted by the Commission. In the event of a grant of the application, therefore, such grant shall be subject to the condition that, prior to licensing, acceptable data shall be submitted for type-acceptance in accordance with the requirements of § 73.640 of the Commission's rules.

5. Except as indicated by the issues specified below, Reporter Broadcasting Co. appears to be qualified to construct, own, and operate the proposed television broadcast station. The application is mutually exclusive with that of Bay Broadcasting Co. (BPCT-3621) in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is therefore unable to make the statutory finding that grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding upon the issues set forth below. The issues set forth below shall supersede the issues specified by the Commission in its order (FCC 66-501) designating for hearing the application of Bay Broadcasting Co.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Bay Broadcasting Co. and Reporter Broadcasting Co. are designated for hearing in a consolidated proceeding in Docket No. 16678, upon the following issues:

1. To determine, in connection with the application of Bay Broadcasting Co.:

a. The source of $10,000 in "existing capital" upon which the applicant relies in part to meet its cost of construction and operation and the amount of "existing capital" which may be available to the applicant.

b. Whether the persons who have subscribed to stock and promissory notes have current and liquid assets (as defined in section III, paragraph 4(d), FCC Form 301) in excess of current liabilities in sufficient amount to meet their commitments to the applicant.

c. Whether Westel Co., subscriber to 7.42 percent of the applicant's stock, has legal authority to subscribe to and purchase stock or subscribe to promissory notes in the applicant corporation and if so, whether the general manager of Westel Co. has the authority to commit the company to such subscriptions and purchases.

d. If (c), above, is resolved in the affirmative, whether Westel Co. is financially qualified to meet its commitments to the applicant.

e. The terms and conditions upon which a loan will be available to the applicant from Pacific National Bank of San Francisco, and whether such terms and conditions can be met by the applicant.

f. The basis for the applicant's estimate of revenues in its first year of operation and whether such estimate is reasonable.

g. In the light of the evidence adduced pursuant to the foregoing, whether the applicant is financially qualified.

2. To determine, in connection with the application of Reporter Broadcasting Co.:

a. The basis for the applicant's estimate of revenues in its first year of operation, whether such estimate is reasonable, and the extent to which revenues may be relied upon to yield necessary funds for the operation of the proposed station for the first year.

b. The basis for the applicant's estimate of operating expenses in its first year of operation and whether such estimate is reasonable.

c. In the light of the evidence adduced pursuant to the foregoing, whether the applicant is financially qualified.

d. Whether the applicant can effectuate the type of operation proposed with the staff proposed.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the issues specified in this proceeding, which, if either, of the applications should be granted.

It is further ordered, That the specification of issues herein shall supersede the specification of issues in the Commission's order (FCC 66-501) released June 8, 1966, in this proceeding.

It is further ordered, That, within twenty (20) days of the date of release of this order, Reporter Broadcasting Co. shall amend its application to furnish the information required by section IV-B, page 4, FCC Form 301, and section IV, paragraph 12, FCC Form 301.

It is further ordered, That, in the event of a grant of either of the above-captioned applications, such application shall be granted subject to the condition that, prior to licensing, the permittee shall submit acceptable date for type-acceptance of its proposed transmitter in accordance with the requirements of section 73.640 of the Commission's rules.

It is further ordered, That, in the event of a grant of either application, operation of the new station shall be in accordance with offset designators to be specified in a subsequent order.

It is further ordered, That, to avail itself of the opportunity to be heard, Reporter Broadcasting Co., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the date of mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: August 31, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9768; Filed, Sept. 6, 1966; 8:49 a.m.]

[1] Consisting of down payment for equipment ($91,250), curtails and interest for equipment ($66,500), remodeling of studio ($15,000), curtails and interest on loans ($47,700), antenna installation charges ($4,380), miscellaneous expenses ($25,000), and costs of operation ($219,816).

[2] The applicant proposes a staff of 11 persons, consisting of production personnel (4), technical personnel (3), and administrative and other (4). No information is furnished as to the duties of these persons nor whether the figures furnished include the applicant's principals, or any of them.

[3] Commissioner Loevinger concurring in the order but not in the opinion; Commissioner Wadsworth absent.

[Docket Nos. 16767, 16769; FCC 66M-1157]

AMERICAN TELEVISION SERVICE AND HOLSTON VALLEY BROADCASTING CORP.

Order Continuing Prehearing Conference

In re applications of Earl L. Boyles, C. E. Feltner, Jr., and Airways Broadcasting Co., Inc., doing business as American Television Service, Kingsport, Tenn.; Docket No. 16767, File No. BPCT-3269; Holston Valley Broadcasting Corp., Kingsport, Tenn.; Docket No. 16768, File No. BPCT-3760; for construction permit for new television broadcast station (Channel 19).

The Hearing Examiner has before him a "Petition for Extension" filed by American Television Service on August 31, 1966, requesting continuance of prehearing conference. Counsel for the other parties have consented to grant of the petition and to its immediate consideration.

Accordingly, it is ordered, This 1st day of September 1966, that the petition is granted and the prehearing conference now scheduled for September 2, 1966, is

continued to September 15, 1966, at 9 a.m.

Released: September 1, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9769; Filed, Sept. 6, 1966; 8:49 a.m.]

[Docket No. 16786; FCC 66M-1145]

MIDWEST TELEVISION, INC. (KFMB-TV) ET AL.

Order Continuing Prehearing Conference

In the matter of the petition of Midwest Television, Inc. (KFMB-TV), San Diego, Calif.; for immediate temporary and for permanent relief against extensions of service of CATV systems carrying signals of Los Angeles stations into the San Diego area; Petitioner; Mission Cable TV, Inc., El Cajon, Calif.; Southwestern Cable Co., San Diego, Calif.; Pacific Video Cable Co., Inc., El Cajon, Calif.; Trans-Video Corp., El Cajon, Calif.; and Rancho Bernardo Antenna Systems, Inc., La Jolla, Calif.; Respondents; Docket No. 16786.

It is ordered, This 30th day of August 1966, that the prehearing conference scheduled to commence on September 8, 1966, is continued to September 9, 1966, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: August 31, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9770; Filed, Sept. 6, 1966; 8:49 a.m.]

[Docket Nos. 16676, 16677; FCC 66R-333]

ROYAL BROADCASTING CO., INC. (KHAI) AND RADIO KHAI, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Royal Broadcasting Co., Inc. (KHAI), Honolulu, Hawaii, Docket No. 16676, File No. BR-4120; for renewal of license; Radio KHAI, Inc., Honolulu, Hawaii; Docket No. 16677, File No. BP-16294; for construction permit.

1. The Review Board has before it for consideration a motion to enlarge issues, filed on June 27, 1966, by Royal Broadcasting Co., Inc. (KHAI) (hereinafter referred to as Royal),[1] Royal requests that issues be added concerning possible misrepresentations to the Commission by Lincoln Dellar, Radio KHAI's principal, and Radio KHAI's financial qualifications. Royal also requests that existing Issue (3)[2] be clarified or that a separate issue be added to permit a determination of whether Radio KHAI abused the Commission's processes by misusing the publication requirements of Rule 1.580. The Broadcast Bureau and Radio KHAI, Inc., oppose Royal's requests.

2. The above-captioned applications were consolidated for hearing by Commission Memorandum Opinion and Order (FCC 66-499, released June 7, 1966) on the following questions: (1) The financial qualifications of Royal; (2) Royal's compliance with §§ 1.613 and 1.615 of the rules with respect to the reporting of certain agreement or pledges relating to Royal's stock; (3) whether Royal and/or Radio KHAI had abused the Commission's processes with regard to a previous assignment of license application;[3] (4) a standard comparative issue; and (5) in light of the above, which, if either, of the applications should be granted.

3. In relevant part, Royal, the present licensee of Station KHAI, Honolulu, Hawaii, makes the following allegations with respect to the requested misrepresentation issue: Lincoln Dellar and his wife, the principals of Radio KHAI, acquired Station KROY, Sacramento, Calif., by virtue of the Commission's grant of a transfer application (BTC-3539) on November 2, 1960, to Sacramento Broadcasters, a corporation wholly owned by the Dellars. The transfer application mentioned the possibility of a future stock assignment agreement between Sacramento Broadcasters and William H. Weaver, the proposed manager of Station KROY. On October 31, 1960, an agreement with Weaver was entered into by Dellar and Sacramento Broadcasters, Inc., providing that Weaver would become general manager of Station KROY for a period of 2 years and that the agreement would be automatically renewable for successive 2-year periods unless 60 days prior written notice was given by either party. Weaver was to receive a salary plus a percentage of the station's gross receipts. The agreement also provided a stock option to Weaver, exercisable prior to December 31, 1964, for 20 percent of the corporation's stock at a stated price payable over a 10-year period if certain conditions precedent were met. This agreement, Royal contends, is not on file with the Commission, although it is referenced in the station's ownership reports. On October 10, 1962, Station KROY filed a "Modification" of the October 31, 1960, agreement dated June 15, 1962; KROY's letter of transmittal stated that Weaver did not in fact sign the document until September 25, 1962. The "Modification" provided for an increase in Weaver's percentage of the gross billings, an extension of Weaver's stock option for as long as he remained manager of Station KROY, specifically extended Weaver's employment to July 1, 1964, and retained the renewal provisions of the October 31, 1960, agreement. On February 6, 1964, Royal alleges, Weaver exercised his stock option by written notice to the corporation; this notice was not filed with the Commission and, by letter dated April 5, 1965, Dellar notified the Commission that the agreement of June 15, 1962, had been terminated by Weaver on September 25, 1964. Royal states that Weaver did not terminate the agreement on September 25, 1964, and that Weaver has instituted a suit in the California courts demanding specific performance of the option agreement and compensation for his discharge as general manager.

4. Radio KHAI and the Bureau oppose Royal's request for the addition of a misrepresentation issue. Radio KHAI answers that the October 31, 1960, agreement between Sacramento Broadcasters, Inc. (Dellar) and Weaver, upon which Royal premises its request, was in fact filed with the Commission on December 1, 1960.[4] The agreement is also referenced in a KROY ownership report filed on December 5, 1960, and again in KROY's license renewal application filed on November 6, 1962. Radio KHAI further asserts that, as it explained to the Commission in its letter of October 10, 1962, Weaver did not sign the "Modification" agreement until September 25, 1962. As to KROY's failure to inform the Commission that Weaver had exercised his stock option and Station KROY's error in informing the Commission that the agreement with Weaver had been terminated on September 25, 1964, Radio KHAI contends that Weaver "resigned and thereby terminated his option on September 26, 1964"; the matter is presently being litigated in the courts of the State of California; and if the Court decides that the facts are other than as reported by KROY, the Commission will be fully advised. In reply Royal notes that Dellar has never informed the Commission that "Weaver exercised the option, in writing, on February 6, 1954 [sic], more than 7 months before the date of the alleged termination of the agreement and 14 months before the Commission was informed of this alleged

[1] Other related pleadings before the Board are: An opposition filed July 12, 1966, by Radio KHAI, Inc.; comments, filed on July 22, 1966, by the Broadcast Bureau; a reply to Radio KHAI's opposition, filed July 25, 1966, by Royal; a reply to the Bureau's comments, filed Aug. 3, 1966, by Royal; and an affidavit, filed Aug. 3, 1966, by Royal. On Aug. 18, 1966, Radio KHAI, Inc., filed an "additional reply" to Royal's Reply to its opposition; and a petition to accept this pleading. Royal, on Aug. 25, 1966, filed an opposition to petition to accept additional pleading. Radio KHAI contends that its pleading is responsive to "a fact raised for the first time in the Royal Broadcasting reply." This is not the case, however (see par. 7 of Royal's petition), and Radio KHAI's "additional reply" will not be accepted.

[2] Issue (3): "To determine, in light of all the facts and circumstances surrounding the assignment of license application (BAL-4912), whether Robert Sherman and Royal Broadcasting Co. or Lincoln Dellar and Radio KHAI, Inc., or both, abused the Commission's processes."

[3] On Sept. 23, 1963, Royal filed an application for consent to assignment of the license of Station KHAI to Radio KHAI, Inc. (BAL-4912). This application was dismissed at the request of Royal on Feb. 28, 1964.

[4] Although counsel for Radio KHAI asserts that the agreement in question was filed on December 1, 1960, the Commission's staff has not been able to locate the item. Royal, in its reply to Radio KHAI, says with respect to the filing of the agreement: "Counsel's assertions are, of course, accepted."

termination." Royal also notes that Dellar had not reported Weaver's lawsuit to the Commission prior to the filing of Royal's motion to enlarge. Moreover, a letter written by Dellar's attorney and addressed to Weaver dated November 6, 1964, indicates that Weaver's resignation was made orally on September 26, 1964, and that Dellar knew of the dispute as to whether Weaver still had stock rights in the licensee of KROY 7 months prior to the April 1965 notification to the Commission.

5. Royal has not made sufficient allegations of fact to support its request for a misrepresentation issue.[5] The fact that Weaver has commenced a suit against the Dellars in a California court indicates no more than that there exists a bona fide, legal dispute involving a private contract between Weaver and the Dellars. The Dellars may ultimately be shown to have been mistaken as to the validity of Weaver's exercise of the option, but such an error in legal or factual judgment does not raise a question of deliberate misrepresentation to the Commission.

6. Notwithstanding the above, Dellar's failure to inform the Commission of the existence of the civil controversy raises a question whether Dellar has complied with his obligation to keep the Commission informed of significant events occurring after the filing of the application.[6] Although the application form (Form 301) does not specifically ask whether an applicant or a principal of an applicant has any civil suits pending against him, it is established policy that an applicant report any substantial change which may be of decisional significance in a Commission proceeding involving the pending application. See The Riverside Church in the City of New York, FCC 62-968, 24 RR 195; Tidewater Teleradio, Inc., FCC 62-1246, 24 RR 653. In view of the facts and circumstances presented, an issue to determine whether Dellar complied with his responsibility of informing the Commission of significant changes is warranted and the information developed thereunder may be weighed in evaluating the comparative qualifications of Radio KHAI.

7. Royal's request for a financial qualifications issue against Radio KHAI is supported by a detailed list of "required minimum costs for the construction and operation of the proposed * * * [Radio KHAI] station."[7] This list was compiled by Robert Sherman, Royal's sole stockholder, based upon his personal knowledge of broadcasting and Hawaii. According to Sherman, Radio KHAI's minimum cost for construction and first year's operation would be $314,000, a figure far in excess of the $100,000 committed to Radio KHAI by the Dellars. Royal also asserts that the $120,000 which Radio KHAI estimates as its first year revenues is unsupported and therefore cannot be used to partially satisfy its financial requirements. Moreover, Royal contends, even if the $120,000 estimated revenues could be used, Radio KHAI's financial sources would still fall $94,000 below the "minimum" figure offered by Royal.

8. Radio KHAI opposes the addition of a financial issue and states that Royal, in representing Radio KHAI's own cost of construction and initial operating expenses as $154,000, has disregarded an amendment filed on July 20, 1964, increasing that figure $15,000-$20,000. Radio KHAI disputes the "minimum" figure offered by Royal on the theory that Royal's experience is not an indicant of what Radio KHAI will require and that Royal has provided no factual basis for concluding that Royal's estimate is more accurate than Radio KHAI's estimate of about $174,000. The Bureau opposes the addition of the issue as lacking in specificity. Further, the Bureau recognizes that Radio KHAI's estimated revenues cannot be relied upon in considering the financial qualifications of that applicant absent a showing as to the basis for them. However, the Bureau would not question Radio KHAI's financial qualifications due to the large personal net worth of the Dellars, Radio KHAI's principals.

9. Lincoln Dellar and his wife have subscribed to 5,000 shares ($50,000) of Radio KHAI stock; a further agreement between the Dellars and Radio KHAI provides for the Dellars to lend Radio KHAI "up to Fifty Thousand Dollars ($50,000) * * *." Thus, the applicant is assured of financing up to $100,000 to meet costs of construction and initial operation which it estimates will be about $174,000. Due to this $74,000 deficiency, Radio KHAI's proposal suggests that the applicant may have to rely upon operating revenues to finance its first year of operation. Although Radio KHAI lists its anticipated first year revenues as $120,000, there is no information presently in the record to support this estimate. Royal and the Bureau have correctly stated the Commission's policy as to the necessity of substantiation of estimated revenues before they can be considered in satisfying a question of financial qualifications. See Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 243 (1965). Contrary to the Bureau's position, the Board cannot find Radio KHAI to be financially qualified on the basis of the large personal net worth reflected in the Dellars' balance sheet.[8] The Dellars have agreed to subscribe to Radio KHAI's stock in the amount of $50,000 and have agreed to lend the applicant "up to" $50,000. Absent some indication that they would increase their financial contribution, Radio KHAI is assured of a maximum of only $100,000, $74,000 less than its estimated needs. Lastly, the conflicting cost estimates of Royal and Radio KHAI require that this aspect of financial qualifications also be explored at hearing. Therefore, Royal's request for a financial qualifications issue will be granted.[9]

10. The third issue which Royal requests is whether Lincoln Dellar and Radio KHAI have abused the publication requirements of the Commision's rules. Royal contends that Radio KHAI placed its public notice of filing in the only two newspapers of general circulation in the State of Hawaii on March 5, 6, 10, and 11, 1964; and that the wording, size of type, and positioning in the main news section of those newspapers were not in accordance with the usual "legal notice" practice. Royal argues that much of the information which Radio KHAI's notice contained was "gratuitous" and has injured Royal in the eyes of "its advertisers, creditors, lessors, and listening audience." In the alternative, Royal asks that present Issue (3) (see footnote 2, supra) be clarified to permit a showing of the above matters.

11. Radio KHAI's opposition pleading states that: The appearance of its public notice in two papers was the result of an error made by the agency which handles advertising for both newspapers; the size of the type utilized in the notice was not large and was in fact smaller than that used by Royal in its public notice of hearing; the wording of the notice was accurate at that time and appropriate in view of the similarity between Radio KHAI's corporate name and the call letters of Royal's station (KHAI) and the prior, recent notice concerning the proposed transfer from Royal to Radio KHAI. The Bureau would deny Royal's request, viewing the matters raised as de minimis and Issue (3) as limited to the dismissed assignment application which the applicants herein had previously filed with the Commission. See footnote 3, supra. In its reply pleading, Royal contends that Radio KHAI's opposition is not adequate and again requests the addition of an issue.

[5] As to filing of the Oct. 31, 1960, agreement, the Board accepts counsel's assurance that it was in fact duly filed with the Commission on Dec. 1, 1960. Counsel's assurance is supported by the Dec. 5, 1960, ownership report filed by Station KROY which references the Oct. 31, 1960, agreement. See also footnote 2, supra.

[6] On Nov. 13, 1964, the Commission amended Pt. I of the rules to specifically require an applicant to keep his application up to date and to inform the Commission of "any substantial change as to any matter which may be of decisional significance * * *." (Sec. 1.65 of the rules.)

[7] The Commission designated a general financial issue against Royal, a renewal applicant, on the basis of the station's past financial difficulties, financial representations, and proposals for sale.

[8] Springfield Television Broadcasting Corp., FCC 64R-243, 2 RR 2d 841, cited by the Bureau, is not dispositive; in that case the applicant's principal, who had a large net worth, and others indicated a willingness to increase the amount of funds available to the venture.

[9] However, since no question has been raised concerning the Dellars' ability to meet their commitment to Radio KHAI of up to $100,000, the showing under this issue should be limited to financial requirement in excess of $100,000.

12. The Board agrees with the Bureau's characterization of the question raised by Royal as de minimis. Petitioner states that it can demonstrate that injury was caused to it by Radio KHAI's action, but has not done so in its petition. The Board can find no wrongdoing in Radio KHAI's actions regarding the public notice of filing. In § 1.580 of the rules, which deals with the method of publication, the Commission has set minimum standards for informing the public; applicants must make public at least the information called for that section. This does not mean that an applicant cannot do more. We agree with petitioner that the notice requirement of § 1.580 could be abused, but such has not been shown to be the case in this proceeding. Therefore, the requested issue will not be added and existing Issue (3) will remain limited in the manner described by the Commission in its designation order.

Accordingly, it is ordered, This 30th day of August 1966, That the motion to enlarge issues, filed on June 27, 1966, by Royal Broadcasting Co., Inc. (KHAI), is granted to the extent reflected herein and is denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the basis of Radio KHAI, Inc's (1) estimated construction costs and (2) estimated operating expenses for the first year of operation; and

(b) In the event that the applicant will depend upon operating revenues during the first year of operation to meet fixed costs and operating expenses, to determine the basis of Radio KHAI, Inc.'s estimated revenues for the first year of operation; and

(c) To determine, in light of the evidence adduced, whether Radio KHAI, Inc. has demonstrated a reasonable likelihood of construction and continuing operation of its proposed station in the public interest;

(d) To determine whether Lincoln Dellar properly exercised his responsibilities and obligations as a Commission licensee to inform the Commission of the circumstances surrounding the lawsuit pending against him and Sacramento Broadcasters, Inc. brought by William H. Weaver, and, if so, the effect thereof on the comparative qualifications of Radio KHAI, Inc.; and

It is further ordered, That the petition to accept additional pleading filed by Radio KHAI, Inc., on August 18, 1966, is denied.

Released: August 31, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9771; Filed, Sept. 6, 1966; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 1, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40692—*Joint motor-rail rates—Southwestern Territory.* Filed by J. D. Hughett, agent (No. 84), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southwestern territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 28 to J. D. Hughett, agent, tariff MF-ICC 404.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-9843; Filed, Sept. 6, 1966; 8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 77]

PORTION OF RICHARD I. BONG AIR FORCE BASE, KANSASVILLE, WIS.

Transfer of Property to State of Wisconsin

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Chicago, Regional Office, dated July 13, 1966, the property comprising 1,986 acres fee and 17.93 acres easements, identified as a portion of the Richard I. Bong Air Force Base, Kansasville, Wis., and more particularly described in the conveyance document has been transferred by deed effective July 7, 1966, to the State of Wisconsin.

2. The above identified property was transferred to the State of Wisconsin for wildlife conservation purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: August 29, 1966.

CURTIS A. ROOS,
Acting Assistant Commissioner for Property Disposal, Property Management and Disposal Service.

[F.R. Doc. 66-9741; Filed, Sept. 6, 1966; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3217, etc.]

ATLANTIC RICHFIELD CO.

Order Amending Orders Issuing Certificates, Redesignating Proceedings, and Redesignating FPC Gas Rate Schedules

AUGUST 30, 1966.

On July 1, 1966, Atlantic Richfield Co. filed notices of change in name to advise the Commission that its corporate name had been changed from The Atlantic Refining Co. on May 3, 1966, all as more fully set forth in the notices.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to The Atlantic Refining Co. are amended by changing the name of the certificate holder to Atlantic Richfield Co., and in all other respects said orders shall remain in full force and effect.

(B) The pending proceedings in which The Atlantic Refining Co. is Applicant or Respondent are redesignated to reflect the change in name to Atlantic Richfield Co.

(C) The FPC gas rate schedules of The Atlantic Refining Co. are redesignated as those of Atlantic Richfield Co. and shall retain the numerical designations heretofore assigned.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9748; Filed, Sept. 6, 1966; 8:47 a.m.]

[Docket No. RI67-47, etc.]

DAVIDOR & DAVIDOR, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 30, 1966.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 12, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-47	Davidor & Davidor, Inc., 4515 North Santa Fe, Oklahoma City, Okla.	[2] 5	1	Cities Service Gas Co. (Northwest Doby Springs Field, Harper County, Okla.) (Panhandle Area).	$873	8-2-66	[3] 9-2-66	[4] 9-3-66	[5] 16.0	[6][7] 17.0	
	do	[2] 6	1	Cities Service Gas Co. (Northeast Vining Field, Grant County, Okla.) (Oklahoma "Other" Area).	2,772	8-2-66	[3] 9-2-66	[4] 9-3-66	[5] 13.0	[6][7][8] 14.0	
RI67-48	Davidor & Davidor, Inc. (Operator), et al.	[2] 7	1	Cities Service Gas Co. (Northeast Selman Pool, Harper County, Okla.) (Panhandle Area).	433	8-2-66	[3] 9-2-66	[4] 9-3-66	[5] 16.0	[6][7] 17.0	
RI67-49	Mayflo Oil Co. (Operator), et al., 1435 Republic National Bank Bldg., Dallas Tex. 75201.	[2] 16	1	Cities Service Gas Co. (Northeast Waynoka Field, Wood County, Okla.) (Oklahoma "Other" Area).	1,800	8-2-66	[3] 9-2-66	[4] 9-3-66	[5] 13.0	[6][7] 14.0	

[1] Basic contracted dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Includes 0.75 cent deduction for dehydration of gas by buyer.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[F.R. Doc. 66-9750; Filed, Sept. 6, 1966; 8:47 a.m.]

[Docket Nos. RP67-8, RP67-9]

TRANSWESTERN PIPELINE CO. AND EL PASO NATURAL GAS CO.

Order To Show Cause Instituting Proceeding on Flow Through of Liberalized Depreciation Tax Deductions

AUGUST 30, 1966.

The Commission in its Opinion No. 500, issued July 26, 1966 (Transwestern Pipeline Co., et al., Docket Nos. CP63-204, et al.), granted certificates of public convenience and necessity to Transwestern Pipeline Co. (Transwestern) and El Paso Natural Gas Co. (El Paso), subject to the conditions therein set forth. Among other things, the Commission there stated that although there appeared to be a prima facie case for applying the policy of Alabama-Tennessee Natural Gas Co., Opinion No. 417, 31 FPC 208, affirmed 359 F. 2d 318 (CA5), to both of the successful applicants, it would nevertheless be more appropriate to accord the companies an opportunity to present a more complete record showing cause, if any there be, why their rates should not be further reduced to flow through the benefits of utilizing liberalized depreciation for tax purposes and to deduct the accumulated reserves in Account No. 282 from the rate base upon which their return is calculated.

These proceedings [1] are being instituted for purposes of implementing that prior determination.

We noted in Opinion No. 500 that the annual reports (Form No. 2) filed by Transwestern and El Paso indicate that each of those companies have growing plants, even without consideration of the effect of the expansions authorized by that opinion. The reports filed for calendar year 1965 show that Transwestern and El Paso had accumulated reserve balances in Account No. 282 as of December 31, 1965, of $12,516,000 and $62,331,000,[2] respectively. Deduction of those amounts from the applicable rate base would result in annual reduction of rates in the amount of approximately $1,504,000 for Transwestern and $7,341,900 [2] for El Paso. Those annual reports further indicate that in addition, flow through of the benefits of liberalized depreciation utilized by those companies for tax purposes would have generated annual reductions in rates of about $3,100,000 for Transwestern and $5,100,000 [2] for El Paso.

Admittedly, the foregoing data present only a prima facie basis for determining the rates of Transwestern and El Paso were we to apply the principles of Alabama-Tennessee to them. It does appear, however, that the rates and charges of Transwestern and El Paso may be excessive.

Therefore, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that we institute these proceedings pursuant to the procedures hereinafter provided.

The Commission orders:

(A) Pursuant to the provisions of sections 4, 5, 10, 14, 15, and 16 of the Natural Gas Act and the rules and regulations thereunder, Transwestern and El Paso shall show cause, if any there be, in writing and under oath, within 45 days from the date of issuance of this order, why the Commission shall not find and determine:

[1] This order shall not be construed as a consolidation of the proceedings hereby initiated either for hearing or decision.

[2] For El Paso's Southern Division alone the comparable figures are $41,643,000, $4,906,000, and $2,960,000 respectively.

(i) That each is a growth company which will have an expanding gross plant for the foreseeable future, based upon their historic experience and the expansions authorized in Opinion No. 500, and that there are no exceptional circumstances in their operations which make the principles enunciated in the Alabama-Tennessee decision (Opinion No. 417), inapplicable to either of them;

(ii) That each will earn a fair and reasonable return on its jurisdictional operations for the reasonably foreseeable future even if they are not permitted to retain the annual tax reductions from utilization of liberalized depreciation and to earn a return on a rate base which has not been reduced by the accumulated reserves in Account 282; and

(iii) That each should be directed to file revised tariffs, acceptable to the Commission, which reduce the rates prescribed for each of them in Opinion No. 500, to that level which results from flow through of the actual liberalized depreciation tax reductions in 1965 and the reduction of rate base by the accumulated reserve balance in Account No. 282 as of December 31, 1965; provided, however, that Transwestern and El Paso are not precluded hereby from making a proper showing that in lieu of flow through of actual liberalized depreciation tax reductions in 1965, such flow through should be on the basis of average annual tax reductions of some appropriate period comprised of 3 or 5 years.

(B) Each answer filed pursuant to this order shall specifically admit or deny each individual factual allegation contained herein and any matter not specifically controverted shall be deemed admitted and may form the basis for the entry of a final order based thereon.

(C) Without limitation of the rights of Transwestern and El Paso to submit such data and responses to paragraph (A) above, as each may deem appropriate, Transwestern and El Paso shall, within 45 days from the date of issuance of this order, file with the Commission a cost and revenue study conforming with subsection (f) of § 154.63 of the Commission's regulations under the Natural Gas Act (except Statements N and P). That study shall also include for each company its tax depreciation base and tax rate of depreciation segregated by the classes of properties shown on their respective tax returns for the calendar year 1965. That study shall utilize calendar year 1965, adjusted for changes in costs and revenues which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 9 months after the base period. Working papers prepared in conjunction with the cost and revenue study shall be included with such study and all statements, supporting data, schedules, and working papers shall be prepared in accordance with the classifications provided in the Uniform System of Accounts. Ten sets of the cost and revenue study and seven sets of the working papers shall be served upon the Commission, and Transwestern and El Paso shall simultaneously serve copies of the cost and revenue study upon each of their respective jurisdictional customers and the State commission of each State in which it does business. The study and supporting data hereby required to be filed by El Paso shall set forth separately the costs, revenues, and operations relating to its Southern Division and its Northwest Division.

(D) Notices of intervention and petitions to intervene in either of these proceedings may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before September 20, 1966, in accordance with §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-9751; Filed, Sept. 6, 1966; 8:47 a.m.]

[Docket No. CS67-4, etc.]

M. B. RUDMAN, ET AL.

Notice of Applications for "Small Producer" Certificates [1]

AUGUST 29, 1966.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 20, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No.	Date filed	Name of applicant
CS67-4	Aug. 4, 1966	M. B. Rudman, 1730 Mercantile Dallas Bldg., Dallas, Tex. 75201.
CS67-5	....do....	Raymond A. Williams, Jr., 1730 Mercantile Dallas Bldg., Dallas, Tex. 75201.
CS67-6	Aug. 12, 1966	Kermit Oil Co., Box 1665, Midland, Tex. 79701.
CS67-7	Aug. 15, 1966	W. Stewart Boyle, 477 San Jacinto Bldg., Houston, Tex. 77002.
CS67-8	Aug. 8, 1966	North Central Oil Corp., 1300 Main St., Houston, Tex. 77002.
CS67-10	July 27, 1966	W. A. Moncrief, Moncrief Bldg., Ninth and Commerce, Fort Worth, Tex. 76102.
CS67-11	Aug. 3, 1966	Gladys Lucille Barnett, 4401 Leddy Dr., Midland, Tex. 79701.
CS67-12	....do....	Thomas D. Barnett, 4401 Leddy Dr., Midland, Tex. 79701.
CS67-13	Aug. 4, 1966	Paul DeCleva, Republic Bank Tower, Dallas, Tex. 75221.
CS67-14	Aug. 10, 1966	English Jackson, Inc., 321 Petroleum Bldg., Longview, Tex. 75603.

[F.R. Doc. 66-9752; Filed, Sept. 6, 1966; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Rev. 11)]

AREA ADMINISTRATORS

Delegation of Authority to Conduct Program Activities in Field Offices

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, and Delegation of Authority 29 F.R. 14764, the following authority is hereby delegated:

I. *Area Administrators—A. Financial Assistance Program.* 1. To approve business loans not exceeding $350,000 (SBA share) and disaster loans not exceeding $1,000,000 (SBA share).

2. To decline business and disaster loans in any amount.

3. To disburse approved loans.

4. To enter into business and disaster loan participation agreement with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*

By _____
(Name)
Area Administrator.

6. To cancel, reinstate, modify, and amend authorizations for business or disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse of warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

12. To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired.

B. *State and Local Development Company Loan Program.* 1. To disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 501 and 502 loans.

4. To do and perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 501 and 502 loans.

5. To substitute, add, or change the collateral requirements of any loan authorization where such change will not adversely affect the credit aspects of the loan.

6. To approve or decline section 501 and 502 loans.

C. *Procurement and Management Assistance Program.* 1. To approve applications for Certificates of Competency, regardless of the total contract value, received from small business concerns which are located within the geographical jurisdiction of his area office, with the exception of rereferred cases.[1]

2. To deny an application for a Certificate of Competency when the area administrator agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being filed, which if approved, might change the credit aspects of the case.[1]

D. *Administration.* 1. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

2. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

3. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

F. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. *Liquidation and Disposal Program.* To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations and assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

1. The assignment, endorsement transfer, and delivery (but in all cases without representation, recourse of warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

2. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain, and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing;

3. To take final action on an offer of compromise of any claim provided such action is in concurrence with the majority recommendation of the appropriate area liquidation and disposal group Claims Review Committee on claims not in excess of $5,000 (including CPC advances but excluding interest) or the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

II. The specific authority in the subsections (except subsections I.C.1 and I.C.2) may be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Area Administrator.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: September 1, 1966.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 66-9842; Filed, Sept. 6, 1966; 8:49 a.m.]

[1] These authorities cannot be redelegated.

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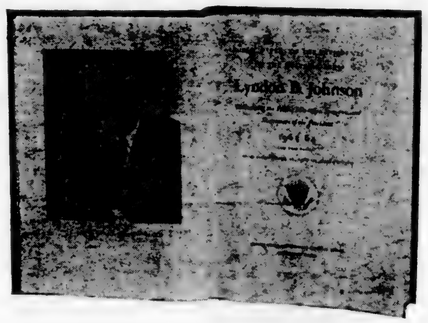
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FEDERAL REGISTER

VOLUME 31 • NUMBER 174

Thursday, September 8, 1966 • Washington, D.C.

Pages 11737–11850

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Executive Order 11302

PRESCRIBING REGULATIONS GOVERNING THE ALLOWANCE OF TRAVEL EXPENSES OF CLAIMANTS AND BENEFICIARIES OF THE VETERANS' ADMINISTRATION AND THEIR ATTENDANTS

By virtue of the authority vested in me by Section 111 of Title 38 of the United States Code, as amended by the Act of June 18, 1966 (Public Law 89–455), it is hereby ordered as follows:

SECTION 1. The Administrator of Veterans' Affairs may authorize or approve the payment of the actual necessary expenses of travel, including lodging and subsistence, of any claimant or beneficiary of the Veterans' Administration traveling to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. The Administrator may authorize or approve such payment to the claimant or beneficiary, or, in his discretion, to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence.

SEC. 2. The Administrator of Veterans' Affairs may authorize or approve in lieu of actual necessary expenses of travel, including lodging and subsistence, payment of an allowance of not more than five cents a mile to any claimant or beneficiary of the Veterans' Administration traveling to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. In addition to such mileage allowance, the Administrator may allow reimbursement for the actual cost of ferry fares, and bridge, road, and tunnel tolls. In his discretion, the Administrator may authorize or approve such payment and such reimbursement to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence.

SEC. 3. Whenever a claimant or beneficiary requires an attendant other than an employee of the Veterans' Administration for the performance of travel specified in Sections 1 and 2 hereof, the travel expenses of such attendant may be allowed in the same manner and to the same extent that travel expenses are allowed to such claimant or beneficiary.

SEC. 4. Payment of the following expenses or allowances in connection with vocational rehabilitation, counseling, or upon termination of examination, treatment, or care, may be made before the completion of travel:

a. The mileage allowance and fare and tolls authorized by Section 2 hereof.

b. Actual local travel expenses.

c. The expense of hiring an automobile or ambulance, or the fee authorized for services of a non-employee attendant.

SEC. 5. The Administrator of Veterans' Affairs may prescribe such rules and regulations not inconsistent herewith as may be necessary to effectuate the provisions of this order.

SEC. 6. Executive Order No. 11142 of February 12, 1964, is hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,
September 6, 1966.

[F.R. Doc. 66-9885; Filed, Sept. 6, 1966; 1:24 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture

[Amdt. I]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Definition of Milk

Paragraph (k) of § 215.2 of the regulations for the operation of the Special Milk Program for Children (30 F.R. 14910) is hereby amended as follows:

§ 215.2 Definitions.

* * * * *

(k) "Milk" means unflavored milk which meets State and local standards for fluid whole milk and flavored milk made from fluid whole milk which meets such standards, except that, in those areas of Alaska and Hawaii where a sufficient supply of fresh fluid whole milk cannot be obtained, "milk" shall include recombined or reconstituted fluid whole milk.

* * * * *

This amendment shall be effective upon publication.

Approved: September 2, 1966.

[SEAL] ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-9847; Filed, Sept. 7, 1966; 8:51 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 176, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.476 (Valencia Orange Regulation 176, 31 F.R. 11344) are hereby amended to read as follows:

§ 908.476 Valencia Orange Regulation 176.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 425,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 2, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9836; Filed, Sept. 7, 1966; 8:48 a.m.]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 113, and Order No. 946 (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER August 2, 1966 (31 F.R. 10269). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the State of Washington Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 946.218 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal year ending May 31, 1967, by the State of Washington Potato Committee to perform its functions and for such other purposes as the Secretary determines to be appropriate, will amount to $23,666.76.

(b) The rate of assessment to be paid by each handler in accordance with Marketing Agreement No. 113 and this part shall be two-tenths of 1 cent ($0.002) per hundredweight, or equivalent quantity, of potatoes handled by him, as the first handler thereof, during said fiscal year.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal year began June 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 1, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9809; Filed, Sept. 7, 1966; 8:48 a.m.]

[Area 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 3 (Northern Colorado), to be effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), was published in the August 16, 1966, FEDERAL REGISTER (31 F.R. 10888). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than the 15th day after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 3, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.251 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and this part (Order No. 948), both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending May 31, 1967, will amount to $2,500.

(b) The rate of assessment to be paid by each handler in Area No. 3 pursuant to Marketing Agreement No. 97 and this part (Order No. 948), both as amended, shall be $0.00125 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending May 31, 1967, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on June 1, 1966, and the rate of assessment herein will apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 1, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9810; Filed, Sept. 7, 1966; 8:48 a.m.]

PART 981—ALMONDS GROWN IN CALIFORNIA

Salable and Surplus Percentages for 1966–67 Crop Year

Notice was published in the August 18, 1966, issue of the FEDERAL REGISTER (31 F.R. 10963) regarding a proposal to establish salable and surplus percentages applicable to California almonds for the 1966–67 crop year beginning July 1, 1966. The percentages are based on unanimous recommendations of the Almond Control Board and other available information in accordance with the applicable provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Committee, and other available information, it is found that to establish salable and surplus percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable and surplus percentages for almonds received by handlers for their own accounts during the 1966–67 crop year are established as follows:

§ 981.216 Salable and surplus percentages for almonds during the crop year beginning July 1, 1966.

The salable and surplus percentages during the crop year beginning July 1, 1966, shall be 80 percent and 20 percent, respectively.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and surplus percentages designated for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such year; and (2) the current crop year began on July 1, 1966, and the percentages established herein will automatically apply to all such almonds beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 1, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9844; Filed, Sept. 7, 1966; 8:51 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

PART 243—DEPORTATION OF ALIENS IN UNITED STATES

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

§ 214.2 [Amended]

1. The first sentence of subdivision (ii) *Petition for alien to perform other temporary service or labor* of subparagraph (2) *Supporting evidence* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows: "Either a certification from the Secretary of Labor or his designated representative stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that such a certification cannot be made shall be attached to every nonimmigrant visa petition to accord an alien a classification under section 101 (a) (15) (H) (ii) of the Act."

2. Section 243.8 is amended to read as follows:

§ 243.8 Imposition of sanctions.

The provisions of section 243(g) of the Act have been applied to residents of the Union of Soviet Socialist Republics, Czechoslovakia, and Hungary; those provisions do not apply to an alien who is residing in Estonia, Latvia, or Lithuania who is not a national, citizen, or subject of the Union of Soviet Socialist Republics. The sanctions imposed on residents of the Union of Soviet Socialist Republics, Czechoslovakia, and Hungary pursuant to section 243(g) may be waived in an individual case for the beneficiary of a petition accorded a status under section 201(b) or section 203(a) of the Act. The sanctions also may be waived upon an individual request by the Department of State in behalf of a visa applicant. Upon approval of a visa petition or upon an individual request by the Department of State in behalf of a visa applicant, the district director will determine whether sanctions shall be waived. However, the regional commissioner or the Deputy Associate Commissioner, Travel Control, may direct that any case or class of cases be referred to him for such determination.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by § 214.2(h)(2)(ii) relates to agency procedure and the rule prescribed by § 243.8 confers benefits upon persons affected thereby.

Dated: September 2, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66-9814; Filed, Sept. 7, 1966; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-SW-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area; Correction

On August 19, 1966, F.R. Doc. 66-9005 was published in the FEDERAL REGISTER (31 F.R. 11014) which designated the Killeen, Tex., Fort Hood AAF and Robert Gray AAF control zones and the Killeen, Tex., transition area to become effective October 13, 1966. This action eliminated the requirement for the presently designated Killeen, Tex., control zone and transition area; therefore, action is taken herein for the revocation of these designations.

Since this amendment will impose no additional burden on any person, notice and public procedures are unnecessary, and the effective date of the rule may be retained as initially adopted.

In consideration of the foregoing, F.R. Doc. 66-9005, is amended, effective as follows:

1. In the fourth paragraph, the words "the Killeen, Tex., control zones are designated as follows:" are deleted, and the words "the Killeen, Tex., control zone is revoked and the following control zones are designated:" are substituted therefor.

2. In the fifth paragraph, "designated" is changed to "redesignated."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on August 29, 1966.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 66-9779; Filed, Sept. 7, 1966; 8:45 a.m.]

[Airspace Docket No. 65-AL-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Extension of Airway, Designation of Jet Route and Low and High Altitude Reporting Points, and Alteration of Control Area

On June 11, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8242) stating that the Federal Aviation Agency was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations which would extend, redesignate, and designate certain Alaskan airways, jet routes, and reporting points.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. No comments were received.

Subsequent to publication of the notice, a flight check of the proposed Augustine, Alaska, Intersection, indicates that this intersection would be unsatisfactory for air traffic control use. Accordingly, it will not be designated as a low altitude reporting point.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

1. Section 71.125 (31 F.R. 2045) is amended as follows:

a. In V–438 "From Shuyak, Alaska, RBN via Homer, Alaska;" is deleted and "From Kodiak, Alaska, via Homer, Alaska, including an W alternate;" is substituted therefor and "The airspace below 2,000 feet MSL outside the United States is excluded." is added at the end of text.

b. V–506 is amended to read:

V–506 From Kodiak, Alaska, via INT of Kodiak 332° and King Salmon, Alaska, 097° radials; King Salmon; Bethel, Alaska; Nome, Alaska; to Kotzebue, Alaska, excluding the airspace below 2,000 feet MSL outside the United States.

2. Section 71.161 (31 F.R. 2049) is amended by adding the following:

Jet Route No. 128, From INT of Kodiak, Alaska, 107° radial and the NW boundary Anchorage Oceanic Control Area at latitude 57°29′ N., longitude 150°30′ W., via Kodiak to King Salmon, Alaska.

Jet Route No. 126, From Kodiak, Alaska, to Anchorage, Alaska.

3. Section 71.163 (31 F.R. 2050) is amended as follows: In Control 1217 "The airspace below 2,000 feet MSL outside the United States is excluded." is added at the end of text.

4. Section 71.211 (31 F.R. 2289) is amended by adding the following:

Kodiak, Alaska.
Marble INT: INT Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at latitude 57°29′ N., longitude 150°30′ W.

5. Section 71.213 (31 F.R. 2290) is amended by adding the following:

Kodiak, Alaska.
Marble INT: INT of Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at latitude 57°29′ N., longitude 150°30′ W.

6. Section 75.100 (31 F.R. 2346) is amended by adding the following:

Jet Route No. 128 From INT Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at latitude 57°29′ N., longitude 150°30′ W., via Kodiak; to King Salmon, Alaska.

Jet Route No. 126 From Kodiak, Alaska, to Anchorage, Alaska.

(Sec. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on August 30, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-9780; Filed, Sept. 7, 1966; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7583; Amdt. 95-145]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective October 13, 1966, as follows:

1. By amending Subpart C as follows:

Section 95.679 *Blue Federal airway 79* is amended to read in part:

From, to, and MEA

Haines, Alaska, LF/RBN; Burwash Landing, Y.T. LFR; #11,000. #For that airspace over U.S. territory.

Section 95.1001 *Direct routes—United States* is amended to delete:

Harrison INT, Ga.; Norcross, Ga., VOR; 3,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

San Diego, Calif., VOR via SAN, 110° rad; United States-Mexican border; 5,600.
San Diego, Calif., VOR via SAN, 120° rad; United States-Mexican border; 4,600.
Avenal, Calif., VOR COP 65 AVE; San Jose, Calif., VOR; *10,000. **6700—MOCA. MAA—39,000.
Columbus, Ga., LOM; Geneva INT, Ga.; *2,200. **1900—MOCA. Via CSE LOM 046° rad.
Dunoir, Wyo., VOR; Billings, Mont., VORTAC; 18,000. MAA—45,000.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Fort Myers, Fla., VOR; Sarasota, Fla., VOR; *2,000. **1,500—MOCA.
Sarasota, Fla., VOR; Arcadia INT, Fla.; *2,000. **1,500—MOCA.
Sarasota, Fla., VOR; La Belle, Fla., VOR; *2,000. **1,500—MOCA.
Norcross, Ga., VOR; Buckhead INT, Ga.; 3,000. Kennesaw INT, Ga.; Buckhead INT, Ga.; 3,300.

Puerto Rico Routes

Route 1:
*Hawaii INT, P.R.; Cabo Rojo INT, P.R.; **8,500. *8,500—MRA. **1,300—MOCA.
Route 9:
*Hawaii INT, P.R.; Ponce, P.R., VOR; 2,500. *8,500—MRA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

From, to, and MEA

Savannah, Ga., VOR; Vance, S.C., VOR; *1,900. *1,500—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Evansville, Ind., VOR; *Decker INT, Ind.; 2,100. *2,300—MRA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Ontario, Calif., VOR; *Rialto INT, Calif.; 5,000. *9,000—MCA Rialto INT, Northeast-bound.
Rialto INT, Calif.; Lucerne INT, Calif.; 10,500.
Lucerne INT, Calif.; Hector, Calif., VOR; *10,000. *9,000—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Weston INT, Ky.; Evansville, Ind., VOR; 2,100.
Evansville, Ind., VOR via E alter.; Augusta INT, Ind., via E alter.; 2,100.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Silver INT, Tex.; Washington INT, Tex.; *2,000. *1,600—MOCA.
Washington INT, Tex.; College Station, Tex., VOR; 1,800.
Sealy INT, Tex., via W alter.; Independence INT, Tex., via W alter.; *2,100. *1,500—MOCA.
Independence INT, Tex., via W alter.; College Station, Tex., VOR via W alter.; 1,800.
College Station, Tex., VOR via W alter.; Barclay INT, Tex., via W alter.; *2,500. *1,800—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

*Moreno INT, Calif.; Banning INT, Calif., eastbound; 13,000. Westbound; 9,000. *12,000—MCA Moreno INT, eastbound.
Wink, Tex., VOR via S alter.; Notrees DME Fix, Tex., via S alter.; 5,500.
Notrees DME Fix, Tex., via S alter.; Midland, Tex., VOR via S alter.; *4,500. *4,400—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Leming INT, Tex.; Losoya INT, Tex.; *2,500. *1,600—MOCA.
Losoya INT, Tex.; Bellaire INT, Tex.; *2,500. *1,800—MOCA.
Bellaire INT, Tex.; San Antonio, Tex., VOR; *2,500. *2,200—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

St. George INT, S.C.; Charleston, S.C., VOR; *1,800. *1,300—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Ontario, Calif., VOR; *Rialto INT, Calif.; 5,000. *9,000—MCA Rialto INT, northeast-bound.
Rialto INT, Calif.; Lucerne INT, Calif.; 10,500.
Lucerne INT, Calif.; Hector, Calif., VOR; *10,000. *9,000—MOCA.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Blythewood INT, S.C.; Fort Mill, S.C., VOR; *2,400. *2,000—MOCA.
*Tillman INT, S.C.; **Wilson INT, S.C., ***2,000. *3,900—MRA. **3,300—MRA. ***1,300—MOCA.
Wilson INT, S.C.; Allendale, S.C., VOR; *2,000. *1,300—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

From, to, and MEA

Highway, Tenn., VOR via W alter.; *Bakerton INT, Ky., via W alter.; **2,800. *4,500—MRA. **2,300—MOCA.
Bakerton INT, Ky., via W alter.; New Hope, Ky., VOR via W alter.; *2,800. *2,300—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Charleston, S.C., VOR; St. George INT, S.C.; *1,800. *1,300—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Ennis INT, Tex.; *Scurry INT, Tex.; **5,000. *2,600—MRA. **1,800—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

Cisco INT, Tex.; *Mill INT, Tex.; **6,000. *3,500—MRA. **3,900—MOCA.
Plainview, Tex., VOR; Lubbock, Tex., VOR; *5,000. *4,600—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

*Comfort INT; **Boerne INT, Tex.; ***3,100. *4,000—MRA. **5,000—MRA. ***2,800—MOCA.
Boerne INT, Tex.; Van Raub INT, Tex.; *3,100. *2,800—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Hyman, Tex., VOR; San Angelo, Tex., VOR; *4,400. *4,000—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Lubbock, Tex., VOR; Plainview, Tex., VOR; *5,000. *4,600—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

Wink, Tex., VOR; Notrees DME Fix, Tex.; 5,500.
Notrees DME Fix, Tex.; Midland, Tex., VOR; *4,500. *4,400—MOCA.
Dyess, Tex., VOR; *Mill INT, Tex.; **6,000. *3,500—MRA. **3,900—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Woodstock INT, Ill.; Janesville, Wis., VOR; *2,900. *2,500—MOCA.

Section 95.6138 *VOR Federal airway 138* is amended to read in part:

Grand Island, Nebr., VOR; Seward INT, Nebr.; *4,000. *3,200—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Freedom INT, Ky., via N alter.; *Bakerton INT, Ky., via N alter.; **5,500. *4,500—MRA. **3,100—MOCA.

Section 95.6155 *VOR Federal airway 155* is amended to read in part:

Augusta, Ga., VOR; Monetta INT, S.C.; *2,200. *2,000—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Lotta INT, Ga.; Allendale, S.C., VOR; *2,000. *1,600—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Palm Beach, Fla., VOR; Parkway INT, Fla.; *1,500. *1,300—MOCA.

From, to, and MEA

Parkway INT, Fla.; Pluto INT, Fla.; *1,500. *1,100—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Leming INT, Tex.; Losoya INT, Tex.; *2,500. *1,600—MOCA.
Losoya INT, Tex.; Bellaire INT, Tex.; *2,500. *1,800—MOCA.
Bellaire INT, Tex.; San Antonio, Tex., VOR; *2,500. *2,200—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended to read in part:

Marengo INT, Ill.; Janesville, Wis., VOR; *2,700. *2,500—MOCA.

Section 95.6185 *VOR Federal airway 185* is amended to read in part:

Savannah, Ga., VOR; Sardis INT, Ga.; *2,000. *1,500—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

*Comfort INT, Tex.; **Boerne INT, Tex.; ***3,100. *4,000—MRA. **5,000—MRA. ***2,800—MOCA.
Boerne INT, Tex.; Van Raub INT, Tex.; *3,100. *2,800—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

Peach Springs, Ariz., VOR; Grand Canyon, Ariz. VOR; *10,000. *9,500—MOCA.
Grand Canyon, Ariz., VOR; Tuba City, Ariz., VOR; 9,500.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

Janesville, Wis., VOR; *Wind Lake INT, Wis.; **3,000. *3,000—MRA. **2,500—MOCA.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Prescott, Ariz., VOR; Grand Canyon, Ariz., VOR; *10,000. *9,000—MOCA.
*Grand Canyon, Ariz., VOR; Bryce Canyon, Utah, VOR; **13,000. *12,800—MCA Grand Canyon VOR, northbound. **11,400—MOCA.

Section 95.6264 *VOR Federal airway 264* is amended to read in part:

*Moreno INT, Calif., via S alter.; Banning INT, Calif., via S alter., eastbound; 13,000. Westbound; 9,000. *12,000—MCA Moreno INT, eastbound.

Section 95.6266 *VOR Federal airway 266* is amended to read in part:

South Boston, Va., VOR; Lawrenceville, Va., VOR; 2,000.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

High Tide INT, Hawaii; Breakers INT, Hawaii; *3,000. *1,000—MOCA.

Section 95.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

*Molokai, Hawaii, VOR; **Maui, Hawaii, VOR; ***8,000. *5,000—MCA Molokai VOR, eastbound. ***6,500—MCA Maui VOR, westbound. ****7,500—MOCA.
Int. 097° M rad, South Kauai VOR and 119° M rad, Lihue VOR; Breakers INT, Hawaii; *3,000. *1,000—MOCA.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

*Puntilla Lake INT, Alaska; **Windy Fork INT, Alaska; ***10,000. *11,000—MRA. **8,000—MCA Windy Fork INT, southeastbound. ***9,500—MOCA.

Section 95.6444 *VOR Federal airway 444* is amended to read in part:

From, to, and MEA

Bettles, Alaska, VOR; Hess Creek INT, Alaska, *12,000. *5,300—MOCA.

Section 95.6449 *VOR Federal airway 449* is amended to read in part:

Brookfield INT, N.Y.; Deansboro INT, N.Y.; 3,600.
Deansboro INT, N.Y.; Clinton INT, N.Y.; 3,300.

Section 95.6456 *VOR Federal airway 456* is amended to read in part:

Big Mountain, Alaska, LF/RBN; *Copper INT, Alaska, northeastbound; **11,500. Southwestbound; 6,000. *12,000—MCA Copper INT, northeastbound. **6,000—MOCA.

Section 95.6492 *VOR Federal airway 492* is amended to read in part:

Pluto INT, Fla., via N alter.; Parkway INT, Fla., via N alter.; *1,500. *1,100—MOCA.
Parkway INT, Fla., via N alter.; Palm Beach, Fla., VOR via N alter.; *1,500. *1,300—MOCA.

Section 95.6504 *VOR Federal airway 504* is amended to read in part:

Nenana, Alaska, VOR; Rampart INT, Alaska; *7,000. *6,400—MOCA.
Rampart INT, Alaska; Bettles, Alaska, VOR; *7,000. *6,600—MOCA.

Section 95.7086 *Jet Route No. 86* is amended by adding:

From, to, MEA, and MAA

Boulder, Nev., VORTAC; Peach Springs, Ariz., VOR; 18,000; 45,000.
Peach Springs, Ariz., VOR; Winslow, Ariz., VORTAC; 18,000; 45,000.
Winslow, Ariz., VORTAC; El Paso, Tex., VORTAC; #29,000; 45,000. #MEA is established with a gap in navigation signal coverage.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From; to—Changeover point: Distance; from

V–15 is amended to read in part:
Molokai, Hawaii, VOR; Maui, Hawaii, VOR; 13; Maui.
V–16 is amended to read in part:
Ontario, Calif., VOR; Palm Springs, Calif., VOR; 34; Ontario.
V–174 is amended to delete:
Henderson, W. Va., VORTAC; Elkins, W. Va., VORTAC; 40; Henderson.
V–210 is amended to read in part:
Peach Springs, Ariz., VOR; Tuba City, Ariz., VOR; 57; Peach Springs.
V–257 is amended to delete:
Prescott, Ariz., VOR; Bryce Canyon, Utah, VOR; 98; Prescott.
V–257 is amended by adding:
Grand Canyon, Ariz., VOR; Bryce Canyon, Utah, VOR; 79; Grand Canyon.
V–264 is amended to read in part:
Ontario, Calif., VOR via S alter.; Palm Springs, Calif., VOR via S alter.; 34; Ontario.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on August 29, 1966.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-9726; Filed, Sept. 7, 1966; 8:46 a.m.]

SUBCHAPTER I—AIRPORTS

[Docket No. 7595; Amdt. 151–14]

PART 151—FEDERAL AID TO AIRPORTS

Exclusive Rights Prohibition

The purposes of this amendment are to conform § 151.121 with current Agency policy on exclusive rights and to correct the references contained in § 151.41(c)(2).

In making grant agreements under the Federal-aid Airport Program, FAA formerly permitted the continuing existence of exclusive rights at airports to engage in the sale of gasoline and oil, and even new grants of such rights, if the airport had in the past received a transfer of surplus property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)). (Sec. 13(g)(2)(c) prohibits exclusive rights for the use of airports that receive surplus property but excludes "the sale of gasoline and oil" for aircraft from its definition of activities for which exclusive rights may not be granted.) This was reflected in the last sentence of the sponsor's assurance set forth in § 151.121. The new exclusive rights policy of October 25, 1965 (30 F.R. 13661), requires as a condition on FAAP grants that the sponsor (including the operator of a "surplus airport") agree to the prospective application at all its airports of the unqualified prohibition of exclusive rights in section 308(a) of the Federal Aviation Act (49 U.S.C. 1349). To reflect this change of policy, the assurance in § 151.121 is reworded, and the present last sentence is deleted.

The preceding (next to last) sentence of the assurance, as now set forth in § 151.121, sets an absolute deadline for steps to terminate existing exclusive rights. The new policy merely requires termination at the earliest renewal, cancellation, or expiration date of the agreement establishing the exclusive right. This sentence is amended to conform it to the new policy.

Section 151.41(c)(2) of Part 151 contains a reference to the Federal Airport Act erroneously reading "section 13(3)" instead of "section 13(a)(3)". This error is being corrected.

The procedural requirements of section 4 of the Administrative Procedure Act do not apply to this amendment because it relates to public grants, benefits, and contracts and merely conforms § 151.121 to previously published Agency policy.

In consideration of the foregoing, Part 151 is amended, effective October 8, 1966, as follows:

1. Section 151.41(c)(2) is amended to read as follows:

§ 151.41 Project costs.

* * * * *

(c) * * *

(2) Be reasonable in amount (or be subject to partial disallowance under section 13(a)(3) of the Federal Airport Act (49 U.S.C. 1112(a)(3));

* * * * *

2. The convenant set forth in § 151.121 is amended to read as follows:

§ 151.121 Procedures: offer; sponsor assurances.

* * * * *

The sponsor will not grant or permit any exclusive right forbidden by section 308(a) of the Federal Aviation Act of 1958 on the airport or any airport that it may subsequently acquire. In furtherance of the policy of the FAA under this covenant the sponsor agrees that, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm, or corporation the exclusive right for the conduct of any aeronautical activities on the airport or any airport subsequently acquired by it, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity. The sponsor further agrees that it will terminate any such exclusive right (including any exclusive right to engage in the sale of gasoline or oil, or both) now existing at the airport or at any airport owned or controlled by the sponsor, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right, and certifies that there is no exclusive right not subject to termination under this provision.

(Secs. 1–15, 17–21, Federal Airport Act (49 U.S.C. 1101–1114, 1116–1120); secs. 308(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1349, 1354))

Issued in Washington, D.C., on August 31, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-9781; Filed, Sept. 7, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1068]

PART 13—PROHIBITED TRADE PRACTICES

Phillips Petroleum Co. et al.

Subpart—Acquiring corporate stock or assets: § 13.7 *Joint ventures,*[1] Subpart—Combining or conspiring: § 13.395 *To control marketing practices and conditions;* § 13.452 *To limit production;* § 13.470 *To restrain and monopolize trade.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Cease and desist order, Phillips Petroleum Co. et al., Bartlesville, Okla., Docket C-1068, Aug. 2, 1966]

[1] New section added.

In the Matter of Phillips Petroleum Co., a Corporation; National Distillers & Chemical Corp., a Corporation; Alamo Industries, Inc., a Corporation; and A–B Chemical Corp., a Corporation

Consent order requiring the dissolution of major joint ventures in the polyolefin plastics field between Phillips Petroleum Co. of Oklahoma and National Distillers & Chemical Corp. of New York City, and requiring divestiture of the resin plant and three acquisitions made by one of these joint ventures, and requiring the construction of two new resin plants by Phillips and banning future acquisitions and joint ventures by Phillips or National.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

A. Dissolution of Alamo Industries, Inc., Joint Venture

I. *It is ordered*, That, within ninety (90) days from the effective date of this order, National Distillers & Chemical Corp. (hereinafter referred to as "National") shall sell to Phillips Petroleum Co. (hereinafter referred to as "Phillips"), and Phillips shall purchase from National, capital stock, bonds, debentures, and other securities and interests held by National in Alamo Industries, Inc. (hereinafter referred to as "Alamo"), in accordance with Exhibit A. After such purchase has been completed, Phillips shall comply with the terms of this order which are applicable to Alamo.

II. *It is further ordered*, That, within two (2) years from the effective date of this order, Alamo and/or Phillips shall divest absolutely and in good faith, to a purchaser or purchasers approved by the Federal Trade Commission, the facilities for the production of polypropylene resin known as the Monument Plant and located at Houston, Tex., including, but not limited to, all properties, machinery, equipment, raw material reserves, if any, and all contract rights pertaining to the operation of said facilities to the end that such divested facilities be established as a going concern and effective competitor in the manufacture and sale of polypropylene resins; that Phillips shall grant to the purchaser or purchasers of the aforesaid Monument Plant a license of polypropylene patents and know-how providing for a minimum annual royalty of $200,000 for the first five (5) years, and otherwise at such royalty and upon such terms as were originally provided by Phillips' present license to Alamo; that Phillips shall continue to supply propylene feedstock to the Monument Plant for a term of three (3) years from the sale of the Monument Plant, or for such longer term as, with the approval of the Federal Trade Commission, the purchaser or purchasers may reasonably require, at prices not to exceed the current market price as determined from time to time and under a contract the same in form and substance as Phillips' present propylene supply contract with Alamo, except that the minimum annual quantity shall be 15 million pounds and the maximum annual quantity shall be 40 million pounds; and that Phillips or Alamo shall, at the option of such purchaser or purchasers, agree to manage and operate the aforesaid Monument Plant for such purchaser or purchasers upon such terms as provided by the management agreement now in effect between Phillips and Alamo, but in no event shall such management agreement be for a term of more than five (5) years; and that Phillips may require such purchaser or purchasers to enter into a contract with Phillips, upon reasonable terms and conditions, for the supply of polypropylene resin to cover the requirements of Alamo until Phillips has constructed, in accordance with paragraph III of this order, a new polypropylene plant and until such new plant is in commercial production, or until Alamo has made other arrangements for its polypropylene supply, but in no event shall such contract be for a term of more than five (5) years.

III. *It is further ordered*, That, within three (3) years from the date of divestiture of the Monument Plant as ordered by paragraph II of this order (if such divestiture is accomplished within the two (2) year period therein specified), Phillips shall construct, or cause one of its subsidiaries to construct, facilities for the production of polypropylene resin with a minimum annual rated capacity of 35 million pounds.

IV. *It is further ordered*, That, within two (2) years from the effective date of this order, Alamo and/or Phillips shall divest absolutely and in good faith, to a purchaser or purchasers approved by the Federal Trade Commission, the synthetic film production and manufacturing facilities at Stratford, Conn., heretofore purchased by Alamo from National, including, but not limited to, all properties, plants, machinery, equipment, raw material reserves, if any, and all contract rights pertaining to the operation of said facilities to the end that such divested facilities be established as a going concern and effective competitor in the manufacture and sale of synthetic film; and that National, to the extent that it is legally free to do so, shall grant to such purchaser or purchasers a license of the patents and know-how relating to synthetic film heretofore licensed to Alamo.

V. *It is further ordered*, That, within two (2) years from the effective date of this order, Alamo and/or Phillips shall divest absolutely and in good faith, to a purchaser or purchasers approved by the Federal Trade Commission, the rope business of Alamo's subsidiary, Wall Industries, Inc. (hereinafter referred to as "Wall"), including, but not limited to, the plant located at Beverly, N.J., all machinery and equipment located in said plant, related marketing facilities, and all other properties, plants, machinery, equipment, trade names, contract rights, trademarks, and goodwill relating to said rope business, together with all improvements relating to said rope business, to the end that such business be established as a going concern and effective competitor in the manufacture and sale of rope; and that if, after two (2) years from the effective date of this order, Alamo and/or Phillips have been unable to divest Wall's rope business as aforesaid despite bona fide efforts to do so, Alamo and/or Phillips shall divest such other assets of Wall as shall be necessary to effectuate the divestiture of such rope business.

VI. *It is further ordered*, That, within ninety (90) days from the effective date of this order, Alamo shall sell to National, and National shall purchase from Alamo, all capital stock, bonds, debentures, other securities, and all other interests held by Alamo in Beacon Manufacturing Co., in accordance with Exhibit A.

VII. *It is further ordered*, That Phillips shall grant to National, at National's request made within five (5) years of the date of the aforsaid sale of Alamo's stock by National to Phillips, licenses to Phillips' and/or Alamo's polypropylene process and licenses under United States patents or know-how relating to products using polypropylene in accordance with Exhibit A, to the end that National have available to it all necessary know-how and licenses under patents to enter, if it so desires, the polypropylene field.

B. Dissolution of A–B Chemical Corp. Joint Venture

VIII. *It is further ordered*, That, within ninety (90) days from the effective date of this order, Phillips shall sell to National, and National shall purchase from Phillips, all the capital stock, bonds, debentures, other securities, and all other interests held by Phillips in A–B Chemical Corp. (hereinafter referred to as "A–B"), in accordance with Exhibit B.

IX. *It is further ordered*, That, within five (5) years from the effective date of this order, Phillips shall enter independently into the production of low density polyethylene resin at a newly constructed plant with a minimum annual rated capacity of 140 million pounds. Phillips shall promptly initiate the steps necessary for construction of said plant, and shall continue to use its best efforts to construct such plant and to bring it into production at the earliest possible date.

X. *It is further ordered*, That National shall grant to Phillips, at Phillips' request made within five (5) years from the date of the aforesaid sale of A–B's stock by Phillips, and in connection with its construction of the low density polyethylene plant referred to the preceding paragraph, a license to National's high pressure polyethylene process, in accordance with Exhibit B, to the end that Phillips may utilize National's process, if it so desires, in its independent entry into the production of low density polyethylene resin.

XI. *It is further ordered*, That National shall take certain steps to establish in the low density polyethylene resin business any two firms or companies approved and/or chosen by the Federal Trade Commission, on terms and conditions set forth in the form of agreement annexed hereto as Exhibit C, to the end that competition in low density polyethylene resin be fostered by entry of new producers: *Provided, however*, That if National shall have then granted a license to anyone covering National's high-pressure polyethylene process in the United States, its territories, possessions or Puerto Rico (other than to a licensee who is either already in the high-pressure polyethylene resin business using a process not directly or indirectly obtained from National or is a company at least 50 percent of whose voting stock is owned by National) upon more favorable scope, terms and conditions than those set forth in Exhibit C, then Exhibit C shall be amended to be not less favorable to the licensee than the most favorable license granted to such other licensee.

C. Dissolution of Atlantic Polymers, N.V. Joint Venture

XII. *It is further ordered*, That, within ninety (90) days from the effective date of this order, Phillips shall sell to National, and National shall purchase from Phillips, all capital stock, bonds, debentures, other securities and all other interests held by Phillips in Atlantic Polymers, N.V. (a Belgian corporation now engaged in the construction of a plant for the production of polyethylene resin in Belgium), in accordance with Exhibit D.

D. Divestiture of National's Interest in American Renolit Corp.

XIII. *It is further ordered*, That, within ninety (90) days from the effective date of this order, National shall sell to Phillips, and Phillips shall purchase from National, all capital stock, bonds, debentures, other securities, and all other interests held by National in American Renolit Corp. (a Delaware corporation engaged in the production of polyvinyl chloride), in accordance with Exhibit E.

E. Ban on Future Acquisitions and Joint Ventures

XIV. *It is further ordered*, That: (1) For a period of ten (10) years from the effective date of this order, Phillips shall not acquire, directly or indirectly, through subsidiaries, joint ventures or otherwise, the whole or any part of the stock, share capital or assets (other than products sold in the course of business and patents, licenses or know-how) of any domestic concern theretofore engaged principally or as one of its major commodity lines in the manufacture, processing, conversion or sale of any polypropylene or low density polyethylene resin or fabricated product (except a concern the business activities of which in polypropylene or low density polyethylene are limited to processing, conversion or fabrication and which in the year prior to Phillips' acquisition accounted for total sales of polypropylene and high and low density polyethylene products not exceeding one million dollars ($1,000,000)), without the prior approval of the Federal Trade Commission, and

(2) For a period of five (5) years from the effective date of this order, Phillips shall not acquire, directly or indirectly, through subsidiaries, joint ventures or otherwise, the whole or any part of the stock, share capital or assets (other than products sold in the course of business and patents, licenses or know-how) of any domestic concern therefore engaged principally or as one of its major commodity lines in the manufacture, processing, conversion or sale of any high density polyethylene resin or fabricated product (except a concern the business activities of which in high density polyethylene are limited to processing, conversion or fabrication and which in the year prior to Phillips' acquisition accounted for total sales of polypropylene and polyethylene products not exceeding one million dollars ($1,000,000), without the prior approval of the Federal Trade Commission.

XV. *It is further ordered*, That: (1) For a period of ten (10) years from the effective date of this order, National shall not acquire, directly or indirectly, through subsidiaries, joint ventures, or otherwise, the whole or any part of the stock, share capital or assets used in the manufacture or sale of high or low density polyethylene resin (other than products sold in the course of business and patents, licenses or know-how) of any domestic concern engaged (and in the case of joint ventures, to be engaged) principally or as one of its major commodity lines in the manufacture or sale of high or low density polyethylene resin, without the prior approval of the Federal Trade Commission;

(2) For a period of five (5) years from the effective date of this order, National shall not acquire, directly or indirectly, through subsidiaries, joint ventures or otherwise, the whole or any part of the stock, share capital or assets (other than products sold in the course of business and patents, licenses or know-how) of any domestic concern theretofore engaged in the conversion, fabrication or sale of any high or low density polyethylene resin business using a process not directly or indirectly obtained from National or is a company at least 50 percent of whose voting stock is owned by National) upon more favorable scope, terms and conditions than those set forth in Exhibit C, then Exhibit C shall be amended to be not less favorable to the licensee than the most favorable license granted to such other licensee.

C. Dissolution of Atlantic Polymers, N.V. Joint Venture

XII. *It is further ordered*, That, within ninety (90) days from the effective date of this order, Phillips shall sell to National, and National shall purchase from Phillips, all capital stock, bonds, debentures, other securities and all other interests held by Phillips in Atlantic Polymers, N.V. (a Belgian corporation now engaged in the construction of a plant for the production of polyethylene resin in Belgium), in accordance with Exhibit D.

D. Divestiture of National's Interest in American Renolit Corp.

XIII. *It is further ordered*, That, within ninety (90) days from the effective date of this order, National shall sell to Phillips, and Phillips shall purchase from National, all capital stock, bonds, debentures, other securities, and all other interests held by National in American Renolit Corp. (a Delaware corporation engaged in the production of polyvinyl chloride), in accordance with Exhibit E.

E. Ban on Future Acquisitions and Joint Ventures

XIV. *It is further ordered*, That: (1) For a period of ten (10) years from the effective date of this order, Phillips shall not acquire, directly or indirectly, through subsidiaries, joint ventures or otherwise, the whole or any part of the stock, share capital or assets (other than products sold in the course of business and patents, licenses or know-how) of any domestic concern theretofore engaged principally or as one of its major commodity lines in the manufacture, processing, conversion or sale of any polypropylene or low density polyethylene resin or fabricated product (except a concern the business activities of which in polypropylene or low density polyethylene are limited to processing, conversion or fabrication and which in the year prior to Phillips' acquisition accounted for total sales of polypropylene and high and low density polyethylene products not exceeding one million dollars ($1,000,000)), without the prior approval of the Federal Trade Commission, and

(2) For a period of five (5) years from the effective date of this order, Phillips shall not acquire, directly or indirectly, through subsidiaries, joint ventures or otherwise, the whole or any part of the stock, share capital or assets (other than products sold in the course of business and patents, licenses or know-how) of any domestic concern therefore engaged principally or as one of its major commodity lines in the manufacture, processing, conversion or sale of any high density polyethylene resin or fabricated product (except a concern the business activities of which in high density polyethylene are limited to processing, conversion or fabrication and which in the year prior to Phillips' acquisition accounted for total sales of polypropylene and polyethylene products not exceeding one million dollars ($1,000,000), without the prior approval of the Federal Trade Commission.

XV. *It is further ordered*, That: (1) For a period of ten (10) years from the effective date of this order, National shall not acquire, directly or indirectly, through subsidiaries, joint ventures, or otherwise, the whole or any part of the stock, share capital or assets used in the manufacture or sale of high or low density polyethylene resin (other than products sold in the course of business and patents, licenses or know-how) of any domestic concern engaged (and in the case of joint ventures, to be engaged) principally or as one of its major commodity lines in the manufacture or sale of high or low density polyethylene resin, without the prior approval of the Federal Trade Commission;

(2) For a period of five (5) years from the effective date of this order, National shall not acquire, directly or indirectly, through subsidiaries, joint ventures or otherwise, the whole or any part of the stock, share capital or assets (other than products sold in the course of business and patents, licenses or know-how) of any domestic concern theretofore engaged in the conversion, fabrication or sale of any high or low density polyethylene resin business using a process not directly or indirectly obtained from National or is a company at least 50 percent of whose voting stock is owned by National) upon more favorable scope, terms and conditions than those set forth in Exhibit C, then Exhibit C shall be amended to be not less favorable to the licensee than the most favorable license granted to such other licensee.

XVI. *It is further ordered*, That, for a period of twenty (20) years from the effective date of this order, Phillips and National shall cease and desist from engaging together, directly or indirectly, in any future joint ventures involving the manufacture, processing, conversion, fabrication or sale of any polyolefin or polyolefin product, without the prior approval of the Federal Trade Commission.

F. General Provisions

XVII. *It is further ordered*, That, pending divestiture or sale, respondents shall not make or permit any deterioration in any of the plants, machinery, building, equipment or other property or assets of the companies and plants described in this order which may impair their present capacity or market value, unless such capacity or value is restored prior to divestiture or sale.

XVIII. *It is further ordered*, That in the event that respondents, despite bona fide efforts to do so, are unable to divest any or all of the facilities required to be divested by this order or are unable to construct new plants in accord with this order within the specified time, respondents may apply to the Federal Trade Commission at such time for relief from such obligations; and the Federal Trade Commission may issue such orders as it deems appropriate regarding such obligations and the disposition of facilities not yet divested.

XIX. *It is further ordered*, That:

(1) Within ninety (90) days from the effective date of this order, Phillips, National and Alamo shall report in writing to the Federal Trade Commission their compliance with paragraphs I, VI, VIII, XII, and XIII of this order;

(2) Within ninety (90) days from the effective date of this order, and every ninety (90) days thereafter until the divestitures required by paragraphs II, IV, and V of this order have been completed, Phillips and Alamo shall report in writing to the Federal Trade Commission their plans for effecting such divestitures and the actions they have taken in implementation thereof, including, in addition to such other information as may be required, (a) the name, address and official capacity of the individual or individuals designated to carry out each divestiture and to negotiate with interested parties, (b) a brochure, presentation or other writing containing all of the essential information necessary to permit an interested party to evaluate each of the businesses to be divested, including a description and listing of its assets, (c) the efforts made and to be made in advertising and affirmatively announcing the availability of each of the

businesses to be divested, (d) the particular efforts made to locate and interest prospective purchasers not previously engaged in the industry, (e) a summary of contacts and negotiations relating to the sale of facilities ordered to be divested, including the identities of all parties expressing interest in the acquisition of any of the businesses to be divested and, subject to any legally recognized privilege, copies of all written communications pertaining to negotiations, offers to buy or indications of interest in the acquisitions of the whole or any part of any of the businesses to be divested, and (f) copies of all agreements and forms of agreement relating directly or indirectly to proposed sale of the whole or any part of the businesses to be divested.

(3) Within ninety (90) days from the effective date of this order, and every ninety (90) days thereafter until the terms of paragraphs III and IX of this order have been complied with, Phillips shall report in writing to the Federal Trade Commission the steps it has taken to construct plants in compliance with such paragraphs.

Issued: August 2, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-9785; Filed, Sept. 7, 1966; 8:46 a.m.]

[Docket No. C-1089]

PART 13—PROHIBITED TRADE PRACTICES

Thomas F. Lukens Metal Co. and Mitchell Steinberg

Subpart—Misbranding or mislabeling: § 13.1200 *Content.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1605 *Content.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Thomas F. Lukens Metal Co. et al., Philadelphia, Pa., Docket C-1089, Aug. 2, 1966]

Consent order requiring a Philadelphia distributor of commercial solders to cease misrepresenting the tin content of its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Thomas F. Lukens Metal Co., a corporation, and its officers, and Mitchell Steinberg, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of solders, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the designation 50–50 alone or in conjunction with the words "by volume" to designate, describe or refer to a commercial solder which does not contain 50 percent tin by weight: *Provided, however,* That it shall be a defense in any enforcement proceeding hereunder for respondents to establish that the tin content of a solder is within the permissible variations in composition allowed in the sampling procedures set forth in the then existing Specifications for Solder Metal as published by the American Society for Testing and Materials.

(2) Using the designation 40–60 alone or in conjunction with the words "by volume" to designate, describe or refer to a commercial solder which does not contain 40 percent tin by weight, *Provided, however,* That it shall be a defense in any enforcement proceeding hereunder for respondents to establish that the tin content of a solder is within the permissible variations in composition allowed in the sampling procedures set forth in the then existing Specifications for Solder Metal as published by the American Society for Testing and Materials.

(3) Misrepresenting by any numerical designation or in any other manner the tin content of any of their solders. *Provided, however,* That it shall be a defense in any enforcement proceeding hereunder for respondents to establish that the tin content of a solder is within the permissible variations in composition allowed in the sampling procedures set forth in the then existing Specifications for Solder Metal as published by the American Society for Testing and Materials.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 2, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-9786; Filed, Sept. 7, 1966; 8:46 a.m.]

[Docket No. C-1090]

PART 13—PROHIBITED TRADE PRACTICES

Beatrice Foods Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Beatrice Foods Co., Chicago, Ill., Docket C-1090, Aug. 2, 1966]

Consent order requiring a Chicago, Ill., wholesale food processor, to cease discriminating among its competing customers in paying promotional allowances for its oriental food products, in violation of section 2(d) of the Clayton Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, the Beatrice Foods Co., a corporation, and its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its oriental food products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of respondent's oriental food products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: August 2, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-9787; Filed, Sept. 7, 1966; 8:46 a.m.]

[Docket No. C-1091]

PART 13—PROHIBITED TRADE PRACTICES

Steinberger Bros., Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–90 Wool Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Steinberger Bros., Inc., et al., New York, N.Y., Docket C-1091, August 2, 1966]

In the Matter of Steinberger Bros., Inc., a corporation, and Franklin Steinberger and Howard Steinberger, individually and as officers of said corporation

Consent order requiring a New York City clothing importer and wholesaler, to cease misbranding and falsely invoicing its wool products and furnishing false guaranties for them.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Steinberger Bros., Inc., a corporation, and its officers, and Franklin Steinberger and Howard Steinberger, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, or offering for sale, selling, transporting, distributing or delivering for shipment in commerce wool yarn or any other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939:

1. Which are falsely and deceptively stamped, tagged, labeled or otherwise identified as to the character or amount of the constituent fibers contained therein.

2. Unless each such product has securely affixed thereto or placed thereon a stamp, tag, label or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939;

3. To which is affixed a label wherein the term "mohair" is used in lieu of the word "wool" in setting forth the required information on labels affixed to such wool products unless the fibers described as mohair are entitled to such designation and are present in at least the amount stated.

It is further ordered, That respondents Steinberger Bros., Inc., a corporation, and its officers, and Franklin Steinberger and Howard Steinberger, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any wool product is not falsely or deceptively stamped, tagged, labeled, or otherwise identified when respondents have reason to believe that such wool product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents Steinberger Bros., Inc., a corporation, and its officers, and Franklin Steinberger and Howard Steinberger, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of yarn or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in yarn or any other textile products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 2, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-9788; Filed, Sept. 7, 1966; 8:46 a.m.]

[Docket No. C-1092]

PART 13—PROHIBITED TRADE PRACTICES

William Smarz and Mercantile and Medical Credit Adjusters

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.1430 *Government indorsement, sanction or sponsorship;* §13.1440 *Identity;* §13.1490 *Nature.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Mercantile and Medical Credit Adjusters, Jersey City, N.J., Docket C-1092, Aug. 3, 1966]

Consent order requiring a Jersey City, N.J., collection agency to cease using deceptive means to collect delinquent accounts or implying that the information it solicits is for some official government purpose.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent William Smarz, trading and doing business as Mercantile & Medical Credit Adjusters, or any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors, or the offering for sale, sale or distribution of forms, or other material, for use in obtaining information concerning delinquent debtors, or in the collection of, or attempt to collect, delinquent accounts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, or placing in the hands of others for use, any form, questionnaire or other material, printed or written, which does not clearly and conspicuously reveal that the purpose for which the information is requested is that of obtaining information concerning alleged delinquent debtors.

2. Representing, or placing in the hands of others any means by which they may represent, directly or by implication, that money or a free gift or any other thing of value, is being held for the person from whom information is sought.

3. Using the name "Bureau of Accounting Audits, N.T.B. Division, Department 88 'L' Section" or any other name or words of similar import to designate, describe or refer to respondent's business; or representing, directly or by implication, that any private inquiries, forms or communications emanate from or are connected with an official or governmental agency or are used to solicit information for official or governmental purposes.

4. Misrepresenting, in any manner, the identity of the sender or origin of any inquiry, the purpose for which information is sought, or the nature or status of respondent's business.

5. Placing in the hands of others the means and instrumentalities whereby they may misrepresent in any manner the purpose for which information is sought by them or the nature or status of their business.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: August 3, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-9789; Filed, Sept. 7, 1966; 8:46 a.m.]

[Docket No. C-1093]

PART 13—PROHIBITED TRADE PRACTICES

Benjamin D. Kalin et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act; § 13.95 *Identity of product:* 13.95–20 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Kalin's Furs and Fashions et al., Sioux City, Iowa, Docket C-1093, Aug. 3, 1966]

In the Matter of Benjamin D. Kalin, an Individual Trading as Kalin's Furs & Fashions, and Kalin's

Consent order requiring a Sioux City, Iowa, retail furrier to cease misbranding, falsely invoicing, and deceptively advertising its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Benjamin D. Kalin, an individual trading as Kalin's Furs & Fashions, and Kalin's, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, selling, advertising or offering for sale in commerce, or transporting or distributing in commerce, any fur product; or from selling, advertising, offering for sale, transporting or distributing, any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act:

A. Unless there is securely affixed to each such product a label showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. To which fur product is affixed a label required by section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder:

1. Which fails to set forth the term "natural" as part of the information required to be disclosed on such label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder, to describe a fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Which fails to disclose that such fur product is composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

3. That does not comply with the minimum size requirements of 1¾ inches by 2¾ inches.

4. Which fails to completely set out information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of such label.

5. Which fails to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder in a legible manner in letters of equal size and conspicuousness.

6. Which sets forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

7. Which fails to set forth information under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the sequence required by Rule 30 of the aforesaid rules and regulations.

8. Which fails to set forth separately on a label attached to any such fur product composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

9. Which fails to set forth the item number or mark assigned to each such fur product.

It is further ordered, That respondent Benjamin D. Kalin, an individual trading as Kalin's Furs & Fashions, and Kalin's, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising, or offering for sale in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

5. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

6. Failing to set forth on invoices the item number or mark assigned to each such fur product.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Sets forth the name or names of any animal or animals other than the name of the animal producing the furs contained in the fur product as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

4. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

5. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Fails to set forth all parts of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

C. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: August 3, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-9790; Filed, Sept. 7, 1966; 8:46 a.m.]

[Docket No. C-1094]

PART 13—PROHIBITED TRADE PRACTICES

Thomas Harris McDonald and McDonald & Son Golf Co.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1695 *Old, secondhand, reclaimed or reconstructed as new.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, McDonald & Son Golf Co., Batavia, Ill., Docket C-1094, Aug. 3, 1966]

In the Matter of Thomas Harris McDonald, an Individual Trading as McDonald & Son Golf Company

Consent order requiring a Batavia, Ill., reconditioner of used golf balls, to cease failing to disclose on the golf balls themselves, on the wrappers, or boxes, that said balls are previously used golf balls which have been rewashed or repainted.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent, Thomas Harris McDonald, an individual trading and doing business as McDonald & Son Golf Co., or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of used, rewashed or repainted golf balls in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing clearly to disclose on the boxes in which respondent's rewashed or repainted golf balls are packaged, on the wrapper and on said golf balls themselves, that they are previously used balls which have been rewashed or repainted: *Provided, however*, That disclosure need not be made on the golf balls themselves if respondent establishes that the disclosure on the boxes and/or wrappers is such that retail customers, at the point of sale, are informed that the golf balls are previously used and have been rewashed or repainted.

2. Placing any means or instrumentality in the hands of others whereby they may mislead the public as to the prior use and rewashed or repainted nature of their golf balls.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: August 3, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-9791; Filed, Sept. 7, 1966; 8:46 a.m.]

[Docket No. C-1095]

PART 13—PROHIBITED TRADE PRACTICES

M. Hat Shoppe, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; § 13.1325 *Source or origin:* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Muriel Hats et al., New York, N.Y., Docket C-1095, Aug. 4, 1966]

In the Matter of M. Hat Shoppe, Inc., a Corporation, Doing Business as Muriel Hats, and Jacob Hirsch and Sadie Hirsch, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing and retailing furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents M. Hat Shoppe, Inc., a corporation, doing business as Muriel Hats or under any other name, and its officers, and Jacob Hirsch and Sadie Hirsch, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth on labels attached to fur products the name or names of any animal or animals other than the name of the animal producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

5. Failing to disclose on labels that fur products are composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

6. Affixing to fur products labels that do not comply with the minimum size requirements of 1¾ inches by 2¾ inches.

7. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

8. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

9. Failing to set forth on labels the item number or mark assigned to each such fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth on invoices the item number or mark assigned to each fur product.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 4, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-9792; Filed, Sept. 7, 1966; 8:46 a.m.]

[Dockets 7235o., 7496o.]

PART 13—PROHIBITED TRADE PRACTICES

Tri-Valley Packing Association

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials;* Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Tri-Valley Packing Association, San Francisco, Calif., Dockets 7235 and 7496, July 28, 1966]

Order in two consolidated proceedings, following remand for further proceedings by Court of Appeals, Ninth Circuit, dated March 18, 1964, 329 F. 2d 694, the Commission's cease and desist order of May 10, 1962, 27 F.R. 8070, requiring a San Francisco canner of fruits and vegetables to cease discriminating in price and paying promotional allowances among its competing customers in violation of sections 2 (a) and (d) of the Clayton Act.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Tri-Valley Growers, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device in, or in connection with, the sale of food products in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

1. Discriminating in the price of such products of like grade and quality by sell-

ing to any purchaser at net prices higher than the net prices charged any other purchaser who, in fact, competes with the purchaser paying the higher price or with customers of such purchaser.

2. Paying or contracting for the payment of anything of value to or for the benefit of any customer of respondent, pursuant to a specially tailored or negotiated arrangement, as compensation or in consideration for any services or facilities furnished by or through such customer, in connection with the offering for sale, sale or distribution of any of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products with the favored customer.

It is further ordered, That respondent, Tri-Valley Growers, shall, within sixty (60) days after service of this order upon it file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the terms of the order contained herein.

Issued: July 28, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-9793; Filed, Sept. 7, 1966; 8:47 a.m.]

[Docket No. 7606]

PART 13—PROHIBITED TRADE PRACTICES

Brown Shoe Co.

Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis:* 13.670–20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Modified order to cease and desist, Brown Shoe Co., St. Louis, Mo., Docket 7606, Aug. 3, 1966]

Order modifying pursuant to a unanimous decision of the U.S. Supreme Court, 86 S. Ct. 1501, which reversed a decision of the Eighth Circuit, Court of Appeals, 339 F. 2d 45, modifying a cease and desist order, 28 F.R. 2672, issued February 20, 1963, by deleting language dealing with resale price maintenance but directing enforcement of the exclusive dealing prohibition of the original order.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

Now, therefore, it is hereby ordered, That the aforesaid order to cease and desist be, and it hereby is, modified, in accordance with the said final decree of the court of appeals to read as follows:

It is ordered, That respondent Brown Shoe Co., Inc., its officers, representatives, agents, employees, subsidiaries, successors, and assigns, directly or through any corporate or other device, in or in connection with the offering for sale, sale and distribution of shoes, in interstate commerce, do forthwith cease and desist from: Entering into, continuing in operation or effect, or enforcing any agreement or understanding with any customer or prospective customer or imposing any condition upon any customer or prospective customer, which has the purpose or effect of precluding such customer or prospective customer from independently determining whether shoes will be purchased by such customer or prospective customer from any competitor of respondent or from independently determining the volume of such shoes to be purchased.

It is further ordered, That respondent, Brown Shoe Co., Inc., a corporation, shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this modified order.

Issued: August 3, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-9794; Filed, Sept. 7, 1966; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

Fruit Preserves and Jams; Confirmation of Effective Date of Order Amending Identity Standard To Permit Optional Use of Concentrated Fruit Ingredients

In the matter of amending the standard of identity for fruit preserves and jams (21 CFR 29.3) to permit the optional use of concentrated fruit ingredients in the manufacture of these foods:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of July 20, 1966 (31 F.R. 9796). Accordingly, the amendments promulgated by that order will become effective September 18, 1966.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 1, 1966.

J. K. KIRK, *Acting Commissioner of Food and Drugs.*

[F.R. Doc. 66-9833; Filed, Sept. 7, 1966; 8:50 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart B—Procedural Regulations

DELETION OF OBSOLETE MATERIAL

Effective upon publication of this order in the FEDERAL REGISTER, Part 120 is amended by deleting §§ 120.36 and 120.37, which are obsolete.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: September 1, 1966.

J. K. KIRK, *Acting Commissioner of Food and Drugs.*

[F.R. Doc. 66-9834; Filed, Sept. 7, 1966; 8:50 a.m.]

SUBCHAPTER C—DRUGS

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of Phenmetrazine and Its Salts as Drugs Subject to Control; Confirmation of Effective Date

In the matter of listing phenmetrazine and its salts (Preludin) as depressant or stimulant drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371), and under the authority delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of July 29, 1966 (31 F.R. 10029).

Accordingly, the amendment promulgated by that order will become effective September 21, 1966.

(Secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371)

Dated: September 1, 1966.

JAMES L. GODDARD, *Commissioner of Food and Drugs.*

[F.R. Doc. 66-9835; Filed, Sept. 7, 1966; 8:50 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.539]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Immigration Pool for Fiscal Year 1967

Correction

In F.R. Doc. 66-9393 appearing in the issue for Tuesday, August 30, 1966, at page 11416, the section designation and heading should read as follows:

§ 42.60 Allocation of numbers during the transition period.

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4080]

[Miscellaneous 68465]

ALABAMA

Opening of Land Subject to Section 24 of the Federal Power Act

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, it is ordered as follows:

In DA–13—Alabama, the Federal Power Commission determined that the power value of the following described land, withdrawn in part in Project No. 2165, will not be injured or destroyed by its restoration under appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act:

HUNTSVILLE MERIDIAN

WILLIAM B. BANKHEAD NATIONAL FOREST

T. 12 S., R. 6 W.,
Sec. 10, SE¼SW¼.

Containing 39.75 acres.

At 10 a.m. on September 12, 1966, the project land shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, the provisions of existing withdrawals, and to the requirements of applicable law, and subject to the provisions of section 24 of the Federal Power Act, supra, and to the right of the licensee for Project No. 2165, its successors and assigns, to occupy and use the project lands for project purposes, and to the condition that the patentee and his successors shall use the project lands in a manner which will not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational uses.

Inquiries concerning the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington, D.C. 20240.

HARRY R. ANDERSON, *Assistant Secretary of the Interior.*

SEPTEMBER 1, 1966.

[F.R. Doc. 66-9801; Filed, Sept. 7, 1966; 8:47 a.m.]

[Public Land Order 4081]

[Anchorage 067495]

ALASKA

Correction of Public Land Order No. 4019

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4019 of May 20, 1966, so far as it describes "lot 12," Homesite No. 1139, for elimination from the Tongass National Forest, is hereby corrected to read "lot 10."

HARRY R. ANDERSON, *Assistant Secretary of the Interior.*

SEPTEMBER 1, 1966.

[F.R. Doc. 66-9802; Filed, Sept. 7, 1966; 8:47 a.m.]

[Public Land Order 4082]

[Anchorage AA-90]

ALASKA

Exclusion of Land From Chugach National Forest

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The following described tract of land, occupied as a homesite, is hereby excluded from the Chugach National Forest and restored, subject to valid existing rights, for purchase as a homesite under section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U.S.C. 461), as amended:

Homesite No. 200, Trail Lake Group,
Lot 12, U.S. Survey 2528.

Containing 4.85 acres.

HARRY R. ANDERSON, *Assistant Secretary of the Interior.*

SEPTEMBER 1, 1966.

[F.R. Doc. 66-9803; Filed, Sept. 7, 1966; 8:48 a.m.]

[Public Land Order 4083]

[Arizona 25]

ARIZONA

Elimination of Lands From Coronado National Forest

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36, 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Proclamations No. 33 of July 30, 1902, and No. 1066 of July 1, 1910, and the Proclamation of November 5, 1906, creating and enlarging the Chiricahua Forest Reserve, now the Coronado National Forest, are hereby revoked so far as they affected the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 16 S., R. 29 E.,
Sec. 24, lots 3 and 4, E½SW¼, and SE¼;
Sec. 35;
Sec. 36, lots 1 and 2, E½NW¼, E½, and SW¼.
T. 16 S., R. 29½ E.,
Sec. 24, lots 1 to 4, incl., E½W½, and E½;
Sec. 25, lots 1 to 4, incl., E½W½, and E½;
Sec. 36, lots 1 to 4, incl., E½W½, and E½.
T. 16 S., R. 30 E.,
Sec. 19, lots 1 to 4, incl., and E½W½;
Sec. 30, lots 1 to 4, incl., and E½W½;
Sec. 31, lots 1 to 4, incl., and E½W½.

The areas described aggregate 4,282.45 acres in Cochise County. The lands remain withdrawn for the Chiricahua National Monument.

HARRY R. ANDERSON, *Assistant Secretary of the Interior.*

SEPTEMBER 1, 1966.

[F.R. Doc. 66-9804; Filed, Sept. 7, 1966; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 66-781]

PART 0—COMMISSION ORGANIZATION

Delegations of Authority Regarding Handling of Tort Claims

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 31st day of August, 1966;

The Commission has reexamined its delegations of authority for handling tort claims (§§ 0.211(d) and 0.251(a) of the rules) in light of the recent amendment of the Federal Tort Claims Act. Public Law 89–506, enacted on July 18, 1966, among other things, removes the present limitation of $2,500 for the administrative handling of tort claims with respect to all such claims accruing after January 18, 1967.

It would, therefore, be conducive to the prompt and orderly disposition of the Commission's business to amend the present delegation to the Chairman, as set forth in § 0.211(d) of the rules, by increasing the monetary limitation from $2,500 to $5,000. This amendment would, of course, be effective only with respect to tort claims accruing after January 18, 1967. Claims accruing prior to that date will continue to be subject to the statutory limitation of $2,500 for administrative handling by the Commission through the Chairman.

Section 0.251(a) of the rules delegates to the General Counsel the responsibility for handling tort claims when the Chair-

man is absent. Since the Chairman's functions, in his absence, are generally carried on by an Acting Chairman, it would be more in accord with the Commission's organizational structure to delete the delegation to the General Counsel now set forth in § 0.251(a).

Authority for these amendments is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended. Because the amendments relate to agency management and organization, compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

In view of the foregoing: *It is ordered*, Effective September 9, 1966, that §§ 0.211 (d) and 0.251(a) of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155.)

Released: September 2, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

1. In Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations, § 0.211(d) is revised to read as follows:

§ 0.211 Chairman.

* * * * *

(d) To act within the purview of the Federal Tort Claims Act, as amended, 28 U.S.C. § 2672, upon tort claims directed against the Commission where the amount of damages does not exceed $5,000.

* * * * *

2. In Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations, § 0.251(a) is deleted and the word "reserved" is inserted in lieu thereof.

§ 0.251 Authority delegated.

(a) [Reserved]

* * * * *

[F.R. Doc. 66-9825; Filed, Sept. 7, 1966; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order 71]

PARTS 71–79—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Postponement of Effective Date of Amendments

AUGUST 31, 1966.

The outstanding order (31 F.R. 9067, July 1, 1966) in the above-captioned proceeding not yet having become effective, and an appropriate petition for reconsideration of amendments to §§ 73.22(a) and 73.315(b) having been filed by various parties to the proceeding, the mandatory effective date of the order only insofar as the amendments to §§ 73.22(a) and 73.315(b) are concerned is stayed pending disposition of the matter. Except as provided herein, the mandatory effective date of Order No. 71, dated June 8, 1966, remains as September 5, 1966.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9848; Filed, Sept. 7, 1966; 8:51 a.m.]

[1] Commissioners Bartley, Cox, and Wadsworth absent.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Eufaula National Wildlife Refuge, Ala.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALABAMA

EUFAULA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Eufaula National Wildlife Refuge, Ala., is permitted only on the area designated by signs as open to hunting. This open area, comprising 180 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions:

(1) Hunting dates and hours are as follows: October 1 (12 noon until 5:30 p.m.); October 5 (12 noon until 5:25 p.m.); October 8 (12 noon until 5:20 p.m.); October 12 (12 noon until 5:15 p.m.); October 15 (12 noon until 5:10 p.m.).

(2) Each hunter must have on his person a validated refuge hunting permit. Hunters will be selected by an impartial drawing to be held September 17 on the refuge. Applications for the hunt will be accepted only during the period September 9–16 and may be submitted by mail or in person to the Refuge Manager Eufaula National Wildlife Refuge, Post Office Box 258, Eufaula, Ala. 36027.

(3) No hunters will be permitted within hunting areas before 11:45 a.m. each day. All hunters must be situated in hunting area before 1 p.m. each day.

(4) All firearms must be encased and/or unloaded when outside designated hunting area.

(5) Each hunter who successfully takes a limit of mourning doves must leave the hunting area immediately.

(6) Retrievers used by hunters shall be under the control of the owner at all times.

(7) All hunters must check in and out of the refuge at the designated checking station.

(8) All litter (paper, empty shell boxes, etc.) must be removed by individual hunters.

(9) Wounded or dead doves falling outside the hunting area may be recovered but firearms must be left inside hunting area.

(10) Vehicle parking will be limited to areas designated by refuge personnel.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1966.

WALTER A. GRESH, *Regional Director, Bureau of Sport Fisheries and Wildlife.*

AUGUST 30, 1966.

[F.R. Doc. 66-9795; Filed, Sept. 7, 1966; 8:47 a.m.]

PART 32—HUNTING

Havasu Lake National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

The public hunting of doves on the Havasu Lake National Wildlife Refuge, Arizona, and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,526 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—white-winged doves only, from September 1 through September 25, 1966, inclusive; mourning doves, from September 1 through September 25, 1966, inclusive, and from December 9, 1966 through January 2, 1967, inclusive. California—doves, both species, from September 1 through October 2, 1966, inclusive, and from December 10 through December 18, 1966, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1967.

JOHN C. GATLIN, *Regional Director, Albuquerque, N. Mex.*

AUGUST 31, 1966.

[F.R. Doc. 66-9796; Filed, Sept. 7, 1966; 8:47 a.m.]

PART 32—HUNTING

Malheur National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

MALHEUR NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots and gallinules on the Malheur National Wildlife Refuge is permitted from October 8, 1966, through January 5, 1967, only on the area designated by signs as open to hunting. This open area, comprising 19,400 acres, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Camping is permitted in designated areas only.

(2) A Federal permit is not required but hunters will report at such checking stations as may be established when entering or leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

PAUL T. QUICK, *Regional Director, Bureau of Sport Fisheries and Wildlife.*

AUGUST 26, 1966.

[F.R. Doc. 66-9798; Filed, Sept. 7, 1966; 8:47 a.m.]

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

The public hunting of ducks and coots on the Erie National Wildlife Refuge, Pa., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,792 acres, is delineated on maps available at refuge headquarters, Guys Mills, Pa., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special condition:

(1) The open season for hunting ducks and coots on the refuge extends from October 8, 1966, through October 15, 1966, inclusive, and from November 4, 1966, through November 26, 1966, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 26, 1966.

EUGENE E. CRAWFORD, *Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Boston, Mass.*

AUGUST 24, 1966.

[F.R. Doc. 66-9799; Filed, Sept. 7, 1966; 8:47 a.m.]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

The public hunting of white-tailed deer on the Crab Orchard National Wildlife Refuge, Ill., is permitted only on the area designated by signs as open to public hunting. These open areas, comprising 9,300 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting deer by use of bow and arrow is permitted from one-half hour before sunrise to one-half hour before sunset, c.s.t., from October 1 to November 15, 1966, inclusive, and from November 21 to December 31, 1966, inclusive, except that it shall be unlawful to take deer by bow and arrow devices from December 6 to December 12, 1966, inclusive. Taking of deer by bow and arrow shall be in accordance with all applicable State regulations in Article III, Administrative Order—1966.

Hunting deer by use of shotgun rifle slugs is permitted from 6:30 a.m. to 4:00 p.m., c.s.t., on November 18, 19, and 20, inclusive, and on December 9, 10, and 11, 1966, inclusive. Taking of deer by shotgun rifle slugs shall be in accordance with all applicable State regulations in Article II, Administrative Order—1966.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1966.

LOYAL A. MEHRHOFF, Jr., *Project Manager, Crab Orchard National Wildlife Refuge, Post Office Box J, Carterville, Ill.*

AUGUST 31, 1966.

[F.R. Doc. 66-9797; Filed, Sept. 7, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Proposed Handling

Notice is hereby given that the Department is considering rules and regulations, hereinafter set forth, pursuant to the applicable provisions of the marketing agreement and Order No. 932 (7 CFR Part 932) regulating the handling of olives grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The rules and regulations were proposed by the Olive Administrative Committee, established under the marketing agreement and order as the agency to administer the terms and provisions thereof. The rules and regulations are as follows:

§ 932.108 Noncanning olives.

"Noncanning olives" means those olives which, pursuant to the requirements of § 932.51(a)(2), are to be disposed of as other than canned ripe olives.

§ 932.129 Nomination procedure—producers.

Prior to March 16 of each odd-numbered year, the committee shall cause a nomination meeting to be held in each district for the purposes of obtaining nominees for producer members and alternate members for such district. Nominations for members and balloting thereon shall precede nomination and balloting for alternate members. The candidate for each position to be filled who receives the highest number of votes shall be the nominee for the position: *Provided*, That such candidate receives a majority of the ballots cast. If no candidate receives the majority of the ballots cast, the two candidates who received the highest number of votes shall participate in a run-off to determine which is the nominee.

§ 932.151 Incoming regulations.

(a) *Inspection stations.* Natural condition olives shall be sampled and size-graded only at an inspection station which shall be a plant of a handler, or other place where such olives are normally received, having facilities for sampling and size-grading such olives which are satisfactory to the Inspection Service and the committee: *Provided*, That upon prior application to, and approval by, the committee, a handler may have olives size-graded at an inspection station other than the one where the lot was sampled.

(b) *Lot identification.* Immediately upon receipt of each lot of natural condition olives for which inspection is required, the handler shall complete Form OAC–2 "Lot Identification Tag," or such other lot identification form as may be approved by the committee, which shall contain at least the following: (1) Lot number; (2) date; (3) variety; and (4) number and type containers. Pending completion of size-grading of such lot, or the sampling of such lot if it is to be size-graded by sample, the handler shall maintain identity of such lot of olives with its corresponding lot identification tag.

(c) *Weighing.* Each lot of natural condition olives for which inspection is required shall be separately weighed to determine the net weight of olives. If the lot is to be size-graded by sample, the lot shall be weighed upon receipt by the handler. If the lot is to be size-graded by lot, the net weight shall be determined after size-grading by weighing all of the component parts resulting from the size-grading operations (including culls), and totaling such weights.

(d) *Incoming inspection*—(1) *General.* The handler is responsible for the proper performance of all actions connected with the identification of lots of olives, the weighing of boxes or bins, the taking of samples, the size-grading of samples, and the furnishing of necessary personnel for the carrying out of such actions. All such actions shall be performed under the supervision of the Inspection Service.

(2) *Certification.* For each lot of olives that are size-graded, the handler shall complete Form OAC–3 "Report of Size-Grade of Natural Condition Olives," which shall contain at least the following: (i) Name of handler; (ii) name of producer; (iii) county of production; (iv) applicable lot number; (v) weight certificate number; (vi) net weight; (vii) number and type of containers; (viii) date received; (ix) time received; (x) method of size-grade determination (sample or lot); (xi) weight of sample, if size-graded by sample; and (xii) the quantity of olives in each size designation. The completed Form OAC–3 shall be furnished to the Inspection Service which shall certify thereon that the lot was size-graded as required by § 932.51 if in accordance with the facts.

(e) *Disposition of noncanning olives.*—(1) *Notification and inspection of noncanning olives.* Prior to disposition of noncanning olives the handler shall complete Form OAC–5 "Report of Non-canning Olive Inspection and Disposition," which shall contain the following: (i) Type and number of containers; (ii) type of olives (undersize or culls); (iii) net weight; (iv) variety; (v) outlet (green olives, olive oil, etc.); and (vi) consignee. Before disposition of such olives, the completed Form OAC–5 shall be furnished to the Inspection Service which shall inspect the olives for conformance with the information contained thereon, and, if correct, so certify in the space provided thereon.

(2) *Control and surveillance.* Noncanning olives that have been reported on Form OAC–5 and inspected by the Inspection Service shall, unless such olives are disposed of immediately after being inspected under supervision of the inspector, be identified by fixing to each bin or pallet of boxes an O.A.C. Control Card which may be obtained from the committee. Such olives shall be kept separate and apart from other olives in the handler's possession and shall be disposed of only in the outlet shown on Form OAC–5 and under the supervision of an inspector of the Inspection Service.

(3) *Time period for disposition.* All required disposition of noncanning olives shall be completed not later than September 30 of the crop year following the one in which the obligation is incurred or such later date that a handler may specify in a notice filed with the committee at least 15 days prior to September 15 of such subsequent crop year: *Provided*, That such notice shows that such handler has a sufficient quantity of olives held in storage to meet his obligation and such later date is not later than the date when he will have completed his disposition of olives of the crop year of obligation.

(4) *Olives not subject to incoming inspection.* Except as otherwise prescribed in § 932.51(b), any lot of olives to be used solely in the production of green olives or canned ripe olives of the "tree ripened" type shall not be subject to incoming inspection: *Provided*, That the applicable requirements of § 932.51(b) are met and the handler notifies the Inspection Service, in writing, that such lot is to be so used. Notice may be given by writing on the weight certificate "Lot to be used solely for use in the production of green olives or tree ripened olives" and a copy of such weight certificate given to the Inspection Service.

§ 932.152 Outgoing regulations.

(a) *Inspection stations.* Processed olives shall be sampled and graded only at an inspection station which shall be any olive processing plant having facilities for in-line inspection which are satisfactory to the Inspection Service and the committee.

(b) *Inspection*—(1) *General.* Inspection of packaged olives for conformance with § 932.52 shall be in-line inspection. No handler shall perform the final processing operations which immediately precede the packaging of the olives unless an inspector is present when the olives are so processed. In addition, no handler shall pit olives until after such olives have been inspected for size prescribed in § 932.52(a)(2).

(2) *Pitting operations.* Pitted olives that meet the size requirements for packaging as canned whole ripe olives but

are held in containers prior to final processing shall be identified to the satisfaction of the Inspection Service and be held separate and apart from other olives until such time as they are submitted for in-line inspection prior to being packaged. Pitted olives which, prior to pitting, did not meet the size requirements for packaging as canned whole ripe olives but meet the applicable size requirements specified in § 932.52 for halved, sliced, chopped, or minced styles of canned ripe olives, shall be identified to the satisfaction of the Inspection Service and be held separate and apart from other olives until such time as they are submitted for in-line inspection prior to being packaged.

(c) *Certification.* (1) Each handler shall furnish daily to the Inspection Service a copy of a pack report for the preceding work day which shall contain at least the following: (i) The total number of cases of packaged olives; (ii) number of cans per case; (iii) can size; (iv) can code; (v) variety; (vi) fruit size; and (vii) style.

(2) The Inspection Service shall issue for each day's pack a signed certificate covering the quantities of such packaged olives which meet all applicable grade and size requirements. Each such certificate shall contain at least the following: (i) Date; (ii) place of inspection; (iii) name and address of handler; (iv) can code; (v) variety; (vi) fruit size; (vii) can size; (viii) style; (ix) total number of cases; (x) number of cans per case; and (xi) statement that packaged olives meet the effective minimum standards for canned ripe olives as warranted by the facts.

(d) *Olives which fail to meet grade and size requirements.* (1) Whenever any portion of a handler's daily pack of packaged olives fails to meet all applicable grade and size requirements, the Inspection Service shall issue a signed report covering such olives. Each such report shall contain at least the following: (i) Date; (ii) place of inspection; (iii) name and address of handlers; (iv) can code; (v) variety; (vi) fruit size; (vii) can size; (viii) style; (ix) total number of cases; (x) number of cans per case; and (xi) reason why the applicable requirements were not met.

(2) All such packaged olives shall be kept separate and apart from other packaged olives and shall be so identified by control cards or other means satisfactory to the Inspection Service and the committee that their identity is readily apparent. Such packaged olives may be reprocessed under supervision of the Inspection Service.

§ 932.154 Interhandler transfer.

(a) Except as provided in this section, Form OAC–6 "Report of Interhandler Transfer" shall be completed by the transferring handler on all lots of olives, whether natural condition, processed, not packaged, that are transferred from one handler to another. This form shall contain at least the following: (1) Name and address of both the transferring and receiving handler; (2) date of transfer; (3) condition (natural condition, processed, not packaged); (4) weight and number and size of each type of container; (5) variety; and (6) other identification (sustandard size, culls, style, etc.). Two copies of such completed form shall accompany the load to the receiving handler who shall certify on such copies the receipt of such olives and shall forward one of the certified copies to the committee within 10 days following receipt of such olives.

(b) Undersize or cull olives that are transferred from one handler to another and for which the transferring handler desires credit toward satisfaction of his obligation under § 932.51(a)(2) need only be accompanied by two copies of Form OAC–5 "Report of Noncanning Olives Inspection and Disposition": *Provided*, That such transfers are carried out under the supervision of the Inspection Service.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the seventh day after publication of the notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

Dated: September 2, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9845; Filed, Sept. 7, 1966; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-EA-42]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Cleveland, Ohio, 700-foot floor transition area (31 F.R. 2171).

A new VOR instrument approach procedure to Strongsville Airpark, Strongsville, Ohio, has been implemented. An alteration of the Cleveland, Ohio, 700-foot floor transition area will be required to include controlled airspace for Strongsville Airpark IFR arrival and departure procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Cleveland, Ohio, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add in the description of the Cleveland, Ohio, 700-foot floor transition area following the phrase, "Burke-Lakefront 3-mile radius area to 10 miles NW of the airport;", the phrase, "within a 5-mile radius of the center, 41°19'25" N., 81°51'50" W., of Strongsville Airpark, Strongsville, Ohio, and within 2-miles each side of the Strongsville VOR 261° radial extending from the Strongsville Airpark 5-mile radius area to 8 miles W of the VOR;".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on August 15, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-9773; Filed, Sept. 7, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-EA-41]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Dunkirk, N.Y.

A new instrument approach procedure for Dunkirk Municipal Airport, Dunkirk, N.Y., has been authorized. A 700-foot floor transition area will be required to protect IFR arrival and departure procedures at Dunkirk Municipal Airport, Dunkirk, N.Y.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER

will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Dunkirk, N.Y., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Dunkirk, N.Y., as follows:

DUNKIRK, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°29'35'' N., 79°16'20'' W., of Dunkirk Municipal Airport, Dunkirk, N.Y.; within 2 miles northwest and 8 miles southeast of the Dunkirk, N.Y. VOR 046° radial extending from the VOR to 12 miles NE of the VOR; and within 2 miles each side of the Runway 15 centerline extended from the 5-mile radius area to 10 miles southeast of the lift-off end of the runway.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on August 19, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-9774; Filed, Sept. 7, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-EA-33]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Jefferson, Ohio, 700-foot floor transition area (31 F.R. 2205).

A new VOR instrument approach procedure to Germack Airport, Geneva, Ohio, will require additional 700-foot floor transition area airspace. Because of the proximity between Ashtabula-Jefferson and Germack Airports the requirements for Germack Airport can be included in the Jefferson, Ohio, transition area description.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Agency officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Jefferson, Ohio, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Jefferson, Ohio, 700-foot floor transition area and insert in lieu thereof the following:

JEFFERSON, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°46'15'' N., 80°46'25'' W., of the Ashtabula-Jefferson Airport, Jefferson, Ohio; and within 2 miles each side of the Jefferson, Ohio VOR 061° radial extending from the 5-mile radius area to 8 miles northeast of the VOR and within a 5-mile radius of the center, 41°46'40'' N., 80°54'15'' W., of Germack Airport, Geneva, Ohio.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on August 19, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-9775; Filed, Sept. 7, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-AL-1]

CONTROL AREA EXTENSION, CONTROL ZONE, AND TRANSITION AREA

Proposed Revocation, Alteration, and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of Cold Bay, Alaska, as follows:

1. The Cold Bay control area extension would be revoked.

2. The Cold Bay control zone would be redescribed as that airspace within a 5-mile radius of Cold Bay, Alaska, Airport (latitude 55°12' N., longitude 162°43' W.); within 2 miles each side of the Cold Bay VOR 335° True radial and 2 miles each side of the Cold Bay ILS localizer north course, extending from the 5-mile radius zone to 12 miles north of the Cold Bay radio range.

3. The Cold Bay transition area would be designated as that airspace extending upward from 700 feet above the surface within 2 miles each side of the 041° True bearing from the Cold Bay radio range, extending from the radio range to 6 miles northeast of the radio range, and within 2 miles each side of the 263° True bearing from the Cold Bay radio range, extending from the radio range to 6 miles west of the radio range; and that airspace extending upward from 1,200 feet above the surface within 5 miles southeast of the 041° True bearing from the Cold Bay radio range, extending from the radio range to 18 miles northeast of the radio range; within 5 miles south of the 263° True bearing from the Cold Bay radio range, extending from the radio range to 18 miles west of the radio range; and within the arc of an 18-mile radius circle centered on the Cold Bay radio range, extending clockwise from the 263° True bearing to the 041° True bearing from the radio range.

The amended control zone and proposed transition area would provide controlled airspace for aircraft executing prescribed instrument approach and departure procedures for the Cold Bay Airport. The Cold Bay control area extension would be revoked since it would no longer be required for air traffic control purposes.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibilities may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on August 30, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-9776; Filed, Sept. 7, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-SO-41]

CONTROLLED AIRSPACE

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter VOR Federal Airway No. 7 between Cross City, Fla., and Dothan, Ala.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Victor 7 is presently designated in part from Cross City, Fla., via INT of Cross City 311° and Tallahassee, Fla., 137° radials; Tallahassee; Dothan, Ala., including a W alternate from Cross City to Dothan via INT of Cross City 287° and Marianna, Fla., 141° radials, and Marianna, Fla., excluding the airspace between the main and the W alternate. On April 12, 1966, Airspace Docket No. 65-SO-89 was published as a notice of proposed rule making in the FEDERAL REGISTER (31 F.R. 5665), proposing the designation of a floor of 1,200 feet AGL on Federal Airway No. 7 and its W alternate between Cross City and Dothan. Airspace Docket No. 65-SO-89 does not propose to alter the exclusion from Federal Airway No. 7 of the airspace between the main airway and the W alternate. It is proposed herein, however, to remove this exclusion to provide controlled airspace between the main airway and the W alternate for radar vectoring. Such action would permit more effective utilization of available radar and would permit the transitioning of flights between airways bordering this area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 30, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-9777; Filed, Sept. 7, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-SO-42]

CONTROLLED AIRSPACE

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter VOR Federal Airway No. 18 between Augusta, Ga., and Charleston, S.C.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta Ga. 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

Federal Airway No. 18 is presently designated in part from Augusta, Ga., via INT of Augusta 097° and Charleston, S.C., 300° radials; Charleston, including an S alternate from Augusta to Charleston via INT of Augusta 157° and Allendale, S.C., 262° radials and Allendale, excluding the airspace between the main and this alternate airway. On April 12, 1966, Airspace Docket No. 65-SO-89 was published as a notice of proposed rule making in the FEDERAL REGISTER (31 F.R. 5665), and proposes designation of a 1,200 feet AGL floor on Federal Airway No. 18 between Augusta and Charleston. Airspace Docket No. 65-SO-89 does not propose to alter the exclusion from Federal Airway No. 18 of the airspace between the main airway and the S alternate. It is proposed herein, however, to alter this exclusion by excluding only the airspace within Restricted Area R-6004. Such action is required to provide controlled airspace to permit more effective utilization of available radar for vectoring flights between airways bordering this area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 30, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-9778; Filed, Sept. 7, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16762]

FM BROADCAST STATIONS

Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202 *Table of assignments*, FM broadcast stations (Reedsburg, Wis., Portland, Ind., Brazil, Ind., Winner, S. Dak., Ardmore, Okla., Hutchinson and St. Cloud, Minn., Gonsales, Tex., Cullman, Ala., Deland,

Winter Park, Live Oak, and Ocala, Fla., Rockford, Ill., Adrian and Jackson, Mich., and Corinth, Miss.); Docket No. 16762, RM-969, RM-984, RM-967, RM-971, RM-974, RM-977, RM-978, RM-983, RM-988, RM-987, RM-989, RM-990.

1. On July 14, 1966, the Commission issued a notice of proposed rulemaking (FCC 66-637) in the above-entitled matter inviting comments on a number of changes in the FM Table of Assignments, including changes in the communities of Adrian and Jackson, Mich., RM-989. The time for filing comments was specified as August 15, 1966, and for filing reply comments August 31, 1966. On August 26, 1966, the Commission received from Gerity Broadcasting Co., petitioner in RM-989, a request for extension of time in which to file reply comments from August 31, 1966, to September 15, 1966.

2. In its request for an extension of time to file reply comments, petitioner states that it requires the additional time in order to consider and prepare an appropriate reply comment to the comments and extensive counter-proposal filed by Washtenaw Broadcasting Co. in RM-989. Washtenaw Broadcasting Co. has not filed an objection. We have considered the request and are of the view that the extension is warranted in this case and that it will serve the public interest.

3. *Accordingly, it is ordered*, On this 31st day of August, 1966, that the request of Gerity Broadcasting Co. for an extension of time to file reply comments in RM-989 to September 15, 1966, is granted. The extension of time granted herein pertains solely to RM-989.

4. This action is taken pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Released: September 2, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9826; Filed, Sept. 7, 1966; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 66-43]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from March 16, 1965, to March 16, 1966 (List Nos. 3-66, 4-66, 5-66, 6-66, 7-66, 8-66, 9-66, 10-66, and 11-66). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegations of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p and 1333 in Title 46, U.S. Code, section 1333 in Title 43, U.S. Code and section 198 in Title 50, U.S. Code while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 3 CFR Chapter I. The delegations of authority for the Commandant, U.S. Coast Guard to take appropriate actions with respect to approvals are set forth in section 632 of Title 14, U.S. Code, Treasury Department Order 120 dated July 31, 1950, 15 F.R. 6521), and other Treasury Department orders issued since that date with respect to performance of functions under various laws dealing with specific subjects. These delegations are also listed with the implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

3. In Part I of this document are listed the approvals which shall be in effect for a period of 5 years from the dates issued, unless sooner canceled or suspended by proper authority.

4. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items as listed in Part II, such equipment may be used so long as it is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 2 AND 5

Approval No. 160.002/56/1, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, Fla. 33311, effective January 21, 1966. (It supersedes Approval No. 160.002/56/1 dated Nov. 4, 1963, to show correction.)

WINCHES, LIFEBOAT

Approval No. 160.015/79/0, Type 55-G lifeboat winch, approval is limited to technical components and for a maximum working load of 11,120 pounds pull at the drums (5,560 pounds per fall) identified by general assembly dwg. No. 1013-2R, dated April 1958, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective February 28, 1966. (It is an extension of Approval No. 160.015/79/0 dated Mar. 3, 1961.)

Approval No. 160.015/88/0, Type CGB-135 MV lifeboat winch, approval is limited to mechanical components only, and for a maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall) identified by general arrangement dwg. W-80489 (Rev. A), dated June 10, 1963, and drawing list dated October 22, 1965, manufactured by General Bronze Corp., Steel Weldments Division, Bedford Park, Ill., for Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. 08861, effective January 27, 1966.

LAMPS, SAFETY, FLAME

Approval No. 160.016/2/2, Koehler Model 289-1A, naphtha burning, key lock, flame safety lamp, dwg. Nos. 289-1A dated November 10, 1960, and 257-30A dated December 2, 1947, manufactured by Koehler Manufacturing Co., Marlboro, Mass. 01752, effective March 15, 1966. (It is an extension of Approval No. 160.016/2/2 dated Mar. 21, 1961.)

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/12/0, sea anchor, U.S.C.G. dwg. No. MMI-562, and specification dated November 1, 1949, revised August 24, 1944, and company specification dated February 28, 1961, manufactured by Jacksonville Ship Chandlery & Awning Co., 835 East Bay Street, Post Office Box 396, Jacksonville, Fla. 32202, effective February 23, 1966. (It is an extension of Approval No. 160.019/12/0 dated Mar. 10, 1961.)

LIFEFLOATS

Approval No. 160.027/69/0, 7.0' x 9.0' x 4'' rectangular, laminated fabric-covered, unicellular plastic foam buoyant mat lifefloat; 15-person capacity; Vorenkamp dwg. No. 1, Rev. 1 dated January 2, 1966, and specifications dated January 4, 1966, manufactured by Salerco, Inc., c/o Pan Air Corp., Post Office Box 26425, New Orleans, La., effective January 21, 1966.

LINE-THROWING APPLIANCE, SHOULDER GUN TYPE (AND EQUIPMENT)

Approval No. 160.031/4/0, Bridger 45/70 Model N shoulder-gun type line-throwing appliance, assembly dwg. No. A-604, dated October 26, 1950, manufactured by Naval Co., Old Easton Highway, Doylestown, Pa. 18901, effective February 23, 1966. (It is an extension of Approval No. 160.031/4/0 dated Mar. 21, 1961.)

DAVITS

Approval No. 160.032/160/1, gravity davit, Type 30-22, approved for a maximum working load of 22,240 pounds per set (11,120 pounds per arm) using 2-part falls, identified by general arrangement dwg. No. 3015-1E, dated August 15, 1958, and drawing list dated February 17, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective March 2, 1966. (It supersedes Approval No. 160.032/160/0 dated Mar. 2, 1961, to show change in design.)

Approval No. 160.032/168/0, Type G-105S, gravity davit (formerly Type 60-75), approved for a maximum working load of 22,000 pounds per set (11,000 pounds per arm), using 2-part falls; identified by general arrangement dwg. D-80661 (Rev. C) dated October 9, 1964, or general arrangement dwg. D-80663 (Rev. B) dated September 2, 1964; approval limited to installation on following vessels:

Dwg. D-80661 (Rev. C) Avondale Shipyards, Inc.: Hull Nos. 1052, 1053, 1054, 1055; 1066, 1067, 1068, and 1069.

Dwg. D-80663 (Rev. B) Sun Shipbuilding & Dry Dock Co.: Hull Nos. 635, 636, 637, and 638.

manufactured by General Bronze Corp., Steel Weldments Division, Bedford Park, Ill., for Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. 08861, effective January 27, 1966. (Does not meet 1960 SOLAS strength requirement for a 10 degree trim of the vessel.)

LIFEBOATS

Approval No. 160.035/20/5, 24.0' x 8.0' x 3.5' steel, oar-propelled lifeboat, 40-person capacity, identified by general arrangement dwg. No. G-2440, Rev. A dated 15 October 1965, manufactured by C. C. Galbraith & Son, Inc., Maple Place and

tive March 14, 1966. (It supersedes Approval No. 160.035/102/5 dated July 9, 1965.)

Approval No. 160.035/110/2, 28.0' x 9.79' x 4.13' steel, motor-propelled lifeboat without radio cabin or searchlight (Class 1), 62-person capacity, identified by general arrangement dwg. No. 28–001–01 dated September 11, 1946, and revised January 30, 1966, manufactured by Lane Lifeboat & Davit Corp., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective February 9, 1966. (It supersedes Approval No. 160.035/110/1 dated June 8, 1961.)

Approval No. 160.035/281/2, 26.0' x 9.0' x 3.83' steel, oar-propelled lifeboat, 53-person capacity, identified by general arrangement dwg. No. 26–9S dated December 1, 1965, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective January 21, 1966. (It reinstates and supersedes Approval No. 160.035/281/1 which was terminated July 11, 1965.)

Approval No. 160.035/447/0, 26.0' x 9.0' x 3.96' aluminum, motor-propelled Class 1 lifeboat, 53-person capacity, identified by general arrangement dwg. No. 28–1G, Rev. A dated January 19, 1966, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective February 9, 1966.

JACKKNIFE (WITH CAN OPENER)

Approval No. 160.043/1/0, Type S702 jackknife (with can opener), dwg. No. 1160 dated August 11, 1950, manufactured by Camillus Cutlery Co., Camillus, N.Y. 13031, effective January 18, 1966. (It is an extension of Approval No. 160.043/1/0 dated Jan. 27, 1961.)

PUMPS, BILGE, LIFEBOAT

Approval No. 160.044/11/1, size No. 2 lifeboat bilge pump, identified by master dwg. No. E–2450, Rev. B dated December 15, 1959, manufactured by Blackmer Bilge Pump, Grand Rapids, Mich., effective March 16, 1965. (It is an extension of Approval No. 160.044/11/1 dated Mar. 16, 1960.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

Approval No. 160.047/493/0, Type Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, N.J. 08882, effective January 31, 1966. (It is an extension of Approval No. 160.047/495/0 dated Feb. 6, 1961.)

Approval No. 160.047/595/0, Model LG–191 "Super-Buoyant" adult kapok buoyant vest, drawing No. 1 and bill of materials dated December 3, 1965, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective February 18, 1966.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

Approval No. 160.048/5/1, special approval for 14" x 17" x 2" rectangular ribbed-typed kapok buoyant cushions, 21-oz. kapok, dwg. No. C–31 dated September 15, 1965, and bill of materials dated December 29, 1965, manufactured by the American Pad & Textile Co., Taptico Division, Fairfield, Calif. 94534, effective January 14, 1966. (It supersedes Approval No. 160.048/5/0 dated June 14, 1963, to show change in specifications.)

Approval No. 160.048/46/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Billy Boy Products Division, Crotty Corp., Quincy, Mich. 49082, Plant: Montgomery, Mich., effective February 28, 1966. (It is an extension of Approval No. 160.048/46/0 dated Mar. 6, 1961.)

Approval No. 160.048/57/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Crawford Manufacturing Co., Inc., 3d and Decatur Streets, Richmond, Va. 23212, and 12th and Graham Streets, Emporia, Kans. 66801, effective February 23, 1966. (It is an extension of Approval No. 160.048/57/0 dated Mar. 8, 1961.)

Approval No. 160.048/58/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y., for James Bliss & Co., Inc., 342 Atlantic Avenue, Boston, Mass. 02210, effective March 6, 1966. (It is an extension of Approval No. 160.048/58/0 dated Mar. 6, 1961.)

Approval No. 160.048/226/1, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, dwg. No. 160.048–7(c) dated Ga. 30101, effective February 8, 1966. (It supersedes Approval No. 160.048/241/0 dated Jan. 14, 1966, to show correction.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

Approval No. 160.049/31/5, special approval for 20" x 14" x 2¼" rectangular vinyl-dip-coated unicellular plastic foam buoyant cushions, dwg. No. 3, dated September 30, 1965, manufactured by Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss. 39046, effective March 7, 1966. (It supersedes Approval No. 160.049/31/4 dated Sept. 14, 1962, to show change in specifications.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

Approval No. 160.052/101/2, Type II, Model JV–L, adult unicellular plastic foam buoyant vest, dwg. JV–L No. 3, dated October 1, 1962, and bill of materials dated January 21, 1966, manufactured by Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss. 39046, effective March 10, 1966. (It supersedes Approval No. 160.052/101/2 dated Oct. 12, 1962, to show change in specifications.)

Approval No. 160.052/102/2, Type II, Model JV–M, child medium unicellular plastic foam buoyant vest, dwg. JV–M No. 3 dated September 29, 1962, and bill of materials dated January 21, 1966, manufactured by Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss. 39046, effective March 10, 1966. (It supersedes Approval No. 160.052/102/2 dated Oct. 12, 1962, to show change in specifications.)

Approval No. 160.052/103/2, Type II, Model JV–S, child small unicellular plastic foam buoyant vest, dwg. JV–S No. 3 dated September 29, 1962, and bill of materials dated January 21, 1966, manufactured by Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss. 39046, effective March 10, 1966. (It supersedes Approval No. 160.052/103/2 dated Oct. 12, 1962, to show change in specifications.)

Approval No. 160.052/131/1, Type II, Model "A", adult unicellular plastic foam buoyant vest, dwg. Nos. 11 and 12 dated March 3, 1961, Rev. 1 dated June 1, 1963, and bill of materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., 3d and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, effective March 16, 1966. (It supersedes Approval No. 160.052/132/1 dated Nov. 3, 1965, to show change in address.)

Approval No. 160.052/133/1, Type II, Model "S", child small unicellular plastic foam buoyant vest, dwg. Nos. 11 and 14 dated March 3, 1961, Rev. 1 dated June 1, 1963, and bill of materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., 3d and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90895, effective March 16, 1966. (It supersedes Approval No. 160.052/133/1 dated Nov. 3, 1965, to to show change in address.)

Approval No. 160.052/150/0, Type II, Model "A", adult unicellular plastic foam buoyant vest, dwg. Nos. 11 and 12 dated March 3, 1961, Rev. 1 dated June 1, 1963, and bill of materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., 3d and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, Ill. 60610, effective March 16, 1966. (It supersedes Approval No. 160.052/150/0 dated Oct. 11, 1961, to show change in address of manufacturer.)

Approval No. 160.052/151/0, Type II, Model "M", child medium unicellular plastic foam buoyant vest, dwg. Nos. 11 and 13 dated March 3, 1961, Rev. 1 dated June 1, 1963, and bill of materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., 3d and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; and 5550 Paramount Boulevard, Long Beach, Calif. 90805, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, Ill. 60610, effective March 16, 1966. (It supersedes Approval No. 160.052/151/0 dated Oct. 11, 1961, to show change in address of manufacturer.)

Approval No. 160.052/152/0, Type II, Model "S", child small unicellular plastic foam buoyant vest, dwg. Nos. 11 and 14 dated March 3, 1961, Rev. 1 dated June 1, 1963, and bill of materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., 3d and Decatur Streets, Richmond, Va. 23212; 12th and Graham Streets, Emporia, Kans. 66801; & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss. 39046, effective March 10, 1966. (It supersedes Approval No. 160.052/246/0 dated Oct. 8, 1963, to show change in specifications.)

Approval No. 160.052/247/0, Type II, Model 66–M, child medium unicellular plastic foam buoyant vest, dwg. No. 2, dated July 7, 1963, and bill of materials dated January 20, 1966, manufactured by Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss. 39046, effective March 10, 1966. (It supersedes Approval No. 160.052/247/0 dated Oct. 8, 1963, to show change in specifications.)

Approval No. 160.052/248/0, Type II, Model 66–S, child small unicellular plastic foam buoyant vest, dwg. No. 1 dated July 7, 1963, and bill of materials dated January 20, 1966, manufactured by Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss. 39046, effective March 10, 1966. (It supersedes Approval No. 160.052/248/0 dated Oct. 8, 1963, to show change in specifications.)

Approval No. 160.052/251/0, Type II, Model 57008, child small vinyl-dip coated unicellular plastic foam buoyant vest, Hawthorn dwg. No. CS–1, Rev. 1 dated November 26, 1963, and bill of materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo. 63068, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607, effective November 29, 1965. (It supersedes Approval No. 160.052/251/0 dated Nov. 29, 1963, to show change in specification.)

Approval No. 160.052/286/0, Type II, Model NP, adult unicellular plastic foam buoyant vest, dwg. Nos. 21 and 22, Rev. 1 dated June 24, 1963, and bill of materials dated October 1, 1965, manufactured by Noble Products Co., Caldwell, Ohio 43724, effective January 14, 1966. (It supersedes Approval No. 160.052/286/0 dated Mar. 4, 1964, to show change in specifications.)

Approval No. 160.052/287/0, Type II, Model MP, child medium unicellular plastic foam buoyant vest, dwg. Nos. 21 and 23, Rev. 1 dated June 24, 1963, and bill of materials dated October 1, 1965, manufactured by Noble Products Co., Caldwell, Ohio 43724, effective January 14, 1966. (It supersedes Approval No. 160.052/287/0 dated Mar. 4, 1964, to show change in specifications.)

Approval No. 160.052/288/0, Type II, Model OP, child small unicellular plastic foam buoyant vest, dwg. Nos. 21 and 24, Rev. 1 dated June 24, 1963, and bill of materials dated October 1, 1965, manufactured by Noble Products Co., Caldwell, Ohio 43724, effective January 14, 1966. (It supersedes Approval No. 160.052/288/0 dated Apr. 23, 1965, to show change in specifications.)

Approval No. 160.052/314/0, Type II, Model LVCM–200, child medium, molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5622–B, Rev. 2 dated October 28, 1965, manufactured by Carlon Rubber Products Co., 1 New Haven Avenue, Derby, Conn. 06418, effective January 24, 1966. (It supersedes Approval No. 160.052/314/0 dated Apr. 23, 1965, to show change in specifications.)

Approval No. 160.052/315/0, Type II, Model LVCS–100, child small, molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5623–B, revision 2 dated October 28, 1965, manufactured by Carlon Rubber Products Co., 1 New Haven Avenue, Derby, Conn. 06418, effective January 24, 1966. (It supersedes Approval No. 160.052/315/0 dated Apr. 23, 1965, to show change in specifications.)

Approval No. 160.052/325/0, Type II, Model LVA–300, adult molded vinyl-dipped unicellular plastic foam buoyant vest, Carlon dwg. No. 5581–D, Rev. 2 dated October 25, 1965, manufactured by Carlon Rubber Products, 1 New Haven Avenue, Derby, Conn. 06418, for Acme Products, Inc., 307 Racebrook Road, Orange, Conn. 06477, effective January 14, 1966.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/7/1, unicellular plastic foam work vest as per military specification MIL–17655A, U.S.C. Specification Subpart 160.053, dwg. No. 21975 dated August 6, 1965, and dwg. No. 8211–2 dated December 15, 1965, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective March 10, 1966. (It supersedes Approval No. 160.053/7/1 dated Aug. 20, 1965, to show alternate construction.)

Approval No. 160.053/8/1, unicellular plastic foam work vests, as per Military Specification MIL–L–17653A or MIL–L–17653B, U.S.C.G. Specification Subpart 160.053, and the special provisions of Corps of Engineers Invitation No. CIVENG–46–022–66–72, manufactured by The Safegard Corp., 930 York Street, Box 14037, Post Office Annex, Cincinnati, Ohio 45214, effective March 4, 1966. (It supersedes Approval No. 160.053/8/0 dated Apr. 1, 1964, to show change in construction.)

DESALTER KITS

Approval No. 160.058/3/0, desalter kit, sea water; cylindrical container and contents identified by dwg. B–0010, dated October 20, 1965, and bill of materials (sheets 1 to 5), dated December 13, 1965, manufactured by Ionac Chemical Co.,

Birmingham Road, Birmingham, N.J. 08011, effective February 16, 1966.

PROTECTING COVER FOR LIFEBOATS

Approval No. 160.065/1/0, "Gentex Catenary Lifeboat Cover," Type I, protecting cover for the occupants of all types of aluminum, steel and fibrous glass reinforced plastic (FRP) lifeboats, for lengths of 16' through 37' lifeboats, identified by general arrangement dwg. No. 65H1544, dated June 18, 1965, manufactured by Gentex Corp., Carbondale, Pa., effective January 10, 1966. (Modifications to the cover and supports may be necessary in the case of some motor-propelled lifeboats equipped with vertical (dry) exhaust lines, radio cabins and antenna masts.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/262/0, Type 1910 GC consolidated safety relief valve, dwg. 1900G, approved for 300-lb. ASA pressure temperature ratings with a maximum temperature of 450° F., manufactured by Manning, Maxwell & Moore, Inc., Post Office Box 1430, Alexandria, La., effective January 18, 1966.

RELIEF VALVES (HOT WATER HEATING BOILERS)

Approval No. 162.013/8/1, Type No. D175 dual unit relief valve for hot water heating boiler, relieving capacity 175,000 B.t.u. per hour at a maximum set pressure of 30 p.s.i., dwg. No. RRP2-14, dated November 10, 1955, approved for ¾" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective February 16, 1966. (It is an extension of Approval No. 162.013/8/1 dated Mar. 10, 1961.)

Approval No. 162.013/9/1, Type No. D250 dual unit relief valve for hot water heating boiler, relieving capacity 250,000 B.t.u. per hour at a maximum set pressure of 30 p.s.i., dwg. No. RRP2-14, dated November 10, 1955, approved for ¾" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective February 16, 1966. (It is an extension of Approval No. 162.013/9/1 dated Mar. 10, 1961.)

Approval No. 162.013/31/0, Type No. 3300 relief valve for hot water heating boiler, relieving capacity 3,300,000 B.t.u. per hour at a maximum set pressure of 30 p.s.i., dwg. No. RA-25, dated January 27, 1955, approved for 1½" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective February 16, 1966. (It is an extension of Approval No. 162.013/31/0 dated Mar. 10, 1961.)

Approval No. 162.013/32/0, Type No. 3300-15 relief valve for hot water heating boiler, relieving capacity 2,000,000 B.t.u. per hour at a maximum set pressure of 15 p.s.i., dwg. No. RA-25, dated January 27, 1955, approved for 1½" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective February 16, 1966. (It is an extension of Approval No. 162.013/32/0 dated Mar. 10, 1961.)

Approval No. 162.013/33/0, Type No. 4100 relief valve for hot water heating boiler, relieving capacity, 4,100,000 B.t.u. per hour at a maximum set pressure of 30 p.s.i., dwg. No. RA-26, dated January 13, 1955, approved for 2" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective February 16, 1966. (It is an extension of Approval No. 162.013/33/0 dated Mar. 10, 1961.)

Approval No. 162.013/34/0, Type No. 4100-15 relief valve for hot water heating boiler, relieving capacity 2,500,000 B.t.u. per hour at a maximum set pressure of 15 p.s.i., dwg. No. RA-26, dated January 13, 1955, approved for 2" inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective February 16, 1966. (It is an extension of Approval No. 162.013/34/0 dated Mar. 10, 1961.)

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/30/1, Oceco Type E-21-B flame arrester, cast iron body, extensible bank assembly, aluminum arrester plates, bolted end covers, dwg. No. HOC-195-A, revised November 10, 1950, approved for sizes 3", 4", 6", 8", and 10", manufactured by The Johnston & Jennings Co., 4700 West Division Street, Chicago, Ill., effective January 18, 1966. (It is an extension of Approval No. 162.016/30/1 dated Jan. 27, 1961.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/32/2, Style JO-25 safety relief valve for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal to metal seat, 150 p.s.i. primary service pressure rating, dwg. No. HV-60 dated September 3, 1954, revised December 30, 1965, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 300 p.s.i.g., manufactured by Crosby Valve & Gage Co., Wrentham, Mass., effective January 21, 1966. (It supersedes Approval No. 162.018/32/1 dated June 21, 1965, to show change in construction.)

Approval No. 162.018/33/2, Style JO-35 safety relief valve for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal to metal seat, 300 p.s.i. primary service pressure rating, dwg. No. HV-61 dated September 3, 1954, revised January 3, 1966, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 300 p.s.i.g., manufactured by Crosby Valve & Gage Co., Wrentham, Mass., effective January 21, 1966. (It supersedes Approval No. 162.018/33/1 dated June 21, 1965, to show change in construction.)

Approval No. 162.018/59/0, Crosby Style JB-25 safety relief valve for liquefied compressed gas service, dwg. No. HV-207 dated December 14, 1965, approved for inlet diameters of 1½ inch through 6 inches for a maximum set pressure of 165 p.s.i. for orifices F, G, H, J, K, L, M, N, P, and Q, and a maximum set pressure of 100 p.s.i. for orifice R, with a maximum temperature of 450° F., manufactured by Crosby Valve & Gage Co., Wrentham, Mass., effective January 21, 1966.

Approval No. 162.018/60/0, Crosby Style JB-25-3 safety relief valve for liquefied compressed gas service, dwg. HV-209 dated December 14, 1965, approved for inlet diameters of 1½ inch through 6 inches inclusive, for a maximum set pressure of 275 p.s.i. for orifices F, G, H, J, K, L, M, N, and P; 165 p.s.i. for orifice Q; and 100 p.s.i. for orifice R, with a maximum temperature of 450° F., manufactured by Crosby Valve & Gage Co., Wrentham, Mass., effective January 21, 1966.

Approval No. 162.018/61/0, Crosby Style JB-26 safety relief valve for liquefied compressed gas service, dwg. HV-208 dated December 14, 1965, approved for inlet diameters of 1½ inch through 6 inches inclusive, for a maximum set pressure of 92 p.s.i., with a maximum temperature of 800° F., manufactured by Crosby Valve & Gage Co., Wrentham, Mass., effective January 21, 1966.

Approval No. 162.018/62/0, Crosby Style JB-26-3 safety relief valve for compressed gas service, dwg. HV-210 dated December 14, 1965, approved for inlet diameters of 1½ inch through 6 inches for a maximum set pressure of 275 p.s.i. for orifices F, G, H, J, K, L, M, N, and P; 165 p.s.i. for orifice Q; and 100 p.s.i. for orifice R, with a maximum temperature of 800° F., manufactured by Crosby Valve & Gage Co., Wrentham, Mass., effective January 21, 1966.

GAUGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/2/4, No. 62B (Modification W4) MGM and No. 62B (Modification W4)/SS MGM liquid level gauge for liquefied compressed gas service, dwg. No. 107, manufactured by Metal Goods Manufacturing Co., 110 South Park Avenue, Bartlesville, Okla., effective February 28, 1966. (It supersedes Approval No. 162.019/2/3 dated July 26, 1961.)

Approval No. 162.019/7/1, Model Nos. 60D and 60D/SS liquid level gauge for compressed gas service, dwg. No. 176, manufactured by Metal Goods Manufacturing Co., 110 South Park Avenue, Bartlesville, Okla., effective February 28, 1966. (It supersedes Approval No. 162.019/7/0 dated Dec. 4, 1961.)

Approval No. 162.019/26/2, No. 175 MGM liquid level gauge for liquefied compressed gas service, dwg. No. 183, manufactured by Metal Goods Manufacturing Co., 110 South Park Avenue, Bartlesville, Okla., effective February 28, 1966. (It supersedes Approval No. 162.019/26/1 dated July 26, 1961.)

BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED PACKAGED

Approval No. 162.026/6/0, Clayton steam generator, Model RO-1650, light oil fired (fuel oil no heavier than standard No. 2, gravity 30-48 API at 60° F.), maximum operating pressure 150 p.s.i., 57.3 boiler horsepower, manufactured by Clayton Manufacturing Co., Post Office Box 550, El Monte, Calif., effective February 9, 1966. (Plans approved Apr. 19, 1965; performance test completed Sept. 24, 1965.) (It supersedes Approval No. 162.026/6/0 dated Feb. 8, 1966, to show correction in description.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS, FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/19/0, Fisher Model 1100 backfire flame arrester, dwg. No. 1100 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 9, 1966.

Approval No. 162.041/20/0, Fisher Model 1125 backfire flame arrester, dwg. No. 1125 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 9, 1966.

Approval No. 162.041/21/0, Fisher Model 1150 backfire flame arrester, dwg. No. 1150 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 9, 1966.

Approval No. 162.041/22/0, Fisher Model 1175 backfire flame arrester dwg. No. 1175 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 9, 1966.

Approval No. 162.041/23/0, Fisher Model 2100 backfire flame arrester, dwg. No. 2100 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 9, 1966.

Approval No. 162.041/24/0, Fisher Model 2125 backfire flame arrester, dwg. No. 2125 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 9, 1966.

Approval No. 162.041/25/0, Fisher Model 2150 backfire flame arrester, dwg. No. 2150 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 9, 1966.

Approval No. 162.041/26/0, Fisher Model 2175 backfire flame arrester, dwg. No. 2175 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 9, 1966.

Approval No. 162.041/27/0, Fisher Model 3125 backfire flame arrester, dwg. No. 3125 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 9, 1966.

Approval No. 162.041/28/0, Fisher Model 3150 backfire flame arrester, dwg. No. 3150 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective January 9, 1966.

Approval No. 162.041/29/0, Fisher Model 4100 backfire flame arrester, dwg. No. 4100 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/30/0, Fisher Model 4125 backfire flame arrester, dwg. No. 4125 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/31/0, Fisher Model 4150 backfire flame arrester, dwg. No. 4150 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/32/0, Fisher Model 4175 backfire flame arrester, dwg. No. 4175 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/33/0, Fisher Model 4200 backfire flame arrester, dwg. No. 4200 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/34/0, Fisher Model 4250 backfire flame arrester, dwg. No. 4250 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/35/0, Fisher Model 5100 backfire flame arrester, dwg. No. 5100 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/36/0, Fisher Model 5125 backfire flame arrester, dwg. No. 5125 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/37/0, Fisher Model 5150 backfire flame arrester, dwg. No. 5150 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/38/0, Fisher Model 5175 backfire flame arrester, dwg. No. 5175 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/39/0, Fisher Model 5200 backfire flame arrester, dwg. No. 5200 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/40/0, Fisher Model 5250 backfire flame arrester, dwg. No. 5250 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/41/0, Fisher Model 6100 backfire flame arrester, dwg. No. 6100 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/42/0, Fisher Model 6125 backfire flame arrester, dwg. No. 6125 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/43/0, Fisher Model 6150 backfire flame arrester, dwg. No. 6150 dated December 17, 1965, material stainless steel only, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/45/0, Bendix Model B175-23 backfire flame arrester, Bendix dwg. B175-23 dated April 7, 1965, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective January 31, 1966.

Approval No. 162.041/46/0, Bendix Model B175-24 backfire flame arrester, Bendix dwg. B175-24 dated April 24, 1963, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective January 31, 1966.

Approval No. 162.041/47/0, Bendix Model B175-25 backfire flame arrester, Bendix dwg. B175-25 dated April 24, 1963, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective January 31, 1966.

Approval No. 162.041/48/0, Bendix Model B175-29 backfire flame arrester, Bendix dwg. B175-29 dated February 17, 1964, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective January 31, 1966.

Approval No. 162.041/49/0, Bendix Model B175-30 backfire flame arrester, Bendix dwg. B175-30 dated February 17, 1964, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective January 31, 1966.

Approval No. 162.041/50/0, Bendix Model B175-31 backfire flame arrester, Bendix dwg. B175-31 dated February 17, 1964, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective January 31, 1966.

Approval No. 162.041/51/0, Bendix Model B175-32 backfire flame arrester, Bendix dwg. B175-32 dated March 5, 1964, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective January 31, 1966.

Approval No. 162.041/52/0, Bendix Model B175-22A backfire flame arrester, Bendix dwg. B175-22A dated January 4, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective January 31, 1966.

Approval No. 162.041/53/0, Bendix Model B175-23A backfire flame arrester, Bendix dwg. B175-23A dated January 4, 1965, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective January 31, 1966.

Approval No. 162.041/54/0, Bendix Model B175-24A backfire flame arrester, dwg. B175-24A dated January 4, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective January 31, 1966.

Approval No. 162.041/55/0, Bendix Model B175-25A backfire flame arrester, dwg. B175-25A dated January 4, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/56/0, Bendix Model B175-26A backfire flame arrester, dwg. B175-26A dated January 5, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue,

Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/57/0, Bendix Model B175–27A backfire flame arrester, dwg. B175–27A dated January 5, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/58/0, Model B175–28A backfire flame arrester, dwg. B175–28A dated January 5, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/59/0, Bendix Model B175–29A backfire flame arrester, dwg. B175–29A dated January 4, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/60/0, Bendix Model B175–30A backfire flame arrester, dwg. B175–30A dated January 4, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/61/0, Bendix Model B175–31A backfire flame arrester, dwg. B175–31A dated January 4, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/62/0, Bendix Model B175–32A backfire flame arrester, dwg. B175–32A dated January 4, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/63/0, Bendix Model B175–33A backfire flame arrester, dwg. B175–33A dated January 5, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/64/0, Bendix Model C175–11 backfire flame arrester, dwg. C175–11 dated January 6, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/65/0, Bendix Model C175–11A backfire flame arrester, drawing C175–11A dated January 6, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/66/0, Bendix Model C175–35 backfire flame arrester, dwg. C175–35 dated January 10, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/67/0, Bendix Model B175–38 backfire flame arrester, Bendix dwg. B175–38 dated December 8, 1965, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/71/0, Bendix Model B175–34 backfire flame arrester, dwg. B175–34 dated August 3, 1964, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/72/0, Bendix Model B175–37 backfire flame arrester, Bendix dwg. B175–37 dated May 26, 1965, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/73/0, Bendix Model B175–34A backfire flame arrester, dwg. B175–34A dated January 7, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/74/0, Bendix Model B175–36A backfire flame arrester, dwg. B175–36A dated January 7, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/75/0, Bendix Model B175–37A backfire flame arrester, dwg. B175–37A dated January 7, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, Mich. 48214, effective February 2, 1966.

Approval No. 162.041/76/0, Fisher Model 3100 backfire flame arrester, dwg. No. 3100 dated January 7, 1966, manufactured by Fisher Corp., 1625 West Maple Road, Troy, Mich., effective February 10, 1966.

Approval No. 162.041/77/0, Palmer Model 7336 backfire flame arrester, Palmer assembly dwg. No. 7336, manufactured by the Palmer Engine Co., Cos Cob, Conn., effective March 7, 1966.

Approval No. 162.041/78/0, Air-Maze No. 2 Unimaze backfire flame arrester, Air-Maze dwgs. A17853–C, A17853–G and A17853–F, manufactured by Air-Maze Division, Rockwell-Standard Corp., 25000 Miles Road, Cleveland, Ohio, effective March 10, 1966.

Approval No. 162.041/79/0, Air-Maze No. 4 Unimaze backfire flame arrester, Air-Maze dwgs. A17854–C, A17854–G and A17854–F, manufactured by Air-Maze Division, Rockwell-Standard Corp., 25000 Miles Road, Cleveland, Ohio, effective March 10, 1966.

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/88/1, "American Bestoglas" woven combination Grade AAA asbestos and fibrous glass (2.5 percent lubricant or less) cloth type incombustible material identical to that described in American Asbestos Textile Corp. letters dated 9 and 17 September 1965, approved in weights of ½ through 2½ pounds/square yard, manufactured by American Asbestos Textile Corp., 1032 Stanbridge Street, Norristown, Pa. 19404. Plant: Meredith, N.H., effective February 23, 1966. (It supersedes Approval No. 164.009/88/0 dated Jan. 24, 1966, to show change in address.)

Approval No. 164.009/90/0, "Insul-Coustic SeeGee Adhesive I–C 292" composition type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2131:FR3666 dated February 24, 1966, and Insul-Coustic letter dated January 14, 1966, manufactured by Insul-Coustic Division, Birma Production Corp., Jernee Mill Road, Sayreville, N.J. 08872, effective March 10, 1966.

Approval No. 164.009/91/0, "Insul-Coustic SeeGee Coating I–C 596" composition type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2131:FR3666 dated February 24, 1966, and Insul-Coustic letter dated January 14, 1966, manufactured by Insul-Coustic Division, Birma Production Corp., Jernee Mill Road, Sayreville, N.J. 08872, effective March 10, 1966.

PART II—TERMINATIONS OF APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

The Badgley Manufacturing Co., 2637 Northeast Union, Portland, Oreg. 97211, Approval Nos. 160.002/92/0 and 160.002/93/0 for certain kapok life preservers have expired and are therefore terminated, effective January 13, 1966.

BUOYS, LIFE, RING, CORK OR BALSA WOOD

The American Pad & Textile Co., 511 North Solomon Street, New Orleans, La. 70119, no longer manufactures a particular cork ring life buoy and Approval No. 160.009/33/0 was therefore terminated, effective January 25, 1966.

BUOYANT APPARATUS

The Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., no longer manufactures a particular buoyant apparatus and Approval No. 160.010/13/2 was therefore terminated, effective January 12, 1966.

WINCHES, LIFEBOAT

The Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., Approval Nos. 160.015/26/2 and 160.015/27/2 for certain lifeboat winches have expired and are therefore terminated, effective March 24, 1966.

LIFERAFTS

The Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., no longer manufactures a particular liferaft and Approval No. 160.018/18/0 was therefore terminated, effective January 18, 1966.

DAVITS

The Marine Safety Equipment Corporation, Point Pleasant Beach, N.J., Approval No. 160.032/149/0 for a certain mechanical davit has expired and is therefore terminated, effective March 8, 1966.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

The Lunn Laminates, Inc., Straight Path Road, Wyandanch, Long Island, N.Y., no longer manufactures a particular releasing gear and Approval No. 160.033/57/1 was therefore terminated, effective January 18, 1966.

LIFEBOATS

The Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., no longer manufactures a particular lifeboat and Approval No. 160.035/418/0 was therefore terminated, effective January 25, 1966.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

The Holiday Line, Inc., 50 Washington Street, Brooklyn, N.Y., 11201 Approval No. 160.048/28/0 for a particular kapok buoyant cushion has expired and is therefore terminated, effective January 4, 1966.

The Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, Ill. 60610, approvals for kapok buoyant cushions have expired and therefore Approval Nos. 160.048/39/0 and 160.048/49/0 are terminated, effective December 20, 1965.

The Chris-Craft Corp., Algonac, Mich., approval for a kapok buoyant cushion has expired and therefore Approval No. 160.048/63/0 was terminated, effective March 10, 1966.

The Boston Camping Distributor Co., Inc., 150 Oliver Street, Boston, Mass., no longer manufactures a particular kapok buoyant cushion and Approval No. 160.048/64/0 was therefore terminated, effective January 17, 1966.

The Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C., Approval No. 160.048/223/0 for a particular kapok buoyant cushion was terminated due to change in specifications, effective January 27, 1966.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

The Chris-Craft Corp., Algonac, Mich., Holland, Mich., Cadillac, Mich., Caruthersville, Mo., Chattanooga, Tenn., Salisbury, Md., now manufactures a particular cushion under a group approval and therefore Approval No. 160.048/5/0 has expired and was therefore terminated, effective March 6, 1966.

INFLATABLE LIFERAFTS

The United States Rubber Co., Inflatable Rroducts & Transportation Containers Department, 10 Eagle Street, Providence, R.I., no longer manufactures certain inflatable liferafts and therefore Approval Nos. 160.051/7/0 and 160.051/8/0 are terminated, effective January 25, 1966.

WORK VESTS, UNICELLULAR PLASTIC FOAM

The Gentex Corporation, Carbondale, Pa. 18407, Approval No. 160.053/10/0 for a particular unicellular plastic foam work vest has expired and is therefore terminated, effective January 5, 1966.

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

The Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., Approval Nos. 162.015/3/3, 162.015/9/3, 162.015/10/2, 162.015/11/2, 162.015/12/2, 162.015/13/2, 162.015/14/2, 162.015/15/2, 162.015/16/2, 162.015/17/2, 162.015/18/2, 162.015/19/2, 162.015/20/1, 162.015/21/1, 162.015/25/1, 162.015/26/1, and 162.015/27/1, for certain backfire flame arresters for carburetors have terminated due to change in specifications, effective January 1, 1966.

The Air-Maze Division, Rockwell-Standard Corp., 25000 Miles Road, Cleveland 28, Ohio, Approval Nos. 162.015/28/0, 162.015/29/0, 162.015/30/0, 162.015/31/0, 162.015/32/0, 162.015/33/0, 162.015/34/0 and 162.015/35/0, for certain backfire flame arresters for carburetors have terminated due to change in specifications, effective January 1, 1966.

The Dearborn Marine Engine Division, Eaton Manufacturing Co., 31465 Stephenson Highway, Madison Heights, Mich., Approval Nos. 162.015/36/1 and 162.015/37/0, for certain backfire flame arresters for carburetors have terminated due to change in specifications, effective January 1, 1966.

The Curtiss-Wright Corp., Research Division, Quehanna, Pa., Approval No. 162.015/40/0, for a particular backfire flame arrester for carburetors was terminated due to change in specifications, effective January 1, 1966.

The Roohester Products Division of General Motors Corp., 10000 Lexington Avenue, Rochester 3, N.Y., Approval No. 162.015/41/0, for a particular backfire flame arrester for carburetors was terminated due to change in specifications, effective January 1, 1966.

The PurOlator Products, Inc., 3927 Fourth Street, Wayne, Mich., Approval No. 162.015/44/0, for a particular backfire flame arrester for carburetors was terminated due to change in specifications, effective January 1, 1966.

The Volvo Import, Inc., 452 Hudson Terrace, Englewood Cliffs, N.J., Approval No. 162.015/45/0, for a particular backfire flame arrester for carburetors was terminated due to change in specifications, effective January 1, 1966.

The Air-Maze Division, Rockwell-Standard Corp., 25000 Miles Road, Cleveland 28, Ohio, Approval No. 162.015/46/1, for a particular backfire flame arrester for carburetors was terminated due to change in specifications, effective January 1, 1966.

The PurOlator Products, Inc., 3927 Fourth Street, Wayne, Mich., Approval No. 162.015/48/0, for a particular backfire flame arrester for carburetors was terminated due to change in specifications, effective January 1, 1966.

The Fisher Industries, 1625 West Maple Road, Troy, Mich., Approval Nos. 162.015/50/0, 162.015/51/0, 162.015/52/0, 162.015/53/0, 162.015/54/2, 162.015/55/0, 162.015/56/2, 162.015/57/2 and 162.015/58/2, for certain backfire flame arresters for carburetors have terminated due to change in specifications, effective January 1, 1966.

The Industrial Strainer Co., 695 Amelia Street, Plymouth, Mich., Approval Nos. 162.015/59/0, 162.015/60/0, 162.015/61/0, 162.015/62/0 and 162.015/63/0, for certain backfire flame arresters for carburetors have terminated due to change in specifications, effective January 1, 1966.

The Barbron Corp., 14560 Lesure Avenue, Detroit 27, Mich., Approval Nos. 162.015/64/0, 162.015/65/0, 162.015/66/0, 162.015/67/0, 162.015/68/0 and 162.015/69/0, for certain backfire flame arresters for carburetors have terminated due to change in specifications, effective January 1, 1966.

The Industrial Strainer Co., 695 Amelia Street, Plymouth, Mich., Approval No. 162.015/70/0, for a particular backfire flame arrester for carburetors was terminated due to change in specifications, effective January 1, 1966.

The Fisher Industries, 1625 West Maple Road, Troy, Mich., Approval No. 162.015/71/1, for a particular backfire flame arrester for carburetors was terminated due to change in specifications, effective January 1, 1966.

The Palmer Engine Co., Cos Cob, Conn., Approval Nos. 162.015/72/0 and 162.015/73/0, for certain backfire flame arresters for carburetors have terminated due to change in specifications, effective January 1, 1966.

The Fisher Industries, 1625 West Maple Road, Troy, Mich., Approval Nos. 162.015/74/1, 162.015/75/1, 162.015/76/1, 162.015/77/1, 162.015/78/1 and 162.015/79/0, for certain backfire flame arresters for carburetors was terminated due to change in specifications, effective January 1, 1966.

The Palmer Engine Co., Cos Cob, Conn., Approval No. 162.015/80/0, for a particular backfire flame arrester for carburetors was terminated due to change in specifications, effective January 1, 1966.

The Fisher Industries, 1625 West Maple Road, Troy, Mich., Approval No. 162.015/81/1, for a particular backfire flame arrester for carburetors was terminated due to change in specifications, effective January 1, 1966.

The Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., Approval Nos. 162.015/82/1 and 162.015/83/0, for certain backfire flame arresters for carburetors have terminated due to change in specifications, effective January 1, 1966.

The Fisher Industries, 1625 West Maple Road, Troy, Mich., Approval Nos. 162.015/84/0 and 162.015/85/1, for certain backfire flame arresters for carburetors have terminated due to change in specifications, effective January 1, 1966.

The Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., Approval No. 162.015/86/1, for a particular backfire flame arrester was terminated due to change in specifications, effective January 1, 1966.

The Barbron Corp., 14560 Lesure Avenue, Detroit 27, Mich., Approval No. 162.015/87/0, for a particular backfire flame arrester for carburetors was terminated due to change in specifications, effective January 1, 1966.

statement of policy thereunder in 9 CFR 381.1, the lists (31 F.R. 9557 and 10288) of establishments which conform to the requirements of the Federal Meat Inspection Act and the regulations are changed as follows:

The Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., Approval Nos. 162.015/88/0, 162.015/89/1, 162.015/90/1, 162.015/91/0, 162.015/92/0 and 162.015/93/0, for certain backfire flame arresters for carburetors have terminated due to change in specifications, effective January 1, 1966.

The Fishers Industries, 1625 West Maple Road, Troy, Mich., Approval No. 162.015/94/0, for a particular backfire flame arrester for carburetors was terminated due to change in specifications, effective January 1, 1966.

The Kiekhaefer Corp., Fond du Lac, Wis., Approval No. 162.015/95/0 for a particular backfire flame arrester for carburetors was terminated, effective January 1, 1966.

The Onan, division of Studebaker Industries, Inc., 2515 University Avenue SE., Minneapolis, Minn. 55414, Approval No. 162.015/96/0, for a particular backfire flame arrester assembly was terminated due to change in specifications, effective January 1, 1966.

The Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., Approval No. 162.015/99/0, for a particular backfire flame arrester for carburetors was terminated due to change in specifications, effective January 1, 1966.

STRUCTURAL INSULATIONS

The Keasbey & Mattison Co., Ambler, Pa., Approval No. 164.007/13/0, for a particular sprayed asbestos fiber type structural insulation was terminated, because the manufacturer is no longer in business, effective January 21, 1966.

INCOMBUSTIBLE MATERIALS

The Keasbey & Mattison Co., Ambler, Pa., Approval Nos. 164.009/4/0 and 164.009/33/0 for certain asbestos cement board type incombustible material were terminated, because the manufacturer is no longer in business, effective January 21, 1966.

The Union Asbestos & Rubber Co., 1111 West Perry Street, Bloomington, Ill., Approval No. 164.009/63/1, for a particular asbestos cement board type incombustible material was terminated, effective August 27, 1965.

Dated: Aug. 31, 1966.

[SEAL] P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 66-9818; Filed, Sept. 7, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA STATE OFFICE AND NEVADA LAND OFFICE

Change of Mailing Address

AUGUST 30, 1966.

Notice is hereby given that the mailing address of the Nevada State Office and Land Office, Bureau of Land Management, in Reno, Nev., is changed effective Monday, October 3, 1966. The new mailing address will from that date forward be Bureau of Land Management, Nevada State Office and Nevada Land Office, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502. The use of Post Office Box 1551, Reno, Nev., is being discontinued and the last official mail collection from Post Office Box 1551 will be at 1 p.m. on September 30, 1966.

In accordance with Title 43, Code of Federal Regulations, § 1821.2, applications, payments, and other documents received for filing October 3, 1966, shall be deemed to be filed as of 10 a.m. Thereafter, all mail will be delivered only once daily and considered as filed 10 a.m. on the date received. Mail received by Special Delivery after 4 p.m. will be considered filed at 10 a.m. the following day. Mail received by Special Delivery before 10 a.m. will be considered filed at 10 a.m. on the date received. Mail received by Special Delivery between 10 a.m. and 4 p.m. will be considered filed on the exact time and date received.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 66-9807; Filed, Sept. 7, 1966; 8:48 a.m.]

Bureau of Reclamation

MANTI-LASAL NATIONAL FOREST, UTAH

Transfer of Administrative Jurisdiction of Certain Lands

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 213), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over the following described lands, which lie within the exterior boundaries of the Manti-Lasal National Forest, Utah, and which were acquired by the Bureau of Reclamation in the development of the Joes Valley Reservoir, Emery County Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes:

SALT LAKE BASE AND MERIDIAN

T. 17 S., R. 6 E.,

Sec. 32: Portion of the W½W½, more particularly described as follows:

Beginning at a point on the south line of said section 32, 307.7 feet easterly from the north quarter corner of section 5, T. 18 S., R. 6 E., Salt Lake Base and Meridian, said point also being the southeast corner of the SW¼SW¼ of said section 32; thence north along the east line of said SW¼SW¼, 180.5 feet; thence along a regular curve to the left with a radius of 522.96 feet for an arc distance of 116.0 feet (bearing of the tangent at beginning of the curve is N. 11°39' W.); thence N. 22°19' W., 173.5 feet; thence along a regular curve to the right with a radius of 522.96 feet for an arc distance of 202.3 feet; thence N. 0°09' W., 905.8 feet; thence along a regular curve to the left with a radius 2,914.8 feet for an arc distance of 356.1 feet; thence N. 7°09' W., 2,807.8 feet; thence along a regular curve to the left with a radius of 2,914.8 feet for an arc distance of 542.6 feet; thence N. 17°49' W., 43.1 feet to the north line of said section 32; thence westerly along said north line 673.4 feet to the northwest corner of said section 32; thence southerly along the west line of said section 32, 5,280.0 feet to the southwest corner of said section 32; thence easterly along the south line of said section 32, 1,320.0 feet to the point of beginning, containing 129.35 acres, more or less, and less right-of-way for Utah State Highway No. 29.

T. 18 S., R. 6 E.,

Sec. 5: SW¼NW¼, W½SW¼, SE¼SW¼;

Sec. 6: S½NE¼, NE¼SE¼, portion of NW¼SE¼, more particularly described as follows:

Beginning at the northeast corner of said NW¼SE¼, said point being 1,320.0 feet westerly of the east quarter corner of said section 6; thence westerly along the north line of said NW¼SE¼ 1,320.0 feet to the northwest corner of said NW¼SE¼; thence southerly along the east line of said NW¼SE¼ 191.0 feet; thence S. 36°01' E., 10.12 feet; thence along the arc of a curve to the right, with a radius of 2,804.79 feet an arc distance of 205.60 feet; thence S. 31°49' E., 1,117.32 feet to the south line of said NW¼SE¼; thence easterly along said south line 611.36 feet to the southeast corner of said NW¼SE¼; thence northerly along the east line of said NW¼SE¼ 1,320.0 feet to the point of beginning, containing 30.73 acres, more or less;

Secs. 6 and 7: Portion of SE¼SE¼ of section 6 and portion of NE¼NE¼ of section 7, more particularly described as follows:

Beginning at the southeast corner of said section 6; thence northerly along the east line of section 6, 1,320.0 feet to the northeast corner of said SE¼SE¼; thence westerly along the north line of said SE¼SE¼ 1,320.0 feet to the northwest corner of said SE¼SE¼; thence southerly along the west line of the SE¼SE¼ 988.26 feet; thence S. 31°49' E., 809.88 feet; thence along the arc of a curve to the left with a radius of 272.21 feet for an arc distance of 298.60 feet; thence N. 85°20' E., 63.0 feet; thence along the arc of a curve to the right with a radius of 67.32 feet for an arc distance of 104.47 feet; thence S. 5°45' E., 297.81 feet; thence along the arc of a curve to the right with a radius of 2,804.79 feet for an arc distance of 318.19 feet; thence S. 0°45' W., 165.64 feet to the south line of said NE¼NE¼ section 7; thence easterly along said south line 464.54 feet to the southeast corner of said NE¼NE¼ section 7; thence northerly along the east line of said section 7 1,320.0 feet to the point of beginning, containing 59.07 acres, more or less;

Sec. 7: Portion of SE¼NE¼, more particularly described as follows:

Beginning at the east quarter corner of said section 7; thence northerly along the east line of said section 7 1,320.0 feet to the northeast corner of said SE¼NE¼; thence westerly along the north line of said SE¼NE¼ 464.54 feet; thence S. 0°45' W., 23.82 feet; thence along the arc of a curve to the left, with a radius of 2,924.79 feet for an arc distance of 187.17 feet; thence S. 2°55' E., 211.77 feet; thence along the arc of a curve to the right, with a radius of 321.97 feet for an arc distance of 146.11 feet; thence S. 23°05' W., 34.53 feet; thence along the arc of a curve to the left, with a radius of 289.18 feet for an arc distance of 204.41 feet; thence S. 17°25' E., 549.75 feet to the south line of said SE¼NE¼; thence easterly along said south line 336.21 feet to the point of beginning, containing 13.68 acres, more or less;

Sec. 8: NW¼NW¼.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest lands, provided, that all lands and waters within the Joes Valley Reservoir area needed or used for the operation of the project or for other Reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER.

Dated: August 30, 1966.

FLOYD E. DOMINY,
Commissioner,
Bureau of Reclamation.

[F.R. Doc. 66-9805; Filed, Sept. 7, 1966; 8:48 a.m.]

Fish and Wildlife Service

[Docket No. A-898]

LEVI McKINLEY

Notice of Loan Application

Levi McKinley, 1300 No. 2-A West Ninth, Juneau, Alaska 99801, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 34.7-foot registered length vessel to engage in the fishery for halibut, salmon, and black cod.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965), that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

SEPTEMBER 2, 1966.

[F.R. Doc. 66-9806; Filed, Sept. 7, 1966; 8:47 a.m.]

[Docket No. Sub-G-14]

HARLAN TRUITT MURPHY

Notice of Hearing

Harlan Truitt Murphy, Davis, N.C., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 86-foot overall steel vessel to engage in the fishery for flounder, sea trout, porgies, king whiting, swordfish, croaker, shrimp (including royal red shrimp), scallops, and lobster.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on October 18, 1966, at 10 a.m., e.d.s.t., in Room 3356, Interior Building, 18th and C Streets, Northwest, Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

SEPTEMBER 2, 1966.

[F.R. Doc. 66-9841; Filed, Sept. 7, 1966; 8:51 a.m.]

National Park Service

[Order 37]

SUPERVISORY ARCHEOLOGIST, SOUTHWEST ARCHEOLOGICAL CENTER, GLOBE, ARIZ.

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

Delegation. The Supervisory Archeologist of the Southwest Archeological Center located at Globe, Ariz., may execute and approve contracts and purchase orders not in excess of $200,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

(245 DM 1, 22 F.R. 915; 5 U.S.C. sec. 22; sec. 2, Reorg. Plan No. 3 of 1950)

GEORGE B. HARTZOG, JR.,
Director.

[F.R. Doc. 66-9821; Filed, Sept. 7, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARBEETS

Notice of Hearing

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended, will conduct a public hearing to receive the views and recommendations of interested persons on the need for establishing proportionate shares (farm acreage allotments) for the 1967 crop of sugarbeets in the Domestic Beet Sugar Area. Also, for use by the Secretary, if he determines that proportionate shares are needed, views, and recommendations are desired at the hearing on (a) the level of the national sugarbeet acreage requirement, (b) the method (formula) of allocating the requirement among States and to localities served by nonaffiliated single plant processors of sugarbeets and (c) the method of establishing individual farm proportionate shares.

The Sugar Act provides that the Secretary shall establish proportionate shares for farms in the beet sugar area if he determines that the production of sugar from a crop will be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for the area for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

The hearing on this matter will be held in the Denver Hilton Hotel in Denver, Colo., beginning at 10 a.m. (Denver time) on September 22, 1966.

For consideration by the Department in establishing proportionate shares if needed, views, and recommendations are desired on all phases of the program, particularly on the following points:

1. The level of the national acreage requirement needed to enable the area to meet quota and carryover requirements.

2. The method (formula) of dividing the national requirement (excluding 113,500 acres previously made available under the national sugarbeet acreage reserve, a 1,000 contingency, and acreages for nonaffiliated single plant processors) among sugarbeet producing States.

3. The level of the acreages that should be made available to the aforementioned nonaffiliated single plant processors.

4. The levels of set asides for new producers, appeals, and adjustments.

5. The method (formulae) for establishing area allotments and individual farm proportionate shares.

Views and recommendations may be submitted orally at the hearing, preferably supported in writing in the original and two copies. Views and recommendations may also be submitted in writing (original and two copies) by mailing to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, postmarked not later than October 10, 1966.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on September 2, 1966.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-9846; Filed, Sept. 7, 1966; 8:51 a.m.]

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the

DEPARTMENT OF HOUSING AND

ing, now assigned to be held on Sep-

[Docket No. 15461 etc.; FCC 66M-1169]

statement of policy thereunder in 9 CFR 381.1, the lists (31 F.R. 9557 and 10288) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to sheep and goats with respect to Utica Veal Co., Inc., Establishment 88, is deleted. The reference to calves with respect to Baum's Meat Packing, Establishment 792, is deleted. The reference to Parnett Packing Co., Establishment 283, and the reference to cattle and calves with respect to such establishment are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
St. Paul Dressed Beef, Inc.	357	(*)					
Bartel's Meat Co.	497	(*)	(*)				
Avera Provisions Co., Inc.	677					(*)	
City Packing Co.	891	(*)	(*)	(*)	(*)	(*)	
New establishments reporting: 4.							
Idaho Meat Packers	46		(*)	(*)			
City Packing Co.	80		(*)				
Seattle Packing Co.	191		(*)				
Estes Packing Co.	319		(*)				
Montebello Meat Packing Co.	364			(*)			
City Custom Packing Co., Inc.	387				(*)		
Glenwood Packing Co.	394					(*)	
The Collins Packing Co.	423A		(*)				
Hecwar Packing Co.	467			(*)			
Shen-Valley Meat Packers, Inc.	511		(*)				
Texas Meat Packers, Inc.	565		(*)				
Austin Community Livestock Processors, Inc.	590			(*)	(*)	(*)	
Wright Packing Co.	603			(*)			
Parnell's Packing Co.	738			(*)			
Jordan Meat & Livestock Co., Inc.	858					(*)	
Perlin Packing Co., Inc.	974			(*)			
Longhorn Meat Packers, Inc.	976		(*)				
Species Added: 20.							

Done at Washington, D.C., this 1st day of September 1966.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 66-9811; Filed, Sept. 7, 1966; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CONTINENTAL CAN CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7R2069) has been filed by Continental Can Co., Inc., 633 Third Avenue, New York, N.Y. 10017, proposing an amendment to § 121.2514 *Resinous and polymeric coatings* to provide for the safe use of zinc carbonate as a pigment in resinous and polymeric food-contact coatings.

Dated: September 1, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9836; Filed, Sept. 7, 1966; 8:50 a.m.]

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2055) has been filed by E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898, proposing an amendment to § 121.2569 *Resinous and polymeric coatings for polyolefin films* to provide for the safe use of polyvinyl alcohol as a dispersing agent in resinous and polymeric coatings on polyolefin films for food-contact use.

Dated: September 1, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9837; Filed, Sept. 7, 1966; 8:50 a.m.]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Endosulfan

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0526) has been filed by FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, N.Y. 14105, proposing the establishment of a tolerance of 2 parts per million for residues of the insecticide endosulfan (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide) in or on beans, brussells sprouts, carrots, cauliflower, celery, collards, corn (sweet), kale, mustard greens, peas (succulent type), pineapples, spinach, sugarcane, sunflower seed, sweetpotatoes, and turnip greens.

The analytical method proposed in the petition for determining residues of endosulfan is a microcoulometric-gas chromatographic procedure.

Dated: August 31, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9838; Filed, Sept. 7, 1966; 8:51 a.m.]

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0525) has been filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances for residues of the herbicide atrazine (2-chloro-4-[ethylamino]-6-[isopropylamino]-s-triazine) in or on raw agricultural commodities as follows:

30 parts per million in or on corn forage and sorghum forage.

1 part per million in or on corn grain and sorghum grain.

The analytical methods proposed in the petition for determining residues of atrazine are based on spectrophotometric and thin-layer chromatographic techniques.

Dated: September 1, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9839; Filed, Sept. 7, 1966; 8:51 a.m.]

KOPPERS CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7H2071) has been filed by the Forest Products Division of the Koppers Co., Inc., Pittsburgh, Pa. 15219, proposing an amendment to § 121.2556 *Preservatives for wood* to provide for the safe use of pentachlorophenol as a preservative for wood intended for use in contact with raw agricultural products in an amount not to exceed one percent by weight of the treated wood.

Dated: September 1, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9840; Filed, Sept. 7, 1966; 8:51 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

ACTING ASSISTANT SECRETARY FOR DEMONSTRATIONS AND INTERGOVERNMENTAL RELATIONS

Designation

The Director, Office of Intergovernmental Relations and Urban Program Coordination, is hereby designated to serve as Acting Assistant Secretary for Demonstrations and Intergovernmental Relations, with all the power and authority of the Assistant Secretary for Demonstrations and Intergovernmental Relations, during the absence of the Assistant Secretary and during the present vacancy in the position of Deputy Assistant Secretary for Demonstrations and Intergovernmental Relations.

(79 Stat. 670, 5 U.S.C. 624d(d))

Effective date. This designation shall be effective as of August 30, 1966.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 66-9856; Filed, Sept. 7, 1966; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17233]

CONDOR FLUGDIENST G.M.B.H.

Notice of Hearing

Notice is given herewith, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held before the undersigned Examiner on November 7, 1966, at 10 a.m., local time, in Room 911, 1825 Connecticut Avenue, NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report served on August 5, 1966, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 1, 1966.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 66-9819; Filed, Sept. 7, 1966; 8:49 a.m.]

[Docket No. 16503]

IN-FLIGHT ENTERTAINMENT CHARGE

Notice of Postponement of Oral Argument

By direction of the Board, the oral argument in the above-entitled proceeding, now assigned to be held on September 7, 1966, is postponed to a date to be later assigned.

Dated at Washington, D.C., September 2, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-9820; Filed, Sept. 7, 1966; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16678; FCC 66M-1156]

BAY BROADCASTING CO.

Order Continuing Hearing

In re application of Bay Broadcasting Co., San Francisco, Calif., Docket No. 16678, File No. BPCT-3621; for construction permit for new television broadcast station (Channel 38):

It is ordered, This 31st day of August 1966, by the Hearing Examiner on his own motion that the prehearing conference in the above-entitled matter now scheduled for September 2, 1966, is rescheduled to commence at 9 a.m., September 13, 1966, and the hearing now scheduled for September 13, 1966, is postponed to a date to be announced in a subsequent order.

Released: September 1, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9827; Filed, Sept. 7, 1966; 8:49 a.m.]

[Docket No. 16792; FCC 66M-1164]

CITY OF CAMDEN, N.J., AND L & P BROADCASTING CORP.

Order Continuing Prehearing Conference

In re application of City of Camden (Assignor), and L & P Broadcasting Corporation (Assignee), Docket No. 16792, File No. BAL-5702; for assignment of license of Station WCAM, Camden, N.J.:

It is ordered, This 1st day of September 1966, on the Chief Hearing Examiner's own motion, that the hearing conference in the above-entitled proceeding, which heretofore was scheduled to be convened at 9 a.m., September 8, 1966, is continued to 9 a.m., September 15, 1966.

Released: September 1, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9828; Filed, Sept. 7, 1966; 8:50 a.m.]

[Docket No. 16461 etc.; FCC 66M-1169]

CHAPMAN RADIO AND TELEVISION CO. ET AL.

Order After Prehearing Conference

In re applications of William A. Chapman and George K. Chapman doing business as Chapman Radio and Television Co., Homewood, Ala., Docket No. 15461, File No. BPCT-3282; Tele-Mac of Birmingham, Inc., Birmingham, Ala., Docket No. 16759, File No. BPCT-3705; Alabama Television, Inc., Birmingham, Ala., Docket No. 16760, File No. BPCT-3706; Birmingham Broadcasting Co., Birmingham, Ala., Docket No. 16761, File No. BPCT-3707; for construction permit for new television broadcast station; Birmingham Television Corp. (WBMG), Birmingham, Ala., Docket No. 16758, File No. BPCT-3663, for modification of construction permit.

The Hearing Examiner having under consideration the prehearing conference in the above-entitled proceeding held today:

It is ordered, This 2d day of September 1966, that the hearing is postponed from October 4, 1966, and will be convened instead at 10 a.m., Monday, December 5, 1966, at the Commission's offices, Washington, D.C.; and

It is ordered further, That the parties or their counsel will exchange all exhibits, with one copy of each provided the presiding officer, by November 1, at which time they will also provide lists to each other and the Examiner of the witnesses they propose to produce in supplementation of their direct cases and statements of the scope of each witness' testimony; that counsel will notify one another informally of the names of witnesses desired for cross-examination by November 21; and that in all respects the rulings, agreements and understandings set out in the transcript of today's prehearing conference will be adhered to with the same force and effect as if these were set forth herein verbatim.

Released: September 2, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9829; Filed, Sept. 7, 1966; 8:50 a.m.]

[Docket Nos. 16787, 16788; FCC 66M-1159]

HARRISCOPE, INC., AND FAMILY BROADCASTING, INC.

Order Continuing Hearing

In re applications of Harriscope, Inc., Casper, Wyo., Docket No. 16787, File No. BP-16713; Family Broadcasting, Inc., LaGrange, Wyo., Docket No. 16788 File No. BP-17204; for construction permits.

Pursuant to a prehearing conference in this proceeding as of this date: *It is ordered*, This 1st day of September 1966,

tificate of public convenience and neces-

F. Heep FPC Gas Rate Schedule No. 3

1302, in the matter of the application

that the hearing now scheduled for October 4, 1966, be and the same is hereby rescheduled for November 28, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: September 1, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9830; Filed, Sept. 7, 1966; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI67-39 etc.]

ASHLAND OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 30, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfullness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 12, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-39	Ashland Oil & Refining Co., Post Office Box 1503, Houston, Tex. 77001.	80	5	Michigan Wisconsin Pipe Line Co. (Northeast Seiling Field, Major County, Okla.) (Oklahoma "Other" Area).	$754	8-2-66	[1] 9-2-66	2-2-67	[2] [4] 16.56	[3] [4] 19.64	
	do	162	5	Arkansas Louisiana Gas Co. (Star Field, Kingfisher County, Okla.) (Oklahoma "Other" Area).	2,520	8-1-66	[1] 9-1-66	2-1-67	15.0	[5] 16.8	
	do	163	8	Panhandle Eastern Pipe Line Co. (Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	3,378	8-2-66	[1] 9-2-66	2-2-67	[2] 17.5	[5] [6] 19.8	
RI67-40	Cecil Burton (Operator), et al. d.b.a. Pickrell Drilling Co., 706 Fourth National Bank Bldg., Wichita, Kans. 67202.	1	[11] 1	Cities Service Gas Co. (North Medicine Field, Barber County, Kans.).	1,370	[10] 8-8-66	[12] 9-8-66	2-8-67	[13] 12.0	[4] [13] [14] 14.0	
RI67-41	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attn: Mr. A. M. Mouser.	100	2	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Caillou Island Field, Terrebonne Parish, La.) (South Louisiana).	777	8-15-66	[1] 9-15-66	2-15-67	[17] [18] 15.5	[15] [16] [17] 19.5	
RI67-42	Occidental Petroleum Corp. (Operator), et al., 5000 Stockdale Highway, Bakersfield, Calif. 93309.	7	8	Valley Gas Transmission, Inc. (Ramirena Northeast and C. A. Winn Fields, Live Oak County, Tex.) (R.R. District No. 2).	1,870	8-15-66	[1] 9-15-66	2-15-67	14.0	[4] [18] 15.0	

[1] The stated effective date is the effective date proposed by Respondent.
[2] "Fractured" rate increase. Includes 16.89 cents base rate plus 1.01 cents tax reimbursement and 1.56 cents upward B.t.u. adjustment. Seller is contractually due a base rate of 19.5 cents plus tax reimbursement and B.t.u. adjustment, which is the initial contract rate.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to upward B.t.u. adjustment of 1/100 cent for each additional B.t.u. in excess of 1000 B.t.u.'s per cubic foot and proportionate downward B.t.u. adjustment from base rate for gas containing less than 1000 B.t.u.'s per cubic foot.
[5] Permanently certificated initial rate which includes 15.0 cents base rate inclusive of tax reimbursement plus 1.56 cents upward B.t.u. adjustment (present B.t.u. content=1156 B.t.u.'s per cubic foot.
[6] Respondent filing from permanently certificated rate to initial contract rate.
[7] Includes 15.0 cents base rate plus upward B.t.u. adjustment before increase and 17.0 cents base rate plus upward B.t.u. adjustment after increase (present B.t.u. content of gas is 1168 B.t.u.'s per cubic foot).
[8] Base rate subject to proportionate upward and downward B.t.u. adjustment for gas containing more or less than 1000 B.t.u.'s per cubic foot.
[9] Filing completed Aug. 18, 1966.
[10] Includes Amendment dated Oct. 30, 1964, which provides for increased rate.
[11] The stated effective date is the first day after expiration of the statutory notice.
[12] Renegotiated rate increase.
[13] Subject to downward B.t.u. adjustment.
[14] Periodic rate increase.
[15] Pressure base is 15.025 p.s.i.a.
[16] Inclusive of 1.5 cents per Mcf tax reimbursement.
[17] Settlement rate as provided by Commission order issued June 15, 1962, as amended, in Docket Nos. G-13310, et al.

Cecil Burton (Operator), et al., doing business as Pickrell Drilling Co. (Burton) request a retroactive effective date of December 23, 1964, the contractually provided effective date, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Burton's rate filing and such request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Pt. 2, § 2.56).

[1] Does not consolidate for hearing or dispose of the several matters herein.

[F.R. Doc. 66-9747; Filed, Sept. 7, 1966; 8:45 a.m.]

[Docket Nos. G-6352 etc.]

CONTINENTAL OIL CO. ET AL.

Findings and Order After Hearing

AUGUST 30, 1966.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, reinstating certificate, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successor corespondent, redesignating proceedings, requiring filing of agreements and undertakings, accepting offer of settlement and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from the Permian Basin area of Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Houston Natural Gas Production Company (Operator), et al., Applicant in Docket No. G-10181, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to Emerald Oil & Carbonic Co. (Operator), et al., FPC Gas Rate Schedule No. 5. Said rate schedule will be redesignated as that of Houston. Emerald filed a change in rate under said rate schedule which has been suspended in Docket No. RI63-326 [1] and has not been made effective. Accordingly, Houston will be substituted in lieu of Emerald as respondent in said proceeding and the proceeding will be redesignated.

John A. Hairford, Applicant in Docket Nos. CI67-23 and CI67-24, proposes to continue in part sales of natural gas authorized in Docket Nos. G-3673 and G-10474, respectively, to be made pursuant to Petroleum, Inc. (Operator), et al., FPC Gas Rate Schedule Nos. 3 and 5, respectively. The contracts comprising said rate schedules will also be accepted for filing as rate schedules of Applicant. The presently effective rates under said rate schedules are in effect subject to refund in Docket Nos. RI63-362 [2] (Petroleum, Inc. (Operator), et al., FPC Gas Rate Schedule No. 5) and RI63-391 [2] (Petroleum, Inc. (Operator), et al., FPC Gas Rate Schedule No. 3). Therefore, Applicant will be made co-respondent in said proceedings, the proceedings will be redesignated, and Applicant will be required to file agreements and undertakings to assure the refunds of any amounts collected by him in excess of the amounts determined to be just and reasonable in said proceedings.

By order issued July 2, 1963, in Docket No. G-11174, et al., J. Ray McDermott & Co., Inc. (Operator), et al., was authorized in Docket No. G-17239 to continue the sale of natural gas heretofore authorized in Docket No. G-4180 to be made pursuant to Heep Oil Corp. and Herman F. Heep FPC Gas Rate Schedule No. 3 and the certificate issued in Docket No. G-4180 was vacated. Subsequent to the vacation of the certificate in Docket No. G-4180 Herman F. Heep Estate, et al., filed a rate schedule to continue in part the sale of natural gas theretofore authorized in Docket No. G-4180. A review of the records of the Commission reveals that in Docket No. G-17239 J. Ray McDermott sought authorization to continue only the sale of natural gas from the interests of Heep Oil Corp. and not from the interests of Herman F. Heep and that the certificate issued in Docket No. G-4180 should not have been vacated. Therefore, the certificate issued in Docket No. G-4180 will be reinstated and amended by deleting therefrom authorization to sell natural gas from the interests assigned to J. Ray McDermott and to LAB Oil Co., Applicant herein in Docket No. CI66-713.

On June 27, 1966, LAB Oil Co. filed an offer of settlement in Docket No. CI66-713 pursuant to § 1.18(c) of the Commission's rules of practice and procedure with respect to sales it proposes to continue as successor in interest to J. Ray McDermott & Co., Inc., which sales were heretofore authorized to be made pursuant to McDermott's FPC Gas Rate Schedule No. 7 at a rate of 17.24347 cents per Mcf at 14.65 p.s.i.a. subject to refund in Docket Nos. G-19873 and RI60-341. LAB is presently selling gas from the acreage acquired from McDermott pursuant to a temporary certificate issued March 25, 1966, in Docket No. CI66-713 at the 17.24347-cent rate subject to refund. Under the terms of the offer, LAB proposes to eliminate the periodic price escalation clauses from the subject rate schedules and to substitute therefor in each a life-of-contract rate of 15.0 cents per Mcf rate. Additionally, it proposes to refund all amounts of monies collected in excess of the settlement rates, subject to refund, with applicable interest. The refund amount will be approximately $1,550 exclusive of interest, and LAB's current annual revenue from these sales will be reduced by $3,000. LAB's proposal is consistent with the provisions of the Second and Ninth Amendments to the Commission's statement of general policy No. 61-1 (18 CFR 2.56) and we shall approve the same. However, we desire to make it clear that acceptance of LAB's offer of settlement shall not be construed as approval of any future increased rates that may be filed by LAB under the subject rate schedules in accordance with its reservation of the right to file increases to cover possible future tax increases, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate or other similar proceedings, involving LAB's rates and rate schedules.

After due notice, a petition to intervene by Long Island Lighting Co. and a notice of intervention by The Public Service Commission of the State of New York were filed in Docket No. CI66-713, in the matter of the application filed February 7, 1966, in said docket. A petition to intervene by Long Island Lighting Co. was filed in Docket No. CI66-1302, in the matter of the application filed June 22, 1966, in said docket. The petitions to intervene and the notice of intervention have been withdrawn and no other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on August 25, 1966, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate heretofore issued in Docket No. G-4180 should be reinstated and amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-6352, G-8592, G-10181, G-12663, G-12912, G-16139, G-18597, CI61-709, CI63-172, CI63-523, CI63-966, CI64-530, CI64-1216, CI64-1249, CI65-901, CI65-920, CI65-1303, CI65-1336, CI66-361, CI66-393, and

[1] Consolidated with Docket No. AR64-9, et al.
[2] Consolidated with Docket No. AR64-1, et al.

CI66–525 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificates*
G–3673	CI67–23
G–8789	CI66–1282
G–10474	CI67–24
G–17239	CI66–713
CI62–78	CI67–15
CP63–193	CI67–43

(8) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Houston Natural Gas Production Co. (Operator), et al., should be substituted in lieu of Emerald Oil & Carbonic Co. (Operator), et al., as respondent in the proceeding pending in Docket No. RI63–326 and that said proceeding should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that John A. Hairford should be co-respondent in the proceedings pending in Docket Nos. RI63–362 and RI63–391, that said proceedings should be redesignated accordingly, and that he should be required to file agreements and undertakings in said proceedings.

(12) The proposed settlement in Docket No. CI66–713 on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by LAB on June 27, 1966, is consistent with the statement of general policy No. 61–1, as amended, 18 CFR 2.56, and approval thereof as made effective and hereinafter ordered is in the public interest and is appropriate to carry out the provisions of the Natural Gas Act.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable dates as indicated by footnotes 1 and 13 in the attached tabulation.

(E) The initial rate for sales authorized in Docket No. CI66–1087 shall be the applicable base area rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rate, whichever is lower; and no increase in rate in excess of said initial rate shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicant in Docket No. CI66–1087 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act; *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notice of change in rate.

(G) Applicant in Docket No. CI66–1087 shall file a rate schedule quality statement within 45 days from the date of initial delivery.

(H) Certificates are issued herein to the respective Applicants in Docket Nos. CI66–1041, CI66–1138, CI66–1335, CI66–1336, CI66–1337, CI66–1338, CI66–1339, CI66–1340, CI66–1341, and CI66–1342 authorizing the continuance of sales which were initiated without prior Commission authorization.

(I) Certificates are issued herein to the respective Applicants in Docket Nos. CI66–1233, CI66–1344, and CI66–1345 authorizing the continuance of sales being rendered on June 7, 1954.

(J) Applicants in Docket Nos. CI66–1331, CI67–33, and CI67–41 shall submit billing statements for the first month of service.

(K) The certificate issued herein in Docket No. CI66–1282 is issued at the rate of 15.0 cents per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment.

(L) The certificates heretofore issued in Docket Nos. G–6352, G–8592, G–16139, CI63–172, CI63–523, CI65–1336, and CI66–525 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(M) The certificate heretofore issued in Docket No. G–4180 and vacated by order issued July 2, 1963, in Docket No. G–11174, et al., is reinstated and designated as that of Herman F. Heep Estate, et al., and is amended by deleting therefrom authorization to sell natural gas from the interests of Heep Oil Corp. assigned to J. Ray McDermott & Co., Inc (Operator), et al., authorized in Docket No. G–17239, and from the interests of Herman F. Heep Estate assigned to LAB Oil Co., Applicant herein in Docket No. CI66–713.

(N) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificates*
G–3673	CI67–23
G–8789	CI66–1282
G–10474	CI67–24
G–17239	CI66–713
CI62–78	CI67–15
CP63–193	CI67–43 [1]

[1] The certificate issued herein to Applicant pertains only to the interest in the assigned acreage to a depth of 9,431 feet.

(O) The certificates heretofore issued in Docket Nos. G–10181, G–12663, G–12912, G–18597, CI61–709, CI63–966, CI64–530, CI64–1216, CI64–1249, CI65–901, CI65–920, CI65–1303, CI66–361, and CI66–393 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(P) The authorization granted in paragraph (O) above in Docket No. CI66–393, involving the sale of gas by Texas Gas Exploration Corp. (Operator), et al., to its parent, Texas Gas Transmission Corp., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(Q) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications are granted.

(R) The abandonment herein permitted and approved in Docket No. CI67–40 does not relieve Applicant therein from any refund obligation in the related rate suspension proceeding in Docket No. RI65–348.

(S) The certificates heretofore issued in Docket Nos. G–4366,[2] G–7562, G–17249, CI60–283, CI63–124, and CI64–1000 are terminated.

(T) Houston Natural Gas Production Co. (Operator), et al., is substituted in lieu of Emerald Oil & Carbonic Co. (Operator), et al., as respondent in the proceeding pending in Docket No. RI63–326 and said proceeding is redesignated accordingly.[3]

(U) John A. Hairford shall be co-respondent in the proceedings pending in Docket Nos. RI63–362 and RI63–391 and the proceedings are redesignated accordingly.[4]

(V) Within 30 days from the issuance of this order John A. Hairford shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Docket Nos. RI63–362 and RI63–391 to assure the refunds of any amounts collected by him, together with interest at the rate of 7 percent per annum, for sales pursuant to his FPC Gas Rate Schedule Nos. 2 and 1, respectively, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

(W) John A. Hairford shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by him in Docket Nos. RI63–362 and RI63–391 shall remain in full force and effect until discharged by the Commission.

(X) The offer of settlement filed with the Commission by LAB on June 27, 1966, is approved in accordance with the provisions of this order. The acceptance by the Commission of LAB's offer of settlement, as amended, is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against LAB and is without prejudice to claims or contentions which may be made by LAB, the Commission staff, or any affected party hereto, in any proceedings.

(Y) LAB shall file, within 30 days from the date of issuance of this order, notices of change in rates under its FPC Gas Rate Schedules to reflect the settlement rates and executed contractual amendments in accordance with the terms of its settlement proposal and as approved herein. The notices of change and contractual amendments shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(Z) LAB shall compute the difference between the rates collected subject to refund and the settlement rate with applicable interest to the date of this order, and shall within 45 days from the date of issuance of this order submit a report to the Commission, with a copy to Tennessee Gas Pipeline Co., a division of Tenneco Inc., setting out the amount of refunds (showing separately the principal and applicable interest) the bases used for such determination, the period covered, and 10 days thereafter shall refund such monies to Tennessee and shall submit to the Commission a copy of a letter from Tennessee agreeing to the correctness of such amounts.

(AA) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–6352 C 6–20–66 [1]	Continental Oil Co.	United Gas Pipe Line Co.	Letter agreement 5–10–66.	207	13
			Letter agreement 6–6–66.[2] [3]	207	14
G–8592 C 6–17–66 [1]	Sun Oil Co. (Southwest Division).	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss.	Amendment 5–25–66[2] [3]	66	12
G–10181 E 10–22–65	Houston Natural Gas Production Co. (Operator), et al. (successor to Emerald Oil & Carbonic Co. (Operator), et al.).	Texas Eastern Transmission Corp., Salem Field, Victoria County, Tex.	Emerald Oil & Carbonic Co. (Operator), et al., FPC GRS No. 2.	17	----
			Supplement Nos. 1–8	17	1–8
			Notice of succession 10–20–65.	17	----
			Assignment 10–1–63 [4]	17	9
			Assignment 11–1–63 [5]	17	10
			Effective date: 11–1–63.	----	----
G–12663 E 6–27–66	Herman Geo. Kaiser, (Operator), et al. (successor Shell Oil Co.).	Northern Natural Gas Co., Gingrich and F. Finnup Units, Finney County, Kans.	Shell Oil Co., FPC GRS No. 158.	1	----
			Supplement Nos. 1–2	1	1–2
			Notice of succession (undated).	----	----
			Assignment 5–31–66 [6]	1	3
			Effective date: 6–1–66.	----	----
G–12912 E 6–21–66	David E. Barr (successor to Norristown Gas Co., et al.).	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	Norristown Gas Co., et al., FPC GRS No. 1.	2	----
			Supplement No. 1	2	1
			Notice of succession 6–20–66.	----	----
			Assignment 3–8–66	2	2
			Effective date: 3–8–66.	----	----
G–16139 D 6–27–66	Gulf Oil Corp.	Transwestern Pipeline Co., Panhandle Area, Hemphill County, Tex.	Letter agreement 6–8–66.[7] [8]	195	28
G–18597 E 6–13–66	Thomas A. Dugan (Operator), et al. (successor to Lakeland Petroleum Corp. (Operator), et al.).	El Paso Natural Gas Co., Gavilan Pictured Cliffs Field, Rio Arriba County, N. Mex.	Lakeland Petroleum Corp. (Operator), et al., FPC GRS No. 12.	5	----
			Supplement Nos. 1–2	5	1 2
			Notice of succession 6–6–66.	----	----
			Letter agreement 7–8–66.[9]	5	3
			Assignment 10–16–65 [10]	5	4
			Effective date: 10–16–65.	----	----
CI60–578 D 7–26–65	Humble Oil & Refining Co.	Panhandle Eastern Pipe Line Co., East Mocane Field, Beaver County, Okla.	Assignment 7–7–65 [11]	248	4
			Effective date: 7–7–65.	----	----
CI61–709 E 7–5–66	George R. Brown (successor to Herman Brown Estate).	Texas Gas Transmission Corp., North Rousseau Field, LaFourche Parish, La.	Herman Brown Estate, FPC GRS No. 9.	18	----
			Supplement Nos. 1–3	18	1 3
			Notice of succession 6–29–66.	----	----
			Assignment 12–30–64	18	4
			Effective date: 12–31–64.	----	----

[2] The certificate in Docket No. G–4366 is terminated only insofar as it pertains to sales covered by Supplement No. 6 to FPC Gas Rate Schedule No. 37.

[3] Houston Natural Gas Production Co. (Operator), et al.

[4] Petroleum, Inc. (Operator), et al., and John A. Hairford.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI63-172 D 6-23-66	Mobil Oil Corp. (partial abandonment).	Natural Gas Pipeline Co. of America, Bryans Mill Field, Cass County, Tex.	Notice of partial cancellation 6-22-66.[1] [13]	317	3
CI63-822 C 6-29-66 [13]	George R. Brown (Operator), et al.	Transcontinental Gas Pipe Line Corp., Live Oak Field, Vermilion Parish, La.	Amendatory agreement 6-7-66. [8]	12	2
CI63-966 E 6-21-66	Howard W. Sharpley (successor to Biogco, Inc., et al.).	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Biogco, Inc., et al., FPC GRS No. 4.	5	.....
			Notice of succession 5-31-66.	.....	.....
			Assignment 5-14-62 [14]	5	1
			Assignment 9-21-62 [15]	5	2
			Assignment 10-7-64 [16]	5	3
			Effective date: 8-30-65	.....	.....
			Amendment 6-20-66 [1] [17]	5	4
CI64-530 E 6-21-66	Roy C. and Freeda M. Davisson (successor to George T. Hill, agent for Riggall-Griffith Oil & Gas Co.).	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	George T. Hill, agent for Riggall-Griffith Oil & Gas Co., FPC GRS No. 1.	1	.....
			Notice of succession 6-8-66.	.....	.....
			Assignments 2-23-66 [18]	1	1
			Effective date: 2-23-66	.....	.....
			Letter agreement 6-2-66. [1] [19]	1	2
CI64-1216 E 6-27-66	Herman Geo. Kaiser (Operator), et al. (successor to Shell Oil Co.).	Kansas Colorado Utilities, Inc., West Sparks Field, Stanton, County, Kans.	Shell Oil Co., FPC GRS No. 300.	2	.....
			Supplement No. 1.	2	1
			Notice of succession (undated).	.....	.....
			Assignment 5-31-66 [9]	2	2
			Effective date: 6-1-66	.....	.....
CI64-1249 E 6-21-66	A. A. Pursley (successor to Hays & Co., agent for Delta Petroleum Co., et al.).	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	Hays & Company, agent for Delta Petroleum Co., et al., FPC GRS No. 27.	1	.....
			Notice of succession 6-8-66.	.....	.....
			Assignments 11-17-65 [20]	1	1
			Assignment 12-22-65 [21]	1	2
			Assignments 1-5-66 [22]	1	3
			Assignment 1-13-66 [23]	1	4
			Effective date: 3-1-66	.....	.....
CI65-901 E 6-21-66	Reeves Lewenthal (successor to George Moses).	Consolidated Gas Supply Corp., Sherman and Center Districts, Calhoun and Gilmer Counties, W. Va.	George Moses, FPC GRS No. 9.	1	.....
			Notice of succession 6-9-66.	.....	.....
			Assignment 10-5-65 [24]	1	1
			Effective date: 10-5-65	.....	.....
CI65-920 E 6-20-66	Sage Gas Gathering Co. (successor to Carillo Petroleum Corp.).	Valley Gas Transmission, Inc., Buena Suerta Field, Duval County, Tex.	Carillo Petroleum Corp., FPC GRS No. 1.	1	.....
			Notice of succession 6-15-66.	.....	.....
			Assignment 4-25-66 [25]	1	1
			Assignment 6-6-66 [26]	1	2
			Effective date: 5-1-66	.....	.....
CI65-1303 E 6-21-66	Reeves Lewenthal (successor to George Moses).	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	George Moses, FPC GRS No. 11.	2	.....
			Notice of succession 6-9-66.	.....	.....
			Assignment 10-5-65 [24]	2	1
			Effective date: 10-5-65	.....	.....
CI65-1336 C 6-20-66 [1]	The Waverly Oil Works Co.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Letter agreement 4-11-66.[1]	6	1
CI66-361 E 6-21-66	Reeves Lewenthal (successor to George Moses).	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	George Moses, FPC GRS No. 12.	3	.....
			Notice of succession 6-9-66.	.....	.....
			Assignment 10-5-65 [24]	3	1
			Effective date: 10-5-65	.....	.....

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI66-393 E 6-27-66	Texas Gas Exploration Corp. (Operator), et al. (successor to Marshall Burlew (Operator), et al.).	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	Marshall Burlew (Operator), et al., FPC GRS No. 1.	16	.....
			Notice of succession 6-27-66.	.....	.....
			Assignment 5-20-66	16	1
			Effective date: 12-17-65.	.....	.....
CI66-525 C 6-27-66 [1]	Rock Island Oil & Refining Co., Inc.	El Paso Natural Gas Co., Basin-Dakota Field, San Juan County, N. Mex.	Supplemental agreement 4-18-66.[1]	12	1
A CI66-713 (G-4180) (G-17239) F 2-7-66	LAB Oil Co.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., West Calaboose Field, San Patricio County, Tex.	Ratified 2-1-66 [27]	13	.....
			Contract 1-7-63 [28]	13	1
			Letter agreement 11-4-53.[29]	13	2
			Notice of change 9-21-56.	13	3
			Amendment 5-31-61 [30]	13	4
			Notice of change 9-23-59 [31]	13	5
			Notice of change 4-14-60 [32]	13	6
			Assignment 12-15-65 [33]	13	7
CI66-1041 A 4-28-66 [1] [34]	Dominion Oil & Gas Co.	Carnegie Natural Gas Co., Freemans Creek District, Lewis County, W. Va.	Contract 7-12-63.[1]	2	.....
CI66-1087 A 5-2-66	Ibex Partnership [35] (Operator), et al.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	Contract 3-25-66.[1]	1	.....
CI66-1138 A 5-11-66 [1] [34]	John M. Traxler	Carnegie Natural Gas Co., Cass District, Monongalia County, W. Va.	Contract 10-10-60.[1]	1	.....
CI66-1161 (G-7562) B 5-20-66	T. F. Hunter, estate	Lone Star Gas Co., East Panhandle Field, Collingsworth County, Tex.	Notice of cancellation 5-16-66.[1] [36]	1	1
CI66-1233 A 6-2-66 [1] [37]	H. R. Holden, agent for RMW Lease.	Pennroil Co., Murphy District, Ritchie County, W. Va.	Contract 3-10-30	1	.....
A CI66-1282 (G-8789) F 6-3-66	Edwin L. Cox (Operator), et al (successor to Colorado Oil & Gas Co.).	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	Contract 4-18-55 [38]	84	.....
			Amendment 6-14-56	64	1
			Amendment 5-21-64	64	2
			Assignment 3-4-66 [39] [41]	64	3
			Assignment 3-4-66 [40] [41]	64	4
			Compliance 8-5-66	64	5
CI66-1302 A 6-22-66 [1]	Humble Oil & Refining Co.	Texas Eastern Transmission Corp., El Faistle (Deep) Field, Kenedy County, Tex.	Contract 5-5-66	401	.....
CI66-1305 A 6-23-66 [1]	Placid Oil Co.	Valley Gas Transmission, Inc., Chatham Field, Jackson Parish, La.	Contract 5-23-66.[1]	43	.....
CI66-1313 A 6-23-66 [1]	Robinson Petroleum Corp. (Operator), et al.	El Paso Natural Gas Co., Panhandle Field, Wheeler County, Tex.	Contract 6-2-64 [42]	1	.....
			Assignment 4-19-65 [43]	1	1
			Assignment 12-14-65 [44]	1	2
CI66-1315 A 6-23-66 [13]	Thomas N. Berry & Co.	Northern Natural Gas Co., Catesby Field, Ellis County, Okla.	Contract 5-2-66.[1]	8	.....
CI66-1316 A 6-23-66 [13]	Amerada Petroleum Corp.	Northern Natural Gas Co., Northeast Catesby Field, Ellis County, Okla.	Contract 5-9-66.[1]	134	.....
CI66-1227 A 6-24-66 [1]	Sun Oil Co. (Southwest Division).	United Gas Pipe Line Co., Baxterville Field, Lamar County, Miss.	Contract 6-10-66.[1]	202	.....
CI66-1329 A 6-27-66 [13]	Cities Service Oil Co.	Northern Natural Gas Co., acreage in Ellis and Woodward Counties, Okla.	Contract 5-24-66.[1]	212	.....
CI66-1330 A 6-27-66 [1]	Humble Oil & Refining Co.	United Fuel Gas Co., Longview Field, Franklin Parish, La.	Contract 6-3-66	400	.....

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI66-1231 A 6-24-66 [13]	William E. Snee, et al.	Arkansas Louisiana Gas Co., Red Oak, Bokoshe, and Spiro Fields, Latimer and Le Flore Counties, Okla.	Ratified 6-1-66.	5	.....
			Contract 5-24-62 [45]	5	1
			Amendatory agreement 3-22-63. [1]	5	2
CI66-1232 (G-4366) B 6-24-66	Hunt Oil Co.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis, and Simpson Counties, Miss.	Notice of cancellation 6-22-66. [8] [46]	37	6
CI66-1233 A 6-23-66 [1]	Robert E. Campbell	Panhandle Eastern Pipe Line Co., Laredo Field, Reno County, Kans.	Contract 5-31-66 [47]	2	.....
			Contract 7-3-58 [1]	2	1
CI66-1235 A 6-23-66 [1] [34]	F. A. Deem	Carnegie Natural Gas Co., Union District, Ritchie County, W. Va.	Contract 12-14-64 [1]	4	.....
CI66-1236 A 6-23-66 [1] [34]	do	do	Contract 4-12-65 [1]	5	.....
CI66-1237 A 6-23-66 [1] [34]	do	do	Contract 3-24-55 [1]	6	.....
CI66-1238 A 6-23-66 [1] [34]	do	do	Contract 11-6-58 [1]	7	.....
CI66-1239 A 6-23-66 [1] [34]	do	do	Contract 10-16-56 [1]	8	.....
CI66-1240 A 6-23-66 [1] [34]	do	do	Contract 4-3-57 [1]	9	.....
CI66-1241 A 6-23-66 [1] [34]	do	do	Contract 6-3-58 [1]	10	.....
CI66-1242 A 6-23-66 [1] [34]	do	do	Contract 2-4-57 [1]	11	.....
CI66-1243 A 6-23-66 [1]	H.L.M. Drilling Co. (Operator), et al.	Mountain Fuel Supply Co., Pole Gulch Unit, Moffat County, Colo.	Contract 5-8-66	1	.....
CI66-1244 A 6-23-66 [1] [47]	Mary Lee Massey, et al.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	Contract 2-23-37	3	.....
			Letter agreement 9-20-46.	3	1
CI66-1245 A 6-23-66 [1] [47]	do	do	Contract 12-31-36	4	.....
			Amendatory agreement 2-23-38.	4	1
			Letter agreement 9-20-46.	4	2
CI66-1247 A 6-20-66 [13]	Sohio Petroleum Co.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Contract 5-3-66 [8] [48]	126	.....
CI66-1250 A 6-30-66 [13]	H. F. Sears (Operator), et al.	El Paso Natural Gas Co., Mocane Laverne Field, Beaver County, Okla.	Contract 6-17-66 [8] [49]	13	.....
CI66-1251 A 6-30-66 [13] [50]	Roger M. Wheeler, H. L. Crosby, Jr., M. H. Alvarez.	Panhandle Eastern Pipe Line Co., acreage in Beaver County, Okla.	Contract 5-23-66 [1]	1	.....
			Contract 4-28-66 [1]	1	.....
			Contract 4-28-66 [1]	2	.....
CI67-1 A 7-1-66 [13]	An-Son Corp.	Northern Natural Gas Co., Northwest Lovedale Field, Harper County, Okla.	Contract 3-2-66 [1]	15	.....
A CI67-15 (CI62-78) F 6-27-66	Harry L. Bigbee	El Paso Natural Gas Co., Escrito Gallup Pool, Rio Arriba County, N. Mex.	Ratified 12-1-64 [51]	2	.....
			Assignment 3-5-65 [52]	2	1
			Effective date: 12-1-64.	.....	.....
CI67-22 A 7-11-66 [13]	Odessa Natural Gasoline Co.	Northern Natural Gas Co., acreage in Woodward County, Okla.	Contract 6-7-65 [1]	8	.....
A CI67-23 (G-3673) F 6-20-66	John A. Hairford (successor to Petroleum, Inc. (Operator), et al.).	Cities Service Gas Co., Kleeman Gas Unit, Kearney County, Kans.	Contract 6-23-50	1	.....
			Assignment 4-18-66 [53]	1	1
			Effective date: 4-1-66.	.....	.....
A CI67-24 (G-10474) F 6-22-66	do	Northern Natural Gas Co., acreage in Finney County, Kans.	Contract 3-23-56	2	.....
			Supplemental agreement 7-3-57.	2	1
			Assignment 4-11-66 [54]	2	2
			Effective date: 4-1-66.	.....	.....

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI67-25 A 7-11-66 [13]	Harper Oil Co.	Michigan Wisconsin Pipe Line Co., acreage in Harper County, Okla.	Contract 6-14-66 [1]	34	.....
CI67-27 A 7-11-66 [1]	Dudley J. Hughes, et al.	United Gas Pipe Line Co., Magee Field, Simpson County, Miss.	Contract 4-18-66	1	.....
CI67-28 A 7-11-66 [13]	Ozark-Mahoning Co.	Natural Gas Pipeline Co. of America, Camerick Field, Beaver County, Okla.	Contract 5-3-66 [8] [48]	10	.....
CI67-30 A 7-11-66 [1]	Skelly Oil Co.	Cities Service Gas Co., acreage in Barber County, Kans.	Contract 5-2-66 [8]	253	.....
CI67-31 (CI64-1009) B 7-11-66	Tenneco Oil Co. (Operator), et al.	Natural Gas Pipeline Co., of America, Fairbanks Field, Harris County, Tex.	Notice of cancellation 5-13-66.[8] [55]	43	1
CI67-33 A 7-11-66 [1]	A. A. Cameron, d.b.a. Cameron Oil Co.	Natural Gas Pipeline Co. of America, Farnsworth North Field, Ochiltree County, Tex.	Contract 5-5-66 [8]	6	.....
CI67-35 A 7-8-66 [1]	Douglas E. Florance	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	Contract 6-6-66 [8]	1	.....
CI67-37 (CI63-124) B 7-11-66	Reaves & Myers (Operator), et al.	Texas Eastern Transmission Corp., North Karon Field, Live Oak County, Tex.	Notice of cancellation 7-1-66.[8] [56]	1	12
CI67-39 A 7-5-66 [1]	Burk Royalty Co.	United Gas Pipe Line Co., Bethany Field, Pascola County, Tex.	Ratified 6-14-66.	4	.....
			Contract 5-14-47.	4	1
			Supplemental agreement 5-14-47.	4	2
			Amendatory agreement 10-12-50.	4	3
			Amendatory agreement 10-18-50.	4	4
			Amendatory agreement 10-18-50. [57]	4	5
			Letter agreement 1-24-62.[8]	4	6
CI67-40 (CI60-263) B 7-13-66	Miller & Fox Minerals Corp.	Texas San Juan Oil Corp., Miller & Fox (4,100 feet sand) Field, Jim Wells County, Tex.	Notice of cancellation 6-6-66.[8] [58]	[57] 4	2
CI67-41 A 7-13-66 [13]	Sunray DX Oil Co.	Northern Natural Gas Co., North Ellis County Area, Ellis County, Okla.	Contract 6-2-66 [8]	269	.....
A CI67-43 (CP63-193) F 7-1-66	Bruns Production Co., Inc. (Operator), et al. (successor to Texas Eastern Transmission Corp.)	Lone Star Gathering Co., Speary Field Area, Karnes County, Tex.	Contract 12-7-62 [59]	1	.....
			Assignment 4-29-66 [60]	1	1
			Effective date: 2-1-66.	.....	.....
CI67-44 (G-17249) B 7-12-66	Mobil Oil Corp. (Operator), et al.	Sinclair Oil & Gas Co., Abell Field, Pecos County, Tex.	Notice of cancellation 7-12-66.[8] [61]	194	2

[1] Jan. 1, 1966, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[2] Adds acreage and deletes price redetermination provisions from basic contract insofar as they pertain to the subject acreage.
[3] Effective date: Date of initial delivery (Applicant should advise the Commission as to such date).
[4] Conveys interest in properties to Valley Gas Production, Inc.
[5] Instrument whereby Houston Natural Gas Corp. who merged with Valley Gas Production, Inc., assigned interest in properties to Houston Natural, successor, Applicant in Docket No. G-10181.
[6] Assigns acreage from Shell Oil Co. to Applicant.
[7] Releases 640 acres, buyer states it is uneconomical to connect well (400,000 Mcf of reserves).
[8] Effective date: Date of this order.
[9] Changes determination date of specific gravity and gasoline content tests; not previously filed by predecessor.
[10] From Lakeland Petroleum Corp., et al., to Thomas A. Dugan.
[11] Assigns acreage to Jas. F. Smith, Operator. Smith received a certificate covering the subject sale in Docket No. CI66-122, by order issued Oct. 8, 1965, in Docket Nos. G-15488, et al., at which time the certificate in Docket No. CI60-578 was amended to delete the subject acreage. Only the supplement to the rate schedule is being accepted by this order.

[12] Two leases covering a total of 107.81 acres expired by their own terms and were surrendered by Mobil; no production has occurred from these leases.
[13] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61–1, as amended.
[14] From Shaff Mineral Associates, Inc., to William E. Allen to James J. Major.
[15] From Allen and Major to Biogco, Inc.
[16] From Biogco to Sharpley.
[17] Deletes the L. C. Peters lease which expired due to failure of the predecessor, Biogco, Inc., to drill a well thereon.
[18] Various assignments, all dated Feb. 23, 1966, conveying title to subject properties from Arch Riggall, et al., to Roy C. and Freeda M. Davisson.
[19] Adds acreage.
[20] Various assignments dated Nov. 17, 1965, conveying title to subject properties from Delta Petroleum Co., et al., to A. A. Pursley.
[21] Assignment dated Dec. 22, 1965, conveying title from Gerald T. Raydon to A. A. Pursley.
[22] Various assignments dated Jan. 5, 1966, conveying title to subject properties from Irene Ryan, et al., to A. A. Pursley.
[23] Assignment dated Jan. 13, 1966, conveying title to remaining subject properties from Delta Petroleum Co. to A. A. Pursley.
[24] Covers transfer of properties from George Moses to Lewenthal.
[25] Carillo Petroleum Corp. assigns property to Kenneth S. Harvey, trustee.
[26] Kenneth S. Harvey, trustee, assigns property to Sage Gas Gathering Co.
[27] Ratifies basic contract dated Jan. 7, 1953, between Heep Oil Corp. and Herman F. Heep, sellers, and Tennessee as buyer.
[28] Currently on file as Herman F. Heep Estate, et al., FPC GRS No. 3 and J. Ray McDermott & Co., Inc. (Operator), et al., FPC GRS No. 7.
[29] Adds acreage to basic contract. Part of the acreage was assigned to McDermott who ratified Heep's contract and made separate filings.
[30] Provides for life-of-contract rate of 15 cents under Heep's FPC GRS No. 3 and is applicable to interest assigned by Heep. Heep's certificate in Docket No. G–4180 was vacated but said certificate will be reinstated by this order.
[31] Rate increase to 15.0952 cents under McDermott's FPC GRS No. 7 is subject to refund in Docket No. G–19873.
[32] Rate increase to 17.24347 cents under McDermott's FPC GRS No. 7 is being collected subject to refund in Docket No. RI60–341. Rate applicable to interest assigned by McDermott, whose certificate is in Docket No. G–17239.
[33] Assigns Heep's and McDermott's interests in a lease presently covered by their respective rate schedules.
[34] Service being rendered without prior Commission authorization.
[35] By letter filed July 11, 1966, Applicant advised willingness to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468.
[36] Production of gas no longer economically feasible.
[37] Sale being rendered on June 7, 1954.
[38] Contract between Colorado Oil & Gas Co. and buyer; on file as Colorado Oil & Gas Co., FPC GRS No. 25.
[39] From Colorado Oil & Gas Co. to Applicant.
[40] From Sam P. Wallingford, Inc., et al., to Applicant.
[41] Covers formations from the base of the Lansing of the Pennsylvania Age to the base of the St. Louis zone of the Mississippian System.
[42] Contract between Petroleum Specialty Co. and buyer (has not been filed previously).
[43] Assignment from Petroleum Specialty Co. to Reese Valley Farms, Inc.
[44] Assignment from Reese Valley Farms, Inc., to Robinson Petroleum Corp.
[45] Between buyer and Humble Oil & Refining Co.
[46] Source of gas depleted.
[47] Ratifies terms and conditions of contract dated July 3, 1958, between buyer and Edwin G. Bradley.
[48] Contract dedicates only the production from depths of 7,940 feet or less.
[49] Contract dedicates only the production for the Tonkawa and Hoover Formations underlying the acreage committed.
[50] Certificate application filed as Roger M. Wheeler, for himself, and as agent for Harry L. Crosby, Jr., and M.H. Alvares.
[51] Ratifies contract of Dec. 7, 1959 (attached to ratification agreement) between El Paso and Val. R. Reese & Associates, Inc., insofar as it covers Bigbee's interest in acreage previously covered under the contract and also dedicates thereunder certain acreage acquired from California Oil Co. Partially supersedes Standard Oil Co. of Texas, a division of Chevron Oil Co., FPC GRS No. 27 (formerly Standard Oil Co of Texas, a division of California Oil Co., FPC GRS No. 44).
[52] Assignment of operating rights from California Oil Co. (successor to Standard Oil Co. of Texas) to Harry L. Bigbee.
[53] Conveys interest from Petroleum, Inc. (Operator), et al., to John A. Hairford; Petroleum's FPC GRS Nos. 3 and 5, respectively.
[54] Leases expired and reverted back to lessor. Service ceased in 1964.
[55] Amends the supplemental agreement dated May 14, 1947.
[56] Amends the contract dated May 14, 1947.
[57] Rate of 12 cents per Mcf collected effective subject to refund in Docket No. RI65–348, filed as supplement No. 3 to Miller & Fox Minerals Corp., FPC GRS No. 2 appears to have also covered sales under their FPC GRS No. 4. FPC GRS No. 2 has been canceled.
[58] Basic Contract between Texas Eastern Transmission Corp., as seller and Lone Star Gathering Co., as buyer; on file as Texas Eastern Transmission Corp., FPC GRS No. F–7.
[59] Provides for a depth limitation of 9,431 feet.

[F.R. Doc. 66–9740; Filed, Sept. 7, 1966; 8:45 a.m.]

[Docket Nos. RI67–44 etc.]

TEXACO INC., ET AL.

Order Accepting Contract Amendment, Conditionally Accepting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 30, 1966.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67–44	Texaco Inc., Post Office Box 3620, Tulsa, Okla. 74102.	148	11	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	836,792	8–3–66	[3] 9–2–66	2–2–67	[6] [7] 16.20	[8] [9] 18.462	
	do	152	2	Panhandle Eastern Pipe Line Co. (South Forgan Field, Beaver County, Okla.) (Panhandle Area).	752	8–3–66	[3] 9–2–66	2–2–67	[7] 15.0	[8] 17.0	
	do	158	4	Northern Natural Gas Co. (Barlow Field, Ochiltree County, Tex.) (R. R. District No. 10).	4,480	8–3–66	[3] 9–2–66	2–2–67	[7] [10] 15.5	[8] [10] [11] 17.5	
	do	159	3	Northern Natural Gas Co. (Daniel Field, Ochiltree County, Tex.) (R.R. District No. 10).	7,465	8–3–66	[3] 9–2–66	2–2–67	[7] [10] 15.5	[8] [10] 16.5	
	do	180	6	Northern Natural Gas Co. (North Hutchinson and East Spearman Fields, Hansford and Hutchinson Counties, Tex.) (R.R. District No. 10).	9,946	8–3–66	[3] 9–2–66	2–2–67	[7] [10] 16.5	[8] [10] 17.5	
	do	184	5	Northern Natural Gas Co. (Horizon Field, Hansford County, Tex.) (R.R. District No. 10).	10,047	8–3–66	[3] 9–2–66	2–2–67	[7] [10] 16.5	[8] [10] 17.5	
	do	225	3	Natural Gas Pipeline Co. of America (Twin Morrow Field, Hansford County, Tex.) (R. R. District No. 10).	201	8–3–66	[3] 9–2–66	2–2–67	[7] [10] 16.0	[10] 17.0	
RI67–45	Texaco Inc. (Operator), et al.	166	10	Kansas Nebraska Natural Gas Co., Inc. (Southeast Camrick Field, Texas County, Okla.) (Panhandle Area).	15,758	8–3–66	[3] 9–2–66	2–2–67	[7] [10] [12] 16.0	[8] [10] [12] [13] 17.6	
RI67–46	Sohio Petroleum Co. (Operator), et al., 970 First National Bldg., Oklahoma City, Okla. 73102, Attn: Mr. E. B. Harry, Jr.	[14] 97 97	[15] 9 10	El Paso Natural Gas Co. (Bakke Field, Andrews County, Tex.) (R.R. District No. 8) (Permian Basin Area).	1,469	6–16–66 8–3–66	[3] 7–17–66 [3] 9–2–66	(accepted) 2–2–67	10.1699	[8] [16] 15.0	G–16477.[16]

[3] The stated effective date is the first day after expiration of the statutory notice.
[6] Redetermined rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Includes base rate of 17.0 cents per Mcf plus upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[9] Includes base rate of 15.0 cents per Mcf plus upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[10] Settlement rate in Texaco's company-wide settlement in Docket Nos. G–8999, et al. Settlement order issued Dec. 30, 1963. Moratorium expired on Mar. 1, 1966.
[11] Two-step periodic rate increase.
[12] Periodic rate increase.
[13] Subject to a downward B.t.u. adjustment.
[14] Includes 1.0 cent per Mcf paid by buyer for seller's waiving its right to process gas.
[15] Eight-step periodic rate increase.
[16] Subject to a 1.75 cents per Mcf compression charge by buyer for gas compressed from Joe Morris No. A–2 Gas Unit.
[17] Contract Amendment dated June 1, 1966. Eliminates favored-nations provisions, establishes new periodic escalations which is basis for presently proposed increase, and extends contract term to Jan. 1, 1980.
[18] Renegotiated rate increase.
[19] Docket No. G–16477 is consolidated in Docket No. A R61–1, et al. Area Rate Proceeding.
[20] Basic contract dated Dec. 19, 1956, and covers sale of residue gas derived from casinghead gas.

Texaco Inc. (Texaco) requests a retroactive effective date of March 1, 1966, for Supplement Nos. 4, 3, 6, 5, and 3 to its FPC Gas Rate Schedule Nos. 158, 159, 180, 184, and 225, respectively; an effective date of July 27, 1966, for Supplement No. 11 to its FPC Gas Rate Schedule No. 148, and that Supplement No. 2 to its FPC Gas Rate Schedule No. 152 be permitted to become effective on September 1, 1966. Texaco Inc. (Operator), et al. (also referred to as Texaco herein) request a retroactive effective date of July 27, 1966, for Supplement No. 10 to their FPC Gas Rate Schedule No. 166. Sohio Petroleum Co. (Operator), et al. (Sohio) request that their proposed rate increase be permitted to become effective as of August 31, 1966. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Sohio filed a contract amendment and a proposed renegotiated rate increase from 10.1699 cents to 15.0 cents per Mcf for a sale of gas to El Paso Natural Gas Co. in the Permian Basin Area of Texas based on such contract amendment. Sohio has previously filed a rate schedule quality statement, in compliance with Opinion No. 468, which establishes the applicable rate for the subject sale is 12.81 cents per Mcf (area base rate of 14.5 cents plus upward B.t.u. adjustment of 1.10 cents less treating costs of 2.79 cents). Since the proposed increased rate of 15.0 cents exceeds the established applicable rate of 12.81 cents per Mcf, we conclude that such rate should be suspended as ordered herein for 5 months from September 2, 1966, the date of expiration of the statutory notice. Except for the stay of the moratorium in Opinion No. 468, Sohio's rate increase filing would be rejectable. If the moratorium is ultimately upheld upon judicial review, the filing would be rejected ab initio.

The contract amendment dated June 1, 1966, tendered for filing by Sohio on June 16, 1966, eliminates the favored-nations provisions of the contract, establishes new periodic escalations which is the basis for the presently proposed rate increase, and extends the term of the contract to January 1, 1980. The contract amendment has been designated as Supplement No. 9 to Sohio's FPC Gas Rate Schedule No. 97. We believe that it would be in the public interest to accept for filing Sohio's aforementioned contract amendment to become effective as of July 17, 1966, the date of expiration of the statutory notice, but not the proposed rate contained therein which will be suspended as indicated below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Texaco and Sohio's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR Ch. I, Pt. 2, § 2.56).

The Commission finds:

(1) Good cause has been shown for accepting for filing Sohio's proposed contract amendment dated June 1, 1966, designated as Supplement No. 9 to Sohio's FPC Gas Rate Schedule No. 97, and for permitting such supplement to become effective as of July 17, 1966, the date of expiration of the statutory notice.

(2) Except for the supplement set forth in (1) above, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Sohio's contract amendment dated June 1, 1966, designated as Supplement No. 9 to Sohio's FPC Gas Rate Schedule No. 97, is accepted for filing and permitted to become effective as of July 17, 1966.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules

of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except supplement No. 9 to Sohio's FPC Gas Rate Schedule No. 96).

(C) Pending hearings and decisions thereon, the above-designated rate supplement are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 12, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-9753; Filed, Sept. 7, 1966; 8:45 a.m.]

[Docket No. CP67-44]

COMMUNITY NATURAL GAS CO., INC., AND MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

AUGUST 30, 1966.

Take notice that on August 24, 1966, Community Natural Gas Co., Inc. (Applicant), 111 North Main Street, Owensville, Ind. 47665, filed in Docket No. CP67-44 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing the Midwestern Gas Transmission Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution by Applicant in the community of Holland, Ind., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 3 miles of 2-inch lateral line extending from a point of interconnection with the Respondent's transmission system in Pike County, Ind., to the town border of Holland, and to construct additions and improvements to the existing Holland gas system, which system is being purchased by Applicant from the Serv All Developing Co., Inc., of Holland, Ind. Applicant requests that the Commission order Respondent make physical connection of its transmission system with Applicant's lateral line and deliver and meter the natural gas proposed for resale in Holland, Ind., and environs.

The application states that the third year annual and peak day requirements of Applicant are 64,000 Mcf and 560 Mcf respectively, and that the cost of the volumes of natural gas to be purchased by Applicant is computed at 46.90 cents per Mcf under Respondent's SR-1 rate schedule.

The total estimated cost of the proposed construction is $90,000, which cost will be financed through the sale of common stock in the amount of $45,000 and a bank loan of $45,000 for interim financing, which will be permanently financed at a later date.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 26, 1966.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 66-9782; Filed, Sept. 7, 1966; 8:46 a.m.]

[Docket No. E-7307]

IDAHO POWER CO.

Notice of Application

AUGUST 30, 1966.

Take notice that on August 19, 1966, Idaho Power Co. (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing it to issue up to $30 million principal amount of first mortgage bonds. Applicant is incorporated under the laws of the State of Maine and is qualified to do business in the States of Idaho, Oregon, and Nevada with its principal place of business office at Boise, Idaho. Applicant is an electrical utility operating primarily in portions of southern and central Idaho, in a portion of Elko County in northern Nevada and in portions of four counties in the eastern part of Oregon. According to the Applicant the first mortgage bonds which will mature in 1996 will be issued as a new series of 30-year bonds under Applicant's mortgage and deed of trust dated as of October 1, 1937, as supplemented, and as to be further supplemented by a new 17th supplemental indenture thereto, and will be sold following competitive bidding in accordance with the Commission's regulations under the Federal Power Act.

According to the Applicant the bonds are to be issued for the purpose of obtaining funds for the payment of short-term notes and the remaining balance of the net proceeds of the sale of said securities is to be used for construction purposes, principally the Helis Canyon Unit of Project 1971, now under construction and scheduled for completion early in 1968. Applicant now has short-term notes outstanding in the amount of $10,900,000 and applicant estimates that it will acquire and make additional short-term bank loans aggregating approximately $9 million prior to the issuance of the first mortgage bonds. Between the period July 1, 1966, to December 31, 1967, Applicant expects to spend $34.5 million on the Hells Canyon Unit of Project No. 1971, approximately $7 million on transmission lines and approximately $11 million on distribution lines and substations.

Any person desiring to be heard or to make any protest with reference to the application should on or before September 23, 1966, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 66-9783; Filed, Sept. 7, 1966; 8:46 a.m.]

[Docket No. CP67-43]

UNITED GAS PIPE LINE CO.

Notice of Application

AUGUST 30, 1966.

Take notice that on August 24, 1966, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP67-43 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval for the removal, abandonment, and sale of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval for the removal, abandonment, and sale of the following facilities:

A. Refugio Compressor Station No. 1, consisting of 8 Hope Type 3 VSA 160 horsepower compressor units located in Lot No. 2, Block 6, Fee 2144, Refugio County, Tex.;

B. Edna Compressor Station No. 1, consisting of 24 Hope Type 3 VSA 160 horsepower compressor units located in the Elizabeth McNutt Survey, Fee 2259, Jackson County, Tex.;

C. Sterlington Compressor Station No. 1, consisting of 4 Cooper Bessemer Type TSA 170 horsepower compressor units located in Sections 31 and 32, Township 20 North, Range 4 East, Fee 2271, Ouachita Parish, La.; and

D. Burns Compressor Station, consisting of one Ingersoll Rand Type XVG 150 horsepower compressor unit, located in Section 15, Township 17 South, Range 9 East, SL 3326, St. Mary Parish, La.

Applicant states that none of these stations have been operated since December 1961, and are no longer needed in Applicant's operation. Additionally, Applicant states that service to its customers will not be affected.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 26, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 66-9784; Filed, Sept. 7, 1966; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

ISTHMIAN LINES, INC., AND SEALAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. D. Kenny, Counsel, Isthmian Lines, Inc., 90 Broad Street, New York, N.Y. 10004.

Agreement 9572, between Isthmian Lines, Inc., and Sealand Service, Inc., provides for the establishment of a transshipping arrangement for the transportation of general cargo on prepaid through bills of lading from loading ports of Sealand within the Commonwealth of Puerto Rico to ports of call of Isthmian in South Viet Nam with transshipment at the port or ports of New York, N.Y., and Baltimore, Md., under terms and conditions set forth in the agreement.

Dated: September 2, 1966.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Special Assistant to the Secretary.*

[F.R. Doc. 66-9831; Filed, Sept. 7, 1966; 8:50 a.m.]

PACIFIC FAR EAST LINE, INC., AND SAIPAN SHIPPING CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for a hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Howard C. Adams, Vice President, Pacific Far East Line, Inc., 918 Sixteenth Street NW., Washington, D.C. 20006.

Agreement 9570, between Pacific Far East Line, Inc., and Saipan Shipping Co., provides for the establishment of a transshipping arrangement for the movement of cargo under through bills of lading between Pacific Coast ports of the United States and Hawaii served by PFEL and ports in the Trust Territory of the Pacific served by SAISHIP with transshipment at Guam, M.I., under terms and conditions set forth in the agreement.

Dated: September 2, 1966.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Special Assistant to the Secretary.*

[F.R. Doc. 66-9832; Filed, Sept. 7, 1966; 8:50 a.m.]

OFFICE OF EMERGENCY PLANNING

NEBRASKA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated August 31, 1966, reading in part as follows:

I have determined that the damage in various areas of the State of Nebraska adversely affected by heavy rains and flooding beginning on or about August 12, 1966, is of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Nebraska to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 31, 1966:

The counties of—

Boone.	Nance.
Colfax.	Platte.
Greeley.	Valley.
Howard.	

Dated: September 1, 1966.

FARRIS BRYANT, *Director, Office of Emergency Planning.*

[F.R. Doc. 66-9773; Filed, Sept. 7, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1964]

AMERICAN & FOREIGN POWER CO., INC.

Notice of Filing of Application Granting Limited Exemptions to Company and its Subsidiaries

SEPTEMBER 1, 1966.

Notice is hereby given that American & Foreign Power Co., Inc. ("Applicant"), 100 Church Street, New York, N.Y. 10006, has filed an application and amendment thereto pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order granting limited exemptions to Applicant and its subsidiaries from sections 17(a) and 17(d), 21(b), 23(a) and 23(b), and 30 of the Act and the

rules and regulations thereunder. All interested persons are referred to the amended application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant, a Maine corporation, is a majority-owned subsidiary of Electric Bond & Share Co., a registered closed-end nondiversified management investment company, which at December 31, 1965, owned 55.63 percent of the outstanding common stock of Applicant. Since 1960, Applicant has sold certain of its utility properties to the governments of the countries where the properties were located, which sales have resulted in the receipt by Applicant of dollar obligations issued, or guaranteed, by the purchasing governments, and which represented the bulk of the purchase prices. In addition, Applicant's Cuban properties were seized without compensation in 1960. As a consequence of these events, Applicant filed an application to be declared not to be an investment company or for complete exemption from the Act, and the Commission issued findings, opinion and order holding that the Latin American government obligations are investment securities within the meaning of the Act and that Applicant is an investment company and no longer primarily a public utility holding company. (Investment Company Act Release No. 4590.) The effectiveness of this order has been stayed to September 3, 1966, pursuant to Applicant's request, subject to the conditions set forth in the Commission's orders of December 23, 1964, and December 29, 1964. (Investment Company Act Releases Nos. 4109 and 4123.)

Applicant and its fully owned investment company subsidiaries propose to register under the Act and seek the following limited exemptions which they deem necessary in the special circumstances of their reinvestment program in Latin America.

A. Transactions with affiliates where the only affiliated relationship arises out of a previous investment made outside the United States (secs. 17(a) and 17 (d)):

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from effecting certain sales, purchases or borrowings from such company, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a). Under section 17(d) of the Act and Rule 17d–1 thereunder, it is unlawful for any affiliated person of a registered investment company to participate in or effect any transaction in connection with any joint enterprise or other joint arrangement or profit-sharing plan in which the registered investment company is a participant, unless the Commission upon application grants an exemption regarding such joint enterprise.

Applicant and its subsidiaries request exemption from sections 17(a) and 17 (d) of the Act and the rules promulgated thereunder, to the extent applicable to permit Applicant and its subsidiaries without prior submission to the Commission to enter into transactions of the nature described below with foreign affiliated enterprises or affiliated persons thereof where (i) the term "foreign affiliated enterprise" shall mean an enterprise operating outside the United States (except for incidental activities in the United States) and the affiliation arises solely out of Applicant's previous direct or indirect investment in the foreign affiliated enterprise, and (ii) "affiliated persons" shall mean only those who become such as a result of an investment in the foreign affiliated enterprise:

1. To acquire additional equity securities of foreign affiliated enterprises where such securities are not part of a general offering to the holders of a class of securities of the foreign affiliated enterprise;

2. To lend money or property to non-controlled foreign enterprises;

3. To enter into joint arrangements or guarantees for the purchase of equipment for, the financing of accounts receivable of, and the provision of other similar financial assistance to, foreign affiliated enterprises, together with other affiliated persons of such foreign affiliated enterprises;

4. To enter into or modify contractual arrangements with foreign affiliated enterprises, including arrangements for the rendering of services and royalty, technical, operating and similar agreements.

Notwithstanding the foregoing, Applicant has stipulated that transactions pursuant to the exemptions described above shall conform with the requirements of Rule 17a–6 promulgated under the Act whether or not that rule by its terms is applicable to such transactions: *Provided, however*, That, solely for the purpose of these exemptions and in applying the provisions of Rule 17a–6 for that purpose, (i) the ownership by Electric Bond & Share Co. of stock of Applicant, and the ownership by Applicant of stock of Argentine Electric Co., Brazilian Electric Power Co., and South American Power Co. (all three of which are fully owned subsidiaries of applicant), shall not limit or deny such exemptions, and (ii) a nonpublic company shall mean a foreign affiliated enterprise having not more than 100 security holders who are citizens or residents of or are incorporated under the laws of the United States of America or any state thereof.

In connection with these exemptions, Applicant agrees that such exemptions will not apply to any transaction between it and any of its officers and directors or controlling persons or affiliates of such persons. The complete extent of the exemption sought is that there should be removed from the ambit of section 17, transactions with affiliates and with affiliates of affiliates where the affiliated relationship is solely the result of investments made in one or more foreign countries. Accordingly, Applicant would not be relieved of its obligations under the Act with respect to transactions with Electric Bond & Share Co. or its subsidiaries outside Applicant's system, the officers or directors of Electric Bond & Share Co., or applicant's own officers and directors and affiliates of such officers and directors.

B. Loans and advances to controlled companies and subsidiaries and the acquisition of securities in connection therewith (sec. 21(b)):

Section 21(b) of the Act prohibits, with certain exceptions not here relevant, the making of loans by a registered investment company to a person under common control with such registered investment company. Therefore, it would prohibit loans by wholly owned subsidiaries of Applicant to certain nonwholly owned subsidiaries. In order to permit flexibility of operations, Applicant requests that loans or advances by wholly owned subsidiaries of Applicant to nonwholly owned controlled companies and subsidiaries on the same tier, and the acquisition of securities in connection therewith, be exempted from section 21 (b) of the Act so long as the lending subsidiary of Applicant continues to be wholly owned by Applicant.

C. Issuance of stock pursuant to exercise of existing stock options (secs. 23(a) and 23(b)):

Section 23(a) states, in part, that no registered closed-end investment company shall issue any of its securities for services. Section 23(b) of the Act provides, with certain exceptions, that no registered closed-end investment company shall sell common stock of which it is the issuer at a price below the current net asset value of such stock, exclusive of any distributing commission or discount.

Applicant has had in force since 1955 a Key Employees' Stock Ownership Plan, which Plan and the principal amendments thereto were approved by Applicant's shareholders. The restricted and qualified stock options issued thereunder provide for purchases of Applicant's common stock at 100 percent of the market price of the stock on the respective dates on which the options were issued. As of May 31, 1966 there were outstanding under this Plan options to purchase 39,810 shares of Applicant's common stock which options are held by 22 persons and have expiration dates running until 1973. No options have been issued under the Plan since December 17, 1964, and Applicant does not propose to issue any further options. Applicant states that the amount of stock presently subject to existing options is approximately 0.5 percent of the total number of shares outstanding, and the dilution in corporate and consolidated earnings that would result from the immediate exercise of all the outstanding options would be about 1 cent per share based upon earnings for the 12-month period ended May 31, 1966, without giving effect to any additional earnings on the funds that would be received by Applicant on the exercise of the options. Applicant requests exemption from sections 23(a) and 23(b) of the Act so as to enable it to issue to the persons holding these options the shares of Applicant's stock called for upon exercise of the options and thereby fulfill its contractual obligations to the persons holding these options.

D. Exemptions from reporting requirements of the Act for the fully-owned subsidiaries of Applicant which are themselves investment companies (sec. 30):

Applicant has two fully owned subsidiaries which formerly were subholding companies over utility subsidiaries and whose assets now consist principally of government obligations received on the sale of utility properties. These companies are Argentine Electric Cos. and Brazilian Electric Power Co., both organized under the laws of Florida. These companies intend to register as investment companies under the Act. Applicant has another fully owned subsidiary, South American Power Co., also organized under the laws of Florida, which will become an investment company upon the sale of its utility holdings for government obligations. South American Power Co. proposes to register under the Act as an investment company at that time.

Section 30 provides, in relevant part, that every registered investment company shall file with the Commission certain information and reports including such periodic reports as the Commission may require by rule or regulation.

Applicant requests that Argentine Electric Cos., Brazilian Electric Power Co. and South American Power Co. after registration on Forms N–8A and N–8B–1 be exempted from all reporting requirements under section 30 of the Act and the rules thereunder, except as the Commission may direct otherwise, so long as these companies remain fully owned subsidiaries of Applicant.

With respect to the exemptions requested for its wholly owned subsidiaries, Applicant states that these subsidiaries will not take any action which Applicant could not itself take under the terms of the Act and exemptions granted to Applicant.

In support of its request, Applicant states that the investment community in Latin America has many characteristics different from those existing in the United States which would make subjection of Applicant to sections 17(a), 17(d), and 21(b) of the Act for which exemption is requested unnecessary, inappropriate and burdensome, and that the application of these provisions to the developing economies of Latin America could seriously interfere with applicant's ability to carry out its contractual reinvestment commitments.

Notice is further given that any interested person may, not later than September 23, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or of law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–9623; Filed, Sept. 7, 1966; 8:49 a.m.]

[File No. 7–2599]

AMERICAN SEATING CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 1, 1966.

In the matter of application of the Detroit Stock Exchange, for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

American Seating Co., File 7–2599.

Upon receipt of a request, on or before September 16, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–9628; Filed, Sept. 7, 1966; 8:49 a.m.]

[File No. 7–2600–2606]

ITEK CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 1, 1966.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange; for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Itek Corp., File 7–2600.
Emerson Electric Co., File 7–2601.
United Whelan Corp., File 7–2602.
Massey-Ferguson, Ltd., File 7–2603.
Walter Kidde & Co., Inc., File 7–2604.
Consolidated Foods Corp., File 7–2605.
Bucyrus-Erie Co., File 7–2606.

Upon receipt of a request, on or before September 16, 1966, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–9624; Filed, Sept. 7, 1966; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 587]

NEW MEXICO AND TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of August 1966, because of the effects of certain disasters, damage resulted to residences and business property located in Eddy County in

the State of New Mexico, and Hudspeth County in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about August 22, 1966.

OFFICES

Small Business Administration Regional Office, 500 Gold Avenue SW., Albuquerque, N. Mex. 87101.

Small Business Administration Regional Office, 1616 19th Street, Lubbock, Tex. 79401.

2. Temporary offices will be located in Carlsbad, N. Mex., and Dell City, Tex., addresses to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to February 28, 1967.

Dated: August 26, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-9806; Filed, Sept. 7, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 411]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 2, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3560 (Deviation No. 11), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed August 26, 1966. Carrier's representative: Ken Wolford (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Akron, Ohio, over U.S. Highway 224 to New Castle, Pa., thence over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to junction U.S. Highway 11 near Amity Hall, Pa., thence over U.S. Highway 11 to Harrisburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Cleveland, Ohio, over Ohio Highway 176 (formerly portion U.S. Highway 21), to junction unnumbered highway (formerly portion U.S. Highway 21), at or near Ghent, Ohio, thence over unnumbered highway to Montrose, Ohio, thence over Ohio Highway 18 to Akron, Ohio, (2) from Cleveland, Ohio, over U.S. Highway 422 to junction Ohio Highway 8, thence over Ohio Highway 8 to Canton, Ohio, (3) from Canton, Ohio, over U.S. Highway 30 to junction Pennsylvania Turnpike near Irwin, Pa., thence over Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa.

Thence over U.S. Highway 22 to junction unnumbered highway near Paxtonia, Pa., thence over unnumbered highway via Paxtonia, Manadahill, Grantville, East Hanover, Jonestown, and Fredericksburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Bethel, Pa., thence over unnumbered highway via Bethel and Strausstown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Walbert, Pa., thence over unnumbered highway via Allentown, Bethlehem, Butztown, and Wilson, Pa., to Easton, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway to Clinton, N.J., thence over unnumbered highway via Annandale, Lebanon, Potterstown, and Whitehouse, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to junction U.S. Highway 1 near Elizabeth, N.J., and (4) from Canton, Ohio, to Harrisburg, Pa., as specified above, thence over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to junction Business Route U.S. Highway 30 (formerly portion U.S. Highway 30), thence over Business Route U.S. Highway 30 to Downingtown, Pa., thence over U.S. Highway 322 to junction U.S. Highway 1 near Chadds Ford, Pa., and return over the same routes.

No. MC 76032 (Deviation No. 12), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed August 19, 1966. Carrier's representative: Ken Wolford (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Denver, Colo., over Interstate Highway 25 to Albuquerque, N. Mex., (2) from Albuquerque, N. Mex., over Interstate Highway 40 to junction Interstate Highway 15 at or near Barstow, Calif., thence over Interstate Highway 15 to junction Interstate Highway 10 at or near San Bernardino, Calif., thence over Interstate Highway 10 to Los Angeles, Calif., and (3) from Albuquerque, N. Mex., over Interstate Highway 40 to Amarillo, Tex., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Denver, Colo., over U.S. Highway 85 to Albuquerque, N. Mex. (also from junction U.S. Highway 85 and unnumbered Colorado Highway (formerly shown as Colorado Highway 393) near Larkspur, Colo., over unnumbered highway to junction Colorado Highway 105, near Monument, Colo., thence over Colorado Highway 105 to junction U.S. Highway 85; also from junction unnumbered highway (formerly shown as old U.S. Highway 85) and U.S. Highway 85, north of Crow, Colo., over unnumbered highway to junction U.S. Highway 85), (2) from Los Angeles, Calif., over U.S. Highway 66 to junction unnumbered highway (formerly portion U.S. Highway 66), thence over unnumbered highway via Oro Grande and Lenwood, Calif., to Barstow, Calif., thence over U.S. Highway 66 to Albuquerque, N. Mex., (3) from Los Angeles, Calif.; as specified next above to junction New Mexico Highway 6 near Correo, N. Mex., thence over New Mexico Highway 6 to junction U.S. Highway 85, thence over U.S. Highway 85 to Albuquerque, N. Mex., (4) from Los Angeles, Calif., over U.S. Highway 60 to Wickenburg, Ariz., thence over U.S. Highway 89 to junction U.S. Highway 66, thence over U.S. Highway 66 to Albuquerque, N. Mex., (5) from Los Angeles, Calif., over U.S. Highway 60 to Wickenburg, Ariz., thence over U.S. Highway 89 to junction Alternate U.S. Highway 89, thence over Alternate U.S. Highway 89 to junction U.S. Highway 66, at Flagstaff, Ariz., thence over U.S. Highway 66 to Albuquerque, N. Mex., and (6) from Amarillo, Tex., over U.S. Highway 66 to Albuquerque, N. Mex., and return over the same routes.

No. MC 76032 (Deviation No. 13), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed August 19, 1966. Carrier's representative: Ken Wolford (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over Interstate Highway 70 to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over Alternate U.S. Highway 30 to Sterling, Ill., thence over Illinois Highway 2 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction U.S. Highway 24, thence over U.S. Highway 24 to Monroe City, Mo., thence over U.S. Highway 36 to Cameron, Mo., thence over U.S. Highway 69 to Kansas City, Mo., thence over U.S. Highway 40 to Denver, Colo., and return over the same route.

No. MC 108461 (Deviation No. 3), WHITFIELD TRANSPORTATION, INC., 300-316 North Clark Road, Post Office Drawer 9897, El Paso, Tex. 79989, filed August 25, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Van Horn, Tex., and San Antonio, Tex., over U.S. Highway 90, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From San Antonio, Tex., over U.S. Highway 87 to Comfort, Tex., thence over Texas Highway 27 to junction U.S. Highway 290, thence over U.S. Highway 290 to junction U.S. Highway 80, thence over U.S. Highway 80 to El Paso, Tex., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-9849; Filed, Sept. 7, 1966; 8:51 a.m.]

[Notice 962]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 2, 1966.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 1855 (Sub-No. 15) (Republication), filed March 10, 1966, published FEDERAL REGISTER issue of April 7, 1966, and republished, this issue. Applicant: SCHWENZER BROS. INC., 767 St. George Avenue, Woodbridge, N.J. Applicant's representative: William J. Augello, Jr., 2 West 45th Street, New York, N.Y. 10036. By application filed March 10, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of petroleum, petroleum products, methanols, and such commodities as are ordinarily used or distributed by wholesale or retail suppliers, marketers, or distributors of petroleum products, between Sewaren, N.J., on the one hand, and, on the other, steamship piers located in Bergen, Essex, Hudson, and Union Counties, N.J., and railroad piggyback ramps in Bergen, Hudson, Mercer, Somerset, and Union Counties, N.J., in trailers furnished by shippers, consignees or agents thereof, under a continuing contract or contracts with Shell Oil Co., New York, N.Y. An order of the Commission, Operating Rights Board No. 1, dated August 19, 1966, and served August 30, 1966, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *petroleum, petroleum products, methanols, and such commodities* as are ordinarily used or distributed by wholesale or retail suppliers, marketers, or distributors of petroleum products, between Sewaren, N.J., on the one hand, and, on the other, (a) points in Bergen, Hudson, and Union Counties, N.J., restricted to the transportation of traffic having a prior or subsequent movement either by rail or water.

(b) Points in Essex County, N.J., restricted to the transportation of traffic having a prior or subsequent movement by water, and (c) points in Mercer and Somerset Counties, N.J., restricted to the transportation of traffic having a prior or subsequent movement by rail; all of said authority is restricted against the movement of such commodities, in bulk, in tank vehicles, and to the performance of service under a continuing contract with Shell Oil Co., of New York, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 105809 (Sub-No. 11) (Republication), filed December 27, 1965, published FEDERAL REGISTER issue of January 20, 1966, and republished, this issue. Applicant: ROBERT E. MACK, EDWARD F. MACK, JOSEPH P. HOEY, ALBERT ROLAND FUNK, CARL BROWN, HARRY ROBSON, AND JOHN BALLOCK, a partnership, doing business as MACK TRANSPORTATION COMPANY, 4330 Torresdale Avenue, Philadelphia, Pa. 19124. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. 19109. By application filed December 27, 1965, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of general commodities, between the facilities of the Philco Distributors, Inc., located at King of Prussia, Montgomery County, Pa., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, and those in New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, limited to a service in which said carrier leases trucks with drivers to Philco Distributors, Inc., for the exclusive transportation of such shipper's property.

A corrected order of the Commission, Operating Rights Board No. 1, dated July 29, 1966, and served August 29, 1966, finds that operation by applicants, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *radios, televisions, phonographs, tape recorders, advertising materials, household appliances, and related accessories therefor* when moving in connection therewith, between King of Prussia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and Maryland (except Baltimore, Md.), under a continuing contract with Philco Distributors, Inc., a subsidiary of Philco Corp., of Philadelphia, Pa., will be consistent with the public interest and the national transportation policy; that applicants are fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, which included the restriction set forth in the next preceding paragraph, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-9517. Authority sought for control and merger by GARRETT FREIGHTLINES, INC., 2055 Garrett

FEDERAL REGISTER, VOL. 31, NO. 174—THURSDAY, SEPTEMBER 8, 1966

Way, Pocatello, Idaho, of the operating rights and property of EASTERN OREGON FREIGHT, INC., John Day, Oreg. Applicants' attorney: Maurice H. Greene, 334 First Security Bank Building, Boise, Idaho. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, classes A and B explosives, uncrated household goods, commodities in bulk, and those requiring special equipment, as a *common carrier*, over regular routes, between John Day, Oreg., and Canyon City, Oreg., serving no intermediate points and serving off-route points within 1 mile of the above-specified route, between Canyon City, Oreg., and Burns, Oreg., serving the intermediate points of Seneca and Silvies, Oreg., between Canyon City, Oreg., and Izee, Oreg., serving all intermediate points, between Prairie City, Oreg., and Baker, Oreg., serving the intermediate points of Bates and Austin, Oreg., between Mount Vernon, Oreg., and Pendleton, Oreg., serving the intermediate point of Pilot Rock, Oreg., and those between Pendleton and Pilot Rock, restricted to traffic moving to and from points south of Pilot Rock, and serving all other intermediate points without restriction, between Canyon City, Oreg., and The Dalles, Oreg., serving all intermediate points: *Provided, however*, That no local service shall be rendered between The Dalles, on the one hand, and, on the other, points west thereof, with restrictions; between Portland, Oreg., and Prairie City, Oreg., serving all intermediate points between Condon and Prairie City, Oreg., and the off-route point of Canyon City, Oreg.; one alternate route for operating convenience only; and *livestock*, over irregular routes, between certain specified points in Oregon, on the one hand, and, on the other, certain specified points in Washington and Idaho, from certain specified points in Oregon, to certain specified points in Oregon. GARRETT FREIGHTLINES, INC. is authorized to operate as a *common carrier* in Washington, Montana, Minnesota, Idaho, Utah, Oregon, California, Colorado, Arizona, Indiana, North Dakota, Nevada, New Mexico, Wyoming, South Dakota, Wisconsin, and Michigan. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-9516. Authority sought for control by WALLACE S. SWEET and LEE J. OSTER, 313 Broad Street, Utica, N.Y. 13501, of ONONDAGA COACH CORP., 23 Wadsworth Street, Auburn, N.Y. Applicants' attorneys: Daniel H. Greenberg, 110 East 42d Street, New York, N.Y., and James H. Gilroy, Jr., First National Bank Building, Utica, N.Y. 13503. Operating rights sought to be controlled: Passengers and their baggage, as a *common carrier*, over regular routes, between Auburn, N.Y., and Syracuse, N.Y., between Onondaga Hill, N.Y., and junction unnumbered highway and New York Highway 175, between junction New York Highway 175 and New York Highway 173 (at Onondaga Hill, N.Y.), and the Onondaga County Home, serving all intermediate points; passengers and their baggage in the same vehicle with passengers, between Syracuse, N.Y., and Geneva, N.Y., between Port Byron, N.Y., and Fairmount, N.Y., between Port Byron, N.Y., and Auburn, N.Y., serving all intermediate points, between Onondaga Hill, N.Y., and junction New York Highway 173 and Split Rock Road, located in Onondaga County, N.Y., between junction New York Highway 173 and Split Rock Road, located in Onondaga County, N.Y., and junction New York Highways 173 and 5, located in Onondaga County, N.Y., and between junction Howlett Hill Road and Kasson Road, located in Onondaga County, N.Y., and junction Kasson Road and New York Highway 5, located in Onondaga County, N.Y., serving no intermediate points. WALLACE S. SWEET nor LEE J. OSTER, hold authority from this Commission. However, they are affiliated with CENTRAL N.Y. COACH LINES, INC., 313 Broad Street, Utica, N.Y., which is authorized to operate as a *common carrier* in New York, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: Petition to dismiss application for want of jurisdiction, filed concurrently.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9850; Filed, Sept. 7, 1966; 8:52 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 2, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M-11454, Supp. No. 1, filed August 26, 1966. Applicant: DALE D. MILLER, doing business as MILFORD TRANSFER, Milford, Nebr. Applicant's representative: Donald E. Leonard, Box 2028, 605 South 14th, Lincoln, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *commodities generally* (except refrigerated products, and commodities requiring special equipment), (1) between points in Seward County, Nebr., on the one hand, and, on the other, Friend and Dorchester, Nebr.; and (2) between Friend and Dorchester, and points in Seward County, Nebr., on the one hand, and, on the other, points in Nebraska, over irregular routes.

HEARING: Not known. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to M. B. McManaman, Secretary, Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr. 68509, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,

[F.R. Doc. 66-9851; Filed, Sept. 7, 1966; 8:52 a.m.]

[Notice 248]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 2, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59388 (Sub-No. 24 TA), filed August 29, 1966. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 733 South Poydras, Post Office Box 6187, Dallas 22, Tex. 75202. Applicant's representative: L. VanHyning (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from junction Arkansas, Highway 15 near Tucker, Ark., to Lock and Dam No. 5 near Wright, Ark., from

junction Arkansas Highway 15 with unnumbered highway, thence over unnumbered highway to Lock and Dam No. 5, for 180 days. Supporting shipper: Martin K. Eby Construction Co., Inc., Post Office Box 1022, Pine Bluff, Ark. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operation and Compliance, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 65475 (Sub-No. 7 TA), filed August 30, 1966. Applicant: JETCO, INC., 2780 Jefferson Davis Highway, Arlington, Va. 22202. Applicant's representative: Rex M. Phares (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from Arlington, Va., to Annapolis Junction, Md., an unincorporated community with a post office near Savage, Md., for 150 days. Supporting shipper: Georgia-Pacific Corp., Bestwall Gypsum Division, 2 Industrial Boulevard, Paoli, Pa. 19301, Attention: C. H. Flynn. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 12th and Constitution Avenue NW., Room 1220, Washington, D.C. 20423.

No. MC 83539 (Sub-No. 197 TA), filed August 30, 1966. Applicant: C & H TRANSPORTATION CO., INC., Post Office Box 5976, Dallas, Tex. 75222, and 1935 West Commerce Street, Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from Belle Fourche, S. Dak., and Colloid Spur, Wyo., to points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin, for 180 days. Supporting shipper: American Colloid Co., 5100 Suffield Court, Skokie, Ill. 60077. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 108046 (Sub-No. 4 TA), filed August 29, 1966. Applicant: CURATOLA BROS. TRUCKING, INC., 142-82 Rockaway Boulevard, South Ozone Park, N.Y. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum ladders*, set up and loose, from Amityville, N.Y., to points in New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Connecticut, New Hampshire, Vermont, Rhode Island, Massachusetts, Virginia, and Maine, *returned shipments* on return, for 150 days. Supporting shipper: American Ladder Corp., 225 Dixon Avenue, Post Office Box 776, Amityville, Long Island, N.Y. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 108722 (Sub-No. 1 TA), filed August 30, 1966. Applicant: FRANK RIVIELLO, 860 West Oak Street, Old Forge, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Wayne County, Pa., to points in Broome, Tioga, and Chenango Counties, N.Y., for 150 days. Supporting shipper: Raymond Popple Coal Sales, 300 New Rose Building, Pittston, Pa. Send protests to: Kenneth R. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 113678 (Sub-No. 265 TA), filed August 26, 1966. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Oscar Mandel, Post Office Box 16004, Stockyards Station, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Frozen foods* and (b) *canned goods*, when moving in the same vehicle with frozen foods, from points in Stanislaus and Fresno, Counties, Calif., to points in Oregon, Washington, Idaho, Montana, Wyoming, Utah, Nevada, Arizona, New Mexico, and Texas, for 180 days. Supporting shippers: Glacier Packing Co., Post Office Box 367, Sanger, Calif., Christoffersen Poultry, Egg & Feed Market, Sixth and Lander Avenue, Turlock, Calif., Mowrer Farms Kitchens, Inc., 2125 West Tuolumne Avenue, Turlock, Calif., San Joaquin Valley Turkey Growers Association, Post Office Box 1845, Modesto, Calif.; Bright Foods, Inc., 107 Kilroy Road, Turlock, Calif. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 114989 (Sub-No. 7 TA), filed August 30, 1966. Applicant: BRACEY & MARTIN, INC., 1910 South Walnut Street, Hopkinsville, Ky. 42240. Applicant's representative: James C. Havron, Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Cincinnati, Ohio, to points in Christian County, Ky., and *empty malt beverage containers*, from points in Christian County, Ky., to Cincinati, Ohio, for 180 days. Supporting shipper: Cravens Distributing Co., Post Office Box 155, Pembroke, Ky. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 426 U.S. Post Office Building, Louisville, Ky. 40202.

No. MC 114989 (Sub-No. 8 TA), filed August 30, 1966. Applicant: BRACEY & MARTIN, INC., 1910 South Walnut Street, Hopkinsville, Ky. 42240. Applicant's representative: James C. Havron, Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from South Bend, Ind., to Hopkinsville, Ky., and *empty malt beverage containers*, from Hopkinsville, Ky., to South Bend, Ind., for 180 days. Supporting shipper: Kentucky Ace Beverage Distributors, Inc., Post Office Box 497, Hopkinsville, Ky. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 426 U.S. Post Office Building, Louisville, Ky. 40202.

No. MC 114897 (Sub-No. 75 TA), filed August 29, 1966. Applicant: WHITFIELD TANK LINES, INC., Post Office Drawer 9897, 300-316 North Clark Road, El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Bagdad, Ariz., to Jean, Nev., for 150 days. Supporting shipper: J. Till NeVille, Branch Manager, McKesson & Robbins, Inc., Post Office Box 14799, Phoenix, Ariz. 85031. Send protests to: Jerry R. Murphy, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 109 U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 115826 (Sub-No. 154 TA), filed August 26, 1966. Applicant: W. J. DIGBY, INC., Post Office Box 5088 T.A., 1960 31st Street, Denver, Colo. 80217. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Frozen foods*, (b) *Canned goods* when moving in the same vehicle with frozen foods, from points in Stanislaus and Fresno Counties, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shippers: Bright Foods, Inc., 711 F Street, Post Office Box 871, Turlock, Calif., Glacier Packing Co., Post Office Box 367, Sanger, Calif., Mowrer Farms Kitchens, Inc., 2125 West Tuolumne Avenue, Turlock, Calif., San Joaquin Valley Turkey Growers Association, Post Office Box 1845, Modesto, Calif., Christoffersen Poultry, Egg & Feed Market, Sixth and Lander Avenue, Turlock, Calif. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 115826 (Sub-No. 155 TA), filed August 29, 1966. Applicant: W. J. DIGBY, INC., Post Office Box 5088 T.A., 1960 31st Street, Denver, Colo. 80217. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from Gooding, Idaho, and points within 5 miles thereof, to points in Minnesota, Wisconsin, Missouri, Nebraska, Kansas, Michigan, Indiana, Ohio, Kentucky, Tennessee, Georgia, North Carolina, South Carolina, and Florida, for 120 days. Supporting shipper: Stockmen's Meat Packing Corp., Post Office Box 358, Gooding, Idaho. Send protests to: Herbert C. Ruoff, Dis-

trict Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 128087 (Sub-No. 1 TA), filed August 29, 1966. Applicant: JOHN N. JOHN III, doing business as JOHN N. JOHN TRUCK LINE, 1020 West Second Street, Crowley, La. 70526. Applicant's representative: Aaron and Aaron, Aaron Building, East Court Circle, Post Office Box 422, Crowley, La. 70526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bags, from Lake Charles, La., to points in Arkansas, Oklahoma, Mississippi, and Texas, with *refused shipments* to be returned to original point or as directed by shipper, for 180 days. Supporting shipper: Agricultural Division, Olin Mathieson Chemical Corp., Post Office Box 991, Little Rock, Ark. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 128542 (Sub-No. 1 TA), filed August 29, 1966. Applicant: GARRY BREM, doing business as BREM'S TRUCKING, 11 Fernwood Lane, Gilroy, Calif. 95020. Applicant's representative: Marvin Handler, 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore-bearing rock*, from a mine just east of the southeast corner of Yosemite National Park and approximately 10 miles west of the Devils Postpile National Monument (in California) to the smelter of American Smelting & Refining Co. in Hayden, Ariz., for 150 days. Supporting shipper: Mark Mines, Inc., 147 North Church, Gilroy, Calif. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 128550 TA, filed August 26, 1966. Applicant: FRANK H. LOCHNER, doing business as LOCHNER'S MOVING & STORAGE, 807 Eighth Avenue SC., Austin, Minn. 55912. Applicant's representative: Gary E. Leonard, 218 First National Bank Building, Austin, Minn. 55912. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores and mail order houses*, from between sites of retail store and warehouse of Sears, Roebuck & Co., at Austin, Minn., and points in Chickasaw, Cerro Gordo, Floyd, Hancock, Howard, Mitchell, Winnebago, and Worth Counties, Iowa, under a continuing contractual arrangement with Sears, Roebuck & Co., including *return unsatisfactory merchandise* to store from residence in above-listed counties, for 180 days. Supporting shipper: Sears, Roebuck & Co., Midwestern Territory Executive Offices, 8 East Congress Parkway, Chicago, Ill. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128551 TA, filed August 29, 1966. Applicant: JAMES J. KENNEDY, JR., doing business as KENNEDY VAN & STORAGE, 2359 Army Street, San Francisco, Calif. Applicant's representative: Alan P. Wohlstetter, 1 Farragut Square, Washington, D.C. 20006. Authority sough to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in San Francisco, Marin, Contra Costa, Alameda, and San Mateo Counties, Calif., restricted to shipments having prior or subsequent movement between said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shipper: Sunpak International, 1621 Queen Ann Avenue North, Seattle, Wash. 98109. Send protests to: District Supervisor, William R. Murdoch, Interstate Commerce Commission, Bureau of Operations and Compliance, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 128552 TA, filed August 29, 1966. Applicant: SPACE, INC., South Industry Road Cidco Park, Box 982, Cocoa, Fla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies* from Cocoa, Fla., to points in Brevard County, Fla., for 180 days. Supporting shipper: Western Electric Co., Inc., 3300 Lexington Road, Winston-Salem, N.C. Send protests to: George H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 428 Post Office Building, Post Office Box 4969, Jacksonville, Fla. 32201.

MOTOR CARRIERS OF PASSENGERS

No. MC 105154 (Sub-No. 7 TA), filed August 29, 1966. Applicant: ROBERT G. WRIGHT, doing business as STAR VALLEY-JACKSON STAGES, 1945 Eagle Drive, Idaho Falls, Idaho 83401. Applicant's representative: Donald M. Olsen, 485 E Street, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Alpine, Wyo., and Teton Village, Wyo., from Alpine over U.S. Highway 89 to Jackson, Wyo., thence over Wyoming Highway 22 to the junction of Wyoming secondary Highway 2001, thence over Wyoming secondary Highway 2001 to junction unnumbered highway, thence over unnumbered highway for approximately three tenths of a mile to Teton Village, and return over the same route, serving all intermediate points. (Applicant presently holds authority to operate between Idaho Falls, Idaho, and Afton, Wyo., with no seasonal restrictions, and between Alpine and Jackson, Wyo., in seasonal operations extending from May 15 to September 15 of each year. Applicant proposes to tack requested authority with his present authority, and also proposes to conduct operations with no seasonal restrictions.) Supporting shippers: Jackson Hole Ski Corp., Teton Village, Jackson Hole, Wyo., Livingston Motor Co., Jackson, Wyo., Town of Jackson, Jackson, Wyo., Chamber of Commerce of the City of Idaho Falls, Idaho Falls, Idaho, Simpson's, Inc., Post Office Box 340, Idaho Falls, Idaho, Mendenhall's, 360 E Street, Idaho Falls, Idaho, Ideal Hardwear, 760 Broadway, Idaho Falls, Idaho. Send protests to: Clyde W. Campbell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 203 Eastman Building, Boise, Idaho 83702.

No. MC 128553 TA, filed August 30, 1966. Applicant: TRANSPORTES FRONTERIZOS DEL NORTE, S.A., Emilio Carranza, 727 Sur, Despacho 205 Monterey, N.L., Mexico. Applicant's representative: Jose Gonzalez R. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, express and newspapers*, from the port of entry on the international boundary line between the United States and Mexico at Rio Grande City, Tex., to Rio Grande City, Tex., and return, over U.S. Highway 83 and city streets serving all intermediate points, for 180 days. Supporting shipper: First State Bank & Trust Co., Rio Grande City, Tex.; Galindo Implement Co., Rio Grande City, Tex., Starr Grocery Co., Rio Grande City, Tex., Hotel Ringgold, Rio Grande City, Tex., C. R. Anthony Co., Rio Grande City, Tex., Laredo Furniture Distributors, Rio Grande City, Tex., City Auto Parts, Rio Grande City, Tex., Botica Nueva, C. Miguel Aleman, Tamps., Mex., Madereria Camargo, Cd. Camargo, Tamps., Mex., Madereria Chapa, Cuidad Camargo, Tamps., Mex. Send protests to: James H. Berry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Manion Building, 301 Broadway, San Antonio, Tex. 78205.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9852; Filed, Sept. 7, 1966; 8:52 a.m.]

[Notice 1408]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 2, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Comcial rules of practice any interestd perscribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practive any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68727. By order of August 31, 1966, the Transfer Board, on reconsideration, approved the transfer to Laurel Transport Corp., Rio Grande, N.J., of certificate No. MC-15102 (Sub-No. 1), issued March 2, 1942, to Eldredge Storage, a corporation, Atlantic City, N.J., authorizing the transportation of: General commodities, with usual exceptions, over irregular routes, between Atlantic City, Linwood, Somers Point, Sea Isle City, Strathmere, Ventnor, Margate and Longport, N.J. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19120, attorney for applicants.

No. MC-FC-68918. By order of August 31, 1966, the Transfer Board approved the transfer to Kato Express, Inc., Elizabethtown, Ky., of the certificates in Nos. MC-108329 and MC-108329 (Sub-No. 8), issued November 25, 1964, and June 8, 1965, respectively, to Kato, Inc., Elizabethtown, Ky., authorizing the transportation of: Motion picture films, projector equipment and supplies, and advertising matter, between Indianapolis, Ind., on the one hand, and, on the other, points as specified in Kentucky; magazines and periodicals, from Indianapolis, Ind., and Cincinnati, Ohio, to Bowling Green, Lexington, and Paducah, Ky.; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Louisville, Ky., on the one hand, and, on the other, points in Hardin, Larue, and Hart Counties, Ky., as restricted. Rudy Yessin, Post Office Box 457, Frankfort, Ky., attorney for applicants.

No. MC-FC-68936. By order of August 31, 1966, the Transfer Board approved the transfer to Wyeth A. Bond, doing business as Advance Transportation Co., Clinton, Mo., of the certificate of registration in No. MC-121305 (Sub-No. 1), issued April 22, 1965, to Paul M. Eaton, doing business as Advance Transportation Co., Clinton, Mo., and corresponding in scope to the grant of authority in certificate of public convenience and necessity No. T-20,891, dated January 24, 1962, as amended July 31, 1962, issued by the Missouri Public Service Commission. Thomas P. Rose, Jefferson Building, Jefferson City, Mo. 65101, attorney for applicants.

No. MC-FC-68967. By order of August 31, 1966, the Transfer Board approved the transfer to Leonard L. Madsen, Council Bluffs, Iowa, of certificate No. MC-42194, issued March 29, 1955, to Edmund V. Liske and Bessie Liske, a partnership, doing business as Kroeger Transfer, Minden, Iowa, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Minden, Iowa, and Omaha, Nebr., serving the intermediate points of Neola, Underwood, and Weston, Iowa. R. A. Porter, 201 First National Bank Building, Council Bluffs, Iowa 51501. attorney for applicants.

No. MC-FC-68994. By order of August 31, 1966, the Transfer Board approved the transfer to Feed Transporters, Inc., Oshkosh, Wis., of the operating rights in permit No. MC-126056, issued October 15, 1964, to C. Richard Trine, Pittaford, Mich., and authorizing the transportation of: Animal and poultry feed, over irregular routes, from Burlington, Wis., to points in the Lower Peninsula of Michigan; also, commodities used in the manufacture of animal and poultry feed, insecticides, and poultry, and livestock remedies, from points in the Lower Peninsula of Michigan to Burlington, Wis. Edward Solie, 4513 Vernon Boulevard, Madison, Wis., attorney for applicants.

No. MC-FC-69027. By order of August 31, 1966, the Transfer Board approved the transfer to Edward L. Trasferini, doing business as Rich's Express, Malaga, N.J., of that portion of certificate No. MC-2263, issued June 10, 1965, to Laurel Transport Corp., Rio Grande, N.J., authorizing the transportation of: General commodities, with usual exceptions, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Cumberland, Gloucester, and Salem Counties, N.J. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19120, and H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005, attorneys for applicants.

No. MC-FC-69028. By order of August 31, 1966, the Transfer Board approved the transfer to Laurel Transport Corp., Rio Grande, N.J., of certificate No. MC-87661, issued October 19, 1949, to Edward L. Trasferini, doing business as Rich's Express, Malaga, N.J., authorizing the transportation of: General commodities, except dangerous explosives, articles of unusual dimensions, bulk commodities, and commodities contaminating to other lading, over irregular routes, between points and places in the Philadelphia, Pa., commercial zone, as defined in 17 M.C.C. 533, on the one hand, and, on the other, Vineland, Millville, Minotola, Landisville, Newfield, Clayton, Glassboro, Malaga, Woodbury, Runnemede, Bridgeton, Pitman, Iona, and Franklinville, N.J. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19120, and H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9853; Filed, Sept. 7, 1966; 8:52 a.m.]

[Notice 1406-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 2, 1966.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and transfer rules (49 CFR Part 179):

No. MC-FC-69050. (Correction) In FEDERAL REGISTER notice of September 1, 1966, on page 11585, the *MC-FC-No. 69058* was erroneously given, and in lieu of that number, *MC-FC-69050* should be shown as correct for CARDINAL AIR SERVICE CORPORATION, seeking temporary authority to lease the operating rights of ESTATE OF CLIFFORD EARL FARNSWORTH, DECEASED, JANE ELIZABETH DeYOUNG FARNSWORTH, EXECUTRIX, doing business as FARNSWORTH'S AIR FREIGHT SERVICE.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9854; Filed, Sept. 7, 1966; 8:52 a.m.]

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PART 2

FEDERAL REGISTER

VOLUME 31 • NUMBER 174

Thursday, September 8, 1966 • Washington, D.C.

PART II

Department of the Treasury
Internal Revenue Service



Consolidated Return Regulations

No. 174—Pt. II——1

Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6894]

PART 1—INCOME TAX; TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 1953

Consolidated Return Regulations

On October 1, 1965, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under Subchapter A of Chapter 6 of the Internal Revenue Code of 1954 (relating to consolidated returns), was published in the FEDERAL REGISTER (30 F.R. 190). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, §§ 1.1502–14, 1.1502–19, 1.1502–25, 1.1502–31, 1.1502–32, and 1.1502–33 are hereby withdrawn and the remainder of the amendment as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. That part of the table of contents, as set forth in the notice of proposed rule making, which precedes "Regulations Applicable to Taxable Years Prior to January 1, 1966" is revised.

PAR. 2. Section 1.1502–1 is revised.

PAR. 3. Section 1.1502–2 is revised.

PAR. 4. Section 1.1502–3 is changed by revising the title, paragraph (a)(2), the title of paragraph (c), paragraph (c)(2)(i) and (ii), example (2) of paragraph (d), paragraph (e)(2), the title of paragraph (f)(2), and example (1) of paragraph (f)(3).

PAR. 5. Section 1.1502–4 is changed by revising the title, that part of paragraph (d)(1) which precedes (i), paragraph (e)(1), and the title of paragraph (f).

PAR. 6. Section 1.1502–5 is changed by revising paragraph (a), that part of paragraph (b)(1) which precedes (i), and example (1) of paragraph (c).

PAR. 7. Section 1.1502–12 is changed by revising paragraph (a) and by adding paragraph (o).

PAR. 8. Section 1.1502–13 is changed by revising paragraph (a)(1)(ii), paragraph (a)(2)(iii), paragraph (b)(1), paragraph (c)(1)(i), paragraph (c)(1)(ii)(b), and paragraph (c)(3), (4), (5), and (6), by deleting paragraph (d)(3) and (4), by adding a new paragraph (d)(3), by revising paragraph (e)(1) and (3) and paragraph (f), and by revising example (2), example (3), example (6)(i), example (7)(i), example (11)(i), and example (18)(i) of paragraph (h), by reserving paragraph (i) and by adding paragraph (j).

PAR. 9. Section 1.1502–14 is reserved.

PAR. 10. Section 1.1502–15 is revised.

PAR. 11. Section 1.1502–17 is changed by revising paragraph (a).

PAR. 12. Section 1.1502–18 is changed by revising paragraphs (a), (b), and (c), by revising examples (1), (2), (3), and (4) of paragraph (d), by revising paragraph (e)(2), and paragraph (f)(1), (2), and (3), and by adding paragraph (f)(5).

PAR. 13. Section 1.1502–19 is reserved.

PAR. 14. Section 1.1502–21 is changed by revising the title of paragraph (c), by revising paragraph (d)(3), and by revising paragraph (e)(1)(i).

PAR. 15. Section 1.1502–22 is changed by revising paragraph (a)(3), by deleting paragraph (a)(4), and by revising the title to paragraph (c).

PAR. 16. Section 1.1502–24 is changed by revising paragraph (c).

PAR. 17. Sections 1.1502–25, 1.1502–31, 1.1502–32, and 1.1502–33 are reserved.

PAR. 18. Section 1.1502–34 is revised.

PAR. 19. Section 1.1502–36 is redesignated as § 1.1502–41, and the designation of reserved sections is revised accordingly.

PAR. 20. Section 1.1502–75 is changed by revising paragraph (a), the title of paragraph (b), paragraph (c)(1)(i), paragraph (c)(1)(iii) (a), (b), and (c), paragraph (c)(3), by deleting paragraph (d)(2)(iii), by adding a new subparagraph (3) to paragraph (d), and by revising paragraph (g)(2)(i) and paragraph (h)(2).

PAR. 21. Section 1.1502–76 is changed by revising paragraph (a)(1), paragraph (b), examples (2) and (3) of paragraph (b)(3), paragraph (b)(4)(ii), paragraph (c)(2), and example (1) of paragraph (c)(3).

PAR. 22. Section 1.1502–77 is changed by revising paragraphs (c) and (d).

PAR. 23. Section 1.1502–79 is changed by revising paragraph (a), the title of paragraph (c), paragraph (c)(1), and the title of paragraph (c)(2).

PAR. 24. Section 1.1502–80 is revised.

PAR. 25. Section 1.1502–31A is changed by revising paragraph (b)(3)(i) and by revising paragraph (b)(21) (i) and (ii).

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

Approved: September 2, 1966.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

The Income Tax Regulations (26 CFR Part 1) under subchapter A of chapter 6 of the Internal Revenue Code of 1954, relating to consolidated returns, are amended by revising the regulations under section 1502 to read as follows:

CONSOLIDATED RETURN REGULATIONS

Sec.
1.1502 Statutory provisions; regulations.
1.1502–0 Effective date.
1.1502–1 Definitions.

CONSOLIDATED TAX LIABILITY

1.1502–2 Computation of tax liability.
1.1502–3 Consolidated investment credit.
1.1502–4 Consolidated foreign tax credit.
1.1502–5 Estimated tax.
1.1502–6 Liability for tax.
1.1502–7 to 1.1502–10 [Reserved]

(COMPUTATION OF CONSOLIDATED TAXABLE INCOME)

1.1502–11 Consolidated taxable income.

COMPUTATION OF SEPARATE TAXABLE INCOME

1.1502–12 Separate taxable income.
1.1502–13 Intercompany transactions.
1.1502–14 [Reserved]
1.1502–15 Limitation on certain deductions.
1.1502–16 Mine exploration expenditures.
1.1502–17 Methods of accounting.
1.1502–18 Inventory adjustment.
1.1502–19 to 1.1502–20 [Reserved]

COMPUTATION OF CONSOLIDATED ITEMS

1.1502–21 Consolidated net operating loss deduction.
1.1502–22 Consolidated net capital gain or loss.
1.1502–23 Consolidated section 1231 net gain or loss.
1.1502–24 Consolidated charitable contributions deduction.
1.1502–25 [Reserved]
1.1502–26 Consolidated dividends received deduction.
1.1502–27 Consolidated section 247 deduction.
1.1502–28 to 1.1502–30 [Reserved]

BASIS, STOCK OWNERSHIP, AND EARNINGS AND PROFITS RULES

1.1502–31 to 1.1502–33 [Reserved]
1.1502–34 Special aggregate stock ownership rules.
1.1502–35 to 1.1502–40 [Reserved]

SPECIAL TAXES AND TAXPAYERS

1.1502–41 Determination of consolidated net long-term capital gain and consolidated net short-term capital loss.
1.1502–42 to 1.1502–74 [Reserved]

ADMINISTRATIVE PROVISIONS AND OTHER RULES

1.1502–75 Filing of consolidated returns.
1.1502–76 Taxable year of members of group.
1.1502–77 Common parent agent for subsidiaries.
1.1502–78 Tentative carryback adjustment.
1.1502–79 Separate return years.
1.1502–80 Applicability of other provisions of law.

REGULATIONS APPLICABLE TO TAXABLE YEARS PRIOR TO JANUARY 1, 1966

1.1502–0A Introductory.
1.1502–1A Privilege of making consolidated returns.
1.1502–2A Definitions.
1.1502–3A Applicability of other provisions of law.

Sec.
1.1502–4A to 1.1502–9A [Reserved]
1.1502–10A Exercise of privilege.
1.1502–11A Consolidated returns for subsequent years.
1.1502–12A Making consolidated return and filing other forms.
1.1502–13A Change in affiliated group during taxable year.
1.1502–14A Accounting period of an affiliated group.
1.1502–15A Liability for tax.
1.1502–16A Common parent corporation agent for subsidiaries.
1.1502–17A Waivers.
1.1502–18A Failure to comply with regulations.
1.1502–19A Tentative carryback adjustments.
1.1502–20A to 1.1502–29A [Reserved]
1.1502–30A Computation of tax.
1.1502–31A Basis of tax computation.
1.1502–32A Method of computation of income for period of less than 12 months.
1.1502–33A Gain or loss from sale of stock, or bonds or other obligations.
1.1502–34A Sale of stock; basis for determining gain or loss.
1.1502–35A Sale of bonds or other obligations; basis for determining gain or loss.
1.1502–36A Limitation on allowable losses on sale of stock, or bonds, or other obligations.
1.1502–37A Liquidations; recognition of gain or loss.
1.1502–38A Basis of property.
1.1502–39A Inventories.
1.1502–40A Bad debts.
1.1502–41A Sale and retirement by corporation of its bonds.
1.1502–42A Capital loss limitations and carryover.
1.1502–43A Credit for foreign taxes.
1.1502–44A Methods of accounting.
1.1502–45A Mine exploration expenditures.
1.1502–46A Depreciation.
1.1502–47A Election to deduct accrued taxes.
1.1502–48A Liability for tax under section 531.
1.1502–49A Additions to tax for failure to pay estimated tax.
1.1502–50A Gain on sale of bonds and other evidences of indebtedness.
1.1502–51A Credit for investment in certain depreciable property.

§ 1.1502 Statutory provisions; regulations.

SEC. 1502. *Regulations.* The Secretary or his delegate shall prescribe such regulations as he may deem necessary in order that the tax liability of any affiliated group of corporations making a consolidated return and of each corporation in the group, both during and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the income tax liability and the various factors necessary for the determination of such liability, and in order to prevent avoidance of such tax liability.

§ 1.1502–0 Effective date.

(a) The provisions of §§ 1.1502–1 through 1.1502–80 shall be applicable to taxable years beginning after December 31, 1965.

(b) The provisions of §§ 1.1502–0A through 1.1502–51A shall be applicable to taxable years beginning before January 1, 1966.

§ 1.1502–1 Definitions.

(a) *Group.* The term "group" means an affiliated group of corporations as defined in section 1504. See § 1.1502–75(d) as to when a group remains in existence.

(b) *Member.* The term "member" means a corporation (including the common parent) which is included within such group.

(c) *Subsidiary.* The term "subsidiary" means a corporation other than the common parent which is a member of such group.

(d) *Consolidated return year.* The term "consolidated return year" means a taxable year for which a consolidated return is filed or required to be filed by such group.

(e) *Separate return year.* The term "separate return year" means a taxable year of a corporation for which it files a separate return or for which it joins in the filing of a consolidated return by another group.

(f) *Separate return limitation year*—(1) *In general.* Except as provided in subparagraphs (2) and (3) of this paragraph, the term "separate return limitation year" means any separate return year of a member or of a predecessor of such member. The term "predecessor" means a transferor or distributor of assets to a member in a transaction to which section 381(a) applies.

(2) *Exceptions.* The term "separate return limitation year" shall not include—

(i) A separate return year of the corporation which is the common parent for the consolidated return year to which the tax attribute is to be carried,

(ii) A separate return year of any subsidiary which was a member of the group for each day of such year, or

(iii) A separate return year of a predecessor of any member if such predecessor was a member of the group for each day of such year,

provided that an election under section 1562 (relating to privilege to elect multiple surtax exemptions) was not effective for such year. An election under section 1562 which is effective for a taxable year beginning in 1963 and ending in 1964 shall be disregarded.

(3) *Reverse acquisitions.* In the event of an acquisition to which § 1.1562–75(d)(3) applies, all taxable years of the first corporation and of each of its subsidiaries ending on or before the date of the acquisition shall be treated as separate return limitation years, and the separate return years (if any) of the second corporation and each of its subsidiaries shall not be treated as separate return limitation years (unless they were so treated immediately before the acquisition). For example, if corporation P merges into corporation T, and the persons who were stockholders of P immediately before the merger, as a result of owning the stock of P, own more than 50 percent of the fair market value of the outstanding stock of T, then a loss incurred before the merger by T (even though it is the common parent), or by a subsidiary of T, is treated as having been incurred in a separate return limitation year. Conversely, a loss incurred before the merger by P, or by a subsidiary of P in a separate return year during all of which such subsidiary was a member of the group of which P was the common parent and for which section 1562 was not effective, is treated as having been incurred in a year which is not a separate return limitation year.

(g) *Consolidated return change of ownership*—(1) *In general.* A consolidated return change of ownership occurs during any taxable year (referred to in this subparagraph as the "year of change") of the corporation which is the common parent for the taxable year to which the tax attribute is to be carried, if, at the end of the year of change—

(i) Any one or more of the persons described in section 382(a)(2) own a percentage of the fair market value of the outstanding stock of such corporation which is more than 50 percentage points greater than such person or persons owned at—

(*a*) The beginning of such taxable year, or

(*b*) The beginning of the preceding taxable year, and

(ii) The increase in percentage points at the end of such year is attributable to—

(*a*) A purchase (within the meaning of section 382(a)(4)) by such person or persons of such stock, the stock of another corporation owning stock in such corporation, or an interest in a partnership or trust owning stock in such corporation, or

(*b*) A decrease in the amount of such stock outstanding or the amount of stock outstanding of another corporation owning stock in such corporation, except a decrease resulting from a redemption to pay death taxes to which section 303 applies.

For purposes of subdivision (i) (*a*) and (*b*) of this subparagraph, the beginning of the taxable years specified therein shall be the beginning of such taxable years or October 1, 1965, whichever occurs later.

(2) *Operating rules.* For purposes of this paragraph—

(i) The term "stock" means all shares except nonvoting stock which is limited and preferred as to dividends, and

(ii) Section 318 (relating to constructive ownership of stock) shall apply in determining the ownership of stock, except that section 318(a)(2)(C) and (3)(C) shall be applied without regard to the 50-percent limitation contained therein.

(3) *Old members.* The term "old members" of a group means—

(i) Those corporations which were members of such group immediately preceding the first day of the taxable year in which the consolidated return change of ownership occurs, or

(ii) If the group was not in existence prior to the taxable year in which the consolidated return change of ownership occurs, the corporation which is the common parent for the taxable year to which the tax attribute is to be carried.

(4) *Reverse acquisitions.* If there has been a consolidated return change of ownership of a corporation under sub-

paragraph (1) of this paragraph and the stock or assets of such corporation are subsequently acquired by another corporation in an acquisition to which § 1.1502-75(d)(3) applies so that the group of which the former corporation is the common parent is treated as continuing in existence, then the "old members", as defined in subparagraph (3) of this paragraph, of such group immediately before the acquisition shall continue to be treated as "old members" immediately after the acquisition. For example, assume that corporations P and S comprise group PS, and PS undergoes a consolidated return change of ownership. Subsequently, the stock of P, the common parent, is acquired by corporation T, the common parent of group TU, in an acquisition to which section 368 (a)(1)(B) and § 1.1502-75(d)(3) apply. The PS group is treated as continuing in existence with T as the common parent. P and S continue to be treated as old members, as defined in subparagraph (3) of this paragraph.

CONSOLIDATED TAX LIABILITY

§ 1.1502-2 Computation of tax liability.

The tax liability of a group for a consolidated return year shall be determined by adding together—

(a) The tax imposed by section 11 on the consolidated taxable income for such year (see § 1.1502-11 for the computation of consolidated taxable income);

(b) The tax imposed by section 541 on the consolidated undistributed personal holding company income;

(c) If paragraph (b) of this section does not apply, the aggregate of the taxes imposed by section 541 on the separate undistributed personal holding company income of the members which are personal holding companies;

(d) If paragraph (b) of this section does not apply, the tax imposed by section 531 on the consolidated accumulated taxable income;

(e) The tax imposed by section 594(a) in lieu of the taxes imposed by section 11 or 1201 on the taxable income of a life insurance department of the common parent of a group which is a mutual savings bank;

(f) The tax imposed by section 802(a) on consolidated life insurance company taxable income;

(g) The tax imposed by section 831(a) on the consolidated insurance company taxable income of the members which are subject to such tax;

(h) The tax imposed by section 1201, in lieu of the taxes computed under paragraphs (a) and (g) of this section, computed by reference to the excess of the consolidated net long-term capital gain over the consolidated net short-term capital loss (see § 1.1502-41 for the determination of the consolidated net long-term capital gain and the consolidated net short-term capital loss);

(i) [Reserved]

(j) The tax imposed by section 1333 on war loss recoveries; and

by allowing as a credit against such taxes the investment credit under section 38 (see § 1.1502-3), and the foreign tax credit under section 33 (see § 1.1502-4). For purposes of this section, the surtax exemption of the group for a consolidated return year is $25,000, or if a lesser amount is allowed under section 1561, such lesser amount. See § 1.1561-2(a)(2). For increase in tax due to the application of section 47, see § 1.1502-3(f).

§ 1.1502-3 Consolidated investment credit.

(a) *Determination of amount of consolidated credit*—(1) *In general.* The credit allowed by section 38 for a consolidated return year of a group shall be equal to the consolidated credit earned. The consolidated credit earned is equal to the aggregate of the credit earned (as determined under subparagraph (2) of this paragraph) by all members of the group for the consolidated return year.

(2) *Determination of credit earned.* The credit earned of a member is an amount equal to 7 percent of such member's qualified investment (determined under section 46(c)). For purposes of computing a member's qualified investment, the basis of property shall not include any gain or loss realized with respect to such property by another member in an intercompany transaction (as defined in § 1.1502-13(a)(1)), whether or not such gain or loss is deferred. Thus, if section 38 property acquired in an intercompany transaction has a basis of $100 to the purchasing member, and if the selling member has a $20 gain with respect to such property, the basis of such property for purposes of computing the purchaser's qualified investment is only $80. Such $80 basis shall also be used for purposes of applying section 47 to such property. See paragraph (f) of this section.

(3) *Consolidated limitation based on amount of tax.* (i) Notwithstanding the amount of the consolidated credit earned for the taxable year, the consolidated credit allowed by section 38 to the group for the consolidated return year is limited to—

(a) So much of the consolidated liability for tax as does not exceed $25,000, plus

(b) 25 percent of the consolidated liability for tax in excess of $25,000.

The $25,000 amount referred to in (a) and (b) of the preceding sentence shall be reduced by any part of such $25,000 amount apportioned, under paragraph (f)(6) of § 1.46-1, to members of the affiliated group (as defined in section 46(a)(5) which do not join in the filing of the consolidated return. The amount determined under this subparagraph shall be referred to in this section as the "consolidated limitation based on amount of tax."

(ii) If an organization to which section 593 applies or a cooperative organization described in section 1381(a) joins in the filing of the consolidated return, the $25,000 amount referred to in subdivision (i) (a) and (b) of this subparagraph (or such $25,000 amount reduced by any part of such amount apportioned to members of the affiliated group, as defined in section 46(a)(5), which do not join in the filing of the consolidated return) shall be apportioned equally among the members of the group filing the consolidated return. The amount so apportioned equally to any such organization shall then be decreased in accordance with the provisions of section 46(d). Finally, the sum of all such equal portions (as decreased under section 46(d)) of each member of the group shall be substituted for the $25,000 amount referred to in subdivision (i) (a) and (b) of this subparagraph.

(4) *Consolidated liability for tax.* For purposes of subparagraph (3) of this paragraph, the consolidated liability for tax shall be the income tax imposed for the taxable year upon the group by chapter 1 of the Code, reduced by the consolidated foreign tax credit allowable under § 1.1502-4. The tax imposed by section 531 (relating to imposition of accumulated earnings tax) or by section 541 (relating to imposition of personal holding company tax) shall not be considered tax imposed by chapter 1 of the Code. In addition, any increase in tax resulting from the application of section 47 (relating to certain dispositions, etc., of section 38 property) shall not be treated as tax imposed by chapter 1 for purposes of computing the consolidated liability for tax.

(b) *Carryback and carryover of unused credits*—(1) *Allowance of unused credit as consolidated carryback or carryover.* A group shall be allowed to add to the amount allowable as a credit under paragraph (a)(1) of this section for any consolidated return year an amount equal to the aggregate of the consolidated investment credit carrybacks and carrybacks to such year. The consolidated investment credit carrybacks and carrybacks to the taxable year shall consist of any consolidated unused credits of the group, plus any unused credits of members of the group arising in separate return years of such members, which may be carried over or back to the taxable year under the principles of section 46(b). However, such consolidated carryovers and carrybacks shall not include any consolidated unused credits apportioned to a corporation for a separate return year pursuant to paragraph (c) of § 1.1502-79 and shall be subject to the limitations contained in paragraphs (c) and (e) of this section. A consolidated unused credit for any consolidated return year is the excess of the consolidated credit earned over the consolidated limitation based on amount of tax for such year.

(2) *Absorption rules.* For purposes of determining the amount, if any, of an unused credit (whether consolidated or separate) which can be carried to a taxable year (consolidated or separate), the amount of such unused credit which is absorbed in a prior consolidated return year under section 46(b) shall be determined by—

(i) Applying all unused credits which can be carried to such prior year in the order of the taxable years in which such unused credits arose, beginning with the taxable year which ends earliest, and

(ii) Applying all such unused credits which can be carried to such prior year from taxable years ending on the same date on a pro rata basis.

(c) *Limitation on investment credit carryovers and carrybacks from separate return limitation years*—(1) *General rule.* In the case of an unused credit of a member of the group arising in a separate return limitation year (as defined in paragraph (f) of § 1.1502-1) of such member (and in a separate return limitation year of any predecessor of such member), the amount which may be included under paragraph (b) of this section (computed without regard to the limitation contained in paragraph (c) of this section) shall not exceed the amount determined under subparagraph (2) of this paragraph.

(2) *Computation of limitation.* The amount referred to in subparagraph (1) of this paragraph with respect to a member of the group is the excess, if any, of—

(i) The limitation based on amount of tax of the group, minus such limitation recomputed by excluding the items of income, deduction, and foreign tax credit of such member, over

(ii) The sum of (a) the investment credit earned by such member for such consolidated return year, and (b) the unused credits attributable to such member which may be carried to such consolidated return year arising in unused credit years ending prior to the particular separate return limitation year.

(d) *Examples.* The provisions of paragraphs (a), (b), and (c) of this section may be illustrated by the following examples:

Example (1). Corporation P is incorporated on January 1, 1966. On that same day P incorporates corporation S, a wholly owned subsidiary. P and S file consolidated returns for calendar years 1966 and 1967. P's and S's credit earned, the consolidated credit earned, and the consolidated limitation based on amount of tax for 1966 and 1967 are as follows:

	Credit earned	Consolidated credit earned	Consolidated limitation based on amount of tax
1966:			
P	$60,000	$90,000	$100,000
S	30,000		
1967:			
P	40,000	65,000	50,000
S	25,000		

(i) P's and S's credit earned for 1966 are aggregated and the group's consolidated credit earned, $90,000, is allowable in full to the group as a credit under section 38 for 1966 since such amount is less than the consolidated limitation based on amount of tax for 1966, $100,000.

(ii) Since the consolidated limitation based on amount of tax for 1967 is $50,000, only $50,000 of the $65,000 consolidated credit earned for such year is allowable to the group under section 38 as a credit for 1967. The consolidated unused credit for 1967 of $15,000 ($65,000 less $50,000) is a consolidated investment credit carryback and carryover to the years prescribed in section 46(b). In this case the consolidated unused credit is a consolidated investment credit carryback to 1966 (since P and S were not in existence in 1964 and 1965) and a consolidated investment credit carryover to 1968 and subsequent years. The portion of the consolidated unused credit for 1967 which is allowable as a credit for 1966 is $10,000. This amount shall be added to the amount allowable as a credit to the group for 1966. The balance of the consolidated unused credit for 1967 to be carried to 1968 is $5,000. These amounts are computed as follows:

Consolidated carryback to 1966			$15,000
1966 consolidated limitation based on tax		$100,000	
Less: Consolidated credit earned for 1966	$90,000		
Consolidated unused credits attributable to years preceding 1967	0	90,000	
Limit on amount of 1967 consolidated unused credit which may be added as a credit for 1966			10,000
Balance of 1967 consolidated unused credit to be carried to 1968			5,000

Example (2). (i) Assume the same facts as in example (1), except that all the stock of corporation T, also a calendar year taxpayer, is acquired by P on January 1, 1968, and that P, S, and T file a consolidated return for 1968. In 1966 T had an unused credit of $10,000 which has not been absorbed and is available as an investment credit carryover to 1968. Such carryover is from a separate return limitation year. P's and S's credit earned for 1968 is $10,000 each and T's credit earned is $8,000; the consolidated credit earned is therefore $28,000. The group's consolidated limitation based on amount of tax for 1968 is $50,000. Such limitation recomputed by excluding the items of income, deduction, and foreign tax credit of T is $30,000. Thus, the amount determined under paragraph (c)(2)(i) of this section is $20,000 ($50,000 minus $30,000). Accordingly, the limitation on the carryover of T's unused credit is $12,000, the excess of $20,000 over $8,000 (the sum of T's credit earned for the taxable year and any carryovers from prior unused credit years (none in this case)). Therefore T's $10,000 unused credit from 1966 may be carried over to the consolidated return year without limitation.

(ii) The group's consolidated credit earned for 1968, $28,000, is allowable in full as a credit under section 38 since such amount is less than the consolidated limitation based on amount of tax, $50,000.

(iii) The group's consolidated investment credit carryover to 1968 is $15,000, consisting of the consolidated unused credits of the group ($5,000), plus T's separate return year unused credit ($10,000). The entire $15,000 consolidated carryover shall be added to the amount allowable to the group as a credit under section 38 for 1968, since such amount is less than $22,000 (the excess of the consolidated limitation based on tax, $50,000, over the sum of the consolidated credit earned for 1968, $28,000, and unused credits arising in prior unused credit years, zero).

Example (3). Assume the same facts as in example (2), except that the amount determined under paragraph (c)(2)(i) of this section is $12,000. Therefore, the limitation on the carryover of T's unused credit is $4,000. Accordingly, the consolidated investment credit carryover is only $9,000 since the amount of T's separate return year unused credit which may be added to the group's $5,000 consolidated unused credit is $4,000. These amounts are computed as follows:

T's carryover to 1968			$10,000
Consolidated limitation based on amount of tax minus recomputed limitation		$12,000	
Less: T's credit earned for 1968	$8,000		
Unused credits attributable to T arising in unused credit years preceding 1966	0	8,000	
Limit on amount of 1966 unused credit of T which may be added to consolidated investment credit carryover			4,000
Balance of 1966 unused credit of T to be carried to 1969 (subject to the limitation contained in paragraph (c) of this section)			6,000

(e) *Limitation on investment credit carryovers where there has been a consolidated return change of ownership*—(1) *General rule.* If a consolidated return change of ownership (as defined in paragraph (g) of § 1.1502-1) occurs during the taxable year or an earlier taxable year, the amount which may be included under paragraph (b) of this section in the consolidated investment credit carryovers to the taxable year with respect to the aggregate unused credits attributable to old members of the group (as defined in paragraph (g)(3) of § 1.1502-1) arising in taxable years (consolidated or separate) ending on the same day and before the taxable year in which the consolidated return change of ownership occurred shall not exceed the amount determined under subparagraph (2) of this paragraph.

(2) *Computation of limitation.* The amount referred to in subparagraph (1) of this paragraph shall be the excess of the consolidated limitation based on the amount of tax for the taxable year, recomputed by including only the items of income, deduction, and foreign tax credit of the old members, over the sum of—

(i) The aggregate investment credits earned by the old members for the taxable year, and

(ii) The aggregate unused investment credits attributable to the old members which may be carried to the taxable year arising in unused credit years ending prior to the particular unused credit year or years.

(f) *Early dispositions, etc., of section 38 property*—(1) *Dispositions of section 38 property during and after consolidated return year.* If property is subject to section 47(a) (1) or (2) with respect to a member during a consolidated return year, any increase in tax shall be added to the tax liability of the group under § 1.1502-2 (regardless of whether the property was placed in service in a consolidated or separate return year). Also, if property is subject to section 47(a) (1) or (2) with respect to a corporation during a taxable year for which such corporation files on a separate return basis, any increase in tax shall be added to the tax liability of such corporation (regardless of whether such property was placed in service in a consolidated or separate return year).

(2) *Exception for transfer to another member.* (i) Except as provided in subdivisions (ii) and (iii) of this subparagraph, a transfer of section 38 property from one member of the group to another member of such group during a consolidated return year shall not be treated as a disposition or cessation within the meaning of section 47(a)(1). If such section 38 property is disposed of, or otherwise ceases to be section 38 property or becomes public utility property with respect to the transferee, before the close of the estimated useful life which was taken into account in computing qualified investment, then section 47(a) (1) or (2) shall apply to the transferee with respect to such property (determined by taking into account the period of use, qualified investment, other dispositions, etc., of the transferor). Any increase in tax due to the application of section 47(a) (1) or (2) shall be added to the tax liability of such transferee (or the tax liability of a group, if the transferee joins in the filing of a consolidated return).

(ii) Except as provided in subdivision (iii) of this subparagraph, if section 38 property is disposed of during a consolidated return year by one member of the group to another member of such group which is an organization to which section 593 applies or a cooperative organization described in section 1381(a), the tax under chapter 1 of the Code for such consolidated return year shall be increased by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would result solely from treating such property, for purposes of determining qualified investment, as placed in service by such organization to which section 593 applies or such cooperative organization described in section 1381(a), as the case may be, but with due regard to the use of the property before such transfer.

(iii) Section 47(a)(1) shall apply to a transfer of section 38 property by a corporation during a consolidated return year if such corporation is liquidated in a transaction to which section 334(b)(2) applies.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). P, S, and T file a consolidated return for calendar year 1967. In such year S places in service section 38 property having an estimated useful life of more than 8 years. In 1968, P, S, and T file a consolidated return and in such year S sells such property to T. Such sale will not cause section 47(a)(1) to apply.

Example (2). Assume the same facts as in example (1), except that P, S, and T filed separate returns for 1967. The sale from S to T will not cause section 47(a)(1) to apply.

Example (3). Assume the same facts as in example (1), except that P, S, and T continue to file consolidated returns through 1971 and in such year T disposes of the property to individual A. Section 47(a)(1) will apply to the group and any increase in tax shall be added to the tax liability of the group. For the purposes of determining the actual period of use by T, such period shall include S's period of use.

Example (4). Assume the same facts as in example (3), except that T files a separate return in 1971. Again, the actual periods of use by S and T will be combined in applying section 47. If the disposition results in an increase in tax under section 47(a)(1), such additional tax shall be added to the separate tax liability of T.

Example (5). Assume the same facts as in example (1), except that in 1969, P sells all the stock of T to a third party. Such sale will not cause section 47(a)(1) to apply

§ 1.1502–4 Consolidated foreign tax credit.

(a) *In general.* The credit under section 901 for taxes paid or accrued to any foreign country or possession of the United States shall be allowed to the group only if the common parent corporation chooses to use such credit in the computation of the tax liability of the group for the consolidated return year. If this choice is made, no deduction may be taken on the consolidated return for such taxes paid or accrued by any member of the group. See section 275(a)(4).

(b) *Limitation effective under section 904(a) for the group—(1) Common parent's limitation effective for group.* The determination of whether the overall limitation or the per-country limitation applies for a consolidated return year shall be made by reference to the limitation effective with respect to the common parent corporation for such year. If the limitation effective with respect to a member for its immediately preceding separate return year differs from the limitation effective with respect to the common parent corporation for the consolidated return year, then such member shall, if the overall limitation is effective with respect to the common parent, be deemed to have made an election to use such overall limitation, or, if the per-country limitation is effective with respect to the common parent, be deemed to have revoked its election to use the overall limitation. Consent of the Secretary or his delegate (if otherwise required) is hereby given to such member for such election or revocation. Any such election or revocation shall apply only prospectively beginning with such consolidated return year.

(2) *Limitation effective for subsequent years.* The limitation effective with respect to a member for the last year for which it joins in the filing of a consolidated return with a group shall remain in effect for a subsequent separate return year and may be changed by such corporation for such subsequent year only in accordance with the provisions of section 904(b) (and this paragraph if it joins in the filing of a consolidated return with another group). Any retroactive change in the limitation by the common parent corporation for such member's last consolidated return year shall change the election effective with respect to such member for such last period. Thus, if the common parent (P) elects the overall limitation with respect to calendar year 1966, such election would be effective with respect to its subsidiary S for 1966. If S leaves the group at the beginning of calendar year 1967, such election shall be effective for 1967 with respect to S (unless S revokes such election for 1967 or a subsequent year in accordance with section 904(b), or this paragraph if it joins in the filing of a consolidated return with another group). However, if P retroactively changes back to the per-country limitation with respect to 1966, such limitation would be effective with respect to S for 1966 and subsequent years (unless S elects the overall limitation for any such subsequent year).

(c) *Computation of consolidated foreign tax credit.* The foreign tax credit for the consolidated return year shall be determined on a consolidated basis under the principles of sections 901 through 905 and section 960. For example, if the per-country limitation applies to the consolidated return year, taxes paid or accrued for such year (including those deemed paid or accrued under sections 902 and 960 (a) and paragraph (e) of this section) to each foreign country or possession by the members of the group shall be aggregated. If the overall limitation applies, taxes paid or accrued for such year (including those deemed paid or accrued) to all foreign countries and possessions by members of the group shall be aggregated. If the overall limitation applies and a member of the group qualifies as a Western Hemisphere trade corporation, see section 1503(b).

(d) *Computation of limitation on credit.* For purposes of computing the group's applicable limitation under section 904(a), the following rules shall apply:

(1) *Computation of taxable income from foreign sources.* The numerator of the applicable limiting fraction under section 904(a) shall be an amount (not in excess of the amount determined under subparagraph (2) of this paragraph) equal to the aggregate of the separate taxable incomes of the members from sources within each foreign country or possession of the United States (if the per-country limitation is applicable), or from sources without the United States (if the overall limitation is applicable), determined under § 1.1502–12, adjusted for the following items taken into account in the computation of consolidated taxable income:

(i) The portion of the consolidated net operating loss deduction, the consolidated charitable contributions deduction, the consolidated dividends received deduction, and the consolidated section 922 deduction, attributable to such foreign source income;

(ii) Any such foreign source net capital gain (determined without regard to any net capital loss carryover);

(iii) Any such foreign source net capital loss and section 1231 net loss, reduced by the portion of the consolidated net capital loss attributable to such foreign source loss; and

(iv) The portion of any consolidated net capital loss carryover attributable to such foreign source income which is absorbed in the taxable year.

(2) *Computation of entire taxable income.* The denominator of the applicable limiting fraction under section 904(a) (that is, the entire taxable income of the group) shall be the consolidated taxable income of the group computed in accordance with § 1.1502–11.

(3) *Computation of tax against which credit is taken.* The tax against which the limiting fraction under section 904 (a) is applied shall be the consolidated tax liability of the group determined under § 1.1502–2, but without regard to paragraphs (b), (c), (d), and (j) thereof, and without regard to any credit against such liability.

(e) *Carryover and carryback of unused foreign tax—(1) Allowance of unused foreign tax as consolidated carryover or carryback.* The aggregate of the consolidated unused foreign tax carryovers and carrybacks to the taxable year, to the extent absorbed for such year under the principles of section 904(d), shall be deemed to be paid or accrued to a foreign country or possession for such year. The consolidated unused foreign tax carryovers and carrybacks to the taxable year shall consist of any consolidated unused foreign tax, plus any unused foreign tax of members for separate return years of such members, which may be carried over or back to the taxable year under the principles of section 904 (d) and (e). However, such consolidated carryovers and carrybacks shall not include any consolidated unused foreign taxes apportioned to a corporation for a separate return year pursuant to § 1.1502–79(d) and shall be subject to the limitations contained in paragraphs (f) and (g) of this section. A consolidated unused foreign tax is the excess of the foreign taxes paid or accrued by the group (or deemed paid or accrued by the group, other than by reason of section 904(d)) over the applicable limitation for the consolidated return year.

(2) *Absorption rules.* For purposes of determining the amount, if any, of an unused foreign tax (consolidated or separate) which can be carried to a taxable year (consolidated or separate), the amount of such unused tax which is absorbed in a prior consolidated return year under section 904(d) shall be determined by—

(i) Applying all unused foreign taxes which can be carried to such prior year in the order of the taxable years in which such unused taxes arose, beginning with the taxable year which ends earliest, and

(ii) Applying all such unused taxes which can be carried to such prior year from taxable years ending on the same date on a pro rata basis.

(f) *Limitation on unused foreign tax carryover or carryback from separate return limitation years—(1) General rule.* In the case of an unused foreign tax of a member of the group arising in a separate return limitation year (as defined in paragraph (f) of § 1.1502–1) of such member, the amount which may be included under paragraph (e) of this section (computed without regard to the limitation contained in paragraph (g) of this section) shall not exceed the amount determined under subparagraph (2) of this paragraph.

(2) *Computation of limitation.* The amount referred to in subparagraph (1) of this paragraph with respect to a member of the group is the excess, if any, of—

(i) The section 904(a) limitation of the group, minus such limitation recomputed by excluding the items of income and deduction of such member, over

(ii) The sum of (*a*) the foreign taxes paid (or deemed paid, other than by reason of section 904(d)) by such member for the consolidated return year, and (*b*) the unused foreign tax attributable to such member which may be carried to such consolidated return year arising in taxable years ending prior to the particular separate return limitation year.

(g) *Limitation on unused foreign tax carryover where there has been a consolidated return change of ownership—(1) General rule.* If a consolidated return change of ownership (as defined in paragraph (g) of § 1.1502–1) occurs during the taxable year or an earlier taxable year, the amount which may be included under paragraph (e) of this section in the consolidated unused foreign tax carryovers to the taxable year with respect to the aggregate unused credits attributable to the old members of the group (as defined in paragraph (g)(3) of § 1.1502–1) arising in taxable years (consolidated or separate) ending on the same day and before the taxable year in which the consolidated return change of ownership occurred shall not exceed the amount determined under subparagraph (2) of this paragraph.

(2) *Computation of limitation.* The amount referred to in subparagraph (1) of this paragraph shall be the excess of the section 904(a) limitation of the group for the taxable year, recomputed by including only the items of income and deduction of the old members of the group, over the sum of—

(i) The aggregate foreign taxes paid (or deemed paid, other than by reason of section 904(d)) by the old members for the consolidated return year, and

(ii) The aggregate unused foreign tax attributable to the old members which can be carried to the taxable year arising in taxable years ending prior to the particular unused foreign tax year or years.

(h) *Amount of credit with respect to interest income.* If any member of the group has interest income described in section 904(f)(2) (for a year for which it filed on a consolidated or separate basis), the group's foreign tax credit with respect to such interest shall be computed separately in accordance with the principles of section 904(f) and this section.

(i) [Reserved]

(j) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Domestic corporation P is incorporated on January 1, 1966. On that same day it also incorporates domestic corporations S and T, wholly owned subsidiaries. P, S, and T file consolidated returns for 1966 and 1967 on the basis of a calendar year. T engages in business solely in country A. S transacts business solely in countries A and B. P does business solely in the United States. During 1966 T sold an item of inventory to P at a profit of $2,000. Under § 1.1502–13 such profit is deferred and none of the circumstances of restoration contained in paragraph (d), (e), or (f) of § 1.1502–13 have occurred as of the close of 1966. The taxable income for 1966 from foreign and United States sources, and the foreign taxes paid on such foreign income are as follows:

Corporation	U.S. taxable income	Country A		Country B		Total Taxable income
		Taxable income	Foreign tax paid	Taxable income	Foreign tax paid	
P	$40,000					$40,000
T		$20,000	$12,000			20,000
S		10,000	6,000	$10,000	$3,000	20,000
						80,000

Such taxable income was computed by taking into account the rules provided in § 1.1502–12. Thus, the $2,000 deferred profit is not included in T's taxable income for 1966 (but will be included for the taxable year for which one of the events specified in paragraph (d), (e), or (f) of § 1.1502–13 occurs). The consolidated taxable income of the group (computed in accordance with § 1.1502–11) is $80,000. The consolidated tax liability against which the credit may be taken (computed in accordance with paragraph (d)(3) of this section) is $31,900.

(i) Assuming P chooses to use the foreign taxes paid as a credit and the group is subject to the per-country limitation, the group may take as a credit against the consolidated tax liability $11,962.50 of the amount paid to country A, plus the $3,000 paid to country B. Such amounts are computed as follows: The aggregate taxes paid to country A of $18,000 is limited to $11,962.50 ($31,900 times $30,000/$80,000). The unused foreign tax with respect to country A is $6,037.50 ($18,000 less $11,962.50), and is a consolidated unused foreign tax which shall be carried to the years prescribed by section 904(d). A credit of $3,000 is available with respect to the taxes paid to country B since such amount is less than the limitation of $3,987.50 ($31,900 times $10,000/$80,000).

(ii) Assuming the overall limitation is in effect for the taxable year, the group may take $15,950 as a credit, computed as follows: The aggregate taxes paid to all foreign countries of $21,000 is limited to $15,950 ($31,900 times $40,000/$80,000). The unused foreign tax is $5,050 ($21,000 less $15,950), and is a consolidated unused foreign tax which shall be carried to the years prescribed by section 904(d).

Example (2). Assume the same facts as in example (1), except that T has a $10,000 long-term capital gain (derived from a sale to a nonmember in country A) and P has a $10,000 long-term capital loss (derived from a sale to a nonmember in the United States). Notwithstanding that the consolidated net capital gain of the group is zero, T's capital gain shall be reflected in full in the computation of taxable income from foreign sources.

Example (3). Assume the same facts as in example (1), except that the group had a consolidated section 172 deduction of $8,000 which is attributable to a net operating loss sustained by T. The $8,000 consolidated net operating loss deduction is offset against T's income from country A, thus reducing T's taxable income from country A to $12,000.

§ 1.1502–5 Estimated tax.

(a) *General rule—(1) Consolidated estimated tax.* If a group files a consolidated return for two consecutive tax-

able years, it shall file its declaration of estimated tax on a consolidated basis for each subsequent taxable year, until such time as separate returns are properly filed under § 1.1502–75(c). Until such time, the group shall be treated as a single corporation for purposes of sections 6016 and 6154 (relating to declaration and payment of estimated tax by corporations). If separate returns are filed by the members for a taxable year, the amount of any estimated tax payments made with respect to a consolidated declaration of estimated tax for such year shall be credited against the separate tax liabilities of the members in any manner designated by the common parent which is satisfactory to the Commissioner. The consolidated declaration of estimated tax shall be filed, and payments shall be made, to the district director with whom the common parent would file a separate return. A statement should be attached to the declaration setting forth the name, address, taxpayer account number, and district director of each member.

(2) *Estimated tax on a separate basis.* If a group is not required to file a consolidated declaration of estimated tax for a taxable year, then each member shall be treated as a separate corporation for such taxable year for purposes of sections 6016 and 6154, except as otherwise provided in section 243(b)(3)(C)(v). If a consolidated return is filed for such year, the amount of any estimated tax payments made for such year shall be credited against the tax liability of the group.

(b) *Additions to tax for failure to pay estimated tax under section 6655—(1) Consolidated declaration of estimated tax required to be filed.* If a group is required to file a consolidated declaration of estimated tax for the taxable year under paragraph (a)(1) of this section, then—

(i) If such group files a consolidated return for the taxable year, it shall be limited to a single $100,000 exemption for purposes of applying section 6655 to payments of estimated tax for such year. For purposes of section 6655(d)(1), the "tax shown on the return" shall be the tax shown on the consolidated return for the preceding taxable year, and for purposes of section 6655(d)(2), the "facts shown on the return" shall be the facts shown on the consolidated return for the preceding taxable year.

(ii) If such group does not file a consolidated return for the taxable year, each member of the group shall, except as otherwise provided in section 243(b)(3)(C)(v), be entitled to a separate $100,000 exemption for purposes of applying section 6655 to payments of estimated tax for such year. For purposes of section 6655(b)(2), the "amount, if any, of the installment paid" by any member shall be an amount apportioned to such member in a manner designated by the common parent which is satisfactory to the Commissioner. For purposes of section 6655(d)(1), the "tax shown on the return" for any member shall be the portion of the tax shown on the consolidated return for the preceding year allocable to such member under subparagraph (3) of this paragraph. For purposes of section 6655(d)(2), the "facts shown on the return" shall be the facts shown on the consolidated return for the preceding year and the tax computed under such section shall be allocated under the rules of subparagraph (3) of this paragraph. If the group filed a consolidated return for the preceding taxable year, then for purposes of section 6655(d)(1), the "tax shown on the return" for any member shall be the portion of the tax shown on the consolidated return for such preceding year allocable to such member under subparagraph (3) of this paragraph. For purposes of section 6655(d)(2), the "facts shown on the return" shall be the facts shown on the consolidated return for the preceding year and the tax computed under such section shall be allocated under the rules of subparagraph (3) of this paragraph.

(3) *Rules for allocation of consolidated tax liability.* For purposes of subparagraphs (1) and (2) of this paragraph, the tax shown on a consolidated return shall be allocated to the members of the group under the method which the group has elected pursuant to section 1552.

(c) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Corporations P and S–1 file a consolidated return for the first time for calendar year 1966. P and S–1 also file consolidated returns for 1967 and 1968. For 1966 and 1967 P and S–1 may file separate declarations of estimated tax, and they are entitled to separate $100,000 exemptions. For 1968, however, the group must compute its estimated tax on a consolidated basis, and it is limited to a single $100,000 exemption. In determining whether P and S–1 come within the exception provided in section 6655(d)(1) for 1968, the "tax shown on the return" is the tax shown on the consolidated return for 1967.

Example (2). Assume the same facts as in example (1). Assume further that corporation S–2 was a member of the group during 1967, and joined in the filing of the consolidated return for such year, but ceased to be a member of the group on September 15, 1968. In determining whether the group (which no longer includes S–2) comes within the exception provided in section 6655(d)(1) for 1968, the "tax shown on the return" is the tax shown on the consolidated return for 1967.

Example (3). Assume the same facts as in example (1). Assume further that corporation S–2 becomes a member of the group on June 1, 1968, and joins in the filing of the consolidated return for 1968. In determining whether the group (which now includes S–2) comes within the exception provided in section 6655(d)(1) for 1968, the "tax shown on the return" is the tax shown on the consolidated return for 1967. Any tax of S–2 for any separate return year is not included as a part of the "tax shown on the return" for purposes of applying section 6655(d)(1).

Example (4). Corporations X and Y filed consolidated returns for the calendar years 1966 and 1967 and separate returns for 1968. X and Y are each entitled to a separate $100,000 exemption for 1968 for purposes of applying section 6655. In determining whether X or Y comes within the exception provided in section 6655(d)(1) for 1968, the "tax shown on the return" is the amount of tax shown on the consolidated return for 1967 allocable to X and to Y in accordance with paragraph (b)(3) of this section.

§ 1.1502–6 Liability for tax.

(a) *Several liability of members of group.* Except as provided in paragraph (b) of this section, the common parent corporation and each subsidiary which was a member of the group during any part of the consolidated return year shall be severally liable for the tax for such year computed in accordance with the regulations under section 1502 prescribed on or before the due date (not including extensions of time) for the filing of the consolidated return for such year.

(b) *Liability of subsidiary after withdrawal.* If a subsidiary has ceased to be a member of the group and if such cessation resulted from a bona fide sale or exchange of its stock for fair value and occurred prior to the date upon which any deficiency is assessed, the district director may, if he believes that the assessment or collection of the balance of the deficiency will not be jeopardized, make assessment and collection of such deficiency from such former subsidiary in an amount not exceeding the portion of such deficiency which the district director may determine to be allocable to it. If the district director makes assessment and collection of any part of a deficiency from such former subsidiary, then for purposes of any credit or refund of the amount collected from such former subsidiary the agency of the common parent under the provisions of § 1.1502–77 shall not apply.

(c) *Effect of intercompany agreements.* No agreement entered into by one or more members of the group with any other member of such group or with any other person shall in any case have the effect of reducing the liability prescribed under this section.

§§ 1.1502–7 to 1.1502–10 [Reserved]

Computation of Consolidated Taxable Income

§ 1.1502–11 Consolidated taxable income.

The consolidated taxable income for a consolidated return year shall be determined by taking into account—

(a) The separate taxable income of each member of the group (see § 1.1502–12 for the computation of separate taxable income);

(b) Any consolidated net operating loss deduction (see § 1.1502–21 for the computation of the consolidated net operating loss deduction);

(c) Any consolidated net capital gain (see § 1.1502–22 for the computation of the consolidated net capital gain);

(d) Any consolidated section 1231 net loss (see § 1.1502–23 for the computation of the consolidated section 1231 net loss);

(e) Any consolidated charitable contributions deduction (see § 1.1502–24 for the computation of the consolidated charitable contributions deduction);

(f) Any consolidated section 922 deduction (see § 1.1502–25 for the computation of the consolidated section 922 deduction);

(g) Any consolidated dividends received deduction (see § 1.1502–26 for the computation of the consolidated dividends received deduction); and

(h) Any consolidated section 247 deduction (see § 1.1502–27 for the computation of the consolidated section 247 deduction).

Computation of Separate Taxable Income

§ 1.1502–12 Separate taxable income.

The separate taxable income of a member of a group shall be computed in accordance with the provisions covering the determination of taxable income of separate corporations except that—

(a) Transactions between members and transactions with respect to stock, bonds, or other obligations of members shall be reflected according to the provisions of §§ 1.1502–13 and 1.1502–14;

(b) Any deduction which is disallowed under § 1.1502–15 shall be taken into account as provided in that section;

(c) The deduction allowable under section 615 shall be taken into account to the extent provided in § 1.1502–16;

(d) The method of accounting under which such computation is made and the adjustments to be made because of any change in method of accounting shall be determined under § 1.1502–17;

(e) Inventory adjustments shall be made as provided in § 1.1502–18;

(f) Any amount included in income under § 1.1502–19 shall be taken into account;

(g) In the computation of the deduction under section 167, property shall not lose its character as new property as a result of a transfer from one member of the group to another member during a consolidated return year;

(h) No net operating loss deduction shall be taken into account;

(i) [Reserved]

(j) No capital gains or losses shall be taken into account;

(k) No gains and losses subject to section 1231 shall be taken into account;

(l) No deduction under section 170 with respect to charitable contributions shall be taken into account;

(m) No deduction under section 922 (relating to the deduction for Western Hemisphere trade corporations) shall be taken into account;

(n) No deductions under section 243(a)(1), 244(a), 245, or 247 (relating to deductions with respect to dividends received and dividends paid) shall be taken into account; and

(o) Basis shall be determined under §§ 1.1502–31 and 1.1502–33, and earnings and profits shall be determined under § 1.1502–33. The term "separate taxable income" shall include a case in which the determination under this section results in an excess of deductions over gross income.

§ 1.1502–13 Intercompany transactions.

(a) *Definitions.* For purposes of §§ 1.1502–1 through 1.1502–80—

(1) *"Intercompany transaction."* (i) Except as provided in subdivision (ii) of this subparagraph, the term "intercompany transaction" means a transaction during a consolidated return year between corporations which are members of the same group immediately after such transaction. Thus, for example, an intercompany transaction would include a sale of property by one member of a group (hereinafter referred to as the "selling member") to another member of the same group ("purchasing member"), the performance of services by one member of a group ("selling member") for another member of the same group ("purchasing member"), or the payment of interest by one member of a group ("purchasing member") to another member of the same group ("selling member"), during a consolidated return year.

(ii) The term "intercompany transaction" does not include a distribution by one member of a group to another member of the same group with respect to the distributing member's stock, or a contribution to capital on which no gain is realized. Thus, for example, dividend distributions, redemptions, and liquidations are not intercompany transactions. The term also does not include sales and other dispositions of, and bad debts with respect to, obligations of other members of the group. See § 1.1502–14, relating to amounts received with respect to stock, bonds, or other obligations of a member of the group.

(2) *"Deferred intercompany transaction".* The term "deferred intercompany transaction" means—

(i) The sale or exchange of property,

(ii) The performance of services in a case where the amount of the expenditure for such services is capitalized (for example, a builder's fee, architect's fee, or other similar cost which is included in the basis of property), or

(iii) Any other expenditure in a case where the amount of the expenditure is capitalized (for example, prepaid rent, or interest which is included in the basis of property), in an intercompany transaction.

(b) *Treatment of intercompany transactions other than deferred intercompany transactions—(1) General rule.* Gain or loss on intercompany transactions (other than deferred intercompany transactions) shall not be deferred or eliminated. Thus, for example, if, during a consolidated return year, a purchasing member makes an interest payment on an indebtedness to a selling member in an intercompany transaction, the purchasing member shall take the deduction for interest into account and the selling member shall take the interest income into account.

(2) *Special rule.* If, in an intercompany transaction (other than a deferred intercompany transaction), one member would otherwise properly take an item of income or a deduction into account for a consolidated return year earlier than the year (whether consolidated or separate) for which another member of the group can properly take into account the corresponding item of income or deduction, then both the item of income and the deduction shall be taken into account for the later year (whether consolidated or separate). On the other hand, if one member properly takes an item of income or a deduction into account for a separate return year earlier than the consolidated return year for which the other member can properly take into account the corresponding item of income or deduction, then such other member shall take the corresponding deduction or item of income into account for such later consolidated return year.

(c) *Deferral of gain or loss on deferred intercompany transactions—(1) General rule.* (i) To the extent gain or loss on a deferred intercompany transaction is recognized under the Code for a consolidated return year, such gain or loss shall be deferred by the selling member (hereinafter referred to as "deferred gain or loss").

(ii) The following rules apply with respect to the deferral of gain or loss on deferred intercompany transactions:

(a) The selling member may not report gain on the installment method under section 453;

(b) A selling member shall take into account the gain or loss on a deferred intercompany transaction in accordance with the provisions of paragraphs (d), (e), and (f) of this section, notwithstanding that such selling member, under its method of accounting, would not otherwise recognize such gain or loss until a later taxable year. Thus, for example, a selling member must take into account its gain on a deferred intercompany transaction for the first taxable year for which the purchasing member is allowed a deduction for depreciation with respect to the property involved, even though the selling member, under its method of accounting, would not otherwise recognize such gain until a later taxable year.

(iii) See paragraphs (d), (e), and (f) of this section, relating to the time and manner of restoring deferred gain or loss. See paragraph (a) of § 1.1502–31, relating to basis of property acquired in a deferred intercompany transaction.

(2) *Determination of amount of deferred gain or loss.* In determining the amount of deferred gain or loss, the cost of property, services, or any other expenditure shall include both direct costs and indirect costs which are properly includible in the cost of goods sold or

cost of the services or other expenditure. See § 1.471–3 for costs properly includible in cost of goods sold.

(3) *Election not to defer.* A group may elect with the consent of the Commissioner not to defer gain or loss on any deferred intercompany transactions with respect to all property or any class or classes of property. Applications for such consent must be filed with the Commissioner of Internal Revenue, Washington, D.C. 20224, on or before the due date of the consolidated return (not including extensions of time) for the taxable year to which the election is to apply. An election under this subparagraph shall, unless revoked with the consent of the Commissioner, apply to all members of the group for the consolidated return year for which made and all subsequent consolidated return years ending prior to the first year for which such group does not file a consolidated return.

(4) *Character and source of deferred gain or loss.* (i) Except as provided in subdivision (ii) of this subparagraph, the character and source of deferred gain or loss on a deferred intercompany transaction shall be determined at the time of the deferred intercompany transaction as if such transaction had not occurred during a consolidated return year.

(ii) Deferred gain or loss taken into account by the selling member under paragraph (d)(1) of this section, or (as a result of abandonment) under paragraph (f) of this section, shall be treated as ordinary income or loss.

(5) *Accounting for deferred gain or loss.* The amount of deferred gain or loss shall be reflected on permanent records (including work papers). From such permanent records the group must be able to identify the character and source of the deferred gain or loss to the selling member, and must be able to apply the restoration rules of paragraphs (d), (e), and (f) of this section.

(6) *Inheritance of deferred gain or loss.* If the assets of a selling member are acquired by one or more other members in an acquisition to which section 381(a) applies, the member acquiring the greatest portion of the assets (measured by fair market value) of the selling member shall be subject to the provisions of paragraphs (d), (e), and (f) of this section with respect to the entire remaining balance of the deferred gain or loss. If two or more members acquire the same portion (which is greater than that acquired by any other members), the common parent shall select which such member shall be subject to the provisions of paragraphs (d), (e), and (f) of this section. For purposes of this section, a member which inherits the balance of the deferred gain or loss under this subparagraph shall be treated as the selling member.

(d) *Restoration of deferred gain or loss for property subject to depreciation, amortization, or depletion—(1) General rule.* (i) If property (including a capitalized expenditure for services, or any other capitalized expenditure) acquired in a deferred intercompany transaction is, in the hands of any member of the group, subject to depreciation, amortization, or depletion, then, for each taxable year (whether consolidated or separate) for which a depreciation, amortization, or depletion deduction is allowed to any member of the group with respect to such property, a portion (as determined under subdivision (ii) of this subparagraph) of the deferred gain or loss attributable to such property shall be taken into account by the selling member.

(ii) The portion of the deferred gain or loss attributable to any property which shall be taken into account by the selling member shall be an amount equal to—

(*a*) The amount of gain or loss deferred by the selling member at the time of the deferred intercompany transaction (and if a member has transferred the property to another member of the group, the remaining balance at the time of such transfer), multiplied by

(*b*) A fraction, the numerator of which is the amount of the depreciation, amortization, or depletion deduction with respect to such property allowed to any member of the group for the year (whether consolidated or separate), and the denominator of which is the depreciable basis (i.e., basis reduced by salvage value required to be taken into account, if any) of such property in the hands of such member immediately after such property was transferred to such member.

(2) *Multiple asset accounts.* In the case of property contained in a multiple asset account (or in single asset accounts for which an average rate is used), for purposes of subparagraph (1)(ii)(*b*) of this paragraph the depreciation deduction allowed for a particular taxable year shall be determined by reference to the rate and method of depreciation applied to such multiple asset account (or average rate and method of depreciation applied to such single asset accounts). Thus, if property with an estimated useful life of 3 years is placed in a multiple asset account which is depreciated on the straight-line method at a rate of 20 percent, the depreciation deduction allowed for each taxable year shall be assumed to be 20 percent of the basis of such property (reduced by the salvage value taken into account).

(3) *Reduction or deferred gain or loss.* The deferred gain or loss shall be reduced by the amount taken into account by the selling member under subparagraph (1) of this paragraph. If the deferred gain includes any ordinary income, the reduction shall first be applied against the ordinary income. Thus, for example, if the selling member has deferred gain of $100, of which $70 is capital gain and $30 is ordinary income, the first $30 taken into account by the selling member under subparagraph (1) of this paragraph shall be applied against the ordinary income, and any additional amounts so taken into account shall be applied against the capital gain.

(e) *Restoration of deferred gain or loss for installment obligations and sales—(1) Installment obligations.* If an installment obligation (within the meaning of section 453(d)) is transferred in a deferred intercompany transaction, then on each date on which the obligation is satisfied the selling member shall take into account an amount equal to the deferred gain or loss on such transfer, multiplied by a fraction, the numerator of which is the portion of such obligation satisfied on such date, and the denominator of which is the aggregate unpaid installments immediately after the deferred intercompany transaction.

(2) *Installment sales.* If—

(i) Property acquired in a deferred intercompany transaction is disposed of outside the group, and

(ii) The purchasing member-vendor reports its income on the installment method under section 453,

then on each date on which the purchasing member-vendor receives an installment payment the selling member shall take into account an amount equal to the deferred gain or loss attributable to such property (after taking into account any prior reductions under paragraph (d)(4) of this section) multiplied by a fraction, the numerator of which is the installment payment received and the denominator of which is the total contract price.

(3) *Reduction of deferred gain or loss.* The deferred gain or loss shall be reduced by the amount taken into account by the selling member under subparagraph (1) or (2) of this paragraph. If the deferred gain includes any ordinary income, the reduction shall first be applied against the ordinary income.

(f) *Restoration of deferred gain or loss on dispositions, etc.—(1) General rule.* The remaining balance (after taking into account any prior reductions under paragraphs (d)(4) and (e)(3) of this section) of the deferred gain or loss attributable to property, services, or other expenditure shall be taken into account by the selling member as of the earliest of the following dates:

(i) The date on which such property is disposed of outside the group (including abandoned) other than in a transaction described in paragraph (e)(2) of this section (but not including a normal retirement, as defined in paragraph (b) of § 1.167(a)–8, from an average-life multiple asset account or from a single asset account for which an average rate is used). If such property is of a kind which would properly be included in the inventory of a member if on hand at the close of its taxable year, such member shall determine whether or not such item of property has been disposed of outside the group by reference to its method of inventory identification (e.g., first-in, first-out, last-in, first-out, or specific identification);

(ii) In the case of a transaction described in paragraph (e)(2) of this section, the date on which the installment debt is written off, satisfied, discharged, or disposed of outside the group or the property sold is repossessed (except as provided in section 1038), whichever occurs earliest;

(iii) Immediately preceding the time when either the selling member or the

member which owns the property ceases to be a member of the group;

(iv) In the case of property which is stock in trade or other property of a kind which would be properly included in inventory of the member which owns the property if on hand at the close of such member's taxable year, or held primarily for sale to customers in the ordinary course of such member's trade or business, the first day of the first separate return year of the selling member or the member which owns the property;

(v) In the case of an obligation (other than an obligation of a member of the group), the date on which such obligation is satisfied or becomes worthless;

(vi) In the case of stock, the date on which such stock is redeemed (whether or not it is canceled, retired, or held as treasury stock) or becomes worthless.

(vii) If consolidated returns are filed by the group for fewer than three consecutive taxable years immediately preceding a separate return year of the common parent, the first day of such separate return year; or

(viii) In the case of inventory, the date on which its value is written down to market (if the lower-of-cost-or-market method is used by the purchaser), but only to the extent of such write-down.

(2) *Exception.* Subparagraph (1)(iii) of this paragraph shall not apply in a case where—

(i) The selling member, or the member which owns the property as the case may be, ceases to be a member of the group by reason of an acquisition to which section 381(a) applies, and the acquiring corporation is a member, or

(ii) The group is terminated, and immediately after such termination the corporation which was the common parent owns the property involved and is the selling member or is treated as the selling member under paragraph (c)(6) of this section.

Paragraphs (d) and (e) of this section and this paragraph shall apply to such selling member. Thus, for example, subparagraph (1)(iii) of this paragraph shall not apply in a case where corporation P, the common parent of a group consisting of P and corporations S and T, sells an asset to S in a deferred intercompany transaction, and subsequently all of the assets of S are distributed to P in complete liquidation of S. Moreover, if, after the liquidation of S, P sold T, subparagraph (1)(iii) of this paragraph would not apply even though P ceases to be a member of the group.

(3) *Certain divestitures.* If, pursuant to a final judgment or a final order of a court or an agency of the Federal or a State government, any member or members are required to divest themselves of control of any other member and, as a result, any member ceases to be a member, the Commissioner may enter into a closing agreement under section 7121 with the group. Such closing agreement may provide that any deferred gain or loss which would otherwise be taken into account under subparagraph (1)(iii) of this paragraph shall instead be taken into account over an appropriate period of time related to the period of time within which the deferred income would have been taken into account had the divestiture not taken place, but not in excess of 10 years. Ordinarily, application for such closing agreement will not be granted where such divestiture is occasioned by the acquisition after August 31, 1966, of control of a corporation or of assets. In no event will any such application be granted unless the group establishes to the satisfaction of the Commissioner that the collection of the tax liability attributable to any deferred gain will not be jeopardized by the delay.

(g) *Holding period.* In determining the period for which a purchasing member has held property acquired in a deferred intercompany transaction, the period such property was held by the selling member shall not be included.

(h) *Examples.* This section may be illustrated by the following examples:

Example (1). (i) Corporations P and S file consolidated returns on a calendar year basis. On January 10, 1966, S sells land, which it has used in its trade or business, to P for $100,000. Immediately before the sale the basis of the land in S's hands is $60,000. P holds the land primarily for sale to customers in the ordinary course of its trade or business. On July 12, 1967, P sells the land to A, an individual.

(ii) The sale by S to P is a deferred intercompany transaction; S defers its $40,000 gain on the land ($100,000 less $60,000), which is gain from the sale of property described in section 1231. As of July 12, 1967, S takes the $40,000 deferred gain into account since on such date the property is disposed of outside the group. Such $40,000 gain is taken into account in determining the consolidated section 1231 net gain or loss for 1967 under § 1.1502–23.

Example (2). Corporations P and S file consolidated returns on a calendar year basis. On August 1, 1966, P transfers property with a fair market value of $100,000 and an adjusted basis in its hands of $85,000 to S in exchange for stock and $10,000 cash. Under section 351(b), only $10,000 of the $15,000 gain is recognized by P. The transfer is a deferred intercompany transaction; P defers the $10,000 gain recognized under section 351(b).

Example (3). Corporations P and S file consolidated returns on a calendar year basis and report income on the cash basis. On July 1, 1966, S pays P $1,000 interest on a loan made in 1961. The payment of interest is an intercompany transaction other than a deferred intercompany transaction; S does not defer or eliminate the $1,000 deduction for interest, and P does not defer or eliminate the $1,000 item of interest income. Thus, consolidated taxable income for 1966 reflects interest income of $1,000 and a corresponding deduction for interest of $1,000.

Example (4). (i) Corporations P, S, and T file consolidated returns on a calendar year basis. On January 1, 1966, S, which is in the business of manufacturing machinery, sells a machine to P for $1,000. The cost of the machine is $800. P uses the machine in its trade or business and depreciates it on the straight-line method over an estimated useful life of 10 years. Salvage value of $200 is taken into account. Thus, its annual depreciation deduction with respect to the machine is $80 ($800 ($1,000 less $200 salvage) divided by 10). On January 1, 1969, P sells the machine to A, an individual.

(ii) The sale by S to P is a deferred intercompany transaction; S defers its $200 gain on the machine ($1,000 less $800), which is characterised as ordinary income. For each of the 3 taxable years (1966, 1967, and 1968) prior to the sale to A, S takes into account $20 of its deferred gain, computed as follows:

$$\$200 \text{ deferred gain} \times \frac{\$80 \text{ depreciation deduction}}{\$800 \text{ basis to P subject to depreciation}}$$

Such $20 gain retains its character as ordinary income.

(iii) As of January 1, 1969, S takes the $140 remaining balance of the deferred gain ($200 less $60) into account since on such date the machine is disposed of outside the group. Such $140 gain retains its character as ordinary income.

Example (5). (i) The facts are the same as in example (4) except that beginning with 1966 P and S file separate returns.

(ii) Assuming that P, S, and T filed a consolidated return for 1965, the result is the same as in example (4). Thus, for each of the years 1966, 1967, and 1968 S takes into account $20 of its deferred gain and as of January 1, 1969, S takes the remaining $140 ($200 less $60) into account.

(iii) Assuming that P, S, and T filed separate returns for 1965, as of January 1, 1966, S takes the $160 remaining balance of the deferred gain ($200 less $40) into account since P filed a separate return for 1966 and the group had filed consolidated returns for only 2 consecutive years preceding 1966.

Example (6). (i) The facts are the same as in example (4) except that on January 1, 1969, P sells the machine to T for $660 in a transaction in which gain is recognized. T uses the machine in its trade or business and depreciates it on the straight-line method over an estimated useful life of 10 years. No salvage value is taken into account. Thus, T's annual depreciation deduction with respect to the machine is $66 ($660 divided by 10).

(ii) The sale by S to P is a deferred intercompany transaction; S defers its $200 gain on the machine ($1,000 less $800), which is characterised as ordinary income. For each of the 3 years (1966, 1967, and 1968) prior to the sale to T, S takes into account $20 of its deferred gain.

(iii) The sale by P to T is also a deferred intercompany transaction; P defers its $100 loss on the machine (adjusted basis of $760 ($1,000 less $240 total depreciation) less $660).

(iv) For 1969 S takes into account $14 of its deferred gain, computed as follows:

$$\$140 \text{ remaining balance of deferred gain} \times \frac{\$66 \text{ depreciation deduction}}{\$660 \text{ basis to T subject to depreciation}}$$

(v) For 1969 P takes into account $10 of its deferred loss, computed as follows:

$$\$100 \text{ deferred loss} \times \frac{\$66 \text{ depreciation deduction}}{\$660 \text{ basis to T subject to depreciation}}$$

Example (7). (i) Corporations P and S file consolidated returns on a calendar year basis. On May 2, 1966, S sells a machine with an adjusted basis of $50 to P for $100 in a transaction in which gain is recognized. S used the machine in its trade or business. For purposes of depreciation, P places the machine, which has an estimated useful life of 3 years, in an average life multiple asset account which is depreciated on the straight-line method at a rate of 20 percent. Under P's consistent depreciation practice it takes a full year's depreciation on all purchases made in the first half of its taxable year.

(ii) The sale by S to P is a deferred intercompany transaction; S defers its $50 gain on the machine ($100 less $50). For each of the taxable years 1966, 1967, 1968, 1969, and 1970 S takes into account $10 of its deferred gain, computed as follows:

$$\$50 \text{ deferred gain} \times \frac{\$20 \text{ depreciation deduction}}{\$100 \text{ basis to P subject to depreciation}}$$

Such $10 is characterized as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, notwithstanding the character of the $50 gain determined at the time of the sale.

Example (8). The facts are the same as in example (7) and in addition during 1969 the machine is disposed of outside the group. Such disposal is treated as a normal retirement (as defined in paragraph (b) of § 1.167(a)-8). The result is the same as in example (7). Thus, S takes into account $10 for each of the years 1966, 1967, 1968, 1969, and 1970 even though the property was disposed of in 1969.

Example (9). (i) The facts are the same as in example (7) except that the multiple asset account is depreciated over a 5-year average useful life on the double declining balance method.

(ii) For 1966 S takes into account $20 of its deferred gain, computed as follows:

$$\$50 \text{ deferred gain} \times \frac{\$40\ (\$100 \times 40\%)\text{ depreciation deduction}}{\$100 \text{ basis to P subject to depreciation}}$$

For 1967 S takes into account $12 of its deferred gain, computed as follows:

$$\$50 \text{ deferred gain} \times \frac{\$24\ (\$60\ (\$100 \text{ less } \$40) \times 40\%)\text{ depreciation deduction}}{\$100 \text{ basis to P subject to depreciation}}$$

Example (10). (i) P Corporation and S Corporation, its wholly-owned subsidiary, file consolidated returns on a calendar year basis. On January 10, 1966, S sells land, with a basis of $60,000, to P for $100,000. As of the close of business on June 10, 1969, P sells 25 percent of the outstanding stock of S to A, an individual.

(ii) The sale by S to P is a deferred intercompany transaction; S defers its $40,000 gain on the land ($100,000 less $60,000). As of June 10, 1969, S takes the $40,000 gain into account for 1969 since it ceases to be a member of the group as of the close of business on such date.

Example (11). (i) Corporations P and S file consolidated returns on a calendar year basis. On January 15, 1966, P sells an obligation payable in installments, with a basis of $48 in its hands, to S for $60. At the time of the sale the debtor owes 3 annual installments of $20 payable each year on July 1. Such installments are paid timely.

(ii) The sale by P to S is a deferred intercompany transaction; P defers its $12 gain on the obligation ($60 less $48).

(iii) For each of the years 1966, 1967, and 1968 P takes into account $4 of its deferred gain, computed as follows:

$$\$12 \text{ deferred gain} \times \frac{\$20 \text{ portion satisfied}}{\$60 \text{ aggregate unpaid portions}}$$

Example (12). (i) Corporations P and S file consolidated returns on a calendar year basis. On January 2, 1966, S, a manufacturer, sells a machine to P, a distributor, for $2,000. The machine cost S $1,200. On February 1, 1966, P sells the machine to A, an individual, for $2,200 and, under section 453, reports its income thereon on the installment plan. A makes monthly payments of $110 starting with March 1966.

(ii) The sale by S to P is a deferred intercompany transaction; S defers its $800 gain ($2,000 less $1,200).

(iii) For 1966 S takes into account $400 of its deferred gain, computed as follows:

$$\$800 \text{ deferred gain} \times \frac{\$1,100 \text{ installment payments received}}{\$2,200 \text{ total contract price}}$$

Example (13). Corporations P and S file consolidated returns on a calendar year basis for 1966 and 1967. S reports income on the accrual method while P reports income on the cash method. On December 31, 1966, S would properly accrue interest of $1,000 which is payable to P. On February 1, 1967, S pays P the $1,000. Both the deduction and the item of income are taken into account for 1967, the later year. Thus, S takes the $1,000 interest deduction into account for 1967, which is the year P also takes the $1,000 item of interest income into account. Consolidated taxable income for 1967 reflects both interest income of $1,000 and a corresponding deduction for interest of $1,000.

Example (14). The facts are the same as in example (13) except that for 1967 S and P file separate returns. The result is the same as in example (13).

Example (15). (i) The facts are the same as in example (13) except that for 1966 P and S file separate returns.

(ii) For 1966 S takes into account the $1,000 deduction for interest; for 1967 P takes into account the $1,000 item of interest income.

Example (16). Corporations P and S file consolidated returns on a calendar year basis. On January 10, 1968, P sells an issue of its $100 par value bonds. S purchases a bond from P for $110. S does not elect under section 171 to amortize the $10 premium. P may not take the $10 premium into account as income until it redeems the bond since S cannot properly take a deduction for the $10 premium until the bond is redeemed.

Example (17). (i) Corporations P, S, and M file consolidated returns on a calendar year basis. On November 20, 1962, S sold land, with a basis of $60,000, to P for $100,000. Under paragraph (b)(1) of § 1.1502-31A the $40,000 gain was eliminated. Thus, S did not take into account such $40,000 gain for 1962 and P's basis in the land is only $60,000. On February 10, 1966, P sells the land to A, an individual, for $104,000.

(ii) P takes the entire $44,000 gain ($104,000 less $60,000) on the land into account for 1966 since the deferral rules provided in paragraph (c) of this section, as well as the corresponding basis rules provided in paragraph (a) of § 1.1502-31, were not effective with respect to the sale of such land.

(iii) If, on February 10, 1966, P had sold the land to M for $104,000, P would defer its $44,000 gain on the land since the sale by P to M would be a deferred intercompany transaction.

Example (18). (i) Corporations P and S file separate returns on a calendar year basis for 1966 and file consolidated returns on a calendar year basis beginning with 1967. On January 2, 1966, S, a dealer in machinery, sells a machine to P for $2,000 and, under section 453, reports the income thereon on the installment plan. The machine cost S $1,200. P makes monthly payments of $100 starting with January 1966.

(ii) The sale by S to P is not an intercompany transaction since the sale did not occur during a consolidated return year. Therefore, S takes into account the gross profit on each of the 20 monthly payments under section 453.

(i) [Reserved]

(j) *Regulated public utilities.* Subject to the provisions of section 7121, the Commissioner may enter into a closing agreement which, notwithstanding the provisions of §§ 1.1502-13, 1.1502-31, and 1.1502-33, determines the consequences of deferred intercompany transactions or of any matters relating to or affected by such transactions, provided that—

(1) The purchasing members are domestic regulated public utilities as defined in section 7701(a) (4) and (33),

(2) In the taxable year immediately preceding the first taxable year for which this section is effective there was in effect among the members an arrangement relating to intercompany transactions which had a significant effect upon regulated rates of the public utility members of the group, and the accounting of the public utility members under the arrangement was accepted or approved by a regulatory agency having jurisdiction over the accounts of such members, and

(3) The Commissioner is satisfied that the terms of such closing agreement will not for any taxable year result in a reduction of the tax liability of the group (including former members) or of the shareholders of any members (or former members).

A request for such an agreement must be made on or before November 15, 1966.

§ 1.1502-14 [Reserved]

§ 1.1502-15 Limitations of certain deductions.

(a) *Limitation on built-in deductions*—(1) *General rule.* Built-in deductions (as defined in subparagraph (2) of this paragraph) for a taxable year shall be subject to the limitation of § 1.1502-21 (c) (determined without regard to such deductions and without regard to net operating loss carryovers to such year) and the limitation of § 1.1502-22(c) (determined without regard to such deductions and without regard to capital loss carryovers to such year). If as a result of applying such limitations, built-in deductions are not allowable in such consolidated return year, such deductions shall be treated as a net operating loss or net capital loss (as the case may be) sustained in such year and shall be carried to those taxable years (consolidated or separate) to which a consolidated net

operating loss or a consolidated net capital loss could be carried under §§ 1.1502-21, 1.1502-22, and 1.1502-79, except that such losses shall be treated as losses subject to the limitations contained in § 1.1502-21(c) or § 1.1502-22(c) (as the case may be). Thus, for example, if member X sells a capital asset during a consolidated return year at a $1,000 loss and such loss is treated as a built-in deduction, then such loss shall be subject to the limitation contained in § 1.1502-22(c), which, in general, would allow such loss to be offset only against X's own net capital gain. Assuming X had no net capital gain reflected in such year (after taking into account its capital losses, other than capital loss carryovers and the built-in deduction), such $1,000 loss shall be treated as a net capital loss and shall be carried over for 5 years under § 1.1502-22, subject to the limitation contained in § 1.1502-22(c) for consolidated return years.

(2) *Built-in deductions.* For purposes of this paragraph, the term "built-in deductions" for a consolidated return year means those deductions or losses of a corporation which, but for this section, would be recognized in such year, or which are recognized in a separate return year and carried over in the form of a net operating or net capital loss to such year, but which are economically accrued in a separate return limitation year (as defined in § 1.1502-1(f)). Such term does not include deductions or losses incurred both economically and taxwise in a year which is not a separate return limitation year, including those deductions and losses incurred in rehabilitating such corporation. Thus, for example, assume P is the common parent of a group filing consolidated returns on the basis of a calendar year and that P purchases all of the stock of S on December 31, 1966. Assume further that on December 31, 1966, S owns a capital asset with an adjusted basis of $100 and a fair market value of $50. If the group files a consolidated return for 1967, and S sells the asset for $30, $50 of the $70 loss is treated as a built-in deduction, since it was economically accrued in a separate return limitation year. If S sells the asset for $80 instead of $30, the $20 loss is treated as a built-in deduction. On the other hand, if such asset is a depreciable asset and is not sold by S, depreciation deductions attributable to the $50 difference between basis and fair market value are treated as built-in deductions.

(3) *Exceptions.* (i) This paragraph shall not limit built-in deductions which would otherwise be recognized in a taxable year if—

(*a*) The date on which the corporation with the built-in deductions became a member occurred more than 10 years before the first day of such taxable year, or

(*b*) Immediately before the date the corporation became a member, the aggregate of the adjusted basis of all the assets (other than cash, any marketable security the fair market value of which was not less than 95 percent of its adjusted basis, and goodwill) of such corporation did not exceed the fair market value of such assets by more than 15 percent.

(ii) If the corporation with the built-in deduction became a member before October 1, 1965, the provisions of § 1.1502-31A(b)(9) shall apply in lieu of the provisions of this section.

(b) [Reserved]

§ 1.1502-16 Mine exploration expenditures.

(a) *In general.* If the aggregate amount of the expenditures, to which section 615(a) applies, which are paid or incurred by the members of the group during any consolidated return year exceeds the lesser of—

(1) $100,000, or

(2) $400,000 minus all such expenditures deducted (or deferred) by corporations which are members of the group during the taxable year (and individuals or corporations which have transferred any mineral property to any such member within the meaning of section 615(c)(2)(B)) for taxable years ending after December 31, 1950, and prior to the taxable year,

then the deduction (or amount deferrable) under section 615 and paragraph (c) of § 1.1502-12 for each member shall be no greater than an allocable portion of such lesser amount (hereinafter referred to as the "consolidated exploration limitation"). Such allocable portion shall be determined under paragraph (b) of this section.

(b) *Allocable portion of limitation.* A member's allocable portion of the consolidated exploration limitation for a consolidated return year shall be—

(1) The amount allocated by the common parent pursuant to a plan, but in no event shall a member be allocated more than the amount it could have deducted (or deferred) had it filed a separate return. Such allocation plan must be included in a statement which also contains the total exploration expenditures of each member for the taxable year, and the expenditures of each member which could have been deducted (or deferred) under section 615 if the member had filed a separate return. Such statement must be attached to a consolidated return filed on or before the due date of such return (including extensions of time), and may not be changed after such date, or

(2) If no statement is filed in accordance with subparagraph (1), then the portion of the consolidated exploration limitation allocable to each member incurring such expenditures is an amount equal to such limitation multiplied by a fraction, the numerator of which is the amount which could have been deducted (or deferred) under section 615 by such member had it filed a separate return and the denominator of which is the aggregate of such amounts for all members of the group.

(c) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Corporation X and its wholly-owned subsidiaries, corporations Y and Z, filed a consolidated return for the calendar year 1966. None of the corporations have incurred exploration expenditures described in section 615 in previous years. During 1966, X incurred exploration expenditures of $30,000, Y of $20,000 and Z of $40,000. The amount deductible (or deferrable) under section 615 for purposes of computing separate taxable income under § 1.1502-12 will be the amount actually expended by each corporation.

Example (2). Assume the same facts as in example (1) except that during 1966 X incurred exploration expenditures of $25,000, Y of $75,000 and Z of $125,000. The consolidated exploration limitation under paragraph (a) of this section is $100,000 since the aggregate amounts incurred by the members of the group exceed $100,000 and such amount is less than the limitation described in paragraph (a)(2) of this section ($400,000). X may allocate the $100,000 in any manner among the three members, except that X may not be allocated more than $25,000 nor Y more than $75,000, the amounts actually expended by X and Y and which they could have deducted (or deferred) had they filed a separate return. If the allocation is not made in accordance with paragraph (b)(1) of this section, the $100,000 limitation will be allocated under paragraph (b)(2) as follows:

Corporation	Expenditure	Fraction	Limitation	Allocable Portion
X	$25,000	25,000 / 200,000	× $100,000	= $12,500
Y	$75,000	75,000 / 200,000	× $100,000	= $37,500
Z	$125,000	100,000 / 200,000	× $100,000	= $50,000

The denominator of $200,000 was calculated as follows:

X = $25,000
Y = $75,000
Z = $100,000 (maximum amount allowed if filed separately)
Total $200,000

Example (3). Assume the same facts as in example (2) and that on January 1, 1967, X acquired all of the stock of corporation T which prior to its taxable year beginning January 1, 1967, had previously deducted (or deferred) $310,000 of exploration expenditures. Assume further that in 1967 X incurred $25,000 of exploration expenditures, Y $50,000, T $50,000 and Z none. A consolidated return is filed for 1967. None of the expenditures may be deducted (or deferred) under section 615 since the consolidated exploration limitation is zero. The limitation is zero since the aggregate amount of previously deducted (or deferred) exploration expenditures by the members of the group exceeds $400,000. (The total of such expenditures is $410,000, of which $310,000 is attributable to T and, assuming the allocation of the limitation in example (2) is made under paragraph (b)(2) of this section, of which $12,500 is attributable to X, $37,500 to Y, and $50,000 to Z.)

Example (4). Assume the same facts as in example (3) except that on December 31, 1966, X sold all of the stock of Z to an unrelated party. The consolidated exploration limitation for 1967 will be $40,000, computed by subtracting from $400,000 the aggregate amount of previously deducted (or deferred) exploration expenditures incurred by the members of the group prior to 1967. (The total of such expenditures is $360,000, of which $12,500 is attributable to X, $37,500 to Y and $310,000 to T. Amounts previously deducted (or deferred) by Z are not taken into account since it was not a member of

the group at any time during 1967. Amounts previously deducted (or deferred) by Z shall be taken into account by it for subsequent separate return years.)

§ 1.1502–17 Methods of accounting.

(a) *General rule.* The method of accounting to be used by each member of the group shall be determined in accordance with the provisions of section 446 as if such member filed a separate return. For treatment of depreciable property after a transfer within the group, see paragraph (g) of § 1.1502–12.

(b) *Adjustments required where method of accounting changed.* In any case in which a member of a group changes its method of accounting for a consolidated return year, the provisions of section 481(a) shall be applicable. If the requirements of section 481(b) are met because the adjustments under section 481(a) are substantial, the increase in tax for any prior year shall be computed upon the basis of a consolidated return or a separate return, whichever was filed for such prior year.

(c) *Example.* The provisions of this section may be illustrated by the following example:

Example. X and its wholly-owned subsidiary Y filed separate returns for their calendar years ending December 31, 1965. During calendar year 1965, X employed an accrual method of accounting, established a reserve for bad debts, and elected under section 171 to amortize bond premiums with respect to its fully taxable bonds. During calendar year 1965, Y employed the cash receipts and disbursements method, used the specific charge-off method with respect to its bad debts, and did not elect to amortize bond premiums under section 171 with respect to its bonds. X and Y filed a consolidated return for 1966. For 1966 X and Y must continue to compute income under their respective methods of accounting (unless a change in method under section 446 is made).

(a) *Definition of intercompany profit amount.* For purposes of this section, the term "intercompany profit amount" for a taxable year means an amount equal to the profits of a corporation (other than those profits which such corporation has elected not to defer pursuant to § 1.1502–13(c)(3)) arising in transactions with other members of the group with respect to goods which are, at the close of such corporation's taxable year, included in the inventories of other members of the group. See § 1.1502–13(c)(2) with respect to the determination of profits. See the last sentence of § 1.1502–13(f)(1)(i) for rules for determining which goods are considered to be disposed of outside the group and therefore not included in inventories of other members.

(b) *Addition of initial inventory amount to taxable income.* If a corporation—

(1) Is a member of a group filing a consolidated return for the taxable year,

(2) Was a member of such group for its immediately preceding taxable year, and

(3) Filed a separate return for such preceding year,

then the intercompany profit amount of such corporation for such separate return year (hereinafter referred to as the "initial inventory amount") shall be added to the income of such corporation for the consolidated return year (or years) in which the goods to which the initial inventory amount is attributable are disposed of outside the group or such corporation becomes a nonmember. Such amount shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

(c) *Recovery of initial inventory amount.*—(1) *Unrecovered inventory amount.* The term "unrecovered inventory amount" for any consolidated return year means the lesser of—

(i) The intercompany profit amount for such year, or

(ii) The initial inventory amount.

However, if a corporation ceases to be a member of the group during a consolidated return year, its unrecovered inventory amount for such year shall be considered to be zero.

(2) *Recovery during consolidated return years.* (i) To the extent that the unrecovered inventory amount of a corporation for a consolidated return year is less than such amount for its immediately preceding year, such decrease shall be treated for such year by such corporation as a loss from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

(ii) To the extent that the unrecovered inventory amount for a consolidated return year exceeds such amount for the preceding year, such increase shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

(3) *Recovery during first separate return year.* For the first separate return year of a member following a consolidated return year, the unrecovered inventory amount for such consolidated return year (minus any part of the initial inventory amount which has not been added to income pursuant to paragraph (b) of this section) shall be treated as a loss from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

(d) *Examples.* The provisions of paragraphs (a), (b), and (c) of this section may be illustrated by the following examples:

Example (1). Corporations P, S, and T report income on the basis of a calendar year. Such corporations file separate returns for 1965. P manufactures widgets which it sells to both S and T, who act as distributors. The inventories of S and T at the close of 1965 are comprised of widgets which they purchased from P and with respect to which P derived profits of $5,000 and $8,000, respectively. P, S, and T file a consolidated return for 1966. During 1966, P sells widgets to S and T with respect to which it derives profits of $7,000 and $10,000, respectively. The inventories of S and T as of December 31, 1966, are comprised of widgets on which P derived net profits of $4,000 and $6,000, respectively. P's initial inventory amount is $13,000, P's intercompany profit amount for 1965 (such $13,000 amount is the profits of P with respect to goods sold to S and T and included in their inventories at the close of 1965). Assuming that S and T identify their goods on a first-in, first-out basis, the entire opening inventory amount of $13,000 is added to P's income for 1966 as gain from the sale or exchange of property which is neither a capital asset nor properly described in section 1231, since the goods to which the initial inventory amount is attributable were disposed of in 1966 outside the group. However, since P's unrecovered inventory amount for 1966, $12,000 (the intercompany profit amount for the year, which is less than the initial inventory amount), is less than the unrecovered inventory amount for 1965, $13,000, this decrease of $1,000 is treated by P for 1966 as a loss from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

Example (2). Assume the same facts as in example (1) and that at the close of 1967, a consolidated return year, the inventories of S and T are comprised of widgets on which P derived profits of $5,000 and $3,000, respectively. Since P's unrecovered inventory amount for 1967, $8,000, is less than $12,000, the unrecovered inventory amount for 1966, this decrease of $4,000 is treated by P for 1967 as a loss from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

Example (3). Assume the same facts as in examples (1) and (2) and that in 1968, a consolidated return year, P's intercompany profit amount is $11,000. P will report $3,000 (the excess of $11,000, P's unrecovered inventory amount for 1968, over $8,000, P's unrecovered inventory amount for 1967) for 1968 as a gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

Example (4). Assume the same facts as in examples (1), (2), and (3) and that in 1969 P, S, and T file separate returns. P will report $11,000 (its unrecovered inventory amount for 1968, $11,000, minus the portion of the initial inventory amount which has not been added to income during 1966, 1967, and 1968, zero) as a loss from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

Example (5). Corporations P and S file a consolidated return for the first time for the calendar year 1966. P manufactures machines and sells them to S, which sells them to users throughout the country. At the close of 1965, S has on hand 20 machines which it purchased from P and with respect to which P derived profits of $3,500. During 1966, P sells 6 machines to S on which it derives profits of $1,300, and S sells 5 machines which it had on hand at the beginning of the year (S specifically identifies the machines which it sells) and on which P had derived profits of $900. P's initial inventory amount is $3,500, of which $900 is added to P's income in 1966 as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, since such $900 amount is attributable to goods disposed of in 1966 outside the group, which goods were included in S's inventory at the close of 1965. If P and S continue to file consolidated returns, the remaining $2,600 of the initial inventory amount will be added to P's income as the machines on which such profits were derived are disposed of outside the group.

Example (6). Assume that in example (5) S had elected to inventory its goods under section 472 (relating to last-in, first-out inventories). None of P's initial inventory amount of $3,500 would be added to P's income in 1966, since none of the goods to which such amount is attributable would be considered to be disposed of during such year under the last-in, first-out method of identifying inventories.

(e) *Section 381 transfer.* If a member of the group is a transferor or distributor of assets to another member of the group within the meaning of section 381(a), then the acquiring corporation shall be treated as succeeding to the initial inventory amount of the transferor or distributor corporation to the extent that as of the date of distribution or transfer such amount has not yet been added to income. Such amount shall then be added to the acquiring corporation's income under the provisions of paragraph (b) of this section. For purposes of applying paragraph (c) of this section—

(1) The initial inventory amount of the transferor or distributor corporation shall be added to such amount of the acquiring corporation as of the close of the acquiring corporation's taxable year in which the date of distribution or transfer occurs, and

(2) The unrecovered inventory amount of the transferor or distributor corporation for its taxable year preceding the taxable year of the group in which the date of distribution or transfer occurs shall be added to such amount of the acquiring corporation.

(f) *Transitional rules*—(1) *In general.* If—

(i) A group filed a consolidated return for the taxable year immediately preceding the first taxable year to which this section applies,

(ii) Any member of such group made an opening adjustment to its inventory pursuant to paragraph (b) of § 1.1502–39A, and

(iii) Paragraph (c) of § 1.1502–39A has not been applicable for any taxable year subsequent to the taxable year for which such adjustment was made,

then subparagraphs (2) and (3) of this paragraph shall apply.

(2) *Closing adjustment to inventory.* (i) For the first consolidated return year to which this section applies, the increase in inventory prescribed in paragraph (c) of § 1.1502–39A shall be made as if such year were a separate return year.

(ii) For the first separate return year of a member to which this section applies, the adjustment to inventory (whether an increase or a decrease) prescribed in paragraph (c) of § 1.1502–39A, minus any adjustment already made pursuant to subdivision (i) of this subparagraph, shall be made to the inventory of such member.

(3) *Addition and recovery of initial inventory amount.* Each selling member shall treat as an initial inventory amount its share of the net amount by which the inventories of all members are increased pursuant to subparagraph (2)(i) of this paragraph for the first taxable year to which this section applies. A member's share shall be such net amount multiplied by a fraction, the numerator of which is its initial inventory amount (computed under paragraph (b) as if such taxable year were its first consolidated return year), and the denominator of which is the sum of such initial inventory amounts of all members. Such initial inventory amount shall be added to the income of such selling member and shall be recovered at the time and in the manner prescribed in paragraphs (b) and (c) of this section.

(4) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. (i) Corporations P, S, and T file consolidated returns for calendar 1966, having filed consolidated returns continuously since 1962. P is a wholesale distributor of groceries selling to chains of supermarkets, including those owned by S and T. The opening inventories of S and T for 1962 were reduced by $40,000 and $80,000, respectively, pursuant to paragraph (b) of § 1.1502–39A. At the close of 1965, S and T have on hand in their inventories goods on which P derived profits of $80,000 and $90,000, respectively. The inventories of S and T at the close of 1966 include goods which they purchased from P during the year on which P derived profits of $85,000 and $105,000, respectively.

(ii) The opening inventories of S and T for 1966, the first year to which this section applies, are increased by $40,000 and $80,000, respectively, pursuant to the provisions of subparagraph (2)(i) of this paragraph. P will take into account (as provided in paragraphs (b) and (c) of this section) an initial inventory amount of $120,000 as of the beginning of 1966, the net amount by which the inventories of S and T were increased in such year. Since the increases in the inventories of S and T are the maximum allowable under paragraph (c) of § 1.1502–39A (i.e., the amount by which such inventories were originally decreased), no further adjustments will be made pursuant to subparagraph (2)(ii) of this paragraph to such inventories in the event that separate returns are subsequently filed.

(5) *Election not to eliminate.* If a group filed a consolidated return for the taxable year immediately preceding the first taxable year to which this section applies, and for such preceding year the members of the group did not eliminate gain or loss on intercompany inventory transactions pursuant to the adoption under § 1.1502–31A(b)(1) of a consistent accounting practice taking into account such gain or loss, then for purposes of this section each member shall be treated as if it had filed a separate return for such immediately preceding year.

§§ 1.1502–19 and 1.1502–20 [Reserved]

COMPUTATION OF CONSOLIDATED ITEMS

§ 1.1502–21 Consolidated net operating loss deduction.

(a) *In general.* The consolidated net operating loss deduction shall be an amount equal to the aggregate of the consolidated net operating loss carryovers and carrybacks to the taxable year (as determined under paragraph (b) of this section).

(b) *Consolidated net operating loss carryovers and carrybacks*—(1) *In general.* The consolidated net operating loss carryovers and carrybacks to the taxable year shall consist of any consolidated net operating losses (as determined under paragraph (f) of this section) of the group, plus any net operating losses sustained by members of the group in separate return years, which may be carried over or back to the taxable year under the principles of section 172(b). However, such consolidated carryovers and carrybacks shall not include any consolidated net operating loss apportioned to a corporation for a separate return year pursuant to paragraph (a) of § 1.1502–79, and shall be subject to the limitations contained in paragraphs (c), (d), and (e) of this section and to the limitation contained in § 1.1502–15.

(2) *Rules for applying section 172(b)(1)*—(i) *Regulated transportation corporations.* For purposes of applying section 172(b)(1)(C) (relating to net operating losses sustained by regulated transportation corporations), in the case of a consolidated net operating loss sustained in a taxable year for which a member of the group was a regulated transportation corporation (as defined in section 172(j)(1)), the portion, if any, of such consolidated net operating loss which is attributable to such corporation (as determined under paragraph (a)(4) of § 1.1502–79) shall be a carryover to the sixth taxable year following the loss year only if such corporation is a regulated transportation corporation for such sixth year, and shall be a carryover to the seventh taxable year following the loss year only if such corporation is a regulated transportation corporation for both such sixth and seventh years.

(ii) *Trade expansion losses.* In the case of a carryback of a consolidated net operating loss from a taxable year for which a member of the group has been issued a certification under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met, section 172(b)(1)(A)(ii) shall apply only to the portion of such consolidated net operating loss attributable to such member.

(iii) *Foreign expropriation losses.* An election under section 172(b)(3)(C) (relating to 10-year carryover of portion of net operating loss attributable to a foreign expropriation loss) may be made for a consolidated return year only if the sum of the foreign expropriation losses (as defined in section 172(k)) of the members of the group for such year equals or exceeds 50 percent of the consolidated net operating loss for such year. If such election is made, the amount which may be carried over under section 172(b)(1)(D) is the smaller of (*a*) the sum of such foreign expropriation losses, or (*b*) the consolidated net operating loss.

(3) *Absorption rules.* For purposes of determining the amount, if any, of a net operating loss (whether consolidated or separate) which can be carried to a taxable year (consolidated or separate), the amount of such net operating loss which is absorbed in a prior consolidated return year under section 172(b)(2) shall be determined by—

(i) Applying all net operating losses which can be carried to such prior year in the order of the taxable years in which such losses were sustained, beginning with the taxable year which ends earliest, and

(ii) Applying all such losses which can be carried to such prior year from taxable years ending on the same date on

a pro rata basis, except that any portion of a net operating loss attributable to a foreign expropriation loss to which section 172(b)(1)(D) applies shall be applied last.

(c) *Limitation on net operating loss carryovers and carrybacks from separate return limitation years*—(1) *General rule.* In the case of a net operating loss of a member of the group arising in a separate return limitation year (as defined in paragraph (f) of § 1.1502–1) of such member (and in a separate return limitation year of any predecessor of such member), the amount which may be included under paragraph (b) of this section (computed without regard to the limitation contained in paragraph (d) of this section) in the consolidated net operating loss carryovers and carrybacks to a consolidated return year of the group shall not exceed the amount determined under subparagraph (2) of this paragraph.

(2) *Computation of limitation.* The amount referred to in subparagraph (1) of this paragraph with respect to a member of the group is the excess, if any, of—

(i) Consolidated taxable income (computed without regard to the consolidated net operating loss deduction), minus such consolidated taxable income recomputed by excluding the items of income and deduction of such member, over

(ii) The net operating losses attributable to such member which may be carried to the consolidated return year arising in taxable years ending prior to the particular separate return limitation year.

(3) *Examples.* The provisions of this paragraph and paragraphs (a) and (b) of this section may be illustrated by the following examples:

Example (1). (i) Corporation P formed corporations S and T on January 1, 1965. P, S, and T filed separate returns for the calendar year 1965, a year for which an election under section 1562 was effective. T's return for that year reflected a net operating loss of $10,000. The group filed a consolidated return for 1966 reflecting consolidated taxable income of $30,000 (computed without regard to the consolidated net operating loss deduction). Among the transactions occurring during 1966 were the following:

(*a*) P sold goods to T deriving deferred profits of $7,000 on such sales, $2,000 of which was restored to consolidated taxable income on the sale of such goods to outsiders;

(*b*) T sold a machine to S deriving a deferred profit of $5,000, $1,000 of which was restored to consolidated taxable income as a result of S's depreciation deductions;

(*c*) T distributed a $3,000 dividend to P; and

(*d*) In addition to the transactions described above, T had other taxable income of $6,000.

(ii) The carryover of T's 1965 net operating loss to 1966 is subject to the limitation contained in this paragraph, since 1965 was a separate return limitation year (an election under section 1562 was effective for such year). Thus, only $7,000 of T's $10,000 net operating loss is a consolidated net operating loss carryover to 1966, since such carryover is limited to consolidated taxable income (computed without regard to the consolidated net operating loss deduction), $30,000, minus such consolidated taxable income recomputed by excluding the items of income and deduction of T, $23,000 (i.e., consolidated taxable income computed without regard to the $1,000 restoration of T's deferred gain and T's $6,000 of other income). In making such recomputation, no change is made in the effect on consolidated taxable income of P's sale to T, or of the dividend from T to P.

Example (2). (i) Corporation P was formed on January 1, 1966. P filed separate returns for the calendar years 1966 and 1967 reflecting net operating losses of $4,000 and $12,000, respectively. P purchased corporation S on March 15, 1967. S was formed on February 1, 1966, and filed a separate return for the taxable year ending January 31, 1967. S also filed a short period return for the period from February 1 to December 31, 1967, and joined with P in filing a consolidated return for 1968. S sustained net operating losses of $5,000 and $6,000 for its taxable years ending January 31, 1967, and December 31, 1967, respectively. An election under section 1562 was not effective for P and S during the period involved. Consolidated taxable income for 1968 (computed without regard to the consolidated net operating loss deduction) was $16,000; such consolidated taxable income recomputed by disregarding the items of income and deduction of S was $9,000.

(ii) In order of time, the following losses are absorbed in 1968:

(*a*) P's $4,000 net operating loss for the calendar year 1966 (such loss is not subject to the limitation contained in this paragraph since P is the common parent corporation for 1968);

(*b*) S's $5,000 net operating loss for the year ended January 31, 1967. Such loss is subject to the limitation contained in this paragraph, since S was not a member of the group on each day of such year. However, such loss can be carried over and absorbed in full since such limitation is $7,000 (consolidated taxable income computed without regard to the consolidated net operating loss deduction, $16,000, minus such consolidated taxable income recomputed, $9,000); and

(*c*) $6,000 of P's net operating loss and $1,000 of S's net operating loss for the taxable years ending December 31, 1967. This is determined by applying the losses from such year which can be carried to 1968 (P's $12,000 loss and $2,000 of S's $6,000 loss, since such $6,000 loss is limited under this paragraph) on a pro rata basis against the amount of such losses which can be absorbed in that year, $7,000 (consolidated taxable income of $16,000 less the $9,000 of losses absorbed from prior years). The carryover of S's loss to 1968 is subject to the limitation contained in that paragraph, since S was not a member of the group on each day of its taxable year ending December 31, 1967. Such loss is limited to $2,000, the excess of $7,000 (as determined under (ii)(*b*)) over $5,000 (S's carryover from the year ended January 31, 1967). If a consolidated return is filed in 1969, the consolidated net operating loss carryovers will consist of P's unabsorbed loss of $6,000 ($12,000 minus $6,000) from 1967 and, subject to the limitation contained in this paragraph, S's unabsorbed loss of $5,000 ($6,000 minus $1,000) from its year ended December 31, 1967.

(d) *Limitation on carryovers where there has been a consolidated return change of ownership*—(1) *General rule.* If a consolidated return change of ownership (as defined in paragraph (g) of § 1.1502–1) occurs during the taxable year or an earlier taxable year, the amount which may be included under paragraph (b) of this section in the consolidated net operating loss carryovers to the taxable year with respect to the aggregate of the net operating losses attributable to old members of the group (as defined in paragraph (g)(3) of § 1.1502–1) arising in taxable years (consolidated or separate) ending on the same day and before the taxable year in which the consolidated return change of ownership occurred shall not exceed the amount determined under subparagraph (2) of this paragraph.

(2) *Computation of limitation.* The amount referred to in subparagraph (1) of this paragraph shall be the excess of—

(i) The consolidated taxable income for the taxable year (determined without regard to the consolidated net operating loss deduction) recomputed by including only the items of income and deduction of the old members of the group, over

(ii) The sum of the net operating losses attributable to the old members of the group which may be carried to the taxable year arising in taxable years ending prior to the particular loss year or years.

(3) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. (i) Corporation P is formed on January 1, 1967, and on the same day it forms corporation S. P and S file a consolidated return for the calendar year 1967, reflecting a consolidated net operating loss of $500,000. On January 1, 1968, individual X purchases all of the outstanding stock of P. X subsequently contributes $1,000,000 to P and P purchases the stock of corporation T. P, S, and T file a consolidated return for 1968 reflecting consolidated taxable income of $600,000 (computed without regard to the consolidated net operating loss deduction). Such consolidated taxable income recomputed by including only the items of income and deduction of P and S is $350,000.

(ii) Since a consolidated return change of ownership took place in 1968 (there was more than a 50 percent change of ownership of P), the amount of the consolidated net operating loss from 1967 which can be carried over to 1968 is limited to $350,000, the excess of $350,000 (consolidated taxable income recomputed by including only the items of income and deduction of the old members of the group, P and S) over zero (the amount of the consolidated net operating loss carryovers attributable to the old members of the group arising in taxable years ending before 1967).

(e) *Limitations on net operating loss carryovers under section 382*—(1) *Section 382(a).* (i) If at the end of a taxable year (consolidated or separate) there has been an increase in ownership of the stock of the common parent of a group (within the meaning of section 382(a)(1)(A) and (B)), and any member of the group has not continued to carry on a trade or business substantially the same as that conducted before any such increase (within the meaning of section 382(a)(1)(C)), then the portion of any consolidated net operating loss sustained in prior taxable years attributable to such member (as determined under paragraph (a)(3) of § 1.1502–79) shall not be allowed as a carryover to such taxable year or to any subsequent taxable year.

(ii) If the provisions of section 382(a) disallow the deduction of a net operating loss carryover from a separate return year of a member of the group to a subsequent taxable year, no amount shall be included under paragraph (b) of this section as a consolidated net operating loss carryover to such a subsequent consolidated return year with respect to such separate return year of such member.

(iii) The provisions of this subparagraph may be illustrated by the following example:

Example. P, S, and T file a consolidated return for the calendar year 1969, reflecting a consolidated net operating loss attributable in part to each member. P owns 80 percent of S's stock and S owns 80 percent of T's stock. On January 1, 1970, A purchases 50 percent of P's stock. During 1970 T's business is discontinued. Since there has been a 50 percentage point increase in ownership of P, the common parent of the group, and since T has not continued to carry on the same trade or business after such increase, the portion of the 1969 consolidated net operating loss attributable to T shall not be included in any net operating loss deduction for 1970 or for any subsequent taxable years, whether consolidated or separate.

(2) *Section 382(b).* If a net operating loss carryover from a separate return year of a predecessor of a member of the group to the taxable year is reduced under the provisions of section 382(b), the amount included under paragraph (b) of this section with respect to such predecessor shall be so reduced.

(f) *Consolidated net operating loss.* The consolidated net operating loss shall be determined by taking into account the following:

(1) The separate taxable income (as determined under § 1.1502–12) of each member of the group, computed without regard to any deduction under section 242;

(2) Any consolidated net capital gain;

(3) Any consolidated section 1231 net loss;

(4) Any consolidated charitable contributions deduction;

(5) Any consolidated dividends received deduction (determined under § 1.1502–26 without regard to paragraph (a)(2) of that section); and

(6) Any consolidated section 247 deduction (determined under § 1.1502–27 without regard to paragraph (a)(1)(ii) of that section).

§ 1.1502–22 Consolidated net capital gain or loss.

(a) *Computation*—(1) *Consolidated net capital gain.* The consolidated net capital gain for the taxable year shall be determined by taking into account—

(i) The aggregate of the capital gains and losses (determined without regard to gains or losses to which section 1231 applies or net capital loss carryovers) of the members of the group for the consolidated return year,

(ii) The consolidated section 1231 net gain for such year (computed in accordance with § 1.1502–23), and

(iii) The consolidated net capital loss carryovers to such year (as determined under paragraph (b) of this section).

(2) *Consolidated net capital loss.* The consolidated net capital loss shall be determined under subparagraph (1) of this paragraph but without regard to subdivision (iii) thereof.

(3) *Special rules.* For purposes of this section, capital gains and losses on intercompany transactions and transactions with respect to stock, bonds, and other obligations of a member of the group shall be reflected as provided in §§ 1.1502–13, 1.1502–14, and 1.1502–19, and capital losses shall be limited as provided in § 1.1502–15.

(4) [Reserved]

(5) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. (i) Corporations P, S, and T file consolidated returns on a calendar year basis for 1966 and 1967. The members had the following transactions involving capital assets during 1967: P sold an asset with a $10,000 basis to S for $17,000 and none of the circumstances of restoration described in paragraph (d), (e), or (f) of § 1.1502–13 occurred by the end of the consolidated return year; S sold an asset to individual A for $7,000 which S had purchased during 1966 from P for $10,000, and with respect to which P had deferred a gain of $2,000; T sold an asset with a basis of $10,000 to individual B for $25,000. The group has a consolidated net capital loss carryover to the taxable year of $10,000.

(ii) The consolidated net capital gain of the group is $4,000, determined as follows: P's net capital gain of $2,000, representing the deferred gain on the sale to S during the taxable year 1966, restored into income during taxable year 1967 (the $7,000 gain on P's deferred intercompany transaction is not taken into account for the current year), plus T's net capital gain of $15,000, minus S's net capital loss of $3,000 and the consolidated net capital loss carryover of $10,000.

(b) *Consolidated net capital loss carryovers*—(1) *In general.* The consolidated net capital loss carryovers to the taxable year shall consist of any consolidated net capital losses of the group, plus any net capital losses of members of the group arising in separate return years of such members, which may be carried to the taxable year under the principles of section 1212(a). However, such consolidated carryovers shall not include any consolidated net capital loss apportioned to a corporation for a separate return year pursuant to paragraph (b) of § 1.1502–79 and shall be subject to the limitations contained in paragraphs (c) and (d) of this section. For purposes of section 1212(a)(1), the portion of any consolidated net capital loss for any taxable year attributable to a foreign expropriation capital loss is the amount of the foreign expropriation capital losses of all the members for such year (but not in excess of the consolidated net capital loss for such year).

(2) *Absorption rules.* For purposes of determining the amount, if any, of a net capital loss (whether consolidated or separate) which can be carried to a taxable year (consolidated or separate), the amount of such net capital loss which is absorbed in a prior consolidated return year under section 1212(a)(1) shall be determined by—

(i) Applying all net capital losses which can be carried to such prior year in the order of the taxable years in which such losses were sustained, beginning with the taxable year which ends earliest, and

(ii) Applying all such losses which can be carried to such prior year from taxable years ending on the same date on a pro rata basis, except that any portion of a net capital loss attributable to a foreign expropriation capital loss to which section 1212(a)(1)(B) applies shall be applied last.

(c) *Limitation on net capital loss carryovers from separate return limitation years*—(1) *General rule.* In the case of a net capital loss of a member of the group arising in a separate return limitation year (as defined in paragraph (f) of § 1.1502–1) of such member (and in a separate return limitation year of any predecessor of such member), the amount that may be included under paragraph (b) of this section (computed without regard to the limitation contained in paragraph (d) of this section) shall not exceed the amount determined under subparagraph (2) of this paragraph.

(2) *Computation of limitation.* The amount referred to in subparagraph (1) of this paragraph with respect to a member of the group is the excess, if any, of—

(i) The consolidated net capital gain for the taxable year (computed without regard to any net capital loss carryovers), minus such consolidated net capital gain for the taxable year recomputed by excluding the capital gains and losses and the gains and losses to which section 1231 applies of such member, over

(ii) The net capital losses attributable to such member which can be carried to the taxable year arising in taxable years ending prior to the particular separate return limitation year.

(d) *Limitation on capital loss carryovers where there has been a consolidated return change of ownership*—(1) *General rule.* If a consolidated return change of ownership (as defined in paragraph (g) of § 1.1502–1) occurs during the taxable year or an earlier taxable year, the amount which may be included under paragraph (b) of this section in the consolidated net capital loss carryovers to the taxable year with respect to the aggregate of the net capital losses attributable to old members of the group (as defined in paragraph (g)(3) of § 1.1502–1) arising in taxable years (consolidated or separate) ending on the same day and before the taxable year in which the consolidated return change of ownership occurred shall not exceed the amount determined under subparagraph (2) of this paragraph.

(2) *Computation of limitation.* The amount referred to in subparagraph (1) of this paragraph shall be the excess of—

(i) The consolidated net capital gain (determined without regard to any net capital loss carryovers for the taxable year) recomputed by including only capital gains and losses and gains and losses to which section 1231 applies of the old members of the group, over

(ii) The aggregate net capital losses attributable to the old members of the group which may be carried to the taxable year arising in taxable years ending prior to the particular loss year or years.

§ 1.1502–23 Consolidated section 1231 net gain or loss.

The consolidated section 1231 net gain or loss for the taxable year shall be determined by taking into account the aggregate of the gains and losses to which section 1231 applies of the members of the group for the consolidated return year. Section 1231 gains and losses on intercompany transactions shall be reflected as provided in § 1.1502–13. Section 1231 losses shall be limited as provided in § 1.1502–15.

§ 1.1502–24 Consolidated charitable contributions deduction.

(a) *Determination of amount of consolidated charitable contributions deduction.* The deduction allowed by section 170 for the taxable year shall be the lesser of—

(1) The aggregate deductions of the members of the group allowable under section 170 (determined without regard to section 170(b)(2)), plus the consolidated charitable contribution carryovers to such year, or

(2) Five percent of the adjusted consolidated taxable income as determined under paragraph (c) of this section.

(b) *Carryover of excess charitable contributions.* The consolidated charitable contribution carryovers to any consolidated return year shall consist of any excess consolidated charitable contributions of the group, plus any excess charitable contributions of members of the group arising in separate return years of such members, which may be carried over to the taxable year under the principles of section 170(b) (2) and (3). However, such consolidated carryovers shall not include any excess charitable contributions apportioned to a corporation for a separate return year pursuant to paragraph (e) of § 1.1502–79.

(c) *Adjusted consolidated taxable income.* For purposes of this section, the adjusted consolidated taxable income of the group for any consolidated return year shall be the consolidated taxable income computed without regard to this section, section 242, section 243(a) (2) and (3), § 1.1502–25, § 1.1502–26, and § 1.1502–27, and without regard to any consolidated net operating loss carrybacks to such year.

§ 1.1502–25 [Reserved]

§ 1.1502–26 Consolidated dividends received deduction.

(a) *In general.* The consolidated dividends received deduction for the taxable year shall be the lesser of—

(1) The aggregate of the deductions of the members of the group allowable under sections 243(a)(1), 244(a) and 245 (computed without regard to the limitation provided in section 246(b)), or

(2) 85 percent of the consolidated taxable income computed without regard to the consolidated net operating loss deduction, consolidated section 247 deduction, and the consolidated dividends received deduction.

Subparagraph (2) of this paragraph shall not apply for any consolidated return year for which there is a consolidated net operating loss. (See paragraph (f) of § 1.1502–21 for the definition of a consolidated net operating loss.)

(b) *Intercompany dividends.* The amount determined under paragraph (a) of this section shall be determined without regard to dividends received from other members of the group during a consolidated return year. (See paragraph (a)(1) of § 1.1502–14 for rules relating to intercompany dividends.)

(c) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Corporations P, S, and S–1 filed a consolidated return for the calendar year 1966 showing consolidated taxable income of $100,000 (determined without regard to the consolidated net operating loss deduction, consolidated dividends received deduction, and the consolidated section 247 deduction). Such corporations received dividends during such year from nonmember domestic corporations as follows:

Corporation:	Dividends
P	$6,000
S	10,000
S–1	34,000
Total	50,000

The dividends received deduction allowable to each member under section 243(a)(1) (computed without regard to the limitation in section 246(b)) is as follows: P has $5,100 (85 percent of $6,000), S has $8,500 (85 percent of $10,000), and S–1 has $28,900 (85 percent of $34,000), or a total of $42,500. Since $42,500 is less than $85,000 (85 percent of $100,000), the consolidated dividends received deduction is $42,500.

Example (2). Assume the same facts as in example (1) except that consolidated taxable income (computed without regard to the consolidated net operating loss deduction, consolidated dividends received deduction, and the consolidated section 247 deduction) was $40,000. The aggregate of the dividends received deductions, $42,500, computed without regard to section 246(b), results in a consolidated net operating loss of $2,500. See section 172(d)(6). Therefore, paragraph (a)(2) of this section does not apply and the consolidated dividends received deduction is $42,500.

§ 1.1502–27 Consolidated section 247 deduction.

(a) *Amount of deduction.* The consolidated section 247 deduction for the taxable year shall be an amount computed as follows:

(1) First, determine the amount which is the lesser of—

(i) The aggregate of the dividends paid (within the meaning of section 247(a)) during such year by members of the group which are public utilities (within the meaning of section 247(b)(1)) on preferred stock (within the meaning of section 247(b)(2)), other than dividends paid to other members of the group, or

(ii) The aggregate of the taxable income (or loss) (as determined under paragraph (b) of this section) of each such member which is a public utility.

(2) Then, multiply the amount determined under subparagraph (1) of this paragraph by the fraction specified in section 247(a)(2).

(b) *Computation of taxable income.* For purposes of paragraph (a)(1)(ii) of this section, the taxable income (or loss) of a member of the group described in paragraph (a)(1)(i) shall be determined under § 1.1502–12, adjusted for the following items taken into account in the computation of consolidated taxable income:

(1) The portion of the consolidated net operating loss deduction, the consolidated charitable contributions deduction, and the consolidated dividends received deduction, attributable to such member;

(2) Such member's net capital gain (determined without regard to any net capital loss carryover attributable to such member);

(3) Such member's net capital loss and section 1231 net loss, reduced by the portion of the consolidated net capital loss attributable to such member; and

(4) The portion of any consolidated net capital loss carryover attributable to such member which is absorbed in the taxable year.

§§ 1.1502–28 to 1.1502–30 [Reserved]

BASIS, STOCK OWNERSHIP, AND EARNINGS AND PROFITS RULES

§§ 1.1502–31 to 1.1502–33 [Reserved]

§ 1.1502–34 Special aggregate stock ownership rules.

For purposes of §§ 1.1502–1 through 1.1502–80, in determining the stock ownership of a member of the group in another corporation (the "issuing corporation") for purposes of determining the application of section 165(g)(3)(A), 332(b)(1), 333(b), 351(a), or 904(f), in a consolidated return year, there shall be included stock owned by all other members of the group in the issuing corporation. Thus, assume that members A, B, and C each own 33⅓ percent of the stock issued by D. In such case, A, B, and C shall each be treated as meeting the 80-percent stock ownership requirement for purposes of section 332, and no member can elect to have section 333 apply. Furthermore, the special rule for minority shareholders in section 337(d) cannot apply with respect to amounts received by A, B, or C in liquidation of D.

§§ 1.1502–35 to 1.1502–40 [Reserved]

SPECIAL TAXES AND TAXPAYERS

§ 1.1502–41 Determination of consolidated net long-term capital gain and consolidated net short-term capital loss.

(a) *Consolidated net long-term capital gain.* The consolidated net long-term capital gain shall be determined by taking into account (1) those gains and losses to which paragraph (a)(1) of § 1.1502–22 applies which are treated as long term under section 1222, and (2) the consolidated section 1231 net gain (computed in accordance with § 1.1502–23).

(b) *Consolidated net short-term capital loss.* The consolidated net short-term capital loss shall be determined by taking into account (1) those gains and losses to which paragraph (a)(1) of § 1.1502–22 applies which are treated as short term under section 1222, and (2) the consolidated net capital loss carryovers to the taxable year (as determined under paragraph (b) of § 1.1502–22).

§§ 1.1502–42 to 1.1502–74 [Reserved]

ADMINISTRATIVE PROVISIONS AND OTHER RULES

§ 1.1502–75 Filing of consolidated returns.

(a) *Privilege of filing consolidated returns—(1) Exercise of privilege for first consolidated return year.* A group which did not file a consolidated return for the immediately preceding taxable year may file a consolidated return in lieu of separate returns for the taxable year, provided that each corporation which has been a member during any part of the taxable year for which the consolidated return is to be filed consents (in the manner provided in paragraph (b) of this section) to the regulations under section 1502. If a group wishes to exercise its privilege of filing a consolidated return, such consolidated return must be filed not later than the last day prescribed by law (including extensions of time) for the filing of the common parent's return. Such consolidated return may not be withdrawn after such last day (but the group may change the basis of its return at any time prior to such last day).

(2) *Continued filing requirement.* A group which filed (or was required to file) a consolidated return for the immediately preceding taxable year is required to file a consolidated return for the taxable year unless it has an election to discontinue filing consolidated returns under paragraph (c) of this section.

(b) *How consent for first consolidated year exercised.—(1) General rule.* The consent of a corporation referred to in paragraph (a)(1) of this section shall be made by such corporation joining in the making of the consolidated return for such year. A corporation shall be deemed to have joined in the making of such return for such year if it files a Form 1122 in the manner specified in paragraph (h)(2) of this section.

(2) *Consent under facts and circumstances.* If a member of the group fails to file Form 1122, the Commissioner may under the facts and circumstances determine that such member has joined in the making of a consolidated return by such group. The following circumstances, among others, will be taken into account in making this determination:

(i) Whether or not the income and deductions of the member were included in the consolidated return;

(ii) Whether or not a separate return was filed by the member for that taxable year; and

(iii) Whether or not the member was included in the affiliations schedule, Form 851.

If the Commissioner determines that the member has joined in the making of the consolidated return, such member shall be treated as if it had filed a Form 1122 for such year for purposes of paragraph (h)(2) of this section.

(3) *Failure to consent due to mistake.* If any member has failed to join in the making of a consolidated return under either subparagraph (1) or (2) of this paragraph, then the tax liability of each member of the group shall be determined on the basis of separate returns unless the common parent corporation establishes to the satisfaction of the Commissioner that the failure of such member to join in the making of the consolidated return was due to a mistake of law or fact, or to inadvertence. In such case, such member shall be treated as if it had filed a Form 1122 for such year for purposes of paragraph (h)(2) of this section, and thus joined in the making of the consolidated return for such year.

(c) *Election to discontinue filing consolidated returns—(1) Good cause—(i) In general.* Notwithstanding that a consolidated return is required for a taxable year, the Commissioner, upon application by the common parent made not later than the 19th day before the due date for the filing of the consolidated return (including extensions of time), may for good cause shown grant permission to a group to discontinue filing consolidated returns. Any such application shall be made to the Commissioner of Internal Revenue, Washington, D.C. 20224.

(ii) *Substantial adverse change in law affecting tax liability.* Ordinarily, the Commissioner will grant a group permission to discontinue filing consolidated returns if the net result of all amendments to the Code or regulations with effective dates commencing within the taxable year has a substantial adverse effect on the consolidated tax liability of the group for such year relative to what the aggregate tax liability would be if the members of the group filed separate returns for such year. Thus, for example, assume P and S filed a consolidated return for the calendar year 1966 and that the provisions of the Code have been amended by a bill which was enacted by Congress in 1966, but which is first effective for taxable years beginning on or after January 1, 1967. Assume further that P makes a timely application to discontinue filing consolidated returns. In order to determine whether the amendments have a substantial adverse effect on the consolidated tax liability for 1967, relative to what the aggregate tax liability would be if the members of the group filed separate returns for 1967, the difference between the tax liability of the group computed on a consolidated basis and taking into account the changes in the law effective for 1967 and the aggregate tax liability of the members of the group computed as if each such member filed separate returns for such year (also taking into account such changes) shall be compared with the difference between the tax liability of such group for 1967 computed on a consolidated basis without regard to the changes in the law effective in such year and the aggregate tax liability of the members of the group computed as if separate returns had been filed by such members for such year without regard to the changes in the law effective in such year.

(iii) *Other factors.* In addition, the Commissioner will take into account other factors in determining whether good cause exists for granting permission to discontinue filing consolidated returns beginning with the taxable year, including—

(a) Changes in law or circumstances, including changes which do not affect Federal income tax liability,

(b) Changes in law which are first effective in the taxable year and which result in a substantial reduction in the consolidated net operating loss (or consolidated unused investment credit) for such year relative to what the aggregate net operating losses (or investment credits) would be if the members of the group filed separate returns for such year, and

(c) Changes in the Code or regulations which are effective prior to the taxable year but which first have a substantial adverse effect on the filing of a consolidated return relative to the filing of separate returns by members of the group in such year.

(2) *Discretion of Commissioner to grant blanket permission—(i) Permission to all groups.* The Commissioner, in his discretion, may grant all groups permission to discontinue filing consolidated returns if any provision of the Code or regulations has been amended and such amendment is of the type which could have a substantial adverse effect on the filing of consolidated returns by substantially all groups, relative to the filing of separate returns. Ordinarily, the permission to discontinue shall apply with respect to the taxable year of each group which includes the effective date of such an amendment.

(ii) *Permission to a class of groups.* The Commissioner, in his discretion, may grant a particular class of groups permission to discontinue filing consolidated returns if any provision of the Code or regulations has been amended and such amendment is of the type which could have a substantial adverse effect on the filing of consolidated returns by substantially all such groups relative to the filing of separate returns. Ordinarily, the permission to discontinue shall apply with respect to the taxable year of each group within the class which includes the effective date of such an amendment.

(3) *Time and manner for exercising election.* If, under subparagraph (1) or (2) of this paragraph, a group has an election to discontinue filing consolidated returns for any taxable year and such group wishes to exercise such election, then the common parent must file a separate return for such year on or before the last day prescribed by law (including extensions of time) for the filing of the consolidated return for such year. See section 6081 (relating to extensions of time for filing returns).

(d) *When group remains in existence—(1) General rule.* A group shall

be considered as remaining in existence if the common parent corporation remains as the common parent and at least one subsidiary remains affiliated with it, whether or not such subsidiary was a member of the group in a prior year and whether or not one or more corporations have ceased to be subsidiaries at any time after the group was formed. Thus, for example, assume that individual A forms corporation P. P acquires 100 percent of the stock of corporation S on January 1, 1965, and P and S file a consolidated return for the calendar year 1965. On May 1, 1966, P acquires 100 percent of the stock of S–1, and on July 1, 1966, P sells the stock of S. The group (consisting originally of P and S) remains in existence in 1966 since P has remained as the common parent and at least one subsidiary (now S–1) remains affiliated with it.

(2) *Common parent no longer in existence*—(i) *Mere change in identity.* For purposes of this paragraph, the common parent corporation shall remain as the common parent irrespective of a mere change in identity, form, or place of organization of such common parent corporation (see section 368(a)(1)(F)).

(ii) *Transfer of assets to subsidiary.* The group shall be considered as remaining in existence notwithstanding that the common parent is no longer in existence if the members of the affiliated group succeed to and become the owners of substantially all of the assets of such former parent and there remains one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation and which was a member of the group prior to the date such former parent ceases to exist.

(3) *Reverse acquisitions*—(i) *In general.* If a corporation (hereinafter referred to as the "first corporation") or any member of a group of which the first corporation is the common parent acquires after October 1, 1965—

(*a*) Stock of another corporation (hereinafter referred to as the second corporation), and as a result the second corporation becomes (or would become but for the application of this subparagraph) a member of a group of which the first corporation is the common parent, or

(*b*) Substantially all the assets of the second corporation,

in exchange (in whole or in part) for stock of the first corporation, and the stockholders (immediately before the acquisition) of the second corporation, as a result of owning stock of the second corporation, own (immediately after the acquisition) more than 50 percent of the fair market value of the outstanding stock of the first corporation, then any group of which the first corporation was the common parent immediately before the acquisition shall cease to exist as of the date of acquisition, and any group of which the second corporation was the common parent immediately before the acquisition shall be treated as remaining in existence (with the first corporation becoming the common parent of the group). Thus, assume that corporations P and S comprised group PS (P being the common parent), that P was merged into corporation T (the common parent of a group composed of T and corporation U), and that the shareholders of P immediately before the merger, as a result of owning stock in P, own 90 percent of the fair market value of T's stock immediately after the merger. The group of which P was the common parent is treated as continuing in existence with T and U being added as members of the group, and T taking the place of P as the common parent.

(ii) For purposes of subdivision (i) of this subparagraph, if the first corporation, and any members of a group of which the first corporation is the common parent, have continuously owned for a period of at least 5 years ending on the date of the acquisition an aggregate of at least 25 percent of the fair market value of the outstanding stock of the second corporation, then the first corporation (and any subsidiary which owns stock of the second corporation immediately before the acquisition) shall, as a result of owning such stock, be treated as owning (immediately after the acquisition) a percentage of the fair market value of the first corporation's outstanding stock which bears the same ratio to (*a*) the percentage of the fair market value of all the stock of the second corporation owned immediately before the acquisition by the first corporation and its subsidiaries as (*b*) the fair market value of the total outstanding stock of the second corporation immediately before the acquisition bears to (*c*) the sum of (*1*) the fair market value, immediately before the acquisition, of the total outstanding stock of the first corporation, and (*2*) the fair market value, immediately before the acquisition, of the total outstanding stock of the second corporation (other than any such stock owned by the first corporation and any of its subsidiaries). For example, assume that corporation P owns stock in corporation T having a fair market value of $100,000, that P acquires the remaining stock of T from individuals in exchange for stock of P, that immediately before the acquisition the total outstanding stock of T had a fair market value of $150,000, and that immediately before the acquisition the total outstanding stock of P had a fair market value of $200,000. Assuming P owned at least 25 percent of the fair market value of T's stock for 5 years, then for purposes of this subparagraph, P is treated as owning (immediately after the acquisition) 40 percent of the fair market value of its own outstanding stock, determined as follows:

$$\frac{\$150{,}000}{\$200{,}000+\$50{,}000}\times 66\tfrac{2}{3}\%=40\%$$

Thus, if the former individual stockholders of T own, immediately after the acquisition more than 10 percent of the fair market value of the outstanding stock of P as a result of owning stock of T, the group of which T was the common parent is treated as continuing in existence with P as the common parent, and the group of which P was the common parent before the acquisition ceases to exist.

(e) *Failure to include subsidiary.* If a consolidated return is required for the taxable year under the provisions of paragraph (a)(2) of this section, the tax liability of all members of the group for such year shall be computed on a consolidated basis even though—

(1) Separate returns are filed by one or more members of the group, or

(2) There has been a failure to include in the consolidated return the income of any member of the group.

If subparagraph (1) of this paragraph applies, the amounts assessed or paid upon the basis of separate returns shall be considered as having been assessed or paid upon the basis of a consolidated return.

(f) *Inclusion of one or more corporations not members of the group tax liability.* If a consolidated return includes the income of a corporation which was not a member of the group at any time during the consolidated return year, the tax liability of such corporation will be determined upon the basis of a separate return (or a consolidated return of another group, if paragraph (a)(2) or (b)(3) of this section applies), and the consolidated return will be considered as including only the income of the corporations which were members of the group during that taxable year. If a consolidated return includes the income of two or more corporations which were not members of the group but which constitute another group, the tax liability of such corporations will be computed in the same manner as if separate returns had been made by such corporations unless the Commissioner upon application approves the making of a consolidated return for the other group or unless under paragraph (a)(2) of this section a consolidated return is required for the other group.

(2) *Allocation of tax liability.* In any case in which amounts have been assessed and paid upon the basis of a consolidated return and the tax liability of one or more of the corporations included in the consolidated return is to be computed in the manner described in subparagraph (1) of this paragraph, the amounts so paid shall be allocated between the group composed of the corporations properly included in the consolidated return and each of the corporations the tax liability of which is to be computed on a separate basis (or on the basis of a consolidated return of another group) in such manner as the corporations which were included in the consolidated return may, subject to the approval of the Commissioner, agree upon or in the absence of an agreement upon the method used in allocating the tax liability of the members of the group under the provisions of section 1552(a).

(g) *Computing periods of limitation*—(1) *Income incorrectly included in consolidated return.* If—

(i) A consolidated return is filed by a group for the taxable year, and

(ii) The tax liability of a corporation whose income is included in such return must be computed on the basis of a separate return (or on the basis of a consolidated return with another group),

then for the purpose of computing any period of limitation with respect to such separate return (or such other consolidated return), the filing of such consolidated return by the group shall be considered as the making of a return by such corporation.

(2) *Income incorrectly included in separate returns.* If a consolidated return is required for the taxable year under the provisions of paragraph (a)(2) of this section, the filing of separate returns by the members of the group for such year shall not be considered as the making of a return for the purpose of computing any period of limitation with respect to such consolidated return unless there is attached to each such separate return a statement setting forth—

(i) The most recent taxable year of the member for which its income was included in a consolidated return, and

(ii) The reasons for the group's belief that a consolidated return is not required for the taxable year.

(h) *Method of filing return and forms*—(1) *Consolidated return made by common parent corporation.* The consolidated return shall be made on Form 1120 for the group by the common parent corporation. The consolidated return, with Form 851 (affiliations schedule) attached, shall be filed with the district director with whom the common parent would have filed a separate return.

(2) *Filing of Form 1122 for first year.* If, under the provisions of paragraph (a)(1) of this section, a group wishes to exercise its privilege of filing a consolidated return, then a Form 1122 must be executed by each subsidiary and must be attached to the consolidated return for such year. In addition, each subsidiary must file a signed copy of Form 1122 on or before the due date for the filing of the common parent's return for such year (including extensions of time) with the district director with whom such subsidiary would have filed its separate return. Form 1122 shall not be required for a taxable year if a consolidated return was filed (or was required to be filed) by the group for the immediately preceding taxable year.

(3) *Persons qualified to execute returns and forms.* Each return or form required to be made or prepared by a corporation must be executed by the person authorized under section 6062 to execute returns of separate corporations.

§ 1.1502–76 Taxable year of members of group.

(a) *Taxable year of members of group*—(1) *Change to parent's taxable year.* The consolidated return of a group must be filed on the basis of the common parent's taxable year, and each subsidiary must adopt the common parent's annual accounting period for the first consolidated return year for which the subsidiary's income is includible in the consolidated return. If any member is on a 52–53-week taxable year, the rule of the preceding sentence shall, with the advance consent of the Commissioner, be deemed satisfied if the taxable years of all members of the group end within the same 7-day period. Any request for such consent shall be filed with the Commissioner of Internal Revenue, Washington, D.C. 20224, not later than the 30th day before the due date (not including extensions of time) for the filing of the consolidated return.

(2) *Includible insurance company as member of group.* If an includible insurance company required by section 843 to file its return on the basis of a calendar year is a member of the group and if the common parent of such group files its return on the basis of a fiscal year, then the first consolidated return which includes the income of such insurance company may be filed on the basis of the common parent's fiscal year, provided, however, that if such insurance company is a member of the group on the last day of the common parent's taxable year all members of the group change to a calendar year basis effective immediately after the close of such fiscal year.

(b) *Income to be included in returns for taxable year*—(1) *Inclusion of income in consolidated return.* The consolidated return of a group must include the income of the common parent for that corporation's entire taxable year (excluding any portion of such taxable year for which its income is properly included in the consolidated return of another group) and, except as provided in subparagraph (5) of this paragraph, the income of each subsidiary for the portion of such taxable year during which it was a member of the group.

(2) *Separate return for period not included in a consolidated return.* If the consolidated return of a group properly includes the income of a corporation for only a portion of such corporation's taxable year (determined without regard to a change of its taxable year under paragraph (a) of this section), then the income for the portion of such taxable year not included in the consolidated return must be included in a separate return (or, if such corporation is a member of another group which files a consolidated return for such portion of such year, then in such consolidated return).

(3) *Examples.* The provisions of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). Corporations X and Y filed separate returns for the calendar year 1965. As of the close of June 30, 1966, X acquired all of the stock of Y. If X files a consolidated return for 1966, it must include in such return its income for the entire taxable year and the income of Y for the period July 1, 1966, through December 31, 1966. Y must include its income for the period January 1, 1966, through June 30, 1966, in a separate return.

Example (2). Corporations P and S, a group of corporations, filed a consolidated return for the calendar year 1966. As of the close of June 30, 1967, all of the stock of S was sold to individual A. P must file a consolidated return for 1967 including P's income for the entire taxable year and the income of S for the period of January 1, 1967, through June 30, 1967. S must file a separate return for the period July 1, 1967, through December 31, 1967.

Example (3). Assume the same facts as in example (2) plus the additional fact that as of the close of July 31, 1967, P acquired all the stock of corporation T (which filed separate returns on the basis of a fiscal year ending November 30), and that P and T filed a consolidated return for 1967. P must file two consolidated returns for 1967. The consolidated return of P and S for 1967 must include P's income for the entire taxable year, excluding that portion of such year (August 1 through December 31) for which its income is includible in the consolidated return of P and T. The consolidated return of P and T for 1967 must include P's income for its entire taxable year, excluding that portion of the taxable year (January 1 through July 31) for which P's income is included in the consolidated return of P and S, and including the income of T for the period August 1 through December 31. T must file a separate return for the period December 1, 1966, through July 31, 1967.

(4) *Allocation of income between separate and consolidated returns.* (i) If the taxable income of a member for a taxable year (determined without regard to a change of its year under paragraph (a) of this section) must be included in part in a consolidated return and in part in a separate return (or a consolidated return of another group), the taxable income to be reported in each such return shall be determined on the basis of its income shown on its permanent records (including work papers).

(ii) If the portion of an item of income or deduction to be reported in each such return cannot be clearly determined from the permanent records, the portion of such item to be included in each such return shall be the amount of the item for the full taxable year (determined without regard to the change of year) multiplied by a fraction, the numerator of which is the number of days for which the member's income is to be included in such return and the denominator of which is the total number of days in such year.

(5) *Period of 30 days or less may be disregarded.* For purposes of the regulations under section 1502—

(i) If within 30 days after the beginning of a corporation's taxable year (determined without regard to the required change to the parent's taxable year) it becomes a member of a group, then such corporation may at its option be considered to have become a member of the group as of the beginning of the first day of such corporation's taxable year, or

(ii) If, during a consolidated return year of a group, a corporation (other than a corporation created or organized in such year by a member of the group) has been a member of such group for a period of 30 days or less, then such corporation may at its option be considered as not having been a member of the group during such year.

(6) *Examples.* The provisions of subparagraph (5) of this paragraph may be illustrated by the following examples:

Example (1). Corporation P, a common parent corporation, filed a consolidated return for the calendar year 1965. As of the

close of July 14, 1966. P acquired all of the stock of corporation S. S filed its separate returns on the basis of the fiscal year ending June 30. P files a consolidated return for 1966. Since S became a member of the group within 30 days after the beginning of its taxable year, S may at its option include its income in such consolidated return for the period July 1, 1966 (the beginning of its taxable year), through December 31, 1966, in lieu of the period July 15, 1966, through December 31, 1966.

Example (2). Assume the same facts as in example (1) except that P acquired all of the stock of S as of the close of December 14, 1966. Since S has been a member of the group for a period of 30 days or less during the group's calendar year 1966, S may at its option not include any of its income in the consolidated return filed for 1966.

(c) *Time for making separate returns for periods not included in consolidated return*—(1) *Consolidated return filed by due date for separate return.* If the group has filed a consolidated return on or before the due date for the filing of a subsidiary's separate return (including extensions of time and determined without regard to any change of its taxable year required under paragraph (a) of this section), then the separate return for any portion of the subsidiary's taxable year for which its income is not included in the consolidated return of the group must be filed no later than the due date of such consolidated return (including extensions of time).

(2) *Consolidated return not filed by due date for separate return.* If the group has not filed a consolidated return on or before the due date for the filing of a subsidiary corporation's separate return (including extensions of time and determined without regard to any change of its taxable year required under paragraph (a) of this section), then on or before such due date such subsidiary shall file a separate return either for the portion of its taxable year for which its income would not be included in a consolidated return if such a return were filed, or for its complete taxable year. However, if a separate return is filed for such portion of its taxable year and the group subsequently does not file a consolidated return, such subsidiary corporation shall file a substituted return for its complete taxable year not later than the due date (including extensions of time) prescribed for the filing of the common parent's return. On the other hand, if the return is filed for the subsidiary's complete taxable year and the group later files a consolidated return, such subsidiary must file an amended return not later than the due date (including extensions of time) for the filing of the consolidated return of the group. Such amended return shall be for that portion of such subsidiary's taxable year which is not included in the consolidated return. If, under this subparagraph, a substituted return must be filed, then the return previously filed shall not be considered a return within the meaning of section 6011. If, under this subparagraph, a substituted or amended return must be filed, then, for purposes of sections 6513(a) and 6601(a), the last date prescribed for payment of tax shall be the due date (not including extensions of time) for the filing of the subsidiary's separate return (determined without regard to this subparagraph and without regard to any change of its taxable year required under paragraph (a) of this section).

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Corporation P, which filed a separate return for the calendar year 1966, acquires all of the stock of corporation S as of the close of December 31, 1966. Corporation S reports its income on the basis of a fiscal year ending March 31. On June 15, 1967, the due date for the filing of a separate return by S (assuming no extensions of time), a consolidated return has not been filed for the group (P and S). On such date S may either file a return for the period April 1, 1966, through December 31, 1966, or it may file a return for the complete fiscal year ending March 31, 1967. If S files a return for the short period ending December 31, 1966, and if the group elects not to file a consolidated return for the calendar year 1967, S, on or before March 15, 1968 (the due date of P's return, assuming no extensions of time), must file a substituted return for the complete fiscal year ending March 31, 1967, in lieu of the return previously filed for the short period. Interest is computed from June 15, 1967. If, however, S files a return for the complete fiscal year ending March 31, 1967, and the group elects to file a consolidated return for the calendar year 1967, then S must file an amended return covering the period from April 1, 1966, through December 31, 1966, in lieu of the return previously filed for the complete fiscal year. Interest is computed from June 15, 1967.

Example (2). Assume the same facts as in example (1) except that corporation P acquires all of the stock of corporation S at the close of September 30, 1967, and that P files a consolidated return for the group for 1967 on March 15, 1968 (not having obtained any extensions of time). Since a consolidated return has been filed on or before the due date (June 15, 1968) for the filing of the separate return for the taxable year ending March 31, 1968, the return of S for the short taxable year beginning April 1, 1967, and ending September 30, 1967, should be filed no later than March 15, 1968.

(d) *Taxable year of less than 12 months.* Any period of less than 12 months for which either a separate return or a consolidated return is filed under the provisions of this section shall be considered as a separate taxable year.

§ 1.1502–77 Common parent agent for subsidiaries.

(a) *Scope of agency of common parent corporation.* The common parent, for all purposes other than the making of the consent required by paragraph (a)(1) of § 1.1502–75, shall be the sole agent for each subsidiary in the group, duly authorized to act in its own name in all matters relating to the tax liability for the consolidated return year. No subsidiary shall have authority to act for or to represent itself in any such matter. For example, any election available to a subsidiary corporation in the computation of its seperate taxable income must be made by the common parent, as must any change in an election previously made by the subsidiary corporation; all correspondence will be carried on directly with the common parent; the common parent shall file for all extensions of time including extensions of time for payment of tax under section 6164; notices of deficiencies will be mailed only to the common parent, and the mailing to the common parent shall be considered as a mailing to each subsidiary in the group; notice and demand for payment of taxes will be given only to the common parent and such notice and demand will be considered as a notice and demand to each subsidiary; the common parent will file petitions and conduct proceedings before the Tax Court of the United States, and any such petition shall be considered as also having been filed by each such subsidiary. The common parent will file claims for refund or credit, and any refund will be made directly to and in the name of the common parent and will discharge any liability of the Government in respect thereof to any such subsidiary; and the common parent in its name will give waivers, give bonds, and execute closing agreements, offers in compromise, and all other documents, and any waiver or bond so given, or agreement, offer in compromise, or any other document so executed, shall be considered as having also been given or executed by each such subsidiary. Notwithstanding the provisions of this paragraph, any notice of deficiency, in respect of the tax for a consolidated return year, will name each corporation which was a member of the group during any part of such period (but a failure to include the name of any such member will not affect the validity of the notice of deficiency as to the other members); any notice and demand for payment will name each corporation which was a member of the group during any part of such period (but a failure to include the name of any such member will not affect the validity of the notice and demand as to the other members); and any levy, any notice of a lien, or any other proceeding to collect the amount of any assessment, after the assessment has been made, will name the corporation from which such collection is to be made. The provisions of this paragraph shall apply whether or not a consolidated return is made for any subsequent year, and whether or not one or more subsidiaries have become or have ceased to be members of the group at any time. Notwithstanding the provisions of this paragraph, the district director may, upon notifying the common parent, deal directly with any member of the group in respect of its liability, in which event such member shall have full authority to act for itself.

(b) *Notification of deficiency to corporation which has ceased to be a member of the group.* If a subsidiary has ceased to be a member of the group and if such subsidiary files written notice of such cessation with the district director with whom the consolidated return is filed, then such district director upon request of such subsidiary will furnish it with a copy of any notice of deficiency in respect of the tax for a consolidated return year for which it was a member and a copy of any notice and demand for payment of such deficiency. The filing of such written notification and request by a corporation shall not have the effect of limiting the scope of the agency of the common parent provided for in paragraph (a) of this section and a failure by such district director to comply with such written request shall not have the effect of limiting the tax liability of such corporation provided for in § 1.1502–6.

(c) *Effect of waiver given by common parent.* Unless the district director agrees to the contrary, an agreement entered into by the common parent extending the time within which an assessment may be made or levy or proceeding in court begun in respect of the tax for a consolidated return year shall be applicable—

(1) To each corporation which was a member of the group during any part of such taxable year, and

(2) To each corporation the income of which was included in the consolidated return for such taxable year, notwithstanding that the tax liability of any such corporation is subsequently computed on the basis of a separate return under the provisions of § 1.1502–75.

(d) *Effect of dissolution of common parent corporation.* If the common parent corporation contemplates dissolution, or is about to be dissolved, or if for any other reason its existence is about to terminate, it shall forthwith notify the district director with whom the consolidated return is filed of such fact and designate, subject to the approval of such district director, another member to act as agent in its place to the same extent and subject to the same conditions and limitations as are applicable to the common parent. If the notice thus required is not given by the common parent, or the designation is not approved by the district director, the remaining members may, subject to the approval of such district director, designate another member to act as such agent, and notice of such designation shall be given to such district director. Until a notice in writing designating a new agent has been approved by such district director, any notice of deficiency or other communication mailed to the common parent shall be considered as having been properly mailed to the agent of the group; or, if such district director has reason to believe that the existence of the common parent has terminated, he may, if he deems it advisable, deal directly with any member in respect of its liability.

§ 1.1502–78 Tentative carryback adjustments.

(a) *General rule.* If a group sustains a consolidated net operating loss for any taxable year, then any application under section 6411 for a tentative carryback adjustment of the taxes for a consolidated return year or years preceding the loss year shall be made by the common parent corporation to the extent such consolidated net operating loss is not apportioned to a corporation for a separate return year pursuant to paragraph (a) of § 1.1502–79. In the case of the portion of a consolidated net operating loss to which the preceding sentence does not apply, and in the case of a net operating loss sustained in a separate return year which may be carried back to a consolidated return year, the corporation or corporations to which any such loss is attributable shall make any application under section 6411.

(b) *Special rules*—(1) *Payment of refund.* Any refund allowable under an application referred to in paragraph (a) of this section shall be made directly to and in the name of the corporation filing the application, except that in all cases where the loss is deducted from the consolidated taxable income of a consolidated return year, any refund shall be made directly to and in the name of the common parent corporation. The payment of any such refund shall discharge any liability of the Government with respect to such refund.

(2) *Several liability.* If a group filed a consolidated return for a taxable year for which there was an adjustment by reason of an application under section 6411, and if a deficiency is assessed against such group under section 6213(b)(2), then each member of such group shall be severally liable for such deficiency including any interest or penalty assessed in connection with such deficiency.

(c) *Examples.* The provisions of paragraphs (a) and (b) of this section may be illustrated by the following examples:

Example (1). Corporations P, S, and S–1 filed a consolidated return for the calendar year 1966. P, S, and S–1 also filed a consolidated return for the calendar year 1969. The group incurred a consolidated net operating loss in 1969 attributable to S–1 which may be carried back to 1966 as a consolidated net operating loss carryback. If a tentative carryback adjustment is desired, P, the common parent, must file an application under section 6411 and any refund will be made to P.

Example (2). Assume the same facts as in example (1) except that P, S, and S–1 filed separate returns for the calendar year 1969, even though they were members of the same group for such year. S–1 incurred a net operating loss in 1969 which may be carried back to 1966. If a tentative carryback adjustment is desired, S–1 must file an application under section 6411 and any refund from such application will be made to P.

Example (3). Corporations X, Y, and Z filed a consolidated return for the calendar year 1966. Z ceased to be a member of the group in 1967. Z filed a separate return for 1968 while X and Y filed a consolidated return for such year. The group incurred a consolidated net operating loss in 1968 attributable to Y, which may be carried back to 1966. Z also incurred a net operating loss for 1968 which may be carried back to 1966. If a tentative carryback adjustment is claimed with respect to the consolidated net operating loss, X, the common parent, must file an application under section 6411. If a tentative carryback adjustment is desired with respect to Z's loss, Z must file an application. Any refunds attributable to either application will be made to X. If an assessment is made under section 6213(b)(2) to recover an excessive tentative allowance made with respect to calendar year 1966, X, Y, and Z are severally liable for such assessment.

Example (4). Corporations L and M filed a consolidated return for the calendar year 1966. Corporation N filed a separate return for such year. Later, N became a member of the group and filed a consolidated return with the group for the calendar year 1968. The group incurred a consolidated net operating loss in 1968 attributable to N which may be carried back to N's separate return for 1966. If a tentative carryback adjustment is desired, N must file an application under section 6411 and any refund will be made directly to N.

§ 1.1502–79 Separate return years.

(a) *Carryover and carryback of consolidated net operating losses to separate return years*—(1) *In general.* (i) If a consolidated net operating loss can be carried under the principles of section 172(b) and paragraph (b) of § 1.1502–21 to a separate return year of a corporation (or could have been so carried if such corporation were in existence) which was a member in the year in which such loss arose, then the portion of such consolidated net operating loss attributable to such corporation (as determined under subparagraph (3) of this paragraph) shall be apportioned to such corporation (and any successor to such corporation in a transaction to which section 381(a) applies) and shall be a net operating loss carryover or carryback to such separate return year; accordingly, such portion shall not be included in the consolidated net operating loss carryovers or carrybacks to the equivalent consolidated return year. Thus, for example, if a member filed a separate return for the third year preceding a

consolidated return year in which a consolidated net operating loss was sustained and if any portion of such loss is apportioned to such member for such separate return year, such portion may not be carried back by the group to its third year preceding such consolidated return year.

(ii) If a corporation ceases to be a member during a consolidated return year, any consolidated net operating loss carryover from a prior taxable year must first be carried to such consolidated return year, notwithstanding that all or a portion of the consolidated net operating loss giving rise to the carryover is attributable to the corporation which ceases to be a member. To the extent not absorbed in such consolidated return year, the portion of the consolidated net operating loss attributable to the corporation ceasing to be a member shall then be carried to such corporation's first separate return year.

(2) *Nonapportionment to certain members not in existence.* Notwithstanding subparagraph (1) of this paragraph, the portion of a consolidated net operating loss attributable to a member shall not be apportioned to a prior separate return year for which such member was not in existence and shall be included in the consolidated net operating loss carrybacks to the equivalent consolidated return year of the group (or, if such equivalent year is a separate return year, then to such separate return year), provided that such member was a member of the group immediately after its organization.

(3) *Portion of consolidated net operating loss attributable to a member.* The portion of a consolidated net operating loss attributable to a member of a group is an amount equal to the consolidated net operating loss multiplied by a fraction, the numerator of which is the separate net operating loss of such corporation, and the denominator of which is the sum of the separate net operating losses of all members of the group in such year having such losses. For purposes of this subparagraph, the separate net operating loss of a member of the group shall be determined under § 1.1502–12 (except that no deduction shall be allowed under section 242), adjusted for the following items taken into account in the computation of the consolidated net operating loss:

(i) The portion of the consolidated dividends received deduction, the consolidated charitable contributions deductions, and the consolidated section 247 deduction, attributable to such member;

(ii) Such member's net capital gain (determined without regard to any net capital loss carryover attributable to such member);

(iii) Such member's net capital loss and section 1231 net loss, reduced by the portion of the consolidated net capital loss attributable to such member (as determined under paragraph (b)(2) of this section); and

(iv) The portion of any consolidated net capital loss carryover attributable to such member which is absorbed in the taxable year.

(4) *Examples.* The provisions of this parsgraph may be illustrated by the following examples:

Example (1). (i) Corporation P was formed on January 1, 1966. P filed a separate return for the calendar year 1966. On March 15, 1967, P formed corporation S. P and S filed a consolidated return for 1967. On January 1, 1968, P purchased all the stock of corporation T, which had been formed in 1967 and had filed a separate return for its taxable year ending December 31, 1967.

(ii) P, S, and T join in the filing of a consolidated return for 1968, which return reflects a consolidated net operating loss of $11,000. $2,000 of such consolidated net operating loss is attributable to P, $3,000 to S, and $6,000 to T. Such apportionment of the consolidated net operating loss was made on the basis of the separate net operating losses of each member as determined under subparagraph (3) of this paragraph.

(iii) $5,000 of the 1968 consolidated net operating loss can be carried back to P's separate return for 1966. Such amount is the portion of the consolidated net operating loss attributable to P and S. Even though S was not in existence in 1966, the portion attributable to S can be carried back to P's separate return year, since S (unlike T) was a member of the group immediately after its organization. The 1968 consolidated net operating loss can be carried back against the group's income in 1967 except to the extent (i.e., $6,000) that it is apportioned to T for its 1967 separate return year and to the extent that it was absorbed in P's 1966 separate return year. The portion of the 1968 consolidated net operating loss attributable to T ($6,000) is a net operating loss carryback to its 1967 separate return.

Example (2). (i) Assume the same facts as in example (1). Assume further that on June 15, 1969, P sells all the stock of T to an outsider, that P and S file a consolidated return for 1969 (which includes the income of T for the period January 1 through June 15), and that T files a separate return for the period June 16 through December 31, 1969.

(ii) The 1968 consolidated net operating loss, to the extent not absorbed in prior years, must first be carried to the consolidated return year 1969. Any portion of the $6,000 amount attributable to T which is not absorbed in T's 1967 separate return year or in the 1969 consolidated return year shall then be carried to T's separate return year ending December 31, 1969.

(b) *Carryover of consolidated net capital loss to separate return years—*(1) *In general.* If a consolidated net capital loss can be carried under the principles of section 1212 (a) and paragraph (b) of § 1.1502–22 to a separate return year of a corporation (or could have been so carried if such corporation were in existence) which was a member of the group in the year in which such consolidated net capital loss arose, then the portion of such consolidated net capital loss attributable to such corporation (as determined under subparagraph (2) of this paragraph) shall be apportioned to such corporation (and any successor to such corporation in a transaction to which section 381(a) applies) under the principles of paragraph (a) (1), (2) and (3) of this section and shall be a net capital loss carryover to such separate return year.

(2) *Portion of consolidated net capital loss attributable to a member.* The portion of a consolidated net capital loss attributable to a member of a group is an amount equal to such consolidated net capital loss multiplied by a fraction, the numerator of which is the net capital loss of such member, and the denominator of which is the sum of the net capital losses of those members of the group having net capital losses. For purposes of this subparagraph, the net capital loss of a member of the group shall be determined by taking into account the following:

(i) Such member's net capital gain or loss (determined without regard to any net capital loss carryover); and

(ii) Such member's section 1231 net loss, reduced by the portion of the consolidated section 1231 net loss attributable to such member.

(c) *Carryover and carryback of consolidated unused investment credit to separate return years—*(1) *In general.* If a consolidated unused investment credit can be carried under the principles of section 46(b) and paragraph (b) of § 1.1502–3 to a separate return year of a corporation (or could have been so carried if such corporation were in existence) which was a member of the group in the year in which such unused credit arose, then the portion of such consolidated unused credit attributable to such corporation (as determined under subparagraph (2) of this paragraph) shall be apportioned to such corporation (and any successor to such corporation in a transaction to which section 381(a) applies) under the principles of paragraph (a) (1) and (2) of this section and shall be an investment credit carryover or carryback to such separate return year.

(2) *Portion of consolidated unused investment credit attributable to a member.*—(i) *Investment credit carryback.* In the case of a consolidated unused credit which is an investment credit carryback, the portion of such consolidated unused credit attributable to a member of the group is an amount equal to such consolidated unused credit multiplied by a fraction, the numerator of which is the credit earned of such member for the consolidated unused credit year, and the denominator of which is the consolidated credit earned for such unused credit year.

(ii) *Investment credit carryover.* In the case of a consolidated unused credit which is an investment credit carryover, the portion of such consolidated unused credit attributable to a member of the group is an amount equal to such consolidated unused credit multiplied by a fraction, the numerator of which is the credit earned with respect to any section 38 property placed in service in the consolidated unused credit year and owned by such member (whether or not placed in service by such member) at the close of the last day as of which the taxable income of such member is included in a consolidated return filed by the group, and the denominator of which is the consolidated credit earned for such unused credit year.

(d) *Carryover and carryback of consolidated unused foreign tax—*(1) *In general.* If a consolidated unused foreign tax can be carried under the principles of section 904(d) and paragraph (e) of § 1.1502–4 to a separate return year of a corporation (or could have been so carried if such corporation were in existence) which was a member of the group in the year in which such unused foreign tax arose, then the portion of such consolidated unused foreign tax attributable to such corporation (as determined under subparagraph (2) of this paragraph) shall be apportioned to such corporation (and any successor to such corporation in a transaction to which section 381(a) applies) under the principles of paragraph (a) (1) and (2) of this section and shall be deemed paid or accrued in such separate return year to the extent provided in section 904(d).

(2) *Portion of consolidated unused foreign tax attributable to a member.* The portion of a consolidated unused foreign tax for any year attributable to a member of a group is an amount equal to such consolidated unused foreign tax multiplied by a fraction, the numerator of which is the foreign taxes paid or accrued for such year (including those taxes deemed paid or accrued, other than by reason of section 904(d)) to each foreign country or possession (or to all foreign countries or possessions if the overall limitation is effective) by such member, and the denominator of which is the aggregate of all such taxes paid or accrued for such year (including those taxes deemed paid or accrued, other than by reason of section 904(d)) to each such foreign country or possession (or to all foreign countries or possessions if the overall limitation is effective) by all the members of the group.

(e) *Carryover of consolidated excess charitable contributions to separate return years—*(1) *In general.* If the consolidated excess charitable contributions for any taxable year can be carried under the principles of section 170(b)(2) and paragraph (b) of § 1.1502–24 to a separate return year of a corporation (or could have been so carried if such corporation were in existence) which was a member of the group in the year in which such excess contributions arose, then the portion of such consolidated excess charitable contributions attributable to such corporation (as determined under subparagraph (2) of this paragraph) shall be apportioned to such corporation (and any successor to such corporation in a transaction to which section 381(a) applies) under the principles of paragraph (a) (1) and (2) of this section and shall be a charitable contribution carryover to such separate return year.

(2) *Portion of consolidated excess charitable contributions attributable to a member.* The portion of the consolidated excess charitable contributions attributable to a member of a group is an amount equal to such consolidated excess contributions multiplied by a fraction, the numerator of which is the charitable contributions paid by such member for the taxable year, and the denominator of which is the aggregate of all such charitable contributions paid for such year by all the members of the group.

(f) *Intercompany transactions—*(1) *Intercompany transactions other than deferred intercompany transactions.* In certain cases a member of the group must take into account in a separate return year an item of income or a deduction which it otherwise would have taken into account in earlier consolidated return years. See paragraph (b)(2) of § 1.1502–13.

(2) *Deferred intercompany transactions.* See paragraphs (d), (e), and (f) of § 1.1502–13 for rules with respect to restoration of deferred gains and losses in separate return years.

§ 1.1502–80 Applicability of other provisions of law.

The Code, or other law, shall be applicable to the group to the extent the regulations do not exclude its application. Thus, for example, in a transaction to which section 381(a) applies, the acquiring corporation will succeed to the tax attributes described in section 381(c). Furthermore, sections 269, 304, and 482 apply for any consolidated return year.

REGULATIONS APPLICABLE TO TAXABLE YEARS PRIOR TO JANUARY 1, 1966

§ 1.1502–0A Introductory.

The regulations prescribed under section 1502 of the Internal Revenue Code of 1954 are applicable in the case of all corporations (with certain statutory exceptions) to taxable years beginning after December 31, 1953, and ending after August 16, 1954, and with respect to such taxable years, the regulations under section 1502 supersede 26 CFR (1939) part 24 (Regulations 129). Any provision of the regulations under such section, the applicability of which is stated in terms of a specific date (occurring after December 31, 1953) or in terms of taxable years ending after a specific date (occurring after December 31, 1953), shall apply to taxable years ending after such specific date. Each such provision shall in the case of a taxable year subject to 26 CFR (1939) part 24 (Regulations 129), be deemed included in 26 CFR (1939) part 24 (Regulations 129) but shall be applicable only to taxable years ending after such specific date. The provisions of 26 CFR (1939) part 24 (Regulations 129), superseded by provisions of the regulations under section 1502, the applicability of which is stated in terms of a specific date (occurring after December 31, 1953) shall be deemed to be included in the regulations under such section but shall be applicable only to the period prior to the taking effect of the corresponding provision of the regulations under such section.

§ 1.1502–1A Privilege of making consolidated returns.

(a) Section 1501 gives to the corporations of an affiliated group the privilege of making a consolidated income tax return for the taxable year in lieu of separate returns. This privilege is given, however, upon the condition that all corporations which have been members of the affiliated group at any time during the taxable year for which the return is made consent to the regulations under section 1502 applicable to such taxable year and any amendments thereof duly prescribed prior to the last day prescribed by law for the filing of the return; and the making of the consolidated return is considered as such consent.

(b) With respect to a taxable year to which 26 CFR (1939) Part 24 (Regulations 129), as amended by the regulations under section 1502 is applicable, the regulations to which consent is made are those in 26 CFR (1939) Part 24 (Regulations 129), as amended, and as further amended by the regulations under such section. With respect to a taxable year to which the regulations under section 1502 are applicable, the regulations to which consent is made are the regulations under such section as changed to the extent that portions of 26 CFR (1939) Part 24 (Regulations 129) are applicable. For example, in the case of a fiscal year ending October 31, 1954, the Internal Revenue Code of 1939 and 26 CFR (1939) Part 24 (Regulations 129) are applicable to a consolidated return filed for such year. In such case, if the first distribution in pursuance of a plan of complete liquidation of a member of the affiliated group occurs on or after June 22, 1954, § 1.1502–38A is applicable in lieu of 26 CFR (1939) 24.38 (Regulations 129). On the other hand, if such a distribution occurs before June 22, 1954, 26 CFR (1939) 24.38 (Regulations 129) is applicable. Similarly, in the case of a return filed for the calendar year 1954, the Internal Revenue Code of 1954 and the regulations under section 1502 are applicable. In such case, if the first distribution in pursuance of a plan of complete liquidation of a member of the affiliated group occurs prior to June 22, 1954, 26 CFR (1939) 24.38 (Regulations 129) is applicable in lieu of § 1.1502–38A. If such distribution occurs on or after June 22, 1954, § 1.1502–38A is applicable.

(c) The last day prescribed by law for the filing of the return includes the

last day of the period of any extension of time granted by the Commissioner.

(d) The tax liability of the members of the affiliated group for the taxable year involved will be determined in accordance with the provisions of the regulations to which consent is given and without regard to any changes of the rules therein prescribed made subsequent to the last day prescribed by law for the filing of the return for such year.

§ 1.1502–2A Definitions.

(a) *Code.* The term "Code" means the Internal Revenue Code of 1954 and the sections of statutory law referred to in the regulations under section 1502 unless otherwise stated, are sections of that Code.

(b) *Affiliated group.* (1) The term "affiliated group" is defined in section 1504 and includes the common parent corporation and every other corporation for the period during which such corporation is a member of the affiliated group within the meaning of such section. It does not include any corporation which is not an "includible corporation" as defined by section 1504(b). An includible corporation is defined by such section to mean any corporation, except—

(i) A corporation exempt under section 501 from the taxes imposed by subtitle A;

(ii) An insurance company subject to taxation under section 802 or 821 (except as provided in section 1504(c));

(iii) A foreign corporation (except as provided in section 1504(d));

(iv) A corporation entitled to the benefits of section 931 by reason of receiving a large percentage of its income from sources within possessions of the United States;

(v) A corporation organized under the China Trade Act of 1922 (15 U.S.C. ch. 4);

(vi) A regulated investment company or a real estate investment trust subject to tax under subchapter M, chapter 1 of the Code;

(vii) An unincorporated business enterprise subject to tax as a corporation under section 1361; and

(viii) For periods before September 24, 1959, an electing small business corporation as defined in section 1371(b).

The consolidated income tax return must include every includible corporation which, under the provisions of section 1504, is a member of the affiliated group. No corporation which is connected by stock ownership with an affiliated group of includible corporations through a nonincludible corporation may be included in the consolidated return of such group. In no case may a consolidated return be filed by subsidiary corporations as an affiliated group unless the common parent corporation through which the subsidiaries are connected is a member of the group. For instance, there will not be recognized as an affiliated group two domestic industrial corporations, the common parent corporation of which is a regulated investment company subject to tax under part I, subchapter M, chapter 1 of the Code.

(2) An insurance company subject to tax under section 831 is an includible corporation and may be included in an affiliated group, together with corporations other than insurance companies taxable under section 802 or 821. Insurance companies subject to tax under section 802 or 821 are not includible corporations under section 1504(b). Under section 1504(c), however, a domestic insurance company taxable under section 802 may be included in an affiliated group comprised solely of other domestic insurance companies taxable under section 802; it may not be included in an affiliated group with other corporations. An affiliated group of domestic insurance companies taxable under section 802 may not include a domestic insurance company taxable under section 821 or 831.

(3) In the case of a domestic corporation owning or controlling, directly or indirectly, 100 percent of the capital stock (exclusive of directors' qualifying shares) of a corporation organized under the laws of Canada or of Mexico and maintained solely for the purpose of complying with the laws of such country as to title and operation of property, such foreign corporation may, at the option of the domestic corporation, be treated for income tax purposes as a domestic corporation. The option to treat such foreign corporation as a domestic corporation so that it may be included in a consolidated return must be exercised at the time of making the consolidated return, and cannot be exercised at any time thereafter. If the election is exercised to treat such foreign corporation as a domestic corporation, it must be included in the consolidated return of the affiliated group of which it is a member for each consecutive year thereafter for which such group makes or is required to make a consolidated return.

(4) An affiliated group of corporations, within the meaning of section 1504, is formed at the time that the common parent corporation, which is an includible corporation, becomes the owner directly of stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of nonvoting stock (not including nonvoting stock which is limited and preferred as to dividends) of another includible corporation; a corporation becomes a member of such an affiliated group at the time that one or more members of such group become the owners directly of stock possessing at least 80 percent of the voting power of all classes of its stock and at least 80 percent of each class of its nonvoting stock (not including nonvoting stock which is limited and preferred as to dividends); and a corporation ceases to be a member of such an affiliated group at the time that the members of such group cease to own directly stock possessing at least 80 percent of the voting power of all classes of its stock, or at least 80 percent of each class of its nonvoting stock (not including nonvoting stock which is limited and preferred as to dividends).

(c) *Consolidated return period.* The term "consolidated return period" means the taxable year 1929, or any subsequent taxable year, for which a consolidated return is made or is required, income tax return, excess profits tax return, or both, including the period during which a subsidiary corporation is engaged in distributing its assets in liquidation.

(d) *Subsidiary.* The term "subsidiary" means a corporation (other than the common parent corporation) which is a member of the affiliated group during any part of the consolidated return period.

(e) *Tax.* The term "tax" means any tax imposed by chapter 1 of the Code, and includes any interest, penalty, additional amount, or addition to the tax, payable in respect thereof.

(f) *Terms defined in Internal Revenue Code.* Terms which are defined in the Code shall, when used in the regulations under section 1502 have the meaning assigned to them by the Code, unless specifically otherwise defined.

(g) *Regulated public utility.* (1) The term "regulated public utility" means a corporation described in section 1503 (c). It includes a corporation (i) whose operations are an integral part of the furnishing or sale of a product or service described in such section by an interconnected and coordinated public utility system or systems and (ii) whose rates for furnishing products or services to the system or systems are established or approved by a regulatory body described in section 1503 (c) (1). For the purpose of determining whether or not 80 percent of the gross income of the corporation is from the furnishing or sale of such product or service, income received in consideration for the product or service described shall include only income received directly therefrom and income from the furnishing or sale of byproducts and residual products which are directly necessary and incidental to the furnishing of such product or service. In determining under subdivision (i) of this subparagraph whether the operations of a particular corporation constitute an integral part of the "furnishing or sale" of a product or service described in section 1503 (c), the income of a corporation shall be deemed to be from such source only to the extent that it is in consideration for necessary processing of either the product described in section 1503 (c) or the essential facilities used in making available to customers such product or service.

§ 1.1502–3A Applicability of other provisions of law.

Any matter in the determination of which the provisions of the regulations under section 1502 are not applicable shall be determined in accordance with the provisions of the Code or other law applicable thereto.

§§ 1.1502–4A to 1.1502–9A [Reserved]

§ 1.1502–10A Exercise of privilege.

(a) *When privilege must be exercised.* The privilege of making a consolidated return under section 1502 for any taxable year of an affiliated group must be exercised at the time of making the return of the common parent corporation for such year. For this purpose, the return is considered as made on the due date of such return (including any extensions of time granted by the Commissioner), regardless of the actual previous date of filing. Under no circumstances can such privilege be exercised at any time thereafter. The filing of separate returns for a taxable year does not constitute an election binding upon the corporation in subsequent years. If the privilege is exercised at the time of making the return, separate returns cannot thereafter be made for such year. (See, however, § 1.1502–18A, relating to failure to comply with the regulations under section 1502.)

(b) *Effect of tentative returns.* In no case will the privilege under paragraph (a) of this section be considered as exercised at the time of making a so-called "tentative return" (made, for example, in order to obtain an extension of time for making the return required by law). However, if any such tentative return is made upon the basis of a consolidated return or a separate return, the return required by law must be made upon the same basis, unless upon the making of the return required by law (either a separate return or a consolidated return, as the case may be) the payments theretofore made and to be made are adjusted in a manner satisfactory to the Commissioner.

(c) *Estimated tax.* (1) Except as provided in subparagraph (2) of this paragraph, the provisions of section 6016 (relating to declarations of estimated tax by corporations) and section 6154 (relating to payments of estimated tax by corporations) shall be applicable to the several members of an affiliated group in the same manner and to the same extent as in the case of corporations filing separate returns, whether or not such affiliated group files a consolidated return. The declaration of estimated tax shall be filed and payments shall be made to the district director for the internal revenue district prescribed for the filing of a separate income tax return in the case of each member of the group required to file a declaration of estimated tax. If a consolidated return is filed, the amounts of any payments made with respect to the consolidated return period shall be credited against the tax liability of the affiliated group with respect to the consolidated return period.

(2) If the affiliated group intends to file a consolidated return for the taxable year, the common parent corporation may file a declaration of estimated tax for the group. In such case, all of the several members of the affiliated group shall be treated for the purpose of applying the provisions of sections 6016 and 6154 as a single corporation. Where such a declaration is filed, each subsidiary shall notify the district director for the internal revenue district prescribed for the filing of a separate income tax return by such subsidiary that its estimate is included in the declaration made by the common parent corporation. If the affiliated group does not file a consolidated return for the year for which such a declaration is filed, the payments made with respect to such declaration shall be apportioned among the several members of the group in the manner designated by the common parent corporation for the purpose of determining any addition to the tax provided by section 6655.

(3) In any case in which an affiliated group has made payments with respect to a declaration made on a group basis and such group does not file a consolidated return for the taxable year, the payments made thereon shall be applied against the tax liability of the members of the group in a manner satisfactory to the Commissioner.

(4) See § 1.1502–15A (relating to liability for tax) and § 1.1502–49A (relating to additions to tax for failure to pay estimated tax).

§ 1.1502–11A Consolidated returns for subsequent years.

(a) *Consolidated returns required for subsequent years.* If a consolidated return is made under section 1502 for any taxable year, a consolidated return must be made for each subsequent taxable year during which the affiliated group remains in existence unless (1) a corporation (other than a corporation created or organized, directly or indirectly, by a member of the group) has become a member of the group during such subsequent taxable year, or (2) subsequent to the exercise of the election to make consolidated returns, subtitle A of the Code to the extent applicable to corporations, or the regulations under section 1502 which have been consented to, have been amended and any such amendment is of a character which makes substantially less advantageous to affiliated groups as a class the continued filing of consolidated returns, regardless of the effective date of such amendment, or (3) the Commissioner, prior to the time of making the return, upon application made by the common parent corporation and for good cause shown, grants permission to change. For the purpose of subparagraph (2) of this paragraph, the expiration of a provision shall be considered as an amendment to the Code made on the date of such expiration.

(b) *Effect of separate returns when consolidated return is required.* If the making of a consolidated return is required for any taxable year, the tax liability of the members of the affiliated group shall be computed in the same manner as if a consolidated return had been made, even though separate returns are made; amounts assessed upon the basis of separate returns shall be considered as having been assessed upon the basis of a consolidated return; and amounts paid upon the basis of separate returns shall be considered as having been paid by the common parent corporation. In such cases the making of separate returns shall not be considered as the making of a return for the purpose of computing any period of limitation or any deficiency. If a consolidated return for such taxable year is thereafter made, such return shall, for the purpose of computing periods of limitation and any deficiency, be considered as the return for such year.

(c) *When affiliated group remains in existence.* For the purpose of the regulations under section 1502, an affiliated group shall be considered as remaining in existence if the common parent corporation remains as a common parent and at least one subsidiary remains affiliated with it, whether or not such subsidiary was a member of the group at the time the group was formed and whether or not one or more corporations have become subsidiaries or have ceased to be subsidiaries at any time after the group was formed.

(d) *When affiliated group terminates.* For the purpose of the regulations under section 1502, an affiliated group shall be considered as terminated if the common parent corporation ceases to be the common parent or if there is no subsidiary affiliated with it.

§ 1.1502–12A Making consolidated return and filing other forms.

(a) *Consolidated return made by common parent corporation.* A consolidated return shall be made on Form 1120 by the common parent corporation for the affiliated group. Such return shall be filed at the time and in the office of the district director for the internal revenue district prescribed for the filing of a separate return by such common parent corporation.

(b) *Authorizations and consents.* Each subsidiary must prepare duplicate originals of Form 1122, consenting to the regulations under section 1502 and authorizing the common parent corporation to make a consolidated return on its behalf for the taxable year and authorizing the common parent (or, in the event of its failure, the Commissioner or the district director) to make a consolidated return on its behalf (as long as it remains a member of the affiliated group), for each year thereafter for which, under paragraph (a) of § 1.1502–11A, the making of a consolidated return is required. One of such forms, as prepared by each subsidiary shall be attached to the consolidated return, as a part thereof; and the other shall be filed, at or before the time the consolidated return is filed, in the office of the district director for the internal revenue district prescribed for the filing of a separate return by such subsidiary. No such consent can be withdrawn or revoked at any time after the consolidated return is filed.

(c) *Affiliations schedule filed by common parent corporation.* The common parent corporation shall prepare Form 851 (Affiliations Schedule), which shall be attached to and made a part of the consolidated return.

(d) *Persons qualified to execute returns and forms.* Each return or form required to be made or prepared by a corporation must be executed by the person authorized under section 6062 to execute returns of separate corporations. In cases where receivers or trustees in bankruptcy are operating the property or business of corporations, each return or form required to be made or prepared by such corporation must be executed by the receiver or trustee, as the case may be, pursuant to an order or instructions of the court, and be accompanied by a copy of such order or instructions.

(e) *Signatures in case subsidiary has left affiliated group.* Since Form 1122 is required even though, during the tax-

able year of the common parent corporation, the subsidiary (because of a dissolution or sale of stock, or otherwise) has ceased to be a member of the affiliated group, it may be advisable for the common parent to obtain the proper signatures to the form prior to the time the subsidiary ceases to be a member of the group.

§ 1.1502–13A Change in affiliated group during taxable year.[1]

(a) *General rule.* Except as hereinafter provided, a consolidated return must include the income of the common parent corporation and of each subsidiary for the entire taxable year of the affiliated group.

(b) *Formation of affiliated group after beginning of year.* If an affiliated group is formed after the beginning of the taxable year of the corporation which becomes the common parent corporation, the consolidated return must include the income of the common parent for its entire taxable year (excluding any portion of such year during which its income is included in the consolidated return of another affiliated group) and the income of each subsidiary from the time it became a member of the affiliated group.

(c) *Complete termination of affiliated group prior to close of taxable year.* If an affiliated group is terminated prior to the close of the taxable year of the group, the consolidated return must include the income of the common parent corporation for its entire taxable year (excluding any portion of such year during which its income is included in the consolidated return of another affiliated group) and of each subsidiary for the period prior to the termination. (See paragraphs (c) and (d) of § 1.1502–11A in determining whether the group has terminated.)

(d) *Addition to affiliated group of a subsidiary during year.* If a corporation becomes a member of the affiliated group during the taxable year of the group, the consolidated return must include its income from the time when it became a member of the group.

(e) *Elimination from affiliated group of a subsidiary during year.* If a subsidiary ceases to be a member of the affiliated group during the taxable year of the group, the consolidated return must include its income for the period during which it was a member of the group.

(f) *Period of 30 days or less may be disregarded.* A subsidiary may at its option be considered as having been a member of the affiliated group during the entire taxable year of the group (or during the entire period of the existence of the subsidiary, whichever is shorter) if the period during which it was not a member of such group does not exceed 30 days. If a corporation has been a member of the affiliated group for a period of less than 31 days during the taxable year of the group, it may at its option be considered as not having been a member of the group during the taxable year. An option under this paragraph must be exercised at the time the consolidated return is made.

(g) *Separate returns for periods not included in consolidated return.* If a corporation, during its taxable year (determined without regard to the affiliation), becomes a member of an affiliated group, its income for the portion of such taxable year not included in the consolidated return of such group must be included in a separate return (or, if a member of another affiliated group which makes a consolidated return for such period, then in such consolidated return). If a corporation ceases to be a member of the affiliated group during the taxable year of the group, its income for the period after the time when it ceased to be a member of the group must be included in a separate return (or, if it becomes a member of another affiliated group which makes a consolidated return for such period, then in such consolidated return).

(h) *Time for making separate returns for periods not included in consolidated return.* (1) (i) If the due date for filing a subsidiary's separate return (determined without regard to the affiliation and without regard to extensions of time) precedes the due date for filing the consolidated return of the affiliated group (determined without regard to extensions of time), then, on or before the due date of the subsidiary's separate return, it may make a separate return either for that portion of its taxable year which would not be included in the consolidated return, if such return is filed, or for its complete taxable year. However, if a separate return is filed for only a portion of its taxable year and the group does not elect to make a consolidated return, such subsidiary shall file a return for its complete taxable year not later than the due date (including extensions of time) prescribed for the filing of the consolidated return by the group. There shall be attached to the return for the complete taxable year a statement setting forth that such return is in lieu of the return previously filed. In such case the return previously filed for only a portion of its taxable year shall not be considered a return within the meaning of section 6012. On the other hand, if a return is filed for the subsidiary's complete taxable year and the group later makes a consolidated return, such subsidiary should file an amended return not later than the due date (including extensions of time) for the filing of the consolidated return of the group. Such amended return shall be for that portion of the taxable year which is not included in the consolidated return.

(ii) If the due date for filing a subsidiary's separate return (determined without regard to the affiliation and without regard to extensions of time) is later than the due date for filing the consolidated return of the affiliated group (determined without regard to extensions of time), then the separate return for that portion of the subsidiary's taxable year which is not included in the consolidated return of the group should be filed no later than the due date (including extensions of time) for the filing of the consolidated return.

(2) The provisions of this paragraph may be illustrated by the following examples:

Example (1). Corporation P, which reports its income on a calendar year basis, acquires all of the stock of Corporation S on January 1, 1959. Corporation S reports its income on a fiscal year ending March 31. On June 15, 1959, the due date for the filing of a separate return by Corporation S, it is anticipated that Corporation P will elect, on the due date of its return, to file a consolidated return for 1959. On June 15, Corporation S may file either a return for a short taxable year beginning April 1, 1958, and ending December 31, 1958, or it may file a return for the complete fiscal year ending March 31, 1959. If it files a return for the short taxable year and Corporation P does not elect to file a consolidated return, Corporation S must file a return for the complete fiscal year ending March 31, 1959, in lieu of the return previously filed for the short period. Interest is computed on any additional tax from June 15, 1959.

Example (2). Assume the same facts as in example (1), except that Corporation P acquires all of the stock of Corporation S on October 1, 1959, and that Corporation P elects to file a consolidated return on March 15, 1960, the due date of its return. The return of Corporation S for the short taxable year beginning April 1, 1959, and ending September 30, 1959, should be filed on March 15, 1960.

§ 1.1502–14A Accounting period of an affiliated group.

(a) The taxable year of an affiliated group which makes a consolidated return shall be the same as the taxable year of the common parent corporation; and, except as provided in paragraph (c) of this section, upon having elected to file a consolidated return, each subsidiary corporation shall, not later than the close of the first consolidated taxable year ending thereafter, adopt an annual accounting period, fiscal year or calendar year as the case may be, in conformity with that of the common parent.

(b) If a change of accounting period is necessary in order to conform the accounting periods of the common parent and of its subsidiaries, Form 1128 shall be submitted at or before the time of filing the consolidated return for the taxable year in which the subsidiary has first adopted the parent corporation's annual accounting period.

(c) If the common parent corporation of an affiliated group has a fiscal year accounting period and any member of the group is an includible insurance company required by section 843 to file its return on a calendar year, the first consolidated return which includes such insurance company may be filed on the basis of the fiscal year accounting period of the common parent, provided, however, the common parent and the other includible corporations change to a calendar year basis effective immediately after the close of such fiscal year. For this purpose, Form 1128 shall be submitted at or before the time such first consolidated return is filed.

(d) With respect to computations for years involved in the change to the consolidated basis, see § 1.1502–32A.

[1] This section has no bearing upon the question whether a consolidated return may or must be made, but relates only to the effect of changes in the affiliated group during the taxable year.

§ 1.1502–15A Liability for tax.

(a) *Several liability of members of affiliated group.* Except as provided in paragraphs (b) and (c) of this section, the common parent corporation and each subsidiary, a member of the affiliated group during any part of a consolidated return period, shall be severally liable for the tax (including any deficiency in respect thereof) computed as provided in § 1.1502–30A, and for any addition to the tax computed as provided in § 1.1502–49A for underpayment of estimated tax for the consolidated return period.

(b) *Liability of a corporation in bankruptcy or receivership.* If, at the time of filing a consolidated return, one or more, but not all, of the members of the affiliated group are in bankruptcy under the laws of the United States or in receivership in any court of the United States or of any State, Territory, or the District of Columbia, then the liability under paragraph (a) of this section of each such member of the group with respect to the period covered by such return shall not exceed such portion of the consolidated tax liability for such period as the several corporations included in the consolidated return may, subject to the approval of the Commissioner, agree upon, or, in the absence of such an agreement, an amount equal to its liability for such year computed as if a separate return had been filed.

(c) *Liability of subsidiary after withdrawal.* If a subsidiary has ceased to be a member of the affiliated group, its liability under paragraph (a) of this section shall remain unchanged, except that if such cessation occurred prior to the date upon which any deficiency is assessed and resulted from a bona fide sale of stock for fair value, the Commissioner may, if he believes that the assessment or collection of the balance of the deficiency will not be jeopardized, make assessment and collection of such deficiency from such former subsidiary in an amount not exceeding the portion thereof allocable to it upon the bases of income used in the computations, respectively, of the normal tax, the surtax, and any other tax imposed by chapter 1 of the Code included in such deficiency.

(d) *Effect of intercompany agreements.* Any agreement entered into by one or more members of the affiliated group with any other members of such group or with any other person shall in no case have the effect of reducing the liability prescribed under this section.

(e) *Liability of transferee not affected.* This section shall not be considered as extinguishing or diminishing any liability, at law or in equity, of a transferee of property of a taxpayer, including any liability under any provision of law, State or Federal, relating to liabilities pursuant to corporate dissolution or transfer or distribution of assets, whether or not in connection with a merger or consolidation.

§ 1.1502–16A Common parent corporation agent for subsidiaries.

(a) *Scope of agency of common parent corporation.* Except as provided in paragraphs (b) and (c) of this section, the common parent corporation shall be for all purposes (other than the making of the subsidiary consent required by paragraph (b) of § 1.1502–12A) in respect of the tax for the taxable year for which a consolidated return is made or is required, the sole agent, duly authorized to act in its own name in all matters relating to such tax, for each corporation which during any part of such year was a member of the affiliated group. The corporations, other than the common parent, shall not have authority to act for or to represent themselves in any such matter. For example, all correspondence will be carried on directly with the common parent; notices of deficiencies will be mailed only to the common parent, and the mailing to the common parent shall be considered as a mailing to each such corporation; notice and demand for payment of taxes will be given only to the common parent, and such notice and demand shall be considered as a notice and demand to each such corporation; the common parent will file petitions and conduct proceedings before the Tax Court of the United States, and any such petition shall be considered as having also been filed by each such corporation; the common parent will file claims for refund or credit; refunds will be made directly to and in the name of the common parent and will discharge any liability of the Government in respect thereof to any such corporation; and the common parent in its name will give waivers, give bonds, and execute closing agreements, offers in compromise, and all other documents, and any waiver or bond so given, or agreement, offer in compromise, or any other document so executed, shall be considered as having also been given or executed by each such corporation. Notwithstanding the provisions of this paragraph, however, any notice of deficiency, in respect of the tax for a consolidated return period, will name each corporation which was a member of the affiliated group during any part of such period, and any assessment (whether of the original tax or of a deficiency) will be made in the name of each such corporation (but a failure to include the name of any such corporation will not affect the validity of the notice of deficiency or the assessment as to the other corporations); any notice and demand for payment will name each corporation which was a member of the affiliated group during any part of such period (but a failure to include the name of any such corporation will not affect the validity of the notice and demand as to the other corporations); and any levy (or warrant or notice in respect thereof), any notice of a lien, or any other proceeding to collect the amount of any assessment, after the assessment has been made, will name the corporation from which such collection is to be made. The provisions of this paragraph shall apply whether or not a consolidated return is made for any subsequent year, and whether or not one or more subsidiaries have become or have ceased to be members of the group at any time. Notwithstanding the provisions of this paragraph, the Commissioner may, if he deems it advisable, deal directly with any member of the group in respect of its ability, in which event such member shall have full authority to act for itself.

(b) *Effect of withdrawal of subsidiary.* For the purpose of the assertion, assessment, and collection of any deficiency, and of a credit or refund of any amount paid by a former subsidiary as a deficiency determined under paragraph (c) of § 1.1502–15A, but for no other purpose, the agency of the common parent corporation in respect of any subsidiary which has ceased to be a member of the affiliated group shall be terminated upon the expiration of 30 days (or prior thereto if the Commissioner consents) from the date upon which such subsidiary files written notice with the Commissioner that it has ceased to be a member of the affiliated group and that it is terminating such agency. For example, if a subsidiary has ceased to be a member of the group (and if the 30-day period has expired) prior to the mailing of a notice of deficiency to the common parent, a separate notice of deficiency will be mailed in due course to the subsidiary in respect of its deficiency if it becomes necessary to enforce its liability.

(c) *Effect of dissolution of common parent corporation.* If the common parent corporation contemplates dissolution, or is about to be dissolved, or if for any other reason its existence is about to terminate, it shall forthwith notify the Commissioner of such fact and designate, subject to the approval of the Commissioner, another member of the affiliated group to act as agent in its place to the same extent and subject to the same conditions and limitations as are applicable to the common parent. If the notice thus required is not given by the common parent, the remaining members of the group may, subject to the approval of the Commissioner, designate another member of the group to act as such agent, and notice of such designation shall be given to the Commissioner. Until a notice in writing designating a new agent has been received by the Commissioner, any notice of deficiency or other communication mailed to the common parent shall be considered as having been properly mailed to the agent of the group; or, if the Commissioner has reason to believe that the existence of the common parent has terminated, he may, if he deems it advisable, deal directly with any member of the group in respect of its liability.

§ 1.1502–17A Waivers.

(a) *Effect of waiver given by common parent corporation.* Any consent given by the common parent corporation (or by an agent in accordance with paragraph (c) of § 1.1502–16A) extending the time within which an assessment may be made or levy or proceeding in court begun, in respect of the tax for a consolidated return period, shall be applicable (1) to each corporation which was a member of the affiliated group during any part of such period (whether or not any such corporation has ceased to be a member of the group), and (2)

to each corporation the income of which was included in the consolidated return,

1122 is filed by any corporation, pursuant to a notice under paragraph (a)

section 6411 shall be a joint statement or application concurred in and exe-

under the alternative tax provisions of section 1201, the tax shall be computed

solidated returns regulations) if the income of such corporation was included

tion set forth in paragraphs (a) and (b) of this section.

to each corporation the income of which was included in the consolidated return, or which filed Form 1122, for such period, even though it is subsequently determined that such corporation was not a member of the group.

(b) *Acceptance of waivers from common parent corporation and alleged subsidiary.* In no case will a separate waiver be accepted from a corporation the income of which was included in the consolidated return (for example, a corporation which the Commissioner determines was not a member of the affiliated group), or which filed Form 1122, unless a waiver is also obtained from the common parent, or unless the Commissioner is dealing directly with such corporation to enforce its liability.

§ 1.1502–18A Failure to comply with regulations.

(a) *Exclusion of a subsidiary from consolidated return.* If there has been a failure to include in the consolidated return the income of any subsidiary, or a failure to file any of the forms required by these regulations, notice thereof shall be given the common parent corporation by the Commissioner, and the tax liability of each member of the affiliated group shall be determined on the basis of separate returns unless such income is included or such forms are filed within the period prescribed in such notice, or any extension thereof, or unless under § 1.1502–11A a consolidated return is required for such year.

(b) *Common parent corporation incorrectly designated in consolidated return.* If a consolidated return includes a corporation as the common parent and such corporation was not (under the provisions of section 1502), the common parent, the tax liability of each corporation included in the return will be computed in the same manner as if separate returns had been made, unless, upon application, the Commissioner approves the making of a consolidated return, or unless under § 1.1502–11A a consolidated return is required for such year.

(c) *Inclusion of one or more subsidiaries not members of affiliated group.* If a consolidated return includes a corporation as a subsidiary and such corporation was not a member of the affiliated group during the consolidated return period, the tax liability of such corporation will be determined upon the basis of a separate return (but see paragraph (a) of this section), and the consolidated return shall be considered as including only the corporations which were members of the group during such period. If the consolidated return includes two or more corporations which are not members of the group but which constitute a separate affiliated group, the tax liability of the corporations constituting the separate group will be computed in the same manner as if separate returns had been made by such corporations, unless the Commissioner, upon application, approves the making of a consolidated return for the separate group, or unless under § 1.1502–11A a consolidated return is required for the separate group.

(d) *Effect of authorization and consent filed pursuant to notice.* If Form 1122 is filed by any corporation, pursuant to a notice under paragraph (a) of this section, such corporation shall be considered for all purposes as having joined in the making of the consolidated return.

(e) *Allocation of payments in the event of change by one or more corporations to separate returns.* In any case in which amounts have been assessed and paid upon the basis of a consolidated return and the tax liability of one or more of the corporations included in the consolidated return is to be computed in the same manner as if separate returns had been made, the amounts so paid shall be allocated between the affiliated group composed of the corporations properly included in the consolidated return and each of the corporations the tax liability of which is to be computed on a separate basis, in such manner as the corporations included in the consolidated return may, subject to the approval of the Commissioner, agree upon, or, in the absence of an agreement, upon the bases used in the respective computations of the normal tax, the surtax and any other tax imposed by chapter 1 of the Code, as shown upon the consolidated return.

§ 1.1502–19A Tentative carryback adjustments.

(a) *Groups with constant membership; consolidated returns only.* In the case of an affiliated group the membership of which remains unchanged and for which consolidated returns are made or are required for the taxable years involved, any statement filed under section 6164 with respect to an expected carryback and any application for a tentative carryback adjustment filed under section 6411 shall be filed by the common parent corporation and shall disclose all material facts and circumstances relating to the group as a whole. Such statement or application shall be filed on the appropriate form prescribed for such purpose, Form 1138 or Form 1139, as the case may be. Any refunds allowable under any such application will be made directly to and in the name of the common parent. The making of any such refund will discharge any liability of the Government in respect thereof to the several affiliated corporations. The common parent corporation and its several subsidiaries shall be severally liable for any amounts assessed pursuant to section 6213(b)(2), together with any interest or penalty assessed in connection therewith.

(b) *Groups with changing membership; cases involving a separate return period.* (1) The membership of an affiliated group may change during a taxable year for which a net operating loss arises, or in the preceding taxable year affected by such net loss. Or an affiliated group making a consolidated return for the year of such net loss may have made separate returns for the preceding year; or a group making separate returns for the year of the net loss may have made a consolidated return for the preceding year. In any such case, the statement provided for in section 6164 and the application for the tentative carryback adjustment provided for in section 6411 shall be a joint statement or application concurred in and executed by each corporation which was a member of the group at any time during either of the taxable years involved in the deferment or adjustment sought. The time for the payment of taxes shall be extended under section 6164 and the adjustment provided for in section 6411 shall be made only in accordance with an agreement of the several corporations involved to be made a part of such statement or application. Any refund allowable under any such application with respect to a consolidated return period will be made directly to and in the name of the common parent corporation, and the making of any such refund will discharge any liability of the Government in respect thereof to the several affiliated corporations. The common parent corporation and its several subsidiaries shall be severally liable for any amounts assessed pursuant to section 6213 (b) (2), together with any interest or penalty assessed in connection therewith.

(2) In the absence of an agreement between the several corporations, or in the event of their failure to set forth the provisions of such an agreement as a part of their statement or application, no extension of time for the payment of any tax under the provisions of section 6164 shall be granted, and no tentative adjustment shall be made under section 6411.

(3) Notwithstanding any agreement between the several affiliated corporations, no tentative adjustment shall be made with respect to either a consolidated or a separate return period in disregard of the several liability of the several corporations with respect to any taxable year for which a consolidated return was made or was required.

§§ 1.1502–20A to 1.1502–29A [Reserved]

§ 1.1502–30A Computation of tax.

(a) *General rule.* In the case of an affiliated group which makes, or is required to make, a consolidated return for any taxable year, the tax liability of each corporation for the period during such year that it was a member of such group shall be computed, subject to the provisions of paragraph (b) of this section, upon the consolidated taxable income and the consolidated taxable income plus the aggregate of the deductions of the several affiliated corporations allowable under section 242, or, in the case of the taxes imposed by section 531, section 541 (except as provided in paragraph (b) (4) of this section), and section 802, upon the consolidated accumulated taxable income, the consolidated undistributed personal holding company income, the consolidated life insurance company taxable income, the consolidated life insurance company taxable income plus the aggregate of the deductions of the several affiliated corporations allowable under section 242, or the consolidated 1954 life insurance company taxable income, as the case may be, determined in each case in accordance with the regulations under section 1502. In the case of an affiliated group realising long-term capital gains and computing its tax under the alternative tax provisions of section 1201, the tax shall be computed with reference to the consolidated taxable income, and the excess of the consolidated net long-term capital gain over the consolidated net short-term capital loss. The tax imposed under section 11 (c) or section 831 shall be increased for any taxable year for which an affiliated group makes or is required to make a consolidated return by 2 percent of the consolidated taxable income (computed without regard to the deduction, if any, provided in section 242 for partially tax-exempt interest).

(b) *Special rules.* The general rule prescribed in paragraph (a) of this section is subject to the following special rules:

(1) *In the case of Western Hemisphere trade corporations and regulated public utilities.* If the affiliated group filing a consolidated return includes a Western Hemisphere trade corporation, as defined in section 921, or a regulated public utility, as defined in section 1503 and paragraph (g) of § 1.1502–2A, the increase of 2 percent provided in section 1503(a) in the corporation surtax rate shall be applied only on that portion of the consolidated taxable income attributable to the members of the group other than the Western Hemisphere trade corporation or the regulated public utility without any increase with respect to any partially tax-exempt interest of such Western Hemisphere trade corporation or such regulated public utility.

(2) *In case of mutual savings banks conducting life insurance business.* If the parent corporation of an affiliated group is a mutual savings bank which, if a separate return were filed, would be subject to the alternative tax of section 594 (a) (relating to a mutual savings bank conducting a life insurance business), the provisions of section 594 (a) shall apply to such group and the alternative tax of such group under section 594 (a) shall be computed with reference to the consolidated taxable income of the group attributable to such parent corporation determined without regard to any items of gross income or deductions properly allocable to the business of the life insurance department, and with reference to the income of such life insurance department determined under the provisions of section 594 (a) (2) and paragraph (b) of § 1.1502–31A.

(3) *Changes in methods of accounting.* In any case in which a member of the affiliated group changes its method of accounting, if the year of the change is a year for which a consolidated return is filed (or is required to be filed), and if the requirements of section 481 (b) are met, then the tax under chapter 1 of the Code attributable to the increase in consolidated taxable income required by paragraph (c) of § 1.1502–44A shall not be greater than the tax under chapter 1 (or the corresponding provisions of prior law) which would result if the provisions of section 481(b) were applied to the corporation required to make the change in accounting method, but with the taxes for any year determined on the basis of the regulations under section 1502 (or prior consolidated returns regulations) if the income of such corporation was included in a consolidated return for such year, or on the basis of a separate return, if the income of such corporation was reported in a separate return for such year.

(4) *Personal holding companies.* In the case of an affiliated group which makes or is required to make a consolidated return for any taxable year, the tax liability of each corporation for the period during such year that it was a member of such group shall not be computed in the case of the tax imposed by section 541 upon the consolidated undistributed personal holding company income if:

(i) The affiliated group is an ineligible affiliated group as defined in section 542 (b) (2),

(ii) The affiliated group includes as a member (including the common parent corporation) an excluded corporation within the meaning of section 542 (c),

(iii) The consolidated personal holding company income is less than 80 percent of the consolidated section 542 gross income, or

(iv) At no time during the last half of the taxable year more than 50 percent in value of the outstanding stock of the parent corporation was owned directly or indirectly by or for not more than 5 individuals within the meaning of section 542 (a) (2).

If the tax liability of each corporation under section 541 is not computed upon the consolidated undistributed personal holding company income solely by reason of the application of subdivision (iii) or (iv) of this subparagraph (or both), no member of the affiliated group shall be subject to the tax under section 541 for such year or part thereof that it was a member of the affiliated group. If the tax liability of each corporation under section 541 is not computed upon the consolidated undistributed personal holding company income by reason of the application of subdivision (i) or (ii) of this subparagraph (whether or not subdivision (iii) or (iv) of this subparagraph, or both, are applicable), then such liability shall be computed by reference to the tax liability of the several members of the affiliated group which are personal holding companies within the meaning of section 542(a) in the same manner as if such corporations had filed separate returns except that paragraph (b) (1) (i) of § 1.1502–31A shall be applicable (except with respect to dividends received from other members of the group) in the computation of gross income, personal holding company income, and undistributed personal holding company income, and section 562(d) shall be applicable in the computation of dividends paid.

§ 1.1502–31A Basis of tax computation.

In the case of an affiliated group of corporations which makes, or is required to make a consolidated return for any taxable year, and except as otherwise provided in the regulations under section 1502, the tax liability determined under § 1.1502–30A shall be determined subject to the definitions and rules of computation set forth in paragraphs (a) and (b) of this section.

(a) *Definitions.* — (1) *Consolidated taxable income.* The consolidated taxable income shall be the combined taxable income of the several affiliated corporations:

(i) Minus the sum of:

(a) Any consolidated net operating loss deduction,

(b) Any consolidated section 1231 net loss, relating to net losses from involuntary conversions subject to section 1231, and from sales or exchanges of property subject to section 1231,

(c) Any consolidated charitable contribution deduction, but not in excess of 5 percent of the consolidated taxable income computed without regard to such consolidated charitable contribution deduction, any deductions under part VIII (section 241 and following, except section 248), subchapter B, chapter 1 of the Code, any consolidated net operating loss carrybacks, and any deduction under section 922 (special deduction for Western Hemisphere trade corporations),

(d) Any consolidated dividends received deduction,

(e) Any consolidated section 922 deduction,

(f) Any consolidated section 175 deduction, but not in excess of 25 percent of the consolidated section 175 gross income,

(g) Any consolidated section 247 deduction,

(h) Any consolidated section 582(c) net loss, and

(i) [Reserved]

(j) Any consolidated section 181 deduction,

(ii) Plus any consolidated net capital gain, or

(iii) Minus, in the case of an affiliated group including as members one or more corporations subject to the tax imposed by section 831, the combined additional capital loss deductions of such corporations authorised by section 832 (c) (5) (but in an amount not in excess of the consolidated net capital loss).

(2) *Consolidated net operating loss deduction.* The consolidated net operating loss deduction shall be an amount equal to the aggregate of the consolidated net operating loss carryovers and of the consolidated net operating loss carrybacks to the taxable year.

(3) *Consolidated net operating loss carryovers.* (i) The consolidated net operating loss carryovers to the taxable year shall consist of—

(a) The consolidated net operating losses, if any, for the five preceding taxable years (and the consolidated net operating losses, if any, for the sixth and seventh preceding taxable years (not including as a sixth or seventh) preceding taxable year any taxable year ending on or before December 31, 1955) to the extent attributable to members of the affiliated group which are, and were in the taxable year in which the loss originated, regulated transportation corporations as defined in section 172(j)(1)), but only to the extent that the consolidated net operating loss for any such preceding taxable year was not attributable to a corporation making a

separate return or joining in a consolidated return filed by another affiliated group for the taxable year and was not absorbed as a carryover or carryback for preceding or intervening taxable years,

and, with respect to a net operating loss sustained by a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (b)(3) of this section,

(b) The amount of the net operating losses, if any, of such corporation for the five preceding taxable years (and the net operating losses, if any, for the sixth and seventh preceding taxable years (not including as a sixth or seventh preceding taxable year any taxable year ending on or before December 31, 1955) if such corporation is, and was in the taxable year in which the loss was sustained, a regulated transportation corporation as defined in section 172(j)(1)), to the extent that the net operating loss for any such preceding taxable year was not absorbed as a carryover or carryback for preceding or intervening taxable years.

(ii) For purposes of subdivision (i) of this subparagraph, there shall not be included as a fifth preceding taxable year any taxable year beginning prior to 1950, unless such preceding taxable year began in 1949 and ended in 1950, and unless all members of the group for such preceding taxable year (or the corporation filing a separate return or joining in a consolidated return filed by another affiliated group) commenced business in 1949; and in such case the amount of the consolidated net operating loss (or net operating loss) for such fifth year shall not be treated as a carryover except to the extent that such loss is allocable to 1950.

(iii) For purposes of this section, a net operating loss attributable to a regulated transportation corporation shall not be a net operating loss carryover to the sixth taxable year following the year in which the loss originated unless, for such sixth taxable year, the corporation to which the loss is attributable is a regulated transportation corporation; and shall not be a carryover to the seventh taxable year following the year in which the loss originated unless for both such sixth and seventh years the corporation to which the loss is attributable is such a regulated transportation corporation.

(iv) In the case of a net operating loss for a taxable year beginning in 1955 and ending in 1956, attributable to a regulated transportation corporation, the amount of such loss which may be carried to—

(a) The sixth taxable year following the loss year shall be the amount which bears the same ratio to the amount which would (without regard to the limitation prescribed in paragraph (b)(3) of this section for such sixth taxable year) be carried to such sixth taxable year as the number of days in the loss year after December 31, 1955, bears to the total number of days in the loss year, and

(b) The seventh taxable year following the loss year shall be the amount which bears the same ratio to the amount which would (without regard to the limitation prescribed in paragraph (b)(3) of this section for such seventh taxable year) be carried to such seventh taxable year as the number of days in the loss year after December 31, 1955, bears to the total number of days in the loss year.

The amounts determined under (a) and (b) of this subdivision shall be subject to the limitation prescribed in paragraph (b)(3) of this section.

(v) See paragraph (b)(21) of this section in any case in which a member of the group is an acquiring corporation in a transaction described in section 381(a) or any member of the group is subject to the limitations provided in section 382.

(4) *Consolidated net operating loss carrybacks.* (i) The consolidated net operating loss carrybacks to the taxable year with respect to net operating losses sustained in taxable years ending after December 31, 1957, shall consist of—

(a) The amount of the consolidated net operating loss, if any, for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first two preceding taxable years (and for the third and fourth preceding years with respect to that portion of the consolidated net operating loss attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met),

(b) The amount of the consolidated net operating loss, if any, for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first preceding taxable year (and for the second and third preceding years with respect to that portion of the consolidated net operating loss attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met),

(c) The amount of the consolidated net operating loss, if any, for the third succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first two preceding taxable years with respect to that portion of the consolidated net operating loss attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met,

(d) That portion of the consolidated net operating loss for the fourth succeeding taxable year which is attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year), reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first preceding taxable year,

(e) That portion of the consolidated net operating loss for the fifth succeeding taxable year which is attributable to the net operating losses of members for which certifications have been issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172(b)(3)(A) have been met (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year),

and, with respect to a net operating loss sustained by a corporation which, for any of the five succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (b)(3) of this section,

(f) The amount of the net operating loss, if any, sustained by such corporation for the first succeeding taxable year, reduced to the extent absorbed in a separate return (or in a consolidated return) for the first two preceding taxable years (and for the third and fourth preceding taxable years if a certification of such loss has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met),

(g) The amount of the net operating loss, if any, sustained by such corporation for the second succeeding taxable year, reduced to the extent absorbed in a separate return (or in a consolidated return) for the first preceding taxable year (and for the second and third preceding taxable years if a certification of such loss has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met),

(h) The amount of the net operating loss, if any, sustained by such corporation for the third succeeding taxable year, reduced to the extent absorbed in a separate return (or in a consolidated return) for the first and second preceding taxable years if a certification of such loss has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met,

(i) [Reserved]

(j) The amount of the net operating loss, if any, sustained by such corporation for the fourth succeeding taxable year (but only if a certification of such loss for such year has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met), reduced to the extent absorbed in a separate return (or in a consolidated return) for the first preceding taxable year, and

(k) The amount of the net operating loss, if any, sustained by such corporation for the fifth succeeding taxable year (but only if a certification of such loss for such year has been issued under section 317 of the Trade Expansion Act of 1962, and the requirements of section 172(b)(3)(A) have been met).

If the taxable year in which the net operating loss or consolidated net operating loss was sustained is a year beginning in 1957 and ending in 1958, the carryback is subject to section 172(i) or paragraph (b)(4)(v) of this section, respectively. See also paragraph (b)(21) of this section in any case in which a member of the group is an acquiring corporation in a transaction described in section 381(a), or any member of the group is subject to the limitations provided in section 382.

(ii) The consolidated net operating loss carrybacks to the taxable year with respect to net operating losses sustained in taxable years ending before January 1, 1958, shall consist of—

(a) The amount of the consolidated net operating loss, if any, for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first preceding taxable year;

(b) The amount of the consolidated net operating loss, if any, for the second succeeding taxable year to the extent not attributable to those corporations making separate returns in the taxable year;

and, with respect to a net operating loss sustained by a corporation which, for either of the two succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitations prescribed in paragraph (b)(3) of this section,

(c) The amount of the net operating loss, if any, sustained by such corporation for the first succeeding taxable year reduced to the extent absorbed by such corporation for the first preceding taxable year or, if the income of such corporation is included in the consolidated return for the first preceding taxable year, reduced to the extent absorbed by such consolidated return; and

(d) The amount of the net operating loss, if any, sustained by such corporation for the second succeeding taxable year.

See, however, paragraph (b)(21) of this section in any case in which a member of the group is an acquiring corporation in a transaction described in section 381(a) or any member of the group is subject to the limitations provided in section 382.

(5) *Consolidated net operating loss.* The consolidated net operating loss shall be an amount equal to the excess of the sum of:

(i) The combined net operating losses of the several affiliated corporations having net operating losses,

(ii) The consolidated section 175 deduction, but not in excess of 25 percent of the consolidated section 175 gross income,

(iii) The consolidated section 101 deduction,

(iv) The consolidated section 1231 net loss,

(v) The aggregate of the deductions of the several affiliated corporations under sections 243, 244, and 245 (computed without regard to the limitation contained in section 246(b)) and under section 247 (computed without regard to the limitation of subsection (a)(1)(B) of such section), and

(vi) The consolidated section 582(c) net loss,

over the sum of—

(vii) The combined taxable income of the several affiliated corporations having taxable income, computed without regard to any deductions under section 242 (relating to partially tax-exempt interest), and

(viii) The consolidated net capital gain.

(6) *Consolidated section 1231 net loss.* The consolidated section 1231 net loss shall be the excess of the aggregate of the recognised losses of the character described in section 1231 sustained by the several affiliated corporations over the aggregate of the recognised gains of the character described in section 1231 realised by the several affiliated corporations.

(7) *Consolidated charitable contribution deduction.* The consolidated charitable contribution deduction shall be the aggregate of the amount of the deductions of the several affiliated corporations allowable under section 170 for the taxable year (determined without regard to the 5-percent limitation of section 170(b)(2)) and an amount equal to the aggregate of the consolidated charitable contribution carryovers to the taxable year.

(8) *Consolidated charitable contribution carryovers.* The consolidated charitable contribution carryovers to the taxable year shall consist of—

(i) The excess, if any, of the amount of the consolidated charitable contribution deduction (computed without regard to any charitable contribution carryovers) for the two preceding taxable years over the limitation of subparagraph (1)(i)(c) of this paragraph for such years to the extent that the consolidated charitable contribution deduction for any such preceding year was not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year reduced by—

(a) The amount absorbed as a carryover by the consolidated or separate taxable income for the intervening taxable year, and

(b) The increase in a consolidated or separate net operating loss carryover resulting from such excess,

and, with respect to any excess of charitable contributions over the applicable 5-percent limitation of a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group—

(ii) The amount of such excesses of such corporation for the two preceding taxable years reduced by:

(a) The amount absorbed as a carryover by the consolidated or separate taxable income for the intervening taxable year, and

(b) The increase in a consolidated or separate net operating loss carryover resulting from such excess.

(9) *Consolidated net capital gain.* The consolidated net capital gain shall be the excess of the sum of—

(i) The aggregate of the capital gains of the several affiliated corporations,

(ii) The consolidated section 1231 net gain, and

(iii) The consolidated section 582(c) net gain,

over the sum of—

(iv) The aggregate of the capital losses of such corporations, and

(v) The aggregate of the consolidated net capital loss carryovers to the taxable year.

(10) *Consolidated section 1231 net gain.* The consolidated section 1231 net gain shall be the excess of the aggregate of the recognised gains of the character described in section 1231 realised by the several affiliated corporations over the aggregate of the recognised losses of the character described in section 1231 sustained by the several affiliated corporations.

(11) *Consolidated net capital loss carryover.* The consolidated net capital loss carryovers to the taxable year shall consist of:

(i) The consolidated net capital losses, if any, for the 5 preceding taxable years to the extent that such losses were not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year, and were not absorbed by net capital gains for intervening taxable years pursuant to the provisions of section 1212 or corresponding provisions of prior law, consolidated or separate, as the case may be,

and, with respect to net capital losses sustained by a corporation for taxable years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group,

(ii) The net capital losses, if any, sustained by such corporation for its 5 preceding taxable years to the extent that such losses were not absorbed by the net capital gains of such corporation (or, if the income of such corporation was included in a consolidated return, by the consolidated net capital gain) for intervening taxable years pursuant to the provisions of section 1212 or corresponding provisions of prior law.

(12) *Consolidated net capital loss.* The consolidated net capital loss shall be the excess of the aggregate of the capital losses of the several affiliated corporations over the sum of:

(i) The aggregate of the capital gains of such corporations,

(ii) The consolidated section 1231 net gain, and

(iii) The consolidated section 582(c) net gain,

reduced in the case of an affiliated group including as members one or more corporations subject to the tax imposed by section 831, but only for the purpose of net capital loss carryover computations, by whichever of the following amounts is the lesser—

(iv) The combined additional capital loss deductions of such corporations authorized by section 832(c)(5), or

(v) The consolidated taxable income computed without regard to capital gains and losses and without regard to any deduction for partially tax-exempt interest provided by section 242.

(13) *Consolidated dividends received deduction.* The consolidated dividends received deduction shall be the aggregate of the deductions of the several affiliated corporations allowable under sections 243, 244, and 245 (computed without regard to the limitation of section 246 (b)), but in an amount not greater than 85 percent of the consolidated taxable income computed without regard to the consolidated net operating loss deduction, the consolidated section 247 deduction, and without regard to any consolidated dividends received deduction. The limitation of the previous sentence shall not apply for any taxable year for which there is a consolidated net operating loss.

(14) *Consolidated section 247 deduction.* The consolidated section 247 deduction, relating to dividends paid by public utilities on preferred stock, shall be an amount computed as follows:

(i) First, determine the amount which is the lesser of,

(*a*) The aggregate of the dividends paid by members of the affiliated group which are public utilities within the meaning of section 247(b)(1) on preferred stock within the meaning of section 247(b)(2), or

(*b*) The portion of the consolidated taxable income for the taxable year attributable to such members computed without regard to the consolidated section 247 deduction.

(ii) Then multiply the amount determined under subdivision (i) of this subparagraph by the fraction specified in section 247 (a) (2).

(15) *Consolidated section 922 deduction.* The consolidated section 922 deduction, relating to Western Hemisphere trade corporations, shall be that portion of the consolidated taxable income attributable to those members of the affiliated group which are Western Hemisphere trade corporations (computed without regard to the consolidated section 922 deduction) multiplied by the fraction specified in section 922 (2).

(16) *Consolidated net long-term capital gain.* The consolidated net long-term capital gain shall be the excess of the sum of:

(i) The aggregate of the long-term capital gains of the several affiliated corporations, and

(ii) The consolidated section 1231 net gain,

over

(iii) The aggregate of the long-term capital losses of such corporations.

(17) *Consolidated net short-term capital loss.* The consolidated net short-term capital loss shall be the sum of—

(i) The aggregate of the short-term capital losses of the several affiliated corporations, and

(ii) The consolidated net capital loss carryovers,

minus

(iii) The aggregate of the short-term capital gains of such corporations.

(18) *Consolidated accumulated taxable income.* The consolidated accumulated taxable income shall be the consolidated taxable income computed without regard to any capital loss carryover, without regard to any charitable contribution deduction under section 170, without regard to any net operating loss deduction, and without regard to any deduction under part VIII (section 241 and following, except section 248) subchapter B of chapter 1 of the Code, minus the sum of:

(i) The combined Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E, chapter 2 of the Internal Revenue Code of 1939, for taxable years beginning after December 31, 1940) and income, war profits and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 164(b)(6)), accrued during the taxable year by the several affiliated corporations or deemed to be paid by the several domestic affiliates under section 902(a)(1) or 960(a)(1)(C) for the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by corresponding sections of a prior income tax law,

(ii) The consolidated charitable contribution deduction computed without regard to section 170(b)(2),

(iii) The excess of the sum of the capital losses of the several affiliated corporations (computed without regard to any capital loss carryover) over the sum of the capital gains of such corporations,

(iv) The excess of the consolidated net long-term capital gain over the consolidated net short-term capital loss (computed without regard to any capital loss carryover) minus the taxes imposed by subtitle A attributable to such excess,

(v) In the case of an affiliated group including one or more holding company affiliates of a bank, as defined in section 2 of the Banking Act of 1933 (12 U.S.C. 221a), the consolidated section 601 deduction, relating to earnings or profits devoted to the acquisition of readily marketable assets, other than bank stock,

(vi) The consolidated accumulated earnings credit, and

(vii) The consolidated section 561 dividends paid deduction.

(19) *Consolidated accumulated earnings credit.* The consolidated accumulated earnings credit shall be:

(i) In the case of an affiliated group which is not a mere holding or investment group, an amount equal to such part of the aggregate of the earnings and profits for the taxable year of the several members of the group as are retained for the reasonable needs of the business of the group, minus the deduction allowed by subparagraph (18)(iv) of this paragraph, but not less than the amount (if any) by which $100,000 ($60,000 if the taxable year begins before January 1, 1958) exceeds the aggregate of the accumulated earnings and profits of the several members of the group at the close of the preceding taxable year, or

(ii) In the case of an affiliated group which is a mere holding or investment group, the amount (if any) by which $100,000 (or $60,000 if the taxable year begins before January 1, 1958) exceeds the aggregate of the accumulated earnings and profits of the several members of the group at the close of the preceding taxable year.

For the purpose of subdivision (i) of this subparagraph, the amount of the earnings and profits for the taxable year of the several members of the group which are retained is the amount by which the aggregate of the earnings and profits of the several members of the group for the taxable year exceed the consolidated section 561 dividends paid deduction for such year. For the purpose of the preceding sentence and subdivision (ii) of this subparagraph, the accumulated earnings and profits of the several members of the group at the close of the preceding taxable year shall be reduced by the dividends paid to other than members of the group under section 563 (a) (relating to dividends paid after the close of the taxable year) which are considered as paid during such taxable year.

(20) *Consolidated section 561 dividend paid deduction.* The consolidated section 561 dividends paid deduction shall be the sum of:

(i) The aggregate of the deductions allowable to the several members of the group with respect to dividends under section 561 (a) (1) and (2) determined without regard to any deductions attributable to payments made or considered to be made of dividends to other members of the group, and

(ii) In case the affiliated group is subject to tax on its consolidated undistributed personal holding company income, the consolidated dividend carryover.

(21) *Consolidated section 542 gross income.* The consolidated section 542 gross income shall be the combined gross income of the several members of the affiliated group computed without regard to any gross income from other members of the group and by including only the excess of the gains of the several members of the group over the losses of the several members of the group from transactions in stocks or securities as described in section 543 (a) (2) and by including only the excess of the gains of the several members of the group over the losses of the several members of the group with respect to commodity transactions as described in section 543 (a) (3).

(22) *Consolidated personal holding company income.* The consolidated personal holding company income shall be that part of the consolidated section 542 gross income from the sources described in section 543.

(23) *Consolidated undistributed personal holding company income.* The consolidated undistributed personal holding company income shall be the consolidated taxable income computed without regard to any deductions under part VIII (section 241 and following, except section 248), subchapter B, chapter 1 of the Code, without regard to any charitable contribution deduction under section 170, without regard to any net operating loss deduction, and without regard to deductions disallowed by section 545 (b) (8), minus the sum of:

(i) The combined Federal income and excess profits taxes (other than the excess profits tax imposed by subchapter E, chapter 2 of the Internal Revenue Code of 1939 for taxable years beginning after December 31, 1940) and income, war profits and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 164(b)(6)) accrued during the taxable year by the several affiliated corporations or deemed to be paid by the several domestic affiliates under section 902(a)(1) or 960(a)(1)(C) for the taxable year, but not including the accumulated earnings tax imposed by section 531, the personal holding company tax imposed by section 541, or the taxes imposed by the corresponding sections of prior income tax law;

(ii) In lieu of the deduction provided by subparagraph (1)(i)(c) of this paragraph, the consolidated charitable contribution deduction computed without the application of section 170(b)(2) but limited as provided in section 170(b)(1)(A) and (B) (except that the 10-percent and 20-percent limitations therein shall be applied with respect to the consolidated adjusted gross income);

(iii) The amount of the consolidated net operating loss for the preceding taxable year (computed without the deductions provided in part VIII (section 241 and following), except section 248, subchapter B, chapter 1 of the Code, if the current taxable year begins after December 31, 1957) to the extent not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group for the taxable year, and, with respect to a corporation which filed a separate return or joined in a consolidated return filed by another affiliated group for the preceding taxable year, the net operating loss of such corporation for such preceding taxable year (computed without the deductions provided in part VIII (section 241 and following), except section 248, subchapter B, chapter 1 of the Code, if the current taxable year begins after December 31, 1957) but not in excess of the portion of the consolidated personal holding company income attributable to such corporation for the taxable year;

(iv) The excess of the consolidated net long-term capital gain for the taxable year over the consolidated net short-term capital loss for such year minus the taxes imposed by subtitle A of the Code attributable to such excess;

(v) The aggregate amount subject to the provisions of section 545 (b) (7) used or irrevocably set aside by the several affiliated corporations to pay or retire indebtedness incurred prior to January 1, 1934, not including such portion of any such indebtedness as was owned on January 1, 1934, or at any time thereafter, directly or indirectly, by another member of the group;

(vi) The sum of the amounts deductible by the several members of the affiliated group allowable under section 545 (b) (9), but there shall be added to the consolidated taxable income any amount required to be included in taxable income under such section;

(vii) The consolidated section 561 dividends paid deduction; and

(viii) In the case of an affiliated group including one or more holding company affiliates of a bank, as defined in section 2 of the Banking Act of 1933 (12 U.S.C. 221a), the consolidated section 601 deduction, relating to earnings or profits devoted to the acquisition of readily marketable assets, other than bank stock.

(24) *Consolidated adjusted gross income.* The consolidated adjusted gross income shall be the consolidated taxable income computed without regard to any charitable contributions deductions, any deductions under part VIII (section 241 and following), except section 248, subchapter B, chapter 1 of the Code, any net operating loss carryback to the taxable year, any deductions under section 922, and without deduction of the amount disallowed by section 545(b)(8).

(25) *Consolidated deficiency dividends deduction.* The consolidated deficiency dividends deduction shall be the aggregate of the amounts determined as provided in section 547 with respect to dividends distributed by the several members of the affiliated group pursuant to a determination of liability for personal holding company tax described in section 547, with respect to the consolidated undistributed personal holding company income of the affiliated group for the taxable year of the group computed without regard to any dividends distributed to members of the affiliated group.

(26) *Consolidated dividend carryover.* The consolidated dividend carryover to the taxable year shall be the sum of—

(i) The excess of—

(*a*) The consolidated section 561 dividends paid deduction for the first preceding taxable year, determined without regard to any consolidated dividend carryover, over

(*b*) The consolidated undistributed personal holding company income for such year, determined without regard to any dividends paid deduction and dividend carryover,

to the extent that such deduction and such income are not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year,

(ii) The amount of the consolidated section 561 dividends paid deduction (determined as provided in subdivision (i) (*a*) of this subparagraph) for the second preceding taxable year reduced by the consolidated undistributed personal holding company income for such year (determined as provided in subdivision (i) (*b*) of this subparagraph) and further reduced by the amount of the consolidated undistributed personal holding company income for the first preceding taxable year determined without regard to any dividend carryover from the second preceding taxable year to the extent that any such consolidated section 561 dividends paid deduction and any such consolidated undistributed personal holding company income are not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group for the taxable year,

and, with respect to taxable years for which a member of the affiliated group filed a separate return or for which such member joined in a consolidated return filed by another affiliated group—

(iii) The excess of the deduction allowable to such corporation under section 561 for dividends paid for the first preceding taxable year (determined without regard to any dividend carryover) over the taxable income of such corporation for such year computed with the adjustments provided in section 545 (or if its income was included in the consolidated return of another affiliated group, that portion of the excess of the consolidated section 561 dividends paid deductions (determined as provided in subdivision (i) (*a*) of this subparagraph) for the first preceding taxable year, over the consolidated undistributed personal holding company income (determined as provided in subdivision (i) (*b*) of this subparagraph) for such year attributable to such corporation), and

(iv) The excess of the deduction allowable to such corporation under section 561 (determined without regard to any dividend carryover) for the second preceding taxable year over the taxable income of such corporation for such year computed with the adjustments provided in section 545 (or if its income was included in the consolidated return of another affiliated group, that portion of the excess of the consolidated section 561 dividends paid deduction (determined as provided in subdivision (i) (*a*) of this subparagraph) for the second preceding taxable year, over the consolidated undistributed personal holding company income (determined as provided in subdivision (i) (*b*) of this subparagraph) for such year, attributable to such corporation) and reduced by—

(*a*) The excess of the amount of its taxable income so computed for the first preceding taxable year over its dividends paid deduction under section 561, determined without regard to any dividend carryover from the second preceding taxable year (or, if its income was included in the consolidated return of an-

other affiliated group, that portion of the amount of such deduction absorbed in such consolidated return of another affiliated group), or

(b) If the income of such corporation is included in the consolidated return for the first preceding taxable year, the excess, if any, of the consolidated undistributed personal holding company income (determined without regard to any dividends paid deduction and dividend carryover) for the first preceding taxable year over the consolidated section 561 dividends paid deduction for such year, determined without regard to any dividend carryover.

(27) *Consolidated section 601 deduction.* The consolidated section 601 deduction relating to bank affiliates, shall be an amount equal to the aggregate of the earnings or profits of members of the group which are holding company affiliates of a bank as defined in section 2 of the Banking Act of 1933 (12 U.S.C. 221a) devoted to the acquisition of readily marketable assets other than bank stock (not including any asset acquired, directly or indirectly, from another member of the group), subject, in the case of each such affiliate, to the limitations imposed by section 601 determined without regard to the qualifications expressed in paragraph (b)(1) (ii) and (iii) of this section.

(28) *Consolidated life insurance company taxable income.* The consolidated life insurance company taxable income in the case of an affiliated group consisting of corporations subject to the tax imposed by section 802 shall be the consolidated taxable income minus the consolidated section 804 deduction and plus the consolidated section 806 adjustment.

(29) *Consolidated section 804 deduction.* The consolidated section 804 deduction relating to the reserve and other policy liabilities shall be the consolidated taxable income multiplied by a figure to be determined and proclaimed by the Secretary for each taxable year pursuant to section 804.

(30) *Consolidated section 806 adjustment.* The consolidated section 806 adjustment relating to certain reserves provided in section 806 shall be an amount equal to 3¼ percent of the combined unearned premiums and unpaid losses of the several affiliated corporations on contracts other than life insurance or annuity contracts computed in the case of each corporation pursuant to the provisions of section 806 but the combined unearned premiums shall not be considered to be less than 25 percent of the combined net premiums on such other contracts written during the taxable year.

(31) *Consolidated 1954 life insurance company taxable income.* The consolidated 1954 life insurance company taxable income in the case of an affiliated group consisting of corporations subject to the tax imposed by section 802 (b) for taxable years beginning in 1954 shall be the consolidated taxable income plus eight times the consolidated section 806 adjustment and minus the consolidated reserve interest credit, if any.

(32) *Consolidated reserve interest credit.* The consolidated reserve interest credit shall be the aggregate of the reserve interest credits of the several members of the affiliated group.

(33) *Consolidated section 175 deduction.* The consolidated section 175 deduction shall be the aggregate of the amount of the deductions of the several affiliated corporations allowable under section 175 for the taxable year (determined without regard to the 25 percent limitation of section 175 (b)) and an amount equal to the aggregate of the consolidated section 175 carryovers to the taxable year.

(34) *Consolidated section 175 gross income.* The consolidated section 175 gross income shall be the combined gross income derived from farming of the several affiliated corporations engaged in the business of farming and having expenditures of the type described in section 175 (a). For this purpose, there shall be eliminated profits and losses on intercompany transactions; and proper adjustment shall be made to eliminate any distortion in the amount of gross income attributable to transactions between members of the affiliated group at markedly fictitious values.

(35) *Consolidated section 175 carryovers.* The consolidated section 175 carryovers to the taxable year shall consist of—

(i) The excess, if any, of the amount of the consolidated section 175 deductions over 25 percent of the consolidated section 175 gross income of preceding taxable years to the extent that such consolidated section 175 deduction for any preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year and was not absorbed as a carryover by the consolidated section 175 gross income for preceding taxable years

and, with respect to any excess of deductions under section 175 over the 25 percent limitation of section 175 (b) of a corporation in a taxable year for which a separate return was filed or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (b)(15) of this section.

(ii) The amount of such excesses of such corporation for preceding taxable years to the extent that such excesses were not absorbed as carryovers for preceding taxable years.

(36) *Consolidated section 582(c) net loss.* The consolidated section 582(c) net loss shall be the excess of the aggregate of the losses of the character described in section 582(c) recognized in a taxable year beginning after December 31, 1958, by the several affiliated corporations which are banks over the aggregate of gains of the character described in section 582(c) recognized in such taxable year by the several affiliated corporations which are banks.

(37) *Consolidated section 582(c) net gain.* The consolidated section 582(c) net gain shall be the excess of the aggregate of the gains of the character described in section 582(c) recognized in a taxable year beginning after December 31, 1958, by the several affiliated corporations which are banks over the aggregate of the losses of the character described in section 582(c) recognized in such taxable year by the several affiliated corporations which are banks.

(38) *Consolidated section 181 deduction.* The consolidated section 181 deduction for the taxable year shall be the sum of—

(i) With respect to the portion of a consolidated unused credit not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for such taxable year, the amount determined under the provisions of section 181, and

(ii) With respect to unused credits arising in unused credit years for which a corporation filed a separate return or joined in a consolidated return filed by another affiliated group, the amount determined under the provisions of section 181.

(b) *Computations.* In the case of affiliated corporations which make, or are required to make, a consolidated return, and except as otherwise provided in the regulations under section 1502:

(1) *Taxable income.* The taxable income of each corporation shall be computed in accordance with the provisions covering the determination of taxable income of separate corporations, except:

(i) There shall be eliminated unrealized profits and losses in transactions between members of the affiliated group and dividend distributions from one member of the group to another member of the group (referred to in the regulations under section 1502 as intercompany transactions);

(ii) No net operating loss deduction shall be taken into account;

(iii) No capital gains or losses shall be taken into account;

(iv) There shall be disregarded all gains and losses from involuntary conversions subject to section 1231, and from sales and exchanges of property subject to section 1231;

(v) In the computation of the deduction under section 171, relating to amortizable bond premium, there shall be disregarded the bonds of one member of the group owned by another member of the group during the taxable year;

(vi) In the computation of the taxable income of a corporation for the taxable year in which it became the common parent corporation of the affiliated group filing a consolidated return, the aggregate deductions of such corporation for such year otherwise allowable in excess of the gross income of such corporation for such year shall be excluded to the extent that such excess is attributable to that portion of such year preceding the date upon which such corporation became the common parent corporation of the group. Any amount excluded under this paragraph shall, to the extent that it constitutes a net operating loss within the provisions of section 172 or a net capital loss within the provisions of section 1222, be considered as a net operating loss or a net capital loss, as the case may be, separately sustained by such corporation and subject to the provisions of paragraph (a) (3) (ii) or (11) (ii) of this section;

(vii) In the case of a corporation which became a member of the affiliated group after January 1, 1954, common parent corporation or subsidiary, as the case may be, allowable deductions shall be determined subject to the qualifications prescribed in subparagraph (9) of this paragraph;

(viii) No deduction under section 170 with respect to charitable or other contributions shall be taken into account;

(ix) In the case of the deduction provided in section 615 (relating to mine exploration expenditures), the allowable deduction shall be determined subject to the qualifications prescribed in subparagraph (12) of this paragraph;

(x) In the case of a distribution of inventory to which section 311 (b) is applicable, or in the case of a distribution of property to which section 311 (c) is applicable by one member of the group to another member of the group, the gain recognized under such sections shall be eliminated;

(xi) No deductions under section 243, 244, 245, or 247 (relating to deductions with respect to dividends received and dividends paid) or under section 922 (relating to the special deduction for Western Hemisphere trade corporations), shall be taken into account;

(xii) No deductions under section 175 (relating to soil and water conservation expenditures) shall be taken into account by a member of an affiliated group to which the consolidated section 175 deduction is applicable;

(xiii) In the case of a bank, for taxable years beginning after December 31, 1958, there shall be disregarded all gains and losses from sales and exchanges of property described in section 582(c); and

(xiv) No deduction under section 181 (relating to deduction for certain unused investment credit) shall be taken into account.

Intercompany profits and losses which have been realized by the group through final transactions with persons other than members of the group, and intercompany transactions which do not affect the consolidated taxable income shall not be eliminated. For the purpose of this subparagraph, gain includible in income pursuant to section 357(c) with respect to transfers of assets other than capital assets and other than assets to which section 1231 is applicable, and gain includible in income by reason of the application of paragraph (a)(1)(iii) of § 1.1502–37A, shall not be eliminated. For the purpose of the regulations under section 1502, a transaction not involving a sale or exchange of a capital asset or of property subject to the provisions of section 1231 shall not be considered an intercompany transaction if such transaction occurs in the regular course of the trade or business of the members of the group and if such members adopt, with the consent of the Commissioner and subject to such conditions as he deems proper, a consistent accounting practice of taking into account in the computation of consolidated taxable income the gains and losses reflected in such transactions. As used in this paragraph, the term "taxable income" includes the case in which the allowable deductions of a member (not including any net operating loss deduction) exceed its gross income. For purposes of section 593(b)(2) (relating to addition to reserve for bad debts), taxable income of an organization to which section 593 applies shall be computed as if such organization filed a separate return for the taxable year.

(2) *Other computations on separate basis.* The various other computations required by the regulations under section 1502 to be made by the several affiliated corporations shall be made in the case of each such corporation in the same manner and under the same conditions as if a separate return were to be filed, but with the following exceptions:

(i) *Taxable income.* The taxable income used in any such computation shall be the taxable income of the corporation determined in accordance with the provisions of this section.

(ii) *Dividends received.* In the computation of the dividends received, there shall be excluded all dividends received from other members of the affiliated group.

(iii) *Capital gains and losses.* Capital gains and losses, short-term capital gains and losses, long-term capital gains and losses, and the additional capital loss deduction authorized by section 832 (c) (5) shall be determined without regard to:

(a) Gains or losses arising in intercompany transactions (other than gains described in section 357 (c)) and gains recognized to the distributing corporation pursuant to section 311 (c) by reason of distributions by one member of the group to another member of the group,

(b) Gains or losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 1231,

(c) The net capital loss carryovers provided in section 1212,

(d) In the case of a corporation which became a member of the affiliated group subsequent to January 1, 1954, common parent corporation or subsidiary, as the case may be, capital losses to the extent disallowed pursuant to the provisions of subparagraph (9) of this paragraph, and

(e) In the case of a bank, for taxable years beginning after December 31, 1958, gains or losses from sales or exchanges of property described in section 582(c).

(iv) *Net operating loss.* In the computation of the net operating loss, as defined in section 172, the provisions of this section pertaining to the determination of taxable income shall apply.

(v) *Dividends paid.* In the computation of dividends paid, there shall be excluded all dividends paid by one member of the group to another, except as provided in paragraph (b)(4) of § 1.1502–30A.

(vi) *Federal income tax.* In the computation of the Federal income tax, there shall be used the consolidated tax, or a proportionate part thereof, if the tax payable is properly computed on the basis of the consolidated return.

(vii) *Dividends paid by public utility.* In the computation of dividends paid on the preferred stock of a public utility, there shall be excluded all dividends paid by such public utility to another member of the group.

(viii) *Gains or losses under section 1231.* Gains and losses from involuntary conversions subject to section 1231, and from sales or exchanges of property subject to section 1231 shall be determined without regard to—

(a) Gains and losses from intercompany transactions (other than gains described in section 357 (c)) and gains recognized pursuant to section 311 (c) upon the distribution of property subject to the provisions of section 1231 by one member of the group to another member of the group, and

(b) In the case of a corporation which became a member of the affiliated group subsequent to January 1, 1954, common parent corporation or subsidiary, as the case may be, such portion of any such loss as is disallowed pursuant to the provisions of subparagraph (9) of this paragraph.

(ix) *Mutual savings banks, domestic building and loan associations; and cooperative banks.* In the case of a mutual savings bank, a domestic building and loan association, and a cooperative bank:

(a) In the computation of total deposits or withdrawable accounts at the close of the taxable year for the purpose of section 593 (relating to the deduction for bad debts), there shall be excluded the total deposits or withdrawable accounts of other members of the group, and

(b) In the computation of the deduction provided in section 591 (relating to dividends paid by banking corporations), there shall be excluded amounts paid to, or credited to the accounts of, other members of the group.

(3) *Limitation on net operating loss carryovers and carrybacks from separate return years.* (i) In no case shall there be included in the consolidated net operating loss deduction for the taxable year as consolidated net operating loss carryovers or carrybacks under paragraphs (a)(3)(i)(b), (4)(i) (f), (g), (h), (j), and (k), and (ii) (c) and (d) of this section (relating to net operating losses sustained by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group) an amount exceeding the taxable income of such corporation included in the computation of the consolidated taxable income for the taxable year, adjusted as provided in subdivision (ii) of this subparagraph. This subdivision shall not be applicable to a carryover under paragraph (a)(3)(i)(b) of this section of a net operating loss of a corporation—

(a) Attributable to a period for which it was included in a consolidated return filed by another affiliated group for a taxable year beginning prior to January 1, 1954, all of whose members are included in the consolidated return filed for the taxable year if all of the members of such other affiliated group would have been members of the affiliated group if the law applicable to the taxable year had been applicable to such prior taxable year,

(b) To taxable years beginning after December 31, 1963, attributable to a taxable year beginning before January 1, 1964, in which such corporation was (on each day of such year) a member of the affiliated group, or

(c) Attributable to a taxable year beginning after December 31, 1963, in which such corporation was (on each day of such year) a member of the affiliated group, provided that an election under section 1562 (relating to privilege of groups to elect multiple surtax exemptions) was not effective for such year.

(ii) For purposes of this subparagraph and subparagraph (2) of this paragraph, the taxable income of a corporation included in the computation of consolidated taxable income shall be decreased by its deductions under sections 181, 243, 244, 245, 247, and 922 (and in the case of a member of an affiliated group to which the consolidated section 175 deduction is applicable, the section 175 deduction), and shall be increased by its separate net capital gain, and shall be increased or decreased, as the case may be, with respect to its separate gains and losses from involuntary conversions subject to the provisions of section 1231, and from sales or exchanges of property subject to the provisions of section 1231.

(4) *Law applicable to computations of net operating loss carryovers and carrybacks.* (i) In determining the amount of any net operating loss carryback or carryover, consolidated or separate, to any taxable year, the necessary computations involving any other taxable year shall be made under the law and regulations applicable to such other taxable year. The preceding sentence shall apply with respect to all taxable years whether they begin before, on, or after January 1, 1954.

(ii) In the case of a consolidated net operating loss for a taxable year beginning in 1953 and ending in 1954, the amount of such consolidated net operating loss which shall be carried to the second preceding taxable year shall be the amount which bears the same ratio to such consolidated net operating loss as the number of days in the loss year after December 31, 1953, bears to the total number of days in such year. In determining the amount carried to any other taxable year, the amount absorbed for the second taxable year preceding the loss year shall not exceed the portion of the consolidated net operating loss which is carried to the second preceding taxable year.

(iii) (a) The consolidated net operating loss deduction for a taxable year beginning in 1953 and ending in 1954, shall be the sum of—

(1) That portion of the consolidated net operating loss deduction for such taxable year, computed as though paragraph (a) (2) of § 1.1502-31A applied to such taxable year, which the number of days in such taxable year after December 31, 1953, bears to the total number of days in such taxable year, and

(2) That portion of the consolidated net operating loss deduction for such taxable year, computed in accordance with 26 CFR (1939) 24.31(a)(2) (Regulations 129), which the number of days in such taxable year before January 1, 1954, bears to the total number of days in such taxable year.

(b) The consolidated net income for any taxable year beginning in 1953 and ending in 1954 which is subtracted from the net operating loss for any other taxable year to determine the portion of such net operating loss which is a carryback or a carryover to a particular taxable year shall be determined in accordance with the principles of section 172(f)(4).

(iv) (a) The consolidated net operating loss deduction for a taxable year beginning after December 31, 1953, and ending before August 17, 1954, shall be computed as if the regulations under section 1502 apply to such taxable year.

(b) The consolidated net income for any taxable year beginning after December 31, 1953, and ending before August 17, 1954, which is subtracted from the consolidated net operating loss for any other taxable year to determine the portion of such net operating loss which is a carryback or a carryover to a particular taxable year shall be determined in accordance with section 172(g)(3).

(v) In the case of a consolidated net operating loss for a taxable year beginning in 1957 and ending in 1958, the amount of such consolidated net operating loss which shall be carried to the third preceding taxable year shall be the amount which bears the same ratio to such consolidated net operating loss as the number of days in the loss year after December 31, 1957, bears to the total number of days in such year. In determining the amount carried to any other taxable year, the amount absorbed for the third taxable year preceding the loss year shall not exceed the portion of the consolidated net operating loss which is carried to the third preceding taxable year.

(vi) For purposes of section 141 of the Internal Revenue Code of 1939 and that part of the regulations promulgated thereunder which relate to subchapter D, chapter 1 of such Code, excess profits net income and consolidated section 433(a) excess profits net income shall be computed as if the regulations under section 1502 did not apply and as if such section and such regulations continued to apply to taxable years beginning after December 31, 1953.

(5) *Limitation on absorption of unused dividend carryovers.* If, in the computation of the consolidated dividend carryover for the second consolidated return period in respect of which the income of a corporation is included in the consolidated return of the group, there is involved a separate unused dividend carryover of such corporation for the second preceding taxable year together with a consolidated unused dividend carryover for the second preceding taxable year, or if, for the second consolidated return period in respect of which the income of two or more members of the group is included in the consolidated return of the group, there are involved the separate unused dividend carryovers of such corporations for the second preceding taxable year, no portion of the excess of the consolidated undistributed personal holding company income (determined without regard to any dividends paid deduction and dividend carryover) over the consolidated section 561 dividends paid deduction (determined without regard to any dividend carryover) for the first preceding taxable year shall be taken into account more than once in giving effect to the provisions of paragraph (a) (2B) (ii) and (iv) of this section (relating to the computation of that part of the consolidated dividend carryover attributable to the unused dividend carryovers of the second preceding taxable year).

(6) *Apportionment of consolidated net operating loss.* If an affiliated group filing a consolidated return sustains a consolidated net operating loss for the taxable year within the provisions of section 172, relating to the net operating loss deduction, and if—

(i) There are included as members of such group one or more corporations which made separate returns, or joined in a consolidated return filed by another affiliated group, either in a preceding taxable year or in a succeeding taxable year, or

(ii) There are included as members of such group one or more corporations which sustain a net operating loss for the taxable year for which a certification is issued under section 317 of the Trade Expansion Act of 1962 and with respect to which the requirements of section 172 (b) (3) (A) are met, or

(iii) In the case of a taxable year ending after December 31, 1955, there are included as members of such group one or more corporations which are regulated transportation corporations for the taxable year (within the meaning of section 172(j)(1)),

then the portion of such consolidated net operating loss attributable to such corporations severally shall be determined, such portion in the case of any such corporation being determined in an amount proportionate to the net losses (capital net losses and ordinary net losses alike) of the several affiliated corporations having net losses, to the extent that such losses were taken into account in the computation of the consolidated net operating loss.

(7) *Apportionment of consolidated net capital loss.* If an affiliated group filing a consolidated return sustains a consolidated net capital loss, and if there are included as members of such group one or more corporations which make separate returns, or join in a consolidated return filed by another affiliated group, in a succeeding taxable year, the portion of such consolidated net capital loss attributable to such corporations severally shall be determined, such portion in the case of any such corporation being an amount which bears the same ratio to the consolidated net capital loss which the net capital loss of such corporation bears to the aggregate of the net capital losses for the taxable year sustained by the several affiliated corporations having net capital losses.

(8) *Limitation on net capital loss carryover from separate return year.* In no case shall there be included in the computation of the consolidated net capital gain for the taxable year as a consolidated net capital loss carryover under paragraph (a) (1I) (ii) of this section (relating to net capital losses

separately sustained) an amount exceeding in the aggregate the net capital gains of such corporation (determined without regard to any net capital loss carryover) included in the computation of the consolidated net capital gain for the taxable year increased with respect to its separate net gains from involuntary conversions and from sales or exchanges of property subject to the provisions of section 1231.

(9) *Qualifications on deductions where group membership changed after January 1, 1954.* In the case of an affiliated group formed at any time after January 1, 1954, or having among its members in the taxable year one or more subsidiaries which became members of the group subsequent to January 1, 1954, the consolidated taxable income for the taxable year, and for prior and subsequent taxable years to the extent affected by carrybacks and carryovers from the taxable year, shall be determined subject to the following qualifications:

(i) There shall be excluded in the case of the common parent corporation and in the case of any subsidiaries which were members of the group on January 1, 1954, those deductions from gross income otherwise allowable with respect to—

(a) Sales or exchanges of capital assets,

(b) Involuntary conversions and sales or exchanges of property subject to the provisions of section 1231,

(c) Securities subject to the provisions of section 165 (g) (3), or

(d) Debts subject to the provisions of section 166,

to the extent that such deductions otherwise allowable exceed in the aggregate—

(e) In the case of capital losses, the excess of the aggregate capital gains over the aggregate capital losses of such corporations for the taxable year, or

(f) In the case of ordinary losses, the aggregate of the ordinary taxable income of such corporations for the taxable year, increased in an amount equal to any excess of aggregate capital gains over aggregate capital losses of such corporations,

such capital gains and losses and such ordinary taxable income being determined pursuant to the provisions of the regulations under section 1502 but without regard to the provisions of subparagraphs (1) (iv) and (2) (iii) (b) of this paragraph and without regard to the losses in question:

(ii) There shall be excluded in the case of a subsidiary corporation which became a member of the affiliated group subsequent to January 1, 1954, those deductions from gross income otherwise allowable with respect to—

(a) Sales or exchanges of capital assets,

(b) Involuntary conversions and sales or exchanges of property subject to the provisions of section 1231,

(c) Securities subject to the provisions of section 165 (g) (3), or

(d) Debts subject to the provisions of section 166,

to the extent that such deductions otherwise allowable are attributable to events preceding the date upon which such corporation became a member of the group, and

(e) Being capital losses, exceed (1) the capital gains reduced by all other capital losses of such corporation for the taxable year, in the case in which such corporation was not, on January 1, 1954, a member of an affiliated group within the meaning of section 1504, or (2) in case such corporation was a member of an affiliated group on January 1, 1954, an amount which together with like losses computed subject to the provisions of the regulations under section 1502 in the case of other members of the group during the taxable year which were affiliated with such corporation on January 1, 1954, within the meaning of section 1504 is equal to the aggregate capital gains reduced by the aggregate of all other capital losses of such corporation and of such other members of the group, or

(f) Being ordinary losses exceed (1) the ordinary taxable income of such corporation for the taxable year increased in an amount equal to any excess of capital gains over capital losses for the taxable year, in the case in which such corporation was not, on January 1, 1954, a member of an affiliated group within the meaning of section 1504, or (2) in case such corporation was a member of an affiliated group on January 1, 1954, an amount which, together with like losses computed subject to the provisions of the regulations under section 1502 in the case of other members of the group during the taxable year which were affiliated with such corporation on January 1, 1954, within the meaning of section 1504, is equal to the ordinary taxable income of such corporation for the taxable year increased by the aggregate of the ordinary taxable income and decreased by the aggregate of the ordinary net losses of other members of the affiliated group during the taxable year which were affiliated with such corporation on January 1, 1954, within the meaning of section 1504, and increased further in an amount equal to any excess of aggregate capital gains over aggregate capital losses of such corporations,

such capital gains and losses, and ordinary taxable income and net losses, as the case may be, being determined pursuant to the provisions of the regulations under section 1502 but without regard to the provisions of subparagraphs (1) (iv) and (2) (iii) (b) of this paragraph, and without regard to the losses in question.

(iii) The portion of any loss otherwise allowable as a deduction for the taxable year which is disallowed pursuant to the provisions of subdivisions (i) and (ii) of this subparagraph shall, to the extent that it constitutes a net capital loss or a net operating loss, be considered as a net capital loss or a net operating loss, as the case may be, in respect to those members of the group by reference to which the amount of the deduction disallowed under subdivisions (i) and (ii) of this subparagraph was determined, and, for the purpose of the carryback provisions, the year of the loss shall be considered as a taxable year occurring subsequent to the last taxable year in respect of which the income of such members of the group was included in a consolidated return, and, for the purpose of the carryover provisions, as a taxable year occurring prior to the first taxable year in respect of which their income was included in a consolidated return;

(iv) The provisions of subdivisions (i) and (ii) of this subparagraph shall not apply with respect to the common parent corporation of an affiliated group formed subsequent to January 1, 1954, or to the common parent corporation or subsidiaries of a group in existence on January 1, 1954, acquiring new members subsequent to January 1, 1954, or with respect to subsidiaries becoming members of the group subsequent to January 1, 1954—

(a) If the group consists solely of the common parent corporation and one or more subsidiaries created, directly or indirectly, by the common parent corporation or by other members of the group;

(b) If, immediately after the corporation involved became a member of the group, common parent corporation or subsidiary, as the case may be, stock possessing at least 80 percent of the voting power of all classes of its stock then outstanding and at least 80 percent of each class of its nonvoting stock then outstanding is owned, directly or indirectly, by substantially the same interests by which such stock was owned on January 1, 1954;

(c) If the affiliated group involved was formed, or the new subsidiary became a member of the group, as an incident to an involuntary conversion or to a transfer made pursuant to an order of the Securities and Exchange Commission, the Federal Communications Commission, the Interstate Commerce Commission, or a similar regulatory body of State or Federal Government; or

(d) To the extent to which, upon consideration of the facts or circumstances presented by the particular case, the Commissioner determines that a consolidated taxable income computed with respect to the affiliated group, but without regard to subdivisions (i) and (ii) of this subparagraph, will not serve to distort the income tax liability of the group or of any of its members.

(10) *Loss to group of investment in an affiliate.* In the case of a loss to one or more members of an affiliated group sustained during the taxable year as the result of the worthlessness of the investment of such members in another affiliate, whether such investment was reflected in the stock, bonds, or open account advances to such other affiliate—

(i) Such losses shall be taken into account in the computation of consolidated taxable income for the year of the loss in an amount not greater in the aggregate than the excess of the consolidated taxable income for such year computed without regard to any such loss over that portion of such consolidated taxable income so computed attributable to such other affiliate; and

(ii) The portion of any such loss otherwise allowable as a deduction for the taxable year which is disallowed pursuant to the provisions of subdivision (i) of this subparagraph shall be considered as a consolidated net operating loss to be taken into account as a consolidated carryback to the two preceding taxable years or, if the loss is sustained in a taxable year ending after December 31, 1957,

the three preceding taxable years and as a consolidated carryover to the five succeeding taxable years, but in an amount not greater for any taxable year than the excess of the consolidated taxable income for such year, computed without regard to such carryover or carryback, as the case may be, over that portion of such consolidated taxable income so computed for such taxable year attributable to such other affiliate.

(11) *Disposal of timber or coal—(i) Intercompany transactions.* Section 631 (b) or (c) (relating to the disposal of timber or coal) shall apply to an amount received by a member of the group only to the extent such amount is received by the member of the group as a party to a transaction described in section 631 (b) or (c) with persons not members of the group.

(ii) *Application of sections 631 and 541 to coal royalties.* For the purpose of determining the consolidated accumulated taxable income and the consolidated undistributed personal holding company income the provisions of 631 (c) shall not apply to any amount received by a member of the group upon the disposal of coal.

(12) *Mine exploration expenditures—(i) Limitation under section 615 (a).* If the aggregate of the deductions, computed without regard to this sentence, allowable under section 615 (a) to the several members of the group exceeds $100,000,

(a) The deduction under that section allowable to any member of the group shall be an amount which bears the same ratio to $100,000 as its deduction computed without regard to this sentence bears to the aggregate of such deductions so computed for the members of the group, except that,

(b) If all the members of the group consent in writing, the deduction under that section allowable to such member shall be the deduction under that section computed without regard to this sentence, or such part thereof as the common parent corporation shall determine at the time the consent is filed, provided, however, that the aggregate of the deductions so allowable for all members of the group shall not exceed $100,000.

(ii) *Limitation under 615 (c).* If the limitation provided in section 615 (c) is applicable to any member of the group, such limitation shall be deemed applicable to all members of the group.

(13) *Apportionment of unused dividend carryover and allowance of consolidated deficiency dividends deduction—(i) Apportionment of unused dividend carryover.* If an affiliated group filing a consolidated return has an unused consolidated dividend carryover and if there are included as members of such group one or more corporations which make separate returns, or join in a consolidated return filed by another affiliated group or if any member of the group computes its tax liability under section 541 pursuant to the last sentence of paragraph (b)(4) of § 1.1502-30A, in a succeeding taxable year, the portion of such unused consolidated dividend carryover attributable to such corporations severally shall be determined for the purpose of the dividend carryover, such portion in the case of any such corporation shall be determined in an amount proportionate to the deduction for dividends paid and the taxable incomes of the several affiliated corporations (determined with the adjustments provided in section 545) to the extent that such deduction and such taxable income were taken into account in the computation of the consolidated dividend carryover and the consolidated and undistributed personal holding company income.

(ii) *Deficiency dividends deduction.* For the purpose of applying section 547, relating to deficiency dividends, in case the affiliated group is subject to tax on its consolidated undistributed personal holding company income for the taxable year to which the deficiency in personal holding company tax relates, the consolidated deficiency dividends deduction described in paragraph (a) (25) of this section shall be allowed.

(14) *Apportionment of consolidated charitable contribution deduction.* If an affiliated group filing a consolidated return has an excess of the consolidated charitable contribution deduction over the limitation of paragraph (a) (1) (i) (c) of this section for the taxable year, and if there are included as members of such group one or more corporations which make separate returns or join in a consolidated return filed by another affiliated group in a succeeding taxable year, the portion of such excess attributable to such corporations severally shall be determined, such portion in the case of any such corporation being determined in an amount proportionate to such excess as the contributions of each such corporation bear to the aggregate of such contributions.

(15) *Limitation on section 175 carryovers from separate return years.* In no case shall there be included in the consolidated section 175 deductions for the taxable year as consolidated section 175 carryovers under paragraph (a) (35) (ii) of this section (relating to excess section 175 deductions of a corporation for years for which separate returns were filed or for which such corporation joined in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate the amount by which 25 percent of the gross income of such corporation derived from farming included in the computation of the consolidated section 175 gross income for the taxable year exceeds the amount of the expenditures of such corporation of the taxable year deductible under section 175.

(16) *Apportionment of consolidated section 175 deduction.* If an affiliated group filing a consolidated return has an excess of the consolidated section 175 deduction over the limitation of 25 percent of the consolidated section 175 gross income for the taxable year, and if there are included as members of such group one or more corporations which make separate returns, or are joined in a consolidated return filed by another affiliated group, in a succeeding taxable year, the portion of such excesses attributable to such corporations severally shall be determined; such portion in the case of any such corporation being determined in an amount proportionate to such excess as the deductions of each such corporation bears to the aggregate of such deductions.

(17) *Applicability of consolidated section 175 deduction.* An affiliated group shall not be eligible to use the consolidated section 175 deduction unless all of the members of such group which are engaged in the business of farming during the taxable year have adopted, pursuant to section 175 (d), the method described in section 175. In the case of a corporation which is a member of an affiliated group which is not eligible to use the consolidated section 175 deduction, the deduction provided by section 175 shall be used in the computation of the taxable income of such corporation in the same manner and under the same conditions as if a separate return were to be filed, except that the gross income from farming of such corporation shall be determined without regard to profits or losses on intercompany transactions; and proper adjustment shall be made to eliminate any distortion in the amount of gross income attributable to transactions between members of the group at markedly fictitious values.

(18) *Computation of consolidated accumulated taxable income.* In the computation of consolidated accumulated taxable income no amount shall be taken into account with respect to any income or deductions attributable to members of the affiliated group which are subject to tax under section 541 as described in the last sentence of paragraph (b) (4) of § 1.1502-30A.

(19) *Law applicable to the computation of consolidated dividends carryover.* In the computation of the consolidated section 561 dividends paid deduction, the amount of the consolidated dividends carryover from a year to which subtitle A of the Code is not applicable to a taxable year to which such subtitle applies shall be determined under 26 CFR (1939) part 24 (Regulations 129) if a consolidated return was filed for the year in which the dividends were paid or under the provisions of the Internal Revenue Code of 1939 if a separate return was filed for such year.

(20) *Law applicable to computation of deficiency dividends deduction.* If a deficiency is asserted with respect to a taxable year which began before January 1, 1954, the amount of any "deficiency dividend" shall include only amounts which would have been includible in the computation of the consolidated basic surtax credit, as defined in 26 CFR (1939) Part 24 (Regulations 129), or in the computation under the Internal Revenue Code of 1939 of the basic surtax credit for such taxable year, as the case may be.

(21) *Rules with respect to net operating losses under sections 381 and 382.* (i) If, in the computation of the consolidated net operating loss carryover, there is included an amount with respect to a net operating loss of a corporation, sustained in a taxable year for which it filed a separate return or for which such corporation joined in a consolidated return filed for another affiliated group, which is a transferor or distributor of assets to a member of the affiliated group within the meaning of section 381(a), the amount allowable as a carryover with respect to such transferor or distributor shall not exceed the amount of the taxable income of the acquiring corporation included in the computation of the consolidated taxable income for the taxable year, adjusted as provided in subparagraph (3)(ii) of this paragraph. The preceding sentence shall not apply to a carryover—

(a) To taxable years beginning after December 31, 1963, attributable to a net operating loss or losses sustained by a corporation in a taxable year or years beginning before January 1, 1964, in which such corporation was (on each day of any such year) a member of the affiliated group, or

(b) Attributable to a taxable year beginning after December 31, 1963, in which the corporation sustaining the loss was (on each day of such year) a member of the affiliated group, provided that an election under section 1562 (relating to privilege of groups to elect multiple surtax exemptions) was not effective for such year.

(ii) If, in addition to the amount described in subdivision (i) of this subparagraph, there is included an amount with respect to a net operating loss sustained by the acquiring corporation in a year for which it filed separate returns or for which it joined in a consolidated return filed by another affiliated group, the losses sustained by both the acquiring corporation and the transferor or distributor corporation which may be taken into account as a net operating loss deduction in determining the consolidated taxable income may not exceed the taxable income of the acquiring corporation included in the computation of the consolidated taxable income for the taxable year, adjusted as provided in subparagraph (3)(ii) of this paragraph. The preceding sentence shall not apply to a carryover—

(a) To taxable years beginning after December 31, 1963, attributable to a net operating loss or losses sustained by the acquiring corporation in a taxable year or years beginning before January 1, 1964, in which such corporation was (on each day of any such year) a member of the affiliated group, or

(b) Attributable to a net operating loss sustained by the acquiring corporation in a taxable year beginning after December 31, 1963, in which such corporation was (on each day of such year) a member of the affiliated group, provided that an election under section 1562 (relating to privilege of groups to elect multiple surtax exemptions) was not effective for such year.

(iii) For purposes of subdivisions (i) and (ii) of this subparagraph, if the transferor or distributor corporation was a member of another affiliated group which filed a consolidated return, the amount of the consolidated net operating loss of such affiliated group, if any, attributable to such transferor or distributor, shall be treated as the net operating loss of such corporation separately sustained.

(iv) In any case in which a consolidated net operating loss was sustained by an affiliated group which includes a member whose net operating loss is subject to the limitations upon net operating losses provided by section 382, such section shall be applicable with respect to such member as if the portion of such consolidated net operating loss attributable to such corporation were a net operating loss of such corporation separately sustained.

(22) *Rules with respect to capital loss carryovers under section 381.* (i) If in the computation of the consolidated net capital loss carryovers for a taxable year there is included an amount with respect to a net capital loss of a corporation, sustained in a taxable year for which it filed a separate return or for which such corporation joined in a consolidated return filed by another affiliated group, which is a transferor or distributor of property to a member of the affiliated group within the meaning of section 381 (a), the amount allowable with respect to such transferor or distributor shall not exceed the net capital gains of the acquiring corporation (determined without regard to any net capital loss carryover) included in the computation of the consolidated net capital gain for the taxable year increased with respect to its separate gains for involuntary conversions and from sales or exchanges of property subject to the provisions of section 1231.

(ii) If there is included under paragraph (a) (11) (ii) of this section an amount with respect to net capital losses separately sustained by such acquiring corporation in years for which separate returns were filed or for which such corporation joined in a consolidated return filed by another affiliated group, the limitation described in subdivision (i) of this subparagraph shall be applicable with respect to the aggregate of such losses and the losses of its transferor or distributor corporations.

(iii) For purposes of subdivisions (i) and (ii) of this subparagraph, if the transferor or distributor corporation was a member of another affiliated group which filed a consolidated return, the amount of the consolidated net capital loss of such affiliated group, if any, attributable to such transferor or distributor, shall be treated as the net capital loss of such corporation separately sustained.

(c) *Statements and schedules for subsidiaries.* The statement of gross income and deductions and the several schedules required by the instructions on the return must be prepared and filed by the common parent corporation in columnar form so that the details of the items of gross income, deductions, and credits, for each member of the affiliated group, may be readily audited. Such statements and schedules shall include in columnar form a reconciliation of surplus for each such corporation, together with a reconciliation of the consolidated surplus. Consolidated balance sheets as of the beginning and close of the taxable year of the group, taken from the books of the members of the group, shall accompany the consolidated return prepared in a form similar to that required for reconciliation of surplus. If any member of the affiliated group computes its tax under section 541 in the manner provided in paragraph (b) (4) of § 1.1502-30A, a personal holding company schedule for such corporation shall be filed with the consolidated return.

(d) *Net operating loss deduction, excess charitable contributions, excess section 175 deductions, and dividend carryover before or after consolidated return—(1) Net operating loss deduction.* The consolidated net operating loss of an affiliated group shall be used in computing the consolidated net operating loss deduction notwithstanding that one or more members of the group in the taxable year in which such loss originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year (or in the case of a carryback computation for a preceding taxable year), but only to the extent that such consolidated net operating loss is not attributable to such corporations. Such portion of such consolidated net operating loss as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year (or in the case of a carryback computation for a preceding taxable year) shall be used by such corporations severally as carryovers or as carrybacks in such separate returns or in such consolidated returns of the other affiliated group. Any net operating loss separately sustained by a corporation prior to a first taxable year in respect of which its income is included in the consolidated return of the group (or sustained in either of the two taxable years immediately following a consolidated return year or any of the three taxable years so following if sustained in a taxable year ending after December 31, 1957) shall be used in computing the net operating loss deduction of such corporation (or the consolidated net operating loss deduction of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such net operating loss was not absorbed (either as a carryover or as a carryback) in the computation of the consolidated net operating loss deduction for consolidated return periods.

(2) *Excess charitable contributions.* The excess of the consolidated charitable contributions over the 5-percent limitation of paragraph (a) (1) (i) (c) of this section shall be used in computing the consolidated charitable contribution carryover notwithstanding that one or more members of the group in the taxable year in which such carryover originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year, but only to the extent that such excess charitable contribution is not attributable to such corporations. Such portion of such excess charitable contributions as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent tax-

come is included in the consolidated return of the group shall be used in computing the charitable contribution deduction of such corporation (or the consolidated charitable contribution deduction of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such excess charitable contribution was not absorbed as a carryover in the consolidated charitable contribution deduction for consolidated return periods. In applying this paragraph, the excess of the consolidated charitable contributions over the 5-percent limitation shall be reduced by the increase in a consolidated or separate net operating loss carryover resulting from such excess.

(3) *Excess section 175 deductions.* The excess of the deductions under section 175 over the limitation of 25 percent provided in paragraph (a) (1) (i) (f) of this section shall be used in computing the consolidated section 175 carryover notwithstanding that one or more members of the group in the taxable year in which such carryover originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year, but only to the extent that such excess section 175 deduction is not attributable to such corporations. Such portion of such excess section 175 deductions as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year shall be used by such corporations severally as carryovers in such separate returns or in such consolidated returns of the other affiliated group. Any excess of section 175 deductions of a corporation for a year prior to a first taxable year in respect of which its income is included in the consolidated return of the group shall be used in computing the section 175 deduction of such corporation (or the consolidated section 175 deduction of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such excess section 175 deduction was not absorbed as a carryover in the computation of a consolidated section 175 deduction for consolidated return periods.

(4) *Unused consolidated dividend carryover.* The unused consolidated dividend carryover shall be used in computing the consolidated dividend carryover notwithstanding that one or more members of the group in the taxable year in which such carryover originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year, but only to the extent that such unused consolidated dividend carryover is not attributable to such corporations. Such subsequent taxable year shall be used by such corporations severally as carryovers in such separate returns, in such separate computations under section 541, or in such consolidated returns of the other affiliated group. Any unused dividend carryover of a corporation separately produced for a year prior to a taxable year in respect of which its tax liability under section 541 is computed upon the consolidated undistributed personal holding company income shall be used in computing the dividend carryover of such corporation (or the consolidated dividend carryover of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such unused dividend carryover was not absorbed in the computation of the consolidated section 561 dividends paid deduction for the intervening consolidated return period.

(e) *Taxable year of less than 12 months.* Any period of less than 12 months for which either a separate return or a consolidated return is filed under the provisions of § 1.1502–13A shall be considered as a taxable year.

§ 1.1502–32A Method of computation of income for period of less than 12 months.

If a corporation, during the taxable year of the group, becomes a member or ceases to be a member of an affiliated group which makes or is required to make a consolidated return for such year, the income of such corporation to be included in the consolidated return shall be computed on the basis of its income as shown by its books if the accounts are so kept that the income for the period during which it is a member of the group can be clearly and accurately determined. If the accounts are not so kept, the income to be included in the consolidated return shall be computed on the basis of that proportion of its income (subject to the elimination of items exempt from the taxation and the addition of items not allowable as deductions) for the full period covered by its books which the number of days for which its income is included in the consolidated return bears to the number of days in the full period covered by its books; but, in the discretion of the Commissioner, there may be eliminated before the proration is made items of income or deduction clearly and accurately determined to be attributable to particular periods, and, after the proration is made, such eliminated items will be added to (if items of income) or deducted from (if deductible items) the income determined by proration for the period to which such items are applicable.

§ 1.1502–34A Sale of stock; basis for determining gain or loss.

(a) *Scope of section.* This section prescribes the basis for determining the gain or loss upon any sale or other disposition (hereinafter referred to as "sale") by a corporation which is (or has been) a member of an affiliated group which makes (or has made) a consolidated return for any taxable year, of any share of stock issued by another member of such group (whether issued before or during the period that it was a member of the group and whether issued before, during, or after the taxable year 1929), and held by the selling corporation during any part of a period for which a consolidated return is made or required under the regulations under section 1502. For the basis in the case of a sale of bonds, see § 1.1502–35A.

(b) *Sales made while selling corporation is member of affiliated group.* If the sale is made within a period during which the selling corporation is a member of the affiliated group, whether or not during a consolidated return period, and whether or not, as a result of such sale, the issuing corporation ceases to be a member of the group, the basis shall be determined as follows:

(1) The aggregate bases of all shares of stock of the issuing corporation held by each member of the affiliated group (exclusive of the issuing corporation) immediately prior to the sale, shall be determined separately for each member of the group, and adjusted in accordance with the other provisions of subtitle A of the Code, but without regard to any adjustment under the last sentence of consolidated return, of any share of stock or any bond or other obligation issued or incurred by another corporation which during any part of such period was a member of the same group, shall be determined, and the extent to which such gain or loss shall be recognized and shall be taken into account shall also be determined, in the same manner, to the same extent, and upon the same conditions as though such corporations had never been affiliated except—

(a) In the case of a disposition (by sale, or in complete or partial liquidation not involving cash in an amount in excess of the adjusted basis of both the stock and the bonds and other indebtedness liquidated, or otherwise) during a consolidated return period to another member of the group (§§ 1.1502–31A and 1.1502–37A);

(b) That the basis for determining the gain or loss, in the case of shares of stock, or in the case of bonds or other obligations, held during any part of a consolidated return period, shall be determined in accordance with §§ 1.1502–34A and 1.1502–35A; and

(c) As provided in § 1.1502–36A (imposing certain limitations upon losses otherwise allowable upon sales of stock, or bonds or other obligations).

tion sustained during taxable years for which consolidated income tax returns were made or were required (whether the taxable year 1929 or any prior or subsequent taxable year) after such corporation became a member of the affiliated group and prior to the sale of the stock to the extent that such losses could not have been availed of by such corporation as net loss or net operating loss in computing its net income or taxable income, as the case may be, for such taxable years if it had made a separate return for each of such years,

(ii) With respect to each of such taxable years for which consolidated returns were made or were required both for income and for excess profits tax purposes, the excess, if any, of all losses of such issuing corporation for such year, properly adjusted in the computation of consolidated excess profits net income over the amount of such losses for such year computed under subdivision (i) of this subparagraph to the extent that such excess could not have been availed of by such corporation as a net operating loss in computing its excess profits net income for such taxable years if it had made a separate return for each of such years, and

(iii) With respect to each of such taxable years for which consolidated returns were made or were required for excess profits tax purposes only, all losses of such issuing corporation for such year, properly adjusted in the computation of consolidated excess profits net income, to the extent that such losses could not have been availed of by such corporation as a net operating loss in computing its excess profits net income for such taxable years if it had made a separate excess profits tax return for each of such years,

reduced by any losses of the issuing corporation apportioned under this section to its stock sold or otherwise disposed of in a prior transaction, disregarding any transaction between members of the affiliated group during a consolidated income or excess profits tax return period which did not constitute a partial liquidation of the issuing corporation. For any taxable year in which the group sustained a consolidated loss not availed of in prior or subsequent years as a deduction under net loss or net operating loss provisions, the amount deducted under this subparagraph shall be further reduced by an amount equal to that proportion of such consolidated loss which the loss of the issuing corporation for the year in which such loss was sustained bears to the aggregate losses of the members of the group for such year.

(3) The sum of the aggregate bases of all shares of stock, after making the deduction under subparagraph (2) of this paragraph, shall then be apportioned among the members of the affiliated group which hold stock of the issuing corporation, by allocating to each apportioned among the several classes of stock of the issuing corporation held by such member according to the circumstances of the case—ordinarily by allocating to each class of such stock that proportion of the aggregate basis which the basis of each class of such stock held by it at the time of the sale is to the sum of the bases of the several classes of such stock held by it.

(5) The basis of each share of stock of each class held by a member of the affiliated group shall then be determined by dividing the basis apportioned to such class under subparagraph (4) of this paragraph by the total number of shares of such class held by it.

(c) *Sales after selling corporation has ceased to be member of affiliated group.* If the sale is made after the selling corporation has ceased to be a member of the affiliated group, such basis shall be determined in accordance with paragraph (b) of this section, except that—

(1) The aggregate basis (under paragraph (b) (1) of this section) shall be determined for all shares of the issuing corporation held by each member of the group immediately prior to the time the selling corporation ceased to be a member of the group (rather than immediately prior to the sale);

(2) The reduction (under paragraph (b) (2) of this section) with respect to losses apportioned to stock sold or otherwise disposed of in prior transactions shall be determined without regard to the transaction which terminated the affiliation and all subsequent transactions;

(3) The allocation (under paragraph (b) (3) of this section) shall be made to each member of the group which held stock of the issuing corporation immediately prior to the time the selling corporation ceased to be a member of the group (rather than to the members holding such stock at the time of the sale); and

(4) The basis of each share of stock held by the selling corporation (determined, as above, as of the time the selling corporation ceased to be a member of the group) shall then be adjusted in accordance with the other provisions of subtitle A of the Code in order to determine the basis at the time of the sale.

(d) *Definition of "loss", "consolidated loss", "net loss", or "net operating loss", and "consolidated excess profits net income".* As used in this section the term "loss" means either the excess over the gross income of the issuing corporation of the sum of its allowable deductions (not including any net loss or net operating loss deduction) allowable in computing consolidated taxable income or the excess over the gross income of the issuing corporation of the sum of its allowable deductions (not including any net loss or net operating loss deduction), plus the proportionate part properly attributable to such corporation of the credits relating to interest on certain "consolidated loss" means the excess of the sum of the losses, separately computed, over the sum of the normal tax net income, the special class net income, the net income subject to tax or the taxable income determined in accordance with the provisions of subtitle A of the Internal Revenue Code of 1954, or the Internal Revenue Code of 1939, or the Revenue Act, and pursuant to the provisions of consolidated returns regulations applicable to the period; the term "net loss" or "net operating loss" means the net loss or net operating loss, as the case may be, determined in accordance with the provisions of subtitle A of the Internal Revenue Code of 1954, or the Internal Revenue Code of 1939, or the Revenue Act, and pursuant to the provisions of consolidated returns regulations applicable to the period; and the term "consolidated excess profits net income" means the consolidated excess profits net income or consolidated section 433 (a) excess profits net income determined in accordance with the provisions of the Internal Revenue Code of 1939 or the Revenue Act and pursuant to the provisions of consolidated returns regulations applicable to the period.

§ 1.1502–35A Sale of bonds or other obligations; basis for determining gain or loss.

In the case of a sale or other disposition by a corporation, which is (or has been) a member of an affiliated group which makes (or has made) a consolidated income tax or excess profits tax return for any taxable year, of bonds or other obligations issued or incurred by another member of such group (whether or not issued or incurred while it was a member of the group and whether issued or incurred before, during, or after the taxable year 1929) and held by the selling corporation during any part of a period for which a consolidated return is made or required under the regulations under section 1502, the basis of each bond or obligation, for determining the gain or loss upon such sale or other disposition, determined in accordance with the other provisions of subtitle A of the Code, but without regard to any adjustment under the last sentence of section 1061, shall be decreased (except as otherwise provided in this section) by the excess, if any, of the aggregate of the deductions computed under paragraph (b) (2) or (c) of § 1.1502–34A over the sum of the aggregate bases of the stock of the debtor corporation as computed under paragraph (b) (1) or (c) of § 1.1502–34A as the case may be, held by the members of the group. The adjustment with respect to so much of such deductions as is based upon losses sustained during the taxable year 1929 and subsequent taxable years for which the last day prescribed by law for the filing of the return fell on or before March 1, 1945 (the date on which

Treasury Decision 5441 was filed with the Division of the Federal Register), and availed of on consolidated returns filed for such years shall be made only in those cases in which the sales or other disposition of such bonds or other obligations resulted in a loss. See also § 1.1502–40A relating to disallowance of loss upon intercompany bad debts.

§ 1.1502–36A Limitation on allowable losses on sale of stock, or bonds, or other obligations.

(a) *General rule.* No loss shall be allowed under §§ 1.1502–33A, 1.1502–34A, or 1.1502–35A upon the sale or other disposition of stock or bonds or obligations to the extent that such loss is attributable to—

(1) Transfers of assets within the affiliated group (by sale, gift, or otherwise) without consideration or at markedly fictitious values, during the period in which the corporations were affiliated (whether or not a consolidated return was made), or

(2) A distribution during a period in which the corporations were affiliated of earnings or profits accumulated prior to the date upon which the distributing corporation became a member of the group.

(b) *Qualification of general rule.* Paragraph (a) of this section shall not be considered as in any way limiting the operation of the provisions of subtitle A of the Code relating to the basis for determining gain or loss upon the sale or other disposition of property, but as being in amplification of and not in substitution for such provisions; subject, however, to this qualification: that to the extent that the transfers of assets referred to in paragraph (a) of this section are taken into account under the terms of subtitle A in making adjustments in the basis, such transfers will not be taken into account, in denying losses under paragraph (a) of this section.

§ 1.1502–37A Liquidations; recognition of gain or loss.

(a) *During consolidated return period.* (1) Gain or loss shall not be recognized upon a distribution during a consolidated return period, by a member of an affiliated group to another member of such group, in cancellation or redemption of all or any portion of its stock, except—

(i) Where such distribution is in complete liquidation and redemption of all of its stock (whether in one distribution or a series) and of its bonds and other indebtedness, if any, and falls without the provisions of section 332, and is the result of a bona fide termination of the business and operations of such member of the group, in which case the adjustments specified in §§ 1.1502–34A and 1.1502–35A shall be made, and § 1.1502–36A shall be applicable;

(ii) Where such a distribution without the provisions of section 332 is one made in cash in an amount in excess of the adjusted basis of the stock, and bonds and other indebtedness, in which case gain shall be recognized to the extent of such excess; or

(iii) Where the basis of the property distributed in the hands of the distributee is determined by reference to section 334(b)(2), in which case gain shall be recognized as provided in section 1245(a)(1).

(2) When the business and operations of the liquidated member of the affiliated group are continued by another member of the group, it shall not be considered a bona fide termination of the business and operations of the liquidated member. With respect to the acquisition of its bonds by the issuing company, see paragraph (b) of § 1.1502–41A.

(3) For the purpose of determining whether an affiliated corporation receiving property in a liquidating distribution qualifies under the provisions of section 332(b)(1), the aggregate amount of the stock of the liquidated corporation owned by the several members of the affiliated group on the date of the adoption of the plan of liquidation and at all times, subsequent thereto and prior to the receipt of the property in liquidation shall be considered as owned by the distributee.

(b) *After consolidated return period.* In case any such distribution is made after a consolidated return period, whether in complete or partial liquidation, except a complete liquidation within the provisions of section 332 (b), with respect to stock and with respect to bonds, debentures, notes, certificates, and other indebtedness of the liquidated corporation acquired prior to or during any taxable year subsequent to 1928 for which a consolidated income or excess profits tax return was filed, the adjustments specified in §§ 1.1502–34A and 1.1502–35A shall be made, and § 1.1502–36A will be applicable.

§ 1.1502–38A Basis of property.

(a) *General rule.* Subject to the provisions of paragraphs (b) and (c) of this section and except as otherwise provided in §§ 1.1502–34A, 1.1502–35A, and 1.1502–39A, the basis during a consolidated return period for determining the gain or loss from the sale or other disposition of property, or upon which exhaustion, wear and tear, obsolescence, amortization, and depletion are to be allowed, shall be determined and adjusted in the same manner as if the corporations were not affiliated, whether such property was acquired before or during a consolidated return period. Except as otherwise provided in § 1.1502–39A, such basis immediately after a consolidated return period (whether the affiliation has been broken or whether the privilege of making a consolidated return is not exercised) shall be the same as immediately prior to the close of such period.

(b) *Intercompany transactions.* The basis prescribed in paragraph (a) of this section shall not be affected by reason of a transfer during a consolidated return period, other than upon liquidation as provided in paragraph (c) of this section (whether by sale, gift, dividend, or otherwise) from a member of the affiliated group to another member of such group.

(c) *Basis after liquidation.* (1) Where property is acquired upon a distribution described in paragraph (a) of § 1.1502–37A in which gain or loss is recognized to the distributee, the basis of such property shall be its fair market value at date of acquisition.

(2) Where property is acquired upon a liquidation to which section 332 is applicable and if the first distribution in pursuance of the plan of liquidation occurs on or after June 22, 1954—

(i) Unless subdivision (ii) of this subparagraph is applicable, the basis of such property shall be the same as it would be in the hands of the transferor;

(ii) If the basis of such property is determined by reference to section 334(b)(2), such section (and, if applicable, section 1245(c)) shall be applicable in determining the basis of property received on the liquidation (except property received by the liquidating corporation from other members of the affiliated group during a consolidated return period) and to any property transferred by the liquidating corporation to other members of the group during a consolidated return period as if such property had not been transferred and was received in such liquidation. In addition, proper adjustment shall be made with respect to the effect of any other transactions between members of the group during a consolidated return period which creates a distortion of income or a substantial variation in basis of property from the basis such property would have had if there had been no such transactions.

(3) Where property is acquired upon a distribution (not a complete liquidation within the provisions of section 332 (b)) in which gain or loss to the distributee is not recognized as provided in paragraph (a) of § 1.1502–37A the basis of such property shall be the same as the basis of the stock and the bonds and other obligations exchanged therefor, adjusted for—

(i) The transfer of assets within the affiliated group by the distributing corporation (by sale, gift, or otherwise) without consideration or at markedly fictitious values, during the period for which the corporations were affiliated (whether or not a consolidated return was made);

(ii) Distributions during a period in which the corporations were affiliated of earnings or profits accumulated prior to the date upon which the distributing corporation became a member of the group; and

(iii) Cash received in the distribution.

(4) Where property was acquired upon a distribution in which gain or loss to the distributee was recognized pursuant to the provisions of section 333 (a) or the corresponding provisions of the Internal Revenue Code of 1939 or the Revenue Act of 1938, the basis of such property shall be the same as the basis of the stock exchanged therefor, adjusted for—

(i) The transfer of assets within the affiliated group by the distributing corporation (by sale, gift, or otherwise) without consideration or at markedly fictitious values, during the period for which the corporations were affiliated (whether or not a consolidated return was made);

(ii) Distribution during a consolidated return period of earnings or profits accumulated prior to the date upon which the distributing corporation became a member of the group;

(iii) Cash received in the distribution; and

(iv) The amount of gain recognised to the distributee in the liquidation.

(d) *Basis not affected by acquisition or sale of stock.* Neither the acquisition of stock of a corporation nor its sale or other disposition shall affect the basis of the property of such corporation for determining gain or loss or upon which exhaustion, wear and tear, obsolescence, amortization, and depletion are to be allowed.

§ 1.1502–39A Inventories.

(a) *Consolidated return for first year of affiliation.* If the income of an affiliated corporation is included in a consolidated return for the period immediately following the date upon which such corporation became a member of the affiliated group, the value of its opening inventory to be used in computing the consolidated taxable income shall be the proper value of the closing inventory used in computing its taxable income for the preceding taxable year.

(b) *Consolidated return after separate return by affiliates.* If—

(1) A corporation which is a member of the affiliated group for the first consolidated return period was a member of the group in the preceding taxable year, or

(2) A corporation which filed a separate return for its previous taxable year was not a member of the affiliated group within the meaning of section 141 of the Internal Revenue Code of 1939, at any time during the last taxable year of the group not subject to section 1502, but which would have been a member of the group during such period if section 1504 had been applicable and is a member of the affiliated group filing a consolidated return for the first taxable year to which section 1502 is applicable,

the value of its opening inventory to be used in computing the consolidated taxable income for the first consolidated return period shall be the proper value of the closing inventory used in computing its taxable income for the preceding taxable year, decreased in the amount of profits or increased in the amount of losses reflected in such inventories which arose in transactions between members of the affiliated group and which have not been realized by the group through final transactions with persons other than members of the group.

(c) *Separate returns made after consolidated returns.* If a corporation which was a member of an affiliated group in a consolidated return period makes or is required to make a separate return for the succeeding taxable year, the value of its opening inventory to be used in computing its taxable income for such succeeding taxable year shall be the proper value of its closing inventory used in computing consolidated taxable income for the last consolidated return period increased in the amount of profits or decreased in the amount of losses eliminated in the computation of such inventory as profits or losses arising in transactions between members of the affiliated group, but in an amount not exceeding, in the case of profits, either the amount of profits arising from such intercompany transactions reflected in the closing inventory of such corporation for such succeeding taxable year or the amount of such intercompany profits eliminated from its opening inventory for its first consolidated return period pursuant to the provisions of paragraph (b) of this section, and not exceeding, in the case of losses, either the amount of losses arising from intercompany transactions reflected in the closing inventory for such corporation for such succeeding taxable year or the amount of such intercompany losses eliminated from its opening inventory for its first consolidated return period pursuant to the provisions of paragraph (b) of this section.

§ 1.1502–40A Bad debts.

(a) *Deduction during consolidated return period.* No deduction shall be allowed during a consolidated return period to any member of the affiliated group on account of worthlessness in whole or in part of any obligation (including accounts receivable, bonds, notes, debts, and claims of whatsoever nature) of any other corporation which was a member of the group as of the last day of the taxable year or which was liquidated by the group during such year, except as a loss resulting from a bona fide termination of the business and operations of such other corporation, whether in liquidation or otherwise, in which case the loss shall be computed subject to the adjustments specified in § 1.1501–35A and the provisions of § 1.1502–36A shall be applicable.

(b) *Limitation of allowance after consolidated return period.* With respect to obligations (including accounts receivable) of a member of an affiliated group acquired in any way by another member of the group prior to or during any taxable year subsequent to 1928 for which a consolidated income or excess profits tax return was filed, the adjustments prescribed with respect to the allowance of losses upon the sale of bonds shall be applicable to the allowance of any bad debt deduction for any period subsequent to the consolidated return period. See § 1.1502–35A.

§ 1.1502–41A Sale and retirement by corporation of its bonds.

(a) *Issued at discount or premium.* If a corporation which during any taxable year has been a member of an affiliated group which makes or is required to make a consolidated return, has issued its bonds at a discount or premium (whether or not during a consolidated return period), deduction will be allowed for the amortization of the discount, and income included for the amortization of the premium, in the same manner, to the same extent, and upon the same conditions as if the corporation had never been affiliated, except that no deduction for amortization of discount shall be allowed, and no income shall be included for amortization of premium, during a period for which a consolidated return is made, on bonds of one member of the group owned by another member of the group.

(b) *Acquisition of bonds by issuing company.* If a corporation which has been a member of an affiliated group which makes or is required to make a consolidated return, acquires its bonds (whether or not from another member of such group and whether or not during a consolidated return period), gain or loss shall be recognized in the same manner to the same extent and upon the same conditions as if the corporation had never been affiliated, except that, if such bonds are acquired from another member of the group during a consolidated return period, and in a transaction other than a distribution in a liquidation in which gain or loss to the distributee is recognized pursuant to paragraph (a) of § 1.1502–37A in determining the gain or loss to the issuing company from such acquisition, the basis thereof to such other member of the group shall be deemed the purchase price.

§ 1.1502–42A Capital loss limitations and carryover.

(a) The provisions of sections 165, 832(c)(5), 1211, 1212, and 1231 with respect to gains and losses from sales or exchanges of capital assets shall be applied, in respect of such gains and losses sustained during a consolidated return period as if the affiliated group were the taxpayer.

(b) With respect to a net capital loss sustained by a corporation in a taxable year prior to the first consolidated return period in respect of which its income is included in a consolidated return, such loss (in an amount not in excess of the net capital gain of such corporation for succeeding consolidated return periods) shall, for the purposes of section 1212, relating to net capital loss carryovers, be treated as if such net capital loss had been sustained by the affiliated group.

(c) A consolidated net capital loss of an affiliated group for a consolidated return period shall be considered as a consolidated short-term capital loss in subsequent consolidated return periods notwithstanding that one or more corporations, members of the group in the taxable year in which such loss was sustained, make separate returns for subsequent taxable years (or join in a consolidated return made by another affiliated group), but only to the extent that such consolidated net capital loss is not attributable to such corporations; and such portion of such consolidated net capital loss as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year shall be considered as a short-term capital loss in such separate returns, or in such consolidated return of the other affiliated group, but only to the extent that such portion of such consolidated net capital loss was not absorbed in intervening taxable years by net capital gains, consolidated or separate, as the case may be. Any net capital loss sustained by a corporation prior to the first taxable year in respect of which its income is included in the consolidated return shall be considered as a short-term capital loss in the separate return of such corporation (or the consolidated return of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such net capital loss was not absorbed in intervening taxable years by net capital gains, consolidated or separate, as the case may be.

§ 1.1502-43A Credit for foreign taxes.

(a) *In general*—(1) *Choice of credit or deduction.* The credit under section 901 for taxes paid or accrued to any foreign country or possession of the United States shall be allowed to an affiliated group filing a consolidated return only if the common parent corporation chooses to use such credit in the computation of the tax liability of the group for the taxable year. If this choice is made, no deduction may be taken under section 164 on the consolidated return for such taxes paid or accrued by any member of the group.

(2) *Amount of credit.* If the per-country limitation on the credit provided in section 904(a)(1) applies in computing the tax liability of the group for the taxable year, the amount of the credit shall be determined under paragraph (b) of this section; if the overall limitation provided in section 904(a)(2) applies, the amount of the credit shall be determined under paragraph (c) of this section. If any member of the group receives "interest income" from sources within any foreign country or any possession, the credit for taxes paid or accrued to such foreign country or possession with respect to such income shall be determined separately under paragraph (d) of this section.

(3) *Definitions.* For purposes of this section—

(i) The term "taxes paid or accrued" includes the amount of taxes deemed paid pursuant to sections 902 and 960(a), and

(ii) The term "interest income" means interest income described in section 904(f)(2) for taxable years beginning after October 16, 1962, but only if such interest income results from transactions consummated after April 2, 1962, and the term "consolidated taxable interest income" means the aggregate interest income of the several members of the affiliated group.

(b) *Amount of credit with respect to noninterest income where per-country limitation applies*—(1) *Taxes allowed as a credit.* Subject to the limitation provided in subparagraph (2) of this paragraph, the credit allowable to an affiliated group filing a consolidated return for taxes paid or accrued with respect to income other than interest income for a taxable year for which the per-country limitation applies shall be an amount equal to the sum of—

(i) The aggregate of the taxes paid or accrued for the taxable year by the several members of the affiliated group to any foreign country or any possession with respect to income other than interest income, and

(ii) The aggregate of the consolidated excess tax paid carryovers and carrybacks to the taxable year under section 904(d) for taxes paid or accrued to such country or possession with respect to income other than interest income.

(2) *Limitation.* The credit allowable under subparagraph (1) of this paragraph for taxes paid or accrued to any foreign country or any possession shall not exceed an amount which bears the same ratio to the total tax of the affiliated group against which the credit is taken as the consolidated taxable income of the group (computed by excluding any consolidated taxable interest income) from sources within such country or possession (but not in excess of the entire consolidated taxable income of the group) bears to the entire consolidated taxable income. The amount computed under the preceding sentence shall be increased as provided in section 960(b), where applicable.

(3) *Consolidated excess tax paid carryovers.* The consolidated excess tax paid carryovers to the current taxable year for taxes paid or accrued to any foreign country or any possession with respect to income other than interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to such country or possession for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1958) to the extent that such consolidated excess tax paid for any such preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year and was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit), and

(ii) The amount of such excess tax paid by such corporation to such country or possession for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1958) to the extent that such excess tax paid for any such preceding taxable year was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit).

(4) *Consolidated excess tax paid carrybacks.* The consolidated excess tax paid carrybacks to the current taxable year for taxes paid or accrued to any foreign country or any possession with respect to income other than interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to such country or possession for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(d) in the first preceding taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid, with respect to such income, to such country or possession for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year), and

with respect to the excess tax paid, with respect to income other than interest income, by a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(i) The aggregate of the taxes paid or accrued for the taxable year by the several members of the affiliated group to all foreign countries and possessions with respect to income other than interest income, and

(ii) The aggregate of the consolidated excess tax paid carryovers and carrybacks to the taxable year under section 904(d) for taxes paid or accrued to all foreign countries and possessions with respect to income other than interest income.

(2) *Limitation.* The credit allowable under subparagraph (1) of this paragraph for taxes paid or accrued to all foreign countries and possessions shall not exceed an amount which bears the same ratio to the total tax of the affiliated group against which the credit is taken as the consolidated taxable income of the group (computed by excluding any consolidated taxable interest income) from sources without the United States (but not in excess of the entire consolidated taxable income of the group) bears to the entire consolidated taxable income. The amount computed under the preceding sentence shall be increased as provided in section 960(b), where applicable.

(3) *Consolidated excess tax paid carryovers.* The consolidated excess tax paid carryovers to the current taxable year for taxes paid or accrued to all foreign countries and possessions with respect to income other than interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to all such countries and possessions for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1961) to the extent that such consolidated excess tax paid for any such preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year and was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid, with respect to such income, to all such countries and possessions for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(d) in the first preceding taxable year (whether or not taken as a credit), and

with respect to the excess tax paid, with respect to income other than interest income, by a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(i) The amount of such excess tax paid by such corporation to all foreign countries and possessions for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1961) to the extent that such excess tax paid for any such preceding taxable year was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit).

(4) *Consolidated excess tax paid carrybacks.* The consolidated excess tax paid carrybacks to the current taxable year for taxes paid or accrued to all foreign countries and possessions with respect to income other than interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to all such countries and possessions for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(d) in the first preceding taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid, with respect to such income, to all such countries and possessions for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(d) in the first preceding taxable year (whether or not taken as a credit), or if the income of such corporation is included in a consolidated return for the first preceding taxable year, reduced to the extent absorbed pursuant to section 904(d) by such consolidated return (whether or not taken as a credit), and

with respect to the excess tax paid, with respect to income other than interest income, by a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(i) The amount of such excess tax paid by such corporation to all foreign countries and possessions for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1961) to the extent that such excess tax paid for any such preceding taxable year was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit).

(4) *Consolidated excess tax paid carrybacks.* The consolidated excess tax paid carrybacks to the current taxable year for taxes paid or accrued to all foreign countries and possessions with respect to income other than interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to all such countries and possessions for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(d) in the first preceding taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid, with respect to such income, to all such countries and possessions for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(d) in the first preceding taxable year (whether or not taken as a credit), or if the income of such corporation is included in a consolidated return for the first preceding taxable year, reduced to the extent absorbed pursuant to section 904(d) by such consolidated return (whether or not taken as a credit), and

with respect to the excess tax paid, with respect to income other than interest income, by a corporation which, for either of the two succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(i) The amount of such excess tax paid by such corporation for the first succeeding taxable year reduced to the extent absorbed pursuant to section 904(d) by such corporation for the first preceding taxable year (whether or not taken as a credit), or if the income of such corporation is included in a consolidated return for the first preceding taxable year, reduced to the extent absorbed pursuant to section 904(d) by such consolidated return (whether or not taken as a credit), and

(iv) The amount of such excess tax paid by such corporation for the second succeeding taxable year.

(c) *Amount of credit with respect to noninterest income where overall limitation applies*—(1) *Taxes allowed as a credit.* Subject to the limitation provided in subparagraph (2) of this paragraph, the credit allowable to an affiliated group filing a consolidated return for taxes paid or accrued with respect to income other than interest income for a taxable year for which the overall limitation applies shall be equal to the sum of—

(i) The aggregate of the taxes paid or accrued for the taxable year by the several members of the affiliated group to all foreign countries and possessions with respect to income other than interest income, and

(ii) The aggregate of the consolidated excess tax paid carryovers and carrybacks to the taxable year under section 904(d) for taxes paid or accrued to all foreign countries and possessions with respect to income other than interest income.

(2) *Limitation.* The credit allowable under subparagraph (1) of this paragraph for taxes paid or accrued to any foreign country or any possession shall not exceed an amount which bears the same ratio to the total tax of the affiliated group against which the credit is taken as the consolidated taxable interest income of the group from sources within such country or possession (but not in excess of the entire consolidated taxable income of the group) bears to the entire consolidated taxable income. The amount computed under the preceding sentence shall be increased as provided in section 960(b), where applicable.

(3) *Consolidated excess tax paid carryovers.* The consolidated excess tax paid carryovers to the current taxable year for taxes paid or accrued to any foreign country or any possession with respect to interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to such country or possession for the five preceding taxable years to the extent that such consolidated excess tax paid for any such preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year and was not absorbed pursuant to section 904(d) in years preceding the current taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid, with respect to such income, to such country or possession for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(d) in the first preceding taxable year (whether or not taken as a credit), and

with respect to the excess tax paid, with respect to income other than interest income, by a corporation which, for either of the two succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(i) The amount of such excess tax paid by such corporation for the first succeeding taxable year reduced to the extent absorbed pursuant to section 904(d) by such corporation for the first preceding taxable year (whether or not taken as a credit), or if the income of such corporation is included in a consolidated return for the first preceding taxable year, reduced to the extent absorbed pursuant to section 904(d) by such consolidated return (whether or not taken as a credit), and

(iv) The amount of such excess tax paid by such corporation for the second succeeding taxable year.

(5) *Carrybacks to certain taxable years.* The excess tax paid (whether consolidated or separate) with respect to income other than interest income for any taxable year for which the overall limitation applies may not be carried back to a taxable year beginning before January 1, 1961; and in determining the carryover or carryback to taxable years beginning on or after January 1, 1961, no amount shall be treated as absorbed for taxable years beginning before such date.

(d) *Amount of credit with respect to interest income*—(1) *Taxes allowed as a credit.* Subject to the limitation provided in subparagraph (2) of this paragraph, the credit allowable to an affiliated group filing a consolidated return for taxes paid or accrued with respect to interest income shall be an amount equal to the sum of—

(i) The aggregate of the taxes paid or accrued for the taxable year by the several members of the affiliated group to any foreign country or any possession with respect to interest income, and

(ii) The aggregate of the consolidated excess tax paid carryovers and carrybacks to the taxable year under section 904(d) for taxes paid or accrued to such country or possession with respect to interest income.

(2) *Limitation.* The credit allowable under subparagraph (1) of this paragraph for taxes paid or accrued to any foreign country or any possession shall not exceed an amount which bears the same ratio to the total tax of the affiliated group against which the credit is taken as the consolidated taxable interest income of the group from sources within such country or possession (but not in excess of the entire consolidated taxable income of the group) bears to the entire consolidated taxable income. The amount computed under the preceding sentence shall be increased as provided in section 960(b), where applicable.

(3) *Consolidated excess tax paid carryovers.* The consolidated excess tax paid carryovers to the current taxable year for taxes paid or accrued to any foreign country or any possession with respect to interest income shall consist of—

(i) The consolidated excess tax paid, with respect to such income, to such country or possession for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(d) in the first preceding taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid, with respect to such income, to such country or possession for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year), and with respect to interest income, to such country or possession by a corporation which, for either of the two succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (g) of this section—

(iii) The amount of such excess tax paid by such corporation for the first succeeding taxable year reduced to the extent absorbed pursuant to section 904(d) by such corporation for the first preceding taxable year (whether or not taken as a credit), or if the income of such corporation is included in a consolidated return for the first preceding taxable year, reduced to the extent absorbed pursuant to section 904(d) by such consolidated return (whether or not taken as a credit), and

(iv) The amount of such excess tax paid by such corporation for the second succeeding taxable year.

(5) *Transitional rules for carrybacks and carryovers.* (i) If the total excess tax paid (consolidated or separate) to any foreign country or any possession for a taxable year beginning on or before October 16, 1962, is a carryover to a taxable year beginning after such date, then (*a*) the portion of such carryover attributable to taxes paid or accrued with respect to interest income shall be an amount equal to such carryover multiplied by the ratio which the taxes paid or accrued to such foreign country or possession for such year beginning after October 16, 1962, with respect to interest income, bears to the total amount of the taxes paid or accrued to such foreign country or possession for such year, and

(b) the portion of such carryover attributable to taxes paid or accrued with respect to income other than interest income shall be an amount equal to such carryover multiplied by the ratio which the taxes paid or accrued to such foreign country or possession for such year beginning after October 16, 1962, with respect to income other than interest income, bears to the total amount of the taxes paid or accrued to such foreign country or possession for such year.

(ii) The amount of the total excess tax paid (consolidated or separate) to any foreign country or any possession for a taxable year beginning after October 16, 1962, which is a carryback to a taxable year beginning on or before such date shall be determined without regard to the provisions of this paragraph.

(e) *Consolidated excess tax paid—*(1) *Income other than interest income.* The consolidated excess tax paid to any foreign country or any possession (or to all foreign countries and possessions if the overall limitation provided in section 904(a)(2) applies) for any taxable year with respect to income other than interest income is the excess of the aggregate of the taxes paid or accrued by the several members of the affiliated group to such country or possession (or to all foreign countries and possessions if the overall limitation applies) with respect to income over the applicable limitation provided in section 904(a) (1) or (2) (increased to the extent provided in section 960(b)). However, there is no consolidated excess tax paid for a taxable year in which the affiliated group takes a deduction under section 164 for such taxes paid or accrued to a foreign country or possession.

(2) *Interest income.* The consolidated excess tax paid to any foreign country or any possession for any taxable year with respect to interest income is the excess of the aggregate of the taxes paid or accrued by the several members of the affiliated group to such country or possession with respect to interest income over the limitation provided in section 904(a)(1) (increased to the extent provided in section 960 (b)). However, there is no consolidated excess tax paid for a taxable year in which the affiliated group takes a deduction under section 164 for such taxes paid or accrued to a foreign country or possession.

(f) *Excess tax paid—*(1) *Income other than interest income.* The excess tax paid to any foreign country or any possession (or to all foreign countries and possessions if the overall limitation provided in section 904(a)(2) applies) with respect to income other than interest income, by a corporation for any taxable year for which a separate return is filed, is the excess of the taxes paid or accrued by the corporation to such country or possession (or to all foreign countries and possessions if the overall limitation applies) with respect to income other than interest income over the applicable limitation provided in section 904(a) (1) or (2) (increased to the extent provided in section 960(b)). However, there is no excess tax paid for a taxable year in which the corporation takes a deduction under section 164 for such taxes paid or accrued to a foreign country or possession or to a foreign country or possession with respect to which the corporation elects to take a credit under section 901.

(2) *Interest income.* The excess tax paid to any foreign country or any possession with respect to interest income, by a corporation for any taxable year for which a separate return is filed, is the excess of the taxes paid or accrued by the corporation to such country or possession with respect to interest income over the limitation provided in section 904(a)(1) (increased to the extent provided in section 960(b)). However, there is no excess tax paid for a taxable year in which the corporation takes a deduction under section 164 for such taxes paid or accrued to a foreign country or possession.

(g) *Limitation on credit for carrybacks and carrybacks of excess tax paid from separate return years.* In no case shall there be included in the credit for taxes paid or accrued to any foreign country or any possession for the taxable year as consolidated excess tax paid carryovers under paragraphs (b)(3)(ii), (c)(3)(ii), and (d)(3)(ii) of this section (relating to excess tax paid by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group) and as consolidated excess tax paid carrybacks under paragraphs (b)(4) (iii) and (iv), (c)(4) (iii) and (iv), and (d)(4) (iii) and (iv) of this section (relating to excess tax paid by a corporation which for either of the two succeeding taxable years files a separate return or joins in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate that which would be allowed as a credit for a carryover or carryback to such corporation if it had filed a separate return for such taxable year.

(h) *Apportionment of consolidated excess tax paid.* If an affiliated group filing a consolidated return has a consolidated excess tax paid with respect to any foreign country or any possession (or with respect to all foreign countries and possessions if the overall limitation applies) for the taxable year attributable to income other than interest income, or has a consolidated excess tax paid with respect to any foreign country or any possession attributable to interest income, and if there are included as members of such group one or more corporations which make separate returns (or join in a consolidated return filed by another affiliated group) for any of the two preceding or five succeeding taxable years, the portion of each such consolidated excess tax paid attributable to such corporations severally shall be determined. The portion of each such consolidated excess tax paid in the case of any such corporation shall be the amount which bears the same ratio to such consolidated excess tax paid as the tax paid or accrued by such corporation to such foreign country or possession (or to all foreign countries and possessions if the overall limitation applies) with respect to income other than interest income, or to such foreign country or possession with respect to interest income, as the case may be, bears to the total tax paid or accrued by the affiliated group to such foreign country or possession (or to all foreign countries and possessions if the overall limitation applies) with respect to income other than interest income, or to such foreign country or possession with respect to interest income, as the case may be.

(i) [Reserved]

(j) *Consolidated excess tax paid before or after consolidated return period.* The consolidated excess tax paid by an affiliated group to any foreign country or any possession (or with respect to all foreign countries and possessions if the overall limitation applies) with respect to income other than interest income, or to any foreign country or any possession with respect to interest income, as the case may be, shall be used in computing the consolidated excess tax paid carryover and carryback of the group notwithstanding that one or more corporations which were members of the group in the taxable year in which such consolidated excess tax paid originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year (or, in the case of a carryback, for a preceding taxable year) but only to the extent that such consolidated excess tax paid is not attributable to such corporation. Such portion of such consolidated excess tax paid as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year (or, in the case of a carryback, for a preceding taxable year) reduced to the extent absorbed in earlier years shall be used by such corporations severally as carryovers or as carrybacks in such separate returns or in such consolidated returns of another affiliated group. Any excess tax paid by a corporation prior to the first taxable year in which its income is included in the consolidated return of the group (or paid in either of the two years immediately following a consolidated return year) may be used in computing the carryover or carryback of such corporation (or of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in the consolidated return of another affiliated group, but only to the extent that such excess tax paid was not absorbed (either as a carryover or as a carryback).

(k) *Limitation effective under section 904(a).* The determination of whether the overall limitation or the per-country limitation applies during a consolidated return period shall be made by reference to the limitation effective with respect to the common parent corporation for such period. An election made by the common parent for a year for which it filed a separate return may be changed or revoked during a consolidated return period only in accordance with the provisions of section 904(b). If the limitation effective with respect to any affiliate for a taxable year (immediately preceding the consolidated return period) for which it filed a separate return (or joined in a consolidated return filed by another affiliated group) differs from the limitation effective with respect to the common parent corporation for the consolidated return period, then such affiliate shall, if the overall limitation is effective with respect to the common parent, be deemed to have made an election to use such overall limitation, or, if the per-country limitation is effective with respect to the common parent, be deemed to have revoked its election to use the overall limitation. Consent of the Secretary or his delegate is hereby given to such affiliate for such election or revocation. Any such election or revocation shall apply only prospectively beginning with such consolidated return period. The limitation effective with respect to an affiliate for the consolidated return period immediately preceding a year for which it does not join in the filing of the consolidated return shall, except to the extent otherwise provided in this paragraph, remain in effect for such subsequent year in accordance with the provisions of section 904(b).

(l) *Carryovers or carrybacks from overall year to per-country year, and vice versa.* (1) The excess tax paid (whether consolidated or separate) to any foreign country or any possession of the United States with respect to income other than interest income, in a taxable year for which the per-country limitation under section 904(a)(1) applies, may not be carried to a taxable year for which the overall limitation under section 904(a)(2) applies.

(2) The excess tax paid (whether consolidated or separate) to all foreign countries and possessions with respect to income other than interest income, in a taxable year for which the overall limitation applies, may not be carried to a taxable year for which the per-country limitation applies.

(3) Subject to the provisions of section 904(f)(3) and the regulations thereunder, the excess tax paid (whether consolidated or separate) to any foreign country or any possession with respect to interest income may be carried to a taxable year for which the overall limitation applies in respect of taxes paid or accrued with respect to income other than interest income.

(m) *Combination of methods.* If the members of an affiliated group have established different methods of accounting, each member may retain such method with the consent of the Commissioner: *Provided,* That the consolidated taxable income is clearly reflected: *And provided further,* That intercompany transactions affecting such consolidated taxable income shall be eliminated and adjustments on account of such transactions shall be made with reference to a uniform method of accounting to be selected by the members of the group with the consent of the Commissioner.

(n) *Adjustments required by changes in method of accounting.* In any case in which a member of an affiliated group changes its method of accounting the provisions of section 481 (a) shall be applicable.

§ 1.1502–45A Mine exploration expenditures.

For the purpose of applying the limitation provided in section 615 (c) (whether during a consolidated return period or during a period for which a separate return is made), if during a preceding taxable year for which a consolidated return was made or was required to be made any member of the affiliated group for such preceding taxable year was allowed the deduction provided in section 615 (a) or made the election provided in section 615 (b), each member of the affiliated group for such preceding taxable year shall be deemed to have been allowed such deduction or to have made such election, as the case may be.

§ 1.1502–46A Depreciation.

In the computation of the deduction for depreciation under section 167, property received by one member of the group from another member of the group during a consolidated return period, shall be treated in the same manner as it could be treated if it were held by the transferor.

§ 1.1502–47A Election to deduct accrued taxes.

If all members of the affiliated group were taxpayers which, for each taxable year in which they were subject to the tax imposed by section 500 of the Internal Revenue Code of 1939 deducted Federal income and excess profits taxes when paid for the purpose of computing subchapter A net income under such Code, the affiliated group shall, if the tax liability under section 541 is computed upon the consolidated undistributed personal holding company income, deduct taxes under section 545 when paid unless a member of the common affiliated group elects in its return or the common parent elects in a consolidated return for the group of which it is the common parent for a taxable year ending after June 30, 1954, to deduct the taxes described in section 545, when accrued. In any case in which the common parent corporation or any member of the affiliated group has, prior to the taxable year, elected to deduct such taxes when accrued, each member of the group shall be deemed to have so elected in the first year thereafter in which its income is included in the consolidated personal holding company income. If an election is made by the common parent corporation with respect to a year for which the tax liability under section 541 is computed upon the consolidated undistributed personal holding company income, each member of the group shall be deemed to have made such election in such year. Any such election made or deemed to have been made shall be applicable to each member of the group for the taxable year for which the election is made and for all subsequent taxable years. Any election so made shall be irrevocable.

§ 1.1502–48A Liability for tax under section 531.

In any case in which an affiliated group computes the tax liability under section 541, upon the consolidated undistributed personal holding company income, the tax imposed by section 531 shall not be applicable.

§ 1.1502–49A Additions to tax for failure to pay estimated tax.

(a) Except in the case of an affiliated group described in paragraph (b) of this section, any addition to the tax under section 6655 for underpayment of estimated tax of a member of an affiliated group which files a consolidated return for the taxable year shall be determined by allocating the tax shown on the consolidated return to the several members of the group by any of the methods provided in paragraph (a) of § 1.1552–1 selected by the common parent corporation for the taxable year, without regard to the method elected under section 1552. If the group would use the method of allocation authorized by paragraph (a)(4) of § 1.1552–1, it must be the method elected by the group with the approval of the Commissioner for the purpose of determining earnings and profits. In the application of section 6655 (d) (1) with respect to a member of the group which was included in a consolidated return for the preceding taxable year, whether or not such member is included in a consolidated return for the taxable year, the "tax shown on the return" for the preceding taxable year shall be the portion of the tax shown on such consolidated return determined by allocating such tax to the several members of the group by the procedure described above. In the application of section 6655 (d) (2) if the corporation was included in a consolidated return for the preceding taxable year, the "facts shown on the return" shall be the facts shown on the consolidated return of the group (whether of this or another affiliated group) for the preceding taxable year attributable to such corporation.

(b) In the case of an affiliated group which has filed pursuant to the provisions of paragraph (c)(2) of § 1.1502–10A a declaration of estimated tax for the taxable year for which a consolidated return is filed, any addition to the tax provided by section 6655 shall be determined by reference to the payments made on such declaration and to the tax shown on the consolidated return.

(c) In the application of section 6655 (d) (1) with respect to the affiliated group described in paragraph (b) of this section, the "tax shown on the return" shall be—

(1) If the group filed a consolidated return for the preceding taxable year, the tax shown on such return, or

(2) If the group did not file a consolidated return for the preceding taxable year, the aggregate of the taxes of the several members of the group shown on any separate returns of such corporations for the preceding taxable year, plus the tax shown on a consolidated return for the preceding taxable year attributable to any member of the group which joined in a consolidated return with another affiliated group for such preceding taxable year. The tax attributable to any such corporation which joined in a consolidated return shall be determined by allocating the tax shown on such consolidated return in accordance with the procedure described in paragraph (a) of this section.

(d) In the application of section 6655 (d) (2) with respect to the affiliated group described in paragraph (b) of this section, the "facts shown on the return" shall be—

(1) If the group filed a consolidated return for the preceding taxable year, the facts shown on such return, or

(2) If the group did not file a consolidated return for the preceding taxable year, the facts shown on the separate returns of the members of the affiliated group for the preceding taxable year together with the facts shown on a consolidated return for the preceding taxable year attributable to any member of the group which joined in a consolidated return with another affiliated group for such preceding taxable year.

§ 1.1502–50A Gain on sale of bonds and other evidences of indebtedness.

In the application of section 1232(a), if one member of the affiliated group acquires a bond or other evidence of indebtedness from another member of the affiliated group during a consolidated return period, the determination of the amount which is treated as gain from the sale or exchange of property which is not a capital asset shall be made by including in the period of time during which such bond or other evidence of indebtedness was held, the period of time during which it was held by any other corporation which transferred it in a transaction to which paragraph (b)(1)(i) of § 1.1502–31A (or the corresponding provision of prior consolidated returns regulations) is applicable without regard to any period of time before the last sale or exchange of such instrument to which such section is not applicable. In the application of section 1232(c), if a bond or other evidence of indebtedness was acquired from another member of an affiliated group during a consolidated return period, then the bond or other evidence of indebtedness shall be deemed to have been purchased at the time of, and as having a market value with coupons attached, determined by reference to the earliest date of purchase by any other corporation which transferred it in a transaction to which paragraph (b)(1)(i) of § 1.1502–31A (or the corresponding provision of prior consolidated returns regulations) is applicable without regard to any purchase prior to the last purchase to which such section is not applicable.

§ 1.1502–51A Credit for investment in certain depreciable property.

(a) *Determination of amount of consolidated credit*—(1) *In general.* Except as otherwise provided in this section, the amount of the consolidated credit allowed by section 38 for the taxable year is the aggregate amount of the "credit earned" for such year of the several members of the affiliated group. Such amount shall be referred to in this section as the "consolidated credit earned". The "credit earned" of each member of the affiliated group is an amount equal to 7 percent of such member's qualified investment (determined under section 46(c)).

(2) *Consolidated limitation based on amount of tax.* (i) Notwithstanding the amount of the consolidated credit earned for the taxable year, the consolidated credit allowed by section 38 to the group for the taxable year is limited to—

(a) So much of the consolidated liability for tax as does not exceed $25,000, plus

(b) 25 percent of the consolidated liability for tax in excess of $25,000.

The $25,000 amount referred to in (a) and (b) of the preceding sentence shall be reduced by any part of such $25,000 amount apportioned, under section 46(a)(5), to members of the affiliated group (as defined in section 46(a)(5)) which do not join in the filing of the consolidated return. The amount determined under this subparagraph shall be referred to in this section as the "consolidated limitation based on amount of tax".

(ii) If an organization to which section 593 applies or a cooperative organization described in section 1381(a) joins in the filing of the consolidated return, the $25,000 amount referred to in subdivision (i) (a) and (b) of this subparagraph (or such $25,000 amount reduced by any part of such amount apportioned to members of the affiliated group which do not join in the filing of the consolidated return) shall be apportioned equally among the members of the affiliated group filing the consolidated return. The portion of such $25,000 amount (or such reduced amount) so apportioned equally to any such organization shall then be decreased to the ratable share of such portion in accordance with the provisions of section 46(d). Finally, for purposes of computing the consolidated limitation based on amount of tax under subdivision (i) (a) and (b) of this subparagraph, the sum of all such equal portions (as decreased under section 46 (d), where applicable) of each member of the affiliated group filing the consolidated return shall be substituted for the $25,000 amount referred to in subdivision (i) (a) and (b) of this subparagraph.

(3) *Consolidated liability for tax.* For purposes of this section, the consolidated liability for tax shall be the income tax imposed for the taxable year upon the group by chapter 1 of the Code (including the 2-percent tax on consolidated taxable income), reduced by the credit allowable under section 33 (relating to taxes of foreign countries and possessions of the United States). The tax imposed by section 531 (relating to imposition of accumulated earnings tax) or by section 541 (relating to imposition of personal holding company tax) shall not be considered tax imposed by chapter 1 of the Code. In addition, any increase in tax resulting from the application of section 47 (relating to certain dispositions, etc., of section 38 property) shall not be treated as tax imposed by chapter 1 for purposes of computing the consolidated liability for tax.

(b) *Carryback and carryover of consolidated unused credit*—(1) *Allowance of consolidated unused credit as carryback or carryover.* (i) A "consolidated unused credit" is the excess of the consolidated credit earned for the taxable year over the consolidated limitation based on amount of tax for such taxable year. Subject to the limitations contained in subparagraphs (2) and (9)(i) of this paragraph, a consolidated unused credit shall be added to the amount allowable as a credit under section 38 for the years to which the consolidated unused credit can be carried. The year with respect to which a consolidated unused credit arises shall be referred to in this section as the "consolidated unused credit year".

(ii) A consolidated unused credit shall be an investment credit carryback to each of the 3 taxable years preceding the consolidated unused credit year and shall be an investment credit carryover to each of the 5 taxable years succeeding the consolidated unused credit year, except that a consolidated unused credit shall be a carryback only to taxable years ending after December 31, 1961. A consolidated unused credit must be carried first to the earliest of the 8 taxable years to which it may be carried, and then to each of the other 7 taxable years (in order of time) to the extent that the consolidated unused credit may not be added (because of the limitation contained in paragraph (a)(2) of this section) to the amount allowable as a credit under section 38 for a prior taxable year.

(2) *Limitation on allowance of consolidated investment credit carryback or carryover.* The amount of the consolidated investment credit carryback or carryover from any particular unused credit year which may be added to the amount allowable as a credit under section 38 for any of the 3 preceding or 5 succeeding taxable years to which such credit may be carried shall not exceed the amount by which the consolidated limitation based on amount of tax for such preceding or succeeding taxable year exceeds the sum of (i) the consolidated credit earned for such preceding or succeeding year, and (ii) other unused credits carried to such preceding or succeeding year which are attributable to unused credit years prior to the particular unused credit year.

(3) *Effect of net operating loss carryback.* If the effect of a net operating loss carryback is to create a consolidated unused credit, such unused credit shall not be treated as a consolidated investment credit carryback. However, the full amount of the unused credit so arising shall be available for use as an investment credit carryover for the five taxable years following the consolidated unused credit year.

(4) *Taxable years beginning before January 1, 1962, and ending after December 31, 1961.* For purposes of determining the amount of unused credits which may be carried back to a consolidated return year beginning before January 1, 1962, and ending after December 31, 1961, and added to the amount allowable as a credit for such year, the consolidated limitation based on amount of tax for such year, determined without regard to this subparagraph, shall be reduced to an amount which bears the same ratio to such limitation as the number of days in such taxable year after December 31, 1961, bears to the total number of days in such year.

(5) *Consolidated investment credit carryover.* The consolidated investment credit carryover which may be added, subject to the limitation contained in subparagraph (2) of this paragraph, to the amount allowable to the group as a credit under section 38 for any taxable year shall be—

(i) The consolidated unused credits, if any, for the five preceding taxable years to the extent that the consolidated unused credit for any such preceding taxable year is not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year and was not allowed as a credit under section 38 for a preceding or intervening taxable year, and

(ii) With respect to unused credits of a corporation arising in unused credit years for which such corporation filed a separate return or joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed by subparagraph (7) of this paragraph, such unused credits, if any, for the five preceding taxable years to the extent that the unused credit for any such preceding taxable year was not allowed as a credit under section 38 for a preceding or intervening taxable year.

(6) *Consolidated investment credit carryback.* The consolidated investment credit carryback which may be added, subject to the limitation contained in subparagraph (2) of this paragraph, to the amount allowable to the group as a credit under section 38 for any taxable year shall be—

(i) The amount of the consolidated unused credit, if any, for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year), reduced to the extent such consolidated unused credit was allowed as a credit under section 38 for the first two preceding taxable years,

(ii) The amount of the consolidated unused credit, if any, for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year), reduced to the extent such consolidated unused credit was allowed as a credit under section 38 for the first preceding taxable year,

(iii) The amount of the consolidated unused credit, if any, for the third succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year), and

(iv) With respect to an unused credit of a corporation arising in an unused credit year for which such corporation filed a separate return or joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed by subparagraph (7) of this paragraph—

(a) The amount of the unused credit, if any, of such corporation for the first succeeding taxable year, reduced to the extent such unused credit was allowed as a credit under section 38 for the first two preceding taxable years,

(b) The amount of the unused credit, if any, of such corporation for the second succeeding taxable year, reduced to the extent such unused credit was allowed as a credit under section 38 for the first preceding taxable year, and

(c) The amount of the unused credit, if any, of such corporation for the third succeeding taxable year.

(7) *Limitation on investment credit carryover and carryback from separate return years.* (i) For any taxable year, the amount included in the consolidated investment credit carryover of the group, under subparagraph (5)(ii) of this paragraph, and in the consolidated investment credit carryback of the group, under subparagraph (6)(iv) (a), (b), and (c) of this paragraph, shall not exceed the limitation determined under subdivision (ii) of this subparagraph.

(ii) For purposes of subdivision (i) of this subparagraph, the limitation for any taxable year shall be an amount equal to the amount by which the portion of the consolidated limitation based on amount of tax for such taxable year attributable to the corporation which filed a separate return, or joined in the filing of a consolidated return by another affiliated group, in a preceding or succeeding taxable year exceeds the sum of—

(a) The credit earned (as defined in paragraph (a)(1) of this section) of such corporation for the taxable year, and

(b) The unused credits of such corporation (or attributable to such corporation) which may be carried to the taxable year arising in unused credit years prior to the particular unused credit year.

(iii) For purposes of subdivision (ii) of this subparagraph, the portion of the consolidated limitation based on amount of tax attributable to a corporation shall be the sum of—

(a) So much of the consolidated liability for tax attributable to such corporation as does not exceed $25,000 divided by the number of corporations in such affiliated group (as defined in section 46(a)(5)), and

(b) 25 percent of so much of the consolidated liability for tax attributable to such corporation as exceeds $25,000 divided by the number of corporations in such affiliated group (as defined in section 46(a)(5)).

(iv) For purposes of subdivision (iii) of this subparagraph, the consolidated liability for tax attributable to a corporation is the consolidated liability for tax for the taxable year multiplied by the ratio which—

(a) The taxable income, if any, of such corporation, bears to

(b) The aggregate of the taxable incomes of the several members of the affiliated group having taxable income.

For purposes of the preceding sentence, taxable income of a corporation means the taxable income of such corporation included in the computation of consolidated taxable income for the taxable year decreased by its deductions under sections 181, 243, 244, 245, 247, and 922 (and in the case of a member of an affiliated group to which the consolidated section 175 deduction is applicable, the section 175 deduction), increased by its separate net capital gain, and increased or decreased, as the case may be, with respect to its separate gains or losses from involuntary conversions subject to the provisions of section 1231, and from sales or exchanges of property subject to the provisions of section 1231.

(8) *Consolidated unused credit attributable to each of the several members*—(i) *In general.* If an affiliated group filing a consolidated return has a "consolidated unused credit" for a taxable year and if there are included as members of such group one or more corporations which made separate returns, or joined in a consolidated return filed by another affiliated group, for any of the three preceding or five (or six in the case of a section 181 deduction) succeeding taxable years, the portion of such consolidated unused credit for such consolidated unused credit year attributable to such corporations severally shall be determined, such portion in the case of any such corporation being determined under the provisions of subdivisions (ii) and (iii) of this subparagraph.

(ii) *Carryback.* In the case of a carryback of a consolidated unused credit to a taxable year for which the corporation made a separate return or joined in a consolidated return filed by another affiliated group, the portion of such consolidated unused credit for the consolidated unused credit year attributable to such corporation shall be an amount equal to the amount of such consolidated unused credit multiplied by the ratio which—

(a) The credit earned (as defined in paragraph (a)(1) of this section) of such corporation for the consolidated unused credit year, bears to

(b) The consolidated credit earned (as defined in paragraph (a)(1) of this section) for such consolidated unused credit year.

(iii) *Carryover.* In the case of a

(iii) *Carryover.* In the case of a carryover of a consolidated unused credit to (or a section 181 deduction for) a taxable year for which the corporation makes a separate return or joins in a consolidated return filed by another affiliated group, the portion of such consolidated unused credit for the consolidated unused credit year attributable to such corporation shall be an amount equal to the amount of such consolidated unused credit multiplied by the ratio which—

(*a*) The portion of the consolidated credit earned with respect to any section 38 property placed in service in the consolidated unused credit year and owned by such corporation (whether or not placed in service by such corporation) at the close of the last day with respect to which the taxable income of such corporation is included in the consolidated return, bears to

(*b*) The consolidated credit earned for such consolidated unused credit year.

(9) *Consolidated unused credit before or after consolidated return period.* (i) The consolidated unused credit of an affiliated group filing a consolidated return shall be used in computing the consolidated investment credit carryover or carryback to (or section 181 deduction for) a subsequent (or preceding) taxable year of the group notwithstanding that one or more members of the group in the consolidated unused credit year make separate returns (or join in a consolidated return made by another affiliated group) for such subsequent (or preceding) taxable year, but only to the extent that such consolidated unused credit is not attributable (as determined under subparagraph (8) of this paragraph) to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for such subsequent (or preceding) taxable year.

(ii) The portion of such consolidated unused credit attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent (or preceding) taxable year (reduced to the extent allowed as a credit under section 38 for a prior taxable year) shall be used by such corporations severally as investment credit carryovers (or carrybacks) to such separate returns or such consolidated returns of another affiliated group or as section 181 deductions on such separate returns (or such consolidated return of another affiliated group).

(10) *Rules with respect to unused credits under section 381.* (i) If, in the computation of the consolidated investment credit carryover, there is included an amount with respect to an unused credit of a corporation, arising in a taxable year for which it filed a separate return or for which such corporation joined in a consolidated return filed by another affiliated group, which is a transferor or distributor of assets within the meaning of section 381(a) to a member of the affiliated group, the amount included in the consolidated investment credit carryover with respect to such transferor or distributor shall not exceed the limitation contained in subparagraph (7) of this paragraph determined with reference to the acquiring corporation. The computation shall be made as described in subparagraph (7) of this paragraph as though the acquiring corporation had an unused credit in a year for which it filed a separate return or for which such acquiring corporation had joined in a consolidated return filed by another affiliated group.

(ii) If, in addition to the amount described in subdivision (i) of this subparagraph, there is included an amount with respect to an unused credit of the acquiring corporation in a year for which it filed a separate return or for which it joined in a consolidated return filed by another affiliated group, the unused credits of both the acquiring corporation and the transferor or distributor corporation which may be taken into account as unused credits in determining the consolidated investment credit carryover may not exceed the limitation, determined with reference to the acquiring corporation, computed in a manner described in subparagraph (7) of this paragraph.

(iii) For purposes of subdivisions (i) and (ii) of this subparagraph, if the transferor or distributor corporation was a member of another affiliated group which filed a consolidated return, the amount of the consolidated unused credit of such affiliated group, if any, attributable to such transferor or distributor, shall be treated as the unused credit of such corporation.

(c) *Early dispositions, etc., of section 38 property*—(1) *Dispositions of section 38 property during and after consolidated return period.* Except as provided in subparagraph (2) of this paragraph—

(i) If property placed in service in a consolidated return period is disposed of or otherwise ceases to be section 38 property, or becomes public utility property, with respect to any corporation during any taxable year (whether consolidated or separate), the provisions of section 47(a) (1) or (2), as the case may be, shall apply (whether such property was placed in service by such corporation or was received by such corporation in an intercompany transaction to which subparagraph (2)(i) of this paragraph applied) and the increase in tax, if any, shall be added to the tax liability of such group or such corporation, as the case may be.

(ii) If property placed in service in a separate return year is disposed of or ceases to be section 38 property, or becomes public utility property, with respect to any corporation during a taxable year for which such corporation joins in the filing of a consolidated return, the provisions of section 47(a) (1) or (2), as the case may be, shall apply and the increase in tax, if any, shall be added to the tax liability of such group.

(2) *Exceptions.* (i) For purposes of sections 46(c) and 47(a)(1), a transfer of section 38 property from one member of an affiliated group to another member of such group in an intercompany transaction during a consolidated return period shall not be treated as a disposition or cessation. The preceding sentence shall not apply to a transfer of section 38 property unless such property was placed in service by a member of the group in a consolidated return period of such group.

(ii) If, in any taxable year, section 38 property placed in service during a consolidated return period is disposed of by one member of an affiliated group to another member of such group which is an organization to which section 593 applies or a cooperative organization described in section 1381(a), the tax under chapter 1 of the Code for such taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would result solely from treating such property, for purposes of determining qualified investment, as placed in service by such organization to which section 593 applies or such cooperative organization described in section 1381(a), as the case may be, but with due regard to the use of the property before such transfer. The consolidated investment credit carrybacks and carryovers shall be adjusted under the principles of section 47(a)(3) by reason of such change in use.

(Secs. 1502 and 7805 of the Internal Revenue Code of 1954; 68A Stat. 367, 917; 26 U.S.C. 1502 and 7805)

[F.R. Doc. 66-9813; Filed, Sept. 7, 1966; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

CONSOLIDATED RETURN REGULATIONS

Notice of Proposed Rule Making

Pursuant to the Administrative Procedure Act, approved June 11, 1946, regulations proposed to be prescribed as §§ 1.1502–14, 1.1502–19, 1.1502–25, 1.1502–31, 1.1502–32, and 1.1502–33 were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for October 1, 1965 (30 F.R. 12575). Notice is hereby given that such proposed regulations are withdrawn.

Further, notice is hereby given, pursuant to the Administrative Procedure Act, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at the public hearing which will be held on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. Notice of the time, place, and date of the public hearing are published simultaneously herewith.[1] The proposed regulations are to be issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 367, 917; 26 U.S.C. 1502, 7805).

[SEAL] ROBERT L. JACK,
Acting Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR Part 1) under subchapter A of chapter 6 of the Internal Revenue Code of 1954, relating to consolidated returns, are amended by revising the regulations under section 1502 as follows:

PARAGRAPH 1. Section 1.1502–14 is added to read as follows:

§ 1.1502–14 Stock, bonds, and other obligations of members.

(a) *Intercompany distributions with respect to stock*—(1) *Dividends.* A dividend distributed by one member to another member during a consolidated return year shall be eliminated. For purposes of this paragraph, the term "dividend" means a distribution which is described in section 301(c)(1) other than a distribution described in section 243(c)(1).

(2) *Section 301 distributions out of other than earnings and profits.* (i) No gain shall be recognized to the distributee on a distribution with respect to stock, from one member to another member during a consolidated return year, which is described in section 301 (c) (2) or (3). Such distribution shall be applied against and reduce the adjusted basis (computed by taking into account any adjustment under § 1.1502–32) of such stock in the distributing corporation held by the distributee, and to the extent such distribution exceeds the adjusted basis, the excess shall be (or shall be added to) the excess loss account (see §§ 1.1502–19 and 1.1502–32) for such stock in the distributing corporation held by the distributee. For example, corporation P and its wholly owned subsidiary, corporation S, are members of a group filing consolidated returns on a calendar year basis. On December 31, 1966, S distributed to P with respect to its stock $5,000 cash and land with an adjusted basis to S of $6,000 and a fair market value of $5,000. No part of the distribution constituted a dividend. Oh December 31, 1966, P had an adjusted basis of $3,000 in the stock of S. The $10,000 amount distributed is treated as follows: $3,000 is applied against and reduces the adjusted basis of the stock to zero, and $7,000 is treated as P's excess loss account for its stock in S. No gain is recognized by P. Pursuant to § 1.1502–31(b)(1) and section 301(d)(2) P's basis in the land is $5,000.

(b) *Intercompany distributions in cancellation or redemption of all or part of the stock of the distributing corporation*—(1) *General rule.* Except as provided in subparagraph (2) of this paragraph and in § 1.1502–19, no gain or loss shall be taken into account on the receipt, during a consolidated return year, by one member of property (including cash) distributed in cancellation or redemption of all or a part of the stock of another member.

(2) *Cash in excess of basis.* If a distribution described in subparagraph (1) of this paragraph, other than a distribution to which section 332 applies, includes cash in excess of the sum of the adjusted basis (determined after taking into account any adjustment under § 1.1502–32) of the stock of the distributing corporation held by the distributee which was canceled or redeemed, plus any liabilities assumed by the distributee (or to which the property received is subject), gain shall be taken into account to the extent of such excess.

(3) *Definition of distributions in cancellation or redemption.* For purposes of this paragraph, a distribution is in cancellation or redemption of all or a part of stock only if—

(i) It is in complete liquidation of the distributing corporation,

(ii) It is in partial liquidation of the distributing corporation within the meaning of section 346, and such corporation remains a member of the group immediately after the distribution, or

(iii) It is a distribution in redemption of the stock of the distributing corporation to which section 302(a) applies, and such corporation remains a member of the group immediately after the distribution.

(c) *Treatment of distributing corporation*—(1) *Deferral in other than a complete liquidation.* Except as provided in subparagraph (2) of this paragraph, to the extent gain or loss is recognized to the distributing corporation on a distribution described in paragraph (a) or (b) of this section (including any amount which is treated as gain under section 311, 336, 341(f)(2), 1245(a)(1), or 1250(a)(1)), such gain or loss shall be deferred by the distributing corporation. Such deferred gain or loss shall be taken into account by the distributing corporation at the time and in the manner specified in paragraphs (d), (e), and (f) of § 1.1502–13, as if such distributing corporation were a "selling member" and the distributee were a "purchasing member."

(2) *Complete liquidations.* Gain or loss shall be taken into account by the distributing corporation on a complete liquidation, during a consolidated return year, of one member into another member, in the same manner and to the same extent as if separate returns were filed.

(d) *Gains and losses on obligations of members*—(1) *Deferral of gain or loss.* To the extent gain or loss is recognized under the Code to a member (referred to in this paragraph as a "creditor member") during a consolidated return year because of a sale or other disposition (other than a redemption or cancellation) of an obligation of another member (referred to in this paragraph as the "debtor member"), whether or not such obligation is evidenced by a security, such gain or loss shall be deferred. As used in this paragraph, the term "loss" includes a deduction because of the worthlessness of, or a deduction for a reasonable addition to a reserve for bad debts with respect to, an obligation described in this subparagraph. For treatment of premium and discount with respect to obligations described in this subparagraph, see § 1.1502–13(b).

(2) *Restoration of gain or loss where obligation leaves group.* If an obligation described in subparagraph (1) of this paragraph is sold or disposed of to a non-

[1] See F.R. Doc. 66–9910, *infra*.

member (or if the member holding the

T owns all of the stock of corporation U with an adjusted basis of zero and an excess loss

basis of such stock in the hands of the transferor. In such case, the transferee

S1 --------- ($70)
S2 --------- 100

member (or if the member holding the obligation becomes a nonmember), any gain or loss deferred under subparagraph (1) of this paragraph with respect to such obligation (whether arising because of such disposition or because of an earlier intercompany disposition) shall be taken into account ratably over the remaining term of the obligation.

(3) *Restoration of gain or loss on other events.* All gain or loss deferred with respect to an obligation under subparagraph (1) of this paragraph which has not been taken into account under subparagraph (2) of this paragraph shall be taken into account immediately before the occurrence of the earliest of the following events:

(i) When the creditor member ceases to be a member.

(ii) When the obligation is redeemed or cancelled.

(iii) When the stock of the debtor member is considered to be disposed of under subdivision (i), (iii), (iv), (v), or (vi) of § 1.1502–19(b)(2).

On the occurrence of the event described in subdivision (i) of this subparagraph, the deferred gain or loss of the creditor member leaving the group shall be taken into account. On the occurrence of any other event described in this subparagraph, the deferred gain or loss of each creditor member shall be taken into account.

(4) *Character of deferred gain or loss.* The character of gain or loss deferred under subparagraph (1) of this paragraph shall be determined at the time of the transaction as if such transaction had not occurred during a consolidated return year.

(5) *Inheritance of deferred items.* Subparagraph (3)(i) of this paragraph shall not apply if the creditor member ceases to be a member because its assets are acquired by one or more members in an acquisition to which section 381(a) applies. The member acquiring the greatest portion of the assets (measured by fair market value) of the creditor member shall be subject to the provisions of this paragraph with respect to the remaining deferred gain or loss. If two or more members acquire the same portion (which is greater than that acquired by any other member), the common parent shall select which such member shall be subject to such provisions.

PAR. 2. Section 1.1502–15 is amended by adding paragraph (b). The added provision reads as follows:

§ 1.1502–15 Limitations on certain deductions.

* * * * *

(b) *Other limitation.* No loss shall be allowed upon the sale or other disposition of stock, bonds, or other obligations of a member or former member to the extent that such loss is attributable to a distribution—

(1) Made in an affiliated year beginning before January 1, 1966, out of earnings and profits accumulated before the date on which the distributing corporation became a member or,

(2) Made in an affiliated year beginning after December 31, 1965, for which separate returns were filed, out of earnings and profits accumulated before the date on which the distributing corporation became a member.

PAR. 3. Section 1.1502–19 is added to read as follows:

§ 1.1502–19 Excess losses.

(a) *Recognition of income—(1) In general.* Immediately before the disposition (as defined in paragraph (b) of this section) of stock in a subsidiary, there shall be included in the income of each member disposing of such stock that member's excess loss account (determined under §§ 1.1502–14 and 1.1502–32) with respect to the stock disposed of. Such income shall be treated as gain from the sale of the stock (that is, as capital gain or ordinary income, as the case may be) unless, at the time of the disposition, such subsidiary's net worth is zero. In such case such income shall be treated as ordinary income except to the extent that the taxpayer establishes to the satisfaction of the Commissioner that the excess loss account is attributable to capital losses of the subsidiary which reduced long-term capital gains of the group, section 1231 losses of the subsidiary which reduced section 1231 gains of the group, or distributions by the subsidiary from other than earnings and profits which would have been taxable to the distributee as long-term capital gain if separate returns had been filed, in which case such income shall be treated as gain from the sale of the stock. For purposes of this paragraph, a subsidiary's net worth shall be considered to be zero if the then fair market value of its assets is less than the sum of—

(i) All its liabilities,

(ii) All liabilities which were discharged during consolidated return years to the extent such discharge would have resulted in "cancellation of indebtedness income" but for the insolvency of the subsidiary, and

(iii) The amount to which stock of the subsidiary which is limited and preferred as to dividends is entitled in liquidation.

(2) *Prior law.* To the extent the excess loss account is attributable to an adjustment under § 1.1502–32(d) which was not subsequently reduced under § 1.1502–32(c)(3), it shall be taken into account in the same manner as it would have been taken into account under regulations effective for taxable years beginning before January 1, 1966. For example, assume that P is the common parent of a group which filed a consolidated return for 1965. During such taxable year a member of the group, corporation S, sustained a loss of $100, all of which was availed of in the consolidated return for 1965. P organized S on January 1, 1965, with a contribution to capital of $80 and a $10 loan. The group files a consolidated return for 1966. Under § 1.1502–32(d), P's basis for the stock in S as of January 1, 1966 is reduced to zero, and P has an excess loss account with respect to such stock of $20. No part of the reduction for losses availed of is applied to reduce the basis of the debt. During 1966, S has earnings and profits of $5, and under § 1.1502–32(c)(3), P's excess loss account for its stock of S is reduced to $15. On December 31, 1966, P sells the stock of S for $5. P realizes a $5 gain on such sale. In addition, the excess loss account of $15 is applied to reduce the basis of S's obligations to zero, and the balance is otherwise taken into account in the same manner and to the same extent as it would have been taken into account under the regulations applicable to 1965.

(b) *Disposition—(1) Disposition of particular share.* Except as otherwise provided in paragraphs (d) and (e) of this section, a member shall be considered for purposes of this section as having disposed of a share of stock in a subsidiary—

(i) On the day such share is transferred to any person, or

(ii) On the day such member receives a distribution in cancellation or redemption of such stock (as defined in § 1.1502–14(b)(3)).

(2) *Disposition of all shares.* Except as otherwise provided in paragraphs (d) and (e) of this section, a member shall be considered for purposes of this section as having disposed of all of its shares of stock in a subsidiary—

(i) On the day such subsidiary ceases to be a member,

(ii) On the day such member ceases to be a member,

(iii) On the last day of each taxable year of such subsidiary in which any of its stock is wholly worthless, or in which an indebtedness of the subsidiary is discharged if such discharge would have resulted in "cancellation of indebtedness income" but for the insolvency of the subsidiary,

(iv) On the last day of each taxable year of the subsidiary for which the Commissioner is satisfied that 10 percent or less of the face amount of any obligation for which the subsidiary is personally liable (primarily or secondarily) is recoverable at maturity by its creditors,

(v) On the day on which a member transfers an obligation for which the subsidiary is personally liable (primarily or secondarily) to any nonmember for an amount which is 25 percent or less of the face amount of such obligation, or

(vi) On the last day of the taxable year preceding the first taxable year for which the group does not file a consolidated return.

(c) *Effect of chain of ownership—(1) Multiple dispositions.* If the stock of more than one subsidiary is disposed of in the same transaction, paragraph (a)(1) of this section shall be applied in the order of the tiers, from the lowest to the highest.

(2) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Assume that corporation P owns all the stock of corporation S with an adjusted basis of zero and an excess loss account of $5, that S owns all the stock of corporation T with an adjusted basis of zero and an excess loss account of $15, and that T owns all of the stock of corporation U with an adjusted basis of zero and an excess loss account of $10. If T sells the stock of U to a nonmember, T will realize income of $10, T's earnings and profits will be increased by $10 (see § 1.1502–33(c)(3)) and S's excess loss account with respect to T's stock will be reduced to $5 (see § 1.1502–32(b)(2)(i) and (c)(3)). S's earnings and profits will, in turn, be increased by $10 (see § 1.1502–33(c)(4)) and P's excess loss account with respect to S's stock will be reduced to zero, and its basis for S's stock will be increased to $5.

Example (2). Assume the same facts as in example (1) except that the stock of T, rather than the stock of U, is sold to a nonmember. Since U ceases to be a member by reason of the sale, T as well as S is considered to have disposed of stock of a subsidiary in the same transaction. Since U is the lowest tier subsidiary, this section is applied first with respect to the excess loss account relating to the stock of U with the same result as in example (1). This section is then also applied with respect to the stock of T. Thus, in addition to the result in example (1), S will realize income of $5, and P's basis for S's stock will be increased by $5 to $10.

Example (3). Corporation P is the common parent of an affiliated group which filed a consolidated return for 1966. Corporations S1 and S2 are wholly owned subsidiaries of P organized on January 1, 1966. Corporation T was also organized on January 1, 1966, its stock being owned 75 percent by S2 and 25 percent by S1. P originally invested $300 in the stock of S1 and $200 in the stock of S2; S1 and S2 originally invested $50 and $150, respectively, in the stock of T. For the year 1966, there were the following earnings and profits or deficits, computed without regard to § 1.1502–33(c)(4):

S1	$50
S2	0
T	(400)

There were no consolidated net losses. Under § 1.1502–32(c) the basis and excess loss accounts would be as follows:

	S1 in T	S2 in T	P in S1	P in S2
Original basis	$50	$150	$300	$200
Deficit of T	(100)	(300)	(100)	(300)
Earnings and profits of S1	-----	-----	50	-----
Basis or (excess loss account)	(50)	(150)	250	(100)

Assume that the group does not file a consolidated return for 1967. As of December 31, 1966, the following adjustments would be made:

	S1 in T	S2 in T	P in S1	P in S2
Basis or (excess loss account)	($50)	($150)	$250	($100)
Income to S1	50	-----	-----	-----
Adjustment under § 1.1502–32(b)(2)	-----	-----	50	-----
Income to S2	-----	150	-----	-----
Adjustment under § 1.1502–32(b)(2)	-----	-----	-----	150
Basis of stock	0	0	300	50

(d) *Transfers of stock of subsidiary within the group—(1) In general.* A transfer of stock of a subsidiary from one member to another member in a consolidated return year shall not be treated as a disposition for purposes of paragraph (b) of this section if the basis of such stock in the hands of the transferee is determined by reference to the basis of such stock in the hands of the transferor. In such case, the transferee member shall succeed to the transferor member's excess loss account with respect to the transferred stock.

(2) *Contributions to capital.* If the transferor in a transfer described in subparagraph (1) of this paragraph owns or receives stock in the transferee, the transferor's excess loss account for the transferred stock shall also be immediately applied to reduce the basis, if any, of the stock which the transferor owns or receives in the transferee. The excess, if any, over such basis shall be the transferor's excess loss account with respect to the stock owned or received. See examples (5) and (6) of paragraph (f) of this section.

(e) *Nontaxable liquidations and reorganizations to which the subsidiary is a party.* If, in a consolidated return year, a subsidiary is the transferor or distributor corporation and another member is the acquiring corporation in a transaction to which section 381(a) applies, any member owning stock in such subsidiary shall not, by reason of such transaction, be considered for purposes of paragraph (b) of this section as having disposed of the stock of such subsidiary. If, pursuant to such transaction, the member owning stock in such subsidiary receives stock in another member in exchange for the owning member's stock in such subsidiary, then any excess loss account with respect to the stock of the subsidiary shall be applied to reduce the basis, to the extent thereof, of the stock in such other member owned or received by the owning member, and any excess over such basis shall be treated as an excess loss account with respect to such stock. For example, assume that corporation P owns all the stock of corporation S with an adjusted basis of zero and an excess loss account of $20. If S is liquidated into P in a liquidation to which section 334(b)(1) applies, the $20 excess loss account is eliminated. However, if S is merged into corporation T (another member) in a transaction described in section 368(a)(1)(A), P will apply $20 against and reduce the basis of any stock of T which P owns, or receives pursuant to the merger, and any excess over such basis will be P's excess loss account with respect to T's stock.

(f) *Examples.* This section may be illustrated by the following examples:

Example (1). Corporation P is the common parent of an affiliated group which files consolidated returns for 1966 through 1970. Included in the group for all such years are corporations S1 and S2 which are wholly owned by P, corporation T which is owned 40 percent by P, and 60 percent by S2, and corporation U which is wholly owned by T. S1, S2, T, and U were each organized on January 1, 1966, with the following investments being made in their stock.

P in S1	$50
P in S2	110
P in T	40
S2 in T	60
T in U	50

During the period 1966–1970, S1, S2, T, and U made no distributions and had the following earnings and profits or deficits computed without regard to § 1.1502–33(c)(4):

S1	($70)
S2	100
T	(120)
U	(80)

There were no consolidated net losses in 1966–1970. Under § 1.1502–32(c) the basis and excess loss accounts for the stock of S1, S2, T, and U would be as follows:

	T in U	P in T	S2 in T	P in S2	P in S1
Original basis	$50	$40	$60	$110	$50
Earnings and profits or (deficits):					
of U	(80)	(32)	(48)	(48)	-----
of T	-----	(48)	(72)	(72)	-----
of S2	-----	-----	-----	100	-----
of S1	-----	-----	-----	-----	(70)
Basis or (excess loss account)	(30)	(40)	(60)	90	(20)

On January 1, 1971, P sells its stock in S1 to an unrelated person for $10. The group files a consolidated return for 1971. P must include in its income for 1971 the $20 in its excess loss account for S1 and the $10 gain from the sale of the stock of S1.

Example (2). Assume the same facts as in example (1) except that P does not sell its stock in S1, but on January 1, 1971, P sells its stock in S2 to an unrelated person for $170. Since S2, T, and U have ceased to be members of the group, the following adjustments must be made:

	T in U	P in T	S2 in T	P in S2
Basis or (excess loss account)	($30)	($40)	($60)	$90
T's excess loss account in U (see paragraph (e) of this section)	30	12	18	18
S2's excess loss account in T (see paragraph (e) of this section)	-----	(28)	(42)	108
	-----	-----	42	42
P's excess loss account in T	-----	28	-----	150
Basis or (excess loss account)	0	0	0	150

For the year 1971, P, S2, and T would include in their incomes $28, $42, and $30, respectively. In addition, P would have a gain of $20 from the sale of the stock of S2, zero bases for its stock in T and S1, and a $20 excess account for its stock in S1.

Example (3). Assume the same facts as in example (2), except that a consolidated return is not filed for 1971. As of December 31, 1970, P, S2, and T would include in their incomes $28, $42, and $30, respectively (see example (2)), and P would have a $150 basis for its stock in S2 and a dividend of $40 from S2 (see § 1.1502–32(e)) and zero bases for its stock in T and S1. In addition, P would include in its income $20 with respect to its excess loss account in S1 and would have a zero basis for its stock in S1. In 1971, P would have a gain of $20 from the sale of its stock in S2.

Example (4). Assume the same facts as in example (1), except that P does not sell its stock in S1, but on January 1, 1969, T redeems for $30 cash, in a transaction qualifying under section 346, one half of its stock held by P. P has income in 1971 of $20, and P's excess loss account for its remaining stock in T is reduced to $20. In addition, P has a gain of $30 on the redemption of the stock of T.

Example (5). Assume the same facts as in example (1), except that instead of selling its stock in S1 to an unrelated person, P transfers its stock in S1 to T in exchange for stock in T in a transaction to which section 351 applies. P's excess loss account of $20 for the stock in S1 which was transferred

to T increases P's excess loss account for its stock in T from $40 to $60. In addition, T has a zero basis and an excess loss account of $20 for the stock it acquired in S1.

Example (6). Assume the same facts as in example (1), except that P does not sell its stock in S1, but on January 1, 1969, S2 is liquidated into P in a transaction to which section 332 applies (and to which section 334(b)(2) does not apply). P's excess loss account for its stock in S2 is eliminated. No income is realized by S2 by reason of its distribution to P of its stock in T. S2's excess loss account of $60 for its stock in T is added to, and is merged with, P's excess loss account for its stock in T. Thus, P has an excess loss account of $100 for all its stock in T.

(g) *Foreign expropriation losses.* The application of this section to foreign expropriation losses is reserved pending the issuance of further regulations.

PAR. 4. Section 1.1502–25 is added to read as follows:

§ 1.1502–25 Consolidated section 922 deduction.

(a) *In general.* The consolidated section 922 deduction for the taxable year shall be determined by multiplying the fraction specified in section 922(2) by that portion of the consolidated taxable income attributable to those members of the group which are Western Hemisphere trade corporations for such year.

(b) *Definition of Western Hemisphere trade corporation.* For purposes of paragraph (a) of this section, in determining whether a member is a Western Hemisphere trade corporation, the definition contained in section 921 shall be applied to such member separately. For purposes of applying the gross income tests of section 921 to such member, the gross income of such member for a consolidated return year shall be determined as if such member had filed a separate return, except that—

(1) Gains and losses on intercompany transactions shall be reflected in gross income in the manner provided by § 1.1502–13;

(2) Gains and losses on transactions with respect to stock, bonds, or other obligations of members of the group shall be reflected in gross income in the manner provided by §§ 1.1502–14 and 1.1502–19; and

(3) The adjustments prescribed by §§ 1.1502–18 and 1.1502–32 shall be made.

(c) *Portion of consolidated taxable income attributable to Western Hemisphere trade corporations.* For purposes of paragraph (a) of this section, the portion of the consolidated taxable income attributable to those members of the group which are Western Hemisphere trade corporations is an amount equal to the consolidated taxable income multiplied by a fraction, the numerator of which is the sum of the separate taxable incomes of those Western Hemisphere trade corporations having separate taxable income, and the denominator of which is the sum of the separate taxable incomes of all of the members having separate taxable income. For purposes of this paragraph, the separate taxable income of a member shall be determined under § 1.1502–12, adjusted for the following items taken into account in the computation of consolidated taxable income:

(1) The portion of the consolidated net operating loss deduction, the consolidated charitable contributions deduction, and the consolidated dividends received deduction, attributable to such member;

(2) Such member's net capital gain (determined without regard to any net capital loss carryover attributable to such member);

(3) Such member's net capital loss and section 1231 net loss, reduced by the portion of the consolidated net capital loss attributable to such member; and

(4) The portion of any consolidated net capital loss carryover attributable to such member which is absorbed in the taxable year.

PAR. 5. Section 1.1502–31 is added to read as follows:

§ 1.1502–31 Basis of property.

(a) *Deferred intercompany transactions.* The basis of property acquired by a purchasing member in a deferred intercompany transaction shall be determined as if separate returns were filed. Thus, if, in a deferred intercompany transaction, S sells property with an adjusted basis of $80 to P for $100, the basis of such property in the hands of P shall be $100 even though, under § 1.1502–13, S defers its $20 gain on the sale.

(b) *Basis after liquidation or intercompany distributions with respect to stock—(1) Distributions in kind.* The basis of property received in a distribution to which section 301 applies shall be determined as if separate returns were filed.

(2) *Liquidations and redemptions.* (i) The basis of property acquired in a liquidation to which section 332 applies shall be determined as if separate returns were filed.

(ii) The aggregate basis of all property acquired in a distribution in cancellation or redemption of stock (as defined in § 1.1502–14(b)(3)) by a member to another member, other than a liquidation to which section 332 applies, shall be the same as the adjusted basis of the stock exchanged therefor (adjusted in accordance with the rules prescribed in § 1.1502–32(a)), increased by the amount of any liabilities of the distributing corporation assumed by the distributee or to which the property acquired is subject, and reduced by the amount of cash received in the distribution. Such aggregate basis shall be allocated among the assets received (except cash) in proportion to the fair market values of such assets on the date received.

PAR. 6. Section 1.1502–32 is added to read as follows:

§ 1.1502–32 Investment adjustment.

(a) *In general.* As of the end of each consolidated return year, the basis of the stock (other than stock which is limited and preferred as to dividends) of each subsidiary shall be adjusted in the manner prescribed in paragraph (c) of this section. If a subsidiary owns stock in any other subsidiary, the adjustment with respect to the stock of the higher tier subsidiary shall not be made until after the adjustment is made with respect to the stock of the lower tier subsidiary. In the case of a disposition (as defined in § 1.1502–19(b)) of stock of a subsidiary before the end of the taxable year, the adjustment with respect to such stock shall be made as of the date of disposition. The adjustment required by this section is in addition to any adjustments otherwise required (including reductions in basis under section 301(c)(2)).

(b) *Amount of adjustment—(1) In general.* The amount of the adjustment referred to in paragraph (a) of this section with respect to the stock of any subsidiary shall be the difference between the positive adjustment described in subparagraph (2) of this paragraph, and the negative adjustment described in subparagraph (3) of this paragraph. Such difference is referred to in this section as the "net positive adjustment" or the "net negative adjustment", as the case may be.

(2) *Positive adjustment.* The positive adjustment shall be the sum of—

(i) The amount of the earnings and profits of the subsidiary for the taxable year as determined under § 1.1502–33, but without regard to any distributions made during the taxable year;

(ii) The portion of any consolidated net operating loss for the taxable year attributable to such subsidiary (as determined under § 1.1502–79); and

(iii) The portion of any consolidated net capital loss for the taxable year attributable to such subsidiary (as determined under § 1.1502–79).

(3) *Negative adjustment.* The negative adjustment shall be the sum of—

(i) The amount of the deficit in earnings and profits of the subsidiary for the taxable year (as determined under § 1.1502–33);

(ii) Any net operating loss or net capital loss attributable to the subsidiary (as determined under § 1.1502–79) which is sustained in a prior or subsequent separate return year or consolidated return year and is carried over or back and absorbed in the taxable year;

(iii) Distributions made by the subsidiary during the taxable year out of earnings and profits of the taxable year or earnings and profits accumulated in consolidated return years beginning after December 31, 1965; and

(iv) Distributions made by the subsidiary during the taxable year to other members out of earnings and profits accumulated in separate return years for which the subsidiary was not a member on each day of the taxable year.

(c) *Application of adjustment—(1) In general.* The entire adjustment with respect to each subsidiary shall be allocated to the stock of the subsidiary (other than stock which is limited and preferred as to dividends) owned by other members on the date of the adjustment, even if less than 100 percent of the subsidiary's outstanding stock is owned by members.

(2) *Net negative adjustment.* A member owning stock in the subsidiary shall apply its allocable share of the net negative adjustment to reduce its basis for such stock. Any excess of such adjustment over basis is herein referred to as such member's "excess loss account."

(3) *Net positive adjustment.* A member owning stock in the subsidiary shall apply its allocable share of the net positive adjustment to reduce its excess loss account, if any, with respect to such stock. Any excess of such adjustment over the excess loss account shall be applied to increase the member's basis for such stock.

(4) *Subsequent investment.* If a member transfers property to a subsidiary as a contribution to capital, or acquires stock in the subsidiary (other than stock which is limited and preferred as to dividends), then the amount of the member's excess loss account (with respect to the stock of the subsidiary) at the time of the contribution or acquisition shall be reduced to the extent of the basis of the property contributed or stock acquired, and the basis of the stock acquired shall be decreased by the amount of such reduction.

(5) *Excess loss account.* With respect to the time and manner for taking into account the excess loss account, see § 1.1502–19.

(d) *Transitional rule.* If any subsidiary joined in filing (or was required to join in filing) a consolidated return for a taxable year beginning before January 1, 1966 (whether or not with the same group), then for purposes of determining the basis of stock of such subsidiary as of the first day of the first taxable year to which this section applies, § 1.1502–34A (b)(2) and (c) shall be applied with respect to the stock (other than stock which is limited and preferred as to dividends) of such subsidiary owned by each member as if such stock were disposed of on such date. If the amount of deductions for losses availed of under § 1.1502–34A (b)(2) or (c)(2) exceeds the sum of the aggregate bases of such stock owned by each member, such excess shall be allocated to such stock in accordance with paragraph (c)(1) of this section and shall be treated as an excess loss account with respect to such stock. See § 1.1502–19(a)(2) with respect to the treatment of such excess loss account.

(e) *Adjustment on disposition—(1) In general.* As of the last day of the taxable year preceding the first separate return year of a subsidiary, such subsidiary shall be treated as having distributed to each member such member's entire allocable share (as determined under paragraph (c)(1) of this section) of the amount referred to in subparagraph (2) of this paragraph, and each such member shall be treated as having immediately contributed such amount to the capital of such subsidiary.

(2) *Computation.* The amount referred to in subparagraph (1) of this paragraph is the lesser of—

(i) The accumulated earnings and profits of the subsidiary, or

(ii) The excess of—

(a) The net positive adjustments under paragraph (c)(3) of this section for all consolidated return years, over

(b) The net negative adjustments under paragraph (c)(2) of this section for all consolidated return years.

(3) *Example.* This paragraph may be illustrated by the following example:

Example. Assume that in 1967 corporation P organizes corporation S, investing $500 for all of S's stock. For the taxable year 1967, S has earnings and profits of $100, thus increasing P's basis in S's stock to $600 on the last day of 1967. On December 31, 1967, P sells one-half of its stock in S to a nonmember for $350. S will be treated as having distributed a $100 dividend to P, and P will be treated as having contributed $100 to the capital of S. P's gain on the sale will be $50, and its basis for its remaining stock in S will be $300. S's earnings and profits will be reduced under § 1.1502–33 to zero.

(f) *Section 334(b)(2) adjustments.* If a subsidiary is liquidated pursuant to section 332 and the basis of the assets distributed is determined under section 334(b)(2), the adjustments required by this section shall be modified to the extent necessary to avoid duplications of adjustments required by section 334(b)(2) and the regulations thereunder.

(g) *Examples.* This section may be illustrated by the following examples:

Example (1). On January 1, 1967, corporation P acquires all of the stock of corporation S for $1,000. On that date S had accumulated earnings and profits of $200. In 1967, S had no earnings and profits and distributed $100; in 1968, S had earnings and profits of $150; in 1969, S had a deficit of $30 and made a distribution (on the last day of the year) of $200; in 1970, S had a deficit of $2,000; in 1971 S had earnings and profits of $5,000, and made a distribution of $1,000; in January–June 1972, S had no earnings and profits and made a distribution of $2,000. Consolidated returns were filed for 1967–1972 in which there were no consolidated net losses. On June 30, 1972, the stock of S was sold to an unrelated person. P's basis in S's stock on June 30, 1972, is computed as follows:

Cost	$1,000
1967—Distribution of preaffiliation earnings	(100)
Basis	900
1968—Earnings and profits	150
Basis	1,050
1969—Deficit ($30)	
Distribution of 1967–1969 earnings (120)	
Distribution of preaffiliation earnings (80)	(230)
Basis	820
1970—Deficit	(2,000)
Excess loss account	(1,180)
1971—Earnings and profits $5,000	
Distribution of 1971 earnings (1,000)	4,000
Basis	2,820
1972—Distribution of 1967–1971 earnings	(2,000)
Basis on June 30, 1972	820

Example (2). On January 1, 1966, corporation P organized a wholly owned subsidiary, corporation S; on the same date S organized a wholly owned subsidiary, corporation T. P invested $1,000 in the stock of S; S invested $600 in the stock of T. Consolidated returns are filed for the years 1966–1969 for which there were no consolidated net losses. Earnings and profits and deficits of T were as follows:

	T
1966	($150)
1967	(900)
1968	600
1969	(100)

Earnings and profits and deficits of S, determined without regard to § 1.1502–33(c)(4), were as follows:

	S
1966	$100
1967	200
1968	(1000)
1969	500

On December 31, 1969, the adjusted bases and excess loss accounts for the stock of S and T would be computed as follows:

	S in T	P in S
Original basis	$600	$1,000
1966:		
Deficit of T	(150)	(150)
Earnings and profits of S	----	100
Basis	450	950
1967:		
Deficit of T	(900)	(900)
Earnings and profits of S	----	200
Basis or (excess loss account)	(450)	250
1968:		
Earnings and profits of T	600	600
Deficit of S	----	(1,000)
Basis or (excess loss account)	150	(150)
1969:		
Deficit of T	(100)	(100)
Earnings and profits of S	----	500
Basis	50	250

Example (3). Assume that corporation P purchased the stock of corporation S for $60,000 at the beginning of the calendar year. On August 15, P sold the stock of S for $70,000. A consolidated return is filed by P and S for the calendar year. S had a $40,000 net operating loss and deficit for the period it was included in the consolidated return, while P had $10,000 income for the taxable year (computed without regard to any gain or loss on the sale of S's stock). In computing P's gain on the sale of the stock, P's basis for such stock was decreased by $40,000, the amount of S's deficit, and increased by the portion of the consolidated net operating or capital loss for the taxable year attributable to S under § 1.1502–79(a)(3). Since there were no such consolidated losses for the taxable year, P's basis for S's stock was $20,000 and P's gain was $50,000.

Example (4). Assume the same facts as in example (3) except that P sold the stock of S for $30,000. In such case, there was a consolidated net capital loss for the taxable year none of which was attributable to S, and a consolidated net operating loss for the taxable year of $30,000, all of which was attributable to S. P's basis for its stock in S was $50,000 (original basis of $60,000, minus S's deficit of $40,000, plus the consolidated net operating loss attributable to S of $30,000), and P's loss on the sale of S's stock was $20,000.

Example (5). Assume that corporation P, the common parent of a group, purchased stock of corporation S on January 1, 1966, for $50,000. On December 31, 1966, P sold the stock of S for $80,000. A consolidated return was filed for 1966. During 1966 S had

taxable income and earnings and profits of $30,000, and the group had consolidated taxable income of $100,000. In 1967, S had a net operating loss of $40,000, of which $30,000 is carried back under § 1.1502-21(c) to the consolidated return for 1966. P's basis as of December 31, 1966, for its stock in S is recomputed as follows:

Original cost		$50,000
Positive adjustment for S's earnings	$30,000	
Negative adjustment for carryback	(30,000)	
Net adjustment		0
Basis		50,000

Accordingly, P's recomputed gain on the sale of S's stock is $30,000.

PAR. 7. Section 1.1502-33 is added to read as follows:

§ 1.1502-33 Earnings and profits.

(a) *Intercompany transactions.* Gain or loss on an intercompany transaction shall be reflected in the earnings and profits of a member for its taxable year in which such gain or loss is taken into account under § 1.1502-13. Thus, for example, gain on a deferred intercompany transaction shall be reflected in the earnings and profits of a member for its taxable year in which such deferred gain is taken into account under paragraph (d), (e), or (f) of § 1.1502-13, rather than for the taxable year in which such gain or loss is deferred.

(b) *Effect of inventory adjustments.* There shall be reflected in the earnings and profits of a member for a taxable year gains and losses taken into account pursuant to § 1.1502-18 for such year.

(c) *Stock and obligations*—(1) *Dividend distributions.* Dividend distributions from one member to another member, including dividends under § 1.1502-32(e), shall be reflected in the earnings and profits of the distributee.

(2) *Nondividend distributions.* Distributions to which section 301(c)(3) applies from one member to another member shall not be reflected in the earnings and profits of the distributee.

(3) *Gains or losses on dispositions.* Gains or losses on the disposition of the stock or obligations of a subsidiary (including amounts included in income under § 1.1502-19 and amounts deferred under § 1.1502-14(d)) shall be reflected in the earnings and profits of a member for its taxable year in which such gain or loss is taken into account.

(4) *Investment adjustment.* There shall be reflected in the earnings and profits of a member an amount equal to any increase or decrease pursuant to § 1.1502-32(c) in such member's basis or excess loss account for its stock in a subsidiary. For example, assume that P Corporation invests $90 in the stock of S and that the basis of such stock is reduced to zero pursuant to § 1.1502-32(c). P's earnings and profits are also reduced by $90. Subsequently a distribution of $120 from other than earnings and profits is made by S. No gain is recognized by P (since the excess loss account is increased under § 1.1502-14(a)(2)) and P's earnings and profits are not increased. If P then sells the stock of S to a nonmember for $20, P has gain on the sale of the stock of $20 and income pursuant to § 1.1502-19 of $120. Accordingly, P's earnings and profits are increased by $140.

(5) *Section 381 transactions.* The amount of earnings and profits or deficit of a transferor or distributor corporation which is carried over to the acquiring corporation in a transaction to which section 381(a) applies shall be adjusted so as not to duplicate any amount previously taken into account under subparagraph (4) of this paragraph.

(6) *Special rule.* The earnings and profits of a subsidiary shall be decreased by the amounts treated as a dividend pursuant to § 1.1502-32(e).

[F.R. Doc. 66-9690; Filed, Sept. 7, 1966; 8:45 a.m.]

[26 CFR Part 1]

CONSOLIDATED RETURN REGULATIONS

Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under section 1502 of the Code, relating to Consolidated Returns, appears in the FEDERAL REGISTER for September 8, 1966.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Monday, October 10, 1966, at 10 a.m., e.d.s.t., in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by October 5, 1966, telephone (Washington, D.C.) 964-3935.

[SEAL] LESTER R. URETZ,
Chief Counsel.

BY: James F. Dring,
Director, Legislation and Regulations Division.

[F.R. Doc. 66-9910; Filed, Sept. 7, 1966; 8:52 a.m.]

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Title 3—THE PRESIDENT

Proclamation 3742

NATIONAL CIVIL AIR PATROL DAY

By the President of the United States of America

A Proclamation

WHEREAS December 1, 1966, marks the twenty-fifth anniversary of the Civil Air Patrol; and

WHEREAS the Civil Air Patrol has since its inception worked devotedly and with distinction for the development of aviation and the maintenance of air supremacy; and

WHEREAS the civilian volunteers of the Civil Air Patrol have given unstintingly of their time, their skills, their personal resources, and even their lives—most notably in the performance of search and rescue missions—to assist in meeting local and national emergencies and disasters; and

WHEREAS the Civil Air Patrol provides an outstanding example of the voluntary contribution of private citizens to the public welfare; and

WHEREAS the Congress has chartered the Civil Air Patrol, and has designated it as a volunteer civilian auxiliary of the United States Air Force; and

WHEREAS it is appropriate that public recognition be given to the invaluable service voluntarily rendered to this Nation by the Civil Air Patrol:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate December 1, 1966, as National Civil Air Patrol Day; and I call upon all of our citizens to observe that day with ceremonies and activities appropriate to the silver anniversary of the Civil Air Patrol.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of September in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-9953; Filed, Sept. 8, 1966; 10:19 a.m.]

Reorganization Plan No. 5 of 1966

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 29, 1966, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended.[1]

NATIONAL CAPITAL REGIONAL PLANNING COUNCIL

SECTION 1. *Abolition.* The National Capital Regional Planning Council (66 Stat. 783), together with all of its functions, is hereby abolished.

SEC. 2. *Liquidation.* The National Capital Planning Commission shall make such provisions as it shall deem necessary respecting the winding up of the outstanding affairs of the National Capital Regional Planning Council.

[F.R. Doc. 66-9951; Filed, Sept. 8, 1966; 8:50 a.m.]

[1] Effective September 8, 1966, under the provisions of and published pursuant to 5 U.S.C. 906 (Pub. Law 89-554).

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for Crop Years 1966–1969

MISCELLANEOUS AMENDMENTS

Basis and purpose. (a) The amendments herein are issued pursuant to and in accordance with the Agricultural Act of 1938, as amended, and are issued for the purpose of making certain editorial changes and amending existing regulations with respect to the amount of the 1967–68 national marketing quota of wheat and the national, State, county, and farm acreage allotments for 1967 crop wheat.

Section 332(c) of the act provides that, if after the proclamation of a national marketing quota for wheat for any marketing year, the Secretary has reason to believe that, because of a national emergency or because of a material increase in the demand for wheat, the national marketing quota should be terminated or the amount thereof increased, he shall cause an immediate investigation to be made to determine whether such action is necessary in order to meet such emergency or increase in the demand for wheat. If on the basis of such investigation, the Secretary finds that such action is necessary, he shall immediately proclaim such findings and the amount of any such increase found by him to be necessary and thereupon such national marketing quota shall be so increased or terminated. In case any national marketing quota is increased under this subsection, the Secretary shall provide for such increase by increasing acreage allotments established under this part by a uniform percentage.

In accordance with the foregoing, an investigation has been made and it was found that there is a material increase in the demand for wheat since announcement of the national marketing quota for wheat for the 1967–68 marketing year (31 F.R. 7814). World demand for wheat is great because of the increasing need to supply wheat to food deficient countries. The world market price for wheat currently reflects this strong demand. Current indications in India, the major food deficient country dependent upon the United States for wheat imports, are that the wheat crop for the coming year will again be below normal.

It is estimated that export requirements for the 1967–1968 marketing year will be greater than that anticipated at the time of announcement of the 1967 national wheat acreage allotment on June 2, 1966.

Coupled with the increased demand for wheat is the fact that because of adverse weather in recent months in much of the wheat producing area of the United States, production from the 1966 crop of wheat will be as much as 100 million bushels less than originally anticipated, thus resulting in a substantial reduction in the total United States supply of wheat available for domestic and export needs.

In view of anticipated increased export requirements and the need to replenish United States stocks of wheat so as to maintain an adequate carry-over, it has been found that there is a need for increasing national, State, county, and farm acreage allotments for the 1967 crop. In order to determine such increases the amount of the national marketing quota which would have been determined if quotas were in effect on the 1967 crop of wheat is increased by 100 million bushels. On the basis of expected yields and underplantings of farm acreage allotments, it is determined that a uniform increase in national, State, county, and farm acreage allotments of 15 per centum is necessary to produce such increased national marketing quota.

(b) Since planting time for the 1967 crop of winter wheat is near and planting plans will need to be adjusted in order to maximize use of the additional allotted acreages for production of needed supplies, it is of utmost importance that farmers be notified of their increased 1967 farm wheat acreage allotments as soon as possible. Therefore it is determined that compliance with the notice, public procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest. Accordingly, these amendments shall become effective upon filing with the Director, Office of the Federal Register.

1. The subpart now designated "Regulations Pertaining to Farm Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for the Crop Years 1966 through 1969" is amended by deleting the word "Farm" from the subpart designation and §§ 728.448, 728.449, 728.450, 728.451, 728.452, 728.453, and 728.454, of the material now codified in the subpart designated "1967–68 Marketing Year" are redesignated as §§ 728.341, 728.342, 728.343, 728.344, 728.345, 728.346, and 728.347, respectively, and recodified under the subpart designated "Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for the Crop Years 1966 through 1969."

2. Section 728.342(b), as redesignated, is amended by adding the following at the end thereof: "Notwithstanding the foregoing, the national quota for the 1967–68 marketing year which would have been determined if marketing quotas were in effect is increased by 100 million bushels to a total amount of 1,640 million bushels pursuant to section 332(c) of the act."

3. Section 728.343, as redesignated, is amended by adding the following at the end thereof: "Notwithstanding the foregoing, the national acreage allotment of wheat for the calendar year 1967 is increased by 15 per centum to 68,195,000 acres pursuant to section 332(c) of the act."

4. Section 728.344, as redesignated, is amended by adding the following at the end thereof: "The 1967 allotment apportioned to each State under the foregoing shall be increased by 15 per centum."

5. Section 728.347, as redesignated, is amended by adding the following at the end thereof: "The 1967 allotment apportioned to each county under the foregoing shall be increased by 15 per centum."

6. Section 728.316 is amended by adding the following at the end thereof: "The 1967 allotment heretofore apportioned to each old farm under the foregoing provisions of this section shall be increased by 15 per centum."

7. Section 728.318 is amended by adding at the end thereof a new paragraph (d) to read:

(d) The 1967 allotment heretofore determined for each new farm under paragraph (a) of this section shall be increased by 15 per centum.

(Secs. 332, 333, 334, 375, 52 Stat. 53, as amended, 66, as amended; 7 U.S.C. 1332, 1333, 1334, 1375)

Effective date. These regulations shall be effective upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 6, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-9913; Filed, Sept. 8, 1966; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 79]

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Des Moines, Iowa, marketing area (7 CFR Part 1079), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. Section 1079.22.
2. Section 1079.23.
3. In § 1079.27(j)(2) the provision "of the" immediately preceding the word "months", the "s" in the word "months" the provision "of July through February" immediately succeeding the word "months" and the "and" at the end of the subparagraph.
4. Section 1079.27(j)(3).
5. In § 1079.30(a) the provision "and the aggregate quantities of base and excess milk".
6. In § 1079.31(b)(1)(ii) the provision "including for the months of March through June the total pounds of base and excess milk".
7. In § 1079.60 the reference "1079.65 to 1079.73".
8. Section 1079.65.
9. Section 1079.66.
10. Section 1079.67.
11. In § 1079.72(b) the provision "except for the months of March through June, shall be".
12. Section 1079.73.
13. In § 1079.80(a)(2) the provision "and 1079.73" and the "s" in the word "prices".
14. In § 1079.80(c)(2) the provision "including for the months of March through June the pounds of base milk and excess milk".
15. In § 1079.81 the provision "and 1079.73" and the "s" in the word "prices".
16. In § 1079.82 (a) and (b) the provision "and 1079.73" and the "s" in the word "prices".

(b) Notice of proposed rule making, public procedure thereon and 30 days notice of the effective date hereof are impracticable, unnecessary, and contrary to the public interest in that:

1. This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

2. This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

3. A hearing on the proposed elimination of the base and excess provisions was conducted at Des Moines, Iowa, on August 3, 1966, pursuant to notice thereof which was issued July 25, 1966 (31 F.R. 10131). Interested parties were afforded opportunity to file written exceptions to a recommended decision concerning the elimination of the base and excess provisions. None were filed in opposition to the proposed elimination.

4. The "base and excess" plan for distributing returns for milk among producers no longer tends to effectuate the purposes of the Agricultural Marketing Agreement Act and should be discontinued.

The base and excess plan was incorporated in the order on May 1, 1960, to supplement the seasonally variable Class I prices in providing incentive to producers to reduce the fluctuations in the amount of milk supplies to the market throughout the year. The base and excess plan permits each producer to establish a base according to his deliveries to pool plants in September, October, and November of each year. In each subsequent month of March through June separate uniform prices are computed for "base" milk and "excess" milk. The uniform price for excess milk is the Class II price. The base price is the average value of remaining Class II milk and the Class I milk. In the months in which base-excess payments do not apply, producers receive the marketwide uniform price for all milk delivered.

Producer associations representing about 95 percent of the producers on the market supported the proposal that the base and excess plan be removed from the order. There was no opposition to its removal.

The base-excess plan encourages individual producers to adjust their annual milk marketings by increasing deliveries in base-forming months and restricting deliveries in base-paying months, insofar as possible, to their earned base. Thus, in order to maximize his annual returns, a producer must plan any increase in his scale of production to become effective following the base-paying period and before the base-forming period starts. Also, new producers who start deliveries during the base-paying period are assigned a "base" of 50 percent of deliveries in March and April and 40 percent of deliveries in May and June. Thus, particularly in the base-paying period, the base-excess plan tends to discourage the entry of new producers to the market and increased production by producers already on the market.

Many producers encounter difficulties in planning their milk production to fit the seasonal plan which the base plan promotes. Also, the cooperatives' representatives testified that they find it difficult to interest new producers in supplying the Des Moines market because they would thereby be paid on the base plan. Nearby markets, which represent alternative sales outlets for Iowa producers, do not use base plans.

The elimination of the base plan will permit one of the cooperatives to shift its member milk from one Federal order market to another without the problems associated with losing the individual producer's base. This cooperative supplies milk to handlers regulated by the North Central Iowa order and by the Cedar Rapids-Iowa City order. At times, such milk is moved from one market to another as the need arises to supply fluid sales at handlers' plants. Neither the North Central Iowa nor the Cedar Rapids-Iowa City orders has a base plan.

The decline in milk production in Iowa has made it necessary to obtain new milk supplies for the Des Moines market. Milk production has been declining in Iowa since March 1965 with the year-to-year decrease becoming progressively larger during last fall and winter. In May 1966, milk production in Iowa was down 7 percent from May 1965 and 14 percent from May 1964. New supplies are available mostly in the northeastern area of the State where there is considerable competition from other markets.

Removal of the base-excess plan from this order will be in the public interest in that it will tend to assure the maintenance of an adequate supply of milk for consumers. Discontinuance of the base plan will encourage additional producers to begin delivering milk to the Des Moines market. It will also facilitate the movement of available milk in the Des Moines market and in other Iowa markets from one area to another as it is needed for fluid sales.

Discontinuing the base and excess plan for distributing returns from milk among producers will not change handlers' payments for milk according to its use classification, nor will it modify total payments to all producers on the market.

5. It is desirable to effectuate this action by termination procedure in order to make it effective as soon as possible and thereby give producers who would otherwise be forming bases prompt notice of this termination.

Therefore, good cause exists for making this order effective upon FEDERAL REGISTER publication.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

(Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674)

Effective date. Upon FEDERAL REGISTER publication.

Signed at Washington, D.C., on September 6, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66–9914; Filed, Sept. 8, 1966; 8:49 a.m.]

[Milk Order 134]

PART 1134—MILK IN WESTERN COLORADO MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Western Colorado marketing area (7 CFR Part 1134), it is hereby found and determined that:

(a) The following provision in § 1134.9 (a) of the order no longer tends to effectuate the declared policy of the Act for the months of August and September 1966: "(1) An amount equal to 50 percent or more of receipts of Grade A fluid milk products is disposed of as Class I milk."

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This action eliminates for the months of August and September 1966,

the requirement that a pool distributing plant dispose of 50 percent or more of its receipts of Grade A fluid milk products as Class I milk. This action will insure producer status under the order, during these months, for certain dairy farmers supplying a handler's plant in the event such plant fails to qualify as a pool distributing plant. The loss of producer status for these dairy farmers, regularly supplying the fluid milk requirements of the market, could create disorderly marketing conditions.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (31 F.R. 11397). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective August 1, 1966.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period August 1, 1966, through September 30, 1966.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. August 1, 1966.

Signed at Washington, D.C., on September 6, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66–9915; Filed, Sept. 8, 1966; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 2]

PART 1488—SALES OF AGRICULTURAL COMMODITIES

Subpart A—Sales of Agricultural Commodities Under CCC Export Credit Sales Program (GSM–3, Revision II)

MISCELLANEOUS AMENDMENTS

The regulations containing the terms and conditions governing the Commodity Credit Corporation Export Credit Sales Program, published in the FEDERAL REGISTER of February 22, 1966 (31 F.R. 2997), as amended May 20, 1966 (31 F.R. 7515), are further amended as follows:

Section 1488.3 *Submission of applications for a credit approval* is amended to read as follows:

§ 1488.3 Submission of applications for a credit approval.

(a) An eligible exporter may submit an application for a credit approval. Applications for credit approval for cotton may be submitted to the New Orleans ASCS Commodity Office when the credit period does not exceed 12 months and the amount does not exceed $4 million. When an application for a credit approval is approved by the New Orleans ASCS Office, the bank obligation must be issued by a U.S. or agency-branch bank as provided in paragraph (d) of this section. All other applications for credit approval shall be submitted to the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. CCC reserves the right to reject any and all applications.

(b) General Sales Manager's Office: Those applications which are required to be submitted to the General Sales Manager shall be submitted in writing to the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. Each such application shall refer to GSM–3, Revision II, as amended, and such reference shall have the effect of incorporating in the application all the terms and conditions of GSM–3, Revision II, as amended. The following information shall be included in the exporter's application:

(1) The name of the commodity to be exported, the class, grade, and quality, as applicable, and the quantity thereof.

(2) Country of destination.

(3) The approximate principal value of the commodity to be exported.

(4) Credit period requested.

(5) Justification for a credit period requested in excess of 12 months for cotton and tobacco, and 6 months for all other eligible commodities.

(6) The name and address of the foreign bank, if any, which will issue the foreign bank obligation.

(c) Criteria for approving longer credit periods: Credit periods longer than those specified in paragraph (b)(5) of this section but not longer than 36 months may be granted by the General Sales Manager in cases where extension of credit will achieve one or more of the following results:

(1) Permit U.S. exporters to meet credit terms offered by competitors from other Free World countries.

(2) Prevent a loss or decline in established U.S. commercial export sales caused by noncommercial factors.

(3) Permit U.S. exporters to establish or retain U.S. markets in the face of penetration by Communist suppliers.

(4) Substitute commercial dollar sales for sales for local currencies and barter transactions.

(5) Result in a new use of the imported agricultural commodities in the importing country.

(6) Permit expanded consumption of agricultural commodities in an importing country and thereby increase total commercial sales of agricultural commodities to the importing country by the United States and other exporting countries.

In considering applications involving export of commodities to eligible countries in a good financial and balance of payments situation, principal reliance will be placed upon subparagraphs (1), (2), and (3) of this paragraph.

(d) New Orleans ASCS Office: Any exporter desiring a credit approval from the New Orleans ASCS Office shall designate in his application the commodity, the length of the credit period, the approximate principal value of the commodity, and the eligible destination. Application may be made by phone or in writing. The assignment of a credit approval number and issuance of a written confirmation by the New Orleans ASCS Office shall have the effect of incorporating all the terms and conditions of GSM–3, Revision II, as amended, in all transactions thereunder. Bank obligations under credit approvals by the New Orleans ASCS Office must be letters of credit issued by a U.S. or agency-branch bank. Confirmed or advised foreign bank obligations are not acceptable under this paragraph (d).

(e) Additional information: If the General Sales Manager or the New Orleans ASCS Office requires additional information, the applicant will be so advised.

§ 1488.7 [Amended]

Section 1488.7 *Expiration of period for purchases from CCC or exports from private stocks* is amended by substituting the number "45" for the number "90" in paragraph (a), and the number "75" for the number "120" in paragraph (b).

§ 1488.14 [Amended]

Section 1488.14 *Evidence of entry into country of destination* is amended by deleting the commodity "grain sorghums" from the first sentence.

Effective date. Date of signature.

Signed at Washington, D.C., on September 2, 1966.

RAYMOND A. IOANES,
Vice President, Commodity Credit Corporation, and Administrator, Foreign Agricultural Service.

[F.R. Doc. 66–9917; Filed, Sept. 8, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66–CE–35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On June 30, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9009) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 100 in part, from Keeler, Mich., with a floor of 1,200 feet above the surface via Litchfield, Mich., to Carleton, Mich.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

In § 71.123 (31 F.R. 2009, 6791, 7556) V–100 is amended by deleting all after "12 AGL Keeler;" and substituting "12 AGL Litchfield, Mich.; 12 AGL Carleton, Mich." therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 31, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66–9864; Filed, Sept. 8, 1966; 8:45 a.m.]

[Airspace Docket No. 66–WE–43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On July 7, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9307) stating that the Federal Aviation Agency proposed to redesignate controlled airspace in the Medford, Oreg., terminal area.

Subsequent to the publication of the notice of proposed rule making, the name of the Medford Municipal Airport had been changed to Medford-Jackson County Airport, Medford, Oreg. This change is reflected in the final rule.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth:

In § 71.171 (31 F.R. 2112) the Medford, Oreg., control zone is redesignated as follows:

MEDFORD, OREG.

That airspace within a 5-mile radius of the Medford-Jackson County Airport (latitude 42°22'15" N., longitude 122°52'20" W.), and within 2 miles W and 3 miles E of the Medford ILS localizer N course, extending from the 5-mile radius zone to 3 miles N of the OM.

In § 71.181 (31 F.R. 2221) the Medford, Oreg., transition area is redesignated as follows:

MEDFORD, OREG.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Medford ILS localizer N course, extending from 3 miles N to 9 miles N of the OM; that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Medford VORTAC, extending clockwise from the E edge of V–121 to the SE edge of V–122, within a 23-mile radius of Medford VORTAC, extending clockwise from the SE edge of V–122 to the E edge of V–23; that airspace E and S of Medford, extending from the 18-mile radius area bounded on the N by latitude 42°28'00" N., on the E by the arc of a 40-mile radius circle centered on the Klamath Falls, Oreg., VORTAC, on the S by latitude 42°04'00" N., and on the W by the W edge of V–23; that airspace SW of Medford, extending from the 18-mile radius area bounded on the E by the W edge of V–23, and on the W by the E edge of V–23W; that airspace N of Medford, extending from the 23-mile radius area bounded on the SW by the SW edge of V–23W, on the N by latitude 42°52'00" N., and on the E by the E edge of V–23; within 16 miles W and 11 miles E of the Medford VORTAC 353° radial, extending from 25 miles to 65 miles N of the VORTAC; and that airspace extending upward from 6,200' MSL within 5 miles each side of the Medford VORTAC 271° radial, extending from the 23-mile radius area to V–27.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on August 25, 1966.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 66–9865; Filed, Sept. 8, 1966; 8:45 a.m.]

[Airspace Docket No. 66–CE–53]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On June 30, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9010) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Eau Claire, Wis., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth:

In § 71.181 (31 F.R. 2149), the Eau Claire, Wis., transition area is amended to read:

EAU CLAIRE, WIS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Eau Claire Municipal Airport (latitude 44°51'47" N., longitude 91°29'13" W.); and within 2 miles each side of the Eau Claire VOR 011° radial, extending from the 7-mile radius area to 8 miles N of the VOR; and within 2 miles each side of the 319° bearing from the Eau Claire Municipal Airport, extending from the 7-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles S and 5 miles N of the 274° bearing from the Eau Claire Municipal Airport, extending from the airport to 12 miles W of the airport; and within the arc of a 14-mile radius circle centered on the Eau Claire VOR, extending from the Eau Claire VOR 258° radial clockwise to the Eau Claire VOR 091° radial.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on August 26, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66–9866; Filed, Sept. 8, 1966; 8:45 a.m.]

[Airspace Docket No. 66–CE–55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 30, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9010) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Pierre, S. Dak., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth:

(1) In § 71.171 (31 F.R. 2065, the Pierre South Dakota, control zone is amended to read:

PIERRE, S. DAK.

Within a 5-mile radius of Pierre Municipal Airport (latitude 44°22'50" N. longitude 100°17'15" W.); and within 2 miles each side of the Pierre VOR 266° radial, extending from the 5-mile radius zone to the VOR.

(2) In § 71.181 (31 F.R. 2149), the Pierre, S. Dak., transition area is amended to read:

PIERRE, S. DAK.

That airspace extending upward from 700 feet above the surface within an 5-mile radius of Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.); within 2 miles each side of the Pierre VOR 086° radial, extending from the 8-mile radius area to 12 miles E of the VOR; and within 2 miles each side of the Pierre VOR 266° radial, extending from the 8-mile radius area to 20 miles W of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the Pierre VOR 086° and 266° radials, extending from 3 miles W to 12 miles E of the VOR; within the arc of a 29-mile radius circle centered on the Pierre VOR; extending clockwise from a line 5 miles NW of and parallel to the Pierre VOR 056° radial to a line 5 miles S of and parallel to the Pierre VOR 086° radial; and within the arc of a 24-mile radius circle centered on the Pierre VOR, extending clockwise from a line 8 miles S of and parallel to the Pierre VOR 253° radial to the Pierre VOR 302° radial.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on August 24, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66–9867; Filed, Sept. 8, 1966; 8:45 a.m.]

[Airspace Docket No. 66–CE–56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On June 30, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9011) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Glasgow, Mont., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth:

In § 71.181 (31 F.R. 2149), the Glasgow, Mont., transition area is amended to read:

GLASGOW, MONT.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Glasgow Municipal Airport (latitude 48°12'54" N., longitude 106°37'06" W.); within 2 miles each side of the 100° and 279° bearings from Glasgow Municipal Airport, extending from the 5-mile radius area to 8 miles E and W of the airport and within 2 miles each side of the Glasgow AFB VOR 197° radial extending from the 5-mile radius area to the arc of a 9-mile radius circle centered on Glasgow AFB (latitude 48°25'00" N., longitude 106°31'40" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on August 24, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66–9868; Filed, Sept. 8, 1966; 8:45 a.m.]

[Airspace Docket No. 66–WA–22]

PART 73—SPECIAL USE AIRSPACE

Designation of Period of Use for Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to designate a period of use for Restricted Area R–6410 at Blanding, Utah.

On May 13, 1966, a rule designating Restricted Area R–6410 at Blanding, Utah, was published in the FEDERAL REGISTER (31 F.R. 7032). The time of designation for this restricted area was established as follows:

Time of designation. Continuous, June 23, 1966, through August 15, 1966. All subsequent firing periods will be designated by a rule published in the FEDERAL REGISTER.

Since the precise periods when R–6410 will be needed during each year, subsequent to the first designated period, are indefinite and were not capable of predetermination at the time the rule designating the restricted area was published, it was determined, as set forth above, to establish all subsequent biannual firing periods by a rule published in the FEDERAL REGISTER.

Since this amendment is made in accordance with the procedures set forth in the notice and previous rule, additional notice and public procedure hereon are unnecessary.

Therefore, action is taken herein to amend Part 73 of the Federal Aviation Regulations, effective 0001 e.s.t., November 1, 1966, as hereinafter set forth.

In § 73.64 (31 F.R. 2336, 7032), the Blanding, Utah, Restricted Area R–6410 is amended by deleting the present time of designation and substituting the following therefor:

Time of designation. Continuous, November 1, 1966, through November 30, 1966. All subsequent firing periods will be designated by a rule published in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 1, 1966.

G. W. KRISKE,
Acting Director, Air Traffic Service.

[F.R. Doc. 66–9869; Filed, Sept. 8, 1966; 8:45 a.m.]

[Airspace Docket No. 66–WA–23]

PART 73—SPECIAL USE AIRSPACE

Designation of Period of Use for Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to designate a period of use for Restricted Area R–6411 at Hanksville, Utah.

On April 8, 1965, a rule designating Restricted Area R–6411 at Hanksville, Utah, was published in the FEDERAL REGISTER (30 F.R. 4534). The time of designation for this restricted area was established as follows:

Time of designation. The first time of use shall be from 0530 to 1800 hours m.s.t., May 26, 1965, through June 26, 1965, unless canceled sooner by Notices to Airmen. All subsequent biannual firing periods shall be designated by a rule published in the FEDERAL REGISTER.

Since the precise periods when R–6411 will be needed during each year, subsequent to the first designated period, are indefinite and were not capable of predetermination at the time the rule designating the restricted area was published, it was determined, as set forth above, to establish all subsequent biannual firing periods by a rule published in the FEDERAL REGISTER.

Since this amendment is made in accordance with the procedures set forth in the notice and previous rule, additional notice and public procedure hereon are unnecessary.

Therefore, action is taken herein to amend Part 73 of the Federal Aviation Regulations, effective 0001 e.s.t., October 15, 1966, as hereinafter set forth.

In § 73.64 (31 F.R. 2336, 2583, 7032), the Hanksville, Utah, Restricted Area R–6411 is amended by deleting the present time of designation and substituting the following therefor:

Time of designation. Continuous, October 15, 1966, through November 15, 1966, unless cancelled sooner by Notices to Airmen. All subsequent biannual firing periods will be designated by a rule published in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 1, 1966.

G. W. KRISKE,
Acting Director, Air Traffic Service.

[F.R. Doc. 66–9870; Filed, Sept. 8, 1966; 8:46 a.m.]

[Airspace Docket No. 66–EA–63]

PART 73—SPECIAL USE AIRSPACE

Modification of Restricted Area

The purpose of this amendment to § 73.66 of the Federal Aviation Regulations is to change the designated Using Agency of the Camp Pickett, Va., Restricted Area R–6602.

The current designated Using Agency for R–6602 is the Commanding General, 2d U.S. Army, Fort Meade, Md. The 2d U.S. Army has recently been consolidated with the 1st U.S. Army; therefore, a requirement exists to designate a new Using Agency for R–6602. The U.S. Army has requested that the Commanding General, U.S. Army Quartermaster Center and Fort Lee, Fort Lee, Va., be so designated.

Since this amendment is editorial in nature, notice and public procedure are unnecessary and this amendment may be made effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.66 (31 F.R. 2339) R–6602 Camp Pickett, Va., "Using Agency. Commanding General, 2d U.S. Army, Fort Meade, Md." is deleted and "Using Agency. Commanding General, U.S. Army Quartermaster Center and Fort Lee, Fort Lee, Va." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 1, 1966.

G. W. KRISKE,
Acting Director, Air Traffic Service.

[F.R. Doc. 66–9871; Filed, Sept. 8, 1966; 8:46 a.m.]

[Airspace Docket No. 66–SO–68]

PART 73—SPECIAL USE AIRSPACE

Modification of Restricted Area

The purpose of this amendment is to establish Restricted Area R–5310 at Currituck Sound, N.C., as a joint use restricted area.

The Department of the Navy has informed the Federal Aviation Agency that utilization of R–5310 has been reduced. As a result, the Navy has proposed that the area be established as a joint use restricted area. Accordingly, action is taken herein to redesignate R–5310 as proposed.

Since this amendment reduces the burden on the public, notice and public procedure hereon is unnecessary and this amendment may be made effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In 73.53 (31 F.R. 2328) Restricted Area R-5310 Currituck Sound, N.C., is amended by adding "Controlling Agency. Federal Aviation Agency, Elizabeth City, N.C., FSS." after "Time of designation: Continuous."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 1, 1966.

G. W. KRISKE,
Acting Director, Air Traffic Service.

[F.R. Doc. 66-9872; Filed, Sept. 8, 1966; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7578; Amdt. 500]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Winnemucca Int	Sparks RBn	Direct	11,000	T-dn¾	1000-2	1000-2	1000-2
Wadsworth Int	Sparks RBn	Direct	10,000	C-dn	1600-2	1600-2	1600-2
Verdi Int	Sparks RBn	Direct	10,000	A-dn	2000-3	2000-3	2000-3
Steamboat Int	Sparks RBn	Direct	9000				
Reno VOR	Sparks RBn	Direct	9000				
Mustang Int	Sparks RBn	Direct	9000				
Pyramid Int	Sparks RBn	Direct	9000				
Truckee Int	Sparks RBn	Direct	10,500				

Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 9000′ within 10 miles.
Minimum altitude over Sparks RBn on final approach crs, 8000′; over Reno RBn, 6700′.
Crs and distance, Sparks RBn to airport, 161°—11.1 miles. RNO RBn to airport, 161°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 11.1 miles after passing Sparks RBn (2.3 miles after RNO RBn), turn left direct to Sparks RBn, climbing to 10,000′. Hold N Sparks RBn, 1-minute pattern, 162° Inbnd, right turns.
AIR CARRIER NOTE: Reduction in visibility by sliding scale or local condition not authorized for takeoff or landing.
‡IFR departures must comply with published Reno SID's or as directed by ATC.
MSA within 25 miles of facility: 000°-060°—9400′; 060°-180°—11,900′; 180°-270°—11,800′; 270°-360°—9800′.

City, Reno; State, Nev.; Airport name, Reno Municipal; Elev., 4411′; Fac. Class., HW; Ident., SPK; Procedure No. 2, Amdt. 3; Eff. date, 1 Oct. 66; Sup. Amdt. No. 2; Dated, 2 July 66

AMP RBn	PI LOM	Direct	1500	T-dn	300-1	300-1	200-½
PIE VOR	PI LOM	Direct	1500	C-dn	600-1	600-1	600-1⅛
Frances Int	PI LOM (final)	Direct	1500	S-dn-17*	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 170°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing LOM, turn right, climbing to 1600′ on crs of 270°, intercept and proceed out 220° bearing from PI LOM within 20 miles.
*Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—1500′; 090°-180°—2200′; 180°-270°—1600′; 270°-360°—1300′.

City, St. Petersburg-Clearwater; State, Fla.; Airport name, St. Petersburg-Clearwater International; Elev., 11′; Fac. Class., LOM; Ident., PI; Procedure No. 1, Amdt. 10; Eff. date, 1 Oct 66; Sup. Amdt. No. 9; Dated, 26 Mar. 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Romeo Int	ALS VOR	Direct	10,100	T-dn‡	600-1	600-1	200-½
Blanca Int	ALS VOR	Direct	10,100	C-dn	600-1	600-1	600-1⅛
				A-dn%	800-2	800-2	800-2

Procedure turn N side of crs, 114° Outbnd, 294° Inbnd, 10,100′ within 10 miles.
Minimum altitude over facility on final approach crs, 9200′.
Crs and distance, facility to airport, 322°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing ALS VOR, climb to 10,000′ on ALS VOR, R 322° within 15 miles.
CAUTION: High terrain all quardants. Procedure not wholly within controlled airspace.
%Use as an alternate authorized only while Alamosa weather bureau is in operation from 0400 to 2000 MST.
‡IFR departures: Climb in holding pattern on ALS VOR, R 326°, left turns, to sufficient altitude to cross ALS VOR at: 9800′ eastbound on V83-210; 10,700′ southwestbound on V210; 8400′ northwestbound on V484; 9200′ southbound on V83; 9600′ southwestbound on V210S.
MSA within 25 miles of facility: 000°-090°—16,400′; 090°-180°—12,200′; 180°-360°—13,600′.

City, Alamosa; State, Colo.; Airport name, Alamosa Municipal; Elev., 7535′; Fac. Class., H-BVORTAC; Ident., ALS; Procedure No. 1, Amdt. 2; Eff. Date, 1 Oct. 66; Sup. Amdt. No. 1; Dated, 29 May 64

Belton Int	HLR VOR	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1⅛
				A-dn	NA	NA	NA

Procedure turn E side of crs, 210° Outbnd, 030° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 030°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles after passing HLR VOR, turn right and return to HLR VOR, climbing to 2500′. Hold SW of HLR VOR on R 210° at 2500′.
NOTES: (1) Right turn on missed approach must be executed in time to avoid R-6302. (2) Part-time control zone. Procedure not entirely within controlled airspace.
MSA within 25 miles of facility: 000°-090°—2500′; 090°-180°—2500′; 180°-270°—2600′; 270°-360°—2600′.

City, Killeen; State, Tex.; Airport name, Killeen Municipal; Elev., 846′; Fac. Class., L-VORW; Ident., HLR; Procedure No. 1, Amdt. 1; Eff. date, 1 Oct. 66; Sup. Amdt. No. Orig.; Dated, 15 Jan. 66

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Jefferson VHF Int	CVO VOR	Direct	3000	T-dn%	300-1	300-1	200-½
Alford VHF Int	CVO VOR	Direct	2000	C-dn	600-1	600-1	600-1⅛
CVO VOR	Fischer FM	Direct	3000	S-dn 17	500-1	500-1	500-1
				A-dn*	800-2	800-2	800-2

Procedure turn E side of crs, 008° Outbnd, 188° Inbnd, 3000′ within 10 miles of Fischer FM.
Minimum altitude over Fischer Fan Marker on final approach crs, 1500′; over VOR, 700′.
Crs and distance, Fischer Fan Marker to airport, 188°—4.5 miles; facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing Fischer FM, or within 0 mile after passing CVO VOR, turn left, climb to 3000′ on R 088° within 18 miles of CVO VOR.
%Takeoffs all runways: Climb in holding pattern S of Corvallis VOR on V23W, 1-minute pattern, right turns, cross the VOR at or above 900′ V23W northbound.
*Alternate minimums apply only when control zone effective. Use Eugene altimeter setting when control zone not effective.
Reduction in visibility by sliding scale not authorized below ¾ mile.
MSA within 25 miles of facility: 000°-090°—4200′; 090°-180°—4200′; 180°-270°—5100′; 270°-360°—4300′.

City, Corvallis; State, Oreg.; Airport name, Corvallis Municipal; Elev., 246′; Fac. Class., L-BVOR; Ident., CVO; Procedure No. VOR-17, Amdt. 2; Eff. date, 1 Oct. 66; Sup. Amdt. No. 1; Dated, 6 Aug. 66

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-9#	500-1	500-1	500-1
				A-dn*	800-2	800-2	800-2
				With 5-mile DME Fix—DME equipment required:			
				S-dn-9	400-1	400-1	400-1

Procedure turn S side of crs, 260° Outbnd, 080° Inbnd, 2100′ within 10 miles.
Minimum altitude over 5-mile DME Fix, 1140′.
Minimum altitude over facility on final approach crs, 1140′; with DME, 1040′.
Crs and distance, breakoff point to end Runway 9, 090°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2100′ on R 100° within 15 miles, or when directed by ATC, turn left, climb to 2100′ on R 260° within 15 miles.
CAUTION: 1050′ tower, 2.5 miles S of VOR.
NOTES: (1) When authorized by ATC, DME may be used within 10 miles at 2100′ to position aircraft for a straight-in approach with the elimination of the procedure turn. (2) Weather service not available to general public. Use Anderson altimeter setting. (3) Lighting available only on Runways 9–27.
*Alternate minimums authorized for air carriers only; provided such air carriers have approval of their arrangement for weather service at this airport.
#Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–270°—2100′; 270°–360°—2200′.

City, Greenwood; State, S.C.; Airport name, Greenwood County; Elev., 631′; Fac. Class., L-BVORTAC; Ident., GRD; Procedure No. TerVOR-9, Amdt. 5; Eff. date, 1 Oct. 66; Sup. Amdt. No. 4; Dated, 2 July 66

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-27#	500-1	500-1	500-1
				A-dn*	800-2	800-2	800-2
				With 5-mile DME Fix—DME equipment required:			
				S-dn-27	400-1	400-1	400-1

Procedure turn N side of crs, 100° Outbnd, 280° Inbnd, 2100′ within 10 miles.
Minimum altitude over 5-mile DME Fix, 1140′.
Minimum altitude over facility on final approach crs, 1140′, with DME 1040′.
Crs and distance, breakoff point to end Runway 27, 270°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2100′ on R 260° within 15 miles.
CAUTION: 1050′ tower, 2.5 miles S of VOR.
NOTES: (1) When authorized by ATC, DME may be used within 10 miles at 2100′ to position aircraft for a straight-in approach with the elimination of the procedure turn. (2) Weather service not available to general public. Use Anderson altimeter setting. (3) Lighting available only on Runways 9–27.
*Alternate minimums authorized for air carriers only; provided such air carriers have approval of their arrangement for weather service at this airport.
#Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–270°—2100′; 270°–360°—2200′.

City, Greenwood; State, S.C.; Airport name, Greenwood County; Elev., 631′; Fac. Class., L-BVORTAC; Ident., GRD; Procedure No. TerVOR-27, Amdt. 4; Eff. date, 1 Oct. 66; Sup. Amdt. No. 3; Dated, 2 July 66

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-31	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
				Minimums with Norfolk fan marker received:			
				C-dn	400-1	500-1	500-1½
				S-dn-31	400-1	400-1	400-1

Procedure turn E side of crs, 135° Outbnd, 315° Inbnd, 3000′ within 10 miles.
Minimum altitude over Norfolk fan marker on final approach crs, 2171′.
Facility on airport.
Crs and distance, breakoff point to Runway 31, 312°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing OFK VOR, climb to 3000′ on OFK, R 315° within 10 miles and return to OFK VOR.
MSA within 25 miles of the facility: 000°–360°—3100′.

City, Norfolk; State, Nebr.; Airport name, Karl Stefan Memorial; Elev., 1571′; Fac. Class., L-BVOR; Ident., OFK; Procedure No. TerVOR-31, Amdt. 1; Eff. date, 1 Oct. 66; Sup. Amdt. No. Orig.; Dated, 12 Sept. 64

Rock Creek Int	TWF VOR	Direct	5000	T-dn%	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-25	500-1	500-1	500-1
				A-dn*	NA	NA	NA
				Minimums when using Burley, Idaho, altimeter setting:			
				C-dn	600-1	600-1	600-1½
				S-dn-25	600-1	600-1	600-1

Procedure turn N side of crs, 068° Outbnd, 248° Inbnd, 5700′ within 10 miles.
Minimum altitude over facility on final approach crs, 4600′.
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 25, 253°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of TWF VOR, turn right, climb to 5600′ on R 293° within 10 miles, or when directed by ATC, turn right, climb to 5600′ on R 060° within 10 miles.
NOTE: Use Burley, Idaho, altimeter setting when control zone is not effective.
*Alternate minimums of 800-2 authorized for air carrier with weather reporting service available at the airport.
%Takeoff all runways: Shuttle climb on the 060° radial of TWF VOR within 10 miles to minimum crossing altitude required for direction of flight.

Direction of flight	MCA (feet)
SE, V253 and R 113°	5,800

MSA within 25 miles of facility: 060°–150°—9100′, 150°–240°—7900′, 240°–060°—6000′.

City, Twin Falls; State, Idaho; Airport name, Twin Falls Municipal (Joslin Field); Elev., 4148′; Fac. Class., L-BVOR; Ident., TWF; Procedure No. VOR-25, Amdt. 7; Eff. date, 1 Oct. 66; Sup. Amdt. No. 6; Dated, 18 June 66

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
18-mile DME Fix, R 079°	13-mile DME Fix, R 079°	Direct	3200	T-dn	300-1	300-1	200-½
13-mile DME Fix, R 079°	9-mile DME Fix, R 079° (final)	Direct	2000	C-dn	500-1	500-1	500-1½
				S-dn-28	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar required.
Procedure turn not authorized. Final approach crs, 259° Inbnd.
Minimum altitude over 13-mile DME Fix, 3200′; over 9-mile DME Fix on final, 2000′.
Crs and distance, 9-mile DME Fix to airport, 276°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 9-mile DME Fix, R 079°, proceed to Binghamton VOR on R 079°, climbing to 3500′. Hold W, 1-minute right turns, Inbnd crs, 090°.
MSA within 25 miles of the facility: 270°–090°—3300′, 090°–180°—3600′, 180°–270°—2900′.

City, Binghamton; State, N.Y.; Airport name, Broome County; Elev., 1629′; Fac. Class., L-BVORTAC; Ident., BGM; Procedure No. VOR/DME No. 2, Amdt. 5; Eff. date, 1 Oct. 66; Sup. Amdt. No. 4; Dated, 19 Feb. 66

15-mile DME Fix, R 068°	10-mile DME Fix, R 068°	Direct	5700	T-dn%	300-1	300-1	200-½
10-mile DME Fix, R 068°	5-mile DME Fix, R 068°	Direct	4700	C-dn	400-1	500-1	500-1½
5-mile DME Fix, R 068°	TWF VORTAC	Direct	4548	S-dn-25	400-1	400-1	400-1
				A-dn*	NA	NA	NA
				Minimums when using Burley, Idaho, altimeter setting:			
				C-dn	500-1	600-1	600-1½
				S-dn-25	500-1	500-1	500-1

Procedure turn not authorized.
Minimum altitude over 10-mile DME Fix, R 068° on final approach crs, 5700′; over 5-mile DME Fix, R 068°, 4700′; over VORTAC, 4548′.
Facility on airport, breakoff point to runway, 253°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 5600′ on R 293° within 10 miles, or when directed by ATC, turn right, climb to 5600′ on R 060° within 10 miles.
NOTE: (1) When authorized by ATC, DME may be used within 20 miles at 7000′ between R 250° clockwise to R 070°; and within 15 miles at 9000′ between R 071° clockwise to R 249° to position aircraft for straight-in approach. (2) Use Burley, Idaho, altimeter setting when control zone is not effective.
*Alternation minimums of 800-2 authorized for air carrier with weather reporting service available at the airport.
% Takeoff all runways: Shuttle climb on the R 060° of TWF VOR within 10 miles to minimum crossing altitude required for direction of flight.

Direction of flight	MCA (feet)
SE, V253 and R 113°	5,800

MSA within 25 miles of facility: 060°–150°—9100′, 150°–240°—7900′, 240°–060°—6000′.

City, Twin Falls; State, Idaho; Airport name, Twin Falls Municipal (Joslin Field); Elev., 4148′; Fac. Class., L-BVORTAC; Ident., TWF; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 1 Oct. 66

15-mile DME Fix, R 293°	10-miles DME Fix, R 293°	Direct	6000	T-dn%	300-1	300-1	200-½
10-mile DME Fix, R 293°	5-miles DME Fix, R 293°	Direct	5000	C-dn	400-1	500-1	500-1½
5-mile DME Fix, R 293°	TWF VORTAC	Direct	4548	A-dn*	NA	NA	NA
				Minimums when using Burley, Idaho, altimeter setting:			
				C-dn	500-1	600-1	600-1½

Procedure turn not authorized.
Minimum altitude over 10-mile DME Fix, R 293°, on final approach crs, 6000′; over 5-mile DME Fix, R 293°, 5000′; over TWF VORTAC, 4548′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 5600′ on R 060° within 10 miles, or when directed by ATC, turn right, climb to 5600′ on R 293° within 10 miles.
NOTE: (1) When authorized by ATC, DME may be used within 20 miles at 7000′ between R 250° clockwise to R 070°; and within 15 miles at 9000′ between R 071° clockwise to R 249° to position aircraft for straight-in approach. (2) Use Burley, Idaho, altimeter setting when control zone is not effective.
*Alternate minimums of 800-2 authorized for air carrier with weather reporting service available at the airport.
% Takeoff all runways: Shuttle climb on the R 060° of TWF VOR within 10 miles to minimum crossing altitude required for direction of flight.

Direction of flight	MCA (feet)
SE, V253 and R 113°	5,800

MSA within 25 miles of facility: 060°–150°—9100′, 150°–240°—7900′, 240°–060°—6000′.

City, Twin Falls; State, Idaho; Airport name, Twin Falls Municipal (Joslin Field); Elev., 4148′; Fac. Class., L-BVORTAC; Ident., TWF; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. date, 1 Oct. 66

FEDERAL REGISTER, VOL. 31, NO. 175—FRIDAY, SEPTEMBER 9, 1966

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Parma Int*	LOM (final)	Direct	4000	T–dn%**	300–1	300–1	200–½
BOI VOR	LOM	Direct	4300	C–dn	400–1	500–1	500–1½
15-mile DME Fix, R 347°, BOI VOR	15-mile DME Fix, R 325°, BOI VOR	Via 15-mile Arc	8500	S–dn–10L#$	200–½	300–½	200–½
Nampa DME Int*	LOM (final)	Direct	4000	A–dn	600–2	600–2	600–2
Reynolds Int	LOM	Direct	5000				

Radar available.
Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 4300′ within 10 miles.
Minimum altitude over facility on final approach crs, 3900′.
Minimum altitude at glide slope intercept Inbnd, 3900′.
Altitude of glide slope and distance to approach end of runway at OM, 3900′—3.8 miles; at MM, 3055′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles of OM, climb to 5500′ on R 111°, BOI VOR within 20 miles, or when directed by ATC, turn right and climb to 7500′ on R 212°, BOI VOR within 20 miles or right-climbing turn direct to BO LOM, shuttle climb W of BO LOM to 4300′ on W crs of BOI ILS within 10 miles.
NOTE: When authorized by ATC, DME may be used from 30 miles to 12 miles at 8500′ between radial 210° clockwise to radial 325°, BOI VOR to position aircraft over Nampa Int for final approach with the elimination of procedure turn.
*Maintain 4000′ until intercept of glide slope. Descend on glide slope to cross LOM at 3900′.
#Takeoff all runways: Shuttle climb on the 212° radial of the BOI VORTAC within 20 miles to minimum crossing altitude required for direction of flight, or as directed by ATC.

Direction of flight	MCA (feet)
N V–253	6,500
E 096° radial	5,000
E 087° radial	7,000

¢300–½ authorized without glide slope and with operative ALS except for 4-engine turbojet.
**RVR (2400′), authorized Runway 10L.
$RVR, 2400′. Descent below 3058′ not authorized unless approach lights are visible.

City, Boise; State, Idaho; Airport name, Boise Air Terminal; Elev., 2858′; Fac. Class., ILS; Ident., I–BOI; Procedure No. ILS–10L, Amdt. 17; Eff. date, 1 Oct. 66; Sup. Amdt. No. 16; Dated, 27 Aug. 66

KG LFR	LOM	Direct	1700	T–dn	300–1	300–1	200–½
AKN VORTAC	LOM	Direct	1700	C–dn	500–1	500–1	500–1½
NAKNEK DME Fix (R 291°, 6 miles)	LOM (final)	Direct	1700	S–dn 11°	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar available.
Procedure turn S side crs, 291° Outbnd, 111° Inbnd, 1700′ within 10 miles.
Minimum altitude at glide slope interception Inbnd final, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1670′—4.8 miles; at MM, 290′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on SE crs I–AKN ILS to 3000′ within 15 miles, or when directed by ATC, turn right, climb on R 165°, AKN VORTAC, to 2000′ within 15 miles.
NOTE: When authorized by ATC, AKN VORTAC DME may be used within 15 miles at 3000′ in all directions, to position aircraft for final approach, with the elimination of a procedure turn.
Radio towers 262′ 0.5 mile NW and 185′, 1.1 mile W of airport.
*300–¾ required when glide slope not utilized. Descent below 463′ not authorized until past KG LFR.

City, King Salmon; State, Alaska; Airport name, King Salmon; Elev., 57′; Fac. Class., ILS; Ident., I–AKN; Procedure No. ILS–11, Amdt. 8; Eff. date, 1 Oct. 66; Sup. Amdt. No. 7; Dated, 13 Aug. 66

Lansing VOR	LOM	Direct	2500	T–dn*	300–1	300–1	200–½
St. Johns Int	LOM	Direct	2500	C–dn	400–1	400–1	400–1½
Fowler Int	LOM#	Direct	2900	S–dn–27°**	200–½	200–½	200–½
Eagle Int	LOM	Direct	2500	A–dn	600–2	600–2	600–2

Procedure turn N side crs, 063° Outbnd, 273° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1924′—3.5 miles; at MM, 1062′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on W crs, ILS to Grand Ledge Int, or when directed by ATC, make right turn, climb to 2500′ and proceed to St. Johns Int via LAN VOR, R 031°.
NOTES: Final approach from holding pattern at LOM not authorized, procedure turn required.
*RVR 2400′ authorized on Runway 27.
**2400′ descent below 1059′ not authorized unless approach lights are visible.
#Authorized as final transition when interception of E crs ILS made via R 311° of SVM. Minimum altitude 2100′ after interception of E crs ILS.
¢Authorized as final transition when interception of E crs ILS made via R 311° of SVM. Minimum altitude 2100′ after interception of E crs ILS.
$400–¼ required with glide slope not utilized and 400–½ authorized with operative ALS except for 4-engine turbojets.

City, Lansing; State, Mich.; Airport name, Capital City; Elev., 859′; Fac. Class., ILS; Ident., I–LAN; Procedure No. ILS–27, Amdt. 13; Eff. date, 1 Oct. 66; Sup. Amdt. No. 12; Dated, 10 Apr. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MEI VORTAC	LOM (HW)	Direct	2000	T–dn	300–1	300–1	200–½
Stratton Int	LOM (HW)	Direct	2000	C–dn	500–1	600–1	600–1½
Decatur Int	LOM (HW)	Direct	2000	S–dn–18	300–¾	300–¾	300–¾
Newton Int	LOM (HW)	Direct	2000	A–dn	600–2	600–2	600–2
Rose Hill Int	LOM (HW)	Direct	2000				
EWA VOR	LOM (HW)	Direct	2000				

Radar available.
Procedure turn E side of S crs, 184° Outbnd, 004° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1700′—4.5 miles; at MM, 515′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing OM, turn left, climb to 2000′ on R 225°, MEI VORTAC within 20 miles, or when directed by ATC, climb to 2000′, proceed direct to MEI VORTAC, then on R 310° MEI VORTAC within 20 miles.
NOTE: Takeoffs with less than 200–½ not authorized on Runways 5 and 23.
No approach lights. Over-run lights and high-intensity runway lights only on Runways 1–19. Runways 9–27 closed.
CAUTION: Trees 600′, 2 miles E of airport; 1000′ tower, 2.5 miles E of airport; 880′ tower, 4.2 miles SE of airport.
#500–1 required when glide slope not utilized. Reduction below ¾ mile not authorized. Back crs unusable.

City, Meridian; State, Miss.; Airport name, Key Field; Elev., 297′; Fac. Class., ILS; Ident., I–MEI; Procedure No. ILS–1, Amdt. 11; Eff. date, 1 Oct. 66; Sup. Amdt. No. 10; Dated, 26 Mar. 66

Washoe Int	Sparks RBn	Direct	11,000	T–dn%	1000–2	1000–2	1000–2
Wadsworth Int	Sparks RBn	Direct	10,000	C–dn*	1000–2	1000–2	1000–2
Verdi Int	Sparks RBn	Direct	10,000	A–dn	1500–3	1500–3	1500–3
Steamboat Int	Sparks RBn	Direct	9000				
RNO VOR	Sparks RBn	Direct	9000				
Mustang Int	Sparks RBn	Direct	9000				
Truckee Int	Sparks RBn	Direct	10,500				
Pyramid Int	Sparks RBn (final)**	Direct	9000				

Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 9000′ within 10 miles.
Minimum altitude over SPK RBn or 11.4-mile DME Fix on final approach crs, 8000′; R 303° RNO VOR or 7.9-mile DME Fix, 7150′; OM or 6-mile DME Fix, 6342′; MM or 2.5-mile DME Fix, 5411′.
Crs and distance, facility to airport MM, 162°—2.3 miles.
Minimum altitude at glide slope interception Inbnd 8000′.
Altitude of glide slope and distance to approach end of runway at OM, 6342′—5.8 miles. Minimum altitude on glide slope 5411′.
If visual contact not established upon descent to authorized landing minimums over MM/RBn/2.5-mile DME Fix, turn left, proceed direct to Sparks RBn, climbing to 10,000′. Hold N Sparks RBn, 1-minute pattern, right turns, 162° Inbnd.
%IFR departures must comply with published Reno SID's, or as directed by ATC.
*1000–2 required when glide slope not utilized.
**After interception of localizer descend on glide slope to cross SPK RBn at 8000′.

City, Reno; State, Nev.; Airport name, Reno Municipal; Elev., 4411′; Fac. Class., ILS; Ident., I–RNO; Procedure No. ILS–16, Amdt. 3; Eff. date, 1 Oct. 66; Sup. Amdt. No. 2; Dated, 21 July 66

PIE VOR	LOM	Direct	1500	T–dn	300–1	300–1	200–½
AMP RBn	LOM	Direct	1500	C–dn	%400–1	500–1	500–1½
Frances Int	LOM (final)	Direct	1500	S–dn–17°	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar available.
Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 1500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM, 1436′—4.4 miles; at MM, 226′—0.5 mile.
If visual contact nor established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing LOM, turn right, climb to 1600′ on PIE VOR, R 270° within 20 miles, or when directed by ATC, turn right and climb to 1600′ on crs of 270°, intercept and proceed out 220° bearing from PI LOM within 20 miles.
%500–1 required when glide slope not utilized.
*500–¾ required when glide slope not utilized. Reduction not authorized.
Glide slope unusable below 150′.

City, St. Petersburg-Clearwater; State, Fla.; Airport name, St. Petersburg-Clearwater International; Elev., 11′; Fac. Class., ILS; Ident., I–PIE; Procedure No. ILS–17, Amdt. 9; Eff. date, 1 Oct. 66; Sup. Amdt. No. 8; Dated, 26 Mar. 66

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine; more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance approach			
045°	230°	25 miles	*2000	T-dn	300-1	300-1	200-½
230°	045°	10 miles	2300	C-dn	400-1	500-1	500-1½
230°	045°	15 miles	2500	S-dn**#	400-1	400-1	400-1
230°	045°	25 miles	3000	A-dn	800-2	800-2	800-2

Bearings are from radar antenna site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 12, 17, and 21: Climb to 3000' via SAT, R 158° within 20 miles. Runways 3, 30, and 35: Climb to 3300' on R 353°, SAT VOR within 20 miles.

*Radar control must provide 1000' vertical or 3-mile horizontal separation from the following obstructions: Towers, 2049', 19 miles SE; 1241', 5 miles SSE; 1190', 10 miles SE; 1107', 3.5 miles SE; and 1230', 7.5 miles S of airport.

**400-½ authorized for Runways 12 and 3, except for 4-engine turbojet aircraft, with operative ALS.

***400-½ authorized for Runways 21 and 30, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

#Radar control must restrict descent to 1400' until aircraft is past 1120' water tower located 2.1 miles W of approach end of Runway 12.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., and Ident. San Antonio Radar; Procedure No. 1, Amdt. 7; Eff. date, 1 Oct. 66; Sup. Amdt. No. 6; Dated, 19 Mar. 66

		Within:					
034°	107°	30 miles	11,000	T-dn%	300-1	300-1	200-½
107°	147°	30 miles	9500	C-dn	500-1	600-1	600-1½
147°	198°	30 miles	11,500	S-dn-30R*	400-1	400-1	400-1
198°	247°	30 miles	8500	A-dn	800-2	800-2	800-2
247°	315°	30 miles	6500				
315°	034°	30 miles	12,000				

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb via TUS VOR, R 260° to cross TUS RBn/Z at 5000' minimum, or when directed by ATC, climb via TUS VOR, R 303° to cross Cortaro Int minimum 6000', then direct TUS RBn/Z, or via 20-mile DME Orbit to TUS VOR R 260°.

*Maintain 3200' or above until within 2 miles of runway.

%All directions (except V-16 and V-105 westbound) IFR departures must comply with published Tucson SID's.

City, Tucson; State, Ariz.; Airport name, Tucson International; Elev., 2630'; Fac. Class., and Ident. Davis-Monthan Radar; Procedure No. 1, Amdt. 2; Eff. date, 1 Oct. 66; Sup. Amdt. No. 1; Dated, 8 Sept. 62

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on August 25, 1966.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-9575; Filed, Sept. 8, 1966; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of C.C.L. 6]

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Miscellaneous Amendments

Part 399 of Title 15 of the Code of Federal Regulations is amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date. August 30, 1966.

RAUER H. MEYER,
Director,
Office of Export Control.

Section 399.1 *Commodity Control List* is amended as follows:

As a result of agreements reached in recent international consultations between the United States and certain friendly (COCOM) foreign countries, the following revisions are being made in the Commodity Control List:

A. *Addition of the symbol "A".* The symbol "A" is added to the column headed "Special Provisions List" for the commodities listed below, and effective October 14, 1966, an Import Certificate (or a Hong Kong Import License) will be required in support of an application for a license to export the commodities covered by these entries to any of the countries specified in § 373.2 of the Export Regulations. Until October 14, 1966, applications for licenses to export these commodities will receive consideration for approval if supported by either a Form FC–842, Single Transaction Statement by Consignee and Purchaser, or by a Form FC–843, Multiple Transactions Statement by Consignee and Purchaser, or by an Import Certificate. After that date, however, only the Import Certificate will be acceptable.

Export Control Commodity Number and Commodity Description
23120 Hydroxyl terminated polybutadiene; and cyclized 1,2-polybutadiene.
33250 Lubricating oils and greases, synthetic, which contain perfluoroalkyl ethers as the principal ingredient.
51202, 51209 Perfluoro-alkyl ethers.
51209 Organic intermediates (other than vinylidene fluoride) containing 10 percent or more of combined fluorine, used in the manufacture of fluorinated elastomeric products.
51470 Materials suitable for application in electromagnetic devices making use of the gyromagnetic resonance phenomenon.

Export Control Commodity Number and Commodity Description—Continued
53332 Varnishes, finishes and enamels made of polyimides other than polypyromellitimide, polyimidazo-pyrrolones, aromatic polyamides, and polyparaxylylenes.
58120 Polyimides other than polypyromellitimide, polyimidazo-pyrrolones, aromatic polyamides, and polyparaxylylenes, and products thereof.
59999 Hydraulic fluids, formulated wholly or in part with perfluoro-alkyl ethers.
65590 Textile tubing and hose lined with or covered with polytetrafluoro-ethylene or polychlorotrifluoroethylene.
66311 Diamond grinding wheels fabricated with polyimides (other than polypyromellitimide), polybenzimidazolas, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used.
66494 Glass fiber optic plates specially designed optically for image intensifier or image converter tubes.
66700 Materials suitable for application in electromagnetic devices making use of the gyromagnetic resonance phenomenon.
68120, 68310–68323 Magnetic materials containing platinum or nickel, having any of the following characteristics: (a) Grain oriented sheet or strip of a thickness of 0.1 mm. (0.004 inch) or less, (b) initial permeability 70,000 gauss-oersteds (0.0875 henry per meter) or over, (c) remanence 98.5 percent or over of maximum flux for materials having magnetic permeability, or (d) a composition capable of an energy product greater than 6 times 10^6 gauss-oersteds.
68931–68932 Magnesium base alloys containing 10 percent or more lithium.
68950 Magnetic materials containing cobalt or vanadium, having any of the following characteristics: (a) Grain oriented sheet or strip of a thickness of 0.1 mm. (0.004 inch) or less, (b) initial permeability 70,000 gauss-oersteds (0.0875 henry per meter) or over, (c) remanence 98.5 percent or over of maximum flux for materials having magnetic permeability, or (d) a composition capable of an energy product greater than 6 times 10^6 gauss-oersteds.
68950 Lithium alloys containing 50 percent or more lithium.
69211–69299, 69891, 69892, 69899 Jacketed containers for the storage or transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.) as follows: (a) All sizes having multilaminar type insulation under vacuum, and (b) having other insulating systems, with a liquid capacity of 250 to 500 gallons, specially designed for gases boiling below minus 328° F. (minus 200° C.) and having an evaporation loss rate of less than 3 percent per day.
71142 Jet engines of 5,000 to 9,000 pounds thrust, turboprop and turboshaft engines of 2,500 horsepower or more or with a residual thrust of 1,000 pounds or more, and parts and accessories therefor.
71510 Gear grinding machines, generating type, capable of accepting gear blanks of 9 inches (228 mm.) work diameter or more, for the production of helical or herringbone gears.

Export Control Commodity Number and Commodity Description—Continued
71510 Machine tools designed for or equipped with open-loop or nonelectronic closed-loop numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) machining movements in a machine tool in two or more axes.
71523 Flame cutting machines designed for or equipped with open-loop or nonelectronic closed-loop numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) machining movements in a machine in two or more axes, and parts and accessories therefor.
71915 Cryogenic refrigeration equipment consisting of, or containing as components thereof, jacketed containers for storage or transportation at temperatures below minus 274° F. (minus 170° C.) with multilaminar type insulation under vacuum; and specially designed parts, n.e.c.
71919 Processing vessels specially designed for chemically processing radioactive material; and specially designed parts and accessories, n.e.c.
71919 Other machines and equipment, n.e.c., specially designed for use in processing of irradiated nuclear materials to isolate or recover fissionable materials; and specially designed parts and accessories, n.e.c.
71922 Compressors for jet engines of 5,000 to 9,000 pounds thrust or for turboprop or turboshaft engines of 2,500 horsepower or more or with a residual thrust of 1,000 pounds or more; and parts therefor.
71980 Nonautomatic equipment for the manufacture of semiconductor devices; and parts and accessories therefor.
71980 Nuclear reactor fuel chopping, disassembling, or dejacketing machines; and specially designed parts and accessories, n.e.c.
71980 Machinery specially designed for the extrusion of polytetrafluoroethylene coagulated dispersions, or powders or pastes derived therefrom; and specially designed parts and accessories, n.e.c.
71994 Gaskets (joints) made of polyimides other than polypyromellitimide, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes where the value of the contained polymeric substances is 50 percent or more of the total value of the gasket.
72310 Submarine cable and cable containing fluorocarbon polymers or copolymers, having a diameter of 0.9 mm.
72310 Communications cable having a diameter of 0.9 mm. (0.035 inch) or less, as follows: (a) Submarine cable, or (b) cable containing fluorocarbon polymers or copolymers.
72320 Electrical insulators and fittings made of polyimides other than polypyromellitimide, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes where the value of the contained polymeric substances is 50 percent or more of the total value of the article.

Export Control Commodity Number and Commodity Description—Continued
72499 Electronic equipment, n.e.c., containing one or more functional circuits, including integrated circuits, with a component density greater than 75 parts per cubic inch (4.575 parts per cubic centimeter); and specially designed circuit assemblies, subassemblies and parts.
72930 Photomultiplier tubes having an anode pulse rise time of less than 2 nanoseconds.
72930 Cold cathode tubes, whether gas filled or not, operating in a manner similar to a spark gap, containing three or more electrodes and having all of the following characteristics: (a) Rated for an anode peak voltage of 2,500 volts or more, (b) rated for peak currents of 300 amperes or more, (c) an anode delay time of 10 microseconds or less, and (d) an envelope diameter of less than 1 inch (25.4 mm.).
72952 Magnetometers which use general purpose Hall filed probes to measure magnetic fields greater than one oersted, using control current between 100 and 400 milliamperes.
72952 Instruments designed for testing or calibrating the following equipment: (a) Types of compasses and gyroscopic equipment, Export Control Commodity Nos. 72952 and 86191, which are subject to the Import Certificate/Delivery Verification procedure, (b) aircraft integrated flight instrument systems which include gyrostabilizers and/or automatic pilots, (c) gyrostabilizers other than those for aircraft control or for stabilizing an entire surface vessel, (d) automatic pilots other than those for aircraft or surface vessels, (e) astro compasses, (f) star trackers, and (g) accelerometers designed for use in inertial navigation systems or in guidance systems.
72952 Measuring and controlling instruments and apparatus containing crystals having spinel, hexagonal or garnet crystal structures, or containing thin film devices, as follows: (a) Single aperture forms having (i) a switching speed of 0.5 microsecond or less at the minimum field strength required for switching at 40° C. (104° F.), or (ii) a maximum dimension less than 45 mils (1.14 mm.), (b) multiaperture forms having (i) a switching speed of 1 microsecond or less at the minimum field strength required for switching at 40° C. (104° F.), (ii) a maximum dimension less than 100 mils (2.54 mm.), or (iii) having 10 or more apertures, or (c) thin film memory storage or switching devices.
72952 Open-loop or nonelectronic closed-loop numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) machining movements in a machine tool in two or more axes.
72952 Combination balancing and correcting machines designed for or equipped with open-loop or nonelectronic closed-loop numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) movements in two or more axes.

Export Control Commodity Number and Commodity Description—Continued

72952 Numerical control servo-driven measuring or gauging machines specially designed for measuring at any point of the contour the dimensional shape and contour characteristics of two- or three-dimensional objects, including objects of revolution.

72952 Magnetometers which use general purpose Hall field probes to measure magnetic fields greater than one oersted, using control current between 100 and 400 milliamperes.

72991 Permanent magnets having initial permeability 70,000 oersteds (0.0675 henry per meter) or over.

73105, 73163, 73202, 73203, 73205, and 73300. Jacketed containers suitable for transport by rail, road, and ship, and railway cars, motor vehicles, trailers and other vehicles equipped with jacketed containers, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) All sizes having multilaminar type insulation under vaccum, (b) having other insulating systems, with a liquid capacity of 250 to 500 gallons, specially designed for gases boiling below minus 328° F. (minus 200° C.) and having an evaporation loss rate of less than 3 percent per day, or (c) having other insulating systems, designed only for liquid oxygen, nitrogen or argon and having a capacity in excess of 1,200 gallons (4.542 liters), with an evaporation loss rate of less than 1.5 percent per day.

73410 Nonmilitary helicopters as follows: (a) Over 10,000 pounds empty weight, or (b) 10,000 pounds or less empty weight of types which have been in normal civil use for 1 year or less, except piston engine powered.

73410 Nonmilitary aircraft under 90,000 pounds empty weight of types which have been in normal civil use for 1 year or less.

73492 Power transmission systems, rotors and rotor blades, and other parts and accessories specially designed for nonmilitary helicopters: (a) Over 10,000 pounds empty weight, and (b) 10,000 pounds or less empty weight of types which have been in normal civil use for 1 year or less, except piston engine powered.

73492 Landing gear assemblies and parts therefor as follows: (a) For aircraft under 90,000 pounds empty weight of types which have been in normal civil use for 1 year or less, and (b) for helicopters 10,000 pounds or less empty weight of types which have been in normal civil use for 1 year or less, except piston engine powered.

86140 Cameras specially designed for: (a) Use in the manufacture of masks for semiconductor devices, integrated circuits, and similar electronic equipment and components, or (b) the creation of a photosensitive pattern on the surface of a semiconductor insulating substrate; and specially designed parts and accessories.

86140 Parts and accessories specially designed for photographic microflash equipment capable of giving a flash of 1 200,000 second or shorter duration at a minimum recurrence frequency of 200 flashes per second.

Export Control Commodity Number and Commodity Description—Continued

86199 Parts and accessories specially designed for open-loop or nonelectronic closed-loop numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) machining movements in a machine tool in two or more axes.

89300 Manufactures, n.e.c., of polyimides (other than polypyromellitimide and polybenzimidazole), polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used.

B. *Deletion of the symbol "A".* Effective August 30, 1966, the symbol "A" is deleted from the column headed "Special Provisions List" for the commodities listed below. This indicates that on and after that date, an Import Certificate is no longer required in support of an application for a license to export the commodities covered by these entries to the countries specified in § 373.2 of the Export Regulations. Such applications must be supported by a Statement by the Consignee and Purchaser, Form FC–842 or Form FC–843. On and after August 30, 1966, an Import Certificate will not be acceptable instead of the required Statement by the Consignee and Purchaser regardless of whether the destination is listed in § 373.2 of the Export Regulations.

Export Control Commodity Number and Commodity Description

27698 Lithium ores and concentrates (for example, ambligonite, lepidolite and petalite).

28393 Tantalum ores and concentrates.

28398 Columbium or niobium ores and concentrates.

33250 Halogenated silicone fluids, except fluorinated silicone fluids and chlorinated silicone fluids.

33250, 33291 Lubricating oils, greases, and hydraulic fluids, petroleum based, which are or which contain as the principal ingredients petroleum (mineral) oils which have a pour point of minus 30° F. (minus 34° C.) or lower, and are thermally stable at plus 700° F. (plus 371° C.), but which have a viscosity index (VI) of less than 75.

51209 Diethylene triamine of a purity less than 96 percent.

51209 Lithium salts of organic compounds which have not been enriched with respect to the lithium-6 isotope.

51209 Boric acid esters.

51338 Fluoroboric acid, all concentrations.

51369 Lithium oxides and hydroxides which which have not been enriched with respect to the lithium-6 isotope.

51369 Oxides, hydroxides and peroxides of tantalum, niobium (columbium), or tantalum-niobium containing less than 20 percent of tantalum or niobium.

51460 Potassium fluoroborates; and sodium fluoroborates.

51470 Boron trichloride and its complexes.

51470 Ammonium fluoroborate.

51470 Hydrogen peroxide in concentrations of 68 percent up to but not including 90 percent.

Export Control Commodity Number and Commodity Description—Continued

51470 Lithium compounds, including catalysts which have not been enriched with respect to the lithium-6 isotope, except hydrides in which lithium is compounded with hydrogen or complexed with other metals or aluminum hydride.

51470 Compounds of tantalum, niobium (columbium) or tantalum-niobium containing less than 20 percent of tantalum or niobium.

51500 Compounds enriched in lithium 7 isotopes.

53332 Finishes, enamels, and dispersions wholly made of polyvinyl fluoride.

53335 Pastes wholly made of polyvinyl fluoride.

58110 Untenailized and unmetallized polyester film with a thickness of 0.00035 inch (0.009 mm.) up to and including 0.0007 inch (0.018 mm.).

58120 Polyvinyl fluoride resin and products.

59958 Adhesives or cements wholly made of polyvinyl fluoride.

59999 Hydraulic fluids which are or which contain as the principal ingredients petroleum (mineral) oils and having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of less than 75, and (c) are thermally stable at plus 700° F. (plus 371° C.).

62988 Packing materials and other articles, n.e.c., wholly made of polyvinyl fluoride.

66311 Diamond grinding wheels fabricated with polypyromellitimide where the value of the contained polymeric substances is less than 50 percent of the total value of the wheel.

66700 Quartz crystals, natural and synthetic, unworked or worked, not mounted, radio grade.

67160 Ferroboron; ferrocolumbium; ferrotantalum; and ferrocolumbium-tantalum.

67243–67930 Alloy steel ingots and other primary forms, bars, rods, angles, shapes and sections, plates and sheets, hoop and strip, wire, tubes and pipes, castings and forgings presently designated as "Special Types Class 1" but which do not meet the following specifications: steels produced by a vacuum melting process which have a total content of alloying elements of more than 10 percent and a carbon content not exceeding 0.2 percent and which have been or are capable of being heat treated to give a yield strength of 180,000 p.s.i. or higher.

69110 Alloy steel roofing sheets, siding sheets and perforated sheets, presently designated as "Special Types Class 1" but which do not meet the following specifications: steels produced by a vacuum melting process which have a total content of alloying elements of more than 10 percent and a carbon content not exceeding 0.2 percent and which have been or are capable of being heat treated to give a yield strength of 180,000 p.s.i. or higher.

Export Control Commodity Number and Commodity Description—Continued

69211–69299 Jacketed containers, with other than multilaminar insulating systems, for the storage or transportation of liquefied gases as follows: (a) For gases boiling below minus 328° F. (minus 200° C.) with loss rate in excess of 3 percent per day, or (b) fixed (stationary) storage tanks designed only for liquid oxygen, nitrogen or argon, having a capacity less than 500 tons, or (c) mobile units designed only for liquid oxygen, nitrogen or argon, having a capacity less than 1,200 gallons, or (d) mobile units designed only for liquid oxygen, nitrogen or argon, having a capacity in excess of 1,200 gallons and with an evaporation loss rate greater than 1.5 percent per day (24 hours).

69887 Alloy steel welding rods and wire presently designated as "Special Types Class 1" but which do not meet the following specifications: Steels produced by a vacuum melting process which have a total content of alloying elements of more than 10 percent and a carbon content not exceeding 0.2 percent and which have been or are capable of being heat treated to give a yield strength of 180,000 p.s.i. or higher.

69891, 69892, 69899 Jacketed containers with other than multilaminar insulating systems, for the storage or transportation of liquefied gases as follows: (a) For gases boiling below minus 328° F. (minus 200° C.) with loss rate in excess of 3 percent per day, or (b) fixed (stationary) storage tanks designed only for liquid oxygen, nitrogen or argon, having a capacity less than 500 tons, or (c) mobile units designed only for liquid oxygen, nitrogen or argon, having a capacity less than 1,200 gallons, or (d) mobile units designed only for liquid oxygen, nitrogen or argon, having a capacity in excess of 1,200 gallons and with an evaporation loss rate greater than 1.5 percent per day (24 hours).

71150 Diesel engines, nonmagnetic, 50 brake horsepower and over, having a nonmagnetic content exceeding 50 percent up to but not exceeding 65 percent of total weight, and parts and accessories therefor.

71430, 71492 Flexowriters® specially designed for use with electronic computers, and parts and accessories therefor.

71510 Gear making and/or finishing machinery capable of the production of gears of a module finer than 0.5 mm. (diametral pitch finer than 48) but which are not capable of meeting a quality standard better than AGMA 10 or equivalent.

71510 Grinding machines designed for the utilization of spindle heads capable of speeds in excess of 120,000 r.p.m. which are capable of use only as hand-held tools.

71919 Equipment specially designed for the production of liquid hydrogen and producing 1 ton but less than 1½ tons per day of gas in liquid form, other than equipment for plants capable of producing more than 25 percent of their total daily product as extractable gas in liquid form; and parts therefor.

Export Control Commodity Number and Commodity Description—Continued

71919 Equipment for the production of liquid helium where such equipment has a capacity of no more than 20 liters per hour; and parts therefor.

71921 Pump parts and attachments wholly made of polyvinyl fluoride.

71922 Centrifugal and axial flow compressors and blowers capable of: (a) An overall compression ratio of 2:1 or more coupled with a capacity of over 372,000 cubic feet per minute, or (b) an overall compression ratio of 3:1 or more coupled with a capacity of over 106,000 cubic feet per minute or more; and specially designed parts and accessories, n.e.c.

71954 Spindle heads capable of speeds in excess of 120,000 r.p.m. which are capable of use only with hand-held tools.

71980 Equipment specially designed to produce electronic assemblies by: (a) Automatically inserting and/or soldering components on insulating panels, plates, or wafers to which wiring is applied by printing or other means, or (b) automatically or semiautomatically assembling wiring and/or packaging mounted modular insulated panels, plates, or wafers; and parts and accessories therefor.

71992 Valves, cocks or pressure regulators of 2-inch diameter (50.8 mm.) or less, specially designed for operation at temperatures from minus 274° F. (minus 170° C.) to minus 328° F. (minus 200° C.).

71992 Valve parts and accessories wholly made of polyvinyl fluoride.

71994 Gaskets wholly made of polyvinyl fluoride; and gaskets made of polypyromellitimide or polybenzimidazole where the value of the contained polymeric substances is less than 50 percent of the total value of the gasket.

72210 Synchronous motors as follows: (a) Of size 30 (3 inches in diameter) and smaller having synchronous speeds over 3,000 r.p.m. up to but not including 3,600 r.p.m., or (b) designed to operate within a temperature range greater than minus 10° C. (plus 14° F.) to plus 55° C. (plus 131° F.) but not exceeding minus 25° C. (minus 13° F.) to plus 100° C. (plus 212° F.).

72210 Servo motors (gear head or plain) designed to operate from power sources over 300 cycles per second up to and not exceeding 400 cycles per second, designed to operate within a temperature range greater than minus 10° C. (plus 14° F.) to plus 55° C. (plus 131° F.) but not exceeding minus 25° C. (minus 13° F.) to plus 100° C. (plus 212° F.); and specially designed parts and accessories, n.e.c.

72310 Wire and cable coated with or insulated with polyvinyl fluoride.

72310 Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter 0.9 mm. (0.035 inch) and in which the nominal mutual capacitance of paired circuits is less than 58 nanofarads/mile.

Export Control Commodity Number and Commodity Description—Continued

72320 Electrical insulators and fittings as follows: (a) Wholly made of polyvinyl fluoride, or (b) made of polypyromellitimide or polybenzimidazole where the value of the contained polymeric substances is less than 50 percent of the total value of the item.

72491 Equipment designed to insure the privacy or secrecy of analog and/or digital communications as follows: (a) Standard commercial facsimile or video systems employing only transposition of analog information, and (b) industrial and commercial video systems for pay television and similar restricted audience television in which privacy is obtained by the use of nonstandard sweep systems and not employing digital techniques to modify an analog transmission; and specialized components, assemblies, subassemblies, parts, and accessories therefor.

72499 Radio transmitters or transceivers including transmitter amplifiers, designed to operate at output carrier frequencies between 108 and 156 megacycles and not having other characteristics subject to the Import Certificate/Delivery Verification procedure.

72499 Radio relay communications equipment designed for use at frequencies of 300 megacycles but not exceeding 470 megacycles, except equipment having any of the following characteristics: (a) A power output exceeding 5 watts, (b) a base bandwidth greater than 150 kilocycles, or (c) for other than fixed service.

72499 Equipment designed to ensure the privacy or secrecy of analog and/or digital communications as follows: (a) Standard commercial facsimile or video systems employing only transposition of analog information, and (b) industrial and commercial video systems for pay television and similar restricted audience television in which privacy is obtained by the use of nonstandard sweep systems and not employing digital transmission or digital techniques to modify an analog transmission; and specialized components, assemblies, subassemblies, parts and accessories therefor.

72499 Panoramic adaptors for commercial receivers which are limited to searching a spectrum of not more than plus or minus 20 percent of the intermediate frequency of the receiver or plus or minus 2 megacycles.

72499 Ground and marine radar equipment, including specialized training or simulating equipment, having a peak output power over 100 but not over 160 kilowatts and not having other characteristics subject to the Import Certificate/Delivery Verification procedure.

72912 Electrically rechargeable storage cells, hermetically sealed, designed to have a leakage rate of 10^{-5} cubic centimeters per second of gas or less when tested under pressure differential or 2 atmospheres; and specialized parts, components and subassemblies therefor.

72930 Hydrogen thyratrons, except those (a) rated for a peak pulse power of 2 megawatts or more, or (b) of metal-ceramic construction.

Export Control Commodity Number and Commodity Description—Continued

72930 Fixed frequency pulsed magnetrons designed to operate at frequencies from 9.300 to 9.345 or from 9.405 to 9.500 megacycles per second, with a maximum peak output power not greater than 25 kilowatts.

72930 Power diodes in which the rated forward current per junction under continuous operation exceeds 200 amperes and the rated maximum recurrent reverse voltage does not exceed 1,300 volts per junction.

72930 Transistors and related devices using germanium as the bulk semiconductor material, except the following: (a) Having an average f_T of 40 to 240 megacycles and designed to have a maximum collector dissipation greater than 150 milliwatts, or (b) an average f_T greater than 240 megacycles.

72930 Transistors and related devices using silicon as the bulk semiconductor material, except the following: (a) An average of f_T of up to 500 kilocycles and designed to have a maximum collector dissipation greater than 5 watts, (b) an average f_T from greater than 500 kilocycles to 3 megacycles and designed to have a maximum collector dissipation greater than 500 milliwatts, (c) an average f_T from greater than 3 megacycles to 20 megacycles and designed to have a collector dissipation greater than 250 milliwatts, (d) an average f_T greater than 20 megacycles, (e) majority carrier devices, including but not limited to field effect transistors and metal oxide semiconductor transistors, or (f) a modulus of the current gain in the common emitter configuration of 10 or more for collector currents of 100 microamperes or less.

72952 Cathode ray oscilloscopes possessing any of the following characteristics: (a) An amplifier bandwidth greater than 20 but not greater than 30 megacycles per second, (b) a time base shorter than 40 but not shorter than 30 nanoseconds per centimeter, or (c) employing accelerating potentials in excess of 5 but not in excess of 10 kilovolts.

72952 Dosimeters and dose rate meters specially designed for use in food processing or plastics processing.

72952 Gear testers designed for the testing of gears of diametral pitch finer than 48.

72952 Testing devices specially designed for testing electronic assemblies produced by: (a) Automatically inserting and/or soldering components on insulating panels, plates, or wafers to which wiring is applied by printing or other means, or (b) automatically or semiautomatically assembling, wiring and/or packaging mounted modular insulated panels, plates, or wafers.

72992 Laboratory size furnaces as follows: (a) Furnaces for heat treatment, up to 600 cubic centimeters, designed for temperatures not higher than 2700° C. (4860° F.), and (b) melting furnaces up to 3,200 cubic centimeters, designed for temperatures not higher than 2300° C. (4172° F.).

72992 Electric arc devices of less than 80 kilowatts which utilize or generate a flow of ionized gas for cutting, welding, plating and/or spraying; equipment incorporating such devices; and specially designed parts, accessories and controls, n.e.c.

Export Control Commodity Number and Commodity Description—Continued

72995 Sintered electrolytic tantalum capacitors having a casing made of epoxy resin or sealed with epoxy resin; and specially designed parts.

72998 Quartz crystals, except: (a) Specially designed crystals or assemblies for use as filters, and (b) those for use as oscillators as follows: (i) Designed for operation over a temperature range wider than 70° C., (ii) designed for a frequency stability of plus or minus 0.003 percent or better over the rated temperature range, (iii) mounted in glass holders, (iv) mounted in thermocompression welded metal holders, or (v) capable, when mounted, of being passed through a circular hole with a diameter of 0.42 inch (10.7 mm.).

72999 Synchros and resolvers having a rated electrical error from 0.25 to 0.5 percent of maximum output voltage.

73105, 73163, 73202, 73208, 73205 and 73300 Jacketed containers suitable for transport by rail, road, and ship, and railway cars, motor vehicles, trailers and other vehicles equipped with jacketed containers for the transportation of liquefied gases where such containers have other than multilaminar insulating systems and a loss rate in excess of 3 percent per day.

73410 Nonmilitary aircraft, 90,000 pounds or over empty weight, which have been in normal civil use for over 1 year.

73492 Aircraft landing gear for nonmilitary aircraft 90,000 pounds or over empty weight which have been in normal civil use for over 1 year.

73492 Other parts and accessories for nonmilitary aircraft 90,000 pounds or over empty weight which have been in normal civil use for over 1 year.

86111 Quartz crystals, radio grade only.

86140 Photographic microflash equipment capable of giving a flash of between 1/100,000 and 1/200,000 second duration, at a minimum recurrence frequency of 200 flashes per second.

86195 Testing devices specially designed for testing electronic assemblies produced by (a) automatically inserting and/or soldering components on insulating panels, plates, or wafers to which wiring is applied by printing or other means, or (b) automatically or semiautomatically assembling, wiring, and/or packaging mounted modular insulated panels, plates, or wafers.

86199 Instrument parts and accessories wholly made of polyvinyl fluoride.

86199 Amplifiers, electronic or magnetic designed for use with resolvers as follows: (a) Isolation types having a variation of gain constant (linearity of gain) better than 0.5 percent and not less than 0.2 percent, or (b) summing types having a variation of gain constant (linearity of gain) or an accuracy of summation of better than 0.5 percent and not less than 0.2 percent.

89300 Pressure sensitive polyester tape of untensilized and unmetallized film with a thickness .00035 up to and including .0007 inch.

89300 Manufactures, n.e.c., of polypyromellitimide or polybenzimidazole where the value of the contained polymeric substances is less than 50 percent of the total value of the manufactured commodity.

89300 Manufactured products, n.e.c., wholly made of polyvinyl fluoride.

C. Validated license required for additional country groups. Effective September 6, 1966, a validated export license is required to export the commodities listed below to the additional destinations specified below. In each case, a footnote is provided to indicate the additional country groups for which a validated export license will be required.

Shipments of commodities removed from general license as a result of changes set forth below which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., September 6, 1966, may be exported under the previous general license provisions up to and including September 29, 1966. Any such shipment not laden aboard the exporting carrier on or before September 29, 1966, requires a validated license for export.

Export Control Commodity Number and Commodity Description

23120 Hydroxyl terminated polybutadiene; and cyclized 1,2-polybutadiene.[1]

33250 Lubricating oils and greases, synthetic, which are or which contain perfluoro-alkyl ethers as the principal ingredient.[2]

51202, 51209 Perfluoro-alkyl ethers.[1]

51209 Organic intermediates (other than vinylidene fluoride) containing 10 percent or more of combined fluorine, used in the manufacture of fluorinated elastomeric products.[1]

51470 Materials suitable for application in electromagnetic devices making use of the gyromagnetic resonance phenomenon.[1]

53332 Varnishes, finishes and enamels made of polyimides other than polypyromellitimide, polyimidazo-pyrrolones, aromatic polyamides, and polyparaxylylenes.[3]

58120 Polyimides other than polypyromellitimide, polyimidazo-pyrrolones, aromatic polyamides, and polyparaxylylenes, and products thereof.[1]

58600 Hydraulic fluids, formulated wholly or in part with perfluoro-alkyl ethers.[2]

66311 Diamond grinding wheels fabricated with polyimides (other than polypyromellitimides), polybenzimidazoles, polyimidazo-pyrrolones, aromatic polyamides, or polyparaxylylenes where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used.[1]

66494 Glass fiber optic plates specially designed optically for image intensifier or image converter tubes.[1]

66700 Materials suitable for application in electromagnetic devices making use of the gyromagnetic resonance phenomenon.[4]

68120 Magnetic materials containing platinum, having any of the characteristics set forth in footnote 5.[4 6]

68810–68823 Magnetic materials containing nickel, having any of the characteristics set forth in footnote 5.[4 6]

68931–68932 Magnesium base alloys containing 10 percent or more lithium.[1]

68950 Magnetic materials containing cobalt, having any of the characteristics set forth in footnote 5.[4 6]

68950 Magnetic materials containing vanadium, having any of the characteristics set forth in footnote 5.[4 6]

68950 Lithium alloys containing 50 percent or more lithium.[4]

Export Control Commodity Number and Commodity Description—Continued

71510 Gear grinding machines, generating type, capable of accepting gear blanks of 9 inches (228 mm.) work diameter or more, for the production of helical or herringbone gears.[3]

71510 Machine tools designed for or equipped with open-loop or nonelectronic closed-loop numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) machining movements in a machine tool in two or more axes.[3]

71523 Flame cutting machines designed for or equipped with open-loop or nonelectronic closed-loop numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) machine movements in a machine in two or more axes, and parts and accessories therefor.[3]

71919 Processing vessels specially designed for chemically processing radioactive material; and specially designed parts and accessories, n.e.c.[1]

71919 Other machines and equipment, n.e.c., specially designed for use in processing of irradiated nuclear materials to isolate or recover fissionable materials; and specially designed parts and accessories, n.e.c.[1]

71980 Nuclear reactor fuel chopping, disassembling, or dejacketing machines; and specially designed parts and accessories, n.e.c.[1]

71980 Machinery specially designed for the extrusion of polytetrafluorethylene coagulated dispersions, or powders or pastes derived therefrom; and specially designed parts and accessories, n.e.c.[1]

71994 Gaskets (joints) made of polyimides other than polypyromellitimide, polyimidazo-pyrrolones, aromatic polyamides, or polyparaxylylenes where the value of the contained polymeric substances is 50 percent or more of the total value of the gasket.[4]

72320 Electrical insulators and fitting made of polyimides other than polypyromellitimide, polyimidazo-pyrrolones, aromatic polyamides, or polyparaxylylenes where the value of the contained polymeric substances is 50 percent or more of the total value of the article.[1]

72499 Electronic equipment, n.e.c., containing one or more functional circuits, including integrated circuits, with a component density greater than 75 parts per cubic inch (4.575 parts per cubic centimeter); and specially designed circuit assemblies, subassemblies and parts.[3]

72930 Photomultiplier tubes having an anode pulse rise time of less than 2 nanoseconds.[3]

72952 Magnetometers which use general purpose Hall field probes to measure magnetic fields greater than one oersted, using control current between 100 and 400 milliamperes.[1]

72952 Instruments designed for testing or calibrating the following equipment: (a) Types of compasses and gyroscopic equipment, Export Control Commodity Nos. 72952 and 86191, which are subject to the Import Certificate/Delivery Verification procedure, (b) aircraft integrated flight instrument systems which include gyrostabilisers and/or automatic pilots, (c) gyrostabilisers other than those for aircraft control or for stabilizing an entire surface vessel, (d) automatic pilots other than those for aircraft or surface vessels, (e) astro compasses, (f) star trackers, and (g) accelerometers designed for use in inertial navigation systems or in guidance systems.[1]

72952 Measuring and controlling instruments and apparatus containing crystals having spinel, hexagonal or garnet crystal structures, or containing thin film devices, as follows: (a) Single aperture forms having (i) a switching speed of 0.5 microsecond or less at the minimum field strength required for switching at 40° C. (104° F.), or (ii) a maximum dimension less than 45 mils (1.14 mm.), (b) multiaperture forms having (i) a switching speed of 1 microsecond or less at the minimum field strength required for switching at 40° C. (104° F.), (ii) a maximum dimension less than 100 mils (2.54 mm.), or (iii) having 10 or more apertures, or (c) thin film memory storage or switching devices.[1]

72952 Open-loop or nonelectronic closed-loop numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) machine movements in a machine tool in two or more axes.[1]

72952 Combination balancing and correcting machines designed for or equipped with open-loop or nonelectronic closed-loop numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) movements in two or more axes.[1]

72952 Numerical control servo-driven measuring or gauging machines specially designed for measuring at any point of the contour the dimensional shape and contour characteristics of two- or three-dimensional objects, including objects of revolution.[1]

72991 Permanent magnets having initial permeability 70,000 oersteds (0.0875 henry per meter) or over.[4]

86140 Cameras specially designed for: (a) Use in the manufacture of masks for semiconductor devices, integrated circuits, and similar electronic equipment and components, or (b) the creation of a photosensitive pattern on the surface of a semiconductor insulating substrate; and specially designed parts and accessories.[1]

86140 Parts and accessories specially designed for photographic microflash equipment capable of giving a flash of 1/200,000 second or shorter duration at a minimum recurrence frequency of 200 flashes per second.[1]

86199 Parts and accessories specially designed for open-loop or nonelectronic closed-loop numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) machining movements in a machine tool in two or more axes.[1]

Export Control Commodity Number and Commodity Description—Continued

89300 Manufactures, n.e.c., of polyimides other than polypyromellitimide and polybenzimidazole), polyimidazo-pyrrolones, aromatic polyamides, or polyaraxylylenes where the value of the contained polymeric substances is 50 percent or more of the total value of the material used.[1]

[1] Effective Sept. 6, 1966, a validated license is required for export of this commodity to Country Groups T, V, and W.

[2] Effective Sept. 6, 1966, a validated license is required for export of this commodity to Country Groups T and V.

[3] Effective Sept. 6, 1966, a validated license is required for export of this commodity to Country Groups T, V, W, X and Y.

[4] Effective Sept. 6, 1966, a validated license is required for export of this commodity to Country Groups T, V, W, and X.

[5] Magnetic materials having any of the following characteristics: (a) Grain oriented sheet or strip of a thickness of 0.1 mm. (0.004 inch) or less, (b) initial permeability 70,000 gauss-oersteds (0.0875 henry per meter) or over, (c) remanence 98.5 percent or over of maximum flux for materials having magnetic permeability, or (d) a composition capable of an energy product greater than 6 times 10^6 gauss-oersteds.

[F.R. Doc. 66-9859; Filed, Sept. 8, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1096]

PART 13—PROHIBITED TRADE PRACTICES

Arlen Trophy Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Arlen Trophy Co., Inc., et al., North Plainfield, N.J., Docket C-1096, Aug. 4, 1966]

In the Matter of Arlen Trophy Co., Inc., a Corporation, and David Greenhouse, and Irving Greenhouse, Individually, and as Officers of the Said Corporation

Consent order requiring a North Plainfield, N.J., manufacturer of trophies and awards to cease misrepresenting the composition of its products, specifically using the word "marble" or similar term to describe the alabaster in its merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Arlen Trophy Co., Inc., a corporation, and its officers, and

David Greenhouse and Irving Greenhouse, individually and as officers of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of trophies or awards, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do herewith cease and desist from:

1. Using the words "marble," "genuine marble," or any other term of similar import or meaning, to designate, describe, or refer to, the alabaster contained in any product; or misrepresenting in any manner the composition of any product.

2. Placing in the hands of retailers and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out in paragraph 1 above.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order and shall submit copies of all catalogs annually to the Commission for the 5 years next succeeding the effective date of this order and shall thereafter file such reports as the Commission may require.

Issued: August 4, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-9904; Filed, Sept. 8, 1966; 8:48 a.m.]

[Docket No. C-1097]

PART 13—PROHIBITED TRADE PRACTICES

Times Square Stores Corp. and Steedman Co., Inc.

Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Times Square Stores Corp. et al., Brooklyn, N.Y., Docket C-1097, Aug. 15, 1966]

In the Matter of Times Square Stores Corp., a Corporation, and the Seedman Co., Inc., a Corporation

Consent order requiring a wholesaler and a retailer of general merchandise both located in Brooklyn, N.Y., to cease knowingly inducing and receiving discriminatory promotional allowances from their suppliers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Times Square Stores Corp., a corporation, its officers, employees, agents, and representatives; the Seedman Co., Inc., a corporation, its officers, employees, agents, and representatives; jointly or severally, directly or through any corporate or other device, in or in connection with the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any product for resale by any respondent do forthwith cease and desist from inducing, receiving, inducing and receiving, or contracting for the receipt of, anything of value for the benefit of any respondent or corporation, from any supplier as compensation or in consideration for any display or any promotional services or facilities furnished by or through such respondent in connection with the handling, sale, or offering for sale of products purchased from such suppliers, when any respondent knows or should know that such compensation or consideration is not made available by such suppliers on proportionally equal terms to all other customers competing with the benefitted respondent in the sale and distribution of such suppliers' products.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writting setting forth in detail the manner and form in which they have complied with this order.

Issued: August 15, 1966.

By the Commission.

[SEAL] JOSEPH N. KUZEW, *Acting Secretary.*

[F.R. Doc. 66-9905; Filed, Sept. 8, 1966; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Edam Cheese; Confirmation of Effective Date of Amendment of Identity Standard Regarding Coating Colors

In the matter of amending the standard of identity for edam cheese (21 CFR 19.555) to permit that coatings be colored natural and other colors in addition to red:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120, 31 F.R. 3008), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of July 15, 1966 (31 F.R. 9602). Accordingly, the amendment promulgated by that order will become effective September 13, 1966.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 2, 1966.

J. K. KIRK, *Acting Commissioner of Food and Drugs.*

[F.R. Doc. 66-9918; Filed, Sept. 8, 1966; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Sulfanitran, Aklomide, 3-Nitro-4-Hydroxyphenylarsonic Acid

A. The Commissioner of Food and Drugs, having evaluated the data submitted in petitions (FAP 5C1698, 5D1756) filed by Salsbury Laboratories, Charles City, Iowa 50616, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of a combination drug containing aklomide (2-chloro-4-nitrobenzamide) and sulfanitran (acetyl-p-nitrophenyl)-sulfanilamide) with 3-nitro-4-hydroxyphenylarsonic acid or low level antibiotics in chicken feed for specified indications for use and to change the existing 4-day withdrawal period to 5 days. The Commissioner has also concluded that the food additive regulations should be amended to reflect the new nonproprietary names sulfanitran and aklomide for the drugs acetyl-(p-nitrophenyl)-sulfanilamide and 2-chloro-4-nitrobenzamide, respectively.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended in the following respects:

1. Section 121.262(c) is amended in table 1 by revising item 1.2 and by adding new item 1.5, as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

* * * * *

(c) * * *

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
1.2 3-Nitro-4-hydroxyphenylarsonic acid.	45.4 (0.005%)	3,5-Dinitrobenzamide. + Sulfanitran.	227 (0.025%) + 272 (0.03%)	For chickens; not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premises containing not more than 25 percent 3,5-dinitrobenzamide and 25 percent sulfanitran.	Prevention of coccidiosis caused by *E. tenella, E. necatrix, and E. acervulina*; growth promotion and feed efficiency; improving pigmentation.
* * *	* * *	* * *	* * *	* * *	* * *
1.5 3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.002%–0.005%)	Sulfanitran. + Aklomide.	181.6 (0.02%) + 227 (0.025%)	For chickens; not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premises containing not more than 20 percent sulfanitran, 20 percent aklomide, and 2.5 percent to 5.0 percent 3-nitro-4-hydroxyphenylarsonic acid; as sole source of organic arsenic.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, and E. acervulina*; growth promotion and feed efficiency; improving pigmentation.
* * *	* * *	* * *	* * *	* * *	* * *

2. Section 121.263(b) is amended by revising the table to read as follows:

§ 121.263 3,5-Dinitrobenzamide.

* * * * *

(b) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 [Reserved]					
1.2 3,5-Dinitrobenzamide.	227 (0.025%)	Sulfanitran.	272 (0.03%)	For chickens; not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premises containing not more than 25 percent 3,5-dinitrobenzamide and 25 percent sulfanitran.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix and E. acervulina.*
2.2 3,5-Dinitrobenzamide.	227 (0.025%)	Sulfanitran. + 3-Nitro-4-hydroxyphenylarsonic acid.	272 (0.03%) + 45.4 (0.005%)	For chickens; not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premises containing not more than 25 percent sulfanitran and 25 percent 3-nitro-4-hydroxyphenylarsonic acid; as sole source of organic arsenic.	Prevention of coccidiosis caused by *E. tenella, E. necatrix, and E. acervulina*; growth promotion and feed efficiency; improving pigmentation.

3. Section 121.264 is revised to read as follows:

§ 121.264 Sulfanitran (acetyl-(p-nitrophenyl)-sulfanilamide).

Sulfanitran (acetyl-(p-nitrophenyl)-sulfanilamide) may be safely used in accordance with the following prescribed conditions:

(a) The additive is the chemical acetyl-(p-nitrophenyl)-sulfanilamide ($C_{14}H_{13}N_3O_3$) conforming to the following specifications:

(1) Melting-point range: 260° C. to 261° C.

(2) Assay (by sodium nitrite titration): 97 to 100.5 percent.

(3) Moisture (method No. 5.96, "Official Methods of Analysis of the Association of Official Agricultural Chemists," 8th edition, 1955, page 64): 0.0 to 2.0 percent.

(4) Molecular weight: 335.34.

(5) Soluble in 0.1*N* sodium hydroxide, reprecipitating unchanged on acidification.

(b) Permitted uses of the additive alone and with certain other additives are described in tabular form in paragraph (c) of this section. This table is to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone or with an additional ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the heading of this section and is not intended to imply that the ingredient is of a greater value than any other additive named in this section.

(c) It is used or intended for use as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 [Reserved]					
1.2 Sulfanitran	272 (0.03%)	3,5-Dinitrobenzamide.	227 (0.025%)	For chickens; not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premises containing not more than 25 percent sulfanitran and 25 percent 3,5-dinitrobenzamide and 20 percent sulfanitran.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, and E. acervulina.*
1.3 Sulfanitran	181.6 (0.02%)	Aklomide	227 (0.025%)	For chickens; not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premises containing not more than 20 percent sulfanitran and 20 percent aklomide.	Do.

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone or with an additional ingredient added.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient," as used in this section refers to the additive named in the heading of this section and is not intended to imply that the ingredient is of a greater value than any other additive named in this section.

(c) It is used or intended for use, as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 [Reserved]					
1.2 Aklomide	227 (0.025%)	Sulfanitran	181.6 (0.02%)	For chickens, not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premixes containing not more than 25 percent aklomide and 20 percent sulfanitran.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix,* and *E. acervulina.*
1.3 Aklomide	227 (0.025%)	Sulfanitran + 3-Nitro-4-hydroxyphenylarsonic acid.	181.6 (0.02%) + 22.7–45.4 (0.0025%–0.005%)	For chickens; not to be fed to laying chickens, withdraw 5 days before slaughter; from feed additive premixes containing not more than 20 percent sulfanitran, 20 percent aklomide, and 2.5 to 5.0 percent 3-nitro-4-hydroxyphenylarsonic acid as sole source of organic arsenic.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, E. acervulina,* growth promotion and feed efficiency; improving pigmentation.
a. 1.2		Bacitracin	4–50	As zinc bacitracin	Growth promotion and feed efficiency.
b. 1.2		Chlortetracycline	10–50	As chlortetracycline hydrochloride	Growth promotion and feed efficiency.
c. 1.2		Penicillin + streptomycin.	14 + 50	14 + 50 gm. of combination containing 16.7 percent of penicillin as procaine penicillin and 16.7 percent of streptomycin sulfate.	Growth promotion and feed efficiency (combination 1.2 effective in reduction of coccidiosis from *E. tenella* and *E. necatrix*) only when used with tiles salt.
d. 1.2		Oxytetracycline	10–50	As the monoalkyl ($C_{19}C_{21}$) trimethylammonium salt of oxytetracycline.	Growth promotion and feed efficiency.

(d) To assure safe use, the label and the labeling of the additive or additives, any combination of additives, and any feed additive premix, feed additive concentrate, feed additive supplement, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity of the additive or additives contained therein.

(3) Adequate directions and warnings for use.

4. Section 121.269 is revised to read as follows:

§ 121.269 Aklomide (2-chloro-4-nitrobenzamide).

Aklomide (2-chloro-4-nitrobenzamide) may be safely used in accordance with the following prescribed conditions:

(a) The additive is the chemical 2-chloro-4-nitrobenzamide ($C_7H_5O_3N_2Cl$); In accordance with its described conditions:

(b) Minimum melting point 170° C.

(c) Moisture content not to exceed 1.0 percent.

(3) Purity not less than 98 percent on anhydrous basis.

(b) Permitted uses of the additive alone and with certain other additives are described in tabular form in paragraph (c) of this section, and this table is to be read as follows:

(d) To assure safe use, the label and labeling of the additive or additives, any combination of additives, and any feed additive premix, feed additive concentrate, feed additive supplement or complete feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity of the additive or additives contained therein.

(3) Adequate directions and warnings for use.

B. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463, as amended; 21 U.S.C. 357(c)) and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008), § 144.26(b)(35) of the antibiotic regulations is revised to read as follows:

§ 144.26 Animal feed containing certifiable antibiotic drugs.

* * * * *

(b) * * *

(35) It is a medicated chicken feed containing antibiotics, sulfanitran (acetyl-(*p*-nitrophenyl)-sulfanilamide), and 3,5-dinitrobenzamide, with or without 3-nitro-4-hydroxyphenylarsonic acid, in the amounts and for the purposes indicated in § 121.264 of this chapter; or containing antibiotics, sulfanitran (acetyl-(*p*-nitrophenyl)-sulfanilamide), and aklomide (2-chloro-4-nitrobenzamide), in the amounts and for the purposes indicated in §§ 121.264 and 121.269 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in, and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), 507(c), 59 Stat. 463 as amended; 72 Stat. 1786; 21 U.S.C. 348(c)(1), 357(c))

Dated: August 29, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9764; Filed, Sept. 8, 1966; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 315—REGULATIONS GOVERNING U.S. SAVINGS BONDS

PART 332—OFFERING OF U.S. SAVINGS BONDS, SERIES H

Miscellaneous Amendments; Correction

Material published in the FEDERAL REGISTER, Volume 31, No. 166, dated August 26, 1966 (31 F.R. 11302), relating to Department Circular No. 530, Ninth Revision, as amended (31 CFR Part 315), and Department Circular No. 905, Fourth Revision, as amended (31 CFR Part 332), is hereby corrected as follows:

1. Section 315.35(c), third sentence, is corrected to read: "At or after maturity, or extended maturity for bonds having an optional extension period, a bond presented for redemption will be paid at par." As corrected, § 315.35(c) reads as follows:

§ 315.35 Payment or redemption.

* * * * *

(c) *Series H.* A Series H bond will be redeemed at par after 6 months from issue date. However, a bond received for redemption during the calendar month preceding an interest payment date will not be redeemed until that date. At or after maturity, or extended maturity for bonds having an optional extension period, a bond presented for redemption will be paid at par. (See § 315.32(g) for provisions as to interest on bonds redeemed prior to maturity.)

* * * * *

2. Section 315.37 is renumbered § 315.36 (amendatory paragraph 2). Section 315.37 is deleted and reserved.

3. Section 332.8(b)(3), last sentence is corrected to read: "The investment yield for the extended maturity period will be approximately 4.15 percent per annum for each half-year period." As corrected, § 332.8(b)(3) reads as follows:

§ 332.8 Extended term and improved yields for outstanding bonds.

* * * * *

(b) *Improved yields.* * * *

(3) *Bonds with issue dates February 1, 1957, through May 1, 1959.*[*] The investment yield on outstanding Series H bonds with issue dates of February 1, 1957, through May 1, 1959, for the remaining period to the maturity date was increased by four-tenths of 1 percent per annum if held to original maturity and by lesser amounts if redeemed earlier. The increase, on a graduated basis, began with the first interest period starting on or after December 1, 1965. The investment yield for the extended maturity period will be approximately 4.15 percent per annum for each half-year period.

* * * * *

4. Section 332.10, last sentence is corrected to read: "At or after maturity, or extended maturity for bonds having an extended maturity period, a bond presented for redemption will be paid at par." As corrected, § 332.10 reads as follows:

§ 332.10 Redemption or payment.

Prior to maturity, or extended maturity for bonds having an extended maturity period, a Series H bond will be redeemed AT PAR at the option of the owner, in whole or in part, in the amount of an authorized denomination or multiple thereof, after 6 months from issue date, upon presentation and surrender of the bond with a duly executed request for payment to (a) a Federal Reserve Bank or Branch, (b) the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220, or (c) the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago, Ill. 60605. However, a bond received for redemption or payment by an agency during the calendar month preceding an interest payment date will not be redeemed or paid until that date. At or after maturity, or extended maturity for bonds having an extended maturity period, a bond presented for redemption will be paid at par.

Dated: September 2, 1966.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 66-9858; Filed, Sept. 8, 1966; 8:45 a.m.]

[*] The tables incorporated herein, arranged according to issue dates, show the current schedules of interest payments and investment yields.

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST UNITED STATES

Claims of Military Personnel and Civilian Employees for Property Lost or Damaged Incident to Service

Section 536.27 is revised to read as follows:

§ 536.27 Claims of military personnel and civilian employees for property lost or damaged incident to service.

(a) *General*—(1) *Authority.* The authority for this section is contained in the Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767, 31 U.S.C. 240–243) and Department of Defense Directive 5515.10, June 17, 1965, as amended.

(2) *Scope.* This section prescribes the substantive bases and special procedural rules for the administrative settlement of claims filed against the United States by members of the Army, Army National Guard personnel, and civilian employees of the Department of Defense, the Department of the Army, or of the Army, for damage to or loss of personal property incident to their service. Claims for losses of subrogees and similar third parties are not within the scope of this section, and are barred from consideration or payment hereunder. The maximum amount which may be paid on a claim under this section is $10,000. Any claim within the scope of title 31, United States Code, sections 240–243, which otherwise would be cognizable under §§ 536.12–536.24b, 536.25, 536.26, 536.29, 536.45, 536.140–536.152, and 537.7 will be considered first under this section. This section is not exclusive, however, and no claim is to be disapproved without consideration of other regulations under which it may be cognizable. General procedural rules for the settlement of claims and applicable definitions as set forth in §§ 536.1–536.11c are controlling unless inconsistent with provisions of this section.

(3) *Claimants.* (i) A claim may be presented under this section only by—

(*a*) A member of the Army, or of the Army National Guard engaged in training or duty under section 316, 502, 503, 504, or 505 of title 32, United States Code, or any other provision of law for which he is entitled to pay under section 206 of title 37, United States Code, or for which he has waived that pay, or who is employed under section 709 of title 32, United States Code.

(*b*) A civilian employee of the Army, or the Department of Defense who is not an employee of the Department of the Navy or Air Force.

(*c*) The authorized agent or legal representative of persons in (*a*) or (*b*) of this subdivision; or

(*d*) The survivors of persons in (*a*) or (*b*) of this subdivision, in the following order of precedence:

(*1*) Spouse;
(*2*) Child or children;
(*3*) Father or mother, or both; or
(*4*) Brother or sisters, or both.

(ii) A claim may not be presented under this section by or for the benefit of a subrogee, assignee, conditional vendor, or other third party.

(iii) A member of another U.S. Armed Forces, or the Coast Guard, may, where an installation of his service is not immediately available, present a claim to the Army for loss of or damage to personal property incident to his service. Any such claim will be investigated under the provisions of this section. The completed file will contain appropriate recommendations and all required supporting documents, including evidence pertaining to recovery from a carrier, insurer, or other third party. The claims of Navy, Marine Corps, and Coast Guard personnel will be forwarded directly to the Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219, for transmittal to the service concerned. The claims of U.S. Air Force personnel will be forwarded to the nearest Air Force installation for settlement.

(4) *Claims cognizable.* The following are nonexclusive examples of the principal types of damage to or loss of property which may be considered as having been sustained incident to service, and claims arising therefrom are cognizable under this section:

(i) *Losses in quarters or other authorized places.* Damage to or loss of property by fire, flood, hurricane, or other unusual occurrence, or by theft, while located at—

(*a*) Quarters, wherever situated, which were assigned to claimant or otherwise provided in kind by the Government;

(*b*) Quarters outside the United States, which were occupied by the claimant but were neither assigned to him nor otherwise provided in kind by the Government, except when the claimant was a civilian employee who was a local inhabitant;

(*c*) Any warehouse, office, hospital, baggage dump, or other place authorized or apparently authorized for the reception or storage of the property.

(ii) *Transportation losses.* Damage to or loss of property incident to transportation or storage pursuant to orders, in connection with travel under orders, or in performance of military duty, including property—

(*a*) In the custody of a common or contract carrier or any other commercial concern under contract with the Government;

(*b*) In the custody of an agent or agency of the Government;

(*c*) In the custody of the claimant, or while in a private or public conveyance in which he is traveling in performance of military duty; or

(*d*) Aboard a military vessel, aircraft, or vehicle, or in the custody of proper personnel connected therewith, pursuant to orders authorizing travel on a space available basis.

(iii) *Losses due to marine or aircraft disaster.* Damage to or loss of property as a consequence of perils of the sea or air.

(iv) *Losses due to enemy action or public service.* Damage to or loss of property as a direct consequence of—

(*a*) Action by an enemy, or threat thereof; preventing capture or confiscation; or combat, guerrilla, brigandage, or other belligerent activity, whether or not the United States was involved; or unjust confiscation by a foreign power or its nationals;

(*b*) Action by the claimant in an attempt to quiet a civil disturbance or to alleviate a public disaster; or

(*c*) Efforts by the claimant to save human life or Government property.

(v) *Money losses.* Loss of funds which were delivered to and accepted by personnel authorized or apparently authorized to receive them for such purposes as safekeeping, deposit in soldiers' deposit accounts, transmission by personal transfer account, purchase of U.S. bonds or postal money order, or conversion into military payment order, Government check, or another kind of currency, and which were neither applied as directed by the owner nor returned to him.

(vi) *Motor vehicle losses.* Damage to or loss of motor vehicles occurring when—

(*a*) Used in the performance of military duty, provided such use was authorized in accordance with AR 55–34 by the Transportation Officer of the installation responsible for the provision of official transportation to the claimant and did not include travel between quarters and place of duty, the parking of the vehicle incident to such travel, or any other use of the vehicle for the convenience of the owner;

(*b*) Shipped to, from, or between oversea areas on a space-available basis, in accordance with subdivision (ii) of this subparagraph; or

(*c*) Located at quarters, as defined in subdivision (i) (*a*) and (*b*) of this subparagraph, which includes garages, carports, driveways, and parking spaces and lots specifically provided and used for the purpose of parking at one's residence.

(vii) *Clothing and articles being worn.* When lost, damaged, or destroyed due to marine or aircraft disaster while claimant is a passenger on an aircraft or vessel, as a result of enemy action or public service, or under circumstances which are otherwise incident to service, provided that in the last category such loss resulted from an unusual occurrence; i.e., beyond the normal risks of damage or destruction associated with day-to-day living.

(5) *Types, quantities, and ownership of property payable*—(i) *Types and quantities.* Compensation may be allowed under this section only for such types and quantities or amounts of property as shall be determined by the approving authority to have been reasonable, useful, or proper in the attendant circumstances for the claimant to have had or used incident to his service. In determining the reasonableness, utility, or propriety of types and quantities of

property included in a claim cognizable under this section, the approving authority will give consideration to the claimant's living conditions, his income and social obligations, the size of his family, and his need to have more than average quantities as well as the circumstances attending acquisition or possession of the property involved and the manner of damage or loss.

(ii) *Ownership or custody.* Compensation may be allowed even though the property was not in the actual possession of the claimant at the time of damage or loss, or was not owned by the claimant, provided it was lawfully under his dominion and control (i.e., borrowed from others).

(6) *Types and categories of property not payable.* The following are examples of types and categories of property for which compensation will not be allowed:

(i) Property damaged or lost, in whole or in part, as a result of any negligence or wrongful act of the claimant, or any agent or employee of the claimant acting in the scope of employment.

(ii) Property damaged or lost while located at quarters within the United States, which were occupied by the claimant but were neither assigned to him nor otherwise provided in kind by the Government.

(iii) Intangible property, which is defined as property that has no intrinsic and marketable value but is merely representative or evidence of value, such as nonnegotiable stock certificates, baggage checks, insurance policies, and bank books.

(iv) Government property, except that for which the claimant is responsible to a Government agency other than the Department of the Army, the Army, or Department of Defense.

(v) Articles acquired or held for sale or disposition by other commercial transaction or for use in a private business enterprise.

(vi) Enemy property or war trophies.

(vii) Property acquired, possessed, or transported unlawfully or in violation of competent regulations or directives.

(viii) Small items of substantial value, such as expensive cameras, watches, jewelry, and furs, which are lost, damaged, or stolen during shipment by ordinary means; e.g., with household goods, or hold baggage.

(b) *Filing of claim*—(1) *Time prescribed for filing.* (i) No claim may be paid under this section unless it is presented in writing within 2 years after it accrues. For the purpose of this section, a claim accrues at the time of the incident causing the loss or damage or at such time as the loss or damage is or should have been discovered by the claimant through the exercise of due diligence.

(ii) If a claim accrues in time of war or armed conflict in which the Armed Forces of the United States are engaged, or if such a war or armed conflict intervenes within 2 years after the claim accrues, and if good cause is shown, the claim may be presented not later than 2 years after that cause ceases to exist, or 2 years after the war or armed conflict is terminated, whichever is earlier. If good cause for delay in filing is not established, the intervention of war or armed conflict, in itself, will not permit payment of a claim presented later than 2 years after accrual.

(iii) A claim under this section should be presented as soon as possible after discovery of the damage or loss. Immediate action by a claimant will facilitate the settlement of his claim, as delays cause difficulty in securing statements of essential witnesses or necessary documents.

(2) *Presentation.* A claim should, if practicable, be submitted to the claims officer of the unit or organization to which the claimant belongs or is attached, except claims by Army National Guard personnel. A claim may be submitted to the commanding officer of the Army installation or establishment nearest to the point where the loss or damage occurred, or where investigation of the facts and circumstances can most conveniently be made and in the case of claims by Army National Guard personnel this will be the normal channel for the filing of a claim. If submission in accordance with the forgoing is impracticable under the circumstances, the claim may be submitted to the commander of any installation or establishment of the Armed Forces for appropriate disposition under this section and §§ 536.1–536.11c. To constitute a filing under this section, a claim must be presented to an agency of the Department of Defense, other than the National Guard.

(3) *Form of claim.* The claimant normally will submit his claim, in triplicate, on DA Form 1089 (Claim for Personal Property) and DA Form 1089–1 (Schedule of Property). Where a claim against the carrier or other third party is involved, DA Form 1089 will be prepared in quadruplicate. However, any writing timely received at a U.S. military establishment will be accepted and considered as a claim, if it constitutes a demand for compensation from the United States. For claims cognizable under this section a demand need not be for a specified sum of money. In such cases, however, completed claims forms, in triplicate, should be secured promptly.

(4) *Evidence.* Requirements as to evidence are covered generally in § 536.1–536.11c. Except in cases involving small claims (§ 536.11b), the claimant will furnish, in addition to a statement of the facts and circumstances in detail, the following evidence in support of a claim for damage of loss:

(i) *In quarters or authorized places.* A statement indicating—

(*a*) Geographical location of the quarters.

(*b*) Whether assigned or provided in kind by the Government.

(*c*) Whether regularly occupied by the claimant.

(*d*) Name of authority, if any, who designated the place of storage of the property, if other than quarters.

(*e*) The location of the property in the quarters.

(*f*) Measures taken for the protection of the property.

(*g*) Number of dependents (and ages and sexes of children, if applicable).

(ii) *In transportation.* (*a*) Copy of orders authorizing the travel, transportation, or shipment, or certificate explaining the absence of orders, and stating their substance.

(*b*) Statement of facts establishing the transportation or shipment of the property.

(*c*) Copy of demands on carrier, warehouseman, insurer, and/or other third party, and the replies thereto.

(*d*) Copy of the Government bill of lading, and inventories or other shipping documents which indicate the quantity and condition of the property shipped.

(*e*) Statement indicating action taken to locate missing property, with related correspondence.

(*f*) Statement indicating, if property was delivered to a quartermaster, transportation, or supply officer, or contract packer:

(*1*) Name, or designation, and address.
(*2*) Date of delivery.
(*3*) Condition of property.
(*4*) When and where property was packed, by whom, and method of packing and crating.
(*5*) Date of shipment and reshipment.
(*6*) Date and place of delivery to claimant.
(*7*) Date of unpacking.
(*8*) Names of disinterested witnesses as to condition of the property when received, delivered, or as to handling or storage.

(*g*) Statement of whether application was made pursuant to section 8006, Joint Travel Regulations for the shipment of articles of gold or silver, paintings, or other articles of extraordinary value.

(*h*) Number of dependents (and ages and sexes of children, if applicable).

(iii) *In marine or aircraft disaster.* Copy of orders or other evidence to establish claimant's right to be, or to have his property, on board.

(iv) *Due to enemy action or public service.* (*a*) Evidence establishing claimant's authorized presence in the area.

(*b*) Statement showing applicable cause enumerated in paragraph (a)(4)(iv) of this section.

(v) *Of money delivered to another.* (*a*) Name, grade, service number (if any), and address of the person who received the money, and of other persons involved.

(*b*) Statement of circumstances indicating apparent authority of the person to receive the money.

(*c*) Receipts, or written statements explaining the failure to present them.

(*d*) Statements or other evidence indicating action taken to recover the money from individuals peculiarly liable. Where soldiers' deposits are lost prior to receipt by the Finance and Accounting Officer, an investigation by a board of disinterested officers appointed by the installation commander is required. The major commander will forward an information copy of the report

of board proceedings showing the major commander's decision to Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219.

(vi) *Of property of substantial value.* (*a*) Description of the type, quality, composition, design, make, and model number of the property.

(*b*) Name and location of establishment or facility from which purchased, or name and address of person from whom purchased or acquired.

(vii) *Of property in general.* Manner of acquisition and the purchase price, if acquired by purchase, or value at time of acquisition, if acquired by inheritance, gift, or otherwise, date of acquisition, and value at time and place of loss for each item of property claimed, whether damaged, lost, or destroyed.

(c) *Recovery from third parties*—(1) *Recovery from carriers, warehousemen, insurers, and other third parties.* (i) The claims settlement authorities of the commands listed in paragraph (d)(3)(i)(*b*) of this section are responsible together with claimant and the transportation officer for recovery from carriers, warehousemen, insurers, and other third parties for loss, damage, or destruction of household goods incident to transportation or storage at Government expense, and will insure that all actions required by this section are expeditiously accomplished in each case arising within the geographic area of responsibility of their command. These actions normally will be accomplished through those approving authorities listed in paragraph (d)(3)(ii) of this section.

(ii) Whenever compensation for property lost, damaged, or destroyed incident to service has been recovered from a carrier, warehouseman, insurer, or other third party, the amount otherwise allowable under this section will be reduced to the extent of the compensation so recovered by the claimant, as hereinafter provided. Failure of the claimant to follow the procedures required by subparagraph (2)(i) of this paragraph may reduce or preclude payment under this section (subparagraph (5) of this paragraph), when such failure materially prejudices effective recovery action.

(2) *Responsibilities and procedures*—(i) *Property owner.* Immediately upon discovering, or receiving knowledge from any source, that items of his property have been lost, damaged, or destroyed during transportation or storage at Government expense, the property owner will—

(*a*) Call to the attention of the agent of the delivering carrier any damaged, destroyed, or missing property and record to the best of his ability the fact of such discrepancy on either the reverse of the original copy of the bill of lading, the Statement of Accessorial Services Performed (DD Form 619), or the delivering carrier's inventory.

(*b*) Notify promptly the destination transportation officer of the loss or damage (on the date of delivery when possible), and request a prompt inspection and written report by the transportation officer or his representative in order to verify the claimed, lost, damaged, or destroyed property. See paragraph 10b, AR 735–12 (Army regulations pertaining to recovery from carriers and contractors).

(*c*) Permit inspection of his property by the transportation officer and claims judge advocate, or their respective representatives, and furnish any documents, estimates of repair and information which may be requested. The property owner, upon request, will also afford the agent of the delivering carrier a reasonable opportunity to inspect the property.

(*d*) Assist the transportation officer in preparing a demand on the carrier, warehouseman, and/or other third party and will cooperate to the extent required by any Government officer or agency in the prosecution of such demand. If any part of the loss or damage appears to be covered by insurance, he will make a prompt written demand on the insurer for reimbursement under the terms and conditions of the policy, and furnish the claims judge advocate or claims officer with a copy thereof. DA Form 1819 (Demand on Carrier for Damage to or loss of Property) may be used for this purpose.

(*e*) Furnish the claims judge advocate or claims officer with a copy of any correspondence received at any time from the carrier, warehouseman, insurer, or other third party concerning the claim. In addition, the property owner will consult the claims judge advocate or claims officer prior to accepting any offer of settlement from the carrier, warehouseman, insurer, or other third party, and obtain his consent prior to executing any release form or negotiating any check.

(ii) *Transportation officer.* Upon receipt of notice of loss, damage, or destruction from the property owner, or from any other source, the transportation officer or his representative will—

(*a*) Immediately contact the local agent of the delivering carrier by the most expeditious means available in order to place the agent on notice of the existence of a potential claim for loss, damage, or destruction of property. In addition, he will immediately notify the claims judge advocate or claims officer whenever loss, damage, or destruction—

(*1*) Exceeds $500.00, or

(*2*) Is the result of fire, flood, disaster, or similar incident which may give rise to several potential claims.

(*b*) In connection with AR 735–12, conduct an inspection of the property (within 10 working days of notice, if possible) and prepare a report of the inspection. The report will be signed by the transportation officer and will include but will not be limited to the following information:

(*1*) Name, rank, service number, and address of property owner.

(*2*) Date and hour of delivery.

(*3*) Concise but specific description of the nature and extent of loss, damage, or destruction.

(*4*) The item or container number or numbers listed on the carrier inventory.

(*5*) The approximate weight of the lost, damaged, or destroyed item. In the case of small items packed within a container, the container weight and not the item weight will be listed.

(*6*) Specific cause of loss, damage, or destruction (when known or ascertainable) or contractual violations.

(*7*) Date of inspection.

(*c*) Forward a copy of the inspection report to the local agent of the delivering carrier within 24 hours after the inspection.

(*d*) Prepare a written demand for reimbursement on the carrier, warehouseman, and other third party (DA Form 1819) for the signature of the property owner. The original and five copies of the demand, together with six copies of the inspection report, will be promptly forwarded to the claims judge advocate or claims officer for coordination and dispatch. Such action will not be delayed pending receipt of repair estimates, shipping documents, or other supporting evidence.

(*e*) Acquire and forward to the claims judge advocate or claims officer the following documents:

(*1*) A copy of the Government bill of lading.

(*2*) Two copies of each interim inspection report prepared during shipment (see pars. 7 and 8, AR 735–12).

(*3*) A copy of DD Form 619.

(*4*) Inventories or warehouse receipts indicating condition of the property at time of pickup, movement to storage or the facilities of an intermediate carrier.

(*5*) Estimates of repair or paid receipts, and other supporting evidence.

(iii) *Claims judge advocate or claims officer.* Upon receipt of notice of loss, damage, or destruction from the transportation officer, property owner, or from any other source, the claims judge advocate or claims officer who has been designated as the personal representative of the responsible claims approving or settlement authority will—

(*a*) Establish and maintain continuous liaison with the property owner and the transportation officer in order to insure compliance with the requirements of subdivisions (i) and (ii) of this subparagraph.

(*b*) Insure that the property has been inspected and the inspection report properly completed in accordance with subdivision (ii)(*b*) of this subparagraph. If the inspection report is missing, incomplete or otherwise unsatisfactory, the transportation officer will be so advised and requested to take whatever corrective action that may be necessary.

(*c*) Personally inspect the property and record his findings whenever reported loss, damage, or destruction exceeds $500.00, or is the result of fire, flood, disaster, or similar incident which may give rise to several potential claims. In all such cases, he will insure that items of property which may be salvaged or repaired are properly safeguarded from further harm.

(*d*) Conduct any further investigation that circumstances may dictate. Such investigation should provide all information needed to recover from the responsible carrier, warehouseman, insurer, or other third party and to process any claims by or against the Government.

(*e*) Examine the DA Form 1819 for legal sufficiency and take any corrective action that may be necessary. He will insure that each copy is accompanied by an inspection report, and will contact the property owner or transportation officer for any additional information needed to complete the demand. He then will take the following actions:

(*1*) If the property was shipped on a through bill of lading, demand (accompanied by a copy of the inspection report) will be made on the carrier to whom the bill of lading was issued, forwarding same to the home office of the carrier. In addition, one copy each of the DA Form 1819 and inspection report will be forwarded to the origin transportation officer.

(*2*) If more than one bill of lading was issued, demands will be separately made on each carrier named on the respective bills of lading.

(*3*) If the property was stored in a warehouse pursuant to a Department of Defense storage contract a separate demand will also be made on the warehouseman. In addition, a copy of the DA Form 1819 together with a copy of the inspection report will be provided the appropriate regional Department of Defense Contracting Officer.

(*4*) If the property was shipped by any method other than those listed above, a demand or demands will be made on third parties as appropriate.

(*5*) If the responsible carrier, warehouseman, or other third party is not known and cannot be determined, a demand will be made on the last carrier, warehouseman, or third party known to have handled the shipment.

(*6*) No demand will be made when it conclusively appears that the loss or damage was caused solely by Government employees or it would be clearly improper under the circumstances. If it is determined that a demand is not required, a written statement setting forth reasons for such determination will be included in the claim file.

(*7*) Claims against ocean carriers operating under Military Sea Transportation Service shipping contracts are the sole responsibility of MSTS. No demand will be made on an ocean carrier operating under such a contract. Such claims will be forwarded to the Chief, U.S. Army Claims Service, for transmittal to MSTS. See paragraph 23, AR 735–12.

(*f*) Determine the liability of the carrier and warehouseman whenever demand is made pursuant to (*e*)(*1*), (*2*), or (*3*) of this subdivision.

(*1*) Such determination will be accompanied by a written comparison of inventories listing the specific condition of each lost, damaged, or destroyed item at the time of pickup (i.e., as shown on the initial carrier or warehouse inventory), at intermediate transfer (e.g., as shown on the inventory of carrier receiving shipment out of storage), and at final delivery (i.e., as shown on the inspection report). The inventories will be compared with the inspection report on an item-by-item basis in order to fix responsibility for each item and to determine the extent of any preexisting damage or wear. In the event of a claim under this section by the property owner, the prior condition of each claimed item as described in the initial pickup inventory will be considered also in determining allowable compensation.

(*2*) In the past, a worksheet has proven helpful in recording these determinations.

(*3*) *Action subsequent to demand.* (i) Concurrent with or subsequent to the demand on carrier, warehouseman, insurer, or any other third party, the property owner may present a claim against the Government. A copy of the demand, inspection report, inventory comparison chart, shipping documents, and any related correspondence with the carrier, warehouseman, insurer, or other third party will be included in the claim file.

(ii) Settlement of a claim under this section normally will not be delayed pending recovery from the carrier, warehouseman, insurer, or other third party. However, the claims judge advocate or claims officer will continue to monitor the case, using every appropriate means to obtain maximum recovery and thus reducing any residual claim against the Government. The claims officer or claims judge advocate will inform the carrier, warehouseman, insurer, or other third party of the Government's continuing interest in the matter and will stress the importance of a prompt and just settlement.

(iii) If it appears that recovery will be made within a reasonable time, settlement with the claimant of a claim under this section may be delayed until recovery negotiations are completed, unless such delay in payment of the claim will impose a hardship on the claimant.

(iv) The claimant will notify the claims judge advocate or claims officer promptly of any action by the carrier, warehouseman, insurer, or other third party, including any offer of settlement or denial of liability. If the carrier, warehouseman, insurer, or other third party submits any offer, the claimant will consult the claims judge advocate or claims officer prior to accepting the amount offered. The claimant will be advised not to accept any offer which, in the opinion of the claims judge advocate or claims officer, is inadequate or improper.

(*4*) *Application of recovery.* When the amount recovered by the claimant from a carrier, warehouseman, insurer, or other third party is greater than or equal to the total loss, no compensation will be allowed under this section. When such an amount it less than the total loss, such recovery will be applied in the following manner:

(i) *Recovery from carrier, warehouseman, or other third party.* Any amount recovered, or recoverable, by the claimant from a carrier, warehouseman, or other third party will be deducted from the amount otherwise allowable under this section. The amount otherwise allowable is that amount determined by applying to the total amount claimed depreciation factors and the limitations (other than the $10,000.00 statutory limitation) and exclusions provided in this section and its implementing guides and instructions. In cases where the resulting amount determined allowable after making this deduction exceeds $10,000.00 claimant will be awarded only $10,000.00.

(ii) *Recovery from insurer.* Any amount re-recovered, or recoverable, by the claimant from an insurer will be applied first to items for which allowance is precluded or reduced by the provisions of paragraphs (a) (5) and (6) and (d) (1) (iii) and (iv) of this section; and the remainder will then be deducted from the amount otherwise allowable under this section. However, if settlement by the insurer is itemized, consideration must be given to the amount paid for each item. Where the amount awarded by the insurer for an item is less than the amount determined by the Government to be the value of this item at time of loss, claimant is entitled to the difference; but where the amount awarded by the insurer is equal to or greater, the item is disregarded as being constructively withdrawn from the claim. Both the amount otherwise allowable and the amount recovered from the insurer must be adjusted to account for those items which are withdrawn before applying the formula prescribed by this subparagraph.

(*5*) *Failure to take required action.* When a demand on carrier, warehouseman, insurer, or other third party is required by this section and claimant's conduct or his failure to comply with the requirements of subparagraph (2)(i) of this paragraph materially prejudices effective recovery action, the amount otherwise allowable under this section will be reduced by any amount which would have been recoverable. However, this reduction will not be applied when a written determination is made by the approving or settlement authority that timely compliance with the provisions of subparagraph (2)(i) of this paragraph was precluded by unusual circumstances of claimant's service or for reasons beyond his control.

(*6*) *Transfer of rights.* (i) The claimant, by virtue of filing a claim cognizable under this section, assigns to the United States, to the extent of any payment on his claim accepted by him, all his right, title, and interest in any claim he may have against any carrier, warehouseman, insurer, or other third party, arising out of the incident on which his claim against the United States is based. He also, upon request, will furnish such evidence as may be required to enable the United States to enforce the recovery claim. If at any time after payment of his claim by the United States, the claimant receives any payment from a carrier, warehouseman, insurer, or third party, he will immediately notify the claims judge advocate or claims officer and pay the proceeds to the United States to the extent of the payment received by him from the United States.

(ii) The claims judge advocate or claims officer, at the time of settlement, will advise the claimant in writing of the foregoing requirements, and will insure that such requirements are enforced.

(7) *Property recovered after payment of claim.* (i) If any lost property for which claim is made under this section is located after payment of the claim, the claims judge advocate or claims officer will advise the claimant of his option to—

(*a*) Accept any or all of the items located and remit the amount allowed for such items to the United States; or

(*b*) Disclaim further interest in the property and request that it be turned in to the property disposal officer at the nearest Army installation. In this case, a property disposal turn-in slip (DA Form 1546) (Request for Issue or Turn-In) will be attached to the claim file.

(ii) If any lost property for which claim is made under this section is located before final payment of the claim, this option normally will not be available to the claimant and he will be required to refund any amount which may have been paid by the United States for such property under this section.

(8) *Post-settlement recovery action.* (i) After settlement of a claim under this regulation, the approving or settlement authority will retain the file and make every effort to complete recovery action. The approving or settlement authority will continue to correspond directly with the responsible carrier, warehouseman, insurer, or other third party and will—

(*a*) Advise that the claimant has been compensated by the Government and that exclusive right, title, and interest in any recovery is vested in the United States.

(*b*) Request expeditious settlement directly with the Government.

(*c*) Comply with reasonable requests for information, repair estimates, and supporting documents.

(*d*) Present all valid arguments on behalf of the Government and attempt to resolve any legal or factual points of disagreement which may impede recovery.

(ii) The file, including all recovery correspondence, will be forwarded to the Chief, U.S. Army Claims Service as soon as—

(*a*) All third party liability has been satisfied.

(*b*) Third party liability cannot be established or has been denied on a valid legal basis.

(*c*) Third party liability has been established, but a complete impasse has been reached with one or more of the responsible third parties and it is determined that further efforts would be unsuccessful. It shall be deemed an impasse whenever any responsible third party refuses to reconsider a denial of liability based on an improper ground, reconsider an unsatisfactory offer of settlement, acknowledge correspondence, or act in good faith. However, in no event will the file be retained more than 1 year following payment of the claim by the Government. In this type of case the file will be forwarded by cover letter setting forth the actions taken, the problem involved, and appropriate recommendations.

(*d*) Knowledge is received from any source that any responsible third party may be involved in bankruptcy proceedings. In such case, the approving or settlement authority will prepare and electrically transmit a report of such fact in the manner provided by paragraph 16–4, AR 37–103.

(iii) Any claim which is one of a series of claims arising out of a single incident such as a warehouse fire, or flood, will be forwarded as soon as the property owner has been paid under this section.

(9) *Action by U.S. Army Claims Service.* The Chief, U.S. Army Claims Service, will supervise the general administration of the recovery program and will implement this section as may be necessary. Upon receipt of any claim paid under this section, a designee of the Chief, U.S. Army Claims Service, will conduct a thorough review of any claim file requiring additional recovery action and take such action as may be deemed warranted, including—

(i) Return of the file to any approving or settlement authority for additional findings, information, evidence, clarification, or corrective action necessary to secure compliance with this section.

(ii) Final demand for payment on any carrier, warehouseman, insurer, or other third party which has failed to satisfy its liability.

(iii) Forward the file with recommendations to any Government agency for any additional administrative action necessary to insure collection. See paragraphs 19 through 24, AR 735–12.

(iv) In the case of a carrier, warehouseman, or other third party which may be bankrupt, take any action necessary to secure compliance with AR 37–103 in order to protect the Government's interests.

(d) *Settlement of claims*—(1) *Determination of compensation.* When it is determined that property has been lost or damaged incident to service, and was reasonable, useful, or proper in the attendant circumstances (par. 4a) (5) of this section), the compensation allowable will be determined as follows:

(i) *Lost or destroyed property.* The allowable compensation for lost or destroyed property normally will be, but in no event exceed, the actual value of the property at the time of loss and will be determined from a consideration of all relevant factors, including the purchase price (or value at the time of acquisition), the replacement cost, and the salvage value of the property involved. When appropriate, depreciation will be applied in accordance with the type of property lost and its age and the condition at time of loss.

(ii) *Damaged property.* The allowable compensation for damaged property normally will be the difference between the value of the property immediately before the incident and the value afterward, which is usually represented by the cost of repairs, with appropriate adjustments for depreciation or appreciation of the property as described in § 536.7. However, even when the cost of repairs exceeds the value of the property immediately before the incident, evidence may be furnished justifying allowance of such cost of repairs under special circumstances.

(iii) *Items of extraordinary value.* The allowable compensation for an item of extraordinary value, including expensive jewelry, furs, antiques, objects of art, or any item purchased at an unreasonably high price, will be the reasonable price of a substitute article or similar type, appropriate for the claimant under the circumstances.

(iv) *Collections and hobbies.* The allowable compensation for a single category of property, including a hobby or a collection, will be limited to an established maximum amount considered reasonable, useful, or proper.

(v) *Guide to determination of compensation.* The Chief, U.S. Army Claims Service, Office of The Judge Advocate General, is authorized to promulgate from time to time guides for determining the allowable compensation for specific articles, the rates of depreciation to be applied to various items, and the maximum amounts allowable for certain types and quantities of property.

(2) *Replacement in kind.* Whenever, a claim cognizable under this section includes property of a type which is available for gratuitous replacement in kind from Government stocks, the commanding officer of the claimant may initiate action to secure such replacement in kind in accordance with the provisions of AR 700–8400–1 or other pertinent regulations. If replacement in kind is not made, or if only a part of the property lost or damaged is replaced in kind, the claimant will be allowed monetary compensation for those claimed items replaced at his own expense. The claim will include statement or other evidence to establish that any claimed items, appropriate for gratuitous issue, have not been and will not be replaced in kind.

(3) *Settlement*—(i) *Settlement authority.* Each of the following is delegated authority to settle claims under this section subject to the monetary limits set forth below:

(*a*) *Claims not over $10,000.* The Chief, U.S. Army Claims Service, and all officers of The Judge Advocate General's Corps assigned to that service, subject to such limitations as the Chief, U.S. Army Claims Service may prescribe.

(*b*) *Claims not over $2,500.* A commander of any of the following commands, or his staff judge advocate:

(*1*) Each of the numbered armies within the continental United States.

(*2*) Military District of Washington, U.S. Army.

(*3*) U.S. Army Forces Southern Command.

(*4*) U.S. Army, Alaska.

(*5*) U.S. Army, Europe.

(*6*) U.S. Army, Pacific.

(ii) *Approving authority.* Each of the following is delegated authority under this section subject to monetary limitations set forth below to—

(*a*) Approve claims in the full amount claimed; or

(*b*) Approve claims for less than the amount claimed, if accepted by the claimant in full satisfaction and final settlement.

(*1*) *Claims not over $1,000.* (*i*) Any commanding officer authorized to exercise general courts-martial jurisdiction, or his staff judge advocate.

(*ii*) Officers of The Judge Advocate General's Corps assigned to the U.S. Army Claims Office, France, subject to such limitations as the Commanding Officer, U.S. Army Claims Office, France, may prescribe.

(*iii*) Officers of The Judge Advocate General's Corps assigned to the U.S. Army Claims Office, Germany, subject to such limitations as the Commanding Officer, U.S. Army Claims Office, Germany, may prescribe.

(*iv*) Officers of The Judge Advocate General's Corps assigned to the U.S. Armed Forces Claims Service, Korea, subject to such limitations as the Chief, U.S. Armed Forces Claims Service, Korea, may prescribe.

(*v*) A district or division engineer, Corps of Engineers, or the Chief of Engineers.

(*2*) *Claims not over $500.* Any commanding officer not authorized to exercise general courts-martial jurisdiction, but having a judge advocate assigned to his staff, or his judge advocate.

(iii) *Delegation of authority.* The Judge Advocate General may delegate claims settlement authority (subdivision (i) (*b*) of this subparagraph) or claims approving authority (subdivision (ii) of this subparagraph) to other commands where the need for such authority can be demonstrated. Requests for delegation of authority will be forwarded to The Judge Advocate General, Attention: Chief, U.S. Army Claims Service, through command channels, with justification and recommendations.

(iv) *Companion claims.* When two or more claims arising from the same incident are by reason of differences in amounts within the jurisdiction of different approving or settlement authorities, action will be withheld upon those lesser in amount until liability has been established by the authority having jurisdiction over the largest claim, unless liability is clear.

(v) *Finality of settlement.* The settlement of a claim is final and conclusive for all purposes (31 U.S.C. 242). A settlement authority listed in subdivision (i) of this subparagraph may, however, reconsider any action taken by him at any time. A successor to one of the settlement authorities listed in subdivision (i) of this subparagraph also may reconsider the original action on a claim but only on the basis of fraud or collusion, new and material evidence, or manifest error of fact such as errors in calculation or factual misinterpretation of local law.

[AR 27–29, May 20, 1966] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 1–5, 76 Stat. 767; 31 U.S.C. 240–243)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66–9660; Filed, Sept. 8, 1966; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 13—Department of Commerce

PART 13–1—GENERAL

A new Chapter 13 is added to Title 41, Code of Federal Regulations as follows:

Sec.
13–1.000 Scope of part.

Subpart 13–1.0—Introduction

13–1.001 Scope of subpart.
13–1.002 Purpose.
13–1.003 Authority.
13–1.004 Applicability.
13–1.004–1 [Reserved]
13–1.004–2 Relationship to the FPR.
13–1.004–3 Description.
13–1.004–4 Interim applications.
13–1.005 Exclusions.
13–1.006 Issuance.
13–1.006–1 Code arrangement.
13–1.006–2 Publication.
13–1.006–3 Copies.
13–1.007 Arrangement.
13–1.007–1 General plan.
13–1.007–2 Numbering.
13–1.007–3 Citation.
13–1.008 Agency implementation.
13–1.008–1 Suffixes.
13–1.009 Deviations.

AUTHORITY: The provisions of this Part 13–1 issued under 63 Stat. 377, as amended; Department Order 134 (Revised).

§ 13–1.000 Scope of part.

This part establishes a system of procurement regulations and procedures applicable to procurement of personal property and nonpersonal services (including construction) by the Department of Commerce. This system is based upon the Federal Property and Administrative Services Act of 1949, and is comprised of the Federal Procurement Regulations (referred to herein as FPR), and the Commerce Procurement Regulations (referred to herein as COMPR), which are hereby established. This part describes the method by which the Commerce Department implements, supplements, and may deviate from the FPR, and sets forth policies and procedures which implement and supplement the FPR.

Subpart 13–1.0—Introduction

§ 13–1.001 Scope of subpart.

This subpart sets forth introductory information pertaining to the Commerce Procurement Regulations (herein identified as COMPR). It explains the purpose of the COMPR, the authority under which they are issued, their relationship to the Federal Procurement Regulations, and their applicability, method of issuance, exclusions, and arrangement. It also outlines procedures for implementing, supplementing, and deviating from the FPR.

§ 13–1.002 Purpose.

The Federal Procurement Regulations, as implemented, supplemented, or deviated from by Department of Commerce Procurement Regulations set forth in this chapter, are hereby designated as the authorized regulations governing the procurement of supplies and nonpersonal services (including construction) by the Department of Commerce.

§ 13–1.003 Authority.

(a) The Department of Commerce Procurement Regulations (COMPR) are prescribed pursuant to Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the authority delegated to the Assistant Secretary for Administration in Department Order 134 (Revised).

(b) Procurement instructions and procedures which are necessary to implement, supplement, or deviate from the FPR, will be issued in the COMPR by the Office of Administrative Services, Office of the Secretary, when necessary to accomplish Commerce Department procurement objectives.

§ 13–1.004 Applicability.

§ 13–1.004–1 [Reserved]

§ 13–1.004–2 Relationship to the FPR.

Material published in the FPR which has Government-wide applicability, becomes effective throughout the Commerce Department upon the effective date cited in the particular FPR material. Such material generally will not be repeated, paraphrased, or otherwise stated in COMPR except to the extent necessary to supplement, implement, or deviate from the FPR.

§ 13–1.004–3 Description.

The meanings of COMPR "implementation," "supplementation," and "deviation" from the FPR includes the following:

(a) "Implementation" means a part, subpart, section, etc., which treats the policies and procedures of a similarly numbered portion of the FPR in greater detail or indicates the manner of compliance, including any deviations. However, material in this Chapter 13 which differs from material in Chapter 1 of this title (FPR) shall be regarded as a deviation only if explicitly referenced to be a deviation.

(b) "Supplementation" means COMPR coverage of matters which have no counterpart in the FPR.

(c) "Deviation" is defined in FPR 1–1.009–1.

§ 13–1.004–4 Interim applications.

The regulations in this chapter apply to all Department of Commerce procurement actions, within and outside the United States, except as otherwise specified herein; however, existing Department of Commerce procurement regulations, procedures, instructions, and requirements, not in conflict with FPR, will remain in effect until superseded by an appropriate COMPR, or otherwise rescinded.

§ 13–1.005 Exclusions.

(a) Certain Department of Commerce procurement policies and procedures which come within the scope of this Chapter 13 nevertheless may be excluded when justified. These exclusions may include the following categories:

(1) Subject matter bearing a security classification.

(2) Policies or procedures effective for a period of less than 6 months.

(3) Policies or procedures effective on an experimental basis for a reasonable period.

(4) Where speed of issuance is essential, and numerous changes required in this Chapter 13 cannot be made promptly.

(b) Procurement policies and procedures issued under the authority of paragraph (a)(4) of this section will be codified into this Chapter 13 at the earliest practicable date, but in any event not later than 6 months from date of issuance.

§ 13–1.006 Issuance.

§ 13–1.006–1 Code arrangement.

Department of Commerce Procurement Regulations which basically or significantly implement, supplement or deviate from the Federal Procurement Regulations, Chapter 1 of this title of the Code of Federal Regulations, will be published as this Chapter 13 of Title 41, Code of Federal Regulations.

§ 13–1.006–2 Publication.

This Chapter 13 of Title 41, Code of Federal Regulations will be published in the daily issues of the FEDERAL REGISTER, and in cumulated form in the Code of Federal Regulations.

§ 13–1.006–3 Copies.

Copies of the Department of Commerce Procurement Regulations in the FEDERAL REGISTER and the Code of Federal Regulations form may be purchased by Federal agencies and the public, at nominal cost from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 13–1.007 Arrangement.

§ 13–1.007–1 General plan.

The Department of Commerce Procurement Regulations (COMPR) employ the same numbering system and nomenclature as the Federal Procurement Regulations and conform with FEDERAL REGISTER standards approved for the FPR.

§ 13–1.007–2 Numbering.

(a) This Chapter 13 has been allocated to the Department of Commerce for implementing, supplementing and deviating from Chapter 1 of this title 41 CFR, the Federal Procurement Regulations.

(b) Where the COMPR implements (or deviates from) a part, subpart, section, or subsection of the FPR, the implementing part, subpart, section, or subsection of COMPR will be numbered (and captioned) to correspond to the part, subpart, section, or subsection of Chapter 1, of this Title 41, CFR, the FPR.

(c) Where the subject matter contained in a part, subpart, section, or subsection of FPR requires no implementation, the COMPR will contain no corresponding part, subpart, section, or subsection number and the subject matter as published in the FPR governs.

(d) COMPR's which supplement the FPR will be assigned an appropriate number and title different from any assigned to an FPR.

§ 13–1.007–3 Citation.

Department of Commerce Procurement Regulations will be cited in accordance with FEDERAL REGISTER standards approved for the FPR. Thus this section, when referred to in sections of the Department of Commerce Procurement Regulations, should be cited as "13–1.007–3 of this chapter." When this section is referred to formally in official documents, such as legal briefs, it should be cited as "41 CFR 13–1.007–3." Any section of Department of Commerce Procurement Regulations may be informally identified, for purposes of brevity, as COMPR followed by the section number, i.e., "COMPR 13–1.007–3."

§ 13–1.008 Agency implementation.

§ 13–1.008–1 Suffixes.

COMPR's which may be issued to provide for special requirements of individual bureaus and offices will be identified by alphabetical suffixes to the appropriate digit 13 part, subpart, section, and subsection. Such suffixes will be assigned when regulations of this type are issued.

§ 13–1.009 Deviations.

Deviations from the FPR and COMPR shall be kept to a minimum and controlled as follows:

(a) Deviations in both individual cases and classes of cases must be approved in advance by the Office of Administrative Services. Requests for approval of such deviations may be initiated by the heads of primary operating units or by the heads of their procuring activities. They shall be submitted to the Office of Administrative Services. Requests shall cite the specific parts of the FPR or COMPR from which it is desired to deviate, shall set forth the nature of the deviations, and shall give the reasons for the action requested.

(b) If a requested deviation is considered appropriate, approval will be accomplished as follows:

(1) Where the deviation applies to an individual case, approval will be granted by memorandum addressed to the requesting officer with copies to interested offices. The contract file of the requesting office shall include a copy of the request and approval.

(2) Where the deviation applies to a class of cases, necessary coordination with the General Services Administration will be accomplished by the Office of Administrative Services. Such class deviations will be issued as a part of COMPR.

(3) Where circumstances preclude the obtaining of prior concurrence of the GSA, to a class of cases, the Office of Administrative Services may authorize a deviation. In such an instance, the Office of Administrative Services shall inform the GSA of the deviation and circumstances under which it was required.

(c) The requesting office will be notified by memorandum, with copies to other interested offices, whenever a requested deviation is disapproved.

(d) In emergency situations involving individual cases, deviation approvals may be processed by telephone and later confirmed in writing.

(e) Requests for deviations may be made at any time. New FPR issuances should be reviewed upon receipt, so that requests for deviations can be acted upon prior to the effective date, whenever practicable.

These regulations shall be effective upon publication in the FEDERAL REGISTER.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

AUGUST 26, 1966.

[F.R. Doc. 66-9911; Filed, Sept. 8, 1966; 8:49 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 12—DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES AND PUBLIC HEALTH PURPOSES

Part 12 of Title 45 CFR is hereby amended to read as follows:

Sec.
12.1 Definitions.
12.2 Scope.
12.3 General policies.
12.4 Limitations.
12.5 Awards.
12.6 Notice of available property.
12.7 Applications for surplus real property.
12.8 Assignment of surplus real property.
12.9 General disposal terms and conditions.
12.10 Deferred use, disposal terms and conditions.
12.11 Special terms and conditions.
12.12 Utilization.
12.13—Form of conveyance.
12.14 Compliance inspections and reports.

AUTHORITY: The provisions of the Part 12 issued under sec. 203, 63 Stat. 385 as amended; 40 U.S.C. 484.

§ 12.1 Definitions.

(a) "Act" means the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended (40 U.S.C. 471 et seq.). Terms defined in the act and not defined in this section, shall have in this part the meaning given to them in the act.

(b) "Accredited" means approval by a recognized accreditation board or association on a regional, State, or national level, such as a State Board of Education or Health, State University, Middle States Association of Colleges and Secondary Schools, National Architectural Board, American College of Surgeons, etc. A college, university, or secondary school may be said to be accredited if the credits are accepted for transfer purposes by no less than three accredited colleges, universities, or secondary schools not connected or associated with it.

(c) "Administrator" means the Administrator of General Services.

(d) "Assigned property" means real and related personal property which, in the discretion of the Administrator or his designee, has been made available to the Department for transfer for educational or for public health purposes, including research.

(e) "Department" means the Department of Health, Education, and Welfare.

(f) "Disposal Agency" means the executive agency of the Government which has authority to assign or to consider assignment of property to the Department for transfer for health and educational utilization.

(g) "Excess" when used with respect to real property means any real property under the control of any Department or agency in the executive branch of the Government which is not required for its needs and the discharge of its responsibilities as determined by the head thereof.

(h) "Holding Agency" means the executive agency of the Government which has control and accountability for the real property involved.

(i) "Nonprofit Institution" as used in this part means any institution, organization, or association, whether incorporated or unincorporated, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by the Internal Revenue Service to be tax-exempt under either the provisions of section 101(6) of the 1939 Internal Revenue Code, or section 501(c)(3) of the 1954 Internal Revenue Code.

(j) "Off-site Property" means surplus buildings, underground utilities and all other removable improvements, including related personal property, to be transferred where located, by the Department for educational or for public health purposes, including research, for removal and use away from the site.

(k) "On-site" means surplus real property, including related personalty, to be transferred by the Department for educational or for public health purposes, including research, for use in place.

(l) "Public Benefit Allowance" means a discount on the purchase price of real property to be transferred for educational or public health purposes, including research, representing any benefit determined by the Secretary which has accrued or may accrue to the United States from use of surplus real property for educational or public health purposes, including research.

(m) "Related Personal Property" means any personal property, (1) which is located on and is (i) an integral or necessary part of, or is (ii) essential to the operation of real property, or (2) which is determined by the Administrator to be otherwise related to the real property.

(n) "Secretary" means the Secretary of Health, Education, and Welfare.

(o) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(p) "Surplus" when used with respect to real property means any excess real property not required for the needs and the discharge of the responsibilities of all Federal agencies as determined by the Administrator or his designee.

§ 12.2 Scope.

This part is applicable to surplus real property located within any State which is appropriate for assignment to, or which has been assigned to the Department for disposal for educational or public health purposes, as provided in section 203(k) of the act.

§ 12.3 General policies.

(a) It is the policy of the Department to foster and assure maximum utilization of surplus real property for educational and public health purposes, including research.

(b) Transfers may be made only to States, their political subdivisions, and instrumentalities, tax-supported educational or public health institutions, and nonprofit educational or public health institutions which have been held exempt from taxation under section 101(6) of the Internal Revenue Code of 1939 (now substantially reenacted in section 501(c)(3) of the Internal Revenue Code of 1954).

(c) Real property will be requested for assignment only when the Department has determined that the property is suitable and needed for public health or educational purposes. The amounts of both real and related personal property to be transferred shall not be excessive to normal operating requirements. Such property, except for transfers contemplated under § 12.10 will not be requested for assignment unless it is needed at the time of application for educational or for public health purposes, including research, or unless it will be so needed within the immediate foreseeable future. When construction is contemplated, the initiation of construction of the major functional facility in the approved program must begin within 18 months after the date of transfer. Construction shall be deemed to have been initiated when the transferee executes a contract providing a firm date in the reasonably near future for actual commencement of construction. The Department may, in its discretion, grant extensions of the 18-month period where the transferee can factually demonstrate that it has exercised due diligence in attempting to initiate construction within the said period and that such construction will be initiated during the period of any such extension.

(d) Land may be requested for assignment for transfer in accordance with § 12.10, for public tax-supported educational and public health purposes where, although there is no immediate need for the property, population trends, location, present facilities and plans for additional facilities justify immediate transfer to reasonably provide for future needs.

(e) Transfers will be made only when the proposed program is not in conflict with State or local zoning restrictions, building codes, or similar limitations.

(f) Only those activities devoted to academic, vocational or professional instruction, or organized and operated to promote and protect the public health, are eligible. Examples of such eligible activities are universities, colleges, junior colleges, junior or senior high schools, elementary schools or school systems, vocational or specialized schools, research activities, public libraries, and similar activities primarily educational in character, general and specialty hospitals, mental institutions, clinics, health sanitation activities (including water and sewer departments), facilities providing public health services, and similar activities devoted primarily to the protection and promotion of public health. The program of an institution eligible for a transfer must contemplate use of the property as an integral part of an activity of the kind above described. The activity must obtain such licenses for operations as may be required by State and local law.

(g) Use of the property applied for must be for a fundamental educational or public health purpose. Examples of such fundamental utilizations are classrooms, vocational shops, libraries, laboratories, auditoriums, gymnasiums, cafeterias, dormitories, faculty housing, infirmaries, recreational facilities, hospitals, clinics, facilities providing public health services, and similar utilization. The property applied for must be for a purpose for which the eligible organization would be authorized to expend its own funds to acquire.

(h) An applicant's plan of operation shall not be approved unless it includes a provision that the applicant will not discriminate because of race, color, creed, or national origin in the use of any portions of the property.

§ 12.4 Limitations.

(a) Surplus property transferred pursuant to this part shall be disposed of "as is", "where is", and without warranty of any kind.

(b) Unless excepted by the General Services Administration from the assignment of property to this Department, mineral rights will, in all cases, be conveyed together with the surface rights. However, where the property to be conveyed overlies a known mineral structure of commercial value, the Department, in its discretion will:

(1) Convey the mineral rights separately from the surface rights upon payment by the transferee of the fair value thereof, as determined by the Department, without application of the public benefit allowance; or

(2) Convey the mineral rights together with the surface rights with the requirement in the conveyance instrument that, during the period of restricted use, all revenues or the reasonable value, as determined by the Department, of benefits to the transferee deriving di-

rectly or indirectly from any and all mineral leases or royalties shall be considered to have been received and held in trust by the transferee for the United States and shall be subject to direction and control of the Department, together with a reservation to the Government, in the conveyance instrument, at its option, to revert title to any and all mineral interests conveyed at any time during the period of restricted use.

§ 12.5 Awards.

Where there is more than one applicant for the same property, the following principles shall be observed:

(a) Greater consideration will be given to programs of utilization most nearly consistent with the Government's purpose in acquiring or using the property. For instance, a surplus hospital will be considered for transfer for a health program in preference to an educational program.

(b) Property will be awarded to the applicant having a program of utilization which provides, in the opinion of the Department, the greatest public benefit.

(c) The Department will have, as an objective, the apportionment of an available property to fit the needs of as many applicant health and educational programs as is practicable.

§ 12.6 Notice of available property.

Reasonable publicity shall be given to the availability of surplus real property which is suitable for assignment to the Department for disposal for educational or public health use. The Department shall establish procedures reasonably calculated to afford all eligible users having a legitimate interest in acquiring property for educational or public health purposes, including research, who show due diligence, a full and complete opportunity to make an application therefor: *Provided, however,* That publicity need not be given as to the availability of surplus real property which is occupied and being used by an applicant for eligible educational or public health purposes, including research, at the time the property is declared excess and the Department determines that the applicant has a continuing need for the property and that the transfer for such continued utilization by the applicant is in the best interest of the United States.

§ 12.7 Applications for surplus real property.

Applications for surplus real property for educational or public health purposes, including research, shall be made to the Department through the regional office specified in the notice of availability. Where cooperative agreements have been entered into with State Agencies for Surplus Property and where a State instrumentality has been designated by State law or executive order to represent or assist educational and health institutions in acquiring Federal surplus real property, the applications will be made through such State Agencies or instrumentalities to regional offices of the Department.

§ 12.8 Assignment of surplus real property.

(a) Notice of interest in a specific property for educational or public health utilization shall be furnished the General Services Administration or other agency having disposal jurisdiction by the Department at the earliest possible date.

(b) Requests to the Administrator, or his designee disposal agency, for assignment of surplus real property to the Department for disposal for educational and public health purposes, including research, shall be based on the following conditions:

(1) There is an acceptable application for the property of record with the Department.

(2) The applicant is willing, authorized, and in a position to assume immediate care, custody, and maintenance of the property.

(3) The applicant is able, willing and authorized to pay the external administrative expenses incident to a transfer.

(c) A copy of each request for assignment of surplus real property shall be furnished the holding agency.

§ 12.9 General disposal terms and conditions.

(a) Surplus real property disposals under this part shall be limited to transactions which are primarily for educational or public health purposes, including research. Transferees shall be entitled to public benefit allowances computed in consideration of benefits which have accrued or may accrue to the United States from the use of such property for educational or public health purposes, including research.

(b) Transfer of surplus real property for educational or public health purposes is subject to the disapproval of the Administrator within 30 days after notice is given to him of a proposed transfer.

(c) Transfer shall be on the following terms and conditions:

(1) The transferee shall be obligated to continuously utilize the property in accordance with an approved plan of operation.

(2) The transferee shall not be permitted to sell, lease, mortgage, or otherwise dispose of the property except after authorization by the Department or its designee.

(3) The transferee shall file with the Department such reports covering the utilization of the property as may be required.

(4) In the event the property is sold, leased, disposed of, or is used for purposes other than those set forth in the approved plan without the consent of the Department, all revenues or the reasonable value, as determined by the Department, of benefits to the transferee deriving directly or indirectly from such use shall be considered to have been received and held in trust by the transferee for the United States and shall be subject to direction and control of the Department. The provisions of this paragraph shall not impair or affect the rights preserved to the United States in subparagraph (5) of this paragraph.

(5) With respect to on-site property, in the event of noncompliance with any of the conditions of the transfer, title to the property transferred, and right to immediate possession shall, at the option of the Department, revert to the Government. In the event title is reverted to the United States for noncompliance or voluntarily reconveyed in lieu of reverter, the transferee, at the option of the Department, shall be responsible and be required to reimburse the Government for the decreased value of the property not due to reasonable wear and tear, acts of God, and alterations and conversions made by the transferee to adapt the property to the educational or health use for which the property was acquired. The Government shall, in addition thereto, be reimbursed for such damages including such costs as may be incurred in recovering title to or possession of the property as it may sustain as the result of the noncompliance.

(6) With respect to off-site property, in the event of noncompliance with any of the terms and conditions of the transfer, the unearned public benefit allowance shall, at the option of the Department, become immediately due and payable or, if the property or any portion thereof is sold, leased, or otherwise disposed of without authorization from the Department or its designee, such sale, lease, or other disposal shall be for the benefit and account of the United States and the United States shall be entitled to the proceeds of any such disposal. In the event the transferee fails to remove the property or any portion thereof within the time specified, then, in addition to the rights reserved above, at the option of the Department, all right, title, and interest in and to such unremoved property shall be retransferred to other eligible applicants or shall be forfeited to the United States.

(7) With respect to onsite property, the Government, at its option, shall have the right during any period of emergency declared by the President of the United States or by the Congress of the United States to the full unrestricted use of the surplus real property, or of any portion thereof, disposed of in accordance with the provisions of this part. Such use may be either exclusive or nonexclusive. Prior to the expiration or termination of the period of restricted use by the transferee, the Government shall not be obligated to pay rent or any other fees or charges during the period of emergency, except that the Government shall (i) bear the entire cost of maintenance of such portion of the property used by it exclusively or over which it may have exclusive possession or control, (ii) pay the fair share, commensurate with the use, of the cost of maintenance of such surplus real property as it may use nonexclusively or over which it may have nonexclusive possession or control, (iii) pay a fair rental for the use of improvements or additions to the surplus real property made by the purchaser or lessee without Government aid, and (iv) be responsible for any damage to the surplus real property caused by its use, reasonable wear and tear, the common enemy and acts of God excepted. Subsequent to the expiration or termination of the period of restricted use, the obligations of the Government shall be as set forth in the preceding sentence and in addition, the Government shall be obligated to pay a fair rental for all or any portion of the conveyed premises which it uses.

NOTE: The final sentence above serves to clarify by publication a long-standing interpretation of the obligations of the Government not explicitly provided for prior to publication of that sentence and does not represent any alteration of policy or interpretation. It is, therefore, explanatory of the Government's obligations under conveyances executed prior to the date of its publication as well as under conveyances executed subsequent thereto.

(8) The restrictions set forth in subparagraph (1) through (6) of this paragraph shall extend for the following periods:

(i) Thirty (30) years for land with or without improvements being acquired for use in place;

(ii) A minimum of five (5) years for facilities being acquired separately from land whether they are for use onsite or offsite. However, where the estimated economic life of the structures for the use for which they are requested is greater than five years, limitations on the use of the structures shall be equal to their estimated economic life.

(d) Transferees by obtaining the consent of the Department may obtain abrogation of the restrictions set forth in the transfer terms, for all or any portion of the property, upon payment to the Department in accordance with the following conditions:

(1) If the abrogation is requested by the institution for the purpose of serving the needs or purposes of a third party, payment shall be based upon the current fair value of the property, less amortized credit; or

(2) If the abrogation is requested by the institution for the purpose of using the property as security for new construction, for acquiring substitute or better facilities, or for relocating elsewhere, all for the purpose of further advancing or promoting the program for which the property was originally conveyed, payment shall be based upon the original fair value as of the date of the deed, less amortized credit, on condition that the proceeds of sale obtained by the transferee in disposing of the property will be devoted to such program use. To assure this, appropriate agreements, supported by Surety Bond, or other assurance that may be deemed by the Department to be necessary or advisable, will be obtained from the grantee.

(3) The Government's right of recapture for use during a period of emergency will not be released unless there are exceptional circumstances.

(e) Related personal property shall be transferred in accordance with real property procedures and forms and shall be transferred only as part of the real property transaction at the public benefit allowance granted therefor. Where related personal property is involved in an on-site transaction the related personal property may be transferred by a bill of sale imposing restrictions for a period not to exceed 5 years from the date of transfer, other terms and conditions being tied to and made a part of the real property transaction.

§ 12.10 Deferred use, disposal terms and conditions.

(a) Surplus real property disposals under this section shall be limited to transfers of land to States and their political subdivisions and instrumentalities and tax-supported educational or public health institutions for use as sites for school or public health facilities to be constructed thereon within a maximum period of 8 years from date of transfer.

(b) Transfers under this section shall be subject to all of the general terms and conditions set forth in § 12.9 (b), (c), (1), (2), (3), (4), (5), and (7) and, in addition, the following special terms and conditions shall apply:

(1) Transferee shall be obligated to continuously use the property, including the proposed facilities constructed thereon, in conformance with its approved plan, for a period of thirty (30) years from the date of transfer.

(2) The transferee shall be obligated to construct all proposed facilities and commence utilization of the conveyed property for educational or public health purposes in conformance with the approved plan no later than 8 years from the date of transfer. The Department may, in its discretion, effect transfer upon the requirement that construction be completed and utilization be commenced within a period of time less than 8 years from the date of transfer.

(3) The transfer shall be made in consideration of payments and public benefits inuring to the United States equal to the fair value of the property as follows: Until such time as the facilities contemplated in the transferee's approved plan have been constructed and placed in use in conformance therewith the transferee shall pay to the United States within 1 year from the date of transfer and annually thereafter on the anniversary date thereof an amount equal to three and one-third (3⅓) percent of the fair value of the property, together with interest at the prevailing rate as determined by the Department for the disposals of government real property upon the unpaid balance of the fair value of the property. At such time as the facilities last mentioned shall have been constructed and placed in use, which may be prior to but not later than the maximum time fixed by the Department and specified in the instrument of transfer, the transferee shall be entitled to a public benefit allowance, to be applied against the unpaid balance of the fair value computed upon the basis of the benefit which has accrued or may accrue to the United States from the use of such property for educational or health purposes. In the case of a transfer on less than 100 percent public benefit allowance, the public benefit allowance shall be computed on and applied against the balance of the fair value remaining unpaid at the time of commencement of utilization in accordance with this section. The transferee shall, at such time, make full payment in cash of any balance of the fair value remaining after application of such public benefit allowance.

(c) Prior to the transfer of any land under this section, the transferee shall submit to the Department, together with its application, an opinion of the highest legal officer of the State as to the authority of the transferee to enter into the proposed transaction, accept the property subject to the foregoing terms and conditions and undertake the obligations provided for thereunder.

(d) After the facilities have been constructed and the property has been placed into required use in conformance with the approved plan, a transferee, by obtaining the consent of the Department, may secure abrogation of the restrictions set forth in the transfer terms, consistent with the requirements of § 12.9(d).

(e) Any installments, interest, or other payments made against the fair value of property transferred under this section shall, upon a forfeiture of title to the property for breach of condition, be forfeited.

§ 12.11 Special terms and conditions.

(a) In the case of on-site disposals, applicants shall be required to pay all external administrative costs which shall include, but not be limited to taxes, surveys, appraisals, inventorying costs, legal fees, title search, certificate or abstract expenses, decontamination costs, government moving costs, closing fees in connection with the transaction and service charges, if any, made by State Agencies for Surplus Property under the terms of a cooperative agreement with the Department.

(b) In transfers of off-site property, applicants will be required to post performance bonds, make performance guarantee deposits, or give such other assurances as may be required by the Department or the holding agency to insure adequate site clearance and pay service charges, if any, made by State Agencies for Surplus Property under the terms of a cooperative agreement with the Department.

(c) Whenever negotiations are undertaken for disposal to nonprofit public health or educational organizations which are not instrumentalities of State or local governments of any surplus real property which cost the Government one million dollars or more, the Department shall give notice to the Attorney General of the United States of the proposed disposal and the probable terms and conditions thereof. The applicant shall furnish to the Department such information and documents as the Attorney General may determine to be appropriate or necessary to enable him to give the advice as provided for by section 207 of the Act or to determine whether any other disposition or proposed disposition of the surplus real property violates the antitrust laws of the United States.

(d) Where an applicant proposes to acquire and use in place improvements located on land which the Government does not own, he shall be required, before disposal shall be consummated, to obtain a right to use the land commensurate with the duration of the restrictions applicable to the improvements. The applicant shall be required to assume, or obtain release of, the Government's obligations respecting the land including but not limited to such obligations as restoration, waste, and rent. At the option of the Department, the applicant may be permitted to post a bond to indemnify the Government against such obligations.

(e) The Department may require the inclusion on the transfer document of any other provision deemed desirable or necessary.

(f) Where an eligible applicant for an on-site transfer proposes to construct new, or rehabilitate old facilities, the financing of which must be accomplished through issuance of revenue bonds having terms inconsistent with the terms and conditions of transfer prescribed in § 12.9 (c), (d), and (e), the Department may, in its discretion, impose such alternate terms and conditions of transfer in lieu thereof as may be appropriate and effective to asure utilization of the property for educational or public health purposes; provided, however, that the right to repossess in the event of national emergency, as set forth in § 12.9(c)(7) shall be reserved in every transfer.

§ 12.12 Utilization.

(a) Where property or any portion thereof is not being utilized for the purposes for which transferred, the transferee shall be required at the direction of the Department:

(1) To retransfer such property to other health or educational user as the Department may direct;

(2) To sell such property for the benefit and account of the United States;

(3) To return title to such property to the United States; or

(4) To abrogate the conditions and restrictions of the transfer, as set forth in § 12.9(d), except that where property has never been placed in use for the purposes for which transferred, abrogation will not be permitted except under extenuating circumstances.

(b) Where the transferee desires to place the property in temporary use for a purpose other than that for which the property was transferred, approval of the Department must be obtained, and will be conditioned upon such terms as the Department may impose, including but not limited to the requirement that net revenues therefrom will be payable to the Department.

§ 12.13 Form of conveyance.

(a) Transfers of surplus real property shall be on forms approved by the General Counsel of the Department and shall include the disposal terms and conditions set forth in this part and such other terms and conditions as the General Counsel may deem appropriate or necessary.

(b) Transfers of on-site property normally shall be by quitclaim deed without warranty of title.

§ 12.14 Compliance inspections and reports.

The Department, or its designee, shall make such compliance inspections as are necessary and shall require of the transferee such compliance reports and actions as are deemed necessary.

Dated: September 2, 1966.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 66-9923; Filed, Sept. 8, 1966; 8:50 a.m.]

Chapter VII—Commission on Civil Rights

PART 704—COMMUNICATIONS AND CONFIDENTIAL INFORMATION

Communications With the Commission

Section 704.1 of Part 704, Chapter VII of Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 704.1 Communications with the Commission.

(a) *Complaints.* Any person may bring to the attention of the Commission a grievance which he believes falls within the jurisdiction of the Commission, as set forth in section 104 of the Act. This shall be done by submitting a complaint in writing to Office of General Counsel, U.S. Commission on Civil Rights, 801 19th Street NW., Washington, D.C. 20425. Allegations falling under section 104(a) (1) and (5) of the Act (discrimination or fraud in voting) must be under oath or affirmation. All complaints should set forth the pertinent facts upon which the complaint is based, including but not limited to specification of (1) names and titles of officials or other persons involved in acts forming the basis for the complaint; (2) accurate designations of place locations involved; (3) dates of events described in complaint.

(b) *Other communications.* Requests for information and for Commission literature should be directed to Information Office, United States Commission on Civil Rights, 801 19th Street NW., Washington, D.C. 20425. Communications with respect to Commission hearings should be made pursuant to § 702.17 of this chapter. All other communications with the Commission should be directed to Staff Director, U.S. Commission on Civil Rights, 801 19th Street NW., Washington, D.C. 20425.

JOHN A. HANNAH,
Chairman,
U.S. Commission on Civil Rights.

[F.R. Doc. 66-9962; Filed, Sept. 8, 1966; 8:45 a.m.]

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," one additional place for filing in Mississippi:

MISSISSIPPI

County; Place for filing; Beginning date
• • • • •
Grenada; (1) Grenada—Post Office Building; July 22, 1966, through August 7, 1966; (2) Grenada—639 Union Street; August 8, 1966; (3) Tie Plant—trailer at site of Horseshoe Store two blocks west of Tie Plant School on dirt road.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-9941; Filed, Sept. 8, 1966; 8:50 a.m.]

Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

Chapter IV—Department of Labor

PART 410—CERTIFICATION OF ELIGIBILITY TO APPLY FOR WORKER ASSISTANCE

Miscellaneous Amendments

Pursuant to the Act of March 4, 1913, as amended (5 U.S.C. 611), R.S. 121 (5 U.S.C. 22), Reorganization Plan No. 6 of 1950, Public Law 87-794 (76 Stat. 872), and Executive Order 11075 (28 F.R. 473), I hereby amend 48 CFR Part 410 in the manner set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules relate to public benefits. I do not believe such procedures will serve a useful purpose here. Accordingly, these amendments shall become effective immediately.

The purpose of these amendments is to reflect changes made in delegations of authority under Secretary of Labor Order No. 15-66, approved August 5, 1966. In brief, the amendments substitute the words "Assistant Secretary of Labor for International Affairs" for the words "Under Secretary of Labor" and the words "Director of the Office of Trade Adjustment Assistance" for the words "Assistant Administrator for Trade Adjustment Assistance" both in the body of the sections and in the titles wherever they appear in the part.

1. Section 410.4 is amended to read as follows:

§ 410.4 Additional statement by group of workers.

After receiving from the Tariff Commission notice of an affirmative finding by the Commission pursuant to a petition filed under section 301(a)(2) and an investigation under section 301(c)(2) of the Act, the group of workers may file with the Director of the Office of Trade Adjustment Assistance a statement of the date on which it believes unemployment or underemployment began or threatened to begin together with a statement in support of this proposed date. A group of workers may, in addition, file with the Director of the Office of Trade Adjustment Assistance such other relevant material in support of its statement as it believes appropriate.

2. Section 410.5 is amended to read as follows:

§ 410.5 Investigations.

Upon receipt from the Tariff Commission of notice of an affirmative finding by the Commission pursuant to a petition filed under section 301(a)(2) of the Act, the Director of the Office of Trade Adjustment Assistance will conduct, or order to be conducted, such investigation as he determines to be necessary and appropriate.

3. Section 410.6 is amended to read as follows:

§ 410.6 Recommendations to the Assistant Secretary of Labor for International Affairs.

Within 20 days of receipt from the Tariff Commission of the results of its investigation pursuant to section 301(c)(2), and following an investigation under § 410.5, the Director of of the Office of Trade Adjustment Assistance shall recommend to the Assistant Secretary of Labor for International Affairs that certification be made or refused. He shall forward this recommendation together with the statement, if any, filed under § 410.4, with the findings of the Tariff Commission, and with such other material as shall have been developed during the investigation and consideration of the matter by the Director of the Office of Trade Adjustment Assistance.

4. The title of § 410.7 is amended to read as follows:

§ 410.7 Certifications by the Assistant Secretary of Labor for International Affairs.

• • • • •

5. Section 410.10 is amended to read as follows:

§ 410.10 Request for Worker Adjustment Assistance.

A group of workers described in § 410.9 may file a request for worker trade adjustment assistance by filing with the Director of the Office of Trade Adjustment Assistance a form, Request for Worker Trade Adjustment Assistance, which will be available through State Employment Security Agencies or from the Director of the Office of Trade Adjustment Assistance.

6. Section 410.11 is amended to read as follows:

§ 410.11 Investigations.

Upon receipt of a petition, the Director of the Office of Trade Adjustment Assistance will conduct, or order to be conducted, such investigation as he determines to be necessary and appropriate.

7. Section 410.12 is amended to read as follows:

§ 410.12 Recommendations to the Assistant Secretary of Labor for International Affairs.

Within 60 days after the day on which a petition is filed, and following an investigation under § 410.11, the Director of the Office of Trade Adjustment Assistance shall recommend to the Assistant Secretary of Labor for International Affairs that certification be made or refused. He shall forward this recommendation together with the petition filed by the group of workers and with such other material as shall have been developed during the investigation and consideration of the matter by the Director of the Office of Trade Adjustment Assistance.

8. The title of § 410.13 is amended to read as follows:

§ 410.13 Certifications by the Assistant Secretary of Labor for International Affairs.

• • • • •

9. Section 410.14 is amended to read as follows:

§ 410.14 Recommendations.

Whenever the Director of the Office of Trade Adjustment Assistance has reason to believe that any certification of eligibility should be terminated, he shall promptly make an investigation. If he believes such action warranted, he shall recommend to the Assistant Secretary of Labor for International Affairs that the effect of the certification be terminated, attaching a report to the Assistant Secretary of Labor for International Affairs stating the reasons for such recommendation.

10. Section 410.15 is amended to read as follows:

§ 410.15 Determination by the Assistant Secretary of Labor for International Affairs.

Determinations to terminate certifications of eligibility made under this chapter shall be made by the Assistant Secretary of Labor for International Affairs. In the case of terminations of certifications made following the President's action pursuant to section 302(a)(3), the Assistant Secretary of Labor for International Affairs shall promptly transmit his determination to the President, through the Adjustment Assistance Advisory Board, together with such other documents as he deems appropriate.

11. Section 410.16 is amended to read as follows:

§ 410.16 Notices.

Following a certification or a refusal to certify by the Assistant Secretary of Labor for International Affairs under Subparts B and C of this part or a termination of the effect of a certification under Subpart D of this part, formal notice to such effect shall be given by publication in the FEDERAL REGISTER and by transmittal to the group of workers concerned, and notice shall also be promptly transmitted to all State Employment Security Agencies concerned.

12. Paragraph (a) of § 410.17 is amended to read as follows:

§ 410.17 Filing of documents, specifications.

(a) *Filing of documents.* Documents relating to certifications of eligibility to apply for assistance under this part shall be filed with the Director of the Office of Trade Adjustment Assistance, Department of Labor, 14th and Constitution Avenue, Washington, D.C. 20210. Assistance in filing documents may be obtained at State Employment Security Agencies.

• • • • •

13. Paragraph (a) of § 410.18 is amended to read as follows:

§ 410.18 Availability of information.

(a) *Material available to the public.* Applications, petitions, and other documents filed with the Director of the Office of Trade Adjustment Assistance pursuant to this chapter, notices to the public concerning worker assistance under the Act, transcripts of any testimony which may be taken and exhibits submitted at any hearings which may be held, certifications of eligibility to apply for assistance, and other reports and documents issued for general distribution may be inspected by persons concerned on request to the Director of the Office of Trade Adjustment Assistance.

• • • • •

14. Paragraph (c) of § 410.19 is amended to read as follows:

§ 410.19 Confidential business data.

• • • • •

(c) *Acceptance of information in confidence.* The Director of the Office of Trade Adjustment Assistance may refuse to accept in confidence any information which is determined not to be entitled to confidential treatment under this section. In the event of such refusal, the person submitting such information will be notified and will be permitted to withdraw such information.

(Act of March 4, 1913, as amended (5 U.S.C. 611); R.S. 121 (5 U.S.C. 22); Reorganization Plan No. 6 of 1950, Public Law 87-794 (76 Stat. 872); E.O. 11075 (28 F.R. 473))

Signed at Washington, D.C., this first day of September 1966.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 66-9906; Filed, Sept. 8, 1966; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Correction

The bag and possession limit for merganser, as published in the FEDERAL REGISTER of Saturday, September 3, 1966, on page 11659, is corrected to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, gallinules, and Wilson's snipe.

* * * * *

(c) *Atlantic Flyway States.* * * *

	Mergansers
Daily bag limit	[1]5
Possession limit	[1]10

* * * * *

ABRAM V. TUNISON,
Acting Director.

SEPTEMBER 7, 1966.

[F.R. Doc. 66-9927; Filed, Sept. 8, 1966; 8:50 a.m.]

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Correction

In F.R. Doc. 66-9657 appearing in the issue for Saturday, September 3, 1966, at page 11658, make the following changes in § 10.53(f):

1. In the table, the column headed "Geese," opposite the State of Utah, the entry should read "Oct. 8–Jan. 5" instead of "do".

2. In footnote 6, line 2, "Vicarilla" should read "Jicarilla".

PART 32—HUNTING

Certain Wildlife Refuges in Illinois and Iowa

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged, green-winged, and cinnamon teal on the Chautauqua National Wildlife Refuge, Ill., is permitted from September 17 through September 25, 1966, but only on the area designated by signs as open to hunting. This open area comprising 745 acres is delineated on a map available at the refuge headquarters, Havana, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of approved material may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 25, 1966.

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged teal, green-winged teal, and cinnamon teal on the Crab Orchard National Wildlife Refuge is permitted from September 17 through September 25, 1966, but only on the area designated by signs as open to hunting. This open area comprising 12,380 acres is delineated on a map available at the refuge headquarters, Carterville, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of approved material may be constructed. Pits may be dug in areas approved and designated by the refuge manager.

(2) Boats—The use of boats for hunting on the water in the open area of the refuge is prescribed as follows:

(a) Crab Orchard Lake—boats with motors will be permitted.

(b) Little Grassy and Devils Kitchen Lakes—boats with motors up to 6 hp. will be permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 25, 1966.

ILLINOIS AND IOWA

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Public hunting of blue-winged, green-winged and cinnamon teal on the Upper Mississippi River Wild Life and Fish Refuge, in Illinois and Iowa, is permitted from September 17 through September 25, 1966, but only on the areas designated by signs as open to hunting. These open areas comprising 63,471 acres are delineated on maps available at the refuge headquarters, Winona, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 25, 1966.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged teal, green-winged teal, and cinnamon teal on the Mark Twain National Wildlife Refuge, Iowa, is permitted from September 17 through September 25, 1966, but only on areas known as the Big Timber Division and that portion of the Louisa Division known as Turkey Island. These open areas are designated by signs as open to hunting and comprise 1,660 acres which are delineated on maps available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following conditions:

(1) Blinds—No permanent structures, excluding wood or brush duck blinds, shall be permitted; no blinds shall be locked or otherwise sealed against public entry.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 25, 1966.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 2, 1966.

[F.R. Doc. 66-9896; Filed, Sept. 8, 1966; 8:48 a.m.]

PART 32—HUNTING

Bowdoin National Wildlife Refuge, Mont.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MONTANA

BOWDOIN NATIONAL WILDLIFE REFUGE

Public hunting for waterfowl on Bowdoin National Wildlife Refuge, Mont., is permitted during the following periods:

Special early teal season: September 18 through September 26, 1966.

Ducks, coots, and gallinules: October 8 through December 6, 1966.

Geese: October 1 through December 14, 1966.

The 4,040-acre public hunting area is designated by appropriate signs. A map delineating the public hunting area is available at refuge headquarters, Malta, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with applicable State and Federal regulations subject to the following special conditions:

(1) The use of air-thrust boats for hunting waterfowl is prohibited.

(2) Hunters will report at such checking stations as may be established when entering or leaving the public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 1, 1966.

[F.R. Doc. 66-9897; Filed, Sept. 8, 1966; 8:48 a.m.]

PART 32—HUNTING

Charles M. Russell National Wildlife Range, Mont.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of ducks, geese, coots, and gallinules is permitted in accordance with all applicable State and Federal regulations on approximately 143,000 acres of the Charles M. Russell National Wildlife Range designated by signs as open to hunting.

Hunting seasons are as follows:

Special early teal season: September 18 through September 26, 1966.

Ducks, coots, and gallinules: October 8 through December 6, 1966.

Geese: October 1 through December 14, 1966.

§ 32.22 Special regulations; upland game birds; for individual wildlife refuge areas.

Approximately 315,000 acres on the Charles M. Russell National Wildlife Range are open to hunting of sharp-tailed grouse, sage grouse, and ring-necked pheasants, and approximately 220,000 acres for Merriam's turkeys in accordance with all applicable State regulations. These areas are designated by signs as open to hunting.

Hunting seasons are as follows:

Sharp-tailed grouse and sage grouse: September 18 through October 16, 1966.

Ring-necked pheasants: October 30 (noon) to closing date to be announced by State.

Merriam's turkeys: September 25 through October 23, 1966.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of antelope, deer, and elk is permitted on all lands of the Charles M. Russell National Wildlife Range, comprising approximately 900,000 acres, in accordance with all applicable State regulations, except for the following closures:

(a) Slippery Ann Station, section 36, T. 22 N., R. 24 E., and section 31, T. 22 N., R. 25 E., as posted.

(b) That portion of the Range between Fort Peck powerhouse and the spillway.

(c) That part of the Range in Valley County east of the road leading to Duck Creek Recreational Area closed to antelope and deer hunting.

(d) That portion of the Range in Fergus County, known as the mountain sheep pasture, and located in T. 22 N., R. 23 E., sections 7, 8, 17, and 18.

Hunting seasons are as follows:

Antelope: (Special archery season) September 25 to opening of firearms season.

Antelope: October 16 through November 6, 1966.

Deer: (Special archery season) September 25 to opening of firearms season.

Deer: October 23 through November 27 (except east of Big Dry where State season in area 658 closes November 6).

Elk: (Special archery season) September 25 to opening of firearms season.

Elk: Limited permit season opens December 4. Closure to be announced by State.

Areas open to hunting are delineated on a map available at refuge headquarters, Lewistown, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 2, 1966.

[F.R. Doc. 66-9882; Filed, Sept. 8, 1966; 8:46 a.m.]

PART 32—HUNTING

Medicine Lake National Wildlife Refuge, Mont.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Public hunting for waterfowl on Medicine Lake National Wildlife Refuge, Mont., is permitted during the following periods:

Special early teal season: September 18 through September 26, 1966.

Ducks, coots, and gallinules: October 8 through December 6, 1966.

Geese: October 1 through December 14, 1966.

The 2,735-acre public hunting area is designated by appropriate signs. A map delineating the public hunting area is available at refuge headquarters, Medicine Lake, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with applicable State and Federal regulations and subject to the following special condition:

(1) Hunters shall report at such designated checking stations as may be established when entering or leaving the public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 1, 1966.

[F.R. Doc. 66-9898; Filed, Sept. 8, 1966; 8:48 a.m.]

PART 32—HUNTING

Pahranagat National Wildlife Refuge, Nev.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEVADA

PAHRANAGAT NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the Pahranagat National Wildlife Refuge, Nev., is permitted from October 15, 1966, through December 28, 1966, and the hunting of geese from October 15, 1966, through January 8, 1967, but only on the area designated by signs as open to hunting. This open area, comprising 1040 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fish-

eries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Hunters will report at such checking stations as may be established when entering or leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1967.

PAUL T. QUICK,
Regional Director, Portland, Oreg.

SEPTEMBER 2, 1966.

[F.R. Doc. 66-9883; Filed, Sept. 8, 1966; 8:47 a.m.]

PART 32—HUNTING

Stillwater Wildlife Management Area, Nev.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEVADA

STILLWATER WILDLIFE MANAGEMENT AREA

The public hunting of ducks, coots, and gallinules on the Stillwater Wildlife Management Area is permitted from October 15, 1966, through December 28, 1966, and the hunting of geese from October 15, 1966, through January 8, 1967, only on the area designated by signs as open to hunting. This open area, comprising 180,430 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 8, 1967.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 2, 1966.

[F.R. Doc. 66-9884; Filed, Sept. 8, 1966; 8:47 a.m.]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Missisquoi National Wildlife Refuge, Vt., is permitted from October 8, 1966, through December 1, 1966, inclusive, and public hunting of geese (except snow geese) and brant is permitted from October 8, 1966, through December 16, 1966, but only on the area designated by signs as open to hunting. This open area, comprising 469 acres, is delineated on maps available at refuge headquarters, Swanton, Vt., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, brant, and coots. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 16, 1966.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 1, 1966.

[F.R. Doc. 66-9900; Filed, Sept. 8, 1966; 8:48 a.m.]

PART 32—HUNTING

Big Lake National Wildlife Refuge, Ark.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Big Lake National Wildlife Refuge, Manila, Ark., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,800 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for hunting squirrels on the refuge extends from September 15 through September 30, 1966, one-half hour before sunrise to sunset.

(2) The use of dogs is not permitted.

(3) Fires are not permitted, nor the cutting of trees.

(4) No permit is required.

(5) Shotguns only may be used to hunt the squirrels.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective to October 1, 1966.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 1, 1966.

[F.R. Doc. 66-9894; Filed, Sept. 8, 1966; 8:47 a.m.]

PART 32—HUNTING

Deer Flat National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Hunting of big game at Deer Flat National Wildlife Refuge, Idaho, is suspended for the 1966 season due to low population. The high level of Lake Lowell has inundated much of the refuge big game habitat, and nearby land reclamation has eliminated cover for big game and has restricted migration to the refuge.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 26, 1966.

[F.R. Doc. 66-9881; Filed, Sept. 8, 1966; 8:46 a.m.]

PART 32—HUNTING

Camas National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special Regulations; big game for individual wildlife refuge areas.

IDAHO

CAMAS NATIONAL WILDLIFE REFUGE

Hunting of big game at Camas National Wildlife Refuge, Idaho, is suspended for the 1966 season. The refuge population of big game is at a low level and is insufficient to warrant public hunting.

PAUL T. QUICK,
Regional Director, Bureau of Sports Fisheries and Wildlife.

AUGUST 26, 1966.

[F.R. Doc. 66-9880; Filed, Sept. 8, 1966; 8:46 a.m.]

PART 32—HUNTING

Snake Creek National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

SNAKE CREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Snake Creek National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 13,837 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sports Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting is permitted from 12 noon, c.s.t., to sunset November 11, and from sunrise to sunset November 12 through November 20, 1966.

(2) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request.

(3) Vehicular travel, including the use of boats, is prohibited by hunters on the refuge during the deer season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1966.

DAVID C. MCGLAUCHLIN,
Refuge Manager, Snake Creek National Wildlife Refuge, Coleharbor, N. Dak.

AUGUST 31, 1966.

[F.R. Doc. 66-9899; Filed, Sept. 8, 1966; 8:48 a.m.]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.; Correction

In F.R. 66-8695, appearing on page 10641 of the issue for Wednesday, August 10, 1966, the first and last sentences in the first paragraph and subparagraph (1) should read as follows:

The public hunting of ducks and coots on the Monte Vista National Wildlife Refuge * * *. Hunting shall be in accordance * * * covering the hunting of ducks and coots * * *.

(1) Dogs—Not to exceed * * * or dead ducks and coots.

JOHN C. GATLIN,
Regional Director, Albuquerque, N. Mex.

SEPTEMBER 2, 1966.

[F.R. Doc. 66-9895; Filed, Sept. 8, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1079]

[Docket No. AO 295–A11]

MILK IN DES MOINES, IOWA, MARKETING AREA

Decision and Termination of Proceedings on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Des Moines, Iowa, on August 3, 1966, pursuant to notice thereof issued on July 25, 1966 (31 F.R. 10131).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Associate Administrator on August 23, 1966 (31 F.R. 11316; F.R. Doc. 66–9326) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (31 F.R. 11316; F.R. Doc. 66–9326) are hereby approved and adopted and are set forth in full herein subject to the following modification: Issue No. 1 is changed.

The material issues on the record of the hearing relate to:

1. Revoking the provisions relating to the base-excess payment plan.

2. Reducing the quantity of route sales in the marketing area which qualify a distributing plant as a pool plant.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Base-excess plan.* In a separate document accompanying this decision the base and excess provisions are terminated from the Des Moines, Iowa, milk order effective upon publication in the FEDERAL REGISTER.

It is hereby found and determined that in view of the aforesaid action terminating the base and excess provisions of this order, the proceedings with respect to proposed amendments to discontinue the base and excess provisions of the tentative marketing agreement and the order as set forth in the notice of hearing issued July 25, 1966 (31 F.R. 10131) and the Associate Administrator's August 23, 1966, recommended decision are hereby terminated upon publication of this decision in the FEDERAL REGISTER.

2. *Pool distributing plant.* The provision which describes the performance for a pool distributing plant should establish an in-area sales requirement based on either volume of sales or percentage of receipts disposed of on routes in the marketing area.

The present order provides that a distributing plant shall be a pool plant during any month in which 15 percent of its Grade A milk receipts is disposed of as Class I milk on routes in the marketing area if total disposition of Class I milk is 35 percent or more of Grade A receipts.

It was proposed at the hearing that a distributing plant which meets the 35 percent total Class I disposition requirement be a pool plant in any month in which Class I route sales in the marketing area from the plant equal or exceed an average of 7,000 pounds daily. Such a provision is used in several orders to identify a pool distributing plant. The 7,000 pounds average daily Class I sales represents about 1 percent of the average daily sales in the Des Moines marketing area. Thus, a distributing plant with sales of that magnitude would be a pool plant even though such sales represented less than 15 percent of its receipts of Grade A milk.

The proponent of the revised provision is a handler operating a distributing plant with Class I route sales outside the marketing area equal to 80 percent or more of its Grade A receipts. Thus, if its out-of-area sales are further increased, the plant may no longer qualify as a pool plant. In-area sales from the plant are of sufficient size that it would qualify on the basis of the 7,000 pounds-per-day standard.

The proponent handler and the cooperative which supplies his producer milk both desire that the plant shall continue to be regulated as a pool plant. Another cooperative which supplies most other regulated handlers in the market also supported the proposal to assure continued regulation of this plant as a pool plant. There was no opposition to its retaining pool plant status.

The proposal as supported at the hearing was a modification of the proposal appearing in the hearing notice. The hearing notice proposal would have reduced the percentage of Grade A receipts disposed of on routes in the marketing area which qualifies a plant as a pool plant from 15 to 10 percent. Such a change would have affected a handler who now does not qualify as a pool plant. This handler opposed the proposal as it appeared in the hearing notice but supported the modified proposal. Since this handler's total Class I sales are relatively small, he would not be affected by the 7,000-pound daily sales standard for pool plants. His competition is mainly with a plant which is not regulated by any Federal order and he wishes to retain his status as a partially regulated handler. The cooperatives' representatives testified that there is no need to fully regulate this handler with relatively small sales in the Des Moines marketing area.

The addition of a 7,000-pound daily volume minimum of in-area sales which establishes a distributing plant as a pool plant will assure full regulation of any plant with a volume of Class I route sales in the marketing area equivalent to about 1 percent of the total Class I sales of all handlers in the marketing area. Any distributing plant with such volume of sales in the marketing area should be a pool plant if it also meets the requirements regarding total Class I disposition.

By adopting this additional standard for pool plant identification, plants with substantial sales in the marketing area will become pool plants and thereby subject to the minimum price provisions which assure orderly marketing of milk in the area.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions was filed on behalf of an interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Des Moines, Iowa, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Des Moines, Iowa, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Des Moines, Iowa, marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on September 6, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Des Moines, Iowa, Marketing Area

§ 1079.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Des Moines, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Des Moines, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

Section 1079.12(a) is revised to read as follows:

§ 1079.12 Pool plant.

* * * * * *

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area: *Provided,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

* * * * * *

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[F.R. Doc. 66-9916; Filed, Sept. 8, 1966; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7598]

AIRWORTHINESS DIRECTIVES

Lockheed Model 649, 749, 1049 Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain Lockheed Model 649, 749, and 1049 airplanes. A propeller vibratory stress survey was conducted by the propeller manufacturer that indicated the necessity of certain operating restrictions during ground operation on Lockheed 649, 749, and 1049 airplanes powered by Wright 749C18BD–1 and 975C18CB–1 engines equipped with Hamilton Standard 43E60/6869–0, 43E60/6901–0, and 43E60/6903–0 propellers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before October 10, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

LOCKHEED. Applies to Model 649, 749, and 1049 airplanes powered by Wright 749C18BD–1 and 975C18CB–1 engines equipped with Hamilton Standard 43E60/6869–0, 43E60/6901–0, and 43E60/6903–0 propellers.

Compliance required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished.

To minimize propeller vibratory stresses, amend the FAA-approved Airplane Flight Manual to include the following operating limitations:

"Avoid continuous ground running between 2,300 and 2,650 r.p.m. with the propeller governing.

"Avoid continuous static ground running above 2,650 r.p.m. except when airplane is headed into the wind."

Issued in Washington, D.C., on August 31, 1966.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-9873; Filed, Sept. 8, 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16662]

FM BROADCAST STATIONS

Table of Assignments, New Albany, Ohio; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations (Leitchfield, Ky., Rolla and Columbia, Mo., Bakersfield, Calif., Sandusky, Mich., Enterprise and Troy, Ala., Ladysmith, Wis., and Ironwood, Mich., Sturgeon Bay, Wis., Morris, Minn., Jerseyville, Ill., Augusta, Ga., Brewton and Andalusia, Ala., Wickenburg, Ariz., Potsdam, N.Y., and New Albany, Ohio; Docket No. 16662, RM-957, RM-940, RM-941, RM-878, RM-944, RM-948, RM-949, RM-956, RM-958, RM-959.

1. On May 27, 1966, the Commission issued a notice of proposed rule making (FCC 66-479) in the above-entitled proceeding inviting comments on a number of proposed changes in the FM table of assignments, including the proposed deletion of Channel 280A from New Albany, Ohio, on the Commission's own motion. The time for filing comments was specified as June 27, 1966, and for replies July 8, 1966. On August 22, 1966, the Christian Voice of Central Ohio, prospective applicant for a new FM station on Channel 280A at New Albany, Ohio, filed supplemental comments and a petition for leave to file supplemental comments urging alternate methods of either retaining Channel 280A at New Albany or obtaining another Class A assignment for this area. This party urges that fairness and equity dictate that the late pleading be accepted and considered by the Commission.

2. On August 30, 1966, Nelson R. Embrey II, and Honor Greenawalt, licensees of Station WNRE(FM), Circleville, Ohio, filed a request for an extension of time until September 21, 1966, in which to reply to the supplemental comments filed by the Christian Voice of Central Ohio. This party submits that it is directly affected by one of the above-mentioned proposals and wishes to file comments but did not have sufficient time to do so. It further notes that Christian Voice has consented to its request for more time.

3. We are of the view that the supplemental comments submitted by Christian Voice should be accepted and that the requested extension of time should be granted, since the views and data of both parties will be of help to the Commission in making a determination in this matter. *Accordingly, it is ordered*, On this 2d day of September 1966, that the request of Christian Voice for leave to accept its supplemental comments and the request of Embrey and Greenawalt for an extension of time until September 21, 1966, to reply to the supplemental comments are granted.

4. This action is taken pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Released: September 6, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9926; Filed, Sept. 8, 1966; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 437]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 2, 1966.

The Bureau of Indian Affairs, U.S. Department of the Interior, has filed application, Serial No. New Mexico 437, for the withdrawal of lands described below from all forms of entry, including the general mining and the mineral leasing laws. The applicant desires the lands for the installation and operation of a new school site to be called Dzilth Nah Oh Dithli located 1 mile southeast of Huerfano Trading Post in San Juan County, N. Mex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Indian Affairs.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 N., R. 9 W.,
Sec. 19, lots 1, 2, and N½ of lot 3.

The area described contains 102.17 acres.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 66-9901; Filed, Sept. 8, 1966; 8:48 a.m.]

[Utah 0147950]

UTAH

Order Opening Lands to Application, Petition, Location, and Selection

SEPTEMBER 2, 1966.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 27 S., R. 11 W.,
Sec. 3, E½.

The areas described aggregate 320 acres.

2. The lands are located in Beaver County, about 9 miles northwest of the town of Milford. Topography is flat. Soils are a clay loam. Vegetation is desert type.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to application, petition, location, and selection, including location under the U.S. mining laws. All valid applications received at or prior to 10 a.m. on October 10, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

R. D. NIELSON,
State Director.

[F.R. Doc. 66-9902; Filed, Sept. 8, 1966; 8:48 a.m.]

[Oregon 018631 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

SEPTEMBER 1, 1966.

The Bureau of Sport Fisheries and Wildlife, Department of the Interior, has filed an application, Serial No. Oregon 018631 (Wash.) for the withdrawal of land described below from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires to use the land as an addition to the San Juan National Wildlife Refuge to facilitate the management of migratory birds for which the United States has a responsibility under international treaties, and to further effectuate the purposes of the Migratory Bird Conservation Act.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon, Portland, Oreg. 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Sport Fisheries and Wildlife.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

WILLAMETTE MERIDIAN

BUCK ISLAND

T. 34 N., R. 2 W., unsurveyed,
In sec. 10.

The area described aggregates approximately 3 acres.

VIRGIL O. SEISLER,
Chief, Branch of Lands.

[F.R. Doc. 66-9903; Filed, Sept. 8, 1966; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-139]

UNIVERSITY OF WASHINGTON

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued, effective as of the date of is-

suance, Amendment No. 7, set forth below, to Facility License No. R–73. The amendment authorizes the University of Washington to operate the University's Argonaut-type nuclear reactor located on the campus in Seattle, Wash., at power levels up to 100 kilowatts (thermal), as described in the application for license amendment dated November 5, 1965, and supplemental letters dated May 10, 1966, and July 13, 1966.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related safety evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing and (2) the licensee's application for license amendment dated November 5, 1965, and supplemental letters dated May 10, and July 13, 1966, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of August 1966.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License No. R–73; Amdt. 7]

The Atomic Energy Commission (hereinafter referred to as "the Commission") having found that:

a. The application for amendment dated November 5, 1965, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

c. Prior public notice of proposed issuance of amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

License No. R–73, issued to the University of Washington, is hereby amended in the following respects:

Paragraph 4.A.1. is revised in its entirety to read as follows:

"4.A.1. University of Washington may operate the reactor at power levels up to a maximum of 100 kilowatts (thermal) as described in the application for amendment dated November 5, 1965, and supplemental letters dated May 10, 1966, and July 13, 1966."

This amendment is effective as of the date of issuance.

Date of issuance: August 30, 1966.

For the Atomic Energy Commission.

Director,
Division of Reactor Licensing.

[F.R. Doc. 66–9861; Filed, Sept. 8, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DISOGRIN INDUSTRIES

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7B2072) has been filed by Disogrin Industries, division of Pellon Corp., Grenier Field, Manchester, N.H. 03103, proposing an amendment to § 121.2562 *Rubber articles intended for repeated use* to provide for the safe use of a certain polyurethane rubber in articles intended for repeated use in contact with food.

Dated: September 2, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66–9919; Filed, Sept. 8, 1966; 8:49 a.m.]

FMC CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 7F0527) has been filed by FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, N.Y. 14105, proposing the establishment of a tolerance of 2.5 parts per million for residues of the insecticide ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on meat and meat byproducts of cattle.

The analytical method proposed in the petition for determining residues of ethion is that of electron capture gas chromatography.

Dated: September 2, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66–9920; Filed, Sept. 8, 1966; 8:49 a.m.]

HERCULES POWDER CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7B2068) has been filed by Hercules Powder Co., Inc., 910 Market Street, Wilmington, Del. 19899, proposing an amendment to § 121.2592 *Rosins and rosin derivatives* to provide for the safe use of the ammonium, calcium, potassium, sodium, or zinc salts of partially dimerized and fully dimerized rosin as components of articles intended for use in contact with food.

Dated: September 2, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66–9921; Filed, Sept. 8, 1966; 8:50 a.m.]

Office of the Secretary

MENTAL RETARDATION FACILITIES AND COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION ACT OF 1963

Promulgation of Federal Percentages

Pursuant to section 401 (l) and (j) of Title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (P.L. 88–164),

And having found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce, as to the per capita incomes of States and of the United States, are the years 1963, 1964, and 1965,

The following Federal percentages for the several States, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands, as determined pursuant to said Act and on the basis of said income data, are hereby promulgated for 2 fiscal years in the period beginning July 1, 1967:

Alabama	65.52	New Hampshire	52.93
Alaska	41.30	New Jersey	40.42
Arizona	55.90	New Mexico	59.27
Arkansas	66.51	New York	39.68
California	39.66	North Carolina	62.96
Colorado	50.17	North Dakota	59.68
Connecticut	37.31	Ohio	48.71
Delaware	38.78	Oklahoma	58.91
District of Columbia	31.84	Oregon	49.65
Florida	55.96	Pennsylvania	50.02
Georgia	61.16	Rhode Island	48.69
Hawaii	46.64	South Carolina	66⅔
Idaho	57.75	South Dakota	61.45
Illinois	40.57	Tennessee	63.59
Indiana	49.11	Texas	57.25
Iowa	52.62	Utah	56.05
Kansas	51.64	Vermont	58.50
Kentucky	62.92	Virginia	56.44
Louisiana	62.42	Washington	47.03
Maine	59.12	West Virginia	63.36
Maryland	45.33	Wisconsin	50.94
Massachusetts	44.04	Wyoming	52.39
Michigan	46.20	American Samoa	66⅔
Minnesota	51.93	Guam	66⅔
Mississippi	66⅔	Puerto Rico	66⅔
Missouri	51.93	Virgin Islands	66⅔
Montana	55.28		
Nebraska	53.14		
Nevada	37.10		

Dated: August 31, 1966.

[SEAL] WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 66–9922; Filed, Sept. 8, 1966; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16588; FCC 66–782]

KWHK BROADCASTING CO., INC. (KWHK), ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of KWHK Broadcasting Co., Inc. (KWHK), Hutchinson, Kans., Docket No. 16588, File No. BP–15356; has: 1260 kc, 500 w, 1 kw-LS, DA–2, U, Class II; requests: 1210 kc, 50 kw, DA–2, U, Class II–A; Columbia Broadcasting System, Inc. (WCAU), Philadelphia, Pa., Docket No. 16589, File No. BP–15446; has: 1210 kc, 50 kw, U, Class I–A; requests: 1210 kc, 50 kw, DA–1, U, Class I–A; KAKE–TV & Radio, Inc. (KAKE), Wichita, Kans., Docket No. 16590, File No. BP–15968; has: 1240 kc, 250 w, 1 kw-LS, Class IV; requests: 1210 kc, 50 kw, DA–2, U, Class II–A; the Plains Broadcasting Co., Inc. (KGYN), Guymon, Okla., Docket No. 16848, File No. BP–17192; has: 1220 kc, 1 kw, D, Class II; requests: 1210 kc, 10 kw, DA–N, U, Class II–A; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 31st day of August 1966;

1. The Commission has under consideration the above-captioned applications, each requesting a construction permit for a standard broadcast station to be operated on the 1210 kilocycles frequency. The above-captioned applications are mutually exclusive, in that operation by the applicants as proposed would result in mutually destructive interference.

2. On April 13, 1966, the Commission designated for comparative hearing (FCC 66–332) the above-captioned applications of KWHK Broadcasting Co., Inc. ("KWHK"), Columbia Broadcasting System, Inc. ("WCAU"), and KAKE–TV and Radio, Inc. ("KAKE"). The above-captioned application of the Plains Broadcasting Co., Inc. ("KGYN"), was substantially complete and tendered for filing on the day preceding the date on which the prior applications were designated for hearing and, since it is mutually exclusive with the other three, is entitled to comparative consideration in accordance with § 1.227(b)(1) of the Commission's rules.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed.[1] Since the four applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of KWHK Broadcasting Co., Inc.; Columbia Broadcasting System, Inc.; KAKE–TV and Radio, Inc.; and The Plains Broadcasting Co., Inc., are designated for hearing in a consolidated proceeding in Dockets Nos. 16588, 16589, 16590, and 16848, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations KWHK, WCAU, KAKE, and KGYN, and the availability of other primary service to such areas and populations.

2. To determine whether the KWHK proposal would provide a first nighttime service to at least 25 percent of its nighttime interference-free service area or to 25 percent of the population residing therein and, if not, whether circumstances exist which would warrant a waiver of § 73.22(b) of the rules.

3. To determine whether the KAKE proposal would provide a first nighttime service to at least 25 percent of its nighttime interference-free service area or to 25 percent of the population residing therein and, if not, whether circumstances exist which would warrant a waiver of § 73.22(b) of the rules.

4. To determine whether KWHK would, in the event of a grant of its application, be able to adjust and maintain the nighttime directional radiation pattern within the proposed maximum expected operating values of radiation.

5. To determine, in the light of the evidence adduced pursuant to the above issue, whether the proposed operation of KWHK would adequately protect the 0.5 mv/m 50 percent secondary service area of Station WCAU, Philadelphia.

6. To determine whether KAKE would, in the event of a grant of its application, be able to adjust and maintain the nighttime directional radiation pattern within the proposed maximum expected operating values of radiation.

7. To determine, in the light of the evidence adduced pursuant to the above issue, whether the proposed operation of KAKE would adequately protect the 0.5 mv/m 50 percent secondary service area of Station WCAU, Philadelphia.

8. To determine whether there is a reasonable possibility that the tower height and location proposed for KWHK would constitute a menace to air navigation.

9. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

10. To determine, in the event it is concluded, pursuant to the foregoing issue, that either the application of KWHK Broadcasting Co., Inc., or the application of KAKE–TV & Radio, Inc., should be granted and that a choice between the two applicants should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

11. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That the specification of issues herein shall supersede the specification of issues in the Commission's memorandum opinion and order of April 13, 1966.

It is further ordered, That the informal objection to the KGYN application filed by Columbia Broadcasting System, Inc., licensee of Station WCAU, is denied.

It is further ordered, That in the event of a grant of the Plains Broadcasting Co., Inc. (KGYN), application, the construction permit shall contain the following condition: "A study, based upon anticipated variations in phase and magnitude of current in the individual antenna towers, must be submitted with the application for license to indicate clearly that the inverse distance field strength at 1 mile can be maintained within the maximum operating values of radiation specified in the radiation pattern. Allowable deviations in phase and current determined in that study will be incorporated in the instrument of authorization."

It is further ordered, That to avail itself of the opportunity to be heard, the Plains Broadcasting Co., Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the Plains Broadcasting Co., Inc., shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication

[1] By letter dated May 20, 1966, the licensee of Station WCAU, Philadelphia, Pa., filed an informal objection opposing a grant of the KGYN application on the grounds that (a) the KGYN proposal would cause objectionable interference to WCAU within the latter's 0.5 mv/m–50 percent skywave contour as a result of "deviations of current ratio and phase of considerably less than 5 percent and 3°"; and (b) that "the existence of sources of reradiation and field distortion, such as tall communications towers in the vicinity raises a serious question as to the ability of the applicant to adjust and maintain the proposed antenna array within the critical limits that will be necessary to achieve the protection to WCAU required by the rules." WCAU has failed to submit any engineering data in support of these assertions; and the Commission's own study of the KGYN application indicates that the WCAU objections do not have sufficient substance to warrant inclusion of an interference issue. Moreover, any grant to KGYN will be so conditioned as to insure adequate protection to WCAU.

of such notice as required by § 1.594(g) of the rules.

Released: September 6, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9924; Filed, Sept. 8, 1966; 8:50 a.m.]

[Docket No. 16058]

COMMUNICATIONS SATELLITE CORP.

Order Extending Time for Filing of Oppositions to Petitions for Reconsideration

In the matter of authorized entities and authorized users under the Communications Satellite Act of 1962; Docket No. 16058.

The Commission has before it a request, filed August 31, 1966, on behalf of RCA Communications, Inc., that the time for filing oppositions to petitions for reconsideration in the above-captioned proceeding be extended to September 16, 1966.

It appearing, that the Communications Satellite Corporation, the General Services Administration and RCA Communications, Inc., have filed petitions for reconsideration in this proceeding;

That additional time is required for the preparation of oppositions to the petitions in consequence of the nature of the questions involved; and

That Counsel for the Communications Satellite Corporation and the General Services Administration have consented to a grant of this request:

It is ordered, This 2d day of September 1966, pursuant to § 0.303 of the Commission's rules and regulations, that the time for filing oppositions to petitions for reconsideration in this proceeding is extended to September 16, 1966.

Released: September 6, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9925; Filed, Sept. 8, 1966; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-50]

CALCUTTA, EAST COAST OF INDIA AND EAST PAKISTAN/U.S.A. CONFERENCE

Admission, Withdrawal, and Expulsion; Self-Policing Report; Shippers' Requests and Complaints

ORDER TO SHOW CAUSE

Agreement 8650, originally approved March 31, 1964, between the member lines of the Calcutta, East Coast of India and East Pakistan/U.S.A. Conference, covers the trade from East Coast of India and East Pakistan ports, in the range from Chittagong to, but not including, Tuticorin, to U.S. Atlantic and Gulf ports, Searsport/Brownsville range.

Section 15 of the Shipping Act, 1916, reads in pertinent part, as follows:

> The Commission shall disapprove any such agreement, after notice and hearing, on a finding of inadequate policing of the obligations under it * * *.

General Order 7 (46 CFR Part 528) was adopted to implement section 15, as amended by Public Law 87-346, 75 Stat. 763-4, effective October 3, 1961. In this connection the order provides that:

§ 528.1 *Scope and purpose.* * * * The Commission shall disapprove an agreement thereunder if, after notice and hearing, it finds inadequate policing of the obligations of the agreement. This amendment makes it necessary that provision for self-policing be included in certain section 15 agreements and that the Commission be informed of the manner in which such provision is being carried out. The requirements set forth below are to aid the Commission in determining the existence and adequacy of self-policing systems, in accordance with the statutory objective.

§ 528.2 *General requirements; section 15 agreements.* Conference agreements and other rate-fixing agreements between common carriers by water in the foreign and domestic off-shore commerce of the United States, whether or not previously approved, shall contain a provision describing the method or system used by the parties in policing the obligations under the agreement, including the procedure for handling complaints and the functions and authority of every person having responsibility for administering the system. In the case of agreements previously approved under section 15 which do not meet these requirements, the parties shall file for approval an amendment which complies with the requirements * * *.

§ 528.3 *Reporting requirements.* Twice each year, once during the month of January and once during the month of July, there shall be filed with the Commission by the conferences and carriers subject to these rules, or by any person to whom they have delegated the self-policing authority, a report showing the nature of each complaint received during the preceding 6-month period; the action taken on the complaint or on the volition of any person responsible for policing; and with respect to violations found, the nature thereof and the penalty or other sanction imposed. The names of the parties involved in complaints or in action taken on the volition of the person responsible for policing may be omitted from these reports.

Agreement 8650, as amended, contains a self-policing system which conforms to the requirements outlined in § 528.2 above. Pursuant to § 528.3 above, the Conference has filed reports to include the period January-June 1965. By letters of July 20, 1965, November 24, 1965, and February 3, 1966 (Attachments 1-3),[1] the Conference was advised that their report for the period January-June 1965 was long overdue. This report was mailed by the Conference Secretary on February 10, 1966 (Attachment 4),[1] 7 months late. Required reports, negative or otherwise, covering the periods July-December 1965 and January-June 1966 have not been received by the Commission.

Section 15 of the Shipping Act, 1916, further provides, in pertinent part, that:

> No such agreement shall be approved, nor shall continued approval be permitted * * * in respect to any conference agreement, which fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal.

General Order 9 was adopted to implement section 2 of Public Law 87-346, effective October 3, 1961. The order provides that:

§ 523.1 *Statement of policy.* (a) * * * No conference agreement shall be approved, nor shall continued approval be permitted for any agreement, which fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal.

(b) It is the responsibility of the Federal Maritime Commission under the Shipping Act, 1916, to determine that all conference agreements contain reasonable and equal terms and conditions for admission and readmission to conference membership of qualified carriers according to the requirements set forth in paragraph (a) of this section.

§ 523.2 *Provisions of conference agreements.* In effectuation of the policy set forth in § 523.1, conference agreements, whether in effect on October 3, 1961, or initiated after that date, shall contain provisions substantially as follows:

(a) Any common carrier by water which has been regularly engaged as a common carrier in the trade covered by this agreement, or who furnishes evidence of ability and intention in good faith to institute and maintain such a common carrier service between ports within the scope of this agreement, and who evidences an ability and intention in good faith to abide by all the terms and conditions of this agreement, may hereafter become a party to this agreement by affixing its signature thereto.

NOTE: The above provision will not preclude the conference from imposing legitimate conditions on membership, including but not necessarily limited to, the payment of an admission fee, payment of any outstanding financial obligations arising from prior membership or the posting of a security bond on deposit. All such conditions must be made expressed terms of the conference agreement, filed with and approved by the Commission pursuant to section 15 of the Shipping Act, 1916.

(b) Every application for membership shall be acted upon promptly.

(c) No carrier which has complied with the conditions set forth in paragraph (a) of this section shall be denied admission or readmission to membership.

(d) Prompt notice of admission to membership shall be furnished to the Federal Maritime Commission and no admission shall be effective prior to the postmark date of such notice.

(e) Advice of any denial of admission to membership, together with a statement of the reasons therefor, shall be furnished promptly to the Federal Maritime Commission.

(f) Any party may withdraw from the conference without penalty by giving at least 30 days' written notice of intention to withdraw to the conference; *Provided, however,* That action taken by the conference to compel the payment of outstanding financial obligations by the resigning member shall not be construed as a penalty for withdrawal.

(g) Notice of withdrawal of any party shall be furnished promptly to the Federal Maritime Commission.

(h) No party may be expelled against its will from this conference except for failure to maintain a common carrier service between the ports within the scope of this agreement (said failure to be determined according to the minimum sailing requirements set forth in this agreement) or for failure to abide by all the terms and conditions of this agreement.

(i) No expulsion shall become effective until a detailed statement setting forth the reason or reasons therefor has been furnished the expelled member and a copy of such notification submitted to the Federal Maritime Commission.

By letter dated November 6, 1964 (Attachment 5),[1] the conference was advised of the requirement of General Order 9 that all existing conference agreements be modified to comply therewith and be filed with the Commission by July 20, 1964.

Although the conference was again reminded by letters of July 13, 1965, September 9, 1965, and February 3, 1966 (Attachments 6-8),[1] of their failure to comply with General Order 9, these letters were ignored.

Agreement 8650 between the members of the Calcutta, East Coast of India and East Pakistan/U.S.A. Conference does not comport with that provision of the Shipping Act, 1916, which was the subject of the Commission's General Order 9 in the following respects:

(1) The agreement does not contain a condition for the admission of a common carrier who furnishes evidence of ability and intention in good faith to abide by all terms and conditions of the agreement (§ 523.2(a)).

(2) "Just and reasonable" cause for denial of admission to membership does not meet the requirements of General Order 9 (§ 523.2(c)).

(3) Denial of membership by vote of the member lines does not meet the requirements of General Order 9 (§ 523.2 (c)).

(4) The agreement fails to provide that "prompt" notice of admission to membership shall be furnished the Commission (§ 523.2(d)).

(5) The agreement does not provide that a member may withdraw "without penalty" (§ 523.2(f)).

(6) The agreement does not provide that notice of withdrawal of any party shall be furnished "promptly" to the Commission (§ 523.2(g)).

(7) There are no provisions in the agreement for expulsion of parties thereto (§ 523.2 (h) and (i)).

Section 15 of the Shipping Act, 1916 further provides, in pertinent part, that:

> The Commission shall disapprove any such agreement, after notice and hearing, on a finding * * * of failure or refusal to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints.

General Order 14 was adopted to implement section 2 of Public Law 87-346, effective October 3, 1961. The general order provides, as follows:

§ 527.3 *Filing of procedures.* Within 60 days from the effective date of this part, each ratemaking group operating under an approved section 15 agreement shall file with the Commission a statement outlining in complete detail its procedures for the disposition of shippers' requests and complaints. In January of each year thereafter, each of the above shall file a report covering all changes made in these procedures during the past year, and, in the event the procedures have continued unchanged, the report shall so state.

§ 527.4 *Reports.* By January 31, April 30, July 31, and October 31 of each year, each conference and each other body with rate-fixing authority under an approved agreement shall file with the Commission a report covering all shippers' requests and complaints received during the preceding calendar quarter or pending at the beginning of such calendar quarter. The first such report shall be filed by October 31, 1965. All such reports shall include the following information for each request or complaint:

(a) Date request or complaint was received.

(b) Identity of the person or firm submitting the request or complaint.

(c) Nature of request or complaint; i.e., rate reduction, rate establishment, classification, overcharge, undercharge, measurement, etc.

(d) If final action was taken, date and nature thereof.

(e) If final action was not taken, an identification of the request or complaint as "pending."

(f) If denied, the reason.

§ 527.5 *Resident representative.* Conferences and other ratemaking groups domiciled outside the United States shall designate a resident representative in the United States with whom shippers situated in the United States may lodge their requests and complaints. The resident representative shall maintain for a period of two years a complete record of requests and complaints filed with him by shippers and consignees situated in the United States and its territories. Conferences and other ratemaking groups subject to this section may satisfy the reporting requirements of § 527.4 by reporting those requests and complaints filed with the resident agent appointed pursuant to the provisions of this section. Appointment of the resident representative shall be made by September 9, 1966.

§ 527.6 *Tariff provision.* Tariffs issued by or on behalf of conferences and other ratemaking groups shall contain full instructions as to where and by what method shippers may file their requests and complaints, together with a sample of the rate request form, if one is used, or, in lieu thereof, a statement as to what supporting information is considered necessary for processing the request or complaint through conference channels. Appropriate tariff provision shall be accomplished within 90 days from the effective date of this part.

On June 9, 1965, all conferences and rate-fixing agreements were mailed a copy of General Order 14 which became effective July 9, 1965. Except for § 527.4 *Reports*, this conference has complied with General Order 9. Although the conference was advised by letter of January 13, 1966 (Attachment 9[1]) that they had failed to comply with the reporting requirements set forth in General Order 9, no reports have been received by the Commission.

The issues raised herein do not involve any disputed issues of fact which necessitate an evidentiary hearing and require a prompt determination by the Commission.

Now, therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916:

It is ordered, That the Calcutta, East Coast of India and East Pakistan/U.S.A. Conference and the member lines thereof show cause why Agreement 8650, as amended, should not be disapproved by the Commission pursuant to section 15 of the Shipping Act, 1916, because of the Conference's failure to comply with the requirements of section 15 of the Shipping Act, 1916, and the Conference's failure to comply with the Commission's General Order 7, issued July 30, 1963, the Commission's General Order 9, issued April 21, 1964, and the Commission's General Order 14, issued June 8, 1965. This proceeding shall be limited to the submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business October 12, 1966, replies thereto shall be filed by Hearing Counsel and interveners, if any, no later than close of business October 26, 1966. An original and 15 copies of affidavits of fact, memoranda of law, and replies to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any paper filed with the Secretary should also be served upon all parties hereto. Oral argument will be heard at 9:30 a.m., November 9, 1966 in Room 114, 1321 H Street NW., Washington, D.C.

It is further ordered, That the Calcutta, East Coast of India and East Pakistan/U.S.A. Conference and its member lines as indicated in Attachment 10, are hereby made respondents in this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure, no later than close of business September 27, 1966, with copy to Respondent Conference.

By the Commission.

THOMAS LISI,
Secretary.

ATTACHMENT 10

James C. Pendleton, General Secretary, Calcutta, East Coast of India and East Pakistan/U.S.A. Conference, 11 Broadway, New York, N.Y. 10004.

[2] Commissioners Bartley, Cox, and Wadsworth absent.

[1] Attachments 1-9 filed as part of original document.

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.
Hellenic Lines, Ltd., 39 Broadway, New York, N.Y. 10006.
Isthmian Lines, Inc., 90 Broad Street, New York, N.Y. 10004.
N. V. Nedlloyd Lijnen, Nedlloyd Lines, Inc., 25 Broadway, New York, N.Y. 10004.
Orient Mid-East Lines, Eagle Ocean Transport, Inc., General Agents, 29 Broadway, New York, N.Y. 10006.
The Scindia Steam Navigation Co., Ltd., U.S. Navigation Co., Agents, 17 Battery Place, New York, N.Y. 10004.
The Shipping Corp. of India Ltd., Norton, Lilly & Co., Inc., General Agents, 26 Beaver Street, New York, N.Y. 10004.
Thos. & Jno. Brocklebank, Ltd., Cunard Steamship Co., Ltd., 25 Broadway, New York, N.Y. 10004.

[F.R. Doc. 66-9912; Filed, Sept. 8, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-45]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 1, 1966.

Take notice that on August 25, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-45 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of certain facilities which are presently being operated for the sale and delivery of natural gas to Citizens Utilities Co. (Citizens), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant has heretofore constructed and placed in operation on May 23, 1949, a measuring and regulating station at a point near the terminus of its Nogales lateral line in order to supply the natural gas requirements of Citizens' electric generating plant located near Nogales, Ariz., and that subsequently Citizens commenced the resale of a portion of such gas customers in the Nogales area. Inasmuch as no apparent certificate authorization is outstanding for the construction and operation of the aforesaid facility, Applicant now seeks authorization for the continued operation thereof.

The total original cost of the above described facility was $3,701.20 and the corresponding accumulated reserve for depreciation was $1,929.07 as of December 31, 1965.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 29, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-9874; Filed, Sept. 8, 1966; 8:46 a.m.]

[Docket No. RI67-43]

K. S. ADAMS, JR.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

SEPTEMBER 1, 1966.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 12, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-43	K. S. Adams, Jr., Post Office Box 844, Houston, Tex.	4	2	Phillips Petroleum Co.[1] (Texas-Hugoton Field, Moore and Sherman Counties, Tex.) (R.R. District No. 10).	$3,096	8-2-66	9-9-66	9-10-66	6.3066	7.1463	

[1] Phillips resells the gas to Michigan Wisconsin Pipe Line Co. and El Paso Natural Gas Co. under its FPC Gas Rate Schedule Nos. 4 and 32 at rates of 15.22 cents plus applicable tax reimbursement and 19.76 cents. The rates are in effect subject to refund in Docket Nos. RI65-526 and G-20403, respectively.
[2] As amended by filing submitted on Aug. 24, 1966.
[3] The stated effective date is the effective date proposed by Respondent.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Previously reported at 7.1580 cents, which erroneously included tax reimbursement.

K. S. Adams, Jr. (Adams), proposes a periodic increase in rate from 6.3066 cents to 7.1463 cents at 14.65 p.s.i.a. for the wellhead sale of gas to Phillips Petroleum Co. (Phillips) from the Texas-Hugoton Field, Moore and Sherman Counties, Tex. (Railroad District No. 10). The increased rate ceiling is 11 cents per Mcf. Phillips resells the gas to Michigan Wisconsin Pipe Line Co. and El Paso Natural Gas Co. under its FPC Gas Rate Schedule Nos. 4 and 32 at rates of 15.22 cents plus applicable tax reimbursement and 19.76 cents, which are in effect subject to refund in Docket Nos. RI65-526 and G-20403, respectively. Adams' proposed increase is not related to any corresponding increase by Phillips. Although Adams' proposed increase does not exceed the area increased rate ceiling of 11 cents per Mcf as set forth in the Commission's statement of general policy No. 61-1, as amended, the sale related thereto is considered to be for nonpipeline quality gas. We consider the increased rate ceiling to be applicable in this case at the outlet of the processing plant which is the point of delivery to the pipeline company. Under the circumstances, we believe that Adams' proposed rate increase should be suspended for one day from September 9, 1966, the proposed effective date.

[F.R. Doc. 66-9975; Filed, Sept. 8, 1966; 8:46 a.m.]

[Project 2601]

NANTAHALA POWER & LIGHT CO.

Notice of Application for License for Constructed Project

AUGUST 31, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Nantahala Power & Light Co. (correspondence to: John M. Archer, Jr., president, Nantahala Power & Light Co., Post Office Box 260, Franklin, N.C. 28734) for constructed Project No. 2601, known as the Bryson Project, located on the Oconaluftee River, a tributary of the Little Tennessee River, in Swain County, N.C., above Bryson City.

The existing project consists of: (1) A concrete dam about 315 feet long and 35 feet high in four sections, (a) nonoverflow gravity section 51.5 feet long, (b) a gated section 43.5 feet long with two 16- x 16.5-foot Tainter gates, (c) an overflow section of four multiple arches in a length of 156 feet, and (d) an intake section 64.5 feet long; (2) a reservoir at elevation 1,828.4 feet, about 1.5 miles long and with little usable storage; (3) a concrete-brick powerhouse containing two vertical generating units (a) 480 kw. and (b) 500 kw., totaling 980 kw.; and (4) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 25, 1966. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-9876; Filed, Sept. 8, 1966; 8:46 a.m.]

[Docket No. CP67-46]

TENNESSEE GAS PIPELINE CO.

Notice of Application

SEPTEMBER 1, 1966.

Take notice that on August 25, 1966, Tennessee Gas Pipeline Co. (Applicant), a division of Tenneco, Inc., Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP67-46 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing increased natural gas service to its customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to increase its natural gas service, commencing with the 1966-1967 winter, to 20 of its existing general service customers and to one of its existing contracted demand customers. Applicant states that the proposed additional service totals approximately 22,815 Mcf of gas and is to be made to the customers set forth in the application. Furthermore, Applicant states that the additional service is to be rendered through the utilization of unallocated pipeline capacity authorized by the Commission in Docket Nos. CP66-180 and CP66-303, and that no additional pipeline facilities are proposed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 29, 1966.

Take further notice that, pursuant to the authority contained in and subject to the judisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-9878; Filed, Sept. 8, 1966; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

SEPTEMBER 2, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5½ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended; this order to be effective for the period September 6, 1966, through September 15, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-9908; Filed, Sept. 8, 1966; 8:49 a.m.]

[File No. 1-3782]

GREAT AMERICAN INDUSTRIES, INC.

Order Suspending Trading

SEPTEMBER 2, 1966.

The common stock, 10 cents par value, of Great American Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock, Series A, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 6, 1966, through September 15, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-9909; Filed, Sept. 8, 1966; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The certificates are effective from September 3, 1966, to September 2, 1967, except as otherwise indicated. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the statutory minimum of $1.25 an hour.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Ann & Hope Factory Outlet, Inc., department store; Mill Street, Cumberland, R.I.

Boulevard Food Store, food store; 1021 Nebraska Street, Sioux City, Iowa.

Buehler Market, food store; 2315 "N" Street, Omaha, Nebr.

Capin Mercantile Corp., department stores: 101–105 Morley Avenue, Nogales, Ariz.; 125–129 Morley Avenue, Nogales, Ariz.

Carrollton Foods, Inc., food store; 905 South Main, Carrollton, Mo.

Cooper & Ratcliff, Inc., food store; No. 2, Collinsville, Va.

M. Gilbert & Sons Co., apparel store; 813 South Michigan Street, South Bend, Ind.

W. T. Grant Co., variety stores: No. 683, Zion, Ill.; No. 464, Louisville, Ky. (8–23–66 to 8–22–67); 324 Essex Street, Lawrence, Mass. (8–24–66 to 8–23–67); No. 18, Kalamazoo, Mich.; No. 853, Middlesex, N.J. (9–1–66 to 8–31–67); No. 724, Parsippany, N.J. (9–1–66 to 8–31–67); 10 Wanaque Avenue, Pompton Lakes, N.J.; No. 393, Roselle, N.J. (9–1–66 to 8–31–67); 3415 Pleasant Valley Boulevard, Altoona, Pa.; No. 761, El Paso, Tex. (9–27–66 to 9–26–67); No. 519, Appleton, Wis.

R. Guinan & Co., department store; 117–127 South Oak Street, Mount Carmel, Pa.

H. E. B. Food Store, food stores: No. 27, Alice, Tex.; No. 73, Aransas Pass, Tex.; No. 30, Austin, Tex.; No. 31, Austin, Tex.; No. 32, Austin, Tex.; No. 33, Austin, Tex.; No. 34, Austin, Tex.; No. 39, Austin, Tex.; No. 45, Austin, Tex.; No. 51, Austin, Tex.; No. 79, Austin, Tex.; No. 10, Beeville, Tex.; No. 1, Brownsville, Tex.; No. 14, Brownsville, Tex.; No. 15, Brownsville, Tex.; No. 17, Corpus Christi, Tex.; No. 19, Corpus Christi, Tex.; No. 21, Corpus Christi, Tex.; No. 23 Corpus Christi, Tex.; No. 35, Corpus Christi, Tex.; No. 37, Corpus Christi, Tex.; No. 38, Corpus Christi, Tex.; No. 46, Corpus Christi, Tex.; No. 65, Corpus Christi, Tex.; No. 102, Corpus Christi, Tex.; No. 103, Corpus Christi, Tex.; No. 104, Corpus Christi, Tex.; No. 105, Corpus Christi, Tex.; No. 107, Corpus Christi, Tex.; No. 80, Cuero, Tex.; No. 88, Del Rio, Tex.; No. 9, Donna, Tex.; No. 75, Eagle Pass, Tex.; No. 6, Edinburg, Tex.; No. 78, El Campo, Tex.; No. 3, Harlingen, Tex.; No. 55, Harlingen, Tex.; No. 77, Harlingen, Tex.; No. 89, Kerrville, Tex.; No. 72, Killeen, Tex.; No. 26, Kingsville, Tex.; No. 8, Laredo, Tex.; No. 16, Laredo, Tex.; No. 7, McAllen, Tex.; No. 86, McAllen, Tex.; No. 4, Mercedes, Tex.; No. 13, Mission, Tex.; No. 62, New Braunfels, Tex.; No. 12, Pharr, Tex.; No. 11, Raymondville, Tex.; No. 24, Refugio, Tex.; No. 22, Robstown, Tex.; No. 40, San Antonio, Tex.; No. 41, San Antonio, Tex.; No. 42, San Antonio, Tex.; No. 43, San Antonio, Tex.; No. 44, San Antonio, Tex.; No. 47, San Antonio, Tex.; No. 48, San Antonio, Tex.; No. 49, San Antonio, Tex.; No. 52, San Antonio, Tex.; No. 53, San Antonio, Tex.; No. 57, San Antonio, Tex.; No. 60, San Antonio, Tex.; No. 61, San Antonio, Tex.; No. 66, San Antonio, Tex.; No. 67, San Antonio, Tex.; No. 68, San Antonio, Tex.; No. 69, San Antonio, Tex.; No. 2, San Benito, Tex.; No. 63, San Marcos, Tex.; No. 29, Taft, Tex.; No. 71, Temple, Tex.; No. 74, Uvalde, Tex.; No. 25, Victoria, Tex.; No. 28, Victoria, Tex.; No. 50, Waco, Tex.; No. 64, Waco, Tex.; No. 70, Waco, Tex.; No. 76, Waco, Tex.; No. 87, Waco, Tex.; No. 5, Weslaco, Tex.; No. 81, Yoakum, Tex.

Hoffman's, Inc., apparel store; 200 Union Street, Lynn, Mass.

S. S. Kresge Co., variety stores: 1025 Main Street, Bridgeport, Conn.; No. 4526, Hartford, Conn.; No. 4527, Middletown, Conn.; No. 33, New Haven, Conn.; No. 651, New London, Conn.; No. 693, Thompsonville, Conn.; No. 590, Waterbury, Conn.; No. 4583, West Hartford, Conn.; No. 94, Bridgeview, Ill.; No. 174, Champaign, Ill.; No. 236, Chicago, Ill.; No. 416, Chicago, Ill.; No. 471, Chicago, Ill.; No. 594, Chicago, Ill.; No. 599, Chicago, Ill.; No. 261, Danville, Ill.; No. 177, Elgin, Ill.; No. 220, Evanston, Ill. (9–20–66 to 9–19–67); No. 413, Freeport, Ill.; No. 207, Harrisburg, Ill.; No. 417, Kankakee, Ill.; No. 218, La Grange, Ill.; No. 4523, La Salle, Ill. (9–7–66 to 9–6–67); No. 4546, Moline, Ill.; No. 463, Oaklawn, Ill.; No. 630, Park Forest, Ill.; No. 482, Pekin, Ill.; No. 242, Peoria, Ill.; No. 136, St. Charles, Ill.; No. 483, Bedford, Ind.; No. 556, Evansville, Ind.; No. 647, Evansville, Ind.; No. 568, Fort Wayne, Ind.; No. 462, Gary, Ind.; No. 618, Gary, Ind.; No. 7, Indianapolis, Ind.; No. 583, Indianapolis, Ind.; No. 672, Indianapolis, Ind.; No. 589, Kokomo, Ind.; No. 251, New Castle, Ind.; No. 84, Richmond, Ind.; No. 4554, Richmond, Ind.; 320 Jefferson Street, Burlington, Iowa; 225 First Avenue, Southeast, Cedar Rapids, Iowa; No. 71, Des Moines, Iowa; No. 542, Des Moines, Iowa; No. 145, Fort Dodge, Iowa; No. 559, Iowa City, Iowa; No. 210, Marshalltown, Iowa; No. 692, Mason City, Iowa; No. 163, Sioux City, Iowa; No. 152, Waterloo, Iowa; No. 127, Leavenworth, Kans.; No. 197, Salina, Kans.; No. 20, Baltimore, Md.; No. 414, Baltimore, Md.; No. 576, Baltimore, Md. (9–7–66 to 9–6–67); No. 491, Bladensburg, Md.; No. 209, Dundalk, Md.; No. 698, Glen Burnie, Md.; No. 695, Hagerstown, Md.; No. 691, Rockville, Md.; No. 409, Boston, Mass.; No. 532, Boston, Mass.; No. 63, Brockton, Mass.; No. 653, Cambridge, Mass.; No. 4581, Fitchburg, Mass.; No. 294, Lynn, Mass.; No. 184, New Bedford, Mass.; No. 255, Quincy, Mass.; No. 605, Allen Park, Mich.; No. 74, Ann Arbor, Mich.; No. 160, Ann Arbor, Mich.; No. 208, Detroit, Mich.; No. 395, Detroit, Mich.; No. 521, Detroit, Mich.; No. 533, Detroit, Mich.; No. 185, Ferndale, Mich.; No. 214, Flint, Mich. (9–16–66 to 9–15–67); No. 59, Grand Rapids, Mich.; No. 365, Highland Park, Mich.; No. 103, Jackson, Mich.; No. 423, Livonia, Mich. (9–24–66 to 9–23–67); No. 535, Mt. Clemens, Mich. (9–7–66 to 9–6–67); No. 626, Muskegon, Mich.; No. 684, Pontiac, Mich.; No. 415, Roseville, Mich.; No. 530, Royal Oak, Mich.; No. 315, Sault Ste. Marie, Mich. (9–15–66 to 9–14–67); No. 123, Southfield, Mich.; No. 687, Southgate, Mich.; No. 499, Traverse City, Mich. (9–13–66 to 9–12–67); No. 266, Mankato, Minn.; No. 645, Minneapolis, Minn.; No. 4605, St. Cloud, Minn.; No. 89, Hannibal, Mo.; No. 555, Jennings, Mo.; No. 82, Kansas City, Mo.; No. 58, St. Joseph, Mo.; 24 Hampton Village Plaza, St. Louis, Mo.; No. 24, St. Louis, Mo.; No. 461, St. Louis, Mo.; No. 4585, St. Louis, Mo.; No. 96, Springfield, Mo.; No. 11, Webster Groves, Mo.; No. 109, Lincoln, Nebr.; No. 326, Omaha, Nebr.; No. 573, Haddonfield, N.J.; No. 263, Jersey City, N.J.; No. 608, Morristown, N.J.; No. 80, Paramus, N.J.; No. 221, Perlin, N.J.; No. 587, Woodbury, N.J.; No. 658, Barberton, Ohio; No. 47, Cincinnati, Ohio; No. 638, Cincinnati, Ohio; No. 411, Cleveland, Ohio; No. 459, Cleveland, Ohio; No. 636, Columbus, Ohio; No. 9, Dayton, Ohio; No. 51, Lima, Ohio; 20900 Libby Road, Maple Heights, Ohio; No. 458, Steubenville, Ohio; No. 674, Warren, Ohio; No. 228, Willowick, Ohio; No. 248, Xenia, Ohio; No. 595, Youngstown, Ohio; No. 302, Bridgeville, Pa.; No. 309, Camp Hill, Pa.; No. 76, Erie, Pa.; No. 460, Harrisburg, Pa.; No. 615, Harrisburg, Pa.; No. 64, Lancaster, Pa.; No. 476, Levittown, Pa.; No. 200, Morristown, Pa.; No. 327, Philadelphia, Pa.; No. 379, Philadelphia, Pa.; No. 438, Philadelphia, Pa.; East Hills Center, Pittsburgh, Pa.; No. 182, Pittsburgh, Pa.; No. 282, Pittston, Pa. (9–8–66 to 9–7–67); No. 18, Reading, Pa.; No. 92, Scranton, Pa.; No. 492, Springfield, Pa.; No. 475, Uniontown, Pa.; No. 509, Upper Darby, Pa.; No. 478, Warren, Pa.; No. 68, Wilkes-Barre, Pa.; 191 Westminster Mall, Providence, R.I.; No. 671, Rapid City, S. Dak.; No. 738, Chattanooga, Tenn. (9–1–66 to 8–31–67); No. 739, Irving, Tex.; No. 4549, Charleston, W. Va. (9–1–66 to 8–31–67); No. 202, Appleton, Wis.; No. 4569, Green Bay, Wis.; No. 446, Milwaukee, Wis.; No. 78, Superior, Wis.; No. 493, Wausau, Wis.

S. H. Kress & Co., variety stores: 901 G Avenue, Douglas, Ariz.; 119 Morley Avenue, Nogales, Ariz.; 22 West Washington Street, Phoenix, Ariz.; 97 East Congress Street, Tucson, Ariz.; 540 Main Street, Grand Junction, Colo.; 15 South Main Street, Fort Scott, Kans.; 7 South Jefferson Street, Iola, Kans.; 619 North Broadway, Pittsburg, Kans.; 224 East Douglas Avenue, Wichita, Kans.; 343 Springfield Avenue, Summit, N.J. (9–1–66 to 8–31–67); 414 Central, Southwest, Albuquerque, N. Mex.; 329 South Main Street, Carthage, Mo.; 215 East High Street, Jefferson City, Mo.; 119 West Main, Ardmore, Okla.; 325 Chickasha Avenue, Chickasha, Okla.; 129 West Main Street, Enid, Okla.; 324 C Avenue, Lawton, Okla.; 109–113 North Second, Muskogee, Okla.; 218 West Main Street, Oklahoma City, Okla.; 105 East Grand Avenue, Ponca City, Okla.; 109 East Main, Shawnee, Okla.; 218 South Main, Tulsa, Okla.; 628 State Street, Bristol, Tenn. (9–1–66 to 8–31–67); 822 Market Street, Chattanooga, Tenn. (9–1–66 to 8–31–67); 423 Elk Avenue, Elizabethton, Tenn. (9–1–66 to 8–31–67); 243 East Main Street, Johnson City, Tenn. (9–1–66 to 8–31–67); 220 Broad Street, Kingsport, Tenn. (9–1–66 to 8–31–67); 700 Polk Street, Amarillo, Tex.; 591 Pearl Street, Beaumont, Tex.; 1031 East Elizabeth Street, Brownsville, Tex.; 206 West Jefferson, Dallas, Tex.; 1404 Elm Street, Dallas, Tex.; 230 Main Street, Eagle Pass, Tex.; 211 North Mesa, El Paso, Tex.; 201 West California Street, Gainesville, Tex.; 2506 Lee Street, Greenville, Tex.; 124 East Jackson Street, Harlingen, Tex.; 6704 Harrisburg Boulevard, Houston, Tex.; 16 Lamar Avenue, Paris, Tex.; 625 Procter Street, Port Arthur, Tex.; 315 East Houston Street, San Antonio, Tex.; 101 North Flores Street, San Antonio, Tex.; 110 North Travis Street, Sherman, Tex.; 116–118 West Broad Street, Texarkana, Tex.; 114 West Erwin Street, Tyler, Tex.; 101 South College Street, Waxahachie, Tex.; 806 Indiana Street, Wichita Falls, Tex.; 106 West Center Street, Provo, Utah; 29 West Campbell Avenue, Roanoke, Va. (9–1–66 to 8–31–67).

McCrory-McLellan-Green Stores, variety stores: No. 1119, Bridgeport, Conn.; No. 21, Cumberland, Md.; No. 234, Baltimore, Md.; No. 31, Hagerstown, Md.; No. 1138, Silver Spring, Md.; No. 668, Grand Haven, Mich.; No. 168, Camden, N.J.; No. 308, Clifton, N.J.; No. 1025, Elizabeth, N.J.; No. 272, Jersey City, N.J.; No. 1034, Manasquan, N.J. (9–7–66 to 9–6–67); No. 1085, Newark, N.J.; No. 240, Orange, N.J.; No. 301, Union, N.J.; No. 8, Allentown, Pa.; No. 147, Ebensburg, Pa.; No. 63, Philadelphia, Pa.; No. 1012, Philadelphia, Pa.; No. 1207, Cleveland, Ohio; No. 1065, Dayton, Ohio; No. 597, Lawton, Okla.; No. 430, Jackson, Tenn. (9–1–66 to 8–31–67); No. 262, Oak Ridge, Tenn. (9–1–66 to 8–31–67); No. 1117, Alexandria, Va. (9–1–66 to 8–31–67).

G. C. Murphy Co., variety stores: No. 17, Ashland, Ky.; No. 111, Maysville, Ky.; No. 204, Paintsville, Ky.; No. 176, Pikeville, Ky.; No. 239, Pleasure Ridge Park, Ky.; No. 435, Albion, Mich.; No. 436, Charlotte, Mich.; No. 444, Coldwater, Mich.; No. 406, Hillsdale, Mich.; No. 437, Marshall, Mich.; No. 424, Owosso, Mich.; No. 120, St. Joseph, Mich.; No. 451, South Haven, Mich.; No. 181, Alliance, Ohio; No. 140, Barnesville, Ohio; No. 65, Bellaire, Ohio; No. 36, Bellefontaine, Ohio; No. 415, Bryan, Ohio; No. 234, Cincinnati, Ohio; No. 110, Circleville, Ohio; No. 265, Columbus, Ohio; No. 418, Defiance, Ohio; No. 441, Franklin, Ohio; No. 460, Galion, Ohio; No. 2, Gallipolis, Ohio; No. 468, Gallipolis, Ohio; No. 37, Greenville, Ohio; No. 456, Hillsboro, Ohio; No. 459, Jackson, Ohio; No. 269, Kettering, Ohio; No. 446, Lebanon, Ohio; No. 466, Logan, Ohio; No. 469, London, Ohio; No. 230, Marion, Ohio; No. 38, Middletown, Ohio; No. 462, Napoleon, Ohio; No. 257, North Ridgeville, Ohio; No. 41, Piqua, Ohio; No. 453, St. Marys, Ohio; No. 52, Salem, Ohio; No. 40, Sidney, Ohio; No. 434, Toledo, Ohio; No. 122, Toronto, Ohio; No. 35, Troy, Ohio; No. 419, Urbana, Ohio; No. 20, Washington Courthouse, Ohio; No. 192, Wilmington, Ohio; No. 222, Youngstown, Ohio; No. 187, Youngstown, Ohio; No. 173, Austin, Tex.; No. 3058, Beaumont, Tex.; No. 3066, Beaumont, Tex.; No. 3093, Beaumont, Tex.; No. 132, Beckley, W. Va.; No. 50, Buckhannon, W. Va.; No. 171, Clarksburg, W. Va.; No. 209, East Rainelle, W. Va.; No. 15, Elkins, W. Va.; No. 172, Fairmont, W. Va.; No. 137, Hinton, W. Va.; No. 22, Keyser, W. Va.; No. 194, Logan, W. Va.; No. 42, Montgomery, W. Va.; No. 197, Morgantown, W. Va.; No. 18, Moundsville, W. Va.; No. 182, Mullens, W. Va.; No. 168, North Fort, W. Va.; No. 213, Oak Hill, W. Va.; No. 212, Parkersburg, W. Va.; No. 185, Philippi, W. Va.; No. 40, Piedmont, W. Va.; No. 62, Point Pleasant, W. Va.; No. 154, Princeton, W. Va.; No. 180, Richwood, W. Va.; No. 189, Shinnston, W. Va.; No. 19, Sistersville, W. Va.; No. 207, South Charleston, W. Va.; No. 195, Spencer, W. Va.; No. 162, Weirton, W. Va.; No. 254, Weirton, W. Va.; No. 133, Welch, W. Va.; No. 14, Wellsburg, W. Va.; No. 21, Weston, W. Va.; No. 33, Wheeling, W. Va.; No. 131, Williamson, W. Va.; No. 241, Alexandria, Va.; No. 198, Alexandria, Va.; No. 214, Arlington, Va.; No. 24, Newport News, Va.; No. 208, Richmond, Va.; No. 142, Richmond, Va.; No. 245, Richmond, Va.

Neisner Bros., Inc., variety stores: No. 13, Detroit, Mich.; No. 32, Detroit, Mich.; No. 63, Detroit, Mich.; No. 82, Detroit, Mich.; No. 43, Detroit, Mich.; No. 58, Escanaba, Mich.; No. 62, Highland Park, Mich.; No. 101, Lincoln Park, Mich. (9–14–66 to 9–13–67); No. 17, Pontiac, Mich.; No. 107, Royal Oak Mich.; No. 73, Wyandotte, Mich.; No. 127, East Paterson, N.J.; No. 106, Irvington, N.J.; No. 149, Middletown, N.J.; No. 163, Paramus, N.J.; No. 58, St. Louis, Mo.; No. 100, Cincinnati, Ohio; No. 13, Elyria, Ohio; No. 29, Cleveland, Ohio; No. 53, Cleveland, Ohio; No. 113, Cleveland, Ohio; No. 133, Lorain, Ohio; No. 19, Mansfield, Ohio; No. 38, Massillon, Ohio; No. 39, Norwood, Ohio; No. 114, Sandusky, Ohio; No. 131, Brownsville, Tex.; No. 75, Corpus Christi, Tex.; No. 144, Houston, Tex.; No. 45, Laredo, Tex.; No. 172, Port Arthur, Tex.; No. 120, San Antonio, Tex.; No. 141, San Antonio, Tex.; No. 160, San Antonio, Tex.; No. 134, Wichita Falls, Tex.

The New York Store, department store; 238–244 High Street, Pottstown, Pa.

J. J. Newberry Co., variety stores: 330 North San Fernando Road, Burbank, Calif. (9–28–66 to 9–27–67); 112 Main Avenue South, Twin Falls, Idaho; 362 Main Street, Rockland, Maine; 108–110 East Main Street, Elkton, Md.; 61–75 West Washington Street, Hagerstown, Md.; 15–17 Main Street, Franklin, Mass.; 808 Broadway, Columbia, Mo. (9–13–66 to 9–12–67); 311 Norfolk Avenue, Norfolk, Nebr.; No. 732, Sidney, Nebr.; 384 Central Street, Franklin, N.H.; 601 Main Street, Laconia, N.H.; No. 182, Littleton, N.H.; 1006 Elm Street, Manchester, N.H.; No. 136, Portsmouth, N.H.; No. 415, Wooster, Ohio; No. 14, Ephrata, Pa. (9–22–66 to 9–21–67); 304 Market Street, Lewisburg, Pa.; 5–11 South Front Street, Milton, Pa.; 2038 Main Street, Northampton, Pa.; 243 High Street, Pottstown, Pa.; No. 5, Shamokin, Pa.; 600 Main Street, Stroudsburg, Pa.; 416–422 Market Street, Sunbury, Pa.; 39–45 West Broad Street, Tamaqua, Pa.; No. 33, Newport, R.I.; 201–209 Westminster Street, Providence, R.I.; 37–41 Washington Street, West Warwick, R.I.; 122–24 South Main, Aberdeen, S. Dak.; 289–91 Dakota Avenue, Southwest, Huron, S. Dak.; 137–145 North Main Street, Barre, Vt.; 46 Main Street, Newport, Vt.; South Main Street, White River Junction, Vt.

The Olson Mercantile Co., food stores: 1406 West Main, Chanute, Kans.; Erie, Kans.; 3209 Main Street, Parsons, Kans.

The Outlet Co., department store; 176 Weybosset Street, Providence, R.I.

Ramey Super Market, food stores: No. 1, Springfield, Mo.; No. 2, Springfield, Mo.; No. 3, Springfield, Mo.

Rodenberg's, food stores: Savannah Highway, Charleston, S.C. (8–24–66 to 8–23–67); 149 Cannon Street, Charleston, S.C. (8–24–66 to 8–23–67); Rivers Avenue, Charleston Heights, S.C. (8–24–66 to 8–23–67); Montague and Mixon, North Charleston, S.C. (8–24–66 to 8–23–67).

Roodhouse Search Foods Stores, Inc., food store; Roodhouse, Ill. (8–25–66 to 8–24–67).

Rose's Stores, Inc., variety stores: No. 135, Somerset, Ky.; No. 62, Greeneville, Tenn.; No. 44, Newport, Tenn.; No. 57, Christiansburg, Va.; No. 31, Farmville, Va.; No. 7, Franklin, Va.; No. 70, Marion, Va.; No. 142, Norfolk, Va.; No. 129, Norfolk, Va.; No. 123, Norfolk, Va.; No. 144, Richmond, Va.; No. 40, South Boston, Va.; No. 17, Suffolk, Va.; No. 137, Virginia Beach, Va.; No. 107, Virginia Beach, Va.; No. 65, Williamsburg, Va.

Rosier Mercantile Co., department store; 2 East Ste. Maries, Perryville, Mo. (8–16–66 to 8–15–67).

Rusty's Food Centers, Inc., food stores: Ninth and Iowa Street, Lawrence, Kans.; 23d and Louisiana Streets, Lawrence, Kans.

L. R. Samuels, apparel store; 2457 Washington Boulevard, Ogden, Utah.

Sterling Stores Co., Inc., variety store; 2340 Lamar Avenue, Memphis, Tenn. (9–1–66 to 8–31–67).

T. G. & Y. Stores Co., variety stores: No. 156, Kansas City, Kans.; No. 143, Mission, Kans.; No. 158 Independence, Mo.; No. 166, Jefferson City, Mo.; No. 132, Kansas City, Mo.; No. 129, Kansas City, Mo.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum of $1.25 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Ann & Hope Factory Outlet, Inc., department store; 1689 Post Road, Warwick, R.I.; bagger, messenger, stock clerk; between 1.5 percent and 3.4 percent.

Bill Crook's Food Town, food stores for the occupations of sack boy, stock boy: No. 3, Hendersonville, Tenn. (between 9.5 percent and 10 percent); No. 2, Nashville, Tenn. (between 8.2 percent and 10 percent, 8–30–66 to 8–29–67).

Falls Super Market, Inc., food store; 406 South Mill Street, Redwood Falls, Minn.; carryout boy, stock boy; between 7.3 percent and 10 percent.

W. T. Grant Co., variety stores for the occupations of sales clerk, stock clerk, office clerk, cashier, except as otherwise indicated: No. 143, Oxnard, Calif. (sales clerk, between 4.4 percent and 7.2 percent, 9–23–66 to 9–22–67); No. 944, Henderson, Ky. (between 4.4 percent and 10 percent, 9–15–66 to 9–14–67); Jennings and Grafton Streets, Worcester, Mass. (between 5.9 percent and 10 percent, 8–24–66 to 8–23–67); No. 983, Hammonton, N.J. (between 3.2 percent and 10 percent, 9–1–66 to 8–31–67); 1125–1135 Freeport Road, Pittsburgh, Pa. (sales clerk, between 5.8 percent and 10 percent).

H. E. B. Food Stores, for the occupations of bottle boy, package boy, sack or stock boy, 10 percent for each month: No. 36, Austin, Tex.; No. 82, Bay City, Tex.; No. 99, Bellmead, Tex.; No. 93, Belton, Tex.; No. 18, Corpus Christi, Tex.; No. 92, Corpus Christi, Tex.; No. 101, Corpus Christi, Tex.; No. 95, Del Rio, Tex.; No. 85, Falfurrias, Tex.; No. 84, McAllen, Tex.; No. 20, Port Lavaca, Tex.; No. 96 Rockport, Tex.; No. 58, San Antonio, Tex.; No. 59, San Antonio, Tex.; No. 83, San Antonio, Tex.; No. 90, San Antonio, Tex.; No. 97, Seguin, Tex.; No. 56, Taylor, Tex.; No. 54, Waco, Tex.; No. 91, Wharton, Tex.

S. S. Kresge Co., variety stores for the occupation of sales clerk except as otherwise indicated, 10 percent for each month except as otherwise indicated: No. 506, Danbury, Conn.; No. 173, Milford, Conn.; No. 4525, New Britain, Conn.; No. 259, Waterbury, Conn.; No. 4551, Chicago, Ill.; No. 4562, Chicago, Ill.; No. 429, Des Plaines, Ill.; No. 25, Markham, Ill.; No. 4568, Niles, Ill. (sales clerk, stock clerk, cashier); No. 187, Palatine, Ill.; K-Mart Plaza, Fort Wayne, Ind. (between 4.8 percent and 10 percent, 8–26–66 to 8–25–67); No. 4014, Kokomo, Ind.; No. 312, Speedway, Ind.; No. 217, Vincennes, Ind. (between 7.7 percent and 10 percent); No. 170, Cedar Rapids, Iowa (between 3.4 percent and 8.2 percent); No. 450, Braintree, Mass.; No. 131, Ann Arbor, Mich.; No. 466, Ann Arbor, Mich.; 455 Riverview Drive, Benton Harbor, Mich.; No. 571, Fraser, Mich.; No. 465, Grosse Pointe, Mich.; No. 667, Roseville, Mich.; 25700 West Eight Mile Road, Southfield, Mich.; No. 4570, Austin, Minn. (between 0.7 percent and 10 percent); No. 625, Independence, Mo. (sales clerk, porter, between 2.8 percent and 10 percent); No. 49, Kansas City, Mo.; No. 771, Billings, Mont.; No. 274, Wayne, N.J.; No. 775, Wilmington, N.C. (be-

tween 3.5 percent and 10 percent, 8–23–66 to 8–22–67); No. 4022, Grand Forks, N. Dak. (between 6.0 percent and 10 percent); No. 4544, Minot, N. Dak. (cashier, stock boy, between 7.6 percent and 10 percent); No. 199, Dayton, Ohio (between 8.0 percent and 10 percent, 8–19–66 to 8–18–67); No. 686, Tiffin, Ohio (8–23–66 to 8–22–67); No. 4045, Butler, Pa. (between 6.5 percent and 10 percent, 8–20–66 to 8–19–67); No. 186, Lancaster, Pa.; No. 4513, Philadelphia, Pa. (between 3.0 percent and 10 percent); No. 97, Pittsburgh, Pa. (between 4.3 percent and 10 percent, 9–30–66 to 9–29–67); No. 4514, Shamokin, Pa. (between 0.3 percent and 10 percent); No. 4142, Garland, Tex. (between 7.2 percent and 10 percent, 8–19–66 to 8–18–67); No. 4133, Irving, Tex. (between 7.2 percent and 10 percent, 8–19–66 to 8–18–67); No. 4062, Danville, Va. (9–1–66 to 8–31–67); No. 553, Hampton, Va. (between 0.0 percent and 10 percent); No. 4521, Parkersburg, W. Va. (between 3.6 percent and 10 percent, 9–1–66 to 8–31–67); No. 4051, Eau Claire, Wis. (between 2.0 percent and 6.0 percent).

S. H. Kress & Co., variety stores for the occupation of sales clerk: 36 West Landis Avenue, Vineland, N.J. (10 percent for each month, 9–1–66 to 8–31–67); 38th and Cache Road, Lawton, Okla. (between 6.5 percent and 10 percent); 403 Southwest 25th Street, Oklahoma City, Okla. (between 0.0 percent and 10 percent); No. 357, Warrenton, Va. (between 6.0 percent and 10 percent, 9–1–66 to 8–31–67).

McCrory-McLellan-Green Stores, variety stores for the occupations of sales clerk, stock clerk, office clerk, except as otherwise indicated; No. 1301, Baltimore, Md. (sales clerk, stock clerk, 10 percent for each month, 9–29–66 to 9–28–67); No. 346, LaVale, Md. (between 1.2 percent and 5.1 percent); No. 7506, Jersey City, N.J. (between 9.1 percent and 10 percent).

G. C. Murphy Co., variety stores for the occupations of sales clerk, stock clerk, office clerk, janitor, 10 percent for each month except as otherwise indicated: No. 291, Cleveland, Ohio (between 2.2 percent and 10 percent); No. 281, Dayton, Ohio (between 5.4 percent and 10 percent); No. 295, Chattanooga, Tenn. (between 4.7 percent and 10 percent); No. 288, Abilene, Tex.; No. 219, Fort Worth, Tex.; No. 286, Lubbock, Tex.; No. 294, Odessa, Tex.; No. 283, Texarkana, Tex.; No. 107, Danville, Va. (between 9.2 percent and 10 percent); No. 278, Lynchburg, Va. (between 9.2 percent and 10 percent); No. 240, Roanoke, Va. (between 9.2 percent and 10 percent); No. 156, Woodbridge, Va.

Neisner Bros., Inc., variety stores: No. 142, Trenton, N.J. (sales clerk, stock clerk, waitress, 10 percent for each month); No. 180, Del Rio, Tex. (stock clerk, sales clerk, office clerk, between 5.9 percent and 10 percent); No. 195, San Antonio, Tex. (sales clerk, stock clerk, office clerk, between 1.2 percent and 10 percent).

J. J. Newberry Co., variety stores for office clerk, sales clerk, and additional occupations where noted: Brick Plaza, Bricktown, N.J. (stock clerk, janitor, window trimmer, marker, between 8.8 percent and 10 percent); Freehold, N.J. (stock clerk, janitor, window trimmer, marker, 10 percent for each month); No. 428, Newton, N.J. (stock clerk, janitor, window trimmer, marker, between 8.8 percent and 10 percent); 850 Mentor Avenue, Mentor, Ohio (sign maker, between 6.4 percent and 10 percent); 135 Main Street, Painesville, Ohio (between 6.4 percent and 10 percent); No. 559, Mitchell, S. Dak. (stock clerk, between 6.1 percent and 10 percent).

Parisian Mercantile Corp., department store; 205 Morley Avenue, Nogales, Ariz.; sales clerk, marker, gift wrapper, stock clerk; between 1.4 percent and 10 percent.

Rodenberg's Supermarkets, food stores for the occupations of bag boys and carry-out boys, 10 percent for each month except as otherwise indicated: Palmetto Shopping Center, North Charleston, S.C. (between 6.8 percent and 10 percent, 8–24–66 to 8–23–67); Rutledge & Huger Streets, Charleston, S.C. (8–24–66 to 8–23–67); Highway 17, Mount Pleasant, S.C. (8–24–66 to 8–23–67).

Rose's Stores, Inc., variety store; No. 54, Danville, Va.; sales clerk, stock clerk, office clerk, checker; between 4.8 percent and 9.1 percent.

Rusty's Food Centers, Inc., food store; 620 North Second Street, Lawrence, Kans.; sacker, carryout; between 7.2 percent and 10 percent.

Seifert's Iowa City, Inc., apparel store; 10 South Clinton, Iowa City, Iowa; buying, selling, merchandising, advertising; 5 percent for each month.

Sterling Stores Co., Inc., variety store; Parkview Shopping Center, Marshall, Tex.; sales clerk, stock clerk, janitor; 10 percent for each month.

T.G. & Y. Stores Co., variety store; 6024 Antioch, Gladstone, Mo.; office clerk, sales clerk, stock clerk; 10 percent for each month; 8–24–66 to 8–23–67.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 2d day of September 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66–9907; Filed, Sept. 8, 1966; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of the First Virginia Corp., Arlington, Va., for approval of the acquisition of voting shares of the Staunton Industrial Bank, Staunton, Va.

There has come before the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), as amended by Public Law 89–485), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4 (a)), an application by the First Virginia Corp., Arlington, Va., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of the Staunton Industrial Bank, Staunton, Va.

As required by section 3(b) of the Act, the Board notified the Virginia Commissioner of Banking of receipt of the application and requested his views and recommendation. The Commissioner expressed no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 19, 1966 (31 F.R. 9763), which provided an opportunity for submission of comments and views regarding the proposed transaction. Time for filing such views and comments has expired and all those filed with the Board have been considered by it.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the thirtieth calendar day following the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 1st day of September 1966.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66–9879; Filed, Sept. 8, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 963]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 2, 1966.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Vice Chairman Robertson, and Governors Shepardson, Mitchell, Daane, and Brimmer. Absent and not voting: Chairman Martin and Governor Maisel.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247 (d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 151 (Sub-No. 42) (Amendment), filed July 21, 1966, published FEDERAL REGISTER issue of August 18, 1966, amended August 24, 1966, and republished as amended, this issue. Applicant: LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. 47808. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Urbana and Gilman, Ill., over U.S. Highway 45, serving all intermediate points, and the off-route point of Chanute Air Force Base, (2) between Danville and Watseka, Ill.; from Danville over U.S. Highway 150 to junction Illinois Highway 49, thence over Illinois Highway 49 to junction U.S. Highway 24, and thence over U.S. Highway 24 to Watseka, and return over the same route, serving all intermediate points and the off-route points of Ogden and St. Joseph, Ill., (3) between Danville and Sheldon, Ill.; from Danville over Illinois Highway 1 to the junction U.S. Highway 24, and thence over U.S. Highway 24 to Sheldon, and return over the same route, serving all intermediate points and the off-route points of Bismarck, Alvin, Jamesburg, Henning, Cheneyville, East Lynn, Greer, Wellington, Goodwin, Stockland, Bryce Creek, Woodland and Darrow, Ill., (4) between Peoria and Gilman, Ill., over U.S. Highway 24, serving all intermediate points, (5) between Peoria and Quincy, Ill.; over U.S. Highway 24, serving all intermediate points and the off-route points of Canton, David, and Bryant, (6) between East Peoria and Bloomington, Ill., over U.S. Highway 150, serving all intermediate points.

(7) Between Peoria and Staunton, Ill., from Peoria over Illinois Highway 29 to Springfield, Ill., and thence over Illinois Highway 4 to Staunton, and return over the same route, serving all intermediate points, (8) between Onarga, Ill., and junction Illinois Highway 48 and U.S. Highway 66; from Onarga over U.S. Highway 54 to junction Illinois Highway 48, and thence over Illinois Highway 48 to junction U.S. Highway 66, and return over the same route, serving all intermediate points, (9) between Morton and Decatur, Ill.; over Illinois Highway 121, serving all intermediate points, (10) between Litchfield and Paris, Ill., over Illinois Highway 16, serving all intermediate points, (11) between Raymond and Greenville, Ill., over Illinois Highway 127, serving all intermediate points, (12) between Havana and Allen, Ill., over U.S. Highway 136, serving all intermediate points, (13) between Quincy and Jacksonville, Ill., over Illinois Highway 104, serving all intermediate points, (14) between Ripley and Vandalia, Ill.; from Ripley over Illinois Highway 103 to Beardstown, Ill., thence over U.S. Highway 67 to Virginia, Ill., thence over Illinois Highway 125 to Springfield, Ill., thence over Illinois Highway 29 to Pana, Ill., and thence over U.S. Highway 51 to Vandalia, and return over the same route, serving all intermediate points, (15) between Springfield and Jacksonville, Ill., over U.S. Highway 36, serving no intermediate points, (16) between Decatur and Springfield, Ill., over U.S. Highway 36, serving all intermediate points, and (17) between Decatur and Champaign, Ill.; from Decatur over Illinois Highway 105 to junction Illinois Highway 47, thence over Illinois Highways 47 and 10 to Champaign, and return over the same route, serving all intermediate points. The purpose of this republication is to add routes (16) and (17) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Springfield, Ill.

No. MC 409 (Sub-No. 30), filed August 18, 1966. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's representative: J. Max Harding, 14th and J Streets, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplement* (except straight shipments of molasses), in bulk, in tank vehicles, from Omaha, Nebr., to points in Kansas, Missouri, South Dakota, and points in Iowa on and west of U.S. Highway 69. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 2401 (Sub-No. 32), filed August 15, 1966. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. Applicant's representative: J. Max Harding, 605 South 14th Street, Third Floor, NSEA Building, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Illinois, Indiana, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 2770 (Sub-No. 11), filed July 15, 1966. Applicant: SANBORN'S MOTOR EXPRESS, INC., Box 312, Norway, Maine. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and commodities in bulk), between points in Maine authorized to be served by applicant in certificate No. MC 2770, on the one hand, and, on the other, points of entry in Maine located on the International boundary line between the United States and Canada, restricted to traffic moving to or from the Provinces of Nova Scotia and New Brunswick. NOTE: Applicant seeks irregular-route authority between the various points authorized to be served in an area in Maine, which includes all except the northern portion of said State, where it holds both regular-route and irregular-route authority. Applicant proposes to tack the authority sought with present authority held between the described area in Maine, on the one hand, and, on the other, authorized points in New Hampshire and Massachusetts. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 2900 (Sub-No. 146), filed August 19, 1966. Applicant: RYDER TRUCK LINES, INC., Post Office Box 8418, Greensboro, N.C. 27410. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid hydrogen, liquid oxygen, and liquid nitrogen*), in bulk, in tank vehicles, from Geismar, La., and points within 15 miles

thereof, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 3009 (Sub-No. 69), filed August 5, 1966. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. 39401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Valden, Miss., and Jackson, Miss., over Interstate Highway 55; (2) between Valden, Miss., and Jackson, Miss., over U.S. Highway 51; (3) between Memphis, Tenn., and Meridian, Miss., from Memphis, over U.S. Highway 78 to Tupelo, Miss., thence over U.S. Highway 45 to Meridian, and return over the same route. Restriction: The proposed operations in (1), (2), and (3), above restricted against the transportation of any traffic moving between Memphis, Tenn., or its commercial zone, as defined by the Commission, on the one hand, and, on the other, Birmingham, Ala., and points on U.S. Highway 31 within 65 miles thereof, Mobile, Ala., New Orleans, La., Columbia, Tylertown, McComb, Brookhaven, Jackson, and Meridian, Miss. (except the site of Flintkote Co. plant at Meridian), and their respective commercial zones as defined by the Commission. NOTE: Applicant states that the alternate route operations in (1), (2), and (3), above, are for operating convenience only in connection with applicant's present authority in MC 3009, Sub 61, serving no intermediate points, and subject to restrictions. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Washington, D.C.

No. 7381 (Sub-No. 12) (Amendment), filed May 13, 1966, published in FEDERAL REGISTER, issue of June 16, 1966, amended August 16, 1966, and republished as amended, this issue. Applicant: WEBB'S TRANSFER, INC., Johnson Avenue and County Street, Post Office Box 1189, Suffolk, Va. Applicant's representative: John C. Goddin, Insurance Building, 10 South Tenth Street, Richmond, Va. 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Philadelphia, Pa., Baltimore, Md., and Washington, D.C., to Richmond, Va. NOTE: The purpose of this republication is to more clearly set forth the proposed operation. Applicant states that the purpose of this application is to eliminate the necessity for applicant to operate through gateway points in Essex County, Va. Applicant further states that no extension or expansion of its authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 8958 (Sub-No. 19), filed August 17, 1966. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Mr. James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and steel mill equipment, materials and supplies*, used in the manufacture or processing of iron and steel articles, between Joliet and Waukegan, Ill., and points in the Chicago, Ill. commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama,, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that joinder will take place at points in Pennsylvania on and east of U.S. Highway 15, enabling service at points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, the District of Columbia and points in Maryland on and east of U.S. Highway 15 and that joinder at points in northeastern Ohio will enable service to West Virginia and New York. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 14702 (Sub-No. 15), filed August 17, 1966. Applicant: OHIO FAST FREIGHT, INC., 300 Liberty Road, Post Office Box 808, Warren, Ohio. Applicant's representative: Paul F. Beery, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to broaden the territorial scope of the application by adding Chicago Heights, Ill., and Burns Harbor, and Portage, Ind. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 16831 (Sub-No. 13), filed August 23, 1966. Applicant: LAVERNE W. SIMPSON, doing business as MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware Avenue, Des Moines, Iowa 50317. Applicant's representative: Robert L. Page (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between points in Putnam County, Ill., on the one hand, and, on the other, points in Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 19227 (Sub-No. 109) (Amendment), filed July 29, 1966, published FEDERAL REGISTER issue of August 25, 1966, amended and republished this issue. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: W. O. Turney, 2001 Massachusetts Avenue, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall partition panels, panel core, and aluminum extrusions used in the construction of wall partitions and parts moving in connection therewith*, except those which because of size or weight, require the use of specialized equipment, between Los Angeles, Fullerton, and Paramount, Calif., on the one hand, and, on the other, Charlotte, N.C. NOTE: The purpose of this republication is to add "Fullerton and Paramount, Calif." to the radial territory. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 21571 (Sub-No. 32) (Amendment), filed July 21, 1966, published FEDERAL REGISTER issue of August 11, 1966, amended August 22, 1966, and republished, as amended, this issue. Applicant: SCHERER FREIGHT LINES, INC., 424 West Madison Street, Ottawa, Ill. 61350. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between Joliet, Chicago Heights, and Waukegan, Ill., Burns Harbor and Portage, Ind., points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to broaden the territorial scope of the application by adding Chicago Heights, Ill., and Burns Harbor, and Portage, Ind. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 22229 (Sub-No. 41), filed August 11, 1966. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Guy H. Postell, 1375 Peachtree Street NE., Suite 693, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the commission, commodities in bulk, and those requiring special equipment), serving St. Marys, Ga., as an off-route point

in connection with applicant's existing regular route operations between Jacksonville, Fla., and Atlanta, Ga. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 23939 (Sub-No. 164), filed August 18, 1966. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles, Calif. Applicant's representative: James W. Wade, 453 South Spring Street, Suite 729, Los Angeles, Calif. 90013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unsymmetrical dimethyl hydrazine mix*, in bulk, in tank vehicles, moving on Government bills of lading, between Rocky Mountain Arsenal, Colo., on the one hand, and, on the other, Lewis Research Center, at or near, Cleveland, Ohio, and White Sands Missile Range, N. Mex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 29886 (Sub-No. 232), filed August 19, 1966. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks, towing tractors, and construction equipment, and parts and attachments* when moving in mixed shipments with the above commodities, from Battle Creek, Mich., to Benton Harbor, Mich. NOTE: Applicant states tacking would be at Benton Harbor, Mich., to points in the United States in connection with its Sub 55. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30837 (Sub-No. 334), filed August 4, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, by the truckaway method, from (1) Buffalo, N.Y., to points in New York and Pennsylvania; and (2) from Hagerstown, Md., to points in Delaware, Maryland, Pennsylvania, Virginia, and West Virginia, and the District of Columbia; restricted to the transportation of traffic originating at the plantsite of American Motors Corp. in Kenosha, Wis., having an immediately prior movement by rail. NOTE: Applicant states that on May 14, 1965, it filed with the Commission a Petition for Modification of Certificates, Docket Nos. MC 30837 and MC 30837 (Sub-Nos. 45, 226, and 229), in accordance with the decision of the Commission in Docket No. MC-C-3024, *National Automobile Transporters Association, Petition for Declaratory Order*, 91 M.C.C. 395. Applicant further states that its petition, if granted, would give it the operating rights applied for in this extension application, which is being filed in an abundance of caution, that it may be acted upon in the event applicant's petition for modification filed in May, 1965, under the N.A.T.A. decision is not approved or is subjected to procedural delay. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or New York, N.Y.

No. MC 38383 (Sub-No. 21), filed August 16, 1966. Applicant: THE GLENN CARTAGE COMPANY, a corporation, 1115 South State Street, Girard, Ohio 44420. Applicant's representative: H. M. Reinerth, 660 Terminal Tower, Cleveland, Ohio 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 39167 (Sub-No. 8), filed August 19, 1966. Applicant: CHARLES J. ROGERS TRANSPORTATION COMPANY, a corporation, 2947 Greenfield Road, Melvindale, Mich. Applicant's representative: Robert D. Schuler, Suite 1700, One Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Portage, Ind., Chicago Heights, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 41255 (Sub-No. 63), filed August 8, 1966. Applicant: GLOSSON MOTOR LINES, INC., Route 9, Box 12A, Hargrave Road, Lexington, N.C. Applicant's representative: James E. Wilson, 1735 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radio and television sets and/or combinations thereof*, from College Park and Marford, Va., to points in Florida. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 44300 (Sub-No. 16), filed August 19, 1966. Applicant: HESS CARTAGE COMPANY, a corporation, 17065 Hess Avenue, Melvindale, Mich. Applicant's representative: Robert D. Schuler, Suite 1700, One Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between Portage, Ind., Chicago Heights, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 55236 (Sub-No. 140), filed August 15, 1966. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. 54306. Applicant's representative: G. R. Richmond (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel*, in bulk, in tank vehicles, from the plantsite of the American Oil Co. terminal at or near Elk Grove Village, Ill., to points in the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 67450 (Sub-No. 23), filed August 23, 1966. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Lemont, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Mississippi, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 71743 (Sub-No. 16), filed August 17, 1966. Applicant: BELLM FREIGHT LINES, INC., 1819 North 17th Street, St. Louis, Mo. Applicant's representative: Ernest A. Brooks, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those injurious or contaminating to other lading), between Springfield, Ill., and Indianapolis, Ind., over U.S. Highway 36, serving all inter-

mediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 72444 (Sub-No. 25), filed July 18, 1966. Applicant: AKRON-CHICAGO, INC., 1016 Triplett Boulevard, Akron, Ohio 44306. Applicant's representative: H. A. Lawrence (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Kenton and Springfield, Ohio, over U.S. Highway 68; (2) between Cambridge and Massillon, Ohio, over U.S. Highway 21; (3) between Canton and Cadiz, Ohio, from Canton over Ohio Highway 8 to junction U.S. Highway 250, thence over U.S. Highway 250 to Cadiz, and return over the same route; (4) between Canton and Steubenville, Ohio, over Ohio Highway 43; (5) between Ashland, Ohio, and junction U.S. Highway 20, from Ashland, over U.S. Highway 250 to junction U.S. Highway 20, and return over the same route; (6) between New Haven, Ohio, and junction Ohio Highway 61 and U.S. Highway 20 near Norwalk, Ohio, from New Haven over Ohio Highway 61 to junction U.S. Highway 20 near Norwalk, and return over the same route; (7) between Mount Gilead, Ohio, and junction Ohio Highway 61 and U.S. Highway 30S, over Ohio Highway 61; and, (8) between Kenton and Marysville, Ohio, over Ohio Highway 31; as alternate routes for operating convenience only in (1) through (8) above, in connection with carrier's presently authorized regular route operations, serving no intermediate points, and serving the termini for the purposes of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 89693 (Sub-No. 38), filed July 21, 1966. Applicant: HARMS PACIFIC TRANSPORT, INC., 1430 130th NE., Bellevue, Wash. 98004. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, (1) from points in Pierce County, Wash., to points in Idaho and Montana and (2) between points in Washington, Idaho, and Montana where there has been a prior movement by rail. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle or Spokane, Wash.

No. MC 96324 (Sub-No. 11), filed August 23, 1966. Applicant: GENERAL DELIVERY, INC., 1822 Morgantown Avenue, Fairmont, W. Va. Applicant's representative: D. L. Bennett, 213 First National Bank Building, 2207 National Road, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and accessory articles* for glassware sets made of metal, paper, plastics, wood, or combinations thereof, between points in Harrison and Marion Counties, W. Va., on the one hand, and, on the other, points in Pennsylvania, Ohio, Kentucky, Maryland, New Jersey, New York, and Virginia. NOTE: Applicant states it intends to tack this proposed authority with presently authorized authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Pittsburgh, Pa.

No. MC 98707 (Sub-No. 11), filed August 17, 1966. Applicant: MILES MOTOR TRANSPORT SYSTEM, a corporation, Post Office Box 510, Stockton, Calif. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, liquid commodities in bulk, articles of unusual value, livestock, poultry, and unprocessed agricultural commodities (poultry and unprocessed agricultural commodities being excepted only when moving in mixed loads with other commodities not named in section 203(b)(6) of the Act)), between junction U.S. Highway 99 and California Highway 120 (near Manteca, Calif.), and junction U.S. Highway 50 and California Highway 120, over California Highway 120, as an alternate route for operating convenience only.

No. MC 105375 (Sub-No. 28), filed August 19, 1966. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representatives: Leonard A. Jaskiewicz, and J. William Cain, Jr., Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from William Brothers Pipeline Terminal at or near Dubuque, Iowa, to points in Wisconsin, Illinois, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105733 (Sub-No. 41), filed August 19, 1966. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, N.J. Applicant's representatives: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005, and Paul D. Borghesani, 1522 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, between points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106603 (Sub-No. 88), filed August 23, 1966. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Rex Eames, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum and gypsum products*, (2) *building, wall and insulating boards*, (3) *insulating materials* and (4) *materials and supplies used* in the installation of such commodities, from the plantsites of Grand Rapids Gypsum Co., Grand Rapids, Mich., to points in Ohio and Pennsylvania. NOTE: Applicant holds contract carrier authority under MC 46240 and subs, therefor dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Detroit, Mich.

No. MC 106644 (Sub-No. 71), filed August 12, 1966. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Guy H. Postell, 1375 Peachtree Street NE., Suite 693, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard* (composition lumber, board or sheets), from the plantsite of Georgia Pacific Corp., Crossett division, Crossett, Ark., to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 107107 (Sub-No. 377), filed August 16, 1966. Applicant: ALTERMAN TRANSPORTATION LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as defined by the Commission, from Gordon, Nebr., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107295 (Sub-No. 97), filed August 23, 1966. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and equipment and supplies* used or useful in production and distribution of such articles, between Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that it will tack proposed authority with presently held authority, in which it is authorized to operate in the States of Iowa, Ohio, Tennessee, Maryland, and North Carolina. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 497), filed August 19, 1966. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, Keosauqua Way at Third, Des Moines, Iowa 50306. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel*, in bulk, from the American Oil Co. O'Hare Terminal at or near Elk Grove Village, Ill., to points in Iowa on and east of U.S. Highway 69. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 108449 (Sub-No. 224) (Amendment), filed March 1, 1966, published FEDERAL REGISTER issue of March 18, 1966, amended August 22, 1966, and republished as amended, this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, and (2) *fertilizer and fertilizer materials*, in bulk and in bags, from Sugar Creek, Mo., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: The purpose of this republication is to add (2) above. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 109397 (Sub-No. 146), filed August 19, 1966. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Explosives, blasting materials, blasting supplies, and blasting agents*, between Reynolds and Tamaqua, Pa., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida, and, (2) *materials and ingredients used in the manufacture, sale and distribution of the above commodities*, on return. NOTE: Applicant states there would be a possibility of tacking at points in Illinois, Indiana, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109448 (Sub-No. 11), filed August 23, 1966. Applicant: PARKER TRANSFER COMPANY, Post Office Box 256, Elyria, Ohio. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air conditioning plants, equipment, accessories, and parts thereof*, from Elyria and Medina, Ohio, to Chicago, Ill., Louisville, Ky., and points in Pennsylvania, New York, Michigan, Indiana, and that part of West Virginia north of U.S. Highway 40. NOTE: Applicant states that no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109462 (Sub-No. 10), filed August 18, 1966. Applicant: LUMBER TRANSPORT, INC., Post Office Box 214, Benton, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit and tubing, and fittings, connections, and accessories therefor*, from points in Illinois on and south of U.S. Highway 40 (Interstate Highway 70), on and east of Illinois Highway 37 (Interstate Highway 57) and on north and west of the Ohio and Wabash Rivers, to points in Missouri, Arkansas, Louisiana, Texas, New Mexico, Colorado, Oklahoma, Kansas, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Springfield, Ill.

No. MC 110193 (Sub-No. 157), filed August 17, 1966. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, from Glens Falls, N.Y., to points in Ohio, and Allegheny and Erie Counties, Pa. NOTE: Applicant states authority sought herein could be tacked with presently held authority in Sub 25, from Akron, Ohio, to a portion of northern Indiana on and north of U.S. Highway 20 and on and west of Indiana Highway 3. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112223 (Sub-No. 80), filed August 23, 1966. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 501 11th Avenue South, Minneapolis, Minn. 55415. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasolines and fuel oils*, in bulk, in tank vehicles, from points in Hennepin, Ramsey, and Dakota Counties, Minn., to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or St. Paul, Minn.

No. MC 112253 (Sub-No. 4), filed August 10, 1966. Applicant: CARTER ENTERPRISES, INC., 420 Railroad Street, Box 294, Elizabethton, Tenn. 37643. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick, tile, and related clay products*, and (2) *cinder and concrete blocks, and related cement products*, from Johnson City, Tenn., to points in Bell, Breathitt, Clay, Floyd, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Leslie, Letcher, McCreary, Magoffin, Martin, Owsley, Perry, Pike, Rockcastle, and Whitley Counties, Ky., Catawba, Cleveland, Guilford, Jackson, Macon, and Transylvania Counties, N.C., Giles and Montgomery Counties, Va., and Boone, Cabell, Fayette, Greenbrier, Lincoln, Logan, McDowell, Mercer, Mingo, Monroe, Raleigh, Summers, Wayne, and Wyoming Counties, W. Va., under contract with General Shale Products Corp., Johnson City, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville, Nashville, or Chattanooga, Tenn.

No. MC 112520 (Sub-No. 149), filed August 18, 1966. Applicant: McKENZIE TANK LINES, INC., New Quincy Road., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from Pensacola, Fla., to points in Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 112796 (Sub-No. 6), filed August 23, 1966. Applicant: ELMER G. BRAKE, doing business as BRAKE & COMPANY, 220 Wholesale Street, Clarksburg, W. Va. 26301. Applicant's representative: D. L. Bennett, 213 First National Bank Building, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Accessory articles of glassware sets, made of metal, paper, plastics, wood, or combinations thereof*, from Clarksburg, W. Va., to points in Illinois and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Pittsburgh, Pa.

No. MC 113362 (Sub-No. 124), filed August 4, 1966. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and/or storage facilities of John Morrell & Co., at or near Ottumwa and Estherville, Iowa, and Sioux Falls and Madison, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia; restricted (1) against transportation of hides and commodities in bulk, in tank vehicles, and (2) to transportation only of such traffic as

originates at the named plantsites and storage facilities. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, Chicago, Ill., or Omaha, Nebr.

No. MC 113362 (Sub-No. 126), filed August 15, 1966. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal closures* for bottles, glasses, or jars, from New Market, N.J., to points in Arkansas, Kansas, Oklahoma, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 113410 (Sub-No. 61), filed August 18, 1966. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Leonard Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from William Brothers Pipeline Terminal at or near Rochester, Minn., to points in Iowa and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113690 (Sub-No. 4), filed August 18, 1966. Applicant: SIDNEY T. SMITH, 29 Crawford Street, Boston (Roxbury), Mass. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated and uncrated new steel office furniture* in mixed shipments, from New York City, N.Y., to points in Connecticut, Rhode Island, and Massachusetts, under contract with Art Steel Co., Bronx, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 113843 (Sub-No. 119) (Amendment), filed July 15, 1966, published in FEDERAL REGISTER, issue of July 28, 1966, amended August 25, 1966, and republished as amended, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, M.C.C. 207, from Lemont and Chicago, Ill., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, West Virginia, Virginia, Delaware, and Maryland, and the District of Columbia. NOTE: The purpose of this republication is to add Chicago, Ill., as an origin point. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114457 (Sub-No. 63), filed August 17, 1966. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul Minn. 55104. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, material, and supplies* used in the manufacture or processing of iron and steel articles, between Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois, Wisconsin, Minnesota, the Upper Peninsula of Michigan, Iowa, North Dakota, South Dakota, Nebraska, Kansas, and Missouri. NOTE: Applicant states that no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 115162 (Sub-No. 138), filed August 17, 1966. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Nashville, Tenn., to Evergreen, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 115257 (Sub-No. 28), filed August 18, 1966. Applicant: SHAMROCK VAN LINES, INC., Post Office Box 5447, Dallas, Tex. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational amusement devices and equipment, including race tracks*, uncrated, from points in Los Angeles and Orange Counties, Calif., and Sevier County, Tenn., to points in the United States, including Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116514 (Sub-No. 26), filed August 16, 1966. Applicant: EDWARDS TRUCKING, INC., Main Street, Drawer 428, Hemingway, S.C. Applicant's representative: Bates Block, 600 First National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fibers, synthetic staple fibers, and synthetic fiber waste*, between points in Florence and Williamsburg Counties, S.C., on the one hand, and, on the other, points in Georgia, South Carolina, and North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 117119 (Sub-No. 383) (Amendment), filed July 5, 1966, published in FEDERAL REGISTER issue of July 28, 1966, amended August 12, 1966, and republished as amended, this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods and pies*, not baked, from Turlock, Calif., to points in Washington, Oregon, and Idaho. NOTE: The purpose of this republication is to delete the reference to tacking from the note. Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 117119 (Sub-No. 390), filed August 17, 1966. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to points in Iowa, Nebraska, Kansas, Minnesota, and Wisconsin. NOTE: Applicant states it intends to tack this proposed authority with other presently authorized authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Chicago, Ill.

No. MC 117136 (Sub-No. 24), filed August 15, 1966. Applicant: BUSY BEE, INC., 6805 Southeast Milwaukie, Portland, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Benton, Polk, and Yamhill Counties, Oreg., to points in California. NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 117304 (Sub-No. 12), filed August 12, 1966. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street North, Lewiston, Idaho 83501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Wood chips*, from Coeur d'Alene, Idaho, to Waldorf-Hoerner Paper Co. plant located approximately 15 miles West of Missoula, Mont., over U.S. Highway 10. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane or Seattle, Wash.

No. MC 117765 (Sub-No. 52), filed August 15, 1966. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla. 73111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising matter*, from Kansas City, Mo., and points in the commercial zone thereof, to Oklahoma City, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117765 (Sub-No. 53), filed August 15, 1966. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla. 73111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Di-calcium phosphate and calcium carbonate*, in bags and bulk, in straight or mixed shipments, from Weeping Water, Nebr., to points in Kansas, Missouri, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117940 (Sub-No. 3) (amendment), filed October 29, 1965, published under MC 114789 (Sub-No. 15), amended and republished, this issue. Applicant: NATIONWIDE CARRIERS, INC., 721 Second Street SE., Minneapolis, Minn. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and canned goods*, from St. James and Madelia, Minn., to points in Kansas, Missouri, Oklahoma, Arkansas, and Texas. NOTE: The purpose of this republication is to show the proposed operation to be that of a common carrier in lieu of a contract carrier and also to show the new Docket No. MC 117940 (Sub-No. 3) in lieu of MC 114789 (Sub-No. 15), as previously published. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118196 (Sub-No. 82), filed August 11, 1966. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in North Dakota to points in Wisconsin located on and south of a line extending from the Minnesota-Wisconsin State line along U.S. Highway 12 to its junction with Wisconsin Highway 29, thence along Wisconsin Highway 29 to its junction with Wisconsin Highway 22, thence along Wisconsin Highway 22 to its ending at Oconto, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Milwaukee, or Madison, Wis.

No. MC 118196 (Sub-No. 85), filed August 23, 1966. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Kansas City, Mo., to points in Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119180 (Sub-No. 3), filed August 15, 1966. Applicant: TREGO BROS., INC., Route No. 40, North East, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, sand, gravel, and crushed stone*, from points in Cecil County, Md., to points in Cecil, Carolina, Dorchester, Kent, Queen Annes, Somerset, Wicomico, and Worcester Counties, Md., Accomack and Northampton Counties, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119226 (Sub-No. 57), filed August 17, 1966. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground barium sulfate and ground calcium carbonate*, in bulk, from points in Washington County, Mo., Cott County, Iowa, and Cass County, Nebr., to points in Illinois, Iowa, Wisconsin, and Michigan. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119422 (Sub-No. 41), filed August 16, 1966. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. 62204. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from East St. Louis, Ill., and 5 miles thereof, and Cairo, Ill., to points in Kentucky on and west of U.S. Highway 27, Tennessee on and west of U.S. Highway 231, and Arkansas on and east of U.S. Highway 65. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 119641 (Sub-No. 64), filed August 15, 1966. Applicant: RINGLE EXPRESS, INC., 420 East 9th Street, Fowler, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (not including tractors with vehicle beds, bed frames or fifth wheels), (2) *agricultural machinery and implements* (3) *industrial and construction machinery and equipment*, (4) *equipment designed for use in connection with tractors*, (5) *trailers designed for transportation of the commodities described above* (other than those designed to be drawn by passenger automobiles), (6) *attachments* for the commodities described above, (7) *International combustion engines*, and (8) *parts and accessories* of the commodities described in (1) through (7) above, when moving in mixed loads with such commodities, (a) from the plant and warehouse sites and experimental farms of Massey-Ferguson, Inc., its subsidiaries and affiliates in Polk County, Iowa, Outagamie and Kewaunee Counties, Wis., Morgan County, Utah, and Michigan, to points in the United States (except Alaska and Hawaii). Restriction: The authority requested in (a) above is restricted to traffic originating at the plant and warehouse sites and experimental farms named above, (b) from the ports of entry on the international boundary between the United States and Canada at Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., to points in the United States (except Alaska and Hawaii). Restriction: The authority requested in (b) above is restricted to traffic originating at the plant and warehouse sites and experimental farms of Massey-Ferguson Industries, Ltd., its subsidiaries and affiliates, and Clark Equipment, Ltd., located in Canada, (c) from the plant and warehouse sites of E. L. Caldwell & Sons in Nueces County, Tex., to points in the United States (except Alaska and Hawaii). Restriction: The authority requested in (c) above is restricted to traffic originating at the plant and warehouse sites named above. NOTE: Applicant states it is duplicating in part to the extent that Detroit, Mich., is an origin with present authority held in its Sub 53. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119726 (Sub-No. 10), filed August 23, 1966. Applicant: N. A. B. TRUCKING CO., INC., 939 Union Street, Indianapolis, Ind. Applicant's representative: James L. Beattey, 130 East Washington Street, No. 1021, Indianapolis, Ind. 42604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated cartons*, knocked down, from the plantsite of Southern Container Corp., Houston, Miss., to points in Louisiana, Alabama, and Florida, (2) *paper bags and cartons*, knocked down, not corrugated, from the plantsite of Southern Bag Corp., Yazoo City, Miss., to points in Louisiana, Alabama, and Florida, (3) *fibre cartons*, in cartons, not corrugated, not indented, knocked down, from the plantsite of Southern Carton Co., Clinton, Miss., to points in Louisiana, Alabama, and Florida, (4) *wallboard, asbestos, and cellular or expanded plastic combined* (asbestos wallboard facings and backings with plastic core), and *wallboard or building board*, built up or combined wood or plywood, combined with fiberboard or fiberboard wallboard, with backing or facing of materials, from Denham Springs, La., to points in Kentucky, Indiana, Missouri, Iowa, Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, New York, Connecticut, New Jersey, Illinois, Oklahoma, and the District of Columbia, and (5) *commodities used or useful in the manufacture of wallboard, including asbestos backing, resin, accelerators, rubber, accelerators or softeners, aggregates* (crushed stone or gravel and marble), *chemicals, and concrete*, from the destination States in (1), (2), (3), and (4) above, to Denham Springs, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 119752 (Sub-No. 5), filed August 23, 1966. Applicant: G & G HAULAGE CO., INC., 215 Henderson Street, Jersey City, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and roofing materials, siding, materials, and supplies* (except

of such commodities, from the plants, warehouses, and other facilities of the United States Gypsum Co., Jersey City, N.J., to points in Delaware, Maryland, and the District of Columbia, and (2) *returned shipments, materials, and equipment* (except liquid commodities in bulk), used in the manufacture and distribution of the commodities described in (1) above, from points in the above-described destination territory, to Jersey City, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119777 (Sub-No. 68), filed August 17, 1966. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. 42431. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except those requiring special equipment), from points in Illinois and Indiana, to points in Copiah and Lincoln Counties, Miss., and *rejected and returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 119777 (Sub-No. 69), filed August 17, 1966. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. 42431. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberboard, pulpboard, flakeboard, chipboard, and particle board*, (2) *fiberboard, pulpboard, flakeboard, chipboard, and particle board*, faced or finished with a decorative, protective, or additional material, and (3) *materials, accessories, and supplies* used in the installation of the commodities described in (1) and (2) above, from points in Saline and Pulaski Counties, Ark., to points in Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *rejected and returned shipments* on return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 119918 (Sub-No. 5), filed August 15, 1966. Applicant: CAGLE BROS., INC., 402 West Watkins Road, Phoenix, Ariz. 85034. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Albert Lea, Minn., to Grand Rapids, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 121480 (Sub-No. 2) (Amendment), filed July 21, 1966, published FEDERAL REGISTER issue of August 18, 1966, amended August 31, 1966, and republished as amended, this issue. Applicant: J. C. PITTS, doing business as REFRIGERATION DELIVERY SERVICE, 1630 North Sabin, Wichita, Kans. 67212. Applicant's representative: D. S. Hults, Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Guymon, Okla., to points in Texas on and north of Highway 66 and points in Oklahoma and Kansas, and (2) *packinghouse products, articles distributed by meat packinghouses, dairy products, frozen fruits, vegetables, juices, frozen fish, and allied frozen foods, and frozen products*, between points in Kansas, restricted to mechanically refrigerated equipment. NOTE: Applicant states the purpose of this amended application is to convert its certificate of registration (Sub-No. 1) to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 123091 (Sub-No. 4), filed August 11, 1966. Applicant: NICK STRIMBU, INC., 530 Standard Avenue, Masury, Ohio. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products* (1) from Sharon, Pa., to Birmingham, Ala., and points within 65 miles thereof, points in Kentucky, Arkansas, Georgia, North Carolina, Texas, Oklahoma, Louisiana, those in that part of Virginia south of U.S. along U.S. Highway 31 to Nashville, Tenn., and thence along U.S. Highway 31 to the Tennessee-Alabama State line, and (2) between Sharon, Pa., on the one hand, and, on the other, points in Kentucky in the Cincinnati, Ohio, commercial zone, restricted to shipments having a prior or subsequent movement by rail. NOTE: Applicant states the proposed authority can or will be joined with its present authorized operating authority via Sharon, Pa., from and to the State of Ohio. Applicant holds authority in MC 123091 Sub 2 to transport iron and steel articles from Sharon, Pa., to points in Alabama (except Birmingham, Ala., and points within 65 miles of Birmingham), points in Mississippi, and points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 31W to Nashville, Tenn., and thence along U.S. Highway 31 to the Tennessee-Alabama State line. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Pittsburgh, Pa.

No. MC 123169 (Sub-No. 7), filed August 23, 1966. Applicant: McKEVITT TRUCKING LIMITED, Hilldale Road, Rural Route No. 2, Port Arthur, Ontario, Canada. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from the ports of entry on the international boundary line between the United States and Canada located at or near Sault Saint Marie, Mich., and Pigeon River, Minn., to points in Indiana, limited to a transportation service to be performed under a continuing contract, or contracts with Northern Wood Preservers, Ltd., of Port Arthur, Ontario, Canada. NOTE: Applicant states it is presently authorized to serve Northern Wood Preservers, on these same commodities, to points in Minnesota, Michigan, Wisconsin, and Illinois. The instant application merely seeks authority to extend said service into the state of Indiana. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124027 (Sub-No. 2), filed August 15, 1966. Applicant: MIDWEST BULK, INCORPORATED, Route No. 1, Post Office Box 472, Neenah, Wis. Applicant's representative: Frank M. Coyne, One West Main Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, in bulk, between Berlin and Green Lake, Wis., and points within 10 miles of each said origin, on the one hand, and, on the other, Aurora, Ill., and points in the Upper Peninsula of Michigan, and (2) *coated sand*, in bulk, between Aurora, Ill., on the one hand, and, on the other, points in Wisconsin and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant re-

August 19, 1966. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, and nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Ketona, Ala., to points in Georgia, Tennessee, and Mississippi. NOTE: Applicant states it intends to tack with authority held in MC 124078 (Sub-No. 225) at Nashville, Tenn., to serve points in Kentucky. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 124569 (Sub-No. 10) (Amendment), filed May 19, 1966, published in FEDERAL REGISTER issue of June 16, 1966, amended August 22, 1966, and republished as amended, this issue. Applicant: JOHN HUSZAR, JR., doing business as HUSZAR'S VEGETABLE FARM, Route 1, Box 204, Holden, La. 70744. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, from Ponchatoula, La., to points in Florida, Tennessee, and Arkansas, under contract with Dad's Bottling Co. NOTE: The purpose of this republication is to broaden the commodity description. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 124899 (Sub-No. 6), filed August 23, 1966. Applicant: RAY BETHERS, Post Office Box 116, Kamas, Utah. Applicant's representative: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, and utelite* (a light weight aggregate), between points in Utah, Wyoming, Montana, Idaho, Colorado, Arizona, Nevada, and California, under contract with Forest Products Sales, Blazzard Lumber Co., Price Valley Lumber Co., Utelite Corp., and Davidson Lumber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 126193 (Sub-No. 1), filed August 9, 1966. Applicant: SIGLE TRUCKING CO., a corporation, Box 332, North Lima, Ohio. Applicant's representative: Joe F. Asher, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel pipe*, (1) between North Lima, Ohio, and points in Indiana; (2) from points in Pennsylvania and West Virginia to North Lima, Ohio; and, (3) between the site of the Pipe Line Service Corp. plant in or near Glennwillard, Pa., and points in Ohio (excluding North Lima, Ohio), under contract with Pipe Line Service Corp., Chicago, Ill. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate No. MC

No. MC 126622 (Sub-No. 3), filed August 23, 1966. Applicant: PIERRE LAROCHELLE, Mont-Joli Street, Woburn, County of Frontenac, Quebec, Canada. Applicant's representative: Luc-Lin Bourque, 92 Frontenac Street, Post Office Box 5, Lac-Megantic, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, *and lumber*, from the ports of entry on the international boundary line between the United States and Canada located at or near Jackman and Coburn Gore, Maine; Pittsburg, N.H.; Norton, Derby Line, North Troy, Richford, and Highgate Springs, Vt.; and Rouses Point, N.Y.; to points in Maine, Massachusetts, Vermont, New Hampshire, New York, New Jersey, and Connecticut, under contract with Dumas Lumber Co., George W. Lemire, Inc., J. A. Fontaine & Fils, Inc., and Grondin Associés, all of Woburn, Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Augusta, Maine.

No. MC 127614 (Sub-No. 1), filed August 19, 1966. Applicant: TANNERS TRANSPORTATION, INC., 400 West 14th Street, New York, N.Y. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides and skins*, from Chicago, Ill., to New York, N.Y., under a continuing contract or contracts with M. Aschheim Co., Inc., New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 128021 (Sub-No. 2), filed August 18, 1966. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 306 Columbus Parkway, Opelika, Ala. Applicant's representative: Robert E. Tate, Suite 20205–2028 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Physical fitness, gymnastic, athletic, and sporting goods equipment, ping pong tables, exer-cycles and boat anchors*, from the plantsite of Superior Industries Corp., at West Haven, Conn., to points in Wisconsin, Illinois, Michigan, Indiana, Kentucky, Ohio, Virginia, West Virginia, District of Columbia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of physical fitness, gymnastic, athletic, and sporting goods equipment, ping pong tables, exer-cycles and boat anchors, from points in Wisconsin, Illinois, Michigan, Indiana, Kentucky, Ohio, Virginia, West Virginia, District of Columbia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachu-

Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 128174 (Sub-No. 1), filed August 18, 1966. Applicant: DALE L. DIXON, 5125 Country Club Way, Corvallis (Route 2), Oreg. Applicant's representative: J. M. Hickson, 825 Failing Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Lumber and plywood*, between Philomath, Oreg., and Ridgefield, Wash., from Philomath over U.S. Highway 20 to junction Interstate Highway 5 at Albany, Oreg., thence over Interstate Highway 5 to Ridgefield, and return over the same route, serving the intermediate points of Corvallis, Albany, and Portland Docks, Oreg., and Vancouver, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128279 (Sub-No. 1), filed August 18, 1966. Applicant: ARROW FREIGHTWAYS INC., 2019 Menaul Boulevard NE., Albuquerque, N. Mex. 87107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction and building materials, supplies, and equipment* (except those requiring the use of special equipment), (1) between points in New Mexico, and, (2) between Albuquerque, N. Mex., common motor and rail carrier terminals and stations in Valencia, McKinley, and San Juan Counties, N. Mex., and the Indian reservations in Arizona, with no deliveries on U.S. Highway 66 in Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 128294 (Sub-No. 3), filed August 15, 1966. Applicant: NITEHAWK EXPRESS, INC., 2334 University Avenue, St. Paul, Minn. 55104. Applicant's representatives: Joseph Dudley, 1504 First National Bank Building, St. Paul, Minn. 55101, and Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transportating: *Foodstuffs, canning factory and frozen food plant materials, supplies, and equipment* in truck load quantities, between Albert Lea, Blue Earth, Cokato, Glencoe, Le Seuer, Mankato, Minneapolis, Montgomery, Savage, and Winsted, Minn.; Beaver Dam, Fox Lake, Fond du Lac, Milwaukee, Racine, Ripon and Rosendale, Wis.; and Belvidere and Chicago, Ill.; under contract with Green Giant Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it to be held at St. Paul or Minneapolis, Minn.

No. MC 128300 (Sub-No. 2), filed August 17, 1966. Applicant: ROSS A. FISH AND JACK VERKLER, a partnership, doing business as FISH AND VERKLER, 1017 East Eighth Street, Mesa, Ariz. Applicant's representative: A. Michael Bernstein, 1327 Guaranty

Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from lumber mills in Arizona to points in California, New Mexico, Nevada, and Texas, (2) *roofing*, from points in Los Angeles County, Calif., to points in Arizona and (3) *lumber*, from points in Los Angeles County, Calif., and lumber mills located in California to points in Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 128353 (Sub-No. 1), filed August 19, 1966. Applicant: LEE J. PRENTICE, West Bend, Iowa 50597. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock*, in bulk, in dump trucks, from Northwood, Iowa, and points within 3 miles thereof, to points in Faribault and Freeborn Counties, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128493 (Sub-No. 1), filed August 15, 1966. Applicant: JAROLD J. ROGERS, 4019½ Eighth Avenue, Rock Island, Ill. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Face and common brick, brick, tile, and clay products*, from Shale City, Ill., to points in Benton, Buchanan, Black Hawk, Clinton, Clayton, Cedar, Dubuque, Delaware, Des Moines, Fayette, Henry, Iowa, Jones, Jefferson, Johnson, Jackson, Keokuk, Lee, Louisa, Lynn, Muscatine, Scott, Van Buren, and Washington Counties, Iowa, for the account of Hydraulic Press Brick Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 128509, July 21, 1966. Applicant: WILLIAM E. JONES, doing business as SORENSEN MOVING & TRUCKING, 1111 Lockwood Avenue, Racine, Wis. 53403. Applicant's representative: John T. Porter, 1 South Pinckney Street, Room 708, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Racine and Kenosha, Wis., over Wisconsin Highway 31 (also over Wisconsin Highway 32); (2) between Racine and Sturtevant, Wis., over Wisconsin Highway 11; and (3) between Racine and Franksville, Wis.: From Racine, over Wisconsin Highway 38 to junction Racine County Highway K, thence over Racine County Highway K to Franksville, and return over the same route; serving all intermediate points in (1), (2), and (3) above; and serving points in Mount Pleasant, Caledonia, Yorkville, and Raymond Townships, Racine County, Wis., and Somers and Pleasant Prairie Townships, Kenosha County, Wis., including service both between such points and within them, restricted to freight having immediately prior or subsequent common carrier movement by motor vehicle, railroad, or air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 128519 (Amendment), filed July 21, 1966, published in FEDERAL REGISTER issue of August 25, 1966, amended, and republished this issue. Applicant: TRAN-WAY TRANSPORTATION CO., doing business as A-AMERICAN AUTO DELIVERY, a corporation, 4309 North 16th Street, Phoenix, Ariz. 85016. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, Ariz. 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles and trucks*, in secondary movements, in driveaway service, between points in Phoenix, Ariz., including points in the Phoenix commercial zone, as defined by the Commission, on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). NOTE: The purpose of this republication is to clarify the commodity description. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 128529, filed August 8, 1966. Applicant: CARDINAL AIR SERVICE CORP., the G-reater Buffalo International Airport, Buffalo, N.Y. 14225. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between the Greater Buffalo International Airport (Erie County), N.Y., the Niagara Falls International Airport (Niagara County), N.Y., the Rochester-Monroe County Airport (Monroe County), N.Y., Chicago O'Hare International Airport (Cook County), Ill., Chicago Midway Airport (Cook County), Ill., Logan International Airport (Suffolk County), Mass., Philadelphia International Airport (Delaware County), Pa., North Philadelphia Airport (Philadelphia County), Pa., Pittsburgh International Airport (Allegheny County), Pa., Port Erie Airport (Erie County), Pa., Wayne County Metropolitan Airport (Wayne County), Mich., Detroit Metropolitan Airport (Wayne County), Mich., and Willow Run Airport (Wayne County), Mich., and (2) between the Greater Buffalo International Airport (Erie County), N.Y., the Niagara Falls International Airport (Niagara County), N.Y., and the Rochester-Monroe County Airport (Monroe County), N.Y., on the one hand, and, on the other, points in Erie and Niagara Counties, N.Y., restricted to shipments having a prior or subsequent movement by aircraft, in (1) and (2) above. NOTE: Applicant holds contract carrier authority in MC 126901, Sub 2, therefore dual operations may be involved. Applicant states the proposed authority can or will be joined (in certificate MC 126333 of which applicant is transferee from the estate of Clifford Earl Parnsworth, doing business as Parnsworth's Air Freight Service) at Buffalo and Rochester, N.Y. airports and with points in Genesee County. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 128537, filed August 18, 1966. Applicant: RAYMOND V. McDONOUGH, doing business at LUMBER TRANSPORT, 524 South Fourth Street, Delavan, Wis. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building materials*, as described in appendix VI to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, between Beloit, Wis., and points in Lake, McHenry, Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Whiteside, Lee, Ogle, De Kalb, Kane, Kendall, Cook, Du Page and Will Counties, Ill., under contract with The Wickes Lumber Co., division of The Wickes Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 128539, filed August 24, 1966. Applicant: H & P TRANSIT COMPANY, a corporation, 518 East Park Street, Post Office Box 1456, Kinston, N.C. 28501. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from Lexington and Cheraw, S.C., to points in North Carolina, and (2) from Apex and Goldsboro, N.C., to points in Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 128540, filed August 19, 1966. Applicant: LEWIS C. HOWARD, doing business as HOWARD MOTOR FREIGHT, 3931 Moreland, Kalamazoo, Mich. Applicant's representative: John M. Veale, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air, between the Kalamazoo Airport, Kalamazoo, Mich., and O'Hare Field, Chicago, Ill., under a continuing contract with North Central Airlines, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 128541, filed August 19, 1966. Applicant: WESLEY WAYNE MACOMBER, doing business as W. W. MACOMBER TRUCKING, R.F.D. No. 1A, Gardiner, Maine. Applicant's representative: Ralph W. Farris, Jr., 114 State Street, Augusta, Maine 04330. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Waste paper*, in

bales, between Lowell, Mass., and Gardiner, Maine, as follows: From Lowell over Massachusetts Highway 110 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Massachusetts Highway 110, thence over Massachusetts Highway 110 to junction Interstate Highway 95, thence over Interstate Highway 95 to Gardiner (also from Lowell over Massachusetts Highway 110 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Massachusetts Highway 110, thence over Massachusetts Highway 110 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction U.S. Highway 201 at Brunswick, Maine, thence over U.S. Highway 201 to Gardiner); and return over the same routes, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta or Portland, Maine.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 390), filed July 21, 1966. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). By the instant application, applicant seeks to add *express and newspapers*, to the authority currently held by applicant over regular routes in the transportation of passengers and their baggage, (1) between North Bergen, Hoboken, Secaucus, Westwood, and Haworth, N.J., and New York, N.Y.; (2) between Beach Haven, Barnegat City, Hammonton, Penns Grove, and Pennsville, N.J., and Philadelphia, Pa.; (3) between Hasbrouck Heights, and Hackensack, N.J., and New York, N.Y.; (4) between Atlantic City, Jersey City, and Fort Dix, N.J., and New York City, N.Y.; (5) between Union City, North Bergen, Irvington, and Newark, N.J.; (6) between Deepwater, N.J., and Wilmington, Del.; and (7) between Trenton and Atlantic City, N.J., as more specifically set forth in certificates Nos. MC 3647 Subs 2, 6, 28, 29, 93, 111, and 372, respectively. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark or Trenton, N.J.

No. MC 48501 (Sub-No. 12), filed July 21, 1966. Applicant: INDIANA MOTOR BUS COMPANY, a corporation, 715 South Michigan Street, South Bend, Ind. 46624. Applicant's representative: Harry J. Harman, 1110 Fidelity Building, 111 Monument Circle, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, newspapers, and mail* in the same vehicle with passengers, (1) between Marion and Logansport, Ind.; from Marion over Indiana Highway 37 to junction U.S. Highway 35, thence over U.S. Highway 35 to Logansport, and return over the same route, serving all intermediate points, (2) between Indianapolis and South Bend, Ind., (a) over U.S. Highway 31 (also over U.S. Highway 31 city routes through Kokomo, Peru, and Plymouth), and return over the same routes, serving all intermediate points, (b) from Indianapolis over Indiana Highway 431 to junction U.S. Highway 31, thence over U.S. Highway 31 to South Bend, and return over the same route, serving all intermediate points, and (c) from Indianapolis over U.S. Highway 421 to junction Indiana Highway 29, thence over Indiana Highway 29 to Logansport, Ind., thence over Indiana Highway 25 to Rochester, Ind., thence over U.S. Highway 31 to South Bend (also over U.S. Highway 31 city routes through Plymouth), and return over the same routes, serving all intermediate points, (3) between Muncie and Marion, Ind.; from Muncie over unnumbered highway to junction Indiana Highway 28 near Anthony, Ind., thence over Indiana Highway 28 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction Indiana Highway 18, thence over Indiana Highway 18 to Marion, and return over the same route, serving all intermediate points, and (4) between junction U.S. Highway 224 and Interstate Highway 69 and Fort Wayne, Ind.; from junction U.S. Highway 224 and Interstate Highway 69 over Interstate Highway 69 to junction U.S. Highway 24, thence over U.S. Highway 24 to Fort Wayne, and return over the same route, serving all intermediate points. NOTE: Applicant states (2) above is to correct routes shown in applicant's present certificate No. MC 48501 dated January 18, 1965, so as to specifically include all intermediate points. If a hearing is deemed necessary, applicant requests it be held at Indianapolis or South Bend, Ind.

No. MC 121599 (Sub-No. 1), filed August 23, 1966. Applicant: LAKE FRONT LINES, INC., 315 Main Street, Painesville, Ohio 44077. Applicant's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) between Cleveland, Ohio, and Ashtabula, Ohio, over U.S. Highway 20, serving all intermediate points, (2) between Cleveland, Ohio, and Geneva, Ohio, from Cleveland over Ohio State Highway 283 to Painesville, thence over Ohio State Highway 84 to junction Ohio State Highway 534, thence over Ohio State Highway 534 to Geneva, and return over the same route serving all intermediate points, (3) between Willowick, Ohio, and Willoughby, Ohio, over Ohio State Highway 640, serving all intermediate points, (4) between the junction of Ohio State Highway 84 and Narrows Road and Perry, Ohio, over Narrows Road, serving all intermediate points, (5) between Cleveland, Ohio, and Euclid, Ohio, over Interstate Highway 90, serving all intermediate points, and (6) between Euclid, Ohio, and Painesville, Ohio, over Ohio State Highway 2, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Columbus, Ohio.

WATER CARRIER APPLICATION

No. W-66. By order of August 26, 1966, Division 1 rescinded order herein of May 8, 1942, by which J. W. Fitzgerald, Inc., was exempted from the provisions of Part III of the Interstate Commerce Act, under section 303(e)(2), insofar as it engages in transportation as a contract carrier by water of contractors' equipment and machinery, each article of which exceeds 6,000 pounds in weight (including small parts, accessories, and supplies essential thereto) between ports and points along the Atlantic Coast and tributary waterways from Charleston, S.C., to Jacksonville, Fla., inclusive, and granted a like exemption to its successor, Sayler Marine Construction, Inc., Riverfront at Lincoln Street (Post Office Box 1364), Savannah, Ga. 31402.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 52709 (Sub-No. 291), filed August 17, 1966. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between junction U.S. Highway 95 and Nevada Highway 16, about 16 miles east of Lathrop Wells, Nev., and Shoshone, Calif.:

From junction U.S. Highway 95 and Nevada Highway 16 over Nevada Highway 16 to Pahrump, Nev., thence over Nevada Highway 52 to the Nevada-California State line, thence over unnumbered California Highway to Shoshone, Calif., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: Common control may be involved.

No. MC 119493 (Sub-No. 24) (Amendment), filed May 18, 1966, published FEDERAL REGISTER issue of June 23, 1966, amended August 25, 1966, and republished as amended, this issue. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags and in bulk, from Mount Vernon, Mo., and points within 5 miles thereof, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, and Oklahoma. NOTE: The purpose of this republication is to broaden the destination points, and place it under the no hearing section.

No. MC 123268 (Sub-No. 4), filed August 8, 1966. Applicant: STEVENS EXPRESS, INC., 710 West Second Avenue, Hutchinson, Kans. Applicant's representatives: John L. Richeson, Anderson and Byrd, First National Bank Building, Ottawa, Kans., and Gilliland, Hayes, and Goering, 212 Wolcott Building, Hutchinson, Kans. Authority sought to operate as a *common carrier*, by motor

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vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Hutchinson, Kans., and Yoder, Kans., from Hutchinson south over Kansas Highway 17 to junction unnumbered highway (Yoder Road), thence over unnumbered highway to Yoder, and return over the same route, serving the intermediate point of South Hutchinson Air Base Industrial Tract.

No. MC 124174 (Sub-No. 54) (Correction), filed July 21, 1966, published in FEDERAL REGISTER issue of September 1, 1966, and republished as corrected, this issue. Applicant: MOMSEN TRUCKING CO., a corporation, Highway 71 and 18 North, Spencer, Iowa. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, commodities injurious or contaminating to other lading), serving the site of the terminal of Spector Freight System, Inc., on Minnesota Highway 49 in Egan Township, Dakota County, Minn., located approximately one-half mile south of the junction of Minnesota Highways 49 and 55, as an off-route point in connection with applicant's regular route operations. NOTE: The purpose of this republication is to place it in the no hearing procedure in lieu of hearing procedure.

No. MC 128448 (Sub-No. 1) (Correction), filed July 21, 1966, published FEDERAL REGISTER issue of September 1, 1966, and republished as corrected, this issue. Applicant: C. G. WESTLUND, doing business as WESTLUND TRUCKING CO., 1018 Doyle Street, Olidale, Calif. Applicant's representative: Donald Murchison, Suite 211, 211 South Beverly Drive, Beverly Hills, Calif 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Iron and steel articles, as described in appendix V of the Commission's Ex Parte MC-45 *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, and *metal fabricated and prefabricated articles*, from the ports of Long Beach, Los Angeles (including Wilmington, Terminal Island, and San Pedro Districts), Hueneme, San Francisco, Oakland, and harbor dock facilities and installations at Alameda and Stockton, Calif., to Bakersfield, Calif., under contract with Hopper, Inc. NOTE: The purpose of this republication is to place it in the no hearing procedure in lieu of hearing procedure.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-9855; Filed, Sept. 8, 1966; 8:45 a.m.]

MOTOR CARRIER TRANSFER PROCEEDINGS

[Notice 1409]

SEPTEMBER 9, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68945. By order of August 31, 1966, the Transfer Board approved the transfer to Frank & Brothers Moving Co., Inc., Bronx, N.Y., of the remaining portion of certificate No. MC-5466, issued September 26, 1962, to Frank Rotondo, doing business as Frank & Brothers Moving & Storage, Bronx, N.Y., authorizing the transportation of: Household goods, as defined, between points in the New York, N.Y., commercial zone, on the one hand, and, on the other, points in Connecticut, New Jersey, and in the Philadelphia, Pa., commercial zone. Leonard Weinstock, 9 East 40th Street, New York, N.Y. 10016, attorney for transferee. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for transferor.

No. MC-FC-68995. By order of August 31, 1966, the Transfer Board approved the transfer to Stuart M. Smith, Inc., 3511 East North Avenue, Baltimore, Md., of certificate No. MC-66650, issued December 21, 1959, to Stuart M. Smith and Edith M. Smith, a partnership, doing business as A. T. McCormick, 807 Chumleigh Road, Baltimore, Md. 21212, authorizing the transportation of: Bakery products, from Philadelphia, Pa., to Wilmington, Del., and Baltimore, Md., and empty cartons for bakery products, from Wilmington, Del., and Baltimore, Md., to Philadelphia, Pa.; also, bakery products, except biscuits, crackers and cookies, from Philadelphia, Pa., to Washington, D.C., and Walkersville and Hagerstown, Md., and empty cartons for bakery products, from Washington, D.C., and Walkersville and Hagerstown, Md., to Philadelphia, Pa., all over irregular routes.

No. MC-FC-69005. By order of August 31, 1966, the Transfer Board approved the transfer to H.C. & D. Lines, Inc., Hartsville, S.C., of the operating rights in certificate No. MC-15137, issued July 7, 1955, to Chaplin Truck Line, Inc., Hartsville, S.C., authorizing transportation of: Brick, sand and gravel, agricultural commodities, cotton, ginned and unginned, cotton seeds, hulls and meal, fertilizer, and fertilizer materials, new furniture, cotton mill and gin machinery, oil mill machinery, pipes and fittings, between specified points in South Carolina, North Carolina, and Georgia. Edward E. Saleeby, Post Office Box 597, Hartsville, S.C., attorney for applicants.

No. MC-FC-69015. By order of August 31, 1966, the Transfer Board approved the transfer to McMullen Transfer, Inc., Tomah, Wis., of certificates Nos. MC-18940 and MC-18940 (Sub-No. 2), issued May 5, 1941, and July 27, 1965, respectively, to Lester McMullen, doing business as McMullen Transfer, Tomah, Wis., authorizing the transportation of: Livestock, between points in Monroe County, Wis., on the one hand, and, on the other, points in Elgin, Dixon, Woodstock, Peoria, and Chicago, Ill., and Winona and South St. Paul, Minn.; household goods and frozen strawberries, between points in Monroe County, Wis., on the one hand, and, on the other, points in Illinois, Minnesota, Michigan, North Dakota, South Dakota, and Iowa; and coal, from Tomah, Wis., to Kendall, Wilton, and Norwalk, Wis. Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703, attorney for applicants.

No. MC-FC-69026. By order of August 31, 1966, the Transfer Board approved the transfer to Trexler Bros., Inc., Wilkes-Barre, Pa., of the operating rights in certificate No. MC-31814 (Sub-No. 3), issued by the Commission, April 24, 1952, to M. K. Trexler and W. F. Trexler, doing business as Trexler Bros., Wilkes-Barre, Pa., authorizing the transportation of: Uncrated new and used furniture, except as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between Wilkes-Barre, Pa., and points within 15 miles thereof, on the one hand, and, on the other, points in Maryland, New Jersey, and New York. John J. Dempsey, Jr., National Bank Building, Wilkes-Barre, Pa. 18701, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-9886; Filed, Sept. 8, 1966; 8:47 a.m.]

[Notice 249]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 6, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 65701 (Sub-No. 1 TA), filed September 1, 1966. Applicant: CONNIE ADILETTA, 229 Trenchard Street, Yonkers, N.Y. Applicant's representative: George Chernoff, 295 Madison Avenue, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Groceries* from New York, N.Y., to Bridgeport, Bryon, Darien, Greenwich, Glenbrook, Milford, New Haven, Norwalk, South Norwalk, Springdale, Stamford, and Westport, Conn., for 150 days. Supporting shipper: Bernice Foods, Inc., 581 Austin Place, Bronx, N.Y. 10455. Send protests to: Stephen P. Tomany, Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 95084 (Sub-No. 57 TA), filed September 1, 1966. Applicant: HOVE TRUCK LINE, Stanhope, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery, parts, assemblies and attachments, and materials, equipment and supplies used in the manufacture of agricultural implements and machinery and parts*, between Kewanee, Ill., on the one hand, and on the other, Kirksville, Mo., and points within 25 miles thereof, for 150 days. Supporting shipper: Kewanee Machinery & Conveyor Co., Kewanee, Ill. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 106603 (Sub-No. 89 TA), filed August 31, 1966. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and Salt Products*, in bulk, from Midland, Mich., to points in Illinois, Indiana, Wisconsin, and Ohio (except points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties); and (2) *Salt and Salt Products*, other than in bulk, from Midland, Mich., to points in Wisconsin, Illinois (except Chicago and the Chicago commercial zone as defined by the Commission), Indiana (except that part of the Chicago commercial zone in Indiana), and Ohio (except Ashtabula, Conneaut, Elyria, Fostoria, Lorain, Mansfield, Massillon, Norwalk, Sandusky, Toledo, Wooster, and Ashland, and that area bounded by a line beginning at Cleveland, Ohio, and extending along Interstate Highway 77 to junction U.S. Highway 62, at or north of Canton, Ohio, thence along U.S. Highway 62 to junction Ohio Highway 14A, thence along Ohio Highway 14A via Salem, Ohio, to junction Ohio Highway 14, thence along Ohio Highway 14 to the Ohio-Pennsylvania State line, thence north along the Ohio-Pennsylvania State line to U.S. Highway 422, thence along U.S. Highway 422 to junction Ohio Highway 534, thence along Ohio Highway 534 to Southington, Ohio, thence along Ohio Highway 305 to junction U.S. Highway 422, thence along U.S. Highway 422 to Cleveland, including the points on the indicated portions of the highways specified), for 180 days. Supporting shipper: American Salt Corp., 3142 Broadway, Kansas City, Mo. 64111. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 107515 (Sub-No. 556 TA), filed September 1, 1966. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, S.C., Atlanta, Ga. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Dallas, Tex., to Alexandria, Baton Rouge, Lafayette, Lake Charles, Monroe, New Orleans, and Shreveport, La.; Biloxi, Columbia, Columbus, Greenville, Greenwood, Gulfport, Hattiesburg, Jackson, Natchez, Tupelo, and Vicksburg, Miss. Service to above points restricted to partial delivery of shipments destined to points in one or more of the States of Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. Supporting shipper: Texas Meat Packers, Inc., 5219 Second Avenue, Post Office Box 5236, Dallas, Tex. 75810. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 110525 (Sub-No. 799 TA), filed September 1, 1966. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. Van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from East Boston, Mass., to Schenectady, N.Y., for 150 days. Supporting shipper: Mobil Oil Corp., 150 East 42d Street, New York, N.Y. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 118288 (Sub-No. 10 TA), filed August 31, 1966. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Applicant's representative: Jerome Anderson, First National Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Billings, Mont., to points in California, for 180 days. Supporting shipper: Pierce Packing Co., Post Office Box 1356, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 113855 (Sub-No. 140 TA) (Correction), filed August 18, 1966, published FEDERAL REGISTER, issue of August 25, 1966, and republished as corrected this issue. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Spearfish, S. Dak., to points in Nebraska, Wisconsin, Minnesota, Iowa, Illinois, and Indiana, for 180 days. Supporting shipper: Homestake Mining Co., Lumber and Timber Department, Spearfish, S. Dak. Send protests to: C. H. Berguist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401. NOTE: The purpose of this republication is to show that Spearfish is located in South Dakota.

No. MC 119777 (Sub-No. 70 TA), filed August 31, 1966. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Mr. William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Guard rail, and guard rail posts, and accessories*, between Flint, Mich., on the one hand, and, on the other, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Mrs. Dorothy Robinette, Vice President, Traffic, Anderson "Safeway" Guard Rail Corp., 2610 North Dort Highway, Flint, Mich. 48506. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124402 (Sub-No. 1 TA), filed August 31, 1966. Applicant: FLEET LINE, INC., 3109 Alton Park Boulevard, Chattanooga, Tenn. 37410. Applicant's representative: A. O. Buck, 500 Court Square Building, 300 James Robertson Parkway, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lard, shortening*

and vegetable oils, from plantsite and/or warehouse of Armour & Co., at Norfolk, Va., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and West Virginia, for 180 days. Supporting shipper: D. A. Chute, transportation manager, Armour & Co., Box 9222, Chicago, Ill. 60690. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 128554 TA, filed August 31, 1966. Applicant: ROBERT J. GEYER AND CLARA GEYER, a partnership, doing business as R. J. GEYER TRUCKING, Reno, Nev. 89502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, in bulk, *namely, sand, gravel, plant mix (hot mix) and aggregates*, between points in Nevada and California within a 50-mile radius of Reno, Nev., for 180 days. Supporting shipper: A. Teichert & Son, Inc., Post Office Box 825, Sparks, Nev. 89431. Send protests to: Daniel Augustine, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 11 West Telegraph Street, Carson City, Nev. 89701.

No. MC 128555 TA, filed August 31, 1966. Applicant: MEAT DISPATCH, INC., 1000 Jefferson Road, Henrietta, N.Y. 14467. Applicant's representative: Charles A. Schiano, Post Office Box 4749, 4425 Lake Avenue, Rochester, N.Y. 14612. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail department stores, from Henrietta, N.Y., to Consignors stores located in Florida, and *rejected, refused, damaged items returned* on return, for 180 days. Supporting shipper: Neisner Bros., Inc., 49 East Avenue, Rochester 2, N.Y., Attention: Roger C. Avery, traffic manager. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1025 Chimes Building, Syracuse, N.Y. 13202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9887; Filed, Sept. 8, 1966; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 6, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40693—*Substituted service—CMSTP&P for L.C.L. Transit Co.* Filed by L.C.L. Transit Co. (No. 2), for itself and interested carriers. Rates on property loaded in trailers and transported on railroad flatcars, between Chicago, Ill., on the one hand, and interchange points in Iowa, Wisconsin and St. Paul, Minn., on the other, on traffic originating at or destined to such points or points beyond, as described in the application.

Grounds for relief—Motortruck competition.

FSA No. 40694—*Vegetables from Aurora, N.C.* Filed by O. W. South, Jr., agent (No. A4935), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), in carloads, from Aurora, N.C., to points in southern territory, including Ohio River crossings and Virginia cities gateway points.

Grounds for relief—Market competition.

Tariff—Supplement 53 to Southern Freight Association, agent, tariff ICC S-178.

FSA No. 40695—*Clay, Kaolin, or pyrophyllite from Gulfport, Miss.* Filed by O. W. South, Jr., agent (No. A4936), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, from Gulfport, Miss., to Dallas and Houston, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 18 to Southern Freight Association, agent, tariff ICC S-438.

FSA No. 40696—*Class and commodity rates from and to Kimberly and Morris, Ala.* Filed by O. W. South, Jr., agent (No. A4937), for interested rail carriers. Rates on property moving on class and commodity rates, between Kimberly and Morris, Ala., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New stations and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9889; Filed Sept. 8, 1966; 8:47 a.m.]

[3d Rev. S.O. 562, ICC Order 211-A Vacates ICC Order 211]

CANADIAN RAILROADS

Rerouting and Diversion of Traffic

Upon further consideration of ICC Order No. 211 (Canadian Railroads) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 211 be, and it is hereby vacated and set aside.

Effective date. This order shall become effective at 8 a.m., September 2, 1966.

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 2, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-9888; Filed, Sept. 8, 1966; 8:47 a.m.]

[S.O. 981, Pfahler's Car Distribution Direction 16]

ERIE-LACKAWANNA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Boxcar Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 981.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Erie-Lackawanna Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The Erie-Lackawanna Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The Chicago, Burlington & Quincy Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended. The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date. This direction shall become effective at 12:01 a.m., September 6, 1966.

(4) Expiration date. This direction shall expire at 11:59 p.m., September 24, 1966, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 6, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-9890; Filed, Sept. 8, 1966; 8:47 a.m.]

[S.O. 981; Pfahler's Car Distribution Direction 14]

KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Boxcar Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 981.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions.

(a) The Kansas City Southern Railway Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The Kansas City Southern Railway Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The Chicago, Burlington & Quincy Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended. The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date. This direction shall become effective at 12:01 a.m., September 6, 1966.

(4) Expiration date. This direction shall expire at 11:59 p.m., September 24, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 6, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-9891; Filed, Sept. 8, 1966; 8:47 a.m.]

[S.O. 981; Pfahler's Car Distribution Direction 13]

LOUISVILLE & NASHVILLE RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Boxcar Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 981.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Louisville & Nashville Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended. The operation of all rules and regulations, insofar as they conflict with the provisions of this direction is hereby suspended.

(3) Effective date. This direction shall become effective at 12:01 a.m., September 6, 1966.

(4) Expiration date. This direction shall expire at 11:59 p.m., September 24, 1966, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 6, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-9892; Filed, Sept. 8, 1966; 8:47 a.m.]

[S.O. 981; Pfahler's Car Distribution Direction 15]

PENNSYLVANIA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Boxcar Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 981.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Pennsylvania Railroad Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The Pennsylvania Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The Chicago, Burlington & Quincy Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended. The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date. This direction shall become effective at 12:01 a.m., September 6, 1966.

(4) Expiration date. This direction shall expire at 11:59 p.m., September 24, 1966, unless otherwise modified, changed,

and interested carriers. Rates on property loaded in trailers and transported

and by filing it with the Director, Office of the Federal Register.

Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 6, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66-9693; Filed, Sept. 8, 1966; 8:47 a.m.]

or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

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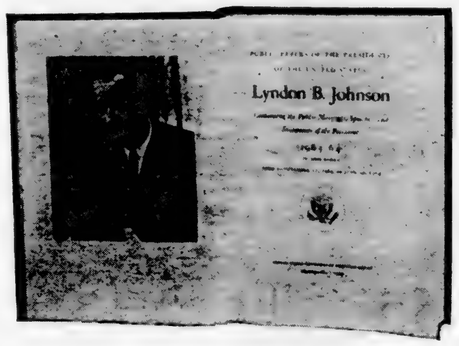
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Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[§ 831.4; Rev. 1, Supp. 3]

PART 831—BEET SUGAR AREA

Rates of Recoverability; 1966 Crop

Correction

In F.R. Doc. 66-9570 appearing in the issue for Friday, September 2, 1966, at page 11591, the heading of the second column in the table in § 831.13(c) which reads "1958-65 factory (percent)" should read "1959-65 factory cossette test average (percent)".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 178]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.478 Valencia Orange Regulation 178.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 8, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 11, 1966, and ending at 12:01 a.m., P.s.t., September 18, 1966, are hereby fixed as follows:

(i) District 1: 125,000 cartons;

(ii) District 2: 475,000 cartons;

(iii) District 3: unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 9, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10018; Filed, Sept. 9, 1966; 2:26 p.m.]

[Lemon Reg. 231]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.531 Lemon Regulation 231.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto

which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 7, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 11, 1966, and ending at 12:01 a.m., P.s.t., September 18, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: 1,868 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "Carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 9, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–10019; Filed, Sept. 9, 1966; 2:26 p.m.]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On August 25, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 11237) regarding proposed expenses and the related rate of assessment for the period beginning April 1, 1966, and ending March 31, 1967, pursuant to the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 921.206 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee during the period April 1, 1966, through March 31, 1967, will amount to $7,090.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 921.41, is fixed at $0.80 per ton of fresh peaches.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable peaches handled during the aforesaid period, and (2) such period began on April 1, 1966, and said rate of assessment will automatically apply to all such peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 6, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–9950; Filed, Sept. 9, 1966; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1966 and Subsequent Years Tung Oil Warehouse-Stored Loan Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Tung Oil Warehouse-Stored Loan Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Rev. 1) (31 F.R. 5941) and any amendments thereto (hereinafter referred to as the "general regulations") issued by the Commodity Credit Corporation, which contain regulations of a general nature with respect to price support loan operations, are supplemented for tung oil processed from the 1966 crop of tung nuts, and from each subsequent crop of tung nuts for which a warehouse-stored loan program is announced by CCC as follows:

Sec.
1421.3686 Purpose.
1421.3687 Administration.
1421.3688 Availability.
1421.3689 Eligible tung oil.
1421.3690 Warehouse receipts.
1421.3691 Service fees and charges.
1421.3692 Storage and handling charges.
1421.3693 Maturity of loans.
1421.3694 Redemption of tung oil under loan.
1421.3695 Support rate.
1421.3696 Loan pool.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, as amended; 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421.

§ 1421.3686 Purpose.

This subpart and the general regulations, to the extent that the provisions thereof are not made inapplicable by the provisions of this subpart, contain the terms and conditions under which CCC will make warehouse-stored loans on eligible tung oil to eligible producers of 1966 and subsequent crops of tung nuts. Notwithstanding the provisions of the general regulations, CCC will not purchase or make farm-stored loans on tung oil, nor will it purchase or make loans on tung nuts.

§ 1421.3687 Administration.

In addition to the administrative responsibilities set forth in § 1421.51 of the general regulations, the Producer Associations Division, ASCS, will administer the provisions of this subpart relating to the tung oil placed in loan pools.

§ 1421.3688 Availability.

(a) *Area.* The program will be available in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

(b) *Period.* Loans will be available from November 1 of the year in which the tung nuts from which the tung oil was extracted were produced, through September 30 of the following year.

§ 1421.3689 Eligible tung oil.

Tung oil, to be eligible for price support, must (a) have been extracted from tung nuts produced by eligible producers during the applicable crop year, (b) meet the requirements of section 3, when tested in accordance with the provisions of section 4 of Federal Specification TT-T-775, Tung Oil Raw (Chinawood) dated May 28, 1957, as amended (referred to in this subpart as "Federal Specifications"), and (c) be stored in an approved warehouse.

§ 1421.3690 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan must meet the requirements of § 1421.58 of the general regulations and:

(a) Be signed by the warehouseman or his authorized representative.

(b) Show the location of the warehouse.

(c) State the quantity of tung oil guaranteed by the warehouseman.

(d) Guarantee that the tung oil, when delivered, will meet Federal Specifications.

(e) State the date of issuance.

(f) Contain a statement or an endorsement that (1) all warehouse charges (including insurance) on the tung oil represented by the warehouse receipt have been paid or otherwise provided for through October 31 of the year following the year in which the tung nuts from which the tung oil was extracted were produced, and (2) the warehouseman has no lien upon the tung oil for such charges.

§ 1421.3691 Service fees and charges.

Producers shall pay a loan service fee as provided in § 1421.60(b)(1) of the general regulations, and instead of the delivery charge specified in § 1421.60(b)(2) of the general regulations, a charge of 6 cents per hundredweight for the quantity of tung oil tendered to CCC for loan which is not redeemed prior to October 31 of the year following the year in which the tung nuts from which the tung oil was extracted were produced. Such fee and charge will be deducted from loan proceeds, but the charge applicable to the quantity of oil redeemed will be credited to the producer's account.

§ 1421.3692 Storage and handling charges.

Except as otherwise provided in this section, CCC will not, with respect to the tung oil placed under loan, pay or assume the cost of storage, transportation, sampling, insurance, testing, and analysis accruing prior to October 31 of the year following the year in which the tung nuts from which the tung oil was extracted were produced, nor will CCC pay or assume any handling or processing charges which are necessary to prepare the tung oil to meet eligibility requirements. CCC may move the tung oil from the warehouse where stored when placed under loan if CCC determines that, because of lack of space at such warehouse, price support cannot be made available there to eligible producers. CCC may pay any transportation and other charges necessary for such movement, including storage charges at the new location. CCC and any subsequent holders of warehouse receipts covering loan collateral tung oil shall be entitled to any unexpired portion of the storage time and any other warehouse services to which the producer was entitled under any contract between the producer and the warehouseman.

§ 1421.3693 Maturity of loans.

Loans will mature on demand.

§ 1421.3694 Redemption of tung oil under loan.

Notwithstanding the provisions of paragraph (c) of § 1421.68 of the general regulations, a producer may, on or prior to the maturity date of the loan or prior to the date his tung oil is placed into a loan pool, whichever date is earlier, arrange with the county office for redemption of any of his tung oil by repayment of the amount of the loan thereon, plus charges and interest: *Provided*, That a partial redemption must include all the tung oil represented by one warehouse receipt. Subject to the provisions of paragraph (b) of § 1421.54 of the general regulations, warehouse receipts redeemed shall be released only to the producer or his authorized agent, except that redeemed warehouse receipts may be released to persons designated in a written authorization filed with the county office by the producer or his properly authorized agent, dated within 15 days prior to the date of repayment.

§ 1421.3695 Support rate.

Loans on eligible tung oil produced from 1966-crop tung nuts shall be made at the rate of 24 cents per pound.

§ 1421.3696 Loan pool.

(a) *Placing tung oil in loan pool.* On or after November 1 of the year following the year in which the tung nuts from which the tung oil was extracted were produced, if the loan has not been matured prior thereto, CCC may place tung oil under loan which has not been redeemed in a loan pool to be handled and marketed by a cooperative marketing association approved by CCC. A producer may not redeem the tung oil placed in a loan pool.

(b) *Distribution of net gains.* The producers whose pledged tung oil is placed in the loan pool shall be entitled to share ratably, on the basis of the quantity of tung oil placed in the pool, in any net gains remaining upon sale of the tung oil in the pool after deduction from the sales proceeds of all amounts paid out by CCC in connection with the tung oil, including the total amount of the loans made thereon plus charges and interest, and the expenses of handling and marketing the tung oil in the pool, except that if CCC determines that the net gains available for distribution are insufficient to justify the cost of distribution, such net gains shall be credited to the sales proceeds of the loan pool for the next succeeding crop year rather than being distributed to the participants in the loan pool.

(c) *Rights of CCC.* The placing of the tung oil in the loan pool pursuant to this section shall not affect the right of CCC to mature the loan on demand nor shall it affect the rights of CCC with respect to the tung oil upon maturity of the loan and nonpayment as set forth in this subpart, the general regulations, and the loan documents.

Effective date. This subpart shall become effective upon filing with the Office of the Federal Register for publication.

Signed at Washington, D.C., on September 6, 1966.

RAY FITZGERALD,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66-9949; Filed, Sept. 9, 1966; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7068; Amdt. 25-10]

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

Sonic Fatigue Evaluation

This amendment requires turbojet powered transport category airplanes to be evaluated, during type certification, to show that either (1) sonic fatigue cracks are not probable in any part of the flight structure subject to sonic excitation, or (2) catastrophic failure caused by sonic fatigue cracks is not probable. This amendment is based on, and is issued for the reasons contained in, Notice 65-40, published in the FEDERAL REGISTER (30 F.R. 15670) on December 18, 1965.

One comment stated that present § 25.571 is already broad enough to cover sonic fatigue, that singling out sonic fatigue for detailed rule making confuses the present rule, that sonic fatigue effects are already adequately considered in type certification programs, and that this amendment is therefore unnecessary. As stated in the notice, present § 25.571 does not adequately cover sonic fatigue problems because (1) the present rule allows evaluation by analysis without tests, which is not the intent of this amendment, (2) the present rule allows substantiation of single principal structural elements, which is not the intent of this amendment, and (3) the present rule is adequate only for low frequency pressure loads, whereas sonic excitation involves high frequency loads. Since this amendment meets a specific fatigue evaluation problem specifically, and since the present general requirements are unchanged and continue to apply to all transport category airplanes, the comment that singling out sonic fatigue for separate regulation is confusing cannot be accepted. This commentator also stated that this amendment, if adopted, should specifically refer only to structure whose failure could result in catastrophic failure. This is the intent of the notice and is made clear in this amendment by the addition of a sentence to § 25.571(a) that refers to "those parts" now covered by that paragraph. The Agency also appreciates the fact that sonic excitation analyses have been included voluntarily in some type certification programs. However, since the purpose of this amendment is to provide a minimum design standard in an area involving possible catastrophic failure, such voluntary investigations, although appreciated, do not alleviate the need for regulation. This commentator further stated that the operation tests to which turbojet powered airplanes are already subjected during type certification are long enough, and severe enough, so that the service experience of sonically excitable parts is already sufficient, by the time that the type certificate is issued, to "substantiate an infinite life," and that this amendment is therefore not necessary. Where tests conducted during type certification in fact show that sonic fatigue cracks, or catastrophic failure caused by such cracks, are not probable, this amendment will of course add no further burden on the applicant. However, since a minimum standard of safety related to possible catastrophic failure is involved, it cannot be assumed that present testing will show improbability of failure in every case. Further, it is the intent of this amendment to allow compliance to be shown by analysis sup-

ported by tests (as well as by relevant service experience or by tests alone). This allowance should be specified in the rule. Therefore, this comment cannot be accepted. This commentator finally stated that, if this amendment is adopted, it should make it clear that the fail safe strength specified for remaining structure after the failure of a single principal structural element (§ 25.571 (c)) also applies to structure remaining after the occurrence of sonic fatigue cracking. It was the intent of the notice that the prescribed "probability" of catastrophic failure be determined under loads expected in service. The loads specified in § 25.571 (c)(1) through (c)(4) represent loads expected in service. This amendment therefore specifies the loads under which the prescribed improbability must be shown.

Two comments requested that the words "not probable", as used in the notice, be changed to "not possible" or "extremely remote probability." The words "not probable" are used in the present fail safe requirements in §§ 25.571 (c) and 25.573(c). This amendment is not intended to introduce a probability standard different from that administered under the present fail safe requirements. Therefore, these comments cannot be accepted.

One comment suggested that the proposal be changed to specifically include nonstructural parts such as fillets, fairings, and secondary structure near the sources of engine noise. Since the language in the notice covers all sonic fatigue sources of probable catastrophic failure, no further detail is necessary.

One comment suggested that this amendment be made retroactive to all turbojet powered airplanes now in service. If service experience reveals sonic fatigue effects in a given type of airplane, appropriate corrective action is available through the use of airworthiness directives. Beyond this, no further action, against airplanes now in service as a class, is necessary. Therefore, this comment cannot be accepted.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 25 is hereby amended as follows, effective October 10, 1966.

Section 25.571(a) is amended and a new paragraph (d) is added to read as follows:

§ 25.571 Fatigue evaluation of flight structure.

(a) *Strength, detail design, and fabrication.* Those parts of the structure (including wings, fixed and movable control surfaces, the fuselage, and their related primary attachments), whose failure could result in catastrophic failure of the airplane, must be evaluated under the provisions of either paragraph (b) or (c) of this section. For turbojet powered airplanes, those parts must also be evaluated under paragraph (d) of this section.

* * * * *

(d) *Sonic fatigue strength.* It must be shown by tests, by analysis and supporting tests, or by the service history of airplanes of similar structural design and sonic excitation environment, that—

(1) Sonic fatigue cracks are not probable in any part of the flight structure subject to sonic excitation; or

(2) Catastrophic failure caused by sonic fatigue cracks is not probable, assuming that the loads prescribed in paragraph (c) of this section are applied to all areas affected by those cracks.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 6, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-9942; Filed, Sept. 9, 1966; 8:46 a.m.]

[Airspace Docket No. 66-CE-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On June 28, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8923) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would realign V-170 and V-219 via the Fairmont, Minn., VOR and raise the floors of these segments to 1,200 feet above the surface.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

Section 71.123 (31 F.R. 2009, 6487, 7556) is amended as follows:

1. In V-170 all before "From Nodine, Minn.," is deleted and "From Sioux Falls, S. Dak., via Worthington, Minn.; 12 AGL Fairmont, Minn.; 12 AGL Mankato, Minn.; to Farmington, Minn." is substituted therefor.

2. In V-219 "Mankato, Minn.;" is deleted and "12 AGL Fairmont, Minn.; 12 AGL Mankato, Minn.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 2, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-9930; Filed, Sept. 9, 1966; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-280; Order 326]

PART 154—RATE SCHEDULES AND TARIFFS

Suspended Changes in Rate Schedules; Motions To Make Effective at End of Period of Suspension; Procedure

SEPTEMBER 6, 1966.

Natural Gas Companies; interest on refunds of portion of increased rates of independent producers relating to royalties and taxes to Federal and State governmental authorities.

On August 26, 1965, the Commission issued a notice of proposed rulemaking in this proceeding (30 F.R. 11228, September 1, 1965) wherein it proposed to provide relief to independent producers from their obligation to pay interest on that portion of an increased rate found to be unjustified which relates to royalties and/or taxes they are required to pay to Federal or State governmental authorities, to the extent that refunds are made without interest.

Comments were invited from interested persons to be submitted by October 19, 1965. All of the 19 responses to the notice,[1] including those from major and small producers, various independent producer associations, and a State commission, supported the proposed action.

Several of the responses point out that the relief is proposed only in those cases where governmental authorities "require" payment of royalties or taxes on amounts collected subject to refund and that the provision is too restrictive. They state that whether a producer is required by law or required by policy to make such payments raises a very difficult legal question that may appropriately be avoided by deleting the phrase "* * * where such authorities require payment of royalties or taxes on amounts collected subject to refund," from the proposed § 154.102(f) of said regulations. The suggestion is meritorious and we shall adopt it.

Other comments sought to broaden the proposed relief by exempting the producer from paying interest on refunds representing royalty payments to all royalty owners, when such royalty owners do not pay interest to the producers. Our proposal, however, was intended to grant relief only in those instances where royalty payments were required (whether by law or policy) to be made to governmental authorities and producers were unable to protect themselves through the original lease negotiations or subsequent legal action to obtain interest on refundable amounts.

The remaining comments sought the reduction of the interest rate on refunds from 7 percent per annum now provided in § 154.102(c) of the regulations to 4½ percent. In arguing that the interest rate on refunds should be reduced from 7 percent to 4½ percent per annum, the producers apparently misconstrue the reasons for allowing a lower rate of interest on retained refunds in Permian[2] and the cited settlement cases. The reason for permitting a lower rate of interest in those cases is that the producer has agreed to or has been found liable for refunds but has been ordered by the Commission to retain the refundable amounts pending Commission determination of the flow-through obligations of their purchasers.[3] In these circumstances, the producer has been given the option of utilizing the retained refunds in its operations upon the payment of the prime rate of interest at which it could presumably borrow funds for such operations.[4] However, this consideration has no applicability to the situation where the producer of his own volition has collected, subject to refund, a rate in excess of the just and reasonable rate. There is no justification in such a case for allowing such a low interest obligation.

The Commission further finds: In view of the foregoing, and upon consideration of all relevant matters presented, including the arguments, contentions, suggestions, and other views expressed in the comments received, it is necessary and appropriate for the administration of the Natural Gas Act, that the regulations under the Natural Gas Act be amended as herein provided.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, and 16 thereof (52 Stat. 822, 823, 830; 15 U.S.C. 717c, 717d, 717o), orders:

(A) Part 154, Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations, is amended by revising paragraph (c) and adding a new paragraph (f) to § 154.102 as follows:

§ 154.102 Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure.

* * * * *

(c) The independent producer shall be obligated to refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of any increased rate found by the Commission in that proceeding not justified, together with interest thereon at the rate of 7 percent per annum from the date of payment to the producer until refunded, except as provided in paragraph (f) of this section; to bear all costs of any such refunding; to keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as provided in the order, for each billing period, specifying by whom and in whose behalf such amounts were paid; and to report in writing and under oath to the Commission monthly, or quarterly if he so elects and so notifies the Commission within 30 days from the date the Secretary notifies the producer that the increased rates may be effective, for each billing period, and for each purchaser the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the effective date of the change, and under the rates which become effective pursuant to the motion, together with the differences in the revenues so computed;

* * * * *

(f) No interest is required to be paid on any portion of a refund which represents payments of royalties or taxes to Federal or State governmental authorities, except to the extent that such authorities pay interest to the producer when refunding overpayments of royalties or taxes.

(Secs. 4, 5, 16, 52 Stat. 822, 823, 830; 15 U.S.C. 717c, 717d, 717o)

(B) This amendment herein adopted shall be come effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9931; Filed, Sept. 9, 1966; 8:45 a.m.]

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[1] Amerada Petroleum Corp.; The California Co.; W. B. Cleary, Chairman, Natural Gas Committee, Oklahoma Independent Petroleum Association; Continental Oil Co.; Dorchester Gas Producing Corp.; Mrs. James R. Dougherty; Humble Oil & Refining Co.; Hunt Oil Co., et al.; Independent Petroleum Association of America; State Corporation Commission of the State of Kansas; The Nueces Co.; Pan American Petroleum Corp.; Phillips Petroleum Co.; Placid Oil Co.; Shell Oil Co.; Sinclair Oil & Gas Co.; Socony Mobil Oil Co., Inc.; Southern Union Production Co.; and Sun Oil Co.

[2] Area Rate Proceeding, Opinion No. 468, Docket No. AR61-1, Aug. 5, 1965, 34 FPC ———

[3] See: Reserve Oil and Gas Co., Docket Nos. G-18570, et al., order issued Mar. 2, 1966, 35 FPC ———

[4] At the time of issuance of the Permian decision, the first case where the lesser interest obligation was authorized, the prime rate of interest was 4½ percent.

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Federal Register Document 66-9941 filed September 8, 1966 (31 F.R. 11890), is corrected with respect to Item (3) in Grenada County, Miss., as follows:

(3) Tie Plant—trailer at site of Horseshoe Store two blocks west of Tie Plant School on dirt road; September 9, 1966.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-10009; Filed, Sept. 9, 1966; 12:05 p.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Status of Imported Heat-Processed Canned Milk Products Under Federal Import Milk Act

To dispel any misconceptions or uncertainty concerning the applicability of the Federal Import Milk Act to imported canned heat-processed milk products, the Commissioner of Food and Drugs has concluded that the following statement of policy should be issued. Accordingly, pursuant to the provisions of the Federal Import Milk Act (secs. 1-9, 44 Stat. 1101-1103, as amended; 21 U.S.C. 141-149) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 3 is amended by adding the following new section:

§ 3.56 Imported canned heat-processed milk products under the Federal Import Milk Act.

(a) The Federal Import Milk Act (21 U.S.C. 141 et seq.) prohibits the importation of all imported milk and cream, whether sterilized or not, unless the shipper holds a valid import milk permit. There is no authority to waive this requirement.

(b) A valid permit is issued only if the five conditions set forth in section 2 of the act (21 U.S.C. 142), concerning the producer and its product, are met.

(c) Section 3 of the act (21 U.S.C. 143) permits the Secretary to exempt sterilized milk from only one of these five conditions, that which is set forth in clause 4 of section 2 of the act and provides an upper limit for bacteria, and then only if:

(1) The bacterial count per cubic centimeter of the milk product is not more than 1,200,000; and

(2) The farm producing the milk to be imported is within a radius of 15 miles of the condensery in which it is to be processed.

However, even if these sterilization requirements are met, the remaining

four conditions in section 2 of the act must also be satisfactorily met in order for a permit to be issued, and a permit must be obtained to permit the imported milk product entry into the United States.

(Secs. 1, 2, 3, 44 Stat. 1101, 1102, as amended; 21 U.S.C. 141–143)

Dated: September 2, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9943; Filed, Sept. 9, 1966; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

NITRODAN

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 4D1464) filed by Moorman Manufacturing Co., Quincy, Ill. 62302, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of nitrodan (3-methyl-5-[(p-nitrophenyl) azo]-rhodanine) as an anthelmintic in cereal-type dog food whereby the additive is not to be added to the dog food prior to pelleting or other heat processing. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended by adding to Subpart C a new section, as follows:

§ 121.288 Nitrodan (3-methyl-5-[(*p*-nitrophenyl)azo]-rhodanine).

The food additive nitrodan (3-methyl-5-[(p-nitrophenyl)azo]-rhodanine) may be safely used in animal food when incorporated therein in accordance with the following conditions:

(a) It is used or intended for use as follows:

Principal ingredient	Amount	Limitations	Indications for use
1. Nitrodan	5 mg. per lb. of body weight per day.	For dogs; in cereal-type food containing 0.025 percent of nitrodan; not to be added to the food prior to pelleting or other heat processing; not to be fed to pregnant females.	As an aid in the control of dog hookworms (*Ancylostoma caninum* and *Uncinaria stenocephala*) and the common dog ascarid (*Toxocara canis*).

(b) To assure safe use, the labels and labeling of the additive and of any intermediate premix or final food shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the quantity of the additive contained therein.

(3) The word "medicated" on any food preparation containing the additive.

(4) Adequate directions and warnings for use.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 2, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9944; Filed, Sept. 9, 1966; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER S—PERSONNEL; MILITARY AND CIVILIAN

PART 142—GOLD STAR LAPEL BUTTON

The Deputy Secretary of Defense approved the following on August 22, 1966:

Sec.
142.1 Reissuance and purpose.
142.2 Applicability.
142.3 Policy.
142.4 Description of Gold Star Lapel Button.

AUTHORITY: The provisions of this Part 142 issued under sec. 1, 80 Stat. 345; 10 U.S.C. 1124.

§ 142.1 Reissuance and purpose.

This part reissues DoD Directive 1348.2, October 31, 1951, to incorporate the provisions of 10 U.S.C. 1124 governing eligibility and distribution of the Gold Star Lapel Button. DoD Directive 1348.2, October 31, 1951, is hereby superseded and canceled.

§ 142.2 Applicability.

The provisions of this part apply to the Departments of the Army, Navy, and Air Force, and to the U.S. Coast Guard when operating as a service in the Navy.

§ 142.3 Policy.

The Gold Star Lapel Button shall be designed as described in § 142.4 (a), (b), and (c) and be distributed in accordance with the provisions of 10 U.S.C. 1124 to widows, parents, and next of kin of members of the armed forces who:

(a) Lost or lose their lives in the armed services of the United States during World War I, World War II, or during any subsequent period of armed hostilities in which the United States was engaged before July 1, 1958; or

(b) Lost or lose their lives after June 30, 1958, while engaged in an action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party against an opposing armed force.

§ 142.4 Description of Gold Star Lapel Button.

(a) *Obverse.* A gold star one-quarter inch in diameter, on a purple disc three-quarters inch in diameter, within a wreath of gold laurel leaves five-eights inch in diameter.

(b) *Reverse.* The inscription, "United States of America, Act of Congress, August 1966," with space for engraving the initials of the recipient.

(c) *Fasteners.* Gold Star Lapel Buttons shall be available with pin-joint and safety catch fastener or with pin and clutch-type fastener at the option of the recipient.

The Gold Star Lapel Button described in § 142.4 (a), (b), and (c) is identical to that authorized under Public Law 121, 82d Congress, except for date of enactment inscribed on reverse. Gold Star Lapel Buttons inscribed August 1947 may be issued until present inventories are exhausted.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 66-9929; Filed, Sept. 9, 1966; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including establishment of State hunting seasons make it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, brant, and coots on the Bombay Hook National Wildlife Refuge, Del., is permitted only on three areas designated by signs as open to hunting. They are known as the South Public Hunting Area, the West Public Hunting Area, and other areas as posted. These open areas, comprising 3,201 acres are delineated on maps available at the refuge headquarters, Smyrna, Del., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, brant, and coots subject to the following special conditions:

(1) Ducks, geese, brant, and coots may be hunted on the South Public Hunting Area during the period November 4 to November 26 inclusive, and December 12 to January 7, 1967, inclusive.

(2) Ducks and coots may be hunted on the West Public Hunting Area from one-half hour before sunrise to 12 noon (standard time) Tuesdays, Thursdays, and Saturdays during the period November 4 to November 26 inclusive, and December 12 to January 7, 1967, inclusive. Brant and geese may be hunted on the West Public Hunting Area from one-half hour before sunrise to 12 noon (standard time) Tuesdays, Thursdays, and Saturdays during the period November 4 to November 26 inclusive, and November 29 to January 14, 1967, inclusive.

(3) Ducks and coots may be hunted on other areas as posted during the period November 4 to November 26 inclusive, and December 12 to January 7, 1967, inclusive. Brant and geese may be hunted on other areas as posted during the period November 4 to November 26 inclusive, and November 29 to January 14, 1967, inclusive.

(4) The construction of blinds by the public is not permitted on the South and West Public Hunting Areas. Hunting in those areas shall be only from blinds constructed and labeled by refuge personnel, and possession of a loaded gun and shooting on those areas is not permitted outside of a blind except when in active pursuit of crippled waterfowl.

(5) No person shall use or have in his possession on the West Public Hunting Area more than 10 shells nor any shell containing shot smaller than No. 6 fine shot or larger than No. 2 fine shot.

(6) A Federal permit is required to enter the South Public Hunting Area and the West Public Hunting Area. A permit to enter the South Public Hunting Area may be obtained at the checking station located at Port Mahon from 1 hour before shooting time until 3 p.m. (standard time) from November 4 to November 26 inclusive, and from December 12 to January 7, 1967, inclusive except Sundays. A permit to enter the West Public Hunting Area may be obtained by applying to the Refuge Manager in writing for an advance reservation on a Bureau form authorized for this purpose. An individual with an advance reservation will forfeit his permit if he is not present 1 hour prior to legal shooting hours on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lot at the conclusion of the reservation blind drawing. Permits must be surrendered prior to departure from the refuge, and all game taken must be presented to the refuge agent at that time for inspection.

(7) Each hunter with a permit to hunt on the West Public Hunting Area will pay a blind fee of $5 on the day of the hunt.

(8) Not more than 4 persons may occupy a blind at any one time.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 14, 1967.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 1, 1966.

[F.R. Doc. 66-9935; Filed, Sept. 9, 1966; 8:45 a.m.]

PART 32—HUNTING

Parker River National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal Migratory Game Bird Regulations to and including the establishment of State hunting seasons makes it impracticable to give notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese (except snow geese), brant, and coots on the Parker River National Wildlife Refuge, Mass., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,085 acres, and known as the Pine Island Hunting Area, Parker River Hunting Area, Nelson's Island Hunting Area, and the Youth Hunting Area, are delineated on maps available at the refuge headquarters, Newburyport, Mass., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, brant, and coots, subject to the following special conditions:

(1) The open season for hunting ducks and coots on the Pine Island, Parker River, and Nelson's Island Hunting Areas is from October 15 through December 8 and, in addition, a special season on black ducks from December 15 through January 8, inclusive, and the open season on geese and brant is from October 15 through November 29, and from December 15 through January 7, inclusive.

(2) The number of hunters on the Pine Island Area will be limited to 25 each day, Parker River Area to 50 each day, and the Nelson's Island Area to 50 each day, all on a first-come, first-served basis.

(3) The Youth Hunting Area will be open during the regular State waterfowl season for a limit of 25 Young Waterfowl trainees on each of up to four Saturdays under the provisions and limitations of this special program. A brochure describing this program is also available.

The provisions of this special regulation supplement the regulations governing hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1967.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-9936; Filed, Sept. 9, 1966; 8:45 a.m.]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal Migratory Game Bird Regulations to and including establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

The public hunting of woodcock, common (Wilson's) snipe, ducks, and coots on the Iroquois National Wildlife Refuge, N.Y. is permitted on the area designated by signs as open to hunting. This open area comprising 4,238 acres is delineated on maps available at the refuge headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of woodcock, snipe, ducks, and coots subject to the following special conditions:

(1) Woodcock and snipe may be hunted from 7 a.m. to 5 p.m. during the period from October 3 through November 19, 1966, inclusive, except Sundays.

(2) Ducks and coots may be hunted from one-half hour before sunrise until 12:00 noon on each Monday, Tuesday, Thursday, Friday, and Saturday during the period from October 15 through November 19, 1966, inclusive.

(3) Hunting ducks and coots is permitted only from designated hunting stands.

(4) A permit is required to hunt ducks and coots. A daily permit may be obtained by applying in person at the New York State Conservation Department's Permit Station on the Oak Orchard Game Management Area on the days when hunting is permitted.

(5) All ducks killed on the refuge must be checked out at the permit station on the Oak Orchard Game Management Area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 19, 1966.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 1, 1966.

[F.R. Doc. 66-9937; Filed, Sept. 9, 1966; 8:45 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

PART 281—RESTRICTIONS ON TUNA IMPORTS

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of May 25, 1966 (31 F.R. 7516), a public hearing was held on June 14, 1966, at San Diego, Calif., for the purpose of receiving comments, views, and data regarding a proposal to amend Title 50, Code of Federal Regulations, by adding a new Subchapter H—Eastern Pacific Tuna Fisheries, consisting of Part 280—Yellowfin Tuna and Part 281—Restrictions on Tuna Imports. Interested persons were also invited to submit views in writing to the Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, Terminal Island, Calif., within the period of 30 days from the date of publication of the notice.

As evidenced by the testimony offered at the public hearing and by the written views received from two sources, the proposed regulations as published in tentative form with the notice have received approval, in principle, by the participating public. Consideration has been given to all pertinent data received in response to the notice, the regulations have been revised in minor respects to effect recommended changes where appropriate, and the regulations as set forth below are now deemed to be adequate to implement the Tuna Conventions Act of 1950 (64 Stat. 777), as amended by the Act of October 15, 1962 (76 Stat. 923; 16 U.S.C. 951).

In accordance with section 6(c) of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 955(c)), after adoption of the regulations proposed as Part 280 and publication thereof in the FEDERAL REGISTER, such regulations are to become applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary of the Interior shall prescribe, but in no event prior to an agreed date for the application by all countries whose vessels engage in fishing for species of fish covered by the Convention for the Establishment of an Inter-American Tropical Tuna Commission (1 U.S.T. 230) in the regulatory area on a meaningful scale, in terms of effect upon the success of the conservation program, of effective measures for the implementation of the Commission's recommendations applicable to all vessels and persons subject to their respective jurisdictions.

On various dates in July, August, and September 1966, the representatives of the Governments of Canada, Costa Rica, Ecuador, Japan, Mexico, and Panama informed the Government of the United States that such countries, not later than September 15, 1966, would apply effective measures for the implementation of the Commission's recommendations (such recommendations being as set forth below) to be applicable to vessels and persons subject to their respective jurisdictions. The several countries named currently are parties to the Convention cited or, not being parties, exercise jurisdiction over vessels which "engage in fishing for species covered by the Convention in the regulatory area on a meaningful scale, in terms of effect upon the conservation program," within the purview of section 6(c) of the Tuna Conventions Act of 1950, as amended.

The fishing vessels of Chile, Colombia, and Peru, and no others, are known to have taken and may yet take from the regulatory area small quantities of yellowfin tuna during the current year. Nevertheless, based upon past fishing success, present fishing capability, and anticipated abundance of yellowfin tuna within reach of the vessels of such countries, it is not anticipated that the vessels of Chile, Colombia, or Peru will take during the current year sufficient quantities of yellowfin tuna to constitute engagement by such vessels "in fishing for species covered by the Convention in the regulatory area on a meaningful scale, in terms of effect upon the success of the conservation program," within the scope and intent of section 6(c) of the Tuna Conventions Act of 1950, as amended. Accordingly, commitments from the Governments of Chile, Colombia, and Peru to apply to their vessels measures for the implementation of the Commission's recommendations are not deemed to be a prerequisite to the promulgation and application of the regulations in Parts 280 and 281, Title 50, CFR.

The requirements of section 6(c) of the Tuna Conventions Act of 1950, as amended, having been met as recited above, the said Parts 280 and 281, as set forth below, are hereby adopted.

To the fullest extent practicable, the owners and masters of tuna fishing vessels and the processors of tuna products have been informed of this Department's intention to apply Parts 280 and 281 to all vessels and persons subject to the jurisdiction of the United States effective as of the "agreed date" of September 15, 1966. The time required to coordinate the views and actions of the interested governments and to reach an agreement fixing September 15, 1966, as the effective date for the implementation of the Commission's recommendations renders impracticable the customary 30-day advance publication contemplated by 5 U.S.C. 1003(c). As recited below, it has been determined that the yellowfin tuna fishing season should be closed on September 7, 1966, to keep within the recommended catch limit of 79,300 short tons for the current year. A further delay beyond the agreed effective date of September 15, 1966, likely would result in substantially greater catches of yellowfin tuna and thus further diminish the effectiveness of the recommended conservation program. Inasmuch as good cause exists for prescribing an effective date earlier than 30 days prior to publication, the regulations in Parts 280 and 281 shall become effective at 0001 hours, standard time in the areas affected, September 15, 1966.

In lieu of the announcements required to be made by the Director of the Bureau of Commercial Fisheries pursuant to sections 280.3 and 280.5, Title 50, CFR, as herein adopted, notice is hereby given for the current year as follows:

1. At its annual meetings held at Guayaquil, Ecuador, April 19–20, 1966, the Inter-American Tropical Tuna Commission adopted a resolution reading as follows:

RESOLUTION

THE INTER-AMERICAN TROPICAL TUNA COMMISSION

Having reviewed its previous findings and recommendations respecting the need to curtail the catch and effort for yellowfin tuna in the Eastern Pacific Ocean, in order to restore the population of that species to a level where maximum sustainable catches may be again obtained,

Having considered the additional statistics of catch and effort, and other information, for the year 1965,

Observing that the studies of its scientific staff indicate that the yellowfin population remains substantially below the level of abundance corresponding to maximum sustainable yield; that the best estimate of the sustainable yield to be expected during 1966 is that it will not exceed 85,000 short tons; and that there is need to make a substantial restoration to the stock, which will require a catch-limit well below the sustainable yield to be expected during 1966.

Recommends to the High Contracting Parties that they take joint action to:

1. Establish a catch-limit (quota) on the total catch of yellowfin tuna by fishermen of all nations of 79,300 short tons during calendar year 1966, from the area previously defined in the Resolution adopted by the Commission on 17 May 1962;

2. Reserve a portion of this yellowfin tuna quota for allowance for incidental catches when fishing for other tuna species, such as skipjack and bigeye tuna, after the closure of the unrestricted fishing for yellowfin tuna. The amount of this portion should be determined by the scientific staff of the Commission at such time in 1966 when the catch of yellowfin approaches the recommended quota for the year;

3. Open the fishery for yellowfin tuna on January 1, 1966; during the open season vessels should be permitted to depart from port with permission to fish for any tuna species, including yellowfin, without restriction on the quantity of any species, until the return of the vessel to port;

4. Close the fishery for yellowfin tuna during 1966 at such date as the quantity of tunas already landed plus the expected catch of yellowfin tuna by vessels which are at sea with permits to fish without restriction reaches 79,300 short tons, less the portion reserved for incidental catches in Item 2 above;

5. Permit vessels after the date of closure of the fishery for yellowfin tuna to leave port with permission to fish only for other species of tuna than yellowfin tuna; but any vessel operating under such permission should be allowed to land not more than 15 percent by weight of yellowfin tuna among its catch of other tuna species on any voyage. This limitation should apply to each and every trip on which the vessels depart with permission to fish only for other species of tuna than yellowfin tuna, even though the vessel does not return to port from such a trip until after the end of calendar year 1966;

6. Take such action as may be necessary to obtain the cooperation of those Governments whose vessels operate in the fishery, but which are not parties to the Convention for the Establishment of an Inter-American Tropical Tuna Commission, in effecting these conservation measures;

7. To its Member Governments that they seriously consider the possibility of applying, in accordance with their own legal provisions, the measures of conservation which have been proposed by the Director of Investigations of the Inter-American Tropical Tuna Commission, approved during the 1966 meeting of said commission, to the effect that in the commercial exploitation of yellowfin tuna we do not lose sight of the necessity of conservation of this species, above all other considerations.

2. The recommendations embodied in the foregoing resolution received approval by the Secretary of the Interior on June 8, 1966, and by the Secretary of State on July 28, 1966, as contemplated by § 280.3, Title 50, CFR, and section 6(c) of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 955(c)).

3. On August 23, 1966, the Director of Investigations of the Inter-American Tropical Tuna Commission recommended to the interested governments that the yellowfin tuna fishing season be closed at 0001 hours, local time, on September 7, 1966, to assure that the established catch limit of 79,300 short tons for 1966 will not be exceeded. Nevertheless, in view of the agreement lately reached among the affected countries to implement the Commission's recommendations with an effective date of September 15, 1966, I hereby announce that the 1966 season for the taking of yellowfin tuna without restriction as to quantity will terminate simultaneously with the effective date of Part 280 and 281, Title 50, CFR, viz, at 0001 hours, standard time in the areas affected, September 15, 1966.

4. The open season for yellowfin tuna fishing having been terminated effective September 15, 1966, the reporting requirements of paragraph (a) of § 280.9, Title 50, CFR, concerning vessels intended to be used in fishing for yellowfin tuna, are hereby suspended during the calendar year 1966 but such requirements shall come into full force and effect on and after January 1, 1967.

5. Except as provided in § 280.8, Title 50, CFR, during the period beginning September 15, 1966, and ending December 31, 1966, no person shall unlade, deliver, sell, purchase, or receive from any fishing vessel subject to regulation under 50 CFR 280 any quantity of yellowfin tuna which exceeds fifteen percent (15%) by round weight of all tuna fishes on board such vessel unless such excess yellowfin tuna is accompanied by a written declaration of the master or other person in charge of the taking vessel that such yellowfin tuna were taken on a fishing voyage begun by final departure from port prior to 0001 hours, September 15, 1966. Such declaration shall be delivered to the purchaser of the yellowfin tuna and shall be retained on file and made available for inspection for a period of 6 months from the date thereof.

Issued at Washington, D.C. and dated September 8, 1966.

STEWART L. UDALL,
Secretary of the Interior.

Sec.
280.1 Definitions.
280.2 Basis and purpose.
280.3 Catch limit.
280.4 Open season.
280.5 Closed season.
280.6 Restrictions applicable to fishing vessels.
280.7 Restrictions applicable to cargo vessels.
280.8 Restrictions applicable to purchasers.
280.9 Reports and recordkeeping.
280.10 Persons and vessels exempted.
280.11 Fish and Wildlife Service employees designated as enforcement agents.
280.12 State officers designated as enforcement agents.

AUTHORITY: The provisions of this Part 280 issued under 64 Stat. 777, as amended, 16 U.S.C. 951.

§ 280.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(b) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).

(c) *Commission.* The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) *Director of Investigations.* The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, Calif.

(e) *Bureau Director.* The Director of the Bureau of Commercial Fisheries, Fish and Wildlife Service, U.S. Department of the Interior.

(f) *Regional Director.* The Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, 101 Seaside Avenue, Terminal Island, Calif.

(g) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40 degrees north latitude intersects the coast; thence due west to the meridian of 125 degrees west longitude; thence due south to the parallel of 20 degrees north latitude; thence due east to the meridian of 120 degrees west longitude; thence due south to the parallel of 5 degrees north latitude; thence due east to the meridian of 110 degrees west longitude; thence due south to the parallel of 10 degrees south latitude; thence due east to the meridian of 90 degrees west longitude; thence due south to the parallel of 30 degrees south latitude; thence due east to a point on the mainland where the parallel of 30 degrees south latitude intersects the coast.

(h) *Yellowfin tuna.* Any fish of the species *Thunnus albacares* (synonomy: *Neothunnus macropterus*).

(i) *Other tuna fishes.* Those species (and none other) of the family Scombridae which are known as:

(1) Albacore—*Thunnus alalunga* (synonomy: *Thunnus germo*).

(2) Bigeye—*Thunnus obesus* (synonomy: *Parathunnus sibi*).

(3) Bluefin—*Thunnus thynnus* (synonomy: *Thunnus saliens*).

(4) Skipjack—*Euthynnus pelamis* (synonomy: *Katsuwonus pelamis*).

(j) *Fishing vessel.* Every kind, type, or description of watercraft subject to the jurisdiction of the United States (other than purse seine skiffs) used in or outfitted for catching or processing fish or transporting its catch of fish from fishing grounds.

(k) *Cargo vessel.* Every kind, type, or description of watercraft which is not employed in fishing but which is engaged in whole or in part in the transportation of fish or fish products.

(l) *Person.* Individual, association, corporation, or partnership subject to the jurisdiction of the United States.

(m) *Open season.* The time during which yellowfin tuna may lawfully be captured and taken on board a fishing vessel in the regulatory area without limitation on the quantity permitted to be retained during each fishing voyage. Unless otherwise specified, whenever time is stated in hours it shall be construed to refer to standard time in the area affected.

(n) *Closed season.* The time during which yellowfin tuna may not be taken or retained on board a fishing vessel in quantities exceeding the amounts permitted to be taken and retained as an incident to fishing for other tuna fishes.

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, Calif., on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At annual meetings held at Quito, Ecuador, May 16–18, 1962; at Panama City, Panama, April 16–17, 1963; at San Diego, Calif., March 18–19, 1964; at Mexico City, Mexico, March 23–24, 1965; and at Guayaquil, Ecuador, April 19–20, 1966, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of not more than fifteen percent (15%) by weight of yellowfin tuna among the tuna taken on a fishing trip made after the close of the yellowfin tuna fishing season; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) The regulations in this part are designed to implement the Commission's recommendations for the conservation of yellowfin tuna so far as they affect all vessels and persons subject to the jurisdiction of the United States.

§ 280.3 Catch limit.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area during the open season by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of the Interior of the recommended catch limit, announcement of the catch limit thus established shall be made by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER. The Bureau Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

§ 280.4 Open season.

The open season for yellowfin tuna fishing shall begin annually at 12:01 a.m., of the first day of January and terminate at midnight on a date to be determined and announced as provided in § 280.5.

§ 280.5 Closed season.

Pursuant to authority granted by the Commission, the Director of Investigations maintains records of the catches of yellowfin tuna made in the regulatory area from time to time during the open season by the fishing vessels of all nations participating in the fishery. By taking into account the cumulative round weight of such yellowfin tuna catches and the estimated additional quantities of yellowfin tuna expected to be caught by the fishing vessels of all nations operating in the regulatory area, the Director of Investigations will determine the date on which he deems that the yellowfin fishing season should close and will promptly notify the Bureau Director of such date. The Bureau Director shall announce the season closure date thus established by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined has been affected by changed circumstances, he may subtsitute another date which shall be announced by the Bureau Director in like manner as provided for the date originally determined.

§ 280.6 Restrictions applicable to fishing vessels.

(a) Except as provided in paragraphs (b) and (c) of this section, after the date determined and announced in the manner provided in § 280.5 for the closing of the yellowfin tuna fishing season, it shall be unlawful for any master or other person in charge of a fishing vessel to possess yellowfin tuna on board such vessel or to land yellowfin tuna in any port or place until the yellowfin tuna fishing season reopens on January 1 next following the close of the season.

(b) Any master or other person in charge of a fishing vessel which has departed port to engage in tuna fishing prior to the date of the closure of the yellowfin fishing season may continue to take and retain yellowfin tuna without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of tuna taken during such voyage.

(c) Any master or other person in charge of a fishing vessel which has departed port after the date of the closure of the yellowfin season may possess on board such vessel and land in any port or place yellowfin tuna taken as an incident to fishing for other tuna fishes but in no event shall the yellowfin tuna so permitted to be possessed or landed exceed fifteen percent (15%), by round weight, of all tuna fishes on board the fishing vessel. Any quantity of yellowfin tuna possessed or landed in excess of the fifteen percent (15%) limitation prescribed by this subsection shall be subject to seizure pursuant to section 10(e) of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 959(e)).

(d) The limitation on the quantity of incidentally caught yellowfin tuna specified in paragraph (c) of this section shall be applicable to any fishing vessel irrespective of its arrival in port prior or subsequent to December 31 in every case where the catch of tuna has been made during a fishing voyage begun in the closed season.

§ 280.7 Restrictions applicable to cargo vessels.

(a) A fishing vessel shall be deemed to have completed a fishing voyage whenever the whole or any part of its catch of tuna from the regulatory area shall be transferred to a cargo vessel in conformity with the requirements of this section.

(b) In keeping with the provisions of section 251, Title 46, United States Code, no foreign-flag vessel, whether documented as a cargo vessel or otherwise, is permitted to land in a port of the United States any tuna fish or tuna fish products taken on board such vessel on the high seas.

(c) The transfer of tuna from a fishing vessel to a cargo vessel while in a foreign country or its territorial waters will be governed by the laws and regulations of such foreign country.

(d) During the closed season for yellowfin tuna, no fishing vessel shall transfer on the high seas any part of its catch of tuna fish to a cargo vessel documented under the laws of the United States and no such cargo vessel shall receive, possess or bring to any place in the United States tuna fish taken on board on the high seas from a fishing vessel unless the cargo vessel shall hold a permit issued in conformity with paragraph (e) of this section.

(e) Upon written application made to him, the Regional Director may issue a permit authorizing a cargo vessel documented under the laws of the United States to receive, possess, and transport to the United States tuna fish transferred from fishing vessels on the high seas during the closed season on yellowfin tuna. Such permit may authorize the possession and transportation of yellowfin tuna by a cargo vessel without regard to the quantities of yellowfin or other tuna fishes received or possessed on board such vessel during the closed season on yellowfin tuna and shall contain such additional conditions and restrictions as the Regional Director shall determine to be necessary in light of the circumstances in each case to achieve compliance with the regulations in this part and the objectives of the program for the conservation of the yellowfin tuna resources of the regulatory area.

§ 280.8 Restrictions applicable to purchasers.

(a) Except as provided in paragraphs (b) and (d) of this section it shall be unlawful for any person knowingly to receive, purchase, offer to purchase, sell, offer for sale, import, export, or have in custody, possession, or control any yellowfin tuna taken or retained by a fishing vessel in violation of the regulations in this part.

(b) In view of the perishable nature of yellowfin tuna when not processed otherwise than by chilling or freezing, any person authorized to enforce the regulations in this part may cause to be sold, and any person may purchase, for not less than its reasonable market value such quantities of perishable yellowfin tuna as may be seized pursuant to section 10(e) of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 959(e)).

(c) The proceeds of any sale made pursuant to paragraph (b) of this section, after deducting the reasonable costs of the sale, if any, shall be remitted by the purchaser to the Regional Director for deposit and retention in the Suspense Account of the Bureau of Commercial Fisheries (Account No. 14X6875(17)) pending judgment of the court or other disposition of the case.

(d) If a duly constituted official acting under authority and in behalf of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa seizes any yellowfin tuna under the applicable laws or regulations of such government, such yellowfin tuna may be forfeited and sold or otherwise disposed of pursuant to such laws or regulations. Any yellowfin tuna so seized by an official of a State, the Commonwealth of Puerto Rico, or American Samoa shall not be seized by an officer or employee of the Federal Government unless it is voluntarily turned over to him to be proceeded against under applicable Federal laws or regulations.

§ 280.9 Reports and recordkeeping.

The master or other person in charge of a fishing vessel or such person as may be authorized in writing to serve as the agent of either of such persons shall—

(a) Annually, prior to the initial departure of such vessel to engage in yellowfin tuna fishing, furnish to the Regional Director (either by letter or on a form obtainable from the Regional Director) a report specifying the name, official number, home port, and cargo capacity (in tons of frozen tuna) of the vessel, and the names and addresses of the managing owner and master, respectively, of the vessel intended to be used in fishing for yellowfin tuna in the regulatory area.

(b) Not earlier than 48 hours prior to each departure from port to engage in fishing for yellowfin tuna during the open season for such tuna, furnish to the Regional Director, either by letter, telegram, radiogram, or on a form obtainable from the Regional Director, a report certifying that all tuna fishes taken during the immediately preceding fishing voyage, if any, have been unloaded and that the vessel is departing port to engage in or resume yellowfin tuna fishing. A report as required by this subsection shall be dispatched from the vessel's port of departure for a fishing voyage and if in letter form the report shall be dispatched by airmail in every case except from ports of departure on the Pacific coast of the United States where surface mail may be used for such purpose. A copy of the report showing the date of dispatch of the original shall be authenticated by affixing the stamp, seal, or signature of the postal official or employee of the telegraph or radiogram company transmitting the report, as the case may be, and such authenticated copy shall be retained on board the reporting vessel for a period of 6 months following the date of the report: *Provided*, That, in lieu of obtaining authentication by a postal official, the report of intention to depart to engage in yellowfin tuna fishing may be dispatched by registered or certified mail subject to the condition that the receipt evidencing such mailing shall be attached to the copy of the report to be retained on board the reporting vessel. The failure of any vessel, irrespective of cause, to depart upon a fishing voyage within the 48-hour period specified in this subsection shall require the furnishing in like manner of a new report not earlier than 48 hours prior to the delayed departure time.

(c) Keep an accurate log of all operations conducted from the vessel, entering therein for each day the date, noon position (stated in latitude and longitude or in relation to known physical features) and the estimated quantities (in short tons, round weight), of tuna fish by species which are taken on board the vessel: *Provided*, That the record and bridge log maintained at the request of the Commission shall be deemed a sufficient compliance with this paragraph whenever the items of information specified herein are fully and accurately entered in such log.

(d) Report by radio at least once each calendar week during a fishing voyage conducted in the open season; such reporting to begin on a date to be announced by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER and to continue throughout the open season. Reports by radio shall be made directly or through a cooperating vessel to Radio Station WWD, La Jolla, Calif., 4415.8 kc, 8805.6 kc, 13403.5 kc, or 16533.5 kc or by prepaid commercial radio message directed to the Director of Investigations. Radio reports shall be made between 0900 and 2400 Pacific standard time and shall state the name of the fishing vessel and the cumulative estimated quantities, by species, of all tuna fish taken on board from week to week throughout the duration of the fishing voyage. Weekly reports containing all items of information required by this subsection may be submitted to the Director of Investigations by the shore representative of the master or other person in charge of the vessel in lieu of radio reports from the vessel.

(e) Furnish on a form obtainable from the Regional Director, following the delivery or sale of a catch of tuna made by means of such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual, giving the name and official number of the fishing vessel, the dates of commencement and conclusion of the fishing voyage and listing separately by species and round weight in pounds or short tons, the gross quantities of each species of tuna fish so sold or delivered: *Provided*, That, at the option of the vessel master or other person in charge, a copy of the fish ticket, weigh-out slip, settlement sheet, or similar record customarily issued by the fish dealer or his agent may be used for reporting purposes, in lieu of the form obtainable from the Regional Director, if such alternate record is similarly certified and contains all items of information required by this paragraph: *Provided further*, That for any vessel landing its catch in California and reporting by means of a copy of the California fish ticket, the California Fish and Game boat number may be indicated in lieu of the vessel's official number. Such report shall be delivered or dispatched by mail to the Regional Director within 72 hours after the weighout as been completed.

§ 280.10 Persons and vessels exempted.

Nothing contained in §§ 280.2 to 280.9 shall apply to:

(a) Any person or vessel authorized by the Commission, the Bureau Director, or any State of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 280.11 Fish and Wildlife Service employees designated as enforcement agents.

Any employee of the Fish and Wildlife Service duly appointed and authorized to enforce Federal laws and regulations administered by the Fish and Wildlife Service is authorized and empowered to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

§ 280.12 State officers designated as enforcement agents.

Any officer or employee of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa who has been duly designated by the Bureau Director or his delegate, with the consent of the government concerned, is authorized to function as a Federal law enforcement agent and to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961)

Sec.
281.1 Definitions.
281.2 Basis and purpose.
281.3 Species subject to regulation.
281.4 Species under investigation by the Commission.
281.5 Investigations authorized.
281.6 Publication of findings.
281.7 Proof of admissibility.
281.8 Removal of import restrictions.

AUTHORITY: The provisions of this Part 281, §§ 281.1 to 281.8 issued under sec. 6, 64 Stat. 778, as amended, 16 U.S.C. 955.

§ 281.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(b) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).

(c) *Commission.* The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) *Bureau Director.* The Director of the Bureau of Commercial Fisheries, Fish and Wildlife Service, U.S. Department of the Interior.

(e) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40 degrees north latitude intersects the coast; thence due west to the meridian of 125 degrees west longitude; thence due south to the parallel of 20 degrees north latitude; thence due east to the meridian of 120 degrees west longitude; thence due south to the parallel of 5 degrees north latitude, thence due east to the meridian of 110 degrees west longitude; thence due south to the parallel of 10 degrees south latitude; thence due east to the meridian of 90 degrees west longitude; thence due south to the parallel of 30 degrees south latitude; thence due east to a point on the mainland where the parallel of 30 degrees south latitude intersects the coast.

(f) *Yellowfin tuna.* Any fish of the species *Thunnus albacares* (synonomy: *Neothunnus macropterus*).

(g) *Other tuna fishes.* Those species (and none other) of the family Scombridae which are known as:

(1) Albacore—*Thunnus alalunga* (synonomy: *Thunnus germo*).

(2) Bigeye—*Thunnus obesus* (synonomy: *Parathunnus sibi*).

(3) Bluefin—*Thunnus Thynnus* (synonomy: *Thunnus saliens*).

(4) Skipjack—*Euthynnus pelamis* (synonomy: *Katsuwonus pelamis*).

(h) *Fishing vessel.* Every kind, type or description of watercraft (other than purse seine skiffs) used in or outfitted for catching or processing fish or transporting fish from fishing grounds.

(i) *Person.* Individual, association, corporation or partnership.

§ 281.2 Basis and purpose.

(a) At a special meeting held at Long Beach, Calif., on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At annual meetings held at Quito, Ecuador, May 16–18, 1962; at Panama City, Panama, April 16–17, 1963; at San Diego, Calif., March 18–19, 1964; at Mexico City, Mexico, March 23–24, 1965; and at Guayaquil, Ecuador, April 19–20, 1966, the Commission affirmed its earlier conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of not more than 15 percent (15%) by weight of yellowfin tuna among the tuna taken on a fishing trip made after the close of the yellowfin tuna fishing season; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in affecting the recommended conservation measures.

(c) In conformity with the provisions of section 6(c) of the Act and simultaneously with the adoption of the regulations in this part, the Secretary of the Interior has made effective Part 280 of this chapter for the purpose of carrying out the recommendations of the Commission for the conservation of yellowfin tuna in the regulatory area so far as such recommendations affect all vessels and persons subject to the jurisdiction of the United States.

(d) The yellowfin tuna stocks recommended for regulation by the Commission constitute a significant part of an international high seas fishery in which the vessels of a number of countries are engaged in varying degrees. Since some of the countries are not parties to the Convention and, therefore, have no applicable treaty obligations to fulfill, the achievement of the conservation objectives with respect to the tuna resources of the eastern Pacific Ocean is dependent upon international cooperative efforts to implement the Commission's recommendations. With a view toward encouraging effective cooperation on the part of such countries, the Tuna Conventions Act of 1950, as amended, directs that restrictions be established on the importation of certain tuna fish from any country which shall fail to take action to prevent the occurrence of certain proscribe activities. Thus, section 6(c) of the Act provides that the Secretary of the Interior, with the concurrence of the Secretary of State, shall promulgate regulations—

(1) To prohibit the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the regulatory area; and

(2) To prohibit entry into the United States, from any country, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the regulatory area by vessels other than those of such country in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission.

(e) Section 6(c) of the Act further provides that "in the case of repeated and flagrant fishing operations in the regulatory area by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary of the Interior, with the concurrence of the Secretary of State, may, in his discretion, also prohibit the entry from such country of such other species of tuna, in any form, as may be under investigation by the Commission and which were taken in the regulatory area."

(f) By letter of May 8, 1964, the Secretary of State concurred in the promulgation of the regulations in this part. Such regulations are designed to implement the provisions of section 6(c) of the Act with respect to import controls and to prescribe procedures for the establishment of restrictions on imports of tuna whenever such action shall be deemed warranted.

§ 281.3 Species subject to regulation.

The species of fish currently subject to regulation pursuant to a recommendation of the Commission within the meaning of section 6(c) of the Act is yellowfin tuna.

§ 281.4 Species under investigation by the Commission.

The species of fish currently under investigation by the Commission within the meaning of section 6(c) of the Act are yellowfin tuna, skipjack tuna, and bigeye tuna.

§ 281.5 Investigations authorized.

(a) The Bureau Director shall cause to be made from time to time such inquiries and investigations as may be necessary to keep himself and other persons concerned currently informed regarding the nature and effectiveness of the measures for the implementation of the Commission's recommendations which are being carried out by countries whose vessels engage in fishing within the regulatory area. In making a finding as to whether or not a country is condoning the use of vessels in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, the Bureau Director shall take into account, among such other considerations as may appear to be pertinent in a particular case, the following factors:

(1) Whether or not the country provides or causes to be provided to the Commission pertinent statistics on a timely basis.

(2) Whether or not the country has in force conservation measures applicable to its own fishermen adequate for the implementation of the Commission's recommendations.

(3) Whether or not the country has in force measures for the control of landings in its ports of species subject to regulation which are taken in the regulatory area by fishermen of other countries contrary to the Commission's conservation recommendations.

(4) Whether or not the country, having put conservation measures into effect, takes reasonable action to enforce such measures.

(5) The number of vessels of the country which conduct fishing operations in the regulatory area.

(6) The quantity of species subject to regulation taken from the regulatory area by the country's vessels contrary to the Commission's conservation recommendations and its relationship to (i) the total quantity permitted to be taken by the vessels of all countries participating in the fishery and (ii) the quantity of such species sought to be restored to the stocks of fish pursuant to the Commission's conservation recommendations.

(7) Whether or not repeated and flagrant fishing operations in the regulatory area by the vessels of the country seriously threaten the achievement of the objectives of the Commission's recommendations.

(b) Any person who shall have reason to believe that the vessels of any country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission or that other acts within the purview of the import control provisions of section 6(c) of the Tuna Conventions Act of 1950, as amended, are occurring or are likely to occur, may communicate his belief to the Bureau Director. Every such communication shall contain or be accompanied by a full statement of the reasons for the belief, including a detailed description of such specific acts or events as may support the belief, and such other pertinent facts as may indicate a need for instituting an investigation as authorized in this part.

(c) Upon receipt by the Bureau Director of any communication submitted pursuant to paragraph (b) of this section and found to comply with the requirements of that paragraph, the Bureau Director promptly shall cause such investigation to be made as appears to be warranted by the circumstances of the case. In conducting such investigation the Bureau Director or his designated representative shall consider any representations offered by foreign interests, importers, brokers, domestic producers, or other interested persons. Unless good cause to the contrary shall exist, every such investigation shall be completed within 60 days following receipt of the communication.

§ 281.6 Publication of findings.

If it shall be determined on the basis of § 281.5 that species of fish subject to regulation or under investigation by the Commission, as the case may be, are ineligible for entry into the United States from a particular country pursuant to the provisions of section 6(c) of the Act, the Bureau Director, with the approval of the Secretary of the Interior and, when required by law, with the concurrence of the Secretary of State, shall publish a finding to that effect in the FEDERAL REGISTER. Effective upon the date of publication of such finding in the FEDERAL REGISTER every shipment of fish in any form of the species under regulation or under investigation by the Commission offered for entry either directly or indirectly from the country named in the finding shall be denied entry unless it shall be established by satisfactory proof pursuant to § 281.7 that a particular shipment of such fish is not ineligible for entry: *Provided*, That entry shall not be denied and no such proof shall be required for any such shipment which, on the date of such publication, was in transit to the United States on board a vessel operating as a common carrier.

§ 281.7 Proof of admissibility.

(a) For the purposes of § 281.6 of this part and section 8(c) of the Tuna Conventions Act of 1950, as amended, a shipment of fish in any form of the species under regulation or under investigation by the Commission offered for entry, directly or indirectly, from a country named in a finding published under such section 281.6 shall be deemed to be eligible for entry if the shipment is accompanied by a certificate of eligibility certifying, as may be appropriate, that the tuna in the shipment (1) are not of the species specified in the published finding; (2) are of the species named in the published finding but were not taken in the regulatory area; or (3) are of the species named in the published finding but are products of an American fishery lawfully taken in conformity with applicable conservation laws and regulations and landed in the country named in the published finding solely for transshipment. The certificate shall be attached to the invoice and be in the following form:

CERTIFICATE OF ELIGIBILITY

I, _____, an authorized officer of the Government of _____, certify that the shipment of tuna fish accompanied by this certificate, consisting of _____ (Quantity) of _____ (Species)

in _____ (Number and kind of packages or containers) bearing the following marks and numbers _____:

☐ (a) Contains no tuna fish of the species prohibited entry into the United States by virtue of a finding of ineligibility published under regulations issued pursuant to section 6(c) of the Tuna Conventions Act of 1950, as amended. [A certificate of authentication executed by a consular officer or a consular agent of the United States must be attached.]

☐ (b) Contains tuna fish of the species prohibited entry into the United States by virtue of a finding of ineligibility published under regulations issued pursuant to section 6(c) of the Tuna Conventions Act of 1950, as amended, but that such fish were caught in the waters of _____ (Identify area or areas in which fish were taken) by vessels subject to the jurisdiction of _____ (Country), and that none of the said fish were taken in any part of the eastern Pacific Ocean subject to conservation regulations pursuant to recommendations of the Inter-American Tropical Tuna Commission. [A certificate of authentication executed by a consular officer or consular agent of the United States must be attached.]

☐ (c) Contains tuna fish of the species prohibited entry into the United States by virtue of a finding of ineligibility published under regulations issued pursuant to section 6(c) of the Tuna Conventions Act of 1950, as amended, but that such fish, as shown in the attached declaration, were taken in strict conformity with applicable conservation laws and regulations in a fishing enterprise conducted under the American flag by vessels of the United States, are products of an American fishery within the meaning of Schedule 1, Part 15A, Tariff Schedules of the United States, were landed in a foreign country solely for transshipment without change in condition and are eligible for free entry under such Schedule and 19 C.F.R. 10.78–10.79. [Where an entry is to be made pursuant to this paragraph, this certificate must be executed by a consular officer or consular agent of the United States and the declaration(s) required by 19 C.F.R. 10.79 must be attached.]

_____ (Signature)

_____ (Title)

_____ (Address)

(b) If the tuna fish are offered for entry under paragraph (a) or (b) of the Certificate of Eligibility, the certificate must be executed by a duly authorized official of the country named in the published finding and the certificate must be authenticated with respect to the signature and official position of the person executing the same by a consular officer or consular agent of the United States. Such certificate of authentication shall be attached to the Certificate of Eligi-

bility and be substantially in the following form:

---

as:

I, _____
(Name of consular officer or consular agent)
_____ of the United States of
(Title)
America at _____, duly com-
(Place)
missioned and qualified, do hereby certify that _____
(Name of foreign official)
whose true signature and official seal are, respectively, subscribed and affixed to the annexed certificate, was, on the _____ day of _____, 19____, the date thereof, _____
(Title of foreign official)
duly commissioned and qualified, to whose official acts faith and credit are due.

In witness whereof I have hereunto set my hand and affixed the seal of the _____ at _____ this _____ day of _____, 19____.

_____
(Signature)

_____
(Name and full title of officer)

(c) If the tuna fish are offered for entry under paragraph (c) of the Certificate of Eligibility, the certificate must be executed by a consular officer or consular agent of the United States and be accompanied by the declaration(s) required by 19 CFR 10.79. The "Declaration of Master and Two Members of Crew on Entry of Products of American Fisheries," required by 19 CFR 10.79, must contain a further statement as follows: "We further declare that the said tuna fish were caught by us in full compliance with Part 280, Title 50, Code of Federal Regulations, and such other conservation laws and regulations as were applicable at the time the fishing operation was in progress."

§ 281.8 Removal of import restrictions.

Upon a determination by the Bureau Director that the conditions no longer exist which warranted the imposition of import restrictions against the country named in the finding published pursuant to section 281.6, the Bureau Director, with the approval of the Secretary of the Interior, shall publish a finding to such effect in the FEDERAL REGISTER. Effective upon the date of publication of such finding, the prior existing import restrictions against the country designated therein shall terminate: *Provided*, That for a period of 1 year from such date of publication every shipment of fish in any form of the species subject to regulation or under investigation by the Commission shall continue to be denied entry unless the shipment is accompanied by a certification executed by an authorized official of the country of export and authenticated by a consular officer or consular agent of the United States, certifying that no portion of the shipment is comprised of fish which are of species under regulation and which were prohibited from entry under the prior existing import restrictions.

[F.R. Doc. 66-9952; Filed, Sept. 9, 1966; 8:47 a.m.]

Chapter IV—Fish and Wildlife Service, Department of the Interior

PART 401—ANADROMOUS FISHERIES CONSERVATION, DEVELOPMENT AND ENHANCEMENT

On page 8130 of the FEDERAL REGISTER of June 9, 1966, there was published a notice of proposed rule-making establishing Part 401, of Title 50, Code of Federal Regulations. The purpose of these regulations is to set forth procedures to be used by the Secretary in providing financial and other assistance, through cooperative agreements, to State agencies and other non-Federal interests in the conservation, development, and enhancement of the commercial and sport anadromous fisheries resources of the Nation and fishes of the Great Lakes which ascend streams to spawn.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, Bureau of Commercial Fisheries or the Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. In addition to the notice in the FEDERAL REGISTER, every State fishery agency was independently notified by letter. Also notifications were sent to non-Federal interests which were represented in four meetings for discussions of proposed regulations held at Boston, Mass.; St. Petersburg Beach, Fla.; Ann Arbor, Mich., and Portland, Oreg., on February 18; February 24; March 8, and March 10, respectively.

Several comments were received from State fishery administrators. The majority of these comments indicated concurrence; however, a few questions were asked. Accordingly, the sections have been recoded and clarifying changes have been made as follows:

1. A section entitled *Administration* has been added and coded § 401.1.

2. A paragraph defining project proposal has been added as paragraph (h) of § 401.2.

3. The section entitled *Submission of applications* has been revised to include project proposals, and add the names of the two bureaus concerned. This section is recoded § 401.3.

4. A section entitled *Coordination with States* has been added and coded § 401.4.

5. The section entitled *Safety and accident prevention* has been revised to delete the following words from the last sentence: "plans, specifications, and estimates relating to". This section is recoded § 401.17.

6. The section entitled *Civil rights* has been revised to replace the word "contain" with the words "be supported by". This section is recoded § 401.23.

Therefore, all comments having been fully considered and no other changes being deemed necessary the part as so proposed is hereby adopted, subject to the above changes, and is to read as set forth below. These regulations are effective upon publication in the FEDERAL REGISTER.

Sec.
401.1 Administration.
401.2 Definitions.
401.3 Submission of applications.
401.4 Coordination with States.
401.5 Prosecution of work.
401.6 General information for the Secretary.
401.7 Availability of funds.
401.8 Payments to cooperators.
401.9 Forms of vouchers.
401.10 Property as matching funds.
401.11 Economy and efficiency of operations.
401.12 Ownership of property.
401.13 Personnel.
401.14 Inspection.
401.15 Records retention.
401.16 Reporting.
401.17 Safety and accident prevention.
401.18 Contracts.
401.19 Statements and payrolls.
401.20 Officials not to benefit.
401.21 Patents and inventions.
401.22 Convict labor.
401.23 Civil rights.

AUTHORITY: The provisions of this Part 401 issued under P.L. 89-304.

§ 401.1 Administration.

The Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife shall jointly administer the Anadromous Fish Act for the Secretary.

§ 401.2 Definitions.

As used in this part, terms shall have the meanings ascribed in this section.

(a) *Secretary.* The Secretary of the Interior or his authorized representatives.

(b) *Act.* Public Law 89-304, the Anadromous Fish Act of 1965.

(c) *State.* Any State of the United States which has had or now contains anadromous fish and the States bordering the Great Lakes.

(d) *State fishery agency.* Any department(s), division(s), commission(s), or official(s) of a State empowered under its laws to administer the commercial or sport fishery.

(e) *Non-Federal interest.* Any organization, association, institution, business, school, individual, or group of individuals, municipality and others outside the Federal Government in addition to State fishery agencies who desire to cooperate within the terms of the Act.

(f) *Cooperator.* A State fishery agency or other non-Federal interest participating in a cooperative agreement with the Secretary.

(g) *Anadromous fish.* Aquatic, gill breathing, vertebrate animals bearing paired fins which migrate to and spawn in fresh water, but which spend part of their life in salt water; also, fish which spend part of their life in the Great Lakes and spawn in streams tributary to the Great Lakes.

(h) *Project proposal.* A description of work to be accomplished, including objectives, procedures, cost, location, and time required for completion.

(i) *Cooperative agreement.* (1) The documentation describing conservation, development, and enhancement activities to be carried on as provided by the Act. Such agreements shall set forth the responsibilities of the cooperators and the Secretary, the anticipated benefits of the undertaking, the estimated cost to each cooperator, the term of the agreement, disposition of real or personal properties, and such other information as is appropriate.

(2) Cooperative agreements constitute the basis for projects and shall conform to the documentation requirements prescribed by the Secretary.

(j) *Project.* Any undertaking involving the conservation, enhancement and development of anadromous fish. A project is established upon execution of a cooperative agreement.

§ 401.3 Submission of applications.

Project proposals and proposed cooperative agreements shall be submitted to the concerned Regional or Area Office of the Bureau of Commercial Fisheries or the Bureau of Sport Fisheries and Wildlife.

§ 401.4 Coordination with States.

The Secretary shall not enter into a cooperative agreement with a non-Federal interest other than a State unless the project agreed upon has approval of the State agency responsible for the fishery resource which will be affected.

§ 401.5 Prosecution of work.

(a) The cooperator shall carry projects through to a stage of completion acceptable to the Secretary with reasonable promptness. Failure to render satisfactory progress reports or failure to complete the project to the satisfaction of the Secretary shall be cause for the Secretary to withhold further payments until the project provisions are satisfactorily met. Projects may be terminated upon determination by the Secretary that satisfactory progress has not been maintained. The Secretary shall have the right to inspect and review work being done at any time.

(b) Research and/or development work shall be continuously coordinated by the cooperator with studies conducted by others to avoid unnecessary duplication.

(c) All work shall be performed in accordance with applicable State laws, except when in conflict with Federal laws or regulations, in which case Federal laws or regulations shall prevail.

§ 401.6 General information for the Secretary.

Before any Federal funds may be obligated for any project the cooperator shall furnish to the Secretary upon his request, information regarding the laws affecting anadromous fish and the authority of a cooperator to participate in the benefits of the Act.

(a) *Document signature.* Individuals authorized to sign project documents under the Commercial Fisheries Research and Development Act or the Federal Aid in Fish Restoration Act may likewise sign cooperative agreements under this Act.

(b) *Program information.* The Secretary may, from time to time, request, and the cooperators shall furnish, information relating to the administration and maintenance of any project established under the Act.

§ 401.7 Availability of funds.

Language appearing in Appropriation Acts providing funds for this program will govern the period during which the funds may be obligated.

§ 401.8 Payments to cooperators.

Payments shall be made to cooperators as work described in cooperative agreements progresses and is completed.

§ 401.9 Forms of vouchers.

Vouchers on forms provided by the Secretary and certified as therein prescribed showing amounts expended on each project, and the Federal portion claimed to be due on account thereof, shall be submitted to the Secretary by the cooperator.

§ 401.10 Property as matching funds.

The non-Federal share of the cost of projects may be in the form of real or personal property. To establish the value of such property the cooperator shall furnish such market value appraisal information as the Secretary may require prior to execution of a cooperative agreement.

§ 401.11 Economy and efficiency of operations.

No cooperative agreement shall be executed until the cooperator has shown to the satisfaction of the Secretary that appropriate and adequate means shall be employed to achieve economy and efficiency in the completion of the project.

§ 401.12 Ownership of property.

When real property is acquired pursuant to the provisions of the Act, title to such property or interest therein shall be vested in the United States, and the conveying instrument shall recite the United States of America as the grantee. However, if the Secretary determines that under the terms of the cooperative agreement, the intent and purpose of the Act may be better served by State ownership of such property, an appropriate transfer may be made. When real or personal property is utilized by the State as matching funds, title to such property shall remain in the State. When real or personal property is utilized as matching funds by a cooperator other than the State, title shall be in the State unless otherwise specified in the cooperative agreement.

§ 401.13 Personnel.

The cooperator shall maintain an adequate and competent force of employees to initiate and carry cooperative agreements to satisfactory completion. Personnel employed on projects shall be selected on the basis of their competence to perform the services required and shall conduct their duties in a manner acceptable to the Secretary.

§ 401.14 Inspection.

Supervision of each project shall be as specified in the cooperative agreement and shall include adequate and continuous inspection. The project will be subject at all times to Federal inspection.

§ 401.15 Records retention.

All records of accounts and reports, with supporting documentation thereto, will be retained by the cooperator for a period of 3 years after final audit is made by the Federal Government.

§ 401.16 Reporting.

Progress and final reports shall be submitted to the Secretary by the cooperator in accordance with reporting requirements prescribed by the Secretary. Reports should be in the form of publications whenever appropriate. Progress and final reports will be placed in permanent depository for future reference.

§ 401.17 Safety and accident prevention.

In the performance of each project, the cooperator shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation. The cooperator shall be responsible for ascertaining that all safeguards, safety devices, and protective equipment are provided. The cooperator will take any other needed actions reasonably necessary to protect the life and health of employees on the job, the safety of the public, and the protection of property used in connection with the performance of the work covered by the project.

§ 401.18 Contracts.

Supply, service, equipment, and construction contracts, other than research and development contracts and contracts for professional services, involving an expenditure of $2,500 or more entered into by a cooperator for the execution of approved project activities, shall be based upon free and open competitive bids. If a contract is awarded to other than the lowest responsible bidder, the payment of the Federal portion of the cost of the project shall be based on the lowest responsible bid, unless it is satisfactorily shown that it was advantageous to the project to accept a higher bid. Upon request, the cooperator shall certify and promptly furnish to the Secretary a copy of each contract executed and copies of all bids received concerning the contract. Contracts for research, development, and professional services may be negotiated, provided that the Secretary is satisfied that adequate steps are taken to insure economical and efficient services and the impartial selection of contractors.

§ 401.19 Statements and payrolls.

The regulations of the Secretary of Labor applicable to contractors and subcontractors (29 CFR Part 3), made pursuant to the Copeland Act, as amended (40 U.S.C. 276c), and to aid in the enforcement of the Anti-Kickback Act (18 U.S.C. 874) are made a part of the regulations in this part by reference. The cooperator will comply with the regulations in this part and any amendments or modifications thereof and the cooperator's prime contractor will be responsible for the submission of statements required of subcontractors thereunder. The foregoing shall apply except as the Secretary of Labor may specifically pro-

vide for reasonable limitation, variations, tolerances, and exemptions.

§ 401.20 Officials not to benefit.

No Member of, or Delegate to, Congress, or Resident Commissioner, shall be admitted to any share or any part of an agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

§ 401.21 Patents and inventions.

Determination of the patent rights in any inventions or discoveries resulting from work under cooperative agreements entered into pursuant to the Act shall be governed by the Statement of Government Patent Policy promulgated by the President in his memorandum of October 10, 1963 (3 CFR, 1963, Supp., p. 238, 28 F.R. 10943).

§ 401.22 Convict labor.

In connection with the performance of work, the cooperator agrees not to employ any person undergoing sentence of imprisonment at hard labor.

§ 401.23 Civil rights.

Each cooperative agreement shall be supported by a statement of assurance executed by the cooperator providing that the project will be carried out in accordance with Title VI, Nondiscrimination in Federally Assisted Programs, of the Civil Rights Act of 1964 and with the Secretary's regulations promulgated thereunder.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 2, 1966.

[F.R. Doc. 66-9038; Filed, Sept. 9, 1966; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

HUNTING

Benton Lake National Wildlife Refuge, Mont.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222, 16 U.S.C. 715), and the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451, 16 U.S.C. 718d), it is proposed to amend 50 CFR 32.11 by the addition of Benton Lake National Wildlife Refuge, Mont., to the list of areas open to the hunting of migratory game birds, as legislatively permitted.

It has been determined that the regulated hunting of migratory game birds may be permitted as designated on Benton Lake National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 20 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas: migratory game birds.

* * * * *

MONTANA

BENTON LAKE NATIONAL WILDLIFE REFUGE

ABRAM V. TUNISON,
Acting Director.

SEPTEMBER 8, 1966.

[F.R. Doc. 66-9054; Filed, Sept. 9, 1966; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-293]

NATURAL GAS PIPELINE CO.

Order Dismissing Proposed Statement of Policy

SEPTEMBER 6, 1966.

Provision for reserve capacity in Natural Gas Pipeline Co. certificate applications.

On November 2, 1965, the Commission issued a notice of proposed statement of policy with respect to applications for certificates of public convenience and necessity which may be filed by natural gas companies pursuant to §§ 157.6, 157.13, and 157.14 of its regulations under the Natural Gas Act. The proposed statement of policy was intended as a guide to the companies in the filing of their applications to permit them the necessary degree of flexibility to meet the anticipated future needs of their customers while at the same time protecting against uneconomic overbuilding. To that end we proposed a policy of encouraging applications incorporating reserve capacity in the order of 1 year's estimated normal market growth.

We indicated that it would be helpful to receive comments from interested parties "with regard both to its content and the advisability of its promulgation." As a result of the notice, comments were received from a number of natural gas pipeline companies and distributors. The comments, though generally sympathetic with the Commission's objective, expressed doubt that the procedures in the policy statement would effectuate the goal of the Commission. Upon a review of the comments, we have reached the conclusion that it would not be in the public interest to promulgate now the proposed statement of policy or any other similar formula for dealing with the problems of needed reserve capacity for peak requirements and the avoidance of emergency situations. Accordingly, we shall terminate the docket and dismiss the proposed rule. However, while we think that any specific expansion formula would not attain the goals sought, we remain convinced that all pipelines can and should plan for their expansion in a way which will normally provide for possible emergency situations and avoid the necessity of requests for temporary authorizations.

The Commission orders: The proceedings in Docket No. R-293 are terminated and the proposed rule therein is dismissed.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9034; Filed, Sept. 9, 1966; 8:45 a.m.]

Notices

ATOMIC ENERGY COMMISSION

AGREEMENT BETWEEN ATOMIC ENERGY COMMISSION AND STATE OF NEBRASKA

Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Notice is hereby given that James T. Ramey, Commissioner, on behalf of the Atomic Energy Commission and Frank B. Morrison, Governor of the State of Nebraska, have signed the Agreement below for discontinuance of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86-373 (sec. 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150) in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668.

Dated at Washington, D.C., this 7th day of September 1966.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF NEBRASKA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Nebraska is authorized, under section 71-3509 of the 1963 Radiation Control Act, to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Nebraska certified on June 3, 1966, that the State of Nebraska (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on August 16, 1966, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapter 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection, and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII. This Agreement shall become effective on October 1, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at Lincoln, State of Nebraska, in triplicate, this 29th day of August 1966.

For the United States Atomic Energy Commission.

[SEAL] JAMES T. RAMEY,
Commissioner.

For the State of Nebraska.

[SEAL] FRANK B. MORRISON,
Governor.

[F.R. Doc. 66-9945; Filed, Sept. 9, 1966; 8:46 a.m.]

PRELIMINARY RECONNAISSANCE REPORTS OF URANIUM EXPLORATION

Notice of Availability of Film Copies

Notice is hereby given by the Atomic Energy Commission that film copies of approximately 7,700 one-page "Preliminary Reconnaissance Reports" of possible occurrences of uranium are now available for public inspection at 21 locations throughout the United States. The reconnaissance activities involved were conducted during the period 1950-1958.

A "Preliminary Reconnaissance Report" is a brief description by U.S. Government geologists of anomalous radioactivity levels which have been reported in a locality. The report includes data on location, ownership of the property at the time of investigation, type of examination made, a general description of the geology and radioactivity of any samples taken, description and history of the property and other related facts. The reports are recorded on film known as microfiche. A single negative, 4 x 6 inches, contains an average of 30 such reports. A mechanical viewer, or reader, is used to examine the photographic reports.

Film copies of the reports are available for public inspection in the AEC's Public Document Room in the Lobby at 1717 H Street NW., Washington, D.C., and Commission offices at Germantown, Md., and Grand Junction, Colo.; the Clearinghouse for Federal Scientific and Technical Information, U.S. Department of Commerce, Springfield, Va., and at 17 State mineral and mining agencies and universities throughout the United States as follows:

Arizona: Arizona Bureau of Mines, University of Arizona, Tucson; California: Geologic Information Center, Division of Mines and Geology, Department of Conservation, Ferry Building, San Francisco; Colorado: Colorado Bureau of Mines, 316 State Services Building, 1525 Sherman Street, Denver; Idaho: Idaho Bureau of Mines and Geology, Moscow; Missouri: Division of Geological Survey and Water Resources, Department of Business and Administration, Rolla; Montana: Montana Bureau of Mines and Geology, College of Mineral Science and Technology, Butte;

Nevada: Nevada Bureau of Mines, University of Nevada, Reno; New Mexico: State Bureau of Mines and Mineral Resources, Socorro; New York: Geological Survey and New York State Museum and Science Services, Room 973, Education Building Annex, Albany; North Dakota: North Dakota Geological Survey, Leonard Hall, University of North Dakota, Grand Forks;

Oregon: Department of Geology and Mineral Industries, 1069 State Office Building, Portland; Pennsylvania: Bureau of Topographic and Geological Survey, 14 Old State Museum Building, Harrisburg; South Dakota: State Geological Survey, University of South Dakota Campus, Vermillion;

Texas: Bureau of Economic Geology, University of Texas, 16th and Red River Street, Austin; Utah: Library, University of Utah, Salt Lake City; Washington: Division of Mines and Geology, Department of Conservation, 335 General Administration Building, Olympia; and Wyoming: Wyoming Geological Survey, University Station, Laramie.

The film copies or prints reproduced from them may also be purchased from the Clearinghouse for Federal Scientific and Technical Information.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 1st day of September 1966.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 66-9928; Filed, Sept. 9, 1966; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 5 (Amdt. 1)]

DEPUTY ADMINISTRATOR FOR PROCUREMENT AND MANAGEMENT ASSISTANCE

Delegation of Authority Regarding Size Status of War Claim Applicants

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Delegation of Authority No. 5, 29 F.R. 4113 is amended by the addition of Item I.A.13 and the revision of Item II to read as follows:

I. * * *

A. * * *

13. To take any and all actions necessary to determine small business size status of war claim applicants under § 121.3-13 of the Small Business Size Standards Regulations (Rev. 6) as amended.

II. The specific authority delegated in subsections I.A.1.(a); I.A.6 and I.A.13 may not be redelegated.

* * * * * *

Effective date: August 22, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-9940; Filed, Sept. 9, 1966; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-10700 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 1, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-10790 C 8-22-66	Pan American Petroleum Corp. (Operator), et al., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co. West Kutz Field, San Juan County, N. Mex.	12.2300	15.025
G-15346 E 8-22-66	Eric T. Duncan et al., d.b.a. Richter Oil Co. (successor to Elias Ritts, et al.), c/o Stanley D'Orazio, secretary, 341 Main St., Grantsville, W. Va. 26147.	Pennzoil Co., acreage in Calhoun, Ritchie, and Wirt Counties, W. Va.	[1] 12.0	15.325
G-19345 C 8-19-66	The California Co., a division of Chevron Oil Co. (Operator), et al., 1111 Tulane Avenue, New Orleans, La. 70112	Southern Natural Gas Co., Hub Field, Marion County, Miss.	20.0	15.025
G-20176 D 8-26-66	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76102 (partial abandonment).	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	Depleted	.....
C163-65 D 7-13-66	C. W. Murchison, 1201 Main St. Dallas, Tex. 75201 (partial abandonment).	El Paso Natural Gas Co., Basin Dakota and Blanco Mesa Verde Fields, San Juan County, N. Mex.	(3)	.....
C163-996 D 8-22-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., North Cooper Field, Blaine County, Okla.	Assigned	.....
C163-1380 D 8-23-66	Anadarko Production Co. (partial abandonment).	Northern Natural Gas Co., Carthage Field, Texas County, Okla.	(3)	.....
C164-175 C 8-26-66	Pan American Petroleum Corp. (Operator), et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	13.0	15.025
C164-940 C 8-22-66	Sidwell Oil & Gas, Inc., Post Office Box 2475, Pampa, Tex. 79066.	El Paso Natural Gas Co., acreage in Beckham County, Okla.	13.0	14.65
C165-258 D 7-28-66	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001 (partial abandonment).	Lone Star Gas Co., East Cruce Field, Stephens County, Okla.	Depleted	.....
C165-453 C&D 1-28-66 [2]	Atlantic Richfield Co. (Operator), et al., [4] Post Office Box 2819, Dallas, Tex. 75221.	Northern Natural Gas Co., Orona Field, Crockett County, Tex.	16.0	14.65
C166-733 C 8-19-66	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Arkansas Louisiana Gas Co., Lacy Area, Blaine County, Okla.	14.0	14.65
C166-912 C 8-22-66	Banquete Gas Co., a division of Crestmont Oil & Gas Co., 2622 Mission St., San Marino, Calif. 91108.	United Gas Pipe Line Co., acreage in San Patricio County, Tex.	14.0	14.65
C166-994 A 8-18-66	Getty Oil Co., [5] c/o A. M. Mouser, manager, Gas Utilization Dept., Delaware Oil Co., Post Office Box 1404, Houston, Tex. 77001.	El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex.	12.5	14.65
C166-1001 C 8-25-66	H. D. Bruns (Operator), et al., 1122 Jefferson Bldg., Houston, Tex. 77002.	Lone Star Gathering Co., Speary Field Area, Karnes County, Tex.	16.0	14.65
C166-1108 A 8-10-66	Brooks Gas Corp., [7] Post Office Box 6862, Houston, Tex. 77006.	Northern Natural Gas Co., Mertzon Plant, Irion County, Tex.	16.0	14.65
C166-1280 7-22-66 [8]	Phillips Petroleum Co. (Operator), et al., Bartlesville, Okla. 74003.	Southern Natural Gas Co., Kelly Field, Jackson Parish, La.	[9] 16.0	15.025
C166-1510 C 8-22-66	Tidewater Oil Co. (Operator), et al.	Northern Natural Gas Co., Anadarko Basin Area, Ellis and Woodward Counties, Okla.	17.0	14.65
C167-51 A 7-14-66	Martin, Williams & Judson (Operator), et al., 415 First National Bank Bldg., Midland, Tex. 79701.	El Paso Natural Gas Co., Calvin-Dean Field, Reagan County, Tex.	14.5	14.65
C167-184 A 8-17-66	Big Chief Drilling Co., Post Office Box 14837, Oklahoma City, Okla. 73114.	National Fuels Corp. and Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	12.0	14.65
C167-185 A 8-17-66	Petroleum Management, Inc., Post Office Box 2627, Laurel, Miss.	Humble Gas Transmission Co., Buckner Field, Richland Parish, La.	15.0	15.025
C167-186 A 8-18-66	George R. Brown, c/o J. L. Bianchi, attorney, 1301 San Jacinto Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp. Thibodaux Field, Lafourche Parish, La.	20.625	15.025
C167-187 A 8-18-66	L & H Drilling Co., Inc., (Operator), et al., 719 East 15th St., Owensboro, Ky. 42302.	Texas Gas Transmission Corp., New Hope Field, Hopkins County, Ky.	15.0	15.025
C167-188 A 8-18-66	Franks Petroleum Inc., Post Office Box 1200, Shreveport, La. 71102	Bluebonnet Gas Corp., Bayou Fordoche Field, Pointe Coupee Parish, La.	15.0	15.025
C167-190 A 8-18-66	Imperial Drilling Co. (Operator), et al., 216 Cravens Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Follett Field, Lipscomb County, Tex.	17.0	14.65
C167-191 (C163-20) F 8-18-66	An-Son Corp. (successor to Humble Oil & Refining Co., et al.) 2014 North Santa Fe, Oklahoma City, Okla. 73118.	Arkansas Louisiana Gas Co., North McCurtain Field, Haskell County, Okla.	15.0	14.65
C167-192 B 8-18-66	Cumberland Gas Co., Post Office Box 2286, Charleston, W. Va. 25328.	United Fuel Gas Co., Barboursville District, Cabell County, W. Va.	Depleted	.....
C167-193 A 8-19-66	Eason Oil Co. (Operator), et al., Post Office Box 18755, Shartel Station, Oklahoma City, Okla. 73118.	Northern Natural Gas Co., acreage in Woodward County, Okla.	[9] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-223 A 8-26-66	Shenandoah Oil Corp., 406 Mutual Savings Bldg., Fort Worth, Tex. 76102.	Colorado Interstate Gas Co., Adams Ranch Field, Meade County, Kans.	[9] 16.048	14.65
C167-224 A 8-26-66	Midwest Oil Corp., 1700 Broadway, Denver, Colo.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[10] 17.0	14.65
C167-225 A 8-26-66	Brooks Hall, Post Office Box 73102, and Don D. Montgomery, Post Office Box 747, El Dorado, Ark.	Cities Service Gas Co., Mocane-Laverne Gas Area, Beaver County, Okla.	15.0	14.65
C167-226 (C163-963) F 8-22-66	A. H. Bridges et al. d.b.a. Bridges Gas Co. (successor to Texaco Petroleum Corp.), [14] Post Office Box 1866, Charleston, W. Va. 25327.	Consolidated Gas Supply Corp., Injun Gas Field, Gilmer and Lewis Counties, W. Va.	25.0	15.325
C167-227 (G-15165) F 8-22-66	Roger C. Segerstrom (successor to Empire Blades Drilling Corp.), Box 1541, Farmington, N. Mex. 87401.	El Paso Natural Gas Co., Pulcher Kutz Pictured Cliff Field, San Juan County, N. Mex.	11.0	15.025
C167-228 A 8-22-66	Ashland Oil & Refining Co., Attn: Robert E. Jones, Houston, Tex. 77001.	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	16.0	14.65
C167-229 A 8-26-66	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	El Paso Natural Gas Co., Acreage in Rio Arriba County, N. Mex.	12.0	15.025

[1] First 650 Mcf per month; 15.0 cents per Mcf on excess.
[2] Deletes from contract dedication, acreage in which Applicant never owned an interest.
[3] Formerly The Atlantic Refining Co.
[4] The acreage deleted herein is presently dedicated to Delta Drilling Co., Docket No. C164-602.
[5] By letter filed Aug. 19, 1966, Applicant advised willingness to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[6] Amendment to certificate filed to include certain nonjurisdictory coowners.
[7] Subject to downward B.t.u. adjustment; buyer may deduct up to 1.0 cent per Mcf for treating gas to meet contract specification.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Includes 2.14 cents upward adjustment. Subject to upward and downward B.t.u. adjustment.
[10] Subject to deduction for compression charge should gas fall below required pressure.
[11] Includes 0.048 cent per Mcf upward adjustment. Subject to upward and downward B.t.u. adjustment.
[12] Successor in interest to Tessler Securities, Inc.
[13] Successor in interest to Texaco Petroleum Corp.
[14] Successor in interest to Tessler Securities, Inc.

[F.R. Doc. 66-9877; Filed, Sept. 9, 1966; 8:45 a.m.]

[Docket No. G-9666]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

SEPTEMBER 2, 1966.

Take notice that on August 29, 1966, Colorado Interstate Gas Co. (Petitioner), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. G-9666 a petition to amend the order issued in the instant docket on March 15, 1956, and as amended on February 4, 1965, by requesting authorization to sell natural gas under new rate schedules to Northern Natural Gas Co. (Northern) for resale in the city of Laramie, Wyo., all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By the order issued on March 15, 1956, Petitioner was granted a certificate of public convenience and necessity to construct and operate facilities to deliver natural gas on an emergency basis to Northern at Laramie, Wyo. By the order issued on February 4, 1965, the Commission amended its order in the instant proceeding to allow Petitioner to sell gas to Northern on a permanent basis under Petitioner's Rate Schedule G-1 and IS-2.

By this motion, Petitioner is requesting that the order in the instant proceeding be further amended to permit Petitioner to sell gas to Northern under

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-197 (G-8629) F 8-19-66	D. J. Simmons (successor to Pan American Petroleum Corp.), Fort Worth Club Bldg., Fort Worth, Tex. 76102.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	13.0	15.025
C167-198 A 8-19-66	Mis-Tex Oil Producers, Post Office Box 186, Jackson, Miss. 39205.	Southern Natural Gas Co., Hub Field, Marion County, Miss.	20.6	15.025
C167-199 A 8-22-66	Bellco Petroleum Co. 970 First National Office Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Mocane Area, Beaver County, Okla.	[11] 19.14	14.65
C167-200 A 8-22-66	N. H. Whelan, Operator and Agent for B. A. Harold, National Bank Bldg., Shreveport, La. 71102.	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Stevens County, Kans.	14.0	14.65
C167-201 A 8-22-66	Roy M. Huffington, Inc., 2210 Two Houston Bldg., Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., Lawton Field, Acadia Parish, La.	20.625	14.7
C167-202 A 8-22-66	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex. 75221.	United Gas Pipe Line Co., Mission River and Refugio Heard Fields, Refugio County, Tex.	13.5	14.65
C167-203 A 8-22-66	M. E. Cassidy, Jr., Trustee, Operator, 1500 Vaughn Plaza, Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spar-tan-Odem Gas Field, San Patricio County, Tex.	12.0	14.65
C167-204 A 8-22-66	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Stevens County, Kans.	14.0	14.65
C167-205 A 8-22-66	Dalco Oil Co., 1210 Mercantile Bank Bldg., Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	17.0	14.65
C167-207 A 8-22-66	A.I.K. LTD. No. 2, 1000 Barfield Bldg., Amarillo, Tex. 79101.	Northern Natural Gas Co., Elk Mills Field, Beaver County, Okla.	[12] 17.0	14.65
C167-208 A 8-22-66	W. T. Oil Corp., Post Office Box 1746, Shreveport, La. 71101.	Florida Gas Transmission Co., South Kinder Field Area, Allen and Jefferson Davis Parishes, La.	17.0	15.025
C167-209 A 8-22-66	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Hartshorne Area, Pittsburg County, Okla.	15.0	14.65
C167-211 B 8-22-66	Thomas Jordan, Inc.	Texas Eastern Transmission Corp., Reeves Field, Allen Parish, La.	Depleted	.....
C167-212 B 8-22-66	Harkins & Co. (Operator), et al., Post Office Box 1460, Abilene, Tex. 79601.	Texas Eastern Transmission Corp., McKeever Field, San Patricio County, Tex.	Depleted	.....
C167-213 B 8-22-66	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	Florida Gas Transmission Co., Olivier Field, Brazoria County, Tex.	Depleted	.....
C167-214 A 8-22-66	Melder-Williams Development Co., William E. Hartsell, Post Office Box 5666, Philadelphia, Pa. 19111.	Equitable Gas Co., acreage in Ritchie County, W. Va.	25.0	15.325
C167-215 A 8-22-66	Robert P. Lammers, 136 Park Ave., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Morse-Lawton Gas Area, Beaver County, Okla.	[13] 17.0	14.65
C167-216 B 8-22-66	George R. Brown	Florida Gas Transmission Co., Pheasant Field, Matagorda County, Tex.	Depleted	.....
C167-217 A 8-23-66	Blaho Oil & Gas Co. c/o H. C. Breck, agent, 66 Broadway, New York, N.Y. 10006.	Ohio Natural Gas Co., Wells Field, Lewis County, W. Va.	20.0	15.325
C167-218 A 8-24-66	H. E. Hill (Operator), et al., 3626 McKnight St., Houston, Tex. 77027.	United Gas Pipe Line Co., West Beeville Field, Bee County, Tex.	14.0	14.65
C167-219 A 8-24-66	Exchange Oil & Gas Co., et al., 1200 Oil and Gas Bldg., New Orleans, La. 70112.	Michigan Wisconsin Pipe Line Co., Franklin Field, St. Mary Parish, La.	21.25	15.025
C167-220 A 8-24-66	Lonnie Hitwood et al., 301 South Hitwood St., Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., North Bigton Area, Le Flore County, Okla.	[9] 15.0	14.65
C167-221 A 8-24-66	Union Producing Co., Post Office Box 1407, Shreveport, La. 71102.	United Gas Pipe Line Co., Fannin Fourchon Area, Iberia and St. Mary Parishes, La.	19.0	15.025
C167-222 A 8-24-66	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa. 19103.	Panhandle Eastern Pipe Line Co., Southeast Feldman (Tonkawa) Field, Hemphill County, Tex.	[9] 17.0	14.65

See footnote at end of table.

Petitioner's existing Rate Schedules PR–1 and IS–2.

Petitioner states that this sale will be made using currently authorized delivery points, and no new or expended facilities will be required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 30, 1966.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66–9932; Filed, Sept. 9, 1966; 8:45 a.m.]

[Docket No. CP67–47]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 2, 1966.

Take notice that on August 26, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP67–47 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically requests authorization to construct and operate 11 miles of 30-inch loop line north of the Ogden, Iowa, compressor station and a 6,000–horsepower addition at the Beaver, Okla., compressor station. These facilities, applicant states, will increase its system capacity by 6,285 Mcf per day to supply additional volumes to two existing customers, Iowa Public Service Co. and Peoples Natural Gas Division of Applicant, for the heating season beginning October 27, 1966.

The total estimated cost of the proposed facilities is $2,741,000 which will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 30, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66–9933; Filed, Sept. 9, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17597]

CIVIL AIR TRANSPORT CO., LTD.

Notice of Postponement of Prehearing Conference

Notice is given herewith that the prehearing conference in the above-entitled proceeding, heretofore assigned to be held on September 8, 1966, is hereby postponed and will now be held before the undersigned Examiner on September 22, at 10 a.m., e.d.s.t., Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., September 8, 1966.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 66–9972; Filed, Sept. 9, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54–241, 59–111]

NORTHEAST UTILITIES ET AL.

Notice of Filing and Orders

AUGUST 31, 1966.

In the matters of Northeast Utilities, 201 Devonshire Street, Boston, Mass. 02110; File No. 54–241; The Connecticut Light & Power Co., The Hartford Electric Light Co.; File No. 59–111.

I. Notice is hereby given that Northeast Utilities ("Northeast"), a registered holding company, has filed a plan pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") providing for the issuance by Northeast of its common shares in exchange for the publicly held shares of common stock of two of its public-utility subsidiary companies, The Connecticut Light & Power Co. ("CL&P") and The Hartford Electric Light Co. ("Hartford"). All interested persons are referred to the plan which is on file at the office of the Commission for a full statement of the transactions and terms therein proposed, which may be summarized as follows:

Northeast's ownership of the common stocks of CL&P and Hartford (herein collectively referred to as the "Subsidiary Companies") and the number and percentage of publicly held shares as of June 30, 1966, were as follows:

	Total shares outstanding	Owned by Northeast		Owned by public	
		Shares	Percent	Shares	Percent
CL&P	8,931,014	8,808,789	98.63	122,225	1.37
Hartford	3,291,916	3,251,487	98.77	40,429	1.23

The plan provides for the issuance by Northeast of 361,694 of its common shares in exchange for the publicly held shares of the common stock of the Subsidiary Companies on the following bases: 2 shares of Northeast for each share of CL&P, and 2.9 shares of Northeast for each share of Hartford. No certificates for fractional common shares of Northeast will be issued. Any holder of shares of common stock of Hartford who would otherwise be entitled to a fractional Northeast common share may sell such fractional share interest through an exchange agent or he may purchase through the exchange agent any available fractional interest sufficient to entitle him to an additional full Northeast common share. No charge will be made for this service.

The plan will become effective on the earliest practicable date ("consummation date") after the entry of an order by a District Court of the United States approving and enforcing the plan. On and after the consummation date the public holders of shares of common stocks of CL&P and Hartford will cease to have any rights as shareholders of such companies and, upon the surrender of their stock certificates, will be entitled to receive only the common shares of Northeast, any dividend payments thereon (less taxes imposed or paid in respect thereof), and any cash from the sale of fractional interest in shares of Northeast.

At the end of 5 years from the consummation date of the plan all the unexchanged common shares of Northeast and cash or other property then held by the exchange agent will be delivered to Northeast free from any claim of the persons for whose accounts the same were held.

The carrying out of the plan is subject to all necessary approvals by the Commission under the Act, and to its approval and enforcement by a District Court of the United States having jurisdiction, as fair and equitable and as necessary and appropriate to effectuate the provisions of section 11 of the Act.

II. The Commission has been advised by its Division of Corporate Regulation ("Division") that the Division, pursuant to sections 11(a), 18(a), and 18(b), of the Act, has made a preliminary examination of the corporate structure of Northeast and the relationship between such company and the other companies in the Northeast holding-company system; and it appears to the Division from such examination that:

1. Northeast, a Massachusetts voluntary association, is solely a holding company. As of June 30, 1966, it had outstanding 32,250,914 common shares, par value $5 per share, all of which are held by the public. The common shares have sole voting rights.

2. The principal operating subsidiaries of Northeast are the Subsidiary Companies and Western Massachusetts Electric Co. ("WMECO"). The Subsidiary Companies are Connecticut corporations engaged principally in the production, purchase, transmission, distribution, and sale of electricity to residential, commercial, industrial, and municipal customers within the State of Connecticut. These companies also distribute natural gas at retail, approximately 16 percent and 8 percent of their respective gross operating revenues for the 12 months ended March 31, 1966, being derived therefrom. To a minor extent, CL&P's gas operations are conducted through a wholly owned subsidiary, and various other small wholly owned subsidiary companies are either inactive or engaged in the real estate business, the owning of water rights or the operation of canals. WMECO, a Massachusetts corporation, all the common stock of which is owned by Northeast, is engaged principally in the generation, purchase and transmission of electric power and the sale of electricity, principally at retail, to residential, commercial, industrial, and municipal customers in Massachusetts. Northeast has two additional wholly owned electric utility subsidiaries, one of which purchases all its power requirements from WMECO and the other of which leases all its utility assets to WMECO. CL&P, Hartford, and WMECO own among them an aggregate of 31.5 percent of the outstanding common stock of Yankee Atomic Electric Co. and 44 percent of the outstanding common stock of Connecticut Yankee Atomic Power Co., nuclear power generating companies and electric utility companies as defined in the Act.

3. Each of the Subsidiary Companies, as stated in Part I, has a small publicly held minority interest in its outstanding common stock, which normally has sole voting rights in the election of directors.

III. It being the duty of the Commission, pursuant to section 11(b)(2) of the Act, to require by order, after notice and opportunity for hearing, that each registered holding company and each subsidiary company thereof take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in a holding-company system does not, among other things, unfairly or inequitably distribute voting power among security holders of such holding-company system; and

The Commission being required by the provisions of section 11(e) of the Act, before approving any plan filed thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of section 11(b) and is fair and equitable to the persons affected thereby; and

The Commission deeming it appropriate that notice be given and a hearing held for the purpose of determining what action should be ordered under section 11(b)(2) and for the purpose of ascertaining whether the plan should be approved; and

It appearing that common issues of fact and law arise in connection with the section 11(e) plan and in connection with the issues involved under section 11(b)(2), making it appropriate that the two proceedings be consolidated and that Northeast, CL&P, and Hartford should be made parties to the consolidated proceeding:

It is hereby ordered:

(a) That a proceeding be, and it hereby is, instituted in respect of Northeast, CL&P, and Hartford pursuant to section 11(b)(2) of the Act.

(b) That said proceeding be, and it hereby is, consolidated with the proceeding in connection with the section 11(e) plan of Northeast.

(c) That Northeast, CL&P, and Hartford be, and they hereby are, made parties to said consolidated proceeding.

(d) That Northeast, CL&P, and Hartford file an answer or answers with the Secretary of the Commission on or before September 26, 1966, to the allegations contained in Part II hereof, in the form prescribed by Rule 25 of the general rules and regulations under the Act. Any of such allegations which are not denied or otherwise controverted shall be deemed to be admitted for the purpose of this proceeding.

It is further ordered, That the hearing in the consolidated proceeding be held on October 6, 1966, at 10 a.m., at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, in such room as may be designated on such date by the hearing room clerk. Any person desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before September 29, 1966, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under section 18(c) of said Act and to a hearing officer under the Commission's rules of practice.

The Division having advised the Commission that, upon the basis of its preliminary examination of the affairs and of the corporate structures of Northeast, CL&P, and Hartford and of a preliminary study of said plan of Northeast, the following matters and questions are presented for consideration at such hearing, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the allegations contained in Part II hereof are true and correct;

2. Whether the voting power is unfairly and inequitably distributed among the holders of the common stocks of CL&P and Hartford, and, if so, what steps, if any, are necessary and should be required to be taken to distribute fairly and equitably the voting power among such holders:

3. Whether the plan of Northeast, as submitted or as it may be modified or amended, is necessary to effectuate the provisions of section 11(b) of the Act;

4. Whether the plan is fair and equitable to the persons affected thereby;

5. Whether, in general, the transactions proposed in the plan satisfy the applicable provisions of the Act; and

6. Whether the accounting entries proposed to be made in connection with the plan are proper and in accord with sound accounting principles.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this notice and order by registered mail to Northeast, CL&P, and Hartford, to the Federal Power Commission, and to the Massachusetts Department of Public Utilities and the Connecticut Public Utilities Commission; that Northeast mail a copy of this notice and order to all public holders of record of the common stock of CL&P and Hartford at least 25 days prior to the date herein fixed as the date for hearing; and that notice of said hearing be given to all other interested persons by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–9939; Filed, Sept. 9, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 7, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40697—*Corn and sorghum grains and related articles to points in*

carriers by motor vehicle, over irregular

LIAM ROY CALHOUN, Petersburg,

No. MC 117165 (Sub-No. 23 TA), filed

southwestern territory. Filed by Southwestern Freight Bureau, agent (No. B–8899), for interested rail carriers. Rates on corn (not popcorn), corn products, and grain sorghums, in carloads, from points in Iowa, Kansas, Missouri, Nebraska, and Oklahoma, to points in Arkansas, Kansas, Louisiana, Oklahoma, and Texas.

Grounds for relief—Motortruck competition.

Tariffs—Supplement 71 to Southwestern Freight Bureau, agent, tariff I.C.C. 4495, and other schedules named in the application.

FSA No. 40698—*Stone and related articles to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B–8895), for interested rail carriers. Rates on chatt, chatt-sand, chatts (mine gravel), whole or crushed, granite, marble, natural stone, or limestone, crushed, and gravel, crushed or not crushed, in carloads, from Antonito and McClintock, Colo., to points in southwestern territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 5 to Southwestern Freight Bureau, agent, tariff I.C.C. 4690.

FSA No. 40699—*Class and commodity rates from and to Northgate, Ga.* Filed by O. W. South, Jr. agent (No. A4938), for interested rail carriers. Rates on property moving on class and commodity rates, between Northgate, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–9946; Filed, Sept. 9, 1966; 8:46 a.m.]

[Notice 250]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 7, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41116 (Sub-No. 28 TA), filed September 1, 1966. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 603, Crowley, La. 70526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Palletized sand bags*, from Crowley, La., to Ogden, Utah, for 180 days. Supporting shipper: Crowley Industrial Bag Co., Inc., Post Office Box 726, Crowley, La. 70526, Mr. Hirsch J. Scholl, President. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, T–4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 52579 (Sub-No. 54 TA), filed September 1, 1966. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Aaron Hoffman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, from Beebe, Ark., to Kansas City, Mo., for 60 days. Supporting shipper: Stern Slegman Prins Co., 3122 Gillham Plaza, Kansas City, Mo. 64109. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 59488 (Sub-No. 24 TA) (Correction), filed August 29, 1966, published in FEDERAL REGISTER notice No. 248, and republished this issue. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 733 South Poydras, Dallas Tex. 75202. Applicant's representative: L. Van Hyning (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from junction Arkansas, Highway 15 near Tucker, Ark., to Lock and Dam No. 5 near Wright, Ark., from Junction Arkansas Highway 15 with unnumbered Highway, thence over unnumbered Highway to Lock and Dam No. 5, for 180 days. Supporting shipper: Martin K. Eby Construction Co., Inc., Post Office Box 1022, Pine Bluff, Ark. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operation and Compliance, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202. NOTE: The purpose of this republication is to show the correct docket number assigned as shown above, in lieu of No. MC 59388 (Sub-No. 24 TA), which was in error.

No. MC 69876 (Sub-No. 17 TA), filed September 1, 1966. Applicant: BURKS-PELZ TRANSFER, INC., 801–B North Wabash, Evansville, Ind. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceuticals, foodstuffs, food formulas, and dietary foods* (except in bulk in tank vehicles), from the plantsite of Mead Johnson & Co., at Evansville, Ind., to Detroit, Mich., for 180 days. Supporting shipper: Mead Johnson & Co., Evansville, Ind. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 85934 (Sub-No. 46 TA), filed September 2, 1966. Applicant: MICHIGAN TRANSPORTATION COMPANY, 3601 Wyoming Avenue, Dearborn, Mich. 48102. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products*, in bulk, from Midland, Mich., to points in Wisconsin, points in that part of Indiana on and north of U.S. Highway 40, and points in Ohio on and north of U.S. Highway 40 and west of Ohio Highway 13 (except points in Franklin County and points in Licking County on and west of Ohio Highway 13); and (2) *Salt and salt products*, other than in bulk, from Midland, Mich., to points in Wisconsin, Illinois (except Chicago and the Chicago commercial zone as defined by the Commission), Indiana (except that part of the Chicago commercial zone in Indiana), and Ohio (except Ashtabula, Conneaut, Elyria, Fostoria, Lorain, Mansfield, Massillon, Norwalk, Sandusky, Toledo, Wooster, and Ashland, and that area bounded by a line beginning at Cleveland, Ohio, and extending along Interstate Highway 77 to junction U.S. Highway 62, at or north of Canton, Ohio, thence along U.S. Highway 62 to junction Ohio Highway 14A, thence along Ohio Highway 14A via Salem, Ohio, to junction Ohio Highway 14, thence along Ohio Highway 14 to the Ohio-Pennsylvania State line, thence north along the Ohio-Pennsylvania State line to U.S. Highway 422, thence along U.S. Highway 422 to junction Ohio Highway 534, thence along Ohio Highway 534 to Southington, Ohio, thence along Ohio Highway 305 to junction U.S. Highway 422, thence along U.S. Highway 422 to Cleveland, including the points on the indicated portions of the highways specified), for 150 days. Supporting shipper: American Salt Corp., 3142 Broadway, Kansas City, Mo. 64111. Send protests to: Gerald J. Davis, District Supervisor, Room 1110, David Broderick Tower, Detroit, Mich. 48226.

No. MC 88384 (Sub-No. 3 TA), filed September 2, 1966. Applicant: ALVIN F. SCHMODE and FRANK F. WEIBLE, a partnership, doing business as SCHMODE-WEIBLE TRANSFER, Post Office Box 278, Winside, Nebr. 68790. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated alfalfa pellets and suncured alfalfa pellets*, from the plantsite of Winside Dehy., Inc., Winside, Nebr. to all points in Iowa and Minnesota, for 180 days. Supporting shipper: Winside Dehy., Inc., Winside, Nebr. 68790. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 106398 (Sub-No. 337 TA), filed September 2, 1966. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 8096, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: O. L. Thee, Sr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Milwaukee, Wis., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Work Equipment Co., Inc., Denny F. Warnock, President, 11905 West Ripley Street, Milwaukee, Wis. 53226. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 106398 (Sub-No. 338 TA), filed September 2, 1966. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 8096, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: O. L. Thee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Thorofare, N.Y., to points in the United States (except Alaska and Hawaii.), for 180 days. Supporting shipper: F. W. Flowers, President, General Engines Co., Inc., Route 130, Thorofare, N.J. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma, City, Okla. 73102.

No. MC 110525 (Sub-No. 800 TA), filed September 2, 1966. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in tank vehicles, from Paulsboro, N.J., to Pine Bend, Minn., for 150 days. Supporting shipper: Mobil Oil Corp., 150 East 42d Street, New York, N.Y. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 116369 (Sub-No. 4 TA), filed September 2, 1966. Applicant: WILLIAM ROY CALHOUN, Petersburg, W. Va. 26847. Applicant's representative: Duke A. McDaniel, Petersburg, W. Va. 26847. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Wood chips, sawdust, shavings, and reuse wood*, from (1) Petersburg, W. Va., to Luke, Md.; from Petersburg, over W. Va. Highway 42 to Scherr, W. Va., State Route 93 to intersection of U.S. Route 50 to near Laureldale, W. Va., from intersection of U.S. 50 and State Route No. 93 to intersection of U.S. Route 50 and U.S. Route 220, near New Creek, W. Va., U.S. 220 from New Creek, W. Va., to McCoole, Md., Maryland State Route No. 135 from McCoole, Md., to point of destination Luke, Md., (2) from Garards Fort, Pa., to Luke, Md.; from Garards Fort, by a Pennsylvania secondary route through Mapletown, Pa., to the intersection of Pennsylvania Route No. 88 then south on Pennsylvania Route No. 88 to Point Marion, Pa., from Point Marion, Pa., to Morgantown, W. Va., by U.S. Route No. 119 to intersection of U.S. Route No. 119 and West Virginia State Route No. 7, from Morgantown, W. Va., on West Virginia State Route 7 to the West Virginia-Maryland border where West Virginia Route No. 7 becomes Maryland State Route No. 39 to Mountain Lake Park, Md., to intersection of Maryland State Route No. 39 and Maryland State Route No. 135, then by Maryland State Route No. 135 to point of destination Luke, Md., (3) from Oakland, Md. (via interstate commerce) to Luke, Md., beginning at Oakland, on Maryland State Route No. 39 to intersection of Maryland State Route No. 39 and Maryland State Route No. 135 at Mountain Lake Park, Md., then by Maryland State Route No. 135 to Luke, Md., (4) from Point Marion, Pa., to Luke, Md.; Point Marion, Pa., to Morgantown, W. Va., by U.S. Route No. 119 to intersection of U.S. Route No. 119 and West Virginia State Route No. 7, from Morgantown, W. Va., on West Virginia State Route No. 7 to the West Virginia-Maryland border where West Virginia Route No. 7 becomes Maryland State Route No. 39 to Mountain Lake Park, Md., to intersection of Maryland State Route No. 39 and Maryland State Route No. 135, then by Maryland State Route No. 135 and, (5) over irregular routes, from points in the following area (beginning at Cleveland, Ohio, on Lake Erie; south along U.S. Route 21 to Charleston, W. Va.; thence east along U.S. 60 to Norfolk, Va.; thence north along Atlantic Coast to Wilmington, Del.; continuing north along eastern boundaries of States of Delaware and Pennsylvania to New York State line; thence west along New York-Pennsylvania border to Lake; thence west along Lake Erie to Cleveland) to Luke, Md., for 180 days. Supporting shipper: West Virginia Pulp & Paper Co., 230 Park Avenue, New York, N.Y. 10017, Frank J. Yanacek, Manager, Traffic Operations. Send protests to: District Supervisor J. A. Niggemyer, Bureau of Operations and Compliance, Interstate Commerce Commission, 531 Hawley Building, Wheeling, W. Va. 26003.

No. MC 117165 (Sub-No. 23 TA), filed September 1, 1966. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, West Relief Highway U.S. 20, Michigan City, Ind. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and Salt Products*, in bulk, from Midland, Mich., to points in Illinois, Wisconsin, points in Indiana south of U.S. Highway 40, and points in Ohio south of U.S. Highway 40 and east of Ohio Highway 13 (except Ashtabula, Cuyahoga, Lake, Summit, Muskingum, and Wayne Counties and points in Licking County east of Ohio Highway 13); and (2) *Salt and Salt Products*, other than in bulk, from Midland, Mich., to points in Wisconsin, Illinois (except Chicago and the Chicago commercial zone as defined by the Commission), points in Indiana south of U.S. Highway 40, and points in Ohio south of U.S. Highway 13 (except Ashtabula, Conneaut, Elyria, Lorain, Massillon, Norwalk, Wooster and Ashland, and that area bounded by a line beginning at Cleveland, Ohio, and extending along Interstate Highway 77 to junction U.S. Highway 62, at or north of Canton, Ohio, thence along U.S. Highway 62 to junction Ohio Highway 14A, thence along Ohio Highway 14A via Salem, Ohio, to junction Ohio Highway 14, thence along Ohio Highway 14 to the Ohio-Pennsylvania State line, thence north along the Ohio-Pennsylvania State line to U.S. Highway 422, thence along U.S. Highway 422 to junction Ohio Highway 534, thence along Ohio Highway 534 to Southington, Ohio, thence along Ohio Highway 305 to junction U.S. Highway 422, thence along U.S. Highway 422 to Cleveland, including the points on the indicated portions of the highways specified), for 180 days. Supporting shipper: American Salt Corp., 3142 Broadway, Kansas City, Mo. 64111. Send protests to: Heber Dixon, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 118075 (Sub-No. 3 TA), filed September 2, 1966. Applicant: G. E. CROSSMAN, doing business as CROSSMAN TRUCKING COMPANY, 1917 West Grant Street, Phoenix, Ariz. 85009. Applicant's representative: P. H. Dawson, 4453 East Piccadilly, Phoenix, Ariz. 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, including potato products*, from points in Idaho to Phoenix, Flagstaff, and Tucson, Ariz., for 180 days. Supporting shippers: Greatwestern Foods, Inc., 922 West Buchanan, Phoenix, Ariz. 85007, Kirchoff Frozen Foods, 922 West Buchanan, Phoenix, Ariz., Merrigay Foods Corp., 426 East Jackson Street, Phoenix, Ariz. 85004, Arizona Frozen Foods, 2104 West McDowell Road, Phoenix, Ariz. 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 4006 Federal Building, Phoenix, Ariz. 85025.

No. MC 119726 (Sub-No. 11 TA), filed September 1, 1966. Applicant: N.A.B. TRUCKING CO., INC., 939 Union Street, Indianapolis, Ind. 46225. Applicant's representative: Bruce C. Sheron, 3721 Carrollton Avenue, Indianapolis, Ind. 46205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Milford, Ill., to points in Alabama, Florida, and Georgia, for 180 days. Supporting shipper: Milford Canning Co., Milford, Ill. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 125899 (Sub-No. 4 TA), filed September 2, 1966. Applicant: JOHN McCABE, 1804 South 27th Avenue, Phoenix, Ariz. 85003. Applicant's representative: P. H. Dawson, 4453 East Piccadilly, Phoenix, Ariz. 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Gila, Navajo, and Coconino Counties, Ariz., to Herlong, Calif., for 180 days. Supporting shipper: Reidhead Lumber Co., Inc., Show Low, Ariz. 85901, J. & M. Lumber Co., 647 West Third Street, Reno, Nev. 89503. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 4006 Federal Building, Phoenix, Ariz. 85025.

No. MC 128482 (Sub-No. 1 TA), filed September 2, 1966. Applicant: HELENA TRANSFER & STORAGE COMPANY, 1316 Bozeman Avenue, Helena, Mont. 59601. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Lewis and Clark, Powell, Jefferson, Broadwater, and Meagher Counties, Mont., restricted to shipments for a prior or subsequent movement beyond said points, in containers, for 180 days. Supporting shipper: Vanpac, 2114 MacDonald Avenue, Richmond, Calif. 94802. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Billings, Mont. 59101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-9947; Filed, Sept. 9, 1966; 8:46 a.m.]

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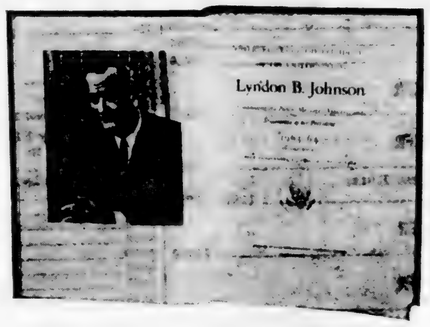
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Executive Order 11303

MODIFYING EXECUTIVE ORDER NO. 9721, AS AMENDED BY EXECUTIVE ORDER NO. 10103, PROVIDING FOR THE TRANSFER OF PERSONNEL TO CERTAIN PUBLIC INTERNATIONAL ORGANIZATIONS

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and Section 1753 of the Revised Statutes, and as President of the United States, it is ordered that Executive Order No. 9721 of May 10, 1946, as amended by Executive Order No. 10103 of February 1, 1950, providing for the transfer of personnel to public international organizations in which the United States Government participates be, and it is hereby, modified as follows:

The limitation in Section 1 relating to the period during which an employee shall be considered as on leave of absence from his employment with the Federal Government is waived with respect to Reginald C. Price, and he shall be considered to have been on leave of absence for the period March 9, 1954, through September 12, 1957, for the purpose of all rights and benefits provided by Executive Order No. 9721, as amended.

LYNDON B. JOHNSON

THE WHITE HOUSE,
September 12, 1966.

[F.R. Doc. 66-10084; Filed, Sept. 12, 1966; 12:25 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAM

[ACP–1967, Supp. 1]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1967

STATE FUNDS

Paragraph (a) of § 701.2 is amended, for purposes of the 1967 program to read as follows:

§ 701.2 State funds.

(a) Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1966 distribution. The allocation of funds among the States is as follows:

Alabama	$5,824,000
Alaska	67,000
Arizona	1,708,000
Arkansas	4,761,000
California	5,584,000
Colorado	3,939,000
Connecticut	457,000
Delaware	308,000
Florida	3,455,000
Georgia	6,997,000
Hawaii	176,000
Idaho	2,095,000
Illinois	8,391,000
Indiana	5,473,000
Iowa	9,189,000
Kansas	6,898,000
Kentucky	6,789,000
Louisiana	4,352,000
Maine	1,076,000
Maryland	1,279,000
Massachusetts	532,000
Michigan	4,887,000
Minnesota	6,370,000
Mississippi	6,265,000
Missouri	8,622,000
Montana	5,064,000
Nebraska	6,116,000
Nevada	649,000
New Hampshire	512,000
New Jersey	701,000
New Mexico	2,377,000
New York	4,806,000
North Carolina	6,249,000
North Dakota	5,340,000
Ohio	5,780,000
Oklahoma	6,958,000
Oregon	2,551,000
Pennsylvania	4,620,000
Puerto Rico	823,000
Rhode Island	76,000
South Carolina	3,478,000
South Dakota	4,392,000
Tennessee	5,183,000
Texas	19,787,000
Utah	$1,362,000
Vermont	1,056,000
Virginia	4,337,000
Virgin Islands	13,000
Washington	2,720,000
West Virginia	1,584,000
Wisconsin	5,576,000
Wyoming	2,126,000
Total	209,730,000

* * * * * *

Signed at Washington, D.C., on September 8, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-9982; Filed, Sept. 12, 1966; 8:47 a.m.]

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1967 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

Basis and purpose. The provisions of §§ 722.467 and 722.468 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1967 crop of upland cotton. The findings and determinations in §§ 722.467 and 722.468 have been made on the basis of the latest available statistics of the Federal Government. The following matters are included in §§ 722.467 and 722.468:

(a) Establishment of a national domestic allotment, projected national and State yields and a farm domestic allotment percentage.

(b) Establishment of a national export market acreage reserve.

Notice that the Secretary was preparing to make the determinations with respect to these matters was published in the FEDERAL REGISTER on July 2, 1966 (31 F.R. 9138), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

In order that farmers may be informed as soon as possible of the farm domestic allotments for 1967 and the amount of the national export market acreage reserve for 1967 so that they may make plans accordingly, it is essential that §§ 722.467 and 722.468 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.467 and 722.468 shall be effective upon filing this document with the Director, Office of the Federal Register.

Sec.

722.467 National domestic allotment, projected national and State yields and farm domestic allotment percentage for the 1967 crop of upland cotton.

722.468 National export market acreage reserve for the 1967 crop of upland cotton.

AUTHORITY. The provisions of §§ 722.467 and 722.468 issued under secs. 301, 346(e), 350, 375, 52 Stat. 38, as amended; 79 Stat. 1192, 1193; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1346(e), 1350, 1375.

§ 722.467 National domestic allotment, projected national and State yields and farm domestic allotment percentage for the 1967 crop of upland cotton.

(a) *Amount of national domestic allotment.* Under section 350 of the act, the Secretary is required to determine a national domestic allotment for the 1967 crop of cotton equal to the estimated domestic consumption of cotton (standard bales of 480 pounds net weight) for the marketing year beginning August 1, 1967. Such estimated domestic consumption is hereby determined to be 4.56 billion pounds. The national domestic allotment for the 1967 crop of cotton is hereby established as 4.56 billion pounds of cotton (net weight).

(b) *Projected national yield.* The projected national yield for the 1967 crop of cotton under section 301(b)(13)(L) of the act is hereby determined to be 545 pounds per acre on the basis of the average yield per harvested acre in the United States during 1961, 1962, 1963, 1964, and 1965, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

(c) *Projected State yields.* The projected State yields for the 1967 crop of cotton under section 301(b)(13)(L) of the act, are hereby determined as listed below, on the basis of the average yield per harvested acre in the State during 1961, 1962, 1963, 1964, and 1965, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

State	Projected yield (pounds per acre)
Alabama	525
Arizona	1,130
Arkansas	627
California	1,123
Florida	377
Georgia	489
Illinois	521
Kansas	212
Kentucky	653
Louisiana	586
Mississippi	696
Missouri	620
Nevada	870

State	Projected yield (pounds per acre)
New Mexico	744
North Carolina	444
Oklahoma	310
South Carolina	504
Tennessee	858
Texas	396
Virginia	414

(d) *Farm domestic allotment percentage.* Under section 350 of the act, the Secretary is required to determine a farm domestic acreage allotment percentage for the 1967 crop of cotton which shall be the larger of (1) 65 percent of the 1967 farm acreage allotment established under section 344 of the act, or (2) the percentage obtained by dividing (i) the national domestic allotment (in net weight pounds) by (ii) the total for all States of the product of the State acreage allotment (established under § 722.466 (31 F.R. 10568) in first column headed "State's share of national allotment") and the projected State yield (established under paragraph (c) of this section). It is hereby determined that the farm domestic allotment percentage for the 1967 crop of cotton shall be 65 percent which is larger than the percentage calculated under subparagraph (2) of this paragraph. This determination is based on the following data:

Determinations for purpose of:

(i) Section 722.467(d)(2)(i)—4.56 billion pounds.

(ii) Section 722.467(d)(2)(ii)—8.49 billion pounds.

(iii) Section 722.467(d)(2)—54 percent.

§ 722.468 National export market acreage reserve for the 1967 crop of upland cotton.

Under section 346(e) of the act, the national export market acreage reserve for the 1967 crop of cotton is required to be determined on the basis of the following formula:

If the carryover on July 31, 1967, is estimated to be less than the carryover on Aug. 1, 1966 by—	*The national export market acreage reserve for the 1967 crop shall be—*
At least 1,000,000 bales	250,000 acres.
At least 750,000 bales, but not as much as 1,000,000 bales.	187,500 acres.
At least 500,000 bales, but not as much as 750,000 bales.	125,000 acres.
At least 250,000 bales, but not as much as 500,000 bales.	62,500 acres.
Less than 250,000 bales	None.

It is hereby determined that the estimated carryover on July 31, 1967, in the amount of 12,400,000 running bales or the equivalent will be less than the carryover on August 1, 1966, in the amount of 16,400,000 running bales or the equivalent by 4,000,000 running bales or the equivalent. Accordingly, the national export market acreage reserve for the 1967 crop of cotton is hereby established as 250,000 acres.

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 8, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-9983; Filed, Sept. 12, 1966; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[§ 855.10, Rev. 1, Amdt. 7]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1965 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, subparagraph (1) of paragraph (h) of § 855.10, Rev. 1 (29 F.R. 13595, 14102, 17029; 30 F.R. 7988, 9673, 15648) is amended to read as follows:

§ 855.10 Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1965 Crop.

* * * * *

(h) *Eligibility for payment under the act.* * * *

(1) The total acreage of 1965-crop sugarcane on the farm harvested for seed or marketed (or processed) for the production of sugar or liquid sugar shall not exceed the share determined in accordance with this section, except that any sugarcane grown on acreage in excess of such share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator of the farm furnishes weight tickets to the county committee evidencing that such sugarcane was sold by him, or was processed by or for him for the extraction of sugar or liquid sugar for livestock feed or the production of livestock feed, and if so sold, was purchased by the processor for such purpose. Notwithstanding the foregoing provisions of this subparagraph, the producer shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the share where sugarcane was marketed (or processed) for sugar or liquid sugar from an acreage on the farm exceeding the share: *Provided*, That (i) such excess acreage is not more than the larger of two-tenths acre or 2 percent of the share but not in excess of 3 acres, (ii) the county committee finds that the farm operator did not intentionally market (or process) sugarcane from an acreage in excess of the share for the farm and the State committee concurs in such findings, and (iii) within 1 year from the date of the processing of such excess sugarcane, the operator has arranged for the raw value equivalent of sugar produced from sugarcane in the Mainland Cane Sugar Area, which had not been marketed to fill a quota for such area as provided in Part 816 of this chapter, to be made subject to a bond given pursuant to the provisions of Part 816 of this chapter which provides that a condition of such bond be that the sugar shall be used for livestock feed or for the production of livestock feed. The Sugar Act payment in any such case shall be limited to the amount of sugar commercially recoverable from the sugarcane marketed (or processed) from the acreage within such share.

* * * * *

Statement of bases and considerations. The original regulation provided that producers marketing sugarcane from acreage in excess of the proportionate share established for their farm can be deemed to have met the requirements for earning a Sugar Act payment if (1) the excess acreage is not more than the larger of two-tenths acre or 1 percent of the farm's share but not in excess of 3 acres, (2) the county ASCS committee with the concurrence of the State ASC committee determines that the excess marketings were not intentional, and (3) an amount of sugar equivalent to that produced from the sugarcane harvested on excess acres is placed under bond and that such sugar will be used for livestock feed.

One of the State ASC committees reported that during the harvest of the 1965 sugarcane crop a producer who received a notice of the 1966-crop proportionate share for his farm mistakenly believed that it represented an adjustment in the 1965-crop proportionate share and as a result harvested fourtenths of an acre in excess of the 1965 proportionate share (including permitted tolerance). Upon contacting the county ASC office a few days later, the producer learned of his mistake. Had the mistake not occurred, the excess sugarcane could have been marketed for the production of sugar for livestock feed. Had the producer been fully aware of the regulations regarding sugar for livestock feed, it is still possible that at the time the mistake became known it would not have been too late to have made arrangements for the small quantity of excess sugarcane to have been marketed for the production of sugar for livestock purposes. Under these circumstances, the original regulation would impose an unwarranted hardship upon the producer by voiding the Sugar Act payment on his entire crop. Therefore, this amendment increases the acreage tolerance for excess marketings to be not more than the larger of two-tenths acre or 2 percent of the farm's share but not in excess of 3 acres. The other provisions requiring determinations by the respective committees that such marketings were unintentional and the placing of the sugar under bond remain unchanged. Also payment will continue to be limited to the sugar production from the cane marketed within the share.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C. on September 8, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-9984; Filed, Sept. 12, 1966; 8:48 a.m.]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1967 Crop

Sec.

855.23 Definitions.
855.24 General provisions.
855.25 State acreage allocations.
855.26 Determination of farm bases for old-producer farms.
855.27 Establishment of shares for old-producer farms.
855.28 Eminent domain.
855.29 Shares for reconstituted farms.
855.30 Redetermination of bases and shares because of use of incorrect data.
855.31 Reallotment of unused acres.
855.32 Establishment of shares for new-producer farms.
855.33 Appeals.
855.34 Eligibility for payment under the Act.
855.35 Disposition of excess acreage.
855.36 Failure to file timely or accurate report of acreage in certification counties.

AUTHORITY: §§ 855.23 to 855.36 issued pursuant to section 302 of the Sugar Act of 1948, as amended. (Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132.)

§ 855.23 Definitions.

For the purpose of this part, the terms:

(a) "Act," "Secretary," "Deputy Administrator," "State Committee," "County Committee," "Producer," and "Operator" shall have the meaning set forth in Part 892 of this chapter.

(b) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(c) "Cane" means sugarcane.

(d) "Share" or "Farm Share" means a farm proportionate share.

(e) "Old-Producer farm" means a farm including land that comprised a farm or part of a farm for which a share was established pursuant to §§ 855.14, 855.15, 855.16, 855.19, and 855.10, Revision 1.

(f) "New-Producer farm" means any farm that is not an old-producer farm.

(g) "Sugar" means sugar processed from cane marketed within a farm share, including liquid sugar.

(h) "Livestock Sugar" means that sugar for livestock feed or for the production of livestock feed processed from cane marketed for such purposes in excess of the farm share.

(i) "Accredited Acres" or "Accredited Acreage" shall have the meaning set forth in Part 892 of this Chapter.

§ 855.24 General provisions.

General conditional payments provisions, including instructions for filing applications for payment, are set forth in Part 892 of this chapter. Provisions governing requests for reconsideration and review of determinations by county and State committees or the Deputy Administrator are set forth in Part 780 of this title. Provisions pertaining to certification of acreage and land use in lieu of farm inspection and measurement are set forth in Part 718 of this title.

§ 855.25 State acreage allocations.

The acreage allocation for each State shall be the sum of the acreages specified for the State in the following paragraphs:

(a) 197,400 acres for Florida and 315,600 acres for Louisiana.

(b) Any acreage used to establish shares for new-producer farms pursuant to § 855.32 within a set-aside of 500 acres for Florida and 800 acres for Louisiana.

(c) Any acreage used to adjust shares of old-producer farms pursuant to § 855.33 within a set-aside of 200 acres for Florida and 320 acres for Louisiana.

§ 855.26 Determination of farm bases for old-producer farms.

County committees shall determine a farm base for each old-producer farm or a portion thereof, as follows:

(a) For each old-producer farm, as constituted for the 1966 crop at the time the 1967-crop share is established, such base shall be the 1966-crop accredited acreage record of the farm, except that if the county committee determines that the 1966-crop accredited acreage is less than the original 1966-crop share established pursuant to §§ 855.14, 855.15, 855.16, or 855.19 for the farm because of reasons beyond the control of the operator, or if the 1966-crop accredited acreage record of the farm is less than such share but is at least 90 percent of such share, the farm base will be such 1966 share. If it is known at the time farm bases are to be determined that there will not be acreage for 1967 harvest on any farm for which a base could be established, and the land was not acquired under right of eminent domain, a base will not be established.

(b) For each old-producer farm which was removed from sugarcane production in its entirety or in part by acquisition after the 1963-crop was harvested from such land, but before 1966-crop harvest, by a Federal, State or other agency or entity entitled to exercise the right of eminent domain and the owner did not have the State committee establish a 1965 or 1966 crop share on the basis of the sugarcane record of such land, for use on other land owned by such owner, the base shall be the 1965-crop share which was established or would have been established pursuant to paragraph (d) of § 855.10, Revision 1 for the farm as constituted at time of acquisition. In determining such share, when there was no cane production on the farm or production was reduced thereon for the 1964 crop year because of the acquisition of the farm or part thereof, the county committee shall consider that the accredited acreage of the farm would have been the same for that crop as for the 1963 crop.

§ 855.27 Establishment of shares for old-producer farms.

The county committee shall establish a share for any farm for which a farm base is determined by applying to such farm base an adjustment factor determined by the State committee by dividing the acreage made available to the State in paragraph (a) of § 855.25 by the total of the bases of all farms in the State.

§ 855.28 Eminent domain.

The share established pursuant to § 855.27 for a farm which was removed from cane production in its entirety or in part by acquisition after the 1963 crop was harvested from such land by a Federal, State or other agency or entity entitled to exercise the right of eminent domain, shall, upon application by the owner of the land so removed to the appropriate ASCS State office, be added to the 1967-crop share, if any, established pursuant to § 855.27 for any land owned by the owner to the extent requested in the application but not in excess of the difference between the share established pursuant to § 855.27 for the farm from which production was removed and the 1967-crop share established for the part of the farm not lost by the acquisition. Where application is not made as provided in this section for the entire share or part thereof established for the farm, the share or part thereof not applied for shall be reserved by the State committee for 3 years after the date of acquisition or until application is made by the owner of the land removed, whichever is earlier: *Provided*, That such reserved share or part thereof shall be subject to any adjustments required to be made in establishing shares for old-producer farms under the regulations applicable to the crop year for which the owner makes application for the share or part thereof reserved. The acreage of such reserved shares not used for the 1967 crop will not be reallocated to other old-producer farms pursuant to § 855.31.

§ 855.29 Shares for reconstituted farms.

If the county committee determines, after a 1967-crop share is established, that the farm was not properly constituted for the 1967 crop pursuant to the definitions of a farm and an operator, the farm or farms involved shall be reconstituted in accordance with such definitions. A share shall be determined as follows for the reconstituted farm.

(a) *Subdivisions.* The share for each subdivision of a farm which is subdivided shall be the portion of the 1967-crop share established for the farm pursuant to § 855.27 including any adjustments

made in such share pursuant to §§ 855.31 or 855.33, determined for each subdivision in accordance with the method used for dividing the accredited acreage record of the farm set forth in paragraph (d) of § 892.1. However, if the share prorated to a subdivision would preclude the harvest of acreage growing for 1967-crop harvest on any subdivision, the county committee shall adjust the shares for the subdivisions, by considering the acreage growing on each subdivision. The sum of the adjusted shares of the subdivisions shall not exceed the parent farm's share before division.

(b) *Combinations.* The share for a farm consisting of a combination of old-producer farms, subdivisions of such farms or combination of such farms and such subdivisions shall be the sum of the 1967-crop shares for such farms and subdivisions of such farms.

(c) *New-producer farm.* The share for a new-producer farm which is subdivided shall be prorated to the subdivisions by the percentage ratio that the acreage of cane growing on each subdivision is to the total acreage of cane on the farm. If a new-producer farm or subdivision thereof is combined with an old-producer farm or subdivision thereof, the new-producer share or portion determined for the subdivision shall be canceled and the share established for the old-producer farm or subdivision thereof shall be the share for the reconstituted farm.

§ 855.30 Redetermination of bases and shares because of use of incorrect data.

Where incorrect or estimated data were used in determining a farm base or establishing a share, the base shall be recomputed in accordance with § 855.26 using the correct data and a new share shall be established for the farm by applying the factor obtained pursuant to § 855.27 to the new farm base. Any acreage by which the incorrect share exceeds the newly established share shall be reallotted under the provisions of § 855.31.

§ 855.31 Reallotment of unused acres.

(a) *Eligibility.* The operator of any old-producer farm may request an increase in the share established for his farm.

(b) *Filing requests for additional acreage.* Requests shall be filed at the ASCS county office in which the farm headquarters is located (in Florida, at the Glades-Hendry ASCS Office) not later than a date set by the State committee. Such date is to become effective when published in the FEDERAL REGISTER. Late requests may be accepted prior to harvest if the State committee determines that the persons delayed filing for reasons beyond their control or there is acreage still available after filling all timely filed requests.

(c) *Increasing shares.* Acreage to be reallotted pursuant to paragraph (d) of this section shall be used to increase the shares of old-producer farms whereon additional acreage may be used and requests have been filed pursuant to paragraph (b) of this section by considering the ability of the farm operator to use additional acreage in light of (1) availability and suitability of land, (2) availability of production and marketing facilities, (3) rotation practices, (4) maintenance of a proper relationship between total cane acreage and suitable cropland, and (5) the need for minimum acreages in a mill area.

(d) *Methods for reallocating unused acreage.* In consideration of the criteria set forth in paragraph (c) of this section, unused old-producer farm proportionate share acreage when determined, but excepting those farms for which a farm base was determined pursuant to paragraph (b) of § 855.26 shall be used to increase shares as follows: (1) In Florida, the State committee shall determine and inform the county committees of increases to be made in shares. (2) In Louisiana, the county committee of each county will determine the increases to be made in shares from the unused proportionate share acreage on farms. Any such unused acreage remaining in a county after all requests have been satisfied shall be released to the State committee for distribution to other counties in the State where the total additional acreage requested exceeds the unused acreage. Such distribution by the Louisiana State Committee shall be made by the percentage ratio that the total of the shares established pursuant to § 855.27 for all farms in each county where the acreage requested exceeds the unused acreage bears to the total shares so established for all farms in all counties where the acreage requested exceeds the unused acreage: *Provided*, That the acreage distributed to a county shall not exceed the total acreage needed to increase shares to the extent requested for all farms in the county for which requests were timely filed.

(e) *Reduction in shares.* If the county committee determines for any old-producer farm, excluding those farms for which a base was determined pursuant to paragraph (b) of § 855.26, that the total of the 1967-crop acreage of cane to be harvested for sugar and seed and that which has been determined to be bona fide abandoned is less than the farm's 1967-crop share, including any adjustment made pursuant to this section, the share shall be reduced to the level of such total 1967-crop acreage.

§ 855.32 Establishment of shares for new-producer farms.

(a) *Filing requests.* A person desiring a share for a new-producer farm shall file a request at the local county office (in Florida, at the Glades-Hendry ASCS Office) not later than a date set by the State committee. Such date is to become effective when published in the FEDERAL REGISTER. Late requests may be accepted if the State committee determines that the persons delayed filing for reasons beyond their control or there is acreage still available after filling all timely filed requests.

(b) *Rating of applicants.* Subject to review and redetermination by the State committee the county committee shall rate the applicant as "qualified" or "not qualified" to utilize a new-producer farm share by considering (1) the availability and suitability of land, (2) availability of production and marketing facilities, and (3) whether the land on which cane will be grown is under his control through ownership or lease and such land was not included in an old-producer farm: *Provided*, That no applicant will be rated as "qualified" unless the county committee determines he will be the operator of the farm as defined in paragraph (a) of § 892.1.

(c) *Size of share.* Each share shall be 50 acres, or a lesser acreage if requested or if the county or State committee determines the available cropland will not support a share of 50 acres.

(d) *Establishing shares.* The State committee shall establish a share for the new-producer farm of each "qualified" applicant if the acreage provided in paragraph (b) of § 855.25 is sufficient to establish such shares. If there is insufficient acreage, selection of "qualified" applicants to receive shares shall be by lot. Each drawing shall be supervised by a representative of the State committee. Persons included in a drawing shall be given advance notice and an opportunity to attend. Names (or farm numbers) shall be placed in a container and shall be indistinguishable to the person making the "draws." The person in charge shall announce the method of selection before the drawing.

(e) *Use of set-aside.* All acreage set-aside for new producers shall be allotted to qualified new-producers, if there are sufficient requests for such acreage.

§ 855.33 Appeals.

After the county committee has acted on its own initiative or on a request for reconsideration of the establishment of a share for an old-producer farm and has found that such share was in error because of the use of incorrect data or misapplication of these regulations, the State committee upon its own initiative or upon application of the operator, may within the acreage available under paragraph (c) of § 855.25 increase the share for such farm to a level so as to give effect to the use of correct data or proper application of these regulations.

§ 855.34 Eligibility for payment under the Act.

In addition to the conditions of payment set forth in Part 892 of this chapter, a producer must comply with the following provisions to be eligible for payment under the Act.

(a) The total acreage of 1967-crop cane on the farm harvested for seed, and harvested and marketed (or processed) for sugar production (except livestock sugar) shall not exceed the final share determined for the farm. The acreage of cane harvested for seed purposes from a farm and planted as seed on another farm will be considered as acreage of the latter farm harvested for seed for purposes of compliance with the proportionate share established for such latter farm, except where the seed cane was harvested within the share established for the farm on which grown or from an experimental farm operated by a State or Federal Agency. Where such seed cane was grown on a farm for which a 1967-crop share was not established the operator of the farm on which the seed cane is planted shall notify the committee prior to the acquisition of the seed cane so that the committee may determine, at the expense of the operator, the acreage to be harvested for such purpose, or in the absence of such notification the county committee shall determine the acreage harvested for seed from information available to it at the expense of the operator. The producer shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the share where cane was marketed (or processed) for sugar or for sugar and seed from an acreage on the farm (including acreage of seed cane attributed to such farm under this paragraph) in excess of the share: *Provided*, That (1) such excess acreage is not more than the larger of four-tenths acre or 2 percent of the share but not in excess of 5 acres, (2) the county committee finds and the State committee concurs that such marketings (or processings) were unintentional and (3) within 1 year after the processing of such excess cane the operator arranges for the raw value equivalent of sugar produced from cane in the Mainland Cane Sugar Area, and not marketed to fill a quota for such area as provided in Part 816 of this chapter, to be made subject to a bond given pursuant to Part 816 of this chapter which provides that a condition of such bond shall be that the sugar shall be used for livestock feed. The Sugar Act payment in any such case shall be limited to the amount of sugar commercially recoverable from cane marketed (or processed) from the acreage within such share.

(b) Unless approved by the county committee, the number of share tenants or sharecroppers engaged in 1967-crop cane production on the farm shall not be reduced below the number so engaged for the previous crop. In considering such approval, the county committee shall be guided by whether the reduction resulted from voluntary action of the tenants or sharecroppers, or was otherwise beyond the producer's control.

(c) The producer shall not have entered into any leasing or cropping agreement to divert payments to him which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect.

§ 855.35 Disposition of excess acreage.

The provisions of this section apply if the county committee determines there is acreage of cane on a farm in excess of the share.

(a) Excess acreage which the operator elects to plow out, abandon, or harvest for purposes other than for sugar (except livestock sugar) or seed may be disposed of at any time. Notification must be given by the operator when and how disposition will be made to permit verification by a county committee representative of the action taken. Excess acreage of cane disposed of concurrently with acreage harvested within the share must be clearly identified by a county committee representative. Such excess acreage must be so located that it may be disposed of without interfering with the harvest of the proportionate share acreage. The identity of such excess acreage must be maintained after harvest to assure that proper disposition was made: *Provided*, That if cane is harvested from excess acreage for sirup concurrently with the harvest of cane for seed or sugar other than for livestock sugar, and such acreage is not identified as provided above, the producer shall not market a quantity of cane for sugar production or seed greater than the total of the tonnages of cane marketed for sugar, seed, and sirup multiplied by the percentage that the acreage harvested for sugar and seed on the farm is of the total acreage of all cane so marketed.

(b) An estimate of the average tons of cane per acre growing on excess acreage which has been identified and designated for harvest for sirup or livestock sugar must be made before such harvest by a county committee representative and the farm operator. The estimate must be signed by the operator and filed at the county office.

(c) Any operator who markets cane for livestock sugar or sirup from excess acreage must furnish weight tickets to the county committee evidencing that such cane was sold by him or processed by or for him for such purposes. Where excess acreage is identified by a county committee representative and an estimate made, as provided in paragraph (b) of this section, if the average tonnage of cane per acre grown on such excess acreage, as computed by dividing the total tonnage of cane marketed for livestock sugar or sirup by the excess acreage, is less than 80 percent of the estimate made pursuant to paragraph (b) of this section, no payment shall be made until the operator furnishes acceptable proof to the county committee that the cane from all excess acreage on the farm was marketed or disposed of other than for seed or sugar production except for livestock sugar.

(d) The operator must maintain a record of the excess acreage in each field or parts of fields and the method and purpose of disposal of cane grown on such acreage until receipt of the Sugar Act payment for the 1967 crop.

§ 855.36 Failure to file timely or accurate report of acreage in certification counties.

If the operator of a farm, located in a county designated in Part 718, of this title, as a county in which farm operators' certification of the acreage and land use may be accepted in lieu of farm inspection and measurements, fails to file a report in compliance with paragraph (b) (6) of § 718.8 or files a timely report showing that the acreage of cane is within the share for the farm and the county or State committee later determines that such acreage is in excess of the share and was knowingly reported incorrectly by the operator, no payment shall be made with respect to such farm.

Statement of bases and considerations—Sugar Act requirements. The provisions with respect to producer compliance with the conditions for receiving payment, the basis for such payment, considerations required for establishing individual shares, and the protection of interests of new and small producers, tenants, and sharecroppers are set forth in sections 301 and 302 of the Act. (7 U.S.C. 1131, 1132.)

General. Pursuant to the foregoing provisions of the Act, shares are required in any area for a given crop when the Secretary determines that production will be greater than the quantity needed to enable the area to meet the quota and provide a normal carryover inventory as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Shares were required in the Mainland Cane Sugar Area for the 1965 and 1966 crops. The total acreage allocated to the area for the 1965 crop was about 12 percent less than the unrestricted 1964 crop. For the 1966 crop, the total of the shares allocated to each State was slightly in excess of that made available for the previous crop. The effective inventory of sugar on January 1, 1966, was 670,000 tons. Sugar production from the 1966 crop is presently estimated at between 1,150,000 and 1,200,000 tons. Thus, the effective inventory of sugar on January 1, 1967, may be increased by 50,000 to 100,000 tons or to a level representing 65 to 70 percent of the area's 1967 marketing quota of 1,100,000 tons. In the absence of restrictions, 1967 crop acreage would probably exceed this year's. In view of the foregoing it is hereby determined that the production of sugar from the 1967 crop of sugarcane will be in excess of the quantity needed to enable the Mainland Cane Sugar Area to meet its quota and provide a normal carryover inventory, and consequently, it is necessary to restrict 1967-crop acreages.

Public Hearing. On June 14, 1966, an informal public hearing was held in Miami Beach, Fla., to obtain the views and recommendations of interested persons on all matters relating to the establishment of 1967-crop shares. In a press release announcing the hearing, the Department proposed as a basis for discussion that separate State allocations be established at the total of final 1966-crop shares in each State factored to the level of the acreage required to bring sugar supplies into line with quota and carryover requirements. Views were requested as to the level of such acreage. The Department proposed to set aside acreage within each State allocation for making adjustments in shares, establishing shares for new farms and handling appeals. Recommendations were requested as to the level of these set asides. For illustration, several methods for establishing farm bases were proposed with the request that each State recommend the most suitable for conditions in the State. The Department suggested that an appropriate adjustment factor

be applied to the farm base to compute each share, except that farm bases of 50 acres or less would not be factored. Views were also requested concerning a method which would permit each State to utilize the total of the proportionate share acreage allotted. A full discussion was requested on the crediting of sugarcane acreage history of reconstituted farms.

About 60 persons attended the public hearing.

The spokesman for the Florida Sugarcane League, representing all the sugarcane processors in Florida and 98 percent of the producers in the State, made several recommendations including the following: (1) That the 1967 crop be restricted at the level of the 1966 crop; (2) that State allocations not be established, but that if the Department decided to establish them, that no State be permitted to exceed its allocation; (3) that the farm base for each old-producer farm be the 1966 share originally established, plus that part of any adjustment in such share that was actually planted for 1966-crop harvest; (4) that each share be established at 100 percent of the farm base; (5) that no provision such as reallocation of unused acreage or a reserve be included, since it would increase the risk of overproduction and future acreage cuts; and (6) that small set asides be established for new producers, adjustments and handling appeals.

The spokesman for the American Sugarcane League, representing all the sugarcane processors in Louisiana and farmers who produce more than 95 percent of the sugarcane in the State and also the Louisiana Farm Bureau Federation made several recommendations including the following: (1) That the 1967 crop be restricted at an acreage level equaling the actual 1966-crop acreage; (2) that separate State acreage objectives and allocations be established with a provision to permit each State to reach its objective; (3) that the objective or desirable acreage to produce sugarcane be the sum of (a) the 1966 State allocation, (b) acreage needed for eminent domain purposes, (c) 100 acres for Florida and 150 acres for Louisiana for increasing shares granted on appeals, rectifying misapplication of the regulation or errors and for other contingencies, and (d) 125 acres for Florida and 200 acres for Louisiana for new-producer shares of 25 acres each; (4) that the acreage allocation consist of the items included in the acreage objective plus an additional acreage for Louisiana not to exceed 5,000 to represent an estimate of the unused acres to be allotted prior to October 1, 1966; (5) that a compensating adjustment be made in the 1968-crop acreage objective if an error is made in estimating 1967-crop unused acreage causing the State to exceed or fall short of its 1967-crop objective; (6) that the farm share be the 1966-crop share originally established plus any adjustment in such share that was utilized; and (7) that the acreage becoming available from the new-producer set-aside which is not used for that purpose, the estimate of unused acres, and the acreage covered by shares which is lost to industrial or residential development be used to increase shares of other farms.

Both spokesmen stated that the industry would be willing to carry any surplus stocks of sugar which might result from the establishment of 1967 acreages at the same level as for 1966.

A full discussion was held on the crediting of a farm's sugarcane acreage record when the farm is reconstituted. One of the spokesmen for the American Sugar Cane League recommended that if all parties having an interest in the subdivision agree in writing as to the manner in which the history will be credited to parts of the parent farm, that such agreement be approved by the county committee. A spokesman representing various companies in Florida recommended that (1) anyone desiring to grow sugarcane be allowed to buy a share, since the Sugar Act is designed to protect the industry and not perpetuate a vested right in any individual, and (2) an operator of a farm be permitted to move a share to any other lands under his control without retaining the land from which the share was removed for 3 years. In answer to a question by a Department representative, the spokesman stated that it should be permissible to purchase land for the purpose of acquiring acreage history and then to immediately sell such land after planting sugarcane acreage on other lands under his control equal to the history obtained. He further suggested that guidelines be set so as to prevent the dealing in acreage history by someone not interested in growing sugarcane.

Regulation. This regulation provides separate State allocations for Louisiana and Florida within which shares may be established. For each State the allocation will represent the sum of (1) the 1966-crop allocation and (2) the acreage used for 1967 within specific set-asides for establishing shares for new-producer farms and increasing shares of old-producer farms upon appeal to the State committee to correct errors.

A base will be determined for each farm as constituted for the 1966 crop at the level of the 1966-crop accredited acreage record of the farm, except that if the farm operator was prevented from utilizing the 1966-crop share originally established for the farm for reasons beyond his control or he utilized at least 90 percent of such share the base will be determined at the level of such 1966 share. Thus, the base for each farm will not be less than the original 1966-crop share for the farm unless the 1966-crop accredited acreage record for the farm was less than 90 percent of such share and the farm operator willingly underplanted. The method adopted is slightly more restrictive than that proposed by the Louisiana and Florida groups in that protection would not be accorded to producers who voluntarily failed to utilize at least 90 percent of their 1966-crop share. It is believed inequitable to permit these producers to receive the same consideration as that given producers who made an effort to maintain their acreages. A base will also be determined for any farm for which production was lost or reduced after 1963-crop harvest but before 1966-crop harvest through the transfer of acreage to an agency having the right of eminent domain, provided such acreage has not been used to increase the 1965- or 1966-crop share for any land owned by the same person.

The use of the foregoing method in determining farm bases will necessitate the application of an adjustment factor so that the total of shares for old-producer farms will not exceed the State allocation. Based on reliable estimates of the 1966-crop plantings in each State, it is expected that the reduction from 1966-crop shares will be minimal. Because of this minor cutback farm bases of 50 acres or less are not exempt from factoring as was suggested by the Department. If it is known at the time farm bases are determined that cane will not be grown for 1967 harvest on a farm, the base determined for such farm will not be used in computing the adjustment factor. This will further minimize the reduction from the 1966-crop level and will make the acreage for any farm going out of production available to other farms. The shares determined for land lost because of eminent domain, if not used for the 1967 crop, will be held for future use of the owner for 3 years following its acquisition.

Utilization of the total of the shares in each State is made possible through the reallocation of unused acres on old-producer farms (except for some eminent domain cases) to other farms whereon additional acreages may be used. The county committees in Louisiana are authorized to immediately assign unused acreage on farms to other farms within the same counties as soon as underplantings are known. This procedure should expedite the reallotment of this acreage. If the underplantings in a county exceed the demand for additional acreage, the excess will be made available to the State committee for distribution to other counties. Since underplantings heretofore have been distributed throughout Louisiana, this provision should help alleviate the loss of cane supplies in particular areas in Louisiana where significant acreages have been taken out of production. In Florida, where the sugarcane is grown in one large area of the State and unused acreage is not substantial, provision is made for the State committee to reallot unused acreage without regard to county lines. Guidelines are provided the committees for consideration in reallotting the unused acreages.

The 500 acres being made available to Florida and the 800 acres being made available to Louisiana for the establishment of new-producer shares in 1967, represent approximately one-quarter of 1 percent of the acreage allocation for such States. Shares for new producers will be established at a level of 50 acres or a lesser acreage, if requested. In view of the economic factors involved in beginning a new sugarcane operation, including the purchase of specialized farm equipment, it is believed that a proportionate share at a 50 acre level is appropriate.

Small acreages are provided each State committee to correct, upon appeal, any errors made in establishing shares caused by the use of incorrect data or the improper application of the provisions of the regulations. Any of the acreages set aside specifically for establishing new-producer shares or for correcting errors which is not used for these purposes may not be distributed to other farms.

Unlike prior regulations, a specific set aside for making adjustments in shares is not provided. The need for providing such acreage is minimized, since the method used for establishing farm bases will assure that those operators who planted at least 90 percent of the 1966 share for their farms or those planting a lesser percentage because of acceptable reason will not be penalized.

This regulation provides that seed cane planted on a farm which is obtained from another farm for which a share is not established will be considered as having been grown on the farm on which the cane is used. Seed cane has normally been grown on the farm on which it is planted for sugar and has been included in its acreage record on which the share is based. If producers are permitted to purchase seed cane from nonparticipating farms without a compensating adjustment in their own acreage, the effect would be to permit them to market sugarcane for sugar which normally would be used for seed. If this practice were to be carried out extensively a larger carryover inventory would result and it would be necessary to reduce shares generally to compensate for the additional production.

The other provisions of this regulation are generally similar to those which were in effect for the 1966 program.

The 1967-crop sugarcane acreages resulting from this regulation should provide a quantity of sugarcane which will enable the area to meet its quota under the Act and provide a normal carryover inventory.

The provisions of this regulation provide an equitable basis for establishing shares for farms in the area for the 1967 crop of sugarcane.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

Effective date: Date of publication.

Signed at Washington, D.C., on September 8, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-9985; Filed, Sept. 12, 1966; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 54]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple and Murcott Honey oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 6, 1966, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple and Murcott Honey oranges, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.484 Orange Regulation 54.

(a) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., September 12, 1966, and ending at 12:01 a.m., e.s.t., August 1, 1967, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than 2⁸⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2⁸⁄₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2¹⁵⁄₁₆ inches in diameter or smaller.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the applicable meaning given to the respective term in the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title); or in Regulation 105–1.02, as amended, effective January 1, 1966, of the regulations of the Florida Citrus Commission.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 9, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10016; Filed, Sept. 9, 1966; 2:26 p.m.]

[Grapefruit Reg. 63]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 6, 1966, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.485 Grapefruit Regulation 63.

(a) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., September 12, 1966, and ending at 12:01 a.m., e.s.t., August 1, 1967, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which does not grade at least U.S. No. 1 Golden;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{16}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said U.S. Standards for Florida Grapefruit.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Grapefruit (§§ 51.750–51.783 of this title); "Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 9, 1966

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–10017; Filed, Sept. 9, 1966; 2:26 p.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[20,165]

PART 531—STATEMENTS OF POLICY

Continued Inclusion of Time Deposits as Cash

SEPTEMBER 6, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 531.6 of the regulations for the Federal Home Loan Bank System, relating to the continued inclusion of time deposits as cash, to liberalize the basis under which members of the Federal Home Loan Bank System count certificates of deposit as cash, and for the purpose of effecting such amendment, hereby amends § 531.6 of the regulations for the Federal Home Loan Bank System (12 CFR 531.6) to read as follows:

§ 531.6 Continued inclusion of time deposits as cash.

(a) Under § 523.12(b) of this chapter of the regulations for the Federal Home Loan Bank System, "cash" is defined as cash on hand, unpledged deposits in a Federal Home Loan Bank or a State bank performing similar reserve functions, and unpledged demand deposits in banks not in the possession of appropriate supervisory authorities.

(b) Members of the Federal Home Loan Bank System had, under a former ruling of the Board, been permitted to count time deposits open account and time certificates of deposit as cash within specified limits.

(c) In the circumstance, the Board has determined, as a matter of policy, to allow time deposits open account and time certificates of deposits to be counted as cash according to the following schedule and extent:

(1) Time certificates of deposit made or renewed prior to May 20, 1966, may be counted as cash until July 1, 1967, or their expiration date (or first alternative maturity after September 30, 1966), whichever is earlier, except that such time certificates of deposit which have multiple maturity dates of not more than 90 days may be counted as cash until July 1, 1968;

(2) Time certificates of deposit dated on or after May 20, 1966, which have a single maturity date of not more than 90 days or multiple maturity dates of not more than 90 days, may be counted as cash until July 1, 1968, but only to the extent such certificates evidence the reinvestment of funds theretofore evidenced by time certificates of deposit or time deposits open account;

(3) Time deposits open account subject to a notice period of not more than 30 days and representing the reinvestment of funds theretofore evidenced by certificates of deposit or time deposits open account may be counted as cash until July 1, 1968; and

(4) No time deposit open account or deposit evidenced by a certificate of deposit shall be considered as cash unless (i) the association itself made the deposit in question, (ii) the deposit, together with all other time deposits of the association in the same bank, does not exceed the greater of one-fourth of 1 percent of such bank's total deposits as of the bank's last published statement of condition or $10,000, and (iii) no consideration was received from a third party in connection with the making of the deposit.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 66–9992; Filed, Sept. 12, 1966; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 6; Amdt. 3]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of "Affiliates" as Applicable to Franchisees

On March 10 and 11, 1966, a hearing was held pursuant to notice published in the FEDERAL REGISTER on December 15, 1965 (30 F.R. 15438), on the size standards for determining whether a concern operating under a franchise agreement is a small business concern. Interested persons were invited to testify at the hearing and to file written comments.

The primary purpose of the hearing was to determine what changes, if any, should be made in the Small Business Administration rules for determining the eligibility of a franchisee as a small business concern, in view of the growing role of franchising in today's economy, and its effect on the competitive strength of small business.

It was the consensus of those participating in the hearing either in person or by submission of written statements, that franchising contributes significantly to the ability of small concerns to compete effectively with larger organizations; that it offers a relatively safe and promising haven for the small businessman; that it provides business opportunities, otherwise unavailable, for many persons including members of minority groups, and that it is a socially preferable alternative to the further vertical integration of the American economy since it brings to the economy and society most of the benefits and few of the evils thereof. It was also recommended by the great majority of those submitting information that the small Business Administration should consider franchisees as small business concern regardless of the nature of the restrictions in their franchise agreements so long as the right to profit, with ownership, and risk of loss is substantially that of an otherwise eligible small business concern.

After consideration of all views expressed in connection with the hearing, and all views previously submitted to the Small Business Administration on this issue, the amendment set forth below is hereby adopted.

The Small Business Size Standards Regulation (Rev. 6) (31 F.R. 9721), as amended (31 F.R. 10114, 11651) is hereby further amended by revising § 121.3–2(a) as follows:

§ 121.3–2 Definition of terms used in this part.

(a) "Affiliates." Concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships: *Provided, however,* That restraints imposed on a franchisee by its franchise agreement shall not be considered in determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, if the franchisee has the right to profit from his effort, commensurate with ownership, and bears the risk of loss or failure.

* * * * *

This amendment shall become effective upon publication in the FEDERAL REGISTER except that for the purposes of §§ 121.3–8, 121.3–9, and 121.3–12 it shall become effective 60 days after publication.

Dated: September 8, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66–9993; Filed, Sept. 12, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7111, Amdt. 39–286]

PART 39—AIRWORTHINESS DIRECTIVES

Dowty Rotol Propellers

Amendment 39–210 (31 F.R. 4447), AD 66–9–1, requires application of preprimer on propeller blades before application of the primer and deicer boots on Dowty Rotol propellers. Subsequent to the issuance of Amendment 39–210, the Agency has determined that the serial number A.105040 listed in the AD is a blade serial number, rather than a propeller serial number. Therefore, the AD is being amended to apply to certain Dowty Rotol propellers with blade serial numbers below A.105040.

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (26 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–210 (31 F.R. 4447), AD 66–9–1 is amended by amending the applicability statement to read as follows:

Applies to the following Dowty Rotol propellers with propeller blade serial numbers below A.105040: (c) R175/4–30–4/13E installed on Fairchild F–27 and F–27B; (c) R190/4–30–4/50, installed on Fairchild F–27A, F–27F, and F–27G; (c) R186/4–30–4/16, installed on Armstrong Whitworth Argosy Type AW650 Series 101; (c) R184/4–30–4/50, installed on Grumman G–159; (c) R148/4–20–4/21E, installed on Viscount 744; (c) R130/4–20–3/12E, installed on Viscount 745D; and (c) R179/4–20–4/33, installed on Viscount 810.

This amendment becomes effective September 13, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 6, 1966.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 66–9958; Filed, Sept. 12, 1966; 8:45 a.m.]

[Airspace Docket No. 66–SO–70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Anniston, Ala., transition area.

The Anniston transition area is described in § 71.181 (31 F.R. 2149).

The airspace, as currently designated, is predicated, in part, on the 232° bearing from the Anniston radio beacon. Relocation of the radio beacon and realignment of the instrument approach course necessitates alteration of the transition area to reflect these changes.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the Anniston, Ala., transition area is amended as follows:

That portion which reads "* * * and within 2 miles each side of a 232° bearing from the Anniston RBN extending from the Anniston control zone to 12 miles SW of the airport" is deleted and "within 2 miles each side of the 235° bearing from the Anniston RBN extending from the 8-mile radius area to 12 miles SW of the airport" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on September 1, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66–9959; Filed, Sept. 12, 1966; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart C—Standards of Certified Chemical Composition

STEELS (CHIP FORM)

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER. The amendment adds standard reference material 337.

The following amends Title 15 CFR Part 230:

Section 230.7–1 *Steels (chip form)* is amended to add standard 337 as follows:

§ 230.7–1 Steels (chip form).

• • • • •

(b) • • •

CARBON ONLY

Sample No.	Kind	Carbon	Price
337	Basic open hearth, 1.1C (carbon only).	1.09	$5.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: August 29, 1966.

A. V. ASTIN,
Director.

[F.R. Doc. 66–9957; Filed, Sept. 12, 1966; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66–191]

PART 14—APPRAISEMENT

Antidumping; Steel Jacks From Canada

SEPTEMBER 1, 1966.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that steel jacks from Canada, manufactured by J. C. Hallman Manufacturing Co., Ltd., Kitchener (formerly Waterloo), Ontario, Canada, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on August 19, 1966, it notified the Secretary of the Treasury, that an industry in the United States is likely to be injured by reason of the importation of steel jacks from J. C. Hallman Manufacturing Co., Ltd., Kitchener, Ontario, Canada, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to steel jacks from Canada, manufactured by J. C. Hallman Manufacturing Co., Ltd., Kitchener, Ontario, Canada.

Section 14.13(b) of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Steel jacks	Canada	66–191

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 66–9931; Filed, Sept. 12, 1966; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6895]

MISCELLANEOUS AMENDMENTS TO CHAPTER

In order to incorporate the requirements of Subpart B of 26 CFR Part 170, relating to authorizations to execute bonds and consents on behalf of corporate sureties, in the appropriate regulations, 26 CFR Parts 170, 197, 198, 201, 211, 213, 240, 245, and 252 are amended as follows:

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

PARAGRAPH A. 26 CFR Part 170 is amended as follows:

1. Subpart B is deleted.

2. Section 170.42 is amended to delete the parenthetical reference to § 201.194 and the last sentence, which relates to powers of attorney. As amended, § 170.42 reads as follows:

§ 170.42 Other regulations applicable.

All provisions of Part 201 of this chapter not inconsistent with the provisions of this subpart shall remain in full force and effect, and all such provisions applicable to returns, remittances, bonds, and consents of surety, operations by alternate proprietors, and inventories and records, shall be applicable to returns, remittances, bonds, and consents of surety, operations by alternate proprietors, and inventories and records under this subpart.

3. Section 170.95 is amended to make reference to Treasury Department Circular 570 instead of to Form 356 and to delete the last sentence, which relates to powers of attorney. As amended, § 170.95 reads as follows:

§ 170.95 Corporate surety.

Surety bonds required by this subpart may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by the Secretary of the Treasury as set forth in the current revision of Treasury Department Circular 570.

4. New sections, §§ 170.95a and 170.95b, relating to powers of attorney, are inserted immediately following § 170.95, to read as follows:

§ 170.95a Filing of powers of attorney.

Each bond, and each consent to changes in the terms of a bond, shall be accompanied by a power of attorney authorizing the agent or officer who executed the bond or consent to so act on behalf of the surety. The assistant regional commissioner who is authorized to approve the bond, may, when he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or consent.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 170.95b Execution of powers of attorney.

The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed original, it shall be accompanied by certification of its validity.

(61 Stat. 648; 6 U.S.C. 6, 7)

PART 197—DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS

PAR. B. 26 CFR Part 197 is amended as follows:

1. Section 197.67, relating to powers of attorney, is revised to read as follows:

§ 197.67 Filing of powers of attorney.

(a) *Corporate sureties.* Each bond, and each consent to changes in the terms of a bond, shall be accompanied by a power of attorney authorizing the agent or officer who executed the bond or consent to so act on behalf of the surety. The assistant regional commissioner who is authorized to approve the bond, may, when he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or consent. The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed original, it shall be accompanied by certification of its validity.

(b) *Principal.* The principal shall execute and file with the assistant regional commissioner a Form 1534, Power of Attorney, in accordance with the instructions on the form, for every person authorized to execute bonds, sign, or act on behalf of the principal.

(61 Stat. 648; 6 U.S.C. 6, 7)

2. Section 197.69, relating to consents of surety, is revised to read as follows:

§ 197.69 Consents of surety.

Consents of surety to changes in the terms of bonds shall be executed on Form 1533 by the principal and by the surety with the same formality and proof of authority as is required for the execution of bonds.

PART 198—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

PAR. C. 26 CFR Part 198 is amended as follows:

1. Section 198.82 is amended to delete the last sentence, which relates to powers of attorney. As amended, § 198.82 reads as follows:

§ 198.82 Corporate surety.

Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary of the Treasury as set forth in the current revison of Treasury Department Circular 570.

(61 Stat. 648; 6 U.S.C. 6, 7)

2. New sections, §§ 198.82a and 198.82b, relating to powers of attorney, are inserted immediately following § 198.82, to read as follows:

§ 198.82a Filing of powers of attorney.

Each bond, and each consent to changes in the terms of a bond, shall be accompanied by a power of attorney authorizing the agent or officer who executed the bond or consent to so act on behalf of the surety. The assistant regional commissioner who is authorized to approve the bond, may, when he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or consent.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 198.82b Execution of powers of attorney.

The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed original, it shall be accompanied by certification of its validity.

(61 Stat. 648; 6 U.S.C. 6, 7)

PART 201—DISTILLED SPIRITS PLANTS

PAR. D. 26 CFR Part 201 is amended as follows:

1. Section 201.194 is amended to delete the last sentence, which relates to powers of attorney. As amended, § 201.194 reads as follows:

§ 201.194 Corporate surety.

Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular 570.

(61 Stat. 648; 6 U.S.C. 6, 7)

2. New sections, §§ 201.194a and 201.194b, relating to powers of attorney, are inserted, immediately following § 201.194, to read as follows:

§ 201.194a Filing of powers of attorney.

Each bond, and each consent to changes in the terms of a bond, shall be accompanied by a power of attorney authorizing the agent or officer who executed the bond or consent to so act on behalf of the surety. The assistant regional commissioner who is authorized to approve the bond, may, when he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or consent.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 201.194b Execution of powers of attorney.

The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed original, it shall be accompanied by certification of its validity.

(61 Stat. 648; 6 U.S.C. 6, 7)

PART 211—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM

PAR. E. 26 CFR Part 211 is amended as follows:

1. Section 211.73 is amended to delete the last sentence, which relates to powers of attorney. As amended, § 211.73 reads as follows:

§ 211.73 Corporate surety.

Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular 570.

(61 Stat. 648; 6 U.S.C. 6, 7)

2. New sections, §§ 211.73a and 211.73b, relating to powers of attorney, are inserted, immediately following § 211.73, to read as follows:

§ 211.73a Filing of powers of attorney.

Each bond, and each consent to changes in the terms of a bond, shall be accompanied by a power of attorney authorizing the agent or officer who executed the bond or consent to so act on behalf of the surety. The assistant regional commissioner who is authorized to approve the bond, may, when he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or consent.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 211.73b Execution of powers of attorney.

The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed original, it shall be accompanied by certification of its validity.

(61 Stat. 648; 6 U.S.C. 6, 7)

PART 213—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

PAR. F. 26 CFR Part 213 is amended as follows:

1. Section 213.72 is amended to delete the last sentence, which relates to powers of attorney. As amended, § 213.72 reads as follows:

§ 213.72 Corporate surety.

Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular 570.

(61 Stat. 648; 6 U.S.C. 6, 7)

2. New sections, §§ 213.72a and 213.72b, relating to powers of attorney, are inserted, immediately following § 213.72 to read as follows:

§ 213.72a Filing of powers of attorney.

Each bond, and each consent to changes in the terms of a bond, shall be accompanied by a power of attorney authorizing the agent or officer who executed the bond or consent to so act on behalf of the surety. The assistant regional commissioner who is authorized to approve the bond, may, when he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or consent.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 213.72b Execution of powers of attorney.

The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed original, it shall be accompanied by certification of its validity.

(61 Stat. 648; 6 U.S.C. 6, 7)

PART 240—WINE

PAR. G. 26 CFR Part 240 is amended as follows:

1. Section 240.226, relating to corporate sureties, is revised to read as follows:

§ 240.226 Corporate surety.

Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from,

and subject to the limitations prescribed by, the Secretary of the Treasury as set forth in the current revision of Treasury Department Circular 570.

(61 Stat. 648; 6 U.S.C. 6, 7)

2. Section 240.227 is amended to make reference to Treasury Department Circular 570 instead of to Form 356. As amended, § 240.227 reads as follows:

§ 240.227 Two or more corporate sureties.

A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liability in terms upon the face of the bond in a definite, specific amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in the current revision of Treasury Department Circular 570. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

(72 Stat. 1379, 1380; 26 U.S.C. 5354, 5362)

3. Section 240.228, relating to powers of attorney, is revised to read as follows:

§ 240.228 Filing of powers of attorney.

Each bond, and each consent to changes in the terms of a bond, shall be accompanied by a power of attorney authorizing the agent or officer who executed the bond or consent to so act on behalf of the surety. The assistant regional commissioner who is authorized to approve the bond, may, when he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or consent. The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than an manually signed original, it shall be accompanied by certification of its validity.

(61 Stat. 648; 6 U.S.C. 6, 7)

4. Section 240.229 is amended to delete the reference to Department Circular 154. As amended, § 240.229 reads as follows:

§ 240.229 Collateral security.

Bonds required by this part may be secured by collateral in the form of bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, in place of corporate surety, in accordance with the provisions of 31 CFR Part 225. Bonds and notes of the United States, which are nontransferable or the hypothecation of which will not be recognized by the Treasury Department, may not be pledged and deposited as security in lieu of corporate sureties.

(61 Stat. 650; 6 U.S.C. 15)

§ 240.230 [Deleted]

5. Section 240.230, relating to deposit of collateral, is deleted.

6. Section 240.231, relating to consents of surety, is revised to read as follows:

§ 240.231 Consents of surety.

Consents of surety to changes in the terms of bonds shall be executed on Form 1533 by the principal and by the surety with the same formality and proof of authority as is required for the execution of bonds.

7. Section 240.252 is amended to delete the third sentence, which relates to powers of attorney. As amended, § 240.252 reads as follows:

§ 240.252 Application by surety.

A surety on any bond required by this part may at any time, in writing, notify the principal and the assistant regional commissioner in whose office the bond is on file, that he desires after a date named, which shall be at least 60 days, except at least 10 days in the case of tax deferral bond on Form 2053, after the date of notification, to be relieved of liability under the bond. The notice shall be executed in triplicate by the surety, who shall deliver one copy to the principal, and two copies to the assistant regional commissioner. The surety must also file with the assistant regional commissioner an acknowledgment, or other proof of service, of such notice on the principal.

(72 Stat. 1379, 1380; 26 U.S.C. 5354, 5362)

PART 245—BEER

PAR. H. 26 CFR Part 245 is amended as follows:

1. Section 245.54, relating to powers of attorney, is revised to read as follows:

§ 245.54 Filing of powers of attorney.

Each bond, and each consent to changes in the terms of a bond, shall be accompanied by a power of attorney authorizing the agent or officer who executed the bond or consent to so act on behalf of the surety. The assistant regional commissioner who is authorized to approve the bond, may, when he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or consent. The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed original, it shall be accompanied by certification of its validity.

(61 Stat. 648; 6 U.S.C. 6, 7)

2. Section 245.59 is amended to delete the third sentence, which relates to execution of notice. As amended, § 245.59 reads as follows:

§ 245.59 Notice by surety for relief from liability under bond.

A surety may at any time, in writing, notify the principal and the assistant regional commissioner with whom the bond is filed, that he desires after a date named (which shall be at least 60 days after the date of service of such notice on the principal) to be relieved of any liability under the bond which is incurred by the principal after the date named in the notice. The copy of the notice filed by the surety with the assistant regional commissioner must be accompanied by proof of service of the notice on the principal. Unless withdrawn, in writing, before such date, the notice shall become effective on the date named therein. The surety on the bond shall remain liable under the bond in respect to any liability incurred by the principal while the bond is in force and effect.

PART 252—EXPORTATION OF LIQUORS

PAR. I. 26 CFR Part 252 is amended as follows:

1. Section 252.52 is amended to refer to the current revision of Circular 570 and to delete the last sentence, which relates to powers of attorney. As amended, § 252.52 reads as follows:

§ 252.52 Corporate surety.

Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular 570.

(61 Stat. 648; 6 U.S.C. 6, 7)

2. New sections, §§ 252.52a and 252.52b, relating to powers of attorney, are inserted, immediately following § 252.52, to read as follows:

§ 252.52a Filing of powers of attorney.

Each bond, and each consent to changes in the terms of a bond, shall be accompanied by a power of attorney authorizing the agent or officer who executed the bond or consent to so act on behalf of the surety. The assistant regional commissioner who is authorized to approve the bond, may, when he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or consent.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 252.52b Execution of powers of attorney.

The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed original, it shall be accompanied by certification of its validity.

(61 Stat. 648; 6 U.S.C. 6, 7)

3. Section 252.72 is amended to delete the third sentence, which relates to powers of attorney. As amended, § 252.72 reads as follows:

§ 252.72 Application of surety for relief from bond.

A surety on any bond given on Forms 2735, 2737, or 2738, may at any time in writing notify the principal and the assistant regional commissioner in whose office the bond is on file that he desires, after a date named, to be relieved of liability under said bond. Such date shall be not less than 90 days after the date the notice is received by the assistant regional commissioner. The surety shall also file with the assistant regional commissioner an acknowledgment or other proof of service on the principal. If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved from liability to the extent set forth in § 252.73 (b).

(68A Stat. 749, 72 Stat. 1336, 1354, 1362, 1393; 26 U.S.C. 6065, 5062, 5175, 5214, 5522)

Because this Treasury decision merely conforms the provisions of these regulations to similar provisions now contained in Subpart B of 26 CFR Part 170, deletes that subpart, and deletes an internal management instruction from 26 CFR Part 240, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946. This Treasury decision shall become effective on the first day of the first month which begins not later than 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 7805, Internal Revenue Code (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: September 7, 1966.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-9975; Filed, Sept. 12, 1966; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16681, RM-912; FCC 66-805]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Dickinson, N. Dak.

Report and order. 1. The Commission has before it for consideration the proposal to assign Channel 7 to Dickinson, N. Dak., for the purpose of allowing Translator Station KØ7GV to increase power to 100 watts under § 74.702(g) of the Commission's rules and regulations. See notice of proposed rule making, adopted June 2, 1966 (FCC 66-505).

2. Dickinson Radio Association, licensee of Station KDIX-TV, Channel 2, Dickinson, N. Dak., opposes the rule making. Briefly, Station KDIX-TV contends: That it will be economically injured, that the proposal derogates from the mileage separation requirements of § 73.611(a)(4) as concerns Channel 7 assignments at Sheridan, Wyo., and Jamestown, N. Dak., and that the proposal is inconsistent with the objectives and principles of Docket No. 15858 which promulgated the high-power translator rules.

3. Meyer Broadcasting Co., Bismarck, the petitioner in this case, filed reply comments taking issue with the principal objections raised by KDIX-TV. With respect to the economic injury argument, Meyer questions whether this was not raised because of concern for the CATV system which KDIX is now constructing rather than the television station. With respect to cochannel separations, Meyer submits an engineering statement showing that all mileages meet the minimum specifications required by the Commission rules. Meyer also challenges the interpretation that KDIX-TV places on the interpretation of the new high-power translator rules.

4. We treat first the basic question of the interpretation of Docket No. 15858, in which we promulgated the high-power translator rules. Dickinson Radio Association reads Docket No. 15858 to mean that only VHF channels in the Television Table of Assignments which had remained unused for a number of years could be utilized for high-power translator use. Such an interpretation was not intended. There is no reason why a VHF channel cannot be added to a community for use as a high-powered translator, if such an assignment is technically feasible, i.e., in compliance with the mileage separations. The benefits intended by Docket No. 15858 not only are equally achieved in such circumstances, but the bringing of the additional service to a community in this manner may stimulate interest in a regular station.

5. KDIX-TV's allegations that the allocation of Channel 7 to Dickinson would seriously restrict the location of transmitter sites for use of VHF Channel 7 at Jamestown, N. Dak., and Sheridan, Wyo., is erroneous since it is sufficient that the site proposed meets all minimum requirements to the reference points in these cities.

6. We now turn to the economic injury argument. KDIX-TV argues "that the extension of coverage of petitioner's station KFYR-TV by means of the proposed translator on Channel 7 would create an inequitable advantage resulting from its American Research Bureau (ARB) circulation figures, with satellite stations in Minot and Williston, N. Dak.; its established network rates; and its competition for regional, national spot, and network advertising". KDIX-TV thus avers that the competition offered would cause its Station to lose its NBC-ABC network program services. Meyer states that Station KDIX-TV is part of the "KX Network" which has a common sales representative and sales manager for advertising over Station KXJB-TV, Valley City, N. Dak., KXMB-TV, Bismarck, N. Dak., KXAB-TV, Aberdeen, S. Dak., KXMC-TV, Minot, N. Dak. and KDIX. These stations are sold as a group for network and national sales, with a combined rate for all five television stations, and with a resulting combined ARB circulation figure which is over twice that of petitioner's television facilities.

7. In our view, the arguments and showings made by KDIX-TV in this connection are without substantial merit. It is well established that economic injury to an existing station is grounds for withholding action only where such economic injury would affect the public interest, as opposed to the private interests of the complaining station. FCC v. Sanders Brothers Radio Station, 309 U.S. 470 (1940); Carroll Broadcasting Co. v. FCC, 258 F. 2d 440 (C.A.D.C. 1958). As the Court of Appeals remarked in the latter case, the burden of a party making this claim is a heavy one, and we do not find that an adequate basis for refusal has been shown. We should always be slow to act in a manner which would prevent the development of competition, and there is presented here no substantial reason why we should do so. KDIX's assertions are speculative, and we note its position as part of a combined sales arrangement, mentioned above.

8. It appears that the public interest, convenience, and necessity will be served by assigning Channel 7 to Dickinson. Authority for the amendment adopted herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

9. In view of the foregoing: *It is ordered*, That, effective October 17, 1966, the Television Table of Assignments (§ 73.606(b) of the Commission's rules and regulations) is amended, insofar as the city listed below is concerned, to read as follows:

City	*Channel No.*
Dickinson, N. Dak.	2+, *4, 7

10. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: September 7, 1966.

Released: September 8, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9986; Filed, Sept. 12, 1966; 8:48 a.m.]

[1] Commissioners Bartley, Wadsworth, and Johnson absent.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Distributions by Foreign Trusts

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 641, 643, 665, 666, 668, and 669, of the Internal Revenue Code of 1954 to section 7 of the Revenue Act of 1962 (76 Stat. 985), such regulations are amended as follows:

PARAGRAPH 1. Section 1.641(a)–0 is amended by revising paragraph (a) to read as follows:

§ 1.641(a)–0 Scope of Subchapter J.

(a) *In general.* Subchapter J (sections 641 and following), Chapter 1 of the Code, deals with the taxation of income of estates and trusts and their beneficiaries, and of income in respect of decedents. Part I of Subchapter J contains general rules for taxation of estates and trusts (Subpart A), specific rules relating to trusts which distribute current income only (Subpart B), estates and trusts which may accumulate income or which distribute corpus (Subpart C), treatment of excess distributions by trusts (Subpart D), grantors and other persons treated as substantial owners (Subpart E), and miscellaneous provisions relating to limitations on charitable deductions, income of an estate or trust in case of divorce, and taxable years to which the provisions of Subchapter J are applicable (Subpart F). Part I has no application to any organization which is not to be classified for tax purposes as a trust under the classification rules of §§ 301.7701–2, 301.7701–3, and 301.7701–4 of this chapter (Regulations on Procedure and Administration). Part II of Subchapter J relates to the treatment of income in respect of decedents. However, the provisions of Subchapter J do not apply to employee trusts subject to Subchapters D and F, Chapter 1 of the Code, and common trust funds subject to Subchapter H, Chapter 1 of the Code.

* * * * *

PAR. 2. Section 1.643(a) is amended by revising section 643(a)(6) and by adding a historical note. These amended and added provisions read as follows:

§ 1.643(a) Statutory provisions; estates and trusts; definition of distributable net income.

SEC. 643. *Definitions applicable to Subparts A, B, C, and D*—(a) *Distributable net income.* For purposes of this part, the term "distributable net income" means, with respect to any taxable year, the taxable income of the estate or trust computed with the following modifications—

* * * * *

(6) *Income of foreign trust.* In the case of a foreign trust—

(A) There shall be included the amounts of gross income from sources without the United States, reduced by any amounts which would be deductible in respect of disbursements allocable to such income but for the provisions of section 265(1) (relating to disallowance of certain deductions).

(B) Gross income from sources within the United States shall be determined without regard to section 894 (relating to income exempt under treaty).

(C) Paragraph (3) shall not apply to a foreign trust created by a U.S. person. In the case of such a trust, (i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and (ii) the deduction under section 1202 (relating to deduction for excess of capital gains over capital losses) shall not be taken into account.

* * * * *

[Sec. 643(a) as amended by sec. 7(a), Rev. Act 1962 (76 Stat. 985)]

PAR. 3. Section 1.643(a)–3 is amended by revising so much of paragraph (a) as precedes subparagraph (1) to read as follows:

§ 1.643(a)–3 Capital gains and losses.

(a) Except as provided in § 1.643(a)–6, gains from the sale or exchange of capital assets are ordinarily excluded from distributable net income, and are not ordinarily considered as paid, credited, or required to be distributed to any beneficiary unless they are:

* * * * *

PAR. 4. Section 1.643(a)–6 is amended to read as follows:

§ 1.643(a)–6 Income of foreign trust.

(a) Distributable net income of a foreign trust: In the case of a foreign trust (see section 7701(a)(31)), the determination of distributable net income is subject to the following rules:

(1) There is included in distributable net income the amounts of gross income from sources without the United States, reduced by disbursements allocable to such foreign income which would have been deductible but for the provisions of section 265 (relating to disallowance of deductions allocable to tax exempt income). See paragraph (b) of § 1.643(a)–5 for rules applicable when an estate or trust is allowed a charitable contributions deduction under section 642(c).

(2) In the case of a distribution made by a trust before January 1, 1963, for purposes of determining the distributable net income of the trust for the taxable year in which the distribution is made, or for any prior taxable year:

(i) Gross income from sources within the United States is determined by taking into account the provisions of section 894 (relating to income exempt under treaty); and

(ii) Distributable net income is determined by taking into account the provisions of section 643(a)(3) (relating to exclusion of certain gains from the sale or exchange of capital assets).

(3) In the case of a distribution made by a trust after December 31, 1962, for purposes of determining the distributable net income of the trust for any taxable year, whether ending before January 1, 1963, or after December 31, 1962;

(i) Gross income (for the entire foreign trust) from sources within the United States is determined without regard to the provisions of section 894 (relating to income exempt under treaty);

(ii) In respect of a foreign trust created by a U.S. person (whether such trust constitutes the whole or only a portion of the entire foreign trust) (see section 643(d) and § 1.643(d)–1), there shall be included in gross income gains from the sale or exchange of capital assets reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and the deduction under section 1202 (relating to deduction for capital gains) shall not be taken into account; and

(iii) In respect of a foreign trust created by a person other than a U.S. person (whether such trust constitutes the whole or only a portion of the entire foreign trust) (see section 643(d) and § 1.643(d)–1), distributable net income is determined by taking into account all of the provisions of section 643 except section 643(a)(6)(C) (relating to gains from the sale or exchange of capital assets by a foreign trust created by a U.S. person).

(b) The application of this section, showing the computation of distributable net income for one of the taxable years for which such a computation must be made, may be illustrated by the following examples:

Example (1). (1) A trust is created in 1952 under the laws of Country X by the transfer to a trustee in Country X of money and property by a U.S. person. The entire trust constitutes a foreign trust created by a U.S. person. The income from the trust corpus is to be accumulated until the beneficiary, a resident citizen of the United States who was born in 1944, reaches the age of 21 years, and upon his reaching that age, the corpus and accumulated income are to be distributed to him. The trust instrument provides that capital gains are to be allocated to corpus and are not to be paid, credited, or required to be distributed to any beneficiary during the taxable year or paid, permanently set aside, or to be used for the purposes specified in section 643(c). Under the terms of a tax convention between the United States and Country X, interest income received by the trust from U.S. sources is exempt from U.S. taxation. In 1965 the corpus and accumulated income are distributed to the beneficiary. During the taxable year 1964, the trust has the following items of income, loss, and expense:

Interest on bonds of a U.S. corporation	$10,000
Net long-term capital gain from U.S. sources	20,000
Gross income from investments in Country X	40,000
Net short-term capital loss from U.S. sources	5,000
Expenses allocable to gross income from investments in Country X	5,000

(2) The distributable net income for the taxable year 1964 of the foreign trust created by a U.S. person, determined under section 643(a), is $70,000, computed as follows:

Interest on bonds of a U.S. corporation		$10,000
Gross income from investments in Country X		40,000
Net long-term capital gain from U.S. sources	$30,000	
Less: Net short-term capital loss from U.S. sources	5,000	
Excess of net long-term capital gain over net short-term capital loss		25,000
Total		75,000
Less: Expenses allocable to income from investments in Country X		5,000
Distributable net income		70,000

(3) In determining the distributable net income of $70,000, the taxable income of the trust is computed with the following modifications: No deduction is allowed for the personal exemption of the trust (section 643(a)(2)); the interest received on bonds of a U.S. corporation is included in the trust gross income despite the fact that such interest is exempt from U.S. tax under the provisions of the tax treaty between Country X and the United States (section 643(a)(6)(B)); the excess of net long-term capital gain over net short-term capital loss allocable to corpus is included in distributable net income, but such excess is not subject to the deduction under section 1202 (section 643(a)(6)(C)); and the amount representing gross income from investments in Country X is included, but such amount is reduced by the amount of the disbursements allocable to such income (section 643(a)(6)(A)).

Example (2). (1) The facts are the same as in example (1) except that money or property has also been transferred to the trust by a person other than a U.S. person and, pursuant to the provisions of § 1.643(d)–1, during 1964 only 60 percent of the entire trust constitutes a foreign trust created by a U.S. person.

(2) The distributable net income for the taxable year 1964 of the foreign trust created by a U.S. person, determined under section 643(a), is $42,000 computed as follows:

Interest on bonds of a U.S. corporation (60 percent of $10,000)		$6,000
Gross income from investments in Country X (60 percent of $40,000)		24,000
Net long-term capital gain from U.S. sources (60 percent of $30,000)	$18,000	
Less: Net short-term capital loss from U.S. sources (60 percent of $5,000)	3,000	
		15,000
Total		45,000
Less: Expenses allocable to income from investments in Country X (60 percent of $5,000)		3,000
Distributable net income		42,000

(3) The distributable net income for the taxable year 1964 of the portion of the entire foreign trust which does not constitute a foreign trust created by a U.S. person, determined under section 643(a), is $18,000, computed as follows:

Interest on bonds of a U.S. corporation (40 percent of $10,000)		$4,000
Gross income from investments in Country X (40 percent of $40,000)		16,000
Total		20,000
Less: Expenses allocable to income from investments in Country X (40 percent of $5,000)		2,000
Distributable net income		18,000

(4) The distributable net income of the entire foreign trust for the taxable year 1964 is $60,000, computed as follows:

Distributable net income of the foreign trust created by a U.S. person	$42,000
Distributable net income of that portion of the entire foreign trust which does not constitute a foreign trust created by a U.S. person	18,000
Distributable net income of the entire foreign trust	60,000

It should be noted that the difference between the $70,000 distributable net income of the foreign trust in example (1) and the $60,000 distributable net income of the entire foreign trust in this example is due to the $10,000 (40 percent of $25,000) net capital gain which under section 643(a)(3) is excluded from the distributable net income of that portion of the foreign trust in example (2) which does not constitute a foreign trust created by a U.S. person.

PAR. 5. Section 1.643(c)–2 is redesignated § 1.643(d)–2, and §§ 1.643(d) and 1.643(d)–1 are added immediately after § 1.643(c)–1. These added and redesignated sections read as follows:

§ 1.643(d) Statutory provisions; estates and trusts; definition of foreign trusts created by United States persons.

SEC. 643. *Definitions applicable to subparts A, B, C, and D.* * * *

(d) *Foreign trusts created by U.S. persons.* For purposes of this part, the term "foreign trust created by a U.S. person" means that portion of a foreign trust (as defined in section 7701(a)(31)) attributable to money or property transferred directly or indirectly by a U.S. person (as defined in section 7701(a)(30)), or under the will of a decedent who at the date of his death was a U.S. citizen or resident.

[Sec. 643(d) as added by sec. 7(a), Rev. Act 1962 (76 Stat. 985)]

§ 1.643(d)–1 Definition of "foreign trust created by a U.S. person".

(a) In general: For the purposes of Part I, Subchapter J, Chapter 1 of the Internal Revenue Code, the term "foreign trust created by a U.S. person" means that portion of a foreign trust (as defined in section 7701(a)(31) and the regulations thereunder) attributable to money or property (including all accumulated earnings, profits, or gains attributable to such money or property) transferred directly or indirectly to the foreign trust by a U.S. person (as defined in section 7701(a)(30)), or under the will of a decedent who at the date of his death was a U.S. citizen or resident. A foreign trust created by a person who is not a U.S. person, to which a U.S. person transfers money or property, is a foreign trust created by a U.S. person to the extent that the fair market value of the entire foreign trust is attributable to money or property transferred to it by the U.S. person. The transfer of money or property to the foreign trust may be made either directly or indirectly by a U.S. person. Transfers of money or property to a foreign trust do not include transfers of money or property pursuant to a sale of exchange which is made for a full and adequate consideration. Transfers to which section 643(d) and this section apply are transfers of money or property which establish or increase the corpus of a foreign trust. The rules set forth in this section with respect to transfers by a U.S. person to a foreign trust also are applicable with respect to transfers under the will of a decedent who at the date of his death was a U.S. citizen or resident. For provisions relating to the information returns which are required to be filed with respect to the creation of or transfers to foreign trusts, see section 6048 and § 16.3–1 of this chapter (Temporary Regulations under the Revenue Act of 1962).

(b) Determination of a foreign trust created by a U.S. person:

(1) *Transfers of money or property only by a U.S. person.* If all the items of money or property constituting the corpus of a foreign trust were transferred to the trust by a U.S. person, the entire foreign trust is a foreign trust created by a U.S. person.

(2) *Transfers of money or property by both a U.S. person and a person other than a U.S. person; transfers required to be treated as separate funds.* Where there are transfers of money or property by both a U.S. person and a person other than a U.S. person to a foreign trust, and it is necessary, either by reason of the provisions of the governing instrument of the trust or by reason of some other

requirement, that the trustee treat the entire foreign trust as composed of two separate funds, one consisting of the money or property transferred by the U.S. person and the other consisting of the money or property transferred by the person other than the U.S. person, the foreign trust created by a U.S. person shall be the fund consisting of the money or property transferred by the U.S. person. See example (1) in paragraph (c) of this section.

(3) *Transfers of money or property by both a U.S. person and a person other than a U.S. person; transfers not required to be treated as separate funds.* Where the corpus of a foreign trust consists of money or property transferred to the trust (simultaneously or at different times) by a U.S. person and by a person who is not a U.S. person, the foreign trust created by a U.S. person within the meaning of section 643(d) is that portion of the entire foreign trust which, immediately after any transfer of money or property to the trust, the fair market value of money or property transferred to the foreign trust by the U.S. person bears to the fair market value of the corpus of the entire foreign trust.

(c) The provisions of paragraph (b) of this section may be illustrated by the following examples. Example (1) illustrates the application of paragraph (b) (2) of this section. Example (2) illustrates the application of paragraph (b) (3) of this section in a case where there is no provision in the governing instrument of the trust or elsewhere which would require the trustee to treat the corpus of the trust as composed of more than one fund.

Example (1). On January 1, 1964, the date of the creation of a foreign trust, a U.S. person transfers to it stock of a U.S. corporation with a fair market value of $50,000. On the same day, a person other than a U.S. person transfers to the trust Country X bonds with a fair market value of $25,000. The governing instrument of the trust provides that the income from the stock of the U.S. corporation is to be accumulated until A, a U.S. beneficiary, reaches the age of 21 years, and upon his reaching that age, the stock and income accumulated thereon are to be distributed to him. The governing instrument of the trust further provides that the income from the Country X bonds is to be accumulated until B, a U.S. beneficiary, reaches the age of 21 years, and upon his reaching that age, the bonds and income accumulated thereon are to be distributed to him. To comply with the provisions of the governing instrument of the trust that the income from the stock of the U.S. corporation be accumulated and distributed to A and that the income from the Country X bonds be accumulated and distributed to B, it is necessary that the trustee treat the transfers as two separate funds. The fund consisting of the stock of the U.S. corporation is a foreign trust created by a U.S. person.

Example (2). On January 1, 1964, the date of the creation of a foreign trust, a U.S. person transfers to it property having a fair market value of $60,000 and a person other than a U.S. person transfers to it property having a fair market value of $40,000. Immediately after these transfers, the foreign trust created by a U.S. person is 60 percent of the entire foreign trust, determined as follows:

$$\frac{\$60{,}000 \text{ (Value of property transferred by U.S. person)}}{\$100{,}000 \text{ (Value of entire property transferred to trust)}} = 60 \text{ percent}$$

The undistributed net income for the calendar years 1964 and 1965 is $20,000 which increases the value of the entire foreign trust to $120,000 ($100,000 plus $20,000). Accordingly, as of December 31, 1965, the portion of the foreign trust created by the U.S. person is $72,000 (60 percent of $120,000). On January 1, 1966, the U.S. person transfers property having a fair market value of $40,000 increasing the value of the entire foreign trust to $160,000 ($120,000 plus $40,000) and increasing the value of the portion of the foreign trust created by the U.S. person to $112,000 ($72,000 plus $40,000). Immediately after this transfer, the foreign trust created by the U.S. person is 70 percent of the entire foreign trust, determined as follows:

$$\frac{\$112{,}000 \text{ (Value of property transferred by U.S. person)}}{\$160{,}000 \text{ (Value of entire property transferred to the trust)}} = 70 \text{ percent}$$

PAR. 6. Section 1.665(a)–0 is amended to read as follows:

§ 1.665(a)–0 Excess distributions by trusts; scope of subpart D.

Subpart D (section 665 and following), Part I, Subchapter J, Chapter 1 of the Internal Revenue Code, in the case of trusts other than foreign trusts created by U.S. persons, is designed generally to prevent a shift of tax burden to a trust from a beneficiary or beneficiaries. In the case of a foreign trust created by a U.S. person, Subpart D is designed to prevent certain other tax avoidance possibilities. To accomplish these ends, Subpart D provides special rules for treatment of amounts paid, credited, or required to be distributed by a complex trust (subject to Subpart C (section 661 and following) of such Part I) in any year in excess of distributable net income for that year. Such an excess distribution is defined as an accumulation distribution, subject to the limitations in section 665 (b) or (c). An accumulation distribution, in the case of a trust other than a foreign trust created by a U.S. person, is "thrown back" to each of the 5 preceding years in inverse order. In the case of a foreign trust created by a U.S. person such an accumulation distribution is "thrown back," in inverse order, to each of the preceding years to which the Internal Revenue Code of 1954 applies. That is, an accumulation distribution will be taxed to the beneficiaries of the trust in the year the distribution is made or required, but, in general, only to the extent of the distributable net income of those years which was not in fact distributed. However, with respect to a distribution by a trust other than a foreign trust created by a U.S. person, the resulting tax will not be greater than the aggregate of the taxes that would have been attributable to the amount thrown back to previous years had they been included in gross income of the beneficiaries in those years. In the case of a foreign trust created by a U.S. person, the resulting tax is computed under the provisions of section 669. To prevent double taxation, both in the case of a foreign trust created by a U.S. person, and a trust other than a foreign trust created by a U.S. person, the beneficiaries receive a credit for any taxes previously paid by the trust which are attributable to the excess thrown back and which are creditable under the provisions of Chapter 1 of the Internal Revenue Code. Subpart D does not apply to any estate.

PAR. 7. Section 1.665(a)–1 is amended by revising so much of paragraph (a) as precedes subparagraph (1) thereof, by redesignating paragraph (b) as paragraph (c), and by adding a new paragraph (b). These revised, redesignated, and added paragraphs read as follows:

§ 1.665(a)–1 Undistributed net income.

(a) The term "undistributed net income", except in the case of a foreign trust created by a U.S. person, means for any taxable year the distributable net income of the trust for that year as determined under section 643(a), less:

* * * * *

(b) The undistributed net income of a foreign trust created by a U.S. person for any taxable year is the distributable net income of such trust (see § 1.643(a)–6 and the examples set forth in paragraph (b) thereof), less:

(1) The amount of income required to be distributed currently and any other amounts properly paid or credited or required to be distributed to beneficiaries in the taxable year as specified in paragraphs (1) and (2) of section 661(a), and

(2) The amount of taxes imposed on such trust by Chapter 1 of the Internal Revenue Code,

Which are attributable to items of income which are required to be included in such distributable net income. For purposes of subparagraph (2) of this paragraph, the amount of taxes imposed on the trust (for any taxable year), by Chapter 1 of the Internal Revenue Code is the amount of taxes imposed pursuant to the provisions of section 871 which is properly allocable to the undistributed portion of the distributable net income. The amount of taxes imposed pursuant to the provisions of section 871 is the difference between the total tax imposed pursuant to the provisions of that section on the foreign trust created by a U.S. person for the year and the amount which would have been imposed on such trust had all the distributable net income, as determined under section 643 (a), been distributed. The application of the rule in this paragraph may be illustrated by the following examples:

Example (1). A trust was created in 1952 under the laws of Country X by the transfer to a trustee in Country X of money or property by a U.S. person. The entire trust constitutes a foreign trust created by a U.S. person. The governing instrument of the trust provides that $7,000 of income is required to be distributed currently to a U.S. beneficiary and gives the trustee discretion to make additional distributions to the beneficiary. During the taxable year 1963 the trust had income of $10,000 from dividends of a U.S. corporation (on which Federal income taxes of $3,000 were withheld under section 1441 resulting in the receipt by the trust of cash in the amount of $7,000) and $30,000 from dividends of a Country X corporation, none of the gross income of which was derived from sources within the United States. The trustee did not file a U.S. income tax return for the taxable year 1963. The distributable net income of the trust before distributions to the beneficiary for 1963 is $40,000 ($37,000 of which is cash). During 1963 the trustee made distributions to the U.S. beneficiary equaling one-half of the trust's distributable net income. Thus, the U.S. beneficiary is treated as having had distributed to him $5,000 (composed of $3,500 as a cash distribution and $1,500 as the tax imposed pursuant to the provisions of section 871), representing one-half of the income from U.S. sources, and $15,000 in cash, representing one-half of the income from Country X sources or a total of $20,000. The undistributed net income of the trust at the close of taxable year 1963 is $20,000 computed as follows:

Distributable net income		$40,000
Less: Income currently distributed to the beneficiary	$7,000	
Other amounts distributed to the beneficiary	11,500	
Taxes under sec. 871 deemed distributed to the beneficiary	1,500	20,000
Undistributed net income		20,000

Example (2). The facts are the same as in example (1) except that property has been transferred to the trust by a person other than a U.S. person, and during 1963 the foreign trust created by a U.S. person was 60 percent of the entire foreign trust. The trustee paid no income taxes to Country X in 1963.

(1) The undistributed net income of the foreign trust created by a U.S. person for 1963 is $12,000, computed as follows:

Distributable net income (60 percent of each item of gross income of entire trust)		
60 percent of $10,000 U.S. dividends		$6,000
60 percent of $30,000 Country X dividends		18,000
Total		24,000
Less: Income currently distributable to the beneficiary (60 percent of $7,000)	$4,200	
Other amounts distributed to the beneficiary (60 percent of $11,500)	6,900	
Taxes under sec. 871 deemed distributed to the beneficiary (60 percent of $1,500)	900	
Total		12,000
Undistributed net income		12,000

(2) The undistributed net income of the portion of the entire trust which is not a foreign trust created by a U.S. person for 1963 is $8,000, computed as follows:

Distributable net income (40 percent of each item of gross income of entire trust)	
40 percent of $10,000 U.S. dividends	$4,000
40 percent of $30,000 Country X dividends	12,000
Total	$8,000
Less:	
Income currently distributable to the beneficiary (40 percent of $7,000)	$2,800
Other amounts distributed to the beneficiary (40 percent of $11,500)	4,600
Taxes under sec. 871 deemed distributed to the beneficiary (40 percent of $1,500)	600
Total	8,000
Undistributed net income	8,000

(c) However, the undistributed net income for any year to which an accumulation distribution for a later year may be thrown back may be reduced by accumulation distributions in intervening years and also by any taxes imposed on the trust which are deemed to be distributed under section 666 by reason of the accumulation distributions. On the other hand, undistributed net income for any year will not be reduced by any distributions in an intervening year which are excluded from the definition of an accumulation distribution under section 665(b), or which are excluded under section 663(a)(1), relating to gifts, bequests, etc. See paragraph (f)(5) of § 1.668(b)–3 for an illustration of the reduction of undistributed net income for any year by a subsequent accumulation distribution.

PAR. 8. Section 1.665(b) is amended by revising so much of section 665(b) as precedes paragraph (1) and by adding a historical note. These revised and added provisions read as follows:

§ 1.665(b) Statutory provisions; accumulation distributions of trusts other than certain foreign trusts.

SEC. 665. *Definitions applicable to subpart D.* * * *

(b) *Accumulation distributions of trusts other than certain foreign trusts.* For purposes of this subpart, in the case of a trust (other than a foreign trust created by a U.S. person), the term "accumulation distribution" for any taxable year of the trust means the amount (if in excess of $3,000) by which the amounts specified in paragraph (2) of section 661(a) for such taxable year exceed distributable net income reduced by the amounts specified in paragraph (1) of section 661(a). For purposes of this subsection, the amount specified in paragraph (2) of section 661(a) shall be determined without regard to section 666 and shall not include—

* * * * *

[Sec. 665(b) as amended by sec. 7(b), Rev. Act 1962 (76 Stat. 985)]

PAR. 9. Section 1.665(b)–1 is amended by revising the title and paragraphs (a) and (b). These amended provisions read as follows:

§ 1.665(b)–1 Accumulation distributions of trusts other than certain foreign trusts; in general.

(a) Subject to the limitations set forth in § 1.665(b)–2, in the case of a trust other than a foreign trust created by a U.S. person, the term "accumulation distribution" for any taxable year means an amount (if in excess of $3,000) by which the amounts properly paid, credited, or required to be distributed within the meaning of section 661(a)(2) for that year exceed the distributable net income (determined under section 643(a)) of the trust, reduced (but not below zero) by the amount of income required to be distributed currently. (In computing the amount of an accumulation distribution pursuant to the preceding sentence, there is taken into account amounts applied or distributed for the support of a dependent under the circumstances specified in section 677(b) or section 678(c) out of corpus or out of other than income for the taxable year and amounts used to discharge or satisfy any person's legal obligation as that term is used in § 1.662 (a)–4.) If the distribution as so computed is $2,000 or less, it is not an accumulation distribution within the meaning of Subpart D (section 665 and following), Part I, Subchapter J, Chapter 1 of the Code. If the distribution exceeds $2,000, then the full amount is an accumulation distribution for the purposes of Subpart D.

(b) Although amounts properly paid, credited, or required to be distributed under section 661(a)(2) do not exceed the income of the trust during the taxable year, an accumulation distribution may result if such amounts exceed distributable net income reduced (but not below zero) by the amount required to be distributed currently. This may result from the fact that expenses allocable to corpus are taken into account in determining taxable income and hence distributable net income. However, in the case of a trust other than a foreign trust created by a U.S. person, the provisions of Subpart D will not apply unless there is undistributed net income in at least one of the five preceding taxable years. See section 666 and the regulations thereunder.

* * * * *

PAR. 10. Section 1.665(b)–2 is amended by revising the title and paragraph (a). These amended provisions read as follows:

§ 1.665(b)–2 Exclusions from accumulation distributions in the case of trusts (other than a foreign trust created by a U.S. person).

(a) In the case of a trust other than a foreign trust created by a U.S. person, certain amounts paid, credited, or required to be distributed to a beneficiary are excluded under section 665(b) in determining whether there is an accumulation distribution for the purposes of Subpart D (section 665 and following), Part I, Subchapter J, Chapter 1 of the Code. These exclusions are solely for the purpose of determining the amount allocable to preceding years under section 666 and in no way affect the determination under Subpart C (section 661 and following) of such Part I of the beneficiary's tax liability for the year of distribution. Further, amounts excluded from accumulation distributions do not reduce the amount of undistributed net income

for the 5 years preceding the year of distribution.

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PAR. 11. Sections 1.665(c), 1.665(c)–1, 1.665(d), 1.665(d)–1, and 1.665(d)–2 are redesignated §§ 1.665(d), 1.665(d)–1, 1.665(e), 1.665(e)–1, and 1.665(e)–2, respectively. In redesignated § 1.665(d), section 665(c) is redesignated section 665(d) and a historical note is added. In redesignated § 1.665(e), section 665(d) is redesignated section 665(e) and a historical note is added. Redesignated § 1.665(e)–1 is amended by revising paragraph (b) thereof. Immediately after § 1.665(b)–3, there are added new §§ 1.665(c), 1.665(c)–1, and 1.665(c)–2. These new, redesignated, and amended provisions read as follows:

§ 1.665(c) Statutory provisions; accumulation distribution of certain foreign trusts.

SEC. 665. *Definitions applicable to Subpart D.* • • •

(c) *Accumulation distribution of certain foreign trusts.* For purposes of this subpart, in the case of a foreign trust created by a U.S. person, the term "accumulation distribution" for any taxable year of the trust means the amount by which the amounts specified in paragraph (2) of section 661(a) for such taxable year exceed distributable net income, reduced by the amounts specified in paragraph (1) of section 661(a). For purposes of this subsection, the amount specified in paragraph (2) of section 661(a) shall be determined without regard to section 666. Any amount paid to a U.S. person which is from a payor who is not a U.S. person and which is derived directly or indirectly from a foreign trust created by a U.S. person shall be deemed in the year of payment to have been directly paid by the foreign trust.

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[Sec. 665(c) as added by sec. 7(b), Rev. Act 1962 (76 Stat. 985)]

§ 1.665(c)–1 Accumulation distributions of certain foreign trusts; in general.

(a) In the case of a foreign trust created by a U.S. person, the term "accumulation distribution" for any taxable year means an amount by which the amounts properly paid, credited, or required to be distributed within the meaning of section 661(a)(2) for that year exceed the distributable net income (determined under section 643(a)) of the trust, reduced (but not below zero) by the amount of income required to be distributed currently. (In computing the amount of an accumulation distribution pursuant to the preceding sentence, there is taken into account amounts applied or distributed for the support of a dependent under circumstances specified in section 677(b) and section 678(c) out of corpus or out of other than income for the taxable year and amounts used to discharge or satisfy any person's legal obligation as that term is used in § 1.662(a)–4.)

(b) Although amounts properly paid, credited, or required to be distributed under section 661(a)(2) do not exceed the income of the trust during the taxable year, an accumulation distribution may result if such amounts exceed distributable net income reduced (but not below zero) by the amount required to be distributed currently. This may result from the fact that expenses allocable to corpus are taken into account in determining taxable income and hence distributable net income. However, the provisions of Subpart D will not apply unless there is undistributed net income in at least one of the preceding taxable years which began after December 31, 1953, and ended after August 16, 1954. See section 666 and the regulations thereunder.

(c) The provisions of paragraphs (a) and (b) of this section may be illustrated by the examples provided in paragraph (c) of § 1.665(b)–1.

§ 1.665(c)–2 Indirect payments to the beneficiary.

(a) *In general.* Except as provided in paragraph (b) of this section, for purposes of section 665 any amount paid to a U.S. person which is from a payor who is not a U.S. person and which is derived directly or indirectly from a foreign trust created by a U.S. person shall be deemed in the year of payment to the U.S. person to have been directly paid to the U.S. person by the trust. For example, if a nonresident alien receives a distribution from a foreign trust created by a U.S. person and then pays the amount of the distribution over to a U.S. person, the payment of such amount to the U.S. person represents an accumulation distribution to the U.S. person from the trust to the extent that the amount received would have been an accumulation distribution had the trust paid the amount directly to the U.S. person in the year in which the payment was received by the U.S. person. This section also applies in a case where a nonresident alien receives indirectly an accumulation distribution from a foreign trust created by a U.S. person and then pays it over to a U.S. person. An example of such a transaction is one where the foreign trust created by a U.S. person makes the distribution to an intervening foreign trust created by either a U.S. person or a person other than a U.S. person and the intervening trust distributes the amount received to a nonresident alien who in turn pays it over to a U.S. person. Under these circumstances, it is deemed that the payment received by the U.S. person was received directly from a foreign trust created by a U.S. person.

(b) *Limitation.* In the case of a distribution to a beneficiary who is a U.S. person, paragraph (a) of this section does not apply if the distribution is received by such beneficiary under circumstances indicating lack of intent on the part of the parties to circumvent the purposes for which section 7 of the Revenue Act of 1962 (76 Stat. 985) was enacted.

§ 1.665(d) Statutory provisions; excess distributions by trusts; definition of taxes imposed on the trust.

SEC. 665. *Definitions applicable to Subpart D.* • • •

(d) *Taxes imposed on the trust.* • • •

[Sec. 665(d) as redesignated by sec. 7(b) Rev. Act 1962 (76 Stat. 985)]

§ 1.665(d)–1 Taxes imposed on the trust.

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§ 1.665(e) Statutory provisions; excess distributions by trusts; definition of preceding taxable year.

SEC. 665. *Definitions applicable to Subpart D.* • • •

(e) *Preceding taxable year.* • • •

[Sec. 665(e) as redesignated by sec. 7(b), Rev. Act 1962 (76 Stat. 985)]

§ 1.665(e)–1 Preceding taxable year.

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(b) *Simple trusts subject to Subpart D.* An accumulation distribution may be properly allocated to a preceding taxable year in which the trust qualified as a simple trust (that is, qualified for treatment under Subpart B (section 651 and following) of such Part I). In such event, the trust is treated for such preceding taxable year in all respects as if it were a trust to which Subpart C (section 661 and following) of such Part I applies. An example of such a circumstance would be in the case of a trust (required under the trust instrument to distribute all of its income currently) which received in the preceding taxable year extraordinary dividends or taxable stock dividends which the trustee in good faith allocated to corpus, but which are subsequently determined to be currently distributable to the beneficiary. See section 643(a)(4) and § 1.643(a)–4. The trust would qualify for treatment under such Subpart C for the year of distribution of the extraordinary dividends or taxable stock dividends, because the distribution is not out of income of the current taxable year and would be treated as other amounts properly paid or credited or required to be distributed for such taxable year within the meaning of section 661(a)(2). Also, in the case of a trust other than a foreign trust created by a U.S. person, the distribution would qualify as an accumulation distribution for the purposes of such Subpart D if in excess of $2,000 and not excepted under section 665(b) and the regulations thereunder. In the case of a foreign trust created by a U.S. person, the distribution, regardless of the amount, would qualify as an accumulation distribution for the purposes of Subpart D. For the purposes only of such Subpart D, the trust would be treated as subject to the provisions of such Subpart C for the preceding taxable year in which the extraordinary or taxable stock dividends were received and in computing undistributed net income for such preceding year, the extraordinary or taxable stock dividends would be included in distributable net income under section 643(a). The rule stated in the preceding sentence would also apply if the distribution in the later year were made out of corpus without regard to a determination that the extraordinary dividends or taxable stock dividends in question were currently distributable to the beneficiary.

§ 1.665(e)–2 Application of separate share rule.

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PAR. 12. Section 1.666(a) is amended by revising section 666(a) and by adding a historical note. These amended and added provisions read as follows:

§ 1.666(a) Statutory provisions; excess distributions by trusts; allocation of accumulation distribution.

SEC. 666. *Accumulation distribution allocated to 5 preceding years*—(a) *Amount allocated.* In the case of a trust (other than a foreign trust created by a U.S. person) which for a taxable year beginning after December 31, 1953, is subject to Subpart C, the amount of the accumulation distribution of such trust for such taxable year shall be deemed to be an amount within the meaning of paragraph (2) of section 661(a) distributed on the last day of each of the 5 preceding taxable years to the extent that such amount exceeds the total of any undistributed net incomes for any taxable years intervening between the taxable year with respect to which the accumulation distribution is determined and such preceding taxable year. The amount deemed to be distributed in any such preceding taxable year under the preceding sentence shall not exceed the undistributed net income of such preceding taxable year. For purposes of this subsection, undistributed net income for each of such 5 preceding taxable years shall be computed without regard to such accumulation distribution and without regard to any accumulation distribution determined for any succeeding taxable year. In the case of a foreign trust created by a U.S. person, this subsection shall apply to the preceding taxable years of the trust without regard to any provision of the preceding sentences which would (but for this sentence) limit its application to the 5 preceding taxable years.

[Sec. 666(a) as amended by sec. 7(c), Rev. Act 1962 (76 Stat. 986)]

PAR. 13. Section 1.666(a)–1 is amended by revising paragraphs (a) and (c) to read as follows:

§ 1.666(a)–1 Amount allocated.

(a)(1) If a trust other than a foreign trust created by a U.S. person makes an accumulation distribution in any taxable year, the distribution is included in the beneficiary's gross income for that year to the extent of the undistributed net income of the trust for the preceding 5 years. It is therefore necessary to determine the extent to which there is undistributed net income for the preceding 5 years. For this purpose, an accumulation distribution made in any taxable year is allocated to each of the 5 preceding taxable years in turn, beginning with the most recent year, to the extent of the undistributed net income of each of those years. Thus, an accumulation distribution is deemed to have been made from the most recently accumulated income of the trust.

(2) If a foreign trust created by a U.S. person makes an accumulation distribution in any year after December 31, 1962, the distribution is included in the beneficiary's gross income for that year to the extent of the undistributed net income of the trust for the trust's preceding taxable years which began after December 31, 1953, and ended after August 16, 1954. It is therefore necessary to determine the extent to which there is undistributed net income for such preceding taxable years. For this purpose, an accumulation distribution made in any taxable year is first allocated to each of such preceding taxable years in turn, beginning with the most recent year, to the extent of the undistributed net income of each of those years. Thus, an accumulation distribution is deemed to have been made from the most recently accumulated income of the trust.

(3) If a trust that is in part a foreign trust created by a U.S. person and in part a foreign trust created by a person other than a U.S. person makes an accumulation distribution in any year after December 31, 1962, the distribution is deemed made from the undistributed net income of the foreign trust created by a U.S. person in the proportion that the total undistributed net income for all preceding years of the foreign trust created by the U.S. person bears to the total undistributed net income for all years of the entire foreign trust. In addition, such distribution is deemed made from the undistributed net income of the foreign trust created by a person other than a U.S. person in the proportion that the total undistributed net income for all preceding years of the foreign trust created by a person other than a U.S. person bears to the total undistributed net income for all years of the entire foreign trust.

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(c) Paragraphs (a) and (b) of this section may be illustrated by the following examples:

Example (1). In 1964, a domestic trust, reporting on the calendar year basis, makes an accumulation distribution of $25,000. In 1963, the trust had $7,000 of undistributed net income; in 1962, none; in 1961, $12,000; in 1960, $4,000; in 1959, $4,000. The accumulation distribution is deemed distributed $7,000 in 1963, none in 1962, $12,000 in 1961, $4,000 in 1960, and $2,000 in 1959.

Example (2). In 1964, a foreign trust created by a U.S. person, reporting on the calendar year basis, makes an accumulation distribution of $50,000. In 1963, the trust had $12,000 of undistributed net income; in 1962, none; in 1961, $10,000; in 1960, $8,000; in 1959, $5,000; in 1958, $14,000; in 1957, none; in 1956, $3,000; in 1955, $2,000; and in 1954, $1,000. The accumulation distribution is deemed distributed $12,000 in 1963, none in 1962, $10,000 in 1961, $8,000 in 1960, $5,000 in 1959, $14,000 in 1958, none in 1957, $1,000 in 1956.

Example (3). A trust is created in 1952 under the laws of Country X by the transfer to a trustee in Country X of money and property by both a U.S. person and a person other than a U.S. person. During 1964, the trust makes an accumulation distribution of $150,000 to a U.S. beneficiary. For the taxable years 1952 through 1963, the portion of the trust which is a foreign trust created by a U.S. person and the portion of the trust which is a foreign trust created by a person other than a U.S. person had the following amounts of undistributed net income:

Year	Undistributed net income—portion of the trust created by a U.S. person	Undistributed net income—portion of the trust created by a person other than a U.S. person
1963	$20,000	$10,000
1962	25,000	12,000
1961	None	None
1960	16,000	9,000
1959	17,000	8,000
1958	4,000	2,000
1957	None	None
1956	8,000	3,000
1955	11,000	5,000
1954	None	None
1953	12,000	7,000
1952	7,000	4,000
Totals	120,000	60,000

The accumulation distribution in the amount of $150,000 is deemed to have been distributed in the amount of $100,000 (120,000/180,000 x $150,000) from the portion of the trust which is a foreign trust created by a U.S. person, and in the amount of $50,000 (60,000/180,000 x $150,000) from the portion of the trust which is a foreign trust created by a person other than a U.S. person computed as follows:

Year	Throwback to preceding years of foreign trust created by U.S. person	Throwback to preceding years of portion of the entire foreign trust which is not a foreign trust created by a U.S. person
1963	$20,000	$10,000
1962	25,000	12,000
1961	None	None
1960	16,000	9,000
1959	17,000	8,000
1958	4,000	2,000
1957	None	None
1956	8,000	3,000
1955	10,000	5,000
1954	None	None
1953	None	1,000
1952	None	None
Totals	100,000	50,000

However, pursuant to paragraph (a)(1) of this section the accumulation distribution in the amount of $50,000 from the portion of the trust which is a foreign trust created by a person other than a U.S. person is included in the beneficiary's gross income for 1964 to the extent of the undistributed net income of the trust for the preceding 5 years. Accordingly, only the undistributed net income for the years 1959 through 1963 which totals $39,000 is includible in the beneficiary's gross income.

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PAR. 14. Section 1.668(a) is amended by revising section 668(a) and by adding a historical note. These amended and added provisions read as follows:

§ 1.668(a) Statutory provisions; excess distributions by trusts; treatment of amounts deemed distributed in preceding taxable years; amounts treated as received in prior taxable years.

SEC. 668. *Treatment of amounts deemed distributed in preceding years*—(a) *Amounts treated as received in prior taxable years.* The total of the amounts which are treated under section 666 as having been distributed by the trust in a preceding taxable year shall be included in the income of a beneficiary or beneficiaries of the trust when paid, credited, or required to be distributed to the extent that such total would have been included

in the income of such beneficiary or beneficiaries under section 662(a)(2) and (b) if such total had been paid to such beneficiary or beneficiaries on the last day of such preceding taxable year. The portion of such total included under the preceding sentence in the income of any beneficiary shall be based upon the same ratio as determined under the second sentence of section 662(a)(2) for the taxable year in respect of which the accumulation distribution is determined, except that proper adjustment of such ratio shall be made, in accordance with regulations prescribed by the Secretary or his delegate, for amounts which fall within paragraphs (1) through (4) of section 665(b). The tax of the beneficiaries attributable to the amounts treated as having been received on the last day of such preceding taxable year of the trust shall not be greater than the aggregate of the taxes attributable to those amounts had they been included in the gross income of the beneficiaries on such day in accordance with section 662(a)(2) and (b). Except as provided in section 669, in the case of a foreign trust created by a U.S. person the preceding sentence shall not apply to any beneficiary who is a U.S. person.

[Sec. 668(a) as amended by sec. 7(d), Rev. Act 1962 (76 Stat. 986)]

PAR. 15. Section 1.668(a)-4 is amended by revising so much of paragraph (a) as precedes subparagraph (1) thereof to read as follows:

§ 1.668(a)-4 Tax attributable to throwback.

(a) The tax attributable to amounts deemed distributed under section 666 is imposed on the beneficiary for the taxable year of the beneficiary in which the accumulation distribution is made unless the taxable year of the beneficiary is different from that of the trust (see section 662(c) and the regulations thereunder). In the case of a trust (other than a foreign trust created by a U.S. person), the tax cannot be greater than the aggregate of the taxes attributable to those amounts had they been included, in accordance with the provisions of section 662(a)(2) and (b), in the gross income of the beneficiary for the preceding taxable year or years in which they were deemed distributed. In the case of a foreign trust created by a U.S. person, the tax on the beneficiary shall be computed in accordance with the provisions of section 669 and the regulations thereunder. The tax liability of the beneficiary of a trust (other than a foreign trust created by a U.S. person), including the portion of an entire foreign trust which does not constitute a foreign trust created by a U.S. person (see § 1.643(d)-1), for the taxable year is computed in the following manner:

* * * * *

PAR. 16. Section 1.668(b)-2 is amended by revising so much thereof as precedes the example to read as follows:

§ 1.668(b)-2 Illustration of the provisions of Subpart D.

The provisions of Subpart D (section 665 and following), Part I, Subchapter J, Chapter 1 of the Code, other than provisions relating to a foreign trust created by a U.S. person, may be illustrated by the following example:

* * * * *

PAR. 17. Immediately after § 1.668(b)-2, there are added the following new sections:

§ 1.669(a) Statutory provisions; special rules applicable to certain foreign trusts; limitation on tax.

SEC. 669. *Special rules applicable to certain foreign trusts*—(a) *Limitation on tax*—(1) *General rule.* At the election of a beneficiary who is a U.S. person (as defined in section 7701(a)(30)) and who satisfies the requirements of subsection (b), the tax attributable to the amounts treated under section 668(a) as having been received by him from a foreign trust created by a U.S. person on the last day of a preceding taxable year of the trust shall not be greater than—

(A) The tax determined under the next to the last sentence of section 668(a), or

(B) The tax determined by multiplying by the number of preceding taxable years of the trust, on the last day of each of which an amount is deemed under section 666(a) to have been distributed, the average of the increase in tax attributable to recomputing the beneficiary's gross income for the taxable year and each of his 2 taxable years immediately preceding the year of the accumulation distribution by adding to the income of each of such years an amount determined by dividing the amount required to be included in income under section 668(a) by such number of preceding taxable years of the trust. The recomputation for the taxable year shall be made without regard to the inclusion in income required by section 668(a) of any amount other than pursuant to this paragraph.

(2) *Exceptions.* (A) When an accumulation distribution is deemed under section 666(a) to have been distributed on the last day of less than 3 taxable years of the trust, the taxable years of the beneficiary for which a recomputation is made under subsection (a)(1)(B) shall equal the number of years to which section 666(a) applies, commencing with the most recent taxable year of the beneficiary.

(B) If a beneficiary was not alive on the last day of each preceding taxable year of the trust with respect to which a distribution is deemed made under section 666(a), paragraph (1)(A) of this subsection shall not apply. In applying paragraph (1)(B) of this subsection, no recomputation shall be made for a beneficiary for a taxable year for which he was not alive; if he has no preceding taxable year, the recomputation shall be made on the basis of his taxable year without regard to the inclusion in income required by section 668(a) of any amount other than pursuant to paragraph (1)(B).

(3) *Effect of prior election.* In computing the limitation on tax under paragraph (1) of this subsection for any beneficiary—

(A) *Subsequent election under paragraph (1)(A).* If an election has been made under paragraph (1)(B) of this subsection, for purposes of a subsequent election under paragraph (1)(A) the income of any year with respect to which an amount is deemed distributed to a beneficiary under section 666(a) shall include amounts previously deemed distributed to such beneficiary for such year as a result of an accumulation distribution with respect to which an election under paragraph (1)(B) was made.

(B) *Subsequent election under paragraph (1)(B).* If with respect to an accumulation distribution an election has been made under either paragraph (1)(A) or paragraph (1)(B) of this subsection, or the next to the last sentence of section 668(a) has applied, for purposes of a subsequent election under paragraph (1)(B) the number of preceding taxable years of the trust with respect to which an amount is deemed distributed to a beneficiary under section 666(a) shall be determined without regard to any such year with respect to which an amount was previously deemed distributed to such beneficiary.

[Sec. 669(a) as added by sec. 7(e), Rev. Act 1962 (76 Stat. 986)]

§ 1.669(a)-1 Limitation on tax.

(a) *In general.* Section 669 provides that, at the election of a beneficiary who is a U.S. person (as defined in section 7701(a)(30)) and who satisfies the requirements of section 669(b) (that certain information with respect to the operation and accounts of the trust be supplied), the tax attributable to the amounts treated under section 668(a) as having been received by him, from a foreign trust created by a U.S. person, on the last day of a preceding taxable year of the trust shall not be greater than the tax computed under section 669(a)(1)(A) (the computation under this provision will hereinafter be referred to as the "exact throwback" method) or under section 669(a)(1)(B) (the computation under this provision will hereinafter be referred to as the "short-cut throwback" method). This election of the beneficiary with respect to the taxable year of the beneficiary in which the distribution is made shall be made with the district director before the expiration of the period of limitations for assessment provided in section 6501 for such taxable year.

(b) *Where no election is made.* If the beneficiary does not make the election provided in section 669(a) in the manner required in section 669(b) and § 1.669(b)-2, or furnish the information with respect to the operation and accounts of the foreign trust created by a U.S. person required by section 669(b) and § 1.669(b)-1, the tax on an accumulation distribution treated under section 668(a) as having been received by him from such foreign trust on the last day of a preceding taxable year of the trust shall be computed without reference to section 668 or 669. In such case, the entire accumulation distribution will be included in the gross income of the beneficiary in the year in which it is paid, credited, or required to be distributed, and tax for such year will be computed on the basis of the beneficiary's total taxable income for the year after taking into account such inclusion in gross income.

(c) *Year for which tax is payable.* The tax, regardless of the manner in which computed, of the beneficiary which is attributable to an accumulation distribution is imposed on the beneficiary for the taxable year of the beneficiary in which the accumulation distribution is made to him unless the taxable year of the beneficiary is different from that of the trust. See section 662(c) and § 1.662(c)-1.

§ 1.669(a)-2 Rules applicable to section 669 computations.

(a) *In general.* (1) Section 668(a) provides that the total of the amounts treated under section 666 as having been distributed by the foreign trust created by a U.S. person on the last day of a preceding taxable year of such trust shall be included in the gross income of the beneficiary or the beneficiaries who are U.S. persons receiving them. The total of such amounts is includible in the gross income of each beneficiary to the extent the amount would have been included in his gross income under section 662 (a)(2) and (b) if the total had actually been paid by the trust on the last day of such preceding taxable year. The total is included in the gross income of the beneficiary for the taxable year of the beneficiary in which such amounts are in fact paid, credited, or required to be distributed unless the taxable year of the beneficiary differs from the taxable year of the trust (see section 662(c) and § 1.662(c)-1). The rules set forth in section 662(b) and §§ 1.662(b)-1 and 1.662(b)-2 shall be applied in determining the character in the hands of the beneficiary of the amount, including taxes included in the distribution or deemed distributed, treated as received by a beneficiary in prior taxable years.

(2) The total of the amounts treated under section 666 as having been distributed by the trust on the last day of a preceding taxable year of the trust are included as prescribed in subparagraph (1) of this paragraph in the gross income of the beneficiary even though as of that day the beneficiary would not have been entitled to receive them had they actually been distributed on that day.

(3) Any deduction allowed to the trust in computing distributable net income for a preceding taxable year (such as depreciation, depletion, etc.) is not deemed allocable to a beneficiary because of the amounts included in a beneficiary's gross income under this section since the deduction has already been utilized in reducing the amount included in the beneficiary's income.

(b) *Allocation among beneficiaries of a foreign trust.* Where there is more than one beneficiary the portion of the total amount includible in gross income under paragraph (a) of this section which is includible in the gross income of a beneficiary who is a U.S. person is based upon the ratio determined under the second sentence of section 662(a)(2) for the taxable year in which distributed (and not for the preceding taxable year). This paragraph may be illustrated by the example in § 1.668(a)-2.

(c) *Credit for Federal income taxes paid by the trust*—(1) *Current distributions.* The Federal income taxes imposed by the provisions of section 871 on the income of a foreign trust created by a U.S. person shall be included in the gross income of the beneficiary, who is a U.S. person, for the taxable year in which such income is paid, credited, or required to be distributed to the beneficiary.

(2) *Accumulation distribution.* (i) If an accumulation distribution is deemed under § 1.666(a)-1 to be distributed on the last day of a preceding taxable year and the amount is not less than the undistributed net income for such preceding taxable year, then an additional amount equal to the taxes imposed on the trust pursuant to the provisions of section 871 for such preceding taxable year is likewise deemed distributed under section 661(a)(2).

(ii) If an accumulation distribution is deemed under § 1.666(a)-1 to be distributed on the last day of a preceding taxable year and the amount is less than the undistributed net income for such preceding taxable year, then an additional amount (representing taxes) is likewise deemed distributed under section 661(a)(2). The additional amount is equal to the taxes imposed on the trust pursuant to the provisions of section 871 for such preceding taxable year, multiplied by the fraction the numerator of which is the amount of the accumulation distribution attributable to such preceding taxable year and the denominator of which is the undistributed net income for such preceding taxable year.

(3) *Credit under section 32.* Credit under section 32 is allowable to the beneficiary for Federal income taxes withheld at source under Subchapters A and B of Chapter 3 and which are deemed distributed to him. The credit shall be allowed against the tax of the beneficiary for the taxable year of the beneficiary in which the income is paid, credited, or required to be distributed to him, or in which the accumulation distribution to which such taxes relate is made to him.

(d) *Credit for foreign income taxes paid by the trust.* To the extent provided in section 901, credit under section 33 is allowable to the beneficiary for the foreign taxes paid or accrued by the trust to a foreign country.

§ 1.669(a)-3 Tax computed by the exact throwback method.

(a) *Tax attributable to amounts treated as received in preceding taxable years.* If a taxpayer elects to compute the tax, on amounts deemed distributed under section 666, by the exact throwback method provided in section 669(a)(1)(A), the tax liability of the beneficiary for the taxable year in which the accumulation distribution is paid, credited, or required to be distributed is computed as provided in paragraph (b) of this section. The beneficiary may not elect to use the exact throwback method of computing his tax on an accumulation distribution as provided in section 669(a)(1)(A) if he were not alive on the last day of each preceding taxable year of the foreign trust created by a U.S. person with respect to which a distribution is deemed made under section 666(a). Thus, if a portion of an amount received as an accumulation distribution was accumulated by the trust during years before the beneficiary was born, the beneficiary is not permitted to elect the exact throwback method provided in section 669(a)(1)(A). See § 1.669(a)-4 for the computation of the tax on an accumulation distribution by the short-cut throwback method provided in section 669(a)(1)(B) under these circumstances.

(b) *Computation of tax.* The tax referred to in paragraph (a) of this section is computed as follows:

(1) First, compute the tax attributable to the section 666 amounts for each of the preceding taxable years. To determine the section 666 amounts attributable to each of the preceding taxable years, see § 1.666(a)-1. The tax attributable to such amounts in each such preceding taxable year is the difference between the tax for such preceding taxable year computed with the inclusion of the section 666 amounts in gross income, and the tax for such year computed without including them in gross income. Tax computations for each preceding year shall reflect the taxpayer's marital and dependency status for that year.

(2) Second, add—

(i) The sum of the taxes for the preceding taxable years attributable to the section 666 amounts (computed in accordance with subparagraph (1) of this paragraph), and

(ii) The tax for the taxable year of the beneficiary in which the accumulation distribution is paid, credited, or required to be distributed to him, computed without including the section 666 amounts in gross income.

The total of these amounts is the beneficiary's tax, computed under section 669(a)(1)(A) for the taxable year in which the accumulation distribution is paid, credited, or required to be distributed to him.

(c) *Effect of prior election.* In computing the tax attributable to an accumulation distribution for the taxable year in which such accumulation distribution is paid, credited, or required to be distributed to him, the beneficiary in computing the tax attributable to section 666 amounts for each of the preceding taxable years, must include in his gross income for each such year the section 666 amounts deemed distributed to him in such year resulting from prior accumulation distributions made to him in taxable years prior to the current taxable year. These section 666 amounts resulting from such prior accumulation distributions must be included in the gross income for such preceding taxable year even though the tax on the accumulation distribution of such prior taxable year was computed by the short-cut throwback method provided in section 669(a)(1)(B) and § 1.669(a)-4.

§ 1.669(a)-4 Tax attributable to short-cut throwback method.

(a) *Manner of computing tax.* If a beneficiary has elected under section 669(a) to compute the tax on the amounts deemed distributed under section 666 by the short-cut throwback method provided in section 669(a)(1)(B), the tax liability of the beneficiary for the taxable year is computed in the following manner:

(1) First, determine the number of preceding taxable years of the trust, on the last day of which an amount is deemed under section 666(a) to have been distributed. In any case where there has been a prior accumulation distribution with respect to which the beneficiary has elected to compute his tax either by the exact throwback method or by the short-cut throwback method, or to which the next to the last sentence of

section 668(a) has applied, for purposes of an election to use the short-cut throwback method with respect to a subsequent accumulation distribution, in determining the number of preceding taxable years of the trust with respect to which an amount of the subsequent accumulation distribution is deemed distributed to a beneficiary under section 666(a), there shall be excluded any preceding taxable year during which any part of the prior accumulation distribution was deemed distributed to the beneficiary. For example, assume that an accumulation distribution of $90,000 made to a beneficiary in 1963 is deemed distributed in the amounts of $25,000 in each of the years 1962, 1961, and 1960, and in the amount of $15,000 in 1959, and a subsequent accumulation distribution of $85,000 made to the same beneficiary in 1964 is deemed distributed in the amount of $10,000 during 1959, and $25,000 during each of the years 1958, 1957, and 1956. The accumulation distribution made in 1963 is deemed distributed in 4 preceding taxable years of the trust (1962, 1961, 1960, and 1959). Inasmuch as the year 1959 was a year during which part of the 1963 accumulation distribution was deemed distributed, for purposes of determining the number of preceding taxable years in which the accumulation distribution of $85,000 made in 1964 is deemed distributed, the year 1959 is excluded and the $85,000 accumulation distribution is deemed distributed in three preceding taxable years (1958, 1957, and 1956).

(2) Second, divide the number of preceding taxable years of the trust, on the last day of which an amount is deemed under section 666(a) to have been distributed (determined as provided in subparagraph (1) of this paragraph) into the amount (representing an accumulation distribution made by a foreign trust created by a U.S. person) required to be included under section 668(a) in the gross income of the beneficiary for the taxable year,

(3) Third, compute the tax of the beneficiary for the current taxable year (the year in which the accumulation distribution is paid, credited, or required to be distributed to him) and for each of the 2 taxable years immediately preceding such year,

(i) With the inclusion in gross income of the beneficiary for each of such 3 years of the amount determined under subparagraph (2) of this paragraph, and

(ii) Without such inclusion.

The difference between the amount of tax computed under subdivision (i) of this subparagraph for each year and the amount computed under subdivision (ii) of this subparagraph for that year is the additional tax resulting from the inclusion in gross income for that year of the amount determined under subparagraph (2) of this paragraph. If the number of preceding taxable years of the trust, on the last day of which an amount is deemed under section 666(a) to have been distributed, is less than three, the taxable years of the beneficiary for which this recomputation is made shall equal the number of years in which an amount is deemed under section 666(a) to have been distributed, commencing with the taxable year of the beneficiary in which the accumulation distribution is paid, credited, or required to be distributed to him. If the beneficiary was not alive during one of the two taxable years immediately preceding the taxable year, the tax resulting from the inclusion of the amount determined in subparagraph (2) of this paragraph in the gross income of the beneficiary will be computed only for the taxable year in which the accumulation distribution was paid, credited, or required to be distributed to him and the preceding year during which the beneficiary was alive. In the event the beneficiary was not alive during either of the 2 years immediately preceding the taxable year in which the accumulation distribution was paid, credited, or required to be distributed, the tax shall be computed on the basis of the beneficiary's taxable year without regard to the inclusion in income required by section 668(a) of any amount other than pursuant to section 669(a)(1)(B). For example, assume that a foreign trust created by a U.S. person accumulates $3,000 of income in 1964 and $7,000 in 1963 and then distributes the accumulated income on January 1, 1965, to a beneficiary who is a U.S. person. The limitation on tax is determined by recomputing the beneficiary's gross income for 1964 and 1965 by adding $5,000 to his gross income for each year. If the same distribution were made to an infant who was born in 1965, the limitation on tax would be computed by adding $5,000 to his gross income for such year. In the case of the infant, the resulting increase in tax would be multiplied by two to arrive at the limitation on the increase in his tax for 1965 attributable to such distribution.

(4) Fourth, add the additional taxes resulting from the application of subparagraph (3) of this paragraph for the taxable year and the 2 taxable years (or the 1 taxable year, where applicable) immediately preceding the year in which the accumulation distribution is paid, credited, or required to be distributed and then divide this amount by three (or two, where applicable). The resulting amount is then multiplied by the number of preceding taxable years of the trust, on the last day of which an amount is deemed under section 666(a) to have been distributed (previously determined under subparagraph (1) of this paragraph). The resulting amount is the tax, under the short-cut throwback method provided in section 669(a)(1)(B), which is attributable to the amounts treated under section 668(a) as having been received by the beneficiary from a foreign trust created by a U.S. person on the last day of a preceding taxable year.

(5) Fifth, add the amount determined under subparagraph (4) of this paragraph to the beneficiary's tax for the taxable year in which the accumulation distribution was paid, credited, or required to be distributed to him, computed without inclusion of the accumulation distribution in gross income for that year. The total is the beneficiary's income tax for such year.

(b) *Credit for tax paid by trust.* The income taxes distributed, or deemed distributed, to a beneficiary in the manner described in paragraphs (c) and (d) of § 1.669(a)–2 are included in the beneficiary's gross income for purposes of the computations required by this section. To the extent provided in § 1.669(a)–2, credits for such taxes are allowable to the beneficiary. In the computations under the short-cut throwback method provided in section 669(a)(1)(B), the rules set forth in section 662(b) and § 1.662(b)–1 shall be applied in determining the character, in the hands of the beneficiary, of the amounts, including taxes includible in the distribution or deemed distributed, treated as received by a beneficiary in prior taxable years. For example, if one-fifth of such amounts represents tax-free income, then one-fifth of the amount determined under paragraph (a)(2) of this section shall be treated as tax-free income.

§ 1.669(b) Statutory provisions; special rules applicable to certain foreign trusts; information requirements.

SEC. 669. *Special rules applicable to certain foreign trusts* • • •

(b) *Information requirement.* The election of a beneficiary to apply the limitations on tax provided in subsection (a) of this section shall not be effective unless the beneficiary at the time of making the election supplies such information with respect to the operation and accounts of the trust, for each taxable year on the last day of which an amount is deemed distributed under section 666(a), as the Secretary or his delegate may by regulations prescribe.

(Sec. 669(b) as added by sec. 7(e), Rev. Act 1962 (76 Stat. 906))

§ 1.669(b)–1 Information requirements.

The election of a beneficiary who is a U.S. person to apply the limitations on tax provided in section 669(a) shall not be effective unless the beneficiary, at or before the time the election is made, supplies, in a letter addressed to the district director for the internal revenue district in which the taxpayer files his return (or the Director of International Operations where appropriate), or in a statement attached to his return, the following information with respect to the operation and accounts of the foreign trust created by a U.S. person for each of the preceding taxable years, on the last day of which an amount is deemed distributed under section 666(a):

(a) The gross income of the trust. The gross income should be separated to show the amount of each type of income received by the trust and to identify its source. For example, the beneficiary should list separately, by type (dividends, rents, capital gains, taxable interest, exempt interest, etc.) and source (name and country of payor), each item of income included in the gross income of the trust. For this purpose, the gross income of the trust includes gross income from U.S. sources which is exempt from taxation under section 894.

(b) The amount of tax withheld under section 1441 by the United States on income from sources within the United States.

(c) The amount of the tax paid to each foreign country by the trust.

(d) The expenses of the trust attributable to each type of income disclosed in paragraph (b) of this section, and the general expenses of the trust.

(e) The distributions, if any, made by the trust to the beneficiaries (including those who are not U.S. persons). These distributions should be separated into amounts of income required to be distributed currently within the meaning of section 661(a)(1), and any other amounts properly paid, credited, or required to be distributed within the meaning of section 661(a)(2).

(f) Any other information which is necessary for the computation of tax on the accumulation distribution as provided in section 669(a).

(g) If the foreign trust created by a U.S. person is less than the entire foreign trust, the information listed in paragraphs (a) through (f) of this section shall also be furnished with respect to that portion of the entire foreign trust which is not a foreign trust created by a U.S. person.

§ 1.669(b)–2 Manner of exercising election.

(a) *By whom election is to be made.* Except as otherwise provided in this paragraph, a taxpayer whose tax liability is affected by the election shall make the election provided in section 669(a). In the case of a partnership, or a corporation electing under the provisions of Subchapter S, Chapter 1 of the Code, the election shall be exercised by the partnership or such corporation.

(b) *Time and manner of making election.* The election under section 669(a) may be made, or revoked, at any time before the expiration of the period provided in section 6501 for assessment of the tax. If an election is revoked, a new election may be made at any time before the expiration of such period. The election (or a revocation of an election) may be made in a letter addressed to the district director of internal revenue for the district in which the taxpayer files his tax return (or the Director of International Operations where appropriate) or may be made in a statement attached to the return. In any case where all the information described in § 1.669(b)–1 is not furnished at or before the time the beneficiary signifies his intention of making an election and by reason thereof an election has not been made, and subsequent thereto, but before the expiration of the period provided in section 6501 for the assessment of the tax, there is furnished the required information not previously furnished, the election will be considered as made at the time such additional information is furnished.

[F.R. Doc. 66-9978; Filed, Sept. 12, 1966; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 32, 33]

HUNTING AND FISHING

Flint Hills National Wildlife Refuge, Kans.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222, 16 U.S.C. 715), the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451, 16 U.S.C. 718d), and the Fish and Wildlife Coordination Act, as amended (48 Stat. 401, 16 U.S.C. 661), it is proposed to amend 50 CFR 32.31 and 33.4 by the addition of Flint Hills National Wildlife Refuge, Kans., to the list of areas open to sport fishing and to the hunting of big game, as legislatively permitted.

It has been determined that sport fishing and the regulated hunting of big game may be permitted as designated on Flint Hills National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.31 is amended by the addition of the following area as one where hunting of big game is authorized:

§ 32.31 List of open areas; big game.

• • • • •

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

• • • • •

2. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

• • • • •

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

• • • • •

ABRAM V. TUNISON,
Acting Director.

SEPTEMBER 7, 1966.

[F.R. Doc. 66-9960; Filed, Sept. 12, 1966; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Additional Time for Filing of Written Data, Views, or Arguments

Pursuant to the provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), a notice of proposed rule making was published in the August 18, 1966, issue of the FEDERAL REGISTER (31 F.R. 10964), regarding proposed expenses of the Prune Administrative Committee for the 1966–67 crop year and rate of assessment for that crop year. The notice afforded interested persons an 8-day period to submit written data, views, or arguments with respect thereto. Request for additional time for filing comments has been made on behalf of the Prune Administrative Committee by Harold Brogger, Assistant Manager. It is necessary that this request be granted so as to afford interested persons an opportunity to further consider the proposal and to file written comment thereon.

Notice is hereby given that additional time is granted to file written data, views, or arguments on the proposal with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, such time to expire midnight, September 30, 1966.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 7, 1966.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-9966; Filed, Sept. 12, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PUEBLO OF COCHITI RESERVATION, N. MEX.

Ordinance Legalizing the Introduction, Sale or Possession of Intoxicants

Pursuant to the Act of August 15, 1953 (Public Law 277, 83d Congress, 1st Session; 67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Pueblo of Cochiti Reservation was duly enacted by the Pueblo of Cochiti Council which has jurisdiction over the area of Indian country included in the ordinance:

This ordinance duly enacted this 22d day of May, 1966, by the Council of the Pueblo of Cochiti, the duly authorized and recognized governing body of the Pueblo de Cochiti, an Indian Tribe having accepted the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. Sec. 478).

Whereas, the Act of August 15, 1953 (67 Stat. 586) empowers Indian Tribes having appropriate jurisdiction to enact an ordinance legalizing the introduction, sale and possession of intoxicating beverages within any area of Indian Country coming within the jurisdiction of such tribe; and

Whereas, the Council of the Pueblo de Cochiti has decided that the enactment of an ordinance pursuant to said Act of Congress is in the best interests of the Pueblo de Cochiti;

Now, therefore, be it ordained and enacted as follows:

SECTION 1. The introduction, sale and possession of intoxicating beverages shall be lawful within the Indian Country under the jurisdiction of the Pueblo de Cochiti: *Provided*, That such introduction, sale and possession is in conformity with the laws of the State of New Mexico; and further provided that the sale of intoxicating beverages within such Indian Country by any person other than the Pueblo de Cochiti shall be pursuant to license issued by the Pueblo de Cochiti Council; and further provided that the introduction, sale and possession of intoxicating beverages by or to Indians within such Indian Country may be prohibited or limited from time to time by the Pueblo de Cochiti Council.

SEC. 2. Any laws, resolutions or ordinances of Pueblo de Cochiti in conflict with the provisions of this ordinance are hereby repealed.

SEC. 3. The ordinance shall be effective upon its certification by the Secretary of the Interior and its publication in the FEDERAL REGISTER.

Duly ordained, enacted and adopted this 22d day of May 1966.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 7, 1966.

[F.R. Doc. 66-9961; Filed, Sept. 12, 1966; 8:45 a.m.]

THEODORE W. NELSON

Report of Appointment and Statement of Financial Interests

JULY 13, 1966.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Theodore W. Nelson.
Name of employing agency: Office of Oil and Gas.
The title of the appointee's position: Alternate Deputy National Administrator, Emergency Petroleum and Gas Administration.
The name of the appointee's private employer or employers: Socony Mobil Oil Co.

The statement of "financial interests" for the above appointee is enclosed.

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER.

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 29, 1966, as Deputy National Administrator, Emergency Petroleum and Gas Administration, an officer or director:

Mobil Oil Corp.—Senior Vice President (since 1962).

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Mobil Oil Corp.
General Telephone & Electronics.
Tennessee Gas Transmission.
Winn Dixie.
Printing Corp. of America.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment.

None.

THEODORE W. NELSON.

AUGUST 29, 1966.

[F.R. Doc. 66-9962; Filed, Sept. 12, 1966; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 66-192]

SCHLUMBERGER TECHNOLOGY CORP.

Notice of Qualification as a Citizen

SEPTEMBER 7, 1966.

This is to give notice that pursuant to § 3.21, Customs Regulations (19 CFR 3.21), issued under the provisions of section 27A of the Merchant Marine Act, 1920, as amended by the Act of September 2, 1958 (46 U.S.C. 883-1), the Schlumberger Technology Corp., Houston, Tex., incorporated under the laws of the State of Texas, did on August 8, 1966, file with the Commissioner of Customs, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in customs Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the Corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw minerals used or sold in its operations.

The Commissioner of Customs having found this oath to be in compliance with the law and regulations, on September 7, 1966, issued to the Schlumberger Technology Corp., a certificate of compliance on customs Form 1262 as provided in § 3.21(1) of the regulations. The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under § 3.21(h) of the regulations.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 66-9974; Filed, Sept. 12, 1966; 8:46 a.m.]

Office of the Secretary

[Order 167-71; Rev. 1]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, and pursuant to the authority delegated to me by Treasury Department Order No. 190 (Rev. 4), there are transferred to the Commandant, U.S. Coast Guard, all functions of the Secretary of the Treasury under Title 37, United States Code.

This order supersedes Treasury Department Orders No. 167-12, dated September 27, 1954; No. 167-34, dated September 24, 1958; and No. 167-69, dated October 20, 1965. Treasury Department Orders No. 167-3, dated May 6, 1953; No. 167-17, dated June 29, 1955; No. 167-18 (Rev. 1), dated July 11, 1958, and No. 167-19, dated January 6, 1956, are also superseded insofar as they relate to Title 37, United States Code, but all other provisions of these orders remain valid.

Dated: September 7, 1966.

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-9977; Filed, Sept. 12, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

INDIANA AND NORTH CAROLINA

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Indiana and North Carolina natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

INDIANA

Carroll.	Knox.
Crawford.	Kosciusko.
Daviess.	Marion.
Delaware.	Morgan.
Dubois.	Perry.
Elkhart.	Pike.
Floyd.	Spencer.
Fountain.	Sullivan.
Hamilton.	Switzerland.
Harrison.	Vermillion.
Hendricks.	Vigo.
Jefferson.	Warren.

NORTH CAROLINA

Cabarrus.	Stanly.
Caldwell.	Wilkes.
Mecklenburg.	

It has also been determined that in the hereinafter-named county in the State of North Carolina the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

North Carolina	*Original designation*
Franklin	31 F.R. 4473

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 7th day of September 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-9967; Filed, Sept. 12, 1966; 8:46 a.m.]

MISSOURI, OHIO, AND TEXAS

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Missouri, Ohio, and Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSOURI

Barry.	Madison.
Barton.	Monroe.
Bollinger.	Oregon.
Charlton.	Ozark.
Dallas.	Polk.
Douglas.	Stone.
Howell.	Taney.
Jasper.	Wayne.
Livingston.	

OHIO

Paulding.

TEXAS

Camp.	Hudspeth.
Cherokee.	Johnson.
Collin.	King.
Colorado.	McCulloch.
Cottle.	San Saba.
Culberson.	Shelby.
El Paso.	Titus.
Fayette.	Upshur.
Franklin.	Williamson.
Gaines.	Wood.

It has also been determined that in the hereinafter-named county in the State of Missouri the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Missouri	*Original designation*
Carroll	30 F.R. 663

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 7th day of September 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-9968; Filed, Sept. 12, 1966; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

FIRST NATIONAL CITY BANK

Notice of Approval of Applicant as Trustee

Notice is hereby given that the First National City Bank, a national banking association, with offices at 55 Wall Street, New York, N.Y., has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: September 9, 1966.

R. G. KRINER,
Deputy Chief,
Office of Ship Operations.

[F.R. Doc. 66-10040; Filed, Sept. 12, 1966; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

REPORTS OF INFORMATION FOR NEW DRUG EFFECTIVENESS

Extension of Time for Submitting Regarding Veterinary

A notice was published in the FEDERAL REGISTER of July 9, 1966 (31 F.R. 9428), announcing that holders of new-drug applications approved between 1938 and October 10, 1962, shall submit certain information on drug effectiveness to the Food and Drug Administration by September 7, 1968.

The Commissioner of Food and Drugs has received requests for an extension of time for submitting this information with respect to veterinary new drugs. Good reason therefor appearing, the time for submitting such information is extended to November 6, 1966, with respect to veterinary new drugs.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(j), 52 Stat. 1052,

as amended 76 Stat. 782; 21 U.S.C. 355 (j)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008).

Dated: September 6, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-9981; Filed, Sept. 12, 1966; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-43]

ATCOR, INC.

Notice of Issuance of Byproduct, Source, and Special Nuclear Material License

Please take notice that no request for a hearing or petition for leave to intervene has been filed following publication of the notice of proposed issuance of Byproduct, Source, and Special Nuclear Material License. The Atomic Energy Commission has this date issued License No. 31-11640-1. The license is in the form set forth in the notice of proposed issuance published in the FEDERAL REGISTER on August 19, 1966, 31 F.R. 11051.

Dated at Bethesda, Md., September 6, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 66-9955; Filed, Sept. 12, 1966; 8:45 a.m.]

DR. MURRAY W. ROSENTHAL

Certification

Pursuant to the proviso contained in section 207 of Title 18 U.S.C. (P.L. 87-849, 76 Stat. 1124), having found that Dr. Murray W. Rosenthal, formerly Technical Assistant to the Assistant General Manager for Reactors, Atomic Energy Commission, and presently an employee of the Union Carbide Corp. at the Oak Ridge National Laboratory (a Government-owned laboratory operated for the Atomic Energy Commission by Union Carbide Corp.), possesses outstanding scientific qualifications, I certify that the national interest would be served by the said Dr. Rosenthal acting as agent for or appearing personally before the Atomic Energy Commission on behalf of the Union Carbide Corp. in connection with the operation of the Oak Ridge National Laboratory by the Corporation under its contract with the Atomic Energy Commission, on matters relating to reactor programs of the Laboratory in which he participated personally and substantially as an employee of the Atomic Energy Commission or which were under his official responsibility as an Atomic Energy Commission employee.

This certification is directed to be published in the FEDERAL REGISTER.

Dated: September 1, 1966.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 66-9956; Filed, Sept. 12, 1966; 8:45 a.m.]

[Docket No. 50-266]

WISCONSIN MICHIGAN POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Wisconsin Michigan Power Co., 231 West Michigan Street, Milwaukee, Wis. 53201, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated August 19, 1966, for authorization to construct and operate a pressurized water nuclear reactor on its Point Beach Nuclear Plant site located on the west shore of Lake Michigan in the town of Two Creeks, approximately 90 miles north northeast of Milwaukee, in Manitowoc County, Wis.

The proposed nuclear reactor, designated by the applicant as the Point Beach Unit No. 1, is designed for initial operation at 1396 thermal megawatts with a net electrical output of 454 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 7th day of September 1966.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-9960; Filed, Sept. 12, 1966; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17672]

CATHAY PACIFIC AIRWAYS, LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on September 14, 1966, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

Dated at Washington, D.C., September 7, 1966.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 66-9971; Filed, Sept. 12, 1966; 8:46 a.m.]

[Docket No. 16987]

WESTERN MONTANA SERVICE INVESTIGATION

Notice of Hearing

Notice is given herewith, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled proceeding will be held before the undersigned Examiner on October 11, 1966, at 10 a.m. (local time), in the District Court, Third Floor, 311 West Main Street, Bozeman, Mont. Upon conclusion of the Bozeman session the hearing will reconvene on October 13, 1966, at 10 a.m. (local time), in the Governor's Room, Hotel Florence, 111 North Higgins Avenue, Missoula, Mont.

For information concerning the issues and other details in this proceeding, interested persons are referred to the Prehearing Conference Report served on July 15, 1966, and other documents which are on file in this proceeding in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 8, 1966.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 66-9973; Filed, Sept. 12, 1966; 8:46 a.m.]

CIVIL SERVICE COMMISSION

NURSES, STATEN ISLAND, N.Y.

Notice of Adjustment of Minimum Rates and Rate Ranges

1. Under authority of section 504 of the Federal Salary Reform Act of 1962, as amended, and Executive Order 11073, the Civil Service Commission has increased the minimum salary rates and rate ranges for positions of Nurse, GS-610-4 and -5, and Clinical Nurse, GS-610-6. The revised rate ranges for these occupational levels are:

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-4	$5,736	$5,896	$6,056	$6,216	$6,376	$6,536	$6,696	$6,856	$7,016	$7,176
GS-5	6,035	6,211	6,387	6,563	6,739	6,915	7,091	7,267	7,443	7,619
GS-6	6,363	6,461	6,659	6,857	7,055	7,253	7,451	7,649	7,847	8,045

2. Geographic coverage is Staten Island, New York, N.Y.

3. The effective date will be the first day of the first pay period beginning on or after September 8, 1966.

4. All new employees in the specified occupational levels will be hired at the new minimum rates.

5. As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range, shall receive compensation at the corresponding numbered rate authorized by this notice on and after such date.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-10010; Filed, Sept. 12, 1966; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16769; FCC 66M-1175]

ALLEN C. BIGHAM, JR.

Order After Prehearing Conference

In re application of Allen C. Bigham, Jr.; Docket No. 16769, File No. BR-420?; for renewal of license of station KCTY, Salinas, Calif.

The Hearing Examiner having under consideration today's prehearing conference in the above-entitled proceeding; the petition by the applicant for an indefinite continuance, dated August 29, 1966; and the applicant's further petition, filed August 31, 1966, for waiver of certain of the requirements of the Commission's rules on publication of the notice of hearing;

It appearing, That the parties have agreed during the prehearing conference to a continuance of the hearing until Tuesday, January 17, 1967, in order, primarily, to afford the Commission the opportunity to rule upon pending petitions on file or to be filed and that the applicant will take prompt steps to eliminate a significant omission from its publication of the notice of hearing and will thereupon file a supplement to its waiver petition;

It is ordered, This 6th day of September 1966, that applicant's petition for an indefinite continuance of the hearing is hereby granted to the extent only that the hearing is postponed and will be convened on Tuesday, January 17, 1967, at Salinas, Calif.; and that ruling on the petition for waiver is hereby withheld pending submission by the applicant of an appropriate supplement to the petition.[1]

Released: September 6, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9987; Filed, Sept. 12, 1966; 8:48 a.m.]

[Docket Nos. 16786, 16787; FCC 66M-1183]

KFIZ BROADCASTING CO. AND FOND DU LAC COUNTY BROADCASTING CO.

Order Continuing Hearing

In re applications of KFIZ Broadcasting Co., Fond du Lac, Wis.; Docket No. 16786, File No. BPH-5194; Samuel G. Costas, trading as Fond du Lac County Broadcasting Co., Fond du Lac, Wis.; Docket No. 16787, File No. BPH-5276; for construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held on September 7, 1966, in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 7th day of September 1966 that:

Exchange of direct written case is scheduled for October 21, 1966;

Notification of witnesses is scheduled for November 7, 1966; and

Hearing presently scheduled for September 28, 1966, is continued to November 15, 1966.

Released: September 8, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9988; Filed, Sept. 12, 1966; 8:48 a.m.]

[Docket Nos. 16676, 16677; FCC 66M-1186]

ROYAL BROADCASTING CO., INC. (KHAI) AND ROYAL KHAI, INC.

Order Canceling Hearing

In re applications of Royal Broadcasting Co., Inc. (KHAI), Honolulu, Hawaii; Docket No. 16676, File No. BR-4120; for renewal of license; Radio KHAI, Inc., Honolulu, Hawaii; Docket No. 16677, File No. BP-16294; for construction permit.

The Broadcast Bureau petitioned on August 26 to continue the hearing in this matter. Good cause is sufficiently pleaded; the request is unopposed. *Accordingly, it is ordered*, This 7th day of September, 1966, that the Bureau's petition is granted to the extent that the September 13 date now scheduled for the beginning of the hearing is hereby canceled. A new date for the start of the hearing will be fixed later.

Released: September 8, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9989; Filed, Sept. 12, 1966; 8:48 a.m.]

[Docket No. 16712, 16713; FCC 66R-339]

TREND RADIO, INC. AND JAMES BROADCASTING CO., INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Trend Radio, Inc., Jamestown, N.Y.; Docket No. 16712, File No. BPCT-3666; James Broadcasting Co., Inc., Jamestown, N.Y.; Docket No. 16713, File No. BPCT-3694; for construction permits for new television broadcast station.

1. The applications of Trend Radio, Inc., and James Broadcasting Co., Inc., who are competing for a UHF television authorization in Jamestown, N.Y., were designated for hearing June 15, 1966 (FCC 66-536). Except for an air hazard issue as to James, both were found fully qualified.[2] James has now petitioned for addition of the following issues against Trend: [3]

(a) To determine the basis of Trend Radio, Inc.'s (1) proposal for the availability and source of funds with which to construct the proposed UHF television station (2) estimated construction costs (3) estimated operating expenses for the construction period and the first year of operation and (4) to determine amount of funds necessary and available for long-term debt repayment for the period encompassing this hearing, construction and the first year of station operation.

(b) In the event Trend Radio, Inc., will depend upon operating revenues deriving the first year of operation to meet fixed costs and operating expenses, to determine the basis of its estimated revenues for the first year of operation; and

(c) To determine, in light of the evidence adduced, whether Trend Radio, Inc., is overall financially qualified to construct and operate its proposed station.

(d) To determine whether the staffing proposal of Trend Radio, Inc., is adequate to meet the overall operational needs of

[1] It is understood that a further prehearing conference to determine the procedural ground rules governing the hearing will be scheduled after the Commission's ruling on pending matters is announced.

[1] Commissioner Bartley concurred with this action except that he would have added an issue to determine whether Trend "meets the financial qualification standards of Ultravision, 3 RR 2d 943."

[2] The pleadings before the Board are: Petition to Enlarge Issues filed by James, July 11, 1966; Opposition to Petition to Enlarge Issues filed by Trend, July 25, 1966; Reply to Opposition to Petition to Enlarge Issues filed by James, Aug. 2, 1966.

a UHF television station utilizing the applicant's weekly broadcast proposal.

FINANCIAL ISSUE

2. James bases its request for financial issues against Trend on the latter's financial showing at the time the applications were designated for hearing. After the petition to enlarge was filed, Trend petitioned the Hearing Examiner for leave to amend its application, and this petition was granted on August 3, 1966 (FCC 66M-1063). The amendment dealt mainly with those aspects of Trend's financial proposal attacked by James. The amendment having been granted, it is in terms of the showing made therein that James' request for financial issues must be tested.

3. Trend relies for its financing upon existing capital ($5,846), loans from the Bank of Jamestown ($560,000),[2] profits from existing operations ($21,067), and deferred equipment payments ($221,064) for a total of $807,977. The terms of payment and security for the bank loan are specified, the security being the pledge of Eastman Kodak common stock having a market value of at least $540,000. The mortgage loan is to be secured by a mortgage on the new building and on the building now housing Trend's radio stations. With these sums available, Trend would have an excess of $101,867 over the increased expenses provided for in the amendment, without reliance on estimate revenues.

4. James contends that provision had not been made for cash downpayments to General Electric for equipment. Trend points out that these are included in the construction and installation costs. Petitioner's assertions that the bank loan agreements were deficient because silent as to terms of repayment, interest rate, and security are satisfied by the new agreements in which these conditions are detailed. The amendment also makes clear that the bank's commitment would not be affected by existence of other loans previously granted by the bank to Trend in connection with its AM and FM stations. Any questions which may have existed as to security for the loans have also been answered as has been indicated in the previous paragraph. James argues in its reply pleading that the absence of a balance sheet and other financial documents evidencing the ability of the president's mother to secure the loan leaves the financial showing as deficient as before. However, here the bank has expressly stated that it has satisfied itself of her financial ability to meet her pledge of securities and she has stated her agreement to make available for hypothecation shares of Eastman Kodak common stock having a market value of $450,000. The showing is sufficient. Questions concerning payment for the building to house the station have also been satisfied by the bank mortgage agreement and the security arrangements stated therein. Trend now plans to charge all the cost of this building to the television station, so that ambiguities as to the true cost of the building have been eliminated. In the amendment, substantial increases in the sums set aside for hearing expenses and other contingencies[4] have been made, and the showing amply answers the questions raised by James concerning these costs.

5. Prior to amendment, Trend specified first year operating costs of $190,000,[5] a figure which remains unchanged in the amendment. James contends this estimate is too low because it does not take into account Trend's amendment to delete network programing, increase live programing to almost one half of total air time and extend the broadcast week by over 9 hours. Petitioner asserts that costs must increase substantially because it is clear that the cost to the station of live television programing is substantially higher than the cost it would incur in the telecast of network programs. Trend answers that James' assertions concerning program costs are unsupported and unverified and denies that the cost of broadcasting independent programing will be greater than the cost for network programing. Further, it assets that savings on wire charges of more than $24,000 a year will enable Trend to operate within the $190,000 figure for the first year, considering that a substantial part of the talent for the live programing proposed will be without cost. James does not address itself further to this point in its reply. The Bureau points out that the change in Trend's financial proposal providing a sum in excess of $100,000 over estimated requirements will be sufficient for any added programing costs. The Bureau also states that the question of Trend's operating costs were before the Commission, that the Commission raised no questions, and that no new facts have been offered to warant a different treatment now.

6. To the Board it appears likely that Trend will have greater costs than it projects for nonnetwork operation with substantial live programing. Even so, the cushion between available funds and stated expenses is, as the Bureau says, sufficient, with anticipated savings in wireline charges, to provide for these larger costs without endangering Trend's financial position for the first year.

STAFFING ISSUE

7. As noted, Trend originally proposed a network operation. About 73 percent of its programing was to come from network sources. Before designation for hearing, the network proposal was eliminated and live programing was increased from about 24 percent to about 42 percent. At this time, broadcast hours were also slightly increased. However, no changes in staffing were proposed. Thus, Trend still plans to operate with 16 full-time employees including 5 supervisors who also devote time to operation of the AM and FM stations and 3 part-time employees. As before, the applicant states that as needs indicate additional employees will be hired.

8. James attacks the staffing proposal, arguing that at the best (giving credit to supervisors who also must devote time to the AM and FM operations) Trend would have only 5.2 individuals for each shift, which is inadequate to operate a television station, particularly since no changes were made to handle the expanded schedule following deletion of network programing. In opposition, Trend argues that the staff is adequate because existing employees of the radio stations, other than the supervisors already mentioned, will be used for the television operation when required. It points out that funds are available to hire additional employees if needed. Trend also argues that its staffing proposal is virtually the same as James'. The Bureau comments that since Trend says it will add to its staff as necessary and since funds are available, the issue should not be added, especially since the same facts were before the Commission at time of designation.

9. Trend's proposal is now nonnetwork while James' proposes a network affiliation. Thus, the conclusion Trend tries to draw from the similarity of the staffing proposals is not justified. Examination of Trend's staffing plan shows that in both its original network proposal and its present nonnetwork plan only three full-time employees are assigned to the programing department and that five full-time and two part-time are assigned to the technical department. If this number was sufficient under the original proposal, its adequacy where approximately 51 hours each week of live programing are proposed is not apparent. Trend, rather vaguely, proposes to augment from its radio staff and hire additional employees if necessary. This showing is inadequate, and a staffing issue will be added. Cf., Spanish International Television, Inc., 64R-239, 2 RR 2d 853.

10. In view of the foregoing: *It is ordered*, This 6th day of September 1966, that the Petition to Enlarge Issues filed July 11, 1966, by James Broadcasting Co., Inc., is granted to the extent of adding the issue hereinafter specified and denied in all other respects.

To determine whether the staff proposed by Trend Radio, Inc., is adequate to effectuate its television broadcast proposal.

Released: September 7, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9990; Filed, Sept. 12, 1966; 8:48 a.m.]

[2] A bank loan of $470,000 for construction and initial operation of the station and a mortgage loan of $90,000 for construction of a building.

[4] Over $50,000 of which $35,000 is set aside for legal, engineering, and contingency expenses.

[5] This does not include first year equipment payments, interest on bank loan, and building mortgage, etc., for which separate provision was made.

[Docket Nos. 16712, 16713; FCC 66M-1185]

TREND RADIO, INC. AND JAMES BROADCASTING CO., INC.

Order Scheduling Further Prehearing Conference

In re applications of Trend Radio, Inc., Jamestown, N.Y.; Docket No. 16712, File No. BPCT-3665; James Broadcasting Co., Inc., Jamestown, N.Y.; Docket No. 16713, File No. BPCT-3694; for construction permits for new television broadcast station.

Upon the informal request of James Broadcasting Co., Inc., all other parties having consented;

It is ordered, This 7th day of September 1966, that a further prehearing conference herein shall convene at 9 a.m., on September 19, 1966, in the offices of the Commission at Washington, D.C.

Released: September 8, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9991; Filed, Sept. 12, 1966; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temp. Reg. No. D-2]

CHAIRMAN, ATOMIC ENERGY COMMISSION

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Chairman, U.S. Atomic Energy Commission, to lease space in Idaho Falls, Idaho.

2. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority is delegated to the Chairman, U.S. Atomic Energy Commission, to perform all functions in connection with the leasing of office and related storage and special purpose space in or near Idaho Falls, Idaho, as he may deem necessary for use of the Idaho Operations Office of the said Atomic Energy Commission.

b. This authority shall include authority to contract by lease and authority thereafter to modify and amend said lease, assign and reassign the space demised, including the operation, maintenance, control, and protection thereof. This authorization shall extend to leasing space under authority contained in section 210(h)(1) of the above-cited Act for a firm term of 10 years with two renewal terms of 5 years each.

c. The Chairman, Atomic Energy Commission, may redelegate this authority to any officer, official, or employee of the Atomic Energy Commission.

d. This authority shall be exercised in accordance with the limitations and requirements of the above-cited Act, section 322 of the Act of June 30, 1932, as amended (40 U.S.C. 278a), and other applicable statutes and regulations.

3. *Effect on other issuances.* This regulation supersedes Delegation of Authority No. 117, Revised, dated March 23, 1964.

4. *Effective date.* This regulation is effective immediately.

Dated: September 7, 1966.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 66-9976; Filed, Sept. 12, 1966; 8:47 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN REPUBLIC OF CHINA

Entry and Withdrawal From Warehouse

SEPTEMBER 8, 1966.

By an exchange of notes dated April 22, 1966, the Governments of the United States and the Republic of China further amended the bilateral cotton textile agreement between them of October 19, 1963, as amended. As contemplated in paragraphs 14 and 15 of the agreement as amended, the two governments have completed arrangements for shifting the control of the trade to an export control basis exercised by the Government of the Republic of China. The Government of the Republic of China commenced to control this trade on June 1, 1966. Therefore, this shift is effective with respect to goods exported from the Republic of China on or after June 1, 1966. In accordance with these arrangements, goods exported on or after June 1 are no longer subject to import controls exercised by the U.S. Government under the bilateral agreement. Goods exported prior to June 1, 1966, shall remain subject to import control until further notice.

There is published below a letter of August 26, 1966, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs replacing all previous directives concerning cotton textiles and cotton textile products produced or manufactured in the Republic of China and directing that entries of such goods in certain categories exported from the Republic of China prior to June 1, 1966, be limited to designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
WASHINGTON, D.C. 20230

August 26, 1966.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive replaces all previous directives issued to you concerning entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in the Republic of China.

Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible and for the period beginning June 1, 1966, and extending until such time as may be specified in a further directive to you, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 5, 6, 9, 15, 18/19, 22/23, 24/25, 26, 28, 30, 32, 34, 35, 41/42, 44, 45, 46, 47, 50, 51, 52, 53, 54, 57, 59, 60, 62, 63, and 64 produced or manufactured in the Republic of China and exported from the Republic of China prior to June 1, 1966, in excess of the following designated adjusted levels:

Category	Unit	Adjusted levels of restraint[1]
5	Syd	100,270
6	Syd	0
9	Syd	0
15	Syd	0
18/19	Syd	0
22/23	Syd	5,780
24/25	Syd	0
26	Syd	249,731
28	No	0
30	No	210,000
32	Doz	3,376
34	No	0
35	No	72,000
41/42	Doz	29,518
44	Doz	2,226
45	Doz	0
46	Doz	8,124
47	Doz	172
50	Doz	1,985
51	Doz	0
52	Doz	557
53	Doz	1,656
54	Doz	4,624
57	Doz	0
59	Doz	27,553
60	Doz	0
62	Lb	3,329
62 (T.S.U.S.A. Nos. 380.-0309, 380.0645, 382.0312, and 382.0865 only).	Lb	92,470
63	Lb	0
64	Lb	43

[1] These levels have been adjusted to reflect entries made prior to July 22, 1966; they have not been adjusted to reflect entries made on or after July 22, 1966.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 5, 6, 9, 15, 18/19, 22/23, 25, 26, 28, 30, 41/42, 44, 45, 46, 47, 50, 51, 52, 53, 54, 57, 59, 60, 62, and 63, produced or manufactured in the Republic of China, which have been exported to the United States from the Republic of China prior to October 1, 1965, shall, to the extent of any unfilled

balances, be charged against the levels of restraint established for such goods during the period October 1, 1964, through September 30, 1965. In the event that the level of restraint established for the period October 1, 1964, through September 30, 1965, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter. Cotton textiles and cotton textile products in Categories 24, 32, 34, 35, and 64, produced or manufactured in the Republic of China, which have been exported to the United States from the Republic of China prior to October 1, 1965, shall not be subject to this directive.

In carrying out this directive, you shall charge entries of goods in Category 62, T.S.U.S.A. Nos. 380.0309, 380.0645, 382.0312, and 382.0665, against the special amount provided therefor before charging such entries against the remaining level for the category.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOHN T. CONNOR,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 66-9970; Filed, Sept. 12, 1966; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4411]

NEW ENGLAND POWER CO.

Notice of Proposed Amendment of Bylaws To Increase Authorized Shares of Preferred Stock and Order Authorizing Solicitation of Proxies in Connection Therewith

SEPTEMBER 7, 1966.

Notice is hereby given that New England Power Co. ("NEPCO"), 441 Stuart Street, Boston, Mass. 02116, an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 7(e), and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

NEPCO proposes to submit to its stockholders at a special meeting to be held October 14, 1966, a proposal to amend its bylaws to increase from 300,000 to 600,000 the aggregate number of authorized shares of Dividend Series Preferred Stock, par value of $100 per share. Such amendment will require the affirmative vote of at least two-thirds of (a) the outstanding shares of Dividend Series Preferred Stock, voting as one class, and (b) the outstanding shares of 6 percent Cumulative Preferred Stock and Common Stock of NEPCO voting together as one class. NEPCO intends to solicit proxies from the holders of the Dividend Series Preferred Stock, but not from the 6 percent Cumulative Preferred stockholders, of which there are 80,140 shares outstanding. NEES, as owner of all the 3,307,039 shares of NEPCO's outstanding common stock, intends to vote in favor of the proposed amendment.

To obtain the requisite approval of the proposed amendment, NEPCO preposes to solicit proxies which are to be mailed at least 3 days prior to the time of any oral or personal solicitation. In the event that insufficient proxies are received within a reasonable time to assure the necessary two-thirds vote, NEPCO proposes to make telephonic, telegraphic, or personal solicitation through its officers and regular employees or those of New England Power Service Co., an associate company. NEPCO does not propose to engage the services of professional proxy solicitors.

NEPCO also proposes to submit to its stockholders a proposal to authorize the issuance of $10,000,000 principal amount of First Mortgage Bonds the proceeds of which will be used to pay short-term notes previously issued to finance construction. An affirmative vote of a majority of the Dividend Series Preferred Stock, the 6 percent Cumulative Preferred Stock, and the Common Stock, voting together as one class, is necessary to authorize issuance of the new bonds. There are in the aggregate 360,280 shares outstanding of all classes of NEPCO Preferred Stock. Since NEES, the owner of all of NEPCO's outstanding common stock, intends to vote in favor of the bond issue, no proxies are being solicited in respect of this proposal.

There are no fees or commissions to be paid in connection with the proposed transactions. The estimated expenses to be incurred by NEPCO are $3,000, including services at actual cost of $1,500 to be performed by the New England Power Service Co. The declaration, as amended, states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed amendment to the bylaws. NEPCO has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than September 29, 1966, request in writing that a hearing be held with respect to the proposed amendment of the company's bylaws, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant an exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

It appearing to the Commission that NEPCO's declaration, as amended, regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62 and that jurisdiction should be reserved with respect to the expenses thereof:

It is ordered, That the declaration, as amended, regarding the proposed solicitation of proxies be, and hereby is, permitted to become effective forthwith pursuant to Rule 62, and that jurisdiction be, and it hereby is, reserved with respect to the expenses thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-9963; Filed, Sept. 12, 1966; 8:45 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

SEPTEMBER 7, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 8, 1966, through September 17, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-9964; Filed, Sept. 12, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 8, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40700—*Fresh meats and packinghouse products to points in southern territory.* Filed by Western Trunk Line Committee, agent (No. A-2471), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, from points in Illinois Freight Association and western trunk-line territories, to points in southern territory.

Grounds for relief—Motortruck competition.

Tariffs—Suppplement 40 to Western Trunk Line Committee, agent, tariff I.C.C. A-4518 and Illinois Freight Association, agent, tariff I.C.C. 1112.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-9979; Filed, Sept. 12, 1966; 8:47 a.m.]

[Notice 1410]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 8, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68962. By order of August 31, 1966, the Transfer Board approved the transfer to Able Express, Inc., Louisville, Ky., of the operating rights described in the supplemental order of the Commission Operating Rights Board No. 2 entered March 24, 1966, in No. MC-97992 (Sub-No. 1) authorizing issuance of a certificate of registration to Mildred Mattingly, Kirk, Ky., covering certain operations in Kentucky. Rudy Yessin, Box 457, McClure Building, Frankfort, Ky. 40601, attorney for applicants.

No. MC-FC-69007. By order of August 31, 1966, the Transfer Board approved the transfer to Robert Emanuel, doing business as Emanuel's Express, Philadelphia, Pa., of certificate No. MC-40252, issued February 12, 1962, to John M. Walker, Philadelphia, Pa., authorizing the transportation of: Household goods, and billiard tables, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, and the District of Columbia. Byron R. LaVan, 327 South 17th Street, Philadelphia, Pa. 19103 attorney for applicants.

No. MC-FC-69009. By order of August 31, 1966, the Transfer Board approved the transfer to Oilfield Express, Inc., Odessa, Tex., of certificate in No. MC-115908, issued February 10, 1965, to Slim LaGrone, Inc., Odessa, Tex., authorizing the transportation of: Oilfield tools and oilfield equipment used in connection with the discovery, development, production, refining, manufacture, processing, and storage of natural gas and petroleum and their products and by-products, restricted to shipments not to exceed 1,500 pounds, between points in specified counties in New Mexico, on the one hand, and, on the other, points in specified Texas counties. George Fowler, 520 North Lee, Odessa, Tex., attorney for applicants.

No. MC-FC-69017. By order of August 31, 1966, the Transfer Board approved the transfer to John Wagner, Pottsville, Pa., of the operating rights in certificate No. MC-42605, issued January 25, 1963, to Carl H. Betz, Orefield, Pa., authorizing transportation, over irregular routes, of coal, between points in Schuylkill County, Pa., on the one hand, and, on the other, points in Morris, Somerset, Essex, and Middlesex Counties, N.J. Paul B. Kemmerer, 1620 North 19th Street, Allentown, Pa. 18104, representative for applicants.

No. MC-FC-69018. By order of August 31, 1966, the Transfer Board approved the transfer to Carl H. Betz, Orefield, Pa., of a portion of the operating rights in certificate No. MC-21720, issued February 7, 1950, to William M. Stegmeier, doing business as Panther Valley Carriers, Tamaqua, Pa., and transferred to James H. DeLong, Inc., Orefield, Pa., March 30, 1965, pursuant to No. MC-FC-67698, authorizing the transportation, over irregular routes, of fertilizer, from Carteret, N.J., and Baltimore, Md., to points in Lehigh and Northampton Counties, Pa. Paul B. Kemmerer, 1620 North 19th Street, Allentown, Pa. 18104, representative for applicants.

No. MC-FC-69024. By order of August 31, 1966, the Transfer Board approved the transfer to Cantwell Motor Service, Inc., a Delaware corporation, East St. Louis, Ill., of the operating rights in certificate No. MC-123361, issued by the Commission February 6, 1961, to Cantwell Motor Service, Inc., an Illinois corporation, East St. Louis, Ill., authorizing the transportation of: Meats, and packinghouse products, from St. Louis, Mo., to specified points in Illinois. Delmar O. Koebel, 107 West St. Louis Street, Lebanon, Ill., attorney for applicants.

No. MC-FC-69032. By order of August 31, 1966, the Transfer Board approved the transfer to Edward Komar, doing business as Komar's Trucking, Piscataway, N.J., of the operating rights of Andrew Komar, doing business as Komar's Trucking, Bound Brook, N.J., in permit No. MC-117080 (Sub-No. 1), issued June 13, 1958, authorizing the transportation, over irregular routes, of uncrated machinery, used in the manufacture of corrugated boxes, from Linden, N.J., to points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, and Pennsylvania, and used or damaged shipments of the uncrated machinery, used in the manufacture of corrugated boxes, from points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, and Pennsylvania to Linden, N.J. Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-69033. By order of August 31, 1966, the Transfer Board approved the transfer to Ward Freight Line, Inc., Greenville, Ala., of the operating rights of John A. Ward, doing business as Ward Freight Line, Greenville, Ala., in certificate of registration, No. MC-104399 (Sub-No. 4) issued December 9, 1964, authorizing the transportation of general commodities, between Montgomery and Greenville, Ala., general commodities, except high explosives and commodities injurious to other lading, between Greenville and Mobile, Ala., roofing, canned goods, flour, and vinegar, between Greenville and Mobile, Ala., stoves, strawberries, cement, tile, pipe, and steel tanks, between Birmingham and Greenville, Ala., cotton, baled, between Tallassee, Opelika, Wetumpka, Clanton, Mobile, Camden, Montgomery, Fort Deposit, Goshen, Opp, Alexander City, Luverne, Selma, Bon Air, Siluria, Cooper, Phenix City, Atmore, Geneva, and Greenville, all in Alabama, livestock, fertilizer, cotton seed, meal and hulls, cotton seed, peanuts, peanut meal, feed and plant cuttings, between all points in Alabama which lie south of U.S. Highway No. 80 and east of U.S. Highway No. 43, and household goods, between all points in Alabama which lie south of U.S. Highway No. 78. Elisha C. Poole, Post Office Box 308, Greenville, Ala. 36037, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-9980; Filed, Sept. 12, 1966; 8:47 a.m.]

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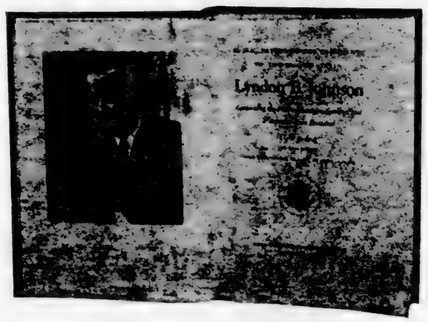
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Title 3—THE PRESIDENT

Proclamation 3743

FURTHER IMPLEMENTING AGREEMENT CONCERNING AUTOMOTIVE PRODUCTS BETWEEN THE UNITED STATES AND CANADA

By the President of the United States of America

A Proclamation

WHEREAS the United States and Canada on January 16, 1965, entered into an Agreement Concerning Automotive Products, which provides that Canada shall accord duty-free treatment to imports of certain automotive products of the United States and that, after enactment of implementing legislation, the United States shall accord duty-free treatment to certain automotive products of Canada retroactively to the earliest date administratively possible following the date on which the agreement has been implemented by Canada (art. II, 89th Cong. 1st sess., H. Rep. 537, 38);

WHEREAS the agreement of January 16, 1965, was implemented by Canada through the granting of the requisite duty-free treatment to United States products on January 18, 1965;

WHEREAS titles II and IV of the Automotive Products Trade Act of 1965 have been enacted to provide for modifications of the Tariff Schedules of the United States (19 U.S.C. 1202) to implement the agreement of January 16, 1965, such modifications to enter into force in the manner proclaimed by the President (79 Stat. 1016);

WHEREAS sections 201 and 203 of the Automotive Products Trade Act of 1965 authorize the President to proclaim such modifications of the Tariff Schedules of the United States as will provide for the duty-free treatment of Canadian articles which are original motor-vehicle equipment either if the modifications of such articles are set forth in title IV of that Act or if the President subsequently determines that the importation of the articles is actually or potentially of commercial significance and that such duty-free treatment is required by the agreement, such proclamation to provide for retroactive effect for such duty-free treatment as of the earliest date after January 17, 1965, which the President determines to be practicable;

WHEREAS, by Proclamation No. 3682 of October 21, 1965 (30 F.R. 13683), the President pursuant to sections 201 and 203 proclaimed the modifications of the Tariff Schedules of the United States provided for in title IV of the Automotive Products Trade Act of 1965; and

WHEREAS I determine (a) under subsection (b) of section 201 that the importation of the Canadian articles which are original motor-vehicle equipment and which are dutiable under TSUS items 688.04, 688.06, and 688.15 is actually or potentially of commercial significance and that duty-free treatment of such Canadian articles is required to carry out the agreement of January 16, 1965, and (b) under section 203 that the earliest date, after January 17, 1965, as of which it is practicable to give retroactive effect to this proclamation is January 18, 1965:

NOW, THEREFORE, I, LYNDON B. JOHNSON, under the authority vested in me by the Constitution and the statutes, particularly sections 201(b) and 203 of the Automotive Products Trade Act of 1965, do proclaim that the Tariff Schedules of the United States are modified by inserting in proper numerical sequence new items 688.05, 688.07, and 688.16, each such item having the article description "If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6) . . . ." subordinate to the immediately preceding article description and having "Free" in rate of duty column numbered 1. Such modifications shall enter into force on the day following the date of this proclamation and shall be effective with respect to articles which are or have been entered for consumption, or for warehouse, on or after January 18, 1965.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of September in the year of our Lord nineteen hundred and sixty-six, and of [SEAL] the Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 66-10086; Filed Sept. 12, 1966; 2:13 p.m.]

Executive Order 11304

AMENDING EXECUTIVE ORDER NO. 11175 RELATING TO THE EXCLUSION FOR ORIGINAL OR NEW CANADIAN ISSUES WHERE REQUIRED FOR INTERNATIONAL MONETARY STABILITY

WHEREAS I have determined that the exclusion from the interest equalization tax, to the extent provided in this order, is necessary to avoid such consequences for Canada as to imperil or threaten to imperil the stability of the international monetary system;

NOW, THEREFORE, by virtue of the authority vested in me by section 4917(a) of the Internal Revenue Code of 1954, as added by section 2 of the Interest Equalization Tax Act, approved September 2, 1964 (Public Law 88-563), by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that Executive Order No. 11175,[1] dated September 2, 1964, be, and it is hereby, amended to read as follows:

SECTION 1. Except as provided in section 2, the tax imposed by section 4911 of the Internal Revenue Code of 1954 shall not apply to the acquisition by a United States person of stock or a debt obligation of Canada or a political subdivision thereof, any agency or instrumentality of Canada, any corporation, partnership, or trust organized under the laws of Canada or a political subdivision thereof, or any individual resident in Canada, if such stock or debt obligation is acquired as all or part of an original or new issue as to which there is filed the notice of acquisition prescribed by the Secretary of the Treasury or his delegate.

SEC. 2. The exclusion from tax provided in section 1 shall not apply to the following:

(a) Any acquisition of stock or a debt obligation of a company registered under the Investment Company Act of 1940 (54 Stat. 847; 15 U.S.C. 80a-1 to 80a-52); and

(b) Any acquisition of stock or a debt obligation of a Canadian corporation, partnership, or trust formed or availed of for the principal purpose of acquiring stock or debt obligations of a Canadian or other foreign issuer or obligor, other than stock or debt obligations described in section 1 or in section 4916(a) of the Internal Revenue Code of 1954.

SEC. 3. The provisions of sections 1 and 2 shall be applicable to any acquisition by a commercial bank of a debt obligation described in such sections, and section 3 of Executive Order No. 11198, dated February 10, 1965, is hereby superseded.

SEC. 4. The Secretary of the Treasury or his delegate is authorized to prescribe from time to time regulations, rulings, directions, and instructions to carry out the purpose of this order.

SEC. 5. This order shall be effective upon its filing for publication in the FEDERAL REGISTER and shall apply to all acquisitions made during the period this order is in effect.

LYNDON B. JOHNSON

THE WHITE HOUSE,
September 12, 1966.

[F.R. Doc. 66-10085; Filed, Sept. 12, 1966; 1:45 p.m.]

[1] 29 F.R. 12605; 3 CFR 1964 Supp., p. 18.

Executive Order 11305

AUTHORIZING THE SECRETARY OF ARMY AND THE GOVERNOR OF THE CANAL ZONE, RESPECTIVELY, TO PERFORM CERTAIN FUNCTIONS RELATING TO THE PANAMA CANAL AND THE CANAL ZONE

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code and by the Canal Zone Code (76A Stat.), and as President of the United States, it is hereby ordered as follows:

SECTION 1. The following provisions of this section shall constitute Subpart A of Part 3 of Title 35 (Panama Canal) of the Code of Federal Regulations—§ 3.1 *Delegations to Secretary of the Army.*

(a) The Secretary of the Army shall exercise the powers vested in the President of the United States by the following provisions of the Canal Zone Code:

(1) 2 C.Z.C. 1331 (1), (2), and (3) (76A Stat. 46), relative to prescribing and amending regulations governing (i) the navigation of the harbors and other waters of the Canal Zone, (ii) the passage and control of vessels through the Canal or any part thereof, including the locks and approaches thereto, and (iii) pilotage in the Canal or the approaches thereto through the adjacent waters.

(2) 2 C.Z.C. 701 (76A Stat. 29), relative to prescribing and amending regulations governing aircraft, air navigation, air-navigation facilities, and aeronautical activities within the Canal Zone.

(3) 2 C.Z.C. 911 (76A Stat. 36), relative to prescribing and amending regulations governing matters of health, sanitation, and quarantine for the Canal Zone.

(4) 2 C.Z.C. 1191 (76A Stat. 41), relative to prescribing and amending regulations governing the issuance and revocation of licenses to practice the healing art.

(5) 2 C.Z.C. 1441 (76A Stat. 49), relative to prescribing and amending regulations for levying, assessing, and collecting ad valorem, excise, license, and franchise taxes in the Canal Zone.

(6) 2 C.Z.C. 731 (76A Stat. 29), relative to prescribing and amending regulations relating to (i) the manufacture and sale of alcoholic beverages in the Canal Zone, and licenses and fees therefor, and (ii) the importation of alcoholic beverages into, and exportation thereof from, the Canal Zone.

(b) The Secretary of the Army, after consultation with the Secretary of State, shall exercise the powers vested in the President of the United States by 2 C.Z.C. 841 (76A Stat. 32), relative to making and amending regulations governing (1) the rights of persons to enter, remain upon or pass over any part of the Canal Zone, and (2) the detention of persons entering the Canal Zone in violation of the regulations, and their return to the countries whence they came.

(c) The Secretary of the Army may redelegate to the Governor of the Canal Zone (hereafter in this subpart referred to as "the Governor") all or any designated portion of the powers delegated to the Secretary of the Army by § 3.1(a).

§ 3.2 *Secretary of the Army as representative of President.*

(a) Pursuant to 2 C.Z.C. 31 and 62(b), respectively (76A Stat. 7 and 9), the Secretary of the Army is designated as the officer of the United States to supervise the administration of the Canal Zone Government by the Governor, and to act as "stockholder" of the Panama Canal Company.

(b) In performing his functions under § 3.2(a), the Secretary of the Army shall act as the direct representative of the President of the United States, and not in his capacity as the head of the Department of the Army.

§ 3.3 *Delegations to Governor.*

(a) The Governor shall exercise the powers vested in the President of the United States by the following provisions of the Canal Zone Code:

(1) 2 C.Z.C. 1001 (76A Stat. 37), relative to making, publishing, enforcing, and amending rules and regulations for the use of public highways and roads in the Canal Zone, for the regulation, licensing, and taxing of the use and operation of all self-propelled vehicles using the public highways and roads, and for the other matters referred to in 2 C.Z.C. 1001.

(2) 2 C.Z.C. 1002 (76A Stat. 37), relative to making mutual agreements with the Republic of Panama concerning (i) the reciprocal use of the public highways and roads of the Canal Zone and the Republic of Panama by self-propelled vehicles, (ii) taxes and license fees, and (iii) other matters of regulation to establish comity for the convenience of the residents of the two jurisdictions.

(3) 2 C.Z.C. 1134 (76A Stat. 39), relative to establishing the rate of interest borne by postal savings certificates.

(4) 2 C.Z.C. 1331(4) (76A Stat. 46), relative to prescribing and amending regulations governing the licensing of officers or other operators of vessels (including pilots of vessels and operators of motorboats) navigating the waters of the Canal Zone.

(5) 3 C.Z.C. 82 (76A Stat. 54), relative to (i) the appointment and removal of magistrates, and (ii) the appointment of relief magistrates and the assignment of a magistrate to another magistrate's court in the circumstances specified in 3 C.Z.C. 82.

(6) 3 C.Z.C. 86 (76A Stat. 55), relative to prescribing regulations governing the administration of magistrates' courts and prescribing (i) the duties of magistrates and constables, (ii) oaths and bonds, (iii) the times and places of holding magistrates' courts, and (iv) the disposition of fines, costs, and forfeitures.

(7) 6 C.Z.C. 1281 (76A Stat. 455), relative to prescribing and amending rules and regulations to assert and exercise the police power in the Canal Zone, or for any portion or division thereof, for the purpose of enforcing 6 C.Z.C. 1281(a) declaring unlawful the engaging in or permitting any indecent or immoral conduct.

(b) The Governor's authority to exercise the powers enumerated in § 3.3(a) is subject to (1) the provisions of 2 C.Z.C. 34 (76A Stat. 8), (2) the supervision of the Secretary of the Army, and (3), in the case of § 3.3(a)(2), consultation with the ranking diplomatic officer of the United States accredited to the Republic of Panama.

(c) His authority under 2 C.Z.C. 31 and 33 (76A Stat. 7) to establish, alter, or discontinue military and naval reservations shall be exercised by the Governor (1) only with the approval of the Secretary of the Army in all cases, and (2) also only after consultation with (i) the Secretary of the Navy in the case of Naval reservations and in the case of other reservations and bases concerning which the Department of the Navy may express an interest, (ii) the Secretary of the Air Force in the case of air-force bases and in the case of other reservations and bases concerning which the Department of the Air Force may express an interest, and (iii) both the Secretary of the Navy and the Secretary of the Air Force when they both have an interest.

§ 3.4 *Scope of delegated powers; duty of Government personnel; construction.*

(a) The Secretary of the Army may exercise the powers delegated or otherwise assigned to him by this subpart without approval, ratification, or other action by the President.

(b) The Governor may exercise the powers delegated to him by § 3.3(a), and any powers redelegated to him under § 3.1(c), (i) without approval, ratification, or other action by the President, and (ii), except to the extent inconsistent with § 3.3(b)(2) and except as the Secretary of the Army may otherwise provide in pursuance of § 3.1(c), without approval, ratification, or other action by the Secretary of the Army.

(c) All officers, officials, and employees of the United States, including disbursing, accounting, and auditing officers, shall give the same effect to any acts of those authorized under this subpart to exercise powers as if exercised by the President.

(d) This subpart does not limit or restrict the right of the President to exercise any power specified in this subpart.

(e) Unless inappropriate, references in this subpart to any statute or to any provision of any statute shall be deemed to include references thereto as amended from time to time.

SEC. 2. All actions heretofore taken by the President or by his delegates in respect of the matters affected by this order and in force at the time of the issuance of this order, including any regulations prescribed or approved by the President or by his delegates in respect of such matters, shall, except as they may be inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order unless sooner terminated by operation of law.

SEC. 3. (a) The following are hereby superseded:

(1) Sections 9, 10, 11, 12, and 12a of Executive Order No. 7676 of July 26, 1937.

(2) Executive Order No. 8962 of December 6, 1941.

(3) Executive Order No. 9746 of July 1, 1946.

(4) Executive Order No. 10595 of February 7, 1955.

(b) All other Executive orders and proclamations issued prior to the date of this order which are inconsistent with this order, or any regulations issued pursuant thereto, are hereby superseded to the extent of such inconsistency.

SEC. 4. This order shall take effect on the 90th day after its publication in the FEDERAL REGISTER.

LYNDON B. JOHNSON

THE WHITE HOUSE,
September 12, 1966.

[F.R. Doc. 66-10092; Filed, Sept. 12, 1966; 3:24 p.m.]

NOTE: A complete revision and recodification of the Canal Zone Regulations (35 CFR Ch. I) will be published in Part II of the FEDERAL REGISTER of Friday, September 16, 1966.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

MISCELLANEOUS AMENDMENTS

On pages 10,691 and 10,692 of the FEDERAL REGISTER of August 11, 1966, was published a notice of proposed rule making to amend the regulations governing the holding of referenda on marketing quotas and to prescribe procedures relating thereto. Interested persons were given 15 days after publication of such notice in which to submit written comments, suggestions, or objections regarding the proposed amendment. All written comments, suggestions, and objections received by the Farmer Programs Division pursuant to said notice have been carefully considered. The proposed amendments are adopted subject to the following changes:

1. The subtitle "Upland Cotton" is deleted.

2. The period during which mailed ballots must be received in order to be counted is extended to the start of canvassing the ballots, provided any such ballot is postmarked not later than midnight of the final day of the referendum period.

3. A time for canvassing ballots is established.

4. An effective date provision is added.

Effective date. Thirty (30) days after the date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 9, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

The amendments are adopted as follows:

1. Section 717.17 of the regulations on marketing quotas governing county referenda in 1965 for out-of-county transfers of upland cotton allotments (31 F.R. 6533) is repealed, and a new § 717.17 is added to read as follows:

§ 717.17 Holding referenda by mail ballot with respect to the 1967 and subsequent crops.

(a) The provisions of this section shall apply to all referenda of producers of commodities subject to marketing quotas with respect to the 1967 and subsequent crops unless the Administrator determines prior to the holding of a referendum that such referendum will be held by voting at polling places. If such determination is made, the referendum shall be conducted by voting at polling places designated in accordance with § 717.4 and in accordance with the regulations of this part which are applicable to holding referenda through the use of polling places.

(b) Procedure for balloting by mail: Notwithstanding the provisions of §§ 717.3, 717.4, 717.5, and 717.7 to 717.10, the following provisions for voting in referenda held by mail ballot shall apply.

The county committee shall establish a register of known eligible producers prior to the referendum and furnish each producer who is eligible to vote in a particular referendum a ballot suitable for mailing back to the office of the county committee. If an eligible producer of the particular commodity is not furnished a ballot, he may obtain one during the referendum period from the office of the county committee for the county in which he is eligible to vote or from any other ASCS office where ballots are available, including the Farmer Programs Division, ASCS, Department of Agriculture, Washington, D.C.

When a ballot is issued from an ASCS office other than the ASCS office in the county in which the producer is eligible to vote in a particular referendum, the issuing office shall keep a register showing to whom it was issued, the person's address, the county and State in which the ballot is to be voted, and the name and title of the person who issued the ballot.

Each person to whom a ballot is issued by mail or in person may vote in the referendum by marking the ballot so as to indicate clearly how he votes, placing the ballot in a plain envelope, sealing the plain envelope, inserting it in a postage-and-fees paid indicia envelope which shall be marked clearly with the voter's name and return address, signing the certification on such envelope or making his mark thereto (which mark shall be witnessed), sealing the postage-and-fees paid indicia envelope, and delivering or mailing it to the office of the county committee for the county in which he is eligible to vote.

Notwithstanding the fact that a ballot(s) may be later challenged by the county committee, ballots received at the ASCS county office during the referendum period shall be placed immediately in a ballot box provided by the county office manager and so arranged that ballots cannot be read or moved without breaking the seal on the container.

Voted ballots received by the county committee of the county in which the voter is eligible to vote during the period established for holding a particular referendum, shall be tabulated by the county committee. A ballot shall be considered to have been received during the referendum period if (1) in the case of a ballot delivered to the county committee, it was received in the office prior to the close of the work day on the final day of the referendum period, or (2) in the case of a mailed ballot, it was postmarked not later than midnight of the final day of the referendum period and was received in the county office prior to the start of canvassing the ballots. However, no such ballot shall be counted unless the voter signs the certification or his mark is witnessed on the postage-and-fees paid indicia envelope, and it is determined that he is eligible to vote in the particular referendum.

Canvassing of returned ballots shall take place at the opening of the county office on the fifth day following the close of the referendum period. Such canvassing shall be in the presence of at least two members of the county referendum committee and open to the public. Ballots received after the start of tabulation, even though contained in envelopes that were postmarked prior to midnight of the final day of the referendum period, shall not be counted. To preserve the secrecy of the ballot, such counting and canvassing of ballots shall be in the following manner:

(1) Open sealed ballot box in the presence of public witnesses, if any.

(2) Separate certification envelopes containing plain envelopes with ballots (and determine eligibility to vote under these regulations before opening) as follows:

(i) Unopened certification envelopes which do not have proper signed certification, (ii) Unopened certification envelopes of ineligible voters, and (iii) Unopened certification envelopes of eligible voters.

(3) Remove sealed plain envelopes from unopened certification envelopes of eligible voters ((2) (iii) above).

(4) Shuffle unopened plain envelopes containing the ballots, and

(5) Open the plain envelopes and count the votes.

(c) Special provisions: The provisions of §§ 717.3, 717.4, 717.5, and 717.7 to 717.10 shall be applicable, insofar as practicable, except that:

(1) The Deputy Administrator shall prescribe the necessary forms and ballots to be used and may authorize modification of any current marketing quota referendum form for use in referenda by mail ballot.

(2) The entire county shall be the referendum community for referenda held by mail ballot.

(3) For referenda on upland cotton allotment out-of-county transfers, the voting eligibility requirements pertaining to upland cotton in § 717.3(a)(1) shall be applicable, except that a landlord of a standing-rent, cash-rent, or fixed-rent tenant shall be eligible to vote. The limitation in § 717.3(b)(1) that a person shall be entitled to only one vote regardless of the number of farms in which the person is interested or the number of communities, counties, or States in which are located farms in which such person is interested shall not be applicable and in lieu thereof the limitation on voting shall be as follows:

(i) No person shall be entitled to more than one vote in any county referendum regardless of the number of farms in which the person is interested which are located in the county.

(ii) An eligible voter shall be entitled to one vote in each county in which he is eligible to vote in the county referendum.

§ 717.8 [Revoked]

2. Section 717.18 of the regulations governing the holding of county referenda in 1966, 1967, and 1968 for out-of-county transfers of upland cotton allotments (31 F.R. 6533) is repealed.

(Secs. 312, 317, 336, 343, 344a, 354, 358, 375, 377, 52 Stat. 46, 55, 56, 61, 66, as amended, 55 Stat. 88, 70 Stat. 206, as amended, 79 Stat. 66, secs. 106, 112, 70 Stat. 191, 195, 79 Stat. 1197; 7 U.S.C. 1312, 1314c, 1336, 1343, 1344a, 1354, 1358, 1375, 1377, 1824, 1836)

[F.R. Doc. 66-10043; Filed, Sept. 13, 1966; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 177, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.477 (Valencia Orange Regulation 177, 31 F.R. 11656) are hereby amended to read as follows:

§ 908.477 Valencia Orange Regulation 177.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 425,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 9, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10045; Filed, Sept. 13, 1966; 8:48 a.m.]

[Lemon Reg. 230, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.530 (Lemon Regulation 230; 31 F.R. 11656) are hereby amended to read as follows:

§ 910.530 Lemon Regulation 230.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 232,500 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 9, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10046; Filed, Sept. 13, 1966; 8:49 a.m.]

[Grapefruit Reg. 8; Grapefruit Reg. 7 Terminated]

PART 944—FRUIT; IMPORT REGULATIONS

Grapefruit

§ 944.104 Grapefruit Regulation 8.

(a) On and after 12:01 a.m., e.s.t., September 19, 1966, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 Golden and be of a size not smalle than 3 15/16 inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than 3 9/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of grapefruit that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of grapefruit, is required on all imports of grapefruit. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of grapefruit should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the grapefruit will be imported:

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., Harlingen, Tex. 78551 (Phone—Garfield 3-5644),	1 day.
	or	
	James L. Williams, Room 516, U.S. Courthouse, El Paso, Tex. 79901 (Phone—Keystone 3-9351, Ext. 340).	Do.
All New York points.	Edward J. Beller, 346 Broadway, Room 305, New York, N.Y. 10013 (Phone—Rector 2-8000, Ext. 807).	Do.
All Arizona points.	R. H. Bertelson, Room 202, Trust Bldg., Nogales, Ariz. 85621 (Phone—Atwater 7-3466).	Do.
All Florida points.	Lloyd W. Boney, 1200 Northwest 21 Terrace, Room 5, Miami, Fla. 33166 (Phone—Franklin 1-6933)	Do.
	or	
	Hubert S. Flynt, 775 Warner Street, Post Office Box 6997, Orlando, Fla. 32803 (Phone—Gardan 2-2447).	Do.
All California points.	Carley D. Williams, 294 Wholesale Terminal Bldg., 794 South Central Ave., Los Angeles, Calif. 90021 (Phone—Madison 9-6756).	3 days.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (Phone—Dudley 8-5870).	Do.

(c) Inspection certificates shall cover only the quantity of grapefruit that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any grapefruit to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provision of this section, any importation of grapefruit which, in the aggregate does not exceed five standard nailed boxes, or equivalent quantity, may be imported without regard to the restrictions specified herein.

(g) It is hereby determined that imports of grapefruit, during the effective time of this section, are in most direct competition with grapefruit grown in the State of Florida. The requirements set forth in this section are the same as those being made effective for grapefruit grown in Florida.

(h) No provisions of this section shall supersede the restrictions or prohibitions on grapefruit under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of grapefruit for the purpose of making it eligible for importation.

(j) The terms used herein relating to grade, diameter, standard pack, and standard box shall have the same meaning as when used in the U.S. Standards for Florida Grapefruit (§§ 51.750–51.783 of this title); "Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color. Importation means release from custody of the U.S. Bureau of Customs.

(k) Grapefruit Regulation 7 (§ 944.-103, 29 F.R. 12762, 13603; 30 F.R. 257, 754, 4055, 5359, 6065, 6638, 11713, 14361; 31 F.R. 2728, 5569, 6959) is hereby terminated at the effective time hereof.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation beyond that herein specified (5 U.S.C. 1001–1011) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those being made effective on domestic shipments of grapefruit under Grapefruit Regulation 63 (§ 905.485); (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; and (d) notice hereof in excess of 3 days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 9, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10047; Filed, Sept. 13, 1966; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 79]

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

Order Amending Order

§ 1079.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Des Moines, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than upon FEDERAL REGISTER publication. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Associate Administrator was issued August 23, 1966, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued September 6, 1966. The

changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon FEDERAL REGISTER publication, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Des Moines, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1079.12(a) is revised to read as follows:

§ 1079.12 Pool plant.

* * * * *

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Upon FEDERAL REGISTER publication.

Signed at Washington, D.C., on September 9, 1966.

JOHN A. BAKER,
Acting Secretary.

[F.R. Doc. 66–10008; Filed, Sept. 13, 1966; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Three-Way Promotional Plan Set Up by Radio Station and Financed by Participating Retailers and Their Suppliers

§ 15.88 Three-way promotional plan set up by radio station and financed by participating retailers and their suppliers.

(a) A radio station has been advised by the Federal Trade Commission that its proposed three-party promotional plan as originally presented would be unlawful because it would not be available to all competing customers in a practical business sense, but that subsequent revisions in the basic plan, coupled with the addition of an alternative plan, now bring the basic plan within the requirements of functional availability. However, the revised plan contains one defect which will be discussed later, and which will receive correction before Commission approval can be given.

(b) The proposal involves the furnishing of background music and in-store commercial announcements to retail establishments. The radio station would install, without cost, the necessary receiving equipment in each participating retail store. The products advertised will be limited primarily to grocery store items. Each store would pay a fixed amount for the background music, depending upon the number of speakers (one speaker for every 600 square feet of floor space). The value of the in-store message to the participating supplier will be measured and paid for on the basis of the total number of persons exposed to the in-store commercials at a fixed rate per thousand estimated weekly transactions. As originally submitted, no alternative plan or plans would be offered.

(c) In its first advisory opinion, the Commission said that the legality of the proposed plan raised the following two questions: (1) Did it meet the requirement of functional availability since there was no provision for an alternative plan or plans? (2) Did it provide for payments to all competing purchasers on proportionally equal terms if the method of payment for the in-store commercials is based upon the number of customers who are exposed to said commercials?

(d) With respect to the first question, the Commission noted that a promotional plan must be within the reach of all competing customers of the supplier in a practical business sense, otherwise it does not comply with the requirement of functional availability. After having examined the plan, the Commission concluded it would not be available to all competing customers in a practical business sense for a variety of reasons.

(e) "In the first place," the Commission said, "retail outlets such as drug and department stores which may carry some food products but which may also carry a variety of other products may find it impractical to participate in the plan, since, due to the layout of these stores, the broadcasting of commercials limited primarily to food products, may interfere with their sales of other products. Second, retailers who already have existing contracts for background music from other sources would find it difficult, if not impossible, to operate under the proposed plan. Third, those food stores which do not carry all participating brands could not be expected to broadcast in-store commercials promoting the sale of products which they do not stock and which may be carried by their competitors. We have doubts that the alternate solution offered under the plan would resolve these difficulties. In the first place, an assumption of contracts of competitors by the radio station under the circumstances might raise other antitrust problems. Second, although the proposed plan provides that any store may discontinue the plan at the end of the first year without any obligation for outstanding charges if the credits earned for in-store commercials do not offset music and speaker charges, this provision would in no way eliminate possible discrimination against such stores during subsequent years."

(f) The Commission was of the opinion that the foregoing examples "clearly demonstrate that the basic plan would not be available in a practical business sense to a substantial number of competing retailers and therefore would not meet the requirement of functional availability." Under these circumstances, and in the absence of an alternative plan or plans for those who cannot use the basic plan, the Commission concluded that the proposed plan, if enacted, would not be in conformity with the requirements of sections 2 (d) and (e) of the Robinson-Patman Act. It cited with approval the following portion of its announcement of September 21, 1965, setting forth certain guidelines for three-party promotional assistance plans: "* * * a reasonable alternative means of participation must be included in such plans for eligible customers who are unable to use the basic plan."

(g) Having concluded in its original opinion that the proposed plan does not meet the test of functional availability, the Commission did not find it necessary to discuss or reach a conclusion with respect to the second question presented by the request as to whether the method of payment for the in-store commercials, which is to be based upon the number of customers exposed to said commercials, meets the requirement of proportionality.

(h) Shortly after the Commission issued its original opinion, counsel for the requesting party filed an amendment to the original plan. The amended plan made provision for an alternative plan for those who could not use the basic plan, and also made certain revisions in the basic plan.

(i) Revisions of the basic plan provide for the installation of broadcast equipment in drug and department stores in such a manner that the in-store commercials will not interfere with the sale of other products. Retailers who presently subscribe to background music from other sources may have equipment installed by the requesting party, without cost, which would permit interruption of the music by spot announcements (alternative plan 1). Retailers who do not carry all products sponsored under the plan can have in-store announcements which merely urge customers to buy those products identified by the sponsor's marker, rather than promoting specific brands (alternative plan 2). A third alternative plan has also been proposed under which the facilities of retail stores will be provided with promotional and advertising services at the point-of-sale of the sponsor's products.

(j) Under both the basic plan and the alternative plans, the value of the services performed by the retailers for the participating supplier will be measured and paid for on the basis of the total number of persons exposed to the in-store commercials and point-of-sale material at a fixed rate per thousand estimated weekly transactions.

(k) After having reviewed the plans as now proposed, the Commission was of the opinion that the basic plan now meets the requirement of functional availability. The Commission was also of the opinion that under the circumstances of the intended use of this plan, the proposed method of payment for the in-store commercials and point-of-sale advertising, which is to be based upon the number of consumers exposed to said advertising, meets the requirement of proportionality under section 2 (d) and (e) of the Robinson-Patman Act.

(l) Insofar as using the number of consumers exposed to the commercials as the standard for measuring payments to retailers, the Commission felt this method accords with the value of the service to the supplier and in the long run will probably correspond fairly close to the amount of purchases of the supplier's product. One reason for this is that suppliers probably will not join the plan or stay with it if they find they are making payments to stores without any corresponding increase in their volume of sales by those stores. Therefore, under these circumstances the Commission felt it was reasonable to permit proportionalization to be based on the estimated number of customers, particularly where, as in this case, the measure for estimating the number of customers is weighted in favor of the smaller stores.

(m) The Commission, however, was of the opinion that the proposed plan must be rejected because the rate of payment under the alternative plans is one-half the amount paid under the basic plan and is therefore clearly not proportionally equal to the payments to be made under the basic plan. The Commission feels that such discriminatory payment provisions cannot be justified on the ground that the services rendered under the basic plan may be more valuable to the supplier. In a typical case under the basic plan, a store with 20 speakers would clear approximately $65 per month over and above the amount it would pay for music charges, whereas an equivalent size store utilizing the alternative plan would clear approximately $5. Thus, if a supplier were to furnish free music to one store and not to its competitor, it would be clear that section 2(e) would be violated; the discrimination herein would be equally unlawful. The Commission felt, therefore, that this substantial disparity in payments must be eliminated before the plan can be approved. If this is done, the Commission would give its approval to the plan.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: September 13, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66–10020; Filed, Sept. 13, 1966; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proportionalized Equal Treatment for Competing Customers Under Three-Way Promotional Program Involving Recipes for Free Distribution

§ 15.89 Proportionalized equal treatment for competing customers under three-way promotional program involving recipes for free distribution.

(a) The Commission approved, with qualification, the use of a tripartite recipe plan promoting the sale of food products.

(b) Under the terms of the proposed plan, recipes will be supplied without charge to all food stores in a given marketing area for free distribution to the stores' customers. Each store which participates in the plan will have its name imprinted on the recipe card, together with the names of the participating food suppliers and their products. Availability of the plan will be publicized in a monthly trade magazine.

(c) No money will be paid to retail stores which participate in the plan, and it will be supported solely on the basis of the sale of advertising to various food suppliers who will pay a certain fee per 1,000 recipe cards to the promoter of the plan. The promoter will in turn have the recipe cards printed and distributed to the participating retailers.

(d) In its opinion the Commission said that section 2(e) of the Robinson-Patman Act "requires a supplier to treat all of his competing customers on a nondiscriminatory basis, which means that if the supplier furnishes promotional assistance to one customer he must make that assistance available on proportionally equal terms to all competing customers." The Commission also pointed out that the courts have affirmed the principle that a "supplier must comply with this provision of the law (sec. 2(e) of the R–P Act) irrespective of whether the promotional assistance is furnished to the retailer directly or through an intermediary."

(e) In giving its qualified approval to the proposed plan, the Commission said that the following three conditions must be met:

(1) All competing retailers must in fact be notified of their right to participate in the proposed plan. (The Commission did not pass upon the adequacy of the proposed means of notification because it did not have the facts upon which to base a judgment.)

(2) The plan will be offered to all competing retailers. This means that some retailers who, geographically, are not in a given marketing area must be offered the plan if they are on the periphery of that marketing area and in fact compete with the favored retailers.

(3) The plan will be made available to all competing retailers irrespective of their functional classification. Thus, nonfood stores which handle food items sold in grocery stores must also be accorded the same opportunity to participate in any promotional assistance given by the food suppliers to competing grocery outlets.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: September 13, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66–10021; Filed, Sept. 13, 1966; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

[Docket Nos. R–283, R–291; Order 327]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Reporting of Pipeline Accidents and Failures

SEPTEMBER 8, 1966.

Annual reports of classes A, B, C, and D, Natural Gas Companies subject to the Natural Gas Act. Miscellaneous amendments to FPC Forms 2 and 2–A; Docket

No. R-283[1]; telegraphic reporting of accidents involving certificated facilities of Natural Gas Pipeline Company; Docket No. R-291.

This order amends Part 260 of the Commission's regulations to require natural gas companies (a) to notify the Commission by telegram or telephone of certain pipeline failures, defined in the rule, occurring on facilities certificated by the Commission and (b) to submit a detailed report by mail within 20 days. In addition the pipeline company is required to furnish a copy of both of these reports to the state regulatory commission in the state or states where the accident or failure occurred and the telegraphic report to the state commission in those states where service might be affected. In order to expedite attention to serious accidents, this order provides for telephonic reports of accidents which cause a fatality or interruption of service to a wholesale customer. Finally, the company in its annual report to the Commission shall list and supply summary information with respect to the failures which had been individually reported during the year covered by the report. The information furnished pursuant to the rule will keep the Commission informed of serious accidents or failures and will assist it in developing comprehensive data on the causes of pipeline failures.

Notice was issued in Docket No. R-283 on September 20, 1965 (30 F.R. 12361, Sept. 28, 1965), and in Docket No. R-291 on November 2, 1965 (30 F.R. 14111, Nov. 9, 1965).

Eleven natural gas companies,[2] the Independent Natural Gas Association of America (INGAA), and the Public Service Commission of Michigan submitted comments in Docket No. R-291.

We received comments in Docket No. R-283 on the specific data which we proposed to require to be submitted in the report of details from eight pipeline companies,[3] the Kansas State Corporation Commission, INGAA, and Martin T. Bennett, a consulting engineer.

INGA and several companies requested that the Commission defer action on Dockets Nos. R-283, R-290, and R-291, until the whole matter of safety could be comprehensively analyzed and discussed by a select committee of the industry and the Commission. A conference was held on January 19, 1966, between INGAA and the Commission to discuss the proposals in these three proceedings. We have given careful consideration to all industry comments and have adopted many of the suggestions for improvement of the regulations.

As originally noticed, the proposed rules called for reports on accidents or failures (1) which required taking any segment of pipeline out of service; or (2) in which gas escaped and ignited; or (3) which caused property damage of $1,000 or more; or (4) which caused a fatality or injury requiring hospitalization. The rule, as noticed in Docket No. R-291, required first a telegraphic report and then a detailed report within 10 days. Docket No. R-283 then proposed to require a repetition in the annual report of the information supplied in the individual report. The major objection of the industry in Docket No. R-291 (applicable also to Docket No. R-283) was that the definition of reportable accident would require the reporting of numerous unimportant incidents and failures because it was not clear whether testing or maintenance shutdowns were to be included. Consequently, at the January 19th conference INGAA recommended a narrower definition of reportable accident than we had proposed.[4] Although, we do not fully adopt INGAA's suggestion, we have narrowed our definition of reportable accident substantially to make it clear that occurrences connected with routine maintenance or construction, pinhole leaks, and testing failures are not to be reported except under certain circumstances and also to make $5,000 rather than $1,000 of estimated property damage the reporting threshold. Several companies thought that $1,000 was too low, a majority suggested $5,000 and a few $10,000 or higher. Some suggested that the limit only refer to the noncompany property while others did not want to report separate estimate of damage to noncompany property on the grounds that it might prejudice them in subsequent litigation. We believe that an estimate of damage only to noncompany property is not as relevant as an estimate of total damage for the purposes of determining the seriousness of a failure and consequently will require only a combined total. In place of the monetary estimate of company damage, we are requiring a brief description of the actual damage. The possibility of prejudice in a damage suit will be lessened by the fact that an estimate of combined damage, not damage to others, is to be reported. We have added a fifth category of reportable accidents, suggested by the discussion with INGAA at the January 19 conference—those which are in the judgment of the company significant, but which do not meet the other criteria specifically named.

Several States require the reporting of a natural gas company's accidents to the State public utility commission,[5] and a number define a reportable accident to include more incidents than our rule. For example, the only three States which use specific estimates of damage as criteria for determining a reportable accident, Massachusetts, Rhode Island, and New Jersey, require the reporting of accidents resulting in property damage of over $500. Michigan requires reports on accidents "* * * resulting in serious property damage or loss of gas" and Washington requires reports on accidents "causing * * * substantial damage to property."

We are also requiring that the company send a copy of the telegram and the detailed written report to the State commission where the failure occurred, and also, in response to a suggestion by the Michigan Public Service Commission, which itself requires accident reports, we are requiring that copies of the telegraphic reports be sent to the State regulatory commission in the State or States where service might be affected by the occurrence. We believe that such reporting may prove particularly useful to States dependent upon out-of-State supplies, although we note that Kansas Corporation Commission (which also requires accident reports) advises that it would have no direct need at this time for the specific data to be reported in the detailed report under our rule.

Natural Gas Pipeline Co. and Panhandle Eastern Pipe Line Co. challenged the Commission's statutory authority to require telegraphic reports. Panhandle contended that such reports were not needed or required by the Commission because the reports would be after the fact and could in no way aid the Commission in its regulation of rates, extension of facilities, and other matters relating to the transportation and sale of natural gas in interstate commerce. We are convinced that such reports individually and collectively will assist both the Commission and the industry to fulfill their obligation to the public of better service through increased efficiency and reliability. We also believe we have full statutory authority to issue this order under section 7 (which applies to the extension, abandonment, and certification of facilities, section 10 (which authorizes the Commission to prescribe reports as necessary or appropriate to assist it in administering the Act), section 13 (which authorizes complaints by States, municipalities and State commissions), section 14 (which authorizes investigations), and section 16 (which deals with the administrative powers of the Commission).

We found the comments on the specific data which we proposed to require helpful and have adopted many of the changes suggested. We have altogether eliminated three items as not necessary.[6] A few companies commented that some of the data asked for in the detailed report would not be relevant for some failures. For example, data on cathodic or other corrosion protection are not relevant if earth-moving equipment punctures the pipe. Our rule, therefore, makes clear that certain data may be omitted if it is not relevant to the cause of the failure.

Others commented that the specific data asked for in the detailed report will not always be available in 10 days. We have relaxed the rule as proposed and it now provides 20 days for submission of the report of details. The rule further states that any additions or changes to the 20-day report should be submitted when they become known, in a supplement to that report. We have also revised some of the items to make them more specific and meaningful.[7] We have added four items: three of these more specifically ask for data on the pipeline facility using the ASA B31.8 Code as a reference point[8] and one is a more specific question on the environment in which the pipe is located.[9]

The rule proposed in Docket No. R-283 would have required the complete contents of the written individual reports to be included also in the annual report. It was mentioned at the meeting with INGAA that this is not necessary and we are by this order, in fact, reducing the amount of information on each reported accident below that which is now required in the annual reports. Since we need only one detailed report of each failure, the annual report schedule here prescribed requires only an identification of each failure and the dates on which the detailed written report and any supplements were filed. Martin T. Bennett made two other specific suggestions which we have not adopted. One was to require the location class at the time of the accident. We believe this is included in the definition of construction type which we are prescribing. The other was that we require the distance to the nearest upstream compressor station, and the discharge pressure before the failure as well as the nearest pressure reading both upstream and downstream. We do not believe this information is necessary for our purposes in view of the related information being required.

The Commission finds:

(1) The adoption of these amendments is necessary and appropriate for the administration of the Natural Gas Act.

(2) The revisions and additional items of information which we have added in the written detailed report and which did not appear in the original notice are supplementary to and add specificity to items originally noticed and do not constitute substantive changes in the reporting requirement proposed. Further notice and opportunity for comment thereon pursuant to section 4(e) of the Administrative Procedure Act prior to adoption and promulgation is therefore unnecessary.

The Commission, acting pursuant to the authority of the Natural Gas Act particularly sections 7, 10, 13, 14, and 16 (52 Stat. 824, 826, 827, 828, 830; 56 Stat. 84; 15 U.S.C. 717f, 717i, 717l, 717m, 717o), orders:

(A) Part 260, Subchapter G, Chapter I, of Title 18 of the Code of Federal Regulations is amended by adding a new § 260.9 to read as follows:

§ 260.9 Reports by natural gas pipeline companies on pipeline system accidents or failures.

(a) Every natural gas pipeline company shall report to the Federal Power Commission any pipeline system accident or failure involving facilities operated under certificate authorization from the Commission which:

(1) Causes any fatality or personal injury requiring hospitalization; or

(2) Requires the taking of any segment of pipeline out of service; or

(3) Results in gas escaping from the pipeline and igniting; or

(4) Causes estimated damage to the property of the company and others of a combined total of at least $5,000; or

(5) Is significant, in the judgment of the company, even though it does not meet the criteria of subparagraphs (1) through (4) of this paragraph. Plant or equipment shutdowns, reductions in pressure, the escape and ignition of gas, or the taking of a segment of pipeline out of service, solely as a consequence of, or in connection with, planned or routine maintenance or construction; pinhole leaks in the pipe; and failures during testing of pipe or equipment, are not to be reported, except under conditions of subparagraphs (1), (4), and (5) of this paragraph.

(b) Natural gas pipeline companies shall report such accidents by telephone or telegram to the Chief, Pipeline Division, Bureau of Natural Gas, Federal Power Commission, 441 G Street NW., Washington, D.C., at the earliest feasible moment following the accident or failure and shall state briefly the (1) location and (2) time thereof and (3) the extent of injuries, and (4) all other significant facts known then to the company relevant to the cause of the failure or the extent of damages. Any such accidents which result in a fatality or interruption of service to a wholesale customer shall be reported by telephone (Area Code 202, 393-0100).

(c) To the extent that such information is then available, natural gas pipeline companies shall furnish to the Commission within 20 days of each pipeline system failure or accident defined in paragraph (a) of this section a written detailed report of such failure containing the following information:

(1) Date and hour.

(2) Location—city, county, State, line designation, and milepost number.

(3) Number of deaths, if employee, so specify.

(4) Number of injuries, if employee, so specify.

(5) (i) Combined monetary estimate of damage to the property of the company and others.

(ii) Brief description of damage to affected facility.

(6) Service interruption.

(i) Customers affected (specify by customer class).

(ii) Duration of interruption.

(7) Description of cause of accident or failure, to the knowledge of the reporting company.

(8) Emergency actions taken.

(9) Description of affected facility. Give: (i) Description and year installed. If pipe also give: (ii) Length, (iii) diameter, (iv) wall thickness, (v) steel specification number, (vi) grade, and (vii) pipe class per ASA B31.8, paragraph 841.12; if coupling or joint involved, denote type.

(10) Has any extra protection been necessary due to special conditions in the environment of the pipe such as stream-bed, high-tension lines, or highway crossing? If so, what extra protection was provided?

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[1] The notice issued in Docket No. R-283 proposed, among other things, the revision of the schedule "Service Interruptions and Property Damage" in FPC Form 2 and the addition of such a schedule to FPC Form 2-A. The Commission deferred consideration of these matters when it issued Order No. 310, in that docket, on Dec. 8, 1965, 34 FPC ____, 30 F.R. 15465. Since those proposals relate, generally, to the subject matter of the proceeding in Docket No. R-291, they will now be considered.

[2] Algonquin Gas Transmission Co., Columbia Gas System Service Corp., El Paso Natural Gas Co., Equitable Gas Co., Lone Star Gas Co., Michigan Gas Storage Co., Northern Natural Gas Co., Pacific Gas Transmission Co., Panhandle Eastern Pipe Line Co., Texas Eastern Transmission Corp., Transwestern Pipeline Co.

[3] Columbia Gas System Service Corp., El Paso Natural Gas Co., Natural Gas Pipeline Company of America, Panhandle Eastern Pipe Line Co., Texas Gas Transmission Corp., Trunkline Gas Co., Union Light, Heat & Power Co., United Gas Pipe Line Co.

[4] INGAA's proposed definition was: "an accident or transmission operating failure involving facilities operated under certificate authorization from the Commission shall be a rupture or break in the pipeline material, valve or pipe fitting, or a failure in a compressor station which results in (i) fatality or personal injury requiring hospitalization, (ii) loss of service to a market of the company, (iii) ignition of the total stream of gas moving in the pipeline, or (iv) estimated damage to property of third parties of $10,000 or more."

[5] Connecticut P.U.C., order Mar. 12, 1962, Docket No. 10050, sec. 37; P.S.C. of Indiana, rules for gas utilities, cause No. 30281, approved Apr. 2, 1964, Rule 22; Kansas State Corporation Commission; rules and regulations relating to standards of quality, pressure, accuracy of measurement, safety and service of natural gas, Docket 34856-U, Jan. 16, 1961, sec. 705; Maryland P.S.C., regulations governing service supplied by gas companies, order No. 5567, July 1, 1964, sec. 203.6; Massachusetts Department of Public Utilities, order, Jan. 23, 1963, D.P.U. 9734-B, sec. 8; Michigan P.S.C. Gas Safety Code, Order D-3913, sec. R-460.862.1; New Hampshire P.U.C., rules and regulations prescribing standards for gas utilities, order No. 7790, Jan. 11, 1962, sec. 30; New Jersey Department of Public Utilities, order in Docket No. 6663, sec. 29; Oregon, rules and regulations of the public utility commissioner sec. 24-045; Pennsylvania, P.U.C., gas regulations, effective Jan. 1, 1963, sec. 202, Rule 1; Rhode Island Department of Business Regulations, Division of Public Utilities, Nov. 1, 1955, sec. 15; Washington P.S.C. consolidated causes No. U-8799 and U-8800, Rule 25.

[6] Design operating pressure; measurable pit depths; reconstruction costs.

[7] Estimated property damage; description of affected facility; applicable safety code.

[8] (1) "Construction type required for facility by ASA B31.8, paragraph 841, if installed at time of accident." The construction type, as used in the ASA code, determines the highest pressure, for safety purposes, expressed as a percent of the minimum yield strength which a pipe in any given locality may use under the ASA standards. The main factor determining construction type is the population density.

(2) "Maximum allowable operating pressure allowed for facility by ASA B31.8 if installed at time of accident." This indicates the maximum safe pressure which the most current ASA safety code would allow.

(3) "Maximum pressure allowed by state law." This may in some cases be lower than that prescribed by the ASA code.

[9] Extra protection needed for pipe due to special environmental conditions. This will indicate if any conditions which could affect the life of the pipe were present.

(11) Construction type per ASA Code B31.8, paragraph 841 required for the facility if installed at time of accident.

(12) (i) Maximum allowable operating pressure per ASA Code B31.8 for the facility if installed at time of accident. If company uses a standard other than ASA Code B31.8, give also the maximum allowable pressure under such standard and an explanation of such standard.

(ii) Maximum operating pressure allowed by State law, if applicable.

(13) Operating pressure at time of accident or failure (p.s.i.g.).

(14) Results of any metallurgical tests made on facility involved in failure. Indicate the degree of corrosion and reduction in net effective wall thickness of the segment and preventive measures taken, if applicable.

(15) Method used in testing affected facility to withstand design operating pressure. Describe any periodic leak tests. Describe any upgrading or downgrading of operating pressure.

(16) Description of coating and wrapping materials, method of application and frequency of inspection. If not coated, state why.

(17) Was facility subject to cathodic protection? If so, state the frequency of inspection of protective device and facility affected. If not cathodically protected, state why.

(18) Results of any soil resistivity and soil chemical tests in the area of the facility affected. Indicate degree to which soil bed or the terrain (such as level, rolling, steeply graded) might have contributed to corrosion or failure of the facility.

(d) The company shall file supplements to this detailed report if complete information later becomes available or changes are necessary after this report is filed. The data in items (11) through (18) may be omitted if they are not relevant to the cause of the failure. In these cases the reporting company shall briefly indicate why such information is not relevant.

(e) Copies of both the telegraphic report and the written report shall be sent to the State regulatory commission in the State where the failure occurred. Copies of the telegraphic report shall also be sent to the State commission in those States where service might be affected by the failure.

(f) Natural gas companies shall submit to the Commission an original and three conformed copies of the 20-day report of details and any supplements thereto.

(B) The schedule, "Service Interruptions and Property Damage" on page 568 of FPC Form No. 2, prescribed by § 260.1 of said Part 260 is deleted and the following schedule is substituted in its place:

PIPELINE SYSTEM ACCIDENTS AND FAILURES

For each pipeline facility accident or failure during the reporting year for which the Commission requires a report under § 260.9 of this part and for any unreported supplements to accident reports of preceding years, furnish the following information. This information correlates with items (1) through (8) of the detailed report required to be submitted to the Commission on each such accident or failure.

(1) (a) Date of accident or failure.

(b) Date or dates on which accident reports were filed pursuant to § 260.9 of this part.

(2) Location—city, county, State.

(3) Number of deaths, if any.

(4) Number of injuries, if any.

(5) Brief description of damage to affected facility.

(6) Service interruptions.

(i) Customers affected (specify by customer class).

(ii) Duration of interruption.

(C) FPC Form No. 2–A, prescribed by § 260.2 of the said Part 260 is amended by adding a new schedule on page 13, to read as set out in ordering paragraph (B).

(D) In order to correctly list the new schedules, §§ 260.1(c) and 260.2(c) are revised as follows:

(1) In § 260.1(c) revise the schedule title "Service Interruptions and Property Damage" to read "Pipeline System Accidents and Failures."

(2) In § 260.2(c), add to follow schedule title "Expenditures for Certain Civic, Political and Related Activities," a new title reading "Pipeline System Accidents and Failures."

(E) The proceeding in Docket No. R–283, insofar as it relates to the proposed schedule "Pipeline Systems Accidents and Failures" in both Form No. 2 and Form No. 2–A, is terminated.

(F) The amendment prescribed herein requiring telegraphic and detailed written reports shall be effective November 1, 1966. The amendments to the Annual Report, Forms 2 and 2–A, shall be effective for the reporting year 1966 and thereafter.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Secs. 7, 10, 13, 14, 16, 52 Stat. 824, 826, 827, 828, 830; 56 Stat. 84; 15 U.S.C. 717f, 717i, 717l, 717m, 717o)

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-9998; Filed, Sept. 13, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

Subpart M—Organization

PART 8—COLOR ADDITIVES

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), and pursuant to section 3(a)(1) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002), Chapter I of Title 21 is amended as follows to reflect organizational changes in the Food and Drug Administration:

1. Section 2.121 (31 F.R. 3008) is amended by changing paragraphs (a), (f), (h), (i), and (j) and by deleting paragraph (g), as follows:

§ 2.121 **Redelegations of authority from the Commissioner to other officers of the Administration.**

* * * * *

(a) *General delegation of authority.* The Deputy Commissioner of Food and Drugs and the Associate Commissioner for Compliance are authorized to perform all the functions of the Commissioner of Food and Drugs.

* * * * *

(f) *Delegations regarding certification of color additives.* The Director of the Bureau of Science and the Director of the Division of Color Certification and Evaluation of that Bureau are authorized to certify batches of color additives for use in food, drugs, or cosmetics, pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act.

(g) [Deleted]

(h) *Delegations regarding certification of insulin.* The Director of the Bureau of Science and the Director of the Division of Antibiotics and Insulin Certification of that Bureau are authorized to exercise the functions and duties of the Commissioner under the regulations insofar as such duties and functions involve the certification of batches of drugs containing insulin as contemplated by § 164.3 (a) and (c) of this chapter or approval of the use of materials as contemplated by § 164.2 (j) and (k) of this chapter.

(i) *Delegations regarding certification of antibiotic drugs.* The Director of the Bureau of Science and the Director of the Division of Antibiotics and Insulin Certification of that Bureau are authorized to certify or reject batches of antibiotic drugs, or any derivative of these drugs, pursuant to section 507(a) of the Federal Food, Drug, and Cosmetic Act.

(j) *Delegations regarding approved new-drug applications for medicated feeds.* The Director of the Bureau of Veterinary Medicine is authorized to notify applicants of approved new-drug applications for medicated feeds, pursuant to § 130.10 of this chapter.

2. Section 2.171 (31 F.R. 3008) is revised to read as follows:

§ 2.171 **Washington headquarters.**[1]

The central organization of the Food and Drug Administration consists of:

[1] Current locations and addresses of these units may be obtained from the Office of Education and Information, 200 C Street SW., Washington, D.C. 20204.

OFFICE OF THE COMMISSIONER

Commissioner of Food and Drugs.
Deputy Commissioner of Food and Drugs.
Hearing Examiner.
Associate Commissioner for Compliance.
Associate Commissioner for Science.
Assistant Commissioner for Administration.
Division of Financial Management.
Division of General Services.
Division of Management Systems.
Division of Personnel Management.
Assistant Commissioner for Education and Information.
Assistant Commissioner for Planning and Evaluation.
Office of Federal-State Relations.
Office of International Affairs.
Office of Legislative Services.
Office of Policy Management.

BUREAU OF DRUG ABUSE CONTROL

Division of Case Assistance.
Division of Drug Studies and Statistics.
Division of Investigations.

BUREAU OF EDUCATION AND VOLUNTARY COMPLIANCE

Division of Consumer Relations.
Division of Industry Education.

BUREAU OF MEDICINE

Office of Drug Surveillance.
Division of Drug Monitoring.
Division of Epidemiology.
Division of Supplement Review.
Office of Medical Review.
Division of Case Review.
Division of Medical Advertising.
Division of Medical Devices.
Office of New Drugs.
Division of Anti-infective Drugs.
Division of Cardiopulmonary and Renal Drugs.
Division of Dental and Surgical Adjuncts.
Division of Metabolism and Endocrine Drugs.
Division of Neuropharmacological Drugs.
Division of Oncology and Radiopharmaceuticals.

BUREAU OF REGULATORY COMPLIANCE

Division of Case Supervision.
Division of Field Operations.
Division of Review and Appraisal.

BUREAU OF SCIENCE

Division of Antibiotics and Insulin Certification.
Division of Color Certification and Evaluation.
Division of Color and Cosmetic Chemistry.
Division of Food Chemistry.
Division of Food Standards and Additives.
Division of Microbiology.
Division of Nutrition.
Division of Pharmaceutical Chemistry.
Division of Pharmacology.
Division of Toxicological Evaluation.

BUREAU OF VETERINARY MEDICINE

Division of Veterinary Medical Review.
Division of Veterinary New Drugs.
Division of Veterinary Research.

3. Section 8.1 *Definitions and interpretations* is amended by changing in paragraph (e) the "Bureau of Scientific Standards and Evaluation," to read "Bureau of Science,".

Effective date. This order is effective upon publication in the FEDERAL REGISTER.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: September 7, 1966.

JAMES L. GODDARD, *Commissioner of Food and Drugs.*

[F.R. Doc. 66-10022; Filed, Sept. 13, 1966; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Frozen Concentrate for Artificially Sweetened Lemonade

DEFINITION AND STANDARD OF IDENTITY

In the matter of establishing a definition and standard of identity for frozen concentrate for artificially sweetened lemonade:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of June 17, 1966 (31 F.R. 8497), based on a joint petition filed by Libby, McNeill, & Libby, 200 South Michigan Avenue, Chicago, Ill. 60604, and the RealLemon Division of the Borden Co., 350 Madison Avenue, New York, N.Y. 10017.

Six comments were received in response to the proposal. Four firms favored the compositional aspects of the proposal, but their comments included suggestions that the requirement for label declaration of added lemon oil be deleted. One firm protested the provision to permit the optional use of thickening and dispersing ingredients. Two firms requested that any artificial sweetener be permitted if it now has, or in the future may receive, food additive clearance pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act.

In regard to the label declaration of added lemon oil, the order published in the FEDERAL REGISTER of June 17, 1966 (31 F.R. 8493), promulgating amendments to the standard for frozen concentrate for lemonade (21 CFR 27.101) recognized that lemon oil is invariably present in the food and did not require label declaration. The following order establishing the standard for frozen concentrate for artifically sweetened lemonade deals with the lemon juice ingredients, including lemon oil, by cross reference to the standard for frozen concentrate for lemonade. This has the effect of not requiring label declaration of lemon oil present in the artifically sweetened food. The other suggestions are not incorporated in this order.

Therefore, on the basis of the information supplied by the petitioners, comments received, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for frozen concentrate for artifically sweetened lemonade as hereinafter set forth. Accordingly, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered,* That Part 27 be amended by adding the following new section:

§ 27.103 **Frozen concentrate for artificially sweetened lemonade; identity; label statement of optional ingredients.**

(a) Frozen concentrate for artificially sweetened lemonade conforms to the definition and standard of identity prescribed for frozen concentrate for lemonade by § 27.101, except that in lieu of nutritive sweeteners it is sweetened with one or more of the artificial sweetening ingredients specified in paragraph (b) of this section, and the soluble solids specifications prescribed in § 27.101(a) do not apply. When the product is diluted according to directions which shall appear on the label, the acidity of the artificially sweetened lemonade, calculated as anhydrous citric acid, shall be not less than 0.70 gram per 100 milliliters. It may contain one or more safe and suitable dispersing ingredients serving the function of distributing the lemon oil throughout the food. It may also contain one or more safe and suitable thickening ingredients. Such dispersing and thickening ingredients are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act.

(b) The artificial sweetening ingredients referred to in paragraph (a) of this section are saccharin, sodium saccharin, sodium cyclamate, calcium cyclamate, or any combination of these.

(c) The name of the food is "frozen concentrate for artificially sweetened lemonade." The words "artificially sweetened" shall be of the same size and style of type as the word "lemonade."

(d) If an optional thickening or dispersing ingredient referred to in paragraph (a) of this section is used, the label shall bear the statement "_____ added" or "with added _____," the blank being filled in with the common name of the thickening or dispersing agent used. Such statement shall be set forth on the label with such prominence and conspicuousness as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase.

(e) Frozen concentrate for artificially sweetened lemonade is labeled to conform to the labeling requirements prescribed for foods which purport to be or are represented for special dietary use by regulations promulgated pursuant to section 403(j) of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW.,

Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 7, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10023; Filed, Sept. 13, 1966; 8:47 a.m.]

PART 27—CANNED FRUITS AND FRUIT JUICES

Frozen Concentrate for Lemonade and for Colored Lemonade

CONFIRMATION OF EFFECTIVE DATE OF ORDER AMENDING IDENTITY STANDARDS

In the matter of amending the definition and standard of identity for frozen concentrate for lemonade (21 CFR 27.101) with respect to heat treatment of the lemon juice ingredient and labeling requirements pertaining to lemon oil; and amending the definition and standard of identity for colored lemonade (21 CFR 27.102) with respect to permitted colorings and labeling therefor:

In response to the order in the above-identified matter published in the FEDERAL REGISTER of June 17, 1966 (31 F.R. 8493), one firm submitted a letter protesting certain provisions or lack of provisions therein. It is concluded that said letter does not meet the requirements of section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act and, therefore, does not justify staying the subject order and scheduling a hearing.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), notice is given that the amendments promulgated by that order will become effective December 14, 1966.

Stays of effective date were announced in the FEDERAL REGISTER of June 26, 1959 (24 F.R. 5216), for §§ 27.101(e)(1) and 27.102(b)(3). As of December 14, 1966, the subject order deletes § 27.101(e)(1) and ends the stay of effective date on § 27.102(b)(3).

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 7, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10024; Filed, Sept. 13, 1966; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACT FINANCING

PART 163—DEFENSE CONTRACT FINANCING REGULATIONS

Miscellaneous Amendments

Part 163 is amended as follows:

1. Section 163.53 is revised to read as follows:

§ 163.53 Interest.

(a) Interest will be charged on all advance payments hereafter authorized, at the rate of 6 percent per annum on the unliquidated balance: *Provided, however,* Advance payments may be approved without interest when in connection with nonprofit contracts with nonprofit educational or research institutions for experimental, research and development work, or on nonprofit contracts in the dependents' medical care program, or on contracts solely for the management and operation of Government-owned plants, or, in unusual cases when specifically authorized by the Under or Assistant Secretary responsible for the comptroller function. In this connection, contracts for acquisition of facilities at cost, for Government ownership, in combination with or in contemplation of supply contracts or subcontracts, will be treated as ordinary profit contracts requiring interest on advance payments. This interest rate applies to increases and extensions.

(b) Contracts with interest-free advance payments, hereafter authorized, should provide that the contractor will charge interest at the rate of six percent per annum on subadvances or downpayments to subcontractors, and that interest charged on such subadvances or downpayments will be credited to the account of the Government. However, interest need not be charged on subadvances on nonprofit subcontracts with nonprofit educational or research institutions for experimental, research, or development work.

(c) Interest on advance payments will not be allowed as a cost under any cost-reimbursement type contract nor cost-reimbursement subcontract thereunder, and no such contract or subcontract may provide or be amended to provide for allowance of such interest as an item of cost.

2. In § 163.60, paragraph 2 of the form, following the heading "Determinations", is revised to read as follows:

§ 163.60 Findings, determinations, and authorizations.

* * * * *

DETERMINATIONS

2. Upon the basis of the foregoing findings, I hereby determine that the making of the proposed advance payments with interest of 6 percent per annum on the unliquidated balance of such advance payments (without interest except as provided by the proposed advance payment clause) (is in the public interest) (will facilitate the national defense).

* * * * *

3. In § 163.64-2, paragraph (n) of the advance payment provisions is revised to read as follows:

§ 163.64-2 Advance payment provisions.

* * * * *

(n) *Designations and determinations*—(1) *Amount.* The amount of advance payments at any time outstanding hereunder shall not exceed $-------- (or alternatively:)

(1) *Amount.* The aggregate amount of the advance payments to be made hereunder (less the aggregate amounts paid or withdrawn pursuant to paragraph (4)) shall not exceed $--------.

(2) *Depository.* The bank designated for the deposit of payments made hereunder shall be ----------.

(3) *Interest charge.* Interest shall be charged in the manner provided herein at the rate of 6 percent per annum. (In the case of advance payments made without interest, insert the following:) No interest shall be charged for advance payments made hereunder, except as provided for in paragraph (k)(v)(b). The Contractor shall charge interest at the rate of 6 percent per annum on subadvances or down payments to subcontractors, and such interest will be credited to the account of the Government. However, interest need not be charged on subadvances on nonprofit subcontracts with nonprofit educational institutions for experiment, research or development work.

(4) *Administering office.* The office administering advance payments is designated as ----------.

* * * * *

[Rev. 18 ASPR, Aug. 1, 1966] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 301, 702(d), 64 Stat. 800, 816, as amended, secs. 2307, 7364, 70A Stat. 131, 455, as amended, sec. 1, 72 Stat. 972; 50 U.S.C. App. 2091, 2152(d), 10 U.S.C. 2307, 7364, 50 U.S.C. 1431, E.O. 10480, 18 F.R. 4939, 3 CFR 1953 Supp., E.O. 10789, 23 F.R. 8897, unless otherwise noted)

KENNETH G. WICKHAM,
Major General, U.S. Army
The Adjutant General.

[F.R. Doc. 66-9996; Filed, Sept. 13, 1966; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

PART 9-12—LABOR

Subpart 9-12.1—Basic Labor Policies

Subpart 9-12.9—Service Contract Act of 1965

PART 9-16—PROCUREMENT FORMS

Subpart 9-16.50—Contract Outlines

MISCELLANEOUS AMENDMENTS

1. Section 9-7.5004-13, *Contract Work Hours Standards Act—Overtime Compensation,* is revised to read as follows:

§ 9-7.5004-13 Contract Work Hours Standards Act—Overtime Compensation.

See FPR 1-12.303 and AECPR 9-12.103-51.

2. Section 9-7.5004-15, *Labor (construction contracts),* is revised to read as follows:

§ 9-7.5004-15 Labor (construction contracts).

See FPR 1-16.901-19A and AECPR 9-12.103-51.

3. The following section is added:

§ 9-12.103-51 Retention of payroll and associated records.

Under certain cost-type contracts for the management and operation of AEC facilities, for the construction of major facilities, and for necessary miscellaneous construction incidental to the function of these facilities, the title to payroll and associated records is in the Government and such records are disposed of in accordance with AEC directions. For such contracts, the Solicitor of Labor has granted a tolerance from the Department of Labor Regulations to omit from the prescribed labor clauses the requirement for the retention of payrolls and associated records for a period of 3 years after completion of the contract. Under this tolerance, the records retention requirements for all labor clauses in the contract and the Fair Labor Standards Act is satisfied by disposal of such records in accordance with AEC directives.

4. Section 9-12.904-1, *Clause for Federal service contracts in excess of $2,500,* is revised to read as follows:

§ 9-12.904-1 Clause for Federal service contracts in excess of $2,500.

Subcontracts awarded by contractors operating and managing AEC facilities shall include the clause in FPR 1-12.904-1 with appropriate modifications (e.g., substitutions of "operating contractor" for "Contracting Officer" and "Government"; "subcontractor" for "Government Prime Contractor" and "Contractor"; "sub-subcontractor" for "subcontractor"; and the modification necessary if AECPR 9-12.103-51 applies).

5. Section 9-16.5002-2, *Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities),* paragraph (16) is revised to read as follows:

§ 9-16.5002-2 Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities).

* * * * *

(16) Contract Work Hours Standards Act—Overtime Compensation—FPR 1-12.303 with the modification necessary if AECPR 9-12.103-51 applies; or Walsh-Healey Public Contracts Act, FPR 1-12.605, if the contract exceeds $10,000.

* * * * *

6. Section 9-16.5002-4, *Outline of a cost-plus-a-fixed-fee construction contract, Article XXII—Labor,* is revised to read as follows:

§ 9-16.5002-4 Outline of a cost-plus-a-fixed-fee construction contract.

* * * * *

Article XXII—Labor.

(a) *Davis-Bacon Act (Act of Mar. 3, 1931, as amended; 40 U.S.C. 276a and following)*—Insert contract clause set forth in Standard Form 19A with the modification necessary if AECPR 9-12.103-51 applies.

(NOTE: This clause includes provisions required by regulations of the Department of Labor. Part 3, Title 29, Subtitle A, Code of Federal Regulations (7 F.R. 687 as amended) and Part 5, Title 29, Subtitle A, Code of Federal Regulations (16 F.R. 4430) as amended.)

(b) *Contract Work Hours Standards Act—Overtime Compensation.* Insert contract clause set forth in Standard Form 19A with the modification necessary if AECPR 9-12.103-51 applies.

* * * * *

7. Section 9-16.5002-5, *Outline of a cost-plus-a-fixed-fee architect-engineer contract, Article XXIII—Labor,* paragraph (a) is revised to read as follows:

§ 9-16.5002-5 Outline of a cost-plus-a-fixed-fee architect-engineer contract.

* * * * *

Article XXIII—Labor.

(a) *Contract Work Hours Standards Act—Overtime Compensation.* Insert contract clause set forth in FPR 1-12.303 with the modification necessary if AECPR 9-12.103-51 applies.

* * * * *

8. Section 9-16.5002-6, *Outline of a lump-sum architect-engineer contract (with cost reimbursement features), Article XVI—Labor,* paragraph (a) is revised to read as follows:

§ 9-16.5002-6 Outline of a lump-sum architect-engineer contract (with cost reimbursement features).

* * * * *

Article XVI—Labor.

(a) *Contract Work Hours Standards Act—Overtime Compensation.* Insert contract clause set forth in FPR 1-12.303 with the modification necessary if AECPR 9-12.103-51 applies.

* * * * *

9. Section 9-16.5002-9, *Outline of cost-type contract for research and development with educational institutions, Article B-20—Contract Work Hours Standards Act—Overtime Compensation,* is revised to read as follows:

§ 9-16.5002-9 Outline of cost-type contract for research and development with educational institutions.

* * * * *

ARTICLE B-20—CONTRACT WORK HOURS STANDARDS ACT—OVERTIME COMPENSATION

Insert Article in FPR 1-12.303 with the modification necessary if AECPR 9-12.103-51 applies.

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 8th day of September 1966.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 66-9994; Filed, Sept. 13, 1966; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese (except snow geese), brant and coots on the Montezuma National Wildlife Refuge, N.Y., is permitted from October 15, 1966, through November 20, 1966, inclusive, on Tuesdays, Thursdays, and Saturdays only, and only on the area designated by signs as open to hunting. This open area, known as the Storage Pool, comprises 1,340 acres and is delineated on maps available at refuge headquarters, Seneca Falls, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunt-

ing shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese (except snow geese), brant and coots subject to the following special conditions:

(1) All hunters must have a special permit obtained in advance of the hunt. Applications for permit must be postmarked no later than October 1. Selection of applications will be by public drawing.

Successful applicants must appear in person at the refuge hunter checking station prior to one hour before local shooting time on the date reserved.

(2) Saturday, October 22, 1966, and Saturday, October 29, 1966, will be reserved for the Young Waterfowler's Training Program Hunt. A brochure describing this program is also available.

(3) Hunting will be only from specified blinds or shooting positions.

(4) Hunters must provide a minimum of six duck decoys and will be limited to 20 shells each, with shot size no larger than #2.

The provisions of this special regulation supplement of the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1966.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-10031; Filed, Sept. 13, 1966; 8:48 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4; Amdt. 9; Docket No. 66-2]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart B—Duties and Obligations

OCEANGOING COMMON CARRIERS AND PERSONS SHIPPING FOR OWN ACCOUNT; CORRECTION

In the last sentence of the second paragraph of the prefatory language of the document published in the FEDERAL REGISTER on September 3, 1966 (31 F.R. 11652), the phrase "the originating carrier" should read "the originating forwarder".

In the second sentence of the third paragraph of the prefatory language of the above-mentioned document, the phrase "paid to the carrier" should read "paid to the forwarder".

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66-10011; Filed, Sept. 13, 1966; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

PINK BOLLWORM

Notice of Public Hearing on Extending Quarantine to State of California and Notice of Rule Making Relating to Such Quarantine and Supplemental Regulations

The Deputy Administrator of the Agricultural Research Service has information that the pink bollworm, *Pectinophora gossypiella* Saund., a dangerous insect which previously has been found to exist in certain parts of the States of Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, has been discovered in certain parts of the State of California.

Notice is hereby given that it is proposed under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to quarantine the State of California and to regulate, under the pink bollworm quarantine and supplemental regulations (7 CFR 301.52, 301.52–1 et seq.), the interstate movement from this State, or areas therein where the pink bollworm has been discovered or other basis for regulation exists, into or through any other State, Territory, or District of the United States of (1) okra and kenaf, including all parts of the plants; (2) cotton and wild cotton, including all parts of both cotton and wild cotton plants; (3) seed cotton; (4) cotton lint; (5) cotton linters; (6) cotton waste produced at cotton gins, cottonseed oil mills, or textile mills; (7) gin trash; (8) cottonseed; (9) cottonseed hulls; (10) cottonseed cake; (11) cottonseed meal; (12) used bagging and other used wrappers for cotton; (13) used cotton harvesting equipment; and (14) other farm products, other farm equipment, farm household goods, ginning and oil mill equipment, other cotton processing machinery, and means of conveyance, and, unlimited by the foregoing, any other products and articles of any character whatsoever, not within numbers (1) through (13) above, when it is determined in accordance with the regulations (§§ 301.52–1 to 301.52–10) that they present a hazard of spread of the pink bollworm.

Further, notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Agricultural Research Service proposes to amend the pink bollworm quarantine and administrative instructions thereunder (7 CFR 301.52, 301.52–2a) by adding California to the States designated as quarantined and specifying regulated areas in said State for purposes of the regulations, if it is determined that such action is necessary.

A public hearing to consider the above proposals will be held before a representative of the Agricultural Research Service in Room B–109, State Building, 1350 Front Street, San Diego, Calif., at 10 a.m., P.d.t., on October 4, 1966, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals.

Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before October 10, 1966, or with the presiding officer at the hearing. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended)

Done at Washington, D.C., this 9th day of September 1966.

[SEAL] B. J. ANDERSON,
Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 66-10042; Filed, Sept. 13, 1966; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 1096]

[Docket No. AO-257-A13]

MILK IN NORTHERN LOUISIANA MARKETING AREA

Notice of Rescheduled Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice was issued August 23, 1966 (31 F.R. 11318) giving notice of a public hearing to be held at the Shreveporter, 3880 Greenwood Road, Shreveport, La., beginning at 10 a.m., local time, on September 15, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Northern Louisiana marketing area.

Notice is hereby given that the said public hearing is rescheduled and will be held December 6, 1966, beginning at 10 a.m., local time, at the Shreveporter, 3880 Greenwood Road, Shreveport, La.

Signed at Washington, D.C., on September 8, 1966.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 66-10015; Filed, Sept. 13, 1966; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

MARINE NAVIGATIONAL INSTRUMENTS

Proposed Exemption of Tritium

By letter dated March 3, 1966, Brookes & Gatehouse, Inc., filed a petition with the Atomic Energy Commission requesting exemption from licensing requirements for electrical meters containing tritium-activated light sources used for marine purposes. The light sources described by the petitioner are small glass capsules, internally coated with a phosphor which is activated by tritium gas in the capsule. Such instruments are used for the measurement of boat speed, depth of water, wind direction, etc. The instruments described by the petitioner are electrically operated and capable of being electrically illuminated. However, the electric power is sometimes supplied by batteries so that it is desirable to avoid even the small power consumption of a low wattage lamp. Much marine instrumentation has been transistorized for this and other reasons.

The Commission has given careful consideration to the petition and is considering a finding that exemption from licensing requirements for the receipt, possession, use, transfer, export, ownership, and acquisition of tritium-luminous marine navigational instruments, under the conditions set out in the proposed amendments, will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

The proposed amendment to 10 CFR Part 30 which follows would exempt such instruments by revising § 30.15(a)(5). The exemption for marine compasses containing not more than 750 millicuries of tritium, presently provided in § 30.15(a)(5), would be extended to exempt other marine navigational instruments containing not more than 250 millicuries of tritium gas. In addition, the proposed amendment would require the tritium content of the presently exempted ma-

rine compasses to be in the physical form of gas.

The present exemption in § 30.15(a) does not apply to the manufacture or import for sale or distribution of the products listed. Criteria for the issuance of a specific license to manufacture or import exempted items, and certain reporting and quality control requirements, are set forth in §§ 32.14, 32.15, 32.16, and 32.110, 10 CFR Part 32, "Specific Licenses to Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material," and would apply to manufacture or import of marine navigational instruments under the proposed exemption.

The Commission has determined that marine navigational instruments are items intended for use by the general public. Accordingly, pursuant to § 150.15(a)(6), 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274", the transfer of their possession or control by the manufacturer, processor, or producer, is subject to the Commission's licensing and regulatory requirements even if the product is manufactured pursuant to an agreement State[1] license. A manufacturer, processor, or producer of marine navigational instruments containing tritium, when located in an agreement State, would be required to file an application with the Commission for a specific license authorizing the transfer of such instruments. The application should meet the criteria of § 32.14 (b), (c), and (d), 10 CFR Part 32.

There does not appear to be any significant hazard associated with the possession and use of tritium-luminous marine navigational instruments. Since tritium emits only a very low energy beta particle which is completely shielded by the walls of the glass capsule in which the gas is sealed, there is no external radiation hazard. So long as the tritium gas is confined in the glass capsule, it is not available for uptake into the body. However, in the event of severe damage to the instrument, the capsule might be ruptured and the tritium gas dispersed in the air. The types of instruments under consideration are usually installed in the wheelhouse or cockpit of a ship or boat, which, if not completely open to the air, is subject to considerable ventilation. The rapid dilution of the tritium gas by air, and the fact that data indicate that less than 0.1 percent of the tritium gas inhaled into the lungs is retained in the body, assure that the radiation exposure which might be received as a result of damage to a tritium-luminous instrument would be very small. For example, if by some accident 250 millicuries of tritium gas, the maximum instrument content being considered, were released into a volume of 10 cubic meters, with a ventilation rate of only 10 air changes per hour, the total internal radiation dose received by a person occupying such a space would not exceed 2 millirem, or 2 percent of the annual exposure received from natural background.

The types of instruments under consideration have relatively long useful lives, perhaps as long as 20 years. Much of the tritium would decay during the life of the instrument or within the instrument after its disposal as trash. Even if broken or obsolete instruments were to be processed to reclaim metallic components, contamination of scrap and reprocessed metal is not a significant consideration. While a very small fraction of any tritium gas released might be absorbed on metallic surfaces, it would be driven off during smelting or other purification processes. The petitioner has estimated that the annual market for his instruments in the United States is not likely to exceed 1,000. If a factor of 100 is assumed to account for other manufacturers, and if each instrument is assumed to contain the proposed maximum amount of tritium, 250 millicuries, the total amount of tritium used annually could approach 25,000 curies. This quantity may be compared to the natural production of approximately 8 million curies per year of tritium in the atmosphere by cosmic radiation. It has been calculated that naturally produced tritium delivers an environmental exposure of approximately 0.003 millirem per year.

An exemption for marine navigational instruments containing tritium would be consistent with the consumer product criteria published in the FEDERAL REGISTER on March 16, 1965 (30 F.R. 3462), which set out the essential terms of the Commission's policy with respect to the approval of the use of byproduct and source material in products intended for use by the general public without the imposition of regulatory controls on the user.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendment to 10 CFR Part 30 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Subparagraph (5) of § 30.15(a) is amended to read as follows:

§ 30.15 Certain items containing tritium or promethium 147.

(a) Except for persons who apply tritium or promethium 147 to, or persons who incorporate tritium or promethium 147 into, the following products, or persons who import for sale or distribution the following products containing tritium or promethium 147, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns, or acquires the following products:

* * * * *

(5) Marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas.

* * * * *

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 2d day of September 1966.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 66-9995; Filed, Sept. 13, 1966; 8:45 a.m.]

[1] A State to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement, pursuant to sec. 274 of the Atomic Energy Act of 1954, as amended.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 6]

SMALL BUSINESS SIZE STANDARDS

Definition of a Small Business Manufacturer

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the Small Business Size Standards Regulation (Rev. 6), as amended, by establishing new definitions of a small business manufacturer for the purpose of bidding on Government procurements for passenger car and motorcycle pneumatic tires, truck, and bus pneumatic tires, and passenger automobiles.

The present definition of a small business manufacturing concern for the purpose of bidding on Government procurements for the above products is a concern which is independently owned and operated, is not dominant in the field of operation in which it is bidding and, together with its affiliates, employs no more than 1,000 employees.

Section 2 of the Small Business Act provides for the preservation and expansion of competition and states that the declared policy of Congress is that the Government should aid, counsel, assist and protect, insofar as possible, the interests of small business concerns in order to preserve free competitive enterprise and to insure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the Government will be placed with small business enterprises.

In order to increase small business participation in Government procurement, a "Small Business Set-Aside Program" was established. The purpose of the program is to provide the opportunity for qualified small business concerns to compete for a "fair share" of Government contracts without increasing procurement costs.

SBA has the authority and responsibility to determine size standards, which define "small business" for each SIC industry, and to issue a "Certificate of Competency" determining that the firm is competent as to capacity and credit to perform the specific contract. The Government procurement agencies have the final decision as to whether a procurement is to be set-aside.

While administrative practices, rules, and criteria have changed somewhat over time, the principal thrust of the program has been to assist small business in obtaining Government contracts, but without necessarily enhancing competition in certain industries. However, by careful and selective revision of size standards for certain industries, considerable impact may be made in carrying out the congressional intent of enhancing competition via Government procurement without increasing procurement costs. The principal needs and greatest potential impacts appear to be in the manufacturing sector of the economy.

Until 10 years ago, the size standard for all firms engaged in manufacturing was set at 500 employees. That is, firms with at most 500 employees were classified as "small business" for Government procurement. It has been recognized by SBA that the definition of small business is dependent on the structure of the particular industry if competition within the industry is to be preserved and strengthened. At the present time, the range of industry size standards for the manufacturing sector runs from 500 to 1,000 employees.

While the need for careful and selective revision of size standards for specific industries has been recognized, current size standards for certain industries are ineffective in preserving or increasing competition through Government procurement. Significant increases in size standards in highly concentrated industries are necessary to enhance competition by firms that may be considered large in absolute size though small in market shares.

For some industries, present size standards do not provide for effective competitive impact through procurement. If significant revisions of size standards for these industries were implemented, an important enhancement of effective competition could be realized without increasing procurement costs. Candidate industries include, but are not limited to, those with very few or no firms which can meet present size standards. Firms which are large in absolute size, but small in market shares, can then effectively compete with the giants in highly concentrated industries.

The determination of industries for which size standards are to be revised must, of course, be accomplished in a very careful and judicious manner. There are several factors to be considered. Among these are the competitive structure of the industry, the dollar value and distribution of procurements, the probable effects of competition on smaller firms, if they exist, in addition to effects on the very large firms, the utilization of capacity in the industry to determine probable price versus output adjustments, etc.

The automotive tire industry is highly concentrated. This pertains to the two industry product classes, Passenger Car and Motorcycle Pneumatic Tires (SIC 30111) and Truck and Bus (and off-the-road) Pneumatic Tires (SIC 30112). In 1958, the four leaders accounted for 74 percent of value of product shipped and the eight leaders accounted for 88 percent of value of product shipped.

By 1965, only 14 domestic firms produced automotive tires. This is to be contrasted with 23 companies in 1945. The degree of concentration has been increasing due to vertical acquisitions of distribution outlets. There are no significant barriers to competition with reference to production technology. Optimum plant size is estimated to be 5,000–10,000 tire casings per day. A plant producing 10,000 tires per day will account for approximately 2 percent of current tire production. Hence, a firm which may account for a very small portion of the market would be of sufficient size to produce efficiently.

The degree of concentration in the passenger car industry (SIC 37171) is extremely high. In 1958, the four largest companies accounted for 99 percent of the value of shipments. While there are four major firms, only three may be considered as dominant in the industry. During the first 7 months of calendar year 1966, the three largest firms accounted for approximately 97 percent of sales. At the same time, the fourth firm can likely be competitive with respect to capacity and price for Government procurement. Provided that size standards are revised accordingly, the operation of the partial set-aside can provide the needed opportunity for such competition. Of course, other firms with very tiny market shares may be in a position to benefit as well, provided that they can meet the output and price conditions.

While these industries differ in degree, the three industries are highly concentrated. Also, the volume of Government procurement for products produced by these industries is substantial. If these size standards are revised and an effective set-aside program is pursued, there is every reason to expect that competition will be effectively increased with no increase in procurement prices.

For these reasons, SBA finds that in order to carry out the intent and purpose of section 2 of the Small Business Act it is necessary to amend the present definition of a small business manufacturer of passenger car and motorcycle pneumatic tires, truck and bus and off-the-road pneumatic tires and passenger automobiles for Government procurement purposes. Therefore, it is proposed to establish a new definition of a small business manufacturing these products as follows: Any concern which is independently owned and operated, not dominant in its field of operation in which it is bidding and, together with its affiliates, produces less than 5 percent of the total shipments of the passenger car and motorcycle pneumatic tires or truck and bus and off-the-road pneumatic tires, or passenger automobiles.

In addition, any manufacturer in order to qualify as a small business for Government procurement assistance must have produced less than 10 percent of the total value of the products produced during the preceding calendar year in that field of operation in which it is primarily engaged.

Interested persons may file with the Deputy Administrator for Procurement and Management Assistance within thirty (30) days after the publication of this proposal, written statements of facts, opinions, or arguments concerning the appropriate definition of a small business for Government procurement of passenger car and motorcycle pneumatic tires or trucks and bus and off-the-road pneumatic tires and passenger automobiles.

All correspondence on this matter should be addressed to:

Deputy Administrator for Procurement and Management Assistance, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C. 20416, Attention: Size Standards Staff.

It is proposed to change the definition of a small business manufacturing concern for the purpose of bidding on Government procurements of pneumatic tires within Census Classification Codes 30111 and 30112 and passenger automobiles within Census Classification Code 37171, as follows:

The Small Business Size Standards Regulation (Rev. 6), (31 F.R. 9721), as amended (31 F.R. 10114, ---------), is hereby further amended by:

1. Adding to Schedule B the product classes and size standards as follows:

Census classification code	Industry	Employment size standard
30111	Passenger cars and motorcycle pneumatic tires (casings).	See footnote 6.
30112	Trucks and bus (and off-the-road) penumatic tires.	See footnote 6.
37171	Passenger cars (knocked down or assembled).	See footnote 6.

[6] The size standards for SIC 30111, 30112, and 37171 are set forth in sections 121.3-8(b)(5) and 121.3-8(b)(6) respectively of this part.

2. Revising paragraph (b) of § 121.3–8 to read as follows:

§ 121.3–8 Definition of small business for Government procurement.

* * * * *

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(2) As small if it is bidding on a contract for food canning and preserving

and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat., 454, 26 U.S.C. (I.R.C. 1954) 3306.

(3) As small if it is bidding on a contract for petroleum, other than lubricants and miscellaneous petroleum products, and its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned or leased facilities.

(4) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(5) As small if it is bidding on a contract for pneumatic tires within Census Classification Codes 30111 and 30112: *Provided*, That (i) the value of the pneumatic tires within Census Classification Codes 30111 and 30112, which it manufactured or otherwise produced during the preceding calendar year was less than 5 percent of the total value of such tires manufactured or otherwise produced in the United States during said period, and (ii) the value of the principal product or those products which it manufactured or otherwise produced or sold during the preceding calendar year is less than 10 percent of the total value of such product or those products manufactured or otherwise produced or sold in the United States during said period.

(6) As small if it is bidding on a contract for passenger cars within Census Classification Code 37171: *Provided*, That (i) the value of the passenger cars within Census Classification Code 37171, which it manufactured or otherwise produced during the preceding calendar year was less than 5 percent of the total value of such cars manufactured or otherwise produced in the United States during said period, and (ii) the value of the principal product or those products which it manufactured or otherwise produced or sold during the preceding calendar year is less than 10 percent of the total value of that product or those products manufactured or otherwise produced or sold in the United States during said period.

Dated: September 6, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-8965; Filed, Sept. 13, 1966; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 1]

ADMINISTRATIVE ASSISTANT, CAPITOL REEF NATIONAL MONUMENT

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

The Administrative Assistant may execute and approve contracts not in excess of $2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order 34 (31 F.R. 4255); 39 Stat. 535, 16 U.S.C., sec. 2; Southwest Region Order 4 (31 F.R. 8134))

Dated: July 19, 1966.

HARRY P. LINDER,
Superintendent,
Capitol Reef National Monument.

[F.R. Doc. 66-10014; Filed, Sept. 13, 1966; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

UNITED STATES LINES CO.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that United States Lines Co., acting pusuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following cruises by the "SS *United States*":

Departs New York 1967	Arrives New York 1967	Itinerary
Feb. 4	Feb. 13	Cristobal, Curacao, St. Thomas.
Mar. 4	Mar. 10	St. Thomas.
Mar. 11	Mar. 20	St. Thomas, Trinidad, Curacao.
Apr. 7	Apr. 16	Nassau, St. Thomas, Martinique, Bermuda.

Any person, firm, or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views, and arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on September 30, 1966. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: September 9, 1966.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-10041; Filed, Sept. 13, 1966; 8:48 a.m.]

National Bureau of Standards

CERTAIN SIMPLIFIED PRACTICE RECOMMENDATIONS AND COMMERCIAL STANDARDS

Notice of Action on Proposed Withdrawal

In accordance with the "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10; 30 F.R. 238, Dec. 10, 1965), public notice is hereby given of the extension from September 15, 1966 (31 F.R. 2562, Feb. 9, 1966), to January 15, 1967, of the proposed withdrawal of three voluntary standards: Simplified Practice Recommendation R16-53, Lumber (American Lumber Standards for Softwood Lumber), Commercial Standard CS57-40, Book cloths, buckrams, and impregnated fabrics for bookbinding purposes, except library bindings, and Commercial Standard CS32-31, Cotton cloth for rubber and proxylin coating.

Also, in accordance with the same procedures, public notice is hereby given of the withdrawal of 21 Simplified Practice Recommendations and 10 Commercial Standards, effective September 15, 1966.

Public notice of the proposed withdrawal of these standards was published on February 9, 1966 (31 F.R. 2562).

This withdrawal action terminates the authority to refer to these published standards from the effective date of this withdrawal. The 21 Simplified Practice Recommendations and the 10 Commercial Standards involved in this action, listed numerically, follow:

R 5-24	Hotel chinaware.
R 13-28	Structural slate.
R 14-28	Roofing slate.
R 25-24	Hot-water storage tanks.
R 33-25	Cafeteria and restaurant chinaware.
R 34-24	Warehouse forms.
R 39-25	Dining-car chinaware.
R 40-25	Hospital chinaware.
R 54-26	Sterling silver flatware.
R 55-26	Tinware, galvanized and japanned ware.
R 56-35	Carbon brushes (carbon, graphite, and metalgraphite) and brush shunts.
R 66-27	Automobile brake lining.
R 73-27	One-piece procelain insulators.
R 106-41	Hospital plumbing fixtures.
R 108-44	Dental hypodermic needles.
R 116-30	Dental brush wheels.
R 117-30	Packaging of dental plaster, investment, and artificial stone.
R 130-32	Dental lathe grinding wheels.
R 137-32	Dental cone-socket mirrors.
R 195-46	Dental excavating burs.
R 210-45	Carbon brush terminals (electric).
CS 12-48	Fuel oils.
CS 29-31	Staple seats for water-closet bowls.
CS 38-32	Hospital rubber sheeting.
CS 40-32	Surgeons' rubber gloves.
CS 41-32	Surgeons' latex gloves.
CS 44-32	Apple wraps.
CS 58-36	Woven elastic fabrics for use in overalls.
CS 65-43	Methods of analysis and of reporting fiber composition of textile products.
CS 148-50	Men's circular flat and rib knit rayon underwear.
CS 156-49	Colors for polystyrene plastics.

Dated: September 8, 1966.

A. V. ASTIN,
Director.

[F.R. Doc. 66-10048; Filed, Sept. 13, 1966; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing the issuance of a regulation to provide for the safe use of 2-acetylamino-5-nitrothiazole for the prevention or treatment of blackhead (histomoniasis) in turkeys, alone or in combination with low-level antibiotics added for growth promotion and feed efficiency.

Dated: September 6, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10025; Filed, Sept. 13, 1966; 8:47 a.m.]

CHAS. PFIZER & CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5A1660) has been filed by Chas. Pfizer & Co., Inc., 235 East 42d Street,

New York, N.Y. 10017, proposing an amendment to § 121.1164 *Synthetic flavoring substances and adjuvants* to provide for the safe use of 3-hydroxy-2-ethyl-4H-pyran-4-one (ethyl maltol) as a food flavor.

Dated: September 6, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10026; Filed, Sept. 13, 1966; 8:47 a.m.]

PILLSBURY CO.

Notice of Filing of Petition for Food Additive Calcium Stearyl-2-Lactylate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6A1911) has been filed by the Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402, proposing an amendment to § 121.1047 *Calcium stearyl-2-lactylate* to provide for the safe use of calcium stearyl-2-lactylate as a conditioning agent in dehydrated potato flakes in an amount not to exceed 0.5 percent by weight of the potato flakes.

Dated: September 6, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10029; Filed, Sept. 13, 1966; 8:47 a.m.]

ENRICHED BREAD DEVIATING FROM IDENTITY STANDARD

Notice of Temporary Permit for Market Testing

Pursuant to § 10.5, Title 21, Code of Federal Regulations, concerning temporary permits for market testing foods deviating from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to American Bakeries Co., 10 South Riverside Plaza, Chicago, Ill. 60606, to cover interstate marketing tests of enriched bread and enriched rolls or enriched buns produced from flour containing ascorbic acid at a maximum level of 200 parts per million as a dough conditioner. The standard of identity for this food (21 CFR 17.2) does not provide for the use of such flour.

Since the ascorbic acid is destroyed during baking, and there is no recognizable difference in bread characteristics attributable to the fact that the bread dough was prepared from ascorbic acid treated flour, it is not required that the bread label declare that the flour used contained ascorbic acid.

This permit expires July 8, 1967.

Dated: September 6, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10027; Filed, Sept. 13, 1966; 8:47 a.m.]

FLOUR DEVIATING FROM IDENTITY STANDARD

Notice of Temporary Permit for Market Testing

Pursuant to § 10.5, Title 21, Code of Federal Regulations, concerning temporary permits for market testing foods deviating from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to International Milling Co., Inc., 1200 Investors Building, Minneapolis, Minn. 55415, to cover interstate marketing tests of flour deviating from the requirements of the standard of identity (21 CFR 15.1) in that it will contain ascorbic acid in a quantity not to exceed 200 parts per million as a dough conditioner. The presence of the ascorbic acid is to be prominently and conspicuously displayed on the label.

This permit expires July 8, 1967.

Dated: September 6, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10028; Filed, Sept. 13, 1966; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17692]

PORT COLBORNE FLYING SERVICE

Notice of Hearing

Application for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional, or infrequent nature in common carriage from Canada into the United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on September 15, 1966, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., September 8, 1966.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 66-10030; Filed, Sept. 13, 1966; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, ET AL.

Vacation of Order To Cancel Passenger Agency Agreements

Whereas, the Commission, by order dated April 1, 1966 proposed to drop from its records certain passenger agency agreements listed in the addendum to said order; and

Whereas, affected parties were required to protest or object to said action on or before July 7, 1966, if they desired to stay the effectiveness of said order; and

Whereas, the affected parties did so protest on or before the effective date of the order and furnish information indicating the existence of some degree of anticompetitiveness in the arrangements covered by the subject agreements;

Now therefore, by virtue of the authority vested in the Commission:

It is ordered, That the order of April 1, 1966, be and is hereby vacated and the agreements listed in the addendum to said order be and are hereby continued as active approved agreements in the files of the Commission.

By the Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66-10012; Filed, Sept. 13, 1966; 8:46 a.m.]

AMERICAN MAIL LINE AND REDERIAKTIEBOLAGET NORDSTJERNAN (JOHNSON LINE)

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. R. Purnell, District Manager, American Mail Line, 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement 9288-1, between American Mail Line and Rederiaktiebolaget Nordstjernan (Johnson Line), proposes to amend the transshipment arrangement between the parties to provide for transshipment at Penang, Port Swettenham, and Singapore or ports in Japan in addition to transshipment at Hong Kong and adds certain language relative to Commission approval of all changes or modifications to the agreement prior to any implementation thereof.

Dated: September 9, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-10013; Filed, Sept. 13, 1966; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-51]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 8, 1966.

Take notice that on September 6, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-51 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a limited-term, best efforts sale and delivery of natural gas to Pacific Gas & Electric Co. (PG&E) by use of Applicant's existing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant and PG&E have entered into a letter agreement dated July 28, 1966, whereby Applicant has agreed, inter alia, to sell and deliver to PG&E an additional annual quantity of 36,500,000 Mcf of natural gas. The additional deliveries will be made for a limited term, on an interruptible, best efforts basis, and will be additional to the presently certificated firm daily quantity of 1,025,000 Mcf. The limited term for which certification is requested will commence on a date coincident with receipt by PG&E from Applicant of all gas paid for but not taken by PG&E under Applicant's Rate Schedule G and deliverable under the Service Agreement between the parties dated September 13, 1965, or from January 1, 1967, whichever first occurs, through October 31, 1967, or until Applicant begins deliveries on a firm basis of an additional daily quantity of 100,000 Mcf of natural gas to PG&E, whichever later occurs.

Applicant proposes to render the additional service through maximum utilization of its presently certificated pipeline facilities at the existing point of interconnection between Applicant and PG&E's present systems located on the Arizona-California border. No additional pipeline facilities are proposed or required to be constructed by Applicant to enable it to render the proposed natural gas service. The additional service will be provided in such daily quantity of gas as Applicant has available and PG&E may request up to the extent of the available capacity of Applicant's existing facilities. Performance of the service will, however, be subject to the availability of natural gas from Applicant's several sources of supply and the satisfaction of priority requirements of Applicant's customers served from its pipeline system.

The proposed sale and delivery to PG&E will be performed under Applicant's Rate Schedule G-K-2, FPC Gas Tariff, Volume No. 1.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 7, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9999; Filed, Sept. 13, 1966; 8:45 a.m.]

[Docket No. RI67-50]

OLEN F. FEATHERSTONE, ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

SEPTEMBER 1, 1966.

On August 8, 1966, Olen F. Featherstone, et al. (Featherstone)[1], tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser and producing area: El Paso Natural Gas Co. (Custer Mountain Unit, Lea County, New Mexico), (Permian Basin Area).
Rate schedule designation: Supplement No. 1 to Featherstone's FPC Gas Rate Schedule No. 4.[2]
Effective date: September 8, 1966.[3]
Amount of annual increase: $11,627.
Effective rate: 16.0 cents per Mcf.[4]
Proposed rate: 18.0 cents per Mcf.[5]
Pressure base: 14.65 psia.

Featherstone request that their proposed rate increase be permitted to become effective as of August 1, 1966, the contractually provided effective date. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Featherstone's rate filing and such request is denied.

Featherstone proposes a periodic rate increase for 16.0 cents to 18.0 cents per Mcf, amounting to $11,627 annually, for a sale of "new gas-well gas to El Paso Natural Gas Co. from the Custer Mountain Unit, Lea County, N. Mex. (Permian Basin Area of New Mexico).[6] The applicable area base rate for the subject sale is 15.5 cents per Mcf, plus applicable taxes. Since the proposed increased rate of 18.0 cents per Mcf exceeds the applicable area rate, we conclude that it should be suspended for 5 months from September 8, 1966, the date of expiration of the statutory notice.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 1 to Featherstone's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Featherstone's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, Supplement No. 1 to Featherstone's FPC Gas Rate Schedule No. 4 is hereby suspended and the use thereof deferred until February 8, 1967, and thereafter until such further time as it

[1] Address is: Roswell Petroleum Building, Roswell, N.M. 88201. Attention: Mr. Charles W. Hicks, General Manager.

[2] Contract dated Dec. 14, 1964, and covers sale of "new" gas well gas.

[3] The stated effective date is the first day after expiration of the statutory notice.

[4] Initial rate.

[5] Periodic rate increase.

[6] Featherstone is not a respondent in Opinion No. 468 and has not filed a small producer certificate application.

is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 17, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-10000; Filed, Sept. 13, 1966; 8:45 a.m.]

[Docket No. CP67-50]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

SEPTEMBER 7, 1966.

Take notice that on September 1, 1966, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP67-50 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the construction and operation of a sales measuring station to provide a new delivery point for North Central Public Service Co. (North Central) on Applicant's existing Iowa lateral south of Fort Madison, Iowa. North Central, an existing resale customer of Applicant, has requested Applicant to provide the new delivery point to enable North Central to deliver and sell natural gas to a new plant which Fruehauf Corp. has under construction. Peak day and annual natural gas requirements are estimated at 500 Mcf and 80,000 Mcf, respectively, which North Central proposes to serve initially within the limits of its presently effective service agreement.

The total estimated cost of the proposed facilities is $24,296, which amount will be financed with funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 6, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-10001; Filed, Sept. 13, 1966; 8:45 a.m.]

[Docket No. G-18686]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Petition To Amend

SEPTEMBER 7, 1966.

Take notice that on August 31, 1966, Mississippi River Transmission Corp. (Petitioner), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. G-18686 a petition to amend the order issued in the instant docket on June 30, 1959, by authorizing Petitioner to deliver for sale natural gas on both firm and interruptible bases to Armour Agricultural Chemical Co. (Armour), an existing direct sale customer of Petitioner now only receiving interruptible service, all as more fully set forth in the petition to amend which is on file with the Commission and is open to public inspection.

Pursuant to the Commission's order issued June 30, 1959, in the instant proceeding to Petitioner's predecessor in interest, Mississippi River Fuel Corp., Petitioner is presently authorized to transport for sale to Armour, for use in its chemical plant near Crystal City, Mo., a daily average of up to 13,000 Mcf of natural gas on an interruptible basis. Petitioner states that Armour has requested the delivery henceforth of 8,400 Mcf per day of its supply on a firm basis, this quantity representing the approximate portion of its total natural gas requirements utilized as raw material. The petition shows that Armour and Petitioner have entered into a letter agreement dated August 17, 1966, providing for new firm and interruptible gas contracts, with the firm contract calling for a contract demand of 8,400 Mcf per day and the interruptible contract for an estimated daily maximum of 6,600 Mcf. According to the petition, the 15,000 Mcf aggregate quantity in the proposed contracts reflects the fact that on individual days total plant requirements may exceed 13,000 Mcf, but that as in the past, average daily deliveries over a contract year will not exceed 13,000 Mcf.

Petitioner states that no additional facilities are required by Applicant in order to effectuate the instant proposal.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 3, 1966.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-10002; Filed, Sept. 13, 1966; 8:45 a.m.]

[Docket No. CP67-49]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 8, 1966.

Take notice that on August 31, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP67-49 an application pursuant to section 7(c) of the Natural Gas Act for authority to construct and operate certain compression facilities in Ochiltree County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to construct and operate one 660 hp. compression unit which will be utilized for minimum day take and one 1,320 hp. unit which will be utilized for average day takes. For peak day operations, both units would be placed in service. Applicant states that the two units are needed to offset the declining wellhead pressure.

The total estimated cost of the proposed facilities is $668,900 which amount will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 6, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-10003; Filed, Sept. 13, 1966; 8:45 a.m.]

[Docket No. CP66-363]

UNITED GAS PIPE LINE CO.

Notice of Petition To Amend

SEPTEMBER 7, 1966.

Take notice that on September 1, 1966, United Gas Pipe Line Co. (Petitioner), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP66-363 a petition to amend the order issuing a certificate of public convenience and necessity on August 15, 1966, in the instant docket by deleting therefrom authorization to construct and operate facilities for the metering of up to 1,000 Mcf of natural gas per day to Beacon Oil & Refining Co. (Beacon), Rusk County, Tex., all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that a subsequent redetermination of the capacity of the facilities installed for service to Beacon under Docket No. CP66-52 has revealed that the facilities so installed will be ample to measure the volumes contemplated to be sold to Beacon and that it will not be necessary to construct and operate the metering facilities authorized by the order of August 15, 1966. Based on such redetermination, Petitioner now requests that said order be amended to delete authorization for the construction and operation of such metering facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 6, 1966.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-10004; Filed, Sept. 13, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

SEPTEMBER 8, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 9, 1966, through September 18, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10006; Filed, Sept. 13, 1966; 8:46 a.m.]

[File No. 70-4405]

NEW ENGLAND ELECTRIC SYSTEM

Notice of Filing Requesting Authorization for Extension of Credit

SEPTEMBER 8, 1966.

Notice is hereby given that New England Electric System ("NEES"), 441 Stuart Street, Boston, Mass. 02116, a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

NEES proposes to extend its credit in respect of an Agreement and Supplemented Lease ("Agreement") between John Hancock Mutual Life Insurance Co. ("Hancock") and New England Power Service Co. ("NEPSCO"), a subsidiary service company of NEES which furnishes services to NEES and its public utility subsidiary companies. Such proposed extension of credit is intended to assure or guaranty the payment of all amounts payable by NEPSCO to Hancock under the Agreement.

The Agreement between NEPSCO and Hancock relates to land and improvements to be constructed thereon in Westborough, Mass. It provides, among other things, that Hancock will purchase land from Massachusetts Electric Co. ("Mass. Electric"), a subsidiary company of NEES, at a price not in excess of $70,000, which is equal to Mass. Electric's cost thereof and related expenses. In addition, Hancock will provide funds for the construction of an office building, a dispatching building, and related improvements thereon, located adjacent to, and sharing common facilities with, the NEPSCO Treasury and Computer Building. The latter building is leased from Hancock under a lease ("Lease") dated June 28, 1963, as amended April 30, 1965, which Lease is to be supplemented by the present Agreement. The new office building will house various other departments of NEPSCO, the executive offices for the NEES system and certain departments of New England Power Co., also a subsidiary company of NEES, all of which are now located in Boston, Mass. The new buildings will permit further centralization and consolidation of system operations at one location. The proposed dispatching installation will provide space for system dispatching facilities owned by New England Power Co.

The Agreement provides that, upon purchase of the land by Hancock, NEPSCO and Hancock will enter into a lease which provides for an annual rental during the construction period equal to 6 percent of the purchase price of the land. During construction NEPSCO would also be obligated for payment of interest to Hancock, at the rate of 6 percent per annum, on expenditures for the cost of the new building, which is estimated at about $5,500,000. At the completion of construction, which is expected to be not later than September 1, 1969, the initial term, 30 years, of the lease commences, expiring concurrently with the end of the initial term of the computer center Lease. The Agreement further provides for an annual rental of $526,100 during the 30-year term, and an option for renewal for three successive periods of 5 years each at an annual rental of $292,900. These rental payments are subject to adjustment under conditions specified in the Agreement. Hancock will pay all property taxes, assessments for betterments, and for exterior repairs, and will carry specified insurance coverages. Provisions also include adjustments of the rent in the event property taxes are greater or less than $150,000 per year, as well as adjustments in the event assessments for betterments and expenditures for repairs or insurance vary materially from the estimates for such items. The Agreement further provides for its termination in the event of condemnation, partial or total destruction, or other conditions therein specified. NEPSCO has an option to purchase the leased property near the end of the initial term or any of the renewal terms. The filing states that the Agreement was negotiated with Hancock after discussions with three other insurance companies, and that Hancock's offer resulted in the lowest cost to NEPSCO.

There are no fees or commissions to be paid by NEES in connection with the guaranty relating to the Agreement between NEPSCO and Hancock, and services to be performed for NEES by NEPSCO at actual cost are estimated not to exceed $2,500. The amended declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 28, 1966, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed con-

temporaneously with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10007; Filed, Sept. 13, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 9, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40701—*Substituted service—Union Pacific Railroad, et al., for Osborn, Inc.* Filed by Osborn, Inc. (No. 1), for itself and interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Boise, Idaho, and Salt Lake City, Utah, on the one hand, and Chicago, Ill., Milwaukee, Wis., Minneapolis, Minn., and St. Louis, Mo., on the other.

Grounds for relief—Motortruck competition.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10032; Filed, Sept. 13, 1966; 8:48 a.m.]

[Notice 412]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 9, 1966.

The following letter notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 35628 (Deviation No. 23), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, SW., Grand Rapids, Mich. 49502, filed August 29, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Elyria, Ohio, over Interstate Highway 90 to junction Ohio Highway 44, thence over Ohio Highway 44 to junction U.S. Highway 20, (2) from Van Wert, Ohio, over U.S. Highway 224 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 76, thence over Interstate Highway 76 to Irwin, Pa., (3) from Brookville, Ind., over Indiana Highway 1 to junction U.S. Highway 35, thence over U.S. Highway 35 to Muncie, Ind., and (4) from junction Indiana Highway 37 and Interstate Highway 69 over Interstate Highway 69 to Coldwater, Mich., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Elyria, Ohio, over U.S. Highway 20 to Painesville, Ohio, (2) from Van Wert, Ohio, over U.S. Highway 224 to New Castle, Pa., thence over Pennsylvania Highway 18 to Wampum, Pa., thence over Pennsylvania Highway 288 to Zelienople, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., thence over U.S. Highway 30 to Irwin, Pa., (3) from Brookville, Ind., over U.S. Highway 52 to Rushville, Ind., thence over Indiana Highway 3 to Muncie, Ind., and (4) from Indianapolis, Ind., over Indiana Highway 37 to Marion, Ind., thence over Indiana Highway 9 to Huntington, Ind., thence over U.S. Highway 24 to Fort Wayne, Ind., thence over U.S. Highway 27 to Coldwater, Mich., and return over the same routes.

No. MC 1515 (Deviation No. 329) (Cancels Deviation No. 282), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed August 29, 1966. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and Interstate Highway 5 (North Mount Shasta Interchange, Calif.) over Interstate Highway 5 to junction unnumbered highway (Castle Lake Junction, Calif.), (2) from junction unnumbered highway and Interstate Highway 5 (Dunsmuir, Calif.), over Interstate Highway 5 to junction unnumbered highway (Castle Crags Junction, Calif.), (3) from junction unnumbered highway and Interstate Highway 5 (North Cottonwood Junction, Calif.) over Interstate Highway 5 to junction unnumbered highway (South Cottonwood Junction, Calif.), (4) from junction unnumbered highway and Interstate Highway 5 (North Red Bluff Interchange, Calif.) over Interstate Highway 5 to junction unnumbered highway (South Willows Junction, Calif.), (5) from junction unnumbered highway and Interstate Highway 5 (North Red Bluff Interchange, Calif.) over Interstate Highway 5 to junction unnumbered highway (South Red Bluff Interchange, Calif.), (6) from junction unnumbered highway and Interstate Highway 5 (South Red Bluff Interchange, Calif.) over Interstate Highway 5 to Corning, Calif.

(7) From Corning, Calif., over Interstate Highway 5 to Orland, Calif., and (8) from Orland, Calif., over Interstate Highway 5 to Willows, Calif., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the point where U.S. Highway 99 intersects the Oregon-California State line, over U.S. Highway 99 to junction unnumbered highway (North Mount Shasta Interchange, Calif.), thence over unnumbered highway to junction Interstate Highway 5 (Castle Lake Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (Mott Junction), thence over Interstate Highway 5 to Dunsmuir, thence over unnumbered highway to junction Interstate Highway 5 (Castle Crags Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (North Shotgun Creek Junction), thence over U.S. Highway 99 to Anderson, thence over Interstate Highway 5 to junction unnumbered highway (North Cottonwood Junction), thence over Interstate Highway 5 to junction unnumbered highway (North Red Bluff Interchange), thence over unnumbered highway to junction U.S. Highway 99W (Corning Road Interchange), thence over U.S. Highway 99W to junction California Highway 16 (West Woodland), thence over California Highway 16 to junction California Highway 113 (Woodland), thence over California Highway 113 to junction Interstate Highway 80 (South Woodland Junction). (Connects with Oregon Route 14), and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10033; Filed, Sept. 13, 1966; 8:48 a.m.]

[Notice 964]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 9, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 73165 (Sub-No. 220) (Amendment), filed March 7, 1966, published in FEDERAL REGISTER March 31, 1966, amended September 2, 1966, and republished as amended, this issue. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, pipe, pipe couplings, pipe fittings, and accessories* (except those requiring special equipment), between points in Alabama. NOTE: Applicant states that it proposes to tack with its present authority wherein it is authorized to operate in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. The purpose of this republication is to include tacking and hearing information.

HEARING: Remains assigned September 26, 1966, at the Hotel Thomas Jefferson, Second Avenue and 17th Street, North Birmingham, Ala., before Joint Board No. 100, or if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 117940 (Sub-No. 3) (Amendment), filed October 29, 1965, published under MC 114789 (Sub-No. 15), amended and republished, this issue. Applicant: NATIONWIDE CARRIERS, INC., 721 Second Street SE., Minneapolis, Minn. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and canned goods*, fom St. James and Madelia, Minn., to points in Kansas, Missouri, Oklahoma, Arkansas, and Texas. NOTE: The purpose of this republication is to show the proposed operation to be that of a common carrier in lieu of a contract carrier and also to show the new docket No. 117940 (Sub-No. 3) in lieu of MC 114789 (Sub-No. 15), as previously published.

CONTINUED HEARING: October 11, 1966, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner J. Thomas Schneider, on a consolidated record with No. MC 119767 (Sub-No. 129).

No. MC 128539 (Amendment) filed August 24, 1966, published in FEDERAL REGISTER issue of September 8, 1966, and republished as amended this issue. Applicant: H & P TRANSIT COMPANY, a corporation, 518 East Park Street, Post Office Box 1456, Kinston, N.C. 28501. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from Cheraw, S.C., to points in North Carolina, and (2) from Apex and Goldsboro (Millers), N.C., to points in Virginia. NOTE: The purpose of this republication is to show the application has been amended, and also to reflect the hearing information.

HEARING: September 22, 1966, at the U.S. Courtrooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board 196, or if the Joint Board waives its right to participate before Examiner John L. York.

No. MC 123670 (Sub-No. 5) (Republication), filed December 7, 1964, published FEDERAL REGISTER issue of February 3, 1965, and republished, this issue. Applicant: EARL R. CROWELL AND KENNETH L. CROWELL, a partnership, doing business as CROWELL TRUCKING, 701 West St. Clair Street, Almont, Mich. (Reentitled) EARL R. CROWEL AND KENNETH L. CROWEL, a partnership, doing business as CROWEL TRUCKING, 701 West St. Clair Street, Almont, Mich. Applicant's representative: John M. Veale, Suite 1700, 1 Woodward Avenue, Detroit, Mich. By application filed December 7, 1964, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of canned and processed vegetables and mixes thereof, from Imlay City and Detroit, Mich., to points in Pennsylvania and West Virginia, and pallets and refused and rejected shipments of the above named commodities, on return, under a continuing contract with Vlasic Food Products Co. A decision and order of the Commission, Operating Rights Review Board Number 3, dated August 26, 1966, and served September 6, 1966, as amended, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *pickled vegetables*, in cans and containers, from Imlay City, Memphis, Bridgeport, and Saginaw, Mich., to points in Pennsylvania and West Virginia, limited to a transportation service to be performed under a continuing contract or contracts with Vlasic Food Products Co. of Lathrop Village, Mich. Prior to the issuance of a permit herein, a proper notice of the scope of the authority granted herein be published in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party who may be affected by the broadened scope of such grant, as compared to the notice of the application as previously published, may file an appropriate pleading.

No. MC 127864 (Republication), filed January 14, 1966, published FEDERAL REGISTER issue of February 3, 1966, and republished, this issue. Applicant: CLEVELAND BULK TRANSFER, INC., COMMON CARRIER APPLICATION, East 68th Street and Berdelle, Cleveland, Ohio. (Retitled) PAUL W. WILLS, INC., CONTRACT CARRIER APPLICATION, East 68th Street and Berdelle, Cleveland, Ohio. Applicant's representative: Rex Eames, 1800 Buhl Building, Detroit, Mich. 48226. By application filed January 14, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of scrap metal, in dump vehicles, from Elkton and Lapeer, Mich., to the international boundary line, between the United States and Canada, at or near Port Huron, Mich., restricted to the transportation of shipments destined to points in Canada. An order of the Commission, Operating Rights Board No. 1, dated August 18, 1966, and served September 1, 1966, finds that operation by applicant, in foreign commerce only, as a *contract carrier* by motor vehicle, over irregular routes, of *scrap metal*, in dump vehicles, from Elkton and Lapeer, Mich., to the port of entry on the international boundary line between the United States and Canada at or near Port Huron, Mich., restricted to the transportation of shipments destined to points in Canada, under a continuing contract with Luntz Iron & Steel Co., of Cleveland, Ohio, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 52460 (Sub-Nos. 2 and 23) (Notice of filing of petition to modify certificates), filed August 15, 1966. Petitioner: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, Okla. 74107. Petitioner's representatives: James W. Wrape and Louis I. Dailey, 2111 Sterick Building, Memphis, Tenn. 38103. Petitioner states that it holds authority in MC 52460 (Sub-No. 2), issued April 14, 1942, to

transport, as follows: (1) *Petroleum products*, in bulk, in tank trucks, and in containers, minimum 10,000 pounds, over irregular routes, between points in that part of Kansas and Oklahoma, within 100 miles of Tulsa, Okla., on the one hand, and, on the other, points in Missouri, Kansas, Oklahoma, and in Arkansas (excluding petroleum products in containers), to or from points on U.S. Highway 64 between Fort Smith and Conway, Ark., U.S. Highway 65 between Conway and Little Rock, Ark., U.S. Highway 70 between Little Rock, and the Arkansas-Tennessee State line; and, (2) *Petroleum products*, in containers, minimum 10,000 pounds, between points in that part of Kansas and Oklahoma within 100 miles of Tulsa, Okla., on the one hand, and, on the other, points in New Mexico and that part of Texas on and west of U.S. Highway 81; and, in MC 52460 (Sub-No. 23), as follows: *Petroleum and petroleum products*, in bulk, in tank vehicles, over irregular routes, (1) between points in that part of Oklahoma, Kansas, Missouri, and Arkansas, within 200 miles of Tulsa, Okla. (excluding points in that part of Kansas and Oklahoma within 100 miles of Tulsa, Okla.), on the one hand, and, on the other, points in Oklahoma, Kansas, Missouri, and Arkansas.

(2) Between Borger, Tex., and points within 10 miles of Borger, on the one hand, and, on the other, Enid, Oklahoma City, and Tulsa, Okla., and points within 10 miles of Enid, Oklahoma City, and Tulsa, Okla., and, (3) between points in Texas on and east and north of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 80 at Fort Worth, Tex., thence along U.S. Highway 80 to junction Texas Highway 64 near Wills Point, Tex., thence southeast along Texas Highway 64 to junction U.S. Highway 79 at Henderson, Tex., thence along U.S. Highway 79 to junction U.S. Highway 59 at Carthage, Tex., thence along U.S. Highway 59 to junction U.S. Highway 84 near Tenaha, Tex., thence east along U.S. Highway 84 to the Texas-Louisiana State line, including Dallas and Fort Worth, Tex., and points within 10 miles of Dallas and Fort Worth, on the one hand, and, on the other, points in Oklahoma. By the instant petition, petitioner seeks to modify its existing authority by adding the words "including Tulsa", in the territory description, each time that the description presently reads, "within 100 miles of Tulsa". Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 105275 (Notice of filing of petition for modification of restriction in certificate), filed July 21, 1966. Petitioner: W. T. BYRNS MOTOR EXPRESS, INC., Watertown, N.Y. Petitioner's representative: Francis E. Barrett, Jr., 536 Granite Street, Investors Building, Braintree, Mass. 02184. Petitioner states that it holds authority in MC 105275, to transport *general commodities*, with stated exceptions, and various specified commodities over both regular and irregular routes, to operate in Connecticut, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Washington, D.C. By the instant petition, petitioner seeks to modify its existing authority by changing the restriction, which now reads: "The authority granted herein is restricted against the transportation of wood pulp from Ogdensburg, N.Y., to points in New York.", to read: "Restricted against the transportation of wood pulp for the account of Thurso Pulp & Paper Co., of Thurso, Quebec, Canada." Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 113024 (Sub-No. 3) (Notice of filing of petition for modification of permit), filed August 8, 1966. Petitioner: ARLINGTON JOHN WILLIMS, INC., Smyrna, Del. Petitioner's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Petitioner states that it holds authority in MC 113024 (Sub-No. 3), to transport *clothing, dry goods, drugs, medicines, toilet preparations, diaper liners, display stands, and materials and supplies* (except liquid commodities, in tank vehicles), used in the manufacture of sewn and latex products, including packing and packaging materials therefor, between Dover, Del., and points within 5 miles thereof on the one hand, and, on the other, points in New York, New Jersey, Maryland, Georgia, Alabama, Ohio, Illinois, and California. By the instant petition, petitioner seeks to modify its existing authority by adding *toilet articles*, to the above commodity description. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124254 and MC 124254 (Sub-No. 2) (Notice of filing of petition for modification of permit), filed August 12, 1966. Petitioner: NORTHERN MAINE TRANSPORT, INC., 79 Industrial Street, Post Office Box 746, Presque Isle, Maine 04769. Petitioner's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. Petitioner states that it holds authority in MC 124254, to transport as follows: *Malt beverages* and *advertising materials* when moving in connection therewith, from Natick and Boston, Mass., Albany and New York, N.Y., Newark, N.J., and Baltimore, Md., to Bangor, Caribou, and Presque Isle, Maine, under a continuing contract, or contracts, with specified shippers; and, in MC 124254 (Sub-No. 2), in part, as follows: *Malt beverages* and *advertising materials* when moving in connection therewith, from Rochester, N.Y., and Cranston, R.I., to Caribou, Maine; and, *Carbonated beverages* and *flavoring syrup* (except in bulk, in tank vehicles), and *advertising materials* when moving in connection therewith, from Waltham, Mass., to Caribou, Maine; under a continuing contract with Aroostook Beverage Co., Caribou, Maine. By the instant petition, petitioner seeks to modify its existing authority by allowing it to provide the same service it presently provides under a continuing contract or contracts with Aroostook Beverage Co., of Caribou, Maine, for the same contracting shipper at Presque Isle, Maine, in lieu of Caribou, Maine. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 28961 (Sub-No. 19) (Correction), filed August 10, 1966, published FEDERAL REGISTER issue of August 24, 1966, corrected August 29, 1966, and republished, as corrected, this issue. Applicant: McDUFFEE MOTOR FREIGHT, INC., 332 Hood Avenue, Lebanon, Ky. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment other than those requiring refrigeration, and those injurious or contaminating to other lading), serving Danville, Ky., for joinder only, in connection with applicant's authorized regular-route operations between Louisville, Ky., and Harlan and Middlesboro, Ky. NOTE: The purpose of this republication is to show that the only authority sought by applicant in this proceeding is to serve Danville, Ky., for joinder only. This application is a matter directly related to MC-F-9505, published August 1, 1966.

No. MC 119908 (Sub-No. 2) (Substitution), filed June 14, 1966. Applicant: WESTERN LINES, INC., 3523 North McCarty, Post Office Box 1145, Houston, Tex. 77001. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rough and dressed lumber*, from points in that part of Texas, on, east, and south of a line beginning at Galveston, Tex., and extending along U.S. Highway 75 to Dallas, Tex., and thence along U.S. Highway 67 to the Texas-Arkansas State line, points in that part of Arkansas, on and south of U.S. Highway 70, and points in that part of Mississippi, on and south of U.S. Highway 78, to Arcadia, La.; (2) *finished lumber*, (a) from Ada and Heflin, La., to points in that part of Texas, on, east, and south of a line beginning at Galveston, Tex., and extending along U.S. Highway 75 to Dallas, Tex., and thence along U.S. Highway 67 to the Texas-Arkansas State line, points in that part of Arkansas, south of U.S. Highway 70, and points in that part of Mississippi, on and south of U.S. Highway 78, and (b) from Danville and Hunt, La., to points in that part of Texas, on, east, and south of a line beginning at Galveston, Tex., and extending along U.S. Highway 75 to Dallas, Tex., and thence along U.S. Highway 67 to the Texas-Arkansas State line, points in that part of Arkansas, south of U.S. Highway 70, and points in that part of Mississippi, on and south of U.S. Highway 78; (3) *rough or dressed lumber*, (a) from Ada and Heflin, La., to points in that part of Texas, west and north of a line beginning at Galveston, Tex., and extending along U.S. Highway 75 to Dallas, Tex., and thence along U.S. Highway 67 to the Texas-Arkansas State line, and (b) from Danville and Hunt, La., to points in that part of Texas, west and north of a line beginning at Galveston, Tex., and extending along U.S. Highway 75 to Dallas, Tex., and thence along U.S. Highway 67 to the Texas-Arkansas State line; and (4) *wooden farm implement parts*, from Arcadia, La., to Memphis, Tenn. Restriction: Applicant states the above authority to be restricted to traffic originating at the named origin points and destined to the named destination territory. The above-named carrier, Western Lines, Inc., has been substituted as applicant in lieu of Roy Frank Dance, doing business as Dance's Truck Line, in No. MC 128317. Notice of the filing of that application was published in the FEDERAL REGISTER, issue of June 30, 1966. This application is directly related to MC-F-9452.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9001 (Hively Transportation, Inc.—Purchase (Portion)—Miller's Motor Freight, Inc.; Hively Transportation, Inc.—Purchase—Morgan G. Hively), published in the January 27, 1965, issue of the FEDERAL REGISTER, on pages 862–863. By amendment filed September 2, 1966, in lieu of HIVELY TRANSPORTATION, INC. seeking to acquire portions of the operating rights of MILLER'S MOTOR FREIGHT, INC., and MORGAN G. HIVELY, authority *is now* sought for purchase by MILLER'S MOTOR FREIGHT, INC., Post Office Box 345–183, York, Pa., of the operating rights and property of MORGAN G. HIVELY, Rural Delivery No. 6, Zinn's Quarry Road, York, Pa., and for acquisition by PAUL W. HIVELY, 237 Dewdrop Road, York, Pa., of control of such rights and property through the purchase. Applicants' attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Operating rights sought to be transferred: *Roofing and building materials* and *materials, supplies, machinery, and equipment* used in or incidental to the production and distribution of roofing and building materials, as a *common carrier*, over irregular routes, between York, Pa., on the one hand, and, on the other, Wilmington, Del., Washington, D.C., and points in Maryland and New Jersey. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Virginia, Delaware, Maryland, Ohio, Michigan, West Virginia, North Carolina, South Carolina, Georgia, Florida, Connecticut, Illinois, Indiana, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9518. Authority sought for control by EARL F. BUCKINGHAM and DOROTHY M. BUCKINGHAM, 950 South Harrison, Denver, Colo. 80209, of GOLDSTEIN TRANSPORTATION AND STORAGE, INC., 1420 38th Street, Denver, Colo. 80205. Applicants' attorneys: Stockton, Lewis and Mitchell, The 1650 Grant Street Building, Denver, Colo. 80203. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Denver, Colo., and Pueblo, Colo., serving all intermediate points, and the off-route point of Manitou, Colo., one alternate route for operating convenience only, serving no intermediate points; and under a certificate of registration, in Docket No. MC-1977 (Sub-No. 11), covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Colorado. EARL F. BUCKINGHAM and DOROTHY M. BUCKINGHAM hold no authority from this Commission. However, they are sole stockholders of R. A. GOULD, INC., Post Office Box 1171, Salt Lake City, Utah 84110, which is authorized to operate as a *common carrier* Utah, Arizona, and Colorado. Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-1977 (Sub-No. 12) is a matter directly related.

No. MC-F-9519. Authority sought for purchase by UNITED TRANSPORTATION, INC., Post Office Box 285, Bethel, Alaska 99559, of the operating rights and property of (1) HOWARD V. ELLIOTT, doing business as ELLIOTT'S FUEL TRANSFER, Post Office Box 285, Bethel, Alaska 99559, and (2) JOHN P. SNOW AND EUGENE L. SNOW, doing business as SNOW TRANSPORTATION COMPANY, Bethel, Alaska 99559, and for acquisition by HOWARD V. ELLIOTT, Post Office Box 213, Bethel, Alaska, JAMES HOFFMAN, 1161 Westbury Drive, Anchorage, Alaska, and AL LABOUX, Post Office Box 181, Bethel, Alaska, of control of such rights and property through the purchase. Applicants' representatives: Robison, McCaskey and Lewis, 921 Sixth Avenue, Anchorage, Alaska. Operating rights sought to be transferred: (1) *Bulk petroleum products*, as a *common carrier*, over irregular routes, between Bethel, Alaska, and points within 25 miles thereof; (2) *general commodities*, as a *common carrier*, over irregular routes, between Bethel, Alaska, and points within 9 miles thereof. Restriction: The authority granted herein, to the extent that it authorizes the transportation of classes A and B explosives, shall be limited, in point of time, to a period expiring 5 years after December 21, 1964; and *general commodities* by self-propelled vessels and by non-self-propelled vessels with the use of separate towing vessels, as a *common carrier by water*, during the season extending from May 15 to October 15, both dates inclusive, of each year, between points on the Kuskokwim River, from its mouth to Tuluksak, including Tuluksak. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9520. Authority sought for purchase by REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. 60521, of the operating rights of C. L. DeLONG TRUCKING, INC., Bedford Glens Road, Bedford, Ohio, and for acquisition by LEASEWAY TRANSPORTATION CORP., and, in turn by H. M. O'NEILL, F. J. O'NEILL, and W. J. O'NEILL, all of 21111 Chagrin Boulevard, Cleveland, Ohio 44122, of control of such rights through the purchase. Applicants' attorneys: Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115, and Roland Rice, 618 Perpetual Building, Washington, D.C. 20004. Operating rights sought to be transferred: *Asphalt, tar*, and *pitch*, in bulk, in tank trucks, as a *common carrier*, over irregular routes, from Cleveland, Ohio, to all points in Erie, Crawford, Mercer, Venango, Lawrence, Butler, Beaver, Allegheny, and Washington Counties, Pa., and Hancock County, W. Va., from all points in Allegheny County, Pa., to Cleveland, Ohio; *asphalt*, in bulk, in tank trucks, from Cleveland, Ohio, to Detroit and Dearborn, Mich., from Cleveland, Ohio, to points in Brooks, Marshall, Ohio, and Wetzel Counties, W. Va.; *coal tar* and *creosote oil*, in bulk, in tank vehicles, between Cleveland, Ohio, on the one hand, and, on the other, East Liverpool and Wellsville, Ohio; and *liquid petroleum asphalt*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in Forest and Warren Counties, Pa. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9521. Authority sought for purchase by MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, 1, N.Y., of the operating rights of CAPITAL TRANSPORTATION & CRATING CORP., 204–206 Ninth Street, Brooklyn, N.Y., and for acquisition by ALEXANDER SHAPIRO, also of Long

Island City, N.Y., of control of such rights through the purchase. Applicants' attorneys: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006, and Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Operating rights sought to be transferred: *Store fixtures* and *office furniture*, as a *common carrier*, over irregular routes, between points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia; *such commodities* as are dealt in by persons engaged in the manufacture or sale of store fixtures and office furniture, uncrated, between New York, N.Y., on the one hand, and, on the other, points in Virginia, on and east of U.S. Highway 15; *new and used store and office furniture, fixtures, and equipment*, between New York, N.Y., on the one hand, on the other, points in Maine, New Hampshire, Vermont, Ohio, West Virginia, North Carolina, South Carolina, and that part of Virginia, west of U.S. Highway 15; and *uncrated store fixtures* and *uncrated hotel and restaurant equipment*, between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9522. Authority sought for purchase by CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, N.C., of the operating rights of HARRY B. WILSON, doing business as WILSON'S MOTOR TRANSIT, 2500 South Main Street, Middletown, Ohio, and for acquisition by C. G. BEAM, 207 South Elm Street, Cherryville, N.C., and D. F. BEAM, 400 South Elm Street, Cherryville, N.C., of control of such rights through the purchase. Applicants' attorney: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Cincinnati, Ohio, and Chicago, Ill., serving certain intermediate and off-route points, between Middletown, Ohio, and Franklin, Ohio, and between Middletown, Ohio, and Eaton, Ohio, serving no intermediate points. Vendee is authorized to operate as a *common carrier* in North Carolina, New York, Virginia, South Carolina, Maryland, Florida, Georgia, New Jersey, Rhode Island, Connecticut, Massachusetts, Pennsylvania, Alabama, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9523. Authority sought for (1) control by THE CAPITOL CORPORATION, 140 Everett Avenue, Newark, Ohio 43055, of (a) SERVICE MOTOR FREIGHT, INC., Atlantic Avenue, Lawnside, N.J., and (b) CRAIG TRUCKING, INC., Albany, Ind., and for acquisition by H. E. LeFEVRE, also of Newark, Ohio 43055, of control of (a) and (b) through the acquisition by THE CAPITOL CORPORATION; and (2) control and merger by CRAIG TRUCKING, INC., of the operating rights and property of (a) BEVERAGE TRANSPORTATION, INC., 140 Everett Avenue, Newark, Ohio 43055, (b) ATLAS FREIGHT LINES, INC., Box 12, Rittman, Ohio, and (c) B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicants' attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. 20036. Operating rights sought to be (1) controlled, and (2) controlled and merged: ((1)(a) SERVICE MOTOR FREIGHT INC.). Numerous specified building materials, equipment, and supplies, including, among others, *fiberglas materials and products, as a contract carrier*, over irregular routes, from, to, and between, certain specified points in Pennsylvania, Maryland, Delaware, New York, New Jersey, Georgia, Illinois, Indiana, Kentucky, Maine, New Hampshire, North Carolina, Ohio, South Carolina, Tennessee, West Virginia, Vermont, Michigan, Virginia, Massachusetts, Connecticut, Rhode Island, and the District of Columbia, with certain specified exceptions, and numerous restrictions, as more specifically described in Docket No. MC-3094 and various subnumbers thereunder.

((1)(b) CRAIG TRUCKING, INC.) Numerous specified commodities, including, among others, *foodstuffs and food preparations*, and *paper and paper products*, as a *common carrier*, over irregular routes, from, to, and between certain specified points in Indiana, Michigan, Kentucky, Missouri, Pennsylvania, Illinois, Ohio, Iowa, Wisconsin, and West Virginia, with certain specified exceptions, and numerous restrictions, as more specifically described in Docket No. MC-55811 and various subnumbers thereunder; ((2)(a) BEVERAGE TRANSPORTATION, INC.) Numerous specified commodities, including, among others, *malt beverages and wines*, as a *common carrier*, over irregular routes, from, to, and between, certain specified points in Ohio, Missouri, Illinois, Indiana, New York, New Jersey, Pennsylvania, Wisconsin, Massachusetts, and Kansas, with restrictions, as more specifically described in Docket No. MC-1197?2 and various subnumbers thereunder; ((2)(b) ATLAS FREIGHT LINES, INC.) Numerous specified commodities, including, among others, *paper products*, and *supplies* used in the manufacture of paper products, as a *common carrier*, over irregular routes, from, to, and between, certain specified points in Ohio, Michigan, New York, Pennsylvania, West Virginia, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Delaware, Virginia, Indiana, Kentucky, Tennessee, Wisconsin, Illinois, Missouri, and the District of Columbia, with restriction, as more specifically described in Dockt No. MC-127249.

((2)(c) B & L MOTOR FREIGHT, INC.) Numerous specified commodities, including, among others, *fiberglas materials*, and *fiberglas products*, and *equipment, materials, and supplies* incidental thereto, as a *contract carrier*, over irregular routes, from, to, and between certain specified points in Ohio, Pennsylvania, West Virginia, Kentucky, New York, Indiana, Illinois, Michigan, Wisconsin, Missouri, Kansas, Delaware, Maryland, New Jersey, Connecticut, Massachusetts, Rhode Island, Alabama, Florida, Georgia, Maine, Mississippi, North Carolina, Tennessee, Vermont, Virginia, New Hampshire, Minnesota, and the District of Columbia, with certain specified exceptions, with numerous restrictions, as more specifically described in Docket No. MC-81968 Sub-No. 19 and numerous subnumbers thereunder; and *fertilizer*, as a *common carrier*, over regular routes, between Columbus, Ohio, and Indianapolis, Ind., serving all intermediate points; and *fertilizer*, and numerous other specified commodities, over irregular routes, from, to, and between, certain specified points in Ohio, Indiana, Michigan, New York, Pennsylvania, Maryland, West Virginia, and Kentucky, with restriction, as more specifically described in Docket No. MC-123255. This notice does not purport to be a complete description of the operating rights of the carriers involved. The foregoing summaries are believed to be sufficient for purposes of public notice regarding the nature and extent of these carrier's operating rights, without stating, in full, the entirety thereof. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9524. Authority sought for control by COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J., of CARGO-IMPERIAL FREIGHT LINES, INC., 91 Mountain Road, Burlington, Mass. 01801, and for acquisition by R. E. COOPER, JR., also of Orange, N.J., of control of CARGO-IMPERIAL FREIGHT LINES, INC., through the acquisition by COOPER-JARRETT, INC. Applicants' attorneys: Irving Klein, 280 Broadway, New York, N.Y. 10007, and Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Buffalo, N.Y., and Boston, Mass., serving certain intermediate and off-route points, between Albany, N.Y., and Gloversville, N.Y., serving certain intermediate points; *general commodities*, except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Syracuse, N.Y., and Albany, N.Y., serving all intermediate points; *general commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in truckload lots, over irregular routes, between Albany, N.Y., and points in New York and Massachusetts within 25 miles of Albany, on the one hand, and, on the other, points in Massachusetts, and certain specified points in Connecticut, and Rhode Island. COOPER-JARRETT, INC., is authorized to operate as a *common carrier* in Missouri, Nebraska, Iowa, Massachusetts, Illinois, New York, Pennsylvania, Connecticut, Maryland, Indiana, Delaware, New Jersey, Ohio, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-10034; Filed, Sept. 13, 1966; 8:48 a.m.]

[Notice 966]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 9, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 591 (Sub-No. 10) (Republication), filed July 21, 1966, published in the FEDERAL REGISTER issue August 25, 1966, and republished this issue. Applicant: LINCOLN-DIXIE FREIGHT LINES, INC., 9330 South Bennett Avenue, Chicago, Ill. 60617. Applicant's representative: David Axelrod, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles (except commodities in bulk and oil field and pipeline commodities as defined by the Commission), between points in Putnam County, Ill., on the one hand, and, on the other, Davenport, Iowa, and points within 40 miles thereof. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Joint Board No. 54, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 730 (Sub-No. 269) (Republication), filed July 20, 1966, published in FEDERAL REGISTER September 1, 1966, and republished, this issue. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, from points in Putnam County, Ill., to points in California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Washington, Wyoming, and the District of Columbia, and (2) *materials, equipment, and supplies used in the manufacture and distribution of the commodities described under (1) above*, on return. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 2890 (Sub-No. 21) (Republication), filed July 21, 1966, published in FEDERAL REGISTER September 1, 1966, and republished this issue. Applicant: BLUE ARROW-DOUGLAS, INC., 525 Burton Street SW., Grand Rapids, Mich. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles* (except commodities in bulk and oil field and pipeline commodities as defined by the Commission), between points in Putnam County, Ill. on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 16831 (Sub-No. 13) (Republication), filed August 23, 1966, published in FEDERAL REGISTER September 9, 1966, and republished this issue. Applicant: LAVERNE W. SIMPSON, doing business as MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware Avenue, Des Moines, Iowa 50317. Applicant's representative: Robert L. Page (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, between points in Putnam County, Ill., on the one hand, and, on the other, points in Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and Indiana. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 32474 (Sub-No. 32), filed June 24, 1966. Applicant: KEESHIN TRANSPORT SYSTEM, INC., 3131 Douglas Road, Toledo, Ohio 43606. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Putnam County, Ill., on the one hand, and, on the other, points in Wisconsin, Indiana, Michigan, Ohio, and New York.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 33641 (Sub-No. 60) (Republication), filed July 18, 1966, published in FEDERAL REGISTER August 18, 1966, and republished this issue. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's

representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and the transportation of commodities in connection with which shipper requires carrier to furnish armed guards or armored equipment), serving points in Putnam County, Ill., as off-route points in connection with carrier's authorized regular-route operations. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 38183 (Sub-No. 43) (Republication), filed August 15, 1966, published in FEDERAL REGISTER September 1, 1966, and republished this issue. Applicant: WHEELOCK BROS., INC., 720 East Third Street, Kansas City, Mo. Applicant's representative: John E. Lesow, 3737 North Meridian, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points in Putnam County, Ill., as off-route points in connection with applicant's presently authorized regular route operations to and from Chicago, Ill. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 60012 (Sub-No. 73), filed August 18, 1966. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221. Applicant's representative: Ernest Porter, 604 Rio Grande Building, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (other than oil field and pipeline commodities as defined by the Commission in T. E. Mercer and G. E. Mercer, Extension—Oilfield Commodities, 74 M.C.C. 459), from the plant and warehouse sites, and storage yards of the C F & I Steel Corp., Pueblo, Colo., to points in Utah and New Mexico, restricted to shipments originating at the plant and warehouse sites, and storage yards of the C F & I Steel Corp. NOTE: Common control may be involved.

HEARING: October 24, 1966, at New Courthouse and Federal Building, 1961 Stout Street, Denver, Colo., before Joint Board No. 212, or if the Joint Board waives its right to participate, before Examiner Jerome K. Soffer.

No. MC 64994 (Sub-No. 77) (Amendment), filed May 16, 1966, published in FEDERAL REGISTER issue of June 9, 1966, amended and republished as amended this issue. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: Frank C. Philips (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, material, and supplies, used or useful in the manufacture of iron and steel and iron and steel articles*, between points in Putnam County, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to broaden the authority sought.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 66462 (Sub-No. 9) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issues of June 16, 1966, and August 18, 1966, and republished this issue. Applicant: THE WILLETT COMPANY, a corporation, 700 South Desplaines Street, Chicago, Ill. Applicant's representative: Daniel J. Sweeney, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles and products, articles used, and in the manufacture of iron and steel or iron and steel articles and products, steel mill materials, supplies, and equipment, and building materials*, between points in Putnam County, Ill., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, and Florida. NOTE: This republication is to reflect the hearing information.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 68980 (Sub-No. 9), filed August 23, 1966. Applicant: CHECKER EXPRESS CO., a corporation, 960 West Montana Avenue, Milwaukee, Wis. 53215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of the above described commodities, between points in Putnam County, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 73464 (Sub-No. 105), filed August 23, 1966. Applicant: JACK COLE COMPANY, a corporation, 1900 Vanderbilt Road, Birmingham, Ala. 35202. Applicant's representatives: George E. Tickle (same address as applicant), and Guy H. Postell, 1375 Peachtree Street NE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between points in Putnam County, Ill., on the one hand, and, on the other, Birmingham, Ala., and points within 15 miles of Birmingham, and (2) between points in Putnam County, Ill., on the one hand, and, on the other, Andalusia, Anniston, Attalla, Brewton, Demopolis, Dothan, Elba, Enterprise, Eufaula, Evergreen, Gadsden, Georgiana, Greenville, Montgomery, Opelika, Opp, Ozark, and Prattville, Ala. NOTE: Applicant states it intends to tack the authority herein sought at Birmingham, Ala., to permit service to and from points in Alabama in connection with its presently authorized regular route operations between Birmingham and Mobile, Ala.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 103435 (Sub-No. 186) (Republication), filed July 15, 1966, published in FEDERAL REGISTER August 18, 1966, and republished this issue. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, East 915 Springfield Avenue, Spokane, Wash. 99220. Applicant's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles and equipment, materials, and supplies* used in the manufacturing or processing of iron and steel, and iron and steel articles, between points in Putnam County, Ill., on the one hand, and, on the other, points in Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, Colorado, Idaho, Washington, and Oregon, restricted to traffic originating or terminating at the facilities of Jones & Laughlin Steel Corp. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 108912 (Sub-No. 15) (Republication), filed July 20, 1966, published in the FEDERAL REGISTER August 25, 1966, and republished this issue. Applicant: CHICAGO PITTSBURGH EXPRESS, INC., 654 West 21st Street, Chicago, Ill. 60616. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products, and steel mill equipment, materials, and supplies*, between Putnam County, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Maryland, Massachusetts, Michigan, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, West Virginia, and Wisconsin. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 111485 (Sub-No. 9) (Republication), filed July 28, 1966, published in FEDERAL REGISTER August 25, 1966, and republished this issue. Applicant: PASCHALL TRUCK LINES, INC., R.F.D. No. 4, Murray, Ky. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, as defined by the Commission in Ex Parte MC 45, between points in Putnam County, Ill., on the one hand, and, on the other, points in Kentucky, Alabama, Mississippi, Tennessee, Arkansas, Georgia, Florida, South Carolina, North Carolina, Indiana, Missouri, and Ohio. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 114019 (Sub-No. 162) (Republication), filed July 20, 1966, published in FEDERAL REGISTER August 25, 1966, and republished this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Putnam County, Ill., on the one hand, and, on the other, points in Indiana, Ohio, Michigan, Kentucky, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, Colorado, North Dakota, and South Dakota. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 115949 (Sub-No. 26) (Amendment), filed May 19, 1966, published in FEDERAL REGISTER issues of June 23, 1966, and August 18, 1966, and republished this issue. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and articles used in the manufacture of iron and steel or iron and steel articles, and commodities used in the production and maintenance of steel plants*, between points in Putnam County, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky Louisiana, Lower Peninsula of Michigan, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, Virginia, North Carolina, and South Carolina. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner James C. Cheseldine.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10035; Filed, Sept. 13, 1966; 8:48 a.m.]

[Notice 965]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 9, 1966.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2860 (Sub-No. 7), filed August 25, 1966. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling or freezing rooms; cooling or freezing boxes and machines, equipment and supplies used in connection therewith; refrigerators* (other than household); *refrigerator evaporators; bins, shelving; counters; hardware, and display cases;* from Cherry Hill and Camden, N.J., to points in Maine, New Hampshire, Vermont, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia; and *damaged or returned shipments of the above commodities* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 7640 (Sub-No. 23), filed August 25, 1966. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, N.C. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard*, from Farmville, N.C., to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Ohio, Illinois, Indiana, West Virginia, Kentucky, Tennessee, Florida, Iowa, and Wisconsin, and the District of Columbia. NOTE: Applicant states that authority sought could be tacked with that now held at Farmville, N.C., to serve destinations sought herein. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C.

No. MC 10761 (Sub-No. 196), filed August 1, 1966. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 13250 (Sub-No. 85) (Correction), filed July 20, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished as corrected, this issue. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. Applicant's representative: Thomas E. James, 721 Brown Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with* (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (1) between points in Arkansas, California, Kansas, Louisiana, New Mexico, Oklahoma, and Texas, (2) between points in California and Texas, on the one hand, and, on the other, points in Arizona, Colorado, and Utah, (3) between points in Texas, on the one hand, and, on the other, points in Wyoming and Montana, (4) between points in Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, and Nebraska, (5) between points in Nevada, on the one hand, and, on the other, points in Idaho, Wyoming, Utah, Colorado, Arizona, and New Mexico, (6) between points in California, south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, Calif., on the one hand, and, on the other, Casper, Wyo.

(7) between points in Nevada, (8) between points in Nevada, on the one hand, and, on the other, points in Wyoming, Colorado, Montana, North Dakota, South Dakota, and Utah, (9) between points in Idaho, (10) between points in Idaho, on the one hand, and, on the other, points in Wyoming, Colorado, Montana, North Dakota, South Dakota, and Utah, (11) between points in California, on the one hand, and, on the other, points in Wyoming, Colorado, North Dakota, and South Dakota, (12) between points in Alabama, Florida, and Georgia, (13) between points in Texas, on the one hand, and, on the other, points in Alabama, Florida, and Georgia, (14) between Kilgore, Tex., and points in Texas within 200 miles of Kilgore, on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, and Oklahoma, (15) between points in San Juan, Rio Arriba, and McKinley Counties, N. Mex., Dolores, San Miguel, Montezuma, San Juan, La Plata, and Archuleta Counties, Colo., Navajo and Apache Counties, Ariz., and San Juan County, Utah, (16) between points in Washington and Oregon, on the one hand, and, on the other, points in Colorado, Wyoming, and Utah, (17) between points in Illinois, Indiana, Louisiana, Kentucky, Missouri, and Tennessee, and (18) between points in Oklahoma, on the one hand, and, on the other, points in Illinois, Indiana, Louisiana, Kentucky, Missouri, and Tennessee. NOTE: Applicant states it presently holds authority to transport various commodities used in the oil and gas industry (primarily so-called *Mercer* description commodities as defined in *T. E. Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459) in all of the territory above described. Applicant intends to tack the various paragraphs of the territorial authority specified above with each other wherever possible. The purpose of this republication is to add the word "between" in paragraph 16 above. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Oklahoma City, or Tulsa, Okla.

No. MC 55236 (Sub-No. 141), filed August 23, 1966. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. 54306. Applicant's representative: K. L. Laird (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk (except sulphur dioxide and except methyl chloride, in multiunit tank vehicles), from Marinette, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Wisconsin, Iowa, Missouri, Arkansas, Louisiana, Illinois, Indiana, Michigan, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, and the District of Columbia. NOTE: Applicant states it intends to tack at Chicago and Waukegan, Ill., Sheboygan and Green Bay, Wis., to points involved in this application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 66900 (Sub-No. 30), filed August 25, 1966. Applicant: HOUFF TRANSFER, INCORPORATED, Post Office Box 91, Weyers Cave, Va. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), from Philadelphia and York, Pa., and points in that part of Pennsylvania south of U.S. Highway 422 and east of Interstate Highway 83, including points on the indicated portions of the highways specified, to points in Virginia. NOTE: Applicant states that it will tack proposed authority with presently held authority, in which it is authorized to operate in the States of West Virginia, Virginia, and Maryland, and the District of Columbia. Applicant further states that if this application is granted, it will request cancellation of its hardware authority out of Philadelphia, Pa., and its territorial general commodity authority from the prescribed Pennsylvania territory. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 100109 (Sub-No. 5) (Correction), filed July 21, 1966. Published FEDERAL REGISTER issue of August 25, 1966, and republished as corrected, this issue. Applicant: HERMAN STUMPF, JAMES STUMPF, AND ROBERT STUMPF, a partnership, doing business as STUMPF & SONS, Rural Route No. 3, Worthington, Minn. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer ingredients*, from points in Iowa on and north of U.S. Highway 20 and on and west of U.S. Highway 65, including points in Sioux City, Iowa, and its commercial zone in Nebraska and South Dakota, to points in Minnesota, and South Dakota on and east of U.S. Highway 281, and (2) *dry fertilizer and fertilizer ingredients*, (a) from points in Minnesota (except points in Hennepin and Ramsey Counties), to Esterville, Iowa, and (b) from Albert Lea, Minn., to points in Iowa on and north of U.S. Highway 20 and on and west of U.S. Highway 65. NOTE: The purpose of this republication is to include the commodity description in (1) above, inadvertently omitted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 107475 (Sub-No. 60), filed August 25, 1966. Applicant: DANCE FREIGHT LINES, INC., 920 Dance Court, Cincinnati, Ohio 45203. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, those requiring special equipment, those of unusual value and those injurious or contaminating to other lading), (1) between Atlanta and Athens, Ga., over U.S. Highway 78, and return over the same route, serving the intermediate point of Monroe, Ga., and (2) between Covington and Winder, Ga.; (a) from Covington over U.S. Highway 278 to junction Georgia Highway 11, thence along Georgia Highway 11 via Monroe, Ga., to Winder, and return over the same route, serving the intermediate point of Monroe, and (b) from Covington over Interstate Highway 20 to junction Georgia Highway 11, thence along Georgia Highway 11 via Monroe, Ga., to Winder, and return over the same route, serving the intermediate point of Monroe. NOTE: Applicant states no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107757 (Sub-No. 27), filed August 23, 1966. Applicant: M. C. SLATER, INC., Post Office Box 369, Granite City, Ill. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and equipment, materials, and supplies* used in the manufacture and processing of iron and steel articles, between Alton, Madison, and Granite City, Ill., on the one hand, and, on the other, points in Indiana, Michigan, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109633 (Sub-No. 14), filed August 23, 1966. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, Ill. 60627. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, liquid commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between Indianapolis, Ind., on the one hand, and, on the other, St. Louis, Mo., and points in Illinois, on and south of a line beginning at the Illinois-Indiana State line, thence over Illinois Highway 119 to junction U.S. Highway 136, thence over U.S. Highway 136 to the Illinois-Iowa State line, serving Indianapolis, Ind., as a point of joinder only for traffic originating at or destined to regular route points in Indiana and Ohio, lying east of Indianapolis. NOTE: Applicant states that the purpose of this application is to authorize an alternate routing through Indianapolis, Ind., as a gateway point in lieu of the presently authorized routing through points in Clinton County, Ind., as gateway points. Applicant further states that no new service or service points are requested. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116938 (Sub-No. 5), filed August 25, 1966. Applicant: FRANK BEATY, Route 2, Manchester, Tenn. 37355. Applicant's representative: Harry E. Dixon, Jr., Post Office Box 211, Roanoke, Va. 24002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and related articles*, from Huntsville, Ala., to Chattanooga, Tenn., and to points in that part of Tennessee, on and east of U.S. Highway 13 extending through Collinwood, Waynesboro, Linden, Waverly, Cunningham, Clarksville, and Sadlersville, Tenn., that part of Alabama, on and north of a line beginning at the Alabama-Georgia State line and extending west along U.S. Highway 80 through Phenix City, Marvyn, Tuskegee, and Mount Meigs, Ala., to Montgomery, Ala., and thence northwest along U.S. Highway 82 through Centerville, Duncanville, Tuscaloosa, Reform, and Stafford, Ala., to the Alabama-Mississippi State line, that part of Georgia, on and north of a line beginning at the Georgia-Alabama State line, and extending along U.S. Highway 80 through Columbus and Upatoi, Ga., to Geneva, Ga., thence east along Georgia Highway 96 through Butler to Reynolds, Ga., thence north along Georgia Highway 128 to Roberta, Ga., thence east along U.S. Highway 80 through Knoxville and Lizella, Ga., to junction Georgia Highway 57, near Macon, Ga., thence east along Georgia Highway 57 through Irwinton, Wrightsville, and Kite, Ga., to Swainsboro, Ga., thence north along Georgia Highway 56 through Summertown, Ga., to junction Georgia Highway 17 at or near Midville, Ga., thence east along Georgia Highway 17 to Millen, Ga., thence east along Georgia Highway 21 to Sylvania, Ga., and thence northeast along U.S. Highway 301 to the Georgia-South Carolina State line, and that part of North Carolina on and west of a line beginning at the North Carolina-South Carolina State line, and extending along U.S. Highway 221 through Rutherfordton, Thermal City, Marion, and Ashford, N.C., to junction North Carolina Highway 194, near Linville Falls, N.C., thence north along North Carolina Highway 194 to Ingalls, N.C., thence north along U.S. Highway 19E through Minneapolis and Elk Park, N.C., to the North Carolina-Tennessee State line (except to points in Alabama, Georgia, North Carolina, and Tennessee which are within 65 miles of Chattanooga, Tenn.), under contract with Huntsville Brick & Tile Co. (subsidiary of General Shale Products Corp.). If a hearing is deemed necessary, applicant requests it be held at Chattanooga or Knoxville, Tenn.

No. MC 123048 (Sub-No. 99), filed August 23, 1966. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery*, from Clarion, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, Chicago, Ill., or Madison, Wis.

No. MC 124078 (Sub-No. 245), filed August 23, 1966. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, from points in Tippah County, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia. NOTE: Applicant states that it intends to tack with present authority in which it is authorized to operate in Arkansas, Illinois, Kansas, Mississippi, Missouri, Oklahoma, and Western Tennessee. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 127780 (Sub-No. 2), filed August 25, 1966. Applicant: EMIL DiUBALDO, doing business as DiUBALDO TRUCKING CO., Beryl, W. Va. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw Charcoal*, from Luke, Md., to the plantsite of the Kingsford Co., at or near Parsons, W. Va., under contract with the Kingsford Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Washington, D.C.

No. MC 127616 (Sub-No. 4), filed August 8, 1966. Applicant: HANSON M. SAVAGE, doing business as SAVAGE TRUCKING COMPANY, Box 105, Chester Depot, Vt. 05144. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Log buildings*, from Hartland, Vt., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, Michigan, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Brattleboro, Vt., or Concord, N.H.

No. MC 128464 (Sub-No. 1), filed August 25, 1966. Applicant: M TRANSPORT COMPANY, INC., Post Office Box 291, East Alton, Ill. 62024. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials* (except those requiring special handling or special equipment because of size or weight, and commodities in bulk), from East St. Louis, Ill., to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield or Chicago, Ill.

No. MC 128481 (Sub-No. 2), filed August 25, 1966. Applicant: HENRY V. MUSGROVE, Route No. 2, Post Office Box 41, Axson, Ga. Applicant's representative: Norman J. Bolinger, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wooden laminated structural arches and beams, and materials and supplies* used in the construction thereof, between Waycross, Ga., and points in Alabama, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Dixie Laminated, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 128551 (Sub-No. 1), filed August 25, 1966. Applicant: JAMES J. KENNEDY, JR., doing business as KENNEDY VAN & STORAGE, 3359 Army Street, San Francisco, Calif. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in San Francisco, Marin, Contra Costa, Alameda, and San Mateo Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130010 (Correction), filed July 20, 1966, published FEDERAL REGISTER issue of August 25, 1966, corrected August 30, 1966, and republished, as corrected, this issue. Applicant: BEREA TOURS, INC., 36 South Rocky River Drive, Berea, Ohio. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. For a license (BMC 5) to engage in operations as a *broker* at Berea, Ohio, in arranging for transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, for individuals as well as groups, in special, charter, and regular route services, between points in the United States, including Alaska, but excluding Hawaii. NOTE: The purpose of this republication is to show that the applicant also proposes to arrange motor carrier transportation for individuals as well as groups in regular-route services.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 22195 (Sub-No. 125), filed August 23, 1966. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, S. Dak. 57101. Applicant's representative: J. P. Everist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, (1) from the American Oil Co. terminal at Moorhead, Minn., to points in South Dakota, and *returned shipments*, on return, (2) from the American Oil Co. terminal at Sioux Falls, S. Dak., to points in Iowa, Minnesota, and North Dakota, and *returned shipments*, on return. NOTE: Applicant states no duplication of authority sought.

No. MC 104149 (Sub-No. 179), filed August 8, 1966. Applicant: OSBORNE TRUCK LINE, INC., 516 North 31st Street, Birmingham, Ala. 35201. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between the plantsite of Revere Copper & Brass, Inc., located approximately 6 miles south of Scottsboro, Ala., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee, Arkansas, Oklahoma, Kentucky, North Carolina, South Carolina, Virginia, West Virginia, and Maryland.

No. MC 109584 (Sub-No. 135), filed August 23, 1966. Applicant: ARIZONA-PACIFIC TANK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups and liquid sugars*, in bulk, in tank vehicles, from Manteca, Mendota, Spreckels, and Woodland, Calif., to points in Washoe County, Nev.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 111), filed August 23, 1966. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill. 60603. Applicant's representative: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers, in the same vehicle with passengers*, (1) between Bowling Green and Scottsville, Ky., over U.S. Highway 231, serving all intermediate points; and, (2) between Campbellsville and Columbia, Ky., via Greensburg, Ky., from Campbellsville, over U.S. Highway 68 to junction Kentucky Highway 61, 2 miles south of Greensburg, thence over Kentucky Highway 61, to Columbia, serving all intermediate points.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10036; Filed, Sept. 13, 1966; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 9, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. C-239, case No. 4, filed June 27, 1966. Applicant: INTER-CITY TRUCKING SERVICE, INC., 14333 Goddard Street, Detroit, Mich. 48226. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities*, in intrastate and interstate or foreign commerce, serving the village of Rives Junction, Mich., located north of the Jackson, Mich., commercial zone, and approximately 1.3 miles west of U.S. Highway 127, as an off-route point in connection with authorized regular route service to and from Jackson, Mich.

HEARING: September 22, 1966, 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. C-6714, case No. 20, filed July 11, 1966. Applicant: CENTRAL TRANSPORT, INC., 3399 East McNichols Road, Detroit, Mich. 48212. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities*, in intrastate and interstate or foreign commerce, serving the village of Rives Junction, Mich., located north of the Jackson, Mich., commercial zone, and approximately 1.3 miles west of U.S. Highway 127, as an off-route point in connection with authorized regular route service.

HEARING: September 22, 1966, 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. 48045, filed November 8, 1965. Applicant: IMPERIAL TRUCK LINES, INC., 101 North Avenue 18, Los Angeles, Calif. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities*, with the usual exceptions, both intrastate and interstate and foreign commerce, between points as follow: All points and places now presently authorized to be served, and Eagle Mountain via U.S. Highways 60 and 70, to junction U.S. Highways 60 and 70 and unnumbered County Road 3 miles west of Desert Center; thence via said unnumbered County Road to Eagle Mountain, with service to all intermediate points on and along said U.S. Highways, and the said unnumbered County Road and all points and places east of Indio and located 10 miles laterally of said highways and unnumbered road. Present operations: (1) Between Los Angeles basin region, on the one hand, and on the other, Coachella Valley territory and Imperial Valley territory together with Winterhaven and points on U.S. Highway 80 between Winterhaven and Imperial Valley territory and points on U.S. Highway 99 and State Highway 111 between Imperial Valley and Coachella Valley territories; (2) between all points and places in the Coachella Valley territory; (3) between all points and places in the Imperial Valley territory; (4) between all points and places on U.S. Highway 80 between Winterhaven and Imperial Valley territory, including Winterhaven, and all points and places on U.S. Highway 99 and State Highway 111 between Imperial Valley territory and the Coachella Valley territory. (Said points on said U.S. Highways 80 and 99 and State Highway 111 will be referred to hereafter collectively as "Highways 80, 99, and 111 points".)

(5) Between Coachella Valley territory points on the one hand, and, on the other, Highways 80, 99, and 111 points and points in Imperial Valley territory; (6) between Imperial Valley territory points, on the one hand, and, on the other, Highways 80, 99, and 111 points; (7) between the Los Angeles basin region on the one hand, and, on the other, the San Diego territory, together with all points and places on and within a distance of 10 miles laterally on either side of U.S. Highway 101 and U.S. Highway 395 between the northerly boundary of San Diego County and the northerly boundary of the San Diego territory; and, (8) between the San Diego territory and all points and places on and within a distance of 10 miles laterally on either side of U.S. Highways 101 and 395, between the northerly boundary of San Diego County and the northerly boundary of San Diego territory, all on the one hand, and, on the other, all points and places in Coachella Valley territory, and Imperial Valley territory, together with Winterhaven and points on U.S. Highway 80 between Winterhaven and Imperial Valley territory and points on U.S. Highway 99 and State Highway 111 between Imperial Valley territory and Coachella Valley territory. (a) No service shall be performed between any two points both of which are located within San Diego County. (b) No service shall be performed to or from any point located within the boundary of the United States Navy Ammunition Depot in the vicinity of Fallbrook, Calif.

HEARING: October 6, 1966, 10 a.m., Los Angeles, Calif. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10037; Filed, Sept. 13, 1966; 8:48 a.m.]

[Notice 251]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 9, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub-No. 657 TA), filed September 6, 1966. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. C. Tyler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers, fertilizer Compounds, and fertilizer ingredients*, from Epco, Idaho, to points in Washington and Oregon, for 180 days. Supporting shipper: El Paso Products Co., Post Office Box 3986, Odessa, Tex. 79760. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 106233 (Sub-No. 14 TA), filed September 7, 1966. Applicant: HART TRUCKLINE, INC., Highway 25 North, Dexter, Mo. 63841. Applicant's representative: G. F. Gunn, Jr., Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except usual exceptions), from Poplar Bluff, Mo., to Doniphan, Neelyville, Naylor, and Oxley, Mo.; from Poplar Bluff over U.S. Highways 160 and 67 to the junction of U.S. Highways 160 and 67, thence over U.S. Highway 160 to the junction of U.S. Highway 160 and Ripley County Highway No. U, thence over Ripley County Highway No. U to Doniphan, thence over Missouri Highway 142 to junction Missouri Highway 53, thence over Missouri Highway 53 to junction U.S. Highways 160 and 67, for 180 days. Supporting shipper: Vitronic Inc., W. D. Dowdy, Traffic Manager, Vitronic, Inc., of Doniphan, Mo., 311 North Lindbergh Boulevard, St. Louis County, Mo. 63141. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 106644 (Sub-No. 72 TA), filed September 6, 1966. Applicant: SUPERIOR TRUCKING COMPANY, INC., Post Office Box 17050, Chattahoochee Station, 2770 Peyton Road, NW., Atlanta, Ga. 30321. Applicant's representative: Otis E. Stovall (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt or composition lumber*, from Craig and Broken Bow, Okla., to points in Florida, North Carolina, South Carolina, Ohio, Virginia, and West Virginia, for 180 days. Supporting shipper: Dierks Forests, Inc., 810 Whittington Avenue, Hot Springs, Ark. 71901. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Inter-

state Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 107002 (Sub-No. 329 TA), filed September 6, 1966. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: D. D. Kennedy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bags, and in bulk, from Lake Charles, La., to points in Arkansas, Mississippi, Oklahoma, and Texas, for 180 days. Supporting shipper: Olin Mathieson Chemical Corp., Agricultural Division, Post Office Box 991, Little Rock, Ark. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 312–A, U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 111401 (Sub-No. 209 TA), filed September 6, 1966. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Freeport, Tex., to points in California, Connecticut, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, and South Carolina, for 180 days. Supporting shipper: The Dow Chemical Co., G. W. Westerman, Traffic Manager, Southern Region, Freeport, Tex. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla.

No. MC 116077 (Sub-No. 205 TA), filed September 7, 1966. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, dry, in bags, from Lake Charles, La., to points in Texas, for 180 days. Supporting shipper: D. E. Taylor, transportation supervisor, Rates and Analysis, Agricultural Division, Olin Mathieson Chemical Corp., Post Office Box 991, Little Rock, Ark. Send protests to: John C. Redus, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 123061 (Sub-No. 35 TA), filed September 6, 1966. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and Poultry feeds and feed ingredients*, in bulk and in containers, between Twin Falls, Idaho, and points in Oregon, for 180 days. Supporting shippers: Albers Milling Co., 3350 Fifth Street South, Twin Falls, Idaho 83301, Albers Milling Co., General Offices, Carnation Building, Los Angeles, Calif. 90036. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 124033 (Sub-No. 31 TA), filed September 6, 1966. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Steers, Klee, Jay, and Sullivan, 45 North Pennsylvania Street, Suite 312, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Jefferson County, Ky., to points on and south of Indiana Highway 28, for 180 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. Send protests to: District Supervisor, R. M. Hagerty, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 124174 (Sub-No. 55 TA), filed September 7, 1966. Applicant: MOMSEN TRUCKING CO., a corporation, Highway 71 and 18 North, Spencer, Iowa 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from Fargo, N. Dak., to Sioux City, Iowa, for 180 days. Supporting shipper: Needham Packing Co., Inc., 1911 Warrington Road, Sioux City, Iowa 51107. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 128484 (Sub-No. 1 TA), filed September 6, 1966. Applicant: BOWEIL STORAGE & TRANSIT CO., a corporation, 5850 Center Hill Avenue, Cincinnati, Ohio 45232. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hamilton, Butler, Warren, Clermont, Montgomery, Clark, Greene, and Miami Counties, Ohio; Dearborn County, Ind., and Kenton, Campbell, and Boone Counties, Ky., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: Common control may be involved, for 180 days. Supporting shipper: Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66–10038; Filed, Sept. 13, 1966; 8:48 a.m.]

[Notice 1411]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 9, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68910. By order of September 7, 1966, the Transfer Board approved the transfer to Delbert H. Stephens and Ferdinand A. Klein, a partnership, doing business as Spokane-St. Maries Auto Freight, Spokane, Wash., of certificates Nos. MC–52842 and MC–52842 (Sub-No. 1), issued April 9, 1943, and October 31, 1961, respectively, to Earl L. Perin, Priest River, Idaho, the former authorizing the transportation of lumber, poles, piling, logs, machinery, and equipment, building materials, and camp equipment and supplies used in logging operations, over irregular routes, between points and places in Spokane and Pend Oreille Counties, Wash., on the one hand, and, on the other, points and places in Kootenai, Bonner, and Boundary Counties, Idaho, and the latter authorizing the transportation of lumber and cants, over irregular routes, from points in Bonner County, Idaho, to points in Nez Perce County, Idaho. Harold D. Clarke, 912 Paulsen Building, Spokane, Wash. 99201, attorney for applicants.

No. MC–FC–68922. By order of September 8, 1966, the Transfer Board approved the transfer to Rizzo Trucking, Inc., Brooklyn, N.Y., of certificate No. MC–116546, issued July 9, 1958, to Peter Coleine and Angelo Cortazzo, a partnership, doing business as Amwil Trucking Co., New York, N.Y., authorizing the transportation of: Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses, from New York, N.Y., to points in Westchester County, N.Y. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicant (transferee). Robert B. Pepper, 880 Bergen Street, Jersey City, N.J., representative for transferor.

No. MC–FC–68972. By order of September 8, 1966, the Transfer Board approved the transfer to Matuszko Farms, Inc., Amherst, Mass., of the operating rights of Skibiski Produce Corp., Sunderland, Mass., in certificate No. MC–42703, issued April 29, 1954, authorizing the transportation, over irregular routes, of agricultural commodities, from points in Hampshire and Franklin Counties, Mass., to points in New Hampshire, Vermont, Connecticut, Rhode Island, and New York, and fertilizer, from West Haven, Conn., to Sunderland, Mass., and from Sunderland, Springfield, and South Deerfield, Mass., to points in New York State within 150 miles of Sunderland, and those in New Hampshire and Vermont on and west of U.S. Highway 3 from the New Hampshire-Massachusetts State line to junction U.S. Highway 4, and on and south of U.S. Highway 4 from junction U.S. Highway 3 to the Vermont-New York State line. Arthur Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass., representative for applicants.

No. MC–FC–69041. By order of September 8, 1966, the Transfer Board approved the transfer to Harold D. Kahn, Newton Centre, Mass., of the operating rights of Toro Bros. Trucking of Massachusetts, Inc., East Haven, Conn., in certificate No. MC–109607, issued December 29, 1949, as amended August 27, 1962, authorizing the transportation, over irregular routes, of general commodities, except commodities in bulk, household goods, and other specified commodities; new furniture; household goods; new furniture, uncrated and unwrapped; wooden frames, unwrapped and uncrated; groceries and vegetables; linoleum, rugs, dry goods, canned goods, paper, and paper articles; shoes; plumbing supplies; and springs (loose or ties in bundles), baled cotton, fiber, and moss; between, and from and to specified points in Massachusetts, New Hampshire, New York, Connecticut, Rhode Island, Maine, Maryland, New Jersey, Pennsylvania, and the District of Columbia, varying with the commodities transported. Edward A. Schwartz, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC–FC–69045. By order of September 7, 1966, the Transfer Board approved the transfer to Gerald P. Carolan and Joel E. Schlipman, doing business as J & J Trucking, Mendon, Ill., of the operating rights in certificate No. MC–123769, issued by the Commission March 6, 1962, to Earnest R. Robertson, Quincy, Ill., authorizing the transportation of: Gravel, sand, and stone, from specified points in Missouri to points in Adams County, Ill. Robert T. Lawley, 308 Reisch Building, Springfield, Ill., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66–10039; Filed, Sept. 13, 1966; 8:48 a.m.]

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FEDERAL REGISTER

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Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Federal National Mortgage Association
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Foreign Assets Control Office
Foreign-Trade Zones Board
Interagency Textile Administrative Committee
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Labor Department
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Veterans Administration

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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

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Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1966-Crop Soybean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966-Crop Soybean Loan and Purchase Program

This annual crop year supplement, together with the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941), and any amendments thereto, and the 1966 and Subsequent Crops Soybean Supplement (31 F.R. 6013), and any amendments thereto, contain the provisions for price support loans and purchases for the 1966 crop of soybeans.

Sec.
1421.2965 Availability.
1421.2966 Warehouse charges.
1421.2967 Maturity of loans.
1421.2968 Support rates, premiums, and discounts.

§ 1421.2965 Availability.

A producer desiring a price support loan must request a loan on his eligible soybeans on or before June 30, 1967. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible soybeans to CCC on or before July 31, 1967.

§ 1421.2966 Warehouse charges.

The following schedule of deductions for soybeans stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall apply as provided in § 1421.2958(b):

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF JULY 31, 1967

Storage start date: [1]	*Deduction (cents per bushel)*
Prior to Aug. 16, 1966	13
Aug. 16–Sept. 12, 1966	12
Sept. 13–Oct. 10, 1966	11
Oct. 11–Nov. 7, 1966	10
Nov. 8–Dec. 5, 1966	9
Dec. 6, 1966–Jan. 2, 1967	8
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May 23–June 19, 1967	2
June 20–July 31, 1967	1

[1] All dates inclusive.

§ 1421.2967 Maturity of loans.

Loans mature on demand but not later than July 31, 1967.

§ 1421.2968 Support rates, premiums and discounts.

Farm-stored soybean loans shall be made at the basic county support rate for the county in which the soybeans were produced, adjusted only for the Weed Control discount where applicable. The support rate for warehouse-storage loans and for soybeans acquired under a loan or by purchase shall be the basic support rate for the county in which the soybeans were produced adjusted by the applicable premiums and discounts prescribed in paragraphs (b) and (c) of this section. Settlement of loans and purchases shall be made as provided in § 1421.72 of the General Regulations.

(a) *Basic county support rates.* Basic county support rates for the classes Green Soybeans and Yellow Soybeans grading No. 2 and containing from 13.8 to 14.0 percent moisture are as follows:

ALABAMA

County	*Rate per Bushel*	*County*	*Rate per Bushel*
Baldwin	$2.55	Lauderdale	$2.49
Blount	2.50	Lawrence	2.49
Calhoun	2.50	Limestone	2.49
Cherokee	2.50	Madison	2.50
Choctaw	2.50	Marengo	2.50
Clark	2.52	Marshall	2.50
Clay	2.50	Mobile	2.55
Cleburne	2.50	Monroe	2.52
Conecuh	2.51	Morgan	2.49
Covington	2.50	Randolph	2.50
Cullman	2.49	St. Clair	2.49
De Kalb	2.50	Talladega	2.50
Escambia	2.52	Washington	2.52
Etowah	2.50	Wilcox	2.50
Jackson	2.50	All other counties	2.48
Jefferson	2.49		

ARIZONA

All counties	$2.36

ARKANSAS

County	*Rate per bushel*	*County*	*Rate per bushel*
Arkansas	$2.54	Howard	$2.45
Ashley	2.51	Independence	2.52
Baxter	2.49	Izard	2.50
Benton	2.44	Jackson	2.53
Boone	2.46	Jefferson	2.53
Bradley	2.50	Johnson	2.47
Calhoun	2.49	Lafayette	2.46
Carroll	2.45	Lawrence	2.52
Chicot	2.52	Lee	2.54
Clark	2.48	Lincoln	2.53
Clay	2.53	Little River	2.46
Cleburne	2.50	Logan	2.46
Cleveland	2.51	Lonoke	2.52
Columbia	2.48	Madison	2.45
Conway	2.49	Marion	2.47
Craighead	2.54	Miller	2.46
Crawford	2.45	Mississippi	2.54
Crittenden	2.54	Monroe	2.54
Cross	2.54	Montgomery	2.46
Dallas	2.49	Nevada	2.47
Desha	2.54	Newton	2.46
Drew	2.52	Ouachita	2.48
Faulkner	2.50	Perry	2.49
Franklin	2.46	Phillips	2.54
Fulton	2.50	Pike	2.46
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Greene	2.53	Pope	2.48
Hempstead	2.46	Prairie	2.53
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County	*Rate per bushel*	*County*	*Rate per bushel*
Randolph	$2.52	Stone	$2.50
St. Francis	2.54	Union	2.49
Saline	2.49	Van Buren	2.49
Scott	2.45	Washington	2.45
Searcy	2.48	White	2.52
Sebastian	2.45	Woodruff	2.53
Sevier	2.45	Yell	2.47
Sharp	2.51		

CALIFORNIA

All counties	$2.36

DELAWARE

Kent	$2.51	Sussex	$2.52
New Castle	2.50		

FLORIDA

Escambia	$2.51	All other counties	$2.45
Oklaoosa	2.47		
Santa Rosa	2.49		

GEORGIA

All counties	$2.49

ILLINOIS

Adams	$2.53	Lee	$2.53
Alexander	2.53	Livingston	2.56
Bond	2.55	Logan	2.56
Boone	2.53	McDonough	2.53
Brown	2.53	McHenry	2.54
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Henry	2.53	Stark	2.54
Iroquois	2.56	Stephenson	2.51
Jackson	2.53	Tazewell	2.55
Jasper	2.55	Union	2.53
Jefferson	2.52	Vermillion	2.56
Jersey	2.53	Wabash	2.51
Jo Daviess	2.51	Warren	2.53
Johnson	2.51	Washington	2.53
Kane	2.55	Wayne	2.52
Kankakee	2.56	White	2.50
Kendall	2.56	Whiteside	2.53
Knox	2.54	Will	2.56
Lake	2.55	Williamson	2.51
LaSalle	2.56	Winnebago	2.52
Lawrence	2.52	Woodford	2.55

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$2.51	Lawrence	$2.51
Allen	2.52	Madison	2.50
Bartholomew	2.50	Marion	2.51
Benton	2.56	Marshall	2.52
Blackford	2.50	Martin	2.51
Boone	2.51	Miami	2.50
Brown	2.50	Monroe	2.51
Carroll	2.52	Montgomery	2.52
Cass	2.51	Morgan	2.51
Clark	2.48	Newton	2.57
Clay	2.52	Noble	2.53
Clinton	2.52	Ohio	2.48
Crawford	2.48	Orange	2.49
Daviess	2.51	Owen	2.51
Dearborn	2.48	Parke	2.53
Decatur	2.50	Perry	2.48
De Kalb	2.52	Pike	2.50
Delaware	2.50	Porter	2.56
Dubois	2.49	Posey	2.50
Elkhart	2.52	Pulaski	2.54
Fayette	2.50	Putnam	2.52
Floyd	2.48	Randolph	2.50
Fountain	2.55	Ripley	2.48
Franklin	2.49	Rush	2.50
Fulton	2.52	St. Joseph	2.53
Gibson	2.51	Scott	2.48
Grant	2.50	Shelby	2.50
Greene	2.52	Spencer	2.48
Hamilton	2.51	Starke	2.54
Hancock	2.50	Steuben	2.52
Harrison	2.48	Sullivan	2.53
Hendricks	2.51	Switzerland	2.48
Henry	2.50	Tippecanoe	2.53
Howard	2.51	Tipton	2.52
Huntington	2.51	Union	2.50
Jackson	2.50	Vanderburgh	2.50
Jasper	2.55	Vermillion	2.55
Jay	2.50	Vigo	2.54
Jefferson	2.48	Wabash	2.50
Jennings	2.48	Warren	2.55
Johnson	2.50	Warrick	2.49
Knox	2.52	Washington	2.48
Kosciusko	2.52	Wayne	2.50
Lagrange	2.53	Wells	2.51
Lake	2.57	White	2.54
LaPorte	2.54	Whitley	2.53

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$2.46	Floyd	$2.46
Adams	2.45	Franklin	2.47
Allamakee	2.47	Fremont	2.44
Appanoose	2.47	Greene	2.46
Audubon	2.46	Grundy	2.48
Benton	2.50	Guthrie	2.46
Black Hawk	2.48	Hamilton	2.47
Boone	2.47	Hancock	2.48
Bremer	2.47	Hardin	2.48
Buchanan	2.49	Harrison	2.44
Buena Vista	2.46	Henry	2.49
Butler	2.47	Howard	2.46
Calhoun	2.46	Humboldt	2.46
Carroll	2.46	Ida	2.45
Cass	2.45	Iowa	2.50
Cedar	2.51	Jackson	2.51
Cerro Gordo	2.46	Jasper	2.49
Cherokee	2.45	Jefferson	2.49
Chickasaw	2.46	Johnson	2.50
Clarke	2.46	Jones	2.50
Clay	2.46	Keokuk	2.49
Clayton	2.48	Kossuth	2.48
Clinton	2.51	Lee	2.50
Crawford	2.45	Linn	2.50
Dallas	2.47	Louisa	2.50
Davis	2.48	Lucas	2.47
Decatur	2.46	Lyon	2.44
Delaware	2.49	Madison	2.46
Des Moines	2.50	Mahaska	2.48
Dickinson	2.45	Marion	2.48
Dubuque	2.49	Marshall	2.49
Emmet	2.46	Mills	2.44
Fayette	2.48	Mitchell	2.46

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Monona	$2.44	Shelby	$2.45
Monroe	2.47	Sioux	2.44
Montgomery	2.44	Story	2.48
Muscatine	2.51	Tama	2.49
O'Brien	2.45	Taylor	2.45
Osceola	2.45	Union	2.45
Page	2.44	Van Buren	2.49
Palo Alto	2.46	Wapello	2.48
Plymouth	2.44	Warren	2.47
Pocahontas	2.46	Washington	2.49
Polk	2.48	Wayne	2.47
Pottawattamie	2.44	Webster	2.47
Poweshiek	2.49	Winnebago	2.46
Ringgold	2.45	Winneshiek	2.47
Sac	2.46	Woodbury	2.44
Scott	2.51	Worth	2.46
		Wright	2.47

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$2.42	Lyon	$2.41
Anderson	2.43	Marion	2.40
Atchison	2.44	Marshall	2.41
Bourbon	2.43	McPherson	2.39
Brown	2.43	Miami	2.44
Butler	2.40	Mitchell	2.39
Chase	2.40	Montgomery	2.40
Chautauqua	2.39	Morris	2.41
Cherokee	2.42	Nemaha	2.42
Clay	2.41	Neosho	2.41
Cloud	2.40	Osage	2.42
Coffey	2.42	Osborne	2.38
Cowley	2.39	Ottawa	2.40
Crawford	2.42	Pottawatomie	2.42
Dickinson	2.40	Reno	2.38
Doniphan	2.44	Republic	2.40
Douglas	2.43	Rice	2.38
Elk	2.40	Riley	2.42
Ellsworth	2.38	Russell	2.38
Franklin	2.43	Saline	2.39
Geary	2.41	Sedgwick	2.39
Greenwood	2.41	Shawnee	2.43
Harper	2.38	Smith	2.38
Harvey	2.39	Sumner	2.38
Jackson	2.43	Wabaunsee	2.42
Jefferson	2.43	Washington	2.41
Jewell	2.39	Wilson	2.40
Johnson	2.44	Woodson	2.41
Kingman	2.38	Wyandotte	2.44
Labette	2.41	All other counties	2.37
Leavenworth	2.44		
Lincoln	2.39		
Linn	2.44		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Ballard	$2.50	Hickman	$2.50
Boone	2.48	Jefferson	2.49
Bracken	2.48	Kenton	2.48
Breckinridge	2.48	Livingston	2.49
Bullitt	2.48	Marshall	2.48
Campbell	2.48	McCracken	2.49
Carlisle	2.50	McLean	2.48
Carroll	2.48	Meade	2.48
Crittenden	2.49	Oldham	2.48
Daviess	2.49	Owen	2.48
Franklin	2.48	Pendleton	2.48
Fulton	2.50	Scott	2.48
Gallatin	2.48	Shelby	2.48
Grant	2.48	Spencer	2.48
Graves	2.48	Trimble	2.48
Grayson	2.48	Union	2.49
Hancock	2.48	Webster	2.48
Hardin	2.48	Woodford	2.48
Henderson	2.49	All other counties	2.47
Henry	2.48		

LOUISIANA

Parishes	Rate per bushel	Parishes	Rate per bushel
East Carroll	$2.49	Richland	$2.48
Franklin	2.47	Tensas	2.47
Madison	2.48	West Carroll	2.49
Morehouse	2.49	All other counties	2.46
Ouachita	2.48		

MARYLAND

County	Rate per bushel	County	Rate per bushel
Anne Arundel	$2.51	Kent	$2.51
Baltimore	2.51	Prince Georges	2.51
Calvert	2.51	Queen Annes	2.51
Caroline	2.51	St. Marys	2.50
Cecil	2.51	Somerset	2.51
Charles	2.50	Talbot	2.51
Dorchester	2.51	Wicomico	2.52
Hartford	2.51	Worcester	2.51
Howard	2.51	All other counties	2.49

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$2.46	Lapeer	$2.46
Arenac	2.44	Lenawee	2.52
Barry	2.46	Livingston	2.48
Bay	2.44	Macomb	2.48
Berrien	2.50	Mecosta	2.44
Branch	2.50	Midland	2.44
Calhoun	2.48	Monroe	2.53
Cass	2.50	Montcalm	2.44
Clare	2.44	Muskegon	2.44
Clinton	2.46	Newaygo	2.44
Eaton	2.47	Oakland	2.48
Genesee	2.46	Oceana	2.44
Gladwin	2.44	Ottawa	2.45
Gratiot	2.44	Saginaw	2.44
Hillsdale	2.51	St. Clair	2.47
Huron	2.44	St. Joseph	2.50
Ingham	2.48	Sanilac	2.45
Ionia	2.46	Shiawassee	2.46
Isabella	2.44	Tuscola	2.45
Jackson	2.49	Van Buren	2.47
Kalamazoo	2.47	Washtenaw	2.50
Kent	2.45	Wayne	2.51

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$2.40	Meeker	$2.45
Anoka	2.45	Mille Lacs	2.43
Becker	2.38	Morrison	2.41
Benton	2.43	Mower	2.48
Big Stone	2.42	Murray	2.45
Blue Earth	2.49	Nicollet	2.49
Brown	2.48	Nobles	2.46
Carlton	2.42	Norman	2.37
Carver	2.46	Olmsted	2.48
Cass	2.40	Otter Tail	2.39
Chippewa	2.44	Pennington	2.36
Chisago	2.45	Pine	2.43
Clay	2.38	Pipestone	2.44
Clearwater	2.37	Polk	2.36
Cottonwood	2.46	Pope	2.42
Crow Wing	2.40	Ramsey	2.46
Dakota	2.47	Red Lake	2.36
Dodge	2.48	Redwood	2.46
Douglas	2.41	Renville	2.46
Fairbault	2.48	Rice	2.48
Fillmore	2.48	Rock	2.45
Freeborn	2.48	Roseau	2.35
Goodhue	2.47	Scott	2.47
Grant	2.41	Sherburne	2.44
Hennepin	2.46	Sibley	2.47
Houston	2.48	Stearns	2.43
Hubbard	2.38	Steele	2.48
Isanti	2.44	Stevens	2.42
Jackson	2.46	Swift	2.42
Kanabec	2.43	Todd	2.41
Kandiyohi	2.45	Traverse	2.41
Kittson	2.35	Wabasha	2.47
Lac Qui Parle	2.44	Wadena	2.39
Le Sueur	2.49	Waseca	2.48
Lincoln	2.44	Washington	2.46
Lyon	2.45	Watonwan	2.48
McLeod	2.46	Wilkin	2.39
Mahnomen	2.37	Winona	2.47
Marshall	2.35	Wright	2.45
Martin	2.47	Yellow Medicine	2.45

MISSISSIPPI

County	Rate per Bushel	County	Rate per Bushel
Benton	$2.54	Panola	$2.56
Bolivar	2.56	Pontotoc	2.53
Calhoun	2.53	Quitman	2.56
Carroll	2.53	Sharkey	2.55
Coahoma	2.56	Sunflower	2.56
De Soto	2.56	Tallahatchie	2.56
Grenada	2.55	Tate	2.56
Holmes	2.53	Tippah	2.53
Hinds	2.53	Tunica	2.56
Humphreys	2.55	Union	2.53
Issaquena	2.54	Warren	2.53
Lafayette	2.54	Washington	2.55
Leflore	2.55	Yalobusha	2.55
Madison	2.53	Yazoo	2.54
Marshall	2.55	All other counties	2.52
Montgomery	2.53		

MISSOURI

County	Rate per Bushel	County	Rate per Bushel
Adair	$2.48	Linn	$2.47
Andrew	2.45	Livingston	2.46
Atchison	2.45	McDonald	2.43
Audrain	2.50	Macon	2.48
Barry	2.43	Madison	2.48
Barton	2.43	Maries	2.46
Bates	2.45	Marion	2.52
Benton	2.45	Mercer	2.46
Bollinger	2.51	Miller	2.46
Boone	2.48	Mississippi	2.55
Buchanan	2.45	Moniteau	2.47
Butler	2.52	Monroe	2.50
Caldwell	2.45	Montgomery	2.49
Callaway	2.48	Morgan	2.46
Camden	2.46	New Madrid	2.55
Cape Girardeau	2.58	Newton	2.43
Carroll	2.46	Nodaway	2.45
Carter	2.48	Oregon	2.47
Cass	2.45	Osage	2.47
Cedar	2.44	Ozark	2.45
Charlton	2.47	Pemiscot	2.55
Christian	2.44	Perry	2.50
Clark	2.51	Pettis	2.46
Clay	2.45	Phelps	2.46
Clinton	2.45	Pike	2.52
Cole	2.47	Platte	2.45
Cooper	2.47	Polk	2.45
Crawford	2.47	Pulaski	2.46
Dade	2.43	Putnam	2.47
Dallas	2.45	Ralls	2.52
Daviess	2.45	Randolph	2.48
De Kalb	2.45	Ray	2.45
Dent	2.46	Reynolds	2.47
Douglas	2.45	Ripley	2.50
Dunklin	2.55	St. Charles	2.49
Franklin	2.48	St. Clair	2.45
Gasconade	2.47	St. Francois	2.48
Gentry	2.45	St. Louis	2.49
Greene	2.44	Ste. Genevieve	2.48
Grundy	2.46	Saline	2.48
Harrison	2.45	Schuyler	2.48
Henry	2.45	Scotland	2.49
Hickory	2.45	Scott	2.54
Holt	2.45	Shannon	2.48
Howard	2.47	Shelby	2.50
Howell	2.46	Stoddard	2.54
Iron	2.47	Stone	2.44
Jackson	2.45	Sullivan	2.47
Jasper	2.43	Taney	2.45
Jefferson	2.48	Texas	2.48
Johnson	2.45	Vernon	2.44
Knox	2.50	Warren	2.48
Laclede	2.45	Washington	2.47
Lafayette	2.45	Wayne	2.50
Lawrence	2.43	Webster	2.45
Lewis	2.52	Worth	2.45
Lincoln	2.50	Wright	2.45

NEBRASKA

County	Rate per Bushel	County	Rate per Bushel
Adams	$2.37	Butler	$2.41
Antelope	2.38	Cass	2.42
Boone	2.38	Cedar	2.40
Boyd	2.37	Clay	2.38
Burt	2.42	Colfax	2.41

NEBRASKA—Continued

County	Rate per Bushel	County	Rate per Bushel
Cuming	$2.41	Pawnee	$2.41
Dakota	2.41	Pierce	2.39
Dixon	2.41	Platte	2.40
Dodge	2.43	Polk	2.40
Douglas	2.43	Richardson	2.41
Fillmore	2.39	Saline	2.40
Gage	2.40	Sarpy	2.43
Hall	2.37	Saunders	2.43
Hamilton	2.38	Seward	2.40
Jefferson	2.40	Stanton	2.40
Johnson	2.41	Thayer	2.39
Knox	2.39	Thurston	2.41
Lancaster	2.41	Washington	2.42
Madison	2.39	Wayne	2.40
Merrick	2.38	Webster	2.37
Nance	2.38	York	2.39
Nemaha	2.41	All other counties	2.36
Nuckolls	2.38		
Otoe	2.42		

NEW JERSEY

County	Rate per Bushel	County	Rate per Bushel
Atlantic	$2.47	Mercer	$2.47
Burlington	2.48	Middlesex	2.47
Camden	2.49	Monmouth	2.47
Cape May	2.47	Ocean	2.47
Cumberland	2.49	Salem	2.50
Gloucester	2.50	Somerset	2.46
Hunterdon	2.46	Warren	2.46

NEW MEXICO

All counties — $2.36

NEW YORK

All counties — $2.40

NORTH CAROLINA

County	Rate per Bushel	County	Rate per Bushel
Beaufort	$2.53	Jones	$2.52
Bertie	2.53	Lee	2.50
Bladen	2.50	Lenoir	2.52
Brunswick	2.50	Martin	2.53
Camden	2.53	Nash	2.53
Carteret	2.53	New Hanover	2.50
Chatham	2.51	Northampton	2.53
Chowan	2.53	Onslow	2.51
Columbus	2.50	Pamlico	2.52
Craven	2.52	Pasquotank	2.53
Cumberland	2.50	Pender	2.50
Currituck	2.53	Perquimans	2.53
Dare	2.53	Pitt	2.52
Duplin	2.51	Robeson	2.50
Edgecombe	2.53	Sampson	2.51
Franklin	2.51	Scotland	2.50
Gates	2.53	Tyrrell	2.53
Greene	2.52	Vance	2.50
Halifax	2.53	Wake	2.52
Harnett	2.51	Warren	2.51
Hertford	2.53	Washington	2.53
Hoke	2.50	Wayne	2.52
Hyde	2.53	Wilson	2.52
Johnston	2.52	All other counties	2.49

NORTH DAKOTA

County	Rate per Bushel	County	Rate per Bushel
Barnes	$2.34	Sargent	$2.34
Cass	2.35	Steele	2.34
Grand Forks	2.35	Traill	2.35
Pembina	2.34	Walsh	2.34
Ransom	2.34	All other counties	2.33
Richland	2.35		

OHIO

County	Rate per Bushel	County	Rate per Bushel
Adams	$2.47	Clermont	$2.48
Allen	2.53	Clinton	2.48
Ashland	2.51	Columbiana	2.50
Ashtabula	2.52	Coshocton	2.50
Athens	2.48	Crawford	2.53
Auglaize	2.52	Cuyahoga	2.52
Belmont	2.49	Darke	2.50
Brown	2.47	Defiance	2.52
Butler	2.48	Delaware	2.51
Carroll	2.50	Erie	2.54
Champaign	2.51	Fairfield	2.49
Clark	2.49	Fayette	2.48

OHIO—Continued

County	Rate per Bushel	County	Rate per Bushel
Franklin	$2.50	Montgomery	$2.48
Fulton	2.53	Morgan	2.49
Gallia	2.47	Morrow	2.52
Geauga	2.52	Muskingum	2.50
Greene	2.48	Noble	2.49
Guernsey	2.50	Ottawa	2.54
Hamilton	2.48	Paulding	2.52
Hancock	2.53	Perry	2.49
Hardin	2.53	Pickaway	2.49
Harrison	2.50	Pike	2.47
Henry	2.53	Portage	2.51
Highland	2.47	Preble	2.48
Hocking	2.48	Putnam	2.53
Holmes	2.50	Richland	2.52
Huron	2.53	Ross	2.48
Jackson	2.47	Sandusky	2.54
Jefferson	2.50	Scioto	2.47
Knox	2.50	Seneca	2.53
Lake	2.52	Shelby	2.51
Lawrence	2.47	Stark	2.50
Licking	2.50	Summit	2.51
Logan	2.52	Trumbull	2.51
Lorain	2.52	Tuscarawas	2.50
Lucas	2.54	Union	2.52
Madison	2.50	Van Wert	2.52
Mahoning	2.51	Vinton	2.48
Marion	2.53	Warren	2.48
Medina	2.51	Washington	2.48
Meigs	2.47	Wayne	2.50
Mercer	2.51	Williams	2.52
Miami	2.50	Wood	2.54
Monroe	2.48	Wyandot	2.53

OKLAHOMA

County	Rate per Bushel	County	Rate per Bushel
Adair	$2.43	Nowata	$2.38
Cherokee	2.42	Ottawa	2.41
Choctaw	2.40	Pittsburgh	2.39
Craig	2.40	Pushmataha	2.40
Delaware	2.43	Rogers	2.38
Haskell	2.41	Sequoyah	2.43
Latimer	2.41	Tulsa	2.38
Le Flore	2.43	Wagoner	2.41
Mayes	2.41	Washington	2.38
McCurtain	2.43	All other counties	2.37
McIntosh	2.39		
Muskogee	2.41		

PENNSYLVANIA

All counties — $2.45

SOUTH CAROLINA

County	Rate per Bushel	County	Rate per Bushel
Abbeville	$2.51	Greenwood	$2.51
Aiken	2.52	Hampton	2.53
Allendale	2.53	Horry	2.50
Anderson	2.50	Jasper	2.53
Bamberg	2.53	Kershaw	2.51
Barnwell	2.52	Lancaster	2.50
Beaufort	2.53	Laurens	2.51
Berkeley	2.52	Lee	2.51
Calhoun	2.52	Lexington	2.52
Charleston	2.53	Marion	2.50
Cherokee	2.51	Marlboro	2.50
Chester	2.50	McCormick	2.51
Chesterfield	2.50	Newberry	2.51
Clarendon	2.52	Oconee	2.50
Colleton	2.53	Orangeburg	2.52
Darlington	2.50	Pickens	2.50
Dillon	2.50	Richland	2.52
Dorchester	2.53	Saluda	2.51
Edgefield	2.52	Spartanburg	2.51
Fairfield	2.51	Sumter	2.52
Florence	2.50	Union	2.51
Georgetown	2.51	Williamsburg	2.51
Greenville	2.51	York	2.50

SOUTH DAKOTA

County	Rate per Bushel	County	Rate per Bushel
Aurora	$2.36	Codington	$2.37
Beadle	2.36	Davison	2.36
Bon Homme	2.35	Deuel	2.40
Brookings	2.39	Douglas	2.36
Brule	2.36	Grant	2.40
Charles Mix	2.36	Hamlin	2.37
Clay	2.39	Hanson	2.37

SOUTH DAKOTA—Continued

County	Rate per Bushel	County	Rate per Bushel
Hutchinson	$2.38	Moody	$2.39
Jerauld	2.36	Roberts	2.37
Kingsbury	2.37	Sanborn	2.36
Lake	2.38	Turner	2.39
Lincoln	2.41	Union	2.41
McCook	2.38	Yankton	2.38
Miner	2.37	All other counties	2.35
Minnehaha	2.40		

TENNESSEE

Benton	$2.48	Lake	$2.52
Bledsoe	2.48	Lauderdale	2.52
Bradley	2.48	Lincoln	2.48
Campbell	2.47	McMinn	2.47
Carroll	2.49	McNairy	2.49
Chester	2.50	Macon	2.47
Claiborne	2.47	Madison	2.50
Clay	2.47	Marion	2.49
Coffee	2.48	Meigs	2.48
Crockett	2.51	Montgomery	2.47
Decatur	2.48	Moore	2.48
Dyer	2.52	Obion	2.51
Fayette	2.51	Perry	2.47
Fentress	2.47	Pickett	2.47
Franklin	2.49	Rhea	2.48
Gibson	2.51	Robertson	2.47
Giles	2.47	Scott	2.47
Grundy	2.48	Sequatchie	2.49
Hamilton	2.49	Shelby	2.52
Hancock	2.47	Stewart	2.47
Hardeman	2.50	Sullivan	2.47
Hardin	2.48	Sumner	2.47
Hawkins	2.47	Tipton	2.52
Haywood	2.51	Trousdale	2.47
Henderson	2.49	Wayne	2.47
Henry	2.49	Weakley	2.50
Houston	2.47	All other counties	2.46
Humphreys	2.47		
Johnson	2.47		

TEXAS

All counties	$2.41

VIRGINIA

County	Rate per Bushel	County	Rate per Bushel
Accomack	$2.51	Prince George	$2.51
Brunswick	2.51	Princess Anne	2.53
Charles City	2.51	Southampton	2.53
Gloucester	2.51	Surrey	2.53
Greensville	2.51	Sussex	2.51
*Isle of Wight	2.53	York	2.51
James City	2.51	All other counties	2.49
Mathews	2.51	**Newport News (City)	2.51
Nansemond	2.53		
*Hampton (City)	2.51		
New Kent	2.51		
**Norfolk	2.53		
Northampton	2.51		

WEST VIRGINIA

All counties	$2.45

WISCONSIN

County	Rate per Bushel	County	Rate per Bushel
Adams	$2.45	Door	$2.43
Barron	2.42	Douglas	2.41
Brown	2.44	Dunn	2.43
Buffalo	2.43	Eau Claire	2.43
Burnette	2.41	Fond du Lac	2.47
Calumet	2.45	Grant	2.47
Chippewa	2.42	Green	2.49
Clark	2.42	Green Lake	2.46
Columbia	2.47	Iowa	2.47
Crawford	2.46	Jackson	2.44
Dane	2.48	Jefferson	2.49
Dodge	2.48	Juneau	2.45

WISCONSIN—Continued

County	Rate per Bushel	County	Rate per Bushel
Kenosha	$2.51	Racine	$2.50
Kewaunee	2.43	Richland	2.46
La Crosse	2.44	Rock	2.50
Lafayette	2.48	Rush	2.41
Langlade	2.42	St. Croix	2.42
Lincoln	2.41	Sauk	2.46
Manitowoc	2.45	Sawyer	2.41
Marathon	2.42	Shawano	2.43
Marinette	2.42	Sheboygan	2.47
Marquette	2.46	Taylor	2.41
Milwaukee	2.49	Trempealeau	2.43
Monroe	2.44	Vernon	2.45
Oconto	2.43	Walworth	2.50
Oneida	2.41	Washburn	2.41
Outagamie	2.44	Washington	2.48
Ozaukee	2.48	Waukesha	2.49
Pepin	2.43	Waupaca	2.44
Pierce	2.43	Waushara	2.45
Polk	2.42	Winnebago	2.45
Portage	2.44	Wood	2.44
Price	2.41		

(b) *Premiums*—(1) *Low moisture.*

Percent:	Cents per bushel
12.2 or less	+4
12.3 through 12.7	+3
12.8 through 13.2	+2
13.3 through 13.7	+1
13.8 through 14.0	0

(2) *Low foreign material.*

1.0 percent or less	+2

(c) *Discounts*—(1) *Class.*

Black	−25
Brown	−25
Mixed	−25

(2) *Test weight per bushel.*

53.0 through 53.9	−½
52.0 through 52.9	−1
51.0 through 51.9	−1½
50.0 through 50.9	−2
49.0 through 49.9	−2½

(3) *Splits.*

20.1 through 25.0	−½
25.1 through 30.0	−1
30.1 through 35.0	−1½
35.1 through 40.0	−2

(4) *Damaged kernels.*[1]

Heat percent	Total percent	Cents per bushel
0.6 through 0.7	3.1 through 4.0	−½
0.8 through 1.0	4.1 through 5.0	−1
1.1 through 1.5	5.1 through 6.0	−1½
1.6 through 2.1	6.1 through 7.0	−2
2.2 through 3.0	7.1 through 8.0	−2½

[1] Use column which yields the higher applicable discount.

(5) *Foreign material.*

Percent:	Cents per bushel
2.1 through 2.5	−1
2.6 through 3.0	−2
3.1 through 3.5	−3
3.6 through 4.0	−4
4.1 through 4.5	−5
4.6 through 5.0	−6

(6) *Weed control laws.*

	Cents per bushel
(Where required by § 1421.74)	−10

(7) *Other factors.* Such discounts for factors not specified above as may be established by CCC to reflect the value of the soybeans acquired by CCC.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 203, 301, 401, 63 Stat. 1054; 7 U.S.C. 1446(d), 1447, 1421.)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 9, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-10044; Filed, Sept. 14, 1966; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-CE-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 8, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9361) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Springfield, Ill., terminal area.

Interested parties were afforded an opportunity to participate in the rule making through the submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., November 10, 1966, as hereinafter set forth:

In § 71.181 (31 F.R. 2149) the Springfield, Ill., transition area is amended to read:

SPRINGFIELD, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Capital Airport, Springfield, Ill. (latitude 39°50'35" N., longitude 89°40'35" W.); within 2 miles each side of the ILS localizer SW course, extending from the 7-mile radius area to 12 miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at intersection of longitude 89°-33'00" W. and the NW boundary of V-426, thence SW along the NW boundary of V-426 to and counterclockwise along the arc of a 33-mile radius circle centered on the Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°18'00" W., to and W along a line 10 miles S of and parallel to the Capital, Ill., VOR 269° radial, to and N along longitude 90°29'00" W., to and E along a line 6 miles N of and parallel to the Capital VOR 269° radial, to and clockwise along the arc of a 26-mile radius circle centered on Capital Airport, to and NE along the SE boundary of V-173, to and S along longitude 88°39'59" W., to and SW along the NW boundary of V-191, to and counterclockwise along the arc of a 15-mile radius circle centered on the Decatur, Ill., VOR, to and W along a line 6 miles N of and parallel to the Decatur 285° radial, to and clockwise along the arc of a 26-mile radius circle centered on the Capital Airport, to and S along longitude 89°33'00" W. to the point of beginning, and that airspace extending upward from 3,000 MSL within an area bounded on the N by latitude 40°20'00" N., on the E by the W boundary of V-233 on the S by the arc of a 26-mile radius circle centered on the Capital Airport, on the west by longitude 90°00'00" W.; within an area bounded on the N by latitude 40°20'00" N., on the SE by the NW boundary of V-9, on the S by the arc of a 26-mile radius circle centered on Capital Airport, on the W by the E boundary of V-233; within an area bounded on the N by latitude 40°20'00" N., on the SE by the NW boundary of V-173, on the NW by the SE boundary of V-9; and within an area bounded on the NW by the arc of a 26-mile radius circle centered on Capital Airport on the N by a line 10 miles S of and parallel to the Decatur 285° radial, on the SE by the NW boundary of V-191 and V-426, on the W by longitude 89°33'00" W.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on August 31, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-10049; Filed, Sept. 14, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8549 o.]

PART 13—PROHIBITED TRADE PRACTICES

Knoll Associates, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination Under 2(a): § 13.700 *Arbitrary or improper functional discounts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Knoll Associates, Inc., New York, N.Y., Docket 8549, Aug. 2, 1966.]

Order requiring a New York City manufacturer of contemporary furniture to cease discriminating in price between competing resellers of its products, in violation of section 2(a) of the Clayton Act.

The order to cease and desist, is as follows:

It is ordered, That respondent, Knoll Associates, Inc., a corporation, its officers, representatives, agents, and employees, directly, or through its parent corporation, Art Metal, Inc., or through any corporate or other device in, or in connection with, the sale of furniture and furniture products in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from: Discriminating, directly or indirectly, in the price of such furniture and furniture products of like grade and quality by selling to any purchaser at net prices higher than the net prices charged any other purchaser who competes with the purchaser paying the higher price.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 2, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10062; Filed, Sept. 14, 1966; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

[Docket No. R-284; Order 311-A]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Form No. 1, Annual Report for Electric Utilities, Licensees, and Others (Class A and Class B)

SEPTEMBER 8, 1966.

Order No. 311, issued in this proceeding on December 8, 1965 (34 FPC ———, 30 F.R. 15465), amended the Annual Report FPC Form No. 1 by, among other things, deleting certain schedules and changing the "Verification" page to an "Attestation." The list of schedules contained in the form which appears in paragraph (d) of § 141.1 of the regulations should have been amended so as to correctly list the current contents of the report form. We are here supplying the inadvertent omission.

The Commission finds: Notice of this amendment prior to adoption is unnecessary and good cause exists for making it effective immediately.

The Commission, acting pursuant to the provisions of section 309 of the Federal Power Act as amended (49 Stat. 858; 16 U.S.C. 825h), orders:

(A) Paragraph (d) of § 141.1, Part 141, Subchapter D, Chapter I of Title 18 of the Code of Federal Regulations, is revised by deleting the four schedule titles "Special Funds," "Special Deposits," "Notes Receivable," and "Accounts Receivable" and changing the last title, "Verification," to "Attestation."

(B) The revisions here adopted shall be effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-10067; Filed, Sept. 14, 1966; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter IV—Federal National Mortgage Association, Department of Housing and Urban Development

PART 1600—MORTGAGE AND LOAN PURCHASES, SERVICING, AND SALES, AND SHORT-TERM LOANS ON SECURITY OF MORTGAGES AND LOANS

Financing of Secondary Market Operations

Section 1600.15(b) is amended by striking out "10" and inserting in lieu thereof "15".

(Sec. 309, 68 Stat. 620; 12 U.S.C. 1723a)

Issued at Washington, D.C., September 12, 1966.

FEDERAL NATIONAL MORTGAGE ASSOCIATION,
J. S. BAUGHMAN,
President.

[F.R. Doc. 66-10101; Filed, Sept. 14, 1966; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

REPORTS FROM UNIFORMED SERVICES HOSPITALS AS INFORMAL CLAIMS

1. In § 3.157(b), the introductory portion and subparagraphs (1) and (3) are amended to read as follows:

§ 3.157 Report of examination or hospitalization as claim for increase or to reopen.

* * * * * *

(b) *Claim.* Once a formal claim for pension or compensation has been allowed or a formal claim for compensation disallowed for the reason that the service-connected disability is not compensable in degree, receipt of one of the following will be accepted as an informal claim for increased benefits or an informal claim to reopen. In addition, receipt of one of the following will be accepted as an informal claim in the case of a retired member of a uniformed service whose formal claim for pension or compensation has been disallowed because of receipt of retirement pay. The evidence listed will also be accepted as an informal claim for pension previously denied for the reason the disability was not permanently and totally disabling.

(1) *Report of examination or hospitalization by Veterans Administration or uniformed services.* The date of outpatient or hospital examination or date of admission to a Veterans Administra-

tion or uniformed services hospital will be accepted as the date of receipt of a claim. The date of admission to a non-Veterans Administration hospital where a veteran was maintained at Veterans Administration expense will be accepted as the date of receipt of a claim, if Veterans Administration maintenance was previously authorized; but if Veterans Administration maintenance was authorized subsequent to admission, the date the Veterans Administration received notice of admission will be accepted.

* * * * *

(3) *State and other institutions.* When submitted by or on behalf of the veteran and entitlement is shown, date of receipt by the Veterans Administration of examination reports, clinical records, and transcripts of records will be accepted as the date of receipt of a claim if received from State, county, municipal, recognized private institutions, or other Government hospitals (except those described in subparagraph (1) of this paragraph). These records must be authenticated by an appropriate official of the institution. Benefits will be granted if the records are adequate for rating purposes; otherwise findings will be verified by official examination. Reports received from private institutions not listed by the American Hospital Association must be certified by the Chief Medical Officer of the Veterans Administration or his physician designee.

2. In § 3.160, paragraph (d) is amended to read as follows:

§ 3.160 Status of claims.

* * * * *

(d) *Finally adjudicated claim.* An application, formal or informal, which has been allowed or disallowed by the agency of origina jurisdiction, the action having become final by the expiration of 1 year after the date of notice of an award or disallowance, or by denial on appellate review, whichever is the earlier. (See §§ 19.153 and 19.154 of this chapter.)

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective November 1, 1966.

By direction of the Administrator.

Approved: September 9, 1966.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-10090; Filed, Sept. 14, 1966; 8:48 a.m.]

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Surety Bonds

In § 13.105, paragraph (b) is amended to read as follows:

§ 13.105 Surety bonds.

* * * * *

(b) When it is not practical or feasible for a fiduciary to obtain a corporate bond, the Chief Attorney is authorized to accept bonds of such number of personal sureties as is permissible under State law, in any event, not less than one. Evidence must be received that each such surety owns real property, over and above all liens, exemptions, and encumbrances, at least equal in value to the penal sum of the bond and qualifies in accordance with the requirements of the State law. In such instances the fiduciary will be required to furnish with each accounting evidence as to the financial status of the personal surety or sureties. Where any question arises as to the ability of a personal surety to meet any probable liability, the Chief Attorney will investigate such personal surety's responsibility. Where such responsibility is found to be insufficient, the Chief Attorney will promptly authorize suspension of payments until a surety of sufficient financial responsibility has been provided.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

By direction of the Administrator.

Approved: September 9, 1966.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-10089; Filed, Sept. 14, 1966; 8:48 a.m.]

PART 36—LOAN GUARANTY

Refund of Payments Received and Offsets Made in Waiver Cases

In Part 36, a new § 36.4389 is added to read as follows:

§ 36.4389 Refund of payments received and offsets made in waiver cases.

(a) Voluntary payments on a loan guaranty indebtedness and offsets made from Veterans Administration benefits on or after the date of receipt by Veterans Administration of a request for waiver will be refunded if waiver is granted except when only a part of the debt is waived or when collection of the balance of the indebtedness by the Veterans Administration from obligors, other than the husband or wife of the person requesting waiver, will be adversely affected.

(b) Voluntary payments on a loan guaranty indebtedness and offsets from Veterans Administration benefits made prior to the date of receipt by Veterans Administration of a request for waiver will not be refunded and will be excluded from waiver.

(72 Stat. 1114, 38 U.S.C. 210)

This VA regulation is effective upon publication in the FEDERAL REGISTER.

By direction of the Administrator.

Approved: September 8, 1966.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 66-10091; Filed, Sept. 14, 1966; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Fallon National Wildlife Refuge, Nev.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEVADA

FALLON NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the Fallon National Wildlife Refuge is permitted from October 15, 1966, through December 28, 1966, and the hunting of geese from October 15, 1966, through January 8, 1967, only on the area designated by signs as open to hunting. This open area, comprising 9,600 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 8, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1966.

[F.R. Doc. 66-10067; Filed, Sept. 14, 1966; 8:46 a.m.]

PART 32—HUNTING

Ruby Lake National Wildlife Refuge, Nev.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEVADA

RUBY LAKE NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the Ruby Lake National Wildlife Refuge is permitted from October 15, 1966, through December 28, 1966, and the hunting of geese from October 15, 1966, through January 8, 1967, only on the area designated by signs as open to hunting. This open area, comprising 8,593 acres, is delineated on a map available at the refuge headquarters, Ruby Valley, Nev., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 8, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1966.

[F.R. Doc. 66-10068; Filed, Sept. 14, 1966; 8:46 a.m.]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, ruffed grouse, gray and fox squirrels, cottontail, jack, and snowshoe rabbits, and raccoons on the Tamarac National Wildlife Refuge, Minn., is permitted only on the area designated by signs as open to hunting. This open area comprising 12,000 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations during the seasons specified below. The hunting of upland game species as may be otherwise authorized by Minnesota State regulations is prohibited.

Open seasons: Pheasants—12 noon, October 29, 1966, through November 20, 1966. Daily opening is 10 a.m., throughout season except on October 29, 1966. Ruffed grouse—October 8, 1966, through November 6, 1966. Gray and fox squirrels—October 1, 1966, through December 31, 1966. Cottontail, jack, and snowshoe rabbits—October 1, 1966, through March 1, 1967.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1967.

NELIUS B. NELSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

SEPTEMBER 7, 1966.

[F.R. Doc. 66-10065; Filed, Sept. 14, 1966; 8:46 a.m.]

PART 32—HUNTING

Lower Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of gray partridge and sharptailed grouse on the Lower Souris National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres of the total refuge area is delineated on a map available at the refuge headquarters, Upham, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of gray partridge and sharptailed grouse subject to the following special conditions:

(1) Hunting is permitted from sunrise to sunset November 27, 1966, through December 18, 1966.

(2) All hunters must exhibit their hunting license, game, and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 18, 1966.

JERALD J. WILSON,
Refuge Manager, Lower Souris National Wildlife Refuge, Upham, N. Dak.

SEPTEMBER 7, 1966.

[F.R. Doc. 66-10069; Filed, Sept. 14, 1966; 8:48 a.m.]

PART 32—HUNTING

Piedmont National Wildlife Refuge, Ga.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game birds; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey on the Piedmont National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 13,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of wild turkey subject to the following special conditions:

(1) Turkeys of either sex may be taken during the open period: October 21 and October 22, 1966.

(2) Bag limits: Only one turkey per hunter may be taken during the 2-day hunt.

(3) Dogs are prohibited.

(4) Each hunter must check in at the refuge office prior to starting each day's hunt and must check out at the office immediately after each day's hunt has been concluded.

(5) Hunters will be allowed on the portions of the refuge open for turkey hunting from 5:30 a.m. to 7 p.m., e.s.t., on hunting days only.

(6) Camping and fires are restricted to the designated camping area in Compartment 19. The camping area will be open October 20 through 23.

(7) Turkeys killed must be checked out at refuge headquarters before hunters leave the area.

(8) No person may enter the designated closed areas at any time for any purpose.

(9) Hunters not having reached their 18th birthday must be accompanied by an adult.

(10) A Federal permit is required. Permits will be limited to 200 for the hunt and will be issued to hunters selected by an impartial drawing from applications received. Only one application per hunter will be allowed. Each application must include the applicant's Georgia State Hunting License Number. Applications must be received no later than September 30, 1966, by the Refuge Manager, Piedmont National Wildlife Refuge, Round Oak, Ga. 31080.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 23, 1966.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Piedmont National Wildlife Refuge, Ga., is

permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Bow and arrow hunting for deer of either sex is permitted from October 1 through October 12, 1966.

(2) The season bag limit is two deer of either sex.

(3) Only bows and arrows may be used. Bows must have a recognized minimum pull of 40 pounds, and arrows must be broadhead, seven-eighths inch or more in width. Firearms, crossbows, and mechanical bows are prohibited.

(4) The following additional species may be taken during the refuge archery hunt: bobcats, foxes, and raccoons.

(5) Dogs on leash may be used to track wounded game only. Advance permission in writing must be obtained from the Refuge Manager before bringing a dog on the refuge.

(6) Preseason scouting will be permitted during daylight hours on September 24 and 25. During this period, weapons are not allowed to be carried on one's person or in a vehicle.

(7) Camping and fires are restricted to the designated camping area in Compartment 19. This camping area will be open September 30 through October 13.

(8) Hunters are allowed on the refuge only on hunting days from 5:30 a.m. to 7:30 p.m., e.s.t., with the exception of the designated camping area.

(9) Hunters must remain on their stands between sunrise and 9:30 a.m., e.s.t.

(10) No person may enter the designated closed areas at any time for any purpose.

(11) All deer killed must be checked out at refuge headquarters.

(12) Hunters not having reached their 18th birthday must be accompanied by an adult.

(13) Anyone seen drinking or under the influence of intoxicants will be barred from the hunting area.

(14) A Federal permit is not required to enter the public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 13, 1966.

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Piedmont National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The open season for hunting deer on the refuge is from November 5 through November 11, 1966, excluding Sunday, November 6.

(2) The season bag limit is two deer, bucks only.

(3) Only weapons and ammunition allowed by the State for deer hunting will be permitted on the refuge, with the exception that sidearms or buckshot may not be used or possessed. All other weapons and ammunition are prohibited.

(4) Dogs are prohibited.

(5) Visitors will be allowed on the hunting area during daylight hours on October 29 and 30.

(6) No person may enter the designated closed areas at any time for any purpose.

(7) Hunting is not permitted from automobiles on State and county-maintained roads traversing the refuge.

(8) Loaded firearms are not permitted in vehicles on refuge roads and trails.

(9) Hunters shall furnish and wear red, orange, or yellow caps, coats, or hats while hunting on the refuge area.

(10) All deer killed must be checked out at refuge headquarters on the day killed.

(11) Camping and fires are restricted to the designated camping area in Compartment 19. This area will be open November 4 through November 12, 1966.

(12) Hunters will be allowed on the hunting area from 5:30 a.m. to 7 p.m., e.s.t., on hunting days only.

(13) Hunters not having reached their 18th birthday must be accompanied by an adult.

(14) A Federal permit is required to enter the public hunting area. Permits will be limited to 4,000 for the hunt and will be issued to hunters selected by an impartial drawing from applications received. Only one application per hunter will be allowed. Each application must include the applicant's Georgia State Hunting License Number. Applications must be received no later than October 7, 1966, by the Refuge Manager, Piedmont National Wildlife Refuge, Round Oak, Ga. 31080.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 12, 1966.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-10064; Filed, Sept. 14, 1966; 8:46 a.m.]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Tamarac National Wildlife Refuge, Minn., is permitted on the area designated by signs as open to hunting. This open area, comprising 45,000 acres, is delineated on maps available at refuge headquarters, Rochert, Minn., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and black bear. Subject to the following special conditions.

(1) The open season for hunting deer and black bear, with legal firearms or bow and arrow is from November 12 through November 16, 1966, inclusive.

(2) In addition an open season for hunting deer and black bear with legal bow and arrow is permitted from October 1 through October 31, 1966, on the area designed by signs as open to hunting. This open area comprising of 12,000 acres is delineated on maps available at refuge headquarters.

(3) A Federal permit is not required to enter the public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 16, 1966.

NELIUS B. NELSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

SEPTEMBER 7, 1966.

[F.R. Doc. 66-10066; Filed, Sept. 14, 1966; 8:46 a.m.]

PART 32—HUNTING

Lower Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lower Souris National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 11, 1966, and from sunrise to sunset November 12, 1966, through November 20, 1966.

(2) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1966.

JERALD J. WILSON,
Refuge Manager, Lower Souris National Wildlife Refuge, Upham, N. Dak.

SEPTEMBER 7, 1966.

[F.R. Doc. 66-10070; Filed, Sept. 14, 1966; 8:46 a.m.]

PART 32—HUNTING

Waubay National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Waubay National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This area, comprising 4,591 acres, is delineated on a map available at refuge headquarters, Waubay, S. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Firearms season—December 3, 1966, through December 11, 1966.

(2) Hunting with bows and arrows is not permitted.

(3) Hunters will not be allowed to drive on refuge-maintained trails but may park their vehicles and hunt on foot.

(4) All deer taken on the refuge must be checked in at a designated checking station.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 11, 1966.

ROBERT R. JOHNSON,
Refuge Manager, Waubay National Wildlife Refuge, Waubay, S. Dak.

SEPTEMBER 6, 1966.

[F.R. Doc. 66-10071; Filed, Sept. 14, 1966; 8:47 a.m.]

PART 33—SPORT FISHING

Waubay National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

WAUBAY NATIONAL WILDLIFE REFUGE

Sport fishing on the Waubay National Wildlife Refuge, S. Dak., is permitted only on the areas designated by signs as open to fishing. This open area, comprising 320 acres or 16 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: Daylight hours from December 1, 1966, through February 28, 1967.

(c) Daily creel limits: Northern pike—8; perch—50; bullheads—50; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) Tackle—anglers may use a maximum of two lines, and a maximum of three hooks on each line. Artificial lures constitute one hook, regardless of the number of gang hooks attached.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through February 28, 1967.

ROBERT R. JOHNSON,
Refuge Manager, Waubay National Wildlife Refuge, Waubay, S. Dak.

SEPTEMBER 6, 1966.

[F.R. Doc. 66-10072; Filed, Sept. 14, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 37]

CANNED TUNA

Identity Standard; Separate Listing of Blackfin Tuna Among Species of Tuna Fish

Notice is given that a petition has been filed by the National Canners Association, 1133 20th Street NW., Washington, D.C. 20036, proposing that the standard of identity for canned tuna (21 CFR 37.1) be amended to include blackfin tuna in the class of fish known as tuna fish.

Grounds set forth in the petition in support of the proposal are that the blackfin tuna:

a. Is caught in waters fished for tuna for canning.

b. Though formerly believed to be identical with either albacore or bigeyed tuna, is now shown to belong to a discrete species not recognized by the standard.

c. Is outwardly distinguishable for only a brief time after catching.

d. Belongs to the class known as tuna fish both by established usage and taxonomic classification.

Accordingly, it is proposed that § 37.1 (b) be amended by inserting in the list of tuna fish a new item following "Thunnus germo" and by adding a new footnote 5, as follows:

§ 37.1 Canned tuna; definition and standard of identity; label statement of optional ingredients.

* * * * *

(b) * * *

Thunnus atlanticus[5]	Blackfin tuna.

* * * * *

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: September 7, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10093; Filed, Sept. 14, 1966; 8:48 a.m.]

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[5] "Comparative Anatomy and Systematics of the Tunas, Genus Thunnus," by Robert H. Gibbs, Jr., and Bruce B. Collette, Division of Fishes, U.S. National Museum and Bureau of Commercial Fisheries, Fish and Wildlife Service, U.S. Department of the Interior. Fishery Bulletin (in press at Government Printing Office; a copy of the manuscript is on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201).

CIVIL AERONAUTICS BOARD

[14 CFR Parts 296, 297]

[Docket No. 17700]

CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS AND INTERNATIONAL AIR FREIGHT FORWARDERS

Prohibition of Shipments Except in Accordance With Provisions of Tariffs of Direct Air Carriers

SEPTEMBER 9, 1966.

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments of Parts 296 and 297 of the Economic Regulations (14 CFR Parts 296, 297) to prohibit (1) interstate indirect air carriers from shipping property except in accordance with the rates, charges, and other provisions of the tariffs of the direct air carriers (Part 296) and (2) international (U.S.) air freight forwarders from shipping property in overseas or foreign air transportation except in accordance with the applicable provisions of the tariffs of the direct air carriers (Part 297).

The principal features of the proposed amendments are described in the explanatory statement below and the proposed rule changes are set forth in the proposed rules below. The amendments are proposed under the authority of sections 101(3), 102, 204(a), 403, 404, 407, 411, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 737, 49 U.S.C. 1301; 72 Stat. 740, 49 U.S.C. 1302; 72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 758, as amended by 74 Stat. 445, 49 U.S.C. 1373; 72 Stat. 760, 49 U.S.C. 1374; 72 Stat. 766, 49 U.S.C. 1377; 72 Stat. 769, 49 U.S.C. 1381; 72 Stat. 771, 49 U.S.C. 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before October 17, 1966, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof by the Board.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. The Board's Economic Regulations pertaining to the classification and exemption of (U.S.) international air freight forwarders (14 CFR Part 297) prohibit such indirect air carriers from shipping property in overseas or foreign air transportation except at rates and charges set forth in the currently effective tariffs of the direct air carriers which transport such property (§ 297.39). There is no comparable provision in Part 296 (14 CFR Part 296), the part applicable to indirect air carriers which ship property in interstate air transportation. The Board believes it desirable that interstate indirect air carriers, as well as international indirect air carriers, be prohibited from shipping property except at rates and charges set forth in the tariffs of the direct air carriers which furnish the air transportation used in the movement of such property. Accordingly, we propose to amend Part 296 to impose this requirement (see § 296.46a, infra).

As stated above, § 297.39 now prohibits (U.S.) international air freight forwarders from shipping property in overseas or foreign air transportation except at rates and charges set forth in the applicable tariffs of the direct air carriers. We propose to extend this proscription to cover all applicable provisions of the tariffs of the direct air carriers, instead of limiting it, as in the present regulation, to rates and charges set forth in such carriers' tariffs. This means that international air freight forwarders must adhere, not only to rates and charges set forth in the tariffs of the direct air carriers, but also to other applicable provisions of such direct air carriers' tariffs, e.g., those dealing with the extension of credit or the classification of property. This requirement would also apply to interstate indirect air carriers (see § 296.46a, infra).

Proposed rules. It is proposed to amend Parts 296 and 297 of the Economic Regulations (14 CFR Parts 296, 297) as follows:

Part 296:

1. Amend the table of contents by adding a new § 296.46a as follows:

296.46a Prohibition on operations unless tariffs are observed.

2. Add new § 296.46a to read as follows:

§ 296.46a Prohibition on operations unless tariffs are observed.

No indirect air carrier as defined in this part shall ship property in the capacity of an air freight forwarder or a cooperative shippers association in interstate air transportation except in accordance with the rates and charges and all applicable rules, regulations, and other provisions for transporting such property as set forth in the currently effective tariff or tariffs of the direct air carrier transporting such property; and no such indirect air carrier shall demand, collect, accept, or receive, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, any portion of the rates or charges so specified in the tariffs of such direct air carrier, and shall not demand, accept, or receive, either directly or indirectly, any privilege, service, or facility except those specified in the currently effective tariffs of such direct air carrier.

Part 297:

3. Amend the title of the part to read as follows:

PART 297—CLASSIFICATION AND EXEMPTION OF INTERNATIONAL AIR FREIGHT FORWARDERS

4. Amend § 297.39 to read as follows:

§ 297.39 Prohibition on operations unless tariffs are observed.

No holder of an operating authorization issued pursuant to this part shall ship property in the capacity of an international air freight forwarder in overseas or foreign air transportation except in accordance with the rates and charges and all applicable rules, regulations, and other provisions for transporting such property as set forth in the currently effective tariff or tariffs of the direct air carrier transporting such property; and no such indirect air carrier shall demand, collect, accept, or receive, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, any portion of the rates or charges so specified in the tariffs of such direct air carrier, and shall not demand, accept, or receive, either directly or indirectly, any privilege, service, or facility except those specified in the currently effective tariffs of such direct air carrier.

[F.R. Doc. 66-10096; Filed, Sept. 14, 1966; 8:48 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[41 CFR Part 50-201]

CERTAIN SERVICE CONTRACTS

Exemption From Walsh-Healey Act

On July 22, 1966, a proposed exemption of certain service contracts from the provisions of the Walsh-Healey Public Contracts Act was published in the FEDERAL REGISTER. Under the proposal, contracts the principal purpose of which is the furnishing of services through the use of service employees, as defined in the McNamara-O'Hara Service Contract Act and to which such act applies would be exempted from the Public Contracts Act. Interested persons were allowed a 30-day period, which expired on August 21, 1966, for the filing of data, views, or argument relative to the proposal. In accordance with requests from representatives of employers and employees interested in the proposed exemption, the time for filing data, views, or argument regarding the proposal is hereby extended for 60 days from August 21.

Signed at Washington, D.C., this 9th day of September 1966.

WILLARD WIRTZ,
Secretary.

[F.R. Doc. 66-10076; Filed, Sept. 14, 1966; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-SO-77]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Muscle Shoals, Ala., control zone and transition area.

The Muscle Shoals control zone, described in § 71.171 (31 F.R. 2065), would be amended by deleting "* * * and within 2 miles each side of the Muscle Shoals VOR 292° radial extending from the 5-mile radius zone to the VOR."

The Muscle Shoals transition area, described in § 71.181 (31 F.R. 2149, 2651, and 6968), would be amended by redesignating the 700-foot portion as follows:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.).

The portion of the transition area extending upward from 1,200 feet above the surface would not be changed.

A review of the terminal airspace structure at Muscle Shoals, in conjunction with current and planned aviation operations and instrument procedures, discloses the following.

1. The southeast extension to the control zone is no longer required. Instrument operations requiring protection during climb to 700 feet above the surface and during descent below 1,000 feet above the surface are contained within the basic 5-mile radius zone.

2. An increase in the size of the 700-foot portion of the transition area to a radius of 11 miles of the airport is necessary to protect aircraft during climb to 1,200 feet above the surface, and during descent from 1,500 to 1,000 feet above the surface when executing the published instrument approach procedure.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on September 6, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-10050; Filed, Sept. 14, 1966; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[20,176]

FEDERAL SAVINGS AND LOAN SYSTEM

Distribution of Earnings on Bases, Terms, and Conditions Other Than Those Provided by Charter

SEPTEMBER 10, 1966.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.1-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1-1) be amended, effective October 1, 1966, by an amendment the substance of which is as follows:

Amend paragraphs (b), (c), and (d) of § 545.1-1 to read as follows:

§ 545.1-1 Distribution of earnings on bases, terms, and conditions other than those provided by charter.

* * * * *

(b) *Quarterly.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such

resolution remains in effect, distribute earnings on savings accounts as of March 31, June 30, September 30, and December 31 of each year, or as of the last business day of each March, June, September, and December, after providing as of March 31 and September 30 for the payment of expenses, and for the pro rata portion of credits to reserves required by section 10 of Charter N and Charter K (rev.) for the 6-month period ending on June 30 and December 31, respectively, next succeeding.

(c) *Amounts withdrawn between distribution dates.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, distribute earnings on amounts withdrawn from savings accounts, or designated classes thereof, between the dates as of which such Federal association regularly distributes earnings on savings accounts: *Provided*, That, earnings on any amount so withdrawn shall neither be distributed for any greater portion of the dividend period than that during which such amount remained in the association nor at a rate in excess of the rate at which earnings, exclusive of any bonus, are distributed on savings accounts for the dividend period in which such amount is so withdrawn.

(d) *Determination date.* For the purpose of computing earnings for distribution on savings accounts, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption of a resolution so providing and while such resolution remains in effect, fix a date, not later than the 20th of the month, for determining the date of investment of payments on savings accounts or designated classes thereof. Payments received by the association on or before such determination date shall receive earnings as if invested on the first of such month; payments received subsequent to such determination date shall receive earnings as if invested on the first of the next succeeding month, except that, after adoption by the association's board of directors of a resolution so providing and while such resolution remains in effect, payments received subsequent to a determination date which is not later than the 10th of the month shall receive earnings from the date of receipt.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than September 29, 1966, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 66-10098; Filed, Sept. 14, 1966; 8:49 a.m.]

[12 CFR Part 545]

[20,177]

FEDERAL SAVINGS AND LOAN SYSTEM

Distribution of Earnings at Variable Rates

SEPTEMBER 10, 1966.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.3–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.3–1) be amended, effective October 1, 1966, to read as follows:

§ 545.3–1 Distribution of earnings at variable rates.

(a) *General.* Subject to the provisions of this section, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.), after having determined the rate at which earnings will be distributed on its savings accounts for the dividend period, hereinafter referred to as the regular rate, may provide for the distribution of earnings for that dividend period at a higher rate or rates on savings accounts which meet eligibility requirements fixed by the board of directors pursuant to paragraph (b) of this section and such additional requirements as the board of directors may impose.

(b) *Eligibility requirements.* The board of directors may, by resolution, provide for the distribution of earnings at a rate or rates higher than the regular rate only on savings accounts which meet the minimum requirements fixed by the board of directors pursuant to subparagraphs (1) and (2) of this paragraph and such additional requirements as the board of directors may impose.

(1) *Accounts evidenced by account books.* For any dividend period for which the regular rate is less than 4½ percent per annum, a savings account which is evidenced by an account book and is maintained at not less than $1,000 for a continuous period of not less than 12 months, commencing on or after the date of such resolution, may receive earnings at a rate higher than the regular rate but not in excess of 4½ percent per annum.

(2) *Accounts evidenced by separate certificates.* For any dividend period for which the regular rate is less than 5 percent per annum, a savings account which is evidenced by a separate certificate, as provided in paragraph (c) of this section, issued and dated on or after the date of such resolution, may receive earnings on the amount of such certificate at a rate higher than the regular rate, but not in excess of 5 percent per annum if such account is maintained at not less than $1,000 for a continuous period of not less than 6 months, or more than 12 months, commencing on the date of such certificate. No such certificate shall be issued pursuant to this subparagraph (2) for any amount that is not an integral multiple of $1,000. If such savings account is evidenced by more than one separate certificate, the provisions of this subparagraph (2) shall be as fully applicable to each such certificate as if each such certificate evidenced a separate savings account.

(c) *Use of certificate.* A Federal association which issues certificates evidencing savings accounts on which earnings are distributable at a rate higher than the regular rate pursuant to this section may issue certificates in one of the following forms but may not issue both forms concurrently:

(1) A separate certificate in the form prescribed pursuant to paragraph (b) of § 545.2 bearing on its face the following words: "Earnings are distributable on the amount of this certificate as provided in, and subject to, § 545.3–1 of the rules and regulations for the Federal Savings and Loan System. Earnings shall be distributable at the regular rate for any period during which this certificate is outstanding after _____ (date)."

(2) A separate certificate in the form prescribed pursuant to paragraph (b) of § 545.2 bearing on its face the following words: "Earnings are distributable on the amount of this certificate as provided in, and subject to, § 545.3–1 of the rules and regulations for the Federal Savings and Loan System. On the qualified amount of this certificate at the expiration of the period ending _____ (date), it is anticipated, subject to final determination of the board of directors, that the holder will be paid earnings at the rate of _____ percent per annum. Earnings shall be distributable at the regular rate for any period during which this certificate is outstanding after said date. Amounts withdrawn prior to said date will receive earnings on the following basis:"

(Here a statement shall be included that earnings will be distributed at the regular rate or on such basis as the board of directors has prescribed pursuant to subparagraph (2) of paragraph (d) of this section.)

(d) *Time and manner of distributing earnings.* (1) As to accounts issued under this section which are evidenced either by account books or by certificates issued in accordance with subparagraph (1) of paragraph (c), earnings at the regular rate shall be distributed on each such savings account at each date as of which the Federal association regularly distributes earnings on its savings accounts.

(2) As to an account issued under this section which is evidenced by a certificate issued in accordance with subparagraph (2) of paragraph (c), no earnings shall be distributed until the account has met the applicable eligibility requirements fixed pursuant to paragraph (b) of this section unless part or all of the account is withdrawn prior to meeting such eligibility requirements. In such event, the board of directors may provide that the funds withdrawn shall receive a percentage of the regular rate of earnings which percentage may vary according to the length of time the funds remain in the account but shall not be less than 50 percent.

(3) When any savings account issued pursuant to this section has met the applicable eligibility requirements fixed pursuant to paragraph (b) of this section, any earnings on the account that then remain undistributed shall thereupon be credited or paid to the owner thereof.

(4) As to accounts issued under this section which are evidenced by account books and which have met the applicable eligibility requirements fixed pursuant to paragraph (b) of this section, the association shall continue to distribute earnings at a higher rate pursuant to this section at each date as of which the association regularly distributes earnings on its savings accounts until such time as the board of directors determines to discontinue such higher rate.

(5) As to any account issued under this section which is evidenced by a certificate issued in accordance with either subparagraph (1) or (2) of paragraph (c) of this section, earnings shall be distributed at the regular rate for any period during which such account is outstanding beyond the time eligibility requirements fixed pursuant to paragraph (b) of this section.

(6) While any certificate issued in accordance with subparagraph (2) of paragraph (c) of this section remains outstanding, prior to the expiration of the time eligibility period, a reserve for undistributed earnings on such accounts shall be maintained and appropriate credits and debits shall be made to such reserve as of the dates the Federal association regularly distributes earnings on its savings accounts.

(e) *Exchange of accounts.* Such part of any savings account as is not less than the minimum amount fixed pursuant to subparagraph (2) of paragraph (b) of this section may, upon request by the holder of such account, be exchanged for one or more separate certificates issued pursuant to and in accordance with paragraphs (b) and (c) of this section; and the association may, either at the time of such exchange or at the next date as of which it regularly distributes earnings, distribute any undistributed earnings and any applicable bonus on the savings account, or part thereof, so exchanged.

(f) *Exclusion.* This section shall not be applicable to distribution of earnings on any savings account on which such association is paying or is obligated to pay a bonus under any provision of this part.

(g) *Exception.* No Federal association may make or provide for any distribution of earnings pursuant to this section at any time unless its regular rate is 5 percent per annum or less.

(h) *Notice requirements.* Each Federal savings and loan association which determines after the effective date of this paragraph to issue security forms pursuant to the provisions of this section shall, within 30 days, give notice of such determination by at least one of the following means:

(1) Postage prepaid to each member having a savings account at the time of determination with a balance of not less than the determined amount at the last address of the member appearing on the books of such Federal association;

(2) Posting in a conspicuous place in each of the offices of the association for so long as the association continues to offer the plan; or

(3) Publishing in a newspaper printed in the English language and of general circulation in the city or county in which each office of the association is located. Each Federal savings and loan association which on the effective date of this paragraph is issuing security forms pursuant to this section shall, if it has not previously done so, publish the notice required by this paragraph within 30 days from the effective date of the paragraph.

(i) *Limitation on issuance of securities.* No Federal association may issue any security form pursuant to this section at any time when the total of its savings accounts evidenced by such security forms and any bonus accounts issued pursuant to § 545.3 exceeds 20 percent of the association's total capital.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than September 29, 1966, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 66-10099; Filed, Sept. 14, 1966; 8:49 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 300]

IMPORTED WOOL PRODUCTS

Testing and Compliance

In the matter of amending the rules and regulations under the Wool Products Labeling Act of 1939.

Pursuant to the provisions of section 4 of the Administrative Procedure Act, notice is hereby given to all interested parties that the Federal Trade Commission will at 10 a.m., e.d.t., on the 26th day of October 1966, hold public hearings in accordance with the provisions of the Wool Products Labeling Act of 1939 and give consideration to a proposal to amend the rules and regulations under the Wool Products Labeling Act of 1939 to provide a procedure for testing imported wool products and for determination of whether such products comply with the Wool Products Labeling Act of 1939 and the rules and regulations thereunder.

Views, arguments, or other pertinent data may be submitted in writing on or before the date of the public hearing to the Federal Trade Commission, Washington, D.C. 20580, or they may be presented orally at the hearing on the 26th day of October 1966, at 10 a.m., e.d.t., at Room 532, the Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., in the city of Washington, District of Columbia. Further written views, arguments, and data will be received for 20 days after such hearing is closed.

All persons desiring to present oral views, arguments, or data shall notify the the Director, Bureau of Textiles and Furs, Federal Trade Commission, Washington, D.C. 20580, at least 5 days before the date of the oral hearing.

The matter to be considered is the proposed promulgation of an additional rule under the Wool Products Labeling Act of 1939 to be designated as § 300.36 (Rule 36) of the rules and regulations under the Wool Products Labeling Act of 1939, and suggested changes, additions to, deletions from, and modifications of such proposal. Specific consideration will also be given to the inclusion of provisions in the rule specifying procedures for reasonable and representative tests as a basis for compliance with the proposed testing and certification requirements.

Proposed § 300.36 (Rule 36) reads:

§ 300.36 Imported wool products.

(a) Each person who imports wool products into the United States shall file

with the Bureau of Customs at the time of entry or withdrawal from bonded warehouse for consumption of the shipment in the United States a form, in quadruplicate, in the manner prescribed by the Federal Trade Commission showing (1) the proposed entry of the shipment, (2) the port of entry of the shipment, (3) the country of origin of the shipment, (4) a complete description of the products contained in the shipment and the cost thereof, and (5) the information contained in the required fiber content labels affixed to wool products contained in the shipment. The original and two copies shall be forwarded by the Bureau of Customs to the Federal Trade Commission and one copy shall be retained by the Bureau of Customs. The importer, upon request of the Federal Trade Commission, shall provide samples at his own expense of each type of wool product in each shipment of such products for tests and analyses as to fiber content, as hereinafter required, which samples shall be extracted by a person designated by the Federal Trade Commission and forwarded for laboratory analysis at the expense of the importer, and furnish or cause to be furnished to the Federal Trade Commission, at the expense of the importer, a certification as to the fiber content of such products based on a test method and sampling procedure approved by the Federal Trade Commission. Such certification as to fiber content must be from a laboratory in the United States satisfactory to the Federal Trade Commission.

(b) Wool products subject to this section shall be retained in Customs custody and not released to the importer prior to the furnishing of such certification as to fiber content to the Commission and receipt of notice of release from the Commission in accordance with paragraph (c) of this section, or of notice that testing and certification are not required: *Provided however*, That such wool products may be released from Customs custody prior to receipt of the required notice upon the giving of a bond in form acceptable to the Commissioner of Customs conditioned upon the redelivery to Customs custody of the goods or any part thereof, upon demand by an officer of the Bureau of Customs based upon a failure to produce the required notice. Any such wool product released to the importer prior to the furnishing of such certification shall be held intact by the importer in his possession and shall not be commingled with other goods, manufactured or manipulated, or sold or disposed of in any fashion until receipt of the notice of release from the Federal Trade Commission provided for in paragraph (c) of this section, or notice that testing and certification are not required.

(c) The Federal Trade Commission may, on the basis of the laboratory certification, determine whether the labeling of such wool products is acceptable and notify the importer and the Bureau of Customs of such determination. Where a laboratory certification is inconclusive, the Commission may require further sampling and testing or make its own tests prior to making such determination. If any such wool products are determined to be misbranded, the importer shall, at his own expense, relabel the products in accordance with the requirements of the Wool Products Labeling Act of 1939 and regulations promulgated thereunder. If and when the wool products are determined to be labeled in a manner acceptable to the Commission, the Commission may so notify the importer and the Bureau of Customs, and the products may be released from Customs custody or from the requirement that they be held intact as prescribed in paragraph (b) of this section: *Provided, however*, That nothing contained in this section shall be construed as requiring the release of wool products on the basis of tests made of samples where the results of such tests demonstrate that there are such wide variations in the fiber content of individual wool products as to preclude a determination of fiber content on the basis of random sampling.

(d) The Federal Trade Commission may give notice that testing and certification of additional shipments of imported wool products are not required if the importer furnishes the Federal Trade Commission with an affidavit to the effect that the importer maintains records which establish that the additional shipments are of the same type, category, and fiber content as the wool products which were subject to the previous testing procedure and certification and with a copy of the original certification of fiber content. Until receipt by the importer of the notice that testing and certification of the additional shipment are not required, the wool products in such additional shipments shall remain subject to the procedures provided by paragraph (b) of this section. Nothing contained in this paragraph shall preclude the Federal Trade Commission from requiring tests, analyses, and certification of fiber content of any shipment of imported wool products in accordance with paragraph (a) of this section.

(e) The failure of the importer to redeliver wool products to Customs custody, after demand therefor, shall subject such importer to payment of liquidated damages as provided for in the bond referred to in paragraph (b) of this section.

(f) Any notice given by the Commission as to the manner of labeling imported wool products or any notice of release of wool products given under this section shall be without prejudice to the right of the Commission to subsequently examine and test additional wool products contained in any shipment of imported wool products which has been subject to the procedure provided by this section or to make inspections or investigations relative to such products. The Commission will not proceed against any party for misbranding of wool products which have been subject to the testing procedures provided by this section without notice to such party and affording such party an opportunity to take such effective action as the Commission may deem appropriate to cause any misbranded products to be properly labeled: *Provided, however*, That such party must be able to establish that the wool products have been subject to the testing procedures provided by this section.

Such action is taken pursuant to the authority given to the Federal Trade Commission under paragraph (a) of section 6 of the Wool Products Labeling Act of 1939 (54 Stat. 1131; 15 U.S.C. 68d) which provides in part:

> The Commission is authorized and directed to make rules and regulations for the manner and form of disclosing information required by this Act, and for segregation of such information for different portions of a wool product as may be necessary to avoid deception or confusion, and to make such further rules and regulations under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement.
>
> The Commission is also authorized to cause inspections, analyses, tests, and examinations to be made of any wool products subject to this Act; and to cooperate with any department or agency of the Government, with any State, Territory, or possession, or with the District of Columbia; or with any department, agency, or political subdivision thereof; or with any person.

Issued: September 12, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10063; Filed, Sept. 14, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

HAIR OF CERTAIN ANIMALS, COTTON AND SILK WASTE AND CARPET WOOL

Importation From Countries Not in Authorized Trade Territory

APPLICATIONS FOR LICENSES

Reference is made to the January 14, 1966, notice regarding hair of certain animals, cotton and silk waste, and carpet wool from certain countries not in the authorized trade territory. Particular reference is made to the penultimate paragraph of that notice. Following is a list of balances of commodities still available for licensing:

	Pounds
Badger hair	200
Carpet wool	1,208,393
Cotton waste	1,907,226
Goat hair	610,000
Horse mane hair	438,570
Horse tail hair	70,000
Silk waste	549,062
Yak hair	519,591

Licenses under the Foreign Assets Control Regulations (31 CFR 500.101 to 500.808) for the importation of these commodities produced in the U.S.S.R. or Outer Mongolia will be issued under the conditions outlined hereunder:

(1) Applications must be filed before December 31, 1966, and must be accompanied by a copy of a firm contract with the seller subject only to the obtaining of the necessary license. The contract must provide for shipment from the U.S.S.R. on or before January 31, 1967.

(2) Licenses will be nontransferable and imports may be made only in the name of and for the account of the licensee.

(3) If the contract is with a seller in a third country any license issued will require that the goods be shipped directly from the U.S.S.R. to the United States or, if not, that they remain in continuous carriers' custody during the entire period of transshipment.

Licenses will be valid until the date of shipment specified in the contract and will be extended to permit Customs entry and transactions under the letter of credit with respect to goods shipped pursuant to the contract.

Applications for licenses must be filed in duplicate on Form TFAC-1 with the Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y. 10045. Applications will be considered in the order in which they are received. Persons applying for a license to import more than one commodity should file a separate application for each such commodity.

Additional information and license application forms may be obtained from the Federal Reserve Bank of New York or from the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 66-9948; Filed, Sept. 14, 1966; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 155]

ARIZONA

Notice of Proposed Classification of Public Lands for Retention for Multiple Use Management

Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands within the area described below, together with any lands therein that may become public lands in the future, for retention for multiple use management. Publication of this notice segregates the described public lands from petition-application under the homestead, desert land, and allotment laws (43 U.S.C., Ch. 7, 43 U.S.C., Ch. 9, and 25 U.S.C. 331); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); and from application for State exchange (43 U.S.C. 315g).

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Phoenix, Ariz.

The public lands proposed for classification are located within the following described area and are shown on maps on file in the Phoenix District Office, Bureau of Land Management, 3041 Federal Building, Phoenix, Ariz.

A public hearing on the proposed classification will be held at 10 a.m., on October 12, 1966, at the Holiday Inn, Kingman, Ariz.

GILA AND SALT RIVER MERIDIAN, MOHAVE COUNTY, ARIZ.

T. 22 N., R. 17 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 22 N., R. 18 W.,
Secs. 1 to 36, inclusive.
T. 23 N., R. 17 W.,
Secs. 1 to 36, inclusive.
T. 23 N., R. 18 W.,
Secs. 1 to 36, inclusive.
T. 23 N., R. 19 W.,
Secs. 1 to 24, inclusive.
T. 24 N., R. 17 W.,
Secs. 19 to 36, inclusive.
T. 24 N., R. 18 W.,
Secs. 1 to 36, inclusive.
T. 24 N., R. 19 W.,
Secs. 10 to 15, inclusive;
Secs. 34, 35 and 36.
T. 25 N., R. 18 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 111,140 acres of public lands.

Dated: September 9, 1966.

FRED J. WEILER,
State Director.

[F.R. Doc. 66-10073; Filed, Sept. 14, 1966; 8:47 a.m.]

[Arizona 156]

ARIZONA

Notice of Proposed Classification of Public Lands for Retention for Multiple Use Management

Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands within the area described below, together with any lands therein that may become public lands in the future, for retention for multiple use management. Publication of this notice segregates the described public lands from petition-application under the homestead, desert land, and allotment laws (43 U.S.C., Ch. 7, 43 U.S.C., Ch. 9, and 25 U.S.C. 331); and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). Subdivisions of the described lands lying south and west of U.S. Highway 93–466 and north of the south township line of Township 17 North are also segregated from the filing of applications for State exchange.

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Phoenix, Ariz.

The public lands proposed for classification are located within the following described area and are shown on maps on file in the Phoenix District Office, Bureau of Land Management, 3041 Federal Building, Phoenix, Ariz.

A public hearing on the proposed classification will be held at 10 a.m., on October 12, 1966 at the Holiday Inn, Kingman, Ariz.

T. 16 N., R. 19 W.,
Secs. 1 to 11, inclusive.
T. 16 N., R. 20 W.,
Secs. 1 to 12, inclusive.
T. 16½ N., R. 18 W.,
Secs. 5 to 8, inclusive;
Sec. 18.

T. 16½ N., R. 19 W.
T. 16½ N., R. 20 W.
T. 17 N., R. 18 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 17 N., Rs. 19 and 20 W.
T. 17 N., R. 21 W.,
Secs. 1 to 5, inclusive;
Secs. 9 to 15, inclusive;
Secs. 22 to 25, inclusive;
Sec. 36.
T. 18 N., R. 18 W.,
Secs. 6 and 7;
Secs. 18 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 18 N., Rs. 19 and 20 W.
T. 18 N., R. 21 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 19 N., R. 20 W.
T. 19 N., R. 21 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 32 to 36, inclusive.
T. 20 N., R. 20 W.
T. 20 N., R. 21 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 21 N., R. 20 W.
T. 21 N., R. 21 W.,
Secs. 1, 2, and 3;
Secs. 10 to 16, inclusive;
Secs. 21 to 29, inclusive;
Sec. 30, E½E½, SW¼SE¼, SE¼SW¼ and lot 4;
Secs. 31 to 36, inclusive.
T. 22 N., R. 20 W.,
Secs. 3 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 22 N., R. 21 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 23 N., R. 20 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 23 N., R. 21 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 24 N., R. 20 W.,
Secs. 31 to 34, inclusive.
T. 24 N., R. 21 W.
T. 24 N., R. 22 W.,
Secs. 1, 12, and 13.
T. 25 N., R. 21 W.
T. 25 N., R. 22 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 26 N., Rs. 20 and 21 W.
T. 27 N., Rs. 19 to 21 W., inclusive.
T. 28 N., Rs. 19 and 20 W.

The area described aggregates 415,760 acres of public lands.

Dated: September 9, 1966.

FRED J. WEILER,
State Director.

[F.R. Doc. 66-10074; Filed, Sept. 14, 1966; 8:47 a.m.]

[Serial No. I-67]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 9, 1966.

The Department of Agriculture has filed an application, Serial Number I-67 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended. The applicant desires the land for public purposes as camp areas and viewpoints in the Nezperce National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

NEZPERCE NATIONAL FOREST

Hearen's Gate Viewpoint and Vista Point

T. 23 N., R. 1 W.,
Sec. 5, NW¼ of lot 4;
Sec. 6, N½NE¼ of lot 1 and NE¼NW¼ of lot 1.
T. 24 N., R. 1 W.,
Sec. 31, SW¼SE¼SE¼ and S½SE¼SE¼SE¼;
Sec. 32, S½SW¼SW¼SW¼.
Totaling 37.28 acres, more or less.

Echo Lake Camp

T. 23 N., R. 2 W., unsurveyed,
Will probably be when surveyed:
Sec. 15, SW¼NE¼SW¼, SW¼SE¼NE¼SW¼ and NE¼SE¼SW¼.
Totaling 22.5 acres.

Shelf Lake Camp

T. 23 N., R. 2 W., unsurveyed,
Will probably be when surveyed:
Sec. 11, SE¼NE¼SW¼SW¼ and NE¼SE¼SW¼SW¼.
Totaling 5 acres.

Basin Lake Camp

T. 23 N., R. 2 W., unsurveyed,
Will probably be when surveyed:
Sec. 11, NW¼NW¼SW¼.
Totaling 10 acres.

Big Sheep Lake Camp

T. 23 N., R. 2 W., unsurveyed,
Will probably be when surveyed:
Sec. 14, SW¼SE¼NW¼SE¼ and NW¼NE¼SW¼SE¼.
Totaling 5 acres.

Papoose Cave Area

T. 24 N., R. 1 W.,
Sec. 27, S½NE¼NE¼SE¼ and N½SE¼NE¼SE¼.
Totaling 10 acres.

Lower Cannon Lake Camp

T. 23 N., R. 1 W.,
Sec. 19, S½ of lot 1.
Totaling 19.18 acres, more or less.

The areas described aggregate 109.78 acres more or less in Idaho County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 66-10088; Filed, Sept. 14, 1966; 8:48 a.m.]

[Serial No. 0 185]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

SEPTEMBER 8, 1966.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number 0 185, for the withdrawal of the lands described below, from all forms of appropriation under the mining laws (Ch. 2, 30 U.S.C.) but not from leasing under the mineral leasing laws.

The applicant desires the land in order to protect the area for public recreational and administrative use and to safeguard the Government's present and future investments in the area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

UMATILLA NATIONAL FOREST

Wheeler Point Administrative Area

T. 7 S., R. 24 E.,
Sec. 18, lot 2, of SE¼.

Big Rock Flat Administrative Area

T. 6 S., R. 26 E.,
Sec. 14, SE¼SE¼;
Sec. 23, NE¼, NE¼SE¼.

Ant Hill Administrative Area

T. 8 S., R. 26 E.,
Sec. 13, NW¼NE¼SW¼.

Tamarack Mountain Administrative Area

T. 8 S., R. 26 E.,
Sec. 18, S½SW¼NE¼, NW¼NW¼SE¼.

Madison Butte Administrative Area

T. 5 S., R. 27 E.
Sec. 29, SE¼NE¼NE¼, NE¼SE¼NE¼.

Bottle Spring Administrative Area

T. 5 S., R. 27 E.,
Sec. 29, NW¼SE¼NW¼.

Ditch Creek Administrative Area

T. 5 S., R. 28 E.,
Sec. 21, SE¼SW¼NW¼.

Deerhorn Campground

T. 5 S., R. 28 E.,
Sec. 24, SE¼SW¼SW¼.

Mallory Spring Campground

T. 5 S., R. 28 E.,
Sec. 34, NE¼NE¼NE¼.

The areas described aggregate 349.90 acres.

VIRGIL O. SEEKER,
Chief, Branch of Lands.

[F.R. Doc. 66-10075; Filed, Sept. 14, 1966; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 7]

LIST OF FOREIGN FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JAN. 25, 1966

SECTION 1. The President has approved a policy of denying U.S. Government-financed cargoes shipped from the United States to foreign flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through September 7, 1966. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

FLAG OF REGISTRY AND NAME OF SHIP

	Gross tonnage
British:	
Ardtara	5,795
Greenford	2,964
Isabel Erica	7,105
Milford	1,889
Santa Grands	7,229
Shienfoon	7,127
Shirley Christine	6,724
Cypriot:	
Acme	7,173
Amfitriti	7,147
Amon	7,229
Antonia II	7,303
Greek:	
Agenor	7,139
Alkon	7,150
Maltese:	
Amalia	7,304
Polish:	
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
General Sikorski	6,785
Hanka Sawicka	6,944
*Jan Matejko	6,748
Josef Conrad	8,730
*Kapitan Kosko	6,629
Kochanowski	8,231
Lelewel	7,817
*Marian Buczek	7,053
*Norwid	5,512
Stefan Okrezja	6,620
Wladyslaw Broniewski	6,919

*Added to Rept. No. 6, appearing in the FEDERAL REGISTER issue of June 22, 1966.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S. Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:
None.
b. Previous reports:

Flag of Registry	Number of Ships
British	1

By order of the Acting Maritime Administrator.

Date: September 8, 1966.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 66-10152; Filed, Sept. 14, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Purchase Program HMP 96a]

CANNED PURPLE PLUMS

Notice of Purchase Program

In order to encourage the domestic consumption of purple plums by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the U.S. Department of Agriculture will purchase canned purple plums packed from the 1966 crop produced in the continental United States, for subsequent use in school lunch programs. Purchases will be made on an offer and acceptance basis. Details and specifications of the invitation to offer this product are contained in Announcement FV-400 issued by the Department on September 8, 1966. Quantities purchased will depend on quantities and prices offered. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Consumer and Marketing Service, Department of Agriculture, Washington, D.C. 20250.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: September 12, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10100; Filed, Sept. 14, 1966; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BLATCHFORD CALF MEAL CO.

Notice of Withdrawal of Petitions for Food Additives Erythromycin Thiocyanate and Secondary Ingredients

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Blatchford Calf Meal Co., 2 East Madison Street, Waukegan, Ill. 60085, has withdrawn its petitions (FAP 5D1599, 1600, 1611, 1627, 1628, 1629, 1630, and 1646), notices of which were published in the FEDERAL REGISTER February 2, 1965 (30 F.R. 1061), February 27, 1965 (30 F.R. 2617), and March 6, 1965 (30 F.R. 2958), proposing that certain food additive regulations in Subpart C of Part 121 (21 CFR Part 121) be amended with respect to the safe use of erythromycin thiocyanate in feed of chickens, alone or in various combinations including amprolium, zoalene, and arsanilic acid, and in the feed of swine and cattle.

The withdrawal of these petitions is without prejudice to a future filing.

Dated: September 7, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10094; Filed, Sept. 14, 1966; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 66-799]

DOMESTIC NONCOMMON CARRIER COMMUNICATION-SATELLITE FACILITIES

Notice of Inquiry Regarding Establishment by Nongovernmental Entities; Extension of Time

SEPTEMBER 8, 1966.

Comments submitted in the notice of inquiry in Docket No. 16495 (31 F.R. 3507) have raised novel concepts and proposals with respect to domestic common carrier service via satellite. In order to afford ample time for interested parties to prepare comments or appropriate counter proposals on the important matters thus raised in the broadened inquiry, the date for filing reply comments is extended from October 1, 1966, to November 30, 1966. In addition, the Commission believes that it would be helpful to have further comments on the material to be submitted by November 30 and therefore fixes December 30 as the day by which such further comments are to be submitted.

Adopted: September 7, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10051; Filed, Sept. 14, 1966; 8:45 a.m.]

[Docket No. 16867; FCC 66-810]

TAXICAB RADIO SERVICE IN STANDARD METROPOLITAN AREAS

Notice of Inquiry Regarding Use of Certain Frequencies

In the matter of inquiry into the requirement of the Taxicab Radio Service for all of the frequencies available within Standard Metropolitan Areas of 50,000 or more population in the 152 and 157 Mc/s bands; Docket No. 16867.

1. When the separation between assignable frequencies was reduced from 60 kc/s to 30 kc/s in 1958, the additional six frequencies derived in the blocks allocated to the Taxicab Radio Service at 152 Mc/s and 157 Mc/s were made available to that service in Standard Metropolitan Areas (SMA) of 50,000 or more population and were made available to the Business Radio Service outside of such areas. Six frequencies are involved: 152.30, 152.36, 152.42, 157.56, 157.62, and 157.68 Mc/s.

2. In recent years, a number of applicants in the Business Radio Service have requested waiver of our rules to permit them to use one or more of these frequencies inside SMA of 50,000 or more population. The basic allegations in support of these requests have been that these six additional frequencies reserved for the Taxicab Radio Service remain vacant and unassigned in many SMA; that the number of taxicab franchises has become fixed so that the prospect of future substantial increases in the number of taxicab radio systems on these frequencies is unlikely; that most of these frequencies will continue to remain vacant; that the frequencies in the Business Radio Service are overcrowded in SMA; and that it is unreasonable to keep these frequencies reserved for the Taxicab Radio Service.

3. Our own records and experience indicates that these six taxicab frequencies are not used extensively in the Taxicab Radio Service other than in the larger metropolitan areas such as New York and Los Angeles. Since there are present and urgent needs for additional frequencies in the business and other land mobile radio services, we think that a searching inquiry should be made as to the present and potential need for these six frequencies in the Taxicab Radio Service and, if a substantial need is not present, some provision should be made for expanded shared use of them by other services. Therefore, comments are invited in this matter. More specifically, comments are requested on the following:

(a) The extent to which the frequencies 152.30, 152.36, 152.42, 157.56, 157.62, and 157.68 Mc/s are used by the Taxicab Radio Service within areas of 50,000 or more population.

(b) The extent to which the remaining frequencies in the 152 and 157 Mc/s regions available to the Taxicab Radio Service are presently used in the same areas.

(c) Whether or not sharing of a portion or all of the Taxicab Radio Service frequencies with other services within any areas of 50,000 or more population is feasible.

(d) The future (5 years) requirements of the taxicab industry for frequencies in the 152 and 157 Mc/s regions within areas of 50,000 or more population.

Comments from members of the taxicab industry should, to the fullest extent possible, furnish statistical data about their actual use and future requirement for frequencies in the Standard Metropolitan Areas.

4. This action is taken pursuant to section 403 of the Communications Act of 1934, as amended. Interested parties filing comments in response to this inquiry are requested to file an original and 14 copies with the Secretary of the Commission on or before October 17, 1966.

Adopted: September 7, 1966.

Released: September 9, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10052; Filed, Sept. 14, 1966; 8:45 a.m.]

[Docket Nos. 16824, 16825; FCC 66M-1187]

FOX RIVER BROADCASTING CO. AND RADIO OSHKOSH, INC.

Order Continuing Prehearing Conference

In re applications of Sterling H. Saunders and Stanley H. Krinsky, doing business as The Fox River Broadcasting Co., Oshkosh, Wis., Docket No. 16824, File No. BP-15129; Radio Oshkosh, Inc., Oshkosh, Wis., Docket No. 16825, File No. BP-15805; for construction permits.

Upon the oral request of all counsel in the above-entitled proceeding: *It is ordered*, This 8th day of September 1966, that the prehearing conference now scheduled for 9 a.m., September 16, 1966, shall commence at 2:30 p.m., September 16, 1966, in the Commission's offices in Washington, D.C.

Released: September 8, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10053; Filed, Sept. 14, 1966; 8:45 a.m.]

[1] Commissioners Bartley, Wadsworth, and Johnson absent.

[Docket No. 15888; FCC 66M-1193]

SELMA TELEVISION, INC. (WSLA-TV)

Order Scheduling Prehearing Conference

In re application of Selma Television, Inc. (WSLA-TV), Selma, Ala., Docket No. 15888, File No. BPCT-2827; for construction permit.

The Hearing Examiner having under consideration the written testimony and exhibits exchanged herein and the notification of witnesses to be called for cross-examination thereon;

It appearing, that review of the exchanged data indicates that a further prehearing conference could lead to stipulations or waivers with reference to the exchanged data and witnesses to be called for cross-examination which would serve to shorten the evidentiary phases of the proceeding:

It is ordered, This 7th day of September 1966 on the Hearing Examiner's own motion, that a prehearing conference shall be held herein on September 29, 1966, commencing at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: September 9, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10054; Filed, Sept. 14, 1966; 8:45 a.m.]

[Docket Nos. 16536, 16537; FCC 66M-1192]

GORDON SHERMAN AND OMICRON TELEVISION CORP.

Order Continuing Hearing

In re applications of Gordon Sherman, Orlando, Fla., Docket No. 16536, File No. BPCT-3529; Omicron Television Corp., Orlando, Fla., Docket No. 16537, File No. BPCT-3596; for construction permit for new television broadcast station (Channel 35):

It is ordered, This 7th day of September 1966, on the Hearing Examiner's own motion, that the hearing now scheduled for September 12, 1966, in the above-entitled matter is rescheduled to commence at 10 a.m., September 28, 1966, in the Commission's offices in Washington, D.C.

Released: September 9, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10055; Filed, Sept. 14, 1966; 8:45 a.m.]

[Docket Nos. 14597, 15203; FCC 66M-1191]

KWEN BROADCASTING CO. AND WOODLAND BROADCASTING CO.

Order Continuing Hearing

In re applications of Felix Joynt and James Joynt doing business as KWEN Broadcasting Co., Port Arthur, Tex., Docket No. 14597, File No. BP-13627; Woodland Broadcasting Co., Vidor, Tex., Docket No. 15203, File No. BP-15973; for construction permits.

It appearing, that the currently scheduled date for further hearing of September 26 may involve a conflict:

It is ordered, This 7th day of September 1966, on the Hearing Examiner's own motion, that the further hearing is continued from September 26, to September 27, 1966.

Released: September 9, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10056; Filed, Sept. 14, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17287]

REA ENFORCEMENT CASE

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is postponed to be held on September 27, 1966, at 10 a.m., e.d.s.t., in Room "C", Federal Building, 14th Floor, 30 Church Street, New York City, N.Y., before the undersigned Examiner.

Dated at Washington, D.C., September 9, 1966.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 66-10097; Filed, Sept. 14, 1966; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

MARYLAND PORT AUTHORITY AND CHESAPEAKE OPERATING CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Philip G. Kraemer, Maryland Port Authority, Pier 2 Pratt Street, Baltimore, Md. 21202.

Agreement No. T-1989 between the Maryland Port Authority (MPA) and the Chesapeake Operating Co. (Chesapeake) covers the lease of facilities at Locust Point which Chesapeake will operate as a marine terminal. The initial term of the lease is for 10 years with an option to renew for two successive 5-year periods. Rental will be $260,000 annually based on terms set forth in the lease. The agreement is subject to all of the terms and conditions of Agreement No. T-32 between MPA and the Baltimore and Ohio Railroad. Promptly after the lease becomes effective, Chesapeake agrees to file a tariff with the Federal Maritime Commission.

Date: September 12, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-10095; Filed, Sept. 14, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP66-376]

DELTA NATURAL GAS CO., INC., AND KENTUCKY GAS TRANSMISSION CORP.

Notice of Application

SEPTEMBER 6, 1966.

Take notice that on May 17, 1966, Delta Natural Gas Co., Inc. (Applicant), 120 South Main Street, Winchester, Ky., filed in Docket No. CP66-376 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing the Kentucky Gas Transmission Corp. (Respondent) to establish physical connection on the Columbia Gulf Transmission Co. (Columbia) line for the purpose of obtaining a gas supply from the United Fuel Gas Co. and also to establish a delivery point on or near this point of supply for the purpose of selling and delivering to Applicant such reasonable quantities of gas that may be required to operate Applicant's transmission and distribution facilities for the towns of Kingston and Terrill, Madison County, Ky., and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests that Respondent make the connection with Columbia at a point just southeast of Kingston, Ky., and that Respondent then deliver natural gas to Applicant for resale in the towns of Kingston and Terrill, Ky. and environs by means of a distribution system Applicant proposes to construct.

The estimated third year peak day and annual requirements of Applicant's Kingston and Terrill system are 354 Mcf and 30,412 Mcf, respectively.

Applicant estimates that the total cost of construction of the proposed facilities to be $85,007.85, which cost will be financed from current operating funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1966.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-10058; Filed, Sept. 14, 1966; 8:45 a.m.]

[Docket No. CP67-48]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

SEPTEMBER 6, 1966.

Take notice that on August 30, 1966, Eastern Shore Natural Gas Co. (Applicant), 114 East Main Street, Salisbury, Md. 21801, filed in Docket No. CP67-48 an application pursuant to section 7(c) of the Natural Gas Act for authority to increase the level of firm deliveries to certain of its resale customers and to deliver volumes of firm natural gas to a direct industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically requests authority to increase the levels of firm deliveries to the following resale customers:

Customer	Currently authorized (Mcf)	Proposed deliveries (Mcf)
Dover Gas Light Co.	2830	3100
Citizens Gas Co.	1450	1800
Cambridge Gas Co.	550	700
Elkton Gas Service, division of Pennsylvania and Southern Gas Co.	950	1000
Total	5780	6360

Net increase, 580 Mcf.

In addition, Applicant also seeks authority to deliver 90 Mcf per day of firm gas to International Latex Corp., a direct industrial customer to which Applicant is currently authorized to sell interruptible gas.

Applicant states that the proposed increases can be made effective without the construction of any new transmission facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 3, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-10059; Filed, Sept. 14, 1966; 8:45 a.m.]

[Project 2602]

NANTAHALA POWER & LIGHT CO.

Notice of Application for License for Constructed Project

SEPTEMBER 6, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Nantahala Power & Light Co. (correspondence to: John M. Archer, Jr., President, Nantahala Power & Light Co., Post Office Box 260, Franklin, N.C. 28734) for constructed Project No. 2602, known as the Dillsboro Project, located on the Tuckasegee River, a tributary of the Little Tennessee River, in the Town of Dillsboro, Jackson County, N.C.

The existing project consists of: (1) A masonry-concrete gravity dam totaling about 330 feet long and 12 feet high in six sections, (a) abutments totaling about 20 feet in length, (b) an overflow spillway 14 feet long, (c) a gated section 20 feet long containing two sluice gates 6 feet wide and 11 feet deep, (d) a spillway 197 feet long, (e) an intake section about 47 feet long, and (f) a powerhouse section about 32 feet long; (2) a reservoir at elevation 1,972 feet, about 0.8 mile long and with little usable storage; (3) a concrete-wood-corrugated iron powerhouse containing two vertical generating units (a) 175 kw and (b) 50 kw, totaling 225 kw; and (4) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 24, 1966. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-10060; Filed, Sept. 14, 1966; 8:45 a.m.]

[Project 2603]

NANTAHALA POWER & LIGHT CO.

Notice of Application for License for Constructed Project

SEPTEMBER 6, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Nantahala Power & Light Co. (correspondence to: John M. Archer, Jr., President, Nantahala Power & Light Co., Post Office Box 260, Franklin, N.C. 28734) for constructed Project No. 2603, known as the Franklin Project, located on the Little Tennessee River, a tributary of the Tennessee River, in Macon County, N.C., below the Town of Franklin.

The existing project consists of: (1) A concrete-gravity dam about 480 feet long and about 30 feet high in five sections, (a) abutment sections totaling about 87 feet in length, (b) overflow sections, each 25 feet long, in a length of 104 feet, (c) 6 tainter gates, each 25 feet wide by 10 feet deep, in a length of 181.5 feet, (d) a nonoverflow section about 25 feet long containing a trash sluice 4 feet wide and 5 feet deep, and (e) an intake section about 63.3 feet long with three turbine bays; (2) a reservoir at elevation 2,000.22 feet, about 4.6 miles long with a surface area of about 210 acres, and with little usable storage; (3) a concrete-brick powerhouse containing two generating units, each rated at 620 kw, totaling 1,040 kw; and (4) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 24, 1966. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-10061; Filed, Sept. 14, 1966; 8:46 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order No. 69]

BANGOR TOWNSHIP, BAY COUNTY, MICH.

Grant for Foreign-Trade Zone and Two Subzones

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and order. Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u) the Foreign-Trade Zones Board has adopted the following resolution and order:

The Board having considered the matter, it is ordered:

Upon examination, the application from the Bay County Board of Supervisors of Bay County, Mich., for the privilege of establishing, operating, and maintaining a foreign-trade zone and two subzones in Bangor Township, Bay County, Mich., is found to be in proper order and in compliance with the Foreign-Trade Zones Act, as amended, and the rules and regulations made thereunder. Now, therefore, said application for a grant is approved; and the Secretary of Commerce is hereby authorized and directed to sign and issue in favor of the Bay County Board of Supervisors, a grant permitting the establishment, operation, and maintenance of a foreign-trade zone and two subzones in Bangor Township, Bay County, Mich., in conformance to the application on file with the Foreign-Trade Zones Board. It is further ordered that a copy of this grant be made a part of the official records of this Board. This grant shall be issued subject to settlement locally by the District Director of Customs and District Engineer with the applicant regarding their respective requirements for the protection of the revenue of the United States and erection and installation of physical facilities of the zone and subzones within a reasonable time after issuance of the grant.

GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AND TWO SUBZONES IN BANGOR TOWNSHIP, BAY COUNTY, MICH.

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," (48 Stat. 998–1003; U.S.C. Title 19 secs. 81a–81u), as amended, hereinafter referred to as "the Act," the Foreign-Trade Zones Board, hereinafter referred to as "the Board," is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States; and,

Whereas, the Foreign-Trade Zones Board Regulations (15 CFR 400.304) provide that the establishment of a foreign-trade subzone in an area separate from an existing zone, for one or more of the specialized purposes of storing, manipulating, manufacturing, or exhibiting goods may be authorized if the Board finds that existing or authorized zones will not serve adequately the convenience of commerce with respect to the proposed purposes; and,

Whereas, the Bay County Board of Supervisors, a public corporation, hereinafter referred to as "the Grantee," has made application in due and proper form to the Board for the establishment, operation, and maintenance of a foreign-trade zone and two subzones in Bangor Township, Bay County, Mich., designated on the records of the Board as Zone No. 10, and Subzones Nos. 10–A and 10–B, as shown on the map accompanying said application, marked Exhibit No. 10; and,

Whereas, the purpose of the proposed subzone is to provide the Grantee of the proposed zone with the means to permit the operation of a petrochemical manufacturing plant utilizing as raw materials, refinery gas, and/or imported naphtha; and,

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found the proposed plans and location are suitable for the accomplishment of the purposes of a foreign-trade zone as well as the two subzones, and that the facilities and appurtenances which in said application it is proposed to provide are sufficient.

Now, therefore, the Board, subject to the provisions, conditions, and restrictions of the Act, as amended, and all the rules and regulations thereunder, hereby grants to the Bay County Board of Supervisors, Bay County, Mich., Grantee, the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 10, and two subzones, designated on the records as Subzones Nos. 10–A and 10–B, at the specific location mentioned above and more particularly described on the map accompanying said application, marked Exhibit No. 10, said grant being subject to the provisions, conditions, and restrictions of the Act and of all rules and regulations made thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to wit:

The Grantee shall make no deviation from the maps, plans, specifications, drawings, and blue prints, accompanying the said application and marked Exhibits Nos. 1 to 13, inclusive, before or after completion of the structures or work involved, unless modification of such maps, plans, specifications, drawings, and blue prints has previously been submitted to and has received approval of the Board.

The work of construction under this grant shall commence immediately following the date of the grant; said work shall be diligently prosecuted to completion and the work of construction shall be completed and operation of the zone and subzones shall be commenced by the Grantee within a reasonable time from the date of issuance of the zone grant. The Grantee shall notify the U.S. District Engineer in whose District the zones are located of the date upon which work will begin and as far in advance thereof as the District Engineer may reasonably specify, and shall notify him promptly in writing of any suspension of construction for a period of more than 1 week, and of its resumption and completion.

The Grantee shall comply fully with all applicable provisions of the laws for the protection and preservation of the navigable waters of the United States, and shall secure legally required authorization and approval for work in navigable waters of the United States. The grant herein made shall not be construed as conveying such approval.

The Grantee shall allow officers and employees of the United States of America free and unrestricted access in, to, and throughout said zone and subzones in the performance of their official duties.

This grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone and subzones, and in no event shall the United States of America be liable therefor.

This grant is issued subject to settlement locally by the District Director of Customs and the District Engineer with the applicant regarding compliance with the respective requirements for the protection of the revenue of the United States and erection and installation of physical facilities of the zone and subzones within a reasonable time after issuance of the grant.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, John T. Connor, at Washington, D.C., this 12th day of September 1966, pursuant to order of the Board.

FOREIGN-TRADE ZONES BOARD,
[SEAL] JOHN T. CONNOR,
Chairman and Executive Officer.

Attest:
RICHARD H. LAKE,
Executive Secretary.

CERTIFICATE BY EXECUTIVE SECRETARY

I, Richard H. Lake, Executive Secretary of the Foreign-Trade Zones Board, do hereby certify that the following is a true extract from the records of the proceedings of that part of the Minutes (Memorandum) of July 7, 1966, of the Foreign-Trade Zones Board relating to the matter hereinbefore in this grant described:

"Upon examination, the application from the Bay County Board of Supervisors of Bay County, Mich., for the privilege of establishing, operating, and maintaining a foreign-trade zone and two subzones in Bangor Township, Bay County, Mich., is found to be in proper order and in compliance with the Foreign-Trade Zones Act, as amended, and the rules and regulations made thereunder. Now, therefore, said application for a grant is approved; and the Secretary of Commerce is hereby authorized and directed to sign and issue in favor of the Bay County Board of Supervisors, a grant permitting the establishment, operation, and maintenance of a foreign-trade zone and two subzones in Bangor Township, Bay County, Mich., in conformance to the application on file with the Foreign-Trade Zones Board. It is further ordered that a copy of this grant be made a part of the official records of this Board. This grant shall be issued subject to settlement locally by the District Director of Customs and District Engineer with the applicant regarding their respective requirements for the protection of the revenue of the United States and erection and installation of physical facilities of the zone and subzones within a reasonable time after issuance of the grant."

Witness my hand and the seal of the Foreign-Trade Zones Board this 12th day of September 1966, at Washington, D.C.

[SEAL] RICHARD H. LAKE,
Executive Secretary.

[F.R. Doc. 66-10105; Filed, Sept. 14, 1966; 8:49 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Levels of Restraint

SEPTEMBER 12, 1966.

On August 17, 1966, the Governments of the United States and Portugal, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, amended the bilateral agreement between them, of March 12, 1964, concerning exports of cotton textiles from Portugal to the United States.

The two Governments have agreed that on a one-time basis, a total of 4,000,000 pounds of yarn, Categories 1–4, may be exported to the United States from Portugal during the period beginning July 1, 1966, and extending through December 31, 1966, in addition to the amounts provided for under the bilateral agreement of March 12, 1964.

There is published below a letter of September 9, 1966, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that entries of cotton textiles in Categories 1, 2, 3, and 4, produced or manufactured in Portugal and exported from Portugal to the United States during the period beginning July 1, 1966, and extending through December 31, 1966, be limited to a total of 4,000,000 pounds in addition to the levels originally provided for those categories for the 12-month period ending December 31, 1966, pursuant to the bilateral agreement of March 12, 1964.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
WASHINGTON, D.C. 20230,
September 9, 1966.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive supplements and amends the directive of December 30, 1965, concerning cotton textiles and cotton textile products produced or manufactured in Portugal.

Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective as soon as possible, and for the period beginning July 1, 1966, and extending through December 31, 1966, to permit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 1, 2, 3, and 4, produced or manufactured in Portugal and exported to the United States from Portugal during the period beginning July 1, 1966, and extending through December 31, 1966, not in excess of an aggregate amount for the four categories of 4 million pounds which shall be in addition to the levels of restraint provided for those categories in the directive of December 30, 1965.

In carrying out this directive you shall first charge entries of such goods against the aggregate level provided for herein before charging entries of such goods against the levels of restraint established for cotton textiles in Categories 1, 2, 3, and 4, during the period January 1, 1966, through December 31, 1966.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LEROY COLLINS,
Acting Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 66–10087; Filed, Sept. 14, 1966; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812–1994]

GOODYEAR INTERNATIONAL FINANCE CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of Act

SEPTEMBER 9, 1966.

Notice is hereby given that Goodyear International Finance Corp. ("Applicant"), 1144 East Market Street, Akron, Ohio 44316, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below:

The Applicant was organized by the Goodyear Tire & Rubber Co. ("Goodyear") under the laws of the State of Delaware in July 1966. Applicant is authorized to have outstanding 10,000 shares of common stock without par value. All of the common stock of Applicant presently issued and outstanding has been purchased by Goodyear for $1,000. An additional $3,999,000 will be paid by Goodyear in cash for common stock of Applicant prior to or upon completion of the issuance of the notes hereinafter referred to. Any additional securities which Applicant may issue, other than debt securities, shall be issued only to Goodyear. Goodyear will not dispose of such securities, other than debt securities, except to Applicant or to another wholly owned subsidiary of Goodyear.

Goodyear is engaged primarily in the manufacture and sale of tires and tubes and other rubber products and carries on its operations both directly and through 57 majority-owned, active subsidiaries, of which 42 are foreign. In addition to rubber products, Goodyear and its subsidiaries manufacture and sell chemical, shoe, foam, metal, aviation and aerospace products.

A principal purpose for organizing Applicant is to continue the expansion and development of Goodyear's operations outside of the United States while at the same time providing assistance in improving the balance of payments position of the United States, in compliance with the voluntary cooperation program instituted by the President in February 1965.

Applicant intends to issue and sell an aggregate of $20,000,000 principal amount of its Guaranteed Notes due June 1, 1971 ("Notes"). Goodyear will guarantee the principal and interest payments on the Notes. Any additional debt securities of Applicant which may be issued to or held by the public will be guaranteed by Goodyear in a manner substantially similar to the guarantee of the Notes.

Applicant intends to invest its assets in stock or debt obligations of foreign corporations of which Goodyear owns, directly or indirectly, a majority of the outstanding voting securities, and which, in a substantial number of instances, are wholly owned subsidiaries of Goodyear. All of the foreign corporations in which the assets of Applicant will be invested or to which assets of Applicant will be loaned, on other than a temporary basis, will be corporations controlled by Goodyear and which are primarily engaged in one or both of the following businesses: (1) Manufacturing and selling tires, tubes, and other rubber, shoe, and chemical products, utilizing technical data furnished by Goodyear; (2) Selling products made by Goodyear in the United States or by one of Goodyear's subsidiaries and bearing Goodyear trademarks or brands.

Applicant will proceed as expeditiously as possible with the investment of its assets in such manner, will not acquire securities for the purpose of sale and will not trade in securities. In addition and prior to investments in majority-owned subsidiaries and from time to time thereafter in connection with changes in long term investments, Applicant will make interim investments in the obligations of foreign governments or foreign financial institutions or in foreign bank interest-bearing deposits.

The Notes are to be offered and sold under conditions which are intended to assure that they will not be offered or sold in the United States, its territories, or possessions or to nationals or residents of the United States, its territories, or possessions. The contracts relating to such offer and sale will contain various provisions intended to assure that the Notes will not be purchased by nationals or residents of the United States, its territories, or possessions.

Counsel has advised Applicant that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisitions of the Notes, except where a specific statutory exemption is available. Thus, by financing its foreign operations through Applicant rather than through sale of its own debt obligations, Goodyear will utilize an instrumentality the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to interest equalization tax, thereby tending to discourage them from acquiring such debt obligations from the foreign purchasers thereof or from persons to whom any of such purchasers might resell any thereof.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) A significant purpose of Applicant is to provide a vehicle through which Goodyear may obtain funds in foreign countries for its foreign operations and for the foreign operations of its subsidiaries and affiliates while assisting in improving the balance of payments position of the United States; (2) the Notes will be offered only to foreign nationals under circumstances designed to prevent reoffering or resale to any U.S. national or resident; (3) the burden of the interest equalization tax will discourage purchase of the Notes by any U.S. resident or national; (4) Applicant will not deal or trade in securities; (5) none of the securities of Applicant, other than debt securities, will be held by any person other than Goodyear or a wholly owned subsidiary of Goodyear; (6) the payment of the Notes, which is guaranteed by Goodyear, does not depend solely on the operations or investment policy of Applicant, because as a result of the guarantee, the Noteholders may ultimately look to the business enterprise of Goodyear rather than solely to that of Applicant; (7) Applicant will not permit any other debt securities to be issued to or held by the public unless they are fully guaranteed by Goodyear.

Notice is further given that any interested person may, not later than September 23, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or of law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–10078; Filed, Sept. 14, 1966; 8:47 a.m.]

[File No. 1–3878]

HERCULES MINES COMPANY OF NEVADA

Notice and Order Fixing Time and Place of Hearing

SEPTEMBER 9, 1966.

I. The Commission's public files disclose that Hercules Mines Company of Nevada (hereinafter referred to as "registrant"), a company organized and incorporated under the laws of the State of Nevada, had issued an outstanding 4,443,500 shares of $0.02 par value common stock at December 31, 1964. These securities are listed for trading on the San Francisco Mining Exchange, a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934, as amended (Exchange Act).

The Division of Corporation Finance (Division) has ascertained information which tends to show, and it alleges, that registrant has failed to comply with the provisions of section 13 of the Exchange Act and the rules and regulations thereunder, as more specifically set forth in the Division's Statement of Matters[1] which is incorporated herein by reference and made a part hereof.

II. In view of the Division's allegations, the Commission deems it necessary that a public hearing be instituted pursuant to the provisions of section 19(a)(2) of the Exchange Act to determine:

1. Whether the allegations set forth in the Division's Statement of Matters are true and in connection therewith to afford registrant an opportunity to establish any defenses to said allegations; and

2. Whether it is necessary or appropriate for the protection of investors to withdraw the registration of the common stock of registrant on the San Francisco Mining Exchange for failure to comply with section 13 of the Exchange Act and the rules and regulations thereunder.

III. *It is ordered*, That a public hearing pursuant to section 19(a)(2) of the Exchange Act be held at 10 a.m., e.d.s.t., September 29, 1966, at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C., to determine whether it is necessary or appropriate for the protection of investors to withdraw the registration of the common stock of registrant on the San Francisco Mining Exchange for failure to comply with section 13 of the Exchange Act and the rules and regulations thereunder.

It is further ordered, That these proceedings shall be presided over by Sidney Feller, an officer of the Commission, or such other officer as the Commission may designate, who is authorized to perform all the duties of a hearing officer as set forth in the Commission's rules of practice or as otherwise authorized by law.

Notice of such Hearing is hereby given to registrant, the San Francisco Mining Exchange and to any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceeding should file with the hearing officer or the Secretary of the Commission on or before September 27, 1966, his application therefor as provided by the Rules of Practice of the Commission, setting forth therein any of the matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–10079; Filed, Sept. 14, 1966; 8:47 a.m.]

[File No. 1–1686]

LINCOLN PRINTING CO.

Order Suspending Trading

SEPTEMBER 9, 1966.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

[1] Statement of matters filed as part of the original document.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 10, 1966, through September 19, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 66-10080; Filed, Sept. 14, 1966; 8:47 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

SEPTEMBER 9, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 10, 1966, through September 19, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 66-10081; Filed, Sept. 14, 1966; 8:47 a.m.]

[File Nos. 1-2249, 1-3878]

WHITE CAPS GOLD MINING CO. AND HERCULES MINES COMPANY OF NEVADA

Order and Notice of Consolidation of Proceedings

SEPTEMBER 9, 1966.

It is ordered, Pursuant to Rule 10 of the Commission's rules of practice that the proceedings in the matters of White Caps Gold Mining Co. and Hercules Mines Company of Nevada under section 19(a)(2) of the Securities Exchange Act of 1934, as amended, be joined for hearing and be consolidated for the reason that these matters involve common questions of law and fact.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 66-10082; Filed, Sept. 14, 1966; 8:47 a.m.]

[File No. 1-2249]

WHITE CAPS GOLD MINING CO.

Notice and Order Fixing Time and Place of Hearing

SEPTEMBER 9, 1966.

I. The Commission's public files disclose that White Caps Gold Mining Co. (hereinafter referred to as "registrant"), a company organized and incorporated under the laws of the State of Nevada, had issued and outstanding 7,549,161 shares of $0.10 par value common stock at December 31, 1964. These securities are listed for trading on the San Francisco Mining Exchange, a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934, as amended (Exchange Act).

The Division of Corporation Finance (Division) has ascertained information which tends to show, and it alleges, that registrant has failed to comply with the provisions of section 13 of the Exchange Act and the rules and regulations thereunder, as more specifically set forth in the Division's Statement of Matters[1] which is incorporated herein by reference and made a part hereof.

II. In view of the Division's allegations, the Commission deems it necessary that a public hearing be instituted pursuant to the provisions of section 19(a)(2) of the Exchange Act to determine:

1. Whether the allegations set forth in the Division's Statement of Matters are true and in connection therewith to afford registrant an opportunity to establish any defenses to said allegations; and

2. Whether it is necessary or appropriate for the protection of investors to withdraw the registration of the common stock of registrant on the San Francisco Mining Exchange for failure to comply with section 13 of the Exchange Act and the rules and regulations thereunder.

III. *It is ordered*, That a public hearing pursuant to section 19(a)(2) of the Exchange Act be held at 10 a.m., e.d.s.t., September 29, 1966, at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C., to determine whether it is necessary or appropriate for the protection of investors to withdraw the registration of the common stock of registrant on the San Francisco Mining Exchange for failure to comply with section 13 of the Exchange Act and the rules and regulations thereunder.

It is further ordered, That these proceedings shall be presided over by Sidney Feiler, an officer of the Commission, or such other officer as the Commission may designate, who is authorized to perform all the duties of a hearing officer as set forth in the Commission's rules of practice or as otherwise authorized by law.

Notice of such Hearing is hereby given to registrant, the San Francisco Mining Exchange and to any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceeding should file with the hearing officer or the Secretary of the Commission on or before September 27, 1966, his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 66-10083; Filed, Sept. 14, 1966; 8:47 a.m.]

[1] Statement of Matters filed as part of the original document.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 12, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40702—*Furniture to points in southern territory*. Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2860), for interested rail carriers. Rates on furniture, in carloads, from points in official (not including Illinois) territory, to points in southern territory.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 18 to Traffic Executive Association—Eastern Railroads, agent, tariff I.C.C. C-558.

FSA No. 40703—*Aluminum coated tin mill black plate within southwestern territory*. Filed by Southwestern Freight Bureau, agent (No. B-8887), for interested rail carriers. Rates on aluminum coated tin mill black plate, in carloads, from, to, and between points in southwestern territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 206 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

FSA No. 40704—*Canned or preserved foodstuffs within southwestern territory*. Filed by Southwestern Freight Bureau, agent (No. B-8896), for interested rail carriers. Rates on edible flour, noibn, and cake or muffin preparations with canned, dehydrated, dried, or evaporated fruit, in carloads, between points in southwestern territory, also between such points on the one hand, and Natchez and Vicksburg, Miss., and Memphis, Tenn., on the other.

Grounds for relief—Carrier competition.

Tariff—Supplement 41 to Southwestern Freight Bureau, agent, tariff I.C.C. 4647.

FSA No. 40705—*Clay to Derry, Pa.* Filed by O. W. South, Jr., agent (No. A4939), for interested rail carriers. Rates on clay, except clay commercially suitable for filling of fabric or filling or coating of paper, or for use in manufacture of rubber and rubber articles, in carloads, from Clayburn and Wickliffe, Ky., McKenzie, Spinks, and Whitlock, Tenn., to Derry, Pa.

Grounds for relief—Market competition.

Tariff—Supplement 231 to Southern Freight Association, agent, tariff I.C.C. S-40.

FSA No. 40706—*Class and commodity rates from and to Hen's Delight Spur, Tenn.* Filed by O. W. South, Jr., agent (No. A4940), for interested rail carriers. Rates on property moving on class and commodity rates, between Hen's Delight Spur, Tenn., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-10173; Filed, Sept. 14, 1966; 8:49 a.m.]

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FEDERAL REGISTER

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education and Welfare

Section 213.3316 is amended to show that the positions of Deputy Assistant Secretary for Youth Development and Deputy Assistant Secretary for Community Development, are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (2) and (3) are added to paragraph (n) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of the Assistant Secretary for Individual and Family Services.* * * *

(2) Deputy Assistant Secretary for Youth Development;

(3) Deputy Assistant Secretary for Community Development.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-10139; Filed, Sept. 15, 1966; 8:47 a.m.]

PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS

Miscellaneous Amendments

Section 930.102(b) is amended to include Job Corps enrollees in the definition of "employee." Sections 930.110 and 930.112 are amended to allow the waiver of the requirement for a State license when specifically authorized by the Civil Service Commission. These amendments, which are set forth below, are effective September 16, 1966.

§ 930.102 Definitions.

* * * * *

(b) "Employee" means a civilian employee or civilian officer of an agency in either the competitive or excepted service or an enrollee of the Job Corps established by section 102 of the Economic Opportunity Act of 1964 (42 U.S.C. 2712).

* * * * *

§ 930.110 Incidental operator.

(a) To qualify as an incidental operator, an employee shall (1) meet the physical standards established by the Commission; (2) qualify on a road test determined by the agency to be appropriate; and (3) possess a State license.

(b) An agency head or his designated representative may waive the road test, but only when in his opinion it is impractical to apply it, and then only for an employee whose competence as a driver has been established by his past driving record.

(c) An agency head or his designated representative may waive the requirement for possession of a State license only under the circumstances set out in, and in accordance with, a specific authorization by the Commission to the agency concerned.

§ 930.112 To whom issued.

(a) Each agency shall issue an identification card to:

(1) Each employee who qualifies for and is assigned to an operator position;

(2) Each employee who qualifies as an incidental operator; and

(3) Other employees who qualify in accordance with the requirements for incidental operator in § 930.110.

(b) An agency may issue an identification card without regard to the requirements in §§ 930.106 and 930.110:

(1) To an employee in an operator position under temporary appointment or detail not exceeding 1 month;

(2) For 1 month or less, to an employee in an operator position in order to permit completion of special testing approved by the Commission in a particular selection program; and

(3) For 1 month or less, to other employees who are taking training to satisfy requirements as operators or incidental operators or under such circumstances as in the judgment of the agency is necessary in the interests of the Government.

An agency may issue an identification card under authority of this paragraph only to an employee who is in possession of a State license, except when this requirement is waived under § 930.110(c). An identification card issued under this paragraph shall include the time restriction imposed.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, sec. 2, 68 Stat. 1126, as amended; 5 U.S.C. 631, 633; 40 U.S.C. 491; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-10138; Filed, Sept. 15, 1966; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Transits Without Visas

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

The first two sentences of § 214.2(c)(1) are amended to read as follows:

§ 214.2 Special requirements for admission, extension and maintenance of status.

* * * * *

(c) *Transits*—(1) *Without visas.* Any alien may apply for immediate and continuous transit without a visa through the United States, except a citizen of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Cuba, Communist-controlled China ("Chinese People's Republic"), North Korea ("Democratic People's Republic of Korea"), the Soviet Zone of Germany ("German Democratic Republic"), North Viet-Nam ("Democratic Republic of Viet-Nam"), and Outer Mongolia ("Mongolian People's Republic"), resident in one of the countries named. Such an alien must establish that he is admissible under the immigration laws; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join a vessel in the United States as a Crewman, he is in possession of or makes application upon arrival for, a Form I-184 permanent type landing permit and identification card, and upon joining the vessel will remain aboard at all times until it departs from the United States); that his departure from the United States will be accomplished within 5 calendar days after his arrival, and that he has a document establishing his ability to enter some country other than the United States. * * *

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on October 1, 1966. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order confers

benefits upon the persons affected thereby.

Dated: September 12, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66-10137; Filed, Sept. 15, 1966; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

Payment of Indemnities

Pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114, 114a), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), § 51.9(d) of Part 51, Subchapter B, Title 9, Code of Federal Regulations, relating to payment of indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis, is amended to read as follows:

§ 51.9 Claims not allowed.

* * * * *

(d) If the cattle are classified as tuberculosis or paratuberculosis or brucellosis infected unless such cattle (1) reacted to the tuberculin or johnin test or revealed lesions of either disease upon autopsy or (2) reacted to the agglutination or other test for brucellosis approved by the Director of Division or (3) are found to be exposed, are a part of a known infected herd, and it has been determined by the Director of Division that destruction of the cattle will contribute to the tuberculosis or paratuberculosis or brucellosis eradication program.

* * * * *

(Sec. 3–5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 112, 113, 114, 114a, 120, 125)

The foregoing amendment will be of benefit to affected persons as it will permit payment of indemnity on animals exposed to brucellosis where it is determined that destruction of the entire herd will contribute to the brucellosis eradication program. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and that the amendment may be made effective upon publication in the FEDERAL REGISTER.

Effective date., The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of September 1966.

R. J. ANDERSON,
Administrator, Agricultural Research Service.

[F.R. Doc. 66-10166; Filed, Sept. 15, 1966; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 201—PROCEDURES OF POST OFFICE DEPARTMENT

Subpart F—Rules of Procedure for a Bank To Become Depository for Postal Savings Funds

Public Law 89-377 of March 28, 1966 (80 Stat. 92), provides for the closing of the Postal Savings System. This Act provides that no further deposits would be accepted on and after April 27, 1966, and all existing accounts are being closed out. Accordingly, Subpart F (§ 201.70) is revoked.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 5201–5229, P.L. 89–377, Mar. 28, 1966, 80 Stat. 92)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 12, 1966.

[F.R. Doc. 66-10130; Filed, Sept. 15, 1966; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Memo 483]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart O—Administrative Division

Subpart V—Authorizations With Respect to Personnel and Certain Administrative Matters

SEPTEMBER 9, 1966.

This memorandum shall be published as an amendment to the Appendix of Subpart O of Part 0 of Title 28 of the Code of Federal Regulations.

Under and by virtue of the authority vested in me by §§ 0.84 and 0.159 of Title 28 of the Code of Federal Regulations, I hereby delegate to the First Assistant, Administrative Division, the authority conferred upon me by the following described sections of that title—

Section 0.77: (f) Experts, consultants, temporary employment; (g) expenses of witnesses and informants; (i) actual expenses of subsistence; (n) certificates re printing; and (o) certificates re long distance telephone calls.

Section 0.140: Advertising—purchase of supplies and services.

Section 0.142: (a) Travel; (c) travel advances; and (d) transportation expenses on change of headquarters.

Section 0.145: Overtime pay.

The provisions of this memorandum shall be effective on the date of the publication of this memorandum in the FEDERAL REGISTER.

ERNEST C. FRIESEN, Jr.,
Assistant Attorney General for Administration.

[F.R. Doc. 66-10147; Filed, Sept. 15, 1966; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 1440; Amdt. 39-387]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 47 Series Helicopters

Amendment 498 (27 F.R. 10320), AD 62-23-2, requires inspection of the engine oil filter for metal particles and inspection of the main rotor mast thrust bearing and replacement as necessary if metal particles are found on Bell Model 47 Series helicopters. Subsequent to the issuance of Amendment 498, the Agency has determined that the manufacturer has developed an improved main rotor mast thrust bearing with significantly longer life, and, due to good service experience, helicopters equipped with this improved bearing need not comply with this AD. Therefore, the AD is being amended to apply to Model 47 Series helicopters equipped with main rotor mast thrust bearing, P/N 47-130-110-1.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 498 (27 F.R. 10320), AD 62-23-2 is amended by amending the compliance statement to read as follows:

Applies to Model 47 Series helicopters equipped with main rotor mast thrust bearing, P/N 47-130-110-1.

This amendment becomes effective September 16, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 9, 1966.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-10107; Filed, Sept. 15, 1966; 8:45 a.m.]

[Docket No. 7198; Amdt. 39-388]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and replacement of defective fuel line B-nuts on Boeing Model 727 Series airplanes was published in 31 F.R. 4520.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment requested that the AD reflect the aircraft effectivity as shown in the latest issue of the manufacturer's service bulletin. The applicability statement of the AD has been rewritten to apply only to those Boeing Model 727 Series airplanes listed in the manufacturer's service bulletin. Another comment requested extension of the compliance periods from 600 to 700 hours' time in service and from 3,000 to 3,500 hours' time in service to be compatible with that operator's existing program. Provision for adjustments of the repetitive inspection intervals is provided by paragraph (d) of the AD. The Agency feels that the 3,000 hour compliance time for the replacement of fuel feed line tube assemblies incorporating AFCO B-nuts is necessary and provides sufficient lead time for operators to schedule and plan compliance with the AD with a minimum burden.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 727 Series airplanes listed in Boeing Service Bulletin 28-26, Revision 1, dated January 19, 1966.

Compliance required as indicated, unless already accomplished.

It has been determined that certain of the B-nuts at the engine firewall on Boeing Model 727 Series airplanes are susceptible to cracking. To correct this condition:

(a) Within the next 600 hours' time in service after the effective date of this AD, inspect the engine fuel feed system B-nut, P/N NAS596, located at each engine firewall to determine if it is an AFCO (Aircraft Fitting, Inc.), manufactured part. Identification must be made in accordance with the instructions listed in Boeing Service Bulletin 28-26, dated December 3, 1965, or later FAA-approved revision.

(b) If the B-nut is not an AFCO part, no further action under this AD is required. If the B-nut is an AFCO part, accomplish the following before further flight:

(1) Inspect for cracks using a 10-power glass, dye penetrant or ultrasonic method.

(2) If cracks are found, remove the fuel line tube assembly and replace with a new part in accordance with Boeing Service Bulletin 28-25, dated December 3, 1965, or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(3) If no cracks are found, repeat the inspection required under subparagraph (1) every 600 hours' time in service until the AFCO B-nuts are replaced as specified in paragraph (c).

(c) Within the next 3,000 hours' time in service after the effective date of this AD, unless already accomplished under paragraph (b), remove all fuel feed line tube assemblies incorporating AFCO B-nuts and replace in accordance with Boeing Service Bulletin 28-26, dated December 3, 1965, or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective October 16, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 12, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-10108; Filed, Sept. 15, 1966; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-SW-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zones and Alteration of Transition Area

On July 15, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9606) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Houston, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. November 10, 1966, as hereinafter set forth.

1. In § 71.171 (31 F.R. 2099) the Houston, Tex. (William P. Hobby) control zone is redesignated to read:

HOUSTON, TEX. (WILLIAM P. HOBBY)

That airspace within a 5-mile radius of William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'20" W.); within 2 miles each side of the Ellington VOR 260° radial extending from the 5-mile radius zone to 7 miles SW of the VOR, within 2 miles each side of the Ellington TACAN 248° radial extending from the 5-mile radius zone to 7 miles SW of the TACAN, within 2 miles each side of the Houston VORTAC 142° radial extending from the William P. Hobby Airport (latitude 29°38'-40" N., longitude 95°16'20" W.) 5-mile radius zone to 11.5 miles SE of the VORTAC, excluding the portion within the William P. Hobby control zone.

3. In § 71.181 (31 F.R. 2261) the Houston, Tex., transition area is amended to read:

HOUSTON, TEX.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°26'00" N., longitude 95°30'00" W., to latitude 29°25'00" N., longitude 95°22'00" W., to latitude 29°-05'00" N., longitude 95°05'00" W., to latitude 29°-02'00" N., longitude 95°00'20" W., to latitude 29°-00'00" N., longitude 94°50'00" W., to latitude 29°-05'00" N., longitude 94°39'00" W., to latitude 29°-22'00" N., longitude 94°39'00" W., to point of beginning, and that airspace extending upward from 700 feet above the surface within a 4-mile radius of Spaceland Airpark (latitude 29°30'39" N., longitude 95°09'01" W.) and within 2 miles each side of the 206° bearing from the League City RBN (latitude 29°26'00" N., longitude 94°59'06" W.) extending from the 4-mile radius area to the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°35'00" N., longitude 95°21'00" W., to latitude 30°28'00" N., longitude 94°09'00" W., thence S via longitude 94°09'00" W., to and counterclockwise along the arc of a 25-mile radius circle centered at latitude 29°24'40" N., longitude 94°-02'40" W., to a point 3 nautical miles from the shoreline at longitude 94°10'00" W., thence SW 3 nautical miles from and parallel to the shoreline to latitude 28°22'00" N., thence W via latitude 28°22'00" N., to longitude 96°30'00" W., thence N via longitude 96°30'00" W., to the N boundary of V-20, and a line through latitude 29°43'40" N., longitude 96°28'00" W., and latitude 28°-47'25" N., longitude 96°35'20" W., to latitude 28°47'25" N., longitude 96°35'20" W., to latitude 28°52'50" N., longitude 96°28'30" W., to latitude 29°08'00" N., longitude 97°00'00" W., to latitude 29°30'00" N., longitude 96°39'20" W., to latitude 29°-54'00" N., longitude 95°49'00" W., to latitude 29°26'00" N., longitude 95°39'39" W., to latitude 29°30'39" N., longitude 95°28'09" W., to latitude 31°17'00" N., longitude 95°11'00" W., to latitude 31°39'00" N., longitude 95°-26'00" W., to point of beginning, excluding the portion within the Corpus Christi and College Station, Tex., transition areas.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on September 8, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-10109; Filed, Sept. 15, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SW-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Revocation of Transition Area

On July 15, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9607) stating that the Federal Aviation Agency proposed to alter controlled airspace in the McAllen, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. November 10, 1966, as herein set forth.

1. In § 71.171 (31 F.R. 2112) the McAllen, Tex., control zone is amended to read:

MCALLEN, TEX.

That airspace within a 5-mile radius of Miller International Airport (latitude 26°-10'40" N., longitude 98°14'25" W.), within 2 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius zone to 8 miles E of the VOR, within 2 miles each side of the McAllen VOR 322° and 324° radials extending from the 5-mile radius zone to 8 miles NW of the VOR, within 2 miles each side of the 320° bearing from latitude 26°12'20" N., longitude 98°16'05" W., extending from the 5-mile radius zone to 8 miles NW of latitude 26°12'20" N., longitude 98°16'05" W., and within 2 miles each side of the 319° bearing from latitude 26°10'41" N., longitude 98°14'05" W., extending from the 5-mile radius zone to 8 miles NW of latitude 26°10'41" N., longitude 98°14'06" W., excluding the portion outside of the United States.

2. In § 71.181 (31 F.R. 2220) the McAllen, Tex., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on September 8, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-10110; Filed, Sept. 15, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Area and Reporting Point

The purpose of these amendments to Part 71 of the Federal Aviation Regulations are to make editorial changes in the descriptions of Control 1148 and the Shad Intersection.

Control 1148 and the Shad Intersection are described in part with reference to the Millville radio range and its southeast course. On November 10, 1966, the Millville radio range will be converted to a radio beacon. Action is taken herein to redescribe Control 1148 and the Shad Intersection by substituting in their descriptions Millville radio beacon for the Millville radio range. These amendments will not alter the extent of controlled airspace presently designated with Control 1148.

Since these actions are editorial in nature and do not alter the extent of controlled airspace, and impose no additional burden on any person, notice of public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

1. In § 71.163 (31 F.R. 2050) Control 1148 is amended to read:

CONTROL 1148

That airspace within tangent lines drawn from the circumference of 5-mile radius circles centered on the Millville, N.J., RBN and at the INT of Millville RBN 135° bearing and the Atlantic Ocean-U.S. Coastline to a 15-mile radius circle centered on the INT of Millville RBN 135° bearing and the west boundary of the New York Oceanic Control area at latitude 37°43'00" N., longitude 73°00'00" W., excluding the portion below 2,000 feet outside the United States.

2. In § 71.209 (31 F.R. 2287) Shad INT: is amended to read:

Shad INT: INT of Millville, N.J., RBN 135° bearing and west boundary New York Oceanic Control area at latitude 37°43' N., longitude 73°00' W.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 9, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-10111; Filed, Sept. 15, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area; Correction

On August 31, 1966, F.R. Doc. 66-9468 was published in the FEDERAL REGISTER (31 F.R. 11461) amending Part 71 of the Federal Aviation Regulations.

In the amendment, the Goldsboro, N.C., Municipal Airport longitudinal ordinate was incorrectly published as "83°33'50" W." The longitudinal ordinate should have been given as "78°05'-00" W."

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 66-9468 is amended as follows: In the seventh line of the Goldsboro, N.C., transition area description "* * * longitude 83°33'50" W.) * * *" is deleted and "* * * Long. 78°05'00" W.) * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on September 7, 1966.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66-10112; Filed, Sept. 15, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On August 3, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10420) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Monroeville, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the Monroeville, Ala., transition area (31 F.R. 4889) is amended to read:

MONROEVILLE, ALA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Monroeville Municipal Airport (latitude 31°27'25" N., longitude 87°20'50" W.); within 2 miles each side of the Monroeville, Ala., VOR 089° and 201° radials extending from the VOR to 8 miles NE and 8 miles SW and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Monroeville, Ala., VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on September 7, 1966.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66-10113; Filed, Sept. 15, 1966; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7597; Amdt. 501]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CAE VOR	LOM	Direct	1600	T-dn	800-1	800-1	800-1½
White Rock Int	LOM	Direct	2000	C-dn	800-1	800-1	800-1½
Lexington Int	LOM (final)	Direct	1900	S-dn-36°	800-1	800-1	800-1
Int CAE VOR, R 253° and 360° crs, CA LOM.	LOM	Direct	1600	A-dn	800-2	800-2	800-2
Int CAE VOR, R 090° and 260° crs, CA LOM.	LOM	Direct	1900				

Procedure turn S side of crs, 267° Outbnd, 087° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 107°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing CA LOM, climb to 1900' on the 107° crs from the CA LOM within 10 miles, or when directed by ATC, climb to 1900' on the 038° radial of CAE VOR within 20 miles.
*Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—2800'; 090°-180°—1800'; 180°-270°—1900'; 270°-360°—2200'.
City, Columbia; State, S.C.; Airport name, Columbia Metropolitan; Elev., 236'; Fac. Class., LOM; Ident., CA; Procedure No. 1, Amdt. 12; Eff. date, 8 Oct. 66; Sup. Amdt. No. 11; Dated, 10 Apr. 66

Lawson RBn	LOM	Direct	2600	T-dn	800-1	800-1	800-1½
Columbus VOR	LOM	Direct	2200	C-dn	800-1	800-1	800-1½
Geneva Int	LOM	Direct	2200	S-dn-6°	800-1	800-1	800-1
Maryva Int	LOM	Direct	2200	A-dn	800-2	800-2	800-2
Seale Int	LOM (final)	Direct	2600				

Procedure turn W side of crs, 233° Outbnd, 053° Inbnd, 2200' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 2200' over LOM.
Crs and distance, facility to airport, 053°—8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing LOM, climb to 2200', proceed to Geneva Int via 046° bearing from CS LOM, or when directed by ATC, climb to 2200', turn left and return direct to LOM.
*Reduction below ½ mile not authorized.
MSA within 25 miles of facility: 000°-090°—3400'; 090°-180°—3300'; 180°-270°—2200'; 270°-360°—2200'.
City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 397'; Fac. Class., LOM; Ident., CS; Procedure No. 1, Amdt. 12; Eff. date, 8 Oct. 66; Sup. Amdt. No. 14; Dated, 11 June 66

Lakeville Int	Fall River MHW	Direct	2000	T-dn	600-1	600-1	NA
				C-dn	600-1	600-1	NA
				A-dn	NA	NA	NA

Radar available.
Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MHW, make a right turn, climbing to 1900', return to the Fall River MHW. Hold NE, 245° Inbnd, right turns, 1 minute.
NOTES: (1) Facility owned and operated by State of Massachusetts. (2) Facility must be monitored aurally during approach. (3) No weather reporting available. (4) Use New Bedford altimeter setting.
MSA within 25 miles of facility: 000°-270°—1900'; 270°-360°—2200'.
City, Fall River; State, Mass.; Airport name, Fall River Municipal; Elev., 122'; Fac. Class., MHW; Ident., FLR; Procedure No. 1, Amdt. 1; Eff. date, 8 Oct. 66; Sup. Amdt. No. Orig.; Dated, 10 Apr. 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Dundee Int	GBD RBn	Direct	3900	T–dn	400–1	300–1	200–½
				C–d	500–1	500–1	500–1½
				C–n	500–1	500–1½	500–1½
				A–dn	NA	NA	NA

Procedure turn S side of crs, 293° Outbnd, 113° Inbnd, 3600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 113°—1.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.3 miles after passing GBD RBn, make right turn, climbing to 3600′ on 293° bearing from the GBD RBn within 10 miles, make left turn and return to GBD RBn.
NOTES: (1) Final approach from holding pattern at RBn not authorized. Procedure turn required. (2) Use Russell, Kans., altimeter setting. (3) Lights on Runways 17–35 only.
MSA within 25 miles of facility: 000°–090°—3600′; 090°–180°—3200′; 180°–360°—3600′.

City, Great Bend; State, Kans.; Airport name, Great Bend Municipal (city owned); Elev., 1800′; Fac. Class., MHW; Ident., GBD; Procedure No. 1, Amdt. Orig.; Eff. date, 8 Oct. 66

North Platte VOR	LBF RBn	Direct	4700	T–dn	300–1	300–1	*200–½
				C–dn	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn E side crs, 175° Outbnd, 355° Inbnd, 4700′ within 10 miles.
Minimum altitude over facility on final approach crs, 3800′.
Crs and distance, facility to airport, 355°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing LBF RBn, make right turn, climbing to 4700′ on 175° bearing from LBF RBn within 15 miles, make right turn and return to LBF RBn.
NOTES: Final approach from holding pattern at RBn not authorized. Procedure turn required.
CAUTION: Aircraft departing northbound or northwestbound should plan flight to avoid 3627′ tower, 4.5 miles NNW of airport.
*300–1 required for takeoff on Runways 26 and 30.
MSA within 25 miles of facility: 000°–090°—4600′; 090°–180°—4200′; 180°–270°—4300′; 270°–360°—4700′.

City, North Platte; State, Nebr.; Airport name, Lee Bird Field (Municipal); Elev., 2779′; Fac. Class., H–SAB; Ident., LBF; Procedure No. 1, Amdt. 2; Eff. date, 8 Oct. 66; Sup. Amdt. No. 1; Dated, 14 Oct. 65

North Platte VOR	LBF RBn	Direct	4700	T–dn	300–1	300–1	*200–½
				C–dn	500–1	500–1	500–1½
				S–dn–35	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 175° Outbnd, 355° Inbnd, 4700′ within 10 miles.
Minimum altitude over Moran Int on final approach crs, 3800′; over LBF RBn, 3230′.
Crs and distance, facility to airport, 355°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing LBF RBn, make right turn, climbing to 4700′ on 175° bearing from LBF RBn within 15 miles, make right turn and return to LBF RBn.
NOTES: Final approach from holding pattern at RBn not authorized. Procedure turn required.
CAUTION: Aircraft departing northbound or northwestbound should plan flight to avoid 3627′ tower, 4.5 miles NNW of airport.
*300–1 required for takeoff on Runways 26 and 30.
MSA within 25 miles of facility: 000°–090°—4600′; 090°–180°—4200′; 180°–270°—4300′; 270°–360°—4700′. ADF/VOR receivers required.

City, North Platte; State, Nebr.; Airport name, Lee Bird Field (Municipal); Elev., 2779′; Fac. Class., H–SAB; Ident., LBF; Procedure No. 2, Amdt. 1; Eff. date, 8 Oct. 66; Sup. Amdt. No. Orig.; Dated, 2 July 66

Whitman, Mass., VOR	OWD RBn	Direct	2000	T–dn	300–1	300–1	NA
				C–dn	600–1	600–1	NA
				A–dn	NA	NA	NA

Radar available.
Procedure turn W side of crs, 176° Outbnd, 356° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 356°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles after passing OWD RBn, make left-climbing turn and return to OWD RBn at 2000′. Hold S, 356° Inbnd, 1-minute left turns.
NOTES: (1) Monitoring of Boston approach control required until landing assured. (2) Voice communications available sunrise to sunset. (3) Lighting Runways 17–35 only. (4) Use NAS S Weymouth altimeter setting.
MSA within 25 miles of facility: 000°–180°—1900′; 180°–360°—2500′.
Facility owned and operated by the State of Massachusetts.

City, Norwood; State, Mass.; Airport name, Norwood-Memorial; Elev., 50′; Fac. Class., MHW; Ident., OWD; Procedure No. 1, Admt. 5; Eff. date, 8 Oct. 66; Sup. Amdt. No. 4; Dated, 7 Dec. 63

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Anthony Int	CLL VOR (final)	Direct	1600	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–10	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 090°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing CLL VOR, climb to 1800′ on R 090° within 20 miles of VOR.
MSA within 25 miles of facility: 000°–090°—1900′; 090°–180°—1600′; 180°–270°—1600′; 270°–360°—1700′.

City, College Station; State, Tex.; Airport name, Easterwood Field; Elev., 319′; Fac. Class., L–BVOR; Ident., CLL; Procedure No. 1, Amdt. 6; Eff. date, 8 Oct. 66; Sup. Amdt. No. 5; Dated, 10 Sept. 66

Lawson RBn	CSG VOR	Direct	2000	T–dn	300–1	300–1	200–½
Columbus LOM	CSG VOR	Direct	2000	C–d	700–1	700–1	700–1½
				C–n	700–2	700–2	700–2
				A–dn	800–2	800–2	800–2
				If Davis Int received, minimums become:			
				C–dn	800–1	800–1	800–1½

Procedure turn W side of crs, 326° Outbnd, 146° Inbnd, 2000′ within 10 miles.
Minimum altitude over CSG VOR on final approach crs, 1700′; over Davis Int, 1100′.
Crs and distance, CSG VOR to airport, 146°—8.8 miles; Davis Int to airport, 146°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing VOR, turn left, climb to 2200′ and proceed to Geneva Int via 066° bearing from CS LOM, or when directed by ATC, turn left, climb to 2200′ and proceed to CSG VOR Via R 146°.
MSA within 25 miles of facility: 000°–090°—3400′; 090°–180°—3200′; 180°–270°—2000′; 270°–360°—2800′.

City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 367′; Fac. Class., L–BVOR; Ident. CSG; Procedure No. 1, Amdt. 9; Eff. date, 8 Oct. 66; Sup. Amdt. No. 8; Dated, 11 June 66

Camp Int	OGG VORTAC	Direct	6000	T–dn	300–1	300–1	300–½
13-mile DME Fix, R 320°	13-mile DME Fix, R 027°	13-mile Arc	1500	C–dn	500–1	500–1	500–1½
13-mile DME Fix, R 090°	13-mile DME Fix, R 027°	13-mile Arc	1500	A–dn	800–2	800–2	800–2
13-mile DME Fix, R 027°	5-mile DME Fix, R 027°	Direct	700	When 5-mile DME Fix, OGG R 027° received minimums become:			
13-mile DME Fix, R 084°	13-mile DME Fix, R 090°	13-mile Arc	6000				
13-mile DME Fix, R 278°	13-mile DME Fix, R 320°	13-mile Arc	6000	S–dn–20	600–1	600–1	600–1

Procedure turn W side of crs, 027° Outbnd, 207° Inbnd, 1800′ within 20 miles. Beyond 20 miles not authorized.
Minimum altitude over facility on final approach crs, 700′; 600′ if 5-mile DME Fix received.
Facility on airport. Breakoff point to Runway 20, 200′—1 mile (1.5-mile DME).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of OGG VORTAC, turn left to 360° intercept R 027° climbing to 3000′ within 20 miles, reverse crs and climb to 3000′ to VORTAC, or when authorized by ATC and DME operating, proceed to 13-mile DME Fix, R 027° at 3000′ and hold NE.
CAUTION: 1. 570′ tower 4 miles W of airport. 2. Runway 29 restricted to 3200′ available for landings due trees in approach path.
*Takeoff minimums Runways 23, 20, and 17 are 600–1, and a/c aircraft must cross airport under visual conditions prior to departing on crs. All IFR aircraft must comply with published Kahului SID's.
MSA within 25 miles of facility: 000°–090°—4300′; 090°–180°—12,100′; 180°–270°—7600′; 270°–360°—7000′.

City, Kahului, Maui; State, Hawaii; Airport name, Kahului; Elev., 57′; Fac. Class., H–BVORTAC; Ident., OGG; Procedure No. 1, Amdt. 1; Eff. date, 8 Oct. 66; Sup. Amdt. No. Orig.; Dated, 13 Aug. 66

EPH VOR	MWH VOR	Direct	2800	T–dn*	300–1	300–1	200–½
Potholes Int	MHW VOR	Direct	2800	C–d	600–1	600–1	600–1½
Wilson Creek Int	MWH VOR	Direct	3200	C–n	600–2	600–2	600–2
				S–d–32	600–1	600–1	600–1
				S–n–32	600–2	600–2	600–2
				A–dn	900–2	900–2	900–2
				If aircraft equipped to receive VOR and RBn or Z Marker simultaneously and MW RBn/Z Marker identified, the following minimums apply:			
				S–dn–32*	400–1	400–1	400–1

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′; over MW RBn/Z Marker, 2200′.
Crs and distance, facility to airport, 321°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MW RBn/Z Marker, or 6.1 miles after passing MWH VOR, turn left, climb to 2800′ direct MWH VOR.
NOTES: (1) Weather service available 0800–2200 local time. (2) Alternate minimums not authorized when weather service not available. (3) Use Ephrata altimeter setting when control zone is not effective.
*T-takeoffs all runways: Climb direct to the Ephrata VOR, then continue on R 099° within 10 miles to cross the EPH VOR at or above: Southwestbound V2/V448, 2800′; Westbound V2N, 2800′.
*400–¾ authorized with operative HIRL or ALS, except for 4-engine turbojets.
AIR CARRIER NOTE: Sliding scale for landing authorized to ¾ mile on 400–1 minimums only.
MSA within 25 miles of facility: 340°–070°—3200′; 070°–160°—3000′; 160°–250°—3700′; 250°–340°—4100′.

City, Moses Lake; State, Wash.; Airport name, Grant County; Elev., 1130′; Fac. Class., L–VOR; Ident., MHW; Procedure No. 1, Amdt. 1; Eff. date, 8 Oct. 66; Sup. Amdt. No. Orig.; Dated, 24 Sept. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 66 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
R 261°, LBF VOR counterclockwise	R 198°, LBF VOR	Via 6-mile DME Arc.	4700	T-dn	300-1	300-1	°200-1½
				C-dn	600-1	600-1	600-1½
R 062°, LBF VOR clockwise	R 198°, LBF VOR	Via 6-mile DME Arc.	4700	A-dn	800-2	800-2	800-2
				Minimums with DME.			
6-mile DME Fix, R 198°	LBF VOR (final)	Direct	4100	C-dn	500-1	500-1	500-1½

Procedure turn E side of crs. 198° Outbnd, 018° Inbnd, 4700′ within 10 miles.
Minimum altitude over facility on final approach crs, 4100′, over 2.5-mile DME Fix (R 018°) 3379′.
Crs and distance, facility to airport, 018°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing LBF VOR, climb to 4700′ on R 018° within 15 miles, make right turn and return to LBF VOR.
CAUTION: Aircraft departing N or northwestbound should plan flight to avoid 3627′ tower, 4.5 miles NNW of airport.
NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.
°300-1 required for takeoff Runways 26 and 30.
MSA within 25 miles of facility: 000°–090°—4600′; 090°–180°—4200′; 180°–270°—4300′; 270°–360°—4700′.

City, North Platte; State, Nebr.; Airport name, Lee Bird Field (Municipal); Elev., 2779′; Fac. Class., L-BVORTAC; Ident., LBF; Procedure No. 1, Amdt. 10; Eff. date, 8 Oct. 66; Sup. Amdt. No. 9; Dated, 2 July 66

				T-dn	300-1	300-1	NA
				C-dn	1000-2	1000-2	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs. 324° Outbnd, 144° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 144°—14.6 miles.
Minimum altitude 1149′ within 6 miles after passing HTM VOR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within °6 miles after passing HTM VOR, make a climbing left turn to 2000′ returning to the HTM VOR. Hold SW, right turns, 1-minute, 060° Inbnd.
NOTE: Use NAS South Weymouth altimeter setting.
°Distance from point of visual contact to airport, 8.6 miles.
MSA within 25 miles of facility: 000°–090°—1900′; 090°–180°—1500′; 180°–360°—2500′.

City, Plymouth; State, Mass.; Airport name, Plymouth Municipal; Elev., 140′; Fac. Class., L-BVORTAC; Ident., HTM; Procedure No. 1, Amdt. 1; Eff. date, 8 Oct. 66; Sup. Amdt. No. Orig.; Dated, 24 July 65

PROCEDURE CANCELED, EFFECTIVE 8 OCT. 1966.

City, Salina; State, Kans.; Airport name, Salina Municipal; Elev., 1332′; Fac. Class., H-BVORTAC; Ident., SLN; Procedure No. 1, Amdt. 6; Eff. date, 30 July 66; Sup. Amdt. No. 5; Dated, 30 Sept. 61

				T-dn	300-1	300-1	NA
				C-d	1000-1	1000-1	NA
				C-a	1000-2	1000-2	NA
				A-dn	NA	NA	NA

Radar available.
Procedure turn E side of crs. 022 Outbnd, 202° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 202°—11.5 miles.
Minimum altitude within 6 miles after passing HTM VOR, 1040′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within °6 miles after passing HTM VOR, make right-climbing turn to 2000′ return to HTM VOR, hold SW on R 240°, 1-minute right turns, 060° Inbnd.
NOTE: Use NAS South Weymouth altimeter setting.
°Distance from point of visual contact to airport, 5.5 miles.
MSA within 25 miles of facility: 000°–090°—1900′; 090°–180°—1500′; 180°–360°—2500′.

City, Taunton; State, Mass.; Airport name, Taunton Municipal; Elev., 42′; Fac. Class., L-BVORTAC; Ident., HTM; Procedure No. 1, Amdt. 2; Eff. date, 8 Oct. 66; Sup. Amdt. No. 1; Dated, 5 June 65

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operations in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
HBG VOR	LUL VOR	Direct	2000	T-dn	300-1	300-1	300-1¼
Louin Int	LUL VOR	Direct	2300	C-dn	700-1	700-1	700-1¼
				S-dn-13°	700-1	700-1	700-1
				A-dn‡	800-2	800-2	800-2
				If Soso Int received, the following minimums apply; dual VOR equipment required:			
				C-dn	500-1	500-1	500-1¼
				S-dn-13%-	500-1	500-1	500-1

Procedure turn W side of crs, 325° Outbnd, 145° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′ (700′ if Soso Int identified).
Facility on airport. Crs and distance, Soso Int to Runway 13, 145°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9 mile of LUL VOR, turn right, climb to 1700′, return to LUL VOR, hold NW 325° radial, 145° Inbnd, 1-minute right turns.
CAUTION: Check latest issue Airman's Information Manual for information on oil burner routes in this area.
°Reduction not authorized.
%Reduction below ¾ mile not authorized.
‡Alternate minimums authorized for air carriers only; provided such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public.
MSA within 25 miles of facility: 000°–360°—1900′.

City, Laurel; State, Miss.; Airport name, Municipal; Elev., 238′; Fac. Class., L-BVOR; Ident., LUL; Procedure No. TerVOR-13, Amdt. 3; Eff. date, 8 Oct. 66; Sup. Amdt. No. 2; Dated, 2 Oct. 66

LOB VOR	Sail Int	Direct	2500	T-dn%	300-1	300-1	300-1¼
OCN VOR	Sail Int	Direct	4000	C-dn	500-1	500-1	500-1½
Sail Int	Newport Int (final)	Direct	1500	S-dn-1L	500-1	500-1	500-1
ONT VOR	SNA VOR	Direct	5000	A-dn*	800-2	800-2	800-2
Int LAX, R 123° and SNA VOR, R 199°	Sail Int	Direct	3500				

Radar available.
Procedure turn S side of crs, 199° Outbnd, 019° Inbnd, 2500′ within 10 miles of Newport Int.
Minimum altitude over Newport Int on final approach crs, 1500′.
Crs and distance, Newport Int to airport, 019°—4.5 miles. Breakoff to Runway 1L, 013°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9 mile of SNA VOR, turn left and climb to 2000′ on R 199° to Newport Int.
NOTE: Use El Toro Altimeter setting when control zone is not effective.
%IFR departures. Takeoffs all runways. Eastbound (020° through 189°): Unless otherwise directed by ATC, climb via SNA VOR, R 190° to 3000′, then via assigned route. Westbound (190° through 020°): On-course climb approved.
*Weather service 0600 to 2300.
MSA within 25 miles of facility: 045°–135°—6700′; 135°–225°—2100′; 225°–315°—2500′; 315°–045°—8200′.

City, Santa Ana; State, Calif.; Airport name, Orange County; Elev., 53′; Fac. Class., L-VOR; Ident., SNA; Procedure No. VOR-1L, Amdt. 2; Eff. date, 8 Oct. 66; Sup. Amdt. No. 1; Dated, 6 Nov. 65

Prado Int	Olive Int	Direct	3000	T-dn%	300-1	300-1	300-1¼
ONT VOR	Olive Int	Direct	4500	C-dn	700-1	700-1	700-1½
POM VOR	Olive Int	Direct	2000	A-dn*	800-2	800-2	800-2
Olive Int	Tustin Int (final)	Direct	1900	If Lane Int received, the following minimums apply, Dual VOR required:			
				C-dn	500-1	500-1	500-1½
				S-dn-19R‡	400-1	400-1	400-1

Radar available.
Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 3000′ within 10 miles of Tustin Int.
Minimum altitude over Tustin Int on final approach crs, 1900′, over Olive Int, 3000′; over Lane Int, 7S5′.
Crs and distance, Tustin Int to facility, 180°—5.5 miles. Breakoff point to runway, 194°—0.6 mile; Lane Int to facility, 120°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at the SNA VOR, climb to 2000′ on R 199° to Newport Int.
NOTE: Use El Toro altimeter setting when control zone is not effective.
%IFR departures. Takeoff all runways. Eastbound (020° through 189°); Unless otherwise directed by ATC, climb via SNA VOR R 190° to 2000′, then via assigned route. Westbound (190° through 020°): On-course climb approved.
*Weather service 0600–2300.
‡400-½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 045°–135°—6700′; 135°–225°—2100′; 225°–315°—2500′; 315°–045°—8200′.

City, Santa Ana; State, Calif.; Airport name, Orange County; Elev., 53′; Fac. Class., L-VOR; Ident., SNA; Procedure No. VOR-19R, Amdt. 7; Eff. date, 8 Oct. 66; Sup. Amdt. No. 6; Dated, 16 Oct. 65

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
Porpoise Int (21-mile DME Fix, R 320°)	10-mile DME Fix, R 320°	Direct	3000	T-dn#	300-1	300-1	200-½
10-mile DME Fix, R 320°	1-mile DME Fix, R 320° (final)	Direct	700	C-dn	600-1	600-1	600-1½
13-mile DME Fix, R 278°	13-mile DME Fix, R 320°	Via 13-mile Arc	5000	A-dn	800-2	800-2	800-2
13-mile DME Fix, R 320°	10-mile DME Fix, R 320°	Direct	3000				

Procedure turn not authorized.
Straight-in from Porpoise Int (21-mile DME Fix, R 320°) only.
Facility on airport.
Minimum altitude on final approach crs, 700' at 1-mile DME Fix.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1-mile DME Fix of OGG VORTAC, turn left, intercept R 027° climbing to 3000' within 20 miles; reverse crs and return to VORTAC at 5000', or when authorized by ATC, proceed to 13-mile DME Fix, R 027° and hold NE left turns.
CAUTION: 1. 570' tower, 4 miles W of airport. 2. Runway 20 restricted to 5290' available for landing due trees in approach path.
#Takeoff minimums Runways 23, 20, and 17 are 600-1, and all aircraft must cross airport under visual conditions prior to departing on crs. All IFR aircraft must comply with published Kahului SID's.
MSA within 25 miles of facility: 000°-090°—4300'; 090°-180°—12,100'; 180°-270°—7800'; 270°-360°—7000'.

City, Kahului, Maui; State, Hawaii; Airport name, Kahului; Elev., 57'. Fac. Class., H-BVORTAC; Ident., OGG; Procedure No. VOR/DME No. 2, Amdt. 2; Eff. date, 8 Oct. 66; Sup. Amdt. No. 1; Dated, 26 Feb. 66

20-mile DME Fix, R 003°	OTH VORTAC	Direct	3000	T-dn%	300-1	300-1	200-½
15-mile DME Fix, R 024°	OTH VORTAC	Direct	3000	C-dn	800-1	800-1	800-1½
10-mile DME Fix, R 041°	OTH VORTAC	Direct	3000	A-dn	1000-2	1000-2	1000-2
20-mile DME Fix, R 162°	OTH VORTAC	Direct	3000				
20-mile DME Fix, R 344°	OTH VORTAC	Direct	3000				

Procedure turn S side of crs, 350° Outbnd, 070° Inbnd, 2000' within 13 miles.
Minimum altitude over 3.5-mile DME Fix on final approach crs, 800'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.5-mile DME Fix, R 250° (Inbnd, 070°) turn left, intercept and climb on R 250° to 2000' within 13 miles.
NOTE: When authorized by ATC, DME may be used between OTH R 162° and R 003° clockwise within 10 miles at 2000' with elimination of procedure turn.
%Takeoffs Runways 4, 31, and 34 turn left; takeoffs Runways 13, 16, and 22 turn right; intercept R 250° and climb westbound on R 250° to 500', thence return to VOR via R 250° climbing to cross VOR at or above 1000'.

City, North Bend; State, Oreg.; Airport name, North Bend Municipal; Elev., 14'. Fac. Class., L-BVORTAC; Ident., OTH; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 8 Oct. 66

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
CAE VOR	LOM	Direct	1900	T-dn	300-1	300-1	200-½
White Rock Int	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Lexington Int	LOM (final)	Direct	1900	S-dn-10°	200-½	200-½	200-½
Int CAE VOR, R 253° and 360° crs CA LOM.	LOM	Direct	1900	A-dn	600-2	600-2	600-2
Int CAE VOR, R 006° and 260° crs CA LOM.	LOM	Direct	1900				

Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 1900' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1900'.
Altitude of glide slope and distance to approach end of runway at OM, 1720'—5.5 miles; at MM, 420'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM climb to 1900' on 107° crs from CA LOM within 10 miles, or when directed by ATC climb to 1900' on R 006° of CAE VOR within 20 miles.
NOTE: Back crs unusable.
*500-¾ when glide slope not utilized.

City, Columbia; State, S.C.; Airport name, Columbia Metropolitan; Elev., 236'; Fac. Class., ILS; Ident, I-CAE; Procedure No. ILS-10, Amdt. 2; Eff. date, 8 Oct. 66; Sup. Amdt. No. 1; Dated, 10 Apr. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
Lawson RBn	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Columbus VOR	LOM	Direct	2200	C-dn	500-1	500-1	500-1½
Marvyn Int	LOM	Direct	2200	S-dn-5°	300-¾	300-¾	300-¾
Geneva Int	LOM	Direct	2200	A-dn	600-2	600-2	600-2
Seale Int	LOM (final)	Direct	2200				

Procedure turn W side of crs, 233° Outbnd, 053° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at OM, 2157'—6 miles; at MM, 532'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing LOM, climb to 2200' proceed to Geneva Int via 046° bearing from CB LOM, or when directed by ATC, climb to 2200', turn left and return direct to LOM.
NOTE: No approach lights. Glide slope unusable below 665'. Back crs unusable.
*500-¾ required when glide slope inoperative. Reduction not authorized.

City, Columbus; State, Ga.; Airport name, Muscogee County; Elev., 397'; Fac. Class., ILS; Ident., I-CSG; Procedure No. ILS-5, Amdt. 9; Eff. date, 8 Oct. 66; Sup. Amdt. No. 8; Dated, 11 June 66

EPH VOR	MW RBn	Direct	3900	T-dn%	300-1	300-1	200-½
MWH VOR	MW RBn	Direct	3900	C-dn	600-1	600-1	600-1½
Potholes Int	MW RBn	Direct	3900	S-dn-32	200-½	200-½	200-½
Wilson Creek Int	MW RBn	Direct	3200	A-dn	700-2	700-2	700-2

Procedure turn E side of crs, 141° Outbnd, 321° Inbnd, 2900' within 10 miles.
Altitude of glide slope and distance to approach end of runway at OM, 2523'—4.7 miles; at MM, 1402'—0.5 mile.
Minimum altitude at glide slope interception Inbnd, 2900'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, 4.7 miles after passing OM, turn left, climb to 2900' direct MW RBn.
NOTES: (1) Weather service available 0600-2200 local time. (2) Alternate minimums not authorized when weather service not available. (3) Use Ephrata altimeter setting when control zone not effective.
%Takeoffs all runways: Climb direct to the Ephrata VOR, then continue on R 000° within 10 miles to cross the EPH VOR at or above: Southwestbound V2/V448, 2800'; V2N Westbound 2800'.

City, Moses Lake; State, Wash.; Airport name, Grant County; Elev., 1186'; Fac. Class., ILS; Ident., I-MWH; Procedure No. ILS-32, Amdt. 1; Eff. date, 8 Oct. 66; Sup. Amdt. No. Orig.; Dated, 26 Sept. 66

Cape Charles VORTAC	York Point Int (or 5-mile Radar Fix)	266°, CCV	1800	T-dn	300-1	300-1	200-½
Harcum VOR	York Point Int (or 5-mile Radar Fix)	143°, HCM	1800	C-dn	400-1	500-1	500-1½
Norfolk VORTAC	York Point Int (or 5-mile Radar Fix)	330°, ORF	1800	S-dn-24°	400-1	400-1	400-1
				A-dn	600-2	600-2	600-2

Radar available.
Procedure turn N side of crs, 085° Outbnd, 265° Inbnd, 1600' within 10 miles of York Point Fix.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance York Point Fix to airport, 265°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing York Point Int, make right-climbing turn to 1600', proceed to Williamsburg Int. Hold SE, 1-minute right turns.
*400-¾ authorized with operative HIRL, except for 4-engine turbojets.
ILS restrictions: Localiser back crs unusable below 1300' beyond 5 miles, account of crs roughness.

City, Newport News; State, Va.; Airport name, Patrick Henry; Elev., 41'; Fac. Class., ILS; Ident., I-PHF; Procedure No. ILS-24 (back crs), Amdt. Orig.; Eff. date, 8 Oct. 66.

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
		Within:		Surveillance approach			
225° clockwise	265°	15 miles	2000				
225° clockwise	265°	15-20 miles	2200	T-dn	300-1	300-1	300-1½
265° clockwise	350°	20 miles	2200	C-dn	500-1	500-1	500-1½
350° clockwise	225°	20 miles	2200	S-dn# 16, 34, 25	400-1	400-1	400-1
000° clockwise	225°	20-30 miles	2500	S-dn-7	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar control will provide 1000' vertical clearance within a 3-mile radius of the 1620' and 1620' towers, 15 miles and 2040' tower, 21 miles NE of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 7: Make climbing right turn to 2200', proceed to Waterville VOR. Hold SE Waterville VOR R 140°, right turns, 1 minute, 320° Inbnd. Runway 16: Make climbing left turn to 2200', proceed to Waterville VOR. Hold SE Waterville VOR R 140°, right turns, 1 minute, 320° Inbnd. Runway 25: Climb straight ahead to 2200', proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1 minute, 090° Inbnd. Runway 34: Make climbing left turn to 2100', proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1 minute, 090° Inbnd.
#400-¾ authorized for Runway 25, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 694'; Fac. Class. and Ident., Toledo Radar; Procedure No. 1, Amdt. 4; Eff. date, 8 Oct. 66; Sup. Amdt. No. 3; Dated, 22 May 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 776)

Issued in Washington, D.C., on September 1, 1966.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-9863; Filed, Sept. 15, 1966; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 40-4097]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Exemption of Certain Purchase or Sale Transactions Between Affiliated Registered Investment Companies

On May 20, 1966, the Securities and Exchange Commission published notice (Investment Company Act Release No. 4604) (in the FEDERAL REGISTER on June 3, 1966 (31 F.R. 7913), that it had under consideration the adoption of Rule 17a-7 (17 CFR § 270.17a-7) under the Investment Company Act of 1940 ("Act") and invited all interested persons to submit their views and comments upon the proposal. The Commission has considered all the comments and suggestions received and has determined to adopt Rule 17a-7 (§ 270.17a-7) in the form set forth below.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company or an affiliated person of such a person, acting as principal, from knowingly selling to or purchasing from the registered investment company or a company controlled by the registered investment company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) of the Act grants an exemption from the provisions of section 17(a) thereof. An exemption may be granted if the Commission finds that the evidence establishes that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Section 6(c) of the Act provides that the Commission by rule, regulation or order may exempt any person or transaction or any class of persons or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

Rule 17a-7 (§ 270.17a-7) applies to registered investment companies which are affiliated persons, or affiliated persons of affiliated persons, of each other as defined in sections 2(a)(2) and 2(a)(3) of the Act. For purposes of section 2(a)(3)(C) (of the Act), affiliation based upon control would depend upon the facts of the given situation, including such factors as extensive interlocks of officers, directors of key personnel, common investment advisers or underwriters, etc.

The basic purpose of Rule 17a-7 (§ 270.17a-7) is to eliminate filing and processing applications under circumstances where there appears to be no likelihood that the statutory finding for a specific exemption under section 17(b) of the Act could not be made. In addition, it appears that the interests of investors will be served by the rule (§ 270.17a-7) in that it permits affiliated investment companies which heretofore may have chosen to avoid the application procedures of section 17(b) of the Act by purchasing or selling securities on the open market, thereby incurring duplicate brokerage charges, to avoid the payment of brokerage by effecting such transactions with each other. (Rule 17a-7 (§ 270.17a-7), of course, does not prevent or restrict in any way the filing of an application under section 17(b) of the Act with respect to transactions which are subject to section 17(a) of the Act but not exempted by the rule (§ 270.-17a-7) or by the other rules under section 17(a) (of the Act).)

The exemption from the provisions of section 17(a) of the Act created by the rule (§ 270.17a-7) is available only if the conditions specified therein are satisfied. Such conditions are designed to limit the exemption to those situations where the Commission, upon the basis of its experience, considers that there is no likelihood of overreaching of the investment companies participating in the transaction. It appears to the Commission that where such conditions are satisfied it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to exempt certain purchase or sale transactions between affiliated investment companies from section 17(a) of the Act.

The pertinent details of transactions for which exemption is claimed under Rule 17a-7 (§ 270.17a-7) are required to be reported under Item 2.07 of Form N-1R (17 CFR § 274.101) under the Act.

After consideration of the comments received, the Commission has determined to adopt a rule (§ 270.17a-7) which differs in certain respects from that published for comment. The principal revisions are discussed below.

The phrase "or between separate series of a registered investment company" has been inserted in the first paragraph of the rule (§ 270.17a-7), and the corresponding phrase "or of separate series of a registered investment company" has been inserted in paragraph (c) of the rule (§ 270.17a-7). This language reflects the language section 18(f)(2) (of the Act), which describes the securities issued by a series company. In the absence of such language, it might be argued that the separate series of a registered investment company are not "registered investment companies" within the meaning of that term as used in the rule (§ 270.17a-7) and consequently not entitled to the exemption.

Paragraph (b) has been revised substantially to provide for a pricing requirement based on a current market price formula rather than on the 5-day average formula provided in the rule (§ 270.17a-7) as published for comment. Upon further study, it appears that a 5-day average formula might require one of the parties to effect a transaction at a price which is less favorable than the price obtainable in the open market at the time the transaction is effected. Such a result may be inconsistent with the obligation of each investment company to obtain the best price possible in its portfolio transactions, and therefore tend to stultify the use of the rule (§ 270.17a-7). While the revised paragraph refers to an "independent" current market price, sale price, bid and offer, the term "independent" has not been defined specifically in the rule (§ 270.17a-7). The term "independent" with respect to the bid, offer or sale price of a security is used elsewhere in the rules under the federal securities acts, and it is intended that it should be construed for purposes of Rule 17a-7 (§ 270.17a-7) in accordance with existing interpretations of the term.

The text of Rule 17a-7 (§ 270.17a-7), adopted by the Commission pursuant to the authority granted to it in sections 6(c) and 38(a) of the Act, is as follows:

§ 270.17a-7 Exemption of certain purchase or sale transactions between affiliated registered investment companies.

A purchase or sale transaction between registered investment companies, which are affiliated persons, or affiliated persons of affiliated persons, of each other, or between separate series of a registered investment company, shall be exempt from section 17(a) of the Act provided:

(a) The transaction is a purchase or sale, for no consideration other than cash payment against prompt delivery, of a security traded on a national securities exchange;

(b) (1) The principal market for such security is a national securities exchange, and (2) the transaction is effected at the independent current market price of such security on such principal market. For the purposes of this paragraph, the "current market price" shall be the last independent sale price of such security on such exchange if such security was traded on such exchange on such day, or the average of the highest current independent bid and the lowest current independent offer for such security on such exchange if it was not traded on such exchange on such day;

(c) The transaction is consistent with the policy of each registered investment company, or of separate series of a registered investment company, as recited in its registration statement and reports filed under the Act; and

(d) No brokerage commission, fee (except for customary transfer fees), or other remuneration is paid in connection with the transaction.

(Secs. 6(c), 38(a), 54 Stat. 800, 841, 15 U.S.C. 80a-6, 80a-37)

The Commission finds that the foregoing rule (§ 270.17a-7) relieves a prohibition by providing an exemption from the provisions of section 17(a) of the Act and that such rule (§ 270.17a-7) may be made effective immediately. Accordingly, the foregoing rule (§ 270.17a-7) is declared effective September 8, 1966.

By the Commission.

[SEAL] ORVAL DUBOIS,
Secretary.

SEPTEMBER 8, 1966.

[F.R. Doc. 66-10148; Filed, Sept. 15, 1966; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-289; Order 312-A]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Form No. 12, Power System Statements for Class I and II Systems and for Class IV and V Systems Where Requested

SEPTEMBER 9, 1966.

Power system statements; miscellaneous amendments to FPC Forms Nos. 12, 12-A, 12-D.

Order No. 312, issued in this proceeding on December 20, 1965 (34 FPC ——, 30 F.R. 16106, among other things, amended the Annual Report Form No. 12 by revising certain existing schedules and adding a new schedule. The list of schedules contained in the form which appears in paragraph (d) of § 141.51 of the regulations should have been amended so as to correctly list the current contents of the report form. We are here supplying the inadvertent omission.

The Commission finds:

Notice of this amendment prior to adoption is unnecessary and good cause exists for making it effective immediately.

The Commission, acting pursuant to the provisions of section 309 of the Federal Power Act as amended (49 Stat. 858; 16 U.S.C. 825h), orders:

(A) Paragraph (d) of § 141.51, Part 141, Subchapter D, Chapter I of Title 18 of the Code of Federal Regulations, is revised by changing item 4 in the list of schedules to read "4. Conventional hydroelectric plant data." and adding a new item 4-A to read "4-A. Pumped storage plant data.".

(B) The revisions here adopted shall be effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-10115; Filed, Sept. 15, 1966; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950—)

Subpart B—Transitional Insured Status Requirements for Old-Age, Wife's and Widow's Insurance Benefits

MISCELLANEOUS AMENDMENTS

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended to read as follows:

(Sections 205, 227, and 1102, 53 Stat. 1368, as amended, 79 Stat. 379, 49 Stat. 647, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 427, and 1302.)

1. Paragraphs (a), (b), and (c) of § 404.109 are amended to read as follows:

§ 404.109 Fully insured status; beginning August 1961.

(a) *Quarters of coverage requirement.* An individual is fully insured after July 1961, if credited with not less than:

(1) One quarter of coverage, whenever acquired, for each calendar year elapsing after 1950, or, if later, the year in which the individual attained age 21, and:

(i) In the case of a woman, before the year in which she attains age 62, or, if she is deceased and death occurred prior to attainment of age 62, before the year in which she died;

(ii) In the case of a man, before the year in which he would attain, or did attain age 65 or, if he is deceased, before the year in which he died if death occurred prior to attainment of age 65; or

(2) Forty quarters of coverage; or

(3) In the case of an individual who died before 1951, 6 quarters of coverage. (See § 404.113a(c) for an exception.)

(b) *Minimum quarters of coverage required for fully insured status under paragraph (a)(1) of this section.* No individual shall be fully insured under the provisions of paragraph (a)(1) of this section, if such individual is credited with less than 6 quarters of coverage, except as otherwise provided in § 404.113a (a) and (c).

* * * * *

(e) *Table for determining quarters of coverage required for fully insured status.* The following table may be used to ascertain the number of quarters of coverage required for a fully insured status for benefits for months after July 1961 and for the lump-sum death payment where death occurs after July 1961. Instructions for use of the table are set forth in subparagraphs (1), (2), and (3) of this paragraph. The numbers of quarters of coverage which appear in column II may be reduced by the application of the provision of subparagraph (3) of this paragraph. (See § 404.113a for circumstances under which the minimum 6 quarters of coverage may be reduced.)

I. Individual born before Jan. 2, 1930—Year of attainment of age 62—women, age 65—men; year of death	II. Quarters of coverage required for fully insured status	III. Individual born after Jan. 1, 1930—Age in year of death
1957 and prior years	6	28 or younger.
1958	7	29.
1959	8	30.
1960	9	31.
1961	10	32.
1962	11	33.
1963	12	34.
1964	13	35.
1965	14	36.
1966	15	37.
1967	16	38.
1968	17	39.
1969	18	40.
1970	19	41.
1971	20	42.
1972	21	43.
1973	22	44.
1974	23	45.
1975	24	46.
1976	25	47.
1977	26	48.
1978	27	49.
1979	28	50.
1980	29	51.
1981	30	52.
1982	31	53.
1983	32	54.
1984	33	55.
1985	34	56.
1986	35	57.
1987	36	58.
1988	37	59.
1989	38	60.
1990	39	61.
1991 and thereafter	40	62 or older.

(1) *Individual born before January 2, 1930—column I of table.* The number of quarters of coverage required for a fully insured status by an individual born before January 2, 1930, appears in column II on the same line as that in column I on which appears the year in which such

individual will attain (or did attain) age 62, if a woman, or age 65, if a man, or, if such individual died before attaining such age, on which appears the year of death. (However, see subparagraph (3) of this paragraph if the individual had established a period of disability.)

(2) *Individual born after January 1, 1930—column III of table.* The number of quarters of coverage required for a fully insured status by an individual born after January 1, 1930, appears in column II on the same line as that in column III on which appears such individual's age in the year in which such individual died. (However, see subparagraph (3) of this paragraph if the individual had established a period of disability.)

(3) *Period of disability to be excluded.* In any case in which an individual had a period of disability established which is to be excluded in determining the number of quarters of coverage required for a fully insured status (see § 404.109(c)), the number of quarters of coverage determined in accordance with subparagraphs (1) or (2) of this paragraph is reduced by one whenever all or any part of a year falls within the established period of disability.

2. A new section, designated § 404.113a is added after § 404.113 to read as follows:

§ 404.113a Transitional insured status.

The provisions of paragraphs (a), (b), and (c) of this section are applicable in the case of monthly benefits under title II of the Act for months beginning September 1965 on the basis of applications filed after June 1965.

(a) *Old-age insurance benefits.* (1) Quarters of coverage required: In the case of individuals who attain age 72 before 1969, the minimum quarters of coverage required for a fully insured status are reduced from 6, as provided in § 404.109(b), to 3. Thus, an individual who attains the age of 72 before 1969, who does not have the quarters of coverage required by § 404.109(b) for a fully insured status, may nevertheless qualify for an old-age insurance benefit of $35, upon attainment of age 72, if he or she has one quarter of coverage for each calendar year elapsing after 1950 and before the year of attainment of age 65, in the case of a man, or age 62, in the case of a woman, subject to reduction if § 404.109(c) is applicable. In no case, however, may an individual qualify for such benefit if the worker on whose earnings the benefit is based has less than 3 quarters of coverage.

(2) The following table may be used to determine the quarters of coverage required for a man under subparagraph (1) of this paragraph when no period of disability is involved.

Year attained age 65	*Quarters of coverage required*
1954 or earlier	3.
1955	4.
1956	5.
1957 or later	Table in § 404.109(e) applies.

(3) The following table may be used to determine the quarters of coverage required for a woman under subparagraph (1) of this paragraph when no period of disability is involved.

Year attained age 62	*Quarters of coverage required*
1954 or earlier	3.
1955	4.
1956	5.
1957 or later	Table in § 404.109(e) applies.

(4) Effect of period of disability: If the worker on whose earnings the benefit is based has established a period of disability which reduces the elapsed years below 6 in accordance with § 404.109(c), the claimant may qualify for an old-age insurance benefit under this paragraph on the basis of fewer than 6 quarters of coverage (but not less than 3) provided the claimant attains age 72 before 1969.

(5) Amount of benefit: For each month for which an individual is entitled to an old-age insurance benefit on the basis of subparagraph (1) of this paragraph, the amount of his old-age insurance benefit shall, notwithstanding the provisions of § 404.305, be $35.00.

(b) *Wife's insurance benefits.* If an individual is entitled to old-age insurance benefits at age 72 under the provisions of paragraph (a)(1) of this section, his wife, as defined in section 216(b) of the Act (but not a divorced wife as defined in section 216(d)(1) of the Act), may become entitled to wife's insurance benefits upon attainment of age 72 and upon filing application for such benefits, if she attains such age before 1969. For each month for which her husband is entitled to an old-age insurance benefit on the basis of paragraph (a)(1) of this section, the amount of her wife's insurance benefit payable under this paragraph, shall, notwithstanding the provisions of § 404.315, be $17.50.

(c) *Widow's insurance benefits.* (1) Quarters of coverage required; individual died before September 1965: In the case of any individual who died before September 1965, who does not have the minimum 6 quarters of coverage specified in § 404.109(a)(3) or § 404.109(b), whichever is applicable, but otherwise meets the quarters of coverage requirement specified in § 404.109(a) (i.e., one quarter of coverage for each calendar year elapsing after 1950 and before the year of attainment of age 65 or death, whichever occurred first), and whose widow as defined in section 216(c) of the Act (but not a surviving divorced wife as defined in section 216(d)(2) of the Act) attains the age of 72 before 1969, the 6 quarters of coverage specified in § 404.109(a)(3) or § 404.109(b), whichever is applicable, shall, for purposes of determining such widow's entitlement to widow's insurance benefits, instead be:

(i) 3 quarters of coverage if such widow attains the age of 72 in or before 1966,

(ii) 4 quarters of coverage if such widow attains the age of 72 in 1967, or

(iii) 5 quarters of coverage if such widow attains the age of 72 in 1968.

No widow's insurance benefit is payable to a widow under this paragraph for any month before the month she attains age 72. Since only the minimum number of quarters of coverage required for a fully insured status is affected by the year in which the widow attains age 72, the actual number of quarters of coverage required will depend on the year in which her husband attained age 65 or died, whichever is earlier.

(2) The following table may be used to determine the quarters of coverage required for entitlement to widow's insurance benefits under the transitional insured status provision when the worker died before September 1, 1965, and no period of disability is involved.

Year of deceased husband's death or attainment of age 65 (if earlier)	Deceased husband's required quarters of coverage if widow attains age 72 in:		
	1966 or earlier	1967	1968
1954 or earlier	3	4	5
1955	4	4	5
1956	5	5	5
1957 or later	Table in §404.109(e) applies.		

(3) Effect of period of disability: If the worker on whose earnings the benefit is based has established a period of disability which reduces the elapsed years below 6 in accordance with § 404.109(c), his widow may qualify for a widow's insurance benefit under this paragraph on the basis of fewer than 6 quarters of coverage (but not less than 3) provided she attains age 72 before 1969.

(4) Quarters of coverage required; individual died after August 1965: In the case of any individual who died after August 1965, who was entitled, or upon filing application therefor would have become entitled, to old-age insurance benefits under the provisions of paragraph (a) of this section, and whose widow attains the age of 72 before 1969, such deceased individual shall be deemed to meet the requirements of subparagraph (1) of this paragraph for purposes of determining entitlement of such widow to widow's insurance benefits under section 202(e) of the Act.

EXAMPLE. A worker, R, attained age 65 in 1954. He died in 1966 having 3 quarters of coverage. He had not filed an application for old-age insurance benefits. His widow will attain age 72 in 1968. If R had died before September 1965, it would have been necessary that he have 5 quarters of coverage for his widow to qualify under subparagraph (1) of this paragraph. However, since he died after August 1965, and would have become entitled to old-age insurance benefits upon filing application therefor by reason of the application of paragraph (a) of this section, R is deemed to meet the requirements of subparagraph (1) of this paragraph for purposes of determining entitlement of his widow to widow's insurance benefits. Therefore, R's widow may become entitled to widow's insurance benefits when she attains age 72 in 1968, upon filing application therefor.

(5) Amount of benefit: The amount of the widow's insurance benefit under this paragraph for each month shall, notwithstanding the provisions of § 404.330 (and sec. 202(m) of the Act), be $35.00.

3. The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: August 22, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: September 8, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 66-10145; Filed, Sept. 15, 1966; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 53—GRANTS FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND MEDICAL FACILITIES

Mental Hospitals; Modernization Allotments; Competitive Bidding; Release for Good Cause

Notice of proposed rule making, public rule making procedures, and delay of effective date have been omitted as unnecessary in the issuance of the following amendments to Part 53, which relates solely to grants for construction and modernization of hospitals and medical facilities. These amendments relate to the construction and modernization of mental hospitals, allotments for modernization of hospitals and medical facilities, competitive bidding on fixed equipment, and release or "waiver" of the right of recovery for good cause.

These amendments shall become effective July 1, 1966.

1. Paragraph (d) of § 53.1 is revised to read as follows:

§ 53.1 Definitions.

* * * * *

(d) ***Mental hospital.*** A hospital (including long-term care, intensive care, or both) for the diagnosis and treatment of mental illness.

* * * * *

2. Subpart D of Part 53 is revised to read as follows:

Subpart D—Eligibility, Distribution and Priority of Beds for the Mentally Ill

Sec.
53.31 Mental health services principally for persons residing in the community.
53.32 Mental health services not principally for persons residing in the community.

AUTHORITY: The provisions of this Subpart D issued under sec. 215, 58 Stat. 690, as amended; secs. 602, 603, 76 Stat. 448, 451; 42 U.S.C. 216, 291b, 291c.

§ 53.31 Mental health services principally for persons residing in the community.

(a) For the purpose of determining need and priority, the State plan approved or approvable under the Community Mental Health Centers Act (P.L. 88-164, 42 U.S.C. 2681 et seq.) shall constitute that portion of the plan under Title VI of the PHS Act (Hill-Burton) for construction of facilities for providing services principally for persons residing in a particular community or communities in or near which the facility is situated for the prevention or diagnosis of mental illness, or care and treatment of mentally ill patients, or rehabilitation of such persons.

(b) Special consideration shall be given to those projects for which the applicant sets forth in his application a reasonable and feasible proposal for the development, within a reasonable period of time, of a program for the provision of those essential elements of comprehensive mental health services prescribed in § 54.212 of this chapter relating to community mental health centers.

(c) An application for the construction of facilities specified in paragraph (a) of this section may be approved under this part only if the Surgeon General determines that funds are not available under the Community Mental Health Centers program (Part 54, Subpart C, of this chapter).

§ 53.32 Mental health services not principally for persons residing in the community.

(a) With respect to facilities for the mentally ill which do not provide services principally for persons residing in a particular community in or near which the facility is situated, special consideration shall be given to those projects for remodeling or replacing services and facilities which do not increase bed capacity, or if services are being expanded, the applicant demonstrates that no alternative plan for provision of such expanded services is feasible.

(b) An application for construction of facilities specified in paragraph (a) of this section may be approved only if it conforms with the State plan approved under Title VI of the Public Health Service Act (Hill-Burton).

(c) The number of beds required to provide adequate hospital services for mentally ill patients in any State or service area shall be determined by the following method: Divide the current average daily census of each hospital by 0.90 (occupancy factor).

(d) The count of existing mental hospital beds shall include the beds in mental hospitals which are not included in the count of beds in any other category, and also beds in any general hospital which are specifically assigned for the inpatient care of patients with mental illness.

(e) Existing mental hospital beds shall be classified as conforming or nonconforming according to plant evaluation standards as set forth in Subpart B of this part.

3. The heading of Subpart I—Priority of Projects is revised to read as follows:

Subpart I—Priority of Projects (Excluding Mental Hospitals)

4. Section 53.91 is revised to read as follows:

§ 53.91 Allotments for modernization.

The allotment to the several States under section 602(a)(2) of the Act for modernization shall be computed as follows:

(a) 33⅓ percent will be allotted to each State on the basis of population weighted by per capita income; and

(b) 66⅔ percent will be allotted to each State on the basis of the extent of the need for modernization of the facilities:

Provided, however, That the Secretary may make such adjustments as are necessary to assure that the allotment to any State for any fiscal year shall not be less than the allotment to such State for the fiscal year 1966.

5. Paragraph (c) of § 53.128 is revised to read as follows:

§ 53.128 Assurances from applicant.

* * * * *

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment by adequate methods of competitive bidding (including such fixed equipment as is not purchased through the construction contract) and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the State agency and the Surgeon General, upon written justification by the applicant, to be required by the needs of the program.

* * * * *

6. Section 53.134 is amended by adding a new paragraph (c) to read as follows:

§ 53.134 Good cause for other use of facility.

* * * * *

(c) The facility has been acquired from an agency of the United States (*e.g.*, the Federal Housing Administration under its mortgage insurance commitment program) which has made a

reasonable effort to dispose of it for operation as a public or nonprofit facility.

(Sec. 215, 58 Stat. 690, as amended, secs. 602, 603, 78 Stat. 448, 451; 42 U.S.C. 216, 291b, 291c)

Dated: August 30, 1966.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: September 9, 1966.

WILLIAM H. STEWART,
Chairman, Federal Hospital Council.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-10143; Filed, Sept. 15, 1966; 8:47 a.m.]

SUBCHAPTER E—FELLOWSHIPS, INTERNSHIPS, TRAINING

PART 61—FELLOWSHIPS

Notice of proposed rule making and public rule making procedures has been omitted in the issuance of the following revision which relates exclusively to the award of fellowships. As amended, Part 61 will be divided into subparts A and B relating to regular fellowships and service fellowships, respectively. The revisions in Subpart A make specific provision for fellowships relating to air pollution, community health services, medical library and related health sciences, communication of information, and writing and compilation of papers and other materials in sciences related to health; restrict sponsorship of fellows to public and other nonprofit institutions; make changes with respect to travel allowances, continuation, and termination; and add provisions relating to copyright and reproduction, inventions, interest, and hearings for fellows whose awards are terminated or not continued on grounds relating to loyalty or moral character. The revisions in Subpart B provide that fellowships may be established for research, studies, or investigations in any health-related field; eliminate the requirement for using a Fellowship Review Board to evaluate candidates for such fellowships; make changes with respect to travel allowances; and add provisions on benefits and training.

These regulations shall become effective immediately on publication in the FEDERAL REGISTER.

Part 61 is revised to read as follows:

Subpart A—Regular Fellowships

Sec.
61.1 Definitions.
61.2 Applicability.
61.3 Purpose of regular fellowships.
61.4 Establishment and conditions.
61.5 Qualifications.
61.6 Method of application.
61.7 Review of applications; committees; awards.
61.8 Benefits: Stipends, dependency allowances, travel allowances; vacation.
61.9 Payments—Stipends, dependency allowances, travel allowances.
61.10 Benefits: Tuition and other expenses.
61.11 Payments—Tuition and other expenses.
61.12 Accountability.
61.13 Duration and continuation.
61.14 Separate consideration of information concerning moral character or loyalty.
61.15 Moral character or loyalty; reference to Special Review Committee; review and recommendation.
61.16 Termination of or refusal to continue award on grounds relating to moral character or loyalty; hearing.
61.17 Termination on grounds other than those relating to moral character or loyalty.
61.18 Publications.
61.19 Copyright and reproduction.
61.20 Inventions or discoveries.
61.21 Interest.
61.22 Nondiscrimination.

Subpart B—Service Fellowships

61.30 Definitions.
61.31 Applicability.
61.32 Purpose of service fellowships.
61.33 Establishment of service fellowships.
61.34 Qualifications.
61.35 Method of application.
61.36 Selection and appointment of service fellows.
61.37 Stipends, allowances, and benefits.
61.38 Duration of service fellowships.

Subpart A—Regular Fellowships

AUTHORITY: The provisions of this Subpart A issued under sec. 215, 58 Stat. 690, as amended, sec. 8, 77 Stat. 400; 42 U.S.C. 216, 1857g. Interpret or apply sections 301, 402, 58 Stat. 691, as amended, 707, sections 412, 422, 62 Stat. 464, 598, sec. 433, 64 Stat. 444, as amended, sec. 308, 74 Stat. 364, sec. 444, 76 Stat. 1073, sec. 3, 77 Stat. 394, sections 394, 395, 79 Stat. 1062; 42 U.S.C. 241, 282, 287a, 288a, 289c, 242f, 289g, 1857b, 280b–4, 280b–5.

§ 61.1 Definitions.

As used in this part:

(a) "Continuation award" is an award made by the Surgeon General, within the period of support recommended by a fellowship committee, without necessity for further action by the committee.

(b) "Noncitizen national" means any person who, though not a citizen of the United States, owes permanent allegiance to the United States.

(c) "Regular fellowship" means an award to support activity not requiring performance of services for the Public Health Service.

(d) "Surgeon General" means the Surgeon General of the U.S. Public Health Service or his delegate.

(e) "Continental United States" does not include Hawaii or Alaska.

§ 61.2 Applicability.

The regulations in this subpart apply to the establishment, award, and operation of all regular fellowships awarded under the Public Health Service Act and the Clean Air Act.

§ 61.3 Purpose of regular fellowships.

Regular fellowships are provided to encourage and promote:

(a) Research and training for research relating to (1) the physical and mental diseases and impairments of man, (2) the organization, provision, and financing of health services, (3) the causes, prevention, and control of air pollution, and (4) medical library and related health sciences and communication of information.

(b) Special scientific projects for the compilation of existing, or writing of original, contributions relating to scientific, social, or cultural advancements in sciences related to health.

§ 61.4 Establishment and conditions.

All regular fellowships in the Public Health Service shall be established by the Surgeon General. In establishing a fellowship or series of fellowships, the Surgeon General shall prescribe in writing the conditions (in addition to those provided in the regulations in this part) under which the fellowships are to be awarded and held.

§ 61.5 Qualifications.

In order to qualify for a regular fellowship, an applicant must:

(a) Meet the Public Health Service requirements of general suitability, including professional and personal fitness.

(b) Have been accepted by a public or other nonprofit institution for the purpose of the activity for which the fellowship is sought.

(c) Be free from any disease or disability that would interfere with the accomplishment of the fellowship purpose.

(d) If a citizen or noncitizen national of the United States, sign and file with the Surgeon General the following statement:

I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic.

(e) Comply with such other requirements as may be prescribed by the Surgeon General.

§ 61.6 Method of application.

Application for a regular fellowship shall be made on forms prescribed by the Surgeon General. In addition to the information supplied by the applicant in his application, such further information may be required as is necessary to determine his qualifications and fitness.

§ 61.7 Review of applications; committees; awards.

The Surgeon General shall appoint one or more fellowship committees to examine the qualifications of applicants for fellowships and the merits of their proposals for research, training, or special scientific projects. A fellowship committee shall submit to the Surgeon General its recommendations concerning appointments. Awards of regular fellowships shall be made in writing by the Surgeon General.

§ 61.8 Benefits: Stipends, dependency allowances, travel allowances; vacation.

Individuals awarded regular fellowships shall be entitled to such of the following benefits as are authorized for the particular series of fellowship:

(a) Stipend.

(b) Dependency allowances.

(c) When authorized in advance, separate allowances for travel. Such allowances may not exceed amounts prescribed by the Surgeon General for (1) travel to the place where the fellow is to be located during the fellowship term, and (2) travel to return the fellow at the end of the fellowship term to his home or other place he left to carry out the fellowship, provided that (unless otherwise prescribed by the Surgeon General) such return travel is to or from a place outside the continental United States. No allowances will be granted for shipping personal effects or household goods and no allowances will be granted for transporting dependents, except as authorized by the Surgeon General for travel undertaken by dependents (spouse and/or dependent children only) to or from a place outside the continental United States where the fellow is to be located during the fellowship term and for return from such place or except as otherwise prescribed by the Surgeon General for a particular series of fellowships.

(d) Vacation: Stipends and allowances will not be increased, or be paid beyond the term of a fellowship, on account of vacation an individual might have been entitled to but did not take.

§ 61.9 Payments—stipends, dependency allowances, travel allowances.

Payments for stipends, dependency allowances, and the travel allowances specified in § 61.8 may be made directly to the fellow or to the sponsoring institution for payment to the fellow.

§ 61.10 Benefits: Tuition and other expenses.

The Surgeon General may authorize allowances for payment of expenses, in whole or in part, of tuition, fees, equipment, supplies, attendance at meetings required to carry out the purposes of the fellowship, or other expenses of the activities of the fellow.

§ 61.11 Payments—tuition and other expenses.

(a) *Tuition and fees.* Allowances for tuition and fees may be made to the fellow or sponsoring institution.

(b) *Other expenses; standard or maximum allowances.* Any allowances for equipment, supplies, attendance at meetings, and other expenses shall, except as may otherwise be prescribed herein or by the Surgeon General, be paid to the sponsoring institution. The Surgeon General may establish a standard allowance or a maximum allowance for payment to the sponsoring institution for such expenses.

(c) *Attendance at meetings—fellows sponsored by Federal agencies.* Allowances for expenses of attendance at meetings by fellows who are sponsored by Federal agencies may be paid directly to such fellows.

(d) *Installments.* Payments to sponsoring institutions and to fellows under this section or under § 61.9 may be made in advance or by way of reimbursement and, except as may otherwise be prescribed by the Surgeon General, in monthly installments.

§ 61.12 Accountability.

Payments shall be subject to such requirements relating to accountability as may be specified by the Surgeon General.

§ 61.13 Duration and continuation.

An award period may be any period not in excess of 2 years. The Surgeon General may make one or more continuation awards for an additional period upon a finding of satisfactory progress toward accomplishment of the purposes of the initial fellowship award. Additional support may be provided on appropriate justification after expiration of the period of support involved in the previous award.

§ 61.14 Separate consideration of information concerning moral character or loyalty.

No information in the records or possession of the Public Health Service concerning the moral character or loyalty of a fellow will be made available to any fellowship committee involved in recommending appointments of fellows.

§ 61.15 Moral character or loyalty; reference to Special Review Committee; review and recommendation.

(a) *Moral character or loyalty; reference to Special Review Committee.* Whenever the Surgeon General has substantial evidence with respect to any fellow (1) that the statement filed pursuant to § 61.5(d) was not made in good faith; or (2) that a fellow has (i) been convicted of a crime involving moral turpitude or (ii) engaged in conduct involving moral turpitude (unless in the case of either subdivision (i) or (ii) of this subparagraph, it is established that the fellow is, nevertheless, then a person of good moral character), the Surgeon General shall refer the pertinent records to a Special Review Committee established as prescribed in paragraph (b) of this section.

(b) *Special Review Committee; composition.* The Special Review Committee shall be composed of a representative of the Office of the Surgeon General designated by the Surgeon General as chairman but nonvoting member, the appropriate Associate Director or comparable official of the bureau involved, the Chief of the Division of Research Grants, the Director of the Institute or the Chief of the Division which awarded the fellowship in question, or their delegates, and two additional members appointed by the Surgeon General.

(c) *Information; supplementation.* The Committee may supplement the information referred to it by such correspondence, personal interviews, or other informal methods as necessary in order to make its recommendation as provided in paragraph (d) of this section.

(d) *Review and recommendation.* The Committee shall review the pertinent records, determine whether there is substantial reason to believe that the award should be terminated or not continued either on grounds relating to moral character or on the ground that the statement filed pursuant to § 61.5(d) was not made in good faith, and make its recommendation to the Surgeon General in writing, with reasons therefor, accordingly.

§ 61.16 Termination of or refusal to continue award on grounds relating to moral character or loyalty; hearing.

If, after review of the recommendation of the Special Review Committee, the Surgeon General believes that the award should be terminated or should not be continued, he shall notify the fellow and sponsoring institution in writing that unless a request for a hearing is made by the fellow within 20 days after the fellow's receipt of such notice, his fellowship will be terminated or his application for continuation of the award denied. A copy of the regulations under this subpart and a copy of Part 10 of Title 45, Code of Federal Regulations, shall be enclosed with the notice. The notice shall set forth, as specifically as security permits, the grounds for the questions pertaining to moral character or loyalty. Any such request for a hearing shall be promptly submitted by the Surgeon General to the Chairman of the Departmental Fellowship Review Panel for handling in accordance with such Part 10.

§ 61.17 Termination on grounds other than those relating to moral character or loyalty.

The Surgeon General may terminate a fellowship upon receipt from the fellow of a written request for termination. The Surgeon General shall terminate any fellowship prior to the date it would otherwise expire, if he determines that the fellow's performance is unsatisfactory or that the fellow or the sponsoring institution is unfit or unable to carry out the purpose of the fellowship. The fellow and the sponsoring institution shall be notified in writing of such termination.

§ 61.18 Publications.

Publication, distribution, and disposition of all manuscripts and other materials resulting from a fellowship awarded hereunder shall be subject to the conditions that all such materials shall bear appropriate acknowledgement of Public Health Service support, that fellows shall furnish copies of such publications or other materials as may be requested by the Surgeon General, and to such other conditions as the Surgeon General may prescribe.

§ 61.19 Copyright and reproduction.

Where the work accomplished under a fellowship award results in a book or other copyrightable material, the author is free to copyright the work, but the Public Health Service reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the fellowship award.

§ 61.20 Inventions or discoveries.

Any fellowship award made hereunder is subject to the regulations of the Department of Health, Education, and Welfare set forth in Title 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which fellowship funds are in fact used, whether within the scope of the fellowship as approved or otherwise. Appropriate measures shall be taken by the fellow, the sponsoring institution, and the Surgeon General to assure that no contracts, assignments, or other arrangements inconsistent with the fellowship obligation are entered into or continued and that all personnel involved in the supported activity are aware of and comply with such obligation. Laboratory notes, related technical data and information pertaining to inventions or discoveries shall be maintained for such periods, and filed with or otherwise made available to the Surgeon General or those whom he may designate at such times and in such manner as he may determine necessary to comply with such Department regulations.

§ 61.21 Interest.

Any interest earned through deposit or investment by the sponsoring institution of funds paid pursuant to the provisions of this subpart shall be paid to the United States as such interest is received by the sponsoring institution.

§ 61.22 Nondiscrimination.

Attention is called to the fact that funds paid to a sponsoring institution pursuant to § 61.11 in order to meet the expenses of the activities of a fellow are considered Federal financial assistance to such institution. The institution is thus subject in this respect to the prohibition against discrimination on the basis of race, color, or national origin imposed by Title VI, Civil Rights Act of 1964, and the implementing Regulation of the Department of Health, Education, and Welfare (45 CFR Part 80).

Subpart B—Service Fellowships

AUTHORITY: The provisions of this Subpart B issued under sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply secs. 207 and 208, 58 Stat. 685, as amended, 58 Stat. 686, as amended; 42 U.S.C. 209 and 210.

§ 61.30 Definitions.

As used in this part:

(a) "Service fellowship" is one which requires the performance of services, either full or part time, for the Public Health Service. A service fellow is an employee of the Public Health Service.

(b) "Surgeon General" means the Surgeon General of the U.S. Public Health Service or his delegate.

(c) "Continental United States" does not include Hawaii or Alaska.

§ 61.31 Applicability.

The regulations in this part apply to the establishment of service fellowships in the Public Health Service, the designation of persons to receive such fellowships, and the appointment of service fellows under authority of section 207(g) of the Public Health Service Act.

§ 61.32 Purpose of service fellowships.

Service fellowships in the Public Health Service are for the purpose of encouraging and promoting research, studies, and investigations related to health. Such fellowships may be provided to secure the services of talented scientists for a period of limited duration for health-related research, studies, and investigations where the nature of the work or the character of the individual's services render customary employing methods impracticable or less effective.

§ 61.33 Establishment of service fellowships.

All service fellowships shall be established by the Surgeon General. In establishing a service fellowship, or a series of service fellowships, the Surgeon General shall prescribe in writing the conditions (in addition to those provided in the regulations in this part) under which service fellows will be appointed and will hold their fellowships.

§ 61.34 Qualifications.

Scholastic and other qualifications shall be prescribed by the Surgeon General for each service fellowship, or series of service fellowships. Each individual appointed to a service fellowship shall (a) have presented satisfactory evidence of general suitability, including professional and personal fitness; (b) be free from any disease or disability that would interfere with his carrying out the purpose of the fellowship; and (c) possess any other qualifications as reasonably may be prescribed.

§ 61.35 Method of application.

Application for a service fellowship shall be made in accordance with procedures established by the Surgeon General.

§ 61.36 Selection and appointment of service fellows.

The Surgeon General shall (a) prescribe a suitable professional and personal fitness review and an examination of the applicant's qualifications; (b) designate in writing persons to receive service fellowships; and (c) establish procedures for the appointment of service fellows.

§ 61.37 Stipends, allowances, and benefits.

(a) *Stipends.* Service fellows shall be entitled to such stipend as is authorized by the Surgeon General for each service fellowship or series of service fellowships.

(b) *Travel and transportation allowances.* Under conditions prescribed by the Surgeon General, an individual appointed as a service fellow may be authorized travel allowances or transportation and per diem for himself, travel allowances or transportation for his immediate family, and transportation of household goods and personal effects, in conjunction with travel authorized by the Service (1) from place of residence, within or outside the continental United States, to first duty station, (2) for any change of duty station ordered by the Service during the term of the fellowship, and (3) from last duty station to the place of residence which he left to accept the fellowship, or to some other place at no greater cost to the Government. A service fellow shall be entitled to travel allowances or transportation and per diem while traveling on official business away from his permanent duty station during the term of the fellowship. Except as otherwise provided herein, a service fellow shall be entitled to travel and transportation allowances authorized in this part at the same rates as may be authorized by law and regulations for other civilian employees of the Public Health Service. If a service fellow dies during the term of a fellowship, and his place of residence which he left to accept the fellowship was outside the continental United States, the payment of expenses of preparing the remains for burial and transporting them to the place of residence for interment may be authorized. In the case of deceased service fellows whose place of residence was within the continental United States, payment of the expenses of preparing the remains and transporting them to the place of residence for interment may be authorized as provided for other civilian employees of the Public Health Service.

(c) *Benefits.* In addition to other benefits provided herein, service fellows shall be entitled to benefits as provided by law or regulation for other civilian employees of the Public Health Service.

(d) *Training.* Service fellows are eligible for training at Government expense on the same basis as other civilian employees.

§ 61.38 Duration of service fellowships.

Initial appointments to service fellowships may be made for varying periods not in excess of 2 years. Such appointments may be extended on a year-to-year basis in accordance with procedures and requirements established by the Surgeon General.

Dated: September 9, 1966.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved:

JOHN W. GARDNER,
Secretary.

[F.R. Doc. 66-10144; Filed, Sept. 15, 1966; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Clear Lake National Wildlife Refuge, Calif.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA

CLEAR LAKE NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, geese, and gallinules on the Clear Lake National Wildlife Refuge, Calif., is permitted from October 8, 1966, through January 5, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 10,600 acres, is delineated on a map available at refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead birds.

(2) Boats—Boats are permitted. Motors not larger than 10 horsepower may be used for access to the hunting area. Sculling and airthrust boats are prohibited.

(3) Persons may employ guides while hunting on the area subject to restrictions of State law and regulations.

(4) Abandonment of property—Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. sec. 484m) and regulations issued thereunder.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 8, 1966.

[F.R. Doc. 66-10122; Filed, Sept. 15, 1966; 8:46 a.m.]

PART 32—HUNTING

Klamath Forest National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

KLAMATH FOREST NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots, and gallinules on the Klamath Forest National Wildlife Refuge is permitted from October 8, 1966, through January 5, 1967, and the hunting of snipe is permitted from October 22, 1966, through December 10, 1966, only on the area designated by signs as open to hunting. This open area, comprising 3,675 acres, is delineated on a map available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Boats with motors not larger than 10 horsepower may be used for access to the hunting area. Sculling and airthrust boats are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 8, 1966.

[F.R. Doc. 66-10125; Filed, Sept. 15, 1966; 8:46 a.m.]

PART 32—HUNTING

Upper Klamath National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

UPPER KLAMATH NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots, and gallinules on the Upper Klamath National Wildlife Refuge is permitted from October 8, 1966, through January 5, 1967, only on the area designated by signs as open to hunting. This open area, comprising 3,364 acres, is delineated on a map available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Boats with motors not larger than 10 horsepower may be used for access to the hunting area. Sculling and airthrust boats are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 8, 1966.

[F.R. Doc. 66-10127; Filed, Sept. 15, 1966; 8:46 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge, Wash.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and gallinules on the Columbia National Wildlife Refuge is permitted from October 15, 1966, through January 22, 1967, and the hunting of geese is permitted from October 15, 1966, through January 8, 1967, only on the area designated by signs as open to hunting. This open area, comprising 7,554 acres, is delineated on maps available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street,

Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Boats may be used with motors not larger than 10 horsepower for access to the hunting area.

(2) Camping is permitted in designated areas only.

(3) A Federal permit is not required but hunters will report at such checking stations as may be established when entering or leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 22, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 8, 1966.

[F.R. Doc. 66-10128; Filed, Sept. 15, 1966; 8:46 a.m.]

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

The public hunting of gray squirrels, cottontail rabbits, raccoons, foxes, and opossums is permited from December 24, 1966, to February 28, 1967, inclusive, on the Montezuma National Wildlife Refuge, N.Y., except on areas designated by signs as closed. Hunting is prohibited on Sundays. The open area, comprising 6,269 acres, is delineated on maps available at refuge headquarters, 4 miles east of Seneca Falls, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all other applicable State regulations governing the hunting of the above mammals.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1967.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 9, 1966.

[F.R. Doc. 66-10123; Filed, Sept. 15, 1966; 8:46 a.m.]

PART 32—HUNTING

Baskett Slough National Wildlife Refuge, Oreg.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OREGON

BASKETT SLOUGH NATIONAL WILDLIFE REFUGE

The public hunting of pheasants and quail is permitted on the Baskett Slough National Wildlife Refuge, Oreg., from October 22 through November 6, 1966, on the area designated by signs as open to hunting. The open area, comprising 580 acres, is delineated on a map available at refuge headquarters, William L. Finley National Wildlife Refuge, Corvallis, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 6, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 8, 1966.

[F.R. Doc. 66-10125; Filed, Sept. 15, 1966; 8:46 a.m.]

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Montezuma National Wildlife Refuge, N.Y., is permitted except on the areas designated by signs as closed. The open area, comprising 3,639 acres, is delineated on maps available at refuge headquarters, 4 miles east of Seneca Falls, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The open season is Mondays, Wednesdays, and Fridays from November 21 to December 5, 1966, inclusive. Actual dates open are November 21, November 23, November 25, November 28, November 30, December 2 and December 5, 1966.

(2) Only longbows may be used. No gun hunting will be allowed.

(3) Deer of either sex may be taken.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 5, 1966.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 9, 1966.

[F.R. Doc. 66-10124; Filed, Sept. 15, 1966; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular No. 2213]

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

Subpart 4111—Awards of Grazing Privileges

Subpart 4115—Records and Administrative Procedures

GRAZING REGULATIONS FOR PUBLIC LANDS

On page 7628 of the FEDERAL REGISTER of May 27, 1966, there was published a notice and text of proposed amendments of §§ 4111.1–1 and 4115.2(k)(4) of Title 43, Code of Federal Regulations. The purpose of this change is to recognize groups, associations, or corporations as qualified applicants for grazing use by amending § 4111.1–1. In addition, changes in grazing use will be simplified by amending § 4115.2–1(k)(4).

Interested persons were given 30 days within which to submit written comments, suggestions, or objections, with respect to the proposed amendments. No comments, suggestions or objections have been received, and the proposed amendments are hereby adopted without change and are set forth below. These amendments shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 9, 1966.

1. Section 4111.1–1 is amended as indicated below:

§ 4111.1–1 Qualifications.

An applicant for a grazing license or permit is qualified if:

(a) He is engaged in the livestock business and is a citizen of the United States or has on file before a court of competent jurisdiction a valid declaration of intention to become a citizen or a valid petition for naturalization, or:

(b) It is a group, or association authorized to conduct business under the laws of the State in which the grazing privileges sought are to be exercised, all the members of which are qualified under paragraph (a) of this section; provided that the agreement or articles of association under which the association has been formed are approved by the State Director, or:

(c) It is a corporation, the controlling interest in which is vested in persons qualified under paragraph (a) of this section and which is authorized to do business under the laws of the State in which grazing privileges sought are to be exercised; provided that the articles of incorporation have been approved by the State Director.

2. In § 4115.2–1, paragraph (k)(4) is revised to read as follows:

§ 4115.2–1 License and permit procedures; requirements and conditions.

* * * * * * *

(k) * * *

(4) *Payment of fees; modification in fees due.* No license or permit shall be issued or renewed until payment of all fees due the United States under these regulations has been made. Fees for licenses and permits are due the United States upon issuance of the fee notice and are payable in full in advance before grazing use is authorized. Grazing privileges may be canceled or reduced pursuant to paragraph (d) of this section for failure to pay the fee in accordance with the fee notice. Any licensee or permittee who desires to make a change in authorized grazing use must file, in advance, a written request for such changes with the District Manager. If the District Manager approves the request he will issue an adjusted fee notice.

* * * * * * *

[F.R. Doc. 66-10130; Filed, Sept. 15, 1966; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 160—TRAINING PROGRAM UNDER MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

Allowable Costs and In-Kind Matching

Part 160 of Title 45 of the Code of Federal Regulations, dealing with the rules and regulations for the administration of Part B of Title II of the Manpower Development and Training Act of 1962, Public Law 87–415, 76 Stat. 23, as amended by Public Law 88–214, 77 Stat. 422, 42 U.S.C. Chapter 30 and Public Law 89–15, 79 Stat. 75, is amended as follows:

§ 160.6 [Amended]

Section 160.6(a)(1) is amended by adding at the end thereof "and, in addition, the value of contributed services where no cash payments are made;". The amended paragraph (a)(1) reads as follows:

(1) Salaries, including employers' contributions to retirement, workmen's compensation, and other welfare funds maintained for one or more general classes of employees of the State agency; and, in addition, the value of contributed services where no cash payments are made;

Section 160.6(b)(1) is amended by adding at the end thereof "and, in addition, the value of contributed services where no cash payments are made;". The amended paragraph (b)(1) reads as follows:

(1) Salaries, including employers' contributions to retirement, workmen's compensation, and other welfare funds maintained for one or more general classes of employees; and, in addition, the value of contributed services where no cash payments are made;

Section 160.6(b)(2) is amended by including as an approved allowable cost the rental of publicly owned equipment and by adding a sentence regarding computation of rental cost at the end thereof. The amended paragraph reads as follows:

(2) Acquisition of supplies, training manuals, and materials, and other teaching aids; acquisition, transportation, maintenance, and repair of equipment; and rental of equipment (including publicly owned equipment) to the extent not purchased with funds obtained from the Federal Government or with funds expended for matching purposes under this or any other Federal program. All rental costs of equipment shall be computed on a per year basis or fraction thereof in terms of comparable rental charges in the community or locality for such equipment and, if the equipment is used for other purposes, prorated to the training project use.

Section 160.6(b)(3) is amended by deleting item (v) and substituting in lieu thereof "(v) in the case of publicly owned buildings, rental charges are not in excess of those made to other agencies occupying similar space for similar purposes or, if no such charges are made, the comparable rental that would be paid for such space in the particular locality." In addition, paragraph (b)(3) is amended by adding two new sentences at the end thereof. The amended item (v) and the two new sentences at the end thereof read as follows: "(v) in the case of publicly owned buildings, rental charges are not in excess of those made to other agencies occupying similar space for similar purposes or, if no such charges are made, the comparable rental that would be paid for such space in the particular locality. All rentals of space shall be computed on a square foot basis per year or fraction thereof according to type of space and shall be prorated to the training project use. Rental for space in any building to the extent constructed with funds obtained from the Federal Government or with funds expended for matching purposes under any Federal program is not an allowable cost beyond the cost of utilities and custodial services."

Section 160.6(d) is amended by adding a sentence at the end thereof regarding documentation of salaries and wages. The amended paragraph (d) reads as follows:

(d) *Proration of costs.* Only costs attributable to the carrying out of the provisions of the Agreement are allowable costs. Where only a portion of a total cost is attributable to carrying out the provisions of the Agreement, only that portion which is allowable shall be shown in the budget. Prorated salaries and wages must be documented to show time spent on carrying out provisions of the Agreement and the percent of time spent on each nonrelated activity.

A new section number § 160.16, entitled "In-kind matching," is added. The new section reads as follows:

§ 160.16 In-kind matching.

The total dollar value of in-kind matching, whether of plant, equipment, and/or services, shall be computed annually on a statewide basis for the fiscal year involved, and is allowable not in excess of one-ninth of the Federal payments towards all allowable costs under the Agreement (State direction and supervision, training by public agencies or institutions and, to the extent matching is required, training by private institutions).

The listing of sections is amended to add at the end thereof

Sec.
160.16 In-kind matching.

(Sec. 223, P.L. 87-415, as amended, 42 U.S.C. 2003. Interpret or apply sec. 231, P.L. 87-415, as amended, 42 U.S.C. 2001)

[SEAL] HAROLD HOWE, II,
U.S. Commissioner of Education.

Approved: September 9, 1966.

JOHN W. GARDNER,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 66-10160; Filed, Sept. 15, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Ch. I]

CUSTOMS REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that the Commissioner of Customs has appointed a group to study and rewrite the Customs Regulations with the objective of insuring that the revised version will reflect the recent changes brought about by the reorganization of customs under Reorganization Plan No. 1 of 1965 (30 F.R. 7035) and at the same time will be as complete, clear, concise, and simple as the subject matter will permit in the proper discharge of the Bureau's responsibilities.

Importers, carriers, brokers, and others are invited to submit suggestions for improving the Customs Regulations as indicated above to the Commissioner of Customs, Washington, D.C. 20226, before January 1, 1967. Any such suggestions submitted will be given careful consideration for inclusion in the revised Customs Regulations which will be published in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: September 7, 1966.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-10170; Filed, Sept. 15, 1966; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 131]

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Notice of Proposed Termination of Marketing Agreement and Order Regulating Handling

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), and pursuant to the provisions of Public Law 320, 74th Congress, approved August 24, 1935, as amended (49 Stat. 781; 7 U.S.C. 851–855), and the Marketing Agreement, as amended, and Marketing Order, as amended, Regulating Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus (9 CFR Part 131), that the Department of Agriculture proposes to terminate the said Marketing Agreement and Marketing Order.

In 1962 the Department of Agriculture, in accordance with the act authorizing the establishment of the National Hog-Cholera Eradication Program (75 Stat. 481, 21 U.S.C. section 114h, 114g), and in cooperation with the several States, initiated a program aimed toward eradication of hog-cholera disease. As a result thereof, in fiscal year 1966, the incidence of hog cholera was confirmed in only 583 swine herds as compared to 1,110 confirmations in 1965, and 1,117 in 1964. Further, the cooperative program with the States has severely limited interstate spread of hog cholera, there being only nine such occurrences reported in fiscal year 1966.

All the States are now actively participating in the National Hog-Cholera Eradication Program. As of January 1, 1966, the bulk of the Nation's swine population—over 97 percent—were in States which are in Phase II or higher in the said eradication program.

The progress of the National Hog-Cholera Eradication Program has brought about a greatly reduced incidence of hog-cholera disease outbreaks, with accompanying reductions in the manufacture and use of anti-hog-cholera serum which, together with the diminishing need for such serum, tend to indicate that the said Marketing Agreement and Order are no longer necessary in the public interest.

A principal purpose for the Marketing Agreement and Order was to provide a substantial and readily available anti-hog-cholera serum reserve to protect the Nation against disastrous outbreaks of hog-cholera disease. The serum reserve inventory of producers, as reported for each of the years since 1962, has steadily declined, to wit: 355 million cc's in 1963, 321 million cc's in 1964, 287.6 million cc's in 1965, and 121 million cc's in 1966.

Concurrent with the reduced demand for serum and the much lower serum inventory in 1966, several producers did not have the 40 percent reserve in 1966. This situation tends to indicate that the Marketing Agreement and Order may be imposing an economically inequitable or unreasonable requirement on the producers of anti-hog-cholera serum. It is anticipated that the need for serum will continue to decline with resultant lower inventories.

With the progress being made in the national program for the eradication of hog-cholera disease, and the demonstrated capabilities of the administering officials of the said eradication program to rapidly detect and control outbreaks of hog cholera, there appears to be little probability for an occurrence of an epizootic of hog cholera and the need for the maintenance of a substantial anti-hog-cholera serum reserve no longer exists.

In the circumstances, it is proposed that with the exception of the provisions dealing with liquidation of the affairs of the Control Agency (9 CFR 131.113) the said Marketing Agreement and Marketing Order Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus be terminated, effective midnight on December 31, 1966.

Any person who wishes to submit written data, views, or arguments concerning this proposed termination may do so by filing them with the Director, Veterinary Biologics Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 60 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection as such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 13th day of September 1966.

R. J. ANDERSON,
Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 66-10167; Filed, Sept. 15, 1966; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 1012]

[Docket No. AO-347-A1]

MILK IN TAMPA BAY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Tampa Bay marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Tampa, Fla., on March 7, 1966, pursuant to notice thereof which was issued February 18, 1966 (31 F.R. 3125).

The material issues on the record of the hearing relate to:

1. Producer-handler definition, and
2. Classification of milk shake mix.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Producer-handler definition.* A producer-handler should be allowed to dispose of Class II products received from any source without losing his producer-handler status. No other change in the producer-handler definition should be made.

The order now provides that a producer-handler cannot dispose of any Class II products except those produced in his own plant or received from pool plants. The disposition of other Class II products would cause him to lose his producer-handler status.

The operator of a nonpool manufacturing plant proposed the recommended change in the producer-handler definition. The plant manufactures sour cream, a Class II product; and yogurt, cottage cheese and "dips", all Class III products. Before the Tampa Bay order became effective, the presently designated producer-handlers in the area purchased these products, particularly sour cream, from the operator of the nonpool plant. With the advent of the order, these persons ceased purchasing his products because they did not want to lose their producer-handler status by selling a Class II product purchased from a nonpool source.

Handlers and producer groups in the market opposed such a change in the order. They argued that with this change producer-handlers could enhance their competitive position relative to other handlers and producers in the market. They urged that, instead, more stringent restrictions are necessary. It was suggested that a producer-handler be allowed to sell only those Class II products made in his own plant.

The source of any Class II products sold by a producer-handler should not be a factor affecting his status under the order. Reliance on sources other than his own production or pool plants for Class II products would not provide a producer-handler with any significant competitive advantage over regulated handlers with respect to the sale of such products.

The Tampa Bay order Class II price was established at a level which would make producer milk competitive with concentrated milk products from uninspected sources. Such products are often used in making Class II products. Whether regulated handlers use producer milk or concentrated milk products to make Class II products, their product cost would be comparable to the product cost of Class II items processed by nonpool plants. In this circumstance, producer-handlers obtaining Class II products from nonpool plants for resale would not have a price advantage over regulated handlers on such items.

Under the present order, a producer-handler's status is not contingent on the source of Class III products which he may distribute. Since both Class II and and Class III products may be made from non-Grade A milk, there is no economic reason to treat a producer-handler differently with respect to the source of Class II products which he sells.

Handlers asked for other changes in the producer-handler definition. They proposed that a producer-handler with Class I sales of over 300,000 pounds per month be fully regulated and that a person who loses his producer-handler status and becomes a fully regulated handler in 1 month may not qualify as a producer-handler in the following 11 months.

In January 1966, five handlers with own farm production qualified as producer-handlers under the order. Their gross Class I sales that month were 5.9 percent of the gross Class I sales of all handlers under the Tampa Bay order. Of the five producer-handlers, two had monthly Class I sales of over 300,000 pounds.

There is no indication that these larger producer-handlers have a cost advantage over regulated handlers on Class I milk or are a disruptive factor in the market. Moreover, it was not established that their exemption from the pooling and pricing provisions affect adversely the competitive position in the market of regulated handlers or producers.

In proposing that a producer-handler who fails to qualify as such in 1 month lose his producer-handler status for the next 11 months, handlers maintained that this would prevent him from exploiting the pool by becoming regulated when it is to his advantage, while retaining his exempt status at other times. Such a provision, however, could result in hardship in some instances. For example, an inadvertent failure to meet all requirements for producer-handler status in 1 month could cause a person to lose his designation as a producer-handler for an entire year. The regulatory effect of such action might too often tend to be disproportionate to the relative significance of the requirement that was not met. Since a producer-handler must rely on his own production, he must establish adequate production facilities to assure a sufficient milk supply for his Class I operation. Because of this, it is unlikely that a producer-handler will shift back and forth between his exempt status and that of a regulated handler for the purpose of exploiting the pool.

For the above-stated reasons, the proposal to limit producer-handler status to operations of not more than 300,000 pounds of milk monthly and the proposal that would deny producer-handler status during the succeeding 11 months to a producer-handler who failed to qualify as such in 1 month are denied.

2. *Classification of milk shake mix.* The order should specify that skim milk and butterfat used to produce milk shake mix be classified as Class III.

Including milk shake mix in Class III was proposed by a regulated handler who recently began producing and distributing this product. Because the order does not now specify another classification for milk shake mix, it is currently classified as Class I.

Milk shake mix is a product more nearly comparable to ice cream mix, a Class III product, than to flavored milk or any other Class I product. The ingredients used in its manufacture are butterfat, nonfat dry milk, sugar, flavoring, and stabilizer. The total solids in the end product are in excess of 25 percent. There is no requirement that milk shake mix be made from Grade A milk. It is free from any regulation by local health authorities other than as a food product.

Milk shake mix is generally considered in the same category as frozen dessert and ice cream mixes. As such, it is classified in the same class as such products in a number of other Federal orders. Milk shake mix is sold in Florida in competition with soft frozen desserts, which are readily available in retail food stores. Ice cream manufacturers, who are not subject to order regulation and who handle no Grade A fluid milk products, may and do market milk shake mix in the marketing area. There was no opposition to classifying milk shake mix as Class III in the Tampa Bay order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, in-

sure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Tampa Bay marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1012.7 is revised to read as follows:

§ 1012.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk, or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers or milk shake mix.

2. Section 1012.14 is revised to read as follows:

§ 1012.14 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant from which the Class I disposition (except that represented by nonfat solids used in the fortification of fluid milk products) is entirely from his own farm production;

(b) Receives no fluid milk products from sources other than his own farm production; and

(c) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all fluid milk products handled and the operation of the processing and packaging business are his personal enterprise and risk.

Signed at Washington, D.C., on September 12, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-10134; Filed, Sept. 15, 1966; 8:47 a.m.]

[7 CFR Part 1038]

[Docket No. AO 194-A14]

MILK IN ROCK RIVER VALLEY MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Faust Hotel, Rockford, Ill., beginning at 10 a.m., local time, on September 21, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Rock River Valley marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mid-West Dairymen's Co.:

Proposal No. 1. Amend § 1038.11(a) to read:

(a) A distributing plant from which not less than 50 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 25 percent of such receipts is disposed of in the marketing area on routes.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Room 814, 72 West Adams Street, Chicago, Ill. 60603, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on September 14, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-10192; Filed, Sept. 15, 1966; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 75]

[Airspace Docket No. 66-SO-43]

JET ROUTES

Proposed Realignment

The Federal Aviation Agency is considering amendments to Part 75 which would:

1. Realign J-20, in part from Jackson, Miss., via Meridian, Miss.; intersection of Meridian 089° T (084° M) and the Montgomery, Ala., 282° T (279° M) radials; Montgomery; to Tallahassee, Fla.

2. Realign J-41, in part from Tallahassee, Fla., direct Montgomery, Ala.

The present alignment of Jet Route No. 20 over Crestview, Fla., creates an area of congestion and restricts the flow of IFR aircraft within the Eglin AFB, Fla., complex. The proposed realignment of J-20 would relieve the congestion over Crestview and provide for a more orderly flow of IFR aircraft arriving and departing this complex.

The proposed realignment of Jet Route No. 41 would ensure that this route coincides with the proposed realignment of J-20. In addition, realignment of J-41 would reduce route segment mileage from 161 to 151 nautical miles.

These proposals were discussed at an Informal Airspace Meeting held in Atlanta, Ga., on July 22, 1966, and all comments were favorable.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on September 9, 1966.

H. B. HELSTROM,
Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 66-10114; Filed, Sept. 15, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 31]

CANNED SODA WATER

Proposal To Amend Identity Standard by Listing Stannous Chloride as Optional Chemical Preservative

Notice is given that a petition has been filed by American Bottlers of Carbonated Beverages, 1128 16th Street NW., Washington, D.C. 20036, proposing that the standard of identity for soda water (21 CFR 31.1) be amended to list stannous chloride as an optional chemical preservative for canned soda water.

Grounds set forth in the petition in support of the proposal are that stannous chloride in amounts ranging from 8 to 11 parts per million is effective in reducing solution of iron and the amount of dissolved oxygen in canned soda water beverages, that these effects tend to preserve the quality and increase the shelf life of such beverages, and that the proposed use complies with § 121.101(d) of the food additive regulations (21 CFR 121.101(d)) listing substances generally recognized as safe.

Accordingly, it is proposed that § 31.1 (b)(10) be revised to list stannous chloride as an optional chemical preservative for soda water, but only for canned soda water, as follows:

§ 31.1 Soda water; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(10) One or more of the chemical preservatives ascorbic acid, benzoic acid, BHA, BHT, calcium disodium EDTA, erythorbic acid, glucose-oxidase-catalase enzyme, methylparaben or propylparaben, nordihydroguaiaretic acid, propyl gallate, potassium or sodium benzoate, potassium or sodium bisulfite, potassium or sodium metabisulfite, potassium or sodium sorbate, sorbic acid, sulfur dioxide, or tocopherols, and, in the case of canned soda water, stannous chloride with or without one or more of the preceding chemical preservatives.

* * * * *

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), all interested persons are invited to submit their views in writing, preferably in quintuplicate regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: September 8, 1966.

J. K. KIRK,
Acting Commissioner of
Food and Drugs.

[F.R. Doc. 66-10141; Filed, Sept. 15, 1966; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3–P]

DISC BRAKE PADS FROM CANADA

Antidumping Proceeding Notice

SEPTEMBER 9, 1966.

On June 13, 1966, the Commissioner of Customs received information in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that disc brake pads imported from Canada, manufactured by Certified Automotive Products, Rexdale, Ontario, Canada, are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

A summary of the information received is as follows: Price lists for home consumption effective January 1, 1966, and April 1, 1966, are substantially higher than the invoiced prices to the importer in the United States.

Having conducted a summary investigation pursuant to § 14.6(d)(1)(i) of the Customs Regulations and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d)(1)(ii), (2), and (3) of the Customs Regulations to determine the validity of the information.

The information was submitted by Arnley, Inc., Pittsburgh, Pa.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs Regulations (19 CFR 14.6(d)(1)(i)).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 66–10171; Filed, Sept. 15, 1966; 8:50 a.m.]

Coast Guard

[CGFR 66–52]

"PARGO"

New London Harbor Closed to Navigation During Launching

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of J. A. Alger, Jr., Rear Admiral, U.S. Coast Guard, Commander, Third Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE NEW LONDON HARBOR

Pursuant to the request of the Commander, Submarine Force, U.S. Atlantic Fleet, U.S. Navy and acting under the authority of the Act of June 15, 1917 (40 Stat. 220) as amended, and the regulations in Part 6, Chapter 1, Title 33, Code of Federal Regulations, I hereby establish a Security Zone in the Waters of New London Harbor, New London, Conn. between the latitudes of 41 degrees 20 minutes 32 seconds North, and 41 degrees 21 minutes 03 seconds North, from 1200 e.d.t., on Saturday, September 17, 1966, until the "Pargo" is made fast to the wetdock at the Electric Boat Division of the General Dynamics Corp., Groton, Conn. The launching of the "Pargo" is scheduled for 1230 e.d.t., on Saturday, September 17, 1966. The northern and southern limits of this area will be marked by ranges located on the eastern shore. Coast Guard vessels will be anchored off these ranges between the shore line and the main ship channel.

No person or vessel shall enter this Security Zone without the permission of the Captain of the Port, New London, Conn. No person shall board or take or place any article or thing on board any vessel in the Security Zone without the permission of the Captain of the Port, New London, Conn. No person shall take or place any article or thing upon any waterfront facility in this zone without such permission. This order will be enforced by the Captain of the Port, New London, Conn., and by U.S. Coast Guard vessels under his command. The aid of other Federal, State and municipal agencies may be enlisted to assist in the enforcement of this order.

Penalties for violation of the above order: Section 2, Title II of the Act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulations or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title * * * or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: September 12, 1966.

[SEAL] P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 66–10169; Filed, Sept. 15, 1966; 8:50 a.m.]

Office of the Secretary

[Antidumping—ATS 643.3–b]

SHOES FROM POLAND

Determination of Sales at Not Less Than Fair Value

SEPTEMBER 9, 1966.

On July 15, 1966, there was published in the FEDERAL REGISTER a "Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value" because of termination of sales with respect to shoes, leather, men's and boys', welt construction, imported from Poland.

The termination of sales occurred soon after the exporter was advised that price discriminations existed with respect to its sales. The complaint was withdrawn based on assurances that there would be no sales below fair value.

No persuasive evidence or argument to the contrary having been presented within 30 days of the publication of the above-mentioned notice in the FEDERAL REGISTER, I hereby determine that because of termination of sales, shoes, leather, men's and boys', welt construction, from Poland are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination and the statement of reason therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66–10172; Filed, Sept. 15, 1966; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CALIFORNIA, ILLINOIS, KANSAS, NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of California, Illinois, Kansas, and North Carolina, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

CALIFORNIA

Modoc.	

ILLINOIS

Bond.	Jasper.
Clark.	Macoupin.
Crawford.	Madison.
Cumberland.	Monroe.
Coles.	Montgomery.
Edgar.	St. Clair.
Effingham.	Shelby.
Fayette.	

KANSAS

Chautauqua.	Wilson.
Montgomery.	

NORTH CAROLINA

Gaston.	Vance.
Lincoln.	Wayne.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of September 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–10136; Filed, Sept. 15, 1966; 8:47 a.m.]

Rural Electrification Administration

VARIOUS OFFICIALS

Delegations of Authority Regarding Powers of Administrator

Pursuant to the authority delegated by the Secretary of Agriculture to the Administrator, Rural Electrification Administration, by sections 116 and 1500 of the Delegations of Authority and Assignment of Functions dated December 24, 1953, effective January 2, 1954 (19 F.R. 74), as amended made pursuant to Reorganization Plan No. 2 of 1953 and other authorizations, the following delegations of authority have been made:

A. Authority has been delegated to the officials listed below to exercise, in the absence of the Administrator, and in the following order of precedence, any powers of the Administrator:

1. Deputy Administrator.
2. Deputy Administrator for Policy and Program Review.
3. Assistant Administrator—Electric, designated to direct the electric program.
4. Assistant Administrator—Telephone, designated to direct the telephone program.
5. Assistant Administrator for Borrower Development.
6. Such other official as shall be designated by the Administrator.

B. Authority has been delegated to the Deputy Administrator to approve or execute:

1. REA bulletins and staff instructions (except those which establish policy) affecting the responsibilities of more than one assistant administrator or of the Information Services Division, Office of Budget, Office of Program Analysis, Personnel Management Division and the Program and Administrative Services Division.
2. Agreements or contracts covering management or operations services between telephone and electric borrowers.
3. Agreements between REA electric and telephone borrowers for the general joint use of facilities.
4. Contracts obligating the administrative funds of REA.
5. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs C through DD hereof.

C. Authority has been delegated to the Assistant Administrator—Electric, to approve or execute for electric borrowers:

1. REA bulletins and staff instructions for the electric program (except those which establish policy or involve the responsibilities of another assistant administrator).
2. Action concerning disapproval of the selection of a manager or an attorney by a borrower.
3. Electric wholesale, wheeling, and interchange power contracts.
4. Cash sales of property in place or sales of real estate by borrowers involving transactions of more than $50,000 or more than 10 percent of a borrower's total assets, but not in excess of $100,000, and releases of lien and all other documents relating to such sales.
5. Contracts for acquisition by electric borrowers of existing facilities in place.
6. The use and reimbursement of general funds for construction purposes exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, when approval is required, except for facilities subject to power supply survey and requiring certification by the Administrator.
7. Authorization for advance of loan funds under "conditional agreements" when the conditions have been met; the placement of "stop orders" on loan funds subsequent to the approval of the loan, and their release.
8. Loan budget adjustments which would constitute administrative approval of the following proposals except those which would provide funds for facilities subject to power supply survey and requiring certification by the Administrator.
   a. Alter the capacity of generating facilities.
   b. Change transmission facilities to serve loads or to connect to power sources that were not contemplated at the time of loan approval.
   c. Increase the cost of headquarters facilities in excess of 10 percent of the amount approved to date.
   d. Acquire electric plant.
9. Agreements for the common use of facilities by Power and Distribution borrowers.
10. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs D, H, I, J, K, L, M, N, O, P, Q, and Z hereof.

D. Authority has been delegated to the Deputy Assistant Administrator—Electric, to approve or execute for electric borrowers:

1. Basis date agreements on approved forms providing for modification of existing mortgage notes.
2. Changes in borrowers' corporate status.
3. Action concerning payment of dividends or other cash distribution.
4. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs H, I, J, K, L, M, N, O, P, Q, and Z hereof.

E. Authority has been delegated to the Assistant Administrator—Telephone, to approve or execute for telephone borrowers:

1. REA bulletins and staff instructions for the telephone program (except those which establish policy or involve the responsibilities of another assistant administrator).
2. Action concerning disapproval of the selection of a manager or an attorney by a borrower.
3. Cash sales and removals of property in place or sales of real estate by telephone borrowers involving transactions of more than $50,000 or more than 10 percent of a borrower's total assets, but not in excess of $100,000, and releases of lien and all other documents relating to such sales.
4. Waiver of mortgage provisions concerning borrowers' payments of dividends or other cash distribution to stockholders or members.
5. Contracts for acquisition by telephone borrowers of existing facilities in place.
6. Interim financing proposals, subject to subsequent approval of a loan or advance of funds.
7. Authorization for advance of loan funds where waiver of loan contract provisions or new or revised administrative findings are involved, except where equity requirements have not been met or where new findings of feasibility (studies) are required.
8. Engineering fee schedules.
9. Loan budget adjustments involving legal or policy questions or a new or revised administrative finding, except where new feasibility findings (studies) are required.
10. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs F, R, S, T, U, and AA hereof.

F. Authority has been delegated to the Deputy Assistant Administrator—Telephone, to approve or execute for telephone borrowers:

1. Basis date agreements on approved forms providing for modification of existing mortgage notes.
2. Changes in borrowers' corporate status.
3. First advance of loan funds where waiver of loan contract conditions or new or revised administrative findings are not involved.
4. Cash sales and removals of borrower's property in place or sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, and releases of lien and all other documents relating to such sales.
5. The purchase price of properties to be acquired by telephone borrowers where the purchase price exceeds REA appraisal value.
6. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs R, S, T, U, and AA hereof.

G. Authority has been delegated to the Assistant Administrator for Borrower Development to approve or execute:

1. REA bulletins and staff instructions (except those which establish policy or involve the responsibilities of another assistant administrator) concerning responsibilities of the Borrowers' Financial Management Division, the Rural Areas Development Staff and the offices of the staff specialists for Labor Relations, Member Services, Commission Regulations, Safety, and Architecture.

2. Remedial action plans for electric and telephone borrowers designated as requiring specialized and coordinated attention of Borrower Development and other REA personnel.

3. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs V, W, X, and Y hereof.

H. Authority has been delegated to the Area Directors—Electric, to approve or execute for electric distribution borrowers:

1. The award of contracts for construction and for the purchase of equipment where approval of the award is required.

2. Agreements for the joint use of electric borrowers' facilities, except for general joint use agreements between electric and telephone borrowers.

3. Loan budget adjustments excluding those which would constitute administrative approval of proposals to:

a. Provide funds for facilities subject to a Power Supply Survey and requiring certification by the Administrator.

b. Alter the capacity of generating facilities.

c. Change transmission facilities to serve loads or to connect to power sources that were not contemplated at the time of loan approval.

d. Increase the cost of headquarters facilities in excess of 10 percent of the amount approved to date.

e. Acquire electric plant.

4. Agreements between electric borrowers for operation of a borrower's facilities.

5. Waiver of specified defects in title and rights-of-way obtained by borrowers.

6. Cash sales of electric borrowers' property in place or sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, and releases of lien and all other documents relating to such sales.

7. The use or reimbursement of general funds for construction purposes not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, when approval is required, except for facilities subject to power supply survey and requiring certification by the Administrator.

8. Use of nonstandard drawings, materials, and equipment.

9. Designation of borrowers required to obtain audits by Certified Public Accountants.

10. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs I, J, K, and L hereof.

I. Authority has been delegated to Chiefs, Engineering Branches—Electric, to approve or execute for electric distribution borrowers:

1. Right-of-way clearing contracts.

2. The selection by borrower of an engineer or architect and contracts for engineering and architectural services.

3. Contracts for construction and for the purchase of equipment.

4. Final inventory documents and payments to contractors and engineers.

5. Financial Requirement and Expenditure Statements and work order inventories.

6. Plans and specifications and work orders for construction of generation facilities and for headquarters, garage, and warehouse facilities.

7. Technical engineering studies of distribution and transmission facilities requiring REA approval.

8. Borrowers' selection of force account method of construction.

9. Proposals for off-peak load control equipment.

10. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraph J hereof.

J. Authority has been delegated to Field Engineers—Electric, to approve or execute for electric distribution borrowers:

1. Plans and specifications for the construction of substations, transmission facilities and nonstandard distribution facilities.

2. Engineering design data including drawings, plans, and profile sheets, etc., for transmission facilities, substations, distribution lines to serve large power loads and other major facilities included in construction work plans.

3. Construction contracts for distribution facilities on REA Forms 790 and 792 not exceeding $50,000 for "Labor Only" contracts or $100,000 for "Labor and Material" contracts.

4. Engineering approval of large power applications.

5. Final statements of engineering fees.

6. Construction work plans.

7. Certificates of completion for distribution and transmission contract construction.

8. Voltage drop, sectionalizing, and power factor studies.

K. Authority has been delegated to Chiefs, Operations Branches—Electric, to approve or execute for electric distribution borrowers:

1. Retail rate contracts between borrowers and others relating to large power installations.

2. Borrowers' cash sales of material and equipment excluding property in place, when approval is required, and releases of lien and all other documents relating to such sales.

3. Insurance and fidelity coverage of borrowers.

4. Special legal fees to be paid by borrowers from loan funds.

5. Borrowers' requests for approval to loan in excess of $2,500 of section 5 loan funds other than to commercial or industrial enterprises.

6. Purchase of real estate by borrowers.

7. Certificates regarding a borrower's incorporation and changes in a borrower's corporate status or name.

8. Affidavits, certificates, and statements with respect to the recording, filing, or renewing of mortgages and deeds of trust, including financing statements under the Uniform Commercial Code.

9. Municipal and county franchises obtained by borrowers from the standpoint of acceptability for REA loans.

10. In addition, independently, all matters and documents to which authority to approve or execute is conferred upon others in paragraphs L.1 and L.2.

L. Authority has been delegated to Operations Field Representatives—Electric to approve for electric distribution borrowers:

1. Long-range financial forecasts prepared and submitted in conjunction with "standard form" loan applications.

2. Economic feasibility determinations in relation to "simplified form" loan applications.

M. Authority has been delegated to the Director, Power Supply Division—Electric, to approve or execute for electric power borrowers:

1. Agreements for the joint use of electric borrowers' facilities, except for general joint use agreements between electric and telephone borrowers.

2. Loan budget adjustments excluding those which would constitute administrative approval of proposals to:

a. Provide funds for facilities subject to a power supply survey and requiring certification by the Administrator.

b. Alter the capacity of generating facilities.

c. Change transmission facilities to serve loads or to connect to power sources that were not contemplated at the time of loan approval.

d. Increase the cost of headquarters facilities in excess of 10 percent of the amount approved to date.

e. Acquire electric plant.

3. Agreements between power borrowers for operation of a borrower's facilities.

4. Waiver of specified defects in title and rights-of-way obtained by borrowers.

5. Cash sales of borrowers' property in place or sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser.

6. The use or reimbursement of general funds for construction purposes not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, when approval is required, except for facilities subject to power supply survey and requiring certification by the Administrator.

7. Use of nonstandard drawings, materials, and equipment.

8. Designation of borrowers required to obtain audits by Certified Public Accountants.

9. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs N, O, P, and Q hereof.

N. Authority has been delegated to the Assistant Director, Postloan—Electric, to approve or execute for power borrowers:

1. The award of contracts for construction and for the purchase and installation of generating equipment where REA approval is required.

2. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs O, P, and Q hereof.

O. Authority has been delegated to the Chief, Power Plants Branch—Electric, to approve or execute for power borrowers:

1. The selection by borrower of an engineer or architect and contracts for engineering and architectural services.

2. Plans and specifications and work orders for construction of generation facilities.

3. Borrowers' selection of force account method of construction.

4. Final statements of engineering fees.

5. Purchase by power borrowers of generating plantsites.

6. Contracts for the construction and the purchase and installation of generating facilities.

P. Authority has been delegated to the Chief, Transmission Branch—Electric, to approve or execute for power borrowers:

1. Right-of-way clearing contracts.

2. The selection by borrower of an engineer and contracts for engineering services.

3. Technical engineering studies of transmission and distribution facilities requiring REA approval.

4. Borrowers' selection of force account method of construction.

5. Plans and specifications for construction of transmission facilities and for preliminary design data and plans and profile sheets for transmission facilities.

6. Estimate work orders for construction of transmission facilities.

7. Engineering approval of large power applications.

8. Final statements of engineering fees.

9. Certificates of completion for transmission and distribution contract construction.

10. Voltage drop, sectionalizing, and power factor studies.

11. Contracts for the construction of transmission facilities.

12. Purchase of substation sites by power borrowers.

Q. Authority has been delegated to the Chief, Management Branch—Electric, to approve or execute for power borrowers:

1. Final inventory documents and payments to contractors and engineers.

2. Financial Requirement and Expenditure Statements and work order inventories.

3. Retail rate contracts between power borrowers and others relating to large power installations.

4. Borrowers' cash sales of material and equipment excluding property in place, when approval is required.

5. Insurance and fidelity coverage of borrowers.

6. Special legal fees to be paid by borrowers from loan funds.

7. Certificates regarding a borrower's incorporation and changes in a borrower's corporate status or name.

8. Affidavits, certificates, and statements with respect to the recording, filing, or renewing of mortgages and deeds of trust, including financing statements, under the Uniform Commercial Code.

9. Municipal and county franchises obtained by borrowers from the standpoint of acceptability for REA loans.

10. Releases of lien relating to cash sales of property in place or sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets whichever is the lesser.

11. Contracts for construction of headquarters, garage, and warehouse facilities.

12. Plans and specifications and work orders for headquarters, garage, and warehouse facilities.

13. The selection by a borrower of an architect and contracts for architectural services.

14. Purchase of real estate other than substation and generating plantsites.

R. Authority has been delegated to the Area Directors—Telephone, to approve or execute for telephone borrowers:

1. Borrowers' lease agreements and contracts covering management or operations services except those involving electric borrowers.

2. Increases in salaries and other compensation to be paid to borrowers' officers, directors, and managers, pursuant to authority, if any, granted under the REA mortgage.

3. Borrowers' use of nonstandard operating reports.

4. Designation of borrowers required to obtain audits by Certified Public Accountants.

5. The use of equity funds by borrowers prior to the first release of loan funds.

6. Area coverage design report and Form 780.

7. Borrowers' requests to waive competitive bidding for central office equipment where the borrower has existing equipment to be retained.

8. Award of contracts for construction and for central office equipment.

9. Loan budget adjustments as specified except those involving legal or policy questions or new or revised administrative findings.

10. Selection by telephone borrowers of the force account method of construction.

11. Use of nonstandard drawings, materials, and equipment.

12. Waiver of specified defects in title and rights-of-way.

13. Letters to loan applicants setting forth loan requirements proposed for inclusion in a pending loan recommendation.

14. Field trial installations of telephone materials and equipment jointly with the Director, Telephone Standards Division.

15. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs S, T, and U hereof.

S. Authority has been delegated to the Chiefs, Engineering Branches—Telephone, to approve or execute for telephone borrowers:

1. Contracts, including amendments thereto for construction and central office equipment.

2. Plans and specifications for central office equipment, radio and microwave equipment, commercial office, garage, and warehouse buildings and for nonstandard central office equipment buildings.

3. Joint use agreements between telephone borrowers and parties other than REA borrowers.

4. The selection by a borrower of an engineer or an architect and contracts for engineering and architectural services.

5. Statement of final engineering fees.

6. Borrowers' proposals and cost estimates for force account engineering and construction.

7. Borrowers' proposals for the purchase of additions and modifications to central office equipment.

8. Contracts and amendments thereto, for the purchase of special equipment such as carrier, radio, repeaters, etc.

9. Financial requirement statements.

10. Final inventory documents and payments to contractors and engineers.

11. Purchase of real estate by borrowers.

12. Loan budget adjustments as specified except those involving legal or policy questions or new or revised administrative findings.

13. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraph T hereof.

T. Authority has been delegated to Field Engineers—Telephone, to approve or execute for telephone borrowers:

1. Plans and specifications for outside plant, standard office buildings, repeaters, carrier equipment, and additions to radio and microwave equipment.

2. Borrowers' proposals for and completed construction of system improvements and extensions, when required.

3. Borrowers' proposals for purchase of repeaters, carrier equipment, and additions to radio and microwave equipment.

4. Selection by the borrower of the method of installing repeaters and carrier equipment.

5. Line extension contracts.

U. Authority has been delegated to the Chiefs, Operations Branches—Telephone, to approve or execute for telephone borrowers:

1. Affidavits, certificates, and statements with respect to the recording, filing, or renewing of mortgages and deeds of trust, including financing statements under the Uniform Commercial Code.

2. Municipal and county franchises obtained by borrowers from the standpoint of acceptability for REA loans.

3. Special legal fees to be paid by borrowers from loan funds.

4. Certificates regarding a borrower's incorporation and articles of incorporation and bylaws and changes in a borrower's corporate name.

5. State regulatory body orders and approvals from the standpoint of acceptability for REA loans.

6. Borrowers' cash sales of material and equipment, excluding property in place, when approval is required, and releases of lien and all other documents relating to such sales.

7. Borrowers' insurance and fidelity coverage.

8. Selection of Certified Public Accountant to perform audits.

9. Forms of stock and equity certificates.

10. Loan budget adjustments as specified except those involving legal or policy questions or new or revised administrative findings.

V. Authority has been delegated to the Director, Borrowers' Financial Management Division to approve:

1. Actions concerning disapproval of the selection of a Certified Public Accountant by an REA borrower.

2. In addition, independently, all matters and documents as to which authority to approve is conferred upon others in paragraphs W and X hereof.

W. Authority is delegated to the Chief, Borrowers' Accounting Branch to approve all matters and documents as to which authority to approve is conferred upon others in paragraph X hereof.

X. Authority is delegated to Field Accountants to approve with respect to REA borrowers:

1. The propriety of the disbursements of loan and equity funds as required by loan contract provisions and REA policy.

2. The adequacy of accounting systems and related records.

Y. Authority has been delegated to the Director, Rural Areas Development Staff to approve loans by borrowers of between $2,500 and $25,000 of section 5 loan funds to commercial or industrial enterprises.

Z. Authority has been delegated to the Director, Electric Operations and Standards Division to approve or accept reports and invoices submitted under contracts covering research and services performed for REA in connection with the electric program.

AA. Authority has been delegated to the Director, Telephone Standards Division to approve or accept:

1. Reports and invoices submitted under contracts covering research and services performed for REA in connection with the telephone program.

2. Field trial installations of telephone materials and equipment jointly with the appropriate area director.

BB. Authority has been delegated to the Technical Standards Committees as follows:

1. Committees "A" (Electric and Telephone) to accept or reject all proposals of standards, standard specifications, drawings, materials, and equipment submitted for acceptance for use on REA-financed electric and/or telephone systems.

2. Committees "B" (Electric and Telephone) to review and make final decision on cases referred to it by Committee "A" or by appeal from a sponsor from an adverse decision of Committee "A".

CC. Authority has been delegated to the Director, Program and Administrative Services Division and the Chief, Accounting and Statistics Branch to:

1. Execute endorsements or assignments of promissory notes or other collateral pledged by borrowers as security for Rural Electrification Administration loans, as may be necessary in connection with the return of such documents to borrowers because of the payment of the obligations in full or in order that the borrowers may institute legal action thereon or in connection therewith.

2. Cancel or endorse the fact of payment on borrowers' notes which have been paid in full or which are to be returned to borrowers by reason of the cancellation of such notes resulting from the receipt by REA of refunding, renewal, or substituted notes.

DD. Authority has been delegated to the Director, Program and Administrative Services Division, the Chief, General Services Branch, Program and Administrative Services Division and to the Head, Supply and Space Management Section, General Services Branch, Program and Administrative Services Division to approve the purchase of equipment, materials, and services for REA.

EE. In the event the incumbents of positions to whom delegations are made herein are absent or are unable to act, the person designated to act shall exercise the authority conferred by such delegations. Incumbents of positions delegated authority herein are authorized to designate persons to act for them in their absence. Such designation shall be in accordance with any instructions issued by the incumbent's supervisor.

FF. There is reserved in the Administrator authority for all matters not delegated hereby, or by other written delegation, including without limitation:

1. The making or rescission of loans.

2. Extensions of loan periods pursuant to section 12 of the Rural Electrification Act, as amended.

3. Execution of instruments relating to inter borrower transfers involving the assumption of indebtedness.

These delegations supersede all prior delegations with reference to these matters.

Issued this 10th day of September 1966.

NORMAN M. CLAPP,
Administrator.

[F.R. Doc. 66-10135; Filed, Sept. 15, 1966; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RICHMOND LEWIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions: Automatic Radio Manufacturers; Hazel Bishop, Inc.; CCI Corp.; Jessop Steel Co.; Sterling Precision Corp.; Brush Beryllium Co.; Loral Electronics.

B. Additions: None.

This statement is made as of August 27, 1966.

RICHMOND LEWIS.

AUGUST 30, 1966.

[F.R. Doc. 66-10102; Filed, Sept. 15, 1966; 8:45 a.m.]

MARVIN S. PLANT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions: No change.

B. Additions: No change.

This statement is made as of August 15, 1966.

MARVIN S. PLANT.

AUGUST 15, 1966.

[F.R. Doc. 66-10103; Filed, Sept. 15, 1966; 8:45 a.m.]

RICHARD P. STEINER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions: No change.

B. Additions: No change.

This statement is made as of August 21, 1966.

RICHARD P. STEINER.

AUGUST 21, 1966.

[F.R. Doc. 66-10104; Filed, Sept. 15, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY INDUSTRIAL CHEMICALS

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2076) has been filed by Geigy Industrial Chemicals, division of Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the issuance of a regulation to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane as a stabilizer in polymers for food-contact use.

Dated: September 8, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10142; Filed, Sept. 15, 1966; 8:47 a.m.]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization and Delegations of Authority

Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050), as amended, is amended by revising § 8.10 to read as follows:

SEC. 8.10. *Organization.* (a) The Social Security Administration, which is under the supervision and direction of the Commissioner of Social Security, consists of:

Office of the Commissioner.
  Immediate Office of the Commissioner.
  Office of the Assistant Commissioner, Field Community Planning Staff.
  Office of the Regional Assistant Commissioner.
Office of the Actuary.
Office of Administration.
  Office of the Assistant Commissioner.
  Employee Management Relations and Equal Employment Opportunity Staff.
  Management Coordination and Special Projects Staff.
  Division of Administrative Appraisal and Planning.
  Division of Audits and Investigations.
  Division of Employee Development.
  Division of Financial Management.
  Division of Operating Facilities.
  Division of Personnel.
  Division of Systems Coordination and Planning.
  Employee Health Service.
  SSA Employee Communications Staff.
  SSA Operations Research Staff.
Office of Information.
  Office of the Information Officer.
  Operations Branch.
  Production Branch.
  Public Inquiries Branch.
Office of Program Evaluation and Planning.
  Office of the Assistant Commissioner.
  Division of Coverage and Disability Benefits.
  Division of Health Insurance.
  Division of Retirement and Survivors Benefits.
Office of Research and Statistics.
  Office of the Assistant Commissioner.
  International Staff.
  Publications Staff.
  Research Grants Staff.
  Division of Economic and Social Surveys.
  Division of Health Insurance Studies.
  Division of Program and Long-Range Studies.
  Division of Statistics.
Bureau of Data Processing and Accounts.
  Office of the Bureau Director.
  Division of Accounting EDP Systems.
  Division of Accounts and Adjustments.
  Division of Central EDP Operations.
  Division of Certification.
  Division of Claims and State Coverage Methods.
  Division of Claims EDP Systems.
  Division of Management Coordination.
  Division of Registration.
  Division of Report Processing.
  Division of Reporting and Accounting Methods.
  Division of Statistical Services.
  Division of Telecommunications Management.
Bureau of Disability Insurance.
  Office of the Bureau Director.
  Medical Consultant Staff.
  Division of Benefit Services.
  Division of Disability Policy and Procedures.
  Division of Evaluation and Authorization.
  Division of Management and Appraisal.
  Division of Reconsideration.
  Division of State Disability Operations.
  Office of the Regional Representative, Disability Insurance.
Bureau of District Office Operations.
  Office of the Bureau Director.
  Operations Analysis and Standards Staff.
  Division of Field Operations and Management.
  Division of Field Organization and Methods.
  Division of Operating Policy and Procedure.
  Office of the Regional Representative, District Office Operations.
Bureau of Federal Credit Unions.
  Office of the Bureau Director.
  Division of Administration.
  Division of Examination and Accounting.
  Division of Organization and Standards.
  Division of Statistical Research and Analysis.
  Office of the Regional Representative, Federal Credit Unions.
Bureau of Health Insurance.
  Office of the Bureau Director.
  Office of the Chief Medical Officer.
  Division of Health Insurance Methods and Procedures.
  Division of Health Insurance Policy and Standards.
  Division of Health Insurance Reimbursement.
  Division of Insurance Operations.
  Division of Management.
  Division of State Operations.
  Office of the Regional Representative, Health Insurance.
Bureau of Hearings and Appeals.
  Office of the Bureau Director.
  Appeals Council.
  Medical Advisory Staff.
  Division of Administration.
  Division of Field Operations.
  Office of the Regional Hearings Representative.
  Division of Program Operations.
Bureau of Retirement and Survivors Insurance.
  Office of the Bureau Director.
  Division of Administrative Review.
  Division of Appraisal Systems.
  Division of Benefit Continuity.
  Division of Coverage.
  Division of Entitlement.
  Division of Foreign Claims.
  Division of Management.
  Division of Operations.
  Division of Technical Services.
  Office of the Regional Representative, Retirement and Survivors Insurance.

(Sec. 6, Reorg. Plan No. 1 of 1953)

Approved: September 8, 1966.

[SEAL] WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-10146; Filed, Sept. 15, 1966; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-25]

UNITED STATES RADIUM CORP.

Notice of Filing of Petition

Please take notice that the United States Radium Corp., Morristown, N.J., by letter dated August 26, 1966, has filed with the Commission a petition for rule making to amend the Commission's regulations "General Licenses for Certain Quantities of Byproduct Material and Byproduct Material Contained in Certain Items," 10 CFR Part 31, and "Specific Licenses to Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material," 10 CFR Part 32.

The amendments proposed by the petitioner would amend § 31.7 of Part 31 and § 32.53 of Part 32 which pertain to luminous safety devices for use in aircraft. The petitioner requests that the maximum quantity of tritium specified in §§ 31.7 and 32.53 for luminous safety devices subject to the general license of § 31.7 be increased from four (4) curies to ten (10) curies per device.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 9th day of September 1966.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 66-10106; Filed, Sept. 15, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10920, Docket No. 15726; Order No. E-24175]

NONPRIORITY MAIL RATE CASE AND DOMESTIC SERVICE MAIL RATE CASE

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of September 1966.

The Postmaster General, on July 1, 1966, moved the Board for leave to file an otherwise unauthorized document consisting of a petition to include Guam as an off-shore point to and from which nonpriority first-class mail could be dispatched on a voluntary space-available basis under the terms of Order E-17255, July 31, 1961. The Secretary of the Interior has sought leave to file an answer in support of the Postmaster General's petition. No objections to the entertaining of such documents have been filed and the Board has decided to accept the petition of the Postmaster General and supporting answer of the Secretary of the Interior and consider them on their merits.

The Postmaster General alleges that he did not press for inclusion of the territory of Guam in the original nonpriority mail order because it did not appear

that there was then sufficient capacity available between the mainland and Guam to justify a rate for such services. He alleges that there are now 11 schedules weekly between San Francisco and Guam and additional flights between Honolulu and Guam. The Postmaster General alleges that sufficient capacity exists to accommodate a projected volume of from 65–100 pounds of first-class mail daily, and authority to move first-class mail by air will substantially improve the mail service to and from Guam since transit time between the West Coast and Guam on surface modes generally consumes from 13 to 18 days.

In his answer supporting the Postmaster General's petition, the Secretary of the Interior avers that the volume of service and available capacity appear to warrant the airlift of first-class mail to Guam. He further alleges that the movement of first-class mail by air would assist the developing economy of Guam as well as aid business and tourism there.

In view of the representations of the Postmaster General and Secretary of the Interior, and the failure of any person to oppose the Board's entertaining of the petition, it has been concluded that the Board should propose amendment of the nonpriority mail rate order, E–17255, July 31, 1961 (34 CAB 143), so as to extend the application of the existing multielement rate for nonpriority mail to services between the 48 contiguous States and Agana, Guam, and between Hawaii and Agana, Guam. It will also propose to classify Agana, Guam, as a Class B station under the existing station classification criteria of Order E–17255.

In addition, the Post Office Department has informally requested the Board to amend the current airmail rate order, E–22512, August 6, 1965, and the nonpriority mail rate order, E–17255, July 31, 1961, to adjust the linehaul elements and change the basis for computing compensation from standard miles to nonstop great circle miles.

The Department has computed the difference between the standard poundmiles and nonstop great circle poundmiles for each carrier during fiscal 1965. From this comparison it has derived an average circuity factor of 0.679 percent for airmail, 0.1980 percent for nonpriority mail within the 48 contiguous States and 0.0180 for nonpriority mail moving between points in the 48 contiguous States and Alaska. It would increase the airmail line-haul element of 27.15 cents per ton-mile by this factor, to 27.33 cents per ton-mile, the nonpriority line-haul element applicable to shipments within the 48 contiguous States from 15.085 cents per mail ton-mile to 15.115 cents per mail ton-mile, and the nonpriority line-haul element applicable to Alaska shipments from 18 cents per ton-mile to 18.003 cents per ton-mile. All line-haul rates would then be applied to nonstop great circle miles rather than standard miles.

The effect of adopting the Department's proposal is shown in Appendix A attached hereto. The overall industry yield would not be significantly affected but because the degree of circuity varies from carrier to carrier it is apparent that the shift to nonstop miles will produce distortions in individual carrier results. As shown in Appendix A,[1] the effect on individual carriers' airmail yields ranges from a maximum increase of 0.64 percent to a maximum decrease of 2.91 percent.

The Board has concluded that it should propose revision of the rate orders to use nonstop rather than standard mileages. The current service airmail rate order will expire by its own terms on December 31, 1966, and it appears that all parties to the pending Domestic Service Mail Rate Case, Docket 16749, have agreed that the rate to apply on and after January 1, 1967, should be based on nonstop rather than standard miles. Thus the impact of revising the mileage basis of the current rate order effective October 8, 1966, the date when new standard mileages would ordinarily be put into effect, will be felt for less than one quarter of a year. While the change will remain in effect indefinitely in the case of the nonpriority order, the circuity is much less and the revised mileage basis will have very little effect on individual carrier revenues. The Board has tentatively concluded that the distortions involved in individual carrier results are not substantial enough to require continued use of standard miles during the remainder of the year. The process of computing and tabulating new standard mileages is difficult, expensive and inconvenient to both the Department and the carriers.

In view of the foregoing, the Board has tentatively found and concluded that effective October 8, 1966:

(1) Subparagraph 1 of paragraph A of Order E–17255, July 31, 1961, should be amended to read as follows:

1. *Line-haul charges.* The line-haul charge shall be the product of the mail ton-miles times the line-haul rate of 15.115 cents per mail ton-mile, and the mail ton-miles shall be computed using the nonstop great circle miles between the point of origin and point of destination as the standard mileage except for mail transported between a point in Alaska and a point in the 48 contiguous States. For mail transported between a point in Alaska and a point in the 48 contiguous States the standard mileage between such points shall consist of two components, the first component of which shall consist of the nonstop great circle miles between the point of origin or destination in Alaska and the nearest point (referred to hereafter as the gateway point) in the 48 contiguous States served on the schedule, combination of schedules, or parts of schedules designated for nonpriority mail service and forming the shortest routing between the point of origin or destination in Alaska and point of origin or destination in the 48 contiguous States. The second component shall consist of the nonstop great circle miles between the gateway point and the point of origin or destination within the 48 contiguous States. For the first component the line-haul charge shall be 18.003 cents per mail ton-mile, and for the second component the line-haul charge shall be 15.115 cents per mail ton-mile.

(a) If, after October 7, 1966, there has been or shall be a change in the airport through which a particular point is served or service to a new point has been or shall be instituted, the standard mileage for each pair of points affected thereby shall be determined, in the manner described above.

(b) In case of any community served through more than one airport, the provisions hereof shall be applied as if the community were served by only one airport and that airport shall be the one having the greatest number of scheduled departures of domestic flights during the month of May preceding the commencement of each fiscal year by air carriers certificated to transport mail: *Provided, however,* That in any case where one of the multi-airports other than the controlling airport has a flight (or flights) which would produce a shorter distance to a given point, if the mileage for such flight (or flights) were computed from the controlling airport, then the flights actually serving the controlling airport, the standard mileage shall be computed as if such flight (or flights) serves the controlling airport.

(2) Paragraph B of Order E–17255, July 31, 1961, should be amended as follows:

B. The rates fixed and determined herein shall be applicable only to the transportation by air of nonpriority mail; i.e., such first-class mail, other than airmail and air parcel post, which may be tendered from time to time by the Post Office Department and carried on a voluntary space-available basis, between any points within the 48 contiguous States and between any point within them and Agana, Anchorage, Cordova, Fairbanks, Honolulu, Juneau, Ketchikan, Kodiak, San Juan, or Yakutat, and between Honolulu, Hawaii, and Agana, Guam.

(3) Appendix 2 to Order E–23774, June 6, 1966, shall be amended to add Agana, Guam, among the Class B stations there listed for nonpriority mail service only.

(4) Order E–22512, August 6, 1965, shall be amended as follows:

(a) The first full paragraph on page 5 shall be amended to read as follows:

On and after October 8, 1966, but not beyond December 31, 1966, in the case of American Airlines, Inc., Continental Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Airlift International, Inc., The Flying Tiger Line Inc., The Slick Corp., Braniff Airways, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc., Allegheny Airlines, Inc., Bonanza Air Lines, Inc., Central Airlines, Inc., Frontier Airlines, Inc., Lake Central Airlines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Pacific Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans-Texas Airways, Inc., and West Coast Airlines, Inc., the mail compensation for each carrier shall be paid monthly or at such lesser interval as may be agreed upon by the carrier and the Post Office Department and shall be computed by obtaining the sum of (1) the line-haul charges, and (2) the terminal charges, computed as follows:

(b) On pages 5 and 6, the provisions denominated: "1. Line-Haul Charges," shall be amended to read as follows:

1. *Line-Haul charges.* The line-haul charge shall be the product of the mail ton-miles times the line-haul rate of 27.33 cents per mail ton-mile. The mail ton-miles for each shipment shall be computed by using the nonstop great circle miles between the station of origin and station of destination for each shipment as the standard mileage between such points.

(a) If, after October 7, 1966, there is a change in the airport through which a particular point is served, or service to a new point is instituted, the standard mileage for each pair of points affected thereby shall be determined in the manner described above.

(b) In the case of any community served through more than one airport, the provisions of this formula shall be applied as if the community were served by only one airport and that airport shall be the one having the greatest total number of scheduled departures of domestic flights during the month of May preceding the commencement of each fiscal year by air carriers certificated to transport mail: *Provided, however,* That in any cases where one of the multiairports other than the controlling airport has a flight (or flights) which would produce a shorter distance to a given point, if the mileage for such flight (or flights) were computed from the controlling airport, than the flights actually serving the controlling airport, the standard mileage shall be computed as if such flight (or flights) serves the controlling airport.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR, Part 302,

It is ordered, That:

1. The application of Rule 303 of the Board's rules of practice shall be waived insofar as it would preclude the Postmaster General from filing a petition seeking modification of a final mail rate and the Secretary of the Interior from filing an answer in support of the Postmaster General's petition.

2. Leave to file the aforementioned petition and answer is hereby granted.

3. All interested persons, and particularly Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Bonanza Air Lines, Inc., Braniff Airways, Inc., Central Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Lake Central Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pacific Air Lines, Inc., Pacific Northern Airlines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., The Slick Corporation, Southern Airways, Inc., Trans-Texas Airways, Trans World Airlines, Inc., United Air Lines, Inc., West Coast Airlines, Inc., Western Air Lines, Inc., and the Postmaster General are directed to show cause why the Board should not amend Orders E–23774, June 6, 1966, E–22512, August 6, 1965, and E–17255, July 31, 1961, as proposed above.

4. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions specified therein, notice thereof shall be filed within 10 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order.

5. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the rates and incorporating the findings and conclusions stated herein.

6. If notice of objection and answer are filed, all issues going to the establishment of the rates shall be open, in accordance with Rule 319 of the rules of practice, except as limited in prehearing conference.

7. This order shall be served upon the parties enumerated in paragraphs 1 and 3 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 66–10150; Filed, Sept. 15, 1966; 8:48 a.m.]

[1] Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16737, 16738; FCC 66M–1205]

ADIRONDACK TELEVISION CORP. AND NORTHEAST TV CABLEVISION CORP.

Order Continuing Hearing

In re applications of Adirondack Television Corp., Albany, N.Y.; Docket No. 16737, File No. BPCT–3611; Northeast TV Cablevision Corp., Albany, N.Y.; Docket No. 16738, File No. BPCT–3635; for construction permit.

The Hearing Examiner having under consideration a letter request of August 17, 1966, from Northeast TV Cablevision Corp. for certain changes in procedural dates in the above-entitled matter, and

It appearing, that the request should be granted and that the other parties agree to its grant,

It is ordered, This 12th day of September 1966, that the aforementioned request is granted and that, accordingly:

1. The date for the exchange of exhibits is changed from September 16, 1966, to October 3, 1966,

2. The date for the notification of witnesses is changed from September 21, 1966, to October 10, 1966, and

3. The hearing now scheduled for September 26, 1966, is rescheduled to commence at 10 a.m., October 17, 1966, in the Commission's offices in Washington, D.C.

Released: September 12, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66–10153; Filed, Sept. 15, 1966; 8:49 a.m.]

[Docket Nos. 16861–16863; FCC 66M–1213]

BBPS BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of BBPS Broadcasting Corp., Ellwood City, Pa.; Docket No. 16861, File No. BPH–5006; Thomas C. DeLanzo, Ellwood City, Pa.; Docket No. 16862, File No. BPH–5212; Scott Broadcasting Co., of Pennsylvania, Inc., Ellwood City, Pa.; Docket No. 16863, File No. BPH–5232; for construction permits.

It is ordered, This 9th day of September 1966, that Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 7, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 3, 1966, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: September 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66–10154; Filed, Sept. 15, 1966; 8:49 a.m.]

[Docket Nos. 16861–16863; FCC 66–803]

BBPS BROADCASTING CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of BBPS Broadcasting Corp., Ellwood City, Pa.; Docket No. 16861, File No. BPH–5006; Requests: 92.1mc, No. 221; 1.75 kw; 377 ft.; Thomas C. DeLanzo, Ellwood City, Pa.; Docket No. 16862, File No. BPH–5212; Requests: 92.1mc, No. 221; 3 kw(H); 2.96 kw(V); 299 ft.; Scott Broadcasting Co., of Pennsylvania, Inc., Ellwood City, Pa.; Docket No. 16863, File No. BPH–5232; Requests: 92.1mc, No. 221; 3 kw; 300 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of September 1966;

1. The Commission has before it for consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

2. According to his application, Thomas C. DeLanzo will require approximately $52,474 to construct and operate the proposed station for 1 year. In addition to cash on hand of $12,735, Mr. DeLanzo is relying on an arrangement with the Resolute Insurance Group which calls for Resolute's making a time deposit in a bank, which in turn would lend the required funds. Mr. DeLanzo has not provided adequate information regarding the terms of the proposed loan, nor has he demonstrated that such a loan would, in fact, be available in the amount required. Consequently, an issue regarding this matter is required.

3. Except as indicated by the issues set forth below, each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether and under what circumstances Thomas C. DeLanzo has funds available in addition to the $12,735 shown in his application to provide the additional $39,739 he indicates is required to finance construction and operation of the station for 1 year and thus demonstrate his financial qualifications.

2. To determine which of the proposals would best serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permit, if any, should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: September 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10155; Filed, Sept. 15, 1966; 8:49 a.m.]

[Docket Nos. 16813-16815; FCC 66M-1210]

1400 CORP. (KBMI) ET AL.

Order Continuing Hearing

In re applications of 1400 Corp. (KBMI), Henderson, Nev.; Docket No. 16813, File No. BR-2937; for renewal of license of station KBMI; Joseph Julian Marandola, Henderson, Nev.; Docket No. 16814, File No. BP-16411; for construction permit; 1400 Corp., (Assignor); Thomas L. Brennen, (Assignee); Docket No. 16815, File No. BAL-5158; for assignment of license of station KBMI, Henderson, Nev.

Pursuant to agreement arrived at during the prehearing conference held on this date: *It is ordered*, This 12th day of September 1966, that the hearing in this proceeding presently scheduled for October 24, 1966, be and the same is hereby continued to October 25, 1966, at 10 a.m., in Washington, D.C.

Released: September 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10156; Filed, Sept. 15, 1966; 8:49 a.m.]

[Docket Nos. 16824, 16825; FCC 66M-1197]

FOX RIVER BROADCASTING CO. AND RADIO OSHKOSH, INC.

Order Continuing Hearing

In re applications of Sterling H. Saunders and Stanley H. Krinsky doing business as The Fox River Broadcasting Co., Oshkosh, Wis., Docket No. 16824, File No. BP-15129; Radio Oshkosh, Inc., Oshkosh, Wis.; Docket No. 16825, File No. BP-15805; for construction permits.

To avert a conflict in hearing dates: *It is ordered*, This 9th day of September 1966, by the Hearing Examiner on his own motion, that the hearing in the above-entitled matter now scheduled for October 17, 1966, is postponed to a date to be determined at the prehearing conference herein on September 16, 1966.

Released: September 9, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10157; Filed, Sept. 15, 1966; 8:49 a.m.]

[1] Commissioners Bartley, Wadsworth and Johnson absent.

[Docket No. 16860; FCC 66-801]

GOODMAN BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of Hiram A. Goodman trading as Goodman Broadcasting Co., Madison, Ala.; Docket No. 16860, File No. BP-16501; Requests: 1110 kc, 1 kw, Day, Class II; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of September 1966;

1. The Commission has before it for consideration the above-captioned application requesting a construction permit for a new standard broadcast station to be located in Madison, Ala.

2. Madison has a population, according to the 1960 Census, of 1,435, and is located approximately 1 mile from the city limits of Huntsville, Ala., population 72,365.[1] The proposed 5 mv/m contour penetrates the geographic boundary of Huntsville thus raising a presumption that the applicant is realistically proposing to serve that city rather than Madison. Policy statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, adopted December 22, 1965, 2 FCC 2d 190, 6 RR 2d 1901.

3. In an amendment filed May 13, 1966, the applicant submitted data and arguments in an attempt to rebut the aforementioned presumption. However, after careful study of this material, the Commission finds that the applicant has failed to overcome this presumption and that an evidentiary hearing must be held to explore the matter further.

4. Except as indicated by the issues specified below, the applicant is qualified to construct, own and operate as proposed but, in view of the foregoing, the Commission is unable to find that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that it must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Hiram A. Goodman and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Hiram A. Goodman will realistically provide a local transmission facility for Madison, Ala., or for Huntsville, Ala., in the light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which Madison, Ala., has been ascertained by the applicant to have separate and distinct programing needs;

[1] There are four standard broadcast stations in Huntsville but none in Madison.

(b) The extent to which the needs of Madison, Ala., are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific, unsatisfied programing needs of Madison, Ala.; and

(d) The extent to which the projected sources of the applicant's advertising revenues within Madison, Ala., are adequate to support the proposed station as compared with the projected sources from all other areas.

3. To determine, in the event that it is concluded pursuant to Issue 2, above, that the proposal of Hiram A. Goodman will not realistically provide a local transmission service for Madison, Ala., whether the proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for standard broadcast stations assigned to Huntsville, Ala.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That, in the event of a grant of the above application, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: September 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10158; Filed, Sept. 15, 1966; 8:49 a.m.]

[Docket No. 16860; FCC 66M-1212]

GOODMAN BROADCASTING CO.

Order Scheduling Hearing

In re application of Hiram A. Goodman trading as Goodman Broadcasting Co., Madison, Ala.; Docket No. 16860, File No. BP-16501; for construction permit.

It is ordered, This 9th day of September 1966, that Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 9, 1966, at 10:00 a.m.; and that a prehearing conference shall be held on September 30, 1966, commencing at 9:00 a.m.: And, *it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: September 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10159; Filed, Sept. 15, 1966; 8:49 a.m.]

[Docket No. 16765, 16766; FCC 66M-1199]

KJRD, INC., AND MOUNT-ED-LYNN, INC.

Order Continuing Hearing

In re applications of KJRD, Inc., Monroe, Wash.; Docket No. 16765, File No. BP-16618; Mount-Ed-Lynn, Inc., Mountlake Terrace, Wash.; Docket No. 16766, File No. BP-16882; for construction permits.

In accordance with action agreed upon during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 9th day of September 1966, that the hearing presently scheduled to be held on September 29, 1966, be and same is hereby continued to a date to be fixed at a further prehearing conference.

Released: September 12, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10160; Filed, Sept. 15, 1966; 8:49 a.m.]

[Docket No. 16667, 16668; FCC 66M-1205]

LUNDE CORP. AND KASI IOWA, INC.

Order Continuing Hearing

In re applications of Lunde Corp., Ames, Iowa; Docket No. 16667, File No. BPH-5016; KASI Iowa, Inc., Ames, Iowa; Docket No. 16668, File No. BPH-5118; for construction permits.

The Hearing Examiner having under consideration (1) the "Motion to Dismiss" filed on August 22, 1966, by Lunde Corp. in the above-entitled matter, requesting that the application of KASI Iowa, Inc., be dismissed for failure to prosecute; (2) the "Petition to Dismiss Application" filed by KASI on August 31, 1966; and (3) the Broadcast Bureau's comments on the above motion and petition filed September 2, 1966;

It appearing, that the KASI Iowa, Inc., petition to dismiss application renders moot the motion to dismiss filed by Lunde Corp., and the Lunde motion will accordingly be dismissed; and

It further appearing, that affidavits of no consideration, in compliance with § 1.525(c)(1), have been filed by both parties; and

It further appearing, that although the petition filed by KASI requests dismissal of its application without prejudice, such request can be granted only upon a showing that it is based on circumstances wholly beyond the applicant's control, in accordance with the provisions of § 1.568(c); and

It further appearing, that the reasons advanced by KASI in its aforesaid petition are based upon purely personal considerations involving the cost of further prosecution of its application, and certainly did not arise from circumstances beyond its control, and that, although the petition may be granted, it must be granted with prejudice;

Therefore, it is ordered, This 9th day of September 1966 that the "Petition to Dismiss Application" filed by KASI Iowa, Inc., on August 31, 1966, is granted, in part; that its application, be, and the same is, hereby dismissed, but with prejudice; that the "Motion to Dismiss" filed by Lunde Corp. as above noted, be, and the same is, hereby dismissed as moot; and the Lunde application, be, and the same is, retained in hearing.

It is further ordered, That the presently scheduled hearing date of September 14, 1966, be, and the same is, hereby continued to a date to be set by subsequent order after the Review Board has acted upon various interlocutory matters involving the qualifications of Lunde to be a licensee of the Commission.

Released: September 12, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10161; Filed, Sept. 15, 1966; 8:49 a.m.]

[Docket No. 16794, 16795; FCC 66M-1202]

LYNN MOUNTAIN BROADCASTING AND WBEJ, INC.

Order Continuing Hearing

In re applications of Roy C. Nelson, Fred P. Davis, William E. Hale and C. M. Taylor doing business as Lynn Mountain Broadcasting, Elizabethton, Tenn.; Docket No. 16794, File No. BPH-5193; WBEJ, Inc., Elizabethton, Tenn.; Docket No. 16795, File No. BPH-5260; for construction permits.

The Hearing Examiner having under consideration the necessity of changing the date for commencement of hearing;

It appearing, that a prehearing conference was held on this date at which time further proceedings were discussed with the result that a change in the date for commencement of hearing was agreed upon;

It is ordered, This 9th day of September 1966, that the date for commence-

[1] Commissioners Bartley, Wadsworth and Johnson absent.

ment of hearing is changed from October 12 to October 25, 1966, at 10 a.m.

Released: September 12, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10162; Filed, Sept. 15, 1966; 8:49 a.m.]

[Docket No. 16786; FCC 66M-1204]

MIDWEST TELEVISION, INC. (KFMB-TV)

Order Continuing Hearing

In the matter of the petition of Midwest Television, Inc. (KFMB-TV), San Diego, Calif.; Docket No. 16786; for immediate temporary and for permanent relief against extensions of service of CATV systems carrying signals of Los Angeles stations into the San Diego area.

A prehearing conference having been held on September 9, 1966;

It appearing, that certain procedural dates and prehearing and hearing procedures to govern this proceeding were agreed upon or ordered as will more fully appear from the transcript of the said conference;

It is ordered, This 12th day of September 1966, that the commencement of hearing herein is continued to December 6, 1966, at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: September 12, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10163; Filed, Sept 15, 1966; 8:49 a.m.]

[Docket Nos. 16702, 16703; FCC 66M-1211]

T.V. BROADCASTERS, INC., AND TRI-CITY BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of T.V. Broadcasters, Inc., Vineland, N.J.; Docket No. 16702, File No. BPCT-3539; Tri-City Broadcasting Co., Inc., Vineland, N.J.; Docket No. 16703, File No. BPCT-3716; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration a motion for continuance filed on September 7, 1966, by Tri-City Broadcasting Co., Inc., and a verbal request from counsel for the Broadcast Bureau for an extension of time within which to reply to two pleadings which were filed on September 2, 1966, by Tri-City and which request, respectively, leave to amend and certification of proceeding to the Review Board by the Examiner;

It appearing, that the joint petition is now pending before the Review Board for approval of an agreement which, if granted, would eliminate the conflict between these applicants; and

It further appearing, that the pressure of other business makes it desirable that the Broadcast Bureau have additional time in which to reply to the aforementioned pleadings; and

It further appearing, that all parties have consented to the requests considered herein;

It is ordered, This 12th day of September 1966, that responses to the two pleadings filed by Tri-City Broadcasting Co., Inc., on September 2, 1966, may be filed not later than September 28, 1966; and

It is further ordered, That the motion for continuance is granted and the hearing is continued from September 14 to October 13, 1966.

Released: September 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10164; Filed, Sept. 15, 1966; 8:49 a.m.]

[Docket No. 16799; FCC 66M-1215]

YELLOW CAB, INC.

Order Scheduling Hearing

In the matter of Yellow Cab, Inc., Revere, Mass.; Docket No. 16799; order to show cause why the license for radio station KCV-886 in the taxicab radio service should not be revoked.

It is ordered, This 13th day of September 1966, that Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; and that the hearing therein shall be held in the Offices of the Commission, Washington, D.C. on October 19, 1966, commencing at 10 a.m.

Released: September 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10165; Filed, Sept. 15, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-43; 3d Supp. Order]

ATLANTIC-GULF/PUERTO RICO TRADES

Investigation of Minimum Charges and Terminal Delivery Services

By orders served July 25 and August 25, 1966, the Commission entered into an investigation concerning the lawfulness of a $10 minimum bill of lading charge and a rule requiring receivers of minimum shipments to accept store door delivery, filed by Gulf Puerto Rico Lines, Inc., Indian Towing Co., Inc., and Sea-Land Service, Inc.:

On August 3, 1966, Helm's International, Inc., filed 2d Revised Page 41 to Tariff FMC-F No. 3 which became effective on September 9, 1966, containing a minimum bill of lading charge which was increased from $7.50 to $10.

The Commission is of the opinion that this amended tariff matter should be made the subject of a public investigation to the same extent as the matter currently under investigation herein to determine whether it is unjust, unreasonable, or otherwise unlawful, under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

Now therefore it is ordered, That this proceeding be, and it is hereby expanded to include Helm's International, Inc., as a respondent herein and to include an investigation into and a hearing concerning the lawfulness of the increased minimum charge published in Item No. 300 in the aforementioned publication to the same extent as the other increased minimum charges already under investigation in this proceeding;

It is further ordered, That (I) a copy of this order shall forthwith be served upon the respondents, and any interveners herein; (II) the said respondents and interveners be duly notified of the time and place of the hearing ordered; and (III) this order be published in the FEDERAL REGISTER and notice of the said hearing be served upon all parties to this proceeding.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene herein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) with a copy to respondents and interveners.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-10151; Filed, Sept. 15, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-52]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

SEPTEMBER 9, 1966.

Take notice that on September 6, 1966, Mississippi River Transmission Corp. (Applicant), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP67-52 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, and the sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically seeks authorization for the construction and operation of a 3,280 hp. turbine driven centrifugal compressor on its existing 18-inch East Line at a point in Clinton County, Ill., immediately downstream from the existing interconnection of said line with a 30-inch pipeline of Natural Gas Pipeline Company of America.

Applicant proposes to render priority interruptible service to its resale customers electing to receive such service pursuant to Applicant's proposed Rate Schedule PI-1. The application states that the compressor will be utilized to transport during the winter season volumes of gas expected to be available from its East Line supply sources that it would otherwise be unable to deliver because of the capacity limitations of its East Line. The application further states that installation of the compressor will provide some reserve capacity on Applicant's system, resulting in increased system flexibility and in safer and more reliable service for Applicant's customers.

The total cost of the compressor and related facilities is estimated by Applicant to be $711,000, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 10, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-10131; Filed, Sept. 15, 1966; 8:46 a.m.]

[Docket No. G-11949]

MOBIL OIL CORP.

Notice of Petition To Amend

SEPTEMBER 9, 1966.

Take notice that on April 25, 1966, Mobil Oil Corp. (Petitioner), Post Office Box 2444, Houston, Tex. 77001, filed in Docket No. G-11949 a petition as amended on June 27, 1966, to amend the order issuing a certificate in said docket by authorizing Petitioner to continue the sale of natural gas heretofore authorized in Docket No. CI61-1739 to be made by William G. Slaughter, Jr., et al., pursuant to his FPC Gas Rate Schedule No. 1, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner proposes to sell natural gas to El Paso Natural Gas Co. from the Pegasus Field, Midland and Upton Counties, Tex., at a rate of 10.0 cents per Mcf at 14.65 p.s.i.a.[1] pursuant to its FPC Gas Rate Schedule No. 48. Petitioner acquired Slaughter's minor interest in the Pegasus Gasoline Plant in Midland County, Tex., effective as of April 1, 1961.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 3, 1966.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-10132; Filed, Sept. 15, 1966; 8:46 a.m.]

[Docket No. CP67-53]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

SEPTEMBER 9, 1966.

Take notice that on September 7, 1966, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP67-53 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional Maximum Daily Quantity of 410 Mcf to the city of Perryville, Mo. (Perryville), an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to increase its presently effective Maximum Daily Quantity of 2,340 Mcf of natural gas to Perryville by 410 Mcf, to be effective as of December 1, 1966, thereby being able to meet larger than previously anticipated increases in firm service demands for the 1966-67 winter heating season.

Applicant states that no additional facilities will be required to make the proposed delivery.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 10, 1966. Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-10133; Filed, Sept. 15, 1966; 8:46 a.m.]

[Docket Nos. RI67-51, etc.]

U.S. NATURAL GAS CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund[1]

SEPTEMBER 9, 1966.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

[1] On June 27, 1966, Petitioner filed a notice of change in rate to 14.5 cents per Mcf plus 0.83 cents per Mcf B.t.u. adjustment. The notice was accepted for filing to be effective on July 27, 1966.

[1] Does not consolidate for hearing or dispose of the several matters herein.

accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 20, 1966.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-51	U.S. Natural Gas Corp., 9601 Wilshire Blvd., Beverly Hills, Calif. 90212.	1	2	Oklahoma Natural Gas Gathering Corp.[1] (Ringwood Field, Major County, Okla.) (Oklahoma "Other" Area).	$2,750	8-11-66	[2] 9-11-66	[4] 9-12-66	11.0	[5] [6] 12.0	
RI67-52	Sunset International Petroleum Corp., 8920 Wilshire Blvd., Beverly Hills, Calif. 90211.	45	14	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	19	8-15-66	[3] 9-15-66	[4] 9-16-66	[7] 13.0	[5] [6] [8] 14.0	

[1] Oklahoma Natural classed as a pipeline company in its certificate (Docket No. CI61-1408) resells the gas to Cities Service Gas Co. at a presently effective rate of 18.5 cents per Mcf subject to refund in Docket No. RP66-19. National Fuels Corp. jointly purchases gas for liquids only.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base if 14.65 p.s.i.a.
[6] The stated effective date is the effective date requested by Respondent.
[7] Pressure base is 15.025 p.s.i.a.
[8] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.

U.S. Natural Gas Corp. (U.S. Natural) requests waiver of the statutory notice to permit an effective date of September 1, 1966, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for U.S. Natural's rate filing and such request is denied.

U.S. Natural's periodic rate increase from 11.0 cents to 12.0 cents per Mcf, at 14.65 p.s.i.a., is for a sale of gas to Oklahoma Natural Gas Gathering Corp. (ONG) from the Ringwood Field, Major County, Okla. The area increased rate ceiling is 11.0 cents per Mcf. ONG gathers the gas and resells it (after extraction of liquids by National Fuels Corp.) to Cities Service Gas Co. at a rate of 18.5 cents per Mcf, which is in effect subject to refund in Docket No. RP66-19. U.S. Natural's proposed 12.0 cents per Mcf rate was contractually due as of January 1, 1966, the same date that ONG's 18.5 cents per Mcf resale rate become contractually due. U.S. Natural's proposed rate also exceeds the area increased rate ceiling even though such ceiling is applicable to ONG's resale rate, not U.S. Natural's rate. Since ONG's resale rate is in effect subject to refund, we conclude that U.S. Natural's rate should be suspended for 1 day from September 11, 1966, the date of expiration of the statutory notice.

The periodic rate increase filed by Sunset International Petroleum Corp. (Sunset) did not include as part of its proposed rate the contractually provided 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate results in a total rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area. Sunset has advised that it is not willing to waive such minimum guarantee for liquids. Under the circumstances, Sunset's rate increase should be suspended for 1 day from September 15, 1966, the proposed effective date.

[F.R. Doc. 66-10119; Filed, Sept. 15, 1966; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS

Long-Term Arrangements Regarding International Trade

SEPTEMBER 13, 1966.

The purpose of this notice is to announce certain actions taken by the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangements Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962. This information is also published in Department of Commerce Press Release G 66-168 dated September 8, 1966.

This information supplements that contained in earlier Department of Commerce press releases, the most recent of which was G 66-124, dated June 30, 1966.

1. *Bilateral agreements—Israel.* On June 30, 1966, notes were exchanged in Washington amending the bilateral cotton textile agreement with Israel (see Department of State Press Release No. 157 of July 1, 1966).

Portugal. On August 17, 1966, the bilateral cotton textile agreement with Portugal was amended by an exchange of notes in Washington (see Department of State Press Release No. 185 of that date).

Hong Kong. On August 26, 1966, the United States and Hong Kong exchanged notes in Hong Kong constituting a new, comprehensive bilateral arrangement between the two countries (see Department of State Press Release No. 191 of Aug. 26, 1966).

Singapore. On August 30, 1966, the United States and Singapore exchanged letters which constituted a comprehensive understanding on Singapore's exports to the United States (see Department of State Press Release No. 194 of Aug. 30, 1966).

2. *Pending restraints.* There follows a list of countries with which consultations have been requested under Articles 3 and 6(c) of the LTA and the category involved:

Country	Category
Poland	52 and 53
Malaysia	45

3. *Bilateral consultations.* Bilateral consultations with Pakistan were successfully concluded in Karachi on August 20, 1966, with negotiators agreeing to recommend to their Governments a new comprehensive bilateral agreement with an overall ceiling of 55 million square yards. Consultations are being continued with Korea and with Mexico.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 66-10120; Filed, Sept. 15, 1966; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-6236]

WALL STREET COMMODITY FUND, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 12, 1966.

I. On February 9, 1966, The Wall Street Commodity Fund, Inc. (the Fund), c/o H. Lawrence Blasius, 226 East 74th Street, New York, N.Y., a Massachusetts corporation organized on January 14, 1966, filed a notification pursuant to Regulation A in connection with a proposed offering of 3,000 shares of its no par value common stock, subsequently amended to 2,900 shares, at an offering price of $100 per share. The Fund intends to operate as an open-end mutual fund specializing in the trading of commodity futures contracts and commodities with the objective of achieving long-term capital growth. The notification states that Commodity Management Service, Inc., a Massachusetts corporation, will act as advisor to the Fund and will be responsible for the underwriting of this offering.

II. The Commission has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The background and lack of experience of the Fund manager, Commodity Management Service, Inc., and its president, Arthur Stavisky, in fund management and their limited experience in trading in commodity futures;

2. The failure to disclose that Mr. Stavisky intends to devote the major portion of his time to his law practice and therefore devote only a limited time to the management of the Fund;

3. The failure to disclose that Mr. Stavisky intends to rely on advice from and/or to engage outside commodity consultants;

4. The failure to disclose the role of the Fund manager;

5. The failure to disclose the true educational and professional background and training of H. Lawrence Blasius in the commodity field during the last 7 years;

6. The failure to disclose the true nature and present status of the Wall Street Commodity Advisory Service and the Wall Street Commodity Letter, of which H. Lawrence Blasius is proprietor;

7. The failure to disclose that H. Lawrence Blasius' principal vocational activities are in patent engineering and consulting and that he will continue these activities and devote only a limited time to the Fund;

8. The failure to disclose that the issuer will not be able to immediately resell its redeemed shares;

9. The failure to disclose that the 20 percent reserve of net assets that will be maintained for margin calls and for the repurchase of shares may be inadequate to serve this purpose;

10. The failure to disclose that to the extent shares are redeemed, the funds available for investment will be reduced;

11. The failure to disclose the formula that will be used to determine the net asset value of the Fund and the value to be assigned to the commodities held on margin;

12. The failure to disclose accurately and adequately in one prominent position in the offering circular the speculative aspects of the proposed business and in particular:

(a) That the issuer is newly formed, has never engaged in business, has no office space, has no experienced or full-time personnel and has only $1,000 in the bank;

(b) That investment in commodities carries high risk of substantial or even total loss in a short time due to the sharp day to day price fluctuations and the many factors that may cause them;

(c) That because of their limited experience in trading commodities and fund management, Messrs. Blasius and Stavisky intend to rely upon advice from consultants, though no such consultants have been engaged and it is not known whether they can be engaged.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to name Commodity Management Service, Inc., Fund manager and underwriter, and Arthur Stavisky, president of Commodity Management Service, Inc. and a promoter and director of the Fund, as affiliates in the notification and offering circular;

2. The issuer failed to name as affiliates the Wall Street Advisory Service and the Wall Street Commodity Letter, both of which are controlled by H. Lawrence Blasius, Fund president;

3. The issuer failed to name in the notification H. Lawrence Blasius, owner of all of the Fund's presently outstanding stock, as owner of 10 percent or more of its outstanding securities;

4. The notification states that the offering will be conducted in all States when in fact the States of Arizona and New Jersey have issued cease and desist orders against the issuer and underwriter, respectively, for failure to comply with the registration regulations of those States;

5. The notification fails to disclose a sale by Commodity Management Service, Inc., an affiliate of the Fund, of $6,250 of securities under Regulation A within 1 year prior to the instant filing;

6. The issuer has failed to file a consent and certification by the underwriter as an exhibit to the notification;

7. The offering circular fails to disclose whether there are any provisions for return of funds to subscribers if less than the entire offering is sold.

C. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 30 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10149; Filed, Sept. 15, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 13, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 19589, filed August 12, 1966. Applicant: CENTRAL OKLAHOMA FREIGHT LINES, INC., 207 North Cincinnati, Tulsa, Okla. Applicant's representatives: Rufus H. Lawson, Post Office Box 75124, Oklahoma City, Okla., and Glen Ham, Pauls Valley, Okla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities*, in intrastate and interstate or foreign commerce, over the following routes: (1) Between Oklahoma City, Okla., and Henryetta, Okla., via U.S. Highway 62, serving intermediate points of Meeker, Prague, Boley, and Okemah, Okla.; (2) between Okla-

homa City, Okla., and Holdenville, Okla., via U.S. Highway 270, serving all intermediate points; (3) between Oklahoma City, Okla., and Atoka, Okla., via U.S. Highway 270 to junction State Highway 99, thence State Highway 99 to junction State Highway 3, thence State Highway 3 to junction U.S. Highway 75, thence U.S. Highway 75 to Atoka, serving all intermediate points; and (4) between Oklahoma City, Okla., and Weleetka, Okla., via U.S. Highway 270 to junction State Highway 9, thence State Highway 9 to junction U.S. Highway 75, thence U.S. Highway 75 to junction U.S. Highway 62, serving all intermediate points. NOTE: Applicant seeks to join proposed authority with existing authority. Restriction: Shipments originating locally in Oklahoma City, Okla., shall not be transported to Tulsa, Okla., nor shall shipments originating locally at Tulsa, Okla., be transported to Oklahoma City, Okla.

HEARING: September 26, 1966, Commission's Courtroom, Third Floor, Jim Thorpe Office Building, Oklahoma City, Okla. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Corporation Commission of Oklahoma, Oklahoma City, Okla., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10174; Filed, Sept. 15, 1966; 8:50 a.m.]

[Notice 252]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 13, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 49304 (Sub-No. 19 TA), filed September 7, 1966. Applicant: BOWMAN TRUCKING COMPANY, INC., Post Office Box 6, Stephens City, Va. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry construction materials* (other than in bulk), *plastic mixing boxes used in connection with masonry construction materials, asphalt patching and coating materials, play sand, and decorative stone or gravel*, from Gibbsboro, N.J., to points in District of Columbia, Maryland, Virginia, and West Virginia, on and east of U.S. Highway 522, for 150 days. Supporting shipper: G. & W. H. Corson, Inc., Plymouth Meeting, Pa. 19462, Attention: W. C. Eckardt, Jr. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1220, 12th and Constitution NW., Washington, D.C. 20423.

No. MC 52917 (Sub-No. 56 TA), filed September 9, 1966. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore, Md. 21217. Applicant's representative: Thomas M. Jenkins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and processed foods* in vehicles equipped with mechanical refrigeration, from Washington, D.C., to points in Culpeper, Rappahannock, and Warren Counties, Va., for 150 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 103 South Gay Street, Baltimore, Md. 21202.

No. MC 66562 (Sub-No. 2190 TA), filed September 9, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: Elmer F. Slovacek, 105 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including class A and B explosives*, moving in express service, (1) southeast and east from Grand Forks, N. Dak., on U.S. Highway 2 to junction with Minnesota Highway 32; thence north on Highway 32 to junction with U.S. Highway 59; thence north and west on Highway 59 to Lancester, Minn.; thence south on County Highway 6 to junction with County Highway 3; thence west on Highway 3 to junction with U.S. Highway 75; thence south on Highway 75 to junction with U.S. Highway 2, and return on Highway 2 to Grand Forks, N. Dak.; serving the intermediate points of Crookston, Red Lake Falls, Thief River Falls, Strandquist, Karlstad, Halma, Lake Bronson, Lancaster, Hallock, Stephen, and Warren, all in Minnesota, and (2) alternate routes, for operating convenience only, and serving no intermediate and/or off-line points: West from junction of U.S. Highway 59 and County Highway 3 to junction with County Highway 6, a distance of 5 miles; and west from junction of U.S. Highway 75 and Minnesota Highway 1 to junction with Minnesota Highway 220, a distance of 11 miles; thence south on Highway 220 to junction with U.S. Highway 2, a distance of 19 miles, and return over same route. The conditions are: (1) The service to be performed by the applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. (2) Shipments transported by applicant shall be limited to those on through bills of lading or express receipts. (3) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc., for 180 days. Supporting shippers: There are 17 shippers' supporting statements attached to the application, which may be examined here in Washington, D.C., at the offices of the Interstate Commerce Commission. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 66562 (Sub-No. 2191 TA), filed September 9, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: W. H. Marx (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including class A and B explosives*, moving in express service, from Indianapolis, Ind., to Louisville, Ky., over regular routes, as follows: From Indianapolis, Ind., over U.S. Highway 31 to its junction with Interstate Highway 65, thence over Interstate Highway 65 to Louisville, Ky., and return over the same route; serving no intermediate points. Until such time that Interstate 65 is completed, at that time, request to operate over Interstate 65 from Indianapolis, Ind., to Louisville, Ky., and return over the same route. Serving no intermediate points, for 180 days. Supporting shippers: There are 28 shippers' supporting statements attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 113271 (Sub-No. 27 TA), filed September 9, 1966. Applicant: CHEMICAL TRANSPORT, 1627 Third Street NW., Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate*, in bulk, in hopper type vehicles, from the port of entry on the international boundary line between the United States and Canada at Raymond, Mont., to Plentywood, Mont., for 180 days. Supporting shipper: Sybouts Sodium Sulphate Co., Ltd., Post Office Box 1911, Wilmington, Del. 19899. Send protests to:

Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 114091 (Sub-No. 77 TA), filed September 9, 1966. Applicant: HUFF TRANSPORT CO., INC., Post Office Box 13116, Louisville, Ky. 40213. Applicant's representative: C. L. Huff (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bags and in bulk, from the site of Kentucky Asphalt Terminal in Jefferson County, Ky., to points in Indiana on and south of Indiana Highway 28, for 180 days. Supporting shipper: Harold L. Karr, General Truck Coordinator, Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124692 (Sub-No. 22 TA), filed September 9, 1966. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Richard M. Bosard, 1160 Northwestern Bank Building, Minneapolis, Min. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, including foundry castings, patterns, and fireproof building materials*, from Sioux City, Iowa, to points in Kansas, Montana, Nebraska, North Dakota, South Dakota, and Wyoming, for 180 days. Supporting shipper: Sioux City Foundry Co., 801 Division Street, Post Office Box 3067, Sioux City, Iowa 51102. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 125168 (Sub-No. 8 TA), filed September 9, 1966. Applicant: OILCHEM, INC., Box 190, Darby, Pa. Applicant's representative: R. H. Davis (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Petroleum Products*, in bulk, in tank vehicles, between Falling Rock, W. Va., and Brainards, N.J., for 180 days. Supporting shipper: Elk Refining Co., Post Office Box 1033, Charleston, W. Va. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 128549 (Sub-No. 1 TA), filed September 9, 1966. Applicant: P. A. LaVALLEY, doing business as LaVALLEY TRUCKING SERVICE, Box 61, Clitherall, Minn. 56524. Applicant's representative: Lyle Huseby, 403 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber* (all hard wood and green), from points in Cass, Richland, Ransom, Traill, and Steele Counties, N. Dak., to McGregor, Aitkin and St. Cloud, Minn., for 180 days. Supporting shipper: George Lund, Lakeside Manufacturing Co., McGregor, Minn. Send protests to: Joseph H. Ambs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1621 South University Drive, Room 213, Fargo, N. Dak. 58103.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10175; Filed, Sept. 15, 1966; 8:50 a.m.]

[Notice 1412]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 13, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68969. By order of September 12, 1966, the Transfer Board approved the transfer to Diamond T Trucking Co., a corporation, Philadelphia, Pa., of the operating rights of Phillips Specials, a corporation, Jersey City, N.J., in certificates Nos. MC-78092 and MC-78092 (Sub-No. 2), issued March 20, 1961, and April 18, 1961, respectively, authorizing the transportation, over irregular routes, of general commodities, between New York, N.Y., and Jersey City, N.J., on the one hand, and, on the other, points in Bergen, Passaic, Hudson, Essex, and Union Counties, N.J., and points in that part of Middlesex County, N.J., on and north of New Jersey Highway 18, between Philadelphia, Pa., on the one hand, and, on the other, Camden and Trenton, N.J., Wilmington, Del., and points in that part of Delaware, Montgomery, and Bucks Counties, Pa., on and east of U.S. Highway 202; of household goods, as defined, and general commodities, excluding commodities in bulk and other specified commodities, between points in Bucks County, Pa., on the one hand, and, on the other, points in New Jersey within 40 miles of Pineville, Pa.; general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Jersey City, N.J., and points in New Jersey within 10 miles of Jersey City, to Schenectady and Troy, N.Y., and points on U.S. Highway 9 from New York, N.Y., to junction U.S. Highway 9N, those on U.S. Highway 9N from its junction with U.S. Highway 9 to Ticonderoga, those on N.Y. Highway 32B from Glens Falls, N.Y., to Hudson Falls, N.Y., those on U.S. Highway 4 from Hudson Falls to Whitehall, N.Y., and those on New York Highway 22 from Whitehall to Ticonderoga; barrels and barrel heads, from Hoboken, N.J., to Waterford, N.Y., and graphite, clay, charcoal, and castings, from Ticonderoga, N.Y., to Jersey City, N.J. Ralph C. Busser, Jr., 1710 Locust Street, Philadelphia, Pa. 19103, attorney for applicants.

No. MC-FC-68999. By order of September 9, 1966, the Transfer Board approved the transfer to the Gray Line, Inc., Boston, Mass. 02116, of the operating rights of Rawding Lines, Inc., Boston, Mass., in certificates Nos. MC-21279 and MC-21279 (Sub-No. 1), issued June 4, 1941, and March 1, 1939, respectively, authorizing the transportation, over irregular routes, of passengers and their baggage, restricted to traffic originating at the points indicated, in round trip or one-way charter operations, from Boston, Mass., and points within 20 miles of Boston, to points in Connecticut, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont, and return, and of passengers and their baggage, restricted to traffic originating and terminating at the point indicated, in special operations, on round trip sightseeing or pleasure tours, over irregular routes, during the season extending from the 1st day of April to the 31st day of October, inclusive, from Boston, Mass., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Maine, New Hampshire, Vermont, and the District of Columbia, and return, and from Boston, Mass., to points at the international boundary between Canada and Maine, on trips to points in Canada, and return; and of passengers and their baggage, in special operations (round trip or sightseeing service), over regular routes and between fixed termini, specified below (a) during the Easter or Spring season and during the season extending from the 1st day of July to the 30th day of September, inclusive, from Norfolk, Va., over a described route to Tappanannock, Va., Fredericksburg, Va., Warsaw, Va., Washington, D.C., Luray, Va., Charlottsville, Va., Harrisonburg, Va., Natural Bridge, Va., Buena Vista, Va., Richmond, Va., Williamsburg, Yorktown, and Norfolk, and (b) during the season extending from the 1st day of July to the 30th day of September, inclusive, from Norfolk, Va., to Salisbury, N.C., and (c) during the Easter or Spring season, from Salisbury, N.C., to Norfolk, Va. William J. Lippman, 1824 R Street NW., Washington, D.C. 20009, attorney for applicants.

No. MC-FC-68962. Corrected notice.[1] By notice appearing in the FEDERAL REGISTER of September 13, 1966, the public was advised that the operating rights of Mildred Mattingly in No. MC-97992, had been authorized for transfer to Able Express, Inc., this notice was entered in error and should be disregarded. Rudy

[1] Corrected to delete previous notice.

Yessin, Box 457, McClure Building, Frankfort, Ky. 40601, attorney for applicants.

No. MC–FC–69008. By order of September 8, 1966, the Transfer Board approved the transfer to Lawrence J. Cimino doing business as John Cimino Mover, Easton, Pa., of certificates in Nos. MC–18141 and MC–18141 (Sub-No. 2) issued November 1, 1941, and January 19, 1961, respectively, to John Cimino, Easton, Pa., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Easton, Pa., and points within 3 miles of Easton, on the one hand, and, on the other, Phillipsburg, N.J., and points within 3 miles of Phillipsburg; and, household goods, between Easton, Pa., and Phillipsburg, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and, between points in Monroe and Northampton Counties, Pa., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Maryland, Virginia, West Virginia, Delaware, and the District of Columbia. Jacob A. Raub, Jr., Easton, Pa. 18042, attorney for applicants.

No. MC–FC–69034. By order of September 12, 1966, the Transfer Board approved the transfer to Sanitary Transfer, Inc., Pittsburgh, Pa., of certificate No. MC–123308, issued May 1, 1961, to Anna Manculich, doing business as Sanitary Transfer, Pittsburgh, Pa., and authorizing the transportation of bakery products, materials, equipment, and supplies, incidental to the production of bakery products, potato chips, in containers, and empty containers for potato chips and bakery products, over regular routes, between Pittsburgh, Pa., and Wheeling, W. Va., serving the intermediate point of Hollidays Cove, W. Va., and the off-route point of Steubenville, Ohio; between Pittsburgh, Pa., and Cleveland, Ohio, serving the intermediate point of Akron, Ohio; between Pittsburgh, Pa., and Youngstown, Ohio, serving no intermediate points; between Pittsburgh, Pa., and Clarksburg, W. Va., serving the intermediate point of Fairmont, W. Va., and between Pittsburgh, Pa., and Cumberland, Md., serving no intermediate points; also, over irregular routes, bakery products, containers therefor, and advertising matter used in connection therewith, and potato chips, in containers, from Pittsburgh, Pa., to Zanesville, Ohio, and Huntington and Charleston, W. Va.; bakery products, from Cleveland, Ohio, to Greenville, Rochester, Butler, Charleroi, Brownsville, Dunbar, Connellsville, Jeannette, Ford City, Blairsville, Johnstown, Altoona, and Warren, Pa. A. A. Bluestone, 523 Grant Building, Pittsburgh, Pa. 15219, representative for applicants.

No. MC–FC–69046. By order of September 12, 1966, the Transfer Board approved the transfer to Harry R. Ridilla, doing business as H & H Motor Freight Co., Latrobe, Pa., of the operating rights in certificate No. MC–65134, issued November 12, 1964, to James W. Franko, Jr., Latrobe, Pa., authorizing the transportation of: General commodities, with the usual exception, between specified points in Pennsylvania. Thomas R. Mahady, 317 Weldon Street, Latrobe, Pa. 15650, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–10176; Filed, Sept. 15, 1966; 8:50 a.m.]

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PART 2

FEDERAL REGISTER

VOLUME 31 • NUMBER 180

Friday, September 16, 1966 • Washington, D.C.

PART II

PANAMA CANAL



Canal Zone Regulations

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

REVISION AND RECODIFICATION

The following revision and recodification was in part made necessary by reason of the expanded requirement, as prescribed by section 1541(a) of Title 2, Canal Zone Code, 76A Stat. 50, effective January 2, 1963, for publication of various Canal Zone regulations in the FEDERAL REGISTER. Apart from that, it was deemed desirable to incorporate in one volume, in codified form for the most part, all regulations of a general and permanent nature, published in CFR, which relate to the Canal Zone. To this end, all of the provisions of Chapter II of Title 5 of the Code of Federal Regulations, relating to employment and compensation in the Canal Zone, were transferred, in the course of the revision, to Title 35.

In consolidating and revising the material contained in Title 35, there were included all regulations of general and continuing effect duly promulgated on or before this issue of the FEDERAL REGISTER, except for certain omitted orders not appropriate for codification which will be listed in an appendix to the bound volume of Title 35 when it is published.

The regulations in the revision come from several sources. The delegations of authority in § 3.1–3.4 are taken from the Executive order of the President (E.O. 11305, 31 F.R. 12007). The other regulations re-promulgated in the revision are those of the Secretary of the Army or the Governor of the Canal Zone as indicated in the following promulgating orders. The remainder of the regulations are not re-promulgated but are carried forward from their original source.

The following promulgating orders, and E.O. 11305, provide in each case that the respective regulations thereby issued, as set out in the revised Title 35, are to become effective on December 22, 1966. Regulations not re-promulgated, but contained in the revision as published in the FEDERAL REGISTER, became effective when originally promulgated or according to the stipulations in the original promulgating documents.

The revision, which was carried out under the supervision of the Canal Zone Government, was prepared by a firm of law revisers, Equity Publishing Corporation of Orford, N.H. The revision was confined largely to changes in part and section numbering and style, rearrangement of subject matter, and editorial rewriting for clarity and modernization of terminology. Substantive changes are relatively few in number. All prior regulations and orders to the extent that they are inconsistent with the revised Title 35, or whose subject matter is codified in the revision, are revoked by the promulgating orders.

Order of the Secretary of the Army

By virtue of the authority vested in the President of the United States by various provisions of the Canal Zone Code, approved October 18, 1962, 76A Stat. 1, and delegated to me by 35 CFR 3.1, 3.2, 3.4, 251.2, and 251.22, it is ordered as follows:

1. The following regulations, set forth as a part of revised Title 35, Code of Federal Regulations, to be published in the FEDERAL REGISTER concurrently with the publication of this order therein, are hereby issued in the form in which they therein appear: §§ 1.1, 3.21; Subpart A of Part 51; Parts 53 and 59; Subparts A, E and G to I of Part 61; Part 63; Subpart B of Part 69; Parts 101, 103, 105, 107, 109, 111, 113, 115, 117, 123, 125, 127; §§ 133.33 and 133.37; Part 253.

2. All orders issued prior to this order which are inconsistent with Title 35, Code of Federal Regulations, as published in the FEDERAL REGISTER concurrently with this order, or whose subject matter is incorporated in said Title 35, are hereby revoked to the extent of such inconsistency and such incorporation.

3. This order shall take effect on December 15, 1966.

STANLEY R. RESOR,
Secretary of the Army.

SEPTEMBER 13, 1966.

Order of the Governor of the Canal Zone

By virtue of: (1) the authority vested in me by various provisions of the Canal Zone Code, approved October 18, 1962, 76A Stat. 1, and by section 101(a)(9) of the Immigration and Nationality Act, 66 Stat. 166, 8 U.S.C. 1101(a)(9); (2) the authority vested in the President of the United States by various provisions of the Canal Zone Code and delegated to me by 35 CFR 3.3, 3.4; (3) the authority redelegated to me by the Secretary of the Army pursuant to 35 CFR 3.1 (c); and (4) the authority delegated to me by the Secretary of the Treasury pursuant to section 4735(b) of the Internal Revenue Code of 1954, as amended, 68A Stat. 559, 26 U.S.C. 4735(b), it is ordered as follows:

1. The following regulations, set forth as a part of revised Title 35, Code of Federal Regulations, to be published in the FEDERAL REGISTER concurrently with the publication of this order therein, are hereby issued in the form in which they therein appear: § 1.2; § 3.23; Subpart B of Part 5; Subpart B of Part 51; Part 57; Subparts B, C, D and F of Part 61; Subpart B of Part 65; Part 67; Subpart A of Part 69; Parts 119 and 121; and §§ 201.4 to 201.6.

2. All regulations issued prior to this order which are inconsistent with Title 35, Code of Federal Regulations, as published in the FEDERAL REGISTER concurrently with this order, or whose subject matter is incorporated in said Title 35, are hereby revoked to the extent of such inconsistency and such incorporation.

3. This order shall take effect on December 15, 1966.

ROBERT J. FLEMING, JR.,
Governor.

SEPTEMBER 13, 1966.

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SUBCHAPTER A—ORGANIZATION AND ADMINISTRATION

PART 1—GENERAL PROVISIONS

Sec.
1.1 Definitions.
1.2 Flag of Governor.
1.3 Subdivisions of Canal Zone.
1.4 Towns of the Canal Zone.

AUTHORITY: The provisions of § 1.1 issued under statutory authority vested in President and delegated to Secretary of Army by §§ 3.1, 3.2; § 1.2 issued under authority vested in Governor by 2 C.Z.C. 31, 32, 76A Stat. 7; §§ 1.3 and 1.4 issued under authority vested in the President by 2 C.Z.C. 8, 76A Stat. 7.

NOTE: §§ 1.3 and 1.4 contained in secs. 2, 3, and 4 of E.O. 7676, 2 F.R. 1323, July 26, 1937.

§ 1.1 Definitions.

As used in this title, unless otherwise specifically provided or the context otherwise requires:

"Boarding officer" means any official or employee of the Panama Canal Company or the Canal Zone Government who is duly assigned the function(s) of a boarding officer, including any or all of the following: admeasurement, quarantine, customs, and immigration.

"Canal authorities" includes the cognizant or appropriate official(s) of the Canal Zone Government or of the Panama Canal Company charged by law, regulation, or administrative assignment with the exercise of a particular duty, function or authority.

"Canal Zone" or "Zone", in a geographical sense, embraces the same land, land under water, and islands that are designated as such by 2 C.Z.C. 1, 2 (76A Stat. 7). The term also embraces the corridor referred to in 1 C.Z.C. 2 (76A Stat. 1), insofar as its inclusion in the term "Canal Zone" is consistent with 1 C.Z.C. 2.

"C.Z.C." or "Canal Zone Code" means the Canal Zone Code approved October 18, 1962 (76A Stat. 1), and includes any and all amendments thereto.

"Executive Secretary" includes the Executive Secretary of the Canal Zone Government, Deputy Executive Secretaries, Acting Executive Secretaries and Acting Deputy Executive Secretaries of such Government, as the case may be.

"Flammable" and "inflammable" have the same meaning.

"Governor" means the individual appointed by the President of the United States as Governor of the Canal Zone, pursuant to 2 C.Z.C. 32 (76A Stat. 7), or the authorized official duly acting as Governor during his absence or disability or in the event of a vacancy in the office of Governor, pursuant to § 3.21(c). The Governor is ex officio President of the Panama Canal Company by law (2 C.Z.C. 64, 76A Stat. 11), and where the context so indicates, "Governor" may mean President, Panama Canal Company.

"Person", "whoever", or any equivalent term, includes a corporation, company, association, joint stock company, firm, partnership, and society, as well as an individual.

"Port Captain", if not specified, means the Port Captain, Balboa, or the Port Captain, Cristobal, as the case may be, or any person carrying out the functions of a port captain or his office in accordance with administrative authority duly assigned to him.

"Public vessel(s)" includes men-of-war and other vessels operated by or for the Government of any nation in the performance of governmental, as distinguished from proprietary, functions.

"U.S.C." means the United States Code.

"Vessel" or "ship" includes every description of water craft or artificial contrivance used, or capable of being used, as a means of transportation on water.

§ 1.2 Flag of Governor.

(b) The official flag of the Governor shall be made in two sizes, as follows: large flag, 6 ft. hoist, by 7 ft. 6 in. fly; small flag, 2 ft. hoist, by 2 ft. 6 in. fly. The body of the flag shall be dark blue. In the center of the flag shall be a white circle, the diameter of which shall be approximately one-half of the fly length of the flag. In the center of the circle, on each side of the flag, shall be the Seal of the Canal Zone, of which the following is a description: The seal consists of a shield, showing in base a Spanish galleon of the fifteenth century under full sail coming head on between two high banks, all purpure, the sky yellow with the glow of sunset; in the chief are the colors of the arms of the United States. Under the shield is the motto: "The land divided; the world united!"

(b) The flag of the Governor shall be used as follows:

(1) When the Governor is embarked in a boat for the purpose of making an official call, his flag shall be carried on a staff at the bow of the boat in which he is embarked; and

(2) While on board in his official capacity, or when taking passage on any Canal craft, his flag shall be carried at the mainmast head.

§ 1.3 Subdivisions of Canal Zone.

(a) The Canal Zone is divided into two subdivisions, one to be known as the Balboa Subdivision and the other as the Cristobal Subdivision.

(b) The Balboa Subdivision includes all that part of the Canal Zone which lies easterly of a line extended through the Canal Zone 5-mile boundary monument 40 on the eastern boundary, and monument 148½ (which is also a 100-foot contour monument) on the western boundary. Such line, extending through the monuments 40 and 148½ and bearing S. 39°46' W. (true), crosses the Panama Railroad at a point 11 feet southerly from track-span bridge numbered 22–10, and crosses the Panama Canal at station 1339 plus 13 feet (which crossing point is 2721 feet northerly along the Tabernilla Reach from the Tabernilla P.I.) and is shown on Panama Canal drawing 6103–35, on file in the Office of the Governor.

(c) The Cristobal Subdivision includes all that part of the Canal Zone which lies westerly of the above-described line.

§ 1.4 Towns of the Canal Zone.

For the purposes of 2 C.Z.C. 3, 76A Stat. 7, and 3 C.Z.C. 81, 76A Stat. 84, the town of Balboa includes the town site of that name at the Pacific terminus of the Canal, and all other settlements within the Balboa Subdivision of the Canal Zone; and the town of Cristobal includes the town site of that name, and all other settlements within the Cristobal Subdivision of the Canal Zone.

PART 3—ORGANIZATION OF GOVERNMENT

Subpart A—Delegations of Authority

Sec.
3.1 Delegations to Secretary of the Army.
3.2 Secretary of the Army as representative of President.
3.3 Delegations to the Governor.
3.4 Scope of delegated powers; duty of Government personnel; construction.

Subpart B—Administrative Organization

3.21 Lieutenant Governor.
3.22 Military protection of the Canal Zone.
3.23 Consular officers for the Canal Zone.

AUTHORITY: The provisions of §§ 3.1, 3.3 and 3.4 issued under authority vested in President by 3 U.S.C. 301; § 3.2 issued under authority vested in President by 2 C.Z.C. 31 and 62(b), 76A Stat. 7, 8; § 3.21 issued under supervisory authority vested in President by 2 C.Z.C. 31, 76A Stat. 7, and delegated to Secretary of Army by § 3.2; § 3.22 issued under supervisory authority vested in President by 2 C.Z.C. 31 and as President and Commander in Chief of the Armed Forces; § 3.23 issued under authority vested in Governor by section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(9)).

NOTE: §§ 3.1–3.4 contained in E.O. 11305, 31 F.R. —, Sept. 12, 1966; § 3.22 contained in E.O. 10398, 17 F.R. 8647, Sept. 30, 1952.

Subpart A—Delegations of Authority

§ 3.1 Delegations to Secretary of the Army.

(a) The Secretary of the Army shall exercise the powers vested in the President of the United States by the following provisions of the Canal Zone Code:

(1) 2 C.Z.C. 1331 (1), (2), and (3) (76A Stat. 46), relative to prescribing and amending regulations governing (i) the navigation of the harbors and other waters of the Canal Zone, (ii) the passage and control of vessels through the Canal or any part thereof, including the locks and approaches thereto, and (iii) pilotage in the Canal or the approaches thereto through the adjacent waters.

(2) 2 C.Z.C. 701 (76A Stat. 29), relative to prescribing and amending regulations governing aircraft, air navigation, air-navigation facilities, and aeronautical activities within the Canal Zone.

(3) 2 C.Z.C. 911 (76A Stat. 36), relative to prescribing and amending regulations governing matters of health, sanitation, and quarantine for the Canal Zone.

(4) 2 C.Z.C. 1191 (76A Stat. 41), relative to prescribing and amending regulations governing the issuance and revocation of licenses to practice the healing art.

(5) 2 C.Z.C. 1441 (76A Stat. 49), relative to prescribing and amending regulations for levying, assessing, and collecting ad valorem, excise, license, and franchise taxes in the Canal Zone.

(6) 2 C.Z.C. 731 (76A Stat. 29) relative to prescribing and amending regulations relating to (i) the manufacture and sale of alcoholic beverages in the Canal Zone, and licenses and fees therefor, and (ii) the importation of alcoholic beverages into, and exportation thereof from, the Canal Zone.

(b) The Secretary of the Army, after consultation with the Secretary of State, shall exercise the powers vested in the President of the United States by 2 C.Z.C. 841 (76A Stat. 32), relative to making and amending regulations governing (1) the rights of persons to enter, remain upon or pass over any part of the Canal Zone, and (2) the detention of persons entering the Canal Zone in violation of the regulations, and their return to the countries whence they came.

(c) The Secretary of the Army may redelegate to the Governor of the Canal Zone (hereafter in this subpart referred to as "the Governor") all or any designated portion of the powers delegated to the Secretary of the Army by § 3.1(a).

CROSS REFERENCE: Employment and compensation in the Canal Zone, see §§ 251.2 and 251.22 of this chapter.

§ 3.2 Secretary of the Army as representative of President.

(a) Pursuant to 2 C.Z.C. 31 and 62(b), respectively (76A Stat. 7 and 9), the Secretary of the Army is designated as the officer of the United States to supervise the administration of the Canal Zone Government by the Governor, and to act as "stockholder" of the Panama Canal Company.

(b) In performing his functions under § 3.2(a), the Secretary of the Army shall act as the direct representative of the President of the United States, and not in his capacity as head of the Department of the Army.

§ 3.3 Delegations to Governor.

(a) The Governor shall exercise the powers vested in the President of the United States by the following provisions of the Canal Zone Code:

(1) 2 C.Z.C. 1001 (76A Stat. 37), relative to making, publishing, enforcing, and amending rules and regulations for the use of public highways and roads in the Canal Zone, for the regulation, licensing, and taxing of the use and operation of all self-propelled vehicles using the public highways and roads, and for the other matters referred to in 2 C.Z.C. 1001.

(2) 2 C.Z.C. 1002 (76A Stat. 37), relative to making mutual agreements with the Republic of Panama concerning (i) the reciprocal use of the public highways and roads of the Canal Zone and the Republic of Panama by self-propelled vehicles, (ii) taxes and license fees, and (iii) other matters of regulation to establish comity for the convenience of the residents of the two jurisdictions.

(3) 2 C.Z.C. 1134 (76A Stat. 39), relative to establishing the rate of interest borne by postal savings certificates.

(4) 2 C.Z.C. 1331(4) (76A Stat. 46), relative to prescribing and amending regulations governing the licensing of officers or other operators of vessels (including pilots of vessels and operators of motorboats) navigating the waters of the Canal Zone.

(5) 3 C.Z.C. 82 (76A Stat. 54), relative to (i) the appointment and removal of magistrates, and (ii) the appointment of relief magistrates and the assignment of a magistrate to another magistrate's court in the circumstances specified in 3 C.Z.C. 82.

(6) 3 C.Z.C. 86 (76A Stat. 55), relative to prescribing regulations governing the administration of magistrates' courts and prescribing (i) the duties of magistrates and constables, (ii) oaths and bonds, (iii) the times and places of holding magistrates' courts, and (iv) the disposition of fines, costs, and forfeitures.

(7) 6 C.Z.C. 1281 (76A Stat. 455), relative to prescribing and amending rules and regulations to assert and exercise the police power in the Canal Zone, or for any portion or division thereof, for the purpose of enforcing 6 C.Z.C. 1281(a) declaring unlawful the engaging in or permitting any indecent or immoral conduct.

(b) The Governor's authority to exercise the powers enumerated in § 3.3(a) is subject to (1) the provisions of 2 C.Z.C. 34 (76A Stat. 8), (2) the supervision of the Secretary of the Army, and (3), in the case of § 3.3(a)(2), consultation with the ranking diplomatic officer of the United States accredited to the Republic of Panama.

(c) His authority under 2 C.Z.C. 31 and 33 (76A Stat. 7) to establish, alter, or discontinue military and naval reservations shall be exercised by the Governor (1) only with the approval of the Secretary of the Army in all cases, and (2) also only after consultation with (i) the Secretary of the Navy in the case of Naval reservations and in the case of other reservations and bases concerning which the Department of the Navy may express an interest, (ii) the Secretary of the Air Force in the case of air-force bases and in the case of other reservations and bases concerning which the Department of the Air Force may express an interest, and (iii) both the Secretary of the Navy and the Secretary of the Air Force when they both have an interest.

§ 3.4 Scope of delegated powers; duty of Government personnel; construction.

(a) The Secretary of the Army may exercise the powers delegated or otherwise assigned to him by this subpart without approval, ratification, or other action by the President.

(b) The Governor may exercise the powers delegated to him by § 3.3(a), and any powers redelegated to him under § 3.1(c), (i) without approval, ratification, or other action by the President, and (ii), except to the extent inconsistent with § 3.3(b)(2) and except as the Secretary of the Army may otherwise provide in pursuance of § 3.1(c), without approval, ratification, or other action by the Secretary of the Army.

(c) All officers, officials, and employees of the United States, including disbursing, accounting, and auditing officers, shall give the same effect to any acts of those authorized under this subpart to exercise powers as if exercised by the President.

(d) This subpart does not limit or restrict the right of the President to exercise any power specified in this subpart.

(e) Unless inappropriate, references in this subpart to any statute or to any provision of any statute shall be deemed to include references thereto as amended from time to time.

Subpart B—Administrative Organization

§ 3.21 Lieutenant Governor.

The organization of the Canal Zone Government shall include a Lieutenant Governor of the Canal Zone, who shall:

(a) Be appointed by the Governor of the Canal Zone subject to the approval of the Secretary of the Army;

(b) Perform such duties as the Governor determines; and

(c) Unless the Secretary of the Army designates another person for the purpose, act as Governor during the absence or disability of the Governor or if there is a vacancy in the office of Governor.

§ 3.22 Military protection of the Canal Zone.

(a) As between the Commander in Chief, United States Southern Command, and the Governor of the Canal Zone, the views of the former shall prevail with respect to determinations as to whether any aspect of the protection of the Canal Zone pertains to its military security, protection, and defense, as distinguished from the protection afforded by the civil authorities.

(b) Should the Governor of the Canal Zone disagree with a specific decision of the Commander in Chief, United States Southern Command, under this section, the Governor may, through the Secretary of the Army or through the Board of Directors of the Panama Canal Company, as may be appropriate, appeal the decision to the President of the United States. Pending any modification of the decision by the President pursuant to appeal, the decision shall remain binding and effective.

(c) This section shall remain in force until the termination of the emergency proclaimed by the President December 16, 1950 (Proc. 2914, 3 CFR, 1950 Supp.).

§ 3.23 Consular officers for the Canal Zone.

(a) The Executive Secretary of the Canal Zone Government, the Deputy Executive Secretary, and the Assistant Executive Secretary are designated as "consular officers" for the purpose, in the case of aliens in the Canal Zone, of issuing immigrant or nonimmigrant visas under the Immigration and Nationality Act, 66 Stat. 163 (8 U.S.C. 1101 et seq.).

(b) The Shipping commissioner and deputy shipping commissioners of the Canal Zone Government are designated as "consular officers" for the purpose of issuing crew list visas in the Canal Zone.

PART 5—PUBLIC LANDS; MILITARY RESERVATIONS

Subpart A—Public Lands

Sec.
5.1 Acquisition by United States of title to land in Canal Zone.
5.2 Natural area, Barro Colorado Island.

Subpart B—Military Reservations

ARMY

Sec.
5.21 Fort Amador and Fort Grant Army Reservations.
5.22 Cerro Pelado Ammunition Depot Army Reservation.
5.23 Cerro Tigre Army Reservation.
5.24 Fort Clayton Army Reservation.
5.25 Corozal Army Reservation.
5.26 Curundu Army Reservation.
5.27 Fort William D. Davis Army Reservation.
5.28 Fort Gulick Army Reservation.
5.29 Fort Kobbe Army Reservation.
5.30 Fort Randolph Army Reservation.
5.31 Fort Sherman Army Reservation.

NAVY

5.41 Arraijan Tank Farm Naval Reservation.
5.42 Coco Solo Navy Reservation.
5.43 Colon Naval Radio Station.
5.44 Farfan Naval Radio Station.
5.45 Gatun Tank Farm Naval Reservation.
5.46 Naval Radio Station, Summit, Canal Zone.
5.47 United States Naval Reservation, Balboa, Canal Zone.
5.48 United States Naval Reservation, Rodman, Canal Zone.
5.49 West Bank Naval Reservation.

AIR FORCE

5.61 Albrook Air Force Base.
5.62 Howard Air Force Base.

OTHER RESERVATIONS

5.71 Quarry Heights Military Reservation.

MISCELLANEOUS PROVISIONS

5.81 Surveys over boundaries of Fort Clayton, Corozal, and Curundu Army Reservations, and Albrook Air Force Base.
5.82 Conditions and limitations.
5.83 Return of lands to Canal Zone Government.

AUTHORITY: The provisions of § 5.1 issued under authority vested in President by 2 C.Z.C. 831, 76A Stat. 25; § 5.2 issued under authority vested in President by sec. 1 of the Act of July 2, 1940, 54 Stat. 724 (20 U.S.C. 79); §§ 5.21 to 5.83 issued under authority vested in Governor by 2 C.Z.C. 31, 33, 76A Stat. 7, as limited by President under § 3.3(c) of this chapter.

NOTE: § 5.1 contained in E.O. 1656, Dec. 5, 1912; § 5.2 contained in E.O. 8515, 5 F.R. 2857, Aug. 13, 1940.

Subpart A—Public Lands

§ 5.1 Acquisition by United States of title to land in Canal Zone.

All land and land under water within the limits of the Canal Zone, excepting that tract of land in the town of Cristobal, Canal Zone, which is described in section 332 of title 2 of the Canal Zone Code, 76A Stat. 25, is necessary for the construction, maintenance, operation, protection, and sanitation of the Panama Canal and the Canal Zone.

§ 5.2 Natural area, Barro Colorado Island.

There is set aside within the Canal Zone for the purposes set forth in the Act of July 2, 1940, Public No. 711, 76th Congress, 54 Stat. 724, 725 (20 U.S.C. 79–79e), and to be administered as therein provided, the area in Gatun Lake known as Barro Colorado Island, in which the natural features shall, except in event of declared national emergency, be left in their natural state for scientific observation and investigation.

Subpart B—Military Reservations

ARMY

§ 5.21 Fort Amador and Fort Grant Army Reservations.

(a) The following-described area of land, situated in the Canal Zone and designated as the Fort Amador and Fort Grant Army Reservations, is reserved and set apart as, and assigned to the uses and purposes of, Army reservations, under the control and jurisdiction of the Secretary of the Army, but subject to § 5.82:

Beginning at an iron rail set on concrete marked Monument "V" on Panama Canal Company drawing M–6121–87, located on the easterly boundary of the United States Naval Reservation, Balboa, Canal Zone. The geodetic position of monument "V", referred to the Panama–Colon datum of the Canal Zone triangulation system, is in North latitude 8°56′ plus 3602.80 feet and West longitude 79°33′ plus 1556.90 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 30°39′10″ E., 63.8 feet, more or less, to an unmarked point called "U" on the drawing, located at the extreme high water mark on the shore of Panama Bay.

Easterly, southerly, southeasterly, along the extreme high water mark of Panama Bay, along the northeast bank of the Causeway, around the former islands of Naos, Culebra, Perico, and Flamenco, back on the southwest bank of the Causeway, to unmarked point called "D" on the drawing, located on the extreme high water mark of Balboa Harbor.

N. 37°39′10″ E., 1415.41 feet, through monuments D–1, which is a 1½-inch galvanised iron pipe in concrete, No. 2, which is a 1½-inch galvanised pipe in concrete, and "Z", which is an iron rail in concrete, to monument "V", the point of beginning, the distances being 21.90 feet, 79.30 feet, 549.29 feet and 765.03 feet, successfully, from beginning of the course. From monument No. 2 to point "U", the boundary is coincident with the easterly boundary of the U.S. Naval Reservation, Balboa, Canal Zone.

Fort Amador Army Reservation contains an area of 175.8 acres and Fort Grant Army Reservation contains an area of 168.9 acres, and is as shown on Canal Zone Government drawing M–6121–87, entitled "Fort Amador-Fort Grant Army Reservations, Canal Zone," dated October 22, 1964, on file in the Office of the Governor.

All land in this area, north of latitude 8°56′ will be known as the Fort Amador Army Reservation and all land south, including the islands of San Jose, Penamarca, Changarmi, Tortolita, Tortola, Cocovicista, Cocovi and Venado, will be known as the Fort Grant Army Reservation.

The directions of the lines refer to the true meridian and extreme high water is elevation 11.5 feet P.L.D.

(b) In addition to the above the Secretary of the Army shall have control of all lands and water for a distance of one hundred yards out to sea from the high water line on all shores of the Fort Amador and Fort Grant Army Reservations, terminating at the prolongation of boundary lines towards the sea from points marked "Mon. D" and "Mon. G" on the map.

§ 5.22 Cerro Pelado Ammunition Depot Army Reservation.

The following-described area of land, situated in the Canal Zone and designated as the Cerro Pelado Ammunition Depot Army Reservation, is reserved and set apart as, and assigned to the uses and purposes of, an Army reservation, under the control and jurisdiction of the Secretary of the Army, but subject to § 5.82:

Beginning at a concrete monument A, marked "Point of Beginning" on Panama Canal drawing No. L6105–81, located 869.0 feet northerly from the center line of the Panama Railroad right-of-way; from said monument the bearing and distance to an iron-rail reference monument, encased in concrete, marked 0+50 of the Cerro Pelado Ammunition Depot control survey, is S. 12°-51′30″ E., 838.6 feet, and the bearing and distance to Pelado triangulation station of the Canal Zone triangulation system is N. 54°51′50″ E., 3,122.0 feet; the geographic position of monument A is in latitude 9°07′ N. plus 2,169.7 feet, and longitude 79°42′ W. plus 5,303.5 feet.

Thence from said point of beginning by metes and bounds:

Due west, 108.0 feet through brass-plug markers A–1 and A–2 in a concrete road pavement, to a concrete monument, marked B, at the top of the bank of a pond; plugs A–1 and A–2 are 61.5 feet and 77.9 feet, respectively, from monument A;

N. 19°22′30″ W., 528.8 feet to a concrete monument marked C;

N. 28°32′00″ W., 4,986.4 feet, through pipe monuments C–1, C–2, C–3 and C–4, to a concrete monument marked D; monuments C–1, C–2, C–3 and C–4 are 189.2 feet, 1,446.0 feet, 3,118.7 feet and 4,299.6 feet, respectively, from monument C;

S. 88°17′10″ E., 4,100.4 feet, through pipe monuments D–1 and D–2, to a concrete monument E; monuments D–1 and D–2 are approximately 862 feet and 2,937 feet respectively, from monument D;

S. 12°15′00″ W., 4,600.0 feet, through pipe monuments E–1, E–2, E–3, E–4 and E–5, to a concrete monument F; monuments E–1, E–2, E–3, E–4 and E–5 are approximately 522 feet, 1,767 feet, 2,643 feet, 3,719 feet and 4,199 feet, respectively, from monument E;

The directions of the lines refer to the true meridian. The geographic positions of all points and monuments are referred to the Panama–Colon datum of the Canal Zone triangulation system.

The concrete boundary monuments are 12 inches square, reinforced concrete posts, 16 feet long and buried 8 feet in the ground; the center is a drill hole in a 4-inch diameter bronze plate fastened into the top of the post and marked "CERRO PELADO AMMUNITION DEPOT—BOUNDARY MONUMENT", and with the significant monument letter.

S. 50°00′00″ W., 876.8 feet, through a pipe monument F–1, and a concrete monument G on the bank of a pond, thence, across the pond to a concrete monument H, located at the top of the bank of said pond. Monuments F–1 and G are 63.0 feet and 319.0 feet, respectively, from monument F;

Due west, 95.0 feet to monument A, the point of beginning.

The above-described tract contains an area of 278.5 acres.

The pipe monuments are 3-inch diameter, galvanised iron pipes, 3 feet long, filled with concrete and projecting about 1½ feet above a concrete base buried in the ground.

The brass markers are ½ inch diameter plugs, ¾ inch long, grouted in the concrete road pavement. The center is a punched hole.

The above-described area was surveyed by the Section of Surveys, The Panama Canal (now, Surveys Branch, Engineering and Construction Bureau, Panama Canal Company), in May 1938, under a work request from the Assistant Department Engineer, Corosal, Canal Zone; and is as shown on Panama Canal Drawing L6105–81, dated July 25, 1938, on file in the Office of the Governor.

§ 5.23 Cerro Tigre Army Reservation.

The following-described area of land, situated in the Canal Zone and designated as the Cerro Tigre Army Reservation, is reserved and set apart as, and assigned to the uses and purposes of, an Army reservation, under the control and jurisdiction of the Secretary of the Army, but subject to § 5.82:

From monument "A" the bearing and distance to triangulation station "Gato" is, S 71°56'10" E, 2,000.7 feet.

Thence from said initial point, by metes and bounds:

N. 26°34'00" E., 1,118.0 feet, to a concrete monument marked "B";

N. 84°28'00" E., 2,071.0 feet, to a concrete monument marked "C";

S. 35°56'00" E., 2,470.0 feet, to a concrete monument marked "D";

S. 15°40'00" W., 1,296.0 feet, to a concrete monument marked "E";

S. 45°00'00" W., 1,245.0 feet, to a concrete monument marked "F";

N. 73°43'00" W., 609.4 feet, to a concrete monument marked "G";

S. 34°54'10" W., 1,019.7 feet, through a concrete monument marked "H" to a concrete monument marked "I", the distances being 298.2 feet and 721.5 feet, successively, from beginning of course;

S. 70°37'10" W., 426.6 feet, to a concrete monument marked "J";

S. 00°03'30" E., 591.1 feet, to a concrete monument marked "J–I";

S. 00°02'20" E., 84.5 feet, to a concrete monument marked "K";

Beginning at a concrete monument marked "A," located 185.0 feet more or less, easterly from the centerline of Madden Road, the geographic position of which monument, referred to the Canal Zone triangulation system is in north latitude 9°04' plus 1,000.00 feet and in west longitude 79°38' plus 1,500.0 feet from Greenwich.

N. 88°10'20" W., 1,313.5 feet, through a concrete monument marked "L" to a concrete monument marked "M", the distances being 170.8 feet and 1,142.7 feet, successively, from beginning of course.

N. 77°57'20" W., 996.3 feet, through a concrete monument marked "N" to a concrete monument marked "O", the distances being 829.2 feet and 167.1 feet, successively, from beginning of course;

N. 89°49'30" W., 248.5 feet, to a concrete monument marked "P";

N. 12°46'50" E., 187.3 feet, to a concrete monument marked "Q";

N. 44°33'20" E., 94.1 feet, to a concrete monument marked "R";

N. 85°21'50" E., 93.6 feet, to a concrete monument marked "S";

N. 41°37'40" E., 230.9 feet, to a concrete monument marked "T";

N. 22°30'50" E., 761.7 feet, to a concrete monument marked "U";

N. 35°53'10" E., 405.1 feet, to a concrete monument marked "V";

N. 08°49'30" W., 339.5 feet, through a concrete monument marked "V–I", to a concrete monument marked "X", the distances being 188.0 feet and 151.5 feet, successively, from beginning of course;

N. 06°43'10" E., 869.5 feet, through 2-inch galvanized iron pipe monuments marked "X–1" and "X–2", to a 2-inch galvanized iron pipe monument marked "Y", the distances being 239.0 feet, 260.5 feet and 370.0 feet, successively, from beginning of course.

S. 81°47'20" E., 1,154.6 feet, through 2-inch galvanized iron pipe monuments marked "Y–1", "Y–2" and "Y–3", to a 2-inch galvanized iron pipe monument marked "Z", the distances being 400.0 feet, 162.0 feet, 281.0 feet, and 311.6 feet, successively, from beginning of course;

N. 26°05'20" W., 1,723.0 feet, to monument "A" the point of beginning.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The boundary from monument "Z" to monument "G", in a clockwise direction, was surveyed by the Section of Surveys, The Panama Canal (now, Surveys Branch, Engineering and Construction Bureau, Panama Canal Company), in April 1930, and from monument "G" to monument "Z", in a clockwise direction, was surveyed by the Section of Surveys, The Panama Canal in December 1946.

The area of the tract is 397.2 acres and is as shown on Panama Canal Drawing No. M6114–73, entitled "Boundary of Cerro Tigre Military Reservation", scale 1 to 4,000, dated January 27, 1947, on file in the Office of the Governor.

§ 5.24 Fort Clayton Army Reservation.

The following-described areas of land, situated in the Canal Zone and designated as the Fort Clayton Army Reservation, are reserved and set apart as, and assigned to the uses and purposes of, an Army reservation, under the control and jurisdiction of the Secretary of the Army, but subject to § 5.82:

PARCEL No. 1

Beginning at monument No. 55, which is a 1½-inch iron pipe set in concrete, located on the eastern portion of the Canal Zone–Republic of Panama boundary, between monuments Nos. 88 and 89, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 9°01' N. plus 6041.0 feet and longitude 79°31' W. plus 3586.9 feet from Greenwich.

Thence from said initial point by metes and bounds:

Due west, 218.6 feet, to monument No. 1, which is a 1½-inch iron pipe set in concrete, located on a hillside in an open field.

S. 89°59' W., 249.6 feet to monument No. 2, which is a 1½-inch iron pipe set in concrete, located on the eastern bank of a branch of the Rio Abajo;

Due west, 7113.7 feet, through monuments Nos. 3, 4, and 5, which are 1½-inch iron pipes set in concrete, to monument No. 6, which is a ½-inch copper plug set in a 10-inch square concrete block, located on top of a high hill, west of the east fork of the Rio Cardenas, the distances being 1266.4 feet, 839.2 feet, 2055.2 feet and 2952.9 feet, successively, from beginning of the course;

N. 89°59' W., 3864.6 feet, through monument No. 7, which is a 1½-inch iron pipe set in concrete, to monument No. 8, which is a 1½-inch iron pipe set in concrete, located on the side of a high hill, the distances being 2504.1 feet and 1360.5 feet, successively, from beginning of the course;

N 89°57' W., 1285.0 feet, to monument No. 9, which is a 1½-inch iron pipe set in concrete, located on the easterly side of the trail along the east bank of Rio Cardenas;

S. 89°46' W., 200.3 feet, to monument No. 10, which is a 1½-inch iron pipe set in concrete, located on the west bank of the Rio Cardenas;

N. 89°55' W., 413.3 feet, to monument No. 11, which is a 1½-inch iron pipe set in concrete, located on a small hill;

N. 89°57' W., 1255.1 feet, to monument No. 12, which is a 1½-inch iron pipe set in concrete, located on the edge of a high hill, 20 feet north of the boundary trail;

N. 89°56' W., 172.7 feet, to monument No. 13, which is a 1½-inch iron pipe set in concrete, located on the above mentioned hill and on the north side of the boundary trail;

N. 89°47' W., 1231.5 feet, to monument No. 14, which is a 1½-inch iron pipe set in concrete located in the rock bed of the east fork of the Rio Guanabano;

Due west, 674.6 feet, to monument No. 15, which is a 1½-inch iron pipe set in concrete, located on the southern slope of a steep rocky hill, north of the boundary trail;

N. 89°58' W., 2131.6 feet, to monument No. 16, which is a 1½-inch iron pipe set in concrete, located on the west bank of the west fork of the Rio Guanabano;

N. 89°49' W., 1015.2 feet, to monument No. 17, which is a 1½-inch iron pipe set in concrete, located about 20 feet west of the Panama-Cruces Trail;

N. 89°58' W., 1417.1 feet, to monument No. 18, which is a 1½-inch iron pipe set in concrete, located on the west side of the Chiva-Chiva Trail, 15 feet south of the wire fence of the various Canal Zone Farm Leases;

N. 89°44'30" W., 961.8 feet, to monument No. 19, which is a 2-inch iron pipe set in concrete, located on the east bank of the Rio Camaron;

N. 89°54'10" W., 331.2 feet, to monument No. 19–1, which is a 2-inch iron pipe;

N. 89°56'40" W., 1496.0 feet, to monument No. 19–2, which is a 12-inch square concrete monument;

N. 00°35' E., 504.0 feet, to monument No. 19–3, which is a 3-inch iron pipe set in concrete;

N. 21°00' W., 410.0 feet, to monument No. 19–4, which is a 12-inch square concrete monument;

Due west, 506.0 feet, through monuments Nos. 19–5 and 19–6, which are 12-inch square concrete monuments, to monument No. 19–7, which is a 12-inch square concrete monument, the distances being 206.0 feet, 115.0 feet and 185.0 feet, successively, from beginning of the course;

S. 22°31' W., 406.0 feet, to monument No. 19–8, which is a 12-inch square concrete monument;

S. 07°27' W., 514.9 feet, through monument No. 19–9, which is a 12-inch square concrete monument, to monument No. 19–10, which is a 12-inch square concrete monument, the distances being 322.4 feet and 192.5 feet, successively, from beginning of the course;

N. 89°52' W., 2127.7 feet, through monuments Nos. 21, which is a 1½-inch iron pipe set in concrete, and 22, which is an 8-inch square concrete monument, to monument No. 22–A, which is an 8-inch square concrete monument, located on the easterly bank of the Calmitillo Arm of Miraflores Lake, the distances being 1314.9 feet, 794.9 feet and 17.9 feet, successively, from beginning of the course. The geodetic position of monument No. 22–A is in latitude 9°02' N. plus 9.8 feet and longitude 79°36' W. plus 726.8 feet;

Southerly and northeasterly along the 55-foot contour on the easterly bank of the Calmitillo Arm of Miraflores Lake to monument No. 22–B, which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 9°01' N. plus 4575.6 feet and longitude 79°35' W. plus 5555.9 feet;

N. 82°25'30" E., 50.6 feet, to monument No. 22–C, which is a 3-inch iron pipe set in concrete, located on the 55-foot contour on the easterly bank of the Calmitillo Arm of Miraflores Lake;

Southerly, along the above mentioned 55-foot contour, to monument No. 23, which is a ⅜-inch brass plug set in an 8-inch square concrete monument, located 100 feet northerly and at right angles from the centerline of Gaillard Highway pavement, the geodetic position of which is in latitude 9°00' N. plus 5494.7 feet and longitude 79°35' W. plus 5883.0 feet;

Southerly and southeasterly, along a line parallel to, and 100 feet from the centerline of Gaillard Highway pavement to monument "X", which is a 2½-inch iron pipe set in concrete, located beside a cyclone fence, near the most westerly gate of the Post of Fort Clayton, the geodetic position of which is in latitude 9°00' N. plus 2312.7 feet and longitude 79°35' W. plus 3795.3 feet;

S. 33°35'00" W., 70.4 feet, to monument "A", which is a 2½-inch iron pipe set in concrete, located at the corner of the above mentioned cyclone fence;

S. 57°00'10" E., 1123.4 feet, along the above mentioned cyclone fence, to monument "B", which is a 2½-inch iron pipe set in concrete;

S. 54°29'40" E., 187.3 feet, along the above mentioned cyclone fence, to monument "C", which is a 2½-inch iron pipe set in concrete;

S. 35°38'10" E., 279.7 feet, along the above mentioned cyclone fence, to monument "D", which is a 2½-inch iron pipe set in concrete;

S. 35°38'30" E., 675.0 feet, along the above mentioned cyclone fence, to monument "E", which is a 2½-inch iron pipe set in concrete;

S 52°42'00" E., 25.9 feet, along the above mentioned cyclone fence, to monument "F", which is a 2½-inch iron pipe set in concrete;

S. 35°38'20" E., 1239.8 feet, along the above mentioned cyclone fence, to monument "G", which is a 2½-inch iron pipe set in concrete;

S. 35°39'00" E., 766.1 feet, along the above mentioned cyclone fence, to monument "H", which is a 2½-inch iron pipe set in concrete;

S. 35°39'00" E., 932.8 feet, along the above mentioned cyclone fence, to monument "I", which is a 2½-inch iron pipe set in concrete;

S. 34°14'10" E., 320.4 feet, along the above mentioned cyclone fence, to monument "J", which is a 2½-inch iron pipe set in concrete;

S. 36°11'00" E., 407.9 feet, to monument "K", which is a 2½-inch iron pipe set in concrete, located at the corner of a cyclone fence;

S. 33°50'40" E., 210.7 feet, along the above mentioned cyclone fence, to monument "L", which is a 2½-inch iron pipe set in concrete;

S. 85°48'30" E., 36.8 feet, along the above mentioned cyclone fence, to monument "M", which is a 2½-inch iron pipe set in concrete;

N. 71°23'40" E., 24.8 feet, along the above mentioned cyclone fence, to monument "N", which is a 2½-inch iron pipe set in concrete, located 100 feet from the centerline of the Gaillard Highway pavement, at the top of the right bank of the Rio Cardenas.

Southeasterly, along a line parallel to, and 100 feet from the centerline of the Gaillard Highway pavement, to monument No. 26–A, which is a brass plug in an 8-inch square concrete post, the geodetic position of which is in latitude 8°59' N. plus 2542.4 feet and longitude 79°34' W. plus 4995.3 feet;

N. 47°17'10" E., 813.2 feet, through monuments Nos. 26–1, which is a 2-inch iron pipe set in concrete, and 26–2, which is a 2½-inch iron pipe set in concrete, to monument No. 27, which is a brass plug in an 8-inch square concrete post, the distances being 236.1 feet, 337.3 feet and 239.8 feet, successively, from beginning of the course;

N. 28°48'50" E., 1,832.7 feet, through monuments Nos. 27–1, 27–2, 27–3, 27–4, 27–5, 27–6, and 27–7, which are 2½-inch iron pipes set in concrete, to monument No. 27–8, which is a brass plug in an 8-inch square concrete post, the distances being 140.4 feet, 358.5 feet, 202.6 feet, 312.0 feet, 452.9 feet, 213.9 feet, 150.3 feet, and 103.1 feet successively, from beginning of the course;

N. 20°39'40" E., 1,005.4 feet, through monuments Nos. 28, 28–1 and 28–2, which are 2½-inch iron pipes set in concrete, to monument No. 29, which is a brass plug in an 8-inch square concrete post, the distances being 348.1 feet, 308.0 feet, 151.3 feet and 200.1 feet, successively, from beginning of the course;

N. 20°03'30" W., 576.2 feet, through monument No. 29–1, which is a 2½-inch iron pipe set in concrete, to monument No. 30, which is a brass plug set in the upstream curb, near the southeast corner of the unused concrete bridge across the Rio Cardenas, the distances being 516.3 feet and 59.9 feet, successively from beginning of the course;

Upstream, along the left bank of the Rio Cardenas, to monument No. 31, which is a 2-inch iron pipe set in concrete, located on the right bank of the Rio Dos Bocas, the geodetic position of which is in latitude 9°00' N. plus 900.8 feet and longitude 79°34' W. plus 3,399.0 feet;

Upstream, in an easterly direction, along the right bank of the Rio Dos Bocas, to monument No. 32, which is a 2-inch iron pipe set in an 8-inch square concrete post, located westerly from the C–8 Road, the geodetic position of which is in latitude 9°00' N., plus 958.7 feet and in longitude 79°34' W., plus 754.0 feet;

S. 36°09'30" E., 78.0 feet, to monument No. 33, which is a 2-inch iron pipe set in an 8-inch square concrete post, located easterly from the C–8 Road, on the right bank of the Rio Dos Bocas;

Upstream, in an easterly direction, along the right bank of the Rio Dos Bocas, to monument No. 34, which is a 2½-inch iron pipe set in an 8-inch square concrete post, located 100 feet southerly from the centerline of the C–12 Road, the geodetic position of which is in latitude 9°00' N. plus 1,507.6 feet and in longitude 79°33' W. plus 4,994.6 feet;

Northwesterly, parallel to, and 100 feet from the centerline of the C–12 Road, to monument No. 35, which is a 3-inch iron pipe set in an 8-inch square concrete post, the geodetic position of which is in latitude 9°00' N. plus 1,639.7 feet and in longitude 79°33' W., plus 5,253.7 feet;

N. 16°05'00" E., 130.4 feet, to monument No. 41, which is a 2-inch iron pipe, located on the northerly side of the C–12 Road, at the southwest corner of the gasoline storage area;

N. 09°00'00" E., 921.0 feet, through monument No. 40, which is a 2-inch iron pipe, to monument No. 39, which is a 2-inch iron pipe, located at the northwest corner of the gasoline storage area, the distances being 601.0 feet and 320.0 feet, successively, from beginning of the course;

Due North, 4,419.5 feet, through monuments Nos. 38 to 25 inclusive, which are 2-inch iron pipes, to monument No. 24, which is a 3-inch iron pipe, the distances being 527.3 feet, 567.5 feet, 190.5 feet, 188.5 feet, 226.4 feet, 315.0 feet, 261.4 feet, 199.1 feet, 290.6 feet, 382.3 feet, 106.9 feet, 362.5 feet, 355.6 feet, 378.8 feet and 136.2 feet, successively, from beginning of the course;

Due East, 8,000.1 feet, through monuments No. 23 to 4 inclusive, which are 2-inch iron pipes, to monument No. 3, which is a 3-inch iron pipe, the distances being 134.5 feet, 301.2 feet, 196.0 feet, 571.9 feet, 384.2 feet, 744.4 feet, 142.7 feet, 370.9 feet, 451.7 feet, 280.7 feet, 519.1 feet, 449.2 feet, 237.5 feet, 385.0 feet, 101.5 feet, 399.9 feet, 171.9 feet, 360.9 feet, 302.0 feet, 239.2 feet and 474.4 feet, successively, from beginning of the course;

N. 89°59'20" E., 616.1 feet, through monuments Nos. 2, which is a 1½-inch iron pipe, and 1, which is a 2-inch iron pipe, to monument "E," which is a brass plug set in a 10-inch square concrete post, located on the Canal Zone–Republic of Panama boundary, in the center of the Rio Curundu, the geodetic position of which is in latitude 9°01' N. plus 1046.8 feet and longitude 79°32' W. plus 3469.8 feet, the distances being 437.7 feet, 64.0 feet and 194.4 feet, successively, from beginning of the course;

N. 68°30'00" E., 6611.6 feet, along the Canal Zone–Republic of Panama boundary, through monuments Nos. E–1 to E–21 inclusive (monuments E–1, E–18 and E–21 are iron rail; monuments E–2, E–3, E–4, E–6, E–7, E–8, E–9, E–10, E–12, E–14, E–15, E–16, E–17, E–19 and E–20 are 2-inch iron pipes set in concrete; E–5, E–11 and E–13 are square concrete posts) to monument "F," which is a square concrete post, the geodetic position of which is in latitude 9°01' N. plus 3996.4 feet and longitude 79°31' W. plus 2564.4 feet, the distances being 179.2 feet, 99.6 feet, 156.7 feet, 500.0 feet, 500.0 feet, 313.8 feet, 500.0 feet, 500.0 feet, 500.0 feet, 150.0 feet, 25.0 feet, 475.0 feet, 212.0 feet, 54.8 feet, 42.5 feet, 372.9 feet, 500.0 feet, 500.0 feet, 331.5 feet, 300.0 feet, 160.0 feet and 238.6 feet, successively, from beginning of the course;

N. 26°31' W., 411.3 feet, to Canal Zone–Republic of Panama boundary monument No. 90, which is a 4-inch iron pipe with a brass cap;

N. 26°32' W., 1112.7 feet, to Canal Zone–Republic of Panama boundary monument No. 89 which is a 4-inch iron pipe with a brass cap;

N. 26°30' W., 766.0 feet, to monument No. 55, the point of beginning;

N. 35°19'54" E., 157.2 feet, to monument No. 75–6, which is an iron rod set in concrete, located 5.0 feet northerly from the northerly edge of the northerly concrete apron of the above mentioned hangar;

S. 58°18'51" E., 53.6 feet, to monument No. 75–5, which is an iron rod set in concrete, located 5.0 feet northerly from the northerly edge of the above mentioned apron;

S. 34°11'06" E., 49.2 feet, to monument No. 75–4, which is an iron rod set in concrete, located 5.0 feet northerly from the northerly edge of the above mentioned apron, and is 250.0 feet southeasterly from the northwesterly edge of a concrete taxiway;

N. 39°47'24" E., 210.7 feet, along a line parallel to and 250.0 feet southeasterly from the above mentioned taxiway to monument No. 75–3, which is a 1½-inch iron pipe set in concrete, located 250.0 feet southeasterly from the above mentioned taxiway;

S. 30°18'10" E., 187.1 feet, to monument "Y", which is a 3-inch iron pipe set in concrete, located southwesterly from the Civil Affairs Building, Ancon;

PARCEL No. 2

Beginning at monument "U", which is a 3-inch iron pipe set in concrete, located southwesterly from the southerly corner of the hangar situated southwesterly from the Civil Affairs Building, Ancon, C.Z. The geodetic position of monument "U" is in latitude 8°57' N. plus 5,895.2 feet and longitude 79°38' W. plus 2,413.0 feet and is on the southerly boundary of Parcel No. 2, Albrook Air Force Base.

Thence from said initial point by metes and bounds:

N. 58°14'08" W., 227.6 feet, along the southwesterly edge of the concrete apron, southwesterly from the above mentioned hangar, to monument No. 75–9, which is an iron rod set in concrete, located at the southwesterly edge of the above mentioned apron;

N. 34°57'39" E., 146.2 feet, to monument No. 75–8, which is an iron rod set in concrete, located 15.0 feet westerly from the westerly corner of the above mentioned hangar;

N. 32°22'09" E., 199.9 feet, along a line parallel to and 15.0 feet northwesterly from the northwesterly face of the above mentioned hangar, to monument No. 75–7, which is a monel metal plug, located in a concrete sidewalk, and is 15.0 feet northwesterly from the northerly corner of the above mentioned hangar;

S. 20°18'10" E., 254.1 feet, to monument "X", which is a 2½-inch iron pipe set in concrete, located 15.0 feet northerly from the north edge of the Gaillard Highway pavement;

S. 67°02'00" W., 906.7 feet, to monument "W", which is a 3-inch iron pipe set in concrete, located on the outside of a cyclone

fence near the southeast corner of the above mentioned hangar;

S. 54°38'10" W., 65.7 feet, along the above mentioned cyclone fence, to monument "V", which is a 3-inch iron pipe set in concrete;

S. 49°14'20" W., 154.6 feet, along the above mentioned cyclone fence, to monument "U", the point of beginning.

The directions of the lines refer to the true meridian. The area of Fort Clayton Army Reservation is 4,985.2 acres, more or less (Parcel No. 1 is 4,960.3 acres, more or less; and Parcel No. 2 is 4.9 acres, more or less) as is shown on Canal Zone Government Drawing No. 6116-34 (Revision No. 4, dated March 22, 1961) entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone", scale 1 : 10,000, dated May 29, 1952, on file in the Office of the Governor, Balboa Heights, Canal Zone.

§ 5.25 Corozal Army Reservation.

The following-described areas of land, situated in the Canal Zone and designated as the Corozal Army Reservation, are reserved and set apart as, and assigned to the uses and purposes of, an Army reservation, under the control and jurisdiction of the Secretary of the Army, but subject to § 5.82:

PARCEL NO. 1

(EAST OF GAILLARD HIGHWAY)

Beginning at monument No. 19, which is a 2-inch iron pipe, located on a hillside, easterly from the Army Finance Office in the Post of Corozal, the geodetic position of which is in latitude 8°59' N. plus 390.9 feet and longitude 79°34' W. plus 580.9 feet. Monument No. 19 is on the westerly boundary of Albrook Air Force Base (Parcel No. 2).

Thence from said initial point by metes and bounds:

N. 01°26'30" W., 1,563.8 feet, along the westerly boundary of Albrook Air Force Base (Parcel No. 2), through monuments Nos. 20, 21, and 22, which are 2-inch iron pipes to monument No. 23, which is an 8-inch square concrete post, further described as old Curundu Military Reservation boundary monument No. 33 on top of Corozal Hill, the distances being 384.3 feet, 583.5 feet, 360.2 feet and 235.8 feet successively, from beginning of the course;

S. 60°09'30" W., 2,524.3 feet, through monuments Nos. 33–1 and 33–2, which are 2-inch iron pipes, located on opposite sides of the C–8 Road, 33–3 and 33–4 which are 2½-inch iron pipes, to monument No. 37, which is an 8-inch square concrete post, the distances being 1,044.3 feet, 64.6 feet, 598.5 feet, 391.8 feet and 425.1 feet, successively, from beginning of the course;

S. 47°58'20" W., 178.8 feet, to monument "A", which is an 8-inch square concrete monument, located on the southwesterly side of the short street in front of the Chapel in the Post of Corozal;

N. 43°04'30" W., 42.4 feet, to monument B–1, which is a brass plug, located in the southwesterly curb of the short street in front of the Chapel in the Post of Corozal;

N. 76°19'20" W., 23.8 feet, to monument A–3, which is a brass plug in the curb on the southeasterly side of Hospital Road;

S. 48°20'50" W., 189.9 feet, to monument A–2, which is a brass plug in the southeasterly curb of Hospital Road;

S. 09°01'50" W., 5.2 feet, to monument A–1, which is a brass plug in the easterly curb of Gaillard Highway;

S. 43°53'30" E., 70.8 feet, to monument "B", which is a 3-inch iron pipe set in concrete, located on the easterly side of Gaillard Highway, northwesterly from the Army Telephone Exchange building;

S. 40°55'30" E., 307.9 feet, along the easterly side of Gaillard Highway to monument 47–B, which is a monel metal plug in a retaining wall;

N. 46°28'30" E., 390.1 feet, to monument 47–C, which is a 3-inch iron pipe;

N. 60°07'52" E., 1,179.4 feet, to monument 47–D, which is a 3-inch iron pipe;

S. 25°43'38" E., 215.9 feet, to monument 47–F, which is a 3-inch iron pipe;

S. 36°34'00" E., 145.2 feet, to monument 47–G, which is a 3-inch iron pipe;

N. 46°26'20" E., 26.0 feet, to monument 47–H, which is a 3-inch iron pipe located 39.0 feet southwesterly from the centerline of the concrete pavement of the 26 foot wide street extending from the Post of Corozal Theater to the Army Finance Building;

Southeasterly along a line parallel to, and 39.0 feet southwesterly from the centerline of the pavement of the above mentioned street, to monument No. 17–A, which is a 3-inch iron pipe, located on the southerly boundary of Albrook Air Force Base (Parcel No. 2), the geodetic position of which is in latitude 8°59' N. plus 247.0 feet and longitude 79°34' W. plus 838.5 feet;

N. 73°51'30" E., 51.8 feet, along the above mentioned cyclone fence, to monument No. 18, which is a brass plug in a concrete road pavement near the Army Finance Office;

N. 58°02'30" E., 244.7 feet, along the above mentioned cyclone fence and its prolongation, to monument No. 19, the point of beginning.

PARCEL NO. 1–A, REVISED

(EAST OF GAILLARD HIGHWAY)

Beginning at monument "J," which is a 3-inch iron pipe set in concrete, located on the outside of a cyclone fence, on the northeasterly side of Gaillard Highway and northeasterly from the spur railroad track leading to the Army Quartermaster Warehouse in the Post of Corozal, the geodetic position of which, referred to the Panama-Colon datum of the Canal Zone triangulation system, is in latitude 8°58' N. plus 4872.5 feet and longitude 79°34' W. plus 1925.2 feet from Greenwich.

Thence from said initial point by metes and bounds:

S. 60°03'00" E., 978.0 feet, along a cyclone fence, on the southerly side of Corozal Townsite, through monument "Z," which is a 2-inch iron pipe, to monument "Y," which is a 2-inch iron pipe, the distances being 810.7 feet and 167.3 feet, successively, from beginning of the course;

N. 28°38'30" E., 41.4 feet, to monument "Y–1," which is a monel plug, located in the concrete pavement at the northwesterly edge of a gasoline dispensing area;

N. 46°51'50" E., 235.2 feet, along the southeasterly side of a 16-inch water main to monument "Y–2," which is a 2-inch iron pipe;

N. 70°09'00" E., 437.8 feet, to monument No. 10, which is a 1½-inch iron pipe, located on the westerly boundary of Albrook Air Force Base (Parcel No. 2) inside the cyclone fence surrounding the water tanks northerly from Diablo Crossing;

S. 00°44'20" E., 1883.2 feet, along the above-mentioned Air Force Base boundary, through monuments Nos. 9, 8, 7, and 6, which are 1½-inch iron pipes, to monument No. 5, which is a 1½-inch iron pipe, the distances being 208.5 feet, 297.7 feet, 410.2 feet, 442.9 feet, and 523.9 feet, successively, from beginning of the course;

S. 44°36'00" W., 102.3 feet, along the above-mentioned Air Force Base boundary to monument No. 4, which is a 1½-inch iron pipe;

N. 64°22'50" W., 483.6 feet, along the above-mentioned Air Force Base boundary, through monument No. 3, which is a 1½-inch iron pipe, to monument No. 2, which is a 1½-inch iron pipe, located on the outside of a cyclone fence, the distances being 306.4 feet and 177.2 feet, successively, from beginning of the course;

S. 57°58'30" W., 99.1 feet, along the above-mentioned Air Force Base boundary, to monument "R," which is a monel plug set in the northeasterly edge of Gaillard Highway pavement widening strip, opposite Diablo Crossing;

N. 33°11'40" W., 583.9 feet, along the northeasterly side of Gaillard Highway to monument "Q," which is a 2-inch iron pipe, located 18 inches from the corner of a cyclone fence;

N. 35°02'30" W., 351.9 feet, crossing the entrance roads to Gate No. 8 of the Post of Corozal, to monument "P," which is a 3-inch iron pipe set in concrete, located 18 inches from the corner of a cyclone fence;

Northwesterly, along the outside of the above-mentioned cyclone fence, on the northeasterly side of Gaillard Highway, along the following courses:

N. 34°50'10" W., 382.5 feet, to monument "O," which is a 2½-inch iron pipe set in concrete;

N. 34°03'10" W., 312.7 feet, to monument "N," which is a 3-inch iron pipe set in concrete;

N. 33°02'50" W., 292.9 feet, to monument "M," which is a 3-inch iron pipe set in concrete;

N. 31°51'30" W., 243.7 feet, to monument "L," which is a 3-inch iron pipe set in concrete;

N. 29°49'00" W., 77.2 feet, to monument "K," which is a 3-inch iron pipe set in concrete;

N. 45°17'00" E., 19.0 feet, to monument "J," the point of beginning.

PARCEL NO. 2

(WEST OF GAILLARD HIGHWAY)

Beginning at monument "A", which is a 3-inch iron pipe set in concrete, located on the easterly bank of the Rio Grande, approximately 800 feet southerly from the junction of the Rio Cardenas, the geodetic position of which is in latitude 8°59' N. plus 2353.3 feet and longitude 79°34' W. plus 5015.7 feet;

Thence from said initial point by metes and bounds:

Due east, 24.6 feet, to monument "B", which is a 2-inch iron pipe set in concrete;

S. 54°11'30" E., 668.4 feet, to monument "E", which is a 1½-inch iron pipe set in concrete, located at the northeasterly side of a cyclone fence;

S. 49°58'30" E., 1289.4 feet, along the above mentioned cyclone fence, to monument "G", which is a 3-inch iron pipe set in concrete;

S. 23°20'30" E., 139.0 feet, along the above mentioned cyclone fence, to monument "H", which is a 3-inch iron pipe set in concrete;

S. 18°50'20" E., 173.1 feet, along the above mentioned cyclone fence, to monument "I", which is a 3-inch iron pipe set in concrete;

N. 74°18'00" E., 20.9 feet, along the above mentioned cyclone fence, to monument "J", which is a 3-inch iron pipe set in concrete;

S. 23°00'30" E., 83.0 feet, along the above mentioned cyclone fence, to monument "K", which is a brass plug set in a concrete platform;

S. 29°02'00" W., 4.9 feet, through the above mentioned cyclone fence, to monument "L", which is a 3-inch iron pipe set in concrete;

S. 38°11'30" E., 149.9 feet, along the above mentioned cyclone fence, to monument "M", which is a brass plug set in a concrete platform;

S. 53°12'50" E., 145.2 feet, to monument "N", which is a 3-inch iron pipe set in concrete;

N. 37°55'30" E., 238.4 feet, to monument "O", which is a 3-inch iron pipe set in concrete, located on the northeasterly side of a cyclone fence, on the southwesterly side of the Panama Railroad tracks;

S. 57°11'30" E., 231.7 feet, along the above mentioned cyclone fence, to monument "P", which is a brass plug in the pavement of the north entrance road to the Quartermaster Area;

S. 53°23'00" E., 428.3 feet, along the above mentioned cyclone fence, to monument "Q", which is a 3-inch iron pipe set in concrete;

S. 49°43'30" E., 250.3 feet, along the above mentioned cyclone fence, to monument "R", which is a 3-inch iron pipe set in concrete;

S. 22°44'20" E., 74.0 feet, to monument "S", which is a 3-inch iron pipe set in concrete;

S. 46°01'40" E., 161.5 feet, along the above mentioned cyclone fence, on the westerly side of Earth Road, to monument "T", which is a 3-inch iron pipe set in concrete;

S. 41°38'20" E., 200.2 feet, along the above mentioned cyclone fence, to monument "U", which is a 3-inch iron pipe set in concrete;

S. 37°31'30" E., 261.9 feet, along the above mentioned cyclone fence, to monument "V", which is a 3-inch iron pipe set in concrete;

S. 32°47'40" E., 998.5 feet, to monument "W", which is a 3-inch iron pipe set in concrete, located on the easterly side of a cyclone fence, on the westerly side of Earth Road;

S. 34°02'20" E., 301.7 feet, along the above mentioned cyclone fence, to monument "X", which is a brass plug set in a concrete pavement;

N. 58°08'10" E., 23.4 feet, along the above mentioned cyclone fence, to monument "Y", which is a brass plug set in a concrete pavement;

S. 32°57'00" E., 256.6 feet, along the above mentioned cyclone fence, to monument "Z", which is a brass plug set in the westerly curb of Earth Road;

S. 31°45'00" E., 857.2 feet, along the above mentioned cyclone fence, to monument Z–1, which is a 3-inch iron pipe set in concrete;

S. 30°06'20" E., 78.0 feet, along the above mentioned cyclone fence, to monument Z–2, which is a 3-inch iron pipe set in concrete;

N. 89°59'20" W., 3290.8 feet, through monuments Nos. 19–1, 2, 18–2, 1, "O", which are 2½-inch iron pipes set in concrete, and 14, which is a 6-inch cast iron pipe, to an unmarked and unnumbered point on the +10 foot contour on the easterly bank of the Panama Canal, the geodetic position of said unmarked point is in latitude 8°58' N. plus 3880.6 feet and longitude 79°34' W. plus 4769.7 feet, the distance being 1078.5 feet, 601.5 feet, 500.0 feet, 414.6 feet, 500.0 feet, 187.9 feet and 7.8 feet, successively, from beginning of the course;

In a northerly direction, following the +10 foot contour (except where drainage ditches extend inland from the shore line) along the easterly bank of the Panama Canal and the left bank of the Rio Grande, to monument "A", the point of beginning.

The directions of the lines refer to the true meridian.

The total area of Corozal Army Reservation is 296.2 acres, more or less (Parcel No. 1, East of Gaillard Highway is 37.4 acres, more or less; Parcel No. 1–A, Revised, East of Gaillard Highway is 35.46 acres, more or less; and Parcel No. 2, West of Gaillard Highway is 223.4 acres, more or less), as is shown on Canal Zone Government Drawing No. 6116–34 (Revision No. 3, dated December 15, 1960) entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone", scale 1:10,000 dated May 29, 1952, as modified by Canal Zone Government Drawing No. M–6116–33, entitled "Map Showing Boundary of Parcel No. 1–A, Revised Corozal Army Reservation, Canal Zone, to Include Former Parcel Nos. 1–A, 1–B, and Adjacent Land", scale 1:2,000, dated August 12, 1958. Such maps are on file in the office of the Governor.

§ 5.26 Curundu Army Reservation.

(a) The following-described area of land, situated in the Canal Zone and designated as the Curundu Army Reservation, is reserved and set apart as, and assigned to the uses and purposes of, an Army reservation, under the control and jurisdiction of the Secretary of the Army, but subject to § 5.82:

Beginning at monument No. 34, which is a 2½-inch iron pipe, located southeasterly from Albrook Air Force Gate No. 13, and 50 feet southwesterly from the centerline of the C–13 Road, the geodetic position of which is in latitude 8°59' N. plus 3350.6 feet and longitude 79°33' W. plus 2188.4 feet. Monument No. 34 is on the easterly boundary of Albrook Air Force Base (Parcel No. 2).

Thence from said initial point by metes and bounds:

S. 70°02'30" W., 70.1 feet, to monument No. 35 which is a 2½-inch iron pipe, located near the northeast corner of the Deer Park;

S. 15°26'30" E., 127.4 feet, along the eastern fence line of the Deer Park, to monument No. 36, which is a 1½-inch iron pipe, located at the southeast corner of the Deer Park;

S. 45°43'50" W., 149.8 feet, along the southerly fence line of the Deer Park to monument No. 37, which is a 1½-inch iron pipe, located at the southwesterly corner of the Deer Park;

S. 39°15'20" E., 171.9 feet, to monument No. 38, which is a 1½-inch iron pipe;

S. 39°15'10" E., 111.9 feet, to monument No. 39, which is a 1½-inch iron pipe;

S. 39°15'30" E., 80.7 feet, to monument No. 40, which is a 1½-inch iron pipe;

S. 15°28'30" W., 739.4 feet, through monuments Nos. 41, 42, and 43, which are 1½-inch iron pipes, to monument No. 44, which is a 1½-inch iron pipe, the distances being 215.5 feet, 117.0 feet, 193.2 feet and 214.7 feet, successively from beginning of the course;

S. 15°28'40" W., 971.1 feet, through monument No. 45, which is a 1½-inch iron pipe, to monument No. 46, which is a 1½-inch iron pipe, the distances being 699.0 feet and 308.1 feet, successively, from beginning of the course;

S. 28°47'50" E., 1,149.0 feet through monument No. 47, which is a 1½-inch iron pipe, to monument No. 48, which is a 1½-inch iron pipe, the distances being 693.4 feet and 456.6 feet, successively, from beginning of the course;

S. 24°35'30" E., 104.2 feet, to monument No. 49, which is a 1½-inch iron pipe;

S. 14°09'20" E., 350.3 feet, along the westerly side of an improved drain, through monument No. 50, which is a 1½-inch iron pipe, to monument No. 51, which is a 1½-inch iron pipe, the distances being 238.2 feet and 112.1 feet, successively, from beginning of the course;

S. 09°25'20" E., 303.4 feet, along the westerly side of the above mentioned improved drain, to monument No. 52, which is a 1½-inch iron pipe;

S. 21°39'00" E., 171.3 feet, along the westerly side of the above-mentioned improved drain to monument No. 53, which is a 1½-inch iron pipe;

S. 34°12'30" E., 236.8 feet, along the westerly side of the above mentioned improved drain, to monument No. 54, which is a brass plug in a concrete road pavement;

S. 17°11'50" W., 451.2 feet, along the westerly side of the above mentioned improved drain, to monument No. 55, which is a 1½-inch iron pipe;

S. 05°17'20" W., 77.1 feet, along the northerly side of the above mentioned improved drain to monument No. 56, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

S. 73°27'50" E., 148.1 feet, along the northerly side of an improved drain, to monument No. 57, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

N. 48°48'20" E., 67.3 feet, along the southeasterly side of an improved drain, to monument No. 58, which is a 1½-inch iron pipe;

N. 04°44'40" E., 444.5 feet, along the above mentioned improved drain, to monument No. 59, which is a 1½-inch iron pipe;

N. 80°37'20" E., 631.5 feet, along the above mentioned improved drain and its prolongation, to monument No. 60, which is a 2-inch iron pipe, located on the southerly side of an improved drain at its head;

N. 48°30'00" E., 342.4 feet, along the above mentioned improved drain, to monument No. 61, which is a 2-inch iron pipe;

N. 72°13'40" E., 168.4 feet along the above mentioned improved drain, to monument No. 62, which is a 2-inch iron pipe, located at the intersection of two improved drains;

S. 06°53'50" E., 541.3 feet, along the easterly side of an improved drain, to monument No. 63, which is a 1½-inch iron pipe;

S. 00°14'30" W., 261.4 feet, along the easterly side of the above mentioned improved drain, to monument No. 64, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

N. 61°37'40" E., 262.2 feet, along the northwesterly side of an improved drain, to monument No. 65, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

S. 66°53'50" E., 859.8 feet, along the northerly side of an improved drain to monument No. 66, which is a 1½-inch iron pipe;

S. 11°09'00" W., 347.5 feet, along the easterly side of the above mentioned improved drain to monument No. 67, which is a 1½-inch iron pipe;

S. 64°55'30" E., 47.7 feet, to monument No. 68, which is a brass plug in the westerly edge of the concrete pavement of the Curundu Road;

S. 20°49'00" W., 676.2 feet, to monument No. 69, which is a 2-inch iron pipe, located at the corner of a cyclone fence on the westerly side of Curundu Road;

Along the above mentioned cyclone fence, with the following courses, to monument No. 73.

S. 20°49'10" W., 567.0 feet, to monument No. 70, which is a 2-inch iron pipe;

S. 15°51'10" W., 1,819.8 feet, to monument No. 71, which is a 1½-inch iron pipe;

S. 19°29'30" W., 116.0 feet, to monument No. 72, which is a 2-inch iron pipe;

S. 26°26'20" W., 86.8 feet, to monument No. 73, which is a 1¼-inch iron pipe, located at the corner of the above mentioned cyclone fence;

The above described boundary line from monument No. 34 to monument No. 73, inclusive, is common with the easterly boundary of Albrook Air Force Base (Parcel No. 2).

S. 34°53'50" E., 127.7 feet, crossing Curundu Road to monument "C", which is a brass plug set in the headwall of the old Rio Curundu concrete box culvert;

In a generally northeasterly direction, along the centerline of the Rio Curundu and the Canal Zone–Republic of Panama boundary, to an unmarked and unnumbered point, located 32 feet northeasterly from the centerline of the road to Bella Vista near Albrook Air Force Gate No. 12, the geodetic position of which is in latitude 8°59' N. plus 4067.3 feet and longitude 79°33' W. plus 3082.8 feet. The above mentioned unnumbered point is located at the southeast corner of Albrook Air Force Base (Parcel No. 4).

N. 24°33'30" W., 77.1 feet, along a line parallel to, and 32 feet northeasterly from the centerline of the road to Bella Vista, to

monument No. 1, which is a 2-inch iron pipe set in concrete;

Westerly, along a line parallel to, and 32 feet northerly from the centerline of the road to Bella Vista, to monument "A", which is a brass plug set in a concrete monument, located 25 feet easterly from the centerline of Curundu Road, the geodetic position of which is in latitude 8°58' N. plus 4,714.3 feet and longitude 79°32' W. plus 4,797.3 feet;

Northerly, along a line parallel to, and 25 feet easterly from the centerline of Curundu Road, to monument "B", which is a 2-inch iron pipe set in concrete, located 10 feet westerly from the centerline of a railroad, the geodetic position of which is in latitude 8°58' N. plus 5,263.5 feet and longitude 79°32' W. plus 4,845.0 feet;

Northerly along a line parallel to, and 10 feet westerly from the centerline of the above mentioned railroad, to monument "C", which is a 2-inch iron pipe set in concrete, located 25 feet westerly from the centerline of Warehouse Road, the geodetic position of which is in latitude 8°58' N. plus 5,920.2 feet and longitude 79°32' W. plus 4,577.6 feet;

N. 65°59'00" E., 141.0 feet, to monument "D", which is a 2-inch iron pipe set in concrete, located 25 feet westerly from the centerline of Warehouse Road;

N. 65°59'30" E., 1,390.5 feet, along a line 99 feet northerly of the Air Force Warehouse Building line, through monuments "E", "F", and "G", which are 2-inch iron pipes set in concrete, to monument "H", which is a 2-inch iron pipe set in concrete, the distances being 223.6 feet, 387.6 feet, 423.1 feet and 356.2 feet, successively, from beginning of the course;

N. 65°59'00" E., 141.0 feet, to monument "I", which is a 2-inch iron pipe set in concrete;

N. 65°59'30" E., 199.2 feet, to monument "J", which is a 2-inch iron pipe set in concrete;

N. 65°59'40" E., 140.7 feet, through monument "K", which is a 2-inch iron pipe set in concrete, located on the right bank of the Rio Curundu, to an unmarked and unnumbered point, located on the Canal Zone-Republic of Panama boundary, in the center of the Rio Curundu, the geodetic position of which is in latitude 8°58' N. plus 956.7 feet and longitude 79°32' W. plus 2,869.1 feet, the distances being 116.2 feet and 24.5 feet, successively, from beginning of the course;

The above described boundary line, from unnumbered point located in the centerline of the Rio Curundu near Gate No. 12, through monuments No. 1, and "A" to "K" inclusive, to unnumbered point described in the above paragraph, is common with the southerly, westerly and northerly boundary of Albrook Air Force Base (Parcel No. 4).

Northerly, along the centerline of the Rio Curundu, on the Canal Zone-Republic of Panama boundary, to an unmarked point called No. 72, the geodetic position of which is in latitude 8°59' N. plus 4,948.6 feet and longitude 79°32' W. plus 3,318.4 feet. Point No. 72 is located at the southeast corner of Albrook Air Force Base (Parcel No. 1).

Due west, 1,564.5 feet, through monuments Nos. 71 to 67 inclusive, which are 2-inch iron pipes, to monument No. 66, which is a 2-inch iron pipe, the distances being 32.0 feet, 364.4 feet, 370.7 feet, 387.9 feet, 354.1 feet and 55.4 feet, successively, from beginning of the course;

S. 87°37'40" W., 1,856.0 feet, through monuments Nos. 65 to 61 inclusive, which are 2-inch iron pipes, to monument No. 60, which is a brass plug in a concrete monument, being further identified as triangulation station "Cedro," the distances being 865.9 feet, 107.8 feet, 415.7 feet, 284.1 feet, 90.5 feet and 92.0 feet, successively, from beginning of the course;

S. 25°38'50" W., 661.5 feet, to monument No. 59, which is a 2-inch iron pipe;

S. 57°35'10" W., 378.5 feet, to monument No. 58, which is a 2-inch iron pipe;

S. 10°51'50" W., 645.2 feet, to monument No. 57, which is a 2-inch iron pipe;

S. 80°01'40" W., 558.9 feet, to monument No. 56, which is a 2-inch iron pipe, located 50 feet northeasterly from the centerline of the C–12 Road;

N. 47°54'50" W., 153.9 feet, crossing the C–15 Road to monument No. 55, which is a 2-inch iron pipe, located 50 feet northeasterly from the centerline of the C–12 Road;

N. 15°30'20" E., 1,004.3 feet, along the westerly side of the C–15 Road, through monument No. 54, which is a 1½-inch iron pipe, to monument No. 53, which is a 1½-inch iron pipe, located 40 feet westerly from the centerline of the C–15 Road, the distances being 728.4 feet and 275.9 feet, successively, from beginning of the course;

N. 49°28'30" W., 835.5 feet, through monument No. 52, which is a 1½-inch iron pipe, the distances being 320.2 feet and 515.3 feet, successively, from beginning of the course;

N. 49°51'50" W., 103.0 feet, to monument No. 50, which is a 2-inch iron pipe;

N. 64°36'20" W., 1,184.6 feet, through monuments Nos. 49 and 48, which are 2-inch iron pipes, to monument No. 47, which is a 2-inch iron pipe, the distances being 551.0 feet, 565.8 feet and 67.8 feet, successively, from beginning of the course;

N. 37°28'00" W., 198.1 feet, to monument No. 46, which is a 1½-inch iron pipe;

S. 70°16'30" W., 389.5 feet, to monument No. 45, which is a 2-inch iron pipe;

N. 68°32'30" W., 115.5 feet, to monument No. 44, which is a 2-inch iron pipe, located 50 feet easterly from the centerline of the C–12 Road;

In a northwesterly direction, parallel to, and 50 feet from the centerline of the C–12 Road, to monument No. 43, which is a 1½-inch iron pipe, located 1.5 feet from the face of a cyclone fence around the Gasoline Storage Area, the geodetic position of which is in latitude 9°00' N. plus 1,483.6 feet and longitude 79°33' W. plus 4,740.7 feet;

S. 89°07'00" W., 20.4 feet, along the above mentioned cyclone fence, to monument No. 42, which is a 1½-inch iron pipe, located at the southeast corner of the Gasoline Storage Area on the prolongation of the cyclone fence bordering the C–12 Road;

Northwesterly, along the face of the above mentioned cyclone fence, and its prolongation, to monument No. 41, which is a 2-inch iron pipe, located at the southwest corner of the Gasoline Storage Area, the geodetic position of which is in latitude 9°00' N. plus 1,765.0 feet and longitude 79°33' W. plus 5,217.6 feet. Monument No. 41 is on the easterly boundary of Fort Clayton Army Reservation;

The above described boundary line from point No. 72 through monuments Nos. 71 to 41 inclusive, is common with the southerly boundary of Albrook Air Force Base (Parcel No. 1).

S. 16°05' W., 130.4 feet, to monument No. 35, which is a 2-inch iron pipe set in an 8-inch square concrete post, located 100 feet southerly and at right angles from the centerline of the C–12 Road;

Southeasterly, along a line parallel to, and 100 feet southerly from the centerline of the C–12 Road, to monument No. 34, which is a 2½-inch iron pipe set in an 8-inch square concrete post, located on the right bank of the Rio Dos Bocas, the geodetic position of which is in latitude 9°00' N. plus 1,507.6 feet and longitude 79°33' W. plus 4,994.6 feet;

The above described boundary line from monument No. 41 through monument No. 35 to monument No. 34 is common with a part of the easterly boundary of Fort Clayton Army Reservation.

Southerly, along a line parallel to, and 100 feet westerly from the centerline of the C–12 Road, to monument No. 34–A, which is a 2-inch iron pipe set in concrete, the geodetic position of which is latitude 8°59' N. plus 5,777.0 feet and longitude 79°38' W. plus 4,419.1 feet;

S. 87°45'40" W., 846.3 feet, through monument No. 34–B, which is a 1½-inch iron pipe set in concrete, and monument No. 34–C, which is a 2-inch iron pipe set in concrete, to monument No. 34–D, which is a 2-inch iron pipe set in concrete, the distances being 253.7 feet, 320.0 feet and 272.6 feet, successively, from beginning of the course;

S. 02°34'40" W., 174.3 feet, to monument No. 34–E, which is a 2-inch iron pipe set in concrete;

S. 23°27'20" E., 316.8 feet, through monument No. 34–F, which is a 2-inch iron pipe set in concrete, to monument No. 34–G, which is a 2-inch iron pipe set in concrete, the distances being 124.8 feet and 192.0 feet, successively, from beginning of the course;

S. 42°03'50" E., 382.3 feet, through monument No. 34–H, which is a 2-inch iron pipe set in concrete, to monument No. 34–I, which is a 2-inch iron pipe set in concrete, the distances being 138.5 feet and 243.8 feet, successively, from beginning of the course;

S. 54°22'40" E., 496.5 feet, to monument No. 34–J, which is a 2-inch iron pipe set in concrete;

N. 88°56'40" E., 44.7 feet, to monument No. 34–K, which is a 2-inch iron pipe set in concrete;

N. 88°56'10" E., 266.1 feet, to monument No. 34–L, which is a 2-inch iron pipe set in concrete, located at right angles and 100 feet southwesterly from the centerline of the C–12 Road;

S. 38°28'30" E., 152.2 feet, to monument No. 32–A, which is a 3-inch iron pipe set in concrete, located on the northerly boundary of Albrook Air Force Base (Parcel No. 2) at right angles to, and 100 feet southwesterly from the centerline of C–12 Road;

N. 33°38'50" E., 51.7 feet, to monument No. 33, which is a 2-inch iron pipe, located at right angles to, and 50 feet southwesterly from the centerline of the C–12 Road, and is the most northerly point on the boundary of Albrook Air Force Base (Parcel No. 2);

Southeasterly, along a line parallel to, and 50 feet southwesterly from the centerline of the C–12 Road, through monument No. 33–A, which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°59' N. plus 4,317.7 feet and longitude 79°33' W. plus 3,512.1 feet, and monument No. 33–D, which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°59' N. plus 4,107.6 feet and longitude 79°33' W. plus 3,028.1 feet, to monument No. 34, the point of beginning.

The above described boundary line from monument No. 32–A, through monuments Nos. 33, 33–A, 33–D to monument No. 34, is common with the northerly boundary of Albrook Air Force Base (Parcel No. 2).

Excluded from the above reservation are two isolated areas hereinafter described as Parcel No. 3 and Parcel No. 5 of Albrook Air Force Base.

The directions of the lines refer to the true meridian.

The area of Curundu Army Reservation is 774.5 acres, more or less, and is as shown on Canal Zone Government Drawing No. 6116–34, (Revision No. 2, dated August 21, 1959) entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone," scale 1:10,000 dated May 29, 1952, on file in the Office of the Governor.

(b) A right-of-way, through Curundu Army Reservation, over a strip of land 10 feet each side of the centerline of the railroad tracks, between monument "B" (Parcel No. 4) of Albrook Air Force Base and monument No. 68 (Parcel No. 2) of

Albrook Air Force Base, is reserved for the Air Force.

§ 5.27 Fort William D. Davis Army Reservation.

(a) The following-described areas of land, situated in the Canal Zone and designated as the Fort William D. Davis Army Reservation, are reserved and set apart as, and assigned to the uses and purposes of, an Army reservation, under the control and jurisdiction of the Secretary of the Army, but subject to § 5.32:

PARCEL NO. 2

Beginning at monument No. 13, which is a 1½-inch galvanised iron pipe and which is located on the approximate 90-foot contour of the west shore of the Quebrada Ancha Arm of Gatun Lake, the geographic position of which monument, referred to the Canal Zone triangulation system, is in latitude 9°17' N., plus 4792.3 feet, and in longitude 79°52' W., plus 4757.3 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 89°57'00" W., 1377.9 feet through monuments Nos. 13–A, 13–B, N.F.C., 13–C, and 13–D (monuments 13–A, 13–C, and 13–D are 2-inch galvanised iron pipes; monuments 13–B and N.F.C. are 8-inch square concrete posts), to monument No. 14, which is a 1½-inch galvanised iron pipe, the distances being 176.7 feet, 116.8 feet, 444.0 feet, 164.8 feet, 325.6 feet, and 150.0 feet, successively, from beginning of course; from monument N.F.C. to monument No. 14, inclusive, the boundary is coincident with the U.S. Naval Reservation, Gatun Tank Farm boundary;

N. 89°58'30" W., 1296.0 feet, coincident with the U.S. Naval Reservation, Gatun Tank Farm boundary, through monuments Nos. 14–A, 14–B, 14–C, and 14–D (monuments 14–A, 14–B, and 14–D are 2-inch galvanised iron pipes; monument 14–C is a 1½-inch galvanised iron pipe) to monument No. 15, which is a 1½-inch galvanised iron pipe, the distances being 96.6 feet, 348.1 feet, 168.9 feet, 556.8 feet and 226.1 feet, successively, from beginning of course;

S. 86°57'40" W., 515.7 feet, through monuments Nos. 15–A, 15–B, and 15–C, which are 2-inch galvanised iron pipes, to monument No. 16, which is an iron rod in concrete, the distances being 87.0 feet, 126.5 feet, 263.2 feet and 39.0 feet, successively, from beginning of course; from monument No. 15 to monument No. 15–C, the boundary is coincident with the U.S. Naval Reservation, Gatun Tank Farm boundary;

N. 89°54'40" W., 383.0 feet, to monument No. 16–1, which is an iron rod in concrete;

S. 89°54'50" W., 172.2 feet, to monument No. 17–A, which is an iron rod in concrete;

S. 89°10'40" W., 300.1 feet to monument No. 18, which is a 2-inch galvanised iron pipe;

S. 76°04'10" W., 388.5 feet to monument No. 18–1, which is an iron rod in concrete;

S. 74°35'30" W., 507.8 feet to monument No. 18–A, which is an iron rod in concrete;

S. 75°26'30" W., 387.1 feet, to monument No. 18–A 1, which is an iron rod in concrete;

S. 74°47'40" W., 470.1 feet to monument No. 18–B, which is an iron rod in concrete;

S. 75°01'20" W., 93.4 feet, to monument No. 18–B 1, which is an iron rod in concrete;

S. 75°06'10" W., 2268.1 feet, through monuments Nos. 18–B 2, 18–C, and 18–D (monument 18–B 2 is an iron rod in concrete, monuments Nos. 18–C and 18–D are 2-inch galvanized iron pipes), to monument No. MR–1, which is an 8-inch square concrete post, the distances being 377.9 feet, 385.1 feet, 891.0 feet, and 614.1 feet, successively, from beginning of course;

N. 14°34'30" W., 1249.4 feet, through monuments Nos. MR–1A, MR–1B, MR–1C, and MR–1D, all of which are 8-inch square concrete posts, to monument No. MR–1E, which is an 8-inch square concrete post, the distances being 131.6 feet, 241.4 feet, 160.5 feet, 477.6 feet, and 388.3 feet, successively, from beginning of course;

N. 14°50'10" W., 314.8 feet, to monument No. MR–2, which is an 8-inch square concrete post;

N. 89°59'00" W., 281.7 feet, through monument No. MR–2X, which is an 8-inch concrete post, to monument No. MR–2Y, which is an 8-inch square concrete post, the distances being 144.0 feet and 137.7 feet, successively, from beginning of course;

S. 89°59'40" W., 377.5 feet to monument No. MR–2A, which is an 8-inch square concrete post;

S. 87°12'00" W., 165.6 feet, to monument No. MR–2B, which is an 8-inch square concrete post;

S. 89°39'40" W., 451.4 feet, through monument No. MR–2C, which is an 8-inch square concrete post, to monument No. MR–2D, which is an 8-inch square concrete post, the distances being 105.1 feet and 346.3 feet, successively, from beginning of course;

N. 88°22'10" W., 403.5 feet, through monument No. MR–2E, which is an 8-inch square concrete post, to monument No. MR–2F, which is an 8-inch square concrete post, the distances being 335.0 feet and 68.5 feet, successively, from beginning of course;

N. 89°45'40" W., 127.5 feet to monument No. MR–3, which is an 8-inch square concrete post;

S. 00°00'30" W., 336.2 feet, to monument No. MR–3A, which is an 8-inch square concrete post;

S. 00°02'20" E., 326.5 feet, to monument No. MR–3B, which is an 8-inch square concrete post, and which monument is the northeast corner of the U.S. Naval Radio Station;

S. 00°01'20" E., 671.9 feet, along the U.S. Naval Radio Station boundary, to monument No. MR–3C, which is an 8-inch square concrete post;

N. 89°59'30" W., 719.8 feet, along the U.S. Naval Radio Station boundary, to monument No. MR–3D, which is an 8-inch square concrete post and which is located 25.0 feet easterly from the centerline of Andrews Road;

Parallel to, and 25.0 feet easterly of the centerline of Andrews Road, which curves slightly to the left, and along the U.S. Naval Radio Station boundary, to monument No. MR–3E, which is an 8-inch square concrete post, the direct bearing and distance being N. 07°55'20" W., 676.8 feet;

N. 88°49'50" E., 14.3 feet, along the northern boundary of the U.S. Naval Radio Station, to monument No. MR–4, which is a 10-inch square concrete post;

N. 09°28'00" W., 655.7 feet, parallel to, and 40.0 feet from, the centerline of Andrews Road, through monument No. 4–A, which is an 8-inch square concrete post, to monument No. 5, which is an 8-inch square concrete post, the distances being 281.5 feet and 374.2 feet, successively, from beginning of course;

N. 88°02'00" W., 70.0 feet to monument No. 6, which is an 8-inch square concrete post, located 75.0 feet easterly of the centerline of Bolivar Highway;

S. 32°31'20" W., 1670.9 feet, parallel to, and 75.0 feet easterly of the centerline of Bolivar Highway, through monuments Nos. 6–A, 6–B, and 6–C, which are 8-inch square concrete posts, to monument No. 7, which is an 8-inch square concrete post, the distances being 608.4 feet, 304.1 feet, 288.7 feet, and 704.7 feet, successively, from beginning of course;

On a curve to the left, parallel to, and 75.0 feet from, the centerline of Bolivar Highway, through monuments Nos. 7–A, 7–B, and 7–C (monument No. 7–A is a ½-inch brass plug in curb, Nos. 7–B and 7–C are 8-inch square concrete posts), to monument No. 8, which is an 8-inch square concrete post, the chord distances and bearings between monuments being 241.9 feet S. 39°12'40" W., 531.0 feet S. 18°57'00" W., 71.9 feet S. 11°01'30" W., and 177.2 feet S. 07°57'00" W., successively, from beginning of curve;

S. 76°04'00" W., 191.1 feet to monument No. 9, which is an 8-inch square concrete post, located 50.0 feet easterly of the Panama Railroad (Quebrancha cut-off) right-of-way (centerline of track span towers);

S. 13°21'10" E., 2027.0 feet, parallel to, and 50.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, through monuments Nos. 9–A and 9–B, which are 8-inch square concrete posts, to monument No. 10, which is an 8-inch square concrete post, the distances being 1000.7 feet, 500.3 feet, and 526.0 feet, successively, from beginning of course;

Along a curve to the left, parallel to, and 50.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way to monument No. 11, which is an 8-inch square concrete post (the chord distance and bearing between monuments Nos. 10 and 11 being 770.4 feet (S. 17°02'20" E.);

N. 64°37'20" E., 57.7 feet, to monument No. 19–A, which is an 8-inch square concrete post;

S. 26°31'20" E., 100.9 feet, to monument No. 20–A, which is an 8-inch square concrete post;

S. 62°00'30" W., 57.7 feet, to monument No. 21–A, which is an 8-inch square concrete post, located 50.0 feet easterly of the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way;

Along a curve to the left, parallel to, and 50.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, through monuments Nos. 21–B and 21–C, which are 8-inch square concrete posts, to monument No. 22–K, which is an 8-inch square concrete post (the chord distance and bearings between monuments are 83.3 feet, S. 29°08'30" E., 75.8 feet S. 30°45'50" E., and 528.7 feet S. 38°24'20" E., successively, from beginning of curve);

N. 46°26'40" E., 75.0 feet, to monument No. 23–A, which is an 8-inch square concrete post, located 125.0 feet easterly of the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way;

On a curve to the left, parallel to, and 125.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, to monument No. 24, which is an 8-inch square concrete post (the chord distance and bearing between monuments Nos. 23–A and 24 is 477.2 feet S. 51°14'00" E.);

S. 22°34'00" W., 25.0 feet, to monument No. 25, which is an 8-inch square concrete post, located 100.0 feet easterly of the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way;

Along a curve to the left, parallel to, and 100.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, through monuments Nos. 25–A, 25–B, 25–C, 25–D, 25–E, and 25–F, all of which are 8-inch square concrete posts, to monument No. 26, which is an 8-inch square concrete post (the chord distances and bearings between monuments are 241.2 feet S. 60°27'40" E., 893.2 feet S. 74°58'20" E., 615.5 feet N. 85°48'40" E., 551.1 feet N. 70°55'20" E., 478.0 feet N. 57°58'00" E., 261.7 feet N. 48°46'20" E., 206.0 feet N. 46°01'20" E., successively, from beginning of curve);

N. 45°30'30" E., 443.2 feet, parallel to, and 100.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, to monument No. 27, which is an 8-inch square concrete post;

Along a curve to the right, parallel to, and 100.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, through monuments Nos. 27–A, 27–B, and 27–C, all of which are 8-inch square concrete

posts, to monument No. 26, which is an 8-inch square concrete post (the chord distances and bearings between monuments are 140.8 feet N. 45°51'40" E., 504.4 feet N. 49°30'30" E., 422.3 feet N. 56°56'40" E., 116.6 feet N. 59°38'00" E., successively, from beginning of curve);

N. 59°49'00" E., 1047.8 feet, parallel to, and 100.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, through monuments Nos. 28–A and 28–B, both of which are 8-inch square concrete posts, to monument No. 29, which is an 8-inch square concrete post, the distances being 209.6 feet, 749.8 feet, and 88.4 feet, successively, from beginning of course;

Along a curve to the right, parallel to, and 100.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, through monuments Nos. 29–A, 29–B, 29–C, and 29–D, all of which are 8-inch square concrete posts, to monument No. 30, which is an 8-inch square concrete post (the chord distances and bearings between monuments are 666.2 feet N. 63°15'20" E., 105.3 feet N. 71°31'40" E., 528.8 feet N. 80°33'40" E., 594.8 feet S. 85°37'20" E., 80.3 feet S. 81°38'30" E., successively, from beginning of curve);

S. 81°31'40" E., 1981.1 feet, parallel to, and 100.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, through monuments Nos. 30–A, 30–B, 30–C, and 30–D, all of which are 8-inch square concrete posts, to monument No. 31, which is an iron rod in concrete, the distances being 602.8 feet, 516.2 feet, 413.2 feet, 352.3 feet, and 96.6 feet, successively, from beginning of course;

On a curve to the left, parallel to, and 100.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, to monument No. 32, which is an 8-inch square concrete post (the chord length and bearing between monuments Nos. 31 and 32 is 1524.1 feet S. 85°19'20" E.);

S. 88°20'30" E., 951.2 feet parallel to, and 100.0 feet from, the centerline of the Panama Railroad (main line) right-of-way, to monument No. 33, which is an 8-inch square concrete post, located 100.0 feet northerly from the centerline of the Panama Railroad (main line) right-of-way, and 120 feet more or less, easterly of Track Span Tower 10–20, the geodetic position of which monument referred to the Canal Zone triangulation system is 9°17' N. plus 1019.9 feet and longitude 79°52' W., plus 4627.9 feet from Greenwich;

S. 88°20'30" E., 29 feet more or less, to an unmarked point on the continuous 87-foot contour of the west shore of the Quebrada Ancha Arm of Gatun Lake;

In a general northerly direction along the 87-foot contour along the shore line of Gatun Lake, as it meanders through an unmarked point "L," which is the southwest corner of the Gatun Lake Military Reservation, to an unmarked point, which is S. 89°57'00" E., 7 feet, more or less, from the above mentioned monument No. 13; (The boundary from unmarked point "L," to last mentioned unmarked point is coincident with the Gatun Lake Military Reservation boundary);

N. 89°57'00" W., 7 feet more or less, to monument No. 13, the point of beginning.

Parcel Number 2, as described, contains an area of 1,210 acres, more or less.

PARCEL No. 3

Beginning at monument No. 36, which is an 8-inch square concrete post, located 6 feet more or less, from the water's edge of the East bank of the Panama Canal, the geographic position of which monument, referred to the Canal Zone triangulation system, is in latitude 9°17' N., plus 1501.2 feet and in longitude 79°55' W., plus 2251.6 feet from Greenwich.

Thence from said initial point by metes and bounds:

S. 75°17'30" E., 201.1 feet through monument No. 36–A, which is a 2-inch galvanized iron pipe, to monument No. 36–B, which is an iron rod in concrete, the distances being 20.0 feet and 181.1 feet, successively, from beginning of course;

S. 75°27'30" E., 604.2 feet, to monument No. 37, which is an 8-inch square concrete post, located 50.0 feet westerly of the centerline of Jadwin Road;

N. 07°39'00" W., 831.3 feet parallel to, and 50.0 feet westerly of the centerline of Jadwin Road, to monument No. 38, which is an 8-inch square concrete post;

N. 80°26'10" E., 365.3 feet, to monument No. 38–A, which is an iron rod in concrete;

N. 80°24'10" E., 195.6 feet, to monument No. 39, which is a 2-inch galvanized iron pipe, located 75.0 feet westerly of the Panama Railroad (main line) right-of-way;

Along a curve to the right, parallel to, and 75.0 feet from, the centerline of the Panama Railroad right-of-way, to monument No. 40, which is a 2-inch galvanized iron pipe, the chord distance and bearing between monuments Nos. 39 and 40 is 434.0 feet N. 27°04'50" E.;

N. 07°48'00" W., 1730.3 feet, through monuments Nos. 40–A and 40–B, which are 2-inch galvanized iron pipes, to monument No. 34, which is an 8-inch square concrete post, the distances being 688.4 feet, 836.7 feet, and 205.2 feet, successively, from beginning of course;

N. 85°59'20" W., 793.5 feet, through monuments Nos. 34–A, 34–B, and 2, all of which are 2-inch galvanized iron pipes, to monument No. 35, which is a 2-inch galvanized iron pipe, located 13 feet, more or less, from the water's edge of the East bank of the Panama Canal, the geographic position of which monument is in latitude 9°17' N. plus 4372.5 feet, and in longitude 79°55' W., plus 1857.8 feet from Greenwich;

N. 85°59'20" W., 13 feet, more or less, to an unmarked point on the water's edge of the East bank of the Panama Canal;

Southerly along the water's edge of the East bank of the Panama Canal, to an unmarked point, which is N. 75°17'30" W., 6 feet, more or less, from the above mentioned monument No. 36;

S. 75°17'30" E., 6 feet, more or less, to monument No. 36, the point of beginning.

Parcel Number 3, as described, contains an area of 64 acres, more or less.

PARCEL No. 4

Beginning at monument "A," which is an 8-inch square concrete post, and which is located 30 feet southerly of the centerline of the Panama Railroad right-of-way (centerline of old track span tower bases) and 160.0 feet westerly of old track span tower base 8–4, the geographic position of which monument referred to the Canal Zone triangulation system is in latitude 9°15' N., plus 5315.7 feet and in longitude 79°54' W., plus 2731.5 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 85°20'15" E., 1141.3 feet, parallel to, and 30.0 feet from, the centerline of the Panama Railroad right-of-way to an unmarked point called A–1 opposite station 201+41.6 (point of spiral of the Panama Railroad);

On a curve to the left, parallel to, and 30.0 feet from, the centerline of the Panama Railroad right-of-way to monument "B," which is an 8-inch square concrete post opposite old track span tower 8–11 (the chord distance between A–1 and monument "B" being 1123.6 feet N. 78°00'10" E.);

S. 20°44'45" E., 18.0 feet to monument "C" which is a 1½-inch galvanized iron pipe, located 12 feet more or less from the water's edge of Gatun Lake;

S. 20°44'45" E., 3,700 feet more or less to an unmarked point on the northerly side of the Monte Lirio Small Boat Channel in Gatun Lake;

Northwesterly, along the northerly side of the Monte Lirio Channel 3,400 feet more or less, to an unmarked point on said channel's side;

N. 04°39'45" E., 3,400 feet more or less to monument "D" which is a 1½-inch pipe located 22 feet more or less from the water's edge of Gatun Lake;

N. 04°39'45" W., 70.0 feet to monument "A," the point of beginning.

Parcel Number 4 contains a land area of 11 acres, more or less.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The boundary of the entire reservation, including Parcels 2, 3, and 4 was surveyed by the Section of Surveys, Office Engineering Division, The Panama Canal (now, Surveys Branch, Engineering and Construction Bureau, Panama Canal Company), in March 1946, in June, July, September, and October 1947, October 1948 and July 1949.

The entire reservation, consisting of Parcels 2, 3, and 4, contains a land area of 1,285 acres, more or less, and is as shown on Panama Canal Drawing No. 6115–50, R1–Revised September 16, 1957, entitled "Boundary of Fort William D. Davis Military Reservation," scale 1: 6,000, on file in the Office of the Governor.

(b) Those portions of the Jadwin and the Keyes roads which lie within Parcel 3 of the reservation established by this order shall remain open to public use free of restrictions other than those imposed generally upon the public use of highways and roads in the Canal Zone, and shall be maintained and repaired at the expense of the Canal Zone Government.

§ 5.28 Fort Gulick Army Reservation.

(a) The following-described areas of land, situated in the Canal Zone and designated as the Fort Gulick Army Reservation, are reserved and set apart as, and assigned to the uses and purposes of, an Army reservation, under the jurisdiction and control of the Secretary of the Army, but subject to § 5.32:

PARCEL No. 1

The area comprising this parcel is situated southeasterly of Mount Hope on the western shore of the Quebrada Ancha Arm of Gatun Lake, and includes Banana Island and the Egronal Islands which are situated in Gatun Lake, and the boundary is more particularly described as follows:

Beginning at monument No. 1, which is a 1½-inch galvanized iron pipe set in concrete, located on the continuous 92-foot contour of the west shore of the Quebrada Ancha Arm of Gatun Lake, the geodetic position of which monument, referred to the Canal Zone triangulation system, is in latitude 9°18' N., plus 2,418.6 feet and longitude 79°52' W., plus 3,280.0 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 23°08'00" W., 359.9 feet, to monument No. 1A, which is a 1½-inch galvanized iron pipe;

N. 23°12'30" W., 297.4 feet, through monument No. 1B, which is a 1½-inch galvanized iron pipe, to monument No. 2, which is a 2½-inch galvanized iron pipe, the distances being 302.7 feet and 94.7 feet, successively, from the beginning of the course;

N. 73°07'30" W., 369.8 feet, to monument No. 3, which is a 1½-inch galvanized iron pipe;

N. 72°56'30" W., 996.8 feet, through monuments Nos. 4, NF14 and 5 (monument No. 4 is a 2½-inch galvanized iron pipe; monument No. NF14 is a concrete post 8 inches square; monument No. 5 is a 1½-inch galvanized iron pipe) to monument No. 6 which is a concrete post 8 inches square, the distances being 284.8 feet, 453.6 feet, 114.1 feet, and 146.3 feet successively from beginning of the course;

N. 45°58'00" W., 118.2 feet, to monument No. 7, which is a 1½-inch galvanized iron pipe;

N. 46°13'30" W., 315.5 feet, to monument No. 8, which is a 2½-inch galvanized iron pipe;

N. 46°01'00" W., 456.1 feet, to monument No. 9, which is a 2½-inch galvanized iron pipe;

N. 46°02'00" W., 400.0 feet, to monument No. 10, which is a 2½-inch galvanized iron pipe;

N. 46°01'00" W., 463.0 feet, to monument No. 11, which is a 2½-inch galvanized iron pipe;

N. 46°01'30" W., 205.1 feet, to monument No. 12, which is a 2½-inch galvanized iron pipe;

N. 46°01'00" W., 1,141.6 feet, through monuments Nos. 13 and 14, which are 2½-inch galvanized iron pipes, to monument No. 15, which is a concrete post, 8 inches square, the distances being 389.8 feet, 394.9 feet, and 356.9 feet, successively, from beginning of the course;

(From monument NF–14 to monument No. 15, the above-described line follows the northeasterly boundary of the Gatun Tank Farm Naval Reservation);

N. 00°01'00" W., 2,515.4 feet, through monuments Nos. 16 to 21 inclusive, which are 2½-inch galvanized iron pipes, to monument No. 22, which is a 1½-inch galvanized iron pipe, the distances being 249.8 feet, 193.4 feet, 470.0 feet, 525.0 feet, 520.6 feet, 406.0 feet, and 150.6 feet, successively, from beginning of the course;

N. 54°57'00" W., 470.7 feet, to monument No. 23, which is a 1½-inch galvanized iron pipe;

N. 53°41'30" E., 82.9 feet, to monument No. 23–A, which is a 2-inch galvanized iron pipe, located 50 feet southwesterly from the centerline of the Fort Gulick Road;

N. 54°56'00" W., 175.8 feet, to monument No. 23–X, which is a 2-inch galvanized iron pipe, located 50 feet, southwesterly from the centerline of the Fort Gulick Road;

N. 35°04'00" E., 100.0 feet, through monument No. 23–Y, which is a ½-inch brass plug, located on the centerline of the Fort Gulick Road, to monument No. 23–D, which is a 1½-inch galvanized iron pipe, the distances being 49.9 feet and 50.1 feet, successively, from the beginning of the course;

N. 89°06'30" E., 342.2 feet, through monument No. 23–E, which is a 2-inch galvanized iron pipe, to monument No. 24, which is a 1½-inch galvanized iron pipe, the distances being 186.1 feet and 156.1 feet, successively, from the beginning of the course;

N. 10°13'30" W., 75.6 feet, to monument No. 24–A, which is a 1½-inch galvanized iron pipe;

N. 10°16'30" W., 715.2 feet, to monument No. 24–B, which is a 1½-inch galvanized iron pipe;

N. 10°18'00" W., 431.8 feet, to monument No. 24–C, which is a 1½-inch galvanized iron pipe;

N. 10°12'00" W., 236.0 feet, to monument No. 24–D, which is a 1½-inch galvanized iron pipe;

N. 10°15'30" W., 192.8 feet, to monument No. 24–E, which is a concrete post 8 inches square;

Due east, 259.4 feet, to monument No. 24–F, which is a 1½-inch galvanized iron pipe;

N. 89°59'30" E., 140.8 feet, to monument No. 25, which is a 2½-inch galvanized iron pipe;

N. 00°01'00" W., 370.0 feet, to monument No. 26, which is a concrete post 8 inches square;

S. 50°31'00" E., 1,522.2 feet, through monuments Nos. 27 and 28, which are 2½-inch galvanized iron pipes, to monument No. 29, which is a concrete post 8 inches square, the distances being 501.6 feet, 563.0 feet, and 457.6 feet, successively, from beginning of the course;

N. 85°14'00" E., 432.9 feet, through monuments Nos. 30 and 31, which are 2½-inch galvanized iron pipes, to monument No. 32, which is a 1½-inch galvanized iron pipe, the distances being 180.6 feet, 62.4 feet, and 189.9 feet, successively, from beginning of the course;

N. 43°47'30" E., 1,087.4 feet, parallel to and 50 feet southeasterly of the centerline of the Fort Gulick-France Field Road, to monument No. 33, which is a 1½-inch galvanized iron pipe;

On a curve to the left, with a radius of 1,011.3 feet, 422.2 feet to monument No. 34, which is a 1½-inch galvanized iron pipe (the direct bearing and distance between monuments Nos. 33 and 34 is N. 31°49'30" E., 419.4 feet);

N. 19°50'00" E., 1,245.0 feet, parallel to and 50 feet easterly of the centerline of the Fort Gulick-France Field Road, to monument No. 35, which is a 1½-inch galvanized iron pipe;

S. 24°59'30" E., 626.4 feet, to monument No. 36, which is a 1½-inch galvanized iron pipe;

Due east, 9,122.1 feet, through monuments Nos. 37 to 43 inclusive, which are 1½-inch galvanized iron pipes, and 47 to 74 inclusive, which are 2½-inch galvanized iron pipes, to monument No. 75, which is a concrete post 8 inches square, located on the continuous 100-foot contour of the west shore of the Quebrada Ancha Arm of Gatun Lake, the distances being 374.2 feet, 126.1 feet, 254.1 feet, 335.2 feet, 254.4 feet, 234.3 feet, 235.1 feet, 156.6 feet, 325.0 feet, 161.0 feet, 400.0 feet, 400.0 feet, 900.0 feet, 227.0 feet, 173.0 feet, 264.0 feet, 517.4 feet, 907.0 feet, 134.0 feet, 340.4 feet, 137.2 feet, 203.0 feet, 900.0 feet, 332.0 feet, 93.0 feet, 342.0 feet, 180.0 feet, 73.0 feet, 262.0 feet, 440.8 feet, 113.0 feet, 347.0 feet, 234.6 feet, 126.0 feet, 135.0 feet, and 107.2 feet, successively, from beginning of the course.

Due east, 100 feet, more or less, to an unmarked point on the continuous 87-foot contour of the shoreline of Gatun Lake;

In a general southwesterly direction, along the 87-foot contour of the shoreline of Gatun Lake, as it meanders, to an unmarked point, from which the bearing and distance to the above-mentioned monument No. 1, is N. 23°08'00" W., 15 feet, more or less;

N. 23°08'00" W., 15 feet, more or less, to the point of beginning.

In addition to the above-described area, there shall be included within this parcel all land above the 87-foot contour, consisting of islands known as the Egronal Islands and Banana Island, located in Gatun Lake within the boundaries described as follows:

Beginning at an unmarked point called "A" on the drawing, located on the shore of the Quebrada Ancha Arm of Gatun Lake where longitude 79°51' plus 4,975.0 feet intersects the 87-foot contour;

Thence from said initial point by metes and bounds:

Due south, 4,900 feet more or less, to an intersection with latitude 9°17' plus 4,900 feet, to an unmarked point called "B" on the drawing;

Due west, 3,000 feet, to an unmarked point called "C" on the drawing;

Northwesterly, 5,850 feet, more or less, to an unmarked point called "D" on the drawing, located at a point on the shore of Gatun Lake where longitude 79°52' plus 2,200 feet intersects the 87-foot contour on the shore of Quebrada Ancha Arm of Gatun Lake;

In a general northeasterly and southeasterly direction, following the 87-foot contour of the shore of Gatun Lake, to an unmarked point called "A" on the drawing, the point of beginning.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The boundary of this parcel, from monument No. 1 to monument No. 23–A inclusive, and from monument No. 23–D to monument No. 75 inclusive, was surveyed by the Surveys Branch, The Panama Canal (now, Surveys Branch, Engineering and Construction Bureau, Panama Canal Company), in January and February 1940 and December 1946, and the boundary from monument No. 23–A to monument No. 23–D was surveyed by said Surveys Branch in April 1950.

PARCEL No. 2

(AT COCO SOLO)

The area comprising this parcel is situated on the easterly shore of Manzanillo Bay, westerly from Randolph Road and southerly and adjacent to Parcel No. 1 of Coco Solo Navy Reservation and the boundary is more particularly described as follows:

Beginning at monument No. 1, which is a 1½-inch iron pipe, located 41.5 feet westerly from the centerline of the 30-foot wide concrete pavement of Randolph Road and 1.5 feet easterly from the corner of a cyclone fence, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 9°21' N. plus 3,529.9 feet and longitude 79°52' W. plus 5,052.4 feet. Monument No. 1 is also S. 31°45'10" E., 18.93 feet from Precise Bench Mark "A."

S. 08°31'20" E., 139.7 feet, along the outside of the above-mentioned cyclone fence and parallel to and 41.5 feet westerly from the centerline of the above-mentioned concrete pavement of Randolph Road, to monument No. 2, which is a 1½-inch iron pipe;

S. 24°34'40" E., 15.8 feet, along the outside of the above-mentioned cyclone fence to monument No. 3, which is a 1½-inch iron pipe, located 35.8 feet westerly from the centerline of the above-mentioned concrete pavement of Randolph Road;

S. 08°31.26" E., 37.8 feet, along the outside of the above-mentioned cyclone fence, along a line parallel to and 35.8 feet westerly from the centerline of the above-mentioned concrete pavement of Randolph Road, to monument No. 4, which is a 1½-inch iron pipe;

S. 05°23'45" W., 20.5 feet, along the outside of the above-mentioned cyclone fence to monument No. 5, which is a 1½-inch iron pipe, located 39.1 feet westerly from the centerline of the above-mentioned concrete pavement of Randolph Road.

S. 08°32'20" E., 1,184.0 feet, along the outside of the above-mentioned fence, along a line parallel to and 39.1 feet westerly from the centerline of the above-mentioned concrete pavement of Randolph Road to monument No. 6, which is a monel plug located in the northwesterly edge of the concrete pavement of a taxiway;

S. 44°20'05" W., 148.5 feet, along the northwesterly edge of the above-mentioned concrete taxiway, to monument No. 7, which is a monel plug located in the edge of the above-mentioned taxiway, at the easterly prolongation of the southerly curb of a parking lot;

S. 75°08'20" W., 133.7 feet, along the prolongation of and the back of a curb on the southerly side of a parking area to monument No. 8 which is a monel plug located at the end of the curb at the southwesterly corner of the above-mentioned parking area;

N. 15°44'55" W., 31.5 feet, along the edge of the pavement on the westerly side of the above-mentioned parking area to monument No. 9, which is a monel plug, located in the edge of the pavement on the southeasterly side of Smith Road;

S. 75°04'35" W., 621.9 feet, following the back of the curb on the southerly side of Smith Road to monument No. 10, which is a monel plug, located in the easterly edge of the pavement extending in a southerly direction;

S. 02°40'55" E., 163.4 feet, along the easterly edge of the above-mentioned pavement, to monument No. 11, which is a monel plug, located at the easterly edge of the above-mentioned pavement;

S. 79°57'35" W., 1,797.7 feet, more or less, through monument No. 12, which is an iron rod in concrete, located in the center of a wind compass, and monument No. 13, which is a 1½-inch iron pipe, to an unmarked point called No. 14, located at the mean low water line on the shore of Manzanillo Bay, the distances being 1,119.3 feet, 601.4 feet, and 86.0 feet, more or less, successively, from the beginning of the course. The geodetic position of monument No. 13 is in latitude 9°21' N., plus 1,404.4 feet and longitude 79°53' W. plus 1,492.5 feet;

In a general northerly, easterly, and northerly direction, following the mean low water line along the shore of Manzanillo Bay to an unmarked point called B–1, located on the southerly side of a drainage ditch at the southwesterly corner of Parcel No. 1 of Coco Solo Navy Reservation;

S. 89°59'35" E., 844.6 feet, more or less, through monument "B", which is an 8-inch square concrete monument and monument "A", which is a 4-inch cast iron pipe (Precise Bench Mark "A"), to unmarked point called "X", which is located N. 89°59'35" W., 27.5 feet, from a monel reference plug, set in the westerly edge of Randolph Road; the distances being 315 feet, more or less, 520.6 feet and 9.0 feet, successively, from the beginning of the course.

S. 03°31'20" E., 16.1 feet, to monument No. 1, the point of beginning.

There shall also be included in the above-described reservation all land and water within a zone extending 100 yards out from the mean low water line on all shores of the reservation bordering on Manzanillo Bay. In any area where such 100 yard zone would overlap any similar zone, included within Coco Solo Navy Reservation, Parcel No. 1, the dividing line between the respective zones shall be midway between the mean low water lines of the respective reservations.

The directions of the lines refer to the true meridian.

The boundary of this parcel was surveyed by the Surveys Branch, The Panama Canal Company, in January and February 1959.

The reservation contains a total area of 1,901.9 acres, more or less (at Gulick—mainland 1,755.8 acres and islands 85.3 acres; Parcel No. 2 at Coco Solo—area above mean low water line 60.75 acres, more or less), and is as shown on Canal Zone Government drawing No. M–6118–44 entitled "Map Showing Boundary of Fort Gulick Army Reservation," scale 1: 10,000, dated January 20, 1958 (Revision No. 1 dated February 20, 1959), on file in the Office of the Governor.

(b) No sanitary sewage originating within the developed sections of Fort Gulick Army Reservation shall be permitted to discharge into the drainage basin of Gatun Lake.

§ 5.29 Fort Kobbe Army Reservation.

(a) Except as provided by § 5.62, relating to the Howard Air Force Base, the following-described area of land, situated in the Canal Zone, is designated as the Fort Kobbe Army Reservation, and is reserved and set apart as, and assigned to the uses and purposes of, an Army reservation, under the jurisdiction and control of the Secretary of the Army, but subject to § 5.82:

Beginning at monument A.T.F. 2, which is a 2½-inch iron pipe set in concrete, located on the eastern boundary of the Arraijan Tank Farm Naval Reservation and on the right bank of the Rio Velasquez, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°57' N. plus 2611.6 feet and longitude 79°36 W. plus 2100.1 feet from Greenwich.

Thence by said initial point by metes and bounds:

N. 65°27'30" E., 125.1 feet, to monument No. 33, which is a 2½-inch iron pipe;

N. 15°10'10" E., 150.2 feet, to monument No. 34, which is a 2-inch iron pipe, located 50 feet southwesterly from the centerline of the pavement of Thatcher Highway;

Easterly, along a line parallel to, and 50 feet southerly from the centerline of Thatcher Highway pavement, to monument No. 35, which is a 3-inch iron pipe, the geodetic position of which is in latitude 8°57' N. plus 2651.5 feet and longitude 79°36' W. plus 1504.0 feet;

S. 00°04'50" E., 152.3 feet, to monument No. 36, which is a 10-inch square concrete monument;

S. 82°23'20" E., 493.2 feet, to monument No. 36–1, which is a 2-inch iron pipe;

S. 82°20'10" E., 238.9 feet, to monument No. 36–2, which is a 2-inch iron pipe set in concrete;

S. 82°20'00" E., 119.4 feet, to monument No. 36–3, which is a 2-inch iron pipe set in concrete;

S. 82°22'30" E., 662.0 feet, to monument No. 37, which is a 10-inch square concrete monument;

S. 00°02'20" E., 198.7 feet, to monument No. 37–1, which is a 10-inch square concrete monument;

S. 00°55'40" E., 22.5 feet, to monument No. 37–2, which is an iron rod in concrete;

S. 00°02'00" E., 213.2 feet, to monument No. 37–3, which is an iron rod in concrete;

S. 00°01'10" E., 335.7 feet, to monument No. 37–4, which is an iron rod in concrete;

S. 00°01'00" E., 511.2 feet, to monument No. 37–5, which is an iron rod in concrete;

S. 00°01'00" W., 530.9 feet, to monument No. 37–6, which is an iron rod in concrete;

S. 00°00'30" E., 200.0 feet, to monument No. 37–7, which is an iron rod in concrete;

S. 00°05'20" E., 289.1 feet, to monument No. 38, which is a 10-inch square concrete monument;

N. 89°57'50" E., 1842.2 feet, through monuments Nos. 38–1 and 38–2, which are 10-inch square concrete monuments, to monument No. 38–3, which is a 10-inch square concrete monument, the distances being 536.2 feet, 768.1 feet and 537.9 feet, successively, from beginning of the course;

N. 89°58'00" E., 574.1 feet, to monument No. 38–4, which is a 10-inch square concrete monument;

N. 89°58'10" E., 53.1 feet, to monument No. 39, which is a 10-inch square concrete monument, located 50 feet northwesterly from the centerline of Bruja Road pavement;

Northeasterly, along a line parallel to, and 50 feet from the centerline of Bruja Road pavement, to monument No. 40, which is a 2½-inch iron pipe, located 50 feet southwesterly from the centerline of Thatcher Highway pavement, the geodetic position of which is in latitude 8°57' N. plus 1269.6 feet and longitude 79°35' W. plus 2871.9 feet;

S. 49°42'40" E., 108.3 feet, crossing Bruja Road, to monument No. 41, which is a 2-inch iron pipe, located 50 feet southeasterly from the centerline of Bruja Road pavement and 50 feet southwesterly from the centerline of Thatcher Highway pavement;

Southwesterly, along a line parallel to, and 50 feet from the centerline of Bruja Road pavement, to monument No. 42, which is a 2-inch iron pipe, located 50 feet southwesterly from the centerline of the road to Panama Canal West Bank Tank Farm Area No. 1, the geodetic position of which is in latitude 8°56' N. plus 5594.6 feet and longitude 79°53' W. plus 2,537.2 feet;

Southeasterly and northeasterly, along a line parallel to and 50 feet from the centerline of the road to Panama Canal West Bank Tank Farm Area No. 1, to monument No. 43, which is a 2-inch iron pipe, the geodetic position of which is in latitude 8°56' N. plus 4729.0 feet and longitude 79°35' W. plus 2179.5 feet;

S. 87°22'40" E., 641.4 feet, to monument No. 44, which is a 10-inch square concrete monument;

N. 89°59'00" E., 1318.6 feet, to monument No. 45, which is a 10-inch square concrete monument;

N. 78°23'00" E., 224.0 feet, to monument No. 46, which is a 10-inch square concrete monument, located 56.8 feet southwesterly from the centerline of Thatcher Highway pavement, and 20.7 feet northwesterly from the centerline of K–2D road pavement;

Due south, 822.9 feet, to monument No. 47, which is a 10-inch square concrete monument;

S. 00°03'00" W., 721.3 feet, to monument N.B. which is an 8-inch square concrete post, located on the northerly boundary of the Farfan Naval Radio Station;

Due west, 2190.6 feet, along the above mentioned Naval boundary, through monuments N–10A, N–10, N–9, N–8 and N–7, which are 2½-inch iron pipes, to monument N–6, which is a 2½-inch iron pipe, the distances being 634.3 feet, 213.0 feet, 324.9 feet, 231.7 feet, 507.7 feet and 279.0 feet, successively, from beginning of the course;

S. 87°46'20" W., 30.9 feet, along the above mentioned Naval boundary, to monument H–1, which is a 10-inch square concrete monument;

S. 77°59'30" W., 965.5 feet, along the above mentioned Naval boundary, through monuments H–2B and H–2A, which are 2½-inch iron pipes, to monument H–2, which is a 10-inch square concrete monument, the distances being 295.0 feet, 474.5 feet and 196.0 feet, successively, from beginning of the course;

S. 89°58'00" W., 470.6 feet, along the above mentioned Naval boundary, to monument H–3, which is a corner post of a cyclone fence, located at the northwest corner of the Farfan Naval Radio Station;

Due south, 5389.3 feet, along the westerly boundary of the above mentioned Naval Station, through monument N–3, which is a brass plug in the side of a concrete ditch, monuments N–2 and N–1, which are 2½-inch iron pipes, monument "J" which is an 8-inch square concrete post, monuments Nos. 51, 52, 53, 54 and 55, which are 2½-inch iron pipes, to monument N–26N, which is an 8-inch square concrete post, the distances being 272.7 feet, 1069.7 feet, 767.7 feet, 687.7 feet, 500.0 feet, 580.0 feet, 530.0 feet, 303.0 feet, 600.0 feet and 78.5 feet, successively, from beginning of the course;

S. 52°07'00" E., 2452.1 feet, along the southwesterly boundary of the above mentioned Naval Station, through monuments N–25A and N–25N, which are 2½-inch iron pipes, to monument N–24N, which is an 8-inch square concrete post, the distances being 500.0 feet, 463.0 feet and 1489.1 feet, successively, from beginning of the course;

Due east, 3464.0 feet, along the southerly boundary of the above mentioned Naval Station, to an unmarked point called N.D., located in the swamp on the southerly side of the Rio Farfan;

S. 71°29'20" E., 1413.2 feet, to monument "A" which is a 12-inch by 10-inch concrete post, located at the northwest corner of the Palo Seco Leper Colony;

S. 13°27'50" W., 408.2 feet, along the westerly boundary of the Palo Seco Leper Colony, to monument B–2, which is a 2-inch iron pipe;

S. 13°28'50" W., 1342.3 feet, along the above mentioned boundary, through monument B–1, which is a 2-inch iron pipe, to monument "B," which is a 12-inch square concrete post, the distances being 510.2 feet and 832.1 feet, successively, from beginning of the course;

S. 44°59'50" E., 1398.2 feet, along the above mentioned boundary, through monument E–12, which is a 2-inch iron pipe, to monument E–11, which is a 2-inch iron pipe, the distances being 759.7 feet and 638.5 feet, successively, from beginning of the course;

S. 44°59'40" E., 164.0 feet, along the above mentioned boundary, to monument E–10, which is a 2-inch iron pipe;

S. 44°59'30" E., 300.0 feet, along the above mentioned boundary, to monument E–9, which is a 12-inch square concrete monument;

Due east, 373.3 feet, along the above mentioned boundary to monument E–8, which is a 12-inch square concrete monument;

S. 40°58'30" E., 249.9 feet, along the above mentioned boundary, to monument E–7, which is a 12-inch square concrete monument;

S. 28°23'40" E., 638.7 feet, along the above mentioned boundary, to monument E–6, which is a 2-inch iron pipe;

S. 28°20'40" E., 156.7 feet, along the above mentioned boundary, to monument E–5, which is a 12-inch square concrete monument;

S. 29°33'50" E., 337.4 feet, along the above mentioned boundary, through monument E–4, which is a 2-inch iron pipe, to monument E–3, which is a 2-inch iron pipe, the distances being 93.9 feet and 244.5 feet successively, from beginning of the course;

S. 29°33'10" E., 724.0 feet, along the above mentioned boundary, to monument E–2, which is a 2-inch iron pipe;

S. 29°34'00" E., 535.6 feet, along the above mentioned boundary, to monument E–1, which is a 2-inch iron pipe, located above high water mark on the shore of Panama Bay, the geodetic position of which is in latitude 8°54' N. plus 2468.2 feet and longitude 79°34' W. plus 308.9 feet;

S. 29°34'00" E., 540 feet, more or less, to an unmarked point called "E," located on the mean low water line, on the shore of Panama Bay;

In a general southwesterly direction, along the mean low water line on the shore of Panama Bay, to an unmarked point called "F," located due south, 3600 feet, more or less, from monument F–1;

Due north, 3600 feet, more or less, to monument F–1, which is a 10-inch square concrete monument located above the high water mark on the shore of Panama Bay, the geodetic position of which is in latitude 8°53' N. plus 4038.1 feet and longitude 79°35' W. plus 6014.3 feet;

Due north, 2009.3 feet, through monuments F–2, F–3, F–4, which are 3-inch iron pipes, to monument "G," which is a 2½-inch iron pipe, beneath the surface of the ground in a rock crushing plant, the distances being 162.5 feet, 851.8 feet, 905.0 feet and 90.0 feet, successively, from beginning of the course;

N. 89°59'30" W., 1514.0 feet, through monument No. 1–A, which is a 2-inch iron pipe, to monument No. 1, which is a 2-inch iron pipe, the distances being 159.1 feet and 1354.9 feet, successively, from beginning of the course;

S. 89°59'20" W., 700.0 feet, through monument No. 2, which is a 1½-inch iron pipe, to monument No. 3, which is a 1½-inch iron pipe, the distances being 570.0 feet and 130.0 feet, successively, from beginning of the course;

S. 89°59'50" W., 95.0 feet, to monument No. 4, which is a 1½-inch iron pipe;

N. 89°59'10" W., 435.0 feet, to monument No. 5, which is a 2-inch iron pipe;

N. 89°59'40" W., 3270.3 feet, through monuments Nos. 6, which is a 2-inch iron pipe, 7, which is a 1½-inch iron pipe, and 8, which is a 2½-inch iron pipe, to monument "H," which is an 8-inch square concrete monument, the geodetic position of which is in latitude 8°54' N. plus 0.0 feet and 79°36' W. plus 6014.2 feet, the distances being 1020.0 feet, 1000.0 feet, 750.0 feet and 500.2 feet, successively, from beginning of the course;

N. 00°00'10" W., 660.0 feet, to monument No. 9, which is a 2½-inch iron pipe;

N. 00°00'30" E., 847.0 feet, to monument No. 10, which is a 2½-inch iron pipe;

N. 00°00'10" W., 1205.0 feet, through monument No. 11, which is a 2½-inch iron pipe, to monument No. 12, which is a 2½-inch iron pipe, the distances being 750.0 feet and 455.0 feet, successively, from beginning of the course;

N. 00°00'40" W., 189.1 feet, to monument No. 13, which is a 2½-inch iron pipe;

N. 00°00'10" W., 540.0 feet through monument No. 14, which is a 2½-inch iron pipe, to monument No. 15, which is a 2½-inch iron pipe, the distances being 360.0 feet and 180.0 feet, successively, from beginning of the course;

N. 00°09'40" W., 406.0 feet, to monument No. 16, which is a 2½-inch iron pipe;

N. 00°00'40" E., 663.0 feet, through monument No. 17, which is a 2½-inch iron pipe, to monument No. 18, which is a 2½-inch iron pipe, the distances being 400.0 feet and 263.0 feet, successively, from beginning of the course;

N. 00°00'50" E., 185.0 feet, to monument No. 19, which is a 2½-inch iron pipe;

N. 00°01'30" W., 705.0 feet, to monument No. 20, which is a 2½-inch iron pipe;

N. 00°00'40" W., 1062.0 feet, through monument No. 21, which is a 2½-inch iron pipe, to monument No. 22, which is a 2½-inch iron pipe, the distances being 530.0 feet and 532.0 feet, successively, from beginning of the course;

N. 00°01'00" W., 100.0 feet, to monument No. 23, which is a 2½-inch iron pipe;

N. 00°01'10" W., 187.0 feet, to monument No. 24, which is a 2½-inch iron pipe;

N. 00°00'20" W., 966.1 feet, through monument No. 25, which is a 2½-inch iron pipe, to monument No. 26, which is a 2½-inch iron pipe, the distances being 480.1 feet and 486.0 feet, successively, from beginning of the course;

N. 00°00'40" W., 609.0 feet, to monument No. 27, which is a 2½-inch iron pipe;

N. 00°00'30" W., 978.0 feet, to monument No. 28, which is a 2½-inch iron pipe;

N. 00°00'20" W., 2196.1 feet, through monuments Nos. 29, 30 and 31, which are 2½-inch iron pipes, to monument No. 32, which is a 2½-inch iron pipe, the distances being 484.0 feet, 640.0 feet, 580.0 feet and 422.1 feet, successively, from beginning of the course;

N. 00°00'50" W., 755.1 feet, to monument No. 33, which is a 2½-inch iron pipe;

N. 00°00'40" E., 270.0 feet, to monument No. 34, which is a 2½-inch iron pipe;

N. 00°04'10" E., 1073.9 feet, through monument "I," which is an 8-inch square concrete post, monument No. 60, which is a 2-inch iron pipe, and monument No. 61, which is a 1½-inch iron pipe, to monument No. 62, which is a 1½-inch iron pipe, the distances being 60.4 feet, 880.9 feet, 160.7 feet and 261.9 feet, successively, from beginning of the course;

N. 00°04'20" E., 847.5 feet, through monuments Nos. 63, 64 and 65, which are 1½-inch iron pipes, to monument No. 66, which is a 1½-inch iron pipe, the distances being 119.8 feet, 207.5 feet, 273.7 feet and 346.5 feet, successively, from beginning of the course;

N. 00°04'30" E., 1111.1 feet, through monument No. 67, which is a 1½-inch iron pipe, monuments Nos. 68 and 69, which are 2-inch iron pipes, to monument No. 70, which is a 2-inch iron pipe, the distances being 456.1 feet, 305.4 feet, 272.8 feet and 77.3 feet, successively, from beginning of the course;

N. 00°04'40" E., 1125.9 feet, through monuments Nos. 71 and 72, which are 2-inch iron pipes, to monument No. A.T.F. 27–1, which is a 2-inch iron pipe, located on the southern boundary of the Arraijan Tank Farm Naval Reservation, the distances being 189.7 feet, 537.8 feet and 408.4 feet, successively, from beginning of the course;

S. 89°59'30" E., 3908.5 feet, along the southern boundary of the Arraijan Tank Farm Naval Reservation, through monuments Nos. A.T.F. 27 to A.T.F. 15 inclusive, which are 2½-inch iron pipes set in concrete, to monument No. A.T.F. 14, which is an 8-inch square concrete post, the distances being 323.5 feet, 297.5 feet, 194.9 feet, 160.2 feet, 123.4 feet, 310.2 feet, 498.7 feet, 248.1 feet, 160.0 feet, 534.9 feet, 261.0 feet, 283.2 feet, 346.0 feet and 217.9 feet, successively, from beginning of the course;

Due north, 4259.0 feet, along the easterly boundary of the Arraijan Tank Farm Naval Reservation, through monuments Nos. A.T.F. 13 to A.T.F. 3 inclusive, which are 2½-inch iron pipes set in concrete to monument No. A.T.F. 2, the point of beginning, the distances being 390.1 feet, 574.0 feet, 530.5 feet, 537.7 feet, 120.7 feet, 268.3 feet, 280.4 feet, 433.1 feet, 312.4 feet, 274.0 feet, 202.4 feet and 335.4 feet, successively, from beginning of the course;

The directions of the lines refer to the true meridian.

The area of the above described tract is 5,709 acres, more or less (the area above high water line is 5,502 acres, more or less) and is as shown on Canal Zone Government Drawing No. 6116–46, entitled "Map Showing United States Army and Air Force Reservations, Fort Kobbe and Howard Air Force Base, Canal Zone," scale 1:10,000, dated April 25, 1952, on file in the Office of the Governor.

The surveys over the above described boundary were made by the Surveys Branch, Engineering and Construction Bureau, Panama Canal Company, in May and June 1939, December 1940, January 1941, November and December 1946, October, November and December 1951, and January and April 1952, and are recorded in Field Books numbered M–202, M–225, M–240, M–417 and M–486. The geodetic positions of all points, referred to the Panama-Colon datum of the Canal Zone triangulation system, are on file in the office of the above mentioned Surveys Branch.

(b) The Panama Canal Company may continue to use that portion of the area set apart by paragraph (a) of this section which comprises the lowlands adjacent to the Rio Farfan and lies generally below the 20-foot contour, as a hydraulic dump, and personnel and equipment of the Panama Canal Company shall be permitted free access to such fill area for all purposes related to the use and maintenance of the area as a hydraulic dump.

(c) If the Venado Beach area is activated by the Canal agencies as a recreational area and bathing beach, persons eligible to utilize such area shall be permitted access thereto through the Fort Kobbe Army Reservation, and through the Howard Air Force Base established by § 5.62, and suitable provision shall be

made to enable the Canal agencies to construct an access road connecting Venado Beach with roads heretofore or hereafter constructed within such reservations.

(d) Access to Camp Harriett Morrow over that portion of Bruja Road which lies between monument 42 and monuments 40 and 41 shall be permitted to all persons authorized to enter such camp.

§ 5.30 Fort Randolph Army Reservation.

The following-described area of land, situated in the Canal Zone and designated as the Fort Randolph Army Reservation, is reserved and set apart as, and assigned to the uses and purposes of, an Army reservation, under the jurisdiction and control of the Secretary of the Army, but subject to § 5.82:

Beginning at monument No. 1, which is a brass plug, located in the concrete pavement, on the easterly side of Randolph Road, and northerly from the junction of Galeta Road, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 9°22' N. plus 4,566.3 feet and longitude 79°52' W. plus 5,664.3 feet from Greenwich. Monument No. 1 is S. 32°39'00" E., 133.1 feet from Precise Bench Mark "C";

Thence from said initial point by metes and bounds:

Due west, 80.4 feet, crossing Randolph Road, to monument No. 2, which is a brass plug, located on the westerly lip of a concrete drainage ditch, at the easterly side of a cyclone fence;

N. 12°14'20" W., 249.9 feet, along the easterly side of the above-mentioned cyclone fence and along the westerly side of the above-mentioned concrete drainage ditch, to monument No. 3, which is a brass plug located in the center of a concrete seawall;

N. 12°14'20" W., 2 feet, more or less, to an unmarked point called No. 4, located on the mean low water line of Margarita Bay, on the northerly side of the above-mentioned seawall;

Due east, 9 feet, more or less, crossing the mouth of the above-mentioned concrete drainage ditch, to an unmarked point called No. 5, located on the mean low water line of Margarita Bay, on the westerly side of Randolph Road;

In a general northwesterly direction, following the mean low water line of Margarita Bay, along the shore of Margarita Island (except where drainage ditches extend inland from the shoreline) to an unmarked point called No. 6, where a North-South line crosses the East Breakwater, said North-South line being westerly 15.0 feet, from the most westerly point of the concrete seawall on the western shore of Margarita Island.

Due north, 450 feet, more or less, crossing the East Breakwater to an unmarked point called No. 7, located on the mean low water line of the Caribbean Sea;

In a general northerly, easterly, southerly, and easterly direction, following the mean low water line of the Caribbean Sea, along the shore of Margarita Island, and the left bank of the Rio Coco Solo (except where drainage ditches extend inland from the shore line), to an unmarked point called No. 8, located 50 feet northerly from the centerline of the Galeta Road, the geodetic position of which is in latitude 9°22' N. plus 4,817.0 feet and longitude 79°52' W. plus 5,021.9 feet;

S. 65°25'30" W., 264.3 feet, to monument No. 9, which is a 2-inch iron pipe located on the northerly side of Galeta Road;

S. 75°40'10" W., 260.2 feet, to monument No. 10, which is a 2-inch iron pipe, located on the northerly side of Galeta Road;

S. 62°40'40" W., 148.2 feet, to monument No. 1, the point of beginning.

There shall also be included within the above-described parcel all land and water within a zone extending a distance of 100 yards out from the mean low water line on all shores of the parcel lying west of longitude 79°52' W. plus 5,780.0 feet. In any area where such 100-yard zone would overlap any similar zone included within Coco Solo Navy Reservation (Parcel No. 2), the dividing line between the respective zones shall be midway between the mean low water lines of the respective reservations.

The above-described boundary from monument No. 1 to unmarked point called No. 4, and from longitude 79°52' W. plus 5,780.0 feet, through unmarked point called No. 8, monument No. 9 and monument No. 10, to monument No. 1, is common with a part of the westerly boundary of the Coco Solo Navy Reservation (Parcel No. 2).

The directions of the lines refer to the true meridian.

The total area of Fort Randolph Army Reservation, above the mean low water line is 233 acres, more or less, and is as shown on Canal Zone Government Drawing No. 6121-6, entitled "Map Showing United States Army and Navy Reservations, Fort Randolph and Coco Solo, Canal Zone," scale 1:10,000, dated February 20, 1959, on file in the Office of the Governor.

§ 5.31 Fort Sherman Army Reservation.

(a) The following-described area of land, situated in the Canal Zone and designated as the Fort Sherman Army Reservation, is reserved and set apart as, and assigned to the uses and purposes of, an Army reservation, under the jurisdiction and control of the Secretary of the Army, but subject to § 5.82:

Beginning at the southwest end of the Toro Point Breakwater, latitude N. 9 degrees 22 minutes 26.29 seconds, longitude 79 degrees 57 minutes 06.49 seconds W., the boundary follows the low water line of Limon Bay to a concrete monument on right bank of the mouth of the Rio Petitpie (erroneously called Rio Pilibio in the previous Executive Order) latitude N. 9 degrees 19 minutes 15.48 seconds, longitude 79 degrees 57 minutes 14.48 seconds W.; thence S. 49 degrees 15 minutes W., 12,300 feet to a concrete monument on the left bank of the mouth of the Rio Mojinga, approximate latitude N. 9 degrees 17 minutes 55.82 seconds, approximate longitude 79 degrees 58 minutes 47.55 seconds W.; thence approximately S. 51 degrees 48 minutes 26 seconds W., approximately 8,451 feet to Canal Zone boundary monument 109, approximate latitude N. 9 degrees 17 minutes 3.98 seconds, approximate longitude 79 degrees 59 minutes 53.87 seconds W.; thence S. 7 degrees 48 minutes W., 582 feet along the Canal Zone boundary to the north branch of the Rio Pina, thence down the north branch of the Rio Pina to monument on the right bank of the same river opposite the mouth of the Quebrada Muni, thence N. 64 degrees W. to the mouth of the Rio Majagual on the Caribbean Sea, thence northeastward along the coast to the mouth of the Rio Chagres; thence northeast along the low water line of the Caribbean Sea to the initial point.

The above area is shown on drawing 2407 in the Office of the Governor.

(b) All of the lands and water for a distance of 100 yards out to sea from the high-water line on all shores of the reservation provided for by paragraph (a) of this section are included in the area described in that paragraph; but the right to navigate and control the flow of the Chagres River is reserved to the Canal Zone Government and the Panama Canal Company.

NAVY

§ 5.41 Arraijan Tank Farm Naval Reservation.

The following-described area of land, situated in the Canal Zone and designated as the Arraijan Tank Farm Naval Reservation, is reserved and set apart as, and assigned to the uses and purposes of, a Navy reservation, under the jurisdiction and control of the Secretary of the Navy, but subject to § 5.82:

Beginning at monument No. A.T.F. 1, which is an 8-inch square concrete post, located near the left bank of Rio Velasquez, 150.0 feet, southwesterly and at right angles from the centerline of the concrete pavement of Thatcher Highway, the geographic position of which monument, referred to the Canal Zone triangulation system, is in latitude 8°57' N. plus 2772.7 feet and longitude 79°36' W. plus 2100.1 feet from Greenwich.

Thence from said initial point by metes and bounds:

Due South, 4420.1 feet, through monuments Nos. A.T.F. 2 to A.T.F. 13, inclusive, which are 2½-inch galvanized iron pipes set in concrete, to monument No. A.T.F. 14, which is an 8-inch square concrete post, the distances being 161.1 feet, 335.4 feet, 302.4 feet, 274.0 feet, 312.4 feet, 433.1 feet, 280.4 feet, 268.3 feet, 120.7 feet, 537.7 feet, 530.5 feet, 574.0 feet and 390.1 feet, successively, from beginning of course;

N. 89° 59'30" W., 8113.5 feet, through monuments Nos. A.T.F. 15 to A.T.F. 39, inclusive, which are 2½-inch galvanized iron pipes set in concrete, to monument No. A.T.F. 40, which is an 8-inch square concrete post, the distances being 217.9 feet, 246.0 feet, 233.2 feet, 261.0 feet, 534.9 feet, 160.0 feet, 248.1 feet, 498.7 feet, 910.2 feet, 123.4 feet, 160.2 feet, 194.9 feet, 297.5 feet, 577.0 feet, 430.4 feet, 454.1 feet, 384.2 feet, 244.3 feet, 60.5 feet, 320.6 feet, 386.4 feet, 377.8 feet, 219.9 feet, 267.0 feet, 432.8 feet and 373.5 feet, successively from beginning of course;

N. 00°01'00" E., 3446.9 feet, through monuments Nos. A.T.F. 41 to A.T.F. 46, inclusive, which are 2½-inch galvanized iron pipes set in concrete, to monument No. A.T.F. 47, which is a 2½-inch galvanized iron pipe set in concrete, the distances being 577.9 feet, 466.2 feet, 164.3 feet, 830.0 feet, 695.6 feet, 589.3 feet and 423.5 feet, successively, from beginning of course;

N. 00°02'00" E., 183.9 feet to monument No. A.T.F. 48, which is an 8-inch square concrete post located 150.0 feet southerly and at right angles from the centerline of the concrete pavement of Thatcher Highway;

In a general easterly direction, 8,700 feet, more or less along a line which is southerly and at a distance of 150.0 feet from the centerline of the pavement of Thatcher Highway, to monument No. A.T.F. 1, which is the point of beginning.

The tract contains an area of 807.2 acres, more or less.

The directions of the lines refer to the true meridian.

The boundary was surveyed by the Section of Surveys, Office Engineering Division, The Panama Canal (now, Surveys Branch, Engineering and Construction Bureau, Panama Canal Company), in November and December 1946, and is as shown on Panama Canal drawing No. 6114-09, entitled "Boundary of U.S. Naval Reservation, Arraijan Tank Farm, Balboa, C.Z.," dated June 3, 1947, on file in the Office of the Governor.

§ 5.42 Coco Solo Navy Reservation.

(a) The following-described areas of land, situated in the Canal Zone and designated as the Coco Solo Navy Reservation, are reserved and set apart as, and assigned to the uses and purposes of, a Navy reservation, under the jurisdiction and control of the Secretary of the Navy, but subject to § 5.82:

PARCEL NO. 1

Beginning at monument B-12, which is a monel plug, located in the back of a curb on the southwesterly side of Johnston Avenue, at its intersection with the southwesterly prolongation of the southeasterly curb of Fulton Road, near the southeasterly corner of Building No. 5, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 9°22' N. plus 2,291.2 feet and longitude 79°53' W., plus 525.2 feet from Greenwich;

Thence from said initial point by metes and bounds:

S. 34°20'00" E., 179.6 feet, along the back of the curb on the southwesterly side of Johnston Avenue to monument B-12-1, which is a monel plug;

S. 11°30'30" E., 58.6 feet, to monument B-12-2, which is a monel plug in the pavement at the intersection of Johnston Avenue, Maile Street, and Molten Avenue;

S. 11°18'48" W., 899.0 feet, through monument B-12-3, which is a monel plug, located in the back of the curb on the northwesterly side of Molten Avenue, to monument B-12-4, which is a monel plug located in the back of the curb on the northwesterly side of Molten Avenue, the distances being 106.9 feet and 792.1 feet, successively, from beginning of the course;

S. 13°57'15" W., 156.9 feet, to monument B-12-5, which is a monel plug, located on the southeasterly side of an island at the intersection of Molten Avenue and Maile Street;

S. 14°43'30" W., 253.3 feet, to monument B-12-6, which is a monel plug, located at the back of the curb on the northwesterly side of Molten Avenue between quarters "E" and "F";

Southwesterly, following the back of the curb on the northwesterly side of Molten Avenue, to monument B-12-7, which is a monel plug, located between quarters "D" and "E" (the direct bearing and distance from monument B-12-6 to B-12-7 is S. 24°56'45" W., 223.4 feet);

S. 20°06'30" E., 776.8 feet, through monument B-12-8, which is a monel plug located in the back of the curb on the southwesterly side of Molten Avenue to monument B-12-9, which is a monel plug located in the back of the curb on the southwesterly side of Molten Avenue, the distances being 474.1 feet and 304.7 feet, successively, from beginning of the course;

S. 20°51'30" E., 425.7 feet, to monument B-12-10, which is a monel plug, located in the back of the curb on the southwesterly side of Molten Avenue opposite the southwesterly prolongation of the southeasterly curb of Conley Street;

N. 69°31'45" E., 117.5 feet, to monument B-12-11, which is a monel plug, located in the back of the curb on the southeasterly side of Conley Street at its intersection with Bernhard Street;

On a curve to the right, following the back of the curb at the above-named intersection to monument B-12-12, which is a monel plug, located in the back of the curb on the southwesterly side of Bernhard Street (the direct bearing and distance from monument B-12-11 to B-12-12 is S. 65°32'40" E., 21.1 feet);

S. 20°13'15" E., 332.3 feet, following the back of the curb, on the southwesterly side of Bernhard Street to monument B-12-13, which is a monel plug located in the northwesterly side of the concrete taxiway to landing strip;

N. 67°25'45" E., 283.3 feet, along the northwesterly side of the above-mentioned taxiway to monument B-12-14, which is a monel plug, located near the southwesterly intersection of Maile Street;

N. 74°21'15" E., 568.6 feet, along the northwesterly side of the above-mentioned taxiway to monument B-12-15, which is a monel plug, located near the northeasterly intersection with McEwen Street;

N. 08°37'30" W., 412.6 feet, along the prolongation of and the back of the curb on the easterly side of McEwen Street, to monument B-12-16, which is a monel plug, located in the back of the curb;

N. 86°27'30" E., 131.1 feet, to monument B-12-17, which is a 1½-inch iron pipe, located 1.5 feet, more or less, easterly from a cyclone fence and 60.6 feet westerly from the centerline of Randolph Road;

Southerly, 1,883.5 feet, along a line parallel to and 60.6 feet westerly from the centerline of Randolph Road and along the easterly side of the above-mentioned cyclone fence, to monument B-12-23, which is a 1½-inch iron pipe, located near the northwesterly corner of Building No. 1119. The geodetic position of monument B-12-23 is in latitude 9°21' N. plus 4,038.3 feet and longitude 79°52' W. plus 5,103.5 feet;

N. 86°06'00" E., 28.0 feet, to monument B-12-24, which is a monel plug in a concrete pavement;

S. 03°41'30" E., 114.1 feet, to monument B-12-25, which is a monel plug in a concrete pavement;

S. 86°18'30" W., 30.3 feet, to an unmarked point called B-12-26, located 1.5 feet, more or less, easterly from a cyclone fence, the geodetic position of which is in latitude 9°21' N. plus 3,994.3 feet and 79°52' W. plus 5,086.4 feet;

S. 09°05'00" E., 379.0 feet, to unmarked point called A-1, located on the northern boundary of Fort Gulick Army Reservation, Parcel No. 2 (at Coco Solo) and N. 89°59'35" W., 12.2 feet, from old monument "A" (Precise Bench Mark "A"). The geodetic position of unmarked point called A-1 is in latitude 9°21' N. plus 3,546.0 feet and longitude 79°52' W. plus 5,074.6 feet;

N. 89°59'35" W., 823.4 feet, more or less, along the northern boundary of the above-mentioned Parcel No. 2 (at Coco Solo), on the northerly side of a cyclone fence and the southerly side of a drainage ditch, through monument "B", which is an 8-inch square concrete monument, to an unmarked point called B-1, located on the mean low water line of Manzanillo Bay, the distances being 506.4 feet and 315 feet, more or less, successively, from beginning of the course;

Due north, 23 feet, more or less, to an unmarked point called B-1a, located on the face of a concrete seawall at the mean low water line of Manzanillo Bay;

In a general northerly direction, following the mean low water line of Manzanillo Bay (except where drainage ditches extend inland from the shore line) to an unmarked point called B-7-2b, located on the northwesterly side of Pier No. 2 beneath the eave line on the southwesterly side of Building No. 7 and N. 24°16'15" W., 2.0 feet, from monument B-7-3 (not on boundary), which is a monel plug in the concrete pavement of the above-mentioned Pier No. 2. The geodetic position of unmarked point called B-7-2b is in latitude 9°22' N. plus 2,714.1 feet and longitude 79°52' W. plus 1,926.7 feet;

N. 24°16'15" W., 220.3 feet, following the eave line on the southwesterly side of Building No. 7, to monument B-7-4, which is a monel plug, located in the pavement of Pier No. 1 and 7.2 feet northwesterly from its southeasterly face;

N. 55°37'00" E., 207.3 feet, along the northwesterly sides of Buildings No. 7 and No. 4, to monument B-7-1, which is a monel plug located in the pavement near the northeasterly corner of Building No. 4;

S. 34°17'15" E., 541.2 feet, along the prolongation of and the back of the curb on the southwesterly side of Johnston Avenue to monument B-8, which is a monel plug located in the concrete pavement on the southwesterly side of Johnston Avenue;

S. 55°40'45" W., 102.6 feet, along the northwesterly side of Building No. 3 to monument B-9, which is an iron rod set in concrete, located near the northwesterly corner of the above-mentioned Building No. 3;

S. 34°33'00" E., 185.4 feet, along the southwesterly side of the above-mentioned Building No. 3, to monument B-10 which is a 1¼-inch pipe, located near the southwesterly corner of the above-mentioned Building No. 3;

N. 55°34'15" E., 101.8 feet, along the southeasterly side of the above-mentioned Building No. 3, to monument B-11, which is a monel plug, located in the back of the curb on the southwesterly side of Johnston Avenue;

S. 34°17'15" E., 247.8 feet, along the back of the curb on the southwesterly side of Johnston Avenue, to monument B-12, the point of beginning.

There shall also be included in the above-described reservation all land and water within a zone extending 100 yards out from the mean low water line on all shores of the reservation bordering on Manzanillo Bay. In any area where such 100 yard zone would overlap any similar zone included within Fort Gulick Army Reservation, Parcel No. 2 (at Coco Solo), the dividing line between the respective zones shall be midway between the mean low water lines of the respective reservations. In addition, the Department of the Navy will have jurisdiction over that water area extending 100 yards southeasterly and southwesterly from the southeasterly side and southwesterly end of Pier No. 1 (bounded on the northeast by a line extending N. 79°00' W., from the extreme northwesterly corner of Pier No. 1).

PARCEL NO. 2

Beginning at monument No. 1, which is a brass plug, located in the concrete pavement, on the easterly side of Randolph Road, and northerly from the junction of Galeta Road, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 9°22' N. plus 4,566.3 feet and longitude 79°52' W. plus 5,664.3 feet from Greenwich. Monument No. 1 is S. 32°39'00" E., 133.1 feet from Precise Bench Mark "C".

Thence from said initial point by metes and bounds:

N. 62°40'40" E., 148.2 feet, to monument No. 10, which is a 2-inch iron pipe, located on the northerly side of Galeta Road;

N. 75°40'10" E., 260.2 feet, to monument No. 9, which is a 2-inch iron pipe, located on the northerly side of Galeta Road;

N. 65°25'30" E., 264.3 feet, to an unmarked point called No. 8, located 50 feet northerly from the centerline of Galeta Road, on the mean low water line of the Caribbean Sea on the left bank of the Rio Coco Solo;

In a general westerly and northerly direction, following the mean low water line of the Caribbean Sea, along the left bank of the Rio Coco Solo and the shore of Margarita Island (except where drainage ditches extend inland from the shore line) to an unmarked point called No. 7-A, located on longitude 79°52' W., plus 5,780.0 feet;

The above-described boundary from monument No. 1 to unmarked point called No. 7-A, is common with a part of the southern and all of the eastern boundary of Fort Randolph Army Reservation.

Due north, 130 feet, more or less, to an unmarked point called No. 7-B, located on

the mean low water line of the Caribbean Sea, on the southerly side of an unnamed island southeast from Palma Media Island;

In a general northerly and easterly direction, following the mean low water line of the Caribbean Sea, along the seaward side of all mainland and islands (two unnamed islands south of Palma Media Island, Galeta Islands, Pena Guapa Island, an unnamed island east of Pena Guapa Island and the western part of Largo Remo Island) to an unmarked point called No. 7–1, located on the northerly side of Largo Remo Island and N. 00°32'00" E., 850 feet, more or less, from monument No. 0 of the original Canal Zone-Republic of Panama Five Mile Boundary Line;

N. 00°14'50" E., 100 feet, more or less, to an unmarked point called No. 7–J, located on the Canal Zone-Republic of Panama boundary and the extreme low water line of the Caribbean Sea;

In a general easterly, southerly, and westerly direction following the Canal Zone-Republic of Panama boundary line along the extreme low water line of the Caribbean Sea, along the shore line of Largo Remo Island, Droque Island, and two small islands to the north and adjacent to Droque Island, to an unmarked point called No. 7–K, located on the southerly side of Largo Remo Island;

S. 00°32'00" W., 3,350 feet, more or less, along the Canal Zone-Republic of Panama boundary line to monument No. 1, which is a 4-inch iron pipe with a cap, the geodetic position of which is in latitude 9°23' N. plus 137.2 feet and longitude 79°50' W. plus 5,820.6 feet;

Thence, following the Canal Zone-Republic of Panama boundary line to monument No. 5–1, as follows:

S. 00°32'00" W., 2,260.7 feet, through monument No. 1–1, which is a 1½-inch iron pipe to monument No. 2, which is a 4-inch iron pipe with a cap, the distances being 816.0 feet and 1,444.7 feet, successively, from beginning of the course;

S. 00°33'00" W., 2,920.3 feet, through monuments Nos. 2–1 and 2–2, which are 1½-inch iron pipes, and monument No. 3, which is a 4-inch iron pipe with a cap, to monument No. 3–1, which is a 2-inch iron pipe, the distances being 496.2 feet, 1,142.3 feet, 835.1 feet and 446.7 feet, successively, from beginning of the course;

S. 00°35'50" W., 363.5 feet, through monument No. 3–2, which is a 1½-inch iron pipe, to monument No. 3–3, which is a 1½-inch iron pipe, the distances being 141.0 feet and 222.5 feet, successively, from beginning of the course;

S. 00°33'00" W., 382.6 feet, through monument No. 3–4, which is a 1½-inch iron pipe, to monument No. 3–5, which is a 1½-inch iron pipe, the distances being 108.6 feet and 274.0 feet, successively, from beginning of the course;

S. 00°32'50" W., 467.1 feet, through monument No. 3–6, which is a 2-inch iron pipe, to monument No. 3–7, which is a 2½-inch iron pipe, the distances being 260.0 feet and 207.1 feet, successively, from beginning of the course;

S. 00°33'20" W., 824.7 feet, through monument No. 4, which is a 4-inch iron pipe with a cap, to monument No. 4–1, which is a 1½-inch iron pipe, the distances being 446.0 feet and 378.7 feet, successively, from beginning of the course;

S. 00°32'00" W., 627.8 feet, to monument No. 4–2, which is a 1½-inch iron pipe;

S. 00°32'50" W., 843.0 feet, through monuments Nos. 4–3 and 4–4, which are 2-inch iron pipes, monument No. 4–5, which is a 1½-inch iron pipe, to monument No. 4–6, which is a 1½-inch iron pipe, the distances being 381.2 feet, 190.8 feet, 167.6 feet and 103.4 feet, successively, from beginning of the course;

S. 00°33'20" W., 350.5 feet, to monument No. 4–7, which is a 2-inch iron pipe;

S. 00°32'30" W., 872.7 feet, through monument No. 5, which is a 4-inch iron pipe with a cap, to monument No. 5–1, which is a 2-inch iron pipe, located on the northern boundary of the Colon Corridor, the distances being 363.8 feet and 8.9 feet, successively, from beginning of the course;

Southwesterly, along the northern boundary of the Colon Corridor, to monument N.H. 1, which is a 2-inch iron pipe, located at the southeasterly corner of the Coco Solo Hospital area, the geodetic position of which is in latitude 9°21' N. plus 720.3 feet and longitude 79°51' W., plus 3,813.9 feet;

Thence following the boundary of the Coco Solo Hospital area, to monument N.H. 9–1, as follows:

N. 16°58'20" W., 477.5 feet, to monument N.H. 16, which is a 2-inch iron pipe;

N. 56°03'30" W., 1,047.0 feet, through monuments N.H. 15 and N.H. 14, which are 2-inch iron pipes, to monument N.H. 13, which is a 2-inch iron pipe, the distances being 209.5 feet, 448.1 feet and 389.4 feet, successively, from beginning of the course;

S. 55°45'15" W., 983.1 feet, through monuments N.H. 12 and N.H. 11, which are 2-inch iron pipes, to monument N.H. 10, which is a 2-inch iron pipe, located on the right bank of the Rio Coco Solo, the distances being 500.0 feet, 200.0 feet, and 283.1 feet, successively, from beginning of the course. The geodetic position of monument N.H. 10 is in latitude 9°21' N., plus 1,208.3 feet and longitude 79°51' W. plus 5,634.5 feet;

In a general southerly direction, along the right bank of the Rio Coco Solo, to monument N.H. 9–1, which is a 2-inch iron pipe, located on the northern boundary of the Colon Corridor, the geodetic position of which is in latitude 9°20' N. plus 5,973.0 feet and longitude 79°51' W. plus 5,128.4 feet;

Southwesterly, along the northern boundary of the Colon Corridor, to monument "S"–2, which is a scribed brass plug, located in the easterly edge of the concrete pavement of the R–16 Road;

S. 78°16'45" W., 60.5 feet, following the northern boundary of the Colon Corridor, through monument "S"–1, which is a scribed brass plug, located in the westerly edge of the concrete pavement of the above-mentioned R–16 Road, to monument "S", which is a 2-inch iron pipe, located 50.0 feet westerly from the centerline of the pavement of the above-mentioned R–16 Road, the distances being 21.0 feet and 39.5 feet, successively, from the beginning of the course. The geodetic position of monument "S" is in latitude 9°20' N., plus 3,537.3 feet and longitude 79°52' W. plus 2,537.2 feet;

Northerly, along a line parallel to and 50.0 feet westerly from the centerline of the concrete pavement of the above-mentioned R–16 Road, through monument "R", which is a 10-inch square concrete post, to monument F–32, which is a 2-inch iron pipe. The geodetic position of monument "R" is in latitude 9°20' N. plus 6,043.5 feet and longitude 79°52' W., plus 3,162.9 feet and the geodetic position of monument "F"–32 is in latitude 9°21' N. plus 757.7 feet and longitude 79°52' W. plus 3,782.2 feet;

N. 66°00'30" E., 575.6 feet, through monument F–31, which is a brass plug, located near the westerly edge of the concrete pavement of the above-mentioned R–16 Road and monument F–30, which is a 2-inch iron pipe, to monument F–29, which is a 2-inch iron pipe, the distances being 40.6 feet, 448.5 feet, and 86.5 feet, successively, from beginning of the course;

N. 25°27'40" W., 478.2 feet, through monument F–28, which is a 2-inch iron pipe, to monument F–27, which is a 2-inch iron pipe, the distances being 218.0 feet and 260.2 feet, successively, from beginning of the course;

N. 64°53'25" E., 1,449.1 feet, through monument F–26, which is a 2-inch iron pipe, monument F–25, which is a 2½-inch iron pipe, monument F–24, which is a 2-inch iron pipe, monument F–23, which is a brass plug in a concrete slab of a barbeque pit, to monument F–22, which is a 2-inch iron pipe, the distances being 337.1 feet, 370.7 feet, 240.5 feet, 347.8 feet, and 153.0 feet, successively, from beginning of the course;

N. 19°08'50" W., 717.5 feet, along a line parallel to and 160.0 feet southwesterly from the centerline of a concrete taxi strip, through monument F–21, which is a 2-inch iron pipe, to monument F–20, which is a 3-inch iron pipe, the distances being 142.7 feet and 574.8 feet, successively, from beginning of the course;

N. 55°05'35" W., 202.8 feet, through monument F–19, which is a 2½-inch iron pipe, to monument F–18, which is a 2-inch iron pipe, the distances being 105.7 feet and 97.1 feet, successively, from beginning of the course.

S. 56°48'40" W., 243.8 feet, to monument F–17, which is a 2-inch iron pipe;

S. 08°30'10" W., 279.2 feet, through monument F–16, which is a 2-inch iron pipe, to monument F–15, which is a 2-inch iron pipe, the distances being 164.5 feet, and 114.7 feet, successively, from beginning of the course;

S. 09°58'05" E., 234.5 feet, to monument F–14, which is a 2-inch iron pipe;

S. 64°48'55" W., 319.3 feet, to monument F–13, which is a 2-inch iron pipe;

S. 44°09'40" W., 281.5 feet, through monument F–12, which is a 2½-inch iron pipe, to monument F–11, which is a 2-inch iron pipe, the distances being 100.8 feet and 180.7 feet, successively, from beginning of the course;

From monument F–12 to monument F–4 the boundary follows parallel to and approximately 1.5 feet from the outside of a cyclone fence;

S. 53°48'55" W., 151.4 feet, to monument F–10, which is a 2-inch iron pipe;

N. 76°14'05" W., 491.5 feet, to monument F–9, which is a 2-inch iron pipe;

S. 86°18'25" W., 98.9 feet, to monument F–8, which is a 2-inch iron pipe;

S. 33°54'25" W. 150.0 feet, to monument F–7, which is a 2-inch iron pipe;

S. 86°13'40" W., 321.5 feet, to monument F–6, which is a 2-inch iron pipe;

S. 03°12'35" E., 106.9 feet, to monument F–5, which is a 2-inch iron pipe;

S. 85°37'25" W., 496.6 feet, to monument F–4, which is a 2-inch iron pipe, located on the northerly side of France Road and the easterly side of Randolph Road;

N. 03°46'35" W., 400.0 feet, along the westerly side of a cyclone fence on the easterly side of Randolph Road, to monument F–3, which is a brass plug located in the easterly lip of a concrete ditch;

N. 03°33'45" W., 1,569.6 feet, along a line which is parallel to and 43.5 feet, easterly from the centerline of the 30.0 foot wide pavement of Randolph Road to monument F–2, which is a 2-inch iron pipe;

N. 31°59'55" E., 16.5 feet, to monument F–1, which is a 2-inch iron pipe, located 60.0 feet easterly from the centerline of the pavement of the above-mentioned Randolph Road;

Northerly, 3,493.8 feet, along a line parallel to and 60.0 feet, more or less, easterly from the centerline of the above-mentioned concrete pavement of Randolph Road, to monument 81–1, which is a 2-inch iron pipe;

S. 89°59'45" E., 17.1 feet, to monument No. 81–A, which is a 1¼-inch iron pipe, located near the southwesterly corner of a cyclone fence;

N. 03°34'00" W., 1,947.5 feet, along a line parallel to and 77.8 feet easterly from the centerline of the above-mentioned Randolph Road pavement, along the westerly side of a cyclone fence, to monument B–14, which is a 1¼-inch iron pipe;

Thence following along a line parallel to and approximately 1.5 feet westerly from the above-mentioned cyclone fence, on the easterly side of Randolph Road, to monument B–16, as follows:

N. 07°45'00" W., 354.4 feet, to monument B–15, which is a 2-inch iron pipe;

N. 12°13'30" W., 949.8 feet, to monument B–16, which is a 2-inch iron pipe;

S. 86°46'30" W., 200.4 feet, crossing Randolph Road, to monument B–17, which is a 2-inch iron pipe;

N. 87°51'45" W., 562.0 feet, to monument B–18, which is a 2-inch iron pipe, located northeasterly from quarters No. 534;

N. 14°14'00" W., 763.2 feet, more or less, through monument B–19, which is a brass plug in a top of a concrete seawall, to an unmarked point called B-20, on the northerly face of the above-mentioned seawall at the intersection of the mean low water line of Margarita Bay, the distances being 760.7 feet and 2.5 feet, more or less, successively, from beginning of the course;

Easterly, following the mean low water line of Margarita Bay, along the northerly side of the above-mentioned concrete seawall to an unmarked point called No. 4, located N. 12°14'20" W., 2 feet, more or less, from monument No. 3, which is a brass plug in the center of the above-mentioned seawall;

S. 12°14'20" E., 2 feet, more or less, to the above-mentioned monument No. 3, the geodetic position of which is in latitude 9°22' N. plus 4,810.6 feet and longitude 79°53' W. plus 5,797.7 feet;

S. 12°14'20" E., 249.9 feet, along the easterly side of a cyclone fence and along the westerly side of a concrete drainage ditch to monument No. 2, which is a brass plug located in the lip of the above-mentioned drainage ditch;

Due east, 80.4 feet, crossing Randolph Road, to monument No. 1, the point of beginning.

There shall also be included within the above-described reservation all land and water within a zone extending a distance of 100 yards out from the mean low water line on all shores of the Reservation lying west of a line extended through unmarked points called 7–J and 7–K;

In any area where such 100 yard zone would overlap any similar zone included within Fort Randolph Army Reservation, the dividing line between the respective zones shall be midway between the mean low water lines of the respective reservations.

The above-described boundary from unmarked point called No. 4 to monument No. 1 is common with that part of the southern and western boundary of Fort Randolph Army Reservation.

The directions of the lines refer to the true meridian.

The total area of Coco Solo Navy Reservation (Parcel No. 1 and Parcel No. 2), above the mean low water line or above the extreme low water line is 5,779 acres, more or less (Parcel No. 1 is 136.7 acres, more or less, and Parcel No. 2 is 5,643 acres, more or less), and is as shown on Canal Zone Government drawing No. 6121–6, entitled "Map Showing United States Army and Navy Reservations, Fort Randolph, and Coco Solo, Canal Zone," scale 1:10,000, dated February 20, 1960, on file in the office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

(b) The two parcels of land hereinafter described, shown on Canal Zone Government drawing No. 6121–6 as Recapture Parcels A and B, previously removed from Coco Solo Navy Reservation, shall, for the period of any emergency requiring active utilization of the Naval Station, Coco Solo, certified by the Secretary of the Navy or his authority, revert to and form a part of Coco Solo Navy Reservation:

RECAPTURE PARCEL "A"

Beginning at monument B–8, which is a brass plug, located in a concrete sidewalk, northwesterly from Building No. 8 on Pier No. 1, the geodetic position of which referred to the Canal Zone triangulation system is in latitude 9°22' N. plus 2,926.2 feet and longitude 79°53' W. plus 1,774.2 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 55°43'45" E., 507.7 feet, to monument B–4, which is a 2-inch iron pipe;

S. 34°16'15" E., 125.8 feet, to monument B–5, which is an iron reinforcing rod in concrete;

N. 55°43'30" E., 134.5 feet, to monument B–6, which is a brass plug in a concrete curb on the westerly side of Johnston Avenue;

S. 49°37'15" E., 50.5 feet, to monument B–7, which is a brass plug in pavement, located on the northerly extension of the back of the curb on the westerly side of Johnston Avenue;

S. 42°36'30" E., 88.9 feet, to monument B–7–1, which is a monel plug in the pavement near the northeasterly corner of Building No. 4 and is the extreme northeasterly corner of Parcel No. 1 of the Coco Solo Navy Reservation;

S. 55°37'00" W., 207.2 feet, following the boundary of the above-mentioned Parcel No. 1, along the northwesterly sides of Buildings No. 4 and No. 7 to monument B–7–2, which is a monel plug in the concrete slab of Pier No. 1, located near the northwesterly corner of the above-mentioned Building No. 7;

S. 34°16'15" E., 8.8 feet, following the above-mentioned boundary of Parcel No. 1, to an unmarked point called B–7–2a, located on the outside edge of the fender of Pier No. 1;

Southwesterly, northwesterly, and northeasterly, following along the outside edge of any pier fender on the southeasterly side, southwesterly end and northwesterly side of Pier No. 1, to an unmarked point called B–7–2c, located where the prolongation of the above-mentioned line intersects the mean low water line of Manzanillo Bay, on the northwesterly side of Pier No. 1;

Northeasterly, following the mean low water line of Manzanillo Bay, to an unmarked point called B–2, located on the westerly face of a concrete seawall and S. 55°43'45" W., 4.6 feet, more or less, from monument B–3;

N. 55°43'45" E., 4.6 feet, more or less, to monument B–3, the point of beginning.

There shall be included within the above-described parcel all land and water within a zone extending a distance of 100 yards out from the northwesterly side of Pier No. 1 (bounded on the southwest by a line extending N. 79°00' W., from the extreme northwesterly corner of Pier No. 1) and 100 yards out from the mean low water line along the northwesterly side of Pier No. 1.

The directions of the lines refer to the true meridian.

The land and pier area of the above-described parcel is 10.5 acres, more or less, and is as shown on Canal Zone Government drawing No. 6121–6, entitled "United States Army and Navy Reservations, Fort Randolph, and Coco Solo, Canal Zone," scale 1:10,000, dated February 20, 1960, on file in the Office of the GOVERNOR.

RECAPTURE PARCEL "B"

Beginning at monument B–12, which is a monel plug, located on the easterly boundary of Coco Solo Navy Reservation, Parcel No. 1, in the back of a curb on the southwesterly side of Johnston Avenue, at its intersection with the southwesterly prolongation of the southeasterly curb on Fulton Road, near the southeasterly corner of Building No. 8, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 9°22' N. plus 2,291.2 feet and longitude 79°53' W. plus 525.2 feet from Greenwich.

Thence from said initial point by metes and bounds:

Following the easterly and northerly boundary of Coco Solo Navy Reservation, Parcel No. 1, through monuments B–12–1 to B–12–17 as follows:

S. 34°20'00" E., 179.6 feet, along the back of the curb on the southwesterly side of Johnston Avenue to monument B–12–1, which is a monel plug;

S. 11°30'30" E., 58.6 feet, to monument B–12–2, which is a monel plug in the pavement at the intersection of Johnston Avenue, Maile Street, and Molten Avenue;

S. 11°18'45" W., 899.0 feet, through monument B–12–3, which is a monel plug, located in the back of the curb on the northwesterly side of Molten Avenue, to monument B–12–4, which is a monel plug located in the back of the curb on the northwesterly side of Molten Avenue, the distances being 106.9 feet and 792.1 feet, successively, from beginning of the course;

S. 13°57'15" W., 158.9 feet, to monument B–12–5, which is a monel plug, located on the southeasterly side of an island at the intersection of Molten Avenue and Maile Street;

S. 14°43'30" W., 252.8 feet, to monument B–12–6, which is a monel plug, located at the back of the curb on the northwesterly side of Molten Avenue between Quarters "E" and "F";

Southwesterly, following the back of the curb on the northwesterly side of Molten Avenue, to monument B–12–7, which is a monel plug, located between Quarters "D" and "E" (the direct bearing and distance from monument B–12–6 to B–12–7 is S. 24°-56'45" W., 223.4 feet);

S. 20°06'30" E., 778.8 feet, through monument B–12–8, which is a monel plug located in the back of the curb on the southwesterly side of Molten Avenue to monument B–12–9, which is a monel plug, located in the back of the curb on the southwesterly side of Molten Avenue, opposite the southwesterly prolongation of the southeasterly curb of Conley Street;

N. 69°31'45" E., 117.5 feet, to monument B–12–11, which is a monel plug, located in the back of the curb on the southeasterly side of Conley Street, at its intersection with Bernhard Street;

On a curve to the right, following the back of the curb at the above-named intersection, to monument B–12–12, which is a monel plug, located in the back of the curb on the southwesterly side of Bernhard Street. The direct bearing and distance from monument B–12–11 to B–12–12 is S. 65°32'40" E., 21.1 feet;

S. 20°13'15" E., 832.2 feet, following the back of the curb, on the southwesterly side of Bernhard Street to monument B–12–13, which is a monel plug, located in the northwesterly side of the concrete taxiway to the landing strip;

N. 67°25'45" E., 252.3 feet, along the northwesterly side of the above-mentioned taxiway to monument B–12–14, which is a monel plug, located near the southwesterly intersection of Maile Street;

N. 74°21'15" E., 586.6 feet, along the northwesterly side of the above-mentioned taxiway to monument B–12–15, which is a monel plug, located near the northeasterly intersection with McEwen Street;

N. 03°37'30" W., 413.6 feet, along the prolongation of and the back of the curb on the easterly side of McEwen Street, to monu-

ment B–12–16, which is a monel plug, located in the back of the curb;

N. 86°27'30" E., 131.1 feet, to monument B–12–17, which is a 1½-inch iron pipe, located 1.5 feet, more or less, easterly from a cyclone fence and 60.6 feet westerly from the centerline of Randolph Road;

N. 03°34'00" W., 2,105.2 feet, along a line parallel to and 60.6 feet westerly from the centerline of the 30.0-foot-wide pavement of Randolph Road to monument B–12–18, which is a 1½-inch iron pipe, located 1.5 feet, more or less, easterly from a corner of a cyclone fence;

N. 14°52'30" E., 36.0 feet, to monument B–12–19, which is a 1½-inch iron pipe, located easterly from a corner of the above-mentioned cyclone fence;

N. 03°27'30" W., 666.9 feet, to monument B–12–20, which is a 1½-inch iron pipe, located easterly from a corner of the above-mentioned cyclone fence;

N. 15°13'45" E., 36.0 feet, to monument B–12–21, which is a 1½-inch iron pipe, located easterly from a corner of the above-mentioned cyclone fence;

N. 03°35'00" W., 199.0 feet, to monument B–12–22, which is a 1½-inch iron pipe, located easterly from a corner of the above-mentioned cyclone fence;

N. 68°07'00" W., 26.1 feet, to monument B–13–1, which is a 1½-inch iron pipe, located on the outside of the above-mentioned cyclone fence and 60.1 feet westerly from the centerline of the concrete pavement of the above-mentioned Randolph Road;

S. 81°06'00" W., 269.8 feet, to monument B–13, which is a brass plug, located in the back of the curb on the southeasterly side of Fulton Road;

S. 55°42'30" W., 1,031.6 feet, along the back of the curb on the southeasterly side of the above-mentioned Fulton Road and its southwesterly extension, to monument B–12, the point of beginning.

The directions of the lines refer to the true meridian.

The area of the above-described parcel is 102.5 acres, more or less, and is as shown on Canal Zone Government drawing No. 6121–6, entitled "United States Army and Navy Reservations, Fort Randolph, and Coco Solo, Canal Zone," scale 1: 10,000, dated February 20, 1959, on file in the Office of the Governor. There shall be no construction within the above-described parcel beyond the line entitled "limit of construction" which is shown on drawing No. 6121–6.

§ 5.43 Colon Naval Radio Station.

The following-described area of land, situated in the Canal Zone and designated as the Colon Naval Radio Station is reserved and set apart as, and assigned to the uses and purposes of, a Navy reservation, under the jurisdiction and control of the Secretary of the Navy, but subject to § 5.82:

Beginning at a concrete monument, the geodetic position of same referred to the Canal Zone triangulation system, being latitude 9°17' plus 3,973.94 feet, and longitude 79°54' plus 3,821.44 feet; thence due east a distance of 719.70 feet to a concrete monument; thence due north a distance of 670.59 feet to a concrete monument; thence due west a distance of 814.14 feet to a concrete monument, located 16 feet east of the east curb of the Bolivar Highway; thence south 9°19' east and parallel to, and 16 feet distant from, the east curb of said road, a distance of 438.30 feet to a concrete monument; thence on a curve to the right with a radius of 1,864.50 feet, and parallel to, and 16 feet distant from, the east curb of said road a distance of 239.30 feet, to a concrete monument, the point of beginning. (All bearings are true bearings.)

The above parcel of land is shown on drawing S–6100–63, made by the Section of Surveys of The Panama Canal (now, Surveys Branch, Engineering and Construction Bureau, Panama Canal Company), dated June 12, 1929, on file in the Office of the Governor, the total area of said parcel being 11.7 acres.

§ 5.44 Farfan Naval Radio Station.

The following-described area of land, situated in the Canal Zone and designated as the Farfan Naval Radio Station, is reserved and set apart as, and assigned to the uses and purposes of, a Navy reservation, under the jurisdiction and control of the Secretary of the Navy, but subject to § 5.82:

Beginning at monument "J", which is a concrete post, 8 inches square, located on the easterly side of the Bruja Military Road and on the easterly boundary of the Fort Kobbe Army Reservation, the geographic position of which monument, referred to the Canal Zone triangulation system is in north latitude 8°56' plus 200.6 feet and west longitude 70°35' plus 3,637.1 feet from Greenwich.

From monument "J" the bearing and distance to Army triangulation station "North Base" is, S. 56°27'10" W., 584.9 feet.

Thence from said initial point, by metes and bounds:

Due North, 2,797.8 feet, through monuments N–1, N–2, and N–3 which are 2½-inch galvanized iron pipes, to monument H–3, which is a 10-inch square concrete monument, the distances being 705.1 feet, 750.0 feet, 1,070.0 feet, and 272.7 feet, successively, from beginning of course;

N. 89°58'00" E., 470.6 feet, to monument H–2, which is a 10-inch square concrete monument;

N. 77°59'30" E., 965.5 feet, through monuments H–2–A and H–2–B which are 2½-inch galvanized iron pipes, to monument H–1 which is a 10-inch square concrete monument, the distances being 196.0 feet, 474.5 feet, and 295.0 feet, successively, from beginning of course.

N. 87°46'20" E., 30.9 feet, to monument N–6 which is a 2½-inch galvanized iron pipe;

Due east 2,190.6 feet, through monuments N–7, N–8, N–9, N–10, and N–10–A, which are 2½-inch galvanized iron pipes to monument N–B which is an 8-inch square concrete post, the distances being 279.0 feet, 507.7 feet, 231.7 feet, 324.9 feet, 213.0 feet, and 634.3 feet, successively, from beginning of course;

S. 58°07'15" E., 2,077.4 feet, through monument NBX, which is a 2½-inch galvanized iron pipe, to monument N–C which is an 8-inch square concrete post, the distances being 1,050.0 feet, and 1,027.4 feet, successively, from beginning of course.

Due south, 5,999.3 feet, through monuments N–11, N–12, N–13, N–14, and N–15 which are 2½-inch galvanized iron pipes, to an unmarked point, located in a swamp, referred to as N–D on the map, the distances being 275.8 feet, 800.1 feet, 699.9 feet, 244.6 feet, 435.5 feet, and 3,543.4 feet, successively, from beginning of course;

Due west 3,464.0 feet, to monument N–24–N, which is an 8-inch square concrete post;

N. 52°07'00" W., 2,452.1 feet, through monuments N–25–N and N–25–A which are 2½-inch galvanized iron pipes, to monument N–26–N, which is an 8-inch square concrete post, the distances being 1,489.1 feet, 463.0 feet, and 500.0 feet, successively, from beginning of course;

Due north, 2,591.5 feet, through monuments 55, 54, 53, 52, and 51, which are 2½-inch galvanized iron pipes, to monument "J", the point of beginning, the distances being 78.5 feet, 600.0 feet, 303.0 feet, 530.0 feet, 580.0 feet, and 500.0 feet, successively, from beginning of course;

The direction of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The western, eastern, and southern boundaries were surveyed by the Section of Surveys, the Panama Canal (now, Surveys Branch, Engineering and Construction Bureau, Panama Canal Company), in December 1940 and January 1941, and the northern, northeastern and southwestern boundaries were surveyed by the Section of Surveys, the Panama Canal, in November 1946.

The area of the tract is 819.7 acres and is as shown on Panama Canal Drawing No. M–6114–74, entitled "Boundary of Farfan Naval Radio Station, West Bank, Balboa, C.Z.," scale 1 to 5,000, dated January 30, 1947, on file in the Office of the Governor.

§ 5.45 Gatun Tank Farm Naval Reservation.

(a) The following-described areas of land, situated in the Canal Zone and designated as the Gatun Tank Farm Naval Reservation, are reserved and set apart as, and assigned to the uses and purposes of, a Navy reservation, under the jurisdiction and control of the Secretary of the Navy, but subject to § 5.82:

PARCEL NO. 1

Beginning at monument No. N.F. 14, which is an 8-inch square concrete post, located on the southerly boundary of the Fort Gulick Army Reservation, the geographic position of which monument, referred to the Canal Zone triangulation system, is in latitude 9°18' N. plus 3346.8 feet and longitude 79°52' W., plus 4598.4 feet from Greenwich.

Thence from said initial point by metes and bounds:

S. 00°01'30" W., 837.6 feet through monuments Nos. N.F. 15 and N.F. 16, which are 1½-inch galvanized iron pipes, to monument No. G.F. 16, which is an 8-inch square concrete post, located at the northeast corner of Panama Canal portion of the Gatun Tank Farm, the distances being 393.5 feet, 278.9 feet and 165.2 feet, successively, from beginning of course;

Due west, 224.0 feet, along the boundary of the Panama Canal portion of the Gatun Tank Farm, to monument No. G.F. 17, which is a 1¼-inch galvanized iron pipe;

S. 89°59'00" W., 291.4 feet, along the above mentioned boundary to monument No. G.F. 18, which is a 2-inch galvanized iron pipe;

N. 89°59'30" W., 73.8 feet, along the above mentioned boundary, to monument No. G.F. 19, which is a 2-inch galvanized iron pipe;

S. 89°59'30" W., 617.3 feet, along the above mentioned boundary, through monument No. G.F. 20, which is a 2-inch galvanized iron pipe, to monument No. G.F. 21, which is an 8-inch square concrete post, the distances being 404.1 feet and 213.2 feet, successively, from beginning of course;

Due south, 509.0 feet, along the above mentioned boundary, through monument No. G.F. 22, which is an 8-inch square concrete post, to monument No. G.F. 22–A, which is an 8-inch square concrete post, the distances being 260.0 feet and 249.0 feet, successively, from beginning of course;

N. 89°59'30" W., 1001.9 feet, along the above mentioned boundary, through monuments Nos. G.F. 22–1, G.F. 22–3, G.F. 22–3 and G.F. 22–4, which are 2-inch galvanized iron pipes, to monument No. G.F. 27, which is an 8-inch square concrete post, the distances being 216.1 feet, 399.8 feet, 282.1 feet, 73.2 feet and 28.7 feet, successively, from beginning of course;

S. 00°00'30" E., 150.5 feet along the above mentioned boundary, to monument No. G.F. 28, which is a 2-inch galvanized iron pipe;

S. 00°01'00" W., 1099.6 feet along the above mentioned boundary, through monuments Nos. G.F. 29, G.F. 29–1, G.F. 29–2, and G.F. 29–3, which are 2-inch galvanized iron pipes, to monument No. N.F.A., which is an 8-inch square concrete post, the distances being 150.5 feet, 154.7 feet, 280.7 feet, 135.5 feet and 377.9 feet, successively, from beginning of course;

S. 89°59'00" E., 1312.0 feet, along the above mentioned boundary, through monuments Nos. N.F. A–1, N.F. A–2, N.F. A–3, N.F. A–4 and N.F. A–5, which are 2-inch galvanized iron pipes, to monument No. N.F. B, which is an 8-inch square concrete post, the distances being 290.7 feet, 356.9 feet, 141.7 feet, 85.2 feet, 296.5 feet and 141.0 feet, successively, from beginning of course;

S. 00°01'00" W., 3004.0 feet, along the above mentioned boundary, through monuments Nos. N.F. B–1, N.F. B–2, N.F. B–3, N.F. B–4, N.F. B–5 and N.F. B–6, which are 2-inch galvanized iron pipes, to monument No. N.F. C, which is an 8-inch square concrete post, located on the northern boundary of the Fort William D. Davis Military Reservation, the distances being 187.6 feet, 474.4 feet, 106.6 feet, 459.9 feet, 239.9 feet, 360.8 feet and 174.8 feet, successively, from beginning of course;

N. 89°57'00" W., 640.4 feet, along the northern boundary of the Fort William D. Davis Military Reservation, through monuments Nos. M.R. 13–C and M.R. 13–D, which are 2-inch galvanized iron pipes, to monument No. M.R. 14, which is a 1½-inch galvanized iron pipe, the distances being 164.8 feet, 325.6 feet and 150.0 feet, successively, from beginning of course;

N. 89°58'30" W., 1396.0 feet, along the above mentioned boundary, through monuments Nos. M.R. 14–A, M.R. 14–B, M.R. 14–C, which are 1½-inch galvanized iron pipes, and monument No. M.R. 14–D, which is a 2-inch galvanized iron pipe, to monument No. M.R. 15, which is a 1½-inch galvanized iron pipe, the distances being 96.8 feet, 348.1 feet, 166.9 feet, 556.3 feet and 226.1 feet, successively, from beginning of course;

S. 89°57'30" W., 476.7 feet, along the above mentioned boundary, through monuments Nos. M.R. 15–A and M.R. 15–B, which are 2-inch galvanized iron pipes, to monument No. M.R. 15–C, which is a 2-inch galvanized iron pipe, the distances being 87.0 feet, 126.5 feet and 263.2 feet, successively, from beginning of course;

N. 00°00'30" E., 1159.1 feet, through monuments Nos. G.F. 51, G.F. 50, G.F. 49, which are 2-inch galvanized iron pipes, G.F. 48, which is a 1¼-inch galvanized iron pipe, G.F. 47 and G.F. 46, which are 2-inch galvanized iron pipes, to monument No. G.F. 45, which is a 2-inch galvanized iron pipe, the distances being 162.9 feet, 155.2 feet, 255.8 feet, 107.7 feet, 146.7 feet, 180.2 feet and 150.5 feet, successively, from beginning of course;

N. 00°01'00" E., 338.2 feet, through monument No. G.F. 44, which is a 2-inch galvanized iron pipe, to monument No. G.F. 43, which is a 2-inch galvanized iron pipe, the distances being 140.4 feet, and 197.9 feet, successively, from beginning of course;

N. 00°01'30" E., 87.1 feet, to monument No. G.F. 42, which is a 2-inch galvanized iron pipe;

N. 00°01'00" E., 812.5 feet, through monuments Nos. G.F. 41, which is a 2-inch galvanized iron pipe, G.F. 40, G.F. 39, which are 1½-inch galvanized iron pipes, to monument No. G.F. 38, which is a 2-inch galvanized iron pipe, the distances being 199.9 feet, 201.5 feet, 140.7 feet and 270.4 feet, successively, from beginning of course;

N. 00°01'30" E., 169.5 feet, to monument No. G.F. 37, which is a 2-inch galvanized iron pipe;

N. 00°01'00" E., 179.9 feet, to monument No. G.F. 36, which is a 2½-inch galvanized iron pipe;

N. 00°01'30" E., 609.6 feet, through monument No. G.F. 35, which is a 2-inch galvanized iron pipe, to monument No. N.F. 1, which is an 8-inch square concrete post, the distances being 207.7 feet and 401.9 feet, successively, from beginning of course;

N. 82°31'00" E., 2253.2 feet through monuments Nos. N.F. 2, N.F. 3, N.F. 4, N.F. 5 and N.F. 6, which are 1½-inch galvanized iron pipes, to monument No. N.F. 7, which is a ¾-inch reinforcing iron in concrete below road surface, the distances being 243.1 feet, 279.1 feet, 272.7 feet, 616.6 feet, 250.3 feet and 510.9 feet, successively, from beginning of course;

N. 31°12'30" W., 544.1 feet through monuments Nos. N.F. 8 and N.F. 9, which are 1½-inch galvanized iron pipes, to monument No. N.F. 10, which is an 8-inch square concrete post, the distances being 106.8 feet, 66.3 feet and 372.0 feet, successively, from beginning of course;

Due north, 1106.5 feet through monuments Nos. N.F. 11, N.F. 12 and N.F. 13, which are 1½-inch galvanized iron pipes, to monument No. 15, which is an 8-inch square concrete post located on the southerly boundary of the Fort Gulick Military Reservation, the distances being 163.1 feet, 627.9 feet, 40.8 feet and 277.7 feet, successively, from beginning of course;

S. 46°01'00" E., 1141.6 feet along the above mentioned boundary through monuments Nos. M.R. 14 and M.R. 13, which are 2½-inch galvanized iron pipes, to monument No. M.R. 12, which is a 2½-inch galvanized iron pipe, the distances being 356.9 feet, 268.9 feet and 389.8 feet, successively, from beginning of course;

S. 46°01'30" E., 205.1 feet, along the above mentioned boundary, to monument No. M.R. 11, which is a 2½-inch galvanized iron pipe;

S. 46°01'00" E., 463.0 feet, along the above mentioned boundary, to monument No. M.R. 10, which is a 2½-inch galvanized iron pipe;

S. 45°02'00" E., 400.0 feet, along the above mentioned boundary, to monument No. M.R. 9, which is a 2½-inch galvanized iron pipe;

S. 46°01'00" E., 456.1 feet, along the above mentioned boundary, to monument No. M.R. 8, which is a 2½-inch galvanized iron pipe;

S. 46°13'30" E., 315.5 feet, along the above mentioned boundary, to monument No. M.R. 7, which is a 1½-inch galvanized iron pipe;

S. 45°56'00" E., 118.2 feet, along the above mentioned boundary, to monument No. M.R. 6, which is an 8-inch square concrete post;

S. 73°56'30" E., 260.4 feet, along the above mentioned boundary, through monument No. 5, which is a 1½-inch galvanized iron pipe, to monument No. N.F. 14, the point of beginning, the distances being 146.3 feet and 114.1 feet, successively, from beginning of course.

The above described tract contains an area of 286.5 acres.

PARCEL No. 2

Beginning at monument "A," which is a ¾-inch iron rod, driven below the surface of the gravel access road, the geographic position of which monument, referred to the Canal Zone triangulation system, is in latitude 9°18' N., plus 4369.7 feet and longitude 79°58' W., 1267.5 feet. From monument "A" to monument N.F. 10 on Parcel No. 1 is N. 48°05'26" E., 278.1 feet.

Thence from said initial point by metes and bounds:

S. 24°04'30" E., 214.2 feet to monument "B," which is a ¾-inch iron rod;

S. 26°03'10" W., 32.6 feet to monument "C," which is a 2-inch galvanized iron pipe;

N. 68°57'50" W., 238.0 feet to monument "D," which is a 2-inch galvanized iron pipe;

N. 24°04'30" W., 187.1 feet to monument "E," which is a 2-inch galvanized iron pipe;

N. 26°03'10" E., 50.0 feet to monument "F," which is a ¾-inch iron rod;

S. 68°57'50" E., 217.2 feet to monument "A," which is a ¾-inch iron rod, the point of beginning.

The above described tract contains an area of 1.4 acres.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The boundaries were surveyed by the Section of Surveys, Office Engineering Division, The Panama Canal (now, Surveys Branch, Engineering and Construction Bureau, Panama Canal Company), in 1946 and 1947.

The entire reservation, consisting of Parcels 1 and 2, contains an area of 287.9 acres, or 0.45 square mile, and is as shown on Panama Canal Drawing No. 6115–1 on file in the Office of the Governor.

(b) The services and facilities which are within or which traverse the reservation and which heretofore have been used jointly by the Navy and the Panama Canal Company or the Canal Zone Government, as the case may be, including roads, water lines, power and communication lines, etc., shall continue to be available to the Panama Canal Company or the Canal Zone Government, under such conditions as may be agreed upon by the Commandant, Fifteenth Naval District, and the Governor.

(c) Sanitary sewage originating within developed sections of the reservation may not be permitted to discharge into the drainage basin of Gatun Lake.

§ 5.46 Naval Radio Station, Summit, Canal Zone.

The following-described area of land, situated in the Canal Zone and designated as the Naval Radio Station, Summit, Canal Zone, is reserved and set apart as, and assigned to the uses and purposes of, a Navy reservation, under the jurisdiction and control of the Secretary of the Navy, but subject to § 5.82:

Beginning at monument No. 1, which is a corner post of a woven wire fence located southeasterly from the main entrance to the Naval Radio Station, Summit, Canal Zone, the geographic position of which is 9°03' plus 4602.5 feet north and 79°39' plus 926.7 feet west from Greenwich.

Thence through monuments No. 2 to No. 43, inclusive, which are corner posts of the said woven wire fence, along the following successive courses and distances to monument No. 43, which is a corner post at the most northwesterly corner of the said woven wire fence;

Monument to monument		Bearing	Distance (feet)
1	2	S. 42°47'40" W.	359.9
2	3	S. 8°41'50" E.	348.3
3	4	S. 12°23'10" E.	154.6
4	5	S. 5°22'20" W.	155.9
5	6	S. 1°47'00" W.	138.6
6	7	S. 15°38'00" E.	134.3
7	8	S. 24°27'40" E.	153.7
8	9	S. 57°20'00" E.	510.8
9	10	N. 28°07'10" E.	183.7
10	11	S. 68°39'50" E.	169.1
11	12	S. 32°14'10" E.	36.6
12	13	S. 78°00'20" E.	478.9
13	14	S. 55°13'40" E.	205.2
14	15	S. 44°09'00" E.	697.1
15	16	S. 82°32'40" E.	194.7
16	17	N. 49°34'10" E.	34.2
17	18	S. 40°20'20" E.	248.5
18	19	S. 45°31'20" E.	145.0
19	20	S. 70°29'10" E.	209.4
20	21	S. 57°36'50" E.	641.8
21	22	S. 3°05'00" E.	254.4
22	23	S. 32°32'10" W.	964.1
23	24	S. 72°37'20" W.	534.0
24	25	N. 54°39'30" W.	1,331.0
25	26	N. 37°11'10" W.	68.7
26	27	N. 75°29'30" W.	62.8
27	28	N. 16°32'20" W.	1,109.9
28	29	N. 21°16'20" W.	417.6
29	30	S. 61°15'30" W.	13.4
30	31	N. 5°09'00" W.	136.4

Monument to monument		Bearing	Distance (feet)
31	32	N. 7°04'40" E.	80.2
32	33	N. 7°09'20" W.	99.8
33	34	N. 64°34'20" W.	105.4
34	35	N. 43°26'00" W.	1,106.8
35	36	N. 86°08'50" W.	340.2
36	37	N. 58°57'20" W.	526.6
37	38	N. 34°34'50" W.	214.6
38	39	N. 20°55'40" W.	218.2
39	40	N. 49°17'00" W.	261.4
40	41	N. 68°35'00" W.	229.3
41	42	N. 61°36'00" W.	273.8
42	43	N. 66°18'20" W.	430.3

N. 49°35'50" W., 304.3 feet to monument No. 44, which is a 2½-inch galvanized iron pipe;

N. 49°37'40" W., 1,746.1 feet to monument No. 45, which is a concrete post, 8 inches square, monument No. 44–1, which is a 2½-inch galvanized iron pipe, being in line 740.3 feet from the beginning of the course;

N. 45°58'30" W., 199.7 feet to monument No. 46, which is a 2½-inch galvanized iron pipe;

N. 45°59'20" W., 297.1 feet to monument No. 47, which is a concrete post, 8 inches square, monument No. 46–1, which is a 2½-inch galvanized iron pipe, being in line 148.5 feet from the beginning of the course;

N. 76°17'10" W., 574.0 feet to monument No. 48, which is a concrete post, 8 inches square;

N. 33°14'20" W., 607.1 feet, to monument No. 49, which is a concrete post, 8 inches square, monument No. 48–1, which is a 2½-inch galvanized iron pipe, being in line 155.3 feet from the beginning of the course;

N. 21°04'20" E., 606.7 feet to monument No. 50, which is a concrete post, 8 inches square;

N. 62°29'20" E., 579.2 feet to monument No. 51, which is a concrete post, 8 inches square;

S. 73°35'30" E., 683.6 feet to monument No. 52, which is a concrete post, 8 inches square, 2½-inch galvanized iron pipe monuments Nos. 51–1, 51–2, and 51–3 being in line the following successive distances from the beginning of the course: 184.1 feet, 147.7 feet, and 266.3 feet;

S. 8°44'15" E., 274.5 feet to monument No. 53, which is a concrete post, 8 inches square, monument No. 52–1, which is a 2½-inch galvanized iron pipe, being in line 202.3 feet from beginning of the course;

S. 47°42'45" E., 611.7 feet to monument No. 54, which is a concrete post, 8 inches square, located 37½ feet southwesterly from the centerline of La Pita Road, the geographic position of which is 9°04' plus 806.2 feet north and 79°39' plus 4,828.5 feet west from Greenwich, monument No. 53–1, which is a 2½-inch galvanized iron pipe, being in line 180.5 feet from the beginning of the course;

Southeasterly along a line parallel to and 37½ feet southwesterly from the centerline of La Pita Road to monument No. 55, which is a concrete post, 8 inches square, the direct bearing and distance from No. 54 to No. 55 being S. 60°50'50" E., 1,261.7 feet;

S. 58°54'20" E., 902.7 feet to monument No. 56, which is a concrete post, 8 inches square;

S. 58°55'20" E., 515.0 feet to monument No. 57, which is a corner post of a woven wire fence that encloses the southern portion of the Naval Radio Station, Summit, Canal Zone;

S. 58°54'00" E., 1,657.0 feet to monument No. 58, which is a corner post in a woven wire fence;

S. 69°09'30" E., 69.8 feet to monument No. 59, which is a corner post in a woven wire fence;

N. 81°59'30" E., 61.7 feet, to monument No. 60, which is a corner post in a woven wire fence;

S. 51°40'40" E., 52.1 feet to monument No. 1, which is the point of beginning.

The tract as described contains an area of 320.9 acres, more or less.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The boundary of the above tract was surveyed by the Section of Surveys, The Panama Canal (now, Surveys Branch, Engineering and Construction Bureau, Panama Canal Company), in November 1943, and is as shown on Panama Canal drawing No. 6112–7, revision No. 1 dated February 1, 1944, entitled "Boundary Map of Naval Radio Station, Summit, Canal Zone," on file in the Office of the Governor.

§ 5.47 United States Naval Reservation, Balboa, Canal Zone.

The following-described area of land, situated in the Canal Zone and designated as the United States Naval Reservation, Balboa, Canal Zone, is reserved and set apart as, and assigned to the uses and purposes of, a Navy reservation, under the jurisdiction and control of the Secretary of the Navy, but subject to § 5.82:

Beginning at monument "V," which is an iron rail set in concrete, located on the northwesterly side of a cyclone fence, on the northwesterly boundary of Fort Amador Military Reservation. The geodetic position of monument "V," referred to the Panama-Colon datum of the Canal Zone triangulation system, is in latitude 8°56' N. plus 3603.80 feet and longitude 79°33' W., plus 1556.90 feet from Greenwich.

Thence from said initial point by metes and bounds:

S. 37°39'10" W., 1314.31 feet, along the northwesterly boundary of the Fort Amador Military Reservation, through monument "Z," which is an iron rail set in concrete, located on the southeasterly side of a cyclone fence, to monument No. 2, which is a 1½-inch iron pipe set in concrete, located on the northwesterly side of a cyclone fence, at the northeasterly corner of Panama Canal Post No. 1, the American Legion, License No. 756–A, the distances being 765.02 feet and 549.29 feet, successively, from beginning of the course;

Northwesterly and southwesterly, following the boundary of the American Legion, License No. 756–A, through monuments No. 1 and "A," and southwesterly, following the boundary of the Balboa Yacht Club, License No. 756–B, through monuments Nos. 3–A and 3, to unmarked point called "C," as follows:

N. 52°49'00" W., 441.68 feet, to monument No. 1, which is a 1½-inch iron pipe set in concrete;

S. 39°55'30" W., 91.3 feet, more or less, through monument "A," which is a ⅝-inch iron rod set in concrete, monuments Nos. 3–A and 3, which are 1½-inch iron pipes set in concrete, to an unmarked point called "C," located at the extreme high-water mark on the shore of Balboa Harbor, the distances being 44.96 feet, 13.04 feet, 28.52 feet, and 4.8 feet, more or less, successively, from beginning of the course;

Northwesterly, 1450 feet, more or less, following the extreme high-water mark along the shore of Balboa Harbor, to an unmarked point called "D," located 29.00 feet northwesterly and at right angles from the centerline of Navy Pier No. 2, and S. 47°02'30" W., 6.0 feet, more or less, from monument "E;"

N. 47°02'30" E., 68.8 feet, more or less, through monument "E," which is a 2-inch iron pipe, to monument "F," which is a 2-inch iron pipe, located 2.0 feet southwesterly from the face of Balboa Tank Farm cyclone fence, the distances being 6.0 feet, more or less, and 62.79 feet, successively, from beginning of the course.

Southeasterly, northeasterly, and northwesterly, along the outside of the Balboa Tank Farm cyclone fence, through monuments "G" to "P," inclusive, as follows:

S. 53°21'45" E., 806.16 feet, through monument "G," which is a 2-inch iron pipe, to monument "H," which is a 2-inch iron pipe, the distances being 86.42 feet and 418.74 feet, successively, from beginning of the course;

N. 45°32'00" E., 380.50 feet, to monument "I," which is a 2-inch iron pipe;

N. 52°06'30" E., 91.58 feet, to monument "J," which is a 2-inch iron pipe;

N. 33°11'30" E., 107.28 feet, to monument "K," which is a 2-inch iron pipe;

N. 11°09'30" E., 387.33 feet, to monument "L," which is a brass plug in a concrete monument;

N. 46°45'30" E., 98.67 feet, to monument "M," which is a 2-inch iron pipe;

N. 21°25'30" W., 1083.69 feet, through monument "N," which is a bronze plug in a concrete monument, monument "O," which is a 2-inch iron pipe, to monument "P," which is a 1½-inch iron pipe, located on the northwesterly side of the Navy cyclone fence, the distances being 333.41 feet, 370.00 feet, and 380.28 feet, successively, from beginning of the course;

N. 68°34'30" E., 400.00 feet, along the northwesterly side of the Navy cyclone fence to monument "Q," which is a brass plug in a concrete monument, located 11.9 feet southwesterly and at right angles from the face of the southwesterly curb of Amador Road;

S. 21°25'30" E., 1120.33 feet, along the southwesterly side of Amador Road, to monument "R," which is a brass plug in a concrete monument, located 12.2 feet southwesterly and at right angles from the face of the southwesterly curb of Amador Road;

N. 68°34'00" E., 388.2 feet, more or less, through monument "S," which is an iron rail set in concrete, located on the northwesterly side of the Navy cyclone fence, to an unmarked point called "T," located at the extreme high-water mark on the shore of Panama Bay, the distances being 358.16 feet and 35.0 feet, more or less, from beginning of the course;

S. 34°58'40" E., 1080 feet, more or less, to an unmarked point called "U," located at the extreme high-water mark on the shore of Panama Bay and N. 27°39'10" E., 63.8 feet, more or less, from monument "V;"

S. 27°39'10" W., 63.8 feet, more or less, to monument "V," the point of beginning.

The directions of the lines refer to the true meridian.

The area of the above-described tract is 60.50 acres, more or less, and is as shown on Canal Zone Government drawing M–6117–60, entitled "Map Showing United States Naval Reservation, Balboa, Canal Zone," scale 1:2000, dated March 2, 1956, on file in the Office of the Governor.

The surveys of the boundary were made in February 1931, May 1946, July 1951, and February 1956, and are recorded in notebooks M–21, M–406, and M–478, and the geodetic positions of all points, referred to the Panama–Colon datum of the Canal Zone triangulation system, are on file in the office of the Surveys Branch, Engineering and Construction Bureau, Panama Canal Company.

Any discrepancies in bearings or distances between this and any previous descriptions of the area of the reservation are due to more accurate horizontal control rather than changes in positions of monuments.

§ 5.48 United States Naval Reservation, Rodman, Canal Zone.

(a) The following-described areas of land, situated in the Canal Zone and designated as the United States Naval Reservation, Rodman, Canal Zone, are reserved and set apart as, and assigned to the uses and purposes of, a Navy reservation, under the jurisdiction and control of the Secretary of the Navy, but subject to § 5.82:

PARCEL No. 1

NAVY TOWN OF COCOLI

Beginning at monument "A", which is an iron rod in concrete, located 15 feet and 8 inches easterly from the centerline of the 30-foot-wide concrete pavement of Bruja Road, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°58' N. plus 2,894.2 feet and longitude 79°35' W. plus 4,056.2 feet from Greenwich.

Thence from said initial point by metes and bounds:

Northerly, along a line parallel to and 15 feet and 8 inches easterly from the centerline of the 30-foot-wide concrete pavement of Bruja Road, to monument "B", which is a brass plug located at the back of the easterly curb, above the southerly side of a concrete box culvert which crosses Bruja Road. Monument "B" is in latitude 8°58' N. plus 5,623.1 feet and longitude 79°35' W. plus 4,705.0 feet.

S. 49°33'25" E., 4,205.5 feet, through monuments "B–1", "B–2" and "B–3", which are 2-inch iron pipes, set in concrete, to monument "C", which is a 4-inch iron pipe, located on the northern boundary of the West Bank Naval Reservation as established by Executive Order No. 5049, dated May 19, 1932, the distances being 1,241 feet, more or less, 1,784 feet, more or less, 325 feet, more or less, and 855 feet, more or less, successively, from beginning of the course;

Due west, 2,551.8 feet, along the northern boundary of the West Bank Naval Reservation, as referred to in the next preceding paragraph, through monuments "C–1", "C–2" and "C–3", which are 2-inch iron pipes, set in concrete, to monument "A", the point of beginning, the distances being 382.2 feet, 825 feet, more or less, 623 feet, more or less, and 722 feet, more or less, successively from beginning of the course;

The above described tract contains an area of 66 acres, more or less, and is as shown on Canal Zone Government drawing No. M–6117–46, entitled "Map showing Navy town of Cocoli (Parcel No. 1 of United States Naval Reservation, Rodman, C.Z.)", scale 1: 3000, dated June 27, 1955 on file in the Office of the Governor.

The survey of the above described boundary was made in June 1955 and is recorded in Field Books numbered M–484, M–506 and M–523, and the geodetic positions of monuments, referred to the Panama–Colon datum of the Canal Zone triangulation system, are on file in the office of the Surveys Branch, Engineering and Construction Bureau, Panama Canal Company.

PARCEL No. 2

MAIN RESERVATION

Beginning at monument "A", which is a 2-inch iron pipe set in concrete, located northwesterly from the intersection of Thatcher Highway and Bruja Road and 76.0 feet northeasterly and at right angles from the centerline of the 18-foot wide concrete pavement of Thatcher Highway, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°57' N. plus 1,879.0 feet and longitude 79°35' W. plus 3,399.5 feet from Greenwich.

Thence from said initial point by metes and bounds:

Westerly, along a line parallel to and 75.0 feet northerly from the centerline of the generally 18-foot wide concrete pavement of Thatcher Highway, to monument N.A.D.–1, which is a 1½-inch iron pipe, the geodetic position of which is in latitude 8°57' N. plus 2,645.5 feet and longitude 79°37' W. plus 2,894.2 feet;

S. 80°56'00" W., 691.1 feet, through monument No. 1–A, which is an iron rod in concrete, to monument N.A.D.–2, which is an iron rod in concrete, the distances being 301.9 feet and 389.2 feet, successively, from beginning of the course;

N. 82°02'10" W., 855.8 feet, through monument No. 2–A, which is an iron rod in concrete, to monument N.A.D.–3, which is an iron rod in concrete, the distances being 365.7 feet and 490.1 feet, successively, from beginning of the course;

N. 49°36'20" W., 351.2 feet, through monument No. 3–A, which is an iron rod in concrete, to monument No. 3–B, which is an iron rod in concrete, the distances being 126.3 feet and 225.0 feet, successively, from beginning of the course;

S. 45°00'00" W., 1,307.5 feet, to monument "B," which is a 2-inch iron pipe set in concrete, located 200.0 feet northerly and at right angles from the centerline of the 21-foot wide concrete pavement of Thatcher Highway, the geodetic position of which is in latitude 8°57' N. plus 1,958.1 feet, and longitude 79°37' W. plus 5,616.2 feet;

Southwesterly, along a line parallel to and 200.0 feet northwesterly from the generally 18-foot wide concrete pavement of Thatcher Highway, to monument "C," which is a 2-inch iron pipe set in concrete, located northeasterly from the intersection of Thatcher Highway and military E–6 Road and is 200.0 feet northerly and at right angles from the 21-foot wide pavement of Thatcher Highway and 50.0 feet easterly and at right angles from the centerline of the 21-foot wide macadam pavement of the above-mentioned E–6 Road, the geodetic position of which is in latitude 8°57' N. plus 921.8 feet and longitude 79°37' W. plus 920.8 feet;

Northerly and northeasterly, along a line parallel to and 50.0 feet easterly from the centerline of the macadam and gravel pavements of the military E–6 Road, and 50.0' southeasterly from the centerline of the gravel pavement of the military E–9 Road, to monument "D," which is a 2-inch iron pipe set in concrete, located on the southerly boundary of Army License No. 732, which is in latitude 8°59' N. plus 0.0 feet and longitude 79°37' W. plus 2,670.8 feet;

Due east, 285.8 feet, along the southerly boundary of Army License No. 732, to monument "E," which is a 2-inch iron pipe set in concrete, located 50.0 feet southwesterly and at right angles from the centerline of the gravel pavement of the military E–9 Road;

Southeasterly, along a line parallel to and 50.0 feet southwesterly from the centerline of the gravel pavement of the military E–9 Road, to an unmarked point called "F," located in the centerline of the South Branch of the Rio Cocoli, which is in latitude 8°58' N. plus 4,975 feet, more or less, and longitude 79°36' W. plus 5,775 feet, more or less.

Southwesterly, along the centerline of the South Branch of the Rio Cocoli, to an unmarked point called "G," which is in latitude 8°56' N. plus 3,189.7 feet, and longitude 79°37' W. plus 256 feet, more or less;

Due east, 376 feet, more or less, to monument NB–13, which is an iron rod in concrete, in latitude 8°56' N. plus 3,189.7 feet, and longitude 79°36' W. plus 5,897.6 feet;

Due east, 2,097.2 feet, through monuments NB–12, NB–11, NB–10, and NB–9, which are iron rods in concrete, to monument NB–8, which is an 8-inch square concrete post, the distances being 446.0 feet, 286.1 feet, 281.4 feet, 481.5 feet, and 544.2 feet, successively, from beginning of the course;

Due north, 780.1 feet, to monument NB–7, which is an 8-inch square concrete post;

Due east, 1,410.1 feet, through monuments NB–6, NB–5, NB–4, and NB–3, which are iron rods in concrete, to monument NB–2, which is an 8-inch square concrete post, the distances being 291.1 feet, 290.4 feet, 600.5 feet, 138.6 feet, and 89.5 feet, successively, from beginning of the course;

Due south, 1,035.6 feet, through monument NB–1, which is an iron rod in concrete, to monument A–9, which is an 8-inch square concrete post, the distance being 585.5 feet and 450.1 feet, successively, from beginning of the course;

Due east, 4,355.4 feet, through monuments A–10, A–11, A–12, A–13, A–14, A–15, A–16, A–17, and A–18, which are iron rods in concrete, to A–19, which is a 2-inch iron pipe set in concrete, located 75.0 feet westerly and at right angles from the centerline of the 30-foot wide concrete pavement of Bruja Road, the distances being 208.5 feet, 245.2 feet, 716.7 feet, 587.1 feet, 1,055.3 feet, 590.0 feet, 421.1 feet, 204.0 feet, 196.2 feet, and 61.2 feet, successively, from beginning of the course. The geodetic position of monument A–19 is in latitude 8°58' N. plus 2,894.2 feet and longitude 79°35' W. plus 4,147.5 feet;

Southerly, along a line parallel to and 75.0 feet westerly from the centerline of the 30-foot wide concrete pavement of Bruja Road, to monument "H," which is a 2-inch iron pipe set in concrete, located northwesterly from the intersection of Thatcher Highway and Bruja Road, the geodetic position of which is in latitude 8°57' N. plus 1,910.1 feet and longitude 79°35' W. plus 3,339.0 feet;

S. 66°14'00" W., 77.0 feet, to monument "A," the point of beginning.

The directions of the lines refer to the true meridian.

The above-described tract contains an area of 3,601 acres, more or less, and is as shown on Canal Zone Government drawing No. M–6117–5, entitled "Map Showing Boundary of United States Naval Reservation, Rodman, C.Z.," scale 1:10,000, dated February 23, 1954, on file in the Office of the Governor.

The surveys over the boundary were made in June 1941, February 1948, December 1953, and January and February 1954, and are recorded in Field Books numbered M–126, M–274, M–360, and M–484, and the geodetic positions of all points, referred to the Panama–Colon datum of the Canal Zone triangulation system, are on file in the office of the Surveys Branch, Engineering and Construction Bureau, Panama Canal Company.

(b) No additional permanent structures or facilities shall be constructed or installed within a distance of 100.0 feet northerly from the centerline of the concrete pavement of Thatcher Highway (in its present location) between monument "A" and monument NAD–1.

§ 5.49 West Bank Naval Reservation.

The following-described areas of land, situated in the Canal Zone, on the west bank of the Panama Canal, and designated as the West Bank Naval Reservation, are reserved and set apart as, and assigned to the uses and purposes of, a Navy reservation, under the jurisdiction and control of the Secretary of the Navy, but subject to § 5.82:

Beginning at an unmarked point called "C–4" on the drawing, located 75 feet easterly from the centerline of the 30-foot wide concrete pavement of Bruja Road, the geodetic position of which, referred to the Canal Zone Triangulation System, is in latitude 8°58' N. plus 2894.8 feet and longitude 79°35' W. plus 3986.9 feet from Greenwich.

Thence from said initial point by metes and bounds:

Due east, 3681 feet, more or less, along the northern boundary of the naval base established by Executive Order No. 5849, dated May 19, 1932, through monuments "C-3", "C-2", "C-1", which are 2-inch iron pipes set in concrete, and "C", which is a 4-inch iron pipe, to a point marked No. 4 on the drawing, marking the original northeasterly corner of the naval base, the distances being 663 feet, more or less, 623 feet, more or less, 825 feet, more or less, 382 feet, more or less, and 1188 feet, more or less, successively from beginning of the course. Point No. 4 is in latitude 8°58' N. plus 2804.2 feet and longitude 79°35' W. plus 316.4 feet.

S. 19°24'40" E., 5,280.00 feet, along a line parallel with and 1,000.00 feet westerly from the west prism line of the Panama Canal to a point marked No. 5, on the drawing, in latitude 8°57' N. plus 3961.4 feet and longitude 79°34' W. plus 4575.0 feet.

Due east, 1060.8 feet, to a point marked No. 6 on the drawing, in latitude 8°57' N. plus 3961.6 feet and longitude 79°34' plus 3514.7 feet.

S. 19°24'40" E., 4155.6 feet, to a point marked No. 7 on the drawing, in latitude 8°-57' N. plus 42.1 feet and longitude 79°34' W. plus 2133.6 feet.

S. 38°15'30" E., 1752.1 feet, to a point marked No. 8 on the drawing, in latitude 8°56' N. plus 4713.7 feet and longitude 79°34' W. plus 1068.7 feet.

N. 89°30' W., 4665.5 feet, through a concrete monument marked No. 9 on the drawing, to an 8-inch square concrete monument marked No. 1 on the drawing, the distances being 3760.7 feet and 904.8 feet, successively, from beginning of the course. No. 1 is located 75 feet northerly from the centerline of Thatcher Highway and is in latitude 8°56' N. plus 4754.4 feet and longitude 79°34' W. plus 5713.9 feet.

Westerly and northwesterly along a line parallel to and 75.0 feet northerly at right angles from the centerline of the concrete pavement of Thatcher Highway to its intersection with Bruja Road.

Northwesterly, along a line parallel to and 75.0 feet easterly at right angles from the centerline of the 30-foot-wide concrete pavement of Bruja Road, to an unmarked point called "C-4" on the drawing, the point of beginning.

The directions of the lines refer to the true meridian.

The above described tract contains an area of 1174.4 acres, more or less, and is as shown on Canal Zone Government Drawing M-6121-36, entitled "Map Showing Boundary of West Bank Naval Reservation, Canal Zone" scale 1:10,000, dated October 22, 1964, on file in the Office of the Governor.

Air Force

§ 5.61 Albrook Air Force Base.

The following-described areas of land, situated in the Canal Zone and designated as the Albrook Air Force Base, are reserved and set apart as, and assigned to the uses and purposes of, an Air Force reservation, under the jurisdiction and control of the Secretary of the Air Force, but subject to § 5.82:

Parcel No. 1

Beginning at monument No. 41, which is a 2-inch iron pipe, located at the southwest corner of the Gasolina Storage Area, and on the prolongation of the cyclone fence which borders the C-12 Road, the geodetic position of which is in latitude 9°00' N. plus 1765.0 feet and longitude 79°33' W. plus 8217.6 feet. Monument No. 41 is on the easterly boundary of Fort Clayton Army Reservation, and on the northerly boundary of the Curundu Army Reservation.

Thence from said initial point by metes and bounds:

Southeasterly, along the face of the above mentioned cyclone fence, on the northeasterly side of the C-12 Road, to monument No. 42, which is a 1½-inch iron pipe, located on the prolongation of the fence line at the southeast corner of the Gasoline Storage Area, the geodetic position of which is in latitude 9°00' N. plus 1476.4 feet and longitude 79°33' W. plus 4759.8 feet;

N. 69°07'00" E., 20.4 feet, to monument No. 43, which is a 1½-inch iron pipe, located 50 feet northeasterly of the centerline of the C-12 Road and 18 inches from the above mentioned cyclone fence;

Southeasterly, parallel to, and 50 feet from, the centerline of the C-12 Road, to monument No. 44, which is a 2-inch iron pipe, the geodetic position of which is in latitude 8°59' N. plus 5579.6 feet and longitude 79°33' W. plus 4236.2 feet;

S. 68°32'30" E., 115.5 feet, to monument No. 45, which is a 2-inch iron pipe;

N. 70°16'30" E., 389.5 feet, to monument No. 46, which is a 1½-inch iron pipe;

S. 37°28'00" E., 198.1 feet, to monument No. 47, which is a 2-inch iron pipe;

S. 64°36'20" E., 1184.6 feet, through monuments Nos. 48 and 49, which are 2-inch iron pipes, to monument No. 50, which is a 2-inch iron pipe, the distances being 67.8 feet, 865.8 feet and 551.0 feet, successively, from beginning of the course;

S. 49°51'50" E., 103.0 feet, to monument No. 51, which is a 1½-inch iron pipe;

S. 49°28'30" E., 835.5 feet, through monument No. 52, which is a 1½-inch iron pipe, to monument No. 53, which is a 1½-inch iron pipe, located 40 feet westerly from the centerline of the C-15 Road, the distances being 515.3 feet and 320.2 feet, successively, from beginning of the course;

S. 15°30'20" W., 1004.3 feet, along the westerly side of the C-15 Road, through monument No. 54 which is a 1½-inch iron pipe, to monument No. 55, which is a 2-inch iron pipe, located northeasterly and 50 feet from the centerline of the C-12 Road, the distances being 275.9 feet and 728.4 feet, successively, from beginning of the course;

S. 47°54'50" E., 153.9 feet, crossing the C-15 Road, to monument No. 56, which is a 2-inch iron pipe, located northeasterly, and 50 feet from the centerline of the C-12 Road;

N. 80°01'40" E., 558.9 feet, to monument No. 57, which is a 2-inch iron pipe;

N. 10°51'50" E., 645.2 feet, to monument No. 58, which is a 2-inch iron pipe;

N. 57°35'10" E., 378.5 feet, to monument No. 59, which is a 2-inch iron pipe;

N. 25°38'50" E., 681.5 feet, to monument No. 60, which is a brass plug in a concrete monument, being further identified as triangulation station "Cedro;"

N. 87°37'40" E., 1856.0 feet, through monuments Nos. 61, 62, 63, 64, and 65, which are 2-inch iron pipes, to monument No. 66, which is a 2-inch iron pipe, the distances being 92.0 feet, 90.5 feet, 264.1 feet, 615.7 feet, 107.8 feet and 865.9 feet, successively, from beginning of the course;

Due east, 1564.5 feet, through monuments Nos. 67, 68, 69, 70, and 71, which are 2-inch iron pipes, to an unmarked point called No. 73, which is on the Canal Zone-Republic of Panama boundary in the center of the Rio Curundu, the geodetic position of which is in latitude 8°59' N. plus 4948.6 feet and longitude 79°32' W. plus 3218.4 feet, the distances being 55.4 feet, 354.1 feet, 387.9 feet, 370.7 feet, 364.4 feet and 32.0 feet, successively from beginning of the course;

The above described boundary line from monument No. 41 to unmarked point No. 73, is common with the northerly boundary of Curundu Army Reservation.

Northerly, along the centerline of the Rio Curundu, which is the Canal Zone-Republic of Panama boundary line, to monument "E," which is a brass plug set in a 10-inch square concrete post, the geodetic position of which is in latitude 9°01' N. plus 1046.6 feet and longitude 79°32' W. plus 2469.6 feet. Monument "E" is also on the southern boundary of Fort Clayton Army Reservation;

S. 89°50'20" W., 616.1 feet, through monuments Nos. 1, which is a 2-inch iron pipe, and 2, which is a 1½-inch iron pipe, to monument No. 3, which is a 2-inch iron pipe, the distances being 134.4 feet, 64.0 feet, and 427.7 feet, successively from beginning of the course;

Due west, 3000.1 feet, through monuments Nos. 4 to 23, inclusive, which are 2-inch iron pipes, to monument No. 24, which is a 3-inch iron pipe, the geodetic position of which is in latitude 9°01' N. plus 1046.5 feet and longitude 79°33' W. plus 5073.6 feet, the distances being 474.4 feet, 220.3 feet, 302.0 feet, 360.9 feet, 171.9 feet, 299.9 feet, 101.5 feet, 285.0 feet, 327.5 feet, 449.3 feet, 519.1 feet, 290.7 feet, 461.7 feet, 570.9 feet, 142.7 feet, 744.4 feet, 284.9 feet, 571.9 feet, 196.0 feet, 591.3 feet and 134.5 feet, successively, from beginning of the course;

Due south, 4419.5 feet, through monuments Nos. 25 to 38, inclusive, which are 2-inch iron pipe, to monument No. 39, which is a 2-inch iron pipe, located at the northwest corner of the Gasoline Storage Area, the distances being 126.2 feet, 376.8 feet, 355.6 feet, 383.5 feet, 106.9 feet, 382.3 feet, 290.6 feet, 199.1 feet, 281.4 feet, 315.0 feet, 236.4 feet, 198.5 feet, 190.5 feet, 867.5 feet and 527.2 feet, successively, from the beginning of the course;

S. 09°00' W., 921.0 feet, through monument No. 40, which is a 2-inch iron pipe, to monument No. 41, the point of beginning, the distances being 320.0 feet and 601.0 feet, successively, from beginning of the course. The above described boundary line from monument "E" to monument No. 41 inclusive, is common with a part of the southerly and easterly boundary of Fort Clayton Army Reservation.

Parcel No. 2

Beginning at monument No. 2, which is a 1½-inch iron pipe located on the northeasterly side of Gaillard Highway, opposite Diablo crossing, the geodetic position of which is in latitude 8°58' N. plus 3,010.7 feet and longitude 79°34' W. plus 663.5 feet.

Thence from said initial point by metes and bounds;

S. 64°22'50" E., 483.6 feet, through monument No. 3, which is a 1¼-inch iron pipe, to monument No. 4, which is a 1¼-inch iron pipe, the distances being 177.2 feet and 306.4 feet, successively, from beginning of the course;

N. 44°38' E., 102.3 feet, to monument No. 5, which is a 1½-inch iron pipe;

No. 09°44'20" W., 1,583.2 feet, through monuments Nos. 6, 7, 8, and 9, which are 1½-inch iron pipes, to monument No. 10, which is a 1½-inch iron pipe, located inside the cyclone fence surrounding the water tanks northerly from Diablo crossing, the distances being 523.9 feet, 442.9 feet, 410.2 feet, 397.7 feet, and 308.5 feet, successively, from beginning of the course;

N. 49°31'30" E., 117.1 feet, to monument No. 11, which is a 1½-inch iron pipe, located on the outside of the above mentioned cyclone fence;

N. 31°47'41" W., 307.1 feet, along the above mentioned cyclone fence and its prolongation to monument No. 12 which is a 2-inch iron pipe;

N. 22°19'50" W., 257.5 feet, through monument No. 13, which is a 2-inch iron pipe, to monument No. 14, which is a 2-inch iron pipe, the distances being 33.0 feet and 224.5 feet, successively, from beginning of the course;

N. 31°28' W., 296.9 feet, to monument No. 15, which is a 2-inch iron pipe;

N. 10°10'00" W., 261.1 feet, to monument No. 16, which is a 2-inch iron pipe;

N. 26°10'20" W., 455.5 feet, to monument No. 17, which is a 2-inch iron pipe, located on the prolongation of a cyclone fence;

N. 73°51'30" E., 219.8 feet, along the prolongation of, and along the face of the above mentioned cyclone fence, through monument No. 17-A, which is a 3-inch iron pipe, located on the southerly boundary of Corozal Army Reservation (Parcel No. 1) to monument No. 18, which is a brass plug in a concrete road pavement near the Army Finance Office, the distances being 168.0 and 51.8 feet, successively, from beginning of the course;

N. 58°02'30" E., 244.7 feet, along the above mentioned cyclone fence and its prolongation to monument No. 19, which is a 2-inch iron pipe;

N. 01°26'30" W., 1,563.8 feet, through monuments Nos. 20, 21, and 22, which are 2-inch iron pipes, to monument No. 23, which is an 8-inch square concrete post, further described as old Curundu Military Reservation boundary monument No. 33, located on top of Corozal Hill, the distances being 384.3 feet, 583.5 feet, 360.2 feet and 235.8 feet, successively, from beginning of the course;

The above described boundary line from monument No. 17-A to monument No. 23 inclusive, is common with the easterly boundary of Corozal Army Reservation (Parcel No. 1);

N. 60°03'20" E., 1,485.1 feet, through monuments Nos. 24, 25, 26, and 27, which are 2-inch iron pipes, to monument No. 28, which is a 2-inch iron pipe, the distances being 497.2 feet, 202.0 feet, 229.1 feet, 235.5 feet and 331.3 feet, successively from beginning of the course;

N. 33°39'20" E., 1,623.6 feet, through monuments Nos. 29, 30, and 31, which are 2-inch iron pipes, to monument No. 32, which is a 2-inch iron pipe, the distances being 265.5 feet, 249.1 feet, 299.9 feet, and 809.1 feet, successively, from beginning of the course;

N. 33°38'50" E., 708.1 feet, through monument No. 32-A, which is a 3-inch iron pipe set in concrete, located on the westerly boundary of Curundu Army Reservation, to monument No. 33, which is a 3-inch iron pipe, located at right angles to, and 50 feet southwesterly from the centerline of the C-12 Road, the distances being 656.4 feet and 51.7 feet, successively from beginning of the course;

Southeasterly along a line parallel to, and 50 feet southwesterly from the centerline of the C-12 Road, through monument No. 33-A, which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°59' N. plus 4,917.7 feet and longitude 79°33' W. plus 3,512.1 feet, and monument No. 33-D, which is a 3-inch iron pipe set in concrete the geodetic position of which is in latitude 8°59' N. plus 4,107.8 feet and longitude 79°33' W. plus 3,038.1 feet to monument No. 34, which is a 2½-inch iron pipe located southeasterly from Albrook Air Force Base Gate No. 13, the geodetic position of which is in latitude 8°59' N. plus 3,350.6 feet and longitude 79°33' W. plus 2,189.4 feet;

S. 70°02'30" W., 70.1 feet, to monument No. 35, which is a 2½-inch iron pipe, located near the northeast corner of the Deer Park;

S. 15°28'20" E., 127.4 feet, along the eastern fence line of the Deer Park to monument No. 36, which is a 1½-inch iron pipe, located at the southeast corner of the Deer Park;

S. 45°43'50" W., 149.8 feet, along the southerly fence line of the Deer Park, to monument No. 37, which is a 1½-inch iron pipe, located at the southwesterly corner of the Deer Park;

S. 39°15'30" E., 171.9 feet, to monument No. 38, which is a 1½-inch iron pipe;

S. 39°15'10" E., 111.9 feet, to monument No. 39, which is a 1½-inch iron pipe;

S. 39°15'30" E., 50.7 feet, to monument No. 40, which is a 1½-inch iron pipe;

S. 15°26'50" W., 789.4 feet, through monuments Nos. 41, 42 and 43, which are 1½-inch iron pipes, to monument No. 44, which is a 1½-inch iron pipe, the distances being 215.5 feet, 117.0 feet, 193.2 feet and 214.7 feet, successively from beginning of the course;

S. 15°28'40" W., 972.1 feet, through monument No. 45, which is a 1½-inch iron pipe; to monument No. 46, which is a 1½-inch iron pipe, the distances being 669.0 feet and 303.1 feet, successively, from beginning of the course;

S. 28°47'50" E., 1,149.0 feet, through monument No. 47, which is a 1½-inch iron pipe, to monument No. 48, which is a 1½-inch iron pipe, the distances being 692.4 feet and 456.6 feet, successively from beginning of the course;

S. 24°35'36" E., 104.2 feet, to monument No. 49, which is a 1½-inch iron pipe;

S. 14°00'20" E., 350.3 feet, along the westerly side of an improved drain, through monument No. 50, which is a 1½-inch iron pipe, to monument No. 51, which is a 1½-inch iron pipe, the distances being 238.2 feet and 112.1 feet, successively, from beginning of the course;

S. 02°25'30" E., 303.4 feet, along the westerly side of the above mentioned improved drain, to monument No. 52, which is a 1½-inch iron pipe;

S. 21°38'00" E., 171.5 feet, along the westerly side of the above mentioned improved drain, to monument No. 53, which is a 1½-inch iron pipe;

S. 34°12'30" E., 236.6 feet, along the westerly side of the above mentioned improved drain to monument No. 54, which is a brass plug in a concrete road pavement;

S. 17°11'50" W., 451.2 feet, along the westerly side of the above mentioned improved drain, to monument No. 55, which is a 1½-inch iron pipe;

S. 66°17'30" W., 77.1 feet, along the northerly side of an improved drain, to monument No. 56, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

S. 73°27'50" E., 148.1 feet, along the northerly side of an improved drain, to monument No. 57, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

N. 48°48'20" E., 67.3 feet, along the southeasterly side of an improved drain, to monument No. 58, which is a 1½-inch iron pipe;

N. 64°44'40" E., 444.5 feet, along the above mentioned improved drain, to monument No. 59, which is a 1½-inch iron pipe;

N. 80°37'20" E., 637.5 feet, along the above mentioned improved drain and its prolongation, to monument No. 60, which is a 2-inch iron pipe, located on the southerly side of an improved drain at its head;

N. 48°30'00" E., 362.4 feet, along the above mentioned improved drain, to monument No. 61, which is a 2-inch iron pipe;

N. 72°13'40" E., 145.4 feet, along the above mentioned improved drain, to monument No. 62, which is a 2-inch iron pipe, located at the intersection of two improved drains;

S. 06°52'30" W., 541.2 feet, along the easterly side of an improved drain, to monument No. 63, which is a 1½-inch iron pipe;

S. 09°16'20" W., 241.6 feet, along the easterly side of the above mentioned improved drain, to monument No. 64, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

N. 61°37'40" E., 263.2 feet, along the northwesterly side of an improved drain, to monument No. 65, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

S. 66°53'50" E., 859.8 feet, along the northerly side of an improved drain, to monument No. 66, which is a 1½-inch iron pipe;

S. 11°09'00" W., 247.5 feet, along the easterly side of the above mentioned improved drain to monument No. 67, which is a 1½-inch iron pipe;

S. 64°55'30" E., 47.7 feet, to monument No. 68, which is a brass plug set in the westerly edge of the concrete pavement of Curundu Road;

S. 20°49'00" W., 676.2 feet, to monument No. 69, which is a 2-inch iron pipe, located at the corner of a cyclone fence on the westerly side of Curundu Road;

Along the above mentioned cyclone fence, with the following courses, to monument No. 75–1;

S. 20°46'10" W., 567.0 feet, to monument No. 70, which is a 2-inch iron pipe;

S. 15°51'10" W., 1,219.8 feet, to monument No. 71, which is a 1½-inch iron pipe;

S. 19°23'30" W., 116.0 feet, to monument No. 72, which is a 2-inch iron pipe;

S. 26°26'20" W., 86.8 feet, to monument No. 73, which is a 1¼-inch iron pipe, located at the corner of the above mentioned cyclone fence;

N. 52°01'20" W., 192.3 feet, to monument No. 74, which is a brass plug in a concrete road pavement;

N. 40°48'50" W., 445.2 feet, to monument No. 75, which is a 1½-inch iron pipe, located at the corner of the above mentioned cyclone fence;

N. 50°56'10" W., 561.9 feet, along the southwesterly side of the above mentioned cyclone fence, to monument No. 75–1, which is a 1½-inch iron pipe set in concrete, located 1.5 feet southwesterly from the above mentioned cyclone fence;

S. 20°28'30" W., 670.2 feet, along a line parallel to and 250.0 feet southeasterly from the northwesterly edge of a concrete taxiway, to monument No. 75–2, which is a 1½-inch iron pipe set in concrete;

S. 39°46'25" W., 1,192.2 feet, along a line parallel to and 250.0 feet southeasterly from the above mentioned taxiway, to monument No. 75–3, which is a 1½-inch iron pipe set in concrete;

The above described boundary line, from monument No. 75–3 inclusive, is common with the northerly and westerly boundary of Canal Zone Government Land License No. 1509, Federal Aviation Agency.

S. 39°47'24" W., 310.7 feet, along a line parallel to and 250.0 feet southeasterly from the above mentioned taxiway, to monument No. 75–4, which is an iron rod set in concrete.

N. 24°11'06" W., 49.2 feet, to monument No. 75–5, which is an iron rod set in concrete, located 5.0 feet northerly from the northerly edge of a hangar apron;

N. 58°18'51" W., 58.6 feet, to monument No. 75–6, which is an iron rod set in concrete, located 5.0 feet northerly from the above mentioned hangar apron;

S. 38°19'54" W., 157.2 feet, to monument No. 75–7, which is a monel metal plug, located in a concrete sidewalk, and is 15.0 feet northwesterly from the northwesterly edge of a hangar;

S. 32°22'09" W., 199.9 feet, along a line parallel to and 15.0 feet northwesterly from the above mentioned hangar, to monument No. 75–8, which is an iron rod set in concrete;

S. 24°57'39" W., 146.2 feet, to monument No. 75–9, which is an iron rod set in concrete, located at the southwesterly edge of the concrete apron of the above mentioned hangar;

S. 58°14'06" E., 227.6 feet, along the southwesterly edge of the above mentioned concrete hangar apron to monument "U", which is a 2-inch pipe set in concrete;

S. 26°23'00" W., 67.6 feet, along the above mentioned cyclone fence, to monument "I" which is a 2-inch iron pipe set in concrete;

S. 39°04'50" W., 836.2 feet, along the above mentioned cyclone fence, to monument "S", which is a 3-inch iron pipe set in concrete;

S. 05°12'40" E., 20.4 feet, along the above mentioned cyclone fence, to monument "R", which is a 3-inch iron pipe set in concrete;

S. 40°17'50" W., 378.4 feet, through the above mentioned cyclone fence, to monument "Q", which is a 3-inch iron pipe set in concrete, located inside the above mentioned cyclone fence, and 30 feet northwesterly from the northwesterly edge of the Gaillard Highway pavement;

Southwesterly, along a line parallel to, and 30 feet from the northwesterly edge of Gaillard Highway pavement, passing through to the outside of the above mentioned cyclone fence, to monument "P", which is a 3-inch iron pipe set in concrete, located 1.5 feet from outside of the above mentioned cyclone fence, the geodetic position of which is in latitude 8°57' N. plus 4,796.5 feet and longitude 79°33' W. plus 3,406.7 feet;

Westerly, parallel to, and 1.5 feet from the face of the above mentioned cyclone fence, to monument "M", which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°57' N. plus 4,887.1 feet and longitude 79°33' W. plus 4,163.0 feet;

N. 45°40'40" W., 265.2 feet, along the above mentioned cyclone fence, to monument "L", which is a 3-inch iron pipe set in concrete;

N. 34°35'40" W., 305.1 feet, along the above mentioned cyclone fence, to monument "K", which is a 3-inch pipe set in concrete;

N. 26°57'30" W., 300.2 feet, along the above mentioned cyclone fence, to monument "J", which is a 3-inch iron pipe set in concrete;

N. 20°14'30" W., 791.0 feet, along the above mentioned cyclone fence, to monument "I", which is a 3-inch iron pipe set in concrete;

N. 32°45'40" W., 507.7 feet, to monument "H", which is a 3-inch iron pipe set in concrete, located beside the above mentioned cyclone fence, northwesterly from Albrook Air Force Gate No. 2;

N. 32°46'20" W., 995.4 feet, along the above mentioned cyclone fence, through monument "G", which is a 3-inch iron pipe set in concrete, to monument "F", which is a 3-inch iron pipe set in concrete, the distances being 254.6 feet and 740.8 feet, successively, from beginning of the course;

N. 87°49'10" W., 29.2 feet, along the above mentioned cyclone fence, to monument D-2, which is a round iron corner post of the above mentioned cyclone fence;

N. 32°43'50" W., 647.3 feet, along the face of the above mentioned cyclone fence, to monument D-1, which is the first iron "I" post in the above mentioned cyclone fence, located southeasterly from Gate No. 1, of Albrook Air Force Base;

N. 41°33'40" W., 158.8 feet, to monument "D", which is a 3-inch iron pipe set in concrete, located on the northeasterly side of Gaillard Highway and is old Curundu Military Reservation boundary monument No. 51;

N. 32°49'50" W., 514.0 feet, to monument "C", which is a brass plug in the edge of the Gaillard Highway third lane widening strip, southeasterly from the Diablo crossing;

N. 25°35'50" W., 39.0 feet along the edge of the pavement widening strip, to monument "B", which is an iron rod set in concrete, located at an angle in the above mentioned widening strip;

N. 32°49'50" W., 362.7 feet, along the edge of the pavement widening strip and its prolongation, to monument "A", which is a brass plug set in the pavement on the east side of Diablo crossing;

N. 57°53'30" E., 46.4 feet to monument No. 2, the point of beginning.

PARCEL No. 3

Beginning at monument "W", which is a 2-inch iron pipe set in concrete, located 25 feet from the centerline of the C-12 Road and 25 feet from the centerline of the Engine Test Valley Road, the geodetic position of which is in latitude 8°59' N. plus 427.1 feet and longitude 79°32' W. plus 5975.0 feet;

Thence from said initial point by metes and bounds:

In a northerly direction, approximately 1280 feet, along a line parallel to, and 25 feet westerly from the centerline of the Engine Test Valley Road, to monument "X", which is a 2-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°59' N., plus 1620.1 feet and longitude 79°32' W. plus 5556.5 feet;

N. 33°19'00" W., 1461.3 feet, to an unmarked point called X-1;

S. 56°41'00" W., 641.9 feet, to monument "Y", which is a 2-inch iron pipe set in concrete, located 25 feet northeasterly from the centerline of the C-12 Road;

In a southeasterly direction, approximately 2275 feet, along a line, parallel to, and 25 feet northeasterly from the centerline of the C-12 Road, to monument "W", the point of beginning.

PARCEL No. 4

Beginning at monument No. 1, which is a 2-inch iron pipe set in concrete, located on the right bank of, and 77.1 feet westerly from the centerline of the Rio Curundu, the geodetic position of which is in latitude 8°58' N. plus 4120.5 feet and longitude 79°32' W. plus 3126.7 feet, further described as being 32 feet northeasterly from the centerline of the Road to Bella Vista near Albrook Air Force Gate No. 12. Monument No. 1 is on the easterly boundary of Curundu Army Reservation.

Thence from said initial point by metes and bounds:

Westerly, along a line parallel to, and 32 feet northerly from the centerline of the Road to Bella Vista, to monument "A", which is a brass plug set in a concrete monument, located 25 feet easterly from the centerline of Curundu Road, the geodetic position of which is in latitude 8°58' N. plus 4714.3 feet and longitude 79°32' W. plus 4797.8 feet;

Northerly, along a line parallel to, and 25 feet easterly from the centerline of Curundu Road, to monument "B", which is a 2-inch iron pipe set in concrete, located 10 feet westerly from the centerline of a railroad, the geodetic position of which is in latitude 8°58' N. plus 5263.5 feet and longitude 79°32' W. plus 4845.0 feet;

Northerly, along a line parallel to, and 10 feet westerly from the centerline of the above mentioned railroad, to monument "C", which is a 2-inch iron pipe set in concrete, located 25 feet westerly from the centerline of Warehouse Road, the geodetic position of which is in latitude 8°58' N. plus 5920.2 feet and longitude 79°32' W. plus 4577.6 feet;

N. 00°08'40" W., 322.6 feet, to monument "D", which is a 2-inch iron pipe set in concrete, located 25 feet westerly from the centerline of Warehouse Road;

N. 65°59'30" E., 1390.5 feet, along a line, 99 feet northerly of the Air Force Warehouse Building line, through monuments "E", "F", and "G", which are 2-inch iron pipes set in concrete, to monument "H", which is a 2-inch iron pipe set in concrete, the distances being 223.6 feet, 387.6 feet, 423.1 feet, and 356.2 feet, successively, from beginning of the course;

N. 65°59'00" E., 141.0 feet, to monument "I", which is a 2-inch iron pipe set in concrete;

N. 65°59'30" E., 199.2 feet, to monument "J", which is a 2-inch iron pipe set in concrete;

N. 65°59'40" E., 140.7 feet, through monument "K", which is a 2-inch iron pipe set in concrete, located on the right bank of the Rio Curundu, to an unmarked and unnumbered point, located on the Canal Zone-Republic of Panama boundary, in the center of the Rio Curundu, the geodetic position of which is in latitude 8°59' N. plus 956.7 feet and longitude 79°32' W. plus 2869.1 feet, the distances being 116.2 feet and 24.5 feet, successively, from beginning of the course;

Southerly, along the centerline of the Rio Curundu, on the Canal Zone-Republic of Panama boundary, to an unmarked and unnumbered point, located 32 feet northeasterly from the centerline of the Road to Bella Vista, near Albrook Air Force Gate No. 12, the geodetic position of which is in latitude 8°58' N. plus 4057.3 feet and longitude 79°32' W. plus 3082.6 feet;

N. 34°52'20" W., 77.1 feet, parallel to, and 32 feet from the centerline of the Road to Bella Vista, to monument No. 1, the point of beginning.

The above described boundary line from monument No. 1 through monument "K" to unnumbered point in the centerline of the Rio Curundu, and from unnumbered point in the centerline of the Rio Curundu near Gate No. 12 to monument No. 1, is common with a part of the easterly boundary of Curundu Army Reservation.

PARCEL No. 5

Beginning at monument "A", which is a 2-inch iron pipe set in concrete, located on the westerly side of the Engine Test Valley Road, the geodetic position of which is in latitude 8°59' N. plus 3486.8 feet and longitude 79°32' W. plus 4924.0 feet.

Thence from said initial point by metes and bounds:

S. 76°29'20" E., 275.0 feet, to monument "B", which is a 2-inch iron pipe set in concrete;

N. 13°30'30" E., 740.0 feet, to monument "C", which is a 2-inch iron pipe set in concrete;

N. 76°29'40" W., 275.0 feet, to monument "D", which is a 2-inch iron pipe set in concrete;

S. 13°30'20" W., 739.9 feet, to monument "A", the point of beginning.

The directions of the lines refer to the true meridian.

The total area of Albrook Air Force Base is 2,675.1 acres, more or less; Parcel No. 1 is 1,403.9 acres, more or less; Parcel No. 2 is 1,136.1 acres, more or less; Parcel No. 3 is 31.8 acres, more or less; Parcel No. 4 is 98.6 acres, more or less, and Parcel No. 5 is 4.7 acres, more or less; and is as shown on Canal Zone Government Drawing No. 6116-34 (Revision No. 4, dated March 22, 1961) entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone," scale 1: 10,000 dated May 29, 1952, on file in the Office of the Governor.

§ 5.62 Howard Air Force Base.

(a) A portion of the land area described in paragraph (a) of § 5.29 shall be reserved and set apart as, and assigned to the uses and purposes of, an Air Force reservation, the allocation of land in such area, as between such reservation and Fort Kobbe Army Reservation, to be accomplished by agreement between the Department of the Army and the Department of the Air Force. Such Air Force reservation shall be known as "Howard Air Force Base" and shall be under the control and jurisdiction of the Secretary of the Air Force, but subject to § 5.82.

(b) The provisions of paragraphs (b), (c), and (d) of § 5.29, if relevant, are applicable to the reservation established pursuant to paragraph (a) of this section.

OTHER RESERVATIONS

§ 5.71 Quarry Heights Military Reservation.

(a) The following-described areas of land, situated in the Canal Zone and designated as the Quarry Heights Military Reservation, are reserved and set apart as, and assigned to the uses and purposes of, a joint-command military reservation, under the jurisdiction and control of the Secretary of the Army, but subject to § 5.82:

Beginning at a brass plug, marked No. 1 on Panama Canal Company Drawing No. 6121-23 R1, located in the concrete road pavement at the intersection of Balboa Road and Edwards Place. The geodetic position of monument No. 1, referred to the Panama-Colon datum of the Canal Zone triangulation system, is in latitude 8°57' N. plus 1171.7 feet and longitude 79°33' W. plus 1502.1 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 74°06' W., 463.2 feet, along the southerly edge of Edwards Place, to a monument marked No. 2 on the drawing, which is an 8-inch square concrete monument, located 10 feet, more or less, in a northwesterly direction from the westerly turn-around circle marking the termination of Edwards Place.

S. 45°12'59" W., 100.23 feet, to a point called R-1 on the drawing, which is a galvanized iron pipe set in concrete, located 12 inches, more or less, from the easterly edge of a concrete drive.

S. 12°07'27" W., 59.84 feet, to a point called R-2 on the drawing, which is a brass plug in a gutter, marking the back of the curb of the northerly edge of Morgan Avenue.

Northwesterly, northeasterly and northwesterly, 1805 feet, more or less, along the back of curb on the easterly and northerly edge of Morgan Avenue to a brass plug called R-3 on the drawing, located at the back of the above mentioned curb. The geodetic position of this brass plug is in latitude 8°57' N. plus 2522.8 feet and longitude 79°33' W. plus 2497.7 feet.

N. 45°28'44" W., 175.6 feet, to an iron rod set in concrete, called R-4 on the drawing.

N. 22°40'14" W., 418.2 feet, to a galvanized iron pipe set in concrete, called R-5 on the drawing.

N. 22°50'31" E., 278.5 feet, to a galvanized iron pipe set in concrete, called R-6 on the drawing.

S. 77°39'59" E., 340.5 feet, to a galvanized iron pipe set in concrete, called R-7 on the drawing.

S. 67°47'29" E., 40.4 feet, to a brass plug called R-8 on the drawing, set in the northerly curb of a concrete sidewalk leading from Morgan Avenue to Ridge Road.

S. 80°43'44" E., 121.3 feet, following along the curb of the above mentioned sidewalk, to a brass plug called R-9 on the drawing, set in the curb.

Following the curb of the above mentioned sidewalk, on a curve to the right, to a brass plug called R-10 on the drawing, set in the curb. The direct bearing and distance of the chord of this curve is S. 61°17'14" W., 48.0 feet.

Following the curb of the above mentioned sidewalk, on a curve to the left, to a brass plug called R-11 on the drawing, set in the curb. The direct bearing and distance of the chord to this curve is N. 73°51'46" E., 44.2 feet.

S. 81°11'44" E., 164.8 feet, to a galvanized iron pipe set in concrete, called 7-A on the drawing, located on the 150-foot contour of Ancon Hill.

Northerly, northeasterly and northerly along the 150-foot contour, to a monument marked No. 8 on the drawing, in latitude 8°57' N. plus 3487.7 feet and longitude 79°33' W. plus 1742.6 feet. The direct bearing and distance from monument No. 7-A to monument No. 8 is N. 29°46' E., 395 feet.

S. 76°39' E., 301.8 feet, to an iron rod set in concrete, marked "A" on the drawing.

N. 6°05' E., 359.3 feet, to a brass plug in concrete slab, marked "B" on the drawing, in latitude 8°57' N. plus 3775.7 feet and longitude 79°33' W. plus 1411.2 feet.

N. 6°18'30" E., 181.2 feet, to a galvanized iron pipe in concrete, marked "E" on the drawing.

N. 9°23'00" E., 118.4 feet, to a galvanized iron pipe in concrete, marked "F" on the drawing.

N. 13°05'30" E., 234.2 feet, to a 6-inch square concrete monument, marked "I" on the drawing.

N. 39°18'26" E., 260.2 feet, to a 6-inch square concrete monument, marked "M" on the drawing, located on the 325-foot contour of Ancon Hill, and is in latitude 8°57' N., plus 4501.9 feet and longitude 79°33' W., plus 1153.8 feet.

Northerly, along the 325-foot contour, to a brass plate in a 10-inch square concrete monument, marked No. 11 on the drawing, in latitude 8°57" N. plus 4748.4 feet and longitude 79°33' W. plus 1011.7 feet. The direct bearing and distance from monument "M" to No. 11 is N. 29°57'44" E., 284.5 feet.

Easterly and southeasterly, along the 325-foot contour, to a 10-inch square concrete monument, marked No. 12 on the drawing, in latitude 8°57' N. plus 4531.5 feet and longitude 79°33' W. plus 526.5 feet. The direct bearing and distance from No. 11 to No. 12 is S. 65°49' E., 529.7 feet.

Southerly, easterly and southeasterly, along the 325-foot contour, to a 10-inch square concrete monument, marked N. 13 on the drawing, in latitude 8°57' N. plus 4209.0 feet and longitude 79°33' W. plus 325.5 feet. The direct bearing and distance from monument No. 12 to No. 13 is S. 32°11' E. 381.0 feet.

Southerly, along the 325-foot contour, to a 10-inch square concrete monument, marked No. 14 on the drawing, in latitude 8°57' N. plus 3881.2 feet and longitude 79°33' W. plus 400.2 feet. The direct bearing and distance from monument No. 13 to No. 14 is S. 15°03' W. 287.6 feet.

Southeasterly and southerly, along the 325-foot contour, to a 10-inch square concrete monument, marked No. 15 on the drawing, in latitude 8°57' N. plus 3712.2 feet and longitude 79°33' W. plus 257.6 feet. The direct bearing and distance from monument No. 14 to No. 15 is S. 28°58' E., 272.8 feet.

S. 12°16' E., 1142.8 feet, through concrete monuments 10 inches square marked No. 16 and No. 17 on the drawing, to a 10-inch square concrete monument marked No. 18 on the drawing, in latitude 8°57' N. plus 2085.5 feet and longitude 79°33' W. plus 6088.1 feet. The distances are 643.7 feet, 261.7 feet and 237.4 feet, successively, from beginning of the course.

S. 55°40' E., 46.7 feet, to a 10-inch square concrete monument marked No. 19 on the drawing, in latitude 8°57' N. plus 2689.1 feet and longitude 79°32' W. plus 5989.5 feet.

Southeasterly, along a cyclone fence, to a galvanized iron pipe, marked No. 20 on the drawing, located 6 inches on the outside of a cyclone fence and 7 feet, more or less, northwesterly from the face of the northwesterly curb of 4th of July Avenue and is in latitude 8°57' N. plus 2610.7 feet and longitude 79°32' W. plus 5895.9 feet. The direct bearing and distance from monument No. 19 to No. 20 is S. 35°19'26" E., 454.2 feet.

S. 35°12'30" W., 81.5 feet, following 6 inches along the outside of the above mentioned cyclone fence, to a galvanized iron pipe set in concrete, marked No. 21 on the drawing.

S. 36°30'55" W., 167.1 feet, to a galvanized iron pipe set in concrete, marked No. 22 on the drawing.

S. 36°39'35" W., 98.2 feet, crossing the entrance to Quarry Heights Military Reservation, to a brass plug marked No. 23 on the drawing, located in the concrete base of a fence post of the above mentioned cyclone fence.

S. 36°38'40" W., 298.0 feet, to a brass plug, marked No. 24 on the drawing, located 6 inches from the outside of the above mentioned cyclone fence and in the lip of a concrete half-round drainage ditch.

S. 39°55'30" W., 70.0 feet, to a galvanized iron pipe set in concrete, marked No. 25 on the drawing, located 6 inches on the outside of the above mentioned cyclone fence.

S. 36°47'00" W., 304.6 feet, to a galvanized iron pipe set in concrete, marked No. 26 on the drawing.

S. 24°04'13" W., 19.9 feet, to a galvanized iron pipe set in concrete, marked No. 27 on the drawing.

S. 37°47'37" W., 303.7 feet, to a galvanized iron pipe set in concrete, marked No. 28 on the drawing, located 6 inches from a corner post of the above mentioned cyclone fence.

S. 65°37'05" W., 91.4 feet, to a galvanized iron pipe set in concrete, marked No. 29 on the drawing, located 6 inches on the outside of the above mentioned cyclone fence and is 25 feet northerly from the northerly face of the curb of Balboa Road.

S. 74°54'45" W., 69.1 feet, to a brass plug marked No. 30 on the drawing, located 6 inches on the outside of the above mentioned cyclone fence, in the concrete base of a fence post, 24.6 feet northerly from the face of the curb on the northerly side of Balboa Road.

N. 89°26'40" W., 100.1 feet, to a brass plug, marked No. 31 on the drawing, located 6 inches from the above mentioned cyclone fence and is 14.3 feet northerly from the northerly face of the curb of Balboa Road.

N. 84°34'30" W., 179.6 feet, to a brass plug marked No. 32 on the drawing, located 6 inches from the above mentioned cyclone fence and is 24.5 feet northerly from the northerly face of the curb of Balboa Road, in latitude 8°57' N. plus 1206.9 feet and longitude 79°38' W. plus 944.4 feet.

Southwesterly, following 25 feet northerly from and parallel to the northerly face of the curb of Balboa Road, to monument No. 1, the point of beginning.

The directions of the lines refer to the true meridian.

The above described tract contains an area of 146.2 acres, more or less, and is shown on Panama Canal Company drawing No. 6121-23-R1 dated October 19, 1964, entitled "Map Showing Quarry Heights Military Reservation", scale 1: 2000, on file in the Office of the Governor.

(b) The concrete walk known as the "Orchid Trail", shown on drawing 6121-23 as following the boundary of the Quarry Heights Military Reservation from the point marked R-5 to the point marked R-11, shall remain open to the public and be maintained and made available to pedestrian traffic.

MISCELLANEOUS PROVISIONS

§ 5.81 Surveys over boundaries of Fort Clayton, Corozal, and Curundu Army Reservations, and Albrook Air Force Base.

The surveys over the boundaries of Fort Clayton, Corozal, and Curundu

Army Reservations and Albrook Air Force Base, were made in January 1946, November and December 1950, January, August, September, and December 1951, March and April 1952, August 1959, December 1960, and March 1961, and are recorded in Field Books numbered M–384, M–425, M–426, M–463, M–476, M–477, M–480, M–483, M–485, M–488, M–492, M–567, M–603, and CS–81, and the geodetic positions of all points, referred to the Panama-Colon datum of the Canal Zone triangulation system, are on file in the office of the Surveys Branch, Engineering and Construction Bureau, Panama Canal Company. Any change in geodetic position of monuments describing the boundary of the old Curundu Military Reservation is due to recomputation of positions based on better controlled network and is not to be construed as the movement of monuments to new positions, with the exception of revisions agreed to by all concerned.

§ 5.82 Conditions and limitations.

(a) All areas continued or established by this subpart as reservations, or hereafter continued or established as such in the Canal Zone, shall continue to be subject to the civil jurisdiction of the Government of the Canal Zone in conformity with the provisions of the Canal Zone Code.

(b) Subject to necessary security measures, personnel, agents, contractors, licensees, permittees, and equipment of the Canal Zone Government and of the Panama Canal Company shall be permitted free access to all areas continued or established by this subpart as reservations, or hereafter continued or established as such in the Canal Zone to carry out necessary operations of such agencies in or in the vicinity of, upon, adjacent to, or through, any such area, with respect to:

(1) The public health and sanitation, public schools, drainage, surveys, aids to navigation, power transmission and distribution, telephone service, water and sewerage facilities, etc.;

(2) The inspection, maintenance, repair, modification, or replacement of facilities or installations of such agencies; and

(3) The installation of any additional services or utilities determined by either of such agencies as necessary to be installed.

§ 5.83 Return of lands to Canal Zone Government.

Any land included within the area of an Army, Navy, Air Force, or other military reservation within the Canal Zone, which, as the result of a later amendment, revision or re-description of the boundaries of the reservation, is excluded from such area, shall thereby, unless it is otherwise provided in the order of amendment, revision or re-description, be released and returned to the jurisdiction and control of the Canal Zone Government.

SUBCHAPTER B—GENERAL REGULATIONS

PART 51—AIR NAVIGATION

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GENERAL

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51.71 Waiver of regulations.

AUTHORITY FOR SUPPLEMENTARY REGULATIONS

51.81 Issuance of supplementary regulations by Governor.

Subpart B—Supplementary Regulations Prescribed by Governor; Operating Rules and Traffic Circuits for Old France Field Airport

51.121 Ground or flight visibility requirement.
51.122 General traffic circuit rules.
51.123 Traffic circuits.
51.124 Old France Field facilities.

Subpart C—Penalties for Violation

51.181 Penalties for Violation.

AUTHORITY: The provisions of §§ 51.1 to 51.181 issued under 2 C.Z.C. 701, 76A Stat. 29; §§ 51.1 to 51.71 issued under authority delegated to Secretary of Army by § 3.1(a); § 51.81 issued under authority vested in Secretary of Army under § 3.1(c) to redelegate his powers to Governor; §§ 51.121 to 51.181 issued by Governor pursuant to authority redelegated to him under § 51.81.

Subpart A—Regulations Prescribed by the Secretary of the Army; General Aircraft and Airman Regulations

GENERAL

§ 51.1 Definitions.

Except for the following terms, the definitions in Part 1 of the Federal Aviation Regulations shall apply to this part:

"Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. The term "aircraft" does not include military aircraft of the United States armed forces and the provisions of this subpart do not apply to such aircraft or to the operation thereof.

"Airman" means any individual who engages, as the commander, pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances; and any individual who serves in the capacity of aircraft dispatcher, or air-traffic control-tower operator.

"Private pleasure aircraft" means aircraft which are used solely for pleasure and not for hire or profit.

"Transient aircraft" includes all aircraft which are not based in the Canal Zone.

§ 51.2 Canal Zone set apart as military airspace restricted area.

(a) The airspace above the Canal Zone (including the territorial waters within the 3-mile marine boundary at each end of the Canal) up to, but not including, 2,500 feet MSL is set apart as, and declared to be, a military airspace restricted area, to be known as the "Canal Zone Military Airspace Restricted Area".

(b) As designated in § 99.43(c) of the Federal Aviation Regulations (14 CFR 99.43(c)), the airspace beginning at 2,500 feet MSL and extending upward over the Canal Zone (including the territorial water within the 3-mile marine boundary at each end of the Canal) constitutes the "Panama Canal Zone Domestic ADIZ".

CROSS REFERENCE: For requirement of flight plan for operation of civil aircraft within the "Panama Canal Zone Domestic ADIZ," see 14 CFR 99.33.

§ 51.3 Agreements between the United States and foreign nations not affected.

This subpart does not supersede or modify the provisions of any existing or subsequent agreement between the United States and any foreign nation or nations covering the navigation of aircraft into, within, or from the United States or any territory subject to the jurisdiction thereof.

TRANSIENT AIRCRAFT

§ 51.21 Authorization for entrance and navigation.

No person may navigate a transient aircraft into, within, or from the Canal Zone Military Airspace Restricted Area except under and in compliance with permission granted by authority of the Commander in Chief, United States Southern Command.

§ 51.22 Application for authorization for transient aircraft.

Application for authorization under § 51.21 to navigate transient aircraft into, within, or from the Canal Zone Military Airspace Restricted Area shall be submitted in the manner and form prescribed by the Commander in Chief, United States Southern Command.

AUTHORIZATION FOR BASING AND NAVIGATION OF AIRCRAFT IN THE CANAL ZONE

§ 51.31 Authorization for basing of private pleasure aircraft in the Canal Zone.

The Governor is authorized to permit the basing in the Canal Zone of private pleasure aircraft belonging to members of duly organized civil air clubs who are entitled to Canal Zone purchase privileges.

§ 51.32 Navigation to be in accordance with applicable laws and regulations.

No person may use an aircraft in air navigation into, within, or from the Canal Zone Military Airspace Restricted Area unless he has complied, and continues to comply, with the applicable laws of the United States and the applicable rules and regulations prescribed by the Civil Aeronautics Board, the Administrator of the Federal Aviation Agency, and the regulations of this part.

§ 51.33 Arrangements respecting foreign flights of private pleasure aircraft.

The pilot of any private pleasure aircraft who intends to return to the Canal Zone after having made a flight to and a landing at a place other than the Canal Zone or the Republic of Panama must report the intention of making such flight to the Customs Service of the Canal Zone Government and make arrangements prior to departure for health, quarantine, customs, and immigration clearance upon return to the Canal Zone.

AIRWORTHINESS, CERTIFICATION, AIRMAN, AIR TRAFFIC, OPERATING, AND ADMINISTRATIVE REGULATIONS

§ 51.41 Application of rules of Administrator of Federal Aviation Agency.

Except as otherwise specifically provided in this part, the airworthiness, certification, airman, air traffic, operating, and administrative regulations of the Administrator of the Federal Aviation Agency shall apply to the operation of aircraft into, within, or from the Canal Zone Military Airspace Restricted Area.

§ 51.42 Inspection upon landing.

Aircraft landing within the Canal Zone, and their contents, crew and passengers, shall be subject to inspection by the persons directed by the Governor. Such inspection may include search for prohibited articles and inspection under the applicable laws and regulations respecting quarantine, health, immigration, customs, and the police. In view of the special problems arising as a result of the operation of aircraft within the Canal Zone Military Airspace Restricted Area, such inspection may also include examination of the aircraft, its contents, crew, and passengers to ensure compliance with security requirements.

CROSS REFERENCE: Waiver of requirements of this section, see § 51.71.

§ 51.43 Accidents, reports, and preservation of aircraft.

The regulations prescribed by the Civil Aeronautics Board and the Administrator of the Federal Aviation Agency shall apply to all cases within the Canal Zone Military Airspace Restricted Area of injury or damage to persons or property from accidents involving aircraft while being operated as such.

§ 51.44 Suspension and revocation of right of operation.

The Governor, after investigation and upon notice and hearing, may suspend or revoke the right of any airman to perform airman functions within the Canal Zone Military Airspace Restricted Area for violation of these regulations or if security interests so require. In case of emergency, such suspension may be ordered for a period not in excess of 30 days, without regard to any requirement as to notice and hearing.

§ 51.45 Areas in which aircraft may not be operated.

No person may, while within the Canal Zone Military Airspace Restricted Area, operate any aircraft over any of the lock installations, dock installations (other than those in the traffic circuits for Old France Field airport), dams, drydocks, spillways, danger areas established by the Commander in Chief, United States Southern Command, or within any other part of the Canal Zone Military Airspace Restricted Area when so advised or directed by Air Traffic Control acting for U.S. Southern Command.

CROSS REFERENCE: Waiver of requirements of this section, see § 51.71.

§ 51.46 Emergency landings.

Any field or landing area in the Canal Zone may be utilized by any aircraft in an emergency. In every case of an emergency landing the owner, operator, or other representative of the owner of the aircraft shall submit to the Governor a complete written report of the reasons for and circumstances of such emergency landing. An aircraft that has made an emergency landing may not depart from the place where the emergency landing is made until such departure is approved by authority of the Governor.

CROSS REFERENCE: Waiver of requirements of this section, see § 51.71.

§ 51.47 Flight plans.

Each person operating any aircraft departing from a base in the Canal Zone shall file a flight plan (and a flight plan for the return flight to a base in the Canal Zone, if intended) with the Federal Aviation Agency International Flight Service Station in the Canal Zone (Panama Radio). Each person who files a flight plan under this section shall, upon the termination of that flight, close that flight plan if facilities for closing are reasonably available to him.

MODEL AIRCRAFT

§ 51.61 Location of activities.

Any site which is located a distance of not less than two thousand yards from high tension lines, from flight paths of aircraft, from any established airdrome, and from reasonably heavily populated areas, may be used for the flying of model aircraft, provided prior approval has been granted by authority of the Governor.

CROSS REFERENCE: Waiver of requirements of this section, see § 51.71.

§ 51.62 Supervision.

All flying of model aircraft shall be supervised by a responsible instructor approved by authority of the Governor.

CROSS REFERENCE: Waiver of requirements of this section, see § 51.71.

WAIVERS

§ 51.71 Waiver of regulations.

The Governor may, in his discretion, waive any one of the requirements in §§ 51.42, 51.45, 51.46, 51.61, or 51.62 when special circumstances exist which are deemed to justify such waiver. A waiver of the requirements of § 51.45 may be made only with the approval of the Commander in Chief, United States Southern Command.

AUTHORITY FOR SUPPLEMENTARY REGULATIONS

§ 51.81 Issuance of supplementary regulations by Governor.

The Governor may make, in addition to the rules and regulations expressly authorized in this subpart, such detailed rules and regulations as may be necessary to carry into effect the provisions of this subpart. Where coordination with military air activities is necessary, such rules and regulations shall be made only after consultation with, and with the concurrence of, the Commander in Chief, United States Southern Command.

Subpart B—Supplementary Regulations Prescribed by Governor; Operating Rules and Traffic Circuits for Old France Field Airport

§ 51.121 Ground or flight visibility requirement.

Aircraft shall neither take off or land nor enter the traffic circuits if the ground or flight visibility is less than 3 miles or if the ceiling is less than 1000 feet.

§ 51.122 General traffic circuit rules.

(a) No turn shall be made after takeoff until the airport boundary has been reached and the aircraft has attained an altitude of at least 400 feet MSL and has ascertained there will be no danger of collision with other aircraft.

(b) Landings and takeoffs shall be made directly into the wind or on the runway most nearly aligned with the wind.

(c) Aircraft entering the traffic circuit shall exercise caution and courtesy so as not to cause aircraft already in the circuit to deviate from their course.

(d) Aircraft leaving the traffic circuit shall, after executing the first 90° turn, execute a 45° turn in the opposite direction.

(e) Aircraft awaiting takeoff shall stop at a safe distance off the runway in

use and in a position so as to have a direct view of aircraft approaching for a landing.

§ 51.123 Traffic circuits.

The traffic circuits for Old France Field are as follows:

Runway 35
Turns—Right hand.
Altitude—800 feet MSL.
Runway 17
Turns—Left hand.
Altitude—800 feet MSL.

§ 51.124 Old France Field facilities.

The field facilities at Old France Field are:

Runway length—2500 feet.
Runway direction 350–170.
Latitude 9°21'15" N., longitude 79°53'15" W.
Chart WAC: 769.
Runway base: Coral and grass.
Elevation: 5 feet.

Subpart C—Penalties for Violation

§ 51.181 Penalties for Violation

As provided by 2 C.Z.C. 702, 76A Stat. 29, whoever violates any of the provisions of this part shall be punished by a fine of not more than $500 or by imprisonment in jail for not more than one year, or both.

PART 53—ALCOHOLIC BEVERAGES

Sec.
53.1 Definition.
53.2 Manufacture forbidden.
53.3 Importation.
53.4 Sale, generally.
53.5 Licenses and written authorities; issuance.
53.6 Licenses and written authorities; may embody conditions.
53.7 Licenses and written authorities; not transferable.
53.8 Licenses and written authorities; posting licenses on premises.
53.9 Licenses and written authorities; suspension or revocation.
53.10 Alcoholic liquors for certain excepted purposes.
53.11 Penalties for violation.

AUTHORITY: The provisions of this Part 53 issued under authority vested in President by 2 C.Z.C. 731 and 732, 76A Stat. 29, and delegated to Secretary of Army by § 3.1(a)(6) of this chapter.

§ 53.1 Definition.

As used in this part, "alcoholic beverages" means alcoholic beverages containing more than 3.2 percent of alcohol by weight.

§ 53.2 Manufacture forbidden.

The manufacture of alcoholic beverages in the Canal Zone is prohibited.

§ 53.3 Importation.

(a) The right of the United States to permit the importation of alcoholic beverages into the Canal Zone shall not be exercised while this part remains in effect.

(b) This part does not restrict the importation of alcoholic beverages into the Canal Zone from the Republic of Panama, or the entry of alcoholic beverages arriving at Canal Zone ports for ultimate delivery to points beyond the Canal Zone. It shall be unlawful to import alcoholic beverages into the Canal Zone except as provided in this part.

§ 53.4 Sale, generally.

(a) It shall be unlawful to sell any alcoholic beverage in the Canal Zone except as provided in this part.

(b) The sale of alcoholic beverages, except by transient vessels in Canal Zone water to their passengers, shall be permitted in the Canal Zone only under a license of written authority as provided for in this part.

§ 53.5 Licenses and written authorities; issuance.

(a) Except within areas of the Canal Zone reserved for the use of the several branches of the Armed Forces, the Governor may authorize the issuance of licenses to hotels, clubs, and Panama Canal Company facilities for the sale of alcoholic beverages.

(b) Within the areas reserved for the use of the several branches of the armed forces in the Canal Zone, the commanding officer of each such branch, by written authority may, for the areas under his command, authorize the sale of alcoholic beverages by official agencies, including clubs and messes, in accordance with policies determined respectively by the Secretary of the Army, Secretary of the Navy, and the Secretary of the Air Force. Such alcoholic beverages shall include only alcoholic beverages the sale of which in the Canal Zone is authorized by the Governor.

(c) As used in this section, "club" means an officially approved organization of persons which is the owner, lessee, or occupant of an establishment operated solely for recreational, fraternal or social purposes. Such clubs shall be authorized to sell alcoholic beverages to their members only.

§ 53.6 Licenses and written authorities; may embody conditions.

Licenses and written authorities issued under this part may embody such conditions, consistent with good administrative policy, as may appear reasonably necessary.

§ 53.7 Licenses and written authorities; not transferable.

A license or written authority issued under this part may not be transferred, and privileges granted thereby may not be exercised through an assignee, contractor, or concessionaire.

§ 53.8 Licenses and written authorities; posting licenses on premises.

All licenses issued under this part shall be kept posted under glass in a conspicuous place on the premises where the alcoholic beverages are sold.

§ 53.9 Licenses and written authorities; suspension or revocation.

The officer by whose authority a license or written authority is issued under this part, may suspend or revoke the license or written authority for a violation of a law or regulation relative to the sale, manufacture, or importation of alcoholic beverages, or for a violation of a condition of the license or written authority imposed under § 53.6.

§ 53.10 Alcoholic liquors for certain excepted purposes.

This part does not apply to alcoholic liquors for sacramental, scientific, pharmaceutical, industrial, or medicinal purposes.

§ 53.11 Penalties for violation.

As provided by 2 C.Z.C. 732, 76A Stat. 29, whoever violates a provision of this part shall be fined not more than $500 or imprisoned in jail not more than 6 months, or both, and, in addition, his license may be revoked or suspended.

PART 57—CUSTOMS SERVICE

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AUTHORITY: The provisions of this Part 57 issued under authority vested in Governor by 2 C.Z.C. 761, 76A Stat. 30.

§ 57.1 Customs district.

The customs district for the Canal Zone comprises all lands and waters within the jurisdiction of the United States in the Canal Zone.

§ 57.2 Ports of entry.

The ports of entry for the Canal Zone are Balboa and Cristobal, at which vessels may be entered and cleared and articles imported or exported.

CROSS REFERENCE: Entry and clearance of vessels, see § 101.13.

§ 57.3 Customs Service.

(a) The regulations in this part shall be administered by a Customs Service of the Canal Zone Government, which shall include such customs officers as are appointed by the Governor and shall operate under such administrative and organizational supervision as is established by the Governor. The Customs Service shall enforce and administer the Customs laws, rules and regulations of the Canal Zone and shall enforce and administer the export regulations of various United States Government agencies which apply within the Canal Zone.

(b) The Customs Service shall have exclusive control for customs purposes over all goods, wares and merchandise, including passenger's and crew baggage and packages of every kind and nature introduced into the Canal Zone. Such goods, wares or merchandise may not be delivered to a consignee or re-exported, except upon the authorization of a customs officer.

§ 57.4 Entry and clearance of vessels.

Vessels shall be entered at the Canal Zone port of arrival by the boarding officer and it is not necessary for masters to come ashore for that purpose. A transiting vessel entered at the Port of Balboa is required to clear from the Port of Cristobal, and vice versa.

§ 57.5 Local-cargo manifests required for import cargo.

Four copies of manifests of cargo and/or unaccompanied baggage consigned to the Canal Zone or to the Republic of Panama, certified by the master of the discharging vessel, shall be furnished to the Customs Service prior to the discharge of such cargo. Public or Government-chartered vessels, including men-of-war, may be required in the discretion of the Customs authorities to furnish the documents required by this section.

§ 57.6 Bills of lading required for export cargo.

Prior to loading export cargo or baggage on board a vessel, two copies of the bill of lading and/or the baggage waybill covering each such shipment, shall be furnished the Customs Service office at the loading port for export approval. Public or Government-chartered vessels, including men-of-war, may be required in the discretion of the Customs authorities to furnish the documents required by this section.

§ 57.7 Certification of invoices covering shipments from Canal Zone to United States.

Customs officers may certify invoices covering shipments of articles from the Canal Zone to the United States. In the performance of this duty they shall be governed by the United States consular regulations, and by the circular instructions concerning the certification of invoices issued to consuls of the United States, insofar as they are applicable, subject to any applicable special instructions issued by the United States Treasury Department concerning the certification of invoices in the Canal Zone.

CROSS REFERENCE: Fee for certification of invoice, see 2 C.Z.C. 763, 76A Stat. 30.

§ 57.8 Landing or embarkation of persons and/or articles.

A person or article may not be landed or embarked at any place other than the customs control points at Balboa or Cristobal, except upon the prior authorization of a customs officer. Persons and/or articles may be landed only in the presence, and under the supervision, of a customs officer.

§ 57.9 Interim custody of discharged cargo.

Cargo discharged in the Canal Zone shall be delivered to the Terminals Division of the Panama Canal Company under the custody of the Customs Service pending, as the case may be:

(a) Delivery to the Customs officials of the Republic of Panama pursuant to treaty stipulations;

(b) Transshipment; or

(c) Release to consignees within the Canal Zone.

§ 57.10 Importations into Canal Zone; classes of persons to whom approval may be granted.

Articles or merchandise of any kind may not be entered or imported into the Canal Zone, except from the Republic of Panama, by any person, unless approval is obtained therefor from the Customs Service. Such approval shall not be granted, except with respect to items of baggage comprising personal effects of persons entering the Canal Zone, to any person, except:

(a) Persons who reside in the Canal Zone and have Canal Zone Government purchase privileges, when the goods are intended for the use and benefit of themselves or members of their families;

(b) Members of the Armed Forces of the United States who reside or sojourn in the Republic of Panama during the performance of their service with the United States of America, and dependent members of their families actually residing with them, when the goods are intended for their own use and benefit;

(c) Citizens of the United States of America who are in the service or employ of an agency of the United States and who reside or sojourn in the Republic of Panama during the performance of their service with the United States of America, and dependent members of their families actually residing with them, when the goods are intended for their own use and benefit;

(d) Contractors, insofar as concerns materials, supplies, and equipment necessary to the performance of contracts in the Canal Zone; and

(e) Private business enterprises conducting authorized operations from a seat in the Canal Zone, and religious, welfare, charitable, educational, recreational, and scientific organizations, insofar as concerns those of their activities that are conducted exclusively in the Canal Zone.

§ 57.11 Importations not permitted for use in unauthorized private business operations.

A person may not import or attempt to import articles or merchandise under the provisions of this part for use or disposition in connection with any private business operation in the Canal Zone that has not been specifically authorized to be conducted in the Canal Zone by the cognizant officials of the Canal Zone Government or the Armed Forces, as the case may be.

§ 57.12 Sale of importations to ineligible persons forbidden without prior payment of Panamanian duty.

Articles or merchandise imported under the provisions of this part may not be sold or otherwise transferred to any agency, organization, or person not eligible to import them, unless the customs duties thereon are first paid to the Republic of Panama.

§ 57.13 Importations to replace articles from duty-paid stocks forbidden.

Articles or merchandise imported under the provisions of this part may not be used to replace any article or merchandise purchased from stocks on which the applicable Panamanian duty had been paid.

§ 57.14 Regular customs hours; service during other hours.

The regular hours for the customs inspection of baggage of landing passengers and for the customs supervision of landing passengers are from 7 a.m. to 5 p.m. daily, excluding Sundays and holidays. Such customs services may be furnished during other hours, or on Sundays and holidays, only upon the request of the master or authorized agent of a vessel or aircraft. Charges for such customs services outside regular hours are found in the Panama Canal tariff.

§ 57.15 Making of marine note of protest before customs officers.

Marine notes of protest may be made and extended by masters of American vessels before customs officers without charge.

CROSS REFERENCE: Fee authorized for registration of marine note of protest, see 2 C.Z.C. 763, 76A Stat. 30.

§ 57.16 Seizure of articles illegally imported or obtained, who may make; receipt for seized articles.

A customs officer having reasonable cause to believe that a violation has been committed of any law or regulation, the enforcement of which is within the jurisdiction of the Customs Service, by reason of which any property has become subject to forfeiture, shall seize such property if available. A receipt for the seized property shall be given at the time of seizure to the person from whom the property is seized.

CROSS REFERENCES: Seizure and confiscation of articles illegally imported or obtained, see 2 C.Z.C. 782, 76A Stat. 31.

§ 57.17 Disposition of confiscated articles.

(a) When articles have been confiscated pursuant to the provisions of 2 C.Z.C. 782, 76A Stat. 31, they shall be disposed of by acceptance of a sealed bid or by auction.

(b) The proceeds realized from the disposal of any articles under paragraph (a) of this section shall first be utilized to satisfy all costs of seizure, storage and disposal of the article concerned, and any amount remaining shall be turned

into the United States Treasury as miscellaneous receipts.

§ 57.18 Penalties for violation.

As provided by 2 C.Z.C. 781, 76A Stat. 30, whoever violates a provision of this part shall be fined not more than $100 or imprisoned in jail not more than 30 days, or both.

PART 59—EXCLUSION AND DEPORTATION OF PERSONS

Subpart A—General Provisions

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AUTHORITY: The provisions of this Part 59 issued under authority vested in President by 2 C.Z.C. 841, 76A Stat. 32, and delegated to Secretary of Army by § 3.1(b) of this chapter.

Subpart A—General Provisions

§ 59.1 Classes of persons subject to exclusion or deportation.

(a) Persons in any of the following-described classes are subject to exclusion from the Canal Zone in the discretion of the Immigration Service:

(1) Insane persons and persons who have had one or more attacks of insanity at any prior time.

(2) Idiots, imbeciles, and persons who are mentally retarded, sexual deviates, or afflicted with psychopathic personalities.

(3) Persons afflicted with a loathsome, or dangerous, contagious disease.

(4) Persons who have been convicted of, or admit having committed, a felony or other crime or misdemeanor involving moral turpitude.

(5) Professional beggars, paupers, and persons who are likely to become public charges.

(6) Anarchists, and persons whose purpose it is to incite insurrection.

(7) Persons of notoriously bad character.

(8) Persons who engage in any strike in the Canal Zone directed against the Government of the United States or any of its agencies, or who engage in inciting or attempting to incite other persons to engage in any such strike.

(9) Persons who engage in, or incite or attempt to incite other persons to engage in, any strike in the Canal Zone which, although not directed against the Government of the United States or any of its agencies, will result in obstructing, impeding, delaying, or interfering with the operation, maintenance, sanitation, government, or protection of the Panama Canal and the Canal Zone or the observance, safeguarding, and enforcement in the Canal Zone of the neutrality of the United States or the strengthening within the Canal Zone of the national defense.

(10) Persons who fail to comply with the provisions of this part.

(11) Persons who have completed serving a sentence of imprisonment in the Canal Zone.

(12) Persons whose presence, in the judgment of the Governor, would be a menace to the public health or welfare of the Canal Zone, or would tend to create public disorder or obstruct the operation, maintenance, sanitation, government, or protection of the Panama Canal or Canal Zone.

(13) Persons who (i) have not been legally and regularly admitted to the Canal Zone, including persons admitted on a provisional or temporary basis whose authorization to remain under such provisional or temporary authorization has terminated and (ii) are not legally residing or sojourning in the Republic of Panama.

(b) The Governor may, in his discretion, deport:

(1) Any person who comes within any of the classes described in subparagraphs (1)–(10) and (12) of paragraph (a) of this section and has been legally and regularly admitted to the Canal Zone;

(2) Any person who comes within the class described in subparagraph (11) of paragraph (a) of this section; and

(3) Any person who is obliged, but fails, to depart from the Canal Zone under the provisions of § 59.29(a).

§ 59.2 Definitions.

As used in this part:

(a) "Exclusion" means (1) the refusal to admit a person to the Canal Zone, or (2) except as provided by paragraph (b)(2) of this section, the enforced removal from the Canal Zone of a person found therein without having been legally and regularly admitted thereto; and

(b) "Deportation" means (1) the enforced removal from the Canal Zone of a person found therein who has been legally and regularly admitted to the Canal Zone, or (2) the enforced removal from the Canal Zone of a person, following service of a sentence of imprisonment in the Canal Zone, whether or not such person has been legally and regularly admitted to the Canal Zone.

§ 59.3 Immigration Service.

Except as otherwise provided herein, the regulations in this part shall be administered by an Immigration Service of the Canal Zone Government, which shall include immigration officers appointed by the Governor and shall operate under administrative and organizational supervision established by the Governor.

§ 59.4 Administration under supervision of Governor.

The provisions of this part shall be executed under the supervision of the Governor, and the Governor may establish administrative procedures necessary to carry into effect the provisions of this part.

Subpart B—Entry Procedures

§ 59.21 Entry into Canal Zone.

Except as provided by § 59.28 a person may not enter the Canal Zone unless permitted to do so upon examination and inspection by the Immigration Service. Permission to enter shall be conditioned upon the possession by the person concerned, at the time of entry, of such documents as may be prescribed by the Executive Secretary.

§ 59.22 Advance determination of eligibility.

The determination of the eligibility of a person to enter and remain in the Canal Zone in advance of his arrival shall be a function of the Executive Secretary insofar as concerns the enforcement of the general policies of the Canal Zone Government as established administratively by the Governor.

§ 59.23 Advance authorization.

The Executive Secretary, or such officers of the United States Government as he designates, may issue documents granting advance authorization to enter the Canal Zone.

§ 59.24 Conditions upon entry into Canal Zone; security for repatriation.

The Immigration Service may attach such reasonable conditions to a permission to enter the Canal Zone as may appear to be necessary or proper. In all cases, there shall be established, either by the person entering or by some other person in his behalf, or by the person or interest responsible for bringing the entering person into the Canal Zone, a reasonable security for the costs of repatriating the person so entering.

§ 59.25 Kinds of security for repatriation.

(a) Reasonable security for repatriation may be of any kind determined to be adequate by the Immigration Service, including but not limited to:

(1) A written undertaking by any responsible person residing or doing business in the Canal Zone to defray all such costs; or

(2) A cash deposit in an amount estimated by the Immigration Service to be adequate for all such costs; or

(3) An unlimited, noncancellable ticket for return transportation and a cash deposit to cover any other costs such as those of detention and/or maintenance.

(b) Cash deposits shall be deposited with the Treasurer, Panama Canal Company, and shall be disbursed by him for the purposes for which they are intended, upon order of the Chief, Immigration Service.

§ 59.26 Provisional entry.

(a) In cases in which such action is deemed appropriate the Immigration Service may permit a person to enter the Canal Zone provisionally, pending further investigation of the case and final action thereon. A person entered provisionally whom it is finally determined to exclude shall be subject to exclusion for any of the reasons set forth in § 59.1 as not having been legally and regularly admitted to the Canal Zone.

(b) Persons entered provisionally may not seek, accept, or be given employment in the Canal Zone.

§ 59.27 Temporary entry.

(a) When a person seeks admission to the Canal Zone to remain therein for a period not exceeding one year, the Immigration Service may permit him to enter on a temporary basis and shall specify the period of time for which he is admitted. He shall depart from the Canal Zone at or before the expiration of the period of time for which he was admitted unless the period of time for which he was admitted is extended in a proper case by the Immigration Service or he becomes eligible for regular admission and is granted it by the Immigration Service.

(b) A person who is admitted on a temporary basis under this section shall be subject to exclusion for any of the reasons set forth in § 59.1 as not having been legally and regularly admitted to the Canal Zone.

§ 59.28 Entry into the Canal Zone from the Republic of Panama.

(a) The entry requirements and procedures prescribed by this part do not apply to a person who enters or passes through or over the Canal Zone in a nonimmigration sense from the Republic of Panama when he is legally in the Republic and has not been excluded or deported from the Canal Zone. However, such persons shall be subject to exclusion for any of the reasons set forth in § 59.1 (a)(1)–(12) as not having been legally and regularly admitted to the Canal Zone.

(b) A person, other than a citizen or permanent resident of the Republic of Panama, who enters the Canal Zone under the provisions of this section may not accept or be given employment therein unless and until he is legally and regularly admitted thereto and security for repatriation is furnished in accordance with this part.

§ 59.29 Regular entry.

(a) A person is legally and regularly admitted to the Canal Zone when he is admitted in accordance with the provisions of this part on other than a provisional, temporary, or special basis under § 59.26, § 59.27, or § 59.28, respectively. A person legally and regularly admitted to the Canal Zone shall depart from the Canal Zone within 30 days after termination or cessation of the employment, business operation, or other activity upon which his eligibility to reside in the Canal Zone depends in accordance with operative treaty provisions between the United States and Panama or policies based upon such treaties. The 30-day period herein allowed for departure from the Canal Zone may be extended in appropriate cases by the Immigration Service.

(b) A person who fails to comply with the departure requirements of this section shall be subject to deportation under § 59.1(b)(3).

Subpart C—Exclusion and Deportation Procedures

§ 59.51 Preliminary investigation in exclusion and deportation proceedings.

When the Chief, Immigration Service, is credibly informed or has reason to believe that a specified person in the Canal Zone is subject to exclusion or deportation under the provisions of this part, he shall cause an investigation of the case to be made.

§ 59.52 Detention in exclusion or deportation proceedings.

If, either as a result of a preliminary investigation under the preceding section, or independently of any such investigation, it is considered as established prima facie that a specified person in the Canal Zone is within one or more of the classes of persons subject to exclusion or deportation and should be excluded or deported, the Chief, Immigration Service, shall issue an order for his detention. The order shall state the class or classes subject to exclusion or deportation within which the person concerned is considered to be, and shall state the intention to exclude or to deport him, as the case may be. Upon receipt of such order the Chief, Police Division, shall cause the person concerned to be taken into custody. A copy of the detention order shall be served upon the person at the time he is taken into custody.

CROSS REFERENCE: Place of detention, see § 59.132. Release from detention, see § 59.133.

§ 59.53 Hearing accorded in certain deportation and exclusion proceedings.

(a) A person detained under the provisions of § 59.52 whom it is proposed to deport shall, unless a hearing is waived in writing, be brought before such officer of the Immigration Service as the Chief, Immigration Service, designates, and given a hearing to show cause why he should not be deported. This paragraph and other provisions governing hearings and related procedures do not apply to cases of deportation following service of a sentence of imprisonment in the Canal Zone. Such cases are governed by § 59.62.

(b) A detained person whom it is proposed to exclude is entitled to a hearing before a designated officer of the Immigration Service to show cause why he should not be excluded if:

(1) He is a person who is legally present in the Republic of Panama; or

(2) He is a person who has been given temporary-entry authorization into the Canal Zone and the period for which such entry was authorized has not yet expired.

(c) A detained person who has been entered provisionally, and all other persons found in the Canal Zone not expressly given the right to a hearing under the provisions of paragraph (b) of this section, including persons whose temporary-entry authorization has expired, are not entitled to a hearing and may be excluded on order of the Chief, Immigration Service.

§ 59.54 Procedure at hearing.

(a) At a hearing under § 59.53 the person detained under the order of detention shall be allowed to inspect the detention order, a copy of which was served upon him at the time he was taken into custody, and he shall be asked to state whether he desires counsel or waives his right to counsel. His reply shall be entered on the record.

(b) Counsel, if selected, shall be afforded reasonable time to consult with the detained person unless counsel has already done so prior to the time of the hearing or advises that no such time is desired. The person detained or counsel on his behalf may present any evidence relevant and material to a showing of cause why he should not be deported or excluded.

(c) If during the hearing it appears that there exists a reason in addition to those stated in the order of detention why the person named in the order should be deported or excluded, he shall be notified that such additional charge will be placed against him and he shall be given an opportunity to show cause why he should not be deported or excluded therefor.

(d) The hearing may be continued from time to time as may appear necessary or desirable in the discretion of the officer conducting the hearing.

§ 59.55 Witnesses at hearing; oaths; documents.

(a) The officer conducting a hearing under § 59.53 is authorized by 2 C.Z.C. 1101, 76A Stat. 38, to:

(1) Summon witnesses to testify;

(2) Administer oaths; and

(3) Require the production of any books or papers necessary to the investigation.

(b) The officer conducting the hearing shall require the attendance of any witnesses whose names are furnished in writing in advance of the hearing by the person concerned unless it appears that the evidence to be given by such witnesses would be unnecessarily cumulative or clearly irrelevant. In order to make such a determination the officer conducting the hearing may require a written summary of the evidence which it is expected will be obtained from the witness.

(c) An employee of the Canal Zone Government or of the Panama Canal Company who is summoned to appear at an exclusion or deportation hearing shall be excused from duty for the purpose of complying with the summons as official business, and the time during which he is absent from regular duty on such official business shall not be charged to his leave.

§ 59.56 Report and recommendation in exclusion hearings or proceedings.

The Immigration Officer conducting an exclusion hearing shall prepare and submit to the Chief, Immigration Service, a written report containing a summary of the facts deemed established at the hearing, and his opinion and recommendation as to whether the person concerned comes within a class of persons subject to exclusion and as to whether such person should be excluded from the Canal Zone. In exclusion proceedings in which no hearing is required under this part, the Immigration Officer handling the case shall prepare and submit a summary report of the facts, with his recommendation, to the Chief, Immigration Service.

§ 59.57 Final action excluding person.

When, after receiving the report and recommendation as provided by § 59.56 the Chief, Immigration Service, finds that the person concerned comes within a class of persons subject to exclusion from the Canal Zone and should be excluded therefrom, such officer shall forthwith order and cause such person to be excluded from the Canal Zone. If such person is under detention, the detention may be continued until the exclusion is accomplished, and if he is not under detention he may be detained by the Police Division on the written order of the Chief, Immigration Service. At the time the order for exclusion is accomplished, or at any time prior thereto, a copy of the order excluding the excluded person shall be served upon him together with a copy of the text of §§ 59.111 through 59.114, which provide for passage through the Canal Zone by persons excluded therefrom who are legally in the Republic of Panama.

§ 59.58 Arrangements for removal of excluded person.

Arrangements for the removal of a person excluded from the Canal Zone shall be made by the Immigration Service. Wherever possible such arrangements shall be made with the owner or or interest controlling the carrier by which such excluded person was brought to the Canal Zone or with such other person, e.g. an employer, responsible for bringing the excluded person to the Canal Zone.

§ 59.59 Report and recommendation in deportation hearing.

At the conclusion of a deportation hearing, the officer conducting the hearing shall submit a report thereof, including relevant findings and a transcript of the testimony, to the Chief, Immigration Service. The Chief, Immigration Service, shall prepare a recommendation as to whether the person concerned should or should not be deported, and shall thereupon forward the record of the case, including his recommendation, to the Civil Affairs Director, who shall add his own recommendation thereto and submit such record to the Governor for determination.

§ 59.60 Order of deportation.

If, upon consideration of the report of the hearing and the recommendations accompanying it, the Governor concludes that the person concerned is subject to deportation and should be deported, the Governor shall issue an order for the deportation of such person directed to the Chief, Police Division.

§ 59.61 Execution of order of deportation.

The Chief, Immigration Service, shall cause the order of deportation to be executed at the earliest practicable opportunity. A copy of the order shall be delivered to the person concerned and if necessary the order shall be read and explained to him. The person concerned shall be placed on board a carrier bound for the place designated in the order and a copy of the order shall be delivered to the person in responsible charge of the carrier. If the deportation is one following service of a sentence of imprisonment in the Canal Zone, there shall be delivered to the person concerned, in addition to the copy of the order of deportation, a copy of the text of 2 C.Z.C. 842, 76A Stat. 32, providing for the punishment of persons who return to the Canal Zone after deportation following the service of a sentence of imprisonment in the Canal Zone, and, if deportation is to the Republic of Panama, a copy of the text of §§ 59.111 through 59.114, providing for passage through the Canal Zone by persons deported therefrom who are legally in the Republic of Panama.

§ 59.62 Deportation following imprisonment in the Canal Zone.

(a) The procedure governing deportation of a person following service of a sentence of imprisonment in the Canal Zone shall be as provided in this section.

(b) Except in cases where a prisoner has been granted parole by order of the Governor, the Chief, Police Division, shall consider the case of each person serving a sentence of imprisonment in the Canal Zone Penitentiary, upon the issue whether such person should or should not be deported upon the completion of his sentence. When, after such consideration, it appears to the Chief, Police Division, that a person should be deported, the Chief, Police Division, shall report the case to the Civil Affairs Director with his recommendation for deportation. The Civil Affairs Director shall add his recommendation to the report and submit it to the Governor. If the Governor finds, either upon the basis of the aforesaid report and recommendations or otherwise, that a person undergoing service of a sentence of imprisonment in the Canal Zone Penitentiary should be deported upon the completion of his sentence, the Governor shall issue an order for the deportation of such person, directed to the Chief, Police Division. The order shall be executed in the manner provided by § 59.61.

(c) Cases of persons serving a sentence of imprisonment in the Canal Zone under sentence other than to the penitentiary may be reviewed and decided under the procedures set forth in paragraph (b) of this section.

Subpart D—Responsibilities of Vessels

§ 59.81 Precautions required of vessels respecting the landing of excluded persons.

The owner, agent, and officers of a vessel bringing to the Canal Zone a person who has been excluded or deported from the Canal Zone shall adopt all reasonable precautions to prevent the landing of such person at any time or place, other than as expressly permitted and designated by the Immigration Service.

§ 59.82 Duty of arriving vessels to declare passengers, crew members, stowaways, deportees, and repatriates.

(a) Vessels arriving at Canal Zone ports shall declare on forms prescribed by the Chief, Immigration Service, all:

(1) Passengers to be discharged at the Canal Zone;

(2) Passengers remaining on board for other ports with specific mention being made of any person who is being deported from or repatriated to any country;

(3) Crew members on board; and

(4) Stowaways known to be on board.

(b) The provisions of paragraph (a) (2) and (3) of this section do not apply to public vessels.

§ 59.83 Discharge of members of crews.

Crew members, of vessels other than vessels of United States registry or enrollment signed on before a shipping commissioner, may be discharged in the Canal Zone only with the consent of the Immigration Service. Before such consent may be given, the Chief Immigration Inspector at the port concerned shall be furnished a memorandum in triplicate showing the name, age, nationality, and rating of the crew members proposed to be discharged.

§ 59.84 Signing on of crew members.

When crew members are signed on a vessel, other than crew members signed on a vessel of United States registry or enrollment by a shipping commissioner in the Canal Zone, a memorandum in triplicate showing the name, age, nationality, and rating of the crew members signed on shall be furnished to the Chief Immigration Inspector at the port concerned.

§ 59.85 Members of crew failing to depart from Canal Zone.

Crew members granted provisional entry shall depart from the Canal Zone with their vessels unless they have been legally and regularly separated from their vessels pursuant to § 59.83. Masters, agents, or owners shall report promptly any crew member refusing to sail with the ship to the Chief Immigration Inspector at the port concerned. In such cases the Immigration Inspector shall investigate and upon verification of the facts may issue a detention order to the District Commander, Canal Zone Police, for the apprehension, detention and enforced exclusion of the seaman from the Canal Zone aboard his vessel, or take such other action as may be appropriate in the circumstances, consistently with law and this part. In cases where a vessel has left port before the absence of a crew member is discovered, the Master shall report by radio, if possible, or, if report by radio is not possible, he shall report by mail from the first port of call. A detention order shall thereafter be issued by the Chief Immigration Inspector at the Canal Zone port concerned for the apprehension, detention and exclusion of the crew member. The making of the report required by this section shall not relieve the Master of a vessel of United States registry or enrollment from the duty to make the report required by § 127.7 of this chapter.

§ 59.86 Outgoing passenger list; failure of passenger to depart.

Three accurate and legible copies of the outgoing passenger list shall be furnished to the Chief, Immigration Service, on forms prescribed by the Canal Zone Government, before clearance will be issued. Three copies of a supplementary passenger list shall be furnished for passengers embarking at a second Canal Zone port after a vessel has sailed from another Canal Zone port. Notice of any passengers who have been reported as departing but who fail to depart on the vessel shall be given promptly to the Chief, Immigration Service, and three copies of a list of such passengers shall be furnished. If the failure of a passenger to depart on the vessel is not discovered until the vessel has left port, the required notice shall be given by radio if possible, and if radio notice is not possible, the notice shall be given by mail (airmail if possible) from the first port of call.

§ 59.87 Duty of vessel owners respecting return of excluded persons.

The owner or interest operating or controlling a vessel bringing into the Canal Zone a person subject to exclusion under § 59.1 shall return the person to his port of embarkation, or make other arrangements satisfactory to the Immigration Service for his transportation from the Canal Zone, and if directed by the Chief, Immigration Service, to do so, shall return a certificate to the Canal Zone immigration authorities from the proper officials of the port of embarkation stating that the excluded person has been landed at such port or other designated place.

§ 59.88 Duty of vessel masters to receive excluded persons.

When a vessel has brought to the Canal Zone a person subject to exclusion under § 59.1, the master of any vessel owned or controlled by the same interest shall receive such person on board at such time prior to the date of the sailing of his vessel as may be decided upon by the Canal Zone authorities.

Subpart E—Passage Through the Canal Zone by Excluded or Deported Persons Who Are Legally Present in the Republic of Panama

§ 59.111 General routes.

A person legally present in the Republic of Panama who has been excluded or deported from the Canal Zone may pass through the Canal zone only over the following routes, and only by the means or modes of travel indicated, where specified:

(a) Between the cities of Panama and Colon: By train of the Panama Railroad with access to or egress from the Colon Railroad Station (in Cristobal) via 11th Street and Front Street and access to or egress from the Panama Railroad Station (in Ancon) via Frangipani Street, Gaillard Highway and Roosevelt Avenue.

(b) Between ports of the Republic of Panama: By vessel transiting the Panama Canal;

(c) Between the city of Panama and west interior points in the Republic of Panama: By vehicle via Thatcher Ferry Bridge approach roads, Thatcher Ferry Bridge and Thatcher Highway, to the boundary line at Arraijan.

(d) Between interior points in the Republic of Panama bordering on Madden Road and the Madden Lake area: Via Madden Road.

(e) Between interior points in the Republic of Panama bordering on the Madden Road/Madden Lake area and the cities of Panama and Colon: By vehicle via Madden Road to an intersection with Boyd-Roosevelt Highway.

(f) Between west interior points in the Republic of Panama and city of Colon or intermediate points in the Republic of Panama: By vehicle via Thatcher Highway, Thatcher Ferry Bridge and Thatcher Ferry Bridge egress roads to the city of Panama.

(g) Between any points in Panama involving use of the Colon Corridor: Over Randolph Road at its intersection with Colon Corridor.

§ 59.112 General permit for passage of deported persons between the Republic of Panama and the Panama Freight House in Ancon, Pier 18, Balboa, and the Cristobal Freight House.

A person legally present in the Republic of Panama who has been excluded or deported from the Canal Zone may, for the purpose of conducting business at Panama Customs sites established in the Canal Zone, pass through the Canal Zone by motor vehicle en route to or from said sites over the following highways:

(a) Between the city of Colon and the Cristobal Freight House: Terminal Street from the Canal Zone boundary at Bolivar and 13th Streets to Roosevelt Avenue, Roosevelt Avenue from Terminal Street to Freight House Building No. 1012.

(b) Between the city of Panama and Pier 18, Balboa: Frangipani Street from the Canal Zone boundary to Gaillard Highway, Gaillard Highway from the Canal Zone boundary to Corozo Street, Corozo Street, Roosevelt Avenue, Diablo Road from Roosevelt Avenue to Pier Street, Pier Street from Diablo Road to Pier 18 including all public ways and roads open to vehicular traffic adjacent or on Pier 18; or Shaler Road from the Canal Zone boundary to Roosevelt Avenue to Diablo Road to Pier Street to Pier 18; or Balboa Road from the Canal Zone boundary at the Chorillo section of the city of Panama to La Boca Road to Roosevelt Avenue to Diablo Road to Pier Street to Pier 18.

(c) Between the city of Panama and the Panama Freight House in Ancon: Frangipani Street from the Canal Zone boundary to Gaillard Highway, Gaillard Highway from the Canal Zone boundary to Corral Road, Corral Road from Gaillard Highway to the Panama Freight House including all public ways or roads open to vehicular traffic located within the fenced area of the Panama Freight House.

§ 59.113 Passage by excluded or deported persons must be continuous.

The passage through the Canal Zone of an excluded or deported person must be continuous, and such person shall not leave the train, vehicle, or vessel in or upon which he is traveling unless it is necessary to do so in case of accident or other emergency; and in that event the person shall resume travel as soon as possible.

§ 59.114 Special permits for entry or passage of deported persons.

A person legally present in the Republic of Panama who has been excluded or deported from the Canal Zone, and who desires to enter or pass through the Canal Zone otherwise than as provided in §§ 59.111 through 59.113, shall do so only after obtaining a special written permit from the Civil Affairs Director. Such permits may be issued only in cases deemed necessary or meritorious, and applications therefor shall be made in writing to the Chief, Immigration Service.

Subpart F—Miscellaneous Provisions

§ 59.131 Cost of excluding or deporting persons.

(a) The cost of excluding or deporting persons under the provisions of this part shall be a charge against the person or interest responsible for bringing the person into the Canal Zone. Such cost shall include expenses incident to detention, maintenance, transportation, and transportation of baggage, as well as the actual cost of deportation. Clearance may be withheld from any responsible vessel until such costs have been paid, or their payment has been secured.

(b) In cases in which no person or interest can be held responsible for the cost hereunder, such cost will be paid from Canal Zone Government funds.

(c) Statements of the cost of excluding or deporting persons shall be prepared and presented by the Comptroller, Panama Canal Company, to the person or interest chargeable with such costs.

§ 59.132 Place of detention.

Persons held for exclusion or deportation may be detained at an immigration station, police station, or other suitable place as designated by the Chief, Immigration Service.

§ 59.133 Release from detention.

A person held under an order of detention issued either in exclusion proceedings or in deportation proceedings may be released on his own recognizance, pending final disposition of the matter, in the discretion of the Chief, Immigration Service.

§ 59.134 Passage through Canal Zone by excluded or deported persons.

A person excluded or deported, other than such a person legally present in the Republic of Panama, who desires to pass through the Canal Zone in order to reach his final destination, shall do so only after obtaining a special written permit from the Chief, Immigration Service. In such a case in which the person transits the Canal by vessel, the permit may be granted only if the person or interest controlling the vessel upon which he arrived at the Canal Zone agrees in writing to bear the expenses of his deportation from the Canal Zone if he is rejected at his final destination and returned to the Canal Zone.

§ 59.135 Punishment for violations.

Whoever violates the provisions of this part shall be punished as provided by 2 C.Z.C. 841(b), 76A Stat. 32, by a fine of not more than $500, or by imprisonment in jail for not more than one year, or by both.

PART 61—HEALTH, SANITATION, AND QUARANTINE

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Subpart I—Authority of Governor

61.381 Authority of Governor.

AUTHORITY: The provisions of §§ 61.1 to 61.381 issued under 2 C.Z.C. 911, 76A Stat. 36; §§ 61.1 to 61.5, §§ 61.121 to 61.202, and §§ 61.331 to 61.381 issued under authority delegated to Secretary of Army by §§ 3.1(a)(3) and 3.1(c) of this chapter; §§ 61.31 to 61.96 and §§ 61.311 to 61.319 issued by Governor under authority redelegated to him by Secretary of Army under § 61.381 of this part under authority of § 3.1(c) of this chapter.

Subpart A—Compulsory Vaccination

§ 61.1 Compulsory smallpox vaccination of persons residing or working in Canal Zone; notices.

(a) Every person residing or working in the Canal Zone shall present himself for smallpox vaccination at such times and places as shall be prescribed by authority of the Health Director of the Canal Zone Government; and every person residing in the Canal Zone having the care, custody or control of any child over three months of age shall likewise present such child for vaccination. Every person appearing for vaccination, as hereinbefore required, shall submit to vaccination to the satisfaction of the Health Director or his designee.

(b) Notices of the times and places prescribed for appearance for vaccination may be given either by personal service, or by mail, or by publication in such manner as the Health Director, with the approval of the Governor, prescribes.

§ 61.2 Persons exempt.

Persons who, in the judgment of the Health Director or his designee:

(a) Have been successfully vaccinated within three years prior to the time designated under § 61.1; or

(b) Have acquired immunity to smallpox; or

(c) Are found not to be fit subjects for vaccination—

shall be exempt from the requirement of vaccination.

§ 61.3 Fee for vaccination.

(a) Except as provided by paragraph (b) of this section, vaccinations performed under this subpart shall be without charge.

(b) The Governor may, in his discretion, prescribe a reasonable fee to be paid by agencies of the United States for the vaccination of their officers and employees and their dependents. This paragraph does not apply to the Panama Canal Company or the Canal Zone Government.

§ 61.4 Certificates.

The Health Director or his designee shall issue certificates of successful vaccination.

§ 61.5 Penalties for violation.

As provided by 2 C.Z.C. 912, 76A Stat. 36, whoever violates a provision of this subpart shall be fined not more than $100 or imprisoned in jail not more than 30 days, or both; and each day the violation continues constitutes a separate offense.

Subpart B—Barbers, Beauticians, and Manicurists

§ 61.31 Initial examination.

A person may not be employed as a barber, beautician, or manicurist in the Canal Zone, until he has presented himself at such place as the Health Director designates and submitted to a physical examination for (a) tuberculosis, (2) syphilis, (c) infectious skin disease, and (d) other communicable or contagious diseases. The examination may include X-ray and serologic tests and must meet generally accepted medical standards.

§ 61.32 Annual examination.

Every barber, beautician, and manicurist shall submit at least annually to a physical reexamination in the same manner as provided in § 61.31 for initial examination.

§ 61.33 Special examination.

Whenever he has reason to suspect that a barber, beautician, or manicurist has contracted a communicable or contagious disease, the Health Director or his designee may order the individual concerned to submit to a special examination.

§ 61.34 Certificate of examination.

The Health Director or his designee shall issue to each person who satis-

factorily passes an examination required by this subpart a certificate so stating. The certificate shall remain valid, unless sooner revoked, for a period of 1 year.

§ 61.35 Work without certificate prohibited.

A person may not engage in any of the occupations specified in § 61.31 in the Canal Zone unless he is in possession of a valid certificate issued pursuant to § 61.34. However, the Health Director or his designee may authorize the temporary employment of an individual pending completion of an examination.

§ 61.36 Sanitation standards.

All barbers, beauticians, and manicurists shall maintain their place of business in a clean, orderly and hygienic condition and shall comply with such instructions as the Health Director prescribes for the maintenance of proper sanitation standards.

§ 61.37 Fee for examinations.

The Governor may prescribe a reasonable fee for the various examinations required by this subpart.

§ 61.38 Inapplicability to military reservations.

The provisions of this subpart do not apply to military, naval, or air force reservations.

§ 61.39 Penalties for violation.

As provided by 2 C.Z.C. 912, 76A Stat. 36, whoever violates a provision of this subpart shall be fined not more than $100 or imprisoned in jail not more than 30 days, or both; and each day the violation continues constitutes a separate offense.

Subpart C—Examination of Food Handlers; Inspection of Food-Handling Establishments

§ 61.61 Applicability.

This subpart applies to establishments operated by or for any Government agency, or private or public organization in the Canal Zone which regularly process, manufacture, package, prepare, serve, or sell food or beverages and to the food handlers employed therein. It does not apply to any military, naval, or air force reservation within the Canal Zone.

§ 61.62 Definitions.

As used in this subpart:

"Food handler" is a person engaged in the processing, manufacture, packaging, cooking, preparation, dispensing, serving, or selling of any foodstuffs, beverages, or other items intended for human consumption. The term does not include persons who handle only unprocessed fruits and vegetables or foodstuffs or beverages that are fully protected by sealed containers or packaging.

"Food-handling establishment" is any place where food handlers are employed.

§ 61.63 Initial examination.

Every person, upon being employed as a food handler in the Canal Zone, shall present himself at such place as the Health Director of the Canal Zone Government designates and submit to a physical examination for (a) tuberculosis, (b) syphilis, (c) infectious skin disease, and (d) other communicable or contagious diseases, which examination may include X-ray, serology, and tests for enteric diseases and must meet generally accepted medical standards.

§ 61.64 Annual examination.

At least once each year, every food handler shall submit to physical reexamination in the same manner as provided by § 61.63 for initial examination. The Governor may, in his discretion, prescribe a reasonable fee for the examinations required by this section and § 61.63.

§ 61.65 Special examination.

Whenever the Health Director or his designee has reason to suspect the presence of any of the diseases specified in § 61.63, he shall require a special examination of the food handler concerned.

§ 61.66 Certificate of examination.

(a) The Health Director or his designee shall issue to each person who satisfactorily passes an examination required by this subpart a certificate so stating. The certificate shall remain valid, unless sooner revoked, for a period of one year. A copy of the certificate shall be furnished to the establishment where the food handler is employed, where it shall be kept on file and be made available upon request of the sanitation inspector or other authorized representative of the Canal Zone Government.

(b) Except as provided by paragraph (c) of this section, a person may not work as a food handler, nor may a food-handling establishment employ him, unless a valid certificate of satisfactory examination has been issued in his case and remains in effect. Compliance with this paragraph shall be the joint responsibility of the food handler and the food-handling establishment.

(c) By authority of the Health Director, temporary clearance for initial employment may be given pending completion of the physical examination.

§ 61.67 Condition of food-handling establishments.

All food-handling establishments shall maintain their premises in a clean orderly and hygienic condition and at all times shall provide, for the use of food handlers, sanitary facilities and supplies which, in the opinion of the Health Director, meet generally accepted minimum standards. A person may not be retained as a food handler who repeatedly evidences unhygienic practices with respect to his person or dress.

§ 61.68 Supervision of food handlers.

(a) All food-handling establishments shall designate a sufficient number of responsible personnel to:

(1) Supervise their food handlers and enforce suitable standards of personal cleanliness;

(2) Note all instances when such standards are not maintained on an examination record for the individual food handler; and

(3) Discover disqualifying defects or other indications of illness or disease among their food handlers when they appear.

(b) The following shall be considered disqualifying defects and upon their discovery the food-handling establishment shall require the food handler concerned to report for examination and treatment at a hospital or clinic to be designated by the Health Director: lesions, rashes on exposed skin surfaces, coughing, fever, sore throat, nasal discharge, and diarrhea.

§ 61.69 Inspection of food-handling establishments.

At such intervals as the Health Director prescribes, all food-handling establishments shall be inspected by a sanitation inspector or other authorized representative of the Canal Zone Government who shall inspect all food-handling establishments. The inspection shall be conducted in company with the supervisor or person in charge of the establishment. It shall include (a) an examination of the premises to determine compliance with this subpart and (b) inspection of the file of certificates and examination records for the food handlers employed which the establishment must maintain.

§ 61.70 Penalties for violation.

As provided by 2 C.Z.C. 912, 76A Stat. 36, whoever violates a provision of this subpart shall be fined not more than $100 or imprisoned in jail not more than 30 days, or both; and each day the violation continues constitutes a separate offense.

Subpart D—Foods and Beverages

§ 61.91 Definitions.

As used in this subpart:

"Beverage" means any beverage intended for human consumption other than an alcoholic beverage as defined in § 53.1 of this chapter.

"Food" means meat, meat-food products, meat byproducts, poultry, poultry products, eggs, seafoods, milk, milk products, frozen desserts, bakery products, confections, edible oils, and fresh leafy vegetables.

"Food-handling establishment" means any establishment situated in the Canal Zone which is operated by or for any Government agency or public or private organization and which regularly serves or sells food or beverages. The term does not include any domestic establishment.

"Health Bureau" means the Health Bureau of the Canal Zone Government.

"Health Director" means the Health Director of the Canal Zone Government.

§ 61.92 Listing of approved suppliers of food and beverages.

(a) The Health Director shall cause to be prepared, maintained and kept current at all times a list showing:

(1) The suppliers of food and beverages situated on the Isthmus of Panama who are approved by the Health Director

or his designee as sources of supply for food-handling establishments in the Canal Zone; and

(2) The specific foods and beverages, or classes thereof, for which each such supplier is so approved.

(b) The listing of a supplier as an approved source of supply for a specified food or beverage shall be based upon:

(1) Appropriate inspections, as may be indicated and practicable, of such food or beverage and of the premises whereon it is produced, processed and distributed, carried out from time to time by representatives of the Health Bureau; and

(2) A determination by the Health Director or his designee that such food or beverage as furnished by such supplier conforms to acceptable standards of purity and quality.

(c) In the cases of milk, milk products, frozen desserts, meat, meat-food products, meat by-products, and poultry, the Health Director shall, to the greatest extent practicable, apply the most recent standards and specifications of purity and quality which are prescribed for such products, respectively, in the Milk Ordinance and Code recommended by the U.S. Public Health Service, the Frozen Desserts Ordinance and Code recommended by such service, the Regulations Governing Meat Inspection of the U.S. Department of Agriculture, and the Poultry Ordinance of the U.S. Public Health Service.

(d) The Health Director or his designee shall promptly distribute copies of the list provided for in this section, and of any and all changes therein and additions thereto, to each food-handling establishment in the Canal Zone which submits its name and address to the Health Bureau.

§ 61.93 Procurement by food-handling establishments from approved suppliers.

A food-handling establishment in the Canal Zone or person acting for or on its behalf may not procure any food or beverage for serving or sale in the establishment from any source of supply on the Isthmus of Panama other than (a) a supplier listed as provided by § 61.92 as an approved source of supply for such specific food or beverage, or (b) another food-handling establishment in the Canal Zone.

§ 61.94 Delivery to food-handling establishments or from house to house.

(a) A person may not engage in the delivery of any food or beverage to any food-handling establishment in the Canal Zone, or engage in the house-to-house delivery of any food or beverage in the Canal Zone, unless (1) the person is listed as provided by § 61.92 as an approved source of supply for such specific food or beverage, or is an employee of a person so listed, and (2) the person so listed is the holder of a valid, unexpired license, issued by the Health Director or by his authority authorizing such delivery operation.

(b) This section does not apply to the delivery of foods or beverages by a food-handling establishment situated in the Canal Zone.

(c) A person holding a license under this section shall not be required, for the same operations, to obtain the license for the peddling of food prescribed by Part 63 of this chapter.

§ 61.95 Applicability to military areas.

This subpart does not apply to any military, naval, or air force reservation within the Canal Zone.

§ 61.96 Penalties for violation.

As provided by 2 C.Z.C. 912, 76A Stat. 36, whoever violates a provision of this subpart shall be fined not more than $100 or imprisoned in jail not more than 30 days, or both; and each day the violation continues constitutes a separate offense.

Subpart E—Maritime and Aircraft Quarantine

Definitions and General Provisions

§ 61.121 Definitions.

As used in this subpart:

"Aedes aegypti Index" means the ratio, expressed as a percentage between the number of houses in a limited well-defined area on the premises of which actual breeding-places of Aedes aegypti are found, and the total number of houses examined in that area.

"Aircraft" means an aircraft making an international voyage.

"Aircraft General Declaration" means the form approved by the International Civil Aviation Organization and set forth in a revised edition of Annex 9 to the Convention on International Civil Aviation. The revised Declaration of Health portion of the form is also approved by the World Health Organization and set forth in Appendix 6 of the International Sanitary Regulations.

"Certificate of vaccination" means a certificate of vaccination or revaccination against cholera, smallpox or yellow fever conforming with the rules and models prescribed by the International Sanitary Regulations.

"Communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an affected person, animal, or arthropod (including insects and arachnids) or through the agency of an intermediate host, vector or the inanimate environment.

"Contamination" means the presence of undesirable substance or material which may contain pathogenic microorganisms.

"Day" means a period of 24 hours.

"Deratting certificate" means a certificate issued with respect to a vessel by the competent health authority of a port, in the form prescribed by the International Sanitary Regulations, recording the inspection and deratting of the vessel.

"Deratting exemption certificate" means a certificate issued with respect to a vessel by the competent health authority of a port, in the form prescribed by the International Sanitary Regulations, recording the inspection and exemption from deratting of the vessel which has a negligible number of rodents on board.

"Disinfection" means the act of rendering anything free from the causal agents of disease.

"Disinfestation" means the act of destroying the vectors of a communicable disease.

"Disinsecting" means the act of destroying insects or other anthropod vectors of a communicable disease.

"Foreign port" means any seaport or airport other than a port under the control of the United States, a port of the Canal Zone, or the seaports or riverports of the Republic of Panama.

"Fumigation" means the process by which the destruction of vermin and rodents is accomplished by the employment of gaseous agents.

"Immunity" means the condition of being protected against a particular disease, either as a result of artificial immunization or through a previous attack of the disease in question.

"Incubation period" means the period between the implanting of disease organisms in a susceptible person and the appearance of clinical manifestations of the disease.

"Infected local area" means a local area (as defined in the International Sanitary Regulations): (1) Where there is a nonimported case of cholera or smallpox; or (2) where there is a nonimported case of plague, or there is plague infection among rodents; or, (3) where there is a nonimported case of yellow fever, or there is activity of yellow fever virus in vertebrates other than man; or, (4) where there is an epidemic of typhus or relapsing fever.

"Infected person" means any person who is suffering from a quarantinable disease or who is considered by the quarantine officer in charge to be infected with such a disease.

"Infected vessel or aircraft", with respect to meaning, is determined by reference to particular quarantinable diseases as set forth in §§ 61.221 through 61.231.

"International Sanitary Regulations" means the International Sanitary Regulations (World Health Organization Regulations No. 2) adopted by the Fourth World Health Assembly on May 25, 1951, as amended by subsequent Assemblies.

"Isolation" means (1) when applied to a person or group of persons, the separation of that person or group of persons from other persons in such a manner as to prevent the spread of infection; and (2) when applied to animals, the separation of an animal or group of animals from other animals or vectors of disease in such a manner as to prevent the spread of infection.

"Local area" means the smallest area within a territory, which may be a port or airport, having a defined boundary and possessing a health organization which is able to apply the appropriate sanitary measures permitted or prescribed by the International Sanitary Regulations; the situation of such an area within a larger area which also possesses such a health organization shall not preclude the smaller area from being a local area for the purposes of the International Sanitary Regulations.

"Part of the Canal Zone" means any seaport or airport in the Canal Zone.

"Port under the control of the United States" means any seaport or airport in the United States, in the Commonwealth of Puerto Rico, and in territories or possessions of the United States other than the Canal Zone.

"Pratique" means a certificate issued by a quarantine office releasing or provisionally releasing a vessel or aircraft from quarantine.

"Quarantine" means the detention of a person, vessel, aircraft or other conveyance, animal or thing, in such place and for such period of time as may be specified in the regulations in this subpart.

"Quarantine officer" means a medical officer or other specially trained employee assigned to quarantine duty by authority of the Governor.

"Quarantine officer in charge" means the quarantine officer of the Division of Preventive Medicine and Quarantine responsible for the application of these regulations at a designated place or in a designated area.

"Quarantinable disease" means the specific communicable disease: cholera, plague, louse-borne relapsing fever, smallpox, louse-borne typhus, or yellow fever.

"Rodents" means gnawing mammals capable of transmitting or harboring quarantinable diseases.

"Surveillance" means the temporary supervision of a person who has been released from quarantine by the quarantine officer in charge upon the condition that he will submit himself to further medical examination or inquiry as required.

"Suspect" means a person who is considered by the quarantine officer in charge as having been exposed to infection by a quarantinable disease and to be capable of spreading that disease.

"Suspected vessel or aircraft", with respect to meaning, is determined by reference to particular quarantinable diseases as set forth in §§ 61.221 through 61.231.

"Valid" means (1) with respect to a Deratting Certificate or Deratting Exemption Certificate issued for a vessel, a certificate issued by the competent health authority for a port not more than 6 months before presentation of the certificate to the quarantine officer, or if the vessel is proceeding to a port designated or approved for the issuance of such certificates, not more than 7 months before such presentation; and (2) with respect to a Certificate of Vaccination, a certificate presented within the applicable period of immunity prescribed in § 61.123.

"Vector" means an animal (including insects), plant, or thing which conveys or is capable of conveying pathogenic organisms from a person or animal to another person or animal.

"Yellow fever receptive area" means an area in which the virus of yellow fever does not exist but where the presence of Aedes aegypti or any other domiciliary or peri-domiciliary vector of yellow fever would permit its development if introduced.

§ 61.122 Periods of isolation and surveillance.

Except as otherwise provided with respect to infected persons, where isolation or surveillance is authorized in this part, the period of such isolation or surveillance shall be reckoned as hereinafter provided and shall not exceed the following appropriate incubation period of the quarantinable diseases:

(a) Plague: 6 days.
(b) Cholera: 5 days.
(c) Yellow fever: 6 days.
(d) Smallpox: 14 days.
(e) Typhus: 14 days.
(f) Relapsing fever: 8 days.

§ 61.123 Periods of immunity.

The following shall be the recognized period of immunity after successful immunization; in the case of yellow fever, the vaccine must be approved by the World Health Organization:

Cholera: 6 months, beginning 6 days after the first injection of the vaccine and on date of a revaccination during such period of 6 months.

Smallpox: 3 years, beginning 8 days after successful primary vaccination and immediately on revaccination.

Yellow fever: 6 years beginning 10 days after date of original vaccination and from date of a revaccination within such period of 6 years.

§ 61.124 Compliance with conditions of surveillance.

(a) Every person who is placed under surveillance in accordance with the provisions of this subpart shall, during the period of surveillance:

(1) Give such information relative to his health and his intended destination and report to designated physicians or medical officers at such times for such medical examinations as may be required; and

(2) Upon arrival at any address other than that stated as his intended destination when placed under surveillance, report his address to the quarantine officer in charge of the port or place of his entry.

(b) A person under surveillance shall, prior to his departure from the Canal Zone, inform the quarantine officer in charge at the port or place of his entry, or departure, and such officer shall immediately notify the health authority of the place to which the person is proceeding.

§ 61.125 Departing persons, things, vessels, or aircraft.

(a) If the Chief, Division of Preventive Medicine and Quarantine or the quarantine officer in charge has reason to believe that a person proposing to depart from the Canal Zone by any means is infected with or has been exposed to infection by a quarantinable disease, he shall so advise the person and notify the local health authorities and the master or commander or person in charge of the vessel, aircraft or other conveyance on which the person proposes to depart.

(b) If the quarantine officer has reason to believe that a departing vessel, aircraft or land conveyance has or may have on board possible agents of infection or vectors of a quarantinable disease, he shall notify the master, commander, or person in charge and offer to have performed such disinsecting, disinfection, or other measures as are necessary. He shall, if he considers that a risk of infection exists on board at the time of departure, notify all persons proposing to embark upon such ship, aircraft or conveyance and the health authorities at the next port of call or destination of the conditions aboard such vessel, aircraft or conveyance.

§ 61.126 Sanitary measures previously applied.

Any sanitary measure, other than medical examination, which has been applied prior to the arrival of a vessel or aircraft with respect to the quarantinable diseases shall not be repeated unless:

(a) After the departure of a vessel or aircraft from the port or airport where the measures were applied there is or has been on board an infected person or suspect or there has occurred any other incident of epidemiological significance either in that port or airport or on board the vessel or aircraft which, in the judgment of the quarantine officer in charge, requires further application of any such measure; or

(b) The quarantine officer in charge has ascertained on the basis of definite evidence that the individual measure so applied was not substantially effective.

§ 61.127 Certificate of measures applied.

(a) The quarantine officer in charge shall, upon request, issue free of charge to a carrier a certificate specifying the sanitary measures applied to a vessel, an aircraft or a land conveyance, the parts thereof treated, the methods employed, and the reasons why the measures were applied. In the case of an aircraft this information shall on request be entered instead in the general declaration.

(b) The quarantine officer in charge shall, upon request, issue free of charge:

(1) To any traveler a certificate specifying the date of his arrival or departure and the sanitary measures applied to him and his baggage; and

(2) To the consignor, the consignee, or the carrier, or their respective agents, a certificate specifying the sanitary measures applied to any goods.

§ 61.128 Authorized vaccinating centers; authenticating stamps or seals.

(a) Handling, storage and administration of yellow fever vaccine shall comply with instructions of the World Health Organization.

(b) International certificates of vaccination against yellow fever, shall be authenticated by the official, approved stamp or seal of one of the authorized yellow fever vaccinating centers of the Canal Zone.

(c) International certificates of vaccination against smallpox or cholera performed in the Canal Zone shall be authenticated by:

(1) The stamp approved under paragraph (b) of this section; or

(2) The seal of the Division of Preventive Medicine and Quarantine; or

(3) The stamp or seal of a hospital or clinic under the direction of the Health Bureau.

§ 61.129 Listing of infected and receptive areas.

The Chief, Division of Preventive Medicine and Quarantine, shall maintain an accurate listing of:

(a) Ports and other areas infected with quarantinable or other communicable diseases;

(b) Yellow fever receptive areas; and

(c) Ports and other areas having an Aedes aegypti Index of 1.0 and above.

§ 61.130 Administration of quarantine laws, rules and regulations.

The Health Bureau, under the supervision of the Health Director, through the Division of Preventive Medicine and Quarantine, with respect to all quarantine matters other than animal quarantine, and through the Division of Veterinary Medicine with respect to animal quarantine, under the immediate supervision and direction of the Chiefs of those divisions, is charged with the administration of all laws, rules and regulations governing maritime and aircraft quarantine in the Canal Zone.

§ 61.131 Penalties for violation.

As provided by 2 C.Z.C. 912, 76A Stat. 36, whoever violates a quarantine rule contained in this subpart, or a provision of a regulation prescribed thereunder shall be fined not more than $500 or imprisoned in jail not more than 90 days, or both; and each day the violation continues constitutes a separate offense.

Measures at Foreign Ports

§ 61.141 Bills of health.

A vessel or aircraft at any foreign port clearing or departing for a port of the Canal Zone shall not be required to obtain or deliver a bill of health.

§ 61.142 Measures prescribed by local health authority; vessels and aircraft.

A vessel or aircraft at any foreign port or airport clearing or departing for a port of the Canal Zone shall comply with sanitary measures prescribed by the health authority for such foreign port or airport in accordance with responsibility imposed by the International Sanitary Regulations to prevent the departure of infected persons or the introduction on board the vessel or aircraft of possible agents of infection or vectors of a quarantinable disease.

Measures in Transit

§ 61.151 Vessels and aircraft; general provisions.

The measures described in §§ 61.152 through 61.157 must be taken in transit with respect to vessels and aircraft destined for ports of the Canal Zone.

§ 61.152 Vessels; sanitary inspection and corrective measures.

The master or a designated officer shall make a daily sanitary inspection of all compartments of the vessel normally accessible to passengers or crew. Immediate corrective measures shall be taken if evidence of vermin, rodents or unsanitary conditions is found.

§ 61.153 Vessels; entries in the official record.

A record of the conditions found and the corrective measures taken shall be entered in an official record.

§ 61.154 Vessels and aircraft; radio report of disease aboard.

(a) The master of the vessel shall report promptly by radio to the quarantine officer in charge at the port of entry in the Canal Zone, and wherever practicable not less than four hours before the expected arrival of the ship, the occurrence or suspected occurrence of any of the following communicable diseases: Anthrax, chancroid, chickenpox, cholera, dengue, diphtheria, favus, gonorrhea, granuloma inguinale, hemolytic streptococcal infections, impetigo contagiosa, infectious encephalitis, leprosy, lymphogranuloma venereum, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, relapsing fever, ringworm of the scalp, smallpox, syphilis, trachoma, tuberculosis, typhoid fever, typhus, yellow fever, or other diseases characterized by fever or skin rash.

(b) The commander of an aircraft destined for a port of the Canal Zone shall report promptly by radio to the quarantine officer in charge at intended place of landing in the Canal Zone the occurrence or suspected occurrence on board of any of the communicable diseases listed or described in paragraph (a) of this section.

§ 61.155 Vessels; yellow fever.

(a) The following vessels shall be disinsected prior to their arrival in Canal Zone waters and the master of the vessel shall certify to this effect on the maritime quarantine declaration presented to the quarantine officer upon arrival:

(1) An infected or suspected vessel, as defined in § 61.230; or

(2) A vessel from an infected local area; or,

(3) A vessel that has left a port where the Aedes aegypti Index is reported as 1.0 or higher.

(b) The insecticide used and method of disinsecting shall be those prescribed by the Health Director.

(c) If the disinsecting required under paragraph (a) of this section is not carried out or if the quarantine officer in charge finds live mosquitoes on board or otherwise determines that the vessel's own disinsecting was inadequate, the vessel shall be detained in quarantine at a mooring not less than 400 meters from shore until disinsected by quarantine personnel and persons other than quarantine personnel shall not be allowed on board until disinsecting is completed.

§ 61.156 Vessels; disinsecting.

Vessels required to be disinsected under § 61.155 shall be disinsected as follows:

(a) The insecticide used shall be an aerosol of a type approved by the Health Director and containing not less than 5.0 percent by weight pyrethrum extract (20 percent pyrethrins);

(b) The insecticide shall be dispensed in the amount of not less than five grams per 1000 cubic feet of enclosed space and released or sprayed throughout all accessible compartments;

(c) The ventilating system shall be stopped and all openings to the exterior kept closed while the insecticide is being released or sprayed for a period of at least 15 minutes thereafter.

§ 61.157 Aircraft; yellow fever.

(a) The following aircraft shall be disinsected:

1. An infected or suspected aircraft as defined in § 61.230;

(2) An aircraft from an infected local area; or,

(3) An aircraft that has left a port where the Aedes aegypti Index is reported as 1.0 or higher.

(b) The insecticide used and the method of disinsecting shall be those prescribed by the Health Director.

(c) The quarantine officer in charge shall accept prearrival disinsecting details of which shall be recorded in the Declaration of Health of the Aircraft General Declaration if after inspection he determines that such disinsecting has been effective and the insecticide and disinsecting methods meet prescribed requirements. Aircraft that the quarantine officer in charge has reason to believe present a special hazard with respect to the introduction of insect vectors shall be kept tightly closed on arrival; disinsecting shall be accomplished before discharge of passengers, crew, mail, baggage, cargo, or other material; and no person except quarantine personnel shall be allowed on board until disinsecting is completed.

(d) Additional requirements for disinsecting aircraft proceeding to or from certain regions may be prescribed by the Health Director when necessary to prevent the importation or spread of insect vectors of disease.

§ 61.158 Aircraft; disinsecting.

Aircraft required to be disinsected under § 61.157 shall be disinsected as follows:

(a) The insecticide used shall be an aerosol of a type specified for vessels and the method of application or disinsecting as required for vessels specified in § 61.156 except that the ventilation system shall be stopped and all openings to the exterior kept closed for a period of at least 3 minutes after the insecticide is released or sprayed.

(b) Disinsecting may be accomplished before take-off at the last airport before arrival at the Canal Zone or after departure from such airport (for compartments accessible in flight). In no case shall disinsecting be accomplished later

than 30 minutes before the first landing in the Canal Zone.

VESSELS AND AIRCRAFT SUBJECT TO QUARANTINE INSPECTION

§ 61.171 General provisions.

(a) A vessel or aircraft arriving at a port of the Canal Zone shall undergo quarantine inspection prior to entry unless:

(1) In the current voyage the vessel or aircraft has not touched at any port other than a quarantine exempt area, a list of which shall be kept by the Chief, Division of Preventive Medicine and Quarantine; or

(2) In the current voyage the vessel or aircraft has received pratique at a port of the Canal Zone or a port under the control of the United States, and since receiving such pratique has not touched at a port other than those listed pursuant to subparagraph (1) of this paragraph; or

(3) The vessel or aircraft possesses a duplicate of a pratique issued at a port in Canada, provided that since receiving such pratique the vessel or aircraft has not touched at ports other than those listed pursuant to subparagraph (1) of this paragraph.

(b) A vessel or aircraft otherwise exempt from inspection under the provision of paragraph (a) (1), (2), or (3) of this section shall undergo quarantine inspection prior to entering a port of the Canal Zone if the vessel or aircraft:

(1) Has aboard, or during the current voyage has had aboard, a person infected or suspected of being infected with anthrax, chickenpox, cholera, dengue, diptheria, hemolytic streptococcal infection, infectious encephalitis, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, relapsing fever, smallpox, typhoid fever, typhus or yellow fever; or,

(2) Arriving directly from a port where at the time of departure there was present or suspected of being present cholera, plague, relapsing fever, smallpox, typhus, or yellow fever; or,

(3) Being exempt from inspection under the provisions of paragraph (a) (1) of this section, on arrival at a port of the Canal Zone has on board a person who has been in a port or area other than those listed pursuant to paragraph (a) (1) within 14 days prior to such arrival; or,

(4) Being exempt from inspection under the provisions of paragraph (a) (1) or (3) of this section, on arrival at a port of the Canal Zone has on board an animal or article that does not comply with the admission requirements contained in §§ 61.281 through 61.302.

(c) Notwithstanding the provision of paragraph (a) (2) and (3) of this section, a vessel or aircraft having received pratique at a port of the Canal Zone or a port under the control of the United States, or possessing a duplicate pratique from Canada:

(1) Shall comply with any conditions and carry out any additional measures specified in the pratique; and

(2) May be required to undergo quarantine inspection if the quarantine officer in charge has reason to believe that the entry of the vessel or aircraft would be likely to cause the introduction of communicable disease.

§ 61.172 Vessels and aircraft of armed services.

(a) Vessels and aircraft belonging to or operated by the armed services of the United States may be exempted from quarantine inspection if the Chief, Division of Preventive Medicine and Quarantine, is satisfied that they have complied with regulations of such armed services meeting the requirements of the regulations of this part.

(b) Vessels belonging to or operated by the armed services of a foreign nation may, in the discretion of the Chief, Division of Preventive Medicine and Quarantine be exempted from quarantine inspection if a commissioned medical officer of such service certifies that:

(1) Any person on board who is infected or suspected of being infected with a communicable disease will be isolated until it is determined whether or not he is infected with a quarantinable disease; and that

(2) The vessel is from a port where at the time of departure there was not present or suspected of being present cholera, plague, relapsing fever, smallpox, typhus, or yellow fever. When it is determined that any person on board such vessel is infected with a quarantinable disease, the vessel and its entire personnel shall be subject to the provisions of §§ 61.221 through 61.231.

(c) Notwithstanding the exemption from quarantine inspection of a vessel or aircraft under this section, compliance shall be required with the provisions of §§ 61.281 through 61.302 concerning the importation of certain animals and articles.

§ 61.173 Exempt vessels and aircraft subject to sanitary regulations.

A vessel or aircraft which has been exempted from quarantine inspection under § 61.171 or § 61.172 shall nevertheless be subject to the provisions of §§ 61.241 through 61.247.

§ 61.174 Report of disease or rodent mortality on vessel during stay in port.

The master of a vessel calling at a port of the Canal Zone shall promptly report to the quarantine officer in charge at the port the occurrence of the following on the vessel during its stay in port:

(a) A known or suspected case of communicable disease included in the list of description in § 61.154.

(b) Unusual mortality or evidence of disease among rodents.

GENERAL REQUIREMENTS UPON ARRIVAL AT PORTS OF CANAL ZONE

§ 61.191 Applicability.

The measures prescribed in §§ 61.192 through 61.205 shall be taken with respect to vessels or aircraft which are subject to quarantine inspection pursuant to §§ 61.171 and 61.172 and with respect to persons and things arriving on such vessels or aircraft.

§ 61.192 Vessels; awaiting inspection.

(a) A vessel shall fly a yellow flag, and, except as provided by paragraph (b) of this section, anchor in the prescribed anchorage and await inspection.

(b) If the Chief, Division of Preventive Medicine and Quarantine, is of the opinion that the proceeding of the vessel to some other designated point in the port would not be likely to cause the introduction of communicable disease, he may direct the vessel to proceed to such a point to await inspection.

(c) The Chief, Division of Preventive Medicine and Quarantine, shall prescribe necessary measures to insure that there is no movement of any person or thing onto or from the vessel without his permission pending quarantine inspection.

§ 61.193 Aircraft; commander's initial responsibility.

The aircraft commander shall be responsible for the detention of the aircraft, its crew and passengers until they are released by the quarantine officer at the airport of entry. Any baggage, cargo, or other contents on board shall be held at such airport until released by the quarantine officer.

§ 61.194 Aircraft; report by commander respecting illness, et cetera.

The aircraft commander, or his authorized agent, on all aircraft arriving in the Canal Zone, except on flights originating in the United States or the Republic of Panama unless deemed necessary by the health authority of the airport, shall complete and deliver to the health authority for the airport a copy of the Aircraft General Declaration which shall include in the Health Part:

(a) A list of all persons on board known to be suffering from illness other than airsickness or the effects of accidents, as well as those cases of illness disembarked during the flight;

(b) A description of any other condition on board which may lead to the spread of disease; and

(c) Details of each disinsecting or sanitary treatment (place, date, time, method) during the flight. If no disinsecting has been carried out during the flight, details of the most recent disinsecting must be given.

§ 61.195 Maritime quarantine declaration.

(a) On arrival of a vessel, the master shall complete a maritime quarantine declaration on the Canal Zone Government Quarantine Declaration form. The completed form shall be delivered to the quarantine officer at the time quarantine inspection is begun. The declaration shall also be signed by the ship's surgeon if one is carried.

(b) The master of a vessel and the ship's surgeon, if one is carried, shall furnish all information as to health conditions on board during the voyage which may be required by the quarantine officer or Chief, Division of Preventive Medicine and Quarantine, and shall comply with the regulations in this subpart and with any directions or requirements of the Chief, Division of Preventive Medicine and Quarantine, pursuant to the regulations in this subpart.

§ 61.196 Persons; restrictions on boarding and leaving vessels or aircraft, or having contact with persons aboard.

(a) *Vessels.* Except with the permission of the quarantine officer, a person other than quarantine employees, other members of the boarding party and the pilot, may not board or be permitted to board a vessel subject to quarantine inspection until after it has been inspected by the quarantine officer and granted pratique. A person boarding the vessel shall be subject to the same restrictions as those imposed on the persons on the vessel. A person may not leave or be permitted to leave a vessel subject to quarantine inspection until after it has been inspected by the quarantine officer and granted pratique, except with the permission of the quarantine officer.

(b) *Aircraft.* Except with the permission of the quarantine officer, a person other than quarantine employees may not board or be permitted to board any aircraft subject to quarantine inspection or have contact with the crew or passengers of such aircraft until quarantine inspection of the aircraft, crew, and passengers has been completed. The same restrictions as those imposed on the crew and passengers shall be imposed on a person boarding such aircraft and on a person having contact with a passenger or member of the crew when the quarantine officer considers such contact a possible means of spreading a quarantinable disease.

§ 61.197 Quarantine inspection and controls.

(a) Quarantine inspection of a vessel or aircraft shall include:

(1) Inspection of the vessel or aircraft, its cargo, manifests, and other papers to ascertain the sanitary history and condition of the vessel or aircraft; and

(2) Examination of the persons aboard the vessel or aircraft, their personal effects and records to determine the presence, or risk of introduction, of quarantinable and other communicable diseases.

(b) The quarantine officer in charge may require a vessel or aircraft to remain under quarantine controls until the completion of the measures authorized in this subpart which in his judgment are necessary to prevent the introduction or spread of a quarantinable or other communicable disease.

§ 61.198 Persons; examination.

All persons on board shall be examined, except that on an approved regular line vessel or aircraft which carries a ship or flight surgeon, the examination may be limited to persons designated by the Chief, Division of Preventive Medicine and Quarantine.

§ 61.199 Vessels and aircraft; persons and things; communicable diseases other than quarantinable diseases.

(a) Whenever the quarantine officer has reason to believe that an arriving vessel or aircraft, or article or thing aboard, is or may be infected or contaminated with any of the communicable diseases listed in paragraph (c) of this section, he may disinsect, disinfect, disinfest, fumigate and take such other related measures respecting the vessel, aircraft, or article or thing aboard, or any part thereof, as he considers necessary to prevent the introduction, transmission, or spread of such communicable diseases.

(b) Whenever the quarantine officer has reason to believe that an arriving person is suffering or has been exposed to infection from any of the communicable diseases listed in paragraph (c) of this section, he may place the person in isolation or under surveillance and may disinfect or disinfest his person, clothing or baggage as he considers necessary to prevent the introduction, transmission or spread of such communicable diseases.

(c) The communicable diseases authorizing the application of sanitary and quarantine measures under paragraphs (a) and (b) of this section are: Anthrax, chancroid, chickenpox, dengue, diphtheria, favus, gonorrhea, granuloma inguinale, hemolytic streptococcal infections, infectious encephalitis, leprosy, lymphogranuloma venereum, meningococcus meningitis, poliomyelitis, psittacosis, ringworm of the scalp, syphilis, trachoma, tuberculosis, typhoid fever.

§ 61.200 Persons; isolation.

Persons held under isolation pursuant to the provisions of §§ 61.199, 61.223, 61.225, 61.227, 61.228, 61.229, and 61.231 may be so held on vessels in quarantine or at facilities of the Canal Zone Government. Such persons shall not have contact with other persons except by permission of the quarantine officer.

§ 61.201 Persons; isolation substituted for surveillance.

The quarantine officer in charge may require isolation where surveillance is authorized in this subpart whenever he considers the risk of transmission of infection by a suspect to be exceptionally serious.

§ 61.202 Restriction on movement of articles.

Articles from a vessel or aircraft may not be carried into the place of detention except by permission of the quarantine officer.

§ 61.203 Furnishing of fresh crew; vessels only.

After a vessel has been rendered free from infection, it may be furnished with a fresh crew and released from quarantine, while all or part of the original personnel are detained.

§ 61.204 Disinfection of imports.

When the freight manifest of a vessel or aircraft lists articles which may require disinfection under the provisions of this subpart, the quarantine officer shall disinfect them on board or request the customs officer to keep the articles separated from the other freight pending appropriate disposition.

§ 61.205 Exemption for mails.

Except to the extent that mail contains any of the foods or beverages specified in § 61.222(d) which the quarantine officer has reason to believe comes from a cholera infected local area, or any article or thing subject to quarantine restrictions under §§ 61.281 through 61.302 this subpart shall not render liable to detention, disinfection or destruction any mail, conveyed under the authority of the postal administration of the United States or of any other Government.

§ 61.206 Charges for services rendered to persons detained in quarantine.

Subsistence, lodging, medical care and hospital care of crews or passengers detained in quarantine shall be at the expense of the interest controlling the vessel or aircraft, except as otherwise provided in applicable cases or regulations such as those relating to beneficiaries of the U.S. Public Health Service.

PARTICULAR REQUIREMENTS UPON ARRIVAL AT PORTS OF CANAL ZONE

§ 61.221 Applicability.

In addition to the requirements of §§ 61.192 through 61.205, the particular requirements prescribed in §§ 61.222 through 61.231 (affecting persons, vessels or aircraft, animals, and other imports) shall be observed with respect to vessels or aircraft which are subject to quarantine inspection under §§ 61.171 and 61.172. The particular requirements of § 61.226 shall be observed irrespective of whether the vessels or aircraft are subject to quarantine inspection.

§ 61.222 Cholera; vessels and aircraft; things.

(a) For the purpose of applying sanitary and quarantine measures against the spread of cholera:

(1) An infected vessel means a vessel which has on board on arrival a case of cholera or on which a case of cholera has occurred within 5 days prior to arrival.

(2) An infected aircraft means an aircraft which has a case of cholera aboard on arrival.

(3) A suspected vessel means a vessel which has had on board during the voyage a case of cholera more than 5 days prior to arrival.

(4) A suspected aircraft means an aircraft which has had on board during the voyage a case of cholera which has previously disembarked.

(b) An infected or suspected vessel or aircraft shall be detained in quarantine as may be necessary for the effective accomplishment of the applicable sanitary measures prescribed in this subpart.

(c) Personal effects and baggage of an infected person or suspect and a part of the infected or suspected vessel or aircraft considered to be contaminated shall be disinfected. Bedding or linen, human dejecta, bilge water, waste matter or water, and matter considered to be contaminated may not be unloaded or discharged until it has been disinfected.

(d) On arrival of an infected or suspected vessel or aircraft, or a vessel or

aircraft arriving from an infected local area, the quarantine officer may prohibit the unloading of, or may remove all fish, shellfish, fruit or vegetables to be consumed uncooked, or beverages, unless such food or beverages are in sealed containers and the quarantine officer has no reason to believe that they are contaminated. If any such food or beverage is removed it shall be safely disposed of. If any of such food or beverage forms part of the cargo in a hold of a vessel or freight compartment of an aircraft, the quarantine officer at the port or airport at which the cargo is to be unloaded shall arrange for its safe disposal. Such other special precautions shall be taken as may be necessary to prevent contamination of food or water supplies of the vessel or aircraft.

(e) If the quarantine officer considers the water supply of a cholera infected or suspected vessel or aircraft to be contaminated, he shall require the disinfection and removal of any water carried on board and if necessary the disinfection of the water system and of the water containers.

§ 61.223 Cholera; vessels and aircraft; persons.

(a) Persons ill from cholera shall be removed and isolated until no longer infectious.

(b) On arrival of an infected vessel or aircraft the quarantine officer may place under surveillance any person disembarking who produces a valid certificate of vaccination against cholera and may isolate all others disembarking. Such surveillance or isolation shall be reckoned from the date of disembarkation.

(c) On arrival of a suspected vessel or aircraft the quarantine officer may place under surveillance any person disembarking. Such surveillance shall be reckoned from the date of arrival.

(d) A person who, within 5 days prior to arrival, has departed from a cholera infected local area or arrives on a healthy vessel or aircraft which has departed from such an area within that time may be placed under surveillance if he has a valid certificate of vaccination against cholera or may be placed in isolation if he does not have such a certificate. The period of isolation or surveillance shall be reckoned from the date of departure of the person, or the vessel or aircraft, from the infected area.

(e) A person who has departed from an infected local area within 5 days prior to arrival and who has symptoms indicative of cholera may be required to submit to a stool examination.

§ 61.224 Plague; vessels and aircraft.

(a) For the purpose of applying sanitary and quarantine measures against the spread of plague:

(1) An infected vessel or aircraft means a vessel or aircraft which has on board on arrival a case of human plague, or a plague infected rodent. A vessel shall also be regarded as infected if a case of plague develops on board in a person more than 6 days after his embarkation.

(2) A suspected vessel means (i) a vessel which, not having a case of human plague on board on arrival, has had on board such a case developed by the person within 6 days of his embarkation, or (ii) a vessel on which there is evidence of abnormal mortality of rodents on board, the cause of which is not known on arrival.

(b) An infected or suspected vessel or any infected aircraft shall be detained in quarantine as may be necessary for the effective accomplishment of the applicable sanitary measures prescribed in this subpart.

(c) On arrival of a vessel which has rodent plague on board the quarantine officer shall require the deratting of the vessel. The following provisions shall apply to such deratting:

(1) The deratting shall be carried out as soon as the holds have been emptied.

(2) One or more preliminary deratings of a vessel with the cargo in situ, or during its unloading, may be carried out to prevent the escape of infected rodents.

(3) If the complete destruction of rodents cannot be secured because only part of the cargo is due to be unloaded, a vessel shall not be prevented from unloading that part, but the quarantine officer may apply any measures which he considers necessary to prevent the escape of infected rodents.

(d) If a rodent dead of plague is found on board an aircraft, it shall be deratted.

§ 61.225 Plague; vessels and aircraft; persons; things.

(a) Persons ill from plague shall be removed and isolated until no longer infectious.

(b) On arrival of an infected or suspected vessel or infected aircraft the quarantine officer may:

(1) Require any suspect on board to be disinsected and may place him under surveillance, the period of surveillance being reckoned from the date of arrival of the vessel or aircraft;

(2) Require the disinsecting and, if necessary, disinfection of the baggage of any infected person or suspect and of any other article such as used bedding or linen, and any part of the vessel or aircraft, which the quarantine officer considers to be contaminated.

(c) On the arrival of a healthy vessel or aircraft which has come from a plague infected local area the quarantine officer may:

(1) Place under surveillance any suspect who disembarks, the period of surveillance being reckoned from the date of departure of the vessel or aircraft from the infected area;

(2) Require the deratting of the vessel in exceptional circumstances. In such case, the master shall be informed in writing of the reasons for the action.

(d) In exceptional circumstances of an epidemiological nature, when the presence of rodents is suspected on board, an aircraft may be deratted.

§ 61.226 Smallpox; persons, general.

(a) All arriving persons shall be subject to vaccination against smallpox unless they present evidence satisfactory to the quarantine officer of successful vaccination or of a revaccination, within three years prior to arrival or evidence of a previous attack of smallpox.

(b) A person subject to vaccination under this section shall be offered vaccination; if he is not vaccinated, he may be placed under surveillance, the period of surveillance being reckoned from the date of his departure from the last territory visited prior to his arrival.

(c) A person subject to vaccination under this section who has visited a smallpox infected local area within 14 days prior to arrival may be required to be vaccinated, or may be placed under surveillance, or may be vaccinated and then placed under surveillance; and if he refuses vaccination, he may be isolated. The period of surveillance or isolation shall be reckoned from the date of departure from the infected local area.

§ 61.227 Smallpox; infected vessels and aircraft; persons.

(a) For the purpose of applying sanitary and quarantine measures against the spread of smallpox, an infected vessel or aircraft means a vessel or aircraft which on arrival has a case of smallpox aboard or has had a case of smallpox on board during the voyage.

(b) On arrival of an infected vessel or aircraft, the quarantine officer shall detain the vessel or aircraft in quarantine as may be necessary for the effective accomplishment of the following measures:

(1) Persons ill from smallpox shall be removed and isolated until no longer infectious.

(2) Vaccination shall be offered to any person considered by the quarantine officer not to be sufficiently protected against smallpox.

(3) The quarantine officer, taking into consideration the danger of infection, may place under surveillance or in isolation any person disembarking. The period of surveillance or isolation shall be reckoned from the last exposure to infection.

(4) The baggage of any infected person shall be disinfected.

(5) Any other baggage or article, or any part of the ship or aircraft, which the quarantine officer considers to be contaminated shall be disinfected.

§ 61.228 Smallpox; persons; suspects.

The quarantine officer may apply the provisions of § 61.227(b) to any suspect who disembarks from a vessel or aircraft which is not an infected vessel or aircraft.

§ 61.229 Typhus and relapsing fever; vessels and aircraft; persons; things.

(a) A vessel or aircraft on which a case of typhus or relapsing fever has occurred during the voyage shall be detained in the quarantine as may be necessary for the effective accomplishment of the:

(1) Removal and isolation of any infected person on board until he is no longer infectious; or

(2) Disinsecting of any suspect on board; or

(3) Disinsecting and, if necessary, disinfection of the accommodations occupied by any infected person or suspect, his clothing, baggage, and any other article which the quarantine officer considers is likely to spread typhus or relapsing fever.

(b) The quarantine officer may:

(1) Require the disinsecting of any person who has left a typhus or relapsing fever infected local area, or a local area suspected of being so infected, within 14 days prior to arrival, in the case of typhus, and within 8 days prior to arrival, in the case of relapsing fever, and the disinsecting, and, if necessary, disinfection of his clothing, baggage, and any other article which the quarantine officer considers is likely to spread typhus or relapsing fever; and

(2) Place any person so disinsected under surveillance for a period of not more than 14 days in the case of typhus and not more than 8 days in the case of relapsing fever, such period of surveillance being reckoned from the date of the disinsecting.

§ 61.230 Yellow fever; vessels and aircraft; classification.

For the purpose of applying sanitary and quarantine measures against the spread of yellow fever:

(a) An infected vessel means a vessel which has on board on arrival or which during its voyage had on board a case of yellow fever;

(b) An infected aircraft means an aircraft which has on board on arrival a case of yellow fever;

(c) A suspected vessel means a vessel which has left a yellow fever infected local area within 6 days prior to arrival or which arriving within 30 days after leaving such area has Aedes aegypti on board; and

(d) A suspected aircraft means an aircraft which has left an airport situated in a yellow fever infected local area arriving at an airport of the Canal Zone if upon arrival the health authority for the airport is not satisfied that it was adequately disinsected before departure from such area or in flight and finds live mosquitoes on board.

§ 61.231 Yellow fever; vessels and aircraft; persons.

(a) On arrival of an infected vessel or aircraft the quarantine officer shall remove and isolate all persons ill with yellow fever until no longer infectious.

(b) The quarantine officer may place in isolation or under surveillance any person arriving from an infected area or disembarking from an infected or suspected vessel or aircraft who does not produce a valid certificate of vaccination against yellow fever, until his certificate becomes valid or for not more than 6 days from the date of last possible exposure, whichever is earlier.

(c) Immune persons shall be released.

SANITARY INSPECTION: RODENT AND VERMIN CONTROL

§ 61.241 General provisions.

Vessels or aircraft arriving at a port of the Canal Zone from a foreign port are subject to sanitary inspection to ascertain whether there exists rodent, vermin, or insect infestation, contaminated food or water, or other unsanitary condition requiring measures for the prevention of the introduction, transmission, or spread of communicable disease.

§ 61.242 Disinsecting and disinfection; vessels, aircraft and persons.

Except as otherwise provided in this subpart:

(a) Such aircraft which have left an area infected with insect borne communicable disease may be disinsected on arrival if the quarantine officer has reason to suspect the presence on board of insect vectors of communicable disease.

(b) Such vessels may be disinfected on arrival if the quarantine officer considers disinfestation necessary to prevent the spread of infection or for the destruction of insects and vermin capable of transmitting communicable disease.

(c) The person, effects and baggage of any vermin infested person arriving aboard a vessel or aircraft shall be disinsected and, if necessary, in the judgment of the quarantine officer, disinfected.

§ 61.243 Deratting Certificates; Deratting Exemption Certificates; vessels only.

(a) If a valid Deratting Certificate or Deratting Exemption Certificate is not produced with respect to any arriving vessel the quarantine officer shall:

(1) If he is satisfied that the vessel is free of rodents or is kept in such a condition that the number of rodents on board is negligible, issue a Deratting Exemption Certificate; or

(2) If he is satisfied that a Deratting Exemption Certificate should not be issued with respect to such vessel, require the deratting of the vessel.

(b) When, pursuant to paragraph (a) (2) of this section, deratting has been completed to the satisfaction of the quarantine officer, he shall issue a Deratting Certificate.

§ 61.244 Vessels and aircraft in traffic between United States and Canal Zone.

Vessels or aircraft engaged in trade between ports under the control of the United States and ports of the Canal Zone shall be subject to sanitary inspection as described in § 61.241, when arriving from a port infected or suspected of being infected with a quarantinable disease or when illness on board indicates unsatisfactory sanitary conditions.

§ 61.245 Vessels entering drydock; fumigation or disinfestation.

A vessel may not be placed in a drydock until it has been fumigated or disinfested for the destruction of rodents, unless the quarantine officer determines that such fumigation or disinfestation is unnecessary. The official superintending a drydock shall give to the quarantine officer advance notice of intention to place a vessel therein.

§ 61.246 Deratting; aircraft only.

An aircraft may be deratted in exceptional circumstances of an epidemiological nature when the quarantine officer suspects the presence of rodents on board.

§ 61.247 Application of sanitary measures.

The sanitary measures prescribed by §§ 61.199 and 61.221 through 61.231 of this subpart and such further sanitary measures as may be prescribed by the Governor when necessary to prevent the importation or spread of rodent or vermin vectors of diseases shall be applicable to all vessels docking at Canal Zone facilities.

§ 61.248 Vessels at docks; sanitary measures.

(a) When in the opinion of the quarantine officer a docking vessel presents a possible source of rodents, the quarantine officer may require the vessel to place, immediately after docking, rat-guards in good condition and of a design approved by the Chief, Division of Preventive Medicine and Quarantine, on all mooring lines leading from the vessel to the wharf or to another vessel. The rat-guards shall be maintained on the lines while the vessel remains at the wharf, pier or dock. Such rat-guards, placed at a distance between 3 to 5 feet from the vessel, shall be secured in such manner as to prevent rats from passing along the lines and shall be located so as not to overhang the wharf or another vessel.

(b) Rat-guards, to meet the approval of the Chief, Division of Preventive Medicine and Quarantine, shall:

(1) Have a diameter not less than 3 feet;

(2) Be constructed of metal of sufficient thickness to maintain the shape of the guard (preferably not less than No. 20 gage); and

(3) Be so designed as to fit snugly about the cable or hawser.

(c) A vessel will be required to supply its own rat-guards. A vessel that does not have rat-guards which meet the requirements of this section or does not have a sufficient number of rat-guards for mooring lines, may rent such rat-guards from the Terminals Division.

(d) If in the opinion of the quarantine officer a vessel is a possible source of vermin or rodents, the vessel shall be breasted off in such manner that no part of said vessel is nearer than 4 feet to the wharf, pier, or other vessel.

(e) All freight gangways, save-all nets, catch-all nets, cargo chutes, hoses and other gear from vessel to pier or wharf which might serve as a route for the passage of rats to the dock, shall be hoisted when not in use in such manner as to render the passage of rats impossible; *Provided, however*, That such gear may remain unhoisted for short intervals during the daytime if watchmen from the ship's crew are stationed for the purpose of preventing rats from leaving the vessel by means of such gear.

(f) All gangways shall be well lighted after nightfall and shall be continuously guarded by watchmen from the ship's crew in such a manner as to prevent rats from leaving the vessel.

PRATIQUE: VESSELS AND AIRCRAFT

§ 61.261 General requirement.

Vessels subject to quarantine inspection under the provisions of §§ 61.171 and 61.172 may not enter a port of the Canal Zone to proceed through the Panama Canal or to discharge cargo or land passengers unless a certificate of free pratique or provisional pratique has been issued to the master. When it is desired not to comply with the requirements for a certificate of free or provisional pratique, the vessel is at liberty to return to sea if bound for a foreign port.

§ 61.262 Free pratique; vessels only.

A certificate of free pratique signifies that the vessel and its master may enter, discharge cargo, and land passengers.

§ 61.263 Provisional pratique and remand; vessels only.

(a) A certificate of provisional pratique signifies that the vessel may enter, but that additional measures, as specified in the certificate must be taken in connection with proceeding through the Canal, the discharge of cargo, the landing of passengers, or the sanitary condition of the vessel. A certificate of free pratique shall be issued after the additional measures have been completed.

(b) The quarantine officer may remand the vessel to the next port for such additional measures as may be necessary. Vessels arriving at quarantine stations at succeeding ports of call under provisional pratique may, in the discretion of the quarantine officer in charge at such stations, be directed to proceed under provisional pratique to the next succeeding port for completion of quarantine measures.

(c) Failure to comply with additional measures specified in a certificate of provisional pratique constitutes a violation of the rules in this subpart, and the vessel shall become subject to all measures applicable to vessels first arriving at a port of the Canal Zone from a foreign port.

§ 61.264 Radio pratique; vessels only.

The quarantine officer in charge may grant pratique by radio to a vessel upon the basis of information regarding the vessel, its cargo and persons aboard, received prior to arrival of the vessel, when in his judgment, and in accordance with instructions by the Chief, Division of Preventive Medicine and Quarantine, the entry of the vessel will not result in the introduction, transmission or spread of communicable diseases.

§ 61.265 Pratique and remand; aircraft only.

When all necessary quarantine and sanitary measures have been applied to the aircraft and persons and things on board, pursuant to the regulations of this subpart the quarantine officer shall issue a certificate of free pratique, which may be stamped on a copy or copies of the general declaration, including the traveling general declaration, for presentation to the customs officer. Pending compliance with quarantine requirements the quarantine officer may issue a certificate of provisional pratique for the aircraft stating the measures to be carried out.

§ 61.266 Notification of remands; vessels and aircraft.

The quarantine officer remanding a vessel or aircraft to another port in accordance with the provisions of § 61.263 or § 61.265 shall give advance notification to the quarantine officer and customs officer in charge at the port to which the vessel or aircraft is remanded. The notification should be timed to arrive ahead of the vessel or aircraft and should be made by telephone or telegraph as indicated in the case of aircraft. The notification shall give complete information regarding measures carried out at the port effecting the remand and measures required at the port to which the vessel or aircraft is remanded.

IMPORTATION OF CERTAIN THINGS

§ 61.281 Quarantine of dogs and cats.

(a) The owner or person in charge of every dog or cat brought into the Canal Zone from off the Isthmus of Panama shall deliver the animal to a representative of the Division of Veterinary Medicine immediately upon arrival of the animal in the Canal Zone, and, to prevent the spread of rabies or other diseases of animals, every such animal shall be held in quarantine and shall not be released therefrom except in compliance with §§ 61.281 through 61.287.

(b) Dogs and cats arriving at Canal Zone ports destined for the Republic of Panama shall be transferred to appropriate quarantine authorities of such Republic for confinement under the provisions of quarantine regulations in force in such Republic.

§ 61.282 Same; quarantine period.

Every dog or cat brought into the Canal Zone from off the Isthmus shall be held in quarantine, under official veterinary observation, for a period of not less than 30 days.

§ 61.283 Same; place of quarantine.

Quarantined dogs and cats, including those arriving for transshipment, shall be detained at such places, including aboard the vessel on which the animal arrived, if practicable, as may be designated by the Chief, Division of Veterinary Medicine or by his authority.

§ 61.284 Same; charges for quarantine detention.

The owner of the quarantined dog or cat, and such other person as may have brought or have been responsible for bringing the animal into the Canal Zone, are jointly and severally liable for payment of detention charges in the amount of 50 cents per day per animal except in cases in which the animal has been detained aboard the vessel on which it arrived.

§ 61.285 Same; disposition of unclaimed animals and of animals for which charges are not paid.

(a) If an animal is unclaimed or accrued charges are unpaid within 30 days after notice to remove the animal from quarantine detention has been served upon or mailed to the last known address of the owner or other responsible person, the Chief, Division of Veterinary Medicine may:

(1) Cause the animal to be sold at public auction or on written bids or by any other reasonable method; or

(2) Cause the animal to be destroyed if it is of no substantial value or is suffering from any infectious or contagious disease or is deemed not salable for any other reason.

(b) The balance, if any, of the proceeds of a sale pursuant to paragraph (a) of this section, after deduction of the unpaid charges and costs of the sale, shall be paid over to the owner or other person responsible for the quarantine charges.

§ 61.286 Same; immunization against rabies.

Every dog or cat brought into the Canal Zone from off the Isthmus shall be immunized upon arrival with an approved anti-rabies vaccine by a veterinarian of the Health Bureau. Such immunization shall be performed regardless of previous vaccination against rabies and shall precede the discharge of the animal from quarantine by not less than 30 days. In the event that circumstances do not warrant the immunization of a dog or cat that is less than four months of age at the time of its arrival in the Canal Zone, the requirement may be waived in the discretion of the Health Bureau veterinarian.

§ 61.287 Same; treatment of quarantined animals.

When a dog or cat entering the Canal Zone from off the Isthmus of Panama is found not to be in good health when examined upon admission to the quarantine station, the animal shall be quarantined and treated at the expense of the owner or person in charge of the animal.

§ 61.288 Quarantine of animals generally.

The quarantinable diseases of animals are glanders, anthrax, tuberculosis, foot-and-mouth disease, contagious pleuro-pneumonia, rinderpest, surra, brucellosis, psittacosis or ornithosis, pullorum disease, Newcastle disease (avian pneumoencephalitis), fowl pest (fowl plague), equine encephalomyelitis, dourine, epizootic or ulcerative lymphangitis, scrapie, hog cholera, swine plague, African swine fever, and erysipelas, together with such other disease as the regulations in this part may prescribe.

§ 61.289 Certificate for ruminants, swine and poultry.

(a) All ruminants and swine offered for importation into the Canal Zone from any country of the world except the Republic of Panama shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that the animals have been kept in such country at least 60 days immediately preceding the date of movement therefrom and that the country during such period has been entirely free from foot-and-mouth disease, rinderpest, contagious pleuro-pneumonia and surra. In the case of sheep, goats, and swine, the certificate, as far as it relates to contagious pleuro-pneumonia, may specify freedom from such disease of the district of origin only. For domestic swine the certificate shall also show that for 60 days immediately preceding the date of movement from the premises of origin no hog cholera, swine plague or erysipelas has existed on such premises or on adjoining premises.

(b) The certificate accompanying sheep and goats offered for importation from any part of the world shall, in addition to the statements required by paragraph (a) of this section, state:

(1) That the said salaried veterinary officer has inspected such sheep and goats on the premises of origin and found them free of evidence of the disease known as scrapie and of any other communicable disease;

(2) That, as far as it has been possible to determine, such animals have not been exposed to any such disease during the preceding 60 days;

(3) That, as far as can be determined the disease known as scrapie has not existed in any district in which such sheep or goats were located during the three years immediately prior to shipment to the Canal Zone; and

(4) That each of such animals is not the progeny of a sire or dam that has been affected with scrapie.

(c) All poultry, except eggs for hatching, offered for importation from any country of the world shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement from such country and that they were found to be free of evidence of pullorum disease (bacillary white diarrhea) and other communicable diseases; and that, as far as it has been possible to determine, they were not exposed to any such disease common to poultry during the 60 days immediately preceding the date of such movement. Certificates for such poultry 60 days of age or older shall also state that the poultry have been kept in the country from which they are offered for importation for at least 60 days immediately preceding the date of movement therefrom and that, as far as it has been possible to determine, no case of European fowl pest (fowl plague), Newcastle disease (avian pneumoencephalitis) or psittacosis (ornithosis) occurred in the locality or localities where the poultry were kept during such period.

(d) All eggs for hatching offered for importation from any part of the world shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that the flock or flocks of origin were found upon inspection to be free from evidence of pullorum disease (bacillary white diarrhea) and other communicable disease and that as far as it has been possible to determine such flock or flocks were not exposed to any such disease common to poultry during the preceding 60 days.

§ 61.290 Cattle and goats; diagnostic tests for tuberculosis and brucellosis.

(a) All cattle and goats offered for importation into the Canal Zone from any part of the world, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation. The brucellosis test will not be required for steers, spayed heifers, or any cattle less than 6 months old.

(b) The certificate specified in paragraph (a) of this section shall give the dates and places of testing, name of the consignor and consignee, and a description of the cattle, with breed, ages, and markings.

§ 61.291 Horses; accompanying forage and equipment.

(a) Horses offered for importation from any part of the world shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin showing that:

(1) The animals described in the certificate have been in such country during the preceding 60 days; and

(2) As far as it has been possible to ascertain, a case of dourine, glanders, surra or epizootic or ulcerative lymphagitis has not occurred in the locality or localities where the horse or horses have been kept during such period.

(b) Horses arriving at a port of entry unaccompanied by the certificate specified in paragraph (a) of this section, if otherwise eligible for importation, may upon permission secured from the Chief, Division of Veterinary Medicine, be landed subject to such quarantine and blood tests or other tests as he directs. Even if accompanied by such certificate the horses may be quarantined and tested when deemed necessary by the Chief, Division of Veterinary Medicine.

(c) Upon inspecting horses at the port of entry and before permitting them to land, the inspector may require their disinfection and the disinfection of their accompanying equipment as a precautionary measure against the introduction of foot-and-mouth disease or any other disease dangerous to the livestock or public health of the Canal Zone.

(d) Hay, straw, or other forage accompanying horses, and the shipping crates in which the animals are transported may not be admitted into the Canal Zone when such horses are from, or have been transshipped through, countries infected with foot-and-mouth disease.

§ 61.292 Designation of countries where foot-and-mouth disease or rinderpest exists; importations prohibited; transiting vessels.

(a) It has been determined, and notice is given, that foot-and-mouth disease or rinderpest exists in the countries designated in 9 CFR 94.1(a), which, as amended from time to time, is incorporated by reference.

(b) The importation into the Canal Zone from the infected countries of cattle, sheep, or other ruminants, or swine, domestic or wild, or of fresh, chilled or frozen beef, veal, mutton, lamb, or pork is prohibited.

(c) A vessel having on board any animal whose importation into the Canal Zone is prohibited under paragraph (b) of this section may not be permitted to transit the Canal until the animal has been examined by a veterinarian of the Division of Veterinary Medicine. If, upon examination, any such animal is found to be infected with a vesicular disease, or otherwise shows lesions or symptoms characteristic of either foot-and-mouth disease or rinderpest, the vessel may be denied permission to transit the Canal.

(d) As used in paragraph (b) of this section, the phrase "importation into the Canal Zone from the infected countries" includes the docking in a Canal Zone port of any vessel having on board as sea stores or otherwise any animals, as therein specified, from any of the countries designated in paragraph (a) of this section; and it includes any importation which was shipped through, or was on board a vessel which docked in, an infected country, although the importation originated in an uninfected country.

§ 61.293 Foreign cured or cooked meats from countries where rinderpest or foot-and-mouth disease exists.

(a) The importation of cured meats derived from ruminants or swine, originating in any country designated in § 61.292 is prohibited unless the following conditions have been fulfilled:

(1) All bones shall have been completely removed in the country of origin.

(2) The meat shall have been held in an unfrozen, fresh condition for at least 3 days immediately following the slaughter of the animals from which it was derived.

(3) The meat shall have been thoroughly cured and fully dried in such manner that it may be stored and handled without refrigeration, as in the case of salami and other summer sausages, tasajo, xarque, or jerked beef, bouillon cubes, dried beef, and Westphalia, Italian and similar type hams. The term "fully dried" as used in this subparagraph means dried to the extent that the water-protein ratio in the wettest portion of the product does not exceed 2.25 to 1.

(b) The importation of cooked meats derived from ruminants or swine originating in any country designated in § 61.292 is prohibited unless the following conditions shall have been fulfilled:

(1) All bones shall have been completely removed in the country of origin.

(2) The meat shall have been heated to such an extent that, upon inspection, the meat will have a thoroughly cooked appearance throughout.

(c) The importation of meat that has been sterilized by heat in hermetically sealed containers is not prohibited by this section.

§ 61.294 Organs, glands, extracts, or secretions, other parts and products of animals and things; importations prohibited.

The importation into the Canal Zone of fresh, chilled or frozen organs, glands, extracts or secretions, fresh or dried blood, fresh or salted hides, raw wool, hair, bones, horns, feet, bone meal, meat flour, fertilizer, gluestock, biological products for veterinary use, straw and hay for forage and packing, and other things derived from or associated with ruminants or swine originating in any country infected with foot-and-mouth disease or rinderpest designated in § 61.292 is prohibited.

§ 61.295 Dressed poultry.

The importation of dressed poultry from a foreign country is prohibited unless the poultry have been drawn and the feet and head have been removed.

§ 61.296 Nonsusceptible animals; disinfection.

Animals not susceptible to foot-and-mouth disease or rinderpest coming from countries infected with foot-and-mouth disease or rinderpest designated in § 61.292 may be detained at the port of entry pending the application of such disinfection procedures as the Chief, Division of Veterinary Medicine, deems necessary. Such detention and disinfection shall be at the expense of the owner or other person responsible for the importation.

§ 61.297 Garbage from foreign meats or meat products.

(a) Except as provided by paragraph (b) of this section, garbage derived in whole or in part from meats or meat products originating in a country designated in § 61.292 or § 61.299 as infected with foot-and-mouth disease, rinderpest, or African swine fever may not be exposed to carrion birds or unloaded from any vessel, aircraft, or carrier in the Canal Zone or within the territorial waters thereof.

(b) Garbage derived as specified by paragraph (a) of this section, when contained in tight receptacles, may be unloaded for incineration or other proper disposal in such manner and under such supervision as the Chief, Division of Veterinary Medicine, prescribes.

§ 61.298 Disposition of animals, etc., refused admission.

(a) Animals, meats, products, and other things that are prohibited importation under these regulations shall not be unloaded from a carrier in the Canal Zone, except as the Chief, Division of Veterinary Medicine, or his designee, authorizes. They shall be removed from the Canal Zone on the same carrier, unless otherwise authorized, under such isolation and other safeguards as the Chief, Division of Veterinary Medicine, or his designee, requires.

(b) Animals, meats, products, and other things that are prohibited importation under these regulations shall be destroyed, or otherwise disposed of as the Chief, Division of Veterinary Medicine directs, without compensation or indemnification, and at the expense of the carrier, unless they are removed from the Canal Zone within a reasonable time as the Chief, Division of Veterinary Medicine, determines.

CROSS REFERENCE: Penalties for violation, see § 61.131.

§ 61.299 Designation of countries where African swine fever exists.

It has been determined, and notice is given, that African swine fever exists in the following designated countries:

(a) All countries of Africa;
(b) Portugal; and
(c) Spain.

§ 61.300 Pork or pork products from countries where African swine fever exists.

(a) The importation of pork or pork products from swine originating in an infected country designated in § 24.299 is prohibited unless:

(1) Such pork or pork products have been sterilized by heat in hermetically sealed containers; or

(2) That meat has been heated to such an extent that, upon inspection, it has a thoroughly cooked appearance throughout.

§ 61.301 Etiological agents and vectors.

(a) A person may not import into the Canal Zone, or distribute after importation, any etiological agent or insect, animal or plant vector of human disease or any exotic living insect, animal or plant capable of being a vector of human disease unless accompanied by a permit issued by the Health Director of the Canal Zone Government.

(b) An article or thing coming within the provisions of this section may not be released from Customs' custody prior to the receipt by the customs officer of a permit therefor issued by the Health Director.

CROSS REFERENCE: Transportation and disposition of body of person upon death outside Canal Zone, see § 61.360.

§ 61.302 Dead bodies; death certificates.

(a) The remains of a person dead from a quarantinable disease shall not be brought into a port of the Canal Zone unless it is either properly embalmed and placed in a hermetically sealed casket or cremated. The remains of a person who dies of such a disease after arrival in quarantine shall be disposed of in such manner as the Health Director directs.

(b) A death certificate on Canal Zone Government form shall be completed and signed in sextuplicate and accompany all bodies brought into the Canal Zone for interment in the Canal Zone or for further transshipment. One copy of the death certificate shall be delivered to the quarantine officer with the Quarantine Declaration upon initial boarding. The death certificate shall be signed by the ship's surgeon, if any, or by the ship's master, or aircraft commander, as the case may be, if death occurred aboard a vessel or aircraft enroute to a port of the Canal Zone.

(c) When death has occurred on board a vessel enroute to a port of the Canal Zone and burial at sea has been accomplished, one copy of the death certificate on Canal Zone Government form and extract of the ship's log pertinent to the antecedent events leading to death shall be prepared and presented to the quarantine officer and attached to the Quarantine Declaration upon initial boarding.

Subpart F—Pest Exterminators

§ 61.311 License required to engage in business of pest extermination.

(a) A firm, establishment, company, corporation, or individual doing business in his own name may not engage in the business of extermination of pests such as rats, roaches, ticks, termites, ants or other harmful insects or rodents, unless licensed to do so by the Health Director of the Canal Zone Government.

(b) The Health Director may not license an applicant as a pest exterminator unless it is established to the satisfaction of the Health Director:

(1) That a sufficient number of its personnel are licensed under § 61.312 to ensure its capacity to conduct its business in conformity with the regulations in this subpart; and

(2) That it is otherwise properly qualified and competent to conduct such business.

CROSS REFERENCE: See also 2 C.Z.C. 872, 76A Stat. 33, for certain statutory requisites applicable to corporations doing business in the Canal Zone.

§ 61.312 Licensed foreman required to be in charge.

(a) Each crew or gang of pest exterminators performing pest eradication shall be under the direct and immediate supervision of a foreman or gang leader licensed as a pest exterminator under this section.

(b) In order to be licensed as a pest exterminator the applicant must establish to the satisfaction of the Chief, Division of Sanitation of the Health Bureau of the Canal Zone Government, or such person as the Health Director designates to issue such licenses, that he is familiar with the accepted methods of dispensing insecticides and rodenticides, with their toxicity and other significant qualities, and with safety precautions to be observed in their use.

§ 61.313 Possession and display of licenses.

The foreman or leader of each crew or gang of pest exterminators performing pest eradication shall have in his possession a legible copy of the license issued to him under § 61.312 and a legible copy of the license issued to his employer under § 61.311 and shall display such licenses on demand of personnel of the Health Bureau or of the Canal Zone Police.

§ 61.314 Renewal of licenses; suspension and revocation.

(a) Licenses issued under §§ 61.311 and 61.312 shall be renewed annually. The licensing authority may require the same kind of showing of qualification of an applicant for renewal of a license as is required of an applicant for an original license. Licenses may be suspended at any time by the issuing authority, without prior notice to the licensee, for failure to comply with these regulations or with the terms of the license or for other good and sufficient cause.

(b) A suspended licensee shall be entitled to a hearing if he requests it within 10 days after receiving notice of the suspension. The hearing, if requested, shall be held by the licensing authority or his designee within 10 days of the request therefor or within such later period as may be acceptable to the suspended licensee and the licensing authority. Upon completion of the hearing, or if no hearing is requested, the licensing authority shall:

(1) Remove the suspension;
(2) Extend the suspension for a fixed period; or
(3) Revoke the license.

(c) A former licensee whose license has been revoked is not eligible to apply for a new license until expiration of a period of 1 year following the revocation.

§ 61.315 Approval of types, concentrations, and manner of use of insecticides and rodenticides required.

Licensees under §§ 61.311 and 61.312 may use only such insecticides or rodenticides and only such concentrations thereof and may employ only such techniques as the Chief of the Sanitation Division approves, in writing, for each licensee under § 61.311.

§ 61.316 Sale of insecticides and rodenticides.

The sale of insecticides and rodenticides is prohibited. This section does not prohibit pest exterminators who are issued licenses under §§ 61.311 and 61.312 from dispensing approved insecticides and rodenticides in the performance of pest eradication and including the cost thereof in the charges for the service.

§ 61.317 Inapplicability to Government agencies and their officers and employees.

The provisions of this subpart do not apply to agencies or instrumentalities of the United States or to their officers or employees who use, handle, dispense or sell insecticides or rodenticides in the performance of their official duties.

§ 61.318 Inapplicability to military reservations.

The provisions of this subpart do not apply within military, naval, or air force reservations.

§ 61.319 Penalties for violation.

As provided by 2 C.Z.C. 912, 76A Stat. 36, whoever violates a provision of this subpart shall be fined not more than $100 or imprisoned in jail not more than 30 days, or both; and each day the violation continues constitutes a separate offense.

Subpart G—Venereal Disease

§ 61.331 Definition of venereal disease.

As used in this subpart, "venereal disease" means syphilis, gonorrhea, chancroid, granuloma inguinale and lymphogranuloma venereum.

§ 61.332 Treatment of persons having a venereal disease.

When a person discovers he has a venereal disease he shall immediately submit himself to such course of treatment as the Health Director or his designee prescribes. The course of treatment may include the administration of such drug as will prevent the infected person from transferring the infection to other persons.

§ 61.333 Acts spreading disease prohibited.

During the time when a person found to be infected with a venereal disease is undergoing treatment, he shall refrain from committing any acts or deeds that would permit the spread of the disease to other persons.

§ 61.334 Issuance of certificate after treatment for syphilis.

As provided by 8 C.Z.C. 33, 76A Stat. 674, the medical certificate required for the issuance of a marriage license may not be issued to a person infected with syphilis until the course of treatment required by this subpart has been fully complied with.

§ 61.335 Penalties for violation.

If a resident of the Canal Zone refuses to submit to the course of treatment required by this subpart, or otherwise violates this subpart, he shall be punished as provided by 2 C.Z.C. 912, 76A Stat. 36, by a fine of not more than $100 or by imprisonment in jail for not more than 30 days, or by both. If a nonresident of the Canal Zone refuses to submit to the course of treatment, he may be excluded or deported from the Canal Zone under the regulations set forth in Part 59 of this chapter as a person afflicted with a dangerous and contagious disease.

Subpart H—Vital Statistics

§ 61.351 Definitions.

As used in this subpart:

"Dead body" means a lifeless human body or such parts of the human body or the bones thereof from the state of which it may reasonably be concluded that death recently occurred.

"Health Bureau" means the Health Bureau of the Canal Zone Government.

"Live birth" means the birth of a child who shows evidence of life after the child is entirely outside the mother.

"Physician" means a person legally authorized to practice medicine in the Canal Zone.

"Stillbirth" means a birth after 20 weeks of gestation which is not a live birth.

"Vital statistics" includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to births, adoptions, legitimations, deaths, stillbirths, and data incidental thereto.

"Vital Statistics Unit" means the organizational unit charged by the Governor with the function of vital statistics.

§ 61.352 Administration.

The Vital Statistics Unit shall administer this subpart, under the supervision of the Governor or his designee.

§ 61.353 Filing certificates of birth.

A certificate of every live birth in the Canal Zone shall be filed with the Vital Statistics Unit, within 5 days after the birth, by the physician, midwife, or other legally authorized person in attendance at the birth or, if not so attended, by one of the parents.

§ 61.354 Filing of birth certificate by Vital Statistics Unit where parents unable.

If neither parent of a newborn child whose birth is unattended as hereinbefore provided is able to prepare a birth certificate, the Vital Statistics Unit shall secure the necessary information from any person having knowledge of the birth and prepare and file the certificate. Within 30 days after the filing of the original certificate, a supplementary report, furnishing information omitted from the certificate, may be returned for the purpose of completing the certificate. Certificates of birth completed by a supplementary report shall not be considered "delayed" or "altered".

§ 61.355 Report and birth certificate of foundling.

(a) Whoever assumes the custody of a child of unknown parentage shall immediately report to the Vital Statistics Unit in writing:

(1) The date and place of finding or assumption of custody;

(2) The sex, color or race, and approximate age of the child;

(3) The name and address of the person or institution with whom the child has been placed for care; and

(4) The name given to the child by the finder or custodian.

(b) The report required by paragraph (a) of this section shall constitute the certificate of birth.

(c) If a child specified in paragraph (a) of this section is identified and a regular certificate of birth is found or obtained, either in the Canal Zone, the Republic of Panama, or elsewhere, the report mentioned in that paragraph shall be sealed and filed and may be opened only upon the demand of the subject of the report if of legal age or by an order of court.

§ 61.356 Supplementary certificate upon adoption.

Upon receipt of a certified copy of an order or decree of adoption the Vital Statistics Unit shall prepare a supplementary certificate in the new name of the adopted person, and seal and file the original certificate of birth with such certified copy attached thereto. The sealed documents may be opened only upon the demand of the adopted person if of legal age or by an order of court. Upon receipt of a certified copy of a court order of annulment of adoption the original certificate shall be restored to its original place in the file.

§ 61.357 New birth certificate upon legitimation.

In cases of legitimation the Vital Statistics Unit, upon receipt of proof thereof, shall prepare a new certificate of birth in the new name of the legitimated child. The evidence upon which the new certificate is made and the original certificate shall be sealed and filed and may be opened only upon the demand of the person involved if of legal age or by an order of court.

CROSS REFERENCE: Legitimation of child, see 8 C.Z.C. 335, 387, 76A Stat. 689, 691. See also, 7 C.Z.C. 576, 76A Stat. 571.

§ 61.358 Filing of certificates of death and stillbirth; time.

(a) When a death or stillbirth occurs, or a dead body is found, in the Canal Zone, the Health Bureau shall cause a certificate of death or stillbirth to be filed with the Vital Statistics Unit in all cases except in the event no physician was in attendance and no autopsy was performed, in which case the Coroner shall certify the cause of death or stillbirth to his best knowledge and belief and cause the certificate to be filed.

(b) The certificate of death or stillbirth required by paragraph (a) of this section shall be filed with the Vital Statistics Unit within 5 days after the occurrence of the death or stillbirth is known, or the dead body is found, as the case may be, subject to the provisions of paragraph (d) of this section.

(c) In preparing a certificate of death or stillbirth the Health Bureau or Coroner, as the case may be, shall obtain the required personal data from the persons best qualified to supply them. The Health Bureau shall present the certificate of death to the physician last in attendance upon the deceased or, if there was no physician in attendance but an autopsy was performed, to the appropriate officer of the Health Bureau, who shall thereupon certify the cause of death to his best knowledge and belief. The Health Bureau shall present the certificate of stillbirth to the physician, midwife, or other person in attendance at the stillbirth, who shall certify the stillbirth and such medical data pertaining thereto as he can furnish. If the circumstances suggest that the death or stillbirth was caused by other than natural causes, the Health Bureau shall refer the case to the Coroner for investigation.

(d) If the cause of death cannot be determined within the time prescribed by paragraph (b) of this section for the filing of the certificate, the certification or its cause may be filed after the prescribed period, but the attending physician, or appropriate officer of the Health Bureau, or the Coroner, shall give the Health Bureau written notice of the reason for the delay, in order that a permit for the disposition of the body may be issued.

§ 61.359 Disposition of body or its removal from Canal Zone.

A dead body shall not be interred, or otherwise disposed of, or removed from the Canal Zone, except as authorized by this subpart and a permit theretofore issued by the Health Bureau. A permit shall be deemed to have been issued upon the filing of a death or stillbirth certificate authenticated by the Health Bureau, and may not be issued until such certificate, so far as it can be completed under the circumstances of the case, has been filed. After interment a dead body shall not be disinterred except under and in accordance with the terms of a permit theretofore issued by the Health Bureau upon compliance with such conditions and requirements as may be stipulated by that Bureau.

CROSS REFERENCE: Offenses respecting interment, disinterment, and removal of dead bodies, see 6 C.Z.C. 2421–2423, 76A Stat. 492.

§ 61.360 Transportation and disposition of body upon death outside Canal Zone.

When death or stillbirth occurs outside of the Canal Zone and the body is accompanied by a permit for interment, removal, or other disposition issued in accordance with the law or regulations in force where the death or stillbirth occurs, the permit shall authorize the transportation of the body into or through the Canal Zone, but before the interment, cremation, or other disposal of the body in the Canal Zone, the permit shall be endorsed by the Health Bureau which shall keep a record thereof.

CROSS REFERENCE: Restrictions on bringing into Canal Zone port body of person dead of quarantinable disease, see § 61.302.

§ 61.361 Forms of certificates.

The several certificates provided for by this subpart shall be presented to the Vital Statistics Unit on official Canal Zone Government forms furnished for the several purposes, and the person responsible for filing shall cause the data indicated on the forms to be obtained and entered in each case. Such forms shall include as a minimum the items required by the respective standard certificates as recommended by the Secretary of Health, Education, and Welfare or his designee, subject to any necessary or desirable modifications as determined by the Health Director.

§ 61.362 Altered or delayed certificates.

A certificate may be filed or altered after the time prescribed by this subpart, upon the submission to, and receipt by, the Vital Statistics Unit of such evidence, in the form of affidavits or otherwise, as the Vital Statistics Unit deems sufficient to establish, satisfactorily the truth of the facts alleged in support of the request for delayed filing or for alteration. Certificates accepted subsequent to 6 months after the time prescribed for filing, and certificates which have been altered after being filed, shall contain the date of the delayed filing and the date of the alteration and be marked "delayed" or "altered". A summary statement of the evidence submitted in support of the acceptance for delayed filing or alteration shall be endorsed on the certificate. Such evidence shall be kept in a special permanent file.

§ 61.363 Certified copies of records.

Subject to the restrictions contained in § 61.364, a certified copy of a certificate on file or any part thereof shall be furnished to any applicant upon request. The person designated by the Governor or by the Governor's designee to act as Vital Statistics Clerk shall be the person to certify copies of such certificates or parts thereof. Charges shall be made for certified copies of vital statistics records at rates prescribed in the Panama Canal tariff.

§ 61.364 Disclosure of records.

Inspection of the vital-statistics records is not permitted, and a certified copy of a certificate or part thereof may not be issued, unless the Vital Statistics Unit is satisfied that the applicant has a direct and legitimate interest in the matter recorded or that the information therein contained is necessary for the determination of personal or property rights.

§ 61.365 Penalties for offenses.

Whoever willfully makes or alters a certificate or certified copy thereof provided for by this subpart, except in accordance with the provisions of this subpart, or violates any provision of this subpart, or neglects or refuses to perform any of the duties imposed upon him by this subpart, shall be punishable, as provided by 2 C.Z.C. 912, 76A Stat. 36, by a fine of not more than $100 or by imprisonment in jail for not more than 30 days, or by both.

Subpart I—Authority of Governor

§ 61.381 Authority of Governor.

The Governor:

(a) May issue health and sanitation regulations respecting (1) barbers, beauticians and manicurists; (2) examination of food handlers and the inspection of food-handling establishments; (3) foods and beverages; and (4) pest extermination; and

(b) Shall administer the provisions of this part.

PART 63—LICENSES AND FEES

Sec.

63.1 Definitions.
63.2 License fees on certain businesses and occupations.
63.3 Licenses for certain businesses and occupations.
63.4 Application form for licenses.
63.5 License cards; what to contain; possession and display.
63.6 Bond required for solicitors.
63.7 Special restrictions on runners.
63.8 Runners to furnish information to Customs.
63.9 Suspension and cancellation of licenses.
63.10 Inapplicability to Government agencies and their officers and employees, and to military reservations.
63.11 Penalties for violation.
63.12 Licenses under prior regulations.
63.13 Additional regulations by Governor authorized.

AUTHORITY: The provisions of this Part 63 issued under authority vested in President by 2 C.Z.C. 1441, 76A Stat. 49, and delegated to Secretary of Army by § 8.1(a)(5) of this chapter.

§ 63.1 Definitions.

As used in this part:

"Runner" means a person who represents a corporation, firm, or individual in the solicitation of orders from merchant vessels for the purchase of ship's stores, supplies, and chandlery, or in the solicitation of patronage for hotels, boarding houses, or tourist agencies.

"Peddler" means a person, who carries articles, or any other thing of value, other than newspapers, from house to house, or from place to place, offering them for sale. Persons or groups of persons authorized by the Executive Secretary to sell goods for the benefit of charitable or community projects are not peddlers.

"Solicitor" means a person who goes from house to house, or place to place, within the Canal Zone taking orders or offering to take orders for goods, wares, merchandise, magazine subscriptions, or any other article or thing of value for future delivery, or for services to be performed in the future or for the making, manufacturing, or repairing of any article or thing whatever for future delivery. "Solicitor" does not mean:

(1) Sales representatives soliciting business from United States Government agencies or established private firms or organizations in the Canal Zone; or

(2) Insurance agents or securities salesmen; or

(3) Persons or groups of persons authorized by the Executive Secretary to solicit orders for goods or services for the benefit of charitable or community projects.

CROSS REFERENCES: Runners, peddlers, and solicitors must operate from office outside Canal Zone, see Art III(5) of General Treaty of Friendship and Cooperation between the United States and Panama, signed March 2, 1936 (T.S. 945; 53 Stat. 1807; C.Z.C. vol. 3 App. IX, sec. 34, p. 528 (531)).

Insurance and securities companies, licensing, see 2 C.Z.C. chs. 61, 79.

§ 63.2 License fees on certain businesses and occupations.

The following special license fees shall be collected in the Canal Zone:

(a) For carrying on the business of a runner, $2 per calendar month or fraction thereof;

(b) For carrying on the business of a peddler, $2 per calendar month except that licenses to peddle native fruits and vegetables shall be issued without collection of any tax;

(c) For carrying on the business of a solicitor, $5 per calendar month.

§ 63.3 Licenses for certain businesses and occupations.

A person may not engage in any business or occupation defined by § 63.1 unless he holds a valid license therefor issued by the Chief, License Section, Canal Zone Government. An application for a license may be denied if the character of the applicant is such as to warrant the belief that the privilege granted by the license will not be exercised in an orderly and lawful manner. A peddler's license issued to a person selling articles of food shall be subject to any special conditions or restrictions that may be imposed by the Health Director.

CROSS REFERENCES: House-to-house delivery of food and beverages in Canal Zone, licenses, see § 61.94 of this chapter.

Corporations doing business in Canal Zone, statutory requisites, see 2 C.Z.C. 872.

§ 63.4 Application form for licenses.

Applications for licenses under § 63.3 shall be presented on a form to be prescribed by the Civil Affairs Director.

§ 63.5 License cards; what to contain; possession and display.

License cards shall bear the name, and in the discretion of the Chief, License Section, the photograph of the individual licensed and, if the licensee represents an entity other than himself, the name of the corporation, firm or establishment he represents. The licensee shall keep the license card issued to him in his possession at all times when he is transacting business in the Canal Zone, and, upon demand, shall present it for inspection.

§ 63.6 Bond required for solicitors.

Each application by a solicitor to do business in the Canal Zone shall be accompanied by a bond in the sum of $500 conditioned upon the making of final delivery of goods ordered, or services to be performed, in accordance with the terms of any order received by the solicitor. The bond shall be so drawn as to give any person aggrieved by the action of any such solicitor a right of action on the bond for the recovery of money, or damages, or both. The bond shall remain on deposit for a minimum period of 6 months after notice of termination of soliciting activities and return of the license to the Chief, License Section for cancellation.

§ 63.7 Special restrictions on runners.

Runners' licenses shall entitle the licensees to transact business only in the terminal ports of the Canal Zone. A license for solicitation of sales to ships shall not authorize direct sales or solicitation of sales to passengers or members of ships' crews. No runner shall board any vessel without the permission of the master, or before the ship has been cleared by the customs and quarantine officials and the quarantine flag lowered.

§ 63.8 Runners to furnish information to Customs.

The Customs office in the terminal port where deliveries are to be made shall be notified in advance of deliveries of stores, supplies, or chandlery to vessels and upon its request the Customs office shall be furnished a list of the items to be delivered. Articles or commodities returned undelivered must be noted on the list furnished to Customs.

§ 63.9 Suspension and cancellation of licenses.

(a) A license issued under this part shall be valid so long as the charges, if any, prescribed therefor are paid or until the license is cancelled by the Civil Affairs Director. The Civil Affairs Director may suspend licenses at any time, without prior notice to the licensee, for failure to comply with this part or with the terms of the license or for other good and sufficient cause. The suspended licensee shall be entitled to a hearing if he requests it within 10 days of receiving notice of the suspension. The Civil Affairs Director or his designee shall hold the hearing, if requested, within 10 days of the request therefor or within such later period as may be acceptable to the suspended licensee and the licensing authority. Upon completion of the hearing, or if a hearing is not requested, the Civil Affairs Director shall:

(1) Remove the suspension;

(2) Extend the suspension for a fixed period; or

(3) Revoke the license.

(b) A former licensee whose license has been revoked shall not be eligible to apply for a new license until expiration of a period of 1 year following the revocation.

§ 63.10 Inapplicability to Government agencies and their officers and employees, and to military reservations.

This part does not apply to:

(a) Agencies or instrumentalities of the United States or to their officers or employees while acting in an official capacity; or

(b) Military, naval, or air force reservations.

§ 63.11 Penalties for violation.

As provided by 2 C.Z.C. 1442, 76A Stat. 49, whoever violates a provision of this part shall be fined not more than $100 or imprisoned in jail not more than 30 days, or both.

§ 63.12 Licenses under prior regulations.

Licenses issued under Executive Order No. 8306 of December 19, 1939, shall remain in effect until their prescribed date of expiration.

§ 63.13 Additional regulations by Governor authorized.

The Governor may prescribe additional regulations that may be necessary to carry out the provisions of this part.

PART 65—NARCOTICS

Subpart A—Administration of Laws and Regulations Relating to Narcotic Drugs

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65.1 Authority of the Governor of the Canal Zone.
65.2 Issuance of regulations.
65.3 Redelegation.
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Subpart B—Supplementary Regulations Prescribed by Governor; Administration of Laws and Regulations Relating to Narcotic Drugs

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NOTE: Certain provisions of the Harrison Anti-Narcotics Act of December 17, 1914, as amended and supplemented were incorporated into the Internal Revenue Code of 1954 (26 U.S.C. 4701 et seq.). For application of such provisions to the Canal Zone, see 26 U.S.C. 4774. For authority and duty of the President to issue necessary Executive orders to carry into effect in the Canal Zone the intent and purposes of such provisions, see 26 U.S.C. 4735(b) and for delegation of this authority to the Secretary of the Treasury, see subparagraph (1) of paragraph 1 of Executive Order 10289, 3 CFR, 1951 Supp., page 469, as added by Executive Order 10583, 3 CFR, 1954 Supp., page 98.

For the provisions of the Narcotics Drugs Import and Export Act, as amended and supplemented, see 21 U.S.C. 171–185. For provisions penalizing the administration of narcotics with intent to assist the commission of a felony, see 8 C.Z.C. 339 (76A Stat. 424). For the control of marihuana in the Canal Zone see 6 C.Z.C. 1151–1155 (76A Stat. 452, 453).

Subpart A—Administration of Laws and Regulations Relating to Narcotic Drugs

AUTHORITY: The provisions of this Subpart A issued under 68A Stat. 559, 26 U.S.C. 4735 (b), and 56 Stat. 1048, 21 U.S.C. 188j(a).

NOTE: §§ 65.1–65.7 appear in Treasury Department Order 180–6, 26 F.R. 3142, April 13, 1961.

§ 65.1 Authority of the Governor of the Canal Zone.

The Governor of the Canal Zone shall perform in the Canal Zone all of the duties required to be performed under the Act of Congress approved December 17, 1914, entitled "An Act To provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes," as amended. These duties shall include the making of such inspections and the taking of such actions as may be necessary to enforce the provisions of the Act of December 17, 1914, as amended, and all orders and regulations issued thereunder, insofar as they apply to activities in or relating to the Canal Zone.

§ 65.2 Issuance of regulations.

The Governor shall prescribe such regulations as may be necessary to carry the provisions of this subpart into full force and effect. In doing so the Governor shall follow the form of regulations prescribed by the Commissioners of Narcotics and Internal Revenue and approved by the Secretary of the Treasury (26 CFR Part 151) so far as they can be made applicable to conditions in the Canal Zone.

§ 65.3 Redelegation.

The Governor is authorized to delegate to such officers or employees of the Canal Zone as he may deem appropriate any of his functions under this subpart when he deems a delegation necessary or desirable to carry out the purposes of this subpart.

§ 65.4 Prohibited acts.

No person shall produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away in the Canal Zone opium, opiates, or coca leaves, their salts, derivatives, or preparations, unless he shall have complied with the provisions of law cited in § 65.1, and all relevant orders and regulations issued thereunder.

§ 65.5 Registration and payment of tax.

Every person who by the terms of the Act of December 17, 1914, as amended, would be required, if located outside of the Canal Zone, to register with the director of internal revenue of his district, his name or style, place of business and place or places where such business is to be carried on, shall register that information with the Governor of the Canal Zone or his delegate on forms to be prescribed by the Governor. At the time of such registry, and on or before the first day of July annually thereafter, every person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away any of the aforesaid narcotic drugs shall pay to the Governor of the Canal Zone, or to his delegate, a special tax at the rate or rates specified in section 4721 of the Internal Revenue Code of 1954, as amended; provided, however, that any person who would not be required, if located outside the Canal Zone, to register or pay a special tax shall not be required to register or pay the special tax as provided in this subpart.

§ 65.6 Issuance of order forms.

The Governor or his designee shall cause suitable order forms to be prepared for sale to persons who shall have registered and paid the special tax as required by section 4721 of the Internal Revenue Code of 1954, as amended, and by this subpart. The price to be paid for such order forms shall be $1 per hundred. The Governor or his designee shall be subject to the same limitation on sales of order forms as directors of internal revenue in districts outside of the Canal Zone.

§ 65.7 Penalties.

Whoever violates or fails to comply with any of the applicable provisions of the acts cited in § 65.1, as amended, or of any applicable order thereunder in the Canal Zone shall be subject to the penalties provided for in the Act of December 17, 1914, as amended.

Subpart B—Supplementary Regulations Prescribed by Governor; Administration of Laws and Regulations Relating to Narcotic Drugs

AUTHORITY: The provisions of this Subpart B issued under 35 CFR 65.2, 65.3.

§ 65.51 Definitions.

As used in this subpart:

"Narcotic", "narcotics", or "narcotic drugs" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, isonipecaine, coca leaves and opiate;

(2) Any compound, manufacture, salt, derivative, or preparation of opium, isonipecaine, coca leaves, or opiate;

(3) Any substance (and any compound, manufacture, salt, derivate, or preparation thereof) which is chemically identical with any of the substances referred to in subparagraphs (1) and (2) of this paragraph—

except that "narcotic", "narcotics" or "narcotic drugs" does not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;

"Opiate" means any drug (as defined in the Federal Food, Drug, and Cosmetic Act; 52 Stat. 1041, 201(g); 21 U.S.C. 321) or other substance found by the Secretary of the Treasury or his designee, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine;

"Comptroller" means the Comptroller of the Panama Canal Company, acting for and in behalf of the Canal Zone Government.

REGISTRATION

§ 65.61 Registration and payment of tax.

A person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes or gives away narcotics in the Canal Zone, shall register with the Comptroller his name or style and place of business. Applications for registration shall be made on forms to be provided by the Comptroller. At the time of the registry, and on or before the first day of July annually thereafter, a person who is required to register shall pay to the Comptroller a special tax at the rate or rates specified by 26 U.S.C. 4721.

§ 65.62 Investigation of applicants.

The Comptroller shall make such investigation as is necessary to determine that each applicant is properly licensed or otherwise lawfully entitled to engage in the activity for which he seeks registration.

§ 65.63 Registry numbers.

Upon approval of the application the Comptroller shall assign a registry number to the applicant. The same number shall be retained throughout all the consecutive periods for which the applicant may be registered.

ORDER FORMS

§ 65.71 Written order forms required.

Order forms are required for all sales or other dispositions of narcotic drugs except:

(a) For dispositions directly to bona fide patients by a duly qualified physician, dentist or veterinary surgeon who is registered under § 65.61;

(b) For sales or other dispositions pursuant to properly executed prescriptions for legitimate medical purposes;

(c) For the sale, distribution, giving away, dispensing, or possession of preparations and remedies which do not contain more than 2 grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than 1 grain of codeine, or any salt or derivative of any of them in 1 fluid ounce, or, if a solid or semisolid preparation, in 1 avoirdupois ounce; or of liniments, ointments, or other preparations which are prepared for external use only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta encaine or any of their salts or any synthetic substitute for them, provided that such remedies and preparations are manufactured, sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of this subpart.

§ 65.72 Issuance of order forms.

The Comptroller shall cause suitable order forms to be prepared for sale to registered persons and for distribution free of charge to officials who are exempt under § 65.102. The price to be paid for such order forms by registered persons shall be $1 per hundred. The Comptroller shall prescribe detailed procedural instructions relating to:

(a) Procurement of order forms by registered persons;

(b) Execution of order forms;

(c) Filling of order forms;

(d) Filing of order forms.

§ 65.73 Lost and stolen order forms.

(a) If a purchaser ascertains that an original unfilled order has been lost, he shall execute another in triplicate and an affidavit stating that the goods covered by the first order were not received through loss of the order, and shall note on the second order the number and date of the lost order and the fact that it was lost. The duplicate of the second order and the affidavit shall be filed with the duplicate of the order first executed.

(b) Whenever any used or unused forms are stolen from, or lost (otherwise than in the course of transmission) by a registered person or by a certified exempt United States official, he shall immediately upon discovery of such theft or loss, report the same to the Comptroller, stating the serial number of each form stolen or lost. If an entire set of order forms is lost or stolen and the registrant or certified exempt official is unable to state the serial numbers, he shall report the date or approximate date of purchase thereof. If any unused order forms reported stolen or lost are subsequently recovered or found, the Comptroller shall be notified.

PRESCRIPTIONS

§ 65.81 Who may issue.

A prescription for narcotic drugs may be issued only by a physician, dentist, veterinary surgeon, or other practitioner who has duly registered under § 65.61, or an exempt official who is authorized to prescribe narcotics. A practitioner must issue a prescription upon his own diagnosis of a patient and he may not accept as a basis on which to prescribe narcotics, a letter or other document that purports to be signed by another physician.

§ 65.82 Purpose of issue.

A prescription, in order to be effective in legalizing the possession of narcotic drugs and eliminating the use of order forms, must be issued for legitimate medical purposes. A prescription issued to an addict or habitual user of narcotics, not in the course of professional treatment, is not a prescription within the meaning and intent of this part and is illegal.

§ 65.83 When prescriptions are to be used.

Written prescriptions are required for the dispensing of all narcotic drugs except for the dispensing of such narcotic drugs or compounds of a narcotic drug which the United States Commissioner of Narcotics has found and, by regulations, designated to possess relatively little or no addiction liability. However, a practitioner who has duly registered under § 65.61, or a physician, dentist or veterinary surgeon who is an exempt official may dispense narcotics directly to bona fide patients pursuant to the legitimate practice of their professions without prescriptions.

§ 65.84 Manner of execution.

(a) All written prescriptions shall be written with ink, indelible pencil or typewriter and dated and signed on the day issued. A physician may sign a prescription in the same manner as he would sign a check or legal documents as, for example, J. H. Smith, John H. Smith, or John Henry Smith.

(b) Each such prescription shall bear the full name, age, identification number, and address of the patient and the drug thereby prescribed shall be only for the use of the person whose name appears on the prescription. In addition they shall bear the name, address, and registry number of the practitioner (or exemption identification number of an exempt official) whose signature card must be on file in the Health Bureau pharmacies.

(c) Narcotics will be prescribed only on printed prescription blanks except in hospitals where orders for narcotics will be written on doctors' order sheets.

(d) Only one drug or preparation may be prescribed on each prescription blank.

(e) Prescriptions must include directions for taking the medication, i.e., quantity and frequency. Automatic stop orders will apply in cases where the directions are not clearly stated.

(f) A prescription may be prepared by a secretary or agent for the signature of a practitioner, but the practitioner is responsible in case the prescription does not conform in all essential respects to the law and regulations. A corresponding responsibility rests on the pharmacist who fills the prescription.

§ 65.85 Telephone orders.

The furnishing of narcotics pursuant to telephone advice of practitioners is prohibited, whether signed prescriptions covering such orders are subsequently delivered or not. However, in an emergency, a pharmacy may deliver, or have delivered, through a responsible employee or agent, narcotics pursuant to a telephone order, provided a properly prepared, signed prescription is supplied before delivery is made, which prescription shall be filed by the pharmacy as provided by § 65.91.

§ 65.86 Oral prescriptions.

A pharmacist may fill an oral prescription communicated to him by a duly registered practitioner for such narcotic drugs or compounds of a narcotic drug which the United States Commissioner of Narcotics has found, and by regulations designated, to possess relatively little or no addiction liability. In issuing an oral prescription, the prescriber shall furnish the pharmacist with the same information as is required in the case of a written prescription except for the written signature of the prescriber. The oral prescription, including the information required to be furnished by the prescriber, shall promptly be reduced to writing by the pharmacist, who shall file and preserve the writing in his narcotic prescription file as required by § 65.91. The practitioner is responsible in case the oral prescription does not conform in all essential respects to these instructions. A corresponding responsibility rests upon the pharmacist who fills an oral prescription not communicated in the form prescribed.

§ 65.87 Who may fill prescriptions.

A prescription for narcotic drugs may be filled only by a Health Bureau pharmacist.

§ 65.88 Refilling.

The refilling of a prescription for narcotics is prohibited.

§ 65.89 Partial filling.

As a general rule, the partial filling of narcotic prescriptions is not permissible. If, however, a pharmacist is unable to supply the full quantity called for in a prescription and an emergency exists, he

may supply a portion of the drugs called for by the prescriptions, provided he makes a suitable notation on the face of the prescription (or on the written record of an oral prescription) of the quantity furnished, and makes a notation of the reason for not supplying the full quantity on the back of the prescription, and advises the issuing practitioner thereof. A further quantity may not be supplied except upon a new prescription.

§ 65.90 Labels on containers.

The pharmacist filling a prescription shall affix to the container a label showing his name and registry or exemption identification number, the serial number of the prescription, the name and address of the patient, and the name, address and registry number of the practitioner issuing the prescription. The label must also contain the prescriber's directions for taking the medication, i.e., quantity and frequency.

§ 65.91 Pharmacy records.

Pharmacists who fill prescriptions shall keep the written prescriptions, and the written records of oral prescriptions, in a file in such manner as to be readily accessible to inspection by investigating officers for not less than 2 years.

EXEMPT OFFICIALS

§ 65.101 Military and naval officers.

Officers, members, and employees of the Army, Navy, or Air Force in the Canal Zone (other than those assigned to the Health Bureau of the Canal Zone Government) who, in the exercise of their official duties, acquire, dispense, or handle narcotic drugs or preparations, shall not be governed by this subpart but shall be governed by regulations and directives as issued by the Department of the Army, Department of the Navy, and Department of the Air Force.

§ 65.102 Civil officers and nurses.

(a) Civilian officers and employees (including military officers assigned to the Health Bureau of the Canal Zone Government) of departments, agencies or instrumentalities of the United States in the Canal Zone (other than those covered by § 65.101) who, in the exercise of their official duties, acquire, dispense, or handle narcotic drugs or preparations, shall not be required to register or pay the special tax, but they shall file with the Comptroller a certificate from a superior official showing the official status and official address of the person claiming exemption and (1) whether he is to purchase the narcotics or obtain them from official stocks and (2) whether or not the officer or employee is to administer or dispense narcotics. Each such certificate shall be renewed on or before July 1 of each year, except that, in the case of any officer or employee of the Panama Canal Company and Canal Zone Government, the certificate shall remain in effect until his termination of service from the Company-Government, unless otherwise specifically cancelled. An exemption identification number shall be assigned by the Comptroller to each exempt person filing a certificate, and the same number shall be retained throughout all the consecutive periods for which the person is entitled to exemption. This identification number shall appear on each order for procurement of narcotic drugs by an exempt person, and on each prescription for narcotic drugs issued by exempt persons in the course of performance of their official duties.

(b) Nurses are regarded as agents of the practitioners or institutions under whose direction or supervision their duties are performed, and they are not permitted to register, nor are they required to file an exemption certificate with the Comptroller. They are not permitted to be in possession of narcotic drugs or preparations except as such agents, or as patients and any narcotic drugs found in the possession of a nurse who is not a patient or at the time under the supervision of a practitioner shall be forfeited to the Government.

MISCELLANEOUS PROVISIONS

§ 65.111 Safeguarding of narcotics.

Narcotic drugs and preparations shall at all times be properly safeguarded and securely kept where they will be available for inspection by properly authorized officers, agents, and employees of the Canal Zone Government and the Panama Canal Company.

§ 65.112 Procedure in case of loss.

Where narcotics are lost by theft, through breakage of the container or other accident, or otherwise lost or destroyed, the person having responsibility thereof shall make a signed statement as to the kinds and quantities of narcotics lost or destroyed and the circumstances involved, and immediately forward the statement to the Health Director through appropriate channels.

§ 65.113 Inspections and audits.

The Comptroller shall make inspections and audits of records and take such other action as may be necessary to discover any violation of these regulations. Any violation shall be promptly reported to the Canal Zone police and the United States attorney for the Canal Zone.

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[1] For laws governing the Canal Zone postal service generally, see 2 C.Z. Code §§ 1131–1143, 76A Stat. 38–40. For application of laws of United States defining postal crimes, see 6 C.Z. Code § 2001, 76A Stat. 481. Section 1131 of title 2 of the Canal Zone Code provides that the postal service of the Canal Zone shall be governed, except as otherwise provided by that Code, by the laws, rules, regulations, and conventions of the Postal Service of the United States which by their terms apply in the Canal Zone and by such additional laws, rules and regulations as the Governor determines to be applicable to conditions existing in the Canal Zone. Also, it authorizes the Governor to prescribe regulations necessary for the maintenance and operation of the Canal Zone postal service.

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AUTHORITY: The provisions of this Part 67 issued by Governor under 2 C.Z.C. 1131–1143, 76A Stat. 38, 40; additional authority is cited in parenthesis following section 67.836.

Subpart A—General Provisions

§ 67.1 Status; Director of Posts.

The Canal Zone Postal Service, a division of the Civil Affairs Bureau, Canal Zone Government, is headed by a Director of Posts, who is responsible for the efficient and economical operation of the Service.

§ 67.2 Mail depositories.

Post offices, branches and units, mail compartments in Panama Railroad baggage cars, and street letter boxes are designated depositories for mail matter. The Director of Posts may designate other receptacles or devices as authorized depositories for mail matter. Depositories especially designated by the Director of Posts shall be marked as to indicate that fact together with a statement of penalty for tampering with the depository or any mail matter contained therein.

§ 67.3 Domestic mail.

Domestic mail means mail transmitted within, among and between the Canal Zone; the United States, its territories and possessions; Army-Air Force (APO) and Navy (FPO) post offices; also mail for delivery to the United Nations, New York. (Consult 39 CFR for list of Territories and Possessions of the United States.)

§ 67.4 Acceptance of funds.

(a) *Coin and currency.* United States coin and currency and Panama coin may be accepted in the transaction of postal business.

(b) *Checks.* Panama Canal Company and United States Treasury checks and commercial bank checks or drafts payable to postmaster may be accepted in the transaction of postal business. Any checks accepted are with endorsement and payment guaranteed by the accepting postal employee. The acceptance of checks is not compulsory and checks may not be accepted unless the postal employee is satisfied as to the identity of the persons presenting them and of the genuineness of the signatures appearing thereon. Postal funds may not be used to cash personal checks of the postmaster or postal employees. The provisions of Comptroller's Circular No. 10, latest revision, and Accounting Procedure No. 12, shall be observed. All checks accepted shall be initialed by the paying employee.

(c) *Endorsement and deposit.* All checks accepted shall be properly endorsed immediately and promptly deposited or included in the next remittance to the postmaster.

§ 67.5 International reply coupons.

International reply coupons of the Universal Postal Union, which are printed in blue ink and bear the caption "Coupon-Response International" issued in United States and foreign countries are exchangeable for Canal Zone postage stamps at the following rates:

(a) Issued in all countries except the United States and Panama..... 11 cents each
(b) Issued in the United States and Panama..... 5 cents each

§ 67.6 Posting notices.

(a) Advertisements, circulars, placards, handbills, cards, or notices relating to a private business, and pictures, cartoons, or other documents of a political character, or concerning an election, or designed to influence an election in favor of a candidate, may not be placed upon the walls or elsewhere for public exhibition within areas used for postal activities, or in the lobbies of post offices, or on any portion of the post office premises.

(b) Except as provided by paragraph (c) of this section, bulletin boards in lobbies may be used only for the display of required notices of the Postal Service or notices of other Federal agencies.

(c) For the convenience of the public, postmasters may post, without discrimination as to party or sect, notices of public assemblies, judicial sales, and other like announcements, printed or written, on bulletin boards on a space available basis. Notices may not be posted on walls, screens, windows, etc., but shall be confined to bulletin boards. The postmaster or his delegate shall pass on all notices before posting and shall otherwise govern the use of boards.

§ 67.7 Persons and organizations authorized to receive mail.

The following persons and organizations are entitled to receive mail through facilities of the Canal Zone Postal Service:

(a) Bureaus, divisions, branches, and offices of the Panama Canal Company and Canal Zone Government; units, organizations, and offices of the United States governmental departments and agencies located on the Isthmus of Panama.

(b) All persons residing in the Canal Zone.

(c) United States citizens residing in the Republic of Panama who are officers or employees in the regular service or employ of the Panama Canal Company, the Canal Zone Government or other agencies of the United States Government, and their dependents when accompanying the principal.

(d) Members of the armed forces of the United States on active duty, and their dependents when accompanying the principal. This paragraph does not apply to members of reserve forces on temporary active duty, residing in the Republic of Panama.

(e) Retired personnel of the United States Government, including, but not restricted to, such personnel of the Panama Canal Company, Canal Zone Government, armed forces of the United States, who are United States citizens and reside in the Republic of Panama, and their dependents when accompanying the principal. This paragraph does not apply to such personnel operating or managing a business activity in the Republic of Panama.

(f) Business concerns, contractors, agencies, activities, and such organizations as religious, fraternal, scientific, labor, education, recreational, and charitable organizations, properly established in the Canal Zone and authorized to conduct their operations from a permanent seat or place of business in the Canal Zone after approval by the Director of Posts. Those desiring to use a Canal Zone postal address, shall make application in writing to the Director of Posts, including therein the location of their office in the Canal Zone and the authority for operation in the Canal Zone.

§ 67.8 Intermediaries prohibited.

Persons and organizations authorized to use a Canal Zone post office address may not act as intermediaries for persons or organizations not authorized to use the address.

§ 67.9 Complaints and inquiries.

Postmasters and other postal employees shall accept and report all complaints regarding postal law violations or concerning loss, rifling, damage, or other mistreatment of mail. All complaints shall be reported to the Director of Posts. If a postal patron so desires, he may direct his complaint in writing to the Director of Posts. In either case, if the complaint concerns apparent mishandling of mail, the envelope or wrapper should be submitted. Charges for inquiries concerning the nondelivery of mail shall be made in accordance with the provisions of 39 CFR, relating thereto.

CROSS REFERENCE: Charges for inquiries, see 39 CFR 161.4.

§ 67.10 Confidential character of mail; privileged matter; records; subpenas and summonses.

The following provisions of 39 CFR are applicable to and within the Canal Zone, and to the Canal Zone Postal Service and its personnel:

(a) *Mail treated in confidence.* The provisions relating to the secrecy and confidential treatment of sealed first-class mail.

(b) *Privileged matter.* The provisions relating to privileged matter, and its nondisclosure except as therein provided.

(c) *Available records.* The provisions relating to the availability of records for inspection.

(d) *Transfer of records.* The provisions restricting the transfer of records to other persons, except that, for the purpose of such applicability:

(1) The records referred to therein shall be construed to mean the records of the Canal Zone Postal Service. They are the property of the Canal Zone Government.

(2) The Director of Posts may also authorize or disapprove the transfer of the records.

(e) *Subpenas duces tecum.* The provisions relating to compliance with subpenas duces tecum, except that, for the purpose of such applicability:

(1) Compliance in the Canal Zone shall relate to such subpenas issued by any court of competent jurisdiction; and

(2) The Director of Posts is the officer who shall, with respect to such a subpena, be consulted for the purpose of getting approval before compliance, and to whom an inquiry regarding the subpena shall be addressed.

(f) *Summonses.* The provisions relating to compliance with summonses requiring the appearance of postmasters and other postal employees in court or in other proceedings, except that, for the purpose of such applicability:

(1) Any reference therein to a witness for the United States in Federal grand jury proceedings includes a witness for the United States or the Government of the Canal Zone required to appear at a preliminary examination, in a magistrate's court, of a person charged with an offense triable in the United States District Court for the District of the Canal Zone, or required by subpena to appear, pursuant to 6 C.Z.C. 4012, 76A Stat. 514, for examination by the United States attorney for the District of Canal Zone;

(2) "United States", as used therein with respect to suits brought by the United States, or other actions in which the United States is a party in interest, includes the Canal Zone Government and the Panama Canal Company; and

(3) The question of disclosing privileged information is a matter entirely in the discretion of the Governor of the Canal Zone.

CROSS REFERENCES: See the following provisions of 39 CFR: Mail treated in confidence, Part 3. Privileged matter, § 4.3. Available records, including inspection, transfer of records, and compliance with subpenas and summonses, § 4.4.

§ 67.11 Copies of records.

The Director of Posts may authorize copies of records which are open to public inspection to be furnished to members of the public at the cost of the person requesting them.

§ 67.12 Applicability of Federal postal laws.

In addition to the sections of Title 39, United States Code, which, by their terms, apply to and within the Canal Zone, sections 509, 903, 904, 905, 906, 2403, 2408, 2410, 4001, 4002, 4003, 4004, 4005, 4006, 4007, and 4008 of that title are determined to be applicable to conditions existing in the Canal Zone and apply thereto and therein by virtue of 2 C.Z.C. 1131, 76A Stat. 38.

§ 67.13 Adaptation of terms used in applicable Federal regulations and laws.

(a) Except as may be otherwise provided by this part, for the purpose of effecting the application, to the Canal Zone Postal Service and its personnel, or to and within the Canal Zone, of the regulations of the United States Post Office Department, 39 CFR, made so applicable by §§ 67.09 and 67.10, and by other provisions of this part, and for the purpose of effecting the application, to and within the Canal Zone, of the laws made so applicable by § 67.12, any references in those regulations and laws:

(1) To the Government, include the Canal Zone Government; and

(2) To the Post Office Department, Post Office Department of the United States, Department, Bureau or Office of the Post Office Department, Postal Service, Postmaster General, and officers and other personnel of the Post Office Department of the United States, include the Canal Zone Postal Service and the comparable bureaus and officers and personnel thereof.

(b) When used in a territorial sense by any of the regulations or laws referred to in paragraph (a) of this section, "United States" includes the Canal Zone.

§ 67.14 Amendments to applicable Federal regulations and laws.

The provisions of §§ 67.09, 67.10, and 67.12, and all other provisions of this part, making certain Federal postal regulations (39 CFR) and laws applicable to and within the Canal Zone or to the Canal Zone Postal Service, shall be deemed to refer to, mean and include, as well, any and all amendments to those regulations and laws prescribed, issued or enacted on or after the effective date of this part.

Subpart B—Wrapping, Packing and Addressing Mail Matter

§ 67.31 Packages and envelopes.

The provisions of 39 CFR, relating to packages and envelopes, are applicable to and within the Canal Zone.

CROSS REFERENCES: See the following provisions of 39 CFR: Packages, Part 11. Envelopes, Part 12. International mail, § 111.1.

ADDRESSES AND OTHER MARKINGS; MAILING LIST SERVICES

§ 67.41 General information.

(a) Addresses on mail matter shall be clear, legible, and complete.

(b) All mail should bear the name and return address of the sender. For mail which must bear a return address, the provisions of 39 CFR, relating thereto, are applicable to and within the Canal Zone.

(c) Matter bearing dual address or the names of more than one post office in the return address or in the recipient's address is not acceptable for mailing.

(d) Matter bearing instructions to return to "Point of Mailing" (postmark) is not acceptable for mailing.

(e) Special instructions on addressing second-class mail, overseas military mail and international mail outlined in 39 CFR are applicable to and within the Canal Zone.

CROSS REFERENCES: See the following provisions of 39 CFR: Return addresses, Part 18. Addressing second-class mail and overseas military mail, §§ 13.7 and 13.8. International mail, § 111.1.

§ 67.42 Arrangement of address.

The provisions of 39 CFR, relating to the arrangement of the address, are applicable to and within the Canal Zone.

CROSS REFERENCE: Arrangement of address, see 39 CFR 18.2.

§ 67.43 Pledge to pay return or forwarding postage, or both.

This endorsement, when used, shall be placed below the return address of the sender. (Only on second-, third-, and fourth-class matter.)

§ 67.44 Form 3547 requested (notice of new address).

This endorsement, when used, shall be placed in lower left corner and return address in upper left corner. (Only on third- and fourth-class matter.)

§ 67.45 Simplified address for general distribution; preparation of pieces; postage; number of patrons; excess pieces.

(a) When general distribution of mail is desired for all post office boxholders at a post office, mailers may use a simplified address provided each piece is addressed "Post Office Boxholder" followed by the name of the post office and "Canal Zone" or "C.Z.", or by the word "Local".

(b) All pieces for general distribution, for which the simplified address is used, and for the same post office shall be tied, so far as practicable, in packages and a facing slip shall be attached showing the name of the post office at which distribution is to be made, the distribution desired and the number of pieces.

(c) Postage shall be fully prepaid at the proper rate by means of postage stamps affixed, meter stamps, permit imprint or by use of stamped envelopes or postal cards.

(d) Upon request, postmasters and branch superintendents may furnish, without charge, the number of post office boxholders at their office.

(e) Pieces of mail, on which is used the authorized simplified address, received at a delivery office in excess of the number of post office boxholders, will be treated in accordance with regulations governing treatment of unclaimed third-class mail.

§ 67.46 Mailing list services.

The provisions of 39 CFR, relating to mailing list services, are applicable to and within the Canal Zone, and to the Canal Zone Postal Service.

CROSS REFERENCE: Mailing list services, see 39 CFR 13.5.

Subpart C—Nonmailable Matter and Matter Mailable Under Special Rules

§ 67.71 Applicability of Federal postal regulations.

The provisions of 39 CFR, relating to nonmailable matter and matter mailable under special rules, are applicable to and within the Canal Zone.

CROSS REFERENCES: See the following provisions of 39 CFR: Nonmailable matter, Part 14. Matter mailable under special rules, Part 15.

§ 67.72 Gold or gold certificates.

The provisions of 39 CFR, relating to license requirements for mailing gold or gold certificates, are applicable to and within the Canal Zone. In addition, gold coin, gold bullion, or gold dust originating in the Republic of Panama must be covered by a permit issued by the Government of the Republic of Panama before the shipment may be accepted for mailing.

CROSS REFERENCE: Gold and gold certificates, license requirements for mailing, see 39 CFR Part 144.

§ 67.73 Archaeological specimens.

(a) The exportation of archaeological specimens originating in the Republic of Panama is prohibited except upon permit of the Government of the Republic of Panama.

(b) The archaeological specimens to which paragraph (a) of this section applies are defined by Panamanian law to include ruins of cities, forts, houses, tombs, archaeological deposits, and every vestige of aboriginal civilization.

Subpart D—Mail Classification and Rates

FIRST CLASS

§ 67.91 Domestic rates for first-class mail.

The domestic postage rates for first-class mail, set forth in 39 CFR, are applicable to and within the Canal Zone and to regular mail exchanged with the United States, its Territories and Possessions.

CROSS REFERENCE: Rates for first-class mail, see 39 CFR 21.1. Airmail rates, see § 67.161 in this Part 67.

§ 67.92 Classification.

The provisions of 39 CFR, describing the various classifications of first-class mail, are applicable to and within the Canal Zone, except that "drop letters" are letters mailed at a main post office, its branches or units and addressed for delivery at that main post office, its branches or units.

CROSS REFERENCE: Classification of first-class mail, see 39 CFR 21.2.

§ 67.93 Weight and size limits.

(a) *Weight.* Maximum limits are the same as for fourth-class mail.

(b) *Size.* No limit.

§ 67.94 Payment of postage.

Postage for first-class mail may be paid by the use of Canal Zone:

(a) Adhesive postage stamps.
(b) Stamped cards or envelopes.
(c) Meter stamps.
(d) Permit imprints.

§ 67.95 Insufficient prepayment of postage.

The provisions of 39 CFR, relating to insufficient prepayment of postage, are applicable to and within the Canal Zone.

CROSS REFERENCE: Insufficient prepayment of postage, see 39 CFR 37.1(b)(c).

§ 67.96 Customs requirements for domestic destinations.

Sealed first-class articles containing merchandise, addressed for delivery in the United States, its Territories and Possessions, shall have Green Customs Label, Form 2976, properly completed and securely affixed to the wrapper of the parcel, preferably on the address side.

SECOND CLASS

§ 67.111 Rates for publications, generally.

The following postage rates apply to all publications, except those accepted at the special rate or the classroom rate:

(a) *For delivery in the Canal Zone.*

	Cents per pound
Editorial and advertising	2.8
Minimum per copy	0.5

(b) *For delivery in the United States, its Territories and Possessions.* Domestic second-class rates of postage as provided by 39 CFR.

CROSS REFERENCE: Postage rates for second-class mail, see 39 CFR 22.1.

§ 67.112 Special rate publications.

When specifically authorized by the Director of Posts, the domestic second-class rates of postage, as provided by 39 CFR for publications issued by religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organizations or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, are applicable to and within the Canal Zone.

CROSS REFERENCE: Postage rates for special rate publications, see 39 CFR 22.1(b)(2).

§ 67.113 Rates for classroom publications.

The domestic second-class rates of postage, as provided by 39 CFR for religious, educational, or scientific publications designed specifically for use in school classroom or in religious instruction classes, are applicable to and within the Canal Zone.

CROSS REFERENCE: Postage rates for classroom publications, see 39 CFR 22.1(b)(3).

§ 67.114 Transient rate.

Copies mailed by public.	4 cents for first 2 ounces; 1 cent each additional ounce or fraction thereof, or the fourth-class rate, whichever is lower.
Copies to persons not included in list of subscribers.	

§ 67.115 Second-class rates to other countries.

(a) The second-class postage rates to other countries are:

PUAS countries	2 cents first 2 ounces; 1 cent each additional 2 ounces.
All other countries.	3 cents first 2 ounces; 1½ cents each additional 2 ounces.

(b) Postage shall be paid by means of Canal Zone postage stamps affixed, or Canal Zone meter stamps of a bright red color imprinted or affixed, to each individually addressed piece.

CROSS REFERENCE: PUAS countries, see 39 CFR 101.2.

§ 67.116 Weight limits.

(a) *Domestic destinations.* No limit.

(b) *Foreign destinations.* As provided for "Printed Matter" by 39 CFR.

CROSS REFERENCE: Weight limits on printed matter having foreign destination, see 39 CFR 112.4(b).

§ 67.117 Payers of postage.

Postage at the transient rate shall be paid on all copies mailed by the general public. Only publishers and registered news agents may mail at the other second-class rates.

§ 67.118 Qualifications for second-class privileges.

The provisions of 39 CFR, prescribing the qualifications for second-class mailing privileges, are applicable to and within the Canal Zone.

CROSS REFERENCES: Qualifications for second-class privileges, see 39 CFR 22.2.

§ 67.119 Application for second-class privileges.

(a) *General requirements.* An application shall be filed with the Director of Posts by the publisher before a publication may be mailed at the second-class rates. Two copies of the issue described in the application shall also be filed. Copies of application forms may be obtained from the Director of Posts.

(b) *Nonprofit organizations.* Publishers of nonprofit religious, educational, scientific, philanthropic, labor, veterans, or fraternal organizations or associations may file applications by letter to the Director of Posts for the special rate. The letter may accompany the application for second-class privileges.

(c) *Mailing at additional post offices.* If a publisher desires to mail copies at another post office in addition to the one where he has second-class mail privileges, he may file a written application with the Director of Posts stating the approximate number and weight of copies to be mailed at the additional office, and the territory to be served. A form is not provided for this kind of application.

(d) *Change of name or frequency.* When the name or frequency is changed, an application for reentry shall be filed with the Director of Posts, accompanied by two copies of the publication showing the new name or frequency. When the location is changed, an application for reentry shall be filed with the Director of Posts, accompanied by two copies of the publication showing the name of the new office as the known office or place of publication.

(e) *Fees.* The fees to accompany applications for second-class original entry, reentry, or additional entry, or for registration as a news agent, are as provided by 39 CFR.

CROSS REFERENCE: Fees to accompany applications for second-class privileges, see 39 CFR 22.3(e).

§ 67.120 What may be mailed at the second-class rates.

The provisions of 39 CFR, relating to matter that may be mailed at the second-class rates, are applicable to and within the Canal Zone.

CROSS REFERENCE: What may be mailed at the second-class rates, see 39 CFR 22.4.

§ 67.121 Controlled circulation publications.

(a) Except as provided by paragraph (b) of this section, controlled circulation publications are subject to the domestic postage rates, weight limits and conditions provided by 39 CFR.

(b) Application shall be made to, and notice of authorization or disapproval will be furnished by, the Director of Posts.

CROSS REFERENCE: Controlled circulation publications, see 39 CFR Part 23.

THIRD-CLASS MATTER

§ 67.131 Applicability of Federal postal regulations.

Except as otherwise provided by this section, the provisions of 39 CFR, relating to the following matters with respect to third-class matter, are applicable to and within the Canal Zone:

(a) *Rates.* (1) Domestic destinations.

(2) Foreign destinations, to which the provision of this section for application of 39 CFR has reference to the Rates and Conditions for Special Classes and the Directory for International Mail.

(b) *Classification.* (1) Description.

(2) Application of rates.

(c) *Weight and size limitations.*

(d) *Payment of postage, and markings required.* (1) Single piece mailings.

(2) Bulk mailings, except that a permit to mail third-class matter in bulk under the provisions outlined in 39 CFR shall be obtained from the Director of Posts.

(e) *Nonprofit organizations.* (1) Types.

(2) Applications to mail third-class matter at special rates shall be made on Form 3624 to the Director of Posts.

(3) The approval to mail third-class matter at special rates may be revoked if the authorization was given to an organization or association which was not qualified or which becomes unqualified.

(f) *Permissible additions.*

(g) *Permissible enclosures.*

(h) *Sealing.*

CROSS REFERENCE: See 39 CFR Part 34 (third class), Part 112 (rates and conditions for specific classes), and Part 168 (Directory of International Mail).

§ 67.132 Customs requirements for domestic destinations.

Third-class matter containing dutiable articles addressed for delivery in the United States, its Territories and Possessions, is subject to customs treatment by the United States Customs Service on arrival in the United States. It should have an invoice or paper form of customs declaration, Form 2976-A, enclosed, or Form 2976 "Green" customs sticker affixed, to expedite its handling by the Customs Service. All invoices or Forms, enclosed or affixed, shall be properly completed.

FOURTH CLASS

§ 67.141 Rates for fourth-class matter.

With respect to rates for fourth-class matter, provisions of 39 CFR are applicable to and within the Canal Zone, as follows:

(a) *Fourth class (parcel post) zone rates.* The zone rates of postage as provided for "Local", "1 and 2" and "8", with respect to such matter, when mailed in the Canal Zone and destined for the Canal Zone, Panama, and the United States, its Territories and Possessions.

(b) *Catalogs and similar printed advertising matter.* The zone rates of postage as provided for "Local", "1 and 2" and "8", with respect to such matter, when mailed in the Canal Zone and destined for the Canal Zone, and the United States, its Territories and Possessions.

(c) *Books, and 16-millimeter films and 16-millimeter film catalogs.* The rates of postage as provided for such matter, when mailed in the Canal Zone and destined for the Canal Zone, and the United States, its Territories and Possessions.

(d) *Library books, 16-millimeter films, 16-millimeter film catalogs and related materials.* The rates of postage as provided for such matter mailed by public libraries and certain nonprofit organizations, under the conditions outlined and when addressed for delivery in the Canal Zone and the United States, its Territories and Possessions.

CROSS REFERENCES: Rates for fourth-class matter, see 39 CFR 25.1. Nonprofit organizations, see § 67.148 in this Part 67.

§ 67.142 Classification.

(a) *Description.* With respect to the classification of fourth-class matter, the provisions of 39 CFR, relating to the description of such matter, are applicable to and within the Canal Zone.

(b) *Application of rates.* The rates made applicable by § 67.141 (a) and (b) are applied on the basis of weight of the individual piece and zone (or distance) to which mailed.

(c) *Zones.* There are three parcel post zones, as follows:

(1) *Local.* This applies to parcels mailed at a main post office, its branches or units, addressed for delivery at that main post office, its branches or units.

(2) *Zones 1 and 2.* These apply to parcels mailed at any post office, branch or unit, addressed for delivery in the Canal Zone or the Republic of Panama, and not included in "Local" zone.

(3) *Zone 8.* This applies to parcels mailed at any post office, branch or unit, for delivery at post offices in the United States, its Territories and Possessions.

CROSS REFERENCE: Description of fourth-class matter, see 39 CFR 25.2(a).

§ 67.143 Weight and size limits.

(a) *Weight.* Each addressed piece of fourth-class matter must weigh 16 ounces or more but not more than 70 pounds.

(b) *Size.* The maximum size of a piece of fourth-class matter is 100 inches in length and girth combined. There is no minimum size. To compute the size of a parcel:

(1) Measure the longest side to determine the length.

(2) Measure the distance around the parcel at its thickest part to determine the girth.

(3) Add the length and girth.

(4) Consult 39 CFR for illustrations.

(c) *Two or more packages.* Two or more packages may be mailed as a single parcel if they are about the same size or shape or if they are parts of one article. They must be securely wrapped or fastened together, and must not, together, exceed the weight or size limit.

CROSS REFERENCE: Illustration for computing size of a parcel, see 39 CFR 25.3(b).

§ 67.144 Payment of postage.

Postage for fourth-class mail may be paid by the use of Canal Zone:

(a) Adhesive postage stamps.
(b) Meter stamps.
(c) Permit imprints.

§ 67.145 Written additions; enclosures; sealing.

The provisions of 39 CFR, relating to written additions on, enclosures with, and sealing of, fourth-class mail, are applicable to and within the Canal Zone.

CROSS REFERENCE: Written additions, enclosures, and sealing with respect to fourth-class mail, see 39 CFR 25.5 to 25.7.

§ 67.146 Place of mailing.

Fourth-class articles may be mailed at a post office or branch.

§ 67.147 Customs requirements for domestic destinations.

(a) All mail matter addressed for delivery in the United States, its Territories and Possessions, known or believed to contain dutiable articles is subject to customs treatment by the United States Customs Service on arrival in the United States, its Territories or Possessions.

(b) All parcels, fourth-class matter, mailed in the Canal Zone addressed for delivery in the United States, its Territories and Possessions, shall have a properly completed "Customs Declaration Tag", Form 2966, securely attached to the address side of the parcel. This requirement includes parcels containing books, printed matter, and similar material.

§ 67.148 Nonprofit organizations.

The rates made applicable by § 67.141 (d) are restricted to mailings mailed by, or addressed to, nonprofit organizations or associations as outlined in 39 CFR.

CROSS REFERENCE: See 39 CFR 25.1(d) and 25.2(a)(5).

AIRMAIL

§ 67.161 Domestic destinations.

(a) *Rates*—(1) *Canal Zone.* There is no airmail service between points within the Canal Zone.

(2) *United States, its Territories and Possessions and Commonwealth of Puerto Rico.*

Weight	Kind of mail	Rate
8 ounces or less.	Air Postal or Post Cards.	6 cents each.
	Double Air Post Cards.	8 cents each.
	Letters and Packages (All other Airmail).	5 cents an ounce.
Over 8 ounces and not exceeding 70 lbs.	First-class Matter.	64 cents for first 8 ounces plus 5 cents for each additional ounce or fraction thereof, or the air parcel post rate if higher.
	All Other Airmail (Air Parcel Post).	88 cents for first pound (over 8 ounces, but not exceeding 1 pound) plus 80 cents per each additional pound or fraction thereof.

Exception. Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel.

(b) *Classification and articles acceptable.* The provisions of 39 CFR, relating to the description of airmail for the purpose of classification, and to articles acceptable for airmail, apply to and within the Canal Zone.

(c) *Application of rates.* Postage is charged on airmail (except postal and postcards) according to weight at rates prescribed by subparagraph (a)(2) of this section, regardless of the class of mail, except that when first-class mail is enclosed in an article weighing more than 8 ounces, the rate may not in any instance be less than 8 cents for each ounce not in excess of 8 ounces plus 5 cents for each ounce or fraction of an ounce over 8 ounces. Air postcards must conform to the size and conditions prescribed for postcards.

(d) *Weight and size limits; additions and enclosures.* With further respect to airmail, the provisions of 39 CFR, relating to weight and size limits, and additions and enclosures are applicable to and within the Canal Zone.

(e) *Payment of postage.* Postage for airmail may be paid by the use of Canal Zone:

(1) Adhesive postage stamps.
(2) Stamped cards or envelopes.
(3) Meter stamps.

(f) *Marking and sealing.* Place the word AIRMAIL, prominently on the address side of flat mail and on the top, bottom, and sides of parcels. The return address must be shown on the address side of each air parcel mailed at the pound rate. Airmail may be sealed or left unsealed without affecting the air rate.

CROSS REFERENCE: Airmail, description for classification purposes, articles acceptable, weight and size limits, and additions and enclosures, see 39 CFR 26.2(a)(b), 26.3, 26.5.

§ 67.162 Customs requirements for domestic destinations.

Customs requirements for airmail articles containing merchandise and addressed for delivery in the United States, its Territories and Possessions are as follows:

(a) Sealed articles weighing up to but not including 16 ounces shall have a Green Customs Label, Form 2976, properly completed, securely affixed.

(b) Articles weighing 16 ounces or more shall have "Customs Declaration Tag" (Form 2966) properly completed and attached to the address side of the parcel.

§ 67.163 Foreign destinations.

The following regulations govern airmail for foreign destinations:

(a) *Postal union mail; parcel post.* Postal union mail of any category may be sent by air. With respect to articles sent by air, the weight limits, dimensions and other conditions provided therefor by 39 CFR, except the requirements thereof as to postage rates, are applicable to and within the Canal Zone. Parcel post may not be sent by air to foreign countries.

(b) *Rates*—(1) *Letters and letter packages*,[1] *Postal Union "Other Articles."* These rates are based on a three-zone structure, except Panama, as follows:

	(Cents per half ounce)
Panama	8
Zone A. North America, Central America except Panama, the Caribbean Islands, and South America	15
Zone B. Europe (except U.S.S.R.) and Mediterranean Africa	20
Zone C. U.S.S.R., Asia, the Pacific, and Africa other than Mediterranean	30

(2) *Postcards (single).*

	Cents each
Panama	6
All other countries	15

(3) *Aerogrammes (air-letter sheets).*

	Cents each
Panama	8
All other countries	15

(4) *Other articles.* Same rates as for letter.

(5) *Air parcel post.* There is no air parcel post service from the Canal Zone to foreign destinations.

(c) *Packages.* Packages up to the limit of weight prescribed for letters containing dutiable articles (merchandise) may be accepted for dispatch by air provided the country concerned has indicated a willingness to accept them. Consult 39 CFR for the list of those countries.

(d) *Prepayment*—(1) *Full prepayment necessary.* Airmail articles shall be fully prepaid to assure dispatch without delay. If an article is returned for additional postage, the stamps already attached will be accepted at their face value after the needed additional postage is added. Articles insufficiently prepaid for dispatch by air that cannot be returned to the sender for additional postage, because of no return address or return address is outside the Canal Zone, will be appropriately endorsed and forwarded to the destination by surface means.

(2) *Double or reply-paid postcards.* The provisions of 39 CFR, relating to prepayment of postage, with respect to double or reply-paid postcards sent by air to foreign destinations, are applicable to and within the Canal Zone, except that any additional postage required shall be prepaid with Canal Zone postage.

(e) *Marking of Postal Union mail.* The provisions of 39 CFR, with respect to the marking of Postal Union airmail, are applicable to and within the Canal Zone.

(f) *Air letter sheets*—(1) *Availability and use.* Air letters (aerogrammes), which can be folded into the form of an envelope and sealed, may be sent by air to all countries. These sheets, without imprinted postage, are sold at all Canal Zone post offices at 2 cents each. All parts of the sheets may be used for the sender's message, except the address side. No enclosures are permitted. The use of tape or stickers to seal air letters is prohibited. Air letter sheets may be sent under registration upon payment of the required registry fee in addition to the postage.

(2) *Private manufacture.* Air letters without imprinted postage approved for mailing by the Canal Zone Postal Service, and those authorized for mailing as air letters by the United States Post Office Department, may be accepted as air letters when deposited in the Canal Zone Postal Service and postage prepaid with Canal Zone postage stamps. Air letters without imprinted postage authorized for mailing by regulations of the Universal Postal Union may be accepted as air letters when deposited in the Canal Zone Postal Service and postage prepaid with Canal Zone postage stamps.

(3) *Containing enclosures.* Air letters (aerogrammes) that have been placed in the mail, and are observed to contain enclosures, are dispatched as follows:

(i) By air if postage is prepaid at the airmail letter rate.

(ii) Otherwise, by surface, after crossing out the "Air Letter—Aerogramme—Par Avion" markings.

CROSS REFERENCE: International mail, see 39 CFR Ch. 1, Subchapters K–R, particularly Part 131 (special services), and Part 168 (Directory of International Mail).

FEDERAL GOVERNMENT MAIL AND FREE MAIL

§ 67.181 Franked matter.

The provisions of 39 CFR, relating, in connection with franked matter, to:

(a) Description;
(b) Persons authorized to use the frank;
(c) Matter that may be franked;
(d) Marking required;
(e) Period during which the frank may be used;
(f) Restrictions; and
(g) Weight and size limits—

are applicable to and within the Canal Zone.

CROSS REFERENCE: Franked matter, description, etc., see 39 CFR 27.1 (b) to (e).

§ 67.182 Official mail (penalty matter).

(a) *Description.* The description of official mail, as provided by 39 CFR, is applicable to and within the Canal Zone.

(b) *Collection of postage.* Penalty mail is sent without prepayment of postage.

(c) *Preparation.* Envelopes, cards, labels, tags, and wrappers used in transmitting official mail under the penalty privilege shall bear in the upper right corner of the address side the printed statement of the penalty of misuse: "Penalty for Private Use to Avoid Payment of Postage, $300." The printed statement of the penalty statement may not be handwritten or typewritten. They shall also show over the words "Official Business" in the upper left corner of the address side, the name and address of the department, bureau, office, or officer.

(d) *Prepaid postage.* Official mail which is not sent as penalty mail, except as provided by paragraph (c) of this section, shall have postage prepaid. The regular rates and conditions apply, except that postage on official mail weighing in excess of 4 pounds may be paid at the fourth-class rates.

(e) *Postage and fees paid.* The indicia, "Postage and Fees Paid," authorized to certain departments and agencies by the United States Post Office Department, may not be used on official mail deposited in the Canal Zone, except:

(1) When deposited by a United States military or naval vessel calling at or transiting the Panama Canal; or

(2) On self-addressed envelopes furnished by a department or agency in the United States authorized to use the "Postage and Fee Paid" indicia, for convenience in submitting official information desired by that United States Government department or agency.

(f) *Restrictions on use.* The use of markings authorized on official mail as prescribed by paragraph (c) of this section may not be placed on other mail to avoid payment of postage or special service fees. The following restrictions apply to the use of official envelopes, cards, labels, and tags prepared as indicated by such paragraph (c):

(1) Any department or office authorized to use the penalty privilege may furnish self-addressed envelopes or labels to persons or concerns for their convenience in submitting official information desired by any United States Government department or agency. Reply envelopes may not be furnished to bidders or contractors, or to enable private persons or concerns to send free reports or other information which they are required by law to make.

(2) Official mail may not be sent in penalty envelopes by special delivery or as certified mail without prepayment of the fee or by airmail without prepayment of postage.

(3) Subparagraph (2) of this paragraph does not apply to official matter of the Postal Service.

(g) *Weight limits.* The weight limits on official mail are as follows:

(1) Canal Zone destinations: 70 pounds.

(2) United States Territories and Possessions: 4 pounds.

(3) An article or package of official matter, or a number of articles or packages of official matter, constituting, in fact, a single shipment addressed for delivery in the United States, its Territories and Possessions, exceeding 4 pounds, may not be admitted to the mails under the penalty privilege, except stamped paper and supplies of the Postal Service, and books or documents published or circulated by order of Congress when mailed by the Superintendent of Documents. Official matter in packages exceeding the 4-pound limit, if otherwise mailable, will be accepted on payment of postage at the fourth-class rates. Such parcels may be sealed or unsealed and may include written matter when mailed at those rates.

(h) *Size.* There is no size limit prescribed for penalty mail.

CROSS REFERENCE: Official mail, description, and departments and agencies to which indicia "Postage and Fees Paid" is authorized by Federal postal regulations, see 39 CFR 27.2 (b) and (c)(1)(ii).

§ 67.183 Mail to Government departments.

With respect to mail sent to Government departments, the provisions of 39 CFR, relating to census mail, and to Immigration and Naturalization Service mail, are applicable to and within the Canal Zone.

CROSS REFERENCE: Census mail, and Immigration and Naturalization Service mail, see 39 CFR 27.3.

§ 67.184 Free mail.

The provisions of 39 CFR, relating to the following matters with respect to free mail, apply to and within the Canal Zone:

(a) Diplomatic and consular mail, except that diplomatic pouches, not exceeding 55 pounds in weight, when mailed in the Canal Zone by the United States Embassy, Panama, R.P., addressed to the Department of State, Washington, D.C., may be transmitted by airmail without prepayment of postage.

(b) Absentee balloting materials.

(c) Mail of former Presidents of the United States and widows thereof.

(d) Official matter of the Pan American Union and Pan American Sanitary Bureau.

CROSS REFERENCES: For the subjects referred to in this section, see 39 CFR 27.5 to 27.8.

MAIL MATTER FOR THE BLIND

§ 67.201 Applicability of Federal postal regulations.

Except as otherwise provided by this section, the provisions of 39 CFR, relating to the following matters with respect to mail for the blind, are applicable to and within the Canal Zone:

(a) *Domestic destinations.* (1) Kind of matter.
(2) Who may mail.
(3) Purpose for which sent.
(4) Rates of postage.
(5) Markings required.

(b) *Foreign destinations.* Rates of postage as prescribed by 39 CFR, and under the conditions therein outlined, except that airmail rates are governed by § 67.163.

CROSS REFERENCE: Mail matter for the blind, see 39 CFR 28.1 et seq., 112.5.

MIXED CLASSES

§ 67.211 Applicability of Federal postal regulations.

The provisions of 39 CFR, relating to the following matters with respect to mixed classes of mail, are applicable to and within the Canal Zone:

(a) Mail of a higher class enclosed with mail of a lower class.

(b) Combinaton mailing of two classes.

(c) Mailing enclosures of different classes.

(d) Treatment.

(e) Special services, except that combination mailing may not be sent C.O.D.

CROSS REFERENCE: Mixed classes of mail, see 39 CFR 29.1 et seq.

Subpart E—Postage

STAMPS, ENVELOPES, AND POSTAL CARDS

§ 67.221 Adhesive stamps available.

The following adhesive stamps are available:

[1] Consult 39 CFR for list of countries to which articles liable to customs duties (merchandise) may be forwarded in letters and letter packages.

Purpose	Form	Denomination
Ordinary postage	Single or sheet.	1, 1½, 2, 3, 4, 5, 10, 15 20, 25, 30, 50 cents.
	Coil of 100	3, 4 cents.
	Coil of 500	3, 4, 5 cents.
Airmail postage (for use on air-mail only).	Single or sheet.	6, 8, 10, 15, 20, 30, 80 cents.
Postage-due (for post office use only).	Single or sheet.	1, 5, 15 cents.
Special delivery (U.S.).	Single or sheet.	30 cents. Good only for special-delivery fee on mail to United States.

§ 67.222 Use of stamps; re-use.

(a) The provisions of 39 CFR, relating to the use and perforation of stamps, are applicable to and within the Canal Zone.

(b) Under section 1720 of Title 18, U.S.C., made applicable to the Canal Zone by 6 C.Z.C. § 2001, 76A Stat. 481, the re-use of stamps previously canceled or used is prohibited, and is punishable by fine of not more than $500 or by imprisonment of not more than 1 year, or by both; and, if the offender is a postal employee, the maximum term of imprisonment is 3 years.

CROSS REFERENCE: Use and perforation of stamps, see 39 CFR 31.1(b) (c).

§ 67.223 Envelopes and postal cards available.

The following plain stamped envelopes and postal cards are available:

(a) *Plain stamped envelopes.*

Kind	Size	Denomination	1,000	500	250	100	50
		(cents)					
Regular	5	4	$50	$25	$12.50	$5	$2.50
	6	4	50	25	12.50	5	2.50
	6¾	8	90	45	22.50	9	4.50
Airmail	6	8	90	45	22.50	9	4.50

(b) *Postal cards.*

Stock No. and dimensions	Kind	Price each
		Cents
8 (3¼" x 5½")	Domestic, single	4
4 (3¼" x 5½")	Airmail, single	6

(c) *Air letter sheets.*

Kind	Price each
	Cents
Plain (without postage imprinted)	2

§ 67.224 Payment for postage.

(a) *Acceptable form of payment.* Foreign coins, except Panamanian coins, or mutilated money, are not acceptable. Postal employees are not required to accept personal checks.

(b) *Purchase receipts.* The provisions of 39 CFR, relating to purchase receipts, are applicable to and within the Canal Zone.

(c) *Postage due.* Postage due shall be paid in cash. Postage-due stamps may not be used for paying postage. They may be purchased, for stamp collections only, through the Philatelic Agency, Balboa Heights, Canal Zone.

CROSS REFERENCE: Purchase receipts, see 39 CFR 31.4(b).

§ 67.225 Exchange of stamps.

The provisions of 39 CFR, relating to the exchange of stamps or other material because of post office mistakes or purchasers' mistakes, to the exchange of unserviceable and spoiled envelopes or cards, and to nonexchangeable items, are applicable to and within the Canal Zone.

CROSS REFERENCE: Exchanges of stamps, etc., see 39 CFR 31.5.

§ 67.226 Validity of stamps.

All postage stamps issued by the Canal Zone since 1904 are good for postage from points in the Canal Zone. The following are not good for postage:

(a) Mutilated or defaced stamps.

(b) Stamps cut from stamped envelopes or postal cards.

(c) Nonpostage stamps.

(d) Postage-due and special-delivery stamps.

(e) Stamps of the United States, United Nations and other countries, except those on "Paquebot" mail or on International reply-paid postcards, or reply-paid postal cards sold by the United States Post Office Department.

§ 67.227 Reply-paid cards.

Reply-paid postcards, bearing foreign or United States stamps or imprinted postage and the heading "Carte postale response" (reply postcard), or reply-paid postal cards sold by the United States Post Office Department, are accepted as fully prepaid for surface transmission to the country represented by the postage. The initial half of the card may be left attached to the reply half if the sender so desires. See § 67.163(d)(2) for additional Canal Zone postage required to transmit cards by airmail. In order for the stamps of the country of issue of the card to be valid, it is not required that the two parts of the reply-paid postcard arrive in the country of original address joined together.

§ 67.228 Paquebot mail.

Paquebot mail is mail posted aboard ships on the high seas and bearing postage of the country whose flag the vessel flies. To be accepted as "paquebot" mail such correspondence must be delivered to the Cristobal or Balboa post offices by an officer or representative of the steamship company with a written or oral statement by which the postmaster or his representative is satisfied that the mail originated on the vessel under the prescribed conditions. If the postage stamps have not already been canceled by a postal agent or officer on board the vessel, they shall be canceled with a "paquebot" postmark or regular postmark. In the latter case the word "paquebot" shall be placed on the mail with a rubber stamp or in ink. "Paquebot" matter intended for dispatch by air originating aboard a vessel of foreign registry shall be accompanied by Form AV-2 authorizing air dispatch. Such matter from vessels of United States registry shall be dispatched as endorsed and United States rates of postage and conditions apply. The following are examples of articles not entitled to "Paquebot" treatment:

(a) Articles not bearing postage stamps on the country which owns or maintains the vessel on which mailed.

(b) Articles mailed in street letter box or letter drops.

(c) Articles mailed at post offices other than Balboa and Cristobal.

(d) Articles originating on board a vessel during its stay in a Canal Zone port.

§ 67.229 Unlawful transactions.

The provisions of 39 CFR, relating to the unlawful use of stamps by postal employees, and the confiscation of counterfeit stamps, are applicable to and within the Canal Zone.

CROSS REFERENCE: Unlawful transactions, see 39 CFR 31.7.

§ 67.230 Removal of postage stamps.

Under section 1720 of Title 18, U.S.C., made applicable to the Canal Zone by 6 C.Z.C. § 2001, 76A Stat. 481, the unlawful and willful removal of stamps from mail matter is punishable by fine of not more than $500 or by imprisonment of not more than 1 year, or by both; and, if the offender is a postal employee, the maximum term of imprisonment is 3 years.

PRECANCELED STAMPS

§ 67.241 Use of precanceled stamps.

Precanceled stamps may be used to pay postage on second-, third- and fourth-class mail matter when specifically authorized by the Director of Posts.

§ 67.242 Application for permit.

Persons desiring to use precanceled stamps shall make application for a permit to the Director of Posts. A special application form is not required. The application shall include information as to the office at which the stamps are to be used, type of mail to which they are to be affixed, and quantity to be used monthly.

§ 67.243 Authorization; precanceling stamps.

Precanceling may be done only when authorized by the Director of Posts and under the supervision of the postmaster or a postal employee. The precancel impression shall show the name of the post office between two parallel heavy lines across the face of each stamp in black ink. Only regular issues of stamps may be precanceled. Stamps offered by the public and commemorative stamps may not be precanceled.

§ 67.244 Sale and resale.

Precanceled stamps may be sold only to permit holders and they may not be resold by permit holders.

§ 67.245 Mailing of precanceled mail.

Precanceled mail shall be mailed at the post office authorized in the permit. Mailings shall be handed to a postal employee and may not be deposited in

letter drops or street letter boxes or otherwise entered into the mails. Any number of pieces may be mailed at one time, regardless of whether they are identical, except for third-class bulk mailings.

CROSS REFERENCE: Third-class matter, see § 67.131.

METERED STAMPS

§ 67.261 Description and use of meter stamps.

Meter stamps are postage imprinted by a postage meter on any class of mail. Metered mail is entitled to all the privileges and subject to all the conditions applying to the various classes of mail.

§ 67.262 Application for permit.

Persons or firms desiring to use postage meters shall apply to the Director of Posts for a permit. The application, Form 3612, or a similar form furnished by the meter manufacturer, shall specify the name and model of the meter to be used and shall be accompanied by a letter of transmittal advising at which post office the matter is to be mailed and a specimen impression of the indicia to be used. A fee is not required.

§ 67.263 Conditions.

The conditions under which postage meters and metered stamps may be used are as authorized, and in accordance with instructions issued, by the Director of Posts, based on similar procedures as provided by 39 CFR.

CROSS REFERENCE: Metered stamps, see 39 CFR 33.1 et seq.

PERMIT IMPRINTS

§ 67.272 Application for permit; fees.

An application to use permit imprints and pay postage in cash at the time of mailing shall be submitted to the Director of Posts, in memorandum or letter form, with the prescribed fee. The annual bulk-mailing fee shall also be paid if third-class matter is to be mailed at bulk rates under the permit. The application shall specify the post office at which mailings are to be made and the type of matter to be mailed. The fee to accompany the application shall be as provided by 39 CFR.

CROSS REFERENCE: Fee for permit to use permit imprints, see 39 CFR 34.1(a).

§ 67.273 Form and content.

The form and content of permit imprints are as authorized by the Director of Posts, based on regulations contained in 39 CFR.

CROSS REFERENCE: Form and content of permit imprints, see 39 CFR Part 34.

§ 67.274 Applicability of Federal postal regulations.

The provisions of 39 CFR, relating to mailings, additional services, and improper use, with respect to permit imprints, are applicable to and within the Canal Zone.

CROSS REFERENCES: Mailings with permit imprints, additional services, and improper use of permit imprints, see 39 CFR 34.5, 34.6, 34.7.

PREPAYMENT AND REFUNDS

§ 67.281 Postage payment.

(a) *Prepayment required.* Postage on all mail shall be fully prepaid at the time of mailing, with the following exceptions:

(1) Business reply mail (see §§ 67.91 and 67.92, and 39 CFR).

(2) Federal Government mail and free mail (see § 67.181 et seq., and 39 CFR).

(3) Certain mail for the blind (see § 67.201, and 39 CFR).

(4) Keys and identification devices returned to owners. The provisions of 39 CFR, relating to postage for keys and identification devices returned to owners are applicable to and within the Canal Zone.

(b) *Insufficient prepayment or shortpaid and unpaid*—(1) *Domestic mail.* The provisions of 39 CFR, relating to insufficient prepayment or shortpaid or unpaid postage, with respect to domestic mail, are applicable to and within the Canal Zone.

(2) *Postal union mail*—(i) *Surface mail.* All shortpaid or unpaid postal union articles shall be returned to the sender for postage. If the sender is not known, the articles shall be forwarded to the Dead Letter Section, Director of Posts, for treatment, except postcards and letters in their usual form, which shall be rated, the amount of deficient postage doubled and expressed in gold centimes, and dispatched to the appropriate exchange office for onward dispatch.

(ii) *Airmail.* Section 67.163(d) governs the prepayment of postage for airmail, and the treatment of airmail articles for which the postage is insufficiently prepaid.

(3) *International registered articles.* All shortpaid or unpaid registered articles addressed for delivery in foreign countries shall be returned to the sender for deficient postage.

(4) *International parcel post.* All shortpaid or unpaid parcels addressed for delivery in foreign countries shall be returned to the sender for deficient postage.

CROSS REFERENCE: Insufficient prepayment of postage, see § 67.95.

Keys and identification devices, see 39 CFR 34.1(c), 34.2(b)(3) (postage); 37.1(a)(6) (exception as to prepayment).

Postal unions, see 39 CFR 101.

Prepayment and refunds, generally, see 39 CFR 37.

§ 67.282 Postage refunds.

(a) *Federal postal regulations.* The provisions of 39 CFR, relating to the conditions that justify refunds, amount of refund allowable, and unallowable refunds, are applicable to and within the Canal Zone.

(b) *Credit to postmasters for refunds made.* The envelope or wrapper or the portion thereof having the name and addresses of the sender and addressee, canceled postage and postal markings, or other evidence of payment of the amount of postage and fees for which a refund is desired, shall be submitted to the Director of Posts, accompanied by Form 1148-Credit Slip. On approval, Form 1148-Credit Slip will be returned to the postmaster, properly endorsed, for submission with the monthly "Statement of Postal Accounts."

(c) *Meter stamps.* Refunds with respect to meter stamps are as provided in the instructions issued by the Director of Posts covering the use of postage meters.

CROSS REFERENCE: Refunds, see 39 CFR 37.2.

Subpart F—Philately and Special Cancellations

PHILATELY

§ 67.311 Canal Zone Philatelic Agency.

The Canal Zone Philatelic Agency is an activity of the Canal Zone Postal Service, established to make available to stamp collectors Canal Zone postage stamps of selected quality. Stamps sold by the Agency are the best available. Stamps and stamped paper sold to collectors and dealers for philatelic purposes shall be reported monthly on Form 1109.

§ 67.312 Stamps available.

In addition to stamps of the ordinary and airmail series, and the postage-due series, the Canal Zone Philatelic Agency has for sale commemorative stamps and stamped envelopes and postal cards. A list of items available will be furnished on request to the Canal Zone Philatelic Agency, Balboa Heights, Canal Zone. The list is revised when a new stamp is issued or an old stamp is withdrawn.

§ 67.313 Order for stamps.

All stamps are for sale at face value. Orders should be addressed to the Canal Zone Philatelic Agency, Balboa Heights, Canal Zone, and shall be accompanied by remittance sufficient to cover the cost of stamps, plus return postage at the first-class rate. Registration of stamp shipments is recommended but is not required. If registration is desired, the fee shall be included in the remittance.

§ 67.314 New stamp issues.

Issuance of new stamps is announced by notices displayed in lobbies of post offices, through the press and philatelic periodicals, and by card notices.

§ 67.315 First-day covers.

First-day covers are envelopes bearing a new stamp canceled on its first day of sale with a special die reading "First Day of Issue." The Canal Zone Philatelic Agency processes "First-day" covers. Requests accompanied by self-addressed envelopes and remittance to cover the cost of stamps, should be sent to the Canal Zone Philatelic Agency, Balboa Heights, Canal Zone. Orders for uncanceled stamps should not be included with orders for first-day covers.

§ 67.316 Commemorative stamps.

Commemorative stamps are postage stamps issued for a temporary period to direct attention to historical events, places, or personages. They are not intended to, and do not, displace regular stamps, and they are on sale for a limited period only.

§ 67.317 Cancellations and plate number blocks.

The provisions of 39 CFR, relating to cancellations of stamps for philatelic purposes, and the description and sale of plate number blocks, are applicable to and within the Canal Zone.

CROSS REFERENCE: Plate number blocks, and cancellations of stamps for philatelic purposes, see 39 CFR 35.1(c)(2), 35.4.

§ 67.318 Plain slips of paper.

Postmarks shall not be placed on plain slips of paper submitted for philatelic or other purposes.

SPECIAL CANCELLATIONS

§ 67.331 Description.

Advertising cancellations are applied to stamped mail by use of special dies in postal canceling machines. The cancellation is placed to the right of the postmark circle and is used to deface the postage stamp or stamps. See § 67.315 for first-day cover cancellations.

§ 67.332 Use of special dies.

The special dies referred to in § 67.331 are used in place of regular canceling dies for canceling postage stamps on letter mail. They may be authorized by the Director of Posts for purposes of the Government or to advertise:

(a) An event of some national purpose for which Congress has made an appropriation.

(b) An event of general public interest or importance, to endure for a definite period of time and not to be conducted for private gain or profit.

§ 67.333 Applications for use.

An application for use of a special cancellation shall be submitted in writing to the Director of Posts and the cost of the die hub shall be paid by the sponsor. If the application is approved, the Director of Posts will make arrangements for the manufacture of the die hub. The special die hub becomes the property of the Canal Zone Postal Service and Service personnel shall not permit it to be taken from the custody of the Service.

Subpart G—Collection and Delivery

POST-OFFICE BOXES

§ 67.351 Purpose of boxes; disclosure of names; definition.

(a) Post-office boxes are for convenience of the public in the delivery of mail. The service affords patrons privacy, eliminates the necessity for waiting in line at delivery windows, and permits them to obtain mail at their convenience during the hours the lobby is kept open.

(b) Postmasters shall not disclose the name of boxholders to a person outside the Canal Zone Postal Service.

(c) As used in this section, "Post-office boxes" includes post-office drawers and organization bins.

§ 67.352 Application and assignment of boxes.

Persons desiring to rent a post-office box shall submit an application on Form 1206. When the application is approved by the Postmaster, a box may be assigned, if available, as follows:

(a) To bureaus, divisions, branches, and offices of the Panama Canal Company or the Canal Zone Government; to units, organizations, and offices of other departments and independent agencies of the United States Government located on the Isthmus of Panama.

(b) To bona fide agencies, activities and organizations (religious, fraternal, scientific, labor, educational, recreational, charitable, etc.) established by proper authority located in the Canal Zone and having authority, received from Director of Posts, to use a Canal Zone postal address.

(c) To all persons residing in the Canal Zone.

(d) To citizens of the United States residing in the Republic of Panama who are officers or employees in the service or employ of the United States of America, the Panama Canal Company or the Canal Zone Government.

(e) To members of the armed forces of the United States of America residing in the Republic of Panama, not including members of reserve forces on temporary active duty or retired armed forces personnel.

(f)(1) To retired personnel of the United States Government who are United States citizens and reside in the Republic of Panama, except such retired personnel operating or managing a business activity in the Republic of Panama.

(2) As used in this paragraph (f), "retired personnel of the United States Government" includes, but is not restricted to retired personnel of the Panama Canal Company, the Canal Zone Government, and the armed forces of the United States.

CROSS REFERENCE: Persons and organizations authorized to receive mail, see 35 CFR 67.7.

§ 67.353 Box rental rates.

The rental rates on post-office lockboxes at all Canal Zone post offices, branches and units shall be as follows:

Size	Cubic inch capacity	Rate per quarter
1	0 to 225	$1.00
2	225 to 500	1.50
3	500 to 900	2.00
4	900 to 3,000	3.00
5	3,000 and over	4.00

§ 67.354 Payment of box rent.

Box rent shall be paid in advance. "Notice of Box Rent Due" shall be placed in boxes 10 days before the rent is due. A receipt on Form 5704 or 5744 is given for each payment. When a box is surrendered, no portion of the rent shall be refunded, except as provided. Box rent may be paid as follows:

(a) *Annually.* If paid annually, it shall be paid for a fiscal year or for the quarters remaining in a fiscal year. The fiscal year begins July 1st.

(b) *Quarterly.* Quarters begin July 1st, October 1st, January 1st, and April 1st.

(c) *After beginning of quarter.* (1) First or second month of quarter: Entire quarterly rate.

(2) Third month of quarter: No rent will be charged for the remaining days of the quarter, but full payment must be made for the following quarter.

§ 67.355 Official assignment.

Boxes may be assigned without charge, on approval of the Director of Posts, for official use of bureaus, divisions, units, or offices of the Panama Canal Company or Canal Zone Government and other agencies of the United States Government.

§ 67.356 Refunds.

(a) *Policy.* A patron renting a lockbox for a full fiscal year or the remaining portion of a fiscal year who surrenders the box before the end of the fiscal year for which rent has been paid may apply for a refund of that portion of the box rent that is applicable to all full quarters remaining in the fiscal year. A refund will not be made for the remaining portion of the quarter in which the box is surrendered.

(b) *Procedure.* An application for refund shall be made orally or in writing to the Postmaster or Branch Superintendent. The Postmaster or Branch Superintendent shall verify from Form 1206, "Record of Box Rent Payment", that rent was paid on an annual basis. If a refund is due, the applicant shall be paid in cash from postal funds on hand. The Postmaster or Branch Superintendent shall prepare a receipt in duplicate, and have it signed by the payee. The receipt shall read substantially as follows:

Received $_____ from Postmaster,____ which represents refund of box rent paid for Box No. _____ for remaining full quarters, fiscal year _____

_____
Payee

_____
Date

The original of the receipt shall be sent to the Chief, Agents Accounts Branch, with Form 1109, "Statement of Postal Accounts." The duplicate shall be retained by the Postmaster or Branch Superintendent.

§ 67.357 Use of box.

(a) *Individuals.* An individual renting a box may have placed in it:

(1) Mail addressed to himself.

(2) Mail directed to a temporary visitor.

(3) Mail addressed to dependent members of his family permanently residing in his house.

(4) Mail addressed to his servants who live in his house in the Canal Zone.

(b) *Firms or corporations.* A firm renting a box may have placed in it:

(1) Mail addressed to its name.

(2) Mail addressed to any of its officials.

(3) Mail addressed to any of its employees when permitted by authority for assignment granted by the Director of Posts and authorized by the proper official of the firm.

(4) Mail addressed to passengers and crew members of vessels the firm represents.

(c) *Official boxes.*—(1) Mail addressed to the organization to which the box has been assigned.

(2) Personal mail may be delivered through official boxes assigned to hospitals, penal institutions, and armed forces organizations or units. Personal mail may not be delivered through other official box assignments, except:

(i) Mail of the person or persons in charge of the bureau, division, unit, or office to which the box has been assigned; or

(ii) Official mail addressed to individuals in care of the Company/Government organizations.

(d) *Associations.* An association or society may rent a box, but it may not be used for individual members, other than officers addressed by their official titles.

(e) *Hotels.* Mail addressed to guests or transient boarders at a hotel will be placed in the box assigned to it.

(f) *Mail addressed to box number.* Mail addressed only to a box number may be delivered to the boxholder as long as no improper or unlawful business is conducted in this manner.

§ 67.358 Keys.

(a) *Regular.* A patron renting a key-type lock box shall be supplied with one or two keys, according to his needs. Renters of lock boxes are not permitted to use any keys except those issued through the post office.

(b) *Additional.* Keys in excess of two may be secured by a patron upon payment of a 50-cent fee for each key.

(c) *Duplicate.* Duplicates of lost keys may be secured by payment of a 50-cent fee for each key.

(d) *Official boxes.* Additional or duplicate keys may be furnished without charge for official boxes, on approval of the Director of Posts.

(e) *Fees not refundable.* Fees for duplicate and additional keys are not refundable.

(f) *Worn and broken.* Worn or broken keys shall be replaced without charge if the damaged key is surrendered.

(g) *Return.* All keys shall be returned when the box is surrendered. If the patron has lost a regular key, he shall pay a fee of 50 cents for each missing key.

§ 67.359 Restrictions on rental or use of boxes.

(a) *Improper purposes.* A box shall not be rented to anyone who the Postmaster has good reason to believe will use it for:

(1) The purpose of deception;

(2) Immoral or improper purposes; or

(3) The conduct of a fraudulent or lottery business.

(b) *Misuse.* A box will not be rerented to anyone who does not take proper care of it, or who disregards the rules concerning its use.

(c) *Absence of or improper postage.* Bills and circulars shall not be placed in boxes without payment of regular postage. Matter found in boxes on which proper postage has not been paid shall be removed, properly rated postage due, and delivered on payment of amount due.

§ 67.360 Reports of box rents collected.

(a) *Post offices.* Postmasters shall report box rents collected during the month at the main office, branches, and units on Form 1109, "Statement of Postal Accounts," and Form 1105, "Report of Postal Business."

(b) *Branches and units.* Branches and units shall report box rents collected during the month, to the Postmaster, on Form 05, "Postal Fund Report," and on Form 1105, "Report of Postal Business."

MAIL DEPOSIT AND COLLECTION

§ 67.371 Collection times.

Mail is collected from post offices, branches, units, and street collection boxes at times to connect with mail dispatches.

§ 67.372 Ordinary deposit of mail.

(a) *Post-office lobbies.* Letter drops are provided in lobbies of all post offices for the deposit of mail.

(b) *Collection boxes.* Collection and courtesy boxes are placed at convenient points throughout the Canal Zone. Schedules are posted on these boxes showing collection times.

§ 67.373 Recall of mail.

(a) *Conditions.* Persons requesting recall of mail must identify themselves and the mail. Mail deposited in post offices, branches, units, collection boxes, or other mail depositories may be recalled by the sender, by the parent or guardian of a minor child, or by the guardian of a person of unsound mind. Employees collecting mail from letter boxes shall not return to any person mail deposited therein. Application on Form 013 or Form 1509 for the return of such mail shall be made to the postmaster.

(b) *Application.* Application for recall of mail matter shall be made on Form 013 or Form 1509 and submitted to the office of mailing.

(c) *Federal regulations.* The relevant provisions of 39 CFR are applicable, to and within the Canal Zone, to the:

(1) Recall of mail by telegram or cable;

(2) Recall of registered or official mail; and

(3) Return of recalled mail.

(d) *Record of recall.* All applications for the recall of mail, together with related papers, shall be filed at the office of mailing.

CROSS REFERENCE: Recall of mail, see 39 CFR Part 43.

DELIVERY OF MAIL

§ 67.381 Delivery to persons.

(a) *Addressee.* The addressee may control delivery of his mail. In absence of a contrary order, the mail is delivered as addressed. Mail addressed to several persons may be delivered to any one of them. Where a person claiming to be the addressee of certain mail is unknown to the postmaster, the mail may be withheld pending identification of the claimant. Personal delivery is not required when ordinary mail is endorsed "Personal".

(b) *Persons having similar names.* Unless persons with similar names adopt some means to distinguish their mail, postmasters will use their judgment in making delivery.

(c) *Mail delivered to wrong persons.* A person receiving mail not intended for him should promptly return it to the post office endorsed "Opened by Mistake" with his signature, if the letter has been opened; otherwise it should be endorsed "Not for _____", "Not at this Address", etc. If it is not sealed when returned to the post office, it shall be sealed with an official seal, if necessary to prevent loss of contents, and postmarked before delivery or forwarding.

(d) *Federal regulations.* The provisions of 39 CFR, relating to the conditions of delivery with respect to:

(1) Pension mail; and

(2) Mail marked in care of another—apply to and within the Canal Zone.

(e) *Restricted delivery.* Registered, certified, and numbered insured mail which the sender has restricted in delivery to the addressee only may not be delivered to any other person except as provided by subparagraphs (1) to (3) of this paragraph.

(1) If the restriction is to the addressee or order, delivery shall be made to the addressee or to a person designated in writing by the addressee to receive the mail.

(2) Restricted delivery shall not be made when the registered, certified, or numbered insured mail is addressed to officials of the Panama Canal Company, Canal Zone Government, executive agencies, or members of the legislative or judicial branches of the Government of the United States, or to members of the diplomatic corps.

(3) When registered, certified, or numbered insured mail is addressed jointly to two or more persons and delivery has been restricted, the addressees shall be notified to be present to accept delivery together, and the receipt obtained must be signed by all addressees. The mail may be delivered to any one of the addressees unless the other objects, in which case delivery shall not be made until all of them sign a written statement designating the one to receive delivery.

(f) *"Personal" mail.* Ordinary mail bearing the word "Personal" is delivered in the same way as other mail for the addressee.

(g) *Military installations.* Mail matter, except registered, certified and insured mail which the sender has restricted in delivery to the addressee and mail matter addressed to private post office lock boxes, addressed to members of military organizations at military camps or posts, may be delivered without written orders of the addressees, to the mail orderly authorized to receive such mail by the commanding officers of the military organizations in written instructions filed with the post office by the commanding officers.

(h) *Postal employee.* Mail addressed to a post office employee or to any member of his family may not be withdrawn from the mails by the employee without approval of the designated supervisor.

CROSS REFERENCE: Pension mail, and mail marked in care of another, conditions of delivery, see 39 CFR 44.1 (d), (e).

§ 67.382 Delivery of addressee's mail to another.

(a) *Addressee's agent.* A person or number of persons may designate an agent to receive their mail. Unless otherwise directed, an addressee's mail may be delivered to his servant or member of his family.

(b) *Applicability of Federal postal regulations.* The provisions of 39 CFR, relating to the conditions of delivery with respect to:

(1) Addressed mail to minors;

(2) Addressed mail to incompetents; and

(3) Mail addressed to deceased persons—

apply to and within the Canal Zone.

CROSS REFERENCE: Addressed mail to minors and incompetents, and mail addressed to deceased persons, conditions of delivery, see 39 CFR 44.2 (b), (c), (d).

§ 67.383 Jointly addressed mail and mail addressed to husbands and wives.

The provisions of 39 CFR, relating to the delivery of jointly addressed mail and of mail addressed to husbands and wives, are applicable to and within the Canal Zone.

CROSS REFERENCE: Jointly addressed mail, and mail addressed to husbands and wives, see 39 CFR 44.3.

§ 67.384 Delivery to officials or employees of organizations.

The provisions of 39 CFR, relating to the delivery of mail to officials or employees of organizations, are applicable to and within the Canal Zone.

CROSS REFERENCE: Delivery of mail to officials or employees of organizations, see 39 CFR 44.4.

§ 67.385 Delivery to firms, corporations, associations, hotels, institutions, and other organizations.

Mail addressed to firms, corporations, associations, hotels, institutions, or other organizations shall be delivered as addressed or to an authorized agent or authorized mail messenger.

§ 67.386 Delivery to persons at firms, corporations, hotels, institutions, and other organizations.

(a) *General provisions.* Except as provided by paragraph (b) of this section, mail addressed to persons at any organization referred to in § 67.385 shall be delivered with the other mail to the organization. If the addressee is no longer at the address of the organization, the mail shall be redirected to the current address of the person, if it is known. If the forwarding address is not known, the mail shall be returned to the post office.

(b) *Patients or inmates at institutions.* Unless otherwise directed by the addressee, mail addressed to patients or inmates at institutions or hospitals shall be delivered to the institution or hospital authorities, who will deliver it to the addressee in accordance with the regulations of the institution or hospital.

§ 67.387 Delivery to passengers and crewmembers of vessels.

Mail addressed to passengers and crewmembers of vessels shall be delivered to the local steamship agent, representing the vessel, at either the Balboa or Cristobal post office.

§ 67.388 Delivery of steamship envelopes.

Ship's mail envelopes or "steamship envelopes" containing articles mailed aboard vessels, brought ashore by pilots of the Marine Bureau, shall be recorded by the post office on Form 028 and delivered intact to the local steamship agent to which they are addressed. If the name of the local agent is not included in the address, the envelope shall be delivered to the local steamship agent representing the vessel on which the envelope originated.

§ 67.389 Government checks and savings bonds.

(a) *U.S. Government checks*—(1) *General provisions.* Except as provided by subparagraphs (2) and (3) of this paragraph, United States Government checks mailed in window envelopes shall be delivered to the addressee or persons who customarily receive his mail or other persons authorized in writing to receive his mail.

(2) *Attorney or agent.* United States Government checks mailed in window envelopes shall not be delivered to an attorney, claim agent, or broker, even though the addressee requests delivery thereto.

(3) *Circumstances requiring nondelivery.* If an addressee referred to in this paragraph (a):

(i) Is deceased;

(ii) Has removed, without filing a change of address;

(iii) Has re-enlisted in the military or naval service;

(iv) Is under guardianship; or

(v) If a widow, has remarried—

the check, with the envelope appropriately endorsed, should be withheld from delivery and returned to the sender.

(b) *Other Government checks.* Other types of Government checks shall be handled in accordance with instructions printed on the envelopes. If checks having instructions not to transfer or forward are undeliverable as addressed, they shall be returned immediately to the sender.

(c) *Savings bonds.* Savings bonds shall be handled in accordance with instructions printed on the envelope, except that they may not be forwarded to a foreign country, including the Republic of Panama.

§ 67.390 Delivery of mail in accordance with court order.

When the same mail is claimed by different persons, and a court order decides to whom delivery should be made, the mail shall be delivered in accordance with the court order.

FORWARDING MAIL

§ 67.401 All classes.

(a) *Domestic and foreign mail.* Except as otherwise provided by this section, the provisions of 39 CFR, relating to the forwarding of domestic and foreign mail, including the forwarding of outgoing and incoming postal union mail, are applicable to and within the Canal Zone.

(b) *Government personnel*—(1) *All classes.* Mail matter of all classes, except drop letters, for employees of the United States Government, the Panama Canal Company, the Canal Zone Government, members of the armed forces of the United States, and dependent members of their families, may be forwarded from one post office or branch to another post office or branch in the Canal Zone without additional postage.

(2) *Drop letters.* Drop letters may be forwarded but shall be rated for the collection of additional postage for the difference between the amount prepaid and the total postage computed at the first-class rate.

(c) *Airmail*—(1) *General provisions.* Except as provided by subparagraph (2) of this paragraph, airmail articles, when forwarded, shall be sent to new destinations by surface means. Domestic articles weighing 8 ounces or less may be forwarded without additional charge. Domestic articles weighing over 8 ounces shall be rated postage-due at the applicable surface rate according to class of mail.

(2) *Exceptions.* Forwarded or returned articles may be sent by air if postage at the applicable airmail rate from Canal Zone to the new destination is prepaid or if the sender requests return or forwarding by air and guarantees the postage therefor. Articles for which the return or forwarding postage has been guaranteed shall be properly endorsed and rated postage-due at the applicable airmail rate from Canal Zone to new destination.

(d) *Articles to foreign countries.* Domestic registered, insured and parcel post articles may not be forwarded to foreign countries.

(e) *Mail for ship passengers and crewmembers*—(1) *Applicability of Federal postal regulations.* Except as provided by subparagraphs (2) and (3) of this paragraph, the provisions of 39 CFR, relating to the forwarding of mail addressed to passengers on board a ship or crewmembers, are applicable to and within the Canal Zone.

(2) *Articles of United States or Canal Zone origin.* On each article of United States or Canal Zone origin, addressed to ship passengers or crewmembers, there shall be paid the difference between the postage already paid and the appropriate surface or air rate to the new country of destination.

(3) *All other articles.* If ship's envelopes are forwarded by air, full air postage from the Canal Zone to the new country of destination shall be placed on each article enclosed. Additional postage is not required if the envelope is to be forwarded by surface means.

(f) *Postage prepayment.* When prepayment is required for the forwarding of mail, postage shall be prepaid with Canal Zone postage stamps.

CROSS REFERENCES: Forwarding mail, generally, including outgoing and incoming postal union mail, see 39 CFR Part 47; 39 CFR 113.4, 114.3.

Ship passengers and crewmembers, forwarding mail, see 39 CFR 113.4(c).

UNDELIVERABLE MAIL

§ 67.411 Applicability of Federal postal regulations.

The provisions of 39 CFR, with respect to undeliverable mail, insofar as they relate to the following matters, are applicable to and within the Canal Zone:

(a) Description.

(b) Treatment by classes, but only insofar as such provisions relate to:

(1) First-, second-, third- and fourth-class mail.

(2) Controlled circulation publications.

(3) Airmail.

(c) Return address required.

(d) The marking of third- and fourth-class mail and the conditions under which it will be returned to the sender.

CROSS REFERENCES: Description of undeliverable mail, see 39 CFR 48.1.

Treatment of undeliverable mail by classes, see 39 CFR 48.2.

Return address required, see 39 CFR 48.3.

Marking and return of third- and fourth-class mail to sender, see 39 CFR 48.2(d)(e).

§ 67.412 Registered and insured mail.

Registered and insured mail that cannot be delivered or forwarded shall be returned to the mailer.

§ 67.413 Official matter.

Unclaimed official matter bearing the return card of the Panama Canal Company, Canal Zone Government, or any other United States Government agency located in the Canal Zone shall be returned to the agency's Canal Zone headquarters office.

§ 67.414 Perishable mail.

Undeliverable parcels containing perishable items that cannot be forwarded or returned before spoiling shall be treated as dead parcel post.

§ 67.415 Foods, drugs, and cosmetics.

Undeliverable parcels containing foods, drugs, and cosmetics shall be treated as dead parcel post.

§ 67.416 Nixie mail.

Mail that is not transmissible because of illegible or insufficient address shall be sent to the Dead Mail Office, Director of Posts.

§ 67.417 Retention periods.

(a) *Ordinary mail.* (1) Mail returnable under § 67.411(b) is:

(i) Returned immediately if refused by the addressee.

(ii) Returned immediately if undeliverable when specifically addressed to a street and number, building, unit, organization, division, bureau or post office box and the name of the addressee is not on file in the city or other directory at the office of address.

(iii) Retained 3 to 30 days, at the request of the sender, when not specifically addressed to a street and number, building, unit, organization, division, bureau or post office box.

(iv) Retained for 15 days if intended for general delivery service and the sender does not specify a retention period.

(2) Perishable items not marked to abandon that cannot be delivered before spoiling shall be forwarded to the Director of Posts for disposition.

(3) Mail addressed and deliverable to a post office box, except registered, insured, and perishable mail, shall not be returned until the box is declared vacant.

(b) *Registered, certified, and insured mail.* (1) Registered or certified mail is held from 3 to 60 days at sender's request. If there is no specific request by the sender, the article should be held for 30 days and then returned to the sender, provided every effort has been made to effect delivery.

(2) Insured mail is held a maximum of 15 days. It is held a less number of days if the sender so specifies. If it is refused by the addressee, it shall be returned immediately or disposed of in accordance with any alternative disposition provided by the sender.

(c) *Foreign parcels.* A foreign parcel is held a maximum of 30 days. If it is refused by the addressee it shall be returned immediately unless the sender has provided for an alternate disposition. In the latter case, it shall be delivered to the alternate addressee or abandoned in accordance with the sender's instructions.

(d) *Patrons on extended leave.* As an exception to the provisions of this section, mail for patrons on extended authorized leave of absence may be held for their return unless a temporary change of address is on file. In the latter case, the mail should be forwarded in accordance with their request.

§ 67.418 Disposal of undeliverable mail.

The provisions of 39 CFR, relating to the disposal of mail undeliverable at the last office of address, are applicable to and within the Canal Zone.

CROSS REFERENCE: Disposal of undeliverable mail, see 39 CFR 48.5.

§ 67.419 Directory service.

(a) *Generally.* Directory service consists of a complete record of all persons receiving mail through post office lock boxes, and of all forwarding orders. Except as provided by paragraph (b) of this section, directory service shall be given to:

(1) Registered, insured, certified, special delivery, and special handling mail;

(2) Perishable matter;

(3) Parcels of obvious value; and

(4) International mail, except circulars.

(b) *Military mail.* Insufficiently and incorrectly addressed military mail shall be sent to the appropriate post, station, or department locator of the military department concerned, for proper handling through its own directory service.

(c) *Time limit on change-of-address order.* Except as provided by paragraph (d) of this section, a change-of-address order without time limit, unless limited for a shorter period, expires in 2 years, and is not renewable.

(d) *Unlimited order affecting general delivery mail.* An unlimited change-of-address order affecting general delivery mail expires in 6 months, except that it will be observed for 2 years when the change is from general delivery to a permanent Canal Zone address.

§ 67.420 Dead mail.

(a) *Definition.* Dead mail is matter deposited in the mails which is or becomes undeliverable, or is unmailable, and which cannot be returned to the sender.

(b) *Treatment at last office of address.* At the end of the retention periods provided by § 67.417, postal cards, second-class and third-class matter of no value may be disposed of and all other matter shall be forwarded to the Dead Mail Office, Director of Posts.

(c) *Treatment at Dead Mail Office.* Mail is examined and opened when necessary to find the name of the sender or addressee and treated in accordance with instructions issued by the Director of Posts, based on provisions of 39 CFR.

(d) *Dead mail fee.* A fee of 10 cents is charged for return to the sender of each letter and first-class parcel opened in the Dead Mail Office.

CROSS REFERENCE: Treatment of dead mail, see 39 CFR 48.7(b).

Subpart H—Special Mail Services

REGISTERED MAIL

DOMESTIC DESTINATIONS

§ 67.441 General provisions.

(a) *What may be registered.* All mailable matter prepaid with postage at the first class or airmail rates, except as provided by § 67.443.

(b) *Where to mail.* Registration may be obtained by presenting mail to the Postmaster or another postal employee at a post office or branch post office.

(c) *Registration not available.* Mail may not be registered if:

(1) Placed in street letter boxes or in mail drops in post offices.

(2) Addressed to a post office to which it cannot be transported with safety.

(3) Not properly prepared.

(4) Two or more articles are tied or fastened together, unless enclosed in the same envelope or wrapper.

(d) *Declaration by sender*—(1) *Value.* The sender shall tell the postal clerk, or enter on the firm mailing bill if a firm mailer, the full value of mail matter presented for registration. The fact that private insurance may be carried on registered mail does not modify the requirement for declaring the value as defined in 39 CFR.

(2) *Fragile mail.* The sender shall tell the postal clerk whether the mail is

fragile and describe how it is packed if requested to do so.

(3) *Official mail.* Government agencies or officials shall declare the value of the matter presented, so that it may be given proper care.

(4) *Free registration.* A declaration of value is not required on mail registered free under § 67.443(d). An indemnity will not be paid for any matter registered free.

(5) *Matter not having intrinsic value.* Articles having no intrinsic value may be registered on payment of the 60-cent fee or any of the higher fees.

CROSS REFERENCE: Declaration by sender, definition of declaring the value, see 39 CFR 51.4.

§ 67.442 Fees and return receipts.

(a) *Registry fees (in addition to postage).*

(1) *Canal Zone and United States, its Territories and Possessions, and Commonwealth of Puerto Rico.*

Declared value	Fees	Postal liability
$0.00 to $10.00	$0.60	Without other insurance—declared value according to fee paid, $1,000 maximum. With other insurance—declared value according to fee paid or prorated, $1,000 maximum.
$10.01 to $100.00	$0.75	
$100.01 to $200.00	$1.00	
$200.01 to $400.00	$1.25	
$400.01 to $600.00	$1.50	
$600.01 to $800.00	$1.75	
$800.01 to $1000.00	$2.00	
$1000.01 to $1,000,000	$2.00, plus handling charge of 15 cents per $1,000 or fraction over first $1,000.	$1,000 maximum.
$1,000,000.01 to $15,000,000	$151.85, plus handling charge of 10 cents per $1,000 or fraction over first $1,000,000.	$1,000 maximum.
Over $15,000,000	Additional charges may be applied based on consideration of weight, space and value.	

For shipments valued in excess of $1,000,000, refer to Director of Posts before acceptance.

(2) *Determination of fee.* The fee is determined by the declared value. Articles having no intrinsic value may be registered on payment of the 60-cent fee or any of the higher fees. Shipments addressed for delivery in the Canal Zone or the United States valued in excess of $1,000 are subject to the handling charges based on that portion of the declared value which exceeds $1,000. See § 67.471 for shipments of unfit and mutilated currency and § 67.472 for shipments of savings bonds stubs and stock.

(b) *Fees for return receipts and restricted delivery (in addition to postage and registry fees).*

Restricted delivery	50¢
Return receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	10¢
Showing to whom, when and address where delivered	35¢
Requested after mailing:	
Showing to whom and when delivered	25¢

(c) *Return receipts.* When return receipts are requested and fee paid, the article shall be endorsed "Return Receipt Requested" or "Return Receipt Requested Showing Address Where Delivered", whichever is appropriate.

(d) *Restricted delivery.* When restricted delivery is requested and fee paid the article shall be endorsed "Deliver to Addressee Only" or "Deliver to Addressee or Order", whichever is appropriate.

(e) *Refunds of fees.* Registration fees will not be refunded after the mail is accepted. Return receipt or restricted delivery fees will be refunded only when the failure to furnish a return receipt or give restricted delivery was the fault of the Postal Service. Receipts for fees shall be submitted with requests for refunds.

§ 67.443 Free registration.

(a) *Matter entitled.* Any matter which is entitled to freedom of postage is entitled to free registration, but without right to indemnity.

(b) *Official matter.* Official matter mailed under penalty envelopes, tags or labels, including that exceeding 4 pounds in weight and postage paid at the fourth-class rate, may be sent by registered mail without payment of the registration fee, except postage and registry fee shall be paid on all official registered mail sent by air.

(c) *Census and naturalization mail.* The provisions of 39 CFR, relating to registration without prepayment, with respect to mail for the Census Office and the Immigration and Naturalization Service, are applicable to and within the Canal Zone.

(d) *Certain diplomatic and consular mail.* The provisions of 39 CFR, relating to registration without prepayment, with respect to mail of members of the diplomatic corps, and consulates, of countries of the Postal Union of Americas and Spain, are applicable to and within the Canal Zone. They are also applicable with respect to mail of the United States Embassy, Panama, R.P. In addition, important diplomatic pouches mailed in the Canal Zone by the United States Embassy, Panama, R.P., addressed to the Department of State, Washington, D.C., may be sent by "Registered Airmail" without prepayment of registration fee or airmail postage when the matter is of such character as to require registration, and prompt dispatch is deemed necessary. Such shipments may not exceed 55 pounds in weight.

(e) *Currency for redemption.* The provisions of 39 CFR, relating to registration without prepayment, with respect to currency sent to the Treasurer of the United States, Washington, D.C., for redemption, apply to and within the Canal Zone.

(f) *Civil Service.* Letters or parcels relating exclusively to the business of the United States Civil Service Commission, Washington, D.C. and addressed to the Commission by members of local boards of examiners outside Washington, may be registered free.

(g) *Postal Service mail.* Official mail of the Canal Zone Postal Service may be registered without payment of a fee, when the matter requires registration.

CROSS REFERENCE: Registration without prepayment, see 39 CFR 51.6.

§ 67.444 Preparation for mailing.

(a) *Conditions.* Postal employees are not permitted to assist in the preparation or sealing of mail to be registered. The mail shall bear the complete names and addresses of both sender and addressee. Envelopes or packages that appear to have been opened and resealed or which are otherwise improperly prepared, will not be registered. Matter presented for registration shall be enclosed in an envelope or wrapper of sufficient strength to hold the contents and to withstand ordinary handling and transmission. Articles enclosed in flimsy envelopes or not wrapped so as to withstand ordinary treatment may not be accepted for registration.

(b) *Sealing.* The sender shall securely seal envelopes. Self-sealing envelopes are not acceptable. Paper or cellulose strips of wax or paper seals may not be placed over the intersections of the flaps where the postmark impressions are made. Packages shall be wrapped and sealed with mucilage or glue or with plain paper strips. Packages containing currency or securities may not be sealed exclusively by use of paper strips, but shall first be sealed securely with mucilage or glue.

(c) *Window envelopes.* Envelopes shall have panels covering the opening. If transparent panels are glued to the envelopes, they may contain only matter without intrinsic value. If the panel is part of the envelope, the envelope may be used for all registered mail.

(d) *Firm registration books.* If an average of three or more articles are presented for registration at one time, the senders may use firm registration books, Form 3877 (Firm mailing book for registered and certified mail), obtained free from the postmaster, in accordance with instructions that will be given by the postmaster. These instructions will require that the mail be endorsed and numbered from a series of registration numbers that will be assigned by the postmaster, and that the sender also enter the particulars of the items on the firm bills in duplicate or in triplicate if necessary. The accepting postal employee will receipt for the articles, and the original bill, or original and 1 copy if in triplicate, will be retained by the post office.

(e) *Return receipts and restricted delivery.* Firm mailers are expected to complete and attach the return receipt card, Form 3811 (Return receipt registered, insured and certified mail), to the mail and to endorse the address side of the mail to show the required official endorsement. If the mail is to be restricted in delivery, the words "Deliver to Addressee Only" should be shown in space 2 on the receipt side of the return receipt card.

(f) *Mailing receipts.* A receipt will be issued when mail is accepted for registration. For individual transactions, the receipt is prepared by the postal employee. When firm registration forms are used, the receipt will be postmarked and issued after the entries have been checked against the mail. A temporary receipt showing only the total number of articles may be issued when a large number of articles are mailed. The permanent descriptive receipt will be issued as soon as possible after verification.

WITHDRAWAL OR RECALL

§ 67.451 Applicability of Federal postal regulations.

Except as modified by § 67.452 of this subpart, the provisions of 39 CFR, relating to the withdrawal or recall of registered mail, are applicable to and within the Canal Zone.

CROSS REFERENCE: Withdrawal or recall of registered mail, see 39 CFR 51.8.

§ 67.452 Costs for withdrawal or recall.

Any costs incurred in the withdrawal or recall of registered mail, including costs for telegrams or cablegrams, shall be paid by the sender.

FOREIGN DESTINATIONS

§ 67.461 Applicability of Federal postal regulations.

The provisions of 39 CFR, relating, with respect to registered mail for foreign destinations, to fees, conditions, preparation, return receipts and restricted delivery, apply to and within the Canal Zone.

CROSS REFERENCE: Registration of international mail, see 39 CFR Part 132.

SHIPMENTS OF CURRENCY AND U.S. SAVINGS BOND MATTER

§ 67.471 Unfit and mutilated currency shipments.

Shipments of unfit and mutilated currency mailed by Canal Zone banks to the Federal Reserve Bank at New York are subject to the following rates and conditions:

(a) *Fees, and surcharges or handling charges.* The registry fees indicated in § 67.442 are applicable to each package mailed, and the handling charges indicated in that section are applicable to packages mailed.

(b) *Postage.* Postage at the first-class rate shall be paid on packages weighing less than one pound. Packages weighing one pound or more are subject to postage at the fourth-class rates.

(c) *Weight limit.* The weight limit is 70 pounds, each package.

§ 67.472 Shipments of U.S. Savings Bond matter.

The following conditions apply to mailings of United States Series E Savings Bond matter, such as stubs of sold bonds, spoiled or canceled bonds, unissued or excess stock, and other matter incident to issuance or redemption of such bonds, when mailed by authorized United States Bond issuing or paying agents. Mailings of such bond matter by authorized issuing agents shall be prepared as follows:

(a) Each such article shall be endorsed, "Registered".

(b) Only the postage shall be prepaid by the shipper. The registry fee will be paid by the Treasury Department to the United States Post Office Department on a negotiated basis. United States Post Office Department will assume liability for loss or rifling of, or damage to bond matter mailed under this section.

(c) Postage at the first-class rate applies to all shipments weighing less than 1 pound. Postage at the fourth-class rate applies to shipments weighing 1 pound or more.

(d) Each envelope or wrapper shall bear the following endorsement, to be placed in close proximity to the return address, "Registry Fee Paid By U.S. Treasury Department".

RECORDS

§ 67.481 Statistical records.

Records shall be kept at each office or branch, which will enable the reporting at the end of each month of:

(a) The number of articles registered on which registry fees have been paid.

(b) The number of articles registered free.

INSURANCE

DOMESTIC DESTINATIONS AND ORIGIN

§ 67.491 Applicability of Federal postal regulations.

Except as provided by § 67.492, the provisions of 39 CFR, relating, with respect to insured domestic mail, to classes of mail to which insurance is applicable, description, and acceptance of such mail for mailing, are applicable to and within the Canal Zone.

§ 67.492 Perishables.

Farm and dairy products, fresh meats, baby chicks, and other perishable items which may not reach their destination in good condition considering the time in ordinary transit, after mailing, may not be accepted for insurance.

§ 67.493 Fees.

(a) *Fees (in addition to postage).*

Liability	*Fee*
$0.01 to $10	$0.10
$10.01 to $50	.20
$50.01 to $100	.30
$100.01 to $200	.40

(Liability for insured mail is limited to $200)

(b) *Restricted delivery.* (Not available for mail insured for $10 or less) 50 cents.

(c) *Return receipts.* (Not available for mail insured for $10 or less).

(1) Requested at Time of Mailing:
Showing to whom and when delivered.. 10¢
Showing to whom, when and address where delivered..... 35¢
(2) Requested After Mailing:
Showing to whom and when delivered.. 25¢

§ 67.494 Mailing.

(a) *Applicability of Federal postal regulations.* The provisions of 39 CFR, relating, with respect to insured domestic mail, to payment of fees and postage, individual receipts for mailing, and the issuance and use of firm mailing books, are applicable to and within the Canal Zone.

(b) *Where to mail.* Mailers shall mail parcels that they insure at a post office or branch. They shall not be deposited in mail drops at post offices, nor in or on street mail boxes.

(c) *Endorsing and numbering.* Each package insured for $10 or less shall not be numbered but shall be stamped with the elliptical insured stamp on the address side. Each package insured for more than $10 shall be stamped on the address side with the "Insured No. _____" stamp, unless the package bears a reproduction of the stamp. The number appearing on the insurance receipt shall be conspicuously and legibly placed in the insured No. stamp endorsement on the parcel.

CROSS REFERENCE: Insured domestic mail, payment of fees and postage, individual receipts, and issuance and use of firm books, see 39 CFR 52.3(a)(c)(d).

§ 67.495 Dispatch from post offices or branches.

(a) *Within the Canal Zone.* Insured mail for destinations within the Canal Zone shall be handled as ordinary mail.

(b) *Destinations outside the Canal Zone.* Insured mail for domestic destinations outside the Canal Zone shall be dispatched by exchange offices only as ordinary mail. It is handled as ordinary mail in transit.

§ 67.496 Handling at office of address.

(a) *Examination.* All incoming parcels shall be carefully scrutinized to see if they are insured and examined to see if they bear any restrictions in delivery or requests for return receipts by senders.

(b) *Delivery and filing of delivery records.* The provisions of 39 CFR, relating to the delivery of insured domestic mail, and the filing of delivery records with respect thereto, are applicable to and within the Canal Zone.

CROSS REFERENCE: Delivery of insured mail, see 39 CFR 52.5.

§ 67.497 Examination of mail by addressee.

The addressee or his representative may read and copy the name and address of the mailer from insured mail while it is in the possession of the postal employee. Examination of the contents may be made only after delivery has been made.

§ 67.498 Delivery rules.

(a) *Unnumbered insured articles.* Unnumbered insured articles are delivered as ordinary mail.

(b) *Numbered insured articles.* Receipts shall be taken for the delivery of numbered insured articles, and the following forms should be used:

(1) Form 3849.

(2) Form 3883, when addressees regularly receive an average of three or more insured articles at one time.

(c) The provisions of this subpart covering the delivery of registered mail are applicable to numbered insured articles delivered. When the addressee is not known by the delivering employee, identification is required and brief notation of the proof of identity furnished shall be entered on the receipt by him.

§ 67.499 Check of records.

The provisions of 39 CFR, relating to the checking of records, are applicable, with respect to insured domestic mail, to and within the Canal Zone.

FOREIGN DESTINATIONS AND ORIGIN

§ 67.511 Applicability of Federal postal regulations.

Except as provided by § 67.512, the provisions of 39 CFR, relating, with respect to insured mail for foreign destinations or of foreign origin, to fees, conditions, acceptance, handling, and delivery, apply to and within the Canal Zone.

CROSS REFERENCE: International mail, insurance, see 39 CFR Part 133.

§ 67.512 Countries of Postal Union and Spain.

International insurance service is not available to countries of the Postal Union of the Americas and Spain (PUAS), except to Canada and Spain.

STATISTICAL RECORDS

§ 67.521 Records to be kept.

Records shall be kept at all post offices, branches, and units to enable the reporting of the number of numbered and unnumbered insured articles mailed and the number of numbered insured delivered each month.

COLLECT-ON-DELIVERY

§ 67.531 COD service.

COD service from, to, and within the Canal Zone is not authorized.

§ 67.532 Disposition of COD parcels.

COD parcels received shall be returned to sender, marked "No COD Service", immediately on receipt and no attempt need be made to effect delivery, except as provided by § 67.533. The receipt of the article and return thereof shall be recorded on Form 3849B and the receipt filed with and in the same manner as receipts covering numbered insured mail delivered, returned or forwarded.

§ 67.533 Exceptions.

Where circumstances warrant, or articles contain medicines or perishable items, the Director of Posts may authorize the delivery of a COD parcel on collection of the amount due plus return money order fee. The money order and return portion of the COD tag shall be forwarded to the Director of Posts for handling. The delivering office record portion of the COD tag shall be filed with and in the same manner as receipts covering delivery of numbered insured mail.

SPECIAL DELIVERY

§ 67.541 Canal Zone.

There is no special delivery service in the Canal Zone, and attempt need not be made to effect delivery by messenger of mail matter bearing special delivery stamps. Such matter should, however, be given preferential treatment by being placed in the addressee's box, if he has one, without delay, and the addressee may be informed by telephone of its arrival.

§ 67.542 United States, and its possessions.

Mail matter addressed to the United States, its territories and possessions, or the Commonwealth of Puerto Rico, on which the special delivery fee prescribed by 39 CFR, has been prepaid with United States postage stamps, will be accepted for dispatch to destination. Patrons should plainly mark such articles "Special Delivery" to assure proper handling. The postage on such articles must be prepaid with Canal Zone postage stamps, except "Paquebot" mail outlined by § 67.228.

CROSS REFERENCE: Special delivery fees, see 39 CFR 56.2.

§ 67.543 Foreign destinations.

(a) Except as provided by paragraph (b) of this section, the provisions of 39 CFR, relating to special delivery service for mail for foreign destinations, are applicable to and within the Canal Zone.

(b) Fees and postage for mail referred to in paragraph (a) of this section shall be prepaid with Canal Zone postage stamps.

CROSS REFERENCE: International mail, special delivery service, see 39 CFR Part 135.

SPECIAL HANDLING

§ 67.551 Applicability of Federal postal regulations.

Except as provided by § 67.552, the provisions of 39 CFR, relating to the description of special handling, special-handling fees, payment of special-handling fees, and the marking and forwarding of such parcels, are applicable to and within the Canal Zone.

CROSS REFERENCE: Special handling, see 39 CFR Part 57.

§ 67.552 Canal Zone postage.

Canal Zone postage or meter stamps shall be used in prepaying the special-handling fee.

CERTIFIED MAIL

§ 67.561 Applicability of Federal postal regulations.

Except as otherwise hereinafter provided, the provisions of 39 CFR, relating, with respect to certified mail, to description, class of mail to which applicable, amount of fees, how to mail, verification of mailing receipts, use of firm mailing books, and handling, are applicable to and within the Canal Zone.

§ 67.562 Endorsement of mail.

Certified mail shall be endorsed in the following manner:

CERTIFIED MAIL

No. 00000

§ 67.563 Payment of fees and postage.

The fees and postage for certified mail may be paid by ordinary Canal Zone postage stamps or meter stamps or if sent by airmail may be paid by Canal Zone airmail postage stamps.

§ 67.564 Where to be mailed.

Certified mail may be mailed at any post office or branch.

§ 67.565 Receipts.

Receipts for certified mail shall be issued on Form 3800 or 3877-A.

§ 67.566 Delivery at post offices, branches or units.

The addressee shall be promptly notified, on Form 3849, of the arrival of certified mail. The receipt shall be obtained on Form 3849, or, when the quantity warrants it, on firm delivery Form 3883. Certified mail marked "Deliver to Addressee Only" shall be delivered only to the person addressed. The delivery rules are the same as those for registered mail.

§ 67.567 Filing delivery receipts.

Individual delivery receipts for certified mail shall be filed numerically by the last two digits of the certified mail number. Receipts with illegible digits shall be filed alphabetically by name of addressee.

§ 67.568 Undeliverable certified mail.

Certified mail returned to the sender or forwarded shall be handled in the same manner as that provided for registered mail, except that notice shall not be sent to the sender and return receipts shall not be detached.

Subpart I—Mails to Foreign Countries

§ 67.591 Surface mails.

(a) *Weight limits, etc.* The provisions of 39 CFR, including the Directory of International Mail, relating to weight limits, dimensions, preparation, packing, addressing, endorsing, restrictions, prohibitions and other mailing conditions with respect to surface mail to foreign countries, are applicable to and within the Canal Zone.

(b) *Postal Union mail.*

Classifications	Surface rates	Weight limits (surface)
Letter mail:		
Panama	5 cents per ounce	4 pounds 6 ounces.
All other countries	11 cents first ounce, 7 cents each additional ounce.	Do.
Post cards:		
Panama	4 cents single; 8 cents reply-paid	
All other countries	7 cents single; 14 cents reply-paid	
Printed matter:		
a. Books and sheet music:		
Countries of Postal Union of Americas and Spain, except Spain and Spanish possessions.	2 cents first 2 ounces, 1 cent each additional 2 ounces.	See 39 CFR.
All other countries including Spain and Spanish possessions.	3 cents first 2 ounces, 1½ cents each additional 2 ounces.	
b. Publisher's second class:		
P.U.A.S. countries	2 cents first 2 ounces, 1 cent each additional 2 ounces.	
All other countries	3 cents first 2 ounces, 1½ cents each additional 2 ounces.	
c. Other printed matter:		
All countries	5 cents first 2 ounces, 3 cents each additional 2 ounces.	
Samples of merchandise:		
All countries	5 cents first 2 ounces, 3 cents each additional 2 ounces. Minimum charge, 12 cents.	18 ounces.
Commercial papers:		
All countries	5 cents first 2 ounces, 3 cents each additional 2 ounces. Minimum charge, 12 cents.	4 pounds 6 ounces.
Matter for the blind:		
All countries	Domestic rates apply, with certain exceptions.	15 pounds 6 ounces.
Small Packets:		
All countries admitting	5 cents each 2 ounces. Minimum charge, 25 cents.	2 pounds 3 ounces.
8-Ounce merchandise packages:		
All countries admitting	25 cents each (flat rate)	8 ounces.

(c) *Parcel post (including gift parcels).*

Classifications	Surface rates	Weight limits (surface)
Panama	Domestic 1st and 2d Zone fourth-class rate.	See 39 CFR.
Zone 1—North America, Central America and the Caribbean Islands (except Panama).	80 cents first 2 pounds, 30 cents each additional pound.	
Zone 2—All other countries	90 cents first 2 pounds, 35 cents each additional pound.	

(1) *Conditions, etc.* Except as provided by subparagraph (2) of this paragraph, the provisions of 39 CFR, relating to conditions, special mailing conditions, preparing, packing and mailing, prohibitions and restrictions, documentation, and group shipments of parcel post mail to foreign countries, are applicable to and within the Canal Zone.

(2) *Exceptions for gift parcels.* The provisions of subparagraph (1) of this paragraph do not apply to rates and conditions for gift parcels; regular rates and conditions apply.

(d) *Combination packages and articles grouped together—(1) Combination packages.* The provisions of 39 CFR, relating to definition, rates and countries for which combination packages are accepted, are applicable to and within the Canal Zone.

(2) *Articles grouped together.* The provisions of 39 CFR, relating to rates and grouping for articles grouped together for mailing to foreign countries, are applicable to and within the Canal Zone.

CROSS REFERENCE: See the following provisions of 39 CFR: Directory of International Mail, Part 168; Postal union mail, conditions applicable to all classes, and rates and conditions for specific classes, Parts 111, 112; Parcel post for foreign countries, outgoing parcels, Part 121.

§ 67.592 Air service.

(a) *Postal union mail.* Postal union mail of any category may be sent by air. Sections 67.161 to 67.163 govern the rates of postage and conditions of mailing.

(b) *Parcel post.* Parcel post may not be sent by air to any foreign country. Packages up to the limit of weight prescribed for letters containing dutiable articles (merchandise) may be accepted for dispatch by air provided the country of destination has indicated a willingness to accept such articles.

CROSS REFERENCE: Airmail, see §§ 67.161 to 67.163.

§ 67.593 Mail sent via Department of State.

The provisions of 39 CFR, relating to who may use, and mailing conditions, with respect to mail sent via the Department of State, are applicable to and within the Canal Zone.

CROSS REFERENCE: Mail sent via Department of State, see 39 CFR Part 159.

§ 67.594 Special mail services.

(a) *Registered and insured mail.* Except as provided by paragraph (b) of this section, the provisions of 39 CFR, relating, with respect to registered and insured mail to foreign countries, to fees, conditions, return receipts, and restricted delivery, are applicable to and within the Canal Zone.

(b) *Postal Union countries and Spain.* International insurance service is not available to countries of the Postal Union of the Americas and Spain (PUAS) other than Canada and Spain.

(c) *COD Mail.* There is no international COD service.

(d) *Special delivery (express).* The provisions of 39 CFR, relating to fees for, and conditions and marking of, special delivery mail to foreign countries, are applicable to and within the Canal Zone, except that the fee shall be prepaid with Canal Zone postage stamps.

(e) *Special handling.* The provisions of 39 CFR, relating to fees for, and conditions, marking and treatment of, special-handling mail to foreign countries, are applicable to and within the Canal Zone.

CROSS REFERENCE: International mail, registration, insurance, special delivery (exprés), and special handling, see 39 CFR Parts 132, 133, 135, 136.

§ 67.595 Postage and fees.

(a) *How paid.* Postage, registration, insurance and other fees, with respect to mail to foreign countries, may be prepaid by means of Canal Zone postage stamps or by meter stamps of a bright red color. Precancelled stamps may be used under the same conditions as in the domestic mail. Prepayment of postage on postal union mail may also be indicated by means of permit imprints. Permit imprints must show the amount of postage paid and may be black or any other color.

(b) *Applicability of other provisions.* The following sections of this part govern mail to foreign countries, with respect to the matters listed:

(1) Articles mailed aboard ships, § 67.228.

(2) Mailings without postage, §§ 67.181 to 67.184.

(3) Reply coupons, § 67.5.

(4) Reply-paid cards, § 67.227.

(c) *Nonpostage stamps.* Nonpostage stamps, label resembling postage stamps, or impressions resembling postage-paid impressions may not be placed on the address side of mail articles for foreign countries.

§ 67.596 Recall and change of address.

The provisions of 39 CFR, relating, with respect to mail to foreign countries, to conditions, limitations, and procedure regarding, and countries not permitting, the recall and change of address, are applicable to and within the Canal Zone.

CROSS REFERENCE: International mail, recall and change of address, see 39 CFR Part 187.

§ 67.597 Certificates of mailing.

(a) *Applicability of Federal postal regulations.* Except as provided by paragraph (b) of this section, the provisions of 39 CFR, relating to the nature, issuance, and preparation of, and fees and payment of fees for, certificates of mailing to foreign countries, are applicable to and within the Canal Zone.

(b) *Exception.* Treasury Department (Internal Revenue) forms mentioned in 39 CFR, relating to the nature, issuance, and preparation of, and fees and pay-

ment of fees for, certificates of mailing to other countries, are not available or applicable to matter mailed in the Canal Zone.

CROSS REFERENCE: International mail, certificates of mailing, see 39 CFR Part 138.

§ 67.598 Nonpostal export regulations.

The provisions of 39 CFR, relating, with respect to mail to foreign countries, to shipper's export declaration, Commerce Department regulations, State Department regulations, Treasury Department regulations, Agriculture Department regulations and consular and commercial invoices, are applicable to and within the Canal Zone.

CROSS REFERENCES: Nonpostal export regulations, see 39 CFR Parts 141 to 146.

Subpart J—Importations by Mail and Delivery of Parcels

§ 67.621 Delivery of parcels, free of duty.

Parcels may be delivered, free of Panamanian duty, only to the classes of persons approved by the Customs Service in accordance with § 57.10.

§ 67.622 Payment of duty.

Parcels containing merchandise addressed to individuals, firms or organizations not entitled to import merchandise into the Canal Zone free of duty may not be delivered until satisfactory evidence has been presented that the required Panamanian customs duties have been paid or the article has been properly cleared by Customs authorities of the Republic of Panama.

§ 67.623 Duty forms to be filed.

A copy of the completed Panama Duty Forms shall be filed chronologically as a record of proper payment of duty and delivery of the parcel.

Subpart K—Certification for Payment of United States Savings Bonds

§ 67.651 What to certify.

Requests for payment of United States savings bonds may be certified at post offices if, in each case, the owner intends to send the bond to the Treasury Department or to a Federal Reserve bank for payment. The certification may be made on the bond itself or on a detached request for payment, the form to be supplied by the Treasury Department. Such bonds that are to be presented to banks or trust companies for payment may not be certified.

§ 67.652 Who may certify.

The following persons may certify to requests for payment on United States savings bonds: postmasters or acting postmasters. Other designated officers who are authorized to certify bonds in the Canal Zone are: The Governor, paymaster, or acting paymaster.

§ 67.653 How to certify.

Before certifying a request for payment of a United States savings bond, the certifying officer shall require positive identification that the person presenting the bond is the person whose name is inscribed on the bond, and shall determine that there is no alteration or erasure on the bond. If the registered owner signs by mark, his mark shall be witnessed by at least one disinterested person who is authorized to certify bonds in the Canal Zone besides the certifying officer. Signature of the certifying officer shall be authenticated by a legible imprint of the post office dating stamp.

Subpart L—Canal Zone Money Order System

GENERAL PROVISIONS

§ 67.671 Scope of this subpart.

This subpart covers procedures to be followed in the conduct of money order operations, which include the issuance and payment of money orders, and accounting for such transactions.

§ 67.672 Applicability of Federal postal laws and regulations.

The provisions of the postal laws of the United States, and of 39 CFR, relating to the issuance and payment of money orders, are applicable to and within the Canal Zone, insofar as they apply to conditions in the Canal Zone and are not in conflict with the provisions of this subpart.

CROSS REFERENCES: Money order system, see 39 U.S.C. 5101 et seq.; money orders, see 39 CFR Part 61.

§ 67.673 U.S. Post Office Department restrictions.

Any restrictions imposed by the United States Post Office Department on issuance or payment of United States postal money orders also shall apply to Canal Zone money orders.

CONTROL OF BLANK MONEY ORDER FORMS

§ 67.681 Defective or mutilated blank forms.

Defective or mutilated blank money order forms shall be held until they are reached in numerical sequence and then treated as "Not Issued".

CROSS REFERENCE: "Not Issued" money orders, see § 67.703.

§ 67.682 Protection of funds and forms.

(a) *At post office.* Postmasters will be responsible for all money order funds and forms received. Money order forms shall be kept in a safe when the office is closed and at least under protection of a lock during the day when not in use. The main stock of money order forms shall be kept in a safe or vault, in the custody of the Postmaster, Assistant Postmaster or supervisory employee, to which unauthorized persons do not have access. Where practicable, office dating stamps shall be placed in a locked receptacle when the office is closed. The required money order reports may be prepared by the Postmaster, Assistant Postmaster, or an employee under the immediate supervision of either. Reports shall be verified and submitted and remittance prepared and submitted by the Postmaster or Assistant Postmaster.

(b) *At post office branches.* Superintendents shall be responsible for all money order forms and funds received. Money order forms and issuing stamps shall be kept in a safe when not in use. The main stock of money order forms shall be kept in a safe or vault in custody of the superintendent, to which unauthorized persons do not have access. The superintendent shall personally prepare and submit required money order reports and remittances.

§ 67.683 Care in handling money order forms.

Postmasters and other employees shall handle blank money order forms in such manner that the forms will not be folded, creased, or otherwise mutilated. No object of any kind shall be inserted into the holes punched in the forms. Postmasters shall not transfer or lend money order forms to other Postmasters.

§ 67.684 Theft or loss of forms.

(a) If blank money order forms are stolen or lost, the supervisor shall immediately notify the Director of Posts by telephone, and confirm by written report, giving the first and last serial numbers of the stolen or lost forms, also stating the date on which the theft occurred or the loss was detected.

(b) Blank money order forms recovered after having been reported as stolen or lost shall not be used. A report of the facts shall be submitted to the Director of Posts and the forms held pending the receipt of instructions regarding their disposition.

ISSUANCE OF DOMESTIC, DOMESTIC-INTERNATIONAL AND INTERNATIONAL MONEY ORDERS

§ 67.701 Domestic and domestic-international money orders.

(a) *Procedure for issuance.* The following procedure shall be observed in the issuance of domestic and domestic-international money orders:

(1) *Money order fees.*

Amount of order	Fee	
	Domestic	International
$0.01 to $10	$0.20	$0.40
$10.01 to $50	.30	.60
$50.01 to $100	.35	.70

(2) The patron shall advise the issuing clerk the amount for which the money order is to be issued.

(3) The amount requested by the purchaser shall be imprinted on and punched in the order by the use of a money order print-punch machine furnished by the postal service.

(4) If, for any reason, there is no money order machine at the post office or the machine is out of order, money orders should be written as shown in an example or illustration furnished by the Director of Posts to each branch post office authorized by its Postmaster to issue money orders.

(5) The issuing employee's initials shall be inserted in the space provided and a clear impression of the office dating stamp shall be placed on the order, purchaser's receipt and post office stub.

(6) The date affixed to the order, receipt, and stub by the issuing employee shall be the actual day of issue.

(7) After receiving cash for the order and the fee, the issuing employee shall remove the post office record stub, partially detach purchaser's receipt, and give the order and receipt to patron.

(8) It is the purchaser's responsibility to enter his name and address as well as the name of the payee. A money order that is lost or stolen shall be replaced, if it had been completed by the purchaser to show his name and address and the name of the intended payee.

(b) *Limit of amount.* (1) The maximum amount for which a single money order may be issued is $100.

(2) There is no restriction as to the number of domestic money orders which may be issued to the same remitter.

(c) *Issuance of domestic-international money orders—(1) Money orders payable in foreign countries.* Except as provided by subparagraph (2) of this paragraph, the instructions concerning domestic money order business govern the issuance of money orders for payment in certain foreign countries with which money order business is transacted on the domestic basis.

(i) The names of the countries referred to in the immediately preceding provisions of this paragraph are those listed in the provisions of 39 CFR, for which Postmasters in the United States are authorized to issue money orders on a domestic form.

(ii) The money order shall be delivered to the remitter for transmission to the payee.

(2) *Orders issued for payment in Canada.* In the issuance of money orders intended for payment in Canada, the following procedures shall be observed by issuing clerks:

(i) The current authorized discount or premium table shall be consulted.

(ii) The amount received in United States money shall be imprinted on and punched in the money order by print-punch machine. An example is furnished by the Director of Posts. The initials "U.S." will be written in the space to the left of the dollar and cents block. In no case shall the amount be in excess of $100.

(iii) The correct amount in Canadian money as indicated in the proper discount or premium table (in no case in excess of $100) shall be written in the body of the order. An example is furnished by the Director of Posts.

CROSS REFERENCES: Applications for duplicate money orders, see § 67.761 et seq.
Foreign countries, issuance of money orders, see 39 CFR 61.2.

§ 67.702 International money orders.

(a) *Procedure for issuance.* Applications may be accepted for international money orders to countries with which the United States Post Office Department conducts money order business on an international basis.

(b) The remitter shall submit an international money order application for the amount, in U.S. currency, which he desires paid to the payee. A domestic money order for the amount of the international money order plus the required international money order fee shall be issued, payable to the Postmaster at the appropriate United States money order exchange office. The post office stub of the domestic money order shall be endorsed on the back "Int. M.O.—Postmaster, _____," and placed in proper sequence with other stubs. The purchaser's receipt shall be given to the purchaser and the domestic money order and international application shall be forwarded to the Postmaster at the proper United States money order exchange office by official registered airmail.

CROSS REFERENCE: Countries where international money order service is available on direct exchange basis, see 39 CFR 61.2(f).

§ 67.703 Spoiled or not issued money order forms.

(a) *Definition.* A money order form shall be treated as "Not Issued" or "Spoiled":

(1) When the order or purchaser's receipt, through defective printing, mutilation, or disfiguration, is not fit for use.

(2) When a mistake in its issue is discovered before the transaction is completed and before the remitter has left the money order window.

(b) *Disposition.* "Not issued" or "Spoiled" money order forms shall be disposed of in the following manner:

(1) Stamp or write boldly "Not Issued" or "Spoiled" across the face of the money order, purchaser's receipt, and post office stub, and cross out the amount.

(2) Detach the stub (post office record) and place it in proper sequence with other office stubs.

(3) Submit "Not Issued" or "Spoiled" money orders, leaving purchaser's receipt attached, with the daily report of money orders issued. The words "Not Issued" or "Spoiled" shall be written in the blank space in the adding machine tape covering list of money orders issued that accompanies the daily report.

§ 67.704 Errors and corrections.

(a) No alteration, change, erasure, or substitution of figures shall be made in issuing a money order. If an error of any kind occurs in issuing an order, and is discovered before the purchaser leaves the post office, no attempt shall be made to change the order in any way, but it shall be treated as "Not Issued" and another one issued and delivered to the remitter. No fee shall be charged for an order treated as "Not Issued."

(b) If, after the completion of the transaction by delivery to the Postmaster of the amount of the order and its fee and the acceptance of the order by the purchaser, the remitter, payee, or other holder of the order should return it for the purpose of changing any of the particulars thereon, it shall be treated as repaid and a new order issued, for which another fee shall be paid.

(c) If the order is returned because of a mistake made by the issuing clerk, the fee for the new order shall be paid by him from his personal funds. If the remitter prefers the return of the money instead of a new order, the amount of the fee shall be refunded to the remitter from the personal funds of the issuing clerk.

PAYMENT OF DOMESTIC AND DOMESTIC-INTERNATIONAL MONEY ORDERS

§ 67.721 Payment.

(a) *Places of payment.* Money orders may be paid at Canal Zone post offices and branch post offices which have been authorized to issue and pay money orders.

(b) *Canal Zone and United States Money Orders.* A money order may be paid at full face value when presented by the payee, endorsee, or purchaser, within the period of validity.

(c) *Foreign money orders.* The following requirements shall be observed with respect to the payment of foreign money orders:

(1) A foreign money order presented for payment shall be carefully examined to see that it is properly drawn, signed, and stamped, and that it is signed by the payee or the person authorized by him to receive payment.

(2) Foreign money orders issued in countries where the advice system is used shall never be paid until the corresponding advice has been received.

(3) Foreign money orders shall be paid only at the office on which drawn, except that if drawn on a branch post office they may be paid at the branch on which drawn or at the main post office.

(4) Improperly drawn foreign money orders shall not be paid until authority has been obtained on Form No. 1250 from the Director of Posts.

(5) Coupons or advice of paid orders shall be filed alphabetically by name of country of issue and in numerical sequence in file covering calendar year in which paid.

CROSS REFERENCE: Period of validity of money orders, see § 67.723(a).

§ 67.722 General procedures for payment of money orders.

(a) *Terms of payment.* A money order shall be paid at its face value if presented by the payee, remitter or endorsee.

(b) *Examination of order.* When a money order, domestic or foreign, is presented for payment, the postal employee shall examine it to see that:

(1) It is not a form reported stolen.

(2) It is not a counterfeit.

(3) It is properly stamped and drawn by the issuing office.

(4) It does not bear any alterations or erasures.

(c) *Machine-issued orders.* The money orders issued by the print-punch machine are payable in the amount printed on and punched in the order by the machine. The money orders issued by machine are payable in the amount imprinted by machine, but for no more than the amount stamped between the words "Not Valid For More Than" and the word "Pay".

(d) *IBM check card—(1) General instructions.* In connection with payment of new type money orders, each post office and branch will be furnished with an

"IBM Check Card" for use in verifying the amount for which the money orders were issued. Oblong holes are punched in the money order, columns 1 through 9, to record the serial number and five round holes are punched in the money order, columns 42, 44, 46, 48, and 50, to record the amount for which the money order has been issued. By placing the new style money order over the "IBM Check Card" the amount for which issued and printed at the top of the order can readily be verified. If more than one hole is punched in any one of the money columns, or more than 5 holes punched in all the money columns, payment should be refused, the money order forwarded to the Director of Posts for handling with memorandum giving full details, including name and identity of person presenting the money order for payment.

(2) *Verification.* Verification of the amount by "IBM Check Card" should be made when in doubt as to the amount for which the money order was issued. The card may also be used to verify serial numbers when necessary.

(e) *Identification*—(1) *General requirement.* The person presenting the money order must identify himself before payment may be made.

(2) *Payment to wrong person.* If an order is paid to the wrong person through lack of precaution, the paying postal employee shall be held accountable for the amount of the order.

(3) *Responsible persons.* Personal identification by a responsible person may be required. Letters, receipted bills, social security cards, privilege cards, expired IP cards or cedulas, and similar articles cannot be accepted as conclusive proof of identity as they are frequently lost or stolen with money orders.

(4) *Duties of employees.* Handling cases of identification requires tact and good judgment. Paying employees should be courteous and patient and avoid attracting unnecessary attention to the transaction.

(5) *Uncertainty as to identification.* If a clerk is unable to satisfy himself that an applicant for payment is the owner of the order, he should bring the case to the attention of his supervisor or Postmaster.

(6) *Attempts to defraud.* Any attempt to defraud should be referred to the Director of Posts by Postmasters and Finance Branch Superintendents.

(7) *Affixture of paying data.* The initials of the person paying the money order and an impression of the office dating stamp shall be affixed on the back of the order, immediately on payment.

(8) *Notation of proof.* If the applicant for payment is not personally known to the paying employee, the paying employee, for his own protection, shall make a brief notation thereon of the proof of identity furnished.

(9) *Requirements for signatures, etc.*—(i) *Signature by mark.* If signature of payee or endorsee is by mark, it shall be witnessed by a person who can write, and the witness shall be someone other than the Postmaster or paying employee.

(ii) *Signature different from name on order.* Any signature of the payee consistent with the name given on the order may be accepted by the paying Postmaster as sufficient, if he is satisfied that it is the genuine signature of the payee intended.

(iii) *Signature of officer.* An order drawn in favor of a public official or officer of a corporation, company, or association, as such, may be paid to his successor, if presented by the latter, who, in receipting for it, shall be required to indicate in writing the capacity in which he acts, thus: "William Jones, Treasurer, successor to George Thompson".

(iv) *When payee is society or corporation.* When the payee is a society or corporation, the person who has authority to receive payment of moneys due such payee shall receipt the order in his official capacity, and, if occasion arises, the Postmaster may require satisfactory proof of such authority.

(v) *Stamped signature in receipt.* All of the requisite signatures to a money order—those of payee, endorsee, or witness to payment—shall be written, preferably in ink; but a stamped signature may be used in place of the written signature of payee or agent of payee in receipts on money orders drawn in favor of, or made payable to, a firm, corporation, association, society, or individual, if beneath it is written the signature of the person receiving payment or executing the endorsement. Under no circumstances may an endorsement be made by means of a perforating device.

(vi) *Signature of agent.* The paying Postmaster shall affix or cause to be affixed to the signature of the person receiving payment of a money order any such word or words as may be necessary to explain the right of such person to collect the amount. For instance, where an order drawn in favor of a company is paid to its local manager, the word "Manager" should appear beneath or opposite his signature to the endorsement.

(vii) *Use of titles.* The paying Postmaster shall not insist on the inclusion or the omission of a title or prefix such as "Dr.," "Rev.," "Prof.," "Madam," or "Mrs." in the signature to an order, whether or not the payee is designated by such title or prefix in the body of the order.

(viii) *Order presented by payee after being endorsed by others.* When an order is presented by the payee for payment, it is immaterial what endorsements there may be on the order. Payment may be made if the order is otherwise regular and there is space for the payee to sign his name on the back of the order on or near the line above the word "Payee" and inconsistent or unnecessary signatures or endorsements may be canceled.

(ix) *Substitution by payee or remitter of name written in error.* The payee or the remitter of an order, but no one else, may substitute any other name for one which he has already written by mistake in the body of the first endorsement thereon, and payment may be made to the person whose name has thus been substituted, if the order is regular in other respects.

(f) *Stolen forms*—(1) *Nonacceptance.* Money orders issued on stolen forms will not be accepted as valid vouchers for disbursements.

(2) *Listing and notification.* A list of United States stolen money orders is found in Postal Bulletins. Postmasters shall be notified immediately by telephone and confirmation by Postal Circular of any stolen Canal Zone Money Order Forms.

(3) *Procedure upon presentation.* If a person presents a stolen order for payment, the person should be detained for questioning, if possible, and the local police summoned. If the person flees, the postal employee should record the description of the fugitive and of any accompanying person, and license number and make of car used, if any. The information should be referred to the police and the Director of Posts by telephone immediately.

(g) *Precaution against double payment at issuing office*—(1) *Initial procedure.* When a money order more than 60 days old is presented at the issuing office for payment or repayment, the paying clerk shall examine the related money order post office stub to ascertain whether an application for duplicate has been certified and forwarded to the Director of Posts.

(2) *Authorization by Director of Posts.* If an application has been certified and forwarded, the postmaster shall retain the money order and notify the Director of Posts by memorandum. The Director of Posts then may authorize the payment or repayment of the original order, provided a duplicate has not been issued in lieu thereof.

(3) *Procedure where duplicate issued.* If a duplicate has been issued, the paying clerk to whom the order was presented shall write across it with ink the words, "Canceled—Duplicate Issued," and forward the order to the Director of Posts for disposition.

(h) *Payment to other than payee*—(1) *Transfer of money orders*—(i) *By purchaser or payee.* The payee or the purchaser of a money order may endorse the order to any other person or firm. When a money order is presented for payment which purports to have been endorsed by the payee or purchaser to another person, and the paying clerk is not in a position to judge whether the signature to the endorsement is the genuine signature of the payee or purchaser, the paying clerk shall require that the endorsement be guaranteed by someone he has reason to believe is responsible. A money order may not be paid to a second person without written transfer or endorsement to him by the the payee or purchaser in the prescribed form on the reverse side of the order, except as provided by subdivisions (ii) and (iii) of this subparagraph.

(ii) *On power of attorney.* A person with power of attorney may cash money orders in behalf of the payee who gave him that authority. The power of attorney must be filed at the office of payment.

(iii) *On separate written order of payee.* When the payee has filed with the Postmaster a separate written order authorizing payment to another person, and designating that person by name as the one to receive payment of and to receipt for any specified order, or for all orders payable by the same Postmaster to the payee, that person may cash money orders on behalf of the payee.

(2) *Upon assignment.* When a person or firm makes an assignment, and the assignor intends that money orders payable to him will be paid to assignee, he should execute a power of attorney to give such written order separate from the instrument of assignment, to be filed in the post office. The person designated to receive payment should receipt the money order as such, indicating beneath his signature the capacity in which he acts.

(3) *On death of payee.* A money order belonging to a deceased remitter or payee may be paid or repaid to the executor or administrator of the estate appointed by the court. A certified copy of the appointment shall be filed with the Postmaster. If the estate is small and administration is not desired, payment shall be made in accordance with the laws of the Canal Zone. Whenever a money order belonging to a deceased remitter or payee is presented for payment, the Director of Posts should be informed and payment therefor withheld until instructions for payment are received.

(4) *To concern which has ceased to exist.* A money order payable to a firm, bank, or company which has ceased to exist shall be paid to the legal representative thereof.

(5) *To committee or guardian.* When a committee, guardian, or other person is appointed by a court to act for a person declared incompetent, money orders shall not be paid to the ward. All money orders showing the ward as payee or endorsee shall be paid only to the committee, guardian, or other duly designated person, who shall exhibit to the postmaster the authority thus to act for the ward. Such money orders shall be receipted in the name of the ward, followed by the signature and legal designation of the committee, guardian, or other authorized agent.

(6) *To minor.* A money order payable to a minor may be paid to the father or mother thereof as natural guardian, unless legal proceedings have been instituted which make questionable the claim of the father or mother, in which case the facts should be reported to the Director of Posts.

(i) *Discrepancies or alterations.* If there is any doubt as to the particulars on a money order, send Form 6006, Application for Separate Advice of Money Order, to the issuing Postmaster for verification.

(j) *Payment to remitter.* A money order presented by the remitter may be repaid at any paying office, upon proper identification.

(k) *Payment of order withheld*—(1) *Invalid orders.* Provisions relating to the payment of invalid Canal Zone and United States money orders are contained in § 67.723. A money order with more than one endorsement is invalid.

(2) *Nonpayment because of fraud*—(i) *Proof.* If the purchaser has proof that the order was purchased because of false representations or other fraudulent action of the payee, or that the payee is engaged in conducting a scheme or device for obtaining money fraudulently through the mails, the purchaser may request the post office to withhold payment.

(ii) *Orders forbidding payment.* Payment of a money order should not be made under any circumstances to a specific person or firm when an order has been issued by the Postmaster General in the United States or the Director of Posts for the Canal Zone forbidding payment of money orders to such persons or firms.

CROSS REFERENCE: Postal savings certificates, applicability of this section to payment, see § 67.837(i).

§ 67.723 Payment of invalid Canal Zone and United States money orders.

(a) *Period of validity*—(1) *Canal Zone.* As provided by 2 C.Z.C. 1142, 76A Stat. 40, money orders issued by the Canal Zone Postal Service may not be paid after 20 years from the last day of the month of original issue. Claims for unpaid money orders shall be forever barred unless received by the Canal Zone Postal Service within such 20-year period. Special authority shall be obtained from the Director of Posts on Form 1250–Rev. to pay or repay a Canal Zone money order presented after one year from the last day of the month in which it was issued and prior to the expiration of the 20-year period.

(2) *United States.* Domestic United States money orders shall not be paid after 20 years from the last day of the month of original issue. Card money orders issued within this period may be paid. However, claims for paper money orders should be made on Form 6401, "Inquiry as to Payment of Money Order", accompanied by the order, if available.

(b) *Payment of stale Canal Zone money order*—(1) *Procedure.* In order to obtain payment of the amount of an original or duplicate money order which remains unpaid after the lapse of one year from the last day of the month of issue of the original, the holder shall present such original or duplicate order to the Postmaster at any office, who shall complete Form 1250–Rev., attach the order thereto, and forward it to the Director of Posts. If the request is made by the issuing Postmaster, he shall make appropriate endorsement on the application of the original money order. If made by a Postmaster at a post office other than the issuing office, the Director of Posts will send Form 1250–Rev. to the issuing Postmaster who shall make appropriate endorsement on the original application, complete the "Certificate of Issuing Postmaster" and return the form to the Director of Posts. If the Director of Posts is satisfied that the order has not been paid or repaid and that the applicant is entitled thereto, the money order submitted will be returned to the Postmaster making the request with authorization for payment.

(2) *Bond.* The Director of Posts, before authorizing payment of a money order presented for payment after lapse of one year from the last day of issue of the original may require the payee, purchaser, or endorsee, or legal representative, heirs, or assigns of either, to furnish a bond of indemnity in a penal sum of the amount of the money order, for the purpose of securing the Postal Service against loss in the event that any other person establishes a valid adverse claim to the order.

INQUIRIES

§ 67.741 Who may receive information.

Information concerning money order transactions may be given only to the purchaser, payee, or endorsee, or his agent, or to a representative of the office of the Director of Posts.

§ 67.742 Inquiries regarding payment.

Inquiries concerning the payment of a money order shall be made on Form 6401 or Form 1266. An inquiry should not be sent until 60 days after issuance of the order.

APPLICATIONS FOR DUPLICATE MONEY ORDERS

§ 67.761 Time limitations.

(a) Except as provided by paragraph (b) of this section, an application will not be accepted or certified prior to the expiration of 60 days if the original order was intended for payment in the Canal Zone, United States, Puerto Rico, and the United States Virgin Islands, and 90 days if intended for payment in other territories and possessions of the United States, a foreign country, or to a member of the armed forces outside the Canal Zone.

(b) An application may be accepted, certified, and forwarded at once, if the mutilated order accompanies the application or the original money order has been inadvertently destroyed and the person in whose favor the application is made executes a good and sufficient bond of indemnity (Form No. 6116) in a penal sum not less than the amount of the order, conditioned upon the refund of the amount paid on the duplicate in the event that, after payment thereof, any other person establishes a valid claim to the original order, or in case the original order has been paid to the rightful owner.

(c) An application will not be accepted for a duplicate money order after 20 years from the last day of the month of original issue.

§ 67.762 Acceptance of application for duplicate money order.

(a) An application for duplicate money order may be accepted at any post office or branch on Form No. 6402.

(b) An application for a duplicate of a money order alleged to have been lost, stolen or destroyed may be accepted only from the purchaser, or the holder of the purchaser's receipt, and the duplicate

shall be issued in accordance with his wishes. A money order that is lost or stolen shall be replaced, if it had been completed by the purchaser to show his name and address and the name of the intended payee.

(c) The complete name and address of the person or firm to whom the money order was sent, as well as the complete name and last known address (house number, street, and post office) of the person to whom the duplicate is to be paid, shall be determined from the applicant by inquiry.

(d) Applications for duplicates of money orders shall be sent to the Postmaster having custody of the corresponding post office money order stub for certification and transmittal to the Director of Posts.

§ 67.763 Certification of application for duplicate order.

(a) In certifying an application for a duplicate money order, particulars thereon (number, amount, date of issue) shall be compared with those on the post office stub to see that all are entered correctly.

(b) When an application for a duplicate order is certified, the post office stub shall be endorsed: "Duplicate applied for in favor of _____ (remitter, payee, endorsee, as the case may be) _____ 19__".

§ 67.764 Waiver of claim.

(a) *Consent not required.* A duplicate money order shall be issued in accordance with the wishes of the applicant without the consent of the payee or endorsee, unless requested by the Director of Posts.

(b) *Certification of genuineness of signature*—(1) *Place.* When an application for a duplicate order contains one of the forms of waiver of claim required, the genuineness of the signature thereto shall be certified by the Postmaster at the place where the payee or endorsee resides.

(2) *Aid of other postmasters.* Other postmasters shall aid, so far as they may be able, in obtaining the waiver required by this section.

(3) *Where payee or endorsee is deceased.* If the payee or endorsee is dead, his legal representative shall sign the form and shall be required to exhibit to the Postmaster who certifies to the waiver the documentary evidence of his authority to act in that capacity.

(4) *Evidence of inability to find.* After the lapse of a reasonable time, if the payee or endorsee, or his legal representative, cannot be found, satisfactory evidence of that fact shall be forwarded to the Director of Posts, with the application for duplicate.

(5) *Bond.* A blank bond of indemnity, in a penal sum of the amount of the lost order, shall, if necessary, be sent to the remitter for execution and return to the Director of Posts. The condition of the bond shall be that if, after the issue and payment of a duplicate to the remitter, any other person establishes a valid adverse claim to the original order, the amount paid on the duplicate will be refunded to the Canal Zone Postal Service upon demand.

(c) *Refusal to consent.* When an application is made by the remitter of a lost order for a duplicate thereof payable to himself and the consent of the payee is requested by the Director of Posts, if the payee will not sign consent to repayment, the Postmaster before whom the payee appears shall complete and certify to an application signed by the payee for a duplicate to be drawn in favor of such applicant. After writing across the face of the first application the words "Consent for duplicate in favor of remitter refused", the Postmaster shall send both applications to the Director of Posts. The remitter and the Postmaster at the office of issue shall be notified of action taken in the case.

§ 67.765 Issuance and payment of duplicate money orders.

(a) Upon completion, each Form 6401, or Form 1266 Application for Duplicate, including those accompanied by bond of indemnity or by a mutilated, defaced, or illegally endorsed money order, shall be forwarded to the Director of Posts.

(b) Duplicate money orders will be issued only by the Director of Posts and not by postmasters under any circumstances.

(c) A duplicate money order is payable only to the payee named thereon or to his endorsee.

(d) A duplicate money order may be paid at any post office or branch designated as a money order office.

§ 67.766 Money orders recovered after duplicate issued.

When a money order alleged to have been lost comes into the possession of the remitter, payee, or endorsee thereof after application for a duplicate has been made, the Postmaster to whom the order is presented shall notify the Director of Posts by memorandum. If a duplicate has not been issued in lieu thereof, the Director of Posts then may authorize the payment or repayment of such original order. If a duplicate has been issued, the Postmaster to whom the order is presented shall write across it the words "Canceled—Duplicate Issued", and the order shall be sent to the Director of Posts for disposition.

Subpart M—Canal Zone Postal Savings System

General Provisions

§ 67.791 Purpose, and designation of depositories.

The postal savings system was established to provide facilities for the deposit of savings at interest with the security of the United States Government for repayment. The Governor of the Canal Zone selects and designates post offices that are to be postal savings depositories.

§ 67.792 Scope of this subpart.

This subpart covers the procedures to be followed in the conduct of postal savings operations, which include the issuance and payment of postal savings certificates, and the accounting for such transactions.

§ 67.793 Retroactive application.

This subpart applies equally to money orders or deposit orders issued in lieu of postal savings certificates prior to the effective date of this subpart. Such orders may have been endorsed or were known at various times as follows:

"Money Order"—"Deposit Money Order";
"Non-Transferable Deposit Money Order";
"Non-Transferable—Payable to Depositor Only";
"Pay Depositor Only at Office of Issue".

§ 67.794 Applicability of Federal postal laws and regulations.

The provisions of the postal laws of the United States, and of 39 CFR, relating to the issuance and payment of postal savings certificates, are applicable to and within the Canal Zone, insofar as they apply to conditions in the Canal Zone and are not in conflict with the provisions of this subpart.

Cross References: Postal savings system, see 39 U.S.C. 5201 et seq.; postal savings, see 39 CFR Part 63.

Control of Blank Certificates

§ 67.811 Defective or mutilated blank certificates.

Defective or mutilated blank postal savings certificates shall be held until they are reached in numerical sequence and then treated as "Not Issued".

§ 67.812 Protection of funds and certificates.

(a) *At post offices.* Postmasters shall be responsible for all postal savings funds, and postal savings certificates received. The certificates shall be kept in a safe when the office is closed and at least under protection of a lock during the day when not in use. The main stock of certificates shall be kept in a safe or vault in the custody of the Postmaster, Assistant Postmaster, or supervisory employee, to which unauthorized persons do not have access. Where practicable, office dating stamps shall be placed in a locked receptable when the office is closed. Where practicable, the Postmaster shall prepare and submit required postal savings reports. Where they are not prepared and submitted by the Postmaster, he shall personally verify all entries and supporting data for each item.

(b) *At post office branches.* Superintendents shall be responsible for all postal savings funds, and postal savings certificates received. The postal savings certificates shall be kept in a safe or vault when not in use. The main stock of certificates shall be kept in a safe or vault in custody of the Superintendent, to which unauthorized persons do not have access. The Superintendent personally shall prepare and submit required postal savings reports.

§ 67.813 Care in handling certificates.

Postmasters or Finance Branch Superintendents shall not transfer or lend blank postal savings certificates to other Postmasters or Finance Branch Superintendents.

§ 67.814 Theft or loss of certificates.

(a) If blank postal savings certificates are stolen or lost, the supervisor shall immediately notify the Director of Posts by telephone, and confirm by written report, giving the first and last serial numbers of the stolen or lost certificates, also stating the date on which the theft occurred or the loss was detected.

(b) Blank postal savings certificates recovered after having been reported as stolen or lost shall not be used. A report of the facts shall be submitted to the Director of Posts and the certificates held pending the receipt of instructions regarding their disposition.

Accounts

§ 67.831 Eligibility for certificates.

(a) *General eligibility.* Postal savings certificates may be issued only to:

(1) *Residents.* Bona fide residents of the Canal Zone, and not transients or persons having only transient residence in the Canal Zone.

(2) *Government and agency personnel.* Citizens of the United States of America residing in the Republic of Panama who are officers or employees in the regular, full-time service or employ of the United States Government, the Panama Canal Company or Canal Zone Government, and dependent members of their families residing with them.

(3) *Armed forces personnel.* Members of the armed forces of the United States on extended active duty who reside or sojourn in the Republic of Panama during the performance of their service with the United States of America, and dependent members of their families residing with them. This paragraph does not include members of reserve forces on temporary active duty or retired armed forces personnel.

(4) *Public administrator.* The Public Administrator for the Canal Zone, who may deposit funds from estates which are solely under his jurisdiction.

(b) *Age of depositor.* Postal savings certificates may not be issued to a person under 10 years of age.

(c) *Exceptions.* Persons who, on the effective date of this subpart, have deposits in postal savings accounts, but are not eligible to make further deposits, may leave such funds on deposit and may withdraw them at any time. In such cases, new or additional deposits shall not be permitted and certificates issued in lieu of those held on the effective date of this subpart shall be considered new or additional deposits.

§ 67.832 Applications for opening accounts.

(a) *For all deposits.* Patrons shall present completed Form 1294, "Application for Postal Savings Certificate." Postal employees may not prepare application forms for depositors.

(b) *Joint deposits.* Postal savings certificates may be made payable to husband and wife jointly. Other joint deposits are not authorized. The original application for a joint account shall be accompanied by a "Joint Depositor's Agreement", Form 1254. This agreement shall be signed by both husband and wife, and witnesses to signatures, before the certificates are issued. The agreement shall be filed with the open joint accounts.

(c) *Representative or agent of depositor.* Applications for postal savings certificates may be accepted from a representative or agent of a depositor, if the depositor first files Form 2105, "Authority for Accepting Postal Savings Deposits from Representative", indicating that deposits are to be made to his account by other persons. In such cases:

(1) The name of the representatives or agents need not be specified, and it is desirable, but not required, that the depositor complete the application form in his own handwriting.

(2) The post office accepts no responsibility for delivery of the certificate to the depositor by his agent, or the latter's failure to purchase certificate.

Cross Reference: Filing of stubs of joint deposit certificates, see § 67.834(b).

§ 67.833 Issuance of certificates.

(a) *Amount.* Postal savings certificates shall be issued only in even denominations of $5.00 or multiples thereof up to $1,000.00. The smallest possible number of certificates shall be issued on account of a single deposit. There is no limit to the amount a depositor may have on deposit in his postal savings account.

(b) *Evidence of deposits.* Nontransferable and non-negotiable certificates will be issued as evidence of deposits, payable to depositor only at offices of issue at no charge to the depositor. Certificates will be delivered to the depositors when issued, and, after issue, postmasters and other postal employees may not accept them for safekeeping.

(c) *Procedure for issuance.* Postal savings certificates shall be issued in the following manner:

(1) The application, Form 1294, shall be examined to ascertain whether all the necessary particulars appear therein and are legibly written.

(2) The impression of the office dating stamp, the serial number of the certificate or certificates issued, and the initials of the issuing clerk, shall be entered on the application.

(3) The name or names of the depositors shall be written with pen and black or blue-black ink or a post office ball point pen, except that the name of the depositor may be inserted with rubber stamp on the certificate and stub. Pencil or typewriter shall not be used. Utmost care shall be exercised to write the name of the depositor clearly and correctly.

(4) A clear impression of the office dating stamp, showing the post office and date, shall be placed in the space marked "Date of Issue" on the original certificate, stub and copy. All dating stamps MUST be the actual date of issue. Failure to make a clear impression of the dating stamp may result in embarrassment and unnecessary work when an order is presented for payment.

(5) The amount deposited shall be imprinted on the certificate and stub and punched in the certificate, stub and copy by use of the print-punch machine.

(6) A certificate shall be made payable to only one person, except a joint account.

(7) A certificate must be made payable to a complete name, i.e., "John Doe", "J. E. Doe", etc., and not by surname only. Applications requesting certificate payable to husband and wife jointly shall show the names of both such persons, i.e., "John or Mary Doe" and NOT "Mr. and Mrs. John Doe" on the certificate.

(8) The employee who actually issues the certificate must affix his initials on the certificate, stub and copy.

(9) After all particulars have been entered on the certificate and stub, the certificate should be detached from the stub and given to the depositor. The stub and copy are post office and accounting records.

(10) If there is no print-punch machine at the office of issue or the machine is out of order, postal savings certificates should be written as shown in examples or illustrations furnished by the Director of Posts.

(d) *Errors and corrections.* An alteration, change, erasure, or substitution of either names or figures may not be made in issuing a postal savings certificate. If an error of any kind occurs in issuing a certificate, it shall be treated as "Spoiled" and another certificate issued.

Cross Reference: Joint accounts, see § 67.832(b); spoiled certificates, disposition, see § 67.834(d).

§ 67.834 Disposition of component parts.

(a) A postal savings certificate, when issued, shall be delivered to the depositor or his representative or agent.

(b) The stub shall be filed alphabetically by the last name of the depositor and in numerical sequence in a separate file until paid. Stubs or joint deposit certificates shall be filed separately under the names of depositors with the "Joint Depositor's Agreement".

(c) The copy shall be forwarded to Postal Accounts with a daily report of postal savings certificates issued.

(d) Postal savings certificates that are defective by misprint or mutilation, or spoiled when issued, shall be treated as follows:

(1) Stamp or write boldly "Not Issued" or "Spoiled" across the face of the certificate, stub and copy. Detach the stub from the certificate and place it in proper sequence with other paid stubs.

(2) Submit "Not Issued" or "Spoiled" postal savings certificates and copy with the daily report of postal savings certificates issued.

§ 67.835 Care and protection of records.

All unpaid stubs and any current postal savings statements, records, or files relating to unpaid accounts shall be placed in a vault or safe regularly at the close of business each day. All such records shall be placed in vaults and safes during alerts or disaster periods. The Postmaster or Branch Superintendent shall give this matter his personal atten-

tion and shall be held accountable for the proper protection of the records.

§ 67.836 Interest.

(a) *Rate.* Postal savings certificates, for which no fee shall be charged, shall bear simple interest at the rate of one-half of one percentum for each period of three full calendar months from the date of issue.

(b) *Interest period—(i) "Three full months".* In computing interest, the term "three full months" shall be considered as follows:

(i) If a certificate is issued on the last day of the month, interest is due and payable on the last day of the month, regardless of the number of days in such month, except that:

(a) If the last day of the month falls on a Sunday or holiday, interest is not payable until the first day of the following month.

(b) If the certificate is issued February 28, interest is due and payable May 28, August 28, etc.

Interest on certificates issued August 31, therefore, would be due and payable November 30, February 28, and May 31.

(ii) If a certificate is issued other than on the last day of the month, interest is due and payable three months from the actual date of issue.

(a) If issued January 15, interest is due April 15.

(b) If issued February 1, interest is due May 1, etc.

(iii) When the computation of interest results in fraction of a cent, the fraction shall be dropped.

(c) *When paid.* Interest shall be paid only when the certificate is paid.

(d) This section applies to all outstanding deposit money orders and postal savings certificates issued prior to the effective date of this subpart.

(2 C.Z.C. § 1134, 76A Stat. 39; § 3.3(a)(3) of this chapter.)

§ 67.837 Payment of postal savings certificates.

(a) *On demand at office of issue only.* Postal savings certificates shall be payable on demand at the office of issue only to the depositor. In the case of a joint account, the certificates shall be payable to the signature of either of the depositors or the survivor. To terminate a joint account, all orders payable to the two persons jointly must be presented and cashed.

(b) *Service charge—(1) Amount and when made.* If withdrawal is made within one month from the date of issue shown on the certificate, a service charge of 20 cents shall be made for each certificate regardless of the denomination.

(2) *When and how collected.* The service charge shall be collected at the time the certificate is paid, either by deducting the amount from the principal due the depositor or by collection from the depositor.

(3) *Evidence of payment.* To evidence payment of the service charge, an ordinary 20-cent postage stamp, or equivalent, shall be affixed securely to each certificate on the back of the certificate.

(4) *Use of paid stamp.* The "Paid" date stamp shall be affixed so as to imprint on both the stamp or stamps and the certificate, thereby canceling both in one operation.

(c) *In person.* The certificate shall be paid to the depositor only at the office of issue on proper identification and payment may be made by cash, money order, or check.

(d) *By mail—(1) Requisites.* Withdrawals may be made by mail, if the certificates are properly signed by the depositor and forwarded to the Postmaster at the office of issue, and if the Postmaster is satisfied as to the identity of the depositor.

(2) *Manner of payment.* Payment shall be made by check or money order, which shall be sent by registered mail. Before mailing the payment, any money order and registry fees, and postage, shall be deducted.

(e) *Payment by check—(1) Request.* Except as provided by subparagraph (2) of this paragraph, when funds have been on deposit three months or longer and the depositor making a withdrawal from his postal savings account desires a check in lieu of cash, request shall be made to the Director of Posts on Form 015. The name, or names if a joint account, shall be shown on Form 015 identical to the name or names appearing on the postal savings certificate.

(2) *Exception.* A check valid only for local payment may be furnished a depositor at his request, when funds have not been on deposit three months or longer and the amount of money involved is $2,000 or more. On these requests, the Postmaster shall enter "Check For Local Payment Only".

(f) *Nuisance accounts.* Accounts which persistently show a rapid turnover of deposits or which are intended to serve as a safe place to leave funds for brief periods or which otherwise indicate an unreasonable use of postal savings facilities are considered nuisance accounts. Postmasters may notify these depositors in a courteous manner that the postal savings system is not to be considered as a checking account.

(g) *Payment of certificates of deceased depositors—(1) Payment to representative.* After the death of a depositor, certificates in his or her favor shall be paid to the duly authorized executor or administrator of the estate or other person only upon the authority of the Director of Posts. When it is known that a depositor has died, the stubs should be "flagged" and held to the credit of the deceased depositor.

(2) *Survivor of joint depositors.* After the death of either of two joint depositors, when a "Joint Depositor's Agreement" has been completed, the certificates remaining unpaid become the sole property of the survivor and may be paid to the survivor without the authority of the Director of Posts.

(h) *Payment of certificates to incompetent depositers.* In cases of mental disability or other legal incompetence of a depositor, contact the Director of Posts for instructions.

(i) *Identification.* The person presenting a postal savings certificate must identify himself before payment is made. Section 67.722(e) covering payment of money orders, shall govern in the payment of postal savings certificates.

§ 67.838 General procedures for payment of postal savings certificates.

(a) *Examination of the certificate—(1) Comparison with stub.* When a postal savings certificate is presented for payment, the paying employee shall examine the certificate and compare it with all particulars on the post office stub to ascertain if the certificate is valid for payment at the office where presented, and if the certificate is in order.

(2) *IBM Check Card.* Each post office and branch will be furnished with an "IBM Check Card" for use in verifying the amount for which the postal savings certificates were issued. Oblong holes are punched in the certificate, columns 1 through 9, to record the serial number and four round holes are punched in the certificate, columns 40, 42, 44, 46, to record the amount for which the certificate has been issued. Column 38 will always record an "0" (Zero) amount. By placing the certificate over the "IBM Check Card" the amount for which issued and printed at the top of the certificate can readily be verified. If more than one hole is punched in any one of the money columns, or more than 5 holes punched in all the money columns, payment should be refused, the certificate forwarded to the Director of Posts for handling with memorandum giving full details, including name and identity of person presenting the certificate for payment.

(3) *Verification by IBM Check Card.* Verification of the amount by "IBM Check Card" and comparison with original application should be made when there is doubt as to the amount for which the certificate was issued, or where particulars do not agree with those on the post office stub. The card may be used to verify serial numbers when necessary.

(b) *Signatures.* The certificate shall be signed by the depositor on the back in the presence of the paying employee who shall verify all particulars entered thereon. When in doubt, a signature should be verified with that which appears on the corresponding application, joint account card or the representative of depositor's card (Form 2105). The person presenting the certificate must identify himself before payment is made. If a certificate is paid to the wrong person through lack of precaution, the paying postal employee will be held accountable for the amount of the certificate.

(c) *Interest Due—(1) Notation of interest.* When a certificate is paid, the total amount of interest due shall be shown in red ink in the "Interest" block of the certificate and stub of the postal savings certificate. When no interest is paid, a straight line in red ink shall be drawn across the "Interest" blocks. Once the amount of interest is written on the certificate, no change or alteration shall be permitted.

(2) *Errors—(i) Underpayment of interest.* If an underpayment of interest has been made after figures have been entered in the interest block on a certificate, paying employees shall obtain a receipt in duplicate from the depositor when the additional amount is paid to him. The original receipt shall be sent to Postal Accounts with the daily report of paid postal savings certificates in support of credit taken. The duplicate shall be attached to the stub and retained in the office files. Even though an error of this nature is discovered before report of paid certificates is sent to Postal Accounts, the amount of interest shown on the certificate shall be reported. A footnote calling attention to the error may be placed on the report. The amount of unpaid interest shall not be set aside for the depositor pending his response to a notice to call, and credit shall not be taken until the short payment has actually been made to the depositor. Form 02 shall be used as the receipt form.

(ii) *Overpayment of interest.* If overpayment is made and discovered before the statement of paid certificate is sent to the Postal Accountant, the Postal Accountant shall be advised by completion of Form 02, to be prepared in duplicate. The original shall accompany the statement and the duplicate shall be attached to the stub of the postal savings certificate and retained in the office files. Correction shall not be made on the certificate itself, but the correct amount of interest shall be shown on the statement.

(d) *Date of payment.* A clear impression of the office dating stamp shall be placed in proper space on back of the certificate and on the back of the corresponding office stub. The date affixed by the paying employee shall be the actual day of payment.

(e) *Initialing paid certificates.* The paying employee's initials shall be inserted on the back of the original certificates and on the back of the corresponding office stub at time of payment, near the impression of the office dating stamp.

(f) *Application for duplicate as precluding payment.* The original postal savings certificate shall NOT be paid under any circumstances after an application for duplicate postal savings certificate has been applied for by the depositor.

(g) *Filing paid stubs.* The stubs of paid certificates shall be filed in numerical sequence in a file covering the calendar year in which paid.

(h) *Final determination regarding payment.* Final determination as to whether payment has been properly made on postal savings certificates or other evidences of deposit in the postal savings system of the Canal Zone Postal Service, including duplicates, shall be based upon the official records of the Canal Zone Postal Service.

Cross References: Date of payment stamp when service charge collected, see § 67.837 (b).

Rate of interest, see § 67.836.

§ 67.839 Privacy of accounts.

Postmasters and postal employees shall not disclose the name of any postal savings depositor nor give information concerning a particular account to any person other than the depositor himself, without specific authority from the Director of Posts.

§ 67.840 Claims.

(a) *Dispute as to ownership or claim by another person.* When there is any dispute as to the ownership, or when a claim by a person other than the depositor is made for payment, of a postal savings certificate, the Postmaster or Branch Superintendent shall withhold payment of withdrawals from the account involved pending instructions from the Director of Posts.

(b) *Limitations on claims.* All claims for payment of any postal savings certificate, or other evidence of deposit in the postal savings system of the Canal Zone Postal Service, including duplicates, which certificate or evidence of deposit, including duplicates, are shown by the records of the Canal Zone Postal Service to have been duly paid, shall be barred if not presented to the Canal Zone Postal Service within 6 years from the date on which such records show that they were paid.

§ 67.841 Disposal of paid postal savings certificates.

Postal savings certificates or other evidences of deposit in the postal savings system of the Canal Zone Postal Service, including duplicates, may be disposed of after the expiration of 6 years from date payment thereon has been made as shown by the records of the Canal Zone Postal Service.

DUPLICATE POSTAL SAVINGS CERTIFICATES

§ 67.861 Replacement of certificates

(a) A postal savings certificate that is lost, stolen, destroyed or improperly withheld, shall be replaced without charge by the Postal Service. Duplicate postal savings certificates shall be issued only by the office of the Director of Posts.

§ 67.862 Application for replacement.

(a) When notified by a depositor that his certificate or certificates have been lost, stolen, destroyed or improperly withheld, the Postmaster or his designated employee may accept an application for duplicate on Form 1266, specially endorsed or stamped to distinguish it from applications for a duplicate money order. After certification by the issuing post office or branch, Form 1266 will be forwarded to the Director of Posts for handling.

(b) Application for duplicate postal savings certificate payable to husband and wife, "Joint Depositor's Agreement", must be signed by both persons named as depositors, and such signatures shall be compared with signatures on the "Joint Depositor's Agreement" card before the application is certified by the Postmaster, Branch Superintendent, or designated employee.

(c) In certifying an application for a duplicate postal savings certificate, the issuing Postmaster shall compare the particulars of the certificate as entered therein with post office records (Form 1294—Application for Postal Savings Certificate and Unpaid Stub), to see if all particulars are correctly given. When an application for duplicate is certified by the issuing Postmaster, the application for postal savings certificate (Form 1294) and the issuing office copy of the certificate (stub) shall be endorsed to show that the duplicate has been applied for.

§ 67.863 Payment of duplicate certificate.

A duplicate postal savings certificate may be paid only at the office that issued the original certificate, under the same conditions governing the payment of the original postal savings certificate.

§ 67.864 Disposition of recovered certificate.

If, after a duplicate postal savings certificate has been issued, the depositor reports that he has found the original certificate, he shall be instructed to surrender the original certificate. The clerk to whom the certificate is surrendered shall write the word "Canceled" across its face and forward it promptly to the office of the Director of Posts.

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AUTHORITY: The provisions of this Part 69 issued by Governor under 2 C.Z.C. 1172, 69A Stat. 41; §§ 69.301 to 69.314 issued under authority vested in President by 2 C.Z.C. 1191 and delegated to Secretary of Army by § 3.1 (a) (4) of this chapter.

Subpart A—Architects and Engineers

GENERAL PROVISIONS

§ 69.1 Definitions.

As used in this subpart:

(a) "Architect" means a person who, by reason of his special knowledge of the mathematical and physical sciences and the principles of architectural design, customarily acquired by a prolonged course of specialized intellectual instruction and study and practical experience, is qualified to engage in the practice of architecture as attested by his certificate of registration as an architect.

(b) "Architect-in-training" or "engineer-in-training" means a candidate for registration as an architect or professional engineer who has been granted a certificate as an architect-in-training or engineer-in-training after successfully passing the first stage of the prescribed examination in fundamental architectural or engineering subjects, and who, upon completion of the requisite years of training and experience in architecture or engineering under the supervision of a registered architect or professional engineer, or similarly qualified architect or engineer satisfactory to the Board, shall be eligible for the second stage of the prescribed examination for registration as an architect or professional engineer.

(c) "Board" means the Canal Zone Board of Registration for Architects and Professional Engineers.

(d) "Practice of architecture" means the performance of any professional service or creative work requiring architectural education, training and experience, and the application of special knowledge of mathematics, the physical sciences, and the principles of architectural design to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with the utilization of the forces, energies, and materials of nature in the development, production, and functioning of engineering processes, apparatus, machines, equipment, facilities, structures, buildings, works, or utilities, or any combinations or aggregations thereof employed in or devoted to public or private enterprise or uses. "Practice of engineering" comprehends the practice of those branches of engineering, the pursuit of any of which affects the safety of life, health or property, or the public welfare.

(e) "Practice of engineering" means the performance of any professional service or creative work requiring engineering education, training and experience, and the application of special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with the utilization of the forces, energies, and materials of nature in the development, production, and functioning of engineering processes, apparatus, machines, equipment, facilities, structures, buildings, works, or utilities, or any combinations or aggregations thereof employed in or devoted to public or private enterprise or uses. "Practice of engineering" comprehends the practice of those branches of engineering, the pursuit of any of which affects the safety of life, health or property, or the public welfare.

(f) "Professional engineer" means a person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, customarily acquired by a prolonged course of specialized intellectual instruction and study and practical experience, is qualified to engage in the practice of engineering as attested by his certificate of registration as a professional engineer.

(g) "Responsible charge" means such degree of competence and accountability gained by education, training, and experience in architecture or engineering of a grade and character sufficient to qualify an individual to engage personally and independently in and be entrusted with the work involved in the practice of architecture or engineering.

§ 69.2 Statutory provisions.

All provisions of this subpart shall be construed in accordance with the declaration of policy contained in 2 C.Z.C. 1171, 76A Stat. 40.

§ 69.3 Practice of architecture or engineering without registration prohibited.

(a) A person engaged in or offering to engage in the practice of architecture or engineering in the Canal Zone shall submit evidence that he is qualified to practice and shall be registered as provided in this subpart; and a person may not engage or offer to engage in the practice of architecture or engineering in the Canal Zone, or by verbal claim, sign, advertisement, letterhead, card, or in any other way, represent himself to be an architect or professional engineer, or through the use of the title including the word "architect" or "engineer" or words of like import, or any other title, imply that he is an architect or professional engineer, unless he is registered under the provisions of this subpart.

(b) A corporation or firm may not engage in the practice of architecture or engineering in the Canal Zone, or use or assume any title or description which would imply that such firm or corporation is engaged in the practice of architecture or engineering, unless such practice is carried on under the responsible direction of one or more architects or professional engineers who are registered under the provisions of this subpart.

CANAL ZONE BOARD OF REGISTRATION FOR ARCHITECTS AND PROFESSIONAL ENGINEERS

§ 69.11 Continuation of Board; appointment, qualifications, terms, and removal of members; vacancies.

(a) There is continued within the agency known as the Canal Zone Government, the Canal Zone Board of Registration for Architects and Professional Engineers, which shall administer the provisions of this subpart. The Board shall consist of 2 registered architects and 3 professional engineers who shall be appointed by the Governor. A person, to be eligible for appointment to the Board, shall be a citizen of the United States and at the time of his appointment shall have been actively engaged in the lawful practice of architecture or engineering for at least 12 years and shall have been in responsible charge of important architectural or engineering work for at least 5 years next preceding this appointment, and shall be a registered architect or professional engineer as provided by this subpart. Insofar as is practicable, the engineer members shall include one representative for each of the civil, electrical and mechanical branches of engineering. Each member of the Board shall receive a certificate of his appointment from the Governor, and before beginning his term of office shall file with the Office of the Governor his written oath for the faithful discharge of his official duty.

(b) Terms of members of the Board shall be for five years each, from date of appointment, such terms to continue to be staggered on the basis of one term expiring during each year. Each member shall hold office until the expiration of the term for which he was appointed, and until his successor shall have been appointed and shall have qualified. Unless sooner removed by the Governor, Board members holding office on the effective date of this subpart shall continue to hold office for the remainder of their terms and until their successors shall have been appointed and shall have qualified.

(c) The Governor may remove any member of the Board for incompetency, misconduct, neglect of duty, or for any other sufficient cause. An appointment to fill an unexpired term on the Board shall be made within one month after the vacancy occurs, and shall be for the period of such unexpired term.

§ 69.12 Compensation of members of Board.

Each member of the Board who is not otherwise employed by an agency of the United States may be paid such compensation for his services as the Governor determines. Such compensation may not exceed $20 per day for each day the member is actually engaged upon business pertaining to his official duties as a Board member.

§ 69.13 Board meetings and organization.

The Board shall hold at least two regular meetings each year. The Board shall elect annually from its members at least a chairman and a secretary. A quorum of the Board shall consist of not less than three members and no action shall be taken without three members in accord.

§ 69.14 General powers of Board.

The Board has the power to:

(a) Adopt an official seal, and to keep minutes and records of all its transactions and proceedings, and to keep a complete record of the credentials of each applicant and registrant.

(b) Prescribe the scope, manner, time, and place for the examination of applicants for registration as architects or professional engineers, to conduct such examinations, and to make written reports of such examinations.

(c) Exercise the powers vested in the Governor or his designee by section 1173 of Title 2 of the Canal Zone Code, 76A Stat. 41, to:

(1) Investigate unauthorized and unlawful practice.

(2) Require the attendance of witnesses and the production of books and papers.

(3) Require witnesses to testify as to any matters within the jurisdiction of the Board.

(4) Issue subpoenas and administer oaths.

(d) Approve those curriculums in institutions that provide and maintain satisfactory standards for the education of students desiring to engage in the practice of architecture or engineering.

(e) Become a member of the National Council of Architectural Registration Boards and of the National Council of State Boards of Engineering Examiners and to pay such dues as said councils shall establish, and, subject to the Governor's approval in each case, to send a delegate to the annual meetings of said councils and to defray his reasonable and necessary expenses, or any portion thereof.

(f) Adopt, amend, rescind, promulgate, and enforce such administrative rules as are necessary and proper to the administration of this subpart.

QUALIFICATIONS OF APPLICANTS FOR REGISTRATION

§ 69.21 Qualifications.

Any person of good character and repute who is a citizen of the United States, or of the Republic of Panama, who is at least 25 years of age, and who speaks and writes the English language may register as an architect or professional engineer, if he:

(a) Holds a license or certificate of registration to engage in the practice of architecture or engineering issued to him by proper authority of a State, Territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico, in which the requirements and qualifications for obtaining such license or certificate of registration are reasonably equivalent, in the opinion of the Board, to the standards prescribed by this subpart; or

(b) Holds a certificate of qualification issued by the National Council of Architectural Registration Boards or the National Bureau of Engineering Registration of the National Council of State Boards of Engineering Examiners, but only if the requirements and qualifications of those bodies for obtaining certificates are reasonably equivalent, in the opinion of the Board, to the standards prescribed by this subpart; or

(c) Has had 4 or more years' experience in architectural or engineering work of a grade or character satisfactory to the Board, and indicating that he is qualified to assume responsible charge of the work involved in the practice of architecture or engineering and holds either a certificate as an architect-in-training or as an engineer-in-training issued to him by the Board or by other proper authority of a State, Territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, in which the requirements and qualifications of the authority for obtaining the certificate are reasonably equivalent, in the opinion of the Board, to the standards prescribed by this subpart; or is a graduate in architecture or engineering from an institution having a course in architecture or in engineering approved by the Board and who, in either event, successfully passes a written, or written and oral, examination prescribed by the Board on architectural or engineering subjects; or

(d) Has completed an approved secondary-school course of study or the equivalent thereof and has had 12 or more years of combined education and experience in architecture or engineering of a grade and character satisfactory to the Board and indicating that he is qualified to assume responsible charge of the work involved in the practice of architecture or engineering, and who successfully passes a written or written and oral, examination prescribed by the Board for the purpose of testing the applicant's knowledge both of fundamental architectural or engineering subjects, including mathematics and the physical sciences, and those matters which will test the applicant's ability to apply the principles of architecture or engineering to the actual practice of architecture or engineering; or

(e) Submits evidence that he is at least 45 years of age, has legally been practicing architecture or professional engineering for not less than 20 years,

of which at least 8 years shall have been in responsible charge of important architecture or engineering work and whose experience record indicates that he has borne responsibility for the work done, and has proved his ability to independently design and apply scientific principles that warrant entrusting to his sole judgment architectural or engineering projects involving public health, welfare, or large investments; and that in the opinion of the Board, his testimony would be accepted as authoritative by another responsible Board, receives no adverse character testimonials, has never been rejected for registration in the Canal Zone and receives the unanimous vote of the full Board for registration.

§ 69.22 Qualifications of architects-in-training and engineers-in-training.

The Board may regulate the certification, and certify, as an architect-in-training or as an engineer-in-training, a person of good character and repute who is a citizen of the United States, or the Republic of Panama, who is at least 21 years of age or has satisfactorily completed a curriculum approved by the Board, and who speaks and writes the English language, if he:

(a) Has satisfactorily completed a curriculum, approved by the Board, of 5 or more years in architecture or 4 or more years in engineering, and who successfully passes a written, or written and oral, examination prescribed by the Board for the purpose of testing the applicant's knowledge of fundamental architectural or engineering subjects, including mathematics and the physical sciences; or

(b) Has completed a secondary-school course of study or equivalent, approved by the Board, and has had 4 or more years of combined education, training, and experience in architecture or engineering, of a grade and character satisfactory to the Board, and who successfully passes a written, or written and oral, examination prescribed by the Board for the purpose of testing the applicant's knowledge of fundamental architectural or engineering subjects, including mathematics and the physical sciences.

§ 69.23 Qualifications of architects and engineers certified for specific projects.

The Board may register as an architect or professional engineer a person who is not a citizen of the United States, or of the Republic of Panama, who is of good character and repute, who is at least 25 years of age, and who speaks and writes the English language, if the person submits evidence, of a grade and character satisfactory to the Board, that he is an architect or engineer of established and recognized standing in the profession of architecture or engineering in his own country, and who submits certification as to his character and qualifications from at least 2 architects or professional engineers of the Canal Zone.

CROSS REFERENCE: Special certificate and registration card for person qualifying under this section, see § 69.84.

§ 69.24 Eligibility of persons not in active practice.

A person having the necessary qualifications prescribed by this subpart to entitle him to registration or certification shall be eligible therefor, although he may not be practicing his profession at the time of making his application.

APPLICATIONS FOR REGISTRATION

§ 69.31 Application and fee required.

All candidates for registration as architects or professional engineers shall file with the secretary of the Board a written application on a prescribed form and accompanied by the required fee.

§ 69.32 Contents of application.

An application for registration shall contain:

(a) Statements made under oath, showing the applicant's education, detailed summary of his experience in architectural or engineering work, and the general field or fields of engineering in which he has his principal activity; and

(b) Not less than 5 references, of whom 3 or more shall be either registered architects or professional engineers, depending on the particular candidacy of the applicant, having personal knowledge of his architectural or engineering training and experience. Members of the Board may not be used as references.

§ 69.33 Investigation of applications.

The Board shall investigate the allegations contained in any application for registration as an architect or professional engineer in order to determine the truth of the allegations.

EXAMINATIONS

§ 69.41 Waiver of examination; exception.

(a) Except as provided by paragraph (b) of this section, a person may be registered under § 69.21(a), (b) or (e) without examination.

(b) If the evidence presented in an application does not appear to the Board conclusive nor to warrant the issuance of a certificate of registration without examination, the Board may require further evidence to be presented by the applicant, and may also require him to pass an oral or written examination, or both, as the Board determines.

§ 69.42 Nature of examination.

The prescribed examinations shall be written, or written and oral, and designed to permit an applicant for registration as an architect or professional engineer to take the examination in two stages.

§ 69.43 First stage of examination.

The first stage of the examination referred to in § 69.42 shall be designed to test the applicant's knowledge of fundamental architectural or engineering subjects, including mathematics, physical and applied sciences, properties of materials, and the principles of architectural or engineering design. Satisfactory passing of this portion of the examination constitutes a credit until the applicant is registered as an architect or professional engineer, but not to exceed a period of 6 years.

§ 69.44 Second stage of examination.

The second stage of the examination referred to in § 69.42 shall be designed to test the applicant's ability to apply the principles of architecture or engineering to the actual practice of architecture or engineering.

§ 69.45 Examination of architects-in-training and engineers-in-training.

In the case of the examination of an architect-in-training or an engineer-in-training, his examination shall be limited to those matters which will test the applicant's ability to apply the principles of architecture or engineering to the actual practice of architecture or engineering.

§ 69.46 Examination of applicants not in training.

In the case of an applicant who is not an architect-in-training or engineer-in-training, the examination shall test the applicant's knowledge of fundamental architectural or engineering subjects, including mathematics and the physical sciences, and the applicant's ability to apply the principles of architecture or engineering to the actual practice of architecture or engineering.

§ 69.47 Re-examination after failure.

An applicant failing to pass an examination under this subpart may be re-examined at the next regularly scheduled examination upon payment of the prescribed fee.

EXPERIENCE CRITERIA

§ 69.61 Knowledge of architectural or engineering subjects.

Evaluation of experience in architecture or engineering shall be based upon the applicant's knowledge of the fundamental architectural or engineering subjects, which shall be broad in scope and of a nature to develop and mature the applicant's architectural or engineering knowledge and judgment.

§ 69.62 Practical experience.

Experience in architecture or engineering gained under the supervision of an architect or professional engineer and experience in architecture or engineering gained subsequent to the attaining of an equivalent of the minimum requirements for certification as an architect-in-training or as an engineer-in-training of a grade and character satisfactory to the Board, may be given full credit.

§ 69.63 Study or teaching equivalent.

In considering the qualifications of an applicant who has graduated in architecture or engineering from an approved curriculum, each year, but not exceeding two years, of successful postgraduate study and/or teaching in architecture or engineering, may be considered as

equivalent to 1 year of experience in architecture or engineering.

§ 69.64 Work performed.

The Board shall determine the competency of any person applying for a registration to assume responsible charge of the work involved in the practice of architecture or engineering, the competency to be determined by the grade and character of the architectural or engineering work actually performed.

CERTIFICATES

§ 69.81 Certificate and registration card.

The Board shall issue a certificate of registration and a pocket registration card to each architect and professional engineer granted registration under the provisions of this subpart.

§ 69.82 Contents of certificate.

The certificate of registration shall:

(a) Authorize the registrant to practice as an architect or professional engineer.

(b) Show the full name of the registrant.

(c) Have a serial number.

(d) Be signed by the chairman and secretary of the Board under the seal of the Board.

§ 69.83 Contents of registration card.

The pocket registration card shall:

(a) Show the full name and registration number of the registrant.

(b) State that the person named in the card has been granted registration to practice as an architect or professional engineer for the period ending on the 31st day of December next following.

(c) Be signed by the secretary of the Board.

§ 69.84 Certificates for architects-in-training and engineers-in-training.

The Board shall issue a certificate, attested by its seal and signed by the chairman and secretary of the Board, to an applicant who in the opinion of the Board has satisfactorily met all the requirements of this subpart for certification as an architect-in-training or engineer-in-training.

§ 69.85 Special certificate and registration card; contents.

(a) The Board shall issue a special certificate of registration and pocket registration card to every architect or professional engineer, not a citizen of the United States or the Republic of Panama, who is granted registration under the provisions of § 69.23.

(b) The special certificate of registration shall:

(1) Authorize the registrant to practice as an architect or professional engineer in connection with a specific project;

(2) Show the full name of the registrant;

(3) Have a registration number; and

(4) Be signed by the chairman and secretary of the Board under the seal of the Board.

(c) The special pocket registration card issued with the special certificate shall:

(1) Show the full name and registration number of the registrant;

(2) State that the person named therein has been granted temporary registration to practice as an architect or professional engineer;

(3) State the specific project in connection with which the special registration is granted;

(4) The period for which it is granted, not to exceed 1 year from the date of issue; and

(5) Be signed by the secretary of the Board.

§ 69.86 Display of certificate.

Whoever engages in the practice of architecture or engineering shall keep displayed in a conspicuous place in his established place of business the certificate of registration granted him under this subpart, and evidences of current renewal thereof.

§ 69.87 Certificate as presumptive evidence of qualification.

The issuance of a certificate of registration by the Board shall be presumptive evidence in all courts and places that the person named therein is entitled to all the rights and privileges of an architect or professional engineer while said certificate remains unsuspended, unrevoked, or unexpired.

§ 69.88 Refusal to examine or register to be in writing.

Whenever the Board determines otherwise than by examination that an applicant has not produced sufficient evidence to show that he is competent to assume responsible charge of the work involved in the practice of architecture or engineering, and refuses to examine or to register the applicant, it shall set forth in writing its finding and the reasons for its conclusions, and furnish a copy thereof to the applicant.

RENEWAL

§ 69.111 Renewal of registration.

The Board shall regulate the renewal of registration of architects and professional engineers registered under this subpart.

§ 69.112 Application for renewal.

The secretary of the Board shall annually mail to every architect and professional engineer registered under this subpart a blank application for annual renewal of registration, addressing such application to the last known post office address.

§ 69.113 Filing of application.

Upon receipt of an application blank for renewal of registration, a registrant shall, on or before the first day of December, execute and return the application for his annual registration renewal card to the Board together with the annual registration renewal fee.

§ 69.114 New registration card.

Upon receipt of an application and renewal fee, the Board shall issue a pocket registration renewal card which shall:

(a) Show the full name and registration number of the registrant.

(b) Be signed by the Secretary of the Board.

(c) State that the person named therein has been granted registration to practice as an architect or professional engineer for the period beginning January 1 in the year of issue and expiring on the 31st day of December in the same year.

§ 69.115 Renewal of temporary registration.

The Board, in its discretion, may renew temporary registration for periods not in excess of one year upon application therefor and payment of the annual renewal fee.

§ 69.116 Delayed renewal.

The failure on the part of a registrant to renew his certificate annually shall not deprive him of the right of renewal, if application for renewal is made within three years and evidence is submitted to the Board attesting to the continued competence and good moral character of the applicant.

§ 69.117 Duplicate certificate.

The Board shall issue a duplicate certificate of registration to replace a certificate lost, destroyed, or mutilated, subject to the rules of the Board, and upon payment of the prescribed fee.

ROSTER

§ 69.141 Rosters; contents.

The Board shall keep:

(a) A roster of all architects and professional engineers registered under this subpart, showing:

(1) The registrant's name.

(2) His place of business or employment.

(3) His registration number.

(4) The general field or fields of engineering in which the registrant is qualified to practice.

(b) A roster of architects-in-training and engineers-in-training certified under this subpart.

§ 69.142 Separate listing of temporary registrants.

Architects or engineers to whom temporary registration has been granted shall be separately listed in the roster.

§ 69.143 Publication of rosters and other information.

The rosters, together with other information of interest to the architectural and engineering professions, may be published in booklet form by the Board on the 1st day of March of each odd year. The published rosters shall contain at the beginning thereof the words: "Each architect and professional engineer receiving this roster is requested to

report to the Board the names and addresses of any persons known to be engaged in the practice of architecture or engineering in the Canal Zone whose names do not appear in this roster. The names of persons giving such information shall not be divulged."

§ 69.144 Distribution.

Copies of the rosters shall be mailed or otherwise sent to each architect and professional engineer and architect-in-training and engineer-in-training and shall be furnished to other persons upon request.

REFUSAL, SUSPENSION AND REVOCATION OF REGISTRATION

§ 69.161 Grounds for refusal, suspension or revocation of registration.

The Board may refuse to issue a certificate to any person, or to suspend or revoke the certificate of registration of any architect or professional engineer or the certification of any architect-in-training or engineer-in-training, if he:

(a) Has been convicted of a felony.

(b) Has been found guilty of deceit, misrepresentation, violation of contract, fraud, or gross incompetency, in his practice.

(c) Has been found guilty of fraud or deceit in obtaining his registration or certification.

(d) Has aided or abetted any person in the violation of any provision of this subpart.

(e) Has violated any provision of this subpart.

(f) Has been declared legally incompetent by a court of competent jurisdiction and has not thereafter been lawfully declared competent.

§ 69.162 Suspension or revocation of temporary certification.

Temporary registration shall entitle the person so registered to engage in the practice of architecture or engineering only for the duration of and in connection with a specific project for which it was granted, and shall be subject to annual renewal and to suspension or revocation as otherwise provided in this subpart.

§ 69.163 Reconsideration and reissuance of certificates.

The Board may reconsider the application of a person whose application has been refused, or, for reasons deemed sufficient by the Board, reissue a certificate of registration to an architect-in-training or engineer-in-training whose certificate has been revoked, upon payment of the prescribed fee for such reissuance.

INVESTIGATIONS, COMPLAINTS AND HEARINGS

CROSS REFERENCE: Investigations, subpoenas, and witness fees, with respect to administration and enforcement of regulations governing architects and engineers, see 2 C.Z.C. 1173, 76A Stat. 41.

§ 69.171 Unilateral action of Board.

The Board, on its own motion, may investigate the acts of any person holding or claiming to hold a certificate.

§ 69.172 Investigation of complaints filed.

The Board shall investigate the acts of any person holding or claiming to hold a certificate, upon the sworn complaint in writing of a person setting forth charges which would constitute grounds for refusal, suspension or revocation of a certificate under § 69.161.

§ 69.173 Time for hearings.

The Board shall hold hearings on all charges within 3 months after the date on which they shall have been filed, unless dismissed by the Board as unfounded or trivial.

§ 69.174 Service of charges and notice of hearing.

A copy of the charges together with a notice of the time and place of hearing shall be served on the accused at least 30 calendar days in advance of such hearing, which hearing shall be postponed if necessary to give the requisite notice.

§ 69.175 Service other than personal service in the Canal Zone.

Where personal service cannot be made within the Canal Zone, service may be made by publication or personal service in accordance with such rules as the Board may adopt, following generally and in principle the provisions of 2 C.Z.C. 882, 76A Stat. 35; 5 C.Z.C. 162, 163, 167, 76A Stat. 287, 288.

§ 69.176 Continuances.

The Board may continue a hearing from time to time and shall give notice in writing to all parties in interest of the date and hour to which the hearing has been continued, and the place at which it is to be held.

§ 69.177 Rights of accused.

At the hearing, the accused shall have the right to be represented by counsel, introduce evidence, present argument, and examine and cross-examine witnesses.

§ 69.178 Court order for production of documents or for testimony.

Upon the failure of a person to attend as a witness, when duly subpoenaed, or to produce documents when duly directed, the Board shall have power to refer the matter to the judge of the United States District Court for the District of the Canal Zone, who may order the attendance of such witness, or the production of documents, or require the witness to testify.

§ 69.179 Contempt.

Upon the failure of a witness to attend, to testify, or to produce documents, the witness may be punished for contempt of court as for failure to obey a subpoena issued or to testify in a case pending before the District Court.

CROSS REFERENCE: Contempts, generally, see 6 C.Z.C. 661–663, 76A Stat. 431, 432. See, also, 2 C.Z.C. 1173, 76A Stat. 41.

§ 69.180 Witness fees.

Witnesses in proceedings before the Board shall be paid the same fees that are paid witnesses in the United States District Court for the District of the Canal Zone.

CROSS REFERENCE: Witness fees, see 5 C.Z.C. 2562, 76A Stat. 373. See, also, 2 C.Z.C. 1173, 76A Stat. 41.

§ 69.181 Order of refusal, suspension or revocation.

If, after completion of a hearing under this subpart, the Board is of the opinion that the accused is guilty of the charges, or any of them, the Board shall issue an order refusing, suspending, or revoking the certificate. The order shall be served on the accused person in the manner prescribed by §§ 69.174 and 69.175 for service of charges on the accused.

§ 69.182 Record of proceedings, and transcripts.

(a) The Board shall preserve a complete record of all proceedings pursuant to a hearing under this subpart wherein a certificate is refused, revoked, or suspended, which the Board shall file with the Governor.

(b) The record of the proceedings shall consist of:

(1) The notice of hearing.

(2) The complaint.

(3) All documents in the nature of pleadings and written motions filed in the proceedings.

(4) The transcript of testimony.

(5) The orders of the Board.

(c) The Board may furnish a transcript of a record at cost to any person interested in a hearing. A transcript of any entry in the minutes and records of the Board, certified by the Secretary under the seal of the Board, is prima facie evidence of the original entry in the Board's minutes and records.

CROSS REFERENCES: Authentication of copies of records, see 5 C.Z.C. 2992, 76A Stat. 397. Proof of official documents, see 5 C.Z.C. 3131, 76A Stat. 404.

EXEMPTIONS

§ 69.191 Exemptions.

(a) The provisions of this subpart do not prevent:

(1) The practice of architecture or engineering for not exceeding 30 days in the aggregate in 1 calendar year by a nonresident not having a place of business in the Canal Zone, if he is licensed or registered to engage in the practice of architecture or engineering in a State, Territory or Possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, in which the requirements and qualifications for obtaining a license or registration are reasonably equivalent, in the opinion of the Board, to those prescribed by this subpart.

(2) The practice of architecture or engineering for more than 30 days by a nonresident not having a place of business in the Canal Zone, or by a person who has recently become a resident of or has recently entered the practice of architecture or engineering in the Canal Zone, and who has filed with the Board an application for registration, if he is registered or licensed to engage in the practice of architecture or engineering

in a State, Territory or Possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, in which the requirements and qualifications for obtaining a license or registration are reasonably equivalent to those prescribed by this subpart.

(3) The performance of architectural or engineering work by a person who acts under the supervision of an architect or a professional engineer, or by an employee of a person lawfully engaged in the practice of architecture or engineering, and, who, in either event, does not assume responsible charge of design or supervision.

(4) The practice of architecture or engineering as a consultant, officer, or employee of, or pursuant to contract with, the Government of the United States or of the Panama Canal Company while engaged solely in such practice for the Government or Company.

(5) The practice of any other legally recognized profession.

(6) The execution of construction work as a contractor, or the superintendence of construction work as a foreman or superintendent.

(7) The work performed as a salesman of engineering equipment or apparatus.

(8) The design or construction of a single-story building, that will not cover over 500 square feet of ground area, and will not have a height of over 15 feet from the ground to the ceiling.

(9) The single-story alteration of an existing building which will not have a height of over 15 feet from the ground to the ceiling, will not cover over 500 square feet of ground area, and will not affect the structural, electrical or mechanical safety of the building.

(b) This section is subject to § 69.192.

§ 69.192 Misleading advertising.

A person exempted under § 69.191 may not use words, letters, figures, or other devices in such a manner as to convey the impression that he is an architect or professional engineer duly registered under this subpart.

§ 69.193 Time limitation on certain exemption.

The exemption allowed in § 69.191(a)(2) shall continue only for such time as the Board may require for consideration of the application therein mentioned.

SEAL OF REGISTRANTS

§ 69.211 Seal required.

Every person registered under this subpart shall obtain a seal of a design authorized by the Board which shall bear:

(a) The registrant's name and registration number.

(b) The legend "Registered Architect" or "Registered Professional Engineer".

(c) Such other words or figures as the Board deems necessary.

§ 69.212 Use of seal.

The seal of an architect or professional engineer registered under this subpart, or a facsimile imprint of it, shall be stamped on all plans, specifications, and reports by the registrant responsible for the accuracy and adequacy of such plans, specifications, and reports. A registered architect or engineer shall affix or permit his seal to be affixed only to those plans, specifications or drawings for which he assumes full responsibility as to adequacy and accuracy.

§ 69.213 Misuse of seal.

A person may not use his seal during the period in which his registration is expired, suspended, or revoked, nor may a person use a seal of any design not approved by the Board.

FEES

§ 69.221 Fee schedule.

Each application for registration as an architect or professional engineer shall be accompanied by the appropriate prescribed application fee and the registration fee, as follows:

(a) Application fee for architect or professional engineer with first- and second-stage examination, $25.

(b) Application fee for architect or professional engineer without examination, $25.

(c) Application fee for architect-in-training or engineer-in-training, $10.

(d) Application fee for architect or professional engineer with second-stage examination, $15.

(e) Fee for re-examination, to be determined by the Board, but not to exceed $10.

(f) Temporary registration of architects or professional engineers not citizens of the United States or the Republic of Panama, $25.

(g) Annual registration renewal fee for architects or professional engineers, to be determined by the Board, but not to exceed $10 plus delinquency fees.

(h) Fee for reissuance of revoked certificate of architect-in-training or engineer-in-training, $10.

(i) Fee for reissuance of revoked registration certificate, $25.

(j) Fee for issuance of duplicate certificate of registration, $5.

(k) Fee for renewal of certificate after date due, to be increased $1 for each month or fraction of a month that payment of renewal is delayed, but not to exceed $25.

§ 69.222 Payee of checks or money orders.

Checks or money orders in payment of fees should be made payable to the Panama Canal Company.

§ 69.223 Non-refundability.

Should the Board deny the issuance of a certificate or registration to an applicant, the fee deposited with the application shall not be refunded to the applicant.

§ 69.224 Separate payment of fees by persons in training.

A person desiring certification as an architect-in-training or engineer-in-training shall pay the prescribed application fee for the certification with his application and shall later pay the additional application fee and the registration fee upon filing his application for registration as an architect or professional engineer.

MISCELLANEOUS PROVISIONS

§ 69.231 Separation of responsibility of architects and engineers.

Where the professions of both architecture and engineering are involved in the preparation of designs, plans, specifications and reports, the architecture shall be the responsibility of the registered architect and the engineering shall be the responsibility of the professional engineer.

§ 69.232 Annual report.

The Board shall submit an annual report to the Governor on the first Monday in August, containing a summary of the official acts during the next preceding fiscal year and recommendations for such further legislation relating to the practice of architecture or engineering as may be necessary in the public interest.

§ 69.233 Penalties for violation of regulations.

As provided by section 1175 of 2 C.Z.C., 76A Stat. 41, whoever violates any provision of this subpart shall be punished by a fine of not more than $500, or by imprisonment in jail for not more than 1 year, or both.

CROSS REFERENCE: Injunctions to restrain violations of regulations, see 2 C.Z.C. 1174, 76A Stat. 41.

Subpart B—Practice of Medicine and Dentistry

§ 69.301 Definitions.

As used in this subpart, unless the context otherwise requires:

(a) "Disease" means any blemish, defect, deformity, infirmity, disorder, or injury of the human body or mind, and pregnancy, and the effects of any of them.

(b) "Practice of medicine" means the art of detecting or attempting to detect the presence of disease; of preventing, relieving, correcting, or curing, or of attempting to prevent, relieve, correct, or cure, any disease; of safeguarding or attempting to safeguard the life of any woman and infant through pregnancy and parturition; and of doing or attempting to do any of the acts enumerated in this paragraph. "Practice of medicine" does not include dentistry, optometry, pharmacy, or nursing.

(c) "Practice of dentistry" means any act, operation, or service which attempts or professes to perform, adjust, remove, treat, diagnose, construct, or replace any impressions, teeth, restorations, furnishings, replacements, artificial substitutes, bands, crowns, bridges, appliances, or any structural restorations, in the human oral cavity or its contiguous parts.

(d) "To practice" means to do or to attempt to do, or to hold oneself out or to allow oneself to be held out as ready to do, any act enumerated in paragraphs (b) or (c) of this section, as constituting a part of the practice of medicine,

or dentistry, for a fee, gift, or reward, whether tangible or intangible.

(e) "Health Director" means the Director of the Health Bureau of the Canal Zone Government.

§ 69.302 Requirement of license.

A person may not practice medicine or dentistry in the Canal Zone who is not (a) licensed to do so, or (b) exempted from licensure under this subpart. All licenses to practice medicine or dentistry in the Canal Zone issued by proper authority prior to the adoption of this subpart shall remain in effect unless suspended or revoked by the Health Director of the Canal Zone Government in accordance with procedures prescribed by this subpart.

§ 69.303 Practice to accord with license.

A person may not practice medicine or dentistry in the Canal Zone otherwise than in accordance with the terms of his license.

§ 69.304 Application for license; qualifications; fee.

(a) An application for a license to practice medicine or dentistry shall be sent to the Health Director and shall be accompanied by satisfactory proof that the applicant:

(1) Is 21 years of age or over (birth certificate or similar evidence thereof).

(2) Resides or intends to reside in the Canal Zone or in the Republic of Panama and intends to practice in the Canal Zone.

(3) Is of good moral character as shown by at least three letters of favorable character testimony.

(4) Is not addicted to intemperate use of alcoholic stimulants or narcotic drugs.

(5) In the case of an application to practice medicine, is a graduate of a school accredited by the American Medical Association as a grade "A" school of medicine, or holds a certificate from the Educational Council of the American Medical Association for Foreign Medical Graduates.

(6) In the case of an application to practice medicine, has satisfactorily completed at least one year of internship in a hospital recognized by the American Medical Association or in a hospital in a foreign country recognized by the Health Director as having standards equal to those of hospitals recognized by the American Medical Association.

(7) In the case of an application to practice dentistry, is a graduate of a school accredited by the American Dental Association as a grade "A" school of dentistry or of a school of dentistry in a foreign country recognized by the Health Director as having standards equal to those of a school accredited by the American Dental Association as a grade "A" school of dentistry.

(b) Each application for a license shall be accompanied by a fee as follows:

(1) For a license on the basis of an examination	$50
(2) For a license without examination	10

The Health Director may refund $40 of the $50 fee to an applicant if the applicant is by reason of sickness or other adequate cause or circumstance beyond his control prevented from taking the examination.

§ 69.305 Appointment of examining boards.

Whenever an application to practice medicine or dentistry is received, the Health Director shall refer it to a board of examiners appointed by him, either generally or for the specific case, to determine if the applicant is qualified to practice medicine, or dentistry, in the Canal Zone. Except as provided by §§ 69.307 and 69.308, each applicant shall be given an examination covering all subjects, which, in the opinion of the Board, are appropriate for proper evaluation of an applicant's qualifications to practice medicine, or dentistry, as the case may be.

§ 69.306 Organization and functioning of examining boards.

Each examining board shall consist of three members, and membership on one examining board shall not be a bar to membership on another. The Health Director shall:

(a) Designate one of the members of each board to act as chairman.

(b) Furnish each board with such secretarial or stenographic assistance as may be necessary.

(c) Prescribe such general rules as may be necessary to govern the procedure to be followed by the boards.

§ 69.307 National or State examination in lieu of local examination.

In determining the qualifications of an applicant for a license to practice medicine, or dentistry, a board appointed pursuant to § 69.306 may accept the certificate of examination of a National or State Board of Medical Examiners of the United States, or the certificate of a National or State Board of Dental Examiners, as the case may be, in lieu of and as an equivalent to, its own examination.

§ 69.308 Issuance of license without examination.

(a) When a board appointed pursuant to § 69.305 finds that an applicant is otherwise qualified, a license may be issued to the applicant without examination if he has been issued a license to practice medicine, or dentistry, as the case may be, in a State, Territory, or Possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, or in any foreign country, which, in the opinion of the board, has education and other requirements equal to those of the Canal Zone.

(b) Physicians or dentists having been employed as such by any agency of the United States in the Canal Zone for a period of not less than 12 months, whose services in that employ were satisfactory, and who are bona fide residents of the Canal Zone or Republic of Panama at the time of making application for such license, may be licensed to practice medicine, or dentistry, as the case may be, in the Canal Zone without examination. Service as an intern in a hospital shall not be considered as employment as a physician under this paragraph.

§ 69.309 Issuance of license by Health Director.

Upon the receipt of a report from the examining board which certifies that an applicant is qualified to practice medicine, or dentistry, as the case may be, in accordance with this subpart, the Health Director shall issue the applicant a license to practice his profession in the Canal Zone, unless he finds it necessary, because of some conflict or noncompliance with the regulations of this subpart, to return the application to the examining board for its further consideration or its reconsideration.

§ 69.310 Registration of licenses.

The Health Director shall cause all licenses to be numbered and recorded in an appropriate manner.

§ 69.311 Suspension or revocation of license.

The Health Director may suspend or revoke a license to practice medicine, or dentistry, issued to a person under this subpart who, after due notice and hearing, is found to be guilty of unprofessional or dishonorable conduct or is incapable for any reason of continuing to perform his professional duties.

§ 69.312 Exemption from licensure.

The provisions of this subpart forbidding the practice of medicine or dentistry without a license shall not apply to the following, in the discharge of their official duties:

(a) Commissioned medical or dental officers of the United States Armed Forces or of the United States Public Health Service.

(b) Interns and residents-in-training employed by, or in training with, the Canal Zone Government or any other agency of the United States.

(c) Physicians or dentists acting as consultants to or in training with the Canal Zone Government or any other agency of the United States.

(d) Medical officers employed by the Canal Zone Government prior to June 26, 1964.

§ 69.313 Practices to which this subpart is inapplicable.

The provisions of this subpart are not applicable to:

(a) The treatment of any case of actual emergency.

(b) The treatment of crew members and passengers of vessels by the individual acting as medical officer of a vessel.

(c) The practice of massage, or dietetics, or the use of hygienic measures, for the relief of disease or to the practice of any other form of physiotherapy for the relief of disease, or to the practice of X-ray or laboratory technicians, under the direction of a person licensed to practice medicine or dentistry in the Canal Zone.

(d) The use of ordinary hygienic, dietetic, or domestic remedies unless such use is in violation of the provisions of §§ 69.301 and 69.302.

(e) Persons treating human ailments by prayer or spiritual means, as an exercise or enjoyment of religious freedom unless the laws, rules, and regulations relating to communicable diseases and sanitary matters are violated by such exercise; or

(f) The sale, manufacture, or advertising of drugs and medicines unless the vendor, maker, or advertiser attempts to diagnose in connection with such sale, manufacture, or advertising.

§ 69.314 Penalties for violation of regulations.

As provided by 2 C.Z.C. 1192, 76A Stat. 41, whoever violates a provision of this subpart shall be fined not more than $100 or imprisoned in jail not more than 30 days, or both; and each day the violation continues constitutes a separate offense.

SUBCHAPTER C—SHIPPING AND NAVIGATION

PART 101—ARRIVING AND DEPARTING VESSELS: VARIOUS QUARANTINE, CUSTOMS, IMMIGRATION AND ADMEASUREMENT REQUIREMENTS

Sec.

101.1 Visual-signal stations at Canal approaches.
101.2 Boarding of arriving vessels.
101.3 Functions of the boarding officer.
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101.5 Compliance with quarantine and immigration instructions.
101.6 Identification signals.
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101.12 Advance papers required by airmail.
101.13 Entry and clearance of vessels.
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AUTHORITY: The provisions of this Part 101 issued under authority vested in President by 2 C.Z.C. 1331, 76A Stat. 46 and, where the context so indicates, by 2 C.Z.C. 841 and 911, 76A Stat. 32, 36; delegated to Secretary of Army by, respectively, §§ 3.1 (a)(1), 3.1(b), and 3.1(a)(3) of this chapter.

§ 101.1 Visual-signal stations at Canal approaches.

The established visual-signal stations with which vessels may communicate upon arriving at the Canal approaches, by means of International Code and flashing light, are located on the seaward end of Pier 6, Cristobal, and on Flamenco Island at the Pacific entrance. Such stations are also utilized to assist in control of traffic at the terminal ports. The signal station at Flamenco Island is also equipped with voice radio.

CROSS REFERENCE: See Part 103 for provisions respecting other visual-signal stations. See, also, Part 123 for provisions respecting radio communication by vessels prior to arrival and while they are in Canal Zone waters.

§ 101.2 Boarding of arriving vessels.

Arriving vessels will be boarded upon arrival inside the breakwater at the Atlantic entrance or off the seaward end of the dredged channel at the Pacific entrance by a Canal boarding officer in accordance with procedures and boarding hours established for the boarding of vessels at the respective ports by the Canal authorities.

§ 101.3 Functions of the boarding officer.

The boarding officer shall perform the functions of admeasurer for the purpose of determining Panama Canal tolls; shall make inspections for the purpose of insuring compliance with quarantine, immigration, and customs laws and regulations; and shall act as deputy shipping commissioner for seamen aboard U.S. flag vessels pursuant to 2 C.Z.C. 1381 and 1382, 76A Stat. 48.

§ 101.4 Measurement of vessel making maiden transit.

A vessel that arrives after 8 p.m. and is to make her maiden transit will normally be admeasured on the following day.

§ 101.5 Compliance with quarantine and immigration instructions.

(a) In the case of vessels subject to quarantine inspection, all persons shall comply strictly with instructions from the boarding officer until such time as pratique is granted.

(b) In the case of vessels subject to immigration inspection, all persons shall comply strictly with instructions from the boarding officer in all matters concerning immigration inspection; and, until the vessel has been granted immigration clearance, no person other than the boarding officer and the pilot shall go aboard or leave the vessel unless authorized to do so by the boarding officer.

§ 101.6 Identification signals.

Every vessel shall hoist its signal letters when approaching and entering a terminal port, and those arriving at night shall promptly signal their names, by flashing light, to the signal station. This communication of the vessel's name by signal letters or flashing light is mandatory even though the vessel communicates by voice radio. The signal station on Flamenco Island is equipped with voice radio for communication with vessels approaching the Pacific Entrance to the Canal on the following frequencies: International Calling and Distress 2182 kc and Panama Canal Company 2846 kc.

§ 101.7 Anchoring to await boarding officer.

When a vessel is not boarded immediately on arrival, it shall anchor in the appropriate, designated anchorage area and await the boarding officer. Small craft may be permitted by the Port Captain, Cristobal, with the consent of the boarding officer, to anchor in the designated Atlantic-entrance small-craft anchorage prior to clearance. Such craft may not communicate with shore until clearance is granted. After clearance, all communications with shore shall be through the Pier 8–9 landing only.

§ 101.8 Merchant-vessel and small-craft anchorages.

The following areas are designated as merchant-vessel anchorages:

(a) *Atlantic entrance merchant-vessel anchorage.* An area to the west of the Canal channel bounded as follows: Starting at a point "A", located in position 9°21'25" N., 79°55'31" W., and marked by gas buoy No. 2, thence 900 yards 270° true to a point "B" located in position 9°21'25" N., 79°55'58" W., thence to lighted buoy "I", thence to lighted buoy "H", thence due north to a point "C" located in position 9°22'07" N., 79°56'41" W., thence 2,800 yards 59° true to a point "D" located in position 9°22'50" N., 79°55'29" W., and thence to the starting point. The line extending due west from the Cristobal Mole through lighted beacon No. 1 and lighted buoy No. 2 (9°21'25" North) marks the southern limit of the anchorage area. Except as provided by §§ 101.7 and 105.3, no vessel shall pass this line without having been passed by the boarding officer and without having a Canal pilot on board.

(b) *Atlantic entrance small-craft anchorage.* An area to the east of the Canal channel bounded as follows: Starting at buoy "A" a flashing amber buoy located in position latitude 9°20'43" N., longitude 79°55'10" W., thence 1075 yards 066° true, through fixed amber lighted buoy "B" to fixed amber lighted buoy "C", thence 375 yards, 143° true, thence 1760 yards 233° true to the east prism of the Canal channel thence due north 410 yards to flashing white lighted buoy "3", thence 525 yards 023° true to starting point at buoy "A".

(c) *Gatun Lake anchorage basin.* An area immediately east of the Canal channel line, bounded by a line extending to a point 450 yards, 120° true from the east wing-wall at the south end of Gatun Locks, thence 690 yards, 148° true to flashing white lighted buoy "A" thence 700 yards, 070° true to flashing white lighted buoy "1" thence 1,130 yards, 148° true to quick flashing white lighted buoy "3" thence 2,800 yards, 224° true through fixed white lighted buoy "5" and black can buoy "7" to the Canal channel line at flashing white lighted buoy "9"; the channel prism line being the westerly boundary line of the anchorage area.

(d) *Pacific entrance merchant-vessel anchorage.* An area bounded as follows: beginning at a point in position 8°51'50" N., 79°30'00" W., marked by a lighted, whistle buoy which is painted with alternating black and white vertical stripes and which shows short-long flashing white light every 8 seconds, i.e., light 0.4 second, eclipse 0.4 second, light 1.6 seconds, eclipse 5.6 seconds; thence due east to longitude 79°28'00" W.; thence due north to latitude 8°54'31" N.; thence due west toward Flamenco Island Light to a point 8°54'31" N., 79°30'46" W.; thence southwestward touching the northwest corner of San Jose Rock to position 8°53'27" N., 79°31'23" W., marked by canal-entrance lighted buoy No. 2; thence southeastward to the point of beginning.

(e) *Pleasure yachts.* Pleasure yachts may be permitted to dock at the Panama Canal Yacht Club or the Balboa Yacht Club after clearance by the boarding officer and after the Master has received permission from the Port Captain, Customs authorities and Yacht Club officials concerned. The Chief Customs Inspector shall have the authority to grant or deny such permission at his discretion.

§ 101.9 Papers required by boarding officer.

On arrival, there shall be ready for immediate delivery to the boarding officer, for inspection or delivery, as the case may be, the papers, and number of copies of each, concerning tonnage of vessel, cargo, persons on board, health conditions, pratique, and such other matters upon which information is necessary, as are prescribed by § 101.10. The required manifests, lists and statements shall be sworn to by the Master or agent of the vessel. If a vessel fails to present any one of the prescribed papers upon arrival it shall be subject to delay or to denial of entry or denial of the use of Canal Zone port and other facilities in whole or in part in accordance with § 101.13, but it shall not be subject to fine.

§ 101.10 Same; list.

(a) *Documents for boarding officer.* All documents listed below shall be ready for immediate delivery to the boarding officer when he boards the vessel upon each arrival of the vessel in the Canal Zone:

Documents required	From ships which transit Canal but do not take on or discharge passengers or cargo at Canal Zone ports (number of sets)	From ships taking on or discharging passengers or cargo at Canal Zone ports (number of sets)
(1) Ship's information and quarantine declaration (Panama Canal Form 4368)	1	1
(2) Clearance from last port	[i] 1	[i] 1
(3) All certificates of a sanitary nature	[i] 1	[i] 1
(4) Passenger list: Passengers transiting only (on Panama Canal Form 30)	[ii] 2	[ii] 2
(5) Passenger list: Passengers for discharge (on Panama Canal Form 18-9)	0	[iv] 4
(6) Crew list (on Panama Canal Form 1509-10)	2	2
(7) Store list	[iii] 1	[iii] 1
(8) Cargo declaration (Panama Canal Form 4365)	1	[v] 1
(9) Manifest of local cargo	0	4
(10) Panama Canal tonnage certificate	1	[iv] 1
(11) National register	[i] 1	[i] 1
(12) General arrangement and engine room plans	[v] 1	[iv] 1
(13) Report of structural alterations and of changes in use of tanks or other spaces since last transit	1	[iv] 1
(14) Declaration by all vessels except ships of war of all arms and munitions of war aboard other than explosives declared separately	[vi] 2	[vi] 2
(15) Declaration as to vessel's port(s) of departure, destination, and ports of call, within the last three months, with the corresponding actual or approximate dates	1	1

[i] For examination and possible retention.
[ii] Not required unless such persons or cargo are carried.
[iii] Required if ship during transit is laid up for repairs, regardless of whether passengers or cargo are taken on or discharged.
[iv] Not required unless ship transits Canal.
[v] For taking up and subsequent return through agent or otherwise.

(b) *Documents required at ports.* In case a vessel takes on or discharges passengers or cargo at only one Canal Zone port and does not transit the Canal, the documents in the number indicated in column two are required. In case a ship docks or takes on or discharges passengers or cargo at both Cristobal and Balboa, or at a port other than the port of entry, all documents in the number indicated in column two are required at the first port and, in addition, four copies of document (9) are required at the second port.

(c) *Crew list.* For purposes of additional identification of crew members, all copies of the crew list required by this section shall include for each seaman the serial number of his certificate of identification, continuous discharge book, passport or other satisfactory identifying documentation. In addition, the given name and middle initial, as well as the family name, shall be shown for all seamen.

§ 101.11 Passenger list.

All copies of the passenger lists required by § 101.10 shall be accurate and legible and shall be delivered to the boarding officer. The list shall show passengers in alphabetical order. Passengers who are to be discharged at Canal Zone ports shall be listed separately from other passengers aboard who are only to transit the Canal. In the event that any passenger listed for discharge fails to disembark, or any passenger listed for transit disembarks, notice thereof shall be given promptly by the Master through his ship's agent to the Port Captain and a supplementary passenger list (same number of copies as is required for an original list of disembarking passengers) showing the required information concerning such passengers shall be furnished promptly to the Chief Customs Inspector prior to clearing Canal Zone waters.

§ 101.12 Advance papers required by airmail.

(a) In addition to the information required by § 101.10 to be delivered to the boarding officer by vessels upon arrival in the Canal Zone, the master of any vessel destined for entry into Canal Zone waters shall dispatch to the Port Captain of the port of entry, sufficiently in advance so that it shall arrive in the Canal Zone at least 48 hours prior to the vessel's arrival, the following information in duplicate:

(1) List of passengers transiting only: Panama Canal Form 20 may be used; if such form is not used, the name, sex, age, color, nationality, port of embarkation, and final destination of each passenger in this category shall be furnished.

(2) List of passengers to be discharged: Panama Canal Form 18–9 may be used; if such form is not used, the name, sex, age, color, nationality, port of embarkation, and final destination of each passenger in this category shall be furnished.

(3) Crew list: Panama Canal Form 1509–10 may be used; if such form is not used, the full name, capacity or duty, birthplace, age, and citizenship of each crew member shall be furnished.

(4) Cargo declaration: Panama Canal Form 4363 may be used; if such form is not used, the general description, number of tons, country or port of origin, and the country or port of destination of the cargo shall be furnished.

(5) Statement of the vessel's port of departure, destination, and ports of call, within the last 3 months, with corresponding actual or estimated dates.

(6) Expected time of arrival in Canal Zone waters.

(b) Notification of any corrections to or changes in the information furnished under paragraph (a) of this section shall be given promptly by airmail or by radio to the United States Navy Radio Station, Balboa, Canal Zone, addressed to the Port Captain at the Canal Zone port of arrival.

(c) The master of a vessel which has entered Canal Zone waters and in connection with such entry has furnished the information required by this section within a period of 1 month prior to its estimated time of arrival, may, if desired, in lieu of the information required by paragraph (a) of this section, give notification only of changes from the prior information furnished.

(d) All information required to be furnished by this section shall be certified as correct by the master of the vessel.

(e) Failure to comply with the requirements of this section will subject the vessel to delay in transiting and/or clearance, but not to fine.

§ 101.13 Entry and clearance of vessels.

(a) An arriving vessel shall be entered either at the port of Balboa or the port of Cristobal, depending upon the vessel's port of arrival. A vessel is entered by the Canal authorities upon the report of the boarding officer, and it is not necessary for the Master to come ashore for that purpose. In the discretion of the Port Captain at the port of entry, or such other official as may be designated by the Governor, a vessel may be denied entry, or may be denied the use, in whole or in part, of Canal Zone port facilities, for failure to have:

(1) A valid National Register;

(2) A proper clearance from its last port of call; or

(3) The cargo documents required by § 101.10.

Except in bona fide cases of distress, a vessel that is denied authorization to enter shall be denied authorization to transit the Canal and shall be required immediately to depart from Canal Zone waters. A vessel whose use of Canal Zone port facilities has been restricted pursuant to the provisions of this section shall be deemed to have been provisionally entered and its use of Canal Zone port facilities shall be contingent upon its strict adherence to the limitations imposed. For any failure to comply strictly with such limitations, such a vessel may be required, in the discretion of the cognizant Port Captain or other official designated by the Governor, to depart immediately from Canal Zone waters.

(b) Any vessel that has entered or provisionally entered the Canal Zone shall, prior to its departure therefrom, obtain clearance from the Port Captain at the port of departure or such other official as may be designated by the Governor. Clearance shall be issued only after the cognizant Port Captain or other designated official has satisfied himself that:

(1) All documents and statistical data required for entry or provisional entry by the Canal authorities respecting the vessel and its cargo and passengers have been furnished;

(2) Tolls and all other charges for services or supplies furnished by the Canal Zone Government or the Panama Canal Company have been paid or the payment secured; and

(3) The vessel has complied with the quarantine, customs and exclusions laws, rules, and regulations of the Canal Zone Government, and the laws, rules, and regulations governing the shipping, discharging and protection of seamen.

In the case of a vessel provisionally entered, the fact of such provisional entry, and the reason therefor, shall be noted on its clearance. No clearance shall be given to a vessel to which entry has been denied.

§ 101.14 Penalties for violation.

Whoever violates any of the provisions of §§ 101.1 to 101.13 is subject to punishment, as the case may be, as provided in 2 C.Z.C. 1331, 76A Stat. 46 (navigation, etc.: fine of not more than $100, or imprisonment in jail for not more than 30 days, or both); 2 C.Z.C. 841(b), 76A Stat. 32 (immigration: fine of not more than $100, or imprisonment in jail not more than one year, or both); or 2 C.Z.C. 912(2), 76A Stat. 36, (quarantine: fine of not more than $500, or imprisonment in jail for not more than 90 days, or both).

PART 103—GENERAL PROVISIONS GOVERNING VESSELS

Sec.
103.1 Regulations to be kept aboard.
103.2 Denial of passage to dangerous vessel.
103.3 Discovery of defect in vessel during transit or while underway.
103.4 Load and trim.
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103.23 Vessels at wharves; fire watch; gangways.
103.24 Gangway watch on vessels at piers in wartime, etc.
103.25 Fishing or placing of nets or other obstructions prohibited.
103.26 Obstructions not to be placed across channels or docks.
103.27 Clear view forward from bridge.
103.28 Towing of certain vessels required.
103.29 Anchoring in Canal Zone waters.
103.30 Assignment of berth.
103.31 Shifting berth.
103.32 Engine orders to be recorded.
103.33 Navigation in Gaillard Cut.
103.34 Same; Control by Port Captain, Balboa.
103.35 Signal stations.
103.36 Routing of signals.
103.37 Traffic signals.
103.38 Special traffic signals in Gaillard Cut.
103.39 Arrow signals; locks.
103.40 Transit schedules; pennants.
103.41 Ships to display schedule number.
103.42 Penalties for violation.

AUTHORITY: The provisions of this Part 103 issued under authority vested in President by 2 C.Z.C. 1331, 76A Stat. 46, and delegated to Secretary of Army by § 3.1(a)(1) of this chapter.

§ 103.1 Regulations to be kept aboard.

All vessels shall keep aboard not less than one copy of the current regulations contained in Subchapters A, B, and C of this chapter. Vessels arriving for the first time without such regulations aboard shall obtain them through their ships' agent as soon as practicable after arrival.

§ 103.2 Denial of passage to dangerous vessel.

The Canal authorities may deny any vessel passage through the Canal when the character or condition of the cargo, hull, or machinery is such as to endanger the structures pertaining to the Canal, or which might render the vessel liable to obstruct the Canal, or whose draft, at any part of the vessel, exceeds the maximum allowable draft in the Canal as designated from time to time by the Canal authorities.

§ 103.3 Discovery of defect in vessel during transit or while underway.

Upon the discovery during transit of the Canal, or at any time while underway, of any defect in a vessel of such serious nature that it might interfere with further passage or with her safe navigation, the vessel shall stop and, if practicable, be anchored or moored at the first available place. A full report shall be made immediately to the Port Captain by radio or by the best means available.

§ 103.4 Load and trim.

(a) A vessel shall not be permitted to transit the Canal if she:

(1) Has a list of more than 10 degrees;

(2) Is so tender or otherwise so loaded as to dangerously affect her stability or maneuverability; or

(3) Is so trimmed as to dangerously affect her maneuverability.

(b) A vessel having a list of between 3 degrees and 10 degrees, or which is so loaded or so trimmed as to adversely affect her maneuverability, may be permitted to transit in the discretion of the Port Captain, provided the Master thereof, in the presence of the Pilot, signs an undertaking, for the said vessel, her owners, operators, or any other persons having any interest in her, and for himself, releasing the Panama Canal Company from and indemnifying it against, any loss, damage, or liability incurred by the Panama Canal Company under, or in respect to:

(1) Sections 291 through 297, inclusive, of Title 2 of the Canal Zone Code, 76A Stat. 23–25;

(2) Panama Canal Company or Canal Zone Government property; and

(3) Panama Canal Company or Canal Zone Government employees under the Federal Employees' Compensation Act to the extent and in the proportion that such failure to meet the requirements of this section proximately causes or contributes to the casualty and resulting damages.

(c) Nothing shall be done, or permitted to be done, by the Master or any member of the crew, which would materially alter the trim and/or draft of a vessel while it is transiting the Canal, without the prior, express approval of the Pilot.

CROSS REFERENCE: Federal Employees' Compensation Act, see 5 U.S.C. 751 et seq.

§ 103.5 Deck load.

A vessel carrying a deck load shall have it so stowed as to be sufficiently clear to provide safe working space around all chocks, bitts, and other gear used in transiting and so arranged as to not obstruct any direct lead from chocks to bitts.

§ 103.6 Making up and handling rafts.

No vessel shall unload lumber, timber, or piles into the waters of a harbor without permission of the Port Captain, who shall designate where such material shall be rafted, nor shall any vessel tow a raft in the channel or harbors of the Canal without such permission.

§ 103.7 Temporary holding of vessels.

The Canal authorities may hold a vessel for the purpose of investigating any claims or disputes that may arise, or any formal or informal complaint or allegation of a violation of the laws of the Canal Zone or of the United States or of the provisions of this chapter. A vessel may also be held until, in the opinion of the Canal authorities, its tenderness, trim, list, cargo, hull, machinery, and equipment have been put into such condition as will make the vessel reasonably safe for her passage through the Canal. No claim for damages shall be allowed or considered because of any such temporary holding of vessels.

§ 103.8 Order of transiting of vessels.

The Canal authorities may dispatch vessels through the Canal in any order and at any time they may see fit. Priority of arrival at a terminal does not give any vessel the right to pass through the Canal ahead of another that may arrive later, although order of arrival will be a consideration in determining the order of passage.

§ 103.9 Passenger steamers given preference in transiting.

Regular passenger steamers with accommodations for 50 or more passengers, when carrying mail and running on fixed, published schedules, will, to the extent consistent with efficient operation of the Canal, as determined by the Canal authorities, be given preference over other vessels in transiting regardless of the number of passengers actually on board. However, as between such vessels, special consideration will be given to those vessels which are actually ready for transit at regular, fixed hours.

§ 103.10 Vessels without rudder-angle and engine-revolution indicators subject to delay in transiting.

A vessel in excess of 150 feet in length that is not equipped with properly operating rudder-angle and engine-revolution indicators, so located as to be readily visible to a pilot on the bridge, will be subject to delay in transiting to the extent the Canal authorities deem necessary or appropriate in order to minimize, in the light of the type and volume of Canal traffic and of other factors relating to the safety of Canal operations, the increased hazards of navigation resulting from failure of the vessel to be so equipped.

§ 103.11 Vessels without mechanical signal system to engine room subject to delay in transiting.

(a) A vessel that is not equipped with a properly operating mechanical system of signals between the pilot house and the engine room, as recommended under paragraph (b) of this section, is subject to delay in transiting to the extent the Canal authorities deem necessary or appropriate in order to minimize, in the light of the type and volume of Canal traffic and of other factors relating to the safety of Canal operations, the increased hazards of navigation resulting from failure of the vessel to be so equipped.

(b) It is recommended that every vessel have a mechanical system of signals between the pilot house and the engine room. Any such system should return the engine order to the pilot house. If the signal system is by bells the vessel should have a tube, of proper size, so arranged as to return the sound of the bell signals to the pilot house, and should also be provided with a speaking tube or other device for the purpose of conversation between the pilot house and engine room. If the signal system is by engine room telegraph it should be capable of repeating the order back to the pilot house.

§ 103.12 Discharge of firearms.

No firearms of any kind may be discharged from vessels while in Canal Zone waters, except that authorized salutes by vessels of war at the Ports of Cristobal and Balboa will be permitted by prior arrangement with Canal authorities.

§ 103.13 Firing of salutes.

Vessels of war may not fire salutes while at dock, in the locks, or in Gaillard Cut.

§ 103.14 Colors and house flags.

During daylight, vessels in Canal Zone waters shall display their colors and house flags.

§ 103.15 Boarding vessels at anchor or underway.

Except for members of the boarding party, pilots, and agents in the performance of their official duties and such other persons as may be authorized by Canal authorities, no person, with or without the consent of the Master, may board a vessel at anchor or underway in Canal Zone waters.

§ 103.16 Meals to be furnished by vessel in certain cases.

Vessels shall furnish meals to Panama Canal pilots without charge during the ship's regular meal hours and shall furnish a meal to the pilot between 2200 hours and 0400 hours if the vessel is transiting the Canal during such hours. In addition, vessels shall provide meals without charge during the ship's regular meal hours to any other Panama Canal personnel, other than linehandlers, whose assignment will require them to be aboard the vessel for four or more hours. If a vessel is unable to furnish such meals they may be furnished by the Panama Canal Company at the expense of the vessel.

§ 103.17 Boat for handling lines.

A vessel shall keep at least one boat ready for lowering, for the purpose of handling lines.

§ 103.18 Accommodation ladder.

A vessel shall, weather permitting, have an accommodation ladder rigged and ready for use upon arrival in Canal Zone waters. Such accommodation ladder may be turned in and secured after pratique is granted.

§ 103.19 Pilot ladder.

A vessel shall furnish a safe, clean, and well-illuminated pilot ladder or other facility for embarking and disembarking pilots and Canal deckhands.

§ 103.20 Disabling of engines.

Except when specifically authorized by the Canal authorities, no vessel at any dock or mooring within Canal Zone waters shall have its engines disabled or otherwise rendered inoperative.

§ 103.21 Precautions against sparks, smoke, etc.

While within Canal Zone waters, vessels shall take all necessary precautions to avoid the issuance of sparks, excessive smoke, or noxious gases.

§ 103.22 Vessels at fuel berths.

A vessel at a fuel berth shall keep up steam and be ready to move on short notice unless special authority to the contrary has been obtained from the Canal authorities.

§ 103.23 Vessels at wharves; fire watch; gangways.

A vessel lying at any pier, dock, or wharf shall at all times keep a satisfactory watch for fire and have suitable fire-fighting apparatus ready for immediate use. Any such vessel shall also keep each gangway which is in use, whether such gangway has been supplied by the vessel or by the Panama Canal Company, properly illuminated when necessary, and properly kept in safe condition for use, and properly secured at all times, moving or adjusting the same to allow for rise and fall of the tides and/or other changed circumstances.

§ 103.24 Gangway watch on vessels at piers in wartime, etc.

(a) In time of war in which the United States is engaged, and during any other period when ordered by the Governor, the master of a vessel lying at any wharf or pier in the Canal Zone, or his representative, shall cause to be maintained a continuous and competent gangway watch which shall check the identity of all persons going on board or attempting to go on board such vessel, or leaving or attempting to leave such vessel; shall prevent unauthorized persons from going on board such vessel; and shall, through the master of such vessel or his representative, promptly report all cases wherein unauthorized persons board or leave, or attempt to board or leave, such vessel. The report required by this section may be made to any Canal Zone police or customs/immigration officer, or to any member of the military guard or naval shore patrol, on the wharf or pier.

(b) As used in paragraph (a) of this section, "unauthorized persons" means and includes all persons other than (1) officers, members of the crew, and passengers of such vessel, and (2) persons who bear proper photographic identification and establish that they have legitimate business on board such vessel.

§ 103.25 Fishing or placing of nets or other obstructions prohibited.

No fishing nets or other obstructions shall be placed in any of the navigable waters of the Canal Zone. Fishing boats shall not anchor for the purpose of fishing nor haul nets or trawls in the anchorages or navigable channels of the Canal Zone nor in the harbors of Balboa and Cristobal. Fishing from small craft in the navigable channels of the Canal or in the harbors of Balboa and Cristobal is prohibited.

§ 103.26 Obstructions not to be placed across channels or docks.

No warp or line shall be passed across any channel or dock so as to obstruct the passage of vessels or cause any interference with the discharging of cargoes.

§ 103.27 Clear view forward from bridge.

A vessel may not be navigated in Canal Zone waters unless there is a clear, unobstructed view forward from the bridge.

§ 103.28 Towing of certain vessels required.

A vessel arriving at a terminal port of the Canal Zone and having a mean draft in excess of that allowed under the Load Line Regulations for the tropical zone, applicable for the voyage on which the vessel is engaged, as determined by the American Bureau of Shipping, Lloyd's Register or other acceptable certifying agency, shall be required to take the services of a Panama Canal tug or tugs from the Pacific entrance Channel Buoys 1 and 2 to Gamboa Reach, from the north end of Gatun Locks to Buoy 3 in Cristobal harbor, and vice versa. However, in instances where the overdraft is negligible, the assignment of a tug or tugs may be waived in the discretion of the Port Captain. Any vessel without mechanical motive power, or the machinery of which is or becomes disabled, or which steers badly, or which is liable to become unmanageable for any reason, shall be towed through the Canal. The Canal authorities may require any vessel to take a tug or tugs through Gaillard Cut, in the approaches to the locks, or in any other part of the Canal, when in their judgment such action is necessary to insure reasonable safety to the vessel or to the Canal and its appurtenances. The tug service in any of these cases shall be chargeable to the vessel. The Master of a vessel which steers badly, or which is liable to become unmanageable for any reason, shall report such fact and request the services of a tug.

§ 103.29 Anchoring in Canal Zone waters.

No vessel shall anchor within the navigable waters of the Canal Zone in other than a designated anchorage, except in an emergency, and no craft shall tie up to any aid-to-navigation in Canal Zone waters.

§ 103.30 Assignment of berth.

All vessels entering port shall take the berth or dock assigned them by the Port Captain or his delegate.

§ 103.31 Shifting berth.

No vessel shall be shifted from one berth to another without the prior approval of the Port Captain or his delegate.

§ 103.32 Engine orders to be recorded.

(a) Every vessel over 250 feet in overall length whose propulsion engines are not controlled directly from the bridge shall, while navigating in Canal Zone waters under the control of a Panama Canal Pilot, maintain a bridge bell book and an engine room bell book. The bridge bell book shall consist of a contemporaneous record of each engine order and the time that it is transmitted from the bridge to the engine room. The engine room bell book shall consist of a contemporaneous record of each engine order and the time that it is received in the engine room. The bridge bell book and the engine room bell book must be surrendered, upon request, to the Pilot or to the Board of Local Inspectors or other Canal authorities for the purpose of inspection and reproduction.

(b) Every vessel whose engines are controlled directly from the bridge shall, while navigating in Canal Zone waters under the control of a Panama Canal Pilot, maintain a bridge bell book. The bridge bell book shall consist of a contemporaneous record of each change in engine orders.

§ 103.33 Navigation in Gaillard Cut.

No vessel other than a vessel transiting the Canal shall navigate in Gaillard Cut except with the express prior approval of the Canal authorities.

§ 103.34 Same; control by Port Captain, Balboa.

The movement of vessels in Gaillard Cut shall be regulated by the Port Captain, Balboa, through the signal stations and Pedro Miguel Locks, or by such other persons and through such other stations or facilities as the Canal authorities may designate.

§ 103.35 Signal stations.

Signal stations for the control of traffic by visual means at Gaillard Cut are established at La Pita and Gamboa. The La Pita station is equipped with voice radio.

§ 103.36 Routing of signals.

No vessel shall communicate with any lock or signal station while in transit through the Canal, except through the pilot. This does not apply to vessels moored at the terminals of Cristobal or Balboa, before entering or after having passed through the Canal, which may wish to communicate through the terminal stations.

§ 103.37 Traffic signals.

(a) At signal stations a cone at the east upper yardarm designates northbound vessels and a ball at the west upper yardarm designates southbound vessels. By night a white light represents a ball, and a red light a cone.

(b) At twilight both cones, balls and lights are displayed.

(c) A display of International "N" by day or a green light by night will indicate that traffic is over for the day.

(d) Following are the signals in use and their meanings:



Proceed. International numeral pennants hoisted with this signal designate schedule number in accordance with § 103.40



Proceed at half speed



Proceed cautiously, keep sharp lookout for Canal craft, steamers, obstructions, or change of orders



Moor at Gamboa moorings



To transiting vessels: Slow down or stop for communications or orders

To Canal craft: Wish to communicate, have orders or message for you

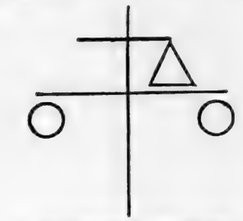
When flown on west yardarm at Gamboa: Southbound vessels do not enter "Cut" until northbound "Clear Cut" vessel or vessels pass station

International alphabet flags shown under a mooring signal designate berth at dock or mooring indicated by the signal.

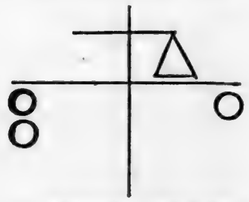
§ 103.38 Special traffic signals in Gaillard Cut.

The following signals are used by the signal stations at Gamboa and La Pita, in Gaillard Cut, for directing the movements of vessels that are not in sight of each other, due to bends in the channel. In each case where one, two or three ships are directed to proceed past a station in one direction, any vessels approaching from the opposite direction shall keep well back and clear of the bend until the vessels designated have passed and/or signal is made for the vessel or vessels heading in the opposite direction

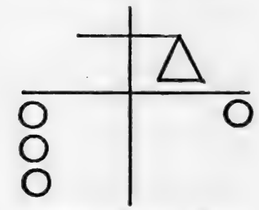
to proceed. Signals are shown as they appear to an observer looking from the south. From the north, they will appear the opposite.



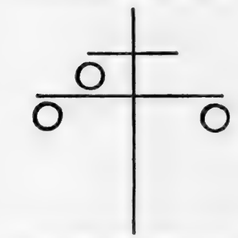
One northbound ship proceed



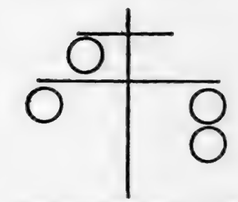
Two northbound ships proceed



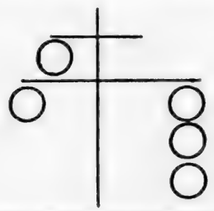
Three northbound ships proceed



One southbound ship proceed



Two southbound ships proceed



Three southbound ships proceed

§ 103.39 Arrow signals; locks.

Choice between east and west chambers shall be made by the Locks Superintendent. Pilots shall stand toward the chamber indicated and shall comply with the arrow signal unless unsafe to do so.



Not ready; lockage cannot take place for some time



Not ready; stand off well clear of lock, prepared to approach on signal



Locks making preparation, probably be ready in 10 minutes or less; you may approach with caution, prepared to tie up or enter on right-hand side on signal



Locks making preparation, probably be ready in 10 minutes or less; you may approach with caution, prepared to tie up or enter on left-hand side on signal



Moor to approach wall near chain on right-hand side



Moor to approach wall near chain on left-hand side



Enter *right*-hand side



Enter *left*-hand side

§ 103.40 Transit schedules; pennants.

(a) When a pilot is assigned to a ship for northbound or southbound canal transit he shall be given a schedule number and the expected time of arrival at south end of Miraflores Locks or at north end of Gatun Locks.

(b) Northbound ships shall fly "H" under International numeral pennant corresponding to schedule assigned.

Southbound ships shall fly "H" over International numeral pennant corresponding to schedule assigned.

In addition: Preference ships shall fly "Z" (blue light at night); hazardous cargo will fly "B" (red light at night).

(c) Ships maneuvering in Canal waters with pilot on board shall fly "H".

§ 103.41 Ships to display schedule number.

Each ship shall display throughout her transit, the flag or flags designating the schedule number on which it is running. This flag will be the vessel's designating letter while in transit and may be used by the signal stations for this purpose in directing a signal to a particular ship when necessary.

§ 103.42 Penalties for violation.

Whoever violates any of the provisions of §§ 103.1 to 103.41 is subject to punishment as provided in 2 C.Z.C. 1331, 76A Stat. 46, by a fine of not more than $100, or by imprisonment in jail for not more than 30 days, or by both.

PART 105—PILOTAGE

Sec.
105.1 Pilots required.
105.2 Exemptions from compulsory pilotage.
105.3 Vessels in distress.
105.4 Pilotage charges.
105.5 Pilotage beyond Atlantic breakwater.
105.6 Status and function of pilot.
105.7 Penalties for violation.

AUTHORITY: The provisions of this Part 105 issued under authority vested in President by 2 C.Z.C. 1331, 76A Stat. 46, and delegated to Secretary of Army by § 3.1(a) (1) of this chapter.

§ 105.1 Pilots required.

(a) Except as provided by §§ 105.2 and 105.3, no vessel shall pass through the Canal, enter or leave a terminal port, or maneuver within Canal Zone waters lying inside the Canal entrances without having a Panama Canal pilot on board.

(b) Normally a vessel will, unless advised to the contrary by the Port Captain, be boarded by the Panama Canal pilot inside the breakwater at a point north of the Mole Beacon at the Atlantic entrance and in the Merchant Vessel Anchorage to seaward of Buoys 1 and 2 at the Pacific entrance.

(c) A pilot shall not relinquish control to a vessel's personnel or depart from a vessel which he has boarded to pilot until the vessel has been properly docked, anchored or moored at a terminal port or has cleared the Mole Beacon, Atlantic entrance or Buoys 1 and 2, Pacific entrance, except by specific permission from the Port Captain.

§ 105.2 Exemptions from compulsory pilotage.

The following vessels are exempt from compulsory pilotage, except when the Port Captain considers a pilot necessary; nevertheless a pilot will be furnished any such exempted vessel if requested by the commanding officer or master thereof:

(a) Vessels of the Fifteenth Naval District, except as limited by paragraph (e) of this section.

(b) Local craft, such as United States Army and United States Navy minesweepers, landing craft and tugs, and Panama Canal Company tugs and equipment, except as limited by paragraph (e) of this section.

(c) Small craft under 65 feet in length and drawing not over six feet of water that call at terminal ports without transiting the Canal. These craft, however, must employ a pilot when docking or undocking at the terminal piers in Cristobal.

(d) Any vessel that makes frequent calls to Canal Zone waters and whose current officers and crew are, in the opinion of the Port Captain, capable, by reason of such frequent calls and otherwise, of safely navigating within Canal Zone waters and are so certified, except as limited by paragraph (e) of this section.

(e) Vessels and craft enumerated in paragraphs (a), (b), (c), and (d) of this section may be permitted to transit the Canal without a pilot when, in the opinion of the respective Port Captain, the current officers and crew have the necessary experience and ability to make safe transit and such transit is specifically approved. Whenever any such vessel or craft makes transit without a pilot the respective Port Captain shall dispatch it with a larger vessel carrying a pilot, and it shall lock through with that vessel. The Port Captain, Balboa, shall control the movements of such vessel or craft through Gaillard Cut so as to minimize the danger of its being a navigational hazard to larger vessels.

(f) Any other vessel or craft as and to the extent exempted by the Marine Director.

CROSS REFERENCE: Vessels passing through locks without pilot aboard, in accordance with this section, to be under direction of Lockmaster, see § 109.7(b).

§ 105.3 Vessels in distress.

A vessel in danger or distress is not prohibited from entering a terminal port at any time, but such vessel shall, when practicable, give due notice in advance, by radio or otherwise, and obtain a pilot, if possible. Such vessel shall, except in an emergency, anchor in the designated anchorage area.

CROSS REFERENCE: Merchant-vessel anchorage, see § 101.8.

§ 105.4 Pilotage charges.

Pilotage for vessels in transit through the Canal is free; but whenever any vessel, while in Canal waters, discharges or receives freight or passengers, or remains for the purpose of effecting repairs, or makes either terminal a port of call, it is liable for the applicable port pilotage charge established by the Canal authorities.

§ 105.5 Pilotage beyond Atlantic breakwater.

Should a vessel desire a pilot to meet it outside the Atlantic breakwaters, such vessel shall remain there and make signal to that effect.

§ 105.6 Status and function of pilot.

The pilot assigned to a vessel shall have control of the navigation and movement of such vessel.

§ 105.7 Penalties for violation.

Whoever violates any of the provisions of §§ 105.1 to 105.6 is subject to punishment as provided in 2 C.Z.C. 1331, 76A Stat. 46, by a fine of not more than $100, or by imprisonment in jail for not more than 30 days, or by both.

PART 107—MANNING OF VESSELS: REQUIREMENTS CONCERNING OFFICERS AND CREW

Sec.
107.1 Vessels to be fully manned.
107.2 Crew on watch.
107.3 When Master and officers must be on bridge or at other regular stations.
107.4 When Chief Engineer must be on duty; full head of steam to be maintained.
107.5 When particular deck officers must be on duty.
107.6 Unauthorized persons not allowed on bridge.
107.7 Penalties for violation.

AUTHORITY: The provisions of this Part 107 issued under authority vested in President by 2 C.Z.C. 1331, 76A Stat. 46, and delegated to Secretary of Army by § 3.1(a) (1) of this chapter.

§ 107.1 Vessels to be fully manned.

A vessel navigating the waters of the Canal Zone shall be sufficiently manned in officers and crew to permit safe handling of the vessel. The Canal authorities may deny transit of the Canal to any vessel which, in their opinion, is insufficiently manned as to officers and crew.

§ 107.2 Crew on watch.

(a) When underway in Canal Zone waters, a vessel shall keep a full watch on deck and in the engine room. When approaching a lock, moored temporarily to a lock wall, or when in a lock chamber, a vessel shall, when so requested by the pilot, have sufficient seamen forward and aft to handle lines expeditiously.

(b) When anchored, moored, or lying at a pier in Canal Zone waters, a vessel shall at all times have on board at least one qualified deck officer, one qualified engineer officer familiar with the machinery and layout of the vessel, and sufficient crew to provide for the safety of the vessel.

§ 107.3 When Master and officers must be on bridge or at other regular stations.

(a) When a vessel is entering or leaving a lock, docking or undocking, getting underway, anchoring, mooring or shifting berth, or is underway in Gaillard Cut, the Master shall be on the bridge and shall keep the Pilot informed concerning any individual peculiarities in the handling of the vessel so that the Pilot may be better able to control the navigation and movement of the vessel. All other officers shall be at their regular stations throughout the times and maneuvers described herein.

(b) At all other times when a vessel is moving in Canal Zone waters, the Master of the vessel, or his qualified representative, shall be present at all times on the bridge and shall keep the Pilot informed concerning the individual peculiarities in the handling of the vessel so that the Pilot may be better able to control the navigation and movement of the vessel. All other officers shall be at their regular stations throughout the maneuvers described herein.

§ 107.4 When Chief Engineer must be on duty; full head of steam to be maintained.

(a) In addition to the regular engineer officer of the watch, the Chief Engineer of a vessel shall remain on duty in the engine room during the approach to, and while passing through, the locks and until the lockage is completed and the vessel is clear of the lock walls. The Chief Engineer shall also be on duty in the engine room while the vessel is passing through Gaillard Cut, docking or undocking, getting underway, anchoring, mooring, or shifting berth.

(b) A full head of steam or full diesel power, as the case may be, shall be maintained at all times mentioned in paragraph (a) of this section.

§ 107.5 When particular deck officers must be on duty.

(a) When a vessel is getting underway, anchoring, mooring, or is underway in Gaillard Cut, a ship's officer shall stand by on the forecastle.

(b) When a vessel is entering, in, or leaving a lock, docking or undocking, or shifting berth, a ship's officer shall stand by on the forecastle and a ship's officer shall also stand by on the stern.

§ 107.6 Unauthorized persons not allowed on bridge.

While a vessel is underway, no person shall be allowed on the bridge or in the pilot house except the pilot and other representatives of the Panama Canal, and the Master and such officers and other members of the crew of the vessel as may be necessary for its navigation and control, management, operation and safety.

§ 107.7 Penalties for violation.

Whoever violates any of the provisions of §§ 107.1 to 107.6 is subject to

punishment as provided in 2 C.Z.C. 1331, 76A Stat. 46, by a fine of not more than $100, or by imprisonment in jail for not more than 30 days, or by both.

PART 109—ENTERING AND PREPARING TO ENTER THE LOCKS

Sec.
109.1 Keeping persons clear of gear used in lockages.
109.2 Embarking or disembarking at locks.
109.3 Same; permits.
109.4 Locomotives; Canal deckhands.
109.5 Ship's gear to be ready during transit; test.
109.6 Construction, number, and location of chocks and bitts.
109.7 Passing through locks; use of towing locomotives and ship's engines.
109.8 Penalties for violation.

AUTHORITY: The provisions of this Part 109 issued under authority vested in President by 2 C.Z.C. 1331, 76A Stat. 46, and delegated to Secretary of Army by § 3.1(a) (1) of this chapter.

§ 109.1 Keeping persons clear of gear used in lockages.

The master and officers of a vessel shall require all passengers and all other persons not engaged in working the vessel to keep well clear of lines, bitts, chocks, winches and other gear being used in connection with the lockage.

§ 109.2 Embarking or disembarking at locks.

Except when specially authorized by the Canal authorities, no person shall embark upon or disembark from a vessel while it is in a lock. The Canal authorities shall not be responsible for any injuries to persons or property or for damage to vessels which may result from the granting of such special permission.

§ 109.3 Same; permits.

Permits for embarking or disembarking at the locks may be issued in the discretion of the Port Captain.

§ 109.4 Locomotives; Canal deckhands.

The Canal authorities are authorized to prescribe:

(a) The number of towing locomotives and wires required in the locks by a transiting vessel, depending upon her length, beam, displacement, and special conditions; and

(b) The number of Canal deckhands to be placed on board a transiting vessel to assist her crew in handling towing wires in the locks.

§ 109.5 Ship's gear to be ready during transit; test.

Before beginning transit of the Canal, a vessel shall have hawsers, lines and fenders ready for passing through the locks, for warping, towing, or mooring as the case may be; and shall have both anchors ready for letting go. The Master shall assure himself, by actual test, of the readiness of his vessel's main engines, steering gear, engine room telegraphs, whistle, rudder-angle and engine-revolution indicators, and anchors. During the transit, at all times while a vessel is underway or moored against the lock walls, her deck winches, capstans, and other power equipment for handling lines, as well as her mooring bitts, chocks, cleats, hawse pipes, etc., shall be ready for handling the vessel, to the exclusion of all other work.

§ 109.6 Construction, number, and location of chocks and bitts.

(a) All chocks for towing wires shall be of heavy closed construction and shall have a convex bearing surface with a radius of not less than 7 inches (178 millimeters). The convex surface shall extend so that a wire from the bitt, or from the towing locomotive through the chock, shall be tangent to the 7-inch (178 millimeters) radius at any angle up to 90 degrees with respect to a straight line through the chock.

(b) No part of the vessel which may be contacted by the towing wires, at any angle, shall have less than a 7-inch radius.

(c) Chocks designated as single chocks shall have a throat opening of not less than 100 square inches (645 square centimeters) in area—preferred dimensions are 12 x 9 inches (305 x 229 millimeters)—and shall be capable of withstanding a strain of 70,000 pounds (32,000 kilograms) on a towing wire from any direction.

(d) Chocks designated as double chocks shall have a throat opening of not less than 140 square inches (903 square centimeters) in area—preferred dimensions are 14 x 10 inches (356 x 254 millimeters)—and shall be capable of withstanding a strain of 140,000 pounds (64,000 kilograms) on the towing wires from any direction.

(e) Use of roller chocks is permissible provided they are in good condition, meet all of the requirements for solid chocks as specified in paragraphs (a), (b), (c), and (d) of this section, as the case may be, and are so fitted that transition from the rollers to the chock body will prevent damage to towing wires.

(f) Each single chock shall have an accompanying bitt capable of withstanding a strain of 70,000 pounds (32,000 kilograms).

(g) Each double chock located at the stem and at the stern, in accordance with paragraph (h) of this section, shall have two pairs of heavy bitts with each bitt of each pair capable of withstanding a strain of 70,000 pounds (32,000 kilograms). Other double chocks shall have a pair of heavy bitts with each bitt capable of withstanding a strain of 70,000 pounds (32,000 kilograms).

(h) All vessels, except a vessel using her own lines in accordance with § 109.7 (a) (1) and (2), shall be fitted with a double chock set athwartships right in the stem and another double chock set athwartships right in the stern, except that on vessels of less than 85 feet beam, two single chocks may be substituted for each double chock required by this subsection. If such substitution is made, the single chocks shall be placed, port and starboard, not more than 8 feet abaft the stem or 10 feet forward of the stern, provided that these chocks are not more than 10 feet from the center line of the vessel.

(i) Vessels under 200 feet in length and not exceeding 30 feet in beam shall have a double chock at the stem and stern or two single chocks may be substituted for each double chock. If such substitution is made, the single chocks shall be placed, port and starboard, not more than 8 feet abaft the stem or 10 feet forward of the stern.

(j) Vessels 200 to 500 feet in length and not exceeding 75 feet beam shall have a double chock at the stem and at the stern or two single chocks at the bow and stern, port and starboard, not more than 8 feet abaft the stem or 10 feet forward of the stern and shall have two additional single chocks, port and starboard, 30 to 50 feet abaft the stem and 30 to 50 feet forward of the stern.

(k) Vessels 500 to 600 feet long or between 75 and 85 feet in beam shall have a double chock at the stem and stern or two single chocks at the bow and stern, port and starboard, not more than 8 feet abaft the stem or 10 feet forward of the stern and in addition shall have a double chock, port and starboard, 40 to 50 feet abaft the stem and a single chock, port and starboard, 40 to 50 feet forward of the stern.

(l) Vessels 600 to 670 feet long or between 85 and 90 feet in beam shall have a double chock at the stem and stern, a double chock, port and starboard, 40 to 50 feet abaft the stem; a single chock, port and starboard, 80 to 90 feet abaft the stem and a single chock, port and starboard, 40 to 50 feet forward of the stern.

(m) Vessels over 670 feet long or over 90 feet in beam shall have a double chock at the stem and stern; a double chock, port and starboard, 40 to 50 feet abaft the stem; a single chock, port and starboard, 80 to 90 feet abaft the stem; a double chock, port and starboard, 40 to 50 feet forward of the stern and a single chock, port and starboard, 80 to 90 feet forward of the stern.

(n) On vessels over 90 feet in beam, in order to obtain efficient lateral control from locomotives and to prevent the towing wires from fouling wall coping and miter gates, all chocks shall be placed on the raised sections of the ship (forecastle and poop deck) even though the distance of such chocks from the bow and the stern may be less than specified in this section.

(o) A vessel using her own lines, in accordance with § 109.7(a) (1) and (2), shall have a chock arrangement similar to that described in paragraph (i) of this section, except that the chocks need only be single chocks or, if approved by the Canal authorities, of lesser strength.

(p) Any vessel which fails to meet the requirements of this section may be denied transit. If the Marine Director or his representative decides that the vessel can be handled without undue danger to equipment or to personnel, notwithstanding her failure to comply with other requirements of this section, the vessel may be allowed to transit after the Master thereof, in the presence of the Pilot, signs an undertaking, for the said vessel, her owners, operators, or any other persons having any interest in her, and for himself, releasing the Panama Canal Company from and indemnifying it against, any loss, damage, or liability incurred by the Panama Canal Company under, or in respect to:

(1) Sections 291 through 297, inclusive, of Title 2 of the Canal Zone Code, 76A Stat. 23–25;

(2) Panama Canal Company or Canal Zone Government property; and

(3) Panama Canal Company or Canal Zone Government employees under the Federal Employees' Compensation Act—

to the extent and in the proportion that such failure to meet the requirements of this section proximately causes or contributes to the casualty and resulting damages.

CROSS REFERENCE: Federal Employees' Compensation Act, see 5 U.S.C. 751 et seq.

§ 109.7 Passing through locks; use of towing locomotives and ship's engines.

(a) A vessel passing through the locks shall normally be assisted by electric towing locomotives using steel towing wires. A vessel may be permitted to pass through the locks under her own power in the following circumstances:

(1) A small vessel up to 125 feet in length may be handled with her own manila, hemp or synthetic fiber lines along the wall, if her structure will permit her landing against the wall.

(2) A small vessel not over 100 feet in length, having good maneuvering characteristics, may be handled with her own manila, hemp or synthetic fiber lines in the center of the chamber.

(b) A vessel passing through the locks without a Pilot aboard, in accordance with the provisions of § 105.2 of this chapter shall be under the direction of the the Lockmaster, who may authorize the use of the vessel's engines in the locks.

(c) When a vessel has a Pilot aboard, the use of her engines shall be under the direction of the Pilot. After towing wires from the towing locomotives have been placed aboard a vessel, her engines may be used to the extent considered necessary or desirable by the Pilot.

§ 109.8 Penalties for violation.

Whoever violates any of the provisions of §§ 109.1 to 109.7 is subject to punishment as provided in 2 C.Z.C. 1331, 76A Stat. 46, by a fine of not more than $100, or by imprisonment in jail for not more than 30 days, or by both.

PART 111—RULES FOR THE PREVENTION OF COLLISIONS

Subpart A—Definitions; General Rules
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111.2 Definitions.
111.3 Departure from rules authorized in special circumstances.
111.4 Precautions required by ordinary practice of seamen or by special circumstances.

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111.153 Sound signals when vessels are in sight of one another.
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111.221 Penalties for violation.

AUTHORITY: The provisions of this Part 111 issued under authority vested in President by 2 C.Z.C. 1331, 76A Stat. 46, and delegated to Secretary of Army by § 3.1(a) (1) of this chapter.

Subpart A—Definitions; General Rules

§ 111.1 Application of part.

The provisions of this part shall be applicable to vessels and seaplanes upon the navigable waters of the Canal Zone between a line connecting East Breakwater Light and West Breakwater Light at the Atlantic Entrance to the Canal in Limon Bay and a line passing through Channel Buoys 1 and 2 extended to the Canal Zone boundary lines at the Pacific Entrance in Panama Bay. Upon all waters of the Canal Zone to seaward, outside these limits, the International Rules apply. Where any naval or military vessel of special construction as certified to by the Secretary of the Navy or the Secretary of the Treasury in the case of Coast Guard vessels operating under the Treasury Department, or by a corresponding official of a state, other than the United States, shall by virtue of statute, convention or treaty, be exempted from compliance with the International Rules, such vessel shall similarly be exempted from compliance with any corresponding requirement under the provisions of this part.

§ 111.2 Definitions.

As used in this part, except where the context requires otherwise:

(a) "Vessel" includes every description of water craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(b) "Seaplane" includes a flying boat and any other aircraft designed to maneuver on the water.

(c) "Power-driven vessel" means any vessel propelled by machinery other than a motorboat.

(d) "Motorboat" means any vessel not more than 65 feet in length which is propelled by machinery except tugboats and towboats, and includes all vessels or boats temporarily equipped with a detachable motor.

(e) Every power-driven vessel or motorboat which is under sail and not under power is considered a sailing vessel, and every vessel under power, whether under sail or not, is considered a power-driven vessel or a motorboat, as the case may be.

(f) A vessel or seaplane on the water is "underway" when she is not at anchor, or made fast to the shore, or aground.

(g) "Height above the hull" means height above the uppermost continuous deck.

(h) The length and breadth of a vessel shall be deemed to be the length and breadth appearing in her certificate of registry.

(i) The length and span of a seaplane is its maximum length and span as shown in its certificate of airworthiness, or as determined by measurement in the absence of such certificate.

(j) "Visible", when applied to lights, means visible on a dark night with a clear atmosphere.

(k) "Short blast" means a blast of about 1 second's duration.

(l) "Prolonged blast" means a blast of from 4 to 6 seconds' duration.

(m) "Danger signal" means the giving of several short blasts in rapid succession, not less than five in number.

(n) "Whistle" means whistle or siren.

(o) "Tons" means gross tons.

§ 111.3 Departure from rules authorized in special circumstances.

In obeying and construing the provisions of this part due regard shall be had to all dangers of navigation and collision, and to any special circumstances, including the limitations of the craft involved, which may render a departure from any of such provisions necessary in order to avoid immediate danger.

§ 111.4 Precautions required by ordinary practice of seamen or by special circumstances.

Nothing in this part shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Subpart B—Lights and Shapes

§ 111.41 Lights; when required to be exhibited.

The provisions in this part concerning lights shall be complied with in all weathers from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the prescribed lights, or impair their visibility or distinctive character, or interfere with the keeping of a proper lookout: *Provided, however,* That seagoing vessels, the lights of which comply with the International Rules, shall not be required to comply with any additional requirements respecting lights contained herein.

§ 111.42 Same; power-driven vessel under way.

A power-driven vessel when under way shall carry:

(a) On or in front of the foremast, or if a vessel without a foremast then in the forepart of the vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass (225 degrees) so fixed as to show the light 10 points (112½ degrees) on each side of the vessel, that is, from right ahead to 2 points (22½ degrees) abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.

(b) Either forward of or abaft the white light mentioned in paragraph (a) of this section, a second white light similar in construction and character to that light.

(c) These two white lights shall be so placed in a line with and over the keel that one shall be higher than the other and in such a position that the lower light shall be forward of the upper one. The horizontal distance between the two white lights shall be at least three times the vertical distance.

(d) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass (112½ degrees), so fixed as to show the light from right ahead to 2 points (22½ degrees) abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(e) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass (112½ degrees), so fixed as to show the light from right ahead to 2 points (22½ degrees) abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

(f) The said green and red sidelights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bows.

(g) At the stern a white light so constructed that it shall show an unbroken light over an arc of the horizon of 12 points of the compass (135 degrees), so fixed as to show the light 6 points (67½ degrees) from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles. Such light shall be carried as nearly as practicable on the same level as the sidelights.

§ 111.43 Same; seaplane under way on the water.

A seaplane under way on the water shall carry:

(a) In the forepart amidships where it can best be seen a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 220 degrees of the compass, so fixed as to show the light 110 degrees on each side of the seaplane, namely, from right ahead to 20 degrees abaft the beam on either side, and of such a character as to be visible at a distance of at least 3 miles.

(b) On the right or starboard wing tip a green light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(c) On the left or port wing tip a red light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

(d) On the tail a white light, so constructed as to show an unbroken light over an arc of the horizon of 140 degrees of the compass, so fixed as to show the light 70 degrees from right aft on each side of the seaplane, and of such a character as to be visible at a distance of at least 2 miles.

§ 111.44 Same; power-driven vessel or motorboat from 26 to 65 feet in length towing or pushing another vessel or seaplane.

A power-driven vessel or a motorboat from 26 to 65 feet in length when towing another vessel or vessels alongside or by pushing ahead shall carry two bright white lights in a vertical line, one over the other, not less than 3 feet apart, and when towing one or more vessels astern, regardless of the length of the tow, shall carry an additional bright white light an equal distance above or below such lights. Each of these lights shall be of the same construction and character, and one of them shall be carried in the same position as the white light mentioned in § 111.42(a) or § 111.55 (a): *Provided, however,* That on a vessel with a single mast, such lights may be carried on the mast. The towing vessel shall also show the side lights, stern light, and the forward or after range light of a power-driven vessel or motorboat from 26 to 65 feet in length under way.

§ 111.45 Lights and shapes; vessel or seaplane on the water, not under command.

(a) A vessel which is not under command shall carry, where they can best be seen, two red lights in a vertical line, one over the other, not less than 6 feet apart, and of such a character as to be visible all around the horizon at a distance of at least 2 miles, such lights to be, if the vessel is a power-driven vessel, in lieu of the range lights required by § 111.42 (a), (b), and in lieu, if the vessel is a motorboat, of the white lights required by § 111.54(a) or § 111.55 (a), (b). By day she shall carry in a vertical line, one over the other, not less than 6 feet apart, where they can best be seen, two black balls or shapes each not less than 2 feet in diameter.

(b) A seaplane on the water which is not under command may carry, where they can best be seen, two red lights in a vertical line, one over the other, not less than 3 feet apart, and of such a character as to be visible all around the horizon at a distance of at least 2 miles, and may by day carry in a vertical line one over the other not less than 3 feet apart, where they can best be seen, two black balls or shapes, each not less than 2 feet in diameter.

(c) The vessels and seaplanes referred to in this section, when not making way through the water shall not carry the colored side lights, but when making way they shall carry them.

(d) The lights and shapes required to be shown by this section are to be taken by other vessels and seaplanes as signals that the vessel or seaplane showing them is not under command and cannot therefore get out of the way.

(e) These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in § 111.201.

§ 111.46 Lights and flag; vessels transporting flammable, explosive, or otherwise dangerous commodities.

A vessel employed in the transportation or transfer of flammable, explosive, or otherwise dangerous commodities shall carry, in addition to her appropriate mooring, anchor, or navigation lights, where it can best be seen, a red light of such a character as to be visible all around the horizon at a distance of at least 2 miles. By day she shall display, where it can best be seen, a red flag.

§ 111.47 Lights, shapes, and flag; Canal floating equipment operated by maneuvering lines.

Units of Canal floating equipment operated by maneuvering lines, when such lines are taut, shall carry a red light on each side located at least 8 feet above the deck and near the positions of the maneuvering lines which lights shall be so constructed as to show all around the horizon and be plainly visible at a distance of at least 1 mile. By day, such units shall carry a black ball on each side in some conspicuous place located at least 8 feet above the deck and near the positions of the maneuvering lines. When such maneuvering lines are slack so that they no longer form an obstruction in the channel, the red light over the slack wire shall be extinguished and, by day, the black ball on such side shall be lowered. Canal floating units from which divers are working or which are under repair at the side of the Canal, shall display, where it can best be seen, a similar red light by night and a red flag by day.

§ 111.48 Lights; marking of pipe lines laid in navigable waters.

Whenever a pipe line is laid in navigable waters, it shall be marked at night by red lights at intervals of 200 feet. The lights marking the limits of the gate shall be a vertical display of a white and a red light, the white light to be at least 4 feet above the red light. These lights shall be so constructed as to show all around the horizon and be visible from a distance of at least 1 mile.

§ 111.49 Same; ferryboats.

Ferryboats shall carry the lights required by this subpart for vessels of their class: *Provided, however,* That double-end ferryboats shall carry, in lieu of the required range lights and stern light, a central range of clear bright white lights showing all around the horizon at equal altitudes forward and aft and visible at a distance of at least 5 miles.

§ 111.50 Same; sailing vessel under way and vessel or seaplane being towed.

A sailing vessel under way and any vessel or seaplane being towed shall carry the same lights as are prescribed by §§ 111.42 and 111.43 for a power-driven vessel or a seaplane under way, respectively, with the exception of the white lights specified in §§ 111.42(a) (b) and 111.43(a), which they shall never carry. In a small vessel, if it is not possible on account of bad weather or other sufficient cause for the stern light as described in § 111.42(g) to be fixed, an electric torch or a lighted lantern shall be kept at hand ready for use and shall, on the approach of an overtaking vessel be shown in sufficient time to prevent collision.

§ 111.51 Same; vessel being pushed ahead.

A vessel being pushed ahead shall carry, at the forward end, on the starboard side a green light and on the port side a red light, which shall have the same characteristics as the lights described in § 111.42 (d) and (e) and shall be screened as provided in § 111.42 (f): *Provided,* That any number of vessels pushed ahead in a group shall be lighted as one vessel.

§ 111.52 Same; tows made up of barges, scows, etc.

In a tow made up of barges, scows, etc., being towed by a hawser in tandem, each craft making up such tow shall carry a white light at the bow and another at the stern; when any such tow is made up of two or more craft abreast, a white light shall be carried at each corner of such tow. Tows made up of barges, scows, etc., being towed alongside the towing vessel, shall display a white light on the outer bow and another on the outer stern of such tow. The white lights required under this section shall be so constructed and fixed, and of such a character, as to show an unbroken light visible all around the horizon at a distance of at least 1 mile.

§ 111.53 Same; use of portable side lights on small vessels in certain cases.

In small vessels, when it is not possible on account of bad weather or other sufficient cause to fix the green and red side lights, these lights shall be kept at hand, lighted and ready for immediate use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than 2 points (22½ degrees) abaft the beam on their respective sides. To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the color of the lights they respectively contain, and shall be provided with proper screens.

§ 111.54 Same; motorboats under 26 feet in length.

Motorboats under 26 feet in length when under way shall carry:

(a) In the afterpart of the vessel, a bright white light, so constructed as to show an unbroken light all around the horizon and of such a character as to be visible at a distance of at least 2 miles.

(b) In the forepart of the vessel and lower than the white light mentioned in paragraph (a) of this section, a combined lantern showing a green light to starboard and a red light to port, so fixed as to show the light from right ahead to 2 points abaft the beam on their respective sides, and of such a character as to be visible at a distance of at least 1 mile.

§ 111.55 Same; motorboats 26 to 65 feet in length.

Motorboats 26 to 65 feet in length when under way shall carry:

(a) In the forepart of the vessel and as near the stem as practicable, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, namely, from right ahead to 2 points abaft the beam on either side, and of such a character as to be visible at a distance of at least 2 miles.

(b) In the afterpart of the vessel, and higher than the light mentioned in paragraph (a) of this section, a bright white light so constructed as to show all around the horizon, and of such a character as to be visible at a distance of at least 2 miles.

(c) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to show the light from right ahead to 2 points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 1 mile.

(d) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to show the light from right ahead to 2 points abaft the beam on the port side, and of such character as to be visible at a distance of at least 1 mile.

(e) The said green and red (side) lights shall be fitted with inboard screens in such a manner so as to prevent these lights from being seen across the bows.

§ 111.56 Same; small rowing boats under oars or sail.

Small rowing boats, whether under oars or sail, shall only be required to have ready at hand an electric torch or a lighted lantern showing a white light, which shall be exhibited in sufficient time to prevent collision.

§ 111.57 Same; pilot launches engaged on pilot duty and not at anchor.

A pilot launch, when engaged on pilot duty and not at anchor shall, in addition to the lights required of motorboats of her class by § 111.55, carry directly below her after white light, a red light, so constructed and so fixed, and of such character, as to be visible all around the horizon at a distance of at least 2 miles.

§ 111.58 Lights and shapes; vessel at anchor.

(a) A vessel under 150 feet in length, when at anchor, shall carry in the forepart of the vessel, where it can best be seen, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least 2 miles.

(b) A vessel of 150 feet or upwards in length, when at anchor, shall carry in the forepart of the vessel, at a height of not less than 20 feet above the hull, one such light, and at or near the stern of the vessel and at such a height that it shall be not less than 15 feet lower than the forward light, another such light. Both these lights shall be visible all around the horizon at a distance of at least 3 miles.

(c) Between sunrise and sunset every vessel when at anchor shall carry in the forepart of the vessel, where it can best be seen, one black ball not less than 2 feet in diameter.

(d) Vessels not more than 65 feet in length when at anchor in any special anchorage designated by the Governor for such vessels shall not be required to carry or exhibit the white light specified in paragraph (a) of this section, nor the black ball specified by paragraph (c) of this section.

§ 111.59 Lights; seaplane at anchor.

(a) A seaplane on the water under 150 feet in length, when at anchor, shall carry, where it can best be seen, a white light, visible all around the horizon at a distance of at least 2 miles.

(b) A seaplane on the water 150 feet or upwards in length, when at anchor, shall carry, where they can best be seen, a white light forward and a white light aft, both lights visible all around the horizon at a distance of at least 3 miles; and, in addition, if the seaplane is more than 150 feet in span, a white light on each side to indicate the maximum span, and visible, so far as practicable, all around the horizon at a distance of 1 mile.

§ 111.60 Lights and shapes; vessel aground.

A vessel aground shall carry by night the light or lights prescribed in § 111.58 (a) or (b) and the two red lights prescribed in § 111.45(a). By day she shall carry, where they can best be seen, three black balls, each not less than 2 feet in diameter, placed in a vertical line one over the other, not less than 6 feet apart.

§ 111.61 Lights; seaplane aground.

A seaplane aground shall carry an anchor light or lights as prescribed in § 111.59 (a) or (b), and in addition may carry two red lights in a vertical line, at least 3 feet apart, so placed as to be visible all around the horizon.

§ 111.62 Same; vessel or seaplane moored at wharf or side of Canal.

A vessel or seaplane moored alongside a wharf or at the side of the Canal and every vessel or seaplane in a nest which is so moored shall display over the offshore side of the vessel, both at the bow and at the stern, a white light of such character as to be plainly visible from the Canal at a distance of at least 1 mile.

§ 111.63 Lights and sound signals to attract attention.

Every vessel or seaplane on the water may, if necessary in order to attract attention, in addition to the lights which she is by the provisions in this part required to carry, show a flare-up light or use a detonating or other efficient sound signal that cannot be mistaken for any signal authorized elsewhere in this part.

§ 111.64 Shape; vessel both under sail and machinery.

A vessel proceeding under sail, when also being propelled by machinery, shall carry in the daytime forward, where it can best be seen, one black conical shape, point upwards, not less than 2 feet in diameter at its base.

§ 111.65 Blinding lights not to be directed into pilot house.

Under no circumstances shall the rays of a searchlight or any other type of blinding light be directed into the pilot house, or in any other manner or direction which would interfere with the navigation of another vessel.

Subpart C—Sound Signals in Fog, Aground at Anchor, etc.

§ 111.101 Sound signals; how given.

A power-driven vessel shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient foghorn to be sounded by mechanical means, and also with an efficient bell. A sailing vessel of 20 gross tons or upwards shall be provided with a similar foghorn and bell. All signals prescribed by § 111.102 for vessels under way shall be given:

(a) By power-driven vessels or motorboats on the whistle.

(b) By sailing vessels on the foghorn.

(c) By vessels towed on the whistle or foghorn.

§ 111.102 Same; vessel in fog, mist, etc.

In fog, mist, heavy rainstorms, or any other condition similarly restricting visibility, whether by day or night, the signals described in this section shall be used as follows:

(a) *Power-driven vessel or motorboat making way.* A power-driven vessel or motorboat making way through the water, shall sound at intervals of not more than 1 minute, a prolonged blast.

(b) *Power-driven vessel or motorboat under way but not making way.* A power-driven vessel or motorboat under way, but stopped and making no way through the water, shall sound, at intervals of not more than 1 minute, two prolonged blasts, with an interval of about 1 second between them.

(c) *Sailing vessel under way.* A sailing vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

(d) *Vessel at anchor.* A vessel when at anchor shall at intervals of not more than 1 minute ring the bell rapidly for about 5 seconds. In vessels of more than 350 feet in length, the bell shall be sounded in the forepart of the vessel, and in addition there shall be sounded in the after part of the vessel, at intervals of not more than 1 minute for about 5 seconds, a gong or other instrument, the tone and sounding of which cannot be confused with that of the bell. Every vessel at anchor may in addition, in accordance with § 111.63 sound three blasts in succession, namely, one short, one prolonged, and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(e) *Vessel towing, not under command, etc.* A vessel when towing, a vessel engaged in laying or in picking up a submarine cable or navigation mark, and a vessel under way which is unable to get out of the way of an approaching vessel through being not under command or unable to maneuver as required by this part shall, instead of the signals prescribed in paragraphs (a), (b), and (c) of this section, sound, at intervals of not more than 1 minute, three blasts in succession, namely, one prolonged blast followed by two short blasts.

(f) *Vessel towed.* A vessel towed, or, if more than one vessel is towed, only the last vessel of the tow, if manned, shall, at intervals of not more than 1 minute, sound four blasts in succession, namely, one prolonged blast followed by three short blasts. When practicable this signal shall be made immediately after the signal made by the towing vessel.

(g) *Vessel aground.* A vessel aground shall give the signal prescribed in paragraph (d) of this section, and shall, in addition, give three separate and distinct strokes on the bell immediately before and after each such signal.

§ 111.103 Same; seaplane on the water in fog, mist, etc.

A seaplane on the water shall not be obliged to give the signals mentioned in § 111.102 but if she does not, she shall make some other efficient sound signal at intervals of not more than 1 minute.

Subpart D—Steering and Sailing Rules

§ 111.141 General.

(a) In obeying and construing the provisions of these steering and sailing rules, any action taken should be positive, executed in ample time, and done with due regard to the observance of good seamanship.

(b) Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

(c) Mariners should bear in mind that seaplanes in the act of landing or taking off, or operating under adverse weather conditions, may be unable to change their intended action at the last moment.

§ 111.142 Sailing vessels approaching with risk of collision.

When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows:

(a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When both are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

(e) A vessel which has the wind aft shall keep out of the way of the other vessel.

§ 111.143 Two power-driven vessels or two motorboats meeting end on.

When two power-driven vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other, and when two motorboats are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. This section only applies to cases where such vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two such vessels which must, if both keep on their respective courses, pass clear of each other. The only cases to which it does apply are those in which each of two such vessels is end on, or nearly end on, to the other; in other words, to cases in which by day, each vessel sees the masts of the other in a line, or nearly in a line with her own; and by night, to cases in which each vessel is in such a position as to see both of the sidelights of the other. It does not apply by day, to cases in which a vessel sees another ahead crossing her own course; or, by night, to cases where the red light of one vessel is opposed to the red light of the other or where the green light of one vessel is opposed to the green light of the other or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

§ 111.144 Two power-driven vessels or two motorboats crossing with risk of collision.

When two power-driven vessels are crossing so as to involve risk of collision, the power-driven vessel which has the other on her starboard side shall keep out of the way of the other, and when two motorboats are crossing so as to involve risk of collision, the motorboat which has the other on her starboard side shall keep out of the way of the other.

§ 111.145 Right-of-way for power-driven vessels, motorboats, and sailing vessels in certain cases.

When two vessels are proceeding in such directions as to involve risk of collision, except as provided in § 111.150, concerning overtaking vessels, one such vessel shall keep out of the way of the other as follows:

(a) A sailing vessel shall keep out of the way of a power-driven vessel.

(b) A motorboat shall keep out of the way of a power-driven vessel.

(c) A motorboat shall keep out of the way of a sailing vessel.

(d) A power-driven vessel or sailing vessel or motorboat that is entering or preparing to enter the main channel of the Canal from either side shall not cross the bow of a vessel proceeding in either direction along the Canal axis and shall keep clear until the vessel proceeding along the Canal axis has passed.

§ 111.146 Vessels meeting in vicinity of obstructions.

When two power-driven vessels are meeting end on, or nearly end on, in the Canal in the vicinity of an obstruction, e.g., a dredge, drill barge, slide, etc., the vessel whose side of the Canal is clear shall have the right-of-way and the other vessel shall hold back and keep out of the way until the privileged vessel is clear.

§ 111.147 Course and speed of privileged vessel.

Where by any of the provisions in this part one of two vessels is to keep out of the way, the other shall keep her course and speed. When, from any cause, the latter vessel finds herself so close that collision cannot be avoided by the action of the burdened vessel alone, the privileged vessel also shall take such action as will best aid to avert collision. The vessel having the right-of-way shall in no case take any action that would unnecessarily endanger the burdened vessel; shall give due regard to existing circumstances; and shall proceed with caution so long as danger of collision remains.

§ 111.148 Burdened vessel not to cross ahead.

Every vessel which is directed by the provisions in this part to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

§ 111.149 Speed of burdened vessel.

Every power-driven vessel or motorboat which is directed by the provisions in this part to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

§ 111.150 Overtaking vessels.

(a) Notwithstanding anything contained in this part, every vessel overtaking any other shall keep out of the way of the overtaken vessel except that within the Canal channel all pleasure vessels and craft, even though they are an overtaken vessel, shall keep out of the way of transiting vessels and Panama Canal Company floating equipment.

(b) Every vessel coming up with another vessel from any direction more than 2 points (22½ degrees) abaft her beam, i.e., in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these sections, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(c) If the overtaking vessel cannot determine with certainty whether she is forward of or abaft this direction from the other vessel, she shall assume that she is an overtaking vessel and keep out of the way.

(d) When one power-driven vessel or motorboat is overtaking another power-driven vessel or motorboat, and the overtaking vessel shall desire to pass on the right or starboard of the vessel ahead, she shall give, as a signal of such desire, one short and distinct blast of her whistle, and if the overtaken vessel answers with one short blast, the overtaking vessel shall direct her course to starboard; or if the overtaking vessel shall desire to pass on the left or port side of the other vessel, she shall give as a signal of such desire, two short blasts of her whistle, and if the overtaken vessel answers with two short blasts, the overtaking vessel shall direct her course to port. However, if the overtaken vessel does not think it safe for the overtaking vessel to attempt to pass at that time, she shall immediately so signify by giving the danger signal, and under no circumstances shall the overtaking vessel attempt to pass until such time as they have reached a point where it can be done safely, and the overtaken vessel shall have signified her willingness by blowing the proper signal, two short blasts for the overtaking vessel to pass on the port side, one short blast to pass on the starboard side, which signal shall

be answered with a similar signal by the overtaking vessel before passing. After an agreement has been reached the overtaken vessel shall in no case attempt to cross the bow or crowd upon the course of the overtaking vessel.

(e) Except as specially authorized by the Port Captain, an overtaking power-driven vessel shall not overtake and pass another power-driven vessel in Gaillard Cut, Mamei Curve or Bohio Bend between buoys 38 and 40: *Provided, however*, That this paragraph shall not apply where either the overtaking or the overtaken vessel is less than 150 feet in length or is a Panama Canal power-driven vessel or a U.S. Army or U.S. Navy Local tug, with or without a tow.

§ 111.151 Meeting in Canal channel.

In the Canal channel every power-driven vessel encountering another vessel while proceeding along the line of the channel, shall keep to that side of the fairway or mid-channel which lies on its starboard side. When two such vessels so proceeding are bound in opposite directions, they shall, when it is safe and practicable, be governed by the meeting rule (§ 111.143), even when, by reason of an intervening bend in the channel, their headings are not substantially opposite when they first sight each other; and neither of them shall alter course to port across the course of the other. Tugs and motorboats shall, whenever practicable, keep well over to that side of the Canal which is to their starboard when large vessels are passing.

§ 111.152 Passing Panama Canal floating equipment or vessels under repair.

Panama Canal floating equipment at work in a stationary position shall have a privileged right to such position, and no passing vessel shall foul such equipment or its moorings, or pass at such speed as to create a dangerous wash or wake. Floating equipment of the Canal from which divers are working, and floating equipment so moored, and vessels under repair and in such condition, that a high wash might cause swampage or be hazardous to the workmen, shall be passed by all vessels at a speed sufficiently slow as not to create a dangerous wash or wake.

§ 111.153 Sound signals when vessels are in sight of one another.

(a) When vessels are in sight of one another, a power-driven vessel or motorboat underway, in taking any course of action, other than as provided in § 111.151, authorized or required by these rules, shall indicate that course by the following signals on her whistle, namely:

One short blast to mean "I intend to pass you on my port hand."
Two short blasts to mean "I intend to pass you on my starboard hand."
Three short blasts to mean "My engines are going astern."

The other vessel shall promptly answer a one-blast or two-blast signal with a similar blast of her whistle, unless passage in the manner proposed would be dangerous or the course or intention of the first vessel is not understood. In either such case, the other vessel shall sound the danger signal. Thereafter both vessels shall proceed with caution until new agreement is reached or danger of collision has passed.

(b) Whenever a power-driven vessel or motorboat is in sight of another vessel and is in doubt whether sufficient action is being taken by the other vessel to avert collision, she shall indicate such doubt by giving the danger signal. The giving of such a signal shall not relieve a vessel of her obligations under § 111.3 or § 111.4 or any other section, or of her duty to indicate any action taken under these sections by giving the appropriate sound signals laid down in this section.

(c) Failure to give or receive any of the whistle signals required by this section shall not lessen the duty of both vessels to pass each other as herein prescribed, except when emergency action becomes necessary as provided in § 111.3.

§ 111.154 Sound signals not to be used except as prescribed.

The one, two, and three short blast signals and the danger signal prescribed in § 111.153 for power-driven vessels and motorboats shall never be used except for the purposes indicated. The one, two, and three short blast signals shall never be used except when vessels are in sight of one another, and the course and position of each can be estimated in the day time from a sight of the vessel herself, or at night from her navigation lights.

§ 111.155 Power-driven vessel or motorboat rounding a bend.

Whenever a power-driven vessel or motorboat is nearing a bend in a channel where a vessel approaching from the other direction cannot be seen, such vessel, when she shall have arrived within one-half mile of the bend, shall give a signal by one prolonged blast of her whistle, which signal shall be answered by a similar blast given by any approaching vessel that may be within hearing around the bend. Regardless of whether an approaching vessel on the farther side of the bend is heard, such bend shall be rounded with alertness and caution.

§ 111.156 Sound signal for power-driven vessel or motorboat leaving berth.

When a power-driven vessel or motorboat is moving from her dock or berth, she shall give a signal of one prolonged blast of the whistle; but immediately after clearing the dock or berth so as to be fully in sight she shall be governed by the steering and sailing rules.

§ 111.157 Sound signals for passing through the gate in a pipe line.

When a power-driven vessel or motorboat is approaching a pipe line obstructing the channel, and desires to pass through the gate, she shall give a signal of two blasts, namely, one prolonged blast followed by a short blast, which signal shall be promptly answered by the gate tender with the same signal if she is ready to have the approaching vessel pass, or by the danger signal if it is not safe for her to pass. In no case shall the approaching vessel attempt to pass until the gate tender signifies by a signal of one prolonged and one short blast that the channel is open. The gate tender shall so signify as soon as practicable, and the approaching vessel shall answer with a similar signal.

§ 111.158 Sound signals for passing floating equipment using maneuvering lines.

When a power-driven vessel or motorboat is approaching floating Canal equipment which has maneuvering lines obstructing the channel, and desires to pass, she shall give the appropriate signal comparable to the signals prescribed by § 111.153 for certain vessels in sight of one another, which the floating equipment, after promptly slacking her lines and complying with § 111.47 shall answer with a similar signal. If, for any reason, the floating equipment is unable to give such signal, she shall so signify by blowing the danger signal, and the approaching vessel shall not attempt to pass until the visual signal required by § 111.47 has been given, and the proper passing whistle signal has been given by the floating equipment. After receiving such signals, and after answering the passing signal, the approaching vessel may then proceed.

§ 111.159 Unauthorized use of whistles prohibited.

The sounding of the steam whistle or siren except in the giving of any authorized or required signal is prohibited.

§ 111.160 Navigation by, or with respect to, seaplanes.

(a) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. The following provisions shall be observed by all seaplanes operated on the water and by vessels with respect to such seaplanes when approaching so as to involve risk of collision:

(1) Crossing: The seaplane or vessel which has the other on the right shall give way so as to keep well clear.

(2) Approaching head-on: When two seaplanes, or a seaplane and a vessel approach head-on, or approximately so, each shall alter her course to the right so as to keep well clear.

(3) Overtaking: The seaplane or vessel which is being overtaken has the right-of-way, and the one overtaking shall alter her course so as to keep well clear.

(b) When two seaplanes, or a seaplane and a vessel are approaching each other so as to involve risk of collision, each shall proceed with careful regard to existing circumstances and conditions, including the limitations of the respective craft.

§ 111.161 Speed and maneuvering of vessels in fog, mist, etc.

(a) Every vessel or seaplane when taxiing on the water, shall in fog, mist, heavy rain storms, or any other conditions similarly restricting visibility, go at a moderate speed, having careful regard to the existing circumstances and conditions.

(b) A power-driven vessel hearing, apparently forward of her beam, the fog signal of a vessel the position of which is not ascertained, shall so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

(c) When two vessels are meeting each other in a Canal channel less than 800 feet wide, they shall, when about a mile apart, reduce speed, if practicable, and then proceed cautiously until they have passed clear.

(d) A vessel moored or at anchor shall not get underway when, because of atmospheric conditions, visibility is less than 1,000 feet. A vessel already underway under such conditions shall anchor or moor as soon as practicable, and shall report immediately to the Port Captain by radio or other available means.

§ 111.162 Maximum speeds.

(a) A vessel shall not exceed the speeds designated below, except in an emergency:

	Knots
Atlantic entrance to Gatun Locks	12
Gatun Lake in a 1,000-foot channel	18
Gatun Lake in an 800-foot channel	15
Gatun Lake in a 500-foot channel	12
When rounding Buoy No. 17 in Gatun Reach northbound	10
Gaillard Cut (in the straight reaches):	
Vessels under 300 feet in length	8
Vessels 300 feet or more in length:	
In 500-foot channel	8
In 300-foot channel (or as near 6 knots as possible on dead slow or in order to maintain steerageway)	6
Gamboa: When passing reserve fleet basin, concrete dock, or floating crane berth; and when entering Gaillard Cut	6
Miraflores Locks to Buoy No. 14	6
Buoy No. 14 to Pacific entrance	12

(b) A vessel in Canal Zone waters at locations other than those specified in paragraph (a) of this section, including Gatun Anchorage, when rounding Bohio and Darien Bends, Miraflores Lake, and in or near the locks, shall not exceed a speed that is safe under the existing circumstances and conditions, except in an emergency.

(c) The Port Captain may authorize departures from the maximum speeds established by this section in the case of particular vessels whose handling characteristics are such as to indicate that a higher speed or speeds can be prudently allowed.

(d) This section does not apply to motorboats, as defined in § 111.163(b) or to vessels of the Panama Canal Company.

§ 111.163 Same; motorboats and Panama Canal Company vessels.

(a) Motorboats and vessels of the Panama Canal Company when under way shall proceed at a speed which is reasonable under the existing circumstances and conditions and which does not create a hazard to life or property.

(b) For the purposes of this section, a motorboat is defined as a vessel propelled by machinery and not more than 65 feet in length as measured from end to end over the deck.

Subpart E—Miscellaneous

§ 111.201 Distress signals.

When a vessel or seaplane on the water is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely:

(a) A gun or other explosive signal fired at intervals of about a minute.

(b) A continuous sounding with any fog-signal apparatus.

(c) Rockets or shells, throwing red stars fired one at a time at short intervals.

(d) A signal made by radiotelegraphy or by any other signalling methods consisting of the group ...———... in the Morse Code.

(e) A signal sent by radiotelephony consisting of the spoken word "Mayday."

(f) The international Code Signal of distress indicated by N. C.

(g) A signal consisting of a square flag having above or below it a ball or anything resembling a ball.

(h) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).

(i) A rocket parachute flare showing a red light.

The use of any of the above signals, except for the purpose of indicating that a vessel or a seaplane is in distress, and the use of any signals which may be confused with any of the above signals, is prohibited.

§ 111.202 Orders to helmsman.

All orders to helmsmen shall be given in the following sense: right rudder or starboard to mean "put the vessel's rudder to starboard"; left rudder or port to mean "put the vessel's rudder to port".

§ 111.203 Diving operations; industrial and commercial; recreational skin diving; light, flag.

(a) When industrial or commercial diving operations are underway in any waters of the Canal Zone, a revolving red light shall be displayed from the diving barge or other craft serving the diver. The light shall be so mounted and of sufficient intensity as to be visible for not less than 1 mile by day and by night. Vessels approaching or passing an area where diving operations are underway shall reduce speed sufficiently to avoid creating a dangerous wash or wake.

(b) Recreational skin diving in waters of the Canal proper, including Gaillard Cut and the channel through Gatun and Miraflores Lakes and in the waters of all ship's anchorages, harbors, piers, and docks is prohibited unless authorized in writing by the Port Captain. Authorization shall not be given for skin diving at night. When recreational skin-diving activities are underway in any waters of the Canal Zone, a flag with a hoist or height of not less than 12 inches and a fly or length of not less than 18 inches and having a red background and a 2½-inch diagonal white stripe, running from the upper corner of the staff end of the flag to the lower corner of the outside end of the flag, shall be displayed from the mast of the craft serving the skin diver. Flags larger than the foregoing minimum dimensions shall preserve the same proportions. Vessels approaching an area where such skin-diving activities are underway shall reduce speed sufficiently to avoid creating a dangerous wash or wake.

(c) The provisions of this section do not apply to diving operations conducted in or about the locks by locks personnel.

(d) The provisions of this section do not apply to emergency situations in which prompt action is necessary to save or protect life or property and time does not permit compliance.

§ 111.204 Water skiing; observer required; prohibited times and areas.

(a) When towing a person on water skis or an aquaplane or similar device a motorboat or any other vessel shall, in addition to the operator, carry an observer, at least 12 years of age, so placed in the motorboat or other vessel as to be able to keep the operator fully informed of all conditions potentially hazardous to the person towed or any other property or person in the vicinity. The observer shall be alert and shall keep the operator fully informed of all hazards. The operator shall devote his full attention to operating the motorboat or other vessel in a safe manner.

(b) No person shall operate a motorboat or other vessel on the waters of the Canal Zone towing a person or persons on water skis, or aquaplane or similar device nor shall any person engage in water skiing, aquaplaning or other similar activity during the hours from sunset to sunrise.

(c) No person shall operate water skis, an aquaplane or similar device in such a manner as to endanger the life, limb or property of any person.

(d) No person shall operate a motorboat or other vessel towing a person or persons on water skis, aquaplane or any similar device nor shall any person engage in water skiing, aquaplaning or other similar activity on the waters of designated ships anchorages, harbors, piers or docks in the Canal Zone nor on the waters of the Canal channel extending from Buoys 1 and 2, Pacific Entrance, through Miraflores Lake, Gaillard Cut, Gatun Lake and the Atlantic entrance Channel to the Cristobal Breakwater Entrance.

(e) No person shall operate water skis, an aquaplane or similar device within 100 feet of the shoreline of any area which has been licensed by the Canal Zone Government to a person, persons, or organization for use as a boat recreation site and which has been posted with the licensee's name and land license number. This prohibition shall not apply to the licensee of such area or to his guests.

§ 111.205 Operation of small craft in recreation-site areas prohibited.

(a) No small craft shall be operated within 100 feet of the shoreline of any area which has been licensed by the Ca-

nal Zone Government to a person, persons, or organization for use as a boat recreation site and which has been posted with the licensee's name and land license number, unless it is necessary to do so in going to or from another licensed area, in which case the licensee of the area to or from which passage is being made or his guests may proceed through the restricted area, but must do so at a reduced speed that will avoid unreasonable interference with use of the area through which passage is made and the property thereon. This section shall not apply to use by a licensee or his guests of the area licensed to him; nor to any small craft in distress.

(b) For the purposes of this section, a small craft is defined as any vessel which is not required to have the assistance of locomotives when transiting the locks.

§ 111.206 Operating small craft while intoxicated or while under the influence of drugs prohibited.

(a) No person shall operate a small craft while intoxicated.

(b) It is unlawful for any person to operate any small craft who is a habitual user, or under the influence, of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely operating the vessel in Canal Zone waters. The fact that one lawfully is or has been using any drug shall not constitute a defense against a charge of violating this section.

(c) For purposes of this section, the term small craft shall have the same meaning as in § 111.205.

Subpart F—Penalties for Violation

§ 111.221 Penalties for violation.

Whoever violates any of the provisions of §§ 111.1 to 111.206 is subject to punishment as provided in 2 C.Z.C. 1331, 76A Stat. 46, by a fine of not more than $100, or by imprisonment in jail for not more than 30 days, or by both.

PART 113—HAZARDOUS CARGOES

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Subpart E—Penalties for Violation

111.161 Penalties for violation.

AUTHORITY: The provisions of this Part 113 issued under authority vested in President by 2 C.Z.C. 1331, 76A Stat. 46, and delegated to Secretary of Army by § 3.1(a) (1) of this chapter.

Subpart A—General Provisions

§ 113.1 Statement of amount and character of explosives carried.

In addition to complying with § 123.4, vessels carrying explosives, except ships of war, shall furnish a statement of the amounts and character of the explosives carried.

§ 113.2 Loading certificate or declaration.

Upon the arrival of a vessel carrying explosive cargo at a port of the Canal Zone, the Master shall deliver to the Boarding Officer a loading certificate, issued by a Surveyor or Inspector of a recognized authority such as the National Cargo Bureau, Inc., British Board of Trade, Port Authority Official, or Navigation Inspector, stating where and how the explosives are stowed and the manner of packing. When no loading certificate is available, the Master, upon arrival, must submit to the Boarding Officer a declaration as follows:

DECLARATION OF EXPLOSIVE CARGO CARRIED

I, the undersigned _____, Master of the _____, carrying explosives as classified by the United States Coast Guard, or by any other recognized government agency, do hereby declare and certify on behalf of the owners of the vessel, as follows:

The explosives were loaded at [1] _____, packed and stowed in accordance with [2] _____

The explosives are in [3] _____

Explosives are separated from flammables by [4] _____

The packing and stowing has not been disturbed since leaving the port of [1] _____

_____
(Master's signature)

_____
(Date)

[1] Name of port of loading.

[2] Regulations of United States Coast Guard, British Board of Trade, Port Authority, as the case may be, as indicated on the containers.

[3] State number of hold, special magazine, etc. (which must be within reach of ship's fire hose) including amount of each kind of explosive.

[4] Boiler room, engine room, etc., within reach of ship's fire hose. If no flammables are carried, so state.

§ 113.3 Definition and classification of hazardous cargoes.

The definition and classification of explosives and other hazardous cargoes, except petroleum products in bulk, shall be in accordance with the regulations established by the United States Coast Guard or by any other recognized governmental agency, but in case of doubt as to the explosive nature of any commodity, or in case of conflict as to its classification, determination of the nature and classification of such cargoes shall be made by the Canal authorities.

CROSS REFERENCES: For regulations of the Interstate Commerce Commission relating to explosives and other dangerous articles, see 49 CFR Parts 71–78. For regulations of the U.S. Coast Guard relating to transportation of dangerous cargo, see 46 CFR Parts 146, 147.

§ 113.4 Packing and stowing of hazardous cargoes.

Packing and stowing of explosives and other hazardous cargoes, except petroleum products in bulk, shall be in accordance with the rules in force at the port of loading. When no such rules exist at the port of loading, the regulations of the United States Coast Guard, or of the British Board of Trade shall apply.

§ 113.5 Anchorage areas for ships loaded with hazardous cargoes.

The following areas for ships loaded with explosives or with highly volatile products are designated:

(a) *Atlantic end.* Area included in rectangle one thousand yards wide immediately south of West breakwater, starting at a point on West breakwater one thousand yards from West Breakwater Light and thence extending westward 2,000 yards along breakwater.

(b) *Pacific end.* Area south of Naos Island bounded on the east by a line drawn south (true) from entrance gas buoy No. 1; on the south by a line drawn east (true) from Tortolita Island, and on the north and west by the curve of 30-foot depth.

§ 113.6 Vessels to anchor and await instructions.

Vessels carrying explosive cargoes shall anchor in the explosive anchorage areas, as described in § 113.5, on arrival at the Canal Zone, and there await instructions. Such vessels will be allowed alongside wharves of the Canal Zone only as prescribed in §§ 113.7, 113.8, and each case will be handled individually by the Port Captain.

§ 113.7 Restrictions as to docking alongside terminal piers.

Vessels with explosives aboard forming part of the cargo will be allowed alongside the terminal piers only when such explosives are stowed properly in spaces which need not be opened during the vessel's stay at the dock. A closed magazine in a hold is considered a separate space which need not be opened. Should there be cargo for discharge at the Canal Zone in the same space with explosives, the explosives must be removed before the vessel will be allowed alongside the terminal piers.

§ 113.8 Places for loading and discharging explosives; restrictions.

(a) The explosive dock at Mindi and the explosive anchorages prescribed in § 113.5 are hereby designated for loading or discharging explosive cargo consigned to Canal agencies or to private consignees.

(b) The explosive dock at Mindi, explosive anchorages prescribed in § 113.5, Pier 1 at Rodman Naval Station, and Pier 4 at Coco Solo Naval Station (except during periods when it may be deactivated), are designated for loading or discharging explosive/ammunition cargo consigned for military units: *Provided, however,* That (1) the accumulation of mass detonating explosive/ammunition at the Navy piers Rodman and Coco Solo (i.e., the total explosive/ammunition cargo on board ship and on the pier at any one time) shall not exceed a total explosive content of 25,000 pounds; (2) when handling other than mass detonating types of explosive/ammunition cargo, the total weight shall not exceed that allowed by safety standards prescribed by the Chief of the Bureau of Ordnance, Department of the Navy; and (3) the Navy piers at Rodman and Coco Solo shall not be used for handling explosive/ammunition cargo unless specific approval has been granted in each instance by the Commandant, Fifteenth Naval District, who will ensure that the Port Captain, Balboa or Cristobal, as the case may be, is advised of the details of each such handling.

(c) The Canal authorities upon application may grant authority to discharge explosives, whether designated for civilian or military use, at Canal Zone docks in an emergency or when the character or packing of the explosives justifies such discharge.

§ 113.9 Discharging small-arms ammunition, and pyrotechnic supplies.

Shipments of ammunition for small arms (in cartridge or shell fully assembled) not exceeding in the aggregate 10 tons weight or measurement, pyrotechnic supplies not exceeding in the aggregate 1 ton weight or measurement, and 500 pounds or less of smokeless powder may be landed at either the Cristobal or Balboa terminal docks upon observance of special precautions to insure safe handling.

§ 113.10 Discharging flammable cargo at public wharves.

Whenever it shall become necessary to remove any especially flammable cargo from ships to public wharves, the Port Captain shall be notified at least 2 hours before such cargo is to be discharged upon the wharf, so that the proper means can be provided to remove such cargo from the pier area at the earliest moment.

§ 113.11 Compliance with administrative regulations governing the storage and handling of petroleum products in bulk.

In addition to the regulations prescribed herein regarding the transportation and handling of hazardous cargoes in Canal Zone waters, ships' personnel involved in loading or unloading petroleum products or bunkering in Canal Zone waters shall comply with the procedures set forth in the pamphlet published by the Panama Canal Company entitled "Regulations Governing the Storage and Handling of Petroleum Products in Bulk at Canal Zone Terminals."

Subpart B—Handling, Loading, and Unloading of Explosives

§ 113.41 Application.

This subpart applies to all vessels, domestic and foreign, regardless of character, tonnage, size, service, and whether self-propelled or not, and whether arriving or departing, or under way, moored, anchored, or aground, except tankers: *Provided, however,* That said sections shall not be construed to apply to the transportation of military or naval forces with their accompanying munitions of war or stores.

§ 113.42 Classification of explosives.

Explosives are classified for purposes of this subpart, as follows:

CLASS A—DANGEROUS EXPLOSIVES

Ammunition for cannon with explosive projectiles.
Ammunition for cannon with explosive gas projectiles.
Ammunition for cannon with explosive smoke projectiles.
Ammunition for cannon with explosive incendiary projectiles.
Ammunition for small arms with explosive bullets.
Black powder.
Blasting powder.
Blasting caps—more than 1,000.
Blasting caps with safety fuse—more than 1,000.
Blasting caps, electric—more than 1,000.
Boosters (explosive). Detonating fuses.
Explosive bombs.
Explosive mines.
Explosive rifle grenades.
Explosive projectiles.
Explosive torpedoes.
Explosive hand grenades.
High explosives.
Low explosives.
Initiating explosives.
Wet fulminate of mercury.
Wet diazodinitrophenol.
Wet pentaerythrite tetranitrate.
Wet lead azide.

CLASS B—LESS DANGEROUS EXPLOSIVES

Ammunition for cannon with empty projectiles.
Ammunition for cannon with sand loaded projectiles.
Ammunition for cannon with solid projectiles.
Ammunition for cannon without projectiles.
Deteriorated smokeless powder for cannon.
Smokeless powder for cannon.
Smokeless powder for cannon or small arms in water.
Smokeless powder for small arms.
Fireworks.

CLASS C—RELATIVELY SAFE EXPLOSIVES

Ammunition for small arms. Small arms primers.
Blasting caps—1,000 or less caps.
Blasting caps with safety fuse—1,000 or less caps.
Cartridge bags, empty, with black powder igniters.
Cartridge cases, empty, primed.
Combination fuses. Combination primers.
Cordeau detonant.

Delay electric igniters. Electric blasting caps—1,000 or less.
Electric squibs. Safety squibs.
Empty cartridge bags. Black powder igniters.
Empty cartridge cases primed.
Fuse igniters. Fuse lighters. Fuse, safety. Igniters.
Fuses, combination, percussion, time or tracer. Instantaneous fuse. Grenades, empty, primed.
Percussion caps. Percussion fuses. Primers. Toy caps.

§ 113.43 Inspection for and report of fires.

The master of any vessel having on board explosives or other dangerous articles or substances as cargo and about to enter a port of the Canal Zone shall make or cause to be made an inspection prior to entering such port. If the inspection discloses the presence of fire or any other hazardous condition, such condition shall immediately be reported to the Port Captain and the master or person in charge of such vessel shall comply with the instructions given by the Port Captain as to procedure to be followed in entering port.

§ 113.44 Authorization to load or unload explosives.

Shipments of Class A explosives exceeding 500 pounds shall not be loaded on or unloaded from any vessel in Canal Zone ports until authorization for such loading or unloading has been obtained from the Port Captain.

§ 113.45 Loading or unloading explosives at same time as other cargo.

Explosives shall not be loaded or unloaded at the same time that other cargo is being loaded or unloaded unless approval is obtained from the Port Captain concerned: *Provided*, That in no case shall drums or other containers of flammable liquids classed as Grade "A," "B," or "C" by § 113.91 be loaded or unloaded at the same time that explosives are being loaded or unloaded.

§ 113.46 Preparations before handling, loading or unloading explosives.

All decks, gangways and hatches over or through which explosives must be passed or handled in loading or unloading, shall be freed of all loose material and shall be swept broom clean both before and after loading or unloading. The hatches and cargo ports opening into a compartment in which explosives are stowed shall be kept closed at all times, except during loading or unloading of the compartment. When closed, the hatches shall be covered with tarpaulins securely battened.

§ 113.47 Manner of handling, loading or unloading explosives.

All explosives must be handled carefully. Packages of explosives must not be thrown, dropped, rolled, dragged or slid over each other or over the decks. In transferring explosives to or from a pier or another vessel the packages must be handled by hand or by using a regulation chute and mattress. If the difference in elevation between the vessels or a vessel and the dock, or conditions of weather render it difficult to safely load or unload by hand or chute, mechanical hoist, crates, rope-net slings or basket may be used. The maximum load handled in crates, rope-net slings or baskets per draft shall not exceed 2,400 pounds. No containers of explosives shall be loaded above the side of any crate or basket nor shall rope-net slings be so loaded as to prevent the sling from encompassing the entire load on its top side. Explosives shall not be handled roughly. They must be hoisted and lowered carefully and only deposited or lowered onto a mattress. Blasting caps, detonating fuses, fulminate of mercury and other initiating or priming explosives as defined in these regulations shall be considered as constituting a distinct class of dangerous explosives and because of the hazard involved they shall be handled with extreme care. "Can" hooks shall not be used for raising or lowering barrel, drum, or other container of explosives. Metal bale hooks shall not be used in handling packages of explosives. Transfer trucks equipped with "electric motor" means of propulsion shall not be used in handling any high explosive, low explosive, black powder or smokeless powder.

§ 113.48 Chute used in loading or unloading explosives.

The incline of the chute to be used in loading or unloading explosives shall be such that the velocity of the packages sliding will not be great enough to cause violent shock when coming in contact with the other packages, on the chute or when reaching the bottom of chute. If the incline is otherwise, men shall be stationed alongside the chute to retard and control the velocity of the packages. Chutes shall be carefully wiped down with waste moistened with machine oil when packages of explosives are being handled.

§ 113.49 Equipment for loading or unloading explosives.

Before explosives are loaded or unloaded from a vessel the master or other person in charge of the vessel shall be required to ascertain by examination the condition and working of all slings, crates, baskets, boxes, chutes, mattresses, tackle and other equipment to be used in the transfer operation. Any and all equipment which in the judgment of the master or other person in charge of the vessel is not in safe working condition shall be rejected and the master or such other person shall prohibit its use and take such precautions as he may deem necessary to be certain such rejected equipment is not used for the purpose of loading or unloading explosives. The master or other person in charge of the vessel shall maintain continuous inspection of all equipment used during the transfer of explosives and if any part of the equipment shows any defect or is damaged in use, work shall be stopped and the damage or defective equipment repaired or replaced before permitting the loading or unloading to continue. This inspection of cargo-working equipment shall apply both to the vessel's equipment and to stevedore or other contractor's equipment.

§ 113.50 Lights, firearms, matches, cigarette lighters, bale hooks, oily rags, metallic tools, footwear.

No artificial light except electric lights or electric lamps or flood lights shall be used while loading or unloading explosives. Flash lights of a non-spark type shall be provided by the vessel owner or operator for persons required to enter holds in which explosives are stowed. Members of the crew of the vessel and other persons permitted on board the vessel to aid and assist in loading or unloading explosives shall not be permitted to have or carry on their persons firearms, matches, cigarette lighters, bale hooks, oily rags, or metallic tools. No person engaged in loading or unloading Class A dangerous or Class B less dangerous explosives (except fireworks) shall wear boots or shoes shod or strengthened with iron nails or metal, unless such boots or shoes are covered with rubber, leather, felt or some such nonsparking material.

§ 113.51 Fires on docks, lighters, or vessels.

No unnecessary fire shall be permitted on docks, lighters or vessels, while loading or unloading explosives. Fires deemed necessary must be properly safeguarded and left in constant charge of some competent person assigned for that purpose by the master for the entire period of cargo transfer. A line of fire hose of sufficient length to cover the area of loading or unloading operations and connected with an adequate water supply shall be laid ready for use.

§ 113.52 Smoking prohibited.

Smoking is prohibited on or near any vessel loading or unloading explosives. "No Smoking" warning signs shall be posted during operations of loading or unloading such cargo. "No Smoking" signs shall be located on the pier at a safe distance from the vessel when such loading or unloading is taking place at a pier.

§ 113.53 Persons under influence of liquor or drugs.

No person who, in the judgment of the master or other person in charge of the vessel, may be considered as being under the influence of liquor or drugs, shall be permitted on board a vessel while the vessel is loading or unloading or transporting explosives.

§ 113.54 Damaged or leaking containers of explosives.

If upon arrival of a vessel in port it is found that a container of explosives has been damaged or is leaking the master of the vessel shall consult the port authorities and request instructions as to disposition of the insecure container. Any container of explosives showing evidence of damage or leakage of a liquid ingredient shall not be handled with other explosives being loaded or unloaded but shall be segregated and held for inspection and disposition.

§ 113.55 Damaged or leaking containers of explosives not to be accepted for transportation.

Any container of an explosive offered for transportation or storage in the Canal Zone showing excessive dampness or escaping nitrous fumes, or which is moldly or shows outward signs of any oil stain or other indication that the absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part of the explosive is greater than the absorbent can carry, shall not be accepted for transportation. The master or person in charge must substantiate any claim that a stain is due to accidental contact with grease, oil, or similar substance. In case of doubt the container shall be refused.

Subpart C—Hazardous Liquid Cargoes

§ 113.91 Definitions.

For the purpose of §§ 113.91–113.127, the following definitions of terms shall govern:

(a) *Cargo.* "Cargo" means combustible liquid, flammable liquid, or liquefied flammable gas unless otherwise stated.

(b) *Classification requirements.* "Classification requirements" means applicable rules and supplementary requirements of the American Bureau of Shipping, or other recognized classification society.

(c) *Combustible liquid.* "Combustible liquid" means any liquid having a flash point above 80° F. (as determined from an open cup tester, as used for test of burning oils). Combustible liquids are referred to by grades, as follows:

(1) Grade "D": Any combustible liquid having a flash point below 150° F. and above 80° F.

(2) Grade "E": Any combustible liquid having a flash point of 150° F. or above.

(d) *Flame arrestor.* "Flame arrestor" means any device or assembly of a cellular, tubular, pressure or other type, used for preventing the passage of flames into enclosed spaces.

(e) *Flash point.* "Flash point" indicates the temperature in degrees Fahrenheit at which a liquid gives off a flammable vapor when heated in an open cup tester. For the purpose of these regulations, flash points determined by other testing methods will be equivalent to those determined with an open cup tester as follows:

EQUIVALENT FLASH POINTS

Open cup tester	Tag closed cup tester (A.S.T.M.)	Pensky-Martens closed tester (A.S.T.M.)
° F.	° F.	° F.
80	75	----------
150	----------	140

(f) *Flammable liquid.* "Flammable liquid" means any liquid which gives off flammable vapors (as determined by flash point from an open cup tester, as used for test of burning oils) at or below a temperature of 80° F. Flammable liquids are referred to by grades as follows:

(1) Grade "A": Any flammable liquid having a Reid vapor pressure of 14 pounds or more.

(2) Grade "B": Any flammable liquid having a Reid vapor pressure under 14 pounds and over 8½ pounds.

(3) Grade "C": Any flammable liquid having a Reid vapor pressure of 8½ pounds or less and flash point of 80° F. or below.

(g) *Liquefied flammable gas.* "Liquefied flammable gas" means any flammable gas having a Reid vapor pressure exceeding 40 pounds, which has been compressed and liquefied for purposes of transportation. Liquefied flammable gases are referred to by classes as follows:

(1) Class 1: Any liquefied petroleum gas, including gases or mixtures of gases produced with or derived from petroleum or natural gas, and composed predominantly of hydrocarbons or mixtures of hydrocarbons such as propane, propylene, butane, butylene or butadiene.

(2) Class 2: Any liquefied flammable gas other than liquefied petroleum gas.

(h) *Pressure vacuum relief valve.* "Pressure vacuum relief valve" means any device or assembly of a mechanical, liquid, weight, or other type used for the automatic regulation of pressure or vacuum in enclosed places.

(i) *Reid vapor pressure.* "Reid vapor pressure" means the vapor pressure of a liquid at a temperature of 100° F., expressed in pounds per square inch, absolute, as determined by the "Reid Method" as described in the American Society for Testing Materials, Standard D–323 (most recent revision), Method of Test for Vapor Pressure of Petroleum Products. This standard is available at U.S. Coast Guard Headquarters for reading purposes, or it may be purchased from the society in Philadelphia, Pa.

(j) *Flame screen.* "Flame screen" means a single screen of corrosion-resistant wire of at least 30 by 30 mesh or two screens, both of corrosion-resistant wire, of at least 20 by 20 mesh, spaced not less than one-half inch or more than 1½ inches apart.

(k) *Cofferdam.* "Cofferdam" means a void or empty space separating two or more compartments for the purpose of isolation or to prevent the contents of one compartment from entering another in the event of the failure of the walls of one to retain their tightness.

(l) *Spark arrestor.* "Spark arrestor" means any device, assembly, or method of a mechanical, centrifugal, cooling, or other type and of a size suitable for the retention or quenching of sparks in exhaust pipes from internal combustion engines.

§ 113.92 Grading of vessels in accordance with products transported.

Vessels which are transporting Grade "A", Grade "B", Grade "C", Grade "D", or Grade "E" cargoes in bulk, or which being in ballast have on a previous voyage transported cargoes of these grades and whose tanks are not free of explosive gases, will be dealt with as Grade "A", Grade "B", Grade "C", Grade "D", or Grade "E" vessels, respectively. If a vessel is carrying two grades of hazardous cargo at the same time, it will be treated as a vessel of the grade corresponding to that of the more volatile product. A vessel in ballast, whose tanks are kept charged with an inert gas during transit shall be dealt with as a Grade "E" vessel. Tanks which are ballasted full to the level of the expansion hatch deck coaming will be accepted as the equivalent of a tank which has been gas-freed since last transporting hazardous cargo.

§ 113.93 Construction of cargo tanks.

(a) Grade "A" cargo tanks shall extend to the main deck with hatches and vents located on the weather deck.

(b) All cargo tanks to be vented at a gage pressure of 4 pounds per square inch or less shall be constructed and tested as required by standards established by the American Bureau of Shipping or other recognized classification society.

(c) All cargo tanks to be vented at a gage pressure exceeding 4 pounds per square inch shall be constructed in accordance with pertinent provisions of the Tank Vessel Regulations of the United States Coast Guard or in accordanoe with comparable regulations of regulatory agencies of other nations.

§ 113.94 Liquid level gaging, Grade "A" tanks.

Tank vessels which are to load or discharge Grade "A" liquids in Canal Zone waters shall provide a method of determining the liquid level in the tank without opening ullage holes, cargo hatches, or butterworth plates: *Provided*, That ullage holes fitted with sounding pipes tightly secured to the underside of the tank tops, open at the bottom, and extending to within 18 inches or less of the bottom of the tank shall be considered as complying with the foregoing requirement.

§ 113.95 Transportation of Grade "B" or "C" liquids in shelter-deck vessels.

Transportation of Grade "B" or "C" liquids is prohibited in cargo tanks having a shelter between deck space, not adapted or used for carrying hazardous liquid cargo in bulk, located over the tanks (between the tank top and main deck) unless such space is separated from other parts of the vessel by gas tight steel bulkheads. Hatches and vents of such tanks shall be located on the weather deck. Where ullage plugs are located in this space they must be secured and sealed in such manner as to necessitate breaking of the seal to open them: *Provided*, That the ullage holes may be opened during cargo transfer operations.

§ 113.96 Classification of vessels for carrying petroleum products in bulk.

Grade "A", "B", "C", "D", or "E" vessels are required to be maintained in class for carrying hazardous cargo in bulk by the American Bureau of Shipping, or other recognized classification society. If not so classed, vessels shall apply to the Board of Local Inspectors of the Canal Zone Government for a

certificate of inspection stating their fitness for carrying hazardous cargoes in bulk in Canal Zone waters.

§ 113.97 Information to be furnished by vessels of all grades.

Vessels of Grade "A", "B", "C", "D", and "E" shall furnish the following information:

(a) Classification status.

(b) Amount and name of each grade of cargo carried.

(c) The actual vapor pressure in the case of Grade "A" cargoes, and certification that the vapor pressures for Grade "B" cargoes are less than 14 and more than 8½ pounds per square inch, vapor pressures for Grade "C" cargoes are 8½ pounds per square inch or less, and the flash points in the case of Grade "D" and "E" cargoes; all determinations to be made in accordance with definitions contained in § 113.91.

§ 113.98 Venting of cargo tanks.

(a) On all tank ships each cargo tank shall be equipped with a vent. The diameter of a vent shall be not less than 2½ inches.

(b) Cargo tanks in which Grade "A" liquids are to be transported shall be fitted with a venting system consisting of branch vent line from each cargo tank connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrestor or pressure-vacuum relief valve. Each branch vent line may be provided with a manually operated control valve, provided it is by-passed with a pressure-vacuum relief valve, or each cargo tank to which such a branch vent line is connected is fitted with an independent pressure-vacuum relief valve which shall extend to a reasonable height above the weather deck, or the control valve is locked in open position while in Canal Zone waters. Venting of Grade "A" cargo tanks near the deck line is prohibited.

(c) Cargo tanks in which Grade "B" or "C" liquids are to be transported shall be fitted with individual pressure-vacuum relief valves, which shall extend to a reasonable height above the weather deck, or shall be fitted with a venting system consisting of branch vent lines connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrestor or a pressure-vacuum relief valve.

(d) Venting systems required for Grade "A" liquids may be used in lieu of systems required for Grade "B" and "C".

(e) Cargo tanks in which Grade "D" or "E" liquids only are to be transported shall be fitted with gooseneck vents and flame screens unless such tanks are vented by pressure-vacuum relief valves or a venting system of branch vent lines and a vent header.

(f) Venting systems required for Grade "A", "B", or "C" liquids may be used in lieu of systems required for Grade "D" or "E".

§ 113.99 Venting of bunker tanks.

Bunker fuel tanks shall be fitted with a gooseneck vent with suitable wire flame screen or a standard pressure-vacuum relief valve. The minimum size of vents shall not be less than 2½ inches. The vent outlet shall be located above the weather deck.

§ 113.100 Venting of cofferdam.

Cofferdams shall be provided with gooseneck vents fitted with a flame screen or pressure-vacuum relief valves. The diameter of a vent shall not be less than 2½ inches.

§ 113.101 Ventilation.

All enclosed parts of the vessel other than cargo, fuel, and water tanks and cofferdams, shall be provided with efficient means of ventilation. Pump rooms and compartments containing machinery where sources of vapor ignition are normally present shall be ventilated in such a way as to remove vapors from points near the floor levels or bilges. Effective steam or air actuated gas ejectors, blowers or ventilators fitted with heads for natural ventilation, will be approved for this purpose.

§ 113.102 Ventilation for certain hold spaces.

Hold spaces containing independent cargo tanks shall be considered to be equivalent to cargo pump rooms and shall be ventilated and safeguarded as such.

§ 113.103 General safety requirements during transfer operations.

(a) Boiler fires are normally permitted during cargo transfer operations: *Provided*, That prior to transferring Grade "A", "B" or "C" cargoes, the Master or Senior Deck Officer on duty and the Panama Canal Company Oil Plant Foreman or his representative shall make an inspection to determine whether, in their judgment, boiler fires may be maintained with reasonable safety during transfer operations.

(b) Galley fires are normally permitted during cargo transfer operations: *Provided*, That prior to transferring Grade "A", "B" or "C" cargoes, the Master or Senior Deck Officer on duty and the Panama Canal Company Oil Plant Foreman or his representative shall make an inspection to determine whether in their judgment galley fires may be maintained with reasonable safety during transfer operations.

(c) Tank vessels that are to transfer Grade "A" cargo shall have all openings in the top of the tanks closed except branch vent lines.

(d) During transfer operations a red signal (flag by day and electric lantern at night) shall be so placed that it will be visible on all sides.

(e) Warning placards shall be displayed at the gangway, in a conspicuous place, during transfer of cargo, to warn persons approaching the gangway. The placard shall state in letters not less than 2 inches high the following:

DANGER

HANDLING PETROLEUM

NO LOITERING

NO FIRES NO SMOKING

NO VISITORS

(The placards shall be supplied by the Panama Canal Company.)

(f) A sign shall be placed in the radio room warning against the use of radio equipment during transfer of Grade "A", "B", or "C" liquids, except as authorized by the Marine Director.

§ 113.104 Fire fighting requirements.

(a) Fire fighting equipment shall be adequate and in good operating condition. It shall include a steam smothering or a flue gas or a carbon dioxide or a foam system to the cargo tanks and water service, fire hoses and portable extinguishers.

(b) Fire hoses with suitable nozzles attached shall be connected to the outlets at all times while in Canal Zone waters. Sufficient hose shall be connected to reach all parts of the vessel. While moored to a dock, connections to shore lines shall be made if water pressure is not available aboard the vessel.

(c) In case of fire aboard a vessel the Port Captain shall be in complete charge for the purpose of coordinating the various Canal Zone Government or Panama Canal Company functions concerned. The Panama Canal Company Oil Plant Foreman or his representative shall direct terminal fire fighting facilities until the arrival of the Canal Zone Government Fire Department, or the Port Captain of his representative. The vessel's crew shall cooperate with the terminal authorities. Nothing contained herein shall relieve the master of responsibility for the safety of his vessel.

§ 113.105 Smoking.

(a) Smoking is not allowed and shall not be permitted aboard tank vessels in Canal Zone waters while loading or unloading Grade "A", "B" or "C" cargoes.

(b) Smoking is not allowed and shall not be permitted on tank vessels carrying Grade "A", "B" or "C" cargoes while they are in the locks or within one-half mile of any lock.

(c) Smoking is not allowed and shall not be permitted on the weather deck of tank vessels in Canal Zone waters when they are not gas free.

(d) Smoking is not allowed and shall not be permitted on a dock in close proximity of a tank vessel that is not gas free.

(e) "No smoking" signs shall be posted in appropriate places.

(f) Except where smoking is prohibited as provided above, the master or senior deck officer on duty shall designate where smoking is permitted.

§ 113.106 General safety requirements.

(a) Nonsparking tools shall be provided for opening and closing of cargo hatch covers.

(b) On Grade "A", "B", "C", or "D" vessels the electrical installation in a cargo pump room, or any enclosed space immediately adjoining cargo tanks shall meet the following requirements:

(1) Switch boards, distributing panels, switches, fuses and other circuit-interrupting devices are not to be fitted in these spaces.

(2) No portable lighting equipment except explosion proof, self contained, battery fed lamps shall be used in spaces that are not gas free.

(3) Wiring shall be leaded and armored and shall be run through gas tight fittings having stuffing glands at inlets and outlets.

(4) Joints in wiring shall be made only in wiring appliances, such as junction boxes, outlet boxes, etc., and such boxes shall be metallic and shall be gas tight.

(5) Lighting fixtures shall be of an approved type.

(6) Electric motors shall be of an approved type either totally enclosed or ventilated to the atmosphere by suction and discharge air ducts.

(c) Stacks of vessels shall not be cleaned while vessel is moored to an oil dock.

(d) Tank covers, ullage holes and butterworth plates shall, unless tanks are gas free, be kept closed under the following conditions:

(1) During transit.

(2) While self-propelled vessels are directly alongside, or any source of vapor ignition is present or in close proximity to tanks.

(3) Unless special permission has been granted by Canal authorities to open tanks: *Provided*, That ullage plugs may be removed when necessary for the purpose of gauging or sampling, or during cargo transfer operations.

(4) No cargo tank hatches, ullage holes, or butterworth plates shall be opened or shall remain open without flame screens, except under the supervision of the senior members of the crew on duty, unless the tank opened is gas free.

(e) No pitch, tar, turpentine, or other combustible shall be boiled on any pier or on board any vessel without permission of the Port Captain.

(f) All doors, air ports, etc., in compartments on weather deck that are facing or adjacent to cargo tanks and where fires, open flames, or other sources of vapor ignition exist shall be kept closed while in Canal Zone waters on all tank vessels that are not gas free.

(g) Riveting, burning, welding or like fire-producing operations shall not be undertaken within or on the boundaries of bulk cargo spaces or in spaces adjacent thereto until an inspection has been made by an authorized Panama Canal Company chemist to determine that such operations can be undertaken with safety.

(h) Tank vessels equipped to carry Grade "A", "B", "C", or "D" liquids shall have their galleys, living quarters, general cargo spaces, boiler rooms, and enclosed spaces containing propelling machinery, or other machinery where sources of vapor ignition are normally present, segregated from their cargo tanks by cofferdams or pump rooms, tanks, or air spaces.

(i) Exhaust lines from internal combustion engines, where run through the deck, or through the sides of the superstructure, shall be extended to a height of at least 4 feet above the deck. The exhaust piping shall be either insulated or water-cooled. A spark arrestor shall be installed in each exhaust line.

(j) Storage batteries shall not be located in cargo pump rooms. The space in which they are located shall be well ventilated and they shall be protected against mechanical and electrical injury.

(k) Tank vessels handling Grade "A", "B", "C", or "D" liquids shall have their cargo pumps isolated from all sources of vapor ignition by gas tight bulkheads. Totally enclosed motors of the "explosion proof" type, motors ventilated on both the intake and exhaust by ducts to the atmosphere, and engines driven by steam shall not be considered to be sources of vapor ignition.

§ 113.107 Cargo handling; men on duty.

A sufficient number of the crew shall be on duty to perform transfer operations.

§ 113.108 Closing of scuppers and sea valves.

The Deck Officer in charge shall see that all scuppers are properly plugged during transfer operations except on tank vessels using water for deck cooling. Sea valves shall be closed and lashed, or sealed to indicate that they should not be open during all cargo loading operations. Under no circumstances shall such valves be secured by locks.

§ 113.109 Connecting cargo hose.

Sufficient hose shall be used to provide for the movement of the vessel. When cargo hose is supported by ship's tackle, the Deck Officer in charge is responsible for raising and lowering of the hose to prevent strains and chafing or other damage to hose.

§ 113.110 Electric bonding.

A tank vessel shall be electrically connected to the shore piping, through which the cargo is to be transferred, prior to connecting the cargo hose, and electrical connection shall be maintained until after the cargo hose has been disconnected and any spillage removed. The Senior Deck Officer on duty shall ascertain that no hoses on board the vessel are connected or disconnected unless the bonding cable is properly connected. The Panama Canal Company Oil Plant Foreman or his representative shall be responsible for the proper connecting and disconnecting of the cable. The cable shall be furnished by the Panama Canal Company.

§ 113.111 Inspection prior to transfer of cargo.

Prior to transfer of cargo the Senior Deck Officer on duty, who shall be a licensed officer or a certificated tankerman, shall inspect the vessel and ascertain that the following conditions exist:

(a) There is a sufficient number of crew on duty.

(b) All scuppers are properly plugged.

(c) Warning signs are displayed as required.

(d) Cargo hose is connected and cargo valves are set.

(e) All cargo connections for the transfer of "A", "B" and "C" cargoes have been made to the vessel's pipe lines and not through open end hose in a hatch.

(f) In transferring Grades "A", "B" and "C" cargoes, there are no fires or open flames present on the deck, or any compartment which is located on, facing, or open and adjacent to that part of the deck on which cargo hose is connected.

(g) The shore terminal or other tank vessel concerned has reported itself in readiness for transfer of cargo.

(h) All sea valves connected to the cargo piping system are closed.

(i) In transferring Grade "A", "B" and "C" cargoes, that an inspection has been made to determine whether boiler fires can be maintained with reasonable safety.

(j) In transferring Grade "A", "B" and "C" cargoes that an inspection has been made to determine whether galley fires can be maintained with reasonable safety.

(k) No repair work in way of cargo spaces is being carried on without permission of the proper Panama Canal authority.

(l) The bonding cable has been properly connected.

(m) In transferring Grade "A" cargo, all openings in the top of the tanks are closed except branch vent lines.

§ 113.112 Declaration of inspection.

After completing the inspection required by § 113.111 and prior to giving his approval to start the cargo transfer operation, the Master or Senior Deck Officer on duty shall fill in the following Declaration of Inspection in duplicate. The original of the Declaration of Inspection shall be kept aboard for the information of authorized persons. The duplicate shall be available to the Panama Canal Company Oil Plant Foreman on his representative who shall on demand be given the opportunity to satisfy himself that the condition of the vessel is as stated in the Declaration of Inspection.

DECLARATION OF INSPECTION PRIOR TO BULK CARGO TRANSFER

/S ---------- Port of ----------
date ---------- I, ----------
(Signature)

being the Master or Senior Deck Officer in charge of the transfer of bulk flammable and combustible cargo about to be undertaken, do certify that I have personally inspected this vessel with reference to the following requirements set forth in § 113.111 and that opposite each of them I have indicated that the Regulations have been complied with:

(a) Is there a sufficient number of crew on duty? ---------

(b) Are all scuppers properly plugged? --------

(c) Are warnings displayed as required? --------

(d) Is cargo hose of sufficent length properly connected and supported, and are cargo valves properly set? --------

(e) Have all cargo hose connections for transferring Grade "A", "B", and "C" cargoes been made to the vessel's pipe lines? --------

(f) Are there any fires or open flames present on the deck or in any compartment which is located, on, facing, open and adjacent to that part of the deck on which the cargo hose is connected? --------

(g) Has the shore terminal or other tank vessel concerned reported itself in readiness for transfer of cargo? --------

(h) Are sea valves connected to the cargo piping system closed? --------

(i) If Grade "A", "B" and "C" cargoes are to be transferred and the boiler fires are lighted, has an inspection been made to determine that they may be operated with reasonable safety? --------

(j) If Grade "A", "B" and "C" cargoes are to be transferred and galley fires are lighted, has an inspection been made to determine that they may be operated with reasonable safety? --------

(k) Is there any repair work in way of cargo spaces being carried on for which permission has not been given? --------

(l) Has bonding cable been connected? --------

(m) If Grade "A" cargo is to be transferred, are all openings in the top of the tanks closed except branch vent lines? ------

§ 113.113 Duties of Senior Deck Officer during transfer operations.

The Senior Deck Officer on duty shall control the operations as follows:

(a) Supervise the operations of cargo system valves.

(b) Start transfer of cargo slowly.

(c) Observe hose and connections for leakage.

(d) Observe operating pressure on cargo system.

(e) Observe rate of loading for the purpose of avoiding overflow of tanks.

(f) Ascertain that ship's valves shall not be closed against loading pressure during loading operations until Panama Canal Company Oil Plant Foreman has been notified.

§ 113.114 When transfer operations may not be commenced or continued.

Transfer operations shall not be commenced or, if started, shall be discontinued, in any of the following circumstances:

(a) During severe electrical storms.

(b) If a fire occurs on the wharf or on the tanker or in the vicinity.

(c) If a self-propelled vessel comes alongside in way of cargo tanks of a tanker or tank barge which is transferring Grade "A", "B", and "C" cargo.

(d) When another vessel is being moored to a terminal wharf where a tank vessel is transferring cargo, if in the judgment of the Master or Senior Deck Officer on duty and the Panama Canal Company Oil Plant Foreman or his representative conditions arise under which continued operations may be hazardous.

§ 113.115 Mooring alongside vessels; handling cargo across deck of another vessel.

No vessel shall be moored alongside another vessel while the latter is transferring grade "A", "B" or "C" cargoes. Grade "A", "B" or "C" cargoes shall not be handled across the deck of another vessel except in the case of United States Government vessels when Military Service Officials advise the Port Captain of military need for such action and the Port Captain approves.

§ 113.116 Deck officer to be on duty.

There shall be a deck officer on duty and readily available at all times during bunkering or cargo transfer operations.

§ 113.117 Transfer of cargo from vessel to vessel.

Transfer of Grade "A", "B" or "C" cargoes from vessel to vessel shall not be permitted in Canal Zone waters except under emergency conditions or military service need: *Provided*, That before such transfers are made permission must be obtained from the Port Captain or his representative. Grade "D" and "E" cargoes shall not be transferred from ship to ship unless special permission has been obtained from the Port Captain, or his representative.

§ 113.118 Loading through open end hoses.

Grade "D" and "E" cargoes may be loaded through open end hoses into tanks qualified to carry Grade "D" and "E" cargoes. This manner of loading Grade "D" and "E" cargoes shall not be permitted into tanks that have formerly carried Grades "A", "B" or "C" cargoes unless the tanks have been gas freed since last carrying Grades "A", "B" or "C" cargoes. The following procedure shall be followed when loading:

(a) At start of loading the hose shall extend to the bottom of the tank, and loading end of hose shall be kept submerged until completion of loading operations.

(b) Necessary precautions shall be taken to prevent excessive movement of the hose.

§ 113.119 Termination of transfer operations.

On completion of transfer operations the Deck Officer on duty and the Panama Canal Company Oil Plant Foreman shall make a prompt inspection to ascertain that all cargo valves at ship's hose connections are closed and the flanges blanked, all hatches properly secured and ullage plugs inserted.

§ 113.120 Vessels at oil berths; when steam must be up.

Except under those circumstances while handling Grade "A", "B" and "C" cargoes where boiler fires are not allowed, a vessel at an oil berth shall have steam up and be ready to move at short notice.

§ 113.121 Responsibility for connections and operations.

Responsibility for all connections and operations aboard the vessel during bunkering or cargo transfer operations remains with the vessel's crew.

§ 113.122 Transfer of package goods, freight, and ship's stores.

(a) Package goods, freight and ship's stores shall not be loaded or discharged during the transfer of Grade "A", "B" or "C" cargoes until an inspection by the Senior Deck Officer on duty and the Panama Canal Company Oil Plant Foreman has been made, and in their judgment such loading or discharging can be done with reasonable safety. Explosives as cargo shall not be loaded or carried on any tank vessel containing "A", "B" or "C" cargo.

(b) Before loading or unloading package goods, freight or stores in any compartment near or adjacent to tanks carrying Grade "A", "B" or "C" cargoes, inspection shall be made by an authorized Panama Canal Company chemist to determine whether in his judgment the handling of such package goods, freight or stores is reasonably safe. Where package goods and general cargo is carried directly over bulk cargo tanks, it shall be properly dunnaged to prevent chafing of metal parts and securely lashed or stowed, and such space shall be adequately ventilated. Blowers or ventilators fitted with heads for natural ventilation will be approved for this purpose.

(c) Grade "A", "B", "C" or "D" cargo in containers shall be marked and packaged in accordance with United States Coast Guard regulations or regulations as established by any other recognized governmental agency. These containers shall be stowed in accordance with United States Coast Guard regulations or regulations as established by any other recognized governmental agency.

(d) Package goods, freight or stores shall not be handled over a cargo hose while hose is in service and under pressure.

§ 113.123 Cargo handling equipment.

(a) Where a cargo pump is capable of developing a pressure exceeding 125 pounds at the pump under shut-off head conditions, a suitable relief valve shall be installed between the pump and the shut-off valve in the pump discharge and piped back into the suction. The relief valve setting shall not exceed the pressure for which the piping system is designed.

(b) A pressure gauge shall be installed for each pump discharge and it shall be located at a point visible with respect to the pump controls.

(c) Cargo hose, when carried on tank vessels shall be of a grade suitable for oil service, and shall be designed to withstand the pressure of the shut-off head of the cargo pump or pump relief valve setting, less static head, but in no case less than 100 pounds per square inch.

(d) The cargo piping of all tank vessels transferring cargo in the Canal Zone shall be tight.

§ 113.124 Emergencies.

In case of emergencies nothing in this part shall be construed as preventing the Senior Officer present from pursuing the most effective action in his judgment for rectifying the conditions causing the emergency.

§ 113.125 General requirements while transiting.

(a) Manila, hemp, or synthetic fiber ropes shall be used for mooring to piers, lock walls or buoys.

(b) While moored to piers and during transit, except when entering or passing through locks, vessels carrying flammable or combustible cargoes shall have connecting shackles or wire pendents of sufficient strength, one forward and one aft, fastened to bitts or to the deck and overboard, so that they can be used for emergency towing.

(c) No tanks shall be cleaned in Canal Zone waters without permission of Panama Canal authorities. Tank cleaning and repairing shall be done in accordance with Panama Canal Rules and Regulations for Repairs to Ships and Structures Containing Gases.

(d) Vessels transporting Grade "A", "B", or "C" cargo shall start transit of the Canal at the discretion of the Port Captain concerned, with due regard to the safety of the Canal and the shipping in transit. So far as practicable, they will be dispatched through Gaillard Cut so as not to meet any traffic therein.

(e) Normally vessels transporting Grade "A", "B", or "C" cargo when overdraft, as defined in § 103.28, shall transit the Canal during daylight hours only: *Provided*, That the Port Captain may, when he considers it safe and reasonable to do so, permit such vessels to transit during other hours.

(f) Grade "A", "B", or "C" vessels shall be prepared to keep the tank top decks effectively covered with a film of water throughout the transit when such action is required by the Canal authorities.

§ 113.126 Requirements concerning liquified flammable gases.

(a) Cargo tanks shall be designed and installed in accordance with Part 38, Subchapter D, United States Coast Guard Tank Vessel Regulations (46 CFR Part 38), or regulations of any recognized agency that are substantially equivalent thereto.

(b) Piping, valves, fittings and accessory equipment shall be in accordance with Part 38, Subchapter D, United States Coast Guard Tank Vessel Regulations (46 CFR Part 38), or regulations of any Governmental agency that are substantially equivalent thereto.

(c) Filling densities shall be in accordance with Part 38, Subchapter D, United States Coast Guard Tank Vessel Regulations (46 CFR Part 38), latest revision.

(d) Cargo hose. (1) Flexible metal hose fabricated of seamless steel pipe and flexible joints of steel or bronze, or hose fabricated of other suitable material resistant to the action of liquified flammable gases shall be fitted to the liquid and vapor lines during filling and discharging of the tanks.

(2) Hose subject to tank pressure shall be designed for a bursting pressure of not less than five times the maximum safety relief valve setting of the tank.

(3) Hose subject to discharge pressure of pumps or vapor compressors shall be designed for a bursting pressure of not less than five times the pressure setting of the pump or compressor relief valve.

(4) Before being placed into service each new cargo hose, with all necessary fittings attached, shall be tested hydrostatically by the manufacturer to a pressure of not less than twice the maximum pressure to which it may be subjected. The hose shall be marked with the maximum pressure guaranteed by the manufacturer.

(e) The tank vessel shall be electrically connected to the shore piping prior to connecting the cargo hose. This electrical connection shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.

(f) Cargo tanks shall be vented in accordance with Part 38, Subchapter D, United States Coast Guard Tank Vessel Regulations (46 CFR Part 38).

(g) Each tank shall be subjected to an internal examination biennially at the annual inspection period. Each lagged tank shall be subjected to an external inspection at least once every 8 years by having jacket and lagging removed.

(h) Each tank shall be subjected to a hydrostatic test at the annual inspection period on the eighth year of the installation, and a like test shall be applied every fourth year thereafter. The hydrostatic test shall be equal to one and one-half times the allowable pressure as determined by the safety relief valve setting. If the jacket and lagging are not removed during the internal hydrostatic tests, the tank shall hold the hydrostatic pressure for at least 20 minutes without pressure drop.

§ 113.127 Inspection and certification of tank vessels.

(a) Tank vessels transporting hazardous liquid cargoes in bulk shall be inspected in accordance with the provisions of §§ 113.91 through 113.127. Conditions and design of tank vessels not specifically covered by the provisions of §§ 113.91 through 113.127 shall conform to the United States Coast Guard regulations for tank vessels or equivalent.

(b) When a tank vessel is found to comply with the requirements of paragraph (a) of this section, a Certificate of Inspection shall be issued by the Board of Local Inspectors of the Canal Zone Government which shall be endorsed as follows: "Inspected and approved for the carriage of Grade 'A', 'B', 'C', 'D', 'E' bulk oil cargo (as the case may be)."

Subpart D—Other Hazardous Materials

§ 113.161 Ammonium nitrate.

Vessels carrying, loading, or discharging cargoes of ammonium nitrate shall comply with all regulations issued by the United States Coast Guard or other recognized governmental agency with respect to the handling and storage of such cargo and the precautionary measures to be taken in connection therewith. The provisions of §§ 113.3 through 113.7 and 113.43 apply to vessels carrying cargoes of ammonium nitrate: *Provided, however*, That specially packaged ammonium nitrate may be discharged in limited quantities at Canal Zone piers if permission is obtained in advance from the Port Captain of the intended port of discharge.

§ 113.162 Irradiated fuel elements and special nuclear materials; shipments originating in, or destined to, a port of the United States.

A vessel carrying irradiated fuel elements or special nuclear materials originating in, or destined to, a port of the United States, shall comply with all regulations issued by the United States Atomic Energy Commission and the United States Coast Guard with regard to the packaging, handling, stowage, storage, and movement of such cargo and the precautionary measures to be taken in connection therewith. In addition, the following requirements apply to the carrying of such cargo by such a vessel:

(a) A vessel proposed for carrying such cargo must be approved in advance by the Panama Canal Company. The vessel proposed must be one which has previously transited the Canal and one which has not manifested adverse handling characteristics in its Canal transit(s).

(b) Any cask containing irradiated fuel elements, or special nuclear materials, together with any attachments thereto, may not weigh more than 150 tons.

(c) Upon arrival of a vessel carrying such cargo at a port of the Canal Zone, the Master shall deliver to the Boarding Officer a loading certificate issued by the United States Coast Guard, or, if no such loading certificate is available, the Master, upon arrival, shall submit to the Boarding Officer a declaration as follows:

DECLARATION OF IRRADIATED FUEL ELEMENTS OR SPECIAL NUCLEAR MATERIALS CARRIED

I, the undersigned ----------, Master of the ---------- carrying (Irradiated Fuel Elements) (Special Nuclear Materials which are ----------) do hereby declare and certify on behalf of the owners of the vessel that (Irradiated Fuel Elements) (Special Nuclear Materials) were loaded at the port of ----------, and were packed and stowed in accordance with regulations of the U.S. Atomic Energy Commission and the United States Coast Guard.

The materials are in hold(s) ----------, or on deck in the following locations ----------.

The packing and stowing has not been disturbed since leaving the port of ----------.

(Master's signature)

(Date)

§ 113.163 Same; shipments not originating in or destined to a port of the United States.

A vessel carrying irradiated fuel elements or special nuclear materials not

originating in, or destined to, a port of the United States, may not transit the Canal or enter Canal Zone waters unless prior permission therefor has been obtained from the Canal authorities. Such permission may not be granted without adequate provision for indemnity covering public liability and loss to the United States or any agency thereof, comparable in general scope to the protection afforded under section 170 of the United States Atomic Energy Act of 1954, as added by Public Law 85-256 (71 Stat. 576), (Price-Anderson Act) as further amended.

CROSS REFERENCE: For section 170 of United States Atomic Energy Act, see 42 U.S.C. 2210.

Subpart E—Penalties for Violation

§ 113.181 Penalties for violation.

Whoever violates any of the provisions of §§ 113.1 to 113.163 is subject to punishment as provided in 2 C.Z.C. 1331, 76A Stat. 46, by a fine of not more than $100, or by imprisonment in jail for not more than 30 days, or by both.

PART 115—BOARD OF LOCAL INSPECTORS: COMPOSITION AND FUNCTIONS

Sec.
115.1 Board of Local Inspectors; Supervising Inspector.
115.2 Composition of Board.
115.3 Employment of inspectors and examiners.
115.4 Recorder of Board; duties.
115.5 Recorder may administer oaths.
115.6 Assistance of owners or operators and masters.
115.7 Inspection of records of Board.

AUTHORITY: The provisions of this Part 115 issued under authority vested in President by 2 C.Z.C. 1331, 76A Stat. 46, and delegated to Secretary of Army by § 3.1(a)(1) of this chapter.

§ 115.1 Board of Local Inspectors; Supervising Inspector.

(a) The Board of Local Inspectors of the Canal Zone Government, constituted as provided in § 115.2, shall perform, conduct and execute, under the supervision of the Supervising Inspector:

(1) The investigations called for by 2 C.Z.C. 297, 76A Stat. 25;

(2) The functions and responsibilities with which it is vested by this part and by Parts 117, 119, and 121 of this chapter; and

(3) Such other duties in matters of a marine character as it may be assigned from time to time by the Governor.

(b) The Marine Director of the Panama Canal Company shall serve, ex officio, as Supervising Inspector of the Canal Zone Government, except in a proceeding in which the Marine Director may participate as Chairman of the Board, as provided by § 115.2, in which case the Lieutenant Governor of the Canal Zone shall serve as Supervising Inspector.

§ 115.2 Composition of Board.

(a) The Board of Local Inspectors, referred to in this part as "the Board", shall consist of:

(1) The Chief, Navigation Division, or the official acting in such capacity;

(2) The Chief, Industrial Division, or the official acting in such capacity; and

(3) As designated by the Supervising Inspector, either the Port Captain, Balboa, or the official acting in such capacity, or the Port Captain, Cristobal, or the official acting in such capacity.

(b) Except as this paragraph otherwise provides, the Chief, Navigation Division shall be Chairman of the Board. In the discretion of the Supervising Inspector the Board for a particular accident investigation or other proceeding may be comprised of one or more regularly constituted members of the Board. If the Governor deems it appropriate, he may designate alternates to serve in the place of any of the above-named members in any investigation or proceeding. In any case in which the Marine Director is designated as such an alternate, he shall serve as Chairman of the Board.

§ 115.3 Employment of inspectors and examiners.

The Board may employ or assign such inspectors and examiners as it may require in the inspection of vessels and in the classification and licensing of pilots, masters, mates, and engineers.

§ 115.4 Recorder of Board; duties.

There shall be a Recorder of the Board, whose duty it shall be to keep a record of its proceedings; of all applications for licenses; of those issued or refused; suspended, extended, or modified; together with the name, grade, and serial number of all such licenses; and of all casualties, collisions, founderings, sinkings, fires and other disasters or matters of interest that may come before the Board. Under the direction of the Chairman he shall prepare, submit, and register all licenses and certificates of inspection, and the reports mentioned in this part or in Part 117, 119, or 121 of this chapter, and shall perform such other duties as may be directed by the Chairman.

§ 115.5 Recorder may administer oaths.

The Recorder is authorized to administer the oaths required for the completion of official documents of, or which are presented to, the Board.

CROSS REFERENCE: For authority of the Board to administer oaths, see 2 C.Z.C. 1101, 76A Stat. 38.

§ 115.6 Assistance of owners or operators and masters.

Owners or operators and masters of vessels shall render all requested assistance to the Board in its investigations and inspections, and shall, when requested, put machinery and gear in operation when necessary to demonstrate the efficiency of the machinery, equipment, appliances or other gear.

§ 115.7 Inspection of records of Board.

All official records and documents in the office of the Board, after official action thereon has been concluded, shall be open to public inspection and examination in the office of the Board.

PART 117—MARINE ACCIDENTS: INVESTIGATIONS; CONTROL; RESPONSIBILITY

Sec.
117.1 Investigation by Board of marine accidents.
117.2 Change in physical status of property affected by accident forbidden.
117.3 Reports by Board to Governor.
117.4 Reports of accidents by officer in command to Board.
117.5 Control of wrecked, injured, or burning vessels.
117.6 Liability of vessel for injury to Canal structures or equipment.
117.7 Penalties for violation.

AUTHORITY: The provisions of this Part 117 issued under authority vested in President by 2 C.Z.C. 1331, 76A Stat. 46, and delegated to Secretary of Army by § 3.1(a)(1) of this chapter.

§ 117.1 Investigation by Board of marine accidents.

(a) Whenever, within the waters of the Canal Zone, including the locks of the Canal, a vessel, or its cargo, crew, or passengers, meets with a serious marine accident, the Board of Local Inspectors shall promptly investigate in detail the condition and circumstances under which such accident occurred.

(b) Any other marine accident occurring in such waters may be investigated by the Board in the discretion of the Supervising Inspector.

(c) The Master of a vessel involved in a marine accident may request an investigation of an accident not considered by the Board to fall within paragraph (a) of this section. The request must be addressed to the Supervising Inspector or Port Captain and must be in writing. If the Master does not so request such a hearing in writing he shall be deemed to have waived all rights to the investigation called for by 2 C.Z.C. 297, 76A Stat. 25, which provides that a claim may not be considered by the Panama Canal Company, or an action for damages lie thereon, unless, prior to the departure from Canal Zone waters of the vessel involved:

(1) the investigation by the competent authorities of the accident or injury giving rise to the claim has been completed; and

(2) the basis for the claim has been laid before the Panama Canal Company.

(d) For the purposes of this section, the term "serious marine accident" includes:

(1) All accidents involving death or personal injury requiring admission to a hospital as a bed patient;

(2) All accidents resulting in damages to a vessel which necessitate the making of repairs prior to the vessel's departure from the Canal Zone; and

(3) All accidents involving substantial damage to any Panama Canal structure, plant or equipment.

CROSS REFERENCE: Compelling attendance and testimony of witnesses and production of books and papers by Board, see 2 C.Z.C. 1101 and 1102, 76A Stat. 38.

§ 117.2 Change in physical status of property affected by accident forbidden.

In the event of a marine accident or casualty affecting any property in the Canal Zone, which imposes on the Board an obligation to investigate, no change in the physical status of the property affected by the accident or casualty should be made or permitted prior to inspection by properly constituted authority, unless such change in status be imperative in order to preserve life or property.

§ 117.3 Reports by Board to Governor.

The Board shall make reports forthwith in detail to the Governor of all marine-accident investigations conducted by it, setting forth the facts and circumstances surrounding the accident and bearing upon its proximate causation, the nature and extent of the injury and the amount of damages, if any, occasioned by such injury. The reports shall include a transcript of the record of the Board's investigation, together with its findings and conclusions respecting the accident. Reports to the Governor shall be forwarded in duplicate through the Supervising Inspector, who may place thereon such endorsement as he may see fit.

§ 117.4 Reports of accidents by officer in command to Board.

The Master or other officer in command of a vessel shall, prior to the vessel's departure from Canal Zone waters, report in writing to the Board any accident involving his vessel in Panama Canal waters that resulted in loss of life or serious personal injury or in substantial damage to property.

§ 117.5 Control of wrecked, injured, or burning vessels.

When a vessel in Canal Zone waters goes aground, or is wrecked, or is so injured that it is liable to become an obstruction in such waters, or is on fire, the Canal authorities shall have the right to supervise and direct, or to take complete charge of and conduct, all operations which may be necessary to float the vessel, to clear the wreckage, to remove the injured vessel to a safe location, or to extinguish the fire, as the case may be. The Canal authorities may, when necessary, take such action without awaiting the permission of the owner or agent of the vessel, and may require the master of the vessel and all persons under his supervision and control to place the vessel, and all equipment on board, at the disposal of the Canal authorities without cost to the Canal. Unless the Panama Canal Company is subsequently found and determined to be responsible for the accident or the condition necessitating action by the Canal authorities, the necessary expenses incurred by the Canal in carrying out the provisions of this section shall be a proper charge against such vessel, her owners and/or her operators.

CROSS REFERENCE: Control of fires aboard vessels by Port Captain, see § 113.104(c) of this chapter.

§ 117.6 Liability of vessel for injury to Canal structures or equipment.

A vessel, or her owner or operator, shall be held liable for any injury to any structure, plant, or equipment of or pertaining to the Canal or the Panama Canal Company when the injury is proximately caused by the negligence or fault of the vessel or its master or crew. No vessel shall make fast, or run any line, to any marker, buoy, beacon, or other aid to navigation; and a vessel shall so navigate as not to strike such aids in passing.

§ 117.7 Penalties for violation.

Whoever violates any of the provisions of §§ 117.3 to 117.6 is subject to punishment as provided in 2 C.Z.C. 1331, 76A Stat. 46, by a fine of not more than $100, or by imprisonment in jail for not more than 30 days, or by both.

PART 119—LICENSING OF OFFICERS

Subpart A—General Provisions

Sec.
119.1 Classification and licensing of masters, mates, engineers, pilots, and motorboat operators.
119.2 Term of licenses.
119.3 Appeal from action refusing license.
119.4 Suspension or revocation of licenses.
119.5 Revocation for parting with license.
119.6 Citizenship and employment of licensees.
119.7 Original license defined.
119.8 Application form.
119.9 Service records and endorsements.
119.10 Age and literacy requirements.
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119.12 Physical and experience requirements.
119.13 Burden of establishing qualifications.
119.14 Applicant to appear for examination.
119.15 Re-examination.
119.16 Raise of grade.
119.17 Renewal of license.
119.18 Sea service as member of armed forces of the United States or on vessels owned by the United States as qualifying experience.
119.19 Evaluation of equivalent experience.
119.20 Increase in scope of license; removal of limitations.
119.21 Written statement of reasons for denying license.
119.22 Preparation of licenses.
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Subpart B—Masters

119.61 Master of steam and motor vessels not exceeding 1,500 gross tons; experience required.
119.62 Same; examination.
119.63 Master of dipper and suction dredges; service required.
119.64 Same; examination.

Subpart C—Mates

119.101 Mate of dipper and suction dredges; service required.
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Subpart D—Pilots

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119.143 Pilot, United States Government local vessel; employment requirement.
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119.228 Third assistant engineer, steam vessels, service required.
119.229 Third assistant engineer, motor vessels, service required.
119.230 Chief engineer, non-self-propelled steam vessels (dipper and suction dredges and floating cranes), service required.
119.231 Chief engineer, non-self-propelled motor vessels (suction dredge, drill barge), service required.
119.232 Engineer, non-self-propelled steam vessels (dipper dredges, suction dredges and floating cranes), service required.
119.233 Engineer, non-self-propelled motor vessels (suction dredge, drill barge), service required.

Subpart G—Penalties for Violation

119.261 Penalties for violation.

AUTHORITY: The provisions of this Part 119 issued under authority vested in President by 2 C.Z.C. 1331, 76A Stat. 46, and delegated to Governor by § 3.3(a)(4) of this chapter.

Subpart A—General Provisions

§ 119.1 Classification and licensing of masters, mates, engineers, pilots, and motorboat operators.

The Board of Local Inspectors shall recommend the classification of masters, mates and engineers of steam and motor vessels based in the Canal Zone, of operators of motorboats, and of Panama Canal pilots, and upon such recommendation licenses may be issued by the Supervising Inspector or by such other officer as may be designated by the Governor. No person shall act or serve as a pilot, master, mate or engineer, or operate a motorboat, unless he holds a valid license so to do. A person licensed as a motorboat operator may not operate a motorboat unless he has his license with him.

§ 119.2 Term of licenses.

Licenses shall be issued for a term of 3 years and shall be valid for that period

unless earlier suspended or revoked under § 119.4.

§ 119.3 Appeal from action refusing license.

An applicant for a license as master, mate, engineer, or pilot, for whom the Board of Local Inspectors has refused to recommend such license may appeal to the Supervising Inspector or to such other officer as may be designated by the Governor. The appeal must be entered within 10 days after the final action of the Board. Upon the appeal the Supervising Inspector or other designated officer has authority either to grant or to deny the license.

§ 119.4 Suspension or revocation of licenses.

(a) The Supervising Inspector, or such other officer as the Governor designates, may suspend or revoke licenses, upon satisfactory proof of negligence, intemperance or other improper conduct, or upon proof of unskillfulness or physical or mental incapacity. Prior to final action in the matter of the suspension or revocation of a license, the Board shall conduct a hearing in the matter and submit its recommendations therein to the Supervising Inspector or other designated officer.

(b) When a license is revoked, the action is final and conclusive and the license expires with the revocation. A license of the same type subsequently granted to the same person shall be considered an original license except as to number of issue.

(c) Except upon recommendation of the Board, another license may not be issued to a person whose license has been suspended or revoked.

(d) When a license which is about to expire is suspended, the renewal of the license may be withheld until the expiration of the period of suspension.

(e) Paragraphs (a) through (d) of this section are not applicable to licenses issued to marine personnel of the Panama Canal Company. A license granted to such an employee shall be valid for such period(s) as the licensee is employed by the Panama Canal Company in a position requiring the holding of the license.

§ 119.5 Revocation for parting with license.

A license shall be immediately revoked if, for any purpose, the holder thereof voluntarily parts with its possession, or places it beyond his personal control by selling or lending it to, or pledging or depositing it with, another person.

§ 119.6 Citizenship and employment of licensees.

(a) Licenses for masters, mates, engineers, and pilots may be issued only to persons who are citizens of the United States or the Republic of Panama.

(b) Only persons who are actually employed in, or conditionally eligible for appointment to, a position subject to licensing under this part, are eligible to make application for an original such license. Renewals may be issued irrespective of the employment requirement, if in the judgment of the Supervising Inspector the likelihood of return to Canal Zone employment and other circumstances warrant renewal.

§ 119.7 Original license defined.

The first license issue to an applicant shall be considered an original license, where the records show no previous issuance of a license of the kind concerned to such applicant.

§ 119.8 Application form.

The applicant for a license shall make written application upon the form furnished by the Board.

§ 119.9 Service records and endorsements.

(a) Applicants for original licenses or raise in grade of license other than motorboat operator, shall present to the Board, to be filed with their applications, letters, discharges, or other official documents, certifying to the amount and character of their experience and the names of the vessels on which it was acquired. Photostatic or certified copies of the aforementioned documents may be accepted.

(b) Applications require four endorsements. The Board shall, when practicable, require an applicant for master's, mate's, pilot's, or engineer's license to have the written endorsement of the master or chief engineer of the vessel upon which he has served. Applicants for license as pilot shall have the endorsement of at least two licensed pilots as to their qualifications.

§ 119.10 Age and literacy requirements.

A person who has attained the age of 19 years and who has had the necessary experience, and who can read and write either English or Spanish, is eligible for examination; however, a person may not be granted a license as master, first mate, second mate, chief engineer, first assistant engineer, or second assistant engineer, before reaching the age of 21 years.

§ 119.11 Knowledge of first aid and sanitation.

A candidate for an original license as master, mate, pilot, or engineer, may not be examined unless he presents satisfactory evidence to the Board that he has completed a course of instruction in the principles of first aid approved by the Governor for this particular purpose, and until he has passed a satisfactory oral examination on the subject of ship sanitation, which shall be duly attested by a physician or surgeon of the Canal Zone Government. Possession of a valid United States Coast Guard license shall constitute satisfactory evidence of the applicant's knowledge of first aid.

§ 119.12 Physical and experience requirements.

(a) All applicants for original license, other than motorboat operator, must pass a physical examination given by a physician of the Canal Zone Government, and present a certificate executed by the examining physician to the Board. The certificate shall attest to the applicant's acuity of vision, color sense, and general physical condition.

(b) For original license as master, mate, or pilot, the applicant must have either with or without glasses, at least 20/20 vision in one eye, and at least 20/40 in the other. An applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/40 in one eye and at least 20/70 in the other. The applicant's color sense shall be tested by an approved method.

(c) Applicants for original license as engineer shall be examined only as to their ability to distinguish the colors red, blue, green, and yellow.

(d) For original license as engineer, the applicant must have either with or without glasses at least 20/30 vision in one eye, and at least 20/50 vision in the other. An applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/50 in one eye and at least 20/70 in the other.

(e) If an applicant is not possessed of the vision, hearing, and general physical condition considered necessary, the Board, after consultation with the examining physician, may make recommendations to the Supervising Inspector for an exception to these requirements if, in its opinion, extenuating circumstances warrant special consideration.

(f) No original license shall be issued to any person unless 25 percent of the required experience has been obtained within the 3 years immediately preceding the date of application. Service in the armed forces of the United States shall not be counted in computing the 3-year period.

(g) It is not required that an applicant has obtained his experience on United States vessels. Experience on foreign vessels will be given due credit.

(h) An applicant for a license, who is a naturalized citizen of the United States, or Panama, and who has obtained his experience on foreign vessels may not be given a grade of license higher than that in which he has actually served while acting under the authority of a foreign license.

(i) When a qualified person makes application for license it shall be the duty of the Board to give the applicant the required examination as soon as practicable.

§ 119.13 Burden of establishing qualifications.

Applicants for licenses must establish to the satisfaction of the Board that they possess all of the qualifications necessary, such as age, experience, character, and citizenship before they shall be entitled to be issued licenses.

§ 119.14 Applicant to appear for examination.

Before an original license or raise in grade is issued to any person to act as a master, mate, pilot, or engineer, he shall personally appear before the Board for a written examination. This examination shall be filed.

§ 119.15 Reexamination.

An applicant for license who has been duly examined and refused a license, may come before the Board for reexamination at any time thereafter fixed by the Board.

§ 119.16 Raise of grade.

(a) Upon the issuance of a license involving a raise in grade, the applicant shall surrender the old license to the Board.

(b) A license, other than that for motorboat operator, may not be raised in grade before the holder thereof shall have reached the age of 21 years.

(c) The Board shall, before granting a raise in grade of license, require the applicant to make written application on a prescribed form.

(d) A license as master, mate, or pilot may not be raised in grade except upon the official certificate of a physician of the Canal Zone Government that the color sense of the applicant is normal. Applicants for raise in grade of engineer license are not subject to this requirement. Nothing herein contained shall debar an applicant who has lost the sight of one eye from securing a raise of grade of his license if he is qualified in all other respects and his vision in his one eye passes the test required for the better eye of an applicant having vision in both eyes.

(e) Applicants for raise in grade of license shall present to the Board letters, discharges, or other official documents certifying to the amount and character of their experience and the names of the vessels on which it was acquired.

(f) A raise of grade of license may not be granted to any applicant unless 25 percent of the required sea service shall have been served within the 3 years immediately preceding the date of application. Service in the armed forces of the United States shall not be counted in computing the 3 years.

(g) Sea service acquired prior to the issuance of the license held may not be accepted as any part of the service required for raise in grade.

§ 119.17 Renewal of license.

(a) Applicants for renewal of master's, mate's, or pilot's license shall present evidence of service on waters for which licensed obtained within the 3 years next preceding the date of application, or shall present evidence of employment in a position closely related to the operation of vessels within the same 3-year period. If this requirement is not met, the Board shall determine to its satisfaction that the licensed officer is thoroughly familiar with the International rules of the road or the pilot or special rules applicable to the waters for which the applicant is licensed. A written examination may be required for this purpose or the applicant may be examined orally and a summary of the oral examination placed on the officer's license file.

(b) A license may not be renewed if title to it has been forfeited or if facts which would render renewal improper have come to the attention of the Board.

(c) A 12-month period of grace shall be allowed after the expiration date of the license held, during which period it may be renewed. Active service in the armed forces or the merchant marine shall not be included in computing the period of grace: *Provided, however*, That this exception applies only to such periods of service, or portions thereof, during which there was no reasonable opportunity for renewal.

(d) A license may not be renewed more than 30 days in advance of the date of expiration thereof, unless there are extraordinary circumstances that justify a renewal beforehand, in which case the reasons must appear in detail in the records of the Board.

(e) A license as master, mate, or pilot may not be renewed except upon the official certificate of a physician of the Canal Zone Government that the color sense of the applicant is normal. Applicants for renewal of license as engineer are subject to this requirement.

(f) If an applicant for renewal of license as master, mate, or pilot is pronounced color blind, he may be given a license for limited service in daylight only.

(g) Nothing contained herein shall debar an applicant who has lost the sight of one eye from securing a renewal of his license, if he is qualified in all other respects, and the vision in his one eye passes the test required for the better eye of an applicant having sight in both eyes.

(h) An officer making application for a renewal of his license shall appear in person before the Board, except in cases where the distance from the office of the Board is such as to put the applicant to great inconvenience and expense to appear in person. In this event he may, upon taking the oath of office before a person authorized to administer oaths, and upon forwarding the oath, together with the license to be renewed, and the written application and certificate of visual examination where required, have the license renewed by the Board, if a valid reason to the contrary is not known. The Board shall attach the oath to the stub end of the license, which is to be retained on file in the Board's office.

(i) If an applicant applies for renewal of his license for the same grade, after 12 months after the date of its expiration, he must pass an examination for the same grade of license, of such length and scope as will, in the judgment of the Board, be sufficient to demonstrate adequately the continued professional knowledge of the examinee, except that a professional examination shall not be required if the license expired during the time of the holder's service with the armed forces or the merchant marine, and there was no reasonable opportunity for renewal.

§ 119.18 Sea service as member of armed forces of the United States or on vessels owned by the United States as qualifying experience.

(a) Sea service as a member of the armed forces of the United States will be accepted as qualifying experience for an original, raise in grade, or extension of route of license. Such service will be subject to evaluation to determine its equivalence to the sea service required on merchant-type vessels, and to determine the appropriate grade, class, and limit of license for which the applicant is eligible. An applicant may be permitted to omit the examination for intermediate grades of license if his experience is of such character as to qualify him for a higher, or the highest, grade of license.

(b) If a person who has served in a civilian capacity as commanding officer, master, mate, engineer, or pilot, etc., of any vessel owned and operated by the United States, in a service in which a license as master, mate, engineer, or pilot was not required at the time of the service, applies for examination for license, the Board shall evaluate the time or service and allow appropriate credit therefor.

§ 119.19 Evaluation of equivalent experience.

If an applicant presents evidence of service or experience which does not meet the specific requirements of these regulations, but which, in the opinion of the Board, is a reasonable equivalent thereof, the Board may evaluate the experience and allow appropriate credit therefor.

§ 119.20 Increase in scope of license; removal of limitations.

(a) If the Board is satisfied on the basis of documentary evidence submitted that an applicant is entitled by experience and knowledge to an increase in the scope of his license, the Board may recommend removal or modification of any limitations which may have previously been placed upon the license.

(b) A limitation on a license may not be changed before the applicant has made up any deficiency in the experience prescribed for the license desired and has passed the necessary examination.

§ 119.21 Written statement of reasons for denying license.

If the Board declines to recommend the applicant for the license applied for, it shall furnish him a statement, in writing, setting forth the reasons for its refusal to make the recommendation.

§ 119.22 Preparation of licenses.

All licenses shall be filled out on the form with pen and black ink instead of with typewriter. When licenses are completed, the Recorder shall draw a broad pen and black ink mark through all unused spaces in the body thereof, so as to prevent, as far as possible, illegal interpolation after issue. The data on the license shall be copied on a stub end which shall be retained by the Board.

§ 119.23 Tonnage or horsepower; route.

The Board may designate upon the license the tonnage or horsepower of the vessel and the waters or routes upon which the licensee may act.

§ 119.24 Oath of licensee.

Every person receiving a license or certificate of lost license shall sign same upon the back thereof immediately upon its receipt, and execute an oath faithfully to perform the duties of this position, which shall be attached to the stub end of the license retained by the Board.

§ 119.25 Duplicate license.

If a person to whom a license has been issued loses his license, he shall promptly report the loss to the Board. The Board shall issue a duplicate license after receiving from the person a properly ex-

ecuted affidavit giving satisfactory evidence of the loss. The license shall be issued as a duplicate by the addition of the following written endorsement: "This license replaces License Number ------ issued at -- on the above date." The duplicate license, issued for the unexpired term, shall have the same force and effect as the original, lost license.

§ 119.26 Display of licenses.

Every licensed master, mate, and engineer shall, when employed upon a vessel and within 48 hours after going on duty, place his certificate of license, which shall be framed under glass, in a conspicuous place in such vessel, where it can be seen by passengers and others at all times, except when the officer is transferred to another vessel of the same owners for a brief period.

Subpart B—Masters

§ 119.61 Master of steam and motor vessels not exceeding 1,500 gross tons; experience required.

An applicant for license as master of steam and motor vessels not exceeding 1,500 gross tons shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he has had 2 year's experience as a licensed officer in the deck department of steam or motor vessels. Tonnage limitations applicable to such prior service shall be evaluated by the Board.

§ 119.62 Same; examination.

An applicant for license as master of steam and motor vessels not exceeding 1,500 gross tons must pass an examination as to his knowledge of the following subjects:

(a) Longitude by chronometer.
(b) Latitude by meridian altitude of the sun.
(c) Latitude by Polaris.
(d) Dead reckoning.
(e) Azimuth of the sun from tables.
(f) Azimuth of stars from tables.
(g) Determination of distances from fixed object.
(h) International code signals.
(i) Chart navigation.
(j) International and Inland rules of the road.
(k) Storm signals.
(l) Use of the Lyle gun for life saving.
(m) Lead line, sounding machine, and fathometer.
(n) Such further examination of a nonmathematical character as the Board may require.

§ 119.63 Master of dipper and suction dredges; service required.

The minimum service to qualify an applicant for license as master of dipper or suction dredges is 1 year's service as mate or operator on the type of vessel for which application is made for license as master.

§ 119.64 Same; examination.

An applicant for license as master of dipper or suction dredges must pass an examination as to his knowledge of the following subjects:

(a) Operation and maintenance of the type of vessel for which license is desired.
(b) Life-saving and fire-fighting equipment.
(c) Rules and regulations governing navigation of the Panama Canal and adjacent waters.
(d) Such further examination of a nonmathematical character as the Board requires.

Subpart C—Mates

§ 119.101 Mate of dipper and suction dredges; service required.

The minimum service to qualify an applicant for license as mate of dipper or suction dredges is as follows:

(a) Two year's service in the deck department of the type of vessel for which license is applied for; or,
(b) Such other experience as is considered to be a satisfactory equivalent thereto, upon the recommendation of the Chief, Dredging Division.

§ 119.102 Same; examination.

An applicant for license as mate of dipper and suction dredges must satisfactorily pass an examination as to his knowledge of the following subjects:

(a) Operation and maintenance of the type of vessel for which license is desired.
(b) Rules and regulations governing navigation of the Panama Canal and adjacent waters.
(c) Life-saving and fire-fighting equipment.
(d) Such further examination of a nonmathematical character as the Board may require.

Subpart D—Pilots

§ 119.141 Pilot, Panama Canal; qualifications.

The minimum requirements to qualify an applicant for license as Panama Canal Pilot are as follows:

(a) He must not have reached his 40th birthday at the time of his employment as Pilot-in-Training by the Panama Canal Company;
(b) He must hold a license issued by the United States Coast Guard as Master of Steam or Motor Vessels, Any Gross Tons, Any Ocean;
(c) He must have served at least 6 months as Chief Mate of Ocean, Steam or Motor Vessels of 1,000 gross tons or over;
(d) Prior to receiving a license as Pilot an applicant must pass the prescribed examination. In addition, the applicant must satisfactorily complete the following experience requirements:
(1) For a license as Pilot, Limited to vessels not over 225 feet in length, he must have been employed as Pilot-in-Training by the Panama Canal Company for at least four (4) months;
(2) For a license as Pilot, Limited to vessels not over 526 feet in length, he must have been employed by the Panama Canal Company as Pilot-in-Training, or as Pilot-in-Training and Pilot, Limited to vessels not over 225 feet, for at least seven (7) months; and
(3) For a license as Pilot, Panama Canal, of Vessels of Any Tonnage upon All Canal Zone Waters, he must have been employed by the Panama Canal Company as Pilot, Limited to vessels not over 526 feet, for at least twelve (12) months.

§ 119.142 Same; examination.

Before a license as Panama Canal pilot may be granted to an applicant he must pass an examination as to his knowledge of the following subjects:

(a) Local aids to navigation, signals, courses, distances, and minimum depths of water in channels, harbors, and anchorages, beaching areas, speed limits, locks, etc.
(b) International and Canal Zone rules of the road.
(c) Rules and regulations governing navigation of the Panama Canal and adjacent waters.
(d) Anchorages, hazardous, and others.
(e) Ship handling, with and without the aid of tugs.
(f) Tides, currents, surges, and sets.
(g) Bank suction and intership action in restricted waters.
(h) Such further examination of a nonmathematical character as the Board may require.

§ 119.143 Pilot, United States Government local vessel; employment requirement.

An applicant for pilot, U.S. Government local vessel, must be in the employ of the Panama Canal Company as master or mate of a Panama Canal Company vessel, or in the employ of the U.S. Army or U.S. Navy as master or mate of a U.S. Government local vessel, such as a U.S. Army or U.S. Navy mine sweeper or tug, or he must be conditionally eligible for such employment.

§ 119.144 Same; examination.

Before a license as pilot of U.S. Government local vessels may be granted to an applicant, he must pass an examination as to his knowledge of the following subjects:

(a) Chart navigation.
(b) Knowledge of local aids to navigation, buoyage, and lighting of the Canal.
(c) Rules and regulations governing the navigation of the Panama Canal and adjacent waters.
(d) Lock signals and operations.
(e) Depth of channels, anchorages, moorings, wharves, etc.
(f) Nature of tides, currents, drifts, and winds in Canal waters.
(g) Such further examination of a nonmathematical character as the Board may require.

Subpart E—Small-Tug Masters; Motorboat Operators

§ 119.181 Small-tug master; experience.

An applicant for license as master of tugs not exceeding 75 feet in length shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he has had 2 years experience in the deck department of vessels on ocean or inland waterways, 1 year of which shall have been on tugs.

§ 119.182 Same; examination.

An applicant for license as master of tugs not exceeding 75 feet in length shall be required to pass an examination as to his knowledge of the following subjects:

(a) Deviation of compass by use of ranges.
(b) Distance off a fixed object and bearings.
(c) Chart navigation.
(d) International rules of the road.
(e) Provisions for prevention of collision in Canal Zone waters.
(f) Rules and Regulations Governing Navigation of the Panama Canal and Adjacent Waters.
(g) Simple first aid.
(h) Ship sanitation.
(i) Fire prevention and extinguishing.
(j) Life-saving equipment.
(k) Local aids to navigation, buoyage and lighting of Panama Canal.
(l) Lock and Cut signals and operation.
(m) Depth of channels, anchorages, moorings, docks, etc.
(n) Nature of tides, currents, drifts and winds in Canal Zone waters.
(o) Seamanship and practical handling of tugs.
(p) Such further examination of a nonmathematical nature as the Board may require.

§ 119.183 Motorboat operator.

(a) The Board may examine and license qualified applicants as motorboat operators. To be eligible for examination an applicant shall establish that he is conditionally eligible for appointment to a position requiring the employee to hold a motorboat operator's license or that he has a bona fide intention to operate a motorboat for recreational or other private purposes within Canal Zone waters. Licenses for motorboat operator shall be issued only to the extent, and subject to such conditions and limitations, as will make their issuance not conflict with or hamper the operation, maintenance, sanitation, or protection of the Canal or the Canal Zone.

(b) Except as provided by paragraph (c) of this section, an applicant for a motorboat operator's license shall be 18 years of age or over and shall not have any physical impairment or disqualification such as would render his operation of a motorboat liable to cause injury to himself or others.

(c) A person 17 years of age may be issued a motorboat operator's license having the same standing as a license issued to a person 18 years of age or over if he first presents satisfactory evidence of having successfully completed an approved course of instruction in boating.

(d) A person over the age of 15 who does not qualify for licensing under paragraphs (b) or (c) of this section may be given a restricted license as a motorboat operator. Such restricted license holder shall not operate motorboats of light construction and high-speed lines with a motor of more than 15 hp. or motorboats having a maximum speed in excess of 20 miles per hour. Such restricted license holder shall not carry passengers for hire or tow water skiers.

§ 119.184 Responsibility of parents respecting minors under 18 years of age.

The application of a person under the age of 18 years for a motorboat operator's license must be signed by both parents or persons having legal custody of the applicant and must be accompanied by the written consent of such persons to accept financial responsibility for the minor's actions. Such consent to accept financial responsibility for the minor shall have the effect of imputing any negligence or willful misconduct of a minor under the age of 18 years when operating a motorboat to the person or persons who have signed the application of such minor for a license, which person or persons shall be jointly and severally liable with such minor for any damage caused by such negligence or willful misconduct. Any person who has signed the application of a minor for a license may thereafter file with the Board a written request that the license of said minor so granted be cancelled. Thereupon, the Board shall cancel the license of said minor and every person who signed the application of such minor shall be relieved from the liability imposed under these regulations by reason of having signed such application on account of any subsequent negligence or willful misconduct of such minor in operating a motorboat.

§ 119.185 Owner not to permit unlicensed minor to operate.

An owner or lawful custodian of a motorboat may not cause or permit a minor under the age of 18 years who is not properly licensed under this part to operate a motorboat upon the waters of the Canal Zone, or, if licensed, to operate a motorboat contrary to any limitations or restrictions in his license.

§ 119.186 Examination for license as motorboat operator.

An applicant for license as operator of motorboats shall pass an examination in the following subjects:

(a) Rules for prevention of collision in Canal Zone waters.
(b) Fire protection and extinguishing.
(c) Life-saving equipment.
(d) Safe and proper handling of gasoline motors.
(e) The proper method of operating and navigating motorboats carrying passengers.
(f) Simple first aid.

§ 119.187 Operating test.

In addition to the examination required by § 119.186, an applicant for motorboat operator's license shall pass a practical demonstration of his ability to operate a motorboat properly and safely, in the presence of an inspector, or submit satisfactory proof of such capability. Military personnel may submit a certification by their commanding officer as evidence of their capability.

Subpart F—Engineers

§ 119.221 Grade and type of engineer licenses issued; limitations placed thereon.

(a) Licenses in the grades of chief engineer, first assistant engineer, second assistant engineer, and third assistant engineer authorizing service on steam vessels, motor vessels, or steam and motor vessels, shall be issued to applicants who qualify therefor.

(b) Engineer licenses of all grades and types shall be subject to such horsepower limitations as the Supervising Inspector may deem appropriate. The horsepower limitations to be placed on a license shall be based on the applicant's qualifying experience; however, in no case shall an applicant's license be limited to a lower horsepower than the highest horsepower on which 25 percent or more of his experience was obtained. No horsepower limitation shall be placed on a license in a case in which all of the applicant's qualifying experience has been on ocean vessels of 4,000 horsepower and over.

§ 119.222 Chief engineer, steam vessels, service required.

(a) The minimum service required to qualify an applicant for license as chief engineer of a steam vessel is as follows:
(1) One year's service as first assistant engineer of steam vessels; or
(2) Two years' service as second assistant or junior first assistant engineer in charge of a watch on steam vessels while holding a license as first assistant engineer of steam vessels; or
(3) While holding a license as chief engineer of motor vessels, either—
(i) Six months' service as first assistant engineer of steam vessels; or
(ii) Six months' service as observer chief engineer on steam vessels; or
(iii) One year's service as oiler, water tender, or junior engineer of steam vessels.

(b) The minimum service required to qualify an applicant for license as chief engineer of steam vessels of not more than 3,000 horsepower is 2 years' service as assistant engineer of steam vessels.

§ 119.223 Chief engineer, motor vessels, service required.

(a) The minimum service required to qualify an applicant for license as chief engineer of motor vessels is as follows:
(1) One year's service as first assistant engineer of motor vessels; or
(2) Two years' service as second assistant or junior first assistant engineer in charge of a watch on motor vessels while holding a license as first assistant engineer of motor vessels; or
(3) While holding a license as chief engineer of steam vessels, either—
(i) Three months' service as first assistant engineer of motor vessels; or
(ii) Three months' service as observer chief engineer of motor vessels; or
(iii) Six months' service as oiler or junior engineer of motor vessels.

(b) The minimum service required to qualify an applicant for license as chief engineer of motor vessels of not more

than 3,000 horsepower is 2 years' service as assistant engineer of motor vessels.

§ 119.224 First assistant engineer, steam vessels, service required.

(a) The minimum service required to qualify an applicant for license as first assistant engineer of steam vessels is as follows:

(1) One year's service as second assistant engineer of steam vessels; or

(2) Two years' service as third assistant or junior second assistant engineer in charge of a watch on steam vessels, while holding a license as second assistant engineer of steam vessels; or

(3) While holding a license as first assistant engineer of motor vessels, either—

(i) Six months' service as second assistant engineer of steam vessels; or

(ii) Six months' service as observer first assistant engineer on steam vessels; or

(iii) One year's service as oiler, water tender, or junior engineer of steam vessels.

(b) The minimum service required to qualify an applicant for license as first assistant engineer of steam vessels of not more than 1,000 horsepower is 3 years' service as oiler, water tender, or fireman on steam vessels.

§ 119.225 First assistant engineer, motor vessel, service required.

(a) The minimum service required to qualify an applicant for license as first assistant engineer of motor vessels is as follows:

(1) One year's service as second assistant engineer of motor vessels; or

(2) Two years' service as third assistant engineer or junior second assistant engineer in charge of a watch on motor vessels, while holding a license as second assistant engineer of motor vessels; or

(3) While holding a license as first assistant engineer of steam vessels, either—

(i) Three months' service as second assistant engineer of motor vessels; or

(ii) Three months' service as observer first assistant engineer of motor vessels; or

(iii) Six months' service as oiler or junior engineer of motor vessels.

(b) The minimum service required to qualify an applicant for license as first assistant engineer of motor vessels of not more than 1,000 horsepower is 3 years' service as oiler or fireman on motor vessels.

§ 119.226 Second assistant engineer, steam vessels, service required.

The minimum service required to qualify an applicant for license as second assistant engineer of steam vessels is as follows:

(a) One year's service as engineer in charge of a watch, while holding a license as third assistant engineer of steam vessels; or

(b) While holding a license as second assistant engineer of motor vessels, either—

(1) Six months' service as third assistant engineer of steam vessels; or

(2) Six months' service as observer second assistant engineer on steam vessels; or

(3) One year's service as oiler, water tender, or junior engineer of steam vessels; or

(c) Three years' service as journeyman machinist engaged in the construction or repair of marine engines, together with 1 year's service as oiler, junior engineer, or water tender of steam vessels.

§ 119.227 Second assistant engineer, motor vessels, service required.

The minimum service required to qualify an applicant for license as second assistant engineer of motor vessels is as follows:

(a) One year's service as engineer in charge of a watch, while holding a license as third assistant engineer of motor vessels; or

(b) While holding license as second assistant engineer of steam vessels, either—

(1) Three months' service as third assistant engineer of motor vessels; or

(2) Three months' service as observer second assistant engineer on motor vessels; or

(3) Six months' service as oiler or junior engineer of motor vessels; or

(c) Three years' service as journeyman machinist engaged in the construction or repair of marine engines, together with 1 year's service as oiler or junior engineer of motor vessels.

§ 119.228 Third assistant engineer, steam vessels, service required.

The minimum service required to qualify an applicant for license as third assistant engineer of steam vessels is as follows:

(a) Three years' service in the engine department of steam vessels as fireman, water tender, oiler, or other qualified member of the engine department; or

(b) Three years' service as an apprentice to the machinist trade engaged in the construction or repair of marine, locomotive or stationary engines, together with 1 year's service in the engine department of steam vessels as oiler, water tender, or junior engineer, one-third of which service may have been on motor vessels; or,

(c) Graduation from either—

(1) The U.S. Merchant Marine Academy (engineering); or

(2) The engineering class of a State nautical school ship; or

(3) The mechanical or electrical engineering course of a duly recognized school of technology together with 6 months' service in the engine department of steam vessels, one-third of which service may have been on motor vessels; or

(4) U.S. Naval Academy; or

(5) U.S. Coast Guard Academy; or

(d) One year's service as oiler, water tender, or junior engineer on steam vessels while holding a license as third assistant engineer of motor vessels.

§ 119.229 Third assistant engineer, motor vessels, service required.

The minimum service required to qualify an applicant for license as third assistant engineer of motor vessels is as follows:

(a) Three years' service in the engine department of motor vessels as fireman, water tender, oiler, or other qualified member of the engine department; or

(b) Three years' service as apprentice to the machinist trade engaged in the construction or repair of marine, locomotive, or stationary engines, together with 1 year's service in the engine department of motor vessels as oiler or junior engineer, one-third of which service may have been on steam vessels; or,

(c) Graduation from either—

(1) The U.S. Merchant Marine Academy (engineering); or

(2) The engineering class of a State nautical school ship; or

(3) U.S. Naval Academy; or

(4) U.S. Coast Guard Academy; or

(5) The mechanical or electrical engineering course of a duly recognized school of technology, together with 6 months' service in the engine department of motor vessels; one-third of which time may have been on steam vessels; or

(d) Six months' service as oiler or junior engineer on motor vessels while holding a license as third assistant engineer of steam vessels.

§ 119.230 Chief engineer, non-self-propelled steam vessels (dipper and suction dredges and floating cranes), service required.

The minimum service required to qualify an applicant for license as chief engineer of non-self-propelled steam vessels is 90 days' service as engineer on the type of equipment for which license is desired while holding a Panama Canal license as engineer of non-self-propelled steam vessels.

§ 119.231 Chief engineer, non-self-propelled motor vessels (suction dredge, drill barge), service required.

The minimum service required to qualify an applicant for license as chief engineer of non-self-propelled motor vessels is 90 days' service as engineer on the type of equipment for which license is desired while holding a Panama Canal license as engineer of non-self-propelled motor vessels.

§ 119.232 Engineer, non-self-propelled steam vessels (dipper dredges, suction dredges and floating cranes), service required.

The minimum service required to qualify an applicant for license as engineer of non-self-propelled steam vessels is 3 years' service as journeyman machinist engaged in the construction and repair of marine engines, together with a license as third assistant engineer of steam vessels.

§ 119.233 Engineer, non-self-propelled motor vessels (suction dredge, drill barge), service required.

The minimum service required to qualify an applicant for license as engineer of non-self-propelled motor vessels is 3 years' service as journeyman machinist engaged in the construction and repair of marine engines, together with a license as third assistant engineer of motor vessels.

Subpart G—Penalties for Violation

§ 119.251 Penalties for violation.

(a) Whoever violates the requirement of § 119.1 (last sentence) is subject to punishment as provided in 2 C.Z.C. 1331, 76A Stat. 46, by a fine of not more than $100, or by imprisonment in jail for not more than 30 days, or by both.

(b) Whoever, as owner, hirer, or borrower of a motorboat required to be registered and numbered under subpart C of Part 121 of this chapter, causes or permits it to be operated in violation of § 119.185 of this part or by a person not validly licensed under this part, is subject to punishment as provided in 2 C.Z.C. 1358, 76A Stat. 47, by a fine of not more than $100.

PART 121—INSPECTION AND REGISTRATION OF VESSELS

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MOTORBOATS

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Subpart D—Penalties for Violation

121.191 Penalties for violation.

AUTHORITY: The provisions of this Part 121 issued under authority vested in Governor by 2 C.Z.C. 31, 33, 1353, 1356, and 1359, 76A Stat. 7, 47, and 48.

Subpart A—General Provisions

§ 121.1 Applicability of part.

The regulations in this part apply to vessels required to be inspected and/or registered and numbered under the provisions of 2 C.Z.C. 1351–1359 (76A Stat. 46–48). In general, the inspection requirements apply to all vessels navigating the waters of the Canal Zone except public vessels of all nations and vessels merely transiting the Canal. Foreign vessels of a country having inspection laws approximating those of the United States, and which are in possession of an unexpired certificate of inspection duly issued by the authorities of that country, are subject to inspection only insofar as necessary to determine whether the vessel, boilers, and lifesaving equipment are as stated in the said certificate of inspection, providing a like privilege is extended by the country of the vessel's flag to vessels of the United States. The registration and numbering requirements apply to motorboats and to vessels under 65 feet in length.

§ 121.2 Definitions.

As used in this part, the following terms have the meanings indicated:

(a) "Vessel" means any vessel as defined in § 1.1 other than a motorboat as defined in this section.

(b) "Motorboat" means any vessel not more than 65 feet in length propelled by machinery except tugboats and towboats. The word "motorboat" includes a boat temporarily or permanently equipped with a detachable motor. Motorboats are classed as follows:

Class A—Any motorboat less than 16 feet in length.

Class 1—Any motorboat 16 feet or over and less than 26 feet in length.

Class 2—Any motorboat 26 feet or over and less than 40 feet in length.

Class 3—Any motorboat 40 feet or over and not more than 65 feet in length.

Class 4—Any cayuco not more than 65 feet in length equipped with an outboard motor or motors operating in Madden Lake.

§ 121.3 Inspection of vessels merely transiting on request.

A vessel merely transiting the Canal may be inspected, fully or in part, by the Board, upon the request of the owner, agent, or master of such vessel. Such inspection shall be at the expense of the vessel in accordance with charges established by the Canal authorities.

Subpart B—Inspection

VESSELS

§ 121.41 Certificates of inspection.

(a) Certificates of inspection shall be issued for a period of 1 year to passenger vessels, vessels equipped with river-type lap-seam boilers, and vessels whose hull or machinery is in the judgment of the Board in such condition as to require inspection annually.

(b) Certificates of inspection will normally be issued for 2 years to all vessels not covered by paragraph (a) of this section.

(c) Application may be made by the owner or other responsible person for inspection and issuance of a new certificate of inspection at any time during the life of the certificate.

§ 121.42 Distribution of certificates.

One copy of the certificate of inspection shall be retained on file by the Board. The original and two copies shall be given to the master or owner of the vessel named therein.

§ 121.43 Fee for inspection.

Before a certificate of inspection may be issued to any vessel, the master or

owner of such vessel or other responsible person shall pay to the Treasurer, Panama Canal Company, the fees established by the Canal authorities for inspection and examination and for the issuance of certificates.

§ 121.44 Standards in inspection of hulls.

In the inspection of hulls of vessels, the rules promulgated by the American Bureau of Shipping or other recognized classification society respecting material and construction of hulls, except where otherwise provided for in this part shall be accepted as the standard.

§ 121.45 Drawings of new vessels to be furnished to the Board.

The owner or other responsible person, when applying for the first inspection of a new vessel shall furnish the Board the following drawings and prints: Body plans, midship section, inboard profile, arrangement of decks and hatch details, capacity of double bottoms and fuel compartments, and such other drawings or prints as show the general construction of the vessel, including dimensions, spacing of frames, disposition of hull plates, construction of transverse and longitudinal bulkheads, and location of same.

§ 121.46 Inspection of tank vessels.

Tank vessels shall be inspected in accordance with the provisions of this part and of Part 113 of this chapter. Conditions and design of tank vessels not specifically covered by the provisions of this part or by the provisions of Part 113 of this chapter shall conform to the pertinent provisions of the Tank Vessel Regulations of the U.S. Coast Guard.

CROSS REFERENCE: Tank vessel regulations of United States Coast Guard, see 46 CFR Part 30 et seq.

§ 121.47 Inspection of hulls.

(a) In the inspection of hulls of vessels, the inspector shall carefully inspect every accessible part of the hull, and carefully examine the wood or metal of which the hull is constructed to determine the condition of same, making all necessary hammer tests of hulls constructed of iron or steel. If the inspector shall not have satisfactory evidence otherwise of the soundness of the hull of a wooden vessel, he shall have the hull bored or opened up to his satisfaction.

(b) All scupper, sanitary, and other similar discharges which lead through the ship's hull shall be fitted with efficient means for preventing the ingress of water in the event of a fracture of such pipes. The requirements of this paragraph do not apply to the discharges in the machinery space connected with the main and auxiliary engines, pumps, etc.

(c) The outboard shaft or shafts on every ocean or coastwise vessel shall be drawn for examination at least once every 3 years: *Provided*, That when it is shown that a vessel has had a long period of lay-up the Board may grant an extension equal to the time the vessel has been out of commission, but in no case shall the extension exceed 1 year.

(d) Where the propelling machinery is located amidships the afterbearing shall be rebushed when it is worn down to ¼ inch clearance for shafts of 9 inches or less or diameter, 5/16 inch clearance for shafts exceeding 9 inches but not exceeding 12 inches in diameter, and ⅜ inch clearance for shafts exceeding 12 inches diameter. Where the propelling machinery is located aft the maximum clearance shall be one grade (1/16 inch) less than the above clearance.

§ 121.48 Sea chests, sea valves and strainers.

Sea chests, sea valves, and strainers shall be carefully examined by the inspector when the vessel is in drydock, and, if deemed necessary, they shall be opened up for internal examination. This requirement also applies to bilge injection valves. All iron or steel fastenings of sea cocks and valves to the shell plating shall be examined and shall be renewed if necessary.

§ 121.49 Pumping arrangements.

The pumps and pumping arrangements, including valves, pipes and strainers, from the several holds, as well as from the engine and boiler spaces shall be examined at each inspection.

§ 121.50 Steering arrangements.

All parts of the steering arrangements, including the gear, quadrants, blocks, rods, chains, or other transmission gear and brakes shall be carefully examined by the inspector at each inspection.

§ 121.51 Watertight bulkheads and doors.

All watertight bulkheads and watertight doors shall be examined and found or required to be placed in good and efficient condition. Watertight bulkheads shall be tested with a head of water if considered necessary.

§ 121.52 Engine room signal gear.

Signal systems between engine room and pilot house, whether they be telegraph, bell, whistle, telephone, or voice tubes, shall be examined and tested at each inspection.

§ 121.53 Materials, construction, and repairs of boilers and machinery.

Materials used and the methods employed in the construction and repairs of boilers and machinery, and the design of boilers and machinery, shall be in accordance with the marine engineering regulations and material specifications of the U.S. Coast Guard, or the rules for building and classing steel vessels of the American Bureau of Shipping, or other recognized classification society, unless otherwise provided in this part.

§ 121.54 Preparation of boilers for inspection.

It shall be the duty of the chief engineer to have the boilers which are to be inspected filled with water, safety valves secured by clamps or gags, tubes swept, back connections and furnaces cleaned out, and the water in boilers at a temperature of not more than 180° F. for water-tube boilers and not more than 100° F. for fire-tube boilers.

§ 121.55 Tests and inspections of new boilers.

All boiler tests and inspections of new boilers shall conform to the standards of the U.S. Coast Guard "Marine Engineering Regulations" (46 CFR, Subchapter F).

§ 121.56 Tests and inspections of boilers and main steam pipes in service.

All tests and inspections of boilers and main steam pipes in service shall conform to the standards of the U.S. Coast Guard "Marine Engineering Regulations" (46 CFR, Subchapter F).

§ 121.57 Inspection of mountings and attachments.

All valves on boilers shall be opened up every 4 years at the time of annual inspection or the next regular drydocking period thereafter. All valves shall be removed from the boiler at least once every 8 years to determine the condition of the stud bolts connecting the valves to the boiler. These examinations may be made at intermediate periods if there is any evidence to indicate that defects have started or excessive corrosion exists.

§ 121.58 Safety valves.

(a) At the annual inspection of each boiler the inspector shall check the setting of each boiler safety valve and make any adjustments that may be necessary to keep the boiler within the maximum allowable pressure. After adjusting the boiler safety valves the inspector shall seal each safety valve separately with the official seal of the Board.

(b) Each chief engineer, upon taking charge of the power plant of a vessel, shall examine all safety valves and if any seals are broken, or there is any evidence that valves have been tampered with, he shall report same in writing to the Board. If at any time it is necessary to break the seal on a safety valve for any purpose, the chief engineer shall advise the Board in writing, giving the reason for breaking the seal and requesting that the valve be examined, adjusted, and resealed.

§ 121.59 Fusible plugs.

The inspector shall examine fusible plugs when inspecting the boilers. The number of such plugs inserted in each boiler, the manufacturer's name, and the heat number shall be included in the boiler inspection report.

§ 121.60 Water columns, test cocks, and water gages.

Water columns, test cocks, and water gages shall be carefully examined, tested and checked by the inspector at each inspection.

§ 121.61 Steam gages.

All steam gages connected to boilers or main steam lines shall be carefully checked for accuracy at each inspection.

§ 121.62 Safety valves or relief valves on reduced pressure lines, evaporators, etc.

Inspectors shall give the same attention and inspection to safety valves or relief valves installed on reduced pressure lines, evaporators, superheaters, feed water heaters, etc., as to the safety valves installed on the main boilers. The setting of such valves shall be carefully checked at each inspection and adjusted if necessary.

§ 121.63 Dangerous places.

Inspectors shall examine all places where there is a possibility of a person being caught in machinery to see that they are provided with substantial guards over such mechanisms as gearings and couplings, flywheels or generators, refrigerating machinery, etc.

§ 121.64 Unfired pressure vessels.

(a) Unfired pressure vessels in service which are fitted with manholes or other inspection openings so that they can be satisfactorily examined internally, shall be opened biennially and thoroughly examined internally and externally.

(b) Unfired pressure vessels which have neither manholes nor inspection openings and cannot be satisfactorily examined shall be tested biennially to a hydrostatic test of one and one-fourth times the maximum allowable working pressure.

(c) Unfired pressure vessels shall be protected by a relief valve set to relieve at a pressure not exceeding that for which the vessel is designed, and of sufficient relieving capacity to prevent a pressure increase exceeding 10 percent above the maximum allowable pressure. In no case shall the diameter of the relief valve be less than one-half inch.

(d) At each inspection period the inspector shall check the setting of the relief valves and make any adjustments that may be necessary to keep the pressure vessel within the maximum allowable pressure.

(e) As used in this part, "unfired pressure vessel" means a tank containing gas, vapor, or liquid, or a combination thereof, under pressure and not exposed to the products of combustion.

§ 121.65 Notice to Board of vessel on dock; alterations.

(a) Whenever any vessel under the jurisdiction of the Board is placed upon the dock for repairs it shall be the duty of the owner or responsible official to report same to the Board so that a thorough inspection may be made to determine what is necessary to make such vessel seaworthy. No repairs or alterations affecting the safety of the vessel, either in regard to hull or machinery, shall be made without the knowledge and authority of the Board. Notice of such repairs and alterations is necessary even if such work does not require the vessel to be placed in a drydock.

(b) When a repair or alteration ordered by the Board has been complied with the same shall be reported to the Board in writing by the owner or responsible official.

§ 121.66 Whistles.

Every inspected vessel under the jurisdiction of the Board shall be provided with an efficient whistle sounded by steam or some substitute for steam to give the necessary whistle signals. The whistle shall be placed higher than the top of the pilot house.

§ 121.67 Fog bells.

Every inspected vessel under the jurisdiction of the Board shall be provided with an efficient fog bell. The bell shall not be less than 8 inches outside diameter and constructed of bronze or brass or other material equal thereto in tone and volume of sound, and located where the sound shall be least obstructed.

§ 121.68 Engine signals; voice tubes.

Inspected vessels using bell signals between the pilot house and engine room shall have a tube, of proper size, so arranged as to return the sound of the bell signals to the pilot house, and shall also be provided with a speaking tube or other device for the purpose of conversation between the pilot house and engine room. In all cases where a telegraph is used the signal shall be capable of being repeated back to the pilot house.

§ 121.69 Proceeding to another port for repairs.

The Board may issue a permit to proceed to another port for repairs, if in the judgment of the Board it can be done with safety. In the issuance of such permits the Board shall state upon its face the conditions upon which it is granted and whether the vessel is to be allowed to carry freight or passengers. A vessel whose certificate of inspection has expired shall not be issued a permit allowing it to carry passengers while enroute to another port for repairs.

§ 121.70 Marking of draft on vessel.

All vessels 20 gross tons and over, under jurdisdiction of the Board, shall have the draft of the vessel plainly and legibly marked upon the stem and upon the stern post or rudder post or at such other place at the stern of the vessel as may be necessary for easy observance. The draft shall be taken from the bottom of the lowest part of the keel to the surface of the water, the bottom of the mark to indicate the draft in fee. If any part of the hull or permanent equipment extends below the lowest part of the keel, the master or other responsible person shall produce evidence from which the vessel's maximum immersion may be determined.

§ 121.71 Emergency lighting system.

Provision shall be made on all passenger vessels for an electric or other system of lighting, sufficient for all requirements of safety, in the various parts of the ship. There shall be a self-contained source capable of supplying, when necessary, such safety lighting system, placed in the upper part of the ship above the margin line.

§ 121.72 Repairs to fire-fighting and lifesaving apparatus.

No extensive repairs or alterations, except in an emergency, shall be made to lifesaving or fire-fighting equipment without prior notice to the Board.

§ 121.73 Extra steering apparatus.

Extra steering apparatus consisting of relieving tackle, or of auxiliary power, or hand steering gear attached to the rudder stock independent of the regular steering gear shall be provided on vessels under jurisdiction of the Board.

§ 121.74 Repairs on boilers and unfired pressure vessels.

(a) Before undertaking repairs to a boiler or unfired pressure vessel of a steam vessel, the engineer in charge of such vessel shall report the condition necessitating repairs and the nature of the proposed repairs to the Board in writing.

(b) When damage occurs to boilers or machinery through an accident that tends to render the further use of such boilers or machinery unsafe until repairs are made, the engineer in charge thereof shall promptly report the facts respecting such accident and the proposed repairs to the Board in writing.

(c) In cases requiring a written report under this section, repairs shall not be commenced until the Board's Inspector has approved the proposed plan of repairs or some modified or alternate plan for accomplishing the needed repairs.

§ 121.75 Increase in passenger allowance.

Increase in the passenger allowance of any vessel, whether specified in regular certificate or by special certificate for excursion, shall be permitted only after a careful inspection which shows that the vessel is properly equipped, and that the increase is safe and proper.

§ 121.76 Inclining test.

When the Board has any reason to question the stability of any vessel under its jurisdiction, it shall require the owners of the vessel to make inclining tests on such vessels, under the general supervision of the Board.

§ 121.77 Inspection of steam pipes.

When inspecting a vessel the inspectors shall carefully examine all steam pipes passing through woodwork, and if the same are deemed unsafe they shall be provided with an air space and fitted with metal collars.

§ 121.78 Deep-sea sounding apparatus.

All ocean passenger or freight steam vessels of 500 gross tons and upwards shall be equipped with an efficient mechanical deep-sea sounding apparatus ready for immediate use in addition to the ordinary deep-sea hand lead.

§ 121.79 Carrying of excess steam.

When it is known or comes to the knowledge of the Board that any steam vessel is or has been carrying an excess of steam beyond that which is allowed by her certificate of inspection, the Board shall require the owner or owners of said steamer to place on the boiler a lockup safety valve, that will prevent the carrying of an excess of steam, which shall be under the control of the Board.

§ 121.80 Signaling lamps.

Ocean and coastwise vessels of over 150 gross tons shall be equipped with an efficient signaling lamp. The lamp shall be so connected that it can be operated from the normal source of ship's current, the emergency source, and other emergency batteries if provided.

§ 121.81 Steering gear tests.

On all ocean vessels subject to the provisions of this part, making voyages of more than 48 hours duration, the entire steering gear, the whistle, the means of communication and signaling appliance between the bridge or pilot house and the engine room shall be examined and tested by a licensed officer of the vessel within a period of not more than 12 hours before leaving port. All such vessels making voyages of less than 48 hours duration shall be so examined and tested at least once in every week. The fact and time of such examination and test shall be recorded in the vessel's log book.

§ 121.82 Hatches.

The master of any vessel subject to this part shall assure himself before proceeding to sea that all exposed cargo hatches of his vessel are properly covered.

§ 121.83 Draft.

The master of every seagoing vessel subject to this part shall, whenever leaving port, enter the maximum draft of his vessel in the log book.

§ 121.84 Lookouts and fire patrolmen.

(a) Every vessel subject to this part shall have a lookout at all times at or near the bow during the nighttime.

(b) On every passenger vessel having berth or stateroom accommodations for passengers there shall be maintained an efficient watch by the fire patrol so as to cover all parts of the vessel accessible to passengers or crew, except machinery spaces, spaces occupied by passengers or crew as sleeping accommodations and cargo compartments which are inaccessible to passengers or crew while the passenger vessel is being navigated.

(c) A patrolman while on duty shall have no other tasks assigned to him and shall report to the bridge once every hour.

§ 121.85 Sanitation.

The master and chief engineer of any vessel under jurisdiction of the Board shall see that the vessel and the passenger and crew quarters are kept in a sanitary condition.

§ 121.86 Fuel tanks; fuel piping.

Fuel tanks and fuel piping on vessels subject to this part shall be installed in accordance with the marine engineering regulations and material specifications of the United States Coast Guard, unless otherwise provided for in this part.

§ 121.87 Examination of boilers and machinery by engineer.

When an engineer assumes charge of the boilers and machinery of a vessel he shall examine the same immediately and thoroughly, and if he finds any part thereof in bad condition, he shall immediately report the fact to the master or employer and to the Board, which shall thereupon investigate the matter to determine whether the former engineer has been negligent in his duties.

§ 121.88 Fusible plug report.

The chief engineer of a steam vessel subject to this part shall report promptly to the Board every renewal of every fusible plug in a boiler or boilers of a steam vessel upon which he is in charge as chief engineer.

§ 121.89 Boiler steaming hours.

(a) Boilers on floating equipment of the Panama Canal Company which are inspected by the Board may not be operated under steam for more than the following prescribed numbers of hours between boiler washout periods:

(1) Boilers which are operated under an approved system of boiler feed water conditioning and with respect to which copies of reports of boiler water conditioning are filed with the Board: 2,880 hours.

(2) Condensing water-tube boilers not included within subparagraph (1) of this paragraph: 1,050 hours.

(3) Fire and water tube boilers, no approved feed-water treatment, operating noncondensing: 750 hours.

(4) All other boilers: 2,160 hours.

(b) The chief engineer of the vessel shall report all washouts to the Board on B.L.I. Form 1588-4 when the washout is completed and steam raised in a boiler. The original of this report shall be forwarded to the Board and a copy to his master or employer.

§ 121.90 Annual report of floating craft on hand.

The accountable officials of the Panama Canal Company shall furnish the Board with an annual report of all vessels and floating craft on hand by January 1st of each year. This report shall show:

(a) The accountable official.
(b) The responsible official.
(c) The location of vessel or craft.
(d) The number of the vessel or craft.
(e) The description of vessel or craft.

§ 121.91 Inspectors not to accept statements.

Inspectors shall be governed by conditions as actually found by them and in no case shall they be justified in accepting the statements of others.

§ 121.92 Lifesaving apparatus.

Lifesaving apparatus for vessels navigating beyond the waters of the Canal Zone, and subject to this part, shall be in accordance with the requirements of the general rules and regulations for vessel inspection, the United States Coast Guard, or, with the requirements of the International Convention for the Safety of Life at Sea; unless otherwise provided by this part.

CROSS REFERENCE: Vessel inspection, rules and regulations of U.S. Coast Guard, see 46 CFR.

§ 121.93 Care of lifeboats.

At each inspection period lifeboats shall be stripped, cleaned, and thoroughly overhauled and painted. Tests and inspections shall be in accordance with the requirements of the U.S. Coast Guard rules and regulations for vessel inspection.

CROSS REFERENCE: Vessel inspection, rules and regulations of U.S. Coast Guard, see 46 CFR.

§ 121.94 Lifeboat equipment.

Lifeboats on board vessels subject to this part shall be equipped in accordance with the requirements of the general rules and regulations for vessel inspection service, the U.S. Coast Guard, or with the requirements of the international convention for the safety of life at sea, unless otherwise provided in this part.

CROSS REFERENCE: Vessel inspection, rules and regulations of U.S. Coast Guard, see 46 CFR.

§ 121.95 Line-throwing appliances and equipment.

All ocean vessels shall be equipped with a line-throwing appliance of an approved type with the necessary equipment. The equipment shall include not less than four projectiles and four service lines.

(b) Vessels under 500 gross tons may use a shoulder gun. All coastwise vessels of 150 gross tons and over shall be equipped with a line-throwing appliance and equipment.

§ 121.96 Life preservers; number required.

All vessels shall be provided with one approved life preserver for each person carried. Passenger vessels shall be provided with an additional number suitable for children, equal to at least 10 percent of the total number of persons carried. They shall be properly distributed throughout the staterooms, berthings and other places convenient for passengers and crew.

§ 121.97 Life preserver inspection.

At each regular inspection of a vessel, and oftener if deemed necessary, the inspector shall examine and inspect all life preservers in accordance with the requirements of the U.S. Coast Guard rules and regulations for vessel inspection. If found to be satisfactory, they shall be plainly stamped with the word "Passed," the date of inspection, and the inspector's initial.

CROSS REFERENCE: Vessel inspection, rules and regulations of U.S. Coast Guard, see 46 CFR.

§ 121.98 Means of escape from vessels.

(a) On all vessels where the plans and arrangements will possibly permit, all enclosures where passengers or crews may be quartered shall be provided with not less than two avenues of escape, so located that if one of such avenues is not available another may be.

(b) Every vessel of 50 tons or over carrying passengers shall be provided with permanent stairways forward and aft. Every vessel shall be provided with sufficient means of escape from lower to upper deck, or vice versa.

§ 121.99 Fire axes.

(a) All vessels shall be equipped with fire axes, as follows:

Gross tons	Axes
Over 25 tons and not over 50 tons	1
Over 50 tons and not over 200 tons	2
Over 200 tons and not over 500 tons	4
Over 500 tons and not over 1,000 tons	6
Over 1,000 tons	8

(b) All axes shall be located so as to be readily found in time of need, shall not be used for general purposes, and shall be kept in good condition.

§ 121.100 Fire detecting and alarm system.

(a) All passenger vessels of more than 150 feet in length having berth or stateroom accommodations for passengers shall be provided with an efficient fire alarm or fire detecting system, which will automatically indicate or register at one or more points or stations, where it can be most quickly observed by officers and crew, the presence or indication of fire in any part of the vessel not accessible to a patrol system.

(b) All passenger vessels with sleeping quarters for passengers shall be provided with a manual fire alarm system which operates alarm bells in the pilot house and engine room. The manual alarm system shall have a suitable number of stations on all decks so as to enable the alarm to be given immediately in case of fire.

(c) All vessels over 100 gross tons shall have all sleeping accommodations equipped with a sufficient number of alarm bells so located as to warn all occupants. The alarm bells, if electric, shall be operated from an open switch in the pilot house or bridge. The bells shall be of such size and character as to provide an alarm throughout the spaces for which they are provided.

§ 121.101 Steam and inert-gas fire extinguishing systems, fire pumps, outlets and hoses.

Steam and inert-gas fire extinguishing systems, fire pumps, fire pump outlets and hoses shall be provided on passenger and cargo vessels in accordance with the requirements of the U.S. Coast Guard general rules and regulations for vessel inspection, or, with the requirements of the international convention for the safety of life at sea; unless otherwise provided in this part.

§ 121.102 Portable fire extinguishers.

All vessels subject to this part shall be provided with good and efficient portable fire extinguishers. The number and type required shall be determined by the Board.

§ 121.103 Station bills.

The master of every vessel of 150 gross tons or over shall have station bills prepared and posted in conspicuous places in several parts of the vessel, particularly in the crews quarters. They must contain full particulars of the signals which will be used for calling the crew to their stations for emergency duties, and indicate the station to which each man must go and the duties he has to perform.

§ 121.104 Fire alarm signals; drills.

(a) The general fire alarm signal shall be a continuous rapid ringing of the ship's bell for a period of not less than 10 seconds, supplemented by the continuous ringing of the general alarm bells for not less than 10 seconds. For dismissal from fire alarm stations, the general alarm bells shall be sounded three times.

(b) The officer in command shall, once at least in each week, call all hands to quarters and exercise them in the unlashing and swinging out of the life boats, weather permitting, the closing of all water tight doors and fire doors, the use of fire pumps and all other apparatus for the safety of life on board such vessels, and to see that all the equipment required is in good working order for immediate use. Special attention shall be given to drilling the crew and educating passengers in the method of adjusting life preservers and condition of same. The fact of the exercise of the crew shall be entered on the vessel's log book giving the hours and days such drills were held.

(c) The inspectors shall observe the drills at intervals sufficiently frequent to assure themselves that the requirements of this section are complied with.

(d) Three copies of this section shall be furnished vessels. The copies furnished shall be framed under glass, and posted in conspicuous places about the vessel.

§ 121.105 Fire hazards, and fire extinguishing equipment.

(a) At each inspection period the inspector shall examine the tank tops and bilges in the machinery spaces to see that there is no accumulation of oil which might create a fire hazard.

(b) At each inspection period the inspector shall conduct tests and inspections of fire extinguishing equipment in accordance with the requirements of the U.S. Coast Guard rules and regulations for vessel inspection.

§ 121.106 Fire-fighting equipment on steam propelled vessels.

Each fire room of a steam propelled vessel burning oil for fuel shall contain:

(a) A metal receptacle containing not less than five (5) cubic feet of sand, and scoop or shaker for distributing same; and

(b) Two or more approved fire extinguishers of the foam type of not less than 2½-gallon capacity each, or two or more carbon-dioxide (CO_2) type of not less than 15 pounds each, accessible to the fire room and ready for immediate use. These extinguishers shall be in addition to the regular extinguishers required for the vessel.

§ 121.107 Non-self-propelled vessels; equipment.

Panama Canal non-self-propelled vessels shall carry the following equipment:

(a) Dredges, floating cranes and drill boats:

4 life rings (2 luminous).
1 life preserver for each person on board.
1 fire pump. Outlets from fire mains to be so arranged that one 50-foot length hose can reach any part of the vessel.
6 portable fire extinguishers.
4 fire axes.
Anchor and anchor chain as approved by the Board.
Lights and day marks as required by Part 111 of this chapter.

(b) Floating pile drivers:

2 life rings (1 luminous).
1 life preserver for each person on board.
2 fire axes.
2 portable fire extinguishers.
Anchor and chain as approved by the Board.
Lights and day marks as required by Part 111 of this chapter.

(c) Barges, lighters and scows:

1 life ring.
1 suitable anchor with cable.
Lights as required by Part 111 of this chapter.

§ 121.108 Complement of officers and crew.

A certificate of inspection will not be granted to a vessel unless she has in her service and on board such complement of officers and crew as may, in the judgment of the Board, be necessary for her safe navigation.

MOTORBOATS

§ 121.131 Equipment on motorboats.

Motorboats shall carry the following equipment:

(a) Class A Motorboats (less than 16 feet in length)—

2 oars or paddles.
1 bailer.
60 feet of line, not less than one-half inch in diameter.
1 combination light showing red to port, and green to starboard.
1 stern light, white, showing all around the horizon.
1 fire extinguisher, either 1¼-gallon foam, 4-pound CO_2, or 2 lb. dry chemical.
1 whistle or other sound-producing device, hand-, mouth-, or power-operated.
1 anchor with 120 feet of suitable line.
1 life preserver for each person carried.
1 copy of a summary of "Motorboat Rules and Regulations."

(b) Class 1 motorboats (16 feet or over and less than 26 feet in length)—

2 oars or paddles.
1 whistle or other sound-producing device, hand-, mouth-, or power-operated, audible at least one-half mile, and capable of producing a blast of four seconds or more duration.
1 bailer.
60 feet of line, not less than five-eighths inch in diameter.
2 fire extinguishers, either 1¼-gallon foam, 4-pound CO_2, or 2 lb. dry chemical, when engine is inboard, or 1 such extinguisher when motor is outboard.
1 combination light showing red to port, green to starboard.
1 stern light, white, to show all around the horizon.
1 anchor with 120 feet of suitable cable.
1 life preserver for each person carried.
1 copy of a summary of "Motorboat Rules and Regulations."

(c) Class 2 motorboats (26 feet or over and less than 40 feet in length)—

1 life ring buoy of not less than 24-inch outside diameter.
3 oars with suitable rowlocks.
1 whistle, power-operated, audible at least one mile.
1 bailer.
60 feet of line, not less than three-quarter inch in diameter.
3 fire extinguishers, two of which shall be 2½ gallon foam, 15 lb. CO_2, or 10 lb. dry chemical, and the third of which shall be 1¼-gallon foam, 4-pound CO_2, or 2 lb. dry chemical.
1 boat hook.
1 bow light, white, 20-point, fixed to show from right ahead to 2 points abaft the port and starboard beams respectively.
1 port side light, red, fixed to show from right ahead to 2 points abaft the port beam.
1 starboard side light, green, fixed to show from right ahead to 2 points abaft the starboard beam.
1 stern light, white, showing all around the horizon.
1 anchor with 120 feet of suitable cable.
1 fog bell, of not less than 8-inch outside diameter.
1 life preserver for each person carried.
1 copy of a summary of "Motorboat Rules and Regulations."

(d) Class 3 motorboats (40 feet or over and not more than 65 feet in length)—

2 life ring buoys not less than 24-inch outside diameter.
3 oars with suitable rowlocks.
1 fog horn.
1 whistle, power-operated, audible at least one mile.
1 bailer.
75 feet of line not less than seven-eighths inch diameter.
4 fire extinguishers, three of which shall be 2½ gallon foam, 15 lb. CO_2, or 10 lb. dry chemical, and the fourth of which shall be 1¼-gallon foam, 4-pound CO_2, or 2 lb. dry chemical.
2 boat hooks.
1 bow light, white, 20-point, fixed to show from right ahead to 2 points abaft the port and starboard beams respectively.
1 port side light, red, fixed to show from right ahead to 2 points abaft the port beam.
1 starboard side light, green, fixed to show from right ahead to 2 points abaft the starboard beam.
1 stern light, white, showing all around the horizon.
1 anchor with 120 feet of suitable cable.
1 life preserver for each person carried.
1 fog bell, not less than 8-inch outside diameter.
1 copy of a summary of "Motorboat Rules and Regulations".

(e) Class 4 motorboats (cayucos not more than 65 feet in length equipped with an outboard motor or motors operating in Madden Lake)—

2 oars or paddles.
1 bailer.
1 flashlight.
1 life preserver for each person carried.

(f) In addition to equipment specified for motorboats of their class, each U.S. Government-owned motorboat shall carry the following additional equipment:

1 red flag and 1 red lantern.

§ 121.132 Motorboat filling, venting, and sounding pipes; shut-off valves.

(a) Filling, venting, and sounding pipes shall be so arranged that vapors or possible overflow when filling cannot escape to the inside of the hull but will run overboard. A pipe made tight to the tank and to the filling plate on deck clear of any coamings, etc., meets this requirement. Filling and sounding pipes shall extend to within one-half their diameter from the bottom of the tank. A flame screen of noncorrodible wire mesh shall be fitted in the throat of the fill pipe.

(b) Shut-off valves shall be installed in the fuel line; one as close to each tank as practicable, and one as close to each carburetor as practicable. Arrangements shall be provided for operating all shut-off valves at the tanks from outside the compartments in which they are located, preferably from an accessible position on deck. The operating gear for the shut-off valves at the tanks shall be accessible at all times and in efficient working condition.

§ 121.133 Carburetor back-fire flame arrestor.

Carburetors of engines installed on motorboats using gasoline for fuel, except outboard motors, shall be fitted with an approved device to arrest backfire. Air intakes, where practicable, shall be so directed that back-fire cannot blow down into the bilge.

§ 121.134 Ventilation of motorboats.

(a) All motorboats which use gasoline or other liquid fuel having a flash point of less than 110° F. shall be provided with at least two ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel tank compartment in order to remove any inflammable or explosive gases.

(b) Motorboats constructed so that the greater portion of the bilges under the engine and fuel tanks are open and exposed to the natural atmosphere at all times are not required to be fitted with ventilators.

Subpart C—Registration and Numbering

§ 121.171 Registration and numbering of motorboats.

All motorboats shall be registered, certificated, and assigned numbers by the Board of Local Inspectors, subject to the supervision of the Supervising Inspector, in accordance with the requirements contained in 2 C.Z.C. 1358, 76A Stat. 47.

§ 121.172 Numbers to be displayed on motorboats.

Every motorboat shall have its assigned number painted or attached on each bow. The numbers shall be in block character of not less than 3 inches in height, and located as high above the water line as practicable, but in no case shall there be less than 3 inches of space from the bottom of the numbers to the water.

§ 121.173 Registration and numbering of vessels under 65 feet in length not propelled by machinery.

Vessels not more than 65 feet in length and not propelled in whole or in part by machinery shall be registered and numbered by the Board, under the supervision of the Supervising Inspector, in accordance with the provisions of 2 C.Z.C. 1359, 76A Stat. 48.

§ 121.174 Numbers to be displayed on vessels under 65 feet other than motorboats.

Every vessel not more than 65 feet in length and not propelled in whole or in part by machinery shall have its assigned number painted or attached on each bow. The numbers shall be in block character of not less than 3 inches in height, and located as high above the water line as practicable, but in no case shall there be less than 3 inches of space from the bottom of the numbers to the water.

Subpart D—Penalties for Violation

§ 121.191 Penalties for violations.

Sections 1356, 1358, and 1359 of Title 2, Canal Zone Code, 76A Stat. 47, 48, provide as follows:

"SEC. 1356. *Fines for failing to have or display certificate, or for receiving excess passengers; recovery.*

"(a) A vessel, other than one excepted by section 1351 of this title, that navigates the waters of the Canal Zone without having an unexpired certificate of inspection issued by the Canal Zone Government or by the United States Coast Guard, or an unexpired certificate accepted by the Canal Zone Government pursuant to section 1352 of this title, shall be fined not more than $1,000.

"(b) If a passenger is received on board a vessel not having certified copies of the certificate of inspection placed and kept as required by section 1354 of this title, or if passengers are received on board a vessel in excess of the number authorized by the certificate of inspection, the vessel shall be fined not more than $100 for each passenger so received.

"(c) Fines may be recovered in the district court, and the amount so recovered shall be a lien upon the vessel, and it may be seized and sold to satisfy the lien, as well as the costs of the court proceedings."

"SEC. 1358. *Registration, etc., of small vessels propelled by machinery; licensing of operators; fine for violation.*

"Vessels not more than sixty-five feet in length, measuring from end to end over the deck excluding sheer, and propelled in whole or in part by machinery, shall be registered, certificated, and numbered, and shall display the numbers assigned in a conspicuous place in prescribed form. Such vessels are subject to annual inspection, and the certificate referred to herein shall be issued for a term of one year and shall specify the number of passengers which the vessel may carry, and the number of life preservers and the fire-fighting apparatus and other equipment which the vessel shall carry.

"Such vessels may be operated only by persons holding operators' licenses, issued after examination by the board of local inspectors and approved by the supervising inspector or such other person as the Governor designates.

"Whoever, as owner, hirer, or borrower of such a vessel, causes or permits it to be operated in Canal Zone waters in violation of a requirement of this section or of the certificate issued hereunder, shall be fined not more than $100.

"This section does not apply to public vessels of the United States or of the Republic of Panama, or to tugboats or towboats propelled by steam."

"SEC. 1359. *Registration and numbering of small vessels not propelled by machinery; fine for violation.*

"Vessels not more than sixty-five feet in length and not propelled in whole or in part by machinery, shall be registered and numbered, and when numbers have been assigned they shall be displayed in a conspicuous place in prescribed form.

"Whoever, as owner, hirer, or borrower of such a vessel, causes or permits it to be operated in Canal Zone waters in violation of a requirement of this section shall be fined not more than $100."

PART 123—RADIO COMMUNICATION

Sec.
123.1 Radio communication defined.
123.2 Control by Governor; exercise through Naval Shore Stations.
123.3 Advance information required by radio from vessels approaching Canal.
123.4 Same; information required.
123.5 Radio communication between vessels in Canal Zone and other vessels or places.
123.6 Restrictions on vessel radios as to power, testing and tuning.
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123.9 Immediate report of accidents, delays, or casualties.
123.10 Operation of vessel radios in conformity with treaties.
123.11 Radio charges.
123.12 Penalties for violation.

AUTHORITY: The provisions of this Part 123 issued under authority vested in President by 2 C.Z.C. 1331, 76A Stat. 46, and delegated to Secretary of Army by § 3.1(a)(1) of this chapter.

§ 123.1 Radio communication defined.

For the purposes of this part, unless the context otherwise requires, "radio communication" means the transmission by radio of writing, signs, signals, pictures, and sounds of all kinds, including all instrumentalities, facilities, apparatus, and services (among other things the receipt, forwarding, and delivery of communications) incidental to such transmission.

§ 123.2 Control by Governor; exercise through Naval Shore Stations.

The Governor of the Canal Zone shall, subject to the provisions of this part, have entire control of radio communication in the Canal Zone so far as concerns or affects vessels in the harbors and other waters of the Canal Zone or the navigation of such waters, except vessels owned or operated by the United States Army, Navy or Air Force. In the exercise of such control the Governor may in his discretion utilize the shore radio stations owned by the United States and operated by the Navy Department, which stations are referred to as the shore stations.

§ 123.3 Advance information required by radio from vessels approaching Canal.

Vessels approaching the Panama Canal shall communicate by radio to the Port Captain, through the Balboa Radio Station, call letters NBA, at least 48 hours in advance of arrival in the Canal Zone, the information required by § 123.4. If radio communication can be established earlier than 48 hours in advance of arrival, the required information should be furnished at the time such communication is first practicable. The signal station on Flamenco Island is equipped with voice radio for communication with vessels approaching the Pacific entrance to the Canal on the following frequencies: International Calling and Distress 2182 kc and Panama Canal Company 2846 kc.

§ 123.4 Same; information required.

(a) All of the items of information listed below, unless previously communicated through agents or otherwise to the Canal authorities, shall be transmitted to the Port Captain as required by § 123.3, using the phonetic alphabet letters to identify the items, as follows:

ALFA—If Canal transit is desired.
BRAVO—48-hour advance estimate of time of arrival.
CHARLIE—Fore and aft draft of vessel. Warships should include displacement.
DELTA—Last port of call.
ECHO—If there is any communicable disease aboard and, if so, identify such disease or diseases.
FOXTROT—Number, kind and origin of animals aboard, if any.
GOLF—Number of landing passengers, if any.
HOTEL—Number and origin of stowaways aboard, if any.
INDIA—If any structural changes, or changes in use of tanks, have been made since the vessel's last transit.
JULIET—Number of smallpox vaccinations required by crew members and passengers.

In addition to the above, tankers shall report:

KILO—The grades of cargo carried, if any. Give name of cargo if other than petroleum products.
LIMA—The grade of cargo last carried in each empty tank that is not gas free. Give name if other than petroleum products.

Vessels carrying explosives of any nature, whether for transit or docking, shall also report:

MIKE—The grades of such explosives.
NOVEMBER—The quantity in tons of each grade of such explosives.

(b) The following additional information shall be transmitted via radio to the Port Captain from *all* vessels as applicable:

(1) Vessels approaching from the Pacific shall report actual time of passing Cape Mala, or the latitude of Cape Mala, and the vessel's speed.

(2) Vessels approaching from the Atlantic shall report 12 hours prior to arrival at Cristobal any change of one hour or more in the expected time of arrival.

(3) Any other matters of importance and interest.

(c) Timely receipt of the above information will facilitate the transit or docking of arriving vessels. Failure to comply with these reporting requirements may subject a vessel to delay since vessels which do comply will receive priority of service and handling over those which do not.

§ 123.5 Radio communication between vessels in Canal Zone and other vessels or places.

Except as authorized by authority of the Governor, and except as regards vessels operated by the United States Army, Navy, or Air Force, all radio communication between vessels in the Canal Zone and other vessels or places whether within or without the Canal Zone shall be carried on by forwarding through the Balboa Radio Station, call letters NBA; and, with such exceptions, no vessel in the Canal Zone, or person on board any such vessels, shall do any radio broadcasting, or shall, otherwise than by forwarding through such shore station, transmit any radio communication.

§ 123.6 Restrictions on vessel radios as to power, testing and tuning.

Except as authorized by authority of the Governor, vessels within 15 miles of the Canal Zone should transmit only with low power, i.e., not more than 100 watts on a tube set, and should not do any testing or tuning.

§ 123.7 Operator on board during transit.

All vessels equipped with radio shall have a qualified radio operator on board, available to operate the radio installation if necessary, from the time the vessel leaves a terminal port to pass through the Canal until her arrival at the opposite terminal port. The provisions of this section do not apply to those vessels whose radio equipment has been sealed in Canal Zone waters in accordance with orders issued by competent authority.

§ 123.8 Precedence of messages relative to vessel's movements and Canal business; use of vessel's radio by pilot.

Messages relating to a vessel's movements and Canal business shall take precedence over all commercial messages. The pilot on a vessel passing through the Canal shall be afforded free use of the vessel's radio for the transaction of Canal business.

§ 123.9 Immediate report of accidents, delays, or casualties.

Under the direction of the pilot, ships shall report by radio to the local Government shore radio station any accident, either to themselves, or anything else that may delay them or require assistance, any sickness or casualties that require medical attendance, or any other matter of importance that may arise.

§ 123.10 Operation of vessel radios in conformity with treaties.

Except as may be otherwise provided by this part, while in Canal Zone waters, vessels equipped with radio shall operate such equipment at all times in conformity with the principles and rules stipulated in the treaties or conventions to which the United States is a party.

§ 123.11 Radio charges.

No receiving or relaying charges, will be imposed against ships on radiograms transmitted by ships on Canal business

nor in the cases of dispatches involving medical assistance to ships.

§ 123.12 Penalties for violation.

Whoever violates any of the provisions of §§ 123.1 to 123.11 is subject to punishment as provided by 2 C.Z.C. 1331, 76A Stat. 46, by a fine of not more than $100, or by imprisonment in jail for not more than 30 days, or by both.

PART 125—SANITARY REQUIREMENTS: VESSEL WASTES; GARBAGE; BALLAST

Sec.
125.1 Discharging vessel wastes into waters.
125.2 Handling ballast.
125.3 Removing wastes at wharves.
125.4 Removing wastes when anchored for considerable time.
125.5 Penalties for violation.

AUTHORITY: The provisions of this Part 125 issued pursuant to authority vested in President by 2 C.Z.C. 911, 1331, 76A Stat. 36, 46, and delegated to Secretary of Army by §§ 3.1(a)(3) and 3.1 (a)(1) of this chapter.

§ 125.1 Discharging vessel wastes into waters.

(a) Vessels may not discharge or throw into the waters of the Canal Zone any ballast, ashes, cinders, boxes, barrels, straw, paper, or other solid matter; nor discharge heavy slops, engine or fire room bilge water, oil, or any other matter that will tend to deface or make the waters of the Canal Zone unsanitary. This requirement does not apply to water closet chutes, nor to the water used in cooking or in cleaning tableware.

(b) Ballast tanks may not be discharged in Canal Zone waters.

(c) Before arrival from the sea at either of the terminal ports, vessels should, in a manner consistent with the requirements of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and all amendments thereto which are currently in force, dispose of all waste forbidden to be discharged in Canal Zone waters.

§ 125.2 Handling ballast.

Vessels wishing to unload or load ballast must have proper chutes, so arranged as to prevent ballast from falling overboard.

§ 125.3 Removing wastes at wharves.

Except as provided by this section, a vessel lying at a wharf in the Canal Zone, may not place any wastes upon the wharf. Garbage may be placed in the covered galvanized iron cans supplied upon the wharf for that purpose by the Canal authorities. Vessels desiring to remove dry wastes, such as boxes, trash, paper, etc., should make request to the Canal authorities, who will place a dump car alongside to receive such matter or make other appropriate arrangements. These services are chargeable to the vessel.

§ 125.4 Removing wastes when anchored for considerable time.

A vessel anchored in Canal Zone waters for a considerable length of time may get rid of vessel wastes by requesting the Canal authorities to place a garbage scow alongside. This service is chargeable to the vessel.

§ 125.5 Penalties for violation.

Whoever violates any of the provisions of this part is subject to punishment, as the case may be, as provided by 2 C.Z.C. 912(1), 76A Stat. 36, or 2 C.Z.C. 1331, 76A Stat. 46, by a fine of not more than $100, or by imprisonment in jail for not more than 30 days, or by both.

PART 127—SEAMEN OF UNITED STATES VESSELS

Sec.
127.1 Application of laws relating to seamen of vessels of United States on foreign voyages; customs inspectors as deputy shipping commissioners.
127.2 Discharging and shipping seamen before a deputy shipping commissioner.
127.3 Provision for seaman as prerequisite to his discharge in Canal Zone.
127.4 Discharge of sick or injured American seamen for treatment.
127.5 Expense of maintaining and returning sick or injured American seamen.
127.6 Expense of maintaining and returning seamen discharged without consent.
127.7 Masters to report cases of desertion of American seamen in Canal Zone.
127.8 Services of deputy shipping commissioners outside regular working hours.
127.9 Penalties for violation.

AUTHORITY: The provisions of this Part 127 issued under 2 C.Z.C. 1381–1382, 76A Stat. 48, and under authority vested in the President by 2 C.Z.C. 841, 76A Stat. 32, and delegated to the Secretary of the Army by § 3.1(b) of this chapter.

§ 127.1 Application of laws relating to seamen of vessels of United States on foreign voyages; customs inspectors as deputy shipping commissioners.

Sections 1381 and 1382 of Title 2 of the Canal Zone Code, 76A Stat. 48, relating to merchant seamen, provide that the laws relating to seamen of vessels of the United States on foreign voyages apply to seamen of all vessels of the United States at the Canal Zone, whether such vessels are registered or enrolled and licensed, and bestow upon the shipping commissioner and deputy shipping commissioners in the Canal Zone the powers in respect of such seamen conferred by law upon consular officers of the United States in foreign ports and upon United States Coast Guard officials to whom the duties of shipping commissioner have been delegated in ports of the United States. The Chief of the Customs Service and the Canal Zone customs inspectors are authorized to act, respectively, as Shipping Commissioner and deputy shipping commissioners for the purpose of carrying out the provisions of said sections 1381 and 1382 and of the regulations in this part.

CROSS REFERENCE: Merchant seamen, laws relating to, see 46 U.S.C. 642a et seq. Powers of consular officers and U.S. Coast Guard officials, see 22 U.S.C. 1174, 1188–1187; 46 U.S.C. 542a et seq.

§ 127.2 Discharging and shipping seamen before a deputy shipping commissioner.

Masters of American vessels are required by law to discharge and ship seamen at Canal Zone ports before a deputy shipping commissioner.

§ 127.3 Provision for seaman as prerequisite to his discharge in Canal Zone.

In the case of the discharge of American seamen by mutual consent, provision must be made, either by the seamen, or the master of the vessel from which such seamen are discharged, for the maintenance and return of such seamen to the United States.

§ 127.4 Discharge of sick or injured American seamen for treatment.

Sick or injured American seamen may be discharged for treatment at the Canal Zone Government hospitals on a master's certificate; however, except in cases of emergency, such seamen shall be discharged before a deputy shipping commissioner and in no case will such discharge be allowed until the seamen in question has been examined and accepted by the proper medical authorities. In emergency cases the master shall report the case to the deputy shipping commissioner, with whom he shall deposit the seaman's wages due and personal effects.

§ 127.5 Expense of maintaining and returning sick or injured American seamen.

Sick or injured American seamen, after discharge from the hospital, shall be maintained and returned to the United States at the expense of the vessel or line by which such seamen are employed. The discharge of such seamen may be refused until provision has been made to comply with this section.

§ 127.6 Expense of maintaining and returning seamen discharged without consent.

American seamen discharged in the Canal Zone without the consent of the Shipping Commissioner or a deputy shall be maintained and returned at the expense of the vessel from which such seamen were discharged, and such seamen will be deported or excluded, as the case may be, by the immigration authorities of the Canal Zone.

§ 127.7 Masters to report cases of desertion of American seamen in Canal Zone.

Masters of American vessels shall report to the deputy shipping commissioners the cases of all American seamen deserting in the Canal Zone, and in cases where vessels have left port before the desertion is discovered report shall be made by radio if possible or by wire or letter from the first port at which the vessel calls.

§ 127.8 Services of deputy shipping commissioners outside regular working hours.

Services of deputy shipping commissioners outside the regular working hours prescribed for customs services by § 57.14 of this chapter will be furnished only upon the request of the master or authorized agent of a vessel. Charges for such services outside regular hours are found in the Panama Canal tariff.

§ 127.9 Penalties for violation.

A person who violates any requirement established by §§ 127.1 to 127.8 is subject to punishment, except as may be otherwise provided by law, in accordance with 2 C.Z.C. 841(b), 76A Stat. 32, by a fine of not more than $500 or imprisonment in jail not more than one year, or by both.

PART 129—SAFEGUARDING OF VESSELS, HARBORS, PORTS, AND WATERFRONT FACILITIES

Subpart A—General Provisions
Sec.
129.1 Definition.
129.2 Enforcement.
129.3 Preventing access of persons, articles or things to vessels or waterfront facilities.
129.4 Visitation and search.
129.5 Possession and control of vessels.
129.6 Assistance of other agencies.
Subpart B—Identification and Exclusion of Persons From Vessels and Waterfront Facilities
129.41 Access to vessels and waterfront facilities.
129.42 Identification credentials.
129.43 Appeals.
Subpart C—Supervision and Control of Explosives or Other Dangerous Cargo
129.81 General supervision and control.
129.82 Approval of facility for dangerous cargo.
Subpart D—Sabotage and Subversive Activity
129.121 Reporting of sabotage and subversive activity.
129.122 Precautions against sabotage.
Subpart E—Penalties
129.161 Penalties for violations.

AUTHORITY: The provisions of this Part 129 issued by President under 50 U.S.C. 191.

NOTE: Part 129 appears in E.O. 10226, 16 F.R. 2682, March 27, 1951, and formerly constituted Part 19 of this chapter.

Subpart A—General Provisions

§ 129.1 Definition.

As used in this part, "waterfront facility" means all piers, wharves, docks, Canal locks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to them, and equipment and materials on such structures or in such buildings.

§ 129.2 Enforcement.

This part shall be enforced by the Governor through such officers, employees, or agencies as he designates.

§ 129.3 Preventing access of persons, articles or things to vessels or waterfront facilities.

The Governor may prevent a person, article or thing from boarding or being taken on board a vessel or entering or being taken into a waterfront facility when he deems that the presence of the person, article or thing would be inimical to the purposes set forth in § 129.5.

§ 129.4 Visitation and search.

The Governor may cause to be inspected and searched at any time a vessel or waterfront facility or a person, article or thing thereon, within the Canal Zone, may place guards upon any such vessel and waterfront facility and may remove therefrom any or all persons, articles or things not specifically authorized by him to go or to remain thereon.

§ 129.5 Possession and control of vessels.

The Governor may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof, within the Canal Zone whenever it appears to him that the action is necessary to secure the vessel from damage or injury, or to prevent damage or injury to any vessel or waterfront facility or waters of the Canal Zone, or to secure the observance of rights and obligations of the United States.

§ 129.6 Assistance of other agencies.

The Governor may enlist the aid and cooperation of Federal and private agencies to assist in the enforcement of the regulations of this part and of all orders issued, and actions taken, under this part.

Subpart B—Identification and Exclusion of Persons From Vessels and Waterfront Facilities

§ 129.41 Access to vessels and waterfront facilities.

A person on board a vessel or person seeking access to a vessel or a waterfront facility within the Canal Zone may be required to carry identification credentials issued by or otherwise satisfactory to the Governor. The Governor may define and designate those categories of vessels and areas of the waterfront wherein such credentials are required.

§ 129.42 Identification credentials.

The identification credential to be used by the Governor shall be known as the Canal Zone Port Security Card, and the form of the credential, and the conditions and the manner of its issuance shall be as prescribed by the Governor. The Governor may not issue a Canal Zone Port Security Card if he is satisfied that the character and habits of life of the applicant therefor are such as to authorize the belief that the presence of the individual on board a vessel or within a waterfront facility would be inimical to the security of the United States. The Governor shall revoke and require the surrender of a Canal Zone Port Security Card when he is no longer satisfied that the holder is entitled thereto. The Governor may recognize for the same purpose such other credentials as he may designate in lieu of the Canal Zone Port Security Card.

§ 129.43 Appeals.

Persons who are refused employment or who are refused the issuance of documents or who are required to surrender such documents, under this part, have the right of appeal, and the Governor shall appoint a Board for acting on such appeals. The Board shall, so far as practicable, include one member drawn from management, and one member drawn from labor. The Board shall consider each appeal brought before it and, in recommending final action to the Governor, shall insure the appellant all fairness consistent with the safeguarding of the national security.

Subpart C—Supervision and Control of Explosives or Other Dangerous Cargo

§ 129.81 General supervision and control.

The Governor may supervise and control the transportation, handling, loading, discharging, stowage, or storage of explosives, flammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the provisions in Part 113 of this chapter.

§ 129.82 Approval of facility for dangerous cargo.

The Governor may designate waterfront facilities for the handling and storage of, and for vessel loading and discharging of explosives, flammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the regulations referred to in § 129.81, and may require the owners, operators, masters, and others concerned to secure permits for handling, storage, loading, and unloading from the Governor, conditioned upon the fulfillment of such requirements for the safeguarding of such waterfront facilities and vessels as the Governor prescribes.

Subpart D—Sabotage and Subversive Activity

§ 129.121 Reporting of sabotage and subversive activity.

Evidence of sabotage or subversive activity involving or endangering any vessel, harbor, port, or waterfront facility shall be reported immediately to the Governor or his representatives.

§ 129.122 Precautions against sabotage.

The master, owner, agent, or operator of a vessel or waterfront facility shall take all necessary precautions to protect the vessel, waterfront facility, and cargo from sabotage.

Subpart E—Penalties

§ 129.161 Penalties for violations.

Section 2, Title II of the act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title [title II of 1917 Act], or obstructs or interferes with the exercise of any power conferred by this title,

the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000.

CROSS REFERENCE: Title II of act of June 15, 1917, is classified to 50 U.S.C. 191, 192, 194. A former section thereof, which was classified to 50 U.S.C. 193, was repealed by act June 25, 1948, ch. 645, 21, 62 Stat. 862, eff. Sept. 1, 1948, and is now covered by 18 U.S.C. 2274.

PART 131—NEUTRALITY OF CANAL

Sec.
131.1 Definitions.
131.2 Passage through Canal of vessel of war or auxiliary vessel of belligerent.
131.3 Taking of stores in Canal Zone; transit without delay.
131.4 Receiving fuel or lubricants in Canal Zone; written authorization.
131.5 Same; declaration required.
131.6 Amounts of fuel or lubricants; provisions furnished by contractors.
131.7 Embarking or disembarking troops or munitions.
131.8 Restrictions as to length of stay in Canal Zone waters.
131.9 Restriction as to number of vessels of a belligerent in Canal Zone waters.
131.10 Restrictions on use of repair facilities and docks.
131.11 Restrictions on use of radio installations of belligerent vessels.
131.12 Aircraft of a belligerent.
131.13 Use of Canal denied to vessels of enemy.

AUTHORITY: The provisions of this Part 131 issued by President pursuant to authorities vested in him as President.

NOTE: Part 131 appears in Presidential Proclamation No. 1371, May 23, 1917.

§ 131.1 Definitions.

For the purposes of this part:

(a) "Auxiliary vessel" means any vessel, belligerent or neutral, armed or unarmed, which does not fall under the definition in paragraph (b) of this section, which is employed as a transport or fleet auxiliary or in any other way for the direct purpose of prosecuting or aiding hostilities, whether by land or sea; but a vessel fitted up and used exclusively as a hospital ship is excepted.

(b) "Vessel of war" means a public armed vessel, under the command of an officer duly commissioned by the government, whose name appears on the list of officers of the military fleet, and the crew of which are under regular naval discipline, which vessel is qualified by its armament and the character of its personnel to take offensive action against the public or private ships of the enemy.

§ 131.2 Passage through Canal of vessel of war or auxiliary vessel of belligerent.

(a) A vessel of war or an auxiliary vessel of a belligerent, other than the United States, may only be permitted to pass through the Canal after her commanding officer has given written assurance to the authorities of the Panama Canal that the rules and regulations will be faithfully observed.

(b) The Canal authorities shall take such steps as may be requisite to insure the observance of the rules and regulations by auxiliary vessels which are not commanded by an officer of the military fleet.

§ 131.3 Taking of stores in Canal Zone; transit without delay.

(a) Except so far as may be strictly necessary, vessels of war or auxiliary vessels of a belligerent, other than the United States, may not revictual nor take any stores in the Canal. The transit of such vessels through the Canal shall be effected with the least possible delay in accordance with the Canal regulations in force, and with only such intermission as may result from the necessities of the service.

(b) Prizes shall be in all respects subject to the same rules as vessels of war of a belligerent.

§ 131.4 Receiving fuel or lubricants in Canal Zone; written authorization.

A vessel of war or auxiliary vessel of a belligerent, other than the United States, may not receive fuel or lubricants while within the territorial waters of the Canal Zone, except on the written authorization of the Canal authorities, specifying the amount of fuel and lubricants which may be received.

§ 131.5 Same; declaration required.

Before issuing an authorization for the receipt of fuel and lubricants by a vessel of war or auxiliary vessels of a belligerent, other than the United States, the Canal authorities shall obtain a written declaration, duly signed by the officer commanding the vessel, stating the amount of fuel and lubricants already on board.

§ 131.6 Amounts of fuel or lubricants; provisions furnished by contractors.

Fuel and lubricants may be taken on board vessels of war or auxiliary vessels of a belligerent, other than the United States, only upon permission of the Canal authorities, and then only in such amounts as will enable them, with the fuel and lubricants already on board, to reach the nearest accessible port, not an enemy port, at which they can obtain supplies necessary for the continuation of the voyage. Provisions furnished by contractors may be supplied only upon permission of the Canal authorities, and then only in amount sufficient to bring up their supplies to the peace standard.

§ 131.7 Embarking or disembarking troops or munitions.

A belligerent, other than the United States, may not embark or disembark troops, munitions of war, or warlike materials in the Canal, except in case of necessity due to accidental hindrance of the transit. In such cases the Canal authorities shall be the judge of the necessity, and the transit shall be resumed with all possible dispatch.

§ 131.8 Restrictions as to length of stay in Canal Zone waters.

Vessels of war or auxiliary vessels of a belligerent, other than the United States, may not remain in the territorial waters of the Canal Zone longer than 24 hours at any one time, except in case of distress; and in such case, shall depart as soon as possible.

§ 131.9 Restriction as to number of vessels of a belligerent in Canal Zone waters.

In the exercise of the exclusive right of the United States to provide for the regulation and management of the Canal, and to ensure that the Canal shall be kept free and open on terms of entire equality to vessels of commerce and of war, there may not be, except by special arrangement, at any one time a greater number of vessels of war of any one nation, other than the United States, including those of the allies of such nation, than three in either terminal port and its adjacent terminal waters, or than three in transit through the Canal; nor shall the total number of such vessels, at any one time, exceed six in all the territorial waters of the Canal Zone.

§ 131.10 Restrictions on use of repair facilities and docks.

The repair facilities and docks belonging to the United States and administered by the Canal authorities may not be used by a vessel of war or an auxiliary vessel of a belligerent, other than the United States, except when necessary in case of actual distress, and then only upon the order of the Canal authorities, and only to the degree necessary to render the vessel seaworthy. Any work authorized shall be done with the least possible delay.

§ 131.11 Restrictions on use of radio installations of belligerent vessels.

The radio installation of a public or private vessel or of any auxiliary vessel of a belligerent, other than the United States, may be used only in connection with Canal business to the exclusion of all other business while within the waters of the Canal Zone.

§ 131.12 Aircraft of a belligerent.

Aircraft, public or private, of a belligerent, other than the United States, are forbidden to descend or arise within the jurisdiction of the United States at the Canal Zone, or to pass through the air spaces above the lands and waters within such jurisdiction.

§ 131.13 Use of Canal denied to vessels of enemy.

In the interest of the protection of the Canal while the United States is a belligerent, a vessel of war, auxiliary vessel, or private vessel of an enemy of the United States or an ally of such an enemy may not be allowed to use the Panama Canal nor the territorial waters of the Canal Zone for any purpose except with the consent of the Canal authorities and subject to such rules and regulations as they prescribe.

PART 133—TOLLS FOR USE OF CANAL

Subpart A—Rates of Toll

Sec.
133.1 Rates of toll.

Subpart B—Levying of Tolls

133.31 Measurement of vessels; vessels to secure tonnage certificate.
133.32 Measurement of vessels; making and correction of measurement; plans and copies.
133.33 Measurement of vessels; temporary retention of certificate at Canal.
133.34 Tolls for vessels in ballast.
133.35 Tolls exemption for vessels transiting for repairs.
133.36 Tolls for vessels making partial transit and return.
133.37 Partial transits by small vessels.

Subpart C—Payment of Tolls and Other Vessel Charges

133.71 Time of making payment.
133.72 Same; exception; vessels operated by the United States.
133.73 Payment to be in cash.
133.74 Same; exception; payment secured by deposit of cash or bonds.
133.75 To whom payment is to be made.

AUTHORITY: The provisions of §§ 133.1, 133.31, 133.32, 133.34–133.36, and 133.71–133.75 issued under 2 C.Z.C. 411(2), 76A Stat. 27; §§ 133.33 and 133.37 issued under authority vested in President by 2 C.Z.C. 1331, 76A Stat. 46, and delegated to Secretary of Army by § 3.1(a)(1) of this chapter.

NOTE: § 133.1: Presidential Proc. 2247, 2 F.R. 2061, Aug. 25, 1937, as amended by Presidential Proc. 2249, 2 F.R. 2099, Aug. 31, 1937; §§ 133.31, 133.32: Rules 14, 15, E.O. 4314, Sept. 25, 1925. § 133.34: Rule 16, E.O. 4314, Sept. 25, 1925; §§ 133.35, 133.36: E.O. 8068, 4 F.R. 1258, Mar. 21, 1939. §§ 133.71–133.75: Resolution of Board of Directors, Panama Canal Company, Oct. 9, 1954. Provisions of Presidential Proc. and E.O. continue in force by virtue of sec. 19 of Act Oct. 18, 1962, 76A Stat. 1.700.

Subpart A—Rates of Toll

§ 133.1 Rates of toll.

The following rates of toll shall be paid by vessels using the Panama Canal:

(a) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, 90 cents per net-vessel ton of 100 cubic feet each of actual earning capacity—that is, the net tonnage determined in accordance with part 135 of this chapter.

(b) On vessels in ballast without passengers or cargo, 72 cents per net-vessel ton.

(c) On other floating craft including warships, other than transports, colliers, hospital ships, and supply ships, 50 cents per ton of displacement.

Subpart B—Levying of Tolls

§ 133.31 Measurement of vessels; vessels to secure tonnage certificate.

The rules for the measurement of vessels are fixed by Part 135 of this chapter. Vessels desiring to transit the Canal shall provide themselves with the proper tonnage certificate based upon such rules.

§ 133.32 Measurement of vessels; making and correction of measurement; plans and copies.

Measurements may be made and the required certificate issued by the admeasurers of the Canal, by collectors of customs in the larger seaports of the United States, and by certain properly designated officials abroad. Each transiting vessel should be provided with a full set of plans and a copy of the measurements which were made at the time of issue of its national tonnage certificate, as well as the tonnage certificate itself. The Canal authorities shall have the right to check and correct any measurement made or certificate issued elsewhere.

§ 133.33 Measurement of vessels; temporary retention of certificate at Canal.

A vessel's Panama Canal tonnage certificate will be taken up by the admeasurer and retained at the Canal. The official Panama Canal Tonnage Certificate will be delivered to the vessel or to the owner or agent of the vessel after completion.

§ 133.34 Tolls for vessels in ballast.

In order for a vessel to secure the reduced rate of toll for vessels in ballast without passengers or cargo, the volume of the fuel on board for its own consumption must not exceed 125 percent of the volume of its engine room as measured and as shown on its Panama Canal tonnage certificate.

§ 133.35 Tolls exemption for vessels transiting for repairs.

Vessels transiting and re-transiting the Panama Canal by prearrangement with the Canal authorities for the sole purpose of having repairs made at the drydocks or shops operated by the Canal Company shall be exempt from the payment of tolls but shall pay charges for pilotage, towage, and other services incidental to such transits, at rates to be determined from time to time by the Panama Canal Company: *Provided, however*, That in case a vessel, after having made a transit for repairs as provided in this section, shall fail to retransit the Canal to the point of beginning, or shall, at the point of termination of the original transit, receive or discharge cargo, passengers, mail, or baggage, or accomplish any other purpose, other than to obtain repairs, for which vessels usually transit the Canal, tolls shall be collected for the transit at the prescribed rates before such vessel shall be given a clearance and be permitted to proceed.

§ 133.36 Tolls for vessels making partial transit and return.

Vessels passing through the locks at either end of the Panama Canal and returning to the original point of entry without passing through the locks at the other end of the Canal, shall pay the tolls prescribed for a single passage through the Canal. In case such vessels carry cargo or passengers either in passing or returning through the locks, the rate of tolls on laden vessels shall apply.

§ 133.37 Partial transits by small vessels.

Section 133.36 shall not be interpreted as authorizing vessels less than 65 feet in length, or barges, or rafts of any size not on regular transit schedules and not paying tolls, to navigate the waters of any locks, or of Gaillard Cut to or from Gatun Lake in partial transit of the Canal; specific authority of the Governor must be obtained through the Marine Director for each such partial transit.

Subpart C—Payment of Tolls and Other Vessel Charges

§ 133.71 Time of making payment.

(a) Payment of tolls in full shall be made, or secured as provided by § 133.74, before a vessel is permitted to enter a lock.

(b) All vessel charges shall be paid, or secured as provided by § 133.74, before clearance is given a vessel at the port of departure from the Canal Zone: *Provided, however*, That in cases involving emergency or other special circumstances, the requirement of this paragraph may be waived by the President of the Panama Canal Company or by such person as he may designate for such purpose.

§ 133.72 Same; exception; vessels operated by the United States.

Section 133.71 shall not apply to vessels operated by the Government of the United States; and bills for tolls, where applicable, and for other charges against such vessels, shall be settled as are other obligations between agencies of the Federal Government.

§ 133.73 Payment to be in cash.

All payments for tolls and other charges shall be made in cash, in lawful money of the United States, except as provided in by § 133.74.

§ 133.74 Same; exception; payment secured by deposit of cash or bonds.

(a) The payment of tolls and vessel charges may be secured by making cash deposits for that purpose with the Treasurer of the Panama Canal Company or such United States depository as may be designated by the Panama Canal Company.

(b) In lieu of payment in cash or a cash deposit, the payment of tolls and vessel charges may be secured by making deposits, pursuant to written agreements with the Panama Canal Company, of negotiable bonds of the United States of

the classes acceptable by the United States Treasury Department as collateral security for the deposit of public moneys. Such bonds shall be under the full control of the Panama Canal Company; shall be deposited with the Treasurer of the Panama Canal Company or such United States depository as may be designated by the Panama Canal Company; and shall be subject to sale or other disposition by the Panama Canal Company upon any failure in prompt payment of any bill for tolls or vessel charges for which the said bonds are deposited as security.

§ 133.75 To whom payment is to be made.

Payment for tolls and vessel charges shall be made to the Treasurer, Panama Canal Company.

PART 135—RULES FOR MEASUREMENT OF VESSELS

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AUTHORITY: The provisions of this Part 135 issued under 2 C.Z.C. 411(1), 76A Stat. 27.

NOTE: §§ 135.1 to 135.511 appear in Presidential Proclamation 2248, 2 F.R. 2061, Aug. 28, 1937, continued in force by virtue of sec. 19 of Act Oct. 18, 1962, 76A Stat. 1, 700.

Subpart A—General Provisions

§ 135.1 Vessels generally to present tonnage certificate or be measured.

All vessels, American and foreign, except warships, floating drydocks, and dredges, including vessels of commerce and army and navy transports, colliers, supply ships, and hospital ships, applying for passage through the Panama Canal shall present a duly authenticated certificate stating the vessel's gross and net tonnage as determined by this part. Vessels of commerce, army and navy transports, colliers, supply ships, and hospital ships without such certificate shall, before passing through the Canal, or before being allowed to clear therefrom, be measured, and shall have their gross and net tonnage determined in accordance with this part.

§ 135.2 Warships to present documents stating displacement tonnage.

All warships, American and foreign other than transports, colliers, supply and hospital ships, shall present duly authenticated displacement scale and curves stating accurately the tonnage of displacement at each possible mean draft.

§ 135.3 Vessels included as supply ships, colliers, and warships.

It is to be understood that "supply ships" shall include army and navy ammunition ships, refrigerator ships, distilling ships, repair ships and tenders, as well as army and navy vessels used to transport general army and navy supplies; and that "colliers" shall include army and navy vessels used to transport coal or fuel oil; and that "warships" shall include armed coast guard vessels and vessels devoted to naval training purposes.

Subpart B—Determination of Gross Tonnage

SPACES TO BE INCLUDED IN GROSS TONNAGE

§ 135.41 Spaces to be included, in general.

Gross tonnage as determined by this part shall express the total capacity of vessels, i.e., the exact cubical contents of all spaces below the upper deck and of all permanently covered and closed-in spaces on or above that deck, excepting such spaces as may be hereinafter permitted as exemptions from measurement. Gross tonnage shall include not only all permanently covered and closed-in spaces which are or may be used for stowing cargo and stores or for providing shelter and other comfort for passengers or crew, but also such spaces as are used, or are intended to be used, in navigating and serving the vessel.

§ 135.42 What spaces exempted.

Only such spaces as are specifically mentioned in §§ 135.81–135.88, shall be exempted from measurement. All other spaces shall be considered as closed in and shall be included in gross tonnage.

SPACES CONSIDERED PERMANENTLY COVERED AND CLOSED IN

§ 135.61 Spaces considered permanently covered and closed in, in general.

By permanently covered and closed-in spaces on or above the upper deck are to be understood all those which are separated off by decks or coverings, or fixed partitions, and which, therefore, represent an increase of capacity that is or may be used for the stowage of cargo, or for the berthing and accommodation of the passengers, the officers, or the crew. No break in a deck, nor any opening or openings in a deck or the covering of a space or in the partitions or walls of a space, nor the absence of a partition shall prevent a space from being measured and comprised in gross tonnage if means are provided for closing such a break, opening or openings, so that the spaces thus closed in be thereby better fitted for the transport of goods or passengers. The upper deck is the uppermost full length deck extending from stem to stern.

§ 135.62 Vessels having a "trunk" or "turret".

In the case of a vessel having a "trunk" or "turret", the deck forming the covering of the trunk or turret shall be considered the upper deck, and all spaces below that deck within the trunk or turret shall be considered as covered and closed in. The space within the turret or trunk shall be measured as are other between-deck spaces.

§ 135.63 Determination solely by this part.

Spaces considered as "permanently closed in" and spaces permitted to be exempted from measurement shall be determined solely by the provisions contained in this part, and not by any definitions or provisions contained in the measurement rules or regulations of any country.

SPACES EXEMPTED FROM MEASUREMENT AND GROSS TONNAGE

§ 135.81 Following spaces, only, exempted.

The following spaces shall be exempted from measurement and shall not be included in the gross tonnage, and no other space shall be exempted.

§ 135.82 Spaces on or above upper deck not permanently covered or closed in.

Spaces on or above the upper deck not permanently covered or closed in, or which may not be readily covered or closed in. In the application of this rule it will be understood that:

(a) *Certain spaces under decks or coverings but permanently exposed.* Spaces under decks or coverings having no other connection with the body of the ship than the stanchions necessary for their support are not spaces separated off, but are spaces permanently exposed to the weather and the sea and are not to be included in the gross tonnage.

(b) *Certain spaces within a poop, forecastle, bridge house or other "permanently covered and closed in" superstructure or erection.* A space within a poop, forecastle, bridge house, or other "permanently covered and closed-in" superstructure or erection may be considered as not permanently covered or closed in, and may consequently be excluded from tonnage, if the space is opposite an end opening which is not provided with means of closing, and which opening has a breadth equal to or greater than half the breadth of the deck at the line of the opening, and if the space opposite the opening cannot be used to shelter other merchandise than cargo or stores that do not require protection from the sea. If the opening is fitted with a coaming, the space within it is to be included in the gross tonnage if the coaming is more than 2 feet in height. This provision shall be so applied as to exempt from measurement only the space between the actual end opening and a line drawn parallel to the line or face of the opening at a distance from the opening equal to one-half the width of the deck at the line of the opening, provided that any closed-in space between the open face and the line drawn parallel to it shall be measured. The remainder of the space within a poop, forecastle, bridge house, or other superstructure or erection shall be considered as available for the accommodation of cargo or stores, of passengers or of the ship's personnel, and shall be measured and included in the gross tonnage. (See figs. 1, 2, and 3, following § 135.86.)

(1) Should the open space within a poop, forecastle, bridge house, superstructure, or erection between the end opening and a parallel line distant from the opening by half the breadth of the deck become, because of any arrangement, except by convergence of fore and aft bulkheads, of less width than half the breadth of the deck, then only the space between the line of the end opening and a parallel line drawn through the point where the athwartship width of the open space within the poop, forecastle, bridge house, superstructure, or erection becomes equal to, or less than, half the breadth of the deck shall be exempted from measurement. (See figs. 4, 5, 6, and 7 following § 135.86.) The remainder of the space within the poop, forecastle, bridge house, superstructure, or erection is to be included in the gross tonnage.

(2) When two erections extending from side to side of the ship are separated by an interval the fore-and-aft length of which is less than the least half breadth of the deck in way of such interval, then whatever be the breadth of the permanent end openings of the erections the entire erections, less the interval separating them, shall be measured and included in the gross tonnage. (See fig. 8 following § 135.86.)

(c) *Certain spaces within a poop, forecastle, bridge house or other "permanently covered and closed in" superstructure or erection.* In a poop, forecastle, side-to-side bridge house, or other "permanently covered and closed-in" superstructure or side-to-side erection

the space directly in way of opposite openings, the height of which is at least 3 feet, in the side wall of the ship not provided with means of closing and corresponding to each other in the opposite walls of the ship shall be exempted. (See figs. 9 and 10 following § 135.86.) Passages running fore-and-aft abreast the engine-room casing and open at both ends shall not be exempted. The deck erection including same shall be considered a side-to-side erection provided its outboard sides are flush with the hull of the vessel.

§ 135.83 Certain spaces in way of opposite side openings and not provided with means of closing.

Spaces in way of opposite side openings at least 3 feet in height not provided with means of closing shall be exempted. In the case of a continuous deck with one or more deck openings (usually designated as tonnage openings) that may be so closed as to permit cargo or stores to be carried in the space under the deck, or under portions thereof, only the spaces under such a deck that are exactly in way of opposite openings at least 3 feet in height in the side walls of the ship not provided with means of closing and corresponding to each other in the opposite walls of the ship shall be exempted; and the remaining spaces under such a deck shall be measured and included in gross tonnage. In case the openings in the side walls of the ship are provided with means of closing no portion of the space under such a deck shall be exempted. (See fig. 11 following § 135.86.)

§ 135.84 Certain spaces framed in around funnels and spaces required for admission of light and air into engine rooms.

The spaces framed in around the funnels and the spaces required for the admission of light and air into the engine rooms shall be exempted from measurement to the extent that such spaces are above the deck or covering of the first or lowest tier of side-to-side erections, if any, on the upper deck as defined in §§ 135.61–135.63. A deck with one or more deck openings (usually designated as tonnage openings) that may be so closed as to permit cargo or stores to be carried in the space under the deck or portions thereof would be considered as the upper deck. There shall, however, be measured and included within gross tonnage the spaces situated within closed-in side-to-side erections on the upper deck, spaces framed in around the funnels and those required for the admission of light and air to the extent that such light and air and funnel spaces are below the deck or covering of the first or lowest tier of such side-to-side erections on the upper deck. There shall be exempted from the measurement of any superstructure or erection situated above the first or lowest tier of side-to-side erections on the upper deck such portion or portions thereof as are occupied by the spaces framed in around the funnels or by the spaces required for the admission of light and air into the engine rooms. Such exempted spaces must not be used for any other than their designated purpose and must be reasonable in extent.

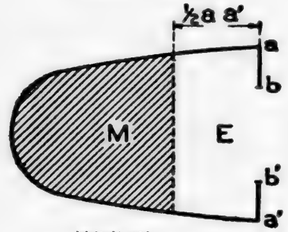
§ 135.85 Certain spaces between inner and outer plating of double bottom.

Space or spaces between the inner and outer plating of the double bottom of a vessel shall be exempted from measurement, except when used, designated or intended for carrying cargo; but the tonnage of such spaces within the double bottom as are or may be used for carrying cargo, shall be determined and included in the gross tonnage. The tonnage of double bottom tanks available for cargo may be obtained by multiplying the liquid-capacity weight by the proper conversion factor to get tons of 100 cubic feet.

§ 135.86 Portion of aggregate tonnage of hatchways.

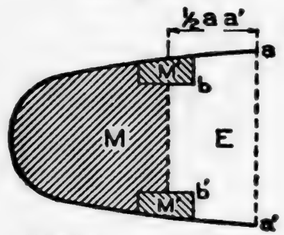
The cubical contents of hatchways shall be obtained by multiplying the length and breadth together and the product by the mean depth taken from the top of beam to the underside of the hatch cover. From the aggregate tonnage of the hatchways there shall be deducted one-half of 1 percent of the vessel's gross tonnage, exclusive of hatchways, and only the remainder shall be added to the gross tonnage of the ship, exclusive of the tonnage of the hatchways.

FIGURE 1.—Poop.



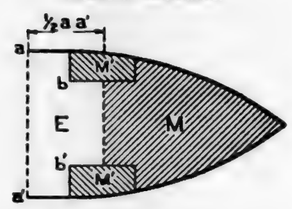
bb′>½ aa′.
E=space exempted.
M=space measured.

FIGURE 2.—Poop.



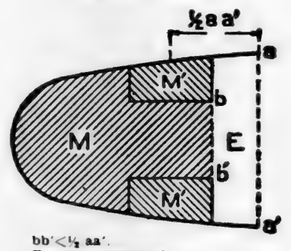
bb′>½ aa′.
E=space exempted.
M′=closed-in houses, measured.
M=space measured.

FIGURE 3.—Forecastle.



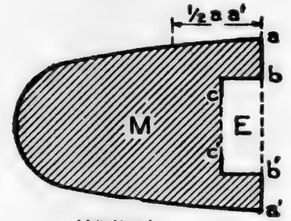
bb′>½ aa′.
E=space exempted.
M′=closed-in houses, measured.
M=space measured.

FIGURE 4.—Poop.



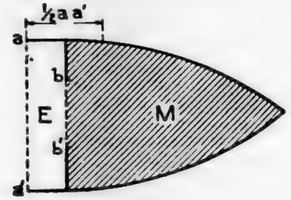
bb′<½ aa′.
E=space exempted.
M′=closed-in houses, measured.
M=space measured.

FIGURE 5.—Poop.



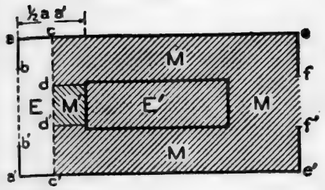
bb′>½ aa′.
cc′<½ aa′.
E=space exempted.
M=space measured.

FIGURE 6.—Forecastle.



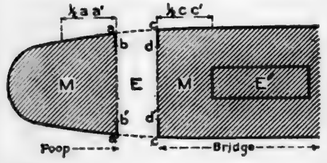
bb′<½ aa′.
E=space exempted.
M=space measured.

FIGURE 7.—Bridge.



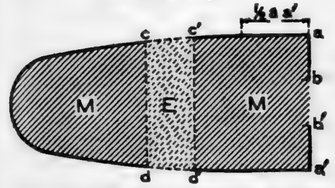
bb′>½ aa′.
cd<½ aa′.
c′d′<½ ee′.
ff′<½ ee′.
E=space exempted.
E′=light and air and funnel space in lowest tier of erections, measured under § 135.84.
M=space measured.
M′=closed-in house, measured.

FIGURE 8.—Poop and Bridge with interval less than ½ the least half breadth of the deck in way of interval.



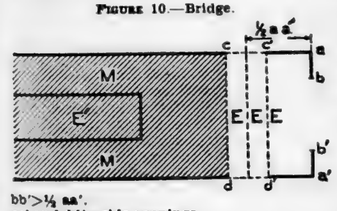
ac<½ aa′.
a′c′<½ aa′.
bb′>½ aa′.
dd′>½ cc′.
M=spaces measured.
E=space exempted.
E′=light and air and funnel space in lowest tier of erections, measured under § 135.84.

FIGURE 9.—Poop.



cc′ and dd′=side openings under deck covering.
E=space exempted.
bb′<½ aa′.
M=spaces measured.

FIGURE 10.—Bridge.



bb′>½ aa′.
cc′ and dd′=side openings.
E=spaces exempted.
M=space measured.
E′=light and air and funnel space in lowest tier of erections, measured under § 135.84.

FIGURE 11.—Continuous deck with opposite side openings.



(aa′) (bb′) (cc′) (dd′) (ee′) (ff′)=side openings.
E=spaces exempted opposite side openings below continuous deck.
M=spaces measured.
E′=light and air and funnel space, measured under § 135.84.

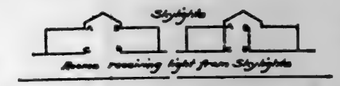
§ 135.87 Companion houses, in certain cases.

Companion houses shall be exempted when used solely to protect stairways and ladders leading to spaces below. When used as smoking rooms or for any other purposes than companion houses, the parts so used shall be measured and included in gross tonnage.

§ 135.88 Domes, skylights, and airshafts.

Domes, skylights, and airshafts shall be exempt from measurement. When there is an opening in the floor of a superstructure immediately below a skylight, the exemption shall include the space between the skylight and the opening in the floor of the superstructure immediately under the skylight. The remainder of the superstructure shall be included in the measurement. The space, in addition to the skylight, that may be exempted by this section is that indicated by A, B, C, D in Figure 12, which follows.

FIGURE 12.—Open spaces between skylight and opening.



SPACES AVAILABLE FOR PASSENGERS NOT TO BE EXEMPTED

§ 135.111 Spaces for use of passengers not exempted.

Spaces for the use or possible use of passengers shall not be exempted from measurement except as stated in § 135.82 (a).

§ 135.112 "Passengers" defined in case of army and navy auxiliary ships.

In case of army and navy transports, colliers, supply ships, and hospital ships, as defined in §§ 135.1–135.3, the term "passengers" shall include all officers, enlisted men, and other persons who are not assigned to duty and who are not duly inscribed on the ship's rolls.

SYSTEM FOR MEASUREMENT OF CUBICAL CONTENTS OF SPACES INCLUDED IN GROSS TONNAGE

§ 135.141 Use of Moorsom system as applied in any country in measuring vessels for national registry.

The cubical contents of the spaces included, by this part, in gross tonnage may, in any country where the Moorsom system of measurement has been adopted, be ascertained under that system as applied in measuring vessels for national registry, provided that system is substantially similar to Moorsom system of measurement as set forth in §§ 135.142–135.241.

§ 135.142 Use of Moorsom system as set forth in this part.

In countries that have not adopted the Moorsom system of measuring spaces within vessels, the cubical contents of any of the spaces included in gross tonnage shall be ascertained according to the Moorsom system as set forth in the following sections: §§ 135.171–135.182 for the measurement of empty vessels; §§ 135.211–135.213 for laden vessels; § 135.241 for open vessels.

RULES FOR MEASUREMENT OF GROSS TONNAGE OF EMPTY VESSELS

§ 135.171 Length taken on tonnage deck.

The length for the admeasurement of ships having one or more decks is taken on the tonnage deck, which is:

(a) The upper deck for vessels having one or two decks.

(b) The second deck from below for vessels having more than two decks.

§ 135.172 Measurement of length, in general.

Measure the length of ship in a straight line along the upper side of the tonnage deck from the inside of the inner plank (average thickness) at the side of the stem to the inside of the midship stern timber or plank there, as the case may be (average thickness), deducting from this length what is due to the rake of the bow in the thickness of the deck and what is due to the rake of the stern timber in the thickness of the deck, and also what is due to the rake of the stern timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the ship belongs:

(a) *Class 1.* Ships of which the tonnage deck is, according to the above measurement, 50 feet long or under, into four equal parts.

(b) *Class 2.* Ships of which the tonnage deck is, according to the above measurement, above 50 feet long and not exceeding 120 feet, into six equal parts.

(c) *Class 3.* Ships of which the tonnage deck is, according to the above measurement, above 120 feet long and not exceeding 180 feet, into eight equal parts.

(d) *Class 4.* Ships of which the tonnage deck is, according to the above measurement, above 180 feet long and not exceeding 225 feet, into 10 equal parts.

(e) *Class 5.* Ships of which the tonnage deck is, according to the above measurement, above 225 feet long, into 12 equal parts.

§ 135.173 Measurement of length in case of break in double bottom.

In the case of a break or breaks in a double bottom, the length of the vessel

is to be taken in parts according to the number of breaks, and each part divided into a number of equal parts according to the class in the above table to which such length belongs.

§ 135.174 Finding of transverse area of ship at each point of division of length.

Then the hold being first sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of the ship at each point of division of the length or each point of division of the parts of the length, as the case may require as follows: Measure the depth at each point of division, from a point at a distance of one-third of the round of the beam below the tonnage deck, or, in the case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber (upper side of the inner plating of the double bottom) at the inside of the limber strake, after deducting the average thickness of the ceiling which is between the bilge planks and the limber strake.

§ 135.175 Finding of transverse area of ship at each point of division of length; manner of taking depths in certain cases.

In the case of a vessel contructed with longitudinal framing, the depths are to be taken to the upper edge or inner surface of the longitudinal frames, where no double bottoms exist. In the case of a ship constructed with a double bottom, the depth shall be taken to the upper side of the inner plating of the double bottom, and that upper side shall, for the purposes of measurement, be deemed to represent the floor timber of the vessel. This rule for measuring the depth of the hold applies to double-bottom ships having top of double bottom not horizontal. Subject to the provisions of § 135.85 regarding the exemption of double-bottom spaces, if any tank or compartment between the inner and outer plating of the double bottom is used or fitted for the carrying of cargo, the tonnage of the whole of such tank or compartment shall be determined and included in the gross tonnage of the vessel.

§ 135.176 Finding of transverse area of ship at each point of division of length.

If the depth at the midship division of the length does not exceed 16 feet, divide each depth into five equal parts; then measure the inside horizontal breadth at each of the four points of division, and also at the upper point of the depth, extending each measurement to the average thickness in that part of the ceiling which is between the points of measurement. Number these breadths from above (i.e., numbering the upper breadth 1, and so on down to the fifth breadth); multiply the second and fourth by 4, and the third by 2; add these products together, and to the sum add the first breadth and the fifth. Multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area of the upper part of the section; then find the area between the fifth and lower point of the depth by dividing the depth between such points into four equal parts, and measure the horizontal breadths at the three points of division and also at the upper and lower points, and proceed as before, and the sum of two parts shall be deemed to be the transverse area; but if the midship depth exceed 16 feet, divide each depth into seven equal parts instead of five, and measure, as before directed, the horizontal breadths at the six points of division, and also at the upper point of the depth; number them from above, as before; multiply the second, fourth, and sixth by 4, and the third and fifth by 2; add these products together, and to the sum add the first breadth and the seventh. Multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed to be the transverse area of the upper part of the section; then find the lower part of the area as before directed, and add the two parts together, and the sum shall be deemed to be the transverse area.

§ 135.177 Finding of transverse area of ship at each point of division of length; vessels in which double bottom is horizontal, or in which there is no double bottom.

Sections 135.174–135.178 apply to vessels with double bottoms, the tops of which have a rise from the middle line to each side. In vessels in which the top of the double bottom is horizontal, or in which there is no double bottom, the depths are to be divided by 4 or 6 (instead of 5 or 7), according to whether their midship depths do not or do exceed 16 feet respectively. In such cases no subdivision of the lower part is to be made.

§ 135.178 Finding of transverse area of ship at each point of division of length; manner of taking depths and breadths in certain cases.

In the case of ships built on the Isherwood system the depths are to be taken to the upper edge of the longitudinal frames, where no double bottom exists. In vessels built of concrete the depths and breadths shall be taken to the inner edge of the main frames. It is to be noted that § 135.177 provides that in vessels without double bottoms no subdivision of the lower part of the transverse area is to be made. On ships built with transverse frames without double bottoms the depths are to be taken to the top of the transverse frames, and no subdivision of the lower section is necessary.

§ 135.179 Computation of tonnage.

Number the transverse sections or areas respectively 1, 2, 3, etc., No. 1 being at the extreme limit of the length at the bow, or of each part of the length, and the last number at the extreme limit of the length at the stern or the extreme limit at the after end of each part of the length; then, whether the length be divided according to the table into 4 or 12 parts, as in classes 1 and 5, or any intermediate number, as in classes 2, 3, and 4, multiply the second and every even-numbered area by 4, and the third and every odd-numbered area (except the first and last) by 2; add these products together, and to the sum add the first and last, if they yield anything; multiply the quantity thus obtained by one-third of the common interval between the areas, and the product will be the cubical contents of the space, or cubical contents of each part if the ship is measured in parts under the tonnage deck. The tonnage of this volume is obtained by dividing it by 100, if the measurements are taken in English feet, and by 2.83 if the measurements are taken in meters. The multiplier 0.353 may be used instead of the divisor 2.83.

§ 135.180 Computation of tonnage between decks above tonnage deck.

If the ship has a third deck the tonnage of the space between it and the tonnage deck shall be ascertained as follows: Measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided, as above directed; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth at the stem and the breadth at the stern; number them successively 1, 2, 3, etc., commencing at the stem; multiply the second and all the other even-numbered breadths by 4, and the third and all the other odd-numbered breadths (except the first and last) by 2; to the sum of these products add the first and last breadths; multiply the whole sum by one-third of the common interval between the breadths, and the result will give in superficial feet the mean horizontal area of the space; measure the mean height of the space, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by 100 (or by 2.83 if the measurements are taken in meters) and the quotient shall be deemed to be the tonnage of the space, and shall be added to the tonnage of the ship ascertained as aforesaid; and if the ship has more than three decks, the tonnage of each space between decks above the tonnage deck shall be severally ascertained in the manner described in this section, and shall be added to the tonnage of the ship ascertained as aforesaid.

§ 135.181 Measurement of permanently covered or closed-in spaces on or above upper deck.

If there be a break, a poop or any other permanently covered or closed-in space on or above the upper deck (as defined in §§ 135.61–135.63) the tonnage of such space shall be ascertained as follows: Measure the internal mean length of the space in feet, and divide it into two equal parts; measure at the middle of its height three inside breadths, namely, one at each end and the other at the middle of the length; then to the sum of the end breadths add four times the middle breadth, and multiply the whole sum by one-third of the common interval between the breadths; the product will give the mean horizontal area of the space; then measure the mean height and multiply by it the mean horizontal area; divide the product by 100 (or by 2.83 if the measurements are taken in meters) and the quotient shall be deemed to be the tonnage of the space.

§ 135.182 Miscellaneous provisions as to measurement of length, breadth, and height.

In measuring the length, breadth, and height of the general volume of the ship or that of the other spaces, reduce to the mean thickness the parts of the ceiling which exceed the mean thickness. When the ceiling is absent, or when it is not permanently fixed, the length and breadth shall be reckoned from the main frames of the ship, not from the web or belt frames. The same principle is to hold in the case of deck erections; that is, the breadth is to be reckoned from the main framing or stiffeners of the same, when ceiling is not fitted. When the main framing of the ship is curved or carried upward and inboard so as to permit the building of topside tanks or compartments outboard of the main framing, the breadth of the ship shall be reckoned from the outboard framing of such outboard tanks, thus including these tanks in the measurement.

RULES FOR MEASUREMENT OF GROSS TONNAGE OF LADEN VESSELS

§ 135.211 Measurement of ships having cargo or when preceding rules are unworkable.

When ships have cargo on board, or when for any other reason their tonnage cannot be ascertained by means of §§ 135.171–135.182, proceed in the manner outlined in the following section.

§ 135.212 General rules.

Measure the length on the uppermost full-length deck from the outside of the outer plank at the stem to the aft side of the sternpost, deducting therefrom the distance between the aft side of the sternpost and the rabbet of the sternpost at the point where the counterplank crosses it. Measure also the greatest breadth of the ship to the outside of the outer planking or wales at the middle perpendicular. Then, having first marked on the outside of the ship on both sides thereof the height of the uppermost full-length deck at the ship's sides, girt the ship at the middle perpendicular in a direction perpendicular to the keel from the height so marked on the outside of the ship, on the one side, to the height so marked on the other side, by passing a chain under the keel; to half the girth thus taken add half the main breadth; square the sum, multiply the result by the length of the ship taken as aforesaid, then multiply this product by the factor 0.17 in the case of ships built of wood, and by the factor 0.18 in the case of ships built of iron or steel. The product will give approximately the cubical contents of the ship, and the tonnage can be ascertained by dividing by 100 or by 2.83, according as the measurements are taken in English feet or in meters.

§ 135.213 Measurement of permanently covered or closed-in spaces on or above upper deck.

If there is a break, a poop, or other permanently covered and closed-in spaces (as defined above in §§ 135.61–135.63) on or above the uppermost full-length deck, the tonnage of such spaces shall be ascertained by multiplying together the mean inside length, breadth, and depth of such spaces and dividing the product by 100, or 2.83, according as the measurements are taken in English feet or meters, and the quotient so obtained shall be deemed to be the tonnage of the spaces, and shall be added to the other tonnage, in order to determine the gross tonnage or total capacity of the ship.

RULES FOR MEASUREMENT OF GROSS TONNAGE OF OPEN VESSELS

§ 135.241 Boundary line of measurement; depths how taken.

In ascertaining the tonnage of open ships, the upper edge of the upper strake of the shell plating is to form the boundary line of measurement, and the depths shall be taken from an athwartship line, extended from upper edge to upper edge of the said strake at each division of the length.

Subpart C—Deductions From Gross Tonnage To Ascertain Net Tonnage

DEDUCTIONS ALLOWED FOR ALL VESSELS

§ 135.271 Deductions allowed for all vessels.

The following spaces (enumerated in §§ 135.275–135.286) shall be deducted from the gross tonnage in order to ascertain the net tonnage of vessels not propelled by engines, and no other spaces shall be deducted. These deductions will also be allowed for vessels propelled by engines, with additional deductions for vessels propelled by engines, listed in §§ 135.321–135.327. Unless otherwise expressly stipulated, these spaces shall be deducted whether located above or below the upper deck.

§ 135.272 Measurement of cubical content of deducted spaces.

The volume or cubical contents of deducted spaces shall be ascertained in the manner specified in §§ 135.141 or 135.142 or 135.142–135.241. The remainder, resulting from deducting from the total space included in gross tonnage the sum of the cubical contents of the spaces whose deduction from gross tonnage is permitted by this part, shall be the Panama Canal net tonnage of vessels upon which tolls and other charges based upon net tonnage shall be paid by vessels of commerce, army and navy transports, colliers, supply ships, and hospital ships (as defined in §§ 135.1–135.3) for passage through the Panama Canal. One hundred cubic feet, or 2.83 cubic meters, shall constitute one gross or net ton.

§ 135.273 Spaces for use of passengers, not deducted.

Spaces for the use, or possible use, of passengers (as defined in §§ 135.111, 135.112) shall not be deducted from the gross tonnage, except in so far as their deduction may be specifically provided for in §§ 135.275–135.286.

§ 135.274 Spaces for stowage of stores or cargo, not deducted.

Spaces available for the stowage of stores (other than boatswain's stores) or cargo shall not be deducted from gross tonnage. In case of army and navy transports, colliers, supply ships, and hospital ships, as defined in §§ 135.1–135.3, the term "stores (other than boatswain's stores) or cargo" shall include, in addition to goods or cargo ordinarily carried as freight on vessels of commerce, the following articles:

(a) On transports, food, stores, luggage, accouterments, and equipment for passengers.

(b) On colliers, coal, coaling gear, and fuel oil not for the use of the colliers.

(c) On supply ships, stores, supplies of all kinds, distilling machinery and distilled water (other than fresh water stored in peak tanks for the vessel's own use), machines, tools and material for repair work, mines and mining material, torpedoes, arms, and ammunition.

(d) On hospital ships, food stores for passengers, medical stores, and hospital equipment.

(e) Guns mounted on transports and supply ships, for defense of the ships, and ammunition required for use in such guns shall not be classed as cargo.

§ 135.275 Spaces for use of officers and crew, deducted.

The tonnage of the spaces or compartments occupied by, or appropriated to the use of, the officers and crew of the vessel shall be deducted. The term "officers and crew" shall include the personnel inscribed on the ship's rolls, i.e., the ship's officers, engineers, doctors, apothecary, sick attendants, sailors, apprentices, firemen, mechanics, and wireless operators including clerks, pursers, stewards and other members of the personnel provided by the ship for the care of the passengers as well as armed guards on vessels of commerce. The spaces or compartments occupied by the officers and crew shall include their berthing accommodations, spaces provided for medical attention, including the medicine locker and dispensary, mess rooms, ward and dressing rooms, bath and washrooms, water closets, latrines, lavatories, or privies for their exclusive use, and passageways designed primarily for serving these spaces. Room provided for a pilot and so designated, shall be deducted, but spare rooms and linen lockers are not to be deducted.

§ 135.276 Certain spaces on hospital ships, deducted.

On hospital ships the spaces or compartments occupied by doctors, apothecary, and sick attendants duly inscribed on the ship's rolls, shall form part of the deduction under § 135.275. Spaces pro-

vided for the medical attention of the officers and crew of a hospital ship shall likewise be deducted; but spaces fitted for the transportation, or for the medical attention, of other persons than those duly listed in the ship's rolls shall not be deducted.

§ 135.277 Spaces for use of master, deducted.

The spaces appropriated to the use of the master shall be deducted.

§ 135.278 Cook houses and other rooms when used exclusively to serve crew, deducted.

Cook houses, galleys, bakeries, laundries, and rooms for ice machines, when used exclusively to serve the officers and crew, and the condenser space, and distilling rooms, when used exclusively for condensing and distilling the water for the officers and crew, shall be deducted.

§ 135.279 Spaces used for certain ship's gear and for operation and navigation, deducted.

Spaces used for anchor gear, including the chain locker; steering gear, capstan; the wheel house; the dynamo; the chart room used exclusively for keeping charts, signals, and other instruments of navigation; offices for the master, chief officer, and chief engineer; lookout houses; spaces for keeping electric searchlights, radio appliances, and wireless telephone apparatus; carpenter shop; fumigating and fire-fighting machinery; and other spaces actually used in navigation of the ship, shall be deducted. Such spaces upon vessels of commerce as may be devoted to the mounting of guns and to the storage of ammunition for the guns thus mounted shall be deducted. The deduction of all spaces, enumerated in this section, must be reasonable in extent and be subject to the limitations stipulated in § 135.287.

§ 135.280 Space used for storage of sails, deducted.

In case of a ship propelled wholly by sails, any space, not exceeding 2½ percent of the gross tonnage, used exclusively for storage of sails shall be deducted.

§ 135.281 Spaces used for boatswain's stores, deducted.

Spaces used exclusively for boatswain's stores, including paint and lamp rooms, shall be deducted. The deduction is not, however, to exceed 1 percent of the gross tonnage in ships of 1,000 tons gross and upwards, no more than 75 tons in any ship however large. In vessels from 500 to 1,000 tons gross the limit is fixed at 10 tons and in vessels from 150 to 500 tons at not more than 2 percent of the gross tonnage; in vessels under 150 tons at not more than 3 tons.

§ 135.282 Spaces used for engineer's shops, deducted.

Spaces used exclusively for engineer's shops shall be deducted. This deduction is in no case to exceed 5 percent of the actual propelling machinery space nor be more than 50 tons for any vessel.

§ 135.283 Spaces used for donkey engine and boiler, and for pumps other than for handling cargo, deducted.

The space occupied by donkey engine and boiler shall be deducted even though not connected with the main pumps of the ship. The space occupied by the pumps used exclusively for handling feed water, ballast, bunker fuel, or for freeing the ship of water shall also be deducted, but the space occupied by the pumps used for handling cargo shall not be deducted.

§ 135.284 Passageways designed for serving deducted spaces, deducted.

Passages and passageways designed primarily for serving deducted spaces shall be deducted.

§ 135.285 Water ballast spaces, and peak tanks for fresh water for vessel's use, deducted.

(a) Water ballast spaces, other than spaces in the vessel's double bottom, shall be deducted if they are adapted only for water ballast, have for entrance only ordinary circular or oval manholes whose greatest diameter does not exceed 30 inches, and are not available for the carriage of cargo, stores, or fuel. Peak tanks shall also be deducted when adapted only for carrying fresh water for the vessel's own use, can be entered only as above stated, and are not available for the carriage of cargo or fuel. If used to carry oil or other fuel these spaces shall be regarded as part of the vessel's fuel space and shall not be subject to separate deduction.

(b) Tonnage of tanks may be obtained by using liquid capacity times the conversion factor with one-sixth off for frames in case of peak tanks and one-twelfth off in case of wings or deep tanks when they cannot be readily measured.

§ 135.286 Spaces appropriated to use of passengers as public rooms, deducted.

Spaces appropriated to the use of the passengers solely as public rooms shall be deducted. These shall include such spaces as social halls, smoking rooms, music rooms, libraries, lounges, dining saloons, gymnasiums, children's playrooms, elevators, foyers, promenades, veranda cafes, barrooms, barber shops, novelty shops, and passageways designed primarily for serving such spaces. Waterclosets, toilets, lavatories and washrooms designed primarily to serve public spaces will be considered as part of the public spaces and be deducted accordingly. Waterclosets, toilets, lavatories, baths and washrooms designed primarily to serve nearby staterooms in the same tier will be considered as part of the staterooms they serve and not subject to deduction.

§ 135.287 Marking and use of deducted spaces.

Each of the spaces enumerated in §§ 135.275–135.286, unless otherwise specifically stated, shall be subject to such conditions and requirements as to marking or designation and use or purpose as are contained in the navigation or registry laws of the several countries, but no space, other than fuel spaces deducted under §§ 135.351–135.354, shall be deducted unless the use to which it is to be exclusively devoted has been appropriately designated by official marking. In no case, however, shall an arbitrary maximum limit be fixed to the aggregate deduction made under §§ 135.271–135.286.

ADDITIONAL DEDUCTIONS ALLOWED FOR VESSELS PROPELLED BY ENGINES

§ 135.321 Determination of Panama Canal net tonnage of vessels propelled by engines.

The Panama Canal net tonnage upon which tolls and other charges based upon tonnage shall be paid by vessels of commerce, army and navy transports, colliers, supply ships, and hospital ships, as defined in §§ 135.1–135.3, propelled by engines, for passage through the Panama Canal, shall be the tonnage remaining after the following deductions have been made from the gross tonnage. One hundred cubic feet, or 2.83 cubic meters, shall constitute one gross or net ton. Vessels propelled partly by sails and partly by engines shall be classed as "vessels propelled by engines."

§ 135.322 Spaces specified in §§ 135.271–135.286, deducted.

The spaces specified in §§ 135.271–135.286, shall be deducted from the space included in gross tonnage to ascertain net tonnage in the case of vessels propelled by engines as in the case of vessels not propelled by engines.

§ 135.323 Spaces occupied by engines, boilers, coal bunkers, etc., deducted.

The space occupied by the engines, boilers, coal bunkers, fuel oil tanks, including settling tanks, lubricating oil tanks, and shaft trunks of vessels with screw propellers; spaces within a closed-in side-to-side erection that are framed in around the funnels or that are required for the introduction of light and air to the engine room to the extent that the framed-in spaces around the funnels and the light and air casings are located below the deck or covering of the first or lowest tier of such erections, if any, on the upper deck, as defined in §§ 135.61–135.63, and are contained in closed-in side-to-side erections; spaces necessary for the proper working of the engines, and spaces occupied by the donkey engine and boiler when situated within the boundary of the engine room or within the light and air casing above the engine room and when used in connection with the main machinery for propelling the vessel, shall be deducted. When the shaft of screw propellers pass through open spaces not inclosed within tunnels, the spaces allowed in lieu of the tunnels must be of reasonable dimensions suitable for the vessel in question. When any portion of the engine or boiler rooms is occupied by a tank for fresh water, the spaces thus taken up shall not be deducted.

§ 135.324 Donkey-engine and boiler spaces, when deducted.

Donkey-engine and boiler spaces, when deducted according to §§ 135.381–135.383, shall not be made a separate deduction.

§ 135.325 Certain portion of framed-in spaces around funnels and light and air casings, exempted and not deducted.

The portion of the framed-in spaces around the funnels and of the light and air casings that extend above the deck or covering of the first or lowest tier of side-to-side erections, if any, on the upper deck, as defined in § 135.84, and surrounding the said space or spaces are exempted from measurement and form no part of the space or spaces are exempted from measurement and form no part of the space deducted under §§ 135.323, 135.324.

§ 135.326 Limitation on propelling-power deductions; marking and use of deducted spaces.

The deductions made for propelling power, including all those provided for in §§ 135.323–135.325, shall in no case exceed 50 percent of the gross tonnage. In other respects the spaces enumerated in said §§ 135.323–135.325 shall, except as otherwise specifically stated be subject to the requirements as to designation or marking and use or purpose contained in the navigation or registry laws of the several countries.

§ 135.327 Propelling power deductions, how made.

The deductions made for propelling power provided for in §§ 135.323–135.325 shall be made according to the provisions of §§ 135.351–135.353, as the owner of the vessel may elect.

PROPELLING POWER DEDUCTION FOR VESSELS WITH BUNKERS HAVING MOVABLE PARTITIONS, OR HAVING FUEL-OIL COMPARTMENTS THAT MAY BE USED TO STOW CARGO OR STORES

§ 135.351 Space occupied by engine rooms plus percentage thereof, deducted.

In ships that do not have fixed bunkers, but transverse bunkers with movable partitions, with or without lateral bunkers, and in ships with fuel tanks which may be used to stow cargo or stores, measure the space occupied by the engine rooms, and add to it for vessels with screw propellers 75 percent and for vessels with paddle wheels 50 percent of such space.

§ 135.352 What understood by space occupied by engine rooms.

By the space occupied by the engine rooms is to be understood that occupied by the engine room itself and the boiler room, together with the spaces strictly required for the working of the engines and boilers, with the addition of the spaces taken up by the shaft trunks in vessels with screw propellers, the spaces which encloae the funnels and the casings necessary for the admission of light and air into the engine room to the extent that such spaces are located below the upper deck (as defined in §§ 135.61–135.63) or below a deck with openings, usually designated as tonnage openings, which may be so closed as to permit the carriage of cargo or stores under the deck or a portion thereof, and donkey-engine and boiler spaces when the donkey engine and boiler are situated within the boundary of the main engine room, or of the light and air casing above it and when they are used in connection with the main machinery for propelling the vessel. When the shafts of screw propellers pass through open spaces not enclosed within tunnels, the spaces allowed in lieu of tunnels must be of reasonable dimensions suitable for the vessel in question. When a portion of the space within the boundary of the engine or labor rooms is occupied by a tank or tanks for the storage of fuel oil, lubricating oil, or fresh water, the space considered to be within the engine room shall be reduced by the space taken up by the tank or tanks for fuel oil, lubricating oil, or fresh water. Note that fuel-oil settling tanks are not to be included in the propelling-power space, no matter where situated. Storerooms, dynamos, ice machine, etc., situated in the confines of the engine room and not bulkheaded off, may be included in engine room space. If bulkheaded off, they shall not be included in engine room space but be given separate deductions when they qualify under §§ 135.271–135.286 and then listed under item 5 on page 2 of the Panama Canal certificate.

§ 135.353 Manner of ascertaining cubical content of spaces occupied by engine room.

The cubical contents of the above-named spaces occupied by the engine room shall be ascertained in the following manner: Measure the mean depth of the space occupied by the engines and boilers from its crown to the ceiling at the limber strake; measure also three, or, if necessary, more than three, breadths of the space at the middle of its depth, taking one of such measurements at each end and another at the middle of the length; take the mean of such breadths; measure also the mean length of the space between the foremost and aftermost bulkheads or limits of its length, excluding such parts, if any, as are not actually occupied by, or required for, the proper working of the engines and boilers. Multiply together these three dimensions of length, breadth, and depth, and the product will be the cubical contents of the space below the crown. Then, by multiplying together the length, breadth, and depth, find the cubical contents of the space or spaces, if any, which are framed in for machinery, for enclosing the funnels, or for the admission of light and air, and which are located between the crown of the engine room and the uppermost deck or covering of the first or lowest tier of side-to-side erections, if any, on the upper deck, as defined in §§ 135.61–135.63. Add such contents, as well as those of the space occupied by the shaft trunk and by any donkey engine and boiler located within the boundary of the engine room or of the light and air casing above the engine room and used in connection with the main machinery for propelling the ship, to the cubical contents of the space below the crown of the engine room; divide the sum by 100 or by 2.83, according as the measurements are taken in feet or meters, and the result shall be deemed to be the tonnage of the engine and boiler room and shall be the tonnage taken as the basis for calculating the deduction for propelling power.

§ 135.354 Manner of ascertaining cubical content of spaces occupied by engine room; where engines and boilers are in separate compartments.

If in any ship in which the space for propelling power is to be measured the engines and boilers are in separate compartments, the contents of each compartment shall be measured separately in like manner, according to the above method; and the sum of the tonnage of the spaces included in the several compartments shall be deemed to be the tonnage of the engine and boiler rooms, and shall be the tonnage taken as the basis for calculating the deduction for propelling power.

PROPELLING POWER DEDUCTION FOR VESSELS WITH FIXED BUNKERS, OR HAVING FUEL-OIL COMPARTMENTS THAT CANNOT BE USED TO STOW CARGO OR STORES

§ 135.381 Manner of making deduction for propelling power, in general.

When vessels are fitted with fixed coal bunkers or with fuel-oil tanks which cannot be used to stow cargo or stores, and when such bunkers, tanks, and fuel compartments have been certified by official marking to be spaces for the vessel's fuel, the deduction for propelling power may either be in accordance with the provisions of §§ 135.351–135.354, or by deducting the actual tonnage of the spaces enumerated in §§ 135.323–135.325, as measured in accordance with the following provisions, as the owner of the vessel may elect: Measure the mean length of the engine and boiler room, including the coal bunkers. Ascertain the area of three transverse sections of the ship (as set forth in §§ 135.141 or 135.142–135.241 for the calculation of the gross tonnage) to the deck which covers the engine. One of these three sections must pass through the middle of the aforesaid length, and the two others through the two extremities. Add to the sum of the two extreme sections four times the middle one, and multiply the sum thus obtained by the third of the distance between the sections. This product, divided by 100 if the measurements are taken in English feet, or by 2.83 if they are taken in meters, gives the tonnage of the space measured. If the engines, boilers, and bunkers are in separate compartments, measure each compartment, as above set forth, and add together the results of the several measurements. The bunkers measured for fuel deduction shall include only those bunkers that are absolutely permanent, from which the coal can be trimmed directly into the engine room or stokehole, and into which access can be obtained only

through the ordinary coal chutes on deck and from doors opening into the engine room or stokehole. Thwartship bunkers that can be in any way extended are not to be included in the measurements for deductions. When any portion of the engine or boiler rooms is occupied by storage tanks for fresh water, the space considered to be within the engine and boiler rooms shall be reduced by the spaces taken up by the tanks for fresh water.

§ 135.382 Manner of measuring contents of shaft trunk.

The contents of the shaft trunk shall be measured by ascertaining, and multiplying together, the mean length, breadth, and height. The product divided by 100, or 2.83, according as the measurements are taken in English feet or in meters, gives the tonnage of such space. When the shafts of screw propellers pass through open spaces not enclosed within tunnels, the spaces allowed in lieu of tunnels must be of reasonable dimensions suitable for the vessel in question.

§ 135.383 Manner of measuring certain spaces below deck.

The tonnage of the following spaces below the deck or covering of the first or lowest tier of side-to-side erections, if any, on the upper deck, as defined by §§ 135.61–135.63, is ascertained by the same method, viz:

(a) The spaces framed in around the funnels.

(b) The spaces required for the admission of light and air into the engine room.

(c) The spaces, if any, necessary for the proper working of the engines.

(d) Spaces occupied by the donkey engine and boiler when used in connection with the main machinery for propelling the ship and when situated within the boundary of the engine room or of the casing above the engine room.

(e) Tanks (other than double-bottom compartments) fitted for the storage of fuel oil and lubricating oil not already included by measurement under the provisions of § 135.381.

MISCELLANEOUS PROVISIONS RELATIVE TO DEDUCTIONS FROM GROSS TONNAGE

§ 135.411 No space deducted unless included in gross tonnage.

Under no circumstances shall any space which has not been included in the gross tonnage be deducted from gross tonnage.

§ 135.412 Deducted spaces, if used, added to net tonnage.

The use of the whole or any portion of a deducted space, other than fuel spaces deducted under §§ 135.351–135.354, to stow cargo of any kind or stores other than boatswain's stores, or to provide passenger accommodations shall be evidence that the entire space thus wholly or partially occupied is a part of the actual earning capacity of the ship, and the entire space shall be added to, and become a part of, the net tonnage upon which Panama Canal tolls shall be collected.

Subpart D—Officials Authorized To Measure Vessels and Issue Certificates; Tonnage Certificates

§ 135.441 Officials authorized to measure vessels and issue certificates.

Only such officials as are authorized in the several foreign countries and in the United States to measure vessels and to issue tonnage certificates for purposes of national registry, and such other officials as are authorized by the President of the United States, or by those acting for him, to measure vessels and to issue Panama Canal tonnage certificates, shall have authority to measure vessels for Panama navigation or to issue Panama tonnge certificates.

§ 135.442 Correction of tonnage certificates.

Tonnage certificates presented at the Panama Canal shall be subject to correction by the official or officials authorized by the President of the United States, or by those acting for him, to administer these measurement rules, in so far as may be necessary to make the certificates conform to this part.

§ 135.443 Substance and form of tonnage certificates; blank certificates.

The Panama Canal tonnage certificates issued by the measurement authorities of the United States and the several foreign countries shall correspond in substance and form to the (prescribed) sample certificate (available on request from the Board of Admeasurement, Balboa Heights, Canal Zone). Blank certificates will be furnished by the Secretary of the Army or the Governor of the Canal Zone (now President, Panama Canal Company) upon request of measurement authorities of foreign countries. The measurement authorities of any foreign country may also provide themselves with Panama Canal measurement certificates printed in English or in the language of the foreign country: *Provided*, That such certificates strictly correspond in substance and form to the sample certificate: *And provided further*, That if it is desired to have a certificate in the language of the foreign country, there must also be a corresponding certificate issued to the vessel in English.

Subpart E—Rules Applying to Vessels of War, Other Than Army and Navy Transports, Colliers, Supply Ships, and Hospital Ships

§ 135.481 Tolls on warships levied upon actual displacement.

The toll on warships, other than army and navy transports, colliers, supply ships, and hospital ships, shall be based upon their tonnage of actual displacement at the time of their application for passage through the Canal. The displacement tonnage of such warships shall be their displacement before the vessels have taken on such coal, fuel oil, stores, or supplies as may be purchased and taken on board after arrival at the Canal for transit through the same.

§ 135.482 "Warships" defined.

"Warships" in the meaning of §§ 135.481–135.486 shall be considered to be all vessels of war, other than army and navy transports, colliers, hospital ships, and supply ships, as defined in §§ 135.1–135.3. Warships are vessels of Government ownership that are being employed by their owners for military or naval purposes.

§ 135.483 Anchoring of warships to facilitate ascertainment of draft.

Every warship, other than army and navy transports, colliers, supply ships, and hospital ships (as defined in §§ 135.1–135.3) upon applying for passage through the Panama Canal shall, in order to facilitate the ascertainment of its mean draft, be anchored or placed at such station or location as shall be designated by the Governor of the Canal Zone or by the officials authorized to act for him.

§ 135.484 Commander of warship to exhibit vessel's displacement scale and curves.

The commander of every warship, other than army and navy transports, colliers, supply ships, and hospital ships (as defined in §§ 135.1–135.3), applying for passage through the Panama Canal, shall exhibit for examination by the Governor of the Canal Zone, or by the officials authorized to act for the Governor of the Canal Zone, an official document containing the vessel's curve of displacement, its curves for addition to displacement for change of trim, and a scale so arranged that the displacement at any given mean draft is shown. Such document or documents shall be issued and be certified as correct by competent authorities of the government to which the vessel belongs.

§ 135.485 Determination and expression of actual displacement of warships not supplied with displacement scale and curves.

The actual displacement of warships shall be determined from their official displacement scales and curves, and shall be expressed in tons of 2,240 pounds.

Should the displacement scale and curves of a warship show or state the vessel's displacement tonnage in metric tons of 2,240.62 pounds, the tonnage so expressed shall be multiplied by 0.9842 for the purpose of converting the tonnage into tons of 2,240 pounds.

§ 135.486 Determining displacement of warship not supplied with displacement scale and curves.

Should any warship, other than army and navy transports, colliers, supply ships, and hospital ships (as defined in §§ 135.1–135.3), apply for passage through the Panama Canal and for reasons satisfactory to the Governor of the Canal Zone, not have on board the duly certified document or documents specified in § 135.484, the Governor of the Canal Zone, or the officials authorized to act for him, shall then determine the displacement of the vessel, using such reliable data as may be available, or by taking such dimensions of the vessel and

using such approximate methods as may be considered necessary and practicable. The displacement tonnage so determined shall be considered to be the displacement of the vessel.

Subpart F—Application and Interpretation of Rules

§ 135.511 Application and interpretation of rules by Board of Admeasurement.

The Board of Admeasurement of the Panama Canal is charged with the application of this part and, subject to the approval of the Governor, all questions of interpretation arising thereunder shall be decided by the Board. In applying this part the Board will be governed by the principle that there shall be no change in the present treatment of spaces except as provided in this part, and with the approval of the Governor may provide for the treatment of any space for which provision has not been made.

SUBCHAPTER D—JUDICIARY

PART 201—JUDICIARY

Sec.
201.1 Definitions.
201.2 Divisions of District Court.
201.3 Leave of absence of District Judge, United States attorney, and marshal.
201.4 Places of holding magistrates' courts.
201.5 Duties and bonds of constables.
201.6 Duties and bonds of other employees of magistrates' courts.

AUTHORITY: The provisions of §§ 201.1, 202.2 issued by President under 3 C.Z.C. 2, 76A Stat. 51; § 201.3 issued by President under 3 C.Z.C. 5, 41 and 45, 76A Stat. 52, 53; §§ 201.4, 201.5 and 201.6 issued under authority vested in President by 2 C.Z.C. 86, 76A Stat. 55, and delegated to Governor by § 3.3(a)(6) of this chapter.

NOTE: §§ 201.1 to 201.3 appear as secs. 1, 2, 8 of E.O. 7676, 2 F.R. 1323, July 26, 1937.

CROSS REFERENCE: Statutory provisions relating to Canal Zone judiciary, see title 3, generally, C.Z.C., 76A Stat. 51 et seq.

§ 201.1 Definitions.

As used in this part, "District Court" means the United States District Court for the District of the Canal Zone.

§ 201.2 Divisions of District Court.

As provided by 3 C.Z.C. 2, 76A Stat. 51, there are two divisions of the District Court. The Balboa Division shall be coterminous with the Balboa Subdivision of the Canal Zone, and the Cristobal Division shall be coterminous with the Cristobal Subdivision of the Zone, as defined by § 1.3 of this chapter.

§ 201.3 Leave of absence of District Judge, United States attorney, and marshal.

The leave of absence allowed the District Judge, United States attorney, and marshal by 3 C.Z.C. 5, 41, 45, 76A Stat. 52, 53, shall be reckoned by calendar years. If the office involved is held by two or more persons in one calendar year, the leave shall be prorated to such persons in proportion to the time that they have held office during that year. Any portion of the leave of absence accruing in any one calendar year and not used in that year may be accumulated and used in succeeding calendar years. Leave may not be accumulated in excess of 120 days, and not more than 120 days of leave may be taken in any one calendar year. The officers concerned shall make applications for leave of absence to the Attorney General of the United States and shall report to him the time of their departure and the time of their return to duty.

§ 201.4 Places of holding magistrates' courts.

The magistrates shall hold court at such places in their respective towns as may be designated from time to time by the Governor.

CROSS REFERENCES: Appointment, oath, term, and compensation of magistrates, see 3 C.Z.C. 82, 84, 76A Stat. 54, 55.

§ 201.5 Duties and bonds of constables.

(a) The constables, in addition to performing clerical and other duties assigned to them by the magistrates under 3 C.Z.C. 82, 76A Stat. 54, shall:

(1) Attend all sessions of the magistrate's court for the town and subdivision to which they may be assigned by the Governor;

(2) Preserve order in the court;

(3) Receive and receipt for all money collected by them upon any process or paid into or deposited with the magistrate's court as fees, fines, costs, forfeitures, or bail; and

(4) Duly account for such money in accordance with rules and regulations to be prescribed by the Governor.

(b) The constables shall be bonded in accordance with the provisions of 6 U.S.C. 14.

CROSS REFERENCES: Appointment, oath, and compensation of constables, see 3 C.Z.C. 82, 84, 76A Stat. 54, 55.

Payment of all fees over to Canal Zone Government, see 3 C.Z.C. 941, 76A Stat. 62.

§ 201.6 Duties and bonds of other employees of magistrates' courts.

Employees of the magistrates' courts other than constables, appointed by the Governor, shall perform such duties as the magistrates prescribe, subject to the approval of the Governor, and shall furnish such bonds as the Governor, in his discretion, requires. The type, purchase, issuance and conditions of such bonds, if required, shall be in accordance with the provisions of 6 U.S.C. 14.

CROSS REFERENCES: Appointment and compensation of employees of magistrates' courts, see 3 C.Z.C. 82, 76A Stat. 54.

Corporate sureties on bonds, see 3 C.Z.C. 432, 76A Stat. 68.

SUBCHAPTER E—EMPLOYMENT AND COMPENSATION IN THE CANAL ZONE

PART 251—REGULATIONS OF THE PRESIDENT OF THE UNITED STATES

Subpart A—Definitions and Delegation of Authority

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251.1 Definitions.
251.2 Delegation of authority to Secretary of the Army; redelegation; scope of regulations.

Subpart B—Canal Zone Merit System

Sec.
251.21 Establishment; scope and requirements.
251.22 Regulations with respect to System.
251.23 Review by Civil Service Commission; reports.

Subpart C—Canal Zone Board of Appeals

251.41 Establishment; composition; appointment of members; alternates.
251.42 Majority vote.

AUTHORITY: The provisions of this Part 251 issued under authority vested in President by 2 C.Z.C. 155, 76A Stat. 19.

NOTE: §§ 251.1 to 251.42 appear in E.O. 11171 of Aug. 18, 1964, 29 F.R. 11897, Aug. 20, 1964.

Subpart A—Definitions and Delegation of Authority

§ 251.1 Definitions.

As used in this part:

(a) "Subchapter III" means subchapter III of chapter 7 of Title 2 of the Canal Zone Code, 76A Stat. 16–20.

(b) "Department", "position", "employee", and "continental United States" have the meanings ascribed to them in 2 C.Z.C. 141, 76A Stat. 16.

(c) "Competitive civil service" has the same meaning as the words "competitive service", "classified service", "classified (competitive) service", or "classified civil service" as defined in existing statutes and Executive orders.

§ 251.2 Delegation of authority to Secretary of the Army; redelegation; scope of regulations.

(a) Subject to the further provisions of this part, there is delegated to the Secretary of the Army the authority vested in the President by 2 C.Z.C. 142, 155, 76A Stat. 16, 19:

(1) To exclude any employee or position from any or all provisions of subchapter III.

(2) To extend to any employee, whether or not such employee is a citizen of the United States, the same rights and privileges as are provided by applicable laws and regulations for citizens of the United States employed in the competitive civil service of the Government of the United States.

(3) To coordinate the policies and activities of the respective departments under subchapter III.

(4) To promulgate such regulations as may be necessary and appropriate to carry out the provisions and accomplish the purposes of subchapter III.

(b) The Secretary of the Army may redelegate any of the authority delegated to him by paragraph (a) of this section.

(c) In promulgating regulations pursuant to the authority delegated by this section, including regulations with respect to the matters covered by Subparts B and C of this part, the Secretary of the Army shall give effect to the following-described policies:

(1) Employment standards, rates of basic compensation, availability of training facilities and programs shall be applied uniformly among all departments in the Canal Zone to all employees irrespective of whether they are citizens of

the United States or of the Republic of Panama.

(2) Positions which are designated by the heads of agencies, under 2 C.Z.C. 147, 76A Stat. 17, as those which for security reasons shall be filled by a citizen of the United States may include, but are not limited to:

(i) Those involving security of property;

(ii) Those involving access to defense information classified pursuant to Executive Order No. 10501 of November 5, 1953, as amended;

(iii) Those which require the use of United States citizens to insure continuity and capability of operation and administration of activities in the Canal Zone by the United States Government.

This part does not modify or supersede any provision of either Executive Order No. 10501 of November 5, 1953, as amended, or Executive Order No. 10450 of April 25, 1953.

(3) Exclusions of employees or positions from any or all provisions of subchapter III and the extension of rights and privileges to employees, as provided by 2 C.Z.C. 142(b), 76A Stat. 16, shall be made only in accordance with regulations issued pursuant to this part. Such regulations shall provide for excluding employees or positions from the Canal Zone Merit System only for reasons for which exclusions or exceptions are made from the competitive civil service.

(d) Prior to the promulgation of regulations pursuant to this part, the Secretary of the Army shall consult with the Department of the Navy, the Department of the Air Force, other components of the Department of Defense having employees in the Canal Zone, the Panama Canal Company, the Canal Zone Government, the Civil Service Commission, and such other agencies having employees in the Canal Zone as he determines.

CROSS REFERENCES: E.O. 10450, Apr. 25, 1953, referred to in par. (c)(2), text of, see 3 CFR, 1949–1953 Comp., p. 936.

E.O. 10501, Nov. 5, 1953, as amended, also referred to in par. (c)(2), text of, see such order, 3 CFR, 1949–1953 Comp., p. 979; also E.O. 10816, May 7, 1959, 3 CFR, 1959 Supp., p. 107; E.O. 10901, Jan. 9, 1961, 3 CFR, 1961, Supp., p. 70; E.O. 10964, Sept. 20, 1961, 3 CFR, 1961 Supp., p. 124; E.O. 10985, Jan. 12, 1962, 3 CFR, 1962 Supp., p. 127; E.O. 11097, Feb. 28, 1963, 3 CFR, 1963 Supp., p. 161.

Subpart B—Canal Zone Merit System

§ 251.21 Establishment; scope and requirements.

(a) There is established, as provided for by 2 C.Z.C. 149, 76A Stat. 18, a Canal Zone Merit System of selection for appointment, reappointment, reinstatement, re-employment, and retention with respect to positions, employees, and individuals under consideration for appointment to positions. In accordance with the provisions of 2 C.Z.C. 149, the Canal Zone Merit System shall:

(1) Be based solely on the merit of the employee or individual and upon his qualifications and fitness to hold the position concerned;

(2) Apply uniformly within and among all departments, positions, employees, and individuals concerned;

(3) Conform generally to policies, principles, and standards established by or in accordance with the Civil Service Act of January 16, 1883, as amended (5 U.S.C. 632 et seq.) and supplemented; and

(4) Include provision for appropriate interchange of citizens of the United States employed by the Government of the United States between such merit system and the competitive civil service of the Government of the United States.

(b) Provisions for interchange which involve movement from the Canal Zone Merit System to the competitive civil service of the Government of the United States shall be subject to the concurrence of the Civil Service Commission.

§ 251.22 Regulations with respect to System.

Regulations promulgated pursuant to this part with respect to the Canal Zone Merit System shall be issued only after advice has been received from the Civil Service Commission that such regulations conform generally to policies, principles, and standards established by or in accordance with the Civil Service Act of January 16, 1883, as amended (5 U.S.C. 632 et seq.) and supplemented.

§ 251.23 Review by Civil Service Commission; reports.

The Civil Service Commission shall make periodic review of the operations of the Canal Zone Merit System for conformity with the requirements of subchapter III, this part, and regulations promulgated pursuant to § 251.2, and shall report its findings to the Secretary of the Army.

Subpart C—Canal Zone Board of Appeals

§ 251.41 Establishment; composition; appointment of members; alternates.

(a) There is established, as provided for by 2 C.Z.C. 152, 76A Stat. 19, a Canal Zone Board of Appeals to review and determine the appeals of employees. The Board shall consist of five members, all of whom shall be civilians appointed by the Secretary of the Army, as follows:

(1) One member shall be nominated by the Civil Service Commission.

(2) Two members shall be selected from among employees of the United States Government agencies in the Canal Zone and shall be appointed only after consultation with and advice from organizations representing such employees.

(3) Two members shall be selected by the Secretary of the Army.

(b) The Secretary of the Army shall appoint one of the members as Chairman of the Board.

(c) For each member of the Board, the Secretary of the Army shall appoint an alternate member, who shall be a civilian nominated or selected in the same manner as the Board member for whom he is an alternate. An alternate member shall serve on the Board whenever, for any reason, the member for whom he is alternate is unable to serve.

CROSS REFERENCE: Canal Zone Board of Appeals, terms of members, and appeals procedures, see §§ 253.265, 253.266.

§ 251.42 Majority vote.

Decisions of the Canal Zone Board of Appeals shall be made by majority vote of its members.

CROSS REFERENCE: Decisions of Canal Zone Board of Appeals, effect, see § 253.267.

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

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AUTHORITY: The provisions of this Part 253 issued under authority vested in President by 2 C.Z.C. 142(b), 155, 76A Stat. 16, 19, and delegated to Secretary of Army by delegation shown in §§ 251.2, 251.22.

Subpart A—General Provisions

CROSS REFERENCE: For Civil Service Regulations referred to in this subpart, see 5 CFR, Chapter I, Subchapter B.

§ 253.1 Purpose.

By virtue of the authority contained in 2 C.Z.C. Chapter 7, subchapter III, 76A Stat. 16–20, and in Part 251 of this subchapter, the regulations in this part are issued for the purpose of establishing a Canal Zone Merit System governing employment in the Canal Zone and to provide a uniform system of compensation for such employment.

§ 253.2 Definitions.

As used in this part:

(a) "Board" means the Canal Zone Civilian Personnel Policy Coordinating Board continued by § 253.4.

(b) "Commander-in-Chief" means Commander-in-Chief, United States Southern Command.

(c) "Commission" means the United States Civil Service Commission.

(d) "Competitive civil service" shall have the same meaning as the words "competitive service", "classified service", "classified (competitive) service", or "classified civil service" as defined in existing statutes and Executive Orders.

(e) "Competitive status" has the meaning ascribed to that term in 5 CFR 1.3(c).

(f) "Continental United States" means the several States of the United States of America existing on July 25, 1958 and the District of Columbia.

(g) "Department" means a department, agency, or independent establishment in the executive branch of the Government of the United States (including a corporation wholly owned or controlled by the United States) which conducts operations in the Canal Zone.

(h) "Employee" or "incumbent" means any individual holding a position.

(i) "Governor", unless otherwise indicated by the context, includes the ex officio capacity of the Governor of the Canal Zone as President of the Panama Canal Company.

(j) "Merit status" means basic eligibility to be noncompetitively selected to fill a vacant position under the Canal Zone Merit System.

(k) "Position" means those duties and responsibilities of a civilian nature under the jurisdiction of a department:

(1) which are performed in the Canal Zone; or

(2) with respect to which the exclusion of individuals from the Classification Act of 1949, as amended (5 U.S.C. 1071 et seq.), is provided for by section 202(21)(B) of the Classification Act of 1949, as amended (5 U.S.C. 1082(21)(B)).

(l) "Security position" means a position which must be filled by United States citizens only, as provided in Subchapter E, Part 251 of this chapter, and the regulations in this part.

(m) "Subchapter III" means subchapter III of chapter 7 of title 2 of the Canal Zone Code, 76A Stat. 16–20.

(n) "Veteran" means a person entitled to preference under the Veterans' Preference Act of 1944, as amended (5 U.S.C. 851 et seq.), including a woman entitled to wife-, widow-, or mother-preference under that Act.

§ 253.3 Coverage and exclusions.

(a) *Applicability.* Subchapter E and the regulations in this part apply to all applicants for employment and employees, irrespective of citizenship, and to all positions, with the exception of those employees and positions excluded pursuant to § 253.8.

(b) *Exclusions.* The Secretary of the Army, upon recommendation of the department concerned, may exclude employees or positions from any or all provisions of subchapter III or of this part and may revoke such exclusions. Employees or positions are excludable from the statutes and regulations governing the Canal Zone Merit System only for reasons for which exclusions or exceptions are made from the competitive civil service.

(c) *Extension of coverage.* Upon the recommendation of the department concerned and approval of the Commission, the coverage of the regulations in this part may be extended to employees in positions in installations or activities located in the Republic of Panama which are a part of installations or activities with headquarters in the Canal Zone and which are under the same immediate supervision and control as a parent installation in the Canal Zone.

§ 253.4 Canal Zone Civilian Personnel Policy Coordinating Board.

(a) *Continuation and membership.* The Canal Zone Civilian Personnel Policy Coodinating Board, composed of the Governor of the Canal Zone and the Commander-in-Chief, or their designated representatives, is continued.

(b) *Chairmanship.* The Chairmanship of the Board will rotate at 6-month intervals between the Governor and the Commander-in-Chief, or their representatives.

(c) *Functions.* The Board, under the direction of the Chairman, shall perform the functions and exercise the authorities delegated to it by the regulations in this part.

§ 253.5 Delegations of authority.

(a) *Authority of Board.* The Board may:

(1) Formulate and issue such additional regulations and detailed procedures as may be necessary to carry out the provisions of Subparts B, C and D of this part.

(2) Develop qualification standards and examination rating guides which will be applied uniformly in effecting all personnel actions. In general, occupational standards issued by the Commission and those developed by individual departments which are appropriate for general use will be used for this purpose. The Board will provide suitable instructions as to standards to be used for shortage recruitment categories.

(3) Conduct, or arrange for, such recruitment and examining programs as may be required to insure an adequate supply of qualified eligibles.

(4) Redelegate any of the authority vested in it by subparagraphs (2) and (3) of this paragraph to committees or other entities established under its supervision or to existing agencies.

(b) *Authority of Appointing Officers.* Appointing Officers of a department may effect personnel actions in accordance with the regulations in this part and the procedures and standards established by the Board.

§ 253.6 Deviations.

Whenever compliance with the strict letter of the regulations in this part would create practical difficulties or unnecessary hardships, the Secretary of the Army may, upon recommendation of the Board, permit a deviation from these regulations. Such authority may be granted only if the deviation is within the spirit of the regulations, and the efficiency of the Government and the integrity of the Canal Zone Merit System are protected and promoted. Any deviation authorized, and the reasons therefor, shall be made a matter of record.

§ 253.7 Enforcement.

Under the direction of the Secretary of the Army, inspection facilities available within the employing departments will be utilized for periodic inspections of operations under the regulations in this part. When an inspection indicates failure on the part of any activity to adhere to the regulations in this part, or to proper regulations or procedures issued by the Board pursuant to the regulations in this part, the Secretary of the Army will bring such deviations to the attention of the head of the department concerned who will be responsible for taking corrective action or, in the case

of Army activities, to the Deputy Chief of Staff for Personnel, Department of the Army. When an inspection or appeal indicates an improper or erroneous action on the part of the Board, the Chairman of the Board will be directed to effect corrective action.

§ 253.8 Exclusions.

(a) Pursuant to the provisions of § 253.3(b), the positions specified by paragraphs (b), (c), (d), (e) and (f) of this section, and incumbents thereof, are excluded, to the extent indicated, from the provisions of subchapter E and the regulations in this part and in Part 251 of this chapter.

(b) The following positions, and the incumbents thereof, are excluded from all of the provisions of Subchapter III, and the regulations in this part and in Part 251 of this chapter:

(1) General Officers of the Panama Canal Company.

(2) Persons in the active military, naval, or public health service of the United States appointed to or employed by the Panama Canal Company or Canal Zone Government.

(3) The U.S. attorney and assistant U.S. attorneys and the U.S. marshal, chief deputy U.S. marshal, and deputy U.S. marshals for the Canal Zone.

(4) The magistrates.

(5) Hospital residents and interns, and other student hospital employees in those categories for which maximum stipends have been prescribed by the Civil Service Commission pursuant to statute.

(6) Consultants and experts when employed under the provisions of section 15, Act of August 2, 1946 (5 U.S.C. § 55a) or other statutory authority.

(7) Any employee excluded by the Act of June 19, 1952, as amended (5 U.S.C. § 150k), from coverage under laws administered by the Civil Service Commission.

(8) Inmate employees of Corozal Hospital and the Palo Seco Leprosarium.

(9) Public Defender.

(10) The probation and parole officer and deputy probation and parole officers.

(11) Chauffeur, Car of President, Panama Canal Company.

(12) Caretaker and service employees assigned to residence of the Governor of the Canal Zone.

(13) Officers and employees of the National Security Agency appointed and/or compensated pursuant to the provisions of PL 86–36 (73 Stat. 63).

(c) The following positions, and the incumbents thereof, are excluded from the provisions of 2 C.Z.C. 149, 76A Stat. 18, and Subparts B and C of the regulations in this part:

(1) Attorneys.

(2) Teachers and school officers of schools of the Canal Zone Government.

(3) Positions in the Department of the Army excepted from the competitive service by 5 CFR 213.3107(a) (1), (5).

(4) Positions in the Department of the Navy excepted from the competitive service by 5 CFR 213.3108(a) (1).

(5) Visiting physicians and nurses of the Panama Canal Company assigned to the home visit program for beneficiaries of the Cash Relief Act of July 8, 1937, as amended (50 Stat. 478; 68 Stat. 17), who reside in the Republic of Panama.

(6) Non-U.S. citizen liaison agents of the Police Division of the Canal Zone Government.

(7) Positions designated by the Board as fee-rate positions within the Special Category established by § 253.114.

(8) Positions requiring part-time or intermittent services in which the individual appointee will receive during his service year compensation that aggregates not more than 40 percent of the annual salary rate for the first step of grade NM–3 in the Non-Manual category.

(9) Positions of police private and police officer in the Police Division of the Canal Zone Government (not to exceed 40 in number) the duties of which, in the judgment of the Governor of the Canal Zone, can be more effectively performed by Panamanian citizens.

(10) Positions designated by the Board as appropriate for use as Student Trainee positions and which are filled under a cooperative work-study agreement between a Canal Zone agency and a college or university approved for participation in such a program by the Board.

(d) The following positions in the Panama Canal Company and Canal Zone Government and the incumbents thereof are excluded from the provisions of 2 C.Z.C. 143–146, 149, 76A Stat. 16–18, and Subparts B, C, and D of the regulations in this part:

(1) All Bureau Directors.

(2) The General Counsel.

(3) The Executive Secretary and the Deputy Executive Secretary, Canal Zone Government.

(4) The Chief, Executive Planning Staff.

(5) The Chief, Internal Security Office.

(6) The Public Information Office.

(7) The Deputy Comptroller.

(8) The Health Bureau Heads of Services.

(e) The following position, and the incumbents thereof, are excluded from 2 C.Z.C. 146(2), 76A Stat. 17, and § 253.135 of the regulations in this part:

(1) Temporary student assistants.

(2) Temporary student aides.

(f) The scientific, technical and administrative positions of the Atomic Energy Commission established for the Atlantic-Pacific interoceanic canal project, and the incumbents thereof, are excluded (1) from the provisions of subchapter E, except sections 144, 146 and 148 of such subchapter; (2) from the regulations in this part, except Subpart D of this part; and (3) from Part 251 of this subchapter.

CROSS REFERENCE: For classification of P.L. 86–36 (73 Stat. 63), referred to in paragraph (b)(13) of this section, see note under 50 U.S.C. 402.

Subpart B—Filling Positions

CROSS REFERENCE: For Civil Service Regulations referred to in this subpart, see 5 CFR, Chapter I, Subchapter B.

§ 253.31 Methods of filling vacancies.

In his discretion an appointing officer may fill any position either by competitive appointment from a Canal Zone Merit System register, by appointment or position change of a present or former Federal employee through noncompetitive action in accordance with the regulations in this part, or, when authorized under § 253.43, by temporary appointment. He shall exercise his discretion in all personnel actions solely on the basis of merit and fitness. In determining merit and fitness of any person, there shall be no discrimination on the basis of religious or political affiliations, marital status, physical handicap, race, color, sex, or national origin. Except as required by § 253.32, there shall be no discrimination on the basis of nationality as between citizens of the United States and citizens of the Republic of Panama or residents of Panama or of the Canal Zone.

§ 253.32 Designation of security positions.

Positions designated as security positions by the head of each department or by his authority shall be filled only by citizens of the United States. Such positions may include, but need not be limited to, the following:

(a) Those involving security of property.

(b) Those involving access to defense information, not releasable to foreign nationals, classified pursuant to Executive Order 10501 of November 5, 1953. (3 CFR, 1949–1953 Comp., p. 979.)

(c) Those which require the use of United States citizens to insure continuity and capability of operation and administration of activities in the Canal Zone by the United States Government.

CROSS REFERENCES: For amendments to E.O. 10501 of November 5, 1953, referred to in paragraph (b) of this section, see E.O. 10816, May 7, 1959, 3 CFR, 1959 Supp., p. 107; E.O. 10901, January 9, 1961, 3 CFR, 1961 Supp., p. 70; E.O. 10964, September 20, 1961, 3 CFR, 1961 Supp., p. 124; E.O. 10985, January 12, 1962, 3 CFR, 1962 Supp., p. 127; E.O. 11097, February 28, 1963, 3 CFR, 1963 Supp., p. 161.

§ 253.33 Positions restricted to veterans of United States Armed Forces.

The provisions of 5 CFR 330.401, 330.402 and 330.403 apply in their entirety.

§ 253.34 Disqualification of applicants.

An applicant may be denied examination and an eligible may be denied appointment for any of the reasons set forth below. A person disqualified for any of the listed reasons may, in the discretion of the Board, be denied examination, or denied appointment to any position, for such period as the Board may determine.

(a) Dismissal from employment for delinquency or misconduct.

(b) Physical or mental unfitness for the position for which applied.

(c) Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct.

(d) Intentional false statements or deception or fraud in examination or appointment.

(e) Use of narcotics or habitual use of intoxicating beverages to excess.

(f) In the case of citizens of the United States, reasonable doubt as to the loyalty of the person involved to the Government of the United States. In the case of non-United States citizens reasonable doubt that the person involved would refrain from committing acts inimical to the interests of the Government of the United States.

(g) Refusal to furnish testimony in regard to matters inquired of arising under subchapter III or the regulations in this chapter or refusal to furnish testimony in connection with investigations conducted pursuant to Executive Order 10450 of April 1953. (3 CFR, 1949–1953 Comp., p. 936.)

(h) Any legal or other disqualification which makes the applicant unfit for the service.

§ 253.35 Appointments subject to investigation.

(a) All initial appointments or reappointments made under this part shall be subject to such investigation as may be required to establish the appointee's qualifications and suitability for employment.

(b) Except in cases involving intentional false statements, or deception or fraud in examination or appointment, the condition "subject to investigation" automatically expires at the end of 1 year after the effective date of the appointment.

(c) For a period of 1 year after the effective date of any appointment subject to investigation, the Board may instruct the employing department to remove the employee if investigation discloses that he is disqualified for any of the reasons listed in § 253.34. Thereafter the Board may require removal only on the basis of intentional false statements or deception or fraud in examination or appointment.

§ 253.36 Prohibited activities.

(a) *Coercion in competition.* An applicant for competitive examination, eligible on any register, or officer or employee in the executive branch of the Government may not directly or indirectly persuade, induce, or coerce, or attempt to persuade, induce, or coerce any prospective applicant to withhold filing application, or any applicant or eligible to withdraw from competition or eligibility for the purpose of either improving or injuring the prospects of any applicant or eligible for appointment. The penalty for violation of this section by applicants or eligibles shall be cancellation of application or eligibility, as the case may be. The penalty for violation of this section by an employee subject to the regulations in this subchapter shall be as determined by the Board.

(b) *Instruction of applicants.* Employees are forbidden to instruct, either directly or indirectly, or to be concerned in any manner with the instruction of any person or classes of persons with a view to their special preparation for examinations conducted pursuant to the regulations in this part. Violations of this restriction shall be considered sufficient cause for removal from the service.

§ 253.37 Examinations.

The Board shall be responsible for conducting open competitive examinations for entrance into the service which will fairly test the relative capacity and fitness of the persons examined for the position(s) to be filled. When in the judgment of the Board sufficient competent persons will not be available to provide competition, the Board may, with the consent of the employing department, examine and certify for competitive appointment fewer than three individuals.

§ 253.38 Rating competitors.

The subjects in examinations shall be given such relative weight as the Board may prescribe and the same rating scale shall be applied to all persons competing in the same examination. Military service in the United States Armed Forces will be credited, and ratings augmented for veterans, in accordance with the provisions of 5 CFR § 337.101 (b), (c). In rating competitors the Board shall, in the case of preference eligibles, provide for waiver of the physical standards and requirements in accordance with section 5 of the Veterans' Preference Act, as amended (5 U.S.C. 851).

§ 253.39 Establishment of registers of eligibles.

The names of eligibles (those competitors who meet minimum requirements and are rated as attaining the minimum required rating) shall be entered on appropriate registers in the order outlined below. In the judgment of the Board, eligibility on registers may be established on the basis of earned eligible ratings attained in appropriate examinations for positions in the competitive service.

(a) According to their ratings.

(b) An individual entitled to veteran preference shall be entered ahead of all others having the same rating.

(c) All veterans who have a compensable service-connected disability of 10 percent or more shall be entered at the top of the register in the order of their ratings, except for professional and scientific positions comparable in pay level to positions in grades Non-Manual 9 and above.

(d) When establishing registers, or making certifications therefrom, the Board will provide for priority consideration for Canal Zone career and career-conditional employees who have been separated by reduction-in-force. However, such priority consideration shall not extend to any position which is in a pay level higher than that from which the employee was separated. Any benefits conferred pursuant to this section are in addition to those conferred by entry of the employee's name on the employing activity's reemployment priority list.

(e) The Board will take appropriate action to insure that veterans of, or persons serving in, the Armed Forces of the United States, receive the same consideration in examinations and entry upon registers as are provided for the competitive service by 5 CFR 332.311, 332.312, 332.313, 332.321, 332.322.

(f) The Board will establish appropriate time periods and procedures for terminating the eligibility of individuals on a register.

§ 253.40 Certification for appointment.

(a) Upon receipt of a request for certification of eligibles, a sufficient number of names to permit the appointing officer to consider three eligibles in connection with each vacancy shall be certified from the top of the appropriate register. Certificates may, with the consent of the employing department, contain fewer than three names.

(b) When the position to be filled is a "security position," only United States citizens may be certified.

(c) If the number of eligibles on the register is insufficient, the Board, in consultation with the employing department, will determine whether selective certification is to be made from another register, whether a recruiting campaign to attract applicants for examination should be initiated, or whether examining action is to be taken in accordance with § 253.37 or a temporary appointment authorized in accordance with § 253.43.

(d) When there is no register appropriate as a whole for certification for filling a particular position, there may be certified selectively from the most nearly appropriate existing register the names of eligibles who are qualified for the particular position. Such eligibles shall be certified in the order of their ranking. Eligibles on the register may, when appropriate, be rerated on the basis of the particular requirements of the position.

(e) Certification shall be made without regard to sex, unless the appointing officer requests eligibles of a specified sex.

(f) Certification may, at the request of the appointing officer, be restricted to eligibles residing in the Republic of Panama and the Canal Zone.

(g) Notwithstanding the provisions of 2 C.Z.C. 154, 76A Stat. 19, and Subpart F of this part, certification for appointment under an apprentice program may, at the request of the appointing officer, be restricted on the basis of citizenship.

§ 253.41 Selection from certificates.

(a) An appointing officer shall, with sole reference to merit and fitness, make selection for the first vacancy from the highest three eligibles available for appointment on the certificate. For the second vacancy, he shall make selection from the three highest unselected and available eligibles on the certificate. Each succeeding vacancy shall be filled in like manner.

(b) An appointing officer is not required to consider any eligible:

(1) Who has been considered by him for three separate appointments from the same or different certificates for the same position; or

(2) To whose certification for the particular position he makes an objection that is sustained by the Board for any of the reasons stated in § 253.34 or for other reasons considered by the Board to be disqualifying for the particular position.

(c) When an appointing officer passes over a veteran preference eligible and tentatively selects a nonpreference eligible, the provisions of 5 CFR 332.407 apply except that the Board shall exercise the authority vested in the Commission.

§ 253.42 Appointments from registers.

(a) Except as provided by paragraph (d) of this section, a "Canal Zone Career-Conditional Appointment" shall be given to an eligible selected from a register for other than temporary or term appointment.

(b) Upon completion by the appointee of 3 years of creditable service, his career-conditional appointment shall be automatically converted to a "Canal Zone Career Appointment." As used in this paragraph, "creditable service" means all substantially continuous service with the Federal Government since initial nontemporary civilian appointment, including any service in the competitive or excepted service, or intervening service in the legislative or judicial branches or in the Armed Forces of the United States. A break in service of 30 days or less shall be considered substantially continuous service. Breaks in service of more than 30 days shall not be considered substantially continuous service unless the Board excepts particular types of cases from this requirement. In making such exceptions, the Board will be guided by the instructions published for the competitive civil service in the Federal Personnel Manual.

(c) An eligible given a Canal Zone career-conditional appointment shall be required to serve a probationary period of 1 year. Policies as to prior Federal service which may be counted toward completion of the probationary period shall be established by the Board. The employing department shall utilize the probationary period as fully as possible to determine the fitness of the employee and shall terminate his services during such period if he fails to demonstrate fully his qualifications for continued employment. The employee shall automatically acquire a merit status upon satisfactory completion of probation.

(d) An eligible selected from a register for other than a temporary or term appointment shall be given a Canal Zone career appointment if:

(1) he is a Federal employee serving under a career appointment in the competitive civil service, a permanent appointment in the excepted service, or a Canal Zone career appointment;

(2) he is a former Federal employee who once met the service requirement for a career appointment in the competitive civil service, a permanent appointment in the excepted service, or a Canal Zone career appointment.

(e) An eligible selected from a register for career appointment shall be required to serve a probationary period, subject to the same conditions as apply to a career-conditional appointment.

§ 253.43 Temporary and term appointments.

(a) Subject to conditions prescribed by the Board, a department may make temporary appointments pending establishment of a register, temporary limited appointments for periods not in excess of 1 year, and term appointments for periods of more than 1, but not in excess of 4 years. A person so appointed shall not acquire merit status by reason of such appointment.

(b) Term employees are required to serve a 1-year trial period, during which they shall be entitled to the same limited protection as is accorded probationers under the Canal Zone Merit System. In adverse actions, term employees are entitled to the rights accorded career and career-conditional employees under the Canal Zone Merit System except while they are serving the 1-year trial period and when the term appointment has expired.

(c) The Board shall issue instructions to implement this section. Such instructions shall provide for maximum use of eligibles available on registers and may provide authority for renewal of temporary limited appointments for periods of not in excess of 1 year.

§ 253.44 Noncompetitive appointments.

(a) Appointing officers may noncompetitively appoint a current Federal employee who has a merit status, a competitive status, or who is serving probation at the time of appointment. Appointing officers may noncompetitively reappoint a former Federal employee who has a merit status, a competitive status, or who was serving probation at the time of separation. Eligibility for such reappointment will be subject to the following conditions:

(1) Former Federal employees who have never completed the service requirement for Canal Zone career appointment or for career appointment in the competitive civil service may be reappointed only within 3 years following the date of their separation. This time limit does not apply to former employees entitled to veteran preference.

(2) Former employees who have once completed the service requirement for Canal Zone career appointment or for career appointment in the competitive civil service may be reappointed without time limitation.

(b) Subject to the following conditions, appointing officers may noncompetitively appoint an individual who is certified by the Director of the Peace Corps as having served satisfactorily as a Volunteer or Volunteer Leader under the Peace Corps Act:

(1) Appointment is effected within 1 year after the individual completes service under the Peace Corps Act, except that such period may be extended to not more than 3 years in the case of a person who, following his Peace Corps service, is engaged in military service, in the pursuit of studies at a recognized institution of higher learning, or in other activities which, in the view of the appointing officer, warrant extension.

(2) The individual passes such examination as the Board may prescribe.

(c) A Student Trainee who has successfully completed his cooperative work-study program may be appointed noncompetitively to an NM-5 or NM-7 position for which he meets the qualification requirements, with the exception of any written test requirements, in the field of work in which he received his training, provided:

(1) He has successfully completed all the requirements for a bachelor's degree, including any specialized courses required for the particular position for which he has been in training;

(2) He has completed at least 6 months work experience (i.e., 6 months in a pay status) as a Student Trainee in the department that recommends his appointment, and

(3) His employing department recommends him for non-competitive appointment within 90 days after completion of his work-study program.

CROSS REFERENCE: The Peace Corps Act (P.L. 87-293, September 22, 1961, 75 Stat. 612) as amended, referred to in paragraph (b) of this section, is classified to U.S.C., as follows: 5 U.S.C. 2253; 20 U.S.C., 425; 22 U.S.C., 2051 et seq.; 26 U.S.C., 912, 1303, 1321, 3122, 3401, 6051; 42 U.S.C., 405, 409, 410.

§ 253.45 Tenure following noncompetitive appointment.

(a) The noncompetitive appointment of a current or former Federal employee who has not completed the service requirement for Canal Zone career appointment or career appointment in the competitive civil service shall be made as a Canal Zone career-conditional appointment. The appointment shall be automatically converted to a Canal Zone career appointment upon completion of the service requirement. A merit status shall be acquired upon satisfactory completion of any required probationary period.

(b) The noncompetitive appointment of a former or current Federal employee who has once completed the service requirement for Canal Zone career appointment or for career appointment in the competitive civil service shall be made as a Canal Zone career appointment.

(c) Former or current Federal employees who did not complete any required probationary periods prior to noncompetitive appointment shall be required to serve a probationary period of 1 year following appointment.

(d) The noncompetitive appointment of a Volunteer or Volunteer Leader under the Peace Corps Act shall be made as a Canal Zone career-conditional appointment; shall be subject to satisfactory completion of a probationary period of 1 year; and shall be automatically converted to a Canal Zone career appointment upon completion of the service requirement. A merit status shall be acquired upon satisfactory completion of probation.

(e) The noncompetitive appointment of a person who has successfully completed a cooperative work-study program under paragraph (c) of § 253.44 shall be made as a Canal Zone Career-Conditional Appointment or Canal Zone Career Appointment and shall be subject to the satisfactory completion of a probationary period of one year. Canal Zone Career-Conditional Appointments shall be automatically converted to Canal Zone Career Appointments upon completion of the service requirement. A merit status shall be acquired upon completion of a satisfactory probationary period.

CROSS REFERENCE: Peace Corps Act referred to in paragraph (d) of this section, classification to U.S.C., see cross reference under § 253.44.

§ 253.46 Promotion, demotion, reassignment, and transfer.

(a) Appointing officers may, in their discretion, promote, demote, reassign, or transfer employees who are serving under Canal Zone career or career-conditional appointments, subject to the provisions of this section and in accordance with the appropriate qualification standards for the position established by the Board. Such actions will be based solely on the merit of the employee and upon his qualifications and fitness to hold the position concerned, except that only United States citizens will be considered for assignment to "security positions." Such actions for employees serving under temporary or term appointments will be subject to such regulations as the Board may prescribe. In preparing such regulations the Board will be guided by the instructions published for the competitive civil service in the Federal Personnel Manual.

(b) Employing departments shall establish a promotion plan for all employees, which is consistent with policies established by the Board. In establishing such policies the Board will be guided by the provisions of the merit promotion plan developed by the Commission for the competitive civil service.

Subpart C—Conversion to Canal Zone Career or Career-Conditional Appointments

§ 253.71 Eligibility.

Incumbents of positions made subject to Subpart B of this part by revocation of an exclusion in § 253.8, or by other action, may be retained in their positions. Each retained incumbent without a personal merit or competitive status who is serving in a continuing position under a nontemporary appointment will become eligible for conversion to a Canal Zone career or career-conditional appointment provided:

(a) He rendered 6 months satisfactory service in the position immediately prior to its inclusion under Subpart B of this part. Periods to be counted toward the 6-month period as an exception to the requirement for actual service shall be determined in accordance with the instructions applying to the competitive civil service as published in Chapter 315 of the Federal Personnel Manual.

(b) He meets the applicable qualification and suitability standards established by the Board.

(c) His employing department submits a timely recommendation which is approved by the Board.

§ 253.72 Procedure.

The employing department shall recommend to the Board that the appointment of an eligible employee be converted. The recommendation shall be submitted not later than one year after the date that the position is brought within the coverage of Subpart B of this part. Upon approval by the Board, the conversion is effective as of the date of the employing department's recommendation. Notice of the Board's decision together with the reasons therefor shall be given in writing to the department and employee concerned and be made a part of the employee's official personnel folder.

§ 253.73 Tenure.

(a) *Preservation of tenure.* Neither a conversion action, nor a recommendation for conversion, shall serve to reduce an employee's retention standing for reduction-in-force purposes.

(b) *Tenure following recommendation.* Upon submission of a recommendation for conversion, the nominee's retention standing for reduction-in-force is in Retention Group I if he is already in that group or if he meets the service requirement for a Canal Zone Career appointment; otherwise his retention standing is in Tenure Group II.

(1) An employee reverts to his previous tenure group if the recommendation is returned without final action, and remains in this group until such time as the recommendation is resubmitted.

(2) Irrespective of his previous retention standing, an employee is placed in Tenure Group III if the Board disapproves the recommendation for conversion.

(c) *Tenure following conversion.* Conversion will be to Canal Zone Career appointment if the employee meets the service requirement for such appointment; otherwise, conversion will be to Canal Zone Career-Conditional appointment. However, retention standing for reduction-in-force purposes will be governed by paragraph (a) of this section. All conversions will be subject to satisfactory completion of a one-year probationary period if such probation has not been completed prior to the time of conversion.

§ 253.74 Acquisition of merit status.

An employee who is converted under this subpart acquires a merit status upon completion of any required probationary period.

§ 253.75 Employees not recommended for conversion.

(a) Employees who are not recommended for conversion, or whose conversion is disapproved, will be retained in status quo and placed in Tenure Group III until separated or until they receive a competitive appointment.

(b) Employees retained in status quo may be noncompetitively changed to other positions upon meeting the requirements established pursuant to § 253.46(a) for the noncompetitive movement of employees serving under temporary appointments.

(c) Employees retained in status quo are subject to displacement by eligibles on registers.

(d) Employees serving under temporary appointments on the date their positions are made subject to Subpart B of this part will be considered as having been converted to a temporary appointment under §253.43 and may be retained until expiration of their current appointments.

Subpart D—Compensation and Allowances

CROSS REFERENCE: For Civil Service Regulations referred to in this subpart, see 5 CFR, Chapter I, Subchapter B.

GENERAL PROVISIONS

§ 253.101 Uniformity of job classification standards.

In order to apply the provisions of 2 C.Z.C. 145, 76A Stat. 17, concerning uniform application of rates of basic compensation, job classification standards shall be uniform within and among all departments. Any problems arising in achieving such uniformity which cannot be resolved among the departments shall be referred to the Board for resolution. If resolution is not achieved they shall then be forwarded to the Secretary of the Army for decision.

§ 253.102 Uniformity of compensation.

The rates of basic compensation for positions and employees, the overseas (tropical) differential and the tax allowance, authorized by 2 C.Z.C. 144, 146, 76A Stat. 17, shall be uniform within and among all departments. Any problems arising in achieving such uniformity shall be referred to the Board for resolution. If resolution is not achieved they shall then be forwarded to the Secretary of the Army for decision.

CATEGORIES OF POSITIONS

§ 253.111 Use of categories.

Positions in the departments shall be grouped into the categories set forth in §§ 253.112 to 253.114.

§ 253.112 Non-Manual category.

Those occupational groupings which embrace administrative, clerical, technical, professional, and related occupations. This includes positions covered by the Classification Act of 1949, as amended, 5 U.S.C. 1071 et seq., on February 22, 1959, except for those which are specifically covered in the Special Category.

§ 253.113 Manual category.

Those manual-type occupational groupings related to the U.S. Navy Pay Level Plan which embrace unskilled, semiskilled, and skilled trades, crafts, and related occupations except for those which are specifically included in the Special Category.

§ 253.114 Special category.

Those occupational groupings which are excepted from the Non-Manual and Manual categories, and whose bases generally have been traditionally or by statute evaluated, classified, and titled by reference to applicable Government or industry standards for the same or similar work.

PAY RATES AND ALLOWANCES

§ 253.131 Derivation of base rates of pay.

(a) Rates of pay for positions in the Special Category below the skill or grade level for which employees must be recruited from the continental United States, for positions at the level of grade 3 or below in the Non-Manual Category and for positions at level 10 or below in the Manual Category shall be established in relation to rates outside the continental United States.

(b) Rates of pay for positions above the levels covered by paragraph (a) of this section and rates for all security positions shall be established in relation to rates for the same or similar work performed in the continental United States by employees of the Government of the United States. The United States rates used for this purpose shall be reduced by the amount of the tax allowance prescribed by § 253.134.

(c) The rates established under this section constitute the base salary or wage rates for the positions in question.

§ 253.132 Non-United States citizen employees.

The rates of pay for non-United States citizen employees shall be the base salary or wage rates.

§ 253.133 United States citizen employees.

The rates of pay for United States citizen employees shall be the base salary or wage rates plus the allowance and differential prescribed by §§ 253.134 and 253.135. The aggregate pay thus derived shall be considered basic compensation.

§ 253.134 Tax allowance.

A tax allowance is authorized in an amount equivalent to the excess of the income tax which the typical U.S. citizen employee normally would expect to pay to the U.S. Government on his salary including the tropical differential over the amount of income tax the typical Panamanian citizen employee would normally pay to the Panamanian Government on the same salary without the tropical differential. The tax for U.S. citizens shall be computed on the basis of a family of four, using the standard 10 percent deduction and joint return computation. The Panamanian tax shall be computed on the basis of the "family" tax, disregarding the "bachelor" tax and by applying the deductions authorized for two minors. The amount of the tax allowance shall be recomputed as necessary to conform with any changes in the tax laws of either the Republic of Panama or the United States. The payment of the revised tax allowance or of the revised base or wage rates directly attributable to the revised tax allowance shall be effective as of the effective date of the tax change.

§ 253.135 Tropical differential.

(a) An overseas, tropical differential for U.S. citizen employees who qualify under the provisions of paragraph (b) of this section shall be fixed by the head of each department in an amount equal to 15 percent of the aggregate compensation established under §§ 253.131 and 253.134. Such differential shall be reviewed periodically by the Secretary of the Army and adjusted to the extent necessary to furnish a suitable incentive in recruitment of qualified personnel and to provide pay benefits substantially equal to those accorded U.S. citizens employed by the Federal Government in comparable foreign areas.

(b) The tropical differential shall be paid to employees who are U.S. citizens except those in the following categories:

(1) A married woman whose husband resides in the Canal Zone or the Republic of Panama. This exclusion shall not apply to such a married woman if she establishes to the satisfaction of her department that:

(i) Her husband is physically or mentally incapable of self-support;

(ii) She is legally separated; or

(iii) Her husband is 51 percent or more dependent upon her for his support.

(2) A child or stepchild of a resident of the Canal Zone or the Republic of Panama who is under 21 years of age and unmarried or who, regardless of age or marital status, does not maintain a separate household.

(c) Notwithstanding the provisions of paragraphs (a) or (b) of this section, each U.S. citizen employee in service on October 11, 1964, shall retain as a fixed tropical differential an amount equal to 25 percent of the aggregate compensation established under §§ 253.133 and 253.134 for the grade and pay step to which he was assigned on July 20, 1964, or if employed after that date, for the grade and pay step to which he would have been assigned had he been employed on July 20, 1964. Calculation of the fixed differential shall be made without reference to any retroactive pay increases authorized subsequent to July 20, 1964. If the employee's aggregate compensation is reduced after July 20, 1964, by reason of demotion or otherwise, his fixed differential shall be adjusted to the rate which he would have retained had he been assigned the lower grade or pay step on July 20, 1964. The retained rate of tropical differential shall continue to be paid only until one of the following events occurs:

(1) There is a break in service of one day or more;

(2) A 2-year period has elapsed since October 11, 1964, and the employee is at that time, or thereafter becomes, ineligible to receive the differential under the conditions prescribed by paragraph (b) of this section; or

(3) The employee becomes eligible for the same or a greater amount of differential under paragraphs (a) and (b) of this section. When the fixed differential is discontinued under this subparagraph due to payment of compensation under § 253.155 for an additional pay assignment, it shall be reinstated upon termination of such assignment.

(d) An employee may be paid tropical differential under this section only to the extent that such payment, when combined with his aggregate compensation established under §§ 253.133 and 253.134, does not exceed the current rate of step 5, GS–17, of the General Schedule of the Classification Act of 1949, as amended.

PAY ADJUSTMENTS

§ 253.151 Conversion to new schedules.

Upon conversion to the salary and wage schedules established under the regulations in this part, each employee's rate of pay shall be determined in accordance with the following:

(a) If the employee's existing rate is below the minimum rate established for the grade, pay level, and/or designation of his position on the appropriate new schedule he will have his rate increased to the minimum rate.

(b) If the employee's existing pay rate is the same as one of the rates for the grade, pay level, and/or designation of his position on the appropriate new schedule he will have no change made in his rate.

(c) If the employee's existing rate is between two step-rates for the grade, pay level, and/or designation of his position on the appropriate new schedule he will have his rate adjusted to the higher of the two step-rates.

(d) If the employee's existing rate is above the maximum rate established for the grade, pay level, and/or designation of his position on the appropriate new schedule, he will retain his existing rate as a saved rate, so long as he remains in the same position as that is which he was serving at the time of initial conversion, or until subsequent change is effected to another position unless the change is made without an increase in pay to a position of equal or higher level, or until he becomes entitled to a higher rate under the normal operation of the pay system to which he has been changed. If the subsequent change is made to a position of equal or higher level and if application of the normal pay fixing rule would result in a decrease in pay, the employee's saved rate will be preserved.

(e) For the purpose of determining entitlement to within-grade increases, service prior to conversion to the new pay schedules will be counted in the following manner:

(1) If upon conversion the employee receives an increase equivalent to the difference between two steps on the old schedule, service prior to conversion will not be counted toward an additional step and will be forfeited.

(2) If upon conversion the employee does not receive an increase equivalent to the difference between two steps on the old schedule, service without an equivalent increase prior to conversion will be counted toward the next step. Any service in excess of the requirement for the step is forfeited.

(3) If conversion is to a step, other than one established on a temporary basis, and the employee does not receive an increase equivalent to the difference between two steps on the old schedule, service prior to conversion will be counted. In no case may the time credit granted herein exceed the time-in-step requirement for the step.

§ 253.152 General pay adjustments.

For positions for which the basic rate of compensation has been established in relation to rates for the same or similar work in the continental United States, rates of pay shall be adjusted by heads of departments with reference to changes in the corresponding rates in the United States. For all other positions, rates of pay shall be adjusted under administrative policies jointly determined by the heads of departments concerned.

§ 253.153 Step increases.

(a) *Non-manual category.* Employees in positions in this category shall be advanced to higher rates within the grade of their positions in accordance with 5 CFR, Part 531, Subpart D.

(b) *Manual category.* Employees in positions in this category shall be advanced successively to the next higher step in their pay level in accordance with regulations issued by the Board.

(c) *Special category.* Employees in positions in this category shall be advanced successively to the next higher step within their grade in accordance with regulations to be prescribed by the Panama Canal Company-Canal Zone Government, except that in cases where other departments have employees in positions in this category the regulations will be developed jointly by the departments concerned.

§ 253.154 Individual pay determinations.

Pay determinations in connection with personnel actions such as promotions, demotions, and transfers, shall be made in accordance with regulations generally in effect for employees in the Federal Service as follows:

(a) *Non-manual category.* Salary changes and retention for employees in positions in this category shall be governed by Subparts B and E of 5 CFR Part 531.

(b) *Manual category.* Wage determinations for employees of positions in this category shall be made in accordance with the following:

(1) *General provisions.* When changes are made between pay levels within this category, scheduled rates shall be used.

(2) *Highest previous rate.* The "highest previous rate" shall be determined in accordance with 5 CFR 531.202(h) and 531.203(d).

(3) *Salary retention.* 5 CFR Part 531, Subpart E, shall be applied to all employees occupying positions in this category.

(4) *New appointments.* Normally, all new appointments will be made at the first step for the position as fixed by the appropriate schedule of wage rates. Exception may be made in setting the rate at a higher step only if the needs of the service, in the opinion of the appointing officer, clearly justify such action and the training, experience, skills and knowledge of the appointee are sufficient to warrant the exception. In such cases, the justification for the action and the attendant cricumstances should be included in the recommendation for the person's appointment.

(5) *Re-employment.* One of the following will apply in setting the rate of pay:

(i) The employee may be given step 1.

(ii) The employee may be given any step which does not exceed his "highest previous rate".

(6) *Transfers.* One of the following will apply in setting the rate of pay, subject to the pay savings provisions of § 253.156 or 5 CFR Part 531, Subpart E.

(i) The employee may be given step 1.

(ii) The employee may be given any step that does not exceed the rate of pay received from the releasing department immediately prior to transfer.

(iii) The employee may be given any step that does not exceed his "highest previous rate."

(7) *Promotions.* One of the following will apply in setting the rate of pay, subject to the pay savings provisions of § 253.156 or 5 CFR Part 531, Subpart E.

(i) If the employee's present rate of pay falls below step 1 of the proposed pay level, he will be placed in step 1.

(ii) If his present rate of pay falls between two authorized steps of the proposed pay level, he will be given the higher step.

(iii) If his present rate of pay exceeds step 3 of the proposed level, he will be placed in step 3 at his present rate.

(iv) If his present rate of pay is exactly the same as one of the authorized steps of the proposed pay level, he will be given a one step increase. If there is no rate in the higher pay level which is at least a one step increase above his existing rate of pay, he shall receive the maximum scheduled rate of such higher pay level, or his existing rate, whichever is the higher.

(v) He may be given any step beyond step 1 of the proposed pay level which does not exceed his "highest previous rate".

(8) *Reassignments.* One of the following will apply in setting the rate of pay, subject to the pay savings provisions of § 253.156 or 5 CFR, Part 531, Subpart E:

(i) The employee will retain no less than the same step in the proposed pay level which he holds in his present pay level.

(ii) He may be given any step which does not exceed his "highest previous rate".

(9) *Demotion.* One of the following will apply in setting the rate of pay, subject to the pay savings provisions of § 253.156 or 5 CFR Part 531, Subpart E, except that no increase in pay shall be given when the demotion is a result of unsatisfactory performance.

(i) If the employee's existing rate of pay falls between two authorized steps of the proposed lower pay level, he may be given the higher step.

(ii) If his existing rate of pay exceeds step 3 of the proposed pay level, he may be given step 3.

(iii) If his existing rate of pay is exactly the same as the rate for one of the authorized steps of the proposed pay level, he may be placed in that step.

(iv) He may be given any step which does not exceed his "highest previous rate."

(c) *Special category.* Salary changes for employees of positions in this category shall be made in accordance with regulations to be promulgated by the Panama Canal Company-Canal Zone Government except that in those cases where departments other than the Panama Canal Company-Canal Zone Government employ persons in positions in this category, the regulations will be developed jointly by the interested departments.

§ 253.155 Additional pay assignments; manual-type positions.

Additional pay assignments for manual-type positions may be authorized to compensate for factors of skill or working conditions which are in addition to those normally encountered in a given trade or occupation and which have not been considered in determining the pay level. Compensation for these additional pay assignments, including night differential, will be basic compensation for the purpose of computing overtime, Civil Service Retirement deductions, Social Security deductions, and Federal Employee Group Life Insurance deductions. The head of each department is authorized to adopt, in coordination with the heads of other departments, such additional pay assignments as he deems necessary, to fix the compensation for them, and to promulgate administrative regulations, based generally on Navy practice concerning Additional Pay Assignments.

§ 253.156 Pay saving.

(a) Whenever an employee's rate of basic compensation that is established in relation to rates of compensation for the same or similar work in the continental United States is converted under 2 C.Z.C. 144(b), 76A Stat. 17, to a rate of basic compensation established in relation to rates in areas other than the continental United States, such employee shall, pending transfer to another position for which the rate of basic compensation is established in relation to rates in the continental United States, continue to receive the rate of basic compensation (but excluding additional pay assignments) to which he was entitled immediately prior to such conversion. The saved rate shall be paid so long as he remains in the same position as that in which he was serving at the time his rate was converted, or until subsequent change is effected to another position unless the change is made without an increase in pay to a position of equal or higher level. If the subsequent change is made to a position of equal or higher level and if application of the normal pay fixing rule would result in a decrease in pay, the employee's saved rate shall be preserved. He shall not be eligible for within-grade salary increases granted to Non-Manual employees, step increases granted to Manual employees, or across-the-board increases granted to Manual employees for so long as he remains in a position the salary for which is derived from or

fixed in relation to wage rates existing in the Republic of Panama or elsewhere outside the continental United States.

(b) Whenever under § 253.134 a recomputation of the tax allowance necessitated by a change in tax laws would result in decreases in rates of pay, the employees so affected shall, pending individual raises or general increases in base salary or wage rates which will fully offset the pay decreases attributable to the tax allowance recomputation, continue to receive the rates of pay to which they were entitled immediately prior to the effective date of such recomputation.

Subpart E—Performance Rating

§ 253.181 Rating system.

Employing departments shall extend to all employees any performance rating system which is established for United States citizens in the Canal Zone.

Subpart F—Training

§ 253.201 Training programs.

Each department shall afford opportunity for all its employees, irrespective of citizenship, to participate in such training programs as it may conduct.

Subpart G—Military Service

§ 253.221 Rights of employees.

The rights of employees called to active military duty in the Armed Forces of the United States will be determined in accordance with 5 CFR Part 353.

Subpart H—Adverse Personnel and Reduction in Force Actions

CROSS REFERENCE: For Civil Service Regulations referred to in this subpart, see 5 CFR, Chapter I, Subchapter B.

§ 253.241 Applicability of existing law and Civil Service regulations.

(a) The provisions of sections 6(a) and 6(b)(1) of the Act of August 24, 1912, as amended (5 U.S.C. 652), are applicable to the removal or suspension of those employees to whom such provisions were applicable immediately prior to January 19, 1959.

(b) The provisions of 5 CFR Parts 752 and 772, and section 6(b)(2) of the Act of August 24, 1912, as amended (5 U.S.C. 652), are applicable to preference eligibles to the extent and in the manner specified therein.

(c) The provisions of 5 CFR Part 351, as they apply in the competitive civil service and the provisions of section 6(b)(3) of the Act of August 24, 1912, as amended (5 U.S.C. 652), are applicable to all reduction in force actions, but 5 CFR 351.603 shall not be construed as requiring the assignment of a non-United States citizen to a security position.

(d) The provisions of section 6(b)(1) of the Act of August 24, 1912, as amended (5 U.S.C. 652(b)(1)), shall be applicable to any person whose removal or suspension under a department's system established by § 253.262 is determined to have been unjustified or unwarranted after review in accordance with procedures of the employing department.

§ 253.242 Probationary employees.

Any employee serving a probationary period shall be given a full and fair trial in the duties of the position in which appointed. If the performance of his duties or his conduct during the probationary period is not satisfactory to the employing department, his services may be terminated by notifying him in writing of the reasons for his separation and of its effective date. An employee's services may also be terminated during the probationary period for reasons based in whole or in part on conditions arising prior to his appointment. The employing department shall notify him of the reasons for his separation and its effective date.

Subpart I—Grievances and Appeals

CROSS REFERENCE: For Civil Service Regulations referred to in this subpart, see 5 CFR, Chapter I, Subchapter B.

§ 253.261 Grievance procedures.

Each employing department shall make available to its employees equal rights to utilize any grievance procedure established by such department.

§ 253.262 Adverse actions and appeals.

Each department shall establish an adverse action and appeals system under which the provisions of 5 CFR Part 752, are administratively extended to employees in categories corresponding to those in the U.S. competitive civil service to which that part applies. Appeals to the Civil Service Commission shall not, however, be so extended by such administrative action.

§ 253.263 Appeals from applicants or eligibles.

Applicants and eligibles who have reason to believe that the regulations in this part were not followed in rating their examinations or in making selections for appointment may appeal to the Board. In the event they are not satisfied with the decision of the Board, and they can show reason to believe that the action of the Board was arbitrary, capricious, or in violation of these regulations, they may request a review of the decision of the Board by the Secretary of the Army.

§ 253.264 Classification appeals.

Any employee may request at any time that his employing department review and revise or adjust the classification, grade, and pay level of his position, or any of them, as the case may be. Such requests for review and revision or adjustment shall be submitted and adjudicated in accordance with the regularly established procedures of the employing department. In the event of adverse decision by the employing department, the employee shall have the right to appeal, in writing, to the Canal Zone Board of Appeals.

§ 253.265 Canal Zone Board of Appeals, terms of members.

(a) Section 251.41 continues, and provides for the composition and appointment of members of, the Canal Zone Board of Appeals to perform the functions prescribed by 2 C.Z.C. 152, 153, 76A Stat. 19.

(b) The term of service for each member or alternate member of the Canal Zone Board of Appeals shall be for 2 years, provided that the Secretary of the Army may, in his discretion terminate or extend the term of service of any member or alternate member at any time. Individuals who are designated as members or alternate members shall be detailed to the Canal Zone Board of Appeals for such periods as their services are required.

§ 253.266 Appeals procedures.

The Canal Zone Board of Appeals shall formulate the procedures necessary to the performance of the functions prescribed by 2 C.Z.C. 152, 153, 76A Stat. 19. Those portions of the procedures establishing time limits for filing appeals; the form in which appeals are to be submitted, and the circumstances under which the personal appearance of an employee or his representative will be authorized, shall be published for the information of all employees.

§ 253.267 Decisions of Canal Zone Board of Appeals.

(a) Decisions of the Canal Zone Board of Appeals shall be binding upon all employing departments, and shall be effective not later than the beginning of the fourth pay period following the receipt of the decision in the employing department unless a specific date is stated in the decision in accordance with paragraph (b) of this section.

(b) When the appeal to the Canal Zone Board of Appeals is made within 30 calendar days from the date of an employee's receipt of an adverse decision from his employing department on a classification appeal provided by § 253.264, if it is from an action lowering the grade or pay level of the employee's position, and the decision of the Canal Zone Board of Appeals raises the grade or pay level of the position, the effective date shall be retroactive to the date of the action which lowered the grade or pay level. However, when the decision of the Canal Zone Board of Appeals raises the grade or pay level of the position above the grade or pay level in effect immediately preceding the lowering thereof, retroactivity will apply only to the extent of restoration to the grade or pay level in effect immediately preceding the lowering thereof. Retroactivity may be based only on duties and responsibilities existing at the time of the lowering of the grade or pay level and not on the basis of duties and responsibilities later assigned.

(c) The right to a retroactive effective date under paragraph (b) of this section may be preserved in the discretion of the Canal Zone Board of Appeals upon a showing by the employee that reasons beyond his control prevented him from appealing within the 30-day period referred to in that subparagraph and that he did appeal as promptly as circumstances permitted.

CROSS REFERENCE: Decisions of Canal Zone Board of Appeals to be by majority vote, see § 251.42.

Subpart J—Records and Reports

§ 253.291 Applicability of Federal Personnel Manual.

The provisions of Chapter 296 of the Federal Personnel Manual will, except as indicated below, apply to the preparation of notifications of personnel actions taken under the regulations in this chapter, the maintenance of employment records, and the reporting of employment.

(a) All appointment and conversion actions will be prefaced by the term "Canal Zone" and all personnel actions will be identified as taken under the authority of the regulations in this chapter.

(b) The noncompetitive appointment of a former Federal employee under the provisions of § 253.44, will be termed a reappointment rather than a reinstatement.

§ 253.292 Official Personnel Folders.

(a) The Panama Canal Company or Canal Zone Government may retain, on a permanent basis, the Official Personnel Folders for non-U.S. citizens separated from employment with activities under their direction.

(b) The Official Personnel Folders of non-U.S. citizen employees separated from activities other than the Panama Canal Company or Canal Zone Government may be retained by the employing activity or the Board for not to exceed 2 years following separation. Upon expiration of this period, the Official Personnel Folders will be transferred to the Federal Records Center for permanent storage.

PART 255—EMPLOYEE RESPONSIBILITIES AND CONDUCT

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AUTHORITY: The provisions of this Part 255 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

Subpart A—General Provisions

§ 255.735–1 Purpose.

(a) The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of Government business and the maintenance of confidence by the public in the U.S. Government. The avoidance of misconduct and conflicts of interest on the part of Government employees and special Government employees through informed judgment is indispensable to the maintenance of these standards. To accord with these concepts and pursuant to Executive Order 11222 of May 8, 1965, and regulations issued by the U.S. Civil Service Commission (5 CFR Part 735), the regulations in this part are issued to prescribe standards of employee conduct and responsibility of employees and special Government employees of the Panama Canal agencies, and to require the submission of statements concerning employment and financial interests.

(b) The nature of the Canal enterprise, its geographical location, and the political status of the United States in the Canal Zone make it necessary to impose certain restrictions on personal conduct both on and off the job that are not ordinarily applicable to Federal employees. In particular, the officially declared interest and policy of the Government of the United States in strengthening the bonds of friendship with the Government and people of Panama, place a direct responsibility on each employee, for himself and his dependents, to refrain from any action or conduct that might in any manner obstruct accomplishment of this end or of any other declared national policy objective of the United States concerning relations between the United States and Panama.

§ 255.735–2 Definitions.

In the regulations in this part, unless the context indicates otherwise:

(a) "Employee" means an officer or employee of the Panama Canal agencies, but does not include a special Government employee.

(b) "Executive order" means Executive Order 11222 of May 8, 1965, "Prescribing Standards of Ethical Conduct for Government Officers and Employees" (30 F.R. 6469).

(c) "Executive Secretary" means the Executive Secretary of the Canal Zone Government in both that capacity and his ex-officio capacity as Executive Assistant to the President, Panama Canal Company.

(d) "Governor" means the Governor of the Canal Zone in both that capacity and his ex-officio capacity as President, Panama Canal Company.

(e) "Panama Canal agencies" means the Canal Zone Government and Panama Canal Company.

(f) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(g) "Special Government employee" means a special Government employee as defined in section 202 of Title 18 of the United States Code and generally refers to experts and consultants and other officers and employees who are retained, designated, appointed, or employed to perform, with or without compensation, for not more than 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

(h) "The Commission's regulations" means the regulations issued by the U.S. Civil Service Commission, October 1, 1965, "Employee Responsibilities and Conduct" (30 F.R. 12259; 5 CFR Part 735).

§ 255.735–3 Informing employees.

The Personnel Director shall be responsible for:

(a) Furnishing each employee and special Government employee a copy of the regulations in this part within 90 days after approval by the Civil Service Commission;

(b) Furnishing each new employee and special Government employee a copy of the regulations in this part at the time of his entrance on duty;

(c) Bringing the regulations in this part to the attention of each employee and special Government employee annually, and at such other times as circumstances warrant;

(d) Having available for review by employees and special Government employees, as appropriate, copies of laws, the Executive order, the regulations in this part, and pertinent Civil Service Commission regulations and instructions, relating to ethical and other conduct.

§ 255.735–4 Interpretation and advisory services.

(a) The Executive Secretary shall serve as Counselor on employee responsibilities and conduct for the Panama Canal agencies and as the Panama Canal agencies' designee to the Civil Service Commission on matters covered by the

regulations in this part. The Counselor shall be responsible for coordination of the counseling services to employees under the regulations in this part and for assuring that counseling and interpretations on questions of conflict of interest and other matters covered by the regulations in this part are available.

(b) The Governor will designate Deputy Counselors who shall be available to employees and special Government employees to give authoritative advice and guidance upon request on questions of conflict of interest and other matters covered by the regulations in this part.

(c) The Personnel Director shall be responsible for informing employees and special Government employees of the availability of counseling services and how and where these services are available.

§ 255.735–5 Reviewing statements and reporting conflicts of interest.

(a) Statements of employment and financial interest submitted to the Counselor in accordance with Subpart D of this part shall be reviewed by him to disclose conflicts or apparent conflicts of interest on the part of employees and special Government employees.

(b) When review of a statement of employment and financial interest or information from other sources indicates a conflict of interest or apparent conflict between the interests of an employee or special Government employee and the performance of his services for the Government, the employee or special Government employee concerned shall be provided an opportunity to explain the conflict or appearance of conflict.

(c) If the Counselor is unable to resolve the conflict of interest or an apparent conflict the information concerning the conflict or appearance of conflict shall be reported by the Counselor to the Governor.

§ 255.735–6 Disciplinary and other remedial action.

(a) Violation of the regulations in this part by an employee or special Government employee shall be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

(b) When, after consideration of the explanation provided for by § 255.735–5, the Governor decides that remedial action is required, immediate action will be taken to end the conflicts or appearance of conflicts of interest. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment of the conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders and regulations.

§ 255.735–7 Supplemental instructions.

Operating Bureaus, divisions and independent units may, with the approval of the Executive Secretary, issue supplemental and implementing internal instructions not inconsistent with the regulations in this part. Such implementing instructions need not be published in the FEDERAL REGISTER but a copy shall be furnished to each employee to whom they apply.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

§ 255.735–31 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Panama Canal agencies;

(2) Conducts operations or activities that are regulated by the Panama Canal agencies; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

(b) Exceptions to paragraph (a) of this section are those that:

(1) Govern obvious family or personal relationships (such as those between the parents, children, or spouse of the employee and the employee) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) Permit acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where employees may properly be in attendance;

(3) Permit acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans; and

(4) Permit acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars and other items of nominal intrinsic value.

(c) An employee shall avoid any action, whether or not specifically prohibited by the regulations in this part, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(d) An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position (5 U.S.C. 113).

(e) An employee shall not accept a gift, present, decoration, or other things from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 114–115a.

§ 255.735–32 Outside employment.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other things of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

(c) Subject to the provisions of § 255.735–39, employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order, regulations of the Civil Service Commission, or the regulations in this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Governor gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(d) An employee shall not engage in outside employment under a State or local government of the United States, except in accordance with 5 CFR Part 734.

(e) An employee shall not engage in any private business, or accept employment on the Isthmus with any corporation, firm or other person, or with any other Government agency, without obtaining permission as required by this section.

(f) A U.S. citizen employee or any other employee in grades NM–4 and above or M–11 and above, or their equivalents, shall apply for permission by submitting a prescribed form to the Executive Secretary through the head of his Bureau, Division, or independent unit. Other employees shall request such permission from the head of their bureau, division, or independent unit who will either act on the request, or in cases involving policy or other question, refer it to the Executive Secretary for consideration. Ordinarily permission will not be granted:

(1) For an employee to engage as principal, agent, or employee in any private activity related in any way to the procurement, execution, or performance of contracts with, or furnishing of supplies and materials to, the Panama Canal agencies or any other U.S. Government agency.

(2) For a U.S. citizen employee to be employed by any person in the Republic of Panama unless his application is supported by a letter addressed to his prospective employer by the Ministry of Foreign Relations stating there is no objection to the proposed employment.

(3) For an employee to act as an attorney, or to be associated as a partner or otherwise with any person who acts as an attorney, in criminal proceedings or in civil litigation in which the Government of the United States or the Panama Canal agencies are interested, either directly or indirectly.

(4) For an employee to engage in any private business or accept any private employment if, in the judgment of the Executive Secretary, such business or employment would conflict with the policies and interests of the Panama Canal agencies, or would tend to result in discredit or embarrassment to the Panama Canal agencies, or would tend to affect adversely relations between the Canal Zone and the Republic of Panama.

(g) This section does not preclude an employee from:

(1) Receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with these regulations for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits.

(2) Participation in the activities of National or State political parties of the United States not proscribed by law.

(3) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

§ 255.735–33 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive order or the regulations in this part.

§ 255.735–34 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 255.735–35 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in § 255.735–32(c), directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 255.735–36 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner", means in a manner in which the Panama Canal agencies determine does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Panama Canal agencies to determine the validity or amount of the disputed debt.

§ 255.735–37 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(a) Necessitated by an employee's law enforcement duties; or

(b) Authorized in accordance with 6 C.Z.C. 1506 (officially authorized raffles for charitable purposes).

§ 255.735–38 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government. For employees on the Isthmus, relations between the United States and Panama will be considered in determining whether conduct is prejudicial to the Government.

§ 255.735–39 Publication of articles; public statements.

(a) An employee shall not, either on his own behalf or as a member or representative of an organization, without advance permission from the Executive Secretary, make any prepared statement in public or to representatives of mass-communications media (press, radio, and television), or release any article or other material for publication or distribution, that concerns or affects relations between the United States and the Republic of Panama. This requirement is intended to prevent the use of a statement or writing that (1) is inconsistent with the provisions of § 255.32(c) or § 255.35; (2) contains information that is inaccurate or misleading; (3) represents personal views as having official approval; or (4) is inconsistent with the responsibilities or the standards of conduct prescribed for employees by the regulations in this part.

(b) The requirement of paragraph (a) of this section for advance permission does not apply to any direct communication to the Congress of the United States or to any official of the United States nor does it apply to the expression or discussion of opinion or protest, not publicly disseminated, within labor organizations or at nonpublic civic council meetings.

(c) In all public statements and writings, concerning the Panama Canal or the Canal Zone, whether or not subject to the advance permission requirement, an employee shall conform to the high standard of conduct and responsibility prescribed by the regulations in this part, in order to avoid his public involvement in official matters to the prejudice of the Government. Any statement or writing not required to be submitted under paragraph (a) of this section may be submitted to the Executive Secretary for an opinion as to whether its release would be prejudicial to the Government in violation of the regulations in this part.

§ 255.735–40 Miscellaneous statutory provisions.

The following statutes relate to the ethical and other conduct of employees:

PROVISIONS OF THE UNITED STATES CODE AND UNITED STATES STATUTES AT LARGE

(a) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service".

(b) The provisions relating to bribery, graft, and conflicts of interest (18 U.S.C. 201, 202, 203, 205, 207, 208, 209, 210, 211, 218).

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 118p, 118r).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 640).

(h) The prohibition against the misuse of a Government vehicle (5 U.S.C. 78(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (5 U.S.C. 637).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against proscribed political activities—The Hatch Act (5 U.S.C. 1181), and 18 U.S.C. 602, 603, 607, and 608.

PROVISIONS OF THE CANAL ZONE CODE

(q) The prohibition against interested persons acting as Government agents in transacting business (6 C.Z.C. 691; 76A Stat. 432).

(r) Provisions relating to malfeasance of public officers and employees (6 C.Z.C. 2121–26, 2152–54; 76A Stat. 483–86).

(s) The prohibitions against theft, destruction, falsification, mutilation or removal of records (6 C.Z.C. 2251; 76A Stat. 489).

§ 255.735–41 Participation in Panamanian political activities.

In view of the geographical and other relationships between the Republic of Panama and the Canal Zone, the following policies are prescribed concerning participation by employees in Panamanian political activities:

(a) Employees residing in the Canal Zone who are not Panamanian citizens shall not engage in any form of Panamanian political activity.

(b) Employees who are Panamanian citizens may exercise political rights guaranteed to them by Panamanian law. They may affiliate themselves with the political party of their choice. They may attend political meetings and be free to vote in all elections without jeopardizing their position with the Panama Canal agencies. However, no employee shall:

(1) Engage in Panamanian political activity in or from within the Canal Zone;

(2) Engage in Panamanian political activity during duty hours; or

(3) Use his job or position with the Panama Canal agencies in the advancement of Panamanian political activity.

(c) Any employee who may be appointed or elected to political office in the Republic of Panama shall be required to terminate his employment with the Panama Canal agencies.

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees

§ 255.735–51 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 255.735–52 Use of inside information.

A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. However, a special Government employee may teach, lecture, or write in a manner not inconsistent with § 255.735–32(c). For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

§ 255.735–53 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

§ 255.735–54 Gifts, entertainment, and favors.

Except as authorized for employees in § 255.735–31(b), a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with the Panama Canal agencies anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 255.735–55 Applicability of other requirements.

In addition to the requirements of this subpart, a special Government employee shall adhere to the standards of conduct made applicable to employees by §§ 255.735–33, 255.735–34, 255.735–37, and 255.735–38.

§ 255.735–56 Miscellaneous statutory provisions.

The following statutes relate to the ethical and other conduct of special Government employees:

PROVISIONS OF THE UNITED STATES CODE AND THE UNITED STATES STATUTES AT LARGE

(a) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service".

(b) The provisions relating to bribery, graft and conflicts of interest (18 U.S.C. 201, 202, 203, 205, 207, 208, 210, 211, and 218).

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 118p, 118r).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 640).

(h) The prohibition against the misuse of a Government vehicle (5 U.S.C. 78(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (5 U.S.C. 637).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against proscribed political activities—The Hatch Act (5 U.S.C. 1181); and 18 U.S.C. 602, 603, 607, and 608.

PROVISIONS OF THE CANAL ZONE CODE

(q) The prohibition against interested persons acting as Government agents in transacting business (6 C.Z.C. 691; 76A Stat. 432).

(r) Provisions relating to malfeasance of public officers and employees (6 C.Z.C. 2122, 2125, 2152, 2153; 76A Stat. 483–86).

(s) The prohibitions against theft, destruction, falsification, mutilation or removal of records (6 C.Z.C. 2251; 76A Stat. 489).

Subpart D—Statements of Employment and Financial Interests

§ 255.735–71 Form and content of statements.

The statement of employment and financial interests required of employees and special Government employees under the regulations in this part shall contain the information required by the formats prescribed by the Civil Service Commission.

§ 255.735–72 Employees required to submit statements.

(a) In accordance with § 735.403(d) of the Commission's regulations, employees in the following positions shall submit statements of employment and financial interests as employees occupying positions the basic duties and responsibilities of which require the incumbent to exercise judgment in making or recommending a Government decision or in taking or recommending Government action in regard to contracting or procurement; administering or monitoring grants or subsidies; regulating or auditing private or other non-Federal enterprise; or other activities where the decision or action has an economic impact on the interests of any non-Federal enterprise (some positions meeting these criteria have been excluded as positions at such a level of responsibility that the submission of statements of employment and financial interests by the incumbents are not necessary because of the degree of supervision and review of the incumbents and the remote and inconsequential effect on the integrity of the Government):

Lieutenant Governor.
Secretary, Panama Canal Company.
Comptroller.
Deputy Comptroller.
Executive Secretary.
Deputy Executive Secretary.
General Counsel.
Assistant General Counsels.
Chief, Executive Planning Staff.
Assistant Chief, Executive Planning Staff.
Marine Director.
Chief, Navigation Division.
Chief, Industrial Division.
Transportation and Terminals Director.
Assistant Transportation and Terminals Director.
Superintendent, Terminals Division.
Engineering and Construction Director.
Assistant Engineering and Construction Director.
Chief, Construction Division.
Designing Engineer.
Assistant Designing Engineer.
Chief, Specifications and Estimating Branch.
Supply and Community Service Director.
Deputy Supply and Community Service Director.
Assistant Supply and Community Service Director.
Chief, Community Services Division.
General Manager, Supply Division.
Assistant General Manager, Supply Division.
General Merchandise Manager, Supply Division.
Superintendent, Retail Store Branch.
Assistant Superintendent, Retail Store Branch.
Superintendent, Service Center Branch.
Assistant Superintendent, Service Center Branch.
Chief, Motion Picture Section.
Superintendent, Storehouse Branch.
Assistant Superintendent, Storehouse Branch.
Chief, Warehousing, Scrap and Salvage Section.
Chief, Procurement Division New Orleans.
Chief, License Section.

(b) In accordance with § 735.403(e) of the Commission's regulations (5 CFR 735.403(e)), employees in the following positions shall submit statements of employment and financial interests:

Personnel Director.
Deputy Personnel Directors.
Civil Affairs Director.
Assistant Civil Affairs Director.
Chief, Customs Division.
Chief, Police Division.
Chief, Internal Security Office.
Panama Canal Information Officer.
Health Director.

(c) Additions to, deletions from, and other amendments of the lists of positions in paragraphs (a) and (b) of this section are effective upon approval by the Governor and actual notification of the incumbents. The amended paragraphs (a) and (b) shall be submitted annually for publication in the FEDERAL REGISTER.

§ 255.735–73 Time and place for submission of employees' statements.

An employee required to submit a statement of employment and financial interests under the regulations in this part shall submit that statement to the Counselor not later than:

(a) Ninety days after the effective date of the regulations in this part if employed on or before that effective date; or

(b) Thirty days after his entrance on duty, but not earlier than 90 days after the effective date, if appointed after that effective date.

§ 255.735–74 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement at the end of the quarter in which the changes occur. Quarters end March 31, June 30, September 30, and December 31. If there are no changes or additions in a quarter, a negative report is not required. However, for the purpose of annual review, a supplementary statement, negative or otherwise, is required as of June 30 each year.

§ 255.735–75 Interest of employees' relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 255.735–76 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 255.735–77 Information prohibited.

The regulations in this part do not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 255.735–78 Confidentiality of employees' statements.

Each statement of employment and financial interests submitted in accordance with the regulations in this part shall be held in confidence. Information from a statement may not be disclosed except as the U.S. Civil Service Commission or the Governor may determine for good cause.

§ 255.735–79 Effect of employees' statements or other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 255.735–80 Statements required from special Government employees.

(a) Except as provided in paragraph (b) of this section, each special Government employee shall submit to the Counselor a statement of employment and financial interests which reports:

(1) All other employment; and

(2) The financial interests of the special Government employee which relate either directly or indirectly to his duties and responsibilities with the Panama Canal agencies.

(b) The requirements of paragraph (a) of this section for the submission of a statement of employment and financial interests may be waived by the Governor in the case of a special Government employee who is not a consultant or an expert when it is determined that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

(c) A statement of employment and financial interests required by this section shall be submitted to the Counselor not later than the time of employment of the special Government employee. Each special Government employee shall keep his statement current throughout his employment with the Panama Canal agencies by the submission of supplementary statements.

(d) The provisions of §§ 255.735–75 255.735–77, 255.735–78, and 255.735–79 shall apply to persons and statements covered by this section.

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PART 3

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PART III

Department of Agriculture
Consumer and Marketing
Service

DAIRY PRODUCTS

Minimum Specifications for Plant
Manufacturing, Processing
and Packing



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 58]

DAIRY PRODUCTS

Minimum Specifications for Plants Manufacturing, Processing and Packaging

Notice is hereby given that the USDA is considering the issuance, as hereinafter proposed, of General Specifications For Dairy Plants Approved For USDA Inspection and Grading Service, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Statement of considerations. The proposed General Specifications For Dairy Plants Approved For USDA Inspection and Grading Service, hereinafter referred to as General Specifications, will supersede the current provisions of "Minimum Specifications For Approved Plants Manufacturing, Processing and Packaging Dairy Products Under USDA Inspection" (7 CFR 58.101–58.195).

The General Specifications will be used by the Department in continuing to provide the dairy industry with a voluntary plant survey service applicable to processed or manufactured dairy products. Such plant surveys, which are a function of the Department's Consumer and Marketing Service, Dairy Division, are provided to the Dairy Industry upon request by the applicant. Full cost of the service is borne by the company or individual utilizing the service.

The provisions of the General Specifications have been made current and provide more specificity to individual product processing and manufacturing operations. The provisions, therefore, establish more adequately the means for determining the approval of dairy plants for Inspection or Grading Service. Dairy plants which are surveyed and approved are listed semiannually in a Department publication, "Dairy Plants Surveyed and Approved for USDA Grading Service."

Preparation of the General Specifications is largely based on the Department's experience during the past 20 years in providing voluntary inspection and grading service to dairy plants. In addition, several former drafts were formulated and sent out for comment; many recommendations have been incorporated from the comments received from colleges, trade associations, members of the dairy industry, and State and Federal authorities.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112A, Administration Building, Washington, D.C. 20250 not later than 90 days after publication of this notice in the FEDERAL REGISTER. All written submissions pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed revision is as follows:

Subpart B—General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service [1]

DEFINITIONS

Sec.
58.101 Meaning of words.

PURPOSE

58.122 Approved plants under USDA inspection and grading service.

APPROVED PLANTS

58.123 Survey and approval.
58.124 Denial or suspension of plant approval.

PREMISES, BUILDINGS, FACILITIES, EQUIPMENT AND UTENSILS

58.125 Premises.
58.126 Buildings.
58.127 Facilities.
58.128 Equipment and utensils.

PERSONNEL, CLEANLINESS AND HEALTH

58.129 Cleanliness.
58.130 Health.

PROTECTION AND TRANSPORT OF RAW MILK AND CREAM

58.131 Equipment and facilities.

QUALITY SPECIFICATIONS FOR RAW MILK

58.132 Basis for classification.
58.133 Appearance and odor.
58.134 Sediment content.
58.135 Bacterial estimate.
58.136 Rejected milk.
58.137 Excluded milk.
58.138 Quality testing of milk from new producers.
58.139 Record of tests.
58.140 Field service.
58.141 Alternate quality control program.

OPERATIONS AND OPERATING PROCEDURES

58.142 Product quality and stability.
58.143 Raw product storage.
58.144 Pasteurization or sterilization.
58.145 Composition and wholesomeness.
58.146 Cleaning and sanitizing treatment.
58.147 Insect and rodent control program.
58.148 Plant records.
58.149 Alternate quality control programs for dairy products.

PACKAGING AND GENERAL IDENTIFICATION

58.150 Containers.
58.151 Packaging and repackaging.
58.152 General identification.

STORAGE OF FINISHED PRODUCT

58.153 Dry storage.
58.154 Refrigerated storage.

INSPECTION, GRADING AND OFFICIAL IDENTIFICATION

58.155 Grading.
58.156 Inspection.
58.157 Inspection or grading certificates.
58.158 Official identification.

LOCAL OR STATE REQUIREMENTS

58.159 Local or State regulations and specifications.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

EXPLANATION OF TERMS

Sec.
58.160 Terms.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING NONFAT DRY MILK, DRY WHOLE MILK, DRY BUTTERMILK AND DRY WHEY

DEFINITIONS

58.205 Meaning of words.

ROOMS AND COMPARTMENTS

58.210 Dry storage of product.
58.211 Packaging room for bulk products.
58.212 Hopper or dump room.
58.213 Repackaging room.

EQUIPMENT AND UTENSILS

58.214 General construction repair and installation.
58.215 Preheaters.
58.216 Hotwells.
58.217 Evaporators and/or vacuum pans.
58.218 Surge tanks.
58.219 High pressure pumps and lines.
58.220 Spray dryers.
58.221 Collectors and conveyors.
58.222 Dry dairy product cooling equipment.
58.223 Special treatment equipment.
58.224 Sifters.
58.225 Clothing and shoe covers.
58.226 Portable and stationary bulk bins.
58.227 Sampling device.
58.228 Dump hoppers, screens, mixers and conveyors.
58.229 Filler and packaging equipment.
58.230 Heavy duty vacuum cleaners.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

58.231 General.
58.232 Milk.
58.233 Skim milk.
58.234 Buttermilk.
58.235 Whey.

OPERATIONS AND OPERATING PROCEDURES

58.236 Pasteurization and heat treatment.
58.237 Condensed surge supply.
58.238 Condensed storage tanks.
58.239 Drying.
58.240 Cooling dry products.
58.241 Packaging, repackaging and storage.
58.242 Product adulteration.
58.243 Checking quality.
58.244 Number of samples.
58.245 Method of official sample analysis.
58.246 Cleaning of dryers, conveyors, sifters and storage bins.
58.247 Insect and rodent control program.

QUALITY REQUIREMENTS FOR FINISHED PRODUCTS BEARING THE USDA GRADE LABEL OR QUALITY APPROVED INSPECTION SHIELD

58.248 Nonfat dry milk.
58.249 Instant nonfat dry milk.
58.250 Dry whole milk.
58.251 Dry buttermilk.
58.252 Dry whey.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING BUTTER AND RELATED PRODUCTS

DEFINITIONS

58.305 Meaning of words.

ROOMS AND COMPARTMENTS

58.311 Coolers and freezers.
58.312 Churn rooms.
58.313 Print and bulk packaging rooms.

EQUIPMENT AND UTENSILS

Sec.
58.314 General construction repair and installation.
58.315 Continuous churns.
58.316 Conventional churns.
58.317 Bulk butter trucks, boats and packers.
58.318 Butter, frozen or plastic cream melting machines.
58.319 Printing equipment.
58.320 Brine tanks.
58.321 Starter vats.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.322 Cream.
58.323 Whipped butter.
58.324 Butteroil.
58.325 Anhydrous milkfat.
58.326 Plastic cream.
58.327 Frozen cream.
58.328 Salt.
58.329 Color.
58.330 Butter starter cultures.
58.331 Starter distillate.

OPERATIONS AND OPERATING PROCEDURES

58.332 Segregation of raw material.
58.334 Pasteurization.
58.335 Quality control tests.
58.336 Frequency of sampling for quality control.
58.337 Official test methods.
58.338 Composition and wholesomeness.
58.339 Containers.
58.340 Printing and packaging.
58.341 Repackaging.
58.342 General identification.
58.343 Storage of finished product in coolers.
58.344 Storage of finished product in freezer.

QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA GRADE LABEL OR QUALITY APPROVED INSPECTION SHIELD

58.345 Butter.
58.346 Whipped butter.
58.347 Butteroil or anhydrous milkfat.
58.348 Plastic cream.
58.349 Frozen cream.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING CHEDDAR CHEESE AND SIMILAR VARIETIES

DEFINITIONS

58.405 Meaning of words.

ROOMS AND COMPARTMENTS

58.406 Starter room.
58.407 Make room.
58.408 Drying room.
58.409 Paraffining room.
58.410 Rindless block wrapping room.
58.411 Coolers or curing rooms.
58.412 Cutting and packaging rooms.

EQUIPMENT AND UTENSILS

58.413 General construction repair and installation.
58.414 Starter vats.
58.415 Cheese vats.
58.416 Mechanical agitators.
58.417 Curd milk and miscellaneous equipment.
58.418 Hoops and followers.
58.419 Press.
58.420 Rindless cheese press.
58.421 Paraffin tanks.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

58.422 Milk.
58.423 Hydrogen peroxide.
58.424 Catalase.
58.425 Cheese starter cultures.
58.426 Calcium chloride.
58.427 Color.
58.428 Rennet, pepsin, or other coagulating enzymes.
58.429 Salt.

OPERATIONS AND OPERATING PROCEDURES

58.430 Cheese from pasteurized milk.
58.431 Cheese from unpasteurized milk.
58.432 Time schedule.
58.433 Laboratory and quality control tests.
58.435 Whey disposal.
58.436 Curing.
58.437 Packaging and repackaging.
58.438 General identification.

QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA GRADE LABEL, OR QUALITY APPROVED INSPECTION SHIELD

58.439 Cheddar cheese.
58.440 Colby cheese.
58.441 Washed curd, soaked curd cheese.
58.442 Granular, stirred curd cheese.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING COTTAGE CHEESE

DEFINITIONS

58.505 Meaning of words.

ROOMS AND COMPARTMENTS

58.510 Rooms and compartments.

EQUIPMENT AND UTENSILS

58.511 General construction repair and installation.
58.512 Cheese vats.
58.513 Agitators.
58.514 Container fillers.
58.515 Mixers.
58.516 Starter vats.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.517 General.
58.518 Milk.
58.519 Dairy products.
58.520 Nondairy ingredients.

OPERATIONS AND OPERATING PROCEDURES

58.521 Pasteurization and product flow.
58.522 Reconstituting nonfat dry milk.
58.523 Manufacture of cottage cheese.
58.524 Washing and cooling.
58.525 Dressing the curd.
58.526 Laboratory and quality control tests.
58.527 Packaging and general identification.
58.528 Storage of finished product.

QUALITY REQUIREMENTS FOR COTTAGE CHEESE BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

58.529 Physical requirements.
58.530 Microbiological requirements at time of packaging in three out of five consecutive samples.
58.531 Chemical requirements.
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SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING ICE CREAM AND RELATED PRODUCTS

DEFINITIONS

58.605 Meaning of words.

ROOMS AND COMPARTMENTS

58.619 Mix processing room.
58.620 Freezing and packaging rooms.
58.621 Freezing tunnels.
58.622 Hardening and storage rooms.

EQUIPMENT AND UTENSILS

58.623 Homogenizer.
58.624 Freezers.
58.625 Fruit or syrup feeders.
58.626 Packaging equipment.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

Sec.
58.627 Milk and dairy products.
58.628 Sweetening agents.
58.629 Flavoring agents.
58.630 Stabilizers.
58.631 Emulsifiers.
58.632 Acid.
58.633 Color.

OPERATIONS AND OPERATING PROCEDURES

58.634 Assembling and combining mix ingredients.
58.635 Pasteurization of the mix.
58.636 Homogenization.
58.637 Cooling the mix.
58.638 Freezing the mix.
58.639 Addition of flavor.
58.640 Packaging.
58.641 Hardening and storage.
58.642 Quality control tests.
58.643 Frequency of sampling.
58.644 Test methods.
58.645 General identification.
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QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

58.647 Composition requirements for ice cream.
58.648 Microbiological requirements for ice cream.
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58.653 Microbiological requirements for fruit sherbet.
58.654 Physical requirements for fruit sherbet.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING PASTEURIZED PROCESS CHEESE AND RELATED PRODUCTS

DEFINITIONS

58.705 Pasteurized process cheese and related products.

EQUIPMENT AND UTENSILS

58.706 General construction, repair and installation.
58.707 Conveyors.
58.708 Grinders or shredders.
58.709 Cookers.
58.710 Fillers.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.711 Cheddar, colby, washed or soaked curd, granular or stirred curd cheese.
58.712 Swiss.
58.713 Gruyere.
58.714 Cream cheese.
58.715 Cream.
58.716 Nonfat dry milk.
58.717 Whey.
58.718 Flavor ingredients.
58.719 Coloring.
58.720 Acidifying agents.
58.721 Salt.
58.722 Emulsifying agents.

OPERATION AND OPERATING PROCEDURES

58.723 Basis for selecting cheese for processing.
58.724 Blending.
58.725 Trimming and cleaning.
58.726 Cutting and grinding.
58.727 Adding optional ingredients.
58.728 Cooking the batch.
58.729 Forming containers.
58.730 Filling containers.
58.731 Closing and sealing containers.
58.732 Cooling the packaged cheese.
58.733 Quality control tests.

QUALITY REQUIREMENTS FOR PROCESSED CHEESE PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

58.734 Pasteurized process cheese.
58.735 Pasteurized process cheese food.
58.736 Pasteurized process cheese spread.
58.737 Explanation of terms.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS PROCESSING, MANUFACTURING AND PACKAGING MILK OR MILK PRODUCTS

DEFINITIONS

58.805 Milk and milk products.

EQUIPMENT AND UTENSILS

58.810 General construction repair and installation.
58.811 Vacuum chamber.
58.812 Leak protector valves.
58.813 Fillers and sealers for single service containers.
58.814 Bottle washers and sanitizers.
58.815 Case washers.
58.816 Bottle fillers and cappers.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.817 Milk.
58.818 Cream.
58.819 Dairy cultures.
58.820 Milk-solids-not-fat.

OPERATIONS AND OPERATING PROCEDURES

58.821 General.
58.822 Bulk milk pickup.
58.823 Transfer of bulk milk.
58.824 Storage.
58.825 Separating and standardizing.
58.826 Pasteurization and homogenization.
58.827 Preparation and processing of batch products.
58.828 Preparation and processing of cultured dairy products.
58.829 Single service containers.
58.830 Container adhesives.
58.831 Multiuse containers.
58.832 Filling containers.
58.833 Product storage.
58.834 Quality control tests.
58.835 Frequency of sampling.
58.836 Test methods.
58.837 General identification.
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QUALITY REQUIREMENTS FOR PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

58.839 General.
58.840 Milk.
58.841 Low fat milk.
58.842 Skim milk.
58.843 Half and half.
58.844 Light cream.
58.845 Whipping cream.
58.846 Whipped cream.
58.847 Sour cream.
58.848 Cultured buttermilk.
58.849 Chocolate milk or milk products.
58.850 Chocolate flavored milk or milk products.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING EVAPORATED, CONDENSED OR STERILIZED MILK PRODUCTS

DEFINITIONS

58.905 Meaning of words.

EQUIPMENT AND UTENSILS

58.912 General construction repair and installation.
58.913 Evaporators and vacuum pans.
58.914 Fillers.
58.915 Batch or continuous in-container sterilizers.
58.916 Homogenizer.

OPERATIONS AND OPERATING PROCEDURES

Sec.
58.917 General.
58.918 Standardization.
58.919 Preheat, pasteurization.
58.920 Homogenization.
58.921 Concentration.
58.922 Sterilization.
58.923 Filling containers.
58.924 Aseptic filling.
58.925 Sweetened condensed.
58.926 Heat stability.
58.927 Storage.
58.928 Quality control tests.
58.929 Suitability screening test.
58.930 Frequency of sampling for quality control.
58.931 Official test methods.
58.932 General identification.

QUALITY SPECIFICATIONS FOR RAW MATERIALS TO BE USED IN PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

58.933 Milk.
58.934 Stabilizers.
58.935 Sugars.
58.936 Chocolate and cocoa.

QUALITY REQUIREMENTS FOR FINISHED PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

58.937 Physical requirements for evaporated milk.
58.938 Physical requirements and microbiological limits for sweetened condensed milk.
58.939 Physical requirements for sterilized milk.
58.940 Physical requirements for sterilized milk concentrate.
58.941 Physical requirements for sterilized chocolate (flavored) milk or drink.

AUTHORITY: The provisions of this Subpart B issued under Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

DEFINITIONS

§ 58.101 Meaning of words.

For the purpose of the regulations of this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Act.* The applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), or any other Act of Congress conferring like authority.

(b) *Administrator.* The Administrator of the Consumer and Marketing Service or any other officer or employee of the Consumer and Marketing Service of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

(c) *Approved laboratory.* A laboratory in which the facilities and equipment used for official testing have been approved by the Administrator as being adequate to perform the necessary official tests in accordance with this part.

(d) *Approved plant.* One or more adjacent buildings, or parts thereof, comprising a single plant at one location in which the facilities and methods of operation therein have been surveyed and approved by the Administrator as suitable and adequate for inspection or grading service, in accordance with this part.

(e) *Sanitizing treatment.* Subjection of a clean product contact surface to an acceptable sanitizing agent of sufficient strength, and for a duration of time, as to effectively destroy micro-organisms.

(f) *Continuous resident service or resident service.* Inspection or grading service performed at a dairy manufacturing plant or grading station by an inspector or grader assigned to the plant or station on a continuous year-around resident basis.

(g) *Continuous nonresident service.* Inspection or grading service performed by an inspector or grader temporarily assigned to a plant on a continuous, short-term, nonresident basis to perform service such as supervision of packaging or processing products for contract delivery.

(h) *Dairy products.* Butter, cheese (whether natural or processed), skim milk, cream, milk products (whether dry, evaporated, stabilized or condensed), ice cream, dry whey, dry buttermilk, and any other food product which is prepared or manufactured in whole or in part from any of the aforesaid products, as the Administrator may hereafter designate.

(i) *Grader.* Any employee of the Department authorized by the Secretary or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the Act and this part, to shippers of products and other interested parties, the class, quality, quantity and condition of such products.

(j) *Inspector.* Any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to inspect and certify quality, quantity and condition of products, observe the manufacturing, processing, packaging and handling of dairy products, and to perform dairy plant surveys in accordance with the regulations of this part.

(k) *Inspection or grading service.* Means in accordance with this part, the act of (1) drawing samples of any product; (2) determining the class, grade, quality, composition, size, quantity, or condition of any product by examining each unit or representative samples; (3) determining condition of product containers; (4) identifying any product or packaging material by means of official identification; (5) regrading or appeal grading of a previously graded product; (6) inspecting dairy plant facilities, equipment, and operations; such as, processing, manufacturing, packaging, repackaging, and quality control; (7) supervision of packaging inspected or graded product; (8) reinspection or appeal inspection; and (9) issuing an inspection or grading certificate or sampling, inspection, or other report related to any of the foregoing.

(l) *Milk.* The whole lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows located in modified accredited areas and modified certified areas or from cows in herds fully accredited as tuberculosis-free and certified brucellosis-free by the U.S. Department of Agriculture or in the process of being accredited.

(m) *Official methods.* Official Methods of Analysis of the Association of Official Agricultural Chemists, a publication of the Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

(n) *Plant survey.* An appraisal of a plant to determine the extent to which facilities, equipment, method of operation, and raw material being received are in accordance with the provisions of this part. The survey shall be used to determine suitability of the plant for USDA inspection or grading service.

(o) *Producer.* The person or persons who exercise control over the production of the milk delivered to a processing plant or receiving station and who receive payment for this product.

(p) *Quality control.* The inspection of the quality of the raw material and the conditions relative to the preparation of the product from its raw state through each step in the entire process. It includes the inspection of conditions under which the product is prepared, processed, manufactured, packed, and stored. In addition, assistance and guidance is offered to improve the raw milk quality, processing methods, quality, stability, and packaging and handling of the finished product.

(q) *Regulations.* The term "regulations" means the provisions contained in this part.

(r) *Secretary.* The Secretary of Agriculture or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(s) *Shall.* Expresses a provision that is mandatory.

(t) *Should.* Expresses recommended nonmandatory provisions which when followed would significantly aid in a quality improvement program.

(u) *Standard methods.* Standard Methods for the Examination of Dairy Products, a publication of the American Public Health Association, 1790 Broadway, New York, N.Y.

(v) *3–A Sanitary Standards and Accepted Practices.* The latest standards for dairy equipment and accepted practices formulated by the 3–A Sanitary Standards Committees representing the International Association of Milk, Food and Environmental Sanitarians, the U.S. Public Health Service and the Dairy Industry Committee. Published by the International Association of Milk and Food Sanitarians, Box 437, Shelbyville, Ind.

(w) *"USDA" or "Department."* Means the U.S. Department of Agriculture.

PURPOSE

§ 58.122 Approved Plants under USDA inspection and grading service.

(a) Adoption of certain sound practices at dairy plants will significantly aid the operators to manufacture more consistently, uniform high-quality stable dairy products. Only dairy products manufactured, processed and packaged in an approved plant may be graded or inspected and identified with official identification. The specifications established herein provide the basis for a quality improvement program which may be effectively carried forward through official inspection, grading, and quality control service.

(b) USDA inspection and grading service is provided to dairy product manufacturing plants on a voluntary basis. The operator of any dairy plant desiring to have such a plant qualified as an approved plant under USDA inspection and grading service may request surveys of such plant, premises, equipment, facilities, methods of operation, and raw material to determine whether they are adequate to permit inspection and grading service. The cost of this survey shall be borne by the applicant.

APPROVED PLANTS

§ 58.123 Survey and approval.

Prior to the approval of a plant, a designated representative of the Administrator shall make a survey of the plant, premises, storage facilities, equipment and raw material, volume of raw material processed daily and facilities for handling the products at the plant. The survey shall be made at least twice a year to determine whether the facilities, equipment, method of operation, and raw material being received are adequate and suitable for USDA inspection and grading service in accordance with the provisions of this part. To be eligible for approval a plant shall satisfactorily meet the specifications of this subpart.

§ 58.124 Denial or suspension of plant approval.

Plant approval may be denied or suspended if a determination is made by a designated representative of the Administrator that the plant is not performing satisfactorily in regard to (a) the classification of milk, (b) proper segregation and disposal on unwholesome raw materials, (c) adequate facilities and condition of processing equipment, (d) sanitary conditions of plant and equipment, (e) control of insects, rodents and other vermin, (f) use of nontoxic products contact surfaces and prevention of adulteration of raw materials and products with chemicals or other foreign material, (g) proper operating procedures, (h) the maintenance of legal composition of finished products, (i) the manufacture of stable dairy products, of desirable keeping quality characteristics, or (j) proper storage conditions for ingredients and dairy products, (k) suitable and effective packaging methods and material.

PREMISES, BUILDINGS, FACILITIES, EQUIPMENT, AND UTENSILS

§ 58.125 Premises.

(a) The premises shall be kept in a clean and orderly condition, and shall be free from strong or foul odors, smoke, or excessive air pollution. Construction and maintenance of driveways and adjacent plant traffic areas should be of cement, asphalt, or similar material to keep dust and mud to a minimum.

(b) Surroundings: The adjacent surroundings shall be free from refuse, rubbish, and waste materials to prevent harborage of rodents, insects and other vermin.

(c) Drainage: A suitable drainage system shall be provided which will allow rapid drainage of all water from plant buildings and drive ways, including surface water around the plant and on the premises, and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

§ 58.126 Buildings.

The building or buildings shall be of sound construction and shall be kept in good repair to prevent the entrance or harboring of rodents, birds, insects, vermin, dogs, and cats. All service pipe openings through outside walls shall be effectively sealed around the opening or provided with tight metal collars.

(a) *Outside doors, windows, openings, etc.* All openings to the outer air including doors, windows, skylights and transoms shall be effectively protected or screened against the entrance of flies and other insects, rodents, birds, dust and dirt. All outside doors opening into processing rooms shall be in good condition and tight fitting. All hinged, outside screen doors shall open outward. All doors and windows shall be kept clean and in good repair. Outside conveyor openings and other special-type outside openings shall be effectively protected to prevent the entrance of flies and rodents, by the use of doors, screens, flaps, fans or tunnels. Outside openings for sanitary pipelines shall be covered when not in use. On new construction window sills should be slanted downward at a 45° angle.

(b) *Walls, ceilings, partitions and posts.* The walls, ceilings, partitions, and posts of rooms in which milk, or dairy products are processed, manufactured, handled, packaged or stored (except dry storage of packaged finished products and supplies) or in which utensils are washed and stored, shall be smoothly finished with a suitable material of light color, which is substantially impervious to moisture and kept clean. They shall be refinished as often as necessary to maintain a neat, clean surface. A wainscoting of a suitable material of a darker color may be used to a height not exceeding 60 inches. For easier cleaning new construction should have rounded cove at the juncture of the wall and floor in all receiving, pasteurizing, manufacturing, packaging and storage rooms.

(c) *Floors.* (1) The floors of all rooms in which milk, or dairy products are processed, manufactured, packaged or stored or in which utensils are washed shall be constructed of tile properly laid with impervious joint material, concrete, or other equally impervious material. The floors shall be smooth, kept in good measured at a distance of 30 inches from pools of standing water or milk products after flushing, and all openings to the drains shall be equipped with traps properly constructed and kept in good repair. On new construction bell type traps shall not be used. The plumbing

shall be so installed as to prevent the back-up of sewage into the drain lines and to the floor of the plant.

(2) Sound, smooth wood floors which can be kept clean, may be used in rooms where new containers and supplies and certain packaged finished products are stored.

(d) *Lighting and ventilation.* (1) Light shall be ample, natural or artificial, or both, of good quality and well distributed. All rooms in which dairy products are manufactured or packaged or where utensils are washed shall have at least 30 foot-candles of light intensity on all working surfaces and at least 50 foot-candles of light intensity in areas where dairy products are graded or examined for condition and quality. In all other rooms there shall be provided at least 5 foot-candles of light intensity when measured at a distance of 30 inches from the floor. Where contamination of product by broken glass is possible, light bulbs and fluorescent tubes shall be protected against breakage.

(2) There shall be adequate heating, ventilation or air conditioning for all rooms and compartments to permit maintenance of sanitary conditions. Exhaust or inlet fans, vents, hoods or temperature and humidity control facilities shall be provided where and when needed to minimize or eliminate undesirable room temperatures, objectionable odors, moisture condensation or mold. Inlet fans should be provided with an adequate air filtering device to eliminate dirt and dust from the incoming air. Ventilation systems shall be cleaned periodically as needed and maintained in good repair. Exhaust outlets shall be screened or provided with self closing louvers to prevent the entrance of insects when not in use.

(e) *Rooms and compartments.* Rooms and compartments in which any raw material, packaging, ingredient supplies, or dairy products are handled, manufactured, packaged or stored shall be so designed, constructed and maintained as to assure desirable room temperatures and clean and orderly operating conditions free from objectionable odors and vapors. Enclosed bulk milk receiving rooms when present shall be separated from the processing rooms by a partition. Rooms for receiving can milk shall be separated from the processing rooms by a partition (partial or complete), by suitable arrangement of equipment or by allowing enough distance between receiving and processing operations to avoid possible contamination of milk or dairy products during manufacturing and handling. Processing rooms shall be kept free from equipment and materials not regularly used.

(f) *Coolers and freezers.* Coolers and freezers where dairy products are stored shall be clean, reasonably dry and maintained at the proper uniform temperature and humidity to adequately protect the product, and minimize the growth of mold. Adequate circulation of air shall be maintained at all times. They shall be free from rodents, insects, and pests. Shelves shall be kept clean and dry. Refrigeration units shall have provisions for collecting and disposing of condensate.

(2) *Supply room.* The supply rooms used for the storing of packaging materials, containers, and miscellaneous ingredients shall be kept clean, dry, orderly, free from insects, rodents, and mold and maintained in good repair. Such items stored therein shall be adequately protected from dust, dirt, or other extraneous matter and so arranged on racks, shelves or pallets to permit access to the supplies and cleaning and inspection of the room. Insecticides, rodenticides, cleaning compounds and other nonfood products shall be properly labeled and segregated, and stored in a separate room or cabinet away from milk, dairy products, ingredients or packaging supplies.

(3) *Boiler, and tool rooms.* The boiler, and tool rooms shall be separated from other rooms where milk, and dairy products are processed, manufactured, packaged, handled or stored. Such rooms shall be kept orderly and reasonably free from dust and dirt.

(4) *Toilet and dressing rooms.* Adequate toilet and dressing room facilities shall be conveniently located. (i) Toilet rooms shall not open directly into any room in which milk or dairy products are processed, manufactured, packaged or stored; doors shall be self closing; ventilation shall be provided by mechanical means or screened openings to the outer air; fixtures shall be kept clean and in good repair. (ii) All employees shall be furnished with a locker or other suitable facility and the lockers and dressing rooms shall be kept clean and orderly. Adequate hand-washing facilities shall be provided and durable, legible signs shall be posted conspicuously in each toilet or dressing room directing employees to wash their hands before returning to work.

(5) *Laboratory.* (i) Consistent with the size and type of plant and the volume of dairy products manufactured, an adequately equipped laboratory shall be maintained and properly staffed with qualified and trained personnel for quality control and analytical testing. The laboratory shall be located reasonably close to the processing activity. It shall be of sufficient size to perform tests necessary in evaluating the quality of raw and finished products.

(ii) Approved laboratories shall be supervised by the USDA resident inspector in all aspects of official testing and reporting results. Plant laboratory personnel in such plants may be licensed by the USDA to perform official duties. An approved central control laboratory serving more than one plant may be acceptable, if conveniently located to the dairy plants, and if samples and results can be transmitted without undue delay.

(6) *Starter facilities.* Adequate facilities shall be provided for the handling of starter cultures. The facilities shall be sufficiently isolated (preferably a separate room), and shall not be located near cheese vats, whey separators or tanks where contamination is most likely to occur.

(7) *Resident grading and inspection room.* Resident plants shall furnish a room or designated area for the grading and inspection of products. The room or area shall be suitably located, sufficient in size, well lighted, ventilated and the temperature shall be not less than 60° F. It shall be kept clean and dry, free from foreign odors and reasonably free from disturbing elements which would interfere with proper concentration by the grader or inspector. The grading or inspection room or area shall be equipped with a table or desk and convenient facilities for washing hands.

(8) *Resident inspector's facilities.* In resident plants, an office or space shall be provided for official purposes. The room or space shall be conveniently located, preferably in or near the approved laboratory, adequate in size, and equipped with desk and a lockable storage supply cabinet, and clothes locker. It shall be well lighted, ventilated or air conditioned, heated, and custodial service furnished on a regular basis.

§ 58.127 Facilities.

(a) *Water supply.* (1) There shall be an ample supply of both hot and cold water of safe and sanitary quality, with adequate facilities for its proper distribution throughout the plant, and protection against contamination and pollution. Water from other facilities, when officially approved, may be used for boiler feed water and condenser water provided that such water lines are completely separated from the water lines carrying the sanitary water supply, and the equipment is so constructed and controlled as to preclude contamination of product contact surfaces. There shall be no cross connection between safe water lines and unsafe water lines or between public and private water supplies. Bacteriological examinations shall be made of the sanitary water supply at least twice a year, or as often as necessary to determine purity and suitability for use in manufacturing dairy products. Such tests shall be made by a USDA or State agency laboratory except for supplies that are regularly tested for purity and bacteriological quality, and approved by the local health officer. The results of all water tests shall be kept on file for at least 6 months for examination by the inspector.

(2) The location, construction, and operation of any well shall comply with regulations of the appropriate agency.

(b) *Drinking-water facilities.* Drinking-water facilities of a sanitary type shall be provided in the plant and shall be conveniently located.

(c) *Hand-washing facilities.* Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, or other detergents, and sanitary single service towels or air driers. Such accommodations shall be located in or adjacent to toilet and dressing rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products. Vats for washing equipment or utensils shall not be used as hand-washing facilities. Self-closing metal or

plastic containers shall be provided for used towels and other wastes.

(d) *Steam.* Steam shall be supplied in sufficient volume and pressure for satisfactory operation of each applicable piece of equipment. Culinary steam used in direct contact with milk or dairy products shall be free from harmful substances or extraneous material and only nontoxic boiler compounds shall be used, or a secondary steam generator shall be used in which soft water is converted to steam and no boiler compounds are used. Steam traps, strainers and condensate traps shall be used wherever applicable to insure a satisfactory and safe steam supply. Culinary steam shall comply with the recommended practices for "Producing Culinary Steam for Processing Milk and Milk Products" as published by the National Association of Dairy Equipment Manufacturers, Washington, D.C., April 1963 or latest revision thereof.

(e) *Air under pressure.* The method for supplying air under pressure which comes in contact with milk or dairy products or any product contact surface shall comply with the 3–A Accepted Practices for Supplying Air Under Pressure. The air used at the point of application shall be free from volatile substances, volatiles which may impart any flavor or odor to the products, and extraneous or harmful substances.

(f) *Disposal of wastes.* Dairy wastes shall be properly disposed of from the plant and premises. The sewer system shall have sufficient slope and capacity to readily remove all waste from the various processing operations. Where a public sewer is not available, all wastes shall be properly disposed of so as not to contaminate milk equipment or to create a nuisance or public health hazard. Containers used for the collection and holding of wastes shall be constructed of metal, plastic, or other equally impervious material and kept covered with tight fitting lids and placed outside the plant on a concrete slab or on a rack at least 12 inches above the ground. Solid wastes shall be disposed of regularly and the containers cleaned before re-use. Accumulation of dry waste paper and cardboard shall be kept to a minimum. The paper shall be burned at the plant in an approved incinerator or compressed or bagged and hauled away.

§ 58.128 Equipment and utensils.

(a) *General construction, repair, and installation.* (1) The equipment and utensils used for the processing of milk and manufacture of dairy products shall be constructed to be readily demountable where necessary for cleaning and sanitizing. The product contact surfaces of all utensils and equipment such as holding tanks, pasteurizers, coolers, vats, agitators, pumps, sanitary piping and fittings or any specialized equipment shall be constructed of stainless steel, or other equally corrosion-resistant material. Nonmetallic parts having product contact surfaces shall meet 3–A Sanitary Standards for Plastic or Rubber and Rubber Like Materials.

(2) All equipment and piping shall be designed and installed so as to be easily accessible for cleaning, and shall be kept in good repair, free from cracks and corroded surfaces. New or rearranged equipment, shall be set out approximately 24 inches from any wall or spaced at least 24 inches between pieces of equipment which measure more than 48 inches on the parallel sides. (This shall not apply between storage tanks when only the faces of the tanks extend through the wall into the processing room.) All parts or interior surfaces of equipment, pipes (except certain piping cleaned-in-place), or fittings, including valves and connections shall be accessible for inspection. Milk and dairy product pumps shall be of a sanitary type and easily dismantled for cleaning or shall be of specially approved construction to allow effective cleaning in place.

(3) All C.I.P. systems shall comply with the 3–A Accepted Practices for Permanently Installed Sanitary Product, Pipelines, and Cleaning Systems.

(b) *Weigh cans and receiving tanks.* Weigh cans and receiving tanks shall meet the 3–A Sanitary Standards and shall be easily accessible for cleaning both inside and outside and shall be elevated above the floor and protected sufficiently with the necessary covers or baffles to prevent contamination from splash, condensate and drippage. Where necessary to provide easy access for cleaning of floors and adjacent wall areas, the receiving tank shall be equipped with wheels or casters to allow easy removal.

(c) *Can washers.* Can washers shall have sufficient capacity and ability to discharge a clean dry can and cover and shall be kept properly timed in accordance with the instructions of the manufacturer. They should be equipped with proper temperature controls on the wash and rinse tanks and the following additional devices: Prerinse jet, wash tank solution feeder, can sanitizing attachment, forced air vapor exhaust, and removable air filter on drying chamber. The water and steam lines supplying the washer shall maintain a reasonably uniform pressure and if necessary be equipped with pressure regulating valves. The steam pressure to the can washer should be not less than 80 pounds, and the temperature of the wash tank solution should not exceed 140° F.

(d) *Product storage tanks or vats.* Storage tanks or vats shall be fully enclosed or tightly covered and well insulated. The entire interior surface, agitator and all appurtenances shall be accessible for thorough cleaning and inspection. Any opening at the top of the tank or vat including the entrance of the shaft shall be suitably protected against the entrance of dust, moisture, insects, oil or grease. The sight glasses, if used, shall be sound, clear, and in good repair. Vats which have hinged covers shall be so designed that moisture, or dust on the surface cannot enter the vat when the covers are raised. If the storage tanks or vats are equipped with air agitation, the system shall be of an approved type and properly installed in accordance with the 3–A Accepted Practices for Supplying Air Under Pressure. Storage tanks or vats intended to hold product for longer than approximately 8 hours shall be equipped with adequate refrigeration and/or have adequate insulation. All storage tanks or vats should meet the appropriate 3–A Sanitary Standards and shall be equipped with thermometers in good operating order.

(e) *Separators.* All product contact surfaces of separators shall be free from rust and pits and insofar as practicable shall be of stainless steel or other equally noncorrosive metals.

(f) *Coil or dome type batch pasteurizers.* Coil or dome type batch pasteurizers shall be stainless steel lined and if the coil is not stainless steel or other equally noncorrosive metal it shall be properly tinned over the entire surface. Packing glands at the shaft ends of coil vats shall be of the removable type, except that existing equipment not provided with this type gland will be acceptable if the packing glands are maintained and operated without adverse effects. New or replacement units shall be provided with removable packing glands. Dome type pasteurizer agitators shall be stainless steel except that any non-metallic parts shall meet 3–A Sanitary Standards for Plastic or Rubber and Rubberlike Materials, as applicable. Each pasteurizer used for heating product at 165° F. or lower for 30 minutes or less shall be equipped with space-heating equipment and the necessary thermometers to insure a temperature at least 5° F. above that required for pasteurization of the product. There shall be adequate means of controlling the temperature of the heating medium. Batch pasteurizers shall have temperature indicating and recording devices.

(g) *High-temperature short-time pasteurizers.* When pasteurization is intended or required, an approved timing pump or device, temperature recorder, automatic flow diversion valve and holding tube or its equivalent, if not a part of the existing equipment, shall be installed on all HTST equipment used for pasteurization, to assure complete pasteurization. The entire facility shall meet the 3–A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High-Temperature Short Time Pasteurizers. After the HTST unit has been tested according to the 3–A Accepted Practices, the timing pump or device and the recorder controller shall be sealed at the correct setting to assure pasteurization. Sealing of the HTST unit shall be performed by the control authority having jurisdiction. When direct steam pasteurizers are used, the steam, prior to entering the product, shall be conducted through a steam strainer and a steam purifier equipped with a steam trap and only steam meeting the requirements for culinary steam shall be used.

(h) *Thermometers and recorders—*(1) *Indicating thermometers.* (i) Long stem indicating thermometers which are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be provided for checking the tem-

perature of pasteurization and cooling of products in vats and checking the accuracy of recording thermometers.

(ii) Short stem indicating thermometers, which are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be installed in the proper stationary position in all HTST, and dome type pasteurizers and all storage tanks where temperature readings are required.

(iii) Air space indicating thermometers, where applicable, which are accurate within 1° F., plus or minus, for the proper temperature range shall also be installed above the surface of the products pasteurized in vats, to make certain that the temperature of the foam and/or air above the products pasteurized also received the required minimum temperature treatment.

(2) *Recording thermometers.* (i) HTST recording thermometers that are accurate within 1° F., plus or minus, shall be used on each heat treating, pasteurizing or sterilizing unit to record the heating process.

(ii) Additional use of recording thermometers may be required where a record of temperature or time of cooling and holding is of significant importance.

(i) *Surface coolers.* Surface coolers shall be equipped with hinged or removable covers for the protection of the product. The edges of the fins shall be so designed as to divert condensate on non-product contact surfaces away from product contact surfaces. All gaskets or swivel connections shall be tight.

(j) *Plate type heat exchangers.* Plate type heat exchangers shall meet the 3-A Sanitary Standards for Construction and Installation. All gaskets shall be tight and kept in good operating order. Plates shall be opened after cleaning to inspect the plates, remove foreign particles, and to maintain the elasticity of the gasket material.

(k) *Internal return tubular heat exchangers.* Internal return tubular heat exchangers should meet the 3-A Sanitary Standards for Construction and Installation.

(l) *Pumps.* Pumps used for milk and dairy products shall be of the sanitary type and constructed to meet 3-A Sanitary Standards. Unless pumps are specifically designed for effective cleaning-in-place they shall be disassembled and thoroughly cleaned after use.

(m) *Scales.* (1) Small capacity scales shall be capable of the following accuracy, and shall be graduated in no higher than 1 ounce graduations.

Capacity in pounds	*Accuracy in ounces*
1 pound	1/16
2-3 inclusive	1/8
4-7 inclusive	3/16
8-14 inclusive	1/4
15-23 inclusive	1/2
24-74 inclusive	3/4

(2) Large capacity scales shall be capable of the following accuracy, and shall be graduated in no higher than 1/4 pound graduations.

Capacity in pounds	*Accuracy in ounces*
75-99 pounds inclusive	1
100-199 pounds inclusive	2
200-299 pounds inclusive	4

(n) *Homogenizers.* Homogenizers and High Pressure Pumps of the Plunger Type shall meet the 3-A Sanitary Standards.

(o) *New equipment and replacements.* New equipment and replacements, including all plastic parts and rubber and rubberlike materials for parts and gaskets having product contact surfaces, shall meet the then current 3-A Sanitary Standards. If 3-A Sanitary Standards are not available, such equipment and replacements shall meet the general requirements of this section.

(p) *Vacuum chamber.* The vacuum chamber, as used for flavor control, shall be made of stainless steel or other equally noncorrosive material. The unit shall be constructed to facilitate cleaning and all product contact surfaces shall be accessible for inspection. It shall be equipped with a vacuum breaker and a check valve at the product discharge line. If direct steam is used, it should also be equipped with a ratio controller to regulate the composition of the product. Only steam which meets the requirements for culinary steam shall be used. The incoming steam supply shall be regulated by an automatic solenoid valve which will cut off the steam supply in the event the flow diversion valve of the HTST pasteurizer is not in the forward flow position. The condenser shall be equipped with a water level control and an automatic safety shutoff valve.

PERSONNEL, CLEANLINESS AND HEALTH

§ 58.129 Cleanliness.

All employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking or otherwise soiling their hands. They shall keep their hands clean and follow good hygienic practices while on duty. Expectorating or use of tobacco in any form shall be prohibited in each room and compartment where any milk, dairy products, or supplies are prepared, stored or otherwise handled. Clean white or light-colored washable outer garments and caps (paper caps or hair nets acceptable) shall be worn by all persons engaged in receiving, testing, processing milk, manufacturing, packaging or handling dairy products.

§ 58.130 Health.

No person afflicted with a communicable disease shall be permitted in any room or compartment where milk and dairy products are prepared, manufactured or otherwise handled. No person who has a discharging or infected wound, sore or lesion on hands, arms, or other exposed portion of the body shall work in any dairy processing rooms or in any capacity resulting in contact with milk, or dairy products. Each employee whose work brings him in contact with the processing or handling of dairy products, containers or equipment shall have a medical and physical examination by a registered physician or by the local department of health at the time of employment. In addition an employee returning to work following illness from a communicable disease shall have a certificate from the attending physician to establish proof of complete recovery. Medical certificates attesting the fact that the employee when last examined was free from communicable disease shall be kept on file at the plant office.

PROTECTION AND TRANSPORT OF RAW MILK AND CREAM

§ 58.131 Equipment and facilities.

(a) (1) *Milk cans.* Cans used in transporting milk from dairy farm to plant shall be of such construction (preferably seamless with umbrella lids) as to be easily cleaned, and shall be inspected, repaired, and replaced as necessary to exclude substantially the use of cans and lids with open seams, cracks, rust, milkstone, or any unsanitary condition. Adequate provisions should be made so that milk in cans will be cooled immediately after milking to 60° F. or lower unless delivered to the plant within 2 hours after milking.

(2) *Farm bulk tanks.* Farm bulk tanks should meet 3-A Sanitary Standards for construction and should be installed preferably in a milk house in accordance with the requirements of the regulatory agency in jurisdiction. The bulk tanks should be designed and equipped with refrigeration to permit the cooling of the milk to 40° F. or lower within two hours after milking, and maintain it at 45° F. or below until picked up.

(b) (1) *Transporting milk or cream.* Vehicles used for the transportation of can milk or cream shall be of the enclosed type, constructed and operated to protect the product from extreme temperature, dust, or other adverse conditions and they shall be kept clean. Decking boards or racks shall be provided where more than one tier of cans is carried. Cans or vehicles used for the transportation of milk from the farm to the plant shall not be used for transporting skim milk, buttermilk, or whey to producers.

(2) *Transport tanks.* The exterior shell shall be clean and free from open seams or cracks which would permit liquid to enter the jacket. The interior shell shall be stainless steel and so constructed that it will not buckle, sag or prevent complete drainage. All product contact surfaces shall be smooth, easily cleaned and maintained in good repair. The pump and hose cabinet shall be fully enclosed with tight fitting doors and the inlet and outlet shall be provided with dust covers to give adequate protection from road dust. New and replacement transport tanks shall meet 3-A Sanitary Standards for Milk Transport Tanks.

(3) *Facilities for cleaning and sanitizing.* Enclosed or covered facilities shall be available for washing and sanitizing

of transport tanks, piping, and accessories, at central locations or at all plants that receive or ship milk or milk products in transport tanks.

(4) *Transfer of milk to transport tank.* Milk shall be transferred under sanitary conditions from farm bulk tanks through stainless steel piping or approved tubing. The sanitary piping and tubing shall be capped when not in use.

QUALITY SPECIFICATIONS FOR RAW MILK

§ 58.132 Basis for classification.

Raw milk for manufacturing purposes from all individual producers shall be based on the following: Organoleptic examination (appearance and odor), quality control tests for sediment content, and bacterial estimate. In addition, milk from cows treated with antibiotics shall be excluded for such period of time as is necessary to have the milk free from antibiotics. All milk received from producers shall not exceed Federal Food and Drug Administration's established limits for pesticide residues. Producers shall be promptly notified of any shipment or portion thereof of their milk that fails to meet any of these quality specifications.

§ 58.133 Appearance and odor.

The appearance and odor of acceptable raw milk shall be normal, fresh, and sweet. The milk shall be free from objectionable feed and other off-odors that would adversely affect the finished product, and it shall not show any abnormal condition (including, but not limited to curdled, ropy, bloody, or mastitic condition), as indicated by sight, odor, or other test procedures.

§ 58.134 Sediment content.

(a) *Method of testing.* Methods for determining sediment content of milk shall be those described in the latest edition of Standard Methods. For the testing of milk in cans, the off-the-bottom method shall be used. For testing bulk milk, a mixed 1-pint sample shall be tested. Sediment content shall be based on comparison with applicable charts of Sediment Standards described in Subpart T (§§ 58.2728 through 58.2731) of this part.

(b) *Sediment content classification of discs.* Milk in cans and in farm bulk tanks shall be classified for sediment content as follows:

(1) Sediment (off-the-bottom method): (1⅛-inch diameter disc):

No. 1—USDA Sediment Standard (not to exceed) 0.50 mg. (Acceptable).
No. 2—USDA Sediment Standard (not to exceed) 1.50 mg. (Acceptable).
No. 3—USDA Sediment Standard (not to exceed) 2.50 mg. (Probational) not over 10 days.
No. 4—USDA Sediment Standard (over 2.50 mg.) (Reject).

(2) Sediment (mixed sample): (0.40-inch diameter disc):

No. 1—USDA Sediment Standard (not to exceed) 0.0625 mg. (0.50 mg. equiv.)—(Acceptable).
No. 2—USDA Sediment Standard (not to exceed) 0.1875 mg. (1.50 mg. equiv.)—Acceptable).
No. 3—USDA Sediment Standard (not to exceed) 0.3125 mg. (2.50 mg. equiv.)—(Probational) not over 10 days.
No. 4—USDA Sediment Standard (over) 0.3125 mg. (2.5 mg. equiv.)—(Reject).

(c) *Frequency of tests.* At least once each month, at irregular intervals, the milk from each producer shall be tested as follows:

(1) *Milk in cans.* One or more cans of milk selected at random from each producer.

(2) *Milk in farm bulk tanks.* A sample shall be taken from each farm bulk tank.

(d) *Acceptance or rejection of milk.* If the sediment disc is classified as No. 1, No. 2, or No. 3, the producer's milk may be accepted. If the sediment disc is classified No. 4 the milk shall be rejected: *Provided,* That if the shipment of milk is commingled with other milk in a transport tank the next shipment shall not be accepted until its quality has been determined at the farm before being picked up; however, if the person making the test is unable to get to the farm before the next shipment it may be accepted but no further shipments shall be accepted unless the milk meets the requirements of No. 3 or better. In the case of milk classified as No. 3 or No. 4, if in cans, all cans shall be tested. Producers of No. 3 or No. 4 milk (cans or bulk) shall be notified immediately and shall be furnished applicable sediment discs and the next shipment shall be tested.

(e) *Retests.* (1) On test of the next shipment (if in cans, all cans shall be tested) milk classified as No. 1, No. 2, or No. 3, may be accepted, but No. 4 milk shall be rejected. Retests of bulk milk classified as No. 4 shall be made at the farm before pickup. The producers of No. 3 or No. 4 milk shall be notified immediately, furnished applicable sediment discs and the next shipment tested.

(2) This procedure of retesting successive shipments and accepting probational (No. 3) milk and rejecting No. 4 milk may be continued for not to exceed 10 calendar days. If at the end of this time all of the producer's milk does not meet the acceptable sediment content classification (No. 1 or No. 2) it shall be excluded from product.

§ 58.135 Bacterial estimate.

(a) *Method of testing.* Methods for determining the bacterial estimate of milk shall be those described in the latest edition of Standard Methods for the Examination of Dairy Products.

(b) *Bacterial estimate classification.* Milk shall be classified for bacterial estimate by one of the following methods:

Bacterial estimate classification	Direct microscopic clump count or standard plate count	Methylene blue test decolorized in	Resazurin reduction time to munsell color standard 5p 7/4
No. 1	Not over 500,000 per ml.	Not less than 4½ hours	Not less than 2½ hours.
No. 2	Not over 3,000,000	Not less than 2½ hours	Not less than 1½ hours.
Undergrade	Over 3,000,000	Less than 2½ hours	Less than 1½ hours.

(c) *Frequency of tests.* At least once each month, at irregular intervals, a mixed sample of each producer's milk shall be tested.

(d) *Acceptance of milk.* If the sample of milk is classified as No. 1 or No. 2 the producer's milk may be accepted without qualification. If the sample is classified as "Undergrade" (probational) the producer's milk may be accepted for a temporary period of four weeks. The producer of "Undergrade" milk shall be notified immediately.

(e) *Retests.* Additional samples shall be tested and classified at least weekly and the producer notified immediately of the results. This procedure of testing at least weekly and accepting "Undergrade" milk may be continued for a time period not exceeding four weeks. If at the end of this time the producer's milk does not meet the acceptable bacterial estimate requirements (No. 1 or No. 2), it shall be excluded from product.

§ 58.136 Rejected milk.

A plant shall reject specific milk from a producer if it fails to meet the requirements for sight and odor (§ 58.133) or if it is classified No. 4 for sediment content (§ 58.135). All reject milk in cans shall be identified with a reject tag.

§ 58.137 Excluded milk.

A plant shall not accept milk from a producer for use in products:

(a) If a new producer's milk does not meet the requirements for acceptable milk (§§ 58.134 and 58.135); or

(b) If the milk has been in a probational (No. 3) sediment content classification for more than ten calendar days (§ 58.134); or

(c) If the milk has been classified "Undergrade" for bacterial estimate for more than four successive weeks (§ 58.135).

§ 58.138 Quality testing of milk from new producers.

An examination shall be made on the first shipment of milk from producers shipping milk to a plant for the first time or after a period of nonshipment. The milk shall meet the requirements for "acceptable milk" (§§ 58.134 and 58.135). Thereafter, the milk shall be tested in accordance with the procedure established for regular shippers.

§ 58.139 Record of tests.

Accurate records, listing the results of quality tests of each producer, shall be kept on file at the receiving plant for at least 12 months and shall be available for examination by the inspector.

§ 58.140 Field service.

A representative of the plant should arrange to promptly visit each producer shipping milk which does not meet the requirements for acceptable milk, for the purpose of inspecting the equipment,

utensils and facilities at the farm and to offer constructive assistance for improvement in the quality of the milk. A representative of the plant should visit each producer as often as practicable to assist in and encourage the production of high quality milk.

§ 58.141 Alternate quality control program.

When a plant has in operation an acceptable quality program, at the producer level, which is approved by the Administrator as being effective in obtaining results comparable to or higher than the quality program as outlined above for milk or cream, then such a program may be accepted in lieu of the program herein prescribed.

OPERATIONS AND OPERATING PROCEDURES

§ 58.142 Product quality and stability.

The receiving, holding and processing of milk and cream and the manufacturing, handling, packaging, storing and delivery of dairy products shall be in accordance with clean and sanitary methods, consistent with good commercial practices to promote the production of the highest quality of finished product and improve product stability.

§ 58.143 Raw product storage.

(a) All milk shall be held and processed under conditions and at temperatures that will avoid contamination and rapid deterioration. Drip milk from can washers or any other source shall not be used for the manufacture of dairy products. Bulk milk in storage tanks within the dairy plant shall be handled in such a manner as to minimize bacterial increase and shall be maintained at 45° F. or lower until processing begins. This does not preclude holding milk at higher temperatures for a period of time, where applicable to particular manufacturing or processing practices.

(b) The bacteriological quality of commingled milk in storage tanks should be No. 2 or better.

§ 58.144 Pasteurization or sterilization.

When pasteurization or sterilization is intended or required, or when a product is designated "pasteurized" or "sterilized" every particle of the product shall be subjected to such temperatures and holding periods as will assure proper pasteurization or sterilization of the product. The heat treatment by either process shall be sufficient to insure public health safety and to assure adequate keeping quality, yet retaining the most desirable flavor and body characteristics of the finished product. The phenol value of check test samples of pasteurized finished product shall be no greater than the maximum specified for the particular product as determined and specified by the phosphatase test method prescribed in the latest edition of "Official Methods of Analysis of the Association of Official Agricultural Chemists."

§ 58.145 Composition and wholesomeness.

All necessary precautions shall be taken to prevent contamination or adulteration of the milk or dairy products during manufacturing. All substances and ingredients used in the processing or manufacturing of any dairy product shall be subject to inspection and shall be wholesome and practically free from impurities. The finished products shall comply with the requirements of the Federal Food, Drug, and Cosmetic Act as to their composition and wholesomeness.

§ 58.146 Cleaning and sanitizing treatment.

(a) *Equipment and utensils.* (1) The equipment, sanitary piping and utensils used in receiving and processing of the milk, and manufacturing and handling of the product shall be maintained in a sanitary condition. Packing glands shall be removable on all agitators, pumps, and vats and shall be inspected at regular intervals and kept clean. Unless other provisions are recommended in the following supplement sections, all equipment not designed for C.I.P. cleaning shall be disassembled after each days use for thorough cleaning. Dairy cleaners, detergents, wetting agents or sanitizing agents, or other similar materials which will not contaminate or adversely affect the products may be used. Steel wool or metal sponges shall not be used in the cleaning of any dairy equipment or utensils. All product contact surfaces shall be subjected to an effective sanitizing treatment immediately prior to use, except where dry cleaning is permitted. Utensils and portable equipment used in processing and manufacturing operations shall be stored above the floor in clean, dry locations and in a self-draining position on racks constructed of impervious corrosion-resistant material.

(2) C.I.P. cleaning, including sprayball systems, shall be used only on equipment and pipeline systems which have been designed and engineered for that purpose. When such cleaning is used, careful attention shall be given to the proper procedures to assure satisfactory cleaning. All C.I.P. installations and cleaning procedures shall be in accordance with 3–A Suggested Method for the Installation and Cleaning of Cleaned-In-Place Sanitary Milk Pipelines for Milk and Milk Products Plants. Because of the possibilities of corrosion, the recommendations of the cleaning compound manufacturer should be followed with respect to time, temperature and concentration of specific acid or alkaline solutions and bactericides. The established cleaning procedure shall be posted and followed. Such cleaning operation should be preceded by a thorough rinse at approximately 110–115° F. continuously discarding the water. Following the circulation of the cleaning solution the equipment and lines shall be thoroughly rinsed with lukewarm water and checked for effectiveness of cleaning. All caps, plugs, special fittings, valve seats, cross ends, pumps, plates, and tee ends shall be opened or removed and brushed clean. Immediately prior to starting the product flow, the product contact surfaces shall be given bactericidal treatment. Plates and pumps should be left open overnight, assembled and sanitized prior to use.

(b) *Milk cans and can washers.* (1) Milk cans and lids shall be cleaned, sanitized and dried before returning to producers. Inspection, repair, or replacement of cans and lids shall be adequate to substantially exclude from use cans and lids showing open seams, cracks, rust condition, milkstone, or any unsanitary condition.

(2) Washers shall be maintained in a clean and satisfactory operating condition and kept free from accumulation of scale or debris which will adversely affect the efficiency of the washer. Only washing compounds which are compatible with the water, for effective cleaning, should be used. The can washer should be checked regularly during the run for proper operation. At the end of the day, the wash and rinse tanks should be drained and cleaned, jets and strainers cleaned, air filters checked and changed or cleaned if needed, and checks should be made for proper adjustment and condition of mechanical parts.

(c) *Milk transport tanks.* A covered or enclosed wash dock and cleaning and sanitizing facilities shall be available to all plants that receive or ship milk in tanks. Milk transport tanks, sanitary piping, fittings, and pumps shall be cleaned and sanitized at least once each day, after use: *Provided*, That, if they are not be used immediately after emptying a load of milk, they shall be washed promptly after use and given bactericidal treatment immediately before use. After being washed and sanitized, each tank should be identified by a tag attached to the outlet valve, bearing the following information: Plant and specific location where cleaned, date and time of day of washing and sanitizing, and name of person who washed and name of person who sanitized the tank. The tag shall not be removed until the tank is again washed and sanitized.

(d) *Building.* All windows, glass, partitions, and skylights shall be washed as often as necessary to keep them clean. Cracked or broken glass shall be replaced promptly. The walls, ceilings, and doors shall be washed periodically and kept free from soil and unsightly conditions. The shelves and ledges shall be wiped or vacuumed as often as necessary to keep them free from dust and debris. The material picked up by the vacuum cleaners shall be disposed of by burning or other proper method to destroy any insects that might be present.

§ 58.147 Insect and rodent control program.

In addition to any commercial pest control service, if one is utilized a specially designated employee shall be made responsible for the performance of a regularly scheduled insect and rodent control program. Poisonous substances, insecticides and rodenticides shall be properly labeled, and shall be handled, stored and used in such a manner as not to create a public health hazard.

§ 58.148 Plant records.

Adequate plant records shall be maintained of all required tests and analyses performed in the laboratory or throughout the plant during processing and manufacturing, on all raw milk receipts and dairy products. Such records shall be available for examination at all reasonable times by the inspector. The following are the records which shall be maintained for examination.

(a) Sediment and bacterial test results on raw milk from each producer. Retain for 12 months.

(1) Routine tests and monthly summary of all producers showing number and percent of total in each class.

(2) Retests, if initial test places milk in probationary status.

(3) Rejections of raw milk over No. 3 in quality.

(b) Laboratory and plant quality control tests of dairy products as required in this part. Retain for 12 months.

(1) Bacteriological.

(2) Chemical analysis.

(3) Keeping quality.

(c) Pasteurization recorder charts. Retain for 6 months.

(d) Water supply test certificate. Retain current copy.

(e) Employee health certificate. Retain current copy.

§ 58.149 Alternate quality control programs for dairy products.

(a) When a plant has in operation an acceptable quality control program which is approved by the Administrator as being effective in obtaining results comparable to or higher than the quality control program as outlined in this subpart, then such a program may be accepted in lieu of the program herein prescribed.

(b) Where a minimum number of samples per batch of product, or per unit of time on continuous production runs are not specified, the phrase "as many samples shall be taken as is necessary to assure compliance to specific quality requirements" is used. Acceptable performance of this would be any method approved by the Administrator as meeting sound statistical methods of selecting samples and determining the number of samples to be taken.

PACKAGING AND GENERAL IDENTIFICATION

§ 58.150 Containers.

(a) The size, style, and type of packaging used for dairy products shall be commercially acceptable containers and packaging materials which will satisfactorily cover and protect the quality of the contents during storage and regular channels of trade and under normal conditions of handling. The weights and shape within each size or style shall be as nearly uniform as is practical.

(b) Packaging materials for dairy products shall be selected which will provide sufficiently low permeability to air and vapor to prevent the formation of mold growth and surface oxidation. In addition, the wrapper shall be resistant to puncturing, tearing, cracking, or breaking under normal conditions of handling, shipping, and storage. When special type packaging is used, the instructions of the manufacturers shall be followed closely as to its application and methods of closure.

§ 58.151 Packaging and repackaging.

(a) Packaging dairy products or cutting and repackaging all styles of dairy products shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and packaging material shall be practically free from mold and bacterial contamination. Methods for checking the level of contamination shall be as prescribed by the latest edition of Standard Methods or by other satisfactory methods approved by the Administrator.

(b) When officially graded bulk dairy products are to be repackaged into consumer type packages with official grade labels or other official identification, a supervisor of packaging shall be required, see Subpart A of this part (§§ 58.2 and 58.52). If the packaging or repackaging is done in a plant other than the one in which the dairy product is manufactured, the plant, equipment, facilities, and personnel shall meet the same requirements as outlined in this subpart.

§ 58.152 General identification.

All commercial bulk packages containing dairy products manufactured under the provisions of this subpart shall be adequately and legibly marked with the name of the product, net weight, name and address of processor or manufacturer or other assigned plant identification, lot number, and any other identification as may be required. Consumer packaged product shall be legibly marked with the name of the product, net weight, name and address of packer, manufacturer, or distributor and such other identification as may be required by the regulatory agency in jurisdiction.

STORAGE OF FINISHED PRODUCT

§ 58.153 Dry storage.

The product shall be stored or so arranged in aisles, rows, or sections and lots or in such a manner as to be orderly, easily accessible for inspection or for cleaning of room at least 18 inches from wall. It is recommended that dunnage or pallets be used when practical. Care shall be taken in the storage of any other product foreign to dairy products in the same room, in order to prevent impairment or damage to the dairy product from mold, absorbed odors, or vermin or insect infestation. Control of humidity and temperature shall be maintained at all times consistent with good commercial practices.

§ 58.154 Refrigerated storage.

The finished product shall be placed on shelves, dunnage, or pallets and properly identified. It shall be stored under temperatures that will best maintain the initial quality. The product shall not be exposed to anything from which it might absorb any foreign odors or be contaminated from drippage or condensation.

INSPECTION, GRADING AND OFFICIAL IDENTIFICATION

§ 58.155 Grading.

Dairy products which have been processed or manufactured in accordance with the provisions of this subpart may be graded by the grader in accordance with the U.S. Standards for Grades. Laboratory analyses, when required in determining the final grade shall be conducted in an approved laboratory.

§ 58.156 Inspection.

Dairy products, which have been processed or manufactured in an approved plant, for which there are no official U.S. Standards for Grades, shall be inspected for quality by the inspector in accordance with contract requirements or product specifications established by the U.S. Department of Agriculture or other Federal agency. Laboratory analysis when required shall be conducted in an approved laboratory.

§ 58.157 Inspection or grading certificates.

All dairy products which have been processed or manufactured, packaged and inspected or graded, in accordance with the provision of this part may be covered by an inspection or grading certificate issued by the inspector or grader.

§ 58.158 Official identification.

(a) Application for authority to apply official identification to packaging material or containers shall be made in accordance with the provisions of Subpart A of this part (§§ 58.49–58.57).

(b) Only dairy products received, processed, or manufactured in accordance with the specifications contained in this subpart and inspected and/or graded in accordance with the provisions of this part may be identified with official identification.

LOCAL OR STATE REQUIREMENTS

§ 58.159 Local or State regulations and specifications.

(a) Local or State regulations or specifications where applicable to the plant, equipment, raw material, product ingredients, facilities, sanitation or dairy products, which will produce a higher quality than those specified in this subpart, shall be applicable.

(b) Local or State health requirements when higher than those specified in this subpart shall be applicable.

EXPLANATION OF TERMS

§ 58.160 Terms.

(a) *Fresh and sweet.* Free from "old milk" flavor and odor of developed acidity or other off-flavors or off-odors.

(b) *Normal feed.* Regional feed flavors, such as alfalfa, clover, silage, or similar feeds or grasses (weed flavors, such as peppergrass, French weed, onion, garlic, or other obnoxious weeds, excluded).

(c) *Off-flavors or off-odors.* Flavors or odors, such as utensil, bitter, barny,

or other associated defects when present to a degree readily detectable.

(d) *Developed acidity.* An apparent increase from the normal acidity of the milk to a degree of flavor and odor which is detectable.

(e) *Extraneous-matter.* Foreign substances, such as filth, hair, insects and fragments thereof, and rodents, and materials, such as metal, fiber, wood, and glass.

(f) *Sediment.* Fine particles of material other than the foreign substances and materials defined in paragraph (e) of this section.

(g) *C.I.P.* The abbreviation of an approved system of cleaning equipment or pipelines called "Cleaned-in-Place."

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING NONFAT DRY MILK, DRY WHOLE MILK, DRY BUTTERMILK AND DRY WHEY

DEFINITIONS

§ 58.205 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Nonfat dry milk.* The pasteurized product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It shall not contain buttermilk, or any added preservative, neutralizing agent or other chemical.

(b) *Instant nonfat dry milk.* Nonfat dry milk which has been produced in such a manner as to substantially improve its dispersing and reliquification characteristics over that produced by the conventional process.

(c) *Dry whole milk.* The pasteurized product resulting from the removal of water from milk and contains the lactose, milk proteins, milk fat, and milk minerals in the same relative proportions as in the fresh milk from which made. The milk may be standardized but shall not contain buttermilk, or any added preservative, neutralizing agent or other chemicals.

(d) *Dry buttermilk.* The product resulting from drying liquid buttermilk, derived from the manufacture of sweet cream butter, which has been pasteurized either before or during the process of manufacture, with or without the addition of lactic culture and to which no alkali or other chemical preservative has been added.

(e) *Dry whey.* The product resulting from spray drying fresh cheese whey which has been pasteurized either before or during the process of manufacture, and to which no alkali or other chemical preservative has been added.

ROOMS AND COMPARTMENTS

§ 58.210 Dry storage of product.

Storage rooms for the dry storage of product shall be adequate in size, kept clean, orderly, free from rodents, insects, and mold, and maintained in good repair. They shall be adequately lighted and ventilated. The ceilings, walls, beams and floors shall be free from structural defects and inaccessible false areas which may harbor insects.

§ 58.211 Packaging room for bulk products.

A separate room or area shall be provided for filling bulk bins, drums, bags, or other bulk containers, and shall be constructed in accordance with § 58.126. The number of control panels and switch boxes in this area shall be kept to a minimum. Control panels shall be mounted a sufficient distance from the walls to facilitate cleaning or shall be mounted in the wall and provided with tight fitting removable doors to facilitate cleaning. An adequate exhaust system shall be provided to eliminate the accumulation of product dust within the packaging room and where needed, a dust collector shall be provided and properly maintained to keep roofs and outside areas free of dry product. Only packaging materials that are used within a day's operation may be kept in the packaging area. These materials shall be kept on metal racks or tables at least six inches off the floor. Unnecessary fixtures or equipment, which may collect dust and harbor insects, shall not be stored in the packaging room.

§ 58.212 Hopper or dump room.

A separate room shall be provided for the transfer of bulk dry dairy products from bags or drums to the hoppers and conveyors which lead to the fillers. This room shall meet the same requirements for construction and facilities as the bulk packaging operation. Areas and facilities provided for the transfer of dry dairy products from portable bulk bins will be acceptable if gasketed surfaces or direct connections are used that appreciably eliminate the escape of product into the area.

§ 58.213 Repackaging room.

A separate room shall be provided for the filling of small packages and shall meet the same requirements for construction and facilities as the bulk packaging operation.

EQUIPMENT AND UTENSILS

§ 58.214 General construction repair and installation.

All equipment and utensils necessary to the manufacture of dry milk products, including pasteurizer, timing-pump or device, flow diversion valves and temperature recorders, shall meet the same general requirements as outlined in § 58.128. In addition, for certain other equipment the following requirements shall be met.

§ 58.215 Preheaters.

The pre-heaters shall be of stainless steel or other equally corrosion resistant material, cleanable, accessible for inspection and shall be equipped with suitable automatic temperature controls.

§ 58.216 Hotwells.

The hotwells shall be enclosed or covered and equipped with indicating thermometers either in the hotwell or in the hot milk inlet line to the hotwell and if used for holding high heat products they should also have recorders.

§ 58.217 Evaporators and/or vacuum pans.

Open type evaporators and/or vacuum pans shall be equipped with an automatic condenser water level control, barometric leg, or so constructed so as to prevent water from entering the product, and should meet the applicable 3–A Sanitary Standards. When enclosed type condensers are used, no special controls are needed to prevent water from entering the product.

§ 58.218 Surge tanks.

If surge tanks are used for hot milk, and temperatures of product including foam being held in the surge tank during processing, is not maintained at a minimum of 150° F., then two or more surge tanks shall be installed with cross connections to permit flushing and cleaning during operation. Covers easily removable for cleaning shall be provided and used at all times.

§ 58.219 High pressure pumps and lines.

High pressure lines may be cleaned-in-place and shall be of such construction that dead ends, valves and the high pressure pumps can be disassembled for hand cleaning. The high pressure pump should meet the 3–A Sanitary Standard Covering Homogenizers and High Pressure Pumps of the Plunger Type.

§ 58.220 Spray dryers.

Spray dryers shall be of a continuous discharge type and all product contact surfaces shall be of stainless steel or other equally corrosion resistant material. All joints and seams in the product contact surfaces shall be welded and ground smooth. All dryers shall be constructed so as to facilitate ease in cleaning and inspection. Sight glasses or ports of sufficient size shall be located at strategic positions. Dryers shall be equipped with suitable air intake filters and with air intake and exhaust recording thermometers. The filter shall consist of one or more layers of filtering media that will effectively, and in accordance with good commercial practices, prevent the entrance of foreign substances into the drying chamber. The filtering media shall be cleaned or replaced as often as necessary to maintain a clean and adequate air supply. In gas fired dryers, precautions should be taken to assure complete combustion. Air shall be drawn into the dryer from sources free from objectionable odors and smoke, dust or dirt.

§ 58.221 Collectors and conveyors.

Collectors shall be made of stainless steel or equally noncorrosive material and constructed to facilitate cleaning and inspection. Filter sack collectors, if used, shall be in good condition and

the system shall be of such construction that all parts are accessible for cleaning and inspection. Conveyors shall be of stainless steel or equally corrosion resistant material and constructed to facilitate thorough cleaning and inspection.

§ 58.222 Dry dairy product cooling equipment.

Cooling equipment shall be provided with sufficient capacity to cool the product to 110° F. or lower, immediately after removal from dryer and prior to packaging. If bulk bins are used, the product should be cooled to approximately 90° F. but shall be not more than 110° F. A suitable air supply with effective filtering shall be provided where air cooling is used.

§ 58.223 Special treatment equipment.

Any special equipment used to treat dry milk products shall be of sanitary construction and all parts shall be accessible for cleaning and inspection.

§ 58.224 Sifters.

All newly installed sifters used for dry milk and dry milk products shall meet the 3–A Sanitary Standards for Sifters for Dry Milk and Dry Milk Products. All other sifters shall be constructed of stainless steel or other equally noncorrosive material and shall be of sanitary construction and accessible for cleaning and inspection. The mesh size of sifter screen used for various dry dairy products shall be those recommended in the 3–A Standard for sifters.

§ 58.225 Clothing and shoe covers.

Clean clothing and shoe covers shall be provided exclusively for the purpose of cleaning the interior of the drier when it is necessary to enter the drier to perform the cleaning operation.

§ 58.226 Portable and stationary bulk bins.

Bulk bins shall be constructed of stainless steel, aluminum or other equally corrosion resistant materials, free from cracks, seams and must have a surface that is relatively smooth and easily cleanable. All product contact surfaces shall be easily accessible for cleaning. The capacity of each portable bulk bin shall be limited as directed by the Administrator.

§ 58.227 Sampling device.

If automatic sampling devices are used, they shall be constructed in such a manner as to prevent contamination of the product, and all parts must be readily accessible for cleaning. The type of sampler and the sampling procedure shall be as approved by the Administrator.

§ 58.228 Dump hoppers, screens, mixers and conveyors.

The product contact surfaces of dump hoppers, screens, mixers and conveyors which are used in the process of transferring dry products from bulk containers to fillers for small packages or containers, shall be of stainless or equally corrosion resistant material and designed to prevent contamination. All parts should be accessible for cleaning. The dump hoppers shall be of such height above floor level as to prevent foreign material or spilled product from entering the hopper.

§ 58.229 Filler and packaging equipment.

All filling and packaging equipment shall be of sanitary construction and all parts, including valves and filler heads accessible for cleaning.

§ 58.230 Heavy duty vacuum cleaners.

Each plant handling dry milk products shall be equipped with a heavy duty industrial vacuum cleaner. Regular scheduling shall be established for its use in vacuuming applicable areas.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

§ 58.231 General.

All raw materials received at the drying plant shall meet the following quality specifications.

§ 58.232 Milk.

Raw milk shall meet the requirements as outlined in §§ 58.132 thru 58.138 and, unless processed within two hours after being received, it shall be cooled to and held at a temperature of 45° F. or lower until processed.

§ 58.233 Skim milk.

The skim milk shall be separated from whole milk meeting the requirements as outlined in §§ 58.132 thru 58.138, and unless processed within two hours, it shall be cooled to and maintained at a temperature of 45° F. or lower from the time of separating until the time of processing.

§ 58.234 Buttermilk.

Buttermilk for drying shall be fresh, sweet and from the churning of sweet cream butter, with or without the addition of harmless lactic culture. No neutralizing agent or chemical preservative may be added. Fluid buttermilk, unless cultured, shall be held at 45° F. or lower until processed.

§ 58.235 Whey.

Cheese whey for drying shall be fresh, pasteurized and contain no neutralizing agent or chemical preservative. Whey shall be held at 45° F. or lower until processed.

OPERATIONS AND OPERATING PROCEDURES

§ 58.236 Pasteurization and heat treatment.

All milk used in the manufacture of nonfat dry milk and other dry dairy products shall be pasteurized at the plant where dried and may be additionally heat treated to meet special requirements.

(a) *Pasteurization.* (1) All milk or skim milk to be used in the manufacture of nonfat dry milk shall be heated prior to condensing to at least the minimum pasteurization temperature of 161° F. for at least 15 seconds or its equivalent in bacterial destruction. Condensed skim made from pasteurized skim milk may be transported to a drying plant, provided that it shall be effectively re-pasteurized prior to drying.

(2) All buttermilk shall have been pasteurized prior to condensing at a temperature of 145° F. for 30 minutes or its equivalent in bacterial destruction.

(3) All cheese whey shall be pasteurized prior to condensing either before or during processing at a temperature of 145° F. for 30 minutes or its equivalent in bacterial destruction.

(b) *High heat.* All skim milk to be used in the manufacture of nonfat dry milk intended for baking or other purposes where high heat treatment is desirable shall be heated to such a temperature as will produce a finished product meeting the requirements of U.S. High Heat as defined in the U.S. Standards for Grades of Nonfat Dry Milk (Spray Process).

§ 58.237 Condensed surge supply.

Surge tanks or balance tanks if used between the evaporators and dryer shall be used to hold only the minimum amount of condensed product necessary for a uniform flow to the dryers. Such tanks holding product at temperatures below 150° F. shall be completely emptied and washed after each 4 hours of operation or less. Alternate tanks shall be provided to permit continuous operation during washing of tanks.

§ 58.238 Condensed storage tanks.

(a) Excess production of condensed product over that which the dryer will take continuously from the pans should be bypassed through a cooler into a storage tank to 50° F. or lower and held at this temperature until used.

(b) Product cutoff points shall be made at least every 24 hours and the tank completely emptied, washed, and sanitized before reuse.

§ 58.239 Drying.

Each dryer should be operated at not more than the manufacturer's rated capacity for the highest quality dry product consistent with the most efficient operation. This does not preclude the remodeling or redesigning of dryers after installation when properly engineered and designed. The dry products shall be removed from the drying chamber continuously during the drying process.

§ 58.240 Cooling dry products.

Prior to packaging and immediately following removal from the drying chamber the dry product shall be cooled to a temperature not exceeding 110° F., however, if the product is to be held in a bulk bin the temperature should be reduced to approximately 90° F. but shall be not more than 110° F.

§ 58.241 Packaging, repackaging and storage.

(a) *Containers.* Packages or containers used for the packaging of nonfat dry milk or other dry milk products shall be any clean, sound commercially accepted container or packaging material which will satisfactorily protect the contents through the regular channels of

trade, without significant impairment of quality with respect to flavor, wholesomeness or moisture content under the normal conditions of handling. In no instance will containers which have previously been used for non-food items, or food items which would be deleterious to the dairy product be allowed to be used for the bulk handling of dairy products.

(b) *Filling.* Empty containers shall be protected at all times from possible contamination and containers which are to be lined shall not be prepared more than 1 hour in advance of filling. Every precaution shall be taken during the filling operation to minimize product dust and spillage. When necessary a mechanical shaker shall be provided; the taping or pounding of containers shall be prohibited. The containers shall be closed immediately after filling and the exteriors shall be vacuumed or brushed when necessary to render them practically free of product remnants before being transferred from the filling room to the palleting or dry storage areas.

(c) *Repackaging.* The entire repackaging operation shall be conducted in a sanitary manner with all precautions taken to prevent contamination and to minimize dust. All exterior surfaces of individual containers shall be practically free of product before overwrapping or packing in shipping containers. The flow shall be kept free of dust accumulation, waste, cartons, liners, or other refuse. Conveyors, packaging and carton making equipment shall be vacuumed frequently during the operating day to prevent the accumulation of dust. No bottles or glass materials of any kind shall be permitted in the repackaging or hopper room. The inlet openings of all hoppers and bins shall be of minimum size, screened and placed well above the floor level. The room and all packaging equipment shall be cleaned at the end of each day's operation. Close attention shall be given to cleaning points of equipment where residues of the dry product may accumulate. A thorough clean-up including windows, doors, walls, light fixtures and ledges, shall be performed as frequently as is necessary to maintain a high standard of cleanliness and sanitation. All waste dry dairy products including dribble product at the fillers, shall be properly identified and disposed of as animal feed.

(d) *Storage*—(1) *Product.* The packaged dry milk product shall be stored or so arranged in aisles, rows, or sections and lots at least 18 inches from any wall and in such a manner as to be orderly, easily accessible for inspection or for cleaning of the room. All bags and small containers of product shall be placed on pallets elevated approximately 6 inches from the floor. The storage room shall be kept clean and dry and all openings protected against entrance of insects and rodents.

(2) *Supplies.* All supplies shall be placed on dunnage or pallets and arranged in an orderly manner for accessibility and cleaning of the room. It is preferable that supplies be stored in an area separate from that used for storing the dry products. Supplies shall be kept enclosed in their original wrapping material until used. After removal of supplies from their original containers they shall be kept in an enclosed metal cabinet, bins or on shelving and if not enclosed shall be protected from powder, and dust or other contamination. The room shall be vacuumed as often as necessary and kept clean and orderly.

§ 58.242 Product adulteration.

All necessary precautions shall be taken throughout the entire operation to prevent the adulteration of one product with another. The commingling of one type of liquid or dry product with another shall be considered as an adulteration of that product. This does not prohibit the normal standardization of like products in accordance with good commercial practices or the production of specific products for special uses, provided applicable labeling requirements are met.

§ 58.243 Checking quality.

All milk, milk products and dry milk products shall be subject to inspection and analysis by the dairy plant for quality and condition throughout each processing operation. Line samples shall be taken periodically as an aid to quality control in addition to the regular routine analysis made on the finished products.

§ 58.244 Number of samples.

As many samples shall be taken from each dryer production lot as is necessary to assure proper composition and quality control. A sufficient number of representative samples from the lot shall be taken to assure compliance with the stated net weight on the container.

§ 58.245 Method of official sample analysis.

Samples shall be tested according to the "Methods of Laboratory Analysis for Dry Whole Milk, Nonfat Dry Milk, Dry Buttermilk and Dry Whey" as issued by the USDA Consumer and Marketing Service, Dairy Division, Inspection and Grading Branch Laboratory.

§ 58.246 Cleaning of dryers, conveyors, sifters and storage bins.

This equipment shall be cleaned as often as is necessary to maintain such equipment in a clean and sanitary condition. The kind of cleaning procedure either wet or dry and the frequency of cleaning shall be based upon observation of actual operating results and conditions.

§ 58.247 Insect and rodent control program.

In addition to any commercial pest control service, if one is utilized, a specially designated employee shall be made responsible for the performance of a regularly scheduled insect and rodent control program as outlined in AMS Bulletin 302 or subsequent revisions thereof.

QUALITY REQUIREMENTS FOR FINISHED PRODUCTS BEARING THE USDA GRADE LABEL OR QUALITY APPROVED INSPECTION SHIELD

§ 58.248 Nonfat dry milk.

(a) Nonfat dry milk in commercial bulk containers bearing an official grade label shall meet the requirements of U.S. Extra Grade or U.S. Standard Grade.

(b) Instant and regular nonfat dry milk in consumer size packages which bears an official grade label shall meet the requirements of U.S. Extra Grade. In addition, the nonfat dry milk shall meet the following specifications when sampled and tested in accordance with §§ 58.244 and 58.245. All nonfat dry milk in consumer size packages shall have a direct microscopic count of not more than 75 million per gram.

§ 58.249 Instant nonfat dry milk.

Instant nonfat dry milk shall meet the applicable standard for U.S. Extra Grade.

§ 58.250 Dry whole milk.

Dry whole milk in commercial bulk containers which bears an official grade label shall meet the requirements for the U.S. Standards for Grades of Dry Whole Milk. Quality requirements for dry whole milk in consumer packages shall be for U.S. Premium Grade or U.S. Extra Grade and in addition shall have a direct miscroscopic count of not more than 75 million per gram.

§ 58.251 Dry buttermilk.

The quality requirements for all dry buttermilk shall be in accordance with U.S. Standards for Grades of Dry Buttermilk. Dry cultured buttermilk shall meet the same requirements as listed above except that allowances shall be made for increased acidity due to the culture process.

§ 58.252 Dry whey.

The quality requirements for all dry whey shall be in accordance with U.S. Standards for Dry Whey.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING BUTTER AND RELATED PRODUCTS

DEFINITIONS

§ 58.305 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning.

(a) *Butter.* The food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, with or without harmless lactic culture or lactic acid, with or without additional coloring matter, and with water for composition control and containing not less than 80 percent by weight of milkfat, all tolerances having been allowed for.

(b) *Butteroil.* The product resulting from the removal of practically all of the moisture and solids-not-fat from butter. It contains not less than 99.6 percent fat, and not more than 0.3 percent moisture; and not more than 0.1 percent other butter constituents, of which the salt shall be not more than 0.05 percent.

(c) *Anhydrous milkfat.* The product resulting from the removal of practically all of the moisture and the solids-not-fat from cream. It contains not less than 99.8 percent fat, and not more than 0.15 percent moisture.

(d) *Frozen cream.* Sweet cream which has been pasteurized and frozen. It contains approximately 40 percent milkfat.

(e) *Plastic cream.* Sweet cream which has been pasteurized and contains approximately 80 percent milkfat.

(f) *Whipped butter.* Butter which has been stirred or whipped to incorporate air or inert gas, until its volume has been increased up to a range of from 50 to 100 percent. It contains not less than 80.0 percent fat by weight.

ROOMS AND COMPARTMENTS

§ 58.311 Coolers and freezers.

The coolers and freezers shall be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products during storage or during tempering prior to further processing. Coolers and freezers shall be kept clean, orderly, free from insects, rodents, and mold, and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be of such construction as to permit thorough cleaning.

§ 58.312 Churn rooms.

Churn rooms in addition to proper construction and sanitation shall be so equipped that the air is kept free from objectionable odors and vapors and extreme temperatures by means of adequate ventilation and exhaust systems or air conditioning and heating facilities.

§ 58.313 Print and bulk packaging rooms.

Rooms used for packaging print or bulk butter and related products should, in addition to proper construction and sanitation, provide an atmosphere relatively free from mold (no more than 10 mold colonies per cubic foot of air), dust, or other airborne contamination and maintain a reasonable room temperature.

EQUIPMENT AND UTENSILS

§ 58.314 General construction repair and installation.

All equipment and utensils necessary to the manufacture of butter and related products shall meet the same general requirements as outlined in § 58.128. In addition for certain other equipment, the following requirements shall be met.

§ 58.315 Continuous churn.

All product contact surfaces shall be of noncorrosive material. All nonmetallic product contact surfaces shall comply with 3–A Standards for Plastic, Rubber, and Rubber-Like Materials. All product contact surfaces shall be readily accessible for cleaning and inspection.

§ 58.316 Conventional churns.

Churns shall be constructed of noncorrosive metal, free from cracks, and in good repair. All gasket material shall be fat resistant, nontoxic and reasonably durable. Seals around the doors shall be tight.

§ 58.317 Bulk butter trucks, boats, and packers.

Bulk butter trucks, boats and packers shall be constructed of stainless steel, or equally noncorrosive material free from cracks, seams, and must have a surface that is relatively smooth and easily cleanable.

§ 58.318 Butter, frozen or plastic cream melting machines.

Shavers, shredders or melting machines used for rapid melting of butter, frozen or plastic cream shall be of stainless steel, sanitary construction, and readily cleanable.

§ 58.319 Printing equipment.

All printing equipment shall be designed to be readily demountable for cleaning of product contact surfaces. All product contact surfaces shall be stainless steel or equally noncorrosive material, or plastic, rubber, and rubber like material which meet 3–A standards, except that conveyors may be constructed of material which can be properly cleaned and maintained in a satisfactory manner.

§ 58.320 Brine tanks.

Brine tanks used for the treating of parchment liners shall be constructed of noncorrosive material and have an adequate and safe means of heating the salt solution for the treatment of the liners. The tank shall also be provided with a satisfactory drainage outlet.

§ 58.321 Starter vats.

Bulk starter vats shall be of stainless steel and constructed according to applicable 3–A Sanitary Standards. The vats shall be in good repair, equipped with tight fitting lids and have effective temperature controls.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.322 Cream.

Cream separated at an approved plant and used for the manufacture of butter shall have been derived from raw material meeting the requirements as listed under §§ 58.122 through 58.126. The inspection of farm-separated cream or whey cream to be used for manufacturing or processing into dairy products under this part shall be based on organoleptic examination and quality control tests to determine suitability of cream at the time of delivery thereof at the receiving plant or substation.

(a) *Organoleptic examination.* Cream received at an approved receiving plant, or substation shall be identified as to the producer, seller, or shipper from whom received. Each can of cream in each shipment shall be examined for physical characteristics, off-flavors and off-odors, including those associated with developed acidity. The condition of the cream shall be wholesome and characteristic of normal cream. The organoleptic examination and segregation of the cream which is used in the manufacturing or processing into butter, shall be consistent with the applicable flavor classification of butter set forth in the U.S. Standards for Grades of Butter. Any cream having pronounced or offensive off-flavor or off-odors, or which is in an abnormal condition (including, but not being limited to surface mold, foamy, yeasty, fruity, or containing extraneous matter), or which is otherwise unwholesome, shall be rejected to the producer, seller, or shipper and shall not be used in the processing or manufacturing of dairy products.

(b) *Sediment content classification.* (1) For the purpose of quality control and establishing a rejection level of cream to the producer, seller, or shipper, the following classifications of cream for sediment shall be applicable using USDA Sediment Chart (§ 58.2726) as the basis for classification:

(i) Sediment (off-the-bottom method):

No. 1—USDA Sediment Standard (not to exceed) 0.50 mg.
No. 2—USDA Sediment Standard (not to exceed) 1.00 mg.
No. 3—USDA Sediment Standard (not to exceed) 2.50 mg.

(ii) Sediment (mixed-can method):

No. 1—USDA Sediment Standard (not to exceed) 0.20 mg.
No. 2—USDA Sediment Standard (not to exceed) 0.30 mg.
No. 3—USDA Sediment Standard (not to exceed) 1.00 mg.

(2) At least twice each month one can of cream from each producer, seller, or shipper of farm separated cream shall be selected at random and tested by using the "off-the-bottom" method or the "mixed-can" method in accordance with acceptable and approved procedures.

(3) As a supplement to the regular sediment testing procedure it is recommended that whole-can filtering facilities be utilized for each can of each shipment of cream from the producer for coarse sediment or extraneous matter and rejections be made in accordance with State or Federal Food and Drug Administration practices.

(c) *Acceptable cream.* Cream acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination and complying with No. 1 or No. 2 for sediment content may be used in the processing or manufacturing of dairy products.

(d) *Probational cream.* Cream acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination but classified No. 3 for sediment content may be accepted for processing in an approved plant for three successive deliveries. Thereafter each successive delivery shall be tested for sediment content prior to acceptance. If the sediment content is in excess of No. 2, such cream shall be rejected to the producer, seller, or shipper, and successive deliveries shall continue to be rejected until the sediment content is No. 2, or better. As soon as any shipment of cream is classified as

probationary a representative of the plant, receiving plant, or substation should contact the producer, seller, or shipper involved in the production of probational cream and if necessary arrange to inspect the equipment, utensils, and facilities at the farm, receiving plant or substation and to offer constructive assistance for improvement in the quality of the cream.

(e) *Rejected cream.* (1) The cream from a producer, seller, or shipper who has failed to improve the quality of his cream during the probationary period so as to meet the requirements of No. 2, or better, for sediment shall be rejected cream. Any further acceptance of cream from such a producer, seller, or shipper shall be on the basis of testing each shipment for sediment content, prior to acceptance to determine if the cream is No. 2, or better. If all cans of cream of the subsequent shipment meet No. 2, or better, such cream shall be classified as probational cream. When three successive shipments indicate cream of No. 2, or better, the cream may again be accepted, subject to regular periodic testing and quality control measures.

(2) If the initial new shipment fails to meet the requirements of No. 2 cream, or better, the plant shall not accept such cream until a representative of the plant again contacts the producer, seller, or shipper for the purpose of offering constructive assistance in correcting the unsatisfactory condition.

(f) *Field service.* A representative of the plant should arrange to contact promptly each producer, seller, or shipper involved in the production of probational or reject cream for the purpose of offering constructive assistance for the improvement in the quality of the cream. If necessary, he should arrange to inspect the equipment, utensils, and facilities at the farm, receiving plant, or substation. A representative of the plant should visit each producer, seller, or shipper as often as is practicable to assist in and encourage the production of high quality cream.

(g) *Records.* Accurate plant records listing the results of quality tests made on raw cream shall be maintained on cream from each producer, seller, or shipper. Each producer, seller, or shipper, shipping probational or rejected cream, shall be informed immediately of the results of such quality tests. Producers, sellers, or shippers, shipping No. 1 and No. 2 cream should receive such information at the time of regular remittances. Such records shall be available for examination by the inspector and kept on file for at least 1 year.

(h) *Alternate quality program.* When a processor has in operation an acceptable quality program, at the producer level, which is approved by the Administrator as being effective in obtaining results comparable to or higher than the quality program as outlined above for cream, then such a program may be accepted in lieu of the program herein prescribed.

§ 58.323 Whipped butter.

Whipped butter to be eligible for official certification with a U.S. Grade shield shall be graded prior to whipping and shall have originated from an approved plant. If made from cream in a continuous churning and whipping process, the quality of the cream used shall meet the requirements of cream for butter of comparable U.S. Grade.

§ 58.324 Butteroil.

Made from butter: To produce butteroil eligible for official certification, the butter used shall conform to the flavor requirements of U.S. Grade AA, U.S. Grade A, or U.S. Grade B, and shall have been manufactured in an approved plant under continuous in-process inspection.

§ 58.325 Anhydrous milkfat.

Made by a continuous separation process directly from milk or cream. To produce anhydrous milkfat eligible for official certification, the cream used shall be comparable to the flavor quality specified above for U.S. Grade AA or U.S. Grade A butter, or for U.S. Grade B butter as follows: The flavor of the cream shall be fairly pleasing but may possess the following flavors to a slight degree: musty, utensil, and weed, and to a definite degree: Acid, bitter, smothered and old cream; and to a pronounced degree feed flavors. Appearance should be fairly smooth and uniform in consistency. The cream shall be pasteurized in accordance with the procedure for cream for butter making.

§ 58.326 Plastic cream.

To produce plastic cream eligible for official certification, the quality of the cream used shall meet the requirements of cream acceptable for the manufacture of U.S. Grade AA or U.S. Grade A butter.

§ 58.327 Frozen cream.

To produce frozen cream eligible for official certification, the quality of the cream used shall meet the requirements of cream acceptable for the manufacture of U.S. Grade AA or U.S. Grade A butter.

§ 58.328 Salt.

The salt shall be free-flowing, white refined sodium chloride of food grade quality free from extraneous material and prepared in accordance with good commercial practice. Iodized salt shall not be used.

§ 58.329 Color.

Coloring, when used shall be Annatto or any color which is certified by the U.S. Food and Drug Administration.

§ 58.330 Butter starter cultures.

Harmless bacterial cultures used in the development of flavor components in butter and related products shall have a pleasing and desirable flavor and odor and shall have the ability to transmit these qualities to the finished product.

§ 58.331 Starter distillate.

The refined flavor components used to flavor butter and related products. It shall be of food grade quality, free of extraneous material and prepared in accordance with good commercial practice.

OPERATIONS AND OPERATING PROCEDURES

§ 58.332 Segregation of raw material.

The milk and cream received at the dairy plant shall meet the quality specifications as indicated under § 58.322. The milk and cream should be segregated by quality and processed separately in such a manner that the finished product will fully meet the requirements of a particular U.S. Grade or other specification, whichever is applicable.

§ 58.334 Pasteurization.

The milk or cream shall be pasteurized at the plant where the milk or cream is processed into the finished product.

(a) *Cream for butter making.* (1) The cream for butter making shall be pasteurized at a temperature of not less than 165° F. and held continuously in a vat at such temperature for not less than 30 minutes; or pasteurized by HTST method at a minimum temperature of not less than 185° F. for not less than 15 seconds; or it shall be pasteurized by any other equivalent temperature and holding time which will assure adequate pasteurization. Additional heat treatment above the minimum pasteurization requirement is advisable to insure improved keeping-quality characteristics.

(2) Adequate pasteurization control shall be used and the diversion valve shall be set to divert at no less than 185° F. with a 15 second holding time or its equivalent in time and temperature to assure pasteurization. If the vat or holding method of pasteurization is used, vat covers shall be closed prior to holding period to assure temperature of air space reaching the minimum temperature before holding time starts. Covers shall also be kept closed during the holding and cooling period.

(b) *Cream for plastic or frozen cream.* The pasteurization of cream for plastic or frozen cream shall be accomplished in the same manner as in paragraph (a) of this section, except, that the temperature for the vat method shall be not less than 170° F. for not less than 30 minutes, or not less than 190° F. for not less than 15 seconds or by any other temperature and holding time which will assure adequate pasteurization and comparable keeping-quality characteristics.

§ 58.335 Quality control tests.

All milk, cream and related products are subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow samples as often as necessary to check the effectiveness of processing and manufacturing and as an aid in correcting deficiencies in processing and manufacturing. Routine analysis

shall be made on raw materials and finished products to assure adequate composition control.

§ 58.336 Frequency of sampling for quality control.

Butter and related products:

(a) *Microbiological.* Samples shall be taken from churnings or batches and should be taken as often as is necessary to insure microbiological control.

(b) *Composition.* Sampling and testing for product composition shall be made on churns or batches as often as is necessary to insure adequate composition control. For in-plant control, the Kohman or modified Kohman test may be used.

(c) *Copper and iron.* At least once each year a sample of product from each processing line should be spot checked for copper and iron content to establish the presence or absence of contaminating metal product contact surfaces.

(d) *Other analysis.* Other chemical analysis or physical measurements shall be performed as often as is necessary to insure meeting grade standards and contract specifications.

(e) *Weight or volume control.* Representative samples of the packaged product shall be checked during the packaging operation to assure compliance with the stated net weight or volume on the container.

(f) *Keeping quality and stability.* One sample from each churning or batch of butter (regular or whipped) shall be subjected to a seven day keeping quality test at a temperature of 70° F. Optionally 98° F. for 48 hours may be used, however, in case of a dispute, the results of the seven days at 70° F. will prevail.

§ 58.337 Official test methods.

(a) *Chemical.* Chemical analyses, except where otherwise prescribed herein, shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, published by the Association of Official Agricultural Chemists. The Official and Tentative Methods of the American Oil Chemists Society or any other methods giving equivalent results.

(b) *Microbiological.* Microbiological determinations shall be made in accordance with the methods described or suggested in the latest edition of Standard Methods for the Examination of Dairy Products, published by the American Public Health Association.

§ 58.338 Composition and wholesomeness.

All ingredients used in the manufacture of butter and related products shall be subject to inspection and shall be wholesome and practically free from impurities. Chlorinating facilities shall be provided for butter wash water if needed and all other necessary precautions shall be taken to prevent contamination of products. All finished products shall comply with the requirements of the Federal Food, Drug and Cosmetic Act, as to composition and wholesomeness.

§ 58.339 Containers.

(a) Containers used for the packaging of butter and related products shall be commercially acceptable containers or packaging material that will satisfactorily protect the quality of the contents in regular channels of trade. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing two pounds or less, to protect the product from contamination during subsequent handling.

(b) Liners and wrappers: (1) Supplies of parchment liners, wrappers and other packaging material shall be protected against dust, mold and other possible contamination.

(2) Prior to use, parchment liners for bulk butter packages shall be completely immersed in a boiling salt solution in a suitable container constructed of stainless steel or other equally non-corrosive material. The liners shall be maintained in the solution for not less than 30 minutes. The solution should consist of at least 15 pounds of salt for every 85 pounds of water and shall be strengthened or changed as frequently as necessary to keep the solution full strength and in good condition.

(3) Other liners such as polethylene shall be treated or handled in such a manner as to prevent contamination of the liner prior to filling.

(c) Filling bulk butter containers: The lined butter containers shall be protected from possible contamination prior to filling. This may be accomplished by alternately inverting one container over the other or stacking the lined boxes on their sides in a rack, until ready for use. When packing butter into the bulk containers, care shall be taken to fill the corners leaving as few holes or openings as possible. The surface of the butter as well as the covering liner shall be smoothed evenly over the top surface before closing and sealing the container. Containers should be stacked only as high as the firmness of the product will support weight, so as not to crush or distort the container.

§ 58.340 Printing and packaging.

Printing and packaging of consumer size containers of butter shall be conducted under sanitary conditions. Separate rooms equipped with automatic filling and packaging equipment should be provided. The outside cartons should be removed from bulk butter in a room outside of the printing operation but the parchment removal and cutting of the butter may be done in the print room.

§ 58.341 Repackaging.

When officially graded or inspected bulk product is to be repackaged into consumer type packages for official grade labeling or other official identification, a supervisor of packaging shall be required and the plant, equipment, facilities and personnel shall meet the same specifications as outlined in this part, including such markings or identification as may be required.

§ 58.342 General identification.

Commercial bulk shipping containers shall be legibly marked with the name of the product, net weight, name and address of manufacturer, processor or distributor or other assigned plant identification (manufacturer's lot number, churn number, etc.) and any other identification that may be required. Packages of plastic or frozen cream shall be marked with the percent of milkfat.

§ 58.343 Storage of finished product in coolers.

All products shall be kept under refrigeration at temperatures of 40° F. or lower after packaging and until ready for distribution or shipment. The products shall not be placed directly on floors or exposed to foreign odors or conditions such as drippage due to condensation which might cause package or product damage.

§ 58.344 Storage of finished product in freezer.

(a) *Sharp freezers.* Plastic cream or frozen cream intended for storage shall be placed in quick freezer rooms immediately after packaging, for rapid and complete freezing within 24 hours. The packages shall be piled or spaced in such a manner that air can freely circulate between and around the packages. The rooms shall be maintained at −10° F. or lower and shall be equipped to provide sufficient high velocity, air circulation for rapid freezing. After the products have been completely frozen, they may be transferred to a freezer storage room for continued storage.

(b) *Freezer storage.* (1) The room shall be maintained at a temperature of 0° F. or lower. Adequate air circulation is desirable.

(2) Butter intended to be held more than 30 days shall be placed in a freezer room as soon as possible after packaging. If not frozen before being placed in the freezer, the packages shall be spaced in such a manner as to permit rapid freezing and replied, if necessary, at a later time.

QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA GRADE LABEL OR QUALITY APPROVED INSPECTION SHIELD

§ 58.345 Butter.

(a) The quality requirements for butter shall be in accordance with the U.S. Standards for Grades of Butter for U.S. Grade AA, U.S. Grade A, or U.S. Grade B, respectively.

(b) In addition, the butter is subject to the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337.

Proteolytic count—not more than 100 per gram.
Lipolytic count—not more than 100 per gram.
Yeast and mold count—not more than 20 per gram.
Coliform count—not more than 10 per gram.
Copper content—not more than 0.3 ppm.
Iron content—not more than 1.0 ppm.

§ 58.346 Whipped butter.

(a) The flavor requirements as applicable for Whipped Butter shall be in accordance with the U.S. Standards for Grades of Butter, U.S. Grade AA, U.S. Grade A, or U.S. Grade B respectively.

(b) In addition, the whipped butter is subject to the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337.

Proteolytic count—not more than 100 per gram.
Lipolytic count—not more than 100 per gram.
Yeast and mold count—not more than 20 per gram.
Coliform count—not more than 10 per gram.
Copper content—not more than 0.3 ppm.
Iron content—not more than 1.0 ppm.
Overrun—not more than 100 percent.

§ 58.347 Butteroil or anhydrous milkfat.

(a) The flavor shall be bland, free from rancid, oxidized, or other objectionable flavors.

(b) In addition, the finished products shall meet the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337.

Butteroil		Anhydrous milk fat
Not less than 90.6 percent	Milkfat	Not less than 99.8 percent
Not more than 0.3 percent	Moisture	Not more than 0.15 percent.
Not more than 0.1 percent	Other butter constituents including salt.	
Not more than 0.05 percent	Salt	
Not more than 0.5 percent (calculated as oleic acid).	Free fatty acids	Not more than 0.3 percent (calculated as oleic acid).
Not more than 0.1 milli equivalents per kilogram of fat	Peroxide value	Not more than 0.1 milli equivalents per kilogram of fat.
Not more than 0.10 ppm	Copper content	Not more than 0.10 ppm.

§ 58.348 Plastic cream.

(a) The flavor shall be sweet, pleasing and desirable, but may possess the following flavors to a slight degree: Aged, bitter, flat, smothered, and storage; and cooked and feed flavors to a definite degree. It shall be free from rancid, oxidized or other objectionable flavors.

(b) In addition, the finished product shall meet the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337.

Standard plate count—not more than 30,000 per gram.
Coliform count—not more than 10 per gram.
Yeast and mold—not more than 20 per gram.
Copper content—not more than 0.3 ppm.
Iron content—not more than 1.0 ppm.

§ 58.349 Frozen cream.

(a) The flavor shall be sweet, pleasing and desirable, but may possess the following flavors to a slight degree: Aged, bitter, flat, smothered, storage; and cooked and feed flavors to a definite degree. It shall be free from rancid, oxidized or other objectionable flavors.

(b) In addition, the product shall meet the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337. Samples for analysis should be taken prior to freezing of the product.

Standard plate count—not more than 30,000 per ml.
Coliform count—not more than 10 per ml.
Yeast and mold—not more than 20 per ml.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING CHEDDAR CHEESE AND SIMILAR VARIETIES

DEFINITIONS

§ 58.405 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Cheddar cheese.* The cheese made by the Cheddar process or by any other procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced by the Cheddar process and is made from cow's milk with or without the addition of coloring matter and with common salt, contains not more than 39 percent moisture, and in the water-free substance contains not less than 50 percent milk fat and conforms to the provisions of § 19.500, "Definitions and standards of identity for cheese and cheese products," U.S. Food and Drug Administration (21 CFR 19.500).

(b) *Colby cheese.* The cheese made by the Colby process or by any other procedure that produces a finished cheese having the same physical and chemical properties as the cheese produced by the Colby process and is made from cow's milk with or without the addition of coloring matter and with common salt, containing not more than 40 percent moisture and its solids contain not less than 50 percent milk fat and conforms to the provisions of § 19.510, "Definitions and standards of identity for cheese and cheese products," U.S. Food and Drug Administration (21 CFR 19.510).

(c) *Granular, stirred curd cheese.* The cheese made by the granular or stirred curd process or by any other procedure that produces a finished cheese having the same physical and chemical properties as the cheese produced by the granular or stirred curd process, and is made from cow's milk with or without the addition of coloring matter and with common salt, containing not more than 39 percent moisture, and its solids contain not less than 50 percent milkfat, and conforms to the provisions of § 19.535, "Definitions and standards of identity for cheese and cheese products," U.S. Food and Drug Administration (21 CFR 19.535).

(d) *Washed curd cheese, soaked curd cheese.* The cheese made by the washed curd or soaked curd process or by any procedure that produces a finished cheese having the same physical and chemical properties as the cheese produced by the washed or soaked curd process and is made from cow's milk with or without the addition of coloring matter and with common salt, containing not more than 42 percent moisture, and its solids contain not less than 50 percent milkfat, and conforms to the provisions of § 19.505, "Definitions and standards of identity for cheese and cheese products," U.S. Food and Drug Administration (21 CFR 19.505).

(e) *Whey cream.* The cream obtained from the separation of cheese whey.

ROOMS AND COMPARTMENTS

§ 58.406 Starter room.

A separate starter room equipped with a tight fitting door should be provided for the propagation and handling of starter cultures. All necessary precaution shall be taken to prevent contamination of the room, equipment and the air therein. A filtered air supply should be provided so as to obtain outward movement of air from the room.

§ 58.407 Make room.

The room in which the cheese is manufactured shall be of adequate size, and the vats adequately spaced to permit movement around the vats and presses for proper cleaning and satisfactory working conditions. Adequate ventilation shall be provided, preferably filtered air. Mold count should be no higher than 10 per cubic foot of air.

§ 58.408 Drying room.

If cheese is to be paraffined, a drying room of adequate size shall be provided to accommodate the maximum production of cheese during the flush period. Adequate shelving and air circulation shall be provided for proper drying. Temperature and humidity control facilities should be provided which will promote the development of a sound, dry rind.

§ 58.409 Paraffining room.

For rind cheese, a separate room or compartment should be provided for paraffining and boxing the cheese. The room shall be of adequate size and the temperature maintained near the temperature of the drying room to avoid sweating of the cheese prior to paraffining.

§ 58.410 Rindless block wrapping room.

For rindless blocks a suitable space shall be provided for proper wrapping and boxing of the cheese. The area shall be free from dust, condensation, mold or other conditions which may contaminate the surface of the cheese or contribute to an unsatisfactory packaging of the cheese.

§ 58.411 Coolers or curing rooms.

Coolers or curing rooms where cheese is held for curing or storage shall be clean and maintained at the proper uniform temperature and humidity to adequately protect the cheese, and minimize

the growth of mold. Proper circulation of air shall be maintained at all times. They shall be free from rodents, insects, and pests. The shelves shall be kept clean and dry.

§ 58.412 Cutting and packaging rooms.

When small packages of cheese are cut and wrapped, separate rooms shall be provided for the cleaning and preparation of the bulk cheese and a separate room shall be provided for the cutting and wrapping operation. The rooms shall be well lighted, ventilated, and provided with filtered air. Air movement shall be outward to minimize the entrance of unfiltered air into the cutting and packaging room.

EQUIPMENT AND UTENSILS

§ 58.413 General construction repair and installation.

All equipment and utensils necessary to the manufacture of Cheddar cheese and related products shall meet the same general requirements as outlined in § 58.128. In addition, for certain other equipment the following requirements shall be met.

§ 58.414 Starter vats.

Bulk starter vats shall be of stainless steel and should be constructed according to the applicable 3–A Sanitary Standards. The vats shall be in good repair, equipped with tight fitting lids and have adequate temperature controls such as valves, indicating and/or recording thermometers.

§ 58.415 Cheese vats.

(a) The vats used for making cheddar cheese should be of metal construction with adequate jacket capacity for uniform heating. The inner liner shall be minimum 16 gauge stainless steel, properly pitched from side to center and from rear to front for adequate drainage. The liner shall be smooth, free from excessive dents or creases and shall extend over the edge of the outer jacket. The outer jacket when metal shall be constructed of stainless steel or other metal which can be kept clean and sanitary. The junction of the liner and outer jackets shall be constructed so as to prevent milk or cheese from entering the inner jacket.

(b) The vat shall be equipped with a suitable sanitary outlet valve. Effective valves shall be provided and properly maintained to control the application of heat to the vat. Also vats should be equipped with removable cloth covers which can be regularly and suitably laundered, or with a single service paper covers.

§ 58.416 Mechanical agitators.

The mechanical agitators shall be of sanitary construction. The carriage and track shall be so constructed as to prevent the dropping of dirt, or grease into the vat. Metal blades, forks, or stirrers shall be constructed of stainless steel and of material approved in the 3–A Sanitary Standards for Plastic and Rubber or Rubber-Like Materials and shall be free from rough or sharp edges which might scratch the equipment or remove metal particles.

§ 58.417 Curd mill and miscellaneous equipment.

Knives, hand rakes, shovels, paddles, strainers, and miscellaneous equipment shall be stainless steel or of material approved in the 3–A Sanitary Standards for Plastic and Rubber-Like Material. The product contact surfaces of the curd mill should be of stainless steel. All pieces of equipment shall be so constructed that they can be kept clean. The wires in the curd knives shall be stainless steel, kept tight, and replaced when necessary.

§ 58.418 Hoops and followers.

The hoops, forms, and followers shall be constructed of stainless steel or heavy tinned steel. If tinned, they shall be kept tinned and free from rust. All hoops, forms, and followers shall be kept in good repair.

§ 58.419 Press.

The cheese press should be constructed of stainless steel and all joints welded and all surfaces, seams, and openings readily cleanable. The pressure device shall be the continuous type. Press clothes shall be maintained in good repair and in a sanitary condition. Single service press clothes shall be used only once.

§ 58.420 Rindless cheese press.

The press used to heat seal the wrapper applied to rindless cheese shall have square interior corners, reasonably smooth interior surface and have controls that shall provide uniform pressure and heat equally to all surfaces.

§ 58.421 Paraffin tanks.

The metal tank should be adequate in size, have wood rather than metal racks to support the cheese, have heat controls and an indicating thermometer. The cheese wax shall be clear and kept clean.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.422 Milk.

The milk shall be fresh, sweet, pleasing, and desirable in flavor and shall meet the requirements as outlined under §§ 58.132 through 58.138. The milk may be adjusted by separating part of the fat from the milk or by adding one or more of the following dairy products: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated or dry milk used. Such dairy products shall have originated from raw milk meeting the same requirements as outlined under §§ 58.132 through 58.138.

§ 58.423 Hydrogen peroxide.

The solution shall comply with the specification of the U.S. Pharmacopeia, except that it may exceed the concentration specified therein and it does not contain added preservative. Application and usage shall be as specified in the "Definitions and Standards of Identity for Cheese and Cheese Products" U.S. Food and Drug Administration (21 CFR 19.500).

§ 58.424 Catalase.

The catalase preparation shall be a stable, buffered solution, neutral in pH, having a potency of not less than 100 Keil units per milliliter. The source of the catalase, its application and usage shall be as specified in the "Definitions and Standards of Identity for Cheese and Cheese Products," U.S. Food and Drug Administration (21 CFR 19.500).

§ 58.425 Cheese starter cultures.

Harmless bacterial cultures used in the development of lactic acid and flavor components in cheese shall have a pleasing and desirable flavor and odor and shall have the ability to actively produce the desired results in the manufacturing process.

§ 58.426 Calcium chloride.

Calcium chloride, when used, shall be of food grade quality, free from extraneous material.

§ 58.427 Color.

Coloring, when used, shall be Annatto or any cheese or butter color which is certified by the U.S. Food and Drug Administration.

§ 58.428 Rennet, pepsin, or other coagulating enzymes.

Enzyme extracts used for curd coagulation in the manufacture of cheese shall be of food grade quality.

§ 58.429 Salt.

The salt shall be free-flowing, evaporated salt of food grade quality, free from extraneous material. Iodized salt shall not be used.

OPERATIONS AND OPERATING PROCEDURES

§ 58.430 Cheese from pasteurized milk.

If the cheese is labeled as pasteurized, the milk shall be pasteurized not more than 48 hours prior to the time of setting by subjecting every particle of milk to a minimum temperature of 161° F. for not less than 15 seconds or by any other combination of temperature and time treatment approved by the Administrator. HTST pasteurization units shall be equipped with the proper controls and equipment to assure pasteurization. If the milk is held more than 2 hours between the time of pasteurization and setting, it shall be cooled to 45° F. or lower until time of setting.

§ 58.431 Cheese from unpasturized milk.

If the cheese is labeled as "heat treated," "unpasteurized," "raw milk," or "for manufacturing," the milk may be heated at temperatures below pasteurization. If the milk is held more than 2 hours between time of receipt or heat treatment and setting, it shall be cooled to 45° F. or lower until time of setting.

§ 58.432 Time schedule.

A uniform schedule should be established and followed as closely as possible for the various steps of setting, cutting, cooking, draining the whey and milling

the curd, to promote a uniform quality of cheese.

§ 58.433 Laboratory and quality control tests.

(a) *Chemical analyses*—(1) *Milkfat and moisture.* One sample shall be tested from each vat of the finished cheese to assure compliance with composition requirements.

(2) *Phosphatase.* If the cheese is labeled or required to be pasteurized representative samples of the production should be taken from milk in the vat or the finished cheese to spot check effectiveness of approved pasteurization procedure.

(3) *Test method.* Chemical analysis shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, the latest edition of Standard Methods or by other methods giving equivalent results.

(b) *Weight or volume control.* Representative samples of the finished product shall be checked during the packaging operation to assure compliance with the stated net weight on the container of consumer size packages.

§ 58.435 Whey disposal.

(a) Adequate sanitary facilities shall be provided for the disposal of whey. Tanks shall be fully enclosed. Floors surrounding the storage tank shall be constructed of impervious material, sloped to prevent accumulation of liquids and provided with sewage drains. The necessary precautions shall be taken to free the surroundings from flies and insects or the development of objectionable odors.

(b) Whey or whey products intended for human food shall at all times be handled in a sanitary manner in accordance with the procedures of this subpart as specified for handling milk and dairy products.

§ 58.436 Curing.

After the cheese has been packaged and ready for curing, it shall be placed in a curing room, at the plant or elsewhere, to attain the desired body and flavor development. The temperature of the room and the time held shall be determined by the composition of the cheese and the amount of cure desired. Samples of cheese should be examined periodically to make certain that curing is progressing satisfactorily. Cheese made from unpasteurized milk shall be cured for the required time and temperature as specified for specific varieties in the "Standards of Identity for Cheese and Cheese Products," U.S. Food and Drug Administration.

§ 58.437 Packaging and repackaging.

(a) Packaging rindless cheese or cutting and repackaging all styles of bulk cheese shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and the packaging material shall be practically free from mold and bacterial contamination.

(b) When officially graded, bulk cheese is to be repackaged into consumer type packages with official grade labels or other official identification a supervisor of packaging shall be required. If the repackaging is performed in a plant other than the one in which the cheese is manufactured and the product is officially identified, the plant, equipment, facilities and personnel shall meet the same requirements as outlined in the part.

§ 58.438 General identification.

Each bulk cheese shall be legibly marked with the name of the product, code or date of manufacture, vat number, officially designed code number or name and address of manufacturer. Each consumer sized container shall be plainly marked with the name and address of the manufacturer, packer, or distributor, net weight of the contents, name of product, and such other information as may be required.

QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA GRADE LABEL, OR QUALITY APPROVED INSPECTION SHIELD

§ 58.439 Cheddar cheese.

The quality requirements for Cheddar cheese shall be in accordance with the U.S. Standards for Grades of Cheddar cheese.

§ 58.440 Colby cheese.

The quality requirements for Colby cheese shall be as follows:

(a) *Flavor.* Mild to mellow, pleasing characteristic cheese flavor; may possess a very slight bitter or acid flavor and feed flavor to a slight degree. It shall not possess any undesirable flavors or odors.

(b) *Body and texture.* A plug drawn from the cheese shall be fairly firm, appear fairly smooth, translucent, open and may have numerous small mechanical openings. May be slightly curdy or entirely broken down. The body shall not be pasty and the texture shall not show the presence of gas holes.

(c) *Color.* The color shall be uniform, bright and attractive. It may be colored or uncolored but if colored, it should be a medium yellow-orange.

(d) *Finish and appearance*—(1) *Bandaged and paraffin-dipped.* Shall possess a sound, fairly firm rind with the bandage and paraffin coating adhering tightly but may possess very slight mold under bandage and paraffin and the following other characteristics to a slight degree: Soiled surface, surface mold, rough surface, irregular bandaging, lopsided and high edges.

(2) *Rindless.* The wrapper or covering shall be practically smooth, properly sealed with adequate overlapping at the seams or by any other satisfactory type of closure. The wrapper or covering shall be neat and adequately and securely envelop the cheese. May be slightly wrinkled but shall be of such character as to fully protect the surface of the cheese and not detract from its initial quality. Fresh or current cheese shall be free from mold under the wrapper or covering. It may be slightly lopsided but shall not be huffed.

(3) *Barrel or bulk.* The container shall be clean, free from rust and in good condition. The barrel liner wrapper shall completely envelop the cheese but need not be sealed. Fresh or current cheese shall be practically free from mold under the liner. Medium or cured cheese may possess slight mold under the liner.

§ 58.441 Washed curd, soaked curd cheese.

The quality requirements for washed curd or soaked curd cheese shall be as follows:

(a) *Flavor.* Mild to mellow, pleasing, but may be lacking in characteristic Cheddar cheese flavor development. It may possess slight feed and acid flavor but shall not possess any undesirable flavors and odors.

(b) *Body and texture.* A plug drawn from the cheese shall be fairly firm, smooth, translucent but may be open. May be slightly curdy or completely broken down. The body shall not be pasty but may be slightly weak. The texture shall not show the presence of gas holes but may possess two sweet holes per plug.

(c) *Color.* The color shall be uniform, bright and attractive. It may be colored or uncolored but if colored it should be a medium yellow-orange.

(d) *Finish and appearance.* Same as for Colby cheese.

§ 58.442 Granular, stirred curd cheese.

The quality requirements for granular or stirred curd cheese shall be as follows:

(a) *Flavor.* Mild to mellow, pleasing characteristic cheese flavor, but may be lacking in flavor if fresh or current. May possess a very slight bitter flavor or slight feed and acid flavor. It shall not possess any undesirable flavors or odors.

(b) *Body and texture.* A plug drawn from the cheese shall be reasonably firm, smooth, reasonably compact and translucent but may be definitely open. May be slightly curdy or completely broken down. The body may be slightly mealy, short and weak. The texture shall not show the presence of gas holes but may possess two sweet holes per plug.

(c) *Color.* The color shall be uniform, bright and attractive. It may be colored or uncolored but if colored it should be a medium yellow-orange.

(d) *Finish and appearance.* Same as for Colby cheese.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING COTTAGE CHEESE

DEFINITIONS

§ 58.505 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Concentrated skim.* Skim milk which has been concentrated to approximately one-third the original volume in

accordance with standard commercial practice.

(b) *Cottage cheese*—(1) *Dry cottage cheese.* The soft uncured cheese prepared from pasteurized skim milk, or a combination of skim milk, concentrated skim milk or nonfat dry milk, or reconstituted concentrated skim milk or reconstituted nonfat dry milk. Calcium chloride may be added in a quantity not to exceed 0.02 percent of the weight of the mixture. The finished cottage cheese shall contain not more than 80 percent of moisture and shall conform to the provisions of § 19.525, "Definitions and standards of identity for cheese and cheese products," U.S. Food and Drug Administration (21 CFR 19.525).

(2) *Creamed cottage cheese.* The soft uncured cheese made by mixing dry cottage cheese with a creaming mixture so that the finished product shall contain not less than 4 percent milkfat by weight. The creamed cheese shall contain not more than 80 percent of moisture and shall conform to the provisions of § 19.530, "Definitions and standards of identity for cheese and cheese products," U.S. Food and Drug Administration (21 CFR 19.530).

(c) *Creamed cottage cheese with fruits, nuts, chives, or other vegetables.* Shall consist of creamed cottage cheese to which has been added fruits, nuts, chives, or other vegetables. The finished cheese shall contain not more than 80 percent of moisture nor less than 4 percent milkfat by weight prior to the addition of such ingredients.

(d) *Cream.* The milkfat portion of milk which rises to the surface of milk on standing or is separated from it by centrifugal force and contains not less than 18 percent of milkfat.

(e) *Creaming mixture.* The creaming mixture consists of cream or a mixture of cream with milk or skim milk or both. To adjust the solids content nonfat dry milk or concentrated skim milk may be added but not to exceed 3 percent by weight of the creaming mixture. It may or may not contain a culture of harmless lactic acid and flavor producing bacteria, food grade acid, salt, and stabilizers with or without carriers. The creaming mixture in its final form may or may not be homogenized and shall conform to the provisions of § 19.530(b), "Definitions and standards of identity for cheese and cheese products," U.S. Food and Drug Administration (21 CFR 19.530).

ROOMS AND COMPARTMENTS

§ 58.510 Rooms and compartments.

(a) Processing operations with open cheese vats should be separated from other rooms or areas. Excessive personnel traffic or other possible contaminating conditions should be avoided. Rooms, compartments, coolers, and dry storage space in which any raw material, packaging or ingredient supplies or finished products are handled, processed, packaged or stored shall be designed and constructed to assure clean and orderly operations.

(b) *Ventilation.* Processing and packaging rooms or compartments shall be ventilated to maintain sanitary conditions, preclude the growth of mold and air borne bacterial contaminants, prevent undue condensation of water vapor and minimize or eliminate objectionable odors. To minimize air borne contamination in processing and packaging rooms it is preferable to filter all incoming air. The incoming air shall exert an outward pressure so that the movement of air will be outward and prevent the movement of unfiltered air inward.

(c) *Starter room.* A separate starter room equipped with a tight fitting door should be provided for the propagation and handling of starter cultures. All necessary precautions shall be taken to prevent contamination of the room, equipment and the air therein. A filtered air supply shall be provided so as to obtain an outward movement of air. The outward movement of air from the room minimizes contamination from unfiltered air entering the starter room when the door to the room is opened.

(d) *Coolers.* Coolers shall be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products. Coolers shall be kept clean, orderly, free from insects, rodents, and mold, and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be of such construction as to permit thorough cleaning.

EQUIPMENT AND UTENSILS

§ 58.511 General construction repair and installation.

The equipment and utensils used for the manufacture and handling of cottage cheese shall be as specified in § 58.128. In addition for certain other equipment the following requirements shall be met.

§ 58.512 Cheese vats.

(a) The vats used for making the cottage cheese shall be of stainless steel construction with adequate jacket capacity for uniform heating and cooling. The inner liner shall be minimum 16 gauge stainless steel, properly pitched from side to center and from rear to front for adequate drainage. The liner shall be smooth, free from excessive dents or creases and shall extend over the edge of the outer jacket. The outer jacket shall be constructed of stainless steel or other metal which can be kept clean and sanitary. The junction of the liner and outer jacket shall be constructed as to prevent milk or cheese from entering the inner jacket.

(b) The vat shall be equipped with valves to control the heating and cooling medium and a suitable sanitary outlet valve. Vats used for creaming curd should be equipped with a refrigerated cooling medium. A circulating pump for the heating and cooling medium is recommended. Also the vats shall be equipped with removable stainless steel or other suitable metal covers, cloth covers which can be regularly and suitably laundered, or with single service paper covers.

§ 58.513 Agitators.

Mechanical agitators should be installed on all cheese vats for stirring the milk or cheese. The carriage shall be completely enclosed or provided with a trough or drip pan to prevent condensation, oil or dirt from dropping into the vat.

§ 58.514 Container fillers.

Should conform to the 3–A Sanitary Standards for Equipment for Packaging Frozen Desserts and Cottage Cheese.

§ 58.515 Mixers.

Only mixers shall be used which will mix the cheese carefully and keep shattering of the curd particles to a minimum. They shall be constructed in such a manner as to be readily cleanable. If shafts extend through the wall of the tank below the level of product, they shall be equipped with proper seals or packing glands which are readily removable for cleaning and sanitizing. The mixer shall be enclosed or equipped with tight fitting covers.

§ 58.516 Starter vats.

Bulk starter vats shall be made of stainless steel and should be constructed according to applicable 3–A Sanitary Standards. The vats shall be in good repair, equipped with tight fitting lids and accurate temperature controls such as valves, indicating and/or recording thermometers.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.517 General.

Raw materials used for manufacturing cottage cheese shall meet the following quality specifications.

§ 58.518 Milk.

The selection of raw milk for cottage cheese shall be in accordance with §§ 58.132 through 58.138.

§ 58.519 Dairy products.

(a) *Raw skim milk.* All raw skim milk obtained from a secondary source shall be separated from milk meeting the same quality requirements for milk as outlined in § 58.518. Skim milk after being pasteurized and separated shall be cooled to 45° F. or lower unless the skim milk is to be set for cheese within two hours after pasteurizing. The skim milk should not be more than 24 hours old from the time the milk was received at the plant and the skim milk is set for cheese.

(b) *Nonfat dry milk.* Nonfat dry milk, if used, shall meet the requirements for U.S. Extra Grade (Spray Process), at time of use, and shall be of U.S. Low Heat Classification (not less than 6 mg. undenatured whey protein nitrogen per gram of nonfat dry milk). In addition, the nonfat dry milk shall have a direct microscopic clump count not exceeding 75 million per gram. The age of the nonfat dry milk shall be covered by a USDA grading certificate, evidencing

compliance with quality requirements, dated not more than 6 months prior to use of the dry milk. In the interim between manufacture and use, the nonfat dry milk shall be stored in a clean, dry, vermin-free space. In any case, if the nonfat dry milk is more than 120 days old, at time of use, it shall be examined for flavor to make certain that it meets that requirement for U.S. Extra Grade.

(c) *Concentrated skim milk.* Concentrated skim milk, if used, shall be prepared from raw milk or skim milk that meets the same quality requirements outlined above for raw milk or skim milk. The concentrated skim milk shall meet the requirements for U.S. Low Heat Classification for Nonfat Dry Milk (Spray Process) as indicated in the U.S. Grade Standards for Nonfat Dry Milk. It shall be cooled promptly after drawing from the vacuum pan or evaporator and shall have been pasteurized before concentrating or during the manufacture. The standard plate count of the concentrated milk shall not exceed 30,000 per ml. at time of use.

(d) *Cream.* Any cream used for preparing the dressing for creamed cottage cheese shall be separated from milk meeting at least the same quality requirements as the skim milk used for making the curd. The flavor of the cream shall be fresh and sweet. Cream obtained from a secondary source shall meet the same requirements. The creaming mixture prepared from this cream, after pasteurization, shall have a standard plate count of no more than 30,000 per ml.

§ 58.520 Nondairy ingredients.

(a) *Calcium chloride.* Calcium chloride, when used, shall be of food grade quality and free from extraneous material.

(b) *Salt.* Salt shall be white refined sodium chloride of food grade quality and free from extraneous material.

(c) *Other ingredients.* Other ingredients such as fruits, nuts, chives or other vegetables used or blended with cottage cheese shall be reasonably free of bacteria so as not to appreciably increase the bacterial count of the finished product. The various ingredients in kind shall be consistent in size and color so as to produce the desired appearance and appeal of the finished product. The flavor of the ingredients used shall be natural and represent the intended flavor and intensity desired in the finished product. Such ingredients shall be clean, wholesome, of uniformly good quality, free from mold, rancid or decomposed particle. Vegetables used in cottage cheese may first be soaked for 15 to 20 minutes in a cold 25 to 50 p.p.m. chlorine solution to appreciably reduce the bacterial population. After soaking, the vegetables shall be drained and used soon thereafter.

OPERATIONS AND OPERATING PROCEDURES

§ 58.521 Pasteurization and product flow.

(a) The skim milk used for the manufacture of cottage cheese, shall be pasteurized not more than 24 hours prior to the time of setting by heating every particle of skim milk to a temperature of 161° F. for not less than 15 seconds or by any other combination of temperature and time giving equivalent results. All skim milk must be cooled promptly to setting temperature. If held more than two hours between pasteurization and time of setting, the skim milk shall be cooled and held at 45° F. or colder until set.

(b) Cream or cheese dressing shall be pasteurized at not less than 150° F. for not less than 30 minutes or at not less than 166° F. for not less than 15 seconds or by any other combination of temperature and time treatment giving equivalent results. All cream and cheese dressing shall be cooled promptly to 40° F. or lower after pasteurization to aid in further cooling of cottage cheese curd for improved keeping quality.

(c) Reconstituted nonfat dry milk for cottage cheese manufacture need not be repasteurized provided it is reconstituted within 2 hours prior to the time of setting. Skim milk separated from pasteurized whole milk need not be repasteurized provided it is separated in equipment from which all traces of raw milk from previous operations has been removed by proper cleaning and sanitizing.

§ 58.522 Reconstituting nonfat dry milk.

Nonfat dry milk shall be reconstituted in a sanitary manner, preferably by the use of a centrifugal pump and funnel arrangement. It shall be reconstituted within 2 hours of the time of setting, using water which is free from viable pathogenic or otherwise harmful microorganisms as well as microorganisms which may cause spoilage of cottage cheese.

§ 58.523 Manufacture of cottage cheese.

(a) *Setting.* The pasteurized skim milk shall be inoculated with a sufficient quantity of a desirable starter, thoroughly stirred into the milk to avoid lumps that may float to the surface or cause an irregular set. The amount of starter and temperature of setting shall be such that the desired acidity and firmness of curd will be attained in the time desired. Rennet or calcium chloride may or may not be used. The solids of the skim milk may also be increased by the addition of nonfat dry milk or concentrated skim milk.

(b) *Cutting and cooking.* When the proper acidity has been reached, the curd shall be cut uniformly, and carefully handled during cooking to avoid unnecessary shattering and to produce a uniform curd of the proper texture, free from chunks or matted pieces of curd.

§ 58.524 Washing and cooling.

After the curd has been properly cooked, the whey shall be drained promptly and the curd washed sufficiently in cold wash water (practically free of bacterial contamination due to natural purity or chemical treatment) to remove the excess acid and properly chill the curd to 45° F. or lower. If necessary for pH control the wash water may be adjusted by the addition of a food acid approved by the U.S. Food and Drug Administration. The curd shall be adequately drained prior to storing or dressing.

§ 58.525 Dressing the curd.

After the curd has been properly chilled to 45° F. or lower and drained, it may be dressed with the creaming mixture immediately or placed in storage vats, cans, or other suitable containers in a cooler at 40° F. or lower, for dressing at a later date. Dressing the curd with the creaming mixture as soon as possible after chilling and draining is preferred. The dressing for the curd shall be of such milkfat content and consistency as to produce a satisfactory finished product of legal composition. The creamed cottage cheese shall be cooled to 45° F. or lower within 2 hours after dressing, and shall be stored at this temperature until delivered.

§ 58.526 Laboratory and quality control tests.

(a) Quality control tests shall be made on flow samples as often as necessary to check the effectiveness of processing and manufacturing as an aid in correcting deficiencies. Routine analyses shall be made on raw materials and finished products to assure adequate composition control. Keeping quality tests shall be made on each vat of finished cottage cheese to determine shelf-life and stability of the finished product.

(b) Frequency of sampling:

(1) *Microbiological.* Samples of raw milk for testing shall be taken as prescribed in § 58.135. One sample shall be taken for each vat of finished cottage cheese and from each lot, tank or batch of product used as ingredient. For keeping quality tests one or more samples shall be taken from each vat of finished cottage cheese.

(2) *Chemical*—(i) *Milkfat and moisture.* One sample shall be taken from each vat of creamed cottage cheese; dry cottage cheese shall be tested for moisture only.

(ii) *pH.* One sample shall be taken from each vat or batch of cottage cheese.

(iii) *Phosphatase.* As many samples should be taken from each days' production or separately pasteurized unit of product as are necessary to spot check effectiveness of approved pasteurization procedure.

(c) Test methods:

(1) *Microbiological.* Microbiological determinations shall be made for coliform, psychrophiles and yeasts and molds. These tests shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products, published by the American Public Health Association.

(2) *Chemical.* Chemical analysis shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, published by the Association of Official Agricultural Chemists, the latest edition of Standard Methods, or by other methods giving equivalent results.

§ 58.527 Packaging and general identification.

(a) *Containers.* Containers used for packaging cottage cheese shall be any commercially acceptable multiple use or single service container or packaging material which will satisfactorily protect the contents through the regular channels of trade without significant impairment of quality with respect to flavor, or contamination under normal conditions of handling. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing 2 pounds or less, to protect the product from contamination during subsequent handling.

(b) *Packaging.* The cheese shall be packaged in a sanitary manner and automatic filling and capping equipment should be used on all small sizes. Hand filling and capping should be limited to larger containers which cannot be filled and capped mechanically. The containers shall be check weighed during the filling operation to assure they are filled uniformly to not less than the stated net weight on the container. Also care shall be taken that the creamed cottage cheese be of uniform consistency at the time of packaging to assure legal composition in all packages.

(c) *General identification.* Bulk packages containing cottage cheese shall be adequately and legibly marked with the name of the product, net weight, name and address of the manufacturer, lot number, code or date of packaging and any other identification as may be required. Consumer size packaged products shall be legibly marked with the name of the product, net weight, name and address of manufacturer or distributor, code or date of packaging and any other identification as may be required.

§ 58.528 Storage of finished product.

Cottage cheese after packaging shall be promptly stored at a temperature of 45° F. or lower to maintain quality and condition until loaded for distribution. During distribution and storage prior to sale the product should be maintained at a temperature of 45° F. or lower. The product shall not be exposed to foreign odors or conditions such as drippage or condensation that might cause package or product damage. Packaged cottage cheese shall not be placed directly on floors.

QUALITY REQUIREMENTS FOR COTTAGE CHEESE BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.529 Physical requirements.

(a) *Flavor and odor.* The cottage cheese shall possess a mild pleasing flavor, similar to fresh whole milk or light cream and may possess the delicate flavor and aroma of a good lactic starter. The product may possess to a slight degree a feed, acid, or salty flavor but shall be free from chalky, bitter, utensil, fruity, yeasty, or other objectionable flavors.

(b) *Body and texture.* The curd particles shall have a meaty texture, but sufficiently tender to permit proper absorbtion of cream or cheese dressing. The texture shall be smooth and velvety and shall not be mealy, crumbly, pasty, sticky, mushy, watery, rubbery, or slimy or possess any other objectionable characteristics of body and texture. Small curd style (cut with ¼-inch knives) shall have curd particles approximately ⅛-inch or less in size. Large curd style (cut with knives over ¼-inch) shall have curd particles approximately ⅜-inch or more in size.

(c) *Color and appearance.* The finished cottage cheese, creamed, or plain curd, shall have an attractive natural color and appearance with curd particles of reasonably uniform size. The creamed cottage cheese shall be uniformly mixed with the cream or dressing properly absorbed or adhering to the curd so as to prevent excessive drainage.

§ 58.530 Microbiological requirements at time of packaging in three out of five consecutive samples.

(a) *Coliform.* Not more than 10 per gram.

(b) *Psychrophiles.* Not more than 100 per gram.

(c) *Yeasts and molds.* Not more than 10 per gram.

§ 58.531 Chemical requirements.

(a) *Moisture.* Not more than 80.0 percent.

(b) *Milkfat.* Not less than 4.0 percent (no requirement for dry cottage cheese).

(c) *pH.* Not higher than 5.2.

(d) *Phosphatase.* Not more than 4 micrograms of phenol equivalent per gram of cheese.

§ 58.532 Keeping quality requirements.

Keeping quality samples taken from the packaging line shall be held at 50° F. for 10 days. At the end of the 10-day period the samples shall possess a satisfactory flavor and appearance and shall be free from bitter, sour, fruity, or other objectionable flavors and odors. The surface shall not be discolored, translucent, slimy or show any other objectionable condition.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING ICE CREAM AND RELATED PRODUCTS

DEFINITIONS

§ 58.605 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to import the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning as applied to frozen desserts meeting FDA requirements and briefly defined as follows:

(a) *Ice cream.* The product prepared by freezing, while stirring, a pasteurized mix composed of milkfat, milk solids-not-fat, sweetening ingredients, stabilizers, and emulsifiers, natural and/or artificial flavor and color. The dairy products used in preparation of the mix shall not be neutralized by the addition of chemical reagents. The finished product shall conform to the requirements of § 20.1 "Definitions and standards of identity for frozen desserts," U.S. Food and Drug Administration (21 CFR 20.1).

(b) *Frozen custard.* The same product as ice cream except that egg ingredients are used in such quantity, that the total weight of egg yolk solids used, is not less than 1.4 percent of the weight of the finished frozen custard. The finished product shall conform to the requirements of § 20.2 "Definitions and standards of identity for frozen desserts," U.S. Food and Drug Administration (21 CFR 20.2).

(c) *Ice milk.* The product prepared from the same ingredients and in the same manner as ice cream. Except that its milkfat content is more than 2 percent but not more than 7 percent and the total milk solids are not less than 11 percent. The finished product shall conform to the requirements of § 20.3 "Definitions and standards of identity for frozen desserts," U.S. Food and Drug Administration (21 CFR 20.3).

(d) *Fruit sherbet.* The product prepared by freezing, while stirring, a pasteurized mix composed of fruit ingredients, sweetening ingredients, stabilizers and emulsifiers, milk solids, harmless food grade acids, natural and/or artificial flavor and color. The finished product shall conform to the requirements of § 20.4 "Definitions and standards of identity for frozen desserts," U.S. Food and Drug Administration (21 CFR 20.4).

(e) *Milkfat.* The fat derived from milk by gravitational or mechanical means. The optional sources of milkfat approved for use in ice cream and related products are: Liquid, dried or plastic cream; natural, concentrated or dried sweet cream buttermilk; and butter or butteroil.

(f) *Milk-solids-not-fat.* Includes proteins, milk sugar, various minerals and certain water-soluble vitamins of milk. The optional sources of these solids, approved for use in ice cream and related products, in addition to the various forms of milk, cream and buttermilk are: Concentrated, evaporated, condensed, superheated condensed, sweetened condensed, and nonfat dry milk. Caseinates may be used if added in addition to the required total milk solids content. Cheese whey as provided in F&D Standard of Identity for Frozen Desserts, either natural, concentrated or dried may be used if added in the prescribed amounts.

(g) *Sweetening ingredients.* Those agents used to impart the desired degree of sensual sweetness as well as body, to the finished product. Sweetening agents approved by the U.S. Food and Drug Administration may be used, such as sucrose in the form of dry or liquid sugar, dextrose or corn sugar in dry or liquid form, glucose in dry or liquid form, invert sugar in paste or liquid, maltose sirup, fructose N.F. and lactose. Individual sweetening ingredients may contain one or more of the approved sweetening agents.

(h) *Flavoring ingredients.* Those ingredients that, when added to the mix or partially frozen product, impart a characteristic and desired flavor to the finished product. Natural and/or artificial flavors approved by the U.S. Food and Drug Administration may be used.

(i) *Stabilizing ingredients.* Those agents used to help bind the water and add to the body and appearance of the finished product. Stabilizing ingredients approved by the U.S. Food and Drug Administration may be used, such as, agar-agar, algin, calcium sulphate, egg white, gelatin, carrageenan, and salts of carrageenan, oat gum, gum acacia, locust bean gum, guar seed gum, gum tragacanth, pectin, lecithin, sodium carboxymethyl-cellulose, psyllium seed husk, gum kayara, furcelleran and salts of furcelleran.

(j) *Emulsifying ingredients.* Those agents used to help stabilize the fat and water emulsion, improve the body, and give a dry appearance to the finished product. Emulsifying ingredients approved by the U.S. Food and Drug Administration may be used, such as monoglycerides, diglycerides and specific polyoxyethylenes.

(k) *Acid ingredients.* Those harmless food acids used to acidulate fruit sherbet mixes to reach the desired acidity in the finished product. Acid ingredients approved by the U.S. Food and Drug Administration may be used, such as, citric, tartaric, lactic, ascorbic, phosphoric, and malic acid.

(l) *Coloring ingredients.* Those agents, when added to the mix, that will impart the desired color to the finished product. Approved coloring ingredients, are those food grade colors certified by the U.S. Food and Drug Administration, for use in food products for human consumption.

(m) *Overrun.* The trade expression used to reference the increase in volume of the frozen product over the volume of the mix. This increase in volume is due to air being whipped into the product during the freezing process. It is expressed as percent of the volume of the mix.

(n) *Mix.* The trade name for the combined and processed ingredients which after freezing become a frozen dessert.

ROOMS AND COMPARTMENTS

§ 58.619 Mix processing room.

The rooms used for combining mix ingredients and processing the mix shall meet the applicable requirements for rooms specified in § 58.126. The room shall be ventilated to remove moisture and prevent condensation from forming on walls and ceiling. The room shall be well lighted.

§ 58.620 Freezing and packaging rooms.

The rooms used for freezing and packaging frozen desserts shall be adequate in size and maintained in a clean and sanitary condition. The rooms shall be constructed in the same manner as prescribed above for mix rooms.

§ 58.621 Freezing tunnels.

Freezing tunnels used for quick freezing at extremely low temperatures shall be designed and constructed as to insure ease in cleaning and satisfactory conditions of operation.

§ 58.622 Hardening and storage rooms.

Hardening and storage rooms for frozen desserts shall be constructed of satisfactory material for this purpose. The room shall be maintained in a clean and orderly manner. Adequate shelves, bins, or pallets shall be provided to keep the packages of finished products off the floor and to prevent damage to the containers. Sufficient refrigeration shall be provided to insure adequate storage temperature (−10° or lower). Air shall be circulated to maintain uniform temperature throughout the room. A vestibule or double entry way should be provided to minimize heat shock of the frozen products.

EQUIPMENT AND UTENSILS

§ 58.623 Homogenizer.

Homogenizer shall meet 3–A Sanitary Standards.

§ 58.624 Freezers.

Product contact surfaces of freezers used to lower the temperature of the liquid mix to a semifrozen mass by a stirring action shall be constructed of stainless steel and all parts easily accessible for cleaning and sanitizing. Batch continuous freezers should meet the applicable 3–A Standards.

§ 58.625 Fruit or syrup feeders.

Fruit or syrup feeders which inject flavoring material into the semifrozen product, just prior to the filling of the cartons with the semifrozen product. Product contact surfaces shall be constructed of stainless steel and all pumps shall be in accordance to 3–A Sanitary Standards for dairy equipment. The feeder shall be constructed to enable complete disassembly for cleaning and sanitizing.

§ 58.626 Packaging equipment.

Packaging equipment designed to mechanically fill and close single service containers with frozen desserts shall be constructed so that all product contact surfaces shall be of stainless steel or equally corrosion-resistant metal. Wherever applicable, 3–A Standards covering material, design and fabrication should be adhered to. All product contact surfaces shall be easily accessible for cleaning. The design and operation of the machine shall in no way contaminate the container or the finished product placed therein.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.627 Milk and dairy products.

(a) To produce ice cream and related products the raw milk and cream shall meet the quality requirements as prescribed in §§ 58.132 thru 58.138, except that only commingled milk and cream meeting the bacteriological requirements of No. 1 shall be used.

(b) USDA graded products: Dairy products used in the manufacture of ice cream and related products for which there is a U.S. grade established, shall be of U.S. Extra Grade, and in the case of unsalted butter shall be no lower than U.S. Grade A. Dairy products for which there is no USDA grade shall meet the applicable requirements of this part which permit such product to bear the USDA Quality Approved Inspection Shield.

§ 58.628 Sweetening agents.

Sweetening agents shall be clean and wholesome and consist of one or more of the approved sweeteners listed in § 58.605.

§ 58.629 Flavoring agents.

Flavoring agents either natural or artificial shall be wholesome and free from staleness. They must impart the desired characteristic to the finished product. Flavoring agents shall be one or more of those approved in § 58.605.

§ 58.630 Stabilizers.

Stabilizers shall be clean and wholesome and consist of one or more of those approved in § 58.605.

§ 58.631 Emulsifiers.

Emulsifiers shall be clean and wholesome and consist of one or more of those approved in § 58.605.

§ 58.632 Acid.

Acids used in sherbet shall be wholesome and of food grade quality and consist of one or more of those approved in § 58.605.

§ 58.633 Color.

Coloring used for ice cream and related products shall be those certified by the U.S. Food and Drug Administration as safe for human consumption.

OPERATIONS AND OPERATING PROCEDURES

§ 58.634 Assembling and combining mix ingredients.

The assembling and combining of mix ingredients for processing shall be in accordance with clean and sanitary methods and shall be consistent with good commercial practices. All raw materials shall be subjected to inspection for quality and condition prior to being combined and processed into the finished mix. All necessary precautions shall be taken to prevent the contamination of any raw material or the finished mix with any foreign substance.

§ 58.635 Pasteurization of the mix.

Every particle of the mix, except added flavoring ingredients, shall be pasteurized at not less than 155° F. and held at that temperature for 30 minutes or for 175° F. or 25 seconds; or it may be pasteurized by any other equivalent temperature and holding time which will assure adequate pasteurization.

§ 58.636 Homogenization.

Homogenization of the pasteurized mix shall be accomplished to effectively reduce the size of the milkfat globules and evenly disperse them throughout the mix.

§ 58.637 Cooling the mix.

The mix shall be immediately cooled to a temperature of 45° F. or lower, and stored at this temperature until further processing begins.

§ 58.638 Freezing the mix.

After the mix enters the freezer, it should be frozen as rapidly as possible to assure the formation of minute crystals. Proper adjustment of rate of flow, refrigerant, and vacuum controls shall be achieved to assure correct overrun and consistency of the product for packaging and further freezing.

§ 58.639 Addition of flavor.

The addition of flavoring ingredients to semifrozen mix just prior to packaging shall be performed in a clean and sanitary manner. Care shall be taken to insure the flavor injection equipment has been properly cleaned and sanitized prior to use and that the flavor ingredients are of good quality and wholesome in nature.

§ 58.640 Packaging.

The packaging of the semifrozen product shall be done by means which will in no way contaminate the container or the product. When single service containers and lids are used, they shall be of good construction and protect the finished product. Containers used for frozen products shall be stored and handled in a sanitary manner so as to protect them from dust and bacterial contamination.

§ 58.641 Hardening and storage.

Immediately after the semifrozen product is placed in its intended container it shall be placed in a hardening tunnel or hardening room to continue the freezing process. Rapid freezing to 0° to −15° F. is desirable to produce a good textured product. Adequate space and facilities shall be provided so that not more than 12 hours is necessary to reduce the temperature of the product to the storage temperature.

§ 58.642 Quality control tests.

All mix ingredients shall be subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow line samples as often as necessary to check the effectiveness of processing and sanitation and as an aid in correcting deficiencies. Routine analysis shall be made on raw materials and finished products to assure adequate composition control.

§ 58.643 Frequency of sampling.

(a) *Microbiological.* One sample shall be taken from each batch of mix, and for the finished frozen product one sample from each flavor made.

(b) *Composition.* Sampling and testing for fat and solids-not-fat shall be made on each batch of mix manufactured. Spot checks shall be made on the finished products as often as is necessary to assure compliance with composition standards.

(c) *Product evaluation.* As often as is necessary to assure uniform consistency, an evaluation of the finished product for flavor, body, and texture, and melt down characteristics shall be made and corrective action taken if so indicated.

(d) *Weight or volume control.* Representative samples of the packaged products shall be checked during the packaging operation to assure compliance with the stated volume on the container as well as weight and overrun requirements.

§ 58.644 Test methods.

(a) *Microbiological.* Microbiological determinations shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products.

(b) *Chemical.* Chemical analysis shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, the latest edition of Standard Methods, or by other methods giving equivalent results.

§ 58.645 General identification.

The various types of frozen desserts shall be packaged and labeled in accordance with the provisions established for each type of product by the U.S. Food and Drug Administration. In addition, each package of mix or frozen product offered for sale shall be coded to identify the date the product was processed or frozen and packaged.

§ 58.646 Official identification.

Only ice cream and related products manufactured in accordance with the requirements of this part and with the applicable requirements in Subpart A of this part which have been officially inspected in process and found to be in compliance with these requirements may be identified with the official USDA Quality Approved Inspection Shield.

QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.647 Composition requirements for ice cream.

(a) *Milk fat.* Not less than 10 percent by weight, or when fruits, nuts and other such ingredients are used for flavoring, not less than 8 percent by weight.

(b) *Milk solids, not fat.* Not less than 10 percent by weight, or when fruit, nuts, and other such ingredients are used for flavoring, not less than 8 percent by weight.

(c) *Stabilizers.* Kinds and amounts may be used as specified by the U.S. Food and Drug Administration.

(d) *Emulsifiers.* Kinds and amounts may be used as specified by the U.S. Food and Drug Administration.

(e) *Food solids per gallon.* The minimum total food solids weight per gallon must be 1.6 per gallon.

(f) *Weight per gallon.* For the finished product the weight per gallon must be 4.5 pounds or more.

§ 58.648 Microbiological requirements for ice cream.

The finished product shall contain not more than 50,000 bacteria per gram as determined by the standard plate count, and shall contain not more than 10 coliform organisms per gram for plain and not more than 20 coliform per gram in chocolate, fruit, nut or other flavors in three out of five samples.

§ 58.649 Physical requirements for ice cream.

(a) *Flavor.* The flavor of the finished ice cream shall be pleasing and desirable, and characteristic of the fresh milk and cream and the particular flavoring used.

(b) *Body and texture.* The body shall be firm, have substance and readily melt to a creamy consistency when exposed to room temperatures; the texture shall be fine, smooth, and have the appearance of creaminess throughout.

(c) *Color.* The color shall be attractive, pleasing, uniform and characteristic of the flavor represented.

§ 58.650 Requirements for frozen custard.

The same requirements apply as for ice cream except plain frozen custard shall have a minimum egg yolk solids content of 1.4 percent, and 1.12 percent when fruits, nuts and other such ingredients are used for flavoring.

§ 58.651 Requirements for ice milk.

The requirements are the same as for ice cream except: (a) The minimum milk fat content shall be 2 percent by weight and the maximum milk fat content 7 percent by weight, (b) the total milk solids content shall be no less than 11 percent by weight, (c) the minimum total food solids weight per gallon shall be 1.3 pounds, (d) no reduction in the standards are permitted when fruits, nuts and other such ingredients are used for flavoring.

§ 58.652 Composition requirements for fruit sherbet.

(a) *Milk fat.* Shall contain a minimum of 1 percent by weight of the finished product, and shall contain no more than 2 percent by weight.

(b) *Milk solids.* The total milk solids minimum shall be 2 percent by weight and shall be no more than 5 percent by weight of the finished product.

(c) *Stabilizer.* Kinds and amounts may be used as specified by the U.S. Food and Drug Administration.

(d) *Emulsifiers.* Kinds and amounts may be used as specified by the U.S. Food and Drug Administration.

(e) *Amounts of flavor ingredients—*

(1) *Citrus sherbets.* Citrus sherbets shall contain a minimum of 2 percent fruit.

(2) *Berry sherbets.* Berry sherbets shall contain a minimum of 6 percent fruit.

(3) *Other sherbets.* Other fruit sherbets shall contain a minimum of 10 per-

cent fruit by weight of the finished product.

(f) *Acidity.* The minimum acidity shall be no lower than 0.35 percent by weight of the finished product, figured as lactic acid.

(g) *Total food solids.* No minimum amount required.

(h) *Weight per gallon.* For sherbet, the minimum weight per gallon shall be 6.0 pounds.

§ 58.653 Microbiological requirements for fruit sherbet.

The finished product shall contain not more than 50,000 bacteria per gram as determined by the standard plate count and shall contain not more than 10 coliform organisms per gram in three out of five samples.

§ 58.654 Physical requirements for fruit sherbet.

(a) *Flavor.* The flavor of the finished fruit sherbet shall be pleasing and desirable and characteristic of the particular flavoring used and shall impart a sweet yet tart sensation.

(b) *Body and texture.* The body shall be firm, compact, somewhat chewy and readily melt to an even syrupy consistency at room temperatures; the texture shall be smooth but not as fine as in ice cream and shall be even throughout.

(c) *Color.* The color shall be attractive, pleasing, uniform and characteristic of the flavor represented.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING PASTEURIZED PROCESS CHEESE AND RELATED PRODUCTS

DEFINITIONS

§ 58.705 Pasteurized process cheese and related products.

Pasteurized process cheese and related products are the foods which conform to the provisions of §§ 19.750 to 19.790, "Definitions and standards of identity for cheese and cheese products," U.S. Food and Drug Administration (21 CFR 19.750–19.790).

EQUIPMENT AND UTENSILS

§ 58.706 General construction repair and installation.

The equipment and utensils used for the handling and processing of cheese products shall be as specified in § 58.128. In addition, for certain other equipment the following requirements shall be met.

§ 58.707 Conveyors.

Conveyors shall be constructed of material which can be properly cleaned, will not rust, or otherwise contaminate the cheese, and shall be maintained in good repair.

§ 58.708 Grinders or shredders.

The grinders or shredders used in the preparation of the trimmed and cleaned natural cheese for the cookers shall be adequate in size. Product contact surfaces shall be of corrosion-resistant material, and of such construction as to prevent contamination of the cheese and to allow thorough cleaning of all parts and product contact surfaces.

§ 58.709 Cookers.

The cookers shall be the stream jacketed or direct steam type. They shall be constructed of stainless steel or other equally corrosion-resistant material. All product contact surfaces shall be readily accessible for cleaning. Each cooker shall be equipped with an indicating thermometer, and should be equipped with a temperature recording device. The recording thermometer stem may be placed in the cooker if satisfactory time charts are used, if not, the stem shall be placed in the hotwell or filler hopper. Steam check valves on direct steam type cookers shall be mounted flush with cooker wall, be constructed of stainless steel and designed to prevent the back up of product into the steam line, or the steam line shall be constructed of stainless steel pipes and fittings which can be readily cleaned. If direct steam is applied to the product only culinary steam shall be used (see § 58.127(d)).

§ 58.710 Fillers.

The hoppers of all fillers shall be covered but the cover may have sight ports. If necessary, the hopper may have an agitator to prevent buildup on side wall. The filler valves and head shall be kept in good repair, capable of accurate measurements.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.711 Cheddar, colby, washed or soaked curd, granular or stirred curd cheese.

Cheese, used in the manufacture of pasteurized Process cheese products which are identified with the USDA Quality Approved Inspection Shield, shall possess a pleasing and desirable flavor and odor consistent with the age of the cheese; shall have body and texture characteristics which will impart the desired body and texture characteristics in the finished product; and shall possess finish and appearance characteristics which will permit removal of all packaging material and surface defects. The cheese shall possess the above characteristics but may possess the following defects, provided the quantity of the cheese with defects as listed in Tables I and II is limtied, to assure compliance with the specifications of the finished product.

TABLE I—FLAVOR [1]

Feed	D
Acid	D
Flat	D
Bitter	S
Fruity	S
Utensil	S
Whey-Taint	S
Yeasty	S
Malty	S
Old Milk	S
Weedy	S
Unclean	S
Barny	S
Lipase	S
Sulfide	S
Rancid	VS
Onion	VS

([1] VS means very slight, S slight, D definite.)

TABLE II—BODY AND TEXTURE [1]

Curdy	D
Coarse	D
Open	D
Sweet Holes	D
Short	D
Mealy	S
Weak	D
Pasty	D
Crumbly	D
Gassy	S
Slitty	S
Corky	S
Pinny	S

([1] VS means very slight, S slight, D definite.)

TABLE III—FINISH [1]

Surface mold	D
Mold under wrapper or bandage	D
Penetrating surface mold	VS
Sour rind	VS
Surface rot or rind rot	VS
Sour surface (rindless)	VS

([1] VS means very slight, S slight, D definite.)

§ 58.712 Swiss.

Swiss cheese used in the manufacture of pasteurized process cheese and related products shall be U.S. Grade B or better, except that the cheese may be blind or possess finish characteristics which do not impair the interior quality.

§ 58.713 Gruyere.

Gruyere cheese used in the manufacture of process cheese and related products shall be of good wholesome quality and except for smaller eyes and sharper flavor shall meet the same requirements as for Swiss cheese.

§ 58.714 Cream cheese.

Neufchatel cheese. Mixed with other foods, or used for spreads and dips shall possess a fresh, pleasing and desirable flavor.

§ 58.715 Cream.

Cream shall be pasteurized, sweet, have a pleasing and desirable flavor and be free from objectionable flavors, and shall be obtained from milk which complies with the quality requirements as specified in § 58.132.

§ 58.716 Nonfat dry milk.

Nonfat dry milk shall meet the requirements of U.S. Extra Grade except that the moisture content may be in excess of that specified for the particular grade.

§ 58.717 Whey.

Condensed or dry whey shall meet the requirements for USDA Extra Grade except that the moisture requirement for dry whey may be waived.

§ 58.718 Flavor ingredients.

Flavor ingredients used in process cheese and related products shall be those permitted by the Federal Standards of Identity, and in no way deleterious to the quality or flavor of the finished product. In the case of bulky flavoring ingredients such as pimento, the particles shall be, to at least a reasonable degree, uniform in size, shape, and consistency. The individual types of flavoring materials shall be uniform in color and shall impart the characteristic flavor desired in the finished product.

§ 58.719 Coloring.

Coloring shall be Annatto or any other certified cheese or butter color which is approved by the U.S. Food and Drug Administration.

§ 58.720 Acidifying agents.

Acidifying agents if used shall be those permitted by the Federal Standards of Identity for the specific pasteurized process cheese product.

§ 58.721 Salt.

Salt shall be white refined sodium chloride of food grade quality and free from extraneous material. Iodized salt shall not be used.

§ 58.722 Emulsifying agents.

Emulsifying agents shall be those permitted by the Federal Standards of Identity for the specific pasteurized process cheese product, and shall be free from extraneous material.

OPERATIONS AND OPERATION PROCEDURES

§ 58.723 Basis for selecting cheese for processing.

One sample unit from each vat of cheese shall have been examined to determine fat and moisture content and suitability of the vat for use in process cheese products in accordance with the flavor, body, and texture, and finish and appearance characteristics permitted in Tables I, II, III of § 58.711, and to determine the characteristics it will contribute to the finished product when blended with other cheese. The cheese included in each blend shall be selected on the basis of the desirable qualities which will result in the desired finished product. Recook from equivalent blends may be used at not over 2.0 percent per cooker batch. Hot cheese from the filler may be added to the cooker in amounts up to 10 percent if the cheese is added at the end of the cooking period.

§ 58.724 Blending.

To as great an extent as is practical each vat of cheese shall be divided and distributed throughout numerous cooker batches. The purpose being to minimize the preponderance and consequent influence of any one vat on the characteristics of the finished product, and to promote as much uniformity as is practical. In blending also consider the final composition requirements for fat and moisture. Quantities of salt, color, emulsifier, and other allowable ingredients to be added shall be calculated and predetermined for each cooker batch.

§ 58.725 Trimming and cleaning.

The natural cheese shall be cleaned free of all nonedible portions. Paraffin and bandages as well as rind surface, mold, or unclean areas or any other part which is unwholesome or unappetizing shall be removed.

§ 58.726 Cutting and grinding.

The trimmed and cleaned cheese shall be cut into sections of convenient size to be handled by the grinder or shredder. The grinding and mixing of the blended lots of cheese shall be done in such a manner as to insure a homogeneous mixture throughout the batch.

§ 58.727 Adding optional ingredients.

As each batch is added to the cooker, the predetermined amounts of salt, emulsifiers, color, or other allowable optional ingredients shall be added. However, a special blending vat may be used to mix the ground cheese and other ingredients before they enter the cooker, to provide composition control.

§ 58.728 Cooking the batch.

Each batch of cheese within the cooker, including the optional ingredients shall be thoroughly commingled and the contents pasteurized at a temperature of at least 158° F. and held at that temperature for not less than 30 seconds or any other equally effective combination of time and temperature approved by the Administrator. Care shall be taken to prevent the entrance of cheese particles or ingredients after the cooker batch of cheese has reached the final heating temperature. After holding for the required period of time, the hot cheese shall be emptied from the cooker as quickly as possible.

§ 58.729 Forming containers.

Containers either lined or unlined shall be assembled and stored in a sanitary manner to prevent contamination. The handling of containers by filler crews shall be done with extreme care and observance of personal cleanliness. Preforming and assembling of pouch liners and containers shall be kept to a minimum and the supply rotated to limit the length of time exposed to possible contamination prior to filling.

§ 58.730 Filling containers.

Hot fluid cheese from the cookers may be held in hotwells or hoppers to assure a constant and even supply of processed cheese to the filler or slice former. Filler valves shall effectively measure the desired amount of product into the pouch or container in a sanitary manner and shall cut off sharply without drip or drag of cheese across the opening. An effective system shall be used to maintain accurate and precise weight control. Damaged or unsatisfactory packages shall be removed from production, and the cheese may be salvaged into sanitary containers, and added back to cookers.

§ 58.731 Closing and sealing containers.

Pouches, liners, or containers having product contact surfaces, after filling shall be folded or closed and sealed in a sanitary manner, preferably by mechanical means, so as to assure against contamination. Each container in addition to other required labeling shall be coded in such a manner as to be easily identified as to date of manufacture by lot or sublot number.

§ 58.732 Cooling the packaged cheese.

After the containers are filled they shall be stacked, or cased and stacked in such a manner as to prevent breaking of seals due to excessive bulging and to allow immediate progressive cooling of the individual containers of cheese. As a minimum the cheese should be cooled to a temperature of 100° F. or lower within 24 hours after filling. The temperature of the cheese should be reduced further, before being shipped or if storage is intended.

§ 58.733 Quality control tests.

(a) *Chemical analyses.* The following chemical analyses shall be performed in accordance with the latest edition of the Official Methods of Analysis of the AOAC, or in accordance with methods that give equivalent results.

(1) *Natural cheese.* Each vat of natural cheese used in the manufacture of pasteurized process cheese products shall have been tested prior to usage to determine its moisture and fat content.

(2) *Pasteurized process cheese products.* As many samples shall be taken of the finished product direct from the cooker, hopper or filler as is necessary to assure compliance with composition requirements. Spot checks shall be made on samples from the cooker as frequent as is necessary to indicate pasteurization by means of the phosphatase test, as well as any other tests necessary to assure good quality control.

(b) *Examination of physical characteristics.* As many samples shall be taken as is necessary to assure meeting the required physical characteristics of the products. Samples shall be taken from the filler line for each product run and cooled to 70°±5° F. for examination of its physical characteristics. The sample unit shall be examined at 70° ±5° F. on the day of operation after the date of processing for the following characteristics: (1) Finish and appearance, (2) flavor, (3) color, (4) body and texture and (5) slicing or spreading properties.

(c) *Keeping quality.* During processing or preferably from the cooled stock select at random from each hours product production run, one unit package of product. The sample shall be stored at 70°±5° F. for 30 days for evaluation of physical characteristics as in paragraph (b) of this section. Additional samples may be selected and held at different temperatures or time.

(d) *Weight control.* During the filling operation as many samples shall be randomly selected and weighed from each production run as is necessary to assure accuracy of the net weight established for the finished products.

QUALITY REQUIREMENTS FOR PROCESSED CHEESE PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.734 Pasteurized process cheese.

Shall conform to the provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese and Related Products, U.S. Food and Drug Administration. The average age of the cheese in the blend shall be such that the desired flavor, body, and texture will be achieved in the finished product. The quality of pasteurized process cheese shall be determined on the basis of

flavor, body, and texture, color and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable milk cheese flavor and odor characteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked or very slight acid or emulsifier flavor; is free from any undesirable flavors and odors.

(b) *Body and texture.* Shall have a medium-firm, smooth, and velvety body free from uncooked cheese particles. Is resilient and not tough, brittle, short, weak, or sticky. It shall be free from pinholes or openings except those caused by trapped steam. The cheese shall slice freely, and shall not stick to the knife or break when cut into approximately ⅛-inch slices. If in sliced form, the slices shall separate readily.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and translucent and not be dulled or faded. To promote uniformity and a common reference to describe color use the color designations as depicted by the National Cheese Institute standard color guide for natural cheese.

(d) *Finish and appearance.* The wrapper may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled.

§ 58.735 Pasteurized process cheese food.

Shall conform to the provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese Food and Related Products, U.S. Food and Drug Administration. The average age of the cheese in the blend shall be such that the desired flavor, body, and texture will be achieved in the finished product. The quality of pasteurized process cheese food shall be determined on the basis of flavor, body, and texture, color, and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable mild cheese flavor and odor characteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked or very slight acid or emulsifier flavors; is free from any undesirable flavors and odors.

(b) *Body and texture.* Shall have a reasonably medium-firm, smooth, and velvety body and free from uncooked cheese particles. Is resilient and not tough, brittle, short, or sticky. It shall be free from pinholes or openings except those caused by trapped steam. The product shall slice freely with only a slight amount of sticking and shall not break when cut into approximately ⅛-inch slices. If in sliced form, the slices shall separate readily.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and translucent and not be dulled or faded. To promote uniformity and a common reference to describe color use the color designations as depicted by the National Cheese Institute standard color guide for natural cheese.

(d) *Finish and appearance.* The wrapper may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled.

§ 58.736 Pasteurized process cheese spread.

Shall conform to the provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese Spreads and Related Products, U.S. Food and Drug Administration. The pH of pasteurized process cheese spreads shall not be below 4.0. The quality of pasteurized process cheese spreads shall be determined on the basis of flavor, body and texture, color, and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable cheese flavor and odor characteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked, acid, or emulsifier flavor; is free from any undesirable flavors and odors.

(b) *Body and texture.* Shall have a smooth body free from uncooked cheese particles and when packaged shall form into a homogeneous plastic mass, and be free from pinholes or openings except those caused by trapped steam. Product made for slicing shall slice freely when cut into approximately ⅛-inch slices with only a slight amount of sticking. Product made for spreads shall be spreadable at 70° F.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and translucent and not be dull or faded. To promote uniformity and a common reference to describe color the color designations as depicted by the National Cheese Institute standard color guide for natural cheese may be used.

(d) *Finish and appearance.* Wrappers, if used, may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled. Other containers made of suitable materials shall be completely filled, sealed, and not broken or soiled.

§ 58.737 Explanation of terms.

(a) *Blend set up.* The trade term for a particular group of vat lots of natural cheese selected to form a blend based upon their combined ability to impart the desired characteristics to a pasteurized process cheese product.

(b) *Cooker batch.* The amount of natural cheese and added optional ingredients placed into a cooker at one time, heated to pasteurization temperature, and held for the required length of time.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS PROCESSING, MANUFACTURING AND PACKAGING MILK OR MILK PRODUCTS

DEFINITIONS

§ 58.805 Milk and milk products.

For the purpose of this supplement the definitions of milk and milk products shall be those as established in Part I, section 1. Definitions, "Grade A Pasteurized Milk Ordinance", 1965 Recommendations of the U.S. Public Health Service.

(a) Milk.
(b) Goat milk.
(c) Cream.
(d) Light cream, coffee cream, or table cream.
(e) Whipping cream.
(f) Light whipping cream.
(g) Heavy cream or heavy whipping cream.
(h) Whipped cream.
(i) Whipped light cream, coffee cream, or table cream.
(j) Sour cream or cultured sour cream.
(k) Half-and-Half.
(l) Sour Half-and-Half or cultured Half-and-Half.
(m) Reconstituted or recombined milk and milk products.
(n) Concentrated milk and concentrated milk products.
(o) Skim milk or skimmed milk.
(p) Lowfat milk.
(q) Vitamin D milk and milk products.
(r) Fortified milk and milk products.
(s) Homogenized milk.
(t) Flavored milk or milk products.
(u) Buttermilk.
(v) Cultured buttermilk.
(w) Cultured milk or cultured whole milk buttermilk.
(x) Acidified milk and milk products.
(y) Milk products.

EQUIPMENT AND UTENSILS

§ 58.810 General construction repair and installation.

(a) As a safeguard to insure proper pasteurization the 3–A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High-Temperature Short-Time Pasteurizers shall be followed.

(b) All equipment and utensils necessary to the processing of milk and milk products shall meet the same general requirements as outlined in § 58.128. In addition, for certain other equipment the following requirements shall be met.

§ 58.811 Vacuum chamber.

The vacuum chamber as used for flavor control shall be made of stainless steel or other equally corrosion-resistant material. The unit shall be easily cleaned and accessible for inspection. It shall be equipped with a vacuum breaker and a check valve at the product intake and a check valve at the product discharge line. If a direct steam vacuum chamber is used it shall be equipped with a ratio controller to regulate the composition of the product. Only direct steam which meets the requirements for culinary steam shall be used. The incoming steam supply shall be regulated by an automatic solenoid valve which will cut off the steam supply in the event the flow diversion valve is not in the forward flow position. The condenser shall be equipped with a water level control and an automatic safety shutoff valve.

§ 58.812 Leak protector valves.

Valves of this type shall be used on all batch pasteurizers and inlet pipelines connected to the pasteurizer during holding and emptying periods. They shall be of the type specified in the 3–A Sanitary Standards for Inlet and Outlet Leak Protector Plug Valves.

§ 58.813 Fillers and sealers for single service containers.

The equipment used for forming, filling and sealing single service containers should meet the 3–A Sanitary Standards for Fillers and Sealers of Single Service Containers for Milk and Fluid Milk Products.

§ 58.814 Bottle washers and sanitizers.

To assure satisfactory cleaning and sanitizing of bottles the washer must be designed to handle the specific size and shape of the bottles used. The equipment must be maintained in a sanitary condition and in good running order. Cleaning and sanitizing solutions shall be changed as often as is necessary to be effective. Scale on the interior of the washer shall be kept to a minimum and all jets shall be kept operative. Adequate steam and water shall be supplied to assure efficient operation.

§ 58.815 Case washers.

Case washers shall be constructed in such a manner as to insure thorough cleaning of cases. Adequate steam and hot water shall be supplied to insure drying of the cases before the filled containers are placed therein.

§ 58.816 Bottle fillers and cappers.

Both gravity and vacuum type fillers shall be of sanitary design and all product contact surfaces, if metal, shall be made of stainless steel. Nonmetallic product contact surfaces shall meet the requirements for 3–A Sanitary Standards for Rubber and Rubber-Like Materials or for Multiple Use Plastic Materials.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.817 Milk.

To process and package milk and milk products eligible for official identification with the USDA Quality Approved Inspection Shield, the source of the milk and cream must be from producers which have been inspected and are within a milk shed rated 90 or higher by the proper regulatory authorities in accordance with the current U.S. Public Health Service Grade A Pasteurized Milk Ordinance. In addition, the quality of the milk shall be as follows.

(a) *Bacterial estimate.* Milk received from producers and pooled prior to pasteurization shall have a standard plate count not to exceed 300,000 per milliliter. If the regularly scheduled test on individual producer's milk indicates a bacterial count exceeding 100,000 the producer shall be notified and the milk retested within 7 days. If upon retesting the bacterial count is not below the required 100,000 then the producer shall be notified by a field representative of the dairy plant who will call on the producer to aid in correcting the condition causing the high bacterial count. A sample of milk from the producer shall be checked each week until the bacterial count does not exceed 100,000 for five consecutive tests or if a producer's milk exceeds 500,000 on any single shipment, the producer's milk shall not be used for milk products bearing the USDA Quality Approved Inspection Shield.

(b) *Sediment content.* The method and frequency of testing individual patrons milk for sediment content and the classification and acceptance of such milk shall be as outlined in § 58.134. The rejection and exclusion of milk as pertains to sediment content shall be as in §§ 58.136 and 58.137.

(c) *Sight and odor.* The odor of acceptable raw milk shall be fresh and sweet. The milk shall be free from objectionable feed and other off odors and it shall not show any abnormal condition (including, but not limited to, curdled, ropy, bloody, or mastitic condition), as indicated by sight, odor or other test procedures. Certain feed odors and flavors, which are volatile and can be removed by heating in a vacuum may be allowed if they in no way adversely affect the finished product.

(d) *Temperature.* When farm bulk milk tanks are used, the temperature of the milk shall be no more than 45° F. at the time of pickup for delivery to the dairy plant. Milk cooled and stored by other means shall meet the same temperature requirement.

(e) *Chemical adulterants.* Milk received at the dairy plant shall contain no more than the maximum limits of antibiotics and pesticides as established by the U.S. Food and Drug Administration. Milk containing excessive amounts of such adulterants shall be excluded from use.

§ 58.818 Cream.

All cream used in dairy products which are packaged in containers bearing the USDA Quality Approved Inspection Shield shall not have a bacterial count prior to pasteurization of over 300,000 per ml. The cream shall be obtained only from milk which meets the requirements as outlined in § 58.813.

§ 58.819 Dairy cultures.

Harmless bacterial cultures used in the development of lactic acid and flavor components in certain dairy products shall have a pleasing and desirable flavor and odor and shall have the ability to transmit these qualities to the finished dairy product. Dairy cultures shall be prepared from milk products meeting the same requirements as set in § 58.813.

§ 58.820 Milk-solids-not-fat.

Milk-solids-not-fat used to modify milk products shall be from milk meeting the same requirements as set in § 58.817.

OPERATIONS AND OPERATING PROCEDURES

§ 58.821 General.

All plants processing, manufacturing, and packaging milk or milk products bearing the USDA Quality Approved Inspection Shield must maintain a plant inspection rating of 90 or higher by the proper regulatory authorities in accordance with the current U.S. Public Health Service Grade A Pasteurized Milk Ordinance.

§ 58.822 Bulk milk pickup.

A bulk milk hauler shall be clean in person and shall wear clean outer garments used exclusively for such work. Upon arrival at each farm he shall thoroughly wash his hands before performing the various operations required for the sampling and removal of milk from the farm bulk tank. He shall carefully examine the milk and classify it according to the requirements of this subpart. If the milk is acceptable, he shall properly sample the milk and store the samples using some form of refrigeration.

(b) The examination of the milk shall be made before the agitator is started. He shall determine if the tank contains milk of desirable odor and appearance, and shall check temperature of the milk with an accurate thermometer. After examination and acceptance the milk shall be thoroughly mixed and a washed and sanitized dipper shall be used to extract a sample of milk for test purposes. Samples shall be identified and stored at 45° F. or lower until delivered to the plant. The frequency of sampling and the tests to be performed will be covered in following sections of this supplement. The tank shall be completely emptied each time and the bulk hauler shall rinse the tank with water.

§ 58.823 Transfer of bulk milk.

The transfer of bulk milk from tankers to storage vats or tanks at the dairy plant shall be done only after the milk has been checked at the intake by a qualified employee. The pooled milk shall be examined for temperature, odor, and appearance and a sample taken for further analysis (see §§ 58.813 and 58.831). After examination and acceptance the milk may be transferred to the plant.

§ 58.824 Storage.

Raw milk shall be stored only in tanks or vats that have been properly cleaned and sanitized. Lines used for the movement of milk into the plant storage facilities or from one operation to another shall be cleaned and sanitized daily. Milk shall be maintained at a temperature of 45° F. or lower until pasteurized and at no time shall exceed a bacterial count of more than 300,000 per milliliter prior to pasteurization.

§ 58.825 Separating and standardizing.

Milk shall be separated and standardized in accordance with good commercial practices. The skimmed portion and the cream obtained therefrom shall be properly stored and handled in a manner which will effectively retard an increase of bacterial growth prior to pasteurization.

§ 58.826 Pasteurization and homogenization.

(a) Raw milk to be used for milk or milk products shall be pasteurized immediately after being separated and standardized. The pasteurizing equipment and process shall be in accordance with 3–A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High Temperature Short-Time Pasteurizers.

(b) If homogenization is intended, the homogenization of the product shall be accomplished between the preheat section and the pasteurization section or after pasteurization to insure deactivation of the enzyme lipase before the product passes through the homogenizer. The homogenizer shall be maintained in good repair and shall effectively reduce in size and disperse the fat globules as specified in Standard Methods. The pasteurized and homogenized product shall be cooled to 45° F. or lower and held for packaging.

§ 58.827 Preparation and processing of batch products.

Dairy products such as chocolate (chocolate flavored) milk and milk products, Half-and-Half, cream products of various composition etc., shall be prepared in accordance with good commercial practice. The vats and product lines used shall be clean and properly sanitized. The ingredients shall be properly mixed and the product properly standardized according to precalculated standards of composition. The fully combined product shall then be properly pasteurized, homogenized if need be, cooled to 45° F. or lower and made ready for immediate packaging.

§ 58.828 Preparation and processing of cultured dairy products.

(a) Cultured products such as sour cream and buttermilk shall be prepared by combining the ingredients and standardizing the product in accordance with a precalculated standard of composition. The ingredients shall be pasteurized and cooled to the optimum temperature for the starter culture used. A starter culture possessing a pleasing and desirable flavor and odor, and the ability to transmit the same characteristics to the cultured product shall be added at the proper time and temperature.

(b) For buttermilk sufficient time shall be allowed for the development of lactic acid and the desired flavor and odor. During the time of incubation the product shall be held at about 72° F. After sufficient acid and flavor development has occurred, at about 0.8 percent acidity, the coagulum shall be broken. Butter granules may or may not be added and the product cooled further to 45° F. or lower and packaged.

(c) In the case of cultured sour cream the starter should be added after the product has been homogenized, pasteurized and cooled to 72° F. The starter culture is added and the product is packaged or may be ripened in a vat and then packaged. The acidity, flavor and body development occurs in the container or in the vat. The product after reaching a pH of about 4.4 is cooled to 45° F. or lower.

§ 58.829 Single-service containers.

Packaging materials are used to protect milk products from contamination. Therefore, they must be handled and stored in a manner that will preclude their becoming contaminated before being used in the packaging operation. Paperboard packaging materials used to make single service containers, as well as preformed containers, should be kept sealed in their original packages or shipping cases until needed. Any opened packages not completely used during a day's operation should be closed and sealed. Paperboard must be protected from excessive heat or excessive moisture to insure proper performance. Prior to use, all single service containers shall not have over one bacteria per square cm. in three out of four samples and shall be free of coliform organisms.

§ 58.830 Container adhesives.

Adhesives shall be stored at temperatures below 90° F. Adhesives shall be nontoxic, tasteless, and odorless. Clean transfer containers shall be used and all portions shall be kept covered. Unused portions of adhesives shall be returned to storage.

§ 58.831 Multiuse containers.

Reusable containers shall be properly cleaned and sanitized before each usage. The containers shall be sound and free of cracks, holes or scoring. Prior to use these containers shall not have over one bacteria per ml. of capacity or 50 bacteria colonies per 8 square inches of surface area (1 per square centimeter) in 3 out of 4 samples and shall be free of coliform organisms.

§ 58.832 Filling containers.

All product contact surfaces of lines which convey pasteurized dairy products to a filler shall be clean and properly sanitized. Filler equipment shall also be clean and properly sanitized prior to use and shall be in good operating order. Whether the filler is used for filling glass, plastic, or paper containers it shall in no way contaminate or detract from the quality or desirability of the finished product. When changing from one type of milk product to another, such as cultured products or flavored milk products, it may be necessary to reclean and sanitize the filler so as not to adulterate a greatly dissimilar product with another. Consumer-size containers after being filled shall be properly sealed and placed in cases for storage under refrigerated conditions. If a cap or closure is used, it shall be applied by approved mechanical means in a sanitary manner. The cap or closure shall protect the pouring lip.

§ 58.833 Product storage.

Milk and milk products shall be stored and transported under refrigerated conditions. The products shall be maintained at 45° F. or lower. The products shall also be guarded against freezing and protected from exposure to natural and excessive artificial light. It is most critical for products packaged in glass containers to be protected from light.

§ 58.834 Quality control tests.

All milk product ingredients shall be subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow line samples as often as necessary to check the effectiveness of processing and sanitation and as an aid in correcting deficiencies. Routine analysis shall be made on raw materials and finished products to assure adequate composition control. Any officially recognized tests shall be used as the need indicates, to help solve quality problems and deficiencies.

§ 58.835 Frequency of sampling.

(a) *Microbiological.* (1) At least one sample shall be taken from each producer per month. (2) At least twice a week a sample shall be taken from raw milk and cream storage at the plant. (3) Flow line samples shall be taken as often as is necessary to assure the required bacteriological quality of the finished products and to indicate points of contamination during processing. At least one sample per day shall be taken from each type product run. Continuous product runs such as market milk shall be sampled as often as is necessary to give a complete bacteriological picture of the entire product run. (4) To check the keeping quality as effected by bacterial action at least one container of each batch type product, and as many as necessary from continuous flow product runs, shall be taken.

(b) *Sediment.* At least once each month a sample from each producer shall be taken for sediment content classification as described in § 58.132.

(c) *Composition.* One sample shall be taken from each batch product run, and tested for fat and total solids. For the continuous flow products run, as many samples shall be taken as is necessary to assure composition control and compliance with regulatory standards.

(d) *Weight or volume control.* Representative samples of the packaged products shall be checked during the filling operation to assure compliance with the stated net weight or volume on the container.

(e) *Product evaluation.* At least twice a month a container of each finished product shall be evaluated for flavor, body, color, and other applicable quality factors.

§ 58.836 Test methods.

(a) *Microbiological.* All tests shall be made in accordance with the methods described in the latest edition of Standard Methods.

(b) *Keeping quality.* Storage quality tests shall be made in accordance with the methods described under the section on Psychrophilic Bacteria in the latest edition of Standard Methods.

(c) *Chemical.* Chemical analysis shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, the latest edition of Standard Methods, or other methods that give equivalent results.

§ 58.837 General identification.

The various types of milk and milk products shall be packaged and labeled in accordance with the provisions established for each type of product by the appropriate regulatory agencies. Each commercial container of product offered for sale shall be coded to establish the packaging date. By this means a systematic method of rotating stock, and picking up outdated products shall be established.

§ 58.838 Official identification.

Only milk and milk products manufactured in accordance with the requirements established in this supplement and with the applicable requirements in Subpart B of this part and which have been officially inspected in process and found to be in compliance with these requirements may be identified with the official USDA Quality Approved Inspection Shield.

QUALITY REQUIREMENTS FOR PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.839 General.

(a) Milk or milk products which are to be officially identified with the USDA Quality Approved Inspection Shield shall meet the composition and labeling requirements set forth in the State and local laws or regulations under whose jurisdiction the products are manufactured, processed, and sold. In cases where the State regulations for minimum composition of dairy products are lower than those defined in this supplement, then such levels of composition shall be acceptable when sold within the State.

(b) Pasteurized milk and milk products other than cultured products shall have a bacterial standard plate count of no more than 20,000 per ml and shall not exceed a coliform count of 10 per ml. Cultured products shall not exceed 10 coliform per ml with no bacterial limit. In addition, the products shall meet the applicable requirements as specified in this supplement and in this subpart. The provisions of which shall provide a continuous daily quality control and testing procedure for maintaining the following product standards of flavor, body and texture, and appearance.

§ 58.840 Milk.

May be homogenized, fortified, or contain added vitamin D.

(a) *Flavor.* Shall have a fresh, sweet, pleasing, and desirable flavor. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall possess a smooth, free flowing body. If unhomogenized, a cream line or natural cream layer is desirable.

(c) *Appearance.* Shall be white to very light cream in color depending upon the season and the amount of milk fat it contains.

§ 58.841 Low fat milk.

Shall be homogenized. May be modified, fortified, or contain added vitamins A and D.

(a) *Flavor.* Shall have a fresh, sweet, pleasing, and desirable flavor. Shall not be as lacking in the characteristic richness associated with milk fat as is skim milk, but will not appear as rich as whole milk.

(b) *Body and texture.* Shall possess a smooth, free flowing body, with approximately the same apparent viscosity as whole milk.

(c) *Appearance.* Shall be white in color, if modified may appear more opaque due to increased milk solids-not-fat.

§ 58.842 Skim milk.

May be modified, fortified, or contain added vitamin D.

(a) *Flavor.* Shall have a fresh, sweet, desirable flavor though lacking in the characteristic richness associated with products containing a higher percentage of milk fat.

(b) *Body and texture.* Shall possess a smooth, free flowing body less viscous than market milk.

(c) *Appearance.* Shall exhibit a slight off-white color characteristic of milk when almost all of the milk fat has been removed.

§ 58.843 Half and half.

(a) *Flavor.* Shall have a pleasing and desirable fresh, sweet flavor. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall be uniform, smooth, and free flowing. Be relatively viscous in proportion to the percent of fat present. Should show no feathering or oiling off when used in hot coffee.

(c) *Appearance.* Shall be light cream in color and shall impart a creamy brown color to coffee.

§ 58.844 Light cream.

(a) *Flavor.* Shall have a pleasing and desirable fresh, sweet cream flavor. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall possess a smooth uniform body and shall be reasonably viscous for the amount of milk fat present. Should show no feathering or oiling off when used in hot coffee.

(c) *Appearance.* Shall be medium cream in color and shall impart a rich creamy brown color to coffee.

§ 58.845 Whipping cream.

(a) *Flavor.* Shall have a sweet, rich flavor. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall possess a smooth, uniform body, relatively viscous in proportion to the percent of fat present. Shall respond readily to whipping under proper conditions.

(c) *Appearance.* Shall be rich cream in color and when whipped shall exhibit stability and stiffness.

§ 58.846 Whipped cream.

(a) *Flavor.* Has a rich, nut like flavor free from all undesirable flavors and odors. When sweetened shall be of medium sweetness in intensity. If flavored, shall be of moderate intensity and natural in character. Added flavoring and sweeteners shall be so blended with the cream as to create a pleasing and desirable flavor.

(b) *Body and texture.* Shall be smooth and uniform and shall exhibit a relatively stiff body with the ability to stand up and not whey off.

(c) *Appearance.* Shall appear dry with no oiling or wheying off. Shall be light in color.

§ 58.847 Sour cream.

(a) *Flavor.* Shall have a rich, clean, pleasing and desirable, milk acid flavor with an acidity of about 0.6 percent expressed as lactic acid. It should possess the delicate diacetyl aroma of a good butter culture. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall have a firm, heavy, smooth, and homogenous body which shows some rigidity and will stand up, but is not gummy or resistant to pressure.

(c) *Appearance.* Shall have a natural color. The color may range from a white to light cream. The surface shall appear dry and smooth showing a velvety luster.

§ 58.848 Cultured buttermilk.

(a) *Flavor.* Shall have a pleasing and desirable clean lactic acid flavor. Shall be tangy and possess the delicate aroma of diacetyl. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall be smooth, somewhat viscous and possess a medium body. Shall not be curdy or whey off.

(c) *Appearance.* Shall have a uniform attractive appearance of luster white. May or may not be flecked with small uniform yellow granules of butter or butterfat.

§ 58.849 Chocolate milk or milk products.

(a) *Flavor.* Shall possess a natural chocolate flavor of an intensity equal to 1.5 to 2.5 percent of chocolate liquor. The sweetness shall be of medium intensity. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall be smooth and free flowing free from sedimentation and with a viscosity slightly greater than normal milk.

(c) *Appearance.* Shall be light to medium brown in color and of such intensity as to be appealing to the eye. Shall be uniform in appearance and be void of air bubbles or curdiness.

§ 58.850 Chocolate flavored milk or milk products.

(a) *Flavor.* Shall possess a natural chocolate flavor of an intensity equal to

1.0 to 1.5 percent of cocoa. The sweetness shall be of medium intensity. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall be smooth and free flowing free from sedimentation and with a viscosity slightly greater than normal milk.

(c) *Appearance.* Shall be light to reddish-brown in color and of such intensity as to be appealing to the eye. Shall be uniform in appearance and be void of air bubbles or curdiness.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING EVAPORATED, CONDENSED OR STERILIZED MILK PRODUCTS

DEFINITIONS

§ 58.905 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa as the case may demand. Unless the context otherwise requires, the following terms shall have the follow meaning:

(a) *Evaporated milk.* Is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9 percent of milkfat and not less than 25.9 percent of the total milk solids. The finished product shall conform to the requirements of § 18.520 "Definitions and standards of identity for milk and cream," U.S. Food and Drug Administration (21 CFR 18.520).

(b) *Concentrated milk, plain condensed milk.* Is the product which conforms to the standard of identity for evaporated milk except that it is not processed by heat to prevent spoilage. The container may be unsealed, and stabilizing ingredients are not used. The finished product shall conform to the requirements of § 18.525 "Definitions and standards of identity for milk and cream," U.S. Food and Drug Administration (21 CFR 18.525).

(c) *Sweetened condensed milk.* Is the liquid or semiliquid food made by evaporating a mixture of sweet milk and refined sugar (sucrose) or any combination of refined sugar (sucrose) and refined corn sugar (dextrose) to such point that the finished sweetened condensed milk contains not less than 28.0 percent of total milk solids and not less than 8.5 percent of milkfat. The quantity of sugar used is sufficient to prevent spoilage. The finished product shall conform to the requirements of § 18.530 or § 18.535, respectively, "Definitions and standards of identity for milk and cream," U.S. Food and Drug Administration (21 CFR 18.530 and 18.535).

(d) *Sterilized milk concentrated.* Is sweet whole milk concentrated to about one-third its original volume by the removal of water and packaged primarily in hermetically sealed glass or metal containers. The final product contains about 9.9 percent milkfat and 24.3 percent milk solids-not-fat for a total of 34.2 percent milk solids. The product may also contain added vitamin D as well as certain stabilizing ingredients permitted under the Federal Food, Drug, and Cosmetic Act.

(e) *Sterilized milk.* Is the normal milk from which no water has been removed but which is packaged and sterilized in a container or is sterilized and packaged aseptically. The final product contains a minimum of 3.25 percent milkfat and 8.25 percent milk solids-not-fat. The product may also contain added vitamin D as well as certain stabilizing ingredients permitted under the Federal Food, Drug, and Cosmetic Act.

(f) *Sterilized chocolate (chocolate flavored) milk.* The product made by the addition of sugar and chocolate (cocoa) to milk. The milkfat content is at least 3.25 percent and the milk solids-not-fat at least 8.25 percent and may contain certain stabilizing ingredients permitted under the Federal Food, Drug, and Cosmetic Act. The product is sterilized and packaged aseptically or may be placed in metal containers hermetically sealed and heat treated to accomplish sterilization.

(g) *Sterilized chocolate (chocolate flavored) drink.* The product made by the addition of sugar and chocolate (cocoa) to milk. The milkfat content is less than 3.25 percent and the milk solids-not-fat at least 8.25 percent and may contain certain stabilizing ingredients permitted under the Federal Food, Drug and Cosmetic Act. The product is sterilized and packaged aseptically or may be placed in metal containers hermetically sealed and heat treated to accomplish sterilization.

EQUIPMENT AND UTENSILS

§ 58.912 General construction repair and installation.

The equipment and utensils used for processing and packaging evaporated, condensed or sterilized milk products shall be as specified in § 58.128. In addition for certain other equipment, the following requirements shall be met.

§ 58.913 Evaporators and vacuum pans.

All equipment used in the removal of moisture from milk or milk products for the purpose of concentrating the solids should meet the requirements of the 3–A Sanitary Standards for Milk and Milk Products Evaporators and Vacuum Pans; except that copper evaporators used for evaporated milk may be approved if free from corroded surfaces and kept in good repair. All new or used replacements for this type of equipment shall meet the appropriate 3–A Sanitary Standards.

§ 58.914 Fillers.

Both gravity and vacuum type fillers shall be of sanitary design and all product contact surfaces, if metal, shall be made of stainless steel or equally corrosion-resistant material; except that, certain evaporated milk fillers having brass parts may be approved if free from corroded surfaces and kept in good repair. Nonmetallic product contact surfaces shall meet the requirements for 3–A Sanitary Standards for Rubber, and Rubber-like Materials or for Multiple Use Plastic Materials. Fillers shall be designed so that they in no way will contaminate or detract from the quality of the product being packaged.

§ 58.915 Batch or continuous in-container sterilizers.

Shall be equipped with accurate temperature controls and effective valves for regulating the sterilization process. The equipment shall be maintained in such a manner as to assure control of the length of time of processing, and to minimize the number of damaged containers.

§ 58.916 Homogenizer.

Homogenizers where applicable shall be used to reduce the size of the fat particles and to evenly disperse them in the product. Homogenizers should meet the applicable 3–A Sanitary Standards.

OPERATIONS AND OPERATING PROCEDURES

§ 58.917 General.

There are many operations and procedures used in the preparation of evaporated, condensed, and sterilized milk products that are similar, therefore, the following general requirements will apply when such operations or procedures are used.

§ 58.918 Standardization.

The standardization of the product to obtain a finished product of a given composition shall be accomplished by the addition of milkfat, milk solids-not-fat and/or water. The ingredients added to accomplish the desired composition shall be of the same hygienic quality as the product being standardized.

§ 58.919 Preheat, pasteurization.

When pasteurization is intended or required by either the vat method, HTST method, or by the UHT method it shall be accomplished by systems and equipment meeting the requirements outlined in § 58.128. Preheat temperatures prior to sterilization will be those that have the most favorable effect on the finished product.

§ 58.920 Homogenization.

Where applicable concentrated products shall be homogenized for the purpose of dispersing the fat throughout the product. The temperature of the product at time of homogenization and the pressure at which homogenization is accomplished will be that which accomplishes the most desired results in the finished products.

§ 58.921 Concentration.

Concentrating by evaporation shall be accomplished with a minimum of chemical change in the product. The equipment and systems used shall in no way contaminate or adversely affect the desirability of the finished product.

§ 58.922 Sterilization.

The complete destruction of all living organisms shall be performed in one of the following methods: (a) The complete in-container method, by heating the container and contents to a range of 212° F. to 280° F. for a sufficient time; (b) by a continuous flow UHTST process at high temperatures of 280° F and above for a sufficient time, then packaged aseptically; (c) the product is first sterilized according to UHTST methods as in paragraph (b) of this section, then packaged and given further heat treatment to complete the sterilization process.

§ 58.923 Filling containers.

(a) The filling of small containers with product shall be done in a sanitary manner. The containers shall not contaminate or detract from the quality of the product in any way. After filling, the container shall be hermetically sealed.

(b) Bulk containers for unsterilized product shall be suitable and adequate to protect the product in storage or transit. The bulk container (including bulk tankers) shall be cleaned and sanitized before filling, and filled and closed in a sanitary manner.

§ 58.924 Aseptic filling.

A previously sterilized product shall be filled under conditions which prevent contamination of the product by living organisms or spores. The containers prior to being filled shall be sterilized and maintained, in a sterile condition. The containers shall be sealed in a manner that prevents contamination of the product.

§ 58.925 Sweetened condensed.

After condensing, the sweetened condensed product should be cooled rapidly to about 85° F. to induce crystallization of the oversaturated lactose. When the densed product should be cooled rapidly cooling is resumed to 68°–70° F.

§ 58.926 Heat stability.

Prior to sterilization of concentrated products and where stabilizers are allowed, tests should be made on the heat stability of the product to determine necessity for, and the amount of stabilizer needed. Based on the stability tests, the necessary amounts of stabilizers (not to exceed 0.1 percent of the concentrated product) may be added.

§ 58.927 Storage.

Finished products which are to be held more than 30 days should be stored at temperatures below 72° F. Precautions shall be taken to prevent freezing of the product.

§ 58.928 Quality control tests.

All dairy products and other ingredients shall be subject to inspection for quality and condition throughout each processing operation. Quality control tests should be made on flow samples as often as is necessary to check the effectiveness of processing and manufacturing and as an aid in correcting deficiencies. Routine analysis should be made on raw materials and finished products to assure adequate composition control. For each batch or production run a keeping quality test should be made to determine product stability.

§ 58.929 Suitability screening test.

(a) Periodic sampling and testing of raw milk supplies used for processing evaporated, condensed or sterilized milk products should be performed as an aid in determining the need for further testing to screen out milk that is high in heat resistant spore forming organisms. Tests for these organisms shall be conducted as outlined in Standards Methods.

(b) Milk to be considered as satisfactory for use should have less than one spore per ml and upon being heated for 10 minutes at 253° F. should have less than 0.1 spore surviving per ml.

§ 58.930 Frequency of sampling for quality control.

(a) *Evaporated, condensed and sterilized milk products.* A minimum of one sample should be taken from each batch of product or one per hour for each continuous production run.

(b) *Composition.* Sampling and testing for composition should be made on each batch of product. On continuous production runs enough samples shall be taken throughout the run to adequately assure composition requirements.

(c) *Other chemical analysis or physical analysis.* Such tests shall be performed as often as is necessary to assure compliance with standards, specifications or contract requirements.

(d) *Weight or volume control.* Representative samples of the packaged products shall be checked during the filling operation to assure compliance with the stated net weight or volume on the container.

(e) *Keeping quality and stability.* A minimum of one sample from each batch of product or one representative sample per hour from a continuous production run should be taken. For continuous runs, samples should be taken at the start, each hour, and at the end of the run. Samples should also be taken after resumption of processing following an interruption in continuous operation. Each sample shall be incubated at 90° F. to 100° F. for 7 days.

§ 58.931 Official test methods.

(a) *Chemical.* Chemical analysis, except where otherwise prescribed herein, shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the AOAC; by Standard Methods or by other methods giving equivalent results.

(b) *Microbiological.* Microbiological determinations shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products.

§ 58.932 General identification.

Consumer-sized containers and bulk shipping containers shall be legibly marked with the name of the product, net weight, name and address of manufacturer, processor, or distributor, a lot number and coded date of manufacture.

QUALITY SPECIFICATIONS FOR RAW MATERIALS TO BE USED IN PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.933 Milk.

To process and package evaporated, condensed or sterilized milk products eligible for official identification with the USDA Quality Approved Inspection Shield the raw incoming milk shall meet the requirements as outlined in §§ 58.132 through 58.138. Unless processed within 2 hours after being received, it shall be cooled to, and held at a temperature of 45° F. or lower until processed.

§ 58.934 Stabilizers.

Shall be those permitted by the U.S. Food and Drug Administration. "Standards of Identity" as optional ingredients for specific products. Stabilizers shall be free from extraneous material, be of food grade quality and not be in violation of the Federal Food, Drug and Cosmetic Act.

§ 58.935 Sugars.

Sucrose, dextrose or lactose used in the manufacture of sweetened condensed or sterilized milk products shall be refined, and of food grade quality.

§ 58.936 Chocolate and cocoa.

Such products used as flavor ingredients shall meet the requirements of the U.S. Food and Drug Administration, "Definitions and Standards of Identity for Cocoa Products."

QUALITY REQUIREMENTS FOR FINISHED PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.937 Physical requirements for evaporated milk.

(a) *Flavor.* The product shall possess a sweet, pleasing and desirable flavor with not more than a definite cooked flavor. It shall be free from scorched, oxidized or other objectionable flavors and odors.

(b) *Body and texture.* The product shall be of uniform consistency and appearance. It shall be smooth and free from fat separation, lumps, clots, gel formation, coarse milk solids precipitate or sedimentation and extraneous material.

(c) *Color.* The color shall be of a natural white or light cream.

(d) *Degree of burn-on.* The interior walls of the container shall not show more than a definite burn-on product.

(e) *Keeping quality.* Samples incubated at 90°–100° F. shall show no sensory, chemical or microbiological deterioration after 7 days.

§ 58.938 Physical requirements and microbiological limits for sweetened condensed milk.

(a) *Flavor.* Shall be sweet, clean, and free from rancid, oxidized, scorched, fermented, stale or other objectionable flavors and odors.

(b) *Color.* Shall be white to light cream.

(c) *Texture.* Shall be smooth and uniform, free from lumps or coarse graininess. There shall not be sufficient settling of the lactose to cause a deposit on the bottom of the container.

(d) *Body.* Shall be sufficiently viscous so that the product upon being poured at room temperature piles up above the surface of that previously poured, but does not retain a definite form.

(e) *Microbiological limits.*

(1) Coliforms—less than 10 per gram.
(2) Yeasts—less than 5 per gram.
(3) Molds—less than 5 per gram.
(4) Total plate count—less than 1,000 per gram.

(f) *Keeping quality.* Samples incubated at 90°–100° F. shall show no physical evidence of deterioration after 7 days.

(g) *Composition.* Shall meet the minimum requirements as set forth in the "Standards of Identity for Milk and Cream," U.S. Food and Drug Administration (21 CFR 18.530 and 18.535). In addition, the quantity of refined sugar used shall be sufficient to give a sugar-in-water ratio of not less than 61.5 percent.

(h) *Sediment.* The amount of sediment retained on a lintine disc after a sample composed of 225 grams of product dissolved in 500 ml. of 140° F. water has passed through it, shall not exceed 0.10 mg. as indicated by the USDA Sediment Standard for Milk and Milk Products (§ 58.2726).

§ 58.939 Physical requirements for sterilized milk.

(a) *Flavor.* Shall be pleasing and desirable and free from scorched, oxidized, tallowy, storage or other objectionable flavors and odors. But may have a slight cooked or sterilized flavor.

(b) *Body.* Shall be smooth, uniform and free from fat and mineral separation, lumps, clots and coarse milk solids precipitate.

(c) *Color.* Shall be white or light cream and shall be free from any brown or yellow color typical of overheating.

(d) *Composition.* Shall contain not less than 3.25 percent milkfat and not less than 8.25 percent solids-not-fat. Acidity not to exceed 0.16 percent calculated as lactic acid.

(e) *Sediment.* The amount of sediment retained on a lintine disc through which a one pint sample has passed, shall not exceed 0.05 mg. as indicated by the USDA Sediment Standard for Milk and Milk Products (§ 58.2726).

(f) *Sterility.* Shall show no microbiological development at the end of the 7-day incubation test at 90°–100° F.

(g) *Keeping quality and stability.* The sample taken and stored at 90°–100° F. shall also show no physical evidence of deterioration after 7-day incubation. The samples shall possess a satisfactory flavor and color and shall be free from marked separation of fat, cream, and serum.

§ 58.940 Physical requirements for sterilized milk concentrate.

The product initially shall contain about 34.2 percent total milk solids. When reconstituted with two parts water, the product shall meet the same requirements for flavor, body, color, composition, and sediment as listed in § 58.939. In the packaged, unreconstituted form the product shall meet the same requirements for sterility, keeping quality and stability, as listed in § 58.939 for sterilized milk.

§ 58.941 Physical requirements for sterilized chocolate (flavored) milk or drink.

(a) *Flavor.* Shall have a pleasing and desirable definite sweetened chocolate flavor and shall be free from scorched, oxidized, stale, fruity, rancid, storage or other objectionable flavors.

(b) *Body.* Shall be smooth, uniform, free from lumps, clots, and definite chocolate sedimentation. Shall have been properly homogenized to prevent creaming or fat separation.

(c) *Color.* Shall have a uniform chocolate color throughout.

(d) *Composition.* Shall contain the amounts and types of ingredients as set forth in §§ 58.907 and 58.908 under definitions of the product.

(e) *Sterility.* Shall show no microbiological development at the end of the 7-day incubation at 90–100° F.

(f) *Keeping quality and stability.* The sample taken and stored at 90–100° F. shall also show no deterioration after 7-days incubation. The samples shall possess a satisfactory flavor and color and shall practically free from chocolate sedimentation and free from separation of fat, solids-not-fat, and serum.

Done at Washington, D.C., this 13th day of September 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

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Title 3—THE PRESIDENT

Proclamation 3744

PROCLAMATION OF TRADE AGREEMENT WITH JAPAN PROVIDING COMPENSATORY CONCESSIONS

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to Section 350 of the Tariff Act of 1930, the President, on October 30, 1947, entered into, and by Proclamation No. 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), proclaimed, the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement"), including a schedule of United States concessions, designated as Schedule XX, annexed thereto (61 Stat. (pt. 5) A1157), which Agreement, schedule, and proclamation have been supplemented by subsequent agreements, schedules, and proclamations;

2. WHEREAS, by Proclamation No. 3235 of April 21, 1958 (72 Stat. (pt. 2) C35) and by Proclamation No. 3323 of October 20, 1959 (74 Stat. C15), the President proclaimed increased rates of duty, pursuant to section 7 of the Trade Agreements Extension Act of 1951 (65 Stat. 74; 67 Stat. 472; 69 Stat. 166; 72 Stat. 676) and in accordance with Article XIX of the General Agreement (61 Stat. (pt. 5) A58; 8 U.S.T. (pt. 2) 1786), with respect to certain clinical thermometers and to certain stainless-steel flatware, respectively, and, by Proclamation No. 3513 of December 28, 1962 (77 Stat. 970) the President proclaimed concessions compensatory for such increased rates of duty, subject to the qualification that if Proclamation No. 3235 or Proclamation No. 3323 should be modified or terminated so as to result in a lowering of the increased rates of duty provided for therein, the United States and Japan would enter into negotiations or consultations with a view to reaching a mutually satisfactory adjustment of the balance of concessions under the General Agreement (13 U.S.T. (pt. 3) 3194);

3. WHEREAS, by Proclamation No. 3696 of January 7, 1966 (31 F.R. 421), the President terminated Proclamation No. 3235 and, by Proclamation No. 3697 of January 7, 1966 (31 F.R. 423), terminated Proclamation No. 3323, thereby terminating the increased rates of duty with respect to the clinical thermometers and reducing the increased rates of duty with respect to the stainless-steel flatware, respectively, identified in the second recital of this proclamation;

4. WHEREAS, after compliance with the requirements of Section 102 of the Tariff Classification Act of 1962 (76 Stat. 73), the President by Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017), proclaimed, effective on and after August 31, 1963, the Tariff Schedules of the United States, which reflected, with modifications, and, in effect, superseded, Proclamation No. 2761A and proclamations supplementary thereto insofar as they relate to Schedule XX to the General Agreement;

5. WHEREAS, pursuant to Sections 221 and 224 of the Trade Expansion Act of 1962 (19 U.S.C. 1841 and 1844), the President, on October 21, 1963, published and furnished to the Tariff Commission lists of articles which may be considered for modification or continuance of duties or other import restrictions, or continuance of duty-free or excise treatment, in the negotiation of trade agreements, including the trade agreement with Japan identified in the tenth

recital of this proclamation, compensating other nations for modifications or withdrawals of United States trade agreement concessions (48 CFR Part 180), and the Tariff Commission, after holding public hearings, has advised the President with respect to each such article of its judgment as to the probable economic effect of such modifications;

6. WHEREAS, pursuant to Sections 223 and 224 of the Trade Expansion Act of 1962 (19 U.S.C. 1843 and 1844) and in accordance with Section 3(g) of Executive Order No. 11075 of January 15, 1963 (48 CFR 1.3(g)), the Special Representative for Trade Negotiations, appointed by the President pursuant to Section 241(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1871(a)), on April 23, 1963, designated the Trade Information Committee to afford an opportunity, through public hearings and other means, for any interested person to present his views concerning any article on the lists identified in the fifth recital of this proclamation or any other matter relevant to the trade agreement negotiations, including the negotiation of the trade agreement with Japan identified in the tenth recital of this proclamation (48 CFR Part 202), and the Trade Information Committee has furnished the President with a summary of its hearings;

7. WHEREAS, pursuant to Section 222 of the Trade Expansion Act of 1962 (19 U.S.C. 1842), the President has received information and advice with respect to the trade agreement with Japan identified in the tenth recital of this proclamation, from the Departments of Agriculture, Commerce, Defense, Interior, Labor, State, and the Treasury, and from such other sources as the President has deemed appropriate, and, pursuant to Section 241(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1871(b)), the Special Representative for Trade Negotiations has received information and advice with respect to that agreement from representatives of industry, agriculture, and labor, and from such agencies as he has deemed appropriate;

8. WHEREAS, pursuant to Section 201(a)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(1)), the Special Representative for Trade Negotiations has conducted negotiations on behalf of the President with Japan and other contracting parties to the General Agreement, in accordance with Article XXVIII of that Agreement (8 U.S.T. (pt. 2) 1790), with a view to the establishment of a new consolidated Schedule XX to that Agreement in terms of the Tariff Schedules of the United States, and has conducted negotiations with Japan with a view to reaching the mutually satisfactory adjustment of the balance of concessions referred to in the second recital of this proclamation;

9. WHEREAS, pursuant to Section 201(a) of the Trade Expansion Act of 1962, the President has determined that certain existing duties or other import restrictions of the United States or of foreign countries which are contracting parties to the General Agreement, were unduly burdening and restricting the foreign trade of the United States and that one or more of the purposes stated in Section 102 of the Trade Expansion Act of 1962 (19 U.S.C. 1801) would be promoted by entering into the trade agreement with Japan identified in the tenth recital of this proclamation;

10. WHEREAS, pursuant to Section 201(a)(1) of the Trade Expansion Act of 1962, I, through my duly empowered representative, have entered into a trade agreement with Japan entitled the "Interim Agreement between the Government of the United States of America and the Government of Japan Relating to the Renegotiation of Schedule XX (United States) to the General Agreement on Tariffs and Trade" (a copy of which is Appendix B to this proclamation [1]), which embodies the results of the negotiations with Japan as part of the negotiations under Article XXVIII of the General Agreement for the establishment of a new consolidated Schedule XX thereto in terms of the Tariff Schedules of the United States and of the negotiations with a view to reaching the mutually satisfactory adjustment of the balance of concessions referred to in the second recital of this proclamation;

[1] Filed as part of the original document.

11. WHEREAS the trade agreement with Japan identified in the tenth recital of this proclamation, which is an agreement supplementary to the General Agreement, contains in annex II a schedule of concessions, to take effect as provided therein, in compensation for the impairment, arising out of the entry into force of the Tariff Schedules of the United States, of the rights of Japan in concessions in Schedule XX to the General Agreement, and provides that such concessions shall be applied as if they were included in a Schedule XX to the General Agreement pending the formal effectiveness of a new consolidated Schedule XX;

12. WHEREAS, pursuant to Section 254 of the Trade Expansion Act of 1962 (19 U.S.C. 1884), I have determined that, in the case of those modifications of existing duties proclaimed in this proclamation which reflect decreases in duties exceeding the limitations specified in Section 201(b)(1) or 253 of the Trade Expansion Act of 1962 (19 U.S.C. 1821(b)(1) or 1883), such decreases will simplify the computation of the amount of duty imposed with respect to the articles concerned; and

13. WHEREAS, pursuant to Section 201(a)(2) of the Trade Expansion Act of 1962, I determine that the modification or continuance of existing duties or other import restrictions, and the continuance of existing duty-free or excise treatment, hereinafter proclaimed, will be required or appropriate to carry out such trade agreement:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including Section 201(a)(2) of the Trade Expansion Act of 1962, do proclaim that:

(1) Subject to the applicable provisions of the trade agreement with Japan identified in the tenth recital of this proclamation and of the General Agreement and other agreements supplementary thereto, the modification or continuance of existing duties or other import restrictions, and the continuance of existing duty-free or excise treatment, provided for in the schedule in annex II to such agreement with Japan shall be effective as provided therein, and, as a result thereof,

(2) The Tariff Schedules of the United States shall be modified, effective on and after October 1, 1966, as provided for in Appendix A to this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirteenth day of September in the year of our Lord nineteen hundred and sixty-six, and [SEAL] of the Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:
DEAN RUSK,
Secretary of State.

APPENDIX A

MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES RESULTING FROM THE PROCLAMATION OF THE INTERIM AGREEMENT BETWEEN THE UNITED STATES AND JAPAN RELATING TO THE RENEGOTIATION OF SCHEDULE XX (UNITED STATES) TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The rate in column numbered 1 for each item of the Tariff Schedules of the United States which is identified in the following table shall be superseded, effective on each date shown in such table, by the respective rate set forth therein opposite the number of such item:

TSUS item	Rates of duty, effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after October 1, —				
	1966	1967	1968	1969	1970
222.50	36% ad val	32% ad val	28% ad val	24% ad val	20% ad val.
535.31	28% ad val	26% ad val	24% ad val	22% ad val	20% ad val.
544.51	33⅓% ad val	31% ad val	29% ad val	27% ad val	25% ad val.
648.97	21.5% ad val	20.5% ad val	19.5% ad val	18.5% ad val	17.5% ad val.
681.37	21.5% ad val	20.5% ad val	19.5% ad val	18.5% ad val	17.5% ad val.
652.80	17½ ad val	15% ad val	13% ad val	11% ad val	9.5% ad val.
696.35	11% ad val	10% ad val	8.5% ad val	7.5% ad val	6% ad val.
703.70	17¢ per lb. + 14% ad val.	15¢ per lb. + 12.5% ad val.	13¢ per lb. + 11% ad val.	12¢ per lb. + 9.5% ad val.	10¢ per lb. + 8.5% ad val.
708.72	33⅓ ad val	31% ad val	29% ad val	27% ad val	25% ad val.
709.40	10.5% ad val	9.5% ad val	8% ad val	7% ad val	6% ad val.
722.40	33⅓ ad val	31% ad val	29% ad val	27% ad val	25% ad val.
737.70	41% ad val	38% ad val	35.5% ad val	32.5% ad val	30% ad val.
737.65	18% ad val	16% ad val	14% ad val	12% ad val	10% ad val.
737.80	41% ad val	38% ad val	35.5% ad val	32.5% ad val	30% ad val.
741.10	36% ad val	32% ad val	28% ad val	24% ad val	20% ad val.
745.70	48% ad val	46% ad val	44% ad val	42% ad val	40% ad val.
745.72	36% ad val	36% ad val	34% ad val	32% ad val	30% ad val.
756.04	48% ad val	46% ad val	44% ad val	42% ad val	40% ad val.
760.10	32¢ per gross + 30.5% ad val.	28¢ per gross + 29% ad val.	25¢ per gross + 27.5% ad val.	21¢ per gross + 26% ad val.	18¢ per gross + 25% ad val.
770.80	24% ad val	23% ad val	22% ad val	21% ad val	20% ad val.
773.05	16% ad val	15% ad val	14% ad val	13% ad val	12% ad val.

[F.R. Doc. 66-10256; Filed, Sept. 15, 1966; 3:22 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 874.19]

PART 874—SUGARCANE; LOUISIANA

Fair and Reasonable Prices for 1966 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence presented at the public hearing held in Houma, La., on June 22, 1966, the following determination is hereby issued:

§ 874.19 Fair and reasonable prices for the 1966 crop of Louisiana sugarcane.

A producer of sugarcane in Louisiana who is also a processor of sugarcane (herein referred to as "processor"), shall have paid or contracted to pay for sugarcane of the 1966 crop grown by other producers and processed by him, in accordance with the following requirements.

(a) *Definitions.* For the purpose of this determination the term:

(1) "Price of raw sugar" means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc., except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that such price does not reflect the true market value of raw sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(2) "Price of blackstrap molasses" means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc., except that if the Director of the Policy and Program Appraisal Division determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of blackstrap molasses.

(3) "Weekly average price" means the simple average of the daily prices of raw sugar or blackstrap molasses, for the week (Friday through the following Thursday), in which the sugarcane is delivered.

(4) "Season's average price" means the simple average of the weekly prices of raw sugar or of blackstrap molasses for the period October 7, 1966, through April 27, 1967.

(5) "Delivered average price" means the weighted average price of 1966-crop raw sugar determined by weighting (i) the simple average of the daily prices of raw sugar for the period October 7, 1966, through December 31, 1966, by the quantity of 1966 crop raw sugar marketed under the processors' 1966 marketing allotment; and (ii) the simple average of the daily prices of raw sugar for the period January 1, 1967, through February 23, 1967, by the quantity of 1966-crop raw sugar not marketed under the processors' 1966 marketing allotment.

(6) "Net sugarcane" means the quantity of sugarcane obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(7) "Trash" means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(8) "Standard sugarcane" means net sugarcane, containing 12 percent sucrose in the normal juice with a purity of at least 76.00 but not more than 76.49 percent.

(9) "Salvage sugarcane" means any sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(10) "State Office" means the Louisiana State Agricultural Stabilization and Conservation Service Office, 3737 Government Street, Alexandria, La. 71303.

(11) "State Committee" means the Louisiana State Agricultural Stabilization and Conservation Committee.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.05 per ton for each 1 cent per pound of raw sugar determined on the basis of the weekly average price, the season's average price, or the delivered average price as elected by the processor in writing to the State office not later than October 7, 1966, and the pricing basis elected shall be used for pricing all 1966-crop sugarcane: *Provided*, That the average price of raw sugar as determined above shall be increased 0.03 cent for all mills located in Freight Area (a); shall be unchanged for all mills in Freight Area (b); and may be decreased 0.03 cent in Freight Area (c).[1]

(2) The basic price for salvage sugarcane shall be determined in accordance with the method of settlement used by the processor for the 1965-crop, except that the processor and producer may agree upon a different method of settlement subject to written approval by the State office upon a determination by the State committee that the method of settlement and the resultant price are fair and reasonable.

(c) *Conversion of net sugarcane to standard sugarcane.* Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane as follows:

(1) By multiplying the quantity of net sugarcane by the applicable quality factor in accordance with the following table:

Percent sucrose in normal juice	*Standard sugarcane quality factor*[1]
9.5	0.60
10.0	.70
10.5	.80
11.0	.90
11.5	.95
12.0	1.00
12.5	1.05
13.0	1.10
13.5	1.15
14.0	1.20
14.5	1.25

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 14.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

and,

(2) By multiplying the quantity determined pursuant to subparagraph (1) of this paragraph by the applicable purity factor in the following table:

[1] Freight Area (a) includes all mills except those located in Areas (b) and (c) below:

Freight Area (b) includes all mills located north of Bayou Goula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia and west of the Atchafalaya River.

Freight Area (c) includes all mills located north and west of New Iberia west of the Atchafalaya River.

STANDARD SUGARCANE PURITY FACTOR [1]

Percent purity of normal juice		Percent sucrose in normal juice															
		At least 9.50	9.70	9.90	10.10	10.30	10.50	10.70	10.90	11.10	11.30	11.50	11.70	11.90	12.10	12.30	12.50
At least	But not more than	But not more than 9.69	9.89	10.09	10.29	10.49	10.99	11.49	11.99	12.49	12.99	13.49	13.99	14.49	14.99	15.49	15.99
68.00	68.24	1.000	0.989	0.978	0.967	0.956	0.945	0.939	0.929	0.922	0.912	0.908	0.901	0.894	0.887	0.880	0.873
68.25	68.49	1.005	.993	.982	.971	.960	.949	.941	.934	.927	.920	.913	.906	.899	.892	.885	.878
68.50	68.74	1.010	.998	.987	.976	.965	.954	.945	.938	.931	.924	.917	.910	.904	.897	.890	.884
68.75	68.99	1.016	1.003	.992	.981	.970	.959	.950	.943	.936	.929	.922	.915	.909	.902	.895	.890
69.00	69.49	1.021	1.009	.997	.986	.975	.964	.955	.948	.941	.934	.927	.920	.914	.908	.902	.896
69.50	69.99	1.025	1.013	1.001	.990	.979	.968	.960	.953	.945	.938	.931	.924	.918	.912	.906	.900
70.00	70.49	1.030	1.018	1.006	.995	.984	.973	.965	.958	.950	.943	.936	.929	.923	.917	.911	.905
70.50	70.99	1.035	1.023	1.011	.999	.988	.977	.969	.962	.954	.947	.940	.933	.927	.921	.915	.909
71.00	71.49	1.040	1.028	1.016	1.004	.993	.982	.974	.966	.959	.951	.945	.938	.932	.926	.930	.914
71.50	71.99	1.045	1.033	1.021	1.009	.998	.987	.978	.970	.963	.955	.949	.942	.936	.930	.924	.918
72.00	72.49	1.050	1.038	1.026	1.014	1.003	.992	.983	.975	.967	.960	.954	.947	.940	.934	.928	.922
72.50	72.99	1.055	1.043	1.031	1.019	1.007	.996	.987	.979	.971	.964	.958	.951	.944	.938	.932	.926
73.00	73.49	1.060	1.048	1.036	1.024	1.012	1.000	.991	.984	.976	.968	.962	.955	.948	.942	.936	.930
73.50	73.99	1.065	1.052	1.040	1.028	1.016	1.004	.995	.988	.980	.972	.966	.959	.952	.946	.940	.934
74.00	74.49		1.057	1.044	1.032	1.020	1.008	1.000	.992	.984	.977	.970	.963	.956	.950	.944	.938
74.50	74.99		1.062	1.049	1.036	1.024	1.012	1.004	.996	.988	.981	.974	.967	.960	.954	.948	.942
75.00	75.49			1.054	1.041	1.028	1.016	1.008	1.000	.992	.985	.978	.971	.964	.958	.952	.946
75.50	75.99			1.059	1.046	1.033	1.020	1.011	1.004	.996	.988	.981	.974	.967	.961	.955	.949
76.00	76.49				1.051	1.038	1.025	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.956
76.50	76.99				1.054	1.041	1.028	1.019	1.011	1.004	.996	.989	.981	.975	.969	.963	.957
77.00	77.49					1.045	1.032	1.023	1.015	1.008	1.000	.993	.985	.979	.973	.967	.961
77.50	77.99					1.049	1.035	1.027	1.019	1.011	1.003	.996	.989	.982	.976	.970	.964
78.00	78.49						1.039	1.031	1.023	1.015	1.007	1.000	.993	.986	.980	.974	.968
78.50	78.99						1.042	1.035	1.026	1.018	1.010	1.003	.996	.989	.983	.977	.971
79.00	79.49							1.039	1.030	1.022	1.014	1.007	1.000	.993	.987	.981	.975
79.50	79.99							1.043	1.033	1.025	1.017	1.010	1.003	.996	.990	.984	.978
80.00	80.49								1.037	1.029	1.021	1.014	1.007	1.000	.994	.988	.982
80.50	80.99								1.040	1.032	1.024	1.017	1.010	1.003	.997	.991	.985
81.00	81.49									1.036	1.028	1.021	1.014	1.006	1.000	.994	.988
81.50	81.99									1.039	1.032	1.024	1.017	1.009	1.003	.997	.991
82.00	82.49										1.035	1.027	1.020	1.013	1.007	1.000	.995
82.50	82.99										1.038	1.030	1.023	1.016	1.010	1.004	.998
83.00	83.49											1.033	1.027	1.019	1.013	1.007	1.000
83.50	83.99											1.036	1.030	1.022	1.016	1.010	1.004
84.00	84.49												1.033	1.025	1.019	1.013	1.007
84.50	84.99													1.028	1.022	1.016	1.010

[1] Factors applicable to higher or lower sucrose and purity of normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the State Office upon request.

(d) *Payment for frozen sugarcane.* (1) The payment for sugarcane determined pursuant to paragraph (c) of this section may be reduced upon certification by the State office that sugarcane has been damaged by freeze and that the processing of such sugarcane has adversely affected boiling house operations. Deductions from the payment for such frozen sugarcane shall be at rates not in excess of 1.5 percent of the payment for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest multiple of 0.05 cc.). No payment is required for the amount of sugar recoverable from sugarcane testing in excess of 4.75 cc. of acidity.

(2) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose and purity tests of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor subject to written approval by the State office: *Provided*, That the payment for each ton of net sugarcane shall be not less than an amount equal to the total returns from raw sugar and molasses actually recovered from such sugarcane, determined on the basis of the season's average prices of raw sugar and blackstrap molasses less an amount not to exceed $3.00 per gross ton of sugarcane for processing and less the actual costs of hoisting, weighing, and transporting such sugarcane.

(e) *Molasses payment.* The processor shall pay an amount equal to the product of 7.1 gallons times one-half of the average price per gallon of blackstrap molasses in excess of 6 cents for each ton of net sugarcane processed except for (1) salvage sugarcane where settlement is based on the so-called "Java Formula"; (2) frozen sugarcane testing in excess of 4.75 cc. of acidity; and (3) sugarcane damaged by a general freeze which is tolled by the processor and settlement is based on the net proceeds from the sugar and molasses recovered from such cane. The average price of blackstrap molasses shall be the weekly average price or the season's average price as elected by the processor in writing to the State office not later than October 7, 1966, and such pricing basis shall be used in settlement for all molasses from 1966 crop sugarcane.

(f) *Hoisting, weighing, and transportation.* The price for sugarcane established by this section shall be applicable to sugarcane delivered by the producer (1) to a hoist for loading into the conveyance for transportation to the mill, or (2) from the farm directly to the mill. With respect to sugarcane delivered to a hoist, the costs of hoisting, weighing, and transporting sugarcane from the hoist to the mill shall be paid by the processor or the processor shall make allowances to the producer for performing such services, based on net sugarcane, at per ton rates not less than those made with respect to sugarcane of the 1965 crop: *Provided*, That the processor shall not be required to make hauling allowances to producers in excess of the rates charged by a contract or commercial carrier or the rates which such carrier would have charged for performing such service. With respect to sugarcane delivered directly from the farm to the mill the processor shall pay the cost of transportation or shall make an allowance to the producer for performing such services, based on net sugarcane, at per ton rates not less than those made with respect to the 1965 crop: *Provided*, That the processor shall not be required to make an allowance to the producer for hauling sugarcane directly from the farm to the mill at rates in excess of 30 cents per ton for distances of one mile or less, 40 cents per ton for distances of 1.1 to 2 miles, plus 5 cents per ton for each mile or fraction thereof in excess of 2 miles: *Provided, further*, That nothing in this paragraph shall be construed as prohibiting negotiations between the processor and the producer, any change to be approved in writing by the State office upon a determination by the State committee that the change results in allowances which are fair and reasonable.

(g) *Mutual plan for improving harvesting and delivery.* If a processor and the producers delivering sugarcane to such processor mutually agree upon a plan for improving harvesting and delivery operations, the processor may deduct from the price per ton of sugarcane an amount equal to one-half of the per ton cost of such plan. Such deduction may not be made until the plan has the written approval of the State office and it has been determined by the State committee that the plan is fair and reasonable.

(h) *Toll agreements.* The rate for processing sugarcane produced by a processor and processed under a toll agreement by another processor shall be the rate they agree upon.

(i) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination established the fair and reasonable price requirements which must be met as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1966 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also, directly or indirectly, a processor of sugarcane, as may be determined by the Secretary, shall have paid or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1966 price determination.* This determination continues the provisions of the 1965 crop determination, except that the period for determining the season's average prices of raw sugar and blackstrap molasses is from October 7, 1966, through April 27, 1967; the periods for determining the delivered average price are from October 7, 1966, through December 31, 1966, for 1966-crop sugar marketed under the 1966 quota, and from January 1 through February 23, 1967, for 1966-crop sugar not marketed under the 1966 quota; and the molasses payment to producers is to be based on 7.1 gallons of blackstrap molasses per ton of sugarcane, instead of 7 gallons, reflecting the most recent 5-year average recovery.

A public hearing was held in Houma, La. on June 22, 1966, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for 1966-crop Louisiana sugarcane. The notice of hearing requested views and recommendations on the periods to be used to determine the season's average prices of raw sugar and blackstrap molasses. A representative of the Grower-Processor Committee recommended that the same three methods of settlement provided in the 1965 determination, i.e., weekly average, season's average, and delivered average, be provided for the 1966 crop; that the period for determining the season's average price of raw sugar and blackstrap molasses extend from October 7, 1966, through April 27, 1967; that the periods for determining the delivered average price of raw sugar extend from October 7 through December 31, 1966, for 1966-crop raw sugar marketed under the processor's 1966 marketing allotment, and from January 1 through February 23, 1967, for 1966-crop raw sugar not marketed under the 1966 marketing allotment. The witness stated that because of anticipated large inventories of 1966-crop sugar to be carried over into 1967, some processors will require several months in 1967 to market all 1966-crop sugar; that some processors have contracted to sell their 1966-crop quota production on the October–December average price, and their 1966-crop overquota sugar on the January–February average price; and that the periods recommended will enable processors to settle on a basis closely approximating their marketing opportunities. The witness stated that refiners purchased 1965-crop raw sugar from processors at prices 10 cents per hunderweight below the prices quoted by the Louisiana Sugar Exchange and that the same practice will be continued by refiners in purchasing 1966-crop raw sugar.

The representative of the Louisiana Farm Bureau concurred in the recommendation of the Grower-Processor Committee concerning the periods for determining the season's average price of raw sugar and blackstrap molasses, and the delivered average price of raw sugar. The witness also recommended an optional season's average pricing period for raw sugar and blackstrap molasses extending from October 7, 1966, through March 2, 1967. The witness stated that the shorter alternative period is needed by processors who sell their sugar during a shorter period than that recommended for the season's average basis. The witness submitted data showing long term trends in returns and costs of producing and processing sugarcane, and stated that in his opinion there was no basis for the change that was made in the pricing factor for the 1965 crop.

Consideration has been given to the testimony presented at the public hearing and to other pertinent information. The comparative returns, costs, and profits of producing and processing sugarcane in Louisiana, obtained through field survey for recent crops have been recast in terms of prospective price and production conditions for the 1966 crop. Analysis of these data indicates that the provisions of this determination will provide an equitable sharing of total returns between producers and processors in the light of their sharing of total costs.

The periods specified for determining the season's average prices or raw sugar and blackstrap molasses, and the delivered average price of raw sugar follows the recommendations of the Grower-Processors Committee and the Louisiana Farm Bureau Federation. In view of current marketing allotments and the reported terms of contracts between some processors and refiners, it is believed that the options and periods provided are equitable and will enable processors to settle for sugarcane on a basis closely related to their marketing opportunities.

The recommendation of the Farm Bureau for an optional season's average pricing period extending from October 7, 1966, through March 2, 1967, has not been adopted. It is believed that the three periods provided in this determination are adequate.

Processors are required to inform the State office in writing not later than October 7, 1966, the pricing basis elected, i.e., weekly, season, or delivered average price for raw sugar and the weekly or season's average price for molasses. Processors are also required to use the periods elected for the entire crop.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Supp. 1131, as amended)

Effective date. This determination shall become effective upon publication in the FEDERAL REGISTER and is applicable to the 1966 crop of Louisiana sugarcane.

Signed at Washington, D.C., on September 13, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-10212; Filed, Sept. 16, 1966; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 179]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.479 Valencia Orange Regulation 179.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 908, as amended), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon

which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 15, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 18, 1966, and ending at 12:01 a.m., P.s.t., September 25, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 500,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 16, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–10282; Filed, Sept. 16, 1966; 11:37 a.m.]

[Lemon Reg. 232]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.532 Lemon Regulation 232.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 910, as amended), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with ths section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 13, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 18, 1966, and ending at 12:01 a.m., P.s.t., September 25, 1966; are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 162,750 cartons;

(iii) District 3: 14,226 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "Carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 15, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–10236; Filed, Sept. 16, 1966; 8:49 a.m.]

[Avocado Order 8, Amdt. 3]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

(a) Findings: (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados growns in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of certain varieties of avocados.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 915.308 (31 F.R. 7394, 8592, 9678) are hereby amended by revising in Table I certain dates and minimum weights and diameters applicable to the Waldin, Black Prince, and Chica varieties of avocados, so that after such revision the portion of such Table I relating to such varieties reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Waldin	9-19-66	10 oz. (3⅜ in.)	9-26-66				
Black Prince	9-19-66	23 oz.	10-3-66	16 oz. (3⅜ in.)	10-26-66		
Chica	10-3-66	12 oz. (3⅛ in.)	10-17-66	10 oz. (3⅛ in.)	10-31-66		

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., September 19, 1966.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 16, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–10283; Filed, Sept. 16, 1966; 11:37 a.m.]

PART 991—HOPS OF DOMESTIC PRODUCTION

Expenses of Hop Administrative Committee and Rate of Assessment for 1966–67 Marketing Year; Correction

In F.R. Doc. 66–9190, appearing at page 11171–2, of the issue for Wednesday, August 24, 1966, in § 991.301(b) the rate of assessment of "0.0035 cent per pound" is hereby corrected to "0.35 cent per pound."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 13, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–10213; Filed, Sept. 16, 1966; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 125]

PART 1125—MILK IN PUGET SOUND, WASH., MARKETING AREA

Order Amending Order

Correction

In F.R. Doc. 66–6633, appearing at page 8405 of the issue for Thursday, June 16, 1966, § 1125.11(b) should read as follows:

(b) Whose milk during the month is received at a pool plant or is diverted from a pool plant to a nonpool plant pursuant to § 1125.12, unless such milk is received at a pool plant by diversion from an other order plant and retains status as producer milk under the order by which such plant is regulated;

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

Administration of Community Management Functions

Notice is hereby given of the amendment of the Statement of Organization, Delegations and General Information of the U.S. Atomic Energy Commission, 10 CFR Part 1, published in the FEDERAL REGISTER on December 29, 1961 (26 F.R. 12729–12745), as amended.

The present amendment reflects assignment and reassignment of responsibility for the supervision of administration of community management functions at Oak Ridge, Tenn.; Richland, Wash.; and Los Alamos, N. Mex.

Because this amendment relates to matters of internal management, general notice of proposed rule making and public procedure thereon are unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Administrative Procedure Act of 1946, as amended, the Atomic Energy Community Act of 1955, as amended, and 1 CFR 17.2, the following amendments of 10 CFR Part 1 are published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER.

1. Section 1.43 is amended by adding new paragraph (c) to read as follows:

§ 1.43 Division of Military Application.

* * * * *

(c) The Director, Division of Military Application, has the responsibility for supervision of the field administration of the community management functions at Los Alamos, N. Mex. In connection therewith the Director also executes, subject to the provisions of Part 130 of this chapter, the statutory functions assigned to the AEC under the Atomic Energy Community Act of 1955, as amended, including determinations of the amounts of annual assistance payments to be made pursuant to Chapter 9 of said Act, with respect to such program.

§ 1.51 [Amended]

2. Section 1.51 is amended by revoking paragraph (b) thereof.

3. Section 1.95 is amended by adding new paragraph (c) to read as follows:

§ 1.95 The Office of Economic Impact and Conversion.

* * * * *

(c) The Director, Office of Economic Impact and Conversion has the responsibility for supervision of the field administration of the community management functions at Oak Ridge, Tenn., and Richland, Wash. In connection therewith the Director also executes, subject to the provisions of Part 130 of this chapter, the statutory functions assigned to the AEC under the Atomic Energy Community Act of 1955, as amended, including determinations of the amounts of annual assistance payments to be made pursuant to Chapter 9 of said Act, with respect to such programs.

(Sec. 161, 68 Stat. 948, as amended; 42 U.S.C. 2201; sec. 111, 69 Stat. 488; 42 U.S.C. 2305; sec. 3, 60 Stat. 238 (80 Stat. 250); 5 U.S.C. 1002)

Dated at Germantown, Md., this 1st day of September 1966.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 66–10197; Filed, Sept. 16, 1966; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7063; Amdt. 61–24]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Requirement for Instrument Ratings and Unrestricted Airline Transport Pilot Certificates

The purpose of this amendment is to prescribe standards for the establishment and issuance of a helicopter instrument rating to the holder of a pilot certificate, including the holder of an airline transport pilot certificate. This amendment is based on a notice of proposed rule making (Notice No. 65–39) issued on December 9, 1965, and published in the FEDERAL REGISTER on December 15, 1965 (30 F.R. 15435). Several comments were received in response to the notice, and they have been helpful in resolving the issues involved. All comments have been carefully considered.

One comment agreed with the wording of proposed § 61.3(f) but expressed some concern that it may be interpreted to compromise the latitude now afforded the helicopter under the visual flight rules of § 91.105 *Basic VFR weather minimums* and § 91.107 *Special VFR weather minimums in a control zone.* It is not the intent of the Agency to alter the VFR minimums for helicopter operations in this amendment. Both present § 61.3(f) and § 61.3(f) as proposed in Notice No. 65–39 pertain to operations conducted under instrument flight rules or in weather conditions less than the basic VFR weather minimums or the special VFR weather minimums in a control zone. Accordingly, a helicopter instrument rating would be required for those operations that cannot be conducted in accordance with the visual flight rules of §§ 91.105 and 91.107 as they apply to helicopters.

It appears from some of the comments, that the proposed rule is subject to some misinterpretation. It was the intention of the Agency to establish a separate instrument rating for helicopters without further affecting the existing instrument rating. The preamble to Notice No. 65–39 indicated this intention but the proposed rule referred only to "category of aircraft" in purporting to establish a helicopter instrument rating. Thus, adoption of the rule as proposed would impose helicopter standards for all rotorcraft including gyroplanes. Since gyroplanes possess flight characteristics similar to an airplane, helicopter standards would not be appropriate. Therefore, to clarify the intent of the Agency and to preclude misinterpretation of the rule, this amendment is reworded to refer specifically to a helicopter instrument rating, where appropriate.

Proposed § 61.15(l) (redesignated in this amendment as § 61.31(c)(2)) states that the holder of a pilot certificate issued under § 61.31 who holds, or has held a military instrument rating or card

authorizing him to pilot helicopters under IFR may obtain an FAA helicopter instrument rating without a further showing of instrument competency in a helicopter. However, no provision is made for civilian pilots who hold, or have held a helicopter military instrument rating or card as instructor pilots employed by the military. Therefore, since these pilots are at least as well qualified as their military students, the words "issued under § 61.31", are deleted from this amendment to permit these civilian pilots to obtain an FAA helicopter instrument rating limited to the exercise of private or commercial pilot privileges, as the case may be, without a further showing of instrument competency in a helicopter. Section 61.31(c)(2) now states that the holder of an airline transport pilot certificate who obtains a helicopter instrument rating under that section is limited to the exercise of commercial pilot privileges.

Some comments object to proposed § 61.47(d), which states in pertinent part that no person may act as pilot in command of an aircraft under IFR, unless within the preceding 6 months he has had 6 hours of instrument flight, actual or simulated, 3 hours of which must be in a helicopter if he acts as pilot in command of a helicopter under instrument flight conditions. Other comments object to the proposal in § 61.47(e) requiring the holder of an airline transport pilot certificate with a helicopter instrument rating to obtain 6 hours instrument flight within the preceding 6 months, as opposed to the 2 hours required for an airline transport pilot who, for example, acts as pilot in command of an airplane under instrument flight conditions.

The comments regarding proposed § 61.47 (d) and (e) focus on the relationship between the airplane and the helicopter as these are the aircraft accounting for most of the instrument flight time. The objections to these sections fall within two categories: (1) Airplane instrument flight time or helicopter VFR flight time can be substituted completely for the instrument flight time required to maintain recency of experience in helicopters; and (2) compliance with the proposal would be an economic burden on helicopter pilots who are not employed by a scheduled air carrier.

The Agency does not agree that techniques employed in flying helicopters and airplanes under IFR conditions are similar to the point that maintenance of instrument proficiency in an airplane can be substituted completely for maintenance of instrument proficiency in a helicopter. While similarities exist in operating the navigation and communication equipment in these aircraft under instrument flight conditions, the techniques for flying helicopters under instruments still differ greatly from the techniques employed in flying airplanes under instrument flight conditions. Moreover, the Agency believes that the techniques employed in the operation of helicopters are much more demanding than those employed in flying airplanes. The Agency also believes that more flight time is required to maintain instrument proficiency in helicopters than in airplanes. The Agency does not agree that VFR flight proficiency in helicopters can be considered an adequate substitute for maintaining instrument flying proficiency in helicopters. On the other hand, the Agency does believe that the techniques in flying aircraft other than helicopters such as airplanes, gliders, and gyroplanes under IFR conditions are quite similar. Therefore, Part 61 permits a pilot who meets the recent flight experience requirements under IFR conditions in an airplane for example to satisfy the recent experience requirements to act as pilot in command of a gyroplane.

Present § 61.149 and § 61.149 as proposed in Notice No. 65–39 state the requirements for piloting rotorcraft under VFR only (present § 61.149) and for obtaining a helicopter rating limited to VFR only or not limited to VFR (§ 61.149 as proposed in Notice No. 65–39). Since these requirements are readily ascertainable under appropriate headings in §§ 61.151 through 61.157, § 61.149 has been deleted. Since this change is minor in nature, notice and public procedure hereon are unnecessary.

Under the rules as adopted herein, the holder of an airline transport pilot certificate with a rotorcraft category and helicopter class rating will be required to hold an unrestricted certificate to act as pilot in command of a helicopter under IFR. However, the Agency does not intend to limit the holders of an airline transport pilot certificate with a rotorcraft category and gyroplane class rating to VFR operations only (assuming of course that a civil gyroplane certificated for instrument flight is available). The language of § 61.157(a) has been amended to reflect this distinction.

The reference to § 61.147(a)(14) in proposed § 61.155(b)(1)(ii) (redesignated in this amendment as § 61.155(b)(3)) is corrected to read § 61.147(a)(24), since reference to the maneuver concerned is contained in this subparagraph.

In view of the foregoing and, in addition, in consideration of the reasons set forth in Notice No. 65–39, Part 61 of the Federal Aviation Regulations is amended effective October 17, 1966, as follows:

1. Section 61.3(f) is amended to read as follows:

§ 61.3 Certificates and ratings required.

• • • • • •

(f) *Instrument ratings.* No person may act as pilot in command of an aircraft other than a helicopter under instrument flight rules or in weather conditions less than the minimums prescribed for VFR flight unless he holds a current instrument rating or an airline transport pilot certificate. In the case of a helicopter, a helicopter instrument rating or an airline transport pilot certificate with a rotorcraft category and helicopter class rating not limited to VFR is required.

2. Section 61.15 is amended by adding the following new paragraph (l):

§ 61.15 Aircraft ratings.

• • • • • •

(l) At any time before October 17, 1968, the holder of a pilot certificate that permits him to operate helicopters under instrument flight conditions on the basis of an exemption granted by the Administrator may obtain a helicopter instrument rating or the removal of the VFR only restriction from his airline transport pilot certificate, as the case may be, without a further showing of instrument competency in a helicopter.

3. Section 61.31(c) is amended to read as follows:

§ 61.31 Military pilots or former military pilots: special rules.

• • • • • •

(c) *Instrument rating.* (1) A private or commercial pilot who holds a current military instrument rating or card for an aircraft other than a helicopter is entitled to an instrument rating under this part for an aircraft other than a helicopter. If he holds a military instrument rating or card for a helicopter he is entitled to a helicopter instrument rating under this part.

(2) At any time before October 17, 1968, the holder of a pilot certificate who has held a military instrument rating or card for a helicopter is entitled to a helicopter instrument rating under this part without a showing of instrument competency in a helicopter. However, in the case of an instrument rating issued to the holder of an airline transport pilot certificate, the rating is limited to commercial pilot privileges.

• • • • • •

4. In § 61.35, paragraph (a)(2), the introductory language of paragraph (c), and paragraph (c)(3) are amended to read as follows:

§ 61.35 Instrument rating: knowledge and experience requirements.

(a) • • •

(2) A private pilot certificate and meet the requirements of § 61.115(a) except subparagraphs (3) and (4) thereof. However, in the case of a helicopter instrument rating the applicant must hold at least a private pilot certificate and meet the requirements of § 61.119 in a helicopter.

• • • • • •

(c) An applicant for an instrument rating must have at least 40 hours of instrument time under actual or simulated conditions including time acquired in a synthetic trainer. That time must include at least 20 hours of flight time of which at least 15 hours must be instrument flight instruction given by a flight instructor with an appropriate instrument rating on his flight instructor certificate. In the case of an applicant for an instrument rating for an aircraft other than a helicopter, at least 10 hours of the required 20 hours of flight time and at least 5 hours of the required 15 hours of instrument flight instruction must be accomplished in an aircraft other than a helicopter. In the case of an applicant for a helicopter instrument rating, at least 10 hours of the required 20 hours of flight and at least 5 hours of the required 15 hours of instrument flight instruction must be accomplished in a helicopter. The required instrument flight instruction must include at least—

• • • • • •

(3) One flight with an aircraft other than a helicopter of at least 200 nautical miles on Federal airways while operating in accordance with an approved IFR flight plan except that in the case of an applicant for a helicopter instrument rating that flight must be accomplished with a helicopter for a distance of at least 50 nautical miles.

• • • • • •

5. In § 61.37, paragraph (c)(2)(iii) and (vi) are amended to read as follows:

§ 61.37 Instrument rating: skill requirements.

• • • • • •

(c) • • •

(2) • • •

(iii) Stalls and maneuvering at approach speeds, except that stalls are not required for helicopters.

• • • • • •

(vi) Engine-out procedures, if test is in multiengine aircraft.

• • • • • •

6. In § 61.47, paragraphs (d) and (e) are amended to read as follows:

§ 61.47 Recent flight experience.

• • • • • •

(d) *Instrument.* A pilot may not act as pilot in command of an aircraft under IFR or in weather conditions less than prescribed VFR minimums unless, within the preceding 6 calendar months, he has had at least 6 hours of instrument time under actual or simulated instrument conditions. Not more than 3 hours in a synthetic instrument trainer acceptable to the Administrator may be included in the 6 hours of required instrument time. In the case of an aircraft other than a helicopter, at least 3 hours of that instrument time must have been accomplished in flight in an aircraft other than a helicopter. In the case of a helicopter, at least 3 hours of that instrument time must have been accomplished in flight in a helicopter. This paragraph does not apply to operations requiring an airline transport pilot certificate.

(e) *Instrument—Airline transport.* An airline transport pilot may not act as pilot in command of an aircraft other than a helicopter under instrument flight conditions in operations for which an airline transport pilot certificate is required unless he has had at least 2 hours of instrument flight time under instrument weather conditions or simulated instrument weather conditions in an aircraft other than a helicopter within the preceding 6 months, or until he has had at least 2 hours of flight time under those conditions, accompanied by a pilot with at least a private pilot certificate who holds an appropriate category, class, and type rating (if applicable) for the aircraft concerned and an instrument rating. He may not act as pilot in command of a helicopter under instrument flight conditions in operations for which an airline transport pilot certificate is required unless he has had at least 6 hours of instrument flight time under instrument weather conditions or simulated instrument weather conditions in a helicopter within the preceding 6 months, or until he has had at least 6 hours of flight time under those conditions accompanied by a pilot with at least a private pilot certificate who holds an appropriate category, class, and type rating (if applicable) for the helicopter concerned and a helicopter instrument rating.

• • • • • •

§ 61.149 [Deleted]

7. Section 61.149 is deleted.

8. Section 61.151 is amended to read as follows:

§ 61.151 Rotorcraft rating: aeronautical knowledge.

(a) An applicant for an airline transport pilot certificate with a rotorcraft category and a gyroplane class rating, or a rotorcraft category and a helicopter class rating limited to VFR only must pass a written test on—

(1) So much of this chapter as relates to air carrier rotorcraft operations;

(2) Rotorcraft design, components, systems and performance limitations;

(3) Basic principles of loading and weight distribution and their effect on rotorcraft flight characteristics;

(4) Air traffic control systems and procedures relating to rotorcraft;

(5) Procedures for operating rotorcraft in potentially hazardous meteorological conditions; and

(6) Flight theory as applicable to rotorcraft.

(b) In addition to the requirements of paragraph (a) of this section, an applicant for an airline transport pilot certificate with a rotorcraft category and helicopter class rating not limited to VFR must pass a written test on the items listed under paragraphs (b) through (m) of § 61.143.

9. Section 61.153 is amended by adding the following new paragraph (c):

§ 61.153 Rotorcraft rating: aeronautical experience.

• • • • • •

(c) In addition to the requirements of paragraphs (a) and (b) of this section, an applicant for an airline transport pilot certificate with a rotorcraft category and a helicopter class rating not limited to VFR must have at least 75 hours of instrument time under actual or simulated instrument conditions of which at least 50 hours were completed in flight with at least 25 hours in helicopters as pilot in command, or as second in command performing the duties and functions of a pilot in command under the supervision of a pilot in command, or any combination thereof.

10. Section 61.155 is amended to read as follows:

§ 61.155 Rotorcraft rating: aeronautical skill.

(a) An applicant for an airline transport pilot certificate with a rotorcraft category and a gyroplane class rating or a rotorcraft category and helicopter class rating limited to VFR must show his ability to satisfactorily pilot rotorcraft by performing at least the following:

(1) Normal takeoffs and landings, crosswind landings, climbs and climbing turns, steep turns, maneuvering at minimum speed, rapid descent, and quick stops;

(2) Simulated emergency procedures, including failure of an engine or other component or system, fire, ditching, evacuation, and operating emergency equipment;

(3) Approach and landing with simulated one engine inoperative in multiengine helicopters or in autorotation in single engine helicopters; and

(4) Any other maneuvers considered necessary to show his ability.

(b) An applicant for an airline transport pilot certificate with a rotorcraft category and a helicopter class rating not limited to VFR must meet the requirements of paragraph (a) of this section. In addition he must perform the maneuvers required by § 61.147 except as specified in subparagraphs (1) through (4) of this paragraph.

(1) The maneuvers described in §61.147(a)(8) are not required.

(2) The maneuvers described in § 61.147(a) (6) and (15) are not required if the applicant holds a helicopter instrument rating.

(3) The maneuver described in § 61.147(a)(24) is limited to rapid descent only.

(4) The FAA flight inspector conducting the test may require the maneuvers described in § 61.147(a) (6), (15), and (16) to be performed on partial panel.

(c) The holder of an airline transport pilot certificate with a rotocraft category and helicopter class rating who applies for an additional helicopter type rating must show his ability to satisfactorily pilot the type helicopter for which he seeks a rating by performing the maneuvers listed in paragraph (a) of this section for a rating limited to VFR only, or the maneuvers listed in paragraph (b) of this section for a rating not limited to VFR.

11. Section 61.157 is amended by amending the heading and introductory language of paragraph (a), redesignating paragraph (b) as paragraph (c), and adding a new paragraph (b) as follows:

§ 61.157 Additional category ratings.

(a) *Rotorcraft category and gyroplane class rating or helicopter class rating limited to VFR only.* The holder of an airline transport pilot certificate (airplane rating) who applies for a rotorcraft category and gyroplane class rating, or a rotorcraft category and helicopter class rating limited to VFR only must meet the applicable requirements of §§ 61.151 and 61.155 and

• • • • • •

(b) *Rotorcraft category and helicopter class rating not limited to VFR.* The holder of an airline transport pilot certificate (airplane rating) who applies for a rotorcraft category and helicopter class rating not limited to VFR must meet the applicable requirements of §§ 61.151, 61.153, and 61.155.

• • • • •

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on September 12, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-10178; Filed, Sept. 16, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WA-14]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

On July 23, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10041) stating that the Federal Aviation Agency was considering an amendment to Part 73 of the Federal Aviation Regulations which would extend the time of designation of temporary restricted areas R-2513C and R-2513D near the Hunter-Liggett Military Reservation to November 30, 1966.

The designation of these temporary restricted areas and the proposed extension of the time of designation was requested by Joint Task Force Two to contain the activities generated by the JTF-2 military exercise known as Test 3.1/3.5. The rule which designated these areas stated that among the other activities to be conducted therein, 20 extremely low altitude supersonic flights would be scheduled during daylight hours from October 3 through October 5, 1966. These flights are now scheduled for November 16, 17 and 18.

The Administrator has determined that, in the interest of National Defense, the designation of the temporary restricted area should be continuous therefore, this amendment may be made effective without regard to the 30-day period preceding effectiveness.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

One of the conditions under which these temporary restricted areas were presented to the public and subsequently designated was that consideration would be given to requests from persons having a bona fide need to fly within the restricted areas during the periods of activation. The rule further states that such requests may be made by collect telephone call to the Test Director, JTF-2, Experimental Control Operations Office, Hunter-Liggett Range, Jolon, Calif. The fact that the Test Director has experienced difficulty and delay in obtaining the necessary information to consider these requests, is not sufficient justification to withdraw the provision for collect telephone calls. The denial of this privilege would place an undue burden on the public. In addition, this telephone service should be available during all periods when the restricted areas are active.

Therefore, persons having a bona fide need to fly within R-2513C and R-2513D at a definite time and place during periods of activation may make such requests by collect telephone call to the JTF-2 aircraft operation center at Hunter-Liggett (Area code 408-385-5911), Extension 394, 396, or 398) where military personnel will be on duty to consider pilot requests from 7 a.m. through 4 p.m., Monday through Friday and at any other time when the restricted areas are in use by JTF-2. Airborne pilots desiring information concerning the status of the restricted areas or permission to fly within them should call the Oakland Air Route Traffic Control Center, the Paso Robles Flight Service Station, or the Salinas Flight Service Station.

In consideration of the foregoing, Part 73 of the FARs is amended, effective October 8, 1966, as hereinafter set forth.

In § 73.25 (31 F.R. 2299, 7612) the Hunter-Liggett, Calif. (Temporary) restricted areas R-2513C and R-2513D are altered by deleting "Time of Designation: Continuous July 21, 1966 through October 7, 1966," and substituting therefor "Time of Designation: Continuous July 21, 1966 through November 30, 1966."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 14, 1966.

JOSEPH J. REGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 66-10242; Filed, Sept. 16, 1966; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 35-15540]

PART 256a—REGULATION TO GOVERN PRESERVATION AND DESTRUCTION OF RECORDS OF MUTUAL AND SUBSIDIARY SERVICE COMPANIES

Duplicate Copies of Records

Notice of the Commission's proposal to adopt Part 256a was published in the FEDERAL REGISTER on May 28, 1966 (31 F.R. 7692). Part 256a, with certain changes, was adopted by the Commission on August 12, 1966, effective that date, and notice of adoption was published in the FEDERAL REGISTER on August 20, 1966 (31 F.R. 11093).

Due to oversight, § 256a.37 of Part 256a was omitted from the aforesaid notice of adoption. Section 256a.37 of Chapter II of Title 17 of the Code of Federal Regulations also was adopted by the Commission on August 12, 1966, effective that date, and such section reads as follows:

§ 256a.37 Duplicate copies of records.

Description of records	Period of retention	Micro-photographic indicator
(a) Duplicate copies of records of the company.	Destroy at option, provided such duplicate copies contain no significant information not shown on the originals thereof and the originals are retained for the periods of time specified for such categories of records in this schedule.	

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 12, 1966.

[F.R. Doc. 66-10189; Filed, Sept. 16, 1966; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6896]

PART 144—TEMPORARY EXCISE TAX REGULATIONS RELATING TO TAX ON TIRES AND TUBES DELIVERED TO MANUFACTURER'S RETAIL OUTLET

Imposition of Tax on Tires and Tubes Delivered to Manufacturer's Retail Outlet; Floor Stocks Tax on Certain Tires and Tubes

In order to prescribe temporary regulations, which shall remain in force and effect until superseded by permanent regulations, under the Act of August 1, 1966 (Public Law 89-523, 80 Stat. 331), relating to the imposition of tax on tires and tubes delivered to a manufacturer's retail outlet and to the floor stocks tax on certain tires and tubes, the following regulations are hereby prescribed:

§ 144.1 Statutory provisions; imposition of tax on tires and tubes delivered to manufacturer's retail outlet; floor stocks tax on certain tires and tubes.

The Act of August 1, 1966 (Public Law 89-523, 80 Stat. 331) provides as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4071 of the Internal Revenue Code of 1954 (relating to tax on tires and inner tubes) is amended by redesignating subsections (b) and (c) as (c) and (d) and by inserting after subsection (a) the following new subsection:

"(b) *Special rule for manufacturers who sell at retail.* Under regulations prescribed by the Secretary or his delegate, if the manufacturer, producer, or importer of any tire or inner tube delivers such tire or tube to a retail store or retail outlet of such manufacturer, producer, or importer, he shall be liable for tax under subsection (a) in respect of such tire or tube in the same manner as if it had been sold at the time it was delivered to such retail store or outlet. This subsection shall not apply to an article in respect to which tax has been imposed by subsection (a). Subsection (a) shall not apply to an article in respect of which tax has been imposed by this subsection."

(b) The amendments made by subsection (a) shall take effect on the first day of the first calendar quarter which begins more than 20 days after the date on which this Act is enacted.

SEC. 2. Section 4226 of the Internal Revenue Code of 1954 (relating to floor stocks taxes) is amended by adding at the end thereof the following new subsection:

"(e) *Tax on certain tires and tubes.* On any tire or inner tube which, on the first day of the first calendar quarter which begins more than 20 days after the date of the enactment of this subsection, is held at a retail store or retail outlet of the manufacturer, producer, or importer of such tire or tube, he shall be liable for tax under section 4071(a) in the same manner as if such tire or inner tube had been sold by him on such first day. This subsection shall not apply to an article in respect of which tax has been imposed by section 4071 of the Internal Revenue Code of 1954. Such section 4071 shall not apply to an article in respect of which tax has been imposed by this subsection."

§ 144.1-1 Imposition of tax on tires and tubes delivered to manufacturer's retail outlet.

(a) *General rule.* If, on or after October 1, 1966, a tire or inner tube is delivered by the manufacturer thereof to a retail outlet of the manufacturer, the manufacturer shall be liable for tax in respect of the tire or tube at the rate set forth in section 4071 in the same manner as if the tire or tube had been sold at the time it was delivered to the retail outlet. The amount of tax payable shall be computed in accordance with the provisions of paragraph (b)(2) of § 48.4071-1 and of § 48.4071-2.

(b) *Definitions.* — (1) *Manufacturer.* For purposes of this section, the term "manufacturer" means manufacturer, producer, or importer.

(2) *Retail outlet.* For purposes of this section, the term "retail outlet" includes the term "retail store." A retail outlet is a facility maintained by a manufacturer for selling tires or tubes at retail. A facility may be a retail outlet even though some sales are made at wholesale at such facility; see paragraph (d)(1) of this section. A facility may also be considered to be a retail outlet for the purposes of this section notwithstanding that its main activity is in another area than selling tires or inner tubes. For example, if a manufacturer operates a facility for both automotive repair and the selling of tires at retail, the facility will be considered a retail outlet for the purposes of this section even if the primary activity of the facility is automotive repair. No facility will be considered a retail outlet for the purposes of this section if it is determined that less than 15 percent of the taxable tires and inner tubes removed from such facility are sold at retail by such facility. The determination described in the preceding sentence shall be made on the basis of the experience of a representative period, of at least 12 consecutive calendar months during the two-year period immediately preceding the first day included in the return period for which tax under section 4071(b) or 4226(e) is reported. If a facility has not been in existence during such a 12-month period, the determination shall be made on the basis of the available experience of the manufacturer. See also paragraph (c)(3) of this section, relating to imposition of tax where a retail outlet is maintained as an adjunct to a production facility or distribution center.

(3) *Tires and tubes.* The provisions of paragraphs (a) and (c) through (f) of § 48.4072-1 are applicable in determining whether articles delivered to a retail outlet are subject to tax under section 4071(b) and this section.

(c) *Delivery.* — (1) *In general.* A manufacturer of tires or inner tubes may, at his option, treat either of the following events as constituting delivery to a retail outlet:

(i) Delivery of tires or inner tubes to a common carrier (or, where the tires or tubes are transported by the manufacturer, the placing of the tires or tubes into the manufacturer's over-the-road vehicle) for shipment from the plant in which the tires or tubes are manufactured, or from a regional distribution center of tires and inner tubes, to a retail outlet or to a location in the immediate vicinity of a retail outlet primarily for future delivery to the retail outlet.

(ii) Arrival of the tires or tubes at the retail outlet, or, where shipment is to a location in the immediate vicinity of a retail outlet primarily for future delivery to the retail outlet, the arrival of the tires or tubes at such location.

In his excise tax return for the first return period beginning after September 30, 1966, a manufacturer of tires or inner tubes must elect to determine the date of delivery to his retail outlets in accordance with one of the two subdivisions of this subparagraph, and he must determine the dates of all deliveries made to all his retail outlets in accordance with the subdivision he has elected to apply. The election may be made in a statement attached to the return for such period. The same criterion applied for the purpose of determining the date of delivery for the purposes of section 4071(b) and this section in such return must be used in determining the articles which are held at a retail outlet on October 1, 1966, for the purpose of the floor stocks tax imposed by section 4226(e). See paragraph (b)(4) of § 144.1-2. Having elected to treat one of the events listed in subdivision (i) or (ii) of this subparagraph as constituting delivery to a retail outlet for purposes of his return for the first return period after September 30, 1966, the manufacturer may not use a different criterion for a subsequent return period unless permission of the district director is obtained in advance.

(2) *Deliveries made in the immediate vicinity of a retail outlet primarily for future delivery to the retail outlet.* (i) For purposes of this section, any delivery which is made in the immediate vicinity of a retail outlet primarily for future delivery to such retail outlet shall be deemed to be a delivery to such retail outlet. For the purpose of the preceding sentence, a location will be considered to be in the immediate vicinity of a retail outlet if the distance between such location and the retail outlet is sufficiently small so that it is feasible to transport tires and inner tubes between such location and the retail outlet by means of dollies, fork lift trucks, push-carts, and similar vehicles of the type normally used around the premises of factories and similar establishments, as opposed to highway motor vehicles. For the purpose of the preceding sentence, it is immaterial that a public thoroughfare must be used in order to transport tires or inner tubes to a retail outlet from another location. Tires and inner tubes delivered to a location in the immediate vicinity of a retail outlet will be considered to be delivered to such location "primarily for future delivery" to the retail outlet if it is determined that a majority (by number) of the tires and tubes removed from such location are delivered to such retail outlet. The determination described in the preceding sentence shall be made on the basis of the experience of a representative period, of at least 12 consecutive calendar months during the two-year period immediately preceding the first day included in the return period for which tax under section 4071(b) or 4226(e) is reported. If a facility has not been in existence during such a 12-month period, the determination shall be made on the basis of the available experience of the manufacturer. If it is determined that the majority of all tires and inner tubes removed from a given location are delivered to a retail outlet of the manufacturer in the immediate vicinity of such location, tax shall be imposed upon all tires and tubes delivered by the manufacturer to such location, even though all or part of the tires or tubes comprising a particular shipment to such location may be intended for further transportation to a location other than such retail outlet. If it is determined that a majority of all tires and inner tubes removed from a given location are not delivered to a retail outlet of the manufacturer in the immediate vicinity of such location, tax shall be imposed upon the removal of a tire or inner tube from such location to the premises of the retail outlet. See also paragraph (d)(2) of this section, relating to sales by the manufacturer at facilities other than retail outlets.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. A manufacturer of tires and tubes whose plant is located in City X operates two facilities in City Y, Warehouse A, and Store Q. Store Q is a retail outlet within the meaning of paragraph (b)(2) of this sec-

tion, and Warehouse A is in the immediate vicinity of Store Q. During the 12-month period ending September 30, 1966, 60 percent of the tires and inner tubes removed from Warehouse A were delivered to Store Q. All tires or inner tubes delivered by the manufacturer to Warehouse A are subject to tax under section 4071(b) and this section (unless, before such delivery, tax was imposed on the same tires and tubes).

(3) *Retail outlet maintained as adjunct of production or distribution facility.* If a retail outlet is maintained as an adjunct to and in the immediate vicinity of a facility which is not a retail outlet (as, for example, a production plant or a regional distribution center), delivery to the retail outlet shall be deemed to occur at the earlier of—

(i) The date when a tire or inner tube is removed from the general storage facilities in the facility which is not a retail outlet for transfer to the premises of the retail outlet, or

(ii) The date when a tire or inner tube is designated to be sold by or at the retail outlet.

(d) *Special rules*—(1) *Retail outlets which also sell at wholesale.* Tax applies to all shipments of tires and inner tubes delivered to a retail outlet, as defined in paragraph (b)(2) of this section. Thus, for the purposes of section 4071(b) and this section, it is immaterial that all or part of the tires or inner tubes of a particular delivery to a retail outlet are intended for sale at wholesale. See also subparagraph (3) of this paragraph.

(2) *Sales by manufacturer at facilities other than retail outlets.* Sales by the manufacturer of tires and inner tubes at facilities other than retail outlets are subject to tax under section 4071(a).

(3) *Deliveries of tires or tubes on which tax has been previously imposed.* (i) Tax shall not be imposed under section 4071(b) and this section on any tire or inner tube in respect of which tax was previously imposed under either section 4071(a) or section 4226(e). Similarly, a tire or inner tube shall be taxed only once under section 4071(b) and this section.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. A manufacturer has two selling facilities, Store No. 1 and Store No. 2. Only retail sales are made at Store No. 2, which obtains its merchandise from Store No. 1. Assume that, although wholesaling and distribution activities are conducted at Store No. 1, the sale of tires and tubes at retail is conducted at Store No. 1 to the extent that Store No. 1 is a retail outlet within the meaning of paragraph (b)(2) of this section, with the result that tax is imposed on deliveries by the manufacturer of tires and tubes to Store No. 1. Tax will not be imposed on a delivery of tires or inner tubes from Store No. 1 to Store No. 2.

(e) *Cross references.* For rules relating to exemption from tax in the case of tires of certain sizes, see section 4073(a) and § 48.4073–1. For rules relating to exemption from tax in case of tires with internal wire fastening, see section 4073(b) and § 48.4073–2. For rules relating to taxability of recapped or retreaded tires, see paragraph (d) of § 48.4071–1.

(f) *Effective date.* This section applies to deliveries of tires and inner tubes on and after October 1, 1966.

§ 144.1–2 1966 floor stocks tax on certain tires and inner tubes.

(a) *In general*—(1) *Imposition of floor stocks tax.* A floor stocks tax is imposed on any tire or inner tube which is subject to tax under section 4071 and which, as of 12:01 a.m. on October 1, 1966, is held at a retail outlet of a manufacturer as floor stocks, as defined in paragraph (b) of this section.

(2) *Rate and computation of tax.* Tax shall be imposed under this section at the following rates:

	Cents per pound
(i) Tires of the type used on highway vehicles	10
(ii) Tires of the type used on other than highway vehicles	5
(iii) Laminated tires	1
(iv) Inner tubes	10

For definitions of terms used in the preceding sentence, see section 4072 and § 48.4072–1. The amount of tax payable shall be determined in accordance with the provisions of paragraph (b)(2) of § 48.4071–1 and of § 48.4071–2.

(b) *Definitions.* For purposes of this section—

(1) *Floor stocks.* The term "floor stocks" means any tire or inner tube subject to tax under section 4071 which is held at a retail outlet of a manufacturer as of 12:01 a.m. on October 1, 1966, and on which no tax has been imposed under section 4071(a).

(2) *Manufacturer.* The term "manufacturer" means manufacturer, producer, or importer.

(3) *Retail outlet.* The term "retail outlet" shall have the meaning assigned to it by paragraph (b)(2) of § 144.1–1.

(4) *Held at a retail outlet.* A tire or inner tube is considered as "held at a retail outlet" if it has been delivered to the retail outlet. The determination as to whether a tire or inner tube has been delivered to a retail outlet shall be made in accordance with the provisions of paragraph (c) of § 144.1–1. For the purpose of the imposition of the floor stock tax, a tire or inner tube shall be considered to be "held at a retail outlet" if, within the meaning of paragraph (c)(2) of § 144.1–1, it has been delivered to a location in the immediate vicinity of the retail outlet primarily for future delivery to the retail outlet. However, as provided in paragraph (d)(1) of this section separate inventories shall be prepared of tires and tubes so held at such locations.

(c) *Recapped or retreated tires.* The floor stocks tax imposed by section 4226(e) shall not apply to recapped or retreaded tires, unless the recapping or retreading has been from bead to bead so that the original tire has lost its identity.

(d) *Inventories*—(1) *In general.* Every manufacturer liable for tax under section 4226(e) shall prepare a physical inventory of tires and inner tubes held at each of his retail outlets as of 12:01 a.m. on October 1, 1966. A separate inventory shall be prepared for each retail outlet and for each location in the immediate vicinity of the retail outlet at which tires or tubes are held primarily for future delivery to the retail outlet. This physical inventory may be taken before or after October 1, 1966, provided that accounting records and controls are maintained in such manner that the inventory for each retail outlet or other location as of 12:01 a.m. on October 1, 1966, can be accurately reconstructed. Each inventory shall show the location of the particular premises for which the inventory is made. The inventories shall not be filed with the return but shall be retained by the taxpayer.

(2) *Information to be contained in inventory.* The inventory shall consist of the following information with respect to articles subject to tax:

(i) The type, size, and number of plies of tires.

(ii) The type and size of inner tubes.

(e) *Requirements with respect to return*—(1) *Time and manner of filing return and paying tax.* The floor stocks tax imposed by section 4226(e) shall be included in the taxpayer's excise tax return for the calendar quarter ended December 31, 1966, or for the month of October 1966, and shall be paid in the same manner as if the tax were imposed under section 4071(a) on a sale of tires or inner tubes by the manufacturer on October 1, 1966. A manufacturer who is liable for the floor stocks tax imposed by section 4226(e) shall attach to his excise tax return for the fourth calendar quarter of 1966 (or, in the case of a manufacturer filing excise tax returns on a monthly basis, to his return for the month of October 1966) a statement indicating how much of the tax on tires reported opposite abstract number 66 of Form 720 (or Form 720M) is floor stocks tax imposed by section 4226(e) and how much of the tax on inner tubes reported opposite abstract number 67 of Form 720 (or Form 720M) is floor stocks tax imposed by section 4226(e). The floor stocks tax imposed by section 4226(e) is due and payable without assessment or notice.

(2) *Other provisions applicable.* All provisions of law, including penalties, applicable in respect to the tax imposed by section 4071(a) shall, insofar as applicable and not inconsistent with section 4226(e) and this section, apply in respect of the floor stocks tax imposed by section 4226(e). For additions to the tax for failure to file a return within the prescribed time, see section 6651 and § 301.6651–1 of this chapter (Regulations on Procedure and Administration).

(f) *Overpayment of tax.* If the manufacturer pays to the district director more than the correct amount of floor stocks tax, the manufacturer may file a claim on Form 843 for refund, or take a credit on a subsequent return, of the amount overpaid. For regulations relating to claims for refund or credit, see § 301.6402–2 (Regulations on Procedure and Administration) of this chapter. No refund or credit shall be allowed unless the manufacturer establishes that he has satisfied the conditions stated in section 6416(a) applicable to such refund or credit.

(g) *Interrelation of section 4226(e) with other sections.* Tax shall not be imposed under section 4226(e) and this section on any tire or inner tube on which tax was previously imposed under section 4071(a). If tax is imposed under section 4226(e) and this section on any tire or inner tube, no tax shall thereafter be imposed on the same tire or tube under section 4071 (a) or (b).

(h) *Cross references.* For rules relating to exemption from tax in the case of tires of certain sizes, see section 4073(a) and § 48.4073–1. For rules relating to exemption from tax in case of tires with internal wire fastening, see section 4073(b) and § 48.4073–2.

Because the provisions of law under which these temporary rules are prescribed are effective on October 1, 1966, and because it is essential that rules implementing these provisions of law be in effect promptly, it is found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: September 15, 1966.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 66–10216; Filed, Sept. 16, 1966; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 114—TREATMENT OF INCOMING POSTAL UNION MAIL

PART 122—INCOMING PARCELS

Storage Charges on International Mail Packages

A notice of proposed revisions in §§ 114.1(d), 114.4(a)(2), and 122.1(c) of Title 39, Code of Federal Regulations, was published in the FEDERAL REGISTER of August 4, 1966 (31 F.R. 10470–10471), concerning the issuance of storage charges on international mail packages. Interested persons were given 30 days in which to submit written comments regarding the proposals.

After consideration of the comments received, the Department has decided to adopt the proposals. The amendments to be effective on October 15, 1966 read as follows:

In § 114.1 *Charges*, paragraph (d) is amended to read:

§ 114.1 Charges.

* * * * *

(d) *Storage.* The post office will collect storage charges for each day until delivery is made on (1) any printed matter package or small packet exceeding 1 pound in weight, and (2) any dutiable letter package regardless of weight. The charges and other conditions prescribed in § 122.1(c) of this chapter for incoming parcel post packages apply to the postal union articles mentioned.

* * * * *

NOTE: The corresponding Postal Manual section is 224.14.

In § 114.4 *Undeliverable articles*, paragraph (a)(2) is amended to read:

§ 114.4 Undeliverable articles.

(a) *Retention period.* * * *

(2) Articles bearing no time limit for their return, when there is good reason to believe they can be delivered to the addressee if held for a period not exceeding 2 months. These articles shall be marked "Specially held for delivery." Hold articles subject to storage charges (see § 114.1(d)) beyond the initial 30-day retention period only if the addressee, or someone acting in his behalf, pays the storage charges due at the end of the first 30-day period. Thereafter, collect accumulated storage charges every 10 days.

* * * * *

NOTE: The corresponding Postal Manual section is 224.41b.

In § 122.1 *Charges*, paragraph (c) is amended to read:

§ 122.1 Charges.

* * * * *

(c) *Storage.* (1) When to charge: Storage charges begin on the sixth working day after first delivery attempt has been made or first notice of available delivery has been issued to the addressee. The days on which the office is closed for business are not counted in determining the 5-day free storage period. However, after expiration of the free storage period, charges will be collected for each day thereafter that a package is on hand. This includes Saturdays, Sundays, national holidays, and the day on which delivery is effected. Storage charges are applied on packages requiring formal customs entry that are held in post office custody or on post office premises awaiting customs clearance. For formal entry packages, the charges begin on the sixth working day after the date on which notice to file formal entry is mailed to the consignee (addressee), or on the sixth working day after receipt of the parcel at the office where it is to receive formal customs treatment if the customs notice has been issued at another customs port. Cooperation of customs officers should be solicited to enable post offices to collect any storage charges that may accrue on formal entry packages.

(2) Marking packages: When a package is returned to the post office after the first delivery attempt, or when a notice that the package is available for delivery is sent to the addressee, mark on wrapper "Storage charges begin ----------" and insert the date when the charges will begin to accrue. Rubber stamp item R–1300–296 is available for this purpose to post offices of the first and second classes. See § 122.5(b)(4) regarding marking of undeliverable parcels on which storage charges are due.

(3) Daily charges: After expiration of the 5-day free storage period prescribed in subparagraph (1) of this paragraph the following charges apply:

(i) *On parcels under $10,000 value.* 15 cents per day for the first 10 days, and 30 cents per day thereafter.

(ii) *On parcels of $10,000 or more value.*

Number of storage charge days	Rate	Total	Number of storage charge days	Rate	Total
1	$0.15	$0.15	31	$2.30	$28.80
2	.15	.30	32	2.40	31.20
3	.15	.45	33	2.50	33.70
4	.15	.60	34	2.60	36.30
5	.15	.75	35	2.70	39.00
6	.15	.90	36	2.80	41.80
7	.15	1.05	37	2.90	44.70
8	.15	1.20	38	3.00	47.70
9	.15	1.35	39	3.10	50.80
10	.15	1.50	40	3.20	54.00
11	.30	1.80	41	3.30	57.30
12	.40	2.20	42	3.40	60.70
13	.50	2.70	43	3.50	64.20
14	.60	3.30	44	3.60	67.80
15	.70	4.00	45	3.70	71.50
16	.80	4.80	46	3.80	75.30
17	.90	5.70	47	3.90	79.20
18	1.00	6.70	48	4.00	83.20
19	1.10	7.80	49	4.10	87.30
20	1.20	9.00	50	4.20	91.50
21	1.30	10.30	51	4.30	95.80
22	1.40	11.70	52	4.40	100.20
23	1.50	13.20	53	4.50	104.70
24	1.60	14.80	54	4.60	109.30
25	1.70	16.50	55	4.70	114.00
26	1.80	18.30	56	4.80	118.80
27	1.90	20.20	57	4.90	123.70
28	2.00	22.20	58	5.00	128.70
29	2.10	24.30	59	5.10	133.80
30	2.20	26.50	60	5.20	139.00

(4) Accounting for charges: The charges are accounted for by affixing postage-due stamps to the parcel or to a postage-due bill and canceling. If there are several parcels for one address the charges are applied separately on each parcel.

(5) Charges waived: When an addressee protests the rate or amount of duty assessed (see § 151.5(d)(6) of this chapter), the time required for the addressee to submit his written objection is counted, but the time required for the Customs Service to come to a decision in the matter is not counted.

(6) See § 122.5(b)(1)(v) concerning collection of storage charges on parcels held beyond the usual retention period.

* * * * *

NOTE: The corresponding Postal Manual section is 232.13.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 13, 1966.

[F.R. Doc. 66–10191; Filed, Sept. 16, 1966; 8:46 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 7—CLAIMS OF EMPLOYEES OF PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT UNDER MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964, AS AMENDED

Effective upon publication in the FEDERAL REGISTER, Chapter I of Title 35, Code of Federal Regulations, is amended by adding thereto a new Part 7, comprising §§ 7.1–7.13, and reading as follows:

Sec.
7.1 Definitions.
7.2 Scope.
7.3 Claimants.
7.4 Conditions.
7.5 Principal types of claims payable.
7.6 Principal types of claims not payable.
7.7 Types and quantity of property.
7.8 Computation of award.
7.9 Claims procedure.
7.10 Supporting papers.
7.11 Settlement.
7.12 Agents' or attorneys' fees.
7.13 Report to Congress.

AUTHORITY: The provisions of this Part 7 issued under sec. 3, 78 Stat. 767, as amended by 79 Stat. 789.

§ 7.1 Definitions.

As used in this part:

(a) "The Act" means the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 767; 79 Stat. 789);

(b) "Employee" means an employee of the Panama Canal Company or of the Canal Zone Government, and includes a member of the uniformed services assigned to duty with either of such agencies;

(c) "Government" means the Canal Zone Government or the Panama Canal Company, or both, unless the context indicates a broader meaning;

(d) "Comptroller" means the Comptroller of the Panama Canal Company acting for and in behalf of that agency or for and in behalf of the Canal Zone Government, as the case may be;

(e) "General Auditor" means the General Auditor of the Panama Canal Company acting for and in behalf of that agency or for and in behalf of the Canal Zone Government, as the case may be;

(f) "Chief, Claims Branch" means the Chief, Claims Branch of the General Audit Division of the Panama Canal Company acting for and in behalf of that agency or for and in behalf of the Canal Zone Government, as the case may be.

§ 7.2 Scope.

The Act authorizes the settlement of employees' claims arising after August 31, 1964, for the loss of or damage to personal property which occurs incident to Government service. To be allowable a claim must be substantiated and the possession of the property must be determined to have been reasonable, useful, or proper under the circumstances. The maximum amount allowable on any claim is $6,500. In lieu of a cash settlement property may be replaced in kind at the option of the Government.

§ 7.3 Claimants.

A claim may be filed by an employee or in his name by his spouse, as authorized agent, or by any other authorized agent or legal representative of the employee. If the employee is dead, the claim may be filed by his (a) spouse, (b) children, (c) father or mother, or both, or (d) brothers or sisters, or both. Payments in settlement of claims to survivors of employees will be made in the order of precedence set forth in this section.

§ 7.4 Conditions.

As prescribed by the Act, a claim is not allowable if:

(a) Claimant fails to present it in writing within 2 years after it accrues, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented not later than 2 years after that cause ceases to exist, or 2 years after the war or armed conflict is terminated, whichever is earlier;

(b) The loss occurred at quarters occupied by the claimant within the 50 States or the District of Columbia unless such quarters were assigned to the employee or otherwise provided in kind by the Government; or

(c) The loss was caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee.

§ 7.5 Principal types of claims payable.

The following are examples of the principal types of damage to or loss of property which may be considered as having been sustained incident to service, and claims arising therefrom are allowable under this section. However, these examples are not exclusive of other situations which may give rise to claims cognizable under this section.

(a) Damage to or loss of property by fire, flood, hurricane or other unusual occurrence, or by theft, while located at:

(1) Quarters, wherever situated, if assigned or provided in kind by the Government.

(2) Quarters outside the 50 States and the District of Columbia without regard to whether assigned or provided in kind by the Government, unless the employee involved is a local or native resident.

(3) Any warehouse, or other place designated by a responsible official for the storage of the property.

(b) Damage to or loss of property due to a marine, rail, or aircraft accident, or other unusual occurrence.

(c) Damage to or loss of property, including personal clothing and vehicles or trailers, subjected to extraordinary risks incident to or in the performance of duty, such as in connection with civil disturbance, public disorder, natural or other disaster, or efforts to save Government property or human life.

(d) Damage to or loss of property used for the benefit of the Government at the direction of a responsible official.

(e) Money deposited with an authorized Government agent for safekeeping.

(f) Damages to or loss of property incident to transportation or storage pursuant to orders or in connection with travel under orders, including property in the custody of—

(1) A common or contract carrier or other commercial carrier under contract with the Government;

(2) An agent or agency of the Government; or

(3) The claimant, or while in a public or private conveyance in which he is being transported while in official travel status.

§ 7.6 Principal types of claims not payable.

The following are examples of types and categories of property for which compensation will not be allowed:

(a) Losses or damages totaling less than $10.

(b) Money or currency except when deposited with an authorized Government agent for safekeeping or except when lost incident to a marine, rail, aircraft, or other common disaster, or a natural disaster such as a fire, flood, hurricane, etc.

(c) Small items of substantial value such as cameras, watches, jewelry, and furs, which are lost, damaged, or stolen during shipment by ordinary means, e.g., with household goods or hold luggage.

(d) Articles being worn (unless allowable under § 7.5(c)).

(e) Intangible property such as bank books, checks, notes, stock certificates, money orders, travelers checks, etc.

(f) Property owned by the United States, unless employee is financially responsible for it to another Government agency.

(g) Claims for loss or damage to motor vehicles or trailers or personal property contained therein (unless allowable under § 7.5 (c) or (f)).

(h) Losses of insurers and subrogees.

(i) Losses recovered or recoverable from insurers and carriers.

(j) Losses recovered or recoverable pursuant to contract.

(k) Claims for damage or loss caused, in whole or in part, by the negligence or wrongful act of the employee or his agent.

(l) Property used for business or profit.

(m) Theft from the possession of the employee unless due care was used to protect possession.

(n) Property acquired, possessed or transported in violation of law or regulations.

(o) Loss in quarters located within the 50 States or the District of Columbia not assigned or otherwise provided in kind by the Government.

§ 7.7 Types and quantity of property.

Claims are allowable only for such types and quantities of tangible personal property as to which its possession is determined to have been reasonable, useful, or proper under the attendant circumstances at the time of the loss or damage.

§ 7.8 Computation of award.

(a) The amount awarded on any item of property may not exceed the adjusted cost, based either on the price paid or value at the time of acquisition. The amount normally payable for property damaged beyond economical repair is found by determining its depreciated value immediately before loss or damage, less any salvage value. If the cost of repair is less than the depreciated value, it is considered to be economically repairable and only the cost of repair is allowable.

(b) There is reserved to the Comptroller, the General Auditor, and the Chief, Claims Branch, severally, the right to fix a maximum amount to be payable as to specific classes of articles and to establish maximum quantity limitations with respect to which payment will be allowed.

§ 7.9 Claims procedure.

The Panama Canal Company Form No. 5050, Employee Claim for Loss or Damage to Personal Property, prescribed for filing claims pursuant to the regulations in this part must be completed by the employee, the person acting on his behalf, or his survivor and forwarded directly to the Office of the Comptroller, for processing. Form 5050 may be obtained from the Office of the Comptroller, Balboa Heights, C.Z.

§ 7.10 Supporting papers.

In addition to the information required to complete the claim form, and other information considered necessary, the following evidence or data are required:

(a) Two itemized repair estimates (if repairs cannot be accomplished by the Panama Canal Company) or value estimates, whichever is applicable.

(b) With respect to claims involving thefts or losses in quarters or other places where the property was reasonably kept:

(1) A statement as to location of place where the theft or loss occurred;

(2) A statement as to what security precautions were taken to protect the property involved; and

(3) An explanation of the facts and circumstances surrounding the loss or theft.

(c) With respect to claims involving property being used for the benefit of the Government, a statement by the employee's supervisor evidencing that the claimant was required to provide such property or that his providing it was in the interest of the Government.

(d) As respects a claim filed by an agent or survivor, a power of attorney or other satisfactory evidence of authority to file.

§ 7.11 Settlement.

Upon receipt of a claim under the regulations in this part, the Comptroller, General Auditor, and the Chief, Claims Branch, severally, may make a determination with respect to its merits. If the claim is disallowed in whole or in part, the claimant must be advised in writing as to the basis of the disallowance.

§ 7.12 Agents' or attorneys' fees.

As provided by the Act, fees payable to any agent or attorney in connection with services rendered in connection with a claim hereunder shall not exceed 10 per centum of the amount paid in settlement of such claim. Any person violating the provisions of the Act, as therein provided, shall be deemed guilty of a misdemeanor and upon conviction thereof is liable to a fine of up to $1,000.

§ 7.13 Report to Congress.

The Chief, Claims Branch, under the supervision of the General Auditor, shall maintain the necessary records to prepare an annual report to Congress on claims settled under the regulations in this part during the period covered by the report. The report shall include for each claim the name of the claimant, the amount claimed, and the amount paid.

ROBERT J. FLEMING, Jr.,
Governor of the Canal Zone,
President, Panama Canal Company.

AUGUST 30, 1966.

[F.R. Doc. 66-10005; Filed, Sept. 16, 1966; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 66-51]

PART 171—STANDARDS FOR NUMBERING

Information on Coast Guard Issued Certificates of Number, and Change in Mailing Address

In Alaska, District of Columbia, New Hampshire, and Washington, the Coast Guard is charged with the responsibility for issuing certificates of number to certain undocumented vessels as required by the provisions of section 3 of the Federal Boating Act of 1958, as amended (46 U.S.C. 527a). The requirements for such certificates and description of information placed thereon are set forth in 46 CFR Part 171.

On review it was determined that certain information now placed on Coast Guard issued certificates of number was not necessary for either adminstrative or law enforcement purposes. The law requires the certificate of number to be pocket size. Therefore, deletion of extraneous information will provide more space on the certificate for required information, which can be increased in size and thereby improve its legibility and readability. The revised description of information placed on Coast Guard issued certificates of number is in the amended 46 CFR 171.15–1, set forth below in this document. The following information will no longer be placed on certificates of number:

Date of birth of owner.
Present citizenship of owner.
State in which the vessel is principally used.
Present number (if any).
A certification of ownership by the applicant.
Signature of owner.

In the administration of functions under the Federal Boating Act of 1958, certain internal changes have been made at Coast Guard Headquarters and a Recreational Boating Division has been established. In order that the regulations will reflect the correct mailing address, the amendments to 46 CFR 171.10–25(a), 171.15–20 (b) and (c) change the title from "Commandant (MVI–10)" to "Commandant (ORB)."

By virtue of the authority transferred to me as Commandant, U.S. Coast Guard, by Treasury Department Order 167–32 dated September 23, 1958 (23 F.R. 7605), I hereby promulgate the following amendments pursuant to section 7 of the Federal Boating Act of 1958:

Subpart 171.10—Application for Number

§ 171.10–25 [Amended]

1. Section 171.10–25 *Lost or destroyed certificate of number for vessels numbered in States listed in § 171.10–1(a)(1)* is amended in paragraph (a) by changing the title from "Commandant (MVI–10)" to "Commandant (ORB)."

Subpart 171.15—Certificate of Number

2. Section 171.15–1 is amended to read as follows:

§ 171.15–1 Information required on certificates issued for vessels numbered in States listed in § 171.10–1 (a)(1).

The certificate of number shall include the following:

(a) Name and address of owner.
(b) Hull material (wood, steel, aluminum, plastic, other).
(c) Type of propulsion (outboard, inboard, other).
(d) Type of fuel (gas, diesel, other).
(e) Length of vessel.
(f) Make and year built (if known).
(g) Statement as to use (pleasure, livery, dealer, manufacturer, commercial-passenger, commercial-fishing, commercial-other).
(h) Number awarded to vessel.
(i) Expiration date of certificate.
(j) Notice to the owner that he shall report within 15 days changes of ownership or address, and destruction or abandonment of vessel.
(k) Notice to the owner that the operator shall:
(1) Always carry this certificate on vessel when in use.
(2) Report every accident involving injury or death to persons, or property damage over $100.
(3) Stop and render aid or assistance if involved in boating accident.

(Sec. 7, 72 Stat. 1757; 46 U.S.C. 527d. Treasury Dept. Order 167–32, Sept. 23, 1958, 23 F.R. 7605)

§ 171.15–20 [Amended]

3. Section 171.15–20 *Notification of changes required by owners of vessels numbered in States listed in § 171.10–1 (a) (1)* is amended by changing in the first sentence of paragraph (b) and in the first and second sentences of paragraph (c) the title from "Commandant (MVI–10)" to "Commandant (ORB)."

Dated: September 13, 1966.

[SEAL] P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 66–10202; Filed, Sept. 16, 1966; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

The public hunting of ducks and coots on the Brigantine National Wildlife Refuge, N.J., is permitted from October 22, 1966, through October 29, 1966, inclusive, and from November 22, 1966, through January 2, 1967, inclusive, and public hunting of geese (except snow geese) and brant is permitted from October 22, 1966, through December 30, 1966, inclusive, but only on the areas designated by signs as open to hunting. These open areas, comprising 5,490 acres, and known as Units I, II, and III are delineated on maps available at the refuge headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese (except snow geese), brant and coots, subject to the following special conditions:

(1) Hunting is permitted on Units I and II through the seasons specified.

(2) Hunting by the general public on Unit III is restricted to Mondays, Wednesdays, and Thanksgiving Day. Hunting will be permitted by qualifying Young Waterfowl trainees on Unit III on selected Saturdays. The number of hunters on Unit III will be restricted to 3 to each of 20 blinds designated by the Refuge Manager. Permits must be obtained at the Nacote Creek checking station.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1967.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 12, 1966.

[F.R. Doc. 66–10201; Filed, Sept. 16, 1966; 8:47 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 74]

[Docket No. 16776]

LAND MOBILE SERVICES

Allocation of Presently Unassignable Spectrum by Adjustment of Certain of Band Edges; Order Extending Time for Filing Reply Comments

In the matter of amendment of Parts 2 and 74 of the Commission's rules with respect to the 150.8–162 Mc/s band to allocate presently unassignable spectrum to the land mobile services by adjustment of certain of the band edges, Docket No. 16776; amendment of § 21.501(b) of the Commission's rules governing the Domestic Public Land Mobile Radio Service to make available for assignment thereunder the frequencies 152.84 Mc/s and 158.10 Mc/s, RM–318; proposed amendment of the rules for the exclusive use of the frequency 152.486 Mc/s for one-way high capacity signaling service by communications common carriers engaged in the business of affording public landline message telephone service, RM–615; the petition by the Forest Industries Radio Communications for assignment of additional frequency space in the 150 Mc/s band to the Forest Products Radio Service, RM–707; amendment of §§ 21.501(c), 21.501(l), and 21.601(a) of the rules to provide for the assignment of 152.24, 158.70, 454.00, 459.00 Mc/s to the Domestic Public Land Mobile Radio Service and the Rural Radio Service for use by radio common carriers, RM–741; allocation and assignment of additional 150 Mc/s channels to the Special Industrial Radio Service, RM–752; amendment of Parts 21, 89, 91, and 93 of the rules to provide for the allocation of band edge frequencies in the 152–160 Mc/s band, RM–884.

The Commission, by its General Counsel, having under consideration a petition filed by the National Association of Radiotelephone Systems (NARS) to extend the time for filing reply comments in the above entitled matter until September 30, 1966;

It appearing, that the time for filing reply comments to Docket 16776 expires September 15, 1966; and

It further appearing, that in support of its request, petitioner states, among other things, that its annual convention is scheduled for September 12–14, 1966 and that the Commission's proposal herein will be actively discussed at that convention. Therefore additional time is necessary in order to permit an opportunity for such discussion and the preparation of appropriate reply pleadings in light of that discussion; and

It further appearing, that in light of the considerations advanced by petitioner, an extension of the reply comment period would be in the public interest:

It is ordered, This 13th day of September 1966, pursuant to sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.331(b)(4) of the Commission's rules, that the time for filing reply comments in response to the above entitled matter is extended to September 30, 1966.

Released: September 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–10203; Filed, Sept. 16, 1966; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR, Parts 8, 10, 16, 17, 24, 25]

ENTRY RECORD: IMPORTER'S IDENTIFICATION NUMBER; ABOLISHMENT OF CERTAIN CUSTOMS FORMS; BILLING FOR DEFERRED PAYMENT OF INTERNAL REVENUE TAXES ON ALCOHOLIC BEVERAGES

Notice of Proposed Amendment of the Customs Regulations, Supplemented

AUGUST 31, 1966.

A notice of a proposal to amend certain sections of the Customs Regulations was filed with the FEDERAL REGISTER on August 26, 1966 and published in the FEDERAL REGISTER on August 27, 1966 (31 F.R. 11394). Illustrations designated "A", "B", "C", "D", and "E" and referred to in the notice were inadvertently omitted from the filed document. The omitted illustrations are set forth below.

N. G. STRUB,
Assistant Commissioner,
Office of Administration.

ILLUSTRATION A
(Front)

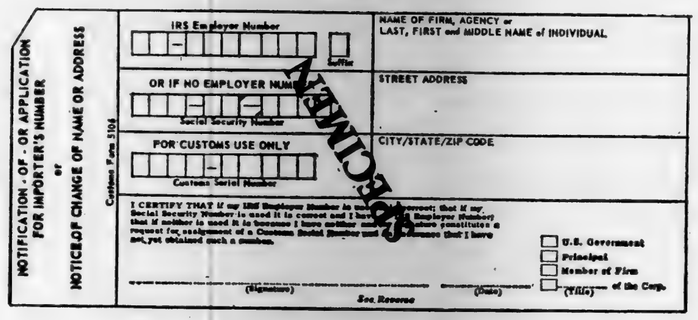


ILLUSTRATION A
(Back)

* Your number as supplied on the reverse will hereinafter be referred to as your "Importer Number"

* A company with branches in different locations may, if it wishes, file separately for each branch, using the same IRS Employer Number but a different suffix (A, B, C, etc.) for each branch. (See Section 24.5, Customs Regulations.)

SPECIMEN

ILLUSTRATION B
(Original and duplicate identical)

ENTRY RECORD
Customs Form 5101 (Original)

(Description of Merchandise)

(Missing Documents)

I hereby make application to make entry prior to production of missing document(s) named above.

(Signature)

TYPE OF ENTRY (Check one)
1. Consumption
2. Vessel repair
3. Appraisement
4. Warehouse entry
5. Drawback

Check if importation by air

(Entry No.)

(Date of Entry)

$ (Duty)

$ (Internal Revenue Tax)

Importer Number of individual or firm whose name appears as Importer of Record on entry.

Importer Number of individual or firm whose name appears as the Owner of merchandise on entry, if available. (Omit if same as Importer of Record)

Importer Number of individual or firm to whom Refunds, Bills or Notices of Liquidation are to be sent if other than Importer of Record.

*Show hyphens as appropriate.

SPECIMEN

ILLUSTRATION B
(Triplicate)

ENTRY RECORD
Customs Form 5101 (Triplicate)

(Description of Merchandise)

(Missing Documents)

I hereby make application to make entry prior to production of missing document(s) named above.

(Signature)

TYPE OF ENTRY (Check one)
1. Consumption
2. Vessel repair
3. Appraisement
4. Warehouse entry
5. Drawback

Check if importation by air

LIQUIDATION CODE

PORT OF ENTRY CODE*

* Enter code of port where entry was filed if liquidation occurs at any other port. Otherwise leave blank.

(Entry No.)

(Date of Entry)

$ (Duty)

$ (Internal Revenue Tax)

(Importer of Record)

(Owner of Merchandise)

(Reference No.)

*Show hyphens as appropriate

SPECIMEN

ILLUSTRATION C

Customs Form 3347
TREASURY DEPARTMENT
July 1966

DECLARATION OF OWNER
FOR MERCHANDISE OBTAINED (*OTHERWISE THAN*) IN PURSUANCE OF
A PURCHASE OR AGREEMENT TO PURCHASE

This declaration must be presented at the port of entry within 90 days after the date of entry in order to comply with sec. 485, par (d), of the Tariff Act of 1930.
LINE OUT EACH PHRASE SHOWN IN ITALICS NOT APPLICABLE TO THIS DECLARATION.

I, the undersigned, representing ..... of ..... (Address)

in the capacity indicated hereon, declare that they are the actual owners for customs purposes of the merchandise covered by the entry described below, and that they will pay all additional and increased duties thereon pursuant to section 485, paragraph (d), of the Tariff Act of 1930, and that such entry exhibits a full and complete account of all the merchandise imported by them in the vessel indicated thereon and obtained by them (*otherwise than*)in pursuance of a purchase, or an agreement to purchase, except .....

I also declare to the best of my knowledge and belief that all statements appearing in this entry and in the invoice or invoices and other documents presented therewith and in accordance with which the entry was made, are true and correct in every respect; that the entry and invoices set forth the true prices, values, quantities and all information as required by the laws and the regulations made in pursuance thereof; that the invoices and other documents are in the same state as when received; that I have not received and do not know of any other invoice, paper, letter, document, or information showing a different currency, price, value, quantity, or description of the said merchandise; and that if at any time hereafter I discover any information showing a different state of facts, I will immediately make the same known to the District Director of Customs at the port of entry.

I further declare, if the merchandise was entered by means of a seller's or shipper's invoice, that no customs invoice for any of the merchandise covered by the said seller's or shipper's invoice can be produced due to causes beyond my control, and that if entered by means of a statement of the value or the price paid in the form of an invoice it is because neither seller's, shipper's, nor customs invoice can be produced at this time.

I request that:
(Bills, Refunds and Notices of Liquidation be addressed to me in care of the authorized agent whose importer number is shown at right.)
(Refund Checks only be addressed to me in care of the authorized agent whose importer number is shown at right.)
(Bills, Refunds and Notices of Liquidation be addressed to me at my own address.)

IMPORTER NUMBER OF AUTHORIZED AGENT
(Show hyphens)

IMPORTER NUMBER OF OWNER
(Show hyphens)

(Signature) *Principal, Member of firm* (Title) of the corporation.

Date ..... 19....

EXECUTE THIS PORTION ONLY IF OWNER DOES NOT HAVE AN IMPORTER NUMBER (i.e. HAS NOT FILED CUSTOMS FORM 5106.)

IRS Employer Number of Firm Owner — Suffix

OR IF NO EMPLOYER NUMBER

Social Security Number of Individual Owner

OR IF NEITHER OF THE ABOVE NUMBERS

Customs Serial Number

NOTE: If owner has no IRS or Social Security Number or a Customs Serial Number has not been previously assigned, file an additional copy of this Form. This copy will be returned to owner with Customs Serial Number assigned. Such number shall be used by owner in all future customs transactions requiring the Importer Number.

(Name)

(Street)

(City) (State) (Zip Code)

SPECIMEN

PORT OF ENTRY NAME	PORT CODE	ENTRY NUMBER

Filed by:
(Nominal consignee or authorized agent)

Vessel from ..... Date ..... 19....

Number of packages	Seller or shipper	Number of invoice	Amount paid or to be paid in foreign currency	Date of exchange	Related value, foreign currency	Related value, U.S. dollars

ILLUSTRATION D

SPECIAL ADDRESS NOTIFICATION

TREASURY DEPARTMENT
UNITED STATES CUSTOMS SERVICE

NOTE: A Report of Importer Number (eF 5106) must be on file for each Importer Number appearing on this form.

CUSTOMS FORM JUL 66 4811

I request that:
☐ Bills, Refunds and Notices of Liquidation
☐ Checks for Refunds or Drawbacks only
be addressed to the undersigned in care of the agent whose Importer No. is shown below whenever it appears as Reference No. on an Entry Record (eF 5101) for which I am (my organization is) the Importer-of-Record.

AGENT'S IMPORTER NO.
Show hyphens

(Agent's Name)

MY (ORGANIZATION'S) IMPORTER NO. - *Show hyphens*

☐ Principal
☐ Member of Firm
☐ of the Corp.

(Signature) (Date) (Title)

SPECIMEN

ILLUSTRATION E

TREASURY DEPARTMENT

No. 1

CASH RECEIPT

BUREAU OF CUSTOMS

RECEIVED OF: _____ 19__

NAME _____

ADDRESS _____

EXPLANATION OF TRANSACTION

ACCT. CLASS. CODE	USER CHARGE CODE	REMARKS	AMOUNT	
		SPECIMEN		
		TOTAL		

CUSTOMS FORM 5104 JUL 66

Customs Officer

COLLECTION COPY

☆ U. S. GOVERNMENT PRINTING OFFICE 1966—205-710

[F.R. Doc. 66-9716; Filed, Sept. 1, 1966; 10:19 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 249]

ITALY

Validity of Foreign Passports

Italy is added to the list of countries which have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign issuing authority for a period of at least 6 months beyond the expiration date specified in the passport.

This notice amends Public Notice 238 of November 17, 1964 (29 F.R. 16097).

PHILIP B. HEYMANN,
Acting Administrator, Bureau of Security and Consular Affairs.

SEPTEMBER 8, 1966.

[F.R. Doc. 66-10195; Filed, Sept. 16, 1966; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 66-197]

STAINLESS STEEL DRUMS FOR ALCOHOLIC BEVERAGES

Instruments of International Traffic

SEPTEMBER 13, 1966.

It has been established to the satisfaction of the Bureau that stainless steel drums imported containing alcoholic beverages, ranging in capacity from 40 gallons to 100 gallons, with nonremovable heads and threaded openings for filling and emptying, and suitably marked for identification, are used for transportation and not for storing or aging the contents, nor for use in any manner in local traffic. The drums are substantial, designed for and capable of repeated reuse in the transportation of alcoholic beverages and are used in substantial numbers in international traffic.

Under the authority of § 10.41a(a), Customs Regulations (19 CFR 10.41a (a)), I hereby designate as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended, such stainless steel drums for alcoholic beverages. These containers may be released under the procedures provided for in § 10.41a.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 66-10196; Filed, Sept. 16, 1966; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 1578; Survey Group 70]

MICHIGAN

Notice of Filing of Supplemental Plat of Survey

SEPTEMBER 13, 1966.

The supplemental plat of survey of section 12, T. 47 N., R. 16 W., Michigan meridian, Michigan, accepted June 14, 1966, will be officially filed in this Office effective at 10 a.m., on October 20, 1966.

The land is described as:

T. 47 N., R. 16 W., Michigan meridian, Michigan,
Sec. 12, lot 8.
Containing 0.08 acre.

The purpose of this plat is to give a lot number and acreage to a public land area. Lot 8 is a sliver of land averaging less than 10 feet wide in section 12, lying contiguous to lot 2 section 13. Because of its small size and narrow width, its value for development and use confined to its own boundary is limited.

The land will be open to the filing of petition-applications under the public-land laws on and after the effective date of the filing of the plat. All inquiries relating to this land should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, Washington, D.C. 20240.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 66-10184; Filed, Sept. 16, 1966; 8:45 a.m.]

Bureau of Mines

[Health and Safety Release 34]

HEALTH AND SAFETY DISTRICT MANAGER, DISTRICT E, ET AL.

Redelegation of Authority

The following redelegation is a portion of the Bureau of Mines Manual and the numbering system is that of the Manual.

PART 205—GENERAL DELEGATIONS

SEC. 205.11.1 *Formally advertised contracts.* The following officials are authorized to enter into formally advertised contracts for the control and extinguishment of outcrop and underground fires in coal formations as authorized by the Act of August 31, 1954 (68 Stat. 1009; 30 U.S.C. secs. 551–558):

Health and Safety District Manager, District E, not in excess of $100,000 of Government funds for any one contract.

Project Coordinator, Mine Fire Control (Pittsburgh), not in excess of $50,000 of Government funds for any one contract.

The authority delegated herein shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior, and the Bureau of Mines.

SEC. 205.11.4 *Negotiated contracts.* The officials listed below are authorized to enter into "open market" purchases not to exceed $2,500 for any single transaction; contracts in excess of that require approval by the Assistant Director—Health and Safety:

Health and Safety District Managers.
Chief, Safety Education and Training Group.
Research Director, Health and Safety Research and Testing Center.

Provided that the limitation shall not exceed $500:

Health and Safety Subdistrict Manager, Dallas, Tex.
Project Coordinator, Analytical Methods Research.
Project Coordinator, Dust and Ventilation.
Project Coordinator, Health Research.
Project Coordinator, Engineering Application.
Project Coordinator, Instrument Research.
Project Coordinator, Approval and Testing.
Project Coordinator, Mine Fire Control.

Provided that the limitation shall not exceed $250:

Chief, Denver Office, Branch of Accident Analysis.
Health and Safety Subdistrict Managers.

The authority delegated herein shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior (404 DM 1.5A), and the Bureau of Mines (BM Supplement to Federal Procurement Regulations—Part 14E).

Effective date. This redelegation of authority shall be effective upon publication in the FEDERAL REGISTER.

JAMES WESTFIELD,
Assistant Director, Health and Safety.

[F.R. Doc. 66-10185; Filed, Sept. 16, 1966; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. Sub-B-64]

NICHOLAS ROSA

Notice of Hearing

Nicholas Rosa, 5207 Avenue T, Brooklyn, N.Y. 11223, has applied for a fishing vessel construction differential subsidy to aid in the construction of a 50-foot

overall length aluminum vessel to engage in the fishery for lobsters and crabs.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on October 20, 1966, at 10 a.m., e.d.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

SEPTEMBER 14, 1966.

[F.R. Doc. 66-10183; Filed, Sept. 16, 1966; 8:45 a.m.]

National Park Service

[Order 1]

CHIEF PARK RANGER, ORGAN PIPE CACTUS NATIONAL MONUMENT, ARIZ.

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

The Chief Park Ranger may execute and approve contracts not in excess of $2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2; Southwest Region Order 4 (31 F.R. 8134, June 9, 1966))

FOY L. YOUNG,
Superintendent, Organ Pipe Cactus National Monument.

[F.R. Doc. 66-10186; Filed, Sept. 16, 1966; 8:45 a.m.]

Office of the Secretary

HARRY J. PECKHEISER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Sold shares in Niagara Share Corp.
(3) None.
(4) None.

This statement is made as of September 1, 1966.

Dated: September 6, 1966.

H. J. PECKHEISER.

[F.R. Doc. 66-10188; Filed, Sept. 16, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

September Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein, the CCC Monthly Sales List for September 1966 is amended as set forth below:

Change the ninth paragraph of the Notice to Buyers to read as follows:

The following commodities are currently available for barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., August 26, 1966: cotton (upland and extra long staple), tobacco, wheat, grain sorghum, and oats. Such barter contracts are those covered by the phrase "barter commitments and contracts outstanding as of 3:30 p.m., e.d.t., on August 26, 1966," as used elsewhere in this announcement. For contracts entered into pursuant to invitations for barter offers dated on or after such date, only cotton and tobacco are available. (In addition, free market stocks of corn, grain sorghum, wheat flour, tobacco, cottonseed, and soybean oils are eligible for barter programing under barter contracts covering procurements for Federal Agencies that will reimburse CCC, except that hard red winter, hard red spring, and durum wheats, and flour produced from those wheats, may not be exported through west coast ports.) This listing of commodities for barter is subject to change from time to time.

AUTHORITY: Issue under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note).

Signed at Washington, D.C., on September 15, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-10263; Filed, Sept. 16, 1966; 8:49 a.m.]

Consumer and Marketing Service

CHINO STOCKYARDS CO., ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Chino Stockyards Company, Chino, Calif.
Burlington Producers Livestock Marketing Association, Burlington, Colo.
Geneseo Sales Co., Geneseo, Ill.
The Farmers Stockyards Company, Mount Sterling, Ky.
Merrigan Brothers Livestock Auction Market, Inc., Maryville, Mo.
Aurora Livestock Market, Aurora, Nebr.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wished to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such time and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 14th day of September 1966.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-10214; Filed, Sept. 16, 1966; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-191]

AMERICAN PRESIDENT LINES, LTD.

Notice of Amended Application

The notice published in the FEDERAL REGISTER on March 4, 1966 (31 F.R. 4328), concerning the application of American President Lines, Ltd., for certain written permissions under section 805(a) of the Merchant Marine Act, 1936, as amended, for itself or a company in which it would have a pecuniary interest, to carry cargo, passengers, and mail between the U.S. Atlantic Coast and Hawaii and the U.S. Pacific Coast and Hawaii is hereby amended by its request to:

(1) Own initially a pecuniary interest of 40 percent equity participation in a new corporation, the balance of financial interest to be held by Isthmian Lines, Inc., and Castle & Cooke, which new corporation will conduct domestic unsubsidized service between:

(a) The U.S. Pacific Coast and the State of Hawaii;

(b) The U.S. Atlantic Coast and the State of Hawaii; and

(c) The U.S. Gulf Coast and the State of Hawaii; and

(2) Perform managing agency and related services for the new corporation on the U.S. Pacific Coast.

Interested parties may inspect this amended application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having an interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a), or to submit a written statement with reference to the application, must, before the close of business on September 26, 1966, make such submission, or notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration (46 CFR 201.78) petitions for leave to intervene received after the close of business September 26, 1966, will not be granted in this proceeding.

A hearing under section 805(a) is already in progress on the original application (Docket No. S-191) and the purpose of this notice respecting the amended application is to afford an opportunity for additional interventions on the question of whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercostal service or (b) would be prejudicial to the objects and policy of the Act.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest or standing to be heard, the hearing in Docket No. S-191 will continue as scheduled.

Dated: September 14, 1966.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-10215; Filed, Sept. 16, 1966; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

B. F. GOODRICH CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2078) has been filed by the B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318, proposing an amendment to paragraph (b)(2) of § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* by adding methyl acrylate and ethyl acrylate to the list of monomers that may be copolymerized with vinyl chloride for food-contact use.

Dated: September 9, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10198; Filed, Sept. 16, 1966; 8:47 a.m.]

NALCO CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B1844) has been filed by Nalco Chemical Co., 6216 West 66th Place, Chicago, Ill. 60638, proposing the issuance of a regulation to provide for the safe use of a polyethyleneamine mixture as a retention aid, employed prior to the sheet-forming operation, in the manufacture of paper and paperboard for food-contact use.

Dated: September 9, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10199; Filed, Sept. 16, 1966; 8:47 a.m.]

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described applications, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Nebraska Educational Television Commission, 12th and R Streets, Lincoln, Nebr., File No. 168, for the establishment of a new noncommercial educational television station on Channel 7, Bassett, Nebr.

Metropolitan Indianapolis Television Association, Inc., 4001 Otterbein Avenue, Indianapolis, Ind., File No. 169, for the establishment of a new noncommercial educational television station on Channel 20, Indianapolis, Ind.

Hampton Roads Educational Television Association, 402 East Charlotte Street, Norfolk, Va., File No. 170, to improve the facilities of noncommercial educational television station WHRO, Channel 15, Norfolk, Va.

Shenandoah Educational Television Corp., 153 South Main Street, Harrisonburg, Va., File No. 171, for the establishment of a new noncommercial educational television station on Channel 51, Staunton, Va.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 66-10200; Filed, Sept. 16, 1966; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-8]

NORTH CAROLINA STATE COLLEGE

Notice of Termination of Facility License

Please take notice that the Atomic Energy Commission has terminated Facility License No. R-1 authorizing operation of the nuclear reactor facility designated as the "North Carolina State College Reactor, NCSCR-4" and located on the College's campus at Raleigh, N.C.

The reactor has been disassembled and the fuel and component parts of the reactor, with the exception of the shielding blocks and some broken graphite blocks, have been suitably disposed of following shipment from the reactor site.

For further details see (1) a copy of the licensee's request for termination of the license dated August 23, 1965, and a supplemental letter dated July 8, 1966, and (2) a safety evaluation by the Test and Power Reactor Safety Branch, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 7th day of September 1966.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-10177; Filed, Sept. 16, 1966; 8:45 a.m.]

CIVIL SERVICE COMMISSION

CERTAIN TECHNICAL INFORMATION SPECIALISTS, WASHINGTON, D.C.

Notice of Manpower Shortage

Under the provisions of section 7(b) of the Administrative Expenses Act of 1946, as amended, the Civil Service Commission has found, effective August 29, 1966, that there is a manpower shortage

for the positions of Technical Information Specialist, GS-1412-7/12, in the following subject specializations only: Biological Sciences, Medical Sciences, Physical Sciences, and Engineering. Positions must also have a foreign language requirement. Geographic coverage is the Washington, D.C., Metropolitan Area.

Appointees to these positions may be paid for the expenses of travel and transportation to their first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-10193; Filed, Sept. 16, 1966; 8:46 a.m.]

RESEARCH HORTICULTURISTS

Notice of Manpower Shortage

Under the provisions of section 7(b) of the Administrative Expenses Act of 1946, as amended, the Civil Service Commission has found, effective August 29, 1966, that there is a manpower shortage for the positions of Research Horticulturist, GS-437-11/15 on a nationwide basis.

Comparable positions which are not subject to the Classification Act also are covered. Appointees to these positions may be paid for the expenses of travel and transportation to their first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-10194; Filed, Sept. 16, 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16866; FCC 66M-1221]

BACK MOUNTAIN TELECABLE, INC.

Order Scheduling Hearing

In the matter of cease and desist order to be directed against Back Mountain Telecable, Inc., owner and operator of community antenna television systems at Dallas Borough, Dallas Township, Kingston Township, Lehman Township, Lake Township, and the "Harveys Lake" area, Pennsylvania; Docket No. 16866:

It is ordered, This 9th day of September 1966, that Walther W. Guenther shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 24, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 3, 1966, commencing at 9 a.m.:

And, it is further ordered, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: September 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10204; Filed, Sept. 16, 1966; 8:48 a.m.]

[Docket Nos. 16572, 16573; FCC 66M-1219]

COSMOPOLITAN ENTERPRISES, INC., AND H. H. HUNTLEY

Order Continuing Hearing

In re applications of Cosmopolitan Enterprises, Inc., Edna, Tex., Docket No. 16572, File No. BP-16347; H. H. Huntley, Yoakum, Tex., Docket No. 16573, File No. BP-16570; for construction permits.

The Hearing Examiner having under consideration a motion for continuance filed on September 2, 1966, by Cosmopolitan Enterprises, Inc.;

It appearing, that the currently scheduled date for further hearing of September 15 will conflict with a Jewish sacred holiday and that other parties to the proceeding have consented to a grant of this motion, having agreed upon a date consonant with the schedules of all parties and the Examiner:

It is ordered, This 13th day of September 1966, that the motion for continuance of Cosmopolitan Enterprises, Inc., is granted and the hearing is continued from September 15 to October 31, 1966.

Released: September 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10205; Filed, Sept. 16, 1966; 8:48 a.m.]

[Docket Nos. 16669, 16670; FCC 66M-1218]

OLMSTEAD COUNTY BROADCASTING CO. AND NORTH CENTRAL VIDEO, INC.

Order Regarding Postponement of Further Prehearing Conference

In re applications of Olmstead County Broadcasting Co., Rochester, Minn., Docket No. 16669, File No. BPH-5145; North Central Video, Inc., Rochester, Minn., Docket No. 16670, File No. BPH-5192; For construction permits.

Pending Commission action on the rule-making petition in Docket 16715:

It is ordered, This 13th day of September 1966, on the Hearing Examiner's own motion, that the further prehearing conference heretofore scheduled for September 20, 1966 is postponed to September 29, 1966, at 9 a.m., in the offices of the Commission at Washington, D.C.

It is further ordered, That the hearing heretofore scheduled for September 29, 1966, is postponed to a later date to be determined at the further prehearing conference.

Released: September 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10206; Filed, Sept. 16, 1966; 8:48 a.m.]

[Docket Nos. 16735, 16736; FCC 66M-1216]

TVUE ASSOCIATES, INC., AND GALVESTON TELEVISION, INC.

Order Regarding Postponement of Procedural Dates

In re applications of TVUE Associates, Inc., Galveston, Tex., Docket No. 16735, File No. BPCT-3690; Galveston Television, Inc., Galveston, Tex., Docket No. 16736, File No. BPCT-3747; for construction permit for new television broadcast station (Channel 16).

The Hearing Examiner having under consideration a "Joint Request for Continuance" filed September 12, 1966, by the applicants, requesting that the dates heretofore scheduled for exhibit exchange, notification of witnesses, and the hearing be continued indefinitely pending Review Board action on a joint request simultaneously filed by the applicants seeking approval of an agreement looking toward dismissal of Galveston's application;

It appearing, that counsel for the Broadcast Bureau has informally indicated that the Bureau has no objection to the instant continuance request and also consents to a waiver of the "4-day rule" otherwise applicable so as to permit immediate consideration thereof;[1]

It further appearing, that the pendency before the Review Board of the applicants' pleading presenting an agreement which would moot the hearing issues if approved, constitutes "good cause" for granting the requested continuance:

Accordingly, it is ordered, This 13th day of September 1966, that the "Joint Request for Continuance" filed by applicants on September 12, 1966, is granted, and the September 13 exhibit exchange date, the September 23 witness notification date, and the hearing heretofore scheduled for October 3, 1966, are continued indefinitely pending Review Board action on the above-described joint request simultaneously submitted to it for consideration.

Released: September 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10207; Filed, Sept. 16, 1966; 8:48 a.m.]

[1] The remaining party named in the designation order (the FAA) has not entered an appearance.

[Docket No. 16864; FCC 66-806]

ARTHUR POWELL WILLIAMS

Order Designating Application for Hearing on Stated Issues

In re application of Arthur Powell Williams for renewal of license of Station KLAV, Las Vegas, Nev.; Docket No. 16864, File No. BR-1852.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of September 1966;

1. The Commission has before it for consideration (1) the above-captioned application for renewal of license of Station KLAV, Las Vegas, Nev.; (2) the Commission's field inquiry with respect to certain matters contained in the applicant's response to the Commission's notice of apparent liability for $1,500 issued to the applicant on September 15, 1965,[1] and (3) other matters regarding the operation of Station KLAV.

2. The Commission's inquiry into certain matters asserted in the applicant's response to the notice of apparent liability and into the operations of Station KLAV raises a number of substantial questions bearing upon whether Arthur Powell Williams possesses the qualifications to continue as the licensee of Station KLAV.

3. In view of these questions, the Commission is unable to find that a grant of the above-captioned application for renewal of license would serve the public interest, convenience and necessity and must, therefore, designate this application for a hearing.

4. *Accordingly, it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above captioned application for renewal of license is designated for a hearing to be held at Las Vegas, Nev., at a time to be specified in a subsequent order, upon the following issues:

(1) To determine whether in his written response to the Commission's notice of apparent liability the applicant misrepresented facts to the Commission or was lacking in candor.

(2) To determine whether, subsequent to the issuance of the notice of apparent liability, Station KLAV was operated by a corporation as though it were the licensee without Arthur Powell Williams' filing of an application for assignment of license of KLAV and without receiving prior consent to the assignment, in violation of section 310(b) of the Communications Act of 1934, as amended and § 1.540 of the Commission's rules.

(3) To determine whether the applicant submitted a false or misleading Annual Financial Report for 1964 to the Commission.

(4) To determine whether in his written response dated December 29, 1965, to specific Commission inquiry the applicant made representations to the Commission which were evasive, lacking in candor or deceptive in content.

(5) To determine whether, during August and September 1964, entries were made in the KLAV operating logs which were not actually readings of the meters located at the remote control point, in violation of §§ 73.111 and 73.113 of the Commission's rules.

(6) To determine whether the written response dated December 22, 1964, to the Commission's official notice of violation, which was filed on behalf of the applicant and incorporated by reference a letter dated September 28, 1964, contained misrepresentations or was lacking in candor.

(7) To determine whether the applicant broadcast advertising concerning a lottery in violation of section 1304 of Title 18, U.S.C.

(8) To determine whether, in light of the evidence adduced under the foregoing issues, the applicant has reflected the necessary qualifications to continue to be the licensee of Station KLAV.

(9) To determine whether a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That the Chief, Broadcast Bureau proceed with the initial introduction of evidence with respect to issues 1 through 7 to delineate the facts in issue. See D & E Broadcasting Co., 1 FCC 2d 78; 5 RR 2d 475 (1965). Following the Bureau's initial presentation, the applicant will then proceed with his evidence under the issues.

It is further ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the Chief, Broadcast Bureau is directed to serve upon the applicant a Bill of Particulars setting forth the charges relating to the above issues. See Dispatch, Inc., 10 RR 1190.

It is further ordered, That to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 211(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594 of the rules.

Released: September 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10208; Filed, Sept. 16, 1966; 8:48 a.m.]

[1] The applicant paid the forfeiture on July 20, 1966, prior to the Commission's issuance of a memorandum opinion and order for forfeiture.

[2] Commissioners Bartley, Wadsworth, and Johnson absent.

SECURITIES AND EXCHANGE COMMISSION

[811-1057]

WESTGATE-PACIFIC GROWTH FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 13, 1966.

Notice is hereby given that Westgate-Pacific Growth Fund, Inc. ("applicant"), c/o Clarence W. Finley, Esq., Suite 900, United States National Bank Building, San Diego, Calif. 92101, a Texas corporation and a management open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company. All persons are referred to the application on file with the Commission for a statement of the facts which are summarized below.

Applicant registered under the Act on May 1, 1961. At the annual meeting of applicant on December 22, 1965, its shareholders adopted a plan of liquidation and dissolution. On December 27, 1965, a statement of intent to liquidate was filed with the secretary of state of Texas. Thereafter all the net assets of applicant were distributed pro rata to its shareholders in complete liquidation on the basis of $12.56 per share.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 3, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be

issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10190; Filed, Sept. 16, 1966; 8:46 a.m.]

TARIFF COMMISSION

WILTON AND VELVET CARPETS AND RUGS

Report to the President

SEPTEMBER 13, 1966.

The Tariff Commission, in a report sent to the President today on recent developments in the trade in Wilton and velvet carpets and rugs, observed that the trend of U.S. production of such carpets and rugs has been downward since 1959 and that, although in the first half of 1966 the output of Wiltons and velvets was slightly greater than in the corresponding period of 1965, tufted carpets will probably continue to supply an increasing share of the market, while Wiltons and velvets find their greatest acceptance among buyers to whom price is not the major consideration. A decline in the number of Wilton and velvet plants in the United States in recent years reflects primarily the shift in consumer demand from woven to tufted carpets.

Annual U.S. imports of Wiltons and velvets, which have declined markedly since 1961, continued to decline into 1966. Firms that account for the bulk of the current imports now derive most of their carpet sales volume from domestically produced tufted floor coverings.

The Commission's report was submitted to the President in accordance with section 351(d)(1) of the Trade Expansion Act of 1962, which provides that—

> So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

Under the escape-clause procedure of the Trade Agreements Extension Act of 1951, the President increased the rate of duty applicable to imported Wiltons and velvets from 21 percent to 40 percent ad valorem, effective June 18, 1962. The report submitted today is the fourth annual report involving Wiltons and velvets since the President's action.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 66-10187; Filed, Sept. 16, 1966; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI67-53 etc.]

ASHLAND OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 9, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 20, 1966.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-53	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	172	4	Panhandle Eastern Pipe Line Co. (North Greenburg Field, Wood County, Okla.) (Oklahoma "Other" Area).	$1,541	8-15-66	[2] 9-15-66	2-15-67	[3] [4] 16.27	[3] [4] [5] 18.44	
RI67-54	Joe Bander, et al., 308 Petroleum Bldg., Longview, Tex. 75601.	1	4	Natural Gas Pipeline Co. of America (Boonsville Field, Wise County, Tex.) (R.R. District No. 10).	1,680	8-17-66	[2] 10-1-66	3-1-67	[3] [6] 14.0	[3] [6] [7] 15.0	
RI67-55	W. J. Fellers (Operator), et al., 822 Amarillo Bldg., Amarillo, Tex. 79101.	1	16	Panhandle Eastern Pipe Line Co. (Unnamed Field, Atwell Gas Unit, Seward County, Kans.).	326	8-16-66	[2] 9-16-66	2-16-67	16.0	[7] 17.0	
RI67-56	Edwin L. Cox (Operator), et al., 3600 First National Bank Bldg., Dallas, Tex. 75202.	64	8	Colorado Interstate Gas Co. (Greenwood Area, Morton County, Kans.).	1,800	8-12-66	[2] 9-12-66	2-12-67	[8] 15.0	[8] [9] 16.0	

[2] The stated effective date is the effective date requested by Respondent.
[3] Respondent filing from permanently certificated rate to initial contract rate. (Increase includes proportionate increase in upward B.t.u. adjustment.)
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes 15 cents base rate plus upward B.t.u. adjustment before increase and 17 cents base rate plus upward B.t.u. adjustment after increase.
[6] Base rate subject to proportionate upward and downward B.t.u. adjustment for gas containing more or less than 1,000 B.t.u.'s per cubic foot.
[7] Periodic rate increase.
[8] Subject to upward and downward price adjustment based on average monthly pressure of more or less than 680 p.s.i.g.
[9] Subject to downward B.t.u. adjustment.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 66-10117; Filed, Sept. 16, 1966; 8:45 a.m.]

[Docket Nos. G-7241, etc.]

AZTEC OIL & GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 9, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 3, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: Provided, however, that pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Acting Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-7241 C 8-11-66 [2] F 8-25-66 [3]	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202	El Paso Natural Gas Co., Blanco-Mesa Verde Field, San Juan County, N. Mex.	13.0	15.025
G-13103 C 8-29-66	do	Southern Union Gathering Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
G-16576 E 8-25-66	Texaco, Inc. (successor to Differential Corp. (Operator), et al.), Post Office Box 52332, Houston, Tex. 77052.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Prasifka Field, Wharton County, Tex.	[4] 16.1694?	14.65
G-18371 C 8-11-66 [2] 8-25-66 [3]	Aztec Oil & Gas Co	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
C163-20 D 8-29-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Haskell County, Okla.	Assigned	
C163-638 C 8-29-66	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Cheniere Brake Field, Ouachita Parish, La.	13.33	15.025
C164-1042 D 8-29-66	Tenneco Oil Co. (Operator), et al., Post Office Box 2511, Houston, Tex. 77001 (partial abandonment).	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Insufficient pressure	
C165-1180 E 8-29-66	Steeple Oil & Gas Corp. (successor to Western Oil Development Co.), D-205 Petroleum Center, 900 Northeast Loop Expressway, San Antonio, Tex. 78209.	Aimos Gas Gathering Co., Linke Field, Bee County, Tex.	12.0	14.65
C166-49 C 8-29-66	Louis J. Smith, Exchange, W. Va. 25512.	Equitable Gas Co., Center District, Gilmer County, W. Va.	25.0	15.325
C167-153 (C165-625) F 8-3-66	Pan American Petroleum Corp. (successor to John H. Trigg d.b.a. John H. Trigg Co.), Post Office Box 591, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy County, N. Mex.	[4] 16.4025	14.65
C167-176 A 8-11-66	Pesnova Interests, c/o H. R. Jackson, trustee, 5222 Perry Highway, Pittsburgh, Pa. 15237.	Carnegie Natural Gas Co., Union District, Ritchie County, W. Va.	20.0	14.7
C167-194 A 8-19-66	Frank Yockey, 821 Crestview Dr., Farmington, N. Mex. 87401.	El Paso Natural Gas Co., Wildcat Field, Rio Arriba County, N. Mex.	12.0	15.025
C167-210 A 8-19-66	Warren E. Somers, agent for Warren E. Somers and Floyd E. Stegner, 404-405 Peoples Bank Bldg., Marietta, Ohio 45750.	The Ohio Fuel Gas Co., Sylvia Radcliff Tract, Sutton Township, Meigs County, Ohio.	15.0	15.025
C167-220 A 8-22-66	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Trunkline Gas Co., West DeQuincy Area, Beauregard Parish, La.	20.0	15.025
C167-231 (C160-611) F 8-30-66	G. E. McBride (successor to Phillips Petroleum Co.), c/o Lee Sellers, Attorney, 1300 City National Bldg., Wichita Falls, Tex. 76301.	Transwestern Pipeline Co., South Grigg Field, Cimarron County, Okla.	[5] 17.0	14.65
C167-233 (G-12588) F 8-26-66	Crystal Oil & Land Co. (successor to Mobil Oil Corp.), 600 Beck Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Lisbon Field, Claiborne Parish, La.	[4] 12.5263	15.025
C167-234 A 8-29-66	H. J. Bell, et al., c/o Robert H. Baker, agent, 208 Cass Ave., West Union, W. Va. 26456.	Carnegie Natural Gas Co., Unicn District, Ritchie County, W. Va.	20.0	15.325
C167-235 A 8-29-66	C. H. Lyons, Sr., c/o Gene M. Griswold, attorney, 1509 Beck Bldg., Shreveport, La. 71163.	Transcontinental Gas Pipe Line Corp., Sambo Field, St. Landry Parish, La.	15.0	15.025
C167-236 A 8-29-66	Montier Oil & Gas Development Co., Inc., et al., 18612 Northeast 19th Ave., North Miami Beach, Fla. 33162.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	25.0	15.325
C167-237 A 8-29-66	Mesa Petroleum Co., 1661 Taylor, Amarillo, Tex. 79101.	Northern Natural Gas Co., Gooch Field, Texas County, Okla.	17.0	14.65
C167-238 A 8-29-66	Foster Petroleum Corp., Post Office Box 729, Bartlesville, Okla. 74003.	Arkansas Louisiana Gas Co., Homer Field, Garfield County, Okla.	15.0	14.65
C167-239 A 8-29-66	Burk Gas Corp., 809 Oil and Gas Bldg., Wichita Falls, Tex. 76301.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-240 A 8-26-66	J. A. Fox, Box 308, 2 Baltimore Ave., Washington, Pa. 15701.	Carnegie Natural Gas Co., Freeman's Creek District, Lewis County, W. Va.	20.0	15.325
C167-241 A 8-26-66	do	do	20.0	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-242 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-243 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-244 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-245 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-246 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-247 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-248 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-249 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-250 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-251 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-252 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-253 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-254 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-255 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-256 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-257 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-258 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-259 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-260 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-261 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-262 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-263 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-264 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-265 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-266 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-267 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-268 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-269 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-270 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-271 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-272 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-273 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-274 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-275 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-276 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-277 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-278 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-279 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-280 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-281 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-282 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-283 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-284 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-285 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-286 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-287 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-288 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-289 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-290 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-291 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-292 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-293 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-294 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-295 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-296 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-297 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-298 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-299 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-300 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-301 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-302 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-303 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-304 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-305 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-306 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-307 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-308 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-309 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-310 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-311 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-312 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-313 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-314 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-315 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-316 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-317 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-318 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-319 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-320 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-321 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-322 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-323 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-324 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-325 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-326 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-327 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-328 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-329 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-330 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-331 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-332 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-333 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-334 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-335 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-336 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-337 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-338 A 8-29-66	Sohio Petroleum Co., Post Office Box 3128, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	15.0	14.65
C167-339 A 8-29-66

[1] Application previously noticed Aug. 18, 1966, in Docket Nos. G-2602, et al. at a total initial rate of 12.0531 cents per Mcf.
[2] Applicant filed revised billing statement to reflect a total initial rate of 13 cents per Mcf in lieu of 13.0551 cents.
[3] Rate in effect subject to refund in Docket No. G-16856.
[4] Application previously noticed Aug. 18, 1966, in Docket Nos. G-2602, et al. at a total initial rate of 13.0536 cents per Mcf.
[5] Applicant filed revised billing statement to reflect a total initial rate of 13 cents per Mcf in lieu of 13.0536 cents.
[6] Initial rate of Predecessor in compliance with Commission order issued Nov. 3, 1965, accepting offers of settlement and issuing certificates.
[7] Subject to upward and downward B.t.u. adjustment.
[8] Includes 1.5 cents per Mcf tax reimbursement.

[F.R. Doc. 10118; Filed, Sept. 16, 1966; 8:45 a.m.]

[Docket No. CP67-54]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 12, 1966.

Take notice that on September 7, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79948, filed in Docket No. CP67-54 a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction, during the year 1967, and operation of gas-sales facilities, the sale and delivery of natural gas by means thereof, and the sale and delivery of natural gas by means of facilities to be constructed, during the calendar year 1967, and operated by Pacific Gas Transmission Co. (PGT), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically requests authority to construct 20 taps at an aggregate cost not to exceed $9,000; 20 measuring and regulating stations at an aggregate cost not to exceed $140,000; and three lateral or loop pipelines, not to exceed a maximum diameter of 8⅝-inch O.D. and a maximum length of 12 miles, at an aggregate cost not to exceed $151,000. The total cost of all proposed facilities will not exceed a maximum of $300,000. The facilities constructed under the authorization requested will be financed from working funds.

The application states that the proposed facilities are to be utilized for the sale and delivery of natural gas to Applicant's existing, authorized Northwest Division distributor customers for resale and general distribution to consumers situated in existing market areas in the States of Colorado, Utah, Wyoming, Idaho, Oregon, and Washington. The application further states that such sales and deliveries will not exceed 100,000 Mcf annually to any given distributor through any given facility installed and that the gas will not be used or resold for boiler fuel purposes. The rates which shall apply to the proposed sales and deliveries are those contained in Applicant's FPC Gas Tariff, Original Volume No. 3. To implement the foregoing sales and deliveries, Applicant will utilize supplies of natural gas attached directly to its Northwest Division System or transported for the account of Applicant by PGT.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 10, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10179; Filed, Sept. 16, 1966; 8:45 a.m.]

[Docket No. CP67-55]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 12, 1966.

Take notice that on September 7, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-55 a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1967, and operation of gas-sales facilities and the sale and delivery of natural gas by means thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to construct and operate 30 taps at an aggregate cost not to exceed $12,000; 25 measuring and regulating stations at an aggregate cost not to exceed $175,000; and three lateral or loop pipelines, not to exceed a maximum diameter of 8⅝-inch O.D. and a maximum length of 12 miles, at an aggregate cost not to exceed $113,000. The total cost of all proposed facilities will not exceed a maximum of $300,000. The facilities constructed under the authorization requested will be financed from working funds.

The application states that the proposed facilities are to be utilized for the sale and delivery of natural gas to Applicant's existing, authorized Southern Division distributor customers for resale and general distribution to residential, nonresidential, and irrigation consumers situated in existing market areas in the States of Texas, New Mexico, Arizona, and San Juan County, Utah. The application further states that such sales and deliveries will not exceed 100,000 Mcf annually to any given distributor through any given facility installed and the gas will not be used or resold for boiler fuel purposes. The rates which shall apply to the proposed sales and deliveries are those contained in Applicant's FPC Gas Tariff, Original Volume No. 1.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 10, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10180; Filed, Sept. 16, 1966; 8:45 a.m.]

[Docket No. G-1208]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

SEPTEMBER 12, 1966.

Take notice that on September 7, 1966, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. G-1208 a petition to amend the order issued in the instant docket by authorizing the continued operation of the Ajo Heights, Ariz., meter station for the direct sale and delivery of natural gas to Arizona Public Service Co. (Public Service), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By order issued in the instant proceeding on August 29, 1948, 8 FPC 1074, Petitioner was authorized, inter alia, to construct and operate a meter station at Ajo Heights, Ariz., and, by means of such facility, to sell and deliver natural gas to Arizona Edison Co., predecessor of Public Service, for resale and distribution in the community of Ajo Heights, Ariz. On July 28, 1951, by means of its Ajo Heights meter station certificated for resale service as aforesaid, Petitioner commenced the uncertificated direct sale and delivery of natural gas to Arizona Edison Co. for use in its powerplant situated near Ajo Heights. Accordingly, Petitioner hereby seeks authorization for the continued operation of the Ajo Heights meter station for the direct sale and delivery made to Public Service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 10, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10181; Filed, Sept. 16, 1966; 8:45 a.m.]

[Docket No. CP67-56]

LONE STAR GAS CO.

Notice of Application

SEPTEMBER 12, 1966.

Take notice that on September 7, 1966, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP67-56 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the transportation of natural gas to extend its existing transmission system in the area to the city gates of the city of Avery and the town of Annona in Red River County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes the construction and operation of the following facilities:

(1) Approximately 16.2 miles of 3-inch transmission line E-30 extending from line E in a southeasterly direction to a city gate measuring station to be installed near the city of Avery;

(2) Approximately 50 feet of 3-inch Line E-30-1 extending from a point on proposed line E-30 in a southeasterly direction to a city gate measuring station to be installed near the town of Annona.

Neither of said communities has the benefit of natural gas service.

Applicant proposes to construct and operate natural gas distribution systems in both Annona and Avery for which franchises have been obtained. The estimated third year peak day and annual requirements for Annona are 193 Mcf and 10,585 Mcf respectively, and for Avery are 306 Mcf and 16,483 Mcf respectively.

Applicant estimates the approximate cost of natural gas pipeline transmission facilities at $134,213, the city gate measuring stations at $4,704, and the two local distribution systems at $79,000 all of which will be financed from working capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 10, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10182; Filed, Sept. 16, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 14, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40707—*Fresh meats and packinghouse products from Beardstown, Ill.* Filed by Illinois Freight Association, agent (No. 315), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, from Beardstown, Ill., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Illinois Freight Association, agent, tariff ICC 1112.

FSA No. 40708—*Chlorine from Brunswick, Ga.* Filed by O. W. South, Jr., agent (No. A4941), for and on behalf of Southern Railway Co., Rates on chlorine, in tank carloads, from Brunswick, Ga., to Catawba, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 39 to Southern Freight Association, agent tariff ICC S-500.

FSA No. 40709—*Paper and paper articles to Bentonite Spur and Clay Spur, Wyo.* Filed by Trans-Continental Freight Bureau, agent (No. 434), for interested rail carriers. Rates on paper, viz: gummed, printing, and wrapping, also paper bags and paper wrappers, n.o.i.b.n., in carloads, from points in Arizona, California, Nevada, New Mexico, Utah, also Lakeview, Oreg., and Sonora, Mexico, to Bentonite Spur and Clay Spur, Wyo.

Grounds for relief—Market competition.

Tariff—Supplement 37 to Trans-Continental Freight Bureau, agent, tariff ICC 1738.

FSA No. 40710—*Beet or cane sugar to points in Illinois and Wisconsin.* Filed by Western Trunk Line Committee, agent (No. A-2470), for interested rail carriers. Rates on beet or cane sugar, dry, in bulk in covered hopper cars or in self-clearing permanently enclosed cars, in carloads, from points in Montana, transcontinental and western trunk-line territories, to Pinckneyville, Ill., Burlington and Milwaukee, Wis.

Grounds for relief—Market competition.

Tariffs—Supplement 45 to Western Trunk Line Committee, agent, tariff ICC A-4481, and three other schedules listed in the application.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10209; Filed, Sept. 16, 1966; 8:48 a.m.]

[Notice 253]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 14, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. The rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commis-

sion, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub-No. 2192 TA), filed September 12, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: William H. Marx, 219 East 42d Street, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Boston, Mass., and Albany, N.Y., (1) from Boston, Mass., via Interstate Highway No. 90 to Interstate Highway No. 87, thence over Interstate Highway 87 to Albany, N.Y., (2) from Boston, Mass., via Interstate Highway No. 90 to Albany, N.Y., (3) from Boston, Mass., via U.S. Highway No. 20 to Albany, N.Y., return over the same routes, for 180 days. Supporting shippers: There are 27 shipper's supporting which may be examined here at the offices of the Interstate Commerce Commission in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 110191 (Sub-No. 18 TA), filed September 9, 1966. Applicant: TURNER'S EXPRESS, INCORPORATED, Post Office Box 1006, 1300 Shelton Avenue, Norfolk, Va. 23502. Applicant's representative: W. P. Davis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, in mechanically refrigerated vehicles, from Norfolk, Va., to Charlottesville, Danville, Lynchburg, Richmond, Urbanna, and Salem, Va., and Charleston, Clarksburg, Fairmont, Flemington, Huntington, Parkersburg, Princeton, and Morgantown, W. Va., for 150 days. Supporting shippers: Corn Products Co., 101 South Wacker Drive, Chicago, Ill. 60606; Atlantic Co., 219 Boush Street, Norfolk, Va. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 113362 (Sub-No. 125 TA) (Amendment), filed August 22, 1966, published FEDERAL REGISTER, issue of August 27, 1966, and republished as amended this issue. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and/or storage facilities used by Wilson & Co., Inc., at Albert Lea, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Wilson & Co., Inc., Prudential Plaza, Chicago, Ill. 60601. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309. NOTE: The purpose of this republication is to show the application has been amended to add New York as a destination State to be served, which was inadvertently omitted from the application as originally filed.

No. MC 127639 (Sub-No. 1 TA), filed September 12, 1966. Applicant: MIDWEST SCRAP TRANSPORT, INC., West Salem, Ohio. Applicant's representative: Kenneth F. Berry, 137 South Fourth Street, Coshocton, Ohio 43812. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap Iron and Steel*, from points in New York, West Virginia, Kentucky, Virginia, Michigan, Indiana, and Pennsylvania to Coshocton, Zanesville, Portsmouth, Sidney, Fostoria, Mansfield, Sandusky, West Salem, Cincinnati, and Ashland, Ohio, for 180 days. Supporting shippers: Coshocton Iron & Metal Co., Inc., R.F.D. No. 3, Coshocton, Ohio, M. Swack Iron & Steel Co., R.F.D. No. 3, West Salem, Ohio. Send protests to: District Supervisor Baccei, Interstate Commerce Commission, Bureau of Operations and Compliance, 435 Federal Building, Cleveland, Ohio 44114.

No. MC 128481 (Sub-No. 1 TA) (Correction), filed August 26, 1966, published FEDERAL REGISTER, issue of September 3, 1966, and republished as corrected this issue. Applicant: HENRY V. MUSGROVE, Post Office Box 41, Axson, Ga. Applicant's representative: Schwartz, Proctor and Bolinger, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wooden laminated structural arches and beams and materials and supplies* used in the construction thereof, between Waycross, Ga., and points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin under a continuing contract or contracts with Dixie Laminated, Inc., for 150 days. Supporting shipper: Dixie Laminated, Inc., Post Office Box 742, Waycross, Ga. Send protests to: George H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Post Office Box 4969, Jacksonville, Fla. 32201. NOTE: The purpose of this republication is to clarify the commodities proposed to be transported and also to show the movement will be between instead of a from and to movement.

No. MC 128489 (Sub-No. 1 TA), filed September 12, 1966. Applicant: LES BROCKMAN, 1421 South California Street, Compton, Calif. 90221. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kraft paper*, from points in the Los Angeles Harbor commercial zone, as described in 3 M.C.C. 248, to Los Angeles and Pico Rivera, Calif., for 180 days. Supporting shipper: Field International Corp., Suite 711 Mobil Building, 612 South Flower Street, Los Angeles, Calif. 90017. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128538 (Sub-No. 1 TA), filed September 12, 1966. Applicant: CHEMICAL PRODUCTS, INC., Route No. 2, Bonne Terre, Mo. Applicant's representative: Tyree G. Derrick, 1310 Mississippi Valley Building, 506 Olive Street, St. Louis, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitro-carbonitrate*, from Bonne Terre, Mo., to East Alton, Modoc, Chester, Du Quoin, and Pyatts, Ill., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 3248 Federal Building, 1520 Market Street, St. Louis, Mo. 63103.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66–10210; Filed, Sept. 16, 1966; 8:48 a.m.]

[Notice 1413]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 14, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68996. By order of September 13, 1966, the Transfer Board approved the transfer to Goldner Trucking Co., Inc., New Haven, Conn., of certificate No. MC–9470 and certificate of registration No. MC–9470 (Sub-No. 2), issued July 23, 1942, and May 1, 1964, respectively, the former in the name of Paul Goldner and Merwin Milton Goldner, a partnership, doing business as Goldner Trucking Co., New Haven, Conn., and the latter in the name of Paul Goldner (Ida Goldner, executrix) and Merwin Milton Goldner, a partnership, doing business as Goldner Trucking Co., New Haven, Conn.; the said certificate authorizes the transportation of general commodities, with usual exceptions, over irregular routes, between New Haven, Conn., on the one hand, and, on the other, points and places in Fairfield, New Haven, Middlesex, Litchfield, and Hartford Counties, Conn.; the certificate of registration evidences a right of the holder to engage in operations corresponding in scope to the grant of authority in common carrier certificate C–973, issued December 7, 1960, by the Public Utilities Commission of Connecticut. Paul J. Goldstein, 109 Church Street, New Haven, Conn. 06510, attorney for applicants.

No. MC–FC–69022. By order of September 13, 1966, the Transfer Board approved the transfer to Doscher's Moving & Storage Warehouse, Inc., Hollis, N.Y., of the operating rights in certificate No. MC–20491, issued December 20, 1960, to Sol Cohen & Sons, Inc., Far Rockaway, N.Y., authorizing the transportation, over irregular routes, of household goods, between New York, N.Y., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and Washington, D.C. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for transferor. Edward Kasoff, 2 Lafayette Street, New York, N.Y. 10007, attorney for transferee.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66–10211; Filed, Sept. 16, 1966; 8:48 a.m.]

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Tuesday, September 20, 1966 • Washington, D.C.

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 231, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (ii) and (iii) of § 910.531 (Lemon Reg. 231, 31 F.R. 11931) are hereby amended to read as follows:

§ 910.531 Lemon Regulation 231.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 255,750 cartons;

(iii) District 3: Unlimited movement.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 15, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–10237; Filed, Sept. 19, 1966; 8:46 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 65]

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area (7 CFR Part 1065), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act: In § 1065.12 (a), the provision "a volume of Class I milk equal to not less than 50 percent of the".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order is necessary to prevent disruption of orderly marketing which would otherwise occur if the Grade A milk of dairy farmers supplying a certain plant were excluded from the pool and consequent sharing in the returns for Class I milk.

(2) A large handler regulated under the order recently shifted a substantial volume of his Class I route disposition from his plant in Lincoln to his Omaha plant, thereby reducing the total monthly route disposition for the Lincoln plant to less than the 50 percent required for pool plant status.

(3) This suspension order will eliminate for an indefinite period the 50 percent total route disposition required of a pool distribution plant. The suspension action thus will enable the consolidation of certain Class I route sales at one plant as referred to above without loss of pool plant status for the other plant until the matter of pool plant qualification standards can be reviewed at a public hearing.

(4) To qualify as a pool distributing plant for any month during the suspension period a distributing plant handler must dispose of on routes in the marketing area fluid milk products equal to not less than 15 percent of the Grade A milk received at such plant from dairy farmers, supply plants (exclusive of pool distributing plants), and cooperative associations pursuant to § 1065.8(d).

(5) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(6) This suspension order is necessary and will tend to maintain orderly marketing conditions in the marketing area.

(7) Interested parties were afforded opportunity to file written views, data, or arguments concerning this suspension (31 F.R. 11491). An objection was filed by one handler. It was not shown, however, that the proposed suspension action would result in hardship to any handler or would not tend to effectuate the declared policy of the Act.

Therefore, good cause exists for making this order effective on date of publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective on date of publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on September 15, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66–10264; Filed, Sept. 19, 1966; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Florida State Board of Education Higher Education Bonds

§ 1.175 Florida State Board of Education Higher Education Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $25,000,000 Florida State Board of Education Higher Education Bonds, Series B, are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks pursuant to paragraph Seventh of 12 U.S.C. 84.

(b) *Opinion.* (1) The Florida State Board of Education is a body corporate, created and existing under the Constitution of the State of Florida, and is composed of the Governor, Secretary of State, Attorney General, State Treasurer, and State Superintendent of Public Instruction. The Board is empowered by the Constitution, inter alia, to issue bonds to finance the cost of capital outlay projects for various educational facilities of the State and to pledge, for the payment of such bonds' principal and interest, all or any part of the revenues from the State's Gross Receipts Taxes. Under this authority the Board has previously issued $75,000,000 of Series A bonds and $25,000,000 of Series B bonds.

(2) The Board has covenanted, as authorized by the Florida Constitution, that the bonds are solely payable from, and secured by a first lien on, and the irrevocable pledge of, the revenues derived from the Gross Receipts Taxes. These taxes are levied, at a rate of 1½ percent, on the gross receipts of the sales of electricity, natural or manufactured gas, for use of telephones, and for the sending of telegrams and telegraph messages, and have been in effect at the same rate since 1931. As provided in the Constitution, the Legislature may not reduce the rate of tax presently in effect, or eliminate, exempt or remove any of the entities now subject to tax. In addition, the Constitution prohibits the issuance of bonds requiring a debt service in an amount exceeding 75 percent of the average annual amount of revenues derived from the Gross Receipts Taxes determined in accordance with a prescribed formula.

(3) The State of Florida has made adequate provision and is obligated for payments of amounts which will be sufficient to provide for all required payments in connection with the bonds. These bonds are thus general obligations of a State or political subdivision thereof within the meaning of section 1.3 (d) and (e) of the Investment Securities Regulation (12 CFR 1.3 (d) and (e)).

(c) *Ruling.* It is, therefore, our conclusion that the $25,000,000 Florida State Board of Education Higher Education Bonds, Series B, are public securities as defined in section 1.3 (c), (d), and (e) of the Investment Securities Regulation (12 CFR 1.3 (c), (d), and (e)) issued pursuant to paragraph Seventh of 12 U.S.C. 24 and are, therefore, eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

Dated: September 19, 1966.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 66-10373; Filed, Sept. 19, 1966; 12:10 p.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-PC-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

On June 22, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8636) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would designate a control zone and transition area at Johnston Island, AFB, Johnston Atoll.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

1. In § 71.171 (31 F.R. 2065) the following control zone is added:

JOHNSTON ISLAND, JOHNSTON ATOLL

Within a 5-mile radius of the Johnston Island AFB, Johnston Atoll (latitude 16°44'-19'' N., longitude 169°31'12'' W.); within 2 miles each side of the extended centerline of runway 05, extending from the 5-mile radius zone to 6.5 miles NE of the Johnston Island RBN, and within 2 miles each side of the 241° bearing from the Johnston Island RBN, extending from the 5-mile radius zone to 12 miles SW of the RBN.

2. In § 71.181 (31 F.R. 2149) the following transition area is added:

JOHNSTON ISLAND, JOHNSTON ATOLL

That airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Johnston Island RBN.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C. on September 14, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-10243; Filed, Sept. 19, 1966; 8:47 a.m.]

[Airspace Docket No. 66-CE-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On July 12, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9460) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Escanaba, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

Due to a magnetic variation change in the Escanaba, Mich., area, the headings have been changed slightly in this final rule. Since this change is minor in nature and imposes no additional burden on any person, it has been made in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth:

(1) In § 71.171 (31 F.R. 2065), the Escanaba Mich., control zone is amended to read:

ESCANABA, MICH.

Within a 5-mile radius of Escanaba Municipal Airport (latitude 45°43'25'' N., longitude 87°05'40'' W.); within 2 miles each side of the Escanaba VOR 007°, 101° and 266° radials extending from the 5-mile radius zone to 8 miles north, east, and west of the VOR; and within 2 miles each side of the 262° bearing from Escanaba Municipal Airport extending from the 5-mile radius zone to 8 miles west of the airport. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(2) In § 71.181 (31 F.R. 2149), the Escanaba, Mich., transition area is amended to read:

ESCANABA, MICH.

That airspace extending upward from 700 feet above the surface within 8 miles west and 5 miles east of the Escanaba VOR 007° radial, within 8 miles north and 5 miles south of the VOR 101° radial, within 8 miles south and 5 miles north of the VOR 266° radial extending from the VOR to 12 miles north, east, and west of the VOR; and within 8 miles south and 5 miles north of the 262° bearing from Escanaba Municipal Airport (latitude 45°43'25'' N., longitude 87°05'40'' W.), extending from the airport to 12 miles west of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 7, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-10245; Filed, Sept. 19, 1966; 8:47 a.m.]

[Airspace Docket No. 66-CE-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 12, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9460) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Kansas City, Mo., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., November 10, 1966, as hereinafter set forth:

In § 71.181 (31 F.R. 2149), the Kansas City, Mo., transition area is amended to read:

KANSAS CITY, MO.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Kansas City Municipal Airport (latitude 39°07'20'' N., longitude 94°35'30'' W.), within 2 miles each side of the Riverside, Mo., VOR 018° radial and 2 miles W of the Kansas City ILS localizer N course extending from the 10-mile radius area to 8 miles N of the OM; within an 8-mile radius of the Mid-Continent International Airport (latitude 39°18'05'' N., longitude 94°43'36'' W.), and within 2 miles each side of the Mid-Continent ILS localizer N and S courses, extending from the 8-mile radius area to 13 miles N of the airport and to 8 miles S of the Mid-Continent OM; within a 7-mile radius of the Sherman AAF (latitude 39°22'05'' N., longitude 94°54'45'' W.); and that airspace extending upward from 1,200 feet above the surface bounded on the SE by the arc of a 42-mile radius circle centered on the Kansas City Municipal Airport, beginning at the W boundary of V-205 and extending counterclockwise to the S boundary of V-12 thence along the S boundary of V-12 to longitude 93°30'00'' W., thence N along longitude 93°30'00'' W. to SE boundary of V-10 thence direct to latitude 39°48'55'' N., longitude 93°34'30'' W., thence SW along the NW boundary of V-10 to the E boundary of V-161, thence W to latitude 39°44'00'' N., longitude 94°43'20'' W., thence SW to latitude 39°30'00'' N., longitude 94°49'00'' W., thence W along latitude 39°30'00'' N., to the SW boundary of V-71 thence NW along the SW boundary of V-71 to longitude 95°09'00'' W., thence S along longitude 95°09'00'' W., to the SE boundary of V-10, thence NE along the SE boundary of V-10 to the arc of a 10-mile radius circle centered on the Kansas City Municipal Airport, thence counterclockwise to the W boundary of V-205, thence S along the W boundary of V-205 to the point of beginning; and that airspace extending upward from 5,000 feet MSL bounded on the W by longitude 93°30'00'' W., on the S by V-4 on the E by V-424 on the N by V-116 and on the NW by V-206; and within an area bounded on the W by longitude 93°30'00 W., on S by V-116 on E by V-206 and on the N by V-10, and within an area bounded on the W by V-161 and the E by V-10 and on the N by V-50.

(Sec. 307(a) Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 6, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-10246; Filed, Sept. 19, 1966; 8:47 a.m.]

[Airspace Docket No. 66-CE-58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On July 8, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9362) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Brainerd, Minn., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Minnesota Department of Aeronautics objected to the redesignation of the Brainerd control zone on the ground that weather information is not available to the public within a reasonable period of time after the observation is taken. Action has been taken by the Agency to insure that all weather reports are forwarded to the Alexandria Flight Service Station in an expeditious manner. The weather information is then available to the public through the Alexandria Flight Service Station.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

(1) In § 71.171 (31 F.R. 2065), the Brainerd, Minn., control zone is amended to read:

BRAINERD, MINN.

Within a 5-mile radius of Brainerd-Crow Wing County Airport (latitude 46°23'25'' N., longitude 94°08'20'' W.); within 2 miles each side of the Brainerd VOR 300° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 313° bearing from Brainerd-Crow Wing County Airport extending from the 5-mile radius zone to 7 miles NW of the airport; and within 2 miles each side of the 043° bearing from Brainerd-Crow Wing County Airport, extending from the 5-mile radius zone to 7 miles NE of the airport. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(2) In § 71.181 (31 F.R. 2149), the Brainerd, Minn., transition area is amended to read:

BRAINERD, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Brainerd-Crow Wing County Airport (latitude 46°23'25'' N., longitude 94°08'20'' W.); within 2 miles each side of the 043° bearing from Brainerd-Crow Wing County Airport, extending from the 7-mile radius area to 8 miles NE of the airport; within 2 miles each side of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 7-miles radius area to 12½ miles S of the airport; and within 5 miles NE and 8 miles SW of the 313° bearing from Brainerd-Crow Wing County Airport, extending from the airport to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Brainerd VOR 120° radial, extending from the VOR to 13 miles SE of the VOR; within 5 miles SE and 8 miles NW of the 043° bearing from Brainerd-Crow Wing County Airport, extending from the airport to 12 miles NE of the airport; and within 5 miles W and 8 miles E of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the airport to 16 miles S of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 7, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-10247; Filed, Sept. 19, 1966; 8:47 a.m.]

[Airspace Docket No. 65-AL-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Federal Airway and Jet Route, Alteration of Control Area, and Designation of Reporting Points

On July 8, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9363) stating that the Federal Aviation Agency was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations which would alter a Federal airway, jet route, control area, and designate reporting points in the vicinity of Hinchinbrook, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 and Part 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

1. In § 71.125 (31 F.R. 2045) V-317 is amended by deleting all after "Sisters Island, Alaska;" and substituting "INT of Sisters Island 272° and Yakutat, Alaska, 139° radials; Yakutat; Hinchinbrook, Alaska; INT Hinchinbrook 286° and Anchorage, Alaska, 117° radials; to Anchorage, including an S alternate from Hinchinbrook to Anchorage via INT of Hinchinbrook 275° and Anchorage 130° radials, excluding the airspace below 2,000 feet MSL outside the United States and the airspace within Canada." therefor.

2. In § 71.163 (31 F.R. 2050) Control 1310 is amended by adding at the end of text "The airspace below 2,000 feet MSL outside the United States is excluded."

3. Section 71.211 (31 F.R. 2289) is amended by adding: "Hinchinbrook, Alaska."

4. Section 71.213 (31 F.R. 2290) is amended by adding: "Hinchinbrook, Alaska".

5. In § 75.100 (31 F.R. 2346) Jet Route No. 501 is amended by deleting "Hinchinbrook, Alaska, RR;" and substituting "Hinchinbrook, Alaska;" therefor.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on September 14, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-10244; Filed, Sept. 19, 1966; 8:47 a.m.]

[Airspace Docket No. 65-PC-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Transition Area, and Designation of Control Zone

On June 28, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8923) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would realign Hawaiian Airways V-5 and V-11, amend the Kailua, Kona, Hawaii transition area, and designate a control zone at Kailua, Kona.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t.,

November 10, 1966, as hereinafter set forth.

1. Section 71.127 (31 F.R. 2046) is amended as follows.

a. V–5 Hawaii is amended to read:

V–5 Hawaii. From Kona, Hawaii, to INT Kona 338° and Maui Hawaii, 179° radials, including a W alternate from Kona via INT of Kona 323° and Maui 179° radials to INT of Maui 179° and Kona 338° radials, excluding the airspace below 1,200 feet AGL.

b. V–11 Hawaii is amended to read:

V–11 Hawaii. From INT of Kona, Hawaii, 323° and Upolu Point, Hawaii, 211° radials via Upolu Point; to INT of Upolu Point 349° and Maui, Hawaii, 080° radials, excluding the airspace below 1,200 feet AGL.

2. In § 71.171 (31 F.R. 2065) the following control zone is added:

KAILUA, KONA, HAWAII

Within a 5-mile radius of the Kona Airport (latitude 19°38'49'' N., longitude 156°-00'45'' W.), and within 2 miles each side of the Kona VORTAC 323° radial, extending from the 5-mile radius zone to the INT of the Kona VORTAC 323° and Upolu Point VOR 207° radials. This control zone is effective from 0730 to 2215 hours, local time daily, June 15 through September 6, and 0730 to 1830 hours, local time daily, September 7 through June 14, annually.

3. In § 71.181 (31 F.R. 2149) the Kailua, Kona, Hawaii transition area is amended as follows:

KAILUA, KONA, HAWAII

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kona Airport (latitude 19°38'49'' N., longitude 156°00'45'' W.), and within 2 miles each side of the Kona VORTAC 323° radial, extending from the 5-mile radius area to the INT of the Kona VORTAC 323° and Upolu Point VOR 207° radials; and that airspace extending upward from 1,200 feet above the surface bounded on the NE by V–5W and the arc of a 5-mile radius circle centered on the Kona Airport, on the S by a line 5 miles S of and parallel to the Kona VORTAC 281° radial, and on the W by the arc of a 25-mile radius circle centered on the Kona VORTAC.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 16, 1966.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66–10298; Filed, Sept. 19, 1966; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

RADIOACTIVITY STANDARDS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER. The amendment renews and revises standard reference materials 4937–B and 4993–A.

The following amends 15 CFR Part 230:

Section 230.8–5 *Radioactivity standards* is amended to renew and revise standards 4937–B and 4993–A as follows:

§ 230.8–5 Radioactivity standards.

• • • • • • •

(b) • • •

(3) *Beta, gamma and electron-capture solution standards.* • • •

Sample No.	Radionuclide	Calibration radiation	Approximate activity	Approximate weight of solution	Price
4937–C	Niobium-95	β	2.6×10^6 dps/g (7/66)	~5.2g	$50.00

• • • • • • •

(5) *Point-source gamma-ray standards.* • • •

Sample No.	Radionuclide	Approximate emission rate	Price
4993–B	Niobium-95	1.4×10^4 γps (7/66)	$50.00

• • • • • • •

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 66–10219; Filed, Sept. 19, 1966; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIER BY MOTOR VEHICLE

[Ex Parte No. MC–58]

PART 174a—DESIGNATION OF PROCESS AGENTS BY MOTOR CARRIERS AND BROKERS

Form of Designation

At a session of the Interstate Commerce Commission, Insurance Board, held at its office in Washington, D.C. on the 29th day of August 1966.

It appearing, that revision of §174a.2 of Part 174a of Title 49 of the Code of Federal Regulations governing designation of process agents by motor carriers and brokers, under the authority contained in sections 204(a) and 221(c) of the Interstate Commerce Act (49 Stat. 546, 563 as amended; 49 U.S.C. 304, 321) is warranted, and good cause appearing therefor;

It further appearing, that pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) for good cause it is found that notice of proposed rule making is unnecessary;

It is ordered, That § 174a.2 of Part 174a of the Code of Federal Regulations be, and it is hereby, revised to read as follows:

§ 174a.2 Form of designation.

Designations shall be made by use of the form prescribed by the Commission for that purpose. Only one completed current form may be on file. It must include all States for which agent designations are required. One copy must be retained by the carrier or broker in its files at its principal place of business.

(Secs. 204(a) and 221(c), 49 Stat. 546, 563 as amended; 49 U.S.C. 304, 321)

It is further ordered, That the rule herein prescribed is to become effective on November 1, 1966.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Insurance Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10260; Filed, Sept. 19, 1966; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

AMPROLIUM, ETHOPABATE, 3-NITRO-4-HYDROXYPHENYLARSONIC ACID

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6D1895) filed by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of amprolium with ethopabate and 3-nitro-4-hydroxyphenylarsonic acid in feed for broiler chickens. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended in the following respects:

§ 121.210 [Amended]

1. In § 121.210 *Amprolium*, paragraph (c) table 1, item 2.6q is amended in the first column by changing "2.1" to read "2.1, 2.2".

2. Section 121.262(c) is amended by adding to item 1.5 in table 1 a new subitem 1, as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

• • • • • •

(c) • • •

TABLE 1.—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
• • •	• • •	• • •	• • •	• • •	• • •
1.5	• • •	• • •	• • •	• • •	• • •
1.1.1	22.7–45.4	Amprolium plus ethopabate.	113.5–227 3.6	§ 121.210(c), table 1, item 2.2.	§ 121.210(c), table 1, item 2.2.
• • •	• • •	• • •	• • •	• • •	• • •

• • • • • • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 13, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66–10252; Filed, Sept. 19, 1966; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DDT AND TOXAPHENE; TOLERANCES FOR COMBINED RESIDUES

Petitions were filed with the Food and Drug Administration by Hercules Powder Co., Inc., Wilmington, Del. 19899, requesting food additive tolerances for residues of DDT (FAP 5H1772) and toxaphene (FAP 5H1773) at 6 parts per million in crude soybean oil. These tolerances were established by an order published in the FEDERAL REGISTER of July 12, 1966 (31 F.R. 9453). Since both DDT and toxaphene are in the chlorinated organic compound class, it has been asked whether § 121.4 *Tolerances for related food additives* of the procedural food additive regulations limits the total residue of both chemicals to 6 parts per million in crude soybean oil. The Commissioner of Food and Drugs has concluded that § 121.4 should not apply in this instance and that the food additive regulations should be amended accordingly as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.1093 is amended by revising the item "6 parts per million • • •" and § 121.1196 is revised, as follows:

§ 121.1093 DDT.

• • • • • •

Six parts per million in crude soybean oil. If residues of toxaphene are also present from application to the growing crop, the total residue of both such chlorinated organic compounds shall not exceed 12 parts per million.

§ 121.1196 Toxaphene.

A tolerance of 6 parts per million is established for residues of the insecticide toxaphene (chlorinated camphene containing 67–69 percent chlorine) in crude soybean oil when present therein as a result of the application of this insecticide to the growing soybean crop. If residues of DDT are also present from application to the growing crop, the total residue of both such chlorinated organic compounds shall not exceed 12 parts per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: September 13, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66–10253; Filed, Sept. 19, 1966; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of Additional Drugs as Drugs Subject to Control

In the matter of listing certain additional drugs, identified below, as depressant or stimulant drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of July 23, 1966

(31 F.R. 10039), and it is concluded that the amendment should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371), and under the authority delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), § 166.3(c) is amended by alphabetically inserting in the list of drugs in subparagraph (1) new items, as follows:

§ 166.3 Listing of drugs defined in section 201(v) of the act.

* * * * * * *

(c) * * *

(1) * * *

Established name	*Some trade and other names*
Chloral betaine	Beta-Chlor.
* * *	* * *
Chlorhexadol	Lora.
* * *	* * *
Petrichloral	Pericior.
Sulfondiethylmethane	Tetronal.
Sulfonethylmethane	Trional.
Sulfonmethane	Sulfonal.

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in six copies. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371)

Dated: September 13, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10254; Filed, Sept. 19, 1966; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Mumford Cove, Conn., Albemarle Sound, N.C., Pacific Ocean, Hawaii

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.50c is hereby prescribed designating two special anchorage areas in Mumford Cove, Conn., wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights effective 30 days after publication in the FEDERAL REGISTER as follows:

§ 202.50c Mumford Cove, Groton, Conn.

(a) *Area No. 1.* Beginning at a point on the easterly shore of Mumford Cove at latitude 41°19'36", longitude 72°01'06"; thence to latitude 41°19'30", longitude 72°01'04"; thence to the shoreline at latitude 41°19'31", longitude 72°01'00"; and thence along the shoreline to the point of beginning.

(b) *Area No. 2.* Beginning at a point on the easterly shore of Mumford Cove at latitude 41°19'15", longitude 72°00'54"; thence to latitude 41°19'14.5", longitude 72°00'59"; thence to latitude 41°19'11", longitude 72°00'58"; thence to latitude 41°19'10", longitude 72°00'54"; thence to latitude 41°19'12.5", longitude 72°-00'52"; thence to latitude 41°19'14", longitude 72°00'55"; and thence to the point of beginning.

NOTE. The areas are principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes will be prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion, of the local Harbor Master.

[Regs., August 22, 1966, 1507-32 (Mumford Cove, Conn.)-ENGCW-ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.54 establishing and governing the use and navigation of danger zones in Albemarle Sound, N.C., is hereby amended redesignating the boundaries of the danger zone along the south shore and changing the name of enforcing agency, amending paragraphs (b)(2) and (d)(2) and (4), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.54 Albemarle Sound, Pamlico Sound, and adjacent waters, North Carolina; danger zones for naval aircraft operations.

* * * * * * *

(b) *Target and bombing areas.* * * *

(2) *Along south shore of Albemarle Sound; target and bombing areas.* (i) *Western area.* Beginning at the northernmost point of Laurel Point; thence to Laurel Point Light; thence to latitude 36°00'39", longitude 76°19'46"; thence to latitude 35°57'11", longitude 76°-19'46"; thence 263° to the shore south of Bull Creek entrance; then northerly along the shore and across the entrance of Bull Creek to the point of beginning.

(ii) *Eastern area.* Beginning at latitude 36°00'43", longitude 76°19'20" thence to latitude 36°02'40", longitude 76°04'26"; thence to latitude 36°00'12", longitude 76°04'26"; thence to latitude 35°59'35", longitude 76°19'20"; and thence to the point of beginning. This area is divided into three subareas A, B, and C as follows: Area A, beginning at latitude 36°00'43", longitude 76°19'20"; thence to latitude 36°01'20", longitude 76°14'30"; thence to latitude 35°59'45", longitude 76°14'30"; thence to latitude 35°59'35", longitude 76°19'20"; and thence to the point of beginning. Area B, beginning at latitude 36°01'20", longitude 76°14'30", thence to latitude 36°-02'18", longitude 76°07'15", thence to latitude 36°00'05", longitude 76°07'15"; thence to latitude 35°59'45", longitude 76°14'30"; and thence to the point of beginning. Area C, beginning at latitude 36°02'18", longitude 76°07'15"; thence to latitude 36°02'40", longitude 76°04'-26"; thence to latitude 36°00'12", longitude 76°04'26"; thence to latitude 36°-00'05", longitude 76°07'15"; and thence to the point of beginning.

* * * * * * *

(d) *The regulations.* * * *

(2) *Target and bombing areas.* The areas described in paragraphs (b)(1)(i) and (b)(2)(i) of this section will be used as target and bombing areas by naval aircraft only during daylight. The areas described in paragraphs (b)(1)(ii) and (b)(2)(ii) of this section will be used as a target and bombing area for both day and night operations. No use will be made of the areas described in paragraph (b)(1) of this section for target and bombing operations during the period 30 days prior to and during the annual duck hunting season as established by the State of North Carolina. Dummy ammunition, waterfilled or smoke bombs and inert rockets will be used, except during wartime when live ammunition, bombs, and rockets may be used. The areas will be open to navigation except for periods when ordnance exercises are being conducted by naval aircraft. In area B, described in paragraph (b)(2)(ii) of this section, the placing of nets, traps, buoys, pots, fishponds, stakes, or other equipment which may interfere with target vessels operating in the area shall not be permitted. The areas will be patrolled and vessels shall clear the area under patrol upon being warned by the surface patrol craft or when "buzzed" by patrolling aircraft. As a further means of warning vessels of naval aircraft operations in the area described in paragraph (b)(1)(ii) of this section, a cluster of flashing red lights at night and a large red flag by day will be displayed from the range observation tower located in the approximate center of the shore side of this area.

* * * * * * *

(4) *Enforcing agency.* The regulations in this section shall be enforced by the Commander Fleet Air Norfolk, and such agencies as he may designate.

[Regs., August 22, 1966, 1507-32 (Albemarle Sound, N.C.)-ENGCW-ON] (Sec. 7, 40 Stat. 266, Chap. XIX, 40 Stat. 892; 33 U.S.C. 1, 3)

3. Pursuant to the provisions of Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.224b is hereby prescribed establishing and governing the use and navigation of a danger zone in the Pacific Ocean, Hawaii, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.224b Pacific Ocean at Keahi Point, Island of Oahu, Hawaii; danger zone.

(a) *The danger zone.* The waters within an area beginning at a point in latitude 21°18'21.4" N., longitude 157°-59'14.2" W.; thence to latitude 21°18'11" N., longitude 158°00'17.5" W.; thence to latitude 21°17'11.8" N., longitude 158°-00'06.5" W.; and thence to latitude 21°17'22.5" N., longitude 157°59'03.1" W.

(b) *The regulations.* (1) The area is closed to all surface craft, swimmers, divers, and fishermen except to craft and personnel authorized by the enforcing agency.

(2) The regulations in this section shall be enforced by the Commanding Officer, Explosive Ordnance Disposal Unit One, FPO San Francisco 96612, and such agencies as he may designate.

[Regs., August 22, 1966, 1507-32 (Pacific Ocean, Hawaii)-ENGCW-ON] (Sec. 7, 40 Stat. 266, Chap. XIX, 40 Stat. 892; 33 U.S.C. 1, 3)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-10220; Filed, Sept. 19, 1966; 8:45 a.m.]

PART 203—BRIDGE REGULATIONS

Spa Creek, Md.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.311 is hereby prescribed governing the operation of the Maryland State Roads Commission highway bridge across Spa Creek at Annapolis, Md., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.311 Spa Creek, Md.; highway bridge at Annapolis.

(a) The owner of or agency controlling the bridge shall not be required to open the draw between the hours of 7:30 a.m. and 9:00 a.m. and between the hours of 4:30 p.m. and 6:00 p.m., Monday through Friday, inclusive, except on State and Federal holidays: *Provided*, That the draw shall be opened at any time for the passage of a vessel in an emergency involving danger to life or property, which shall be indicated by four blasts of a whistle, horn or megaphone.

(b) Whenever any emergency vehicle sounds an alarm for the purpose of crossing the bridge toward a fire or other emergency situation involving life or property, the bridgetender shall, if the draw is open, close the same as soon as practicable; and after the draw is closed, or if it is closed at the time, keep it closed until such emergency vehicle has crossed the bridge.

(c) The owner of or agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time.

(d) In all other respects, the regulations contained in § 203.240 of this part shall govern the operation of this bridge.

[Regs., August 31, 1966, 1507-32 (Spa Creek, Md.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-10221; Filed, Sept. 19, 1966; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 43—MAIL DEPOSIT AND COLLECTION

Mail Chutes and Receiving Boxes

A notice of proposed revisions to § 43.6 (c)(2)(i) and (e)(5) of Title 39, Code of Federal Regulations, was published in the FEDERAL REGISTER of July 21, 1966 (31 F.R. 9871) concerning the use of tempered glass not less than three-sixteenths of an inch in thickness or heavy sheet or plate glass not less than one-fourth of an inch in thickness in the construction of mail chutes or in the replacement of broken glass panels in existing ones. Interested persons were given 30 days in which to submit written comments regarding the proposals.

After careful consideration of the comments received, the Department has decided to adopt the proposals. Accordingly, the amendments to be effective October 20, 1966, read as follows:

§ 43.6 Mail chutes and receiving boxes.

* * * * * * *

(c) *Specifications for construction of chutes—** * *

(2) *Material.* (i) Every mailing chute must be made entirely of metal and glass. The metal parts of the chute must be of such form, weight, and character as to insure rigidity, safety, and durability. Panel moldings must be of metal of suitable strength and resilience to insure a constant grip on the glass. At least three-fourths of the front of the chute in every story must be of tempered glass not less than three-sixteenths of an inch in thickness or heavy sheet or plate glass not less than one-fourth inch in thickness. All joints in the chute must be tight so that mail matter cannot catch or lodge therein.

* * * * * * *

(e) *Maintenance of chutes and receiving boxes.* * * *

(5) Broken glass panels shall be replaced either with tempered glass not less than three-sixteenths of an inch in thickness or heavy sheet or plate glass not less than one-fourth inch in thickness.

* * * * * * *

NOTE: The corresponding Postal Manual sections are 153.632a and 153.635 respectively.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6001, 6003)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 16, 1966.

[F.R. Doc. 66-10294; Filed, Sept. 19, 1966; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Subpart 1-1.18—Postaward Orientation of Contractors

This amendment prescribes policies and procedures regarding the postaward orientation of contractors performing contracts and subcontracts for supplies and services (except construction).

The table of contents for Part 1-1 is amended to provide for the addition of entries for new Subpart 1-1.18, as follows:

Subpart 1-1.17 [Reserved]

Subpart 1-1.18—Postaward Orientation of Contractors

Sec.	
1-1.1800	Scope of subpart.
1-1.1801	[Reserved]
1-1.1802	Policy.
1-1.1803	Postaward orientation conferences.
1-1.1803-1	Factors.
1-1.1803-2	Initial action.
1-1.1803-3	Agenda.
1-1.1803-4	Participants.
1-1.1803-5	Conference procedure.
1-1.1804	Subcontract conferences.
1-1.1805	Reports.
1-1.1806	Postaward letters.

AUTHORITY. The provisions of this Subpart 1–1.18 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 1–1.1800 Scope of subpart.

This subpart prescribes policies and procedures regarding the postaward orientation of contractors performing contracts and subcontracts for supplies and services (except construction).

§ 1–1.1801 [Reserved]

§ 1–1.1802 Policy.

(a) When it is determined after contract award that the contractor does not or may not have a clear understanding of the scope of the contract, of its technical requirements, or of the rights and obligations of the parties, postaward orientation conferences may be employed (see § 1–1.1803) in order to clarify these matters. Where less complex contracts are involved, simpler means may be used, such as a letter to the contractor (see § 1–1.1806). Postaward orientation of subcontractors also may be employed (see § 1–1.1804).

(b) However, a postaward orientation conference may not be used in substitution for affirmative preaward determinations as to a bidder's responsibility, e.g., as to his willingness and ability to comply with the equal employment opportunity requirements (see §§ 1–1.310–5(a)(5) and 1–1.310–6).

§ 1–1.1803 Postaward orientation conferences.

§ 1–1.1803–1 Factors.

In selecting contracts for postaward orientation, the selection should include consideration of the following factors:

(a) Nature and extent of the preaward survey and any prior discussions had with the contractor;

(b) Technical complexity of the item or service;

(c) End use of the item or service, particularly its relation to critical programs;

(d) Urgency of the delivery schedule;

(e) Length of the planned production cycle;

(f) Past performance of the contractor;

(g) Procurement history of the item or service;

(h) Type and value of the contract;

(i) Requirements for spare parts or related equipment;

(j) Contractor's experience with the agency's contracts, or with the item or service being procured;

(k) Extent of subcontracting; and

(l) Safety precautions required for hazardous materials or operations.

§ 1–1.1803–2 Initial action.

(a) The need for a postaward orientation conference normally will be established by the contracting officer or the head of the office in charge of contract administration as a result of substantive review and analysis of the contract and related reports. It is desirable for interested Government personnel to hold a meeting prior to the conference to assure that an appropriate and coordinated Government position is developed regarding indicated questions and problems.

(b) An orientation conference should be held, as soon as possible after the contract award, when analysis of the contract or other information indicates that existing or potential problems may adversely affect the performance of the contract. The official who determines that a postaward orientation conference is needed should normally make all necessary arrangements to:

(1) Conduct a preliminary meeting of Government personnel;

(2) Establish the time and place of the orientation conference;

(3) Prepare an agenda or checklist;

(4) Notify all participants;

(5) Designate a conference chairman (this should be the contracting officer if he will be a participant); and

(6) Prepare a summary report of the conference, when necessary. When the contracting officer initiates the request for a conference, the arrangements referred to in this paragraph (b) may be made by him or, at his request, by the office in charge of administration.

§ 1–1.1803–3 Agenda.

The agenda of or checklist for an orientation conference may include such matters as:

(a) Special contractual provisions;

(b) Clarification of specifications and other work requirements;

(c) Production planning;

(d) Furnishing and control of Government property;

(e) Billing and payment procedures;

(f) Reporting requirements;

(g) Processing of engineering changes and change orders;

(h) Quality control and testing requirements;

(i) Requirements for spare parts or related equipment;

(j) Packaging and shipping;

(k) Subcontract consent;

(l) Prime contractor responsibility for subcontracts;

(m) Allowability of cost determinations;

(n) Incentive features;

(o) Security requirements;

(p) Progress target dates; and

(q) Major problem areas or other appropriate topics.

§ 1–1.1803–4 Participants.

It is essential that all parties involved in the execution, administration, and performance of a Government contract have a clear and mutual understanding of the scope of the contract, the technical requirements, and the rights and obligations of the parties. Participants in a postaward orientation conference may include, as appropriate, the contracting officer, representatives from the contracting office and from the office in charge of administration, other interested Government personnel, and the contractor's representatives.

§ 1–1.1803–5 Conference procedure.

The conference shall be conducted by the designated Government chairman, normally the contracting officer if he is a participant. Unless a specific contract change has been agreed to by the contracting officer at the preliminary meeting of Government personnel to be in the best interest of the Government, the chairman should emphasize that the conference is not being held for the purpose of changing the contract. Where the contracting officer participates in the conference, he may make commitments or give directions within the scope of his authority and he should, to the extent necessary, reduce to writing and sign any such commitments or directions. Participants who are without authority to bind the Government contractually should not take actions which may give the contractor the impression that the provisions of the contract are being altered. However, such participants, subject to any limitations placed upon their authority, may provide information and guidance to explain existing provisions and requirements of the contract. Where a summary report of the conference is to be prepared, the report should cover such matters as are set forth in § 1–1.1805.

§ 1–1.1804 Subcontract conferences.

The prime contractor is generally responsible for conducting any necessary postaward orientation conferences with subcontractors. However, in exceptional cases involving subcontracted items or services which are technically complex, the prime contractor may invite the Government to participate in a conference or the Government may request the prime contractor to initiate such a conference with the subcontractor. Representatives from the Government office in charge of administration of the prime contract and subcontracts thereunder, should be included as participants. Government participants in such conferences should give due regard to the lack of contractual privity (normally none exists) between the Government and subcontractors. Accordingly, they should not make commitments, give directions, or take any actions which change or are inconsistent with the provisions of the subcontract.

§ 1–1.1805 Reports.

Summary reports of conferences should be prepared as provided by agency procedures. Such reports should cover the significant items discussed, including areas requiring resolution, controversial matters, and the names of the participants or units assigned responsibility for further actions, as well as the due dates for such actions.

§ 1–1.1806 Postaward letters.

Where less complex contracts are involved, a letter to the contractor may be sufficient. In such cases, the letter should identify the Government representative responsible for administering the contract and should cite any unusual contract requirements such as special reports, revised specifications, preproduction tests, subcontracting consent requirements, Government property to be furnished, and any other significant requirements.

Effective date. These regulations are effective September 30, 1966, but may be observed earlier.

Dated: September 13, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66–10239; Filed, Sept. 19, 1966; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Correction

Footnote 1 of the Central and Pacific Flyways as published in the FEDERAL REGISTER of Saturday, September 3, 1966 on page 11661 is corrected as follows:

Strike the words "(east of Continental Divide)" after Montana and insert (Central Flyway Area) in the Central Flyway. Strike the words "(west of Continental Divide)" after Montana and insert (Pacific Flyway Area) in the Pacific Flyway.

In footnote 1 of the Pacific Flyway, the bag and possession limit for Idaho is changed from 5 and 10 to 6 and 6.

In Footnote 4 of the Pacific Flyway, the dates for the Columbia Basin Area of Idaho and Oregon are changed from Oct. 8–Jan. 5 to Oct. 8–Jan. 15.

JOHN S. GOTTSCHALK,
Director.

SEPTEMBER 15, 1966.

[F.R. Doc. 66–10240; Filed, Sept. 19, 1966; 8:47 a.m.]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Deer Flat National Wildlife Refuge, Idaho

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and gallinules on the Lake Lowell Unit of the Deer Flat National Wildlife Refuge, Idaho, is permitted from October 8, 1966, through January 15, 1967. This unit is closed to hunting of geese. On the Snake River Islands Unit, hunting of ducks, coots, and gallinules is permitted from October 8, 1966, through January 15, 1967, and geese may be hunted from October 8, 1966, through January 5, 1967. Hunting is permitted only on the area designated by signs as open to hunting. This open area comprising 4,000 acres is delineated on a map available at refuge headquarters, Nampa, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Boats without motors are permitted in the waterfowl hunting area designated as Lake Lowell Unit One. No boats are allowed in Unit Two.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Deer Flat National Wildlife Refuge, Idaho, is permitted from October 29 through December 11, 1966; the hunting of quail and Hungarian and chukar partridge is permitted from September 17 through December 31, but only on the area designated by signs as open to hunting. This open area, comprising 1,740 acres, is delineated on a map available at refuge headquarters, Nampa, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1966.

[F.R. Doc. 66–10224; Filed, Sept. 19, 1966; 8:45 a.m.]

PART 32—HUNTING

Kootenai National Wildlife Refuge, Idaho

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

IDAHO

KOOTENAI NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the Kootenai National Wildlife Refuge, Idaho, is permitted from October 8, 1966, through January 15, 1967; the hunting of geese from October 8, 1966, through January 5, 1967; and the hunting of Wilson's snipe from October 8, 1966, through November 26, 1966, but only on the area designated by signs as open to hunting. This open area comprising 1,085 acres is delineated on a map available at refuge headquarters, Bonners Ferry, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

IDAHO

KOOTENAI NATIONAL WILDLIFE REFUGE

The public hunting of pheasants on the Kootenai National Wildlife Refuge, Idaho, is permitted from October 8, 1966, through November 13, 1966, and hunting of ruffed, blue, and spruce, grouse from September 17 through November 13, 1966, but only on the area designated by signs as open to hunting. This open area comprising 1,085 acres is delineated on a map available at refuge headquarters, Bonners Ferry, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 13, 1966.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

IDAHO

KOOTENAI NATIONAL WILDLIFE REFUGE

The public hunting of deer on Kootenai National Wildlife Refuge, Idaho, is permitted from October 29 through December 4, 1966, and the hunting of bear from September 3 through December 4, 1966, but only on the area designated by signs as open to hunting. This open area comprising 1,085 acres is delineated on a map available at refuge headquarters, Bonners Ferry, Idaho, and from the Regional Director, Bureau of Sport Fish-

eries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 4, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1966.

[F.R. Doc. 66-10225; Filed, Sept. 19, 1966; 8:45 a.m.]

PART 32—HUNTING

Minidoka National Wildlife Refuge, Idaho

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

IDAHO

MINIDOKA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the Minidoka National Wildlife Refuge, Idaho, is permitted from October 8, 1966, through January 15, 1967; the hunting of geese is permitted from October 8, 1966, through January 5, 1967, but only on the area designated by signs as open to hunting. This open area comprising 3,200 acres is delineated on a map available at refuge headquarters, Rupert, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Boats without motors may be used to retrieve downed birds on the main reservoir and water units.

(2) No hunting will be allowed from islands in the reservoir.

(3) Dogs—No more than two dogs per hunter may be used for retrieving waterfowl.

(4) Fires are prohibited.

(5) Entry to hunting area shall be by the Bird Island Road only.

(6) Parking of vehicles shall be in the designated parking areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

IDAHO

MINIDOKA NATIONAL WILDLIFE REFUGE

Public hunting of ring-necked pheasants is permitted on the Minidoka National Wildlife Refuge, Idaho, from October 29 (noon) through December 11, 1966; hunting of Hungarian partridge is permitted from September 17 through December 31, 1966, but only on the area designated by signs as open to hunting. This open area comprising 3,160 acres is delineated on a map available at refuge headquarters, Rupert, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) No hunting will be allowed on islands in the reservoir.

(2) Fires are prohibited.

(3) Entry to the hunting area shall be by the Bird Island Road only.

(4) Parking of vehicles shall be in designated parking areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1966.

[F.R. Doc. 66-10226; Filed, Sept. 19, 1966; 8:45 a.m.]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of pheasants and rabbits on the Monte Vista National Wildlife Refuge, Colo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants and rabbits subject to the following special conditions:

(1) The pheasant hunting season on the refuge extends from November 12 through November 20, 1966, inclusive.

(2) The rabbit hunting season on the refuge extends from October 22 through December 20, 1966, inclusive.

(3) Hunting with rifles and handguns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 20, 1966.

CHARLES R. BRYANT,
Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colo.

SEPTEMBER 9, 1966.

[F.R. Doc. 66-10222; Filed, Sept. 19, 1966; 8:45 a.m.]

PART 32—HUNTING

Blackbeard Island National Wildlife Refuge, Ga.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game birds; for individual wildlife refuge areas.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey and raccoon on the Blackbeard Island National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres, is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of turkey and raccoon subject to the following conditions:

(1) Turkey gobblers and raccoons may be taken during the following open periods: From October 27 through October 29, 1966, from November 21 through November 26, 1966; and from December 28 through December 31, 1966.

(2) Hunting hours will be from daylight to 9:30 a.m. and from 3:30 p.m. to sunset daily.

(3) The bag limit for turkey is two gobblers per season. Turkey hunting will be halted when a total of 20 gobblers are killed. There is no bag limit on raccons.

(4) Only bows and arrows may be used. Bows must have not less than 40 lbs. pull. Firearms, crossbows, and mechanical bows are prohibited.

(5) Dogs are prohibited .

(6) Camping and fires will be permitted only at the designated camping area .

(7) Participants must arrange their own transportation to the Island, and may not enter the refuge more than 3 days in advance of each opening date.

(8) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(9) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927 by the following dates:

October 20 for the hunt beginning October 27.
November 14 for the hunt beginning November 21.
December 21 for the hunt beginning December 28.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1967.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Blackbeard Island National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres, is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Deer of either sex may be taken during the following open periods: From October 27 through October 29, 1966; from November 21 through November 26, 1966; and from December 28 through December 31, 1966.

(2) Hunting hours will be from daylight to 9:30 a.m. and from 3:30 p.m. to sunset daily.

(3) The season bag limit is two deer of either sex.

(4) Only bows and arrows may be used. Bows must have not less than 40 lbs. pull and arrows must be broadhead, seven-eighth inch or more in width. Firearms, crossbows, and mechanical bows are prohibited.

(5) Dogs are prohibited.

(6) Camping and fires will be permitted only at the designated camping area.

(7) Participants must arrange their own transportation to the Island and may not enter the refuge more than 3 days in advance of each opening date.

(8) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(9) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927 by the following dates:

October 20 for the hunt beginning October 27.
November 14 for the hunt beginning November 21.
December 21 for the hunt beginning December 28.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1967.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 12, 1966.

[F.R. Doc. 66-10223; Filed, Sept. 19, 1966; 8:45 a.m.]

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Not more than 20 archery hunters per day, and not more than 10 gun hunters per day will be admitted to the hunting area .

(2) The archery deer hunting season on the refuge is from October 23 to November 13, 1966, inclusive, and December 3 to December 11, 1966, inclusive, on Tuesdays, Thursdays, Saturdays, and Sundays. The gun deer hunting season on the refuge is from November 19 to November 27, 1966, inclusive, on Tuesdays, Thursdays, Saturdays, and Sundays.

(3) Zone 3 of the area open to hunting is excluded.

(4) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 11, 1966.

EARL W. CRAVEN,
Refuge Manager, Tishomingo, National Wildlife Refuge, Tishomingo, Okla.

SEPTEMBER 7, 1966.

[F.R. Doc. 66-10227; Filed, Sept. 19, 1966; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 80]

RESTORATION OF GAME BIRDS, FISH, AND MAMMALS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 10 of the Federal Aid in Wildlife Restoration Act, as amended (50 Stat. 917; 16 U.S.C. 669i) and by section 10 of the Federal Aid in Fish Restoration Act, as amended (64 Stat. 430, 16 U.S.C. 777i), it is proposed to revise Part 80, Title 50, Code of Federal Regulations as set forth below. The proposed changes will improve administrative procedures and adjust the organizational arrangement of the sections.

1. Section 80.1 will be expanded to improve the definition of a project and the activities which may be carried out under a project.

2. Section 80.4 will be revised to cover the period of availability of Federal Aid funds and define obligation of funds as it relates to availability. "Diversion of funds" will be recoded § 80.5.

3. Section 80.6 will be amended by adding a new paragraph requiring information needed for the Federal Government's Planning-Programing-Budgeting System.

4. Section 80.8 will be revised to prescribe the activities which may not legally be financed under the programs. "Preliminary project statement" will be retitled "Project statement" and coded § 80.11.

5. Section 80.9 will be revised to define the extent of participation with Federal Aid in Fish and Wildlife Restoration funds in the construction and maintenance of multiple-purpose projects. "Plans, specifications and estimates" will be recoded § 80.12.

6. Section 80.10 will be revised to prescribe that a project must be financed at least 10 percent with Federal Aid funds. "Project agreement" will be recoded § 80.14, "Agreement."

7. Section 80.11 will be changed to provide for a project statement, rather than a preliminary project statement as previously called for in § 80.8. It will state that standards are set forth in the Federal Aid to Fish and Wildlife Manual. "Project standards" will be deleted from the regulations.

8. Section 80.12 will be changed to eliminate the plans, specifications, and estimates as a special project document. The section will refer to engineering plans, specifications and estimates, job descriptions for research projects, and annual work plans for development projects. "Federal Aid payments" will be recoded § 80.30.

9. Section 80.13 will be revised to permit the use of an annual program budget or spending plan encompassing all the State's Federal Aid projects under one of the Federal Aid Acts. "Prosecution of work" will be recoded § 80.24.

10. Section 80.14 will be changed to provide for an agreement which may cover a single project segment or all of the projects under a financial plan, as a State may elect. "Economy and efficiency" will not be a separate section; coverage on this will be added to § 80.24.

11. Section 80.15 will be revised to provide a statement denying benefits of the programs to Members of Congress or Resident Commissioners. "Contracts" will be recoded § 80.21.

12. Section 80.17 will be revised to cover the submission of papers and documents to the Secretary. "Form of vouchers" will be recoded § 80.31.

13. Section 80.18 will be revised to provide that differences of opinion about proposed projects will be jointly considered by the State concerned and the Bureau of Sport Fisheries and Wildlife. "Credit for receipts" will be recoded and retitled § 80.27, "Credits for sale or nonproject use of property."

14. Section 80.19 will be revised to provide that the State Fish and Game Department must have adequate control of lands on which improvements are made. "Safety and accident prevention" will be recoded § 80.22.

15. Section 80.20 will be revised to cover the submission of samples of materials. "Personnel" will be recoded § 80.25.

16. Section 80.21 will be changed to provide that contracts shall be solicited and awarded according to the laws and regulations of the State, rather than as prescribed by Federal regulations. "Equal employment opportunity" will be recoded § 80.16.

17. Section 80.23 will be revised to cover compliance with the Copeland Act, as amended (40 U.S.C. 276(c)) and the Anti-Kickback Act (18 U.S.C. 874). "Officials not to benefit" will be recoded § 80.15.

18. Section 80.24 will be changed to cover prosecution of work. A statement on economy and efficiency, now § 80.14, will be added here. A statement concerning Federal participation in the cost of land acquisition will be deleted. "Inspection" will be recoded § 80.28.

19. Section 80.25 will be revised to cover the employment of adequate and competent personnel. "Samples of materials to be submitted" will be recoded § 80.20.

20. Section 80.26 will be revised to cover the management and maintenance of completed projects. "Submission" will be recoded and retitled § 80.17, "Submission of documents."

21. Section 80.27 will be revised to cover credits. It will provide greater latitude in the use of property acquired with Federal Aid funds which has served its purpose or is not currently required for the Federal Aid activity for which it was purchased. Such property may now be utilized for any activity normally approvable under the Act which furnished the funds for purchasing it. The crediting of incidental income derived from the operation of a project will no longer be required. "Records and reporting" will be recoded § 80.32.

22. Section 80.29 will give force to the requirements of Title VI of the Civil Rights Act of 1964.

23. Section 80.30 will be changed to cover payments and will include a statement that payments for acquired real property shall be limited to 75 percent of the fair and reasonable value. A statement on a minimum of 10 percent Federal Aid participation will be removed and the principle will be covered under § 80.10. A statement providing for the payment of certain overhead and preliminary costs will be added.

24. Section 80.32 will provide that records of expenditures shall be maintained separately for the activities of research, acquisition, development, and coordination, rather than by individual projects.

25. Section 80.33 will provide for the retention period and disposal of records required by § 80.32.

26. Section 80.34 will prohibit employment of convict labor.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the publication of this notice in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director.

SEPTEMBER 14, 1966.

Sec.

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80.29 Civil rights.
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AUTHORITY: The provisions of this Part 80 issued under sec. 10, 50 Stat. 917, as amended, sec. 10, 64 Stat. 430, as amended; 16 U.S.C. 669i, 777i.

§ 80.1 Definitions.

As used in this part, terms shall have the meanings ascribed in this section.

(a) *Federal Aid Act(s).* (1) The Act of Congress, approved September 2, 1937, entitled "An Act to provide that the United States shall aid the States in wildlife restoration projects, and for other purposes," (50 Stat. 917, as amended; 16 U.S.C., sec. 669–669i), commonly referred to as the Pittman-Robertson Act; and (2) the Act of Congress, approved August 9, 1950, entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," (64 Stat. 430, as amended; 16 U.S.C., sec. 777–777k), commonly referred to as the Dingell-Johnson Act.

(b) *State.* Any State of the United States, the territorial areas of Guam and the Virgin Islands, and the Commonwealth of Puerto Rico.

(c) *State Fish and Game Department.* Any department or division, or commission, or official of a State empowered under its laws to exercise the functions ordinarily exercised by a State Fish and Game Department, the Secretary of Agriculture of Puerto Rico, or the Governor of Guam or the Virgin Islands.

(d) *Fish and wildlife.* (1) The term "fish" is limited to aquatic, gill breathing, vertebrate animals bearing paired fins; and (2) the term "wildlife" is limited to wild birds and wild mammals.

(e) *Project.* A sound and substantial undertaking with the general objective of restoring or managing fish and wildlife populations now and for the future for the preservation and improvement of sport fishing, hunting and related uses of these resources. A project may involve land acquisition, development, research, coordination, management or maintenance. These activities are defined as follows:

(1) *Land acquisition.* The acquisition of lands, waters, or interests therein, by purchase, condemnation, lease or gift.

(2) *Development.* Improving areas of land or water through the construction of works and facilities, improvement of soil and water conditions, establishing or controlling vegetation and animal populations and including operation and protection of the areas.

(3) *Research.* Studies to provide information on which to base efficient and effective administration, regulation, restoration and enhancement of fish and wildlife.

(4) *Management.* For purposes of the limitation on management of wildlife areas and resources, the term includes measures and facilities for the harvest and control of wild birds and mammals.

(5) *Maintenance.* Repair and upkeep of capital improvements acquired or constructed under the Federal Aid Acts. A capital improvement is any successfully established improvement having an expected useful life in excess of 5 years. For the purpose of qualifying for maintenance, a project is completed when the lands have been acquired, or capital improvements have been finished.

(6) *Coordination.* The selection, planning, direction, supervision, and coordination of projects within a State's Federal Aid program including the coordination of this program with other related activities of the fish and game department.

(f) *Project segment.* An essential part or division of a project, usually separated as a period of time, occasionally as a unit of work.

§ 80.2 Apportionment and certification.

The Secretary shall apportion funds in the manner prescribed in the Acts, as soon as possible after receiving notification of the amounts which have become available for the purposes of the Acts. He shall promptly certify to the Secretary of the Treasury and to each State Fish and Game Department, the respective sums which he has deducted for administering and executing the Acts and the respective sums which he has apportioned to each State for the ensuing fiscal year.

§ 80.3 Notice of desire to participate.

Any State Fish and Game Department desiring to avail itself of the benefits of the Acts, shall notify the Secretary within 60 days after it has received from him a certificate of apportionment of funds available to the State.

§ 80.4 Period of availability of funds.

Funds are available to a State for expenditure or obligation during the fiscal year for which they are apportioned and until the close of the succeeding fiscal year. For the purpose of this section, obligation of apportioned funds occurs when a program agreement or amendment thereto is signed by the Secretary or his authorized representative.

§ 80.5 Diversion of funds.

A diversion of funds occurs when a State Fish and Game Department, through legislative action or otherwise, loses control over the expenditure of any portion of its hunting license or sport fishing license revenues or expends such revenues for any purpose other than the administration of the State Fish and Game Department. When a diversion of funds occurs, a State thereby becomes ineligible to receive Federal Aid funds under the pertinent Act(s) from the date the diversion occurs until:

(a) Action is taken to return the administration of hunting and sport fishing license fees to the State Fish and Game Department; and

(b) Hunting and sport fishing license fees used for purposes other than the administration of the State Fish and Game Department are replaced: *Provided, however*, That, where any projects were approved in compliance with the terms of the pertinent Act(s) prior to diversion, and Federal Aid funds were obligated to carry out such projects, such funds shall remain available therefor until expended, without regard for the intervening period of the State's ineligibility under the Federal Aid Act(s).

§ 80.6 General information for the Secretary.

Before any Federal funds may be obligated for any project to be undertaken in a State, there shall be furnished to the Secretary upon his request, information regarding the laws affecting fish or wildlife conservation and the authority of the State Fish and Game Department and of local officials with respect to the establishment and maintenance of projects; and the existing provisions of the State constitution or laws relating to revenues for the protection, restoration and management of fish or wildlife.

(a) *Document signature.* The Secretary of State of each State or any authorized official of the State shall certify as to the duly appointed official(s) authorized in accordance with State law to commit the State to participation under the provisions of the Acts and to sign Federal Aid project documents. The Secretary shall be advised promptly of any change made in such authorizations to sign Federal Aid documents.

(b) *Program information.* The Secretary may, from time to time, request and the State Fish and Game Department shall furnish information relating to the administration and maintenance of any project established under the Acts.

(c) *Planning - Programing - Budgeting System.* To promote the most efficient use of the financial resources of the Federal Government, all Federal funds are budgeted according to a Planning-Programing-Budgeting System. In order that Federal funds for financing projects under the Federal Aid Acts may be budgeted under this system, States must furnish such plans and programs as the Secretary may require for this purpose.

§ 80.7 Hunting and fishing license information.

Certified information concerning the number of paid hunting-license holders and the number of persons holding paid licenses to fish for sport or recreation in the State in the preceding fiscal year shall be furnished the Secretary by the Fish and Game Department of each State on or before December 15 of each year in form specified by the Secretary.

§ 80.8 Activities prohibited.

Neither law enforcement activities nor public relations activities, which are not associated with an approved project, may be financed under the programs.

§ 80.9 Uses other than for fish and wildlife.

With respect to projects which are designed to include uses other than for fish or wildlife, reimbursement of costs from funds under the Federal Aid Acts shall be limited to the extent of the benefits to fish and wildlife resulting from such projects. Participation in maintenance of completed projects shall be similarly limited. Also, the costs of maintenance shall be appropriately shared according to the use of the area and facilities; Federal Aid funds shall not be applied to maintenance required by use other than for approved project purposes.

§ 80.10 Minimum Federal participation.

A minimum Federal Aid participation of 10 percent in the cost of each project is required as a condition of approval.

§ 80.11 Project statement.

A project statement shall be submitted for each proposed project which shall contain such fundamental information as the Secretary may require, in order that he may determine if a project meets the requirement of being substantial in character and design in accordance with standards set forth in the Federal Aid in Fish and Wildlife Restoration Manual.

§ 80.12 Plans, specifications and estimates.

(a) Engineering plans, specifications and estimates shall be submitted for major construction activities.

(b) Plans in job description form shall be submitted for each logical and effective unit of research activity.

(c) Annual work plans shall be submitted for each development project.

§ 80.13 Annual financial plan.

A budget or spending plan listing estimated expenditures by projects over a specified period of 12 months, for the work to be performed in a State under one of the Federal Aid Acts, may be submitted when all the project segments have the same annual beginning and completion dates.

§ 80.14 Agreement.

After the Secretary shall have approved project statements and the required plans, specifications and estimates, the mutual obligations to be undertaken by the cooperating agencies shall be evidenced by an agreement to be executed between the State Fish and Game Department and the Secretary. An agreement may cover one annual segment of a project; or, if an annual financial plan is employed, the agreement may cover and include all of the projects and activities listed on the annual financial plan.

§ 80.15 Officials not to benefit.

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or any part of any agreement, made under the Federal Aid Acts, or to any benefit that may arise therefrom.

§ 80.16 Equal employment opportunity.

Each program agreement shall contain the equal employment opportunity provisions of Executive Order 11246 (30 F.R. 12319), and as it may be amended.

§ 80.17 Submission of documents.

Papers and documents required by the Acts or by the regulations in this part shall be deemed submitted to the Secretary from the date of receipt by the Director of the Bureau of Sport Fisheries and Wildlife, or by the appropriate Regional Director of the Bureau.

§ 80.18 Divergent opinions over project merits.

Any difference of opinion about the substantiality of a proposed project, nature of development required, or appraised value of land to be acquired, are considered by qualified representatives of the Bureau of Sport Fisheries and Wildlife and the State. Final determination in the event of continued disagreement rests with the Secretary.

§ 80.19 Land control.

The State Fish and Game Department must control lands or waters on which improvements are made. Control may be exercised through fee title, lease, easement or agreement. Control must be adequate for protection, maintenance, and use of the improvement throughout its useful life.

§ 80.20 Samples of materials to be submitted.

Whenever requested, suitable samples of materials to be used in construction work shall be submitted to the Secretary by or on behalf of the State Fish and Game Department to be tested for suitability and conformity with standard specifications.

§ 80.21 Contracts.

Contracts shall be solicited and awarded according to the laws and regulations of the State.

§ 80.22 Safety and accident prevention.

In the performance of each project, the State shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation. The State shall be responsible that all safeguards, safety devices, and protective equipment are provided and will take any other needed actions reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work.

§ 80.23 Statements and payrolls.

The regulations of the Secretary of Labor applicable to contractors and subcontractors (29 CFR Part 3), made pursuant to the Copeland Act, as amended (40 U.S.C. 276c), and to aid in the enforcement of the Anti-Kickback Act (18 U.S.C. 874) are made a part of this section by reference. The State Fish and Game Department will comply with the regulations in this part and any amendments or modifications thereof and the State Prime Contractor will be responsible for the submission of statements required of subcontractors thereunder. The foregoing shall apply except as the Secretary of Labor may specifically provide for reasonable limitation, variations, tolerances, and exemptions.

§ 80.24 Prosecution of work.

(a) The State Fish and Game Department shall carry all approved projects through to satisfactory completion with reasonable promptness. Projects with activities extending over a period of years may be financed from a number of succeeding apportionments as appropriate to the schedule.

(b) Research work shall be continuously coordinated with other studies conducted by the State and other agencies in order to avoid unnecessary duplication.

(c) all work shall be performed in accordance with applicable State laws.

(d) Appropriate and adequate means shall be employed to insure economy and efficiency in the completion of the project.

§ 80.25 Personnel.

The State Fish and Game Department shall employ adequate and competent personnel to initiate and carry Federal Aid projects through to satisfactory completion.

§ 80.26 Maintenance of completed projects.

The State Fish and Game Department shall exercise all reasonable means to insure permanent and proper management and maintenance of each completed acquisition or development of lands or waters.

§ 80.27 Credits for sale or nonproject use of property.

(a) When real property or equipment acquired under the Federal Aid Acts is sold, a credit must be made to the balance of Federal funds available for use by the State Fish and Game Department under the Act which funded the acquisition. The amount of the credit, which shall in no case exceed the amount of Federal funds originally invested in the acquisition, shall be that percentage of the sale price equal to the percent of Federal participation in said acquisition.

(b) Lands and waters acquired or developed under the Federal Aid Acts must be used for approved purposes. Concurrent use for other activities is permissible, provided it does not interfere with accomplishment of approved project objectives. When continuing use of such property for other purposes interferes with accomplishment of approved project objectives, a similar credit proportionate to the interference must be made to the balance of Federal Aid funds available to the State Fish and Game Department under the Act which funded the acquisition or development of the property.

(c) Equipment and capital improvements acquired or constructed under the Federal Aid Acts may be used for any approvable activity under the Act which provided the Federal Aid funds for their purchase or development. When otherwise used, a similar credit, proportionate to the variance of use, must be made to the balance of Federal Aid funds available to the State Fish and Game Department under the Act which financed the acquisition or construction of the property.

§ 80.28 Inspection.

Supervision of each project by the State Fish and Game Department shall include adequate and continuous inspection. The project will be subject at all times to Federal inspection.

§ 80.29 Civil rights.

Approval of each agreement shall be conditioned upon the acceptance by the United States of an Assurance executed in writing by the properly authorized representative of the contracting State, agency or political division of the contracting State, supported by proper certification, guaranteeing that the program will be conducted in accordance with Title VI of the Civil Rights Act of 1964, and with the rules and regulations promulgated thereunder by the Secretary and published as 43 CFR Part 17 (Filed 12–3–64) to that end.

§ 80.30 Federal Aid payments.

Payments under the Federal Aid Acts, including such preliminary costs and expenses as may be incurred in and about such projects, shall not be made unless the project statement, such plans, specifications and estimates as are required by the Secretary, and all other documents that may be necessary or required in the administration of these Acts, shall have first been submitted to and approved by the Secretary. Payments shall be made only to State Fish and Game Departments as reimbursement of expenditures.

(a) Federal Aid payments shall not exceed 75 percent of the cost of a program or project or the amount specified in the agreement, whichever is less: *Provided*, That Federal Aid payments to the territorial areas of Guam, the Virgin Islands and the Commonwealth of Puerto Rico shall not exceed the amount specified in the agreement and in no event shall they be required to pay an amount which will exceed 25 percent of the cost of any project.

(b) Federal Aid payments on projects terminated prior to completion shall be limited to the cost of benefits produced, provided the work accomplished is substantial in character and design.

(c) Payments for acquired real property shall not exceed 75 percent of the fair and reasonable value of the property as approved by the Secretary.

(d) Overhead and preliminary costs which are clearly tied to an approved project may be reimbursed provided the claims are supported by accurate records.

§ 80.31 Form of vouchers.

Vouchers on forms provided by the Secretary and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Secretary by the State Fish and Game Department.

§ 80.32 Records and reporting.

Reports shall be furnished as requested by the Secretary. Cost records shall be maintained separately for research, acquisition, development, and coordination. The accounts and records maintained by the State, together with all supporting documents, shall be open at all times to the inspection of authorized representatives of the United States, and copies thereof shall be furnished when requested.

§ 80.33 Records retention period.

The records, accounts, and supporting documents required to be maintained under the regulations in this part shall be retained by the State Fish and Game Department until such time as the Secretary shall have made a final audit of the accounts and notified such department of the acceptability of claims and accomplishments, and for a period of 3 years following the receipt of such notification.

§ 80.34 Convict labor.

The State shall not employ any persons undergoing sentence of imprisonment at hard labor to perform work on projects approved under the Federal Aid Acts.

[F.R. Doc. 66–10328; Filed, Sept. 19, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 905]

[Docket No. AO–85–6]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Decision and Referendum Order With Respect to Proposed Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lakeland, Fla., on June 20, 1966, after notice thereof published in the FEDERAL REGISTER (31 F.R. 7971) on proposed further amendment of the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence introduced at the hearing and the record thereof, the Administrator, Consumer and Marketing Service, on August 22, 1966, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto; was published in the FEDERAL REGISTER (F.R. Doc. 66–9276; 31 F.R. 11236, 11553). No exception was filed.

Material Issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Change the procedure of the committees to provide that the Growers Administrative Committee may recommend regulation of shipments of grapefruit grown in Regulation Area I or Regulation Area II which meet the requirements of Improved No. 2 grade only upon the affirmative vote of a majority of its members from the regulation area affected.

(2) Define the terms "Improved No. 2 grade" and "Improved No. 2 Bright grade" with respect to the use of such grades under the regulatory provisions of the order.

(3) Make such other changes in the marketing agreement and order as may be necessary to obtain conformity between the entire marketing agreement and order and the amendments thereto.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) The order should be amended as hereinafter set forth to provide that the Growers Administrative Committee may recommend a regulation restricting the shipment of grapefruit, grown in Regulation Area I or Regulation Area II, which meets the requirements of the Improved No. 2 grade only upon the affirmative vote of a majority of its members present from the regulation area in which such restriction would apply.

The order currently recognizes that grapefruit from the two areas has different characteristics and specifies that regulations may provide that shipments of grapefruit grown in Regulation Area II (Indian River District) shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of grapefruit grown in Regulation Area I (Interior District).

Consistent with the order, the Growers Administrative Committee is comprised of nine members.[1] Seven of the members are from Regulation Area I and two are from Regulation Area II. As between areas, the total representation of nine members is equitably distributed based on the relative proportion of the production of all fruits covered under the order. However, it is not entirely equitable when only grapefruit is considered. Regulation Area II produces, on an average, less than one-third of the grapefruit but such area ships nearly one-half of the grapefruit moved in regulated channels.

One of the primary duties of the Growers Administrative Committee is to recommend regulations to the Secretary for the fruits, including grapefruit,

[1] See 31 F.R. 4106 published Mar. 9, 1966.

covered under the order. The order procedure for committee meetings prescribes a quorum of five members and that at least five members shall concur for an action to be valid. Consistent with this procedure it is possible for the members from Regulation Area I to recommend a regulation affecting Regulation Area II without concurrence of the members from the latter area. In some instances, when this has been done, considerable friction between members from the two areas has developed.

It would be desirable, therefore, for the order to provide a more acceptable procedure for arriving at recommendations for regulations with respect to grapefruit. Such procedure should assure the members of the Growers Administrative Committee from each regulation area a voice in the recommendation for regulation of the grapefruit shipped from their respective areas.

Because of its location with respect to prevailing winds, the character of the land, and other location factors, grapefruit grown in Regulation Area II often has a greater amount of scarring, russeting and other surface blemishes than grapefruit produced in Regulation Area I. Such grapefruit may show scarring in excess of that permitted by the U.S. No. 1 grade. However, marketers of such scarred fruit which has the shape and color of the U.S. No. 1 grade have found that a good demand exists for such fruit and have marketed it under the grade designation of "Improved No. 2 grade" at good returns to growers. Such fruit often can be sold at prices exceeding that of U.S. No. 1 grapefruit from the Interior District. It was indicated that under most circumstances Regulation Area II would find it advantageous to market fruit of the Improved No. 2 grade in regulated channels rather than in processing outlets at lower returns.

The foregoing illustrates the economic importance of grapefruit to the Indian River District. Also, the basis exists for enlarging the representation of the Indian River District on the committee insofar as matters pertaining to grapefruit are concerned. This situation applies only to grapefruit, however, and the establishment of separate commodity committees or other subgroups to make recommendations with respect to the several fruits covered by the order would not contribute to more efficient order operations. Consequently, it is more feasible to require under the order, that recommendations for regulation of grapefruit shipments be approved, to the extent hereinafter provided, by the majority of the members from the affected regulation area.

It is desirable that members of the Growers Administrative Committee from both regulation areas be present at meetings when recommendations for regulations are discussed so all may hear the views of others and consider them in assessing economic and other factors bearing on recommendations. However, the absence of one member from an area should not prevent the committee from arriving at a recommendation for the regulation of grapefruit so long as each area is represented at the meeting and a majority of the members present from the area affected favors the recommended regulation. Therefore, the provision requiring an affirmative vote of a majority of the members from the affected area should be in terms of a majority of those present from the affected area.

To assure that members from the affected area may secure consideration by the committee of the release of grapefruit meeting the requirements of the Improved No. 2 grade or Improved No. 2 Bright grade when such is restricted, the order should be amended as hereinafter set forth to provide that a meeting should be held by the Growers Administrative Committee within a reasonable time after a request for such a meeting is made by a majority of the members from such area. Further, it is concluded that if after discussion and consideration by the Growers Administrative Committee, a majority of the members from the area requesting release of the Improved No. 2 grade of grapefruit continues to favor release of such grade for such area, the committee should so recommend; and if the members from the other area fail to concur, the request of such majority should constitute a valid recommendation, and be transmitted to the Secretary.

(2) Grades, representing the minimum quality of fresh fruit that may be shipped, are used as a basis for regulation of shipments under this part (Order No. 905). Hearing testimony emphasized the physiological differences in typical Indian River grapefruit as compared with typical Interior grapefruit. Consumer acceptance of Indian River grapefruit is such that it has commanded an average premium price of 71, 78, and 95 cents per box, respectively, in each of the 5-year periods beginning with the 1950–51 season as compared with average Interior grapefruit prices. It was also pointed out that Indian River grapefruit yields per acre averaged lower and production costs averaged higher than those of Interior grapefruit. Indian River producers are thus placed at a special disadvantage financially in the marketing of grapefruit that cannot be shipped in fresh form and must be sold at commonly lower prices for processing.

The grading practices are different in the two grapefruit production areas. The Interior area generally markets only U.S. No. 1 grade grapefruit, but the Indian River area separates its grapefruit into several grades. Indian River packers ship considerable quantities of "Improved No. 2 grade" of grapefruit and "Improved No. 2 Bright grade" of grapefruit which is grapefruit meeting all of the respective requirements of the U.S. No. 2 and U.S. No. 2 Bright grades and the shape and color requirements of the U.S. No. 1 grade. The terms "Improved No. 2 Grade" and "Improved U.S. No. 2 Bright Grade" are used in connection with amendment to the order heretofore discussed and should be defined, as hereinafter set forth, so that the meaning of such terms shall be clear.

Rulings on proposed findings and conclusions. July 1, 1966, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and on the findings and conclusions which should be drawn therefrom. No brief was filed.

General findings. (1) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, regulate the handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of oranges, grapefruit, tangerines, and tangelos; and

(5) All handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Further amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida" and "Order Amending the order regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1965, through July 31, 1966 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Florida, in the production of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos for market to ascertain whether such producers favor the issuance of the said annexed order amending Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended," (30 F.R. 15414).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: September 15, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending Order, as Amended, Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida

§ 905.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Fla., June 20, 1966, upon proposed amendment of the marketing agreement, as amended, and to Order No. 905, as amended (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area; and

(5) All handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of oranges (including Temple and Murcott Honey oranges), grapefruit, tangerines, and tangelos grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of said order, as amended and as hereby further amended, as follows:

1. Paragraph (b) of § 905.34 is revised to read as follows:

§ 905.34 Procedure of committees.

* * * * *

(b) For any decision or recommendation of either committee to be valid, five concurring votes shall be necessary: *Provided,* That the Growers Administrative Committee may recommend a regulation restricting the shipment of grapefruit grown in Regulation Area I or Regulation Area II which meet the requirements of the Improved No. 2 grade or the Improved No. 2 Bright grade only upon the affirmative vote of a majority of its members present from the regulation area in which such restriction would apply; and whenever a meeting to consider a recommendation for release of such grade is requested by a majority of the members from the affected area, the Growers Administrative Committee shall hold a meeting within a reasonable length of time for the purpose of considering such a recommendation. If after such consideration the requesting area majority present continues to favor such release for their area, the request shall be considered a valid recommendation and transmitted to the Secretary. The votes of each member cast for or against any recommendation made pursuant to this subpart shall be duly recorded. Each member must vote in person.

* * * * *

2. A new § 905.16 is added reading as follows:

§ 905.16 Improved No. 2 grade and Improved No. 2 bright grade.

"Improved No. 2 grade" and "Improved No. 2 Bright grade" mean grapefruit meeting all of the respective requirements of the U.S. No. 2 grade and the U.S. No. 2 Bright grade and those requirements of the U.S. No. 1 grade relating to shape (form) and color, as such requirements are set forth in the U.S. Standards for Grades of Florida Grapefruit (§§ 51.750–51.783 of this title) or as such standards may hereafter be amended.

[F.R. Doc. 66–10265; Filed, Sept. 19, 1966; 8:49 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 1065]

[Docket No. AO—86–A18]

MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

Decision and Order To Terminate Proceeding on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Omaha, Nebr., on May 16, 1966, pursuant to notice thereof issued on May 5, 1966 (31 F.R. 6873).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on August 18, 1966 (31 F.R. 11149; F.R. Doc. 66–9163), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportuity to file written exceptions thereto.

The material issue, findings and conclusions, rulings and general findings of

the recommended decision (31 F.R. 11149; F.R. Doc. 66–9163) are hereby approved and adopted and are set forth in full herein subject to the following modification:

1. Under the "Findings and Conclusions," a new paragraph is added immediately following the 13th paragraph.

The material issue on the record of the hearing relates to regulation of non-Grade A fluid milk.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Non-Grade A milk should not be priced and pooled under the order.

The Nebraska-Western Iowa Non-Stock Cooperative Milk Association proposed that non-Grade A milk sold in the form of fluid milk products should be priced and pooled separately under the order. A number of regulated handlers in the market supported the proposal at the hearing.

Opposition testimony was presented by the two largest distributors of non-Grade A milk in the marketing area.

This issue was previously considered at a hearing held in 1961. On the basis of the record of that hearing it was concluded that non-Grade A milk should not become regulated until it became a more substantial competitive factor in the market. The present record fails to substantiate that sales of non-Grade A milk in the market as a whole are any more of a competitive factor at this time than they were in 1961.

Proponents claimed that sales of bottled non-Grade A milk have increased substantially in recent months. However, no data were introduced which would support this conclusion. Estimates of the total receipts at all plants which would become regulated under the proposal ranged from 15,000 pounds per day to 26,000 pounds per day. This would represent between 1 and 2 percent of the average daily receipts of Grade A milk at presently regulated pool plants.

Regulated handlers testified that sales of Grade A milk have been lost to non-Grade A bottlers. They claim this is especially true in Lincoln, Nebr. One of the larger bottlers of non-Grade A milk is located near Lincoln and most of his sales are confined to the city and the surrounding area. This bottler testified that his sales have also decreased. Apparently most of the loss of sales in the Lincoln area has resulted from the closing of a local military base and the resulting population decrease in the area. A review of the market statistics for Order No. 65 published by the market administrator, of which official notice is hereby taken, indicates that total Class I sales of regulated handlers in the marketing area have been increasing.

Even if sales of non-Grade A bottled milk were a more significant competitive factor in the market, proponents failed to show that dairy farmers supplying such milk should receive a premium for their milk above manufacturing grade milk.

Producers of Grade A milk receive a premium over manufacturing grade milk in order to compensate them for the higher costs necessary to meet Grade A requirements. The Nebraska Grade A law provides that farms producing such milk must be inspected to determine the adequacy of the facilities where the milk is produced. Some of the major requirements are approved water supplies, adequate sewage disposal facilities, approved milk houses, and proper facilities for cooling milk. Dairy farmers shipping their milk to manufacturing plants need not meet any of these requirements. Therefore, in order to compensate producers for these added costs and thereby assure consumers of an adequate supply of pure and wholesome milk, producers must receive somewhat greater returns for Grade A milk.

The only standards which dairy farmers supplying non-Grade A bottling plants must meet pertain to herd health. These herds must be tested for tuberculosis and brucellosis. Retests must be conducted at least once every 6 years for tuberculosis and each year for brucellosis. Plants bottling such milk are periodically required to submit to the State a list of dairy farmers supplying them so that the State may verify that the required tests have been performed. The cost of obtaining these herd health tests amounts to only a few cents per hundredweight. This is the only expense required of these producers other than the normal production costs incurred by producers of manufacturing grade milk.

There is no on-farm inspection by any State or municipal health authorities. The bottlers of non-Grade A milk, however, may require certain standards. If any do fix such standards the costs of meeting them are minor in comparison with the costs of meeting Grade A standards. This is apparent from the fact that only one bottler of ungraded milk pays his producers a price higher than the going price paid by the manufacturing plants. This handler purchases milk from seven producers who have installed bulk tanks on their farms and produce an average of approximately 1,000 pounds per day, about three times the average production of the remaining ungraded producers. The premium paid to these producers approximates 40 cents per hundredweight.

Of the remaining ungraded producers, approximately 55 in number, none is paid more than the current price for manufacturing milk. Obviously there is very little extra expense incurred in the production of such milk in comparison with manufacturing grade milk or they could not be induced to sell this milk at the manufacturing price.

No minimum bacterial standards are established for raw milk that is to be bottled as non-Grade A milk. The only requirement for non-Grade A bottled milk is that after pasteurization the bacteria count may not be over 50,000 per milliliter and the coliform count cannot exceed 10 per milliliter.

There is no significant difference in health requirements for non-Grade A milk for bottling purposes and manufacturing grade milk. In addition, sales of non-Grade A bottled milk have not become a more significant competitive factor in this market. Therefore, it is concluded that regulation should continue to be confined to plants handling Grade A milk.

A handler of Grade A milk in exceptions reiterated his difficult competitive situation with respect to nonregulated handlers distributing non-Grade A milk in the market. The exceptions are denied for the reasons previously stated in this decision.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Termination order. It is hereby found and determined on the basis of the findings and conclusions and rulings with respect to the issue of this proceeding that the proceeding with respect to proposed amendment to the tentative marketing agreement and to the order is hereby terminated.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 15, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-10266; Filed, Sept. 19, 1966; 8:49 a.m.]

[7 CFR Part 1068]

[Docket No. AO—178-A17]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and the marketing orders (7 CFR Part 900), a public

hearing was held at Minneapolis, Minn., on May 18, 1966, pursuant to notice thereof issued on May 11, 1966 (31 F.R. 7129).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on August 18, 1966 (31 F.R. 11150; F.R. Doc. 66–9164), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (31 F.R. 11150; F.R. Doc. 66–9164) are hereby approved and adopted as if set forth in full herein.

The material issues on the record of the hearing relate to:

1. Level of Class I price differentials;
2. Takeout and payback plan;
3. Classification and pricing of milk used to produce cottage cheese;
4. Location differentials;
5. Pool plant requirements for supply plants.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Level of Class I price differentials.* This issue was reopened at an emergency hearing held in Denver, Colo., on June 6, 1966. Official notice is taken of the final decision (31 F.R. 9127) and amended order (31 F.R. 9206) based on the record of that hearing. This action provided that the basic formula price under Order No. 68 shall not be less than $4 from July 5, 1966, through March 31, 1967. No further change should be made in the Class I pricing provisions on the basis of the record of the May hearing.

Producer representatives stated that a permanent increase of 22 cents in the Class I differential was necessary so that consumers in the Minneapolis-St. Paul marketing area would be assured of adequate supplies of fluid milk. It was further stated that an additional 20 cents should be added for the months of July through December 1966, to prevent a contraseasonal drop in the Class I price between the month of June and July 1966. The guarantee that the basic formula price will not be less than $4 per hundredweight through March 1967 will provide sufficient assurance to producers of future prices to continue production of an adequate milk supply for the market. This guarantee of prices has eliminated the projected contraseasonal change in the Class I price from June to July.

The Class I price level this spring has been sufficient to attract additional producers to the market. There were 91 more producers in March 1966 than in March 1965. A similar comparison for April shows an increase of 84 producers. Official notice is taken of the report of the market statistics issued by the market administrator for the month of June 1966 which shows that producer receipts for June 1966 were 10.5 million pounds greater than in the same month last year. On the other hand, producer milk utilized as Class I milk in June was about 600,000 pounds less than in June 1965.

Testimony was presented on this record concerning the need to reduce shipping requirements for supply plant pooling. A major cooperative association indicated that these lower requirements were necessary to permit the pooling of an additional supply plant it planned to add to the market. That this additional supply of milk was available to the market at the then existing level of Class I prices, is indicative of there being no need for a further increase in the Class I price level. Such an increase would encourage additional dairy farmers whose milk is not needed to meet the market's fluid milk requirements to participate in the pool. This would result in diluting any increase in returns to producers which might result from the proposed higher Class I price. The issue of pool supply plant qualifications is discussed more fully elsewhere in this decision.

It is concluded that the present Class I pricing provisions will assure continued production of an adequate supply for the market. Any further corrections necessary in the supply-demand relationship in the Minneapolis-St. Paul marketing area will automatically be achieved through the supply-demand adjustor which is designed for this purpose.

2. *Takeout and payback plan.* A takeout and payback seasonal incentive payment plan for distributing returns to producers should not be included in the order at this time.

Twin City Milk Producers Association, representing over 70 percent of the producers in the market, proposed the adoption of a takeout and payback producer payment plan. Two other producer cooperatives in the market opposed the adoption of such a plan.

A base and excess plan of distributing returns for milk among producers was previously provided in the order. Based on the record of a hearing held in July 1965, this plan was deleted from the order on June 30, 1966. The base and excess plan served its intended purpose of achieving more even production throughout the year.

At the present time there is insufficient data available concerning the need for a takeout and payback plan. Since the base and excess plan was only recently removed from the order, it is impossible to determine what effect its deletion will have on the seasonality of production. Moreover, the production pattern in the market is presently in an abnormal state. Spring production in 1966 was down significantly from the same period last year.

As noted above, however, the number of producers on the market has increased significantly and production in June 1966 was substantially greater than in June 1965. The record also indicates that at least one additional supply plant will become a pool plant beginning in July 1966.

In view of these developments it is extremely difficult to accurately predict what the seasonal pattern of production may be in the immediate future. Therefore, no action should be taken with respect to the adoption of a takeout and payback plan until sufficient time has elapsed to permit a proper evaluation of the results of these factors on the seasonal production pattern.

3. *Classification and pricing of milk used to produce cottage cheese.* No change should be made in the classification or pricing of skim milk and butterfat used to produce cottage cheese. The order presently classifies all manufactured products, including cottage cheese, as Class II. The Class II price is the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin as reported by the U.S. Department of Agriculture adjusted to 3.5 percent butterfat content.

Farmers Cooperative Creamery Co. proposed that milk used to produce cottage cheese be priced at least 15 cents above the Class II price. Land O'Lakes Creameries, Inc., presented supporting testimony, while Twin City Milk Producers Association and Minnesota Milk Co. opposed any increase in the price of milk used to produce cottage cheese.

A similar proposal was considered at a hearing held in July 1965 and was denied in the final decision issued on January 26, 1966 (31 F.R. 1242). The facts relating to the sale of cottage cheese and procurement of milk for its production are essentially the same now as they were at the time of the prior hearing. No more basis appears for a separate classification or price for skim milk and butterfat used to produce cottage cheese than was considered at the previous hearing.

4. *Location differentials.* The location adjustment rates applicable to Class I and producer prices under the order should be modified to reflect more accurately the location values of milk delivered to various points beyond the radius of 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn.

The purpose of location adjustments is to encourage movement of milk to the market. Historically a major proportion of the milk supplied to distributing plants in the Minneapolis-St. Paul market is first received at supply plants in the milkshed where it is standardized, cooled to a uniform temperature and reloaded into large tankers for transfer. A number of these supply plants are operated in conjunction with manufacturing facilities for the disposal of supplies in excess of the fluid needs of the market. Location adjustments must be closely alined with actual hauling costs to assure that milk will move to bottling plants and at the same time prevent uneconomic movements of milk.

Farmers Cooperative Creamery Co., Land O'Lakes Creameries, Inc., and Twin City Milk Producers Association (all operators of supply plants subject to location adjustments) proposed that location adjustments be more nearly aligned with actual costs of moving milk from supply plants in the milkshed to distributing plants in the cities of Minneapolis or St. Paul.

Farmers Cooperative Creamery Co. testified that the hauling rates for milk moved from its plant in the 40–50 mile zone to city plants approximate 1½ cents per hundredweight per 10 miles, and the differentials for the nearin zones should be adjusted accordingly. Twin City Milk Producers Association introduced evidence on the hauling rates a local milk transportation company would charge to move bulk milk on a regular basis from various outlying plants to plants in Minneapolis or St. Paul. These quoted rates substantiated the proposed reduction in the location adjustments of 1½ cents per zone for the nearin zones.

The use of larger bulk tank trucks together with improved highways in the milkshed has increased the efficiency and lowered the cost of moving raw milk over the past few years.

Although these recommended rates are not the actual hauling costs at each plant subject to a location adjustment, the average deduction provided is identical with the average quoted hauling rate from most pool supply plants to Minneapolis or St. Paul. The recommended location adjustments in the following table recognize the resulting reduced costs of transporting milk and should be adopted:

Location of plant (miles)	Recommended—Amount of deduction (cents)	Present order—Amount of deduction (cents)
Less than 15	0	0
15 but less than 20	8.0	8.0
20 but less than 30	9.5	10.0
30 but less than 40	11.0	12.0
40 but less than 50	12.5	14.0
Each additional 10 miles or fraction thereof in excess of 50 miles an additional	1.0	1.0

Under the present order the location adjustments at a plant located between 15 and 20 miles from the Viaduct in St. Paul is 8 cents and is increased 2 cents per hundredweight for each additional 10 miles up to 50 miles that the plant is distant from the Viaduct. Under the recommended location adjustments, the rate for plants within these zones is increased by 1.5 cents per hundredweight rather than the present 2 cents. No testimony was presented concerning any change in the increase of 1 cent per 10-mile zone for plants located beyond the 40–50 mile zone and no change has been made.

5. *Pool plant shipping requirements for supply plants.* The percentage of receipts which a supply plant must ship to pool distributing plants to qualify as a pool plant should be reduced to 40 percent of its total receipts from farms.

The order presently requires a supply plant to ship at least 50 percent of its receipts to distributing plants to be pooled in any month. Provision is also made whereby a supply plant which has shipped 50 percent of its producer milk receipts in each month of August, September, and October automatically has pool plant status for the subsequent months of November through July if the operator of such plant so elects.

Land O'Lakes Creameries, Inc., proposed that the percentage requirements be reduced to 40 percent. Farmers Cooperative Creamery Co. supported this proposal. Twin City Milk Producers Association opposed any reduction in the pooling requirements for supply plants.

Proponent testified that on occasions last fall difficulty was experienced in obtaining supplies of producer milk to meet the requirements of the distributing plant which it supplies. At such times it was necessary for other source milk to be obtained for this purpose. Part of proponent's problem arises because the distributing plant it supplies is engaged primarily in wholesale distribution. As a result large quantities of milk are needed on Thursdays and Fridays, while no milk is required on Sundays and relatively little on other bottling days.

To prevent a recurrence of the problems experienced last fall proponent has assumed the responsibility of marketing additional supplies during 1966. With the addition of such supplies, proponent expressed the fear that one of its supply plants which has regularly supplied the market will be unable to continue to meet pooling requirements this fall. Since additional supplies were required from the association's supply plants, the association requested reduction of the shipping standards to a level which will permit the continued pooling of their supply plants which have been regularly associated with the market.

The opponents of reducing the pooling requirement for supply plants expressed concern that if the pooling standards are too low, plants which are primarily engaged in manufacturing operation might be enabled to gain pool plant status. The distribution of equalization payments to such a new plant would reduce the blend price to producers regularly supplying the market and thus dissipate the benefits of higher Class I prices. It was their position that producers who normally supply the Class I needs of the market, as a consequence, would be subsidizing the manufacturing operations of plants which were not a dependable supply of fluid milk for the market. Proponents, however, indicated there was little likelihood of this happening if pool requirements were reduced.

Shipping standards are the basis used for determining which supply plants are an integral part of the market and constitute the source of regular and dependable supplies for the market. They are specifically intended to distinguish between plants meeting a reasonable standard of regular and customary service to the market and those which do not.

Specifically, the purpose of shipping requirements for supply plants is to assure that handlers engaged in bottling and distributing operations in the market will obtain sufficient milk from supply plants to meet their fluid milk requirements. Without such requirement, supply plants will tend to keep milk at their plants for manufacturing when it is to their advantage to do so. However, there is no indication on this record that supply plants are retaining excessive quantities of milk for manufacturing purposes.

All milk supplied by proponent cooperative to the city distributing plant is first received at a supply plant. Since this cooperative has no producer milk which is shipped directly to pool distributing plants in Minneapolis or St. Paul, it must qualify all its supply plants on the basis of shipping 50 percent of each supply plant's receipts from producers to pool distributing plants. It is, therefore, unable to avail itself of the provision which permits qualification of plants operated by cooperative associations on the basis of 30 percent of their total member milk having been received directly at pool distributing plants during August, September, and October.

Proponent acknowledged that system pooling for the five pool plants under its marketing agreement, might be an alternative solution to its projected loss of pool status for one of its supply plants. One of proponent's plants supplies a high percentage of its receipts as skim milk and cream to a distributing plant while the shipment by the other four plants of whole milk would average slightly less than the required 50 percent of total receipts. The combination of all receipts from the five supply plants at the pool distributing plant would enable the supply plants to qualify as a unit meeting the 50 percent shipping requirement. Although system pooling may be a potential solution to its problem, the present record does not afford sufficient basis to warrant its adoption at this time. Consideration should be given to system pooling of supply plants at another hearing.

To accommodate the present situation in the market, it is concluded that the pooling requirements for supply plants should be reduced from 50 to 40 percent of receipts from farms. This should permit not only the receipt of an adequate supply of milk for the ensuing fall months but also insure pool plant status for these supply plants regularly supplying the market.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Minneapolis-St. Paul, Minn., Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul, Minn., Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area, is approved or favored by producers, as defined under the terms of the order as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on September 15, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul, Minn., Marketing Area

§ 1068.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minn. marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act; and

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minn. marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Program, on August 18, 1966, and published in the FEDERAL REGISTER on August 23, 1966 (31 F.R. 11150; F.R. Doc. 66-9164), shall be and are the terms and provisions of this order, and are set forth in full herein.

1. In § 1068.9 paragraph (b) is revised to read as follows:

§ 1068.9 Pool plant.

* * * * *

(b) Any plant from which during any month 40 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (1) a plant(s) which has qualified pursuant to paragraph (a) of this section, (2) any other plant(s) located within the marketing area from which Class I milk is disposed of within the marketing area on a route(s), or (3) a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided,* That if during each of the months of August, September, and October 40 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through the following July: *And provided further,* That if not less than 30 percent of the total member producer milk of a cooperative association is delivered during each of the months of August, September, and October as direct-shipped milk to a plant(s) described in paragraph (a) of this section located within the city limits of either Minneapolis or St. Paul, then any deliveries of milk by such cooperative association directly to such plant(s) may be considered, for the purposes of this paragraph, as having been received first at a plant of such cooperative association.

* * * * *

2. In §§ 1068.55 and 1068.82(a) the tables are revised to read as follows:

Location of plant (miles)	*Amount of deduction (cents)*
Less than 15	0
15 but less than 20	8.0
20 but less than 30	9.5
30 but less than 40	11.0
40 but less than 50	12.5
Each additional 10 miles or fraction thereof in excess of 50 miles an additional	1.0

[F.R. Doc. 66-10267; Filed, Sept. 19, 1966; 8:49 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 165]

HABIT-FORMING DRUGS

Proposal To Designate Certain Chemical Derivatives as Habit Forming

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(d), 701, 52 Stat. 1050, as amended 53 Stat. 854; 52 Stat. 1055, as amended; 21 U.S.C. 352(d), 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), the Commissioner proposes to designate the substances set forth below as habit-forming chemical

derivatives of substances specified in section 502(d) of the act.

Accordingly, it is proposed that § 165.1 be amended by alphabetically inserting in the table headed "Parent Substance—Barbituric Acid" new items, as follows:

§ 165.1 Habit-forming drugs which are chemical derivatives of substances specified in section 502(d) of the Federal Food, Drug, and Cosmetic Act.

* * * * *

PARENT SUBSTANCE—BARBITURIC ACID

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative or its salts [1]
5-Allyl-5-sec-butylbarbituric acid	Butalbital	Lotusate.
		Talbutal.
5-Ethyl-5-cycloheptenylbarbituric acid	Heptabarbital	Medomin.
* * *	* * *	* * *
5,5-Diethyl-1-methylbarbituric acid	Metharbital	Gemonil.
* * *	* * *	* * *
5-(1-Methylbutyl)-5-(2-methylthioethyl)-2-thiobarbituric acid sodium salt.	Methitural	Methioturiate.
		Neraval.
		Thiogenal.
* * *	* * *	* * *
Sodium-5-allyl-5-(1-methylbutyl)-2-thiobarbiturate	Sodium thiamylal	Surital sodium.
Sodium *d*-5-allyl-1-methyl-5-(1-methyl-2-pentynyl)barbiturate.	Sodium methohexital	Brevital sodium.

[1] This list of trade or other names is not a complete list of the many proprietary names under which the designated habit-forming chemical derivatives are distributed.

* * * * * * *

All interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: September 14, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-10255; Filed, Sept. 19, 1966; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-SO-75]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Lumberton, N.C., transition area.

The Lumberton, N.C., transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Lumberton Municipal Airport (latitude 34°36'36" N., longitude 79°03'30" W.); within 2 miles each side of the 302° bearing from the Lumberton RBN, extending from the 8-mile radius area to 8 miles W of the RBN.

The proposed transition area is needed for the protection of IFR operations at the Lumberton Municipal Airport. A prescribed instrument approach procedure to the Lumberton Municipal Airport utilizing the Lumberton (private) nondirectional radio beacon is proposed in conjunction with the designation of this transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on September 9, 1966.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66-10248; Filed, Sept. 19, 1966; 8:47 a.m.]

[14 CFR Parts 71, 73]

[Airspace Docket No. 66-WA-26]

TEMPORARY RESTRICTED AREA AND CONTROLLED AIRSPACE

Proposed Designation and Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Parts 71 and 73 of the Federal Aviation Regulations which would establish a temporary restricted area at White Sands Proving Grounds, N. Mex., and alter the description of the continental control area in order to reflect the establishment of the restricted area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

In Airspace Docket No. 65-SW-23 (30 F.R. 9577), temporary restricted areas R-5116 A and B at White Sands Proving Grounds, N. Mex., were designated for the period September 15, 1965, through February 1, 1966, in support of a classified project associated with the Hound Dog Missile Program.

In Airspace Docket No. 65-WA-63 (31 F.R. 958), these areas were further designated for the period April 1, 1966, through May 31, 1966, to accommodate four additional launches.

The Department of the Air Force has now submitted a request for the designation R-5116A, only, from sunrise to sunset, for the period November 10, 1966, through January 10, 1967, to accomodate five additional launchings. The area would be activated for only a period of minutes on each of the five occasions and the same procedures in effect previously would apply to this designation. These procedures include (1) sufficient advance notice of the activation of this area that will permit notification to the public by all news media available and in regularly scheduled broadcasts of Flight Service Stations in the vicinity, and (2) coordination by the Air Force with the Albuquerque ARTC Center so the missile launchings will have a minimum impact on published aircarrier schedules.

In consideration of the foregoing, the FAA proposes the airspace actions as hereinafter set forth:

1. R-5116A White Sands Proving Grounds, N. Mex.

Boundaries. Beginning at latitude 33°53'40" N., longitude 106°44'35" W.; to latitude 34°20'35" N., longitude 107°02'35" W.; to latitude 34°25'00" N., longitude 106°51'45" W.; to latitude 34°09'55" N., longitude 106°41'35" W.; to the point of beginning.

Designated altitudes. Surface to FL 240, excluding the airspace below 6,000 feet MSL west of longitude 106°52'00" W.

Time of designation. Sunrise to sunset, November 10, 1966, through January 10, 1967, as published in NOTAMs 24 hours in advance of use.

Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.

Using agency. Commander, Holloman AFB, N. Mex.

2. The description of the continental control area would be altered to include Restricted Area R-5116A.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on September 16, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-10299; Filed, Sept. 19, 1966; 8:49 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 302]

FLAMMABLE FABRICS ACT

Articles of Wearing Apparel With Raised-Fiber Surface

On July 13, 1966, the Federal Trade Commission issued a notice of proposed rule making whereby the Commission proposed to give consideration to an amendment of § 302.6 (Rule 6) of Part 302, rules and regulations under the Flammable Fabrics Act. Such notice appeared on page 9684 of the Saturday, July 16, 1966, issue of the FEDERAL REGISTER.

The matter proposed for consideration was an amendment to § 302.6 (Rule 6) of the Rules and Regulations under the Flammable Fabrics Act adding a new paragraph thereto designated as paragraph (e) of § 302.6 (Rule 6) specifying circumstances and conditions under which certain raised-fiber surface of articles of wearing apparel would or would not be subject to the provisions of the Flammable Fabrics Act and delineating the application of such Act to such products.

The notice provided that interested parties could participate by submitting in writing to the Federal Trade Commission, Washington, D.C. 20580, on or before the 23d day of August 1966, their views, arguments, or other data, and that written rebuttal could be submitted until September 13, 1966.

On request of certain interested parties for opportunity to orally present their views, arguments, and data, the notice of proposed rule making is hereby amended to provide that interested parties may participate by submitting in writing to the Federal Trade Commission, Washington, D.C. 20580, on or before the 12th day of October 1966, their views, arguments, or other data or by presenting such views, arguments, and other data orally on that date at 10 a.m., e.d.t., Room 7316, 1101 Building, 1101 Pennsylvania Avenue NW., in the city of Washington, District of Columbia. Any person thereafter desiring to submit further views, arguments, or data may do so within 15 days after the date of presentation of oral views. The issuance of this amended notice does not indicate a determination on the merits of the proposal by the Commission.

Such action is taken pursuant to the authority given to the Federal Trade Commission under section 5(c) of the Flammable Fabrics Act [67 Stat. 111; 15 U.S.C. § 1191] whereby "The Commission is authorized and directed to prescribe such rules and regulations as may be necessary and proper for the purposes of administration and enforcement of this Act."

Issued: September 15, 1966.

By the Commission.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10241; Filed, Sept. 19, 1966; 8:47 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE TELEPHONE SERVICE

Functions and Responsibilities

The Secretary of Defense approved the following on September 6, 1966:

Refs: (a) 10 United States Code, section 133(d).

(b) DoD Directive 5160.9, "Assignment of Responsibility to Secretary of the Army for Operation and Administration of Consolidated PBX System for Activities Located at the Seat of Government," August 30, 1955 (canceled herein).

(c) Charter as Amended Approving the Establishment of the "Defense Telephone Service—Washington" as a Project Under the Army Management Fund.

I. *Reissuance.* This Directive reissues reference (b) and incorporates provisions for amending reference (b) to include the assignment of additional responsibilities to, and revise existing responsibilities and functions of the Defense Telephone Service—Washington (DTS–W). Reference (b) is hereby superseded and canceled.

II. *General.* A. Pursuant to the authority contained in reference (a), the Secretary of the Army is hereby assigned responsibility for the administration and operation of the DTS–W, subject to the authority, direction, and control of the Secretary of Defense.

B. The mission of the DTS–W is to provide telephone communications service for the Department of Defense (DoD) in the National Capital Region (NCR).

III. *Applicability and Scope.* A. The provisions of this Directive apply to all DoD Components in the NCR.

B. Its provisions encompass responsibility for all telephone facilities for departmental and field activities in the NCR. These provisions are not intended to conflict with the responsibilities of the Defense Communications Agency (DCA).

IV. *Definitions.* A. *National Capital Region (NCR).* The NCR includes the District of Columbia; Montgomery and Prince Georges Counties in Md.; Arlington, Fairfax, Loudoun, and Prince William Counties in Va., and the cities of Alexandria, Fairfax and Falls Church in Va.; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined areas of the aforesaid counties.

B. *Departmental Activities.* The term "Departmental" includes those elements of the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the headquarters of other DoD agencies, and the Headquarters of the Military Departments (including the Offices of the Secretaries of Military Departments) which have responsibility for policy, planning, and the general management of Department of Defense functions. Departmental activity is that force which is engaged in the continuous centralized direction and control of the total resources and personnel of the Department of Defense or of a single military department or agency, within the Department of Defense.

C. *Field Activity.* All organizational elements not included under departmental activities.

D. *AUTOVON (AUTOVON Subscriber Access Lines).* The Automatic Voice Network (AUTOVON) is the basic General Purpose switched voice network of the Defense Communications System, and is designed to accommodate both the operational and administrative requirements of the DoD. AUTOVON Subscriber Access Lines are those circuits connected directly to this network. The DTS–W utilizes the AUTOVON as another means of completing long distance calls.

E. *Tactical Telephone Facilities.* The specialized, direct, and expeditious telephone service, generally having a restrictive or limited switching capability, which enables field commanders to carry out combat, combat-oriented, or combat support operations.

V. *Functions and Responsibilities.* A. Under the direction, authority and control of the Secertary of the Army and the policy direction of the Assistant Secretary of Defense (Administration), the DTS–W shall perform the following functions:

1. Manage and operate all telephone facilities for departmental and field activities (except AUTOVON Subscriber Access Lines and Tactical Telephone Facilities) located in the National Capital Region.

2. Provide for the engineering, installation, maintenance and removal of all telephone equipment.

3. Publish and distribute a single Department of Defense telephone directory. This directory will be the only authorized telephone directory for Department of Defense Components in the National Capital Region. DoD Components will not publish shredouts or duplicate this document without the specified approval of the DTS–W. The Defense Telephone Service—Washington will act as coordinator and final authority for Department of Defense telephone listings in the National Capital Region telephone company commercial directory.

4. Develop and determine formulas to be used for allocation of charges to subscriber agencies for services rendered. Prepare and negotiate Defense Telephone Service agreements with subscriber agencies. Validate charges to subscriber agencies for telephone service.

5. Advise DoD Components in the NCR regarding telephone communications.

6. Develop, participate in, monitor, and review telephone equipment and telephone systems requirements and recommend appropriate action.

7. Conduct or participate in telephone equipment and systems studies, cost effectiveness studies and special studies as directed by the Secretary of the Army or the Assistant Secretary of Defense (Administration).

B. Procurement related to telephone services will be effected in accordance with the provisions of the Armed Services Procurement Regulation and sound procurement practices.

VI. *Authority and relationships.* A. In exercising the authority delegated in Section II and in the performance of the functions assigned in section V, the DTS–W shall:

1. Coordinate actions, as appropriate, with DoD Components having collateral or related functions.

2. Maintain liaison for the exchange of information and advice with DoD Components.

3. Make full use of established facilities in the Office of the Secretary of Defense and other DoD Components rather than unnecessarily duplicating such facilities.

4. Insure that all DoD Components are kept fully informed regarding DTS–W activities of substantive concern to them.

B. The Assistant Secretary of Defense (Administration) is responsible for providing policy direction and coordinating, as appropriate, the administrative service policies and relationships among and between activities in the National Capital Region for which these services are provided.

C. The Assistant Secretary of Defense (Comptroller) is responsible for providing fiscal policy direction and establishing appropriate financing arrangements for these services.

D. The heads of all DoD Components and their staffs shall cooperate fully with the Defense Telephone Service—Washington, in a continuous effort to achieve efficient and effective administration and operation of this facility.

VII. *Effective date.* This Directive is effective immediately.

VIII. *Implementation.* DoD Components will review their existing implementing directives, instructions, and other issuances including reference (c) for conformity with this Directive. Two (2) copies of each revised implementing document will be forwarded to the ASD (A) within ninety (90) days.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

SEPTEMBER 12, 1966.

[F.R. Doc. 66–10259; Filed, Sept. 19, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 073207]

MONTANA

Notice of Proposed Classification of Public Lands

SEPTEMBER 12, 1966.

Pursuant to section 8(b) of the Act of June 28, 1934 (U.S.C. 315g; 43 CFR 2244), notice is hereby given of a proposal to classify the lands described below for disposal in connection with the Exchange of Privately Owned Lands Petition-Application Montana 073207 of the Silver Bow Grazing Association.

PRINCIPAL MERIDIAN, MONTANA

BLAINE COUNTY

T. 35 N., R. 21 E.,
Sec. 1, E½SE¼;
Sec. 2, Lots 1 and 2, SE¼NE¼, and N½SE¼;
Sec. 12, NE¼, and S½NW¼.
T. 35 N., R. 22 E.,
Sec. 4, Lots 2 and 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 5, Lot 4, and NW¼SW¼;
Sec. 6, Lot 1;
Sec. 7, S½NE¼;
Sec. 8, NW¼;
Sec. 9, NW¼NE¼;
Sec. 17, SW¼SE¼;
Sec. 18, NE¼SW¼, and NW¼SE¼;
Sec. 19, SW¼SE¼;
Sec. 20, NE¼, and E½SE¼;
Sec. 21, E½, and NW¼.
T. 36 N., R. 22 E.,
Sec. 2, Lots 1 and 4;
Sec. 3, Lot 1;
Sec. 15, SE¼SW¼;
Sec. 21, S½SW¼;
Sec. 31, SE¼NE¼;
Sec. 32, S½NW¼, SW¼, and SW¼SE¼.
T. 37 N., R. 22 E.,
Sec. 1, Lots 12 and 13, and S½NW¼;
Sec. 2, Lot 12, and SE¼NE¼;
Sec. 3, Lots 11 and 12, S½NE¼, and NW¼SE¼;
Sec. 5, Lots 9, 10, 11, and 12;
Sec. 6, Lots 13 and 14;
Sec. 7, Lots 3 and 4, NE¼, and E½SW¼;
Sec. 12, Lot 3.
T. 37 N., R. 23 E.,
Sec. 2, Lot 9;
Sec. 3, Lots 10, 11, and 12;
Sec. 5, Lots 9, 10, and 11, SW¼NE¼, S½NW¼, N½SW¼, and NW¼SE¼;
Sec. 6, Lots 7, 12, 13, 14, and 15, S½NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 26, SE¼NE¼.
Sec. 26, SE¼NE¼.

The areas described aggregate 4,559.40 acres.

This proposal has been discussed with all members of the Association and other parties directly affected. Information derived from field investigation, appraisal, studies of area economy and impact, public land administrative policy and other sources indicate that the proposal meets the requirements of the law and regulations.

Information concerning the lands involved in this exchange proposal is available for inspection and study at the Malta District Office, Bureau of Land Management, Malta, Mont.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Malta District, Bureau of Land Management, Malta, Mont. 59538.

EUGENE H. NEWELL,
Acting Land Office Manager.

[F.R. Doc. 66–10229; Filed, Sept. 19, 1966; 8:46 a.m.]

MONTANA

Notice of Filing of Plat of Survey; Filing Date Suspended

SEPTEMBER 9, 1966.

F.R. Doc. 66–8234, appearing on page 10201 of the issue for July 28, 1966, prescribed that a certain plat of survey would be officially filed in the Land Office, Billings, Mont., effective at 10 a.m., on September 26, 1966.

The official filing date specified above is herewith suspended until further notice.

EUGENE H. NEWELL,
Manager, Land Office, Billings, Mont.

[F.R. Doc. 66–10230; Filed, Sept. 19, 1966; 8:46 a.m.]

CHIEF, BRANCH OF LANDS, ET AL.

Redelegation of Authority by Land Office Manager

1. Pursuant to section 2.1, Bureau Order No. 701 of July 23, 1964, as amended, the following authority is hereby delegated to the Branch Chiefs and Supervisory Adjudicators of the Division of Lands and Minerals Program Management and Land Office, to become effective immediately upon publication in the FEDERAL REGISTER.

(a) Chief, Branch of Lands, and Supervisory Adjudicator, Branch of Lands, authority to take action for the Manager in matters listed in sections 2.2(b), 2.3 (a) and (c), 2.5 (b) and (c), and 2.9 except section 2.9 (t), (v) and (x), of Part II of Bureau Order No. 701, supra. The authority in sections 2.2(b) and 2.3 (a) and (c) is limited to those actions pertaining to Land Use.

(b) Chief, Branch of Minerals, and Supervisory Adjudicator, Branch of Minerals, authority to take action for the Manager in matters listed in sections 2.2 (b), 2.3 (a) and (c), and 2.6, of Part II of Bureau Order No. 701, supra. The authority in sections 2.2(b) and 2.3 (a) and (c) is limited to those actions pertaining to Branch of Minerals casework.

(c) Chief, Branch of Title and Records, authority to take action for the Manager in matters listed in sections 2.2 (c), 2.3(c), 2.4(a)(4), of Part II, Bureau Order No. 701, supra.

2. The authority delegated in paragraph 1 above may not be redelegated.

3. This redelegation of authority supersedes all previous redelegations by the Land Office Manager.

J. ELLIOTT HALL,
Land Office Manager.

Approved: September 13, 1966.

E. I. ROWLAND,
State Director, Colorado.

[F.R. Doc. 66–10231; Filed, Sept. 19, 1966; 8:46 a.m.]

Bureau of Reclamation

WENATCHEE NATIONAL FOREST, WASH.

Order of Transfer of Administrative Jurisdiction of Land

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 213), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3425), jurisdiction over the following described lands, which lie within or adjacent to exterior boundaries of the Wenatchee National Forest, Wash., and which were acquired by the Bureau of Reclamation in the development of the Cle Elum Reservoir, Yakima Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes:

WILLAMETTE MERIDIAN

CLE ELUM RESERVOIR

T. 20 N., R. 14 E.
Sec. 2, lots 3, 4, 5, 6, SE¼NW¼, NE¼SW¼, SW¼SW¼;
Sec. 3, lots 1, 2, 3, 4, 5, 6;
Sec. 4, lots 5, 6;
Sec. 10, lot 1, NE¼NE¼, S½NE¼, E½NW¼, NE¼SW¼;
Sec. 11, W½NW¼, SE¼NW¼, N½SW¼, SE¼SW¼, W½SE¼.
T. 21 N., R. 14 E.
Sec. 5, lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 8, SE¼NE¼, NW¼, E½SW¼, SE¼;
Sec. 9, W½SW¼;
Sec. 17, all;
Sec. 19, NE¼NE¼;
Sec. 20, lots 1, 2, 3, NE¼NE¼;
Sec. 21, W½W½;
Sec. 28, lots 1, 3, 4, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 29, lots 1, 2, 3, 4, 5, 6;
Sec. 33, lots 1, 2, 3, NE¼NE¼;
Sec. 34, lots 1, 2, 3, 4, NW¼NW¼, SE¼NW¼, NW¼SE¼, SE¼SE¼.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest lands, provided that all lands and waters within the Cle Elum Reservoir area needed or used for the operation of the project or for other Reclamation purposes, shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER.

Dated: September 9, 1966.

N. B. BENNETT, Jr.,
Acting Commissioner of Reclamation.

[F.R. Doc. 66-10232; Filed, Sept. 19, 1966; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 315]

LEOPOLD CHARLES & CO., LTD., ET AL.

Order Conditionally Restoring Export Privileges

In the matter of Leopold Charles & Co., Ltd., also known as Charles Leopold & Co., Ltd.; Charles Lefton; P. Dorling, 27–29 Whitfield Street, London, W.1, England; Respondents; Case No. 315.

By order dated March 11, 1963 (28 F.R. 2751), the above-named respondents were denied all U.S. export privileges for the duration of export controls. The order provided that after December 10, 1965, the respondents might apply to have the effective denial of export privileges held in abeyance while they remain on probation. The said respondents have filed such an application and have submitted evidence to show their compliance with the terms of said order and other details concerning the nature of their business.

The respondents' application was referred to the Compliance Commissioner and additional information was received by him. He has recommended that an order be entered conditionally restoring export privileges to said respondents.

The undersigned has carefully considered the record herein and is of the opinion that the action recommended by the Compliance Commissioner is fair and just and that such action will contribute to the effective enforcement of the law and regulations.

Accordingly, it is hereby ordered that the export privileges of the above-named respondents be and hereby are restored conditionally, and the respondents are placed on probation for the duration of export controls. The conditions of probation are that the respondents shall fully comply with all of the requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that said respondents have knowingly failed to comply with the conditions of probation, said official, with or without prior notice to said respondents, by supplemental order, may revoke the probation of said respondents and deny to said respondents all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as may be warranted.

This order shall become effective forthwith.

Dated: September 13, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-10238; Filed, Sept. 19, 1966; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order E-24177]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of September 1966.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket 16236, Agreement CAB 19054.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted by the 19th Meeting of Traffic Conference 1 Specific Commodity Rates Board held July 19, 1966, in New York.

The agreement, as it applies to the Western Hemisphere, reestablishes the existing commodity rate structure. The agreement, as set forth in the attachment,[1] additionally (1) adopts new rates under existing commodity descriptions, (2) adopts rates under new commodity descriptions, (3) cancels rates under existing commodity descriptions, and (4) increases slightly a few presently effective commodity rates. The new rates under new and existing descriptions reflect reductions in rates ranging from 13.3 to 73.2 percent and are consistent with the existing commodity rate structure.

While the agreement will result in some increases, it also provides the public with significant reductions on a number of items. Additionally, while the agreement provides for the cancellation of certain rates under commodity Item 4100, the agreement also establishes the same rates under Item 4105. The commodity description for Item 4105 incorporates the description presently applicable separately under Item 4100. In essence, the canceled rates will remain in effect but under a different commodity item number.

[1] Attachment filed as part of original document.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement CAB 19054 be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's docket section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-10257; Filed, Sept. 19, 1966; 8:48 a.m.]

[Docket No. 17347, etc.]

SERVICE TO WEST YELLOWSTONE, MONT.

Notice of Hearing

Notice is given herewith, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearings in the above-entitled proceeding will be held before the undersigned Examiner on December 6, 1966, at 10 a.m. (local time), in the State District Court, Sixth Floor, Billings, Mont.

For information concerning the issues and other details of this case, interested persons are referred to the Prehearing Conference Report served in this matter on September 1, 1966, and other documents which are on file in this proceeding in the docket section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 14, 1966.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 66-10258; Filed, Sept. 19, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2947 etc.]

AMERICAN PETROFINA COMPANY OF TEXAS, ET AL.

Findings and Order

SEPTEMBER 8, 1966.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, substituting respondent, redesignating proceedings, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's statement of general policy 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from the Permian Basin area of New Mexico are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468–A.

American Petrofina Company of Texas proposes to continue certain sales heretofore authorized to be made by Graridge Corp. and has requested that Graridge's rate schedules be redesignated as its own. The presently effective rates under certain of Graridge's rate schedules are in effect subject to refund and in one instance a proposed increased rate is suspended and not effective. American Petrofina has requested to be substituted as respondent in each of Graridge's rate proceedings and has agreed to file an agreement and undertaking to assure the refund of all amounts collected subject to refund in excess of the amounts determined to be just and reasonable in said proceedings. Accordingly, in the following proceedings American Petrofina will be substituted as respondent, the proceedings will be redesignated, and American Petrofina will be required to file agreements and undertakings except in Docket No. RI65–250 in which the proposed increase has not been made effective.

Rate suspension Docket No.	Certificate Docket No.	Graridge FPC gas rate schedule
G-20110[1]	CI61-1106	7
	CI61-1107	8
	CI61-1108	9
	CI61-1109	10
	CI61-1110	11
RI62-109[2]	CI60-484	5
RI64-116[2]	G-2947	18
RI64-377[2]	CI63-369	15
RI64-442	CI63-402	17
RI65-250[2]	CI61-519	6

[1] Consolidated with Docket No. A R64–1, et al.
[2] Consolidated with Docket No. A R61–2, et al.
[3] Consolidated with Docket No. A R64–2, et al.

After due notice, petitions to intervene by the Long Island Lighting Co. and the Philadelphia Gas Works Division of the United Gas Improvement Co. and a notice of intervention by the Public Service Commission of the State of New York were filed in Docket No. CI63–886, in the matter of the application filed January 21, 1963, in said docket. A notice of intervention by the Public Service Commission of the State of New York was filed in Docket No. CI66–262, in the matter of the application filed September 29, 1965, in said docket. The petitions to intervene and the notices of intervention have been withdrawn and no other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on September 1, 1966, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a certificate of public convenience and necessity should be issued in Docket No. CI63–886, authorizing General American Oil Company of Texas (Operator), et al., to continue the sales of natural gas previously rendered by J. P. Owen (Operator), et al., in Docket Nos. G–11610 and CI61–364 and Owen Production Co. (Operator), et al., in Docket No. G–19313,[4] and that the certificates issued in Docket Nos. G–11610, CI61–364 and G–19313, respectively, should be terminated.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a certificate of public convenience and necessity should be issued in Docket No. CI66–948 to include both the sales proposed in Docket Nos. CI66–948 and CI67–68, and that Docket No. CI67–68 be canceled.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. CI66–1334 and CI67–60 should be canceled and that the applications filed therein should be processed as petitions to amend the certificates issued in Docket Nos. G–17114 and G–19711, respectively.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued in the following dockets should be amended as hereinafter ordered and conditioned:

G–2947	CI60–475	CI65–54
G–8517	CI60–484	CI65–59
G–8679	CI61–519	CI65–301
G–10991	CI61–1106	CI65–303
G–11824	CI61–1107	CI65–543
G–13105	CI61–1108	CI65–603
G–15800	CI61–1109	CI65–623
G–17114	CI61–1110	CI65–808
G–18434	CI61–1586	CI65–999
G–18435	CI63–20	CI65–1198
G–18901	CI63–30	CI66–538
G–19245	CI63–369	CI66–805
G–19711	CI63–402	CI66–1097
CI60–290	CI64–175	CI66–1102
CI60–330	CI64–435	CI66–1128
CI60–331	CI65–52	

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the sale heretofore authorized to be made pursuant to the certificate issued in Docket No. G–13882 should hereafter be made pursuant to the certificate heretofore issued in Docket No. G–13105 and the certificate in Docket No. G–13882 should be terminated.

(10) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

[4] A temporary certificate was issued authorizing Owen Production Co. to continue the sale previously rendered by J. P. Owen.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding in Docket No. RI66–99 should be terminated.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that American Petrofina Company of Texas should be substituted in lieu of Graridge Corp. as respondent in the proceedings pending in Docket Nos. G–20110, RI62–169, RI64–116, RI64–377, RI64–442 and RI65–250, that said proceedings should be redesignated accordingly, and that American Petrofina should be required to file agreements and undertakings in said proceedings except in Docket No. RI65–250.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 10 and 14 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. CI65–543, CI65–603, and CI66–989 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicants in Docket Nos. CI65–543, CI65–603, and CI66–989 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however*, That adjustments reflecting changes in Btu content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 45 days from the date of initial delivery Applicant in Docket No. CI65–603 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A. Applicants in Docket Nos. CI65–543 and CI66–989 shall file rate schedule quality statements within 90 days from the date of initial delivery.

(H) A certificate is issued herein in Docket No. CI66–464 authorizing Applicant to continue the sale being rendered on June 7, 1954.

(I) Applicant in Docket No. CI66–1211 shall submit a billing statement for the first month of service.

(J) A certificate is issued herein to Applicant in Docket No. CI66–1297 subject to the same terms and conditions imposed upon the predecessor's certificate in Docket No. G–15800, by rate settlement order issued January 29, 1965, in Docket Nos. G–6822, et al., further, Applicant shall file a supplement to his rate schedule waiving the right to collect the 1 cent per Mcf minimum guarantee for liquid products as required by said order.

(K) A certificate is issued herein to Applicant in Docket No. CI67–3 subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449), except that said certificate shall not be subject to the Commission's ultimate determination in Docket No. R–200.

(L) A certificate is issued herein in Docket No. CI63–886, authorizing General American Oil Company of Texas (Operator), et al., to continue the sales of natural gas previously rendered by J. P. Owen (Operator), et al., in Docket Nos. G–11610 and CI61–364 and Owen Production Co. (Operator), et al., in Docket No. G–19313, and the certificates heretofore issued in Docket Nos. G–11610, CI61–364, and G–19313, respectively, are terminated.

(M) A certificate is issued herein in Docket No. CI66–948, authorizing Applicant to continue the sale which was initiated without prior Commission authorization and to include both the sales proposed in Docket Nos. CI66–948 and CI67–68, and Docket No. CI67–68 is canceled.

(N) Docket Nos. CI66–1334 and CI67–60 are canceled.

(O) The certificates heretofore issued in Docket Nos. G–18435, G–19711, CI60–475, CI64–175, CI64–435, CI65–54, CI65–301, CI65–543, CI65–603, CI65–623, CI65–808, CI65–999, CI66–538, and CI66–805 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(P) The certificates heretofore issued in Docket Nos. CI63–30 and CI66–1128 are amended to include the sales of natural gas from the additional acreage, further, said certificates are amended to include the interests of the nonsignatory coowners, and the related rate schedules are redesignated as Humble Oil & Refining Co., et al., and Sinclair Oil & Gas Co. (Operator), et al., respectively.

(Q) The certificate heretofore issued in Docket No. CI63–20 is amended to include the interest of the nonsignatory coowner and the related rate schedule is redesignated as Humble Oil & Refining Co. (Operator), et al.

(R) The certificates heretofore issued in Docket Nos. G–8679, G–10991, and CI65–59 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI66–805; and the certificate in Docket No. G–15800 is amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI66–1297.

(S) The certificates heretofore issued in Docket Nos. G–2947, G–8517, G–11824, G–13105, G–17114, G–18434, G–18901, G–19245, CI60–290, CI60–330, CI60–331, CI60–484, CI61–519, CI61–1106, CI61–1107, CI61–1108, CI61–1109, CI61–1110, CI61–1586, CI63–369, CI63–402, CI65–52, CI65–303, CI65–1198, CI66–1097, and CI66–1102 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(T) The authorization granted in Docket No. G–18434, in paragraph (S) above does not relieve Applicant of any refund obligation ordered in Opinion No. 499.

(U) The sale heretofore authorized to be made in Docket No. G–13882 is made pursuant to the authorization granted in Docket No. G–13105, in paragraph (S) above, and the certificate in Docket No. G–13882 is terminated.

(V) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications are granted.

(W) The abandonment herein permitted and approved in Docket No. CI67–61 does not relieve Applicant of any obligations to make such refunds as may be ordered in Opinion No. 476.

(X) The certificates heretofore issued in Docket Nos. G–11794, G–14821, G–18675, CI60–402, and CI62–526 are terminated.

(Y) The rate suspension proceeding in Docket No. RI66–99 is terminated.

(Z) American Petrofina Company of Texas is substituted in lieu of Graridge Corp. as respondent in the proceedings pending in Docket Nos. G–20110, RI62–169, RI64–116, RI64–377, RI64–442, and RI65–250, and said proceedings are redesignated accordingly.[1]

(AA) Within 30 days from the issuance of this order American Petrofina Company of Texas shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Docket Nos. G–20110, RI62–169, RI64–116, RI64–377, and RI64–442 to assure the refunds, together with interest at the rate of 6 percent per annum in Docket No. G–20110 and 7 percent per annum in the other proceedings, of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

(BB) American Petrofina Company of Texas shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by American Petrofina in Docket Nos. G–20110, RI62–169, RI64–116, RI64–377, and RI64–442 shall remain in full force and effect until discharged by the Commission.

(CC) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[1] Docket No. RI64–116, American Petrofina Company of Texas, et al.; Docket Nos. G–20110, RI62–169, RI64–377, RI64–442, and RI65–250, American Petrofina Company of Texas (Operator), et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–2947 E 6–20–66	American Petrofina Company of Texas, et al. (successor to Graridge Corp., et al.).	Texas Eastern Transmission Corp., Helen Gohlke Field, De Witt and Victoria Counties, Tex.	Graridge Corp., et al., FPC GRS No. 18. Supplement Nos. 1–16 Notice of succession 1–1–66.[1] Effective date: 1–1–66	63 63	 1–16
G–8517 [2] E 7–5–66 7–19–66 [3]	C. Crady Davis, et al. (successor to Gas Producers Corp.).	El Paso Natural Gas Co., Greater Blanco Field, San Juan County, N. Mex.	Gas Producers Corp., FPC GRS No. 2. Supplement Nos. 1–2 Notice of succession 7–1–66. Assignment 11–12–65 [4] Assignment 1–28–66 [5] Assignment 4–1–66 [6] Effective date: 4–1–66	2 2 2 2 2	 1–2 3 4 5
G–11824 E 7–5–66	Arthur Arnold (successor to Marathon Oil Co.).	Arkansas Louisiana Gas Co., Jefferson Gas Field, Marion County, Tex.	Marathon Oil Co., FPC GRS No. 21. Supplement Nos. 1–4 Notice of succession 7–1–66. Assignment 3–18–66 [7] Effective date: 4–1–66	1 1	 1–4 5
G–13105 (G–13882) [8] E 7–5–66 7–19–66 [8]	C. Crady Davis, et al., (successor to Gas Producers Corp.).	Southern Union Gathering Co., Blanco-Mesaverde Gas Field, San Juan County, N. Mex.	Gas Producers Corp. FPC GRS No. 1. Supplement Nos. 1–6 Notice of succession 7–1–66. Assignment 11–12–65 [4] Assignment 1–28–66 [5] Assignment 4–1–66 [6] Effective date: 4–1–66	1 1 1 1 1	 1–6 7 8 9
G–18434 E 7–6–66	Joe Ballanfonte, Sr. (successor to McCurdy & McCurdy).	Florida Gas Transmission Co., Luby Field, Nueces County, Tex.	McCurdy & McCurdy, FPC GRS No. 1. Supplement Nos. 1–2 Notice of succession 7–6–66. Assignment 5–2–66 [9] Effective date: 5–1–66	1 1 1	 1–2 3
G–18435 C 7–13–66 [10]	Pan American Petroleum Corp. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Amendment 5–19–66 [11]	273	2
G–18901 E 6–20–66	American Petrofina Co. of Texas (Operator), et al. (successor to Graridge Corp. (Operator), et al.).	Banquete Gas Co., a division of Crestmont Consolidated Corp.,[12] Plymouth and East Taft Fields, San Patricio County, Tex.	Graridge Corp. (Operator), et al., FPC GRS No. 20. Supplement Nos. 1–6 Notice of succession 1–1–66.[1] Effective date: 1–1–66	64 64	 1–6
G–19245 E 6–20–66	do	Transcontinental Gas Pipe Line Corp., Greta Field, Refugio County, Tex.	Graridge Corp. (Operator), et al., FPC GRS No. 2. Supplement Nos. 1–13 Notice of succession 1–1–66.[1] Effective date: 1–1–66	48 48	 1–13
C160–290 E 6–20–66	do	Panhandle Eastern Pipe Line Co., Budde Lease, Edwards County, Kans.	Graridge Corp. (Operator), et al., FPC GRS No. 12. Supplement Nos. 1–3 Notice of succession 1–1–66.[1] Effective date: 1–1–66	58 58	 1–3
C160–330 E 5–31–66	do	C. V. Lyman,[13] Captain Lucey Field, Jim Wells County, Tex.	Graridge Corp. (Operator), et al., FPC GRS No. 3. Supplement Nos. 1–7 Notice of succession, 1–1–66.[1] Effective date: 1–1–66	49 49	 1–7
C160–331 E 5–20–66	do	Associated Oil & Gas Co.,[13] Agua Dulce Field, Nueces County, Tex.	Graridge Corp. (Operator), et al., FPC GRS No. 4. Supplement Nos. 1–5 Notice of succession 1–1–66.[1] Effective date: 1–1–66	50 50	 1–5
C160–475 C 6–30–66 [14]	Belco Petroleum Corp.	El Paso Natural Gas Co., South Hogsback Field, Lincoln County, Wyo.	Supplemental agreement 6–20–66.[11]	6	11
C160–484 E 6–20–66	American Petrofina Co. of Texas (Operator), et al (successor to Graridge Corp (Operator), et al.).	Texas Gas Transmission Corp., Mallard Bay Field, Cameron Parish, La.	Graridge Corp. (Operator), et al., FPC GRS No. 5. Supplement Nos. 1–4 Notice of succession 1–1–66.[1] Effective date: 1–1–66	51 51	 1–4
C161–519 E 6–20–66	do	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Stratton Agua Dulce Field, Nueces County, Tex.	Graridge Corp. (Operator), et al., FPC GRS No. 6. Supplement Nos. 1–3 Notice of succession 1–1–66.[1] Effective date: 1–1–66	52 52	 1–3

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI61-1106 ..... E 6-20-66	do	Cities Service Gas Co., Various Fields, Barber and Edwards Counties, Kans.	Graridge Corp. (Operator), et al., FPC GRS No. 7.	53	.....
			Supplement Nos. 1-4	53	1-4
			Notice of succession 1-1-66.[1]	.....	.....
			Effective date: 1-1-66	.....	.....
CI61-1107 ..... E 6-20-66	do	Cities Service Gas Co., Aetna Field, Barber County, Kans.	Graridge Corp. (Operator), et al., FPC GRS No. 8.	54	.....
			Supplement Nos. 1-4	54	1-4
			Notice of succession 1-1-66.[1]	.....	.....
			Effective date: 1-1-66	.....	.....
CI61-1108 ..... E 6-20-66	do	Cities Service Gas Co., Rhodes South Field, Barber County, Kans.	Graridge Corp. (Operator), et al., FPC GRS No. 9.	55	.....
			Supplement Nos. 1-4	55	1-4
			Notice of succession 1-1-66.[1]	.....	.....
			Effective date: 1-1-66	.....	.....
CI61-1109 ..... E 6-20-66	do	do	Graridge Corp. (Operator), et al., FPC GRS No. 10.	56	.....
			Supplement Nos. 1-4	56	1-4
			Notice of succession 1-1-66.[1]	.....	.....
			Effective date: 1-1-66	.....	.....
CI61-1110 ..... E 6-20-66	do	do	Graridge Corp. (Operator), et al., FPC GRS No. 11.	57	.....
			Supplement Nos. 1-4	57	1-4
			Notice of succession 1-1-66.[1]	.....	.....
			Effective date: 1-1-66	.....	.....
CI61-1586 ..... E 6-20-66	do	United Gas Pipe Line Co., Cabeza Creek Area, Goliad County, Tex.	Graridge Corp. (Operator), et al., FPC GRS No. 13.	59	.....
			Supplement Nos. 1-16	59	1-16
			Notice of succession 1-1-66.[1]	.....	.....
			Effective dates: 1-1-66	.....	.....
CI65-20 ..... 6-6-66 [14] [15]	Humble Oil & Refining Co. (Operator), et al.	Arkansas Louisiana Gas Co., Arkoma Area, Haskell County, Okla.	Supplemental agreement 5-19-66.[11] [16]	337	23
CI65-30 ..... C 6-13-66 [14] [17]	Humble Oil & Refining Co., et al.	Arkansas Louisiana Gas Co., Chenlere Brake Field, Ouachita Parish, La.	Supplemental agreement 6-7-66.[11] [17]	309	7
CI65-399 ..... E 6-20-66	American Petrofina Co. of Texas (Operator), et al. (successor to Graridge Corp. (Operator), et al.).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., West Magnolia City Field, Jim Wells County, Tex.	Graridge Corp. (Operator), et al., FPC GRS No. 15.	60	.....
			Supplement Nos. 1-10	60	1-10
			Notice of succession 1-1-66.[1]	.....	.....
			Effective date: 1-1-66	.....	.....
CI65-402 ..... E 6-20-66	American Petrofina Co. of Texas (successor to Graridge Corp.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Graridge Corp., FPC GRS No. 16.	61	.....
			Supplement Nos. 1-6	61	1-6
			Notice of succession 1-1-66.[1]	.....	.....
			Effective date: 1-1-66	.....	.....
CI65-402 ..... E 6-20-66	American Petrofina Co. of Texas (Operator), et al. (successor to Graridge Corp. (Operator), et al.).	Lone Star Gas Co., Katie East Hozbar Field, Garvin County, Okla.	Graridge Corp. (Operator), et al., FPC GRS No. 17.	62	.....
			Supplement Nos. 1-5	62	1-5
			Notice of succession 1-1-66.[1]	.....	.....
			Effective date: 1-1-66	.....	.....

See footnote at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
A CI63-886 ..... (G-19313) [13] E 1-21-63	General American Oil Company of Texas (Operator), et al. (sucessor to Owen Production Co. (Operator), et al.).	United Fuel Gas Co., Duson Field, Lafayette Parish, La.	Owen Production Co. (Operator), et al., FPC GRS No. 1.	60	.....
			Supplement Nos. 1-4	60	1-4
			Notice of succession 1-9-63.	.....	.....
A CI63-886 ..... (G-11616) [13] E 1-21-63	General American Oil Company of Texas (Operator), et al. (successor to J. P. Owen (Operator), et al.).	Transcontinental Gas Pipe Line Corp., Southeast Rayne Field, Lafayette Parish, La.	J. P. Owen (Operator), et al., FPC GRS No. 2.	61	.....
			Supplement Nos. 1-4	61	1-4
			Notice of succession 1-9-63.	.....	.....
A CI63-886 ..... (CI61-364) [13] E 1-21-63	do	United Fuel Gas Co., West Duson Field, Acadia and Lafayette Parishes, La.	J. P. Owen (Operator), et al., FPC GRS No. 6.	64	.....
			Supplement Nos. 1-4	64	1-4
			Notice of succession 1-9-63.	.....	.....
CI64-175 ..... C 7-15-66 [14]	Pan American Petroleum Corp. (Operator), et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Letter agreement 5-31-66.[11]	363	13
CI64-435 ..... D 7-8-66	J. M. Huber Corp. (partial abandonment).	Northern Natural Gas Co., Northrup (Upper Morrow) Field, Ochiltree County, Tex.	Notice of partial cancellation 7-6-66.[19] [20]	59	2
CI65-52 ..... E 6-10-66	C. E. Dixon (Operator), et al. (successor to J. L. Patton (Operator), et al.).	Arkansas Louisiana Gas Co., Waskom Field, Harrison County, Tex.	J. L. Patton (Operator), et al., FPC GRS No. 1.	1	.....
			Notice of succession 6-7-66.	.....	.....
			Assignment 5-5-66	1	1
			Assignment 5-18-66	1	2
			Effective date: 5-15-66	.....	.....
CI65-64 ..... C 7-11-66 [14]	Tenneco Oil Co. (Operator), et al.	Arkansas Louisiana Gas Co., J. W. Hail Unit No. 1, Pittsburg County, Okla.	Amendment 6-13-66.[11]	168	3
CI65-201 ..... C 4-8-66 [14]	Braden-Deem, Inc. (agent) (Operator), et al.	Panhandle Eastern Pipe Line Co., Lerado Field, Reno County, Kans.	Assignment 10-25-65.[11] [21]	9	7
CI65-303 ..... E 7-12-66	Regent Gas Producers, Inc. (Operator), et al. (successor to Allied Producing Co.).	Consolidated Gas Supply Corp., Sherman District, Boone County, W. Va.	Allied Producing Co. FPC GRS No. 1.	1	.....
			Notice of succession 5-10-66.	.....	.....
			Assignment 12-31-64 [22]	1	1
			Assignment 12-31-65 [23]	1	2
			Effective date: 12-31-65	.....	.....
CI65-543 ..... C 3-7-66	Sinclair Oil & Gas Co.[24]	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	Supplemental agreement 9-17-65.[11]	344	3
CI65-603 ..... C 3-30-66	Marathon Oil Co.[24] (Operator), et al.	do	Supplemental agreement 12-10-65.	95	7
			Supplemental agreement 2-1-66.[11]	95	8
CI65-623 ..... C 6-25-66 [14]	Consolidation Coal Co., et al.	United Fuel Gas Co., Maiden Springs District, Tazewell County, Va.	Letter agreement 4-13-65.	1	1
			Supplemental agreement 5-31-66.[11]	1	2
CI65-808 ..... C 7-15-66 [14]	James W. Harris (Operator), et al.	United Gas Pipe Line Co., Gwinville Field, Jefferson Davis County, Miss.	Amendment 5-31-66.[11]	5	2 8
CI65-999 ..... D 6-17-66	Texaco, Inc.	Panhandle Eastern Pipe Line Co., Sampsel Field, Cimarron County, Okla.	Assignment 12-14-65.[11]	353	2
			Amendment 5-11-66.[20] [25]	353	3

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65-1198 ..... E 7-11-66	Valor Production Co. (successor to Johnie L. West).	Almoe Gas Gathering Co., Linke (Frio) Field, Bee County, Tex.	Johnie L. West, FPC GRS No. 1.	2	.....
			Supplement Nos. 1	2	1
			Notice of succession 6-24-66.	.....	.....
			Assignment 9-13-65	2	2
			Effective date: 9-13-65	.....	.....
CI66-262 ..... A 9-29-65 [19]	Pan American Petroleum Corp.	Michigan Wisconsin Pipe Line Co., Calcasieu Lake Field, Cameron Parish, La.	Contract 7-1-65	424	.....
CI66-454 ..... A 11-26-65 [27]	Wood Oil Co.	Colorado Interstate Gas Co. Hugoton Field, Kearny County, Kans.	Contract 10-19-53 [28]	4	.....
			Contract 3-1-53	4	1
			Supplemental agreement 9-25-53.	4	2
			Supplemental agreement 6-28-54.	4	3
			Amendment 11-19-55	4	4
			Contract 1-27-59 [29]	4	5
			Amendment 7-8-66	1	4
CI66-538 ..... C 7-19-66 [19]	Glover Hefner Kennedy Oil Co. (Operator), et al.	Arkansas Louisiana Gas Co., Canute Field, Washita County, Okla.	(30)	(31)	.....
CI66-620 ..... B 1-13-66 [32]	Wilbur Sellers	Equitable Gas Co., Littleton District, Wetzel County, W. Va.			
F CI66-805 (CI65-50) [33] (G-10991) [33] (G-6679) [33] C 6-13-66	Fred La Rue	United Gas Pipe Line Co., Pistol Ridge Field, Forrest County, Miss.	Assignment 11-20-62 [34]	3	4
			Effective date: 11-20-62	.....	.....
			Assignment 1-14-66 [34]	3	5
			Effective date: 1-14-66	.....	.....
CI66-948 [35] A 4-4-66 [14] [35]	Harlan B. Hogue	Carnegie Natural Gas Co., Freemans Creek District, Lewis County, W. Va.	Contract 12-9-59 [11]	3	.....
CI66-989 ..... A 4-18-66	Continental Oil Co.[37]	El Paso Natural Gas Co., Esmont Gas Pool, Lea County, N. Mex.	Contract 4-1-66 [11]	313	.....
CI66-1078 ..... (G-14821) B 5-5-66	Graham-Michaelis Drilling Co. (Operator), et al.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	Notice of cancellation 5-3-66.[19] [20]	[20] 18	3
CI66-1097 ..... E 6-20-66	American Petrofina Co. of Texas (successor to Graridge Corp.).	Arkansas Louisiana Gas Co., Milton Field, Haskell County, Okla.	Graridge Corp., FPC GRS No. 22.	66	.....
			Supplement Nos. 1-4	66	1-4
			Notice of succession 1-1-66.[1]	.....	.....
			Effective date: 1-1-66	.....	.....
CI66-1102 ..... E 6-20-66	American Petrofina Co. of Texas (Operator), et al. (successor to Graridge Corp. (Operator), et al.).	Banqueste Gas Co., a division of Crestmont Consolidated Corp.,[13] Plymouth Field, San Patricio County, Tex.	Graridge Corp. (Operator), et al., FPC GRS No. 21.	65	.....
			Notice of succession 1-1-66.[1]	.....	.....
			Effective date: 1-1-66	.....	.....
CI66-1128 ..... C 7-15-66 [19] [20]	Sinclair Oil & Gas Co. (Operator), et al.	Cities Service Gas Co., South Bishop Field, Roger Mills County, Okla.	Supplemental agreement 6-13-66.[11]	350	2
CI66-1211 ..... A 5-16-66 [19]	Durbin Bond	Cities Service Gas Co., South Bishop Field, Ellis County, Okla.	Ratified 7-13-66	3	.....
			Contract 10-29-64 [11]	3	1
A CI66-1227 (G-15800) F 6-13-66 [32]	Thomas A. Dugan (successor to Sunray DX Oil Co.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Contract 7-14-56 [11]	6	.....
			Letter agreement 7-5-60	6	1
			Supplemental agreement 6-9-61.	6	2
			Assignment 4-15-66 [32]	6	3
			Effective date: 4-1-66	.....	.....
CI66-1317 ..... A 6-16-66 [19]	Anson L. Clark	Panhandle Eastern Pipe Line Co., South Bishop Field, Ellis County, Okla.	Contract 5-2-66 [32]	3	.....
			Contract 4-19-66 [11]	3	1

See footnote at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
A CI66-1334 [38] (G-17114) E 6-20-66	El PamCo., Inc. (Operator), et al. (successor to Paul Case).	El Paso Natural Gas Co., Aztec Pool, San Juan County, N. Mex.	Paul Case, FPC GRS No. 1.	1	.....
			Supplement Nos. 1-4	1	1-4
			Notice of succession 6-12-66.	.....	.....
			Assignment 8-11-65 [39]	1	5
			Assignment 8-11-65 [40]	1	6
			Assignment 8-11-65 [41]	1	7
			Assignment 8-11-65 [42]	1	8
			Assignmen 9-13-65 [43]	1	9
			Assignment 5-17-66 [40]	1	10
			Assignment 5-17-66 [20]	1	11
			Assignment 5-17-66 [41]	1	12
			Assignment 5-17-66 [42]	1	13
			Assignment 6-14-66 [43]	1	14
			Effective date: 6-14-66	.....	.....
CI67-3 ..... A 7-1-66 [19]	Humble Oil & Refining Co.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Contract 6-16-66	390	.....
			Compliance 7-26-66 [20]	390	1
CI67-45 ..... A 7-14-66 [14]	Duer Wagner & Co (Operator), et al.	South Texas Natural Gas Gathering Co., McGill Ranch Field, Kleberg and Kenedy Counties, Tex.	Contract 11-2-64 [11]	1	.....
CI67-47 ..... A 7-14-66 [19]	Charles J. Richard	Arkansas Louisiana Gas Co., East Medford Field, Grant County, Okla.	Contract 5-12-66 [11]	2	.....
CI67-48 ..... A 7-14-66 [14]	Texas Oil & Gas Corp.	Natural Gas Pipeline Company of America, acreage in Ochiltree County, Tex.	Contract 3-1-66 [11]	48	.....
CI67-53 ..... A 7-13-66	V. H. Simmons, Jr.	Lake Shore Pipe Line Co., Bushnell Field, Erie County, Pa.	Contract 7-1-66 [11]	2	.....
CI67-54 ..... A 7-15-66 [14]	John W. Stone, et al., d.b.a. Five Star Gas Co.	United Fuel Gas Co., Smithfield District, Roane County, W. Va.	Contract 6-7-66 [11]	2	.....
CI67-55 ..... A 7-15-66 [19]	Sinclair Oil & Gas Co.	Michigan Wisconsin Pipe Line Co., Van Dorn Unit, Lovedale Field, Harper County, Okla.	Contract 6-10-66 [11]	355	.....
CI67-57 ..... A 7-11-66 [19]	An-Son Corp. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Lovedale Field, Harper County, Okla.	Contract 2-7-66 [11]	20	.....
CI67-58 ..... (G-18675) B 7-15-66	H. V. Tucker	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	Notice of cancellation 7-11-66.[19] [20]	1	4
CI67-59 ..... (CI62-526) B 7-15-66	Anchor Production Co. (successor to Sands Industries, Inc. (Operator), et al.).	Cities Service Gas Co., Northwest Kildare Field, Kay County, Okla.	Notice of cancellation 7-12-66.[19] [20]	1	1
B CI67-60 [44] (G-19711) D 7-18-66	Estate of W. H. Taylor, et al. (partial abandonment).	Phillips Petroleum Co., West Panhandle Field, Gray County, Tex.	Notice of partial cancellation (undated).[19] [20]	1	11
CI67-61 ..... (CI60-402) [45] B 7-18-66	H. H. Howell (Operator), et al.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Carmichael Field, Jackson County, Tex.	Notice of cancellation 6-13-66.[19] [20]	[45] 5	2
CI67-62 ..... (G-11794) B 7-18-66	B. O. Lilly, Operator	Kerr-McGee Corp., West Panhandle Field, Carson County, Tex.	Notice of cancellation 7-14-66.[19] [20]	1	2
CI67-64 ..... A 7-18-66 [19]	Jake L. Hamon	Panhandle Eastern Pipe Line Co., Tangier Area Woodward County, Okla.	Contract 6-16-66 [11]	49	.....

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
C167-68 [44]..... A 4-4-66	Harlan B. Hogue (see Docket No. C166-948).	Carnegie Natural Gas Co., Freemans Creek District, Lewis County, W. Va.	.....	.....	.....

[1] Instrument conveying property placed in Docket No. G-2947.
[2] Certificate issued to C. W. Murchison predecessor in interest to Gas Producers Corp. (certificate was not amended to reflect the succession).
[3] Amendment to the application filed correcting certain errors in original filing.
[4] Gas Producers Corp., et al., to Kimbark Exploration Co.
[5] Kimbark Exploration Co. to William A. Boyd, Dorothy Allbright, Earl Lambuth, Holmes P. McLish, and Rodney P. Calvin.
[6] Kimbark Exploration Co. to C. Crady Davis, et al.
[7] Assigns acreage from Marathon Oil Co. to Arthur Arnold.
[8] The sale proposed to be rendered in Docket No. G-13882 will be authorized in Docket No. G-13105, to include the sale thereunder, and the certificate in Docket No. G-13882 will be terminated.
[9] Transfers property from McCurdy Estate to Joe Ballantonte, Sr. Includes assignment of lease to Margaret Johnson McCurdy as Executrix.
[10] July 1, 1967, moratorium date pursuant to Commission's statement of general policy No. 61-1, as amended.
[11] Effective date: Date of initial delivery (Applicant should advise the Commission as to such date).
[12] Now Banquete Gas Co., a division of Crestmont Oil & Gas Co.
[13] Lyman and Associated received authorization in Docket Nos. G-11435 and G-3099, respectively, to resell the gas to Tennessee Gas Pipeline Co.
[14] January 1, 1968, moratorium date pursuant to Commission's statement of general policy No. 61-1, as amended.
[15] Amendment to the certificate to add interest of nonsignatory co-owner.
[16] Adds interest of nonsignatory co-owner, Union Texas Petroleum, a division of Allied Chemical Corp.
[17] Adds acreage and interest of nonsignatory owner, T. Arthur Grant, Jr.
[18] Docket under which predecessor was previously authorized; amendment of permanent certificate in Docket No. G-19313 to reflect succession by Owen Production Co. to interest of J. P. Owen in this sale is pending, therefore, the temporary certificate in Docket No. G-19313 will be terminated.
[19] Source of gas depleted.
[20] Effective date: Date of this order.
[21] Assignment from R. M. Gouldner to Braden-Deem, Inc., covering ⅓ interest in the Snell Lease previously dedicated under contract involved. Interests of other coowners covered by existing certificate.
[22] From Allied Producing Co. to Regent Gas Producers, Inc. (Operator), et al.
[23] From E. J. Thompson to Regent Gas Producers, Inc. (Operator), et al.
[24] Applicants have expressed willingness to accept authorization for the additional acreage containing conditions similar to those imposed in the original certificates (Opinion No. 468).
[25] Assignment of acreage down to a depth of 5,068 feet, to Cities Service Oil Co. (Cities Service received authorization covering the subject acreage under Docket No. C165-837 and FPC GRS No. 197).
[26] Deletes acreage due to expiration of leases.
[27] Sale being rendered on June 7, 1954.
[28] Ratifies Mar. 1, 1953, contract.
[29] Supersedes Mar. 1, 1953, contract and Oct. 19, 1953, contract (contract provides for 12.5 cents rate, however, Applicant states it is willing to accept a permanent certificate at 12 cents, the June 7, 1954, rate).
[30] Inadvertently noticed as a sec. 7(c) application in lieu of a 7(b) application.
[31] No rate schedule or certificate on file with the Commission, sale was made under contract dated in 1946.
[32] Adds acreage acquired from Margaret M. Morgan, et al. (Docket No. CI-65-59); Norton Oil Co., Inc., et al. (Docket No. G-19961); and Southern Natural Gas Co. (Docket No. G-8679).
[33] Conveys interest of Mrs. Margaret M. Morgan, et al. (FPC GRS No. 1) and Norton Oil Co., Inc., et al. (FPC GRS No. 1) to Fred LaRue down to a depth of 8,300 feet.
[34] Conveys interest of Southern Natural Gas Co., to Fred LaRue down to a depth of 8,362 feet. Sale being made under Southern's FPC GRS No. F-1.
[35] The certificate issued herein in Docket No. C166-948 will include both the sales proposed in Docket Nos. C166-948 and C167-68, and Docket No. C167-68 will be cancelled.
[36] Service being rendered without prior Commission authorization.
[37] Applicant has expressed willingness to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468.
[38] Rate of 16 cents effective subject to refund in Docket No. RI66-99; last firm rate was 15 cents. Applicant filed a motion to terminate the rate proceeding on July 20, 1966.
[39] Adds acreage and interest of George V. Frazier and Emma E. Frazier.
[40] Jan. 1, 1968, moratorium date provided by settlement Order issued Jan. 29, 1965, in Sunray DX Oil Co., et al. Docket Nos. G-6622, et al.
[41] On file as Sunray DX Oil Co., FPC GRS No. 161.
[42] From Sunray DX Oil Co. to Thomas A. Dugan.
[43] Adopts terms of basic contract dated Apr. 19, 1966, between Sinclair Oil & Gas Co. and Panhandle.
[44] Application for complete succession assigned Docket No. C166-1334 when it was believed to have been a partial succession, therefore, the application in Docket No. C166-1334 will be construed as a petition to amend the certificate in Docket No. G-17114 and Docket No. C166-1334 will be canceled.
[45] From Paul Case to Fern Case (Identification No. 8).
[46] From Paul Case to Fern Case (Identification No. 9).
[47] From Paul Case to Fern Case (Identification No. 10).
[48] From Paul Case to Fern Case (Identification No. 11).
[48a] From Paul Case to Fern Case.
[49] From Fern Case to El Pam Co., Inc. (Identification No. 13).
[50] From Fern Case to El Pam Co., Inc. (Identification No. 14).
[51] From Fern Case to El Pam Co., Inc. (Identification No. 15).
[52] From Fern Case to El Pam Co., Inc. (Identification No. 16).
[52a] From Fern Case to El Pam Co., Inc.
[53] Applicant advised willingness to accept a permanent certificate conditioned as the certificates issued under Opinion No. 353.
[54] Application for partial abandonment assigned Docket No. C167-60 when it was believed to have been a complete abandonment, therefore, the application in Docket No. C167-60 will be construed as a petition to amend the certificate in Docket No. G-10711 and Docket No. C167-60 will be canceled.
[55] Consolidated with Docket No. G-16781, et al.
[55a] The Commission in Opinion No. 476 has found 15 cents per Mcf to be the proper rate for this sale. The effectiveness of the order has been stayed pending judicial review, therefore, Applicant will not be relieved of any obligations to make such refunds as may be ordered in Opinion No. 476.

[F.R. Doc. 66-10116; Filed, Sept. 19, 1966; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-240]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility License

Please take notice that, no request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Facility License No. R-104 to General Dynamics Corp. authorizing operation of the Modified HTGR Critical Facility at steady state power levels up to a maximum of 100 watts (thermal) on the Corporation's laboratory site at Torrey Pines Mesa near San Diego, Calif.

The license was issued as set forth in the notice of proposed issuance of facility license published in the FEDERAL REGISTER August 19, 1966 (31 F.R. 11050).

Dated at Bethesda, Md., this 8th day of September 1966.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-10216; Filed, Sept. 19, 1966; 8:45 a.m.]

[Docket No. 27-17]

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, NATIONAL INSTITUTES OF HEALTH

Notice of Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 4 to License No. 19-296-11 as set forth below. This amendment provides for a change in the license provisions referring to the transportation of radioactive materials to assure conformity with the AEC-ICC memorandum of understanding dated March 21, 1966.

In a letter dated July 25, 1966, the AEC notified National Institutes of Health of its intent to amend License No. 19-296-11 to assure that the license provisions referring to transportation of radioactive materials were in conformity with the AEC-ICC memorandum of understanding dated March 21, 1966. National Institutes of Health consented to the proposed modification of its license in a letter dated August 26, 1966.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., September 13, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 19-296-11; Amdt. 4]

License No. 19-296-11 is amended as follows:

Condition 5 is amended to read:

5. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Interstate Commerce Commission in §§ 73.391-73.395, 49 CFR Part 73, "Regulations Applying to Shippers", and §§ 77.823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments Made By Way Of Common, Contract, Or Private Carriers By Public Highways", and (2) any requests for modifications of exceptions to those requirements, any requests for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

Date of issuance: September 13, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 66-10217; Filed, Sept. 19, 1966; 8:45 a.m.]

CIVIL SERVICE COMMISSION

CERTAIN SPECIALIZATIONS IN TECHNOLOGY SERIES

Notice of Cancellation of Special Rates

Effective upon reclassification of the affected positions, special rates are canceled for the following specialization in the Technology Series, GS-1390: Aviation Survival Equipment, Industrial Radiography, and Packaging and Preservation. This action is taken because the Technology Series, GS-1390 is abolished.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-10268; Filed, Sept. 19, 1966; 8:49 a.m.]

CERTAIN SPECIALIZATIONS IN TECHNOLOGY SERIES

Notice of Cancellation of Manpower Shortage

Effective October 20, 1966, authority to pay the travel and transportation expenses of appointees to positions in the GS-1390 Technology Series in the specializations of Aviation Survival Equipment, Industrial Radiography, and Packaging and Preservation, is canceled.

This action is taken because the Technology Series, GS-1390, is abolished. (See Handbook of Occupational Groups and Series of Classes, Transmittal Sheet No. 46, June 1966.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-10269; Filed, Sept. 19, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF LONG BEACH, CALIF., AND EVANS PRODUCTS CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Leonard Putnam, Suite 600, City Hall, Long Beach, Calif. 90802.

Agreement No. T-1985 between the City of Long Beach (City) and Evans Products Co. (Evans) covers the lease of a marine terminal facility by City to Evans at Long Beach, Calif. The leased premises will be used by Evans to conduct a public wharfinger business. As rental, Evans will pay or cause to be paid all applicable tariff charges accruing from operations on the premises subject to a minimum payment of $187,000 for each 12-month period. Payment beyond the minimum figure will be divided between City and Evans pursuant to a schedule set forth in the agreement. All charges assessed by Evans will conform as nearly as possible with like charges published in City's tariff applying at municipal terminals at the Port of Long Beach, and the charges, regulations and practices of Evans shall be subject to review and control by City. In lieu of filing a tariff Evans may elect to use and be bound by City's tariff. City retains the right to make temporary berthing assignments at the premises to other users, and tariff charges in connection therewith will be billed by and payable to City and credited to the respective accounts of City and Evans in accordance with the terms of the agreement. Evans has the right of first refusal to lease certain other berths subject to additional rental on terms as set forth in the agreement.

Dated: September 15, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-10249; Filed, Sept. 19, 1966; 8:48 a.m.]

[Independent Ocean Freight Forwarder License 998]

H. C. RICHARDS CO.

Revocation of License

Whereas, by letter dated September 7, 1966, Helen Currie Richards doing business as H. C. Richards Co., 125B, 26th St., Newport News, Va., has requested the revocation of Independent Ocean Freight Forwarder License No. 998: and

Whereas, Helen Currie Richards, doing business as H. C. Richards Co. is no longer operating as an independent ocean freight forwarder;

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1, section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 998 of Helen Currie Richards doing business as H. C. Richards Co. be and is hereby revoked, effective this date.

It is further ordered, That Independent Ocean Freight Forwarder License No. 998 be returned to the Commission.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JOHN F. GILSON,
Deputy Director, Bureau of Domestic Regulation.

[F.R. Doc. 66-10250; Filed, Sept. 19, 1966; 8:48 a.m.]

SOUTH AND EAST AFRICA RATE AGREEMENT

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14(b) of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition

including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the proposed contract form and of the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to institute a dual rate system filed by:

Mr. James C. Pendleton, Secretary, South and East Africa Rate Agreement, 11 Broadway, New York, N.Y. 10004.

Notice is hereby given that the member lines to the South and East Africa Rate Agreement have filed with the Commission, pursuant to section 14(b) of the Shipping Act, 1916, an exclusive patronage dual rate contract and an application for permission to institute a dual rate system for the carriage of all ocean shipments of the signatory merchant for which contract rates are offered moving in the agreement trade.

This application supersedes the original application by the member lines for permission to institute a dual rate system for the carriage of Coffee from East African ports and the island of Madagascar to U.S. Atlantic and Gulf ports as published in the FEDERAL REGISTER on March 18, 1966, at 31 F.R. 4635.

The instant application provides that contract rates shall be lower than the ordinary rates set forth in the carrier's tariff by an amount not to exceed fifteen (15) percent all in accordance with the terms and conditions described in the contract.

Dated: September 14, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-10251; Filed, Sept. 19, 1966; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4413]

ARKANSAS POWER & LIGHT CO. AND MIDDLE SOUTH UTILITIES, INC.

Notice of Proposed Issue and Sale of Shares of Preferred Stock at Competitive Bidding and of Common Stock to Holding Company

SEPTEMBER 14, 1966.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y. 10017, a registered holding company, and Arkansas Power & Light Co. ("Arkansas"), an electric utility subsidiary company of Middle South, have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application, which is summarized below, for a complete statement of the proposed transactions.

Arkansas proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 100,000 shares of its cumulative preferred stock par value $100 per share. The dividend rate of the new preferred stock (which will be a multiple of one-twenty-fifth of 1 percent and the price, exclusive of accrued dividends, to be paid to Arkansas (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding.

Arkansas also proposes to issue and sell, and Middle South proposes to acquire, 800,000 of Arkansas' presently authorized but unissued shares of common stock, $12.50 par value, at a price of $12.50 per share or $10,000,000 in the aggregate.

The net proceeds from the sale of the preferred stock and common stock are to be used by Arkansas for its 1966 construction program, estimated to cost $72,300,000, and for other corporate purposes, including the repayment of short-term bank loans of not to exceed $15,750,000.

The fees and expenses to be incurred by Arkansas in connection with the issue and sale of the new preferred stock are estimated at $42,000, including counsel fees of $17,000 and auditors' fees of $3,000. Fees of counsel for the purchasers of the new preferred stock in the amount of $6,500, together with their out-of-pocket expenses, will be paid by the successful bidders. The filing states that in connection with the issue and sale of the new common stock to Middle South no special or separable expenses are anticipated by Arkansas or Middle South.

The application states that the Arkansas Public Service Commission, the State commission of the State in which Arkansas is organized and doing business, has jurisdiction over the proposed transactions; that the Tennessee Public Service Commission, the commission of a State in which Arkansas also does business, asserts jurisdiction over the proposed transactions; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 13, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10234; Filed, Sept. 19, 1966; 8:46 a.m.]

[File No. 70-4415]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds

SEPTEMBER 14, 1966.

Notice is hereby given that Pennsylvania Electric Co. ("Penelec"), 1001 Broad Street, Johnstown, Pa. 15907, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $25,000,000 principal amount of First Mortgage Bonds ------ percent Series due November 1, 1996. The interest rate (which shall be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust dated January 1, 1942, between Penelec and Bankers Trust Co., Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated November 1, 1966.

The proceeds from the sale of the bonds (other than premium, if any, and accrued interest) will be used to reimburse Penelec's treasury thus enabling it to pay short-term notes to banks the proceeds from which were used to finance, in part, the 1965 and 1966 construction programs. Any premium realized from the sale of the bonds will be used for financing the business of Penelec, including the payment of expenses incurred in connection with the proposed issue of bonds. The 1966 construction program is estimated to cost $53,000,000, part of which has been financed from funds generated internally and by a capital contribution from GPU.

Fees and expenses relating to the proposed transaction are estimated at $77,000, including legal fees of $20,000 and accountant's fees of $4,750. A statement of the fee of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of bonds by Penelec. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 9, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10235; Filed, Sept. 19, 1966; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (26 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The certificates are effective from September 3, 1966, to September 2, 1967, except as otherwise indicated. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the statutory minimum of $1.25 an hour.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Adams Drug Co., Inc., drug stores: No. 15, Cranston, R.I.; 866 Broad Street, Providence, R.I.; No. 16, Wakefield, R.I.; 488 Main Street, Warren, R.I.

Ball Stores, Inc., department store; 400 South Walnut Street, Muncie, Ind.

Big Apple Supermarket, food stores; No. 2, Reidsville, N.C.; No. 3, Reidsville, N.C.

The First Street Store, Ltd., department store; 3634-44 East First Street, Los Angeles, Calif.

W. T. Grant Co., variety stores: No. 705, Birmingham, Ala.; No. 718, Indianapolis, Ind.; No. 545, Gardiner, Maine; 301 North Washington Street, Rockville, Md.; 190 Main Street, Berlin, N.H.; No. 735, Carteret, N.J. (9-1-66 to 8-31-67); No. 253, Dover, N.J. (9-1-66 to 8-31-67); No. 173, Paterson, N.J.; No. 868, Pennsville, N.J. (9-1-66 to 8-31-67); No. 675, Asheville, N.C.; 418 Market Street, Steubenville, Ohio (9-24-66 to 9-23-67); No. 159, Oil City, Pa. (9-7-66 to 9-6-67); 6595 Roosevelt Boulevard, Philadelphia, Pa.; 639 Clairton Boulevard Pittsburgh, Pa.; No. 747, Shillington, Pa.; No. 241, St. Johnsbury, Vt.

Greenfield Search Food Stores, Inc., food store; Greenfield, Ill.; 8-25-66 to 8-24-67.

Kenley's Super Markets, Inc., food store; 1107 South 10th Street, Noblesville, Ind.

S. S. Kresge Co., variety stores: No. 247, Hamden, Conn.; No. 291, New London, Conn.; No. 358, Wilmington, Del.; No. 730, Miami, Fla.; No. 34, Bloomington, Ill.; No. 497, Mattoon, Ill.; No. 4557, Bloomington, Ind.; No. 31, Lafayette, Ind.; No. 142, Marion, Ind.; No. 85, Muncie, Ind.; No. 4571, Peru, Ind.; No. 607, Wichita, Kans.; No. 60, Lewiston, Maine; No. 285, Baltimore, Md.; No. 348, Baltimore, Md.; No. 941, Forestville, Md.; No. 165, Boston, Mass.; No. 470, Peabody, Mass.; No. 26, Springfield, Mass.; 474 Main Street, Worcester, Mass.; No. 227, Birmingham, Mich.; No. 456, Detroit, Mich.; No. 4538, Detroit, Mich.; No. 550, Detroit, Mich.; No. 276, Hazel Park, Mich.; No. 211, Highland Park, Mich.; No. 70, Lansing, Mich.; No. 677, Rochester, Mich.; No. 562, Bloomfield, N.J.; No. 243, East Brunswick, N.J.; No. 392, Montclair, N.J.; No. 496, North Bantontown, N.J.; No. 260, Passaic, N.J.; No. 30, Paterson, N.J.; No. 75, Plainfield, N.J.; No. 23, Princeton, N.J.; No. 65, Trenton, N.J.; No. 4501, Alliance, Ohio; No. 531, Cleveland, Ohio; No. 326, Columbus, Ohio; No. 638, Dayton, Ohio; No. 608, Maple Heights, Ohio; No. 557, Mayfield Heights, Ohio; No. 513, Mount Vernon, Ohio; No. 294, Altoona, Pa.; No. 699, Baden, Pa.; No. 143, Hazleton, Pa.; No. 543, Monroeville, Pa.; No. 378, Oil City, Pa.; No. 191, Philadelphia, Pa.; No. 269, Philadelphia, Pa.; No. 528, Philadelphia, Pa.; No. 545, Philadelphia, Pa.; No. 53, Pittsburgh, Pa.; No. 4574, Pottsville, Pa.; No. 4504, Reading, Pa.; No. 293, Sharon, Pa.; No. 67, Williamsport, Pa.; No. 714, Fort Worth, Tex.; No. 4548, Petersburg, Va. (9-1-66 to 8-31-67); No. 637, Milwaukee, Wis.; No. 181, Oshkosh, Wis.; No. 86, Racine, Wis.

S. H. Kress and Co., variety stores: 1106 Noble Street, Anniston, Ala.; 1912 Second Avenue, Bessemer, Ala.; 3008 27th Street, North, Birmingham, Ala.; 101 West Main Street, Dothan, Ala.; 107 South Washington Street, Huntsville, Ala.; 115 Dauphin Street, Mobile, Ala.; 39 Dexter Avenue, Montgomery, Ala.; 306 South Wilson Avenue, Prichard, Ala.; 121 Broad Street, Selma, Ala.; 2223 Broad Street, Tuscaloosa, Ala.; 328 Main Street, Pine Bluff, Ark.; 500 Duval Street, Key West, Fla.; 64 East Flagler Street, Miami, Fla.; 400 Clematis Street, West Palm Beach, Fla.; 121 Washington Street, Albany, Ga.; 118 Jackson Street, Americus, Ga.; 50 Broad Street SW., Atlanta, Ga.; 832 Broad Street, Augusta, Ga.; 1505 Newcastle Street, Brunswick, Ga.; 1117 Broad Street, Columbus, Ga.; 137 Main Street, LaGrange, Ga.; 620 Cherry Street, Macon, Ga.; 120 West Broughton Street, Savannah, Ga.; 101-105 North Patterson Street, Valdosta, Ga.; 308 Mary Street, Waycross, Ga.; 1102 Third Street, Alexandria, La.; 439 Third Street, Baton Rouge, La.; 316 Texas Street, Shreveport, La.; 500 Main Street, Hattiesburg, Miss.; 402 Central Avenue, Laurel, Miss.; 2214-16 Fifth Street, Meridian, Miss.; 19 Patton Avenue, Asheville, N.C.; 101 West Main Street, Durham, N.C.; 111 West Main Street, Gastonia, N.C. (9-24-66 to 9-23-67); 208 South Elm Street, Greensboro, N.C.; 5 West Fourth Street, Winston-Salem, N.C.; 1508 Main Street, Columbia, S.C.

Marstaller Grocery and Market, Inc., food store; 3344 Franklin Street, Waco, Tex.

The Mart, Inc., apparel store; 180 Main Street, Paterson, N.J.; 9-1-66 to 8-31-67.

McCrory-McLellan-Green Stores, variety stores: No. 543, Tucson, Ariz.; No. 574, Tucson, Ariz. (9-24-66 to 9-23-67); No. 287, Clearwater, Fla.; No. 270, Fort Lauderdale, Fla.; No. 130, Fort Myers, Fla.; No. 245, Homestead, Fla.; No. 95, Jacksonville, Fla.; No. 173, Kissimmee, Fla.; No. 150, Plant City, Fla.; No. 111, Tallahassee, Fla.; No. 71, West Palm Beach, Fla.; No. 244, Winter Haven, Fla.; No. 191, Atlanta, Ga.; No. 1211, Atlanta, Ga.; No. 1107, Columbus, Ga.; No. 412, Gainesville, Ga.; No. 433, Griffin, Ga.; No. 1121, Macon, Ga.; No. 435, Marietta, Ga.; No. 176, Savannah, Ga.; No. 424, Thomasville, Ga.; No. 557, Thomson, Ga. (9-20-66 to 9-19-67); No. 209, Valdosta, Ga.; No. 676, Pekin, Ill.; No. 560, Mason City, Iowa; No. 298, Lafayette, La.; No. 1312, New Orleans, La.; No. 620, Waterville, Maine; No. 631, Boston, Mass.; No. 575, Columbus, Miss.; No. 302, Gulfport, Miss.; No. 275, McComb, Miss.; No. 1032, Asbury Park, N.J.; No. 1152, Irvington, N.J.; No. 131, Passaic, N.J.; No. 1072, Succasunna, N.J.; No. 542, Albuquerque, N. Mex.; No. 700, Albemarle, N.C.; No. 406, Concord, N.C.; No. 1123, Durham, N.C.; No. 479, Goldsboro, N.C.; No. 699, New Bern, N.C.; No. 1045, Wilmington, N.C.; No. 1103, Charleston, S.C.; No. 415, Sumter, S.C.; No. 1206, Houston, Tex. (9-29-66 to 9-28-67); No. 694, Oconomowoc, Wis.

Meyer Brothers, department store; 181 Main Street, Paterson, N.J.; 9-1-66 to 8-31-67.

Minimax Super Market, food stores: 1552 Palm Boulevard, Brownsville, Tex.; 2000 North 10th Street, McAllen, Tex.; 502 South Texas Street, Mercedes, Tex.

G. C. Murphy Co., variety stores: No. 261, Huntsville, Ala.; No. 263, Tuscaloosa, Ala.; No. 97, Naugatuck, Conn.; No. 93, Torrington,

Conn.; No. 255, Daytona Beach, Fla.; No. 276, Hialeah, Fla.; No. 279, Holly Hill, Fla.; No. 262, Jacksonville, Fla.; No. 264, Miami, Fla.; No. 253, Pensacola, Fla.; No. 272, St. Petersburg, Fla.; No. 274, West Palm Beach, Fla.; No. 259, Atlanta, Ga.; No. 243, Moultrie, Ga.; No. 250, Rome, Ga.; No. 251, Berwyn, Ill.; No. 439, Effingham, Ill.; No. 458, Mt. Vernon, Ill.; No. 112, Pontiac, Ill.; No. 113, Streator, Ill.; No. 461, Aurora, Ind.; No. 401, Bluffton, Ind.; No. 101, Brazil, Ind.; No. 99, Clinton, Ind.; No. 423, Crawfordsville, Ind.; No. 407, Decatur, Ind.; No. 404, Elwood, Ind.; No. 103, Fort Wayne, Ind.; No. 412, Franklin, Ind.; No. 417, Goshen, Ind.; No. 119, Greencastle, Ind.; No. 223, Greensburg, Ind.; No. 408, Hartford City, Ind.; No. 425, Huntingburg, Ind.; No. 104, Indianapolis, Ind.; No. 123, Indianapolis, Ind.; No. 215, Indianapolis, Ind.; No. 235, Indianapolis, Ind.; No. 244, Indianapolis, Ind.; No. 260, Indianapolis, Ind.; No. 445, Kendallville, Ind.; No. 203, Linton, Ind.; No. 430, Madison, Ind.; No. 411, Noblesville, Ind.; No. 422, Peru, Ind.; No. 405, Portland, Ind.; No. 420, Princeton, Ind.; No. 100, Rockville, Ind.; No. 443, Salem, Ind.; No. 72, Seymour, Ind.; No. 105, Shelbyville, Ind.; No. 114, Washington, Ind.; No. 138, Baltimore, Md.; No. 95, Westminster, Md.; No. 270, St. Paul, Minn.; No. 136, Ocean City, N.J. (9–1–66 to 8–31–67); No. 139, Washington, N.J. (9–1–66 to 8–31–67); No. 135, Wildwood, N.J. (9–1–66 to 8–31–67); No. 249, Hickory, N.C.; No. 117, Aliquippa, Pa.; No. 27, Ambridge, Pa.; No. 78, Bangor, Pa.; No. 188, Barnesboro, Pa.; No. 68, Beaver, Pa.; No. 32, Beaver Falls, Pa.; No. 130, Bedford, Pa.; No. 144, Bellefonte, Pa.; No. 115, Bellevue, Pa.; No. 178, Brookville, Pa.; No. 30, Brownsville, Pa.; No. 160, Burgettstown, Pa.; No. 92, Butler, Pa.; No. 55, California, Pa.; No. 54, Carnegie, Pa.; No. 11, Charleroi, Pa.; No. 88, Clairton, Pa.; No. 66, Clarion, Pa.; No. 158, Clearfield, Pa.; No. 169, Corry, Pa.; No. 46, Elizabeth, Pa.; No. 124, Everett, Pa.; No. 58, Farrell, Pa.; No. 44, Ford City, Pa.; No. 184, Franklin, Pa.; No. 129, Gettysburg, Pa.; No. 43, Greenville, Pa.; No. 13, Grove City, Pa.; No. 28, Hanover, Pa.; No. 165, Harrisburg, Pa.; No. 143, Huntingdon, Pa.; No. 126, Indiana, Pa.; No. 23, Irwin, Pa.; No. 9, Kittanning, Pa.; No. 59, Lewistown, Pa.; No. 116, Ligonier, Pa.; No. 51, McKees Rocks, Pa.; No. 16, Meadville, Pa.; No. 70, Mechanicsburg, Pa.; No. 186, Meyersdale, Pa.; No. 84, Midland, Pa.; No. 31, Monessen, Pa.; No. 146, Mount Union, Pa.; No. 193, Nazareth, Pa.; No. 48, New Bethlehem, Pa.; No. 106, New Castle, Pa.; No. 157, North East, Pa.; No. 29, Pittsburgh, Pa.; No. 56, Pittsburgh, Pa.; No. 57, Pittsburgh, Pa.; No. 61, Pittsburgh, Pa.; No. 83, Pittsburgh, Pa.; No. 87, Pittsburgh, Pa.; No. 163, N. S. Pittsburgh, Pa.; No. 170, Pittsburgh, Pa.; No. 196, Pittsburgh, Pa.; No. 221, Pittsburgh, Pa.; No. 183, Punxsutawney, Pa.; No. 127, Red Lion, Pa.; No. 128, Sharon, Pa.; No. 118, Shippensburg, Pa.; No. 85, St. Marys, Pa.; No. 145, State College, Pa.; No. 64, Tarentum, Pa.; No. 73, Titusville, Pa.; No. 164, Uniontown, Pa.; No. 159, Vandergrift, Pa.; No. 60, Warren, Pa.; No. 155, Washington, Pa.; No. 177, Waynesburg, Pa.; No. 47, West Newton, Pa.; No. 39, Wilkinsburg, Pa.; No. 205, York, Pa.; No. 275, Milwaukee, Wis.

Neisner Brothers, Inc., variety stores: No. 30, Chicago, Ill.; No. 31, Chicago, Ill.; No. 49, Chicago, Ill.; No. 52, Chicago, Ill.; No. 54, Chicago, Ill.; No. 57, Chicago, Ill.; No. 65, Chicago, Ill.; No. 74, Chicago, Ill.; No. 97, Chicago, Ill.; No. 69, Evanston, Ill.; No. 26, Evansville, Ind.; No. 50, Joliet, Ill.; No. 150, Melrose Park, Ill.; No. 37, Waukegan, Ill.; No. 129, Rochester, Minn.; No. 20, St. Paul, Minn.

J. J. Newberry Co., variety stores: 110 South Main Street, Harlan, Ky. (9–1–66 to 8–31–67); 113–119 Main Street, Calais, Maine; 142 Main Street, Ellsworth, Maine; 45–57 Main Street, Farmington, Maine; Main Street and 11th Avenue, Madawaska, Maine; 216 Penobscot Avenue, Millinocket, Maine; 191–195 Main Street, Norway, Maine; No. 73, Holyoke, Mass.; 175 Main Street, Northampton, Mass.; 79 North Street, Pittsfield, Mass.; 109 South Main Street, Ishpeming, Mich.; No. 104, Asbury Park, N.J.; No. 36, Dover, N.J.; No. 107, Freehold, N.J.; 77 Broad Street, Red Bank, N.J.; No. 190, Springfield, N.J. (9–17–66 to 9–16–67); 724–730 Wheeling Avenue, Cambridge, Ohio; 131 West Front Street, Berwick, Pa.; No. 9, Chambersburg, Pa.; No. 106, Lock Haven, Pa.; 201–15 North Stanton Street, El Paso, Tex.; 320 East Overland Street, El Paso, Tex.

Piggly Wiggly Grocery and Market, food store; No. 1, De Ridder, La.

Seltner Brothers, Inc., department store; 302 Federal Street, Saginaw, Mich.; 9–13–66 to 9–12–67.

Sterling Stores Co., Inc., variety stores: 106–110 North Market Street, Benton, Ark.; 130 West Main Street, Blytheville, Ark.; 109–111 North Vine Street, Harrison, Ark.; 636 West Main Street, Jacksonville, Ark.; Capitol Avenue and Center Street, Little Rock, Ark.; 106–108 North Washington Avenue, Magnolia, Ark.; 2627 Pike Avenue, North Little Rock, Ark.; 106 East Hale Street, Osceola, Ark.; 208–212 Main Street, Russellville, Ark.

T. G. & Y. Stores Co., variety stores: No. 174, Fort Smith, Ark.; No. 31, Bartlesville, Okla.; No. 6, Clinton, Okla.; No. 35, Ponca City, Okla.

Ward Brothers, apparel store; 72 Lisbon Street, Lewiston, Maine.

Weeks, Inc., food store; 505 South Santa Fe, Salina, Kans.

Whitehall Search Foods Stores, Inc., food store; Whitehall, Ill.; 8–25–66 to 8–24–67.

F. W. Woolworth Co., variety store; 165 Market Street, Newark, N.J.; 9–1–66 to 8–31–67.

Younker Brothers, Inc., department stores: 323 Main Street, Ames, Iowa; Merle Hay Plaza, Des Moines, Iowa; Seventh and Walnut Street, Des Moines, Iowa; Ninth and Central, Fort Dodge, Iowa; 111 East Washington, Iowa City, Iowa; 22–24 Main Street, East, Marshalltown, Iowa; 101 South Federal, Mason City, Iowa; 118 High Street, West, Oskaloosa, Iowa; 129 East Main Street, Ottumwa, Iowa; Fourth and Nebraska and Fourth and Pierce, Sioux City, Iowa; 15th and Douglas Street, Omaha, Nebr.; 42d and Center Street, Omaha, Nebr.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum of $1.25 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Adams Drug Co., Inc., drug stores for the occupation of sales clerk, between 5.2 percent and 10 percent except as otherwise indicated: No. 35, Cranston, R.I.; No. 32, East Providence, R.I.; No. 26, Providence, R.I.; No. 28, Woonsocket, R.I. (10 percent for each month).

Boonville Foods, Inc., food store; 1004 Main Street, Boonville, Mo.; carryout boy; between 8.0 percent and 10 percent.

Cooper & Ratcliff, food store; Box 2037, Martinsville, Va.; bag and carryout boy; 10 percent for each month; 9–1–66 to 8–31–67.

King Mart, food store; 1301 East Levee, Brownsville, Tex.; bagger, carryout boy, janitor, errand boy; between 9.4 percent and 10 percent.

W. T. Grant Co., variety stores for the occupations of sales clerk, stock clerk, office clerk, cashier, except as otherwise indicated: 23–27 North Walnut Street, Milford, Del. (between 1.3 percent and 10 percent, 9–9–66 to 9–8–67); No. 1157, Evansville, Ind. (between 4.4 percent and 10 percent); No. 1051, Indianapolis, Ind. (between 6.9 percent and 10 percent); No. 1113, Rockland, Maine (cashier, sales clerk, between 6.0 percent and 10 percent); No. 1082, Baltimore, Md. (between 7.4 percent and 10 percent); No. 974, West Caldwell, N.J. (between 6.0 percent and 10 percent, 9–1–66 to 8–31–67); No. 967, Albuquerque, N. Mex. (between 3.2 percent and 8.3 percent, 9–3–66 to 4–30–67); 1000 North First Street, Albemarle, N.C. (sales clerk, between 3.6 percent and 10 percent, 9–22–66 to 9–21–67); 3520 Edgmont Avenue, Brookhaven, Pa. (10 percent for each month); No. 1143, Folcroft, Pa. (between 8.4 percent and 10 percent); No. 1077, Newtown Square, Pa. (10 percent for each month); No. 729, Kingsport, Tenn. (between 2.8 percent and 10 percent, 9–1–66 to 8–31–67); No. 964, Fredericksburg, Va. (sales clerk, between 1.6 percent and 10 percent, 9–1–66 to 8–31–67); No. 209, Vienna, Va. (between 4.2 percent and 10 percent).

S. S. Kresge Co., variety stores for the occupation of sales clerk except as otherwise indicated: No. 4046, Hot Springs, Ark. (between 3.3 percent and 10 percent); No. 4127, Little Rock, Ark. (between 2.4 percent and 10 percent, 8–19–66 to 8–18–67); No. 745, Carol City, Fla. (between 7.2 percent and 10 percent); No. 4135, Augusta, Ga. (between 3.5 percent and 10 percent, 8–29–66 to 8–28–67); No. 4049, Macon, Ga. (10 percent for each month, 9–17–66 to 9–16–67); No. 502, Mount Prospect, Ill. (10 percent for each month, 9–14–66 to 9–13–67); No. 4592, Streator, Ill. (stock clerk, cashier, between 2.1 percent and 10 percent); No. 4073, Clarksville, Ind. (between 1.8 percent and 10 percent, 8–18–66 to 8–17–67); No. 4008, Lafayette, Ind. (between 7.4 percent and 10 percent); No. 597, Richmond, Ind. (10 percent for each month); No. 195, Bangor, Maine (10 percent for each month); No. 264, Lutherville-Timonium, Md. (10 percent for each month); No. 433, Saginaw, Mich. (10 percent for each month, 9–14–66 to 9–13–67); No. 364, Warren, Mich. (between 8.1 percent and 10 percent); No. 4002, Warren, Mich. (10 percent for each month); No. 189, Middletown, Pa. (10 percent for each month); No. 4004, Knoxville, Tenn. (between 2.1 percent and 10 percent); No. 757, Austin, Tex. (between 0.7 percent and 10 percent); No. 4013, Baytown, Tex. (between 3.1 percent and 10 percent, 9–3–66 to 7–19–67); No. 748, Dallas, Tex. (between 0.2 percent and 10 percent); No. 770, Fort Worth, Tex. (between 4.9 percent and 10 percent); No. 705, Houston, Tex. (between 3.1 percent and 10 percent, 9–27–66 to 9–26–67); No. 4017, Houston, Tex. (between 3.1 percent and 10 percent, 8–23–66 to 8–22–67); No. 729, Orange, Tex. (between 1.5 percent and 7.4 percent); No. 746, San Antonio, Tex. (between 4.9 percent and 10 percent); 2425 State Road, La Crosse, Wis. (between 2.7 percent and 10 percent, 8–29–66 to 8–28–67).

S. H. Kress and Co., variety store; 1999 Aloma Avenue, Winter Park, Fla.; sales clerk, stock clerk; between 0.8 percent and 9.6 percent.

McCrory-McLellan-Green Stores, variety stores for the occupations of sales clerk, stock clerk, office clerk, except as otherwise indicated: No. 350, Deerfield Beach, Fla. (sales clerk, office clerk, 10 percent for each month); No. 342, Fort Myers, Fla. (between 6.4 percent and 10 percent); No. 347, Leesburg, Fla. (between 6.9 percent and 10 percent); No. 344, Mount Dora, Fla. (between 6.8 percent and 10 percent); No. 339, Winter Garden, Fla. (sales clerk, between 4.1 percent and 10 percent); No. 359, Dalton, Ga. (between 6.6 percent and 10 percent); No. 1318, Louisville, Ky. (between 0.0 percent and 10 percent); No. 1307, Bergenfield, N.J. (10 percent for each month).

G. C. Murphy Co., variety stores for the occupations of sales clerk, stock clerk, office clerk, janitor, 10 percent for each month except as otherwise indicated: No. 296, Decatur, Ala.; No. 297, Gadsden, Ala. (between 9.0 percent and 10 percent); No. 289, Gainesville, Fla. (between 9.4 percent and 10 percent); No. 284, Orlando, Fla. (between 3.3 percent and 10 percent); No. 287, Panama City, Fla.; No. 292, Pensacola, Fla.; No. 290, West Hollywood, Fla. (between 9.8 percent and 10 percent); No. 102, Tifton, Ga. (between 0.2 percent and 9.7 percent); No. 277, Mt. Prospect, Ill.; No. 300, Kokomo, Ind.; No. 282, Shreveport, La.; No. 161, Minneapolis, Minn.; No. 71, Trenton, N.J. (9–1–66 to 8–31–67); No. 298, Trenton, N.J. (9–1–66 to 8–31–67); No. 302, Carlisle, Pa.; No. 293, Pittsburgh, Pa.

Neisner Brothers, Inc., variety store; Crystal Lake Plaza, Crystal Lake, Ill.; sales clerk, stock clerk, office clerk; 10 percent for each month.

J. J. Newberry Co., department store; Ellsworth Shopping Center, Ellsworth, Maine; office clerk, stock clerk, sales clerk, marker, janitor, window trimmer; between 1.3 percent and 10 percent.

Piggly Wiggly Grocery Store, food stores: No. 1, Panama City, Fla. (stock clerk, box boy, carryout boy, 10 percent for each month); No. 2, De Ridder, La. (bag boy, between 2.8 percent and 10 percent).

Sterling's Stores Co., Inc., variety store; University Avenue and Markham Street, Little Rock, Ark.; sales clerk, stock clerk, janitor; 10 percent for each month.

T. G. & Y. Stores Co., variety store; No. 159, Columbia, Mo.; office clerk, stock clerk, sales clerk; 10 percent for each month.

Younker Brothers, Inc., department stores for the occupations of stock clerk, office clerk, sales clerk, messenger, wrapper, marker, delivery clerk, cleaner, porter: Middle and Kimberly Road, Bettendorf, Iowa (between 8.9 percent and 10 percent); 4444 First Avenue, Northeast, Cedar Rapids, Iowa (between 3.1 percent and 9.0 percent); 1550 East Douglas, Des Moines, Iowa (between 2.8 percent and 9.5 percent); 1501 First Avenue East, Newton, Iowa (between 0.6 percent and 8.2 percent); 1950 Grand Avenue North, Spencer, Iowa (between 0.0 percent and 7.9 percent).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum wages will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 12th day of September 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66–10233; Filed, Sept. 19, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 254]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 15, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 112184 (Sub-No. 25 TA), filed September 12, 1966. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, Route 87, Newbury, Ohio. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Concrete Admixtures*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in Massachusetts and Connecticut, for 180 days. Supporting shipper: Master Builders, 2490 Lee Boulevard, Cleveland, Ohio. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 435 Federal Building, Cleveland, Ohio 44114.

No. MC 128557 (Sub-No. 1 TA), filed September 12, 1966. Applicant: LINCOLN LUMBER SALES, INC., Post Office Box 126, East Yaguina Bay Road, Newport, Oreg. 97365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Linn, Lane, Benton, Polk, Tillamook, Yamhill, and Marion Counties, Oreg., to points in Lincoln County, Oreg., for 150 days. Supporting shippers: Whipple Moshofsky Lumber Co., Portland, Oreg., Larson Lumber Co., Philomath, Oreg., Morgan-Staley Lumber Co., Lake Oswego, Oreg., Sheridan Pressure Treated Lumber, Inc., Beaverton, Oreg., Yaquina Bay Dock & Dredge Co., Newport, Oreg. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations & Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 128569 TA, filed September 12, 1966. Applicant: GUARDIAN STORAGE, INC., 4023 Navy Boulevard, Pensacola, Fla. Applicant's representative: C. W. Hual (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* having a prior or subsequent movement in interstate commerce, between Pensacola, Fla., and points in the counties of Escambia, Santa Rosa, and Okaloosa, Fla., under contract with Western Electric Co., Inc., for 180 days. Supporting shipper: Western Electric Co., Inc., 222 Broadway, New York 38, N.Y. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10261; Filed, Sept. 19, 1966; 8:49 a.m.]

[Notice 1414]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 15, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68665. By order of September 12, 1966, the Transfer Board approved the transfer to Golden West Trucking Co., a corporation, Eugene, Oreg., of a portion of permit No. MC–69365 (Sub-No. 15), issued January 22, 1965, to Contract Carrier Service, Inc., Cottage Grove, Oreg., authorizing the transportation of: Laminated wood products, and lumber and timbers, fabricated or not fabricated, and related hardware items for the foregoing, from points in

Multnomah County, Oreg., and Lewis County, Wash., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington. Earl V. White, 2130 Southwest Fifth Avenue, Portland, Oreg. 97201, attorney for applicants.

No. MC-FC-68889. By order of September 13, 1966, the Transfer Board approved the transfer to Arrow Freightways, Inc., Albuquerque, N. Mex. 87102, of that portion of the operating rights of S. & V. Trucking Co., a corporation, Albuquerque, N. Mex. in certificate No. MC-110452, issued May 9, 1960, authorizing the transportation, over irregular routes, of ranch supplies and equipment, from common carrier terminals in New Mexico to ranches in New Mexico (except those in Dona Ana, Grant, Hidalgo, Luna, and Sierra Counties, N. Mex.), and lumber from the site of the Navajo Tribal Sawmill (located near Fort Defiance, Ariz.) to points in New Mexico, and from Holbrook, Flagstaff, and Winslow, Ariz., and points within 2 miles of each, to Albuquerque, N. Mex. John C. Bradley, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004, attorney for applicants.

No. MC-FC-68962. By order of August 31, 1966, the Transfer Board approved the transfer to Able Express, Inc., Louisville, Ky., of certificate of registration in No. MC-97992 (Sub-No. 1), issued August 19, 1966, to Mildred Mattingly, Kirk, Ky., authorizing the transportation of: General commodities over a regular route between specified points in Kentucky. Rudy Yessin, Box 457, McClure Building, Frankfort, Ky. 40601, attorney for applicants.

No. MC-FC-69019. By order of September 13, 1966, the Transfer Board approved the transfer to Clyde's Charter Bus Service, Inc., Glen Burnie, Md., of the operating rights in certificate No. MC-109199 (Sub-No. 7), issued September 9, 1966, to Clyde B. Didlake, doing business as Clyde's Charter Bus Service, Glen Burnie, Md., authorizing the transportation, over certain regular routes, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Baltimore, Md., and Littlestown, Pa., and between Eldersburg, Md., and Sykesville, Md., serving all intermediate points, and between Baltimore, Md., and Westminster, Md., as an alternate route for operating convenience only, serving no intermediate points. S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-69029. By order of September 13, 1966, the Transfer Board approved the transfer to Alexander B. Pollock, doing business as Jiffy Vans, Indianapolis, Ind. 46218, of the operating rights of Kenneth Helmbright, doing business as Ace Delivery, Steubenville, Ohio, in certificate No. MC-72798, issued December 7, 1951, authorizing the transportation, over irregular routes, of household goods, as defined, between points in Jefferson County, Ohio, and those in Brooke and Hancock Counties, W. Va., on the one hand, and, on the other, points in Ohio, West Virginia, and Pennsylvania. A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-69047. By order of September 12, 1966, the Transfer Board approved the transfer to Advance Freight Lines, Inc., Cleveland, Ohio, of the operating rights in certificate No. MC-119717 issued June 23, 1960, to Orville A. Zak, doing business as Zak Box and Cartage Co., Cleveland, Ohio, authorizing the transportation of: Aluminum ingots, slabs, and scrap, zinc ingots and slabs and scrap, aluminum shot, and granular aluminum, from Maple Heights, Ohio, to points in a specified portion of Pennsylvania. A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10262; Filed, Sept. 19, 1966; 8:49 a.m.]

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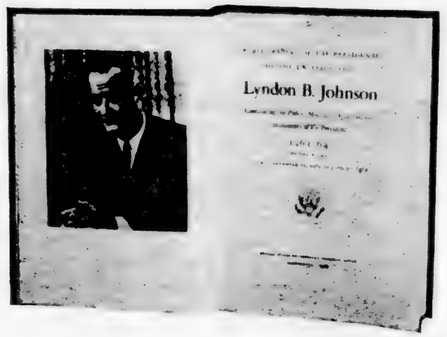
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Proclamation 3745

LEIF ERIKSON DAY, 1966

By the President of the United States of America

A Proclamation

Leif Erikson, one of the great leaders of the heroic age of Nordic exploration, is a source of special inspiration to millions of Americans of Scandinavian descent. The Viking explorers of a thousand years ago left us an example of courage and daring that will never be forgotten. Their far-reaching voyages across frigid northern seas in small boats, guided by crude and primitive instruments of navigation, are a lasting testament to what man's bravery and determination can achieve.

Those ancient Nordic virtues are also part of our American heritage. For it was largely men and women of Norwegian, Swedish and Danish birth or descent who first broke through the tough sod of the American plains and brought agricultural abundance to the American prairies. Citizens bearing such names as Anderson, Magnuson, Lindburg, Ericsson, Dahlgren, and Jackson are to be found among our greatest statesmen, soldiers, teachers, and scientists. They have enriched every aspect of our national life. All of them were in some degree inspired to their personal achievements by the example of the great Nordic hero, Leif Erikson.

It was for these reasons that the Congress of the United States, by a joint resolution approved September 2, 1964 (78 Stat. 849), authorized the President to proclaim October 9 in each year as Leif Erikson Day. I am happy and pleased to honor that request.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Sunday, October 9, 1966, as Leif Erikson Day; and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to honor the memory of Leif Erikson on that day by holding appropriate exercises and ceremonies in schools and churches, or other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixteenth day of September in the year of our Lord nineteen hundred and sixty-six, and [SEAL] of the Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-10374; Filed, Sept. 19, 1966; 1:55 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Miscellaneous Amendments

The approval on July 18, 1966, of Public Law 89–504, the "Federal Salary and Fringe Benefits Act of 1966" has the effect of amending several provisions of the Federal Employees Health Benefits Act of 1959, and requires that the regulations be changed to conform to the amended provisions of the latter Act.

The Commission has found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective dates of the amendments until 30 days after publication thereof in the FEDERAL REGISTER because it was the express intent of Congress that the amendments should become effective on dates provided by Public Law 89–504, and, to effectuate the declared policy of the Act, these amendments to the regulations should become effective as of that date.

Therefore, it is ordered that these amendments are effective as of the first day of the first pay period which begins on or after July 18, 1966, except for the amendment of § 890.303, which is effective July 18, 1966.

Section 890.302(b) is amended to read as follows:

§ 890.302 Coverage of family members.

* * * * *

(b) *Child incapable of self-support.* When an employee or annuitant enrolls for a family which includes a child incapable of self-support who has become 22 years of age, the employing office shall require the employee or annuitant to submit a certificate of the physician that the child is incapable of self-support because of a physical or mental disability which existed before the child became 22 years of age, and can be expected to continue for more than 1 year. The certificate shall include a statement of the name of the child, the nature of his disability, the period of time it has existed, and its probable future course and duration. The certificate shall be signed by the physician and show his office address. When an employee or annuitant is enrolled for a family which includes a child under 22 years of age who is incapable of self-support because of a physical or mental disability, the employing office shall require the employee or annuitant to submit the certificate on or before the date the child becomes 22 years of age. However, the employing office may accept otherwise satisfactory evidence of incapacity not timely filed.

* * * * *

Section 890.303(e) is amended to read as follows:

§ 890.303 Continuation of enrollment.

* * * * *

(e) *In nonpay status.* Except as provided in section 406 (b), (c) of Public Law 89–504 in regard to an employee on leave without pay to serve as a full-time officer or employee of an employee organization, the enrollment of an employee continues without cost to the employee while he is in nonpay status for up to 365 days. The 365 days' nonpay status may be continuous or broken by periods of less than 4 consecutive months in pay status. If an employee has at least 4 consecutive months in pay status after a period of nonpay status he is entitled to begin the 365 days' continuation of enrollment anew. For the purposes of this paragraph, 4 consecutive months in pay status means any 4-month period during which the employee is in pay status for at least part of each pay period.

Section 890.501 is amended as follows:

§ 890.501 Government contributions.

(a) The Government contribution for all plans, except those for which another contribution is set by paragraph (b) of this section, for each enrolled employee who is paid biweekly, is the amount provided in section 8906 of title 5, U.S.C., as amended, plus 4 percent of that amount.

* * * * *

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–10272; Filed, Sept. 20, 1966; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 178, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 908.478 (Valencia Orange Regulation 178, 31 F.R. 11931) are hereby amended to read as follows:

§ 908.478 Valencia Orange Regulation 178.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 150,000 cartons.
(ii) District 2: 525,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 16, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–10279; Filed, Sept. 20, 1966; 8:45 a.m.]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Establishment of Reserve Fund

On August 26, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 11315) regarding amendment to § 921.203 *Reserve fund* (26 F.R. 8661) of the marketing agreement and Order No. 921 (7 CFR Part

921) regulating the handling of fresh peaches grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice, it is hereby found and determined that the said amendment with respect to "Reserve fund" is in accordance with the provisions of said marketing agreement and order and will tend to effectuate the declared policy of the act, and said § 921.203 *Reserve fund* is hereby amended to read as follows:

§ 921.203 Reserve fund.

(a) The establishment of a reserve fund of an amount which shall not exceed approximately one fiscal year's operational expenses is appropriate and necessary to the maintenance and functioning of the Washington Fresh Peach Marketing Committee. The committee is authorized to expend any funds in such reserve for expenses authorized pursuant to § 921.40.

* * * * *

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 15, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–10280; Filed, Sept. 20, 1966; 8:46 a.m.]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Establishment of Reserve Fund

On August 25, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 11238) regarding amendment to § 925.203 *Reserve fund* (26 F.R. 8664) of the marketing agreement and Order No. 925 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice, it is hereby found and determined that the said amendment with respect to "Reserve fund" is in accordance with the provisions of said marketing agreement and order and will tend to effectuate the declared policy of the act, and said § 925.203 *Reserve fund* is hereby amended to read as follows:

§ 925.203 Reserve fund.

(a) The establishment of a reserve fund of an amount which shall not exceed approximately 1 fiscal year's operational expenses is appropriate and necessary to the maintenance and functioning of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee. The committee is authorized to expend any funds in such reserve for expenses authorized pursuant to § 925.40.

* * * * *

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 15, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–10281; Filed, Sept. 20, 1966; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Designation of Applicants

On January 4, 1966, the Atomic Energy Commission published in the FEDERAL REGISTER (31 F.R. 17) proposed amendments to its regulations in Part 115, Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements, which would provide for participation in Part 115 proceedings by the appropriate division or operations office of the Commission having programmatic responsibility for reactors subject to such proceedings.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. Upon consideration of the material submitted in response to the notice of proposed rule making and other factors involved, the Commission has decided to adopt the amendments set forth below, which, except as noted, are the same as those set out in the notice of proposed rule making.

The amendments to Part 115, as proposed in the notice of proposed rule making, would have provided (§ 115.3(b)) that in proceedings for operating authorizations, the "applicant" is the prime contractor which will operate the reactor for the Commission and the responsible division, operations office or other designated unit of the Commission having programmatic responsibility for the reactor. The amendment of § 115.3(b) set forth below provides that in proceedings for operating authorizations, the "applicant" is the prime contractor which will operate the reactor for the Commission but that the responsible division, operations office or other designated unit of the Commission having programmatic responsibility for the reactor may also be an "applicant" if the Commission so determines. Making participation of the responsible Commission unit discretionary with the AEC, rather than mandatory, at the operating authorization stage will provide a desirable degree of flexibility.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 115, are published as a document subject to codification, to be effective thirty (30) days after publication in the FEDERAL REGISTER.

1. Section 115.2 is amended by revising the preamble to read as follows:

§ 115.2 Scope.

This part applies to any prime contractor of the Commission to the extent that such contractor proposes to construct or operate a nuclear reactor and to the division, operations office, or other designated unit of the Commission which has programmatic responsibility for the contracts to construct and operate the nuclear reactor which:

* * * * *

2. Paragraph (b) of § 115.3 is revised to read as follows:

§ 115.3 Definitions.

* * * * *

(b) "Applicant" means, in proceedings for construction authorizations, the prime contractor for construction, the prime contractor which will operate the reactor for the Commission and the division, operations office or other designated unit of the Commission having programmatic responsibility for the contracts to construct and operate the reactor. In proceedings for operating authorizations, "applicant" means the prime contractor which will operate the reactor for the Commission; it will also include, where the Commission so determines, the division, operations office or other designated unit of the Commission having programmatic responsibility for the contracts to construct and operate the reactor.

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 8th day of September 1966.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 66–10270; Filed, Sept. 20, 1966; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 6; Amdt. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Request for Size Determination

Section 121.3–13 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising paragraph (b) thereof. As revised, paragraph (b) of § 121.3–13 reads as follows:

§ 121.3–13 Definition of small business for receiving priority payment under section 213(a) of the War Claims Act of 1948, as amended.

* * * * *

(b) (1) Requests for size determinations shall be accepted only from the Foreign Claims Settlement Commission of the United States.

(2) Determinations of the size status of a claimant shall be made either by the Deputy Administrator for Procurement and Management Assistance or, in the case of claimants residing within the United States, by the SBA Regional Director for the region in which the claimant resides and, in the case of claimants residing in foreign countries, by the SBA Regional Director in Washington, D.C.

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: September 10, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66–10293; Filed, Sept. 20, 1966; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Legality of Notice Calling Attention to Page on Which Magazine Publisher's Promotional Assistance Program is Located

§ 15.90 Legality of notice calling attention to page on which magazine publisher's promotional assistance program is located.

(a) The Commission advised the publisher of a monthly magazine that implementation of the promotional assistance plan outlined below would not result in violation of Commission administered law.

(b) Under the plan, a notice would be printed quarterly on the cover of the magazine calling attention to the page in that issue on which the payment and the essentials of the retailers' service obligations would be set forth in an item in the same size type as the magazine's textual material. The item would also reflect that the retailer must write to the magazine distributor to obtain a copy of the agreement containing full details. A retailer would obtain quarterly payments of 10 percent of the cover price of copies sold after certifying to the distributor that he—the retailer—had complied with the terms of the agreement. The agreement requires display of the magazine full cover flat or full cover prominent position on the principal magazine rack or full cover vertical in a rack at each checkout counter for the entire sales period of an issue.

(38 Stat. 717, as amended; 15 U.S.C. 41–58: 49 Stat. 1526; 15 U.S.C. 18, as amended)

Issued: September 20, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66–10296; Filed, Sept. 20, 1966; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Supplying Domestic Markets from Foreign Plant Operated by Export Trade Association Member

§ 15.91 Supplying domestic markets from foreign plant operated by an export trade association member raises possibility of unlawful interference with domestic trade and commerce.

(a) In an advisory opinion the Federal Trade Commission stated that an export trade association loses its statutory exemption from the antitrust laws if domestic prices are artificially or intentionally raised or lowered by the foreign operations of members with both foreign and domestic plants.

(b) The 1918 Webb-Pomerene Act authorizes American exporters to engage collectively in foreign trade through cooperatively organized trade associations registered with the FTC and subject to its supervision. The statute qualifiedly exempts such associations from the antitrust laws in joint foreign trade ventures. For example, they may fix prices and quotas, pool products for shipment, and establish terms and conditions of sales to foreign markets.

(c) The requesting association said that certain American companies have both foreign and domestic plants producing the product involved, and asked whether a Webb-Pomerene association might include such companies as members if the membership only discuss the price of their exports from their domestic plants.

(d) The Commission's advisory opinion noted that some of these American-owned foreign plants "are shipping a substantial proportion of their output into the United States and are supplying a substantial share of the domestic consumption * * *. Although it has been held that members of Webb-Pomerene associations may own plants located outside the United States, the use of such plants to supply the domestic market raises a possibility that domestic prices may be intentionally or artificially enhanced or depressed in contravention of the Webb-Pomerene Act."

(e) In short, the Commission advised, "while membership in a Webb-Pomerene association by firms owning foreign establishments is permissible the statutory exemption enjoyed by the association is lost if artificial or intentional enhancement or depression of domestic prices is in any way traceable to the foreign operation of member firms."

(38 Stat. 717, as amended; 15 U.S.C. 41–58. 40 Stat. 516; 15 U.S.C. 61–64)

Issued: September 20, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66–10297; Filed, Sept. 20, 1966; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6894]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Consolidated Return Regulations

Correction

In F.R. Doc. 66–9813 appearing in the issue for Thursday, September 8, 1966, at page 11794, in § 1.1502–75(c) (1) (i) the reference in the first sentence to the "19th day" should read "90th day".

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 4—INFORMATION ON POSTAL MATTERS

Cooperation With Red Cross During National Disasters

In § 4.5, paragraphs (c) and (d) are revised to reflect the latest natural disaster procedures set forth in the agreement between the American National Red Cross and the Post Office Department, which was recently redrawn.

As the revisions to § 4.5 (c) and (d) relate to a proprietary function of the Government and do not affect substantive rights, advanced notice and public rule making procedures, as well as a delayed effective date are unnecessary and would be contrary to the public interest. Accordingly § 4.5 (c) and (d) is revised to read as follows effective

upon publication in the FEDERAL REGISTER.

§ 4.5 Cooperation with Red Cross during national disasters.

• • • • •

(c) *Action by the Red Cross.* (1) The American National Red Cross will encourage its chapters to establish and maintain contact with the postmaster(s) within the chapter jurisdiction in the interest of disaster planning.

(2) The Red Cross will arrange to use the "Change of Address Order," Form 3575 as a standard item in Red Cross disaster operations. It will also arrange to distribute these forms as needed to disaster-displaced persons in all Red Cross field facilities such as registration centers, feeding centers, mobile canteens, disaster shelters, etc. The chapter concerned will arrange with the postmaster concerned for the disposition of the completed forms for the establishment of a postal locator file.

(3) The Red Cross will arrange for the distribution of postal cards or other suitable stationery as needed by individuals or families in areas affected by disaster for mailing to relatives and friends as notification of the whereabouts and safety of the senders.

(4) The Red Cross will in disaster situations include in its Public Information releases an appeal to affected families and individuals to obtain and complete "Change of Address Order" forms, along with an appeal to write to relatives and friends immediately concerning their whereabouts and safety.

(5) The Red Cross will include all necessary instructions in operating procedure manuals and training outlines to guide its field staff and volunteers in cooperating with local postmasters in implementing this arrangement.

(6) The Red Cross has advised all of its chapters concerning these instructions and has urged that they include postmasters in their disaster preparedness planning.

(d) *Action by the Post Office Department.* (1) The Post Office Department will make available to the American National Red Cross "Change of Address Order," Form 3575, in a manner mutually agreeable to both agencies.

(2) Post offices that receive completed "Change of Address Order" forms following a disaster will maintain them as a central locator file to provide directory service whereby mail may be promptly forwarded to individuals and families displaced by the disaster.

(3) The Post Office Deparment will permit postmasters to make available the information on these "Change of Address Order" forms to authorized Red Cross disaster workers. This information will be used by the Red Cross in locating individuals and families, only to answer inquiries from relatives and friends concerning the whereabouts and welfare of residents of the disaster community, or to make contact with residents who have made application for assistance from the Red Cross but who cannot be located because of a change of address.

(4) Regional Directors and Postal Inspectors in Charge are responsible for seeing that the post offices concerned implement these cooperative arrangements in disaster situations. Postmasters are encouraged to participate in community and Red Cross disaster preparedness planning.

(5) The instructions in this section serve as a broad framework within which field officials of both agencies may coordinate their facilities and resources. However, postal officials shall cooperate with Red Cross officials to the maximum feasible degree during times of natural disasters.

NOTE. The corresponding Postal Manual sections are 114.53 and 114.54, respectively.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 16, 1966.

[F.R. Doc. 66-10295; Filed, Sept. 20, 1966; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3871]

[Oregon 05286]

OREGON

Withdrawal for John Day Lock and Dam Project

Correction

In F.R. Doc. 65-12701 appearing in the issue for Saturday, November 27, 1965, at page 14731, in column 3, above the description beginning for section 8, there should be inserted the following township and range description: "T. 4 N., R. 24 E.".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 66-818]

PART 13—COMMERCIAL RADIO OPERATORS

Temporary Limited Radiotelegraph Second Class Operator License

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of September 1966 the above entitled matter was under consideration.

The U.S. Maritime Administration and Maritime radio operator unions have requested the Commission to establish a temporary limited radiotelegraph second class operator license and provide for issuance of the license to eligible former operators who qualify in an abridged examination. The Commission has been informed that a number of oceangoing ships have been and are being reactivated from the U.S. Reserve Fleet anchorages and this has created a current need for additional radio operators.

It appears that the public interest, convenience and necessity would be served by amending Part 13 of the Commission's rules to reestablish the temporary limited radiotelegraph second class operator license, valid for operation of radio stations on board ships only, and to provide for issuance of such license to eligible persons in the manner and to the extent set forth below.

Because of existing circumstances compliance with the public notice and procedure provided for in section 4(a) of the Administrative Procedure Act is impracticable. Because the amendment is relieving a restriction, the effective date requirement of section 4(c) of the Administrative Procedure Act is not applicable.

It is ordered, Pursuant to sections 4(i) and 303(l) of the Communications Act of 1934, as amended, that effective September 16, 1966, Part 13 of the Commission's rules is amended as set forth below.

Released: September 16, 1966.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 13.2(a)(1) is amended by adding a new subdivision (iii) as follows:

§ 13.2 Classes of operator licenses.

• • • • • •

(a) • • •

(1) • • •

(iii) Temporary limited radiotelegraph second-class operator license.

• • • • • •

2. Section 13.3 is amended to read as follows:

§ 13.3 Dual holding of licenses.

A person may not hold more than one radiotelegraph operator license or permit and one radiotelephone operator license or permit at the same time: *Provided, however,* That a person may at the same time hold both a temporary limited radiotelegraph second-class operator license and a radiotelegraph third-class operator permit.

3. In § 13.4 paragraph (a) is amended and a new paragraph (d) added as follows:

§ 13.4 Term of license.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, commercial operator licenses will normally be issued for a term of 5 years from the date of issuance.

• • • • • •

(d) Temporary limited radiotelegraph second-class operator licenses will normally be issued for a term of 2 years.

4. Section 13.5 is amended by adding a new paragraph (d) as follows:

§ 13.5 Eligibility for new license.

• • • • • •

(d) Even though otherwise eligible to apply for an operator license, no person shall be eligible to apply for a temporary limited radiotelegraph second-class operator license except a person who on or after January 1, 1940, held, but does not hold at the time of filing application, a license which was valid and outstanding on its date of expiration in the following categories:

(1) A radiotelegraph first- or second-class operator license;

(2) A temporary limited radiotelegraph second-class operator license issued after examination;

(3) A temporary limited radiotelegraph second-class operator license issued on the basis of having previously held at any time a radiotelegraph first- or second-class operator license. When a temporary limited radiotelegraph operator license is sought under this third category, the applicant shall show that he has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator on board a ship or ships of the United States while holding a temporary limited radiotelegraph second-class operator license previously issued by the Commission.

5. In § 13.22, paragraphs (d), (e), (f), and (g) are redesignated as paragraphs (e), (f), (g), and (h), respectively, and a new paragraph (d) added as follows:

§ 13.22 Examination requirements.

• • • • • •

(d) *Temporary limited radiotelegraph second-class operator license.* (1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty (20) words per minute plain language and sixteen (16) code groups per minute.

• • • • • •

6. Section 13.25 is amended to add a new sentence at the end thereof. As amended, § 13.25 reads as follows:

§ 13.25 New class, additional requirements.

The holder of a license, who applies for another class of license, will be required to pass only the added examination requirements for the new class of license: *Provided,* That the holder of a radiotelegraph third-class operator permit who takes an examination for a radiotelegraph second-class operator license more than 1 year after the issuance date of the third-class permit will also be required to pass the code test prescribed therefor: *Provided further,* That no person holding a new, duplicate, or replacement restricted radiotelephone operator permit issued on the basis of a declaration, or a renewed restricted radiotelephone operator permit which renews a permit issued upon the basis of a declaration shall, by reason of the declaration or the holding of such permit, be relieved in any respect of qualifying by examination when applying for any other class of license. In addition, no person holding a temporary limited radiotelegraph second-class operator license will, by the holding of such license, be relieved of qualifying by examination when applying for any other class of license for which examination on any subject matter is required.

7. Section 13.61 is amended by adding a new paragraph (c) as follows:

§ 13.61 Operating authority.

• • • • • •

(c) *Temporary limited radiotelegraph operator license.* Any ship station or ship radar station, subject to the following conditions and limitations:

(1) On a passenger vessel required by treaty or statute to maintain a continuous watch by operators or on a vessel having continuous hours of service for public correspondence, the holder of this class of license may not act as chief operator.

(2) On a vessel (other than a vessel operated exclusively on the Great Lakes) required by treaty or statute to be equipped with a radiotelegraph installation, the holder of this class of license may not act as chief or sole operator until he has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator in a ship or ships of the United States.

(3) At a ship radar station licensed in the ship service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided,* That nothing in this subparagraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving type tubes. The supplementary examination shall consist of:

(i) Written examination element: 8.

• • • • • •

8. The introductory text of § 13.94 is amended to read as follows:

§ 13.94 Statement in lieu of service endorsement.

The holder of a radiotelegraph first- or second-class operator license, or a temporary limited radiotelegraph second-class operator license desiring an endorsement to be placed thereon attesting to an aggregate of at least 6 months' satisfactory service as a qualified operator on a vessel of the United States or an applicant for a temporary limited radiotelegraph second-class operator license under § 13.5(d)(3) may, in the event documentary evidence cannot be produced, submit to any office of the Commission a statement under oath accompanied by the license to be endorsed, embodying the following:

• • • • • •

[F.R. Doc. 66-10311; Filed, Sept. 20, 1966; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kern National Wildlife Refuge, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA

KERN NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots, and gallinules on the Kern National Wildlife Refuge, Calif., is permitted from October 22, 1966, through December 31, 1966, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 2,495 acres, is delineated on maps available at refuge headquarters, Kern National Wildlife Refuge, Delano, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Hunting will be limited to the following dates: October 23, 30; November 6, 13, 20, 27; and December 4, 11, 18, 24, and 31.

(2) Boats—boats without motors may be used for hunting.

(3) A Federal permit is required to enter the public hunting area. Permits may be obtained at the checking station on the refuge area. A fee of $3.50 will be charged for a permit. Hunters will be permitted on a first-come, first-served basis, and a limitation will be placed on the total number of hunters permitted at any one time.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 8, 1966.

[F.R. Doc. 66-10273; Filed, Sept. 20, 1966; 8:45 a.m.]

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Lacreek National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 310 acres, known locally as the Little White River recreational area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game subject to the following special conditions:

(a) Species permitted to be taken: Pheasants and grouse (sharp-tailed and pinnated) during the seasons specified below. The hunting of other upland game species, as may be authorized by South Dakota State regulations, is prohibited.

(b) Open season: Grouse—from sunrise to sunset each day from September 17, 1966, through October 16, 1966. Pheasants—from noon to sunset (c.s.t.) daily, from October 15, 1966, through October 17, 1966.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 17, 1966.

JOHN W. ELLIS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

[F.R. Doc. 66-10275; Filed, Sept. 20, 1966; 8:45 a.m.]

PART 32—HUNTING

Medicine Lake National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Medicine Lake National Wildlife Refuge, Mont., is permitted from October 23 through November 6, 1966, only on the area designated by signs as open to hunting. This open area, comprising 2,250 acres, is delineated on a map available at refuge headquarters, Medicine Lake, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 6, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 9, 1966.

[F.R. Doc. 66-10274; Filed, Sept. 20, 1966; 8:45 a.m.]

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer with firearms on the Lacreek National Wildlife Refuge, S. Dak., is permitted from October 29 through November 6, 1966, but only on the area designated by signs as open to hunting. This open area, comprising 310 acres, locally known as the Little White River recreational area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 6, 1966.

JOHN W. ELLIS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

[F.R. Doc. 66-10276; Filed, Sept. 20, 1966; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

Consideration is being given to the following proposals submitted by the Olive Administrative Committee, established under the marketing agreement and Order No. 932 (7 CFR Part 932) regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture find that the expenses that are reasonable and likely to be incurred by said committee, in accordance with this part, during the period beginning September 1, 1966, and ending August 31, 1967, will amount to $73,500; and

(2) That the Secretary of Agriculture fix the rate of assessment for said period, payable by each first handler in accordance with § 932.39, at $1.75 per ton, or equivalent quantity, of olives.

Terms used in the marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 15, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10284; Filed, Sept. 20, 1966; 8:46 a.m.]

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Carryover of Unexpended Funds and Establishment of Reserve

Consideration is being given to the following proposal submitted by the Olive Administrative Committee, established under the Marketing Agreement and Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture approve the establishment of a reserve, which reserve shall not exceed approximately 1 crop year's expenses, as appropriate for the maintenance and functioning of the said committee under the aforesaid marketing agreement and order; and

(2) That the Secretary of Agriculture determine that it is appropriate for the maintenance and functioning of the committee that unexpended assessment funds in excess of expenses incurred during the fiscal period ended August 31, 1966, be placed in said reserve, and may be used, in accordance with the provisions of § 932.40 of the said marketing agreement and order.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposal which are received, in quadruplicate, by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 15, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10285; Filed, Sept. 20, 1966; 8:46 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–204]

RADIATION SAFETY AND HEALTH STANDARDS

Application of Standards in New Hampshire

The State of New Hampshire has recently entered into an agreement with the Atomic Energy Commission (31 F.R. 7090) pursuant to section 274(b) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021(b)). This agreement makes that State's program for control of radiation sources effective pursuant to 41 CFR 50–204.320(c)(1) (31 F.R. 1075) and eligible for a determination pursuant to 41 CFR 50–204.320(c)(2) that such program is currently compatible with the requirements of the Department of Labor's safety and health standards for Federal supply contracts (41 CFR Part 50–204).

This agreement brings into compliance with 41 CFR Part 50–204 any employer in New Hampshire who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has registered such sources with the State of New Hampshire, or is operating under a license issued by the State of New Hampshire, and in accordance with the requirements of New Hampshire's laws and regulations, insofar as his possession and use of such material is concerned, unless the Secretary of Labor after conference with the Atomic Energy Commission, shall determine that the State's program for control of these radiation sources is incompatible with the requirements of 41 CFR Part 50–204. No such determination has been made.

This agreement shall also be deemed to bring into compliance with 41 CFR Part 50–204 any employer who possesses or uses radiation sources other than source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), insofar as his possession and use of such material is concerned, if he has registered such sources with the State of New Hampshire, or is operating under a license issued by the State of New Hampshire, and if his operation is entirely in accordance with the requirements of New Hampshire's laws and regulations, if and when the State's program for control of these radiation sources is the subject of a currently effective determination by the Secretary of Labor that such program is compatible with the requirements of 41 CFR Part 50–204. I hereby propose to make such a determination.

I also propose to add the State of New Hampshire to the list of States set forth in 41 CFR 50–204.320(c) (1) and (2) (31 F.R. 1075).

Interested persons may submit written data, views, or argument regarding this proposal by mailing them to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, within 30 days after this notice is published in the FEDERAL REGISTER.

(Secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 35, 38; sec. 7, 80 Stat. 241; 5 U.S.C. 1006)

Signed at Washington, D.C., this 14th day of September 1966.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 66-10278; Filed, Sept. 20, 1966; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, DIVISION OF ENGINEERING, DENVER SERVICE CENTER, ET AL.

Redelegation of Authority Regarding Contracts and Leases

SEPTEMBER 13, 1966.

AUTHORITY: Amendment 8 of Order No. 698 amends secs. 1(a), (5), and 2(a), by substituting Directors, Service Centers in lieu of Field Administrative Officers.

SECTION 1. *Authority.* Pursuant therefore to the authority contained in the above sections of said order and amendments of the Bureau of Land Management, the following are hereby redelegated the authority contained therein with limits as shown below:

(a) Open market purchases of supplies and materials on SF-44, not to exceed $500.00.

(1) Chief, Division of Engineering, Denver Service Center.

(2) Chief, Branch of Cadastral Surveys, Denver Service Center.

(3) Chief, Division Economics and Basin Studies.

(4) Land Classification Supervisor, MRB Group.

(5) Other Division Chiefs, Denver Service Center (Not to exceed $100.00).

(b) The delegations listed in (a) above may be redelegated to qualified BLM employees, such as survey crew chiefs, party chiefs, etc., for procurements not to exceed $100.00 per transaction. The authority may not otherwise be redelegated. Such redelegations need not be published in the FEDERAL REGISTER.

(c) All procurements made under this authority shall be made in strict compliance with the requirements of the FPR and FPMR.

(d) This authority may not be used for the purchase of capitalized equipment.

(e) The delegations contained in (a) above are effective immediately.

LOWELL M. PUCKETT,
Director, Denver Service Center.

SEPTEMBER 13, 1966.

[F.R. Doc. 66-10277; Filed, Sept. 20, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Withdrawal of Petition for Food Additive Spectinomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Amdal Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill. 60064, has withdrawn its petition (FAP 6D1842) notice of which was published in the FEDERAL REGISTER of October 14, 1965 (31 F.R. 13103), proposing the issuance of a regulation to provide for the safe use of spectinomycin for the oral treatment of infectious diarrhea (scours) in baby pigs.

Dated: September 14, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10332; Filed, Sept. 20, 1966; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-43]

ATCOR, INC.

Notice of Issuance of Amendment to Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 to License No. 31-11640-1, set forth below, which increases the quantity of byproduct material other than hydrogen 3 and carbon 14 which Atcor, Inc., may possess at any one time. This amendment increases the quantity of byproduct material other than hydrogen 3 and carbon 14 from 1,000 curies to 1,300 curies.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing by any party and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

Dated at Bethesda, Md., September 9, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

BYPRODUCT, SOURCE, AND SPECIAL NUCLEAR MATERIAL LICENSE

[License No. 31-11640-1; Amdt. 1]

The Atomic Energy Commission having found that:

A. The licensee's equipment and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property.

C. The application for license amendment dated September 9, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and is for a purpose authorized by that Act.

Byproduct, Source, and Special Nuclear Material License No. 31-11640-1 is hereby amended as follows:

Condition 1.A. is amended to read:

1. The licensee shall not possess at any one time more than:

A. 1,300 curies of byproduct material other than hydrogen 3 and carbon 14.

Date of issuance: September 9, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 66-10271; Filed, Sept. 20, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order E-24194]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of September 1966.

Agreement adopted by Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association relating to specific commodity rates; Docket 16236, Agreement CAB 18934, R-31 through R-34.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated September 1, 1966,[1] as set forth in the attachment hereto,[2] (1) names rates under new commodity descriptions, and (2) names a rate under an existing commodity description. Additionally, the agreement amends the description for commodity Item 4316 by the deletion of the word "Computypers." The new rates reflect reductions ranging from 30.6 to 59.0 percent and are consistent with the present level of specific commodity rates within the applicable areas.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement CAB 18934, R-31 through R-34, be approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's docket section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-10308; Filed, Sept. 20, 1966; 8:48 a.m.]

[1] Received in the Board Sept. 6, 1966.
[2] Attachment not filed as part of original document.

[Docket No. 16236; Order E-24190]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of September 1966.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket 16236, Agreement CAB 19054, R-1 and R-2.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated August 29, 1966,[1] as set forth in the attachment hereto,[2] (1) names a rate under a new commodity description, and (2) reestablishes a rate that expired July 31, 1966. The rates reflect reductions of 22.1 and 18.2 percent, respectively, and are consistent with the present level of specific commodity rates within the applicable area.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement CAB 19054, R-1 and R-2, be approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's docket section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-10309; Filed, Sept. 20, 1966; 8:48 a.m.]

[1] Received in the Board Sept. 1, 1966.
[2] Attachment filed as part of original document.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16657-16659; FCC 66M-1239]

AMERICAN COLONIAL BROADCASTING CORP., ET AL.

Order Regarding Procedural Dates

In re applications of American Colonial Broadcasting Corp., Caguas, P.R., Docket No. 16657, File No. BPH-4890; Caguas Radio Corp., Caguas, P.R., Docket No. 16658, File No. BPH-4962; Francisco Pereira Casillas, Federico Virella, Hector Pereira Buonomo, and Jorge Luis Arzuaga, doing business as Borinquen Broadcasting Co., Caguas, P.R., Docket No. 16659, File No. BPH-4971; for construction permits.

The Hearing Examiner having under consideration the informal requests for continuance of procedural dates filed by Borinquen Broadcasting Co. on September 9, 1966, and September 14, 1966;

It appearing, that the applicants have reached an agreement looking toward resolution of the proceeding without comparative hearing and are in the process of preparing necessary documents and pleadings for filing with the Commission requesting approval of the agreement;

It further appearing, that by order (FCC 66M-882) the date for exchange of all exhibits to be offered in the presentation of the direct affirmative cases of the applicants was August 26, 1966, notification of witnesses to be called for cross-examination was to be given by September 9, 1966, and hearing was scheduled to commence on September 20, 1966;[1]

It further appearing, that all parties have consented to immediate consideration and grant of the instant requests and good cause is present for a grant thereof:

It is Ordered, This 15th day of September 1966 that the said requests are granted and the date for exchange of all exhibits to be offered in the presentation of the direct affirmative cases of the applicants is continued from August 26, 1966, to November 1, 1966; the date for notification of witnesses to be called for cross-examination is continued from September 9, 1966, to November 8, 1966; and the date for hearing is continued from September 20, 1966, to November 15, 1966, commencing at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: September 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10312; Filed, Sept. 20, 1966; 8:49 a.m.]

[1] Informal exchange of engineering exhibits was made on July 26, 1966, pursuant to this order. Notification was given by letter to the examiner dated Aug. 16, 1966 that, with the consent of Commission counsel, counsel for the applicants had agreed to an extension of the time for final exchange of all exhibits to Sept. 9, 1966, and an extension of the time for giving notification of witnesses to be called for cross-examination to Sept. 14, 1966, with the scheduled hearing date remaining unchanged. This agreement was not formalized by order, the examiner being absent from his office on vacation.

[Docket Nos. 16767, 16768; FCC 66M-1235]

AMERICAN TELEVISION SERVICE AND HOLSTON VALLEY BROADCASTING CORP.

Order Continuing Hearing

In re applications of Earl L. Boyles, C. E. Feltner, Jr., and Airways Broadcasting Co., Inc., doing business as American Television Service, Kingsport, Tenn., Docket No. 16767, File No. BPCT-3269; Holston Valley Broadcasting Corp., Kingsport, Tenn., Docket No. 16768, File No. BPCT-3760; for construction permit

for new television broadcast station (Channel 19).

At a prehearing conference held on September 15, 1966, the parties stated that they propose to file with the Review Board a joint petition for approval of agreement in which one of the parties would dismiss its application in consideration of payment of its expenses.

Accordingly, it is ordered, This 15th day of September 1966, that the hearing in this proceeding now scheduled for October 18, 1966, is continued indefinitely subject to recall later should the proposed agreement not be approved.

Released: September 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10313; Filed, Sept. 20, 1966; 8:49 a.m.]

[Docket Nos. 16110-16115; FCC 66M-1224]

CIRCLE L, INC., ET AL.

Order Regarding Further Prehearing Conference

In re applications of Circle L, Inc., Reno, Nev., Docket No. 16110, File No. BP-15413; Southwestern Broadcasting Co. (KORK), Las Vegas, Nev., Docket No. 16111, File No. BP-15441; The Benay Corp. (KTEE), Idaho Falls, Idaho, Docket No. 16112, File No. BP-16216; 780, Inc., Las Vegas, Nev., Docket No. 16113, File No. BP-16273; Albert John Williams and Jack M. Reeder, doing business as Radio Nevada, Las Vegas, Nev., Docket No. 16115, File No. BP-16524; for construction permits.

Upon the Hearing Examiner's own motion: *It is ordered,* This 14th day of September 1966, that a further prehearing conference will be convened in the above-captioned proceeding on September 29, 1966, at 10 a.m., in the offices of the Commission at Washington, D.C. The fixing of a date for the introduction of evidence relevant to the first seven issues and other matters pertaining to the commencement and subsequent course of the hearing will be discussed.

Released: September 15, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10314; Filed, Sept. 20, 1966; 8:49 a.m.]

[Docket No. 16792; FCC 66M-1226]

CITY OF CAMDEN, N.J., AND L & P BROADCASTING CORP.

Order Continuing Hearing

In re application of City of Camden (Assignor) and L & P Broadcasting Corp. (Assignee); Docket No. 16792, File No. BAL-5702; for assignment of license of Station WCAM, Camden, N.J.:

It is ordered, This 14th day of September 1966, pursuant to discussions and rulings made during prehearing conference held this date in the above-entitled proceeding, that the hearing previously scheduled for September 29, 1966, is continued to a date to be specified by subsequent order: *And, it is further ordered,* That the second prehearing conference in the proceeding will be convened at 9 a.m., October 5, 1966, in the offices of the Commission, Washington, D.C.

Released: September 15, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10315; Filed, Sept. 20, 1966; 8:49 a.m.]

[Docket No. 16792; FCC 66M-1237]

CITY OF CAMDEN, N.J., AND L & P BROADCASTING CORP.

Order Rescheduling Prehearing Conference

In re application of City of Camden (Assignor) and L & P Broadcasting Corp. (Assignee); Docket No. 16792, File No. BAL-5702; for assignment of license of Station WCAM, Camden, N.J.:

It is ordered, This 16th day of September 1966, without objection from any of the parties to the proceeding, that the order released September 15, 1966 (FCC 66M-1226; Mimeo. No. 89122), is amended to provide that the second prehearing conference herein shall be convened at 9 a.m., November 1, 1966, in the offices of the Commission, Washington, D.C., in lieu of October 5, 1966.

Released: September 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10316; Filed, Sept. 20, 1966; 8:49 a.m.]

[Docket No. 16690; FCC 66-819]

DAILY EXPRESS, INC., ET AL.

Memorandum Opinion and Order Assigning Matter for Public Hearing

In the matter of Daily Express, Inc., Post Office Box 39, Carlisle, Pa., complainant, v. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y., The Bell Telephone Company of Pennsylvania, One Parkway, Philadelphia, Pa.; The United Telephone Co., of Pennsylvania, Carlisle, Pa., Defendants; Docket No. 16690.

1. On June 6, 1966, Daily Express, Inc., an interstate motor carrier, filed a formal complaint against the above-named defendants pursuant to section 208 of the Communications Act of 1934, in which complainant challenges the validity of certain charges for interstate private line telephone channels used to provide complainant with "foreign exchange service."

2. The specific charges complained of are currently published in Private Line Service Tariff FCC No. 260 of defendant American Telephone & Telegraph Co. (A.T. & T.) at page 325.1, as follows:

The United Telephone Co. of Pennsylvania: Carlisle, Pa.

* * * * *

For each Chicago, Ill., individual line and private branch exchange trunk furnished in the Carlisle, Pa., exchange and routed via Mechanicsburg, Pa., the rates specified in 3. and 4. preceding *plus a monthly supplemental charge of $411.90 will apply.*

For each Columbus, Ohio, individual line and private branch exchange trunk furnished in the Carlisle, Pa., exchange and routed via Mechanicsburg, Pa., the rates specified in 3. and 4. preceding *plus a monthly supplemental charge of $346.90 will apply.* (Our emphasis.)

3. Channels for "foreign exchange service," the service involved herein, are defined in A.T. & T. Tariff FCC No. 260 as channels which permit a customer "to obtain individual line or private branch exchange trunk connection in an exchange foreign to the exchange in which the customer is located."

4. Carlisle, Pa., where the main office of complainant is located, is in the telephone operating territory of defendant The United Telephone Co. of Pennsylvania (United). Mechanicsburg, Pa., referred to in the tariff provisions quoted above, is located in the telephone operating territory of defendant The Bell Telephone Co. of Pennsylvania (Bell of Pa.). United is listed in A.T. & T.'s Tariff FCC No. 260 as a "connecting carrier" whose charges are published by A.T. & T.' Bell of Pa. is listed as a carrier concurring in such tariff.

5. The above-named defendants filed answers to the complaint and on August 22, 1966, complainant filed its replies to the answers. Pleadings are now closed and the matter is before the Commission for a determination under section 208 of the Act as to whether there is any reasonable ground for investigating the complaint and, if so, by what means.

6. Complainant alleges, inter alia, that it operates over 200 transportation units into and through 30 States other than Pennsylvania and maintains offices in Indiana, Ohio, Kentucky, and Illinois; that its telephone service to and from its central control station in Carlisle originates with United and extends to the nearest point of service with Bell of Pa. at Mechanicsburg, a distance of 10 miles; that it has recently closed certain outlying branch offices and moved personnel to Carlisle, where it has established its central dispatch and control center; that a vital part of management is the ability to receive in the home office direct telephone calls for needed equipment and that these calls must be transmitted by foreign exchange service from Chicago, Columbus, New York, and other cities; that it applied to United for two foreign exchange lines to Chicago, Ill., and one to Columbus, Ohio, and obtained such service beginning February 1, 1966, at

[1] A "connecting carrier" means a carrier described in clause (2), (3), or (4) of sec. 2(b) of the Communications Act of 1934, as amended.

the supplemental charges shown in the above-quoted tariff; that it is now paying a total supplemental charge of $1,170.70 per month or $14,048.40 per year to United for such lines; that it will need 10 foreign exchange lines within the next 2 years but the present charges therefor would be prohibitive; that a competitor of complainant, located 6 miles away in an area served by Bell of Pa., pays approximately $460.00 less per line than complainant pays; and that the charges paid by complainant to Bell System companies amount to $0.575 per mile and to United $44.19 per mile or about 77 times as much to United per mile as to the Bell System.

7. Complainant also alleges that United attempts to justify its supplemental charges on the basis that they are necessary to compensate for the revenue United would lose from individual toll calls as a result of use by complainant of foreign exchange service to the same points; that such basis is unwarranted for the reason that complainant's telephone bills show that, so far, total revenues paid to United do not decrease after installation of foreign exchange lines; and that the tolls paid by it to United were $27,548.00 in 1963, $38,091.00 in 1964, $48,948.00 in 1965, and the estimated amount of such tolls in 1966 is $52,000.00.

8. Complainant contends that the aforementioned supplementary charges are unjust and unreasonable within the meaning of section 201(b) of the Act. It requests reparations in the amount of $4,682.80 which it alleges has been paid for the months of February, March, April, and May 1966, and in the amount of $1,170.70 per month for each additional month the charges remain in effect. Complainant also requests the Commission to prescribe just, fair, and reasonable charges for the services in question.

9. In its answer, United alleges that it provides its portion of the foreign exchange service channels in question in connection with TELPAK service channels furnished by the Bell System companies at Mechanicsburg; that complainant has an advantage over other customers who do not qualify for shared TELPAK rates over the Bell System facilities; and that a comparison of United's charges with the Bell System's TELPAK charge on a per mile basis is inappropriate since United asserts that its "rates are based on airline miles in its area, 30.4 miles and 31.4 miles on the Chicago and Columbus routes, respectively; and on the day station-to-station rate of $1.35, Carlisle to Chicago, and $1.00 day station-to-station rate, Carlisle to Columbus."

10. United alleges further that, although substantial growth in the business of complainant has increased total revenues to United, it does not admit that the foreign exchange service in question has not resulted in loss of toll revenue to United; that foreign exchange service is not a normal service and United's intrastate tariff includes a statement that it is not in the general undertaking of United to furnish it; that some customers need this type of service and it is provided at a rate computed separately for each route; that the supplementary rates for services to complainant for the Chicago and Columbus routes were computed according to the method used by it for all interstate and intrastate foreign exchange services; that the independent telephone industry maintains local and toll services for all of its customers and the revenues derived from these sources constitute the financial bases needed to carry on business; that toll revenues are a vital part of the operations of all independent companies and they are opposed to services which tend to destroy this toll revenue base without providing suitable compensation to offset a substantial loss of toll business; that the provision of channels for foreign exchange service at the Bell System rates would seriously impair the toll balance for United and other independent telephone companies; and that providing such service at nonrealistic rates results in subsidization of a few customers by the great mass of other customers who must pay higher rates to restore the economic balance.

11. In addition to the foregoing, United asserts that, starting in 1955, requests for foreign exchange service were accelerated by customers of United and of many other companies in Pennsylvania and the Pennsylvania Independent Telephone Association formed a committee to resolve the issue with the State Public Utility Commission and Bell of Pa.; that, after many meetings, a tariff was developed and it was adopted by practically all of the non-Bell companies in Pennsylvania and the same principles, rates, and value of service concepts were used when rates for foreign exchange service were filed outside of Pennsylvania; that, since United's first filing of these special foreign exchange rates in December 1960, numerous other companies in Pennsylvania and other States have filed similar special tariffs in cooperation with the Bell System; that, in May 1961, United submitted information to this Commission explaining the reasons for such tariffs and the development and justification for such rates; that, upon hearing of the intention of complainant to file the complaint herein, United took a poll of the companies in Pennsylvania to learn whether or not they believed it appropriate to eliminate or reduce these special charges for foreign exchange service and an overwhelming majority thereof indicated that the tariff should not be changed in any way because of the adverse effect on the companies and the alleged subsidization of the foreign exchange service by other users.

12. United contends in its answer that the charges in question are just and reasonable and not in violation of section 201(b) of the Act and that the service involved is of high value to complainant and has enabled it to produce economies by discontinuing offices in certain cities by virtue of the foreign exchange service in question.

13. A.T. & T. and Bell of Pa., in their answers, deny that any of their charges for their services are involved and that the complaint concerns the charges of United as a "connecting carrier" of both A.T. & T. and Bell of Pa. These defendants ask that the complaint be dismissed as to them.

14. In its reply to the answers, complainant states that the airline mileages used by United for computing the charges for the Chicago and Columbus routes, 30.4 and 31.4 respectively, are unreasonable since the actual distance from Carlisle to the Mechanicsburg exchange is no more than 5 or 10 miles; that complainant needs foreign exchange service but should not be required to pay all that the traffic will bear and should pay only those rates that are just and reasonable; that the compensation exacted by United to offset loss of toll business substantially exceeds the toll business lost, if any, and is excessive; that even if there were justification in 1960 or 1961 for these special charges, they are unfair and unreasonable under the circumstances of this specific case; and that the adoption by other companies of the formula used in computing the charges in question is of little value in deciding whether the charges are reasonable in this specific case.

15. Complainant also opposes any dismissal of the complaint as to defendants A. T. & T. and Bell of Pa., on the grounds that it is their facilities that are interconnected with United's facilities to provide the service to which the charges apply; that inherent in the proceeding are questions as to the propriety and nature of their participation in the foreign exchange service arrangements in question; and that they are necessary parties if a full disclosure and understanding of the facts and circumstances are to be obtained.

16. The Commission has given careful consideration to the pleadings herein and is of the view that the allegations of fact in the complaint raise questions, not now decided, as to the justness and reasonableness of the aforementioned supplementary charges within the meaning of section 201(b) of the Act. No question is raised as to the propriety of any of the other charges made by the defendants for the service in question and we shall specifically limit the issues herein to the justness and reasonableness of the supplemental charges underlined in our quotation of the tariffs in paragraph 2 hereof.

17. We are also of the opinion that the complaint should not be dismissed as to A. T. & T. and Bell of Pa. Under section 203 of the Act, these carriers appear obligated to file the charges involved herein for United, their "connecting carrier," and would be subject to such orders, if any, that the Commission might issue in this case that required changes in such charges.

Accordingly, it is ordered, That, pursuant to the provisions of sections 201 through 209 of the Communications Act of 1934, as amended, a public hearing shall be held at a time and place to be

hereinafter designated upon the following specific issues raised by the above complaint:

Issues. (1) Whether the monthly supplemental charge of $411.90 for each Chicago, Ill., individual line and private branch exchange trunk furnished in the Carlisle, Pa., exchange and routed via Mechanicsburg, Pa., is unjust and unreasonable and therefore unlawful within the meaning of section 201(b) of the Communications Act of 1934, as amended;

(2) Whether the monthly supplemental charge of $346.90 for each Columbus, Ohio, individual line and private branch exchange trunk furnished in the Carlisle, Pa. exchange and routed via Mechanicsburg, Pa., is unjust and unreasonable and therefore unlawful within the meaning of section 201(b) of the Communications Act of 1934, as amended;

(3) The amount of damages, if any, that the complainant may be entitled to as a result of any charges collected by defendants during the 12-month period prior to the filing of the complaint that may be found herein to be unlawful;

(4) Whether, in the light of facts developed in connection with the foregoing issues, the Commission, in accordance with the provisions of section 205 of the said Act, shall prescribe new or revised monthly supplemental charges in lieu of those in issue herein;

It is further ordered, That the requests of defendants American Telephone & Telegraph Co. and The Bell Telephone Co. of Pennsylvania for dismissal of the complaint as to them are hereby denied without prejudice;

It is further ordered, That a copy of this memorandum opinion and order shall be served upon the complainant and each of the defendants herein;

It is further ordered, That a hearing examiner shall be designated to preside in the complaint proceedings ordered herein, who shall prepare an initial decision on all of the issues herein as provided in § 1.267 of the Commission's rules.

Adopted: September 14, 1966.

Released: September 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10317; Filed, Sept. 20, 1966; 8:49 a.m.]

[Docket Nos. 16525, 16526; FCC 66M-1233]

JAMES L. HUTCHENS AND FAITH TABERNACLE, INC. (KRVC)

Order Continuing Hearing

In re applications of James L. Hutchens, Central Point, Oreg., Docket No. 16525, File No. BP-16640; Faith Tabernacle, Inc. (KRVC), Ashland, Oreg., Docket No. 16526, File No. BP-16745; for construction permits.

Pursuant to agreement arrived at during the prehearing conference held on this date: *It is ordered*, This 15th day of September 1966, that in lieu of the hearing presently scheduled for October 19, 1966, a further session of the prehearing conference will be held, and accordingly the evidentiary hearing is continued to a date to be fixed at a further session of the prehearing conference.

Released: September 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10318; Filed, Sept. 20, 1966; 8:49 a.m.]

[Docket Nos. 16676, 16677; FCC 66M-1225]

ROYAL BROADCASTING CO., INC. (KHAI), AND RADIO KHAI, INC.

Order Scheduling Hearing

In re applications of Royal Broadcasting Co., Inc. (KHAI), Honolulu, Hawaii, Docket No. 16676, File No. BR-4120, for renewal of license; Radio KHAI, Inc., Honolulu, Hawaii, Docket No. 16677, File No. BP-16294, for construction permit.

The hearing in this proceeding will begin on November 15, 1966. The general arrangements remain unchanged.

So ordered, This 14th day of September 1966.

Released: September 15, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10319; Filed, Sept. 20, 1966; 8:49 a.m.]

[Docket Nos. 16712, 16713; FCC 66R-352]

TREND RADIO, INC., AND JAMES BROADCASTING CO., INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Trend Radio, Inc., Jamestown, N.Y., Docket No. 16712, File No. BPCT-3665; James Broadcasting Co., Inc., Jamestown, N.Y., Docket No. 16713, File No. BPCT-3694; for construction permits for new television broadcast stations.

1. The applications of Trend Radio, Inc., and James Broadcasting Co., Inc., who are competing for a UHF television authorization in Jamestown, N.Y., were designated for hearing June 21, 1966 (FCC 66-536). Except for an air hazard issue as to James, both were found fully qualified. Trend has now petitioned for addition of the following issues against James: [1]

1. To determine whether there is a reasonable prospect that James Broadcasting Co. will be able to obtain network affiliation for its proposed station and to effectuate its program proposals.

2. To determine whether a grant of the James Broadcasting Co. application would create an undue concentration of control of broadcasting media in Chautauqua County, N.Y., or in the area encompassed by the Grade B contour of its proposed TV station, contrary to the public interest.

3. To determine whether the cross-ownership and cross-control of the CATV system serving Jamestown, N.Y., and of the only television station in Jamestown, which would result from a grant of the James Broadcasting application is contrary to the public interest.

Affiliation issue. 2. The basis for the requested affiliation issue against James is Trend's experience in being refused an affiliation by ABC, the same network proposed by James. Petitioner submits a copy of a letter it received from the American Broadcasting Co. declining a network affiliation with Trend because "too much duplication would exist", and argues that there is no reasonable prospect that James will succeed in getting an affiliation. In opposition, James says a reasonable expectation of ABC affiliation exists and relies on an affidavit of its president who states that he has discussed with representatives of a Buffalo and Erie television station "the possibilities of some sort of an arrangement whereby we would be a satellite or some other associate in order to get ABC network programing." He avers that he and the representatives of the Erie station "concluded that there is a possibility of an affiliation" but goes on, saying, "actually since we had no grant there is no point in going into all the time necessary to effect the final arrangement. But all have agreed that this can and will be done." The president also states that he discussed the proposal with an ABC representative and was told that ABC "absolutely did not object to this idea, in fact, would encourage it." The Broadcast Bureau opposes enlargement on the ground that the showing made by Trend was insufficient.

3. According to James' application, network programing is to constitute 61.5 percent of the station's broadcast time. The application also says that the station will affiliate with ABC. It is clear from the affidavit of James' president that in the sense that the term is normally used, an affiliation with ABC is no longer expected. Moreover, the terms of some different kind of arrangement are not specified and all that the Board now has is the vague assurance of James' president that something will be done. The ability of James to carry out its proposal to broadcast as an ABC affiliate with network programing 61.5 percent of the time, is in sufficient doubt to warrant addition of an issue.

4. On September 6, 1966, the Board issued a Memorandum Opinion and Order (FCC 66R-339) enlarging the issues herein "To determine whether the staff proposed by Trend Radio, Inc., is adequate to effectuate its television broadcast proposal." This issue was framed on petition by James who alleged that Trend originally proposed a network operation; that before designation for hearing, the network proposal was eliminated without any proposed changes in staffing; and that, accordingly, the proposed staff was inadequate. Trend proposes the use of eight full-time employees and two part-time employees. James' staffing proposal is not quite clear as to the number of individuals proposed exclusively for its television operation; in some respects its proposed staffing is similar to that of Trend. Accordingly, an issue will be framed to determine, in the event that the network affiliation issue is resolved against James, whether its staffing proposal is adequate for its proposed operation.

Concentration of control. 5. James is licensee of WJTN and WJTN-FM, Jamestown, N.Y.; and WGGO, Salamanca, N.Y. James owns the licensee of WDOE, Dunkirk, N.Y., and the licensee of WWYN and WWYN-FM, Erie, Pa. James also owns one-third of Jamestown Cablevision, Inc., operator of a community antenna television system in Jamestown. These are the basic facts upon which Trend grounds its request for a concentration of control issue, but since they were all before the Commission as a part of James' application at the time of designation, they would not, standing alone, be sufficient to justify the enlargement. However, Trend also relies on some additional material to buttress its request. Some of it merely presents more details relative to the admitted fact that James owns numerous broadcast facilities in the area bordering the south shore of Lake Erie. The most important fact upon which it relies is that James employs combination rates for its four AM stations, the 0.5 mv/m contours of which overlap in varying degrees. Trend asserts that "there is a reasonable likelihood that combination rates will be offered for advertising on the proposed television station and the * * * radio stations * * *", and concludes that consistent with the Board's action in Brown Broadcasting Co., Inc., 3 FCC 2d 887, a concentration issue must be added here against James. James' president has submitted an affidavit promising that the AM and FM stations in Jamestown and the proposed television station in that city would not be sold in combination, but nothing is said about similar arrangements between James' stations in other communities and the television station in Jamestown. This brings the present case within the purview of Brown Broadcasting, supra, but the issue will be a limited one to determine whether the television station would be sold in combination with other James-owned or controlled stations and, if so, whether concentration of control inimical to the public interest would result. This limitation will help to prevent the inquiry from going astray into areas which the Board must presume were examined by the Commission at designation.

Cross ownership. 6. The cross-control issue requested by petitioner is based upon James' ownership of a one-third interest in the Jamestown CATV system combined with proposed ownership of the only television station there. The president of James, who is also its general manager and 43.2 percent stockholder, is president of the CATV. Petitioner cites the Commission's First Report In the Matter of Acquisition of Community Antenna Television Systems by Television Broadcast Licensees, 1 FCC 2d 387 where the Commission stated, at p. 389:

> The Commission will * * * reserve the right to make appropriate inquiry, and, if it appears necessary or appropriate, hold a formal hearing and take necessary action, in any case in which it is alleged or comes to the attention of the Commission that there *is an actual or threatened abuse arising from cross-ownership.* (Emphasis added.)

Trend then argues that the situation in Jamestown meets the Commission's test because it involves "an existing CATV system whose program of expansion is threatened by the successful operation of a UHF station in the community" and that the "conflict of interest is so apparent that a presumption of injury to the public interest necessarily arises." Continuing, Trend argues that "[i]f the proposed Jamestown TV station is licensed to James Broadcasting, there is a grave danger that the Jamestown TV station will not vigorously compete for programing available to subscribers to the CATV system from other independent stations and that its programing will be less attractive to the television viewer. Not only will there be a lack of incentive to compete—there will be a danger of suppression of competition."

7. In the First Report (CATV), supra, the Commission concluded, in substance, that the joint ownership in the same community of a TV station and a CATV system was not, per se, objectionable; and that the questions raised by such cross ownership would, in effect, be considered on a case-to-case basis. Knowledge of James' interest in the Jamestown CATV system was before the Commission when the applications herein were designated for hearing and no separate disqualification issue was framed thereon. After careful consideration of the allegations in the subject petition, we are of the view that they do not constitute a sufficient showing to warrant contrary action by the Board. Clearly, however, such joint ownership is a matter for consideration under the comparative issue.

8. In view of the foregoing: *It is ordered*, This 9th day of September 1966, that the Petition to Enlarge Issues, filed by Trend Radio Inc., on July 11, 1966, is granted in the manner indicated in the issues hereinafter specified, and otherwise denied;

To determine whether James Broadcasting will be able to obtain the network affiliation as proposed in its application and, if not, whether it can effectuate its program proposals;

To determine whether broadcast time on the television station proposed by James Broadcasting will be sold under a combination rate arrangement including other broadcast stations owned and controlled by James Broadcasting and, if so, whether this will result in a concentration of control of broadcast stations in contravention of the Commission's rules and the diversification policy underlying said rules; and

It is further ordered, On the Board's motion, that the issues are further enlarged by addition of the following issue: To determine, in the event the network affiliation issue is resolved against James Broadcasting, whether the staff proposed by that applicant is adequate to effectuate its television broadcast proposal; and

It is further ordered, That the Petition for Leave to File a Supplemental Reply, filed on September 2, 1966, by Trend, is denied.

Released: September 15, 1966.

FEDERAL COMMUNICATIONS COMMISSION,*
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10321; Filed, Sept. 20, 1966; 8:49 a.m.]

[Docket No. 16864; FCC 66M-1227]

ARTHUR POWELL WILLIAMS

Order Scheduling Hearing

In re application of Arthur Powell Williams, Docket No. 16864, File No. BR-1852; for renewal of license of Station KLAV, Las Vegas, Nev.:

It is ordered, This 14th day of September 1966, that Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding which is hereby scheduled to commence at 10 a.m., on November 28, 1966, in Las Vegas, Nev.:

And, it is further ordered, That a prehearing conference in the proceeding will be convened by the Presiding Officer at 9 a.m., October 5, 1966, in Washington, D.C.

Released: September 15, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10322; Filed, Sept. 20, 1966; 8:49 a.m.]

[FCC 66-824]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

SEPTEMBER 15, 1966.

The following standard broadcast construction permit application was tendered for filing on July 20, 1966:

NEW, Mobile, Ala., Azalea Corp., Req: 960 kc, 1 kw, Day.

The applicant seeks to utilize the facilities of WMOZ, Mobile, Ala., a station which had been ordered by the Commission to cease broadcast operations per-

[1] The pleadings before the Board are: Petition To Enlarge Issues, filed July 11, 1966, by Trend; Opposition, filed by James, July 25, 1966; Opposition, filed by the Broadcast Bureau, July 25, 1966; Reply, filed by Trend, Aug. 3, 1966; and Errata, filed by James, Aug. 2, 1966. On Sept. 2, 1966, Trend filed a Petition for Leave To File a Supplemental Reply and a Supplemental Reply. In view of the disposition hereinafter made of the Petition To Enlarge, the Petition for Leave To File is denied.

* Review Board Member Kessler absent.

manently by July 31, 1966.[1] The proposed operation involves overlap of prohibited contours (received) with co-channel Station KROF, Abbeville, La. (960 kc, 1 kw, Day). Since the applicant proposes to use the facilities of former Station WMOZ, § 73.37 of the rules is waived insofar as necessary to permit the acceptance for filing of the application, and all other applications seeking substantially the same facilities.

Notice is hereby given that the application listed above is accepted for filing and that on October 25, 1966, the application will be considered ready and available for processing.

Pursuant to §§ 1.227(b)(1) and 1.591 (b) of the rules, an application, in order to be considered with this application, or with any other application on file by the close of business on October 24, 1966, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on October 24, 1966; or (b) the earlier effective cutoff date which this application or any conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements related to such pleadings.

Adopted: September 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10320; Filed, Sept. 20, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

GALLAGHER & ASCHER CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working agreements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Gallagher & Ascher Co., Chicago, Ill., and J. R. Michels, Inc., Houston, Tex.	FF-3111
Intercontinental Transport Co., Redondo Beach, Calif., and J. R. Michels, Inc., Houston, Tex.	FF-3112
Donald R. Winter, Atlanta, Ga., and Sara Sandford Dodd, Mobile, Ala.	FF-3114
Intercontinental Transport Co., San Francisco, Calif., and J. R. Michels, Inc., Houston, Tex.	FF-3115
Donald R. Winter, Atlanta, Ga., and E. L. Mobley, Savannah, Ga.	FF-3116
Donald R. Winter, Atlanta, Ga., and M. G. Maher & Co., Inc., New Orleans, La.	FF-3117
Coastal Forwarders, Charleston, S.C., and Donald R. Winter, Atlanta, Ga.	FF-3118
Helde Co., Inc., Wilmington, N.C. (Branch), and Traffic Dynamics, Inc., McKees Rocks, Pa.	FF-3120
H. A. Gogarty, Inc., New York, N.Y., and World Wide Air Marine Freight Forwarders, Miami, Fla.	FF-3121
Donald R. Winter, Atlanta, Ga., and Herbert B. Moller, Jacksonville, Fla.	FF-3122
Impex Services, San Francisco, Calif., and Barr Shipping Co., Inc., New York, N.Y.	FF-3123
Stone Forwarding Co., Inc., Galveston, Tex. (Branch), and Allworld Forwarding Co., Inc., New York, N.Y.	FF-3124
D. Hauser, Inc., New York, N.Y., and Allen Forwarding Co., Philadelphia, Pa.	FF-3126
Marine Agency of Tampa, Inc., Tampa, Fla., and Schenkers International Forwarders, Inc., New York, N.Y.	FF-3127

Agreement No. FF-3113 between Enterprise Shipping Corp., San Francisco, Calif., and Pafco Forwarders, Inc., Miami, Fla., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Ocean freight brokerage is to be divided between the parties as agreed on a 50-50 basis of brokerage. This division of brokerage will be restricted to those shipments handled on behalf of each other.

Agreement No. FF-3125 between F.N.S. Corp., New York, N.Y., and A. W. Fenton & Co., Cleveland, Ohio, is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction after giving consideration to extent and value of services to be performed. Ocean freight brokerage will not be divided between the parties. All ocean freight compensation will be retained by the F.N.S. Corporation.

Dated: September 15, 1966.

THOMAS LISI, *Secretary.*

[F.R. Doc. 66-10324; Filed, Sept. 20, 1966; 8:50 a.m.]

ISRAEL/U.S.A.—U.S.A./ISRAEL FREIGHT POOL AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Richard W. Kurrus, Kurrus and Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Agreement 9233, between American Export Isbrandtsen Lines, Inc., and Zim Israel Navigation Co., Ltd., members of the North Atlantic Israel Eastbound and Israel/U.S.A. Westbound Conferences, provides for the establishment and operation of a pooling arrangement, including the division of net freight revenues, on cargoes transported by the parties in the eastbound and westbound trades from and to U.S. North Atlantic and Israeli ports in accordance with the terms and conditions set forth therein.

A similar pooling agreement filed by these same parties was assigned Federal Maritime Commission Number 9233 and notice thereof was published in the FEDERAL REGISTER on August 14, 1963. Although conditional approval of this prior agreement was ordered by the Commission on January 19, 1966, in Docket No. 1212 proceedings, such approval lapsed due to the failure of the parties to refile the agreement within the extensions of time granted by the Commission for compliance with said order.

Dated: September 16, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 66-10325; Filed, Sept. 20, 1966; 8:50 a.m.]

[1] FCC 66-417 (adopted May 11, 1966).
[2] Commissioner Bartley dissenting.

SEA-LAND SERVICE, INC., AND MARINA MERCANTE NICARAGUENSE, S.A.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. S. Provan, Commerce Attorney, Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement 9574 between Sea-Land Service, Inc., and Marina Mercante Nicaraguense, S.A., covers a through-billing service for the movement of controlled temperature cargo from Central America to the East Coast of the United States and ports in Puerto Rico with transshipment at the port of Balboa, Canal Zone, in accordance with terms and conditions set forth in the agreement.

Dated: September 16, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 66-10326; Filed, Sept. 20, 1966; 8:50 a.m.]

COMPAGNIE MARITIME BELGE, S.A. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement 9329-1, between Compagnie Maritime Belge, S.A./Compagnie Maritime Congolaise S.C.R.L. (Joint Service) and United States Lines Co., modifies the basic agreement to provide for the extension of its geographic scope to include ports in Holland.

Dated: September 16, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 66-10327; Filed, Sept. 20, 1966; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-57]

CITY OF MOSS POINT, MISS., AND UNITED GAS PIPE LINE CO.

Notice of Application

SEPTEMBER 13, 1966.

Take notice that on September 8, 1966, the city of Moss Point, Miss. (Applicant) filed in Docket No. CP67-57 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing United Gas Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with the distribution system of Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in 1941 it constructed a distribution system for the sale of natural gas to its inhabitants and commenced to buy gas from the city of Pascagoula, Miss., which was the nearest source of supply. Since that time Respondent has constructed a transmission line near the east corporate limits and within the corporate limits of Applicant. By construction of a short lateral, Applicant can obtain, directly, its own source of natural gas.

The estimated third year peak day and annual requirements of Applicant are 3,478 and 391,300 respectively.

The total estimated cost of new construction is $122,000 which cost shall be financed through internally generated funds and by the sale of revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 12, 1966.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-10328; Filed, Sept. 20, 1966; 8:50 a.m.]

[Docket No. CP67-58]

MANUFACTURERS LIGHT & HEAT CO.

Notice of Application

SEPTEMBER 13, 1966.

Take notice that on September 8, 1966, Manufacturers Light & Heat Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP67-58 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a main line tap on transmission line No. 94 at Newell, Grant District, Hancock County, W. Va., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically requests authority to make a main line tap on transmission line No. 94 at Newell, Grant District, Hancock County, W. Va., in order to provide a source of supply of natural gas for a new retail market area along the east bank of the Ohio River, southwest of Newell, which will be served by Applicant by a gas distribution pipeline to be constructed by Applicant which will extend from said tap in a southwesterly direction terminating at a point near the community of Arroyo, Hancock County, W. Va.

The total estimated cost of the tap is $2,400 which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 12, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10329; Filed, Sept. 20, 1966; 8:50 a.m.]

[Docket No. CP67-59]

NORTHERN INDIANA FUEL & LIGHT CO., INC., AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

SEPTEMBER 13, 1966.

Take notice that on September 8, 1966, Northern Indiana Fuel & Light Co., Inc. (Applicant), 156 East Seventh Street, Auburn, Ind. 46706, filed in Docket No. CP67-59 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale in the cities of Ashley, Hudson, Hamilton, Fremont, and Clear Lake, Steuben County, Ind., and their environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate distribution systems in the cities of Ashley, Hudson, Hamilton, Fremont, and Clear Lake, Steuben County, Ind., and environs, which systems will be connected to Respondent's 15.7-mile lateral extension line, to be constructed in accordance with Respondent's present lateral extension policy, by means of a feeder line system consisting of 1.7 miles of 6-inch line and 2.3 miles of 4-inch line. An additional connection will be made from an 0.8-mile lateral extension from Respondent's existing transmission line near Hudson, Ind. to serve the communities of Ashley and Hudson.

The estimated third year peak day and annual requirements of the new distribution systems are 3,730 Mcf and 498,945 Mcf respectively.

Applicant estimates the total estimated cost of construction of its proposed feeder and distribution systems to be $605,950 which cost will be financed through a sinking fund and sale of common stock. Applicant states that Respondent is capable to meet Applicant demands without any enlargement of Respondent's transportation facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 12, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10330; Filed, Sept. 20, 1966; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3782]

GREAT AMERICAN INDUSTRIES, INC.

Order Suspending Trading

SEPTEMBER 15, 1966.

The common stock, 10 cents par value, of Great American Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock, Series A, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 16, 1966, through September 25, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10286; Filed, Sept. 20, 1966; 8:46 a.m.]

[File No. 70-4414]

KENTUCKY POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Charter Amendments, Issue and Sale of Common Stock to Holding Company, and Issue and Sale of Notes to Banks

SEPTEMBER 15, 1966.

Notice is hereby given that American Electric Power Co., Inc. ("American"), 2 Broadway, New York, N.Y. 10004, a registered holding company, and its electric utility subsidiary company, Kentucky Power Co. ("Kentucky"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12 of the Act as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Kentucky proposes (1) to increase the number of shares of its common stock, par value $25 per share, which it is authorized to issue from 600,000 shares to 700,000 shares, (2) to increase the par value of such shares from $25 to $50 per share, and (3) to issue to American, which proposes to acquire, an additional 103,139 shares of common stock, par value $50 per share.

As at June 30, 1966, Kentucky had outstanding 505,861 shares of its common stock, $25 par value, all of which (except for qualifying directors shares) were held by American. At that date, Kentucky's "Common Stock" account was stated at $12,646,526, and its "Other Paid-in Capital" account, reflecting certain cash capital contributions to Kentucky from American, was stated at $17,800,000. In connection with the above-described transactions, Kentucky will transfer said $17,800,000 of "Other Paid-in Capital" and $3,475 of "Earned Surplus" to its "Common Stock" account.

Kentucky also proposes to issue and sell to the banks named below, from time to time prior to December 31, 1967, its unsecured promissory notes in an aggregate maximum amount to be outstanding at any one time of $8,000,000, as follows: Manufacturers Hanover Trust Co., New York, N.Y.—$4,000,000; Irving Trust Co., New York, N.Y.—$2,000,000; Continental Illinois National Bank & Trust Co., Chicago, Ill.—$2,000,000. Included within said amount of notes to be outstanding are approximately $3,600,000 of notes which may be issued pursuant to the 5 percent exemptive provision of section 6(b) of the Act. Each note will be dated as of the date of its issue, will mature not more than 270 days thereafter, will bear interest at the prime rate (presently 6 percent per annum) in effect on the date of issue, and may be prepaid, in whole or in part, without premium. The proceeds from the issue and sale of the notes will be used by Kentucky as interim financing of part of the costs of its construction program which as presently estimated will amount to more than $40,000,000 for the last 6 months of 1966 and for the year 1967.

Expenses to be incurred in connection with the proposed transactions are estimated not to exceed $500 and will be paid by Kentucky. It is stated that the issuance of the 103,139 shares of common stock by Kentucky is subject to the jurisdiction of the Kentucky Public Service Commission. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 7, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10287; Filed, Sept. 20, 1966; 8:46 a.m.]

PINAL COUNTY DEVELOPMENT ASSN.

Order Suspending Trading

SEPTEMBER 15, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended this order to be effective for the period September 16, 1966, through September 25, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10288; Filed, Sept. 20, 1966; 8:46 a.m.]

[812-1993]

QUINBY PLAN FOR ACCUMULATION OF COMMON STOCK OF XEROX CORPORATION

Notice of Filing of Application for Exemption

SEPTEMBER 15, 1966.

Notice is hereby given that Quinby & Co., Inc. ("Quinby"), Lincoln Rochester Trust Building, Rochester, N.Y. 14604, the principal underwriter for and sponsor of The Quinby Plan for Accumulation of Common Stock of Xerox Corp. ("Plan") a unit investment trust registered as such under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting the Plan from the requirements of section 14(a) of the Act.

The Plan is organized under an agreement between Quinby and The Lincoln Rochester Trust Co. ("Custodian"), of Rochester, N.Y. The Plan, which presently has no net worth, is to be offered to the general public by Quinby pursuant to a registration statement filed under the Securities Act of 1933 but which has not as yet become effective.

Section 14(a) of the Act provides that no registered investment company, and no principal underwriter for such a company, shall make a public offering of securities of such company unless (1) such company has a net worth of $100,000; (2) such company at the time of a previous public offering had such net worth; or (3) provision is made as a condition to the registration of its securities under the Securities Act of 1933 which insures that such company will receive from not more than 25 persons, and within 90 days of the effectiveness of its registration, sufficient funds which, added to its then net worth, will equal $100,000 before subscriptions may be accepted from other persons.

Quinby states that it is now the depositor and sponsor of six other plans which are similar to the one which is the subject of the application, except that each of such six other plans provide, respectively, for the accumulation of common stock of Eastman Kodak Co., E. I. du Pont de Nemours & Co., General Motors Corp., Standard Oil Co. (New Jersey), American Telephone & Telegraph Co., and General Electric Co. Quinby further states that the aggregate net worth of the six other plans at April 30, 1966, exceeds $40,000,000 and that it has every reason to believe that in the not too distant future the net worth of the Plan will exceed $100,000.

Notice is further given that any interested person may, not later than September 30, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10289; Filed, Sept. 20, 1966; 8:46 a.m.]

[File No. 24NY-6274]

SUSAN ROBERTS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 15, 1966.

I. Susan Roberts, Inc. (Roberts), 2114 86th Street, Brooklyn, N.Y., filed a notification and offering circular on June 24, 1966, in connection with a proposed offering of 100,000 shares of its $0.01 par value common stock at an offering price of $3 per share pursuant to section 3(b) of the Securities Act of 1933 and Regulation A promulgated thereunder. M. A. Allan & Co., Inc., 348 Clifton Avenue, Clifton, N.J., was named as underwriter on a "best efforts" basis.

Roberts is a New York corporation organized on July 6, 1961, and has its office at 2114 86th Street, Brooklyn, N.Y. According to the offering circular, Roberts manufactures and sells a line of cosmetics. Principal shareholders are Andrew and Muriel Montero, residing at 1104 East 18th Street, Brooklyn, N.Y., who are officers and directors and own 180,000 of the 200,000 outstanding shares.

II. The Commission has reasonable cause to believe that:

A. The offering circular and financial statements contained therein contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. Roberts' profit and loss statement for the 3 months ended March 31, 1966, overstates Roberts' profit by the failure to follow generally accepted accounting principles; in particular, the failure to match costs with revenues and to accrue on the books as of March 31, 1966, all payroll, commissions, auto, and other expenses applicable to the 3 months then ended;

2. The profit and loss statements in the offering circular overstate the loss incurred by Roberts for the year ended December 31, 1965, and overstate the profits earned in the 3 months ended March 31, 1966, because of improper accounting for sales returns whereby returns applicable to 1966 sales were charged to 1965 income;

3. Roberts' profit and loss statement for the 3 months ended March 31, 1966, is false and misleading in that it fails to state that officers' salaries for the 3 months then ended totaled $1,400 compared to the $22,239.84 paid to officers in 1965 and the $35,000 to be paid them under an employment contract which would take effect after the public offering;

4. The financial statements, included as part of the offering circular, are false and misleading by indicating that within the current 3 months period Roberts had paid a current liability in the amount of $18,750 due to an outside creditor, when in fact the obligation was payable

to officers and directors of the company who had released the company from this debt;

5. The offering circular filed on June 24, 1966, failed to disclose that Roberts' financial condition had deteriorated since March 31, 1966 (the date of the financial statements contained in the offering circular) to the extent that Roberts had been unable to meet its payroll for June 1966.

6. The issuer failed to disclose accurately and adequately in a prominent position in the offering circular the highly speculative aspects of this offering, in particular:

(a) That purchasers of these shares would experience a significant dilution of their equity;

(b) That severe competition exists in the cosmetics industry and that a number of very large manufacturers are far better established and have far greater resources than the issuer.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to name as affiliates in Item 2(b) of the notification Andrew Montero and Muriel Montero who together own 90 percent of the outstanding shares of Roberts' stock;

2. The issuer failed to name Rheemont Enterprises Corp., wholly owned by Andrew Montero, as an affiliate in Item 2(b) of the notification;

3. The ceiling limitation prescribed by Rule 254 would be exceeded since the value of securities not escrowed in accordance with the requirements of Rule 253(c) plus the value of the securities offered exceeds $300,000.

C. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10290; Filed, Sept. 20, 1966; 8:46 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

SEPTEMBER 15, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc. otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 16, 1966, through September 25, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10291; Filed, Sept. 20, 1966; 8:46 a.m.]

[File No. 70-4412]

WISCONSIN GAS CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Issue and Sale by Subsidiary Company of First Mortgage Bonds at Competitive Bidding, Increase in Its Authorized Common Stock, and Issue and Sale of Shares of Common Stock to Holding Company

SEPTEMBER 15, 1966.

Notice is hereby given that American Natural Gas Co. ("American Natural"), Suite 4950, 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and its gas utility subsidiary company, Wisconsin Gas Co. ("Wisconsin Gas"), 626 East Wisconsin Avenue, Milwaukee, Wis. 53201, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9, 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Wisconsin Gas will issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $18,000,000 principal amount of First Mortgage Bonds, ------ % Series, due October 15, 1991. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount), will be determined by the competitive bidding. The bonds are to be issued under a Mortgage and Deed of Trust, dated as of November 1, 1950, between Wisconsin Gas (formerly Milwaukee Gas Light Co.) and Mellon National Bank & Trust Co. and D. A. Hazlett, as Trustees, as heretofore supplemented and as to be further supplemented by a Sixth Supplemental Indenture to be dated as of October 15, 1966.

Wisconsin Gas also proposes to (a) amend its Articles of Incorporation to increase the number of its authorized shares of common stock, par value $12 per share, from 4,780,078 shares to 5,196,745 shares, and (b) issue and sell 416,667 shares of such common stock to American Natural for a cash consideration of $5,000,004, the aggregate par value thereof.

Wisconsin Gas will use the net proceeds from the issue and sale of the bonds and common stock to pay notes to banks, due October 31, 1966, in the estimated amount of $17,000,000. The issuance of such notes for temporary financing of the 1965 and 1966 construction expenditures was heretofore authorized by the Commission (Holding Company Act Release No. 15326 (Oct. 15, 1965)). It is anticipated that additional funds of approximately $4,000,000, required to complete the financing of the company's 1966 construction program, estimated at $20,582,000, will be obtained from short-term bank borrowings and from internal sources.

The fees and expenses to be paid by Wisconsin Gas in connection with the issue and sale of the bonds are estimated at $88,000, including counsel fees of $22,500, and accountant's fees of $4,000; and in connection with the issue and sale of the common stock are estimated at $11,516, including counsel fees of $1,000. The fee of counsel for the bond underwriters, estimated at $9,500, is to be paid by the successful bidders.

The Public Service Commission of Wisconsin, by order of September 6, 1966, has authorized the issue and sale of the common stock, and deferred authorization of the issue and sale of the bonds pending the filing of the results of the competitive bidding and terms of the issue. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 5, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or

by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10292; Filed, Sept. 20, 1966; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 16, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40711—*Tin or terne plate to Taft, Fla.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2861), for interested rail carriers. Rates on tin or terne plate and tin mill black plate, in carloads, from points in Maryland, Ohio, Pennsylvania, and West Virginia, to Taft, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 54 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-428.

FSA No. 40712—*Iron and steel articles to Cedars and LeTourneau, Miss.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2862), for interested rail carriers. Rates on sheet steel, strip steel, bars, and plate, or sheet, noibn, in carloads, from Detroit and Trenton, Mich., to Cedars and LeTourneau, Miss.

Grounds for relief—Market competition.

Tariff—Supplement 54 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-428.

FSA No. 40713—*Clay to Canfield, Ohio.* Filed by O. W. South, Jr., agent (No. A4942), for interested rail carriers. Rates on clay, except clay commercially suitable for filling of fabric or filling or coating of paper, or for use in the manufacturing of rubber and rubber articles, in carloads, from Clayburn and Wickliffe, Ky., also McKenzie, Spinks, and Whitlock, Tenn., to Canfield, Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 232 to Southern Freight Association, agent, tariff ICC S-40.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10300; Filed, Sept. 20, 1966; 8:47 a.m.]

[Notice 413]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 16, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1375 (Deviation No. 1), BELL LINES, INC., 6414 McCorkle Avenue SE., Post Office Box 4108, Charleston, W. Va. 25304, filed September 9, 1966. Carrier's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Toledo, Ohio, and Detroit, Mich., over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Columbus, Ohio, over U.S. Highway 23 to Toledo, Ohio, thence over U.S. Highway 25 to Detroit, Mich. (also from Toledo, Ohio, over U.S. Highway 24 via Flat Rock, Mich., to Detroit, Mich.), and return over the same routes.

No. MC 3560 (Deviation No. 12), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed September 7, 1966. Carrier's representative: Ken Wolford (same address as above). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to La Salle, Ill., and (2) from La Salle, Ill., over Interstate Highway 80 to Rock Island, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to Gardner, Ill., thence over U.S. Highway 66 to junction unnumbered highway, near Dwight, Ill., thence over unnumbered highway via Dwight to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway, near Odell, Ill., thence over unnumbered highway via Odell to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway, near Pontia, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway, near Chenoa, Ill., thence over unnumbered highway via Chenoa to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway, near Lexington, Ill., thence over unnumbered highway to junction U.S. Highway 66, thence over U.S. Highway 66 to Bloomington, Ill., (2) from Milwaukee, Wis., over unnumbered highway to junction Wisconsin Highway 100, thence over Wisconsin Highway 100 to junction Wisconsin Highway 32 to the Wisconsin-Illinois State line, thence over Illinois Highway 42 to junction Illinois Highway 173, thence over Illinois Highway 173 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., thence over Illinois Highway 4A to Joliet, Ill., thence over U.S. Highway 6 to junction Illinois Highway 29 (formerly portion U.S. Highway 6), near Spring Valley, Ill., thence over Illinois Highway 29 via Depue, Ill., to junction unnumbered highway (formerly portion U.S. Highway 6), thence over unnumbered highway to junction U.S. Highway 6, thence over U.S. Highway 6 to Sheffield, Ill., thence over unnumbered highway to Buda, Ill., and (3) from Chicago, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to Oswego, Ill., thence over U.S. Highway 34 to Princeton, Ill., thence over U.S. Highway 6 to Briarbluff, Ill., thence over Illinois Highway 84 to Silvis, Ill., thence over Illinois Highway 92 to Moline, Ill., and return over the same routes.

No. MC 10875 (Deviation No. 11), BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York, N.Y. 10011, filed September 9, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dansville, N.Y., over New York Highway 63 to junction U.S. Highway 20, near East Bethany, N.Y., thence over U.S. Highway 20 to junction

New York Highway 130, thence over New York Highway 130 to Buffalo, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Dansville, N.Y., over New York Highway 36 to Leicester, N.Y., thence over Alternate U.S. Highway 20 to East Aurora, N.Y., thence over New York Highway 16 to Buffalo, N.Y., and return over the same routes.

No. MC 10875 (Deviation No. 12), BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York, N.Y. 10011, filed September 9, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dansville, N.Y., over New York Highway 63 to junction New York Highway 5, at Batavia, N.Y., thence over New York Highway 5 to Buffalo, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dansville, N.Y., over New York Highway 36 to Leicester, N.Y., thence over Alternate U.S. Highway 20 to East Aurora, N.Y., thence over New York Highway 16 to Buffalo, N.Y., and return over the same route.

No. MC 30204 (Deviation No. 19), HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, Mass. 02740, filed September 7, 1966. Carrier's representative: Carroll B. Jackson, 1301 North Boulevard, Richmond, Va. 23230. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Allentown, Pa., over Interstate Highway 78 to the Pennsylvania Turnpike Northeast Extension, thence over the Pennsylvania Turnpike Northeast Extension to the Pennsylvania Turnpike (East-West), thence over the Pennsylvania Turnpike (East-West) to junction U.S. Highway 309, (2) from Newark, N.J. (junction Interstate Highway 78 and U.S. Highway 22) over Interstate Highway 78 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to junction U.S. Highway 220 (Bedford, Pa. Interchange), and (3) from Richmond, Va., over U.S. Highway 95 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 695, thence over Interstate Highway 695 to junction Interstate Highway 83, thence over Interstate Highway 83 to Harrisburg, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows:

(1) From Philadelphia, Pa., over U.S. Highway 309 to Allentown, Pa., (2) from Richmond, Va., over U.S. Highway 1 via Baltimore, Md., to New York, N.Y. (also from Baltimore over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York) (also from Baltimore over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York), (3) from Winchester, Va., over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to junction unnumbered highway, thence over unnumbered highway via Allentown, Bethleham, and Easton, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 1 to New York, N.Y., (4) from Winchester, Va., over U.S. Highway 11 to Chambersburg, Pa., thence over U.S. Highway 30 (formerly portion U.S. Highway 30) to junction Business Route U.S. Highway 30, thence over Business Route U.S. Highway 30 via Coatesville and Downingtown, Pa., to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y., (5) from Frederick, Md., over U.S. Highway 15 to junction Business Route U.S. Highway 15 (formerly portion U.S. Highway 15), thence over Business Route U.S. Highway 15 to Gettysburg, Pa., (6) from Frederick, Md., over Alternate U.S. Highway 40 to Hagerstown, Md., (7) from Frederick, Md., over Maryland Highway 355 to junction U.S. Highway 240, thence over U.S. Highway 240 to Washington, D.C., (8) from Winchester, Va., over U.S. Highway 11 via Martinsburg, W. Va., to Hagerstown, Md., thence over U.S. Highway 40 to Cumberland, Md., and (9) from Winchester, Va., to Cumberland, Md., as specified above, thence over U.S. Highway 220 to Duncansville, Pa., thence over Pennsylvania Highway 764 to Altoona, Pa., and return over the same routes.

No. MC 35334 (Deviation No. 5), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. 07051, filed September 2, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 6 and Ohio Highway 15, over Ohio Highway 15 to junction Alternate U.S. Highway 20, thence over Alternate U.S. Highway 20 to junction U.S. Highway 20, at or near Maumee, Ohio, thence over U.S. Highway 20 to Fremont, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Mo., over U.S. Highway 24 to Monroe City, Mo., thence over U.S. Highway 36 to Springfield, Ill., thence over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, Ill., thence over U.S. Highway 6 to Fremont, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, Ohio, and return over the same routes.

No. MC 76032 (Deviation No. 14), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed September 8, 1966. Carrier representative: Ken Wolford (same address as carrier). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Amarillo, Tex., over Interstate Highway 40 to Oklahoma City, Okla., thence over Interstate Highway 44 to St. Louis, Mo., thence over Interstate Highway 55 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Amarillo, Tex., over U.S. Highway 287 to Stratford, Tex., thence over U.S. Highway 54 to Hooker, Okla., (2) from Hooker, Okla., over U.S. Highway 54 to Liberal, Kans., thence over U.S. Highway 270 to Hugoton, Kans., thence over U.S. Highway 56 (formerly Kansas Highway 45) to Elkhart, Kans., thence over Kansas Highway 27 to Johnson, Kans., (3) from Wichita, Kans., over U.S. Highway 54 to Liberal, Kans., (4) from Hutchinson, Kans., over Kansas Highway 96 to Wichita, Kans., (5) from Hutchinson, Kans., over U.S. Highway 50 (formerly U.S. Highway 50S), to junction U.S. Highway 56 (formerly U.S. Highway 50N) near Worden, Kans., thence continue over U.S. Highway 50 to junction Kansas Highway 10 at or near Merriam, Kans., thence over Kansas Highway 10 to Kansas City, Kans., thence over city streets to Kansas City, Mo., and (6) from Chicago, Ill., over Alternate U.S. Highway 30 to Sterling, Ill., thence over Illinois Highway 2 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction U.S. Highway 24, thence over U.S. Highway 24 to Monroe City, Mo., thence over U.S. Highway 36 to Cameron, Mo., thence over U.S. Highway 69 to Kansas City, Mo., thence over U.S. Highway 40 to Denver, Colo., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 330), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed August 29, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From Portland, Maine, over Interstate Highway 95 to junction U.S. Highway 1 (at Brunswick, Maine), (2) from Augusta, Maine, over Interstate Highway 95 to junction Maine Highways 6 and 155 (near Howland, Maine), thence over Maine Highways 6 and 155 to junction U.S. Highway 2 (near West Enfield, Maine), (3) from Waterville, Maine, over Maine Highway 11 to junction Interstate Highway 95, (4) from Waterville, Maine, over Maine Highway 104 to junction Interstate Highway 95, (5) from Fairfield, Maine, over Maine Highway 139 to junction Interstate Highway 95, (6) from Fairfield, Maine, over U.S. Highway 201 to junction Interstate Highway 95, (7) from Newport, Maine, over unnumbered highway to junction Interstate Highway 95 west of Newport, (8) from Newport, Maine, over U.S. Highway 2 to junction Interstate Highway 95 east of Newport, (9) from Bangor, Maine, over city streets to junction Interstate Highway 95, (10) from Old Town, Maine, over U.S. Highway 2 to junction Interstate Highway 95, and (11) from Old Town, Maine, over Maine Highway 43 to junction Interstate Highway 95, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes, as follows: (1) From Boston, Mass., over U.S. Highway 1 via Newburyport, Mass. (also via bypass route around Newburyport), to the Massachusetts-New Hampshire State line, thence over U.S. Highway 1 via Smithtown, N.H., and Portland and Belfast, Maine, to Stockton Springs, Maine, thence over Alternate U.S. Highway 1 via Bangor and Brewer, Maine, to Ellsworth, Maine, thence over U.S. Highway 1 to the United States-Canada boundary line (also from junction U.S. Highway 1 and Alternate U.S. Highway 1, approximately 1.6 miles south of Portsmouth, N.H., over Alternate U.S. Highway 1, known as the Portsmouth Cutoff, to junction Maine Turnpike, thence over the Maine Turnpike to junction U.S. Highway 1, also from Portland over Maine Highway 100 via Lewiston, Augusta, and Fairfield, Maine, to Newport, Maine, thence over U.S. Highway 2 to Bangor, Maine, and also from Brewer over Maine Highway 9 to junction U.S. Highway 1, thence over U.S. Highway 1 to Calais, Maine).

(2) From Norridgewock, Maine, over U.S. Highway 2 to Bangor, Maine, thence over Maine Highway 9 to junction U.S. Highway 1, thence over U.S. Highway 1 to the United States-Canada boundary line (near Calais), (3) from Bangor, Maine, over U.S. Highway 2 to Lincoln, Maine, thence over Maine Highway 6 to Topsfield, Maine, thence over U.S. Highway 1 to junction Maine Highway 9, (4) from Lewiston, Maine, over Maine Highway 196 to Topsham, Maine, thence over U.S. Highway 201 to Brunswick, Maine, (5) from Waterville, Maine, over U.S. Highway 201 to Skowhegan, Maine, (6) from Bangor, Maine, over U.S. Highway 2 to Mattawamkeag, Maine, (7) from Portland, Maine, over Maine Highway 100 to junction unnumbered highway (formerly Maine Highway 100), near Greene, Maine, thence over unnumbered highway via Greene to junction Maine Highway 100, thence over Maine Highway 100 via Winthrop, Maine, to Bangor, Maine, (8) from Portland, Maine, over U.S. Highway 1 to junction Maine Highway 88 (formerly U.S. Highway 1), thence over Maine Highway 88 to Yarmouth, Maine, thence over unnumbered highway (formerly U.S. Highway 1) to junction U.S. Highway 1, thence over U.S. Highway 1 to junction unnumbered highway (formerly U.S. Highway 1), thence over unnumbered highway to Rockport, Maine, (9) from junction New U.S. Highway 1 and Old U.S. Highway 1, near Portland, Maine, over New U.S. Highway 1 to junction Old U.S. Highway 1 east of Yarmouth, Maine, and (10) from Topsham, Maine, over U.S. Highway 201 to Gardiner, Maine, and return over the same routes.

No. MC 1515 (Deviation No. 331) (Cancels Deviations Nos. 124 and 326), GREYHOUND LINES, INC. (Central Division), 210 East Ninth Street, Fort Worth, Tex. 76102, filed September 2, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: from Memphis, Tenn., over Interstate Highway 40 to Little Rock, Ark., thence over Interstate Highway 30 to Texarkana, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Memphis, Tenn., over U.S. Highway 70 to junction Arkansas Highway 17, thence over Arkansas Highway 17 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction Arkansas Highway 11, thence over Arkansas Highway 11 via Stuttgart, Ark., to junction U.S. Highway 79C, thence over U.S. Highway 79C to junction U.S. Highway 79, thence over U.S. Highway 79 via Pine Bluff, Ark., to Magnolia, Ark., thence over U.S. Highway 82 to Texarkana, Tex., (2) from Little Rock, Ark., over Arkansas Highway 30 via England, Ark., to Stuttgart, Ark., and (3) from England, Ark., over Arkansas Highway 15 to junction U.S. Highway 79, and return over the same routes.

No. MC 2866 (Deviation No. 6), EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa., filed September 8, 1966. Carrier's representative: Robert H. Griswold, Commerce Building, Post Office Box 432, Harrisburg, Pa. 17108. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 80 and Pennsylvania Highway 93 (formerly Pennsylvania Highway 29) north of Sybertsville, Pa., over Interstate Highway 80 to Interchange 42 (Lake Harmony) and junction with the Northeast Extension of the Pennsylvania Turnpike, thence over the Northeast Extension of the Pennsylvania Turnpike to Interchange 34 (Mahoning Valley) and junction U.S. Highway 209, thence over U.S. Highway 209 to Lehighton, Pa., with the following access route, from Hazleton, Pa., over U.S. Highway 309 to junction Interstate Highway 80, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: from junction Pennsylvania Highway 93 (formerly Pennsylvania Highway 29) and Interstate Highway 80, north of Sybertsville, Pa., over Pennsylvania Highway 93 to junction U.S. Highway 209 east of Nesquehoning, Pa., thence over U.S. Highway 209 to Lehighton, Pa., and return over the same route.

No. MC 61616 (Deviation No. 16), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, Ark., filed September 6, 1966. Carrier's representative: Nathaniel Davis, Post Office Box 1188, Little Rock, Ark. 72203. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between St. Louis, Mo., and Kansas City, Mo., over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 50 to Kansas City, Mo., and (2) from St. Louis, Mo., over U.S. Highway 66 to junction U.S. Highway 50, thence over U.S. Highway 50 to Kansas City, Mo., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10301; Filed, Sept. 20, 1966; 8:47 a.m.]

[Notice 967]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 16, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 103654 (Sub-No. 106) (Amendment), filed January 12, 1966, published FEDERAL REGISTER issue of January 27, 1966, amended August 29, 1966, and republished this issue. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minne-

apolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda and phosphoric acid*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., to points in Iowa, Nebraska, North Dakota, Minnesota, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to broaden the destination territory, and to set forth the hearing information.

HEARING: October 24, 1966, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 128017 (Republication), filed March 8, 1966, published FEDERAL REGISTER issue of March 31, 1966, and republished, this issue. Applicant: ERVIN L. CRIDER, JR., Moorefield, W. Va. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. By application filed March 8, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of feed, from Broadway, Va., to points in Hardy County, W. Va., within 10 miles of Baker (Hardy County), W. Va. A supplemental order of the Commission, Operating Rights Board No. 1, dated August 19, 1966, and served September 14, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *animal and poultry feed* from Broadway, Va., to points in Hardy County, W. Va., except Moorefield; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 1977 (Sub-No. 12), filed August 31, 1966. Applicant: GOLDSTEIN TRANSPORTATION AND STORAGE, INC., 1420 38th Street, Denver, Colo. 80205. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Colorado. NOTE: Common control may be involved. This application is a matter directly related to Docket No. MC-F-9518, published FEDERAL REGISTER issue of September 14, 1966.

No. MC 56679 (Sub-No. 18), filed August 30, 1966. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE. (Post Office Box 6985), Atlanta, Ga. 30315. Applicant's representative R. J. Reynolds, Jr., 403-11 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Washington and Athens, Ga., over Georgia Highway 10 (U.S. Highway 78), serving all intermediate points. NOTE: This application is a matter directly related to No. MC-F-9515, published in the FEDERAL REGISTER issue of August 31, 1966.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9515 (correction) (Brown Transport Corp.—Purchase—J. C. Barnett), published in the August 31, 1966 issue of the FEDERAL REGISTER, on page 11517. The prior notice inadvertently stated that the operating rights sought to be transferred were under a certificate of registration, in Docket No. "MC-120145 (Sub-No. 1)," covering the transportation of *general commodities*, in intrastate commerce, as a common carrier, in the State of "Rhode Island." The prior notice is hereby amended to show that the correct operating rights sought to be transferred are under a certificate of registration, in Docket No. "MC-120415 (Sub-No. 1)," covering the transportation of *property*, in intrastate commerce, as a common carrier, in the State of "Georgia."

No. MC-F-9525. Authority sought for control by WORSTER-IOWA, INC., Gay Road, North East, Pa., of JAMES H. POWERS, INC., Melbourne, Iowa, and for acquisition by WORSTER MOTOR LINES, INC., Gay Road, North East, Pa., and, in turn, by DAVID B. WORSTER, West Lake Road, Rural Delivery No. 1, North East, Pa., of control of JAMES H. POWERS, INC., through the acquisition by WORSTER-IOWA, INC. Applicants' attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Operating rights sought to be controlled: *Canned goods*, and *frozen foods*, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in the States of Iowa, North Dakota, South Dakota, Nebraska, New York, Ohio, Michigan, Minnesota, Wisconsin, Kansas, Missouri, Pennsylvania, Arkansas, and Illinois, with certain restrictions, as more specifically described in Docket No. MC-112148 Sub 1 and other sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. WORSTER-IOWA, INC., holds no authority from this Commission. However, its controlling stockholder, WORSTER MOTOR LINES, INC., Gay Road, Post Office Box 110, North East, Pa., is authorized to operate as a *common carrier* in Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, Virginia, New Jersey, Delaware, Maryland, West Virginia, Illinois, Indiana, Michigan, Ohio, New Hampshire, Vermont, Maine, Minnesota, South Carolina, Wisconsin, Alabama, Florida, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9526. Authority sought for control and merger by EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201, of the remaining operating rights and property of KEYSTONE-LAWRENCE TRANSFER AND STORAGE COMPANY, 21 West South Street, New Castle, Pa., after consummation of the transfer in MC-FC-69068, approved August 30, 1966, by Transfer Board, and for acquisition by THOMAS A. EAZOR, also of Pittsburgh, Pa., of control of such rights and property through the transaction. Applicants' attorneys: Carl Steiner, 39 South La Salle Street, Chicago, Ill., and A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, and except dangerous explosives, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment (other than those requiring refrigeration), and those injurious or contaminating to other lading, as a *common carrier*, over a regular route, between Pittsburgh, Pa., and Sharpsville, Pa., serving all intermediate and certain specified off-route points; *general commodities*, with exception as specified above, over irregular routes, between certain specified points in Pennsylvania and Ohio, service is not authorized out of Cleveland, Ohio, other than for traffic moving to New Castle, Pa., and points in Pennsylvania within 20 miles of New Castle, and except that service into Cleveland from Pittsburgh, Pa., is restricted to the transportation of iron and steel, from New Castle, Pa., and points in Pennsylvania within 20 miles of New Castle, to Indianapolis, Ind., and Baltimore, Md. EAZOR EXPRESS, INC., is authorized to operate as a *common carrier* in Pennsylvania, West Virginia, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Wisconsin, Illinois, Indiana, and Ohio. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10302; Filed, Sept. 20, 1966; 8:47 a.m.]

[Notice 969]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 16, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 730 (Sub-No. 270) (Republication), filed August 4, 1966, published in FEDERAL REGISTER September 1, 1966, and republished this issue. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (other than oil field and pipeline commodities as defined by the Commission in T. E. Mercer and G. E. Mercer, Extension-Oilfield Commodities, 74 M.C.C. 459), from the plantsites and storage yards of the Colorado Fuel & Iron Corp. (which name will be changed to CF & I Steel Corp., effective August 1, 1966), located at or near Pueblo, Colo., to points in California, Idaho, Illinois, Iowa, Missouri, Nebraska, Nevada, Oregon, Utah, and Washington. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: October 24, 1966, New Courthouse and Federal Building, 1961 Stout Street, Denver, Colo., before Examiner Jerome F. Soffer.

No. MC 32474 (Sub-No. 32) (Amendment), filed June 24, 1966, published in FEDERAL REGISTER, issue of September 15, 1966, amended, and republished as amended, this issue. Applicant: KEESHIN TRANSPORT SYSTEM, INC., 3131 Douglas Road, Toledo, Ohio 43606. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between points in Putnam County, Ill., on the one hand, and, on the other, points in Wisconsin, Indiana, Michigan, Ohio, and New York. NOTE: The purpose of this republication is to change the commodity description.

HEARING: September 26, 1966, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 61440 (Sub-No. 105), filed August 26, 1966. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 276 (except commodities in bulk, in tank vehicles), from Guymon, Okla., on the one hand, and, on the other, points in California, Arizona, New Mexico, Texas, Colorado, Kansas, Missouri, Arkansas, Illinois, Wisconsin, Indiana, Ohio, Pennsylvania, Iowa, Nebraska, and Michigan. NOTE: Applicant states no duplicating authority is sought.

HEARING: October 17, 1966, at the U.S. Post Office Building, Northwest Third and Robinson Streets, Oklahoma City, Okla., before Examiner W. Elliott Neffen.

No. MC 83835 (Sub-No. 53) (Republication), filed August 15, 1966, published in FEDERAL REGISTER September 1, 1966, and republished this issue. Applicant: WALES TRUCKING COMPANY, a corporation, 905 Meyers Road, Grand Prairie, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (other than oilfield and pipeline commodities as defined by the Commission in T. E. Mercer and G. E. Mercer Extension-Oilfield Commodities, 74 M.C.C. 459), from the plant and warehouse sites, and storage yards of the CF & I Steel Corp. at Pueblo, Colo., to points in Arkansas, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas, restricted to shipments originating at the plant and warehouse sites and storage yards of CF & I Steel Corp. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: October 24, 1966, New Courthouse and Federal Building, 1961 Stout Street, Denver, Colo., before Examiner Jerome K. Soffer.

No. MC 100666 (Sub-No. 85) (Republication), filed July 21, 1966, published in FEDERAL REGISTER August 25, 1966, and republished this issue. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, food and feed, and feed ingredients and supplements thereto* (except in bulk, in tank vehicles), from points in Lafourche Parish, La., to points in Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Kentucky, Virginia, West Virginia, Pennsylvania, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: October 17, 1966, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner William J. Bateman.

No. MC 100666 (Sub-No. 86) (Republication), filed July 19, 1966, published in FEDERAL REGISTER of August 25, 1966, and republished this issue. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, food and feed, and feed ingredients and supplements thereto* (ex-

cept in bulk, in tank vehicles), from points in Lafourche Parish, La., to points in Arkansas, Missouri, Kansas, Oklahoma, Illinois, Iowa, Minnesota, Wisconsin, Texas, Colorado, Nebraska, North Dakota, South Dakota, New Mexico, Arizona, Utah, and Wyoming. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: October 17, 1966, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner William J. Bateman.

No. MC 107839 (Sub-No. 109), filed August 29, 1966. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Post Office Box 16021, Denver, Colo. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Guymon, Okla., to points in Alabama, Florida, Georgia, Montana, North Carolina, North Dakota, South Carolina, South Dakota, and Wyoming.

HEARING: October 17, 1966, at the U.S. Post Office Building, Northwest Third and Robinson Streets, Oklahoma City, Okla., before Examiner W. Elliott Neffen.

No. MC 108207 (Sub-No. 204) (Republication), filed July 21, 1966, published in FEDERAL REGISTER August 18, 1966, and republished this issue. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, food and feed, and feed ingredients and supplements thereto* (except in bulk, in tank vehicles), from points in Lafourche Parish, La., to points in Arkansas, Missouri, Kansas, Oklahoma, Illinois, Arizona, Iowa, Wisconsin, New Mexico, California, Nebraska, Minnesota, and Texas. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: October 17, 1966, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner William J. Bateman.

No. MC 113267 (Sub-No. 171), filed September 12, 1966. Applicant: CENTRAL AND SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, food and feed, and feed ingredients and supplements thereto* (except in bulk, in tank vehicles), from points in Lafourche Parish, La., to points in Mississippi, Tennessee, Kentucky, and Indiana.

HEARING: October 17, 1966, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner William J. Bateman.

No. MC 113367 (Sub-No. 172), filed September 13, 1966. Applicant: CENTRAL AND SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, food and feed, feed ingredients, and supplements thereto* (except in bulk, in tank vehicles), from points in Lafourche Parish, La., to points in Arkansas, Missouri, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, and Kansas. NOTE: Common control may be involved.

HEARING: October 17, 1966, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner William J. Bateman.

No. MC 114364 (Sub-No. 124) (Republication), filed July 20, 1966, published in FEDERAL REGISTER August 25, 1966, and republished this issue. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Guymon, Okla., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: October 17, 1966, at the U.S. Post Office Building, Northwest Third and Robinson Streets, Oklahoma City, Okla., before Examiner Gerald F. Colfer.

No. MC 117686 (Sub-No. 79), filed August 23, 1966. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plantsite of Swift & Co., at or near Guymon, Okla., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and Tennessee.

HEARING: October 17, 1966, at the U.S. Post Office Building, Northwest Third and Robinson Streets, Oklahoma City, Okla., before Examiner W. Elliott Neffen.

No. MC 118159 (Sub-No. 27), filed September 12, 1966. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, food and feed, feed ingredients and supplements thereto* (except in bulk, in tank vehicles), from points in Lafourche Parish, La., to points in Mississippi, Tennessee, Kentucky, and Indiana.

HEARING: October 17, 1966, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner William J. Bateman.

No. MC 118159 (Sub-No. 28), filed September 12, 1966. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, food and feed, feed ingredients, and supplements thereto* (except in bulk, in tank vehicles), from points in Lafourche Parish, La., to points in Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, and Colorado.

HEARING: October 17, 1966, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner William J. Bateman.

No. MC 119493 (Sub-No. 25), filed September 2, 1966. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Joplin, Mo. 64601. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, food and feed, feed ingredients, and supplements thereto* (except in bulk, in tank vehicles), from points in Lafourche Parish, La., to points in Arkansas, Texas, Colorado, Wyoming, Montana, North Dakota, South Dakota, Minnesota, and Wisconsin. NOTE: Applicant states no duplicating authority sought.

HEARING: October 17, 1966, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner William J. Bateman.

No. MC 123493 (Sub-No. 164) (Republication), filed July 19, 1966, published in FEDERAL REGISTER September 1, 1966, and republished this issue. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 948, Commercial Station, Springfield, Mo. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, food and feed, and feed ingredients and supplements thereto* (except in bulk, in tank vehicles), from

points in Lafourche Parish, La., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Oklahoma. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: October 17, 1966, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner William J. Bateman.

No. MC 123639 (Sub-No. 97) (Republication), filed July 21, 1966, published in FEDERAL REGISTER August 18, 1966, and republished this issue. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Guymon, Okla., to points in Michigan, Ohio, Indiana, Illinois, and Iowa. NOTE: Common control may be involved. The purpose of this republication is to reflect the hearing information.

HEARING: October 17, 1966, at the U.S. Post Office Building, Northwest Third and Robinson Streets, Oklahoma City, Okla., before Examiner Gerald F. Colfer.

No. MC 125722 (Sub-No. 13) (Republication), filed July 21, 1966, published in FEDERAL REGISTER August 18, 1966, and republished this issue. Applicant: GREAT WESTERN PACKERS EXPRESS, INC., Box 16886, Denver, Colo. 80216. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Guymon, Okla., to points in Arizona and California. NOTE: Common control may be involved. The purpose of this republication is to reflect the hearing information.

HEARING: October 17, 1966, at the U.S. Post Office Building, Northwest Third and Robinson Streets, Oklahoma City, Okla., before Examiner Gerald F. Colfer.

No. MC 128273 (Sub-No. 1), filed September 2, 1966. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, food and feed, feed ingredients, and supplements thereto*, from points in Lafourche Parish, La., to points in Montana, Wyoming, Colorado, New Mexico, Arizona, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, and Illinois.

HEARING: October 17, 1966, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner William J. Bateman.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10303; Filed, Sept. 20, 1966; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 16, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC-4470, Sub 2, filed March 17, 1966. Applicant: POTTER FREIGHT LINES, INC., Post Office Box 418, Sparta, Tenn. Applicant's representative: Clarence Evans, 710 Third National Bank Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Applicant seeks to delete from its existing certificate No. 2144-A the restriction against movement by this carrier of traffic moving between the points of Nashville and Knoxville, Tenn. (Applicant seeks removal as to both interstate and intrastate commerce.) As a result of the deletion, applicant would be authorized to operate between Nashville and Knoxville, using said certificate in conjunction with its other operating authority. Said certificate presently reads as follows: "Certificate of convenience and necessity No. 2144-A is hereby issued to Potter Freight Lines, Inc., authorizing the transportation of *general commodities* (except used household goods and commodities in bulk), (a) between the junction of U.S. Highway 70 and U.S. Highway 27, south of Rockwood (excluding Rockwood) and Knoxville, with no service at any intermediate point, with this authority to be used in conjunction with all of applicant's existing authority (and authority herein granted) over the following routes: (1) Via U.S. Highway 70; (2) from said junction to Kingston, Tenn., via U.S. Highway 70, thence via Interstate Highway 40 to Knoxville, and return over the same route, and also using additional segments of Interstate Highway 40 between said junction and Kingston when and as they become available and using such access routes between U.S. Highway 70 and additional segments of Interstate Highway 40 as may from time to time be necessary; (b) removal of the closed door restriction in applicant's existing authority at the junction of U.S. Highway 70 and U.S. Highway 27, south of Rockwood solely for the purpose of joinder with applicant's other authority. The authority granted and its use in conjunction with existing authority is restricted against either the picking up or delivery of any traffic at any point on U.S. Highway 27 south of Rockwood junction, including Chattanooga, Tenn., and is further restricted against the movement by this carrier of traffic (Interstate or Intrastate) moving between the points of Nashville and Knoxville."

HEARING: Tuesday, October 11, 1966, the Commission's Courtroom, C-1 Cordell Hull Building, Nashville, Tenn., 9:30 a.m. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10304; Filed, Sept. 20, 1966; 8:47 a.m.]

[Notice 255]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 16, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 58813 (Sub-No. 82 TA), filed September 14, 1966. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. 10001. Applicant's representative: Solomon Granett, 1350 Avenue of the Americas, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers only, and *materials and supplies* used in the manufacture thereof between Lumberton, N.C., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, and Miami and Hialeah, Fla., for 150 days. Supporting shipper: Tiffany Apparel, Inc., 152 Madison Avenue, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 88220 (Sub-No. 18 TA), filed September 13, 1966. Applicant: WABASH VALLEY TRUCKING, INC., Post Office Box 208, U.S. Highway 40 West, Brazil, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Brazil, Ind., to points in Iowa, for 180 days. Supporting shipper: Marion Brick Corp., General Offices, Marion, Ohio. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 93980 (Sub-No. 43 TA), filed September 14, 1966. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, Raleigh Road, Post Office Box 1119, Henderson, N.C. 27536. Applicant's representative: N. P. Strause (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco*, homogenized, reconstituted, or reconstructed, from Spotswood, N.J., to Jacksonville and Tampa, Fla.; Lancaster, Pa.; and Newport News and Norfolk, Va.; for 180 days. Supporting shippers: Universal Leaf Tobacco Co., Inc., Richmond, Va. 23214, Lancaster Leaf Tobacco Co., Inc., Post Office Box 897, Lancaster, Pa. 17604. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 94430 (Sub-No. 28 TA), filed September 14, 1966. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, Ind. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Cleveland, Ohio, to points in Erie County, Pa., for 150 days. Supporting shipper: Peerless Division, American Cement Corp., 1144 Free Press Building, Detroit, Mich. 48226. Send protests to: Heber Dixon, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 109637 (Sub-No. 310 TA), filed September 13, 1966. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Applicant's representative: H. N. Nunnally (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from the Port of Entry on the international boundary line between the United States and Canada at Port Huron, Mich., to Louisville, Ky., for 150 days. Supporting shipper: T. Carrol Norris, District Traffic Manager, Joseph E. Seagrams & Sons, Inc., Post Office 240, Louisville, Ky. 40201. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 115212 (Sub-No. 13 TA), filed September 14, 1966. Applicant: H. M. H. MOTOR SERVICE, Route 130, Cranbury, N.J. 18900. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail women's and children's ready to-wear apparel stores, and in connection therewith *supplies and equipment* used in the conduct of such business, under contract with Diana Stores Corp., between North Bergen, N.J., on the one hand, and, on the others, Winona, Austin, St. Louis Park, Duluth, Minneapolis, and St. Paul, Minn., for 150 days. Supporting shipper: Diana Stores Corp., 7801 Tonnelle Avenue, North Bergen, N.J. 07047. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 115523 (Sub-No. 131 TA), filed September 13, 1966. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, Utah 84116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk from Laramie, Wyo., and a radius of 25 miles thereof, to points in Wyoming, Nebraska, North Dakota, South Dakota, Montana, Colorado, New Mexico, Arizona, Minnesota, Iowa, and Kansas, for 180 days. Supporting shipper: El Paso Products Co., Post Office Box 3986, Odessa, Tex. 79760. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 116077 (Sub-No. 206 TA), filed September 13, 1966. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: Ben Ditta (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium Chlorate*, dry, in bulk, from Lake Charles, La., to Uravan, Colo., for 180 days. Supporting shipper: Pittsburgh Plate Glass Co., J. C. Higgins, Manager of Rates, Chemical, Traffic and Transportation Department, 14th Floor East Wing, 1 Gateway Center, Pittsburgh, Pa. 15222. Send protests to: John C. Redus, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 117366 (Sub-No. 3 TA), filed September 13, 1966. Applicant: RICHARD J. WITSBERGER, SR., doing business as TRI-STATE TRANSPORT CO., 511 North Front Street, Wheeling, W. Va. 26003. Applicant's representative: D. L. Bennett, 213 First National Bank Building, 2207 National Road, Wheeling, W. Va. 26003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel culvert pipe* and *corrugated steel pipe*, from Beech Bottom (Brooke County), W. Va., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, Wisconsin (East of Mississippi River), and St. Louis, Mo., for 180 days. Supporting shipper: Wheeling Corrugating Co., a division of Wheeling, W. Va. 26003, Neal Van Kirk, Director of Transportation. Send protests to: J. A. Niggemyer, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 531 Hawley Building, Wheeling, W. Va. 26003.

No. MC 119668 (Sub-No. 2 TA), filed September 13, 1966. Applicant: FORREST RATLIFF AND AUBURN RATLIFF, doing business as RATLIFF TRUCKING SERVICE, Oakwood, Va. Applicant's representative: Robert M. Richardson, Richardson & Hancock, 602 Law and Commerce Building, Bluefield, W. Va. 24701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel articles, including plates, bars, angles, channels, rods, and tubes*, from Cincinnati, Ohio, to Richlands, Va. *Coal mining machinery*, from Richlands, Va., to points in West Virginia, Pennsylvania, Ohio, Kentucky, Illinois, Tennessee, and Alabama, for 180 days. Supporting shipper: S. & S. Machinery Co., Richlands, Va. 24641. Send protests to: George S. Hales, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 215 Campbell Avenue, SW., Roanoke, Va. 24011.

No. MC 124245 (Sub-No. 9 TA), filed September 13, 1966. Applicant: ALBERT V. MEILSTRUP, doing business as ACE REFRIGERATED TRUCKING SERVICE, South Bend 23, Ind. Applicant's representative: William L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts; dairy products and articles* distributed by meat packinghouses as described in parts A, B, and C of appendix I to *Descriptions in Motor Carrier Certificates*, MCC 207 and 766, from South Bend, Ind., to points in Bartholomew, Boone, Brown, Clay, Clinton, Dearborn, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Randolph, Ripley, Rush, Shelby, Tipton, Union, Vermillion, Vigo, Warren, and Wayne Counties, Ind., for 150 days. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214. Send protests to: District Supervisor, Heber Dixon, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 128405 (Sub-No. 1 TA), filed September 13, 1966. Applicant: CLARENCE WASTLER, doing business as RITE-WAY TRUCKING CO., 709 Randolph Street, Denton, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, slag, and crushed stone*, from points in Caroline, Talbot, Kent, and Queen Ann Counties, Md., to points in Dorchester, Wicomico, Worcester, and Somerset Counties, Md., and points in Sussex County, Del., for 180 days. Supporting shippers: First State Enterprises, Inc., Federalsburg, Md., Parker & Sturgis Block Co., Inc., Salisbury, Md., R. H. Goldsborough & Sons, Crisfield, Md. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Post Office Building, Salisbury, Md. 21801.

No. MC 128570 TA, filed September 13, 1966. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. Applicant's representative: H. James Conaway, Jr., Bank of Delaware Building, Wilmington, Del. 19801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Interoffice records and memoranda, accounting, audit and billing records and media of all kinds, and documents* (except cash letters) between (1) points in Delaware, on the one hand, and, on the other, Philadelphia, Pa., New York, N.Y., and points in Gloucester, Salem, Cumberland, Atlantic, and Cape May Counties, N.J., and (2) points in Kent, Talbot, Wicomico, Caroline, Dorchester, Somerset, and Worcester Counties, Md., Philadelphia, Pa., and New York, N.Y., on the one hand, and, on the other, points in Gloucester, Salem, Cumberland, Atlantic, and Cape May Counties, N.J., for 180 days. Supporting shippers: Weymouth & Smith, Greenville Center, Wilmington, Del. 19807, William C. Smith, Jr., the Sussex Trust Co., Laurel, Del. 19956, Glenn, West Ward, Ajax Distributors, Wilmington, Del. 19800, Ellis G. Ramsey. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Post Office Building, Salisbury, Md. 21801.

No. MC 128571 (Sub-No. 1 TA), filed September 13, 1966. Applicant: CARDINAL VAN & STORAGE, 73365 Twentynine Palms Highway, Twentynine Palms, Calif. Applicant's representative: Carl H. Fritze, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in San Bernardino and Riverside Counties, Calif., for 180 days. Supporting shippers: Astron Forwarding Co., Post Office Box 161, Oakland, Calif. 94604, Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif. 94802, Jet Forwarding, Inc., 1415 West Torrance Boulevard, Torrance, Calif. 90501, Columbia Export Packers, Inc., 2805 Columbia Street, Torrance, Calif. 90503, American Red Ball, 427 Third Avenue West, Seattle, Wash. 98119. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128572 TA, filed September 13, 1966. Applicant: VAN HORN TRANSFER & STORAGE CO., 1421 Harrison Avenue, Panama City, Fla. 32401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies*, between Panama City, Fla., and points in Bay, Calhoun, Franklin, Walton, and Gulf Counties, Fla., for 180 days. Supporting shipper: Western Electric Co., Inc., 3300 Lexington Road, Winston-Salem, N.C. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 128573 TA, filed September 14, 1966. Applicant: BARNETT TRUCK LINES, INC., 3404 Wheat Street, Kinston, N.C. 28501. Applicant's representative: Warren S. Perry, 106 West Gordon Street, Kinston, N.C. 28501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Columbia, S.C., to points in North Carolina, for 180 days. Supporting shipper: Columbia Pipe Co., Box 3188, Columbia, S.C. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 128574 TA, filed September 14, 1966. Applicant: WILLIAM R. DRAKE, 1500 Northwest Avenue L, Post Office Box 181, Belle Glade, Fla. Applicant's representative: John C. Vogt, Jr., Suite 506, First National Bank Building, Orlando, Fla. 32802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw sugar*, in bulk, from points in Palm Beach County, Fla., to railroad sidings of Atlantic Coast Line Railroad at Cane, Fla.; and the Florida East Coast Railroad sidings at South Bay, Belle Glade, and Pelican Lake, Fla., for 180 days. Supporting shipper: Florida Sugar Corp., Belle Glade, Fla. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 128562 (Sub-No. 1 TA), filed September 14, 1966. Applicant: SAGE DELIVERIES, INC., 630 Victory Boulevard, Apartment 4k, Staten Island, N.Y. 10301. Applicant's representative: Joseph Ganon (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk and milk products, chocolate drink, orange juice, fruit drinks, cottage cheese, and eggs*, from Staten Island, N.Y., to points in New Jersey and Pennsylvania, and return, for 150 days. Supporting shipper: Weissglass Gold Seal Dairy Corp., 2014 Forest Avenue, Staten Island, N.Y. 10303. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10305; Filed, Sept. 20, 1966; 8:48 a.m.]

[3d Rev. S.O. 562, ICC Order 209, Amdt. 1]

ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

Rerouting and Diversion of Traffic

Upon further consideration of ICC Order No. 209 (St. Johnsbury & Lamoille County Railroad) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 209 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1966, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m. September 16, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 15, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] H. R. LONGHURST, *Agent.*

[F.R. Doc. 66-10306; Filed, Sept. 20, 1966; 8:48 a.m.]

[3d Rev. S.O. 562, ICC Order 212]

ANN ARBOR RAILROAD CO.

Rerouting or Diversion of Traffic

Because of car ferries out of service for annual inspection, the Ann Arbor Railroad Co., in the opinion of R. D. Pfahler, agent, is unable to transport traffic between Frankfort, Mich., and Manistique and Menominee, Mich., and Kewaunee and Manitowoc, Wis.

It is ordered, That:

(a) Rerouting traffic: Because of car ferries out of service for annual inspection, the Ann Arbor Railroad Co. is unable to transport traffic between Frankfort, Mich., and Manistique and Menominee, Mich., and Kewaunee and Manitowoc, Wis., in accordance with shippers' routing. The Ann Arbor Railroad is hereby authorized to reroute or divert such traffic via any available route. The billing covering each car so rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The Ann Arbor Railroad Co. and its connections shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: The Ann Arbor Railroad Co. and its connections shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the direction of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rate of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., September 20, 1966.

(g) Expiration date: This order shall expire at 11:59 p.m., November 19, 1966, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 16, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66-10307; Filed, Sept. 20, 1966; 8:48 a.m.]

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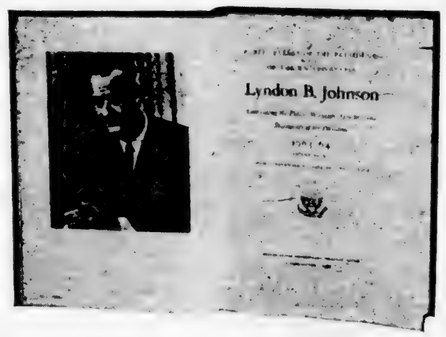
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Title 3—THE PRESIDENT

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NATIONAL ZIP CODE WEEK

By the President of the United States of America

A Proclamation

America today is experiencing a "mail explosion" that is without precedent. Since 1940, our population has increased by 48 percent. At the same time, however, our mail volume has increased 171 percent.

We are now generating mail at the rate of 76 billion pieces a year—more than the rest of the world combined, and enough to fill a train of boxcars stretching from Boston to San Francisco.

We welcome this "mail explosion," for it is a sure sign of our national prosperity.

But the challenge of moving such vast amounts of mail—speedily and efficiently—is growing, too. Nineteenth century methods of handling and sorting will no longer suffice.

This is the real meaning of ZIP Code. It provides a twentieth century solution to a twentieth century problem.

Thanks to ZIP Code, volume mailers in the second and third class categories will soon be pre-sorting their mail before it enters the postal stream. This will reduce delays and will save the Post Office Department both manhours and money. We salute the business community for its support of this program.

I now call upon all Americans to demonstrate the spirit of wholehearted cooperation that is needed to make the program an unqualified success.

ZIP-Coded mail will enable the Post Office Department to modernize its operations and keep abreast of advancing technology. It will enable the Department to absorb the additional two billion pieces of mail that we generate each year. And it will help the government to contain costs—costs that, ultimately, are borne by the taxpayers.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the period of October 10 through October 15, 1966, as National ZIP Code Week. I call upon all persons and all business, civic, educational, and service organizations to join in the observance of that week with appropriate ceremonies in which each of us may contribute to a stronger and more efficient postal service by

—learning and using ZIP Code numbers, both in destination and return addresses;

—encouraging our friends, neighbors, and associates to do the same;

—participating in activities to promote the widest possible use of ZIP Code by all persons.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of September in the year of our Lord nineteen hundred and sixty-six, and [SEAL] of the Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 66-10426; Filed, Sept. 20, 1966; 3:32 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the number of Confidential Assistants to the Assistant Secretary for Education excepted under Schedule C is increased from two to three. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (j) of § 213.3316 is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(j) *Office of the Assistant Secretary for Education.* (1) Three Confidential Assistants to the Assistant Secretary for Education.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-10383; Filed, Sept. 21, 1966; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

Subpart—General Program Provisions

LAND ELIGIBLE FOR PROGRAM

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are hereby further amended as provided herein.

Section 601.4 is amended to read as follows:

§ 601.4 Land eligible for the program.

The program shall be applicable to (a) privately owned lands, (b) non-Federally owned public lands under private control for the contract period and included in the producer's operating unit, and (c) Federally owned lands when the applicability thereto is for installation of conservation practices which directly and primarily conserve or benefit nearby or adjoining privately owned lands of persons who maintain and use the Federal lands under agreement with the Department or agency having jurisdiction over such lands.

(Sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d)

Done at Washington, D.C., this 19th day of September 1966.

[SEAL] JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 66-10371; Filed, Sept. 21, 1966; 8:48 a.m.]

PART 601—GREAT PLAINS CONSERVATION PROGRAM

Subpart—General Program Provisions

MANNER AND TIME OF COST-SHARE PAYMENTS

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are hereby further amended as provided herein.

Section 601.16 is amended to read as follows:

§ 601.16 Manner and time of cost-share payments.

Cost-share payments shall be paid to the producer after he has carried out an identifiable unit of his plan of operations and arrangements therefor shall be made by the Soil Conservation Service State Office. Payments shall be made as soon as practicable after the identifiable unit is carried out and the extent of performance has been established. It shall be the responsibility of the producer eligible for cost-share payments to establish his claim to such payments. Cost-share payments for identifiable units carried out under the program will be made only upon application submitted on the form prescribed by the Administrator, SCS, to the designated SCS technician. Such application shall be filed by June 30 of the year following the calendar year in which the identifiable unit was carried out, except that with respect to any application filed after such date the Administrator, SCS, may authorize cost-share payments to be made upon such application if in his judgment such action is warranted by the circumstances of the particular case. The authority of the Administrator to authorize such payments may be redelegated to State Conservationists, SCS. Application for cost-share payments shall specify the proportions of each producer's contribution to the carrying out of each identifiable unit. Cost-share payments will be made for the identifiable units carried out in the program year as shown on the time schedule of land use and treatment unless otherwise provided for by modification of the contract.

(Sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590)

Done at Washington, D.C., this 19th day of September 1966.

[SEAL] JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 66-10372; Filed, Sept. 21, 1966; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 7]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

TRANSFER OF FARM ACREAGE AFFECTED BY NATURAL DISASTER

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to permit the filing date for transferring cotton allotments from farms affected by natural disaster to be extended under certain circumstances. Since action by county committees may be required immediately under this amendment, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Paragraph (g) of § 722.430 of the regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) is amended by adding the following new sentence:

§ 722.430 Transfer of farm cotton acreage affected by a natural disaster.

* * * * *

(g) *Closing dates—1966 and succeeding crops.* * * * Notwithstanding such closing date requirement, the county committee may accept applications filed after the closing date upon a determination by the county committee that the failure to timely file an application was the result of conditions beyond the control of the applicant and a representative

of the State committee approves such determination.

(Secs. 344(n), 375, 78 Stat. 177, 52 Stat. 66, as amended; 7 U.S.C. 1344(n), 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 16, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-10368; Filed, Sept. 21, 1966; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[831.4, Rev. 1, Amdt. 2]

PART 831—BEET SUGAR AREA

Determination of Sugar Commercially Recoverable From Sugarbeets; 1966 and Subsequent Crops

Pursuant to section 302(a) of the Sugar Act of 1948, as amended, § 831.4 (b) is amended by amending the introductory paragraph of subparagraph (3) and subdivision (i) thereof to read as follows:

§ 831.4 **Determination of sugar commercially recoverable from sugarbeets.**

* * * * *

(b) *Recoverable sugar.* * * *

(3) In the case of sugarbeets of the 1966 and subsequent crops marketed under a "combined individual-cossette test" contract, the amount of sugar (expressed in hundredweight) established by multiplying the net tonnage of the sugarbeets, at the time of delivery to a processor, by a rate expressed in hundredweight of sugar per ton of beets (rounded to three decimals). Such rate shall be computed by:

(i) Multiplying the weighted average percentage of sugar content of the beets delivered by a producer by a factor computed by dividing the factory cossette test average by the weighted average sugar content of beets comprising at least 97 percent of the current crop delivered to the factory as determined by individual tests. The factory cossette test average shall be the weighted average percentage of sugar content of all the sugarbeets of the next preceding seven crops marketed in such settlement area and determined by factory cossette tests. The weighted average sugar content of beets comprising at least 97 percent of the current crop delivered to the factory shall be computed from individual tests of the beets so delivered at such time as the Agricultural Stabilization and Conservation State Committee determines that at least 97 percent of the sugarbeets of a crop have been delivered and tested for sugar content in the settlement district.

* * * * *

STATEMENT OF BASES AND CONSIDERATIONS

At the time that the rates of recoverability of sugar for the 1966 crop were issued, it was pointed out that a request had been made for a change in the method of determining the factor for "combined-individual cossette test" settlement areas that would permit earlier payments. At that time it was believed that a change was not warranted. A further study of this matter shows that in some settlement districts two or three percent of the sugarbeets are delivered very late. Hence, a delay in the calculation of the factor for the combined individual-cossette test settlement areas until all of such sugarbeets have been delivered could result in considerable delay in payments for most of the producers in some settlement districts. In view of this fact, authority is granted the ASC State Committee to authorize the calculation of the factor at such time as it determines that at least 97 percent of the sugarbeets of a crop have been delivered and tested for sugar content in the settlement district, and provision is made for determining the factor on the basis of at least 97 percent of the beets delivered to the factory. The State Committee, through its authorized representative, will consult with the sugarbeet processor in making its determination.

Accordingly, I hereby find and conclude that this determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 302, 303, 304, 61 Stat. 930, as amended, 7 U.S.C. 1132, 1133, 1134)

Effective date. Date of publication.

Signed at Washington, D.C., on September 16, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-10369; Filed, Sept. 21, 1966; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[Eligibility Requirements for Price Support, Amdt. 5]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

MEMBER ASSOCIATIONS

The regulations issued by the Commodity Credit Corporation, published in 30 F.R. 6907, 9260, 9877, 14915, and 31 F.R. 10514 and containing eligibility requirements for cooperative marketing associations to obtain price support, are hereby amended as follows:

Section 1425.15 is amended by adding a new paragraph (e) which reads as follows:

§ 1425.15 **Member associations.**

* * * * *

(e) *Member-association.* The provisions of this subpart shall not apply to a member-association which does not utilize, or is not utilized by, the applicant association in the marketing or handling of the crop of the commodity for which approval for price support is requested: *Provided, however,* That for purposes of determining whether the applicant association is producer-owned and producer-controlled as required by § 1425.4, the Executive Vice President, CCC, shall give consideration to the organization and functioning of all its member-associations.

(Secs. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 103, 401, 63 Stat. 1051 as amended; secs. 301, 401, 63 Stat. 1053; secs. 203, 301, 401, 63 Stat. 1054; sec. 302, 72 Stat. 988; 15 U.S.C. 714 b and c, 7 U.S.C. 1421, 1441, 1444, 1446d, 1447)

Effective date. Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 16, 1966.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66-10407; Filed, Sept. 21, 1966; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Waiver of Reports of Affiliates

1. Effective August 31, 1966, § 208.9 is amended by adding the following paragraph:

§ 208.9 **Publication of reports of member banks and their affiliates.**

* * * * *

(c) *Waiver of reports of affiliates.* (1) Pursuant to section 21 of the Federal Reserve Act (12 U.S.C. 486), the Board of Governors of the Federal Reserve System waives the requirement for the submission of reports of affiliates of State bank members of the Federal Reserve System, except:

(i) When indebtedness, if any, of the affiliate to the member bank has been carried for more than 6 months in the 12 months preceding the report date as an asset on the bank's books at a value in excess of $5,000 or 1 percent of the bank's capital and surplus, whichever is the greater, regardless of whether the affiliate is so indebted on the report date: *Provided,* That any indebtedness of the affiliate to the member bank fully secured by direct obligations of the U.S. Government or by obligations fully guaranteed by the U.S. Government may be disregarded in determining whether or not the indebtedness of the affiliate is in excess of the limitations prescribed herein.

(ii) When, on the report date, the affiliate is indebted to the member bank, or the member bank owns obligations of, or stock or other evidences of ownership in, the affiliate, and the aggregate amount of such indebtedness, obligations, stock, or other evidences of ownership is carried as an asset on the bank's books at a value in excess of $5,000 or 1 percent of the member bank's capital and surplus, whichever is the greater: *Provided,* That any indebtedness of the affiliate to the member bank fully secured by direct obligations of the U.S. Government or by obligations fully guaranteed by the U.S. Government may be disregarded in determining whether or not the indebtedness of the affiliate is in excess of the limitations prescribed herein.

(2) The Board of Governors of the Federal Reserve System also waives the requirement for the submission of reports of affiliates in all cases (i) where the affiliate relationship is based solely on ownership or control of any voting shares of the affiliate by a member bank as executor, administrator, trustee, receiver, agent, depositary, or in any other fiduciary capacity, except where such shares are held for the benefit of all or a majority of the stockholders of such member bank, and (ii) where the affiliate relationship is based solely on the fact that a majority of the affiliate's directors, trustees, or other persons exercising similar functions are directors of any one member bank, except where they constitute more than one-fourth of the directors of the member bank.

(3) The above provisions with respect to the waiving of the requirement for submission of reports of affiliates are subject to change whenever deemed advisable by the Board of Governors of the Federal Reserve System in order to require the submission of reports which are necessary to disclose fully relations between member banks and their affiliates and the effect thereof upon the affairs of member banks.

2a. The purpose of this section is to incorporate into this Part the long-standing rules of the Board of Governors with respect to waiving reports of affiliates of State member banks. Such rules were originally established in 1935 shortly after the enactment of the Banking Act of 1935, which authorized the Board of Governors to waive the requirement of the Banking Act of 1933 relating to submission of reports by affiliates of State member banks (12 U.S.C. 334 and 486).

b. The requirements of section 4 of the Administrative Procedure Act with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment. The provisions of this section were inadvertently omitted from the Board's initial codification of its regulations in 1938. Because this action corrects the previous omission and does not constitute a new rule by the Board, the requirements of notice, public participation, and deferred effective date are considered inapplicable.

(12 U.S.C. 248(i) and 486)

Dated at Washington, D.C., this 31st day of August 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-10335; Filed, Sept. 21, 1966; 8:45 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[20,190]

PART 531—STATEMENTS OF POLICY

Interest Rates on Advances

SEPTEMBER 16, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 531.9 of the regulations for the Federal Home Loan Bank System (12 CFR 531.9) to increase the minimum interest rate on advances made or outstanding on or after November 1, 1966, hereby amends paragraph (e) of § 531.9 of the regulations for the Federal Home Loan Bank System (12 CFR Part 531.9) to read as follows:

§ 531.9 **Interest rates on advances.**

* * * * *

(e) Interest shall be collected by such banks on all advances made or outstanding on and after November 1, 1966, at a rate not less than 6 percent per annum.

* * * * *

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and section 4(a) of the Administrative Procedure Act since such notice and public procedure would prevent the action from becoming effective as promptly as necessary in the public interest, would unreasonably interfere with necessary actions of the Board and would otherwise serve no useful purpose and, for the same reasons, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and section 4(c) of the Administrative Procedure Act is contrary to the public interest and the Board hereby provides that the aforesaid amendment shall be effective upon publication in the FEDERAL REGISTER.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 66-10376; Filed, Sept. 21, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7297; Amdt. 39-289]

PART 39—AIRWORTHINESS DIRECTIVES

Sensenich Propellers

Amendment 39-224 (31 F.R. 6015), AD 66-11-3, requires inspection for cracks and corrosion, and repair or replacement as necessary on Sensenich Model M76EMM and M76EMMS propellers. Subsequent to the issuance of Amendment 39-224, the Agency has determined that there have been in-flight failures attributed to corrosive pits beneath the midblade water-soluble decal that initiated fatigue cracks on other Sensenich Model propellers. Therefore, the AD is being superseded by a new AD that requires inspection for cracks and corrosion, and repair or replacement as necessary of all Sensenich fixed-pitch metal propeller models with water-soluble midblade decals.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SENSENICH. Applies to all fixed-pitch metal propeller models with water-soluble midblade decals that have not been inspected and reconditioned as necessary by the manufacturer in accordance with Sensenich Propeller Bulletin No. R-10, dated January 4, 1965, or Bulletin No. R-11, dated March 1, 1966.

Compliance required within the next 20 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent further midblade propeller failures resulting from corrosion pits that initiate fatigue cracks under the water-soluble midblade decal, accomplish the following:

(a) Soak water-soluble midblade decals (Sensenich Propeller Bulletin No. R-12 describes decals) with paint remover and rub off with a rag. (Scraping or sanding of decals may inadvertently obscure evidence of possible corrosion.)

(b) Apply dye penetrant to the midblade area and inspect for corrosion and cracks with a glass of at least 3 power.

(c) Remove corrosive pits 0.015 inch deep or less by sanding with a 220 grit wet or dry abrasive paper and polishing with a paper of 320 grit or finer.

(d) Clean area thoroughly and reinspect in accordance with paragraph (b) to insure that the removal of all corrosive pits has been accomplished. Clean and spray repaired area with a clear lacquer.

(e) Replace before further flight any propeller having corrosive pits 0.015 inch deep or greater or having cracks with a propeller of the same model number that has been inspected and repaired as necessary in accordance with this AD.

(Sensenich Propeller Bulletin No. R-12, dated July 20, 1966, pertains to this subject.)

This supersedes Amendment 39-224 (31 F.R. 6015), AD 66-11-3.

This amendment becomes effective October 1, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 15, 1966.

C. W. WALKER,
Director,
Flight Standards Service.

[F.R. Doc. 66-10380; Filed, Sept. 21, 1966; 8:49 a.m.]

[Docket No. 7437; Amdt. 39-290]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the stabilizer trim system brake on Boeing Model 727 Series airplanes was published in 31 F.R. 8498.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment requested that the compliance time be extended to 6,000 hours' time in service to enable this modification to be made at overhaul, although the operator indicated that it can comply with the 2,500-hour compliance without service disruption. The Agency feels that since there have been malfunctions of the stabilizer trim system brake in its present configuration, safety dictates that this modification be accomplished within 2,500 hours after the effective date of this AD. This compliance time provides sufficient lead time for operators to schedule and plan compliance with the AD with a minimum burden.

BOEING. Applies to Model 727 Series airplanes.

Compliance required within the next 2,500 hours' time in service after the effective date of this AD unless already accomplished.

Modify stabilizer trim system brake, Boeing P/N 10-60822-1, Western Gear P/N 4472R155, Western Gear Serial Numbers 101 through 235, in accordance with paragraph (2) of Western Gear Service Bulletin "Flight Controls—Stabilizer Brake Assembly Western Gear P/N 4472R155 Install Additional Spacers Under Pawls."

This amendment becomes effective October 22, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 13, 1966.

C. W. WALKER,
Director,
Flight Standards Service.

[F.R. Doc. 66-10381; Filed, Sept. 21, 1966; 8:49 a.m.]

[Airspace Docket No. 66-SO-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On August 5, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10538) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Tifton, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the following transition area is added:

TIFTON, GA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Henry Tift Myers Airport (latitude 31°25'40" N., longitude 83°29'10" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on September 13, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-10399; Filed, Sept. 21, 1966; 8:51 a.m.]

[Airspace Docket No. 66-WE-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On August 3, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10418) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the Pasco, Wash., terminal area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to the issuance of the notice, it was determined that the effective time of the control zone would be other than that published in the notice. Since this change is minor in nature, notice and public procedure thereon are unnecessary, and the change is reflected in the final rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth:

In § 71.171 (31 F.R. 2124) the Pasco, Wash., control zone is amended as follows:

PASCO, WASH.

That airspace within a 5-mile radius of the Tri-Cities Airport (latitude 46°15'50" N., longitude 109°06'55" W.), within 2 miles each side of the Pasco VOR 036° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles SW and 2.5 miles NE of the Pasco VOR 132° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR, excluding that portion within a 1-mile radius of Vista Airport, Kennewick, Wash. (latitude 46°13'10" N., longitude 119°12'55" W.). This control zone is effective 24 hours daily, Monday through Saturday, Sunday from 0001 to 0300 and 0600 to 2400 hours local time.

In § 71.181 (31 F.R. 2237) the Pasco, Wash., transition area is amended as follows:

PASCO, WASH.

That airspace extending upward from 700 feet above the surface, within a 5-mile radius of the Tri-Cities Airport (latitude 46°15'50" N., longitude 109°06'55" W.), within 5 miles SW and 8 miles NE of the Pasco VOR 132° radial, extending from the VOR to 12 miles SE of the VOR, within 5 miles SE and 8 miles NW of the Pasco VOR 036° radial, extending from the VOR to 12 miles NE of the VOR, within 2 miles each side of the Paso VOR 262° radial, extending from the VOR to 8 miles W of the VOR; and that airspace extending upward from 1,200 feet above the surface, within 6 miles SW and 8 miles NE of the Pasco VOR 132° and 312° radials, extending from 8 miles NW to 18 miles SE of the Pasco VOR, excluding the portion within Restricted Area R-6715.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on September 12, 1966.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 66-10400; Filed, Sept. 21, 1966; 8:51 a.m.]

[Airspace Docket No. 66-WE-53]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone; Correction

On August 31, 1966, F.R. Doc. 66-9462 was published in the FEDERAL REGISTER (31 F.R. 11460). It contained an amendment to Part 71 of the Federal Aviation Regulations altering the Riverside, Calif. (Municipal Airport) control zone.

Subsequent to the issuance of the final rule, it was determined that a change in the effective time of the control zone would be necessary to coincide with the hours of operation of the control tower.

Since this correction is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the final rule, as initially adopted, may be retained.

In consideration of the foregoing, effective immediately, the description of the Riverside, Calif. (Municipal Airport), control zone contained in F.R. Doc. 66-9462 (31 F.R. 11460) is amended by deleting "* * * 0500 to 2130 hours, * * *" and substituting "* * * 0600 to 2200 hours, * * *" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on September 12, 1966.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 66-10401; Filed, Sept. 21, 1966; 8:51 a.m.]

[Airspace Docket No. 66-SO-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Designation of Transition Area

On June 22, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8637) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area and alter the control zone in the vicinity of Fort Myers, Fla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The Air Transport Association of America concurred with the proposal. The Aircraft Owners and Pilots Association, in commenting on the proposal, noted that a small increase in the instrument approach procedure final approach altitude over the Fort Myers radio beacon or the 4.4 nautical mile DME fix and an extension to the 700-foot transition area would permit the elimination of the control zone extension, as proposed, and still provide the controlled airspace necessary for instrument approaches at Fort Myers. Therefore, the Fort Myers control zone and transition area is herein amended accordingly. Concurrently, the instrument approach procedures for Fort Myers, Fla., will be changed. The changes will not require the raising of the instrument approach weather minimums. No other comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

1. In § 71.171 (31 F.R. 2065) the Fort Myers, Fla., control zone is amended to read:

FORT MYERS, FLA.

Within a 5-mile radius of Page Field, Fort Myers, Fla. (latitude 26°35'10" N., longitude 81°51'50" W.); within 2 miles each side of the Fort Myers VORTAC 215° radial, extending from the 5-mile radius zone to 4.4 nautical miles SW of the VORTAC; and within 2 miles each side of the 042° bearing from the Fort Myers RBN, extending from the 5-mile radius zone to the RBN.

2. In § 71.181 (31 F.R. 2149) the Fort Myers, Fla., transition area is added:

FORT MYERS, FLA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Page Field, Fort Myers, Fla. (latitude 26°35'10" N., longitude 81°51'50" W.); within 2 miles each side of the Fort Myers VORTAC 215° radial extending from the 8-mile radius area to 8 miles SW of the VORTAC; within 2 miles each side of the 222° bearing from the Fort Myers RBN extending from the 8-mile radius area to 8 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Fort Myers VORTAC; the airspace NE of Fort Myers extending from the 20-mile radius area bounded on the W by V-7, on the NE by V-97, and on the SE by V-225; and that airspace E of Fort Myers extending from the 20-mile radius area bounded on the NW by V-225, on the E by V-157 W, and on the SW by V-7.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 13, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-10402; Filed, Sept. 21, 1966; 8:51 a.m.]

[Airspace Docket No. 66-SO-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway Segment

On June 28, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8924) stating that the Federal Aviation Agency was considering the revocation of VOR Federal airway No. 3 west alternate segment between Jacksonville, Fla., and Brunswick, Ga.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

In § 71.123 (31 F.R. 2009, 7279, 7610, 10026, 10516) V-3 is amended by deleting ", including a 12 AGL W alternate via INT of Jacksonville 354° and Brunswick 238° radials".

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 12, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-10403; Filed, Sept. 21, 1966; 8:51 a.m.]

[Airspace Docket No. 66-WA-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area and Reporting Point

On June 23, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8694) stating that the Federal Aviation Agency was considering revocation of Control 1420 and the Gateway Pine reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

1. In § 71.163 (31 F.R. 2050) "Control 1420" is revoked.

2. In § 71.209 (31 F.R. 2287) "Gateway Pine INT." is revoked.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348; E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 12, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-10404; Filed, Sept. 21, 1966; 8:51 a.m.]

[Airspace Docket No. 66-WE-22]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Routes

On May 27, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 7635) stating that the Federal Aviation Agency was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 5 in part from Lakeview, Oreg., direct to Seattle, Wash.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

In § 75.100 (31 F.R. 2348) Jet Route No. 5 is amended by deleting everything after "Lakeview, Oreg.;" and substituting "to Seattle, Wash." therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 12, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-10405; Filed, Sept. 21, 1966; 8:51 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-473]

PART 287—EXEMPTION AND APPROVAL OF CERTAIN INTERLOCKING RELATIONSHIPS

Exemption of Air Carriers With Respect to Interlocking Relationships With Commercial Lending Institutions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of September 1966.

By Regulation No. ER-455,[1] adopted March 23 and effective March 30, 1966, the Board amended Part 287 of the Economic Regulations. Because the amendment was issued as a final rule, provision was made for interested persons to file petitions for reconsideration. American Airlines, Pan American World Airways, and Trans World Airlines have filed a joint petition for reconsideration of ER-455.

The Rule in question amended Part 287 to provide, inter alia, an exemption to direct and indirect air carriers from section 409 of the Act and Part 251 of the Economic Regulations with respect to certain interlocking relationships between any such carrier and a "commercial lending institution"[2] which does not lease aircraft to the air carrier.

As set forth in the first proviso to § 287.3a, however, the exemption does not extend to a relationship involving a director of an air carrier who is an officer, member or employee of the commercial lending institution. Petitioners contend that there would appear no purpose in restricting the exemption so that it would not include a director who is also an officer or employee of the financial institution, and that other restrictions upon the exemption would seem sufficient to insure that the Board would have an opportunity to act if any situation developed which might create a conflict of interest.

Upon consideration, the Board has determined to grant petitioners' request. So long as the air carrier does not lease aircraft from the financial lending institution, the extended exemption does not appear to pose any significant conflict of interest problems, particularly in view of other limitations on the scope of the exemption. Accordingly, the first proviso to § 287.3a will be amended as proposed by petitioners.

The second proviso to § 287.3a includes an annual reporting requirement by air carriers in order to qualify for an exemption. Such reports must presently include: "(a) The names and addresses of all directors of the air carrier who were also directors of commercial lending institutions." As noted, the first proviso to § 287.3a is being amended to extend application of the exemption to an air carrier director who is an officer or employee of the financial lending institution. Consistent with this amendment, the reporting requirement referred to will be amended to read: "(a) The names and addresses of all directors of the air carrier who were also directors, officers, or employees of commercial lending institutions."

The annual reporting requirement also includes the following: "(c) The nature of the aviation activities engaged in by such commercial lending institution; and (d) a description of all transactions between the air carrier (and/or its officers and directors) and such commercial lending institutions."

With respect to the information required under "(c)" above, the carriers contend, inter alia, that the Board should have the information as to the lending institutions and such aviation activities as they may be engaged in through section 408 applications and these reports would therefore result in duplication, burdensome both to the Board and the carriers. We agree that reports as to aviation activities engaged in by commercial lending institutions would duplicate information which should otherwise be on file with the Board.[3] Accordingly, § 287.3a will be amended so as to delete the requirement that carriers report the nature of the aviation activities engaged in by the commercial lending institutions.

Petitioners also object to the requirement under "(d)" above, to the extent that the carriers be required to furnish a description of all transactions between the officers and directors of the air carrier and the commercial lending institutions. According to petitioners, if interpreted literally, this would require a description of all transactions between the officers and directors of the air carrier and the financial institutions involved even though they were completely unrelated to the air carrier activities, and would require disclosure of the details of personal transactions of many individuals. The Board will modify this reporting requirement so as to limit its applicability to directors of an air carrier who are also officers or directors of commercial lending institutions. We believe that, so limited, the requirement will supply the Board with needed data to assist it in making an informed judgment on the results of the exemption, which is the purpose of the reporting requirement. With respect to the alleged disclosure of details of personal transactions of many individuals, information of a confidential nature can always be withheld from public disclosure upon proper request pursuant to the Board's regulations (14 CFR 302.39).

In substance the amendment to Part 287 provided herein broadens the relief set forth in the existing regulation. Therefore, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends § 287.3a, effective September 12, 1966 by (1) deleting the words "officer" and "employee" from the phrase "officer, member or employee of the commercial lending institution" in the first proviso; (2) adding the words "officers or employees" after the word "directors" and before the words "of commercial lending institutions" in paragraph (a) of the second proviso; (3) deleting paragraph (c) of the second proviso; and (4) deleting the words "officers and" from the parenthetical phrase in paragraph (d) of the second proviso, adding after the word "directors" in the aforesaid parenthetical phrase the words "who were also officers or directors of commercial lending institutions" and redesignating paragraph (d) as paragraph (c). As amended, § 287.3a will read as follows:

§ 287.3a Exemption of air carriers with respect to interlocking relationships with commercial lending institutions.

In addition to the exemptions provided in §§ 287.2 and 287.3 of this part, and subject to the other provisions of this part, air carriers are hereby relieved from the provisions of section 409(a) of the Act and Part 251 of this chapter with respect to any interlocking relationship between any such air carrier and a commercial lending institution which does not lease aircraft to the air carrier: *Provided, however*, That such exemption shall expire on March 30, 1969, and shall extend only to the relationship involving a director of the air carrier who is not an officer or employee of the air carrier or a stockholder holding a controlling interest in the air carrier (or the representatives or nominee of any such person) and who is not a member of the commercial lending institution: *Provided further*, That in order to qualify for an exemption under this section air carriers shall file with the Bureau of Operating Rights annual reports on or before March 1 of each year showing for the previous calendar year (a) the names and addresses of all directors of the air carrier who were also directors, officers, or employees of commercial lending institutions; (b) the names and addresses of such commercial lending institutions; and (c) a description of all transactions between the air carrier (and/or its directors who were also officers or directors of commercial lending institutions) and such commercial lending institutions.

(Secs. 101(3), 204(a), 409, 416; 72 Stat. 737, 743, 768, 771; 49 U.S.C. 1301, 1324, 1379, 1386)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 66-10390; Filed, Sept. 21, 1966; 8:50 a.m.]

[1] 31 F.R. 5121.

[2] "Commercial lending institution" is defined in § 287.1(f) as "a bank or insurance company which is a person engaged in a phase of aeronautics solely by virtue of engaging in transactions involving the purchase of aircraft and lease thereof to air carriers."

[3] Such information should be available through: (1) Section 408 applications filed by carriers parties to lease financing arrangements with commercial lending institutions; (2) the filing requirements with respect to the exemption from section 408 provided by Part 299; and (3) reports required under section 23 of Part 241.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1098]

PART 13—PROHIBITED TRADE PRACTICES

Cast-O-Brick, Inc., and Chester E. Swindel

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–33 Demonstration reduction; 13.155–40 Exaggerated as regular and customary; § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* § 13.1647 *Guarantees;* § 13.1715 *Quality;* Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions;* § 13.1805 *Exaggerated as regular and customary.* Subpart—Using misleading name—Goods: § 13.2280 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Cast-O-Brick, Inc., et al., St. Louis, Mo., Docket C-1098, Aug. 16, 1966]

In the Matter of Cast-O-Brick, Inc., a Corporation, and Chester E. Swindel, Individually and as an Officer of Said Corporation

Consent order requiring a St. Louis, Mo., home improvement company to cease using false pricing, misleading guarantees, and deceptive savings claims, and misrepresenting the physical qualities of its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Cast-O-Brick, Inc., a corporation, and its officers, and Chester E. Swindel, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of residential siding, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I. Representing, directly or by implication:

A. That the home of any of respondents' customers, or prospective customers, has been selected to be used or will be used as a model home, or otherwise, for advertising purposes.

B. That any allowance, discount or commission is granted by respondents to purchasers in return for permitting the premises on which respondents' products are installed to be used for model homes or demonstration purposes.

C. That any price for respondents' products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting in any manner the savings available to purchasers.

D. That products sold by respondents will never require painting or repair.

E. That the colors in which respondents' products are furnished will remain unchanged or will last a lifetime.

F. That respondents' products are everlasting or are made of indestructible materials.

G. That storms, hail or other elements will not damage respondents' products.

H. That any of respondents' products or installations are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

I. Respondents' imitation stone siding is natural stone or stone in its natural state.

II. Using the word stone to describe or refer to any product not composed solely of natural stone, unless immediately preceded by the word "imitation" or "simulated"; provided nothing herein shall prevent the use of the trade name "Cast-O-Stone".

III. Misrepresenting, in any manner, the efficacy, durability, efficiency, composition, or quality of respondents' products.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 16, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-10337; Filed, Sept. 21, 1966; 8:45 a.m.]

[Docket No. C-1099]

PART 13—PROHIBITED TRADE PRACTICES

Kansas City College of Automation, Inc., and Bobbie Paul Miles

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits.* § 13.115 *Jobs and employment service.* Subpart—Misrepresenting one-self and goods—Goods: § 13.1615 *Earnings and profits;* § 13.1670 *Jobs and employment.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Kansas City College of Automation, Inc., et al., Kansas City, Mo., Docket C-1099, Aug. 18, 1966]

In the Matter of Kansas City College of Automation, Inc., a Corporation, and Bobbie Paul Miles, Individually and as an Officer of Said Corporation

Consent order requiring a Kansas City, Mo., business training school to cease making false offers of employment, exaggerated earning claims and other misrepresentations to sell its resident and correspondence courses in data processing skills.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Kansas City College of Automation, Inc., a corporation, and its officers, and Bobbie Paul Miles, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of courses of study and instruction in key punch machine operation, tabulating machine operation, computer programming or any other subject in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication that:

1. Inquiries are solicited for the purpose of offering employment to qualified applicants: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that a bona fide offer of employment was made;

2. Respondents' placement service will guarantee or assure the placement of graduates in jobs for which they have been trained, or will find them jobs in the geographical areas of their choice; or misrepresenting in any manner their ability or their facilities for assisting graduates of their courses in finding employment;

3. Persons completing respondents' courses will earn starting or average salaries in excess of salaries actually and customarily paid to persons of like age, experience, and training; or misrepresenting in any manner, the earnings which will be realized by persons completing said courses of instruction;

4. Respondents have available for use in training students machines or equipment of a stated make or brand; model, type or kind, age, or number: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that machines or equipment as represented is available to each student being trained thereon;

5. Training of a certain number of hours or other period of time on specified machines or equipment is afforded: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented training is in fact afforded;

6. Respondents' school occupies all of the building in which it is located; is larger than it in fact is; or that such school provides or has available physical facilities not in fact available;

7. Respondents' classes are limited to specified maximum numbers of students or to certain ratios between instructors and students: *Provided, however*, That in any enforcement proceeding instituted hereunder it shall be a defense for re-

spondents to establish that the size of classes and student-instructor ratios are as represented.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 18, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-10338; Filed, Sept. 21, 1966; 8:45 a.m.]

[Docket No. C-1100]

PART 13—PROHIBITED TRADE PRACTICES

Sunflower Chinchilla Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits;* § 13.170 *Qualities or properties of product or service:* 13.170-72 Productive; § 13.285 *Value.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits;* § 13.1710 *Qualities or properties;* § 13.1775 *Value.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Sunflower Chinchilla Co. et al., Great Bend, Kans., Docket C-1100, Aug. 23, 1966]

In the Matter of Sunflower Chinchilla Co., a partnership, and Alvin Gerstner, and Robert K. Marmie, individually and as copartners, trading and doing business as the above partnership

Consent order requiring copartners of Great Bend, Kans., operators of a chinchilla breeding ranch, to cease misrepresenting the production and quality of their chinchilla breeding stock and exaggerating the earnings purchasers can expect.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sunflower Chinchilla Co., a partnership, and Alvin Gerstner and Robert K. Marmie, individually and as copartners trading and doing business as Sunflower Chinchilla Co., or under any other name, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. It is practicable to raise chinchillas in the home or that large profits can be made in this manner.

2. Breeding chinchillas for profit can be achieved without previous knowledge or experience in the feeding, care and breeding of such animals.

3. Chinchilla breeding stock sold by respondents is select or choice quality, or otherwise misrepresenting the quality of respondents' chinchilla breeding stock.

4. The initial chinchilla breeding stock of five females and one male purchased from respondents will produce live offspring of 20 the first year, 60 the second year, 180 the third year or 540 the fourth year; or that they will produce live offspring in any number in excess of the number of live offspring generally produced by chinchilla breeding stock, or their offspring, when such breeding stock is purchased from respondents.

5. All of the offspring of chinchilla breeding stock purchased from respondents will produce good quality pelts; or that the average net profit is $25 per pelt; or that a purchaser of respondents' breeding stock will receive for chinchilla pelts any net profits in excess of that usually received for pelts of offspring produced by respondents' breeding stock.

6. A purchaser starting with five females and one male of respondents' breeding stock will have an income of $10,000 from the sale of pelts in the fourth year after purchase, or that the earnings or profits from the sale of pelts is any amount in excess of the amount generally earned by purchasers of respondents' chinchilla breeding stock.

7. Each female chinchilla purchased from respondents and each female offspring thereof will produce at least four live young per year; or that the number of live offspring produced by each of such female chinchillas is any number in excess of the number generally produced.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 23, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-10339; Filed, Sept. 21, 1966; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-201]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation of Empty Cargo Vans and Shipping Tanks by Netherlands Vessels

On the basis of information obtained and furnished by the Department of State, it is found that the Government of the Netherlands extends to vessels of the United States in ports of the Netherlands privileges reciprocal to those provided for in § 4.93(a) of the Customs Regulations. Vessels of the Netherlands are therefore entitled to the privileges granted by this section.

Accordingly, § 4.93(b) of the Customs Regulations is amended by the insertion of "Netherlands" in appropriate alphabetical order in the list of countries in that section.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 46 U.S.C. 2, 883)

[SEAL] EDWIN F. RAINS, *Acting Commissioner of Customs.*

Approved: September 13, 1966.

TRUE DAVIS, *Assistant Secretary of the Treasury.*

[F.R. Doc. 66-10395; Filed, Sept. 21, 1966; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 579—STANDARDS OF CONDUCT FOR DEPARTMENT OF THE ARMY PERSONNEL

Definition of Military Personnel; Correction

In F.R. Doc. 66-9699, appearing at 31 F.R. 11642, September 3, 1966, paragraph (c) in § 579.2 is corrected to read as follows:

§ 579.2 Explanation of terms.

* * * * *

(c) The term "military personnel" as used in this part, unless the context indicates otherwise, means all officers, warrant officers, and enlisted personnel of the Army on active duty.

* * * * *

KENNETH G. WICKHAM, *Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 66-10377; Filed, Sept. 21, 1966; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Twin Buttes Dam and Reservoir, Middle and South Concho Rivers, Tex.

Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of the flood control storage above elevation 1,940.2 in Twin Buttes Reservoir on the Middle and South Concho Rivers, Tex., and the operation of the Twin Buttes Dam for flood control purposes:

§ 208.22 Twin Buttes Dam and Reservoir, Middle and South Concho Rivers, Tex.

The Bureau of Reclamation, or its designated agent, shall operate the Twin Buttes Dam and Reservoir in the interest of flood control as follows:

(a) Whenever the Twin Buttes Reservoir level is between elevations 1,940.2 (top of conservation pool) and elevation 1,969.1 (top of flood control pool) the flood control discharge facilities shall be operated under the direction of the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, so as to reduce as much as practicable the flood damage below the reservoir. All flood control releases shall be made in amounts which, when combined with releases from San Angelo Reservoir on the North Concho River and local inflow below the dam, will not produce flows in excess of bankful capacities on the South Concho and Concho Rivers downstream of the reservoir. In order to accomplish this purpose, flows shall not exceed a 22.5-foot stage (25,000 c.f.s.) on the USGS gage on the Concho River near San Angelo, Tex. (river mile 60.9); or a 22.8-foot stage (25,000 c.f.s.) on the USGS gage near Paint Rock, Tex. (river mile 19.6).

(b) When the Twin Buttes Reservoir level exceeds elevation 1,969.1 (top of flood control pool), releases shall be made at the maximum rate possible and continued until the pool elevation recedes to elevation 1,969.1 when releases shall be made to equal inflow or the maximum release permissible under paragraph (a) of this section, whichever is greater.

(c) The representative of the Bureau of Reclamation in immediate charge of operation of the Twin Buttes Dam shall furnish daily to the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, a report, on forms provided by the District Engineer for this purpose, showing (1) for Twin Buttes Reservoir, the elevation of the reservoir level; number of river outlet works gates in operation with their respective openings and releases; uncontrolled spillway releases; storage; reservoir inflow; available evaporation data; and precipitation in inches; and (2) for Nasworthy Reservoir, the elevation of the reservoir level; irrigation outlet works and controlled spillway releases; storage; tailwater elevation; and reservoir inflow. Normally, one reading at 8 a.m. shall be shown for each day. Readings of all items except evaporation shall be shown for at least three observations a day when the Twin Buttes Reservoir level is above elevation 1,940.2. Whenever the Twin Buttes Reservoir level rises to elevation 1,940.2 and releases for flood regulation are necessary or appear imminent, the Bureau representative shall report at once to the District Engineer by telephone or telegraph and, unless otherwise instructed, shall report once daily thereafter in that manner until the reservoir level recedes to elevation 1,940.2. These latter reports shall reach the District Engineer by 9 a.m. each day.

(d) The regulations of this section insofar as they govern use of the flood control storage capacity in Twin Buttes Reservoir above elevation 1,940.2 are subject to temporary modification in time of flood by the District Engineer, if found desirable on the basis of conditions at the time. Such desired modifications shall be communicated to the representative of the Bureau of Reclamation in immediate charge of operations of the Twin Buttes Dam by any available means of communication and shall be confirmed in writing under date of the same day to the Regional Director in charge of the locality, with a copy to the representative in charge of the Twin Buttes Dam.

(e) Flood control operation shall not restrict releases necessary for municipal, industrial, and irrigation uses.

(f) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with emergency requirements for protecting the Twin Buttes Dam and Reservoir from major damage or inconsistent with safe routing of the inflow design flood (spillway design flood).

(g) The discharge characteristics of the river outlet works (capable of discharging approximately 32,470 c.f.s. with the reservoir level at elevation 1,969.1) shall be maintained in accordance with the construction plans (Bureau of Reclamation Specifications No. DC-5274 as modified by revised drawings and criteria in Designers' Operating Criteria, Twin Buttes Dam, dated February 1963).

(h) All elevations stated in this section are at Twin Buttes Dam and are referred to the datum in use at that location.

[Regs., Aug. 29, 1966, ENGCW-EY] (Sec. 7, 58 Stat. 890; 33 U.S.C. 709)

KENNETH G. WICKHAM, *Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 66-10334; Filed, Sept. 21, 1966; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Use of Interagency Motor Pool Services by Contractors

This amendment adds regulatory material prescribing policies and procedures governing Federal agencies in authorizing their prime contractors and subcontractors thereunder to obtain interagency motor pool services for use in performing cost-reimbursement type contracts and cost-reimbursement type subcontracts thereunder.

The table of contents for Part 1-5 is amended to provide for the addition of entries for new Subpart 1-5.5, as follows:

Subpart 1-5.5—Interagency Motor Pool Vehicles and Related Services Available to Government Contractors

Sec.
1-5.500 Scope of subpart.
1-5.501 Policy.
1-5.502 Authorization.
1-5.503 Means of obtaining service.
1-5.504 Use of services.

AUTHORITY: The provisions of this Subpart 1-5.5 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Part 1-5 is amended by the addition of the following subpart:

Subpart 1-5.5—Interagency Motor Pool Vehicles and Related Services Available to Government Contractors

§ 1-5.500 Scope of subpart.

This subpart prescribes policies and procedures governing Federal agencies in authorizing their prime contractors and subcontractors thereunder to obtain interagency motor pool vehicles and related services for use in performing cost-reimbursement type contracts and cost-reimbursement type subcontracts thereunder (see § 1-3.405 of this chapter).

§ 1-5.501 Policy.

(a) When a Federal agency deems that it is in the best interest of the Government to do so, the agency contracting officer may authorize cost-reimbursement type prime contractors and their cost-reimbursement type subcontractors to obtain interagency motor pool vehicles and related services, including: (1) Fuel and lubricants, (2) vehicle inspection, (3) maintenance and repair of vehicles, (4) vehicle storage, and (5) commercially rented vehicles for short-term use.

(b) Complete rebuilding of major components of contractor-owned or -leased equipment will require the approval of the contracting officer in each specific instance. Before issuing an authorization, the agency contracting officer shall determine the advantage to the Government to be obtained therefrom and shall take into consideration any recommendations of the contractor.

(c) Except as otherwise specifically authorized by the Administrator of General Services at the request of the agency involved, Government prime contractors and their subcontractors shall not be authorized to obtain interagency motor pool vehicles and related services for use in connection with the performance of any contract or subcontract other than cost-reimbursement type.

§ 1-5.502 Authorization.

(a) Authorization to cost-reimbursement type prime contractors and their cost-reimbursement type subcontractors to obtain interagency motor pool vehi-

cles and related services shall be given only under the following conditions:

(1) The agency determines that provision of motor pool vehicles and related services to its contractor will accomplish agency contractual objectives and will effect demonstrable economies;

(2) The contractor or subcontractor shall procure automobile liability insurance covering bodily injury and property damage, with such limits of liability as may be required or approved by the agency, protecting the contractor, subcontractor, and the Government against third party claims arising from the ownership, maintenance, or use of a motor pool vehicle;

(3) Periodic checks will be made by the agency to assure that authorized contractors and subcontractors are using vehicles and related services exclusively under cost-reimbursement type contracts and subcontracts; and

(4) The contractor or subcontractor will assume the cost or expense of any use of motor pool vehicles and services not related to the performance of the contract without the right of reimbursement from the Government for such cost or expense.

(b) Authorizations shall be in writing and shall cite the number of the cost-reimbursement type contract or subcontract; specify any applicable limitations on the authority, including the period of eligibility; and any other pertinent information.

(c) Agencies authorizing contractor use of interagency motor pool vehicles and related services are subject to the responsibilities and liabilities provided in Subpart 101–39.8 of Part 101–39 of this title.

§ 1–5.503 Means of obtaining service.

(a) Requests for service by authorized contractors and subcontractors shall be submitted in writing to the appropriate General Services Administration regional office, Transportation and Communications Service, Motor Equipment Division. Such requests shall include the following information:

(1) Two copies of agency authorization to obtain vehicles or related services from General Services Administration;

(2) Number of vehicles and or related services required and period(s) of use;

(3) A list of the names of employees of the authorized contractor who are eligible to request vehicles and related services;

(4) A listing of the make, model, and serial number of contractor-owned or leased equipment authorized to be serviced; and

(5) Billing instructions and address.

(b) Requests involving unusual quantities of vehicles should be submitted as far in advance as possible to facilitate making vehicles available.

§ 1–5.504 Use of services.

Use of interagency motor pool vehicles, their service and maintenance, and the use of related services by cost-reimbursement type contractors and subcontractors shall be in accordance with Part 101–39 of this title and with instructions in the Operators Packet which is furnished with each interagency motor pool vehicle. "Official use" of interagency motor pool vehicles and related services by authorized Government contractors and subcontractors is defined in § 101–39.602 of this title.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: September 15, 1966.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 66–10341; Filed, Sept. 21, 1966; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101–39—INTERAGENCY MOTOR VEHICLE POOLS

Official Use of Motor Pool Vehicles and Services

This amendment amends Part 101–39 to add requirements governing the use of motor pool services by authorized cost-reimbursement type Government prime contractors and their cost-reimbursement type subcontractors; to add requirements governing the use of services other than vehicles; and to revise the procedure for reporting violations of the "official purposes" requirement.

The table of contents for Subpart 101–39.6 of Part 101–39 is amended by adding entries for §§ 101–39.602–1 and 101–39.602–2 and, as amended, reads as follows:

Subpart 101–39.6—Official Use of Government Motor Vehicles and Related Motor Pool Services

Sec.

101–39.600	Scope of subpart.
101–39.601	General requirements.
101–39.602	Authorized use.
101–39.602–1	Government vehicles.
101–39.602–2	Related services.
101–39.603	Violations.
101–39.603–1	Notification of violation.
101–39.603–2	Responsibility for investigation.

AUTHORITY: The provisions of this Subpart 101–39.6 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–39.6 is revised to read as follows:

Subpart 101–39.6—Official Use of Government Motor Vehicles and Related Motor Pool Services

§ 101–39.600 Scope of subpart.

This subpart prescribes the requirements governing (a) the use of Government motor vehicles acquired for official purposes and operated by a motor pool system established in accordance with this Part 101–39 and (b) the use of motor pool services other than furnishing Government vehicles (see § 101–39.502), hereinafter referred to in this subpart as related services.

§ 101–39.601 General requirements.

(a) It is the responsibility of every official concerned with the use or control of a motor vehicle furnished by a motor pool system to assure that all employees under his supervision who operate or use such a vehicle are fully acquainted with the requirements of this subpart.

(b) To operate a motor vehicle furnished by a motor pool system, civilian employees of the Federal Government and designated employees of authorized contractors and subcontractors shall be required to have a State, District of Columbia, or Commonwealth operator's permit for the type of vehicle to be operated, issued for the area in which the employee is principally employed or in which he lives; and a Federal operator's permit issued in accordance with requirements of the Civil Service Commission.

§ 101–39.602 Authorized use.

§ 101–39.602–1 Government vehicles.

(a) Officers and employees of the Government shall use Government-owned or -leased vehicles for official purposes only. "Official purposes" does not include transportation of an officer or employee between his place of residence and place of employment, unless authorized under the provisions of 5 U.S.C. 78(c)(2), or other applicable law. A copy of any such written approval shall be furnished the motor pool system. Officers and employees entrusted with motor vehicles are responsible at all times for the proper care, operation, maintenance, and protection of the vehicle. Any officer or employee who willfully uses or authorizes the use of such vehicle for other than official purposes is subject to suspension or removal by the head of his agency (5 U.S.C. 78(c)(2)).

(b) Heads of agencies are responsible for assuring (1) that employees of contractors and subcontractors authorized to use Government vehicles from Interagency Motor Pools (see FPR 1–5.5) use such vehicles solely in the performance of the Government contracts and subcontracts thereunder; (2) that such contractors and subcontractors establish and enforce suitable penalties for their employees who willfully use or authorize the use of such vehicles for other than such purposes; and (3) that appropriate provision is made for the assumption by the contractor or subcontractor of any cost or expense incident to use not related to the performance of the contract without the right of reimbursement from the Government for such cost or expense.

§ 101–39.602–2 Related services.

(a) Agencies and authorized contractors and subcontractors shall use related motor pool services solely for official purposes.

(b) To the extent available, agencies and authorized contractors and subcontractors may use motor pool services on a reimbursable basis to provide maintenance, repair, storage, and service station services for Government-owned or -leased equipment which is not controlled by a motor pool system, or for authorized contractor-owned or -leased equipment used in the performance of Government contracts.

§ 101–39.603 Violations.

§ 101–39.603–1 Notification of violation.

When a violation of the provisions of § 101–39.602 comes to the attention of the agency operating the motor pool system, such agency shall notify the official in charge of the local office of the agency concerned; and furnish a copy of the notification to the General Services Administration, Transportation and Communications Service, Motor Equipment Operations Division—TTO, Washington, D.C. 20405, for transmission to the headquarters office of the agency concerned.

§ 101–39.603–2 Responsibility for investigation.

The head of each agency shall be responsible for investigating reports of violations of the provisions of § 101–39.602 by such agency or its contractors or subcontractors and for appropriate disciplinary action, or where appropriate, referral to the Attorney General for prosecution under 18 U.S.C. 641.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: September 15, 1966.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 66–10340; Filed, Sept. 21, 1966; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 14]

PART 308—WAR RISK INSURANCE

Interim Binders; Expiration Dates

Part 308 is hereby amended to reflect the following changes:

Amend § 308.6 *Period of interim binders and renewal procedure*, § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, § 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, by changing the expiration dates contained therein to read "midnight, April 7, 1967, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: September 16, 1966.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 66–10375; Filed, Sept. 21, 1966; 8:49 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 19; Docket No. 963]

PART 538—DUAL-RATE CONTRACT SYSTEMS IN THE FOREIGN COMMERCE OF THE UNITED STATES

The purpose of this order is to facilitate the preparation and processing of applications for Commission approval of dual-rate contract systems pursuant to section 14b, Shipping Act, 1916 (46 U.S.C. 813a). This order does not affect currently approved dual-rate contract systems and imposes no new requirements with respect to the filing of new dual-rate contract systems or modifications of currently approved systems. The supporting statements referred to in §§ 538.1 (b) and 538.2 which follow, merely reflect current administrative procedures whereby applicants seeking approval of dual-rate contracts and modifications thereof have been submitting such statements to the Commission on an ad hoc basis. The uniform contract and the filing procedures contained herein should ensure prompt processing of applications for the use of dual-rate contract systems and reduce the costs of preparation to the applicants and the cost of handling to the Commission.

On March 21, 1962, the Federal Maritime Commission commenced this proceeding by the publication in the FEDERAL REGISTER (27 F.R. 2647) of proposed rules governing the use of dual-rate contract systems in the foreign commerce of the United States. The rule-making proceeding was instituted to implement the provisions of the then newly-enacted section 14b of the Shipping Act, 1916 (46 U.S.C. 813a). Comments were received from interested parties, and the rules were then revised and republished on January 3, 1963 (28 F.R. 74). At that time the Commission proposed a uniform dual-rate contract for all steamship conferences offering such contracts.

The comments received after the publication of the revised proposed rules generally objected to the institution of a uniform contract, and the Commission was requested to institute individual investigations of each conference's dual-rate contract. In April of 1963, the Commission entered upon such individual hearings and the investigations were assigned to Commission Hearing Examiners for hearings and the issuance of initial decisions. Subsequently, certain issues common to all the dual-rate contracts were severed from the individual investigations and were considered by a panel of five of the Commission's Hearing Examiners. This latter proceeding was designated Docket No. 1111.

Thereafter the hearing examiners rendered their initial decisions, and the panel of examiners in Docket No. 1111 rendered its decision on the so-called "major issues." After considering the initial decisions, the decision of the panel in Docket No. 1111, and all exceptions thereto, the Commission issued a consolidated report on March 27, 1964 in all the pending proceedings. Attached to that report, The Dual Rate Cases, 8 F.M.C. 16 (1964), were orders in the individual proceedings approving substantially uniform dual-rate contracts.

Four conferences immediately proceeded to litigate the Commission's orders by filing petitions to review with the U.S. Court of Appeals for the Ninth Circuit. The Court considered three of the petitions in a consolidated case, received briefs, heard argument, and on February 3, 1965, issued its decision upholding the orders in practically all respects but setting them aside to allow the Commission the opportunity to correct minor procedural defects. Pacific Coast European Conference, et. al. v. Federal Maritime Commission and United States of America, 350 F. 2d 197. Soon thereafter, the Court disposed of the fourth conference's petition in a similar fashion. Pacific Straits Conference v. Federal Maritime Commission and United States of America, 350 F. 2d 864 (1965). The Court denied petitions for rehearing, and on December 13, 1965, the Supreme Court of the United States denied the petition of two of the conferences for a writ of certiorari, 382 U.S. 958.

During the pendency of the Court of Appeals litigation, the Commission authorized certain changes in the uniform contracts. On July 31, 1964, portions of the prescribed contracts were declared to be optional rather than mandatory. 8 F.M.C. 267. On September 2, 1964, September 25, 1964, and on January 29, 1965, the Commission by order allowed other modifications. All during that time, of course, other applications for the institution of dual-rate contract systems were being received and acted upon by the Commission. See, e.g. Persian Gulf Outward Freight Conference Exclusive Patronage (Dual Rate) Contract, 8 F.M.C. 293 (1964).

It can now reasonably be assumed that litigation involving the Commission's report and orders of March 27, 1964, is at an end, and that all serious challenges to the validity of that report and those orders have been disposed of. There remains before the Commission for disposition one petition for reconsideration of our orders on remand, issued subsequent to the Court of Appeals' decision and designed to remedy the procedural defects which the Court found in our orders. That petition is being acted on on this date. The Commission is therefore of the opinion that the time is ripe for the action contemplated here which will terminate this proceeding, incorporating the uniform contract clauses prescribed in the report and orders of March 27, 1964, as well as any later modifications and changes. As the situation now stands, any conference or carrier desiring to institute a dual-rate contract system must examine our report and subsequent orders to determine just what constitutes an "approved" form of contract. Publication of such a form of contract in the Code of Federal

Regulations will obviate the necessity for such examination.

In the formulation of these final rules, the Commission has considered its Report and Orders of March 27, 1964, all orders issued subsequent thereto, as well as the Court of Appeals' opinion, all of which are hereby referred to and incorporated herein by reference.

Publication of the form of the "Uniform Merchant's Contract" which follows should relieve conferences and carriers of the laborious task of searching numerous Commission precedents to determine what constitutes an "approved" form of contract. In addition, applications to use dual-rate contracts submitted to the Commission which comport with the "Uniform Merchant's Contract" herein set forth will permit expeditious processing of such contracts by the Commission and reduce the costs of such processing to the Commission as well as to the applicants.

Therefore, pursuant to the provisions of sections 14b and 43 of the Shipping Act, 1916 (46 U.S.C. 813a and 841a) and section 4 of the Administrative Procedure Act (5 U.S.C. 1003), Title 46, CFR, is hereby amended by the addition of a new part 538, as follows:

Subpart A—Institution or Modification of Dual-Rate Contract Systems

Sec
538.1 Filing of proposed new contracts.
538.2 Filing of modifications to approved contracts.
538.3 Notice of filing.

Subpart B—Uniform Merchant's Contract

538.10 Uniform contract.

AUTHORITY: The provisions of this Part 538 issued under secs. 14b and 43 of the Shipping Act, 1916 (46 U.S.C. 813a and 841a).

Subpart A—Institution or Modification of Dual-Rate Contract Systems

§ 538.1 Filing of proposed new contracts.

Any carrier or conference of carriers desiring to institute a new dual-rate contract system should file with the Commission its proposed form of contract, such filing to be accomplished by submitting an original and fifteen (15) copies of the application requesting approval of the dual-rate contract system and of the form of contract to be used, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573.

(a) In order to enable the Commission to process promptly each application, the contract form to be used should be complete in every detail, leaving blank only the name of the merchant who will sign the contract (and the merchant's agents and related companies) and the commodities for the shipment of which the merchant intends to be bound by the contract;

(b) Section 14b of the Shipping Act permits the use of dual-rate contracts unless the Commission finds that the contract will be detrimental to the commerce of the United States or contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, importers or ports, or between exporters from the United States and their foreign competitors. Section 14b(7) requires a Commission finding that the spread between ordinary rates and rates charged contract shippers be reasonable in all the circumstances, but which spread in no event shall be more than 15 percentum of the ordinary rates. In order to enable the Commission to make the requisite findings under the aforementioned provisions of section 14b of the Shipping Act in a fair, meaningful, and expeditious manner, applicants should furnish to the Commission a factual statement in support of their dual-rate contract system and a statement in support of the reasonableness of the spread between contract and non-contract rates. The statement submitted in support of a dual-rate contract system should include, but need not be limited to, information concerning the amount and type of present or potential competition in the trade, competitive practices of other carriers, and the general effect that such competition has had on the service and rate structure maintained by the applicant. The statement submitted in support of the spread between contract and non-contract rates should include, but need not be limited to, information as to why the proposed spread was selected, and why a lesser spread would be inadequate to accomplish the purposes of the system.

§ 538.2 Filing of modifications to approved contracts.

Any carrier or conference of carriers desiring approval of the Federal Maritime Commission for any modification of its contract should file immediately with the Commission the details of such modification. If such modification involves a change in the form of the contract, the filing should include the modified form. If the modification involves a change in spread between contract rates and noncontract rates with respect to a single commodity or a number of commodities, Commission processing of the modifications submitted for approval will be facilitated if supported by the type of information referred to in § 538.1(b). If the modification involves an addition to the number of commodities for which both contract and noncontract rates will be published, or the republication of both contract and non-contract rates for a commodity or commodities for which the publication of such dual rates had previously been terminated, or the extension of the contract to additional port areas not previously covered by the system, the processing of such modifications for approval will be expedited if supported by the types of information referred to in § 538.1(b). Processing of other modifications for approval, of a type not specifically referred to in this part, will be facilitated if accompanied by a statement in support of the proposed modification. Filing under this section may be accomplished by submitting to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, an original and fifteen (15) copies of the application requesting approval of the modifications requested.

§ 538.3 Notice of filing.

All applications to institute dual-rate contract systems and all proposed modifications to existing contracts, together with any information furnished in support of such applications, filed with the Commission pursuant to the provisions of this part shall be available for inspection at the Federal Maritime Commission. Notice of filing shall be published in the FEDERAL REGISTER, and interested parties may, within twenty (20) days after the date of publication or within such other period of time as the Commission may prescribe, file written views, comments or arguments relating to such filing. Comments shall include a statement of position with respect to approval, disapproval, or modification of the proposed contract or modification, together with reasons therefor, and a request for hearing, should the same be desired.

Subpart B—Uniform Merchant's Contract

§ 538.10 Uniform contract.

The Commission has determined that the form of the "Uniform Merchant's Contract" which follows complies with the provisions of the Shipping Act, 1916. Applications for approval of dual-rate contracts submitted to the Commission after the effective date of this order in a form which comports with the "Uniform Merchant's Contract" which follows will receive expedited handling by the Commission. Any conference or independent carrier[1] desiring Commission approval for the use of a dual-rate contract in a form which comports with the "Uniform Merchant's Contract" which follows should request approval thereof by filing with the Commission copies of such contracts pursuant to the provisions of § 538.1. Use of the "Uniform Merchant's Contract" which follows is prospective only and shall apply only to applications to institute dual-rate contract systems submitted after the effective date of the provisions of this part. The provisions of this part do not affect dual-rate contracts currently approved by the Commission, except as to modifications thereof submitted after the effective date of this part. In considering whether to approve the use of dual-rate contract forms which comport with the "Uniform Merchant's Contract" which follows, the Commission will ordinarily not inquire into the form of the contract, but will generally inquire into the spread and the system of contract and non-contract rates, as required by section 14b of the Shipping Act, 1916.

[1] Contracts for use by independent lines should follow the form of "Uniform Merchant's Contract" herein provided to the extent possible, omitting only those portions of the contract which clearly apply only to conferences.

UNIFORM MERCHANT'S CONTRACT

(Name of Conference or Independent Carrier)
Conference Agreement No. ____

This contract made this ____ day of ____ 19__, by and between ____ (hereinafter called the "Merchant") and the Shipping Lines undernamed, members of the ____ Freight Conference (hereinafter called the "Carriers") Witnesseth:

For their mutual benefit in the stabilization of rates, services and practices and for development of international maritime commerce in the trade defined in Article 1 of this contract, the parties hereby agree as follows:

1. (a) The Merchant undertakes to ship or cause to be shipped all of its ocean shipments, for which contract and non-contract rates are offered, moving in the trade from (or between) ((Name ports or range or countries in which ports are located)) to ((Name ports or range or countries in which ports are located)); on vessels of the Carriers unless otherwise provided in this contract.

(b) The term "Merchant" shall include the party signing this contract as shipper and any of his parent, subsidiary, or other related companies or entities who may engage in the shipment of commodities in the trade covered by this contract and over whom he regularly exercises direction and working control (as distinguished from the possession of the power to exercise such direction and control) in relation to shipping matters, whether the shipments are made by or in the name of the "Merchant", any such related company or entity, or an agent or shipping representative acting on their behalf. The names of such related companies and entities, all of whom shall have the unrestricted benefits of this contract and be fully bound thereby, are listed at the end of this contract. The party signing this contract as "Merchant" warrants and represents that the list is true and complete, that he will promptly notify the Carriers in writing of any future changes in the list, and that he has authority to enter into this contract on behalf of the said related companies and entities so listed.

(c) In agreeing to confine the carriage of its (their) shipments to the vessels of the Carriers, the Merchant promises and declares that it is his (their) intent to do so without evasion or subterfuge either directly or indirectly by any means, including the use of intermediaries or persons, firms or entities affiliated with or related to the Merchant.

(d) The Carriers agree that they will not provide contract rates to anyone not bound by a Merchant's Contract with the Carriers. The Merchant agrees that he will not obtain contract rates for any persons not entitled to them, including related companies not bound by this contract, by making shipments under this contract on behalf of any such person.

2. The Carriers undertake, throughout the period of this contract, to maintain a steamship service which shall, so far as concerns the frequency of sailings and the carrying capacity of their vessels, be adequate to meet all of the reasonable requirements of the Merchant in the trade specified in Article 1 hereof, and the Carriers further agree that, subject to the availability of unbooked suitable space in the vessels of the Carriers at the time when the Merchant applies therefor, the vessels of the Carriers shall, subject to the provisions of this contract, transport the cargoes of the Merchant in the aforesaid trade upon the terms and conditions herein set forth.

3. The Carriers undertake to apply to the Merchant contract rates as quoted in the tariff. The rates applicable to shipments made under this contract shall be the contract rates in effect at the time of shipment as set forth in the tariff published by the Carriers and on file with the Federal Maritime Commission.[2] Contract rates on every commodity or class of commodities shall be lower than the ordinary rates set forth in the Carriers' tariff by a fixed percentage of (____ ____( )) percentum of the ordinary rates. In order that both the contract and ordinary rates may be stated in multiples of twenty-five (25) cents per revenue ton (or other customary shipping unit such as M.B.F. or per individual unit) or five (5) cents per hundred pounds or per cubic foot, the rates may be rounded out to the nearest twenty-five (25) cents per revenue ton or unit or five (5) cents per hundred pounds or cubic foot, as the case may be (not including additional handling or accessorial charges), which will not result in the difference between the rates exceeding (____( )) percent of the ordinary rates.

4. (a) The Carriers shall make no change in rates, charges, classifications, rules or regulations, which results in an increase or decrease in cost to the Merchant, except as provided by section 18(b)(2) of the Shipping Act, 1916, as amended, and the Rules of the Federal Maritime Commission, provided, however,[3] the rates of freight under this contract are subject to increase from time to time and the Carriers, insofar as such increases are under the control of the Carriers, will give notice thereof not less than ninety (90) calendar days in advance of the increases by publishing them ninety (90) calendar days in advance in the ____ Conference Tariff. Should circumstances necessitate increasing the rates by notice as aforesaid and should such increased rates be not acceptable to the Merchant, the Merchant may tender notice of termination of this contract to become effective as of the effective date of the proposed increase by giving written notice of such intention to the Conference within thirty (30) calendar days after the date of notice, as aforesaid, of the proposed increase: *Further provided, however,* That the Carriers may, within thirty (30) calendar days subsequent to the expiration of the aforesaid thirty (30) calendar day period, notify the Merchant in writing that they elect to continue this contract under the existing effective rates and, in the event the Carriers give such notice, this contract shall remain in full force and effect as if the proposed increase had never been made and the Merchant's notice of termination had never been given.

(b) The Conference shall offer to the Merchant a subscription to its tariff at a reasonably compensatory price, however, the Merchant shall be bound by all notices accomplished as aforesaid without regard to whether it subscribes to the Conference tariff. Tariffs shall be open to the Merchant's inspection at the Conference offices and at each of the offices of the Carriers during regular business hours.

(c) The rates initially applicable under this contract shall be deemed to have become effective with their original effective date through filing in the respective tariff with the Federal Maritime Commission rather than to have become effective with the signing of this contract and notices of proposed rate increases which are outstanding at the time this contract becomes effective shall run from the date of publication in the tariff rather than from the date of this contract.

5. The Merchant has the option of selecting any of the vessels operated by the Carriers, subject to agreement with the particular Carrier as to quantity, and agrees to make application for space as early as possible before the selected vessel's advertised sailing date. In the event that the Merchant is unable to secure space on the selected vessel he may request the assistance of the Conference in securing space on the selected vessel or on a vessel sailing from the chosen port at or about the same time as the selected vessel. If within three business days of such request the Conference fails to secure space on a vessel scheduled to sail within 15 days[4] of the date of the request from the Merchant as aforesaid the Merchant shall be at liberty to secure such space on any vessel whatsoever.

6. (a) If the Merchant has the legal right at the time of shipment to select a carrier for the shipment of any goods subject to this contract, whether by the expressed or implied terms of an agreement for the purchase, sale or transfer of such goods, shipment for his own account, operation of law, or otherwise, the Merchant shall select one or more of the carriers.

(b) If Merchant's vendor or vendee has the legal right to select the carrier and fails to exercise that right or otherwise permits Merchant to select the carrier, Merchant shall be deemed to have the legal right to select the carrier.

(c) It shall be deemed a breach of this contract, if before the time of shipment, the Merchant, with the intent of avoiding his obligation hereunder, divests himself, or with the same intent permits himself to be divested, of the legal right to select the carrier and the shipment is carried by a carrier not a party hereto.

(d)[4] For the purposes of this Article, the Merchant shall be deemed prima facie to have the legal right at the time of shipment to select the carrier for any shipment:

(1) With respect to which the Merchant arranged or participated in the arrangements for ocean shipment or selected or participated in the selection of the ocean carrier, or

(2) With respect to which the Merchant's name appears on the bill of lading or export declaration as shipper or consignee.[5]

[2] Specific reference in the contract provisions to Federal Maritime Commission jurisdiction, to various sections of the Shipping Act, 1916, and to Rules and Regulations of the Commission is optional and may be deleted without further permission from the Commission.

[3] That portion of paragraph (a) to and including "provided, however," is optional and may be deleted.

[4] Some variation in these time periods may be permitted based on the reasonable commercial needs of a particular trade.

[4] Clause (d) of Article 6 is optional and may be used by those conferences and carriers which desire a provision raising a rebuttable presumption.

[5] An additional subparagraph (3) is permitted in clause (d) of the contracts in the Hong Kong trades—Trans-Pacific Freight Conference (14-1) and New York Freight Bureau (Hong Kong) (5700) because of special circumstances known to exist in those trades. This provides as follows:

"(3) With respect to which Merchant participated in the arrangement for ocean shipment beyond the delivery to the ocean carrier's terminal or alongside the carrier's vessel and without in any way exhausting what may constitute subterfuge or evasion within the meaning of Article 1(c) hereof, the merchant shall be deemed prima facie to have the legal right to select the carrier for any shipment made in fact by such merchant in respect of which the name of any firm or person, being associated with the local agents of a non-conference line appears as the shipper on the relevant bill of lading and any merchant using this subterfuge shall be deemed prima facie to have violated his contract with the carriers."

(e) Nothing contained in this contract shall require the Merchant to refuse to purchase, sell or transfer any goods on terms which vest the legal right to select the carrier in any other person.

7. (a) This contract does not apply to the Merchant's cargo which is loaded and carried in bulk without mark or count, except liquid bulk cargoes (other than chemicals and petroleum products) in less than full shipload lots, or any cargo owned by Merchant and carried in Merchant-owned vessels or in Merchant-chartered vessels where the term of the charter is for six (6) months or longer.

(b) The Merchant and the Carriers recognize that mutual benefits are derived from freedom on the part of the Carriers to open rates, where conditions in the trade require such action, without thereby terminating the dual rate system as applicable to the commodity involved; therefore, it is agreed that the Conference, to meet the demands of the Merchants and of the trade may suspend the application of the contract as to any commodity through the opening of the rate on such commodity (including opening subject to maximum or minimum rates) provided that none of the carriers during a period of ninety (90) days after the date when the opening of such rate becomes effective shall quote a rate in excess of the Conference contract rate applicable to such commodity on the effective date of the opening of the rate and provided further that the rate shall not thereafter be closed and the commodity returned to the application of the contract system on less than ninety (90) days' notice by the Carriers through the filing of contract-non-contract rates in their tariff.

8. This contract does not require the Merchant to divert shipments of goods from natural transportation routes not served by conference vessels where direct carriage is available: *Provided, however*, That where the Carriers provide service between any two ports within the scope of this contract which constitute a natural transportation route between the origin and destination of such shipment, the Merchant shall be obligated to select the Carriers' service. A natural transportation route is a traffic path reasonably warranted by economic criteria such as costs, time available facilities, the nature of the shipment and any other economic criteria appropriate in the circumstances. Whenever the Merchant intends to assert his rights under this Article to use a carrier who is not a party hereto and the port through which Merchant intends to ship or receive his goods is within the scope of this contract, the Merchant shall first so notify the Conference in accordance with the provisions of Article 5 hereof.

9. Shipments under this contract are subject to all terms, conditions, and exceptions, not inconsistent herewith, contained in the respective Carrier's engagement note, permit, dock receipt and/or regular form of bill of lading, in use by the Carrier when shipments are tendered. The rates, conditions, rules and regulations, as shown in the _____ Conference Tariff on file with the Federal Maritime Commission constitute an integral part of this contract, binding on both contracting parties hereto, and consequently the Merchant explicitly confirms his agreement to be bound by such rates, conditions, rules and regulations as well as by amendments thereto and reissues thereof. The Merchant's particular attention is called to the provisions of the Tariff relating to misdeclaration and misdescription. With respect to contracts of carriage made between the Merchant and one of the carriers, none of the other companies referred to as Carriers shall be liable, jointly or severally, or in any way or to any extent.

10. Any additional carriers trading in the Conference range, which may become members of the _____ Conference during the effective period of this contract, shall thereby become parties hereto, and the Merchant and such additional carriers shall have the same mutual rights, privileges, obligations and liabilities as if such additional carriers had been signatories hereto; and if and when any carrier, which now is or hereafter becomes a member of the Conference, should cease to be a member thereof, such carrier shall simultaneously cease to be a party hereto and, from and after the date when such carrier ceases to be a member of the Conference or the date which shall be fifteen (15) days after the carriers shall have mailed to the Merchant written notice of such cessation (whichever date shall be later), any shipment made by the Merchant on vessels of said Carrier shall be in violation hereof to the same extent as if said Carrier had never been a party hereto or a member of the Conference. The Merchant may, without any liability therefor, cancel any booking agreement with any member of the Conference if such agreement provides for transportation within the scope of this contract for merchandise to be delivered to such Carrier for transportation on or after the date when such Carrier shall have ceased to be a member of the Conference.

11. (a) If at any time the Merchant shall make any shipment or shipments in violation of any provisions of this contract, the Merchant shall pay liquidated damages to the Carriers in lieu of actual damages, which would be difficult or impracticable to determine.[6] Such liquidated damages shall be paid in the amount of freight charges on the shipment or shipments made in violation hereof, computed at the contract rates therefor in effect on the date or dates thereof, less the cost of loading and unloading.

(b) Upon the failure of the Merchant to pay or dispute his liability to pay liquidated damages as herein specified for breach of the contract within thirty (30) days after receipt of notice by registered mail from the Conference that they are due and payable, the Conference shall suspend the Merchant's rights and obligations under the contract until he pays such damages.

(c) If, within thirty (30) days after receipt of such notice, the Merchant notifies the Conference by registered mail that he disputes the claim, the Conference shall within ninety (90) days[7] thereafter, proceed in accordance with Article 16 to adjudicate its claim for damages, and if it does not do so, said claim shall be forever barred. If the adjudication is in the Conference's favor, and the damages are not paid within thirty (30) days after the adjudication becomes final, the Conference shall suspend the Merchant's rights and obligations under the contract until he pays the damages.

(d) No suspension shall abrogate any cause of action which shall have arisen prior to the suspension.

(e) Payment of damages shall automatically terminate suspension.

(f) The Conference shall notify the Federal Maritime Commission of each suspension and of each termination of suspension within ten (10) days after the event.

12. Damages for breach of this contract by the Carriers or any of them shall be actual damages to be determined after breach in accordance with the principles of contract law.

13. (a) In order that the Conference may investigate the facts as to any shipment of the Merchant that has moved, or that the Merchant or the Carriers believes has moved, via a non-conference carrier, and upon a written request clearly so specifying, the Merchant shall, at his option, (1) furnish to the Conference Chairman, Secretary, or other duly authorized Conference representative or attorney, such information or copies of such documents which relate thereto and are in his possession or reasonably available to him, or (2) allow the foregoing persons to examine such documents on the premises of the Merchant where they are regularly kept. Pricing data and similar information may be deleted from the documents at the option of the Merchant and there shall be no disclosure of any information in violation of Section 20 of the Shipping Act, 1916, as amended.

(b) Within ten (10) days after the event in any transaction in which the Merchant is a party and the legal right to select the carrier is vested in a person other than the Merchant, and if he has knowledge that the shipment has been made via a non-conference carrier, the Merchant shall notify the Conference in writing of this fact, giving the names of the Merchant and his customer (or vendor), the commodity involved and the quantity thereof, and the name of the non-conference carrier: *Provided, however*, That where the activities of Merchant are so extensive in area or the nature or volume of his sales or purchases makes it impracticable to give notice within ten (10) days, the Merchant shall give notice as promptly as possible after the event.

14. (a) In the event of war, hostilities, warlike operations, embargoes, blockades, regulations of any governmental authority pertaining thereto, or any other official interferences with commercial intercourse arising from the above conditions, which affect the operations of any of the Carriers in the trade covered by this contract, the Carrier or Carriers may suspend the effectiveness of this contract with respect to the operations affected and shall notify the Merchant of such suspension. Upon cessation of any cause or causes of suspension set forth in this Article and invoked by any Carrier or Carriers, said Carrier or Carriers shall forthwith reassume its or their rights and obligations hereunder and notify the Merchant on fifteen (15) days' written notice that its suspension is terminated.

(b) In the event of any of the conditions enumerated in Article 14(a), the Carrier or Carriers may increase any rate or rates affected thereby, in order to meet such conditions, in lieu of suspension. Such increase or increases shall be on not less than fifteen (15) days' written notice to the Merchant, who may notify the Carrier or Carriers in writing not less than ten (10) days before increases are to become effective of its intention to suspend this contract insofar as such increase or increases is or are concerned, and in such event the contract shall be suspended as of the effective date of such increase or increases, unless the Carrier or Carriers shall give written notice that such increase or increases have been rescinded and canceled.

(c) In the event of any extraordinary conditions not enumerated in Article 14(a), which conditions may unduly impede, obstruct, or delay the obligations of the Carrier or Carriers, the Carrier or Carriers may increase any rate or rates affected thereby in order to meet such conditions: *Provided, however*, That nothing in this Article shall be construed to limit the provisions of section 18(b) of the Shipping Act, 1916, as amended, in regard to the notice provisions of rate changes. The Merchant may, not less than ten (10) days before increases are to become effective, notify the Carrier or Carriers that this contract shall be suspended, insofar as the increases are concerned, as of the effective date of the increases, unless the Carrier or Carriers shall give notice that such increase or increases have been rescinded and canceled.

15. (a) The Merchant may terminate this contract at any time without penalty upon the expiration of ninety (90) calendar days following written notice to the Conference of intent to so terminate.

(b) The Conference may terminate this contract, in whole or with respect to any commodity, at any time without penalty upon the expiration of ninety (90) calendar days following written notice to the Merchant of intent to so terminate the Conference Contract Rate System in whole or with respect to any commodity.

16. Any controversy or claim arising out of or relating to this contract, or the breach thereof, shall be promptly submitted to arbitration at _____, before an arbitration committee consisting of three (3) persons, one to be appointed by the carriers, one by the Merchant or Merchants who shall be parties to the dispute, and one by the two so chosen. Each of the parties shall make available to such arbitration committee all information and data requested by it in connection with the subject matter of the controversy or claim. The decision in writing of two or more members of said committee of three, acting jointly throughout the arbitration, shall be binding on the respective parties, and any award shall be paid within thirty (30) calendar days after a copy of the decision has been mailed by the arbitrators to the party held liable, failing which judgment upon the award may be entered in any court having jurisdiction: *Provided, however*, Nothing herein shall preclude the Federal Maritime Commission from discharging its duties under the Shipping Act, 1916. In any arbitration proceeding, including enforcement of any award, service of any and every notice and other paper may be made outside of the State of _____ by registered mail, telegraph or cable with the same force as if made personally within said State. In each case of such service, reasonable time shall be allowed for response to the notice or other paper served.[8]

17. This contract and any modification thereof shall be carried out in accordance with the provisions of the Shipping Act, 1916, and the rules and regulations of the Federal Maritime Commission promulgated pursuant to said Act.

For and on behalf of the Members of the _____ Conference.

By _____
(Conference Chairman/Secretary)

List of conference members:

_____

_____

_____
(Merchant)

By _____
(Title)

_____
(Address of Merchant)

Subsidiary, Associate or Parent Companies or Agent or Shipping Representative acting on their behalf as per Article 1(b) hereof:

_____

_____

Effective date. As the aforesaid provisions for contract rate systems and dual-rate contracts have been in effect for over 2 years, the Commission is of the opinion that the rules should be effective immediately upon publication in the FEDERAL REGISTER, and it is so ordered.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-10323; Filed, Sept. 21, 1966; 8:45 a.m.]

[6] In lieu of this liquidated damages provision, the contract may limit damages recoverable for breach by either party to actual damages determined after breach in accordance with the principles of contract law.

[7] A minimum period of 30 days and a maximum period of 90 days may be used without further permission from the Commission.

[8] The type of arbitration clause to be employed is to be determined by the Conference and the Carriers.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The open seasons for the State of New York as published in the FEDERAL REGISTER of Saturday, September 3, 1966, on page 11659 are amended as follows:

By adding a "2" after New York in the table to denote a reference to footnote 2 which appears under the table.

Footnote 2 is amended by changing the period at the end to a semicolon and adding "and (c) in the Lake Champlain Area only of New York (as defined in footnote 6) from November 15 to December 1, 1966, being the same as Vermont."

Footnote 3 is changed to read:

[3] Special scaup and ringneck season: During the period from Dec. 24, 1966–Jan. 7, 1967 in the entire State of Connecticut and in all of the State of New York except the Lake Champlain Area (as defined in footnote 6); a special open season for the taking of scaup and ringneck ducks is prescribed, with a daily bag limit of 5 and a possession limit of 10 scaup and ringneck ducks, singly or in the aggregate of these species. During this special scaup and ringneck season the shooting hours in all of the State of New York except the Long Island Area (as defined in footnote 6) are from sunrise to sunset.

J. P. LINDUSKA,
Acting Director.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-10333; Filed, Sept. 21, 1966; 8:45 a.m.]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Cold Springs National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

The public hunting of ducks, coots, and gallinules on the Cold Springs National Wildlife Refuge is permitted from October 8, 1966, through January 15, 1967, and the hunting of geese is permitted from October 8, 1966, through January 5, 1967, only on the area designated by signs as open to hunting. This open area, comprising 900 acres, is delineated on a map available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Hunting will be permitted only on Saturdays, Sundays, and Wednesdays of each week.

(2) Motor vehicles will be permitted only at designated parking areas.

(3) Temporary blinds may be constructed of vegetative material but the digging of pits is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1966.

[F.R. Doc. 66-10353; Filed, Sept. 21, 1966; 8:47 a.m.]

PART 32—HUNTING

McKay Creek National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

MCKAY CREEK NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the McKay Creek National Wildlife Refuge is permitted from October 8, 1966, through January 15, 1967, and the hunting of geese is permitted from October 8, 1966, through January 5, 1967, only on the area designated by signs as open to hunting. This open area, comprising 660 acres, is delineated on a map available at the ref-

uge headquarters, McNary National Wildlife Refuge, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Hunting will be permitted only on Saturdays, Sundays, and Wednesdays of each week.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 12, 1966.

[F.R. Doc. 66-10351; Filed, Sept. 21, 1966; 8:48 a.m.]

PART 32—HUNTING

Willapa National Wildlife Refuge, Wash.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impractical to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

WASHINGTON

WILLAPA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and gallinules on the Willapa National Wildlife Refuge is permitted from October 15, 1966, through January 8, 1967, and the hunting of brant is permitted from November 25, 1966, through February 12, 1967, only on the area designated by signs as open to hunting. This open area, comprising 1,300 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the special condition that hunting shall be limited to Wednesdays, Saturdays, Sundays, and the following Federal holidays: November 11 and November 24.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 13, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1966.

[F.R. Doc. 66-10357; Filed, Sept. 21, 1966; 8:47 a.m.]

PART 32—HUNTING

Camas National Wildlife Refuge, Idaho

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

IDAHO

CAMAS NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots, and gallinules on Camas National Wildlife Refuge, Idaho, is permitted from October 8, 1966, through January 5, 1967, and the hunting of common snipe from October 8 through November 26, 1966, but only on the area designated by signs as open to hunting. This open area, comprising 3,440 acres, is delineated on a map available at refuge headquarters, Hamer, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

IDAHO

CAMAS NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on Camas National Wildlife Refuge, Idaho, is permitted from October 29, through November 27, 1966, but only on the area designated by signs as open to hunting. This open area comprising 3,440 acres is delineated on a map available at refuge headquarters, Hamer, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 27, 1966.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 14, 1966.

[F.R. Doc. 66-10346; Filed, Sept. 21, 1966; 8:46 a.m.]

PART 32—HUNTING

Ravalli National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MONTANA

RAVALLI NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots, and gallinules on the Ravalli National Wildlife Refuge, Mont., is permitted from October 8, 1966, through January 5, 1967, but only on the area designated by signs as open to hunting. This open area comprising 680 acres is delineated on a map available at refuge headquarters, Stevensville, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MONTANA

RAVALLI NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Ravalli National Wildlife Refuge, Mont., is permitted from October 30 (noon) to closing date to be announced by State, but only on the area designated by signs as open to hunting. This open area, comprising 680 acres, is delineated on a map available at refuge headquarters, Stevensville, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1966.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 14, 1966.

[F.R. Doc. 66-10348; Filed, Sept. 21, 1966; 8:46 a.m.]

PART 32—HUNTING

Red Rock Lakes National Wildlife Refuge, Mont.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MONTANA

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese (except Ross', snow or blue geese), coots, and gallinules on Red Rock Lakes National Wildlife Refuge, Mont., is permitted from October 8, 1966, through January 5, 1967, but only on the area designated by signs as open to hunting. This open area, comprising 7,060 acres, is delineated on a map available at refuge headquarters, Monida, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations and subject to the following special conditions:

(1) Boats are permitted; motors may be used for access to the hunting areas. Airthrust boats are prohibited.

(2) Camping is permitted at designated areas only.

(3) Boats and trailers may be moored or parked in designated areas only.

(4) Hunters will report at such checking stations as may be established when entering or leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MONTANA

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

The public hunting of deer, elk, and moose on the Red Rock Lakes National Wildlife Refuge, Mont., is permitted from October 23 through November 27, 1966, and the hunting of antelope from October 16 through November 28, 1966, but only on the areas designated by signs as open to hunting. These open areas, comprising 9,900 acres for antelope and moose, and 4,700 acres for deer and elk are delineated on a map available at refuge headquarters, Monida, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Hunting for moose shall be by permit only; permits must be obtained from the State Fish and Game Department.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 28, 1966.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 14, 1966.

[F.R. Doc. 66-10349; Filed, Sept. 21, 1966; 8:46 a.m.]

PART 32—HUNTING

Lostwood National Wildlife Refuge, N. Dak.

Public hunting of deer on the Lostwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,300 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 11, 1966, and from sunrise to sunset November 12, 1966, through November 20, 1966.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provision of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1966.

JAMES W. MATTHEWS,
Refuge Manager, Lostwood National Wildlife Refuge, Lostwood, N. Dak.

SEPTEMBER 16, 1966.

[F.R. Doc. 66-10350; Filed, Sept. 21, 1966; 8:46 a.m.]

PART 32—HUNTING

Tule Lake National Wildlife Refuge, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

CALIFORNIA

TULE LAKE NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Tule Lake National Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 14,000 acres, is delineated on maps available at refuge headquarters, Route 1, Box 74, Tulelake, Calif. 96134, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Open season: November 19 through November 20, 1966, all refuge lands east of the Hill Road except that portion south of the center line in sections 19, 20, 21, and 22, T. 47 N., R. 4 E., and west of Dike A and the west boundary dike of the Sump 1B and headquarters area.

November 19 through December 4, 1966, League of Nations, a strip one-quarter mile wide along the west boundary of the Frog Pond, the south half of the Panhandle buffer strip, and that portion of Sump 1A and the area east to Hill Road which is north of the center line in sections 19, 20, 21, and 22, T. 47, N., R. 4 E., except headquarters area.

(2) Camping will be permitted in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 4, 1966.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1966.

[F.R. Doc. 66-10344; Filed, Sept. 21, 1966; 8:46 a.m.]

PART 32—HUNTING

St. Marks National Wildlife Refuge, Fla.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox

on the St. Marks National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,800 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox subject to the following special condition:

(1) The open season for archery hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox on the refuge is limited to the separate periods of October 1–2, October 8–9, October 15–16, and October 22–23, 1966. The open season for archery and gun hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox on the refuge extends from November 19, 1966, through January 15, 1967.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the St. Marks National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,800 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special condition:

The open season for archery hunting of deer and bear on the refuge is limited to the separate periods of October 1–2, October 8–9, October 15–16, and October 22–23, 1966. The open season for archery and gun hunting of deer and bear on the refuge extends from November 19, 1966, through January 15, 1967.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1966.

[F.R. Doc. 66-10345; Filed Sept. 21, 1966; 8:46 a.m.]

PART 32—HUNTING

Tennessee National Wildlife Refuge, Tenn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

Public hunting of rabbits and quail on the Tennessee National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,500 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits and quail subject to the following special conditions:

(1) The open season on the refuge extends from February 6 through February 15, 1967.

(2) The use of dogs is permitted.

(3) Camping on the area is not permitted.

(4) Bobcats, gray foxes, woodchucks, and crows may be taken.

(5) Hunters must be out of the public hunting area by 1 hour after sunset.

(6) Hunters shall wear red, orange, or yellow as part of their field dress.

(7) A Federal permit is not required to enter the public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 15, 1967.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 15, 1966.

[F.R. Doc. 66-10354; Filed, Sept. 21, 1966; 8:47 a.m.]

PART 32—HUNTING

Aransas National Wildlife Refuge, Tex.

On page 10926 of the FEDERAL REGISTER of August 17, 1966, there was published a notice of a proposed amendment to § 32.31 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public hunting of big game on Aransas National Wildlife Refuge, Tex., as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. After consideration of all comments, suggestions, and objections received, the amendment is adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

Section 32.31 is amended by the addition of the following area as one where hunting of big game is authorized:

§ 32.31 List of open areas; big game.

* * * * *

TEXAS

ARANSAS NATIONAL WILDLIFE REFUGE

* * * * *

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i, sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d)

JOHN S. GOTTSCHALK,
Director.

SEPTEMBER 20, 1966.

[F.R. Doc. 66-10406; Filed, Sept. 21, 1966; 8:51 a.m.]

PART 32—HUNTING

Lower Klamath National Wildlife Refuge, California and Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; upland game; for individual wildlife refuge areas.

CALIFORNIA AND OREGON

LOWER KLAMATH NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Lower Klamath National Wildlife Refuge, California and Oregon, is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,890 acres, is delineated on maps available at refuge headquarters, Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for hunting pheasants on the portion of the refuge in Oregon extends from October 22 through November 27, 1966. The open season in that portion of the refuge in California is as follows: November 19 and 20, 1966, for all refuge lands in the public hunting area except Administrative Units 2 and 3; November 19 through December 4, 1966, for Administrative Units 4, 7, 8, and 9.

(2) Camping will be permitted in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 4, 1966.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 14, 1966.

[F.R. Doc. 66-10343; Filed, Sept. 21, 1966; 8:46 a.m.]

PART 32—HUNTING

Salt Plains National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Public hunting of deer of the Salt Plains National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,681 acres, is delineated on maps available at refuge headquarters, Jet, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Bow hunting is permitted on October 29 and 30, 1966, and November 5, 6, 12, and 13, 1966, for those persons selected by a special drawing conducted by the Oklahoma Department of Wildlife Conservation, 1801 North Lincoln, Oklahoma City, Okla. Applications will be received between September 1 and September 30, 1966, and must contain the applicant's name, address, and Oklahoma deer hunting license number.

(2) Gun hunting is permitted on November 19, 20, 21, 22, and 23, 1966, for those persons selected by a special drawing conducted by the Oklahoma Department of Wildlife Conservation, 1801 North Lincoln, Oklahoma City, Okla. Applications will be received between September 15 and October 15, 1966, and must contain the applicant's name, address, and Oklahoma deer hunting license number.

(3) All hunters must check in at the refuge office prior to entering the hunting area, and must check out at the refuge office when leaving the area. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 23, 1966.

FRED L. BOLWAHNN,
Refuge Manager, Salt Plains National Wildlife Refuge, Jet, Okla.

SEPTEMBER 10, 1966.

[F.R. Doc. 66-10352; Filed, Sept. 21, 1966; 8:46 a.m.]

PART 32—HUNTING

Tennessee National Wildlife Refuge, Tenn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tennessee National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 700 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions:

(1) The open season for archery hunting of deer on the refuge extends from October 1 through October 10, 1966.

(2) The bag limit is one deer of either sex per hunter.

(3) The use of dogs is not permitted.

(4) Camping on the area is not permitted.

(5) Bobcats, gray foxes, woodchucks, and crows may be taken.

(6) Driving of deer is prohibited.

(7) Hunters must enter and leave the hunting area by land through Britton Ford Peninsula.

(8) Hunters may enter public hunting area 1 hour before sunrise and must be out by 1 hour after sunset.

(9) A Federal permit is not required.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 10, 1966.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 15, 1966.

[F.R. Doc. 66-10355; Filed, Sept. 21, 1966; 8:47 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge, Wash.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Columbia National Wildlife Refuge, Wash., is permitted from October 15 through November 13, 1966, but only on the area designated by signs as open to hunting. This open area, comprising 7,554 acres, is delineated on a map available at refuge headquarters, Columbia National Wildlife Refuge, Othello, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting is permitted only with shotguns firing slugs or buckshot.

(2) Camping will be permitted in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 13, 1966.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1966.

[F.R. Doc. 66-10356; Filed, Sept. 21, 1966; 8:47 a.m.]

PART 32—HUNTING

Willapa National Wildlife Refuge, Wash.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WASHINGTON

WILLAPA NATIONAL WILDLIFE REFUGE

The public hunting of deer and bear on the Willapa National Wildlife Refuge, Wash., is permitted from October 15 through November 7, 1966, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,127 acres, is delineated on a map available at refuge headquarters, Willapa National Wildlife Refuge, Ilwaco, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and bear subject to the following special conditions:

(1) Hunting—Hunting is permitted by bow and arrow only.

(2) Camping—Camping is permitted in designated areas only.

(3) During the open season specified above, raccoons may be taken with bow and arrow without regard to limits.

(4) Motor-driven vehicles are not permitted within the hunting area.

(5) Hunters will report at such checking stations as may be established upon entering or leaving the area.

(6) Dogs—Dogs are not permitted for hunting bears.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title

50, Code of Federal Regulations, Part 32, and are effective through November 7, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1966.

[F.R. Doc. 66-10358; Filed, Sept. 21, 1966; 8:47 a.m.]

PART 32—HUNTING

Aransas National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 **Special regulations; big game; for individual wildlife refuge areas.**

TEXAS

ARANSAS NATIONAL WILDLIFE REFUGE

The public hunting of deer with bow and arrows on the Aransas National Wildlife Refuge, Tex., is permitted from October 1 through October 31, 1966, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 43,500 acres prior to the arrival of the first fall migrant whooping crane and comprising 17,700 acres after the arrival of the first fall migrant whooping crane, is delineated on maps available at refuge headquarters, Austwell, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of deer, subject to the following special conditions:

(1) All hunters must check in at the refuge headquarters prior to entering the hunting area and must check out at the refuge headquarters when leaving the area.

(2) All vehicles must stay on shell surfaced roads and may not travel across country due to the terrain hazards involved.

(3) No deer may be taken from, on, or across any road, trail, or other right-of-way.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 31, 1966.

PHILLIP S. MORGAN,
Refuge Manager, Aransas National Wildlife Refuge, Austwell, Tex.

SEPTEMBER 20, 1966.

[F.R. Doc. 66-10409; Filed, Sept. 21, 1966; 8:51 a.m.]

PART 33—SPORT FISHING

Pablo National Wildlife Refuge, Mont.

In F.R. Doc. 66-5385, appearing on page 7226 of the issue for Wednesday, May 18, 1966, the following change should be made:

The second paragraph should read:

Open season: The east side of the inlet canal and the north and east shorelines from the inlet canal to the south end of the main dike, and the outlet canal from the dam to the refuge boundary are open from July 15, 1966, through February 28, 1967, except during the migratory waterfowl season. This is necessary to permit full utilization of the fish, presently threatened with complete loss of water in the refuge due to abnormally dry weather.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 15, 1966.

[F.R. Doc. 66-10347; Filed, Sept. 21, 1966; 8:46 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 15]

MATTER MAILABLE UNDER SPECIAL RULES

Types of Harmless Animals Acceptable

Notice is hereby given of proposed rule making consisting of proposed amendments to Part 15 of Title 39, Code of Federal Regulations. One proposed amendment to § 15.3(a) will give cross references which will clarify instructions regarding the time factor involved in the mailing of perishable matter. In addition, it is proposed to place the material under present § 15.3(c) under a new § 15.3(c)(1), and add new instructions under a new § 15.3(c)(2) giving more specific information regarding the types of harmless animals acceptable in the mails.

Although the procedures in 39 CFR Part 15 relate to a proprietary function of the government, it is the desire of the Postmaster General to voluntarily observe the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003), in order that patrons of the Postal Service may have an opportunity to comment on the proposed amendments. Written data, arguments, and views may be filed with the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments and revisions to the regulations cited above read as follows:

§ 15.3 **Perishable matter.**

(a) *Time factor.* Mailable harmless live animals (see paragraph (c) of this section), perishable foods, and game (see paragraph (g) of this section) may not be sent through the mail unless transit time under ordinary conditions would be sufficient for them to reach their destination in good condition. Perishable foods may be shipped at the mailer's risk, provided they are not subject to rapid decay and the generating of obnoxious odors. Airmail, special handling, or special delivery services are recommended.

* * * * *

(c) *Live animals.* * * *

(2) *Other animals*—(i) *Mailable.* Small, harmless, cold-blooded animals (except snakes) which do not require food or water or attention during handling in the mails and which do not create sanitary problems or obnoxious odors are mailable. For example, the following are mailable: Baby alligators and caiman not exceeding approximately 20 inches in length, baby terrapin and baby turtles not exceeding approximately 2½ inches in length, bloodworms, earthworms, mealworms, chameleons, frogs, toads, goldfish, hellgrammites, newts, salamanders, leeches, lizards, snails, and tadpoles.

(ii) *Nonmailable.* No warm blooded animals except day-old poultry are acceptable. The following are examples of animals which are not mailable: Hamsters, white mice, rats, guinea pigs, rabbits, kittens, puppies, snakes, chickens (See subdivision (i) of this subparagraph), flying squirrels, parakeets, canaries, and pigeons.

* * * * *

NOTE: The corresponding Postal Manual sections are 125.31 and 125.33 respectively.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C 501)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 12, 1966.

[F.R. Doc. 66-10077; Filed, Sept. 21, 1966; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

RIDGEFIELD NATIONAL WILDLIFE REFUGE, WASH.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222, 16 U.S.C. 715), and the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451, 16 U.S.C. 718d), it is proposed to amend 50 CFR 32.11 and 32.21 by the addition of Ridgefield National Wildlife Refuge, Wash., to the list of areas open to the hunting of migratory game birds and upland game, as legislatively permitted.

It has been determined that the regulated hunting of migratory game birds and upland game may be permitted as designated on Ridgefield National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 **List of open areas; migratory game birds.**

* * * * *

WASHINGTON

RIDGEFIELD NATIONAL WILDLIFE REFUGE

* * * * *

2. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

§ 32.21 **List of open areas; upland game.**

* * * * *

WASHINGTON

RIDGEFIELD NATIONAL WILDLIFE REFUGE

* * * * *

J. P. LINDUSKA,
Acting Director.

SEPTEMBER 20, 1966.

[F.R. Doc. 66-10410; Filed, Sept. 21, 1966; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Approval of Expenses and Fixing of Rate of Assessment for 1966–67 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Texas Valley Citrus Committee, established under the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906; 31 F.R. 10461), regulating the handling of oranges and grapefruit grown in Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee, during the period from August 1, 1966, through July 31, 1967, will amount to $401,229.37; (2) that there be fixed, at $0.025 per seven-tenths bushel carton or equivalent quantity of oranges and grapefruit, the rate of assessment payable by each handler in accordance with § 906.34 of the aforesaid marketing

agreement and order; and (3) that unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1966, be carried over as a reserve in accordance with § 906.35 of the said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 19, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10370; Filed, Sept. 21, 1966; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7620]

AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1-11, 200 and 400 Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp. Model BAC 1-11, 200 and 400 Series airplanes. There have been failures of the flap carriage links due to a seized bearing that resulted in fatigue failure at the bearing eye end housing of the link on British Aircraft Corp. Model BAC 1-11, 200 and 400 Series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would establish service life limits for these links until replacement with an improved link on the subject airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before October 24, 1966 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11, 200 and 400 Series airplanes. Compliance required as indicated.

To prevent fatigue failures of the flap carriage links, accomplish the following until links, P/N AB09 A943, are replaced with modification PM 2245 links, P/N AB09 A3657:

(a) For 200 Series airplanes having No. 1 flap links with less than 2,500 landings on the effective date of this AD, remove links from service before the accumulation of 3,000 landings.

(b) For 200 Series airplanes having No. 1 flap links with 2,500 or more landings on the effective date of this AD, remove links from service within the next 500 landings after the effective date of this AD.

(c) For 200 Series airplanes having No. 2 flap links with less than 11,500 landings on the effective date of this AD, remove links from service before the accumulation of 12,000 landings.

(d) For 200 Series airplanes having No. 2 flap links with 11,500 or more landings on the effective date of this AD, remove links from service within the next 500 landings after the effective date of this AD.

(e) For 200 Series airplanes having No. 3 flap links with less than 23,500 landings on the effective date of this AD, remove links from service before the accumulation of 24,000 landings.

(f) For 200 Series airplanes having No. 3 flap links with 23,500 or more landings on the effective date of this AD, remove links from service within the next 500 landings after the effective date of this AD.

(g) For 400 Series airplanes having No. 1 flap links with less than 1,500 landings on the effective date of this AD, remove links from service before the accumulation of 2,000 landings.

(h) For 400 Series airplanes having No. 1 flap links with 1,500 or more landings on the effective date of this AD, remove links from service within the next 500 landings after the effective date of this AD.

(i) For 400 Series airplanes having No. 2 flap links with less than 7,500 landings on the effective date of this AD, remove links from service before the accumulation of 8,000 landings.

(j) For 400 Series airplanes having No. 2 flap links with 7,500 or more landings on the effective date of this AD, remove links from service within the next 500 landings after the effective date of this AD.

(k) For 400 Series airplanes having No. 3 flap links with less than 15,500 landings on the effective date of this AD, remove links from service before the accumulation of 16,000 landings.

(l) For 400 Series airplanes having No. 3 flap links with 15,000 or more landings on the effective date of this AD, remove links from service within the next 500 landings after the effective date of this AD.

(m) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

(British Aircraft Corp. (Operating), Ltd. (Weybridge Division), Alert Service Bulletin No. 27-A-PM2245 pertains to this subject.)

Issued in Washington, D.C., on September 13, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-10362; Filed, Sept. 21, 1966; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Filing of Protraction Diagrams

SEPTEMBER 16, 1966.

Notice is hereby given that effective at and after 10 a.m. on October 21, 1966, the following protraction diagrams are officially filed of record in the Idaho Land Office, Room 327, Federal Building, Boise, Idaho 83701. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the lands for all authorized uses. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

IDAHO PROTRACTION DIAGRAMS
Nos. 37 and 38
BOISE MERIDIAN
Approved August 15, 1966

No. 37

T. 23 N., Rs 21 and 23 E.
T. 24 N., Rs 21, 22 and 23 E.

No. 38

Ts. 23 and 24 N., Rs 19 and 20 E.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, Post Office Box 2237, Boise, Idaho 83701.

EUGENE E. BABIN,
Acting Manager,
Land Office, Boise, Idaho.

[F.R. Doc. 66-10359; Filed, Sept. 21, 1966; 8:47 a.m.]

[M-358; Group 98]

MINNESOTA

Notice of Filing of Plat of Survey

SEPTEMBER 14, 1966.

The plat of survey of an omitted island in the Minnesota River, described below, accepted April 29, 1966, will be officially filed in this office effective at 10 a.m. on October 21, 1966.

FIFTH PRINCIPAL MERIDIAN, MINNESOTA

T. 115 N., R. 39 W.,
Sec. 13, lot 6 (8.17 acres).

The character of this island and the timber growth thereon indicate its existence when Minnesota was admitted to the Union and at the time of the original survey. It is therefore determined to be public land.

The island is upland in character within the meaning of the Swamp-land act.

Except for valid existing rights, the island will not be subject to use and/or disposition under the public land laws, including the mineral leasing and mining laws, until a further order is issued.

All inquiries relating to the island should be sent to the Manager, Land Office, Bureau of Land Management, Billings, Mont. 59101.

ROLAND F. LEE,
Acting Land Office Manager.

[F.R. Doc. 66-10360; Filed, Sept. 21, 1966; 8:47 a.m.]

[Oregon 016505]

HARNEY TOWNSITE, OREG.

Sale of Town Lots

SEPTEMBER 14, 1966.

1. *Statutory authority.* The remaining lots (102 lots in 25 blocks) in the townsite of Harney, Oreg., will be disposed of under section 2382, U.S. Revised Statutes (43 U.S.C. 713) and regulations contained in 43 CFR Part 2242. The lots, which will be disposed of by sale at public auction, are designated on the map which was filed for record with the county clerk of Harney County on May 9, 1890.

2. *Tract, area and minimum price.* The lots which will be sold as one tract and the appraised price, which is the minimum amount at which the tract will be offered, are listed as follows:

Description	Area (acres)	Appraisal
One tract consisting of the following town lots:		
Lots 1 to 8, inclusive, Block 1		
Lots 1 to 8, inclusive, Block 2		
Lots, 1, 2, 3, 4, 7, 8, Block 3		
Lots 1 to 8 inclusive, Block 4		
Lots 1, 2, 3, 6, 7, 8, Block 5		
Lots 1, 2, 3, 6, Block 6		
Lots 4, 5, Block 7		
Lots 3, 4, Block 8		
Lots 3, 4, Block 10		
Lots 1, 2, Block 11		
Lots 1, 2, Block 13	9.53	$1,020
Lots 1 to 8, inclusive, Block 14		
Lots 1, 2, 6, 7, 8, Block 15		
Lots 1, 2, 3, 6, 7, 8, Block 16		
Lots 1, 2, 3, 4, 5, 6, Block 17		
Lot 6, Block 18		
Lots 1, 2, Block 21		
Lots 3, 5, 6, 7, 8, Block 22		
Lots 2, 3, 5, 6, 7, Block 23		
Lots 1 to 8, inclusive, Block 24		
Lots 1, 2, 3, 4, 7, 8, Block 25		

These lots are not suitable for residential purposes as there is no existing town. Streets and other urban facilities do not exist. Adjacent lands are currently used for grazing.

3. *Public sale.* The tract will be offered for sale by the Manager, Land Office, Portland, Oreg., or his representative, at public outcry to the highest bidder in the lobby of Harney County Court House, Burns, Oreg., on Tuesday, October 18, 1966, at 10 a.m., P.d.t.

4. *Payment.* The offering will not be sold for less than the appraised price. Payment in full must be made on the day of sale, and may be in the form of cash, certified check, bank draft or money order, made payable to the Bureau of Land Management. The payment must be tendered to the officer in charge before the close of business on the day of the sale.

5. *Citizenship requirements.* The individual purchasing the tract will be required to make a showing or to furnish evidence that he is a citizen of the United States, or that he has declared his intention to become a citizen. If a corporation purchases the tract, it will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States, or of some State, Territory, or Possession thereof, and that it is authorized to acquire and hold real estate in Oregon.

6. *Manner of sale.* Bids and payment will be made in person or by agent, but may not be made by mail or at any time or place other than fixed by this notice. No bids will be made in increments of less than $10.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for the tract, and to suspend, adjourn or postpone the sale of the tract. After the tract has been offered, the sale will be closed.

8. *Disposal of tract after sale has been closed.* If the tract remains unsold at close of the sale, or the tract may be forfeited by the high bidder for any reason, it will be subject to private sale for cash by the Manager, Land Office, Portland, Oreg.

9. *Reservation.* Patent for the lots, when issued, will contain a reservation of rights-of-way for ditches or canals in accordance with the Act of August 30, 1890.

10. *Warning.* All persons are warned against forming any combination or agreement which will prevent the tract from selling advantageously, or will in any way hinder or embarrass the sale. All persons so offending will be prosecuted under 18 U.S.C. 1860.

IRVING W. ANDERSON,
Manager.

[F.R. Doc. 66-10361; Filed, Sept. 21, 1966; 8:47 a.m.]

National Park Service

SEQUOIA AND KINGS CANYON NATIONAL PARKS, CALIF.

Proposed Wilderness Establishment; Hearings

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held for Sequoia National Park beginning at 9 a.m. on November 21, 1966, and another will be held for Kings Canyon National Park beginning at 9 a.m. on November 22, 1966, both in

the Fresno Chamber of Commerce Auditorium, 2331 Fresno Street, Fresno, Calif., for the purpose of receiving comments and suggestions as to the appropriateness of proposals for the establishment of wilderness areas comprising about 314,117 acres within the Sequoia National Park and about 426,047 acres within the Kings Canyon National Park. Portions of these proposed wilderness areas are located in Fresno and Tulare Counties, Calif.

A packet containing a map depicting the preliminary boundaries of these proposed wilderness areas and providing additional information about the proposals may be obtained from the Superintendent, Sequoia and Kings Canyon National Parks, Three Rivers, Calif. 93271, or the Regional Director, National Park Service, 450 Golden Gate Avenue, Post Office Box 36063, San Francisco, Calif. 94102.

A description of the preliminary boundaries and larger maps of the areas proposed for establishment as wilderness are available for review in the above offices, the Grant Grove Ranger Station located in Kings Canyon National Park, and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C. The master plan for these parks, likewise, may be inspected at these four locations.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at either or both of the aforementioned public hearings, provided they notify the hearing officer in care of the Superintendent, Sequoia and Kings Canyon National Parks, Three Rivers, Calif. 93271, by November 17, 1966, of the date or dates they desire to appear. Those not wishing to appear in person may submit written statements on these wilderness proposals to the hearing officer at that address for inclusion in the official records concerning these proposals which will be held open for 10 days following conclusion of the hearings.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which should be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at either hearing will be considered for inclusion in the transcribed hearing records. However, all materials so presented at the hearings shall be subject to determinations that they are appropriate for inclusion in these transcribed records. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the hearing officer will give others present an opportunity to be heard.

After an explanation of the proposals by a representative of the National Park Service, the hearing officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements.

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness areas are located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

JACKSON E. PRICE,
Acting Director,
National Park Service.

SEPTEMBER 15, 1966.

[F.R. Doc. 66-10362; Filed, Sept. 21, 1966; 8:47 a.m.]

Office of the Secretary

BLUE LAKE RANCHERIA IN CALIFORNIA

Notice of Termination of Federal Supervision Over Property and Individual Members Thereof

Notice is hereby given that the Indians and the dependent members of their immediate families named below are no longer entitled to any of the services performed by the United States for Indians because of their status as Indians; that all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens within their jurisdiction. Title to the land on the Blue Lake Rancheria has passed from the U.S. Government under distribution plan dated December 16, 1960, for the above-named rancheria.

BLUE LAKE RANCHERIA

Twenty-six acres, more or less, that was acquired by that certain deed dated December 24, 1908, between Margaret Brizard, et al., grantors, and the United States of America, grantee, recorded on March 12, 1909, in Volume 107 of Deeds, page 224, Humboldt County, Calif.

Name	Birthdate	Address
Wesley Brown	2- 7-1903	Route 1, Box 7, Oakville, Wash.
Gladys Brown	2- 8-1912	Do.
Hetty (Elizabeth) Brown Foulten	8-26-1939	Blue Lake, Calif.
Kenneth Brown	5-19-1941	Route 1, Box 7, Oakville, Wash.
Nadine Brown	4-21-1943	Blue Lake, Calif.
Beverly Brown Underhill	6-19-1945	888-A Grand Ave., Carlsbad, Calif.
Norma Brown	8-14-1946	Route 1, Box 7, Oakville, Wash.
Marilyn Brown	6-17-1947	Do.
Charles Winton	10-23-1923	Neah Bay, Wash.
Roy Ames	7-25-1908	Blue Lake, Calif.
Charles Lee Ortinier	10-31-1927	Box 547, Blue Lake, Calif.
Ivye Ortinier	10-20-1949	Do.
Helen Ortinier	3-15-1951	Do.
Sylvia Ortinier	1-20-1953	Do.
Oscar Brundin	9-26-1916	Box 184, Blue Lake, Calif.
Oscar Brundin, Jr.	2-13-1939	Do.
David James Brundin	3-25-1941	Do.
Howard Brundin	5-16-1943	Do.
Claudia Brundin	10-10-1945	Do.

This notice is issued pursuant to the Act of August 18, 1958 (72 Stat. 619), amended August 11, 1964 (78 Stat. 390), including the provisions in the 1964 Act that this notice affects only Indians who are not members of any other tribe or band of Indians and therefore not eligible to participate herein; and that all restrictions and tax exemptions applicable to trust or restricted lands or interests therein owned by the Indians who are affected by this notice are terminated.

This notice becomes effective as of the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 15, 1966.

[F.R. Doc. 66-10363; Filed, Sept. 21, 1966; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-4]

AMERICAN MAIL LINE

Notice of Issuance of Amendment to Byproduct and Source Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 3 to License No. 46-3623-1 as set forth below. This amendment contains the following changes:

1. Renewal of the license for a period of 2 years.

2. Authorizes the possession of 200 curies of hydrogen 3 in addition to the 10 curies of other byproduct material previously authorized.

3. Provides for a change in the person who will perform operations on behalf of the licensee.

4. Revises the license in its entirety to consolidate previously issued amendments.

With respect to the change in user, Mr. William E. Morgan of the Boeing Co. will supervise operations on behalf of American Mail Line. Mr. Morgan is qualified by training and experience to perform such duties.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., September 15, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

BYPRODUCT AND SOURCE MATERIAL LICENSE

[License 46-3623-1; Amdt. 3]

The Atomic Energy Commission having found that:

A. The licensee's equipment and procedures are adequate to protect health and minimize danger to life and property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to health or property.

C. The applications for license amendment dated August 1, 1966, and August 3, 1966, comply with the requirements of the Atomic Energy Act of 1954 as amended and are for a purpose authorized by that Act.

Byproduct and Source Material License No. 46-3623-1 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," and 10 CFR Part 40, "Licensing of Source Material," a license is hereby issued to American Mail Line, 1010 Washington Building, Seattle, Wash. 98101, to receive and possess packages containing waste byproduct and source material and to dispose of such packages in the Pacific Ocean.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards For Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 10 curies of byproduct material other than hydrogen 3.

B. 200 curies of hydrogen 3.

C. 200 pounds of source material.

2. Except as specifically provided otherwise by this license, the licensee shall receive and possess byproduct and source material in accordance with the radiological safety procedures and limitations contained in the application dated October 24, 1957, and amendments thereto dated September 10, 1957; January 24, 1958; March 6, 1958; and August 3, 1966.

3. Operations authorized under this license shall be carried out by, or in the physical presence of, William E. Morgan.

4. The licensee shall receive packages containing byproduct and source material only at the American Mail Line dock located in Seattle, Wash.

5. The licensee shall dispose of packaged waste byproduct and source material in the Pacific Ocean at a location at least 150 miles from the continental shelf and at a minimum sea depth of 1,000 fathoms.

This license shall be effective on the date issued and shall expire 2 years from the last day of the month in which this license is issued.

Date of issuance: September 15, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 66-10378; Filed, Sept. 21, 1966; 8:49 a.m.]

[Docket No. 27-23]

DEPARTMENT OF THE ARMY, EDGEWOOD ARSENAL, MD.

Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 6 to License No. 19-1826-6 as set forth below. This amendment provides for a change in the license provisions referring to the transportation of radioactive materials to assure conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966.

In a letter dated July 25, 1966, the AEC notified Edgewood Arsenal of its intent to amend License No. 19-1826-6 to assure that the license provisions referring to transportation of radioactive materials were in conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966. Edgewood Arsenal consented to the proposed modification of its license in a telegram received August 29, 1966.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., September 16, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

BYPRODUCT, SOURCE, AND SPECIAL NUCLEAR MATERIAL LICENSE

[License 19-1826-6; Amdt. 6]

The Atomic Energy Commission having found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property.

C. The application dated April 10, 1964, complies with the requirements of the Atomic Energy Act of 1954, as amended, and is for a purpose authorized by that Act.

D. Issuance of the license will not be inimical to the common defense and security nor to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 19-1826-6 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," and 10 CFR Part 70, "Special Nuclear Material," a license is hereby issued to the Department of the Army, USA Edgewood Arsenal, Edgewood Arsenal, Md., to receive and possess packages containing waste byproduct, source, and special nuclear material in any State of the United States and to package and store waste byproduct, source, and special nuclear material at a facility located at Edgewood Arsenal, Md.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 500 curies of byproduct material.

B. 54,000 pounds of source material.

C. 100 grams of special nuclear material.

2. Except as specifically provided otherwise by this license, the licensee shall receive, possess, package, and store byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application dated April 10, 1964.

3. Byproduct, source, and special nuclear material shall be received, handled, packaged, and stored by, or under the supervision of, individuals designated by the Edgewood Arsenal Isotope Committee.

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Interstate Commerce Commission in §§ 73.391-73.395, 49 CFR Part 73, "Regulations Applying to Shippers," and §§ 77.823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exceptions to those requirements, any re-

quests for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

5. The licensee shall package and store byproduct, source, and special nuclear material only at Edgewood Arsenal, Md.

This amendment shall be effective on the date issued. This license shall expire on October 31, 1966.

Date of issuance: September 16, 1966.

For the Atomic Energy Commission.

J. A. McBride,
Director,
Division of Materials Licensing.

[F.R. Doc. 66-10379; Filed, Sept. 21, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1077]

OCEANBROKERS, INC.

Notice of Suspension of License

Whereas, the Commission has been advised of the termination of licensee's surety bond to become effective September 29, 1966; and

Whereas, Oceanbrokers, Inc., 500 Sansome Street, San Francisco, Calif. 94111, has requested that its License No. 1077 be suspended for a period of six (6) months; and

Whereas, Oceanbrokers, Inc., has advised the Commission of its intent to reactivate its license within six (6) months:

It is ordered, Pursuant to section 44(d), Shipping Act, 1916 (46 U.S.C. 841b), that the independent ocean freight forwarder license of Oceanbrokers, Inc., be and is hereby suspended for a period not to exceed six (6) months;

It is further ordered, That the Director, Bureau of Domestic Regulation forthwith revoke Independent Ocean Freight Forwarder License No. 1077 should licensee fail within the six (6) month period allotted above to (1) reactivate its forwarding business, and (2) submit a valid surety bond to the Commission;

It is further ordered, That Independent Ocean Freight Forwarder License No. 1077 be returned to the Commission to be held until its reactivation or revocation;

It is further ordered, That a copy of this order be published in the Federal Register and served on licensee.

By the Commission.

[SEAL] Thomas Lisi,
Secretary.

[F.R. Doc. 66-10396; Filed, Sept. 21, 1966; 8:50 a.m.]

NORTON & ELLIS, INC., ET AL.

Notice of Agreements Filed for Approval and Agreement Subject to Cancellation

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working agreements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Norton & Ellis, Inc., Norfolk, Va., and F. J. Herbelin Forwarding Co., Inc., Houston, Tex. ---------- FF-3110
John S. James, Savannah, Ga., and E. Hennigson Co., Inc., New York, N.Y. ---------- FF-3119
Loretz & Co., Los Angeles, Calif. (Branch), and Seabird Forwarders, Inc., New York, N.Y. ---------- FF-3128
Loretz & Co., Los Angeles, Calif. (Branch), and Terramar Shipping Co., Inc., New York, N.Y. ---------- FF-3129
John S. James, Savannah, Ga., and Air-Sea Forwarders, Inc., Los Angeles, Calif. ---------- FF-3130
Magnolia Forwarding Co., New Orleans, La., and Airborne Freight Corp., Miami, Fla. ---------- FF-3133
Hermann Ludwig of America, Inc., New York, N.Y., and Transoceanic Shipping Co., Inc., New Orleans, La. ---------- FF-3134
L. E. Coppersmith, Inc., Los Angeles, Calif., and American Union Transport Forwarding, Inc., New York, N.Y. ---------- FF-3136
Bemo Shipping Co., New York, N.Y., and Seaway Forwarding Co., Cleveland, Ohio. ---------- FF-3137
Buckley & Co., Houston, Tex. (Branch), and Florida International Forwarders, Miami, Fla. ---------- FF-3138
Dingelstedt & Co., New York, N.Y., and R. J. Bolte, Philadelphia, Pa. ---------- FF-3139
Inge & Co., Inc., New York, N.Y., and R. J. Bolte, Philadelphia, Pa. ---------- FF-3140
R. J. Bolte, Philadelphia, Pa., and Terra-Marine Shipping Co., Inc., San Francisco, Calif. ---------- FF-3141
Skyline Shipping Corp., New York, N.Y., and R. J. Bolte, Philadelphia, Pa. ---------- FF-3142
R. J. Bolte, Philadelphia, Pa., and Dieterle & Victory International Transport Co., Inc., New York, N.Y. ---------- FF-3143
Freedman & Slater, Inc., New York, N.Y., and W. R. Zanes & Co. of Louisiana, Inc., New Orleans, La. ---------- FF-3144
Argus Shipping Co., Inc., New York, N.Y., and Florida International Forwarders, Miami, Fla. ---------- FF-3145

Agreement No. FF-3132 between C. S. Greene & Co., Inc., Chicago, Ill., and Marine Forwarding Co., Inc., New York, N.Y., is a cooperative working arrangement whereunder forwarding and service fees are passing a shipper's export declaration only—$3.50; passing shipper's export declaration, ordering freight to pier, issuing bills of lading for direct release—$7.50; passing shipper's export declaration, ordering freight to pier, issuing bill of lading and preparation consular invoice—$11.50. Special services remain subject to negotiation and agreement on each transaction. Ocean freight compensation is to be retained by the originating forwarder.

Notice of Agreement Subject to Cancellation

Notice is hereby given that the following independent ocean freight forwarder cooperative working agreement approved by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, Stat. 763, 46 U.S.C. 814) is scheduled for cancellation inasmuch as in accordance with the terms therein one of the parties to the agreement has requested in writing that the agreement be terminated.

Export Enterprises, Inc., Philadelphia, Pa., and Dupont Export-Import Co., Inc., New Orleans, La. --- FF-2869

Dated: September 19, 1966.

Thomas Lisi,
Secretary.

[F.R. Doc. 66-10397; Filed, Sept. 21, 1966, 8:50 a.m.]

TARIFF PRICING

Notice of Meetings

The Commission's files indicate that considerable interest has been expressed with respect to the tariff pricing practices of common carriers by water in the foreign commerce of the United States and conferences of such carriers.

In an effort to obtain the views of interested parties and further to seek a solution to the problems involved, the Commission's staff will hold meetings in New York, N.Y., on September 27 and 28.

An invitation is extended to all shippers, shipper associations, Port Authorities, and other interested persons to attend the September 27th meeting which will be held at 10 a.m., in Room 705, 45 Broadway, New York.

On September 28, the Commission's staff will meet at the same place and time with representatives of carriers and conferences. At this meeting the views expressed by those in attendance at the September 27th meeting will be brought to the attention of the carrier and conference representatives.

Dated: September 19, 1966.

Thomas Lisi,
Secretary.

[F.R. Doc. 66-10398; Filed, Sept. 21, 1966; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3806, etc.]

W. B. OSBORN, JR., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

September 13, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell nautral gas in interstate commerce or sell naural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 7, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Joseph H. Gutride,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-3806 ..... E 9-7-66	W. B. Osborn, Jr. (Operator), et al. (successor to Sunray DX Oil Co.), 5108 Broadway, Post Office Box 6767, San Antonio, Tex. 78209.	Colorado Interstate Gas Co., Hugoton Field, Kearny County, Kans.	12.0	14.65
G-3808 ..... E 9-7-66	....do.....	Plateau Natural Gas Co. (formerly Kansas-Colorado Utilities, Inc.), Hugoton Field, Kearny County, Kans.	12.0	14.65
G-4288 ..... E 9-7-66	....do.....	Colorado Interstate Gas Co., Hugoton Field, Kearny County, Kans.	12.0	14.65
G-13633 ..... C 9-7-66	Union Producing Co., Post Office Box 1407, Shreveport, La. 71102.	United Gas Pipe Line Co., Agua Dulce Field, Nueces County, Tex.	14.0	14.65
C162-286 ..... E 9-7-66	W. B. Osborn, Jr. (Operator), et al. (successor to Sunray DX Oil Co.).	Cities Service Gas Co., Hugoton Field, Kearny and Finney Counties, Kans.	12.0	14.65
C163-1407 ..... E 9-7-66	....do.....	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Hamilton County, Kans.	12.5	14.65
C167-232 ..... (C161-1820) F 8-22-66	El Dorado Petroleum Corp., Inc. (Operator), et al. (successor to Joseph E. Newmann, Operator), 3355 East Cornell Ave., Denver, Colo. 80210.	Northern Natural Gas Co., Beljre Field, Edwards County, Kans.	[1] 13.5	14.65
C167-242 ..... A 8-31-66	Guy Underwood, et al. c/o Shirl Underwood, agent, 1200 Hazel Ave., Norfolk, Va. 23503.	Carnegie Natural Gas Co., McClellan District, Doddridge County, W. Va.	20.0	15.325
C167-244 ..... A 8-30-66	May Petroleum, Inc., et al., 1435 Republic National Bank Bldg., Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., North Drummond Area, Garfield and Major Counties, Okla.	[2] 15.0	14.65
C167-245 ..... A 8-30-66	Henderson No. 1 and Henderson No. 2, c/o Justin M. Henderson, agent, West Union, W. Va. 26456.	Carnegie Natural Gas Co., West Union District, Doddridge County, W. Va.	20.0	15.325
C167-246 ..... (C163-875) F 8-29-66	Bruns Production Co., Inc., Operator (successor to Mobil Oil Corp.), 1122 Jefferson Bldg., Houston, Tex. 77002.	Lone Star Gathering Co., Speary Field Area, Karnes County, Tex.	18.0	14.65
C167-247 ..... A 8-26-66	John L. Crawford, Operator, 625 Southern National Bank Bldg., Houston, Tex. 77002.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	15.0	14.65
C167-249 ..... A 8-29-66	Mick No. 1, c/o Hugh K. Spencer, agent, West Union, W. Va. 26456.	Carnegie Natural Gas Co., Freeman's District, Lewis County, W. Va.	20.0	15.325
C167-250 ..... A 9-2-66	Tom Kat, Inc., 1127 Wichita Plaza Bldg., Wichita, Kans. 67520.	Cities Service Gas Co., acreage in Barber County, Kans.	14.0	14.65
C167-251 ..... A 8-30-66	Howard M. Redwine, 201 Northeast 13th St., Oklahoma City, Okla. 73104.	Arkansas Louisiana Gas Co., Southeast Spiro Field, Le Flore County, Okla.	15.0	14.65
C167-252 ..... A 9-2-66	Redfern Development Corp., Post Office Box 1747, Midland, Tex. 79701.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[3] 17.0	14.65
C167-257 ..... A 9-2-66	H. B. Rainer and Virgil Goble, partners, Prestonsburg, Ky. 41653.	United Fuel Gas., Mud Creek, Floyd County, Ky.	[4] 23.0	15.325
C167-259 ..... B 9-1-66	Wilshire Oil Company of Texas, 209 Fillmore St., Denver, Colo. 80202.	Panhandle Eastern Pipe Line Co., Bluebell Northwest Field, Seward County, Kans.	Depleted	.....
C167-269 ..... A 9-2-66	Joe G. Strahan, 717 Bayou Shore Dr., Monroe, La. 71201.	Humble Gas Transmission Co., Richland Field Area, Richland Parish, La.	16.0	15.025
C167-261 ..... A 9-2-66	Woods Oil and Gas Co. (Operator), et al., 1525 International Trade Mart Bldg., New Orleans, La. 70130.	Plaquemines Oil & Gas Co., Inc., Potash Field, Plaquemines Parish, La.	[4] 14.0	15.025
C167-262 ..... A 9-6-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Savoy Field, St. Landry Parish, La.	[3] 19.75	15.025
C167-263 ..... A 9-6-66	C. & P. Oil & Gas Co., 2202 Pride Ave., Clarksburg, W. Va. 26301.	Carnegie Natural Gas Co., Troy District, Gilmer County, W. Va.	20.0	15.325
C167-264 ..... A 9-6-66	Luling Oil & Gas Co., Inc. (Operator), et al., E-100 petroleum Center, San Antonio, Tex. 78209.	United Gas Pipe Line Co., Caesar Field Area, Karnes County, Tex.	14.0	14.65
C167-265 ..... A 8-30-66	Richorne Oil & Gas Co., c/o R. F. Herrmann, Partner, 310 Amarillo Bldg., Amarillo, Tex. 79101.	El Paso Natural Gas Co., West Panhandle Field, Gray County, Tex.	12.0	14.65
C167-266 ..... A 8-31-66	Evelynn M. Windolph, Vici, Okla. 73859.	Northern Natural Gas Co., acreage in Woodward County, Okla.	[3] 17.0	14.65
C167-267 ..... A 8-31-66	Robert J. Shorney, 1615 First National Bldg., Oklahoma City, Okla. 73102.	....do.....	[3] 17.0	14.65
C167-268 ..... A 8-31-66	Floyd Blaine, Post Office Box 127, Taloga, Okla. 73667.	....do.....	[3] 17.0	14.65
C167-269 ..... A 9-1-66	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Panhandle Eastern Pipe Line Co., Hugoton Field, Grant County, Kans.	16.0	14.65
C167-270 ..... (G-12570) (G-12572) F 9-6-66	Gulf Oil Corp. (successor to Cities Service Oil Co. and Sun Oil Co.), Post Office Box 1589, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[4] 18.3	14.65
C167-271 ..... A 9-6-66	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	Panhandle Eastern Pipe Line Co., Northwest Avard Field, Woods County, Okla.	[3] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI67-272 ... 9-6-66	Cleary Petroleum, Inc. (Operator), et al., 310 Kermac Bldg., Oklahoma City, Okla. 73102.	Natural Gas Pipeline Company of America, Southeast Boyd Field, Beaver County, Okla.	Uneconomical	.....
CI67-273 ... A 9-6-66	King Resources Co., 324 North Robinson, Suite 200, Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Fort Supply, Southwest Field, Ellis County, Okla.	[1] 17.0	14.65
CI67-274 ... A 9-6-66	Cabot Corp. (SW), 125 High St., Boston, Mass. 02110.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[2] 18.12	14.65
CI67-276 ... A 9-6-66	H R C Gas & Oil Associates, Post Office Box 628, Fairmont, W. Va. 26554.	Equitable Gas Co., Grant District, Marion County, W. Va.	25.0	15.325
CI67-277 ... 9-6-66	Trans Gas Pipeline Corp., 821 Oak Park, Corpus Christi, Tex. 78408.	Coastal States Gas Producing Co., Burkhart Field, Duval County, Tex.	[3]	.....
CI67-278 ... 9-6-66	Joseph B. Singer (Operator), et al., Post Office Box 853, Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., Darley Field, Claiborne Parish, La.	Depleted	.....
CI67-279 ... A 9-6-66	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Mountain Fuel Supply Co., Pole Gulch Unit, Moffat County, Colo.	15.0	15.025
CI67-280 ... A 9-6-66	Ben J. Shaw, 1201 Northwest 70th St., Oklahoma City, Okla.	Northern Natural Gas Co., acreage in Woodward County, Okla.	[2] 17.0	14.65
CI67-281 ... A 9-6-66	Hays & Co., agent for J. S. Buck, et al., Box 590, Spencer, W. Va. 25276.	Equitable Gas Co., West Union District, Doddridge County, W. Va.	25.0	15.325
CI67-282 ... A 9-6-66	Diamond Alkali Co., 300 Union Commerce Bldg., Cleveland, Ohio 44115.	Panhandle Eastern Pipe Line Co., Borchers Area, Meade County, Kans.	[2] 17.0	14.65

[1] Less 1.75 cents paid to Buyer for compression.
[2] Subject to deduction for compression.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Includes 2.0 cents per Mcf for transportation.
[5] Includes 1.5 cents per Mcf tax reimbursement.
[6] Includes 1.3 cents per Mcf estimated upward B.t.u. adjustment.
[7] Subject to upward and downward B.t.u. adjustment. Includes 1.12 cents estimated upward adjustment.
[8] Insufficient volume of gas.
[9] Includes 1.0 cent upward B.t.u. adjustment.

[F.R. Doc. 66-10331; Filed, Sept. 21, 1966; 8:45 a.m.]

[Docket No. RI67-57]

CLEAR FORK GAS CO.

Order Providing or Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

SEPTEMBER 14, 1966.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed change rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 2, 1966.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-57	Clear Fork Gas Co., c/o George Ballentine, 206 Oakwood Rd., Charlestown, W. Va.	1	[1] 3	United Fuel Gas Co. (Clear Fork District, Raleigh County, W. Va.).	$820	8-15-66	[2] 9-15-66	[3] 9-16-66	19.0	[4] [5] 21.0	

[1] Includes letter from buyer providing for the rate increase.
[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] Favored-nation increase based on a renegotiated increase filed by Big Marsh Oil Co. on Jan. 31, 1964, for its FPC Gas Rate Schedule No. 1. The Big Marsh rate increase was suspended for 1 day due to an affiliation with the buyer, United Fuel Gas Co., in Docket No. RI64-628.
[5] Pressure base is 15.325 p.s.i.a.

Clear Fork Gas Company (Clear Fork) proposes a favored-nation rate increase, from 19 cents to 21 cents per Mcf, amounting to $820 annually, for gas sold to United Fuel Gas Company (United Fuel) in Raleigh County, W. Va.

Although Clear Fork's proposed rate is below the 25 cents per Mcf increased rate ceiling for West Virginia, it is based on a rate being collected subject to refund by Big Marsh Oil Co. (Big Marsh). Big Marsh filed a renegotiated rate increase from 19 cents to 21 cents per Mcf which was suspended for 1 day in Docket No. RI64-628 due to affiliation with the buyer, United Fuel, and was placed in effect subject to refund on March 3, 1964.

Clear Fork is not affiliated with the buyer; however, should Big Marsh's increased rate of 21 cents per Mcf be determined to be unjust and unreasonable and Big Marsh be required to lower its rate and make refunds, an adjustment in Clear Fork's increased rate with possible refunds may ultimately be required. Under the circumstances, we believe that Clear Fork's proposed favored-nation rate increase should be suspended for 1 day from September 15, 1966, the proposed effective date pending determination of the contractual question presented here.

[F.R. Doc. 66-10384; Filed, Sept. 21, 1966; 8:49 a.m.]

[Docket No. CP65-196]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

SEPTEMBER 14, 1966.

Take notice that on September 9, 1966, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP65-196 a petition to amend the order issued in said docket on May 25, 1966, by authorizing the increase in pipe size on a portion of the branchline to Arlington, Wis., and the increase of the sale and delivery of natural gas to Wisconsin Power & Light Co. (Wisconsin Power) for resale, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The order issued in the instant proceeding authorized the construction and operation of main and branchline facilities to provide initial natural gas service to 131 communities including Arlington, Wis. Wisconsin Power the distributor in Arlington recently reached an agreement with California Packing Corp. for the sale of gas on an interruptible basis to be used for food packing. Wisconsin Power has requested Petitioner to install facilities to provide this service. Specifically, therefore, Petitioner requests authority to construct and operate 3.9 miles of 4-inch pipeline to Arlington in lieu of 3.9 miles of 2-inch line authorized in the aforementioned order. Petitioner also requests authorization to modify the measuring facilities for Arlington.

The revised estimated third year sales of service to Arlington are 235,914 Mcf for annual sales and 2,300 Mcf for peakday sales.

Petitioner estimates the cost to construct the revised facilities is $104,922.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 13, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10386; Filed, Sept. 21, 1966; 8:49 a.m.]

[Docket No. CI65-1227]

SOCONY MOBIL OIL CO., INC.

Order To Show Cause

SEPTEMBER 14, 1966.

On July 14, 1965, Socony Mobil Oil Co., Inc. (Socony), received a permanent certificate of public convenience and necessity in Docket No. CI65-1227, authorizing it to make sales of natural gas to Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tennessee), from the Second Bayou Field, Cameron Parish, La., at a rate of 20 cents per Mcf, pursuant to a contract dated May 3, 1965. At the time of the Commission's certification of this sale it appeared to be an initial service, since no reference was made by Socony to any prior sale from the acreage dedicated under the above contract.

A subsequent investigation disclosed, however, that the same acreage in the Second Bayou Field had previously been dedicated by Socony to Tennessee, pursuant to contracts dated September 28 and November 16, 1959, and production therefrom was restricted by terms of the contract to use in compressor fuel located in Louisiana. It appears that such gas was commingled by Tennessee with gas purchased from other producers which moved in interstate commerce. No request for authorization by the Commission to make these sales to Tennessee was submitted by Socony.

On January 18, 1965, the Supreme Court, in California v. Lo-Vaca Gathering Co., 379 U.S. 366, sustained the Commission's Opinion No. 438, 16 FPC 606, issued on October 23, 1961, to the effect that the sale of natural gas to an interstate pipeline company for compressor fuel, although such natural gas would contractually be restricted to consumption by the purchaser in its intrastate operations, would be a sale of natural gas in interstate commerce for resale when commingled with gas from other sources which will, in fact, be sold out of state. It appears, consequently, that the Commission has not authorized the aforementioned sales of gas for compressor fuel although they are jurisdictional sales under the holding of the Supreme Court.

The Commission finds:

(1) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that Socony Mobil Oil Co., Inc., appear and show cause, if any, as hereinafter ordered, why it should not be required to apply for and obtain, nunc pro tunc, a certificate of public convenience and necessity authorizing the sales of gas which it has been making without authorization from the Second Bayou Field in South Louisiana to Tennessee.

(2) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that Socony Mobil Oil Co., Inc., respond to this order pursuant to § 1.9 (c) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Socony Mobil Oil Co., Inc., shall appear and show cause, if any there be, at a public hearing to be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing November 14, 1966, at 10 a.m., e.s.t., why it should not be required to apply for and obtain, nunc pro tunc, a certificate of public convenience and necessity authorizing it to make the sales of compressor fuel gas to Tennessee from the Second Bayou Field, Cameron Parish, South Louisiana, which it has made up to July 14, 1965, without authorization of the Commission and whether the initial price for such sale should not be fixed at the appropriate inline price for South Louisiana as of the date deliveries were commenced.

(B) Socony Mobil Oil Co., Inc., shall also appear and show cause at the above-ordered hearing why it should not be required to refund the difference between the initial price determined in accordance with paragraph (A) above and the price actually charged for the related deliveries of gas. The date from which refunds shall be made by Socony Mobil Oil Co. (up to the date Socony initiated deliveries under its permanent certificate in Docket No. CI65-1227) shall be determined in this proceeding, and evidence may be offered by any party as to the appropriate amount of refunds, and the date from which liability for refund should commence.

(C) At the hearing ordered herein Socony Mobil Oil Co., Inc., shall open and close. The presiding examiner shall determine the order in which other parties and the Commission's staff shall present evidence, if any, which they desire to present.

(D) Socony Mobil Oil Co., Inc., shall file with the Commission prepared written testimony and other evidence comprising its case-in-chief on or before October 14, 1966, and shall serve copies thereof on the Commission's staff and on petitioners to intervene.

(E) Notices and petitions to intervene and protests may be filed with the Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure on or before October 14, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10387; Filed, Sept. 21, 1966; 8:50 a.m.]

[Docket No. CI67-287]

SUPERIOR OIL CO.

Order To Show Cause

SEPTEMBER 14, 1966.

In California v. Lo-Vaca Gathering Co., 379 U.S. 366, the Supreme Court held that the sale of natural gas to an interstate pipeline company under a contract purporting to require the pipeline company to use the gas for its own purposes, in or out of the State of origin, was a sale of natural gas in interstate commerce for resale. In May 1965 the Federal Power Commission sent letters to Tennessee Gas Transmission Co. (Tenneco),[1] Houston, and other natural gas pipeline companies which requested them to furnish to the Commission a list of all independent producers, if any, from whom Tenneco is purchasing gas which is commingled with a stream of gas transported out of the State of origin and for which there is not on file with this Commission a producer application requesting a certificate of public convenience and necessity or an outstanding certificate of public convenience and necessity authorizing such sales.

In letters dated May 21, 1965, and February 17, 1966, responding to inquiries from the Commission, Tenneco stated that it purchases for compressor

[1] Now Tennessee Gas Pipeline Co., a division of Tenneco, Inc.

fuel from the Superior Oil Co., Houston, natural gas produced in the South Bon Air Field, Calcasieu Parish, La.; that such gas, amounting to approximately 500 Mcf per day, enters Tenneco's Grand Chenier lateral and is then transported to Tenneco's station 823 along with other natural gas gathered by Tenneco in the area; that Tenneco consumes as fuel in said station approximately 2,500 Mcf of gas per day, and that gas not so consumed is transported out of the State of origin.

The Commission has not authorized said sales of gas.

In response to letters from the Commission requesting Superior to apply for a certificate of public convenience and necessity authorizing said sales and file a rate schedule covering them, Superior stated, in substance, that said sales are being made under an oral agreement on a temporary basis pending action on Superior's petition for judicial review of the Commission's orders accompanying Opinions No. 436 and No. 436–A relating to Superior's application under Docket No. CI61–1481 for a permanent certificate authorizing Superior to sell gas from the South Bon Air field to Tenneco, and concluded that no certification of said sales should be required.

The Commission finds:

(1) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that the Superior Oil Co. appear and show cause, if any, as hereinafter ordered, why it should not be required to apply for and obtain nunc pro tunc a certificate of public convenience and necessity authorizing the sale of gas which it has been making without authorization from the South Bon Air field in Louisiana to Tenneco.

(2) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that Superior respond to this order pursuant to § 1.9(c) of the Commission's rules of practice and procedure and furnish other information as hereinafter ordered.

The Commission orders:

(A) The Superior Oil Co. shall appear and show cause, if any there be, at a public hearing to be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing November 15, 1966, at 10 a.m., e.s.t., why it should not be required to apply for and obtain nunc pro tunc a certificate of public convenience and necessity authorizing it to make the sale of gas to Tenneco which it has been making without authorization from the South Bon Air field, Calcasieu Parish, La., and whether the initial price for such sale should not be fixed at the appropriate in-line price for South Louisiana as of the date delivery was commenced, and why it should not be required to refund the difference between the lawful initial price and the price actually charged for the related deliveries of gas. The date from which refunds shall be made by Superior shall be determined in this proceeding, and evidence may be offered by any party as to the appropriate amount of refunds and the date from which liability for such refunds should be fixed.

(B) Superior shall respond to this order on or before October 14, 1966, by filing with the Commission an answer in writing fully in accordance with the provisions of § 1.9(c) of the Commission's rules of practice and procedure. Superior shall file also with said answer further information in writing and under oath as requested below:

(1) A complete statement of all of the terms (including price) of the oral agreement, as amended or modified, under which Superior has sold or is selling to Tenneco natural gas produced in said South Bon Air field, and, if such agreement has been reduced to writing, file copies of such writing.

(2) On or about what date was said oral agreement made?

(3) What are the names and official positions of the persons who acted for Superior and Tenneco, respectively, in making said agreement?

(4) On or about what date did Superior first deliver to Tenneco natural gas produced in said South Bon Air field?

(5) Commencing with Superior's first delivery to Tenneco of gas from said South Bon Air field, list by calendar months the following information: The total metered volumes of such gas delivered by Superior to Tenneco and state the pressure base and temperature at which such gas was measured; the maximum volume of such gas delivered on any 1 day in each month; the total amount of money and any other consideration received by Superior for such gas delivered to Tenneco in each month; the delivery point or points.

(6) Is Tenneco's Kinder, Louisiana compressor station, as mentioned in the third paragraph of Superior's letter of January 12, 1966, to the Commission, known also as Tenneco's compressor station No. 823?

(C) At the hearing ordered herein Superior shall open and close. The presiding examiner shall determine the order in which other parties and the Commission's staff shall present evidence, if any, which they desire to present.

(D) Superior shall file with the Commission prepared written testimony and other evidence comprising its case-in-chief on or before October 14, 1966, and shall serve copies thereof on the Commission's staff and on petitioners to intervene.

(E) Notices and petitions to intervene and protests may be filed with the Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure on or before October 14, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66–10388; Filed, Sept. 21, 1966; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 66–202]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

Tariff-Rate Quota

SEPTEMBER 19, 1966.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1966, is 45 million pounds.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1966, made by the U.S. Department of Agriculture as of September 1, 1966, was 28,355,700,000 pounds.

In accordance with headnote 2, part 8A of schedule 1, Tariff Schedules of the United States, the quantity is not increased because the estimated production is greater than 21 billion pounds.

[SEAL] EDWIN F. RAINS, *Acting Commissioner of Customs.*

[F.R. Doc. 66–10394; Filed, Sept. 21, 1966; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Order Extending Period of Time Prescribed by Proviso in Order of Approval

In the matter of the application of Barnett National Securities Corp., Jacksonville, Fla., for approval of the acquisition of voting shares of the First Bank & Trust Co. of Pensacola, Pensacola, Fla.

Whereas, by order dated June 21, 1966, the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), approved the acquisition by Barnett National Securities Corp., Jacksonville, Fla., a registered bank holding company, of 80 percent or more of the outstanding voting shares of the First Bank & Trust Co. of Pensacola, Pensacola, Fla.; and said Order was made subject to the proviso "that the acquisition so approved shall not be consummated • • • (b) later than 3 months after said date [of Order]"; and

Whereas, Barnett National Securities Corp. has applied to the Board for an extension of time within which the approved acquisition may be consummated, and it appearing to the Board that reasonable cause has been shown for the extension of time requested, and that such extension would not be inconsistent with the public interest;

It is hereby ordered, That the Board's Order of June 21, 1966, as published in the FEDERAL REGISTER on June 28, 1966 (31 F.R. 8930), be, and it hereby is, amended so that the proviso relating to the date by which the acquisition approved shall be consummated shall read "(b) later than November 4, 1966."

Dated at Washington, D.C., this 9th day of September 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 66–10336; Filed, Sept. 21, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4413]

ARKANSAS POWER & LIGHT CO. AND MIDDLE SOUTH UTILITIES, INC.

Amendment of Notice of Filing

SEPTEMBER 16, 1966.

The Securities and Exchange Commission on September 14, 1966, issued a notice of filing (Holding Company Act Release No. 15557) of a joint application by Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its electric utility subsidiary company, Arkansas Power & Light Co. ("Arkansas"), New York, N.Y., regarding the proposed issue and sale by Arkansas of preferred stock at competitive bidding and of common stock to Middle South.

Arkansas has requested that, in order to meet its financing schedule, the Commission's order herein be issued not later than October 10, 1966. Accordingly, and it appearing under the circumstances to be appropriate in the public interest:

It is ordered, That the said notice of filing is hereby amended to provide that the request by any interested person for a hearing upon the joint application shall be filed not later than October 7, 1966, and that Commission action with respect to such joint application may be taken at any time after such amended date.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–10364; Filed, Sept. 21, 1966; 8:48 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

SEPTEMBER 16, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 19, 1966, through September 28, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–10365; Filed, Sept. 21, 1966; 8:48 a.m.]

[812–1995]

NATIONAL AVIATION CORP.

Notice of Filing of Application To Permit Purchase of Securities During an Underwriting

SEPTEMBER 16, 1966.

Notice is hereby given that National Aviation Corp. ("Applicant"), 111 Broadway, New York, N.Y. 10006, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the provisions of section 10(f) a proposed purchase by the Applicant at the public offering price of up to $1,750,000 principal amount convertible subordinated debentures due 1991 ("the debentures") which United Aircraft Corp. ("the Issuer") proposes to issue. The proposed purchase is a portion of an offering of $60,663,300 principal amount of the debentures expected to be offered to the public as soon as the registration statement on Form S–1 of the Issuer, filed August 31, 1966, shall be made effective pursuant to section 8(a) of the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The firm of Hornblower & Weeks-Hemphill, Noyes will probably be one of the principal underwriters for the issue. Howard E. Buhse, a director of Applicant and a member of the executive committee, is a partner of that firm. Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) if a director of the registered investment company is an affiliate of a principal underwriter of such security. Since one of the Applicant's directors is an affiliated person of one of the principal underwriters offering the debentures, the purchase thereof by the Applicant is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

The Applicant in support of its application asserts that the proposed purchase of the debentures is consistent with Applicant's investment objectives and policies and is not proposed for the purpose of stimulating the market in the debentures or for the purpose of relieving the underwriters of securities otherwise unmarketable, that it will not purchase the debentures from Hornblower & Weeks-Hemphill, Noyes, that the terms of the proposed investment, if consummated, are fair and reasonable, that the amount paid will represent 2.01 percent of the Applicant's assets as of August 23, 1966, and that the investment of the Applicant in all securities of the Issuer will represent approximately 5.87 percent of the Applicant's assets as of August 23, 1966.

Notice is further given that any interested person may, not later than October 3, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–10366; Filed, Sept. 21, 1966; 8:48 a.m.]

[File No. 1–4371]

WESTEC CORP.

Order Suspending Trading

SEPTEMBER 16, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 18, 1966, through September 27, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10367; Filed, Sept. 21, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 968]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 16, 1966.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR Part 1, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 263 (Sub-No. 171) (Amendment), filed July 7, 1966, published FEDERAL REGISTER issue of July 28, 1966, amended August 25, 1966, and republished this issue. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Maurice H. Greene, 334 First Security Bank Building, Boise, Idaho 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Salmon, North Fork, Challis, Emmett, Boise, McCall, and Payette, Idaho, to points in Colorado.

NOTE: Applicant states it proposes to tack at Salmon, Idaho, in connection with authorized regular route authority covering points in western Montana. Common control may be involved. The purpose of this republication is to change the tacking point to Salmon, Idaho, in lieu of North Fork, Idaho. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 263 (Sub-No. 175), filed September 1, 1966. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Maurice H. Greene, 334 First Security Bank Building, Boise, Idaho 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except household goods as defined by the Commission, petroleum products in tank vehicles, and commodities requiring special equipment (other than such equipment for use in transporting machinery, tanks, and other commodities requiring the use of flatbed trucks), between Portland, Oreg., and Tacoma, Wash., over U.S. Highway 99, serving the intermediate point of Olympia, Wash., and the off-route point of the Hercules, Inc., plant near Tenino, Wash.; and (2) *Classes A and B explosives, blasting materials, supplies, and agents*, between the Hercules, Inc., plant near Tenino, Wash., and Mats Mats, Wash.: From the Hercules, Inc., plant, over unnumbered highway to junction U.S. Highway 99, thence over U.S. Highway 99 to Tacoma, Wash., thence over Washington Highway 16 to junction Washington Highway 160, thence over Washington Highway 160 to junction Washington Highway 3, thence over Washington Highway 3 to junction Washington Highway 104, thence over Washington Highway 104 to junction unnumbered highway, near Port Ludlow, Wash.

Thence over unnumbered highway to Mats Mats, and return over the same route; serving no intermediate points, but serving the off-route point of Bangor, Wash. NOTE: Applicant states that it presently holds authority to serve all intermediate points on the above described route between Portland, Oreg., and Tacoma, Wash., transporting all of the commodities sought by part (1) of this application, except classes A and B explosives. Applicant states that no duplicating authority is sought; that the specific authority sought in (1) above is to serve the off-route point of the Hercules, Inc., plant near Tenino, Wash., on the above described commodities and also to serve the intermediate point of Olympia, Wash., on classes A and B explosives. Applicant states that the authority sought in (2) above is entirely new authority. Applicant further states that the purpose of this application is to clarify its authority to continue to serve the plantsite on the above described commodities, in face of the relocation of U.S. Highway 99 and the change in the entrance to the Hercules, Inc., plant, and to include in those authorities the transportation of classes A and B explosives. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or San Francisco, Calif.

No. MC 1641 (Sub-No. 72), filed September 6, 1966. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. 68327. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer solutions, acids, and chemicals*, from points in Woodbury County, Iowa, and points in the Sioux City, Iowa, commercial zone, including the South Sioux City, Nebr., commercial zone, to points in Iowa, South Dakota, North Dakota, Minnesota, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 1936 (Sub-No. 24), filed September 1, 1966. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between Joliet, Waukegan, and Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that it intends to join the authority sought herein with its existing authority at Chicago, Ill., in order to provide through service to and from points in Delaware, Indiana, Maryland, Michigan, New Jersey, Ohio, Pennsylvania, Virginia, and Wisconsin, and the District of Columbia. It also intends to tack the proposed authority with its existing authority at points presently authorized to be served in Pennsylvania, in order to provide through service to and from points in Delaware, Maryland, and New Jersey, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 1984 (Sub-No. 3), filed August 26, 1966. Applicant: RUSHTON EXPRESS CO., INC., Browertown Road and Andrews Drive, West Paterson, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight do not require the use of special equipment or handling (except textile machinery and equipment) when transported as part of the same shipment with commodities which because of size or weight require the use of special equipment or handling, (1) between points in New Jersey on and north of New Jersey Highway 33, on the one hand, and, on the other, points in New York (except New York, N.Y.), Pennsylvania, Connecticut, Massachusetts, and Rhode Island and (2) between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 2307 (Sub-No. 6), filed July 17, 1966. Applicant: MAINE-BORDER FREIGHTWAYS, a corporation, 1093 North Montello Street, Brockton, Mass. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Maine authorized to be served by applicant in certificate No. MC 2307, on the one hand, and, on the other, ports of entry in Maine located on the international boundary line between the United States and Canada, restricted to traffic moving to or from Provinces of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland, Canada. NOTE: Applicant seeks irregular-route authority between the various points authorized to be served in an area in southern Maine generally south of a line drawn through Vanceboro and Brownville, Maine, where it holds both regular-route and irregular-route authority. Applicant proposes to tack the authority sought with present authority held between the described area in Maine, on the one hand, and, on the other, authorized points in New Hampshire, Massachusetts, and Rhode Island. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 4761 (Sub-No. 21), filed August 26, 1966. Applicant: LOCK CITY TRANSPORTATION COMPANY, a corporation, 327 Sixth Avenue, Menominee, Mich. Applicant's representative: Edward Solie, 4513 Vernon Boulevard, Executive Building, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Marinette, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted against the transportation of sulphur dioxide and further restricted against the transportation of methyl chloride, in multiunit tank vehicles. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 6557 (Sub-No. 3), filed August 26, 1966. Applicant: PARK MOTOR CARRIER, INC., 232 Dey Street, Jersey City, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, and asbestos cement sheets*, from piers and wharves in the New York, N.Y., commercial zone as defined in 49 CFR section 170.1, to points in New Jersey (except those within 30 miles of Newark) and points in Orange and Rockland Counties, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 9789 (Sub-No. 11) (Amendment), filed March 3, 1966, published FEDERAL REGISTER issue of March 24, 1966, amended August 30, 1966, and republished this issue. Applicant: THOMAS C. DYER, INC., East 4025 Trent Avenue, Spokane 2, Wash. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require the use of special equipment for loading, unloading, or transportation (except automobiles, trucks, and buses and motor vehicle cabs, bodies, and chassis) and of *related parts and accessories* when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment, (1) between points in Idaho, on the one hand, and, on the other, points in Oregon, Washington, and that part of California, on, north, and west of U.S. Highway 50, and (2) between points in California within 375 miles of Los Angeles, Calif., including Los Angeles. NOTE: Applicant states it proposes to tack or join the above authority and perform a through service via its authorized gateways to the same extent that through service may be performed under its existing certificates. No duplicating authority sought. The purpose of this republication is to clarify the application. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 10875 (Sub-No. 28), filed August 25, 1966. Applicant: BRANCH MOTOR EXPRESS COMPANY, a corporation, 114 Fifth Avenue, New York, N.Y. 10011. Applicant's representative: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum scrap, ashes, borings, buffings, dross, grindings, sawings, skimmings, and turnings*, in bulk, from Lancaster, Pa., to Rochester, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 13651 (Sub-No. 6), filed September 1, 1966. Applicant: PEOPLES TRANSFER, INC., 701 North 22d Avenue, Phoenix, Ariz. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal hides*, from points in Maricopa County, Ariz., to points in Napa County, Calif., (2) *building stone*, from points in Coconino, Gila, Maricopa, Yavapai, and Yuma Counties, Ariz., to points in Los Angeles, Orange, Riverside, San Bernardino, Kern, Tulare, Fresno, Kings, Monterey, Merced, Stanislaus, Santa Clara, Santa Cruz, San Mateo, Alameda, Costa Mesa, San Joaquin, Marin, Solano, Napa, Yolo, Sacramento, Yuba, Cabesa, Glenn, Butte, Tehama, Shasta, Siskiyou, Placer, and El Dorado Counties, Calif., and Jackson, Josephine, Douglas, Coos, Lane, Benton, Linn, Marin, Polk, Clackamas, Yamhill, Washington, and Multnomah Counties, Oreg., (3) *lumber and wood products*, (a) from points in San Diego, Orange, Riverside, San Bernardino, Los Angeles, Tulare, Fresno, Glenn, Butte, Trinity, Shasta, Del Norte, Humboldt,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Mendocino, Nevada, Siskiyou, Madera, Yuba, Tehama, Plumas, Lassen, and Medoc Counties, Calif., Klamath, Jackson, Josephine, Curry, Douglas, Coos, Lane, Benton, Linn, Polk, Clackamas, Yamhill, Multnomah, Washington, Tillamook, Hood River, and Marion Counties, Oreg., to points in Arizona, (b) from points in Klamath, Jackson, Josephine, Curry, Douglas, Coos, Lane, Benton, Linn, Polk, Clackamas, Yamhill, Multnomah, Washington, Tillamook, Hood River, and Marion Counties, Oreg., to points in Los Angeles, Orange, San Bernardino, Riverside, and Imperial Counties, Calif., and (4) *lumber*, from points in Arizona, to points in Los Angeles, Orange, Riverside, San Bernardino, Ventura, Lassen, San Joaquin, Sacramento, Alameda, Contra Costa, and Santa Clara Counties, Calif. NOTE: Applicant states no duplication of authority sought. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 15881 (Sub-No. 13), filed August 29, 1966. Applicant: FERGUSON TRANSPORTATION CO., a corporation, 445 East Seventh Street, Bloomsburg, Pa. 17815. Applicant's representative: James W. Hagar, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foodstuffs, and commodities in bulk), and *advertising materials and displays, dispensing equipment, and premiums*, when moving in connection with foodstuffs (except frozen foodstuffs, and commodities in bulk), from the plantsite of Wise Potato Chip Co., at Berwick, Pa., to points in Illinois, Indiana, Kentucky, Maine, Michigan, South Carolina, Tennessee, and Vermont; restricted to traffic originating at the plantsite of Wise Potato Chip Co., at Berwick, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 17211 (Sub-No. 5), filed September 1, 1966. Applicant: JESCO MOTOR EXPRESS, INC., 162 Columbus Road, Mt. Vernon, Ohio. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures and supplies*, from Perrysville, Ohio, and points in Ripley Township, Holmes County, Ohio, to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, Minnesota, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *materials used in the* manufacture of plumbing fixtures and supplies, on return, under contract with Mansfield Sanitary, Inc., Perrysville, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 21170 (Sub-No. 244), filed September 1, 1966. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the *Descriptions in Motor Carrier Certificates* (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Delaware, Illinois, Indiana, Maryland, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 25708 (Sub-No. 22), filed August 30, 1966. Applicant: LANEY TANK LINES, INCORPORATED, 1009 Church Street, Camden, S.C. 29202. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Charleston, Florence, and Horry Counties, S.C., to points in Georgia and North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Raleigh, N.C.

No. MC 29079 (Sub-No. 32), filed August 26, 1966. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper and brass products*, between points in Illinois, Michigan, Ohio, Indiana, Wisconsin, Pennsylvania, St. Louis, Mo., and Louisville, Ky., on the one hand, and, on the other, Eminence, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Cleveland, Ohio, or Indianapolis, Ind.

No. MC 30837 (Sub-No. 337), filed August 25, 1966. Applicant: KENOSHA AUTO TRANSPORT CORP., 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobile engines and engine parts;* and, (2) *knocked down automobiles, automobile parts and automobile body jigs* from ports of entry on the international boundary line between Mexico and the United States, located at Laredo, Tex., to Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 40025 (Sub-No. 5), filed August 29, 1966. Applicant: DUST MOTOR SERVICE OF INDIANA, INC., Riley and Dickey Roads, East Chicago, Ind. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, material and supplies* used in the manufacture or processing of iron and steel articles, between Chicago, Ill., and points in its commercial zone as defined by the Commission, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 44783 (Sub-No. 4), filed August 24, 1966. Applicant: THE MAHONING EXPRESS COMPANY, a corporation, 168 South Meridian Avenue, Youngstown, Ohio 44509. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between Chicago, Ill., and points in its commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52579 (Sub-No. 55), filed August 25, 1966. Applicant: GILBERT CARRIER CORP., 414 Ninth Avenue, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers, from Beebe, Ark., to Kansas City, Mo. NOTE: Applicant states this authority could be tacked at Kansas City, Mo., to points in the United States via the Chicago Gateway. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59583 (Sub-No. 105), filed August 25, 1966. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Crossville, Tenn., and Spring City, Tenn.; From Crossville over U.S. Highway 127 to junction Tennessee Highway 68, thence over Tennessee Highway 68 to Spring City, and return over the same route, serving no intermediate points, but serving Spring City, Tenn., for the purpose of joinder only, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 59583 (Sub-No. 107), filed August 25, 1966. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Seaford, Del., on U.S. Highway 13, and points within 5 miles of Seaford, Del., as off-route points in connection with carrier's authorized regular-route operations between Washington, D.C., and New York, N.Y., over U.S. Highway 1. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61403 (Sub-No. 161), filed August 29, 1966. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Geismar, La., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61440 (Sub-No. 104), filed August 25, 1966. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities including classes A and B explosives* (but excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points in Pecos County, Tex., as off-route points in connection with applicant's presently authorized regular-route operations to serve Fort Stockton, Tex. NOTE: Common control may be involved. Applicant states it will tack the proposed authority with its presently authorized authority in MC 61440 and subs thereunder wherein it is authorized to operate in the States of Texas, Oklahoma, Missouri, Kansas, Illinois, Indiana, Ohio, Pennsylvania, West Virginia, Arkansas, Arizona, and New Mexico. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 61592 (Sub-No. 73) (Amendment), filed May 2, 1966, published FEDERAL REGISTER, issue of May 26, 1966, and republished as amended this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and except those which because of size or weight, require the use of special equipment), (1) from Cleveland, Ohio, and ports of entry on the international boundary line between the United States and Canada located in Maine, to points in Ohio, Michigan, Indiana, Kentucky, Illinois, and Wisconsin, and (2) from Columbus, Ohio, to points in Ohio, Michigan, Indiana, Kentucky, Illinois, and Wisconsin. NOTE: The purpose of this republication is to show (2) above. Applicant states that the purpose of (2) above is for the sole purpose of affording the shippers a storage-in-transit privilege. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 73165 (Sub-No. 225), filed August 23, 1966. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, composition board, fiberboard, flakeboard, and particleboard*, from the plantsites of the Georgia-Pacific Corp. at, or near Louisville and Gloster, Miss., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 76032 (Sub-No. 210), filed August 26, 1966. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Ken Wolford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except explosives, heavy machinery, livestock, fresh fish, coal, ore, sand, gravel, and household goods as defined by the Commission, between St. Louis, Mo., and Springfield, Ill., over U.S. Highway 66 (also Interstate Highway 55), as an alternate route for operating convenience only, in connection with carrier's presently authorized regular route operations, serving no intermediate points, and serving Springfield for purposes of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or St. Louis, Mo.

No. MC 77005 (Sub-No. 8), filed September 1, 1966. Applicant: THE CORAOPOLIS TRANSFER AND STORAGE, COMPANY, a corporation, First and Talbot Avenue, Braddock, Pa. 15104. Applicant's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between Joliet, Waukegan, and Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 78228 (Sub-No. 13), filed September 1, 1966. Applicant: THE J. MILLER COMPANY, a corporation, 147 Nichol Avenue, McKees Rocks, Pa. 15136. Applicant's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between Joliet, Waukegan, and Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it intends to tack at points in Ohio and Pennsylvania with presently held authority, so as to provide through service to and from points in New York and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 82841 (Sub-No. 24) (clarification), filed July 19, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished as clarified this issue. Applicant: R. D. TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery*, from points in Iowa and Rock Island, Moline, and East Moline, Ill., to points in Wyoming. NOTE: Applicant states the purpose of the application is to eliminate a number of gateways. Applicant states that at the present time it may perform a service from all points in Iowa, and Rock Island, Moline, and East Moline, Ill., to points in Wyoming by operating through Valley or Waterloo, Nebr. (in Douglas County and within 25 miles of Nickerson, Nebr.) and certain counties in Colorado. Applicant states it will present evidence of traffic moving through these gateways, so as to show sufficient movement to justify elimination of said gateways. The purpose of this republication is to add the note above. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 104654 (Sub-No. 143) (Amendment), filed July 21, 1966, published FEDERAL REGISTER issue of September 1, 1966, amended August 31, 1966, and republished, as amended, this issue. Applicant: COMMERCIAL TRANSPORT, INC., Belleville, Ill. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum asphalt and road oil and residual fuel oil*, from Wood River, Ill., to points in Missouri. NOTE: The purpose of this amendment is to add "residual fuel oil" to commodity description. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 106398 (Sub-No. 339), filed August 26, 1966. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 North Sheridan, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Thorofare, N.J., and Milwaukee, Wis., to points in the United States (including Alaska, but excluding Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 499), filed August 25, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, in bulk, in tank or hopper type vehicles, from Danville, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: Applicant states that by tacking with MC 107496 (Sub-No. 435), wherein it is authorized to transport corn syrup and liquid sugar and blends thereof, from Sioux City, Iowa, and Decatur, Ill., to points in Iowa, Nebraska, Minnesota, and South Dakota, it could or would transport corn syrup to points in Nebraska and South Dakota. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 108067 (Sub-No. 14), filed September 1, 1966. Applicant: AL ZEFFIRO TRANSFER AND STORAGE, INC., Eighth Street and Meldon Avenue, Donora, Pa. 15033. Applicant's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between Joliet, Waukegan, and Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas and Wisconsin. NOTE: Applicant states that it holds authority to transport specified commodities between points in Pennsylvania, Ohio, Maryland, and West Virginia within 150 miles of Monongahela, Pa. Applicant further states that it proposes to tack this latter authority with any authority sought herein at points in Pennsylvania and Ohio so as to provide through service to and from points in Maryland and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108341 (Sub-No. 17), filed August 26, 1966. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon Avenue, Post Office Box 8409, Charlotte, N.C. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board, insulation board, fiberboard, pulpboard and wallboard, and parts, materials and accessories*, incidental to the transportation and installation thereof, from the plant and warehouse sites of United States Gypsum Co., Pittsylvania County, Va. (near Danville, Va.), to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, West Virginia, Kentucky, Indiana, Illinois, Wisconsin, Michigan, and Ohio; and *returned, refused or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 108341 (Sub-No. 18), filed August 31, 1966. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon Avenue, Charlotte, N.C. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, moldings, and accessories* shipped as part of the same shipment, from points in Mecklenburg County, N.C., to points in Michigan, Illinois, Indiana, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Kentucky, West Virginia, Maryland, Delaware, Virginia, Tennessee, North Carolina, South Carolina, Alabama, Georgia, Florida, and the District of Columbia, and *returned shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109478 (Sub-No. 98), filed August 25, 1966. Applicant: WORSTER MOTOR LINES, INC., Gay Road, Post Office Box 110, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and materials and supplies used in the manufacture, distribution, and sale thereof*, between Toledo, Ohio, on the one hand, and, on the other, points in New York and New Jersey. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 110012 (Sub-No. 17), filed August 29, 1966. Applicant: G. B. C., INC., Post Office Box 68, Morristown, Tenn. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and parts used in the manufacture of furniture*, and, (2) *plastic housewares and parts used in the manufacture of plastic housewares*, between points in Hawkins County, Tenn., and points in Los Angeles County, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110098 (Sub-No. 91), filed August 29, 1966. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Box 7249, Station A, San Antonio, Tex. 78207. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Louisiana, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 111103 (Sub-No. 20), filed August 26, 1966. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: Morris Cheston, Jr., 1035 Land Title Building, Philadelphia, Pa. 19110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Checks, check letters, coupons, invoices, negotiable and nonnegotiable instruments and securities, business papers, reports, and records and related banking audit and accounting media*, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey and Delaware within 75 miles of City Hall, Philadelphia, Pa., under contract with numerous banking customers in New Jersey and Philadelphia, Pa. NOTE: Applicant presently holds authority in MC 111103 to transport commodities of unusual value in the area for which authority is sought herein, with service being performed under contract with Eastman Kodak Co. and numerous banking customers in New Jersey and Philadelphia, Pa. By the instant application, applicant states it would serve the same customers excluding Eastman Kodak Co. The application is accompanied by a motion to dismiss. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia or Harrisburg, Pa.

No. MC 111170 (Sub-No. 113), filed August 23, 1966. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Union County, Ark., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states it intends to tack at points in Union County, Ark., to points in Arkansas, Louisiana, Mississippi, and Texas. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or St. Louis, Mo.

No. MC 113325 (Sub-No. 113), filed August 26, 1966. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trichlorosilane*, in bulk, from the plantsite of Union Carbide at Sisterville, W. Va., to the plantsite of Monsanto Co. at or near St. Peters, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 113362 (Sub-No. 121) (Amendment), filed July 20, 1966, published in FEDERAL REGISTER issue of August 18, 1966, amended and republished this issue. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and/or storage facilities used by Wilson & Co. at Albert Lea, Minn., to points in Connecticut, Delaware, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia. NOTE: The purpose of this republication is to broaden the authority sought by adding New York. Applicant states that the above proposed operation is to be restricted to traffic originating at the plantsite and/or storage facilities used by Wilson & Co. at Albert Lea, Minn. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 114265 (Sub-No. 4), filed August 26, 1966. Applicant: RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: Raymond D. Givens, Post Office Box 964, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood and steel trusses, and laminated wooden beams*, (1) from Boise, Idaho, to points in Colorado, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and (2) from Hillsboro, Oreg., to points in Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Portland, Oreg.

No. MC 114334 (Sub-No. 6), filed September 1, 1966. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3262 Tulane Road, Memphis, Tenn. Applicant's representative: Dale Woodall, 150 East Court, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* on flatbed equipment, from Memphis, Tenn., to points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 114457 (Sub-No. 64), filed September 1, 1966. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: James C. Hardman, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meats and packinghouse products), from the plantsite and facilities of Miami Margarine Co., at or near Albert Lea, Minn., to points in North Dakota and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 116725 (Sub-No. 11), filed August 24, 1966. Applicant: JOHN S. KELLER, 855 Maple Avenue, Harleysville, Pa. 19438. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in section B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except transportation of dairy products in bulk, in tank or hopper type vehicles), from the plantsites of Keller's Creamery, Inc., located at Harleysville, Pa., and Franconia Township, Pa., to points in Ohio, Indiana, Illinois, Minnesota and Wisconsin. NOTE: Applicant states it intends to tack this proposed authority at Harleysville or Franconia Township, Pa., to presently held authorized authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Harrisburg, Pa., or Washington, D.C.

No. MC 117737 (Sub-No. 2), filed September 7, 1966. Applicant: GRANT SOUTHAM, doing business as UINTAH TRUCK EXPRESS, 285 South 1st East, Vernal, Utah 84078. Applicant's representative: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and livestock feed and supplies; agricultural commodities and farm supplies; building materials and supplies machinery, tanks, pipe and oil well drilling mud; minerals and ores, equipment and supplies*, excluding explosives; and *asphalt, crushed stone, dirt, earth, gravel, nonmetallic rock and sand*, in bulk, (1) from points in Carbon, Utah, Salt Lake, Davis, Wasatch, and Weber Counties, Utah, to points in Daggett, Duchesne, and Uintah Counties, Utah, and (2) between points in Uintah, Daggett, and Duchesne Counties, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Vernal or Salt Lake City, Utah.

No. MC 117883 (Sub-No. 92), filed August 24, 1966. Applicant: SUBLER TRANSFER, INC., East Main Street, Post Office Box 62, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to points in Connecticut, Delaware, Maine, New Hampshire, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 118893 (Sub-No. 13), filed August 23, 1966. Applicant: C. A. SHETROM, INC., Route 22 and South Fourth Street, Post Office Box 8, Huntingdon, Pa. 16652. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, and *materials and supplies* used in the installation of refractory products, when transported in mixed shipments with refractory products, from Frostburg, Md., and Columbiana and Oak Hill, Ohio, to ports of entry on the international boundary line between the United States and Canada located at or near Detroit, Mich., and at or near Buffalo and Rouses Point, N.Y. NOTE: Applicant holds contract carrier authority under MC 114612 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 119670 (Sub-No. 10), filed August 26, 1966. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winton Place Station, Cincinnati, Ohio. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New, used and reclaimed empty steel drums*, between Cincinnati, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Tennessee, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, Ohio.

No. MC 119767 (Sub-No. 183), filed August 24, 1966. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, and fiberboard boxes*, when moving in mixed loads with glassware and glass containers, from Burlington, Wis., to points in Indiana, Kentucky, Michigan, and Ohio, and *damaged and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 121272 (Sub-No. 2), filed May 13, 1966. Applicant: HESS TRUCKING CO., a corporation, 900 West Chocolate Avenue, Hershey, Pa. Applicant's representative: James W. Hagar, Commerce Building, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, classes A and B explosives, and commodities requiring special equipment), between points in Derry Township, Dauphin County, Pa., on the one hand, and, on the other, points in Fairview Township, York County, Pa., Menallen Township, Adams County, Pa., points in Cumberland County, Pa., on and east of Pennsylvania Highway 34 and points in Pennsylvania on and east of the area bounded by U.S. Highway 15 from the New York-Pennsylvania State line southwardly to the village of Allenwood, Union County, Pa., thence by the Susquehanna River southwardly to the Maryland-Pennsylvania State line, excluding points in Chester, Delaware, Philadelphia, Montgomery, and Bucks Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 123048 (Sub-No. 100), filed September 2, 1966. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53403. Applicant's representative: C. Jenson, Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm equipment, and rock pickers*, from Carrington, N. Dak., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Milwaukee, or Madison, Wis.

No. MC 123372 (Sub-No. 10), filed August 26, 1966. Applicant: CARTAGE SERVICES, INC., 26380 Van Born Road, Dearborn Heights, Mich. 48125. Applicant's representative: Rex Eames, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precut homes and buildings and component parts thereof*, from Ann Arbor, Mich., to points in Ohio, under contract with Glamour Homes, Inc., Ann Arbor, Mich. NOTE: Applicant holds common carrier authority under MC 118594, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Detroit, Mich.

No. MC 123476 (Sub-No. 3), filed August 24, 1966. Applicant: CURTIS TRANSPORT, INC., Post Office Box 215, Valley Park, Mo. 63088. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials or products, expanded, namely articles, billets, boards, panels laminated with aluminum or wood, plates, sheets and slabs*, from the Dow Chemical Co. plantsites at Pevely and Cape Girardeau, Mo., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming, and *refused or rejected shipments of the above-named commodities*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 124250 (Sub-No. 2), filed September 6, 1966. Applicant: SCOTT TRANSPORTATION, INC., 2924 61st Street, Des Moines, Iowa 50310. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Rochester, Minn., and points within 10 miles thereof, to points in Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124402 (Sub-No. 2), filed August 30, 1966. Applicant: FLEET LINE, INC., 3109 Alton Park Boulevard, Chattanooga, Tenn. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lards, shortening, and vegetable oils*, from Norfolk, Va., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and West Virginia; under contract with Armour & Co. NOTE: Applicant states that under its lead certificate, it has contract carrier authority to transport lard from Norfolk, Va., to points in North Carolina and South Carolina. Applicant further states that if the instant application is granted, it will request an amendment to the lead certificate so as to eliminate duplication. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 124920 (Sub-No. 3), filed September 1, 1966. Applicant: LaBAR'S INC., Rural Delivery No. 1, Berwick, Pa. Applicant's representative: Harold Rosen, Miners National Bank Building, Wilkes-Barre, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of unusual value*, from the plantsite of Eureka-Carlisle, Division of Litton Industries, Inc., located at Scranton, Pa., to Danville, Ill., and Redwood City, Calif. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 124920 (Sub-No. 4), filed September 1, 1966. Applicant: LaBAR'S, INC., Rural Delivery No. 1, Berwick, Pa. Applicant's representative: Harold Rosen, Miners National Bank Building, Wilkes-Barre, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flagstone*, from points in Wyoming, Susquehanna, and Bradford Counties, Pa., to New York, N.Y., points in Westchester, Nassau, and Suffolk Counties, N.Y., and points in New Jersey. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 124987 (Sub-No. 8), filed August 29, 1966. Applicant: EARL L. BONSACK, 1129 Vine Street, La Crosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse and Sheboygan, Wis., to Albert Lea, Alexandria, Barnum, Bemidji, Brainerd, Duluth, Eagle Lake, Eveleth, Kasota, Sauk Centre, St. Cloud, Two Harbors, and Virginia, Minn., under contract with G. Heileman Brewing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at La Crosse or Madison, Wis.

No. MC 126243 (Sub-No. 4), filed August 26, 1966. Applicant: VERNON ROBERTS, doing business as ROBERTS TRUCKING CO., Route No. 1, Poteau, Okla. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the off-route point of Lock and Dam No. 14 located near Fort Coffee, Okla., in connection with applicant's present regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Little Rock, Ark., or Dallas, Tex.

No. MC 127170 (Sub-No. 3) (Amendment), filed July 21, 1966, published FEDERAL REGISTER issue of August 25, 1966, amended September 4, 1966, and republished, as amended this issue. Applicant: MYRL D. CROWE, doing business as TRUCK RENTAL COMPANY, Route 1, Argyle, Iowa. Applicant's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizer and fertilizer compounds*, from Sugar Creek, Mo., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: The purpose of this amendment is to add "fertilizer and fertilizer compounds" to commodity description. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127654 (Sub-No. 1), filed August 18, 1966. Applicant: VANN TRANSFER & STORAGE CO., INC., 2525 North Orange Blossom Trail, Orlando, Fla. Applicant's representative: John A. Sutton, 145 North Magnolia Avenue, Post Office Box 367, Orlando, Fla. 32802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials and supplies*, (1) between Thomasville, Ga., and points in Decatur, Grady, Thomas, Brooks, Lowndes, Echols, Mitchell, Colquitt, Cook, and Baker Counties, Ga., (2) between Thomasville, Ga., and points in Gadsden, Leon, Jefferson, Madison, and Hamilton Counties, Fla., (3) between Gainesville, Fla., and points in Alachua, Union, Columbia, Gilchrist, Levy, Lafayette, Dixie, Suwannee, Taylor, Madison, Putnam, Bradford, and Marion Counties, Fla., and (4) between Marianna, Fla., and points in Washington, Jackson, Holmes, Liberty, and Wakulla Counties, Fla., for the account of Western Electric Co., Inc. NOTE: Applicant is authorized to operate as a common carrier in MC 30467, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Orlando or Jacksonville, Fla.

No. MC 128249 (Sub-No. 1), filed August 25, 1966. Applicant: CRONER DISTRIBUTING CORP., 530 Olmstead Avenue, Bronx, N.Y. 10473. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Noodles, spaghetti, macaroni, baked goods* (such as matzos, macaroons, soup nuts, and kichel), from Long Island City, N.Y., to East Paterson and Hackensack, N.J.; (2) *dried soups*, from Paterson, N.J., to Farmingdale, Long Island City, Bronx, and Brooklyn, N.Y.; and, (3) return shipments of *noodles, baked goods, and dehydrated soups*, from East Paterson to Long Island City, N.Y. NOTE: Applicant states that the above proposed operation is restricted to a service to be performed under a continuing contract with A. Goodman & Sons, Inc. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 128297 (Sub-No. 1), filed August 25, 1966. Applicant: S & T MOTORS, INC., 6831 South Kostner, Chicago, Ill. Applicant's representative: Philip A. Lee, 100 North La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those commodities in bulk), between Chicago, Ill., on the one hand, and, on the other, points in Cook, Du Page, Kane, Kankakee, Lake, and Will Counties, Ill., restricted to traffic having a prior or subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128352 (Sub-No. 2) (Correction), filed July 19, 1966, published FEDERAL REGISTER issue of August 25, 1966, and corrected and republished this issue. Applicant: RODNEY C. ALLDER AND JOHN L. WILSON, a partnership, doing business as A & W TRANSPORT, 407 West Maple Avenue, Sterling Park, Va. Applicant's representative: Charles E. Creager, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruit juices*, from Round Hill, Va., to Baltimore, Md., and Washington, D.C., (2) *sugar, frozen juices, concentrates, and containers*, from Baltimore, Md., to Round Hill, Va., and (3) *sugar, frozen juices, and concentrates*, from Washington, D.C., to Round Hill, Va., under contract with Hill High Food Products, Inc., Round Hill, Va. NOTE: The purpose of this correction is to show that applicant is under contract with Hill High Food Products, Inc., in lieu of High High Foods Products, Inc., as previously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128548 (Correction), filed July 21, 1966, published in FEDERAL REGISTER issue of August 18, 1966, under MC 86528 Sub 7, and republished, as corrected, this issue. Applicant: LIONEL TRUCK LINES, INC., 10257 Franklin Avenue, Franklin Park, Ill. 60131. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Rochelle, Mendota, and De Kalb, Ill., to points in Illinois. NOTE: The purpose of this republication is to show the proposed operation to be that of a common carrier in lieu of a contract carrier and also to show the new docket No. MC 128548 in lieu of MC 86528 (Sub-No. 7), as previously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128560, filed August 24, 1966. Applicant: EVERETT KENNEDY LTD., Rural Route No. 1, Auld's Cove, Nova Scotia, Canada. Applicant's representative: William J. Augello, Jr., 2 West 45th Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies used in the processing and packaging of seafoods;* and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with machinery, equipment, materials and supplies used in the processing and packaging of seafoods, from Gloucester and Boston, Mass., to ports of entry on the international boundary line between the United States and Canada at or near Calais and Houlton, Maine, under contract with Acadia Fisheries, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 128561, filed August 25, 1966. Applicant: LARRY M. HAYS, doing business as LARRY HAYS TRUCKING COMPANY, Post Office Box 462, Spearman, Tex. 79081. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa meal and pellets*, in bulk, (1) between points in Kansas south and west of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 50 to junction U.S. Highway 283, and thence along U.S. Highway 283 to the Kansas-Oklahoma State line, (2) between points in Oklahoma west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 283 to the Oklahoma-Texas State line, and (3) between points in Texas west and north of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 283 to junction U.S. Highway 380, and thence along U.S. Highway 380 to the Texas-New Mexico State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

No. MC 128563, filed September 1, 1966. Applicant: NEELY PRODUCE COMPANY, INC., 2121 Forrest Avenue SW., Knoxville, Tenn. Applicant's representative: Jerome Tempieton, 713 Bank of Knoxville Building, Knoxville, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Gulfport, Miss., Mobile, Ala., Jacksonville and Tampa, Fla., and Charleston, S.C., to Knoxville

Tenn., under contract with White Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 128567, filed August 24, 1966. Applicant: THOMAS E. WATKINS, doing business as WENDOVER ENCO SERVICE, Post Office Box 298, Wendover, Utah. Applicant's representative: Richard H. Moffat, 1311 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled vehicles on a specially built trailer*, between points in Nevada and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

WATER CARRIER APPLICATION

No. W-1229 EULICE THOMAS, Common Carrier Application, filed July 25, 1966. Applicant: EULICE THOMAS, Tangier Island, Va. Application filed July 25, 1966, for a certificate, covering a new operation under Part III of the Interstate Commerce Act, in the transportation of passengers and property (1) between Tangier Island, Va., and Crisfield, Md., on a regular basis, and, (2) between Tangier Island, Va., Onancock, Va., Ewell, Md., Tylerton, Md., Rhodes Point, Md., Crisfield, Md., and Reedville, Va., on an occasional basis.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 42487 (Sub-No. 655) (correction), filed July 15, 1966, published in FEDERAL REGISTER, issue of August 18, 1966, corrected September 7, 1966, and republished as corrected, this issue. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: James M. Verner, Suite 1035, Universal Building, 1875 Connecticut Avenue NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, livestock, commodities injurious or contaminating to other lading, and household goods as defined by the Commission), between Liberal, Kans., and Flagstaff, Ariz., as follows: From Liberal over U.S. Highway 54 to Santa Rosa, N. Mex., thence over U.S. Highway 66 to Flagstaff, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular routes operations between Bucklin, Kans., and Los Angeles, Calif. NOTE: The purpose of the republication is (1) to describe the highway between Liberal, Kans., and Santa Rosa, N. Mex., as U.S. Highway 54, previously described as U.S. Highway 4; and (2) to correct the Sub-No. to 655, previously incorrectly set forth as 665.

No. MC 55848 (Sub-No. 34) (Amendment), filed February 26, 1965, published June 9, 1965, amended August 19, 1966, and republished, as amended, this issue. Applicant: HUCKABEE TRANSPORT CORP., U.S. Highway 1-26, West Columbia, S.C. (Mailing address), Post Office Box 479, Columbia, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, livestock, and those requiring special equipment), (1) between Greenville, S.C., and Atlanta, Ga.; from Greenville over U.S. Highway 123 to Cornelia, Ga., thence over U.S. Highway 23 to Atlanta, and return over the same route, serving all intermediate points, and points in Georgia as off-route points, (2) between Kings Mountain, N.C., and Atlanta, Ga.; from Kings Mountain over U.S. Highway 29 to Athens, Ga., thence over U.S. Highway 78 to Atlanta, and return over the same route, serving all intermediate points in Georgia and South Carolina, and points in Georgia as off-route points, and serving Kings Mountain for purpose of joinder only, (3) between Rock Hill, S.C., and Atlanta, Ga.; from Rock Hill over South Carolina Highway 72 to the Georgia-South Carolina State line, thence over Georgia Highway 72 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction U.S. Highway 78, thence over U.S. Highway 78 to junction Georgia Highway 138, thence over Georgia Highway 138 to junction U.S. Highway 278, and thence over U.S. Highway 278 to Atlanta, and return over the same route, serving all intermediate points and points in Georgia, as off-route points, (4) between Sumter, S.C. and Atlanta, Ga.; from Sumter over U.S. Highway 378 to Washington, Ga.; thence over Georgia Highway 44 to junction Georgia Highway 77, thence over Georgia Highway 77 to junction U.S. Highway 278.

Thence over U.S. Highway 278 to Atlanta, Ga., and return over the same route, serving all intermediate points, and points in Georgia, as off-route points. Restriction: The proposed service in (1) through (4) above will be subject to the following conditions: No traffic shall be transported by said carrier solely between points in Georgia, nor solely between points in South Carolina. (5) between Charlotte, N.C., and Newberry, S.C.; from Charlotte over North Carolina Highway 49 to the North Carolina-South Carolina State line, thence over South Carolina Highway 49 to Union, S.C., thence over South Carolina Highway 19 to Newberry, and return over the same route, serving all intermediate points, and points in South Carolina, as off-route points, except points east of a line extending from the North Carolina-South Carolina State line along South Carolina Highway 49 to York, S.C., thence along U.S. Highway 321 to Chester, S.C., thence along U.S. Highway 21 to Columbia, thence along U.S. Highway 321 to Ulmers, thence along U.S. Highway 301 to the Georgia-South Carolina State line, not including points on the highways specified. Restriction: The proposed service above will be subject to the following conditions: No traffic shall be transported by said carrier solely between points in South Carolina on the above described route, (6) between Newberry, S.C., and Augusta, Ga.; from Newberry over South Carolina Highway 19 to junction U.S. Highway 25, thence over U.S. Highway 25 to Augusta, and return over the same route, serving all intermediate points and points in Georgia, as off-route points, (7) between Augusta, Ga., and Greenville, S.C.; from Augusta over U.S. Highway 25 to Greenville, and return over the same route, serving all intermediate points, and points in South Carolina as off-route points, (8) between Augusta, Ga., and Charleston, S.C.; from Augusta over Georgia Highway 28 to the Georgia-South Carolina State line, thence over South Carolina Highway 28 to Barnwell, S.C., thence over South Carolina Highway 64 to junction U.S. Highway 17, thence over U.S. Highway 17 to Charleston, and return over the same route, serving all intermediate points, and points in South Carolina as off-route points.

Restriction: The proposed service in (6) through (8) above will be restricted to traffic moving from, to or through Augusta, Ga., (9) between Savannah, Ga., and North Augusta, S.C.; from Savannah over U.S. Highway 17 to junction U.S Highway 321, thence over U.S. Highway 321 to junction South Carolina Highway 28, thence over South Carolina Highway 28 to North Augusta, and return over the same route, serving all intermediate points and points in South Carolina as off-route points, (10) between Savannah, Ga., and Charleston, S.C.; from Savannah over U.S. Highway 17 to Charleston and return over the same route, serving all intermediate points, and points in South Carolina, as off-route points, (11) between Darlington, S.C., and Savannah, Ga.; from Darlington over U.S. Highway 401 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction U.S. Highway 17A, thence over U.S. Highway 17A to junction U.S. Highway 17, thence over U.S. Highway 17 to Savannah, and return over the same route, serving all intermediate points and points in Georgia as off-route points, and (12) between Savannah, Ga., and Rock Hill, S.C.; from Savannah over U.S. Highway 17 to Hardeeville, S.C.; thence over U.S. Highway 321 to Columbia, S.C., thence over U.S. Highway 21 to Rock Hill, and return over the same route, serving all intermediate points, and points in South Carolina as off-route points. Restriction: The proposed service in (9) through (12) above will be subject to the following conditions: No traffic shall be transported by said carrier solely between points in South Carolina. Operations may be performed over any combination of routes as specified under A above, regardless of whether or not they join at a common point of service. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right.

(B) *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, livestock, and those requiring special equipment), (1) between Columbia and Darlington, S.C.; from Columbia over South Carolina Highway 12 to junction U.S. Highway 601, thence over U.S. 601 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction South Carolina Highway 34, thence over South Carolina Highway 34 to Darlington, and return over the same route. Restriction: The proposed service above will be subject to the following conditions: (1) No traffic shall be transported by said carrier solely between points on the above-specified route, and (2) the proposed service above will be restricted against shipments moving to, from, *or through* Charlotte, N.C., (2) between Columbia and Spartanburg, S.C.; from Columbia over U.S. Highway 176 to Spartanburg, and return over the same route, (3) between Aiken and Columbia, S.C.; from Aiken over South Carolina Highway 215 to Columbia, and return over the same route, and (4) between North Augusta and Charleston, S.C.; from North Augusta over U.S. Highway 1 to Aiken, S.C., thence over U.S. Highway 78 to junction U.S. Highway 52, thence over U.S. Highway 52 to Charleston, and return over the same route, serving all intermediate points on the above-described routes, in (1), (2), (3), and (4) above, and those within 10 miles of Spartanburg, S.C., and those within 5 miles of Darlington, S.C. Restriction: The proposed service (2) through (4) above will be subject to the following conditions: No traffic shall be transported by said carrier solely between points on the above-specified routes. Operations may be performed over any combination of routes as specified under (B) above, regardless of whether or not they join at a common point of service. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right.

(C) *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, livestock, and those requiring special equipment), (1) between Augusta, Ga., and Atomic Energy Commission, Savannah River Plant (Dunbarton), S.C.; from Augusta over U.S. Highway 1 to junction South Carolina Highway 125, thence over South Carolina Highway 125 to A.E.C., Savannah River Plant (Dunbarton), and return over the same route, (2) between Fairfax and Walterboro, S.C.; from Fairfax over South Carolina Highway 28 to Varnville, S.C., thence over South Carolina Highway 63 to Walterboro, and return over the same route. Restriction: The proposed service above will be subject to the following conditions: No traffic shall be transported by said carrier solely between points on the above-specified route, (3) between Sumter and Georgetown, S.C.; from Sumter over U.S. Highway 521 to Georgetown, and return over the same route, (4) between Sumter and Conway, S.C.; from Sumter over U.S. Highway 378 to Conway, S.C., and return over the same route, (5) between Darlington and Cherry Grove Beach, S.C.; from Darlington over U.S. Highway 52 to Florence, S.C., thence over U.S. Highway 76 to Marion, S.C., thence over U.S. Highway 501 to Myrtle Beach, S.C., thence over U.S. Highway 17 to Cherry Grove Beach, and return over the same route. Restriction: The proposed service in (3) thru (5) above will be subject to the following conditions: (1) No traffic shall be transported by said carrier solely between points on the above-described route, and (2) the proposed service above will be restricted against shipments moving to, from, *or through* Charlotte, N.C. (6) between Savannah, Ga., and Gardens Corner, S.C.; from Savannah over U.S. Highway 17 to junction South Carolina Highway 170, thence over South Carolina Highway 170, to Beaufort, S.C., thence over U.S. Highway 21 to Gardens Corner, and return over the same route.

Restriction: The proposed service above will be subject to the following conditions; No traffic shall be transported by said carrier solely between points in South Carolina on the above-described route. (7) between Camden and Bennettsville, S.C.; from Camden over U.S. Highway 1 to Wallace, S.C., thence over South Carolina Highway 9 to Bennettsville, and return over the same route, (8) between Darlington and McColl, S.C.; from Darlington over South Carolina Highway 34 to junction South Carolina Highway 151, thence over South Carolina Highway 151 to Hartsville, S.C., thence over U.S. Highway 15 to McColl, and return over the same route. Restriction: The proposed service in (7) and (8) above will be subject to the following conditions: (1) No traffic shall be transported by said carrier solely between points on the above-described route, and (2) the proposed service above will be restricted against shipments moving to, from, *or through* Charlotte, N.C. (9) between Darlington and Lake City, S.C.; from Darlington over South Carolina Highway 340 to Lake City, return over the same route, (10) moving in a circuitous manner, from Darlington, S.C., over U.S. Highway 52 to Florence, S.C., thence over U.S. Highway 76 to Mullins, S.C., thence over South Carolina Highway 9 to Dillon and return from Dillon over U.S. Highway 301 to Florence, S.C., thence over U.S. Highway 52 to Darlington, S.C. Restriction: The proposed service in (9) and (10) above will be subject to the following conditions: No traffic shall be transported by said carrier solely between points in South Carolina on the above-described routes. (11) between Charleston and Myrtle Beach, S.C.; from Charleston over U.S. Highway 17 to Myrtle Beach, and return over the same route, (12) between Charleston and Lake City, S.C.; from Charleston over U.S. Highway 78 to Summerville, S.C., thence over U.S. Highway 17A to Jamestown, S.C., thence over South Carolina Highway 41 to junction U.S. Highway 378 and thence over U.S. Highway 378 to Lake City, and return over the same route, (13) between Charleston and Darlington, S.C.; from Charleston over U.S. Highway 52 to Darlington, and return over the same route.

Restriction: The proposed service in (11) through (13) above will be subject to the following conditions: (1) No traffic shall be transported by said carrier solely between points in South Carolina on the above-described routes, and (2) the proposed service above will be restricted against shipments moving to, from, *or through* Charlotte, N.C. (14) between Spartanburg and Landrum, S.C.; from Spartanburg over U.S. Highway 176 to Landrum, and return over the same route, (15) between Spartanburg and Carlisle, S.C.; from Spartanburg over South Carolina Highway 9 to Lockhart, S.C., thence over South Carolina Highway 49 to Union, S.C., and thence over South Carolina Highway 215 to Carlisle, and return over the same route, (16) between York, S.C., and Gastonia, N.C.; from York over U.S. Highway 321 to Gastonia, and return over the same route, (17) between Greenville and Abbeville, S.C.; from Greenville over South Carolina Highway 20 to Belton, S.C., thence over U.S. Highway 178 to Donalds, S.C., then over South Carolina Highway 184 to Due West, S.C., thence over South Carolina Highway 20 to Abbeville, and return over the same route, (18) between Anderson and Calhoun Falls, S.C.; from Anderson over South Carolina Highway 81 to Calhoun Falls, and return over the same route, (19) between Anderson and Clemson, S.C.; from Anderson over U.S. Highway 76 to Clemson, and return over the same route, serving all intermediate points on the above described routes, in (1) through (19) above.

Restriction: The proposed service in (14) through (19) above will be subject to the following conditions: No traffic shall be transported by said carrier solely between points in South Carolina on the above-described routes. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right, and (D) *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, livestock, and those requiring special equipment), (1) between Charlotte, N.C., and Atlanta, Ga.; from Charlotte over Interstate Highway 85 to Atlanta, Ga., and return over the same route, (2) between Spartanburg and Charleston, S.C.; from Spartanburg over Interstate Highway 26 to Charleston, and return over the same route, (3) between Greenville and Columbia, S.C.; from Greenville over U.S. Highway 276 to junction Interstate Highway 26, thence over Interstate

Highway 26 to Columbia, and return over the same route, (4) between Columbia and Charleston, S.C.; from Columbia over Interstate Highway 26 to Charleston, and return over the same route, (5) between Columbia, S.C., and Augusta, Ga.; from Columbia over Interstate Highway 20 to Augusta, and return over the same route, (6) between Augusta and Atlanta, Ga.; from Augusta over Interstate Highway 20 to Atlanta, and return over the same route, as alternate routes for operating convenience only in connection with applicant's regular-route operations, serving no intermediate points. NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days. The purpose of this republication is to add King's Mountain, N.C., for purpose of joinder only in (A)(2) above, eliminate route (A)(10) as previously published and to add the restrictions.

No. MC 64112 (Sub-No. 33), filed August 24, 1966. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Post Office Box 1493, Charlotte, N.C. 28201. Applicant's representative: W. D. Turner, Sr., 1415 East Boulevard, Post Office Box 3715, Charlotte, N.C. 28203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, from Plymouth, N.C., to Concord, N.H., and Portland, Maine.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10310; Filed, Sept. 21, 1966; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 19, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40714—*Corn and grain sorghums and related articles to points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-8902), for interested rail carriers. Rates on corn (not popcorn), corn products, and grain sorghums, in carloads, from points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, to points in Louisiana and Texas.

Grounds for relief—Motortruck competition.

Tariffs—Supplements 72 and 106 to Southwestern Freight Bureau, agent, tariffs ICC 4495 and 4496, respectively.

FSA No. 40715—*Newsprint paper from Harmac, B.C., Canada.* Filed by Pacific Southcoast Freight Bureau, agent (No. 253), for interested rail carriers. Rates on newsprint paper, in carloads, from Harmac, B.C., Canada, to points in California.

Grounds for relief—Coastwise barge and market competition.

Tariff—15th revised page 415G, 9th revised page 415GG, 23d revised page 415HH, 9th revised page 415II, and 11th revised page 415K to Pacific Southcoast Freight Bureau, agent, tariff ICC 1352.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10391; Filed, Sept. 21, 1966; 8:50 a.m.]

[Notice 255]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 19, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 50493 (Sub-No. 31 TA), filed September 14, 1966. Applicant: P.C.M. TRUCKING, INC., 1063 Maine Street, Orefield, Pa. 18069. Applicant's representative: Frank A. Doocey, 527 Hamilton Street, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed mix material*, in bulk, in dump vehicles and pneumatic trailers, between points in New York, Pennsylvania, Rhode Island, Massachusetts, and Connecticut and Freehold, Hightstown, and Camden, N.J., and points in Essex, Union, and Somerset Counties, N.J., for 150 days. Supporting shippers: Agway, Inc., Box 1333, Syracuse, N.Y., Lockwood Nutrition Service, Inc., 177 Milk Street, Boston, Mass. Send protests to: James G. Swope, Safety Inspector, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 96530 (Sub-No. 2 TA), filed September 15, 1966. Applicant: JESS DANIEL RAUSCH, doing business as RAUSCH TRUCKING COMPANY, 124 Wilson Avenue, Cherokee, Iowa 51012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from Cherokee, Iowa, to points in Nebraska, South Dakota, and Minnesota. Return of *overages or unused shipments*, for 180 days. Supporting shipper: G. C. Miller, supervisor, Traffic Tuloma Gas Products Co., Post Office Box 566, Tulsa, Okla. 74102. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations & Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 107496 (Sub-No. 500 TA), filed September 14, 1966. Applicant: RUAN TRANSPORT CORPORATION (Iowa Corp.), Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water clarifying, hardening, purifying, or softening compound*, not medicated or perfumed, *antifoam or defoaming compound, corrosion inhibiting compounds, scale inhibiting compounds, and chemicals and compounds used in the processing of crude oil*, in bulk, in tank or hopper vehicles from Casper, Wyo., to points in Colorado, Idaho, Montana, Nebraska, South Dakota, Utah, and Wyoming, for 180 days. Supporting shipper: Nalco Chemical Co., 6216 West 66th Place, Chicago, Ill. 60638. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 108067 (Sub-No. 15 TA), filed September 13, 1966. Applicant: AL ZEFFIRO TRANSFER AND STORAGE, INC., Eighth Street and Meldon Avenue, Donora, Pa. 15033. Applicant's representative: Henry Wick, 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial carbon pitch*, in dump vehicles, from Clairton, Pa., to Catlettsburg, Ky., for 180 days. Supporting shipper: United States Steel Corp., 525 William Penn Place, Pittsburgh, Pa. 15230. Send protests to: Frank L. Calvery, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2109 Federal Building, Pittsburgh, Pa. 15222.

No. MC 115826 (Sub-No. 156 TA), filed September 14, 1966. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, 1960 31st Street, Denver, Colo. 80217. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, not frozen, from Quincy and Walla Walla, Wash.; Weston and Milton-Freewater, Oreg.; and American Falls and Borah, Idaho, to points in Connecticut, Delaware, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Lamb-Weston, Inc., 2017 Lloyd Center, Post Office Box 12145, Portland, Oreg. 97212. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 111729 (Sub-No. 167 TA), filed September 14, 1966. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, DeBeroise Building, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, consisting of labels, envelopes and packaging materials, and advertising literature moved therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Toledo, Ohio, on the one hand, and, on the other, points in Michigan, (b) between St. Louis, Mo., on the one hand, and, on the other, points in Illinois (except Olney and Jacksonville, Ill.), (c) between Alexandria, Va., and Harrisburg, Pa. (2) *Business papers, records, checks, audit and accounting media of all kinds*, excluding plant removals, (a) between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland; Arlington, Clarke, Fairfax, Frederick, Loudon, Northampton, and Warren Counties, Va.; and Adams, Cumberland, Dauphin, Franklin, Lebanon, and York Counties, Pa., (3) *Blood, research samples, business papers, and accompanying documents*, between New York, N.Y., on the one hand, and, on the other, points in New London County, Conn.

Supporting shippers: Magnagard, Inc., Post Office Box 7247-2930 Airport Highway, Toledo, Ohio 43615, Dynadolor Corp., 1999 Mount Read Boulevard, Post Office Box 82, Rochester, N.Y. 14601, the Apex Photographic Service, 8049 Litzsinger, St. Louis, Mo., the Great Atlantic & Pacific Tea Co., Inc., Graybar Building, 420 Lexington Avenue, New York 17, N.Y., Chas. Pfizer & Co., Inc., Groton, Conn. 06340. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 118288 (Sub-No. 11 TA), filed September 14, 1966. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Applicant's representative: Jerome Anderson, First National Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and meat byproducts*, (2) *poultry and eggs* when moving in the same vehicle with meat, meat products and meat byproducts, from Billings, Mont., to points in Wyoming, for 180 days. Supporting shipper: Pierce Packing Co., Post Office Box 1356, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 119837 (Sub-No. 6 TA), filed September 15, 1966. Applicant: M. M. HIGGINBOTHAM, doing business as OZARK MOTOR LINES, 806 Michigan Street, Memphis, Tenn. Applicant's representative: Edward G. Grogan, 2020 First National Bank Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods, commodities in bulk and those requiring special equipment), between West Plains, Mo., and Gassville, Ark., from West Plains, over U.S. Highway 160 to its junction with Missouri Highway 101 at Caulfield, Mo., thence over Missouri Highway 101 to its junction with U.S. Highway 62 at Norfolk Lake Ferry, Ark., thence over U.S. Highway 62 to Gassville, and return over the same route, serving Mountain Home and Gassville, Ark., alternate route for operating convenience only: Between Salem, Ark., and junction U.S. Highway 62 and Arkansas Highway 101: From Salem over U.S. 62 to junction Arkansas Highway 101 at Norfolk Lake Ferry, and return over the same route, serving no intermediate points for 180 days. Supporting shipper: H. E. Keeter Lumber Co., Mountain Home, Ark., B & R Office Supplies, Inc., 1 East Sixth (on the square) Post Office Box 436, Mountain Home, Ark. 72653, Twin Lakes Motors, Inc., 704 South Main Street, Mountain Home, Ark., McCabe Tractor & Implement Co., Eight and Hickory Streets, Mountain Home, Ark., Cooper Drug Store, Mountain Home, Ark., North Arkansas Electric Cooperative, Inc., Mountain Home, Ark. 72653, Ralph's Auto Parts, 801 South Main Street, Mountain Home, Ark., Murray's Furniture & Appliances, 103 Sixth Street, Mountain Home, Ark., Ben Franklin Store, Mountain Home, Ark., Mar-Bax Shirt Co., Inc., Gassville, Ark., Sears, Roebuck & Co., 495 North Watkins, Memphis, Tenn. 38102. Send protests to: William W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 390 Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 123157 (Sub-No. 14 TA), filed September 15, 1966. Applicant: CEMENT TRANSPORTORS, INC., Rillito, Ariz. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Henderson, Nev., to points in Navajo County, Ariz., for 60 days. Supporting shipper: Tanner Bros. Contracting Co., 2606 South 40th Street, Phoenix, Ariz. 85034. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 4006 Federal Bldg., Phoenix, Ariz. 85025.

No. MC 125813 (Sub-No. 7 TA), filed September 14, 1966. Applicant: FRANK A. CRESSLER, doing business as CRESSLER'S TRUCKING, Rural Delivery No. 3. Applicant's representative: James W. Hagar, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Artificial wreaths, artificial flowers, artificial plants, decorations, novelties, and florist's materials and supplies*, from Mechanicsburg, Pa., to points in Indiana, Illinois, Michigan, Missouri, and Ohio (except Cleveland), for 180 days. Supporting shipper: Shenandoah Floral Manufacturing Co., Inc., Race and Allen Streets, Mechanicsburg, Pa. 17055. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 12857 TA, filed September 15, 1966. Applicant: ANTHONY J. GARCIA, doing business as TONY'S TRAILER CONVOY, 2385 Table Rock Road, Medford, Oreg. 97501. Applicant's representative: Brian B. Mullen, Suite 332, Medical Center Building, Medford, Oreg. 97501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and Mobil Homes*, between points in Josephine and Jackson Counties, Oreg., and points in Siskiyou and Del Norte Counties, Calif., for 180 days. Supporting shippers: Uncle Don's Mobile City, 2972 South Pacific Highway, Medford, Oreg., Southern Oregon Trailer Mart, Inc., 4150 South Pacific Highway, Medford, Oreg. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 128579 TA, filed September 15, 1966. Applicant: JOHN PLATT, doing business as P & J TRUCKING, 31 Cooks Drive, Uncasville, Conn. 06382. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by aircraft, under a continuing contract with Connecticut Air Freight, Inc., from Uncasville, Conn., to Bradley Field, Windsor Locks, Conn., for 180 days. Supporting shipper: Connecticut Air Freight, Inc., Post Office Box 342, Uncasville, Conn. 06382. Send protests to: David J. Kiernan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 324, U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10392; Filed, Sept. 21, 1966; 8:50 a.m.]

[Notice 1415]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 19, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35400. By supplemental order of September 14, 1966, the Transfer Board approved the lease to Norton-Ramsey Motor Lines, Old Fort, N.C., of certain additional operating rights of B and P Motor Lines, Inc., Hazelton, N.C.; the additional operating rights being leased in certificate No. MC-106074 (Sub-No. 2) authorize the transportation, over irregular routes, of new furniture, crated, but not uncrated, as described in appendix II to the report in Description in Motor Carrier Certificates, from Hazelwood, N.C., to points in Oklahoma and Texas; the additional operating rights being leased in corrected certificate No. MC-106074 (Sub-No. 14) authorize the transportation, over irregular routes, of new furniture, from points in Henry County, Va., to points in Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and of new pianos, from Marion, N.C., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Kentucky (except points within the Louisville, Ky., and Cincinnati, Ohio, commercial zone as defined by the Commission), Louisiana, Maryland, Michigan (except those points on and south of Michigan Highway 21), Mississippi, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. Robert R. Williams, Jr., Plaza Building, 4 South Pack Square, Asheville, N.C. 28807, attorney for applicants.

No. MC-FC-68802. By order of September 14, 1966, the Transfer Board approved the transfer to the Leadville Transit Co., Inc., Salida, Colo., of certificate No. MC-105327, issued November 13, 1953, to Cannon Ball, Inc., Durango, Colo., authorizing the transportation of: Passengers and their baggage, and express, newspapers, and mail, between Dolores, Colo., and Shiprock, N. Mex., serving intermediate points; and between junctions U.S. Highway 160 and Colorado Highway 140, and junctions New Mexico Highway 17, and U.S. Highway 550, serving intermediate points. J. Albert Sebald, 730 Equitable Building, Denver, Colo., attorney for applicants.

No. MC-FC-69030. By order of September 14, 1966, the Transfer Board approved the transfer to Brown Express, Moving & Storage, Inc., Blanchester, Ohio, of the operating rights of Frank Brown, doing business as Frank Brown Trucking, Blanchester, Ohio, in certificate of registration No. MC-97323 (Sub-No. 1), issued June 17, 1965, authorizing the transportation, over irregular routes, of property from and to Blanchester, Ohio. James E. Wilhelm, Jr., 37 West Broad Street, Columbus, Ohio, attorney for applicants. Herbert Baker, 50 West Broad Street, Columbus, Ohio, attorney for applicants.

No. MC-FC-69031. By order of September 14, 1966, the Transfer Board approved the transfer to Rite-Way Moving & Storage, Inc., Knox, Ind., of that portion of the operating rights of McIntire Brothers, Inc., Knox, Ind., in certificate No. MC-127588 (Sub-No. 1), issued April 22, 1966, authorizing the transportation, over irregular routes, of household goods and emigrant movables, between points in Pulaski and White Counties, Ind., on the one hand, and, on the other, points in Illinois, Ohio, and Michigan. Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-69037. By order of September 14, 1966, the Transfer Board approved the transfer to All Industrial Cartage Co., a corporation, Cleveland, Ohio, of the certificate of registration in No. MC-97451 (Sub-No. 1), issued August 9, 1965, to George C. Frazier Trucking Co. (Lawrence I. Byrnes, Trustee), Cleveland, Ohio, and corresponding in scope to the grant of authority in certificate of public convenience and necessity No. 2183-I, dated September 14, 1949, issued by the Public Utilities Commission of Ohio, Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10393; Filed, Sept. 21, 1966; 8:50 a.m.]

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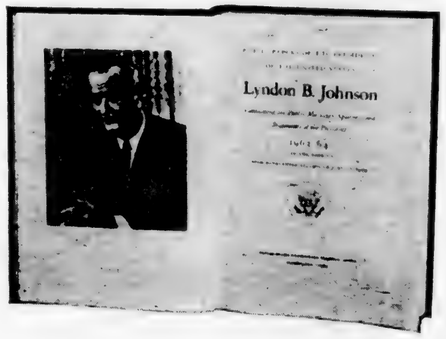
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FEDERAL REGISTER

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Friday, September 23, 1966 • Washington, D.C.

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Commodity Credit Corporation
Delaware River Basin Commission
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Fish and Wildlife Service
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January–August 1966

(Codification Guide)

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Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 8]

PART 729—PEANUTS

Subpart—Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments contained herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to amend the allotment and marketing quota regulations for peanuts of the 1963 and subsequent crops (27 F.R. 11920; 28 F.R. 11811; 29 F.R. 7801, 7983, 13027, 16185; 30 F.R. 2589, 11345; 31 F.R. 6957).

The amendment (1) provides that in counties approved for compliance certification, the final acreage of peanuts on a farm will be the acreage determined in accordance with Part 718 instead of this part of this chapter, (2) provides that an excess penalty marketing card will be issued to a within quota farm if the certification is not timely filed, and (3) announces the basic penalty rate for the 1966 crop of peanuts. The marketing of peanuts of the 1966 crop is now underway and it is, therefore, essential that the basic penalty rate for the 1966 crop be announced immediately. Moreover, provisions for determination of compliance by certification have been published under Part 718; and determination of the basic penalty rate for peanuts is the result of a mathematical calculation provided for by statute (7 U.S.C. 1359). Accordingly it is hereby determined and found that compliance with the public notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and contrary to the public interest and this amendment shall become effective upon the date of filing with the Director, Office of the Federal Register.

1. Section 729.1442 is amended by amending the introductory paragraph to read as follows:

§ 729.1442 Determination of final acreage.

In certification counties, the final acreage of peanuts on a farm shall be the acreage determined in accordance with Part 718 of this chapter. In all other counties the final acreage shall be the acreage from which peanuts are picked or threshed as determined and adjusted under provisions of this section. In the determination of final acreage any necessary land measurements shall be made in accordance with Part 718 of this chapter.

* * * * * *

2. Section 729.1446(d) is amended by amending the last sentence to read as follows:

§ 729.1446 Issuance of marketing cards.

* * * * * *

(d) * * *

For federally-owned land an excess penalty card showing "zero" as the converted penalty rate shall be issued if the final acreage on the farm is within the effective farm allotment but is in excess of the acreage permitted by the lease or operating agreement. In certification counties, an excess penalty card showing "zero" as the converted penalty rate shall be issued to a farm on which the final acreage does not exceed the effective farm allotment if the producer fails to furnish a certification within the time prescribed in Part 718 of this chapter.

3. Section 729.1457 is amended by adding a new paragraph (e) to read as follows:

§ 729.1457 Penalty rate.

* * * * * *

(e) The basic support price for peanuts for the marketing year beginning August 1, 1966, and ending July 31, 1967, is $227 per ton or 11.3 cents per pound and; therefore, the basic penalty rate for the 1966 crop of peanuts is 8.5 cents per pound.

(Secs. 358, 359, 375, 55 Stat. 88, as amended, 90, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1359, 1375)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 20, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-10441; Filed, Sept. 22, 1966; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.7, Amdt. 3]

PART 815—ALLOTMENT OF DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Calendar Year 1966

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act") for the purpose of amending Sugar Regulation 815.7 (31 F.R. 74, 6860, 10665), which established allotments of the direct-consumption portion of the 1966 mainland quota for Puerto Rico.

This amendement of S.R. 815.7 is necessary to give effect to the direct-consumption portion of the 1966 mainland quota for Puerto Rico amounting to 154,875 short tons, raw value, as established in Sugar Regulation 811, Amendment 9 (31 F.R. 11711). That quantity is 1,500 tons greater than the 153,375 short tons, raw value, previously allotted.

Findings heretofore made by the Secretary in the course of this proceeding (31 F.R. 74) provide that this order shall be revised without further notice or hearing for the purpose indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with paragraph (c) of § 815.7 of this chapter, it is hereby ordered that paragraph (a) of § 815.7 be amended to read as follows:

§ 815.7 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1966.

(a) *Allotments.* The direct-consumption portion of the 1966 mainland sugar quota for Puerto Rico, amounting to 154,875 short tons, raw value, is hereby allotted as follows:

Allottee	Direct-consumption allotment (short tons, raw value)
Central Aguirre Sugar Co., a trust	6,449
Central Roig Refining Co.	21,586
Central San Francisco	1,351
Puerto Rican American Sugar Refinery, Inc.	100,975
Western Sugar Refining Co.	24,484
Liquid sugar reserve for persons other than named above	30
Total	154,875

* * * * * *

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 205, 207, 209; 61 Stat. 926, 927, 928; 7 U.S.C. 1115, 1117, 1119)

Effective date. Allotments established in this order for all allottees are larger than the allotments established in S.R. 815.7 (31 F.R. 10665). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 20th day of September 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-10440; Filed, Sept. 22, 1966; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1966-Crop Soybean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966-Crop Soybean Loan and Purchase Program

Correction

In F.R. Doc. 66-10044 appearing in the issue for Thursday, September 15, 1966, at page 12051, the following corrections are made in § 1421.2968:

1. In paragraph (a) in the third column under Minnesota, "Fairbault" should read "Faribault".

2. In paragraph (c)(2) the heading "pounds:" should appear above the left-hand column of data.

3. In paragraph (c)(3) the heading "percent:" should appear above the left-hand column of data.

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4079]

[Misc. 1825382]

NEVADA

Withdrawal for Desert National Wildlife Range; Revocation of Executive Order No. 7373

Correction

In F.R. Doc. 66-9528 appearing in the issue for Thursday, September 1, 1966, at page 11547, following the land description in paragraph 1 and immediately preceding paragraph 2, insert the following land description:

T. 11 S., R. 62 E.,
Sec. 1, W½W½;
Secs. 2 to 36, inclusive.
Tps. 12, 12½, 13, 14, 15, 16, and 17 S., R. 62 E.
T. 18 S., R. 62 E.,
Sec. 1 to 31, inclusive.
Tps. 9 to 13, inclusive., 14 and 15 S., R. 54 E., located within Lincoln and Clark Counties.
Tps. 9, 10, 11, 12, 13, 14, 15 S., R. 55 E.
Tps. 9, 10, 11, 12, 13, 14, and 15 S., R. 55½ E.
Tps. 9, 10, 11, 12, 13, 14, and 15 S., R. 56 E.
Tps. 9, 10, 11, 12, 13, 14, and 15 S., R. 57 E.
T. 16 S., R. 57 E.,
Secs. 1 to 12, inclusive.
Tps. 9, 10, 11, 12, 13, 14, and 15 S., R. 58 E.
T. 16 S., R. 58 E.,
Secs. 1 to 9, inclusive;
Sec. 10, W½;
Sec. 14, W½;
Secs. 15 to 23, inclusive.;
Secs. 25, 26, 27, 34, 35 and 36.
Tps. 9, 10, 11, 12, 13, and 14 S., R. 59 E.
T. 16 S., R. 59 E.,
Sec. 31, W½, SE¼.
T. 17 S., R. 59 E.,
Sec. 5, W½;
Sec. 6;
Sec. 7, NW¼.
T. 18 S., R. 62 E.,
Secs. 32 to 36, inclusive.

The areas described aggregate approximately 1,583,000 acres in Clark and Lincoln Counties.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Charles Sheldon Antelope Range, Nev.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEVADA

CHARLES SHELDON ANTELOPE RANGE

The public hunting of upland game on the Charles Sheldon Antelope Range, Nev., is permitted for the following species on the dates listed: Sage grouse—on September 25, 1966, only; chukar, Hungarian partridge, and quail—October 22, 1966, through January 31, 1967; cottontail rabbits—September 24, 1966, through January 31, 1967; all dates inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 365,000 acres, is delineated on a map available at refuge headquarters, Lakeview, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Camping will be permitted at designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1967.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 16, 1966.

[F.R. Doc. 66-10418; Filed, Sept. 22, 1966; 8:45 a.m.]

PART 32—HUNTING

Fallon National Wildlife Refuge, Nev.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEVADA

FALLON NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants and quail on the Fallon National Wildlife Refuge, Nev., is permitted from November 6 through 13, 1966; the hunting of chukar and Hungarian partridge is permitted from October 22, 1966, through January 31, 1967; the hunting of cottontail rabbits is permitted from September 24, 1966, through January 31, 1967; but only on the area designated by signs as open to hunting. This open area, comprising 9,600 acres, is delineated on a map available at refuge headquarters, Fallon, Nev., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1967.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 16, 1966.

[F.R. Doc. 66-10419; Filed, Sept. 22, 1966; 8:45 a.m.]

PART 32—HUNTING

Stillwater Wildlife Management Area, Nev.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEVADA

STILLWATER WILDLIFE MANAGEMENT AREA

The public hunting of ring-necked pheasants and quail on the Stillwater Wildlife Management Area, Nev., is permitted from November 6 through 13, 1966; the hunting of chukar and Hungarian partridge is permitted from October 22, 1966, through January 31, 1967; the hunting of cottontail rabbits is permitted from September 24, 1966, through January 31, 1967, but only on the area designated by signs as open to hunting. This open area, comprising 180,430 acres, is delineated on a map available at refuge headquarters, Fallon, Nev., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1967.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 16, 1966.

[F.R. Doc. 66-10420; Filed, Sept. 22, 1966; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 114—TREATMENT OF INCOMING POSTAL UNION MAIL

PART 122—INCOMING PARCELS

Storage Charges on International Mail Packages; Correction

In F.R. Doc. 66-10191 appearing at page 12405 in the issue for Saturday, September 17, 1966, the effective date in the second paragraph should read October 17, 1966, instead of October 15, 1966, as it appeared.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 20, 1966.

[F.R. Doc. 66-10425; Filed, Sept. 22, 1966; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7621; Amdt. No. 21-11]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Export Airworthiness Approval

The purpose of this amendment to Part 21 is to clarify the requirements of § 21.339 governing the issuance of special export airworthiness approvals for aircraft.

The United States has concluded reciprocal agreements with a number of foreign countries governing the import and export of aeronautical products. These agreements provide for the mutual validation or acceptance of export certificates of airworthiness issued for aeronautical products which are manufactured in and meet the airworthiness requirements of the country of export and any special requirements of the importing country.

Section 21.339 provides for the issuance of special export certificates of airworthiness for aircraft located in the United States that are to be flown to various foreign countries for the purpose of demonstrating the aircraft to prospective purchasers. Under this regulation an export certificate of airworthiness appropriate for validation or acceptance in any of the foreign countries involved may be issued prior to departure of the aircraft from the United States if, among other things, the special requirements of each of the prospective importing countries are met.

While the special requirements of some of the foreign countries with which the United States has reciprocal agreements specifically require that imported aircraft comply with certain of the airworthiness standards of those countries, the majority of the special requirements merely involve requests for various documents, information, and materials related to the imported aircraft, such as flight manuals, logbooks, and maintenance, overhaul and repair manuals.

In this connection, recent inquiries from certain U.S. manufacturers concerning § 21.339 indicate that some confusion exists as to whether the Agency intended to require an applicant for a special export certificate of airworthiness for an aircraft to furnish each of the prospective importing countries with the various documents, information, and materials identified in their special requirements. These manufacturers have requested that the regulation be clarified in this respect.

As previously noted, the various reciprocal agreements provide for the mutual validation of export certificates of airworthiness issued for products which are manufactured in and meet the airworthiness requirements of the country of export and any special requirements of the importing country. Since the importing country is not known at the time an application for a special export certificate is filed, the Agency must necessarily determine that the applicant can meet the special requirements of each of the prospective importing countries at that time. It was not intended, however, that an applicant must furnish each of the prospective importing countries with the documents, information, and material specified in their individual special requirements, but merely that the applicant show that insofar as documents, information, and materials are involved, he can meet the special requirements of any of the countries that might subsequently import the aircraft. On the other hand, once a special export certificate of airworthiness is issued, the holder of the certificate has the responsibility under other provisions of the regulations to forward to the air authority of the importing country the documents, information, and material specified in the special requirements of that country.

For the foregoing reasons, the Agency considers it appropriate to amend § 21.339 to make it clear that an applicant for a special export certificate of airworthiness need only show that he has the documents, information, and material necessary to meet the special requirement of each of the prospective importing countries.

In addition, the present provisions of paragraph (5) relate to the holders of export airworthiness approvals rather than applicants for such approvals. Since substantially the same requirements are contained in § 21.335, which sets forth the responsibilities of exporters receiving an export airworthiness approval, the requirements of paragraph (5) are unnecessary under § 21.339 and have been deleted.

Finally, the present format of § 21.339 has been corrected consistent with the format of related sections of the regulations, and the cross reference to "§ 21.32" has been changed to "§ 21.327" to correct a typographical error.

Since this is a clarifying amendment and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, § 21.339 of Part 21 of the Federal Aviation Regulations is amended, effective October 22, 1966, to read as follows:

§ 21.339 Special export airworthiness approval for aircraft.

A special export certificate of airworthiness may be issued for an aircraft located in the United States that is to be flown to several foreign countries for the purpose of sale, without returning the aircraft to the United States for the certificate if—

(a) The aircraft possesses a standard U.S. certificate of airworthiness (FAA Form 1362);

(b) The owner files an application as required by § 21.327 except that items 3 and 4 of the application (FAA Form 306) need not be completed;

(c) The aircraft is inspected by the Administrator before leaving the United States and is found to comply with all the applicable requirements;

(d) A list of foreign countries in which it is intended to conduct sales demonstrations, together with the expected dates and duration of such demonstration, is included in the application;

(e) For each prospective importing country, the applicant shows that—

(1) He has met that country's special requirements, other than those requiring that documents, information, and materials be furnished; and

(2) He has the documents, information, and materials necessary to meet the special requirements of that country; and

(f) All other requirements for the issuance of a Class I export certificate of airworthiness are met.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1423)

Issued in Washington, D.C., on September 16, 1966.

WILLIAM F. MCKEE,
Administrator.

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SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7607; Amdt. 502]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Pulaski VOR	Pulaski LFR	Direct	5100	T–dn	*500–1	*500–1	*500–1
				C–dn	800–2	800–2	800–2
				S–dn	NA	NA	NA
				A–dn	NA	NA	NA

Procedure turn S side of crs, 248° Outbnd, 068° Inbnd, 5100′ within 10 miles.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 059°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Pulaski LFR, make a right-climbing turn to PK LFR at 5100′. Hold SW on PK LFR, 248° Outbnd, 068° Inbnd, 1-minute right turns.
*CAUTION: Mountainous terrain, 1500′ higher than airport elevation S, W, and N at 5 to 8 miles. Higher terrain at greater distances.
Use Bluefield FSS altimeter setting.
MSA within 25 miles of the facility: NE—5400′; SE—5000′; SW—4700′; NW—5100′.

City, Dublin; State, Va.; Airport name, New River Valley; Elev., 2105′; Fac. Class., SBMRAZ; Ident., PK; Procedure No. 1, Amdt. 3; Eff. date, 15 Oct. 66; Sup. Amdt. No. 2; Dated, 2 May 64

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn–16	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 120° Outbnd, 300° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 086°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of ANI RBn, turn left, climb to 2300′ on bearing 210° within 10 miles.
NOTES
‡Left turn required on takeoff, Runway 28.
*All turns to be made on S side of crs. High terrain N.
Departure: Northeastbound, climb on the 210° bearing of the ANI RBn within 15 miles, to cross the RBn at or above 3500′. Terrain 1000′, 2 miles N of ANI RBn. Terrain 657′, 3 miles W of ANI RBn.
MSA within 25 miles of facility: 000°–090°—4500′; 090°–180°—4700′; 180°–270°—3000′; 270°–360°—2700′.

City, Aniak; State, Alaska; Airport name, Aniak; Elev., 80′; Fac. Class., BH; Ident., ANI; Procedure No. 1, Amdt. 1; Eff. date, 15 Oct. 66; Sup. Amdt. No. Orig.; Dated, 17 Sept. 66

PROCEDURE CANCELED, EFFECTIVE 13 OCT. 1966.

City, Jackson; State, Tenn.; Airport name, McKellar Field; Elev., 432′; Fac. Class., MHW; Ident., MCR; Procedure No. 1, Amdt. 3; Eff. date, 21 Nov. 64; Sup. Amdt. No. 2; Dated, 25 July 64

PROCEDURE CANCELED, EFFECTIVE 15 OCT. 1966.

City, Las Vegas; State, Nev.; Airport name, McCarran Airport; Elev., 2171′; Fac. Class., H–SAB–Z; Ident., LAS; Procedure No. 1, Amdt. 2; Eff. date, 2 July 66; Sup. Amdt. No. 1; Dated, 4 Apr. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMF RBn	PI LOM	Direct	1500	T–dn	300–1	300–1	200–½
PIE VOR	PI LOM	Direct	1500	C–dn	600–1	600–1	600–1½
Frances Int	PI LOM (final)	Direct	1500	S–dn–17°	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 170°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing LOM, turn right, climbing to 1600′ on crs of 270°, intercept and proceed out 220° bearing from PI LOM within 20 miles.
*Reduction not authorized.
MSA within 25 miles of facility: 000°–090°—1500′; 090°–180°—2200′; 180°–270°—1600′; 270°–360°—1600′.

City, St. Petersburg-Clearwater; State, Fla.; Airport name, St. Petersburg-Clearwater International; Elev., 11′; Fac. Class., LOM; Ident., PI; Procedure No. 1, Amdt. 11; Eff. date, 15 Oct. 66; Sup. Amdt. No. 9; Dated, 26 Mar. 66

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	NA
				C–dn	500–1	500–1	NA
				S–dn–24	500–1	500–1	NA
				A–dn	NA	NA	NA

Radar available through Buffalo Radar.
Procedure turn E° side of crs, 045° Outbnd, 225° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 225°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing BUF VOR, make a left-climbing turn and return to BUF VOR at 2500′. Hold BUF VOR right turns, 1 minute, 287° Inbnd.
*All turns E side of crs, traffic restriction W.
MSA within 25 miles of facility: 090°–170°—2200′; 170°–280°—3600′; 280°–360°—2600′; 360°–090°—2200′.

City, Buffalo; State, N.Y.; Airport name, Buffalo Airpark; Elev., 668′; Fac. Class., H–BVORTAC; Ident., BUF; Procedure No. 1, Amdt. 1; Eff. date, 15 Oct. 66; Sup. Amdt. No. Orig.; Dated, 8 Jan. 66

				T–dn	300–1	200–1	200–½
				C–dn	400–1	400–1	400–1½
				S–dn–31	400–1	400–1	400–1
				A–dn*	NA	NA	NA

Procedure turn E side of crs, 120° Outbnd, 300° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 300°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing CTY VOR, climb to 1700′ on R 300° within 20 miles.
NOTES: (1) Night takeoffs and landings authorized on Runways 13–31 only. (2) Use Gainesville altimeter setting.
*Weather not available to the public.
MSA within 25 miles of facility: 000°–090°—1400′; 090°–180°—1400′; 180°–270°—1100′; 270°–360°—1400′.

City, Cross City; State, Fla.; Airport name, Cross City; Elev., 42′; Fac. Class., L–BVOR; Ident., CTY; Procedure No. 1, Amdt. 9; Eff. date, 13 Oct. 66; Sup. Amdt. No. 8; Dated, 4 Jan. 64

				T–dn	*800–1	*800–1	*800–1
				C–dn	800–2	800–2	800–2
				A–dn‡	NA	NA	NA

Procedure turn E side of crs, 211° Outbnd, 031° Inbnd, 5100′ within 10 miles of PSK VOR.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 031°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing PSK VOR, make right-climbing turn to 5100′ on R 080° within 20 miles. Reverse crs to PSK VOR, hold SW on PSK VOR R 211°, 034° Inbnd, 1-minute right turns.
Use Bluefield FSS altimeter setting.
*CAUTION: Mountainous terrain 1500′ higher than airport elevation S, W, and N at 5 to 8 miles. Higher terrain at greater distances.
NOTE: When authorized by ATC, DME may be used between R 180° clockwise to R 260° within 30 miles at 5100′ to position aircraft for approach with elimination of procedure turn.
‡Alternate weather minimums of 800–2 authorized for those having approved arrangement for weather service at the airport.
MSA within 25 miles of facility: 000°–090°—5400′; 090°–180°—5000′; 180°–270°—5000′; 270°–360°—5100′.

City, Dublin; State, Va.; Airport name, New River Valley; Elev., 2105′; Fac. Class., H–BVORTAC; Ident., PSK; Procedure No. 2, Amdt. 3; Eff. date, 15 Oct. 66; Sup. Amdt. No. Orig.; Dated, 23 July 66.

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d	800-1	NA	NA
				C-d	1400-2	NA	NA
				A	NA	NA	NA

Procedure turn N side of crs, 273° Outbnd, 093° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs 2000′.
Crs and distance, facility to airport, 093°—8.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.8 miles after passing HUO VOR, climb on crs, 093° to 2500′, then make left-climbing turn to 3500′, and proceed direct to HUO VOR. Hold W of HUO VOR, 1-minute right turns, Inbnd crs, 093°.
NOTE: Use altimeter setting from Stewart AFB.
MSA within 25 miles of the facility: 000°–090°—3300′, 090°–360°—3100′.

City, Middletown; State, N.Y.; Airport name, Randall; Elev., 520′; Fac. Class., H-BVORTAC; Ident., HUO; Procedure No. 1, Amdt. Orig.; Eff. date, 15 Oct. 66

HUO VORTAC	Ottsville VHF/DME Int (final)	Direct	1900	T-d	1000-2	1000-2	NA
				C-d	1300-2	1300-2	NA
				A-d	NA	NA	NA

Procedure turn S side of crs, 219° Outbnd, 039° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′; Ottsville Int/8-mile DME Fix 1900′.
Crs and distance, facility to airport, 039°—12.5 miles/Ottsville Int/8-mile DME Fix to airport, 039°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 12.5 miles after passing Huguenot VORTAC or 4.5 miles after passing Ottsville Int/8-mile DME Fix, make immediate left-climbing turn to 3000′. Proceed direct to HUO VORTAC. Hold SW, 1-minute right turns 039° Inbnd.
NOTE: Use Stewart AFB altimeter setting.
MSA within 25 miles of facility: 000°–090°—3300′; 090°–360°—3100′.

City, Wurtsboro; State, N.Y.; Airport name, Wurtsboro; Elev., 560′; Fac. Class. (H)BVORTAC; Ident., HUO; Procedure No. 1, Amdt. Orig; Eff. date, 15 Oct. 66

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Stanton Int	Jackson VOR	Direct	2300	T-dn	300-1	300-1	200-½
Martin Int	Jackson VOR	Direct	2100	C-dn	600-1	600-1	600-1½
				S-dn 29	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
				If Mercer Fan Marker is received minimums become:			
				C-dn	400-1	500-1	500-1½
				S-dn 2	400-1	400-1	400-1

Procedure turn S side of crs, 204° Outbnd, 024° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′ (800′ if Mercer FM is received).
Facility on airport. Crs and distance, FM to airport, 024°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Mercer FM or within 0 mile of MKL VOR, turn left, climb to 2000′ on R 204° within 20 miles.
#Reduction not authorized.
MSA within 25 miles of facility: 000°–360°—2100′.

City, Jackson; State, Tenn.; Airport name, McKellar Field; Elev., 431′; Fac. Class., T-BVOR; Ident., MKL; Procedure No. TerVOR-2, Amdt. Orig.; Eff. date, 13 Oct. 66

Bridgeport VOR	HVN VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-16	400-1	400-1	400-1
				A-dn	NA	NA	NA

Procedure turn E side of crs, 205° Outbnd, 025° Inbnd, 1600′ within 10 miles.
Minimum altitude over Woodmont on final approach, 500′.
Crs and distance, breakoff point to approach end of runway, 016°—0.4 mile.
Crs and distance, Woodmont Int to VOR, 025°—2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of HVN VOR, climb on R 025° to 1500′ within 5 miles then make left-climbing turn to 1900′. Proceed direct to HVN VOR. Hold NE HVN VOR, R 025°, 1-minute left turns, Inbnd crs, 205°.
NOTES: Weather reporting by U.S. Weather Bureau 0700 to 1700 local time. No tower communication at airport. Contact Westchester approach control for ATC clearance. Medium intensity runway lights on all runways available upon prior request to airport manager.
#Reduction not authorized for lighting aids.
MSA within 25 miles of facility: 270°–090°—2100′; 090°–270°—1600′.

City, New Haven; State, Conn.; Airport name, Tweed-New Haven; Elev., 14′; Fac. Class., T-BVOR; Ident., HVN; Procedure No. TerVOR-1, Amdt. 6; Eff. date, 15 Oct. 66; Sup. Amdt. No. 5; Dated, 27 Mar. 65

PROCEDURE CANCELED, EFFECTIVE 15 OCT. 1966.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. Ter VOR-6, Amdt. 9; Eff. date, 13 Nov. 65; Sup. Amdt. No. 8; Dated, 14 Nov. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Flat Rock VOR	Biltmore Int	Direct	2000	T-dn	300-1	300-1	200-½
Biltmore Int	RIC VOR (final)	Direct	600	C-dn	600-1	600-1	600-1½
Manakin RBn	RIC VOR	Direct	2000	S-dn-15	600-1	600-1	600-1
5-mile DME or Radar Fix	RIC VOR (final)	Direct	767	A-dn	800-2	800-2	800-2
				If Biltmore Int or 5-mile DME or Radar Fix received, the following minimums apply:			
				C-dn	500-1	500-1	500-1½
				S-dn-15#	400-1	400-1	400-1

Radar available.
Procedure turn N side of crs, 347° Outbnd, 167° Inbnd, 1700′ within 10 miles.
Minimum altitude over Biltmore Int 5-mile DME or Radar Fix on final approach crs, 767′.
Crs and distance, breakoff point to approach end of runway, 154°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of RIC VOR, climb to 2000′ on R 167° RIC VOR within 10 miles, return to RIC VOR. Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turns.
#400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–180°—1600′; 180°–360°—2100′.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., H-BVORTAC; Ident., RIC; Procedure No. Ter VOR-15, Amdt. 15, Eff. date, 15 Oct. 66; Sup. Amdt. No. 14; Dated, 27 Nov. 65

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300-1	300-1	200-½
Manakin RBn	RIC VOR	Direct	2000	C-dn	600-1	600-1	600-1½
Hopewell VOR	RIC VOR	Direct	1700	S-dn-20#	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
				If 5-mile DME/Radar or HPW R 302° received the following minimums apply:#			
				C-dn	500-1	500-1	500-1½
				S-dn	400-1	400-1	400-1

Procedure turn E side of crs, 005° Outbnd, 185° Inbnd, 1700′ within 10 miles.
Minimum altitude over 5-mile DME or Radar Fix on final approach crs, 767′.
Facility on field. Breakoff point to runway, 200°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of RIC VORTAC, climb to 2000′ on RIC, R 185° within 10 miles, return to VOR. Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turns.
MSA within 25 miles of the facility: 000°–180°—1600′; 180°–360°—2100′.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., H-BVORTAC; Ident., RIC; Procedure No. TerVOR-20, Amdt. Orig.; Eff. date, 15 Oct. 66

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300-1	300-1	200-½
Hopewell VOR	RIC VOR	Direct	1700	C-dn	600-1	600-1	600-1½
Manakin RBn	RIC VOR	Direct	2000	S-dn-33	600-1	600-1	600-1
5-mile DME or Radar Fix	RIC VOR (final)	Direct	767	A-dn	800-2	800-2	800-2
				If 5-mile DME or Radar Fix received the following minimums apply:			
				C-dn	500-1	500-1	500-1½
				S-dn-33#	400-1	400-1	400-1

Radar available.
Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 1700′ within 10 miles.
Minimum altitude over 5-mile Radar Fix or 5-mile DME Fix on final approach crs, 767′.
Crs and distance, breakoff point to approach end of runway, 334°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of RIC VOR, climb to 2000′ on R 320° of RIC; VOR within 10 miles, return to RIC VOR. Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turns.
#600-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–180°—1600′; 180°–360°—2100′.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., H-BVORTAC; Ident., RIC; Procedure No. Ter VOR-33, Amdt. 11; Eff. date 15 Oct. 66; Sup. Amdt. No. 10; Dated, 17 Apr. 65

Albany VORTAC	SCH VOR	Direct	2500	T-dn	300-1	300-1	200-½
Mariaville Int	SCH VOR	Direct	3000	C-dn	500-1	500-1	500-1½
				S-dn-22	500-1	500-1	500-1
				A-dn	NA	NA	NA

Radar available.
Procedure turn E side of crs, 043° Outbnd, 223° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 878′.
Facility on airport. Breakoff point to runway, 0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1600′ on radial 223° within 8 miles, then right-climbing turn to 2000′ direct SCH VOR. Hold NE of SCH VOR, 1-minute, left turns, 223° Inbnd.
NOTES: (1) Final approach from a holding pattern not authorized, procedure turn required. (2) TVOR operated by ANG; not monitored 0300-1100Z daily.
CAUTION: 990′ antenna (5.5 miles SW of SCH VOR).
MSA within 25 miles of facility: 000°–090°—3500′; 090°–180°—3000′; 180°–270°—3500′; 270°–360°—3800′.

City, Schenectady; State, N.Y.; Airport name, Schenectady County; Elev., 378′; Fac. Class., TVOR; Ident., SCH; Procedure No. TerVOR-22, Amdt. Orig.; Eff. date, 15 Oct. 66

5. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BIL VOR	10-mile DME Fix R 078°	Direct	5700	T-dn%	300-1	300-1	200-½
R 330°, BIL VOR clockwise	R 078°, BIL VOR	Via 16-mile DME Arc	5700	C-dn	500-1	500-1	500-1½
				S-dn-27[c]	400-1	400-1	400-1
R 114°, BIL VOR counterclockwise	R 078°, BIL VOR	Via 16-mile DME Arc	5700	A-dn	800-2	800-2	800-2
Huntley DME Fix	10-mile DME Fix, R 078° (final)	Direct	5200				

Procedure turn N side of crs. 078° Outbnd, 258° Inbnd, 5700′ between 10- and 20-mile DME Fix, R 078°.
Minimum altitude over 16-mile DME Fix, R 078° on final approach crs, 5700′, 10-mile DME Fix, R 078°, 5200′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.5 mile-DME Fix, R 078°, climb to 5300′ on R 259° of BIL VOR within 10 miles.
NOTE: Final approach from holding pattern at 10-mile DME Fix, R 078° not authorized. Procedure turn required.
[c]400-¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojets.
[c]When weather is below 800-2 and aircraft is southeastbound, flight below 4700′ is prohibited SE of airport between BIL VOR radials 080° clockwise to 110° inclusive due to 4249′ tower, 3 miles SE of airport.
MSA within 25 miles of the facility: 000°–090°—5300′; 090°–180°—6600′; 180°–270°—8900′; 270°–360°—5300′.

City, Billings; State, Mont.; Airport name, Logan Field; Elev., 3606′; Fac. Class., H-BVORTAC; Ident., BIL; Procedure No. VOR/DME No. 2, Amdt. 6; Eff. date, 15 Oct. 66; Sup. Amdt. No. ; Dated, 3 Sept. 66

PROCEDURE CANCELED, EFFECTIVE 15 OCT. 1966.

City, Dublin; State, Va.; Airport name, New River Valley; Elev., 2106′; Fac. Class., BVORTAC; Ident., PSK; Procedure No. VOR/DME No. 1; Amdt. Orig.; Eff. date 21 July 66

HLN VORTAC	4-mile DME Fix, R 070°	Direct	8100	T-d%	500-2	500-2	500-2
R 100°, HLN VOR counterclockwise	R 070, HLN VOR	12 nautical mile DME Arc	8100	T-n%	800-2	800-2	800-2
				C-d	1000-2	1000-2	1000-2
12-mile DME Fix, R 070°	4-mile DME Fix, R 070° (final)	Direct	8100	C-n	1000-3	1000-3	1000-3
				A-d	1000-2	1000-2	1000-2
				A-n	1000-3	1000-3	1000-3

Procedure turn N side of crs 070° Outbnd, 250° Inbnd, 8100′ between 4- and 14-mile DME Fix.
Minimum altitude over 4-mile DME Fix, R 070° on final approach crs, 6100′.
Crs and distance, 4-mile DME Fix, R 070° to airport, 250°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over VOR, make right-climbing turn, climb to 8100′ in right-hand holding pattern on R 070° within 5 miles of HLN VOR.
NOTE: Final approach from holding at 4-mile DME Fix, R 070° not authorized. Procedure turn required.
[c]Takeoffs all runways. Aircraft departing via airways and climb to MEA cannot be made clear of clouds with visibility of at least 2 miles, climb in a right-hand holding pattern within 5 miles on R 070° of the VOR to depart the facility at 8000′ or above.
MSA within 25 miles of facility: 000°–090°—11,000′; 090°–180°—11,500′; 180°–270°—10,800′; 270°–360°—9000′.

City, Helena; State, Mont.; Airport name, Helena; Elev., 3873′; Fac. Class., H-BVORTAC; Ident., HLN; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 13 Oct. 66;

PROCEDURE CANCELED, EFFECTIVE 15 OCT. 1966.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12′; Fac. Class., H-VORTAC; Ident., JFK; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. date, 18 Dec. 65; Sup. Amdt. No. 3; Dated, 2 Apr. 64.

PROCEDURE CANCELED, EFFECTIVE 15 OCT. 1966

City, Twin Falls; State, Idaho; Airport name, Twin Falls Municipal (Joslin Field); Elev., 4148′; Fac. Class., L-BVORTAC; Ident., TWF; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 1 Oct. 66

PROCEDURE CANCELED, EFFECTIVE 15 OCT. 1966.

City, Twin Falls; State, Idaho; Airport name, Twin Falls Municipal (Joslin Field); Elev., 4148′; Fac. Class., L-BVORTAC; Ident., TWF; Procedure No. VOR/DME-2, Amdt. Orig.; Eff. date, 1 Oct. 66

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
API VOR	Pine Int (final)	Via API, R 360° and SW crs ILS.	1700	T-dn$	300-1	300-1	200-½
				C-dn	400-1	400-1	400-1½
DPA VOR	Pine Int	Direct	2500	S-dn-4°	400-1	400-1	400-1
ORD VOR	Pine Int	Direct	2600	A-dn	800-2	800-2	800-2
Niles Int	ORD VOR	Direct	2500				
Lakewood Int	ORD VOR	Direct	2500				
OBK VOR	Pine Int	Direct	2800				

Radar available.
Procedure turn S side of crs. 218° Outbnd, 038° Inbnd, 2800′ within 10 miles of Pine Int or Radar Fix.
Minimum altitude over Pine Int or Radar Fix on final approach crs, 1700′.
Crs and distance, Pine Int or Radar Fix to airport, 038°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles of Pine Int, climb to 2500′, turn left and proceed to OBK VOR via OBK VOR R 170°.
NOTE: Dual VOR receivers or radar required.
°Reduction not authorized for nonstandard REIL.
$CAUTION: Takeoffs on Runway 27 when weather is below 2000-3, will intercept ORD VOR, R 280° and climb to 2000′ before proceeding westbound. Takeoffs on Runway 22L when weather is below 2000-3, will intercept ORD VOR, R 308° and climb to 2000′ before proceeding westbound.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-HNA; Procedure No. ILS-4, Amdt. Orig.; Eff. date, 15 Oct. 66

Scarsdale Int	UR LOM (final)	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-2	700-2
				S-dn-22	300-1½	300-1½	300-1½
				A-dn	800-2	800-2	800-2
				Glide slope inoperative minimums become:			
					800-1	800-1	800-1

Radar available.
Procedure turn N side of crs, 043° Outbnd, 223° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1922′.
Altitude of glide slope and distance to approach end of runway at OM, 1922′—5.7 miles; at MM, 241′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on crs of 223° to Prospect Int. Hold SW of Prospect Int, 1-minute left turns, Inbnd crs, 040°.
NOTES: (1) Bridge tower 383′, 2.5 miles NE and tank 422′, 1.7 miles N of airport. (2) Localiser back crs unusable for missed approach guidance.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21′; Fac. Class., ILS; Ident., I-URD; Procedure No. ILS-22, Amdt. 3; Eff. date, 15 Oct. 66; Sup. Amdt. No. 2; Dated, 27 Mar. 65

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Radar vectoring and vector altitudes will be in accordance with approved Moffett Radar MOCA chart.				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	NA
				S-dn	NA	NA	NA
				A-dn	NA	NA	NA

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 3000′, proceed to San Jose VOR (SJC) via SJC VOR, R 308°.
CAUTION: No control tower at airport. Numerous light aircraft operating in vicinity of airport during VFR weather conditions.
NOTE: SJC VOR, R 286° is coincident with ASR final approach vector. Use Moffett Field altimeter setting.

City, Palo Alto; State, Calif.; Airport name, Palo Alto Airport of Santa Clara County; Elev., 5′; Fac. Class. and Ident., Moffett Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 15 Oct. 66

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	360°	Within 20 miles	8500	Precision approach			
				T-dn%	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-20	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3100' on ALW VOR, R 195° within 10 miles.
NOTE: Procedure authorized 0700-1900 local time Monday-Friday.
⅞Takeoffs all runways: Climb on R 195° ALW VOR within 10 miles so as to cross ALW VOR at or above; northeastbound V-536, V-520, 2500'.
City, Walla Walla; State, Wash.; Airport name, Walla Walla City-County; Elev., 1205'; Fac. Class. and Ident., Walla Walla Radar; Procedure No. 1, Amdt. 1; Eff. date 15 Oct. 66, Sup. Amdt. No. Orig.; Dated, 3 Sept. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on September 7, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-9997; Filed, Sept. 22, 1966; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-289; Order No. 312-A]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Form No. 12, Power System Statements for Class I and II Systems and for Class IV and V Systems Where Requested; Correction

SEPTEMBER 16, 1966.

In the order issued September 9, 1966, and published in the FEDERAL REGISTER September 16, 1966 (F.R. Doc. 66-10115, 31 F.R. 12093); correct "paragraph (d)" to read "paragraph (c)" in the first paragraph and in ordering paragraph (A).

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-10414; Filed, Sept. 22, 1966; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

RECODIFICATION

EDITORIAL NOTE: In F.R. Doc. 66-10121, appearing at page 12202 of the issue for Friday, September 16, 1966, Chapter II of Title 5 was transferred and recodified as Subchapter E of Chapter I of Title 35.

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 6; Amdt. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Size Appeals Board Organization

The Small Business Size Standards Regulation (Rev. 6) (31 F.R. 9721), as amended (31 F.R. 10114, 11651) is hereby further amended by revising § 121.3-6(a) to read as follows:

§ 121.3-6 Appeals.

(a) *Organization.* The Size Appeals Board shall be the representative of the Administrator for reviewing size determinations pursuant to §§ 121.3-4 and 121.3-5, and product classifications made pursuant to § 121.3-8, and recommending to the Administrator whether such determinations and classifications should be sustained or appropriately modified. The Size Appeals Board is authorized to conduct such proceedings as it determines appropriate to enable it to consider appeals and recommend to the Administrator, decisions thereon.

(1) For the purpose of Government procurement, sales of Government property, or Government subcontracts, the Size Appeals Board shall consist of the Assistant Administrator for Program Planning, Evaluation, and Research, who shall serve as Chairman, and the Deputy Administrator for Procurement and Management Assistance, or such alternates as they designate.

(2) For the purpose of appeals in connection with financial assistance by a Small Business Investment Company or by a development company, the Size Appeals Board shall consist of the Assistant Administrator for Program Planning, Evaluation, and Research who shall serve as Chairman, the Deputy Administrator for Procurement and Management Assistance, and the Deputy Administrator for Investment, or such alternates as they designate.

(3) For the purpose of appeals in connection with all forms of assistance not included in subparagraph (1) or (2) of this paragraph, the Size Appeals Board shall consist of the Assistant Administrator for Program Planning, Evaluation, and Research who shall serve as Chairman, the Deputy Administrator for Procurement and Management Assistance and the Deputy Administrator for Financial Assistance, or such alternates as they designate.

* * * * *

This amendment shall become effective on publication in the FEDERAL REGISTER.

Dated: September 19, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-10421; Filed, Sept. 22, 1966; 8:46 a.m.]

Proposed Rule Making

CIVIL AERONAUTICS BOARD

[Docket No. 17725]

[14 CFR Part 221]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND OF FOREIGN AIR CARRIERS

Posting of Notice of Limitation of Liability for Death or Injury of Passengers Under Warsaw Convention

SEPTEMBER 19, 1966.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 221 of the Economic Regulations (14 CFR Part 221) to modify the posting requirements of the notice of limitation of liability for death or injury of passengers under the Warsaw Convention.

The principal features of the proposed amendment are recited in the attached explanatory statement and the proposed amendment to Part 221 is set forth in the attached proposed rule. This regulation is proposed under authority of sections 204(a), 401(e), 402(e), 403, and 411 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754, 757, 758, and 769; 49 U.S.C. 1324, 1371, 1372, 1373, and 1381).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before October 24, 1966, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. The United States is party to the Convention for the Unification of Certain Rules Relating to International Transportation by Air signed at Warsaw, October 12, 1929 (Warsaw Convention), 49 Stat. 3000. The Convention limits the legal liability of airlines to passengers and shippers in "international transportation," a term defined therein. Most of the transportation to and from the United States and segments of international journeys performed wholly within the United States are governed by the Convention. Among other things, the Convention creates a presumption of liability on the part of the carrier and limits the carrier's liability for death or injury of passengers to approximately $8,290, except in the case of willful misconduct or default deemed equivalent thereto. The Convention further provided that by special contract the carrier and the passenger might agree to a limit of liability higher than the $8,290 set forth in the Convention.

By Regulation ER-395 adopted October 31, 1963 (28 F.R. 11775), the Board required air carriers and foreign air carriers in the United States which avail themselves of the limit on liability to passengers provided in the Warsaw Convention to (1) publish in their tariffs information on the Warsaw Convention liability limit; (2) deliver to passengers a prescribed notice in writing concerning such limit by one of three alternative means; and (3) post a sign containing the prescribed notice at all ticket counters and agents' offices in the United States.

By Order E-23680, May 13, 1966, the Board approved an agreement among various air carriers, foreign air carriers, and other carriers to increase the limitations of liability now applicable to claims for personal injury and death under the Convention which was filed with the Board (Agreement No. CAB 18900) pursuant to section 412(a) of the Act and Part 261 of the Board's Economic Regulations (Docket 17325). By this agreement, the parties thereto bound themselves to include in their tariffs, effective May 16, 1966, a special contract in accordance with the Warsaw Convention[1] or the Hague Protocol[2] providing for a limit of liability for each passenger for death, wounding, or other bodily injury of $75,000 inclusive of legal fees.[3] The parties further agree to provide in their tariffs that the carrier would not, with respect to any claim arising out of the death, wounding, or other bodily injury of a passenger, avail itself of certain defenses. The carriers further stipulated that they would, at the time of delivery of the tickets, furnish to each passenger governed by the Convention or the Protocol and by the special contract described above, a notice in 10-point type advising such international passengers of the limitations of liability established by the Convention or the Protocol, or the higher liability agreed to in the special contracts pursuant to the Convention or Protocol as described above.

On July 26, 1966, Pan American World Airways, Inc. (Pan American) and Trans World Airlines, Inc. (TWA) jointly filed a petition seeking a rule making proceeding to eliminate or modify the posting requirement of § 221.175(b).[4] The petitioners assert that the intercarrier agreement approved by the Board on May 13, 1966, with the higher limit for liability than that set forth in the Convention or Protocol, provides a form of notice for delivery to international passengers to be used in lieu of the notice set forth in § 221.175(a); that the posting requirement of § 221.175(b) is no longer necessary and should be eliminated; and that, if such posting requirement is not eliminated, it should at least be replaced with a simpler form of notice. In support of deleting the posting requirement, they contend that the public is far better informed with regard to the Convention than it was in 1963 when § 221.175 was adopted so that posting is no longer necessary. In support of a simpler form of notice for posting, they assert that since the notice in the intercarrier agreement, approved by the Board on May 13, 1966, is substantially longer than that set forth in the existing regulation, a ticket counter sign comprised of the longer notice would be too large and unwieldy to be practical. This simpler form of notice, in the carriers' view, should merely refer to the Warsaw Convention and to the fact that it limits liability for death or personal injury and for loss of, or damage to, baggage, without stating amounts.

Eastern Air Lines, Inc. (Eastern) filed an "answer"[5] in support of the joint petition of TWA and Pan American and requests deletion of the posting require-

[1] The proviso in § 221.175(a) reflects this provision of the Convention.

[2] The Convention was amended by the Protocol signed at The Hague in 1955 which has never been ratified by the United States. The Protocol, subject to certain provisions, provides for liability limitations of approximately $16,600 as compared to limitations of $8,300 in the Convention.

[3] The limit of liability is $58,000, exclusive of legal fees and costs.

[4] Section 221.175(b) requires that each air carrier and foreign air carrier which avails itself of the limitation on liability to passengers provided by the Warsaw Convention, display at each desk, station, and position in the United States which is in charge of a person employed by it or by any agent employed by such carrier to sell tickets to passengers whose transportation may be governed by the Warsaw Convention and whose place of departure or destination may be in the United States, a sign which shall have printed thereon the statement prescribed in § 221.175(a). Section 221.175(a) sets forth a prescribed form of notice with the amounts of limitations with respect to personal injury or death specified therein and contains a provision that when the carrier elects to agree to a higher limit of liability to passengers than that provided in the Warsaw Convention, such statement shall be modified to reflect the higher limit.

[5] Since the Board's rules of practice do not provide for the filing of answers to petitions for rule making, Eastern's "answer" will be considered a separate petition for rule making.

ment. In addition to the above arguments, Eastern contends that ticket counter signs are not an effective means of giving notice since passengers generally ignore them, that a significant percentage of airline customers never appear at ticket counters or offices, and that the United States is the only country that requires carriers which avail themselves of the Warsaw Convention liability limitations to post ticket counter signs at each desk where tickets are sold.

We propose to modify the posting requirement of § 221.175(b) by authorizing use of a simpler form of ticket counter sign. In our view, a posting of some type of notice is needed as a means of informing the public of the liability limitations of carriers under the Warsaw Convention. However, thpse carriers which have increased the amount of their liability thereunder and have waived defenses otherwise available to them under the Convention, should, in view of practical exigencies, be permitted to use a simpler form of notice for posting than that now provided by § 221.175 (b). The ticket counter sign proposed herein will accomplish the primary purpose of posting which is to advise the public that it may be subject to the liability limitations provided for in the Convention or Protocol, and at the same time meet the principal objections of the petitioners. Those air carriers and foreign air carriers which do not sign and file counterparts of the intercarrier agreement will continue to be subject to the posting requirement of present § 221.175(b).

Proposed Rule. The Civil Aeronautics Board proposes to amend Part 221 of the Economic Regulations (14 CFR Part 221) by modifying § 221.175(b) to read as follows:

§ 221.175 Special notice of limited liability for death or injury under the Warsaw Convention.

* * * * *

(b) Each air carrier and foreign air carrier which, to any extent, avails itself of the limitation on liability to passengers provided by the Warsaw Convention, shall also cause to be displayed continuously in a conspicuous public place at each desk, station, and position in the United States which is in charge of a person employed exclusively by it or by it jointly with another person, or by any agent employed by such air carrier or foreign air carrier to sell tickets to passengers whose transportation may be governed by the Warsaw Convention and whose place of departure or destination may be in the United States, a sign which shall have printed thereon the statement prescribed in paragraph (a) of this section: *Provided, however,* That an air carrier or foreign air carrier which provides a higher limitation of liability than that set forth in the Warsaw Convention and has signed a counterpart of the agreement among carriers providing for such higher limit, which agreement was approved by the Board by Order E–23680, dated May 13, 1966 (31 F.R. 7302, May 19, 1966), may use the following notice in the manner prescribed above in full compliance with the posting requirements of this paragraph:

ADVICE TO INTERNATIONAL PASSENGERS ON LIMITATION OF LIABILITY

Passengers traveling to or from a foreign country are advised that airline liability for death or personal injury and loss or damage to baggage may be limited by the Warsaw Convention and tariff provisions. See the notice with your ticket or contact your airline ticket office or travel agent for further information.

Such statements shall be printed in bold face type at least one-fourth of an inch high.

[F.R. Doc. 66–10431; Filed, Sept. 22, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. 0 49]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

SEPTEMBER 16, 1966.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, Serial No. 0 49, for the withdrawal of the public lands described below, from all forms of appropriation under the mining laws (Ch. 2, 30 U.S.C.) but not from leasing under the mineral leasing laws.

The applicant desires the lands for the permanent establishment and development of the Merlin Seed Orchard.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

MERLIN SEED ORCHARD SITE

T. 35 S., R. 6 W.,
Sec. 9, NW¼, NW¼SE¼.

The areas described aggregate 200 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 66–10417; Filed, Sept. 22, 1966; 8:45 a.m.]

Office of the Secretary

ALASKA

Notice of Filing of Protraction Diagrams for Northern Alaska and of Availability of Lands for Noncompetitive Oil and Gas Leasing

Notice is hereby given that the following approved protraction diagrams will be officially filed in the District and Land Office, Bureau of Land Management, Fairbanks, at 10 a.m. on September 26, 1966.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED), APPROVED MAY 17, 1962

UMIAT MERIDIAN

Folio No. 6, Sheet No. 7, Tps. 5–8 N., Rs. 41–45 W.
Folio No. 6, Sheet No. 9, Tps. 1–4 N., Rs. 41–44 W.
Folio No. 7, Sheet No. 1, Tps. 4–8 S., Rs. 49–52 W.
Folio No. 7, Sheet No. 2, Tps. 6–8 S., Rs. 53–56 W.
Folio No. 7, Sheet No. 3, Tps. 6–8 S., Rs. 57–60 W.
Folio No. 7, Sheet No. 4, Tps. 9–12 S., Rs. 61–63 W.
Folio No. 7, Sheet No. 5, Tps. 9–12 S., Rs. 57–60 W.
Folio No. 7, Sheet No. 6, Tps. 9–12 S., Rs. 53–56 W.
Folio No. 7, Sheet No. 7, Tps. 9–12 S., Rs. 49–52 W.
Folio No. 8, Sheet No. 3, Tps. 1–4 S., Rs. 41–44 W.
Folio No. 8, Sheet No. 4, Tps. 1–4 S., Rs. 45–48 W.
Folio No. 8, Sheet No. 5, Tps. 5–8 S., Rs. 45–48 W.
Folio No. 8, Sheet No. 6, Tps. 5–8 S., Rs. 41–44 W.
Folio No. 8, Sheet No. 9, Tps. 9–12 S., Rs. 33–36 W.
Folio No. 8, Sheet No. 10, Tps. 9–12 S., Rs. 37–40 W.
Folio No. 8, Sheet No. 11, Tps. 9–12 S., Rs. 41–44 W.
Folio No. 8, Sheet No. 12, Tps. 9–12 S., Rs. 45–48 W.
Folio No. 9, Sheet No. 11, Tps. 9–12 S., Rs. 25–28 W.
Folio No. 9, Sheet No. 12, Tps. 9–12 S., Rs. 29–32 W.

(1) By Public Land Order 3521 of January 9, 1965 (30 F.R. 271), the lands in the above described townships and ranges were opened to oil and gas leasing subject to the filing of approved leasing maps.

(2) The foregoing protraction diagrams, additionally labeled "Official Leasing Map—PLO 3521" and "Revised September 12, 1966, to show leasing blocks" are hereby approved and will be officially filed simultaneously with the protraction diagrams. They constitute the approved leasing maps required by Public Land Order 3521. Only those lands delineated and described as leasing blocks on the official leasing maps are made available for leasing offers by this notice.

(3) On the date the approved leasing maps are officially filed in the Fairbanks District and Land Office, the lands described therein will become available for noncompetitive oil and gas leasing pursuant to the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. sec. 181, et seq.), as amended, the regulations in 43 CFR Part 3120, and the provisions of this notice. The provisions of this notice shall supersede any provisions of the regulations with which they may be in conflict.

(a) In accordance with section 1 of Public Land Order 3521, all offers to lease the above described lands must describe the land applied for by block numbers in the specified townships as shown on the approved leasing maps. Each leasing block will be deemed to be a legal subdivision, subject to the restriction on assignments of part of a legal subdivision as set forth in 43 CFR 3128.1.

(b) Offers to lease these lands in the manner set out in paragraph (c) may be filed in the Fairbanks District and Land Office of the Bureau of Land Management from 10 a.m., on September 26, 1966, until 4 p.m., on November 18, 1966. Such offers will be considered as having been simultaneously filed.

(c) Offers to lease must be submitted on a "Special Oil and Gas Drawing Entry Card," Form 4–1720, signed by the applicant. The card will constitute the applicant's offer to lease the described block of land by participating in the drawing to determine the successful drawee. By signing and submitting the entry card, the applicant agrees that he will be bound to a lease on Form 4–1158 for the described block if such a lease is issued to him as a result of the drawing. Provisions of 43 CFR 3123.3(a) concerning multiple filings for one tract apply to this opening. Only one entry card will be drawn for each leasing block. The entry card must be accompanied by a $10 filing fee and the first year's advance rental for the total area as shown on the appropriate approved leasing map. The advance rental must be paid by cash, money order, certified check, bank draft, or bank cashier's check. While filing fees for two or more offers may be combined in one check, money order, etc., the advance rental must be submitted separately with each offer. The "Special Oil and Gas Drawing Entry Card" may be obtained from the land offices of the Bureau of Land Management in Fairbanks and Anchorage, Alaska, from the Denver Service Center,

Building 50, Denver Federal Center, Denver, Colo. 80225, or from the Office of the Director of the Bureau of Land Management, Washington, D.C. 20240.

(d) Upon the determination of the successful drawee for a particular block, the first year's rental will be earned and deposited in the U.S. Treasury, and will not be returnable. However, if an offeror withdraws his offer to lease prior to the beginning of the drawing or if his offer is rejected, the advance rental will be returned to him. Offerors who are unsuccessful in the drawing will be notified by the return of their respective entry cards.

(e) Any lands not included in offers to lease filed during the simultaneous filing period, or in offers which are withdrawn before the drawing, will become subject to leasing, as of 10 a.m., on November 21, 1966, in the usual manner on a priority of filing time basis and in accordance with the regulations in 43 CFR Part 3120, except that such offers must describe the lands by the leasing blocks as shown on the approved leasing maps.

(f) If a successful drawee is unqualified to receive a lease, the lands in the leasing block shall be included in a special simultaneous filing procedure to be announced at a later date by the Manager, Fairbanks District and Land Office.

(g) The provisions of 43 CFR 3120.6 pertaining to settlers on unsurveyed lands are not applicable to offers filed under the provisions of this notice.

(h) The drawing entry cards of unsuccessful applicants will be made available for public inspection pursuant to the provisions of 43 CFR Part 2, 60 days after the drawing is completed.

(4) Copies of the protraction diagrams listed herein and the approved leasing maps may be purchased at $1 per sheet from the Fairbanks District and Land Office, Bureau of Land Management, 516 Second Avenue, Fairbanks, Alaska 99701. Copies will not be available at the Bureau's Washington Office.

STANLEY A. CAIN,
Assistant Secretary of the Interior.

SEPTEMBER 20, 1966.

[F.R. Doc. 66-10446; Filed, Sept. 22, 1966; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 2]

SALES OF CERTAIN COMMODITIES

September Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the CCC Monthly Sales List for September 1966 is amended as set forth below:

Change the first sentence of the seventh paragraph of the Notice to Buyers to read as follows:

Effective at the close of business on September 19, 1966, the interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3) for September 1966 are 6 percent for U.S. bank obligations and 7 percent for foreign bank obligations, without regard to credit periods involved up to a maximum of 36 months.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on September 20, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-10439; Filed, Sept. 22, 1966; 8:47 a.m.]

Office of the Secretary

COLORADO

Extension of Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Colorado natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Colorado	Original designation	Present extension
Conejos	30 F.R. 9887	
Weld	29 F.R. 7784	30 F.R. 8282

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 19th day of September 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-10423; Filed, Sept. 22, 1966; 8:46 a.m.]

NEBRASKA, NORTH DAKOTA, AND UTAH

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Nebraska and Utah natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

Knox.

UTAH

Juab.

It has also been determined that in the hereinafter-named counties in the State of North Dakota the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

North Dakota:	*Original designation*
Cavalier	30 F.R. 13667
Sargent	31 F.R. 4931

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 19th day of September 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-10424; Filed, Sept. 22, 1966; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-95; NDA 11-657]

FELLOWS-TESTAGAR

Betaprone (Beta-Propiolactone); Notice of Opportunity for Hearing

Notice is hereby given to Fellows-Testagar, Division of Fellows Medical Manufacturing Co., Inc., 1354 West Lafayette Boulevard, Detroit, Mich. 48226, that in the matter of the supplement dated February 1961, and submitted in April 1961, to new-drug application No. 11-657, and subsequent amendments to the supplement, providing for Betaprone (beta-propiolactone) to be used for sterilization of plasma, the Commissioner of Food and Drugs proposes to refuse to approve the supplement under section 505(d) of the Federal Food, Drug, and Cosmetic Act on the grounds that:

1. The reports of investigations do not include adequate tests by all methods reasonably applicable to show whether or not the drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling.

2. The reports of tests included in the application do not show that the drug is safe for use under the proposed conditions of use.

3. On the basis of the information submitted to the Food and Drug Administration as part of the subject supplemental application, there is insufficient information to determine whether the drug is safe for use under the conditions proposed. Specifically, the reports of clinical studies do not include adequate tests to ascertain whether there is an interaction of the drug and/or its hydrolysis products with plasma proteins of the recipient or whether altered donor plasma protein(s) are introduced into the recipient. Detailed reports with respect to some of the subacute and chronic animal studies have not been submitted. Animal reproductive studies have not been reported to show whether plasma treated with the drug may be safely used in pregnant women, and no limitation regarding such use has been included in the proposed labeling.

4. There is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling in that the studies submitted to not demonstrate effectiveness of the proposed regime for the prevention of serum hepatitis. Specifically:

a. In regard to the studies from the one American institution:

i. A concomitant, prospective control is lacking.

ii. The use of data from post mortem examinations to establish the presence or absence of serum hepatitis is not valid because only a portion of the patients who died are accounted for in terms of submitted protocols and there is the possibility that a number of patients whose jaundice and/or hepatomegaly was ascribed to other causes did have serum hepatitis.

iii. Data obtained from sensitive liver-function tests which would be necessary to rule out nonicteric serum hepatitis are absent.

b. In regard to the studies from a Japanese institution:

i. The regime employed differs from that recommended in the labeling in that ultraviolet irradiated plasma was not used.

ii. The experimental design is deficient in that an additional variable, whole blood, was used for one group and not for the other group.

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations appearing in Part 130, Title 21, Code of Federal Regulations, the Commissioner will give the applicant an opportunity for a hearing at which time the applicant may produce evidence and arguments on the question of whether the supplement dated February 1961, and submitted in April 1961, as amended, is approvable.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant is required to file with the Hearing Clerk of the Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail itself of the opportunity for a hearing; or

2. Not to avail itself of the opportunity for a hearing.

If the applicant elects not to avail itself of the opportunity for a hearing, the Commissioner without further notice will enter a final order refusing to approve the supplemental application.

Failure of the applicant to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by the applicant not to avail itself of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public, except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If the applicant elects to avail itself of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued under the authority contained in the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052, as amended, 1055; 21 U.S.C. 355, 371(a)), and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008).

Dated: September 19, 1966.

WINTON B. RANKIN,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 66-10433; Filed, Sept. 22, 1966; 8:47 a.m.]

HODAG CHEMICAL CORP.

Notice of Filing of Petition for Food Additive Methyl Glucoside-Coconut Oil Ester

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Hodag Chemical Corp., 7247 North Central Park Avenue, Skokie, Ill. 60077, proposing the issuance of a regulation to provide for the safe use of methyl glucoside-coconut oil ester as a surfactant in molasses intended for use as a component of animal feeds.

Dated: September 19, 1966.

WINTON B. RANKIN,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 66-10434; Filed, Sept. 22, 1966; 8:47 a.m.]

E. R. SQUIBB & SONS

Notice of Withdrawal of Petition for Food Additive Streptomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C., 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), E. R. Squibb & Sons, Georges Road, New Brunswick, N.J. 08902, has withdrawn its petition (FAP 6C1981), notice of which was published in the FEDERAL REGISTER of March 15, 1966 (31 F.R. 4425), proposing the issuance of a regulation to provide for the safe use of streptomycin boluses for the treatment of calf scours, catarrhal enteritis, and digestive disturbances in cattle.

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 19, 1966.

WINTON B. RANKIN,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 66-10435; Filed, Sept. 22, 1966; 8:47 a.m.]

WEST VIRGINIA PULP & PAPER CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2077) has been filed by West Virginia Pulp & Paper Co., 230 Park Avenue, New York, N.Y. 10017, proposing an amendment to paragraph (a)(2)(v) of § 121.2592 *Rosins and rosin derivatives* by deleting the specification "a minimum dehydroabieic acid content of 45 percent" for disproportionated rosin used in contact with food.

Dated: September 19, 1966.

WINTON B. RANKIN,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 66 10436; Filed, Sept. 22, 1966; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

ASSISTANT SECRETARY FOR MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

Delegation of Authority Regarding Cost-Level Findings Under the National Housing Act

The Assistant Secretary for Mortgage Credit and Federal Housing Commissioner, Department of Housing and Urban Development (herein called the Assistant Secretary), is hereby authorized:

1. To exercise the authority vested in the Secretary of Housing and Urban Development (herein called the Secretary) to make cost-level findings under the proviso in the first sentence of section 305(g) of the National Housing Act as amended by section 3 of Public Law 89-566, 80 Stat. 738, 12 U.S.C. 1720(d).

2. To redelegate the authority herein delegated to one or more employees under the Assistant Secretary's jurisdiction.

(79 Stat. 670, 5 U.S.C. 624d(d))

Effective date. This delegation of authority shall be effective as of September 19, 1966.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 66-10342; Filed, Sept. 22, 1966; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-252]

UNIVERSITY OF NEW MEXICO

Notice of Issuance of Facility License

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Facility License No. R-102 to the University of New Mexico authorizing operation of the Model AGN-201, Serial No. 112 nuclear reactor at a maximum steady state power level of 100 milliwatts at the University's campus in Albuquerque, N. Mex.

The license, as issued, is set forth in the notice of proposed issuance of facility license published in the FEDERAL REGISTER on September 1, 1966, 31 F.R. 11559.

Dated at Bethesda, Md., this 17th day of September 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-10411; Filed, Sept. 22, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16080; Order E-24205]

AIR TRANSPORT ASSOCIATION OF AMERICA

Order Regarding Incentive Discounts for Containerized Shipments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of September 1966.

Revised agreements filed by the Air Transport Association of America on behalf of several air carriers relative to incentive discounts for containerized shipments and related provisions; Docket 16080, Agreements CAB 19125 and 19126.

Pursuant to the provisions of section 412 of the Federal Aviation Act of 1958, the Air Transport Association of America (ATA) has filed two revised container agreements on behalf of certain air carriers for Board approval.

Following the Board's conditional order approving the carriers' earlier agreements on containerization,[1] the Board approved the request of American to authorize the carriers to hold further discussions on containerization and to consider the Board's disapproval of certain features of the initial agreements.[2]

As a result of a meeting held on August 22-23, 1966, two revised container agreements[3] on behalf of American, Airlift, Flying Tiger (Type B/C/D container agreement only), TWA and United have been filed with the Board.

Changes from the earlier agreements are as follows:

(1) The provisions excluding perishable traffic and shipments under 1,000 miles, and the provision for an additional 15 percent discount for specific commodity rate traffic previously disapproved by the Board have been omitted from the new agreements;

(2) The density minimum at which the unitization discount had previously been granted has been reduced from 10 pounds to 7 pounds per cubic foot;

(3) The previously agreed and approved density incentive for general commodity rate traffic in Type B/C/D containers only (i.e., all poundage in excess of the 10 pounds per cubic foot minimum density was granted an additional one-third discount) has been extended to the Type A (pallet-igloo) container;

(4) Container detention provisions have been incorporated as previously requested by the Board; and

(5) The containerization incentive discounts will now apply to the weight of the entire shipment and the normal weight break will apply to the noncontainerized portions of shipments, in lieu of rating containerized portions as separate shipments.

Although a motion requesting disapproval of the agreements was filed, this motion has now been withdrawn and no objections to the agreements are pending before the Board. Flying Tiger requests, however, that the parties to the agreements file monthly reports on container traffic.

Upon consideration of all relevant matters, the Board does not find Agreements CAB Nos. 19125 and 19126 to be adverse to the public interest or in violation of the Act and has determined to approve them. The revised agreements represent a substantially improved offering to the shipping public which may meet the carriers' own stated objectives of decreasing the number of pieces handled and increasing the average on-board density of their traffic.

The Board notes that some of its earlier suggestions (Order E-23798, supra) as to matters warranting further study by the carriers were not discussed or were not satisfactorily resolved at their meeting on August 22. The Board would urge the carriers to pursue these matters to a successful conclusion at an early date.

sion is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, as is of the opinion that the applications must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Meroco Broadcasting Co. would constitute a menace to air navigation.

2. To determine, if issue number one is resolved in Meroco Broadcasting Co.'s favor, which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That the petition for special relief filed by Mullins Broadcasting Co. is denied.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: September 19, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10445; Filed, Sept. 22, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CI65-974, etc.]

GEORGE DESPOT, ET AL.

Order To Show Cause

SEPTEMBER 14, 1966.

George Despot, agent (Operator), et al., Docket No. CI65-974; Maxwell Herring Drilling Corp. (Operator), et al., Docket No. CI65-1176; Skelly Oil Co., Docket No. CI66-468; Phillips Petroleum Co., Docket No. CI66-500; International Helium, Inc. (Operator), et al., Docket No. CI66-564; J. W. Baton (Operator), et al., Docket No. CI66-1169; W. R. Hughey Operating Co., agent (Operator), et al., Docket No. CI66-1170; Robbins Petroleum Corp. (Operator), et al., Docket No. CI66-1208; B. Reagan McLemore, et al., Docket No. CI66-1220; Trice Production Co. (Operator), et al., Docket No. CI66-1228; Phillips Petroleum Co., Docket No. CI66-498; Texaco, Inc., Docket No. CI66-536, CI66-537; Humble Oil & Refining Co., Docket No. CI66-591; Phillips Petroleum Co., Docket No. CI66-1038; Northern Pump Co. (Operator), et al., Docket No. CI66-1124; Forest Oil Corp. (Operator), et al., Docket No. CI66-1159; Forest Oil Corp., Docket No. CI66-1160; Gulf Oil Corp., Docket No. CI66-68.

Each of the above-captioned proceedings concerns an application for a certificate of public convenience and necessity filed under section 7 of the Natural Gas Act to make sales of natural gas which appear to be similar to the so-called sales restricted by contract to compressor fuel or company use only, which are the subject of the Supreme Court's decision in California v. Lo-Vaca Gathering Co., et al., 379 U.S. 366. The aforesaid sales are being made from three separate areas, i.e., Texas Railroad District No. 4, South Louisiana, and Texas Railroad District No. 6, all as more fully described in the Appendix attached hereto and in the respective applications which are on file with the Commission and open to public inspection.

All of the above sales are presently being made and initial service commenced without authorization by the Federal Power Commission. It appears that all sales except those to Lone Star Gas Co. may be classified as sales purportedly restricted by contract for compressor fuel or company use within the State of purchase by the pipeline but commingled with gas purchased from other producers which is moving in interstate commerce. The sales to Lone Star are likewise sales restricted by contract for intrastate use but Applicant indicates that Lone Star commingles such gas with natural gas purchased from other producers and that some of such commingled gas is transported to points in states other than that state in which such gas is produced and sold by Applicant.

All Applicants indicate that they have heretofore considered that their sales were nonjurisdictional and that no filings with the Commission were required in connection therewith. However, each of the Applicants was advised by letter that on the basis of information furnished by the purchasing pipelines such sales appear to come within the scope of the Supreme Court's decision in California v. Lo-Vaca Gathering Co., et al. (supra), holding that sales of this type are jurisdictional and requesting that each Applicant promptly submit the necessary certificate application. Various of the Applicants have specifically indicated that their application is submitted in response to, and in compliance with, said Commission letter but that a certificate is requested only in event that, after examination of said contract, the Commission determines that said sale does, in fact, come within the scope of Lo-Vaca.

The Commission finds:

(1) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that the above-captioned Applicants appear and show cause, if any, as hereinafter ordered, why they should not be required to apply for and obtain, nunc pro tunc, certificates of public convenience and necessity authorizing the sales of gas which they have been making without authorization.

(2) It is appropriate and in the public interest that the above-captioned matters be consolidated for hearing and decision as hereinafter ordered.

(3) The expeditious disposition of these proceedings may be effectuated by holding a prehearing conference and to that end a prehearing conference should be held on October 26, 1966, as hereinafter ordered.

The Commission orders:

(A) The above-entitled Applicants shall appear and show cause, if any there be, at a public hearing to be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing November 14, 1966, at 10 a.m., e.d.t., why they should not be required to apply for, and obtain, nunc pro tunc, certificates of public convenience and necessity authorizing them to make the sales specified in their respective applications which they have previously made without authorization, and whether the initial price for such sales should not be fixed at the appropriate in-line price prevailing at the date deliveries commenced for the area in which such sales are being made, i.e., South Louisiana, Texas District No. 4, and Texas District No. 6.

(B) The above-named respondents shall also appear and show cause at the above-ordered hearing why they should not be required to refund the difference between the initial price determined in accordance with paragraph (A) above and the price actually charged for the related deliveries of gas. The date from which refunds shall be made, if any, by the respondents, shall be determined in this proceeding and evidence may be offered by any party as to the appropriate amount of refunds, if any, and the date from which liability for such refunds should be fixed.

(C) The above-captioned matters are hereby consolidated for the purposes of hearing and decision.

(D) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10:00 a.m., e.d.s.t., on October 26, 1966, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the expeditious disposition of these consolidated proceedings.

(E) The purpose of such conference shall be to consider all matters at issue in the above dockets, the manner in which evidence shall be presented, to fix dates for the distribution of such evidence, to fix the date on which the consolidated hearing shall commence, and to consider any and all matters which might contribute to an expeditious disposition of these consolidated proceedings.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on a date to be fixed by the presiding examiner in accordance with paragraph (B) above, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

(G) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 14, 1966. Protestants and Petitioners shall state with particularity the dockets in which they claim to have an interest.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No. and date filed	Seller	Date of— Contract	Date of— Initial delivery	Sales area	Price provisions of proposed rate schedule with effective dates: Initial	Price provisions of proposed rate schedule with effective dates: Increased	Initial service rates*
	SALES TO LONE STAR GAS CO.[12]						
CI65-974 4-5-65	George Despot, agent (Operator), et al	4- 5-60	[6] 5- 1-60	R.R. District 6	[6] 14.49	[6] 16.56 [6] 5-1-60 7-1-63	[6] 15.0
CI65-1176 5-7-65	Maxwell Herring Drilling Corp. (Operator), et al	5- 4-60	[6] 6- 1-60	do	[6] 14.49	[6] 16.56 [6] 6-1-60 7-1-63	[6] 15.0
CI66-468 12-1-65	Skelly Oil Co.[4]	9-13-61	10- 1-61	do	[6] 14.49	[6] 16.56 [6] 10-1-61 7-1-63	[6] 15.0
CI66-500 12-9-65	Phillips Petroleum Co	1-11-60	[6] 2- 1-60	do	[6] 14.49	[6] 16.56 [6] 2-1-60 7-1-63	[6] 15.0
CI66-564 1-3-66	International Helium, Inc. (Operator), et al	[14] [15] 1-11-60	[6] 2- 1-61	do	[6] 14.49	[6] 16.56 7-1-63	[6] 15.0
CI66-1169 5-23-66	J. W. Baton (Operator), et al	2-20-61	[6] 4-1-61	do	[6] 14.49	[6] 16.56 [6] 4-1-61 7-1-63	[6] 15.0
CI66-1170 5-23-66	W. R. Hughey Operating Co., agent (Operator), et al	[14] [17] 1-11-60	[6] 2-1-61	do	[6] 14.49	[6] 16.56 [6] 2-1-61 7-1-63	[6] 15.0
CI66-1208 5-27-66	Robbins Petroleum Corp. (Operator), et al	[14] [18] 1-11-60	[6] 5-1-63	do	[6] 14.49	[6] [16] 16.56 [6] 5-1-63 7-1-63	[6] 15.0
CI66-1220 5-27-66	B. Reagan McLemore, et al	[20] [21] 11- 1-60	[6] 10-1-61	do	[6] 14.49	[6] [16] 16.56 [6] 10-1-61 7-1-63	[6] 15.0
CI66-1228 5-27-66	Trice Production Co. (Operator), et al	[22] 9-12-61	[7] 10-1-61	do	[6] 14.49 [7] 10-1-61	[6] [16] 16.56 7-1-63	[6] 15.0

APPENDIX A

Docket No. and date filed	Seller	Date of— Contract	Date of— Initial delivery	Sales area	Price provisions of proposed rate schedule with effective dates: Initial	Price provisions of proposed rate schedule with effective dates: Increased	In-line ceiling [23]
	SALES TO FLORIDA GAS TRANSMISSION CO.[7]						
CI66-498 12-8-65	Phillips Petroleum Co	8-27-56	8- 2-59	A.R. District 4	16.5 8-2-59	[8] 17.5 7-1-62	[8] 15.0
	SALES TO COLUMBIA GULF TRANSMISSION CO.[3]						
CI66-536 12-23-65	Texaco, Inc	9-30-60	[6] 11- 1-60	South Louisiana	[6] [9] 23.55	[6] 25.05 [6] 11-1-60 11-1-64	[6] 20.0
CI66-537 12-23-65	do	1-30-61	[6] 3- 1-61	do	[6] [9] 23.55 [6] 3-1-61	[6] 25.05 11-1-64	[6] 20.0
	SALES TO TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO, INC.[5]						
CI66-591 1-10-66	Humble Oil & Refining Co	3- 5-62	5-15-62	Offshore South Louisiana Zone 2.	[8] 19.5	[8] [19] 20.5 5-15-65	18.5
CI66-1038 4-26-66	Phillips Petroleum Co	11-27-56	[6] 1- 1-57	R.R. District 4	12.1227 [6] 1-1-57	[11] 17.2435 1-1-60 [8] [13] 17.0	[6] 15.0 [6] 15.0
CI66-1124 5-12-66	Northern Pump Co. (Operator), et al	10- 1-59	3- -60	do	17.2435	11-1-64 [8] 19.2435	[8] 15.0
CI66-1159 5-20-66	Forest Oil Corp. (Operator), et al	10- 1-59	[6] 2- -60	do	2- -60 17.2435	11-1-64 [8] 19.2435	[8] 15.0
CI66-1160 5-20-66	Forest Oil Corp	10- 1-59	[6] 2- -60	do	2- -60 17.2435 2- -60	11- 1-64 [8] 19.2435 11- 1-64	[8] 15.0

See footnotes at end of table.

APPENDIX A—Continued

Docket No. and date filed	Seller	Date of— Contract	Date of— Initial delivery	Sales area	Price provisions of proposed rate schedule with effective dates— Initial	Price provisions of proposed rate schedule with effective dates— Increased	In-line ceiling [2]
SALES TO TRANSCONTINENTAL GAS PIPE LINE CORP.							
C166-68 ..... C166-68 7-21-65	Gulf Oil Corp.....	10- 8-57	1-10-58	South Louisiana.....	[3] [4] 22.80 1-10-58	[3] [5] 24.80 7- 1-62	[6] 20.0

[1] Statement of general policy No. 61-1—Texas District No. 6.
[2] Presently Columbia Gulf, who only transports gas, is not obligated to flow through any refunds collected. Docket No. G-20241, 3-27-61, 25 FPC 589 as modified FPC 1007.
[3] Assumed. Actual date not stated in application or filings.
[4] Proposed price.
[5] Inclusive of tax reimbursement.
[6] Due to Florida Gas' deficient financial position they are not presently required to flow through any refunds collected. Docket Nos. 9262 et al., 6-8-62, 27 FPC 1123.
[7] Presently TGP is obligated to flow through any refunds collected after the aggregate of such refunds received totals $1,000,000 or more. Docket Nos. G-11980 et al., 12-21-62, 28 FPC 1100 as amended 1-11-63, 29 FPC 65.
[8] The only price provided for by basic contract.
[9] Price increase by contractual amendment dated 4-8-63 which also extended term of basic contract from 3 years to 12-31-70.
[10] Redetermined price contractually effective for period 1-1-60 to 11-1-64.
[11] Redetermined price contractually effective for period 11-1-64 to 11-1-69.
[12] Presently Lone Star is obligated to flow through only those refunds collected with respect to producer gas which it resells to Natural Gas Pipeline Co. of America. Order issued Dec. 1, 1961, in Docket No. RI60-4.
[13] Phillips Petroleum Co., signatory seller.
[14] International Helium, Inc., acquired the acreage from Fred Whitaker via assignment dated 7-31-64. By agreement notarized on 1-5-61, Whitaker ratified Phillips' 1-11-60 contract.
[15] By agreement notarized on 1-1-61, the et al. Parties ratified Phillips' 1-11-60 contract.
[16] John C. Robbins, Jr., acquired the acreage subject to the 1-11-60 contract via assignments dated 4-11-63. 11-2-64 and 12-2-64 and reassigned part of interests to Robbins Petroleum Corp. et al., by assignments dated 8-13-63 and 11-2-64.
[17] Trice Production Co., John C. Robbins, Jr., et al. signatory sellers.
[18] Texaco, Inc., signatory seller.
[19] By agreement notarized on 9-21-61, B. Reagan McLemore, et al. Ratified the 11-1-60 Texaco contract.
[20] Prices under contract dated 10-8-57.
[21] R.R. district 4—in-line—15 cents (see Op. No. 362, 383, et al.), for contracts dated prior to Sept. 28, 1960, and 16 cents for contracts dated thereafter. Southern Louisiana—in-line—20 cents, onshore (Op. No. 436). Southern Louisiana—offshore—18.5 cents (Op. No. 436).

NOTE.—Footnotes 1, 2, and 16 have been deleted.

[F.R. Doc. 66-10385; Filed, Sept. 22, 1966; 8:45 a.m.]

[Docket No. RI67-58, etc.]

TEXACO INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 14, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 2, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-58...	Texaco Inc., Post Office Box 2420, Tulsa, Okla. 74102.	11	[7] 6	Northern Natural Gas Co., (Guymon-Hugoton Field, Texas County, Okla.), (Panhandle Area).	$275	8-15-66	[8] 9-15-66	2-15-67	[9] [10] 11.0	[9] [11] 12.0	
	....do.....	106	[7] 9	Northern Natural Gas Co., (Hugoton Field, Morton County, Kans.).	54	[8] 8-15-66	[8] 9-15-66	2-15-67	[9] [10] 11.0	[9] [11] 12.0	
	....do.....	107	[7] 9	Northern Natural Gas Co., (Hugoton Field, Seward County, Kans.).	89	[8] 8-15-66	[8] 9-15-66	2-15-67	[9] [10] 11.0	[9] [11] 12.0	
	....do.....	108	[7] 9	Northern Natural Gas Co., (Hugoton Field, Morton County, Kans.).	55	[8] 8-15-66	[8] 9-15-66	2-15-67	[9] [10] 11.0	[9] [11] 12.0	
	....do.....	109	[7] 9	....do.....	84	[8] 8-15-66	[8] 9-15-66	2-15-67	[9] [10] 11.0	[9] [11] 12.0	
	....do.....	110	[7] 9	Northern Natural Gas Co., (Hugoton Field, Seward County, Kans.).	69	[8] 8-15-66	[8] 9-15-66	2-15-67	[9] [10] 11.0	[9] [11] 12.0	
	....do.....	300	3	Lone Star Gas Co., (Manziel Field, Wood County, Tex.) (R.R. District No. 6).	5,486	8-22-66	[8] 9-22-66	2-22-67	[9] [12] 14.49	[9] [13] 16.56	
	....do.....	9	21	Northern Natural Gas Co., (West Panhandle Field, Carson County, Tex.) (R.R. District No. 10).	543	8-29-66	[8] 9-29-66	2-29-67	12.4239	[9] [14] 12.9487	RI66-329.
RI67-59....	Texaco Inc., (Operator), et al.	299	4	Lone Star Gas Co. (West Chapel Hill Field, Smith County, Tex.) (R.R. District No. 6).	8,094	8-22-66	[8] 9-22-66	2-22-67	[9] [12] 14.49	[9] [13] 16.56	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-60....	The Shamrock Oil & Gas Corp., Post Office Box 631, Amarillo, Tex. 79105.	17	3	Northern Natural Gas Co. (Steele No. 1 Well, Hansford County, Tex.) (R.R. District No. 10).	1,286	8-22-66	[11] 10- 1-66	3- 1-67	[9] 16.5	[9] [10] 17.5	RI62-38.
RI67-61....	Robert F. White (Operator), et al., 714 Union Center Bldg., Wichita, Kans. 67202.	5	4	Cities Service Gas Co. (Traffas Field, Barber County, Kans.).	864	8-22-66	[11] 9-22-66	2-22-67	[9] 12.0	[9] [13] 14.0	
	....do.....	2	1	Panhandle Eastern Pipe Line Co. (Grunder Pool, Stafford County, Kans.).	270	8-29-66	[3] 9-29-66	2-29-67	15.0	[9] 16.0	
RI67-62....	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	132	6	Kansas-Nebraska Natural Gas Co., Inc. (Grand Valley (Camrick) Field, Texas County, Okla.) (Panhandle Area).	60	8-19-66	[11] 10- 1-66	3- 1-67	[9] 17.8	[9] [10] 18.0	RI66-286.
RI67-63....	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla. 73102, Attn: Gas-Gasoline Division.	31	5	Panhandle Eastern Pipe Line Co. (Light Pool Field, Beaver County, Okla.) (Panhandle Area).	29	8-25-66	[11] 11- 9-66	4- 9-67	13.17607	[9] 14.06936	RI66-276.
	....do.....	39	10	....do.....	185	8-25-66	[11] 11- 9-66	4- 9-67	[9] 13.17607	[9] [10] 14.06936	RI66-276, RI62-34.
RI67-64....	Sharples & Co. Properties (Operator), et al., 1001-1700 Broadway, Denver, Colo. 80202.	4	7	Northern Natural Gas Co. (North Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	20,500	8-29-66	[11] 10- 1-66	3- 1-67	[9] 16.5	[9] [10] 17.5	
RI67-65....	A. L. Abercrombie (Operator), et al., 801 Union Center Bldg., Wichita, Kans. 67202.	15	2	Panhandle Eastern Pipe Line Co. (Borchers Northwest Field, Meade County, Kans.).	720	8-26-66	[3] 9-26-66	2-26-67	[9] 16.0	[9] [10] 17.0	
RI67-66....	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attn: Mr. A. M. Mouser.	61	5	Michigan Wisconsin Pipe Line Co. (North Holly Beach Field, Cameron Parish, La.) (South Louisiana).	6,142	8-22-66	[11] 9-22-66	2-22-67	[14] [15] 19.0	[14] [16] [17] 20.0	
RI67-67....	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001, Attn: H. W. Varner, Esq.	8	[17] 10	United Gas Pipe Line Co. (Cabeza Creek Area, Goliad, De Witt, and Karnes Counties, Tex.). (R.R. District No. 2).	579	8-22-66	[11] 9-22-66	2-22-67	14.5	[9] [16] 16.7158	RI61-97.

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] Redetermined rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] Settlement rate approved by Commission order issued Dec. 30, 1963, in Docket Nos. G-8767, et al. Filing moratorium ended Mar. 1, 1966.
[6] Includes Letter Agreement dated Apr. 22, 1966 (Rate Schedule Nos. 11, 106, 107, 108, and 110) and Feb. 3, 1966 (Rate Schedule No. 109), which provides for proposed increased rate.
[7] Filing not completed until Aug. 29, 1966.
[8] Periodic rate increase.
[9] Includes 0.49 cent tax reimbursement before increase and 0.56 cent tax reimbursement after increase.
[10] The stated effective date is the effective date proposed by Respondent.
[11] Renegotiated rate increase.
[12] "Fractured" rate increase. Tidewater contractually entitled to a rate of 20.5 cents, plus 1.5 cents tax reimbursement.
[13] Pressure base is 15.025 p.s.i.a.
[14] Inclusive of 1.0 cent tax reimbursement.
[15] Settlement rate as provided by Commission order issued June 15, 1962, as amended, in Docket Nos. G-13310, et al. Moratorium expired Dec. 31, 1963.
[16] Includes Letter Agreement dated Mar. 28, 1966 providing for the redetermined rate.
[17] Includes Letter Agreement dated Mar. 28, 1966 providing for the redetermined rate.

Texaco Inc. (Texaco) requests an effective date of August 10, 1966, for Supplement No. 6 to its FPC Gas Rate Schedule No. 11, and Supplement No. 9 to its FPC Gas Rate Schedule Nos. 106, 107, 108, 109, and 110; an effective date of September 1, 1966, for Supplement No. 3 to its FPC Gas Rate Schedule No. 300, and a retroactive effective date of July 1, 1966, for Supplement No. 21 to its FPC Gas Rate Schedule No. 9. Texaco Inc. (Operator), et al., request that their proposed rate increase be permitted to become effective as of September 1, 1966. Robert F. White (Operator), et al. (White), request a retroactive effective date of August 1, 1966, for Supplement No. 1 to White's FPC Gas Rate Schedule No. 2. A. L. Abercrombie (Operator), et al., request that their rate increase be permitted to become effective as of September 1, 1966. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Tidewater Oil Co. (Tidewater) proposes a "fractured" rate increases, from a 19.0-cent settlement rate, approved by Commission order issued June 15, 1962, in Dockets Nos. G-13310, et al., to a 20.0-cent rate, inclusive of tax reimbursement. Tidewater is contractually entitled to a rate of 20.5 cents, plus applicable tax reimbursement, but is limiting its increase to 1.0 cent so as not to be in conflict with the aforementioned settlement order. The settlement order permits Tidewater to place in effect after June 30, 1964, rate increases of not more than 1.0 cent every 4 years under this rate schedule. Since the proposed rate exceeds the area increased ceiling level for South Louisiana as announced in the Commission's statement of general policy No. 61-1, as amended, it is suspended for 5 months from September 22, 1966, the proposed effective date, as ordered herein.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 66-10389; Filed, Sept. 22, 1966; 8:45 a.m.]

[Project 2379]

LONE STAR CEMENT CORP.

Notice of Land Withdrawal; Washington

SEPTEMBER 19, 1966.

Conformable to the provisions of section 24, as amended, notice is hereby given that the lands hereinafter described insofar as title thereto remains in the United States, are included in Power Project No. 2379 for which completed application for license (major) was filed December 13, 1965, by Lone Star Cement Corp., New York, N.Y. Under said section 24 these lands are from the date of filing of said application, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

WILLAMETTE MERIDIAN, WASHINGTON

All unsurveyed lands of the United States as delimited on revised maps, Exhibit J, drawings WC-FP-1019 and -1020, and Exhibit K, drawings WC-FP-1005, -1006, and -1007 (FPC Nos. 2379-14, -15, -16, -17, and -18, respectively), and which when surveyed, will probably embrace portions of the following described subdivisions:

T. 37 N., R. 8 E.,
Sec. 22: SE¼SE¼;
Sec. 26: W½W½;
Sec. 27: NE¼NE¼;
Sec. 35: W½NW¼, N½SW¼, SE¼SW¼.

The area reserved pursuant to the filing of this application is approximately 33.41 acres, entirely located within the Mount Baker National Forest.

Copies of the afore-mentioned revised maps have been transmitted to the Forest Service, the Bureau of Land Management, and the Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10415; Filed, Sept. 22, 1966; 8:45 a.m.]

[Docket No. CP66-311]

OHIO FUEL GAS CO.

Notice of Petition To Amend

SEPTEMBER 16, 1966.

Take notice that on September 12, 1966, the Ohio Fuel Gas Co. (Petitioner), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP66-311 a petition to amend the order issued in the instant docket on August 30, 1966, by requesting authorization for the construction and operation of an additional replacement on its existing transmission system in the State of Ohio to enable Petitioner to provide increased capacity to serve the growing requirements of an existing market, and to assure adequate market service, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Specifically, Petitioner proposes to construct and operate 1.51 miles o. 8⅝-inch O.D. X.172-inch wall pipeline in Mahoning County, Ohio, replacing a section of 4½-inch O.D. and 6⅝-inch O.D. Line V-50 serving the Canfield market area, together with valves, fittings, and incidental facilities necessary for practical operation.

The total estimated cost of the proposed facilities is $52,000 which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 14, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10416; Filed, Sept. 22, 1966; 8:45 a.m.]

[Docket No. CP67-60]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 16, 1966.

Take notice that on September 12, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-60 a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1967, and operation of certain gas purchase facilities to enable Applicant to attach to its Southern Division System natural gas which will be purchased from authorized independent producers, all as more fully set forth in the application which in on file with the Commission and open to public inspection.

Applicant specifically proposes to construct and operate routine field facilities, subject to the jurisdiction of the Commission, necessary to connect Applicant's Southern Division System with the facilities of independent producers or other similar sellers authorized by the Commission to sell natural gas to Applicant for resale in interstate commerce.

The aggregate cost for all facilities proposed herein will not exceed $2,000,000 and the total cost for any one project will not exceed $500,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 14, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10427; Filed, Sept. 22, 1966; 8:46 a.m.]

[Docket No. CP67-61]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 16, 1966.

Take notice that on September 12, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967, and the operation of gas-purchase facilities to enable Applicant to attach to its Northwest Division System natural gas which will be purchased from authorized independent producers or similar sellers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and attaching to its Northwest Division System new or expanded supplies of natural gas in various producing areas generally coextensive with said system. Applicant states that in consideration of the forthcoming divestiture of its Northwest Division facilities to Northwest Pipeline Corp. (Northwest) as ordered by the U.S. Supreme Court, the budget-type authorization sought is intended to encompass and be applicable to only those facilities and activities of Applicant's Northwest Division System. Upon divestiture of such system to Northwest, such authorization is also intended by Applicant to be applicable, upon appropriate order of the Commission, to Northwest.

The total cost of the proposed facilities will not exceed a maximum of $500,000 and no single project will exceed a cost of $125,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 14, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10428; Filed, Sept. 22, 1966; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 588]

ARIZONA

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1966, because of the effects of certain disasters, damage resulted to residences and business property located in Maricopa County in the State of Arizona;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about September 13, 1966.

OFFICE

Small Business Administration Regional Office, 2727 North Central Avenue, Phoenix, Ariz. 85004.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1967.

Dated: September 14, 1966.

WILLIAM P. TURPIN,
Assistant Administrator for Administration.

[F.R. Doc. 66-10422; Filed, Sept. 22, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 256]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 20, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 46234 (Sub-No. 1 TA), filed September 16, 1966. Applicant: TOP-HAT TRUCKING, INC., 400 Grace Street, Secaucus, N.J. 07094. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising matter or displays, bath crystals or salts, brushes, candles, glass bottles, lipstick cases, chipboard cartons, combs, cutlery, printed cards, forms and labels, cotton pads, perfumery, plastic articles, sachet or toilet powder, shampoo and soap, solvents, toilet cases and toilet preparations.* From Edison, N.J., to Secaucus, N.J., for movement beyond in interstate commerce for 150 days. Supporting shipper: Revlon, Route 27 and Talmadge Road, Edison, N.J. Send protests to: Walter J. Grossmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1060 Broad Street, Room 363, Newark, N.J. 07102.

No. MC 116273 (Sub-No. 76 TA), filed September 16, 1966. Applicant: D&L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst and processed clay*, in bulk, in tank or hopper type vehicles, from Chicago, Ill., to El Dorado, Ark., Indianapolis, East Chicago, and Mount Vernon, Ind., McPherson, El Dorado, Arkansas City, Coffeyville, and Phillipsburg, Kans., Louisville and Catlettsburg, Ky., Norco, Meraux and Baton Rouge, La., Muskegon, Detroit, and Alma, Mich., St. Paul Park and Pine Bend, Minn., Pascagoula, Miss., Sugar Creek, Mo., Buffalo and North Tonawanda, N.Y., and Canton, Toledo, and Lima, Ohio, for 180 days. Supporting shipper: Nalco Chemical Co., 6216 West 66th Place, Chicago, Ill. 60638. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 123075 (Sub-No. 16 TA), filed September 16, 1966. Applicant: HARVEY D. SHUPE, HOWARD YOST, AND CHARLES MYLANDER, a partnership, SHUPE & YOST, North U.S. 85 Bypass, Post Office Box 1123, Greeley, Colo. 80631. Applicant's representative: Michael T. Corcoran, 1360 Locust Street, Denver, Colo. 80220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and animal and poultry feed ingredients and supplements* (except liquid feed in tank trucks from the plantsite of Farmers Marketing Association at Denver, Colo., to points in Wyoming, for 180 days. Supporting shipper: Farmers Marketing Association, 4545 Madison Street, Denver, Colo. 80216. Send protests to: Luther H. Oldham, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 127093 (Sub-No. 4 TA), filed September 16, 1966. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson, Iron Mountain, Mich. 49801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (not including lumber or bulk commodities) (1) *Gypsum and gypsum products and materials and supplies used in the installation or distribution thereto;* (2) *board, building, wall, and/or insulating, and parts, materials and accessories incidental thereto;* (3) *manufactured and/or composition boards, and parts, materials and accessories incidental thereto;* and (4) *roofing and/or insulating materials, and parts and accessories incidental thereto*, from the plantsite of Celotex Corp., at or near Fort Dodge, Iowa, to points in Kansas; and (5) *materials and supplies used in manufacture of items specified in above subparagraphs and refused, rejected or damaged shipments* on return, for 150 days. Supporting shipper: William A. Brock, supervisor of truck transportation, the Celotex Corp., 120 North Florida Avenue, Tampa, Fla. 33602. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 127777 (Sub-No. 10 TA), filed September 16, 1966. Applicant: MOBILE HOME EXPRESS, INC., Post Office Box 253, Oak Glen Station, 18503 South Torrence Avenue, Lansing, Ill. 60438. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile classrooms* by towaway or truckaway method, from Carlisle, Ind., to points in Illinois, Michigan, Minnesota, and Wisconsin, for 150 days. Supporting shipper: Mid-West Corp., Carlisle, Ind. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128587 TA, filed September 16, 1966. Applicant: JOSEPH EDGAR CURTIN, doing business as CURTIN'S AIRFREIGHT, 825 Las Gallinas, Post Office Box 4084, San Rafael, Calif. 94903. Applicant's representative: E. H. Griffiths, 451 Turk Street, Room 23, San Francisco, Calif. 94102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, all kinds (except commodities of unusual value, class A and B explosives, household goods as defined by the Commission in 17 MCC 467, commodities in bulk, commodities requiring special equipment, and commodities injurious or contaminating to other lading). Between San Francisco International Airport, San

Francisco, Calif., on the one hand, and, on the other, points in Marin and Sonoma Counties, Calif., on traffic having a prior or subsequent movement by air carrier, for 150 days. Supporting shippers: Reitz Manufacturing Co., Post Office Box 847, Santa Rosa, Calif., Fairchild Semiconductor, 4300 Redwood Highway, San Rafael, Calif., G.T.I. Components, 1309 Dynamic Street, Petaluma, Calif. 94952, Nichols Turkey Breeding Farms Inc., 865 West Napa Street, Sonoma, Calif. 95476, Optical Coating Laboratory Inc., 2789 Giffin Avenue, Santa Rosa, Calif. 95401. Send protests to: Howard O. Gaston, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 450 Golden Gate Avenue, Room 13001, San Francisco, Calif. 94102.

No. MC 128588 TA, filed September 16, 1966. Applicant: NORRIS TRANSFER & STORAGE COMPANY, INC., 1109 West Memorial Boulevard, Lakeland, Fla. Applicant's representative: M. Craig Massey, 223 South Florida Avenue, Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* having a prior or subsequent movement in interstate commerce, between Lakeland, Fla., and points in Polk, Hillsborough, and Highlands Counties, Fla., for 180 days. Supporting shipper: Western Electric Co., Inc., 3300 Lexington Road, Winston-Salem, N.C. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10437; Filed, Sept. 22, 1966; 8:47 a.m.]

[Notice 1416]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 20, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68892. By order of September 19, 1966, the Transfer Board approved the transfer to Reeder's, Inc., Modena, Pa., of certificates in Nos. MC-109850 and MC-109850 (Sub-No. 1), issued December 22, 1954 and September 9, 1955, respectively, to Frederick J. Whalen, doing business as Pen-Del Coach Lines, Norristown, Pa., authorizing the transportation of: Passengers and their baggage, over regular routes, between Coatesville, Pa., and Claymont, Del., serving all intermediate points in Pennsylvania restricted to traffic moving to or from Claymont, Del.; and passengers and their baggage, in special operations, in round trip sightseeing or pleasure tours, over irregular routes, beginning and ending in Coatesville, Pa., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Louisiana, Maryland, Ohio, West Virginia, Tennessee, Kentucky, Alabama, Mississippi, and the District of Columbia. Robert H. Griswold, Post Office Box 432, Harrisburg, Pa., attorney for applicants.

No. MC-FC-69016. By order of September 19, 1966, the Transfer Board approved the transfer to Hochstetler & Sons, Inc., Topeka, Ind., of permits in Nos. MC-119510, MC-119510 (Sub-No. 2), and MC-119510 (Sub-No. 3), issued September 22, 1960, January 11, 1963, and October 5, 1965, respectively, to Omer J. Hochstetler, or his estate, Topeka, Ind., authorizing the transportation of: Fertilizer and fertilizer materials, dry, in bulk and in containers, between Cairo, Ohio, on the one hand, and, on the other, points in specified Indiana counties; agricultural limestone, crushed limestone, and crushed limestone screenings, in bulk, from Maple Grove, Ohio, to points in specified Indiana counties; and agricultural lime, in bulk, in dump vehicles, from Woodville, Ohio, to points in specified Indiana counties. Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-69099. By order of September 16, 1966, the Transfer Board approved the transfer to William Earnhardt, doing business as Earnhardt Transport, Post Office Box 376, 1315 South Main Street, Salisbury, N.C., of certificates Nos. MC-114098, MC-114098 (Sub-No. 9), MC-114098 (Sub-No. 20), MC-114098 (Sub-No. 23), MC-114098 (Sub-No. 27), MC-114098 (Sub-No. 39), MC-114098 (Sub-No. 40), and MC-114098 (Sub-No. 41), issued November 13, 1961, November 29, 1962, September 5, 1962, September 6, 1962, July 2, 1963, April 10, 1963, and July 11, 1963, respectively, to Lowther Trucking Co., a corporation, Post Office Box 2115, 521 Penman Street, Charlotte, N.C.; MC-114098 (Sub-No. 9) authorizes the transportation of hardboard sheets and boards, from Catawba, S.C., and points within 5 miles thereof, to Dover, Del., Fairmont, W. Va., and points in Arkansas, Louisiana, Mississippi, Missouri, and Tennessee, and, except for points in certain commercial zones, points in Virginia, Pennsylvania, Kentucky, Maryland, New Jersey, and New York; MC-114098 (Sub-No. 20) authorizes cold finished steel bars, steel pipe, and steel tubing, from the plantsites of the Columbia Steel & Shafting Co., Inc., and Summerill Tubing Co., in Carnegie, Pa., to points in North Carolina and South Carolina; MC-114098 (Sub-No. 23) authorizes composition boards and sheets, from Black Mountain, N.C., to points in South Carolina, Tennessee, Alabama, Florida, Georgia, Kentucky, New York (excluding points within the New York, N.Y., commercial zone), and points in Pennsylvania; MC-114098 (Sub-No. 27) authorizes cast iron pipe and fittings, from Charlotte, N.C., to points in Pennsylvania on and west of U.S. Highway 219; MC-114098 (Sub-No. 39) authorizes hardboard, from Conway, N.C., and points within 10 miles thereof, to points in Iowa, Arkansas (except Benton, Ark.), Illinois, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Oklahoma, Texas (except Houston, Tex.), Wisconsin, and that part of Tennessee on and west of U.S. Highway 25E; MC-114098 (Sub-No. 40) authorizes plywood and lumber panels, beams, and plate roofs, and incidental steel connectors, from Hartford, Conn., to points in Delaware, Tennessee, that part of New York on and west of Interstate Highway 81; that part of New Jersey on and east of the New Jersey Turnpike, that part of Pennsylvania on and west of U.S. Highway 15, that part of Maryland east of U.S. Highway 15, that part of Virginia east of U.S. Highway 15, and the District of Columbia; and, MC-114098 (Sub-No. 41) authorizes steel racks and accessories and fittings, from East Hartford, Conn., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Idaho, Iowa, Louisiana, Maryland, Mississippi, Missouri, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, West Virginia, Wyoming, that part of Pennsylvania west of U.S. Highway 15, and the District of Columbia; all transportation involved is over irregular routes.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10438; Filed, Sept. 22, 1966; 8:47 a.m.]

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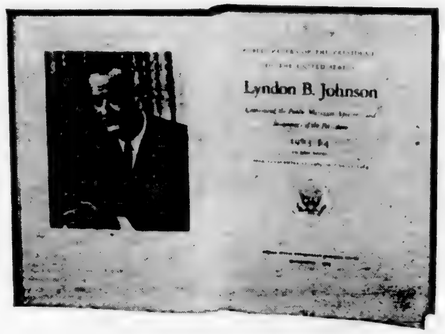
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Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 180]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.480 Valencia Orange Regulation 180.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 22, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 25, 1966, and ending at 12:01 a.m., P.s.t., October 2, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 500,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 22, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–10559; Filed, Sept. 23, 1966; 11:39 a.m.]

[Lemon Reg. 233]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.533 Lemon Regulation 233.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 20, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 25, 1966, and ending at 12:01 a.m., P.s.t., October 2, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: 24,888 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 22, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–10518; Filed, Sept. 23, 1966; 8:50 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk) Department of Agriculture

[Milk Order 68]

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Order Amending Order

§ 1068.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act; and

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than the date of publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt orderly marketing of milk in the marketing area.

(1) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued August 18, 1966, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued September 15, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the FEDERAL REGISTER and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in § 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minn., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. In § 1068.9 paragraph (b) is revised to read as follows:

§ 1068.9 Pool plant.

* * * * *

(b) Any plant from which during any month 40 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (1) a plant(s) which has qualified pursuant to paragraph (a) of this section, (2) any other plant(s) located within the marketing area from which Class I milk is disposed of within the marketing area on a route(s), or (3) a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided*, That if during each of the months of August, September, and October 40 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through the following July: *And provided further*, That if not less than 30 percent of the total member producer milk of a cooperative association is delivered during each of the months of August, September, and October as direct-shipped milk to a plant(s) described in paragraph (a) of this section located within the city limits of either Minneapolis or St. Paul, then any deliveries of milk by such cooperative association directly to such plant(s) may be considered, for the purposes of this paragraph, as having been received first at a plant of such cooperative association.

* * * * *

2. In §§ 1068.55 and 1068.82(a) the tables are revised to read as follows:

Location of plant (miles)	*Amount of deduction (cents)*
Less than 15	0
15 but less than 20	8.0
20 but less than 30	9.5
30 but less than 40	11.0
40 but less than 50	12.5
Each additional 10 miles or fraction thereof in excess of 50 miles an additional	1.0

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 20, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66–10476; Filed, Sept. 23, 1966; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[20, 102, as amended September 22, 1966]

PART 526—LIMITATIONS ON RATE OF RETURN

SEPTEMBER 21, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending the regulations for the Federal Home Loan Bank System to implement the authority to limit the rates of interest or dividends on withdrawable accounts paid by member institutions conveyed to it by Public Law 89–597, 89th Congress, 2d session, and for the purpose of effecting such amendment, hereby amends the Regulations for the Federal Home Loan Bank System (12 CFR Ch. V) by adding to said Subchapter B a new part, Part 526, to read as follows, effective September 26, 1966:

Sec.
526.1 Definitions.
526.2 Maximum rate of return.
526.3 Maximum rate of return payable on regular accounts.
526.4 Maximum rate of return payable on certificate accounts.

AUTHORITY: The provisions of this Part 526 issued under sec. 4, P.L. 89–597; 12 U.S.C. 1425b.

§ 526.1 Definitions.

(a) *Certificate account.* The term "certificate account" means any form of withdrawable account evidenced by a separate certificate which must be maintained for a period of at least 6 months if it is to receive a rate of return greater than that paid on regular accounts.

(b) *Regular account.* The term "regular account" means any form of withdrawable account that is not a certificate account.

(c) *Member institution.* The term "member institution" means any institution, other than a savings bank the deposits of which are insured by the Federal Deposit Insurance Corporation, which is a member of a Federal Home Loan Bank.

(d) *Return.* The term "return" means any dividend, interest or other similar distribution on a withdrawable account.

(e) *Distribution period.* The term "distribution period" means the period of time used by a member institution as a basis for distributing a return.

(f) *Announced rate.* The term "announced rate" means the rate of return which an institution has declared, announced or advertised that it will pay or anticipates paying for a distribution period or, if none, the rate of return paid for the immediately preceding distribution period.

§ 526.2 Maximum rate of return.

(a) *Prohibition on payment in excess of maximum prescribed rate.* Except in accordance with the provisions of this part, no member institution shall pay a return on any withdrawable account in any manner, directly or indirectly, or by any method, practice, or device whatsoever. No member institution shall pay a return on any withdrawable account at a rate in excess of such applicable maximum rate as the Board shall prescribe from time to time.

(b) *Exceptions.* (1) No such prescribed maximum rate shall apply to the payment of a return at not in excess of the announced rate on regular accounts with respect to that portion of a distribution period which has occurred prior to October 1, 1966, or the date upon which such prescribed maximum rate became effective.

(2) No such prescribed maximum rate shall apply to accounts which may receive an additional return after a prescribed period, outstanding prior to the date upon which such rate became effective, but shall apply to such accounts upon completion of the minimum term or qualifying period prescribed with respect to such accounts.

(c) *Grace periods in computing return on accounts.* The maximum rate specified in this part may be increased to such effective rate as results from the treatment of funds received not later than the 10th day of the month as if received on the first of the month and the treatment of funds withdrawn during the last 3 business days of any calendar month ending a distribution period as if withdrawn at the end of such calendar month.

(d) *Compounding.* In calchlating the rate of return paid, the effect of compounding may be disregarded.

(e) *Loans upon the security of accounts.* No loan may be made by a member institution upon the security of a certificate or regular account at a rate of interest on such loan that is less than 1 percent per annum in excess of the rate of return on any such account.

§ 526.3 Maximum rate of return payable on regular accounts.

(a) *Maximum rate of 4.75 percent.* No member institution shall pay a return on regular accounts at a rate in excess of 4.75 percent per annum, except as otherwise herein provided.

(b) *Institutions at higher rates.* A member institution whose announced rate of return on regular accounts on September 21, 1966, for the distribution period including September 21, 1966, was in excess of 4.75 percent per annum may pay a return on regular accounts at a rate not in excess of 5 percent per annum.

(c) *Geographic exception.* A member institution whose home office is located in California, Nevada, or Alaska may pay a return on regular accounts at a rate not in excess of 5.25 percent per annum.

§ 526.4 Maximum rate of return payable on certificate accounts.

(a) *Institutions paying 4.75 percent or less on regular accounts.* During a distribution period with respect to which a member institution has an announced rate of return not in excess of 4.75 percent per annum on regular accounts, it may not pay a rate of return on certificate accounts in excess of 5.25 percent per annum, except as otherwise herein provided.

(b) *Institutions paying more than 4.75 percent on regular accounts.* During a distribution period with respect to which an insured institution has an announced rate of return in excess of 4.75 percent per annum on regular accounts, it may not pay a rate of return on certificate accounts in excess of 5 percent, except as otherwise herein provided.

(c) *Geographic exception.* A member institution whose home office is located in California, Nevada, or Alaska may pay a return on certificate accounts at a rate not in excess of 5.75 percent per annum if the funds constituting the account were initially received by the institution as a certificate account prior to September 22, 1966, and at a rate not in excess of 5.25 percent per annum if the funds are received by the institution as a certificate account on or after September 26, 1966.

Resolved further that, since affording notice and public procedure on the above amendments might result in substantial withdrawals of funds from insured institutions, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or section 4(a) of the Administrative Procedure Act, and publication of said amendments for the period specified in section 4(c) of said Act prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 66–10486; Filed, Sept. 23, 1966; 8:48 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[FSLIC–2,734, as amended September 22, 1966]

PART 569—LIMITATIONS ON RATE OF RETURN

SEPTEMBER 21, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending the rules and regulations for Insurance of Accounts to implement the authority to limit the rates of interest or dividends on withdrawable accounts paid by insured institutions conveyed to it by Public Law 89–597, 89th Congress, 2d session, and for the purpose of effecting such amendment, hereby amends the rules and regulations for Insurance of Accounts (12 CFR Ch. V) by adding to said Subchapter D a new part, Part 569, to read as follows, effective September 26, 1966:

Sec.
569.1 Definitions.
569.2 Maximum rate of return.
569.3 Maximum rate of return payable on regular accounts.
569.4 Maximum rate of return payable on certificate accounts.

AUTHORITY: The provisions of this Part 569 issued under sec. 4, P.L. 89–597; 12 U.S.C. 1425b.

§ 569.1 Definitions.

(a) *Certificate account.* The term "certificate account" means any form of withdrawable account evidenced by a separate certificate, which must be maintained for a period of at least 6 months if it is to receive a rate of return greater than that paid on regular accounts.

(b) *Regular account.* The term "regular account" means any form of withdrawable account that is not a certificate account.

(c) *Return.* The term "return" means any dividends, interest or other similar distribution on a withdrawable account.

(d) *Distribution period.* The term "distribution period" means the period

of time used by an insured institution as a basis for distributing a return.

(e) *Announced rate.* The term "announced rate" means the rate of return which an institution has declared, announced or advertised that it will pay or anticipates paying for a distribution period or, if none, the rate of return paid for the immediately preceding distribution period.

§ 569.2 Maximum rate of return.

(a) *Prohibition on payment in excess of maximum prescribed rate.* Except in accordance with the provisions of this part, no insured institution shall pay a return on any withdrawable account in any manner, directly or indirectly, or by any method, practice, or device whatsoever. No insured institution shall pay a return on any withdrawable account at a rate in excess of such applicable maximum rate as the Board shall prescribe from time to time.

(b) Exceptions. (1) No such prescribed maximum rate shall apply to the payment of a return at not in excess of the announced rate on regular accounts with respect to that portion of a distribution period which has occurred prior to October 1, 1966, or the date upon which such prescribed maximum rate became effective.

(2) No such prescribed maximum rate shall apply to accounts which may receive an additional return after a prescribed period, outstanding prior to the date upon which such rate became effective, but shall apply to such accounts upon completion of the minimum term or qualifying period prescribed with respect to such accounts.

(c) *Grace periods in computing return on accounts.* The maximum rate specified in this part may be increased to such effective rate as results from the treatment of funds received not later than the 10th day of the month as if received on the first of the month and the treatment of funds withdrawn during the last 3 business days of any calendar month ending a distribution period as if withdrawn at the end of such calendar month.

(d) *Compounding.* In calculating the rate of return paid, the effects of compounding may be disregarded.

(e) *Loans upon the security of accounts.* No loan may be made by an insured institution upon the security of a certificate or regular account at a rate of interest on such loan that is less than 1 percent per annum in excess of the rate of return on such account.

§ 569.3 Maximum rate of return payable on regular accounts.

(a) *Maximum rate of 4.75 percent.* No insured institution shall pay a return on regular accounts at a rate in excess of 4.75 percent per annum, except as otherwise herein provided.

(b) *Institutions at higher rates.* An insured institution whose announced rate of return on regular accounts on September 21, 1966, for the distribution period including September 21, 1966, was in excess of 4.75 percent per annum may pay a return on regular accounts at a rate not in excess of 5 percent per annum.

(c) *Geographic exception.* An insured institution whose home office is located in California, Nevada, or Alaska may pay a return on regular accounts at a rate not in excess of 5.25 percent per annum.

§ 569.4 Maximum rate of return payable on certificate accounts.

(a) *Institutions paying 4.75 percent or less on regular accounts.* During a distribution period with respect to which an insured institution has an announced rate of return not in excess of 4.75 percent per annum on regular accounts, it may not pay a rate of return on certificate accounts in excess of 5.25 percent per annum, except as otherwise herein provided.

(b) *Institutions paying more than 4.75 percent on regular accounts.* During a distribution period with respect to which an insured institution has an announced rate of return in excess of 4.75 percent per annum on regular accounts, it may not pay a rate of return on certificate accounts in excess of 5 percent, except as otherwise herein provided.

(c) *Geographic exception.* An insured institution whose home office is located in California, Nevada, or Alaska may pay a return on certificate accounts at a rate not in excess of 5.75 percent per annum if the funds constituting the account were initially received by the institution as a certificate account prior to September 22, 1966, and at a rate not in excess of 5.25 percent per annum if the funds are received by the institution as a certificate account on or after September 26, 1966.

Resolved further that, since affording notice and public procedure on the above amendments might result in substantial withdrawals of funds from insured institutions, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or section 4(a) of the Administrative Procedure Act, and publication of said amendments for the period specified in section 4(c) of said Act prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 66-10487; Filed, Sept. 23, 1966; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 2; Rev. 1]

PART 105—STANDARDS OF CONDUCT

Disaster Loan Exceptions to Conflict of Interest Analysis Prior to Granting Assistance

Paragraph (a) of § 105.735-4-3 of Part 105 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding the words "under subparagraphs (1) and (2) of paragraph (b) of section 7 of the Small Business Act, as amended," after the words "disaster loans" in the first sentence thereof. As amended, paragraph (a) of § 105.735-4-3 reads as follows:

§ 105.735-4-3 Assistance by the Administration to businesses owned or managed by officers, employees, or special employees of the Government or members of Small Business Advisory Councils.

(a) No assistance, other than disaster loans under subparagraphs (1) and (2) of paragraph (b) of section 7 of the Small Business Act, as amended, shall be furnished to a business enterprise when the sole proprietor, a partner, an officer or director thereof, or a stockholder with a 10 or more percent interest therein:

(1) Is (i) an employee of the Administration or an employee in Grade GS-13 or its equivalent, or higher, of any other department in the executive branch, or (ii) an officer of the rank of major or lieutenant commander or its equivalent, or higher, in the Armed Services of the United States, or (iii) an appointed consultant or special Government employee of the Administration, or a member of a Small Business Advisory Council, or (iv) a spouse of any of the above, without the prior approval of the Ad Hoc Committee (established by § 105.735-10).

(2) Is (i) an employee in Grade GS-12 or its equivalent or lower, of any other department in the executive branch, or (ii) a member of the Armed Services of the United States of the rank of captain or lieutenant senior grade, or its equivalent, or lower, or (iii) a spouse of any of the above, without prior written statement of no objection by the pertinent department or Armed Service of the United States.

* * * * *

This amendment was approved by the Civil Service Commission on September 1, 1966, and is effective upon publication in the FEDERAL REGISTER.

Dated: September 19, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-10475; Filed, Sept. 23, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7191; Amdt. 39-291]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 188A and 188C Series Airplanes

Amendment 39-213 (31 F.R. 4493), AD 66-11-2, as amended by Amendment 39-223 (31 F.R. 5823), requires repetitive inspection of the lower wing plank splices and wing lower surface planks on certain Lockheed Model 188A and 188C Series airplanes. Subsequent to the issuance of Amendment 39-223, the Agency has determined that one of the inspection areas on some of these airplanes contains two or three screw or rivet holes rather than just one as stated in the AD. The manufacturer has accordingly provided supplementary instructions to carriers confronted with this problem. However, because this area described by the AD differs from that existing on some airplanes, and because the supplementary instructions are not included in the AD, these carriers cannot comply with the AD. The AD is therefore being further amended to include a reference to design configurations and instructions not included in the original AD.

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-213 (31 F.R. 4493), AD 66-11-2, as amended by Amendment 39-223 (31 F.R. 5823), is further amended as follows:

1. By amending the applicability statement to read:

Applies to Model 188A and 188C Series Airplanes except those modified in accordance with Lockheed Drawing 841318A (including Notes 10 and 11), Lockheed Drawing 841318B (including Notes 11, 13, and 19), or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

2. By amending subparagraph (a)(2) to read:

Inspect for cracks the internal plank area surrounding the bulkhead angle (P/N 810970) at the Wing Station 211 attachment hole or holes, as applicable, located between the lower number 6 plank risers 37 and 38, by dye penetrant method, in accordance with Lockheed Service Bulletin 88/SB-625C, section 2.G, or later FAA-approved revision.

3. By amending paragraph (b) to read:

Repair cracks found during the inspections required by this AD before further flight in accordance with Lockheed Drawing 841318A (including Notes 10 and 11) or Lockheed Drawing 841318B (including Notes 11, 13, and 19), as applicable, and the accomplishment instructions of Lockheed Service Bulletin 88/SB-625C or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. The airplane may be flown in accordance with FAR 21.197 to a base where the repair is to be performed. Seal all splice areas to be covered with repairs in accordance with Lockheed Service Bulletin 88/SB-620D or later FAA-approved revision.

4. By amending paragraph (c) to read:

The repetitive inspections required by subparagraph (a)(2) may be discontinued if, during the inspections required by paragraph (a), no cracks are found, and before further flight the airplane is modified in accordance with Note 10 of Lockheed Drawing No. 841318A or Notes 13 and 19 of Lockheed Drawing No. 841318B, as applicable.

This amendment becomes effective September 23, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 15, 1966.

W. E. ROGERS,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-10448; Filed, Sept. 23, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On July 23, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10040) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Vandalia, Ill., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

(1) In § 71.171 (31 F.R. 2065) the following control zone is added:

VANDALIA, ILL.

Within a 5-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.) and within 2 miles each side of the Vandalia VOR 183° radial extending from the 5-mile radius area to the VOR.

(2) In § 71.181 (31 F.R. 2149) the Vandalia, Ill., transition area is amended to read:

VANDALIA, ILL.

That airspace extending upward from 1,200 feet above the surface within a 10-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.); within 5 miles E and 8 miles W of the Vandalia 003° and 183° radials extending from the 10-mile radius area to 12 miles N of the VOR; within an area bounded on the S by V-14N, on the NW by V-191, on the E by a line 8 miles W of and parallel to the 003° radial; and within an area bounded on the N by V-14 and V-210, on the E by the arc of a 10-mile radius circle centered on the Vandalia Municipal Airport, on the SW by the arc of a 40-mile radius circle centered on the Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.); and that airspace extending upward from 3,000 feet MSL within an area bounded on the W by V-191, on the E by V-313, and on the S by a line 12 miles N of the Vandalia VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 9, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-10449; Filed, Sept. 23, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone

On August 10, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10643) stating that the Federal Aviation Agency was proposing an amendment to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the Klamath Falls, Oreg., terminal area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth:

In § 71.171 (31 F.R. 2104) the Klamath Falls, Oreg., control zone is amended to read:

KLAMATH FALLS, OREG.

Within a 5-mile radius of Kingsley Field (latitude 42°09'29" N., longitude 121°43'57" W.), within 3 miles east and 2 miles west of the Klamath Falls VORTAC 170° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC, and within 2 miles each side of the Klamath Falls VORTAC 332° radial, extending from the 5-mile radius zone to 11 miles northwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on September 16, 1966.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 66-10450; Filed, Sept. 23, 1966; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4084]

[Sacramento 080467]

CALIFORNIA

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental orders of July 19, 1904, and January 28, 1905, withdrawing lands for the Klamath River project, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

T. 46 N., R. 5 E.,
Sec. 27, lots 3 and 4.

The areas described aggregate 29.99 acres in Modoc County.

2. The lands are a part of the Modoc National Forest. At 10 a.m. on October 25, 1966, they shall be subject to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-10457; Filed, Sept. 23, 1966; 8:45 a.m.]

[Public Land Order 4085]

[Oregon 016987 (Wash.)]

WASHINGTON

Partial Revocation of Public Land Order 1249

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1249 of November 7, 1955, withdrawing lands for the Lenore Game Range is hereby revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 24 N., R. 27 E.,
Sec. 15, SE¼SW¼.

The area described contains 40 acres.

The land is located southwest of Coulee City, Grant County, and is smoothly rolling with rocky shallow soil. Vegetation consists of cheat grass, low sagebrush, and scattered annual weeds.

2. Until 10 a.m. on March 21, 1967, the State of Washington shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 21, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m. on March 21, 1967. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-10458; Filed, Sept. 23, 1966; 8:45 a.m.]

[Public Land Order 4086]

[Idaho 11]

IDAHO

Withdrawal for Protection of Public Recreation Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described land which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for the protection of a public recreation site:

BOISE MERIDIAN

T. 27 N., R. 1 E.,
Sec. 3, that part of lot 10 described as: Beginning at the meander corner of the bank of the Salmon River on the section line between sections 3 and 10; thence east along the section line 88 feet to a point, said point being the intersection of the section line with a center line of U.S. Highway 95; thence northerly, along the centerline of said highway 1,326 feet to a point, said point being the intersection of the highway centerline with a boundary line between lots 7 and 10; thence west along said lot line 105 feet to a point, said point being the mean high water line on the right bank of the Salmon River; then along the mean high water line in a southerly direction across the mouth of Skookumchuck Creek for a distance of 1,390 feet to a point, said point being the intersection of the mean high water line on the bank of the Salmon River with a section line between section 3 and 10; thence east along said section line for a distance of 12 feet to the point of beginning.

The area described contains 4.5 acres in Idaho County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the land under lease, license, or permit, or the disposal of its mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-10459; Filed, Sept. 23, 1966; 8:45 a.m.]

[Public Land Order 4087]

[Colorado 0126286]

COLORADO

Revocation of National Forest Recreational Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Orders No. 725 of June 4, 1951, No. 2314 of March 29, 1961, and No. 2783 of October 10, 1962, withdrawing national forest lands as recreational sites, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

PIKE NATIONAL FOREST

Virgin's Bath Overlook

T. 9 S., R. 69 W.,
Sec. 21, S½SE¼NW¼, NE¼SW¼, N½SE¼SW¼.

Top of the World Picnic Ground

T. 8 S., R. 70 W.,
Sec. 5, lots 5 and 12.

Jarre Canyon Picnic Ground

T. 8 S., R. 69 W.,
Sec. 1, S½ of lot 12 and N½ of lot 13.

Rock Springs Campground

T. 8 S., R. 69 W.,
Sec. 34, S½ of lot 8 and N½ of lot 9.

Kelsey Creek Campground

T. 8 S., R. 70 W.,
Sec. 29, NW¼NE¼, W½NE¼NE¼.

Goose Creek Campground

T. 10 S., R. 71 W.,
Sec. 18, East 10 chains of lot 4, W½SE¼SW¼.

ROOSEVELT NATIONAL FOREST

Rainbow Lake Picnic Ground

T. 1 N., R. 73 W.,
Sec. 28, S½SW¼SW¼, SW¼SE¼SW¼;
Sec. 33, NW¼NE¼NW¼, N½NW¼NW¼.

The areas described aggregate 405.075 acres, in Douglas, Boulder and Larimer Counties.

2. Public Land Order No. 1493 of September 9, 1957 withdrawing national forest lands as recreational and administrative sites is revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

ROOSEVELT NATIONAL FOREST

Fort Collins Mt. Recreation Area

T. 8 N., R. 72 W.,
Sec. 4, SE¼SE¼SW¼, S½SW¼SE¼, SW¼SE¼SE¼;
Sec. 9, NE¼NW¼, N½NW¼NE¼.

The area described contains 100 acres in Larimer County.

3. At 10 a.m. on October 25, 1966, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-10460; Filed, Sept. 23, 1966; 8:46 a.m.]

[Public Land Order 4088]

[New Mexico 0557750]

NEW MEXICO

Withdrawal for Civil Works Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use of the Corps of Engineers, Department of the Army, in connection with the Conchas Dam and Reservoir Project.

NEW MEXICO PRINCIPAL MERIDIAN

T. 13 N., R. 25 E.,
Sec. 16.

The area described contains 640 acres in San Miguel County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-10461; Filed, Sept. 23, 1966; 8:46 a.m.]

[Public Land Order 4089]

[Wyoming 0320479]

WYOMING

Withdrawal for Oil Shale Test Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved as a site for underground experimental tests on oil shale:

SIXTH PRINCIPAL MERIDIAN

T. 23 N., R. 107 W.,
Sec. 30.

Containing 641.56 acres in Sweetwater County.

The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the Bureau of Mines finds that the proposed use of the lands will not interfere with its oil shale experiments.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-10462; Filed, Sept. 23, 1966; 8:46 a.m.]

[Public Land Order 4090]

[Utah 0144535]

UTAH

Withdrawal for Administrative Site (Addition to Jones Hole National Fish Hatchery)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and added to and made a part of the Jones Hole National Fish Hatchery, established by Public Land Order No. 2757 of August 22, 1962:

SALT LAKE MERIDIAN

T. 3 S., R. 25 E.,
Sec. 1, lot 4, and W½ of lots 6, 7, and 8.

The areas described aggregate 202.32 acres in Uintah County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-10463; Filed, Sept. 23, 1966; 8:46 a.m.]

[Public Land Order 4091]

[Fairbanks 034563, 034682]

ALASKA

Withdrawal for School Purposes

By virtue of the authority contained in the act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for school purposes:

TULUKSAK

U.S. Survey 4635 (unapproved) lot 1.
Containing approximately 6.19 acres.

OSCARVILLE

U.S. Survey 4239 (unapproved) lot 1.
Containing 3.45 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the Bureau of Indian Affairs finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-10464; Filed, Sept. 23, 1966; 8:46 a.m.]

[Public Land Order 4092]

[Oregon 016989 (Wash.)]

WASHINGTON

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for a recreation site for the Department of Agriculture:

SNOQUALMIE NATIONAL FOREST

WILLAMETTE MERIDIAN

Crystal Mountain Recreation Area Addition

T. 17 N., R. 10 E. (unsurveyed),
Sec. 11, E½SW¼NE¼, SE¼NE¼, E½W½SE¼, E½SE¼;
Sec. 12, SW¼SW¼NW¼, SW¼NE¼SW¼, W½SW¼, SE¼SW¼.

The areas described aggregate approximately 320 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-10465; Filed, Sept. 23, 1966; 8:46 a.m.]

[Public Land Order 4093]

[Montana 073085]

MONTANA

Withdrawal for National Forest Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for an administrative site for the Department of Agriculture:

LOLO NATIONAL FOREST

MONTANA PRINCIPAL MERIDIAN

St. Regis Ranger Station

T. 18 N., R. 28 W.,
Sec. 24, SE¼NW¼, and E½SW¼.

The areas described aggregate 120 acres in Mineral County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-10466; Filed, Sept. 23, 1966; 8:46 a.m.]

[Public Land Order 4094]

[Montana 073084]

MONTANA

Withdrawal for National Forest Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for administrative sites of the Department of Agriculture:

FLATHEAD NATIONAL FOREST

PRINCIPAL MERIDIAN

Jim Creek Lookout Administrative Site

T. 21 N., R. 17 W.,
Sec. 6 (beginning at a point which is the northwest corner of SE¼NW¼ and the corner common to lots 3, 4, and 5, thence true east 2½ chains; thence true north 10 chains; thence true west 10 chains; thence true south 10 chains; thence true east 7½ chains to the point of beginning).

Cooney Lookout Administrative Site

T. 20 N., R. 16 W.,
Sec. 4, E½W½NE¼SE¼NW¼, E½NE¼SE¼NW¼, W½W½NW¼SW¼NE¼.

Elbow Lookout Administrative Site

T. 19 N., R. 17 W.,
Sec. 22, N½NW¼NE¼NE¼, NW¼NE¼NE¼NE¼.

Baptiste Lookout Administrative Site

Unsurveyed, but which probably will be when surveyed:
T. 27 N., R. 16 W.,
Sec. 5, SE¼SW¼SW¼ (adjacent to Baptiste Lookout).

Firefighter Lookout Administrative Site

Unsurveyed, but which probably will be when surveyed:
T. 30 N., R. 18 W.,
Sec. 27, E½NE¼NW¼SE¼, W½NW¼NE¼SE¼ (adjacent to Firefighter Lookout).

Desert Mountain Lookout Administrative Site

Unsurveyed but which probably will be when surveyed:
T. 31 N., R. 19 W.,
Sec. 25, E½E½SW¼NW¼NE¼, W½SE¼NW¼NE¼, W½E½SE¼NW¼NE¼.

Gary Lookout Administrative Site

T. 31 N., R. 17 W.,
Sec. 26 (beginning at a point common to the southeast corner of lot 7 and the southwest corner of lot 8, thence North 00°02' East 10 chains, thence North 89°59' East 10 chains; thence South 00°02' West 10 chains; thence South 89°59' West 10 chains to the point of beginning).

Mission Lookout Administrative Site

T. 25 N., R. 18 W.,
Sec. 27, SW¼NE¼SW¼SW¼, SE¼NW¼SW¼SW¼, NE¼SW¼SW¼SW¼, NW¼SE¼SW¼SW¼.

Condon Range Station Administrative Site and Landing Field

T. 21 N., R. 17 W.,
Sec. 36, E½NW¼, W½NE¼, NW¼SE¼, NE¼SW¼, W½W½SE¼NE¼.

The areas described aggregate 327.5 acres in Missoula, Flathead, and Lake Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-10467; Filed, Sept. 23, 1966; 8:46 a.m.]

[Public Land Order 4095]

[Oregon 94]

WASHINGTON

Partial Revocation of Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive order of October 23, 1907, establishing the Quillayute Needles Reservation as a preserve and breeding ground for native birds and animals, the name of which was changed to the Quillayute Needles National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940, is hereby revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

JAMES ISLAND

T. 28 N., R. 15 W.,
Sec. 28, lot 8 (formerly lot 3).

The area described contains 18.25 acres. The land is in the Quileute Indian Reservation.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-10468; Filed, Sept. 23, 1966; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Noxubee National Wildlife Refuge, Miss.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and rabbits on the Noxubee National Wildlife Refuge, Miss., is permitted only on the area designated by signs as open to hunting. This open area, comprising 42,590 acres, is delineated on a map available at the refuge headquarters, Route 1, Brooksville, Miss., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and rabbits subject to the following conditions:

(1) The open season extends from October 8 through October 22, 1966, excluding Sundays.

(2) The use of dogs is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 22, 1966.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 16, 1966.

[F.R. Doc. 66-10478; Filed, Sept. 23, 1966; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 155—UNIFORM SYSTEM OF RECORDS AND REPORTS OF PROPERTY CHANGES; COMMON CARRIERS

Recording and Reporting; Correction

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 5th day of August 1966.

Having under consideration the regulations for the recording and reporting of property changes by railroads for valuation purposes pursuant to the provisions of section 19a of the Interstate Commerce Act, as amended; and

It appearing, the changes herein consisting of technical amendments to relieve the regulations of obsolete reporting requirements so that public rule making procedures pursuant to section 4 of the Administrative Procedure Act are deemed unnecessary,

It further appearing, that the original order published in 31 F.R. 11181, on August 24, 1966, omitted revocation of paragraphs (f) through (m), inclusive, of § 155.0; and for good cause shown:

It is ordered, That Part 155 of Chapter I of Title 49 of the Code of Federal Regulations be amended by revoking §§ 155.0 (f) through (m) both inclusive, 155.19, 155.20 and 155.22,

It is further ordered, That this order shall become effective 30 days after its publication in the FEDERAL REGISTER,

And it is further ordered, That service be made on all carriers by railroad which are affected hereby and that notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply 37 Stat. 701, as amended; 49 U.S.C. 19a)

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10494; Filed, Sept. 23, 1966; 8:49 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-WE-39]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors of segments of Federal airways in the Los Angeles, Calif., and a portion of the Albuquerque, N. Mex., ARTC Center areas.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency proposes to redesignate the floors of the pertinent airway segments as hereinafter set forth.

1. V-8 From INT Long Beach, Calif., 266° and Los Angeles, Calif., 236° True radials; 1,200 feet AGL Long Beach; 1,200 feet AGL Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline) 1,200 feet AGL Hector, Calif.; 1,200 feet AGL Goffs, Calif.; 1,200 feet AGL INT Goffs 033° and Morman Mesa, Nev., 196° True radials; 1,200 feet AGL Morman Mesa, including a 1,200 feet AGL N alternate from Long Beach to Morman Mesa via Pomona, Calif., Daggett, Calif., and Las Vegas, Nev.; 39 miles, 1,200 feet AGL, 16 miles, 10,500 feet MSL, 36 miles, 12,000 feet MSL, 1,200 feet AGL Bryce Canyon, Utah, including an N alternate from INT Morman Mesa 059° and Cedar City, Utah, 197° True radials, 19 miles, 11,500 feet MSL, 1,200 feet AGL via Cedar City, 1,200 feet AGL INT Cedar City 004° and Bryce Canyon 292° True radials, 15 miles, 1,200 feet AGL, 19 miles, 12,500 feet MSL, 1,200 feet AGL to Bryce Canyon, excluding the airspace between the main and this N alternate.

2. V-12 From Santa Barbara, Calif., 1,200 feet AGL INT Santa Barbara 091° and Fillmore, Calif., 310° True radials; 1,200 feet AGL Fillmore; 1,200 feet AGL Palmdale, Calif.; 38 miles, 6 miles wide, 1,200 feet AGL Hector, Calif., 12 miles, 1,200 feet AGL, 53 miles, 8,500 feet MSL, 1,200 feet AGL Needles, Calif.; 45 miles, 1,200 feet AGL, 34 miles, 9,500 feet MSL, 1,200 feet AGL Prescott, Ariz.; 1,200 feet AGL Winslow, Ariz.

3. V-16 From Los Angeles, Calif., 1,200 feet AGL Ontario, Calif.; 1,200 feet AGL Palm Springs, Calif.; 1,200 feet AGL Blythe, Calif.; 21 miles, 1,200 feet AGL, 60 miles, 5,500 feet MSL, 1,200 feet AGL Buckeye, Ariz.; 1,200 feet AGL Phoenix, Ariz.; 1,200 feet AGL INT Phoenix 161° and Casa Grande, Ariz., 105° True radials; 1,200 feet AGL Tucson, Ariz.; 1,200 feet AGL Cochise, Ariz., including a 1,200 feet AGL S alternate via INT Tucson 122° and Cochise 257° True radials.

4. V-21 From INT Long Beach, Calif., 250° and Los Angeles, Calif., 207° True radials, 1,200 feet AGL Long Beach, Calif.; 1,200 feet AGL Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline) 1,200 feet AGL Hector, Calif.; 1,200 feet AGL Boulder, Nev., including a 1,200 feet AGL W alternate from INT Hector 226° and Daggett, Calif., 187° True radials, to INT Daggett 062° and Hector 047° True radials, via Daggett; 1,200 feet AGL Morman Mesa, Nev., 30 mi., 1,200 feet AGL 52 miles 9,500 feet MSL, 1,200 feet AGL Milford, Utah, including an E alternate, from Morman Mesa, 39 miles, 1,200 feet AGL, 10,500 feet MSL INT Morman Mesa 059° and Cedar City, Utah 197° True radials, 19 miles, 11,500 feet MSL, 1,200 feet AGL Cedar City, Utah, 1,200 feet AGL to Milford, excluding the airspace between the main and this E alternate airway.

5. V-23 From San Diego, Calif., 1,200 feet AGL Oceanside, Calif.; 24 miles, 1,200 feet AGL; 6 miles wide 1,200 feet AGL Long Beach, Calif.; 6 miles wide 1,200 feet AGL INT Long Beach 287° and Los Angeles, Calif., 138° True radials; 1,200 feet AGL Los Angeles; 1,200 feet AGL Gorman, Calif.; 1,200 feet AGL Bakersfield, Calif.; 1,200 feet AGL Fresno, Calif.

6. V-25 From San Diego, Calif., 1,200 feet AGL Los Angeles, Calif., including an E alternate from INT Los Angeles 138° and Long Beach, Calif., 186° True radials, 1,200 feet AGL via Long Beach, 6 miles wide 1,200 feet AGL to INT Long Beach 287° and Los Angeles 138° True radials; 1,200 AGL INT Los Angeles 261° and Ventura, Calif., 144° True radials; 6 miles wide 1,200 feet AGL Ventura; 6 miles wide 1,200 feet AGL INT Ventura 331° and Santa Barbara, Calif., 109° True radials; 1,200 feet AGL Santa Barbara; 1,200 feet AGL Paso Robles, Calif., including a 1,200 feet AGL W alternate from Santa Barbara to Paso Robles via Gaviota, Calif., and San Luis Obispo, Calif.; 1,200 feet AGL Salinas, Calif., including a 1,200 feet AGL E alternate via INT Paso Robles 342° and Salinas 131° True radials. The airspace below 2,000 feet MSL outside the United States and the airspace within R-2511, R-2520, R-6714, and W-289 is excluded. The airspace within R-2519 more than 3 statute miles west of the airway centerline and the airspace within R-2519 below 5,000 feet MSL is excluded. The portion outside the United States has no upper limit.

7. V-27 From San Diego, Calif., 1,200 AGL INT San Diego 319° and Santa Catalina, Calif., 099° True radials; 1,200 feet AGL Santa Catalina; 6 miles wide, 1,200 feet AGL Ventura, Calif.; 6 miles wide, 1,200 feet AGL INT Ventura 331° and Fillmore, Calif., 268° True radials; 1,200 feet AGL INT Fillmore 268° and Gaviota, Calif., 143° True radials; 1,200 feet AGL Gaviota; 1,200 feet AGL San Luis Obispo, Calif.; 1,200 feet AGL INT San Luis Obispo 308° and Big Sur, Calif., 157° True radials; 1,200 feet AGL Big Sur. The airspace below 2,000 feet MSL outside the United States between San Diego and Santa Catalina, the airspace within R-2516, R-2520, W-289, the airspace within R-2519 more than 3 statute miles west of the airway centerline and the airspace within R-2519 below 5,000 feet MSL, is excluded. The portion outside the United States has no upper limit.

8. V-64 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) 1,200 feet AGL INT Los Angeles 185° and Long Beach, Calif., 266° True radials; 1,200 feet AGL Long Beach; 1,200 feet AGL Thermal, Calif.; 1,200 feet AGL Blythe, Calif. The portion outside the United States has no upper limit.

9. V-66 From San Diego, Calif., 1,200 feet AGL Imperial, Calif.; 13 miles, 1,200 feet AGL, 24 miles, 2,500 feet MSL, 1,200 feet AGL Yuma, Ariz.; 12 miles, 1,200 feet AGL, 3,500 feet MSL INT Yuma 087° and Gila Bend, Ariz., 262° True radials; 46 miles, 3,500 feet MSL, 1,200 feet AGL Gila Bend; 1,200 feet Tucson, Ariz.

10. V-94 From Gila Bend, Ariz., 1,200 feet AGL Casa Grande, Ariz.; 55 miles, 1,200 feet AGL, 74 miles, 9,500 feet MSL, 1,200 feet AGL San Simon, Ariz.

11. V-95 From Gila Bend, Ariz., 1,200 feet AGL INT Gila Bend 096° and Phoenix, Ariz., 204° True radials; 1,200 feet AGL Phoenix; 49 miles, 1,200 feet AGL, 40 miles, 9,500 feet MSL, 1,200 feet AGL Winslow, Ariz., including a W alternate from Phoenix, 1,200 feet AGL, INT Phoenix 004° and Winslow 224° radials, 52 miles, 9,500 feet MSL, 1,200 feet AGL to Winslow.

12. V-105 From Tucson, Ariz., 1,200 feet AGL via INT Tucson 273° and Casa Grande, Ariz., 158° True radials; 1,200 feet AGL Casa Grande; 1,200 feet AGL Phoenix, Ariz.; 1,200 feet AGL Prescott, Ariz.; 25 miles, 1,200 feet AGL, 83 miles, 8,500 feet MSL, 1,200 feet AGL Boulder, Nev.; 1,200 feet AGL Las Vegas, Nev., including an E alternate from Prescott, 25 miles, 1,200 feet AGL, 8,500 feet MSL INT Prescott 319° and Peach Springs, Ariz., 134° True radials, 8,500 feet MSL Peach Springs, 44 miles, 8,500 feet MSL, 1,200 feet AGL INT Peach Springs 305° and Las Vegas 081° True radials, 1,200 feet AGL to Las Vegas; 1,200 feet AGL INT Las Vegas 266° and Beatty, Nev., 142° True radials; 17 miles, 1,200 feet AGL, 10,500 feet MSL Beatty.

13. V-107 From Los Angeles, Calif., 1,200 feet AGL INT Los Angeles 061° and Santa Monica, Calif., 093° True radials; 1,200 feet AGL Santa Monica; 1,200 feet AGL INT Santa Monica 276° and Fillmore, Calif., 163° True radials; 1,200 feet AGL Fillmore; including a 1,200 feet AGL W alternate from Los Angeles to Fillmore via INT Los Angeles 291° and Fillmore 163° True radials, and Ventura, Calif.; 1,200 feet AGL Avenal, Calif.; 1,200 feet AGL Los Banos, Calif. The airspace within R-2519 more than 3 statute miles W of Ventura 155° and 331° True radials, the airspace within R-2519 below 5,000 feet MSL and the airspace within R-2520 is excluded. The portion outside the United States has no upper limit.

14. V-113 From Paso Robles, Calif., 1,200 feet AGL Priest, Calif.; 1,200 feet AGL Los Banos, Calif.

15. V-117 From Imperial, Calif., 1,200 feet AGL INT Imperial 350° and Thermal, Calif., 122° True radials; 1,200 feet AGL Thermal; 1,200 feet AGL Palm Springs, Calif. The airspace within R-2521 is excluded.

16. V-135 From Yuma, Ariz., 1,200 feet AGL Blythe, Calif.; 1,200 feet AGL Parker, Calif., 5 miles, 1,200 feet AGL, 24 miles, 5,500 feet MSL, 1,200 feet AGL Needles, Calif.; 1,200 feet AGL Goffs, Calif.; 1,200 feet AGL Las Vegas, Nev.; 1,200 feet AGL INT Las Vegas 266° and Beatty, Nev., 142° True radials; 17 miles, 1,200 feet AGL, 10,500 feet MSL Beatty.

17. V-137 From Palm Springs, Calif., 1,200 feet AGL Palmdale, Calif.; 1,200 feet AGL Gorman, Calif.; 1,200 feet AGL Fellows, Calif.; 1,200 feet AGL San Luis Obispo, Calif.

18. V-165 From Lindbergh Field, Calif., 1,200 feet AGL INT Lindbergh Field 287° and Oceanside, Calif., 177° True radials; 1,200 feet AGL Oceanside; 24 miles, 1,200 feet AGL; 6 miles wide, 1,200 feet AGL Long Beach, Calif.; 6 miles wide, 1,200 feet AGL INT Long Beach 287° and Los Angeles, Calif.; 138° True radials; 1,200 feet AGL Los Angeles; 1,200 feet AGL INT Los Angeles 357° and Lake Hughes, Calif., 154° True radials; 1,200 feet AGL Lake Hughes; 1,200 feet AGL INT Lake Hughes 344° and Bakersfield, Calif., 137° True radials; 1,200 feet AGL Bakersfield; 1,200 feet AGL Porterville, Calif.; 1,200 feet AGL INT Porterville 339° and Fresno, Calif., 140° True radials; 1,200 feet AGL Fresno.

19. V-183 From Santa Barbara, Calif., 1,200 feet AGL Bakersfield, Calif.

20. V-190 From Phoenix, Ariz., 54 miles, 1,200 feet AGL, 19 miles, 9,500 feet MSL, 59 miles, 11,500 feet MSL, 1,200 feet AGL St. Johns, Ariz.

21. V-197 From Ontario, Calif., 1,200 feet AGL Pomona, Calif.; 1,200 feet AGL Palmdale, Calif.

22. V-201 From INT Los Angeles, Calif., 207° and Long Beach, Calif., 250° True radials; 1,200 feet AGL Los Angeles; 1,200 feet AGL Palmdale. The portion outside the United States has no upper limit.

23. V-202 From Cochise, Ariz., 1,200 feet AGL San Simon, Ariz.

24. V-208 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W centerline) 1,200 feet AGL INT Los Angeles 185° and Santa Catalina, Calif., 355° True radials; 7 miles wide (3 miles E and 4 miles W of centerline) 1,200 feet AGL Santa Catalina; 1,200 feet AGL Oceanside, Calif.; 1,200 feet AGL Julian, Calif.; 1,200 feet AGL Thermal, Calif.; 1,200 feet AGL Twentynine Palms, Calif.; 20 miles, 1,200 feet AGL, 24 miles, 7,300 feet MSL, 1,200 feet AGL Needles, Calif.; 36 miles, 1,200 feet AGL, 8,500 feet MSL Peach Springs, Ariz. The airspace within R-2508, and the airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

25. V-210 From Los Angeles, Calif., 1,200 feet AGL INT Los Angeles 063° and Pomona, Calif., 240° True radials; 1,200 feet AGL Pomona; 1,200 feet AGL INT Daggett, Calif., 229° and Hector, Calif., 263° True radials; 1,200 feet AGL Hector; 1,200 feet AGL Goffs, Calif., 13 miles, 1,200 feet AGL, 23 miles, 7,100 feet MSL, 8,500 feet MSL, Peach Springs, Ariz.; 1,200 feet AGL, Grand Canyon, Ariz.; 1,200 feet AGL Tuba City, Ariz.; 30 miles, 9,000 feet MSL, 79 miles, 11,500 feet MSL, 1,200 AGL Farmington, N. Mex.

26. V-237 From Needles, Calif., 25 miles, 1,200 feet AGL, 24 miles, 7,100 feet MSL, 1,200 feet AGL Boulder, Nev.; 1,200 feet AGL INT Boulder 347° and Las Vegas, Nev., 081° True radials; 1,200 feet AGL Las Vegas.

27. V-248 From Paso Robles, Calif., 1,200 feet AGL Avenal, Calif., 1,200 feet AGL Bakersfield, Calif.

28. V-257 From Phoenix, Ariz., 1,200 feet AGL Prescott, Ariz.; 1,200 feet AGL INT Prescott 003° and Grand Canyon, Ariz., 211° True radials; 1,200 feet AGL Grand Canyon; 7 miles, 1,200 feet AGL, 62 miles, 13,500 feet MSL, 1,200 feet AGL Bryce Canyon, Utah.

29. V-264 From Los Angeles, Calif., 1,200 feet AGL INT Los Angeles 061° and Pomona, Calif., 269° True radials; 6 miles wide, 1,200 feet AGL Pomona; 1,200 feet AGL Twentynine Palms, Calif., including a 1,200 feet AGL S alternate from Los Angeles to Twentynine Palms via Ontario, Calif., and Palm Springs, Calif.; 17 miles, 1,200 feet AGL, 28 miles, 5,500 feet MSL, 1,200 feet AGL Parker, Calif.; 35 miles, 1,200 feet AGL, 60 miles, 9,500 feet MSL, 1,200 feet AGL Prescott, Ariz.; 50 miles, 1,200 feet AGL, 98 miles, 11,500 feet MSL, 1,200 feet AGL St. Johns, Ariz.

30. V-291 From Winslow, Ariz., 1,200 feet AGL Flagstaff, Ariz., including a 1,200 feet AGL N alternate via INT Winslow 292° and Flagstaff, 063° True radials.

31. V-299 From Los Angeles, Calif., 1,200 feet AGL INT Los Angeles 291° and Fillmore, Calif., 163° True radials; 1,200 feet AGL Fillmore; 1,300 feet AGL Gorman, Calif. The portion outside the United States has no upper limit.

32. V-372 From Phoenix, Ariz., 1,200 feet AGL INT Phoenix 004° and Flagstaff, Ariz., 187° True radials; 1,300 feet AGL Flagstaff.

33. V-433 From Thermal, Calif., 1,200 feet AGL Parker, Calif.

34. V-422 From Hector, Calif., 12 miles, 1,200 feet AGL, 53 miles, 8,500 feet MSL, 1,200 feet AGL INT Needles, Calif., 372° and Goffs, Calif., 163° True radials; 1,200 feet AGL INT Goffs 163° and Parker, Calif., 333° True radials; 1,200 feet AGL Parker.

35. V-458 From Julian, Calif., 1,200 feet AGL INT Julian 130° and Imperial, Calif., 272° True radials; 1,200 feet AGL Imperial.

36. V-459 From Long Beach, Calif., 1,200 feet AGL Lake Hughes, Calif.; 1,200 feet AGL Porterville, Calif.; 1,300 feet AGL Friant, Calif.

37. V-460 From Julian, Calif., 1,200 feet AGL INT Julian 055° and Blythe, Calif., 372° True radials; 1,200 feet AGL Blythe.

38. V-461 From Gila Bend, Ariz., 1,200 feet AGL Buckeye, Ariz.

39. V-485 From Ventura, Calif., 6 miles wide, 1,200 feet AGL INT Ventura 331° and Fellows, Calif., 142° True radials; 1,200 feet AGL Fellows; 1,200 feet AGL Priest, Calif.

40. V-503 From Goffs, Calif., 84 miles, 1,200 feet AGL, 10,500 feet MSL, Beatty, Nev.

41. V-538 From Twentynine Palms, Calif., 1,200 feet AGL INT Twentynine Palms 043° and Goffs, Calif., 200° True radials; 34 miles, 9,500 feet MSL, 1,200 feet AGL Goffs; 1,200 feet AGL Las Vegas, Nev. The airspace within R-2501 is excluded.

On those segments for which a 1,200 feet AGL floor is proposed, the floor is required for climb from the surface to minimum en route altitude, for aeronautical chart- legibility or for compatibility with existing airspace for which a 1,200 feet AGL floor has been assigned. 1,200 feet AGL floors have previously been assigned for V-186, V-326, and V-518 in the vicinity of Van Nuys, Calif., and for the segment of V-66 from Tucson, Ariz., to Douglas, Ariz. It has been determined that the control area between V-21 and V-21 east alternate from Morman Mesa, Nev., to Milford, Utah, is no longer required for air traffic control. Accordingly, it is proposed to revoke this control area. The alignments of V-105, V-291, and V-372 conform to those proposed in Airspace Docket No. 66-WE-37. The alignments of V-210, and V-257 conform to those proposed in Airspace Docket No. 66-WE-38.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on September 19, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-10451; Filed, Sept. 23, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-WE-54]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation Withdrawal

On September 2, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (F.R. Doc. 66-9560, 31 F.R. 11615) stating that the Federal Aviation Agency proposed to designate a control zone and transition area in the Palm Springs, Calif., terminal area.

Subsequent to the issuance of the notice, it was determined that additional review of the airspace requirements for Palm Springs Municipal Airport would be necessary.

In consideration of the foregoing, notice is hereby given that the proposal contained in F.R. Doc. 66-9560 (31 F.R. 11615) is withdrawn.

This notice of withdrawal is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Los Angeles, Calif., on September 16, 1966.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 66-10452; Filed, Sept. 23, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16004]

FIELD STRENGTH CURVES FOR FM AND TV BROADCAST STATIONS

Notice of Issuance of Engineering Report

In the matter of §§ 73.333 and 73.699, field strength curves for FM and TV broadcast stations; Docket No. 16004.

1. In an order extending time for filing comments and reply comments issued in this proceeding on June 22, 1966, FCC Mimeo No. 85923, the Commission extended the time for filing comments until 60 days after a revised Report R-6502 (or a new one) is issued and made a part of the record in the proceeding, and 15 days thereafter for filing reply comments. This report, renumbered R-6602 and entitled "Development of VHF and UHF Propagation Curves for Television and FM Broadcasting" and dated September 7, 1966, contains the basic information upon which the new proposed curves were drawn, and is now available in the docket in the proceeding. Copies

are also available at the Office of Chief Engineer of the Commission, Room 802, 521 Building, Washington, D.C. 20554.

2. In view of the foregoing, the time for filing comments in this proceeding is extended to November 21, 1966, and for replies to December 6, 1966.

Adopted: September 19, 1966.

Released: September 20, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10507; Filed, Sept. 23, 1966; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-7954]

QUALIFIED NONMEMBER MARKET-MAKERS

Proposed Requirements

The Securities and Exchange Commission announced that it has under consideration a proposal to adopt Rule 19b-1 (17 CFR 240.19b-1) under the Securities Exchange Act of 1934 (Exchange Act), which is related to a proposal for the amendment of the New York Stock Exchange Rule 394. The new paragraph (b) to Rule 394 would permit members of the New York Stock Exchange to solicit qualified nonmember market-makers to participate in the execution of orders for listed securities off-the-floor of the Exchange under designated conditions. New York Stock Exchange Rule 394(b) will become effective by formal action of its Board of Governors at the request of the Commission pursuant to section 19(b) of the Securities Exchange Act and upon adoption by the Commission of rules fixing minimum capital requirements for such nonmember market-makers and providing for identification of such firms and the securities in which they make markets.

A. *Background.* Chapter VIII of the Report of the Special Study of Securities Markets examined the interrelationships among the primary markets and regional exchange markets and the over-the-counter market in listed securities. That chapter focused on the competitive elements among the various securities markets, the necessity to balance the desirability of competition against unnecessary or undesirable fragmentation of markets, the need and desirability of access by professionals and the public to the various securities markets, the restrictions placed on the right of members of various securities exchanges to deal in other markets, and similar matters. The Study recognized that the problems were complex, and on the particular issue here involved recommended further study:

> Among the subjects that appear to need further and continuing attention * * * are (a) types and forms of competition and of limitations on competition actually or potentially existing within and among markets, and their impact on the free, fair, and orderly functioning of the various markets; and (b) factors contributing to or detracting from the public's ready access to all markets and its assurance of obtaining the best execution of any particular transaction.

Among the subjects covered by this recommendation was the applicability of Rule 394 of the New York Stock Exchange which, as administered, required, with certain exceptions, that all member firms execute orders as agent or principal on the Exchange; thus, the rule, in effect, limited the right of member firms to solicit nonmember market-makers off-floor to facilitate execution of their customers' orders. In this connection the Study noted:

> * * * Presumably there are situations, for example, where a better execution might result if all or part of a transaction in an NYSE-listed security were handled over-the-counter, but where an exchange member firm would be precluded from handling the transaction away from the exchange. Footnotes omitted.

In partial fulfillment of the Special Study recommendation, the Commission directed its staff to investigate the:

> [F]acts, conditions, and practices concerning the rules and procedures of national securities exchanges relating to limitations on the ability of member firms of such exchanges to act as principal or agent in the execution of transactions, otherwise than on the floor of such exchanges * * *.

While the inquiry focused primarily on Rule 394 of the New York Stock Exchange, the rules and practices of all major national securities exchanges were reviewed. Extensive testimony was taken of New York Stock Exchange staff and members, including floor governors and floor officials, specialists and representatives of member firms doing public commission business, principals of the "third market" firms, representatives of regional exchanges, and others who were intimately familiar with the rule. Extensive documentary material was obtained from the New York Stock Exchange and other exchanges.

In connection with the listing on the New York Stock Exchange of the common stock of Chase Manhattan Bank, a nonmember dealer which had maintained a market in Chase common stock objected that the application of Rule 394 would prohibit members from continuing their customary dealings, both for their own account and for the account of their customers with his firm. Subsequently, the dealer made a request that the Commission, pursuant to the authority granted it under section 19(b) of the Securities Exchange Act of 1934, order the New York Stock Exchange to rescind or modify Rule 394 for the protection of investors or to insure fair dealing in securities trade in upon such Exchange or to insure fair administration of such Exchange.

Following the completion of our inquiry, discussions were conducted with the New York Stock Exchange and other interested parties concerning appropriate modifications to Rule 394 which would serve the public interest.

The New York Stock Exchange reviewed the matter and approved, in principle, amendment of its rules as set forth below, subject to the Commission's requesting adoption thereof. The Commission has reviewed Exchange proposed Rule 394(b) and finds it to be necessary and in the public interest. It provides as follows:

> Rule 394(b). *Solicitation of Nonmember Market-Makers to Participate in Transactions Off-the-Floor of the Exchange.* (1) A member or member organization holding a customer's round-lot order for the purchase or sale of stock may, if he so desires, solicit a qualified nonmember market-maker to participate in the execution of the order for the nonmember's own account, off-the-floor of the Exchange, provided he has reported to a floor governor, other than the specialist in the stock, that all of the following conditions have been met:
>
> (A) A diligent effort to explore the feasibility of obtaining a satisfactory execution of the order on the floor has been made during that market session.
>
> (B) The member or member organization has provided the floor governor with the following information:
>
> (i) The name of the stock and size of the order;
>
> (ii) Details of the effort made to explore the feasibility of obtaining a satisfactory execution of the order on the floor;
>
> (iii) The number of shares, if any, he is taking or supplying for his own account, and
>
> (iv) The extent, if any, of the interest the specialists has indicated in participating at an indicated price or prices.
>
> (2) A qualified nonmember market-maker in a stock is a broker-dealer registered with the Securities and Exchange Commission as a broker-dealer, who meets the capital and other applicable requirements and who has notified the Exchange that he is available to be solicited for his own account by members and member organizations pursuant to this rule for bids and offers in that stock.
>
> (3) The member or member organization must file a report promptly after the completion of a transaction made pursuant to this rule listing all parties to the transaction; the amount of participation of each; the price; the time of receipt of the order, the time of the off-floor execution and the name of the governor to whom he reported.
>
> (4) Notwithstanding the provisions of Rule 104, the specialist may buy on a plus or zero plus tick or sell on a minus or zero minus tick, any or all of the stock with respect to which a third market-maker is to be asked to participate.
>
> (5) Under the provision of this rule, a member must ask other members in the crowd immediately prior to the off-floor trade if they have orders to execute at the same price and on the same side of the market. If such be the case, the nonmember market-maker's bid or offer may be displaced in whole or in part by:
>
> (i) Any or all bids or offers at that price on the specialist's book and any or all bids or offers made by other brokers acting as agents for other than registered traders, registered odd-lot dealers or members or member organizations known by the broker to be acting for their own account; or
>
> (ii) The specialist in the stock, acting as a dealer, if the specialist before the third market-maker was solicited, advised the member or member organization of the extent of his interest at an indicated price or prices at which the transaction is to be made.

Supplementary Material:

.10 Listed below are examples of situations that would not comply with Rule 394(b). The rule is intended only to apply to situations where member firms have solicited the participation of a qualified nonmember market-maker. If, in the course of such a solicitation, the nonmember market-maker asks to participate in the purchase or sale of any other security or of the same security in a different transaction, the transaction does not qualify under Rule 394(b).

(1) A member firm solicits a qualified nonmember market-maker to participate in the purchase or sale of stock X. The market-maker is not interested in stock X but tells the member firm to solicit him in some other listed stock in which he does have an interest. A subsequent transaction in that other stock would not qualify under Rule 394(b). It must take place on board with a full commission, charged to the nonmember market-maker.

(2) A qualified nonmember market-maker advises, other than by the ordinary written advertisements, notification, or publication, a particular member firm during the day that he wishes to be solicited in a given stock or stocks. The subsequent solicitation by the member firm, in response to the third market-maker's request, will disqualify the resulting transaction from qualifying under Rule 394(b).

(3) A member firm has an understanding with a qualified nonmember market-maker to solicit him under Rule 394(b) whenever he has customers' orders in these stocks in which the third market-maker is qualified. Such an understanding will disqualify any transaction made pursuant to the understanding from Rule 394(b).

Any effort to accomplish indirectly that which is not directly permitted by the rule, or the intent of the rule as indicated in the rule itself, and the supplementary material, will result in the transaction not qualifying under the rule.

B. *Minimum Capital Requirements.* The proposed New York Stock Exchange Rule 394(b) contemplates that, while market-makers may advertise or publish their markets publicly or to the financial community, they would deal with members, under proposed paragraph (b) of the (aforesaid) rule, only when solicited by such members. The purpose of Commission Rule 19b-1 (17 CFR 240.19b-1) is to establish minimum capital requirements for nonmember market-makers who may be solicited to do business under the proposed New York Stock Exchange Rule 394(b) and to identify such firms. It is further proposed that Rule 19b-1 (17 CFR 240.19b-1) and the proposed Exchange Rule 394(b) become effective simultaneously.

The financial requirements of Rule 19b-1 (17 CFR 240.19b-1) are designed to assure that off-board trading is extended only to those nonmember market-makers who can reasonably be expected to add substantially to the depth and liquidity of the Exchange market. The Exchange has expressed the view that the capital requirements will tend to assure that market-makers will be able to perform the functions contemplated by the rule.

Rule 19b-1 (17 CFR 240.19b-1) is promulgated pursuant to the Securities Exchange Act of 1934, and particularly sections 17(a), 19(b), and 23(a). An appropriate reporting form will be prescribed when the rule is adopted. The Commission is also engaged in developing a program for administration of the rule and procedures for surveillance and reporting.

The text of the proposed section would be substantially as follows:

§ 240.19b-1 Requirements for qualified nonmember market-makers.

(a) For the purposes of any rule of a national securities exchange which the Commission shall have requested an exchange to adopt pursuant to the provisions of section 19(b) of the Act and which rule prescribes the conditions under which exchange members may deal with a "qualified nonmember market-maker," any broker-dealer may become and remain qualified as to one or more specified securities registered for trading on a national securities exchange by:

(1) Maintaining (i) a net worth of not less than $1,500,000; or (ii) a minimum net capital of $250,000 (computed as provided in § 240.15c3-1 of this chapter) for each security as to which it is so qualified; and

(2) Making a market in each such security including regularly making bona fide bids and offers for such securities for its own account; and

(3) Filing with the Commission and the Exchange an "Initial Statement under Rule 19b-1 (§ 240.19b-1)" showing net worth or net capital required to qualify and the name of each security as to which it is qualified; and

(4) Promptly notifying the Commission and the Exchange whenever a change occurs in net worth or net capital which would make him ineligible as a qualified nonmember market-maker under subparagraph (1) of this paragraph; and

(5) Filing a report with the Commission and the Exchange whenever he thereafter commences or ceases making a market for purposes of this section in any security registered for trading on a national securities exchange, containing the dates of such commencement or cessation forthwith after such action takes place. (For purposes of this subparagraph (5), a nonmember market-maker may report on Form X-17A-9(1) (§ 249.917(1) of this chapter) and such report will be deemed to also be a filing in compliance with Rule 17a-9(b) (§ 240.17a-9 of this chapter) unless the broker-dealer specifies that such commencement or cessation is for purposes of this § 240.19b-1 only.)

(Sec. 17(a) 48 Stat. 897, as amended, sec. 203 (a), 49 Stat. 704, sec. 5, 52 Stat. 1076, 15 U.S.C. 78q(a); sec. 19(b), 48 Stat. 898, 15 U.S.C. 78s (b); sec. 23(a), 48 Stat. 901, as amended, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w(a))

All interested persons are invited to submit their views and comments on the proposed rule in writing to the Secretary, Securities and Exchange Commission, at its principal office, 500 North Capitol Street, Washington, D.C. 20549, on or before October 17, 1966. Material submitted will be made available for public inspection unless a request for confidentiality is made.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 16, 1966.

[F.R. Doc. 66-10495; Filed, Sept. 23, 1966; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelegation Order 1; Amdt. 20]

SUPERINTENDENTS AND PROJECT ENGINEER

Redelegation of Authority Regarding Lands and Minerals

SEPTEMBER 20, 1966.

Order 1, as amended, is further amended under Part 2, Authority of Superintendents and Project Engineer, to add a new section, Archeological Permits, under the unit heading "Lands and Minerals." The new section, which immediately follows section 2.18, reads as follows:

SEC. 2.24. *Archeological permits.* The approval of permits, on forms approved by the Commissioner of Indian Affairs, for the excavation of ruins and archeological sites and the gathering of objects of antiquity on tribal lands and on trust or restricted individually owned lands, pursuant to 25 CFR Part 132.

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 66-10456; Filed, Sept. 23, 1966; 8:45 a.m.]

Bureau of Reclamation

FLATHEAD NATIONAL FOREST, MONT.

Transfer of Administrative Jurisdiction of Certain Lands

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 213), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over the following described lands, which lie within the exterior boundaries of the Flathead National Forest, Mont., and which were acquired by the Bureau of Reclamation in the development of the Hungry Horse Reservoir, Hungry Horse Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes:

FLATHEAD NATIONAL FOREST

MONTANA PRINCIPAL MERIDIAN

T. 30 N., R. 19 W.,
Sec. 8, SE¼;
Sec. 17, lot 2.

The two tracts comprise a total of some 178.25 acres. Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest lands, provided, that all lands and waters within the Hungry Horse Reservoir area needed or used for the operation of the project or for other Reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER.

Dated: September 19, 1966.

N. B. BENNETT, JR.,
Acting Commissioner of Reclamation.

[F.R. Doc. 66-10479; Filed, Sept. 23, 1966; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3-p]

TETRAMETHYLTHIURAM DISULFIDE AND ZINC DIETHYLDITHIOCARBAMATE FROM THE NETHERLANDS

Antidumping Proceeding Notice

SEPTEMBER 20, 1966.

On June 20, 1966, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs regulations indicating a possibility that Tetramethylthiuram Disulfide (TMTD) and Zinc Diethyldithiocarbamate (ZDC) imported from the Netherlands are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

TMTD is used as an ultra-accelerator for curing rubber manufactured goods. ZDC is used as an ultra-accelerator for curing rubber and latex manufactured goods.

The information was submitted by Vanderbilt Export Corp., New York, N.Y.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

Having conducted a summary investigation pursuant to § 14.6(d)(1)(i) of the Customs regulations and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d)(1)(ii), (2), and (3) of the Customs regulations to determine the validity of the information.

A summary of information received from all sources is as follows: Evidence submitted to the Bureau tends to indicate that the sales price of the subject merchandise to U.S. firms when netted back to the factory is lower than the price for the same products (identically same chemical composition) to domestic users for home consumption.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs regulations (19 CFR 14.6(d)(1)(i)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-10499; Filed, Sept. 23, 1966; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

PUBLIC COMMUNITY COLLEGES AND TECHNICAL INSTITUTES

Promulgation of Allotment Ratios for States

Pursuant to section 103 of the Higher Education Facilities Act of 1963, Public Law 88-204, 77 Stat. 363, and on the basis of the average of the incomes per person of the States and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce, the following allotment ratios for the States are hereby promulgated, effective with respect to the allotment of such funds as may be appropriated for the fiscal year ending June 30, 1967:

Alabama	0.6667
Alaska	.4108
Arizona	.5524
Arkansas	.6667
California	.3921
Colorado	.4894
Connecticut	.3587
Delaware	.3333
Florida	.5604
Georgia	.6266
Hawaii	.4888
Idaho	.5967
Illinois	.4073
Indiana	.5043
Iowa	.5309
Kansas	.5372
Kentucky	.6402
Louisiana	.6380
Maine	.5888
Maryland	.4419
Massachusetts	.4240
Michigan	.4746
Minnesota	.5313
Mississippi	.6667
Missouri	.4939
Montana	.5457
Nebraska	.5309
Nevada	.3474
New Hampshire	.5364
New Jersey	.4096
New Mexico	.5967
New York	.3827
North Carolina	.6317
North Dakota	.5697
Ohio	.4854
Oklahoma	.5939
Oregon	.4951
Pennsylvania	.4965
Rhode Island	.5063
South Carolina	.6667
South Dakota	.5090
Tennessee	.6415
Texas	.5736
Utah	.5673
Vermont	.5813
Virginia	.5715
Washington	.4772
West Virginia	.6220
Wisconsin	.5146
Wyoming	.5026
District of Columbia	.3333
American Samoa	.6667
Guam	.6667
Puerto Rico	.6667
Virgin Islands	.6667

Dated: September 1, 1966.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: September 16, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 66-10488; Filed, Sept. 23, 1966; 8:48 a.m.]

Vocational Rehabilitation Administration

STATE ALLOTMENT PERCENTAGES

Promulgation

Pursuant to section 11(h) of the Vocational Rehabilitation Act (68 Stat. 661, 29 U.S.C., 41(h)), as amended, and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to the per capita income of the States and of the United States are the years 1963, 1964, and 1965, the following allotment percentages for the several States, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam, as determined pursuant to said Act and on the basis of said income data, are hereby promulgated, to be conclusive, for each of the 2 fiscal years beginning July 1, 1967, and July 1, 1968.

Alabama	65.52
Alaska	41.30
Arizona	55.90
Arkansas	66.51
California	39.66
Colorado	50.17
Connecticut	37.31
Delaware	38.78
District of Columbia	33.33
Florida	55.96
Georgia	61.16
Hawaii	46.64
Idaho	57.75
Illinois	40.57
Indiana	49.11
Iowa	52.62
Kansas	51.64
Kentucky	62.92
Louisiana	62.42
Maine	59.12
Maryland	45.33
Massachusetts	44.04
Michigan	46.20
Minnesota	51.93
Mississippi	70.88
Missouri	51.93
Montana	55.28
Nebraska	53.14
Nevada	37.10
New Hampshire	52.93
New Jersey	40.42
New Mexico	59.27
New York	39.68
North Carolina	62.96
North Dakota	59.68
Ohio	48.71
Oklahoma	58.91
Oregon	49.65
Pennsylvania	50.02
Puerto Rico	66⅔
Rhode Island	48.69
South Carolina	67.08
South Dakota	61.45
Tennessee	63.59
Texas	57.25
Utah	56.05
Vermont	58.50
Virginia	56.44
Washington	47.03
West Virginia	63.36
Wisconsin	50.94
Wyoming	52.39

Dated: September 17, 1966.

[SEAL] WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-10489; Filed, Sept. 23, 1966; 8:48 a.m.]

Welfare Administration

CHILD WELFARE SERVICES

Promulgation of Federal Shares and Allotment Percentages for Fiscal Years 1968 and 1969

Pursuant to section 524 (a), (b), and (c) of Title V, Part 3 of the Social Security Act, as amended (sec. 601, Social Security Amendments of 1958, P.L. 85-840),

And it having been found that the three most recent calendar years for which satisfactory data are available from the Department of Commerce as to the per capita income of States and of the continental United States are the years 1963, 1964, and 1965.

It is hereby promulgated for each of the 2 fiscal years in the period ending June 30, 1969, that for the said purposes, for each of the 50 States, Puerto Rico, the District of Columbia, the Virgin Islands, and Guam, the Federal shares, as specified in said Act, or as determined pursuant thereto and on the basis of said income data, shall be as listed below.

It is hereby further promulgated for each of the 2 fiscal years in the period ending June 30, 1969, that for purposes of child welfare services under Title V, Part 3 of the Social Security Act, as amended, for each of the 50 States, Puerto Rico, the District of Columbia, the Virgin Islands, and Guam, the allotment percentages, as specified in said Act, or as determined pursuant thereto and on the basis of said income data, shall be as listed below.

States	Federal shares	Allotment percentages
Alabama	65.52	65.52
Alaska	41.30	41.30
Arizona	55.90	55.90
Arkansas	66⅔	66.51
California	39.66	39.66
Colorado	50.17	50.17
Connecticut	37.31	37.31
Delaware	38.78	38.78
District of Columbia	33⅓	31.84
Florida	55.96	55.96
Georgia	61.16	61.16
Guam	66⅔	70.00
Hawaii	46.64	46.64
Idaho	57.75	57.75
Illinois	40.57	40.57
Indiana	49.11	49.11
Iowa	52.62	52.62
Kansas	51.64	51.64
Kentucky	62.92	62.92
Louisiana	62.42	62.42
Maine	59.12	59.12
Maryland	45.33	45.33
Massachusetts	44.04	44.04
Michigan	46.20	46.20
Minnesota	51.93	51.93
Mississippi	66⅔	70.00
Missouri	51.93	51.93
Montana	55.28	55.28
Nebraska	53.14	53.14
Nevada	37.10	37.10
New Hampshire	52.93	52.93
New Jersey	40.42	40.42
New Mexico	59.27	59.27
New York	39.68	39.68
North Carolina	62.96	62.96
North Dakota	59.68	59.68
Ohio	48.71	48.71
Oklahoma	58.91	58.91
Oregon	49.65	49.65
Pennsylvania	50.02	50.02
Puerto Rico	66⅔	70.00
Rhode Island	48.69	48.69
South Carolina	66⅔	67.08
South Dakota	61.45	61.45
Tennessee	63.59	63.59
Texas	57.25	57.25
Utah	56.05	56.05
Vermont	58.50	58.50
Virgin Islands	66⅔	70.00
Virginia	56.44	56.44
Washington	47.03	47.03
West Virginia	63.36	63.36
Wisconsin	50.94	50.94
Wyoming	52.39	52.39

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: August 29, 1966.

[SEAL] ELLEN WINSTON,
Commissioner of Welfare.

Approved: September 16, 1966.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-10490; Filed, Sept. 23, 1966; 8:48 a.m.]

FEDERAL PERCENTAGE, FEDERAL MEDICAL PERCENTAGE, AND FEDERAL MEDICAL ASSISTANCE PERCENTAGE

Promulgation

Promulgation of (1) Federal percentage for purposes of State assistance expenditures under Title I, IV, X, XIV, or XVI of the Social Security Act; (2) Federal medical percentage for purposes of State medical expenditures on behalf of recipients of aid or assistance under Title I or XVI of said Act; and (3) Federal medical assistance percentage for purposes of State expenditures for medical assistance under Title XIX of said Act.

Pursuant to section 1101(a)(8)(B) of the Social Security Act, as amended (42 U.S.C. 1301(a)(8)(B)), which provides for the determination and promulgation of the Federal percentage, and sections 6(c) and 1905(b) of said Act (42 U.S.C. 306(c) and 1396d(b)), which provide, respectively, that the Federal medical percentage and the Federal medical assistance percentage shall be determined and promulgated in accordance with said section 1101(a)(8)(B).

And it having been found that the three most recent calendar years for which satisfactory data are available from the Department of Commerce as to the per capita income of each State and of the United States are the years 1963, 1964, and 1965.

The Federal percentage, the Federal medical percentage, and the Federal medical assistance percentage, as indicated below, to be used in determining Federal financial participation in State expenditures for the purposes specified herein, for each of the 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, as specified in said Act, or as determined pursuant thereto, and on the basis of said income data, are hereby promulgated for each of the eight quarters in the period beginning July 1, 1967, and ending with the close of June 30, 1969:

State	Federal percentage	Federal medical percentage	Federal medical assistance percentage
Alabama	68.00	70.23	70.60
Alaska	50.00	50.00	50.00
Arizona	61.10	61.10	64.99
Arkansas	65.00	77.56	79.81
California	50.00	50.00	50.00
Colorado	50.35	80.46	85.21
Connecticut	50.00	50.00	50.00
Delaware	50.00	50.00	50.00
District of Columbia	50.00	50.00	50.00
Florida	61.21	61.21	68.09
Georgia	65.00	69.84	72.85
Hawaii	50.00	50.00	50.00
Idaho	64.30	64.30	67.97
Illinois	50.00	50.00	50.00
Indiana	50.00	50.00	53.39
Iowa	58.11	58.11	60.50
Kansas	53.22	53.22	57.90
Kentucky	68.06	72.50	75.25
Louisiana	65.00	71.75	74.58
Maine	65.00	69.58	69.92
Maryland	50.00	50.00	50.00
Massachusetts	50.00	50.00	50.00
Michigan	50.00	50.00	50.00
Minnesota	53.78	53.78	58.40
Mississippi	66.00	80.00	83.00
Missouri	53.78	53.78	58.40
Montana	60.01	60.01	64.08
Nebraska	56.06	56.09	60.48
Nevada	50.00	50.00	50.00
New Hampshire	55.00	55.00	60.13
New Jersey	50.00	50.00	50.00
New Mexico	65.00	66.93	70.15
New York	50.00	50.00	50.00
North Carolina	65.00	72.56	75.30
North Dakota	66.00	67.49	70.74
Ohio	50.00	50.00	52.64
Oklahoma	65.00	66.23	68.61
Oregon	50.00	50.00	54.37
Pennsylvania	50.04	50.04	55.03
Rhode Island	50.00	50.00	52.61
South Carolina	65.00	78.33	80.50
South Dakota	69.00	70.28	73.26
Tennessee	65.00	73.44	76.14
Texas	63.45	63.45	67.10
Utah	61.38	61.38	65.24
Vermont	66.06	65.56	68.09
Virginia	52.76	52.76	55.43
Washington	50.00	50.00	50.00
West Virginia	65.00	73.15	75.96
Wisconsin	51.97	51.97	56.66
Wyoming	54.67	54.67	59.23
Guam		85.00	85.00
Puerto Rico		50.00	55.00
Virgin Islands		50.00	55.00

Dated: August 29, 1966.

[SEAL] ELLEN WINSTON,
Commissioner of Welfare.

Approved: September 17, 1966.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-10491; Filed, Sept. 23, 1966; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-2]

UNIVERSITY OF MICHIGAN

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 15, set forth below, to Facility License No. R-28. The license as previously issued authorizes the Regents of the University of Michigan (the licensee) to operate the Ford Nuclear Reactor located on the University's campus in Ann Arbor, Mich. The license amendment, as requested in the application dated July 27, 1966, increases from 11.5 kilograms to 15.0 kilograms the total quantity of uranium 235 which the licensee may receive, possess, and use as reactor fuel under the license.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment, and (2) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 17th day of September 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

FACILITY LICENSE AMENDMENT

[License No. R-28; Amdt. 15]

The Atomic Energy Commission having found that:

a. The application for license amendment dated July 27, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and

c. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility License No. R-28, as amended, which authorizes the Regents of the University of Michigan to operate the Ford Nuclear Reactor on the University's campus at Ann Arbor, Mich., is hereby further amended in accordance with the application for license amendment dated July 27, 1966.

Subparagraph 2.b.(1) of License No. R-28 is amended to read as follows:

"2.b.(1) 15.0 kilograms of contained uranium 235 in fuel element assemblies as fuel for operation of the facility."

This amendment is effective as of the date of issuance.

Date of issuance: September 17, 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-10447; Filed, Sept. 23, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 15419, 17594]

FLYING TIGER LINE, INC.

Blocked-Space Air Freight Tariffs; Notice of Postponement of Prehearing Conference

By motion filed September 19, 1966, The Flying Tiger Line, Inc. asks indefinite postponement of the prehearing conference in docket 17594, set for September 27, 1966, and indefinite postponement of further procedural steps. The motion assumes grant of Bureau counsel's motion to consolidate the above two dockets. Flying Tiger has agreed to postpone indefinitely the effective date of the suspended tariff revision and to give 270 days' notice before permitting it to become effective. No objection to postponement has been indicated.

Accordingly, the prehearing conference set for September 27, 1966, is hereby postponed until further notice. In the event the Board grants the motion to consolidate the two proceedings, it is planned to defer further procedural steps until decision by the Supreme Court in the current litigation before it with respect to blocked-space air freight.

Dated at Washington, D.C., September 20, 1966.

[SEAL] RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 66-10480; Filed, Sept. 23, 1966; 8:47 a.m.]

[Docket No. 17726; Order E-24202]

GULF STATES-MIDWEST POINTS

Order Instituting Service Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of September 1966.

For the reasons discussed below we are instituting this investigation to determine whether a need exists for new and improved certificate authority between points in the Gulf States area and the major transportation hubs and trade centers of Chicago, Detroit, St. Louis, and Kansas City. (See map, App. A [14].)

In several formal proceedings since 1956, the Board reviewed the Gulf States area's long-haul service needs to the northeast, west, southeast and is currently investigating such needs to the Pacific northwest.[15] However, the area's service requirements to the midwest trade centers Chicago, Detroit, St. Louis, and Kansas City have not been similarly analyzed.

The Gulf States area represents one of the fastest growing sections of the country. For example, between 1950 and 1960, population of eight metropolitan centers in the area[2] increased by 35.4 percent, while the national average was 26.5 percent.[3] An examination of air traffic between Gulf States points and the four midwest hubs reveals that there are a number of monopoly nonstop markets which generate sufficient air traffic to warrant our considering whether competitive service should be authorized.[4] In addition there is one substantial market (Detroit-Dallas) in which no carrier has nonstop authority.[5] From time to time the Board has received complaints by the communities with respect to the quality and quantity of air service in these markets. Despite the present pattern of service, these markets have grown at a more rapid rate than the national average. A comparison of year ended June 30, 1965, O&D traffic with that for 1959 shows an increase of 82 percent, while the total domestic traffic grew only 55 percent.[6] All of these factors justify setting down a proceeding to hear the need for improved service in these markets.

To keep the investigation within manageable proportions and to focus attention upon those markets where first nonstop and competitive nonstop authorizations may be needed, we shall require that all flights operated pursuant to any awards granted herein must serve both terminals of one of the eight markets discussed above. However, intermediate points within the geographical scope of the proceeding [7] may be included as a part of an application requesting certification in the eight markets, but no more than two intermediate points may be served between the two terminal points.

The scope of the proceeding as defined herein should accomplish our objective of limiting the proceeding to what appears to be the more significant long-haul point-to-point service issues. However, any party is free to advance during the proceeding appropriate evidence and argument in support of a need for more stringent restrictions.

There are presently on file applications from carriers and civic parties in part requesting authority which would be at issue in the investigation as hereinabove described. Rather than sever out and consolidate herein, sua sponte, those portions of these applications which are within the purview of this proceeding, we shall favorably act upon duly filed motions seeking consolidation of applications or parts thereof which are within the scope of the investigation.

Interested applicants, of course, may file amended or additional applications consistent with the scope of the investigation within the time for filing as hereinafter established. However, in the event new or amended applications for new or additional routes consistent with the scope of this case are filed, each applicant should file one new composite application covering clearly and specifically all of the relief sought in this proceeding. This procedure will obviate the confusion resulting from the consolidation of several separately filed applications or portions thereof and will assist the parties, the Examiner, and the Board in analyzing and considering the precise proposals of each applicant.

Accordingly, it is ordered:

1. That an investigation designated the Gulf States-Midwest Points Service Investigation, be and it hereby is instituted in Docket 17726 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the addition, alteration, amendment, or modification of carrier authorizations so as to authorize service in the following markets: Dallas-Detroit; Dallas-Kansas City; Dallas-St. Louis; Chicago-San Antonio; Chicago-Nashville; Chicago-New Orleans; Chicago-Memphis; and St. Louis-Houston;

2. That all flights operated pursuant to any awards made as a result of this proceeding shall serve both terminals of any one of the eight markets designated in ordering paragraph 1, but no more than two intermediate points may be served between the terminal points;

3. That proposals to serve intermediate points which are not within the geographical scope of this proceeding as set forth in Appendix A to this order will not be considered.

4. That the restrictions provided in ordering paragraphs 2 and 3 above are stated without prejudice to any party to advance during the course of the proceeding appropriate evidence or argument bearing on the need for more stringent restrictions or limitations;

5. That motions to consolidate applications, motions or petitions seeking modification or reconsideration of this order, and petitions for leave to intervene be filed no later than 20 days from service date of this order, and that answers to such pleadings be filed no later than 10 days thereafter;

6. That this proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated; and

7. That a copy of this order be served upon American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., and Eastern Air Lines, Inc. and the cities of Dallas, Fort Worth, Detroit, Chicago, San Antonio, Nashville, St. Louis, Memphis, Kansas City, New Orleans, and Houston.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-10481; Filed, Sept. 23, 1966; 8:48 a.m.]

[Docket No. 16236; Order E-24189]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of September 1966.

Agreement adopted by Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association relating to specific commodity rates; Docket 16236, Agreement CAB 18934, R-24 through R-30.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

[14] Appendices A, B, and C filed as part of original document.

[15] Southwest-Northeast Service Case, 23 CAB 42 (1956); Southern Transcontinental Service Case, 33 CAB 701 (1961); and the Pacific Northwest-Southwest Service Investigation, Docket 15459.

[2] Dallas, Houston, Little Rock, Louisville, Memphis, Nashville, New Orleans, and San Antonio.

[3] Statistical Abstract of the United States, 1965.

[4] These markets are: Dallas-Kansas City, Dallas-St. Louis, Houston-St. Louis, San Antonio-Chicago, Memphis-Chicago, New Orleans-Chicago, Nashville-Chicago.

[5] In the interest of limiting the scope of this proceeding so that it can proceed expeditiously, we considered including first competitive nonstop service issues only with respect to those markets which have generated at least 100 O&D and connecting passengers per day and first nonstop service only with respect to those markets which have generated in excess of 50 passengers per day. (See App. C.[14]) Additional nonstop authority in the St. Louis-Memphis market will not be heard in this case since it is already in issue in the Central Airlines Route 81 Investigation, Docket 16196.

[6] See Appendix B.[16]

[7] The geographical scope of this proceeding is indicated by the shaded areas of the map in App. A.[14]

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated August 29, 1966,[1] as set forth in the attachment hereto,[2] names rates under existing commodity descriptions. The new rates reflect reductions ranging from 8.5 to 75.2 percent and are consistent with the present level of specific commodity rates within the applicable areas.

Additionally, the agreement (1) cancels the present 75 cent per kilogram rate (minimum weight 160 kilograms) under commodity Item 0525—Ice Cream Cones, between Auckland and Honolulu and establishes a 59 cent rate with a minimum weight requirement of 400 kilograms, (2) cancels the present expiry date of November 30, 1966, from all rates listed under commodity Item 1477—Tropical Plants—Excluding Cut Flowers, (3) establishes eastbound rates at the same level as the present westbound rates for points listed under commodity Item 1563—Cigarettes, Cigars, and Tobacco, and (4) amends the description for commodity Item 7103 by the inclusion of promotional coupons.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement CAB 18934, R–24 through R–30, be approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's docket section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 66–10482; Filed, Sept. 23, 1966; 8:48 a.m.]

[Docket No. 17730]

MILLARDAIR, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing on the above-entitled matter is assigned to be held on September 29, 1966, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., September 21, 1966.

[SEAL] THOMAS L. WRENN, *Associate Chief Examiner.*

[F.R. Doc. 66–10483; Filed, Sept. 23, 1966; 8:48 a.m.]

[Docket Nos. 16874, 16975]

PAN AMERICAN WORLD AIRWAYS, INC., AND CALEDONIAN AIRWAYS (PRESTWICK), LTD.

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding has been postponed until further notice.

Dated at Washington, D.C., September 20, 1966.

[SEAL] MILTON H. SHAPIRO, *Hearing Examiner.*

[F.R. Doc. 66–10484; Filed, Sept. 23, 1966; 8:48 a.m.]

[Docket No. 13795, etc.]

REOPENED SUPPLEMENTAL AIR SERVICE PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 3, 1966, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., September 21, 1966.

[SEAL] ROBERT L. PARK, *Hearing Examiner.*

[F.R. Doc. 66–10485; Filed, Sept. 23, 1966; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

SEPTEMBER 21, 1966.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on October 28, 1966, the standard broadcast applications listed below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 27, 1966, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on October 27, 1966, or (b) the earlier effective cutoff date which a listed application or by any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: September 20, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

Applications from the top of the processing line:

BP–16849 New, Clarkston, Wash.
Helmen and Lawrence.
Req: 1430 kc, 500 w, Day.

BP–16941 WFYB, Benson, N.C.
George G. Beasley.
Has: 1380 kc, 500 w, Day
Req: 1130 kc, 10 kw, DA, Day.

BP–16943 New, Thurmont, Md.
Victor A. Leisner.
Req: 1450 kc, 100 w, U.

BP–16495 KDJI, Holbrook, Ariz.
Navajo Broadcasting Co.
Has: 1270 kc, 1 kw, Day.
Req: 1270 kc, 5 kw, Day.

BMP–11837 WATY, North Atlanta, Ga.
North Atlanta Broadcasting Co.
Has: 680 kc, 5 kw, DA, Day.
Req: 680 kc, 5 kw, Day.

BP–16947 New, Harrisonburg, Va.
Blueridge Broadcasting Co.
Req: 1300 kc, 500 w, Day.

BP–16948 New, Ardmore, Tenn.
State Line Broadcasting Co., Inc.
Req: 1520 kc, 1 kw, 500 w (CH), Day.

BP–16950 WKJK, Granite Falls, N.C.
Broadcasting Enterprises, Inc.
Has: 1560 kc, 500 w, Day.
Req: 900 kc, 500 w, Day.

BP–16954 WCMS, Norfolk, Va.
WCMS Radio Norfolk, Inc.
Has: 1050 kc, 1 kw, Day.
Req: 1050 kc, 5 kw, DA, Day.

BP–16955 New, Princeton, Ky.
Well Better Broadcasters, Corp.
Req: 1500 kc, 250 w, Day.

BP–16957 New, Warwick, N.Y.
Warwick Broadcasting Corp.
Req: 1110 kc, 250 w, Day.

BP–16961 KLEI, Kailua, Hawaii.
Egal Radio, A Joint Venture.
Has: 1130 kc, 1 kw, U.
Req: 1130 kc, 10 kw, U.

BP–16964 New, Dover-Foxcroft, Maine.
The Radio Voice of Dover-Foxcroft.
Req: 1340 kc, 250 w, U.

BP–16965 New, Alamogordo, N. Mex.
Fred Kaysbier.
Req: 1360 kc, 5 kw, Day.

BP–16970 New, Jupiter, Fla.
Lighthouse Broadcasting Co., Inc.
Req: 1000 kc, 1 kw, DA, Day.

BP–16971 New, Monroe, N.C.
Old Hickory Broadcasting Corp.
Req: 1190 kc, 500 w, Day.

BP–16973 New, Henderson, Tenn.
C. R. Womack.
Req: 1580 kc, 250 w, Day.

BP–16974 WAZS, Summerville, S.C.
Radio Summerville, Inc.
Has: 980 kc, 500 w, Day.
Req: 980 kc, 1 kw, Day.

BP–16975 New, Nogales, Ariz.
Frank Baranowski.
Req: 1340 kc, 250 w, U.

BP–16980 KATO, Safford, Ariz.
Willard Shoecraft.
Has: 1230 kc, 250 w, U.
Req: 1280 kc, 500 w, 5 kw–LS, DA–N, U.

BP–16981 KATN, Boise, Idaho.
Treasure Valley Broadcasting Co.
Has: 1010 kc, 1 kw, Day.
Req: 950 kc, 5 kw, Day.

[1] Received in the Board Sept. 1, 1966.

[2] Attachment filed as part of original document.

Applications from top of processing line—Con.

BP–16982 New, Gilmer, Tex.
Upshur Broadcasting Co.
Req: 1050 kc, 10 kw, Day.

BP–16983 New, Bishop, Calif.
Eastern California Broadcasting Corp.
Req: 600 kc, 1 kw, Day.

BP–16984 New, Chapel Hill, N.C.
Robert Lloyd Hoover.
Req: 1530 kc, 10 kw, 24 w (CH), Day.

BP–16986 New, Freehold, N.J.
Richard S. Genetti and Edward F. Genetti (a Partnership).
Req: 1300 kc, 1 kw, DA, Day.

BP–16991 WTHI, Terre Haute, Ind.
Wabash Valley Broadcasting Corp.
Has: 1480 kc, 1 kw, DA–1, U.
Req: 1480 kc, 1 kw, 5 kw–LS, DA–2, U.

BP–16994 KOAL, Redlands, Calif.
Southwest Broadcasting Co., Inc.
Has: 1410 kc, 500 w, 5 kw–LS, DA–2, U.
Req: 1410 kc, 500 w, 5 kw–LS, DA–N, U.

BP–16995 New, Hartsville, S.C.
Community Broadcasting Co.
Req: 1490 kc, 250 w, U.

BP–16996 New, McLeansboro, Ill.
Hamilton County Broadcasting Co.
Req: 1050 kc, 250 w, Day.

BP–17000 New, Water Valley, Miss.
Tri-Lakes Broadcasting Co.
Req: 1320 kc, 500 w, Day.

BP–17001 New, Henrietta, N.Y.
What The Bible Says, Inc.
Req: 1140 kc, 500 w, Day.

BP–17002 WAQE, Towson, Md.
WTOW, Inc.
Has: 1570 kc, 5 kw, DA, Day.
Req: Make changes in DA system (Construct new 200' tower).

BP–17004 New, Stirling, N.J.
Herbert P. Michels.
Req: 1070 kc, 250 w, Day.

BP–17008 New, Globe, Ariz.
Mace Broadcasting Co.
Req: 1240 kc, 250 w, U.

BP–17016 New, Kingwood, W. Va.
Fresraco, Inc.
Req: 1560 kc, 1 kw, 250 w (CH), Day.

BP–17017 WFNC, Fayetteville, N.C.
Cape Fear Broadcasting Co.
Has: 940 kc, 1 kw, 10 kw–LS, DA–N, U.
Req: 940 kc, 1 kw, 50 kw–LS, DA–2, U.

BP–17022 KBLA, Burbank, Calif.
George E. Cameron, Jr., Communications, Inc.
Has: 1500 kc, 1 kw, 10 kw–LS, DA–2, U.
Req: Make changes in DA system.

BP–17026 WNAC, Boston, Mass.
RKO General, Inc.
Has: 680 kc, 50 kw, DA–1, U.
Req: 680 kc, 50 kw, DA–2, U.

BP–17027 KBTC, Houston, Mo.
Radio Company of Texas County, Inc.
Has: 1250 kc, 500 w, D.
Req: 1250 kc, 1 kw, D.

BP–17029 WDXR, Paducah, Ky.
WDXR, Inc.
Has: 1560 kc, 1 kw, 5 kw–LS, DA–2, U.
Req: 1560 kc, 1 kw, 10 kw–LS, DA–2, U.

BP–17030 KREL, Corona, Calif.
Major Market Stations, Inc.
Has: 1370 kc, 500 w, 1 kw–LS, DA–N, U.
Req: 1370 kc, 500 w, 5 kw–LS, DA–2, U.

BP–17031 New, Lebanon, Mo.
Risner Broadcasting, Inc.
Req: 1080 kc, 250 w, DA, Day.

BP–17032 WISM, Madison, Wis.
Heart O'Wisconsin Broadcasters, Inc.
Has: 1480 kc, 1 kw, 5 kw–LS, DA–2, U.
Req: 1480 kc, 5 kw, DA–2, U.

BP–17039 New, Upper Arlington, Ohio.
Upper Broadcasting Co.
Req: 1510 kc, 250 w, Day.

BP–17040 New, Augusta, Ark.
Service Communications, Inc.
Req: 1190 kc, 250 w, Day.

BP–17044 New, Las Cruces, N. Mex.
Marvin C. Hanz.
Req: 1280 kc, 5 kw, Day.

BP–17053 KRDS, Tolleson, Ariz.
E. O. Smith.
Has: 1190 kc, 250 w, DA–1, U.
Req: 1190 kc, 500 w, 10 kw–LS, DA–N, U.

BP–17054 New, Hillsfield, Mass.
Blue Ribbon Broadcasting, Inc.
Req: 1110 kc, 1 kw, Day.

BP–17055 New, Jamestown, Tenn.
Fentress County Broadcasting Co.
Req: 1600 kc, 1 kw, 500 w (CH), Day.

BP–17057 New, Slidell, La.
Faulkner Radio, Inc.
Req: 1190 kc, 5 kw, Day.

BP–17061 KWYN, Wynne, Ark.
East Arkansas Broadcasters, Inc.
Has: 1400 kc, 250 w, 1 kw–LS, S.H.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–17076 New, Burney, Calif.
Ulysses Sherman Bartmess.
Req: 1450 kc, 250 w, U.

BP–17078 New, Wankon, Iowa.
Ralph M. Sweeney.
Req: 1140 kc, 200 w, Day.

Applications from top of processing line—Con.

BP–17081 New, River Falls, Wis.
Wisconsin Radio, Inc.
Req: 1170 kc, 10 kw, 1 kw (CH), Day.

BP–17083 New, Vermillion, S. Dak.
Siouland Broadcasting, Inc.
Req: 1570 kc, 500 w, Day.

BP–17085 New, Florence, S.C.
Eastern Carolinas Broadcasters, Inc.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–17084 WKDE, Newberry, S.C.
Newberry Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw–LS, U.

BP–17086 New, Ft. Pierce, Fla.
St. Lucie Broadcasting Co.
Req: 1070 kc, 1 kw, DA, Day.

BP–17087 New, Lakewood, N.J.
Mid-State Broadcasting Co.
Req: 1170 kc, 5 kw, DA, Day.

BP–17088 New, Waseca, Minn.
The Waseca-Owatonna Broadcasting Co.
Req: 1170 kc, 1 kw, Day.

BP–17089 New, Plattsburgh, N.Y.
Metro Group Broadcasting, Inc.
Req: 1070 kc, 5 kw, Day.

BP–17103 New, Ozark, Ark.
Giant Broadcasting Co., Inc.
Req: 1050 kc, 5 kw, Day.

BP–17104 New, Chardon, Ohio.
B–K Broadcasting Co.
Req: 1560 kc, 1 kw, DA, Day.

BP–17108 New, Sumiton, Ala.
Sumiton Broadcasting Co., Inc.
Req: 1540 kc, 1 kw, Day.

BP–17109 KMAM, Butler, Mo.
Bates County Broadcasting Co.
Has: 1330 kc, 250 w, Day.
Req: 1520 kc, 500 w, Day.

BP–17110 WNBY, Newberry, Mich.
Newberry Broadcasting Co.
Has: 1450 kc, 250 w, 500 w–LS, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–17111 New, North Pole, Alaska.
Radio Prayer League, Inc.
Req: 1170 kc, 5 kw, 10 kw–LS, U.

Applications deleted from Public Notice of December 10, 1965 (Mimeo No. 77267)

BP–16711 New, Chardon, Ohio.
Radio Buckeye, Inc.
Req: 1560 kc, 250 w, DA–Day.
(facilities of WGLD.)

BP–16769 New, Hondo, Tex.
Ben J. Conroy, Jr., trading as Medina Broadcasting Co.
Req: 1060 kc, 500 w, Day.
(Assigned new File Number BP–17307.)

[F.R. Doc. 66–10504; Filed, Sept. 23, 1966; 8:50 a.m.]

[Docket Nos. 16700, 16701; FCC 66R–362]

KENTUCKY CENTRAL TELEVISION, INC., AND WBLG–TV, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Kentucky Central Television, Inc., Lexington, Ky., Docket No. 16700, File No. BPCT–3569; WBLG–TV, Inc., Lexington, Ky., Docket No. 16701, File No. BPCT–3642; for construction permit for new television broadcast station.

1. Kentucky Central Television, Inc., which is competing with WBLG–TV for a television authorization in Lexington, Ky., petitions[1] for enlargement of the hearing issues: To determine whether a grant of the application of WBLG–TV, Inc., would be consistent with the provisions of section 310(a)(5) of the Communications Act of 1934, as amended.

[1] The pleadings before the Board are the Motion to Enlarge Issues filed by Kentucky Central on July 7, 1966; WBLG–TV's Opposition, filed on Aug. 15, 1966; Broadcast Bureau's Comment, filed on Aug. 18, 1966; Kentucky Central's Reply, filed on Aug. 25, 1966; and WBLG–TV's Erratum, filed on Aug. 30, 1966.

2. WBLG–TV is owned equally by Roy B. White, Jr., its president, and Reeves Broadcasting Corp. The questions about alien ownership or control pertain to Reeves Broadcasting, it being Kentucky Central's contention that only 45 percent of Reeves' stock is accounted for through the ownership by U.S. citizens who are officers and/or directors of Reeves. As to the remaining stock, says petitioner, "[n]o showing has been made of any effort to obtain any direct, first-hand information regarding the citizenship of any of the some 1,400 stockholders owning approximately 55 percent of the Reeves stock. Moreover, ownership reports on file with the Commission show that there are a number of brokerage firms holding 1 percent or more of said stock in street names for an unidentified number of other stockholders." Kentucky Central cites the Board's opinion in TVUE Associates, Inc., 2 RR 2d 1 (1964) as authority for its position. The Broadcast Bureau joins in the request for enlargement.[2]

3. WBLG, in its opposition, asserts that 1,622,256 shares of stock are issued and outstanding; 877,041 shares (54.063 percent) are owned by U.S. citizens who are officers or directors or who have more than a 1 percent stock interest; 200,000 shares (10.9754 percent) are set aside for employee stock options; and 207,767 shares (12.767 percent) are held in "street names". It is also averred that of the 1,621,347 shares voted at the annual meeting, 1,126,019 (69.45 per cent) were voted by management proxy representatives, all of whom are U.S. citizens. According to latest information, says WBLG, 86,700 shares (5.35 per cent) are held by aliens.

4. Further in opposition, it is shown that the stock certificates of Reeves contain a notice which says that the stock is "subject to restrictions as to ownership and voting by or for the account of aliens or their representatives" etc., and refers to section 7 of the corporate bylaws. Section 7, which was made a part of the bylaws in 1960, limits alien ownership or voting of Reeves' stock to one-fifth of the capital stock, requires consent of the corporation to transfer of stock to an alien, permits the corporation to refuse consent if the transfer would violate the one-fifth alien ownership limitation, and makes a purported transfer in violation of the restriction invalid or ineffective to vest any interest in the purported transferee. WBLG believes these steps to assure compliance with section 310 of the Act, which are alleged to have been fully disclosed to the Commission, have been considered in earlier filings by Reeves "and have not been found wanting". Citation is made to numerous Commission actions concerning Reeves since adoption of the restriction, and it is concluded that "[p]resumably, all matters involving legal qualifications have been thoroughly reviewed by the Commission staff, including the review made by the staff

[2] The Bureau also urges that the Board add on its own motion a § 73.636 issue against Kentucky Central.

prior to hearing designation. No useful purpose would be served by adding issues against WBLG–TV, Inc., at this time; manifestly, the Commission does not establish different standards for applications in hearing status than for the applications not designated for hearing."

5. The showing made here is weaker than that which the Commission found insufficient in Integrated Communications System, Inc., of Massachusetts, FCC 64–96; for there, a sample had been taken, but none has been here.[3] The facts relied on by WBLG do not establish that one-fourth or less of Reeves' stock is owned or controlled by aliens. The shares set aside for stock options to employees cannot be counted, for they are not owned or voted. There is no basis for drawing any conclusions about the ownership of the stock held in "street names". WBLG's declarations about foreign holdings of Reeves' stock are vague as to date and do not claim to be complete and comprehensive. Similarly, these data do not establish that no more than one-fourth of Reeves' stock was voted by aliens at the annual meeting. The placement of a restriction notice on the stock certificates and the adoption of a provision in the by-laws restricting transfers to aliens, shows that Reeves has made an effort to control the alien ownership of its stock; but there is nothing before the Board from which any conclusions as to the success of these efforts can be drawn. Where the adequacy of a citizenship showing has been challenged by a participant in a hearing before the Commission, it is not a sufficient answer to this challenge to say that the Commission has never raised the issue on its own motion.[4] Thus, the Board has no choice but to add the requested issue.

6. WBLG comments that on August 23, 1966, it expects a series of steps to be taken by Reeves' board of directors to make an even more conclusive determination of compliance with section 310 (a) (5). Accordingly, it requests that in the event the Board is disposed on the present pleadings to grant the requested enlargement, the procedure followed in WKAT, Inc., 10 RR 471 (1954) should be followed and an additional 60 days be granted WBLG to demonstrate compliance. Petitioner opposes this disposition because it would delay action on the enlargement until after the hearings have been completed.

7. If the delay requested were to be granted, opportunity to file comments on the additional showing would have to be provided. A delay of several months would be inevitable. Any additional material bearing on the citizenship issue can as well be introduced at the hearing as in additional pleadings before the Board. Therefore, the postponement will not be granted and the issues will be enlarged to inquire into WBLG–TV's compliance with the statute.

8. In Integrated Communication Systems, Inc., of Massachusetts, supra, the Commission added an issue to determine compliance by one of the applicants with § 73.636 of the rules where it appeared that a significant portion of the voting stock was owned by holding companies, nominees, or others, for and on behalf of persons unknown. In TVUE Associates, supra, another proceeding involving the same applicant, the Board added a similar issue on its own motion in view of the Commission's prior action. Here, the question of compliance with § 73.636 is raised in a reply pleading by the Bureau, and a different applicant is involved. Therefore, the Board believes that the better procedure is to await the filing of a petition before determining whether the further enlargement referred to by the Bureau is needed.

9. In view of the foregoing: *It is ordered*, This 19th day of September 1966, that the petition to enlarge issues, filed July 7, 1966, by Kentucky Central Television, Inc., is granted, and the issues are enlarged as follows: To determine whether a grant of the application of WBLG–TV, Inc., would be consistent with the provisions of section 310(a)(5) of the Communications Act of 1934, as amended.

Released: September 20, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66–10505; Filed, Sept. 23, 1966; 8:50 a.m.]

[3] See also TVUE Associates, Inc., supra.

[4] Cf., WHDH, Inc. (FCC 64R–210), 2 RR 2d 125, where the Review Board added a section 310(a)(5) issue despite the fact that the applicant-licensee had been using a stockholder survey arrangement since 1946.

[5] Review Board Member Nelson concurring.

[Docket Nos. 16712, 16713; FCC 66M–1251]

TREND RADIO, INC., AND JAMES BROADCASTING CO., INC.

Order Scheduling Further Prehearing Conference

In re applications of Trend Radio, Inc., Jamestown, N.Y., Docket No. 16712, File No. BPCT–3665; James Broadcasting Company, Inc., Jamestown, N.Y., Docket No. 16713, File No. BPCT–3694; for construction permits for new television broadcast station.

A prehearing conference having been held on September 19, 1966, whereat certain agreements were reached:

It is ordered, This 20th day of September 1966, that a further prehearing conference shall convene on September 30, 1966, commencing at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: September 20, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66–10506; Filed, Sept. 23, 1966; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

EXPORT CHEMICAL SHIPPING CO., INC., ET AL.

Independent Ocean Freight Forwarder Licenses and Applications; Notice of Revision

Notice is hereby given of the cancellation of the following independent ocean freight forwarder licenses.

Export Chemical Shipping Co., Inc., 80–82 Wall Street, New York, N.Y. 10005; License Number 761, canceled August 11, 1966.

Haydee Forwarding Co., Inc., 149 Broadway, New York, N.Y. 10006; License Number 532, suspended August 12, 1966.

Green, Scott & Co., Inc., Post Office Box 8457, San Francisco International Airport, San Francisco, Calif.; License Number 683, canceled August 24, 1966.

Notice is hereby given of changes in the following application for independent ocean freight forwarder license filed pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

NEW APPLICANT

Sea-En Shipping Co. (Charles Nejedly, d/b/a., Seacliff Avenue, Miller Place, N.Y. 11764; Application denied August 31, 1966.

Notice is hereby given that the following persons have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841 (b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

Herbert C. Hosford, 4046 Holly Rue, Erie, Pa.; Herbert C. Hoeford, owner.

Battery Brokers & Forwarders, 198 East Bay Street, Charleston, S.C. 29401; L. Louis Green III, president and treasurer; R. Harold Simmons, vice president; Dorothy O. Green, Secretary; Albert Thompson, assistant vice president.

Albert R. Freglette, 53–28 212th Street, Bayside, N.Y.; Albert R. Freglette, owner.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses.

ADDRESS CHANGES

John F. Kilroy Co., 55 Broadway, New York, N.Y. 10006; License No. 114.

Gateway Export Co., 1000 Vermont Avenue NW., Washington, D.C. 20005; License No. 1061.

Enterprise Shipping Corp., 58 Sutter Street, San Francisco, Calif.; License No. 1104.

Terramar Shipping Co., Inc., 1 Broadway, New York, N.Y.; License No. 131.

Steven Shipping Co., Suite 409–411, 15 William Street, New York, N.Y. 10005; License No. 74.

CHANGE OF OFFICERS

W. J. Byrnes & Co. of Los Angeles, Inc., 354 South Spring Street, Los Angeles, Calif.; License No. 164; Charles Carroll Hutchinson, vice president.

Sea Lanes Shipping Co., Inc., 39 Broadway, New York, N.Y. 10006; License No. 283; Jose E. Negron, vice president.

Traffic Dynamics, Inc., McKees Rocks Industrial Enterprises, McKees Rocks (Pittsburgh), Pa. 15136; License No. 1096; Peter J. Safonte, vice president.

Loretz & Co., 510 South Spring Street, Los Angeles, Calif.; License No. 213; Paul Moskowitz, vice president.

J. R. Michels, Inc., Post Office Box 53150, Houston, Tex. 77052; License No. 782; Bessie Mae Michels, chairman of board; Byron K. Wilson, president; Russel C. Michels, vice president; W. R. Cumming, Jr., vice president; J. W. Conerly, secretary and treasurer.

F.N.S. Corp., 6 State Street, New York, N.Y.; License No. 6; Louis V. DeMallo, assistant secretary.

Trans-Marine System, Inc., 29 Broadway, New York, N.Y.; License No. 896; William McGill, Jr., treasurer; Jose E. Negron, vice president.

GRANDFATHER APPLICANTS LICENSED

August 1966

Transoceanic Shipping Co., Suite 505, Pan American Building, New Orleans, La.; License No. 276, issued August 11, 1966.

Airborne Freight Corp., Post Office Box 8301, San Francisco International Airport, San Francisco, Calif.; License No. 707, issued August 22, 1966.

NEW APPLICANTS LICENSED

August 1966

Unimar Shipping Co., Inc., 17 West Ninth Street, Brooklyn, N.Y.; License No. 1123, issued August 11, 1966.

Aero Special Delivery & Messenger Service (Carl K. Sparks, d.b.a.), 242 Steuart Street, San Francisco, Calif.; License No. 1128, issued August 22, 1966.

R. J. Bolte Co. (Richard Joseph Bolte, d.b.a.), Fifth and Chestnut Streets, 223 Lafayette Building, Philadelphia, Pa.; License No. 1127, issued August 15, 1966.

Puerto Rican Consolidators, 4339 Fruitland Avenue, Los Angeles, Calif. 90058; License No. 1126, issued August 15, 1966.

Transco International, Inc., 109 West 27th Street, New York, N.Y. 10001; License No. 1124, issued August 11, 1966.

Louis V. DeMallo, 80 Wall Street, Room 317, New York, N.Y. 10005; License No. 1125, issued August 15, 1966.

CHANGE OF NAME

Gotham Shipping Co. (Peter A. Rizzo, d.b.a.), to Gotham Shipping Co., Inc., 16 Beaver Street, New York, N.Y.; License No. 1046.

Dated: September 20, 1966.

THOMAS LISI, *Secretary.*

[F.R. Doc. 66–10500; Filed, Sept. 23, 1966; 8:49 a.m.]

MARINA MERCANTE NICARAGUENSE, S.A., AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. S. Provan, Commerce Attorney, Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement 9575, between Marina Mercante Nicaraguense, S.A. and Sea-Land Service, Inc. provides for establishing a through billing arrangement for the movement of general cargo between ports in Central America and ports in California with transshipment at Balboa, Canal Zone, all in accordance with the terms and conditions set forth in the agreement.

Dated: September 20, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 66–10501; Filed, Sept. 23, 1966; 8:50 a.m.]

RUMANIA/UNITED STATES ATLANTIC RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. P. J. Warmstein, Manager, Conferences and Tariffs, American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.

Agreement 9577 between American Export Isbrandtsen Lines, Inc., and Hellenic Lines Limited provides (1) for conference and discussion by the parties on rates, charges, classifications, practices, and tariff matters in the Rumanian westbound trade, but that each party shall have the right to alter for itself any rate, charge, classification, practice, or related tariff matter thus agreed upon or about which there is no agreement upon 48 hours' notice to the other party or parties; (2) that the parties may employ an issuing agent to be responsible for the filing with the Commission of a common tariff in accordance with the requirements of section 18(b) of the Shipping Act, 1916, and (3) other terms and conditions in conformity therewith.

Dated: September 20, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 66–10502; Filed, Sept. 23, 1966; 8:50 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN SINGAPORE

Levels of Restraint

SEPTEMBER 21, 1966.

On March 31, 1966, the Chairman of the President's Cabinet Textile Advisory Committee, under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, directed that the Commissioner of Customs prohibit entry for consumption and withdrawal from warehouse for consumption of certain cotton textile products in Categories 31, 43, 45, 46, 50, 51, and 60, produced or manufactured in Singapore in excess of designated levels.

By an exchange of letters dated August 30, 1966, the Governments of the United States and Singapore concluded a comprehensive understanding concerning exports of cotton textiles and cotton textile products from Singapore to the United States for a period of 3 years beginning April 1, 1966. The Singapore Government has agreed that exports of cotton textiles from Singapore to the United States will be restrained in accordance with a Singapore Cotton Textile Industry Restraint Schedule (Department of State Press Release No. 194 of Aug. 30, 1966). In view of this understanding the control made effective by the directive of March 31, 1966, has been terminated.

There is published below a letter of September 19, 1966, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs terminating the directive of March 31, 1966, concerning certain cotton tex-

tile products produced or manufactured in Singapore.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230,
September 19, 1966.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: On March 31, 1966, the Chairman of the President's Cabinet Textile Advisory Committee directed you, effective as soon as possible, and until further notice, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Categories 31, 43, 45, 46, 50, 51, and 60, produced or manufactured in Singapore and exported from Singapore during the period extending from April 1, 1966 through March 31, 1967, in excess of designated levels of restraint.

Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and in furtherance of the understanding between the Governments of the United States and Singapore effectuated by an exchange of letters dated August 30, 1966, the directive of March 31, 1966, concerning certain cotton textile products produced or manufactured in Singapore is hereby terminated.

The actions taken with respect to the Government of Singapore and with respect to imports of cotton textiles and cotton textile products from Singapore have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ALAN S. BOYD,
Acting Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 66-10455; Filed, Sept. 23, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

FIRST STANDARD CORP.

Order Suspending Trading

SEPTEMBER 19, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of First Standard Corp. otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 19, 1966, through September 28, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10474; Filed, Sept. 23, 1966; 8:47 a.m.]

LINCOLN PRINTING CO.

[File No. 1-1686]

Order Suspending Trading

SEPTEMBER 19, 1966.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 20, 1966, through September 29, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10473; Filed, Sept. 23, 1966; 8:47 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

SEPTEMBER 19, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 20, 1966, through September 29, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10474; Filed, Sept. 23, 1966; 8:47 a.m.]

[File No. 81-62]

ALABAMA BY-PRODUCTS CORP.

Notice of and Order for Hearing on Application

SEPTEMBER 19, 1966.

Notice is hereby given that Alabama By-Products Corp. (applicant), First National Bank Building, Birmingham, Ala. 35202, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (Exchange Act), for a finding that by reason of the number of public investors in applicant's common stock, the amount of trading interest therein, the nature and extent of the activities of the applicant and the income and the assets of the applicant, as well as other facts pertaining to the affairs of applicant and the existing and potential investor interest in its common stock an exemption from the registration provisions of section 12(g) of the Exchange Act with respect to its common stock would not be inconsistent with the public interest or the protection of investors. Exemption from section 12(g) will have the additional effect of exempting applicant from sections 13 and 14 of the Exchange Act and any officer, director or beneficial owner of more than 10 percent of applicant's equity securities from section 16 of the Exchange Act.

Section 12(g) of the Exchange Act requires the registration of the equity securities of every issuer engaged in interstate commerce, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, with certain exceptions, set forth therein, within 120 days of the last day of its first fiscal year ended subsequent to the effective date of section 12(g) on which each issuer has total assets exceeding $1,000,000, and a class of equity security held of record by 750 or more persons, or after July 1, 1966, by 500 or more persons.

Section 12(h) empowers the Commission upon application of an interested person, by order after notice and opportunity for hearing, to exempt in whole or in part any issuer from the registration provisions of section 12(g) or from the periodic reporting and proxy soliciting provisions of sections 13 and 14 of the Exchange Act and from the reporting and trading provisions of section 16 of the Exchange Act, if the Commission finds, by reason of the number of investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise that such exemption is not inconsistent with the public interest or the protection of investors.

The applicant's application and supplemental information received states in part:

1. That applicant is a Delaware corporation organized in 1920 with all of its mining, manufacturing and processing assets and facilities located in the State of Alabama;

2. That applicant, which has been closely held since inception, is controlled by Alabama Chemical Products Co. which owns 63 percent of applicant's total voting stock. Alabama Chemical Products Co. has a total of 13 stockholders and the only transfers of its stock have been interfamily and inheritance transactions;

3. That applicant has two classes of stock outstanding, Class A and Class B, differing in that the Class B is nonvoting. There were 123 holders of record of the Class A common stock and 610 holders of record of the nonvoting Class B common stock as of December 6, 1965. A breakdown of stock ownership shows that 94.8 percent of the Class A common stock and 62.8 percent of the Class B common stock is owned by either Alabama Chemical Products Co. or the employees, officers, directors or families of applicant. The amount owned by the general public has been acquired principally upon the death of several members of the closely held family group by which public sales were primarily made to accommodate death tax needs;

4. That a relatively minor amount of trading activity exists in applicant's common stock. Thus, during 1965 there were 35 transactions which involved a total of 1,306 shares of applicant's common stock among buyers other than employees, officers, directors, or their families. From January 1, 1965, to June 26, 1966, there were 14 transactions involving 406 such shares effected by officers and directors of the applicant and 27 such transactions involving 1,993 shares effected by employees of applicant who were not officers or directors of applicant. In 1966 as of June 26, 1966, there were 38 transactions involving 1,340 shares of applicant's common stock effected by persons other than officers, directors, employees or members of their families. The local newspaper reports of quotations for the NASD on over-the-counter securities have shown applicant's stock as "none available" for 1965;

5. That applicant has never made any public offering of its stock; and

6. That applicant's records are audited each year by Lehmann, Ullman & Barclay, Certified Public Accountants, Birmingham, Ala. and audited, certified financial statements are made available to all stockholders at the annual meeting of applicant's stockholders in April of each year.

For a more detailed statement of the information presented in the application including applicant's request for a hearing in this matter, all persons are hereby referred to the above-captioned application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

It is ordered, Pursuant to section 12(h) of the Exchange Act, that a hearing on the aforesaid application be held at 10 a.m. (e.d.t.), October 24, 1966, at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. At such time the hearing room clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in said rule, setting forth any issues of fact or law which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That Warren E. Blair, an officer of the Commission, or such other officer as the Commission may designate be and hereby is designated to preside as the hearing officer with all powers vested in him pursuant to the Commission's rules of practice.

The Division of Corporation Finance has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the number of public investors and the amount of trading interest, actual or potential, in applicant's securities is sufficiently limited to justify the requested exemption;

2. Whether the nature and extent of the activities of applicant are such to justify the requested exemption;

3. Whether adequate information is and will be available to investors concerning the financial and business affairs of applicant, the management of applicant, the principal holders of the securities of applicant, recent sales of unregistered securities of applicant, and the nature and description of applicant's securities; and

4. Generally, whether the requested exemption is consistent with the public interest and with the protection of investors.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by registered mail to Alabama By-Products Corp. and that notice to all other persons be given by publication of this Notice and Order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10496; Filed, Sept. 23, 1966; 8:49 a.m.]

[File No. 70-4389]

AMERICAN ELECTRIC POWER CO., INC., AND MICHIGAN GAS UTILITIES CO.

Notice of Filing of Amendment and Order for Hearing

SEPTEMBER 20, 1966.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10008, a registered holding company, and Michigan Gas Utilities Co. ("MGU"), 6 South Monroe Street, Monroe, Mich., a nonassociate company and an exempt holding company, have jointly filed with this Commission, under the Public Utility Holding Company Act of 1935 ("Act"), a further amendment ("Amendment No. 2") to a pending amended application. Amendment No. 2 relates principally to certain changes in AEP's proposal to acquire from MGU the latter's holdings of the common stock of Michigan Gas & Electric Co. ("Michigan"), a nonassociate gas and electric utility company. The changed proposals reflect a settlement agreement with Michigan which has heretofore opposed such acquisition. All interested persons are referred to the application, and the amendments thereto, for a complete statement of the matters therein contained, and to the Commission's Notice of Filing and Order for Hearing, dated August 19, 1966 (Holding Company Act Release No. 15543), for a summary of the background of the proposed transactions and related matters, and for a statement of the matters heretofore ordered to be considered at the hearing in this proceeding. A summary of the changes in the proposals effected by Amendment No. 2 is set forth below.

AEP's application, as heretofore amended proposes that pursuant to an agreement with MGU dated July 1, 1966, AEP will purchase all of MGU's holdings of the $10 par value shares of the common stock of Michigan, at the prices plus commissions, paid by MGU. Official reports filed by MGU with this Commission indicate that, as of August 30, 1966, MGU owned beneficially 79,297 shares of Michigan common stock, of which 8,082 shares were acquired at undisclosed prices and times prior to July 1, 1966, and the remainder ("tendered shares") were acquired at a price of $100 per share net, paid to shareholders tendering shares pursuant to tender offers made by AEP or MGU, or subsequently otherwise tendered to MGU. AEP, which had commenced such a tender offer on May 17, 1966, by agreement dated July 1, 1966, assigned to MGU its rights thereunder and MGU continued such offer until July 20, 1966. (All references herein to Michigan common stock are to such $10 par value stock or its equivalent after stock splits or other similar changes.)

AEP now proposes, upon its purchase from MGU of the tendered shares, to pay to the former holders of tendered shares an additional amount of $15 per share. AEP and MGU have heretofore made commitments to the Commission

regarding the tendered shares, including a commitment for a payment to the former holders of the tendered shares, if the Commission should determine, under the standards of section 10 of the Act, that the fair price of the Michigan common stock is in excess of $100 per share plus commissions. In such event AEP committed itself to pay any excess so determined if it considered the resulting total not unreasonably high; otherwise, it would offer such former holders the right to rescind, upon payment to AEP of $100 per share, and would take such action with respect to any subsequent remaining tendered shares as the Commission might direct. These commitments remain unchanged, except, however, that the excess over $100 per share, plus commissions, to be paid such former holders is now limited to $15 per share.

AEP also proposes to purchase on the open market or otherwise—presumably by a further tender offer—during the 6 months period following the date of its purchase of Michigan common stock from MGU, and during such subsequent period as the Commission may authorize, additional shares of Michigan common stock at prices within such limits as may by approved by the Commission in this proceeding.

AEP also proposes, in accordance with its obligations under the agreement of July 1, 1966, with MGU, that if it should acquire a majority of the outstanding shares of the common stock of Michigan, to take certain steps to cause the sale of Michigan's gas assets to MGU, subject to necessary regulatory approval, including approval of this Commission. Accordingly, AEP now requests that the Commission enter an order pursuant to section 12(d) of the Act authorizing AEP to effect such transaction, subject to such further order or orders of the Commission as may be necessary or appropriate to authorize specific details of such transaction which will be supplied by further amendment. The price to be paid by MGU for the gas utility assets will be based on their capitalized value determined as provided in a formula contained in the agreement of July 1, 1966. Generally speaking, the formula provides for the determination of the percentage which Michigan's gas operating income bears to total operating income for the calendar year 1965; the application of such percentage to the total of the capital securities of Michigan, as adjusted for certain working capital and other matters, and that the resultant amount will be the purchase price. In computing the total of the capital securities under the formula the common stock segment is based on the average cost to AEP of all shares of such stock owned by AEP at the date of the sale of the gas assets to MGU.

Amendment No. 2 states that the settlement agreement between AEP, MGU, and Michigan provides, among other things, that (i) AEP will (a) make the additional payment of $15 per share to the former holders of tendered shares, and (b) offer to purchase from present shareholders additional shares at $115 per share, in cash, (ii) upon such $15 payment each party to the agreement will withdraw and discontinue all pending actions in the Federal and State courts and before the Federal Power Commission against any other party thereto, or any subsidiary company of any such party, (iii) Michigan and the Chairman of its Board, will support Amendment No. 2, (iv) Michigan's Chairman will tender his shares of Michigan common stock for purchase by AEP at $115 per share, and (v) if AEP obtains control over Michigan and elects to discontinue the services of certain Michigan employees, such employees will receive certain retirement benefits under Michigan's pension plan.

The agreement of July 1, 1966, between AEP and MGU was amended on September 7, 1966, in "such respects as shall be necessary to conform to and comply with the transactions and commitments described in * * * Amendment No. 2 * * *" and States that as so amended it "shall be and remain in full force and effect." The Commission's Notice of Filing and Order for Hearing dated August 19, 1966, set forth certain issues which are still pertinent.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearing heretofore ordered to be held in this proceeding and postponed from time to time, be further postponed; and that all interested persons be afforded an opportunity to be heard at such postponed hearing with respect to the proposed transactions and related matters.

It is ordered, That the hearing in this proceeding be further postponed to October 5, 1966, at 10 a.m., at the office of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. On such date the hearing room clerk will advise as to the room in which the hearing will be held.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the amended application, as further amended by Amendment No. 2, and that, upon the basis thereof, the following matter and question is presented for consideration, in addition to those specified in the Commission's order for hearing dated August 19, 1966 (Holding Company Act Release No. 15543) without prejudice, however, to the presentation of further additional matters and questions upon further examination.

Whether, in connection with the proposed sale by AEP, directly or indirectly, of the gas utility assets of Michigan to MGU, and the transactions incident thereto, (a) competitive conditions have been and will be maintained, and (b) if such transactions are authorized, it is necessary or appropriate in the public interest, in the interests of investors, or for the adequate protection of consumers, to impose terms and conditions regarding the consideration to be received, the fees and commissions to be paid, and the accounting for such transactions.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing additional matter and question and with respect to all other matters and questions heretofore specified.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate in whole or in part, either for hearing or for disposition, any issues, matters, or questions which may arise or have arisen in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid postponed hearing by mailing copies of this Notice and Order by registered mail to AEP, MGU, Michigan, the Public Service Commission of Michigan, and the U.S. Federal Power Commission; that notice to all other persons shall be given by publication of this Notice and Order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the persons appearing on the mailing list of the Commission for releases under the Public Utility Holding Company Act of 1935.

It is further ordered, That any person, other than AEP, MGU, and Michigan, desiring to participate in the hearing herein may, not later than October 3, 1966, make a request therefor in writing, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon AEP and MGU at their respective above-stated address, and upon Michigan at 100 South Main Street, Three Rivers, Mich., and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed contemporaneously with the request.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10497; Filed, Sept. 23, 1966; 8:49 a.m.]

ORCHARD SUPPLY BUILDING CO.

Notice of an Order for Hearing on Application

SEPTEMBER 20, 1966.

Notice is hereby given that the Orchard Supply Building Co. (Applicant), 720 West San Carlos Street, San Jose, Calif., has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (Exchange Act), for a finding that by reason of its financing history and the lack of public interest in its securities, an exemption of its common stock from the provisions of section 12(g) of the Exchange Act would not be inconsistent with the public interest. Exemption from section 12(g) will have the additional effect of exempting applicant from sections 13 and 14 of the Exchange Act and any officer, director, or beneficial owner of more than 10 percent of applicant's equity securities from section 16 of the Exchange Act.

Section 12(g) of the Exchange Act requires the registration of the equity securities of every issuer engaged in interstate commerce, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, with certain exceptions set forth therein, within 120 days of the last day of its first fiscal year ended subsequent to the effective date of section 12(g) on which such issuer has total assets exceeding $1,000,000, and a class of equity security held of record by 750 or more persons, or after July 1, 1966, by 500 or more persons.

Section 12(h) of the Exchange Act empowers the Commission acting by order, upon application of an interested person and after notice and opportunity for hearing, to exempt any issuer in whole or in part from the registration provisions of section 12(g) or from the periodic reporting and proxy soliciting provisions of sections 13 and 14 of the Exchange Act and from the reporting and trading provisions of section 16 of the Exchange Act, if the Commission finds, by reason of the number of investors, the amount of trading interest in the securities, the nature and extent of the activities of the issuer, the income or assets of the issuer, or otherwise that such exemption is not inconsistent with the public interest or the protection of investors.

The application of applicant states in part:

1. That applicant, a California corporation with its principal place of business in San Jose, Calif., was organized as a regular stock corporation on July 12, 1945, by Orchard Supply Co., Ltd. (Parent), to purchase real property and erect buildings thereon which it leased to Parent and Orchard Supply Sales Corp. (Orchard Sales), a second corporation organized by Parent. Parent was organized under California law as a nonprofit, nonstock cooperative association for the purpose of purchasing for its members hardware, farm supplies, fertilizers and equipment. Orchard Sales was organized to sell such merchandise to nonmembers.

2. That both Parent and Orchard Sales are now dissolved, and on May 25, 1956, applicant was directed to carry on the mercantile business theretofore conducted by Orchard Sales. On August 30, 1956, applicant issued 182,045 shares of $1.00 par value common stock to Parent in exchange for a small amount of stock and in satisfaction of applicant's total indebtedness to Parent. This stock is presently held by applicant's stockholders, who received the stock in a distribution accompanying Parent's 1956 dissolution.

3. That an additional 30,034 shares of applicant's common stock have been issued since 1956 and have passed by "private sale" to previously existing stockholders of applicant. There has been no other "private sale" of applicant's common stock and there has never been a "public sale" of the common stock of applicant.

4. That applicant's capital also includes 2,500 shares of authorized and outstanding preferred stock, $100 par value. There has never been a "public sale" of this preferred stock.

5. That in view of applicant's financing history and the complete lack of public interest in its securities it would not be against the public interest to grant exemption from the registration requirements of Exchange Act section 12(g)(1) for its securities pursuant to Exchange Act section 12(h).

Supplemental information submitted by applicant indicates that applicant, which is currently engaged in the operation of three diversified hardware stores in the city of San Jose, Calif., had total assets of $1,742,328 as at March 31, 1966, and net income of $103,362 for the year ending March 31, 1966. Further it had 269 preferred stockholders and 1,151 common stockholders as at July 29, 1966. Applicant has never been required to file reports pursuant to section 13 or 15(d) of the Exchange Act.

For a more detailed statement of the information presented, including applicant's request for a hearing in this matter, all persons are hereby referred to the above captioned application and supplements which are on file at the offices of the Commission at 500 North Capitol Street, Washington, D.C.

It is ordered, Pursuant to section 12(h) of the Exchange Act that a hearing on the aforesaid application be held at 10 a.m., November 2, 1966, at the San Francisco Regional Office of the Securities and Exchange Commission, 450 Golden Gate Avenue, San Francisco, Calif. 94102. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in said rule, setting forth any issues of fact or law which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That Sidney Gross, an officer of the Commission, or such other officer as the Commission may designate, be and hereby is designated to preside as the hearing officer with all powers vested in him pursuant to the Commission's rules of practice.

The Division of Corporation Finance advises that it has made a preliminary examination of the application, and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the number of public investors and the amount of trading interest, actual or potential, in applicant's securities is sufficiently limited to justify the requested exemption;

2. Whether the nature and extent of the activities of applicant are such as to justify the requested exemption;

3. Whether adequate information is and will be available to investors concerning the financial and business affairs of applicant, the management of applicant, the principal holders of the securities of applicant, any transactions of management in the securities of applicant, and the nature and description of applicant's securities; and

4. Generally, whether the requested exemption is consistent with the public interest and with the protection of investors.

It is further ordered, That attention be given to the foregoing matters and questions at the aforesaid hearing.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by registered mail to Orchard Supply Building Co., and its attorney and that notice to all other persons be given by publication of this Notice and Order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10498; Filed, Sept. 23, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GREAT PLAINS CONSERVATION PROGRAM

Applicability to Garfield County, Okla.

Designation of county within the Great Plains area of the 10 Great Plains States where the Great Plains Conservation Program is specifically applicable:

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following county in the following State is designated as susceptible to serious wind erosion by reason of its soil types, terrain, and climatic and other factors.

OKLAHOMA

Garfield.

Done at Washington, D.C., this 21st day of September 1966.

JOHN A. BAKER, *Assistant Secretary.*

[F.R. Doc. 66-10477; Filed, Sept. 23, 1966; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI67-68, etc.]

SOHIO PETROLEUM CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

SEPTEMBER 15, 1966.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 2, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-68	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla. 73102, Attn: Gas-Gasoline Division.	113	3	Phillips Petroleum Co.[2] (West Panhandle Field, Sherman County, Tex.) (R.R. District No. 10).	$476	8-25-66	[3] 10-15-66	[4] 10-16-66	9.0	[5] [6] 10.0	RI65-576.
RI67-69	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	156	4	Phillips Petroleum Co.[7] (Texas-Hugoton Field, Moore County, Tex.) (R.R. District No. 10).	3,043	8-22-66	[8] 9-22-66	[9] 9-23-66	[8] 9.8	[5] [10] 10.5	
RI67-70	Herbert L. Dillon, Jr. (Operator), et al., 531 Capitol National Bank Bldg., Houston, Tex. 77002.	[10] 6	1	Valley Gas Transmission, Inc. (South Lisle Field, Wharton County, Tex.) (R.R. District No. 3.)	7,200	8-26-66	[8] 9-26-66	[9] 9-27-66	14.0	[5] [6] 15.0	

[2] Phillips resells the gas, after processing in its Sherman Plant, to Michigan Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 at a rate of 15.22 cents per Mcf plus applicable tax reimbursement, effective subject to refund in Docket No. RI66-536.

[3] The stated effective date is the effective date proposed by Respondent.

[4] The suspension period is limited to 1 day.

[5] Periodic rate increase.

[6] Pressure base is 14.65 p.s.i.a.

[7] Phillips resells the gas, after processing in its Dumas Plant, to El Paso Natural Gas Co. under its FPC Gas Rate Schedule No. 32 at a rate of 19.76 cents per Mcf which is effective subject to refund in Docket No. G-20603.

[8] The stated effective date is the first day after expiration of the statutory notice.

[9] Subject to deduction of 0.5 cent per Mcf for sour gas.

[10] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1.

Texaco, Inc. (Texaco) requests that its proposed rate increase be permitted to become effective as of September 1, 1966. Herbert L. Dillon, Jr. (Operator), et al. (Dillon), request a retroactive effective date of April 1, 1966, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco and Dillon's rate filings and such requests are denied.

Texaco and Sohio Petroleum Co.'s (Sohio) proposed periodic rate increases are for wellhead sales of gas to Phillips Petroleum Co. (Phillips) who gathers and processes the gas and resells the residue gas after processing to interstate pipeline companies. Phillips' resale rates are in effect subject to refund. The proposed increases are not related to corresponding increases in rate by Phillips. Although Texaco and Sohio's proposed rate increases do not exceed the area increased rate ceiling of 11.0 cents per Mcf for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61-1, as amended, the sales related thereto are considered to be for nonpipeline quality gas. We consider the increased rate ceiling to be applicable in these cases at the outlet of the processing plant which is the point of delivery to the pipeline company. Under the circumstances, we believe that Texaco and Sohio's proposed rate increases should be suspended for 1 day from the date shown in the "Effective Date" column of the attached Appendix A.

The contract related to the rate filing proposed by Dillon was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, Dillon's rate filing should be suspended for 1 day from September 26, 1966, the date of expiration of the statutory notice.

[F.R. Doc. 66-10429; Filed, Sept. 23, 1966; 8:45 a.m.]

[Docket Nos. 16878, etc.]

SUPERIOR OIL CO. ET AL.

Order Consolidating Proceedings and Fixing Date for Prehearing Conference

SEPTEMBER 15, 1966.

The Superior Oil Co. (Operator), et al., G-16878; Petroleum, Inc., CI61-226; Sunset International Petroleum Corp., et al., CI61-356; John R. Crain and Malcom Deisenroth, Jr., successors to Carol Daube Sutton, et al., CI61-1119; H. L. Hunt, CI63-182; Roland S. Bond, G-17090; Sam K. Viersen, CI62-90; Van Grisso Oil Co., CI63-59; An-Son Corp., CI63-370; Petroleum International, Inc., CI64-520, CI64-604; Payne Petroleum Corp., CI65-1143; Apache Corp., CI61-336.

Each of the above-captioned proceedings concerns an application for a certificate of public convenience and necessity (or an application to amend a certificate by adding acreage) filed under section 7 of the Natural Gas Act to sell natural gas produced in the State of Oklahoma for resale in interstate commerce, all as more fully described below and in the respective applications (and supplements or amendments thereto) which are on file with the Commission and open to public inspection.

The Commission finds:

(1) It is appropriate and in the public interest that the above-captioned matters be consolidated for hearing and decision as hereinafter ordered.

(2) The expeditious disposition of these proceedings may be effectuated by holding a prehearing conference and to that end a prehearing conference should be held on October 25, 1966, as hereinafter ordered.

The Commission orders:

(A) The above-captioned matters are hereby consolidated for the purposes of hearing and decision.

(B) Pursuant to the provisions of section 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.s.t., on October 25, 1966, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the expeditious disposition of these consolidated proceedings.

(C) The purpose of such conference shall be to consider all matters at issue in the above dockets, the manner in which evidence shall be presented, to fix dates for the distribution of such evidence, to fix the date on which the consolidated hearing shall commence, and to consider any and all matters which might contribute to an expeditious disposition of these consolidated proceedings.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on a date to be fixed by the presiding examiner in accordance with paragraph (B) above, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters invloved in and the issues presented by such applications.

(E) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 18, 1966. Protestants and Petitioners shall state with particularity the dockets in which they claim to have an interest.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX

Docket Nos.	Applicant	Purchaser and producing area	Proposed initial price cents per Mcf	Price authorized by temporary certificate cents per Mcf	Description and date of instrument
G-16878	The Superior Oil Co. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Ellis County, Okla., Panhandle Area.	[1] 19.5	[2] 17.0	Contract as supplemented (contract date 9-29-58), FPC G.R.S. No. 80.
CI61-226	Petroleum, Inc.	El Paso Natural Gas Co., Ridgeway Field, Beaver County, Okla., Panhandle Area.	[3] 21.0	[4] 17.0	Contract (contract date 7-14-60), FPC G.R.S. No. 23.
CI61-356	Sunset International Petroleum Corp. et al.[5]	El Paso Natural Gas Co., Clear Lake Field, Beaver County, Okla., Panhandle Area.	[3] 21.0	[4] 17.0	Contract as supplemented (contract date 3-26-59), FPC G.R.S. No. 40.
CI61-1119 [6]	John R. Crain and Malcom Deisenroth Jr., successors to Carol Daube Sutton, et al.	El Paso Natural Gas Co., Mocane Field, Beaver County, Okla., Panhandle Area.	[3] 21.0	[4] 17.0	Contract (contract date 3-26-59), FPC G.R.S. No. 3.
CI63-182	H. L. Hunt	Michigan Wisconsin Pipeline Co., Woodward Area, Woodward County, Okla., Panhandle Area.	[7] 19.5	[8] 17.0	Contract (contract date 7-6-62), FPC G.R.S. No. 36.
G-17090	Roland S. Bond	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla., Panhandle Area.	[1] 19.5	[2] 17.0	Contract as supplemented (contract date 9-11-58), FPC G.R.S. No. 1.
CI62-90	Sam K. Viersen	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla., Panhandle Area.	[7] 19.5	[9] 17.0 [9] [10] 17.0 [9] [11] 17.0	Contract as supplemented (contract date 8-23-61), FPC G.R.S. No. 1.
CI63-59	Van Grisso Oil Co.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla., Panhandle Area.	[1] 19.5	[2] 17.0	Contract as supplemented (contract date 1-26-59), FPC G.R.S. No. 4.
CI63-370	An-Son Corp.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla., Panhandle Area.	[7] 19.5	[9] [10] [11] 17.0	Contract (contract date 7-25-62), FPC G.R.S. No. 1.
CI64-520	Petroleum International, Inc.[12]	Michigan Wisconsin Pipe Line Co., Northwest Quinlan Field, Woodward County, Okla., Panhandle Area.	[7] 19.5	[9] [10] [11] 17.0	Contract as supplemented (contract date 8-28-63), FPC G.R.S. No. 1.
CI64-604	....do[13]	El Paso Natural Gas Co., Mocane Field, Beaver County, Okla., Panhandle Area.	[3] 21.0	[4] 17.0	Contract (contract date 8-9-60), FPC G.R.S. No. 2.
CI65-1143	Payne Petroleum Corp.[14]	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla., Panhandle Area.	[7] 19.5	[9] [10] [11] 17.0	Contract (contract date 2-19-65), FPC G.R.S. No. 1.
CI61-336	Apache Corp.	El Paso Natural Gas Co., Mocane Laverne Field, Beaver County, Okla., Panhandle Area.	[3] 21.0	[4] 17.0	Contract (contract date 8-10-60), FPC G.R.S. No. 22.

[1] Subject to upward B.t.u. adjustment.

[2] Subject to refund any amounts collected above 17 cents per Mcf.

[3] Subject to additional reimbursement of 25 percent of liquid products with a minimum guarantee of 1.0 cent per Mcf.

[4] Including liquefiable hydrocarbons.

[5] Subject to additional reimbursement of 25 percent of liquid products with a minimum guarantee of 1 cent per gallon.

[6] Successor in interest to Stakell Panhandle, Ltd., partnership.

[7] Subject to reimbursement of 100 percent of existing Oklahoma taxes.

[8] Docket also covers John R. Crain and Malcom Deisenroth Jr., FPC Gas Rate Schedule No. 1 and 2 which covers sale of gas from John R. Crain and Malcom Deisenroth Jr., to Colorado Interstate Gas Co.

[9] Upward B.t.u. adjustment subject to R-200 prospectively.

[10] Includes tax reimbursement.

[11] Subject to upward or downward B.t.u. adjustment (downward applies during period of temporary authorization only).

[12] Initial application involves acreage located in Oklahoma other area only.

[13] Acreage previously dedicated under Forest Oil Corp. FPC Gas Rate Schedule No. 25.

[14] Successor in interest to Jeanings Petroleum Corp.

[F.R. Doc. 66-10430; Filed, Sept. 23, 1966; 8:45 a.m.]

[Docket No. E-7309]

IDAHO POWER CO.

Notice of Application

SEPTEMBER 19, 1966.

Take notice that on September 8, 1966, Idaho Power Co. (Applicant), an electric utility incorporated under the laws of the State of Maine and qualified to do business in the States of Idaho, Oregon, and Nevada, filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing it to make short-term borrowings of up to an aggregate of $40,000,000.

Applicant states that these borrowings will consist of unsecured notes of a maturity of one year or less and in any event not later than December 31, 1967, not for resale to the public and that no finders fee or other fee, commission, or remuneration is to be paid in connection therewith to any third person for negotiating the transactions. These securities

will evidence bank loans which applicant anticipates will be at the current rate applicable in New York, N.Y., at the time of borrowings for commercial bank loans of said form and character.

According to the application the purpose for which the proposed short-term bank borrowings will be made and the promissory notes issued is to obtain temporary interim capital (including renewal of short-term notes now issued and outstanding or to be issued and outstanding pursuant to the authorization requested, prior to Dec. 31, 1967) for the construction, extension, and improvement of various operating facilities. For the period of July 1, 1966, to December 31, 1967, Applicant's construction program calls for the expenditure of approximately $34.5 million for its Hells Canyon Generating Station, $7 million for transmission lines, and $2.4 million for transmission substations.

Any person desiring to be heard or to make any protest with reference to the application should on or before October 5, 1966, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10453; Filed, Sept. 23, 1966; 8:45 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order 12-66]

OCCUPATIONAL SAFETY AND HEALTH ACTIVITIES

Responsibility

1. *Purpose.* The purpose of this order is to realign occupational health and safety functions within the Department to provide a stronger and coordinated occupational safety and health program.

2. *Authority and directives affected.* a. This order is issued pursuant to the Act of March 4, 1913, as amended (37 Stat. 736; 5 U.S.C. 611), R.S. 161 (5 U.S.C.), Reorganization Plan No. 6 of 1950 (15 F.R. 3174; 64 Stat. 1263; 5 U.S.C. 611, Note); Walsh-Healey Public Contracts Act; Longshoremen's and Harbor Workers' Compensation Act; Federal Employees' Compensation Act and other statutes vesting in the Secretary of Labor occupational health and safety responsibilities.

b. All other orders and directives of the Secretary of Labor and officials of the Department are superseded to the extent that they are inconsistent with this order.

3. *Background.* Responsibility for occupational health and safety functions has in the past been assigned to more than one organization within the Department of Labor. This matter has been the subject of considerable review within the past 2 years. The Walsh-Healey Public Contracts Act is enforced by the Wage and Hour and Public Contracts Divisions. On the other hand, the safety and health provisions of the Longshoremen's and Harbor Workers' Compensation Act and of the Federal Employees' Compensation Act are the responsibility of the Bureau of Labor Standards. States rely upon the Bureau of Labor Standards to provide technical assistance and training to their safety staffs, and labor and management frequently call upon the Bureau for this same service.

If the Department of Labor is to exercise leadership in the occupational health and safety field, it must have a strong, coordinated and publicly recognized program. Since this involves responsibilities to Federal employees, enforcement by the Federal Government under Federal statutes, and leadership, training and assistance to State agencies, management, and labor, the responsibility does not fall logically or neatly within the exclusive jurisdiction of either the Bureau of Labor Standards or the Wage and Hour and Public Contracts Divisions.

Since, however, the broadest range of safety activities currently exists in the Bureau of Labor Standards, transfer of the safety functions of the Wage and Hour and Public Contracts Divisions is a logical first step toward a strong, centralized safety program in the Department.

4. *Assignment of responsibility*—a. *Director of the Bureau of Labor Standards.* Subject to the general direction of the Assistant Secretary for Labor Standards, the Director of the Bureau of Labor Standards shall have responsibility for:

(1) Planning and administering the Department's programs of occupational safety and health, and developing, promoting, and actively implementing the occupational safety and health responsibilities of the Department, including:

(a) Administering the regulatory authority in the Maritime Industry pursuant to P.L. 85-742.

(b) Advising and providing technical assistance to Federal departments and agencies, to States, and to industry, labor unions and other interested groups; developing safety programs, codes, and standards; and providing training and educational services.

(c) Formulating safety and health standards and making safety and health inspections under the provisions of the Walsh-Healey Public Contracts Act, the McNamara-O'Hara Service Contract Act, the National Foundation on the Arts and Humanities Act, and the Vocational Rehabilitation Act Amendments of 1965, and advising the Secretary of Labor on agreements with States for the making of inspections under the Walsh-Healey Public Contracts Act.

(d) Administering enforcement policy and activities in connection with the safety and health standards under the Walsh-Healey Public Contracts Act, the McNamara-O'Hara Service Contract Act, the National Foundation on the Arts and Humanities Act, and the Vocational Rehabilitation Act Amendments of 1965.

(e) Administering the occupational safety and health functions of section 33(c) of the Federal Employees' Compensation Act, serving as chairman and providing the secretariat for the Federal Safety Council established by Executive Order 10990.

(2) Advising the Assistant Secretary for Labor Standards on policy in the area of occupational safety and health, and recommending new programs and policies in related areas.

b. *Solicitor of Labor.* The Solicitor of Labor shall have responsibility for:

(1) Furnishing legal advice and assistance to the Director, Bureau of Labor Standards, in connection with the administration of the occupational health and safety functions of the Department and the promulgation of regulations and interpretations.

(2) Determining in each case whether such proceedings are appropriate and prosecuting enforcement proceedings.

(3) Assisting the Director of the Bureau of Labor Standards in the development of policies for the administration and enforcement of the occupational health and safety provisions of the Walsh-Healey Public Contracts Act, the McNamara-O'Hara Service Contract Act, the National Foundation on the Arts and the Humanities Act, and the Vocational Rehabilitation Act Amendments of 1965.

c. *The Director of the Bureau of Labor Standards and the Administrator of the Wage and Hour and Public Contracts Divisions.* Are jointly responsible for coordinating occupational safety and health and minimum wage activities. They will develop a mutually acceptable agreement relating to the pattern of inspections, including arrangements for tying in inspections made by State agencies and arrangements for coordinating compliance activities. In addition, they will, together with the Solicitor of Labor, develop appropriate procedures for coordination of activities relating to cases which may warrant litigation.

5. *Transfer of responsibility and resources.* The responsibility, personnel, funds, equipment, and other resources now assigned to the Wage and Hour and Public Contracts Divisions for the administration of the occupational safety and health provisions of the Acts referred to in paragraph 4a(1)(c) above are hereby transferred to the Bureau of Labor Standards. The personnel transferred from the Wage and Hour and Public Contracts Divisions to the Bureau of Labor Standards will continue to perform duties and activities consistent with the purposes for which Congress appropriated funds.

6. *Effective date.* This order is effective immediately; however, a transition period extending to September 1, 1966, is authorized to effect completion of the transfer provided for in paragraph 5 above.

Signed at Washington, D.C., this 19th day of July, 1966.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 66-10471; Filed, Sept. 23, 1966; 8:47 a.m.]

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Angier Garment Co., Inc., Lillington Street, Angier, N.C.; 9-3-66 to 9-2-67 (men's shirts).

Anniston Sportswear Corp., 919 West 9th Street, Anniston, Ala.; 9-10-66 to 9-9-67 (men's trousers).

Baldwin Garment Manufacturing Co., Baldwin, Ga.; 9-2-66 to 9-1-67; 10 learners (ladies' blouses).

Big River Manufacturing Co., Route 85, Kittanning, Pa.; 8-15-66 to 8-14-67 (boys' shirts).

Brew-Schneider Co., Inc., 709 Magnolia Street, Blakely, Ga.; 9-4-66 to 9-3-67 (men's and ladies' work clothing).

Caledonia Manufacturing Co., Inc., Caledonia, Miss.; 9-11-66 to 9-10-67 (men's slacks).

Columbus Manufacturing Corp., Tabor City, N.C.; 8-31-66 to 8-30-67; 10 learners (sport shirts).

Detroit Slacks, Inc., Detroit, Ala.; 9-1-66 to 8-31-67 (men's and boys' slacks).

Eudora Garment Corp., Drawer B, Eudora, Ark.; 9-2-66 to 9-1-67 (washable service apparel).

Fleetline Industries, Inc., Garland, N.C.; 8-23-66 to 8-22-67 (men's shirts).

The Foster Co., Greenville, Ala.; 7-27-66 to 7-26-67 (men's and boys' trousers).

G & S Manufacturing, Inc., Central and F Streets, Auburn, Nebr.; 8-24-66 to 8-23-67 (infants' and boys' pants).

Garan, Inc., Hillsdale Division, Kosciusko, Miss.; 8-26-66 to 8-25-67 (men's and boys' sport shirts).

Green Bay Clothing Manufacturers, Inc., 507 Cedar Street, Green Bay, Wis.; 9-3-66 to 9-2-67; 10 learners (men's outerwear jackets).

Indiana Sportswear, Inc., 1068 South Fourth Street, Clinton, Ind.; 8-22-66 to 8-21-67; 10 learners (men's and ladies' outerwear jackets).

Isaacson-Carrico Manufacturing Co., 210 East First, El Campo, Tex.; 8-25-66 to 8-24-67; 10 learners (girls' underwear and sleepwear).

Jaco Pants, Inc., Industrial Road, Ashburn, Ga.; 8-17-66 to 8-16-67 (men's trousers).

Lackawanna Pants Manufacturing Co., Corner Brook Street and Cedar Avenue, Scranton, Pa.; 9-8-66 to 9-7-67 (trousers).

M. Nirenberg Sons, Inc., Troy, N.Y.; 8-27-66 to 8-26-67 (men's shirts).

Pennsylvania Brassieres Corp., 406 Thomas Street, Meyersdale, Pa.; 9-12-66 to 9-11-67 (brassieres).

Petersburg Manufacturing Co., Petersburg, Tenn.; 8-29-66 to 8-28-67 (boys' sport shirts).

Plains Manufacturing Co., Inc., 61 Hudson Road, Plains, Pa.; 8-16-66 to 8-15-67 (brassieres).

Portageville Manufacturing Co., 108 Meatte Street, Portageville, Mo.; 8-29-66 to 8-28-67; 5 learners (ladies' slacks).

Raycord Co., Inc., Post Office Box 651, Spartanburg, S.C.; 8-22-66 to 8-21-67 (men's sport shirts).

Relda Apparel Manufacturing Co., Inc., Rear 47 North Main Street, Hughesville, Pa.; 9-1-66 to 8-31-67; 10 learners (women's dresses).

Rita's Sportswear, 242 Main Street, Moscow, Pa.; 9-1-66 to 8-31-67 (children's dresses).

Rowan Industries, Inc., Post Office Box 186, Rockwell, N.C.; 9-3-66 to 9-2-67 (ladies' pajamas and gowns).

Salem Garment Co., Salem, S.C.; 8-25-66 to 8-24-67 (women's dresses).

Sanford Manufacturers, Inc., 918 West First Street, Sanford, Fla.; 9-3-66 to 9-2-67; 10 learners (men's and boys' pajamas).

Saul Manufacturing Corp., 15th and Walnut Streets, Wilmington, Del.; 8-22-66 to 8-21-67; 10 learners (ladies' dresses and slacks).

Scamper Sportswear, Inc., 315 West 20th Street, Hazleton, Pa.; 9-4-66 to 9-3-67 (ladies' and children's outerwear jackets).

The Solomon Co., Collinsville Division, Collinsville, Ala.; 9-7-66 to 9-6-67; 10 learners (men's slacks and shorts).

Somerset Shirt & Pajama Co., Rural Delivery No. 1, Somerset, Pa.; 8-23-66 to 8-22-67 (boys' nightwear).

Levi Strauss & Co., 501 Travis Street, Wichita Falls, Tex.; 8-25-66 to 8-24-67 (men's and boys' pants).

Sweetwater Manufacturing Co., Inc., Sweetwater, Tex.; 8-31-66 to 8-30-67 (men's and boys' shirts).

Tick Tock Frocks, Inc., 1062 Davol Street, Fall River, Mass.; 9-1-66 to 8-31-67 (ladies' dresses).

Tioga Sportswear Corp., 641 Quarry Street, Fall River, Mass.; 8-27-66 to 8-26-67 (men's outerwear jackets).

Tunxis Sportswear Manufacturing Co., Inc., and Laurel Togs, Inc., 100 Garfield Avenue, New London, Conn.; 9-2-66 to 9-1-67; 10 learners (girls' outerwear jackets and car coats).

Vernon Manufacturing Co., Inc., Vernon, Ala.; 9-1-66 to 8-31-67 (men's pants).

Wendell Garment Co., Inc., 28 Fourth Street, Wendell, N.C.; 9-5-66 to 9-4-67 (men's shirts).

Williamson-Dickie Manufacturing Co., McAllen, Tex.; 8-18-66 to 8-17-67 (men's and boys' pants).

Williamson-Dickie Manufacturing Co., Weslaco, Tex.; 8-17-66 to 8-16-67 (men's and boys' pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Aalfs Manufacturing Co., Storm Lake, Iowa; 9-1-66 to 2-28-67; 25 learners (ladies' jeans).

Branchville Shirt Co., Inc., 108 Carroll Street, Branchville, S.C.; 9-3-66 to 8-2-67; 50 learners (men's work shirts and boys' sport shirts).

Jac-Mar Manufacturing Co., Inc., 2217 Mills Avenue, El Paso, Tex.; 9-3-66 to 3-2-67; 10 learners (boys' washable service garments).

The Solomon Co., Collinsville Division, Collinsville, Ala; 9-7-66 to 3-6-67; 20 learners (men's slacks and shorts).

Levi Strauss & Co., 501 Travis Street, Wichita Falls, Tex.; 9-1-66 to 2-28-67; 50 learners (men's and boys' pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Monte Glove Co., Inc., 34-38 East Jackson Street, Shelbyville, Ind., 8-28-66 to 8-27-67; 5 learners (work gloves).

Wells Lamont Corp., Eupora, Miss.; 8-31-66 to 8-30-67; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

J. A. Cline & Son, Inc., Hildebran, N.C.; 8-20-66 to 8-19-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Sierra Lingerie Co., 300 West 12th Street, Ogden, Utah, 8-25-66 to 8-24-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's undergarments and panties).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Consolidated Caguas Corp., Bo. Turabo, Km. 37.8, Apartado 1086, Caguas, P.R.; 8-8-66 to 8-7-67; 24 learners for normal labor turnover purposes in the occupation of cigar making, packing; each for a learning period of 320 hours at the rates of 94 cents an hour for the first 160 hours and $1.04 an hour for the remaining 160 hours (cigars).

Consolidated Cigar Corp., Bo. Turabo, Km. 37.8, Apartado 1086, Caguas, P.R.; 8-8-66 to 8-7-67; 77 learners for normal labor turnover purposes in the occupation of cigar making, packing; each for a learning period of 320 hours at the rates of 94 cents an hour for the first 160 hours and $1.04 an hour for the remaining 160 hours (cigars).

Isabel Products, Inc., Apartado 816, Santa Isabel, P.R.; 8-15-66 to 8-14-67; 15 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 92 cents an hour (girdles and brassieres).

Sabana Grande Manufacturing Corp., Apartado 354, Sabana Grande, P.R.; 8-1-66 to 7-31-67; 32 learners for normal labor turnover purposes in the occupations of: (1)

Looping, for a learning period of 960 hours at the rates of 71 cents an hour for the first 480 hours and 78 cents an hour for the remaining 480 hours; (2) mending, for a learning period of 720 hours at the rates of 71 cents an hour for the first 360 hours and 78 cents an hour for the remaining 360 hours; and (3) knitting, examining and inspecting, each for a learning period of 240 hours at the rate of 71 cents an hour (ladies' seamless hosiery).

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificates issued under Part 527 are as indicated below:

Atlantic Union College, Main Street, South Lancaster, Mass.; 9–1–66 to 8–31–67; authorizing the employment of: (1) 15 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 45 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; and (3) 40 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Cedar Lake Academy, Cedar Lake, Mich.; 9–1–66 to 8–31–67; authorizing the employment of 30 student-workers in the furniture manufacturing industry (redwood-outdoor) in the occupations of woodworking machine operator, assembler, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Hawaiian Mission Academy, 1438 Pensacola Street, Honolulu, Hawaii; 9–1–66 to 8–31–67; authorizing the employment of: (1) 5 student-workers in the printing industry in the occupations of compositor, pressman, bindery worker, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; and (2) 1 student-worker in the clerical occupations of typist, bookkeeper, and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours.

Oak Park Academy, Nevada, Iowa; 9–1–66 to 8–31–67; authorizing the employment of: (1) 10 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; and (2) 10 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Southern Missionary College, Collegedale, Tenn.; 9–1–66 to 8–31–67; authorizing the employment of: (1) 60 student-workers in the bookbinding industry in the occupations of bookbinder, sewer, casemaker, and related skilled and semiskilled occupations; (2) 30 student-workers in the broom manufacturing industry in the occupations of winder, sorter, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours; (3) 8 student-workers in the clerical occupations of typist, filer, stenographer, and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours; and (4) 25 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours.

Union College, 3800 South 48th Street, Lincoln, Nebr.; 9–1–66 to 8–31–67; authorizing the employment of: (1) 8 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 15 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (3) 20 student-workers in the furniture manufacture industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (4) 10 student-workers in the clerical occupations of bookkeeper, business machine operator, and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours; and (5) 8 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Union Springs Academy, Union Springs, N.Y.; 9–1–66 to 8–31–67; authorizing the employment of 15 student-workers in the broom manufacturing industry in the occupations of broom maker, sorter, winder, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

The student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers fo. the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 16th day of September, 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66–10469; Filed, Sept. 23, 1966; 8:46 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The certificates are effective from September 3, 1966, to September 2, 1967, except as otherwise indicated. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the statutory minimum of $1.25 an hour.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR, Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Angell's Super Valu, Inc., food store; 318 West Adams, Iron River, Mich.

Blair Super Market, food store; 3533 Jonesboro Road, Hapeville, Ga.

Buy Rite, Inc., food store; 308 South Silver, Paola, Kans.

Cannata's Super Market, Inc., food store; 813 Brashear Avenue, Morgan City, La.

Cat & Fiddle Super Markets, Inc., food stores: 714 South Main Street, Danville, Va.; Riverside Drive, Danville, Va.

Cooper & Ratcliff of Bassett, Inc., food store; Bassett, Va.; 9–1–66 to 8–31–67.

Eagle Stores Co., Inc., variety store; No. 3, Lincolnton, N.C.; 9–10–66 to 9–9–67.

Edward's, Inc., variety stores, from 9–8–66 to 9–7–67: Beaufort, S.C.; St. Andrews Shopping Center, Charleston, S.C.; 496 King Street, Charleston, S.C.; 517 King Street, Charleston, S.C.; 2018 Reynolds Avenue, Charleston Heights, S.C.; Pinehaven Shopping Center, Charleston Heights, S.C.; 41–41½ Laurel Street, Conway, S.C.; Front Street, Georgetown, S.C.; Myrtle Beach, S.C.; North Main Street, Sumter, S.C.; 31–33 Washington Street, Walterboro, S.C.

W. T. Grant Co., variety stores: No. 447, Hamden, Conn.; No. 832, Belle Glade, Fla.; No. 688, Jacksonville, Fla.; No. 849, Jacksonville, Fla.; No. 709, Ocala, Fla. (9–9–66 to 9–8–67); 82 Whitehall Street, Atlanta, Ga.; 3507 Memorial Drive, Decatur, Ga.; 3180 Southeast Main Street, East Point, Ga.; No. 44, Macon, Ga.; No. 851, Warner Robins, Ga.; No. 190, Minneapolis, Minn.; 329 Franklin Avenue, Wyckoff, N.J. (10–1–66 to 9–30–67); No. 33, Peoria, Ill. (9–29–66 to 9–28–67); No. 444, Columbus, Ohio (9–1–66 to 8–31–67); 401 West Main Street, Lansdale, Pa. (9–8–66 to 9–7–67); No. 573, Mount Pleasant, Pa.; No. 555, Phoenixville, Pa. (9–7–66 to 9–6–67); 4536 Frankford Avenue, Philadelphia, Pa. (9–7–66 to 9–6–67); 513 Smithfield Street, Pittsburgh, Pa.; 13 East Gay Street, West Chester, Pa. (9–6–66 to 9–5–67); 108 West Fourth Street, Williamsport, Pa.; No. 484, Cayce, S.C.; No. 589, Newport, Vt.; No. 887, Portsmouth, Va. (10–1–66 to 9–30–67).

Autry Greer & Sons, Inc., food stores: Bay Minette, Ala.; Bayou La Batre, Ala.; Citronelle, Ala.; Fairhope, Ala.; Foley, Ala.; Jackson, Ala.; 3311 Dauphin Island Parkway, Mobile, Ala.; 2216 Dauphin Island Parkway, Mobile, Ala.; Monroeville, Ala.; Saraland, Ala.; Thomasville, Ala.; Lucedale, Miss.

Jim's IGA Super Market, food store; Highway 52, Lake City, S.C.; 9–1–66 to 8–31–67.

The W. J. Kennedy Co., food store; Orange Street and Bellbrook Avenue, Xenia, Ohio.

S. S. Kresge Co., variety stores: No. 4608, Meriden, Conn.; No. 728, Bradenton, Fla.; No. 700, Atlanta, Ga. (9–21–66 to 9–20–67); No. 130, Joliet, Ill.; No. 237, Elkhart, Ind.; No. 204, Lafayette, Ind.; No. 100, Dubuque, Iowa; No. 616, Baltimore, Md.; No. 16, Dearborn, Mich.; No. 166, Detroit, Mich.; No. 4511, Jackson, Mich.; No. 257, Livonia, Mich.; No. 393, Richfield, Minn.; No. 469, Bayonne, N.J.; No. 443, Cincinnati, Ohio; No. 316, Springfield, Ohio; No. 646, Toledo, Ohio; No. 4589, Johnstown, Pa.; No. 4590, Burlington, Vt.

S. H. Kress and Co., variety stores: 6106 14th Street West, Bradenton, Fla.; 9–15 South Palafox Street, Pensacola, Fla.; 475 Central Avenue, St. Petersburg, Fla.; 311 Franklin Street, Tampa, Fla.; 162 South Main Street, Rocky Mount, N.C.; 307 Middle Street, New Bern, N.C.; 141 South Main Street, High Point, N.C.; 11 North Front Street, Wilmington, N.C.; 281 King Street, Charleston, S.C.; 117 West Evans Street, Florence, S.C.; 27–31 South Main Street, Greenville, S.C.; 311–313 Main Street, Greenwood, S.C.; 301 Russell Street, Orangeburg, S.C.; 115 East Main Street, Spartanburg, S.C.; 49 South Main Street, Sumter, S.C.

William A. Lewis Clothing Co., apparel stores: 2301 West 95th Street, Chicago, Ill.; Hillside Shopping Center, Hillside, Ill.; Harlem-Irving Plaza, Norridge, Ill.

McCrory-McLellan-Green Stores; variety stores: No. 600, Huntsville, Ala.; No. 1003, Coral Gables, Fla.; No. 97, Lakeland, Fla.; No. 259, Leesburg, Fla. (9–8–66 to 9–7–67); No. 74, Miami, Fla.; No. 57, Ocala, Fla.; No. 81, Palatka, Fla.; No. 171, St. Petersburg, Fla. (9–8–66 to 9–7–67); No. 329, Titusville, Fla.; No. 1130, Albany, Ga.; No. 1113, Augusta, Ga.; No. 1219, Columbus, Ga.; No. 428, Dalton, Ga.; No. 423, Dublin, Ga. (9–1–66 to 8–31–67); No. 327, East Point, Ga.; No. 303, Waycross, Ga.; No. 1081, Keokuk, Iowa; No. 447, Lapeer, Mich.; No. 251, Newark, N.J.; No. 566, Farmington, N. Mex. (9–20–66 to 9–19–67); No. 427, Lexington, N.C.; No. 1141, Reidsville, N.C.; No. 402, Washington, N.C.; No. 410, Wilson, N.C.; No. 1127, Winston-Salem, N.C.; No. 1085, Columbus, Ohio; No. 151, Barnesboro, Pa. (9–9–66 to 9–8–67); No. 1116, Chester, Pa.; No. 323, Hazleton, Pa.; No. 1066, Lancaster, Pa.; No. 334, Reading, Pa.; No. 85, Waynesboro, Pa.; No. 326, North York, Pa.; No. 1104, Columbia, S.C.; No. 1108, Greenville, S.C.; No. 322, Dallas, Tex.; No. 533, McAllen, Tex. (9–8–66 to 9–2–67); No. 214, Clarksburg, W. Va.; No. 40, Grafton, W. Va.

G. C. Murphy Co., variety stores: No. 236, Washington, D.C.; No. 242, Washington, D.C.; No. 81, Columbus, Ind.; No. 149, Annapolis, Md.; No. 148, Baltimore, Md.; No. 151, Baltimore, Md.; No. 152, Baltimore, Md.; No. 153, Baltimore, Md.; No. 174, Baltimore, Md.; No. 200, Baltimore, Md.; No. 224, Baltimore, Md.; No. 179, Cumberland, Md.; No. 273, Hyattsville, Md.; No. 266, Rockville, Md.; No. 248, Rockville, Md.; No. 199, Silver Spring, Md.; No. 201, Connellsville, Pa.; No. 175, Erie, Pa.; No. 225, Erie, Pa.; No. 3, Greensburg, Pa.; No. 228, Havertown, Pa.; No. 211, Hollidaysburg, Pa.; No. 45, Jeannette, Pa.; No. 6, Latrobe, Pa.; No. 79, Lehighton, Pa.; No. 232, Lemoyne, Pa.; No. 202, McDonald, Pa.; No. 1, McKeesport, Pa.; No. 233, Natrona Heights, Pa.; No. 4, New Kensington, Pa.; No. 229, Philadelphia, Pa.; No. 246, Philadelphia, Pa.; No. 12, Pittsburgh, Pa.; No. 206, Pittsburgh, Pa.; No. 237, Pittsburgh, Pa.; No. 258, Pittsburgh, Pa.; No. 247, Ridgway, Pa.; No. 7, Rochester, Pa.; No. 5, Turtle Creek, Pa.; No. 227, Willow Grove, Pa.

Neisner Brothers, Inc., variety stores: No. 162, Cocoa, Fla.; No. 158, Fort Lauderdale, Fla.; No. 99, Gainesville, Fla.; No. 175, Key West, Fla.; No. 21, Miami, Fla.; No. 164, Miami Beach, Fla.; No. 14, Ocala, Fla.; No. 40, Pompano Beach, Fla.; No. 174, Port Charlotte, Fla.; No. 157, Tallahassee, Fla.; No. 146, Tampa, Fla.; No. 147, Tampa, Fla.; No. 70, Omaha, Nebr. (9–9–66 to 9–2–67).

J. J. Newberry Co., variety stores: No. 270, Martinsville, Ind.; 203–7 East Mount Vernon Street, Somerset, Ky. (9–1–66 to 8–31–67); No. 187, Vineland, N.J.; No. 181, Danville, Pa.; No. 34, Waynesboro, Pa.

Piggly Wiggly Stores, food stores: No. 1, Columbus, Ga.; No. 2, Columbus, Ga.; No. 6, Columbus, Ga.; No. 37, Ridgeland, S.C.; Hamlin, Tex. (9–2–66 to 7–25–67); No. 1, Lamesa, Tex.; No. 2, Lamesa, Tex.

Raylass Department Stores, Inc., department stores: 315 West Main Street, Durham, N.C. (9–9–66 to 9–8–67); 102–04 West Main Street, Gastonia, N.C. (9–9–66 to 9–8–67); Corner Main Street and Second Avenue, Lexington, N.C. (9–12–66 to 9–11–67); 619–621 State Street, Bristol, Va.

Rose's Stores, Inc., variety stores: No. 75, Thomasville, Ga.; No. 102, Warner Robins, Ga.; No. 145, Ashville, N.C.; No. 98, Chapel Hill, N.C.; No. 43, Clinton, N.C.; No. 24, Edenton, N.C.; No. 106, Elkin, N.C.; No. 99, Greenville, N.C.; No. 1, Henderson, N.C.; No. 50, Kinston, N.C.; No. 8, Lenoir, N.C.; No. 45, Lumberton, N.C.; No. 60, Marion, N.C.; No. 59, Morehead City, N.C.; No. 51, Morganton, N.C.; No. 21, Roanoke Rapids, N.C.; No. 10, Rockingham, N.C. (8–19–66 to 8–18–67); No. 32, Sanford, N.C.; No. 22, Smithfield, N.C.; No. 143, Wilson, N.C.; No. 133, Winston-Salem, N.C. (9–8–66 to 9–7–67); No. 76, Camden, S.C.; No. 148, Columbia, S.C.; No. 48, Newberry, S.C.; No. 49, Union, S.C.

Bill Sodd Food Stores, Inc., food stores: No. 1, Fort Worth, Tex.; No. 2, Fort Worth, Tex.; No. 3, Fort Worth, Tex.

Super Duper Food Center, food store; South Third and Sayles Boulevard, Abilene, Tex.; 9–15–66 to 9–14–67.

Timmons IGA Super Market, food store; Sauls Street, Lake City, S.C.; 9–1–66 to 8–31–67.

Toudouse Mart, food store; 4007 South Flores, San Antonio, Tex.

T.G. & Y. Stores Co., variety stores: No. 13, Anadarko, Okla.; No. 58, Shawnee, Okla.

Wade's Super Market, food store; 305 Roanoke Street, Christiansburg, Va.

Wood's 5 & 10¢ Stores, Inc., variety stores: Lumberton, N.C.; Rockingham, N.C.; Whiteville, N.C.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum of $1.25 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Edward's, Inc., variety stores for the occupation of sales clerk, from 9–8–66 to 9–7–67: Mitchell Shopping Center, Aiken, S.C. (between 4.3 percent and 10 percent); Hampton Place Shopping Center, Greenwood, S.C. (between 9.3 percent and 10 percent); Orangeburg Shopping Center, Orangeburg, S.C. (between 9.3 percent and 10 percent).

W. T. Grant Co., variety stores for the occupations of sales clerk, stock clerk, office clerk, cashier, except as otherwise indicated: No. 1062, Jacksonville, Fla. (sales clerk, 10 percent for each month); No. 3086, Gary, Ind. (between 3.0 percent and 10 percent); 6644 Security Boulevard, Baltimore, Md. (between 7.4 percent and 10 percent); No. 878, Minneapolis, Minn. (between 1.8 percent and 10 percent); No. 896, Allentown, Pa. (sales clerk, cashier, between 2.5 percent and 10 percent); 125 Pittsburgh Road, Butler, Pa. (sales clerk, cashier, between 2.8 percent and 7.9 percent, 9–13–66 to 9–12–67); No. 327, Ephrata, Pa. (10 percent for each month); River Road, Milton, Pa. (sales clerk, stock clerk, 10 percent for each month, 9–6–66 to 9–5–67); No. 235, Shamokin Dam, Pa. (between 5.0 percent and 10 percent); No. 1071, Southampton, Pa. (sales clerk, stock clerk, 10 percent for each month); No. 848, State College, Pa. (sales clerk, 10 percent for each month); 555 Shelburne Road, Burlington, Vt. (between 0.0 percent and 10 percent).

Autry Greer & Sons, Inc., food store; 6 South McGregor Avenue, Mobile, Ala.; bag boy; 10 percent for each month.

S. S. Kresge Co., variety stores for the occupation of sales clerk except as otherwise indicated: No. 4088, Colorado Springs, Colo. (between 3.1 percent and 6.0 percent, 9–20–66 to 9–19–67); No. 4121, Denver, Colo. (sales clerk, stock clerk, 10 percent for each month, 9–1–66 to 8–31–67); No. 783, Merritt Island, Fla. (between 5.0 percent and 10 percent, 9–16–66 to 9–15–67); No. 466, Mishawaka, Ind. (10 percent for each month, 9–7–66 to 9–6–67); No. 4584, Clinton, Iowa (between 0.7 percent and 10 percent, 8–31–66 to 8–30–67); No. 132, Cherry Hill, N.J. (10 percent for each month); 6025 Pineville Road, Charlotte, N.C. (between 5.6 percent and 10 percent); No. 62, Coraopolis, Pa. (between 0.0 percent and 10 percent); No. 129, Philadelphia, Pa. (between 3.4 percent and 10 percent).

S. H. Kress and Co., variety stores: Guignard Drive, Sumter, S.C. (stock clerk, sales clerk, between 2.7 percent and 10 percent); 3501 Philips Highway, Jacksonville, Fla. (sales clerk, between 5.0 percent and 10 percent); 3300 Robinhood Road, Winston-Salem, N.C. (stock clerk, sales clerk, between 2.8 percent and 10 percent, 9–10–66 to 9–9–67).

William A. Lewis Clothing Co., apparel store; Randhurst Center, Mount Prospect, Ill.; receptionist, check writer, wrapper, stock clerk; between 9.1 percent and 10 percent.

McCrory-McLellan-Green Stores, variety stores for the occupations of stock clerk, sales clerk, office clerk, and additional occupations as indicated: No. 375, Phoenix, Ariz. (between 9.2 percent and 10 percent, 9-6-66 to 9-5-67); No. 365, Melbourne, Fla. (10 percent for each month); No. 167, Pottstown, Pa. (between 1.1 percent and 10 percent); No. 337, Murfreesboro, Tenn. (porter, between 1.8 percent and 10 percent).

G. C. Murphy Co., variety stores for the occupations of sales clerk, stock clerk, office clerk, janitor, 10 percent for each month except as otherwise indicated: No. 309, Washington, D.C. (between 9.0 percent and 10 percent, 9-12-66 to 9-11-67); No. 91, Baltimore, Md.; No. 285, Baltimore, Md.; No. 301, Glen Burnie, Md.; No. 280, McKeesport, Pa. (between 3.0 percent and 10 percent).

Neisner Brothers, Inc., variety stores for the occupations of sales clerk, office clerk, stock clerk, except as otherwise indicated: No. 178, Apopka, Fla. (between 9.7 percent and 10 percent, 8-4-66 to 8-3-67); No. 192, Avon Park, Fla. (sales clerk, stock clerk, between 6.0 percent and 10 percent); No. 188, Brandon, Fla. (sales clerk, stock clerk, between 4.3 percent and 10 percent); No. 183, Dade City, Fla. (between 9.8 percent and 10 percent); No. 197, De Land, Fla. (between 7.6 percent and 10 percent); No. 179, Lake City, Fla. (sales clerk, between 7.6 percent and 10 percent); No. 196, Marathon, Fla. (sales clerk, stock clerk, between 7.2 percent and 10 percent); No. 187, New Port Richey, Fla. (between 9.8 percent and 10 percent); No. 184, Palmetto, Fla. (sales clerk, porter, stock clerk, between 9.8 percent and 10 percent); No. 189, Stuart, Fla. (between 9.8 percent and 10 percent); No. 194, Tallahassee, Fla. (between 4.3 percent and 10 percent); No. 204, Burlington, Iowa (sales clerk, stock clerk, office clerk, maintenance, between 4.3 percent and 10 percent, 9-9-66 to 9-2-67); No. 168, Spencer, Iowa (sales clerk, stock clerk, maintenance, between 4.3 percent and 10 percent, 9-9-66 to 9-2-67).

Piggly Wiggly, food store; No. 11, Phenix City, Ala.; sacker, carryout boy, bottle boy, janitor; 10 percent for each month; 10-1-66 to 9-30-67.

Pine Street Super Duper, food store; 800 Pine Street, Abilene, Tex.; sacker, stock clerk; between 6.0 percent and 10 percent; 9-8-66 to 8-31-67.

Raylass Department Store, department store; 908-12 Main Street, Lynchburg, Va.; office clerk, sales clerk, stock clerk, janitor, marker; 10 percent for each month.

Rose's Stores, Inc., variety stores for the occupations of sales clerk, stock clerk, office clerk, checker, except as otherwise indicated, 10 percent for each month except as otherwise indicated: No. 154, Burlington, N.C.; No. 155, Gastonia, N.C.; No. 96, High Point, N.C.; No. 78, Rocky Mount, N.C. (between 4.1 percent and 10 percent); No. 4, Roxboro, N.C. (sales clerk, stock clerk); No. 153, Shelby, N.C.; No. 149, Tarboro, N.C. (sales clerk, checker, between 0.0 percent and 10 percent); No. 150, Columbia, S.C. (sales clerk, stock clerk, between 6.0 percent and 10 percent, 9-8-66 to 9-7-67); No. 67, North Augusta, S.C. (between 6.4 percent and 10 percent).

Bill Sodd Food Store, food stores for the occupation of sack boy: No. 4, Fort Worth, Tex. (between 6.0 percent and 8.3 percent); No. 5, Fort Worth, Tex. (between 6.5 percent and 10 percent).

T.G. & Y. Stores Co., variety stores for the occupations of sales clerk, stock clerk, office clerk, 10 percent for each month, from 9-12-66 to 9-11-67: No. 304, Liberty, Mo.; No. 152, Parkville, Mo.

The following certificates were issued to establishments under paragraph (k) of § 519.6 of 29 CFR, Part 519. These certificates supplement certificates issued pursuant to other paragraphs of that section, but do not authorize the employment of full-time students at rates below the applicable statutory minimum in additional occupations. The certificates contain limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The additional allowances apply to the specified months and vary from month to month between the minimum and maximum figures indicated.

Ramey Super Market, food stores: No. 1 Springfield, Mo. (between 0.0 percent and 1.6 percent for the months of September through August); No. 3, Springfield, Mo. (between 1.0 percent and 4.5 percent for the months of September through August, 9-24-66 to 9-23-67).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 20th day of September 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66-10470; Filed, Sept. 23, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 21, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40716—*Crude phosphate rock to Helena Crossing, Ark.* Filed by O. W. South, Jr., agent (No. A4943), for interested rail carriers. Rates on crude phosphate rock (other than ground phosphate rock), in carloads, subject to minimum weight of 600 net tons per shipment, from producing points in Bartow region of Florida, to Helena Crossing, Ark.

Grounds for relief—Rail-water competition.

Tariff—Supplement 121 to Southern Freight Association, agent, tariff ICC S-140.

FSA No. 40717—*Cement to points in North Dakota.* Filed by Western Trunk Line Committee, agent (No. A-2472), for interested rail carriers. Rates on cement, hydraulic, masonry, natural, or portland and related articles, in carloads, from points in Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, and South Dakota to points in North Dakota, also shipments returned from such points to original point of shipment.

Grounds for relief—Market competition.

Tariffs—Supplements 1 and 53 to Western Trunk Line Committee, agent, tariffs ICC A-4638 and A-4527, respectively.

FSA No. 40718—*Ferrous sulphate to points in southwestern and western* western Freight Bureau, agent (No. B-8901), for interested rail carriers. Rates on ferrous sulphate, agricultural or fertilizer grade, having value for fertilizer purposes, in carloads, from Climax, Colo., and St. Louis, Mo., to points in southwestern and western trunk-line territories.

Grounds for relief—Market competition.

Tariffs—Supplement 16 to Southwestern Freight Bureau, agent, tariff ICC 4682 and Supplement 25 to Western Trunk Line Committee, agent, tariff ICC A-4603.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10492; Filed, Sept. 23, 1966; 8:49 a.m.]

[Notice 257]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 21, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 936 (Sub-No. 36 TA), filed September 19, 1966. Applicant: VALLEY MOTOR LINES, INC., 1220 West Washington Boulevard, Montebello, Calif. Applicant's representative: Theodore W. Russell, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, in tank vehicles), between Marysville and Roseville, Calif., and, Bullards Bar Dam, Calif., as follows: (a) From Marysville over California Highway 20 to its junction with California Highway 49 at Grass Valley, Calif., thence over California Highway 49 to its junction with unnumbered county highway commonly known as Moonshine Road, approximately 3 miles north of North San Juan, Calif., thence over said unnumbered county highway to Bullards Bar Dam and return over the same route, serving points within 10 miles of said dam as off-route points, (b) from Marysville over California Highway 20 to its junctions with unnumbered county highway commonly known as Marysville Road, approximately 1 mile south of Brown's Valley, Calif., thence over said unnumbered highway and Brown's Valley and Dobbins to Bullards Bar Dam and return over the same route, serving points within 10 miles of said dam as off-route points, (c) from Roseville over Interstate Highway 80 to its junction with California Highway 49 near Auburn, Calif., thence over California Highway 49 to its junction with unnumbered county highway commonly known as Moonshine Road, approximately 3 miles north of North San Juan, Calif., thence over said unnumbered county highway to Bullards Bar Dam and return over the same route, serving points within 10 miles of said dam as off-route points, for 150 days. Supporting shipper: Perining-Yuba Associates, Post Office Box 1650, Marysville, Calif. 95901. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 2002 (Sub-No. 7 TA), filed September 19, 1966. Applicant: PHILIPP TRANSIT LINES, INC., Highway 100 East, Washington, Mo. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with usual exceptions), between Washington, Mo., and Chamois, Mo., from Washington over Missouri Highway 100 to Chamois, and return over the same route, serving the intermediate points of Gasconade and Morrison, Mo., for 150 days. Supporting shippers: Gasconade Mercantile, Gasconade, Mo., Don's Implement Co., Morrison, Mo., Seifert Farm Equipment, Morrison, Mo., Kormann Sinclair Service, Chamois, Mo., Seibern Lumber Yard, Chamois, Mo. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 52751 (Sub-No. 64 TA), filed September 19, 1966. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds*, in packages, from Des Moines, Iowa, to Mapleton, Minn., for 150 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 114965 (Sub-No. 26 TA), filed September 19, 1966. Applicant: CYRUS TRUCK LINE, INC., Post Office Box 327, R.F.D. No. 1, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, 104 South Washington Avenue, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuels*, in bulk, in tank vehicles, from Kansas City, Kans., to Centralia, Ill., Carbondale Ill.; Festus and Malden, Mo., for 180 days. Supporting shipper: Mobil Oil Corp., Post Office Box 2539, Kansas City, Mo. 64142. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 125899 (Sub-No. 5 TA), filed September 19, 1966. Applicant: JOHN McCABE, 1804 South 27th Avenue, Phoenix, Ariz. 85003. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly, Phoenix, Ariz. 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Lumber (a) from points in Arizona to points in Los Angeles, Riverside, Orange, San Bernardino, San Francisco, San Diego, and Ventura Counties, Calif., (b) from points in Oregon; points in Los Angeles County, Calif., and that part of California in and north of Inyo, Kings, Tulare, and Monterey Counties to points in Arizona, for 150 days. Supporting shippers: Ed Holderness Supplies, Inc., Post Office Box 4907, Tucson, Ariz., Hank Bennett Lumber Sales, 5145 East Verde Lane, Phoenix, Ariz., J. & M. Lumber Co., 647 West Third Street, Reno, Nev., Arizona Box Co., 3203 Grand Avenue, Phoenix, Ariz., Malleo Distributors, 315 South 11th Avenue, Phoenix, Ariz., Western Pine Sales, Inc., 2929 East Thomas Road, Phoenix, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 4006 Federal Building, Phoenix, Ariz. 85025.

No. MC 127625 (Sub-No. 4 TA), filed September 19, 1966. Applicant: SANTEE CEMENT CARRIERS, INC., Holly Hill, S.C. 29059. Applicant's representative: Frank B. Hand, Jr., 921 17th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* from rail sidings in Greenville, S.C., and points within 10 miles thereof, to points in North Carolina, Georgia, and those in Tennessee on and east of U.S. Highway 127, restricted to traffic originating at the plant of Santee Portland Cement Co. at Holly Hill, S.C., and having a prior movement by rail carrier, for 180 days. Supporting shipper: Santee Portland Cement Corp., Post Office Box 698, Holly Hill, S.C. 29059. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 509 Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10493; Filed, Sept. 23, 1966; 8:49 a.m.]

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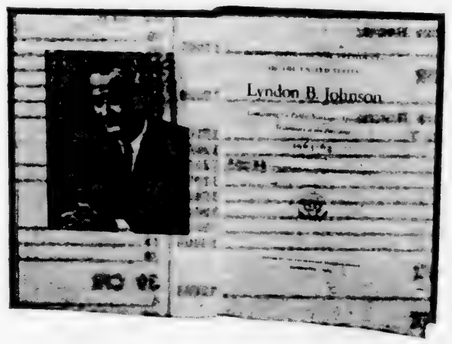
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Agricultural Stabilization and Conservation Service
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Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
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SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—Determination of County Normal Yields for 1966 Crop

Basis and purpose. The regulations contained in § 729.1707, below, are issued pursuant to and in conformity with the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920; 28 F.R. 11811; 29 F.R. 7801, 7983, 13027, 16185; 30 F.R. 2589, 11345; 31 F.R. 6957).

Subections 301(b)(13) (B) and (C) of the Act define normal yield for any county as follows:

(B) "Normal yield" for any county, in the case of * * * peanuts, shall be the average yield per acre of * * * peanuts for the county, adjusted for abnormal weather conditions, during the 5 calendar years immediately preceding the year in which such normal yield is determined. (C) in applying * * * [(B) supra] * * * if for any such year the data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, shall be used as the actual yield for such year. In applying such subparagraphs, if, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such * * * 5-year period, * * * is less than 75 per centum of the average (computed without regard to such year) such year shall be eliminated in calculating the normal yield per acre.

Producers are now marketing their 1966 crop of peanuts and since county normal yields are used in the determination of the amount of penalty on excess peanuts marketed from a farm, it is essential that county normal yields be determined and announced as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and contrary to the public interest. Therefore, the county normal yields specified below shall become effective upon publication in the FEDERAL REGISTER.

§ 729.1707 Determination of the county normal yields for 1966 crop of peanuts.

County normal yields for 1966 crop of peanuts, determined in accordance with the Act and § 729.1455(a) (27 F.R. 11920) are as follows:

ALABAMA

County	Normal yield (pounds)	County	Normal yield (pounds)
Autauga	997	Elmore	920
Barbour	1,175	Escambia	1,241
Blount	710	Geneva	1,336
Bullock	711	Hale	700
Butler	866	Henry	1,230
Calhoun	933	Houston	1,344
Chambers	675	Lee	825
Chilton	875	Macon	854
Clay	767	Marengo	650
Coffee	1,115	Mobile	733
Conecuh	918	Monroe	975
Coosa	833	Montgomery	741
Covington	1,172	Perry	931
Crenshaw	1,075	Pike	952
Cullman	875	Russell	920
Dale	1,188	Tuscaloosa	750
Dallas	671	Wilcox	767

ARIZONA

Pima	2,475	Yuma	2,072

ARKANSAS

Calhoun	627	Johnson	638
Crawford	741	Lincoln	1,867
Dallas	627	Little River	627
Faulkner	775	Logan	754
Franklin	891	Nevada	580
Grant	627	Randolph	652
Hempstead	312	Yell	627
Howard	459		

CALIFORNIA

Fresno	2,637	Tulare	991
Kern	1,787		

FLORIDA

Alachua	1,663	Lafayette	1,439
Bay	865	Leon	1,888
Calhoun	1,642	Levy	1,408
Columbia	1,493	Madison	791
Dixie	1,536	Marion	1,319
Escambia	900	Okaloosa	1,478
Gadsden	1,196	Santa Rosa	1,806
Gilchrist	1,174	Suwannee	1,619
Hamilton	1,619	Wakulla	1,122
Holmes	1,209	Walton	1,237
Jackson	1,364	Washington	1,366
Jefferson	1,121		

GEORGIA

Appling	1,257	Decatur	1,563
Atkinson	1,465	Dodge	1,196
Bacon	1,135	Dooly	1,666
Baker	1,656	Dougherty	1,560
Baldwin	702	Early	1,591
Ben Hill	1,740	Effingham	1,297
Berrien	1,772	Emanuel	1,185
Bleckley	1,437	Evans	1,726
Brooks	1,595	Glascock	781
Bryan	1,385	Gordon	1,436
Bulloch	1,539	Grady	1,658
Burke	1,072	Hancock	290
Calhoun	1,712	Houston	1,439
Candler	1,558	Irwin	2,044
Chattahoochee	511	Jeff Davis	1,661
Clay	1,339	Jefferson	974
Coffee	1,402	Jenkins	1,152
Colquitt	1,814	Johnson	1,181
Cook	1,906	Lanier	2,379
Crawford	350	Laurens	1,194
Crisp	1,774	Lee	1,635
		Lowndes	1,146

GEORGIA—Continued

County	Normal yield (pounds)	County	Normal yield (pounds)
Macon	1,578	Tattnall	1,678
Marion	1,126	Taylor	1,436
Miller	1,631	Telfair	1,307
Mitchell	1,631	Thomas	1,501
Montgomery	1,129	Tift	1,961
Muscogee	508	Toombs	1,519
Newton	432	Treutlien	1,396
Peach	1,222	Turner	1,834
Pierce	937	Twiggs	1,254
Pulaski	1,452	Upson	821
Quitman	1,122	Warren	788
Randolph	1,500	Washington	1,552
Richmond	752	Wayne	1,044
Schley	1,437	Webster	1,328
Screven	1,415	Wheeler	1,468
Seminole	1,598	Wilcox	1,617
Stewart	1,189	Wilkinson	1,126
Sumter	1,634	Worth	1,619
Talbot	872		

LOUISIANA

Parish	Normal yield (pounds)	Parish	Normal yield (pounds)
Beauregard	582	Lincoln	910
Bienville	757	Morehouse	1,025
La Salle	587	Union	368

MISSISSIPPI

County	Normal yield (pounds)	County	Normal yield (pounds)
Alcorn	647	Neshoba	1,075
Calhoun	475	Noxubee	333
Clay	456	Pontotoc	510
Copiah	449	Prentiss	417
Forrest	510	Sunflower	1,078
Greene	557	Tate	730
Holmes	460	Tishomingo	355
Itawamba	506	Union	575
Kemper	366	Webster	1,030
Lauderdale	418	Yalobusha	378
Lowndes	264		

NEW MEXICO

Lea	1,281	Roosevelt	2,071
Quay	1,241		

NORTH CAROLINA

Beaufort	1,647	Martin	2,160
Bertie	1,863	Moore	1,579
Bladen	1,367	Nash	1,601
Brunswick	748	New Hanover	1,045
Camden	1,914	Northampton	2,201
Catawba	753	Onslow	1,296
Chatham	1,115	Pasquotank	2,362
Chowan	2,457	Pender	1,215
Columbus	1,267	Perquimans	2,338
Craven	1,103	Pitt	1,876
Cumberland	1,392	Richmond	1,214
Currituck	2,094	Robeson	1,120
Duplin	976	Rowan	1,271
Edgecombe	1,857	Sampson	1,224
Gates	2,137	Scotland	1,000
Greene	1,644	Tyrrell	1,579
Halifax	2,011	Wake	1,488
Hertford	2,020	Warren	1,065
Iredell	507	Washington	1,959
Johnston	1,549	Wayne	1,302
Jones	1,250	Wilson	1,417
Lenoir	1,441		

OKLAHOMA

Adair	1,467	Bryan	789
Atoka	1,065	Caddo	2,653
Beckham	2,153	Canadian	1,628
Blaine	3,056	Carter	896

OKLAHOMA—Continued

County	Normal yield (pounds)	County	Normal yield (pounds)
Choctaw	797	Love	1,023
Cleveland	1,370	McClain	1,132
Coal	715	McCurtain	928
Comanche	1,242	McIntosh	1,092
Creek	792	Marshall	1,108
Custer	2,345	Murray	1,459
Dewey	708	Muskogee	946
Garvin	1,593	Okfuskee	1,071
Grady	1,358	Oklahoma	1,254
Greer	1,745	Okmulgee	1,025
Harmon	700	Pawnee	1,020
Haskell	970	Payne	1,060
Hughes	1,155	Pittsburg	1,047
Jackson	969	Pontotoc	891
Jefferson	771	Pottawatomie	1,236
Johnston	1,171	Pushmataha	799
Kingfisher	1,546	Seminole	991
Kiowa	1,036	Stephens	1,172
Le Flore	820	Tulsa	644
Lincoln	1,260	Wagoner	862
Logan	1,709	Washita	2,942

SOUTH CAROLINA

Aiken	631	Greenville	1,034
Allendale	1,263	Hampton	1,432
Bamberg	1,683	Horry	1,162
Barnwell	1,285	Kershaw	1,274
Cherokee	529	Lee	1,417
Clarendon	978	Marion	1,153
Colleton	927	Marlboro	662
Darlington	1,300	Orangeburg	574
Dillon	1,131	Spartanburg	541
Dorchester	661	Sumter	1,513
Florence	1,294	Williamsburg	714

TENNESSEE

Benton	938	Humphreys	656
Bradley	1,367	Lawrence	663
Carroll	641	Lewis	819
Decatur	852	Madison	497
Dickson	885	Obion	657
Gibson	1,067	Perry	921
Hardeman	670	Polk	797
Hardin	471	Wayne	733
Henderson	645	Weakley	1,024
Hickman	588		

TEXAS

Anderson	738	Fayette	612
Andrews	1,565	Fisher	516
Atascosa	1,086	Floyd	1,462
Austin	990	Fort Bend	517
Bailey	2,729	Franklin	878
Bastrop	629	Freestone	627
Baylor	1,235	Frio	2,062
Bee	514	Gaines	1,566
Bexar	680	Garza	647
Bosque	525	Gillespie	355
Bowie	406	Gonzales	861
Briscoe	1,117	Grayson	683
Brown	601	Grimes	621
Burleson	505	Guadalupe	516
Burnet	495	Hale	2,093
Caldwell	645	Hall	1,687
Callahan	520	Hamilton	531
Cass	422	Harris	1,203
Cherokee	826	Henderson	934
Clay	555	Hill	664
Coleman	410	Hood	827
Collingsworth	820	Hopkins	846
Colorado	886	Houston	903
Comanche	764	Jack	602
Cooke	535	Jim Wells	1,219
Coryell	931	Johnson	701
Crosby	1,385	Jones	614
Denton	787	Karnes	560
De Witt	622	Kent	575
Dimmit	2,079	King	1,370
Duval	908	Lamar	813
Eastland	608	Lampasas	527
Erath	818	La Salle	1,918
Falls	682	Lavaca	629
Fannin	891	Lee	613
		Leon	673

TEXAS—Continued

County	Normal yield (pounds)	County	Normal yield (pounds)
Limestone	812	San Saba	674
Live Oak	626	Smith	655
Llano	893	Somervell	696
Lubbock	1,250	Stephens	664
McCulloch	972	Stonewall	656
McLennan	882	Tarrant	725
Madison	588	Terry	1,828
Mason	1,184	Titus	840
Medina	1,009	Travis	555
Milam	615	Trinity	729
Mills	623	Upshur	533
Montague	1,014	Van Zandt	843
Morris	827	Victoria	671
Motley	1,605	Walker	647
Nacogdoches	637	Waller	1,149
Palo Pinto	731	Washington	797
Panola	637	Webb	1,110
Parker	865	Williamson	820
Parmer	2,891	Wilson	677
Polk	541	Wise	823
Red River	1,046	Wood	628
Robertson	640	Yoakum	1,568
Runnels	352	Young	561
Rusk	645	Zavala	2,952

VIRGINIA

Brunswick	1,181	Mecklenburg	758
Chesapeake	1,984	Nansemond	2,076
Chesterfield	1,248	New Kent	1,760
Dinwiddie	1,735	Northampton	1,808
Greensville	2,004	Prince George	1,870
Isle of Wight	2,183	Southampton	2,357
James City	2,007	Surry	2,136
Mathews	1,972	Sussex	2,099

(Secs. 301, 375, 52 Stat. 38, as amended, 66, as amended; 7 U.S.C. 1301, 1375)

Effective date. Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 22, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-10528; Filed, Sept. 26, 1966; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 232, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.532 (Lemon Reg. 232, 31 F.R. 12398) are hereby amended to read as follows:

§ 910.532 Lemon Regulation 232.

* * * * * *

(b) *Order.* (1) * * *

(ii) District 2: 195,300 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 22, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10519; Filed, Sept. 26, 1966; 8:46 a.m.]

PART 932—OLIVES GROWN IN CALIFORNIA

Handling

Notice was published in the FEDERAL REGISTER issue of September 8, 1966 (31 F.R. 11758), that the Department was giving consideration to proposed rules and regulations under the marketing agreement and Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice which was submitted by the Olive Administrative Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the rules and regulations, as hereinafter set forth, is in accordance with the provisions of said marketing agreement and order and will tend to effectuate the policy of the Agricultural Marketing Agreement Act of 1937, as amended. Such rules and regulations are hereby approved; and said rules and regulations are as follows:

§ 932.108 Noncanning olives.

"Noncanning olives" means those olives which, pursuant to the requirements of § 932.51(a)(2), are to be disposed of as other than canned ripe olives.

§ 932.129 Nomination procedure—producers.

Prior to March 16 of each odd-numbered year, the committee shall cause a

nomination meeting to be held in each district for the purposes of obtaining nominees for producer members and alternate members for such district. Nominations for members and balloting thereon shall precede nomination and balloting for alternate members. The candidate for each position to be filled who receives the highest number of votes shall be the nominee for the position: *Provided*, That such candidate receives a majority of the ballots cast. If no candidate receives the majority of the ballots cast, the two candidates who received the highest number of votes shall participate in a runoff to determine which is the nominee.

§ 932.151 Incoming regulations.

(a) *Inspection stations.* Natural condition olives shall be sampled and size-graded only at an inspection station which shall be a plant of a handler, or other place where such olives are normally received, having facilities for sampling and size-grading such olives which are satisfactory to the Inspection Service and the committee: *Provided*, That upon prior application to, and approval by, the committee, a handler may have olives size-graded at an inspection station other than the one where the lot was sampled.

(b) *Lot identification.* Immediately upon receipt of each lot of natural condition olives for which inspection is required, the handler shall complete Form OAC–2 "Lot Identification Tag," or such other lot identification form as may be approved by the committee, which shall contain at least the following: (1) Lot number; (2) date; (3) variety; and (4) number and type containers. Pending completion of size-grading of such lot, or the sampling of such lot if it is to be size-graded by sample, the handler shall maintain identity of such lot of olives with its corresponding lot identification tag.

(c) *Weighing.* Each lot of natural condition olives for which inspection is required shall be separately weighed to determine the net weight of olives. If the lot is to be size-graded by sample, the lot shall be weighed upon receipt by the handler. If the lot is to be size-graded by lot, the net weight shall be determined after size-grading by weighing all of the component parts resulting from the size-grading operations (including culls), and totaling such weights.

(d) *Incoming inspection*—(1) *General.* The handler is responsible for the proper performance of all actions connected with the identification of lots of olives, the weighing of boxes or bins, the taking of samples, the size-grading of samples, and the furnishing of necessary personnel for the carrying out of such actions. All such actions shall be performed under the supervision of the Inspection Service.

(2) *Certification.* For each lot of olives that are size-graded, the handler shall complete Form OAC–3 "Report of Size-Grade of Natural Condition Olives," which shall contain at least the following: (i) Name of handler; (ii) name of producer; (iii) county of production; (iv) applicable lot number; (v) weight certificate number; (vi) net weight; (vii) number and type of containers; (viii) date received; (ix) time received; (x) method of size-grade determination (sample or lot); (xi) weight of sample, if size-graded by sample; and (xii) the quantity of olives in each size designation. The completed Form OAC–3 shall be furnished to the Inspection Service which shall certify thereon that the lot was size-graded as required by § 932.51 if in accordance with the facts.

(e) *Disposition of noncanning olives.*—(1) *Notification and inspection of noncanning olives.* Prior to disposition of noncanning olives the handler shall complete Form OAC–5 "Report of Non-canning Olive Inspection and Disposition," which shall contain the following: (i) Type and number of containers; (ii) type of olives (undersize or culls); (iii) net weight; (iv) variety; (v) outlet (green olives, olive oil, etc.); and (vi) consignee. Before disposition of such olives, the completed Form OAC–5 shall be furnished to the Inspection Service which shall inspect the olives for conformance with the information contained thereon, and, if correct, so certify in the space provided thereon.

(2) *Control and surveillance.* Noncanning olives that have been reported on Form OAC–5 and inspected by the Inspection Service shall, unless such olives are disposed of immediately after being inspected under supervision of the inspector, be identified by fixing to each bin or pallet of boxes an O.A.C. Control Card which may be obtained from the committee. Such olives shall be kept separate and apart from other olives in the handler's possession and shall be disposed of only in the outlet shown on Form OAC–5 and under the supervision of an inspector of the Inspection Service.

(3) *Time period for disposition.* All required disposition of noncanning olives shall be completed not later than September 30 of the crop year following the one in which the obligation is incurred or such later date that a handler may specify in a notice filed with the committee at least 15 days prior to September 15 of such subsequent crop year: *Provided*, That such notice shows that such handler has a sufficient quantity of olives held in storage to meet his obligation and such later date is not later than the date when he will have completed his disposition of olives of the crop year of obligation.

(4) *Olives not subject to incoming inspection.* Except as otherwise prescribed in § 932.51(b), any lot of olives to be used solely in the production of green olives or canned ripe olives of the "tree ripened" type shall not be subject to incoming inspection: *Provided*, That the applicable requirements of § 932.51(b) are met and the handler notifies the Inspection Service, in writing, that such lot is to be so used. Notice may be given by writing on the weight certificate "Lot to be used solely for use in the production of green olives or tree ripened olives" and a copy of such weight certificate given to the Inspection Service.

§ 932.152 Outgoing regulations.

(a) *Inspection stations.* Processed olives shall be sampled and graded only at an inspection station which shall be any olive processing plant having facilities for in-line inspection which are satisfactory to the Inspection Service and the committee.

(b) *Inspection*—(1) *General.* Inspection of packaged olives for conformance with § 932.52 shall be in-line inspection. No handler shall perform the final processing operations which immediately precede the packaging of the olives unless an inspector is present when the olives are so processed. In addition, no handler shall pit olives until after such olives have been inspected for size prescribed in § 932.52(a)(2).

(2) *Pitting operations.* Pitted olives that meet the size requirements for packaging as canned whole ripe olives but are held in containers prior to final processing shall be identified to the satisfaction of the Inspection Service and be held separate and apart from other olives until such time as they are submitted for in-line inspection prior to being packaged. Pitted olives which, prior to pitting, did not meet the size requirements for packaging as canned whole ripe olives but meet the applicable size requirements specified in § 932.52 for halved, sliced, chopped, or minced styles of canned ripe olives, shall be identified to the satisfaction of the Inspection Service and be held separate and apart from other olives until such time as they are submitted for in-line inspection prior to being packaged.

(c) *Certification.* (1) Each handler shall furnish daily to the Inspection Service a copy of a pack report for the preceding work day which shall contain at least the following: (i) The total number of cases of packaged olives; (ii) number of cans per case; (iii) can size; (iv) can code; (v) variety; (vi) fruit size; and (vii) style.

(2) The Inspection Service shall issue for each day's pack a signed certificate covering the quantities of such packaged olives which meet all applicable grade and size requirements. Each such certificate shall contain at least the following: (i) Date; (ii) place of inspection; (iii) name and address of handler; (iv) can code; (v) variety; (vi) fruit size; (vii) can size; (viii) style; (ix) total number of cases; (x) number of cans per case; and (xi) statement that packaged olives meet the effective minimum standards for canned ripe olives as warranted by the facts.

(d) *Olives which fail to meet grade and size requirements.* (1) Whenever any portion of a handler's daily pack of packaged olives fails to meet all applicable grade and size requirements, the Inspection Service shall issue a signed report covering such olives. Each such report shall contain at least the following: (i) Date; (ii) place of inspection; (iii) name and address of handlers; (iv) can code; (v) variety; (vi) fruit size; (vii) can size; (viii) style; (ix) total number of cases; (x) number of cans per case; and (xi) reason why the applicable requirements were not met.

(2) All such packaged olives shall be kept separate and apart from other packaged olives and shall be so identified by control cards or other means satisfactory to the Inspection Service and the committee that their identity is readily apparent. Such packaged olives may be reprocessed under supervision of the Inspection Service.

§ 932.154 Interhandler transfer.

(a) Except as provided in this section, Form OAC–6 "Report of Interhandler Transfer" shall be completed by the transferring handler on all lots of olives, whether natural condition, processed, not packaged, that are transferred from one handler to another. This form shall contain at least the following: (1) Name and address of both the transferring and receiving handler; (2) date of transfer; (3) condition (natural condition, processed, not packaged); (4) weight and number and size of each type of container; (5) variety; and (6) other identification (sustandard size, culls, style, etc.). Two copies of such completed form shall accompany the load to the receiving handler who shall certify on such copies the receipt of such olives and shall forward one of the certified copies to the committee within 10 days following receipt of such olives.

(b) Undersize or cull olives that are transferred from one handler to another and for which the transferring handler desires credit toward satisfaction of his obligation under § 932.51(a)(2) need only be accompanied by two copies of Form OAC–5 "Report of Noncanning Olives Inspection and Disposition": *Provided*, That such transfers are carried out under the supervision of the Inspection Service.

It is hereby further found that good cause exists for not postponing the effective date hereof later than the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) Handling of the current crop of olives is getting started and all incoming lots of olives are subject to the provisions of § 932.51 of the order, and the packaged olives processed from such lots are subject to the provisions of § 932.52 of the order; (2) it is necessary that the rules and regulations herein provided be established as soon as possible to enable the Olive Administrative Committee to perform its duties in accordance with the said marketing agreement and order; (3) producers and handlers have been notified of the proposed adoption and recommendation to the Secretary, by the Olive Administrative Committee of the said rules and regulations; (4) notice that the Department was considering such rules and regulations was published in the FEDERAL REGISTER and interested persons were afforded opportunity to file written data, views or arguments pertaining thereto; and no such coments were filed; and (5) approval of the said rules and regulations will not require any preparation which cannot be completed by the effective time thereof.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 21, 1966, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–10520; Filed, Sept. 26, 1966; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Miscellaneous Amendments

1. Effective September 26, 1966, § 329.0 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.0) is amended to read as follows:

§ 329.0 Scope.

The regulation contained in this part relates to the payment of deposits and interest thereon by insured nonmember banks. This part is not applicable to banks which are members of the Federal Reserve System. Regulation Q (Part 217 of this title), prescribed by the Board of Governors of the Federal Reserve System for banks which are members of that System, is not applicable to insured banks which are not members of the Federal Reserve System, except to the extent that the State law of a particular State provides otherwise. The provisions of this part do not apply to any deposit in a bank located outside of, or payable only at a bank's office which is located outside of, the States of the United States and the District of Columbia. Except as provided in § 329.7, the provisions of this part do not apply to mutual savings banks or to guaranty savings banks operating in the State of New Hampshire so long as said guaranty savings banks operate substantially under and pursuant to the laws of the State of New Hampshire pertaining to mutual savings banks and do not engage in commercial banking.

2. Effective September 26, 1966, § 329.6 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.6) is amended to read as follows:

§ 329.6 Maximum rates[12] of interest payable on time and savings deposits by insured nonmember banks.

(a) *Maximum rate of 5½ percent.* No insured nonmember bank shall pay interest at a rate in excess of 5½ percent per annum on any time deposit of $100,000 or more, subject, however, to the provisions of paragraphs (b)(2) and (c)(1)(i) of this section.

(b) *Maximum rate of 5 percent.* No insured nonmember bank shall pay interest at a rate in excess of 5 percent per annum (1) on any time deposit of less than $100,000, subject, however, to the provisions of paragraph (c)(1)(i) of this section, or (2) on any multiple maturity time deposit that is payable only 90 days or more after the date of deposit or 90 days or more after the last preceding date on which it might have been paid.

(c) *Maximum rate of 4 percent.* (1) No insured nonmember bank shall pay interest at a rate in excess of 4 percent per annum (i) on any multiple maturity time deposit that is payable less than 90 days after the date of deposit or less than 90 days after the last preceding date on which it might have been paid, or (ii) on any savings deposit.

(2) In calculating the rate of interest paid, the effects of compounding of interest may be disregarded. An insured nonmember bank that elects to compound interest—either at the maximum permissible rate or at a lower rate—shall state the basis of compounding (such as semiannually, quarterly, monthly, weekly, daily, or continuously) in every advertisement, announcement, solicitation, and agreement relating to the rate of interest paid on a deposit.

3. Effective September 26, 1966, Part 329 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Part 329) is amended by adding at the end thereof the following new § 329.7 to read as follows:

§ 329.7 Maximum rates[13] of interest or dividends payable on deposits by insured nonmember mutual savings banks.

(a) *Definition.* For the purpose of this section, the term "mutual savings bank" includes any mutual savings bank and any guaranty savings bank which operates in the State of New Hampshire substantially under and pursuant to the laws of that State pertaining to mutual savings banks which does not engage in commercial banking.

(b) *Maximum rates payable.* For any time on or after October 1, 1966, no insured nonmember mutual savings bank shall pay interest or dividends at a rate in excess of 5 percent per annum on any deposit. Section 329.3(b), relating to modification of deposit contracts to conform to regulations, shall apply to insured nonmember mutual savings banks.

(c) *Compounding interest.* In calculating the rate of interest or dividends paid, the effects of compounding of interest or dividends may be disregarded. An insured nonmember mutual savings bank that elects to compound interest or dividends—either at the maximum permissible rate or at a lower rate—shall state the basis of compounding (such as semiannually, quarterly, monthly, weekly, daily, or continuously) in every advertisement, announcement, solicitation, and agreement relating to the rate of interest or dividends paid on a deposit.

(d) *Grace periods in computing interest.* An insured nonmember mutual savings bank may pay interest or dividends on a deposit received during the first ten (10) calendar days of any calendar month at the applicable maximum rate prescribed in paragraph (b) of this section calculated from the first day of such calendar month until such deposit is withdrawn or otherwise ceases to constitute a deposit upon which interest or dividends are payable; and an insured nonmember mutual savings bank may pay interest or dividends on a deposit withdrawn during the last 3 business days of any calendar month ending a regular quarterly or semiannual interest or dividend period at the applicable maximum rate prescribed in paragraph (b) of this section calculated to the end of such calendar month.

The purpose of these amendments is to implement the interest-rate legislation signed into law by the President on September 21, 1966 (Public Law 89–597). They reduce from 5½ percent per annum to 5 percent per annum the maximum rate of interest that may be paid by insured nonmember banks (other than mutual savings banks) on time deposits of less than $100,000 which are received on or after September 26, 1966. (A "time deposit" does not include a deposit that is payable in less than thirty (30) days (§ 329.1).) The amendments also prescribe a 5 percent maximum rate of interest or dividends which may be paid by insured nonmember mutual savings banks for any time on or after October 1, 1966. The amendments also permit insured nonmember banks (including mutual savings banks) greater flexibility in contracting and in operations with respect to interest or dividends on deposits by authorizing compounding of interest or dividends at the applicable maximum permissible rate on any basis that the bank may desire to adopt.

There was no notice and public participation with respect to these amendments, nor is the effective date thereof deferred with prior publication as the Board of Directors has found pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6) that under the circumstances, such procedure would cause delay and would prevent the action from becoming effective as promptly as necessary in the public interest.

(Sec. 9, 64 Stat. 881; 12 U.S.C. 1819)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 66–10509; Filed, Sept. 26, 1966; 8:45 a.m.]

[12] The maximum rates of interest payable by insured nonmember banks on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an office of an insured nonmember bank located outside of the States of the United States and the District of Columbia.

[13] The maximum rate of interest payable by insured nonmember mutual savings banks as prescribed herein is not applicable to any deposit which is payable only at an office of an insured nonmember mutual savings bank located outside of the States of the United States and the District of Columbia.

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 94—HIGHWAY TRANSPORTATION

Miscellaneous Amendments

In Part 94, make the following changes:

I. In § 94.2, paragraph (a)(4) is amended to show that collections from collection boxes will be confined generally to intrasectional star routes and that the director, local services division, will be responsible for issuing and keeping record of METRO padlocks and keys. As so amended paragraph (a)(4) now reads:

§ 94.2 Postal services.

(a) *Exchange of mail.* * * *

* * * * *

(4) *Through collection boxes (collections only).* (i) The director, transportation division, intrasectional may require star route contractors or carriers on intrasection routes to make collections from hasp and staple-type collection boxes locked by METRO series padlocks. Generally, this type collection will not be required on intersectional star routes because this would dilute their essential purpose of high-speed, over-the-road transport between larger post offices.

(ii) The director, local services division, will arrange for and keep record of, METRO padlocks and keys issued for use by star route contractors or carriers who are authorized to make collections from collection boxes. The METRO keys will be issued to the administrative postmaster or postmaster at the head of the star route on which collections are authorized. Such postmaster will be responsible for issuing the keys to the contractors and recovering the keys when no longer needed for collections. See subparagraph (2)(iv) of this paragraph.

* * * * *

NOTE: The corresponding Postal Manual section is 521.214.

II. In § 94.4, paragraph (b)(1) is amended to show that subcontractors must be not less than 18 years of age.

§ 94.4 Subcontracts.

* * * * *

(b) *Requirements of subcontractors.* A subcontractor must:

(1) Meet the legal residence and other requirements of contractors as provided in § 94.3(c)(2)(i)(*a*) except that subcontractors must be not less than 18 years of age.

* * * * *

NOTE: The corresponding Postal Manual section is 521.42a.

III. In § 94.17 paragraph (a)(2) is revised to show that special agreements no longer come under the classification of mail messenger service. As so revised, paragraph (a)(2) now reads:

§ 94.17 Payments.

(a) *Certification.* * * *

(2) Postmasters and installation heads designated to certify performance of mail messenger service shall use Form 2640, "Postmasters Certification of Mail Messenger Service Performed."

* * * * *

NOTE: The corresponding Postal Manual section is 522.612.

IV. In § 94.27, paragraph (g)(2) is revised to omit reference to Form 2227, Water Route Mail Bill, as local forms have been approved to supersede Form 2227.

§ 94.27 Contracts.

* * * * *

(g) *Payments.* * * *

(2) *Pound rate contracts.* Claims for payment for service performed will be submitted by the contractor to the director, transportation division, each accounting period, on Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal," with two copies of SF 1034A, "Memorandum Copy of SF" 1034, supported by an itemized statement of all service performed, rates per pound, and the amount due. The director, transportation division, will verify all items shown on the itemized statement submitted by the contractor with the reports submitted by the postmasters. SF 1034 will be covered by certification of service on Form 5429, to the postal data center.

* * * * *

NOTE: The corresponding Postal Manual section is 533.372.

V. Section 94.29 is revised to omit reference to Form 2227, Water Route Mail Bill, as local forms have been approved to supersede Form 2227. As so revised § 94.29 now reads:

§ 94.29 Records and reports.

See § 94.7. In lieu of Form 5399, postmasters and other designated installation heads may be required by the director, transportation division, to submit whatever reports are necessary as evidence of service performed.

NOTE: The corresponding Postal Manual section is 524.5.

As the foregoing amendments and revisions to Part 94 relate to a proprietary function of the Government and do not affect substantive rights, advanced notice, and public rule making procedures as well as a delayed effective date are unnecessary and would be contrary to the public interest.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 22, 1966.

[F.R. Doc. 66–10527; Filed, Sept. 26, 1966; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

[Treas. Dept. Circular 230]

PART 10—PRACTICE BEFORE THE INTERNAL REVENUE SERVICE

Answer

Correction

In F.R. Doc. 66–8841 appearing at page 10773 in the issue of Saturday, August 13, 1966, the following section heading should be inserted following paragraph (a) *Complaint* of § 10.57:

§ 10.58 Answer.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14229; FCC 66–852]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments

In the matter of fostering expanded use of UHF television channels (Palm Springs, Calif.); Docket No. 14229, RM–852.

1. In the sixth report and order in this docket (FCC 66–521; adopted June 14, 1966), we disposed of six of nine petitions which were the basis of our discussion and proposed assignments (pars. 10 through 16) in the further notice of proposed rule making herein (FCC 66–138; adopted Feb. 9, 1966).[1] In this document we are disposing of one of the three remaining petitions, viz. addition of a UHF channel to Palm Springs, Calif. We are in addition disposing of a subsequent petition for partial reconsideration of our fifth report and memorandum opinion and order also in the Palm Springs area.

2. In response to a petition filed on September 13, 1965, by Paul E. Morgan (RM–852), requesting a first assignment for Palm Springs, and statements filed on October 1, 1965, and October 15, 1965, by Midwest Television, Inc. (licensee of Station KFMB–TV, San Diego, Calif.) and John Conte, respectively, we assigned Channel 27 (fifth report and order, App. B), and in the further notice referred to hereinabove we proposed Channel 36 as a second assignment for Palm Springs. Thereafter, on March 14, 1966, John Conte filed a "Petition for Partial Reconsideration * * *," stating that a study of possible sites had revealed that because of the assignment of Channel 19 at Indio, Calif. (fifth report and order), and because of particular terrain features, Channel 27 could not be used at desirable sites in the Palm Springs area and meet the required geographic spacing requirement to Channel 19 at Indio. Similarly, in a "Statement Concerning Partial Reconsideration * * *" filed on March 23, 1966, Paul E. Morgan states his proposed site[2] for a Palm Springs station on Channel 27 would not be in compliance with the Commission rules as to Indio, and that he knows of no suitable alternative site that would comply with the 20-mile separation requirement and still permit effective coverage of the Palm Springs, Calif. area with a UHF–TV signal.

3. Accordingly, Conte requests in his petition a modification of the Table of Assignments to provide in place of Channel 27 the lowest channel (or, if the Commission determines to assign a second channel, the next lowest) with which a satisfactory site location for Palm Springs could be utilized.[3] Similarly, Morgan requests the allocation of a channel that would be useable in light of the Indio allocation to replace Channel 27, and in addition, either the finalization of the proposal to assign Channel 36 (as a second Palm Springs assignment) or the allocation of any suitable alternative channel.

4. On the basis of the arguments presented here for additional allocations for Palm Springs, and the indicated interest and stated intent of each of the three parties to promptly file for a construction permit for a station, we are of the view that (1) Channel 36 should be assigned as proposed herein, and that (2) because of the above described spacing and site difficulties with Channel 27, it should be replaced with Channel 42, which would meet the Commission's spacing requirements at the sites described by the petitioners herein.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective October 31, 1966, the Table of Assignments in § 73.606(b) of the Commission rules is amended insofar as the city listed below is concerned, to read as follows:

§ 73.606 Table of assignments.

* * * * *

(b) * * *

City	Channels
Palm Springs, Calif.	36, 42

NOTE: Off-sets will be designated in a subsequent order.

6. By this action, the petition for reconsideration is granted and the proceeding, insofar as these petitions are concerned, is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: September 21, 1966.

Released: September 22, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–10530; Filed, Sept. 26, 1966; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Des Lacs National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Des Lacs National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,740 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 11, 1966, and from sunrise to sunset November 12, 1966, through November 20, 1966.

(2) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1966.

HOMER L. BRADLEY,
Refuge Manager, Des Lacs National Wildlife Refuge, Kenmare, N. Dak.

SEPTEMBER 20, 1966.

[F.R. Doc. 66–10515; Filed, Sept. 26, 1966; 8:46 a.m.]

[1] As stated therein, the principal purpose of this further notice was to "focus attention on, and invite comments concerning, certain types of situations where use of the high UHF channels for other than the 'community' type of station may be particularly appropriate."

[2] The coordinates of this site, approximately 8 miles from Indio, are 33°48'6" N. latitude; 116°13'27" W. longitude.

[3] The sites proposed (in the alternative) by Conte as "the most feasible considering the terrain in the area" are 33°53'00" N., 116°25'00" W. (Site A) or 33°55'35" N., 116°-11'10" W. (Site B). Conte also states that a change in the assignment at Indio to accomplish the same results would of course be satisfactory to him.

[4] Commissioner Johnson not participating.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 145, 146, 147]

POULTRY AND TURKEYS

National Improvement Plans and Auxiliary Provisions

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Department of Agriculture has under consideration proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions recommended by the 1966 Conference of representatives of the State agencies cooperating in the administration of the Plans, and that, pursuant to section 101 (b) of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429), it is proposed to amend Parts 145, 146, and 147 of Title 9, Chapter I, Subchapter F, Code of Federal Regulations, to incorporate such recommended amendments and to make incidental changes for clarity and consistency. Said Parts 145, 146, and 147 would be amended in the following respects:

1. Section 145.1 would be amended by adding two new paragraphs (t) and (u) to read:

§ 145.1 Definitions.

* * * * *

(t) *Primary breeding flock.* A flock composed of one or more generations that is maintained for the purpose of establishing, continuing, or improving parent lines.

(u) *Multiplier breeding flock.* A flock that originated from a primary breeding flock and is intended for the production of hatching eggs used for the purpose of producing chicks for commercial egg or meat production.

§ 145.10 [Amended]

2. Section 145.10 would be amended by deleting paragraph (f) and Figure 7.

3. Section 145.10 would be further amended by redesignating paragraph (g) as paragraph (f), redesignating Figure 8 as Figure 7, and adding a new paragraph (g) to read:

(g) *U.S. M. Gallisepticum Tested.* (1) Flocks in which all birds have been blood tested for M. gallisepticum when they were more than 5 months of age in accordance with the procedures prescribed in subparagraph (2) of this paragraph, and in which no M. gallisepticum reactors were found, and which are maintained in accordance with the conditions and procedures prescribed in § 147.36 of this chapter: *Provided*, That in order to retain this classification a random sample of 5 percent of the flock, or a number specified by the Official State Agency, must be tested every 60 days.



FIGURE 8.

(2) The official blood test for M. gallisepticum shall be conducted in accordance with the following:

(i) The blood samples shall be drawn by an Authorized Agent or State Inspector and shall be tested by an authorized laboratory, using either the serum plate agglutination test, the tube agglutination test, the hemagglutination inhibition test, or a combination of two or more of these tests. The HI test shall be used to confirm the results of other serological tests;

(ii) The tests shall be conducted using M. gallisepticum antigen approved by the Department and shall be performed in accordance with the recommendations of the producer of the antigen.

(3) When reactors are submitted to a laboratory as prescribed by the Official State Agency, the following criteria shall be used to determine if the flock is negative for M. gallisepticum: (i) Active air sac lesions; (ii) recovery of M. gallisepticum; and (iii) supplemental serological tests. If all of these tests are negative, the flock shall be deemed to have had no M. gallisepticum reactors. If M. gallisepticum is recovered, the flock shall be considered infected. If either of the other two tests (subdivision (i) or (iii) of this subparagraph) is positive, the flock shall be considered suspicious and additional laboratory tests shall be conducted before the final disposition of the flock is determined.

(4) If a participant handles products which are not classified as U.S. M. Gallisepticum Tested, these products shall be kept separate from the U.S. M. Gallisepticum Tested products in a manner satisfactory to the Official State Agency.

4. Section 145.14 would be amended by revising paragraph (d) and the fourth and fifth sentences of paragraph (g) to read:

§ 145.14 Blood testing.

* * * * *

(d) All domesticated fowl, except waterfowl, on the farm of the participant shall either be properly tested to meet the same standards as the participating flock or these birds and their eggs shall be separated from the participating flock and its eggs.

* * * * *

(g) * * * When Salmonella or Arizona organisms are isolated from a specimen which originated in a participating hatchery, the Official State Agency shall attempt to locate and eliminate the source of the infection. The results of the investigation shall be reported by the Official State Agency to the AH Division.

* * * * *

5. Section 145.26 would be amended by revising subparagraphs (10) and (19) of paragraph (c) to read:

§ 145.26 Random sample egg production test.

* * * * *

(c) * * *

(10) Pounds of feed per pound of eggs produced (weight of eggs produced shall be computed from production and egg weight records (bulk weighing) for each 2-week period throughout the test).

* * * * *

(19) Specific gravity score as determined from 1 day's eggs per quarter.

6. Section 146.1 would be amended by revising paragraphs (i), (j), and (p) to read, respectively:

§ 146.1 Definitions.

* * * * *

(i) *Primary breeding flock.* A flock composed of one or more generations that is maintained for the purpose of establishing, continuing, or improving parent lines.

(j) *Multiplier breeding flock.* A flock that originated from a primary breeding flock and is intended for the production of hatching eggs used for the purpose of producing commercial turkeys.

* * * * *

(p) *Hatchery supply flock.* A flock producing eggs which are used by a hatchery for the production of poults.

* * * * *

7. Section 146.3 would be amended by revising paragraph (d) to read:

§ 146.3 Participation.

* * * * *

(d) No person shall be compelled by the Official State Agency to qualify products for any of the classifications described in §§ 146.10 (a), (c), and (d), and 147.42 of this chapter as a condition of qualification for the U.S. Pullorum-Typhoid Clean classification described in § 146.10(b).

* * * * *

8. Section 146.5 would be amended by revising paragraph (c) to read:

§ 146.5 Specific provisions for participating flocks.

* * * * *

(c) A flock shall be deemed to be a participating flock at any time only if its freedom from pullorum and typhoid has been demonstrated by one of the following criteria:

(1) It has been officially blood tested within the past 12 months and qualified for the U.S. Pullorum-Typhoid Clean

classification as provided in § 146.10 (b)(1) (See § 146.14 relating to the official blood test.);

(2) It is located on premises where U.S. Pullorum-Typhoid Clean flocks were maintained in each of the past 2 years with no evidence of pullorum or typhoid infection and all breeding birds on the premises have been tested within the past 24 months, and is composed entirely of birds that originated from flocks qualified as U.S. Pullorum-Typhoid Clean as provided in § 146.10(b)(1); or

(3) It is located in a Pullorum-Typhoid Clean State on premises where U.S. Pullorum-Typhoid Clean flocks were maintained in each of the past 2 years with no evidence of pullorum or typhoid infection, and is composed entirely of birds that originated from flocks qualified as U.S. Pullorum-Typhoid Clean as provided in § 146.10(b)(1).

• • • • •

9. Section 146.8 would be amended by revising paragraph (a) to read:

§ 146.8 Terminology and classification; general.

(a) The official classification terms defined in §§ 146.9, 146.10, and 147.42 of this chapter and the various designs illustrative of the official classifications as reproduced in §§ 146.10 and 147.42 of this chapter may be used only by participants and to describe products that have met all the specific requirements of such classifications.

• • • • •

§ 146.10 [Amended]

10. Section 146.10 would be amended by deleting paragraphs (a), (b), (c), and (d); and Figures 10, 11, and 12.

11. Section 146.10 would be further amended by redesignating paragraph (e) as paragraph (a); and redesignating Figure 13 as Figure 10.

12. Section 146.10 would be further amended by redesignating paragraph (f) as paragraph (b), and revising it to read:

(b) *U.S. Pullorum-Typhoid Clean.* Flocks meeting one of the following specifications:

(1) Flocks in which no pullorum or typhoid reactors were found on the first official blood test provided for in § 146.5 (c)(1): *Provided*, That if a reactor or reactors are found on the first test the flock may qualify with two consecutive official negative tests;

(2) Flocks maintained under the conditions prescribed in § 146.5(c)(2); or

(3) Flocks maintained under the conditions prescribed in § 146.5(c)(3).



FIGURE 11.

13. Section 146.10 would be further amended by redesignating paragraph (g) as paragraph (c) and revising it to read:

(c) *U.S. M. Gallisepticum Tested.* (1) Flocks maintained in accordance with the conditions and procedures described in § 147.36 of this chapter, and in which no reactors are found when tested in accordance with the following procedures:

(i) A random sample of at least 10 percent of the birds in the flock shall be tested when more than 4 months of age;

(ii) The blood samples shall be drawn by an Authorized Agent or State Inspector and shall be tested by an authorized laboratory, using either the serum plate agglutination test, the tube agglutination test, the hemagglutination inhibition test, or a combination of two or more of these tests. The HI test shall be used to confirm the results of other serological tests;

(iii) The tests shall be conducted using M. gallisepticum antigen approved by the Department and shall be performed in accordance with the recommendations of the producer of the antigen.

(2) When reactors are submitted to a laboratory as prescribed by the Official State Agency, the following criteria shall be used to determine if the flock is negative for M. gallisepticum: (i) Active air sac lesions; (ii) recovery of M. gallisepticum; and (iii) supplemental serological tests. If all of the above tests are negative, the flock shall be deemed to have had no M. gallisepticum reactors. If M. gallisepticum organisms are recovered, the flock shall be considered infected. If either of the other two tests (subdivision (i) or (iii) of this subparagraph) is positive, the flock shall be considered suspicious and additional laboratory tests shall be conducted before the final disposition of the flock is determined.

(3) A flock qualified as U.S. M. Gallisepticum Tested may retain the classification for 1 year, provided it is maintained in isolation and no evidence of M. gallisepticum infection is revealed. Each flock and premises shall be inspected at least once during the laying period by an Authorized Agent of the Official State Agency. If a flock proves to be infected with M. gallisepticum, it shall be eliminated as a breeding flock under the supervision of the Official State Agency.

(4) In order to sell hatching eggs or poults of this classification, all hatching eggs and poults handled by the participant must be of this classification.



FIGURE 12.

14. Section 146.10 would be further amended by adding a new paragraph (d) to read:

(d) *U.S. Typhimurium Controlled.* (1) Flocks meeting the following requirements:

(i) All birds have been officially blood tested within 12 months for S. typhimurium as provided in § 146.14 and no reactors were found on the last test;

(ii) The flock is maintained in compliance with the provisions of § 147.31 of this chapter and the hatching eggs are handled in compliance with the provisions of § 147.32 of this chapter in a manner satisfactory to the Official State Agency;

(iii) Hatching eggs are collected from the nests at frequent intervals throughout the day and fumigated in accordance with § 147.35(a) of this chapter as soon as possible and no later than 8 hours after collection. Eggs laid at night are collected early each morning and fumigated immediately.

(2) In order to sell hatching eggs or poults of this classification, all hatching eggs and poults handled must meet the requirements for this classification.

(3) Hatcheries producing products of this classification shall be maintained in compliance with the provisions of §§ 147.33, 147.34, and 147.35 of this chapter in a manner satisfactory to the Official State Agency.



FIGURE 13.

15. Section 146.14 would be amended by revising paragraphs (a), (d), and (g) to read:

§ 146.14 Blood testing.

(a) In the official blood tests for Salmonella organisms, the blood shall be drawn by an Authorized Agent or State Inspector and tested by an authorized laboratory, using the procedures described in § 147.1 or § 147.2 of this chapter for pullorum-typhoid, and the procedures described in § 147.4 of this chapter for typhimurium. If the following conditions are fulfilled, the tests for pullorum-typhoid and typhimurium may be combined:

(1) The flock is located in a State where an adequate surveillance program for pullorum-typhoid and typhimurium exists;

(2) A single combination antigen composed of equal quantities of pullorum antigen and typhimurium antigen are used in a screening test. The procedures described in § 147.1 of this chapter shall be followed;

(3) All serums showing suspicious and positive reactions to the combination antigen are reset with individual antigens. Final determination of the status of each flock shall be determined by bacteriological examination of representative birds showing suspicious or positive reactions;

(4) If the flock is found to be infected with S. pullorum, S. gallinarum, or S. typhimurium on the basis of bacteriological examinations, retests of the flock shall be done with individual antigens (pullorum and typhimurium antigens) until the flock is qualified or eliminated.

• • • • •

(d) All domesticated fowl, except waterfowl, on the farm of the participant shall either be properly tested to meet the same standards as the participating flock or these birds and their eggs shall be separated from the participating flock and its eggs.

• • • • •

(g) When evidence indicates that poults produced by participating hatcheries are infected with organisms for which the parent flocks were tested, the Official State Agency may, at its discretion, require additional testing of the flocks involved. If infection is found in the parent flock, its classification shall be suspended until the flock is requalified under the requirements for the classification. Furthermore, the Official State Agency may require that the hatching eggs from such flocks be removed from the incubator and destroyed prior to hatching. When Salmonella or Arizona organisms are isolated from a specimen which originated in a participating hatchery, the Official State Agency shall attempt to locate and eliminate the source of the infection. The results of the investigation shall be reported by the Official State Agency to the AH Division.

• • • • •

§§ 146.15–146.28, 146.31 [Deleted]

16. Part 146 would be further amended by deleting §§ 146.15, 146.16, 146.17, 146.18, 146.19, 146.20, 146.21, 146.22, 146.23, 146.24, 146.25, 146.26, 146.27, 146.28, and 146.31.

17. Part 146 would be further amended by adding a new § 146.15, to read:

§ 146.15 Pullorum-Typhoid Clean State.

(a) A State may be designated by the AH Division as a Pullorum-Typhoid Clean State when:

(1) All chicken and turkey hatcheries within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;

(2) All chicken and turkey hatchery supply flocks within the State are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for blood testing under official supervision;

(3) Shipment of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State is prohibited;

(4) All diagnostic laboratories within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(5) Each report of S. pullorum or S. gallinarum isolation is promptly followed by an Official State Agency investigation to determine the origin of the infection;

(6) Any flock found to be infected with pullorum or typhoid is quarantined until marketed under the supervision of the Official State Agency, or a blood test of all birds in the flock fails to demonstrate pullorum or typhoid infection. The use of eggs produced by a quarantined flock for hatching purposes is prohibited. The quarantined flock or any other flock on the same premises during the next 2 years may qualify as a U.S. Pullorum-Typhoid Clean flock only on the basis of official blood tests conducted by or directly supervised by a State Inspector on all birds in the flock; and

(7) All chickens and turkeys going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have a negative pullorum-typhoid test within the past 90 days.

(b) To retain the designation Pullorum-Typhoid Clean State, a monitoring program, including official blood tests of at least 25 percent of the birds in the hatchery supply flocks in the State, must be systematically conducted each year. The samples tested must be selected to be representative of all hatchery supply flocks in the State. The minimum requirement as to the percentage of birds tested in the monitoring program may be reduced by 5 percent following each year in which no infected birds are detected.

18. Section 146.29 would be amended by redesignating it as § 146.16 and revising subparagraph (1) of paragraph (d) to read:

§ 146.16 Turkey reproduction test.

• • • • • •

(d) • • •

(1) Kind of stock (variety, strain, or cross; primary breeding flock or multiplier breeding flock);

• • • • • •

19. Section 146.30 would be amended by redesignating it as § 146.17 and revising subparagraph (1) of paragraph (i) to read:

§ 146.17 Central turkey meat production test.

• • • • • •

(i) • • •

(1) Kind of stock (variety, strain, or cross; primary breeding flock or multiplier breeding flock);

• • • • • •

§ 147.25 [Amended]

20. Section 147.25 would be amended by deleting the last sentence of paragraph (c).

21. Part 147 would be further amended by adding a new Subpart E to read:

Subpart E—Procedures for the Classification of Flocks Participating in the National Turkey Improvement Plan on the Basis of Breeding and Performance Records

Sec.
147.41 Definitions.
147.42 Terminology and classification; flocks and products.

147.43 USROP; general.
147.44 USROP; participation.
147.45 USROP; candidate matings.
147.46 USROP; qualification of hens.
147.47 USROP; qualification of toms.
147.48 USROP; exceptions to requirements for qualification.
147.49 USROP; qualified matings.
147.50 USROP; mass matings.
147.51 USROP; hatching eggs.
147.52 USROP; poults.
147.53 USROP; participants producing ROP poults from purchased eggs.
147.54 USROP; sale of products.
147.55 USROP; duties of ROP Supervisor.
147.56 USROP; duties of ROP Inspector.

AUTHORITY: The provisions of this Subpart E issued under sec. 4, Administrative Procedure Act (5 U.S.C. 1003); sec. 101(b), Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429).

Subpart E—Procedures for the Classification of Flocks Participating in the National Turkey Improvement Plan on the Basis of Breeding and Performance Records

§ 147.41 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

(a) *Person.* A natural person, firm, or corporation.

(b) *AH Division.* The Animal Husbandry Research Division of the Agricultural Research Service of the Department.

(c) *State.* Any State, the District of Columbia or Puerto Rico.

(d) *Official State Agency.* The State authority recognized by the Department to cooperate in the administration of the Plan.

(e) *ROP Supervisor.* The person employed or authorized to perform functions under § 147.55.

(f) *ROP Inspector.* The person employed or authorized to perform functions under § 147.56.

(g) *Flock.* All turkeys of one kind of mating (variety or combination of stocks) and of one classification on one farm.

(h) *Products.* Turkey breeding stock and hatching eggs, and poults.

(i) *USROP or ROP.* U.S. Record of Performance.

(j) *Stock.* A term used to identify the progeny of a specific breeding combination of turkeys. These breeding combinations may include pure strains, strain crosses, breed crosses, or combinations thereof.

§ 147.42 Terminology and classification; flocks and products.

Participating flocks, and the eggs and poults produced from them, which have met the respective requirements specified in this section may be designated by the following terms or illustrative designs:

(a) *U.S. Record of Performance.* Males and females meeting prescribed standards as provided in §§ 147.46 and

147.47. (Hatching eggs and poults designated as ROP must also meet the requirements specified in §§ 147.51 and 147.52, respectively.)



FIGURE 14.

(b) *U.S. Performance Tested Parent Stock.* Flocks represented in both a turkey reproduction test as provided for in § 146.29 of this chapter and in a central turkey meat production test as provided for in § 146.30 of this chapter by entries that have met the following performance standards:

(1) Average poult production of at least 20 salable poults per hen in 8 weeks.

(2) Poult liveability to 8 weeks of age of at least 90 percent or above the average of the test.

(3) Market quality of U.S. Grade A, except for dressing and handling defects, for at least 90 percent, or above the average of the test of all birds graded. [Qualification for the U.S. Performance Tested Parent Stock classification will be determined by the AH Division from records submitted by supervisors of central turkey meat production and turkey reproduction tests, and the Division will notify each entrant and his Official State Agency of his qualification or failure to qualify.]

(c) *U.S. Performance Tested.* All males and females from Performance Tested Parent Stock. In case the tested stock was a cross of two other stocks, the U.S. Performance Tested flock shall be the same combination of the parent stocks as used for the test entry.



FIGURE 15.

(d) *U.S. Certified.* Flocks meeting one of the following specifications:

(1) All males are ROP or are from ROP mass matings.

(2) All males and females are from flocks composed of the following: ROP males or males from ROP mass matings mated to females from ROP qualified matings; or ROP mass matings; or ROP candidate matings in which 50 percent or more of the dam's family qualified for ROP. (Poults produced under this subparagraph for use in U.S. Certified flocks shall be properly identified at hatching time.)



FIGURE 16.

§ 147.43 USROP; general.

The ROP classification is based on records of egg production, hatchability, and body weight made on the breeder's premises under supervision of the Official State Agency. Records made at State colleges of agriculture and State and Federal experiment stations may be recognized as ROP by Official State Agencies in qualifying birds for use of ROP breeders.

§ 147.44 USROP; participation.

(a) Any person who, in the opinion of the Official State Agency, has the facilities for conducting a systematic program of turkey breeding is eligible for ROP participation.

(b) The participant's farm and all egg production, pedigree, and sales records shall be subject at all times to unannounced inspections by the ROP Inspector.

(c) All young hens of the variety entered which are trapnested on the premises of an ROP participant shall be considered as entered in ROP.

(d) After the first 2 years of ROP participation, the participant shall maintain at least five candidate matings.

(e) The term "USROP" or "ROP" may be used in advertising products by any person only if he is an ROP participant and if his candidates have met all the requirements of this classification for the current or preceding season.

(f) The participant shall send to the ROP Supervisor not later than the 10th day of each month, a complete report of all trapnesting for the previous month. At the end of each four hatches, he shall also send to the ROP Supervisor on form NPIP 8 (or substitute form) a complete record of all pedigreed eggs set, poults hatched, and poults banded.

§ 147.45 USROP; candidate matings.

These matings shall be comprised of ROP candidate hens and ROP toms to which the following provisions apply:

(a) Each hen shall be identified with an official sealed and numbered band.

(b) Only one tom, or two full brothers, shall be allowed in a mating at any one time and the date of entry and removal of toms shall be properly recorded.

(c) The hens shall be trapnested at regular intervals each day for at least 8 consecutive weeks.

(d) Each egg shall be accurately identified as to the hen that laid it.

(e) For each hen an accurate record shall be kept of (1) the eggs laid during the trapnesting period; (2) the number of eggs sold; (3) the number of eggs incubated; (4) the number of poults hatched; and (5) the number of poults banded.

(f) Each hen shall be weighed by the breeder or the ROP Inspector about the time the candidate begins egg production, and the weight shall be recorded as the nearest whole number.

(g) The poults from these matings shall be banded with sealed and numbered official wing bands marked "Cand".

§ 147.46 USROP; qualification of hens.

An ROP candidate hen which is a reasonably good representative of the variety in the judgment of the ROP Inspector, may qualify as an ROP hen if such candidate:

(a) Produces eggs at the rate of at least 50 percent for a period of at least 8 consecutive weeks from the date the first normal egg is laid in a trapnest; and

(b) Produces eggs that hatch at the rate of at least 70 percent of all eggs set with a minimum of 20 poults hatched. The qualifying requirements for hatchability may be reduced to 65 percent when eggs are hatched at altitudes of 3,000 to 3,499 feet and to 60 percent at altitudes of 3,500 feet or more. All normal eggs produced by the candidate during the period of at least 8 consecutive weeks agreed upon by the breeder and the ROP Supervisor shall be set. Hatchability shall be expressed as a whole number (fractions rounded to the nearest whole number).

§ 147.47 USROP; qualification of toms.

Toms may qualify for the ROP classification if they are:

(a) Produced from ROP poults or from candidate hens which subsequently qualify as ROP hens;

(b) Good representatives of the variety with strong constitutional vigor when examined by the ROP Inspector not earlier than at 22 weeks of age; and

(c) Banded with an ROP sealed and numbered leg band when passed by the Inspector.

§ 147.48 USROP; exceptions to requirements for qualification.

(a) When any disastrous event occurs that affects the breeder's ROP work, and when such event is immediately brought to the attention of his Official State Agency, this agency may, with the consent of the AH Division, make an equitable adjustment in the application of the qualifying requirements to such breeder.

(b) To make it possible for a breeder to get started in ROP breeding work within his own strain, during the first year of such work on his farm the tom mated with ROP candidate hens in ROP candidate matings need not be an ROP tom provided he is of equal pedigree or is a U.S. Approved tom of outstanding quality. Such toms may be used in similar matings during the second year of ROP breeding work, if reexamined and passed by the ROP Inspector. No eggs or progeny from such a mating shall be sold as ROP products. Young toms whose dams qualify for ROP classification may head U.S. Certified flocks owned or controlled by the breeder and may head ROP qualified matings on the breeder's premises.

§ 147.49 USROP; qualified matings.

These matings shall be comprised of ROP hens and ROP toms and shall be maintained in accordance with the provisions of § 147.45 (a), (b), (c), (d), and (e).

§ 147.50 USROP; mass matings.

(a) These matings shall be comprised of ROP hens with hatchability records of 85 percent or more, and ROP toms produced from hens with hatchability records of 85 percent or more.

(b) Pen egg production and hatchability records shall be kept.

(c) Poults from these matings shall be identified with sealed wing bands marked "Mass mated."

§ 147.51 USROP; hatching eggs.

Such eggs shall be from qualified ROP matings. Each egg shall be marked with the number of the ROP hen that laid it and the pen or tom number of the mating.

§ 147.52 USROP; poults.

Such poults shall be those produced from ROP hatching eggs. The poults from each hen shall be individually pedigreed by the ROP breeder or ROP Inspector and identified with sealed and numbered official wing bands at the time of hatching.

§ 147.53 USROP; participants producing ROP poults from purchased eggs.

Such participants shall:

(a) Within 5 days after incubation has begun, send to the Official State Agency a list of the ROP eggs purchased;

(b) Within 5 days after hatching time, send to the Official State Agency a list of the poults hatched from each dam and their respective wing band numbers.

§ 147.54 USROP; sale of products.

(a) When ROP products are sold the seller shall, at the time of shipment, send to his ROP Supervisor a report in triplicate showing: (1) The name and address of the purchaser; (2) a list of the products sold with the pen or sire number and dam number of each; and (3) the egg production, hatchability and body weight of each dam.

(b) These reports shall be verified by the ROP Supervisor, who shall retain one copy and send one copy to the purchaser and one to the Official State Agency of the State to which the products are shipped.

§ 147.55 USROP; duties of ROP Supervisor.

The ROP Supervisor shall represent the Official State Agency in the supervision of ROP participation. He shall:

(a) Keep on file in his office for at least 5 years a record of (1) all ROP qualified toms, with at least 1-generation pedigree showing ROP records of the female ancestors; (2) all ROP qualified hens, with records of their egg production, hatchability and body weight; (3) all ROP qualified and candidate matings; and (4) all ROP poults with at least 2-generation pedigree;

(b) Furnish the AH Division, for publication, an annual summary of the ROP work under his supervision, which shall include the following information for each flock:

(1) Variety of the entry;

(2) Total number of young hens of this variety on the farm;

(3) Number of ROP candidate matings;

(4) Mating procedure (natural mating, artificial insemination, or both);

(5) Number of young hens entered for ROP classification;

(6) Number of young hens meeting the ROP requirements;

(7) Percentage of young hens entered meeting the ROP requirements;

(8) Average rate of egg production, in percent, for all candidate hens;

(9) Average hatchability of all eggs set from all candidate hens.

§ 147.56 USROP; duties of ROP Inspector.

The ROP Inspector shall work under the direction of the ROP Supervisor. He shall:

(a) Visit and inspect the work of each ROP breeder at least three times each year. (His visits shall be unannounced, and at least two shall be during the trapnest period);

(b) On each visit during the trapnest period (1) do the trapnesting for the day; (2) record the eggs laid by all hens entered for ROP classification; and (3) examine hens apparently out of production and determine whether they are being credited with eggs;

(c) On at least one visit examine all birds in both ROP matings and ROP candidate matings to see that birds in these matings are properly listed with the supervisor;

(d) Compare the number of eggs being incubated from each hen with the number she is credited with having laid during the corresponding period and subsequently with the number of poults reported hatched and wingbanded, and may, in his discretion, examine for fertility the eggs being incubated;

(e) Weigh each ROP candidate as provided in § 147.45(f) or check the weights of a sufficient number of candidates weighed by the breeder to satisfy himself that such weights are correct;

(f) Examine all tom and hen candidates for ROP qualification and band with sealed and numbered leg bands all qualified birds to be used or sold as being of the ROP classification. The body weight and the wing- and leg-band numbers of all toms banded shall be recorded at the time of such examination and banding.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions may do so by filing them with the Director, Animal Husbandry Research Division, Agricultural Research Center, Beltsville, Md. 20705, within 30 days after publication hereof in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 20th day of September 1966.

GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 66-10503; Filed, Sept. 26, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 51]

CANNED SPINACH

Notice of Proposal To Amend Identity Standard

Notice is given that the Commissioner of Food and Drugs proposes on his own initiative that the standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) be amended to provide for two optional forms of canned spinach: "Whole leaf" and "cut leaf" or "sliced."

In the table in § 51.990(b), the source of canned spinach is described as "Leaves of the spinach plant" and no optional forms are listed. The traditional form of canned spinach is "whole leaf," but in recent years a new form designated as "cut" or "sliced" has been marketed. In the FEDERAL REGISTER of March 21, 1966 (31 F.R. 3253), the U.S. Department of Agriculture proposed revision of the U.S. Standards for Grades of Canned Spinach (7 CFR 52.1901–52), which do not now specify different styles, to provide for two styles of canned spinach: "Whole" and "cut leaf" or "sliced."

Therefore, in recognition of the current market trend and the proposed revision of the U.S. Department of Agriculture Standards for Grades of Canned Spinach, the Commissioner proposes that § 51.990(b) be amended in the table by changing the item "Spinach" by adding to the column headed "Optional forms of vegetable ingredients" the words "Whole leaf; cut leaf or sliced."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the

FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: September 20, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10534; Filed, Sept. 26, 1966; 8:47 a.m.]

Social Security Administration

[20 CFR Part 401]

DISCLOSURE OF INFORMATION AS TO WHEREABOUTS OF ABSENT PARENT

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act approved June 11, 1946, that the amendments to the regulation set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare, as amendments to the present Social Security Administration Regulation No. 1, as amended (20 CFR 401.1 et seq.). It is proposed to amend Regulation No. 1, by amending §§ 401.1, 401.3 (a), (b), (g)(1), (g)(3), (i)(3), (j), (m), and (n), 401.4(a), and 401.6(e) and adding a new subparagraph (4) to § 401.3(g). The proposed amendments implement the provisions of section 1106(c) of the Social Security Act added to the Act by section 340 of P.L. 89-97 which provide for disclosure, under certain conditions, of information as to whereabouts of absent parents to State and local agencies participating in any public assistance program where there is a court order for child support, in addition to the present provision for disclosure of such information without a court order where the child of the absent parent is eligible for aid under Title IV of the Act; reflect that the provisions of section 1106 of the Act relating to disclosure of information in possession of the Department are applicable to Title XVIII of the Act (Health Insurance for the Aged) added to the Act by P.L. 89-97; modify the rules governing the disclosure of medical information, to meet the needs of the new health insurance program, to permit disclosure of certain medical information obtained in the administration of Title XVIII, with certain specified authorizations, when necessary for a determination of the claimant's eligibility to supplementary benefits or services under a private hospital or medical insurance program; provide that medical information under Title II of the Act may be disclosed to the claimant's physician or a medical institution where he is a patient only where, among other conditions, such disclosure is solely for the purpose of the care or treatment of the individual; and also authorize the disclosure of certain types of information to a State receiving Federal grants under Title XIX of the Act (Grants to States for Medical Assistance Programs).

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 205, 1102, and 1106, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 53 Stat. 1398, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 1302, and 1306.

Dated: August 18, 1966.

[SEAL] ROBERT M BALL,
Commissioner of Social Security.

Approved: September 20, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

DISCLOSURE OF INFORMATION AS TO WHEREABOUTS OF ABSENT PARENT, INFORMATION OBTAINED IN ADMINISTERING TITLE XVIII (MEDICARE), AND DISCLOSURE TO STATES RECEIVING FEDERAL GRANTS FOR MEDICAL ASSISTANCE PROGRAMS

Regulation No. 1 of the Social Security Administration, as amended (20 CFR 401.1 et seq.), is further amended as follows:

1. Section 401.1 is amended to read as follows:

§ 401.1 Prohibition against disclosure.

No disclosure of any return or portion of a return (including information returns or other written statements) filed with the Commissioner of Internal Revenue under Title VIII of the Social Security Act, the Federal Insurance Contributions Act or the Self-Employment Contributions Acts, or under regulations made under authority thereof, which has been transmitted to the Department of Health, Education, and Welfare by the Commissioner of Internal Revenue, or of any file, record, report, or other paper or any information obtained at any time by the Department or by any officer or employee of the Department, or from the Department or any officer or employee thereof by any other person or by any other agency or officer or employee thereof, which in any way relates to, or is necessary to, or is used in or in connection with, the administration of the old-age, survivors, disability, or health insurance programs conducted pursuant to Titles II and XVIII of the Social Security Act, shall be made directly or indirectly except as hereinafter authorized by this part or as otherwise expressly authorized by the Commissioner of Social Security.

2. Paragraphs (a), (b), (g)(1), (g)(3), (i)(3), (j), (m), and (n) of § 401.3 are amended and new subparagraph (4) is added to § 401.3(g). The amended paragraphs and the new subparagraph read as follows:

§ 401.3 Information which may be disclosed and to whom.

Disclosure of any such file, record, report, or other paper, or information, is hereby authorized in the following cases and for the following purposes:

(a) (1) As to information (except medical information) directly concerning any claimant or prospective claimant for benefits or payments under Title II or XVIII of the Social Security Act,

(i) To such claimant or prospective claimant or his duly authorized representative, or

(ii) To others or to the public but only if such claimant or prospective claimant or his duly authorized representative authorizes disclosure of such information and such disclosure is consistent with the proper and efficient administration of the Act;

(2) As to medical information directly concerning any claimant or prospective claimant for benefits or payments under Title II of the Social Security Act,

(i) To such claimant or prospective claimant or his duly authorized representative, but only if disclosure of such medical information is reasonably necessary for a Title II purpose, or

(ii) To such claimant's or prospective claimant's physican or to a medical institution at or of which such claimant or prospective claimant is a patient, but only if (*a*) such claimant or prospective claimant consents to the disclosure of such information, (*b*) the source of such information, or if such source is not available, a physician in the employ of the Department, consents to such disclosure, and (*c*) such disclosure is solely for the purpose of the care or treatment of such claimant or prospective claimant; or

(3) As to medical information concerning an individual obtained in the administration of Title XVIII,

(i) To such individual or his duly authorized representative when reasonably necessary for a Title XVIII purpose, or

(ii) To such individual's physician or to a medical institution at or of which such individual is a patient, but only if (*a*) such individual consents to the disclosure of such information, (*b*) the source of such information, or if such source is not available, a physician in the employ of the Department, consents to such disclosure, and (*c*) such disclosure is solely for the purpose of the care or treatment of such individual, or

(iii) To such individual or his authorized representative or to others for other than a Title XVIII purpose, a statement limited to the nature of the illness or injury and the services rendered, when such information is necessary for a determination as to what supplementary benefits or services such individual may be eligible to receive under a private hospital or medical insurance program which is consistent with the purposes and objectives of Title XVIII, but only if the source of such information or if such source is not available, a physician in the employ of the Department consents to such disclosure, and in the case of a disclosure to others than the individual or his authorized representative, only if the individual or his authorized representative consents to such disclosure;

(4) Statements of earnings and medical information authorized to be furnished under this paragraph may be furnished in summary form or in such detail as is determined by the Department to be consistent with the proper and efficient administration of the old-age, survivors, disability, and health insurance programs under Titles II and XVIII.

(b) After the death of an individual:

(1) As to information (except medical information) relating to the individual, to a surviving relative or the legal representative of the estate of the individual, except that available information concerning the fact, date, or circumstances of death of the individual may be disclosed to any person;

(2) As to medical information relating to the individual and obtained in the administration of Title II, to a surviving relative or legal representative of the estate of the individual, but only if disclosure of such medical information is reasonably necessary for a Title II purpose; or

(3) As to medical information relating to the individual and obtained in the administration of Title XVIII;

(i) To a surviving relative or legal representative of the estate of the individual when reasonably necessary for a Title XVIII purpose, or

(ii) To a surviving relative or legal representative of the estate of the individual or to others for other than a Title XVIII purpose, when such information is necessary for a determination as specified in paragraph (a)(3)(iii) of this section, a statement limited to the nature of the illness or injury and the services rendered, but only if the source of such information or if such source is not available, a physician in the employ of the Department consents to such disclosure, and in the case of disclosure to others than a surviving relative or legal representative, only if the surviving relative or legal representative consents to such disclosure.

(4) Statements of earnings and medical information authorized to be furnished under this paragraph may be furnished in summary form or in such detail as is determined by the Department to be consistent with the proper and efficient administration of the old-age, survivors, disability, and health insurance programs under Titles II and XVIII. None of the foregoing information under this paragraph shall be disclosed except upon written request stating the purpose thereof, and where such disclosure is considered not detrimental to the individual or to his estate.

* * * * *

(g) (1) To any officer or employee of an agency of a State government lawfully charged with the administration of a program receiving grants-in-aid under Titles I, V, X, XIV, XVI, or XIX of the Social Security Act, information regarding benefits paid to an individual or his entitlement to benefits under Title II of the Social Security Act, or information with respect to entitlement of an individual or benefits provided him under Title XVIII of such Act, and, if it has been determined, the date of birth of a recipient or applicant, and also whether a period of disability has been established for such recipient or applicant, the beginning and ending date of such period, and the date determined to be the date of onset of such disability, where such information is necessary to enable the agency to determine the eligibility of or the amount of benefits or services due such recipient or applicant. Medical information relating to an individual may be furnished for such a purpose to such an officer or employee only upon consent of such individual and of the source of such information or, if such source is not available, of a physician in the employ of the Department.

* * * * *

(3) To any officer or employee of an agency of a State government lawfully charged with the administration of a program receiving grants-in-aid under Title IV of the Social Security Act, the information specified in subparagraph (1) of this paragraph and in addition, in accordance with requirements and procedures issued from time to time by the Bureau of Family Services of the Welfare Administration, information concerning the whereabouts of an absent parent of a child of a family eligible for, an applicant for, or a recipient of, aid under a program receiving grants-in-aid under Title IV of the Social Security Act.

(4) Upon request in writing, to any officer or employee of a State or local agency participating in the administration of a State plan approved under Titles I, X, XIV, XVI, or XIX of the Social Security Act, or any other State or local public assistance program, the most recent address of an individual, and/or the address of his most recent employer, included in the files of the Department maintained pursuant to section 205 of the Act, if:

(i) Such agency certifies that (*a*) an order has been issued by a court of competent jurisdiction against such individual for the support and maintenance of his child or children who are under the age of 16 in destitute or necessitous circumstances, (*b*) such child or children are applicants for or recipients of assistance available under such a plan or program, (*c*) such agency has attempted without success to secure such information from all other sources reasonably available to it, and (*d*) such information is requested (either for the agency's own use, or on the request and for the use of the court which issued the order) for the purpose of obtaining such support and maintenance; and

(ii) Such request referred to in this subparagraph (4) is accompanied by a certified copy of the order referred to in subdivision (i)(*a*) of this subparagraph.

* * * * *

(i) To any officer, agency, establishment, or department of the Federal Government, charged with the duty of conducting an investigation or prosecution, for the purpose of such an investigation or prosecution involving:

* * * * *

(3) An inquiry with respect to an alleged theft, forgery, alteration, unlawful negotiation, or destruction of a check issued for a benefit under Title II or Title XVIII of the Social Security Act; or

* * * * *

(j) Any record or information may be disclosed when such record or information is to be used in connection with any claim or other proceeding under the Social Security Act and is necessary for the proper performance of the duties of any officer or employee of the Department, or of any officer or employee of a State agency to carry out an agreement entered into under section 221 of the Social Security Act, or of any officer or employee of a public or private agency or organization to carry out the health insurance provisions of Title XVIII of said Act.

* * * * *

(m) Disclosure of any return, file, record, report, or other paper or information, not relating or necessary to, or used in or in connection with, the administration of the old-age, survivors, disability, or health insurance programs conducted pursuant to Titles II and XVIII of the Social Security Act, shall not be subject to the limitation on disclosure in section 1106 of the Act and shall be made only in accordance with policies prescribed by the Commissioner.

(n) To any officer or employee of an agency of a State government lawfully charged with the supervision of, or financial responsibility for, the care of a person who is mentally incompetent and who is confined in a State mental institution, information regarding his entitlement to benefits under Titles II and XVIII of the Social Security Act, and if entitled, the amount of such benefits and the name and address of the person to whom such benefits have been or are being paid. Disclosure under this paragraph shall be made only upon written certification by the State agency or institution that such information is to be used in connection with the performance of its duties under State law and that there is no other source from which it can obtain such information.

3. Paragraph (a) of § 401.4 is amended to read as follows:

§ 401.4 Definitions.

As used in this part the term:

(a) "Claimant" includes a person who files an application or is deemed to have filed an application, on his own behalf, or as guardian of an infant or legal representative of an incompetent, or on whose behalf some other person files an application, for monthly benefits, a lump-sum death payment, or health insurance benefits for the aged.

(4) Paragraph (e) of § 401.6 is amended to read as follows:

§ 401.6 Payment for information in specific cases.

* * * * *

(e) When the request is for medical information obtained under Title II of the Social Security Act relating to an individual, or as to the existence or duration of a disability of an individual, pursuant to § 401.3 (a), (f), or (g), by a person or agency thereby authorized to receive such information, the information shall be furnished without charge.

[F.R. Doc. 66-10538; Filed, Sept. 26, 1966; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 71, 75]

[Airspace Docket No. 66-WA-35]

FEDERAL AIRWAYS, JET ROUTES, AND CONTROLLED AIRSPACE

Proposed Alterations; Supplemental Notice

On July 9, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9423) and stated that the Federal Aviation Agency was considering the following rule-making actions.

1. Designate Control 1487 southwest of Key West, Fla., extending from 5,500 feet MSL upward to FL-410 to provide a shorter route with more precise navigational capability from South/Central America to Miami, Fla., and Nassau, Bahamas.

2. Revoke Control 1228 from Key West to St. Petersburg, Fla., as it is no longer required for air traffic control purposes.

3. Realign Jet Route 43 from Key West to St. Petersburg via the alignment of V-225 to facilitate transition between the two route structures and designate control area for the offshore portion of the realigned jet route.

4. Editorially change the western boundary of Control 1408 and delete reference to W-173.

5. Editorially change the description of the Fort Myers, Fla., control area.

6. Editorially change the description of V-51, 157, and 225 by deleting reference to W-173 and topping V-225 at 18,000 feet, the floor of altered J-43.

As a matter of public information, the Agency stated that the following nonregulatory actions would also be considered:

1. Revoke W-173.

2. Alter the lateral description of W-174 to extend it both eastward and westward.

3. Alter the lateral description of W-465 by reducing it on the north, southeast, and west.

4. Establish an oceanic route from "India 2" Intersection (latitude 23°42' N., longitude 83°45' W.) to Key West thence via Marathon, Fla., to Nassau, Bahamas.

5. Disestablish Sierra Oceanic route north of "I-S" Intersection (latitude 22°-50' N., longitude 85°36' W.).

The time for public comment on these proposals expired on August 23, 1966.

On August 23, 1966, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11154) and extended the period for which comments would be received until September 2, 1966.

Subsequent to publication of the notice, the Agency received several objections to the nonregulatory proposals and also objections to the fact that sufficient advance information was not available. The main objections were directed toward the proposed northward expansion of the Department of Navy's Warning Area W-174 between Key West and Marathon and the possible adverse effect this would have on local flying, the fishing industry, and the charter boat industry.

Representatives of the Department of the Navy met at Key West with local aviation representatives and representatives of the fishing and charter boat industries and explained in detail the purpose of the enlarged warning area. The Navy representative also offered to reduce the northern boundary of the warning area from the proposed Control 1487 to Warning Area W-465.

As a result of views expressed by local interested persons and a review of the comments received in response to the notice, a requirement for additional operating area south of the Florida Keys for aviation and other interests is recognized.

Accordingly, the Federal Aviation Agency is amending the nonregulatory portion of the notice by altering the description of W-174 by relocating the northern boundary farther south between proposed Control 1487 and W-465 to latitude 24°25' North, and affording interested persons additional time to comment on the revised proposal.

In consideration of the foregoing, Airspace Docket No. 65-WA-35 (31 F.R. 9423) paragraph 2. of the nonregulatory action is amended to read as follows.

2. Alter the description of W-174 as follows:

Beginning at latitude 25°47'55" N., longitude 81°58'55" W.; thence to latitude 25°34'-40" N., longitude 81°55'20" W.; thence to latitude 25°24'55" N., longitude 81°54'00" W.; thence to latitude 24°53'25" N., longitude 81°53'00" W.; thence to latitude 24°-37'30" N., longitude 82°00'30" W.; thence to latitude 24°37'30" N., longitude 82°06'00" W.; thence to latitude 24°28'30" N., longitude 82°06'00" W.; thence to latitude 24°-25'00" N., longitude 82°06'30" W.; thence to latitude 24°25'00" N., longitude 81°12'10" W.; thence to latitude 23°30'00" N., longitude 81°17'20" W.; thence to latitude 23°-30'00" N., longitude 82°23'30" W.; thence to latitude 23°30'30" N., longitude 82°46'00" W.; thence to latitude 23°53'00" N., longitude 83°12'00" W.; thence to latitude 24°-00'00" N., longitude 83°19'25" W.; thence to latitude 24°00'00" N., longitude 85°00'00" W.; thence to latitude 25°21'40" N., longitude 85°00'00" W.; thence to latitude 25°-28'00" N., longitude 84°53'35" W.; thence to latitude 25°45'40" N., longitude 84°06'45" W.; thence to point of beginning, excluding the airspace within Control 1487 and the airspace between 5,500 feet MSL and FL 410 beginning at latitude 24°00'00" N., longitude 82°49'30" W.; thence to latitude 23°49'50" N., longitude 83°08'20" W.; thence to latitude 24°00'00" N., longitude 83°19'25" W.; thence to latitude 24°00'00" N., longitude 83°25'20" W.; thence to latitude 24°05'00" N., longitude 83°10'45" W.; thence to latitude 24°00'00" N., longitude 83°10'00" W.; thence to point of beginning.

The time for which comments will be received for consideration on Airspace Docket No. 65-WA-35, as amended herein, is hereby extended to October 15, 1966. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secreary of Defense in accordance with the provisions of Executive Order 10854.

These amendments are proposed under secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510), and Executive Order 10854 (29 F.R. 9565).

Issued in Washington, D.C., on September 26, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-10592; Filed, Sept. 26, 1966; 9:57 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

FEDERAL SERVICE CONTRACTS PROPOSED AMENDMENTS

Labor Standards

Pursuant to R.S. 161 (5 U.S.C. 22), sections 2 and 4 of the McNamara-O'Hara Service Contract Act of 1965 (79 Stat. 1035), and Secretary's Order No. 36-65, published in the FEDERAL REGISTER December 10, 1965, I propose to amend 29 CFR Part 4 by designating §§ 4.1 through 4.9 as "Subpart A—Service Contract Labor Standards Provisions and Procedures", by revising language of §§ 4.3, 4.4, 4.5, 4.6, and 4.9 so as to eliminate unnecessary and outdated provisions and provide more effective procedures for contract administration, and by adding a new subpart, "Subpart B—Equivalents of Determined Fringe Benefits", establishing rules under which contractors and subcontractors may discharge their obligations to furnish specified fringe benefits by furnishing equivalent combinations of fringe benefits or by making equivalent or differential payments in cash. Subpart C containing interpretative materials will be issued at a later date.

Interested persons may submit to the Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210, written data, views, or arguments relative to these proposed rules within 30 days following the publication of this notice.

As amended, 29 CFR Part 4 would read as follows:

Subpart A—Service Contract Labor Standards Provisions and Procedures

Sec.
4.1 Purpose and scope.
4.2 Payment of minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 under all service contracts.
4.3 Register of wage determinations and fringe benefits.
4.4 Notice of intention to make a service contract.
4.5 Contract minimum wage determinations and fringe benefit specifications.
4.6 Labor standards clause for Federal service contracts exceeding $2,500.
4.7 Labor standards clause for Federal service contracts not exceeding $2,500.
4.8 Notice of award.
4.9 Effective date.

Subpart B—Equivalents of Determined Fringe Benefits

4.51 Discharging fringe benefit obligations by equivalent methods.
4.52 Equivalent fringe benefits.
4.53 Cash equivalents.
4.54 Combination of equivalent fringe benefits and cash payments.
4.55 Effect of equivalents in computing overtime pay.

AUTHORITY: The provisions of this Part 4 issued under sec. 2(a) and 4, 79 Stat. 1035; R.S. 161, 5 U.S.C. 22, Secretary's Order 36-65 (30 F.R. 15305).

§ 4.1 Purpose and scope.

This part contains the Department of Labor's rules relating to the administration of the McNamara-O'Hara Service Contract Act of 1965, referred to hereinafter as the Act.

§ 4.2 Payment of minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 under all service contracts.

Section 2(b)(1) of the Service Contract Act of 1965 provides in effect that, regardless of contract amount, no contractor or subcontractor performing work under any Federal contract the principal purpose of which is to furnish services through the use of service employees shall pay any of his employees engaged in such work less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.25 per hour as of Jan. 20, 1966, $1.40 per hour as of Feb. 1, 1967, and $1.60 per hour as of Feb. 1, 1968).

§ 4.3 Register of wage determinations and fringe benefits.

The Administrator of the Wage and Hour and Public Contracts Divisions will determine the minimum monetary wages and specify the fringe benefits to be furnished the various classes of service employees for the several localities in which they are to be employed under contracts subject to such determinations under the Act. These determinations and specifications will be issued as an orderly series constituting a register of such minimum wages and fringe benefits. Such a register will be available for public inspection during business hours at the national, regional, and district offices of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor. Provision may also be made, when practicable, for maintaining such a register at other locations where the needs of procurement agencies for the information contained therein may be better served by such action.

§ 4.4 Notice of intention to make a service contract.

(a) Not less than 30 days prior to any invitation for bids or the commencement of negotiations for any contract exceeding $2,500 which may be subject to the Act, the contracting agency will file with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor its notice of intention to make a service contract specifying:

(1) A description of the service to be performed;

(2) The place of performance, if known, and the fact that the place of performance is unknown if that is the case;

(3) The date bids will be invited or negotiations commenced;

(4) The date bids will be opened, if the contract is to be awarded pursuant to competitive bidding procedures;

(5) Anticipated date of contract award;

(6) Each class of service employee likely to be employed in the performance of the contract;

(7) The minimum wages and specification of fringe benefits to be included in the contract taken from the currently effective determinations included in the register of determinations provided in § 4.3;

(8) The numbers of persons to be employed and the minimum rates and specifications of fringe benefits to be paid for each class of service employees listed under subparagraph (4) of this paragraph but for whom no minimum wages have been found pursuant to subparagraph (5) of this paragraph, as best the procurement agency is able to discover or estimate such data from the current contract providing such service or otherwise.

(b) If exceptional circumstances prevent the filing of the notice of intention required by this section on or before a date 30 days prior to any invitation for bids or the commencement of negotiations, the notice shall be submitted to the Administrator as soon as practicable with a detailed explanation of the special circumstances which prevented timely submission. A copy of the explanation shall be sent to the headquarters office of the contracting agency.

§ 4.5 Contract minimum wage determinations and fringe benefit specifications.

The invitation for bids actually issued and the negotiations actually commenced, as well as any contract agreed upon, in excess of $2,500, shall contain the minimum wages and fringe benefits specified in § 4.4(a)(5) as supplemented or revised by:

(a) Any responsive communication from the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor; or

(b) Any revision of the register of wages and fringe benefits prior to the award of the contract or contracts, but revisions received by the Federal agency later than 10 days before the opening of bids, in the case of contracts entered into pursuant to competitive bidding procedures, shall not be effective except where the Federal agency finds that there is a reasonable time to notify bidders of the revision. To avoid serious impairment of the conduct of Government business, it is hereby found necessary and proper to provide exemption (1) from the determined wage and fringe benefits section of the Act (2(a) (1) and (2)), but not the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (2(b) of this Act), of all contracts for which no such wage or fringe benefit has been determined for any class of service employees to be employed thereunder and (2) from the fringe benefits section (2(a)(2)) of all contracts and of all classes of service employees employed thereunder for which such benefits have not been determined. Accordingly, such exemptions are hereby provided.

§ 4.6 Labor standards clauses for Federal service contracts exceeding $2,500.

(a) The clauses set forth in paragraph (b) of this section shall be included in every contract (and any bid specification therefor) entered into by the United States or the District of Columbia in excess of $2,500 the principal purpose of which is to furnish services through the use of service employees, except those identified in paragraph (c) of this section.

(b) Service Contract Act of 1965: This contract, to the extent that it is of the character to which the Service Contract Act of 1965 (79 Stat. 1034, 41 U.S.C. 351) applies, is subject to the following provisions and to all other applicable provisions of the Act and the regulations of the Secretary of Labor thereunder (this Part 4).

(1) Each service employee employed in the performance of this contract by the contractor or any subcontractor shall be paid the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract. If there is such an attachment, any class of service employee which is not listed therein, but which is to be employed under this contract, shall be classified by the contractor so as to provide a reasonable relationship between such classifications and those listed in the attachment, and shall be paid such monetary wages and furnished such fringe benefits as are determined by agreement of the interested parties. Failure to pay such employees the compensation agreed upon shall be a violation of this con-

tract. No employees engaged in performing work on this contract shall in any event be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.25 per hour as of Jan. 20, 1966, $1.40 per hour as of Feb. 1, 1967, and $1.60 per hour as of Feb. 1, 1968).

(2) The contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment by furnishing any equivalent combinations of fringe benefits, or by making equivalent or differential payments in cash, pursuant to applicable rules of the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor. (29 CFR Part 4, Subpart B.)

(3) In the absence of a minimum wage attachment for this contract, neither the contractor nor any subcontractor under this contract shall pay any of his employees performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938 ($1.25 per hour as of Jan. 20, 1966, $1.40 per hour as of Feb. 1, 1967, and $1.60 per hour as of Feb. 1, 1968). Nothing in this provision shall relieve the contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

(4) The contractor shall notify each service employee commencing work on this contract of the minimum monetary wage and any fringe benefits required to be paid pursuant to this contract, or shall post a notice of such wages and benefits in a prominent and accessible place at the worksite, using such poster as may be provided by the Department of Labor.

(5) The contractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the contractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services.

(6) Each contractor or subcontractor performing work subject to the Act shall make and maintain for 3 years from the completion of the work the records identified below for each service employee performing work under the contract, and shall make them available for inspection and transcription by authorized representatives of the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor.

(i) His name and address.

(ii) His work classification or classifications, rate or rates of monetary wages and fringe benefits provided, rate or rates of fringe benefit payments in lieu thereof, and total daily and weekly compensation.

(iii) His daily and weekly hours so worked.

(iv) Any deductions, rebates, or refunds from his total daily or weekly compensation.

(7) The contracting officer may withhold or cause to be withheld from the Government Prime Contractor under this or any other Government contract such sums as are necessary to pay underpaid employees. Additionally, any failure to comply with the requirements of these clauses relating to the Service Contract Act of 1965 may be grounds for termination of his right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the contractor with any additional cost.

(8) The contractor agrees to insert these clauses relating to the Service Contract Act of 1965 in all subcontracts. The term "contractor" as used in these clauses in any subcontract, shall be deemed to refer to the subcontractor, except in the term "Government Prime Contractor."

(9) As used in these clauses relating to the Service Contract Act of 1965, the term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.

(10) If there is a wage determination attachment to this contract and one or more classes of service employees which are not listed thereon are to be employed under the contract, the contractor shall report to the contracting officer the monetary wages to be paid and the fringe benefits to be provided each such class of service employee. Such report shall be made promptly as soon as such compensation has been determined as provided in clause (1).

(c) These clauses relating to the Service Contract Act of 1965 shall not apply to the following:

(1) Any contract of the United States or District of Columbia for construction, alteration and/or repair, including painting and decorating of public buildings or public works;

(2) Any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036);

(3) Any contract for the carriage of freight or personnel by vessel, airplane, bus, truck, express, railway line, or oil or gas pipeline where published tariff rates are in effect;

(4) Any contract for the furnishing of services by radio, telephone, telegraph, or cable companies, subject to the Communications Act of 1934;

(5) Any contract for public utility services, including electric light and power, water, steam, and gas;

(6) Any employment contract providing for direct services to a Federal agency by an individual or individuals;

(7) Any contract with the Post Office Department, the principal purpose of which is the operation of postal contract stations.

(8) Any services to be furnished outside the United States. For geographic purposes, the "United States" is defined in section 8(d) of the Service Contract Act to include any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, Johnston Island. It does not include any other territory under the jurisdiction of the United States or any United States base or possession within a foreign country.

(9) Any contract exempted by the Secretary of Labor under section 4(b) of the Service Contract Act of 1965.

§ 4.7 Labor standards clause for Federal service contracts not exceeding $2,500.

Every contract with the Federal Government which is not in excess of $2,500 but has as its principal purpose the furnishing of services through the use of service employees, except those identified in § 4.6(c), shall contain the following clause:

Service Contract Act of 1965. The contractor and any subcontractor hereunder shall pay all of their employees engaged in performing work on the contract not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.25 per hour as of Jan. 20, 1966, $1.40 per hour as of Feb. 1, 1967, and $1.60 per hour as of Feb. 1, 1968), and are subject to the regulations of the Secretary of Labor thereunder (29 CFR Part 4).

§ 4.8 Notice of award.

Whenever an agency of the United States or the District of Columbia shall award a contract in excess of $2,500 subject to the Act, it shall furnish the Administrator of the Wage and Hour and Public Contracts Divisions, on the form used pursuant to 41 CFR 50-201.1201, the information required by such form.

§ 4.9 Effective date.

Sections 4.2, 4.5, 4.6, 4.7, and 4.8 are effective as to contracts entered into pursuant to negotiations concluded or invitations for bids issued on or after January 20, 1966.

Subpart B—Equivalents of Determined Fringe Benefits

§ 4.51 Discharging fringe benefit obligations by equivalent methods.

Section 2(a)(2) of the Act, which provides for fringe benefits that are separate from and additional to the monetary compensation required under section 2(a)(1), permits an employer to discharge his obligation to provide the specified fringe benefits by furnishing any equivalent combinations of "bona fide" fringe benefits or by making equivalent or differential payments in cash. However, credit for such payments is limited to the employer's fringe benefit obligations under section 2(a)(2), since the Act does not authorize any part of the monetary wage required by section 2(a)(1) and specified in the wage determination and the contract, to be offset by the fringe benefit payments or equivalents which are furnished or paid pursuant to section 2(a)(2).

§ 4.52 Equivalent fringe benefits.

Under this Act, fringe benefit obligations may be discharged by furnishing, in lieu of those fringe benefits determined by the Secretary and specified in the contract, other bona fide fringe benefits which the contractor or subcontractor is not required by law to provide, or any combination of such bona fide fringe benefits: *Provided*, That they are "equivalent" in terms of monetary cost to the employer. Thus, if an applicable determination specifies that 10 cents per hour is to be paid into a pension fund, this fringe benefit obligation will be

deemed to be met if instead, hospitalization benefits costing not less than 10 cents per hour are provided. The same obligation will be met if hospitalization benefits costing 5 cents an hour and holiday pay equal to 5 cents an hour in cash are provided. No benefit required to be furnished the employee by any other law, such as workmen's compensation, may be credited toward satisfying the fringe benefit requirements of the Act.

§ 4.53 Cash equivalents.

(a) Fringe benefit obligations may be discharged by paying, in addition to the monetary wage required, a cash amount per hour in lieu of the specified fringe benefits provided such amount is equivalent to the cost of the fringe benefits required. If, for example, an employee's monetary rate under an applicable determination is $1.90 an hour, and the fringe benefits to be furnished are hospitalization benefits costing 10 cents an hour and retirement benefits costing 10 cents an hour, the fringe benefit obligation is discharged if instead of furnishing the required fringe benefits the employer pays the employee, in cash, 20 cents per hour as the cash equivalent of the fringe benefits in addition to the $1.90 per hour required under the applicable wage determination.

(b) The hourly cash equivalent of those fringe benefits which are not listed in the applicable determination in terms of hourly cash amount may be obtained by mathematical computation through the use of pertinent factors such as the monetary wages paid the employee and the hours of work attributable to the period, if any, by which fringe benefits are measured in the determination. If the employee's regular rate of pay is greater than the minimum monetary wage specified in the wage determination and the contract, the former should be used for this computation, and if the fringe benefit determination does not specify any daily or weekly hours of work by which benefits should be measured, a standard 8-hour day and 40-hour week will be considered applicable. The application of these rules in typical situations is illustrated in paragraphs (c), (d), and (e) of this section.

(c) Where fringe benefits are stated as a percentage of the monetary rate, the hourly cash equivalent is determined by multiplying the stated percentage by the employee's regular or basic rate of pay. For example, if the determination calls for a 5 percent pension fund payment, and the employee is paid a monetary rate of $1.50 an hour, or if he earns $1.50 an hour on a piece-work basis in a particular workweek, the cash equivalent of that payment would be 7½ cents an hour.

(d) If the determination lists a particular fringe benefit in such terms as $25 a year, or as $2 a week, the hourly cash equivalent is determined by dividing the amount stated in the determination by the number of working hours to which the amount is attributable. For example, if a determination lists a fringe benefit as "pension—$2 a week," and does not specify weekly hours, the hourly cash equivalent is 5 cents per hour, i.e., $2 divided by 40, the number of standard working hours in a week.

(e) In determining the hourly cash equivalent of those fringe benefits which are not listed in a determination in terms of hourly cash amount, but are stated, for example, as "six paid holidays per year" or "1-week paid vacation," the employee's hourly monetary rate of pay is multiplied by the number of hours making up the paid holidays or vacation. Unless the hours contemplated in the fringe benefit are specified in the determination, a standard 8-hour day and 40-hour week will be considered applicable. The total annual cost so determined will be divided by 2,000, the typical number of nonovertime hours in a year of work, to arrive at the hourly cash equivalent. To illustrate, if a particular determination lists as a fringe benefit "six paid holidays per year," and the employee's hourly rate of pay is $1.50, the $1.50 is multiplied by 48 (6 days of 8 hours each) and the result, $72, is then divided by 2,000 to arrive at the hourly cash equivalent, $.036 an hour. Similarly, where a determination requires 1-week's paid vacation during the year, a computation of this kind for a short term employee who does not receive the vacation with pay would be necessary to determine the cash equivalent payment to which he is entitled for the proportionate part of the vacation earned during his period of employment.

§ 4.54 Combination of equivalent fringe benefits and cash payments.

Fringe benefit obligations may be discharged by furnishing any combination of cash or fringe benefits as illustrated in §§ 4.52 and 4.53, in amounts the total of which is equivalent, under the rules there stated, to the determined fringe benefits specified in the contract.

§ 4.55 Effect of equivalents in computing overtime pay.

The Act (section 6) excludes from the regular or basic hourly rate of an employee, for purposes of determining the overtime pay to which he is entitled under any other Federal law, those fringe benefit payments computed under the Act which are excluded from the regular rate under the Fair Labor Standards Act by provisions of section 7(d) of that Act (29 U.S.C. 207(d)). Fringe benefit payments which qualify for such exclusion are described in Subpart C of Part 778 of this title. When such fringe benefits have been determined by the Secretary to be prevailing for service employees in the locality and are specified in the contract to be furnished to service employees engaged in its performance, the right to compute overtime pay in accordance with the above rule is not lost to a contractor or subcontractor because he discharges his obligation under this Act to furnish such fringe benefits through alternative equivalents as provided in this Subpart B. If he furnishes equivalent benefits or makes cash payments, or both, to such an employee as authorized herein, the amounts thereof, to the extent that they operate to discharge the employer's obligation to furnish such specified fringe benefits, may be excluded pursuant to this Act from the employee's regular or basic rate of pay in computing any overtime pay due the employee under any other Federal law. It is not necessary to consider in such a case whether such amounts would themselves be excludable under section 7(d) of the Fair Labor Standards Act. No such exclusion can operate, however, to reduce an employee's regular or basic rate of pay below the monetary wage rate specified as his minimum wage rate under section 2(a)(1) or 2(b) of this Act or under other law or by employment contract. The application of the rules set out in the regulations in this part will be considered and illustrated in the rulings and interpretations on application of this Act.

Signed at Washington, D.C., this 20th day of September 1966.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor.

[F.R. Doc. 66-10516; Filed, Sept. 26, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16740; FCC 66-853]

TELEVISION BROADCAST STATIONS

Table of Assignments; San Bernardino, Calif.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 66-580, issued in this proceeding on June 30, 1966 (31 F.R. 9239) inviting comments on a proposal to amend the FM Table of Assignments to delete Channel 236 from San Bernardino, Calif., as follows:

City	Channel No.	
	Present	Proposed
San Bernardino, California	236, 260	260

2. A construction permit for Channel 236 at San Bernardino was previously held by Telemusic Co., call letters KRCS. On June 15, 1966, a request for an extension of time in which to complete construction was deleted. The KRCS construction permit was issued prior to the adoption of the present minimum mileage spacing rules and the Table of Assignments in Docket No. 14185. In view of the two short spacings which KRCS had with other FM stations (114 miles to cochannel Station KUDU-FM, Ventura, and 96 miles to first adjacent channel Station KLRO, San Diego) the

Commission, on its own motion, proposed to delete this assignment.[1] ments in the area, the shortages involved, and the need for assignments elsewhere. the Commission rules and regulations to assign a UHF television broadcast chan-

Notices

Commission, on its own motion, proposed to delete this assignment.[1]

3. San Bernardino has a population of 91,922 and the San Bernardino-Riverside-Ontario Standard Statistical Metropolitan Area has a population of 809,782. Station KFMW (FM) operates on Channel 260. In addition, there are four AM stations in San Bernardino, one of which is a Class IV station. Riverside with a population of 84,332 has two Class B assignments and one Class A as well as two AM stations and Ontario, with a population of 46,617, has one Class A assignment and one AM station.

4. One party supports the Commission's proposal and two oppose it.[2] The supporting party, Frederick Cole and Chester Coleman, licensees of KFMW, Channel 260, San Bernardino, submit that the removal of Channel 236 would serve the public interest by removing an undesirable assignment and preventing possible future interference. They urge that there is an abundance of FM service in San Bernardino since KFMW and educational Station KVCR operate in that city, and since three FM stations in Riverside, about 10 miles distant, also provide reception service to San Bernardino. In addition, they state that AM service is provided by the four AM stations in San Bernardino and a host of other AM stations in nearby cities. Finally, they suggest that Channel 236 could be assigned to the city of Soledad, Calif., but concede that the deletion of Channel 236 from San Bernardino is not a prerequisite for such an assignment. Soledad has a population of 2,837 and is located about 25 miles southeast of Salinas on U.S. Route 101, some 275 miles from San Bernardino.

5. C. J. Blasiar, prospective applicant for Channel 236 at San Bernardino, and KPRO, Inc., licensee of Station KPRO (AM), Riverside, Calif., oppose the proposed deletion of Channel 236 from San Bernardino. They point out that while the 1960 population of San Bernardino is 91,922, the County Planning Commission estimates that by 1970 the city will have a population of 140,000. They submit extensive statistics to show the rapid growth in population, industry, commerce and recreation of both San Bernardino and Riverside and the need for additional radio outlets in the area. As to demand for the assignment, Blasiar states that he has partially completed an application for Channel 236 and has selected a site which will eliminate the San Diego short spacing and minimize the Ventura short spacing. With respect to the short spacings involved, they point out that the Commission did not adopt a provision which would automatically delete from the table any short spaced assignment when an existing authorization was terminated, but believed that under certain circumstances the public interest would be served by the retention of such assignments with due regard given to the number of assignments in the area, the shortages involved, and the need for assignments elsewhere.

6. We have carefully considered all the comments and data submitted in this proceeding in the light of our announced policy with respect to short spaced assignments which become available for deletion as a result of the termination of an existing authorization for the assignment. In the fourth report and order in Docket No. 14185, issued on October 9, 1964, FCC 64-919, 29 F.R. 14116, we stated that we would treat such cases as they come up rather than by a fixed rule and that we would consider the number of assignments in the city, the need for the assignment elsewhere, the shortages and other pertinent factors. In this case, the city of San Bernardino, with a population of 91,922, would be left with but one FM assignment in the event the proposal to delete Channel 236 is adopted. While there are AM stations in the city and other AM and FM assignments in the other principal communities of its SSMA, the statistics given by the parties concerning the growth in population, industry, commerce, etc., convinces us that this city deserves and can support a second competitive FM station. While the parties have not shown that sites are available from which all the separations can be met and the required signal placed over the city of San Bernardino, they do show that sites are available from which one of the shortages can be eliminated and the other minimized.[3]

7. As to the proposal to assign Channel 236 to Soledad, this admittedly does not require the deletion of this channel from San Bernardino. In view of the small size of this community and the lack of any indicated demand for it, we do not believe that we should make this assignment at this time. We believe, on the other hand, that a sufficient showing has been made that the retention of Channel 236 at San Bernardino would serve the public interest.[4]

8. In view of the foregoing: *It is ordered*, That the assignments for San Bernardino are retained as at present and that this proceeding is terminated.

Adopted: September 21, 1966.

Released: September 22, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10531; Filed, Sept. 26, 1966; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 16882; FCC 66-855]

TELEVISION BROADCAST STATIONS

Table of Assignments; Staunton, Va.

In the matter of amendment of the Table of Assignments in § 73.606(b) of the Commission rules and regulations to assign a UHF television broadcast channel to Staunton, Va., and reserve it for educational use; Docket No. 16882, RM-898.

1. On January 7, 1966, the Advisory Council on Educational Television of the Commonwealth of Virginia and Shenandoah Valley Educational Television Corp., jointly filed a petition for rule making requesting the assignment of television channels for educational use in the Shenandoah Valley Area of Virginia, a large part of which lies in the "Radio Quiet Zone" which has been established to protect radio astronomy observations at the Green Bank and Sugar Grove observatories in West Virginia. The petitioners point out that this petition differs from the usual "long-range" planning in that here the prospective applicant is already organized and has substantial funds in hand to promptly activate an educational operation in the Valley area.

2. Action on the petition has been deferred while possible channel assignments and sites have been explored and negotiations could be conducted with the radio astronomy interests using the West Virginia observatories. After an extensive period of testing and evaluation an agreement has been reached between the Naval Radio Research Observatory which operates the Sugar Grove facility, National Radio Astronomy Observatory which operates the Green Bank facility and the Virginia Advisory Council on Educational Television concerning the use of Channel 51 at a site near Staunton, Va., identified by the geographic coordinates 38°09'54" N. latitude and 79°17'-53" W. longitude. Radiation toward the radio astronomy observatories would be controlled by the use of a suitable directive transmitting antenna.

3. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission rules, insofar as the city listed below is concerned, to read as follows:

City	Channel No.
Staunton, Va	*51

4. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before October 5, 1966, and reply comments on or before October 17, 1966. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

5. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: September 21, 1966.

Released: September 22, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10532; Filed, Sept. 26, 1966; 8:47 a.m.]

[1] The required spacings are 150 and 105 miles respectively.

[2] Comments were also filed by Robert Burdette, former proposed purchaser of KROS, but were later withdrawn.

[3] The resulting shortage to Ventura would be 37 miles.

[4] Under § 73.213 a station under these circumstances should be limited to facilities of 20 kilowatts ERP and antenna height of 500 feet, or the equivalent, in the direction of the Ventura station. KROS was formerly authorized 11.5 kw and 1,580 feet antenna height.

Notices

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (31 F.R. 9557, 10288 and 11771) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to sheep with respect to Acee's Meat Co., Inc., establishment 809, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Lee's Sausage Co., Inc	173					(*)	
The Rath Packing Co	186F					(*)	
Stockmen's Meat Packing Co., Inc	258	(*)					
Parnett Packing Co	263	(*)					
I D Packing Co., Inc	606					(*)	
New establishments reporting: 5.							
Armour & Co	2HT		(*)				
The Cudahy Co	19E					(*)	
The Eckert Packing Co	79		(*)	(*)			
Utica Veal Co., Inc	88		(*)	(*)	(*)		
Cash Brothers Packing Co., Inc	127	(*)				(*)	
Anza Packing Co	345				(*)		
Republic Food Products Co	546			(*)			
Pioneer Boneless Beef Co	742					(*)	
Hillcrest Packing Co. (formerly: Hell Provision Co.)	943		(*)				
Species Added: 13.							

Done at Washington, D.C., this 22nd day of September 1966.

R. K. SOMERS,
Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 66-10529; Filed, Sept. 26, 1966; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ALLIED CHEMICAL CORP.

Notice of Filing of Petition for Food Additive Sodium Lauryl Sulfate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2081) has been filed by Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006, proposing an amendment to § 121.1012 *Sodium lauryl sulfate* to provide for the safe use of sodium lauryl sulfate as a surfactant in fumaric acid based acidulants for use in food, when standards of identity established pursuant to section 401 of the act do not preclude such use, in an amount such that the finished food will contain not in excess of 50 parts per million of the additive.

Dated: September 20, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10535; Filed, Sept. 26, 1966; 8:47 a.m.]

AQUAFINE CORP.

Notice of Filing of Petition for Food Additive Ultraviolet Radiation

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7M2075) has been filed by Aquafine Corp., 1230 Sunset Boulevard, Los Angeles, Calif. 90026, proposing an amendment to § 121.3006 *Ultraviolet radiation for the processing and treatment of food* to provide for the safe use of ultraviolet radiation in the reduction of molds and yeasts within liquid sugar solutions.

Dated: September 20, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10536; Filed, Sept. 26, 1966; 8:47 a.m.]

MACARONI AND NOODLE PRODUCTS AND ENRICHED MACARONI AND NOODLE PRODUCTS DEVIATING FROM IDENTITY STANDARDS

Notice of Temporary Permit for Market Testing

Pursuant to § 10.5(j), Title 21, Code of Federal Regulations, concerning temporary permits for market testing foods deviating from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to the U.S. Macaroni Manufacturing Co., Inc., 601-609 East Pacific Avenue, Spokane, Wash., 99202. This permit covers interstate marketing tests of macaroni and noodle products and enriched macaroni and noodle products deviating from the requirements of the standards of identity for such foods (21 CFR 16.1, 16.6, 16.9, 16.10). The products will contain white corn flour in a quantity not less than 10 percent and not more than 25 percent by weight of the farinaceous ingredients. The products will be labeled "wheat and corn macaroni," "wheat and corn noodles," "enriched wheat and corn macaroni," or "enriched wheat and corn noodles," as the case may be. The labels of the products will also declare the presence of durum flour and white corn flour.

This permit expires September 20, 1967.

Dated: September 20, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10537; Filed, Sept. 26, 1966; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-33]

LABORATORY FOR ELECTRONICS INC., TRACERLAB DIVISION

Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 3 to License No. 20-1382-14 as set forth below. This amendment provides for a change in the license provisions referring to the transportation of radioactive materials to assure conformity with the AEC-ICC memorandum of understanding dated March 21, 1966.

In a letter dated July 25, 1966, the AEC notified Laboratory for Electronics Inc., Tracerlab Division, of its intent to amend License No. 20-1382-14 to assure that the license provisions referring to transportation of radioactive materials were in conformity with the AEC-ICC memorandum of understanding dated March 21, 1966. Laboratory for Electronics Inc., Tracerlab Division, consented to the proposed modification of its license in a letter dated August 26, 1966.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve signifi-

cant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., September 20, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[License No. 20-1382-14; Amdt. 3]

The Atomic Energy Commission having found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property.

C. The application dated May 2, 1961, and amendments thereto dated April 28, 1961, June 16, 1961, September 4, 1963, and October 3, 1963, comply with the requirements of the Atomic Energy Act of 1954, as amended, and are for a purpose authorized by that Act.

D. Issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 20-1382-14 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," and 10 CFR Part 70, "Special Nuclear Material," a license is hereby issued to Laboratory for Electronics, Tracerlab Division, 1601 Trapelo Road, Waltham, Mass., to receive and possess packages containing waste byproduct, source, and special nuclear material and to store packages containing waste byproduct, source, and special nuclear material at a facility located at 1601 Trapelo Road, Waltham, Mass.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 500 curies of hydrogen 3.

B. 100 curies of other byproduct material.

C. 500 pounds of source material.

D. 250 grams of special nuclear material.

2. Except as specifically provided otherwise by this license, the licensee shall receive, possess, and store byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application dated May 2, 1961, and amendments thereto dated April 28, 1961, June 16, 1961, September 4, 1963, and October 3, 1963.

3. Byproduct, source, and special nuclear material shall be received, handled, and stored by individuals designated by the licensee's Radioisotope Committee.

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Interstate Commerce Commission in §§ 73.391-73.395, 49 CFR Part 73, "Regulations Applying to Shippers," and §§ 77.823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exceptions to those requirements, any requests for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

5. The licensee shall not open containers received, possessed, and stored under this license.

6. The licensee shall store packages containing waste byproduct, source, and special nuclear material only at 1601 Trapelo Road, Waltham, Mass.

7. Containers received, possessed, or stored by the licensee shall contain not more than 20 grams of special nuclear material.

8. A copy of the "Health Physics Manual" dated June 1960, as revised by letters dated January 18, 1962, February 26, 1962, July 16, 1962, August 21, 1962, and September 12, 1962, shall be supplied to each individual involved in the receipt, possession, and storage of byproduct material.

This amendment is effective on the date issued. This license shall expire on December 31, 1967.

Date of issuance: September 20, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 66-10508; Filed, Sept. 26, 1966; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3699 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Findings and Order

SEPTEMBER 19, 1966.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, substituting respondent, making successors co-respondents, redesignating proceedings, making rate change effective, accepting agreements and undertakings for filing, accepting surety bond for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from the Permian Basin area of New Mexico are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Atlantic Richfield Co., Applicant in Docket No. G-3699, proposes to continue the sale of natural gas authorized to be made in said docket pursuant to Mel Dar Corp. FPC GRS No. 1. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI62-23.[1] Applicant has submitted an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made co-respondent in the proceeding pending in Docket No. RI62-23, the proceeding will be redesignated accordingly and the agreement and undertaking will be accepted for filing.

George R. Brown (Operator), et al., Applicant in Docket No. G-12015, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Herman Brown Estate FPC Gas Rate Schedule No. 5. Said rate schedule will be redesignated as that of Applicant. An increased rate for sales pursuant to said rate schedule is suspended in Docket No. G-17314[2] and Applicant requests to be substituted as respondent in said proceeding. Therefore, Applicant will be substituted as respondent and the proceeding will be redesignated accordingly.

Petroleum Corporation of Texas (Operator), et al., Applicant in Docket No. CI61-1157, proposes to continue the sale of natural gas authorized in said docket to be made pursuant to Haynes & V. T. Drilling Co. (Operator), et al., FPC Gas Rate Schedule Nos. 8 and 9. Said rate schedules will be redesignated as those of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI60-13.[3] Applicant has submitted a surety bond to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.[4] Therefore, Applicant will be made co-respondent in the proceeding pending in Docket No. RI60-13, the proceeding will be redesignated accordingly and the surety bond will be accepted for filing.

Cenard Oil & Gas Co., Applicant in Docket Nos. CI66-1274, CI66-1275, CI66-1276, and CI66-1277, proposes to continue in part the sales of natural gas heretofore authorized in Docket Nos. G-19109, G-19145, CI61-128, and CI63-318, respectively, to be made pursuant to William G. Webb FPC Gas Rate Schedule No. 3, J. Glenn Turner FPC Gas Rate Schedule No. 7, J. Glenn Turner, et al., FPC Gas Rate Schedule No. 8 and Frank A. Schultz, et al., FPC Gas Rate Schedule No. 8, respectively. The contracts comprising said rate schedules will also be designated as rate schedules of Applicant. The presently effective rates for certain of the sales proposed to be continued pursuant to the contracts presently on file as William G. Webb FPC Gas Rate Schedule No. 3, J. Glenn Turner FPC Gas Rate Schedule No. 7 and Frank A. Schultz, et al., FPC Gas Rate Schedule No. 8 are in effect subject to refund in Docket Nos. RI64-473, RI64-471, and RI64-469, respectively. Applicant has submitted agreements and undertakings to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. On October 28, 1963, J. Glenn Turner, et al., filed with the Commission a notice of change in rate under his FPC Gas Rate Schedule No. 8. By order issued November 27, 1963, in Docket No. RI64-354, et al., the Commission suspended the proposed change in Docket No. RI64-355[5] until May 1, 1964, and thereafter until made effective. The change was designated as Supplement No. 2 to Turner's FPC Gas Rate Schedule No. 8. On June 14, 1966, Applicant filed a motion, together with an agreement and undertaking, in Docket No. RI64-355 to make the change in rate effective. Therefore, Applicant will be made co-respondent in the proceedings pending in Docket Nos. RI64-355, RI64-469, RI64-471, and RI64-473; the proceedings will be redesignated accordingly; the change in rate in Docket No. RI64-355 will be made effective as of June 14, 1966, with respect to sales from the interests assigned to Cenard; and the agreements and undertakings will be accepted for filing.

Valor Production Co., Applicant in Docket No. CI67-16, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI64-1010 to be made pursuant to Tenneco Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 53. The contract comprising said rate schedule will also be designated as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-464. Therefore, Applicant will be made co-respondent in said proceeding, the proceeding will be redesignated accordingly, and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Herman Geo. Kaiser (Operator), et al., Applicant in Docket Nos. CI67-20 and CI67-21, proposes to continue in part sales of natural gas authorized in Docket Nos. G-13167 and G-18037, respectively, and to be made pursuant to Shell Oil Co. FPC Gas Rate Schedule Nos. 161 and 196, respectively. The contracts comprising said rate schedules will also be accepted for filing as rate schedules of Applicant. The presently effective rate under said rate schedules is in effect subject to refund in Docket No. RI65-475. By motion filed June 27, 1966, accompanied by an agreement and undertaking, Applicant has requested to be made co-respondent in said proceeding. Accordingly, Applicant will be made co-respondent, the proceeding will be redesignated, and the agreement and undertaking will be accepted for filing to assure the refund of any amounts collected by Applicant in excess of the amount determined to be just and reasonable in said proceeding.

A. L. Abercrombie, Inc. (Agent), Applicant in Docket No. CI67-72, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI61-989 to be made pursuant to Panhandle Development Co., Inc. (Operator), et al., FPC Gas Rate Schedule No. 8. The contract comprising said rate schedule will also be designated as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-160.[6] In its certificate application Applicant has expressed its intention to file an agreement and undertaking to assure the total refund of any amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI64-160 from the date that the increased rate of its assignor became effective subject to refund. Therefore, Applicant will be made co-respondent in the proceeding pending in Docket No. RI64-160 with respect to sales from the properties acquired from Panhandle Development Co., Inc., the proceeding will be redesignated accordingly and Applicant will be required to file an agreement and undertaking.

After due notice, a petition to intervene by Long Island Lighting Co. was filed in Docket Nos. CI66-1311 and CI67-18, in the matter of the applications filed June 15, 1966, and July 6, 1966, respectively, in said dockets. The petition to intervene has been withdrawn and no other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on September 14, 1966, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-3699, G-9849, G-11104, G-12015, G-12690, G-18333, G-19166, CI61-742, CI61-1122, CI61-1157, CI62-699, CI62-1067, CI62-1322, CI63-698, and CI66-912 should be amended as hereinafter ordered and conditioned.

[1] Consolidated with Docket No. AR64-2, et al.

[2] Consolidated with Docket No. AR64-1, et al.

[3] Consolidated with Docket No. AR61-1, et al.

[4] In its certificate application in Docket No. CI61-1157 Applicant expressed its intention to file a bond to assure the total refund from the date the increased rate of its assignor became effective subject to refund; however, the bond submitted refers only to amounts collected by Applicant subject to refund.

[5] Consolidated with the proceeding on the order to show cause issued Aug. 5, 1965, in Docket No. AR61-1, et al.

[6] Supra.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificates*
G–13167	CI67–20
G–18037	CI67–21
G–19109	CI66–1274
G–19145	CI66–1275
CI61–128	CI66–1276
CI61–406	CI67–18
CI61–425	CI67–18
CI61–989	CI67–72
CI63–318	CI66–1277
CI63–1429	CI67–100
CI64–781	CI66–1311
CI64–1010	CI67–16

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding in Docket No. RI66–333 should be terminated only with respect to Texaco, Inc., FPC Gas Rate Schedule No. 212.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Atlantic Richfield Co. should be co-respondent in the proceeding pending in Docket No. RI62–23, that the proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Atlantic Richfield Co. in said proceeding should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that George R. Brown (Operator), et al., should be substituted in lieu of Herman Brown Estate as respondent in the proceeding pending in Docket No. G–17314 and the proceeding should be redesignated accordingly.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Petroleum Corporation of Texas (Operator), et al., should be co-respondent in the proceeding pending in Docket No. RI60–13, that said proceeding should be redesignated accordingly, and that the surety bond submitted by Petroleum Corporation of Texas in said proceeding should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Cenard Oil & Gas Co. should be co-respondent in the proceedings pending in Docket Nos. RI64–469, RI64–471, and RI64–473, that the proceedings should be redesignated accordingly, and that the agreements and undertakings submitted by Cenard in said proceedings should be accepted for filing.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Cenard Oil & Gas Co. should be co-respondent in the proceeding pending in Docket No. RI64–355; that the proceeding should be redesignated accordingly; that the rates, charges, and classifications set forth in Supplement No. 2 to J. Glenn Turner, et al., FPC Gas Rate Schedule No. 8 should be effective subject to refund in Docket No. RI64–355 as of June 14, 1966, with respect to sales from the interests assigned to Cenard; and that the agreement and undertaking submitted by Cenard should be accepted for filing.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Valor Production Co. should be co-respondent in the proceeding pending in Docket No. RI65–464, that the proceeding should be redesignated accordingly and that Valor Production Co. should be required to file an agreement and undertaking in said proceeding.

(16) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Herman Geo. Kaiser (Operator), et al., should be co-respondent in the proceeding pending in Docket No. RI65–475, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Kaiser should be accepted for filing.

(17) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that A. L. Abercrombie, Inc. (Agent), should be co-respondent in the proceeding pending in Docket No. RI64–160, that the proceeding should be redesignated accordingly, and that A. L. Abercrombie, Inc. (Agent), should be required to file an agreement and undertaking in said proceeding.

(18) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provision in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 4 and 20 in the attached tabulation.

(E) Applicant in Docket No. CI61–1157 shall submit supplements to its FPC Gas Rate Schedule Nos. 28 and 29 to reflect any reduction necessary to bring the rate into conformity with the applicable base area rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, within 30 days from the date of this order. In view of the stay of the effectiveness of certain of the requirements of Opinion Nos. 468 and 468–A, any filing, if acceptable, will be accepted for informational purposes only.

(F) Applicant in Docket No. CI61–1157 shall file a refund report as required by paragraph (I) of Opinion No. 468.

(G) Within 45 days from the date of this order Applicants in Docket Nos. CI61–1157 and CI66–1267 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(H) Any rate collected on or after September 1, 1965, by Applicant in Docket No. CI61–1157 in excess of the applicable area rates set forth in paragraphs (A) and (B) of Opinion No. 468, as modified by Opinion No. 468–A, shall be subject to refund under the conditions prescribed in paragraph (D) of Opinion No. 468.

(I) Certificates are issued herein in Docket Nos. CI66–1139 and CI67–95 authorizing Applicants to continue the sales being rendered on June 7, 1954.

(J) The initial rate for the sale authorized in Docket No. CI67–67, for gas attributable to acreage in Dewey County, Okla., shall be 15.0 cents per Mcf at 14.65 p.s.i.a., subject to B.t.u. adjustment; further, the acceptance of the related rate schedule is contingent upon Applicant submitting a revised billing statement reflecting said rate for the sale in Dewey County.

(K) A certificate is issued herein in Docket No. CI67–97 and the acceptance of the related rate schedule is contingent upon Applicant submitting a billing statement.

(L) The certificates heretofore issued in Docket Nos. G–12690, CI61–742, and CI66–912 are amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(M) The authorization granted in paragraph (L) above in Docket No. CI61–742, involving the sale of gas by Anadarko Production Co., to its parent, Panhandle Eastern Pipe Line Co., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(N) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificates*
G–13167	CI67–20
G–18037	CI67–21
G–19109	CI66–1274
G–19145	CI66–1275
CI61–128	CI66–1276
CI61–406	CI67–18
CI61–425	CI67–18
CI61–989	CI67–72
CI63–318	CI–1277 [6]
CI63–1429	CI67–100
CI64–781	CI66–1311
CI64–1010	CI67–16

[6] The rate for sales made from acreage subject to Supplement No. 4 to Cenard Oil & Gas Co. FPC Gas Rate Schedule No. 7 and pursuant to Supplement No. 1 to said Supplement No. 4 shall be 13.0 cents per Mcf at 15.025 p.s.i.a., including 1.0 cent per Mcf minimum guarantee for liquids, as provided by the temporary certificate issued November 5, 1964, in Docket No. CI63–318 to Frank A. Schultz, et al. Sales made from acreage subject to Supplement Nos. 1 through 3 shall be at a rate of 14.0 cents per Mcf and sales made from acreage subject to Suplement Nos. 4 through 9 shall be at a rate of 13.0 cents per Mcf, with both rates including 1.0 cent per Mcf minimum guarantee for liquids.

(O) The certificates heretofore issued in Docket Nos. G–9849 and G–11104 are amended to reflect Lenore M. Deem as agent in lieu of W. H. Mossor.

(P) The certificates heretofore issued in Docket Nos. G–3699, G–12015, G–18333, G–19166, CI61–1122, CI61–1157, CI62–699, CI62–1067, CI62–1322, and CI63–698 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(Q) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications are granted.

(R) Permission and approval of the abandonment of service by Applicant in Docket No. CI66–1232 shall be effective only after (1) Applicant completes arrangements for the sale of the same quantity of gas to Consolidated Gas Supply Corp., (2) Applicant is authorized by the Commission to sell gas to Consolidated Gas Supply Corp., and (3) deliveries of gas to Consolidated Gas Supply Corp. commence.

(S) Permission and approval of the abandonment of service by Applicant in Docket No. CI67–99 is granted and the related certificate in Docket No. G–3577 is terminated only insofar as it relates to sales covered by Supplement No. 2 to FPC Gas Rate Schedule No. 8.

(T) The certificates heretofore issued in Docket Nos. G–5960, G–15021, G–19168, G–19169, G–19170, CI–60–70, CI60–240, CI60–251, CI61–544, CI61–1497, and CI62–692 are terminated.

(U) The rate suspension proceeding in Docket No. RI66–333 is terminated only with respect to Texaco, Inc., FPC Gas Rate Schedule No. 212.

(V) Atlantic Richfield Co. shall be co-respondent in the proceeding pending in Docket No. RI62–23, the proceeding is redesignated accordingly,[7] and the agreement and undertaking submitted by Atlantic Richfield Co. in said proceeding is accepted for filing.

(W) George R. Brown (Operator), et al., is substituted in lieu of Herman Brown Estate as respondent in the proceeding pending in Docket No. G–17314 and the proceeding is redesignated accordingly.[8]

(X) Petroleum Corporation of Texas (Operator), et al., shall be co-respondent in the proceeding pending in Docket No. RI60–13, the proceeding is redesignated accordingly,[9] and the surety bond submitted by Petroleum Corporation of Texas in said proceeding is accepted for filing.

(Y) Cenard Oil & Gas Co., shall be co-respondent in the proceedings pending in Docket Nos. RI64–469, RI64–471, and RI64–473, the proceedings are redesignated accordingly,[10] and the agreements and undertakings submitted by Cenard in said proceedings are accepted for filing.

(Z) Cenard Oil & Gas Co. shall be co-respondent in the proceeding pending in Docket No. RI64–355; the proceeding is redesignated accordingly;[11] the rates, charges, and classifications set forth in Supplement No. 2 to J. Glenn Turner, et al., FPC Gas Rate Schedule No. 8 shall be effective subject to refund as of June 14, 1966, with respect to sales made by Cenard pursuant to its FPC Gas Rate Schedule No. 6; and the agreement and undertaking submitted by Cenard is accepted for filing. Said effective rate shall be charged and collected as of the effective date, subject to any future orders of the Commission in Docket No. RI64–355.

(AA) Valor Production Co. shall be co-respondent in the proceeding pending in Docket No. RI65–464 and the proceeding is redesignated accordingly.[12]

(BB) Within 30 days from the issuance of this order Valor Production Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI65–464 to assure the refund, together with interest at the rate of 7 percent per annum, of any amount collected by it in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(CC) Herman Geo. Kaiser (Operator), et al., shall be co-respondent in the proceeding pending in Docket No. RI65–475; said proceeding is redesignated accordingly;[13] and the agreement and undertaking submitted by Kaiser in said proceeding to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable for sales made pursuant to his FPC Gas Rate Schedule Nos. 3 and 4 is accepted for filing.

(DD) A. L. Abercrombie, Inc. (Agent), shall be co-respondent in the proceeding pending in Docket No. RI64–160 with respect to sales from properties acquired from Panhandle Development Co., Inc., and heretofore subject to the latter's FPC Gas Rate Schedule No. 8, and the proceeding is redesignated accordingly.[14]

[7] Mel Dar Corp. and Atlantic Richfield Co.
[8] George R. Brown (Operator), et al.
[9] Husky Oil Co., Haynes & V. T. Drilling Co. (Operator), et al., Reserve Oil & Gas Co., and Petroleum Corporation of Texas (Operator), et al.
[10] Docket No. RI64–469, Frank A. Schultz, et al., and Cenard Oil & Gas Co.; Docket No. RI64–471, J. Glenn Turner and Cenard Oil & Gas Co.; Docket No. RI64–473, William G. Webb and Cenard Oil & Gas Co.
[11] J. Glenn Turner, et al., and Cenard Oil & Gas Co.
[12] Tenneco Oil Co. (Operator), et al., and Valor Production Co.
[13] Shell Oil Co., Cabot Corp., (SW) (Operator), et al., and Herman Geo. Kaiser (Operator), et al.
[14] Panhandle Development Co., Inc. (Operator), et al., A. L. Abercrombie (Operator), et al., and A. L. Abercrombie, Inc. (Agent).

(EE) Within 30 days from the issuance of this order A. L. Abercrombie, Inc. (Agent), shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket RI64–160 to assure the total refund, together with interest at the rate of 7 percent per annum, of all amounts collected by Abercrombie or its predecessors in excess of the amount determined to be just and reasonable in said proceeding insofar as said proceeding pertains to sales made pursuant to the contract herein designated as Abercrombie's FPC Gas Rate Schedule No. 19. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(FF) Atlantic Richfield Co., Valor Production Co., and Herman Geo. Kaiser (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by them in Docket Nos. RI62–23, RI65–464, and RI65–475, respectively, shall remain in full force and effect until discharged by the Commission.

(GG) Petroleum Corporation of Texas (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bond filed by it in Docket No. RI60–13 shall remain in full force and effect until discharged by the Commission.

(HH) Cenard Oil & Gas Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings submitted by Cenard in Docket Nos. RI64–355, RI64–469, RI64–471, and RI64–473 shall remain in full force and effect until discharged by the Commission.

(II) A. L. Abercrombie, Inc. (Agent), shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Abercrombie in Docket No. RI64–160 with respect to sales made pursuant to its FPC Gas Rate Schedule No. 19 shall remain in full force and effect until discharged by the Commission.

(JJ) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–3699 ..... E 6–2–66 [1]	Atlantic Richfield Co. (successor to Mel Dar Corp.).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Mustang Island Field, Nueces County, Tex.	Mel Dar Corp., FPC GRS No. 1.	303	.....
			Supplement Nos. 1–4	303	1–4
			Notice of succession 5–10–66.		
			Assignment 6–17–66 [2]	303	5
			Effective date: 2–1–66		
G–9849 ..... 5–18–66 [3] [4]	Lenore M. Deem, agent for Lamp Oil & Gas Co.	Consolidated Gas Supply Corp., McKim District, Pleasants County, W. Va.	Contract 4–19–56 [5]	1	.....
G–11104 ..... 5–18–66 [3] [4]	do	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	Contract 9–14–56 [5]	2	.....
G–12015 ..... E 6–13–66	George R. Brown (Operator), et al. (successor to Herman Brown Estate).	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	Herman Brown Estate, FPC GRS No. 5.	17	.....
			Supplement Nos. 1–2	17	1–2
			Notice of succession 6–10–66.		
			Assignment 12–30–64 [2]	17	3
			Effective date: 12–31–64		
G–12690 ..... C 6–22–66 [3]	Phillips Petroleum Co.	Northern Natural Gas Co., East Hansford Area, Hansford County, Tex.	Amendment 5–19–66 [3]	294	16
G–18333 ..... E 3–25–66	Howard C. Roush d.b.a. Roush Machine Co. (Operator), et al. (successor to Helmerich & Payne, Inc. (Operator), et al.).	Cities Service Gas Co., Tryon Field, Lincoln County, Okla.	Helmerich & Payne, Inc. (Operator), et al., FPC GRS No. 35.	1	.....
			Supplement Nos. 1–2	1	1–2
			Notice of succession 3–3–66.		
			Assignment 3–10–65	1	3
			Effective date: 3–10–65		
G–19166 ..... E 6–13–66	Livingston Oil Co., (Operator), et al. (successor to Toto Gas Co. (Operator), et al.).	Wunderlich Development Co., acreage in Kay County, Okla.	Toto Gas Co. (Operator) et al., FPC GRS No. 4.	19	.....
			Notice of succession (undated).		
			Conveyance 7–27–64 [7]	19	1
			Conveyance 7–29–64 [8]	19	2
			Effective date: 5–1–64		
CI61–742 [9] ..... C 7–22–65 [4]	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Stevens County, Kans.	Statement (undated) [10]	32	2
CI61–1122 ..... E 6–13–66	Livingston Oil Co., (successor to Toto Gas Co.).	Cities Service Gas Co., Lucien Field, Noble County, Okla.	Toto Gas Co., FPC GRS No. 9.	20	.....
			Notice of succession (undated).		
			Conveyance 7–27–64 [7]	20	1
			Conveyance 7–29–64 [8]	20	2
			Effective date: 5–1–65		
CI61–1157 ..... E 5–16–66	Petroleum Corp. of Texas (Operator), et al. (successor to Haynes & V. T. Drilling Co. (Operator), et al.).	El Paso Natural Gas Co., Jalmat and Langlie-Mattix Fields, Lea County, N. Mex.	Haynes & V. T. Drilling Co. (Operator), et al., FPC GRS No. 4.	24	.....
			Supplement Nos. 1–5	24	1–5
			Notice of succession 5–12–66.		
			Assignment 5–1–61 [11]	24	6
			Assignment 7–23–65 [12]	24	7
			Assignment 8–12–65 [13] [14]	24	8
	do	do	Haynes & V. T. Drilling Co. (Operator), et al., FPC GRS No. 5.	25	.....
			Supplement Nos. 1–5	25	1–5
			Notice of succession 5–12–66.		
			Assignment 5–1–61 [11]	25	6
			Assignment 7–23–65 [12]	25	7
			Assignment 8–12–65 [13] [14]	25	8
	do	do	Haynes & V. T. Drilling Co. (Operator), et al., FPC GRS No. 6.	26	.....
			Supplement Nos. 1–5	26	1–5
			Notice of succession 5–12–66.		
			Assignment 5–1–61 [11]	26	6
			Assignment 7–23–65 [12]	26	7
			Assignment 8–12–65 [13] [14]	26	8
	do	do	Haynes & V. T. Drilling Co. (Operator), et al., FPC GRS Nos. 7.	27	.....
			Supplement Nos. 1–5	27	1–5
			Notice of succession 5–12–66.		
			Assignment 5–1–61 [11]	27	6
			Assignment 7–23–65 [12]	27	7
			Assignment 8–12–65 [13] [14]	27	8

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
A CI66–1275 ..... (G–19143) F 6–14–66	Cenard Oil & Gas Co. (successor to J. Glenn Turner).	do	Contract 7–27–59 [3]	5	1
			Supplemental agreement 1–6–60.	5	2
			Supplemental agreement 4–29–66 [3]	5	3
			Assignment 4–29–66 [3]	5	4
			Assignment 4–29–66 [3]	5	5
A CI66–1276 ..... (CI61–129) F 6–14–66	Cenard Oil & Gas Co. (successor to J. Glenn Turner, et al.)	Brooks Gas Corp., Brooks Field, Irion County, Tex.	Contract 6–1–60 [17]	6	.....
			Supplemental agreement 7–5–60.	6	1
			Assignment 4–29–66 [3]	6	2
			Assignment 4–29–66 [3]	6	3
A CI66–1277 ..... (CI63–318) F 6–14–66	Cenard Oil & Gas Co. (successor to Frank A. Schultz, et al.).	El Paso Natural Gas Co., Blanco Mesa Verde and Basin Dakota Gas Pools, San Juan and Rio Arriba Counties, N. Mex.	Effective date: 6–1–66.	7	.....
			Contract 7–27–62 [3]	7	1
			Supplement agreement 12–23–63.	7	2
			Supplement agreement 11–22–62.	7	3
			Supplement agreement 9–4–63.	7	4
			Supplement agreement 12–23–63.	7	5
			Supplement agreement 11–14–64.	7	6
			Supplement agreement 9–25–64.	7	7
			Supplement agreement 12–14–64.	7	8
			Supplement agreement 12–31–64.	7	9
			Supplement agreement 2–24–66.	7	10
			Assignment 4–29–66 [3]	7	11
			Assignment 4–29–66 [3]	7	
			Effective date: 6–1–66.	15	
		Michigan Wisconsin Pipe Line Co., Jeanerette Field, St. Mary Parish, La.	Contract 12–17–63 [3].	15	1
			Letter agreement 12–17–63 [3]	15	2
			Amendment 2–18–64 [3]	15	3
			Letter agreement 2–15–64 [3]	15	4
			Letter agreement 2–15–64 [3]	15	5
			Assignment 1–30–66 [17]	15	6
			Effective date: 5–1–66		
CI66–1319 ..... (G–19169) B 6–13–66 [3]	Livingston Oil Co. (Operator), et al. (successor to Toto Gas Co. (Operator), et al.).	Wunderlich Development Co., acreage in Kay County, Okla.	Notice of cancellation (undated) [3] [18]	2	3
CI66–1220 ..... (G–19166) B 6–13–66 [3]	do	do	Notice of cancellation (Undated) [3] [18]	3	2
CI66–1221 ..... (G–19170) B 6–13–66 [3]	do	do	do	5	2
CI66–1222 ..... (CI60–240) B 6–13–66 [3]	do	do	do	6	1
CI66–1324 ..... (CI61–251) B 6–13–66 [3]	do	do	do	7	1
CI66–1324 ..... (CI61–1497) B 6–13–66 [3]	do	do	do	8	1
CI66–1325 ..... (CI61–1497) B 6–13–66 [3]	Livingston Oil Co. (successor to Toto Gas Co.).	Cities Service Gas Co., acreage in Noble County, Okla.	do	11	3

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI61–1157 ..... E 5–16–66	do	do	Haynes & V. T. Drilling Co. (Operator), et al., FPC GRS No. 8.	28	.....
			Supplement Nos. 1–5	28	1–5
			Notice of succession 5–12–66.		
			Assignment 5–1–61 [11]	28	6
			Assignment 7–23–65 [12]	28	7
			Assignment 8–12–65 [13] [14]	28	8
	do	do	Haynes & V. T. Drilling Co. (Operator), et al., FPC GRS No. 9.	29	.....
			Supplement Nos. 1–5	29	1–5
			Notice of succession 5–12–66.		
			Assignment 5–1–61 [11]	29	6
			Assignment 7–23–65 [12]	29	7
			Assignment 8–12–65 [13] [14]	29	8
CI62–999 ..... E 6–13–66	Livingston Oil Co. (successor to Toto Gas Co. (Operator), et al.).	Wunderlich Development Co., acreage in Kay County, Okla.	Toto Gas Co. (Operator), et al., FPC GRS No. 14.	21	.....
			Notice of succession (undated).		
			Conveyance 7–27–64 [7]	21	1
			Conveyance 7–29–64 [8]	21	2
			Effective date: 5–1–64		
CI62–1067 ..... E 6–13–66	Livingston Oil Co. (successor to Toto Gas Co.).	Cities Service Gas Co., Lucien Field, Noble County, Okla.	Toto Gas Co., FPC GRS No. 1.	22	.....
			Supplement No. 1.	22	1
			Notice of succession (Undated).		
			Conveyance 7–27–64 [7]	22	1
			Conveyance 7–29–64 [8]	22	2
			Effective date: 5–1–64		
CI62–1322 ..... E 6–13–66	Livingston Oil Co. (successor to Toto Gas Co. (Operator), et al.).	Wunderlich Development Co., Southwest Antioch Field, Kay County, Okla.	Toto Gas Co. (Operator), et al., FPC GRS No. 13.	23	.....
			Notice of succession (undated).		
			Conveyance 7–27–64 [7]	23	1
			Conveyance 7–29–64 [8]	23	2
			Effective date: 5–1–64		
CI63–998 ..... E 6–13–66	Livingston Oil Co., (successor to Toto Gas Co.).	Wunderlich Development Co., North Lease, Kay County, Okla.	Toto Gas Co., FPC GRS No. 11.	24	.....
			Notice of succession (undated).		
			Conveyance 7–27–64 [7]	24	1
			Conveyance 7–29–64 [8]	24	2
			Effective date: 5–1–64		
CI66–912 ..... C 7–22–66 [4]	Banquete Gas Co., a division of Consolidated Oil Corp.	United Gas Pipe Line Co., Agua Dulce Field, Nueces and Kleberg Counties, Tex.	Amendment 7–15–66 [3]	4	3
CI66–1130 ..... A 5–17–66 [3] [19]	Kanran Gas Co.	Consolidated Gas Supply Corp., Sherman District, Boone County, W. Va.	Contract 10–4–57	1	.....
			Supplemental agreement 12–22–47 [3]	1	1
			Letter agreement 8–10–53 [3]	1	2
CI66–1140 ..... A 5–16–66 [3]	J. A. LaFortune	Cities Service Gas Co., South Bishop Area, Bee County, Okla.	Ratified agreement 8–1–66.	2	.....
CI66–1232 ..... (G–5960) B 6–1–66	Ohmar Oil Co.	H. E. Long et al., Trustee, d.b.a. Penova Interests, acreage in Calhoun and Ritchie Counties, W. Va.	Contract 10–26–64 [3] Notice of cancellation 6–23–66 [3]	2	1
				3	1
A CI66–1274 ..... (G–19109) F 6–14–66	Cenard Oil & Gas Co. (successor to William G. Webb).	El Paso Natural Gas Co., Blanco Mesa Verde and Basin Dakota Gas Pools, San Juan and Rio Arriba Counties, N. Mex.	Contract 7–24–59 [3]	4	.....
			Supplemental agreement 6–6–63.	4	1
			Assignment 4–29–66 [3]	4	2
			Assignment 4–29–66 [3]	4	3
			Effective date: 5–1–66.	4	4

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		Description and date of document	FPC rate schedule to be accepted	
			No.	Supp.		No.	Supp.
C166-1326 (C162-992) B 6-13-66 [a] A 6-17-66	do	United Gas Pipe Line Co., Beckwith Creek Field, Calcasieu Parish, La.	13	1	Contract 7-1-66	209	
A C167-18 (C161-1010) F 6-20-66	Mobil Oil Corp	Northern Natural Gas Co., Gatelake and Northeast Buffalo Field, Harper County, Okla.	1	1	Contract 7-6-66 [4]	288	
A C167-19 (C161-405) A 7-26-66 [4]	Estate of T. H. McElvain, et al.	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	261	1	Contract 7-14-66 [4]	14	
A C167-92 (C161-425) A 7-27-66 [10]	Union Oil Co. of California.	United Fuel Gas Co., Hackett Lake Field, Cameron Parish, La.	261	3	Contract 6-30-66 [12]	168	
C167-95 A 7-25-66 [14]	K. M. Ayers, et al. d/b/a Bakkrap Gas Co.	Equitable Gas Co., Otter District, Braxton County, W. Va.	2	1	Contract 7-27-51	1	
C167-96 A 7- -66 [4]	Texaco, Inc	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., West Jennings Field, Zapata County, Tex.	4	1	Contract 7-1-66, Agreement 7-1-66 [4]	273	1
C167-97 A 7-25-66 [10]	E. G. Rodman	Northern Natural Gas Co., acreage in Woodward County, Okla.	4	1	Contract 6-7-66 [4]	7	
C167-99 (G-3577) [15] B 7-25-66 A C167-100 (C163-1429) F 7-1-66 [16]	Mid-Atlantic Oil & Gas Co.	Consolidated Gas Supply Corp., Big Run District, Barbour County, W. Va.	315		Notice of cancellation 7-18-66 [17]	8	8
	Cenard Oil & Gas Co. (successor to Mike Abraham).	El Paso Natural Gas Co., Tapacito Fleetured Area, San Patricio County, Tex.	6		Contract 5-6-63 [17] Supplemental agreement 6-1-66	5	1
					Assignment 3-10-66 [18] Assignment 6-10-66 [19] Effective date: 9-1-66.	6	2

[1] Applicant filed its application in Docket No. G-19614.
[2] Transfers properties from Mel Dar Corp. to Atlantic Richfield Co.
[3] Amendment to the certificate to replace Lenore M. Deem as agent in lieu of W. H. Mosser.
[4] Filed May 1966, moratorium date pursuant to Commission's statement of general policy No. 61-1, as amended.
[5] Effective date: Date of initial delivery or 30 days after filing of agreement, whichever is later.
[6] Conveys Herman Brown Estate interest to George R. Brown (Operator), et al.
[7] Conveys Toto Gas Co.'s interest to Hawk Oil Co.
[8] Conveys interest from Hawk Oil Co to Livingston Oil Co.
[9] Includes increased rates and charges above the rate of the Chase Group.
[10] States that gas will be produced from the base of the Chase Group of the Permian System on the top of the Morrowan series.
[11] From Haynes & Y. T. Drilling Co. to White Sands Oil & Gas Corp.
[12] From White Sands Oil & Gas Corp. to Permian Charitable Foundation of Midland Tex., Inc.
[13] From Permian Charitable Foundation of Midland, Tex., Inc., to Petroleum Corp. of Texas.
[14] Effective date: Date of transfer of properties.
[15] Now Banquete Gas Co., a division of Crestmont Oil & Gas Co.
[16] Covers gas produced by Tarpon Management Co., agent for Jenney Manufacturing Co.
[17] Rate being refunded on June 7, 1964.
[18] Filed Aug. 4, 1966, establishes jurisdictional status of Kanran.
[19] Filed Aug. 4, 1966, establishes price at 20.0 cents per Mcf.
[20] July 1, 1967, moratorium date pursuant to Commission's statement of general policy No. 61-1, as amended.
[21] To sell gas directly to Consolidated Gas Supply Corp. and eliminate intermediate buyer. Effective date: Date initial delivery of gas to Consolidated Gas Supply Corp.
[22] Partial assignment of gas to Consolidated Gas Supply Corp.
[23] From El Paso Natural Gas Co. to Mike Abraham.
[24] From William G. Webb to Rock Creek Corp. (Webb's interest in subject acreage was covered under William G. Webb FPC GR8 No. 3).
[25] From Rock Creek Corp. to Cenard Oil & Gas Co.
[26] From Jack Glenn Turner to Rock Creek Corp. (Turner's interest in subject acreage was covered under J. Glenn Turner FPC GR8 No. 7).
[27] Between Brooks Gas Corp. and J. Glenn Turner, et al. Brooks' resale is to Northern Natural Gas Co.
[28] From J. Glenn Turner, et al., to Rock Creek Corp. (assigns subject acreage which was under J. Glenn Turner, et al., FPC G R8 No. 8).

See footnotes at end of table.

[29] Between El Paso Natural Gas Co. and Frank A. Schultz, et al.
[30] From J. Glenn Turner and William G. Webb to Rock Creek Corp. (Turner and Webb's interest in subject acreage was covered by Frank A. Schultz, et al., FPC GR8 No. 8).
[31] Basic Contract between the Atlantic Refining Co. and American Louisiana Pipe Line Co., designated as the Atlantic Richfield Co. FPC GR8 No. 284.
[32] Agreement as to the amount of reserves dedicated under contract.
[33] Changes depth limitation as provided for in original contract.
[34] Atlantic's willingness to accept a permanent certificate with certain conditions attached.
[35] Verification of recoverable reserves to be 414,400 MMcf.
[36] Specifies reservoirs which are excluded from dedication under the contract.
[37] Assigns Atlantic's interest in certain acreage in Jeanerette Field, St. Mary Parish to J. P. Owen.
[38] Abandons service previously certificated to Toto Gas Co.
[39] Source of gas depleted.
[40] Effective date: Date of this order.
[41] Basic Contract between Coastal States Gas Producing Co., et al., as buyers and Tenneco Oil Co., as sellers; on file as Tenneco Oil Co. (Operator), et al., FPC GR8 No. 88.
[42] Tenneco Oil Co. assigns property down to and including but not below deepest producing horizon.
[43] Contract between Richardson and Bass, et al., as sellers and Southern Natural, as buyer; on file as Perry R. Bass (Operator), et al., FPC GR8 No. 9.
[44] Contract between Humble Oil & Refining Co., as seller and Southern Natural, as buyer; on file as Humble Oil & Refining Co. FPC GR8 No. 247.
[45] Transfers properties from Richardson and Bass, et al., to Mississippi River Fuel Corp.
[46] Transfers properties from Mississippi River Fuel Corp. and Humble Oil & Refining Co. to Union Producing Co.
[47] Conveys interest from Shell Oil Co. to Herman Geo. Kaiser; Shell's FPC GR8 Nos. 161 and 198, respectively.
[48] Amendment to the application to reflect 17.0 cents for acreage in Ellis and Woodward Counties and 15.0 cents for acreage in Dewey County.
[49] Assigns overriking royalty interests from Panhandle Development Co., Inc., to Applicant.
[50] Provides for a Life-of-Lease term.
[51] Rate increase to 15.5 cents suspended in Docket No. RI66-333 until Sept. 9, 1966, therefore, the rate proceeding in said docket will be terminated only with respect to Texaco Inc., FPC GR8 No. 212.
[52] Dedicates acreage at depths below 3,400 feet.
[53] Provides for the purchase of casinghead gas and gas well gas; lease provides for a depth limitation of 8,400 feet; and provides for Columbian Gulf Transmission Co. to transport the gas to United Fuel.
[54] Provides for Gulf Resources, Inc., to gather and transport the gas to Tennessee in the Zim Field, Starr County, Tex.
[55] Other sales authorized in Docket No. G-3577, therefore, said certificate will be terminated only as it pertains to sales formerly made under FPC GR8 No. 8.
[56] Application to amend certificate for complete succession in Docket No. CI63-1429 assigned Docket No. CI67-100 for the partial succession.
[57] Between Mike Abraham and El Paso; on file as Mike Abraham FPC GR8 No. 3.
[58] From Mike Abraham to Rock Creek Corp.

[F.R. Doc. 66-10454; Filed, Sept. 26, 1966; 8:45 a.m.]

[Docket No. CP66-336]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Postponement of Hearing

SEPTEMBER 20, 1966.

Upon consideration of the motion filed on September 14, 1966, by the city of Corinth, Miss., and the answer thereto filed on September 16, 1966, by Alabama-Tennessee Natural Gas Co.;

Notice is hereby given that the hearing presently scheduled to commence on September 27, 1966, is postponed to November 29, 1966, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-10510; Filed, Sept. 26, 1966; 8:45 a.m.]

[Docket No. CP67-62]

CITY OF CORINTH, MISS., AND TENNESSEE GAS PIPE LINE CO.

Notice of Application

SEPTEMBER 20, 1966.

Take notice that on September 13, 1966, the city of Corinth, Miss. (Applicant), filed in Docket No. CP67-62 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Pipe Line Co. (Respondent) to establish physical connection of its transmission facilities with the distribution system of Applicant and to sell and deliver to Applicant volumes of natural gas for resale in Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in 1951 when it built its distribution system it commenced its purchase of natural gas from Alabama-Tennessee Natural Gas Co. (Alabama-Tennessee) whose main line, 4 miles distant from Applicant, was the nearest source of supply. Since that time Respondent has constructed its Kinder-Portland line, which is within 1 mile of Applicant's city limits. Applicant states further that its estimated heating requirements for the heating season of 1966–1967 are 5,200 Mcf per day, and are projected to be 5,550 Mcf per day for the heating season of 1970–1971. Presently Applicant is supplied a maximum of 3,850 Mcf per day by Alabama-Tennessee. Specifically, Applicant requests that the additional volumes of natural gas, 1,700 Mcf per day for the heating season of 1966–1967, be sold and delivered to it by Respondent.

The estimated cost of Applicant's construction to make physical connection with Respondent is $100,000, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1966.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-10511; Filed, Sept. 26, 1966; 8:45 a.m.]

[Docket No. CP67-63]

CUMBERLAND AND ALLEGHENY GAS CO.

Notice of Application

SEPTEMBER 20, 1966.

Take notice that on September 13, 1966, Cumberland and Allegheny Gas Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP67-63 an application pursuant to section 7(c) of the Natural Gas Act for an order of the Commission authorizing the construction and operation of facilities to transport volumes of natural gas in interstate commerce and the construction and operation of facilities to transport volumes of natural gas for sale to retail customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to construct and operate a main line tap on Transmission Line No. 8000 in McCoole District No. 31, Allegany County, Md. Applicant also seeks authority to construct and operate approximately 2.3 miles of 6-inch gas pipeline which will extend from the above-mentioned tap to a point near Keyser in New Creek District, Mineral County, W. Va., for the purpose of serving the retail natural gas requirements of Keyser Industrial Park and to provide an additional line of supply which will enhance Applicant's ability to provide reliable service to existing and anticipated expanding future requirements of Applicant's distribution system in the area of Keyser, W. Va.

The total estimated cost of the proposed facilities is $98,000 which cost will be financed by the sale of bonds and/or common stock to Applicant's parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 17, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commisson on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-10512; Filed, Sept. 26, 1966; 8:45 a.m.]

[Docket No. E-7311]

IOWA POWER AND LIGHT CO.

Notice of Application

SEPTEMBER 21, 1966.

Take notice that on September 15, 1966, Iowa Power and Light Co. (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing it to issue up to $15,000,000 principal amount of short-term promissory notes. Applicant is incorporated under the laws of the State of Iowa, and is authorized to do business in that State with its principal place of business office at Des Moines, Iowa, and is engaged in the electric and gas utility business in central and southwestern, Iowa.

According to the application the notes are to be issued from time to time to commercial banking institutions in principal amounts not exceeding $15,000,000 in the aggregate and renewals thereof. These notes will mature within 180 days from their date of issue and in any event not later than December 31, 1967. The notes will bear interest at the prime rate in effect at the time of issuance.

The Applicant represents that the purpose for which said securities are to be issued is to obtain temporary financing of the Company's construction program through short-term borrowings from commercial banking institutions, pending receipt of proceeds from permanent financing. The principal items in the Applicant's construction program include $5.3 million for four new gas turbine generating units, 15,500 kw each, to be installed in the River Hills substation by June 1, 1967, $1 million to complete the 1966 installation of four similar generating units at the River Hill station, and $600,000 for construction of a 345 kv transmission line from Hills, Iowa, to the Missouri River near Hamburg, Iowa.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1966, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10513; Filed, Sept. 26, 1966; 8:45 a.m.]

[Docket No. CP65-87]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

SEPTEMBER 20, 1966.

Take notice that on September 13, 1966, Panhandle Eastern Pipe Line Co. (Petitioner), 344 Broadway, Kansas City, Mo. 64111, filed in Docket No. CP65-87 a petition to amend the order issued in the instant docket on February 4, 1965, and as amended April 27, 1965, by requesting authorization to export additional volumes of natural gas from the United States to Canada by means of export facilities at a point at the international boundary under the Detroit River near River Rouge, Mich., which facilities were authorized by the order of the Commission in Docket No. G-619 and by the Amended Permit in Docket No. G-10798, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Specifically, Petitioner proposes to export to Union Company of Canada, Ltd., up to an additional 50,000 Mcf per day on an interruptible basis for the months commencing September 1, 1966, and ending April 30, 1967. Petitioner states that these winter deliveries will be completely interruptible on a daily basis and curtailable to the extent of 75 percent of the total seasonal deliveries which are limited to 8,000,000. Petitioner is presently authorized to export up to 15,500,000 Mcf of natural gas per calendar year.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10514; Filed, Sept. 26, 1966; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

ORGANIZATION

Field Service

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

Sector No. 22 of paragraph (d) *Border Patrol Sectors* of § 1.51 *Field Service* is amended to read as follows:

SECTOR NO. 22—MIAMI, FLA.

Jacksonville, Fla.	Tampa, Fla.
Key West, Fla.	West Palm Beach, Fla.
Miami, Fla.	

Dated: September 21, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66-10517; Filed, Sept. 26, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17597]

CIVIL AIR TRANSPORT CO. LTD.

Notice of Further Postponement of Prehearing Conference

Notice is given herewith that the prehearing conference in the above-entitled proceeding, heretofore postponed until September 22, 1966, is again postponed and will now be held before the undersigned Examiner on October 6, 1966, at 10 a.m., e.d.s.t., Room 211, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., September 21, 1966.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 66-10521; Filed, Sept. 26, 1966; 8:46 a.m.]

CIVIL SERVICE COMMISSION

ENGINEERING AND ELECTRONICS TECHNICIANS

Manpower Shortage

Under the provisions of section 7(b) of the Administrative Expenses Act of 1946, as amended, the Civil Service Commission has found, effective September 12, 1966, that there is a nationwide manpower shortage for the positions of Engineering Technician (Mechanical), GS-802-9/12 (limited to Aircraft Launching and Recovery Systems) and Electronics Technician, GS-856-9/12 (limited to Visual Landing Aid Systems—PLAT and FRESNEL).

The appointees to these positions may be paid for the expenses of travel and transportation to their first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-10564; Filed, Sept. 26, 1966; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16576; FCC 66M-1255]

CONNECTICUT RADIO FOUNDATION, INC., AND CONNECTICUT TELEVISION, INC.

Order Regarding Procedural Dates

In re application of Connecticut Radio Foundation, Inc. (Assignor); and Connecticut Television, Inc. (Assignee); Docket No. 16576, File No. BAPCT-370; for assignment of the construction permit of television station WTVU (TV), Channel 59, New Haven, Conn.

The Hearing Examiner having for consideration a motion for indefinite continuance filed by Connecticut Television, Inc., on September 9, 1966, no reply thereto having been filed within the time provided by the Commission's rules;

It appearing, that, as set forth in pleadings now pending, it is unlikely that the above-captioned applications will be prosecuted to final disposition in this hearing, and that no useful purpose would be served by pursuing hearing procedures at this time;

It is ordered, This 21st day of September 1966, that the subject motion is granted, and the procedural dates governing hearing herein are continued pending further order.

Released: September 21, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10533; Filed, Sept. 26, 1966; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1417]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 22, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68558. By order of September 20, 1966, the Transfer Board approved the transfer to Don McAden Co., a corporation, Gordonville, Tex., of the operating rights of Pauline Sheridan Day, doing business as Bob Day Transfer and Storage, Fort Worth, Tex., in certificate No. MC-61609, issued October 15, 1965, authorizing the transportation, over irregular routes, of livestock, between points in Oklahoma and those in Texas within 150 miles of Sherman, Tex., except those in Grayson County, Tex., and of livestock, livestock feedstuffs, and grain, between points in Grayson County, Tex., on the one hand, and, on the other, points in Oklahoma. M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex. 76102, attorney for applicants.

No. MC-FC-69003. By order of September 20, 1966, the Transfer Board on reconsideration, approved the transfer to Eastern Carrier Corp., a corporation, Philadelphia, Pa., of the operating rights in certificate No. MC-105351, issued December 26, 1944, to Clara Miles Schreyer, Frances H. Miles, and Thomas M. Miles, doing business as T. M. Miles Oil Co., Milton, Pa., authorizing the transportation of: Milk and milk products, between specified points in Pennsylvania and New York. Paul A. Levy, 1420 Walnut Street, Philadelphia, Pa. 19102, attorney for applicants.

No. MC-FC-69013. By order of September 20, 1966, the Transfer Board approved the transfer to Evergreen Trucking Co., a corporation, Jewell, Oreg., of the certificate in No. MC-101340 (Sub-No. 1), issued December 12, 1942, to Paul W. Ferneding, Vancouver, Wash., authorizing the transportation of: Rock, sand, gravel, dirt, in dump trucks, and such other bulk commodities as are transported in dump trucks, and can be unloaded by dumping, between points in Clatsop, Columbia, Multnomah, Hood River, Wasco, Sherman, Gilliam, Morrow, and Umatilla Counties, Oreg., and Pacific, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Benton, and Walla Walla Counties, Wash. Earl V. White, 2130 Southwest Fifth Avenue, Portland, Oreg. 97201, attorney for applicants.

No. MC-FC-69020. By order of September 20, 1966, the Transfer Board approved the transfer to W. Howard Pinkett, 517 Gay Street, Denton, Md., of the operating rights in certificates Nos. MC-94180 (Sub-No. 1), MC-94180 (Sub-No. 7), and MC-94180 (Sub-No. 9), issued May 15, 1952, December 27, 1960, and January 17, 1964, respectively, to Matthews Charter Service, Inc., R.F.D. No. 2, Cambridge, Md., authorizing transportation of passengers and their baggage, in charter service, over irregular routes between Cambridge, Md., and points within 25 miles of Cambridge, on the one hand, and, on the other, points in Delaware, New Jersey, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia; and beginning and ending at points in Caroline County, Md., and extending to points in Delaware, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia within 225 miles of Denton, Md.; and, over regular routes, passengers and their baggage in the same vehicle, between Salisbury, Md., and Waterview, Md., and between Salisbury, Md., and junction Maryland Highway 347 and 349, serving all intermediate points.

No. MC-FC-69058. By order of September 20, 1966, the Transfer Board approved the transfer to Don A. Simmons, doing business as A & F Motor Line, 151 South Taylor Street, Ashdown, Ark., of the operating rights of L. A. Simmons, doing business as A & F Motor Lines, Box 244, Ashdown, Ark., in certificates Nos. MC-107348 and MC-107348 (Sub-No. 4), issued May 23, 1956, and March 2, 1964, respectively, authorizing the transportation, over regular routes, of general commodities, except bulk oil, and other articles of value not adapted to ordinary motor vehicle transportation, general commodities, excluding commodities in bulk, household goods, and other specified commodities, general commodities, except household goods and other specified commodities, between specified points in Texas and Arkansas, varying with the commodities transported, and also serving the Millwood Dam Site located near Ashdown, Ark., as an off-route point in connection with carrier's authorized regular route operations, in the transportation of general commodities, excluding household goods, commodities, in bulk, and other specified commodities.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10524; Filed, Sept. 26, 1966; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 22, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40719—*Joint Motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 441), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central States, middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 11 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40720—*Joint Motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 442), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central States, middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 11 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10525; Filed, Sept. 26, 1966; 8:46 a.m.]

[Ex Parte MC-64; General Temp. Order 2]

MOTOR CARRIER SERVICES DUE TO CESSATION OF NORMAL AIR TRANSPORTATION OCCASIONED BY WORK STOPPAGES

Vacation of Temporary Order

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 24th day of August A.D. 1966.

Upon consideration of the record, and of the resumption of normal air transportation:

It is ordered, That General Temporary Order No. 2, entered herein on July 8,

1966, be, and it is hereby, vacated and

10 days after publication of this notice

Interested parties may inspect and ob-

1966, be, and it is hereby, vacated and set aside.

And it is further ordered, That notice of this order shall be given to motor carriers, other parties of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10526; Filed, Sept. 26, 1966; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

NIPPON YUSEN KAISHA AND MICRONESIAN LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edward Shea, Ragan & Mason, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement 9541-1 between Nippon Yusen Kaisha (NYK) and Micronesian Line (ML) would modify the basic transshipment agreement by enlarging the scope of the agreement to include transportation of cargo between U.S. Atlantic and Gulf Coast ports served by NYK and ports in the Trust Territory of the Pacific served by ML under terms and conditions set forth in the agreement.

Dated: September 22, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 66-10522; Filed, Sept. 26, 1966; 8:46 a.m.]

STATES STEAMSHIP CO. AND MICRONESIAN LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

John Mason, Esq., Ragan & Mason, Attorneys at Law, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement 9576, between States Steamship Co. (SSCo) and Micronesian Line (ML) covers the transportation of general cargo under through bills of lading from loading ports of SSCo. on the Pacific Coast of the United States and Hawaii to ports in the Trust Territory of the Pacific served by ML with transshipment at Yokohama and/or Kobe, Japan, under terms and conditions set forth in said agreement.

Dated: September 22, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 66-10523; Filed, Sept. 26, 1966; 8:46 a.m.]

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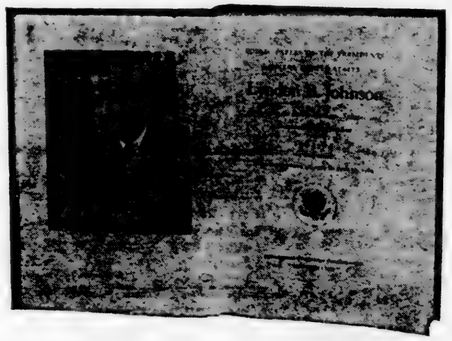
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The *Weekly Compilation of Presidential Documents* began with the issue dated Monday, August 2, 1965. It contains transcripts of the President's news conferences, messages to Congress, public speeches, remarks and statements, and other Presidential material released by the White House up to 5 p.m. of each Friday. This weekly service includes an Index of Contents preceding the text and a Cumulative Index to Prior Issues at the end. Cumulation of this index terminates at the end of each quarter and begins anew with the following issue. Semiannual and annual indexes are published separately.

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FEDERAL REGISTER

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Title 3—THE PRESIDENT

Proclamation 3747

GENERAL PULASKI'S MEMORIAL DAY, 1966

By the President of the United States of America

A Proclamation

This year marks the one hundred and eighty-seventh anniversary of the heroic death of Casimir Pulaski. A Polish patriot in exile, he offered his services to the Continental Army and, in valiant defense of freedom, gave his life to America in our war for independence.

General Pulaski was acclaimed by the Congress and the people for his brilliant military leadership at Brandywine and awarded the rank of brigadier general.

Later, he formed and led an independent corps of cavalry and light infantry known as Pulaski's Legion. He died of wounds received while leading a cavalry charge during the siege of Savannah, Georgia.

In this Millennial Year, as we observe the One Thousandth Anniversary of Polish Nationhood and Culture, it is especially fitting that we again honor the deeds of this gallant Polish soldier who served our Nation in its infancy. In so doing, we acknowledge gratefully the many contributions with which our citizens of Polish heritage have enriched American culture and aided the progress of our Nation.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Tuesday, October 11, 1966, as General Pulaski's Memorial Day; and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day. I also invite the people of the United States to observe the day with appropriate ceremonies in honor of the memory of General Pulaski and his dedication to the defense of liberty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-first day of September in the year of our Lord nineteen hundred and sixty-six and [SEAL] of the Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 66-10626; Filed, Sept. 26, 1966; 2:08 p.m.]

Proclamation 3748

Proclamation 3748

COLUMBUS DAY, 1966

By the President of the United States of America

A Proclamation

There is something of Christopher Columbus in every American. Secure and prosperous as the nation is, it nevertheless retains something of the adventurous spirit which inspired the great mariner to explore the mystery of unknown seas.

We no longer brave the sea in frail wooden ships. We no longer face the hostility of superstitious men convinced the world is flat. Yet not all our frontiers are conquered. The American adventure is not over.

New shores of promise await those who, like Columbus, push on undaunted by the failures of the past or fear of the uncharted future.

Columbus's vision and daring, and that of the courageous men who followed him, brought European civilization to the New World. His conquest of the Atlantic—the "outer space" of the fifteenth century—is as meaningful to Americans of the space age as it was to our forefathers who pushed across the vast expanses of this continent.

Thus we honor Columbus not only as a voyager but also as a symbol of the long tradition of Italian enlightenment. From Galileo to Enrico Fermi, Italians have been in the vanguard of those dedicated to expanding man's knowledge of his universe.

Millions of Americans are bound to Italy by ties of blood, and all Americans are the spiritual heirs of the Italian genius which has enriched the quality of our national life.

As we honor the first Italian-American, we honor all the others who came after.

In recognition of our debt to Columbus, the Congress of the United States, by a joint resolution approved April 30, 1934, requested the President to proclaim October 12 of each year as Columbus Day for the observance of the anniversary of the discovery of America:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Wednesday, October 12, 1966 as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in honor of this great explorer.

I also direct that the flag of the United States be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of September in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

[SEAL]

LYNDON B. JOHNSON,
THE WHITE HOUSE,
September 22, 1966.

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 66-10626; Filed, Sept. 26, 1966; 2:08 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of the Private Secretary to the Deputy Director of Defense Research and Engineering (Research and Technology) is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, § 213.3306 is amended as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: the Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the Deputy Directors of Defense Research and Engineering (Tactical Warfare Programs), (Strategic and Space Systems), (Chemistry and Materials), (Electronics and Information Systems); the Director, Advanced Research Projects Agency; the Assistant Secretaries of Defense (Manpower), (International Security Affairs), (Public Affairs), (Installations and Logistics), (Administration), (Comptroller), and (Systems Analysis); the General Counsel; the Deputy General Counsel; the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–10565; Filed, Sept. 27, 1966; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that the position of Confidential Aide in the Office of the Assistant Secretary for Planning and Policy Development is no longer excepted under Schedule C, and that the position of Confidential Assistant to the Assistant Secretary for Manpower is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER paragraph (a) of § 213.3315 is amended by revoking subparagraph (16) and adding a new subparagraph (25) as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(16) [Revoked].

• • • • • •

(25) One Confidential Assistant to the Assistant Secretary for Manpower.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–10566; Filed, Sept. 27, 1966; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 728—WHEAT

Subpart—Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for Crop Years 1966 Through 1969

MISCELLANEOUS AMENDMENTS

The Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for the Crop Years 1966 Through 1969, as amended, are amended as follows:

1. Section 728.317(b) is amended by redesignating the present subparagraph (6) as subparagraph (7); redesignating the present subparagraph (7) as subparagraph (8); and inserting a new subparagraph (6) to read as follows:

§ 728.317 Determination of preliminary allotments for new farms for 1967 and subsequent crops.

• • • • • •

(b) • • •

(6) The applicant has at least 2 years' experience producing wheat during the past 5 years.

• • • • • •

§ 728.501 [Amended]

2. Section 728.501(b) is amended by changing the period at the end of the next to the last sentence to a semicolon and inserting the following: "*Provided further*, That a producer on a wheat farm meeting the requirements of this sentence shall nevertheless be ineligible for wheat marketing certificates if the measured acreage of wheat exceeds the acreage to which the farm operator certifies under Part 718 of this chapter."

§ 728.502 [Amended]

3. Section 728.502(a)(2) is amended by deleting the words "income-producing crops" in the next to the last sentence and substituting therefor the words "crops for which there are marketing quotas or voluntary adjustment programs in effect."

§ 728.507 [Amended]

4. Section 728.507(b) is amended by deleting the last two words "the farm" and inserting the word "farming".

(Secs. 334, 339(g), 375(b), 379j; 52 Stat. 53, as amended, 66, 76 Stat. 624, 76 Stat. 630; 7 U.S.C. secs. 1334, 1339(g), 1375(b), 1379j)

Effective date. Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 22, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66–10560; Filed, Sept. 27, 1966; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 252—LANDING OF ALIEN CREWMEN

Great Lakes Vessels

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 252.3 is amended to read as follows:

§ 252.3 Great Lakes vessels; special procedures.

(a) *United States vessels.* An immigration examination shall not be required of any crewman aboard a Great Lakes vessel of United States registry arriving at a port of the United States who has been examined by an immigration officer as a member of the crew of the same vessel or of any other vessel of the same company during the current calendar year.

(b) *Canadian or British vessels.* An immigration examination shall not be required of any crewman aboard a Great Lakes vessel of Canadian or British registry arriving at a port of the United

States for a period of less than 29 days who has been examined by an immigration officer as a member of the crew of the same vessel or of any other vessel of the same company during the current calendar year and is either a British or Canadian citizen, or is in possession of a valid Form I–95 previously issued to him as a member of the crew of the same vessel or of any other vessel of the same company, and does not request or require landing privileges in the United States beyond the time the vessel will be in port and will depart with the vessel to Canada.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order confers benefits on persons affected thereby.

Dated: September 22, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66–10563; Filed, Sept. 27, 1966; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Maximum Rates of Interest

1. Effective September 26, 1966, § 217.6 (Supplement to Regulation Q) is amended to read as follows:

§ 217.6 Maximum rates of interest payable on time and savings deposits by member banks.

Pursuant to the provisions of section 19 of the Federal Reserve Act and § 217.3, the Board of Governors of the Federal Reserve System hereby prescribes the following maximum rates[1] of interest payable by member banks of the Federal Reserve System on time and savings deposits:

(a) *Maximum rate of 5½ percent.* No member bank shall pay interest at a rate in excess of 5½ percent per annum on any time deposit of $100,000 or more, subject, however, to the provisions of paragraphs (b)(2) and (c)(1) of this section.

(b) *Maximum rate of 5 percent.* No member bank shall pay interest at a rate in excess of 5 percent per annum (1) on any time deposit of less than $100,000, subject, however, to the provisions of paragraph (c) (1), of this section or (2) on any multiple maturity time deposit that is payable only 90 days or more after the date of deposit or 90 days or more after the last preceding date on which it might have been paid.

(c) *Maximum rate of 4 percent.* No member bank shall pay interest at a rate in excess of 4 percent per annum (1) on any multiple maturity time deposit that is payable less than 90 days after the date of deposit or less than 90 days after the last preceding date on which it might have been paid, or (2) on any savings deposit.

In calculating the rate of interest paid, the effects of compounding of interest may be disregarded. A member bank that elects to compound interest—either at the maximum permissible rate or at a lower rate—shall state the basis of compounding (such as semiannually, quarterly, monthly, weekly, daily, or continuously) in every advertisement, announcement, solicitation, and agreement relating to the rate of interest paid on a deposit.

2a. The purpose of these amendments is to implement the interest-rate legislation signed by the President on September 21, 1966 (H.R. 14026). They reduce from 5½ percent to 5 percent the maximum rate of interest that may be paid on time deposits of less than $100,000 that are received on or after September 26, 1966. ("Time deposit" does not include any deposit that is payable in less than 30 days (§ 217.1).) The amendments also permit member banks slightly greater flexibility in the terms of their deposit contracts and in their operations by authorizing the compounding of interest at the applicable maximum permissible rate on any basis that the member bank may desire to adopt.

b. The requirements of section 553(b), Title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments because the Board found that the general credit situation and the public interest compelled it to make the action effective no later than the date adopted.

(12 U.S.C. 248(i), 371b, and 461)

Dated at Washington, D.C., this 21st day of September 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66–10547; Filed, Sept. 27, 1966; 8:45 a.m.]

[1] The maximum rates of interest payable by member banks of the Federal Reserve System on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an office of a member bank located outside of the States of the United States and the District of Columbia.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1104]

PART 13—PROHIBITED TRADE PRACTICES

Annis-Stanton Co., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 72 Stat. 1717; 15 U.S.C. 45, 1191, 70) [Cease and desist order, Annis-Stanton Co. et al., Los Angeles, Calif., Docket C–1104, Sept. 1, 1966]

In the Matter of Annis-Stanton Co., a Corporation, and David Anisgarten and Alfred Stanton, Individually and as Officers of Said Corporation

Consent order requiring a Los Angeles importer and wholesaler of textile fabrics to cease importing and selling dangerously flammable fabrics, misbranding its textile fiber products, and failing to keep legally required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Annis-Stanton Co., a corporation and its officers, and David Anisgarten and Alfred Stanton, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce, any fabric which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That respondents Annis-Stanton Co., a corporation, and its officers, and David Anisgarten and Alfred Stanton, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing, delivering for introduction, selling, advertising, or offering for sale, in commerce, or transporting or causing to be transported in commerce, or importing into the United States, any textile fiber product; or selling, offering for sale, advertising, delivering, transporting, or causing to be transported, any textile fiber product which has been advertised or offered for sale in commerce; or selling, offering for sale, advertising, delivering, transporting, or causing to be transported, after shipment in commerce, any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act;

1. Which is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein.

2. Unless each such product has securely affixed thereto a label showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Annis-Stanton Co., a corporation, and its officers, and David Anisgarten and Alfred Stanton, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from failing to keep such records when substituting a stamp, tag, label, or other identification pursuant to section 5(b) as would show the information set forth on the stamp, tag, label, or other identification that was removed, and the name or names of the person or persons from whom such textile fiber product was received.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 1, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66–10548; Filed, Sept. 27, 1966; 8:45 a.m.]

[Docket No. C–1102]

PART 13—PROHIBITED TRADE PRACTICES

Colorama Textile Corp., et al.

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Colorama Textile Corp., et al., New York, N.Y., Docket C–1102, Aug. 25, 1966]

In the Matter of Colorama Textile Corp., a Corporation, and Alan N. London, and Frank Dickstein, Individually and as Officers of Said Corporation

Consent order requiring a New York City converter of piece goods to cease misbranding various fabrics which it markets in violation of the Textile Fiber Products Identification Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Colorama Textile Corp., a corporation, and its officers, and Alan N. London and Frank Dickstein, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by failing to affix a stamp, tag, label, or other means of identification to each such product showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 25, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66–10549; Filed, Sept. 27, 1966; 8:45 a.m.]

[Docket No. C–1103]

PART 13—PROHIBITED TRADE PRACTICES

Joseph J. Bidnick and Standard Educational Library

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–125 Individual or private business being: 13.15–125 (m) Educational or research institution; § 13.75 *Free goods or services.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1565 *Trade names;* Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* Misrepresenting oneself and goods—Prices: § 13.1820 *Retail as cost, wholesale, etc., or discounted.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Standard Educational Library, Kansas City, Mo., Docket C–1103, Aug. 31, 1966]

Consent order requiring a Kansas City, Mo., seller of encyclopedias to cease misrepresenting the status of his business and the cost of the books he sells and to cease making deceptive "free" claims, and using "Library" or similar words as part of his trade name.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Joseph J. Bidnick, an individual, trading and doing business as Standard Educational Library, or under any other trade name or names, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of encyclopedias, or any other publications, or merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or indirectly:

1. That the opportunity to purchase respondent's products is not available to the public generally; or that purchasers of any of respondent's products are specially selected.

2. That said products are given free or without cost in return for the use of the individual's name, endorsement, or opinion in or as a part of respondent's advertising program.

3. That said products are sold at a reduction from respondent's regular price to purchasers in return for the use of the individual's name, endorsement, or opinion or as a part of respondent's advertising program; or representing, directly or by implication, that any price for a product or products is a reduced price unless such price constitutes a significant reduction from a price at which such product or products has been sold in substantial quantities by respondent in the recent regular course of business.

4. That the encyclopedia is given free or without cost if the yearly supplements

thereto are purchased for 10 years or for any other period of time.

5. That the sum of $2.95 or any other amount is the price of the annual supplement binder and not for the supplement itself.

6. That additional merchandise will be given free or without cost if the yearly supplements are purchased; that any article of merchandise is being given free or as a gift, or without cost or charge, in connection with the purchase of other merchandise when the price charged includes a price for the so-called free article of merchandise or when the articles of merchandise are usually and regularly sold together for the price charged.

B. Using the word "Library" or any other word of similar import or meaning as part of respondent's trade name or corporate name, or misrepresenting in any other manner the nature or status of respondent's business.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: August 31, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-10550; Filed, Sept. 27, 1966; 8:46 a.m.]

[Docket No. 8290]

PART 13—PROHIBITED TRADE PRACTICES

Mary Carter Paint Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Modified order to cease and desist, Mary Carter Paint Co., Inc., et al., Tampa, Fla., Docket 8290, Aug. 17, 1966]

In the Matter of Mary Carter Paint Co., Inc., a Corporation, and John C. Miller and I. G. Davis, Individually and as Officers of Said Corporation, and Robert Van Worp, Jr., Individually

Order modifying, pursuant to a remand from the Supreme Court on November 8, 1965, 382 U.S. 46, 86 S. Ct. 219, which reversed a decision of the Court of Appeals, Fifth Circuit, 333 F. 2d 654, a cease and desist order of June 28, 1962, 27 F.R. 8669, against a paint seller by requiring the company to state the usual price of a single can of paint in making its "Every Second Can Free" offer.

The modified order to cease and desist, is as follows:

It is ordered, That the Commission's order to cease and desist dated June 28, 1962, be, and it hereby is, modified by substituting the following paragraph for paragraph (b) of that order:

(b) That any article of merchandise is being given free or as a gift, or without cost or charge, in connection with the purchase of other merchandise, unless the stated price of the merchandise required to be purchased in order to obtain said article is the same or less than the customary and usual price at which such merchandise has been sold separately for a substantial period of time in the recent and regular course of business in the trade area in which the representation is made.

Issued: August 17, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-10551; Filed, Sept. 27, 1966; 8:46 a.m.]

[Docket No. C-1101]

PART 13—PROHIBITED TRADE PRACTICES

Monroe Wholesale Co. and Franklin B. Orwin

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-260 Retailer as wholesaler, jobber, factory distributor: § 13.155 *Prices:* 13.155-80 Retail as cost, wholesale, discounted, etc. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1565 *Trade names;* Misrepresenting oneself and goods—Prices: § 13.1820 *Retail as cost, wholesale, etc., or discounted.* Subpart—Using misleading name—Vendor: § 13.2460 *Retailer as wholesaler, jobber, or distributor.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Monroe Wholesale Co. et al., Chicago, Ill., Docket C-1101, Aug. 24, 1966]

Consent order requiring a Chicago retailer of miscellaneous merchandise to cease misrepresenting itself as a wholesaler through the use of the term "wholesaler" or similar words in its corporate name and that the selling prices of its merchandise are wholesale prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Monroe Wholesale Co., a corporation, and its officers, and Franklin B. Orwin, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of jewelry, cameras, silverware, sporting goods, household goods, appliances, typewriters, or any other merchandise to the ultimate consumer in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "wholesale," or any other word or words of similar import or meaning as part of their corporate or trade name, or representing, directly or by implication, in any manner, that respondents are wholesalers: *Provided, however*, That the use of the name Monroe Merchandisers, Inc., in and of itself, shall not be construed as a violation of this paragraph or of this order: *Provided, further*, That should respondents so desire for reasons of continuity they may use the words "formerly Monroe Wholesale Co." in type smaller than and below any new corporate name selected in conformity with this order, on the front cover page of respondents' 1967 general catalog and on stationery, purchase orders, invoices, forms, and other literature for a period not to exceed 1 year from the date of service of this order.

2. Using the words "wholesale," "wholesale cost," or any other word or term of similar import as descriptive of a selling price or representing, directly or by implication, that merchandise is being offered for sale at a wholesale price: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the price so described or referred to is the wholesale price in the trade area or areas where the representation is made: *And provided further*, That the designation of coded prices as "discount prices" will not of itself be taken as a representation that the price in question is a "wholesale price" in violation of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 24, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-10552; Filed, Sept. 27, 1966; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-AL-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Extension of Airway, Designation of Jet Route and Low and High Altitude Reporting Points, and Alteration of Control Area; Correction

On September 8, 1966, F.R. Doc. 66-9780 was published in the FEDERAL REGISTER (31 F.R. 11745) effective November 10, 1966, revising airways, jet routes and reporting points in the vicinity of Kodiak, Alaska. This amendment inadvertently showed the geographical coordinates for the Marble Intersection as latitude 57°29' N., longitude 150°30' W. instead of latitude 57°28' N., longitude 150°32' W. In addition, the amendment showed VOR Federal airway No. 506 as beginning at Kodiak instead of the Marble Intersection as proposed in the notice. Action is taken herein to reflect the correct geographical coordinates for the Marble Intersection and correct starting point for V-506.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the effective date of the final rule as initially adopted my be retained.

In consideration of the foregoing, F.R. Doc. 66-9780 is amended as follows:

1. In paragraph 1.b. "V-506 From Kodiak, Alaska, via" is deleted and "V-506 From INT of Kodiak, Alaska, 107° radial and the NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W., via Kodiak;" is substituted therefor.

2. In paragraphs 2.a., 4.b., 5.b., and 6.a. "latitude 57°29' N., longitude 150°30' W." is deleted and "latitude 57°28' N., longitude 150°32' W." is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510 and E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on September 20, 1966.

H. B. HELSTROM, *Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 66-10541; Filed, Sept. 27, 1966; 8:45 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

REVISION AND RECODIFICATION

Correction

In F.R. Doc. 66-10121 appearing in the issue for Friday, September 16, 1966, at page 12202, in the fourth paragraph, column 1, the effective date which now reads "December 22, 1966" should read "December 15, 1966".

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Certain Wildlife and Migratory Bird Refuges

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, and coots on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted from October 11, 1966, through January 8, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 7,820 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1967.

IMPERIAL NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, and coots on the Imperial National Wildlife Refuge, Arizona and California, is permitted from October 11, 1966, through January 8, 1967, inclusive; Arizona—mourning doves only, from December 9, 1966, through January 2, 1967, inclusive; California—mourning and white-winged doves, from December 10 through December 18, 1966, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 38,540 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots and mourning and white-winged doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1967.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of ducks and coots on the Monte Vista National Wildlife Refuge, Colo., is permitted from October 22 through December 20, 1966, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special condition:

(1) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 20, 1966.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, and coots on the Flint Hills National Wildlife Refuge, Kans., is permitted as follows: Ducks and coots, from October 29 through November 27, 1966, inclusive, and from December 10, 1966, through January 2, 1967, inclusive; geese, from October 8 through December 21, 1966, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 2,906 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Dogs—Not to exceed two per hunter may be used only to retrieve wounded or dead ducks, geese, and coots.

(3) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 20, 1966.

KIRWIN NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, and coots on the Kirwin National Wildlife Refuge, Kans., is permitted as follows: Ducks and coots, from October 29 through November 27, 1966, inclusive, and from December 10, 1966, through January 2, 1967, inclusive; geese, from October 8 through December 21, 1966, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,500 acres, is delineated on maps available at refuge headquarters, 5 miles southwest of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special condition:

(1) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of

holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1967.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, and coots on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted as follows: Ducks and coots, from November 19, 1966, through January 7, 1967, inclusive; geese, from November 19, 1966, through January 15, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 2,321 acres, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

The public hunting of geese on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted from November 19, 1966, through January 7, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 4,700 acres in Unit A and 1,300 acres in Unit B, is delineated on maps available at refuge headquarters, San Antonio, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1967.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, and coots on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Ducks and coots may be hunted only on Tuesdays, Thursdays, Saturdays, Sundays, and National holidays from October 29 through December 27, 1966, inclusive, excluding Zone 3. Geese may be hunted only on Tuesdays, Thursdays, Saturdays, Sundays, and National holidays from October 22 through October 29, 1966, inclusive, and from November 25, 1966, through January 15, 1967, inclusive.

(2) Each hunter shall be limited to eight shells in possession when entering Zone 3 of the Management Unit and may fire only eight shells during any 1 day in Zone 3.

(3) Blinds are provided in Zone 3, and hunters will be assigned to blinds on a first-come first-choice basis. Temporary blinds or open field hunting is prohibited in this area. In other areas where blinds are not provided hunters may construct temporary blinds. These blinds may be placed where desired after giving due consideration to safety and hunting opportunities of other sportsmen, but blinds must be at least 80 yards apart.

(4) A Federal permit is not required to enter the public hunting area, but hunters, upon entering or leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting or wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

The public hunting of ducks, geese, coots, and whistling swans on the Bear River Migratory Bird Refuge, Utah, is permitted from October 8, 1966, through January 5, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 12,855 acres, is delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and whistling swans subject to the following special conditions:

(1) No hunting is permitted from the dikes or roadways or within 100 yards of any dike or roadway.

(2) Boats—The use of boats is permitted, except that airthrust boats may not be used in Unit 2. Private boats may be left at designated areas 1 week prior to and during the open hunting season. All boats and trailers must be removed from the refuge within 2 weeks after the close of the hunting season.

(3) Checking in and out—Each hunter who enters Area A is required to register at the checking station and check out before leaving the refuge. Those hunting in Area B are not required to register on entering or leaving the refuge.

(4) Routes of travel—To reach open hunting areas, travel is permitted on foot or bicycle from refuge checking station over roads between Units 1 and 2 and Units 2 and 3. Travel by boats (other than airthrust boats) from checking station using the canal between Units 1 and 2, or down main river channel into Units 1 and 2, or using the canal between Units 2 and 3. Travel by airthrust boats is limited to Units 1 and 3, and to a designated travel lane leading to the open area southwest of the refuge boundary. Cars with airthrust boats and trailers will be permitted to travel along a designated dike road to reach a designated parking area and launching site for access to the travel lane across a closed portion of the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

FISH SPRINGS NATIONAL WILDLIFE REFUGE

The public hunting of ducks and coots on the Fish Springs National Wildlife Refuge, Utah, is permitted from October 8, 1966, through January 5, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 1,587 acres, is delineated on maps available at refuge headquarters, Dugway, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, and coots on the Pathfinder National Wildlife Refuge, Wyo., is permitted as follows: Ducks and coots, from October 8 through November 7, 1966, inclusive, and from December 17, 1966, through January 8, 1967, inclusive; geese, from October 8 through October 31, 1966, inclusive, and from November 21, 1966, through January 15, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,760 acres, is delineated on maps available at refuge headquarters, Laramie, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special condition:

(1) Blinds—The construction of permanent blinds or pits is not permitted. Portable blinds may be used but not left on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

JOHN C. GATLIN,
Regional Director,
Albuquerque, N. Mex.

SEPTEMBER 21, 1966.

[F.R. Doc. 66-10554; Filed, Sept. 27, 1966; 8:46 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

PART 250—FISHERIES LOAN FUND PROCEDURES

Change of Interest Rate

Public Law 89-85 amended section 4 of the Fish and Wildlife Act of 1956 by providing that any fishery loan shall "Bear an interest rate of not less than (a) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (b) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose." The average market yield of such outstanding obligations was 5⅞ percent as of August 31, 1966, up one-quarter of 1 percent from July 31, 1966. In order to insure compliance with the Public Law 89-85 in case of any further increases in the average market yield it is necessary to increase the interest rate charged on fisheries loans authorized on and after October 1, 1966, from 5½ percent to 6 percent.

This amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003). In view of the necessity for making the effective date as soon as possible, this amendment is hereby adopted and will become effective on October 1, 1966.

Section 250.10 is amended by deleting "5½ percent" and substituting "6 percent" therefor.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

SEPTEMBER 26, 1966.

[F.R. Doc. 66-10604; Filed, Sept. 27, 1966; 8:49 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 21, 25, 37, 121]

[Docket No. 7522; Notice 66-26B]

CRASHWORTHINESS AND PASSENGER EVACUATION

Extension of Comment Period

The Federal Aviation Agency proposed in Notices 66-26 and 66-26A, to amend Parts 21, 25, 37, and 121 of the Federal Aviation Regulations to add certain airworthiness standards and operating rules to improve the emergency evacuation equipment requirements and operating procedures for transport category airplanes. Notices 66-26 and 66-26A stated that consideration would be given to all comments received on or before September 30, 1966, and October 15, 1966, respectively.

The Aerospace Industries Association of America, Inc. (AIA), on behalf of its members, and the Air Transport Association of America (ATA), on behalf of its members, have requested an extension of the time for comments on these proposed regulatory actions. These organizations, both of which have a substantive interest in the proposed rules, advised the Agency that they needed an additional 30 days to give proper consideration to the proposal. AIA based its request primarily on the need for more time in which to accumulate and compile the industry supporting data needed in view of the magnitude of the proposals. ATA indicated that because the major proposal was issued during the recent strike involving several airlines, the available comment period was effectively reduced.

I find that petitioners have shown a substantive interest in the proposed rules and that good cause exists for the requested extension and that the extension is consistent with the public interest. Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notices 66-26 and 66-26A will be received is extended to October 31, 1966.

Issued in Washington, D.C., on September 27, 1966.

W. E. ROGERS,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-10649; Filed, Sept. 27, 1966; 10:51 a.m.]

[14 CFR Part 39]

[Docket No. 7634]

AIRWORTHINESS DIRECTIVES

Vickers Viscount Model 744 and 745D Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Vickers Viscount Model 744 and 745D airplanes. There have been failures of the flying control rod guide beam attributed to fatigue that could result in excessive frictional loads in the control system on Vickers Viscount Model 744 and 745D airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would require repetitive inspection of the flying control rod guide beam and repair as necessary until modification on Vickers Viscount Model 744 and 745D airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before October 28, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Model 744 and 745D airplanes.

Compliance required as indicated.

To prevent further failures of the flying control rod guide beam at Fuselage Station 399.25, accomplish the following:

(a) Within the next 25 landings after the effective date of this AD, unless already accomplished within the last 225 landings, and thereafter at intervals not to exceed 250 landings from the last inspection until modified in accordance with paragraph (c) or repaired in accordance with paragraph (b), visually inspect the control rod guide beam attached to the bottom of the floor beam at Fuselage Station 399.25 for cracks at the top and bottom extremities of the vertical slot for the trim chains.

(b) Repair cracked beams before further flight in accordance with British Aircraft Corp. PTL 261, Issue 1, or later ARB-approved issue, or an FAA approved equivalent, and either inspect as specified in paragraph (a) at intervals not to exceed 500 landings from the last inspection until modified in accordance with paragraph (c) and repair in accordance with this paragraph if applicable, or modify cracked beams before further flight in accordance with paragraph (c).

(c) Modify beams in accordance with British Aircraft Corp. Modification D.3179 within the next 1500 landings after the effective date of this AD.

(d) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

(e) Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Chief, Aircraft Certification Staff, Europe, Africa, Middle East Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

Issued in Washington, D.C., on September 19, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-10543; Filed, Sept. 27, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-WE-19]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors of Federal airway segments in the Oakland, Calif., Air Route Traffic Control Center area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency proposes to redesignate the floors of the pertinent airway segments as hereinafter set forth.

1. V-6 From INT Oakland, Calif., 221° and Point Reyes, Calif., 161° True radials, 1,200 feet AGL Oakland; 1,200 feet AGL INT Oakland 039° and Sacramento, Calif., 212° True radials; 1,200 feet AGL Sacramento, including a 1,200 feet AGL S alternate via INT Oakland 077° and Sacramento 192° True radials; 1,200 feet AGL Lake Tahoe, Calif.; 1,200 feet AGL Reno, Nev., including a 1,200 feet AGL N alternate from Sacramento to Reno via INT Sacramento 038° and Reno 257° True radials.

2. V-23 From Fresno, Calif., 1,200 feet AGL INT Fresno 322° and Linden, Calif., 140° True radials; 10 miles, 1,200 feet AGL 6 miles wide, 1,200 feet AGL Linden; 1,200 feet AGL Sacramento, Calif., including a 1,200 feet AGL W alternate from Fresno to Sacramento via Los Banos, Calif., and Stockton, Calif.; 1,200 feet AGL INT Sacramento 346° and Red Bluff, Calif., 158° True radials; 1,200 feet AGL Red Bluff.

3. V-25 From Salinas, Calif., 1,200 feet AGL INT Salinas 310° and Woodside, Calif., 158° True radials; 1,200 feet AGL Woodside; 1,200 feet AGL San Francisco, Calif.; 1,200 feet AGL INT San Francisco 304° and Point Reyes, Calif., 161° True radials; 1,200 feet AGL Point Reyes; 1,200 feet AGL INT Point Reyes 352° and Ukiah, Calif., 147° True radials; 28 miles, 1,200 feet AGL, 24 miles, 8,500 feet MSL, 18 miles, 7,500 feet MSL, 1,200 feet AGL Red Bluff, Calif.

4. V-27 From Big Sur, Calif., 1,200 feet AGL INT Big Sur 325° and Point Reyes, Calif., 161° True radials; 1,200 feet AGL Point Reyes; 1,200 feet AGL INT Point Reyes 352° and Ukiah, Calif., 147° True radials; 1,200 feet AGL Ukiah; 1,200 feet AGL Fortuna, Calif.

5. V-28 From Oakland, Calif., 1,200 feet AGL INT Oakland 077° and Linden, Calif., 246° True radials; 1,200 feet AGL Linden; 1,200 feet AGL INT Linden 046° and Reno, Nev., 208° True radials; 1,200 feet AGL Reno.

6. V-87 From San Francisco, Calif.; 1,200 feet AGL INT San Francisco 359° and Napa, Calif., 182° True radials; 1,200 feet AGL Napa; 1,200 feet AGL INT Napa 004° and Maxwell, Calif., 188° True radials; 1,200 feet AGL Maxwell; 1,200 feet AGL Red Bluff, Calif.

7. V-107 From Los Banos, Calif., 1,200 feet AGL Oakland, Calif., 1,200 feet AGL Point Reyes, Calif.; 1,200 feet AGL INT Point Reyes 306° and Ukiah, Calif., 172° True radials.

8. V-108 From San Francisco, Calif., 1,200 feet AGL INT San Francisco 304° and Sausalito, Calif., 232° True radials; 1,200 feet AGL Sausalito; 1,200 feet AGL INT Sausalito 052° and Linden, Calif., 269° True radials; 1,200 feet AGL Linden.

9. V-109 From Los Banos, Calif., 1,200 feet AGL Stockton, Calif., 1,200 feet AGL INT Stockton 268° and Oakland, Calif., 077° True radials; 1,200 feet AGL Oakland.

10. V-111 From Big Sur, Calif., 1,200 feet AGL Salinas, Calif.; 1,200 feet AGL INT Salinas 026° and Los Banos, Calif., 312° True radials.

11. V-113 From Los Banos, Calif., 1,200 feet AGL Stockton, Calif.; 1,200 feet AGL Linden, Calif.; 1,200 feet AGL INT Linden 046° and Reno, Nev., 208° True radials; 1,200 feet AGL Reno.

12. V-150 From San Francisco, Calif., 1,200 feet AGL INT San Francisco 304° and Sausalito, Calif., 232° True radials; 1,200 feet AGL Sausalito; 1,200 feet AGL Sacramento, Calif.

13. V-195 From Oakland, Calif., 1,200 feet AGL INT Oakland 004° and Williams, Calif., 191° True radials; 1,200 feet AGL Williams; 1,200 feet AGL INT Williams 002° and Red Bluff, Calif., 158° True radials; 1,200 feet AGL Red Bluff; 1,200 feet AGL Fortuna, Calif.

14. V-199 From San Francisco, Calif., 1,200 feet AGL INT San Francisco 304° and Ukiah, Calif., 172° True radials; 1,200 feet AGL Ukiah; 17 miles, 1,200 feet AGL, 23 miles, 8,500 feet MSL, 18 miles, 7,500 feet MSL, 1,200 feet AGL Red Bluff, Calif. The portion outside the United States has no upper limit.

15. V-200 From Ukiah, Calif., 1,200 feet AGL Williams, Calif.; 1,200 feet AGL Reno, Nev.

16. V-244 From Oakland, Calif., 1,200 feet AGL INT Oakland 077° and Stockton, Calif., 268° True radials; 1,200 feet AGL Stockton; including a 1,200 feet AGL S alternate via INT Oakland 110° and Stockton 246° True radials; 76 miles, 1,200 feet AGL, 45 miles, 14,600 feet MSL, 1,200 feet AGL Coaldale, Nev.

17. V-230 From INT Big Sur, Calif., 325° and Salinas, Calif., 281° True radials; 1,200 feet AGL Salinas; 1,200 feet AGL Los Banos, Calif.; 1,200 feet AGL Fresno, Calif.; 1,200 feet AGL Friant, Calif. The portion outside the United States has no upper limit.

18. V-283 From Fresno, Calif., 68 miles, 1,200 feet AGL, 52 miles, 13,100 feet MSL, 1,200 feet AGL Reno, Nev.

19. V-301 From Point Reyes, Calif., 1,200 feet AGL Santa Rosa, Calif.; 1,200 feet AGL Williahs, Calif.

20. V-459 From Friant, Calif., 1,200 feet AGL INT Friant 319° and Linden, Calif., 124° True radials; 1,200 feet AGL Linden.

22. V-494 From Ukiah, Calif., 1,200 feet AGL INT Priest 325° and San Jose, Calif., 137° True radials; 1,200 feet AGL San Jose.

22. V-494 From Ukiah, Calif., 1,2000 feet AGL INT Ukiah 147° and Santa Rosa, Calif., 325° True radials; 1,200 feet AGL Santa Rosa; 1,200 feet AGL Sacramento, Calif.; 1,200 feet AGL INT Sacramento 038° and Lake Tahoe, Calif., 249° True radials; 1,200 feet AGL Lake Tahoe.

On those segments for which a 1,200 feet AGL floor is proposed, the floor is required for climb from the surface to minimum en route altitude or for compatibility with existing airspace for which a 1,200 feet AGL floor has been assigned. Minimum en route altitudes will not be affected by the actions proposed herein. The alignment of V-485 considered herein conforms to that proposed in Airspace Docket No. 66-WE-36 (31 F.R. 10695).

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on September 20, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-10542; Filed, Sept. 27, 1966; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For document relating to a joint call for report of condition of insured banks, see F.R. Doc. 66–10562, Federal Deposit Insurance Corporation, *infra*.

Fiscal Service

[Dept. Circ. 570, 1966 Rev. Supp. No. 5]

UNITED STATES CASUALTY CO. AND NEW AMSTERDAM CASUALTY CO.

Termination of Authority To Qualify as Sureties on Federal Bonds

SEPTEMBER 22, 1966.

Notice is hereby given that the Certificates of Authority issued by the Secretary of the Treasury to United States Casualty Co., of New York, N.Y. and New Amsterdam Casualty Co., of New York, N.Y. (New York corporations, with administrative offices in Hartford, Conn.), under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), to qualify as sole sureties on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States, are hereby terminated for the following reason.

Pursuant to Agreement and Plan of Merger effective 11:59 p.m., on June 30, 1966, approved by the Superintendent of Insurance of the State of New York on June 22, 1966, the United States Casualty Co. was merged into New Amsterdam Casualty Co., the surviving company. Pursuant to Agreement and Plan of Merger effective 11:59 p.m., on June 30, 1966, approved by the Superintendent of Insurance of the State of New York on June 22, 1966, and by the Insurance Commissioner of the State of Connecticut on June 6, 1966, the New Amsterdam Casualty Co. was merged into Security Insurance Co. of Hartford, the surviving company. The Security Insurance Co. of Hartford, a Connecticut corporation which holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on Federal bonds, acquired all of the assets and assumed all the liabilities of the merged companies. Copies of Agreements and Plans of Mergers are on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

No action need be taken by bond-approving officers by reason of the merger, with respect to any bonds or other obligations in favor of the United States or in which the United States has an interest, direct or indirect, issued on or before June 30, 1966 by United States Casualty Co. or New Amsterdam Casualty Co., pursuant to Certificates of Authority issued the companies by the Secretary of the Treasury.

The Agreements and Plans of Mergers also provide that (a) agents and employees of the surviving corporation may continue to utilize in the business of the surviving corporation, for a period of 6 months following the effective date of the mergers, blank insurance policy contracts and other forms or documents imprinted with the name of and theretofore used by United States Casualty Co. and New Amsterdam Casualty Co., and (b) all such contracts and other forms or documents shall be recognized for all purposes as contracts and documents of the surviving corporation.

The mergers do not affect the present underwriting limitation of $6,319,000 established June 1, 1966, for Security Insurance Co. of Hartford, the surviving corporation, under its Certificate of Authority to act as an acceptable surety on Federal bonds.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 66–10582; Filed, Sept. 27, 1966; 8:48 a.m.]

Office of the Secretary

[Treasury Dept. Order 170–11]

RADIO FREQUENCY MANAGEMENT

Establishment of Office

By virtue of the authority vested in the Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and the authority delegated to me, including that delegated by Treasury Department Order No. 190, Revision No. 4, dated December 15, 1965, there is hereby established an Office of Radio Frequency Management in the Office of the Secretary.

The Office of Radio Frequency Management shall be under the policy guidance of the Assistant Secretary for Administration, and under the immediate direction of the Director, Office of Administrative Services. The Director of the Office of Radio Frequency Management shall be responsible for administering the radio frequency spectrum management and electromagnetic compatibility programs of the Treasury Department. The functions of this Office shall include, but shall not be limited to, the following:

Coordinate all radio frequency spectrum utilization by bureaus and services of the Treasury Department and be responsible for the formulation, after consultation with appropriate officials in the bureaus and services involved, of overall policies and standards therefor.

Provide competent and effective representation for the Treasury Department on the Interdepartment Radio Advisory Committee (IRAC) and its subcommittees, the State Department Telecommunications Coordinating Committee (TCC), and all other national and international organizations having responsibilities for regulation of the use of the radio spectrum.

Promote and encourage the adoption of uniform radiofrequency utilization practices and standards within the Treasury Department that will facilitate interbureau cooperation and enhance the overall effectiveness of radio operations throughout the Department.

Institute and administer such programs as necessary to insure that all Treasury Department radio operations are carried out in conformity with pertinent national and international policies and regulations.

Assist and advise cognizant officials in the several bureaus and services in the resolution of technical and operational problems arising from use of the radio spectrum.

Serve as the focal point within the Department for handling all radiofrequency utilization matters referred to the Department by national and international organizations concerned with the regulatory aspects of radio operations.

Such funds, personnel, records, furniture, and equipment as are mutually determined by the Assistant Secretary for Administration and the Assistant Commandant, U.S. Coast Guard, to be necessary in the performance of these duties and functions shall be transferred or reassigned from the Telecommunications Liaison Staff, U.S. Coast Guard Headquarters, to the Office of the Secretary.

This order shall become effective September 26, 1966.

Dated: September 14, 1966.

[SEAL] A. E. WEATHERBEE,
Assistant Secretary for Administration.

[F.R. Doc. 66–10583; Filed, Sept. 27, 1966; 8:48 a.m.]

POST OFFICE DEPARTMENT

UNIFORM FABRIC AND COLOR

Notice of Issuance of Specifications for Postal Employee Uniform Apparel

The Post Office Uniform Quality Control Office, U.S. Army Natick Laboratories issued in F.R. Doc. 65–7814 in the daily issue of Friday, July 24, 1965 (30 F.R. 9287), specifications to stabilize basic Post Office uniforms in terms of colors and fabrics.

It is now necessary to delete five fabrics from the list as shown in paragraph B of the above-mentioned document, under the heading Uniform Fabric and Color, since no mill or manufacturer has shown any interest in manufacturing or receiving certification for these fabrics.

The deleted fabrics are as follows:

24 oz. Wool Doeskin.
20 oz. Wool Doeskin.
16 oz. Polyester/Wool, Gabardine.
18 oz. Wool Elastique.
10 oz. Wool Tropical.

The current list of approved fabrics is as follows:

Fabric type	Ounces weight	Composition
1. Serge	24	All Wool.
2. Serge	18	All Wool.
3. Serge	18	Polyester/Wool.
4. Serge	16	All Wool.
5. Serge	14	All Wool.
6. Serge	14	Polyester/Wool.
7. Gabardine	16	Polyester/Acrylic/Wool/Other.
8. Gabardine	16	Polyester/Acrylic/Wool/Nylon.
9. Gabardine	14	Polyester/Acrylic.
10. Gabardine	12	Polyester/Acrylic.
11. Gabardine	11	Polyester/Wool.
12. Venetian	18	All Wool.
13. Venetian	16	All Wool.
14. Venetian	16	Polyester/Wool.
15. Venetian	14	Polyester/Wool.
16. Venetian	14	All Wool.
17. Venetian	14	Polyester/Acrylic/Wool/Other.
18. Tropical	8.5–9	Polyester/Wool.
19. Tropical	8.5–9	Polyester/Acrylic.
20. Tropical	8.5–9	Polyester/Acrylic/Mohair.
21. Tropical	8.5–9	Polyester/Cotton.

The provisions of paragraph A, C, and D are unchanged. Bureau of Personnel.

(R.S. 161, as amended; 39 Stat. 1084, as amended; 66 Stat. 1114, as amended; 5 U.S.C. 22, 2131–2133, 31 U.S.C. 686, 39 U.S.C. 501, 3116)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 22, 1966.

[F.R. Doc. 66–10555; Filed, Sept. 27, 1966; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 034478]

NEW MEXICO

Withdrawal and Reservation of Lands; Proposal and Termination

SEPTEMBER 20, 1966.

The Bureau of Indian Affairs, has filed New Mexico 034478, for the withdrawal an amended application to Serial No. of the lands described below, from all forms of appropriation, including the general mining but not the mineral leasing laws. The applicant desires the lands for the Navajo Indian Irrigation Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 N., R. 11 W.
Sec. 21, E½.
T. 27 N., R. 11 W.
Sec. 15, NW¼;
Sec. 21, W½;
Sec. 28, W½.
T. 24 N., R. 12 W.
Sec. 5, lots 7, 8, 9, 10, 15, 16, 17 and 18;
Sec. 6, lots 8 to 23, inclusive;
Sec. 7, lots 5 to 16, inclusive;
Sec. 8, lots 3, 4, 5 and 6;
Sec. 18, lots 7, 8, 9 and 10.
T. 25 N., R. 12 W.,
Sec. 7, lots 3, 4 and E½SW¼;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4 and E½W½;
Sec. 30, lots 1, 2, 3, 4, E½ and, E½W½.
T. 24 N., R. 13 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, SW¼, N½SE¼;
Sec. 12, W½;
Sec. 13, N½.
T. 25 N., R. 13 W.,
Sec. 8, S½;
Secs. 9 and 10;
Sec. 11, S½;
Sec. 12, S½;
Secs. 13, 14, 15, 17, 20, 21, 22, 23, 24, 25, 35 and 36.
T. 26 N., R. 13 W.,
Sec. 7, E½;
Secs. 8 and 9;
Sec. 17, N½.

At 10 a.m., on October 21, 1966, the following described lands shall be relieved of the segregative effect of application New Mexico 034478, pursuant to the regulations in 43 CFR Part 2311:

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 N., R. 10 W.,
Secs. 7, 18 and 19.
T. 27 N., R. 11 W.,
Sec. 2, W½;
Sec. 3.
T. 28 N., R. 11 W.,
Secs. 11, 12, 13, 14, 24 and 29.
T. 29 N., R. 11 W.,
Sec. 26, SE¼SW¼;
Sec. 27, W½SE¼, SE¼SE¼;
Sec. 34, NE¼, E½NW¼, SW¼NW¼ and S½;
Sec. 35.
T. 28 N., R. 12 W.,
Sec. 14, S½S½;
Sec. 15, SE¼SE¼.
T. 27 N., R. 13 W.,
Secs. 11, 13 and 14.
T. 28 N., R. 13 W.,
Secs. 7 and 8;
Sec. 16, N½, S½S½, NE¼SE¼;
Sec. 17, N½ and SW¼;
Secs. 18 and 22.

HAROLD A. BERENDS,
Acting Chief, Division of Lands and Minerals Program, Management and Land Office.

[F.R. Doc. 66–10553; Filed, Sept. 27, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Baylor.	Dawson.
Borden.	Throckmorton.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of September 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–10561; Filed, Sept. 27, 1966; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–40]

ATOMIC DISPOSAL CO., INC.

Notice of Issuance of Amendment to Byproduct and Source Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 to License No. 12–11286–1 as set forth below. This amendment provides for a change in the license provisions referring to the transportation of radioactive materials to assure conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966.

In a letter dated July 25, 1966, the AEC notified Atomic Disposal Co., Inc., of its intent to amend License No. 12–11286–1 to assure that the license provisions referring to transportation of radioactive materials were in conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966. Atomic Disposal Co., Inc., consented to the proposed modification of its license in a letter dated August 26, 1966.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be

filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., September 21, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[License 12-11286-1; Amdt. 2]

The Atomic Energy Commission having found that:

A. The applicant's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The applicant is qualified by training and experience to conduct the proposed operations in such manner as to protect health and minimize danger to life or property.

C. The application dated December 23, 1964, and amendments thereto dated February 18, 1965, April 20, 1965, July 15, 1965, August 16, 1965, and undated document received August 30, 1965, comply with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter 1, and are for a purpose authorized by that Act.

Byproduct and Source Material License No. 12-11286-1 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," and 10 CFR Part 40, "Licensing of Source Material," a license is hereby issued to Atomic Disposal Co., Inc., Box 213, Flossmoor, Ill., to receive and possess packages containing waste byproduct and source material in any State of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150, and to store packages containing waste byproduct and source material at a facility located at 21621 Oak Street, Matteson, Ill.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The license shall not possess at any one time more than:

A. 1,000 curies of hydrogen 3.

B. 1,000 curies of other byproduct material.

C. 15,000 pounds of source material.

2. Except as specifically provided otherwise by this license, the licensee shall receive, possess, and store byproduct and source material in accordance with the radiological safety procedures and limitations contained in the application dated December 23, 1964, and amendments thereto February 18, 1965, April 20, 1965, July 15, 1965, August 16, 1965, and undated document received August 30, 1965.

3. Byproduct and source material shall be received, handled, and stored by Carl J. Collica, Dr. Robert K. Clark, Dr. Louis Chandler, or Dr. Walter S. Moos.

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking, and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Interstate Commerce Commission in §§ 73.391–73.395, 49 CFR Part 73, "Regulations Applying to Shippers," and §§ 77.823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exceptions to those requirements, any requests for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

5. The licensee shall store byproduct and source material only at its facility located at 21621 Oak Street, Matteson, Ill.

6. The licensee shall not open packages containing byproduct and source material.

This amendment shall be effective on the date issued. This license shall expire on December 31, 1967.

Date of issuance September 21, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 66-10639; Filed, Sept. 27, 1966; 8:45 a.m.]

[Docket No. 27-5]

WALKER TRUCKING CO.

Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 3 to License No. 6-3627-1 as set forth below. This amendment provides for a change in the license provisions referring to the transportation of radioactive materials to assure conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966. This amendment also extends the expiration date of the license to November 30, 1968.

In a letter dated July 25, 1966, the AEC notified the Walker Trucking Co. of its intent to amend License No. 6-3627-1 to assure that the license provisions referring to transportation of radioactive materials were in conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966. The Walker Trucking Co. consented to the proposed modification of its license in a telegram received August 26, 1966.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., September 22, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[License 6-3627-1; Amdt. 3]

The Atomic Energy Commission having found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property.

C. The application dated February 27, 1961, and amendments thereto dated February 21, 1964; April 9, 1964; May 15, 1964; and July 17, 1964; comply with the requirements of the Atomic Energy Act of 1954, as amended, and are for a purpose authorized by that Act.

D. Issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 6-3627-1 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," and 10 CFR Part 70, "Special Nuclear Material," a license is hereby issued to the Walker Trucking Co., 1283 East Street, New Britain, Conn., to receive and possess packages containing waste byproduct, source, and special nuclear material in any State of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150, and to store packages containing waste byproduct, source, and special nuclear material at a facility located in 1283–1285 East Street, New Britain, Conn.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 50 curies of byproduct material.

B. 700 pounds of source material.

C. 500 grams of special nuclear material not to exceed 350 grams in any single shipment.

2. Except as specifically provided otherwise by this license, the licensee shall receive, possess, and store byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application dated February 27, 1961, and amendments thereto dated February 21, 1964, April 9, 1964, May 15, 1964, and July 17, 1964.

3. Byproduct, source, and special nuclear material shall be received, handled, and stored by, or under the supervision and in the physical presence of, Robert H. Harris, Reynold L. Hoover, or E. T. Borawski.

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking, and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Interstate Commerce Commission in §§ 73.391–73.395, 49 CFR Part 73, "Regulations Applying to Shippers," and §§ 77.823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exceptions to those requirements, any requests for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

5. The licensee shall store waste byproduct, source, and special nuclear material only at 1283–1285 East Street, New Britain, Conn.

This amendment shall be effective on the date issued. This license shall expire on November 30, 1968.

Date of issuance September 22, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 66-10640; Filed, Sept. 27, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17738; Order No. E-24210]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of September 1966.

Increased rates on baby poultry proposed by American Airlines, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc.; Docket No. 17738.

By tariff revisions marked to become effective September 24, 1966, and originally filed on various dates in July and August 1966, American Airlines, Inc. (American), Continental Air Lines, Inc. (Continental), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United), propose to increase their rates on baby poultry system-wide from 175 percent of the applicable general commodity rates to 250 percent of such rates.

In support of its proposal, American declares that the volume of space required in loading baby poultry results in significant stacking losses and therefore reductions in revenue; that the volume of space required for 250 pounds of this commodity is such that it accommodates an average of 3,500 pounds of "hard freight." American also asserts that, because of the delicate nature of baby poultry, extreme care must be taken in ground handling; that claims payments, estimated as 12 percent of revenues in the last quarter of 1965, may be compared with less than 1 percent for other commodities; that costs of transporting the commodity in its all-cargo jet freighters amount to 98 cents per available ton-mile, based on a maximum plane load of 7,419 pounds of baby poultry; and that the foregoing cost of 98 cents is higher than the yield from the proposed rates, estimated as 60 cents per ton-mile.

United's justification is based entirely on revenue losses it claims to incur from the additional space required in carrying baby poultry. Both Continental and TWA justify their filings upon higher costs, without giving any figures to support their assertion.

Complaints requesting investigation and suspension of American's proposal were received from the American Poultry and Hatchery Federation and the National Turkey Federation. These protests variously allege that the proposed increases would work an undue hardship on breeders and hatcheries because of the narrow margins under which they operate; that the proposals could have a depressing effect on both the domestic movement and export of baby poultry; and that the claims collected from the airlines have been very small, only 1.1 percent for domestic movements.

Upon consideration of the complaints and other relevant matters, the Board finds that the carriers' proposals may be unjust, unreasonable or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. Based upon American's justification, the current level of rates on baby poultry yields the carriers an average of 42 cents per revenue ton-mile and the proposed rates would yield 60 cents per ton-mile. This represents an increase of almost 43 percent. The justifications presented by the carriers are not adequate to justify the foregoing high yield and considerable increase in rates.

The carriers' cost data are significantly deficient or altogether lacking. American is the only carrier that presents figures purporting to represent costs of transporting baby poultry, but these figures are deficient. Thus, in its calculations, American assumes that all operating costs would be affected by stacking losses, which it declares constitute 93 percent of the available space. Loading and unloading costs and other ground expenses, however, are not affected by such losses, although they would reflect any special care required for baby poultry. While American asserts that such handling involves additional expenses, it presents no data indicating the extent of such expenses.

There appears no question that baby poultry is a perishable commodity requiring careful handling and sufficient air space, thus resulting in transportation costs significantly above the average commodity. These additional costs are reflected, in part at least, in the current rates which are 175 percent of the general commodity rates. The latter rates in turn are significantly above the average rate level for all commodities since there are in effect numerous lower specific commodity and other types of rates. Thus, the current yield from baby poultry of 42 cents per ton-mile is about 225 percent of the average freight revenue per ton-mile of 18 cents for American for the calendar year 1965. The justification presented by the carriers is not sufficiently persuasive to convince the Board that increasing the current high rates, as herein proposed, is justified by costs considerations.

Furthermore, it should be noted that there are significant differences among the carriers in their costs. While American and Continental assert that baby poultry resulted in a high claim ratio, both TWA and United declare that their claim ratios were very low. With respect to aircraft operating expenses, American apparently incurs greater stacking losses in the main cargo compartments of all-cargo jet aircraft than does TWA or United because its "igloo" containers do not permit as much free circulation of air as do the containers utilized by the other carriers. These differences raise significant questions as to the valid basis for the proposed increases.

In view of the foregoing, the Board has decided to suspend the proposal pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the ratings and provisions described in Appendix A attached hereto,[1] and rules, regulations, and practices affecting such ratings and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful ratings and provisions, and rules, regulations, or practices affecting such ratings and provisions;

2. Pending hearing and decision by the Board, the ratings and provisions described in Appendix A hereto are suspended and their use deferred to and including December 22, 1966, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints by the American Poultry and Hatchery Federation and the National Turkey Federation in Docket 17638 are dismissed, except to the extent granted herein.

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon American Airlines, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., American Poultry and Hatchery Federation, and National

[1] Filed as part of the original document.

Turkey Federation, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 66-10584; Filed, Sept. 27, 1966; 8:49 a.m.]

[Docket No. 17730]

MILLARDAIR, LTD.

Notice of Cancellation of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled matter now assigned to be held on September 29, 1966, is canceled.

Dated at Washington, D.C., September 26, 1966.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 66-10645; Filed, Sept. 27, 1966; 10:16 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16861-16863; FCC 66M-1272]

BBPS BROADCASTING CORP. ET AL.

Order Continuing Prehearing Conference

In re applications of BBPS Broadcasting Corp., Ellwood City, Pa.; Docket No. 16861, File No. BPH-5006; Thomas C. DeLanzo, Ellwood City, Pa.; Docket No. 16862, File No. BPH-5212; Scott Broadcasting Co., of Pennsylvania, Inc., Ellwood City, Pa.; Docket No. 16863, File No. BPH-5232; for construction permits.

The Hearing Examiner having under consideration motion for rescheduling prehearing conference filed on September 19, 1966, by BBPS Broadcasting Corp. requesting continuance of prehearing conference from October 3, 1966, to October 7, 1966, and;

It appearing that counsel for the other two applicants in this proceeding have concurred in the filing of such motion, and;

It further appearing that counsel for the Broadcast Bureau has informally agreed to a waiver of the 4-day rule and to a grant of the requested continuance;

It is, therefore, ordered, This 22d day of September 1966, that the prehearing conference in the above-styled proceeding now scheduled for October 3, 1966, be and the same is hereby continued to October 7, 1966, at 10 a.m., in the offices of the Commission in Washington, D.C.

Released: September 23, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10588; Filed, Sept. 27, 1966; 8:49 a.m.]

[Docket Nos. 16704, 16705; FCC 66M-1265]

OLEAN BROADCASTING CORP. AND NORMANDY BROADCASTING CORP.

Order Scheduling Hearing

In re applications of Olean Broadcasting Corp., Glens Falls, N.Y.; Docket No. 16704, File No. BPH-4804; Normandy Broadcasting Corp., Glens Falls, N.Y.; Docket No. 16705, File No. BPH-4838; for construction permits.

The Hearing Examiner having under consideration the "Petition for Leave to Amend" filed by Olean Broadcasting Corp. on September 13, 1966, requesting leave to amend its application to specify Channel 296A;

It appearing, that the two above-named applicants had filed applications for FM Channel 240A and that, as a result thereof, they were mutually exclusive, and on July 1, 1966, the Commission designated them for hearing in a consolidated proceeding; and

It further appearing, that by order of August 25, 1966, the Commission amended the Table of Assignments so that Glens Falls, N.Y., would have Channels 240A and 296A assigned to it; and

It further appearing, that at a prehearing conference held on September 19, 1966, none of the other parties involved expressed any opposition to the petition, and that good cause has been shown for a grant thereof; and

It further appearing, that the proposed amendment will eliminate the need for a comparative hearing between the two applicants;

It is ordered, This 22d day of September 1966, that the above-mentioned petition filed by Olean Broadcasting Corp., be, and the same is, hereby granted; that the amendment attached thereto, be, and the same is hereby accepted; and that the application, as amended, be removed from the hearing docket pursuant to § 1.522(c) and returned to the processing line.

It is further ordered, That the application of Normandy Broadcasting Corp. be retained in hearing, and that the hearing presently continued without date, be, and the same is, hereby scheduled for October 4, 1966, at 9:30 a.m., in Washington, D.C.

Released: September 23, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10589; Filed, Sept. 27, 1966; 8:49 a.m.]

[Docket No. 16785; FCC 66M-1266]

RICE CAPITAL BROADCASTING CO.

Order Continuing Hearing

In re application of Barton W. Freeland, Sr., L. O. Fremaux, and Edmond M. Keim, doing business as Rice Capital Broadcasting Co., Crowley, La.; Docket No. 16785, File No. BP-15130; for construction permit.

The Hearing Examiner having under consideration a letter request in the above matter for a further prehearing conference, said request having been hand delivered by counsel for KSIG Broadcasting Co. on September 20, 1966, and

It appearing that the request is reasonable and not resisted by the other parties,

It is ordered, This 21st day of September 1966 that the request is granted and that accordingly a further prehearing conference is scheduled to commence at 10 a.m., September 26, 1966, in the Commission's offices in Washington, D.C., and

It is further ordered, That the hearing in this mater now scheduled for October 6, 1966, is continued to a date to be determined at the further prehearing conference, and

It is further ordered, That KSIG and the Broadcast Bureau shall have 10 days from September 22, 1966, to respond to a petition for leave to amend filed by the applicant herein.

Released: September 23, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10590; Filed, Sept. 27, 1966; 8:49 a.m.]

[Docket Nos. 16301, 16312; FCC 66R-366]

SAWNEE BROADCASTING CO. (WSNE) AND HALL COUNTY BROADCASTING CO. (WLBA)

Memorandum Opinion and Order Enlarging Issues

In re applications of John T. Pittard, trading as Sawnee Broadcasting Co. (WSNE), Cumming, Ga.; Docket No. 16301, File No. BP-16375; Ernest H. Reynolds, Jr., trading as Hall County Broadcasting Co. (WLBA), Gainesville, Ga.; Docket No. 16312, File No. BP-16606; for construction permits.

1. This proceeding involves the mutually exclusive applications of Sawnee Broadcasting Co. (WSNE) and Hall County Broadcasting Co. (WLBA), each seeking a construction permit to improve the facilities of their respective standard broadcast stations. The applications were designated for hearing by order released November 26, 1965, and the record was closed on April 22, 1966. Presently under consideration is a petition filed by WSNE on June 23, 1966, seeking the addition of an issue to inquire into the financial qualifications of WLBA.[1]

2. In support of its request, WSNE alleges that in order to finance the subject proposal and an FM station,[2] WLBA will require $62,317.16, as follows:

Dollars	
1,980.00	Note, Piedmont Southern Life Insurance Co.
4,800.00	Note, Gainesville National Bank.
13,817.16	AM and FM equipment payments.
4,470.00	Payment for proposed loan for FM stations from Gainesville National Bank.
15,000.00	FM operation for 1 year.
13,750.00	AM operation for 3 months.
2,500.00	Cost of remodeling new studio.
8,000.00	Miscellaneous AM construction costs.
3,000.00	Miscellaneous FM construction costs.

To meet this requirement, WSNE alleges that WLBA will have available only $46,346, as follows:

Dollars	
15,000.00	Loan from Gainesville National Bank for FM station.
15,000.00	Balance of proceeds from insurance payment.
10,000.00	Loan from Ernest H. Reynolds, Sr.[3]
6,346.00	Cash on hand, April 30, 1966.

[3] Ernest H. Reynolds, Jr., is the sole proprietor of WLBA.

In addition to the alleged shortages shown above, WSNE challenges various other aspects of WLBA's financial proposal including the proposed $15,000 bank loan; the availability of the $15,000 in insurance proceeds;[4] the financial arrangements with the proposed equipment supplier; and WLBA's estimate of expenses for construction and operation. Finally, WSNE contends that WLBA cannot rely upon revenues to finance its proposal because it has not adequately established a basis for its revenue estimate. The Bureau supports the addition of a financial issue, contending that WLBA will require $51,188, and has available only $43,180.

3. In response, WLBA first alleges that it is relying, to finance the two stations, on existing assets of Reynolds personally, and the assets of WLBA, as shown on attached balance sheets; the $10,000 loan from Reynolds, Sr.; the $15,000 commitment from the Gainesville National Bank; and revenues. With regard to the expenses of construction and first year's operation, WLBA alleges that the equipment payment for the FM proposal was included in the operating expense estimate for that station; that the $2,500 for remodeling the new studio has already been paid; and that the miscellaneous construction costs for both stations will not exceed $1,500. WLBA also attempts to resolve the various other questions raised by WSNE.

4. The Board finds it exceedingly difficult to determine, with any degree of precision, the amount that WLBA will require to finance its proposals or the amount it has available.[5] From WLBA's most recent financial amendment, filed June 1, 1966, and the information submitted with WLBA's opposition, it appears, however, that WLBA would require (aside from increased costs of AM operation) a minimum of $35,470 in order to finance the AM and FM operations, consisting of $13,800 for equipment payments; $1,500 in miscellaneous construction expenses; $4,470 in payments for the proposed bank loan; $4,800 in payments for the existing bank loan; $7,000 for FM operation for the first year; $1,980 in mortgage payments to the Piedmont Southern Life Insurance Co.; and $1,920 in payments on another mortgage to Dr. R. L. Rogers. In arriving at these figures, the Board has resolved all disputed matters in WLBA's favor. Even so, to meet the minimum requirement, the maximum WLBA appears to have available (assuming that the increased costs of AM operation could be met from existing revenues) is approximately $33,126, consisting of the $10,000 loan from Reynolds, Sr.; the $15,000 proposed bank loan; and approximately $8,126 in cash, shown on the balance sheet submitted with WLBA's opposition.[6] The showing of WLBA regarding the basis of its revenues estimate is inadequate to allow us to place additional reliance on this factor. Moreover, there appears to have been a considerable change in WLBA's financial picture since its most recent amendment, and questions concerning WLBA's estimate of expenses for construction and operation have not been satisfactorily answered.

5. In view of the foregoing, the Board is of the opinion that a full inquiry into WLBA's financial proposal is necessary. Such inquiry should encompass the question of the effect of the grant to WLBA of May 27, 1966 (note 2, supra) on the instant proposal.

Accordingly, it is ordered, This 22d day of September 1966, that the further petition to enlarge issues, filed on June 23, 1966, by Sawnee Broadcasting Co. (WSNE) is granted; that the record in this proceeding is reopened for further hearing consistent with this opinion; and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine as to Hall County Broadcasting Co. (WLBA) (1) the funds

[1] Also before the Board are (a) statement in support, filed July 15, 1966, by the Broadcast Bureau; (b) opposition, filed July 15, 1966, by Hall County Broadcasting Co. (WLBA); and (c) reply, filed July 27, 1966, by Sawnee. Since the subject petition is an outgrowth of an earlier petition filed by WSNE, no question of timeliness is raised. See Memorandum Opinion and Order, 3 FCC 2d 900 (1966) in which the pertinent history and chronology appear.

[2] On May 27, 1966, WLBA's application for a new FM broadcast station in Gainesville, Ga., was granted (FCC 65R-193).

[3] Reynolds received $20,000 from an insurance company as reimbursement for damage sustained in a fire that destroyed the existing facilities of WLBA. Of this amount, $5,000 was used as a down payment for a building purchased by Reynolds.

[4] WLBA has filed several amendments to its financial proposal. Additionally, some of the information submitted with its opposition varies from that shown in its amended application. Notwithstanding this variance, the Board will consider the information in the opposition.

[5] Reynold's personal balance sheet shows only $200 in current assets and $3,200 in short-term liabilities. The balance sheet, purportedly that of WLBA, shows accounts receivable of $16,797.48 in addition to the cash, but there is no showing of the availability and liquidity of this amount. Therefore it cannot be considered available. See KWBB Broadcasting Co., FCC 64R-87, released Jan. 21, 1964. It is also noteworthy that this balance sheet reflects only $4,863 in current assets over short-term liabilities.

(b) In the event that WLBA will depend upon operating revenues during the first year operation to meet fixed costs and operating expenses, to determine the basis of its estimated revenues for the first year of operation;

(c) To determine, in light of the evidence adduced under the foregoing issues, whether WLBA is financially qualified to construct and operate its proposed station.

Released: September 23, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10591 Filed, Sept. 27, 1966; 8:49 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business September 20, 1966, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 459,[2] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 181,[2] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 77,[2] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking As-

[1] Board member Slone not participating.

[2] Filed as part of original document.

sociations," dated January 1961, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated January 1961, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FEDERAL DEPOSIT INSURANCE CORPORATION,
K. A. RANDALL,
Chairman.

JAMES J. SAXON,
Comptroller of the Currency.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
WILLIAM MCC. MARTIN, JR.,
Chairman.

[F.R. Doc. 66-10562; Filed, Sept. 27, 1966; 8:47 a.m.]

[1] Filed as part of original document.

FEDERAL MARITIME COMMISSION

PARR-RICHMOND TERMINAL CO. AND PETROMARK, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. O. H. Ritter Jr., One Drumm Street, San Francisco, Calif.

Agreement No. T-1987 between Parr-Richmond Terminal Co. (Parr-Richmond) and Petromark, Inc. (Petromark) provides for the granting to Petromark of an easement of space for pipelines over and through property at Parr-Richmond's Terminal No. 1. Petromark will handle liquid bulk products and agrees to pay Parr-Richmond's tariff rates for all commodities passing through the pipelines. Petromark further agrees to route through this facility all water shipments of petroleum or chemical products moving to or from its premises so long as such facilities are available and the cost does not exceed the cost of routing such shipments through other terminals on San Francisco Bay.

Dated: September 23, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-10586; Filed, Sept. 27, 1966; 8:49 a.m.]

[Independent Ocean Freight Forwarder License 1107]

EASTERN FREIGHT FORWARDERS, INC.

Revocation of License

Whereas, Eastern Freight Forwarders, Inc., Post Office Box 433, 309 St. Michael Street, Mobile, Ala., has ceased to operate as an independent ocean freight forwarder; and

Whereas, Eastern Freight Forwarders, Inc., has returned his Independent Ocean Freight Forwarder License No. 1107 to the Commission for cancellation.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1, § 6.03;

It is ordered, That the Independent Ocean Freight Forwarder License No. 1107 of Eastern Freight Forwarders, Inc., be and is hereby revoked, effective this date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-10587; Filed, Sept. 27, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-65]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 21, 1966.

Take notice that on September 16, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-65 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and a certificate of public convenience and necessity authorizing the construction and operation of other facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to relocate its Vermillion, S. Dak. (Vermillion) town border station (TBS) site because of proposed highway construction and because of the present TBS's close proximity to the University of South Dakota's new dormitory.

Specifically, Applicant proposes to abandon and remove approximately 0.42 mile of 4-inch branchline and the present TBS serving Vermillion. Applicant also proposes to construct and operate a new TBS for Vermillion which will tie-in to Applicant's 6-inch and 8-inch Yankton, S. Dak. branchlines.

The total estimated cost of removing and constructing facilities is to be $22,375, of which Central Natural Gas Co. will finance $21,000 and Applicant will finance the remainder.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 20, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10545; Filed, Sept. 27, 1966; 8:45 a.m.]

[Docket No. CP67-64]

TENNESSEE GAS PIPELINE CO.

Notice of Application

SEPTEMBER 21, 1966.

Take notice that on September 14, 1966, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed an application pursuant to section 7(c) of the Natural Gas Act for an order of the Commission authorizing the transportation and sale for resale in interstate commerce of volumes of natural gas to East Tennessee Natural Gas Co. (East Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to sell and deliver to East Tennessee, one of its general service customers, an additional maximum daily quantity of 25,650 Mcf volumes of natural gas at 15.025 p.s.i.a. Applicant is presently authorized to sell and deliver to East Tennessee up to a maximum daily quantity of 209,062 Mcf at 15.025 p.s.i.a. The additional service is to be rendered through utilization of the unallocated pipeline capacity which is available from Applicant's facilities constructed south of Station 87 as authorized by the Commission in Docket Nos. CP66-180 and CP66-303.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 20, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10546; Filed, Sept. 27, 1966; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 66-10562, Federal Deposit Insurance Corporation, *supra*.

SECURITIES AND EXCHANGE COMMISSION

[812-1893, 813-1894]

WHEELABRATOR CORP., ET AL.

Notice of and Order for Hearing on Applications for Orders Exempting Proposed Transactions Between Affiliates

SEPTEMBER 22, 1966.

Notice is hereby given that The Wheelabrator Corp. ("Wheelabrator"), 400 South Byrkit Avenue, Mishawaka, Ind. 46544, Bell Intercontinental Corp. ("Bell"), 26 Broadway, New York, N.Y. 10004, and Real Estate Equities, Inc. ("Real Estate"), 26 Broadway, New York, N.Y. 10004, all Delaware corporations, have filed applications pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for orders exempting from the provisions of section 17(a) of the Act the purchase by Wheelabrator from Bell and Real Estate of certain land, buildings, and equipment ("plants") used by Wheelabrator in connection with its manufacturing operations and now leased by Wheelabrator from Bell and Real Estate.

The Equity Corp. ("Equity"), a registered closed-end nondiversified investment company, owns 50.08 percent of the issued and outstanding common stock of Bell. Bell owns over 80 percent of the issued and outstanding voting stock of Wheelabrator. Real Estate is a wholly owned subsidiary of Equity Financial Corp., a wholly owned subsidiary of Equity.

Section 17 of the Act, as here pertinent, makes it unlawful for any affiliated person of a registered investment company (as defined in section 2(a)(3) of the Act), or any affiliated person of such a person, to sell to or purchase from any company controlled by such registered company any security or other property unless the Commission upon application grants an exemption from such prohibition after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act. All interested persons are referred to the applications on file with the Commission for a full statement of the representations made therein, which are summarized below.

Wheelabrator proposes to purchase from Bell, as of January 1, 1966, the plants located in Mishawaka and South Bend, Ind. ("Wheelabrator Plants") for $1,020,000, and the plant located in Riverton, N.J. ("Criswell Plant"), for $367,200, of which $272,771 would be paid in cash and $94,429 by the assumption of the existing mortgage on the premises.

Wheelabrator proposes to purchase from Real Estate the plant ("Plant No. 1") located in Mishawaka, Ind., as of January 1, 1966, for the sum of $1,261,200, of which $377,070 would be paid in cash and $884,130 by the assumption of the existing mortgage on the premises.

The purchase prices are subject to adjustment to reflect rental or mortgage payments from January 1, 1966, to the closing date and items accrued or prepaid at that date.

The applications request further, to the extent necessary, the exemption from the provisions of section 17(a) of the Act, of any and all payments extensions, modifications or other action which Bell or Real Estate may take in the future with respect to the indebtedness and mortgages assumed in the proposed transactions.

Wheelabrator proposes to purchase the plants to facilitate, by its ownership of the land and the presently existing improvements, the long-term financing of construction of additional plant facilities.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that hearings be held with respect to said applications and that it would be conducive to the orderly disposition of the issues raised by said applications to consolidate the proceedings thereon:

It is ordered, That the proceeding in File No. 3-478 be, and hereby is, consolidated with the proceeding in File No. 3-477 for hearing and disposition.

It is further ordered, Pursuant to section 40(a) of the Act that a hearing on the aforesaid applications under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 17th day of October 1966 at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearings will be held. Any person desiring to be heard or otherwise wishing to participate in the consolidated proceedings is directed to file with the Secretary of the Commission, Washington, D.C. 20549, on or before the 14th day of October 1966 his application as provided by Rule 9 of the Commission's rules of practice. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses noted above, and proof of service (by affidavit, or, in case of an attorney at law, by certificate) shall be filed contemporaneously with such request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of

the applications and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transactions are consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Investment Company Act of 1940; and

(3) Whether the proposed transactions are consistent with the general purposes of the Investment Company Act of 1940;

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to Bell, Real Estate and Wheelabrator and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10580; Filed, Sept. 27, 1966; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 1-B]

DEPUTY ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation of Authority

Pursuant to the authority vested in me as Administrator of the Small Business Administration by the Small Business Act (72 Stat. 383), as amended, the Small Business Investment Act of 1958 (72 Stat. 689), as amended, Title IV of the Economic Opportunity Act of 1964 (78 Stat. 526), and Delegation of Authority from the Director of the Office of Economic Opportunity (29 F.R. 14764), authority is hereby delegated to the Deputy Administrator for Financial Assistance to perform, in the event of the absence of both the Administrator and the Assistant Administrator for Administration, any and all acts which I, as Administrator, am authorized to perform, including, but not limited to, authority to issue, modify, or revoke delegations of authority and regulations, except exercising authority under sections 7(a)(6), 9(d), and 11 of the Small Business Act, as amended.

This delegation is not in derogation of any authority residing in either the Executive Administrator, the Assistant Administrator for Administration, or in the Deputy Administrators relating to the operations of their respective programs, nor does it affect the validity of any other delegations currently in force and effect.

Effective date. September 21, 1966.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 66-10556; Filed, Sept. 27, 1966; 8:46 a.m.]

TARIFF COMMISSION

[337-D-24]

VEHICLE SEAT SUSPENSION SYSTEMS

Notice of Dismissal of Complaint

After preliminary inquiry in accordance with § 203.3 of its rules of practice and procedure (19 CFR 203.3) the U.S. Tariff Commission, on September 22, 1966, dismissed the complaint filed under section 337 of the Tariff Act of 1930 by the Bostrom Corp. of Milwaukee, Wis. The complaint alleged unfair methods of competition and unfair acts in the importation and sale of certain vehicle seat suspension systems embodying, employing, or containing the invention disclosed in claim 4 of U.S. Letters Patent 2,550,170 assigned to Bostrom.

In the course of the preliminary inquiry the Commission ascertained that a number of the allegations forming the essence of the complaint were without basis in fact.

Issued: September 23, 1966.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 66-10557; Filed, Sept. 27, 1966; 8:46 a.m.]

[332-48]

UNITED STATES AND PRINCIPAL PARTNERS

Investigation of Valuation Laws; Notice of Public Hearing

Notice is hereby given that the U.S. Tariff Commission, on September 22, 1966, ordered public hearings to be held in connection with the investigation instituted under section 332 of the Tariff Act of 1930, as amended (19 U.S.C. 1332), pursuant to a resolution of the Committee on Finance of the U.S. Senate, dated February 9, 1966, which directed that the Commission investigate the valuation laws of the United States and of the principal trading partners of the United States. Notice of the institution of this investigation was published in the FEDERAL REGISTER of February 17, 1966 (31 F.R. 2878).

The hearings will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., on November 1, 1966. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least 5 days in advance of the date set for the hearing. The Commission will also give full consideration to written submissions received by the date of adjournment of the hearings.

The resolution of the Committee on Finance directed the Commission to make a preliminary report to the Committee setting forth (a) a description of the methods of valuation used by the United States and of the principal trading partners of the United States (including those instances where valuation is in excess of the landed values), and (b) a comparative analysis of the basic differences between such methods of valuation and the valuation results they produce. This report was submitted July 16, 1966, and copies thereof are available in the Commission. The resolution also directed the Commission to make a final report not later than February 28, 1967, which shall include suggestions and recommendations for improvement of the customs valuation laws of the United States, including the Commission's views as to the feasibility and desirability of adopting the Brussels definition of value for customs purposes and as to appropriate means for adopting such definition of value with the least practicable effect on trade.

In presenting views orally or in writing, interested parties should direct their attention to the need, if any, for changes in sections 402 and 402a of the Tariff Act of 1930, as amended, for the purpose of—

(a) Determining dutiable value on articles subject to ad valorem rates, and

(b) Collecting statistical data on imports.

Interested parties should also direct their attention to the need, if any, for changes in the provisions of law for administering the U.S. system of valuation.

Requests to appear at the public hearings should contain a statement of the approximate time needed for oral presentation. Because of the limited time available, oral presentations of interested parties and the questioning of witnesses may be limited as conditions necessitate.

Issued: September 23, 1966.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 66-10561; Filed, Sept. 27, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 23, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40721—*Substituted Service—CRI&P for Illinois-California Express, Inc.* Filed by J. D. Hughett, agent (No. 85), for interested carriers. Rates on property loaded in trailers and transported on railroad flatcars, between Denver, Colo., on the one hand, and Dallas and Fort Worth, Tex., on the other, on traffic originating at or destined to such points or points beyond, as described in the application.

Grounds for relief—Motortruck competition.

Tariff—Supplement 11 to J. D. Hughett, agent, tariff MF-I.C.C. 403.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10568; Filed, Sept. 27, 1966; 8:47 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 16, Amdt. 1]

ERIE-LACKAWANNA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Boxcar Distribution; Expiration Date

Upon further consideration of Pfahler's Car Distribution Direction No. 16 (Erie-Lackawanna Railroad Co.—Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 16 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., October 16, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., September 24, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of Federal Register.

Issued at Washington, D.C., September 22, 1966.

INTERSTATE COMMERCE COMMISSION, [SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-10569; Filed, Sept. 27, 1966; 8:47 a.m.]

[S.O. 981; Pfahler's Car. Dist. Dir. 14, Amdt. 1]

KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Boxcar Distribution; Expiration Date

Upon further consideration of Pfahler's Car Distribution Direction No. 14 (Kansas City Southern Railway Co.—Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 14 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., October 16, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., September 24, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of Federal Register.

Issued at Washington, D.C., September 22, 1966.

INTERSTATE COMMERCE COMMISSION, [SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-10570; Filed, Sept. 27, 1966; 8:47 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 13, Amdt. 1]

LOUISVILLE & NASHVILLE RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Boxcar Distribution; Expiration Date

Upon further consideration of Pfahler's Car Distribution Direction No. 13 (Louisville & Nashville Railroad Co.—Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 13 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., October 16, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., September 24, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of Federal Register.

Issued at Washington, D.C., September 22, 1966.

INTERSTATE COMMERCE COMMISSION, [SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-10571; Filed, Sept. 27, 1966; 8:47 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 15, Amdt. 1]

PENNSYLVANIA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Boxcar Distribution; Expiration Date

Upon further consideration of Pfahler's Car Distribution Direction No. 15 (The Pennsylvania Railroad Co.—Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 15 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., October 16, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., September 24, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of Federal Register.

Issued at Washington, D.C., September 22, 1966.

INTERSTATE COMMERCE COMMISSION, [SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-10572; Filed, Sept. 27, 1966; 8:47 a.m.]

ORGANIZATION OF DIVISIONS AND BOARDS

Assignment of Duties

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 25th day of August 1966.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of law being under consideration with a view to facilitating concurrent handling and disposition of interrelated proceedings:

It is ordered, That the "Organization Minutes of the Interstate Commerce Commission relating to the Organization of Division and Boards and Assignment of Work," issue of July 27, 1965, as amended (30 F.R. 11189, 12559, and 13302; and 31 F.R. 242, 4762, and 9529), be further amended as follows:

Under the heading "Terms, Duties, and Responsibilities of the Chairman, Vice Chairman, and Senior Commissioner Present,"

1. Item 3.12 is redesignated as Item 3.13; and

2. A new Item 3.12 is added reading as follows:

3.12 The Chairman, upon joint request of the Chairmen of two Divisions, is authorized to reassign interrelated proceedings to a single Division or Board of Employees to facilitate concurrent handling and disposition of the proceedings.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10573; Filed, Sept. 27, 1966; 8:48 a.m.]

[Notice 414]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 23, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 75320 (Deviation No. 24), CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801, filed September 14, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Memphis, Tenn., and New Orleans, La., over Interstate Highway 55, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From New Orleans, La., over U.S. Highway 61 to junction U.S. Highway 51, thence over U.S. Highway 51 to Jackson, Miss., (2) from Memphis, Tenn., over U.S. Highway 51 via Grenada, Miss., to Canton, Miss., and (3) from Meridian, Miss., over U.S. Highway 80 to Jackson, Miss., and return over the same routes.

No. MC 75320 (Deviation No. 25), CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801, filed September 14, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Memphis, Tenn., and St. Louis, Mo., over Interstate Highway 55, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Memphis, Tenn., over U.S. Highway 61 to St. Louis, Mo., and (2) from Memphis, Tenn., over U.S. Highway 61 to Cape Girardeau, Mo., thence across the Mississippi River to junction Illinois Highway 146, thence over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, Mo., and return over the same routes.

No. MC 75320 (Deviation No. 26), CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801, filed September 14, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Chicago, Ill., and Sikeston, Mo., over Interstate Highway 57, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Springfield, Mo., over U.S. Highway 66 via St. Louis, Mo., to Gardner, Ill., thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, Ill., (2) from Springfield, Mo., over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 45, thence over U.S. Highway 45 to Kankakee, Ill., thence over Illinois Highway 49 to Chicago, Ill., (3) from Springfield, Mo., over Missouri Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo., and thence as specified above to Chicago, Ill., (4) from Memphis, Tenn., over U.S. Highway 61 to St. Louis, Mo., and (5) from Memphis, Tenn., over U.S. Highway 61 to Cape Girardeau, Mo., thence across the Mississippi River to junction Illinois Highway 146, thence over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, Mo., and return over the same routes.

No. MC 75320 (Deviation No. 27), CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801, filed September 14, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Memphis, Tenn., and Little Rock, Ark., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Memphis, Tenn., and Little Rock, Ark., over U.S. Highway 70.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 332) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed September 16, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 19 and Interstate Highway 79 approximately 2 miles south of Zelienople, Pa., over Interstate Highway 79 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 19 approximatly 2 miles south of Mercer, Pa., (2) from junction U.S. Highway 19 and Pennsylvania Highway 208 at Leesburg, Pa., over Pennsylvania Highway 208 to junction Interstate Highway 79, (3) from junction U.S. Highway 19 and Pennsylvania Highway 108 at Harlansburg, Pa., over Pennsylvania Highway 108 to junction Interstate Highway 79, (4) from junction U.S. Highways 19 and 422, over U.S. Highway 422 to junction Interstate Highway 79, (5) from junction U.S. Highway 19 and Pennsylvania Highway 488 at Portersville, Pa., over Pennsylvania Highway 488 to junction Interstate Highway 79, and (6) from junction U.S. Highway 19 and Pennsylvania Highway 68 at Zelienople, Pa., over Pennsylvania Highway 68 to junction Interstate Highway 79, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From junction U.S. Highways 422 and 19 approximately 11 miles east of New Castle, Pa., over U.S. Highway 19 via Portersville and Zelienople, Pa., to Pittsburgh, Pa., (2) from Erie, Pa., over U.S. Highway 19 to Kearsarge, Pa., thence over Pennsylvania Highway 99 to Cambridge Springs, Pa., thence over U.S. Highway 6 to Conneaut Lake, Pa., (3) from Pittsburgh, Pa., over U.S. Highway 19 to junction Pennsylvania Turnpike, at the Perry Highway Interchange, and (4) from junction U.S. Highways 19 and 422 approximately 11 miles east of New Castle, Pa., over U.S. Highway 19 to junction U.S. Highway 6, thence over combined U.S. Highways 19 and 6 to junction U.S. Highway 322, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10574; Filed, Sept. 27, 1966; 8:48 a.m.]

[Notice 970]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 23, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 123067 (Sub-No. 53), filed September 13, 1966. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representatives: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. 27102, and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, lacquers, latices, resins, coatings, and ingredients, and supplies* used in the manufacture thereof, between the plant and warehouse sites of Celanese Coating Co., divisions located at or near Belvidere and Newark, N.J.; Detroit, Mich.; Houston, Tex.; Louisville, Ky.; Los Angeles, Riverside, and San Francisco, Calif.; and Malden, Mass.

HEARING: October 26, 1966, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Lawton.

No. MC 124328 (Sub-No. 24) (Republication), filed May 19, 1966, published FEDERAL REGISTER issue of June 16, 1966, and republished, this issue. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: Francis D. Partlan (same address as applicant). By application filed May 19, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of Federal reserve notes (new, unfit, and those in circulation), between Seattle, Wash.; Portland, Oreg.; San Francisco and Los Angeles, Calif.; Helena, Mont.; Salt Lake City, Utah; Denver, Colo.; El Paso, San Antonio, Houston, and Dallas, Tex.; Oklahoma City, Okla.; Omaha, Nebr.; Minneapolis, Minn.; Chicago, Ill.; St. Louis and Kansas City, Mo.; Little Rock, Ark.; New Orleans, La.; Memphis and Nashville, Tenn.; Louisville, Ky.; Birmingham, Ala.; Atlanta, Ga.; Jacksonville, Fla.; Charlotte, N.C.; Richmond, Va.; Baltimore, Md.; Cincinnati and Cleveland, Ohio; Pittsburgh and Philadelphia, Pa.; Detroit, Mich.; Buffalo and New York, N.Y.; Boston, Mass.; and Washington, D.C.

A corrected order of the Commission, Operating Rights Board No. 1, dated August 19, 1966, and served September 21, 1966, finds (1) that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *currency*, between Seattle, Wash.; Portland, Oreg.; San Francisco and Los Angeles, Calif.; Helena, Mont.; Salt Lake City, Utah; Denver, Colo.; El Paso, San Antonio, Houston, and Dallas, Tex.; Oklahoma City, Okla.; Omaha, Nebr.; Minneapolis, Minn.; Chicago, Ill.; St. Louis and Kansas City, Mo.; Little Rock, Ark.; New Orleans, La.; Memphis and Nashville, Tenn.; Louisville, Ky.; Birmingham, Ala.; Atlanta, Ga.; Jacksonville, Fla.; Charlotte, N.C.; Richmond, Va.; Baltimore, Md.; Cincinnati and Cleveland, Ohio; Pittsburgh and Philadelphia, Pa.; Detroit, Mich.; Buffalo and New York, N.Y.; Boston, Mass.; and Washington, D.C.; under a continuing contract or contracts with banks or banking institutions, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, and (2) that the holding by applicant of the permit authorized to be issued herein and the holding by United States Trucking Corp. of the certificates heretofore issued to it in No. MC-11712 and (Sub-Nos. 1 and 2) thereunder will be consistent with the public interest and the national transportation policy, and that the contract carrier authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that applicant's operations shall conform to the provisions of section 210 of the Act. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 127298 (Republication), filed May 24, 1965, published FEDERAL REGISTER, issue of June 16, 1965, and republished this issue. Applicant: ROBERT W. KOLARICH, Jeffrey City, Wyo. Applicant's representative: W. A. Smith, First National Bank Building, 303 Main Street, Lander, Wyo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mine roof supporting material consisting primarily of steel, rock bolts and pads, and mining equipment*, from Salt Lake City, Utah, and Denver and Pueblo, Colo., to mine sites in the vicinity of Jeffrey City, Wyo., and (2) *mining equipment and wantam milling equipment*, from mine and mill sites in the vicinity of Jeffrey City, Wyo., to Salt Lake City, Utah, and Denver, Colo. NOTE: Applicant states the proposed operations will be under contracts with Continental Uranium Co. of Wyoming and Western Nuclear, Inc. The purpose of this republication is to amend and clarify applicant's original proposal.

No. MC 128072 (Republication), filed March 31, 1966, published FEDERAL REGISTER issue of April 21, 1966, and republished, this issue. Applicant: CUSTOM BEVERAGE PACKERS, INC., 1333 Chillicothe Road, Aurora, Ohio. Applicant's representative: Richard S. Stoddart, National City Bank Building, Cleveland, Ohio. By application filed March 31, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over regular routes, of empty cans and containers, from Detroit, Mich., to Aurora, Ohio, as follows: From the plantsite of the American Can Co., in Detroit, over Seven Mile Road to Van Dyke Avenue, thence over Van Dyke Avenue to junction Interstate Highway 94, thence over Interstate Highway 94 to junction Interstate Highway 75 (Telegraph Road), thence over Interstate Highway 75 to junction Ohio Turnpike (Interstate Highways 80 and 90) (Exit 5), thence over the Ohio Turnpike to junction Ohio Highway 14 (Exit 13), thence over Ohio Highway 14 to junction Ohio Highway 43, thence over Ohio Highway 43 to the plantsite of the Custom Beverage Packers, Inc., in Aurora. An order of the Commission, Operating Rights Board No. 1, dated September 9, 1966, and served September 16, 1966, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *empty containers*, from Detroit, Mich., to Aurora, Ohio, under a continuing contract with the American Can Co. of Detroit, Mich., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Since the proposed service is limited to a named shipper, an amendment which removed the plantsite restrictions contained in the application as filed has been accepted; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITION

No. MC 126512 (Notice of Filing of Petition to Add Additional Shipper to Permit), filed August 24, 1966. Petitioner: BROAD TOP SALES AND SERVICE, INC., 11 Carlisle Street, Greencastle, Pa. Petitioner's representative: James W. Hagar, Commerce Building, Post Office Box 432, Harrisburg, Pa. 17108. Applicant states it holds a permit in MC 126512 to transport, over irregular routes, coal, in bulk, in dump vehicles, from points in that part of Pennsylvania, bounded by a line beginning at Junction U.S. Highway 22 and Pennsylvania Highway 26 and extending east along U.S. Highway 22 to Junction U.S. Highway 522, thence south along U.S. Highway 522 to Junction U.S. Highway 30, thence west along U.S. Highway 30 to Junction Pennsylvania Highway 26, and thence north along Pennsylvania Highway 26 to Junction U.S. Highway

22, including points on the above-specified highways, to points in Maryland, New Jersey, Delaware, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: G.N. & W. Coal Co., Inc., of Greencastle, Pa., James Krieger, of Saxton, Pa., and William H. Martin, of Coaldale, Pa. By the instant petition, petitioner desires to add an additional shipper, C. Kenneth Crotsley, Satillo, Pa. to the above permit. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9528. Authority sought for control by RICHARD S. WATHEN, Post Office Box 237, Henderson, Ky., of BURKS-PELZ TRANSFER, INC., 1724 West Franklin Street, Evansville, Ind. Applicants' attorney: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Operating rights sought to be controlled: *Baby food preparations, medicinal oils, cereal food preparations,* and *soy bean flour,* as a *contract carrier,* over regular routes, from Evansville, Ind., to Chicago, Ill., serving no intermediate points; *refined corn products, empty cans, compounds, chemicals,* and *empty malt beverage containers,* from Chicago, Ill., to Evansville, Ind., serving no intermediate points; *powdered milk,* over irregular routes, between Evansville, Ind., on the one hand, and, on the other, Zeeland, Mich.; *malt beverages,* from Evansville, Ind., to Davenport, Iowa, Cincinnati, Dayton, and Toledo, Ohio; and points in Illinois, from Evansville, Ind., and Freeport, Ill., to points in Michigan, from Evansville, Ind., to points in Iowa (except Davenport), Kentucky (except Louisville), Missouri (except St. Louis) and Tennessee; *ground bone meal,* from Calumet City, Ill., to Evansville, Ind.; *maltose* (malt sugar), from Evansville, Ind., to Zeeland, Mich.; *meat, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses,* as defined in *Modification of Permits—Packinghouse Products,* 46 M.C.C. 23, from Evansville, Ind., to points in Kentucky on and west of Kentucky Highway 231 (formerly Kentucky Highway 71) between Owensboro and Bowling Green, Ky., and on and west of U.S. Highway 31W between Bowling Green and the Kentucky Tennessee State line.

Veneer and plywood, from Jasper, Ind., to points in Illinois, Kentucky, Michigan, Missouri (except St. Louis), Ohio (except Cincinnati) and Pennsylvania; *veneer and glue,* from points in Illinois, Kentucky, Michigan, Missouri (except St. Louis), Ohio, and Pennsylvania, to Jasper, Ind.; *lumber,* from points in Illinois, Kentucky, Michigan, Missouri, Ohio, and Pennsylvania, to Jasper, Ind.; *ice cream and frozen dessert specialties,* in shipper-owned trailers, from Evansville, Ind., to points in Illinois, Kentucky, Tennessee, and Missouri; *bakery products and canned soups,* from Evansville, Ind., to Chicago, Ill., with restriction; *ice cream* and *frozen desserts,* in shipper-owned trailers, from the plantsite of the Edgewood Dairy Co., at Evansville, Ind., to points in Ohio, between the plantsite of the Edgewood Dairy Co., at Evansville, Ind. and the plantsite of the Dunkirk Ice Cream Co., at Dunkirk, N.Y., with restriction; *pharmaceuticals, foodstuffs, food formulas, and dietary foods* (except such commodities in bulk, in tank vehicles) and *materials and supplies* used in the manufacture and packaging of products specified above, between the plantsite of Mead Johnson & Co. at Evansville, Ind., on the one hand, and, on the other, Chicago, Ill., and Zeeland, Mich., with restriction. RICHARD S. WATHEN holds no authority from this Commission. However, he owns 50 percent of the stock of WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky., which is authorized to operate as a *common carrier* in Kentucky, Indiana, Illinois, Tennessee, Missouri, Arkansas, Alabama, Georgia, Iowa, Michigan, Ohio, Mississippi, Wisconsin, Pennsylvania, West Virginia and Kansas; and as a *contract carrier* in Tennessee and Kentucky. Application has not been filed for temporary authority under section 210a(b). NOTE: If a hearing is deemed necessary, Applicants request that it be held at Nashville, Tenn.

No. MC-F-9529. Authority sought for purchase by THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio 44501, of the operating rights of LEE, INC., 200 Garfield Drive NE., Warren, Ohio, in pending Docket No. MC-121238 (Sub-No. 1), and for acquisition by WILLIAM F. WOLFF, also of Youngstown, Ohio 44501, of control of such rights through the purchase. Applicants' attorneys: John P. McMahon and A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: In pending Docket No. MC-121238 (Sub-No. 1) seeking a certificate of registration, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Ohio, Michigan, and the District of Columbia. Application has been filed for temporary authority under section 210a (b). NOTE: Docket No. MC-8958 (Sub-No. 20) is a matter directly related.

No. MC-F-9530. Authority sought for purchase by SCHRODER'S EXPRESS, INC., 1550 Perin Street, Cincinnati 4, Ohio, of the operating rights of FRED L. SCHUMACHER, doing business as EXCELLO TRANSPORTATION COMPANY, 2309 De Kalb Street, St. Louis, Mo., and for acquisition by PAUL SCHRODER, also of Cincinnati, Ohio, of control of such rights through the purchase. Applicants' attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over a regular route, between Treloar, Mo., and East St. Louis, Ill., serving all intermediate points; and *livestock,* over irregular routes, from New Melle, Mo., and points within 12 miles of New Melle, Mo., to East St. Louis, Ill. Vendee is authorized to operate as a *common carrier* in Kentucky, Ohio, Indiana, Missouri, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9531. Authority sought for purchase by BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn., of the operating rights and certain property of ED RUBRIGHT, doing business as ABC TRAILER TOWING, 2461 Fourth Avenue, Yuma, Ariz., and for acquisition by JOHN C. BARRETT, also of Moorhead, Minn., of control of such rights and property through the purchase. Applicants' attorney and representative: John G. McLaughlin, 624 Pacific Building, Portland, Oreg. 97204, and Peter C. Burns, 152 First Avenue, Yuma, Ariz. Operating rights sought to be transferred: *Mobile homes,* in secondary movements, in truckaway service, as a *common carrier,* over irregular routes, from points in Yuma County, Ariz., to points in California. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC-F-9532 (BARRETT MOBILE HOME TRANSPORT, INC.—PURCHASE—S. J. SIMMERMAN) published this same issue.

No. MC-F-9532. Authority sought for purchase by BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn., of the operating rights of S. J. SIMMERMAN, doing business as SID'S SERVICE, Box 728, 1427 Elm, Sidney, Nebr., and for acquisition by JOHN C. BARRETT, also of Moorhead, Minn., of control of such rights through the purchase. Applicants' attorney and representative: John G. McLaughlin, 624 Pacific Building, Portland, Oreg. 97204, and Frank Mattoon, 907 Jackson, Sidney, Nebr. Operating rights sought to be transferred: *Used mobile homes,* in secondary movements, in truckaway service, as a *common carrier,* over irregular routes, between Sidney, Nebr., and points in Nebraska within 50 miles of Sidney, on the one hand, and, on the other, points in Colorado and Wyoming, between points in Logan County, Colo., on the one hand, and, on the other, points in Wyoming. Restriction: Carrier shall maintain separate accounts and records for his transportation and nontransportation operations. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC-F-9531 (BARRETT MOBILE HOME TRANSPORT, INC.—PURCHASE—ED RUBRIGHT) published this same issue.

No. MC-F-9533. Authority sought for purchase by W. S. THOMAS TRANSFER, INC., Post Office Box 507, 404 Auburn Street, Fairmont, W. Va., of the operating rights and certain property of D. A. CARMICHAEL, doing business as CARMICHAEL MOVING AND STORAGE, Post Office Box 848, 333 Stiles Street, Clarksburg, W.Va. 26301, and for acquisition by ROBERT H. THOMPSON, Erwin Lane, Fairmont, W. Va., of control of such rights and property through the purchase. Applicants' attorney: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Operating rights sought to be transferred: *Household goods,* as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, as a *common carrier,* over irregular routes, between certain specified points in West Virginia, on the one hand, and, on the other, points in West Virginia, Maryland, Pennsylvania, Virginia, Ohio, Michigan, Delaware, Georgia, Illinois, Indiana, Kentucky, Missouri, New Jersey, New York, North Carolina, Tennessee, and the District of Columbia, traversing Wisconsin for operating convenience only. Vendee is authorized to operate as a *common carrier* in West Virginia, Ohio, Maryland, Pennsylvania, New York, Michigan, Indiana, Illinois, Virginia, Kentucky, New Jersey, Missouri, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9534. Authority sought for purchase by RAYMOND MOTOR TRANSPORTATION, INC., 1912 Northeast Broadway, Minneapolis, Minn., of the operating rights of RONALD A. WOLTER, doing business as WOLTER BROTHERS TRANSPORTATION CO., Browerville, Minn. Applicants' attorney: Clay R. Moore, 1060 First National Bank Building, Minneapolis, Minn. (The operating rights sought to be transferred herein were acquired pursuant to MC-FC-67543, approved February 8, 1965, as corrected, by the Transfer Board.) Operating rights sought to be transferred: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier, over regular routes, between Browerville, Minn., and Park Rapids, Minn., serving certain specified intermediate points. Vendee is authorized to operate as a *common carrier* in Minnesota, North Dakota, Illinois, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9535. Authority sought for purchase by LEESER & STAUFFER TRUCK SERVICE, INC., Taylor, Mo., of the operating rights and certain property of MORRIS C. BASTIAN AND HAROLD E. GARRETT, doing business as BASTIAN TRUCK SERVICE, 206 West Davis Street, Monroe City, Mo., and for acquisition by S. R. STAUFFER and ROBERT H. LEESER, both also of Taylor, Mo., of control of such rights and property through the purchase. Applicants' attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Operating rights sought to be transferred: *Fertilizer,* in bulk, restricted against the use of tank vehicles, and *feed* and *fertilizer* in bags, as a *common carrier,* over irregular routes, from East St. Louis, Ill., to certain specified points in Missouri, with restrictions. Vendee is authorized to operate as a *common carrier* in Kansas, Illinois, Missouri, Arkansas, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin; and as a *contract carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10575; Filed, Sept. 27, 1966; 8:45 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 23, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.248 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC-321 Sub 2, filed March 23, 1966. Applicant: PARKER MOTOR FREIGHT, INC., 1505 Steele Avenue SW., Grand Rapids 2, Mich. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities,* (1) between Grand Rapids and Detroit, Mich., over Interstate Highway 96; (2) between Cadillac and Detroit, Mich., over U.S. Highway 131 to junction Michigan Highway 115, thence over Michigan Highway 115 to junction U.S. Highway 10, thence over U.S. Highway 10 to Detroit. Also, from junction U.S. Highways 10 and 23, over U.S. Highway 23 to junction Interstate Highway 96, thence over Interstate Highway 96 to Detroit. Also, from junction Interstate Highway 75 and U.S. Highway 10, over Interstate Highway 75 to Detroit; and, (3) serving all intermediate and off-route points within 3 miles of the routes described and including the commercial zones of all points herein described. NOTE: Applicant states that service over the routes described shall be restricted to the transportation of traffic which applicant either originates at or delivers to its authorized point of Cadillac, Mich., or points north of Cadillac.

HEARING: October 25, 26, 27, 1966, 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Requests for procedural information, including the time for filing protests concerning this application, should be addressed to the Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich., and should not be addressed to the Interstate Commerce Commission.

State Docket No. MC 3932 (Sub-No. 2), filed March 31, 1966. Applicant: MEADOR'S MOTOR LINES, INC., Post Office Box 10125, McKellar Station, Memphis, Tenn. Applicant's representative: Harold Seligman, Suite 1204, 1808 West End Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities* (except household goods and commodities requiring special equipment); (1) Between Memphis, Tenn., and Huntingdon, Tenn.: From Memphis, Tenn., over U.S. Highway 70 to Huntersville, Tenn.; thence via Jackson, Tenn., to Huntingdon, Tenn., and return over the same routes, serving all intermediate points between Huntersville, Tenn., and Huntingdon, Tenn. (2) Between Huntingdon, Tenn., and Bolivar, Tenn.: From Huntingdon, Tenn., via U.S. Highway 70 to Jackson, Tenn.; thence via Highway 45 to its junction with Tennessee Highway 18; thence via Tennessee Highway 18 to Bolivar, Tenn., and return over the same routes, serving all intermediate points between Huntingdon, Tenn., and Bolivar, Tenn. Both of these routes are to be used in connection with all other operating routes of this carrier.

HEARING: Tuesday, October 25, 1966, at the Commission's Courtroom, C-1, Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 4479 Sub 3, filed May 4, 1966. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., 1940 University Avenue NW., Knoxville, Tenn. Applicant's rep-

resentative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities* (except those of unusual value, dangerous explosives, household goods, commodities in bulk, and those requiring special equipment), from Maryville, Tenn., over U.S. Highway 411 to Madisonville with closed doors at points intermediate between Maryville and Madisonville; thence over Tennessee Highway No. 68 to Tellico Plains, Tenn., serving Tellico Plains and all points on Tennessee Highway No. 68 between Madisonville and Tellico Plains; and return over the same route—same service in both directions. This route to be tacked or joined to all of applicant's other certificates for through movements of freight between all present and proposed routes and beyond by interchange. Both intrastate and interstate authority sought.

HEARING: Thursday, October 20, 1966, the Commission's Courtroom, C–1, Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., and should not be directed to the Interstate Commerce Commission.

State Docket No. E–13780, filed September 12, 1966. Applicant: COLUMBIA-PACIFIC TRANSPORT CO., Post Office Box 252, Kennewick, Wash. Applicant's representative: Dean W. Loney, Box 125, Kennewick, Wash. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general freight*, moving under rail and barge bills of lading, to and from the Tri-City area of Pasco, Kennewick, and Richland.

HEARING: Date, time, and place assigned for hearing application not known at this time. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., and should not be directed to the Interstate Commerce Commission.

State Docket No. 15826, filed August 30, 1966. Applicant: A–OK MOTOR LINES, INC., Opp, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities*, between Birmingham, Ala., and points within 15 miles thereof, on the one hand, and, on the other, the plantsite of Gulf States Paper Co., approximately 10 miles west of Demopolis, Ala.

HEARING: Monday, October 17, 1966, 9:30 a.m., 702 State Office Building, Montgomery, Ala. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–10576; Filed, Sept. 27, 1966; 8:48 a.m.]

[Notice 258]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 23, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 338 TA), filed September 20, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shipper-owned tractors, trailers, and trucks, all containing or laden with display material* (replicas of life-size dinosaurs), by the driveaway method, between points in the United States (except those in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington), for 180 days. Supporting shipper: Sinclair Refining Co., 600 Fifth Avenue, New York, N.Y. 10020, Lewis J. Manzione. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 60386 (Sub-No. 2 TA), filed September 20, 1966. Applicant: BERRYMAN EXPRESS, INC., 497 Union Street, Lynn, Mass. Applicant's representative: Frederick T. O'Sullivan, 372 Granite Avenue, Milton, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex, liquid rubber cement, and cleaner solvent*, from North Reading, Mass., to Somerville, Mass., tacking at Somerville, Mass., a point authorized to be served by its certificate No. MC 60386, for 180 days. Supporting shipper: Empire Adhesive Co., Lynn, Mass. Send protests to: Maurice C. Pollard, District Supervisor, John Fitzgerald Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 89693 (Sub-No. 40 TA), filed September 21, 1966. Applicant: HARMS PACIFIC TRANSPORT, INC., 1430 130th Avenue NE., Bellevue, Wash. 98004. Applicant's representative: H. E. Barker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road oil, asphalt, and heavy fuel oils* (having a prior movement by rail), in bulk, between points in Klamath, Jackson, Josephine, Curry, Coos, Douglas, Lane, and Deschutes Counties, Oreg. *Rejected or contaminated products*, on return, for 150 days. Supporting shipper: Blackline Asphalt Sales, Post Office Box 231, Klamath Falls, Oreg. 97601. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 109435 (Sub-No. 40 TA), filed September 21, 1966. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., 116 North Allied Road, Post Office Drawer J, Stroud, Okla. Applicant's representative: K. C. Elliott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Van Buren, Ark., to Pawhuska, Okla., for 180 days. Supporting shipper: Oklahoma Fracturing Services, Inc., 630 United Founders Life Tower, 5900 Mosteller Drive, Oklahoma City, Okla. 73112, Attention: Mr. G. S. Cecil. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 112547 (Sub-No. 2 TA), filed September 21, 1966. Applicant: J. T. GERKEN TRUCKING, INC., 902 Front Street, Portsmouth, Ohio 45662. Applicant's representative: Earl J. Thomas, Post Office Drawer 70, Thomas Building, 5844–5866 North High Street, Worthington, Ohio 43085. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such equipment, materials*, and *supplies* as are usually dealt in by garages and gasoline and oil service stations (except liquid commodities in bulk), and *empty shipper-owned trailers*. Between the site of the Standard Oil Co. (Reserve Terminals) warehouse located at 2200 Highland Road, in the Village of Twinsburg, Ohio, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia. *Plastic pipe and plastic pipe fittings*, from the plantsite of Plastex, Inc., in Columbus, Ohio, to Hyattsville, Md., and Philadelphia, Pa. *Empty shipper-owned trailers*, from Hyattsville, Md., and Philadelphia, Pa., to the plantsite of Plastex, Inc., in Columbus, Ohio. *Materials* used in the manufacture of plastic pipe and plastic pipe fittings, from Secaucus, N.J., to the plantsite of Plastex, Inc., in Columbus, Ohio. Restricted to apply only when shipments are transported in trailers owned by the Standard Oil Co. (Ohio) or one of its wholly owned subsidiaries. The operations authorized herein, are limited to a transportation service to be performed under a continuing contract, or contracts, with the Standard Oil Co. (Ohio) and its wholly owned subsidiaries, for 180 days. Supporting shipper: The Standard Oil Co., Midland Building, Cleveland, Ohio 44115. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 113271 (Sub-No. 29 TA), filed September 21, 1966. Applicant: CHEMICAL TRANSPORT, 1637 Third Street NW., Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, and in bags, from the international boundary at all Montana ports of entry between the United States and Canada, to points in Montana, for 180 days. Supporting shipper: Harrisons & Crosfield (Pacific), Inc., 618 Second Avenue, Seattle, Wash. 98104. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, U.S. Post Office Building, Billings, Mont.

No. MC 113325 (Sub-No. 114 TA), filed September 21, 1966. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: Paul D. Borghesani, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from El Dorado, Ark., to St. Louis, Mo., and points in West Virginia, for 180 days. Supporting shippers: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, and Mallinckrodt Chemical Works, Second & Mallinckrodt Streets, St. Louis, Mo. 63160. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 117304 (Sub-No. 13 TA), filed September 21, 1966. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street North, Lewiston, Idaho 83501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Wood chips*, in bulk, (1) from Coeur d'Alene, Idaho, to Spokane, Wash., over U.S. Highway 10; and (2) from Albeni Falls, Idaho, to Spokane, Wash., over U.S. Highway 195, for 150 days. Supporting shipper: Diamond National Corp., Northwest Lumber, Post Office Box 1119, Coeur d'Alene, Idaho 83814. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 119726 (Sub-No. 56 TA) (Correction), filed August 23, 1966, published FEDERAL REGISTER, issue of August 31, 1966, and republished as corrected this issue. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined edible vegetable oils and blends thereof*, from Louisville, Ky., to Pennsauken, N.J., and Dover, Del., for 180 days. Supporting shipper: Durkee Famous Foods, 1303 South Shelby Street, Louisville, Ky. 40201. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204. NOTE: The purpose of this republication is to show that Pennsauken is located in New Jersey, and not in New York as previously published, in error.

No. MC 119777 (Sub-No. 70 TA) (Correction), filed August 31, 1966, published FEDERAL REGISTER, issue of September 9, 1966, and republished as corrected this issue. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Mr. William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Guard rail, and guard rail posts, and accessories*, between Flint, Mich., on the one hand, and on the other, Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Mrs. Dorothy Robinette, Vice President, Traffic, Anderson "Safeway" Guard Rail Corp., 2610 North Dort Highway, Flint, Mich. 48506. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202. NOTE: The purpose of this republication is to show that the States of Alabama, Arkansas, Connecticut, Delaware, and the District of Columbia were inadvertently omitted from previous publication.

No. MC 128596 TA, filed September 21, 1966. Applicant: ALBERT BEASY, doing business as BEASY LIVESTOCK TRANSIT, 514 Lincoln, Monon, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (except trailers pulled by cars with a ballhitch). From Monon, Ind., to Chicago, Ill., for 150 days. Supporting shipper: Monon Trailer, Inc., South Walnut Street, Monon, Ind. Send protests to: Heber Dixon, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 306 Federal Building, Fort Wayne, Ind. 46802.

No. MC 128597 TA, filed September 21, 1966. Applicant: WALTER TABER, WALT'S POULTRY AND BEEF CO., 1930 Wadsworth Boulevard, Lakewood, Colo. 80215. Applicant's representative: Bert L. Penn, 30 South Emerson, Denver, Colo. 80209. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in part A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from Grand Island, Gering, and Scottsbluff, Nebr., to Cheyenne and Laramie, Wyo., and Broomfield, Denver, Fort Collins, Longmont, and Loveland, Colo., for 180 days. Supporting shipper: Swift & Co., Terminal Annex Station, Denver 17, Colo. Send protests to: Luther H. Oldham, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–10577; Filed, Sept. 27, 1966; 8:48 a.m.]

[Notice 3416]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 23, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68799. By order of September 22, 1966, the Transfer Board approved the transfer to Rediehs Interstate, Inc., La Grange, Ill., of certificate No. MC–126828 and No. MC–126828 (Sub-No. 2), issued January 26, 1966, and August 24, 1966, respectively, to George A. Rediehs Co., Inc., La Grange, Ill., authorizing the transportation of: General commodities, between the plantsite of the

Bethlehem Steel Corp., Burns Harbor, Ind., on the one hand, and, on the other, points in Illinois, north of U.S. Highway 40, and points in Missouri, except St. Louis; iron and steel articles, and iron and steel articles which because of size or weight, require transportation by pole trailers, and such commodities as require specialized handling or rigging because of size or weight, between the plantsite of Bethlehem Steel Corp., Burns Harbor, Ind., on the one hand, and, on the other, points in Illinois, and points in Iowa, east of U.S. Highway 69, and St. Louis, Mo.; and iron and steel articles and equipment and supplies used or useful in the production and distribution thereof, between the plantsite of the Bethlehem Steel Corp., on the one hand, and, on the other, points in Iowa and Wisconsin. Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602, attorney for applicants.

No. MC–FC–68874. By order of September 14, 1966, the Transfer Board approved the transfer to K. P. Moving & Storage, Inc., 1475 South Acoma Street, Denver, Colo., of certificate in No. MC–34869, issued May 20, 1955, to Ivan Bailey and Belva Bailey, a partnership, doing business as Bailey Storage & Transfer, 946 Walnut Street, Boulder, Colo., authorizing the transportation of household goods, over irregular routes, between Boulder, Colo., on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Nebraska, Illinois, Indiana, and Wisconsin.

No. MC–FC–69004. By order of September 22, 1966, the Transfer Board approved the transfer to Bear Mountain Motor Express, Inc., Sioux City, Iowa, of the operating rights in certificate No. MC–1101 (Sub-No. 1), issued September 3, 1964, to Acme Transfer Co., Inc., Omaha, Nebr., authorizing the transportation of: Bananas, from New Orleans, La., and Mobile, Ala., to specified points in North Dakota, Minnesota, Iowa, Nebraska, and Indiana. Donald E. Leonard, 605 South 14th Street, Lincoln, Nebr., attorney for applicants.

No. MC–FC–69011. By order of September 20, 1966, the Transfer Board approved the transfer to Victor Grothaus, doing business as Grothaus Express, Kingsley, Iowa, of certificate in No. MC–9765, issued September 6, 1949, to Wade W. Mohr, Manning, Iowa, authorizing the transportation of: Livestock and general commodities, between Denison, Iowa, and Omaha, Nebr., with service to and from intermediate and off-route points within 25 miles of Denison. R. W. Wigton, 710 Badgerow Building, Sioux City, Iowa 51101, attorney for applicants.

No. MC–FC–69012. By order of September 20, 1966, the Transfer Board approved the transfer to Victor Grothaus, doing business as Grothaus Express, Kingsley, Iowa, of a portion of the operating rights in certificate No. MC–84692, issued September 6, 1946, to Bekins Van & Storage Co., a corporation, Sioux City, Iowa, authorizing the transportation of: General commodities, with the usual exceptions including petroleum products in bulk and household goods, between points within 20 miles of Sioux City, Iowa, including Sioux City. R. W. Wigton, 710 Badgerow Building, Sioux City, Iowa 51101, attorney for applicants.

No. MC–FC–69014. By order of September 22, 1966, the Transfer Board approved the transfer to Glen R. Ellis, Inc., Chattanooga, Tenn., of the certificate in Nos. MC–119388, MC–119388 (Sub-No. 2), MC–119388 (Sub-No. 3), MC–119388 (Sub-No. 5), MC–119388 (Sub-No. 6), MC–119388 (Sub-No. 7), and MC–119388 (Sub-No. 9), issued May 19, 1960, July 1, 1960, June 7, 1961, November 21, 1962, January 19, 1962, August 23, 1963, and December 2, 1965, respectively, to Glen R. Ellis, Chattanooga, Tenn., authorizing the transportation of: Malt beverages, from Terre Haute and Evansville, Ind., and Chicago, Ill., to Chattanooga, Tenn.; from Cincinnati, Ohio, and Louisville, Ky., to Chattanooga, Tenn., and Atlanta and Gainesville, Ga.; from Chattanooga, Tenn., to points in Florida and Georgia; from St. Joseph, Mo., to Chattanooga, Tenn.; from St. Louis, Mo., Milwaukee, Wis., and Peoria, Ill., to Chattanooga, Tenn.; from Fort Wayne, Ind., and Milwaukee, Wis., to Athens, Tenn.; from Evansville, Ind., and St. Joseph and St. Louis, Mo., to Cleveland, Tenn.; from Evansville, Ind., Peoria, Ill., and St. Joseph, Mo., to Sweetwater, Tenn.; and from South Bend, Ind., to Athens, Chattanooga, Cookeville, Johnson City, and Knoxville, Tenn.; lard, lard substitutes, and salad and cooking oils, from Chattanooga, Tenn., to points in Florida, Georgia, North Carolina, South Carolina, and Virginia; sugar, from Port Wentworth and Savannah, Ga., to Chattanooga, Tenn., and points in Tennessee within 10 miles thereof; processed and unprocessed peanuts, between Malone, Fla., and points within 200 miles thereof, on the one hand, and, on the other, points in Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, and Louisiana; fertilizer, from points in Montgomery and Houston Counties, Ala., to points in Jackson and Calhoun Counties, Fla.; buttermilk, condensed whole and condensed skim milk and ice cream mix, in bulk, in tank vehicles, from Chattanooga, Tenn., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin; cast iron soil pipe, from Chattanooga, Tenn., to Owensboro, Bowling Green, and Hopkinsville, Ky., and points in Kentucky (except Covington) east of U.S. Highway 31E; animal and poultry feed and animal and poultry feed ingredients (except cat and dog food and ingredients used therein), in bulk and containers, from Chattanooga, Tenn., to points in Alabama, Georgia, North Carolina, and South Carolina; and poultry, eggs, fresh and liquid egg albumen, and dried, fresh, or liquid egg yolks, from Chattanooga, Tenn., and Atlanta and Gainesville, Ga., to Louisville, Ky.; Evansville and Terre Haute, Ind.; Cincinnati, Ohio; and Chicago, Ill.; from Chattanooga, Tenn., to points in Georgia and Florida; and from Atlanta, Ga., to points in Florida. Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–10578; Filed, Sept. 27, 1966; 8:48 a.m.]

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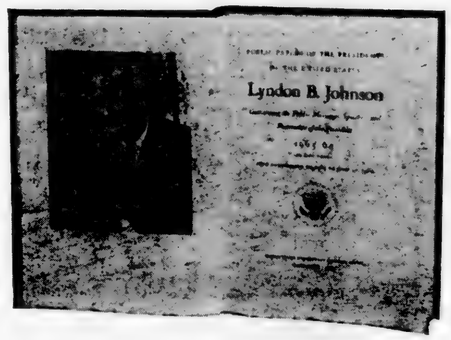
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PART 1

SEPT 1966 - 1973

FEDERAL REGISTER

VOLUME 31 • NUMBER 189

Thursday, September 29, 1966 • Washington, D.C.

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Army Department
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Veterans Administration

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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

Price: 10 cents

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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 629, 6th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

REGULATED AREAS; CORRECTION

F.R. Doc. 66-9355, published at pages 11341-11344 in the issue dated Saturday, August 27, 1966, is corrected by deleting the phrase "and secs. 21, 22, 23, and 24, T. 18 S., R. 30 E.," from the 7th and 8th lines of the land description which appears at page 11342 under Volusia County in the State of Florida.

Done at Hyattsville, Md., this 23d day of September 1966.

D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 66-10619; Filed, Sept. 28, 1966; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[947.324; Amdt. 1]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found that the amendment to the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1966 crop potatoes grown in the production area are now being made, (2) to maximize benefits to producers, this amendment should apply to as many shipments as possible during the effective period, (3) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date, and (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. The introductory paragraph, and paragraphs (a), (b), and (c), of § 947.324 (31 F.R. 9269) are amended to read as follows:

§ 947.324 Limitation of shipments.

During the period October 3, 1966, through June 30, 1967, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section, as applicable.

(a) Minimum quality requirements: (1) *Grade.* All varieties—U.S. No. 2, or better, grade.

(2) *Size.* Except as otherwise provided:

(i) All varieties—Size B if U.S. No. 1, or better, grade.

(ii) Round varieties—1⅞ inches minimum diameter.

(iii) All other varieties grown in Districts No. 2 and No. 4—2 inches minimum diameter or 4 ounces minimum weight.

(iv) All other varieties grown in Districts No. 1 and No. 3—1⅞ inches minimum diameter, except that for potatoes grading U.S. No. 1, or better, grade, the size requirement is 2 inches minimum diameter or 4 ounces minimum weight.

(b) Minimum maturity requirements: (1) All varieties. "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(2) Not to exceed a total of 100 hundredweight of any variety of potatoes may be handled for any producer any 7 consecutive days exempt from the aforesaid maturity requirement. Prior to each handling of a quantity of such potatoes exempt from the maturity requirement, the handler thereof shall report to the committee the name and address of the producer of such potatoes and the exempt quantity thereof; and each such exempt quantity shall be handled as an identifiable entity.

(c) Special purpose shipments: The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that: (i) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes; and (ii) potatoes grown in Districts Nos. 1 and 3 may be shipped within, or to, such districts to a receiver for grading if such receiver is substantiated and recognized by the committee as a processor of canned, frozen, or dehydrated potatoes, potato chips, or prepeeled potatoes.

(3) Charity.
(4) Starch.
(5) Canning or freezing.
(6) Dehydration.
(7) Export.
(8) Potato chipping.
(9) Prepeeling.

* * * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 26, 1966, to become effective October 3, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10643; Filed, Sept. 28, 1966; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1966-Crop Peanut Farm-Stored Loan and Purchase Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966-Crop Peanut Farm-Stored Loan and Purchase Program

The General Regulations Governing Price Support for 1964 and Subsequent Crops of Grain and Similarly Handled Commodities (Revision 1) (31 F.R. 5941), and any amendments thereto (hereinafter referred to as "the general regulations") issued by the Commodity Credit Corporation, which contain regulations of general nature with respect to price suport loan and purchase operations, are supplemented for the 1966 crop of peanuts as follows:

Sec.
1421.3613 Purpose.
1421.3614 Availability.
1421.3615 Eligible peanuts.
1421.3616 Determination of type and quality of farmers stock peanuts.
1421.3617 Quantity eligible for farm-storage loan.
1421.3618 Determination of quantity.
1421.3619 Delivery charge.
1421.3620 Maturity of loans.
1421.3621 Settlement.
1421.3622 Price support rates.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425.

§ 1421.3613 Purpose.

This subpart, and the general regulations, to the extent that the provisions thereof are not made inapplicable by the provisions of this subpart, contain the terms and conditions under which CCC will make farm storage loans to, and purchases from eligible producers of eligible 1966-crop farmers stock peanuts. Notwithstanding the provisions of the general regulations, CCC will not make warehouse storage loans directly to individual producers on 1966-crop peanuts. The 1966-crop Peanut Warehouse Storage Loan and Sheller Purchase Regulations, as amended (31 F.R. 10242, 11592) (hereinafter referred to as "the Warehouse Storage Regulations"), contain the terms and conditions under which eligible producers may obtain price support advances on eligible 1966-crop farmers stock peanuts from certain cooperative marketing associations which, acting in behalf of such producers collectively, will obtain price support warehouse storage loans from CCC.

§ 1421.3614 Availability.

Producers desiring a farm storage loan on farmers stock peanuts must request a loan at the ASCS county office not later than April 30, 1967. Producers desiring to sell farmers stock peanuts to CCC must notify the ASCS county office of intentions to sell to CCC not later than May 31, 1967.

§ 1421.3615 Eligible peanuts.

(a) *General.* In order to be eligible for a farm storage loan or for purchase, farmers stock peanuts, as defined in § 1446.1632(d) of the Warehouse Storage Regulations, must meet the requirements of this section in addition to the other eligibility requirements of § 1421.53 of the general regulations.

(b) *Eligible producer.* The peanuts must have been produced by an eligible producer, as defined in § 1421.52 of the general regulations and paragraph (d) of this section.

(c) *Types.* The peanuts must be one of the types specified in § 1421.3622 of this subpart and defined in § 1446.1632 (p) of the Warehouse Storage Regulations.

(d) *Compliance requirements.* Notwithstanding the provisions of § 1421.52 of the general regulations, a producer shall not be eligible for a farm storage loan on, or a purchase of peanuts produced in 1966 if the peanut acreage on the farm on which the peanuts are produced is in excess of the effective farm peanut acreage allotment (hereinafter referred to as "the farm allotment"), as defined in the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops, as amended, §§ 729.1410–729.1480 of this title, unless the producer (1) is considered, as provided in § 1446.1636(c) of the Warehouse Storage Regulations, not to have knowingly exceeded such allotment, or (2) is issued a within quota marketing card upon execution of a Form MQ–92 Peanuts. Agreement by Operator of Overplanted Peanut Farm, by the producer and the county committee as provided in § 1446.1636(a) of the Warehouse Storage Regulations. The county committee may decline to execute such agreement in any case where it finds reasonable grounds to believe that it will be used as a device to evade the requirements of the price support program or the collection of a marketing quota penalty.

§ 1421.3616 Determination of type and quality of farmers stock peanuts.

The type and quality of each lot of farmers stock peanuts acquired by CCC as a result of a loan or purchase shall be determined at the time of delivery to CCC by a Federal or Federal-State inspector authorized or licensed by the Secretary, U.S. Department of Agriculture. The cost of such determination will be assumed by CCC.

§ 1421.3617 Quantity eligible for farm-storage loan.

Notwithstanding the provisions of § 1421.67 of the general regulations, farm storage loans in the case of farmers stock peanuts shall not be made on more than 85 percent of the estimated quantity of eligible peanuts in approved farm storage.

§ 1421.3618 Determination of quantity.

The quantity of peanuts placed under farm-storage loans shall be determined in accordance with § 1421.67 of the general regulations and § 1421.3617 of this subpart and shall be expressed in units of tons and tenths of tons.

§ 1421.3619 Delivery charge.

A charge of 20 cents per ton net weight will be made for the quantity of peanuts acquired by CCC as a result of a loan or purchase and shall be handled in accordance with § 1421.60 of the general regulations. As used in this subpart, the term "net weight" shall have the meaning specified in § 1446.1632(j) of the Warehouse Storage Regulations.

§ 1421.3620 Maturity of loans.

Unless demand is made earlier, farm storage loans on farmers stock peanuts will mature on May 31, 1967.

§ 1421.3621 Settlement.

(a) *General.* Settlement for eligible peanuts acquired by CCC under a loan or purchase will be made with the producer as provided in paragraphs (a), (d), (e), (j), and (k) only of § 1421.72 of the general regulations and in this section.

(b) *Settlement values.* The settlement value of the peanuts acquired by CCC shall be the amount computed on the basis of (1) the net weight and quality thereof, (2) the support prices, premiums and discounts provided in § 1446.1633 of the Warehouse Storage Regulations, including the location adjustments specified in paragraph (d)(8) thereof for peanuts acquired by CCC in the States specified therein, (3) an allowance of four-tenths of a cent ($0.004) per pound, net weight, to compensate the producer for shrinkage during storage, and (4) discounts of (i) $2 per ton, net weight, for each full 1 percent of foreign material in excess of 10 percent, and (ii) $10 per ton, net weight, for peanuts containing more than 10 percent moisture.

§ 1421.3622 Price support rates.

(a) *Loan rate.* Subject to the discounts specified in paragraph (b) of this section, the loan rates for farmers stock peanuts placed under farm-storage loan shall be the following rates by types per ton:

Type	Dollars per ton
Virginia	$240
Runner	214
Southeast Spanish	232
Southwest Spanish	223
Valencia (suitable for cleaning and roasting)	240

(b) *Location adjustments to support prices.* The loan rates specified in paragraph (a) of this section shall be subject to the following discounts for farmers stock peanuts placed under farm storage loan in the States specified where peanuts are not customarily shelled or crushed:

1. Arizona, $25 per ton.
2. Arkansas, $10 per ton.
3. California, $33 per ton.
4. Louisiana, $7 per ton.
5. Mississippi, $20 per ton.
6. Tennessee, $25 per ton.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 23, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66–10642; Filed, Sept. 28, 1966; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION ACT SYSTEM

PART 534—PAY UNDER OTHER SYSTEMS

Miscellaneous Amendments

Section 511.201(b) is amended to show the exclusion from Part 511 and the Classification Act of 1949, as amended, of student food service administration trainees, Department of Health, Education, and Welfare. Section 534.202(b) is amended to show exclusion from the Federal Employees Pay Act and the Classification Act, and the maximum stipend prescribed for student food service administration trainees, Department of Health, Education, and Welfare.

Sections 511.201(b) and 534.202(b) are amended as follows:

1. Effective September 12, 1966, the following item is added to paragraph (b) of § 511.201 as set out below.

§ 511.201 Coverage of and exclusions from the Classification Act.

* * * * * *

(b) *Exclusions.* * * *

Student food service administration trainees, Department of Health, Education, and Welfare, approved training during clinical affiliation.

* * * * * *

(5 U.S.C. 5102, 5351)

2. Effective September 12, 1966, the following item is added to paragraph (b) of § 534.202 as set out below.

§ 534.202 Maximum stipends.

* * * * * *

(b) * * *

Student food service administration trainees, Department of Health, Education, and Welfare: Approved training during clinical affiliation L–1

* * * * * *

(5 U.S.C. 5351, 5352, 5541)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–10636; Filed, Sept. 28, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66–EA–64]

PART 73—SPECIAL USE AIRSPACE

Modification of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the time of designation of Restricted Area R–5206 at West Point, N.Y.

The Department of the Army has informed the Federal Aviation Agency that utilization of R–5206 justifies a reduction in the time of designation for this restricted area. Accordingly, action is taken herein to redesignate R–5206 as proposed.

Since this amendment reduces the burden on the public, notice and public procedure hereon is unnecessary and this amendment may be made effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.52 (31 F.R. 2326) Restricted Area R–5206 West Point, N.Y., in the text, after time of designation delete "0600–2400 e.s.t., May 1 through August 31." and substitute therefor, "0600–2400 e.s.t., July 1 through August 31; 0600–2400 e.s.t., May 1 through June 30 by NOTAM 48 hours in advance."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 21, 1966.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 66–10633; Filed, Sept. 28, 1966; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

INTERNAL TEARING RESISTANCE STANDARD PAPER

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER. The amendment renews and revises standard reference material 704.

The following amends 15 CFR Part 230:

Section 230.8–16 *Internal tearing resistance standard paper* is amended to renew and revise standard 704 as follows:

§ 230.8–16 Internal tearing resistance standard paper.

* * * * * *

Sample No.	Kind	Price
704a	Internal tearing resistance of paper.	$7.00 per package.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: September 13, 1966.

A. V. ASTIN,
Director.

[F.R. Doc. 66–10585; Filed, Sept. 28, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7009]

PART 13—PROHIBITED TRADE PRACTICES

Reynolds Metals Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modified order to cease and desist, Reynolds Metals Co., Richmond, Va., Docket 7009, May 26, 1966.]

Order modifying a divestiture order of January 21, 1960, 25 F.R. 1435, issued against a major producer of aluminum and aluminum products, pursuant to a modified final decree of the Court of Appeals for the District of Columbia Circuit, dated May 18, 1966, which modified its final decree of October 22, 1962, and opinion of September 27, 1962, 309 F. 2d 223.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

Now, therefore, it is hereby ordered, That the order of January 21, 1960, be, and it hereby is, further modified in accordance with the modified final decree of the Court to read as follows:

It is ordered, That Reynolds Metals Co. shall, within six (6) months from the effective date of this order, cease and desist from manufacturing and selling at wholesale or retail in the United States aluminum florist foil (i.e., foil especially designed or packaged for the florist trade) and shall report the fact of such discontinuance to the Federal Trade Commission and shall not, for a period of five (5) years subsequent to such discontinuance manufacture and sell at wholesale or retail in the United States such aluminum florist foil.

It is further ordered, That Reynolds Metals Co. shall, for a period of five (5) years from the effective date of this order, cease and desist from acquiring, directly or indirectly, any interest in any concern in the United States a substantial part of whose business is the manufacture and sale at either wholesale or retail of laminated aluminum gift wrap or aluminum florist foil.

It is further ordered, That the Reynolds Metals Co., within six (6) months of the date of this order, shall cease and desist from using in any manner whatsoever the trade name "Arrow Brands" except for the purpose of collecting accounts receivable or enforcing collection thereof.

It is further ordered, That Reynolds Metals Co. shall, within one (1) year from the effective date of this order and thereafter annually for a period of five (5) years, submit to the Commission a report in writing setting forth the manner and form of its compliance with the provisions of this order.

Issued: May 26, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66–10600; Filed, Sept. 28, 1966; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims Arising in Foreign Countries

Section 536.26 is amended to read as follows:

§ 536.26 Claims arising in foreign countries.

(a) *Statutory authority.* The authority for this section is contained in the following statutes:

(1) The act of August 10, 1956 (71A Stat. 155, 10 U.S.C. 2734), commonly referred to as the Foreign Claims Act.

(2) The act of September 8, 1961 (75 Stat. 488, 10 U.S.C. 2736).

(3) Act of March 4, 1923 (42 Stat. 1509, 36 U.S.C. 121, 138b).

(b) *Purpose and scope.* (1) The basic purpose of this section is to implement the Foreign Claims Act which authorizes the settlement of claims of inhabitants of foreign countries.

(2) This section authorizes the administrative settlement of claims of inhabitants of a foreign country, or by a foreign country or a political subdivision thereof, against the United States for personal injury or death, or for property damages, caused outside the United States, its territories, commonwealths, or possessions, by military personnel or civilian employees of the Army; or which arises incident to noncombat activities of the Army.

(3) Claims resulting from the activities, or caused by personnel, of another military department, service, or agency of the United States may also be settled by Army foreign claims commissions as authorized by this section.

(4) Claims arising from acts or omissions of employees of nonappropriated fund activities may also be settled by Army foreign claims commissions pursuant to this section, if otherwise applicable, but are payable from nonappropriated funds.

(c) *Definitions.* The definitions of terms set forth in § 536.3 are applicable to this section.

(d) *Claims cognizable under other regulations.* (1) Sections 536.12–536.24b and 536.161–536.170. Claims within the scope of title 10, United States Code, section 2734, which otherwise would be cognizable under §§ 536.12–536.24b and 536.161–536.170, will be considered first under this section. However, this section is not exclusive and no claim is to be disapproved without consideration of other regulations under which it may be cognizable.

(2) Section 536.25. Consideration may be given to first settling a claim under § 536.25 which is also within the scope of title 10, United States Code, section 2734. However, if the settlement of the claim under that regulation will unduly delay payment to the claimant and the claim may be settled more expeditiously under this section, procedures of this section will be utilized.

(3) Section 536.27. Claims cognizable under this section, which are also cognizable under § 536.27 will be considered first under the latter regulation.

(4) Section 536.45. Claims which may be settled under § 536.45 may be settled under this section only when specifically authorized by the Chief, U.S. Army Claims Service (see § 536.45(f)).

(e) *Claims provisions of treaties and agreements.* When a foreign government has assumed responsibility for settling claims against the United States pursuant to Article VIII of the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty, or other similar treaty or agreement, any claim presented to U.S. authorities will be forwarded to the appropriate U.S. Sending State Office, or similar office, for referral to the foreign government. The investigation by U.S. authorities of claims cognizable under status of forces agreements will normally be limited to securing evidence from U.S. sources.

(f) *Presentation of claim.* A claim may not be allowed under this section unless it is presented within 2 years after it accrues. Such presentation may be made to U.S. authorities, or to a foreign government in accordance with Article VIII of the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty or other applicable treaty or agreement.

(g) *Form of claim.* A claim normally will be presented in writing. A report of the incident to the authorities listed in paragraph (f) of this section by the claimant or his agent, requesting compensation, is an adequate presentation. Under unusual circumstances, a claim presented orally by the claimant to U.S. authorities may be considered acceptable. The claim must be reduced to writing, however, before action is taken by a foreign claims commission. The written claim must state the time, place and nature of the incident, the nature and extent of damage, loss, or injury, and the amount of compensation claimed. A claim will be stated in the currency of the country where the incident occurred. Payment normally will be made in the currency of the country where the incident occurred or where the claimant resided at the time of the incident. However, if the claimant resides in another country at the time of payment, payment may be made in the currency of that country.

(h) *Claimants*—(1) *General.* (i) A claimant (or the decedent in a death case) must have been an inhabitant of a foreign country at the time of the incident and not otherwise excluded as a claimant. However, it is not necessary that a claimant or decedent be a citizen of, or have his legal domicile in, the foreign country to establish that he is an inhabitant thereof.

(ii) A corporation or other organization doing business in a foreign country on a permanent basis may qualify as a proper claimant although organized under United States law.

(iii) U.S. citizens may be claimants provided it is established that they actually are inhabitants of a foreign country and are not employees of the United States.

(iv) The government of a foreign country and political subdivisions thereof are proper claimants unless waiver provisions of applicable international agreements exclude such claims.

(2) *Claimants excluded.* (i) A national, or a corporation controlled by a national, of a country at war or engaged in armed conflict with the United States or of any country allied with such enemy country, is excluded as a claimant, unless the appropriate foreign claims commission considering the claim, or the responsible military commander, determines that claimant is, and at the time of the incident was friendly to the United States.

(ii) U.S. military personnel and civilian employees of the U.S. Government or its agencies and instrumentalities and their dependents, who are inhabitants of the United States and who are in a foreign country primarily because of their own or their sponsor's duty status, are excluded.

(iii) Other citizens of the United States, or its territories, commonwealths, or possessions, who are visiting, touring, or employed overseas but not inhabitants of a foreign country are excluded.

(3) *Insurers and other subrogees.* Under this section, a subrogee may not present a claim in his own name for damage or injury suffered by his subrogor. The claim must be presented in its entirety by the person who suffered the damage or injury, or in the name of such person by his authorized representative. This precludes consideration of the claim of an insurer, subrogated by operation of law or the terms of a policy of insurance, for payments made by him to, or for, his insured. This does not mean that a claimant may not appoint his insurer or subrogee as his authorized representative, but settlement will be made with, and in the name of, the person who suffered the injury or damage without inquiring into, or determining, any rights acquired by subrogation under local law or by contract.

(i) *Causation.* (1) A claim may be allowed under this section if it resulted from a noncombat activity, or a negligent or wrongful act or omission of—

(i) Military personnel of the United States.

(ii) Civilian employees of a military department who are U.S. citizens.

(iii) Other civilian employees who were hired in a country other than the one in which they are employed and in which the incident occurred.

(iv) Civilian employees who are not U.S. citizens, and who were hired in the country in which they are employed and in which the incident occurred, while acting within the scope of employment.

(v) Officers or civilian employees of the American Battle Monuments Commission, acting within the scope of employment. Claims generated by such personnel will be paid from American Battle Monuments Commission appropriations.

(vi) Civilian employees of the Department of Defense who are not employees of a military department.

(vii) Employees of nonappropriated fund activities who are paid from nonappropriated funds. Claims generated by such employees will be paid from nonappropriated funds.

(2) *Noncombat activities.* A claim may be settled under this regulation if it arises from authorized activities essentially military in nature, having little parallel in civilian pursuits and which historically have been considered as furnishing a proper basis for payment of claims, such as practice firing of missiles and weapons, training and field exercises, and maneuvers, including, in connection therewith, the operation of aircraft, and vehicles, and use and occupancy of real estate, and movement of combat or other vehicles designed especially for military use. Activities incident to combat, whether in time of war or not, are excluded.

(3) Local law or custom pertaining to contributory or comparative negligence, and to joint tort-feasors, will be applied to the extent practicable.

(j) *Claims payable*—(1) *General.* Unless otherwise prescribed, a claim for personal injury, death, or damage to or loss of real or personal property may be settled under this section.

(2) *Death.* Only one claim arises. The amount allowed will, to the extent found practicable, be apportioned among the beneficiaries as prescribed by the law or custom of the place where the incident resulting in death occurred.

(3) *Property.* Property for the loss or damage of which claims may be settled under this section includes—

(i) Real property used and occupied in connection with training, field exercises, or maneuvers. An allowance may be made for the use and occupancy of real property arising out of trespass or other tort, even though claimed as rent. Real estate claims founded upon contract are processed under the provisions of § 552.16.

(ii) Personal property bailed to the Government under an agreement, express or implied, unless the owner, has expressly assumed the risk of damage or loss.

(k) *Claims not payable.* A claim may not be allowed under this regulation which—

(1) Results directly or indirectly from action by the enemy, or by U.S. Armed Forces engaged in armed conflict or in immediate preparation for impending armed conflict.

(2) Is purely contractural in nature.

(3) Falls under the Federal Employees' Compensation Act (39 Stat. 742, 5 U.S.C. 751); the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901), as made applicable to civilian employees of nonappropriated fund instrumentalities of the U.S. Armed Forces. See the act of June 19, 1952 (66 Stat. 139, 5 U.S.C. 150k–1); or other workmen's compensation laws or regulations, including local law or custom, concerning which contribution is made or insurance premiums paid, directly or indirectly, on behalf of the injured employee of the United States, unless—

(i) The injuries did not result from a normal risk of employment,

(ii) Compensation is not payable under any of the above, and

(iii) Consideration of the claim under this section is authorized by the Chief, U.S. Army Claims Service.

(4) Is one for the settlement of which a foreign country is responsible under Article VIII of the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty, or other similar treaty or agreement.

(5) Arises from private or domestic obligations as distinguished from Government transactions.

(6) Is based solely on compassionate grounds. It may be noted that solatium is payable in certain Far Eastern countries out of Operations and Maintenance funds under procedures established by the major oversea commander.

(7) Is a bastardy claim.

(8) Involves a patent or copyright infringement.

(9) If for taking of private property by trespass as by a taking implied under local law resulting from the flight of aircraft. Actual physical damage is required. Claims for technical trespass, overflight of aircraft, or a taking of a type contemplated by the fifth amendment to the U.S. Constitution are not payable.

(10) Arises from the operations of a nonappropriated fund activity, unless generated by military personnel performing assigned duties. See AR 230–8, Army regulations for nonappropriated funds.

(11) Is considered not to be in the best interests of the United States; is contrary to public policy; or is otherwise contrary to the basic intent of the Foreign Claims Act. When a claim is considered to be not payable for the reasons stated in this paragraph, it will be forwarded through the staff judge advocate of the command having claims supervisory authority to Chief, U.S. Army Claims Service for appropriate action together with the commission's recommendations and reasons therefor. Claims by inhabitants of unfriendly countries or individuals considered to be unfriendly toward the United States may in appropriate cases, be forwarded under these provisions.

(l) *Compensation.* In determining an appropriate award, local law and custom relating to elements of damage, and compensation therefor, will generally be applied, but punitive damages and interest may not be allowed. Court costs, attorney's fees, bail or similar charges are also excluded.

(m) *Computation of amount.* (1) After appropriate compensation for the total damages suffered has been computed there will be deducted any payment claimant has received from the tort-feasor, or any joint tort-feasor. This includes amounts paid on behalf of the tort-feasor or joint tort-feasor as by an insurance company or a third party.

(2) (i) Normally there will be deducted from any award the amount of any applicable insurance coverage (other than the claimant's insurance) recovered or which can be reasonably expected to be recovered and which has been or will be paid to the claimant. In this regard, every effort will be made to monitor the insurance aspect of the case and encourage direct settlement between the claimant and the insurer.

(ii) When efforts under subdivision (i) of this subparagraph are of no avail or it otherwise is determined that an insurance settlement will not be reasonably available for application to the award, settlement may be accomplished without making a deduction. In such cases, an assignment of the insured's rights against his insurer will be obtained and, in appropriate cases, reimbursement action will be instituted against the insurer under applicable procedures.

(iii) If the reason that an insurance settlement is not available is due to insolvency or bankruptcy of the insurer, no award will be made until prior consent has been obtained from the Chief, U.S. Army Claims Service. In this event, a report on the bankruptcy will be forwarded without delay setting forth all pertinent information including the alleged reasons for the bankruptcy and the facts concerning the licensing of the insurer.

(n) *Foreign claims commissions*—(1) *Appointment and functions.* Claims cognizable under this regulation will be settled by foreign claims commissions. Any commander authorized to establish a command claims service (see §§ 536.4a and 536.4b) and who is responsible for the supervision of claims matters arising in a foreign country which is within his area of geographic jurisdiction will appoint necessary foreign claims commissions. For the settlement of claims in geographic areas which do not fall under the direct responsibility of any commander, necessary commissions will be appointed by the Chief, U.S. Army Claims Service. Geographic areas of responsibility will be established for each commission in the appointing orders and each commission will have authority to settle claims arising within the geographic area of responsibility. Additionally, a commission will consider such other cases as are assigned to it by the responsible appointing authority or the Chief, U.S. Army Claims Service. A commission may operate as a part of a command claims service which will determine which cases will be assigned to it, furnish necessary administrative services, and establish and maintain its records. Where a commission does not operate as a part of a command claims service, it may operate as a part of the office of the command staff judge advocate which will perform the foregoing functions. Any appointing authority may relieve a commission appointed by him. One copy of each order concerning appointment, relief, or change of

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responsibility of a commission will be

nizable under the Foreign Claims Act,

cognizable under the laws listed above in

countries of the U.S. share of claims

Federal Republic of Germany: Chief, U.S. sec. 1, 42 Stat. 1509; sec. 12, 70 Stat. 640 10

responsibility of a commission will be forwarded without delay to the Chief, U.S. Army Claims Service.

(2) *Composition.* Commissions will be appointed having either one member or three members. The senior officer of a three-member commission will be its president, two members thereof will constitute a quorum, and the action of the commission may be determined by a majority of its members.

(3) *Qualifications of members.* Each member of a foreign claims commission must be a commissioned officer of the Army with legal training, or such other experience as is considered adequate by the appointing authority to qualify him to analyze evidence, determine facts and apply pertinent legal principles. At least one member of each commission must be an officer of The Judge Advocate General's Corps unless the commission is authorized to settle small claims only (see § 536.11b).

(4) *Monetary jurisdiction.* A one-member commission is authorized to settle claims which are presented in, or amended to, an amount not exceeding $1,000, unless the orders appointing the commission limit its jurisdiction to a stated lesser amount. A three-member commission is authorized to settle claims which, as presented or amended, are for not more than $15,000, and claims in excess of $15,000 which the Secretary of the Army or his designee has determined to be meritorious in an amount not exceeding $15,000. Any allowance exceeding $5,000 requires the approval of the command having claims supervisory responsibility (subparagraph (6)(i) of this paragraph).

(5) *Consideration.* After it receives a claim, a foreign claims commission may initiate or request any further investigation considered necessary for proper consideration of the claim. It may confer with the claimant to determine pertinent facts and, if the commission considers it necessary or desirable, hold hearings. The commission's action will be in the form of a seven-paragraph memorandum.

(6) *Settlement authority*—(i) *Claims for $15,000 or less.* Claims for $15,000 or less may be settled by a three-member foreign claims commission. However, any award in excess of $5,000 requires approval of the command having area claims supervisory authority (§ 536.4a). Awards between $5,000 and $15,000 by a commission appointed by the Chief, U.S. Army Claims Service require his approval.

(ii) *Claims in excess of $15,000.* Claims in excess of $15,000 which are not amended to an amount within the monetary jurisdiction of a three-member foreign claims commission will be forwarded through claims channels to the Chief, U.S. Army Claims Service for action by the Secretary of the Army. The claim file will contain a seven-paragraph memorandum prepared by a three-member foreign claims commission recommending the action to be taken by the Secretary of the Army. If the claim is cognizable under the Foreign Claims Act, the Secretary of the Army may—

(*a*) Disapprove the claim,

(*b*) Determine the claim is meritorious in an amount not in excess of $15,000 and refer it to a three-member foreign claims commission for settlement, or

(*c*) Approve the claim in an amount in excess of $15,000, and after receipt of an agreement by claimant to accept the award in full satisfaction of the entire claim, refer it to Congress for its consideration.

Foreign claims commissions should, in appropriate cases, consult with claimants with a view to obtaining a reduction of the claim to $15,000, or less, in order to obviate the need for Secretarial action.

(7) *Reconsideration.* The action of a foreign claims commission effecting settlement of a claim is final and conclusive. However, a commission may reconsider its action at any time if there has been no change in its membership. A different commission, or the same commission after there has been a change in its membership, may reconsider the original action on a claim but only on the basis of fraud or collusion, new and material evidence, or manifest error of fact such as errors in calculation or factual misinterpretation of local law.

(o) *Advance payments (aircraft or missile incidents).* Advance payments on meritorious claims for compensation for personal injury or death, or property damage, resulting from incidents involving aircraft or missiles, which are otherwise payable under this regulation, are authorized as provided in § 536.11b. However, no advance payment is authorized if the incident occurs in a foreign country which, pursuant to the Agreement Regarding the Status of Forces or Parties to the North Atlantic Treaty, or other similar treaty or agreement, is responsible for the settlement of claims arising therefrom.

(p) *Cross-servicing of claims*—(1) *Single-service claims responsibility (Reprint of Department of Defense Directive 5515.8, Dec. 4, 1963)*—(i) *Statutes and agreements.* Department of Defense has assigned single-service responsibility for the settlement of claims in certain countries under the following laws:

(*a*) Foreign Claims Act (10 U.S.C. 2734).

(*b*) Military Claims Act (10 U.S.C. 2733).

(*c*) 10 U.S.C. 2734a and 10 U.S.C. 2734b, pro rata cost-sharing of claims pursuant to international agreements.

(*d*) NATO Status of Forces Agreement (4 U.S.T. 1792; TIAS 2846) and similar agreements.

(*e*) Act of September 25, 1962 (76 Stat. 593, 42 U.S.C. 2651–2653). Claims for reimbursement for medical care furnished by the United States.

(*f*) Act of October 9, 1962 (76 Stat. 767, 10 U.S.C. 2736). Claims not cognizable under other law.

(*g*) Act of June 10, 1921 (42 Stat. 24, 31 U.S.C. 71). Claims and demands by the United States.

(ii) *Specified foreign countries.* Responsibility for the settlement of claims cognizable under the laws listed above in the following countries has been assigned to military departments as indicated below:

(*a*) Department of the Army: Belgium, The Democratic Republic of the Congo, Dominican Republic, Ethiopia, France, the Federal Republic of Germany, Iran, Korea, Liberia, Mali, Senegal, and Republic of Vietnam.

(*b*) Department of the Navy: Australia, Iceland, Italy, and Portugal.

(*c*) Department of the Air Force: Canada, Denmark, Greece, India, Japan, Libya, Luxembourg, Nepal, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

The addresses of United States sending State offices and single-service offices are contained in paragraph(s) of this section.

(iii) *Navy claims under $200.* Notwithstanding the provisions of subparagraph (2)(ii) of this paragraph, the Department of the Navy is authorized to settle nonscope-of-duty claims under $200 arising in foreign ports visited by U.S. forces afloat, and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to claims provisions of status of forces agreements.

(2) *Cross-servicing (Department of Defense Directive 5515.3, June 27, 1963)*—(i) *Where Army has single-service claims responsibility.* Claims cognizable under the statutes listed in subparagraph (1)(i) of this paragraph generated by any U.S. Armed Force (Army, Navy, or Air Force) in the countries specified in subparagraph (1)(ii)(*a*) of this paragraph will be settled by the Army.

(ii) *Where another military department has single-service claims responsibility.* Claims by and against the United States resulting from Army activities or caused by members or employees of the Army, in a country where another department has been assigned single-service claims responsibility will be investigated and referred to that department for settlement.

(iii) *Where claims responsibility has not been assigned.* Claims cognizable under the Foreign Claims Act (10 U.S.C. 2734) or the Military Claims Act (10 U.S.C. 2733) generated by another military department in a foreign country where single-service claims responsibility has not been assigned will upon request of the department concerned, be settled by the Army. Conversely, Army claims may, in appropriate cases, be referred to another department for settlement.

(iv) *Where Coast Guard has claims responsibility.* Claims resulting from activities, or generated by members or employees, of the Coast Guard while operating as a service in the Department of the Treasury may, upon request, be settled under this section by a foreign claims commission appointed as authorized herein, but shall be paid from appropriations for the operating expenses of the Coast Guard (10 U.S.C. 2734(g)).

(q) *Reimbursements to other governments.* Reimbursements due to foreign countries of the U.S. share of claims settlement costs pursuant to the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty, or other similar treaty or agreement, are the responsibility of the Army in those countries in which the Army has been assigned single-service claims responsibility (Department of Defense Directive 5515.3, June 27, 1963). The officers authorized to effect such reimbursements will report, promptly, to the Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219, statistical information as to the number of claims settled, the total of amounts paid by the foreign government, and the amount reimbursed by the United States and the fiscal year funds charged. Such reimbursements, or portions thereof, which pertain to nonappropriated fund claims will be made solely from nonappropriated funds, and will be reported separately.

(r) *Solatia or customary payments.* (1) Payments in accordance with local custom may be made to a victim or his family without regard to liability in certain countries throughout the world, particularly in some Far East and Near East countries. These payments are usually immediate in nature, vary in amount according to the ability to pay and local custom, and are based on a feeling of responsibility or sympathy towards the victim or his family. As indicated, this feeling does not necessarily derive from legal liability. The payment is intended to express the extreme consideration of the person involved in an incident and in whose behalf payment is made for the feelings of the victim or his family. In some countries the customary payment is not always made in money.

(2) The language of section 603, Department of Defense Appropriation Act of 1959 was construed as authorizing payment of solatia in those countries where such payments are customary. Recurring annual Department of Defense appropriations have contained similar provisions. Such payments are made in accordance with directives established by the appropriate commander for the country concerned.

(3) If a claim for injury or death is settled and paid under a claims statute, an amount paid as above may be taken into consideration in determining the award under the statute.

(s) *United States sending State offices and single service offices.*

ARMY ADDRESSES

Belgium:
The Military Attaché, Embassy of the United States, 27 Boulevard du Regent, Brussels, Belgium.
Chief, U.S. Army Claims Office, France, APO New York 09686 (assists the Attaché and has area claims responsibility).

Democratic Republic of the Congo: Chief, U.S. Military Mission, APO New York 09662.

Dominican Republic: Commander, U.S. Forces Dominican Republic, Attention: Chief, Command Claims Service, APO New York 09478.

Ethiopia: Judge Advocate, Kagnew Station, APO New York 09343.

Federal Republic of Germany: Chief, U.S. Army Claims Office, Germany, APO New York 09166.

France: Chief, U.S. Army Claims Office, France, APO New York 09686.

Iran: Staff Judge Advocate, U.S. Military Mission with Iranian Army and U.S. Military Assistance Advisory Group to Iran, APO New York 09205.

Korea: Chief, U.S. Armed Forces Claims Service, Korea, APO San Francisco 96301.

Liberia: Chief, U.S. Military Mission to Liberia, Monrovia, Liberia, Department of State, Washington, D.C. 20521.

Republic of Mali: Chief, U.S. Military Mission to Mali, Bamako, Republic of Mali, Department of State, Washington, D.C. 20521.

Republic of Vietnam: Staff Judge Advocate, Headquarters, Military Assistance Command, Vietnam, APO San Francisco 96243.

Senegal: Chief, American Military Mission to Senegal, Department of State, Washington, D.C. 20521.

AIR FORCE ADDRESSES

Canada: U.S. Sending State Tort Claims Office, Attention: Staff Judge Advocate, 26th Air Division (SAGE), Stewart Air Force Base, N.Y.

Denmark: U.S. Sending State Tort Claims Office, Office of the Air Attaché, U.S. Embassy, Copenhagen, Denmark.

Greece: U.S. Sending State Tort Claims Office, Attention: Staff Judge Advocate, 7206th Support Group, APO New York 09223.

India: Senior Air Force Officer, U.S. Military Supply Mission, India, APO New York 09675.

Japan: Office of the Chief, U.S. Armed Forces Claims Service, Japan, APO San Francisco 96535.

Libya: Foreign Claims Commission AF–6, 7272d AB Wing, APO New York 09231.

Luxembourg: U.S. Sending State Tort Claims Office for Luxembourg, Commander, 86th Air Base Group, Attention: Staff Judge Advocate, APO New York 09132.

The Netherlands: U.S. Sending State Tort Claims Office, 32d Fighter Interceptor Squadron, Attention: Staff Judge Advocate, APO New York 09292.

Norway:
U.S. Sending State Tort Claims Office, Norway, Office of the Air Attaché, U.S. Embassy, Oslo, Norway.
The Staff Judge Advocate, 7240th HQ Support Squadron, APO New York 09085 (assists the Air Attaché).

Pakistan: Foreign Claims Commission AF–28, 6937th Communications Group, APO New York 09665.

Saudi Arabia: Foreign Claims Commission AF–18, TUSLOG, APO New York 09254.

Spain: Foreign Claims Commission AF–21, 16th Air Force, APO New York 09283.

Turkey: U.S. Sending State Tort Claims Office, Attention: Staff Judge Advocate, TUSLOG, APO New York 09254.

United Kingdom: U.S. Sending State Tort Claims Office, Attention: Staff Judge Advocate, Headquarters, Third Air Force, APO New York 09126.

Australia: Officer in Charge, U.S. Sending State Office for Australia, Embassy of the United States of America, Canberra, A.C.T. Australia.

Iceland: Commanding Officer, U.S. Naval Station, Navy No. 566, Fleet Post Office, New York, N.Y.

Italy: Officer in Charge, U.S. Sending State Office for Italy, APO New York, 09749.

Portugal: U.S. Naval Attaché and Naval Attaché for Air, APO New York, 09678.

[AR 27–32, May 20, 1966] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2734, 2736, 70A Stat. 154, 76 Stat. 767; sec. 1, 42 Stat. 1509; sec. 12, 70 Stat. 640. 10 U.S.C. 2734, 2736; 36 U.S.C. 121, 138b)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66–10598; Filed, Sept. 28, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 51—CANNED VEGETABLES

Identity Standards Regarding Optional Use of Butter as Seasoning Ingredient for Certain Canned Vegetables

In the matter of amending the identity standards for canned peas, canned green beans, canned corn, and canned vegetables other than those specifically regulated (21 CFR 51.1, 51.10, 51.20, 51.990) to provide for the optional use of butter as a seasoning ingredient; the use of safe and suitable emulsifiers or stabilizers, or both, in connection with the use of butter and in an amount not in excess of 0.5 percent by weight of the finished food; and to provide for appropriate label declaration of such ingredients:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of April 21, 1966 (31 F.R. 6120), based on a petition submitted by Libby, McNeill and Libby, 200 South Michigan Avenue, Chicago, Ill. 60604.

Eight comments were received in response to the notice of which one, from a consumer, opposed the proposal. The other comments in general favored the proposal but included suggestions for certain compositional and labeling changes. Some of these suggested modifications have been incorporated in the amendments set forth below.

Upon consideration of the comments filed, the information furnished by the petitioner, and other information available, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the above-cited standards for canned vegetables to provide for the optional use therein of butter and, in conjunction therewith, safe and suitable emulsifiers or stabilizers or both (in a quantity not more than reasonably necessary to accomplish their intended effect) and to provide for appropriate label declaration. In addition it is concluded that standards of identity, quality, and fill of container for canned peas (21 CFR 51.1, 51.2, 51.3) should be amended by changing the section headings to make them consistent with the other food standard headings.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat.

919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That Part 51 be amended as follows:

1. Section 51.1 is amended by revising the section heading, by adding to paragraph (d) a new subparagraph (6), and by revising paragraph (f)(5), as follows:

§ 51.1 **Identity; label statement of optional ingredients.**

* * * * *

(d) * * *

(6) Butter in a quantity not less than 3 percent by weight of the finished food. When butter is added, safe and suitable emulsifiers or stabilizers, or both, may be added in a quantity not more than reasonably necessary to accomplish the intended effect. Such emulsifiers and stabilizers are deemed to be safe if they are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act. When butter is added, no spice or coloring simulating the color imparted by butter is used.

* * * * *

(f) * * *

(5) If one or more of the optional seasoning ingredients specified in paragraph (d) of this section are used, the label shall bear the statement "Seasoned with _____," the blank being filled in with the name "green peppers," "dried green peppers," "red peppers," "dried red peppers," "mint leaves," "onions," "dried onions," "garlic," "dried garlic," "horseradish," "butter," or a combination of these names, as may be appropriate. The word "dehydrated" may be used in lieu of the word "dried." Any optional ingredient specified in paragraph (d)(6) of this section used in connection with butter shall be designated on the label by its common or usual name.

* * * * *

2. Sections 51.2 and 51.3 are amended by changing their section headings to read as follows:

§ 51.2 **Canned peas; quality; label statement of substandard quality.**

* * * * *

§ 51.3 **Canned peas; fill of container; label statement of substandard fill.**

3. Section 51.10 is amended by revising the introduction to paragraph (a) and by adding to paragraph (b) a new subparagraph (7), as follows:

§ 51.10 **Canned green beans; identity; label statement of optional ingredients.**

(a) Canned green beans is the food prepared from stemmed, succulent pods of the green-bean plant, and water. It may be seasoned with butter in a quantity not less than 3 percent by weight of the finished food, salt, monosodium glutamate, sugar, or dextrose, or any two or all of these. When butter is added, safe and suitable emulsifiers or stabilizers, or both, may be added in a quantity not more than reasonably necessary to accomplish the intended effect. Such emulsifiers and stabilizers are deemed to be safe if they are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act. The pods are prepared in one or more of the following forms:

* * * * *

(b) * * *

(7) If butter is used, the label shall bear the statement "Seasoned with Butter." Any optional emulsifying or stabilizing ingredient as specified in paragraph (a) of this section used in connection with butter shall be designated on the label by its common or usual name.

* * * * *

4. Section 51.20 is amended by adding to paragraph (a) a new subparagraph (5) and by adding to paragraph (d) a new subparagraph (4), as follows:

§ 51.20 **Canned corn, canned sweet corn, canned sugar corn; identity; label statement of optional ingredients.**

(a) * * *

(5) Butter, in a quantity not less than 3 percent by weight of the finished food. When butter is added, safe and suitable emulsifiers or stabilizers, or both, may be added in a quantity not more than reasonably necessary to accomplish the intended effect. Such emulsifiers and stabilizers are deemed to be safe if they are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act.

* * * * *

(d) * * *

(4) If butter is used the label shall bear the statement "Seasoned with Butter." Any optional ingredient specified in paragraph (a)(5) of this section used in connection with butter shall be designated on the label by its common or usual name.

* * * * *

5. Section 51.990 is amended by adding to paragraph (c) a new subparagraph (13) and by adding to paragraph (f) a new subparagraph (14), as follows:

§ 51.990 **Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.**

* * * * *

(c) * * *

(13) In the case of all vegetables (except canned mushrooms), butter may be added in a quantity not less than 3 percent by weight of the finished food. When butter is added, safe and suitable emulsifiers or stabilizers, or both, may be added in a quantity not more than reasonably necessary to accomplish the intended effect. Such emulsifiers and stabilizers are deemed to be safe if they are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act. When butter is added, no spices simulating the color imparted by butter is used.

* * * * *

(f) * * *

(14) If butter is used, the label shall bear the statement "Seasoned with Butter." Any optional ingredient specified in paragraph (c)(13) of this section used in connection with butter shall be designated on the label by its common or usual name.

* * * * *

Because of cross references the amendments to § 51.10 and § 51.20 are applicable to § 51.15 (canned wax beans) and § 51.30 (canned field corn), respectively.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be submitted in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 21, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10638; Filed, Sept. 28, 1966; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Guaranty or Insurance of and Making of Loans

Sections 2.52 and 2.55 are revised to read as follows:

§ 2.52 **Delegation of authority to certain employees to exercise certain powers and functions of the Administrator with respect to the guaranty or insurance of loans. The authority hereby delegated to these employees may, with the approval of the Chief Benefits Director, be redelegated.**

This delegation of authority is identical to § 36.4342 of this chapter.

§ 2.55 **Delegation of authority to certain employees to exercise certain powers and functions of the Administrator with respect to the making of direct loans. The authority hereby delegated to these employees may, with the approval of the Chief Benefits Director, be redelegated.**

This delegation of authority is identical to § 36.4520 of this chapter.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 66-10624; Filed, Sept. 28, 1966; 8:48 a.m.]

PART 36—LOAN GUARANTY

Delegation of Authority

1. In § 36.4342, paragraph (b) is amended to read as follows:

§ 36.4342 **Delegation of authority.**

* * * * *

(b) Designated positions:

Chief Benefits Director.
Director, Loan Guaranty Service.
Manager, Regional Office.
Manager, Veterans Benefits Office (Washington, D.C.).
Loan Guaranty Officer.
Assistant Loan Guaranty Officer.

The authority hereby delegated to employees of the positions designated in this paragraph may, with the approval of the Chief Benefits Director, be redelegated.

* * * * *

2. In § 36.4520, paragraph (b) is amended to read as follows:

§ 36.4520 **Delegation of authority.**

* * * * *

(b) Designated positions:

Chief Benefits Director.
Director, Loan Guaranty Service.
Manager, Regional Office.
Manager, Veterans Benefits Office, Washington, D.C.
Loan Guaranty Officer.
Assistant Loan Guaranty Officer.

The authority hereby delegated to employees of the positions designated in this paragraph may, with the approval of the Chief Benefits Director, be redelegated.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective upon publication in the FEDERAL REGISTER.

By direction of the Administrator.

Approved: September 23, 1966.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 66-10623; Filed, Sept. 28, 1966; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8-1—GENERAL

PART 8-2—PROCUREMENT BY FORMAL ADVERTISING

Miscellaneous Amendments

1. In Part 8-1, § 8-1.108-1 (b) and (c) is amended to read as follows:

§ 8-1.108-1 **Authority.**

* * * * *

(b) Authority to deviate from the VAPR in procurements effected under the special procurement authorities contained in Title 38, United States Code, in classes of cases will be secured from the Deputy Administrator.

(c) Authority to deviate from the FPR in classes of cases will normally be obtained in advance from General Services Administration. Where, in the judgment of the Director, Supply Service, circumstances preclude joint consideration with General Services Administration, he may recommend to the Deputy Administrator that authority be granted for such deviation, pending joint consideration at a later date. Normally, classes of cases requiring special treatment will be handled as revisions of this Chapter 8.

2. In § 8-1.108-2, paragraphs (b), (c), (d), and (e) are amended to read as follows:

§ 8-1.108-2 **Procedure.**

* * * * *

(b) Where deviations in individual cases are requested by a procuring activity and authorized by the appropriate department or staff office head, the authorization will be placed in the purchase or contract file. A copy of the authorization will be forwarded to the Director, Supply Service (134G), who will review the deviations authorized, and recommend any necessary or desirable changes to the FPR or the VAPR.

(c) Where deviations from the FPR in classes of cases are considered necessary, a request for authority to deviate will be submitted to the Director, Supply Service (134G) who will prepare the submission to General Services Administration. Where circumstances preclude obtaining the prior concurrence of General Services Administration, and a deviation is authorized by the Deputy Administrator, the Director, Supply Service will prepare a letter to General Services Administration stating the deviation authorized and the circumstances requiring the deviation. Deviations will be set forth in this Chapter 8 as provided in § 8-1.102(c).

(d) Where deviations from the VAPR are considered necessary in classes of cases, for those procurements effected under § 8-3.215 of this chapter, a request for authority to deviate will be submitted to the Deputy Administrator through the Director, Supply Service (134G). The Director, Supply Service will review the request and forward it with his recommendation to the Deputy Administrator. The deviation if granted will be published in this Chapter 8.

(e) When a continuing deviation from the regulations in this Chapter 8, is requested, after authorization to deviate in an individual case has been granted, the request fully justified shall be submitted through channels to the Director, Supply Service (134G). The Director, Supply Service, will forward the request with his recommendations, through channels, to the Deputy Administrator. The request, approved or disapproved, shall be returned through channels to the Contracting Officer. Such deviations when approved will not be published in this Chapter 8. The contract files will in each instance be annotated to show that such authority has been granted.

3. Sections 8-1.350-1 and 8-1.350-2 are revoked.

§ 8-1.350-1 **Deviation authority Assistant Administrator for Construction. [Revoked]**

§ 8-1.350-2 **Deviation authority field stations and supply depots. [Revoked]**

4. Section 8-1.602 is revised to read as follows:

§ 8-1.602 **Establishment and maintenance of a list of concerns or individuals debarred, suspended or declared ineligible.**

The Director, Supply Service, is the debarring official for the Veterans Administration. The names of firms or individuals debarred will be included in an administrative issue entitled, "Debarred, Suspended, and Ineligible Bidders List," which will be maintained by the Director, Supply Service (134G). This list marked "for official use only" will be made available only to those Veterans Administration employees who require this information in the performance of their official duties.

5. In § 8-1.602-1, paragraphs (a) and (c) are amended to read as follows:

§ 8-1.602-1 **Bases for entry on the debarred, suspended, and ineligible list.**

(a) The Director, Supply Service, may include on the debarred, suspended, or ineligible list those firms and individuals administratively debarred by another

executive agency for the causes set forth in FPR 1-1.604(a) (1), (2), and (3) (i) and (iii) when it is known, or it is likely, that the firms or individuals will bid on Veterans Administration requirements.

• • • • •

(c) Any contractor convicted of a criminal offense in connection with obtaining a Government contract, or in the performance of such contract, shall be debarred by the Veterans Administration and his name shall be entered on the debarred list. The General Counsel, upon receipt of a notice of conviction, shall transmit such information to the Director, Supply Service (134G) for necessary action.

6. In § 8-1.603, paragraph (a) is amended to read as follows:

§ 8-1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.

(a) The Director, Supply Service, may authorize procurement from a firm or individual debarred or suspended by the Veterans Administration when requested by a Contracting Officer and when considered essential in the public interest.

• • • • • •

7. In § 8-1.604-1(a), subparagraphs (3), (4), (6), and (7) are amended to read as follows:

§ 8-1.604-1 Procedural requirements relating to the imposition of debarment.

(a) *General.* * * *

(3) *Reply received and hearing requested.* When a hearing is requested, it shall be conducted by the Director, Supply Service, or a person designated by him. Hearings will normally be conducted in Washington, D.C. However, when a firm or individual being considered for debarment pleads inability to attend a hearing in Washington, D.C., the Director, Supply Service, may direct that the hearing be held at a point more convenient to all parties concerned.

(4) *Representation.* The firm or individual being considered for debarment may appear in person in the case of an individual, a corporation may be represented by an officer thereof, a partnership or joint venture by a member thereof, or any of these by a duly authorized representative. The contracting officer recommending the debarment action will normally, at the discretion of the Director, Supply Service, be present at the hearing.

• • • • •

(6) *Period of debarment.* The period of debarment will be based upon the circumstances involved but will not, except in unusual circumstances, exceed a period of 3 years. The Director, Supply Service, may for those firms or individuals debarred by the Veterans Administration remove the debarment, reduce the period of debarment or amend the scope of the debarment, if indicated, after review of documentary evidence submitted by or in behalf of the contractor setting forth the appropriate grounds for granting of such relief. Such grounds may be, but are not limited to, newly discovered material evidence, reversal of a conviction, bona fide change of ownership or management or the elimination of the cause for which debarment was imposed.

(7) *Notice of debarment.* (i) A written notice imposing debarment will be furnished the firm or individual by the Director, Supply Service, and will set forth the scope and period of debarment together with the circumstance upon which the debarment was based.

(ii) The imposition of debarment or suspension upon a firm or an individual by the Director, Supply Service, shall be final and conclusive except that the firm or individual so debarred may seek relief in a court of competent jurisdiction.

8. Section 8-1.606 is revised to read as follows:

§ 8-1.606 Agency procedure.

Debarment or suspension action may be initiated by any Contracting Officer. The recommendation for debarment or suspension together with a statement of the cause or conditions (see FPR 1-1.604 and 1-1.605-1), suggested term of debarment or suspension and documentary evidence to support the recommendation will be submitted to the appropriate department head or staff office. Pending disposition of the recommendation, no awards will be made to the firm or individual recommended for debarment or suspension. The department head or staff officer concerned will review the adequacy of the debarment or suspension request and transmit it to the Director, Supply Service (134G), with recommendations.

9. In § 8-1.708-3, paragraph (b) is amended to read as follows:

§ 8-1.708-3 Conclusiveness of certificate of competency.

• • • • •

(b) Where the department head or staff officer concerned cannot reach an agreement with the Small Business Administration the matter will be forwarded to the Administrator, through the Director, Supply Service (134), for a final decision.

10. Section 8-2.301 is revised to read as follows:

§ 8-2.301 Responsiveness of bids.

Where the timeliness of the submission of a bid, modification or withdrawal cannot be administratively determined in accordance with FPR 1-2.3, the matter will be submitted by the Contracting Officer direct to the Comptroller General for decision. The submission will include copies of all pertinent papers. A copy of each submission will be forwarded to the Director, Supply Service (134G).

11. In Part 8-2, § 8-2.404-2 is revised to read as follows:

§ 8-2.404-2 Rejection of individual bids.

Questions involving the responsiveness of a bid which cannot be resolved by the Contracting Officer may be submitted directly to the Comptroller General, accompanied by a copy of the pertinent documents. A copy of each submission will be forwarded to the Director, Supply Service (134G).

12. Sections 8-2.406-3 and 8-2.406-4 are revised to read as follows:

§ 8-2.406-3 Other mistakes disclosed before award.

(a) The Director, Supply Service, is delegated the authority of the Administrator of Veterans Administration to make the determinations provided for in FPR 1-2.406-3(a). This delegation in no way impairs the delegations contained in Comptroller General Decision B-122003 dated November 22, 1954.

(b) Cases of alleged mistakes in bids will be submitted by Contracting Offices directly to the Director, Supply Service (134G). No award will be made pending receipt of an administrative determination. Administrative determinations will be sent directly to the Contracting Officer.

(c) Determinations made by the Director, Supply Service may, when deemed necessary by him, be submitted to the General Counsel for review.

(d) In doubtful cases under FPR 1-2.406-3(e), where determination by the Comptroller General is required, it will be obtained by the Director, Supply Service and furnished to the Contracting Officer.

§ 8-2.406-4 Disclosure of mistakes after award.

(a) The Director, Supply Service, is delegated the authority of the Administrator to make the administrative determinations allowed by FPR 1-2.406-4.

(b) All cases of mistakes in bid alleged or disclosed after award will be submitted by the Contracting Officer directly to the Director, Supply Service (134G). Administrative determinations will be sent directly to the Contracting Officer. Where an administrative determination is precluded by the limitations of FPR 1-2.406-4, or where the case is doubtful, the decision of the Comptroller General will be obtained by the Director, Supply Service and forwarded to the Contracting Officer.

13. In § 8-2.407-1, paragraphs (a) and (b) are amended to read as follows:

§ 8-2.407-1 General.

(a) No contract for the purchase of a firm quantity of supplies or equipment, at cost in excess of $200,000 shall be awarded until such contract has been reviewed by the Director, Supply Service. To permit proper review and evaluation of such proposed contracts the Contracting Officer shall submit the following to the Director, Supply Service (134G).

(1) A copy of the specifications (Veterans Administration, Federal, etc.).

(2) A copy of each bid received including any correspondence accompanying a bid.

(3) Copies of any correspondence received in lieu of a bid.

(4) A copy of the abstract.

(5) Contracting Officer's determination of bidder's responsibility.

(6) Statement as to proposed inspection and testing to assure compliance with specifications.

(7) Contracting Officer's analysis of bids received and his determination as to the award.

(b) Upon completion of his review the Director, Supply Service, shall return the entire file to the Contracting Officer together with his recommendation. In the event award is not recommended the specific reasons for such recommendation shall be furnished the Contracting Officer.

• • • • •

14. In § 8-2.407-8, paragraphs (a) and (b)(2) are amended to read as follows:

§ 8-2.407-8 Protests against awards.

(a) *General.* Simultaneous with the submission of a protest to the Comptroller General by a Contracting Officer under authority of this § 8-2.407-8, the appropriate department head or staff officer concerned and the Director, Supply Service (134G), will be furnished a complete copy of such submission. The Contracting Officer will notify the protesting individual or firm promptly in writing of the decision of the Comptroller General. A copy of the decision and notification will be furnished to the department head or staff officer concerned and Director, Supply Service (134G).

(1) When a written protest is filed in Central Office on other than a construction contract to be awarded by the Central Office Construction Contracting Officer, it shall be immediately forwarded to the Director, Supply Service (134G). The Director, Supply Service will immediately notify the Contracting Officer and the department head or staff officer concerned furnishing him a copy of the protest. The Contracting Officer will furnish the Director, Supply Service (134G) the material outlined in FPR 1-2.406 that is pertinent to the protest.

(b) *Protests before award.* * * *

(2) The department head or staff officer will file a notice of intent to make award with the Comptroller General and request advice as to the status of the case. A copy of such notice will be forwarded to the Director, Supply Service (134G). Upon receipt of this information the department head or staff officer will approve the determination to make the award, or advise the Contracting Officer as to the action to be taken.

• • • • •

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c); 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

By direction of the Administrator.

Approved: September 23, 1966.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 66-10622; Filed, Sept. 28, 1966; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Special Permission No. M-83800]

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

Suspension Supplements and Postponement Notices

In the matter of postponement or further postponement of matter suspended and establishment of matter found justified:

At a session of the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 25th day of August A.D. 1966.

It appearing, that special permission No. M-83800 of June 8, 1953, as subsequently amended, prohibits the publication of postponement notices on pages to a looseleaf tariff;

And it further appearing, that the proposed rule making required by section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary since the changes in existing regulations to be effectuated by this order will allow a relaxation of the regulations heretofore prescribed and will permit carriers subject to tariff publishing rules to publish postponement notices in their looseleaf tariffs:

It is ordered, That § 187.90 of Title 49 of the Code of Federal Regulations be, and the same is hereby, revised to read:

§ 187.90 Suspension supplements and postponement notices.

(a) All carriers subject to the tariff publishing rules contained in §§ 187.0-187.13 (Tariff Circular MF No. 4), 187.21-187.47 (MF No. 3) and 186.0-186.16 of this chapter (MP No. 3), and their duly appointed agents are hereby authorized to:

(1) Publish the following provisions in the supplements (other than consolidated suspension supplements) to their respective tariffs or schedules, announcing suspension of rates, fares or other provisions of said tariffs and schedules:

POSTPONEMENT NOTICE

If this supplement is not canceled on or before (here insert date to which suspended), the effective date of the above-described suspended publication or publications remaining under suspension until that date is hereby postponed to the date upon which this supplement is canceled. The rates, fares, charges, classifications, rules, regulations, practices, and other provisions continued in force by the above-mentioned order of suspension will apply during the period of suspension and postponement unless and until lawfully changed.

(2) Publish in bound tariffs or supplements thereto, or in looseleaf tariffs or pages thereto, immediately following the first sentence of the "Notice of Suspension" authorized in paragraph 1(b) of Special Permission No. M-39600, a postponement notice reading substantially as follows:

The effective date of such suspended provisions is hereby postponed to and including ----------

or

The effective date of such suspended provisions which was postponed to and including ---------- is hereby further postponed to and including ----------

All such provisions to be made effective not later than the date to which suspended or postponed and upon as much notice as possible, but in no event less than 1 day's notice.

(b) Where the supplement announcing suspension does not contain the postponement notice authorized in paragraph (a)(1) of this § 187.90 and some or all of the matter remains under suspension until the end of the suspension period, carriers and their agents are hereby authorized to issue a postponement notice in a regular supplement or a postponement supplement to their tariff or schedule affected, such postponement notice or postponement supplement to provide that the effective date of such matter remaining under suspension is postponed to a specific date or to the date upon which the postponement notice or postponement supplement is canceled. The supplement containing such postponement notice to provide for the cancellation of the suspension supplement, bear an effective date which will be the same date as that named in the suspension order and to be made effective upon as much notice as possible, but in no case less than 1 day's notice.

(c) Where the suspended matter is under postponement to a specific date under authority of paragraph (b) of this section and it is desired to further postpone the effective date, carriers or agents may issue a supplement to their tariff or schedule affected, such supplement to cancel the postponement supplement (if it contains only the notice of postponement) or the postponement notice (if in a supplement containing other matter) and to provide that the effective date of the matter remaining under postponement to the end of the postponement period, is further postponed to a specific date or to the date upon which the postponement supplement or postponement notice is canceled. The postponement notice or supplement issued hereunder to be made effective not later than the date shown in the previous postponement notice and upon as much notice as possible but in no case less than 1 day's notice.

(d) When the Commission has found the suspended matter justified and the effective date of such matter is under postponement or further postponement, the publishing carrier or agent may within the period of postponement publish and file a supplement (when to a bound tariff) or revised page (when to a looseleaf tariff) to their tariff or schedule affected, such supplement or page to cancel the postponement notice or postponement supplement (in the case of a looseleaf tariff the postponement supplement may be canceled by a revised check sheet), cancel the matter continued in effect during the period of postponement and make the postponed matter effective,

the supplements or pages issued under this paragraph to bear an effective date which will be earlier than the date to which postponed and be made effective upon not less than 1 day's notice.

(e) Supplements issued to bound tariffs under authority of paragraphs (b), (c), and (d) of this section which contain no other matter may be issued without regard to the terms of § 187.30 (s)(1)(2) (Rule 6(d) of Tariff Circular MF No. 3), or § 187.5(u) of Tariff Circular MF No. 4, but thereafter such supplements will be counted against the number of supplements and volume of supplemental matter until they are canceled.

(f) Publications issued hereunder to make specific reference hereto as authority for short notice filing or for tariff circular departure by using the following notation wholly or in part:

Issued on (show number of days) notice; Tariff Circular departure authorized; ICC Permission No. M-83800.

This authority does not, except as expressly indicated, waive or modify any outstanding formal order of the Commission, any of the requirements of its published rules relative to the construction and filing of the tariffs or schedules, nor any of the provisions of the Interstate Commerce Act. This permission shall continue in force and effect until July 1, 1970.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304, interpret or apply sec. 217, as amended, 218, as amended, 49 Stat. 560, as amended, 49 Stat. 561, as amended, 49 U.S.C. 317, 318)

It is further ordered, That this order shall become effective August 25, 1966.

And it is further ordered, That notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Special Permission Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10627; Filed, Sept. 28, 1966; 8:48 a.m.]

[Ex Parte No. MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Requirements for Reflectors

At a session of the Interstate Commerce Commission, Motor Carrier Safety Board, held at its office in Washington, D.C., on the 21st day of September 1966.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations, prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing, that an order of the Commission, Division 3, in Docket No. 3666, to be effective January 1, 1967, requires that vehicles transporting explosives and certain other dangerous articles display markings or placards on the front, rear, and sides of such vehicle or trailer and that some such placards are required to display red lettering on white background;

It further appearing, that the transportation standards of the Department of Defense require that certain placards be made of material with retroreflective surfaces when displayed on vehicles transporting certain explosives;

It further appearing, that due to the required change in the Explosives and Other Dangerous Articles regulations of the Commission and the Defense Department's requirement that the placards be of retroreflective material, amendment of § 193.26(e)(4) is necessary to allow the use of red retroreflective markings or placards on the front of vehicles required to be marked or placarded by 49 CFR 77.823.

It further appearing, that pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) for good cause it is found that notice of proposed rule making is unnecessary;

Upon consideration of the record and good cause appearing therefor:

It is ordered, That § 193.26(e)(4) be, and it is hereby, amended to read as follows:

§ 193.26 Requirements for reflectors.

* * * * *

(e) *Retroreflective surfaces.* Retroreflective surfaces other than required reflectors may be used, provided:

* * * * *

(4) No red color shall be used on the front of any motor vehicle, except for display of markings or placards required by § 77.283 of this chapter.

* * * * *

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That this order shall become effective November 1, 1966, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to motor carriers and the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Safety Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10628; Filed, Sept. 28, 1966; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Lower Klamath National Wildlife Refuge, California and Oregon

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA AND OREGON

LOWER KLAMATH NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, geese, and gallinules on Lower Klamath National Wildlife Refuge, Oreg., is permitted from October 8, 1966, through January 5, 1967; and the public hunting of ducks, coots, geese, and gallinules on Lower Klamath National Wildlife Refuge, Calif., is permitted from October 8, 1966, through January 5, 1967, and of snow geese and Ross' geese only from January 9 through January 22, 1967, but only on the area designated by signs as open to hunting. This open area, comprising 6,526 acres, is delineated on a map available at refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds in designated pass shooting areas may be constructed only at locations staked and appropriately posted by the officer in charge. Hunting in areas so staked and posted is permitted only at staked blind sites.

(2) Retrieving—A 100-yard wide retrieving zone is established immediately within the exterior refuge boundary bordering the closed area. Where retrieving zones are established within public hunting areas or adjacent to the refuge boundary, a hunter may enter to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(3) Boats, with the exception of air-thrust boats, are permitted with or without motors. Sculling is prohibited.

(4) Abandonment of property—Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after three months, in accordance with section 203a of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. sec. 484m) and regulations issued thereunder.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 22, 1967.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 21, 1966.

[F.R. Doc. 66-10603; Filed, Sept. 28, 1966; 8:46 a.m.]

PART 32—HUNTING

Merced National Wildlife Refuge, Calif.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695), it has been determined that a major portion of the crops in the vicinity of the following refuge has been harvested and that the period of susceptibility of such crops to wild fowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER. The limitation of time makes it impracticable to give public notice of proposed rule making.

Public hunting of ducks, geese, coots, and gallinules is permitted in accordance with all applicable State and Federal regulations on approximately 1,040 acres of the Merced National Wildlife Refuge, Calif., designated by signs as open to hunting. The following special conditions shall apply:

(1) Ducks, coots, and gallinules may be hunted during the period October 29, 1966, through January 4, 1967, and geese may be hunted from October 29, 1966, through January 8, 1967, all dates inclusive. Hunting will be restricted to Saturdays, Sundays (except Christmas Day and New Year's Day), Wednesdays, and Veterans' Day.

(2) Before hunting on the area, hunters must obtain a State permit issued at the checking station, or advance reservation obtained from the State Fish and Game Department, Sacramento, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

The public hunting of ring-necked pheasants on the Merced National Wildlife Refuge, Calif., is permitted only on an area comprising 1,040 acres and designated by signs as open to hunting. Pheasants may be hunted only on November 19, 20, 23, 26, 27, 30, and December 3 and 4, 1966.

Areas open to hunting are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the special conditions included in this release.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1966.

[F.R. Doc. 66-10604; Filed, Sept. 28, 1966; 8:46 a.m.]

PART 32—HUNTING

Modoc National Wildlife Refuge, Calif.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA

MODOC NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the Modoc National Wildlife Refuge, Calif., is permitted from October 22, 1966, through January 4, 1967; the hunting of geese will be permitted from October 22, 1966, through January 8, 1967; a special hunt for snow and Ross' geese will be permitted from January 9–22, 1967; all dates inclusive. Hunting will be allowed only on the area designated by signs as open to hunting. This open area, comprising 1,440 acres, is delineated on a map available at refuge headquarters, Modoc National Wildlife Refuge, Alturas, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—the digging of and/or hunting from pits are prohibited.

(2) Hunters will report at such checking stations as may be established when entering and leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 22, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1966.

[F.R. Doc. 66-10605; Filed, Sept. 28, 1966; 8:46 a.m.]

PART 32—HUNTING

Salton Sea National Wildlife Refuge, Calif.

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695), it has been determined that a major portion of the crops in the vicinity of the following refuge has been harvested and that the period of susceptibility of such crops to wild fowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER. The limitation of time makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA

SALTON SEA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and gallinules on the Salton Sea National Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 480 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Ducks, coots, and gallinules may be hunted during the period October 22, 1966, through January 4, 1967; geese may be hunted from October 22, 1966, through January 8, 1967; all dates inclusive. Hunting will be restricted to Saturdays, Sundays (except Christmas Day and New Year's Day), Wednesdays, and Veterans' Day. A special hunt for snow and Ross' geese will be permitted on January 14, 15, 21, and 22, 1967.

(2) A Federal permit is not required to enter the public hunting area, but hunters must obtain a State permit issued at the Wister Game Management Area, 5 miles northeast of Niland, Calif., on Highway 111, or by advance reservation obtained from the State Fish and Game Department, Sacramento, Calif., before hunting on the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through January 22, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-10607; Filed, Sept. 28, 1966; 8:46 a.m.]

PART 32—HUNTING

Tule Lake National Wildlife Refuge, Calif.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA

TULE LAKE NATIONAL WILDLIFE REFUGE

Public hunting on Tule Lake National Wildlife Refuge, Calif., for ducks, coots, geese, and gallinules is permitted from October 8, 1966, through January 5, 1967, and for snow geese and Ross' geese only from January 9 through January 22, 1967, but only on the area designated by signs as open to hunting. This open area, comprising 9,568 acres, is delineated on a map available at refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds in designated pass shooting areas may be constructed only at locations staked and appropriately posted by the officer in charge. Hunting in areas so staked and posted is permitted only at staked blind sites.

(2) Retrieving—A 100-yard wide retrieving zone is established immediately within the exterior refuge boundary bordering the closed area. Where retrieving zones are established within public hunting areas or adjacent to the refuge boundary, a hunter may enter to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(3) Boats, with the exception of air-thrust boats, are permitted with or without motors. Sculling is prohibited.

(4) Abandonment of property—Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. sec. 484m) and regulations issued thereunder.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 22, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1966.

[F.R. Doc. 66-10608; Filed, Sept. 28, 1966; 8:46 a.m.]

PART 32—HUNTING

National Wildlife Refuges, Illinois, and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Chautauqua National Wildlife Refuge, Ill., is permitted from October 22 through December 23, 1966, and December 30, 1966, through January 5, 1967, unless closed sooner by Federal action, and the hunting of ducks and coots is permitted from October 22 through December 5, 1966, but only on the area designated by signs as open to hunting. This open area comprising 745 acres is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with applicable State and Federal regulations subject to the following special condition.

(1) Blinds—Temporary blinds of approved material may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Crab Orchard National Wildlife Refuge is permitted from October 22 through December 5, 1966, and the hunting of geese is permitted from November 14 through December 23, 1966, and from December 30, 1966, through January 5, 1967, but only on the area designated by signs as open to hunting. This open area comprising 12,380 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Season for taking geese will be closed when a kill quota of 20,000 Canada geese is reached in the State of Illinois. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition.

(1) Blinds—Temporary blinds of approved material may be constructed. Pits may be dug in areas approved and designated by the refuge manager.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Public hunting of ducks and coots on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted from October 8 through November 21, 1966, in Minnesota and Wisconsin; October 15 through November 28, 1966, in Iowa; October 22 through December 5, 1966, in Illinois. Hunting of geese is permitted from October 1 through December 9, 1966, in Iowa and Minnesota; October 8 through December 16, 1966, unless closed sooner by official Federal action, in Wisconsin; October 22 through December 23, 1966, and December 30, 1966, through January 5, 1967, unless closed sooner by official Federal action, in Illinois. Hunting is permitted only on the areas designated by signs as open to hunting. These open areas comprising 153,000 acres are delineated on maps available from refuge headquarters, Winona, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Mark Twain National Wildlife Refuge is permitted from October 15 through November 28, 1966, and hunting of geese is permitted from October 1 through December 9, 1966, but only on the areas

known as the Big Timber Unit and that portion of the Louisa Unit known as the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following condition.

(1) Blinds—No permanent structures, excluding wood or brush duck blinds, shall be permitted; no blinds shall be locked or otherwise sealed against public entry.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1966.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Tamarac National Wildlife Refuge, Minn., is permitted from October 8 through November 21, 1966, and the hunting of geese is permitted from October 1 through December 9, 1966, but only on the area designated by signs as open to hunting. This open area, comprising 9,000 acres, is delineated on a map available at the refuge headquarters, Rochert, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1966.

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Swan Lake National Wildlife Refuge, Mo., is permitted from October 20 through December 28, 1966, but only on the area designated by signs as open to hunting. This open area comprising 2,500 acres is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Season for hunting geese will be closed when a kill quota of 25,000 Canada geese has been reached in the Swan Lake area. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 28, 1966.

NORTH DAKOTA

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Lower Souris National Wildlife Refuge, N. Dak., is permitted from October 1 through December 14, 1966, and the hunting of ducks and coots is permitted from October 8 through November 26, 1966; and the hunting of Wilson's snipe is permitted from October 1 through November 19, 1966, but only on the area designated by signs as open to hunting. This open area comprising 2,850 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions.

(1) Blinds—Temporary blinds of approved material may be constructed.

(2) Retrieving zones—Retrieving zones will be designated by signs. Possession of firearms in retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1966.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Lacreek National Wildlife Refuge, S. Dak., is permitted from October 8 through December 6, 1966, and the hunting of geese is permitted from October 1 through December 14, 1966, but only on the area designated by signs as open to hunting. This open area comprising 310 acres or 3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Martin, S. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1966.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Horicon National Wildlife Refuge, Wis., is permitted during the period specified below, but only on the areas designated by signs as open to hunting. These open areas, comprising 1,700 acres or 8 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters, Mayville, Wis., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following conditions:

(1) Open season: The hunting of geese is permitted on October 8, October 9, and October 10, 1966; and each subsequent Saturday, Sunday, and Monday until the season is closed under State orders or Federal regulations. The opening time will be 12 noon on October 8, and 9 a.m. daily after opening day, and will end at 4 p.m. each day.

(2) Blinds—Blinds are as constructed, maintained, and allotted by the Wisconsin Conservation Department. Applicants for public hunting and the registration of hunters are handled by the Wisconsin Conservation Department.

(3) A Federal permit is not required to enter the public hunting areas, but a permit issued by the Wisconsin Conservation Department is required. Hunters, upon entering or leaving the hunting area, shall report at designated checking stations as may be established for the regulation of hunting activity and shall furnish information as to their hunting as requested.

(4) All geese killed in the managed hunting area must be registered at an authorized registration station.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 16, 1966, unless closed sooner under the quota regulations.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 16, 1966.

[F.R. Doc. 66-10609; Filed, Sept. 28, 1966; 8:46 a.m.]

PART 32—HUNTING

Upper Mississippi River Wildlife and Fish Refuge, Illinois, and Certain Others States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Public hunting of migratory game birds including rails, gallinules, mourning doves, woodcock, and common snipe (Wilson's) on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted only on the areas designated by signs as open to hunting, concurrent with applicable Federal seasons and any more restrictive State seasons, but only during the period from the first day of the first duck or goose season applicable to the geographic area concerned, until the end of the applicable seasons for each species, as follows: Rails and gallinules

except coot from October 1 through November 5, 1966, in Minnesota; and from October 8 through November 21, 1966, in Wisconsin. Mourning doves from September 17 through November 9, 1966, in Illinois. Woodcock from November 11 through December 30, 1966, in Illinois; from October 1 through November 5, 1966, in Minnesota; and from October 8 through November 19, 1966, in Wisconsin. Common snipe (Wilson's) from October 22 through December 5, 1966, in Illinois; from October 1 through November 19, 1966, in Iowa; from October 1 through November 5, 1966, in Minnesota; and from October 8 through November 26, 1966, in Wisconsin. The open hunting areas comprising 153,000 acres are delineated on maps available from the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

The hunting of migratory game birds shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until December 31, 1966.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 22, 1966.

[F.R. Doc. 66-10610; Filed, Sept. 28, 1966; 8:46 a.m.]

PART 32—HUNTING

McNary National Wildlife Refuge, Wash.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

WASHINGTON

MCNARY NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and gallinules on the McNary National Wildlife Refuge, including the Hanford Island Division, is permitted from October 15, 1966, through January 22, 1967, and the hunting of geese is permitted from October 15, 1966, through January 8, 1967, but only on the area designated by signs as open to hunting. This open area, comprising 1,017 acres, is delineated on maps available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 22, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1966.

[F.R. Doc. 66-10611; Filed, Sept. 28, 1966; 8:47 a.m.]

PART 32—HUNTING

Sacramento National Wildlife Refuge, Calif.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695), it has been determined that a major portion of the crops in the vicinity of the subject refuge has been harvested and that the period of susceptibility of such crops to wild fowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER. The limitation of time makes it impracticable to give public notice of proposed rule making.

Public hunting of ducks, geese, coots, and gallinules on the Sacramento National Wildlife Refuge, Calif., is permitted only on an area of 4,000 acres, designated by signs as open to hunting. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition: Pheasants may be hunted only on November 19, 20, 23, 26, 27, 30, and December 3 and 4, 1966.

The areas open to hunting are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 22, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1966.

[F.R. Doc. 66-10606; Filed, Sept. 28, 1966; 8:46 a.m.]

PART 32—HUNTING

Piedmont National Wildlife Refuge, Ga.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

F.R. Doc. 66-10064, appearing at page 12057 of the issue for September 15, 1966 is amended by adding the following subparagraphs:

§ 32.22 Special regulations; upland game birds; for individual wildlife refuge areas.

* * * * *

(11) Hunting is prohibited on State or county maintained roads within the refuge.

(12) Firearms containing ammunition in the magazine and/or chamber are prohibited in vehicles on refuge roads.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

F.R. Doc. 66-10064, appearing at page 12058 of the issue for September 15, 1966 is amended by revising subparagraphs (7) and (8) pertaining to deer hunting with guns to read as follows:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

* * * * *

(7) Hunting is prohibited on State or county maintained roads within the refuge.

(8) Firearms containing ammunition in the magazine and/or chamber are prohibited in vehicles on refuge roads.

* * * * *

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-10612; Filed, Sept. 28, 1966; 8:47 a.m.]

PART 32—HUNTING

Pahranagat National Wildlife Refuge, Nev.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEVADA

PAHRANAGAT NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants, quail, and cottontail rabbits on the Pahranagat National Wildlife Refuge, Nev., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1750 acres, is delineated on maps available at refuge headquarters, Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, Nev. 89108, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The hunting of pheasants, quail, and cottontail rabbits will be permitted from November 5, 1966, through December 4, 1966, inclusive but only on Wednesdays, Saturdays, Sundays, and holidays.

(2) Hunters will report at such checking stations as may be established when entering and leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 4, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1966.

[F.R. Doc. 66-10613; Filed, Sept. 28, 1966; 8:47 a.m.]

PART 32—HUNTING

Upper Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Upper Souris National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 31,800 acres, are delineated on maps available at refuge headquarters, Foxholm, N. Dak., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The open season for hunting deer on the refuge is from noon c.s.t., November 11, to sunset November 20, 1966.

(2) All refuge trails will be closed to vehicular travel.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1966.

JOHN M. DAHL,
Refuge Manager, Upper Souris National Wildlife Refuge, Foxholm, N. Dak. 58738

SEPTEMBER 21, 1966.

[F.R. Doc. 66-10602; Filed, Sept. 28, 1966; 8:45 a.m.]

PART 32—HUNTING

Clear Lake National Wildlife Refuge, Calif.; Correction

In F.R. Doc. 66-10122, appearing on page 12099 of the issue for Friday, September 16, 1966, the first paragraph should read as follows:

The public hunting of ducks, coots, geese and gallinules on Clear Lake National Wildlife Refuge, Calif., is permitted from October 8, 1966, through January 5, 1967, and for snow geese and Ross' geese only from January 9 through January 22, 1967, but only on the area designated by signs as open to hunting. This open area, comprising 10,600 acres, is delineated on a map available at refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 21, 1966.

[F.R. Doc. 66-10601; Filed, Sept. 28, 1966; 8:45 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-SO-78]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the McComb, Miss., transition area.

The McComb transition area is described in § 71.181 (31 F.R. 2149).

The transition area would be amended by deleting "* * * within 8 miles S and 5 miles N of the McComb VOR 254° and 074° radials, extending from 17 miles W to 5 miles E of the VOR; and within 8 miles N and 5 miles S of the McComb VOR 074° radial, extending from the VOR to 12 miles E" and substituting therefor "* * * within a 14-mile radius of the McComb VORTAC; within 8 miles S and 5 miles N of the McComb VORTAC 254° radial, extending from the 14-mile radius area to 17 miles W of the VORTAC."

This alteration of the 1,200-foot portion of the transition area will provide a small amount of additional controlled airspace northwest and southeast of the McComb VOR. This airspace is required for the protection of aircraft utilizing the published instrument approach procedure when using DME to position aircraft for final approach.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on September 20, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-10634; Filed, Sept. 28, 1966; 8:49 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 66-WE-50]

FEDERAL AIRWAYS AND JET ROUTE

Proposed Alterations and Designation

The Federal Aviation Agency is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter the Federal airway and jet route structure in the Seattle, Wash., area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency is considering the following airspace actions:

1. Designate Alaskan VOR Federal airway No. 440 segment from Victoria, British Columbia, direct to Seattle, Wash., excluding the portion within Canada.

2. Redesignate VOR Federal airway No. 4 segment from Seattle to Port Angeles, Wash., via the intersection of Seattle 329° T (307° M) and Port Angeles 090° T (068° M) radials.

3. Redesignate VOR Federal airway No. 287 segment from Olympia, Wash., to Port Angeles via the intersection of the Olympia 010° T (348° M) and Seattle 329° T (307° M) radials; and intersection of Seattle, 329° T (307° M) and Port Angeles 090° T (068° M) radials.

4. Redesignate Jet Route No. 501 segment from Seattle direct to Victoria excluding the portion within Canada.

The Canadian Department of Transportation has commissioned a VOR in the vicinity of Victoria, British Columbia, which will permit the designation of a continuous VOR airway from Seattle to Alaska.

The designation of V-440 segment would provide the completing VOR airway segment for air traffic operating between Seattle and Alaska. The realignment of V-4, V-287, and J-501 will permit these segments to conform to the direct alignment of V-440 between Seattle and Victoria. The portion of the proposed segment of V-440, which lies within the Whidbey Island, Wash., Restricted Area No. 6713 would be utilized during the time when the restricted area is not being used by the using agency.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on September 23, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-10593; Filed, Sept. 28, 1966; 8:45 a.m.]

[14 CFR Parts 91, 135]

[Docket No. 7633; Notice No. 66-35]

REQUIRED INSTRUMENTS AND EQUIPMENT

Operable Condition

The Federal Aviation Agency has under consideration a proposal to amend § 91.33(a) of Part 91 of the Federal Aviation Regulations to prohibit operation unless the instruments and equipment specified for each type of operation described in paragraphs (b)-(e) of § 91.33 are in operable condition. In addition, it is proposed to amend § 135.143(b) of Part 135 to correspond to this language.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, and arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before December 15, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date, for comments in the Rules Docket for examination by interested persons.

Section 91.33 prescribes the instrument and equipment requirements for certain types of operations described therein conducted with a powered civil aircraft with a standard U.S. airworthiness certificate. Reference to the airworthiness standards for the issue of type certificates under Parts 23, 25, 27, and 29 indicates that each item of installed equipment must, with certain exceptions, function properly at the time of installation. However, there is no provision in Part 91 or in Parts 23, 25, 27, and 29 that expressly prohibits operation of an aircraft when a required instrument or item of equipment becomes inoperative after the time of installation.

A review of accident reports from November 1963 through June 1965 shows a number of accidents with fatalities in which the cause thereof is cited as instruments that did not operate or were suspected of not operating properly. Moreover, it is impossible to determine the exact number of instrument failures that contributed to accidents because of the inherent difficulties in pinpointing the time of failure of an instrument after the accident has occurred. The Agency is of the opinion that a higher standard of safety can be achieved not only by requiring certain instruments and equipment for specific operations described in § 91.33, but also by specifying that these instruments must be in operable condition for the particular operation that is undertaken. The Agency does not intend in this proposed amendment to prohibit operation if certain items of equipment or instruments that are not required by § 91.33 for the particular operation involved become inoperative. For example, if approved position lights required by § 91.33(c)(2) for night flying under VFR conditions becomes inoperative, day flying under VFR conditions may still be undertaken.

In the event that an item of equipment or instrument required by § 91.33 for a particular type of operation becomes inoperative in flight, the pilot in command may continue that operation to the airport of destination or other airport that he finds appropriate under the circumstances under the emergency authority of § 91.3. Operation of the aircraft under this emergency authority would not be necessary, however, in the event of failure of the anticollison light system or approved distance measuring equipment (DME) if the aircraft is being operated to a point where repairs can be made as provided in paragraphs (c)(3) and (e) of § 91.33.

The requirement that specified instruments and equipment must be in "operable condition" has appeared for many years in the air carrier rules now in Parts 121 and 127. Its meaning is clear and is well understood. Accordingly, it is proposed to use the same term in Part 91. In addition, to assure uniformity of language and interpretation, it is proposed to amend § 135.143(b) to conform to this proposal by requiring the instruments and equipment referred to in that section to be "in operable condition" instead of "functioning."

If the proposed amendments to Parts 91 and 135 contained in Notice No. 65-35 (30 F.R. 14600) are adopted, final action on this notice, if in the form of a final rule, will also require the instruments and equipment specified in § 91.33(f) and Appendix A in Notice No. 65-35 for Category II Operations to be in operable condition.

In view of the foregoing, it is proposed to amend §§ 91.33(a), and 135.143(b) of Parts 91 and 135, respectively, as follows:

1. Section 91.33(a) of Part 91 is amended to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

(a) *General.* Except as provided in paragraphs (c)(3) and (e) of this section, no person may operate a powered civil aircraft with a standard category U.S. airworthiness certificate in any operation described in paragraphs (b)-(e) of this section unless that aircraft contains the instruments and equipment specified in those paragraphs (or FAA approved equivalents) for that type of operation, and those instruments and items of equipment are in operable condition.

* * * * *

2. Section 135.143(b) of Part 135 is amended to read as follows:

§ 135.143 General requirements.

* * * * *

(b) No person may operate an aircraft in operations to which this Part applies, unless the required instruments and equipment in it have been approved and are in operable condition.

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424).

Issued in Washington, D.C., on September 19, 1966.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-10590; Filed, Sept. 28, 1966; 8:45 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Parts 327, 329]

ASSESSMENTS

Payment of Deposits and Interest Thereon by Insured Nonmember Banks

The Board of Directors of the Federal Deposit Insurance Corporation is considering the amendment of Parts 327 and 329 of its rules and regulations as follows:

1. Section 327.2(b) (3) and (4) would be amended to read as follows:

§ 327.2 Classification of deposits.

* * * * *

(b) * * *

(2) Time deposits, open account, being a deposit, other than a time certificate of deposit, with respect to which there is in force a written contract with the depositor that neither the whole nor any part of such deposit may be withdrawn prior to the date of maturity, which shall not be less than 30 days after the date of the deposit, or prior to the expiration of the period of notice which must be given by the depositor in writing not less than 30 days in advance of withdrawals, including deposits such as Christmas club accounts and vacation club accounts, which are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months, even though some of the deposits are made within 30 days from the end of such period; and

* * * * *

(4) Savings deposits being deposits: (i) Which consist of funds deposited to the credit of one or more individuals, or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit, or in which the entire beneficial interest is held by one or more individuals or by such a corporation, association, or other organization; and

(ii) With respect to which the depositor is not required by the deposit contract but may at any time be required by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made and which is not payable on a specified date or at the expiration of a specified time after the date of deposit.

2. Section 329.1 (d) and (e) would be amended to read as follows:

§ 329.1 Definitions.

* * * * *

(d) *Time deposits, open account.* The term "time deposit, open account" means a deposit, other than a "time certificate of deposit," with respect to which there is in force a written contract with the depositor that neither the whole nor any part of such deposit may be withdrawn, by check or otherwise, prior to the date of maturity, which shall be not less than 30 days after the date of the deposit,[a] or prior to the expiration of the period of notice which must be given by the depositor in writing not less than 30 days in advance of withdrawals.[a]

[a] Deposits, such as Christmas club accounts and vacation club accounts, which are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months, constitute "time deposits, open account," even though some of the deposits are made within 30 days from the end of such period.

[a] A deposit with respect to which the bank merely reserves the right to require notice of not less than 30 days before any withdrawal is made is not a "time deposit, open account," within the meaning of the above definition.

(e) *Savings deposits.* The term "savings deposit" means a deposit:

(i) Which consists of funds deposited to the credit of one or more individuals, or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit,[9] or in which the entire beneficial interest is held by one or more individuals or by such a corporation, association, or other organization; and

(ii) With respect to which the depositor is not required by the deposit contract but may at any time be required by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made[1] and which is not payable, on a specified date or at the expiration of a specified time after the date of deposit.

3. Section 329.5 would be amended to read as follows:

§ 329.5 Withdrawal of savings deposits.

(a) *Requirements regarding notice of withdrawal.* Whether or not interest is paid, no insured nonmember bank shall require notice of withdrawal as to any amount or percentage of the savings deposits of any depositor unless it shall similarly require such notice as to the same amount or percentage of the savings deposits of every other depositor which are subject to the same requirements as to notice of withdrawal. If an insured nonmember bank, without requiring notice of withdrawal, pays interest that has accrued on a savings deposit during the preceding interest period, it shall, upon request and without requiring such notice, pay in the same manner interest that has accrued during the preceding interest period on the savings deposits of every other depositor. No insured nonmember bank shall change its practice with respect to requiring notice of withdrawal of savings deposits for the purpose of discriminating in favor of or against any depositor or depositors, and no such change of practice shall be made except pursuant to duly recorded action of the bank's board of directors or a properly authorized committee thereof.

(b) *Loans on security of savings deposits.* If it is not the practice of an insured nonmember bank to require notice of withdrawal of savings deposits, no restrictions are imposed by this part upon loans by such bank to its depositors upon the security of such deposits. If it is the practice of an insured nonmember bank to require notice of withdrawal of a savings deposit, such bank may make loans to a depositor upon the security of such deposit, but the rate of interest on such loans shall be not less than 2 percent per annum in excess of the rate of interest paid on the savings deposit.

(c) *Requirements regarding withdrawal.* (1) Subject to the provisions of subparagraph (2) of this paragraph, an insured nonmember bank may permit withdrawals to be made from a savings deposit only through payment[10] to the depositor himself (but not to any other person whether or not acting for the depositor), except:

(i) Where the deposit is represented by a passbook, to any person presenting the passbook;[10]

(ii) To an executor, administrator, trustee, or other fiduciary holding the savings deposit as part of a fiduciary estate, or to a person, other than the bank of deposit, holding a general power of attorney granted by the depositor;

(iii) To any person, including the depository bank, that has extended credit to the depositor on the security of the savings deposit, where such payment is made in order to enable the creditor to realize upon such security;

(iv) Pursuant to the order of a court of competent jurisdiction;

(v) Upon the death of the depositor, to any person authorized by law to receive the deposit; or

(vi) With respect to interest paid to a third person pursuant to written instruction or assignment by the depositor, accepted by the bank, and placed on file therein.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, no withdrawal shall be permitted by an insured nonmember bank to be made from a savings deposit after January 15, 1962, through payment to the bank itself or through transfer of credit to a demand or other deposit account of the same depositor (other than of interest on the savings deposit) if such payment or transfer is made pursuant to any advertised plan or any agreement, written or oral:

(i) Which authorizes such payments or transfers of credit to be made as a normal practice in order to cover checks or drafts drawn by the depositor upon the bank; or

(ii) Which provides that such payments or transfers of credit shall be made at daily, monthly, or other such periodic intervals, except where made to enable the bank, on the depositor's behalf, and pursuant to his written instruction, to effect the payment of installments of principal, interest, or other charges (including taxes or insurance premiums) due on a real estate loan or mortgage.

(3) Where a savings deposit is evidenced by a passbook, every withdrawal made upon presentation of the passbook shall be entered in the passbook at the time of withdrawal, and every other withdrawal from such a deposit shall be entered in the passbook as soon as practicable after the withdrawal is made.

§ 329.6 [Amended]

4. Footnote 12 in § 329.6 would be redesignated as footnote 13.

The purpose of these amendments would be to sharpen the distinction between savings deposits and time deposits in order to facilitate interpretation and administration of the rules and regulations.

The regulations are not entirely clear whether certificates or other instruments that are payable at a "fixed" maturity (i.e., at a specified date or at the expiration of a specified period after the date of deposit), which meet the definition of a "time certificate of deposit," may nevertheless be classified as savings deposits.

Also, under the present regulations, savings deposits are defined as deposits of individuals and certain types of nonprofit organizations as to which the depositor "is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made." The definition of the term "time deposit, open account" covers a deposit as to which 30 days' written notice of withdrawal is required, but it expressly excludes savings deposits. Consequently, an individual is literally precluded from having a "time deposit, open account."

The proposed amendments to the regulations would amend the definitions of time deposit, open account and savings deposit so that—

(1) Deposits payable at a specified date or at the expiration of a specified period of time after the date of deposit would be expressly excluded from the definition of the term "savings deposit"; and

(2) Deposits as to which notice of withdrawal is required by the contract would be excluded from the definition of the term "savings deposit," but the exercise of a bank's reserved right to require such notice would not cause a savings deposit to cease to be such.

Because the definitions of "time deposit, open account" and "savings deposit" would no longer overlap, the exception from the definition of "time deposit, open account" of a "savings deposit" would be eliminated. Section 329.5 of the regulations, relating to notice of withdrawal of savings deposits, would be rewritten to conform to the amendment proposed to be made by the Board of Governors of the Federal Reserve System to § 217.5 of its regulations, even though the present § 329.5 contains no reference to savings deposit contracts which require the depositor to give notice of withdrawal. Inasmuch as subparagraphs (2), (3), and (4) of the present § 329.1(e) relate to the manner of the payment of savings deposits and are not a part of the definition of the term "savings deposit," they would be transferred to the revised § 329.5.

[9] Deposits in joint accounts of two or more individuals may be classified as savings deposits if they meet the other requirements of the above definition, but deposits of a partnership operated for profit may not be so classified. Deposits to the credit of an individual of funds in which any beneficial interest is held by a corporation, partnership, association, or other organization operated for profit or not operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes may not be classified as savings deposits.

[1] The exercise by the bank of its right to require such notice shall not cause the deposit to cease to be a savings deposit.

[10] Payment from a savings deposit or presentation of a passbook may be made over the counter, through the mails, or otherwise.

The proposed amendments to § 327.2 (b) would conform the definitions of time deposits, open account, and savings deposits to the definitions as proposed to be stated in § 329.1 (d) and (e). The proposed amendments would not affect the manner of computing assessments payable by insured banks to the Corporation.

This notice is published pursuant to section 4 of the Administrative Procedure Act and Part 302 of the Federal Deposit Insurance Corporation's rules and regulations (12 CFR Part 302).

To aid in the consideration of the foregoing matter, the Board of Directors will be glad to receive from interested persons any relevant data, views, or arguments. Such material should be sent to the Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429. All such material should be submitted in writing to be received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated this 23d day of September 1966.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 66-10620; Filed, Sept. 28, 1966; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-308]

TOTAL GAS SUPPLY OF NATURAL GAS PIPELINE COMPANIES

Annual Report Forms

SEPTEMBER 22, 1966.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission is proposing (1) to revise Form 15, Annual Report of Gas Supply; (2) to allow companies with comparatively small volumes of reserves to file only an abbreviated report to be called Form 15–A; and (3) to require the submission of Form 15 information in printed form and in appropriate automatic data processing media.

2. Order No. 279 which promulgated Form 15, issued March 31, 1964, 31 FPC 750, 29 F.R. 4873, recognized that changes of and additions to the form might be necessary after the Commission had studied the information filed in the succeeding years. A review of reports filed for calendar years 1963 and 1964, indicates that the making of some changes in the form will aid the companies in reporting the gas reserves and deliverability information. Other revisions of Form 15 will permit considerable detail to be deleted. Thus, for example, we are proposing to replace and abbreviate Schedule I of the existing form with a revised schedule (Schedule 5) which will require 97 rather than 176 entries to report total system deliverability by those companies which do not claim future contract additions and 117 rather than 352 entries by those companies which claim future contract additions. In addition to other deletions of detail, companies will be aided in the preparation of the form by a proposed simplification and standardization of terminology used in the schedules and the instructions. These changes are extensive and should benefit reporting companies. The major changes being proposed are described in more detail in attachment A below.

Experience gained in preparing the report of the Gas Supplies of Interstate Natural Gas Pipeline Companies for calendar years 1963 and 1964, which is based on the Form 15 returns, suggests that the present requirement for reporting original recoverable reserves be replaced by a report of the percentage of total reservoir depleted and a percentage of total reservoir dedicated. One further revision will require the filing of a gas supply summary sheet (Schedule 3) which will not add substantially to the volume of data to be reported, but will help the Commission, the industry, and other interested parties in evaluating the current gas supply in a comparatively rapid manner.

3. Because of the planned standardization and simplification of Form 15, the Commission proposes that the information to be supplied be submitted not only on report forms, but, in addition, be submitted in automatic data processing media. Form 15, as initially proposed in 1963, 28 F.R. 4365, would have required the submission of extensive gas reserves and deliverability information on ADP punch cards, paper tapes, or magnetic tapes. Use of modern ADP methods was one aspect of the original proposal which was relegated to the "Second Phase" of gas supply reporting, together with the proposed requirement for more detailed reservoir data. In view of the problems involved, our Order No. 279 separated and postponed the "Second Phase" of the annual gas supply report until a future time. We here propose only the reporting of "First Phase" data by ADP media. We continue to reserve for subsequent consideration any proposals regarding additional "Second Phase" data. The rule change presently proposed would require only that the information required by the revised Form 15 be filed as well in ADP media. Such a system would facilitate the Commission's evaluation of these reports and enable it to correlate them more easily with information otherwise available.

Methods of data collection have changed radically within the past decade. Seeing the benefits of this revolution, many companies, even relatively small ones, have adopted an automated approach to information gathering. Thus, it should be comparatively easy for most pipeline companies who must file Form 15 to submit this in ADP media. It is contemplated that the Commission's staff and those companies filing Form 15 reports will meet to determine precisely what forms will be used to accomplish this purpose. Of course, the final rule will provide some exemption for those companies who do not have the requisite ADP equipment.

The Commission recognizes that the resolution of questions concerning the media in which the ADP filings may be made by the various pipeline companies may require conferences with the staff and adjustments in methods for the programing of information. It recognizes that, at the outset, this might require some additional time beyond that needed for the filing of the revised Form 15. In order to expedite the implementation of the revised report, it would appear advisable to permit some additional time for the filing of the proposed ADP data. Accordingly, the Commission would provide that the revised Form 15 be filed by pipeline companies for the calendar year ending December 31, 1966, on or before May 1, 1967, but that the additional ADP data may be filed in the appropriate media on or before October 1, 1967, and for subsequent years on or before each May 1, thereafter.

4. In Order No. 279 we also suggested that a review of Form 15 information might indicate that certain companies with comparatively small volumes of reserves should be exempted from filing Form 15. The reports for the calendar years 1963 and 1964, show that companies owning or controlling by producer contracts less than 50 billion cubic feet of reserves have a very small percentage of the total reserves dedicated to interstate commerce. We are proposing, therefore, to require that those companies whose gas reserves at the end of any report-year are less than 50 billion cubic feet to file only an abbreviated one-page report, to be titled Form 15–A, in lieu of Form 15.

5. To standardize reporting procedures and to enable the Commission to obtain a complete industrywide report of all sources of interstate pipeline gas supply, it is proposed that companies which purchase all of their gas supply from other interstate or foreign pipeline companies be required to file the Form 15–A report. Except for importers of gas, these companies now report by letter that their gas is purchased from another jurisdictional pipeline. Companies that import part or all of their gas are now required to file Form 15.

6. Companies which act only as transporters of gas for others and do not buy or sell gas will continue to report by letter on their status as transporters only.

7. Accordingly, we are proposing—

(a) To revise the existing FPC Form No. 15, Natural Gas Companies Annual Report of Gas Supply, prescribed by § 260.7, Part 260, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, and to prescribe, in lieu thereof, the revised Form No. 15, appended hereto (attachment B [14]);

(b) To prescribe the new FPC Form 15–A appended hereto (attachment C [14]);

(c) To require the submission of Form 15 information in such appropriate automatic data processing (ADP) media as shall be agreed upon between the Commission's staff and those pipeline companies filing Form 15 reports.

(d) To revise paragraph (b) of the said § 260.7 to read as follows:

[14] Attachments B and C filed as part of original document.

§ 260.7 Form No. 15, annual report of gas supply and deliverability for cer-

8. These amendments to FPC Form 15, the prescription of a new FPC Form No. son, it is no longer advisable to retain this blanket provision for multiple field reporting

or of a corporation, association, or other

security of such deposits. If it is the

tracts containing such a provision would

§ 260.7 Form No. 15, annual report of gas supply and deliverability for certain natural gas companies.

* * * * *

(b) Each natural gas company, as defined by the Natural Gas Act, as amended (52 Stat. 821), other than a company whose gas reserves owned or controlled by producer contracts at the end of any report-year are less than 50 billion cubic feet of gas, or a company which acts only as a transporter of gas for others or a company purchasing its entire supply of natural gas from other companies subject to the provisions of this section, shall prepare and file with the Commission for the calendar year ending December 31, 1966, on or before May 1, 1967, and for subsequent years on or before each May 1, thereafter, an original and four conformed copies of FPC Form No. 15. A company exempt from this paragraph by virtue of having reserves of less than 50 billion cubic feet of gas or of purchasing its entire supply of gas from other companies subject to the provisions of this section shall file FPC Form No. 15–A, prescribed by § 260.7a. A transporter of gas similarly exempt from this paragraph shall file, in lieu of the report, a statement giving the name(s) and address(es) of the company or companies for which it is transporting the gas. One copy of the report should be retained in its files. The conformed copies may be carbon or reproduced by any means that provide clearly and accurately aligned impressions. Each natural gas company which is required to file FPC Form 15 with the Commission shall file with the Commission for the calendar year ending December 31, 1966, by October 1, 1967, and for the subsequent years by each May 1, thereafter the required automatic data processing information on appropriate media.

* * * * *

(e) To amend the said Part 260 by adding a new § 260.7a to read as follows:

§ 260.7a Form No. 15–A, annual report of gas supply for certain natural gas companies exempt from the requirements of paragraph (b) of § 260.7.[1]

(a) An Annual Report of Total Gas Supply, designated FPC Form No. 15–A, is prescribed for natural gas companies otherwise subject to the provisions of § 260.7 but exempt from the requirements of paragraph (b) thereof.

(b) Each natural gas company, subject to the provisions of § 260.7, whose natural gas reserves at the end of any report-year are less than 50 billion cubic feet of gas, or which purchases its entire supply of natural gas from other companies subject to the provisions of § 260.7 and are not exempt from the provisions of paragraph (b) thereof, shall file FPC Form No. 15–A in accordance with the applicable provisions of § 260.7(b).

[1] As used herein, "natural gas company" does not include "independent producers," as defined in § 154.91(a) of this chapter.

8. These amendments to FPC Form 15, the prescription of a new FPC Form No. 15–A and the amendments to the Commission's regulations are proposed to be issued under the authority of the Natural Gas Act, as amended, particularly sections 7, 10(a), 14(a) and 16 thereof (52 Stat. 825, 826, 828, 830; 56 Stat. 83; 15 U.S.C. 717f, 717f(a), 717m(a), 717o).

9. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than November 1, 1966, data, views, and comments in writing concerning the proposed amendments. An original and nine conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed amendments under provisions of the Federal Reports Act of 1942 may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Standards, Bureau of the Budget, Washington, D.C. 20503. After comments have been received the Commission's staff will call a conference of interested parties for the purpose of discussing the schedules to be added to the annual report form. Submissions to the Commission should indicate whether the person filing them wishes to participate in such a conference.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

ATTACHMENT A—PROPOSED MAJOR CHANGES

1. Gas supply summary, Schedule 3: This schedule presents in summary the mass of detail that makes up the body of each Form 15 report. It will furnish the Commission, the industry and the interested public with a brief informative survey of each company's gas supply status including the annual results of its gas procurement program; the acquisition of new company owned and independent producer reserves as well as additional gas supplies obtained as a result of new or increased purchases from other regulated interstate natural gas pipeline companies and foreign suppliers. This schedule will also provide each company with a means of checking the accuracy of its Form 15 report and will consequently help prevent the occurrence of the errors between schedules that are common in the 1963 and 1964 reports.

2. State field and reservoir names recognized or designated by State oil and gas regulatory agencies, when such an agency exists, will be required for the first time in place of unique names selected by the companies. This requirement will make possible correlations of fields between companies and between Form 15 and State records and other published material. Such correlations are not clear with the names as now reported and consequently comparisons of different data on the same field are often uncertain.

3. Deliverability by fields is a change from the previous instructions in Form 15 which allowed the reporting company to group several fields under a single Source of Supply on Schedule 6. This provision was made to allow companies which have one contract with an independent producer that covers several fields, or parts of several fields, to report the deliverability for this contract as a single unit. Unfortunately, several companies extended this provision to cover cases far beyond the original intent. For this reason, it is no longer advisable to retain this blanket provision for multiple field reporting in Form 15 and all pertinent instructions have been deleted. In the future only those companies that can demonstrate a real need will be allowed to file multiple field deliverability studies. This change will furnish the Commission with deliverability data in basic units (fields), from which areal deliverability compilations can be made on a regional basis, such as an Area Rates Pricing Area. This type of study is not now possible for most areas.

4. Percent of total reservoir depleted and percent of total reservoir dedicated are new items to replace the original recoverable reserve volumes previously required in Schedule 3, now Schedule 7. This change is being made to facilitate reporting for companies which have been unable to successfully furnish original recoverable and cumulative production figures. Generally, a fair estimate of degree of depletion of a reservoir can be made and the percent dedicated is a fixed figure in most cases. From these data, total reservoir original and remaining recoverable reserves can be estimated.

5. Footnote reporting has been standardized so that all footnote references can be easily assimilated by the Commission ADP system.

[F.R. Doc. 66–10596; Filed, Sept. 28, 1966; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 204, 217]

[Regs. D, Q]

RESERVES OF MEMBER BANKS; PAYMENT OF INTEREST ON DEPOSITS

Savings and Time Deposits

The Board of Governors is considering amending Parts 204 and 217 as follows:

1. Sections 204.1 (d) and (e) and 217.1 (d) and (e) would be amended to read as follows:

(d) *Time deposits, open account.* The term "time deposit, open account" means a deposit, other than a "time certificate of deposit," with respect to which there is in force a written contract with the depositor that neither the whole nor any part of such deposit may be withdrawn, by check or otherwise, prior to the date of maturity, which shall be not less than 30 days after the date of the deposit,[4] or prior to the expiration of the period of notice which must be given by the depositor in writing not less than 30 days in advance of withdrawal.[5]

(e) *Savings deposits.* The term "savings deposit" means a deposit—

(1) Which consists of funds deposited to the credit of one or more individuals, or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit; [6] or in which the entire beneficial interest is held by one or more individuals or by such a corporation, association, or other organization; and

(2) With respect to which the depositor is not required by the deposit contract but may at any time be required by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made [6] and which is not payable on a specified date or at the expiration of a specified time after the date of deposit.

2. Footnote 7 in § 217.2(b)(2) would be redesignated footnote 6; footnote 8 in § 217.3(e) would be redesignated footnote 7.

3. Section 217.5 would be amended to read as follows:

§ 217.5 Withdrawal of savings deposits.

(a) *Requirements regarding notice of withdrawal.* Whether or not interest is paid, no member bank shall require notice of withdrawal as to any amount or percentage of the savings deposit of any depositor unless it shall similarly require such notice as to the same amount or percentage of the savings deposits of every other depositor which are subject to the same requirements as to notice of withdrawal. If a member bank, without requiring notice of withdrawal, pays interest that has accrued on a savings deposit during the preceding interest period, it shall, upon request and without requiring such notice, pay in the same manner interest that has accrued during the preceding interest period on the savings deposits of every other depositor. No member bank shall change its practice with respect to requiring notice of withdrawal of savings deposits for the purpose of discriminating in favor of or against any depositor or depositors, and no such change of practice shall be made except pursuant to duly recorded action of the bank's board of directors or a properly authorized committee thereof.

(b) *Loans on security of savings deposits.* If it is not the practice of a member bank to require notice of withdrawal of savings deposits, no restrictions are imposed by this part upon loans by such bank to its depositors upon the security of such deposits. If it is the practice of a member bank to require notice of withdrawal of a savings deposit, such bank may make loans to a depositor upon the security of such deposit, but the rate of interest on such loans shall be not less than 2 percent per annum in excess of the rate of interest paid on the savings deposit.

3. Subparagraphs (2), (3), and (4) of present § 217.1(e) would be transferred to § 217.5 and become paragraph (c) of that section, with redesignation of such subparagraphs as subparagraphs (1), (2), and (3) respectively, with conforming changes in cross-references within such subparagraphs, and with redesignation of present footnote 5 as footnote 8.

The purpose of these amendments is to sharpen the distinction between savings deposits and time deposits in order to facilitate interpretation and administration of the regulations. The regulations are not entirely clear where certificates or other instruments that are payable at a "fixed" maturity (i.e., at a specified date or at the expiration of a specified period after the date of deposit), which meet the definition of a "time certificate of deposit," may nevertheless be classified as savings deposits.

Also, under the present regulations, "savings deposits" are defined as deposits of individuals and certain types of nonprofit organizations as to which the depositor "is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made." Because this definition includes a deposit of an individual as to which at least 30 days' written notice of withdrawal is required by the deposit contract, an individual is literally precluded from having a "time deposit, open account." The definition of that term includes deposits as to which not less than 30 days' written notice of withdrawal is required, and expressly excludes any deposit that meets the definition of a savings deposit.

The proposed amendments to the regulations would amend the definition of savings deposit so that—

(1) Deposits payable on a specified date or at the expiration of a specified period of time after the date of deposit would be expressly excluded from savings deposits;

(2) Deposits as to which notice of withdrawal is required by the contract would be excluded from savings deposits, but the exercise of a bank's reserved right to require such notice would not cause a savings deposit to cease to be such.

Because the definitions of "time deposit, open account" and "savings deposits" would no longer overlap, the exception from the definition of "time deposit, open account" of a "savings deposit" would be eliminated. Because a savings deposit contract could no longer contain a provision requiring the depositor to give notice of withdrawal, the provisions of Regulation Q with respect to the requirements of notice in connection with contracts containing such a provision would also be eliminated. In doing so, the section relating to notice of withdrawal of savings deposits would be editorially revised, and subparagraphs (2), (3), and (4) of the present § 217.1(e), which relate to the manner of payment of savings deposits, would be transferred thereto.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and section 1(b) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1(b)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 21, 1966.

Dated at Washington, D.C., this 21st day of September 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66–10585; Filed, Sept. 28, 1966; 8:45 a.m.]

[4] Deposits, such as Christmas club accounts and vacation club accounts, which are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months constitute "time deposits, open account" even though some of the deposits are made within 30 days from the end of the period.

[5] A deposit with respect to which the bank merely reserves the right to require notice of not less than 30 days before any withdrawal is made is not a "time deposit, open account," within the meaning of the above definition.

[6] Deposits in joint accounts of two or more individuals may be classified as savings deposits if they meet the other requirements of the above definition, but deposits of a partnership operated for profit may not be so classified. Deposits to the credit of an individual of funds in which any beneficial interest is held by a corporation, partnership, association, or other organization operated for profit or not operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes may not be classified as savings deposits.

[6] The exercise by the bank of its right to require such notice shall not cause the deposit to cease to be a savings deposit.

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 95, 97]

[Ex Parte 252]

USE OF FREIGHT CARS

Incentive Per Diem Charges

SEPTEMBER 23, 1966.

The verified representations filed in the above docket number being received by the Commission are not in the proper form specified by the order of the Commission dated June 23, 1966, and published in the FEDERAL REGISTER July 6, 1966 (31 F.R. 9240).

Pursuant to this order verified representations, original and twenty (20) copies, are required for the Commission's use and service must be made on all common carriers by railroad subject to the Interstate Commerce Act and Intervenors.

Any party already having filed an insufficient number of copies of his representation with the Commission, should forward the necessary additional copies along with an appropriate certificate showing that service has been made upon all parties of record.

Any party hereafter tendering for filing such documents should comply with these rules so as to expedite orderly processing of his pleadings.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10631; Filed, Sept. 28, 1966; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

GENERAL ADVISORY COMMITTEE ON FOREIGN ASSISTANCE PROGRAMS

Changes in Membership

The following are changes in the membership of the General Advisory Committee on Foreign Assistance Programs which was established by the President on March 26, 1965:

Appointment of new member:

David E. Bell, Vice President, Ford Foundation, New York, N.Y.

Resignation of member:

Dr. Samuel M. Nabrit, President, Texas Southern University, Houston, Tex.

WILLIAM O. HALL,
Assistant Administrator for Administration.

SEPTEMBER 15, 1966.

[F.R. Doc. 66-10618; Filed, Sept. 28, 1966; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1966 Rev. Supp. No. 6]

SAFECO INSURANCE COMPANY OF AMERICA

Surety Company Acceptable on Federal Bonds

SEPTEMBER 23, 1966.

A certificate of authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13. An underwriting limitation of $3,103,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated: Safeco Insurance Co. of America, Seattle, Wash.; Washington.

Certificates of authority expire on May 31 each year, unless sooner revoked, and new certificates are issued on June 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 66-10632; Filed, Sept. 28, 1966; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 1673; Survey Group 13]

ILLINOIS

Notice of Filing of Plats of Survey

SEPTEMBER 23, 1966.

The plats of survey of lands in secs. 11, 14, 15, 20, 29, and 31, T. 25 N., R. 11 E., fourth principal meridian, Illinois, accepted on July 21, 1966, will be officially filed in this Office effective at 10 a.m., on October 26, 1966.

The lands are described as:

T. 25 N., R. 11 E., fourth principal meridian, Illinois.
Sec. 11, lot 2 (3.15 acres);
Sec. 14, lot 1 (0.33 acre);
Sec. 15, lot 1 (5.40 acres), lot 2 (3.99 acres);
Sec. 20, lot 1 (4.47 acres);
Sec. 29, lot 1 (1.07 acres), lot 2 (0.53 acre), lot 3 (0.23 acre);
Sec. 31, lot 2 (0.43 acre), lot 3 (1.64 acres), lot 4 (0.36 acre).

The survey was made to accommodate an application filed on some of these lands not reported on the original survey of this township. Lot 2 sec. 29 is more than 50 percent swampy in character within the meaning of the swamp land laws, and is subject to selection only by the State of Illinois under those laws.

Subject to valid existing rights, the remaining lands will be open to the filing of petition-applications under the public-land laws on and after the effective date of the filing of the plats. All inquiries relating to these lands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, Washington, D.C. 20240.

JOSEPH P. HAGAN,
Acting Manager, Land Office.

[F.R. Doc. 66-10614; Filed, Sept. 28, 1966; 8:47 a.m.]

[Wyoming 415]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 22, 1966.

The Federal Aviation Agency has filed an application, Serial Number Wyoming 415, for the withdrawal of lands described below, from all forms of appropriation under the public land laws, including the mining laws, subject to valid existing rights.

The applicant wishes to assure tenure of the described lands for the purpose of restricting the building of obstructions within a 1,200-foot radius of their VORTAC antenna.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyo. 82001.

The Department's regulations 43 CFR 2311.1–3(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 36 N., R. 79 W.,
Sec. 14, E½NE¼, NE¼SE¼.

The area described contains 120 acres.

ED PIERSON,
State Director.

[F.R. Doc. 66-10615; Filed, Sept. 28, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

PINE MOUNTAIN WILDERNESS

Notice of Public Hearing Regarding Proposed Establishment

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88–577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on November 15, 1966, at Goett Auditorium, 2005 East Indian School Road, Phoenix, Ariz., on a proposal for recommendation to be made to the President of the United States by the Secretary of Agriculture, that a recommendation be submitted to Congress for the establishment of the Pine Mountain Wilderness, comprised of approximately 19,569 acres within and contiguous to the Pine Mountain Primitive Area. Approximately 8,738 acres are located within the Prescott National Forest, and approximately 10,831 acres are within the Tonto National Forest. The proposed Wilderness lies entirely within Yavapi County, State of Arizona.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Forest Supervisor, Prescott National Forest, 344 South Cortez, Prescott, Ariz., 86301, or Forest Supervisor, Tonto National Forest, 230 North First Avenue, Room 6208 Federal Building, Phoenix, Ariz. 85025, or the Regional Forester, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

Individuals or organizations may express their views by appearing at this hearing, or they may submit written comments for inclusion in the official record to the Regional Forester at the above address by December 15, 1966.

A. W. GREELEY,
Associate Chief, Forest Service.

[F.R. Doc. 66-10644; Filed, Sept. 28, 1966; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-3]

CALIFORNIA SALVAGE CO.

Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 6 to License No. 4–5479–1 as set forth below. This amendment provides for a change in the license provisions referring to the transportation of radioactive materials to assure conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966.

In a letter dated July 25, 1966, the AEC notified California Salvage Co. of its intent to amend License No. 4–5479–1 to assure that the license provisions referring to transportation of radioactive materials were in conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966. California Salvage Co. consented to the proposed modification of its license in a letter dated August 25, 1966.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., September 22, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director, Division of Materials Licensing.

[License 4–5479–1; Amdt. 6]

The Atomic Energy Commission having found that:

A. The licensee's equipment and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such a manner as to protect health and minimize danger to life or property.

C. The application dated June 7, 1963, and amendments thereto dated July 16, 1963, and October 27, 1965, comply with the requirements of the Atomic Energy Act of 1954, as amended, and are for a purpose authorized by that Act.

D. Issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 4–5479–1 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," and 10 CFR Part 70, "Special Nuclear Material," a license is hereby issued to California Salvage Co., 709–745 North Pacific Avenue, San Pedro, Calif., to receive and possess packages containing waste byproduct, source, and special nuclear material in any State of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150, and to dispose of packages containing waste byproduct, source, and special nuclear material by burial at sea.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards For Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess more than 100 curies of byproduct material, 500 pounds of source material, and 10 grams of special nuclear material at any one time.

2. Except as specifically provided otherwise by this license, the licensee shall receive, possess, and dispose of byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application dated June 7, 1963, and amendments thereto dated July 16, 1963, and October 27, 1965.

3. Byproduct material shall be received, handled, and disposed of by, or under the supervision and in the physical presence of, John H. Hutchison, Murray H. Hutchison, Horst Nissen, or Douglas R. Blum.

4. A copy of the "Waste Disposal Procedures of California Salvage Co." submitted December 20, 1960, and amended March 28, 1961, shall be supplied to each person involved in the receipt, handling, and disposal of byproduct, source, and special nuclear material.

5. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Interstate Commerce Commission in §§ 73.391–73.396, 49 CFR Part 73, "Regulations Applying to Shippers," and §§ 77.823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exceptions to those requirements, any requests for special approvals referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

6. The licensee shall not store byproduct, source, and special nuclear material in any of the States in which the licensee is authorized to receive and possess such material under the terms of this license.

7. The licensee may dispose of byproduct, source, and special nuclear material by burial at sea at a minimum depth of 1,000 fathoms in the Pacific Ocean within a radius of 5 miles of the point 32°00′ N., 120°30′ W.

8. The licensee shall notify the Chief, Isotopes Branch, Division of Materials Licensing, and the Director, Region V, Division of Compliance, USAEC, 2111 Bancroft Way, Berkeley, Calif. 94704, at least 20 days prior to each sea disposal or series of sea disposals, by letter deposited in the U.S. mail properly stamped and addressed, of the proposed number of containers, the total activity of byproduct material in millicuries, the amount of source material in pounds, and the amount of special nuclear material in grams. Information regarding the actual date of disposal and the disposal location in degrees and minutes of longitude and latitude shall be supplied to the Chief, Isotopes Branch, Division of Materials Licensing, within thirty (30) days after the date of disposal.

9. In addition to the recordkeeping requirements of 10 CFR Parts 20, 30, 40, and 70, the licensee shall maintain:

A. Records of the following items of information regarding each container of waste received from customers:

(1) Name and address of customer.

(2) Principal radioisotope.

(3) Total amount of byproduct material in millicuries, the amount of source material in pounds and the amount of special nuclear material in grams.

(4) Radiation level at the surface of the container and at 1 meter.

(5) Level of removable radioactive contamination on the container surface.

(6) Date received.

B. Records of the following items of information regarding each container of waste packaged for sea disposal.

(1) Total amount of byproduct material in millicuries, the amount of source material in pounds and the amount of special nuclear material in grams.

(2) Radiation level at the surface of the container and at 1 meter.

(3) Level of removable radioactive contamination on the container surface.

(4) Most hazardous radioisotope.
(5) Date of packaging.
(6) Weight and volume of final container, if prepared for disposal at sea.
(7) Disposal location and date of disposal.

This amendment shall be effective on the date issued. This license shall expire January 31, 1968.

Date of issuance September 22, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 66-10697; Filed, Sept. 28, 1966; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-51]

CITY OF OAKLAND, CALIF., ET AL.

Notice of Proceeding Regarding Agreements

On May 12, 1966, the city of Oakland, Calif. (Oakland), and Matson Navigation Co. (Matson) filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814), Agreement No. T-1953 covering the lease of marine terminal property and Agreement No. T-1953-A covering the lease of property to be used as a freight station. The agreements provide for exclusive use of such property by Matson in the port of Oakland at fixed monthly rentals for a 20-year period with options to renew and options on additional property. Under the terms of the leases, Matson will commence operations at the facilities in January 1969. Most of the land involved is not yet filled and construction of facilities and improvements has not yet commenced.

Protests against approval of Agreements No. T-1953 and T-1953-A were filed by Encinal Terminals and the port of Los Angeles. They urge that the agreements are unapprovable, and should be set down for investigation and disapproved. Encinal Terminals argue, inter alia, that the agreements are unapprovable because Agreement No. T-27 between Encinal and Matson gives Encinal certain rights which would necessarily be breached if the subject agreements are approved and therefore it would be inconsistent and illegal for the Commission to approve Agreements No. T-1953 and T-1953-A while Agreement No. T-27 exists.

This is a novel issue limited to contract construction that can be decided promptly on the basis of briefs submitted by the parties on the construction of Agreement No. T-27. The Commission is of the opinion that this issue should be resolved before undertaking to give further consideration as to what disposition to make of other protests and arguments filed by the protestants.

Accordingly, it is ordered, That parties to Agreement No. T-27 file with the Commission within 14 days of this order simultaneous briefs and 10 days thereafter simultaneous replies on the issue of whether approval of Agreements No. T-1953 and T-1953-A would operate to breach Agreement No. T-27. The Commission will, as soon as practicable after receipt of the replies called for herein, issue a decision and take such further action consonant therewith.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-10648; Filed, Sept. 28, 1966; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

LIBRARY SERVICES AND CONSTRUCTION

Promulgation of Federal Share

Pursuant to section 104(d) and subject to the limitations of section 104(c) of the Library Services and Construction Act, 70 Stat. 293, as amended, and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to per capita income, are the years 1963, 1964, and 1965, the Federal shares for the purposes of Titles I, II, and Parts A and B of Title IV of such Act for the several States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands are hereby promulgated as indicated below to be effective for the fiscal years ending June 30, 1968, and June 30, 1969.

State:	Federal share (percent)
Alabama	62.52
Alaska	41.30
Arizona	55.90
Arkansas	66.00
California	39.66
Colorado	50.17
Connecticut	37.31
Delaware	38.78
District of Columbia	33.00
Florida	55.96
Georgia	61.16
Hawaii	46.64
Idaho	57.75
Illinois	40.57
Indiana	49.11
Iowa	52.62
Kansas	51.64
Kentucky	62.92
Louisiana	62.42
Maine	59.12
Maryland	45.33
Massachusetts	44.04
Michigan	46.20
Minnesota	51.93
Mississippi	66.00
Missouri	51.93
Montana	55.28
Nebraska	53.14
Nevada	37.10
New Hampshire	52.93
New Jersey	40.42
New Mexico	59.27
New York	39.68
North Carolina	62.96
North Dakota	59.68
Ohio	48.71
Oklahoma	58.91
Oregon	49.65
Pennsylvania	50.02
Rhode Island	48.69
South Carolina	66.00
South Dakota	61.45
Tennessee	63.59
Texas	57.25
Utah	56.06
Vermont	58.50
Virginia	56.44
Washington	47.03
West Virginia	63.36
Wisconsin	50.94
Wyoming	52.39
Outlying parts of the United States:	
American Samoa	66.00
Guam	66.00
Puerto Rico	66.00
Virgin Islands	66.00
Trust Territory of the Pacific Islands	100.00

Dated: September 14, 1966.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: September 23, 1966.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-10637; Filed, Sept. 28, 1966; 8:49 a.m.]

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0531) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the insecticide *O,O*-dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate in or on the raw agricultural commodities named:

18 parts per million in or on alfalfa (hay), grass (hay).

5 parts per million in or on alfalfa (green), grass (green).

0.1 part per million in or on meat, fat, and meat byproducts of cattle.

The analytical method proposed in the petition for determining residues of the insecticide is that of electron capture gas chromatography.

Dated: September 20, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10639; Filed, Sept. 28, 1966; 8:49 a.m.]

FMC CORP.

Notice of Filing of Petition for Food Additive Ethion

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7H2087) has been filed by FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, N.Y. 14105, proposing that § 121.1126 *Ethion* be amended to establish a tolerance of 7 parts per million for residues of ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in dried tea resulting from the application of the insecticide to growing tea.

Dated: September 20, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10640; Filed, Sept. 28, 1966; 8:49 a.m.]

HUMBLE OIL & REFINING CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B2040) has been filed by Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, proposing an amendment to § 121.2553 *Lubricants with incidental food contact* to provide for the safe use of polyisobutylene and isopropyl oleate as components of lubricants that have incidental food contact from use on machinery.

Dated: September 20, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-10641; Filed, Sept. 28, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3063, etc.]

HUMBLE OIL & REFINING CO., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 21, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 14, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, statement of general policy and interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition [2] precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

[2] Does not apply to Docket No. CS67-15.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3063 C 9-12-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	14.6	14.65
G-8177 E 9-6-66	Gawthrop Oil & Gas Producers, Inc. (successor to Carr Gawthrop Oil & Gas Producers), 2051½ Fairview Ave., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., various districts, Harrison and Doddridge Counties, W. Va.	20.0	15.325
G-13026 E 9-9-66	Continental-Emsco Co., a division of Youngstown Sheet & Tube Co. (successor to Estate of Frank Richie Jackson, deceased), Post Office Box 839, Dallas, Tex.	Texas Eastern Transmission Corp., Tatum Field, Rusk and Panola Counties, Tex.	14.6	14.65
G-15714 D 9-12-66	Humble Oil & Refining Co. (Operator), et al.	Transwestern Pipeline Co., acreage in Ochiltree County, Tex.	(1)	.....
C160-738 C 9-6-66	Ashland Oil & Refining Co.,[3] Post Office Box 18695, Oklahoma City, Okla. 73118.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	15.0	14.65
C163-576 C 9-9-66	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Montana-Dakota Utilities Co., Riverton Dome Field, Fremont County, Wyo.	15.384	15.025
C165-1174 C 9-13-66 [3]	Sinclair Oil & Gas Co. (Operator), et al., Post Office Box 521, Tulsa, Okla. 74102.	Lone Star Gas Co., Nellie District, North Field, Stephens County, Okla.	15.0	14.65
C165-635 D 9-13-66	Sinclair Oil & Gas Co. (Operator), et al. (partial abandonment).	do	(4)	.....
C166-853 E 9-12-66	Service Gas Products Co., Operator (successor to Twin Gas Co., Operator), National Bank of Tulsa Bldg., Tulsa, Okla. 74103.	Panhandle Eastern Pipe Line Co., East Aline Processing Plant, Alfalfa County, Okla.	[5] 15.0	14.65
C167-283 A 9-7-66	Lone Star Producing Co., 801 South Harwood St., Dallas, Tex. 75201.	Texas Eastern Transmission Corp., Ocker Field, Refugio and Aransas Counties, Tex.	16.0	14.65
C167-284 A 9-22-66	Harold L. Woods, et al., 812 Ouachita Bank Bldg., Monroe, La. 71201.	Southern Natural Gas Co., Bear Creek Field, Bienville Parish, La.	11.26	15.025
C167-285 A 9-8-66	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 7410.	Transwestern Pipeline Co., Northwest Mendota Field, Hemphill County, Tex.	[6] 18.19	14.65
C167-286 A 9-8-66	Monsanto Co., 1800 Main St., Houston, Tex. 77002.	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	[7] 15.0	14.65
C167-288 (C160-507) F 9-2-66	South Texas Petroleum, Inc. (successor to Atlantic Oil Corp. (Operator), et al.), Post Office Box 1961, McAllen, Tex. 78501.	South Texas Natural Gas Gathering Co., Landa Field, Hidalgo County, Tex.	14.5	14.65
C167-290 B 9-8-66	W. W. F. Oil Corp., Commercial Bank Bldg., Post Office Box 1746, Shreveport, La. 71162.	Michigan Wisconsin Pipe Line Co. (formerly American Louisiana Pipe Line Co.), North Tepetate Field, Acadia Parish, La.	Depleted	.....
C167-291 A 9-9-66	Kingwood Oil Co., 1470 First National Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Catesby Area, Ellis County, Okla.	[8] 17.0	14.65
C167-292 A 9-8-66	Aikman Bros. Corp., Operator, 1608 Barfield Bldg., Amarillo, Tex. 79101.	Northern Natural Gas Co., Six Mile Northwest Field, Beaver County, Okla.	[8] 17.5	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-283 A 9-9-66	Humble Oil & Refining Co.	Colorado Interstate Gas Co., Desert Springs Area, Sweetwater County, Wyo.	15.0	14.65
C167-284 A 9-9-66	Basin Operating Co., 206 Cooperative S. & L. Bldg., Tyler, Tex. 75701.	United Gas Pipe Line Co., Joaquin Field, Shelby County, Tex.	11.75	14.65
C167-285 A 9-9-66	Livingston Oil Co., Post Office Box 1798, Tulsa, Okla. 74103.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[1] 17.0	14.65
C167-286 A 8-29-66	H. B. Brown, et al., Post Office Box 4216, Charleston, W. Va. 25304.	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	25.0	15.325
C167-288 (G-13015) F 9-2-66	International Helium, Inc. (successor to Fred Whitaker), Post Office Drawer 951, Longview, Tex. 75601	Texas Eastern Transmission Corp., Tatum Lower Pettit Field, Rusk County, Tex.	16.0	14.65
C167-299 B 9-9-66	Oil Industries Associates, 9307 Mercer Dr., Dallas, Tex 75228.	Equitable Gas Co., Clay District, Ritchie County, W. Va.	Uneconomical	.....
C167-300 B 9-9-66	Oil Industries Associates (Operator), et al.	Consolidated Gas Supply Corp., Beech Grove Field, Ritchie County, W. Va.	Uneconomical	.....
C167-301 A 9-12-66	Horizon Oil & Gas Co. of Texas, Hartford Bldg., Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans. [3]	[4] 16.0	14.65
C167-303 A 9-12-66	Creslenn Oil Co. (Operator), et al., 1111 Mercantile Dallas Bldg., Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Danville Area, Bienville Parish, La.	18.333	15.025
C167-304 A 9-12-66	Southern Union Production Co., Fidelity Union Tower, Dallas, Tex. 75201.	Southern Union Gathering Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
C167-305 B 9-12-66	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Montana-Dakota Utilities Co., Pavillion (Wind River Basin) Field, Fremont County, Wyo.	Depleted	.....
C167-306 A 9-12-66	Behring's Production Co., Inc., Operator, Post Office Box 62040, Houston, Tex. 77062.	United Gas Pipe Line Co., Delhco Field, Richland Parish, La.	16.0	15.025
C167-307 A 9-12-66	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Northern Natural Gas Co., Horizon-Cleveland and Hansford Fields, Hansford County, Tex.	15.0	14.65
C167-308 A 9-12-66	---do----	Natural Gas Pipeline Co. of America, North Fort Supply Field, Harper County, Okla.	[5] 18.7	14.65
C167-309 B 9-12-66	Humble Oil & Refining Co.	United Fuel Gas Co., Go Around Bayou Field, Cameron Parish, La.	Depleted	.....
C167-311 (G-19076) F 9-12-66	Occidental Petroleum Corp. (Operator), et al. (successor to Phillips Petroleum Co.), c/o Marsden W. Miller, Jr., attorney, 1122 Whitney Bldg., New Orleans, La.	Southern Natural Gas Co., Mystic Bayou Field, St. Martin Parish, La.	23.5	15.025
C167-313 B 9-13-66	Sinclair Oil & Gas Co.	Arkansas Louisiana Gas Co., John T. Mecco Lease, Grant County, Okla.	Depleted	.....
C167-315 (G-19079) 9-14-66	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Cities Service Gas Co., Bishop Field, Roger Mills County, Okla.	15.0	14.65
C167-316 A 9-14-66	Humble Oil & Refining Co.	Natural Gas Pipeline Co. of America, Nine Mile Point Field, Aransas County, Tex.	16.0	14.65
C167-317 A 9-15-66	Pan American Petroleum Corp	Northern Natural Gas Co., acreage in Beaver County, Okla., and Hansford and Ochiltree Counties, Tex.	[6] 18.5	14.65
C167-15 A 8-19-66	Ne-O-Tex Corp., 2402 West Norfolk Ave., Norfolk, Nebr. 68701.	Permian Basin	.....	.....

[1] Uneconomical for Buyer to connect to well.
[2] Applicant states its willingness to accept authorization for the additional acreage conditioned similar to the certificates issued in Opinion No. 350.
[3] Adds acreage previously dedicated under contract in Docket No. C166-638.
[4] Applicant proposes to dedicate the subject acreage to another contract (Docket No. C165-1174) on file with the Commission as its FPC Gas Rate Schedule No. 337 in order to facilitate compliance with a well-spacing order of the Oklahoma Corporation Commission.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Includes 1.19 cents per Mcf upward adjustment. Subject to upward and downward B.t.u. adjustment.
[7] Subject to reduction for compression or treating cost if required.
[8] Includes tax reimbursement and B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[9] Includes 1.7 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[10] Includes 1.5 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 66-10544; Filed, Sept. 28, 1966; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 590]

SOUTH DAKOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1966, because of the effects of certain disasters, damage resulted to residences and business property located in Minnehaha County in the State of South Dakota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on September 10 and 11, 1966.

OFFICE

Small Business Administration Regional Office, Eighth and Main Avenue, Sioux Falls, S. Dak. 57102.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 31, 1967.

Dated: September 19, 1966.

WILLIAM P. TURPIN,
Assistant Administrator for Administration.

[F.R. Doc. 66-10616; Filed, Sept. 28, 1966; 8:47 a.m.]

[Declaration of Disaster Area 589]

VIRGINIA AND MARYLAND

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1966, because of the effects of certain disasters, damage resulted to residences and business property located in the Arlandria area of the town of Alexandria in the State of Virginia, and in the Chillum area of Prince Georges County in the State of Maryland;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid town and county and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about September 14, 1966.

OFFICE

Small Business Administration Regional Office, 1321 H Street NW., Washington, D.C. 20417.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 31, 1967.

Dated: September 19, 1966.

WILLIAM P. TURPIN,
Assistant Administrator for Administration.

[F.R. Doc. 66-10617; Filed, Sept. 28, 1966; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 971]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 23, 1966.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 217 (Sub-No. 10), filed September 16, 1966. Applicant: POINT TRANSFER, INC., 174 Sandy Creek Road, Verona, Pa. 15147. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products, and steel mill equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that he intends to tack at authorized service points in Ohio to enable service to and from authorized West Virginia points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 1964 (Sub-No. 4), filed August 26, 1966. Applicant: RUSHTON EXPRESS CO., INC., Browertown Road and Andrews Drive, West Paterson, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self propelled articles*, each weighing 15,000 pounds or more transported on trailers (but not including motor vehicles designed solely for the transportation of persons or property over the highways where such vehicles are capable of being loaded and unloaded under their own power), (1) between New York, N.Y., and points in New Jersey on and north of New Jersey Highway 33, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, and Rhode Island and (2) between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 10761 (Sub-No. 199), filed September 2, 1966. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: L. C. Naidow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving East Bloomfield, N.Y., as an off-route point in connection with applicant's presently authorized regular route authority between Buffalo and Rochester, N.Y., and Buffalo and Syracuse, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 13134 (Sub-No. 15), filed September 2, 1966. Applicant: PENNSYLVANIA-OHIO EXPRESS, INC., Post Office Box 256, State Route 75 North, Oak Hill, Ohio. Applicant's representative: James M. Burtch, 100 East Broad Street, Room 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials, and supplies*, used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial sone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant is also authorized to conduct operations as a contract carrier, in Permit No. MC 123991 and Sub 4; therefore, dual operations may be involved. Applicant states that it will tack the authority now sought with its present regular route and irregular route authority to serve portions of Ohio and Pennsylvania. Applicant further states that such tacking will permit operations between the base territory, on the one hand, and, on the other, a small

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

area in northwestern Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 22229 (Sub-No. 42), filed September 2, 1966. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30301. Applicant's representative: Guy H. Postell, 1375 Peachtree Street NE., Suite 693, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Pelham, Ala., as an off-route point in connection with applicant's presently authorized regular route operations to and from Birmingham, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 25798 (Sub-No. 146), filed September 13, 1966. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk), from North Aurora, Ill., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 28478 (Sub-No. 32), filed September 13, 1966. Applicant: GREAT LAKES EXPRESS CO., a corporation, 172 Davenport Street, Saginaw, Mich. 48605. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, and *equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between Chicago and Chicago Heights, Ill., and Portage, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 39395 (Sub-No. 4), filed September 9, 1966. Applicant: NEHALEM VALLEY MOTOR FREIGHT, INC., 3641 Northwest St. Helens Road, Portland, Oreg. 97210. Applicant's representatives: Robert R. Hollis, Commonwealth Building, Portland, Oreg. 97204, and Stephen Parker, Franklin Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between points in Clatsop and Columbia Counties, Oreg. NOTE: Applicant states the operation will connect with carrier's regular routes at various points in Clatsop and Columbia Counties between Portland, Oreg., and Astoria, Oreg., via U.S. Highway 30, U.S. Highway 26 and U.S. Highway 101. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 45194 (Sub-No. 10), filed September 13, 1966. Applicant: LATTAVO BROTHERS, INC., 1620 Cleveland Avenue, Canton, Ohio 43215. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials, and supplies used in the manufacture or processing of iron and steel and iron and steel articles*, between Portage, Ind., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states the proposed authority herein can or will be joined with its presently authorized points on and east of U.S. Highway 23 in Ohio to enable service to and from West Virginia points. In Docket No. MC 45194 Sub 7, applicant was granted authority to transport iron and steel articles, machinery and machinery parts, contractors supplies, builders supplies, and equipment, and building and construction materials, not including commodities in bulk, between Burns Harbor, Porter County, Ind., and eight States. To the extent that Burns Harbor, Ind., is within the commercial zone of Portage, Ind., there would be duplicating authority to the States of Michigan, Ohio, Illinois, and Missouri. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 55236 (Sub-No. 142), filed September 9, 1966. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. 54306. Applicant's representative: G. R. Bailey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of the above-described commodities*, between Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 59680 (Sub-No. 154), filed September 7, 1966. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Dallas, Tex. 75222. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points in St. Louis County, Mo., as off-route points in connection with applicant's authorized regular route authority, other than points in St. Louis County now within the commercial zone of St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 60014 (Sub-No. 20), filed September 2, 1966. Applicant: AERO TRUCKING, INC., Box 278, Rural Delivery 1, Oakdale, Pa. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials, plastic pipe, cement asbestos products, conduit or pipe, cement containing asbestos fiber, accessories and related articles*, from the plantsite of Johns-Manville Products Co., at Waukegan, Ill., to points in Indiana, Iowa, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, and Wisconsin, *damaged or rejected materials of the above-named commodities*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 70151 (Sub-No. 40), filed September 8, 1966. Applicant: UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit 9, Mich. Applicant's representative: Archie C. Fraser, 1400 Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, commodities in bulk, not including salt in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between junction U.S. Highway 36 and Indiana Highways 9 and 67 and junction Indiana Highway 9 and U.S. Highway 40, over Indiana Highway 9, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich., or Fort Wayne, Ind.

No. MC 72243 (Sub-No. 20), filed September 13, 1966. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road SE., Warren, Ohio 44482. Applicant's representative: John P. McMahon and A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (1) between Chicago Heights, Joliet, and Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) between Portage, Ind., and Chicago, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky (except points in the Cincinnati, Ohio, commercial zone), Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states it would tack the proposed authority with its present authority in Ohio to enable service to points in New York and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 74460 (Sub-No. 2), filed August 4, 1966. Applicant: FRANTZ TRANSFER, INC., Rear 27 East North Street, Wilkes-Barre, Pa. Applicant's representative: Mitchell Jenkins, Suite 1000, Blue Cross Building, Wilkes-Barre, Pa. 18701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and paper products*, between points in Lackawanna, Luzerne, Wyoming, Monroe, Carbon, Columbia, Montour, Northumberland, Lycoming, Lehigh, Northampton, Schuylkill, and Union Counties, Pa. NOTE: Applicant states it presently holds authority to transport the same commodities under its certificate MC 74460 between Wilkes-Barre, Pa., and points within a 10-mile radius. The instant application seeks to enlarge this authority to that shown above. If a hearing is deemed necessary, applicant requests it be held at Scranton or Philadelphia, Pa.

No. MC 77424 (Sub-No. 24) (Amendment), filed May 19, 1966, published in FEDERAL REGISTER issues of June 30, 1966, and August 11, 1966, amended September 15, 1966, and republished as amended, this issue. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Cleveland, Ohio 44104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, Chicago Heights, Joliet, Waukegan, Ill., Burns Harbor, and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: The purpose of this republication is to more clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 78711 (Sub-No. 7), filed September 13, 1966. Applicant: ROBERT SCHREIBER, doing business as SCHREIBER TRUCKING, Hebron, Ind. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from Portage and Hanna, Ind., to Chicago, Ill., and points in the Chicago, Ill., commercial zone, and points within 10 miles thereof. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 94265 (Sub-No. 193), filed August 30, 1966. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 272, from Lemont, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it could or would tack with its Sub 28 at Crozet, Va., to transport frozen foods to points in South Carolina, Georgia, and Florida, and at Smithfield, Va., with its Sub 142 to transport meat and meat products to Florence, S.C. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95084 (Sub-No. 58), filed September 7, 1966. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone, as defined by the Commission, Chicago Heights, Joliet, and Waukegan, Ill., and Portage and Burns Harbor, Ind., on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, Nebraska, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95540 (Sub-No. 673) (Amendment), filed May 2, 1966, published FEDERAL REGISTER issue of May 19, 1966, amended September 16, 1966, and republished as amended, this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, rugs, and tufted textile products*, from points in Georgia, and points in Bradley, Hamilton, McMinn, Marion, Meigs, Monroe, Polk, and Sequatchie Counties, Tenn., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, Wisconsin, and Colorado. NOTE: The purpose of this republication is to show that the application has been amended to add Colorado as a destination State. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., and Atlanta, Ga.

No. MC 95540 (Sub-No. 683), filed September 13, 1966. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. 31792. Applicant's representative: Jack M. Holloway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, from New Orleans, La., to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 102567 (Sub-No. 114), filed September 6, 1966. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 641 Bettes Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Geismar, La., and points within 15 miles thereof to points in the United States (except Alaska and Hawaii). NOTE: Applicant indicates unspecified tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 106398 (Sub-No. 340), filed August 29, 1966. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: O. L. Thee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Richland County, S.C., to points in

Louisiana and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Leola, Pa.

No. MC 107403 (Sub-No. 694), filed June 20, 1966. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, from Detroit, Mich., to points in Ohio. NOTE: Applicant states it could or would tack the authority sought herein with authority held in its Sub 433 at West Richfield, Cuyahoga County, Ohio, to provide service from Detroit, Mich., to points in Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 498), filed August 25, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer*, in bulk, from Waterville, Minn., to points in Iowa, and (2) *fertilizer*, in bulk and in bags, from Forest City, Iowa, to points in Minnesota. NOTE: Applicant states that it intends to tack with present authority in Subs 438 and 440, in which it is authorized to operate in Iowa, Minnesota, Missouri, and Nebraska. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Minneapolis, Minn.

No. MC 107515 (Sub-No. 555) (Clarification), filed August 8, 1966, published in FEDERAL REGISTER, issue of August 25, 1966, clarified, and republished as clarified, this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, (1) from Dallas, Tex., to points in Louisiana and Mississippi; and (2) from points in Louisiana and Mississippi to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant presently holds authority from Dallas, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. By the instant application, applicant seeks to transport the above-named commodities from Dallas, Tex., where it will drop off shipments in Louisiana and Mississippi, for final movement to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. Common control may be involved. The purpose of this republication is to clarify the authority sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108068 (Sub-No. 59), filed September 13, 1966. Applicant: U.S.A.C. TRANSPORT, INC., 25200 West Six Mile Road, Detroit, Mich. 48240. Applicant's representative: Anthony N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Airplanes and airplane parts*, the transportation of which because of size or weight requires the use of special equipment, and *related parts* moving in connection therewith, between points in Snohomish, Pierce, and King Counties, Wash., on the one hand, and, on the other, points in Oregon, Idaho, California, and those in Montana, on and west of a line beginning at the international boundary line between the United States and Canada and extending south through Great Falls and Bozeman, Mont., to the Montana-Wyoming State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Seattle, Wash.

No. MC 109637 (Sub-No. 311), filed September 6, 1966. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Geismar, La., and points within 15 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states the proposed authority herein can or will be tacked at Geismar, La., to the authority held by it in MC 109637, Sub 165, authorizing transportation of chemicals, in bulk, from Calvert City, Ky., to points in Louisiana and 20 other States. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110325 (Sub-No. 40) (Amendment), filed August 11, 1966, published FEDERAL REGISTER issue of August 25, 1966, amended September 21, 1966, and republished, as amended, this issue. Applicant: TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, Calif. 90015. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Joliet, Waukegan, Chicago Heights, and Chicago, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it is possible that the proposed authority herein could be tacked at any of the regular-route points that it serves in the States named for transportation to regular-route points west of Texas. NOTE: The purpose of this republication is to include Chicago and Chicago Heights, Ill., in the radial territory. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 514) (Amendment), filed March 28, 1966, published FEDERAL REGISTER issue of April 14, 1966, amended September 15, 1966, and republished as amended this issue. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Compounds organic*, derived from inedible fatty materials, in bulk, in stainless steel tank vehicles, (1) from Mapleton, Ill., to Ossining, N.Y., and (2) from Ossining, N.Y., to McCook and Mapleton, Ill. NOTE: The purpose of this republication is to add the town of Mapleton as a destination point in (2) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 801), filed September 2, 1966. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Elizabeth, N.J., and Baltimore, Md., to Schenley, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111545 (Sub-No. 92), filed September 6, 1966. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: R. E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and composition board, including flakeboard and particleboard*, from the plantsite and warehouse site of Georgia Pacific Corp. located at or near Louisville and Gloster, Miss., to points in Minnesota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Florida, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112063 (Sub-No. 12), filed September 7, 1966. Applicant: P. I. & I. MOTOR EXPRESS, INC., Post Office Box 685, Sharon, Pa. 16146. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, material and supplies* used in the manufacture or processing of iron and steel articles, between the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in the Lower Peninsula of Michigan, Indiana, Ohio, Pennsylvania, and New York. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 112288 (Sub-No. 3), filed July 13, 1966. Applicant: YARBROUGH TRANSFER COMPANY, a corporation, 1500 Dounne Street, Winston-Salem, N.C. Applicant's representative: William Addams, Room 620, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Applicant seeks to convert to a certificate of public convenience and necessity it's certificate of registration in No. MC 112288 (Sub-No. 2), wherein it is authorized to conduct operations by motor vehicle as a *common carrier*, over irregular routes, which reads as follows: (1) *Retail store delivery service*, from Winston-Salem, N.C., to points within a radius of 25 miles thereof, (2) *heavy commodities*, between points in North Carolina, (3) *personal effects and property* used or to be used in a dwelling when a part of the equipment or supply of such dwelling; *furniture, fixtures, equipment, and the property* of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and *articles* including objects of art, displays, and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, between points in North Carolina. (This authority does not include materials used in the manufacture of furniture and the manufactured products hauled to or from such manufacturing plants.) And (4) *general commodities*, (except those requiring special equipment) (a) between points in Forsythe County, N.C. (b) from points in Forsythe County, N.C., to points in Buncombe, Rutherford, Cleveland, Wilkes, Iredell, Mecklenburg, Surry, Rockingham, Franklin, Guilford, Rowan, Davidson, Randolph, Union, Vance, Granville, Durham, Lee, Moore, Richmond, Hoke, Cumberland, Robeson, Halifax, Pitt, Beaufort, Lenoir, Craven, New Hanover, and Pasquotank Counties, N.C., and (c) from points in the aforesaid counties in 4(b) to points in Forsythe County, N.C. NOTE: Applicant has also submitted an application to purchase a portion of the certificate issued to Raeford Trucking Co., Sanford, N.C. MC 106274 (Sub-No. 6), which has been assigned No. MC-FC-68974. Applicant desires that these two applications be considered concurrently. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Charlotte, N.C.

No. MC 112801 (Sub-No. 58), filed September 6, 1966. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane and polyurethane products*, in bulk, from McCook, Ill., to points in Indiana, Iowa, Michigan, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113047 (Sub-No. 7), filed September 6, 1966. Applicant: BUANNO TRANSPORTATION CO., INC., Rural Delivery No. 1, Fort Johnson, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and ale*, from Nattick, Mass., to Gloversville, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 113362 (Sub-No. 127), filed September 2, 1966. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lemont and Chicago, Ill., to points in Iowa, Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, Virginia, West Virginia, Delaware, Maryland, New York, New Jersey, Maine, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 20), filed September 6, 1966. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are used or sold by manufacturers of iron and steel and iron and steel products*, between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, Florida, Illinois, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114284 (Sub-No. 29) (Amendment), filed February 17, 1966, published in FEDERAL REGISTER issue of March 18, 1966, amended and republished this issue. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stock Yards Station, Oklahoma City, Okla. Applicant's representative: Max G. Morgan, 443-54 American Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in peddle service only (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Geo. A. Hormel & Co. at or near Fremont, Nebr., to points in Oklahoma, restricted to traffic originating at such facilities. NOTE: The purpose of this republication is to limit the authority sought. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 114364 (Sub-No. 126), filed September 9, 1966. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in Kansas, other than the plantsite of Producers Packing Co. near Garden City, Kans., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states it has pending in MC 114364 Sub 115 an application seeking authority to transport the same commodities involved herein from Sterling and Fort Morgan, Colo., to points in Arizona, Kansas, New Mexico, Oklahoma, and Texas, and if these two applications are granted, there are tacking possibilities to some of the States involved in the instant application. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 114533 (Sub-No. 148), filed September 9, 1966. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue., Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 4970 South Archer Avenue, Chicago, Ill. 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Business reports, records, and microfilm, from St. Louis, Mo., to Hutchinson, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115311 (Sub-No. 61), filed September 14, 1966. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood*, (2) *wood flooring*, (3) *wood siding*, (4) *paneling*, (5) *wallboard*, and (6) *accessories* used in the installation of items (1) through (5), from Charlotte, N.C., to points in South Carolina, Tennessee, Georgia, Florida, Louisiana, and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 117080 (Sub-No. 2), filed September 1, 1966. Applicant: EDWARD KOMAR, doing business as KOMAR'S TRUCKING, 10 Dickerson Drive, Piscataway, N.J. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated machinery used in the manufacture of corrugated boxes*, and *parts, equipment and supplies used in the manufacture of corrugated box machinery*, between Cranford, N.J., and Miami, Fla., under contract with Universal Corrugated Box Machinery Corp. of Cranford, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 119180 (Sub-No. 3) (Amendment), filed August 15, 1966, published FEDERAL REGISTER issue of September 9, 1966, amended September 15, 1966, and republished this issue. Applicant: TREGO BROS., INC., Route No. 40, North East, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, sand, gravel, and crushed stone*, from points in Cecil County, Md., to points in Cecil, Carolina, Dorchester, Kent, Queen Annes, Talbot, Somerset, Wicomico, and Worcester Counties, Md., Accomack and Northampton Counties, Va. NOTE: The purpose of this republication is to add Talbot County, Md., to the destination points. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119654 (Sub-No. 3), filed September 13, 1966. Applicant: HI-WAY DISPATCH, INC., 26th Street and Bypass, Marion, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, tops, and paper cartons*, knocked down, from Burlington, Wis., to points in Michigan, Ohio, Kentucky, Indiana, Illinois on and south of U.S. Highway 36, and St. Louis, Mo., and *rejected or damaged shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119895 (Sub-No. 13), filed September 14, 1966. Applicant: INTER-CITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: Russell H. Wilson, 3839 Merle Hay Road, Suite 200, Des Moines, Iowa 50310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Ottumwa, Iowa, to St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 119974 (Sub-No. 14), filed September 2, 1966. Applicant: L.C.L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Green Bay, Wis. 54305. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat, carcasses and cuts*, from Green Bay, Wis., to points in Michigan on and west of Michigan State Highway 35 from Menominee, Mich., to Escanaba, Mich., and on and west of U.S. Highway 41 from Escanaba, Mich., to and including Marquette, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Minneapolis, Minn.

No. MC 123048 (Sub-No. 84) (Amendment), filed February 15, 1966, published FEDERAL REGISTER issue of March 10, 1966, amended September 19, 1966, and republished as amended, this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm equipment, agricultural machinery, and agricultural implements*, from points in Burt and Thurston Counties, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Wyoming, and Indiana, and (2) *materials, equipment, and supplies* used in the manufacture, and distribution of the commodities named in (1) above, from points in Colorado, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Wyoming, and Indiana, to points in Burt and Thurston Counties, Nebr. NOTE: The purpose of this republication is to add Thurston County, Nebr., to broaden the application. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 125479 (Sub-No. 7), filed September 9, 1966. Applicant: JOSEPH A. KORNACKER, doing business as KORNACKER TRUCKING CO., 3050 West 10th Street, Waukegan, Ill. Applicant's representative: Alber A. Andrin, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from St. Louis, Mo., to Montgomery, Ill., and *malt beverage containers and bottles*, on return, under contract with Magill Beverage Co., a corporation, Montgomery, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126000 (Sub-No. 1), filed September 13, 1966. Applicant: CHARLES SOJOURNER, doing business as SOJOURNER TRUCKING COMPANY, 400 Newton Street, Crystal Springs, Miss. 39059. Applicant's representative: Donald B. Morrison, Post Office Box 961, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furnishings, fixtures, and equipment used in school laboratories*, from the plantsite of General Equipment Manufacturers, Crystal Springs, Miss., to points in Colorado, the District of Columbia, Georgia, Kentucky, Maryland, Michigan, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, and Virginia, (2) *natural quarried stone tops*, from McDermott, Ohio, Chicago, Ill., and Stone Mountain, Ga., to the plantsite of General Equipment Manufacturers, Crystal Springs, Miss., (3) *fume hoods*, from Muskegon, Mich., to the plantsite of General Equipment Manufacturers, Crystal Springs, Miss., and (4) *plywood*, from Lexington and Memphis, Tenn., to the plantsite of General Equipment Manufacturers, Crystal Springs, Miss., under a continuing contract with General Equipment Manufacturers, Crystal Springs, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., New Orleans, La., or Memphis, Tenn.

No. MC 127093 (Sub-No. 5), filed September 13, 1966. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson, Iron Mountain, Mich. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (not including lumber or bulk commodities), *gypsum and gypsum products, materials, and supplies* used in the installation or distribution thereto, *boards, building, wall and insulating, parts, materials, and accessories* incidental thereto, *manufactured and composition boards, parts, materials, and accessories* incidental thereto, *roofing and insulating materials, parts, and accessories* incidental thereto, and *materials and supplies* used in the manufacture of items named above, and *refused, rejected, or damaged shipments*, on return, from the plantsite of Celotex Corp., at or near Fort Dodge, Iowa, to points in Kansas and Missouri, under contract with the Celotex Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 127362 (Sub-No. 1), filed August 30, 1966. Applicant: H. L. KNEPSHIELD, Rural Delivery No. 1, Sigel, Pa. 15860. Applicant's representative: H. Ray Pope, Jr., 10 Grant Street, Clarion, Pa. 16214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logs and lumber*, from points in Jefferson and Clarion Counties, Pa., to points in Maryland, Indiana, New York, and Wisconsin. NOTE: Applicant states the proposed authority sought can or will be joined with its presently authorized authority at points in Jefferson and Clarion Counties, Pa. Applicant holds authority in MC 127362 to transport logs and lumber from points in Jefferson and Clarion Counties, Pa., to points in New York, Ohio, Michigan, and Virginia, restricted against the movement of any traffic destined to points in Canada, and applicant further states that if the instant application is approved, then it will revoke that portion of the authority previously issued in MC 127362 as it relates to points in the State of New York. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Buffalo, N.Y.

No. MC 127751 (Sub-No. 1), filed September 9, 1966. Applicant: RAYMOND R. JONES, doing business as JONES ENTERPRISES, 1135 Northeast 113th Street, Portland, Oreg. 97220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy equipment parts, oilfield supplies and equipment, and mud (core) samples*, between Portland, Oreg., and points in Oregon and Washington, on traffic having a prior or subsequent out-of-State movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 127914 (Sub-No. 1), filed September 13, 1966. Applicant: CAR BUYERS, INC., 2089 West North Temple, Salt Lake City, Utah. Applicant's representative: Zar E. Hayes, 600 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, in driveaway service, from points in Utah, to points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 128273 (Sub-No. 2), filed September 13, 1966. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 4, Fort Scott, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defluorinated phosphate*, except in tank and hopper vehicles, from the plantsites of the Hooker Chemical Co., at or near Houston, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Oklahoma, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128470 (Sub-No. 1), filed August 24, 1966. Applicant: HARRIS O. SMESTAD, doing business as H. O. SMESTAD, Gore Field, Post Office Box 299, Great Falls, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, articles distributed by meat packinghouses* and *such commodities* as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, between points in Cascade County, Mont., on the one hand, and, on the other, Fargo, N. Dak.; Sioux City, Iowa; Chicago, Ill.; Los Angeles, and San Francisco, Calif.; Portland, Oreg.; Spokane, and Seattle, Wash.; Salt Lake City, Utah; Denver, Colo.; Eau Claire, Madison, Milwaukee, and Green Bay, Wis. NOTE: Applicant holds contract carrier authority under MC 124962, Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 128489 (Sub-No. 2), filed September 13, 1966. Applicant: LES BROCKMAN, 1421 South California Street, Compton, Calif. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kraft paper*, from points in the Los Angeles Harbor, Calif., commercial zone as defined by the Commission, to Colton, Industry, Los Angeles, Pico Rivera, and Santa Paula, Calif., under contract with Field International Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128580, filed August 23, 1966. Applicant: JAMES E. DEPEAU TRUCKING CO., INC., 5634 Tonawanda Creek Road, Lockport, N.Y. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black, ground pitch, clay, coal and iron ore, bonding mortar, caulking and mudding compounds, wet and dry partings, lignite pitch, and lignite liquor, core paste and washes, polishing and plating supplies*, between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, under contract with The Udylite Corp., Buffalo, N.Y. NOTE: Applicant states no duplicating authority is sought, however, applicant has pending in No. MC-FC 69095 an application to acquire the operating rights held in MC 53978 and Sub 1 thereunder, applicant states the operating authority in MC 53978 Sub 1, duplicates in part the authority sought herein and if the applications are granted it would surrender that permit for revocation. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or the nearest possible point to Buffalo.

No. MC 128581, filed August 29, 1966. Applicant: JOHN E. SPEARS, doing business as SPEARS TRUCKING COMPANY, Route 1, Owens Cross Roads, Ala. 35763. Applicant's representative: Harry E. Dixon, Jr., Post Office Box 211, 3104 Brambleton Avenue SW., Roanoke, Va. 24002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick of various sizes and shapes, cinder blocks or concrete blocks*, from Huntsville, Ala., and Chattanooga, Tenn., to points in Alabama, Georgia, Mississippi, Tennessee, North Carolina, and Kentucky, under contract to Huntsville Brick & Tile Co., Highway 231, South Memorial Parkway, Huntsville, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Huntsville, Ala., or Chattanooga, or Knoxville, Tenn.

No. MC 128004, filed February 18, 1966. Applicant: RALPH JOHNSON, doing business as PUBLIC DISTRIBUTORS SERVICE, 1618 Evergreen Street, Rockford, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household and personal items, cleaners, shoe polish, hair dressing, tooth brushes*, between points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rockford, Ill.

No. MC 128377 (Sub-No. 1), filed September 1, 1966. Applicant: JOHN M. KOLODZIEJSKI, doing business as SHERIDAN RENTAL SERVICE, 209 Lake Avenue, Michigan City, Ind. Applicant's representative: William L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Commodities having immediately prior or subsequent transportation by air*, between Michigan City, Ind., and points within 5 miles thereof and Midway Airport and/or O'Hare Field at Chicago, Ill., over U.S. Highways 12 or 20 or over Interstate Highways 80, 90, or 94. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 128583, filed September 1, 1966. Applicant: MELVIN B. PETTIT, 202 Reasoner Street, Lansing, Mich. 48933. Applicant's representative: Archie C. Fraser, 1400 Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen fruit juices, and frozen vegetables*, from points in Michigan, to points in Florida, under continuing contract for Frigid Food Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich., or Chicago, Ill.

No. MC 128584, filed August 31, 1966. Applicant: M. PASCUZZO SAND & STONE SUPPLY INC., Rural Delivery 2, Creek Road, Mount Holly, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: *Sand, stone, and slag*, in dump vehicles, (1) from points in Burlington County, N.J., to points in Montgomery, Bucks, Philadelphia, and Chester Counties, Pa., and (2) from points in Bucks County, Pa., to points in New Jersey. NOTE: This application is accompanied by a petition to dismiss. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 128585, filed August 29, 1966. Applicant: WILLIAM J. PETERSON, 306 Sixth Avenue East, Redfield, S. Dak. Applicant's representative: Galen G. Gillette, 28 East Seventh Avenue, Redfield, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Egg cartons, cases, and fillers*, from Flushing and Middletown, Ohio; Elkhart and Hammond, Ind.; and Minneapolis, Minn.; to Redfield, S. Dak.; under contract with Harry's Station, Redfield, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Redfield or Pierre, S. Dak.

No. MC 128586, filed September 1, 1966. Applicant: FEED HAULERS, INC., 1701 Thomas Avenue, Guntersville, Ala. Applicant's representative: D. H. Markstein, Jr., 818 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, animal and poultry feed ingredients*, and *supplements* thereto both in bulk and in bags, between Guntersville, Geraldine (near Gadsden), and Trussville (near Birmingham), Ala., and Cornelia (near Gainesville), Ga., and points within 3 miles of each, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Michigan, Mississippi, North Carolina, South Carolina, and Tennessee, under contract with Ralston Purina Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 128589, filed September 8, 1966. Applicant: BEEGEE TRANSPORTATION CORP., 5672 49th Street, Maspeth (Queens), N.Y. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stoves and parts*, from New York, N.Y., to Elizabeth, Hackensack, Harrison, Linden, Newark, New Brunswick, Passaic, and Trenton, N.J.; Bridgeport, New Haven, and Stamford, Conn.; and Philadelphia, Pa.; (2) *Gas ranges*, uncrated, from New York, N.Y., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, Virginia, and the District of Columbia; (3) *Gas Ranges*, not uncrated, from New York, N.Y., to Elizabeth, Hackensack, Harrison, Linden, Newark, New Brunswick, Passaic, and Trenton, N.J.; Bridgeport, New Haven, and Stamford, Conn.; and Philadelphia, Pa.; (4) *Wiping rags*, from New York, N.Y., to Ampere, Belleville, Elizabeth, Harrison, and Newark, N.J.; (5) *Chemicals and dyes*, from New York, N.Y., to Newark, N.J.; (6) *Refrigerators and iceboxes*, from New York, N.Y., to points in New Jersey within 30 miles of Columbus Circle, New York, N.Y.; (7) (a) *Gas ranges* and *stoves*, uncrated, and *parts* thereof, in truckloads, from Hatboro, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Virginia, and the District of Columbia; and (b) *rejected shipments* of the commodities described immediately above, from points in the destination territory described immediately above, to Hatboro, Pa., under contracts with J. B. Slattery & Bros., Inc., Brooklyn, N.Y., and J. Rose Co., Brooklyn, N.Y. NOTE: Applicant states it holds this authority as a common carrier in certificate No. 14979 and the purpose of the instant application is to seek to convert this authority to that of a contract carrier. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128592, filed September 9, 1966. Applicant: KLM DISTRIBUTING COMPANY, INC., 2102 Old Brandon Road, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, Post Office Box 961, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed scrap glass*, in bags, from Dearborn, Mich., and Cleveland, Ohio, to the plantsite of Cataphote Corp., Inc., located at or near Jackson, Miss., under contract with Cataphote Corp., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., New Orleans, La., or Memphis, Tenn.

No. MC 128593, filed September 8, 1966. Applicant: ROBERT TRINSKI, doing business as ARROW MARINE TRANSPORT, 32 North Pistakee Lake Road, Fox Lake, Ill. 60020. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, their parts and equipment, and accessories therefor*, between points in Illinois and Wisconsin, on the one hand, and, on the other, points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

MOTOR CARRIERS OF PASSENGERS

No. MC 116921 (Sub-No. 7), filed September 1, 1966. Applicant: WEST FORDHAM TRANSPORTATION CORP., 439 West 203d Street, New York, N.Y. 10034. Applicant's representative: James F. X. O'Brien, % Hudson Transit Lines, Inc., 17 Franklin Turnpike, Mahwah, N.J. 07430. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) Over regular routes: *Passengers and their baggage*, between Stamford, Conn., and the plantsite of Zell Products, Inc., at Norwalk, Conn., over Interstate Highway 95, serving no intermediate points; and (2) Over irregular routes: *Passengers and their baggage*, in special operations, between New York, N.Y., on the one hand, and, on the other, the plantsite of Zell Products, Inc., at Norwalk, Conn., with no service at other points. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Norwalk, Conn.

No. MC 128568, filed August 23, 1966. Applicant: VALLEY BUS LINES, INC., 1121 East Magnolia Avenue, Knoxville, Tenn. 37917. Applicant's representative: Harold Seligman, Suite 1204, 1808 West End Building, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, (1) Over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Maryville, Tenn., and Oneida, Tenn.; from Maryville over U.S. Highway 129 to Knoxville, Tenn., thence over U.S. Highway 62 to Wartburg, Tenn., and thence over U.S. Highway 27 to Oneida, and return over the same route, serving all intermediate points, and (2) Over irregular routes, *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, in charter service, beginning and ending at points along the routes specified in (1) above, and extending to points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville or Knoxville, Tenn.

No. MC 128576, filed September 7, 1966. Applicant: HARRY GORDON SCOTT, Sebringville, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by printing, embossing, and engraving companies*, in foreign commerce only, (1) from Detroit, Mich., and points in the Detroit, Mich., commercial zone as defined by the Commission, to ports of entry on the international boundary line between the United States and Canada located in Michigan along the Detroit River between Lake St. Clair and Lake Erie and (2) from Buffalo and Niagara Falls, N.Y., to ports of entry on the international boundary line between the United States and Canada located in New York along the Niagara River between Lake Erie and Lake Ontario, and *refused and rejected shipments*, on return, in connection with (1) and (2) above, under contract with International Aircrafts Co., Ltd., Stratford, Ontario, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Detroit, Mich.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 42487 (Sub-No. 658), filed September 8, 1966. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, 7101 South Cicero Avenue, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, including bulk liquids, assembled automobiles, and heavy machinery requiring special equipment for handling), between Morton, Ill., and Lincoln, Ill., over Illinois Highway 121, serving no intermediate points and as an alternate route for operating convenience only, in connection with applicant's authorized regular route authority. NOTE: Common control may be involved.

No MC 93003 (Sub-No. 51), filed September 2, 1966. Applicant: CARROLL TRUCKING COMPANY, a corporation, 4901 U.S. Route 60, East, Huntington, W. Va. 25703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles* (except those commodities which because of their size or weight require the use of special equipment and those commodities which are building materials), from Huntington, W. Va., to points in Michigan. NOTE: Applicant states it proposes to tack the authority sought with all presently authorized authority, where applicable.

No. MC 128298 (Sub-No. 2), filed July 21, 1966. Applicant: ROBERT CAMARIGG, Box 37, Washta, Iowa 51061. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed in bags and in bulk*, from Sioux City, Iowa, to points in Nebraska and South Dakota, and *rejected and damaged merchandise*, on return, under contract with The Quaker Oats Co., Sioux City, Iowa.

No. MC 128572 (Sub-No. 1), filed August 30, 1966. Applicant: VAN HORN TRANSFER & STORAGE CO., a corporation, 1421 Harrison Avenue, Panama City, Fla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies* having a prior or subsequent movement in interstate commerce, between Panama City, Fla., and points in Bay, Calhoun, Franklin, Walton, and Gulf Counties, Fla., under contract with Western Electric Corp. NOTE: Applicant holds common carrier authority in MC 106015, therefore dual operations may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10629; Filed, Sept. 28, 1966; 8:45 a.m.]

[Notice 259]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 26, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5326 (Sub-No. 9 TA), filed September 22, 1966. Applicant: WILSON B. DILL, CARL M. DILL, SR. and ARTHUR B. DILL, a partnership, doing business as DILL BROS. COMPANY, Galena, Md. 21635. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, antibiotics, chemicals, sanitation products, egg cartons*, used in conjunction with servicing poultry and livestock, not to exceed 5 percent of complete load, from Wilmington, Del., to points in Cecil, Kent, Queen Annes, Caroline, and Talbot Counties, Md., for 180 days. Supporting shipper: Ralston Purina Co., Chow Division, 35th and Edgemoor Avenue, Wilmington, Del. 19802, C. R. Huhn, Jr., Traffic Manager. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Post Office Building, Salisbury, Md. 21801.

No. MC 5697 (Sub-No. 9 TA), filed September 22, 1966. Applicant: KENNETH HOLMSTROM, Varna, Ill. 61375. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Hamilton, Hopedale, and Peoria, Ill., to Dubuque, Iowa, for the account of Hiram Walker & Sons, Inc., for 180 days. Supporting shipper: Hiram Walker & Sons, Inc., Box 1196, Peoria, Ill. 61601. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 103993 (Sub-No. 264 TA), filed September 22, 1966. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46515. Applicant's representative: Don G. Brooks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings in sections*, mounted on wheeled undercarriages with hitchball connector, from points in Pinellas County, Fla., to points in Georgia, Alabama, Louisiana, Mississippi, South Carolina, North Carolina, Tennessee, Virginia, Maryland, Washington, D.C., Kentucky, West Virginia, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Oklahoma, Arkansas, Texas, for 180 days. Supporting shipper: Florida Development Service, Inc., Miami, Dade County, Fla. Send protests to: Heber Dixon, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 107871 (Sub-No. 52 TA), filed September 22, 1966. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, Post Office Box 1012, Syracuse, N.Y. 13204. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic synthetic*, other than liquid, in bulk, from the Flexi-Flo Terminal of the New York Central Railroad Co. at Rochester, N.Y., to North Chili and Rome, N.Y. Restricted to shipments of such commodities having a prior out-of-State movement by rail, for 150 days. Supporting shipper: Phillips Petroleum Co., Supply and Transportation Department, 340 Main Street, Madison, N.J.

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 26, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40722—*Substituted service—Rocky Mountain.* Filed by Rocky Mountain Motor Tariff Bureau, Inc., agent (No. 18), for interested carriers. Rates on property loaded in trailers and transported on railroad flatcars, between interchange points west of the Rocky Mountains also Denver, Colo., on the one hand, and interchange points east of the Rocky Mountains, on the other.

Ground for relief—Motortruck competition.

Tariff—2d revised page 19-A and original page 19-B to Rocky Mountain Motor Tariff Bureau, Inc., agent, tariff MF-ICC 162.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10629; Filed, Sept. 28, 1966; 8:48 a.m.]

07940. Attention: Lesly L. Opdyke. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1025 Chimes Building, Syracuse, N.Y. 13202.

No. MC 114533 (Sub-No. 149 TA), filed September 22, 1966. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Data processing papers, magnetic encoded documents, printed reports and office records, documents*, between Idaho Falls, Idaho, and Salt Lake City, Utah, for 150 days. Supporting shipper: Utah-Idaho Sugar Co., Post Office Box 2010, Salt Lake City, Utah 84110. Send protests to: Charles J. Kudelka, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 115018 (Sub-No. 13 TA), filed September 21, 1966. Applicant: LEWIS W. OWEN, High Street, Lawrenceville, Va. Applicant's representative: Jno. C. Goddin, 10 South 10th Street, Richmond, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from Smoky Ordinary, Va., to Mechanicsburg, Pa., and Columbus, Ohio, for 150 days. Supporting shipper: Abell Lumber Corp., Post Office Box 24, Lawrenceville, Va. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 124078 (Sub-No. 246 TA), filed September 22, 1966. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic latex*, in bulk, in tank vehicles, from Jersey, Tenn., to Chattanooga and Nashville, Tenn., and Dalton, Calhoun, Ringgold, Rome, La Grange, and Albany, Ga., on traffic having a prior movement by rail, for 180 days. Supporting shipper: The Firestone Tire & Rubber Co., Akron, Ohio 44317, R. W. Wettstyne, director of traffic. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 128599 TA, filed September 21, 1966. Applicant: BROADWAY TRANSPORTATION, INC., 139 Rosalie Drive, East Meadow, Long Island, N.Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building erection braces, including, but not limited to, support beams, scaffolding, shoring, forms, and molds, and parts thereof:* (a) From piers and wharves in the New York, N.Y., commercial zone to Millwood, N.Y.; and (b) between Millwood, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, New Hampshire, and Pennsylvania, for 180 days. Supporting shipper: American Pecco Corp., Millwood, N.Y. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10630; Filed, Sept. 28, 1966; 8:48 a.m.]

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PART 2

FEDERAL REGISTER

VOLUME 31 • NUMBER 189

Thursday, September 29, 1966 • Washington, D.C.

PART II

Department of the Interior

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National Park Service

Parks



Proposed Revision and Recodification of Rules

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Ch. I]

PARKS

Proposed Revision and Recodification of Rules

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to revise, rearrange, and amend Chapter I of Title 36 of the Code of Federal Regulations as set forth below. The purpose of these revisions, rearrangements, and amendments is to clarify and bring up to date the regulations applicable to the areas administered by the National Park Service, as well as to bring them into conformity with the basic policies of the Department of the Interior relating to administration and preservation of natural resources in areas of the National Park System.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, National Park Service, within 60 days after the publication of this notice in the FEDERAL REGISTER.

SEPTEMBER 23, 1966.

STANLEY A. CAIN,
Assistant Secretary of the Interior.

Part

1 General regulations, miscellaneous provisions.
2 General regulations, public use and recreation.
3 General regulations, boating.
4 General regulations, vehicles and traffic safety.
5 General regulations, commercial and private operations.
6 Miscellaneous fees.
7 Special regulations.
8 Labor standards applicable to employees of National Park Service concessioners.
9 Procedure and business of the National Park Trust Fund Board.
10 Disposal of certain wild animals.
11 Arrowhead Symbol.
20 Isle Royale National Park; commercial fishing.
21 Hot Springs National Park; bathhouse regulations.
25 National Military Parks; licensed guide service regulations.
27 Cape Cod National Seashore; zoning standards.
28 Fire Island National Seashore; zoning standards.
50 National Capital Parks regulations.
55 National cemetery regulations.

TABLE SHOWING RELATIONSHIP OF PARTS IN PRESENT REGULATIONS TO PROPOSED REVISION

Part No. in present regulations	*Part No. in proposed revision*
1	Parts 1, 2, 3, 4, 5.
2	Parts 1, 2, 3, 4, 5.
3	Part 50.
4	Part 55.
5	Parts 1, 2, 3, 4, 5.

RELATIONSHIP OF PARTS—Continued

Part No. in present regulations	*Part No. in proposed revision*
6	Same.
7	Same.
8	Same.
9	Same.
10	Same.
11	Same.
20	Same.
21	Same.
22	Deleted.
25	Same.
26	Deleted.
27	Same.
28	Same.

Part 1 of Chapter I of Title 36 of the Code of Federal Regulations is revised as follows:

PART 1—GENERAL REGULATIONS, MISCELLANEOUS PROVISIONS

Sec.

1.1 Applicability and scope.
1.2 Definitions.
1.3 Penalties.

AUTHORITY: The provisions of this Part 1 issued under secs. 1 and 3, 39 Stat. 535, as amended; sec. 1, 47 Stat. 1420; 60 Stat. 885; as amended; sec. 2, 49 Stat. 666; 16 U.S.C. 1, 3, 9a, 17j–2, and 462, and acts relating to the individual areas.

§ 1.1 Applicability and scope.

The regulations contained in Parts 1 through 6 shall apply to all persons entering, using, visiting, or who are otherwise within the boundaries of any federally owned or controlled areas administered by the National Park Service, except areas administered by the National Park Service in the District of Columbia and its environs to which Part 50 of this chapter is specifically applicable. The special regulations in Part 7 of this chapter also will apply to all persons entering, using or visiting the areas for which they are adopted. The regulations contained in Parts 1 through 7 of this chapter are hereby made and prescribed for the proper use, management, government and protection of, and maintenance of good order in the areas to which they apply.

§ 1.2 Definitions.

The following definitions shall apply to all regulations contained in Parts 1 through 7 of this chapter.

(a) The term "Secretary" shall mean the Secretary of the Interior.

(b) The term "Director" shall mean the Director of the National Park Service.

(c) The term "Regional Director" means the official in charge of a region of the National Park Service.

(d) The term "superintendent" includes any official in charge of a park area, or his authorized representative.

(e) The term "authorized person" includes any person authorized to enforce the provisions of this chapter.

(f) The term "park area" includes all federally owned or controlled areas administered by the National Park Service.

(g) The term "natural area" includes all those national parks and monuments established as such because of their natural features and is applicable to all National Parks except Mesa Verde and to the following National Monuments:

Arches.	Grand Canyon.
Badlands.	Great Sand Dunes.
Black Canyon of the Gunnison.	Jewel Cave.
Buck Island Reef.	Joshua Tree.
Capitol Reef.	Katmai.
Capulin Mountain.	Lava Beds.
Cedar Breaks.	Lehman Caves.
Channel Islands.	Muir Woods.
Chiricahua.	Natural Bridges.
Colorado.	Oregon Caves.
Craters of the Moon.	Organ Pipe Cactus.
Death Valley.	Pinnacles.
Devils Postpile.	Rainbow Bridge.
Devils Tower.	Saguaro.
Dinosaur.	Sunset Crater.
Glacier Bay.	Timpanogos Cave.
	White Sands.

(h) The term "historical area" includes all those park areas established as such because of their historical or archeological significance and applies to all National Historic Sites, National Memorials, National Historical Parks, National Military Parks, National Battlefields, Battlefield Sites, and Battlefield Parks, National Memorial Parks, all National Monuments other than those listed in paragraph (g) of this section, and Mesa Verde National Park.

(i) The term "recreational area" includes all National Seashores, National Lakeshores, National Scenic Riverways, National Recreation Areas, National Parkways, National Wild Rivers, Catoctin Mountain Park, Prince William Forest Park, and all other park areas administered by the National Park Service primarily for the purpose of public recreation.

§ 1.3 Penalties.

(a) Any person convicted of violating any provision of the regulations contained in Parts 1 through 7 of this chapter, or as the same may be amended or supplemented, within any park area not embraced in paragraphs (b) or (c) of this section, shall be punished by a fine not exceeding $500 or by imprisonment not exceeding 6 months, or both, and shall be adjudged to pay all costs of the proceedings. (16 U.S.C. 3)

(b) Any person who knowingly and wilfully violates any provision of the regulations contained in Parts 1 through 7 of this chapter, or as the same may be amended or supplemented, within any of the national military parks, battlefield sites, national monuments, or miscellaneous memorials transferred to the jurisdiction of the Secretary of the Interior from that of the Secretary of War by Executive Order No. 6166, June 10, 1933, and enumerated in Executive Order No. 6228, July 28, 1933, shall be punished upon conviction thereof by a fine of not more than $100, or by imprisonment for not more than 3 months, or by both. (16 U.S.C. 9a)

(c) Any person convicted of violating any provision of the regulations contained in Parts 1 through 7 of this chapter, or as the same may be amended or supplemented within any park area established pursuant to the Act of August 21, 1935 (49 Stat. 666), shall be punished by a fine of not more than $500 and shall

be adjudged to pay all costs of the proceedings. (16 U.S.C. 462)

Part 2 of Chapter I of Title 36, Code of Federal Regulations is revised to read as follows:

PART 2—GENERAL REGULATIONS, PUBLIC USE AND RECREATION

Sec.

2.1 Abandoned and unattended property.
2.2 Aircraft.
2.3 Audio devices.
2.4 Begging and soliciting.
2.5 Camping.
2.6 Closing of areas.
2.7 Disorderly conduct.
2.8 Dogs, cats, and other pets.
2.9 Explosives.
2.10 False Report.
2.11 Firearms, traps, and other weapons.
2.12 Fires.
2.13 Fishing.
2.14 Fraudulently obtaining accommodations.
2.15 Gambling.
2.16 Intoxication; drug incapacitation.
2.17 Lost and found articles.
2.18 Picnicking.
2.19 Portable engines and motors.
2.20 Preservation of public property, natural features, curiosities, and resources.
2.21 Public assemblies, meetings.
2.22 Report of injury or damage.
2.23 Saddle and pack animals.
2.24 Sanitation.
2.25 Skating, skateboards.
2.26 Special events.
2.27 Swimming and bathing.
2.28 Tampering with vehicle or vessel.
2.29 Travel on trails.
2.30 Water skiing.
2.31 Wildlife; hunting.
2.32 Winter sports.

AUTHORITY: The provisions of this Part 2 issued under secs. 1 and 3, 39 Stat. 535, as amended; sec. 1, 47 Stat. 1420; 60 Stat. 885, as amended; sec. 2, 49 Stat. 666; 16 U.S.C. 1, 3, 9a, 17j–2, 462, and acts relating to the individual areas.

§ 2.1 Abandoned and unattended property.

(a) Abandonment of any vehicle or other personal property is prohibited and such property shall be impounded by the Superintendent.

(b) Leaving any vehicle or other personal property unattended for longer than 24 hours, without prior permission of the Superintendent, is prohibited and any property so left shall be impounded by the Superintendent. In the event unattended property interferes with the safe or orderly management of the park area, it may be impounded by the Superintendent at any time.

§ 2.2 Aircraft.

(a) The operation or use of aircraft on lands or waters other than at the landing areas designated in special regulations is prohibited. Where a water surface is designated as a landing area, the operation or use of aircraft within 500 feet of bathing beaches, boat docks, floats, piers, ramps, or within 1 mile of water control structures, except as otherwise provided by special regulations, is prohibited.

(b) Except in extreme emergencies involving the safety of human life or threat of serious property loss, the air delivery of any person or thing by parachute, helicopter, or other means without prior written permission of the Superintendent is prohibited. This paragraph does not apply to recreational areas.

(c) The provisions of this section shall not be applicable to aircraft engaged on official business of the Federal Government, or used in emergency rescue in accordance with the directions of the Superintendent, or forced to land due to circumstances beyond the control of the operator.

(d) The operation of aircraft shall be in accordance with current applicable regulations of the Federal Aviation Agency.

§ 2.3 Audio devices.

(a) The operation or use of any audio devices including radios, television sets, musical instruments, and noise producing devices such as electric generating plants, or other equipment driven by portable motors or engines in such a manner and at such times so as to unreasonably annoy persons in campgrounds, picnic areas, lodges, or at other public places or gatherings is prohibited.

(b) The operation or use of public address systems, whether fixed, portable, or vehicle mounted, on lands, waters, and highways, is prohibited except when such use or operation is in connection with public gatherings or special events for which permits have been issued in accordance with § 2.21 or § 2.26.

(c) The installation of aerials or other special radio, telephone, or television equipment is prohibited unless authorized by the Superintendent.

§ 2.4 Begging and soliciting.

(a) Begging is prohibited.

(b) Hitchhiking or the soliciting of transportation is prohibited.

(c) Commercial soliciting of any kind without a permit is prohibited: *Provided*, That this section shall not apply to transactions with authorized concessioners.

§ 2.5 Camping.

(a) Camping and the use of trailers or other camper units is permitted only at designated locations: *Provided, however*, That the Superintendent may issue written permits to persons desiring to camp in backcountry, or other isolated sections of a park area, or may designate portions of the park area in which such permits will not be required by marking on a map which shall be available for public inspection in the Park Offices.

(b) Within designated locations, the pitching of tents or parking of trailers or other camper units is permitted only at the sites designated.

(c) The Superintendent may establish limitations on the length of time persons may camp within a park area, either in a single period or in combined separate periods. Such limitations shall be posted at entrance and ranger stations, or other appropriate locations.

(d) The installation of permanent camping facilities is prohibited.

(e) The digging or leveling of the ground at any campsite is prohibited except with permission of the Superintendent.

(f) Camping equipment must be completely removed and the sites cleaned before departure.

(g) Camping within 25 feet of any water hydrant, main road, or well-defined water course, except upon the direction of the Superintendent is prohibited.

(h) Except in those park areas where hunting is permitted, the use of a camp in a park area as a base for hunting outside the park area is prohibited.

(i) Quiet shall be maintained in all campgrounds between the hours of 10 p.m. and 6 a.m.

(j) In natural and historical areas the gathering of dead and fallen wood for fuel by campers is prohibited except in locations designated by the Superintendent by the posting of appropriate signs.

(k) In recreational areas the gathering of dead or fallen wood for fuel by campers is permitted except in those portions of a park area designated by the Superintendent by the posting of appropriate signs.

(l) Sequoia wood, cones or bark shall not be disturbed for any purpose.

§ 2.6 Closing of areas.

(a) The Superintendent may close, or restrict the public use of, all or any portion of a park area, when necessary for the protection of the area or the safety and welfare of persons or property by the posting of appropriate signs indicating the extent and scope of closure.

(b) A reasonable schedule of visiting hours for all or portions of a park area may be established by the Superintendent thereof, by the posting of appropriate signs, and the schedule shall be observed and followed.

§ 2.7 Disorderly conduct.

(a) Disorderly conduct is prohibited.

(b) Offense defined: A person is guilty of disorderly conduct if, with purpose to cause public inconvenience, annoyance or alarm, or recklessly creating a risk, he shall:

(1) Engage in fighting or threatening, or in violent or tumultuous behavior; or

(2) Make unreasonable noise or offensively coarse utterance, gesture, or display, or address abusive language to any person present; or

(3) Create a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

§ 2.8 Dogs, cats and other pets.

(a) Dogs, cats and other pets are prohibited unless they are crated, caged, or on a leash, or otherwise under physical restrictive control at all times.

(b) Pets are prohibited in public eating places, food stores and on designated swimming beaches at all times. The Superintendent may also designate by the posting of appropriate signs other portions of the park area where pets are not permitted.

(c) The Superintendent may authorize the keeping of pets by residents under such conditions as he may prescribe.

(d) Dogs, cats or other pets running at large and observed by an authorized person in the act of killing, injuring or

molesting humans or wildlife may be disposed of in the interest of public safety and protection of the wildlife.

(e) In park areas where hunting is permitted, the use of dogs may be allowed in accordance with State law or under such special regulations as the Superintendent may prescribe.

§ 2.9 Explosives.

(a) The use or possession of explosives is prohibited except upon written permission of the Superintendent. Any authorized use or possession of explosives shall conform with all applicable Federal, State and local laws.

(b) The use or possession of fireworks and firecrackers is prohibited, except upon written permission of the Superintendent.

§ 2.10 False report.

The giving of any false or fictitious report or other information to any authorized person investigating an accident or any violation of law or regulations is prohibited.

§ 2.11 Firearms, traps, and other weapons.

(a) In natural and historical areas and national parkways the use of traps, seines, hand-thrown spears, nets (except landing nets), firearms (including air and gas powered pistols and rifles), blow guns, bows and arrows or crossbows, and any other implements designed to discharge missiles in the air or under the water which are capable of destroying animal life is prohibited. The possession of such objects or implements is prohibited unless they are unloaded, adequately cased, and broken down or otherwise packed in such a way as to prevent their use while in the park areas.

(1) This paragraph (a) shall be applicable on the privately owned lands under the exclusive legislative jurisdiction of the United States within Glacier, Lassen Volcanic, Mesa Verde, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, and Yosemite National Parks.

(2) When authorized by the Superintendent, licensed guides in charge of pack trains or saddle horse parties may carry firearms for emergency use as stipulated in a written permit.

(3) Authorized Federal, State, county, and city law enforcement officers may carry firearms in the performance of their official duties.

(b) In recreational areas (except national parkways) the use and possession of all firearms or other implements designed to discharge missiles, which are capable of destroying animal life, shall conform with all applicable Federal, State and local laws. Such firearms or other implements shall not be used in a manner so as to endanger persons or property. The possession of loaded firearms or other implements in developed, populated, or concentrated use areas is prohibited.

§ 2.12 Fires.

(a) The kindling of any fire is permitted only:

(1) In designated camping and picnicking grounds when the fire is confined in a fireplace provided for the use of visitors, or in grills, or in locations marked by the Superintendent; or

(2) In other locations, including backcountry, wilderness and remote sections of the park areas when a written permit has been secured from the Superintendent; or

(3) In portions of the park areas designated by the Superintendent where fires may be kindled without a written permit. Portions of the park areas so designated shall be marked on a map which shall be available for public inspection in the area office; or

(4) In stoves or lanterns using gasoline, propane, butane gas or similar fuels.

(b) Fires must be kindled in such manner that no tree, shrub, grass, or other inflammable or combustible matter will be set on fire or caused to be set on fire.

(c) When no longer needed, the fire shall be completely extinguished. Leaving a fire unattended is prohibited.

(d) Throwing or dropping a lighted cigarette, cigar, pipe heel, match, or other burning material is prohibited.

(e) The kindling of fires may be prohibited or limited by the Superintendent by posted signs when the fire hazard makes such action necessary.

(f) The Superintendent, during such periods of time as he may prescribe, may prohibit smoking on any lands, including roads and trails, by the posting of appropriate signs.

§ 2.13 Fishing.

(a) Fishing shall be done in conformity with all State and local laws and regulations applicable to the park area, unless further restricted herein or by special regulations.

(b) Fishing in the waters of park areas, except Big Bend, Glacier, Isle Royale (inland waters only), Mammoth Cave, Mount McKinley, Mount Rainier, Olympic, Platt, and Yellowstone National Parks without the possession of a valid State fishing license is prohibited when required by the laws of the State in which the park areas, or portions thereof are situated.

(c) Fishing by means of the use of drugs, poisons, explosives, or electricity is prohibited.

(d) The digging of worms for bait is prohibited.

(e) The transplanting or introducing of any live fish or fish eggs into the fresh waters of any park area without authorization from the Superintendent is prohibited.

(f) All fish caught which measure less than the minimum legal size limit or over the maximum legal size limit and all fish the fisherman does not elect to keep shall be carefully and immediately returned to the water from which they were taken. Fish so released shall not be considered in the catch or possession limit, provided that at the time of such catching and releasing the fisherman shall have in his possession no more than one fish less than the legal limit.

(g) Fishing from or within 200 feet of any public raft or float designed for water sports or within the limits of designated mooring areas, swimming beaches or surfing areas is prohibited. Fishing from or within 200 feet of public boat docks or designated harbors may be prohibited by the Superintendent by the posting of appropriate signs.

(h) Fishing from motor road bridges is prohibited, except as authorized by the Superintendent.

(i) State fishing licenses must be exhibited upon demand to any person authorized to enforce the provisions of these regulations.

(j) In natural and historical areas:

(1) The possession of live or dead minnows, chubs, other bait fish, nonpreserved fish eggs and fish roe or the use thereof as bait in fresh water, or the placing or depositing of preserved or fresh fish eggs, fish roe, food or other substance in any fresh waters for the purpose of attracting, catching, or feeding fish is prohibited, except as may otherwise be provided in special regulations.

(2) Fishing in fresh waters with nets, seines, traps, spears, or in any manner other than by hook and line, the rod of line being held in the hand, or for merchandise or profit, is prohibited except as provided under special regulations.

§ 2.14 Fraudulently obtaining accommodations.

Obtaining food, lodging or other accommodations in a park area without making payment therefor on demand is prohibited. The use of fraudulent means such as absconding without paying or offering to pay therefor, or paying with negotiable paper on which payment is refused, or false or fictitious showing of baggage or other property or surreptitious removal of baggage or other property is prohibited.

§ 2.15 Gambling.

Gambling in any form, or the operation of gambling devices, whether for merchandise or otherwise, is prohibited on the federally owned or controlled lands of a park area, and on privately owned lands within park areas under the exclusive legislative jurisdiction of the United States.

§ 2.16 Intoxication; drug incapacitation.

Entering or remaining in a park area when manifestly under the influence of alcohol, narcotics or other drug, to a degree that may endanger oneself or other persons or property, or unreasonably annoy persons in the vicinity is prohibited.

§ 2.17 Lost and found articles.

All lost articles shall be deposited by the finder at the office of the Superintendent or at the nearest Ranger Station, leaving his name and address.

§ 2.18 Picnicking.

(a) In natural and historical areas picnicking is prohibited, except in those locations designated by the Superintendent by the posting of appropriate signs. The Superintendent may also establish reasonable limitations on the length of time any person or group of persons may use any picnicking facility by the posting of appropriate signs when such limitations are necessary for the accommodation of the visiting public.

(b) In recreational areas picnicking is permitted except in those locations designated by the Superintendent by the posting of appropriate signs. The Superintendent may also establish reasonable limitations on the length of time any person or persons may use any picnicking facility by the posting of appropriate signs when such limitations are necessary for the accommodation of the visiting public.

§ 2.19 Portable engines and motors.

The operation or use of a portable motor-driven electric generating plant, pump, or other equipment driven by a portable engine or motor outside any developed or public use area without written permission from the Superintendent, is prohibited. The Superintendent may issue a permit for the use if he determines that the applicant has submitted satisfactory justification for the use of such equipment, that natural resources will not be impaired, and that no undue interference with public enjoyment of the park area will result. This section does not apply to outboard motors in areas where outboard motorboating is permitted, nor does it apply to electric generating plants on vessels.

§ 2.20 Preservation of public property, natural features, curiosities, and resources.

(a) In natural and historical areas:

(1) The possession, destruction, injury, defacement, removal or disturbance in any manner of any building, sign, equipment, monument, statute, marker, or other structure, or of any animal or plant matter and direct or indirect products thereof, including but not limited to petrified wood, flower, cone or other fruit, egg, nest, or nesting site, or of any soil, rock, mineral formation, phenomenon of crystallization, artifact, relic, historic or prehistoric feature, or of any other public property of any kind, is prohibited, except as otherwise provided in this section or in special regulations for a park area.

(2) The gathering or possession for personal consumption or use, of such fruits and berries as the Superintendent may designate is permitted. All such fruits and berries shall be picked only by hand. The gathering or collecting of such objects for the purpose of resale is prohibited.

(3) The use of any mineral or metal detecting device capable of detecting the underground or underwater location of geological, archeological or historical objects or material is prohibited: *Provided, however,* That the provisions of this section shall not apply to fathometers, radar equipment and electronic equipment used primarily for the navigation and safe operation of boats and aircraft.

(4) Taking canes, umbrellas, sticks, or similar objects into caves or caverns is prohibited, except by permission of the Superintendent.

(5) The tossing, throwing, or rolling of rocks or other materials inside caves or caverns, into valleys or canyons or down hills and mountains is prohibited.

(b) In recreational areas:

(1) The intentional or wanton destruction, defacement or removal of any natural feature or nonrenewable natural resource is prohibited.

(2) The intentional or wanton possession, destruction, injury, defacement, removal, or disturbance in any manner of any public building, sign, equipment, monument, marker, or other structure, or of any relic, artifact, ruin, or historic or prehistoric feature or of any other similar public property is prohibited.

(3) Gathering or collecting for personal use, reasonable quantities of natural products of a renewable nature, including, but not limited to, seashells, fruits, berries, mineral objects, driftwood, and marine deposits of natural origin is permitted. The gathering or collecting of such products for resale is prohibited.

(c) Damaging or molesting crops or livestock is prohibited.

§ 2.21 Public assemblies, meetings.

(a) Public meetings, assemblies, gatherings, demonstrations, parades and other public expressions of views are permitted within park areas on lands which are open to the general public provided a permit therefor has been issued by the Superintendent.

(b) Any application for such a permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, and a statement of equipment and facilities to be used in connection therewith.

(c) The Superintendent shall issue a permit on proper application unless:

(1) A prior application for the same time and place has been made which has been or will be granted; or

(2) The event will present a clear and present danger to the public health or safety; or

(3) The event is of such nature or duration that it cannot reasonably be accommodated in the particular park area applied for.

(d) The permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is maintained. It may also contain reasonable limitations on the time and area within which the event is permitted.

§ 2.22 Report of injury or damage.

All incidents resulting in injury to persons or damage to property (other than those specified in Parts 3 and 4), must be reported by the person or persons involved as soon as possible to the Superintendent. This report does not relieve persons from the responsibility of making any other accident reports which may be required under State law.

§ 2.23 Saddle and pack animals.

(a) Horses and saddle or pack animals are permitted only on those trails or routes established for their use.

(b) The use of horses or other saddle or pack animals upon the main-traveled or maintained portion of roadways is prohibited, except where such travel is necessary for ingress to and egress from trails or privately owned property, or is incidental to authorized travel.

(c) In the interest of the public safety and welfare the Superintendent, by special regulation, may require that saddle horse parties and pack trains shall be in the charge of a guide who has been licensed under State or local laws or who meets qualifications which may be established by the Superintendent, or both, if the Superintendent deems it necessary.

(d) Riding or hitching horses, or other saddle or pack animals in campgrounds, picnic areas, or within the immediate vicinity of trail shelters, eating or sleeping establishments or other areas of public gatherings, except where trails and facilities are designated or provided for such use, is prohibited.

(e) Riders shall slow their horses to a walk or slow trot when passing persons on foot or on bicycles.

§ 2.24 Sanitation.

(a) All garbage, papers, cans, bottles, waste materials and rubbish of any kind must be burned in authorized fires, or disposed of only at points or places designated for the disposal thereof, or removed from the area. All noncombustible waste materials shall be deposited only in places designated for the disposal of such materials or removed from the area.

(b) Draining or dumping refuse or wastes from any vessel, trailer, or other vehicle except in places or receptacles provided for such use is prohibited.

(c) Cleaning food or washing clothing or articles of household use at campground hydrants is prohibited.

(d) Polluting or contaminating in any manner the streams, lakes, rivers, and other bodies of water or water courses is prohibited.

(e) Fish entrails may be disposed of into salt waters except within 200 feet of boat docks or swimming areas but shall not be thrown into fresh waters or onto park area lands.

(f) Depositing any body waste in or on any portion of any comfort station or other public structure except into fixtures provided for that purpose is prohibited. Placing any bottle, can, cloth, rag, metal, wood, or stone substances in any of the plumbing fixtures in such station or structure is prohibited. All comfort stations shall be used in a clean, sanitary, and orderly manner.

(g) Urinating or defecating other than at the places provided therefor is prohibited, except in backcountry, wilderness or other remote areas.

(h) Using Government refuse containers for dumping household or commercial garbage or trash brought as such from private property is prohibited.

§ 2.25 Skating, skateboards.

The use of roller skates and skateboards is prohibited on roads and in parking areas when such roads and parking areas are open to motor vehicle traffic and on walks or in any other areas of heavy visitor use.

§ 2.26 Special events.

Sports events, pageants, reenactments, regattas, entertainments and the like, characterized as public spectator attractions, are prohibited unless written permission therefor has been given by the Superintendent. Such permits may be issued only after a finding that the issuance of such permit will not be inconsistent with the purposes for which the area is established and maintained, and will cause the minimum possible interference with use of the area by the general public. The permit may contain such reasonable conditions and restrictions as to duration and area occupied as are necessary for protection of the area and public use thereof.

§ 2.27 Swimming and bathing.

(a) Swimming and bathing are permitted except in waters and at times where such activities are prohibited in the interest of public health or safety, which excepted waters shall be designated by posted signs.

(b) The Superintendent may prohibit the use of flotation devices within designated swimming areas by the posting of appropriate signs.

(c) Swimming from vessels under way is prohibited.

(d) SCUBA diving is prohibited within the limits of a designated swimming area.

(e) The use of surfboards and similar devices is prohibited within the limits of designated swimming beaches.

§ 2.28 Tampering with vehicle or vessel.

Tampering or attempting to tamper with any vehicle, vessel or other equipment which is not lawfully in one's possession or control, or entering or going upon, moving or manipulating any of the parts or components of any vehicle, vessel or other equipment or starting or setting the same in motion, except under such lawful possession or control, are prohibited.

§ 2.29 Travel on Trails.

(a) In natural and historical areas, the use of bicycles, motorcycles and other motor vehicles is prohibited on trails, except that bicycles may be used on those trails designated for their use by posted signs.

(b) In recreational areas, the use of motorcycles and other motor vehicles is prohibited except on trails designated by the Superintendent and posted for such use. The use of bicycles is permitted unless restricted by posted signs.

(c) Pedestrians on trails shall remain quiet when saddle or pack animals are passing.

§ 2.30 Water skiing.

(a) In natural and historical areas, the towing of water skis, surfboards, and similar devices by vessels is prohibited, except in waters specifically designated for such use by the Superintendent. Such designations shall be made on a map of the area which shall be available for public inspection in the office of the Superintendent, or by posted signs, or both.

(b) In recreational areas, the towing of water skis, surfboards, and similar devices by vessels is permitted except in waters posted by appropriate markers or signs.

(c) Where towing is permitted in any area persons shall comply with the following conditions:

(1) Towing is permitted only between the hours of sunrise and sunset, except in connection with special events authorized by the Superintendent and for which special lighting is provided.

(2) There must be at least two persons in the vessel, with one, other than the operator, observing the progress of the person or persons being towed.

(3) In congested waters, the turning direction of all skiing and towing of skiers shall be counterclockwise.

(d) Water skiers shall wear a lifesaving device. Skiers wearing a device which is not approved by the U.S. Coast Guard must have such an approved lifesaving device readily available in the towing vessel.

(e) Water skiing is prohibited in channels or within 500 feet of harbors, swimming beaches, and mooring areas, or within 100 feet of any person swimming or diving.

§ 2.31 Wildlife; hunting.

(a) In natural and historical areas and national parkways:

(1) The hunting, killing, wounding, frightening, capturing, or attempting to kill, wound, frighten, or capture at any time of any wildlife is prohibited, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury.

(2) Except as otherwise provided herein, the feeding, touching, teasing, molesting, or intentionally disturbing any wildlife or nesting and related activities or phenomena thereof is prohibited.

(3) The regulations contained in this section shall be applicable to privately owned lands under the exclusive legislative jurisdiction of the United States within Glacier, Lassen Volcanic, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone and Yosemite National Parks.

(b) In recreational areas (except national parkways):

(1) Except as otherwise provided herein, hunting and trapping are permitted in accordance with all Federal, State and local laws and regulations applicable to these areas or portions thereof. Portions of the area in which hunting and trapping are not permitted shall be designated on a map of the area which will be available for public inspection in the office of the Superintendent and at other convenient places within the area, and may be posted on the ground. Any other hunting, killing, wounding, frightening, capturing, or attempts to kill, wound, frighten, or capture, or the feeding, touching, teasing, molesting, or intentional disturbance of any wildlife or nesting and related activities or phenomena thereof is prohibited, except when necessary to prevent dangerous animals from destroying human life or inflicting personal injury.

(c) The possession of unlawfully taken carcasses of wildlife or portions thereof is prohibited.

§ 2.32 Winter sports.

(a) Skiing, sledding, tobogganing, snowshoeing, skating, and other similar winter sports are permitted except upon roads and parking areas when such roads and parking areas are open to motor vehicle traffic and in other places where these activities are prohibited by posted signs.

(b) The towing of persons on skis, sleds, or other sliding devices is permitted only on routes or in locations designated by the Superintendent. Such designations may be made by marking on a map of the area which shall be available for public inspection at the park office, or by posting of signs.

Part 3 of Chapter I of Title 36, Code of Federal Regulations, is redesignated as Part 50 and a new Part 3 is added to read as follows:

PART 3—GENERAL REGULATIONS, BOATING

Sec.

3.0 Applicable regulations.
3.1 Definitions.
3.2 Permits.
3.3 Numbering.
3.4 Motorboat classifications.
3.5 Lights required.
3.6 Lifesaving equipment required.
3.7 Signaling devices.
3.8 Flame arrestors.
3.9 Ventilation.
3.10 Fire extinguishers.
3.11 Commercial operations.
3.12 Rules of the road.
3.13 Accidents.
3.14 Prohibited operations.
3.15 Restricted waters.
3.16 Other safety requirements.
3.17 Inspections.

AUTHORITY: The provisions of this Part 3 issued under secs. 1 and 3, 39 Stat. 535, as amended; sec. 1, 47 Stat. 1420; 60 Stat. 885, as amended; sec. 2, 49 Stat. 666; 16 U.S.C. 1, 3, 9a, 17j–2, 462, and acts relating to the individual areas.

§ 3.0 Applicable regulations.

In addition to the regulations contained in this part, the U.S. Coast Guard Regulations, Titles 33 and 46, Code of Federal Regulations, are applicable on navigable waters of the United States.

§ 3.1 Definitions.

(a) "Vessel" includes every type or description of craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water. This definition includes but is not limited to the following: Boat, motorboat, houseboat, rowboat, powerboat, jet boat, fishing boat, towboat, scow, flatboat, sailboat, cruiser, motor vessels, ship, barge, tug, floating cabana, party boat, charter boat, ferryboat, canoe, raft, or any buoyant device permitting or capable of free floatation.

(b) "Motorboat" means any vessel propelled by machinery (including steam) of 65 feet or less in length, whether or not such machinery is the principal source of power.

(c) "Motor vessel" means any vessel propelled by machinery (except steam) over 65 feet in length, whether or not such machinery is the principal source of power.

(d) "Sailboat or sail vessel" means any vessel propelled solely by wind effect on the sail.

(e) "Hand-propelled vessel" means any vessel which is propelled by human muscular effort, which includes but is not limited to oars, paddles, or other contrivances, and upon which no mechanical propulsion device such as electric motor, steam, or internal combustion engine or sail is used for the operation of such vessel.

(f) "Machinery" includes an inboard or outboard engine and any other type of motor or mechanical device capable of propelling a vessel.

(g) "Length" refers to the overall length of the hull, extending from end to end over the deck, excluding sheer, measured in a straight line from the foremost part to the aftermost part of a vessel and parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets and similar fittings or attachments are not to be included in the measurement. Length shall be stated in feet and inches.

(h) "Operator" refers to the person who operates or has charge of the navigation or use of a vessel.

(i) "Owner" means the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(j) "Point" means eleven and one-quarter degrees of arc.

(k) "Visible" means visible on a dark night with a clear atmosphere.

(l) "Underway" means not at anchor or made fast to the shore or aground.

(m) "State" means a State or legal subdivision of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia.

(n) A "boating accident" includes but is not limited to: Capsizing, collision, foundering, flooding, fire, explosion, and the disappearance of a vessel other than by theft.

(o) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(p) "Navigable waters of the United States," as used in the rules and regulations of this part, shall be construed to mean those waters of the United States, including the territorial seas adjacent thereto, the general character of which is navigable, and which, either by themselves or by uniting with other waters, form a continuous waterway on which boats or vessels may navigate or travel between two or more States or to or from foreign nations. A stream which otherwise conforms with the above definition would not change its navigable character because of the existence of natural or artificial obstructions such as falls, shallows, rapids, dams, or bridges. Statutory declarations by Congress and decisions pronounced by the Federal courts as to the navigability of specific waters are binding.

(q) "Port" means the left side of a vessel looking from the stern toward the bow.

(r) "Starboard" means the right side of a vessel, looking from the stern toward the bow.

(s) "Stern" means the aft or rear end of the vessel.

(t) "Bow" means the forward part of a vessel.

(u) "Privately owned vessel" means any vessel other than one owned by or engaged in the official business of the Federal Government, or a State or any political subdivision thereof.

(v) "Uniform waterway markers" shall mean the waterway marker system generally accepted for use in various State and Federal areas which includes but is not limited to the following symbols and designations:

(1) *Danger.* Orange bordered diamond symbol on white background. Words placed within border may include "ROCK," "DAM," "SNAG," etc.

(2) *Keep out.* Orange bordered diamond symbol with cross on white background. Words placed outside the symbol may include "Dam," "Waterfall," "Domestic water," "Swim area," etc.

(3) *Restricted area.* Orange bordered circle on white background for regulating water use activity. Words placed within border may include "5 MPH," "No Swim," "No SCUBA," "Fishing Only," etc.

(4) *Information.* Orange bordered square or rectangle on white background. Words placed within symbol may include place names, distances, arrows indicating directions, availability of supplies and facilities, etc.

§ 3.2 Permits.

The Superintendent may, by the posting of appropriate signs, require the issuance of a permit before any vessel is placed in or operated on the waters. He may also, consistent with regulations in this part, specify conditions of such permit. Where such permits are required, no vessel shall be operated in or on the waters without a permit. The permit must be carried within the vessel at all times and shall be exhibited upon request of any authorized person.

§ 3.3 Numbering.

(a) No vessels, except those specifically exempt herein, which are propelled by machinery of more than 10 horsepower shall be allowed to operate in or on the waters unless such vessels have been documented by the Bureau of Customs, numbered by the U.S. Coast Guard, or numbered by a State having a numbering system approved by the U.S. Coast Guard as provided by the Federal Boating Act of 1958 (72 Stat. 1754). Such vessels shall be properly identified, and the required valid documents or certificates of number shall be carried on board.

(b) The following vessels are exempt from the requirements of paragraph (a) of this section: Foreign vessels temporarily using waters of the United States, Federal, State, and municipal vessels, vessels used exclusively for racing, and vessels operating under a valid temporary Certificate of Number.

§ 3.4 Motorboat classifications.

Motorboats subject to the provisions of the regulations of this part shall be divided into four classes as follows:

Class A—Less than 16 feet in length.
Class 1—16 feet or over, but less than 26 feet in length.
Class 2—26 feet or over, but less than 40 feet in length.
Class 3—40 feet or over, but not more than 65 feet in length.

§ 3.5 Lights required.

Every motorboat when underway from sunset to sunrise shall carry and exhibit the following lights, and during such time no other light which may be mistaken for those prescribed shall be exhibited.

(a) Classes A and 1:

(1) A bright white light aft to show all around the horizon.

(2) A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(b) Classes 2 and 3:

(1) A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to 2 points abaft the beam on either side.

(2) A bright white light aft to show all around the horizon and higher than the white light forward.

(3) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(c) Every white light heretofore prescribed in this section shall be of such character as to be visible at a distance of at least 2 miles, and every colored light shall be of such character as to be visible at a distance of 1 mile.

(d) Any motorboat may carry and exhibit the lights required by the Act of October 11, 1951 (65 Stat. 406–420), as amended (33 U.S.C. 143–147d), in

lieu of the lights prescribed in this section.

(e) All other vessels shall display the lights prescribed by Statutory Rules of the Road (33 U.S.C. 143–147d; 151–232; 241–295; and 303–356), which include but are not limited to the following requirements for sailboats and hand-propelled vessels:

(1) Vessels when propelled by sail alone shall exhibit the following lights: On the starboard side a green light, and on the portside a red light so constructed as to show an unbroken light over an arc of the horizon from dead ahead to 2 points abaft the beam. Such vessels shall also carry at the stern a 12-point white light so fixed as to throw the light 6 points from aft on each side of the vessel; or in a small vessel if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, such vessel shall carry ready at hand a lantern or flashlight to show a white light which shall be exhibited in sufficient time to avert collision. Sailboats less than 40 feet in length may carry a combined light in lieu of separate side lights.

(2) All hand-propelled vessels operated between sunset and sunrise shall have ready at hand a lantern or flashlight to show a white light which shall be exhibited in sufficient time to avoid collision.

(3) All vessels at anchor between sunset and sunrise, unless anchored at a designated site, shall carry forward or where it can best be seen a bright white light to show all around the horizon and visible for 1 mile.

§ 3.6 Lifesaving equipment required.

(a) All motor vessels shall carry a U.S. Coast Guard approved life preserver for each person on board, and such vessels carrying passengers for hire shall also be provided with an additional number of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried.

(b) Motorboats when carrying passengers for hire shall be provided with a U.S. Coast Guard approved life preserver for each person on board, and with an additional number of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried.

(c) Motorboats of Class 3 not carrying passengers for hire shall carry a U.S. Coast Guard approved life preserver or ring life buoy for each person aboard.

(d) All other vessels shall carry a U.S. Coast Guard approved life preserver, ring life buoy, buoyant vest, or buoyant cushion for each person aboard.

(e) Lifesaving devices required on all vessels shall be in a good and serviceable condition, and shall be so placed as to be readily accessible.

§ 3.7 Signaling devices.

Motorboats shall be provided with an efficient whistle or other sound producing device as set forth below:

Class of Motorboat	*Type of Device*
A	None.
1	Mouth, hand, or power operated whistle or other sound producing mechanical device, capable of producing a blast for 2 seconds or more duration, and audible for at least one-half mile.
2	Hand or power operated horn or whistle capable of producing a blast of 2 seconds or more duration, and audible for at least 1 mile; and a bell.
3	Power operated horn or whistle capable of producing a blast of 2 seconds or more duration and audible for a distance of at least 1 mile; and a bell.

§ 3.8 Flame arrestors.

Each carburetor of every gasoline engine except outboard motors installed in a vessel shall be equipped with an efficient flame arrestor approved by the U.S. Coast Guard.

§ 3.9 Ventilation.

All vessels which use fuel having a flashpoint of 110° F. or less shall be equipped with ventilators as required by the U.S. Coast Guard. Vessels so constructed as to have the greater portion of the bilges under the engine and fuel tanks open and exposed to the natural atmosphere at all times need not be required to be fitted with such ventilators.

§ 3.10 Fire extinguishers.

All motorboats shall carry at least the minimum number of hand portable fire extinguishers approved by the U.S. Coast Guard, as set forth below, except that motorboats of Classes A and 1 of open construction which are propelled by outboard motors but are not carrying passengers for hire need not carry such fire extinguishers.

Class of motorboat	Minimum number of B-I hand-portable fire extinguishers required (however, one B-II hand-portable fire extinguisher may be substituted for two B-I hand-portable fire extinguishers).	
	No fixed fire extinguishing system in machinery spaces	Fixed fire extinguishing system in machinery spaces
A	1	0
1	1	0
2	2	1
3	3	2

Examples of minimum size graduations for some of the typical hand-portable fire extinguishers are set forth below:

Classification		Foam (gallons)	Carbon dioxide (pounds)	Dry chemical (pounds)
Type	Size			
B	I	1¼	4	2
B	II	2½	15	10
B	III	12	35	20

§ 3.11 Commercial operations.

(a) Vessels subject to United States Coast Guard inspection and certification shall not be operated on navigable waters of the United States unless the vessel has a valid certificate of inspection issued by the U.S. Coast Guard.

(b) In all waters, the operator of any vessel engaged in commerce, including a vessel carrying passengers for hire, must have either a valid U.S. Coast Guard operator's license or a valid operator permit issued by the Superintendent, following presentation of a valid U.S. Coast Guard operator's license or other adequate evidence of competency by the applicant. On vessels carrying passengers for hire which are operated on navigable waters of the United States, the only acceptable evidence of competency will be a valid U.S. Coast Guard operator's license. In the case of those persons holding operators' permits issued by the Superintendent, violation of the regulations in this chapter or disregard of the conditions outlined in the permit by the permittee or other person under the direction or control of the permittee, will constitute cause for the cancellation of the permit.

(c) The use of liquified petroleum gases and gasoline for cooking, heating, or lighting is prohibited on vessels carrying passengers for hire.

(d) No vessel carrying passengers for hire or reward may be used upon the waters until and unless all safety equipment as described above, has undergone an inspection by the Superintendent or other authorized officer at intervals not to exceed 12 months and such equipment has been found to be acceptable by the examining officer.

§ 3.12 Rules of the road.

The Statutory Rules of the Road (see § 3.5(e)), which have been enacted by the Congress to prevent collision of vessels, must be observed by vessels which are subject to these regulations. The following regulations of this section outline specific requirements set forth in these rules which are hereby adopted for all vessels operated on any area waters.

(a) In narrow channels, when it is safe and practicable, every vessel shall keep to the right of the middle of the channel.

(b) When vessels are approaching each other head on, or nearly so, each shall be operated to pass the other on the port side at a distance and speed so that the wake of each will not endanger the other.

(c) When a vessel desires to pass another traveling in the same direction, the overtaking vessel shall keep clear of the overtaken vessel and shall not pass until it is safe to do so, and then at such speed and distance so as not to endanger the overtaken vessel. The overtaken vessel shall maintain its course and speed until the overtaking vessel has safely passed. An overtaking situation shall exist whenever a vessel approaches another from any direction more than two points abaft the beam of the other vessel.

(d) A crossing situation shall exist when two vessels are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one vessel is overtaking another. In a crossing situation, the vessel which has the other on her own port side shall hold her course and speed; and the vessel which has the other on her own starboard side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other vessel, or stop and reverse if necessary to avoid collision.

(e) Any vessel propelled by machinery shall keep clear of any vessel under sail or being propelled by oars or paddles.

(f) Safe and prudent speed shall be maintained in docking, flshing, or buoyed areas so as not to endanger persons, vessels, or other property.

§ 3.13 Accidents.

(a) In case of collision, accident, fire, or other casualty, the operator shall render such assistance as may be practicable and necessary to other persons affected. He shall also give in writing his name, address, and identification of his vessel to any person injured or to the owner of any property damaged.

(b) A report of collision, accident, fire, or other casualty that results in property damage or any personal injury or death to any person must be made by each operator of the vessels involved to the Superintendent as soon as possible, and in any event within 24 hours. This report does not relieve the responsibility of making boating accident reports as may be required by States or the U.S. Coast Guard.

§ 3.14 Prohibited operations.

(a) No operator or person in charge of any vessel shall operate or knowingly permit any other person to operate a vessel in a reckless or negligent manner, or in a manner so as to endanger or be likely to endanger any person or property.

(b) No operator shall permit any person to ride on the gunwales, transom, or on the decking over the bow of a vessel propelled by machinery while the vessel is underway, unless the vessel is adequately equipped with rails or guards: *Provided, however,* That this shall not apply while the vessel is being maneuvered for mooring or unmooring, or when embarking or disembarking passengers.

(c) Operating or being in actual physical control of a vessel while under the influence of alcohol or drugs is prohibited.

(d) No privately owned vessel shall be used to carry passengers for hire, or be used in any other commercial operation, unless written authorization has been granted in accordance with § 5.3 of this chapter, except as provided by special regulations for areas having navigable waters.

(e) Vessels transported by vehicles must be launched or removed from the waters only at designated launching sites.

(f) No vessel shall be operated within an area designated by a uniform waterway marker or a white buoy, having a horizontal international orange band at the top and bottom and an international orange diamond with cross on the white portions of the buoy, or between a line of such markers or buoys.

(g) No vessel propelled by machinery shall be operated within 500 feet of any designated swimming area, except within marked channels in which instance slow speed shall be maintained.

(h) All vessels shall proceed with due caution and at a slow speed while underway when in the vicinity of any diver's marker, designated by a standard square-shaped flag containing a white diagonal stripe on a red field.

(i) No vessel shall be operated in excess of 5 miles per hour within designated harbors or in any area designated by a uniform waterway marker or white buoy, having a horizontal international orange band at the top and bottom and an international orange circle with a black "5 MPH" therein on the white portions of the buoy, or between a line of such buoys and the nearest shore.

(j) Attaching a vessel to or interfering with any marker, navigational buoy, or other navigational aid is prohibited.

(k) Operating any vessel in a manner which will unreasonably interfere with other vessels or with free and proper navigation of the waterways is prohibited. Anchoring in heavily traveled channels or main thoroughfares shall constitute such interference if unreasonable in the prevailing circumstances.

(l) Every vessel which is propelled on the waters by an internal combustion engine shall be equipped with a muffler so constructed as to prevent any intense or prolonged noise in the operation of such vessel, and the said muffler shall not be removed, cut down, or put out of operation for any purpose, except upon authorization of the Superintendent during periods of regattas. Nothing contained in this paragraph shall apply to vessels equipped with underwater exhausts or to vessels discharging water through open exhaust pipes, so long as these methods of silencing the exhaust are effective.

(m) Leaving any vessel unattended, outside of designated mooring or beaching areas, for a period in excess of 24 hours without prior written permission of the Superintendent is prohibited, and any vessel so left shall be impounded by the Superintendent.

(n) Vessels equipped with a propeller above the water line, commonly referred to as an "airboat" are prohibited.

(o) In natural and historical areas no vessel 40 feet or more in length shall be placed in or operated on the fresh waters, except the waters of the Great Lakes: *Provided, however,* That this paragraph shall not apply to concession-operated sightseeing or ferrying vessels.

(p) In recreational areas no vessel more than 65 feet in length shall be placed in or operated on the fresh waters, except the Great Lakes: *Provided, however,* That this paragraph shall not apply to concession-operated sightseeing or ferrying vessels.

(q) No log boom, pier, dock, fence, pile, raft, anchorage, or other obstruction shall be installed in the waters.

(r) The provisions of this section shall not apply to vessels operated for official use by any agency of the United States, or of the States or political subdivisions thereof in which the waters are situated.

§ 3.15 Restricted waters.

(a) No vessel shall be operated on any waters which are zoned or marked as migratory bird waters, or for fish cultural or wildlife uses.

(b) No vessel shall approach any dam or other engineering works closer than the limits posted with appropriate signs or markers.

(c) The Superintendent may close or otherwise restrict the use of any body of water when necessary to protect life or property, or for any other emergency. Such restricted area shall be defined, whenever practicable, by signs or markers and shall be designated on a map or chart, copies of which shall be conspicuously posted at places such as public docks and launching sites.

(d) The Superintendent may, by the posting of appropriate signs, restrict the loading, unloading, or mooring of privately owned vessels at Government-owned docks, piers and floats.

(e) The Superintendent may, by the posting of appropriate signs, establish limitations on the time allowed for camping on or from vessels, either in single periods, or combined separate periods, in any area waters or portions thereof.

§ 3.16 Other safety requirements.

(a) All vessels, except motorboats of Classes 2 and 3 and motor vessels, shall be equipped with oars or paddles while underway.

(b) No vessel, while underway, shall carry more than a safe capacity load in persons or total weight, taking into consideration water and weather conditions, hull configuration, and intended use: *Provided,* That the passenger loading capacity defined in the "Certificate of Inspection" for vessels inspected by the U.S. Coast Guard shall govern over any limit ascertained by application of a formula for determining maximum safe loads.

(c) All vessels of open construction shall carry a suitable bailing bucket, in addition to whatever bilge pumps or automatic bailing devices with which the vessel may be equipped.

(d) All vessels, except those capable of being safely beached, shall be equipped with an anchor and line of sufficient weight and length to securely anchor such vessel.

§ 3.17 Inspections.

The Superintendent may at any time stop or board any vessel while afloat or underway to examine documents, licenses or permits relating to operation of the vessel and to inspect such vessel to determine compliance with regulations.

Part 4 of Chapter 1 of Title 36 of the Code of Federal Regulations is redesignated Part 55 and a new Part 4 is added to read as follows:

PART 4—GENERAL REGULATIONS, VEHICLES AND TRAFFIC SAFETY

Sec.
4.1 State law applicable.
4.2 Definitions.
4.3 Bicycles.
4.4 Commercial towing service.
4.5 Driver's license.
4.6 Driving under influence of alcohol or drugs.
4.7 Entrances and exits.
4.8 Excessive acceleration.
4.9 False report.
4.10 Following vehicles.
4.11 Load, weight, length, and width limitations.
4.12 Mufflers.
4.13 Obstructing traffic.
4.14 Reckless driving.
4.15 Report of vehicle accident.
4.16 Right of way.
4.17 Speed limits.
4.18 Traffic control and signs.
4.19 Travel on roads.
4.20 Vehicle registration.

AUTHORITY: The provisions of this Part 4 issued under sec. 1 and 3, 39 Stat. 535, as amended; sec. 1, 47 Stat. 1420; 60 Stat. 885, as amended; sec. 2, 49 Stat. 666; 16 U.S.C. 1, 3, 9a, 17j–2, 462; and acts relating to the individual areas.

§ 4.1 State law applicable.

Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State within whose exterior boundaries a park area or portion thereof is located shall govern traffic and the operation and use of vehicles.

§ 4.2 Definitions.

The following terms and phrases when used in this part have the meanings respectively ascribed:

(a) *Vehicle.* Every device in, upon, or by which any person or property is or may be transported or drawn on land, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) *Motor vehicle.* Every vehicle which is self-propelled and every vehicle which is propelled by electric power, but not operated upon rails, or upon water.

(c) *Bicycle.* Every device propelled by human power upon which a person or persons may ride on land, having one, two, or more wheels.

(d) *Motorcycle.* Every motor vehicle having a seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(e) *Traffic.* Pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together while using any road, trail, street or other thoroughfare for purpose of travel.

(f) *State.* Any State or legal subdivision thereof of the United States, a territory of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

(g) *Authorized emergency vehicle.* Any vehicle in official use for emergency purposes by a State or Federal agency, private ambulances, and other vehicles operated by or under the direction of the Superintendent.

(h) *Operator.* Any person who operates, drives, controls or otherwise has charge of a vehicle.

§ 4.3 Bicycles.

(a) Bicycle riders must comply with all applicable traffic regulations. Bicycle riders shall keep well to the side of the road and shall keep the bicycle under complete control at all times. Bicycles shall not be ridden abreast of one another except on roads designed for bicycle use only.

(b) Each bicycle must exhibit a white light on the front and a red light or red reflector on the rear during periods of low visibility or during the period between sundown and sunup.

§ 4.4 Commercial towing service.

An operator of a vehicle used to provide commercial towing service for another vehicle following an accident or for any other reasons must give immediate notice by the quickest available means of communication to the Superintendent before moving the vehicle, unless traffic is being obstructed, in which case notification shall be made before leaving the park area.

§ 4.5 Driver's license.

Driving or permitting another person to drive a vehicle unless such operator has a valid license, when such is required by laws of the State in which the operator is resident or in which the vehicle is registered, is prohibited. A valid driver's or operator's license must be displayed upon the request of any authorized person.

§ 4.6 Driving under influence of alcohol or drugs.

No operator of a vehicle shall be under the influence of alcohol or drugs.

§ 4.7 Entrances and exits.

No operator of a motor vehicle shall enter or leave the park with such vehicle at any place except established entrances and exits, and during such hours as may be designated by the Superintendent through the posting of appropriate signs.

§ 4.8 Excessive acceleration.

The excessive acceleration of the engine of a motor vehicle or motorcycle when such vehicle is not moving, or is approaching or leaving a stopping place, is prohibited.

§ 4.9 False report.

The giving of any false or fictitious report or information to any authorized person investigating an accident or other violation of law or regulations is prohibited.

§ 4.10 Following vehicles.

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the roadway. The responsibility for conformance with this section rests with the operator of the following vehicle.

§ 4.11 Load, weight, length, and width limitations.

(a) Load, weight, length, and width limitations of vehicles except as provided herein shall be in accordance with applicable State law: *Provided, however,* The Superintendent may by the posting of appropriate signs, establish lesser limits, when limits within the State are determined to be greater than sufficient and proper for preservation of the roadway and the safety and welfare of the public, and may also establish hours during which heavy equipment may be operated over government roads.

(b) No vehicle, or load thereon, the total outside width of which exceeds 8 feet, shall be permitted on park roads without a permit from the Superintendent.

(c) Trailers more than 35 feet long are prohibited without a permit from the Superintendent.

(d) The transporting of explosives in any quantity or form without a permit from the Superintendent is prohibited.

§ 4.12 Mufflers.

Every motor vehicle or motorcycle shall be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise.

§ 4.13 Obstructing traffic.

(a) Stopping, parking, or leaving any vehicle, whether attended or unattended, upon the paved or maintained surface of a road so as to leave less than 10 feet of the width of the same traffic lane for the free or unobstructed movement of other vehicles is prohibited, except in the event of accident or other conditions beyond the immediate control of the operator, or as otherwise directed by an authorized person.

(b) Causing or permitting a motor vehicle under one's control to obstruct traffic by making turns from the wrong traffic lane, or by weaving in and out of traffic, or by driving so slowly as to interfere with the normal flow of traffic, or in any other manner, is prohibited.

§ 4.14 Reckless driving.

Driving or operating any vehicle carelessly or heedlessly, or in willful or wanton disregard for the rights or safety of other persons, or without due care or at a speed greater than is reasonable and prudent under prevailing conditions, having regard to traffic, weather, wildlife, road, and light conditions, and surface, width, and character of the road, is prohibited. Every operator shall maintain such control of the vehicle as may be necessary to avoid danger to persons or property.

§ 4.15 Report of vehicle accident.

(a) The operator of any vehicle involved in collision or upset resulting in damage to property or injury to or death of any person shall immediately stop such vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of paragraphs (b) and (c) of this section.

(b) The operator of any vehicle involved in collision or upset shall at the time and place of the incident give in writing his name and address and identification of his vehicle to the operator or owner of other property involved.

(c) The operator of any vehicle involved in collision with an unattended vehicle or other property in the absence of the owner shall at the time and place of incident leave in a secure and conspicuous place a written notice, setting forth the name and address of the operator and owner and identification of the moving vehicle, including State registration and license number.

(d) The operator of any vehicle involved in collision or upset shall give notice of such accident forthwith by the quickest available means of communication to the Superintendent, and shall also provide a written report of the incident within 24 hours when requested by an authorized person. This report does not relieve the operator from the responsibility of making any other motor vehicle accident report which may be required by the State law.

§ 4.16 Right of way.

(a) The operator of any vehicle, when being approached from any direction by any authorized emergency vehicle giving an audible or visual signal, shall yield the right of way to the emergency vehicle.

(b) Pedestrians, saddle horses, pack trains, and horse-drawn vehicles have right of way over motor vehicles.

§ 4.17 Speed limits.

(a) Except as otherwise provided in this section, driving a vehicle at a speed in excess of the maximum limits prescribed herein, is prohibited.

(1) 15 miles per hour: Within all school zones, campgrounds, picnic areas, parking areas, trailer campgrounds, utility areas, business or residential areas, and other places of public assemblage, and at sites of emergency, such as forest fires or motor vehicle accidents.

(2) 25 miles per hour: Upon sections of roads under repair or construction.

(3) 45 miles per hour: Upon all other public roads.

(b) The Superintendent may establish greater or lesser speed limits upon any road or other way when the maximum speed limits set forth above are determined to be greater or less than is reasonable or safe. Such speed limits shall be established by the posting of appropriate signs and no person shall drive any vehicle at a speed in excess of the maximum limits so posted.

(c) The provisions of this section shall not apply to authorized emergency vehicles: *Provided, however,* That such vehicles shall not be operated at speeds in excess of those which are prudent under the circumstances.

§ 4.18 Traffic control and signs.

(a) The Superintendent may erect signs which regulate traffic, prohibit or restrict stopping, standing, or parking, the direction of travel, and the hours during which roads and parking areas are open to the public. All persons shall comply with the directions of any signal or posted traffic sign.

(b) All persons shall obey the lawful order or signal of any authorized person directing, controlling, or regulating the movement of traffic.

(c) The operator of a motor vehicle shall comply with and observe all visual or audible signals given by any authorized person directing the operator to bring his motor vehicle to a stop.

§ 4.19 Travel on roads.

(a) Operating a vehicle outside of established public roads, parking areas, or routes designated by the Superintendent is prohibited. Such routes may be designated by the posting of appropriate signs, or by marking on a map which shall be available for public inspection in the office of the Superintendent, or both.

(b) Operating a vehicle equipped with any fitting or device which damages or is likely to damage the road surface is prohibited: *However,* This section shall not be construed to prohibit the use of ordinary detachable tire or skid chains under adverse road conditions.

§ 4.20 Vehicle registration.

The operation of a vehicle which does not bear valid license plates and is not properly certificated or registered in accordance with applicable State laws is prohibited. Valid proof of ownership or State registry of the vehicle must be displayed upon the request of any authorized person.

PART 5—GENERAL REGULATIONS, COMMERCIAL AND PRIVATE OPERATIONS

Sec.
5.1 Advertisements.
5.2 Alcoholic beverages; sale of intoxicants.
5.3 Business operations.
5.4 Commercial passenger-carrying motor vehicles.
5.5 Commercial photography.
5.6 Commercial vehicles.
5.7 Construction of buildings or other facilities.
5.8 Discrimination in furnishing public accommodations and transportation services.
5.9 Eating, drinking, or lodging establishments.
5.10 Impounding of animals.
5.11 Memorialization.
5.12 Nuisances.
5.13 Prospecting, mining, and mineral leasing.
5.14 Residence on Federal lands.
5.15 Trespass on Federal lands.

AUTHORITY: The provisions of this Part 5 issued under secs. 1 and 3, 39 Stat. 535, as amended; sec. 1, 47 Stat. 1420; 60 Stat. 885, as amended; sec. 2, 49 Stat. 666; 16 U.S.C. 1, 3, 9a, 17j–3, 462, and acts relating to the individual areas.

§ 5.1 Advertisements.

Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent. Such permission may be granted only if the notice or advertisement is of goods, services, or facilities available within the park area and such notices and advertisements are found by the Superintendent to be desirable and necessary for the convenience and guidance of the public.

§ 5.2 Alcoholic beverages; sale of intoxicants.

(a) The sale of alcoholic, spirituous, vinous, or fermented liquor, containing more than 1 percent of alcohol by weight, shall conform with all applicable Federal, State and local laws and regulations.

(b) No such liquor shall be sold on any privately owned lands under the exclusive legislative jurisdiction of the United States within Glacier, Lassen Volcanic, Mesa Verde, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, or Yosemite National Parks, unless a permit for the sale thereof has first been secured from the appropriate Regional Director.

(1) In granting or refusing applications for permits as herein provided, the Regional Directors shall take into consideration the character of the neighborhood, the availability of other liquor-dispensing facilities, the local laws governing the sale of liquor, and any other local factors which have a relationship to the privilege requested.

(2) A fee will be charged for the issuance of such a permit, corresponding to that charged for the exercise of similar privileges outside the park area boundaries by the State government, or appropriate political subdivision thereof within whose exterior boundaries the place covered by the permit is situated.

(3) The applicant or permittee may appeal to the Director from any final action of the appropriate Regional Director refusing, conditioning or revoking the permit. Such an appeal shall be filed, in writing, within 20 days after receipt of notice by the applicant or permittee of the action appealed from. Any final decision of the Director may be appealed to the Secretary of the Interior within 15 days after receipt of notice by the applicant or permittee of the Director's decision.

(4) The permit for sale of intoxicating liquors shall contain such general and special conditions as the Regional Director may deem reasonably necessary to insure safe and orderly management of the park area.

(5) The permittee shall comply with all State and county laws and regulations, other than fee and license requirements, which would be applicable to the premises and to the sale and dispensing of intoxicating beverages if the privately owned lands were not subject to the jurisdiction of the United States.

§ 5.3 Business operations.

Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically

authorized under special regulations applicable to a park area, is prohibited.

§ 5.4 Commercial passenger-carrying motor vehicles.

(a) The commercial transportation of passengers by motor vehicle, except as authorized under a contract or permit from the Secretary or his authorized representative, is prohibited in Bryce Canyon, Crater Lake, Glacier (except that portion of the park road from the Sherburne entrance to the Many Glacier area), Grand Canyon (except the service road branch of the south entrance road serving park headquarters and Grand Canyon Village, including the portion of the south entrance road which lies between the park boundary and said service road), Grand Teton (except that portion of Highways Nos. 89 and 187, 287, and 26 commencing at the south boundary of the park and running in a northerly direction to the east boundary of the park), Lassen Volcanic (except those portions of Highway No. 89 and Highway No. 44 crossing the northwest corner of the park outside the Manzanita Lake checking station), Mount McKinley (except that portion of the Denali Highway between the Nenana River and the McKinley Park Hotel), Rocky Mountain, Sequoia-Kings Canyon, Yellowstone (except that portion of U.S. Highway 191 traversing the northwest corner of the park), Yosemite, and Zion National Parks, and Cedar Breaks National Monument. The following principles will govern the interpretation and enforcement of the section:

(1) Transportation is commercial if it is operated primarily as a business activity or for profit of the operator, or if any person or organization may receive a profit, commission, fee, brokerage or other compensation for organizing, advertising, promoting, soliciting or selling the trip or tour of which such transportation is a part.

(2) Transportation is commercial if payment therefor is made directly or indirectly to the operator: *Provided*, That bona fide sharing of actual expenses will not be deemed a payment.

(3) Transportation by a motor vehicle licensed as a commercial vehicle, or of commercial type, will be presumed to be commercial unless otherwise established to the satisfaction of the Superintendent or his authorized representative.

(4) Transportation will not be deemed commercial for the sole reason that the motor vehicle is chartered or rented in good faith to the operator, by the owner, for general use at a charge based upon time or mileage or both. Nothing in this section is intended to prohibit the operation of pleasure type automobiles rented without a driver on the normal terms from the owner.

(5) Subject to the provision of subparagraph (1) of this paragraph, transportation is not commercial if it is a part of a trip or tour initiated, organized, and directed by an established bona fide school or college, institution, society or other organization, as a nonprofit activity of such organization, and if all passengers are students, faculty, members, or employees of such organization, or otherwise connected therewith, provided that credentials are presented at the park entrance from the head of such institution or organization indicating the trip is in accordance with the provisions stipulated herein. Clubs or associations having as a principal purpose the arranging of tours, trips, or transportation for their members will not qualify for admission into the above-named parks under the provision of this paragraph.

(6) As used in this section, "owner" means the person or organization having legal title, or all the incidents of ownership other than legal title, of a motor vehicle by which passengers may be transported, and includes a registered owner or a purchaser under a conditional sales contract. "Operator" means the person, organization, or group that arranges for the transportation, assumes responsibility for financial risk and management, and determines who shall be transported upon what terms, conditions, or charges. The operator may be the owner, but need not be.

(b) Passenger-carrying motor vehicles, otherwise admissible, that are so large as to require special escort in order to proceed safely over park roads, or which in the judgment of the Superintendent are beyond the carrying capacity or safety factor of the roads, will not be permitted in the parks, except that, where they may satisfactorily enter and travel to park headquarters, they may be parked there during the period of stay.

§ 5.5 Commercial photography.

(a) *Motion pictures, television.* Before any motion picture may be filmed or any television production or sound track may be made, which involves the use of professional casts, settings, or crews, by any person other than bona fide newsreel or news television personnel, written permission must first be obtained from the Superintendent, in accordance with the provisions of the special regulations contained in Part 5, Subtitle A, Title 43 of the Code of Federal Regulations.

(b) *Still photography.* The taking of photographs of any vehicle, or other articles of commerce or models for the purpose of commercial advertising without a written permit from the Superintendent is prohibited.

§ 5.6 Commercial vehicles.

(a) The term "Commercial vehicles" as used in this section shall include, but not be limited to trucks, station wagons, pickups, passenger cars or other vehicles when used in transporting movable property for a fee or profit, either as a direct charge to another person, or as an incident to other services provided to another person, or in connection with any business.

(b) The use of government roads within park areas by commercial vehicles, when such use is in no way connected with the operation of the park area, is prohibited, except that in emergencies the Superintendent may grant permission to use park roads.

(c) The Superintendent shall issue permits for commercial vehicles used on park area roads when such use is necessary for access to private lands situated within or adjacent to the park area, to which access is otherwise not available.

§ 5.7 Construction of buildings or other facilities.

Constructing or attempting to construct a building, or other structure, boat dock, road, trail, path, or other way, telephone line, telegraph line, power line, or any other private or public utility, upon, across, over, through, or under any park areas, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States, is prohibited.

§ 5.8 Discrimination in furnishing public accommodations and transportation services.

(a) The proprietor, owner or operator and the employees of any hotel, inn, lodge, or other facility or accommodation offered to or enjoyed by the general public within a park area and, while using such a park area, any commercial passenger-carrying motor vehicle transportation service and its employees, are prohibited from (1) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, or national origin; or (2) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public.

(b) Each such proprietor, owner, or operator must post the following notice at such locations as will insure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services, or privileges:

NOTICE

This is a facility operated in an area under the jurisdiction of the U.S. Department of the Interior.

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, Washington, D.C. 20240.

§ 5.9 Eating, drinking, or lodging establishments.

(a) No establishment offering food, drink, or lodging for sale on any privately owned lands under the exclusive legislative jurisdiction of the United States within Glacier, Lassen Volcanic, Mesa Verde, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, and Yosemite National Parks may be operated without a permit obtained from the Superintendent. Such permit may include terms and conditions deemed necessary by the Superintendent to the health, safety, and welfare of the public and it may be revoked upon failure to comply with the requirements of paragraphs (b) and (c) of this section or the conditions set forth in the permit.

(b) Such establishment shall be maintained and operated in accordance with the rules and regulations recommended by the U.S. Public Health Service for such establishments, and the substantive requirements of State and local laws and regulations relating to such establishments, which would apply if such privately owned lands were not subject to the jurisdiction of the United States. In the event of conflict or inconsistency between such U.S. Public Health Service recommendations and State or local laws, the former shall prevail.

(c) The Superintendent shall have the right to inspect such establishments at reasonable times to determine whether the establishment is being operated in accordance with the applicable rules and regulations and in accordance with the provisions of the permit.

§ 5.10 Impounding of animals.

(a) Animals trespassing in park areas may be impounded by the Superintendent and, if not claimed by the owner within the periods specified in this section, shall be disposed of in accordance with prescribed procedures.

(b) If the owner is known, prompt written notice of the impounding will be served upon him, and in the event of his failure to remove the impounded animal within five (5) days from delivery of such notice, it will be disposed of in accordance with prescribed procedures.

(c) If the owner is unknown, no disposal of the animal shall be made until at least fifteen (15) days have elapsed from the date that a notice of the impounding is first published in a newspaper of general circulation in the county in which the trespass occurs and is posted at the county courthouse.

(d) The owner may redeem the animal by submitting proof of ownership and paying all expenses of the United States for capturing, advertising, pasturing, feeding, impounding, and the amount of damage to any public property injured or destroyed by or through such trespass.

(e) In determining the claim of the Government in any animal trespass, the value of forage consumed shall be computed at the daily, weekly, monthly, or yearly commercial rates prevailing in the locality for the class animal found in trespass. The claim shall include the pro rata salary of employees for the time spent and the expenses incurred in and about the investigation, reports, and settlement or prosecution of the claim.

§ 5.11 Memorialization.

The installation of any monument, memorial, tablet, or other commemorative installation in a park area without permission of the Director is prohibited.

§ 5.12 Nuisances.

The creation or maintenance of a nuisance upon the federally owned lands of a park area or upon any private lands within a park area under the exclusive legislative jurisdiction of the United States is prohibited.

§ 5.13 Prospecting, mining, and mineral leasing.

Prospecting, mining, and the location of mining claims under the general mining laws and leasing under the mineral leasing laws are prohibited in park areas, except as authorized by law.

§ 5.14 Residence on Federal lands.

Residing in park areas is prohibited, except in accordance with a permit or other written agreement with the United States authorizing such use, or by employees of the National Park Service.

§ 5.15 Trespass on Federal lands.

The running at large, herding, driving across, or grazing of animals of any kind on the public lands of an area, or the use of such lands for agricultural purposes, is permitted only under a valid lease, contract, or special use permit issued by the United States, or pursuant to law.

Part 6 of Chapter I of Title 36 of the Code of Federal Regulations is revised to read as follows:

PART 6—MISCELLANEOUS FEES

Sec.
6.1 General.
6.2 Vehicles; miscellaneous.
6.3 Commercial passenger-carrying motor vehicles.
6.4 Trucking permits.
6.5 Motor vessel transportation.
6.6 Commercial fishing.
6.7 Hospital service.

AUTHORITY: The provisions of this Part 6 issued under secs. 1 and 3, 39 Stat. 535, as amended; sec. 1, 47 Stat. 1420; 60 Stat. 885, as amended; sec. 2, 49 Stat. 666; 16 U.S.C. 1, 3, 9a, 17j–2, 462, and acts relating to the individual areas.

§ 6.1 General.

(a) The fees prescribed in this part for the operation of commercial vehicles shall not be applicable to vehicles institutionally owned or chartered carrying exclusively members of bona fide educational institutions when the trip to the area is officially initiated, organized, and directed by such institution for educational purposes.

(b) Park Superintendents may, when in the public interest, prescribe seasonal periods during which the collection of recreation or other fees prescribed for such area shall be suspended.

§ 6.2 Vehicles; miscellaneous.

(a) *Glacier National Park.* To promote the purpose of the Act of May 2, 1932 (47 Stat. 145; 16 U.S.C., 161a), Canadian dollars tendered by Canadian visitors entering the United States section of Glacier National Park will be accepted at the official rate of exchange in payment of the recreation fees prescribed for the park.

(b) *Yosemite National Park.* As stated in § 7.16(f) of this chapter, motor vehicles driven or moved upon a park road in Yosemite National Park must be registered and properly display current license plates. Such registration may be with a State or other appropriate authority or, in the case of motor vehicles operated exclusively on park roads, with the Superintendent of the park. An annual registration fee of $6 will be charged for vehicles registered with the Superintendent which are not connected with the operation of the park.

§ 6.3 Commercial passenger-carrying motor vehicles.

(a) *Colonial National Historical Park; permits.* Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire on any portion of the Colonial Parkway, Colonial National Historical Park. The fees for such permits shall be as follows:

(1) Annual permit for the calendar year: $3.50 for each passenger-carrying seat in the vehicle to be operated.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: $1 for each passenger-carrying seat in the vehicle to be operated.

(3) Permit good for one day, 5-passenger vehicle: $1.

(4) Permit good for one day, more than 5-passenger vehicle: $3.

(b) *Great Smoky Mountains National Park; permits.* Permits issued by the Superintendent, and compliance with applicable State and Federal regulations, shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire within the park. The fee for such permits shall be as follows:

(1) Annual permit for calendar year: $1 for each passenger-carrying seat in the vehicle to be operated.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: 25 cents for each passenger-carrying seat in the vehicle to be operated.

(3) In addition to the permit required in subparagraphs (1) and (2) of this section, a guide permit issued by the Superintendent shall be required for each driver of a commercial passenger-carrying vehicle, including taxicabs, carrying passengers for hire within the park. Such a permit will be issued by the Superintendent upon a showing to his satisfaction that the applicant possesses adequate knowledge of the park's road system and points of interest, and has complied with all applicable State and Federal regulations. The fee for a guide permit shall be $5 for the calendar year, or any part thereof.

(c) *Mammoth Cave National Park; permits.* Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire within the park. The fees for such permits shall be as follows:

(1) Annual permit for the calendar year: $2.50 for each passenger-carrying seat in the vehicle.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: 65 cents for each passenger-carrying seat in the vehicle.

(3) Permit for 1 day: $1 per vehicle.

(d) *George Washington Memorial Parkway; permits.* (1) Taxicabs licensed in the District of Columbia, Maryland, or Virginia, shall be permitted on any portion of the George Washington Memorial Parkway without being required to obtain a permit or make payment of fees.

(2) Passenger-carrying vehicles for hire or compensation, other than taxicabs, having a seating capacity of not more than fourteen (14) passengers, excluding the driver, when engaged in services authorized by concession agreement to be operated from the Washington National Airport and/or Dulles International Airport, shall be permitted on any portion of the George Washington Memorial Parkway in Virginia without being required to obtain a permit or make payment of fees. Such vehicles when operating on a sightseeing basis shall comply with subparagraph (4) of this paragraph.

(3) Passenger-carrying vehicles for hire or compensation, other than those to which subparagraphs (1) and (2) of this paragraph apply, may be permitted on the George Washington Memorial Parkway upon application for, and the granting of a permit by the Regional Director, National Capital Region, National Park Service under the following conditions:

(i) When operating on a regular schedule (*a*) to provide passenger service on any portion between Mount Vernon and the Arlington Memorial Bridge, (*b*) to provide limited direct nonstop passenger service from Key Bridge to a terminus at the Central Intelligence Agency Building at Langley, Va., and direct return, and (*c*) to provide limited direct nonstop passenger service from the interchange at Route 123 to a terminus at the Central Intelligence Agency Building at Langley, Va., and direct return. Permittees shall file a schedule of operation and all schedule changes with the Office of National Capital Region showing the number of such vehicles and total miles to be operated on the parkway.

(ii) When operating nonscheduled direct, nonstop service primarily for the accommodation of air travelers arriving at or leaving from Dulles International Airport or Washington National Airport (*a*) between Dulles International Airport and a terminal in Washington, D.C., over the George Washington Memorial Parkway between Virginia Route 123 and Key Bridge; (*b*) between Washington National Airport and a terminal in Washington, D.C., over the George Washington Memorial Parkway between Washington National Airport and 14th Street Bridge; and (*c*) between Dulles International Airport and Washington National Airport over the George Washington Memorial Parkway between Virginia Route 123 and Washington National Airport. Permittees shall file a report of all operations and total miles operated on the George Washington Memorial Parkway.

(iii) Permits shall be issued, normally for a period of one year effective from July 1 until the following June 30, at the rate of one cent (1¢) per mile for each mile each such vehicle operates upon the parkway. Payments shall be made quarterly within twenty (20) days after the end of the quarter based upon a certification by the operator of the total mileage operated upon the parkway.

(4) Sightseeing passenger-carrying vehicles for hire or compensation other than taxicabs may be permitted on the George Washington Memorial Parkway upon application for, and the granting of a permit by the Regional Director, National Capital Region, to provide sightseeing service on any portion of the parkway. Permits may be issued either on an annual basis for a fee of three dollars ($3) for each passenger-carrying seat in such vehicle; on a quarterly basis for a fee of seventy-five cents (75¢) per seat; or on a daily basis at the rate of one dollar ($1) per vehicle per day.

(5) *Commercial trucks.* The use of any park road by commercial trucks when such trucking is in no way connected with the operation of the park system is prohibited, except (i) on the section of Constitution Avenue east of 18th Street, (ii) that in special cases, trucking permits may be issued at the discretion of the Superintendent.

(e) *Hot Springs National Park; permits.* Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire over park roads for sightseeing purposes. The fees for such permits shall be as follows:

(1) Fleet operator; equipment that includes any combination of commercial passenger-carrying vehicles, including taxicabs. Calendar-year permit—$25.

(2) Bus operator; equipment limited to a single bus-type vehicle with passenger-carrying seat capacity in excess of eight persons. Calendar-year permit—$20.

(3) Taxicab operator; equipment limited to a single vehicle with a capacity of not over eight passenger-carrying seats. Calendar-year permit—$12.

(4) The fees for permits issued for commercial passenger-carrying vehicle operations starting on or after July 1 of each calendar year will be one-half of the respective rates mentioned in subparagraphs (1), (2), and (3) of this paragraph.

(f) *Cape Cod National Seashore; permits.* Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, carrying passengers for hire over sand routes on federally owned lands within the seashore as follows:

(1) Annual permit for calendar year: $3 for each passenger-carrying seat in the vehicle to be operated.

(2) Annual guide permit for the calendar year, or any part thereof: $5.

(g) *Gettysburg National Military Park; permits.* Permits issued by the Superintendent shall be required for the operation of commercial vehicles carrying passengers for hire on a regularly scheduled basis in the park. These permits shall include reasonable provisions designed to assure service in the best interest of the public. Such provisions shall include, but not be limited to, regulations concerning preservation of park features and values, vehicular safety, content of informational message to passengers, advertising, and rates and schedules. The fees for such permits shall be as follows:

(1) Annual permit for the calendar year: $5 for each passenger-carrying seat in each vehicle to be operated throughout the 12-month period.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: $1.50 for each passenger-carrying seat in each vehicle to be operated.

§ 6.4 Trucking permits.

(a) *Crater Lake National Park.* (1) With reference to the trucking permits that may be issued at the discretion of the Superintendent; as stated in § 7.2 of this chapter, noncommercial trucking fees will be charged as follows, on rated capacity:

Vehicle, 1 ton or less: $1.
Vehicle, over 1 ton but not more than 2 tons: $2.
Vehicle, over 2 tons but not more than 3 tons: $3.
Vehicle, over 3 tons but not more than 5 tons: $4.
Vehicle, over 5 tons but not more than 10 tons: $5.
Vehicle, over 10 tons: $10.

(2) The fees listed above shall entitle the holder to one round trip if performed on the same day of issue; otherwise, the fee will be for a one-way trip.

(3) Nothing in this section shall be construed to prohibit trucks used in connection with park operation.

(4) The fees established in this section shall also apply to special emergency trucking permits issued pursuant to § 5.6(b) of this chapter.

(b) *Rocky Mountain National Park.* (1) With reference to the permits that may be issued by the Superintendent, as stated in § 7.7 of this chapter, fees charged for trucking over the Trail Ridge Road shall be as follows:

Vehicle, 1 ton or less: $2.
Vehicle, over 1 ton but not more than 2 tons: $3.
Vehicle, over 2 tons but not more than 3 tons: $4.
Vehicle, over 3 tons but not more than 5 tons: $5.
Vehicle, over 5 tons but not more than 10 tons: $10.

(2) The applicable fee shall be charged for the licensed capacity of a truck, trailer, or semitrailer.

(3) The fee charged is for one round trip, provided such trip is made in 1 day, otherwise the fee is for a one-way trip.

(4) No vehicle which has a gross weight, including vehicle and load, in excess of 10 tons, shall be operated or moved on the Trail Ridge Road.

(5) The fees provided in this paragraph shall also apply to special emergency trucking permits issued pursuant to § 5.6(b) of this chapter.

(c) *Yellowstone National Park.* (1) With reference to the permits that may be issued by the Superintendent, as stated in § 7.13 of this chapter, trucking fees for the use of park roads shall be charged as follows:

Emergency trucking between any two park entrances—Round trip permit fee: $10.
Trucking between the north and northeast entrances:
Trucks with a capacity of ¾ ton, but with a capacity of not more than 1½ tons—Yearly permit fee: $20.
Trucks with a capacity of more than 1½ tons—Yearly permit fee: $40.

(d) *Yosemite National Park.* (1) The fees for special trucking permits issued by the Superintendent in emergencies pursuant to paragraph (b) of § 5.6 of this chapter shall be based on the licensed capacity of trucks, trailers, or semitrailers, as follows:

Trucks, less than 1 ton.
Trucks of 1 ton and over, but not to exceed 10 tons.
Appropriate automobile permit fee.
$5 for each ton or fraction thereof.

(i) The fee charged is for one round trip between any two park entrances, provided such trip is made within one 24-hour period; otherwise the fee is for a one-way trip.

(ii) Trucks carrying bona fide park visitors and/or their luggage or camping equipment may enter the park upon payment of the regular recreation fees.

(2) The fee provided in subparagraph (1) of this paragraph also shall apply to permits which the Superintendent may issue for trucking through one park entrance to and from privately owned lands contiguous to the park boundaries, except that such fee shall be considered an annual vehicle fee covering the use of park roads between the point of access to such property and the nearest park exit connecting with a State or country road.

(3) No commercial trucks will be permitted on the Tioga Road except those used in connection with the activities of the U.S. Government, the State of California, or agencies operating under contract or agreement with the U.S. Government to render service to the public in the park, or trucks delivering supplies, materials, etc., to the U.S. Government, the State of California, or contractors or permittees in the park.

(e) *Zion National Park.* Vehicles exceeding certain size limitations must be convoyed over the park roads, as stated in § 7.10 of this chapter, for which a fee of $5 per single trip will be charged for each vehicle or combination of vehicles. The convoy fee shall be in addition to the recreation fees.

(f) *"Vehicle."* The word "vehicle", as used in this section, shall mean truck, tractor, trailer, semitrailer, and/or any combination thereof.

§ 6.5 Motor vessel transportation.

(a) *Isle Royale National Park.* (1) Transportation services between Houghton, Mich., and Isle Royale National Park, Mich., rendered aboard Government-owned vessels, shall be charged for at the following rates:

Personal transportation—one way only: $7.50.
Personal transportation—round trip: $15.
Transportation of boats up to 14 feet in length—one way only: $5.
Transportation of boats up to 14 feet in length—round trip: $10.
Transportation of boats over 14 feet but not exceeding 17 feet in length—one way: $10.
Transportation of boats over 14 feet but not exceeding 17 feet in length—round trip: $20.
Transportation of boats over 17 feet but limited to 20 feet in length—one way: $15.
Transportation of boats over 17 feet but limited to 20 feet in length—round trip: $30.
Canoes—round trip:
Transported on regular passage: $3.
Transported without one regular passage: $5.
Outboard motors ¾ hp. to 10 hp.—round trip: $3.
Outboard motors over 10 hp. but not exceeding 25 hp.—round trip: $5.
Outboard motors over 25 hp.—round trip: $7.50.

(2) Personal transportation for children between the ages of 5 and 15, inclusive, will be one-half of the rates mentioned in subparagraph (1) of this paragraph for comparable service. No charge will be made for children under the age of 5. Family groups consisting of parents (or a parent) and children shall be entitled to a special group rate not to exceed three times the amount of the individual adult fee.

(3) The rates for personal transportation mentioned in subparagraph (1) of this paragraph include the transportation of usual hand baggage and camping gear not exceeding 100 pounds per person. Any baggage in excess of the 100 pounds per person allowance will be subject to an additional charge of $1 per 100 pounds or any part thereof.

(4) Shipment of baggage, supplies and equipment by persons not traveling aboard Government-owned vessels shall be subject to a rate of $1 per 100 pounds or any part thereof for a one-way shipment.

§ 6.6 Commercial fishing.

(a) *Isle Royale National Park.* In those cases where special use permits are issued in conformity with the provisions stated in § 20.2 of this chapter, permittees will be required to pay an annual fee of $25.

§ 6.7 Hospital service.

(a) *Mesa Verde National Park.* (1) Services rendered at the Aileen Nusbaum Hospital shall be charged for at the following rates:

(i) First aid and dispensary: Ward bed, including ordinary drugs, or small dressings, and 8 hours of general nursing service per day: $5.

(ii) Laboratory:

Urinalysis, chemical only: $1.
Urinalysis, microscopic only: $1.
White blood count: $1.
Red blood count: $1.
Hemoglobin: $1.
Differential: $2.
Complete count with differential: $4.

(2) The rates mentioned in subparagraph (1) of this paragraph shall be subject to the following discounts:

(i) Employees of the National Park Service and the dependent members of their families, 66⅔ percent. No charge will be made for the first 24 hours of hospitalization, except for services furnished in excess of those normally provided.

(ii) Residents of the park not employed by the National Park Service and dependent members of their families, 33⅓ percent.

(3) Minor dispensary services will be rendered to all residents of the park without charge.

(4) The provision of the laboratory services enumerated above shall be optional with the Superintendent, depending upon equipment and supplies available for the rendering of such services.

(5) The charges mentioned in subparagraph (1) of this paragraph do not include meals or the services of a physician, which must be arranged for by patients at their own expense.

Part 22 of Chapter I of Title 36, Code of Federal Regulations, is deleted.

Part 26 of Chapter I of Title 36, Code of Federal Regulations, is deleted.

[F.R. Doc. 66-10621; Filed, Sept. 28, 1966; 8:50 a.m.]

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ESTABLISHING THE PRESIDENT'S COMMITTEE ON RURAL POVERTY AND THE NATIONAL ADVISORY COMMISSION ON RURAL POVERTY

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Committee.* (a) There is hereby established the President's Committee on Rural Poverty (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of the Secretary of Agriculture, who shall be Chairman of the Committee; the Secretary of the Interior; the Secretary of Commerce; the Secretary of Labor; the Secretary of Health, Education, and Welfare; the Secretary of Housing and Urban Development; the Director of the Office of Economic Opportunity; and the Administrator of the Small Business Administration. Each member of the Committee may designate an alternate member, who shall serve as a member of the Committee whenever the regular member is unable to attend any meeting of the Committee.

SEC. 2. *Duties of the Committee.* (a) The Committee shall:

(1) Appraise the means by which existing programs, policies, and activities relating to the economic and community welfare of rural people may be coordinated or better directed or redirected to achieve for the rural population the quality of living and levels of opportunities available to other segments of the population.

(2) Develop recommendations for action by Government or by private enterprise as to the most efficient and promising means of providing opportunities for rural people to share in America's abundance and better levels of living.

(b) In developing its recommendations the Committee shall take into account the final report of the National Advisory Commission on Rural Poverty established by Section 3 of this order, which report shall be transmitted to the President with the recommendations of the Committee.

SEC. 3. *Establishment of Commission.* (a) To assist the Committee in carrying out its functions under Section 2 of this order, there is hereby established the National Advisory Commission on Rural Poverty (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of twenty-six members appointed by the President. The President shall designate the Chairman of the Commission from among its members.

(c) The Commission shall meet on the call of the Chairman.

(d) Each member of the Commission may be compensated for each day such member is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 55a; 5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be designated by the President. Under the direction and supervision of the Chairman, the Executive Director shall direct and supervise any staff employed by or detailed to the Commission under this order.

SEC. 4. *Duties of the Commission.* (a) The Commission shall transmit to the Committee its independent analysis, evaluation, and recommendations with respect to all matters assigned to the Committee for study and recommendations.

(b) In carrying out its duties under subsection (a) above, the Commission shall:

(1) Make a comprehensive study and appraisal of the current economic situations and trends in American rural life, as they relate to the existence of income and community problems of rural areas, including problems of low income, the status of rural labor, including farm labor, unemployment and under-employment and retraining in usable skills; rural economic development and expanding opportunities; sources of additional rural employment; availability of land and other resources; adequacy of food, nutrition, housing, health, and cultural opportunities for rural families; the condition of children and youth in rural areas and their status in an expanding national economy; the impact of population and demographic changes, including rural migration; adequacy of rural community facilities and services; exploration of new and better means of eliminating the causes which perpetuate rural unemployment and underemployment, low income and poor facilities; and any other related matters.

(2) Evaluate the means by which existing programs, policies, and activities relating to the economic status and community welfare of rural people may be coordinated or better directed or redirected to achieve the elimination of underemployment and low incomes of rural people and to obtain higher levels of community facilities and services.

(3) Develop recommendations for action by local, State or Federal governments or private enterprise as to the most efficient and promising means of providing opportunities for the rural population to share in America's abundance.

(c) The Commission shall submit its final report and recommendations to the Committee no later than twelve months after the date of its appointment, and may make any interim reports to the Committee which it deems would expedite the work of the Committee.

SEC. 5. *Federal departments and agencies.* (a) The Committee or the Commission is authorized to request from any Federal department, agency, or independent instrumentality of the Government any information deemed necessary to carry out its functions under this order; and each department, agency, and instrumentality is authorized, to the extent permitted by law and within the limits of available funds, to furnish such information to the Committee or the Commission.

(b) Each department or agency the head of which is named in Section 1(b) of this order shall, as may be necessary, furnish assistance to the Committee or the Commission in accordance with the provisions of Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691), or as otherwise permitted by law.

(d) The Department of Agriculture is hereby designated as the agency which shall provide administrative services for the Commission.

SEC. 6. *Construction.* Nothing in this order shall be construed as subjecting any Federal agency, or any function vested by law in, or assigned pursuant to law to, any Federal agency, to the authority of the Committee or of the Commission or as abrogating or restricting any such function in any manner.

SEC. 7. *Termination of the Committee and the Commission.* The Committee and the Commission shall terminate ninety days after the submission of the final report of the Commission under Section 4(c) hereof.

LYNDON B. JOHNSON

THE WHITE HOUSE,
September 27, 1966.

[F.R. Doc. 66-10747; Filed, Sept. 29, 1966; 11:39 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[831.4, Rev. 1, Supp. 3, Amdt. 1]

PART 831—BEET SUGAR AREA

Rates of Recoverability; 1966 Crop

Pursuant to section 302(a) of the Sugar Act of 1948, as amended, § 831.13 is amended as follows:

1. Paragraph (a) is amended by deleting from the table of settlement areas by factories in States contained therein, "Wyoming" and "Worland" in the first column and "16.01" and "2.943" on the same line in, respectively, the second and third columns.

2. Paragraph (c) is amended by adding "Worland" at the end of the first column of the table therein, and by adding "16.01" at the end of the second column of the table therein.

Statement of bases and considerations. The rates of recoverability for the 1966 crop of sugarbeets included the Worland, Wyo., settlement area with those wherein settlement with growers is based on cossette tests. For the 1966 crop settlement in that area will be on a combined individual-cossette test basis.

This amendment corrects this inadvertency.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 302, 303, 304, 61 Stat. 930, as amended, 7 U.S.C. 1132, 1133, 1134)

Effective date. Date of publication.

Signed at Washington, D.C., on September 26, 1966.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 66-10687; Filed, Sept. 29, 1966; 8:48 a.m.]

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 864.13]

PART 864—WAGES; SUGARCANE; LOUISIANA

Fair and Reasonable Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Houma, La., on June 22, 1966, the following determination is hereby issued:

§ 864.13 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Louisiana.

(a) *Requirements.* A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher but not less than the following, which shall become effective on October 10, 1966, and shall remain in effect until amended, superseded, or terminated:

(i) *For work performed on a time basis.*

Class of worker or operation:	Rate per hour
Harvest work:	
Harvester and loader operators	$1.20
Tractor drivers, truck drivers, harvester bottom blade operators, and hoist operators	1.15
Hand cutters, and scrappers behind loaders	1.05
All other harvesting workers	1.00
Production and cultivation work:	
Tractor drivers	1.10
All other production and cultivation workers	1.00

(ii) *Handicapped workers when employed on a time basis.* For workers certified by the Louisiana State Employment Service to be handicapped because of age or physical or mental deficiency or injury, and whose productive capacity is thereby impaired, the wage rate per hour shall be not less than 75 percent of the applicable hourly rate prescribed in subdivision (i) of this subparagraph.

(iii) *For work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker: *Provided*, That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of 2 weeks) shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate prescribed in subdivision (i) or (ii) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or a tractor shed located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to an assembly point located on the farm, or from a central recruiting point to the field, is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, the worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Workers not covered.* The requirements of this section are not applicable to persons who voluntarily perform work without pay in the production, cultivation, or harvesting of sugarcane on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged only in hauling sugarcane; members of a cooperative arrangement for exchange of labor; or to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

(c) *Evidence of compliance.* Each producer subject to the provisions of this section shall keep and preserve, for a period of 2 years following the date on which his application for a Sugar Act payment is filed, such wage records as will fully demonstrate that each worker has been paid in full in accordance with the requirements of this section. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this section have been met.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with

the requirements in this section through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local county Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Such claim must be filed within 2 years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local county ASCS office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, 3737 Government Street, Alexandria, La. 71303, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this title (29 F.R. 8200).

(f) *Failure to pay all wages in full.* Notwithstanding the provisions of this section requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representatives of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. Except as provided above in this paragraph, the entire Sugar Act payment with respect to a farm shall be withheld from the producer, if upon investigation the county committee determines that all workers on the farm have not been paid in full the wages required to be paid for all work in the production, cultivation, or harvesting of sugarcane on the farm, until such time as evidence required by the county ASC committee has been furnished to the committee establishing that all workers employed on the farm have been paid in full the wages earned by them. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt record for the total payment made until the county committee determines that all workers on the farm have been paid in full: *Provided*, That if the county committee determines that the producer did not pay all workers in full because of inadvertent error that was not discovered until after he signed the application for payment, the producer shall be placed on the debt record only for the total amount of the unpaid wages.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Louisiana as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing, and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

(c) *Wage determination.* This determination differs from the prior determination in that minimum time wage rates are increased 10 cents per hour for all employees, and the provision for reduced minimum rates with respect to youths 14 to 16 years of age is eliminated. All other provisions of the determination are unchanged.

A public hearing was held in Houma, La., on June 22, 1966, at which interested persons were afforded the opportunity to testify with respect to whether the wage rates established for Louisiana sugarcane fieldworkers in the wage determination which became effective November 1, 1965, continue to be fair and reasonable under existing circumstances, or whether such determination should be amended. The notice of hearing specifically requested testimony and recommendations on changes in worker classifications and wage rate differentials.

A representative of the Louisiana Farm Bureau Federation recommended that two worker classifications be established to include the following: (1) Mechanical operators—to include but not limited to those workers presently classified as tractor drivers, bottom blade operators, truck drivers, hoist operators, harvester operators, and loader operators; (2) labor (nonmechanical)—to include but not limited to those workers presently classified as hand cutters, scrappers, hoe hands, cane planters, and all other harvesting and production workers who are not mechanical opeartors. The witness stated that the minimum wage for the classification of mechanical operators should be based on the rate for tractor drivers, since most workers in this classification are tractor drivers; that the higher skilled workers, such as harvester and loader operators will receive higher rates because of the competition for such workers; and that too many worker classifications makes compliance difficult for some producers.

A Louisiana State University economist presented data obtained from a study of large-scale and family-size sugarcane farms in Louisiana. He stated that the 1964 crop, the latest for which data are available, was unfavorable by any standard of measurement, due to severe hurricane damage and average or below average prices for raw sugar and molasses. He said that producers suffered losses averaging $37 per acre in 1964, as compared to average profits of $30 per acre during the 5-year period 1959–63. Large-scale farms in Lousiana had losses averaging 11.4 percent of their investment in 1964 as compared to profits of 16.8 percent during 1959–63. Family-sized farms also were hurt in 1964, as returns to the farmer for his labor and management averaged only $2,658 as compared to $5,454 annually during the previous 5 years. He said that average net cash income for small farms in Louisiana averaged only $0.19 per ton of sugarcane during the 1959–63 period. He stated that for large-scale farms labor requirements declined from about 10 hours per ton of cane during 1946–49 to 3.7 hours during 1960–62, while direct labor costs averaged $3.47 per ton during 1937–64, $3.90 for 1951–64, and $4.01 for 1962–64, or a 16-percent increase in labor costs associated with a 70-percent decrease in labor requirements, so that labor has benefited more than the farmer from technological improvements.

He stated that since the minimum wage mechanism tends to operate in one direction only, that of increasing rather than decreasing wage rates, past results should be appraised in light of agreement with conditions likely to prevail in the future.

A representative of the American Sugar Cane League stated that conditions prevailing and anticipated for the coming crop do not justify an increase in wage rates. He said that during the past 10 years the cost of living has increased by only 14.5 percent while minimum wage rates have risen by 105 percent, and that although labor requirements have declined, efficiency was brought about through capital investment by the producer rather than through increased efficiency of the individual worker. He also stated that since 1947 minimum wage rates for production workers have increased by 165 percent and for harvest workers by 275 percent, while the cost of living has gone up only 35 percent for this period. He also recommended retention of present worker classifications and wage rate differentials.

Spokesmen for labor recommended wage minimums ranging from $1.25 per hour for laborers to $2.50 per hour for equipment operators. In support of their recommendation they stated that present rates yield less than $3,000 in annual income to a fully employed worker. One witness testified that wage rates should be increased immediately to $2.00 per hour, and recommended compulsory unemployment and disability insurance for fieldworkers. He said that should profits in the industry prove to be insufficient to permit higher wage rates, then sugar prices should be raised to the point where workers can be paid such rates. Another witness recommended a minimum of $2.50 per hour for equipment operators, saying that present rates are not commensurate with the level of skill required for the work.

Consideration has been given to the recommendations made at the public hearing, to the standards generally considered in wage determinations, to the returns, costs, and profits of producing sugarcane obtained by survey for a recent crop and recast to reflect conditions likely to prevail for the 1966 crop, and to other pertinent factors. This analysis indicates that the minimum wage rates established in this determination are fair and reasonable and are within the producer's ability to pay.

Although hurricane damage to the last two crops increased producers' harvest labor costs and resulted in reduced yields and profits, sugarcane production in Louisiana, on average, has been profitable in recent years. Improved raw sugar prices and prospects for better than average yields point to a profitable crop in 1966, and indicate that the wage increase as provided in this determination is within the producer's ability to pay. These rates will bring the minimum time rate for the lowest-paid worker classification into line with the minimum wage provided agricultural workers by the 1966 amendments to the Fair Labor Standards Act.

The recommendation of the Louisiana Farm Bureau that worker classifications in the determination be reduced to two classes has been studied. Although the Department is sympathetic to the basic principle, a significant segment of the industry failed to support the recommendation. Therefore, action on the proposal will be deferred for the time being.

This determination eliminates the provision for reduced minimum time rates for youths 14 to 16 years of age. Testimony at the public hearing indicates that producers have not used this provision except in minor instances. Moreover, this portion of the determination would not have been in agreement with the recent amendments to the Fair Labor Standards Act. The provision for reduced minimum rates with respect to handicapped workers is retained.

This determination is issued on a continuing basis and will be effective until amended or terminated. However, the Department will keep the wage situation under review and will conduct investigations and hold hearings annually.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended, 7 U.S.C. 1131)

(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

Effective date. This determination shall become effective on October 10, 1966.

Signed at Washington, D.C., on September 26, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-10660; Filed, Sept. 29, 1966; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On August 19, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 11035) regarding proposed expenses, the related rate of assessment for the fiscal period beginning July 1, 1966, and ending June 30, 1967, and carryover of unexpended funds from the fiscal period ended June 30, 1966, pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 925.206 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee during the fiscal period July 1, 1966, through June 30, 1967, will amount to $5,310.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 925.41, is fixed at $0.01 per one-half bushel or equivalent quantity of fresh prunes.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1966, shall be carried over as a reserve in accordance with the applicable provisions of § 925.42 of said marketing agreement and order to be available for use by the committee for all expenses authorized pursuant to § 925.40.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of fresh prunes are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fresh prunes from the beginning of such period; and (3) such period began on July 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable fresh prunes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 27, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10688; Filed, Sept. 29, 1966; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 252—LANDING OF ALIEN CREWMEN

Deserters from Spanish or Greek Ships of War

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 252.5 is amended to read as follows:

§ 252.5 Special procedures for deserters from Spanish or Greek ships of war.

(a) *General.* Under E.O. 11267 of January 19, 1966 (31 F.R. 807), and 28 CFR 0.109, and E.O. 11300 of August 17, 1966 (31 F.R. 11009), and 28 CFR 0.110, the Commissioner and immigration officers (as defined in § 103.1(i) of this chapter) are designated as "competent national authorities" on the part of the United States within the meaning of Article XXIV of the 1903 Treaty of Friendship and General Relations between the United States and Spain (33 Stat. 2105, 2117), and "local authorities" and "competent officers" on the part of the United States within the meaning of Article XIII of the Convention between the United States and Greece (33 Stat. 2122, 2131).

(b) *Application for restoration.* On application of a Consul General, Consul, Vice-Consul, or Consular-Agent of the Spanish or Greek Government, made in writing pursuant to Article XXIV of the treaty, or Article XIII of the Convention, respectively, stipulating for the restoration of crewmen deserting, stating that the person named therein has deserted from a ship of war of that government, while in any port of the United States, and on proof by the exhibition of the register, crew list, or official documents of the vessel, or a copy or extract therefrom, duly certified, that the person named belonged, at the time of desertion, to the crew of such vessel, such person shall be taken into custody by any immigration officer without a warrant of arrest. Written notification of charges shall be served on the individual when he is taken into custody or as soon as practical thereafter.

(c) *Examination.* Within a reasonable period of time after the arrest, the individual shall be accorded an examination by the district director, acting district director, or the deputy district director having jurisdiction over the place of arrest. He shall be informed that he may have the assistance of or be represented by a counsel or representative of his choice qualified under Part 292 of this chapter without expense to the Government, and that he may present such evidence in his behalf as may be relevant to this proceeding. If, upon the completion of such examination, it is determined that: (1) The individual sought by the Spanish or Greek authorities had deserted from a Spanish or Greek ship of war in a United States port; (2) the individual actually arrested and detained in the person sought; (3) this individual is not a citizen of the United States; and (4) this individual had not previously been arrested for the same cause and set at liberty because he had been detained for more than 3 months, or more than 2 months in the case of a deserter from a Greek ship of war, from the day of his arrest without the Spanish or Greek authorities having found an opportunity to send him home, the individual shall be served with a copy of the findings, from which no appeal shall lie, and be surrendered forthwith to the Spanish or Greek authorities if they are prepared to remove him from the United States. On written request of the Spanish or Greek authorities, the individual shall be detained, at their expense, for a period not exceeding 3 months or 2 months, respectively, from the day of arrest to afford opportunity to arrange for his departure from the United States.

(d) *Timely departure not effected.* If the Spanish authorities delay in sending the individual home for more than 3 months, or if the Greek authorities delay in sending the individual home for more than 2 months, from the day of his arrest, the individual shall be dealt with as any other alien unlawfully in the United States under the deportation provisions of the Immigration and Nationality Act, as amended.

(e) *Commission of crime.* If the individual has committed any crime or offense in the United States, he shall not be placed at the disposal of the consul until after the proper tribunal having jurisdiction in his case shall have pronounced sentence, and such sentence shall have been executed.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order are interpretative in nature.

Dated: September 27, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66-10663; Filed, Sept. 29, 1966; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 610—HOURS OF DUTY

Subpart A—Weekly and Daily Scheduling of Work

VARIATIONS IN WORK SCHEDULES FOR EDUCATIONAL PURPOSES

Subpart A of Part 610 is amended by adding a new § 610.122 to provide for a variation of the 40-hour workweek for educational purposes as authorized by Public Law 89-478. Effective on publication in the FEDERAL REGISTER, § 610.122 is added to Subpart A as set out below.

§ 610.122 Variations in work schedules for educational purposes.

(a) Notwithstanding § 610.121, the head of a department may authorize a special tour of duty of not less than 40 hours to permit an employee to take one or more courses in a college, university, or other educational institution when it is determined that:

(1) The courses being taken are not training under 5 U.S.C., Chapter 41;

(2) The rearrangement of the employee's tour of duty will not appreciably interfere with the accomplishment of the work required to be performed;

(3) Additional costs for personal services will not be incurred; and

(4) Completion of the courses will equip the employee for more effective work in the department.

(b) The department may not pay to the employee any premium pay solely because the special tour of duty authorized under this section causes the employee to work on a day, or at a time during the day, for which premium pay would otherwise be payable.

(c) The Commission may from time to time request a department to report on the use of this authority.

(5 U.S.C. 6101)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-10662; Filed, Sept. 29, 1966; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 55—OPERATORS' LICENSES

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Miscellaneous Amendments

On January 21, 1966, the Atomic Energy Commission published for comment (1) proposed amendments of its rules of practice, 10 CFR Part 2, (2) a proposed statement of general policy to be appended to that part and (3) miscellaneous proposed amendments of Parts 2, 50, 55, and 115 (31 F.R. 832). The proposed amendments were expected to expedite the Commission's facility licensing procedures and clarify certain provisions in existing regulations. The Commission also published on the same date, under separate notices, proposed amendments to Part 2 relating to intra-agency communications in regulatory

adjudications (31 F.R. 830) and a proposed amendment to Part 2 to state precisely when the jurisdiction of a presiding officer terminates (31 F.R. 831).

The proposed amendments to Part 2 in all three notices and the proposed policy statement reflected, in general, several of the recommendations made by a seven-member Regulatory Review Panel, appointed by the Commission to study (1) the programs and procedures for licensing and regulation of reactors and (2) the decision-making process in the Commission's regulatory program. The Panel's report included a number of recommendations in both areas, particularly in respect to the conduct of "uncontested" licensing proceedings at the construction permit stage.

All interested persons were invited to submit written comments and suggestions for consideration in connection with all of the proposed amendments within 60 days after publication of the notices of proposed rule making in the FEDERAL REGISTER. After careful consideration of the comments received, the Commission has decided to adopt the amendments set forth below, which except as noted, are the same as those set out in the notices of proposed rule making.

Amendments to Part 2—Intra-agency communications in initial licensing proceedings. The following amendments to §§ 2.4, 2.719, and 2.780 permit consultation and communications between Commissioners and presiding officers (hearing examiners and atomic safety and licensing boards) on the one hand, and the regulatory staff, on the other hand, in initial licensing proceedings other than contested proceedings. Such communication and consultation is also permitted with the staff other than the regulatory staff upon the initiative of the Commissioners. A contested proceeding is defined as one in which there is a controversy between the regulatory staff and the applicant concerning the issuance of the license or any of the terms and conditions thereof or in which a petition to intervene in opposition to the application has been granted or is pending before the Commission. In addition, the following amendments permit presiding officers to consult, in initial licensing proceedings other than contested proceedings, with members of the panel appointed by the Commission from which members of atomic safety and licensing boards are drawn. However, the statement of general policy set out below (Appendix A to Part 2) includes a statement to the effect that it is expected that such consultation will relate to specific technical matters rather than to matters of broad policy.

The proposed amendments published at 31 F.R. 830 would not have required that communication and consultation between the Commissioners and the staff other than the regulatory staff, in uncontested initial licensing proceedings, be upon the initiative of the Commissioners. Further, the proposed amendments would have permitted Commissioners to consult, in contested initial licensing proceedings, with staff who had not participated in the hearing as witness or counsel, and would have permitted presiding officers to consult with the entire Commission staff in uncontested initial licensing proceedings, and in both contested and uncontested initial licensing proceedings, with the panel from which atomic safety and licensing boards are appointed. Since the Commission appointed a new Regulatory Review Panel on April 4, 1966, to study the conduct of contested proceedings, it has been decided to postpone any amendments to the Commission's rules relating to intra-agency communications in such proceedings until the recommendations of that Panel have been received. Limiting consultation by presiding officers to the regulatory staff will afford them access to those members of the staff who have the greatest familiarity with the subject matter of the proceeding.

The changes will in no way lessen the fairness or objectivity which characterize the Commission's present decision-making process. If either a final or an initial decision rests on fact or opinion obtained as a result of any communication authorized by the amendments, the substance of the communication is required to be made a matter of public record in the proceeding and opportunity for rebuttal afforded to any party on timely request, thus assuring that decisions will be made on the basis of the public record in the proceeding.

Termination of jurisdiction of presiding officers. The amendment of § 2.717 (a) set out below provides that the jurisdiction of presiding officers in adjudicatory proceedings shall terminate when the initial decision becomes the final action of the Commission in the absence of review, or when the Commission, after review, renders a final decision, or when the presiding officer withdraws from the case upon considering himself disqualified, whichever is earliest. The amendment makes clear that presiding officers, who exercise quasi-judicial functions, would have no authority or responsibility to take any action after that time. The amended paragraph is the same as that published for comment at 31 F.R. 831.

Notice of hearing. The amendment of § 2.104 which follows adds a new paragraph (b) to set out the issues which will be specified in the notice of hearing on applications for a construction permit for a facility under section 103 or section 104 b. of the Atomic Energy Act of 1954, as amended (the Act), or for a testing facility under section 104 c. of the Act. If such a proceeding is not contested, a de novo evaluation of the application would not be conducted, and the board would determine whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, both to support the findings proposed to be made by the Director of Regulation, which are necessary under the Act and the Commission's regulations for the issuance of a provisional construction permit, and the issuance of the provisional construction permit as proposed by the Director of Regulation. If such a proceeding is contested, the board will decide all matters in controversy, and make the findings on the issues specified in the notice of hearing for a contested proceeding.

Except for minor editorial changes, § 2.104(b) is the same as the proposed paragraph published for comment at 31 F.R. 832.

Technically qualified alternates for atomic safety and licensing boards. The amendment of § 2.721 sets out the procedure which will be followed by the Commission in designating a technically qualified alternate for an atomic safety and licensing board and the effect of such designation. The amendment specifies that if a technically qualified member of a board becomes unavailable before the hearing commences, the board may constitute the alternate as a member of the board by notifying the Commission and the alternate.

Effectiveness of initial decisions. Section 2.764 has been amended to provide that, except where good cause has been shown by a party why the initial decision should not become immediately effective, an initial decision which directs the issuance or amendment of a construction permit or authorization will be effective immediately, without the necessity of filing a motion for expedited effectiveness, subject to Commission review. The amendment also provides for issuance of the permit authorized within 10 days from the effective date of the initial decision. The text of amended § 2.764 is the same as that of the proposed amendment published for comment at 31 F.R. 832.

Statement of general policy—appendix A to Part 2. Licensing hearings involving the construction and operation of nuclear reactors and other production and utilization facilities are ordinarily conducted by atomic safety and licensing boards whose establishment by the Commission was authorized by section 191 of the Act. The Commission has authorized such boards to conduct public hearings and make initial decisions in proceedings relating to the granting, suspending, revoking, or amending of licenses or authorizations issued by the Commission. Rules applicable to licensing proceedings conducted by boards (and by hearing examiners) are set forth in 10 CFR Part 2.

The statement of general policy set out below (Appendix A to Part 2) explains the procedures to be followed in the conduct by atomic safety and licensing boards of proceedings involving applications for construction permits on which the Act requires a hearing.

The statement of general policy adopted is the same as that published for comment at 31 F.R. 832 except for minor editorial changes in sections I(d), II (Prehearing Conference), III(b)(6), (g), VI(b)(1)(c), and (d), the addition of a sentence in section I, that the notice of hearing will ordinarily announce the date and place of the prehearing conference, and the addition of new sections V(c) and VI(g) relating to intra-agency communications.

Amendments to Parts 50, 55, and 115. The Commission has adopted certain minor or clarifying amendments of 10 CFR Parts 50 and 115 with respect to (1) the findings necessary to support the issuance of a provisional construction permit or authorization and (2) the terms used to designate the documents which are now termed (a) the "hazards report" submitted by applicants for permits or licenses under Part 50 or authorizations under Part 115 and (b) the "hazards analysis" prepared by the Commission's regulatory staff.

Sections 50.35(a) and 115.24(a), which authorize issuance of a provisional construction permit or authorization upon the Commission's making certain findings, have been amended to clarify the point that certain design and technical information need not be submitted by the applicant until the operating license stage. Except for minor editorial changes in §§ 50.35(a)(3) and 115.24(a)(3), the text of the amended paragraphs is the same as that of the proposed amendments published for comment at 31 F.R. 832.

In addition, the Commission has amended Parts 50 and 115 (and Parts 2 and 55) to substitute the term "safety analysis report" for "hazards summary report" and "safety analysis" for "hazards analysis" (or the equivalent) where they appear.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 2, 50, 55, and 115, are published as a document subject to codification, to be effective thirty (30) days after publication in the FEDERAL REGISTER.

1. Section 2.4 of 10 CFR Part 2 is amended by adding a new paragraph (n) to read as follows:

§ 2.4 Definitions.

* * * * *

(n) "Contested proceeding" means (1) a proceeding in which there is a controversy between the regulatory staff of the Commission and the applicant for a license concerning the issuance of the license or any of the terms or conditions thereof or (2) a proceeding in which a petition for leave to intervene in opposition to an application for a license has been granted or is pending before the Commission.

2. Paragraph (b) of § 2.104 of 10 CFR Part 2 is redesignated paragraph (c) and a new paragraph (b) is added to § 2.104 to read as follows:

§ 2.104 Notice of hearing.

* * * * *

(b) In the case of an application for a construction permit for a facility on which the Act requires a hearing, the notice of hearing will, unless the Commission determines otherwise, state, in implementation of paragraph (a)(3) of this section:

(1) That, if the proceeding is a contested proceeding, the presiding officer will consider the following issues:

(i) Whether in accordance with the provisions of § 50.35(a) of this chapter:

(a) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development, have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (*1*) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of the proposed facility; and (*2*) taking into consideration the site criteria contained in Part 100 of this chapter, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

(ii) Whether the applicant is technically qualified to design and construct the proposed facility;

(iii) Whether the applicant is financially qualified to design and construct the proposed facility;

(iv) Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

(2) That, if the proceeding is not a contested proceeding, the presiding officer will, without conducting a de novo evaluation of the application, determine whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support affirmative findings on subdivisions (i) through (iii) specified in subparagraph (1) of this paragraph (b) and a negative finding on subdivision (iv) specified in subparagraph (1) of this paragraph (b) proposed to be made and the issuance of the provisional construction permit proposed by the Director of Regulation.

* * * * *

§§ 2.105, 2.106 [Amended]

3. Sections 2.105(b)(2) and 2.106(b)(2) of 10 CFR Part 2 are amended by substituting the words "safety analysis" for "safeguards analysis" where they appear.

4. Paragraph (a) of § 2.717 of 10 CFR Part 2 is revised to read as follows:

§ 2.717 Commencement and termination of jurisdiction of presiding officer.

(a) Unless otherwise ordered by the Commission, the jurisdiction of the presiding officer designated to conduct a hearing over the proceeding, including motions and procedural matters, commences when the proceeding commences. If no presiding officer has been designated, the Chief Hearing Examiner has such jurisdiction or, if he is unavailable, another hearing examiner has such jurisdiction. A proceeding is deemed to commence when a notice of hearing is issued. When a notice of hearing provides that the presiding officer is to be a hearing examiner, the Chief Hearing Examiner will designate by order the hearing examiner who is to preside. The presiding officer's jurisdiction in each proceeding will terminate upon the expiration of the period within which the Commission may direct that the record be certified to it for final decision, or when the Commission renders a final decision, or when the presiding officer shall have withdrawn himself from the case upon considering himself disqualified, whichever is earliest.

* * * * *

5. Section 2.719 of 10 CFR Part 2 is amended by revising paragraphs (b) and (c) and adding a new paragraph (d) to read as follows:

§ 2.719 Separation of functions.

* * * * *

(b) In any adjudication, the presiding officer may not consult any person other than a member of his staff on any fact in issue unless on notice and opportunity for all parties to participate, except (1) as required for the disposition of ex parte matters as authorized by law and (2) as provided in paragraph (c) of this section.

(c) In any adjudication for the determination of an application for initial licensing, other than a contested proceeding, the presiding officer may consult (1) members of the panel appointed by the Commission from which members of atomic safety and licensing boards are drawn, and (2) the regulatory staff.

(d) Except as provided in paragraph (c) of this section and § 2.780(e), in any case of adjudication, no officer or employee of the Commission who has engaged in the performance of any investigative or prosecuting function in the case of a factually related case may participate or advise in the initial or final decision, except as a witness or counsel in the proceeding. Where an initial or final decision is stated to rest in whole or in part on fact or opinion obtained as a result of a consultation or communication authorized by paragraph (c) of this section or § 2.780(e), the substance of the communication shall be specified in the record in the proceeding and every party shall be afforded an opportunity to controvert the fact or opinion. If the parties have not had an opportunity to controvert such fact or opinion prior to the filing of the decision, a party may controvert the fact or opinion by filing an exception to the initial decision, or a petition for reconsideration of a final decision, clearly and concisely setting forth the information or argument relied on to show the contrary.

6. Section 2.721 of 10 CFR Part 2 is revised to read as follows:

§ 2.721 Atomic safety and licensing boards.

(a) The Commission may from time to time establish one or more atomic safety and licensing boards, each composed of three members, two of whom will be technically qualified and one of whom will be qualified in the conduct of administrative proceedings, to preside in such proceedings for granting, suspending, revoking, or amending licenses or authorizations as the Commission may designate.

(b) The Commission may designate a technically qualified alternate for an atomic safety and licensing board established pursuant to paragraph (a) of this section. If a technically qualified member of a board becomes unavailable before the hearing commences, the board may constitute the alternate as a member of the board by notifying the Commission and the alternate who will, as of the date of such notification, serve as a member of the board.

(c) An atomic safety and licensing board shall have the duties and may exercise the powers of a presiding officer as granted by § 2.718 and otherwise in this part. At any time when such a board is in existence but is not actually in session, any powers which could be exercised by a presiding officer or by the chief hearing examiner may be exercised with respect to such a proceeding by the chairman of the board having jurisdiction over it.

7. Section 2.764 of 10 CFR Part 2 is revised to read as follows:

§ 2.764 Immediate effectiveness of initial decision directing issuance or amendment of construction permit.

(a) An initial decision directing the issuance or amendment of a construction permit or construction authorization shall be effective immediately upon issuance unless the presiding officer finds that good cause has been shown by a party why the initial decision should not become immediately effective, subject to the review thereof and further decision by the Commission upon exceptions filed by any party pursuant to § 2.762 or upon its own motion.

(b) The Director of Regulation, notwithstanding the filing of exceptions, shall issue a construction permit or authorization, or amendments thereto, authorized by an initial decision, within ten (10) days from the date of issuance of the decision.

8. Section 2.780 of 10 CFR Part 2 is amended by revising paragraph (d) and adding a new paragraph (e) to read as follows:

§ 2.780 Ex parte communications.

* * * * *

(d) This section does not apply to communications authorized by paragraph (e) of this section, to the disposition of ex parte matters authorized by law, or to communications requested by the Commission concerning:

(1) Its proprietary functions;

(2) General health and safety problems and responsibilities of the Commission; or

(3) The status of proceedings.

(e) In any adjudication for the determination of an application for initial licensing, other than a contested proceeding, Commissioners, members of their immediate staffs and other AEC officials and employees who advise the Commissioners in the exercise of their quasi-judicial functions may consult the regulatory staff, and the regulatory staff may communicate with Commissioners, members of their immediate staffs and other AEC officials and employees who advise the Commissioners in the exercise of their quasi-judicial functions. Such communication or consultation in an adjudication for the determination of an application for initial licensing, other than a contested proceeding, shall also be permitted with the staff other than the regulatory staff upon the initiative of the Commissioners.

A statement of general policy is appended to 10 CFR Part 2 to read as follows:

APPENDIX A—STATEMENT OF GENERAL POLICY: CONDUCT OF PROCEEDINGS FOR THE ISSUANCE OF CONSTRUCTION PERMITS FOR PRODUCTION AND UTILIZATION FACILITIES FOR WHICH A HEARING IS REQUIRED UNDER SECTION 189 a. OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

On December 8, 1962, the Atomic Energy Commission published amendments of its Rules of Practice (10 CFR Part 2) to describe the functions and procedures of its atomic safety and licensing boards (27 F.R. 12184). Those amendments implemented Public Law 87-615 of the 87th Congress, effective August 30, 1962, which was designed to permit greater flexibility and to encourage informality in the conduct of AEC licensing proceedings. The statement of considerations which was published with the amendments to Part 2 included recommendations for the conduct of proceedings by atomic safety and licensing boards, in order to carry out the purpose that hearings in which there are no substantial contested issues among the parties should be conducted more informally than had theretofore been the practice. On November 26, 1963, the Commission issued Press Release F-340 which covered in greater detail the same general subject matter as the statement of considerations and also emphasized the importance which the Commission attached to implementing the informal procedures to the fullest extent practicable in uncontested cases. In the statement of considerations the Commission, recognizing the need for continuing review of its procedures, specifically pointed out that it intended to adopt from time to time any further amendments of its regulations which experience in the operation of atomic safety and licensing boards might indicate as being necessary or desirable.

As a part of that continuing review the Commission announced the appointment of a seven-member Regulatory Review Panel on January 28, 1965, to study (1) the programs and procedures for the licensing and regulation of reactors and (2) the decision-making process in the Commission's regulatory program.

Several of the Panel's recommendations, which were submitted on July 14, 1965, are implemented in the amendments to Part 2 which have been issued simultaneously herewith. As a result of those amendments, the statement of considerations and press release referred to above no longer accurately reflect in detail current Commission rules and policy.

The following Statement of General Policy explains in detail the procedures which the Atomic Energy Commission expects to be followed by atomic safety and licensing boards in the conduct of proceedings relating to the issuance of construction permits for nuclear power and test reactors and other production or utilization facilities for which a hearing is mandatory under section 189a of the Atomic Energy Act of 1954, as amended (the Act).[1] The Statement reflects the Commission's intent that such proceedings be conducted informally and expeditiously and its concern that its procedures maintain sufficient flexibility to accommodate that objective.

Such proceedings are frequently uncontested in that the application for a construction permit is not opposed by an intervenor nor are there any controversies between the Commission's regulatory staff and the applicant concerning the issuance of the permit or the terms and conditions thereof. The provisions of sections I through V of the following Statement are, for the sake of convenience, set out in the framework of the uncontested proceeding. They are applicable also, however, to the contested proceeding except as the context would otherwise indicate, or except as indicated in section VI. Section VI sets out the procedures specifically applicable to the contested proceeding.

Atomic safety and licensing boards are appointed from time to time by the Atomic Energy Commission to conduct hearings in licensing cases under the authority of section 191 of the Act. Section 191 authorizes the Commission to establish one or more atomic safety and licensing boards to conduct public hearings and to make intermediate or final decisions in administrative proceedings relating to granting, suspending, revoking or amending licenses or authorizations issued by the Commission. It requires that each board consist of two members who are technically qualified and one member who is qualified in the conduct of administrative proceedings. Members for each board may be appointed by the Commission from a panel selected from private life, the staff of the Commission or other Federal agencies.

This statement is intended as a guide to the conduct of public hearings under the mandatory hearing requirements of the Act for the information of the public and assistance of members of boards and parties to licensing proceedings. It is not all inclusive. It is intended to explain and summarize certain requirements of governing statutes, the Commission's Rules of Practice, 10 CFR Part 2, and some applicable principles of law and good practice.

I. PRELIMINARY MATTERS

(a) A public hearing is announced by the issuance of a notice of hearing signed by the Commission's Secretary, stating the nature of the hearing, its time and place and the issues to be considered. When a hearing is to be held before a board, the notice of hearing will ordinarily designate the chairman and the other members. The time and

[1] Except as the context may otherwise indicate, this Statement is also generally applicable to the conduct of proceedings for the issuance of operating licenses for such facilities, as well as to authorization proceedings conducted under Part 115, Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements, and to licensing proceedings of the type described in the Statement which may be conducted by a hearing examiner as the presiding officer.

place of the prehearing conference will ordinarily be stated in the notice of hearing. The notice of hearing is published in the FEDERAL REGISTER at least 30 days prior to the date of hearing. In addition, a public announcement is issued by the Commission regarding the date and place of the hearing.

(b) In fixing the time and place of any postponed hearing or of the prehearing conference the boards will take into consideration the convenience of board members, the AEC staff and other parties to the extent practicable.

(c) The notice of hearing will, unless the staff opposes the application, include the findings which the Director of Regulation proposes to make, that is, the findings which are necessary under the Act and the Commission's regulations to support the granting of an application, and the form of provisional construction permit which he proposes to issue. The Director of Regulation will, of course, be free to propose different findings on the basis of new information brought out at the hearing.

(d) The notice of hearing will state that the board will determine whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation and the issuance of the proposed provisional construction permit. The notice of hearing will also state that the board will not conduct a de novo evaluation of the application.

(e) Prior to a hearing, board members should review and become familiar with:

The record of any relevant prior proceedings in the case, including initial decisions and Commission orders. The Advisory Committee on Reactor Safeguards (ACRS) report, the staff safety analysis, the application and all other papers filed in the proceeding. The Commission's Rules of Practice, 10 CFR Part 2, and such other regulations or published statements of policy of the Commission as may be pertinent to the proceedings.

(f) At any time when a board is in existence but is not actually in session, the chairman has all the powers of the board to take action on procedural matters. The chairman may have occasion, when the board is not in session, to dispose of preliminary procedural requests including, among other things, motions by parties relating to the conduct of the hearing. He may wish to discuss such requests with the other members of the board before ruling on them. No interlocutory appeal [1] may be taken by a party as a matter of right from a ruling of the chairman or the board. The board should refer the challenged ruling to the Commission for a final decision if, in its judgment, a prompt decision is necessary to prevent detriment to the public interest or unusual delay or expense. This authority should be exercised sparingly, and only when deemed essential in fairness to the parties or the public.

II. PREHEARING CONFERENCE

(a) A prehearing conference, which is authorized in § 2.752 of 10 CFR Part 2, serves a vital function in defining substantive issues and in settling matters of procedure before the start of the hearing. A prehearing conference should be regarded as an informal meeting of the board with the parties to facilitate and expedite the conduct of the hearing where (a) the significant safety questions can be identified and discussed, (b) any matters in controversy between the parties can be clearly identified, and (c) any preliminary matters, such as identifying the witnesses to be presented by the parties or requested by the board; specifying the order and method of presentation of their testimony; scheduling the exchange of prepared testimony and documentary evidence; determining the contents of the decisional record and the method of designating exhibits; discussing procedures to be followed at the hearing; and arriving at such agreements as will aid in the conduct and expeditious disposition of the proceeding, can be disposed of. The Commission strongly encourages their use and expects that a prehearing conference will ordinarily be held in each licensing proceeding before an atomic safety and licensing board. However, the prehearing conference is not a substitute for the hearing and matters discussed and agreements reached therein become a part of the decisional record only to the extent they are specifically incorporated in the decisional record by order or otherwise.

(b) The timing of the prehearing conference will depend on the nature of the case. When feasible, it will assist preparation for the hearing if the prehearing conference is held well in advance of the hearing. The date and place of the prehearing conference will usually be announced in the notice of hearing. Prehearing conferences are open to the public except under exceptional circumstances involving matters such as those referred to in 10 CFR 2.790 (a) and (b) ("company confidential" information; classified information; and certain privileged information not normally a part of the hearing record).

(c) It is expected that a transcript of each prehearing conference will be prepared.

(d) Any agreements reached or decisions made at the conference will be incorporated promptly in the formal record of the hearing without prejudice to the rights of any subsequent intervenor. The board will be expected at the opening of the hearing to state on the record that such a conference has been held and the time and place of the meeting and the persons who attended.

(e) The applicant, the regulatory staff and other parties will ordinarily provide each other and the board with copies of prepared testimony in advance of the hearing. A schedule may be established at the prehearing conference for exchange of prepared testimony. The applicant ordinarily files a summary of his application, including a summary description of the reactor and his evaluation of the considerations important to safety, and the staff files a safety analysis prior to the hearing. These may constitute the testimony of witnesses sworn at the hearing. All of these documents and prepared testimony are filed in the Commission's Public Document Room and are available for public inspection.

III. THE HEARING

The following procedures should be observed in the conduct of public hearings:

(a) *Preliminary.* (1) A verbatim transcript will be made of the hearing.

(2) The chairman should convene the hearing by stating the title of the proceeding and describing its nature.

(3) He should state the date, time, and place at which the prehearing conference was held, and identify the persons participating in it. He should summarize the prehearing order, or, if there is no written prehearing order, the results of the prehearing conference.

(4) He should explain the procedures for the conduct of the hearing. He should request that counsel for the parties identify themselves on the record, and provide them with the opportunity to make opening statements of their respective positions.

(5) He should describe, for the benefit of members of the public who may be present, the respective roles of the board, the ACRS and the staff, and the Commission procedures for review of the decision. He should also describe the continuing review and inspection surveillance conducted by the Commission after a construction permit or an operating license has been issued.

(b) *Intervention and limited appearances.* (1) The chairman should call attention to the provisions of 10 CFR 2.714 *Intervention* and 2.715 *Participation by a person not a party (limited appearance).* He should briefly explain these provisions and the rights of persons who may qualify as intervenors or as persons to be permitted to make limited appearances. He should call attention to the provision of 10 CFR 2.714(d) that the granting of a petition to intervene does not change or enlarge the issues specified in the notice of hearing unless expressly provided in the order allowing intervention.

(2) The chairman should inquire of those in attendance whether there are any who wish to participate in the hearing by intervention or by limited appearance.

(3) The board should rule on each request to participate in the hearing on either basis. The Commission's rules require that a petition for intervention be filed at least seven days prior to the start of the hearing. A board has general authority to extend the time for good cause with respect to allowing intervention.

(4) As required by § 2.714 of 10 CFR Part 2, a person who wishes to intervene must set forth, in a petition for leave to intervene, his interest in the proceeding, how the interest may be affected by Commission action, and his contentions. After consideration of any answers, the board will rule on the petition. In any event, the board should not permit enlarging of the issues, or receive evidence from an intervenor, with respect to matters beyond the jurisdiction of the Commission.

(5) Those permitted to intervene become parties to the proceeding. Persons permitted to make limited appearances do not become parties, but should be permitted to make statements at such stage of the proceeding as the board may consider appropriate. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. The board may wish to limit the length of oral statements. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance for the purpose of making a statement.

(6) It is important that the board make clear to the members of the public seeking to participate the difference between intervention and limited appearance. An intervenor, unlike a person making a limited appearance, has all the rights of the applicant and the staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person making a limited appearance may want not only to state his position, but to raise questions which he would like to have answered. This should be permitted to the extent the questions are within the scope of the proceeding as defined by the issues set out in the notice of hearing, the prehearing conference report, and any later orders. Usually such persons should be asked to make their statements and raise their questions early in the proceeding so that the board will have an opportunity to be sure that relevant and meritorious questions are properly dealt with during the course of the hearing.

(7) It is the Commission's view that the rules governing intervention and limited appearances are necessary in the interest of orderly proceedings. The Commission also believes that though these two methods of public participation all members of the public are assured of the right to participate by a method appropriate to their interest in the matter. This should be fully explained at the beginning of the hearing. In some cases the board may feel that it must deny an application to intervene but that it can still accommodate the desire of the person involved by allowing him to make a statement and raise questions under the limited appearance rule.

(8) Boards have considerable discretion as to the manner in which they accommodate their conduct of the hearing to local public interest and the desires of local citizens to be heard. Particularly in cases where it is evident that there is local concern as to the safety of the proposed plant, boards should so conduct the hearing as to give appropriate opportunity for local citizens to express their views, while at the same time protecting the legal interest of all parties and the public interest in an orderly and efficient licensing process. Boards should give full public recognition to the fact that utilization of such opportunity is one of the important reasons why public hearings are held by the Commission and are held in the locality of interest.

(c) *Opening statements and testimony.* (1) In order to facilitate public understanding of the proceeding it is anticipated that the applicant (who has the burden of proof in licensing proceedings), will, at an appropriate time early in the proceeding, make an oral statement describing in terms that will be readily understood by the public, the manner in which the safety of the public will be assured, by such provisions as siting, safety features of the reactor, including engineered safeguards, etc. It may be that the "summary description of the reactor and * * * evaluation of the considerations important to safety" referred to at paragraph (e) of section II above, will satisfactorily serve as the basis for such oral statement.

(2) The staff will also, early in the proceeding but after the applicant has made the oral statement referred to in the preceding paragraph, make an oral statement describing the staff's evaluation of the application and the reasons for the conclusions reached by the staff, and summarizing the various steps taken by the staff and the ACRS in their review of the application.

(3) The testimony of all witnesses will be given under oath. These witnesses may be collectively sworn at the opening of the hearing or if additional witnesses are called upon to testify at a subsequent stage they may be sworn at the time of their appearance.

(4) There is ordinarily no need for oral recital of prepared testimony unless the board considers that some useful purpose will be served. Each witness presented by a party may be questioned by other parties and by the board. Unless testimony is being taken on a roundtable basis or there is some occasion for clarification of testimony as rendered, the board may wish to reserve its questions until the parties have completed questioning of the witnesses, since counsel for the respective parties will generally be prepared to develop the various lines of pertinent questions.

(5) Opportunity should be assured, on an orderly basis, for each party to comment on statements made by other parties.

(6) The proceedings should be conducted as expeditiously and informally as practicable, without impairing the development of a clear and adequate record. The order of presenting testimony may be freely varied in the conduct of the hearing. The board may find it helpful to take expert testimony from witnesses on a roundtable basis after the receipt in evidence of prepared written testimony.

(7) Objections may be made by counsel to any questions or any line of questioning, and should be ruled upon by the board. The board may admit the testimony, may sustain the objection, or may receive the testimony, reserving for later determination the question of admissibility. In passing on objections, the board, while not bound to view proffered testimony according to its admissibility under strict application of the rules of evidence in judicial proceedings, should exclude testimony that is clearly irrelevant to issues in the case, or that pertains to matters outside the jurisdiction of the board or the Atomic Energy Commission. Examples of matters which are considered irrelevant to the issues in the case or outside the jurisdiction of the board or the Atomic Energy Commission include the thermal effects (as opposed to the radiological effects) of the facility operation on the environment; the effect of the construction of the facility on the recreational, economic or political activities of the area near the site; and matters of aesthetics with respect to the proposed construction.

(d) *Documentary evidence.* (1) Documentary evidence may be offered in evidence as provided in 10 CFR 2.743.

(2) Such evidence offered during the course of the hearing should be described by counsel, and furnished to the reporter for marking. Documents offered for marking should be numbered in order of receipt. On identification of a document, it may be offered in evidence.

(e) *Record.* The transcript of testimony and the exhibits, together with all of the papers and requests filed in a proceeding, constitute the record for decision, except to the extent that official notice is taken pursuant to the following paragraph.

(f) *Official notice.* (1) "Official notice" is a legal term of art. Generally speaking, a decision by a board must be made on the basis of evidence which is in the record of the proceeding. A board, however, is expected to use its expert knowledge and experience in evaluating and drawing conclusions from the evidence that is in the record. The board may also take account of and rely on certain facts which do not have to be "proved" since they are "officially noticed"; these facts do not have to be "proved" since they are matters of common knowledge.

(2) Pursuant to 10 CFR 2.743(i) "official notice" may be taken of any fact of which judicial notice might be taken by the courts of the United States and of any technical or scientific fact within the knowledge of the Commission as an expert body, if (1) the fact is specified in the record or is brought to the attention of the parties before the final decision, and (2) every party adversely affected by the decision is afforded an opportunity to controvert the fact. (For example, a board might take "official notice" of the fact that high level wastes are encountered mainly as liquid residue from fuel reprocessing plants.) Matters which are "officially noticed" by a board furnish the same basis for findings of fact as matters which have been placed in evidence and proved in the usual sense.

(g) *Participation by board members.* (1) Boards are neither required nor expected to duplicate the review already performed by the regulatory staff and the ACRS and they are authorized to rely upon the uncontroverted testimony of the regulatory staff and the applicant and the uncontroverted conclusions of the ACRS. The role of the board is to decide whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation and the issuance of the provisional construction permit proposed by the Director of Regulation. The board will not conduct a de novo evaluation of the application, but rather, will test the adequacy of the staff's review upon which are based the findings and form a provisional construction permit which the Director of Regulation proposes to issue. If the board believes that additional information is required in the technical presentation in such a case, it would be expected to request the applicant or staff to supplement the presentation. If a recess should prove necessary to obtain such additional evidence, the recess should ordinarily be postponed until available evidence on all issues has been received.

(2) A question may be certified to the Commission for its determination when the question is beyond the board's authority, or when a major or novel question of policy, law or procedure is involved which cannot be resolved except by the Commission and when the prompt and final decision of the question is important for the protection of the public interest or to avoid undue delay or serious prejudice to the interests of a party. For example, a board may find it appropriate to certify novel questions to the Commission as to the regulatory jurisdiction of the Commission or the right of persons to intervene.

(h) *Close of hearing.* (1) A board should give each party the opportunity to make a brief closing statement.

(2) A schedule should be set by the board and recorded, either in the transcript or by written order, of the dates upon which the parties are directed by the board to file proposed findings of fact and conclusions of law. Proposed transcript corrections and proposed findings and conclusions are ordinarily filed in the first instance by the applicant, with opportunity for response by the regulatory staff and any intervenor. The atomic safety and licensing board need allow only a minimum time for the filing of proposed findings of fact and conclusions of law, briefs, and proposed form of order or decision, as permitted by § 2.754 of 10 CFR Part 2. It is expected that the proposed findings will ordinarily be extremely brief. Since there will be no significant issues in controversy, there will be no need for extensive findings.

(3) The board should dispose of any additional procedural requests.

(4) The chairman should formally close the hearing.

IV. POST-HEARING PROCEEDINGS, INCLUDING THE INITIAL DECISION

(a) A board, acting through the Chairman, should dispose of procedural requests made after the close of the hearing, including motions of the parties for correction of the transcript. Responses to requests and motions of the parties are made part of the record by issuance of written orders.

(b) On receipt of proposed findings and conclusions from the parties, the board should prepare the initial decision. Under the Administrative Procedure Act and the Commission's regulations, the decision should include:

(1) Findings, conclusions, and rulings, with the reasons or basis for them, on all material issues of fact, law or discretion presented on the record;

(2) All facts officially noticed and relied on, if any, in making the decision;

(3) The appropriate ruling, order or denial of relief, with the effective date and time within which exceptions to the initial decision may be filed;

(4) The time when the decision becomes final.

[1] An interlocutory appeal means an appeal to the Commission from a ruling made by the board during the time between the issuance of a notice of hearing and the issuance of the initial decision.

(c) A board will not ordinarily be expected to make formal recital of findings in greater detail than general or ultimate findings on the issues specified in the notice of hearing, namely, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation and the issuance of the proposed provisional construction permit. The board will, of course, rule on findings of fact and conclusions of law proposed by the parties. To the extent that there may be disagreements between any of the parties on any particular matters, the board will be expected to make such detailed findings of fact as are appropriate to support the decisions reached on those matters. If the board finds affirmatively on the issues referred to above, the Director of Regulation will, upon his making the proposed findings, issue the permit. If the board finds negatively on those issues, the Director of Regulation will deny the application.

(d) A board will be expected to discuss concisely, in its decision, the principal safety matters involved in the issuance or denial of the proposed provisional construction permit. A board's initial decision should be prepared with the objective of familiarizing the public and the Commission with the reasons for the board's conclusions as to the sufficiency of the application and the record of the proceeding and the adequacy of the review of the application by the Commission's regulatory staff to support both the findings proposed by the Director of Regulation and the issuance of the provisional construction permit.

(e) It is expected that ordinarily a board will render its initial decision in an uncontested case within 15 days after its receipt of proposed findings of fact and conclusions of law filed by the parties.

(f) The initial decision will be transmitted to the Chief, Public Proceedings Branch, Office of the Secretary, for issuance.

(g) After a board's initial decision is issued, the entire record of the hearing, including the board's initial decision, will be sent to the Commission for review. In the course of this review, the Commission may allow a board's decision to become the final decision of the Commission, may modify a board's decision, or may send the case back to the board for additional testimony on particular points or for further consideration of particular issues.

(h) After completion of construction, the applicant must obtain an operating license; but a hearing on the operating license will not be held unless demanded by a party or ordered by the Commission. Where a hearing is held at the operating stage, it would be the practice of the Commission to attempt to use the same board which conducted the construction permit hearing.

V. GENERAL

(a) Two members, being a majority of the board, constitute a quorum. The vote of a majority controls in any decision by a board, including rulings during the course of a hearing as well as formal orders and the initial decision. A dissenting member is, of course, free to express his dissent and the reasons for it in a separate opinion for the record.

(b) The Commission may designate a technically qualified alternate for a board. The alternate will receive copies and become familiar with the application and other documents filed by the parties prior to the start of the hearing. It is expected that the alternate will be constituted by the board as a member of the board in situations where a technically qualified member of the board becomes unavailable for further service prior to the start of the hearing.

(c) Title 10 CFR 2.719 and 2.780 specify the conditions on which there is permitted to be consultation between Commissioners and boards, on the one hand, and the staff, on the other hand, in initial licensing proceedings other than contested proceedings. Title 10 CFR 2.719 also permits a board, in the same type of proceeding, to consult with members of the panel from which members of the boards are drawn. However, it is expected that such consultation by a board, when it occurs, will relate to specific technical matters rather than to matters of broad policy.

VI. PROCEDURES APPLICABLE TO CONTESTED PROCEEDINGS

(a) This section sets out certain differences in procedure from those described in sections I–V above, which are required by the fact that the proceeding is a "contested proceeding." Otherwise, the provisions of sections I through V of this Statement of General Policy also apply to a "contested proceeding."

(b) Issues to be decided by Board:

The board will, if the proceeding becomes a contested proceeding, make findings on the issues specified in the notice. In a contested proceeding, the board will determine:

(1) Whether in accordance with the provisions of 10 CFR 50.35(a);

(a) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features and components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

(2) Whether the applicant is technically qualified to design and construct the proposed facility;

(3) Whether the applicant is financially qualified to design and construct the proposed facility;

(4) Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In considering those issues, however, the board will, as to matters not in controversy, be neither required nor expected to duplicate the review already performed by the Commission's regulatory staff and the ACRS; the board is authorized to rely upon the uncontroverted testimony of the regulatory staff and the applicant and the uncontroverted conclusions of the ACRS.

(c) Prehearing conference:

In contested proceedings, the use of the prehearing conference to identify what matters are in controversy and to clarify their relationship to the issues before the board is of primary importance.

(d) Participation by board members:

In contested proceedings, the board will determine controverted matters as well as decide whether the findings required by the Act and the Commission's regulations should be made. Thus, in such proceedings, the board will determine the matters in controversy and may be called upon to make technical judgments of its own on those matters. As to matters which are not in controversy, boards are neither required nor expected to duplicate the review already performed by the regulatory staff and the ACRS and they are authorized to rely upon the uncontroverted testimony of the regulatory staff and the applicant and the uncontroverted conclusions of the ACRS. Thus, the board need not evaluate those matters already evaluated by the staff which are not in controversy.

(e) Close of hearing:

In contested proceedings, proposed findings of fact and conclusions of law submitted by the parties may be more detailed than in uncontested proceedings. While brevity in such submissions is encouraged, the proposed findings and conclusions should be such as to reflect the position of the parties submitting them, and the technical and factual basis therefor.

(f) Post-hearing proceedings, including the initial decision:

(1) In contrast to an uncontested proceeding, the board will itself make the findings on the issues specified in § 2.104(b)(1) of Part 2 and the reasons or basis for its findings. On the basis of those findings, the initial decision will state the board's determination whether or not a construction permit should be issued and, if so, in what form.

(2) In a contested case, it is expected that a board will ordinarily render its initial decision within 45 days after its receipt of proposed findings of fact and conclusions of law filed by the parties.

(g) The intra-agency consultation and communications referred to in section V(c) are not permitted in contested proceedings.

10. The section heading of § 50.34 of 10 CFR Part 50 is amended to read as follows:

§ 50.34 Contents of applications; technical information safety analysis report.

11. Subparagraphs (1), (2), and (3) of § 50.35(a) of 10 CFR Part 50 are amended to read as follows:

§ 50.35 Issuance of provisional construction permits.

(a) When an applicant has not supplied initially all of the technical information required to complete the application and support the issuance of a construction permit which approves all proposed design features, the Commission may issue a provisional construction permit if the Commission finds that (1) the applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public; (2) such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration, will be supplied in the final safety analysis report; (3) safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

* * * * *

§§ 115.20, 115.24, 115.25, 115.45 [Amended]

17. Sections 115.20(c), 115.24(c)(1), 115.25 (a) and (c), 115.45 (a), (b), (c), and (e) of 10 CFR Part 115 are amended by substituting the words "safety analysis report" for the words "hazards summary report" where they appear.

§ 115.47 [Amended]

18. Section 115.47(d) of 10 CFR Part 115 is amended by substituting the words "safety analysis report" for "hazards analysis" in the second sentence.

Dated at Germantown, Md., this 23d day of September 1966.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 66-10650; Filed, Sept. 29, 1966; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Pahranagat National Wildlife Refuge, Nev.; Correction

In F.R. Doc. 66-9883; filed September 8, 1966; appearing on pages 11893 and 11894, of the issue for Friday, September 9, 1966, paragraph 1, sentence 2 should read as follows:

This open area, comprising 1,750 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1966.

[F.R. Doc. 66-10655; Filed, Sept. 29, 1966; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 96—AIR TRANSPORTATION

In Part 96, make the following changes:

§ 96.23 [Deleted]

I. The material in § 96.23 is deleted to show discontinuance of Form 2753, *Receipt to Airline*, at air stop post offices. However, § 96.23 is reserved for future regulations.

NOTE: The corresponding Postal Manual section is 533.5.

II. Section 96.24 is amended and revised to change Form 2753–A, *Mail Delivery Record*, to a simple record of airmail and first class mail delivered by air carriers to airport mail facilities. Accordingly, § 96.24 now reads:

§ 96.24 Form 2753–A, mail delivery record.

(a) *Description.* Form 2753–A is a record of mail delivered to airport mail facilities. When the volume of mail justifies, the director, transportation division, may authorize postmasters at air stop post offices in his region to use Form 2753–A. Form 2753–A is not used for mail that is delivered with Form 2734. (See § 96.20. See also § 96.27 for supply.)

(b) *Preparation.* (1) Airport mail facility personnel will complete heading in set of Form 2753–A, original and two copies, for each air carrier to record the delivery of mail. If an exceptionally large number of trips are involved for any one air carrier, separate forms may be prepared for each tour of duty.

(2) When delivering airmail or first class mail to airport mail facilities, air carrier personnel will enter appropriate information in each column of Form 2753–A and initial.

(3) Receiving unit postal personnel must examine labels to be sure that the mail delivered by the air carrier is addressed or coded for delivery to the receiving unit.

(c) *Review.* The receiving clerk on each tour shall review the time shown under Form 2753–A headings Arrival Time Trip and Mail to AMF to assure that air carriers are observing the local delivery time limit and prepare Form 2759 when required.

(d) *Distribution.* (1) Deliver original of Form 2753–A to air carrier.

(2) Send first copy to your local transportation division.

(3) File second copy.

NOTE: The corresponding Postal Manual section is 533.6.

§ 96.27 [Amended]

III. In § 96.27, *Airmail and first-class mail by forms, titles, and sources of supply* make the following changes:

A. Delete Form 2753 and its accompanying data from the tabular table to show its discontinuance of use at air stop post offices.

B. Delete the footnote following the table as it no longer applies with the discontinuance of Form 2753.

C. In the table, Form 2753–A is redesignated "Mail Delivery Record" instead of "Mail Delivery Receipt" as it presently appears.

NOTE: The corresponding Postal Manual section is 533.9.

IV. In § 96.33, paragraph (e) is deleted and paragraph (d) is revised to read as follows:

§ 96.33 Forms and procedures for dispatching and receiving FCM.

* * * * *

(d) *Form 2753–A, mail delivery record.* See § 96.24 for handling Form 2753–A.

(e) [Deleted]

NOTE: The corresponding Postal Manual sections are 534.44 and 534.45 respectively.

As the revisions to §§ 96.23, 96.24, 96.27, and 96.33 relate to a proprietary function of the Government, and do not affect substantive rights, advanced notice and public rule making procedures, as well as a delayed effective date, are unnecessary and would be contrary to the public interest.

(5 U.S.C. 301, 39 U.S.C. 501, 505, 4301–4305, 6301–6304, 49 U.S.C. 1375, 1376)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 27, 1966.

[F.R. Doc. 66-10668; Filed, Sept. 29, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7619; Amdt. 503]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Trinidad Int	LMM	Direct	2000	T–dn	300–1	300–1	300–1½
FOT VOR	LMM	Direct	2000	C–dn	700–1	700–1	700–1½
				A–dn	1000–2	1000–2	1000–2

Procedure turn W side of crs, 200° Outbnd, 020° Inbnd, 1500′ within 10 miles.
Procedure turn W side of crs, high terrain E.
Minimum altitude over facility on final approach crs, 917′.
Crs and distance, facility to airport, 314°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LMM, turn left, climb to 1500′ on crs of 270° from LMM within 15 miles.
‡CAUTION: All maneuvering W of airport. High terrain E.
MSA within 25 miles of facility: 000°–090°—7500′; 090°–180°—6500′; 180°–270°—3000′; 270°–360°—4500′.

City, Arcata-Eureka; State, Calif.; Airport name, Arcata; Elev., 217′; Fac. Class., LMM; Ident., CV; Procedure No. 1, Amdt. 2; Eff. date, 22 Oct. 66; Sup. Amdt. No. 1; Dated, 3 Oct. 64

PROCEDURE CANCELED, EFFECTIVE 22 OCT. 1966.

City, Burley; State, Idaho; Airport name, Burley Municipal; Elev., 4150′; Fac. Class., SBH; Ident., BYI; Procedure No. 1, Amdt. 1; Eff. date, 16 Apr. 66; Sup. Amdt. No. Orig.; Dated, 30 Oct. 65

Blue Springs VOR	LOM	Direct	2600	T–dn*	300–1	300–1	300–1
Kansas City VOR	LOM	Direct	2600	C–dn%	700–1	700–1	700–1½
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′; over Bluff FM, 1446′.
Crs and distance, LOM to Bluff FM, 185°—3.8 miles; Bluff FM to airport, 223°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing MK LOM or at Bluff FM, make right turn, climbing to 2700′, intercept the 120° bearing from the MCI LOM. Proceed to the MCI LOM.
*Unless radar vectored and the weather is below 1000–3: (a) Aircraft taking off SE, S, or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 200°, or MKC VOR, R 180°, climb to 2600′ before proceeding on crs. (b) Aircraft taking off NW, N, or NE and planned route is between 090° and 180°, climb to 2500′ before proceeding S of the 090° ADF bearing from KC LMM.
*No reduction takeoff minimums except Runway 31.
%Circling SE of airport from 090° clockwise to 180° not authorized.
MSA within 25 miles of facility: 090°–270°—3100′; 270°–090°—2400′.
CAUTION: Numerous obstructions all quadrants.

City, Kansas City; State, Kans.; Airport name, Fairfax Municipal; Elev., 746′; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 5; Eff. date., 22 Oct. 66; Sup. Amdt. No. 4; Dated, 5 Oct. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MKC VOR	LOM	Direct	2600	T–dn*	300–1	300–1	300–1**
BSP VOR	LOM	Direct	2600	C–dn%	700–1	700–1	700–1½
				S–dn–18	700–1	700–1	700–1
				A–dn	800–2	800–2	800–2
				Bluff fan marker minimums:			
				C–dn	600–1	700–1	700–1½
				S–dn–18	600–1	700–1	700–1

Radar available.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′; over Bluff FM, 1458′.
Crs and distance, facility to airport, 185°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MK LOM or at KC LMM, make right turn climbing to 2700′, intercept the 120° bearing from the MCI LOM. Proceed to the MCI LOM.
NOTE: Sliding scale not authorized.
CAUTION: Numerous obstructions all quadrants.
*AIR CARRIER NOTE: No reduction in takeoff minimums except Runway 36.
*Unless radar vectored when weather is below 1000–3: (a) Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 210° or MKC VOR, R 190°, climb to 2500′ before proceeding S of the 090° ADF bearing from KC LMM.
**200–½ authorized Runway 36 only.
%Circling or straight-in approaches to Runways 3, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums. Circling not authorized E of airport in sector from 090° through 180°.
MSA within 25 miles of facility: 090°–270°—3100′; 270°–090°—2400′.

City, Kansas City; State, Mo.; Airport name, Kansas City Municipal; Elev., 756′; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 7; Eff. date, 22 Oct. 66; Sup. Amdt. No. 5; Dated, 5 Oct. 63

OTH VOR	OBN RBn	Direct	2000	T–dn%	300–1	300–1	200–½
				C–dn	800–1	800–1¼	800–2
				A–dn	1000–2	1000–2	1000–2

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility 800′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing OBN RBn turn right, climb to 1700′ on crs, 310° Outbnd, 130° Inbnd, within 10 miles of OBN RBn.
NOTE: OBN RBn private facility.
%Takeoffs all runways: Runways 31, 34, and 4 turn left; Runways 16, 22, and 13 turn right; intercept R 250° and climb westbound on R 250°, OTH VOR to 500′, thence return to OTH VOR via R 250° climbing to cross OTH VOR at or above 1000′. ADF departure: Runways 31, 34, and 4 turn left; Runways 16, 22, and 13 turn right; intercept bearing 250° from OBN RBn and climb westbound on bearing, 250° to 500′, thence return to OBN RBn via bearing, 070° to OBN RBn to cross OBN RBn at or above 1000′.
MSA within 25 miles of facility: 000°–090°—3400′; 090°–180°—3600′; 180°–270°—1800′; 270°–360°—1500′.

City, North Bend; State, Oreg.; Airport name, North Bend Municipal; Elev., 14′; Fac. Class., MHW; Ident., OBN; Procedure No. 1, Amdt. 1; Eff. date, 22 Oct. 66; Sup. Amdt. No. Orig.; Dated, 26 Mar. 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	200–½
				C–dn	800–1	800–1	800–1½
				A–dn	800–2	800–2	800–2
				ADF or VOR/DME minimums:			
				C–dn	500–1	500–1	500–1½
				S–dn–32**	400–1	400–1	400–1

Procedure turn E side of crs, 146° Outbnd, 326° Inbnd, 3000′ within 10 miles.
Minimum altitude over 2.9-mile DME Fix or BFD RBn, 2643′.
Crs and distance, facility to airport, 326°—2.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing BFD VOR, climb to 3400′ on R 326° within 10 miles of Bradford VOR. Make left-climbing turn, return to Bradford VOR at 4000′. Hold SE, 1-minute, left turns, 326° Inbnd.
NOTE: When authorized by ATC, DME may be used between R 094° clockwise to R 288° at 3800′ to position aircraft for approach via 10-mile DME Arc, with elimination of procedure turn.
**400–⅝ authorized with operative high-intensity runway lights, except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 000°–360°—3800′.

City, Bradford; State, Pa.; Airport name, Bradford-McKean County; Elev., 2143′; Fac. Class., L–BVORTAC; Ident., BFD; Procedure No. 2, Amdt. 3; Eff. date, 22 Oct. 66; Sup. Amdt. No. 2; Dated, 24 Sept. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn 23	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 057° Outbnd, 237° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 433′.
VOR on airport; breakoff point to runway, 230°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing CRE VOR, climb to 1600′ on CRE VOR, R 223° within 15 miles.
NOTES: (1) Use Myrtle Beach altimeter setting when control zone not effective. (2) When authorized by ATC, DME may be used within 15 miles at 1600′ to position aircraft for a straight-in approach with the elimination of a procedure turn.
*Limited weather information available to public. Alternate usage authorized for air carriers only.
MSA within 25 miles of facility: 000°–180°—1300′; 180°–270°—1400′; 270°–360°—1700′.

City, Crescent Beach; State, S.C.; Airport name, Myrtle Beach; Elev., 33′; Fac. Class., L-BVOR; Ident., CRE; Procedure No. 1, Amdt. 1; Eff. date, 22 Oct. 66; Sup. Amdt. No. Orig.; Dated, 17 Sept. 66

				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-5	700-1	700-1	700-1
				A-dn*	800-2	800-2	800-2
				If aircraft equipped with ADF or DME operating normally and Paul Int (5-mile DME Fix) received, minimums become:			
				C-dn	400-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1

Radar available.
Procedure turn W side of crs, 223° Outbnd, 043° Inbnd, 1600′ within 10 miles.
Minimum altitude over Paul Int (or 5-mile DME Fix) on final approach crs, 733′.
Facility on airport; breakoff point to Runway 5, 050°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing CRE VOR, climb to 1600′ on CRE VOR, R 057° within 15 miles.
NOTES: (1) Use Myrtle Beach altimeter setting when control zone not effective. (2) When authorized by ATC, DME may be used within 15 miles at 1600′ to position aircraft for a straight-in approach with the elimination of a procedure turn.
*Limited weather information available to public. Alternate usage authorized for air carriers only.
MSA within 25 miles of facility: 000°–180°—1300′; 180°–270°—1400′; 270°–360°—1700′.

City, Crescent Beach; State, S.C.; Airport name, Myrtle Beach; Elev., 33′; Fac. Class., L-BVOR; Ident., CRE; Procedure No. 2, Amdt. 1; Eff. date, 22 Oct. 66; Sup. Amdt. No. Orig.; Dated, 17 Sept. 66

				T-dn	300-1	300-1	200-½
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				S-d-13*	800-1	800-1	800-1½
				S-n-13**	800-2	800-2	800-2
				A-dn	NA	NA	NA
				DME minimums:			
				C-dn†	500-1	500-1	500-1½
				S-dn-13†	500-1	500-1	500-1

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′; over Bo DME, 1000′.
Crs and distance, facility to airport, 150°—10 miles; Bo DME to airport, 150°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10 miles after passing HBG VORTAC, turn left, climb to 2000′, return to HBG VORTAC via R 150° and enter holding pattern.
NOTES: (1) Aircraft will cancel IFR with MCB FSS or HOU ARTCC prior to landing or upon reaching visual flight conditions. (2) Aircraft will not take off under IFR conditions without prior ATC approval. (3) Weather service not available to the public.
When authorized by ATC, DME may be used within 10 miles at 2000′ to position aircraft for final approach with the elimination of procedure turn.
CAUTION: Airspace restricted area R 4401, 5 miles SE of airport.
*Reduction not authorized.
**Reduction below ¾ mile not authorized.
†DME equipment required.
MSA within 25 miles of facility: 000°–360°—1900′.

City, Hattiesburg; State, Miss.; Airport name, Municipal; Elev., 151′; Fac. Class., L-BVORTAC; Ident., HBG; Procedure No. 1, Amdt. 1; Eff. date, 22 Oct. 66; Sup. Amdt. No. Orig.; Dated, 19 Sept. 66

R 251°, MKC VOR clockwise	R 357°, MKC VOR	Via 6-mile DME Arc.	2600	T-dn*	300-1	300-1	300-1
				C-d%	800-1	800-2	800-2
R 086°, MKC VOR counterclockwise	R 357°, MKC VOR	Via 6-mile DME Arc.	2600	C-n	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2
6-mile DME Fix, R 357°	MKC VOR (final)	Direct	2600	Minimums with DME or Dual VOR receivers:			
				C-dn%	600-1	600-1	600-1½

Radar available.
Procedure turn W side of crs, 357° Outbnd, 177° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′; over Tank Int or 5.3-mile DME Fix, R 177°, 1600′.
Crs and distance, facility to airport, 177°—7.5 miles; Tank Int to airport, 177°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing MKC VORTAC or within 2.2 miles after passing Tank Int, make right turn climbing to 2700′ on a heading of 270°, intercept the STJ VOR, R 165°, turn N to Farley Int.
CAUTION: Numerous obstructions all quadrants.
*Unless radar vectored and weather is below 1000-3: (a) Aircraft taking off SE, S, or SW and planned route is between 090° and 180°, intercept RIS VOR, R 200° or MKC VOR, R 180°, climb to 2500′ before proceeding on crs. (b) Aircraft taking off NW, N, or NE and planned route is between 090° and 180°, climb to 2500′ before proceeding S of the 090° ADF bearing from KC LMM.
*No reduction takeoff minimums except Runway 31.
%Circling SE of airport from 090° clockwise to 180° not authorized.
MSA within 25 miles of facility: 090°–180°—3100′; 180°–090°—2400′.

City, Kansas City; State, Kans.; Airport name, Fairfax Municipal; Elev., 746′; Fac. Class., H-BVORTA; Ident., MKC; Procedure No. 1, Amdt. 4; Eff. date, 22 Oct. 66; Sup. Amdt. No. 3; Dated, 29 June 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
R 251°, MKC VOR clockwise	R 351°, MKC VOR	Via 6-mile DME Arc.	2600	T-dn*	300-1	300-1	**300-1
				C-dn%	1000-2	1000-2	1000-2
R 086°, MKC VOR counterclockwise	R 351°, MKC VOR	Via 6-mile DME Arc.	2600	S-dn-18@	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2
6-mile DME Fix, R 351°	MKC VOR (final)	Direct	2600	Minimums with DME or dual VOR receivers:			
				C-dn%	600-1	700-1	700-1½
				S-dn-18@	500-1	500-1	500-1

Radar available.
Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′; over Tower Int or 5.3-mile DME Fix, R 171°, 1758′.
Crs and distance, facility to airport, 171°—8.7 miles; Tower Int or 5.3-mile DME Fix, R 171°, 5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.7 miles after passing MKC VORTAC, or 3.4 miles after passing Tower Int, make right turn climbing to 2700′ on a heading of 270°, intercept STJ VOR, R 165°, turn N to Farley Int.
*AIR CARRIER NOTE: No reduction in takeoff minimums except Runway 36.
**200-½ authorized Runway 36 only.
%Circling or straight-in approaches to Runways 2, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums. Circling not authorized E of airport in sector from 090° through 180°.
@Reduction not authorized.
#Unless radar vectored when weather is below 1000-3: (a) Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 210° or MKC VOR, R 190°, climb to 2500′ before proceeding on crs. (b) Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500′ before proceeding S of the 090° ADF bearing from KC LMM.
CAUTION: Numerous obstructions all quadrants.
MSA within 25 miles of facility: 090°–180°—3100′; 180°–090°—2400′.

City, Kansas City; State, Mo.; Airport name, Municipal; Elev., 758′; Fac. Class., H-BVORTAC; Ident., MKC; Procedure No. 1, Amdt. 8; Eff. date, 22 Oct. 66; Sup. Amdt. No. 7; Dated, 5 Oct. 66

				T-dn%*	300-1	300-1	200-½
				C-dn	900-1	900-1	900-1½
				S-dn-6**	500-1	500-1	500-1
				A-dn#	900-2	900-2	900-2

Radar required. Radar vector to final approach required.
Procedure turn not authorized.
Minimum altitude on approach radial 3-mile Radar Fix, R 230°, 1800′; over facility on final approach, 1200′.
Crs and distance, facility to airport, 050°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing APC VOR, make left turn, climb direct to APC VOR, shuttle climb to 3000′ on APC VOR, R 347° (167° Inbnd), 1-minute pattern, left turn.
NOTE: Napa County tower hours of operation 0700–2300 local. Weather service available only during periods of tower operation. Use Hamilton AFB altimeter setting when control zone is not effective.
CAUTION: 500′ terrain, 1.7 miles NE of airport rising to 1100′—3.5 miles NE.
%Takeoff all directions climb via APC VOR, R 050° (230° Inbnd) to Napa VORTAC. Southbound, V-87, climb on crs satisfactory after crossing APC VORTAC. Northbound cross APC VORTAC, 1000′, thence climb on crs, V-87; minimum climb rate 230′ per mile.
*700′ ceiling required for takeoff Runway 36 and Runway 6.
#Alternate minimums authorized only when Napa County tower in operation.
**700′ ceiling required during periods when Napa County tower is not operational.
MSA within 25 miles of facility: 000°–090°—4100′; 090°–180°—4100′; 180°–270°—3600′; 270°–360°—4400′.

City, Napa; State, Calif.; Airport name, Napa County; Elev., 37′; Fac. Class., L-BVORTAC; Ident., APC; Procedure No. 1, Amdt. 1; Eff. date, 22 Oct. 66; Sup. Amdt. No. Orig.; Dated, 28 July 66

				T-dn%	300-1	300-1	200-½
				C-dn	1500-1	1500-1	1500-1½
				A-dn	1500-2	1500-2	1500-2

Procedure turn S side of crs, 070° Outbnd, 250° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 250°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing OTH VOR, climb to 3500′ on R 250° from OTH VOR within 13 miles.
Shuttle on R 250° to 3500′ within 10 miles.
CAUTION: Bridge tower, 90′—0.3 mile E of airport and bridge tower, 265′—0.8 mile E of airport.
%Takeoffs all runways: Runways 31, 34, and 4 turn left. Runways 16, 22, and 13 turn right; intercept R 250° and climb westbound on R 250°, OTH VOR to 500′, thence return to OTH VOR via R 250°, climbing to cross OTH VOR at or above 1000′.
ADF departure: Runways 31, 34, and 4 turn left; Runways 16, 22, and 13 turn right; intercept bearing, 250° from OBN RBn and climb westbound on bearing, 250° to 500′, thence return to OBN RBn via bearing, 070° to OBN RBn at or above 1000′.
MSA within 25 miles of facility: 000°–090°—3300′; 090°–180°—2900′; 180°–270°—2800′; 270°–360°—2000′.

City, North Bend; State, Oreg.; Airport name, North Bend Municipal; Elev., 14′; Fac. Class., L-BVORTAC; Ident., OTH; Procedure No. 1, Amdt. 4; Eff. date, 22 Oct. 66; Sup. Amdt. No. 3; Dated, 26 Mar. 66

PROCEDURE CANCELED, EFFECTIVE 22 OCT. 1966.

City, Sumter; State, S.C.; Airport name, Sumter Municipal; Elev., 182′; Fac. Class., VOR; Ident., SSC; Procedure No. 1, Amdt. Orig.; Eff. date, 8 Feb. 64

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELED, EFFECTIVE 22 OCT. 1966.							
City, Crescent City; State, Calif.; Airport name, Jack McNamara Field; Elev., 56'; Fac. Class., BVOR; Ident., CEC; Procedure No. TerVOR-11, Amdt. 4; Eff. date, 4 May 63; Sup. Amdt. No. 3, VOR Procedure No. 1; Dated, 5 Aug. 61							
				T-dn*	300-1	300-1	**3000-1
				C-dn%	900-1	900-1	%%900-1½
				S-dn-36@	900-1	900-1	900-1
				A-dn	NA	NA	NA

Radar required.
Procedure turn not authorized.
Aircraft will be released for final approach over the 6-mile Radar Fix or Kaw Int.
Minimum altitude over 6-mile Radar Fix or Kaw Int on final approach crs, 2600'.
Crs and distance, 6-mile Radar Fix or Kaw Int to airport, 026°—6 miles.
Crs and distance, breakoff point to approach end of Runway 3, 031°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing the 6-mile Radar Fix or Kaw Int, make left turn, climb to 2700' on a heading of 270°, intercept the STJ VOR, R 165°, turn N to Farley Int.
*AIR CARRIER NOTE: No reduction in takeoff minimums except Runway 36.
**200-½ authorized Runway 36 only.
%Circling or straight-in approaches to Runways 3, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums. Circling not authorized E of airport in sector from 090° through 180°.
@@900-3 required for turbojet aircraft when circling for Runway 36.
@Reduction not authorized.
*Unless radar vectored when weather is below 1000-3: (a) Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 210° or MKC VOR, R 190°, climb to 2500' before proceeding on crs. (b) Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
CAUTION: Numerous obstructions all quadrants.
MSA within 25 miles of facility: 000°-180°—3100', 180° 270°—2600', 270°-000°—2400'.

City, Kansas City; State, Mo.; Airport name, Municipal; Elev., 758'; Fac. Class., TBVOR; Ident., RIS; Procedure No. TerVOR-3, Amdt. 4; Eff. date, 22 Oct. 66; Sup. Amdt. No. 3; Dated, 5 Oct. 63

BSP VOR	Avondale Int	Direct	3600	T-dn*	300-1	300-1	**300-1
MKC VOR	Avondale Int	Direct	2600	C-dn%	700-1	700-1	700-1½
Kearney Int	Avondale Int	Via MKC, R 052° and RIS, R 010.	2600	S-dn-18@	700-1	700-1	700-1
				A-dd	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 010°, Outbnd, 190° Inbnd, 3600' within 10 miles of Avondale Int.
Minimum altitude over Avondale Int on final approach crs, 2400'.
Crs and distance, Avondale Int to airport, 190°—5.1 miles; breakoff point to Runway 18, 184°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing Avondale Int, make right turn, climb to 2700' on a heading of 270°, intercept the STJ VOR, R 165°, turn N to Farley Int.
NOTE: Dual VOR receivers required.
*AIR CARRIER NOTE: No reduction in takeoff minimums except Runway 36.
**200-½ authorized Runway 36 only.
%Circling or straight-in approaches to Runways 3, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums. Circling not authorized E of airport in sector from 090° through 180°.
@Reduction not authorized.
*Unless radar vectored when weather is below 1000-3: (a) Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 210° or MKC VOR, R 190°, climb to 2500' before proceeding on crs. (b) Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
CAUTION: Numerous obstructions all quadrants.
MSA within 25 miles of facility: 090°-180°—3100', 180°-270°—2600'; 270°-090°—2400'.

City, Kansas City; State, Mo.; Airport name, Municipal; Elev., 758'; Fac. Class., TBVOR; Ident., RIS; Procedure No. TerVOR-18, Amdt. 3; Eff. date, 22 Oct. 66; Sup. Amdt. No. 2; Dated, 5 Oct. 63

				T-dn*	300-1	300-1	**300-1
				C-dn%	600-1	700-1	700-1¼
				S-dn-21@	600-1	600-1	600-1
				A-dn	NA	NA	NA

Radar available.
Procedure turn not authorized.
Aircraft will be released for final approach over the 5-mile Radar Fix or Maple Park Int.
Minimum altitude over 5-mile Radar Fix or Maple Park Int on final approach crs, 2400'.
Crs and distance, 5-mile Radar Fix or Maple Park Int to airport, 214°—5 miles.
Crs and distance, breakoff point to approach end of runway, 210°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Maple Park Int or 5-mile Radar Fix, make right turn, climb to 2700' on a heading of 270°, intercept the STJ VOR, R 165°, turn N to Farley Int.
CAUTION: Numerous obstructions all quadrants.
*AIR CARRIER NOTE: No reduction in takeoff minimums except Runway 36.
**200-½ authorized Runway 36 only.
Unless radar vectored when weather is below 1000-3: (a) Aircraft taking off S or SW and planned route is between 090°-and 180°, intercept the RIS VOR, R 210° or MKC VOR, R 190°, climb to 2500' before proceeding on crs. (b) Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
%Circling or straight-in approaches to Runway 3, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums. Circling not authorized E of airport in sector from 090° through 180°.
@Reduction not authorized.
MSA within 25 miles of facility: 090°-180°—3100', 180°-270°—2600'; 270°-090°—2400'.

City, Kansas City; State, Mo.; Airport name, Municipal; Elev., 758'; Fac. Class., T-BVOR; Ident., RIS; Procedure No. TerVOR-21, Amdt. 3; Eff. date, 22 Oct. 66; Sup. Amdt. No. 2; Dated, 5 Oct. 63

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10-mile DME Fix, R 343°	10-mile DME Fix, R 306° (final)	Via 10-mile counterclockwise Arc.	1600	T-dn%	300-1	300-1	300-1½
				C-dn	500-1	500-1	500-1½
				S-dn-11	900-1	900-1	900-1
10-mile DME Fix, R 306°	4-mile DME Fix, R 306°	Direct	856	A-dn	900-2	900-2	900-2
				DME minimums—DME equipment required:*			
				S-dn-11	400-1	400-1	400-1

Procedure turn W side of crs, 306° Outbnd, 126° Inbnd, 1600' within 10 miles.
Minimum altitude *4-mile DME Fix, 856'.
Facility on airport; breakoff point to runway, 113°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of CEC VOR, turn right, climb to 2000' on R 161° within 15 miles.
CAUTION: High terrain E.
%Takeoff all runways. Climb on the CEC VOR, R 215° within 10 miles so as to cross the CEC VOR, at or above the following MCA's, N, V-27—1500'; NE, V-122—3600'; S, V-27, climb on crs satisfactory.
MSA within 25 miles of facility: 000°-090°—7500'; 090°-180°—6200'; 180°-270°—1300'; 270°-360°—5300'.

City, Crescent City; State, Calif.; Airport name, Jack McNamara; Elev., 56'; Fac. Class., L-BVORTAC; Ident., CEC; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 22 Oct. 66

10-mile DME Fix, R 161°	6-mile DME Fix, R 161° (final)	Direct	1500	T-dn%	300-1	300-1	300-1½
				C-dn	500-1	500-1	500-1
				S-dn-35	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn not authorized.
Minimum altitude over 10-mile DME Fix, R 161°, 3500'; over 6-mile DME Fix, R 161°, 1800'.
Facility on airport; breakoff point to runway; 355°—0.1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 0 mile of the VOR, turn left, climb to 3000' on R 306° within 15 miles.
CAUTION: High terrain E.
%Take off all runways. Climb on the CEC VOR, R 215° within 10 miles so as to cross CEC VOR at or above the following MCA's. N, V-27—1800'; NE, V-122—3000'; S, V-27, climb on crs satisfactory.
MSA within 25 miles of facility: 000°-090°—7500'; 090°-180°—6300'; 180°-270°—1300'; 270°-360°—5300'.

City, Crescent City; State, Calif.; Airport name, Jack McNamara; Elev., 56'; Fac. Class., L-BVORTAC; Ident., CEC; Procedure No. VOR/DME-2, Amdt. Orig.; Eff. date, 22 Oct. 66

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FOT VOR	SE crs ILS (final)	FOT, R 036°, 13.4 miles	3500	T-dn	300-1	300-1	200-½
				C-dn**	500-1	500-1	500-½
SE crs, ILS	OM (final)	SE crs, ILS	#1800	S-dn-31	200-½	200-½	200-½
14-mile DMEOFT, R 136°	Kneeland Int	14-mile counter-clockwise Arc.	5500	A-dn	800-2	800-2	800-2
Yager Int	Kneeland Int	SE crs, ILS	5500				
Kneeland Int	OM (final)	SE crs, ILS	#1800				

Procedure turn not authorized.
Minimum altitude at glide slope intercept Inbnd from FOT VOR, 3500'; from Kneeland Int, 5500'.
Altitude of glide slope and distance to approach end of runway at OM, 1800'—4.7 miles; at MM, 460'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a left-climbing turn, climb to 2000' on crs of 295° from the LMM to Trinidad Int.
NOTES: (1) Procedure not authorized with any component of the ILS or airborne receiver inoperative except the approach lights. 300-¾ required if approach lights are inoperative. (2) Back crs unusable.
**CAUTION: All maneuvering W of airport. High terrain E.
#Descent on glide slope required. Glide slope will be intercepted when crossing FOT, R 036°.
$Descent on glide slope required. Glide slope will be intercepted when crossing FOR, R 054°.

City, Arcata-Eureka; State, Calif.; Airport name, Arcata; Elev., 217'; Fac. Class., ILS; Ident., I-ACV; Procedure No. ILS-31, Amdt. 11; Eff. date, 22 Oct. 66; Sup. Amdt. No 10. Dated, 21 Nov. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Blue Springs VOR	LOM	Direct	2600	T-dn*	300-1	300-1	300-1
Kansas City VOR	LOM	Direct	2600	C-dn%	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Minimum altitude at glide slope intercepton Inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at LOM, 2558'—4.5 miles; at Bluff FM, 1458'—0.7 mile.
Crs Bluff FM to airport, 223°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing MK LOM or at Bluff FM, make right turn climbing to 2700' on a heading of 270°, intercept the STJ VOR, R 165°, turn N to Farley Int.
*Unless radar vectored and the weather is below 1000-3 (a) Aircraft taking off SE, S, or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 200° or MKC VOR, R 180°, climb to 2500' before proceeding on crs. (b) Aircraft taking off NW, N, or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
*No reduction takeoff minimums except Runway 31.
%Circling SE of airport from 090° clockwise to 180° not authorized.
CAUTION: Numerous obstructions all quadrants.

City, Kansas City; State Kans.; Airport name, Fairfax Municipal; Elev., 746'; Fac. Class., ILS; Ident., I MKC; Procedure No. ILS-22, Amdt. 7; Eff. date, 22 Oct. 66; Sup. Amdt. No. 6; Dated, 16 Oct. 65

MKC VOR	LOM	Direct	2600	T-dn*	300-1	300-1	300-1**
BSP VOR	LOM	Direct	2600	C-dn%	600-1	700-1	700-1½
				S-dn-18@&	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
				Minimums with glide slope inoperative when bluff fan marker received (cross fan marker no lower than 1458'):			
				C-dn	600-1	700-1	700-1½
				S-dn-18#	500-1	500-1	500-1

Radar available.
Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2600' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at OM, 2558'—5.4 miles; at MM, 1030'—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at KC LMM, make right turn climbing to 2700' on a heading of 270°, intercept the STJ VOR, R 165°, turn N to Farley Int
*AIR CARRIER NOTE: No reduction in takeoff minimums except Runway 36.
**200-½ authorized Runway 36 only.
%Circling or straight-in approaches to Runways 3, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums.
Circling not authorized E of airport in sector from 090° through 180°.
@Approach lights inoperative—500-1; glide slope not utilized—700-1.
#Reduction not authorized.
&Unless radar vectored when weather is below 1000-3: (a) Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 210° or MKC VOR, R 190°, climb to 2500' before proceeding on crs. (b) Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
Localizer site 325' W of centerline. Approach crs of 187° intercepts Runway 18 centerline extended 1 mile from threshold.
ILS unusable from MM Inbnd.
CAUTION: Numerous obstructions all quadrants.

City, Kansas City; State, Mo.; Airport Name, Municipal; Elev., 758'; Fac. Class., ILS; Ident., I-MKC; Procedure No. ILS-18, Amdt. 8; Eff. date, 22 Oct. 66; Sup. Amdt. No. 7; Dated, 16 Oct. 65

Swamp Int	LOM	Direct	1,600	T-dn	300-1	300-1	200-½
Wilmington VOR	LOM	Direct	1,600	C-dn	500-1	500-1	500-1½
				S-dn-34*	300-½	300-½	300-½
				A-dn	600-2	600-2	600-2

Procedure turn W side of S crs, 163° Outbnd, 343° Inbnd, 1600' within 10 miles.
Minimum altitude at glide slope intercepton Inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1405'—4.6 miles; at MM, 237'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing LOM, climb to 1600' on 343° crs from ILM LOM within 15 miles.
*400-½ required when glide slope not utilized. 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
Glide slope unusable below 231'.

City, Wilmington; State, N.C.; Airport name, New Hanover County; Elev., 31; Fac. Class., ILS; Ident., I-ILM; Procedure No. ILS-34, Amdt. 8; Eff. date, 22 Oct. 66; Sup. Amdt. No. 7; Dated, 17 July 65

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°†	360°	0-25 miles	2500		Precision approach		
				T-dn*	300-1	300-1	**300-1
				C-dn%	600-1	700-1	700-1½
				S-dn-18@	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transition altitudes: All bearings and distances are from Kansas City Municipal Airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn climbing to 2700' on a heading of 270°, intercept the STJ VOR, R 165°, turn N to Farley Int.
CAUTION: Numerous obstructions all quadrants.
*AIR CARRIER NOTE: No reduction in takeoff minimums except Runway 36.
**200-½ authorized Runway 36 only.
*Unless radar vectored when weather is below 1000-3: (a) Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 210° or MKC VOR, R 190°, climb to 2500' before proceeding on crs. (b) Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
†2700' within 0-3 miles of 1664' tower, located 2.3 miles S of airport.
2000' within 0-3 miles of 2049' tower, located 2.7 miles SSE of airport.
2900' within 0-3 miles of 1946' tower, located 4-miles S of airport.
% Circling or straight-in approaches to Runways 3, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums.
Circling not authorized E of airport in sector from 090° through 180°
@ 500-1 required when approach lights inoperative. Reduction not authorized.

City, Kansas City: State, Mo.: Airport name, Municipal; Elev., 758'; Fac. Class. and Ident., Kansas City Radar; Procedure No. 1, Amdt. 6; Eff. date, 22 Oct. 66; Sup. Amdt. No. 5; Dated, 5 Oct. 63

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on September 15, 1966.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-10406; Filed, Sept. 29, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1106]

PART 13—PROHIBITED TRADE PRACTICES

E. J. Korvette, Inc., and Spartans Industries, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets:* 13.5-20 *Federal Trade Commission Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Cease and desist order, E. J. Korvette, Inc., et al., New York, N.Y., Docket C-1106, Sept. 9, 1966.]

In the Matter of E. J. Korvette, Inc., a Corporation, and Spartans Industries, Inc., a Corporation

Consent order requiring the surviving corporation resulting from a proposed merger of the 1st and 17th nationally ranked discount department store chains, with headquarters in New York City, to divest 97 stores recently acquired by the smaller chain and 43 percent interest owned by the larger chain in one of its New York competitors. The order also forbids the surviving corporation from acquiring any GMAF (General Merchandise, Apparel and Furniture) store for 10 years, without prior consent of the Federal Trade Commission, and limits the amount of apparel and hosiery which the corporation may supply its own retail outlets from its manufacturing facilities.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That the surviving corporation shall divest itself absolutely, in good faith, of all stock or any other interest, direct or indirect, through Schwabro Corp. or otherwise, in Alexander's Department Stores, Inc. ("Alexander's") and Retail Realty, Inc. ("Retail"), an affiliate of Alexander's.

A. The surviving corporation shall make every reasonable effort to effectuate such divestiture within a period of three (3) years from the effective date of this order: *Provided, however*, That if divestiture has not been effected within said 3-year period, the Federal Trade Commission shall grant to the surviving corporation an opportunity to be heard before issuing any further order or orders which may be deemed appropriate. If at that time the surviving corporation shows that it has made a good faith effort and that failure to effectuate the divestiture within the 3-year period cannot be attributed to delays by it, the Federal Trade Commission will grant an additional period of 2 years in which to complete the divestiture.

B. By such divestiture none of said interest in the stock of Alexander's and Retail shall be sold, directly or indirectly, to any person not approved as a purchaser by the Federal Trade Commission.

C. If the surviving corporation divests said interest in the stock of Alexander's and Retail to a new corporation, the stock of which is wholly owned by the surviving corporation, and if the surviving corporation then distributes all of the stock in said wholly owned new corporation to the stockholders of the surviving corporation, then paragraph I(B) of this order shall be inapplicable to the spin-off, and the following paragraph I(D) of this order shall take force and effect in its stead.

D. No person who is an officer or director of the surviving corporation shall at the same time be an officer or director of the new corporation. None of the following, or their legal representatives, shall own or control, directly or indirectly, more than one percent (1%) of the outstanding stock of the new corporation: (1) The Bassine Foundation, the

Kardell Corp., Charles C. Bassine and his family, as a group, (ii) Eugene Ferkauf and his family, as a group, (iii) Murray Sussman and his family, as a group, and (iv) any officer or director of the surviving corporation. Such persons or groups shall have nine (9) months following distribution of the stock of the new corporation within which to sell or dispose of any stock in the new corporation in excess of the foregoing one percent (1%) limitation, and the persons or groups named in (i), (ii), and (iii) above shall do so only to a person or persons approved by the Federal Trade Commission. As used herein the family of a person shall mean any descendant of the grandparents of such person or the spouse of any such descendant. If the surviving corporation shall apply to the Internal Revenue Service, prior to such distribution, for a tax ruling that the stockholders of the surviving corporation will not be required, notwithstanding the above provision of this order requiring the above named persons to sell or dispose of such stock, to recognize gain or loss with respect to such transaction under the Internal Revenue Code, and the Internal Revenue Service shall fail to issue a ruling to such effect within six (6) months after the date such application is made, then and in such event, the above named persons shall have three (3) months following the issuance of a ruling to such effect within which to sell or dispose of such stock but, until a ruling to such effect is issued, the above named persons shall not be required to sell or dispose of such stock, so long as such persons own or control such shares, never cause or permit such shares to be voted at any meeting of the stockholders of the new corporation, except in a manner approved by the Federal Trade Commission, and shall forthwith deliver to the new corporation an instrument in writing, in a form approved by the Federal Trade Commission to this effect; *Provided further*, That if and when such stock is sold or disposed of, such sale or disposition shall be to persons approved by the Federal Trade Commission.

E. If the surviving corporation transfers said interest in Alexander's and Retail to a new corporation, the stock of which is wholly owned by the surviving corporation, and if the surviving corporation then markets all of the stock in said new corporation in a separate public offering, then paragraphs I(B), I(C), and I(D) of this order shall be inapplicable, and the following paragraph I(F) shall take force and effect in its stead.

F. No person who is an officer or director of the surviving corporation, or who owns or controls, directly or indirectly, more than one percent (1%) of the stock of the surviving corporation, shall be an officer or director of the new corporation described in paragraph I(E) of this order or shall own or control, directly or indirectly, more than one percent (1%) of the stock of the new corporation described in paragraph I(E) of this order. For the purposes of this paragraph I(F) of this order, the stock ownership of any person either in the surviving corporation or the new corporation shall include the stock ownership of all members of his family. As used herein the family of a person shall mean any descendant of the grandparents of such person or the spouse of any such descendant.

G. If the surviving corporation is unable to dispose of said interest in Alexander's and Retail entirely for cash, nothing in this order shall be deemed to prohibit the surviving corporation from retaining, accepting and enforcing in good faith any security interest therein for the sole purpose of securing to the surviving corporation full payment of the price, with interest, at which the said interest is disposed of or sold: *Provided*, That such security arrangement shall be on terms and conditions approved by the Federal Trade Commission; *And further provided*, That if, after a good faith divestiture of the said interest, the buyer fails to perform his obligation and the surviving corporation regains ownership or control over said interest, the surviving corporation shall redivest itself of said interest within 1 year in the same manner as provided for herein.

II. *It is further ordered*, That the surviving corporation shall divest itself, absolutely, in good faith, of all its interest in the 93 self-service department stores now operated by Spartans and in the four self-service department stores presently planned to be opened by Spartans (hereafter the "acquired stores"), by divesting the acquired stores as one or more going businesses. The interest so divested shall include the right of at least one acquirer to use the name "Atlantic Thrift Center" in any retail business; and shall include the right of at least one acquirer to use the name "Spartans Department Store[s]" in any retail business for a period of 2 years but not in any corporate name. The surviving corporation shall not subsequent to the completion of such divestiture operate any retail stores as "Spartans" or "Atlantic Thrift Center" stores but the surviving corporation may, in any event, continue to use the word "Spartans" as part of its corporate title.

A. The surviving corporation shall have five (5) years from the effective date of this order to complete such divestiture. The surviving corporation shall make every reasonable effort to effectuate such divestiture by means of a transaction contemplated by paragraphs II(B) or II(E) of this order before it effectuates such divestiture by means of a transaction contemplated by paragraph II(C) of this order.

B. By such divestiture none of such interest in the acquired stores shall be sold, directly or indirectly, to any person not approved as a purchaser by the Federal Trade Commission.

C. If the surviving corporation divests said interest in the acquired stores to one or more new corporations, the stock of which is wholly owned by the surviving corporation, and if the surviving corporation then distributes all of the stock in said wholly owned new corporation[s] to the stockholders of the surviving corporation, then paragraph II(B) of this order shall be inapplicable to the spin-off, and the following paragraph II(D) of this order shall take force and effect in its stead.

D. No person who is an officer or director of the surviving corporation shall at the same time be an officer or director of the new corporation[s]. None of the following, or their legal representatives, shall own or control, directly or indirectly, more than one percent (1%) of the outstanding stock of the new corporation: (i) the Bassine Foundation, the Kardell Corp., Charles C. Bassine and his family, as a group, (ii) Eugene Ferkauf and his family, as a group, (iii) Murray Sussman and his family, as a group, and (iv) any officer or director of the surviving corporation. Such persons or groups shall have nine (9) months following distribution of the stock of the new corporation within which to sell or dispose of any stock in the new corporation in excess of the foregoing one percent (1%) limitation, and the persons or groups named in (i), (ii), and (iii) above shall do so only to a person or persons approved by the Federal Trade Commission. As used herein the family of a person shall mean any descendant of the grandparents of such person or the spouse of any such descendant. If the surviving corporation shall apply to the Internal Revenue Service, prior to such distribution, for a tax ruling, that the stockholders of the surviving corporation will not be required, notwithstanding the above provision of this order requiring the above named persons to sell or dispose of such stock, to recognize gain or loss with respect to such transaction under the Internal Revenue Code, and the Internal Revenue Service shall fail to issue a ruling to such effect within six (6) months after the date such application is made, then and in such event, the above named persons shall have three (3) months following the issuance of a ruling to such effect within which to sell or dispose of such stock, but, until a ruling to such effect is issued, the above named persons shall not be required to sell or dispose of such stock in the new corporation[s], but such persons shall, so long as such persons own or control such shares, never cause or permit such shares to be voted at any meeting of the stockholders of the new corporation, except in a manner approved by the Federal Trade Commission, and shall forthwith deliver to the new corporation an instrument in writing, in a form approved by the Federal Trade Commission to this effect: *Provided further*, That, if and when such stock is sold or disposed of, such sale or disposition shall be to persons approved by the Federal Trade Commission.

E. If the surviving corporation transfers said interest in the aquired stores to a new corporation[s], the stock of which is wholly owned by the surviving corporation, and if the surviving corporation then markets all of the stock in said new corporation[s] in a separate public offering, then paragraphs II(B), II(C), and II(D) of this order shall be inapplicable, and the following paragraph II(F) shall take force and effect in its stead.

F. No person who is an officer or director of the surviving corporation, or who owns or controls, directly or indirectly, more than one percent (1%) of the stock of the surviving corporation, shall be an officer or director of the new corporation[s] described in paragraph II(E) of this order shall own or control, directly or indirectly, more than one percent (1%) of the stock of the new corporation[s] described in paragraph II(E) of this order. For the purposes of this paragraph II(F) of this order, the stock ownership of any person either in the surviving corporation or the new corporation shall include the stock ownership of all members of his family. As used herein the family of a person shall mean any descendant of the grandparents of such person or the spouse of any such descendant.

G. If the surviving corporation is unable to dispose of said interest in the acquired stores entirely for cash, nothing in this order shall be deemed to prohibit the surviving corporation from retaining, accepting and enforcing in good faith any security interest therein for the sole purpose of securing to the surviving corporation full payment of the price, with interest, at which the said interest is disposed of or sold: *Provided*, That such security arrangement shall be on terms and conditions approved by the Federal Trade Commission; *And further provided*, That if, after a good faith divestiture of the said interest, the buyer fails to perform his obligation and the surviving corporation regains ownership or control over said interest, the surviving corporation shall redivest itself of said interest within 1 year in the same manner as provided for herein.

H. Pending divestiture, the surviving corporation shall make every reasonable effort to maintain the acquired stores in good operating condition with such replacements and additions and such effective overall organization as may be necessary to divest them as viable competitive entities: *Provided, however*, That nothing contained herein shall be deemed to require the surviving corporation to continue to operate any store which is so unprofitable that sound business judgment requires its closing or which is rendered inoperative as a result of force majeure or other events beyond the control of the surviving corporation.

III. *It is further ordered*, That no method, plan, or agreement of divestiture to comply with this order shall be adopted or implemented save upon such terms and conditions as shall first be approved by the Federal Trade Commission.

IV. *It is further ordered*, That for a period of ten (10) years from the effective date of this order the surviving corporation shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, any department store or other GMAF store located within the United States without the prior approval of the Federal Trade Commission. Nothing contained herein shall restrict the right of the surviving corporation to open additional department stores or GMAF stores at any time through lawful internal expansion.

V. *It is further ordered*, That for a period of ten (10) years from the effective date of this order the surviving corporation shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, any enterprise manufacturing any apparel or hosiery, located in the United States, without the prior approval of the Federal Trade Commission. Nothing contained herein shall restrict the right of the surviving corporation to open apparel or hosiery manufacturing facilities at any time through lawful internal expansion.

VI. *It is further ordered*, That for a period of ten (10) years from the effective date of this order the surviving corporation shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, any wholesaler or importer of any apparel or hosiery products, located in the United States, without the prior approval of the Federal Trade Commission. Nothing contained herein shall restrict the right of the surviving corporation to open any such wholesale or importing operation at any time through lawful internal expansion.

VII. *It is further ordered*, That after the effective date of this order the surviving corporation shall cease and desist from supplying from its own manufacturing facilities (the "manufacturing facilities"), (i) during any calendar year for a period of 10 years from the effective date of this order more than thirty-three and one-third percent (33⅓%) of the total dollar volume of the total requirements for such year of the 42 promotional department stores operated by Korvette at or immediately prior to the date of merger of Spartans into Korvette and of any other department stores or GMAF stores opened by the surviving corporation after the effective date of such merger ("the Korvette Stores") for any or all products (whether or not manufactured by Spartans, the surviving corporation or any affiliate during the calendar year 1966) includible in currently prevailing Census Five Digit S.I.C. (Standard Industrial Classification) product classifications in which Spartans, the surviving corporation or any affiliate manufactured products in 1966 ("the apparel and hosiery products"), and (ii) during any calendar year prior to the divestiture of the acquired stores a percentage of the total dollar volume of the total requirements of the acquired stores for such year for the apparel and hosiery products greater than the percentage of the total dollar volume of the total annual requirements of the acquired stores for the calendar year 1966 for the apparel and hosiery products, which shall be so supplied by Spartans, the surviving corporation and such affiliate(s) during the calendar year 1966: *Provided*, (A) That if in any calendar year, the surviving corporation's total sales of the apparel and hosiery products to all customers, including the Korvette stores and the acquired stores (whether or not the latter have yet been divested), fall below the total sales by Spartans, the surviving corporation or any affiliate of the apparel and hosiery products during the calendar year 1966, as adjusted by a percentage equal to the percentage change in the gross national product between the calendar year 1966 and the calendar year in question, then the surviving corporation may increase its supply of the apparel and hosiery products to the Korvette stores during the calendar year in question above the limitations hereinabove provided by an amount equal to the difference between the surviving corporation's total sales of the apparel and hosiery products in the year in question and the total sales of the apparel and hosiery products by Spartans, the surviving corporation and any affiliate during the calendar year 1966 as so adjusted; *And provided further, however*, (B) That this paragraph VII of this order shall be effective only for a period of ten (10) years following the effective date of this order and shall thereafter be deemed to have been vacated and shall be of no further force and effect, except that, upon application duly made upon written notice to the surviving corporation not less than 6 months nor more than 12 months prior to the date upon which this paragraph VII shall so be deemed to have been vacated and to be of no further force and effect, and after an opportunity to be heard, the Federal Trade Commission may enter a further order extending the effectiveness of this paragraph VII for an additional period of time not to exceed 10 years upon a showing and determination that the effect of failing so to extend the period during which this paragraph VII shall be effective may be substantially to lessen competition or to tend to create a monopoly in any line of commerce in any section of the country; *And provided further, however*, (C) That in the event that the period of time during which this paragraph VII shall be effective is so extended by such further order of the Federal Trade Commission, the surviving corporation shall have all rights of appeal from or review of such further order as exist for appeal from or review of any order of the Federal Trade Commission entered under and pursuant to section 7 of the Clayton Act and as exist for appeal from or review of any order of the Federal Trade Commission entered under and pursuant to section 5 of the Federal Trade Commission Act; *Provided, however*, That during the pendency of any such application for such a further order and of any appeal from or review of any such further order, whether during or after the first ten (10) year period contemplated by this paragraph 7, the limitations of this section on the extent to which the surviving corporation may supply its own retail facilities shall continue in full force and effect.

VIII. *It is further ordered*, That the surviving corporation, within sixty (60) days from the effective date of this order, and every ninety (90) days thereafter until it has fully complied with the provisions of this order, submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which it intends to comply, is complying, and/or has complied with this order. All compliance reports shall

include, among other things which may from time to time be required:

A. The total quantity and dollar volume of the apparel and hosiery products, stated separately for each five-digit S.I.C. product classification, (1) manufactured and shipped by the surviving corporation, (2) received from all sources by the Korvette Stores and by the acquired stores separately, and (3) supplied by it to the Korvette Stores and to the acquired stores separately; all for the preceding calendar quarter. Each fourth quarter report shall also include a report for the entire preceding calendar year, including specifically such data for the entire calendar year 1966.

B. A summary of all contacts and negotiations with all persons who have or may have an interest in acquiring ownership of and control over the stock and assets to be divested under this order, the identity of all such persons, copies of all written communications to or from such persons, copies of any proposed or executed sales contracts, copies of any internal corporate documents discussing such divestiture, and copies of any proposed plan of divestiture.

IX. As used in this order, the word "person" shall include persons, firms, and corporations.

X. *It is further ordered*, That in the event after the date hereof the Federal Trade Commission, in any adjudicative or consent order proceeding involving a market extension acquisition of one or more department or other GMAF stores by a company which owns or operates one or more department stores, issues any order which imposes limitations less restrictive than the comparable provisions of paragraph IV of this order, then the Federal Trade Commission shall, on application of the surviving corporation, pursuant to Rule 3.28 of the Commission's rules of practice, reopen this proceeding in order to make whatever revisions, if any, are necessary and appropriate to bring the restrictions imposed on the surviving corporation in paragraph IV of this order into conformity with those imposed by such order.

XI. The effective date of this order shall be the date upon which Spartans is merged into Korvette.

Issued: September 9, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-10653; Filed, Sept. 29, 1966; 8:45 a.m.]

[Docket C-1105]

PART 13—PROHIBITED TRADE PRACTICES

May Department Stores Co.

Subpart—Acquiring corporate stocks or assets: § 13.5 *Acquiring corporate stocks or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, The May Department Stores Co., St. Louis, Mo., Docket C-1105, Sept. 9, 1966.]

In the Matter of The May Department Stores Company, a corporation

Consent order forbidding the Nation's sixth largest department store chain, with annual sales of $943 million in 1965, from acquiring any department store or other GMAF (General Merchandise, Apparel and Furniture) store for 10 years, without the prior consent of the Federal Trade Commission.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That, for ten (10) years from the effective date of this order, respondent, The May Department Stores Co., shall cease and desist from acquiring, directly or indirectly, without first notifying the Federal Trade Commission and obtaining its consent, any department store or other GMAF store, or any interest in capital stock or other share capital, or any assets constituting a substantial part of all of the assets, of any concern engaged in the department store or other GMAF store business in the United States.

II. *It is further ordered*, That section I of this order shall terminate if the Federal Trade Commission, through trade regulation rules or other like nonadjudicative industrywide proceedings, issues rules or guide lines covering the subject matter of this order.

III. *It is further ordered*, That, in the event the Federal Trade Commission, in any adjudicative or consent order proceeding involving a market extension acquisition of one or more department or other GMAF stores by a company which owns or operates one or more department stores, issues any order which imposes limitations on future such market extension acquisitions less restrictive than the comparable provisions of this order, then the Federal Trade Commission shall, on application of respondent, pursuant to Rule 3.28 of the Commission's rules of practice, reopen this proceeding in order to make whatever revisions, if any, are necessary and appropriate to bring the restrictions imposed on respondent herein into conformity with those imposed by such order.

IV. *It is further ordered*, That, within sixty (60) days after service of this order, The May Department Stores Co. shall submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which it has complied, is complying, and intends to comply, with the provisions of this order.

Issued: September 9, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-10654; Filed, Sept. 29, 1966; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200 in the Table of Contents the pertinent section heading is amended to read as follows:

Sec.
200.95 Field Office Chiefs of Operations and Assistants to the Directors.

In § 200.95 the heading thereof and the introductory text are amended and a new paragraph (bb) is added to read as follows:

§ 200.95 Field Office Chiefs of Operations and Assistants to the Directors.

To the position of Field Office Chief of Operations, and to each of them, and to the position of Field Office Assistant to the Director, and to each of them, there is delegated the following duties and functions:

* * * * *

(bb) To make the high cost determinations for the Federal National Mortgage Association prescribed in section 305(g) of the National Housing Act.

Section 200.98 is amended by designating the paragraph after the introductory text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 200.98 Chief Underwriter and Deputy, Chief Mortgage Credit Examiner and Deputy, Chief Appraiser and Deputy.

* * * * *

(b) To make the high cost determinations for the Federal National Mortgage Association prescribed in section 305(g) of the National Housing Act.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., September 26, 1966.

PHILIP N. BROWNSTEIN, *Federal Housing Commissioner.*

[F.R. Doc. 66-10661; Filed, Sept. 29, 1966; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4096]

[Misc-88701]

CALIFORNIA

Withdrawal for Protection of Stands of Redwoods on Public Lands

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for the protection of stands of redwoods:

MOUNT DIABLO MERIDIAN

T. 9 N., R. 11 W.,
Sec. 26, S½NW¼.
T. 9 N., R. 13 W.,
Sec. 9, NW¼NE¼.
T. 10 N., R. 14 W.,
Sec. 25, W½NW¼;
Sec. 26, S½NE¼, S½NW¼, NE¼NE¼;
Sec. 27, SE¼NE¼;
Sec. 28, SW¼NE¼, SE¼NW¼.
T. 13 N., R. 15 W.,
Sec. 30, lots 6, 7, 13 and 14.
T. 14 N., R. 15 W.,
Sec. 30, NE¼.
T. 14 N., R. 16 W.,
Sec. 21, SE¼SW¼;
Sec. 28, NE¼NW¼.
T. 24 N., R. 18 W.,
Sec. 2, SE¼SE¼.
T. 24 N., R. 19 W.,
Sec. 3, SW¼SE¼.

The areas described aggregate 880 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON, *Assistant Secretary of the Interior.*

SEPTEMBER 26, 1966.

[F.R. Doc. 66-10657; Filed, Sept. 29, 1966; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 183]

LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Shutdown, Abandonment and Plugging of Wells

Basis and Purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of June 28, 1906 (34 Stat. 539–543) it is proposed to revise 25 CFR 183.81, to revoke §§ 183.82, 183.83, and 183.84, and to revise § 183.91 (a)(10) to conform therewith. The purpose of the revision and repeal of the cited sections is to simplify the regulations concerning shutdown, abandonment, and plugging of oil and gas wells and provide for payment of fees for the plugging of a well.

It is the policy of the Department of the Interior, wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment and repeal of certain sections to the Commissioner of Indian Affairs, Department of the Interior, Washington, D.C. 20242, within 30 days of publication of this notice in the FEDERAL REGISTER.

The proposed amendments in the cited rules are as follows:

1. Section 183.81 is revised to read as follows:

§ 183.81 Shutdown, abandonment, and plugging of wells.

No productive well shall be abandoned until its lack of capacity for further profitable production of oil or gas has been demonstrated to the satisfaction of the Superintendent. Lessee therefore shall not shut down, abandon, or otherwise discontinue the operation or use of any well without the written approval of the Superintendent or his designated representative. All applications for such approval shall be submitted to the Superintendent on forms furnished by him.

(a) Application for authority to shut down or discontinue use or operation of a well shall set forth justification therefor and probable duration, the means by which the well bore is to be protected, and the contemplated eventual disposition of the well. The method of conditioning such well shall be subject to the approval of the Inspector.

(b) Wells to be permanently abandoned shall be promptly plugged as prescribed by the Inspector. Applications to plug shall set forth reasons for plugging; a detailed statement of the proposed work including kind, location, and length of plugs (by depth), plans for mudding and cementing, testing, parting and removing casing; and any other pertinent information: *Provided*, The Superintendent, or his designated representative, may give oral permission and instructions pending receipt of a written application to plug a newly drilled hole. Lessee shall remit a fee of $15 with each written application for authority to plug a well, such fee to be refunded if permission is not granted.

(c) Lessee shall plug and fill all dry or abandoned wells in a manner to confine the fluid in each formation bearing fresh water, oil, gas, and other minerals, and to protect it against invasion of fluids from other sources. Mud-laden fluid, cement, and other plugs shall be used to fill the hole from bottom to top: *Provided*, If a satisfactory agreement is reached between Lessee and the surface owner, subject to approval of the Superintendent, Lessee may condition the well for use as a fresh water well and shall so indicate on the plugging record. The manner in which plugging materials shall be introduced and the type of materials so used shall be subject to the approval of the Inspector. Within 10 days after plugging, Lessee shall file with the Superintendent a complete report of the plugging of each well. When any well is plugged and abandoned Lessee shall, within 90 days, clean up the premises around such well to the satisfaction of the Superintendent or his authorized representative: *Provided*, That the 90-day period may be extended a reasonable time in the discretion of the Superintendent.

(d) In event Lessee shall fail to plug properly any dry or abandoned well in accordance with these regulations, the Superintendent may, after 5 days' notice to the parties in interest, plug such well at the expense of Lessee or his surety plus an additional 25 percent to cover administrative costs.

§§ 183.82–183.84 [Revoked]

2. Sections 183.82, 183.83, and 183.84 are superseded by the amendment in item 1 above, and are revoked.

3. Section 183.91(a)(10) is revised to read as follows:

§ 183.91 Amount of penalties.

* * * * *

(a) * * *

(10) For failure to file plugging reports as required by § 183.81 and for failure to file reports, and remit royalties required by § 183.45, $5 a day for the first violation and $10 a day for each violation thereafter.

* * * * *

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 26, 1966.

[F.R. Doc. 66–10656; Filed, Sept. 29, 1966; 8:45 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–204]

RADIATION SAFETY AND HEALTH STANDARDS

Application in Alabama

The State of Alabama has recently entered into an agreement with the Atomic Energy Commission (31 F.R. 10644) pursuant to section 274(b) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021(b)). This agreement makes that State's program for control of radiation sources effective pursuant to 41 CFR 50–204.320(c)(1) (31 F.R. 1075) and eligible for a determination pursuant to 41 CFR 50–204.320(c)(2) that such program is currently compatible with the requirements of the Department of Labor's safety and health standards for Federal supply contracts (41 CFR Part 50–204).

This agreement brings into compliance with 41 CFR Part 50–204 any employer in Alabama who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has registered such sources with the State of Alabama, or is operating under a license issued by the State of Alabama, and in accordance with the requirements of Alabama's laws and regulations, insofar as his possession and use of such material is concerned, unless the Secretary of Labor after conference with the Atomic Energy Commission, shall determine that the State's program for control of these radiation sources is incompatible with the requirements of 41 CFR Part 50–204. No such determination has been made.

This agreement shall also be deemed to bring into compliance with 41 CFR Part 50–204 any employer who possesses or uses radiation sources other than source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), insofar as his possession and use of such material is concerned, if he has registered such sources with the State of Alabama, or is operating under a license issued by the State of Alabama, and if his operation is entirely in accordance with the requirements of Alabama's laws and regulations, if and when the State's program for control of these radiation sources is the subject of a currently effective determination by the Secretary of Labor that such program is compatible with the requirements of 41 CFR Part 50–204. I hereby propose to make such a determination.

I also propose to add the State of Alabama to the list of States set forth in 41 CFR 50–204.320(c) (1) and (2) (31 F.R. 1075).

Interested persons may submit written data, views or argument regarding this proposal by mailing them to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, within 30 days after this notice is published in the FEDERAL REGISTER.

(Secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 35, 38; sec. 7, 60 Stat. 241; 5 U.S.C. 1006)

Signed at Washington, D.C., this 26th day of September 1966.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 66–10659; Filed, Sept. 29, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Control Percentages for 1966–67 Crop Year

Notice is hereby given of a proposal to establish, for the 1966–67 crop year, which began August 1, 1966, walnut control percentages as follows: District 1 (California), marketable percentage of 90 percent and surplus percentage of 10 percent; and District 2 (Oregon and Washington), marketable percentage of 95 percent and surplus percentage of 5 percent. The control percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Walnut Control Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than eight days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The 1966 orchard-run production is estimated at 176 million pounds. The proposed percentages would provide for (1) trade demand for inshell walnuts of 55 million pounds plus a yearend carryover of 15 million pounds, and (2) trade demand for shelled walnuts of 42 million pounds (kernel weight) plus a yearend carryover of 10 million pounds for the marketing year which began August 1, 1966. The trade demand area includes the United States, Puerto Rico, and the Canal Zone.

The proposal is as follows:

§ 984.214 Marketable and surplus percentages for walnuts during the 1966–67 marketing year.

The marketable and surplus percentages during the marketing year beginning August 1, 1966, shall be as follows:

	District 1	District 2
Marketable	90	95
Surplus	10	5

Dated: September 27, 1966.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 66–10689; Filed, Sept. 29, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[Ex Parte No. MC 71]

MOTOR CARRIER RATES

Criteria To Be Used in Determining Compensatory Nature of Rates in Proceedings Involving Owner-Operators

Upon consideration of the record in the above-entitled proceeding, and of a request by Mr. James E. Wilson, General Counsel, Common Carrier Conference—Irregular Route, for an extension of time to file representations; and good cause appearing:

It is ordered, That the time within which written representations may be filed be, and it is hereby, extended to December 12, 1966.

Dated at Washington, D.C., this 7th day of September A.D. 1966.

By the Commission, Chairman Bush.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10686; Filed, Sept. 29, 1966; 8:48 a.m.]

[49 CFR Parts 71–79]

[Docket No. 3666; Notice 73]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Transportation

SEPTEMBER 16, 1966.

Revision of the Commission's regulations, as proposed herein, is intended to update the cargo tank specification requirements consistent with the current state of the fabrication art and carrier operating procedures. The proposed changes would replace existing requirements contained in specifications MC 300, MC 302, MC 303, MC 304, MC 305, MC 310, and MC 311, with three new cargo tank specifications MC 306, MC 307, and MC 312.

These new specifications incorporate features intended to improve safety on the nations highways, increase equipment operation flexibility, and more clearly define manufacturing certification procedures. This proposal specifically incorporates the following:

(1) Updates construction material requirements.

(2) Structural integrity requirements.

(3) Updates and more clearly defines circumferential reinforcement requirements.

(4) Defines accident protection requirements including:

(a) Appurtenance attachment,

(b) Rear bumper requirements,

(c) Overturn protection improvement,

(d) Piping protection (including shear section, guards, and minimum road clearance).

(5) Certification (including multipurpose tank configurations, specification shortages, and multipurpose plate requirements.

(6) Manhole cover requirements.

(7) Venting requirements patterned after National Fire Protection Association standards.

The proposed new cargo tank specification requirement format is divided into four parts as follows:

(1) *§ 78.340 General design and construction.* This part includes those general specification requirements applicable to all new cargo tanks built in compliance with new specifications MC 306, MC 307, or MC 312.

(2) *§ 78.341 Specification MC 306; cargo tanks.* This new specification is intended to replace MC 300, MC 302, MC 303, and MC 305 specifications.

(3) *§ 78.342 Specification MC 307; cargo tanks.* This new specification is intended to replace MC 304 specification.

(4) *§ 78.343 Specification MC 312; cargo tanks.* This new specification is intended to replace MC 310 and MC 311 specifications.

This notice also includes proposed changes to § 73.33 "Qualification, maintenance, and use of cargo tanks" to accomplish the following:

(1) Accommodate new specifications.

(2) Define multipurpose use procedures.

(3) Establish appropriate "Grandfather" provisions for the continued use of "Authorized" cargo tanks.

(4) Establish special permit procedures for cargo tanks not included on the authorized specification list.

Important changes have also been made to § 77.824 "Retesting and Inspection of Cargo Tanks" to define the visual and hydrostatic retesting requirements for all new and existing cargo tanks.

Additionally appropriate amendments have been made to various sections in Part 73 to prescribe the use of the MC 306, 307, 312, cargo tanks; to discontinue the exemptions for private carriers from the regulations pertaining to cargo tank retest requirements and cargo tanks constructed prior to the year 1943; and to relocate certain exemptions from labeling and shipper certification requirements afforded private carriers in §§ 77.815 and 77.819.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before November 22, 1966. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Explosives and Other Dangerous Articles Board.

[SEAL] H. NEIL GARSON, *Secretary.*

PART 73—SHIPPERS

In the table of contents in Part 73, amend § 73.33 (29 F.R. 18668, Dec. 29, 1964) to read as follows:

Sec.
73.33 Cargo tank use authorization.

Cancel entire Note 1 following the bracketed paragraphs after the table of contents in Part 73 and immediately preceding § 73.1 (29 F.R. 18670, Dec. 29, 1964) presently reading as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, the following regulations shall apply to transportation of flammable liquids by private carriers of property in interstate or foreign commerce:

All regulations heretofore applying to common or contract carriers by motor vehicle shall apply to such private carriers, except:

Cargo tanks of tank motor vehicles constructed previous to June 15, 1943, may be continued in service if maintained in safe operating condition and sufficiently frequent inspections are maintained to determine compliance with all requirements as specified in this note.

Any defect or deficiency, due to accident or otherwise, that is likely to cause serious hazard must be corrected before any such tank is continued in or returned to service; see however § 77.856 of this chapter.

Requirements applying to tests of tanks, and provisions for markers thereon except that indicating the flammable nature of the cargo, are waived.

Outages for shipments shall be those provided for by this part, except that filling of tanks to outage markers already incorporated in tanks, having due regard for safety in the transportation of the flammable liquids, need not be changed.

Section 77.815 of this chapter, labels, and § 77.819 of this chapter, certification of packages, of these regulations, need not be complied with by such private carriers, except as to packages transferred from one carrier to another.

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.33 amend the heading; cancel paragraphs (a) through (j); redesignate paragraphs (k), (l), (m), (n), (o), (p), and (q), as paragraphs (e), (f), (g), (h), (i), (j), and (k) respectively; add new paragraphs (a), (b), (c), and (d); aline the subparagraph references within paragraphs (k) (1), (5), (6), (7), (8), and (9), and (m) (9) consistent with the newly redesignated paragraphs; add new paragraph (e) heading (29 F.R. 18677, 18678, 18679, Dec. 29, 1964) to read as follows:

§ 73.33 Cargo tank use authorization.

(a) *General.* Every cargo tank (or compartment) used for the transportation of dangerous articles shall be an authorized container. Such authorized container shall comply with requirements as set forth in this section in addition to those regulations applicable for the transportation of the particular commodity.

(b) *Container authorization.* Cargo tank qualification as an authorized container includes compliance with applicable specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, MC 312, MC 330, or MC 331 plus current compliance with the retest provisions as required in § 77.824 of this chapter and marked accordingly.

(1) Cargo tanks constructed on or after (effective date of order) must be constructed in compliance with Specifications MC 306, MC 307, MC 312, or MC 331 (§ 78.341, § 78.342, § 78.343, or § 78.337 of this chapter).

(2) Continued use of existing cargo tanks constructed to Specifications MC 300, MC 302, MC 303, MC 304, MC 305, MC 310, MC 311, and MC 330 is authorized but new construction is not permitted after (effective date of order).

(3) Continued use of existing cargo tanks constructed to Specification MC 301 is authorized but new construction is not permitted after June 11, 1961.

(c) *Special permit authorization.* Every cargo tank which does not meet one or more of the authorized specifications as shown in paragraph (b) of this section may continue in or be placed in service only under the terms specifically prescribed by the Commission. In the event such special permit authorization is desired, the carrier shall furnish those details concerning the design and construction of the tank motor vehicle and the cargo tank as seem necessary for the determination of its ability to transport the proposed commodity safely.

(d) *Multipurpose cargo tanks.* Multipurpose cargo tanks which have more than one compartment each of which meets the requirements qualifying them as different container types are authorized for use for applicable commodities.

(1) Multipurpose tanks which can be physically altered to qualify as containers to accommodate various commodities subject to these regulations or commodities not subject to these regulations are authorized if:

(i) All applicable provisions of these regulations which are required to qualify the container as acceptable for the commodity being transported are met.

(ii) The required physical alterations to convert from one container type to another are clearly indicated on or near the certification plate.

(e) *Cargo tanks used for the transportation of liquefied compressed gas.* • • •

• • • • • •

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.119 amend paragraphs (a) (17), (e) (3), (f) (5); cancel footnote 3 (29 F.R. 18702, Dec. 29, 1964) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

(a) • • •

(17) Specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, or MC 307 (§ 78.341 or § 78.342 of this chapter). Tank motor vehicles.

(Note 1 remains unchanged.)

• • • • • •

(e) • • •

(3) Specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, or MC 307 (§ 78.341 or § 78.342 of this chapter). Tank motor vehicles.

• • • • • •

(f) • • •

(5) Specification MC 304 or MC 307 (§ 78.342 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.123 amend paragraph (a) (6) (29 F.R. 18705, Dec. 29, 1964) to read as follows:

§ 73.123 Ethyl chloride.

(a) • • •

(6) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.134 amend paragraph (a) (6) (30 F.R. 5744, April 23, 1965) to read as follows:

§ 73.134 Pyroforic liquids, n.o.s.

(a) • • •

(6) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles having a minimum design pressure of 175 pounds per square inch.

Safety-relief devices must communicate with the vapor space when tanks are fully loaded.

• • • • • •

In § 73.135 amend paragraph (a) (9) (29 F.R. 18708, Dec. 29, 1964) to read as follows:

§ 73.135 Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.

(a) • • •

(9) Specifications MC 300, MC 303, MC 304, MC 306, or MC 307 of steel or stainless steel construction (§§ 78.341, 78.342 of this chapter). Tank motor vehicles.

In § 73.136 amend paragraph (a) (8) (29 F.R. 18708, Dec. 29, 1964) to read as follows:

§ 73.136 Methyl dichlorosilane and trichlorosilane.

(a) • • •

(8) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.141 amend paragraph (a) (8) (29 F.R. 18709, Dec. 29, 1964) to read as follows:

§ 73.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

(a) • • •

(8) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.145 amend paragraph (a) (7); cancel footnote 1 (30 F.R. 5744, Apr. 23, 1965) (29 F.R. 18709, Dec. 29, 1964) to read as follows:

§ 73.145 Dimethylhydrazine, unsymmetrical, and methylhydrazine.

(a) • • •

(7) Specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, or MC 312 (§§ 78.341, 78.342, 78.343 of this chapter). Tank motor vehicles without bottom discharge outlets and equipped with steel safety valves of approved design. Authorized only for dimethylhydrazine, unsymmetrical.

In § 73.148 amend paragraph (a) (5) (29 F.R. 18709, Dec. 29, 1964) to read as follows:

§ 73.148 Monoethylamine.

(a) • • •

(5) Specification MC 304 or MC 307 (§ 78.342 of this chapter). Tank motor vehicles.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.190 amend paragraph (b) (4) (29 F.R. 18717, Dec. 29, 1964) to read as follows:

§ 73.190 Phosphorus, white or yellow.

• • • • • •

(b) • • •

(4) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, without bottom outlet and with insulation at least 4 inches in thickness, except that 2 inches of insulation is authorized for tanks equipped with an exterior heating jacket. Interior heating coils are not authorized. The material must be immersed in water or be blanketed with an inert gas and be loaded at a temperature not exceeding 140° F. After unloading, the tank must be filled to its entire capacity with an inert gas or to its entire capacity with water having a temperature not exceeding 140° F.

• • • • • •

In § 73.206 amend paragraph (c) (3) (29 F.R. 18719, Dec. 29, 1964) to read as follows:

§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.

• • • • • •

(c) • • •

(3) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles having a minimum design pressure of 150 pounds per square inch and having exterior coils fusion-welded to the tank shell and properly stress-relieved. Tanks must be equipped with safety valves having a set-to-discharge pressure not exceeding 150 pounds per square inch. The material must be in molten condition when loaded and solidified before being moved over a public highway. Outage must be 5 percent or more at a sodium temperature of 208° F.

• • • • • •

In § 73.224 amend paragraph (a) (4) (29 F.R. 18723, Dec. 29, 1964) to read as follows:

§ 73.224 Cumene hydroperoxide, dicumyl peroxide, diisopropylbenzene hydroperoxide, paramethane hydroperoxide, and tertiary butylisopropyl benzene hydroperoxide.

(a) • • •

(4) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Authorized for paramenthane hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent only.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 72.247 amend paragraph (a) (12) (29 F.R. 18726, Dec. 29, 1964) to read as follows:

§ 73.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.

(a) • • •

(12) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.248 amend paragraph (a) (6) (29 F.R. 18727, Dec. 29, 1964) to read as follows:

§ 73.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.

(a) • • •

(6) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.249 amend paragraph (a) (6) (29 F.R. 18727, Dec. 29, 1964) to read as follows:

§ 73.249 Alkaline corrosive liquids, n.o.s., alkaline caustic liquids, n.o.s., alkaline corrosive battery fluids, and sodium aluminate, liquid.

(a) • • •

(6) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.252 amend paragraph (a) (4) (29 F.R. 18728, Dec. 29, 1964) to read as follows:

§ 73.252 Bromine.

(a) • • •

(4) Specifications MC 310 or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. The tank must have a steel shell thickness of ¾-inch minimum and must be lined with lead of at least ⅜-inch thickness. The water weight capacity of the tank must not be more than 5,100 pounds and the maximum quantity of liquid bromine loaded into the tank must not be more than 15,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is the lesser. In no case shall the quantity loaded be less than 98 percent of the quantity the tank is authorized to carry.

• • • • • •

In § 73.253 amend paragraph (a) (6) (29 F.R. 18728, Dec. 29, 1964) to read as follows:

§ 73.253 Chloracetyl chloride.

(a) • • •

(6) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles having tanks fabricated from Type 316 stainless steel.

• • • • • •

In § 73.254 amend paragraph (a) (5) (29 F.R. 18728, Dec. 29, 1964) to read as follows:

§ 73.254 Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.

(a) • • •

(5) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

In § 73.255 amend paragraph (a) (5) (29 F.R. 18728, Dec. 29, 1964) to read as follows:

§ 73.255 Dimethyl sulfate.

(a) * * *

(5) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

* * * * *

In § 73.257 amend paragraph (a)(4) (29 F.R. 18729, Dec. 29, 1964) to read as follows:

§ 73.257 Electrolyte (acid) or corrosive battery fluid.

(a) * * *

(4) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, except that unlined tanks must not be used.

* * * * *

In § 73.262 amend paragraphs (a)(11) and (b)(4) (29 F.R. 18731, Dec. 29, 1964) to read as follows:

§ 73.262 Hydrobromic acid.

(a) * * *

(11) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, rubber-lined.

(b) * * *

(4) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, rubber-lined.

In § 73.263 amend paragraph (a)(10) (29 F.R. 18732, Dec. 29, 1964) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution inhibited, sodium chlorite solution (not exceeding 42 percent sodium chlorite), and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) * * *

(10) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles lined with rubber or equally acid-resistant material of equivalent strength and durability. Unlined Specifications MC 311 and MC 312 tank motor vehicles made from Type 304L stainless steel authorized for sodium chlorite solution not exceeding 42 percent sodium chlorite only.

* * * * *

In § 73.264 amend paragraph (a)(14) and (b)(3) (29 F.R. 18733, Dec. 29, 1964) to read as follows:

§ 73.264 Hydrofluoric acid.

(a) * * *

(14) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

(Note 1 remains the same.)

* * * * *

(b) * * *

(3) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

* * * * *

In § 73.265 amend paragraph (b)(4) (29 F.R. 18734, Dec. 29, 1964) to read as follows:

§ 73.265 Hydrofluosilicic acid.

* * * * *

(b) * * *

(4) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, lined with rubber.

* * * * *

In § 73.266 amend paragraph (f)(2) (29 F.R. 18735, Dec. 29, 1964) to read as follows:

§ 73.266 Hydrogen peroxide solution in water.

* * * * *

(f) * * *

(2) Specification MC 310 or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Tanks shall be welded construction of aluminum complying with Aluminum Association Nos. 1060, 1260, 5254, or 5652, and having a minimum wall thickness of one-half inch. They must be built to a design working pressure of not less than 40 p.s.i.g. and shall be designed so that internal surfaces may be effectively cleaned and passivated. All openings in the tank shall be located on top of tank. All valves and safety devices shall be provided with overturn protection and dust covers. The tank metal identification plate required shall be marked "ICC MC 310–H_2O_2" or "MC 312–AL–H_2O_2," as appropriate, and, in addition, the vehicle shall be clearly marked in letters not less than 1 inch high "FOR HYDROGEN PEROXIDE ONLY." Designs for venting and pressure relief devices must be approved by the Bureau of Explosives.

In § 73.267 amend paragraph (a)(7) (29 F.R. 18735, Dec. 29, 1964) to read as follows:

§ 73.267 Mixed acid (nitric and sulfuric acid) (nitrating acid).

(a) * * *

(7) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. (See paragraph (b) of this section.)

* * * * *

In § 73.268 amend paragraph (b)(3) (29 F.R. 18736, Dec. 29, 1964) to read as follows:

§ 73.268 Nitric acid.

* * * * *

(b) * * *

(3) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

* * * * *

In § 73.271 amend paragraph (a) (8), (13), (14), and (15) (29 F.R. 18737, Dec. 29, 1964) to read as follows:

§ 73.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *

(8) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles when tanks are lead-lined or nickel-lined. If nickel-lined, the lining shall comprise at least one thirty-seconds of an inch of uncontaminated nickel at all points including rivets, welds, and other joints, and edges of tank plates.

* * * * *

(13) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles when tanks are clad with 20 percent Type 316 stainless steel. Authorized for phosphorus oxychloride only.

(14) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles made from Types 304, 316, or 347 stainless steels. Authorized for phosphorus trichloride only.

(15) Specification MC 311 or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Tank must be of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent. Authorized for phosphorus oxychloride and phosphorus trichloride only.

* * * * *

In § 73.272 amend paragraphs (h)(2) and (i)(3) (29 F.R. 18738, Dec. 29, 1964) to read as follows:

§ 73.272 Sulfuric acid.

* * * * *

(h) * * *

(2) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

* * * * *

(i) * * *

(3) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles (rubber-lined).

* * * * *

In § 73.273 amend paragraph (a)(5) (29 F.R. 18739, Dec. 29, 1964) to read as follows:

§ 73.273 Sulfur trioxide, stabilized.

(a) * * *

(5) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Authorized only for stabilized sulfur trioxide. Tanks must be equipped with spring-relief safety valves. Tanks equipped with interior heater coils not permitted.

In § 73.276 amend paragraph (a)(6) (29 F.R. 18739, Dec. 29, 1964) to read as follows:

§ 73.276 Anhydrous hydrazine and hydrazine solution.

(a) * * *

(6) MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles having tanks of Type 304L or 347 stainless steel with molybdenum content not exceeding one-half of 1 percent. Vapor space in tank must be filled with nitrogen gas at atmospheric pressure.

* * * * *

In § 73.280 amend paragraph (a)(8) (29 F.R. 18740, Dec. 29, 1964) to read as follows:

§ 73.280 Allyl trichlorosilane, amyl trichlorosilane, butyl trichlorosilane, cyclohexenyl trichlorosilane, cyclohexyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, nonyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane.

(a) * * *

(8) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles of steel or stainless steel construction.

In § 73.289 amend paragraph (a)(4) (29 F.R. 18741, Dec. 29, 1964) to read as follows:

§ 73.289 Formic acid and formic acid solutions.

(a) * * *

(4) Specifications MC 310, MC 311, and MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

* * * * *

In § 73.292 amend paragraph (a)(2); cancel footnote 2 (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.292 Hexamethylene diamine solution.

(a) * * *

(2) Specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, or MC 312 (§§ 78.341, 78.342, 78.343 of this chapter). Tank motor vehicles.

In § 73.294 amend paragraph (a)(3) (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.294 Monochloroacetic acid, liquid.

(a) * * *

(3) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Tanks to be fabricated from 99 percent pure nickel plates, Type 304 or 316 stainless steel, or be suitably lined.

* * * * *

In § 73.295 amend paragraph (a) (9) and (10) (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.295 Benzyl chloride.

(a) * * *

(9) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Authorized for stabilized benzyl chloride only.

(10) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles fabricated from 99 percent pure nickel plates. All cast metal parts of the tank in contact with the lading must have a minimum nickel content of 96.7 percent. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron.

* * * * *

In § 73.296 amend paragraph (a)(2) (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.296 Di iso-octyl acid phosphate.

(a) * * *

(2) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

* * * * *

In § 73.297 amend paragraph (a)(1) (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.297 Titanium sulfate solution containing not more than 45% sulfuric acid.

(a) * * *

(1) Specifications MC 310, MC 311, or MC 312 (§78.343 of this chapter). Tank motor vehicles, rubber-lined.

* * * * *

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.346 amend paragraph (a)(12); cancel footnote 2 (29 F.R. 18757, Dec. 29, 1964) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) * * *

(12) Specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, or MC 312 (§§ 78.341, 78.342, 78.343 of this chapter). Tank motor vehicles.

* * * * *

In § 73.347 amend paragraph (a)(3); cancel footnote 2 (29 F.R. 18757, Dec. 29, 1964) to read as follows:

§ 73.347 Aniline oil.

(a) * * *

(3) Specifications MC 300, MC 301, MC 302, MC 303, MC 305, or MC 306 (§ 78.341 of this chapter). Tank motor vehicles.

* * * * *

In § 73.352 amend paragraph (a)(5); cancel footnote 2 (29 F.R. 18758, Dec. 29, 1964) to read as follows:

§ 73.352 Liquid sodium or potassium cyanide.

(a) * * *

(5) Specifications MC 300, MC 301, MC 302, MC 303, MC 305, or MC 306 (§ 78.341 of this chapter). Tank motor vehicles.

In § 73.353 amend paragraph (e) (29 F.R. 18759, Dec. 29, 1964) to read as follows:

§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chloropicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

* * * * *

(e) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles having a design pressure not less than 250 pounds per square inch equipped with an approved spring-relief safety valve. Outage must be sufficient to prevent tank from becoming entirely filled with liquid at 130° F. Authorized for methyl bromide-ethylene dibromide mixture only.

In § 73.354 amend paragraph (a)(5) (29 F.R. 18759, Dec. 29, 1964) to read as follows:

§ 73.354 Motor fuel antiknock compound or tetraethyl lead.

(a) * * *

(5) Specifications MC 330 or MC 331 (§ 78.337 of this chapter) (see Note 1). Tank motor vehicles. Authorized for motor fuel antiknock compound only.

(No change in Note 1.)

* * * * *

In § 73.369 amend paragraph (a)(14); cancel footnote 1 (31 F.R. 9073, July 1, 1966) to read as follows:

§ 73.369 Carbolic acid (phenol), not liquid.

(a) * * *

(14) Specifications MC 300, MC 301, MC 302, MC 303, MC 305, MC 306, MC 310, MC 311, or MC 312 (§§ 78.341, 78.343 of this chapter). Tank motor vehicles.

(No change in (l).)

* * * * *

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In the table of contents in Part 77, amend § 77.824 (29 F.R. 18795, Dec. 29, 1964) to read as follows:

Sec.
77.824 Retesting and inspection of cargo tanks.

Cancel entire Note 1 following the bracketed paragraphs after the table of contents in Part 77 and immediately preceding § 77.800 (29 F.R. 18796, Dec. 29, 1964) presently reading as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, the following regulations shall apply to transportation of flammable liquids by private carriers of property in interstate or foreign commerce:

All regulations heretofore applying to common or contract carriers by motor vehicle shall apply to such private carriers, except:

Cargo tanks of tank motor vehicles constructed previous to June 15, 1943, may be continued in service if maintained in safe operating condition and sufficiently frequent inspections are maintained to determine compliance with all requirements as specified in this Note.

Any defect or deficiency, due to accident or otherwise, that is likely to cause serious hazard must be corrected before any such tank is continued in or returned to service; see, however, § 77.856.

Requirements applying to tests of tanks, and provisions for markers thereon except that indicating the flammable nature of the cargo, are waived.

Outages for shipments shall be those provided for by Part 73 of this chapter, except that filling of tanks to outage markers already incorporated in tanks, having due regard for safety in the transportation of the flammable liquids, need not be changed.

Section 77.815, labels, and § 77.819, certification of packages, need not be complied with by such private carriers, except as to packages transferred from one carrier to another.

Subpart A—General Information and Regulations

In § 77.815 add paragraph (a)(1) (29 F.R. 18797, Dec. 29, 1964) to read as follows:

§ 77.815 Labels.

(a) * * *

(1) Such labels are not required for packages transported by the shipper except for packages which are to be reshipped or transferred from one carrier to another carrier.

* * * * *

In § 77.819 add paragraph (a)(1) (29 F.R. 18798, Dec. 29, 1964) to read as follows:

§ 77.819 Certificate.

(a) * * *

(1) Shipper certification is not required for shipments to be transported by the shipper except for shipments which are to be reshipped or transferred from one carrier to another carrier.

* * * * *

In § 77.824 cancel paragraphs (a), (b), (c), (e), (f), (g), and (h); redesignate paragraph (d) as paragraph (e); add new paragraphs (a), (b), (c), (d), (f), and (g) (29 F.R. 18799, Dec. 29, 1964) to read as follows:

§ 77.824 Retesting and inspection of cargo tanks.

(a) *General.* In accordance with § 73.33 of this chapter (cargo tank use authorization) every cargo tank of more than 3,000 gallons capacity, or any compartment of a cargo tank to be authorized as a qualified container must fulfill the applicable requirements as set forth in this section.

(1) Every cargo tank whether constructed in accordance with ICC specifications or being operated as a novel tank under special permit authorization shall not continue in service unless it has successfully fulfilled the testing requirements as set forth in this section.

(b) *Visual inspection requirements.* Every cargo tank shall receive an external visual inspection at least once in every 2-year period. This inspection shall be made by a responsible and experienced inspector who shall record the condition of the items set forth below. The inspection record shall be approved and signed by an authorized representative of the owner or operator. The inspection report shall be retained in carrier's or owner's files for a period of 2 years after the date of inspection. Forms presently used by a carrier are acceptable providing they indicate compliance with the requirements of this section. Where insulation precludes external visual inspection, the cargo tank shall receive a visual internal inspection for corroded areas, defects in welds or tank sheets. If the tank is not equipped with a manhole which will permit this inspection, the tank shall be hydrostatically retested as specified in paragraph (c) of this section. The tank shall not be placed in or returned to service if evidence of any unsafe condition is discovered and until such condition has been corrected. Inspection shall consist of the following items:

(1) The tank shall be inspected for: Corroded areas, bad dents, and defects in welds; defects in piping, valves, and gaskets; and other conditions, including leakage, which indicate weakness in the tank that might render it unsafe for transportation service.

(2) Devices for tightening manhole covers must be operative and leakage at manhole covers and gaskets must be corrected.

(3) All emergency devices and safety vents must be operative.

(4) Spring-loaded, safety-relief valves shall be removed from the cargo tank and tested.

(5) Valves and safety devices must be free from corrosion, distortion, and any damage which will prevent their normal operation.

(6) Missing or loose bolts or nuts on any flanged connection or blank flange must be replaced or tightened.

(7) Required markings on the tank shall be legible.

(8) The entire vehicle shall be inspected for and put in compliance with the Motor Carrier Safety Regulations (Part 193 of this chapter).

(c) *Hydrostatic testing requirements.* In addition to the visual inspection requirements as contained in paragraph (b) of this section, hydrostatic testing of cargo tanks (or compartments) is required to be conducted in accordance with the provisions contained in this paragraph to qualify as an authorized container if:

(1) The cargo tank has been out of service (transporting dangerous articles) 1 year or more.

(2) The cargo tank has been involved in an accident which may have been dented, torn or otherwise damaged so as to affect its product retention integrity.

(3) The shell of the cargo tank has been modified.

(4) The cargo tank is operating under the special permit authorization. Such tanks shall be hydrostatically tested once every calendar year and shall successfully fulfill the requirements set forth in this paragraph. No two such required tests shall be closer than 6 months.

(d) *Hydrostatic testing procedure.* Every cargo tank (or compartment) required to be hydrostatically tested in paragraph (c) of this section shall use the following procedure to determine the acceptability of the tank to retain product at design pressures.

(1) All closures shall be in place while the test is being made. During the test all relief devices shall be clamped, plugged or otherwise rendered inoperative. Immediately after the tests are completed such relief devices shall be returned to their operative condition.

(2) The cargo tank shall be completely filled (including domes if any) with water or other liquid having a similar viscosity. Pressure shall be applied in accordance with Chart I in subparagraph (3) of this paragraph. The pressure shall be gauged at the top of the tank. The tank shall hold the prescribed test pressure for at least 10 minutes. All tank valves piping and other accessories in communication with the lading shall be pressure tested and proved tight at the tank design pressure.

(3) If a cargo tank is compartmented each compartment shall be similarly tested with the adjacent compartment empty and at atmospheric pressure.

CHART I

Container type	Test pressure (p.s.i.g.)
MC 300, 301, 302, 303, 305, 306	3
MC 304, 307	[1] 25
MC 310, 311, 312	[1] 3
MC 330, 331	[1] 100

[1] Or 1¼ times design pressure whichever is greater.

(4) Cargo tanks (or compartments) equipped with heating systems employing such media as steam or hot water under pressure for heating the contents of the container shall be tested with hydrostatic pressure and proved to be tight at 200 p.s.i.g. Systems employing flues for heating the container's contents shall be suitably tested to insure against product leakage into the flues or into the atmosphere.

(5) The requalification as an authorized container of cargo tanks (or compartments) required to be hydrostatically tested in accordance with paragraph (a) of this section shall be based on successfully retaining the applicable test pressure (see Chart I in subparagraph (3) of this paragraph) without leakage, undue distortion, excessive permanent expansion, evidence of impending failure or failure.

(i) Cargo tanks (or compartments) with heating systems shall successfully withstand hydrostatic pressure and examination contained in subparagraph (4) of this paragraph.

(ii) Such cargo tank (or compartment) shall not be returned to service as an authorized container until suitable repairs are made. The suitability of the repair shall be determined by the same method of test.

* * * * *

(f) *Special testing required by the Commission.* Upon the showing of probable cause of the necessity for retest, the Commission may, at its discretion, cause any cargo tank to be retested at any time in accordance with the requirements prescribed for its periodic retest.

(g) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors near the metal certification plate. The date shall be followed by the letter "V" for visual and/or "H" for hydrostatic.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

In the table of contents in Part 78, cancel §§ 78.321, 78.323, 78.324, 78.325, 78.326, 78.330, 78.331, and 78.336 (29 F.R. 18813, Dec. 29, 1964) which presently read as follows:

Sec.
78.321 Specification MC 300; cargo tanks constructed of mild (open hearth, or blue annealed) steel, or combination of mild steel with high-tensile steel, or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.
78.323 Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B209–57T), primarily for the transportation of flammable liquids, or poisonous liquids, class B.
78.324 Specification MC 303; cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.
78.325 Specification MC 304; cargo tanks constructed of mild (open hearth or blue annealed) steel, welded ferrous alloy (high-tensile steel) or aluminum, primarily for the transportation of flammable liquids, or poisonous liquids, class B, having Reid (ASTM D–323) vapor pressures of 18 p.s.i.a., or more at 100° F. but less than those stated in § 73.300 of this chapter in defining compressed gases.
78.326 Specification MC 305; cargo tanks constructed of aluminum alloys for high-strength welded construction, primarily for the transportation of flammable liquids, or poisonous liquids, class B.
78.330 Specification MC 310; cargo tanks constructed of ferrous materials, primarily for the transportation of corrosive liquids.
78.331 Specification MC 311; cargo tanks constructed of ferrous metals or aluminum, primarily for the transportation of corrosive liquids.
78.336 Specification MC 330; cargo tanks constructed of steel, primarily for transportation of compressed gases.

In the table of contents in Part 78, add §§ 78.340, 78.341, 78.342, and 78.343 (29 F.R. 18813, Dec. 29, 1964) to read as follows:

Sec.
78.340 General design and construction requirements applicable to specifications MC 306 (§ 78.341), MC 307 (§ 78.342), and MC 312 (§ 78.343) cargo tanks.
78.341 Specification MC 306; cargo tanks.
78.342 Specification MC 307; cargo tanks.
78.343 Specification MC 312; cargo tanks.

Subpart J—Specifications for Containers for Motor Vehicle Transportation

§§ 78.321, 78.323, 78.324, 78.325, 78.326, 78.330, 78.331, 78.336 [Canceled]

Cancel §§ 78.321, 78.323, 78.324, 78.325, 78.326, 78.330, 78.331, and 78.336 in their entirety (29 F.R. 18976 through 18995, Dec. 29, 1964).

Add § 78.340 (29 F.R. 18995, Dec. 29, 1964) to read as follows:

§ 78.340 General design and construction requirements applicable to specifications MC 306 (§ 78.341), MC 307 (§ 78.342), and MC 312 (§ 78.343) cargo tanks.

§ 78.340–1 Specification requirements for MC 306, MC 307 and MC 312 cargo tanks constructed on or after ------ for the bulk transportation of dangerous commodities.

The requirements contained in this section are considered an integral part of the specification requirements of each applicable specification as contained in §§ 78.341 (MC 306), 78.342 (MC 307), 78.343 (MC 312). All of these specification requirements are minimum requirements.

§ 78.340–2 General requirements.

(a) Every cargo tank shall be designed and constructed in accordance with the best known and available practices in addition to the other applicable cargo tank specification requirements.

(b) Those requirements relating to parts and accessories applicable to all motor vehicles engaged in interstate commerce as contained in Part 193 of this chapter are an integral part of this specification.

(c) Where applicable the additional requirements prescribed in Part 73 of this chapter to accommodate specific commodities are considered an integral part of these specifications.

(d) **Multipurpose cargo tank:**

(1) A single cargo tank may be divided into compartments of different specification construction. Each such compartment shall conform to specification requirements concerned.

(2) A single cargo tank may be physically altered to comply with another cargo tank specification in these regulations; or altered to accommodate a commodity not requiring an ICC specification tank.

§ 78.340–3 Material.

(a) All sheet and plate material for shell, heads, bulkheads and baffles for cargo tanks which are not required to be constructed in accordance with the ASME Code shall meet the following minimum applicable requirements:

(1) *Aluminum Alloys (AL).* Only aluminum alloy material suitable for fusion welding and in compliance with one of the following ASTM specifications shall be used:

ASTM B–209 Alloy 5052.
ASTM B–209 Alloy 5086.
ASTM B–209 Alloy 5154.
ASTM B–209 Alloy 5254.
ASTM B–209 Alloy 5454.
ASTM B–209 Alloy 5652.

All heads, bulkheads, baffles, and ring stiffeners may use 0 temper (annealed) or stronger tempers. All shells shall be made of materials with properties equivalent to H32 or H34 tempers, except that lower ultimate strength tempers may be used if the minimum shell thicknesses in Table II is § 78.341–2, § 78.343–2, or § 78.343–2 are increased in inverse proportion to the lesser ultimate strength.

(2) *Steel.*

	Mild steel (MS)	High strength low alloy steel (HSLA)	Austenitic stainless steel (SS)
Yield point ..... p.s.i..	25,000	45,000	25,000
Ultimate strength, ... do....	45,000	60,000	70,000
Elongation, 2-inch samples ..... percent..	20	25	30

§ 78.340–4 Structural integrity.

(a) *Maximum stress values.* The maximum calculated stress value shall not exceed 20 percent of the minimum ultimate strength of the material as authorized in § 78.340–3, except when ASME pressure vessel design requirements apply (see section VIII, American Society of Mechanical Engineers Boiler and Pressure Vessel Code, 1965 edition).

(b) *Loadings.* Cargo tanks shall be provided with additional structural elements as necessary to prevent resulting stresses in excess of those permitted in paragraph (a) of this section. Consideration shall be given to forces imposed by each of the following loads individually, and where applicable a vector summation of any combination thereof:

(1) Dynamic loading under all product load configurations.

(2) Internal pressure.

(3) Superimposed loads such as operating equipment, insulation, linings, hose tubes, cabinets, and piping.

(4) Reactions of supporting lugs and saddles or other supports.

(5) Effect of temperature gradients resulting from product and ambient temperature extremes. Thermal coefficients of dissimilar materials where used should be accommodated.

§ 78.340–5 Joints.

(a) *Method of joining.* All joints between tank shells, heads, baffles (or baffle attaching rings), and bulkheads shall be welded in accordance with the requirements contained herein. Similarly when covers, vents, valves, piping, or their adaptors which can at any time be in contact with the lading are welded, such welds shall meet these provisions.

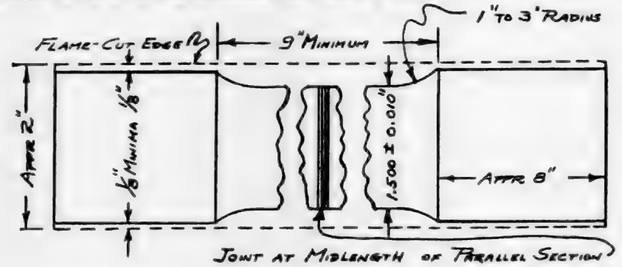
(b) *Strength of joints (Aluminum Alloy (AL)).* All welded aluminum alloy joints shall be made in accordance with recognized good practice, and the efficiency of a joint shall be not less than 85 percent of the properties of the adjacent material. Aluminum alloys shall be joined by an inert gas arc welding process using aluminum-magnesium type of filler metals which are consistent with the material suppliers recommendations.

(c) *Strength of joints (Mild Steel (MS), High Strength Low Alloy (HSLA), Austenitic Stainless Steel (SS)).* Joints shall be welded in accordance with recognized good practice and the efficiency of any joint shall be not less than 85 percent of the mechanical properties of the adjacent metal in the tank.

(1) Combinations of mild steel (MS), high strength low alloy (HSLA) and/or

austenitic stainless steel (SS), may be used in the construction of a single tank, provided that each material, where used, shall comply with the minimum requirements specified in § 78.340–3(a) for the material used in the construction of that section of the tank. Whenever stainless steel sheets are used in combination with sheets of other types of steel, joints made by welding shall be formed by the use of stainless steel electrodes or filler rods and the stainless steel electrodes or filler rods used in the welding shall be suitable for use with the grade of stainless steel concerned, according to the recommendations of the manufacturer of the stainless steel electrodes or filler rods.

(d) *Compliance test.* Compliance with the requirements contained in paragraph (b) or (c) of this section for the welded joints indicated in paragraph (a) of this section shall be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed. The butt welded specimens tested shall be considered qualifying other types or combinations of types of weld using the same filler material and welding process as long as parent metals are of the same types of material.



TENSILE SPECIMEN

§ 78.340–6 Supports and anchoring.

(a) Cargo tanks with frames made integral with the tank as by welding, shall be provided with restraining devices to eliminate any relative motion between the tank and frame which may result from the stopping, starting or turning of the vehicle. Such restraining devices shall be readily accessible for inspection and maintenance; except that insulation and jacketing are permitted to cover the restraining devices.

(b) Any cargo tank designed and constructed so that it constitutes in whole or in part the structural member used in lieu of a frame, shall be supported in such a manner that the resulting stress levels in the cargo tank do not exceed those specified in § 78.340–4(a). The design calculations of the support elements shall include loadings imposed by stopping, starting and turning in addition to those imposed as indicated in § 78.340–4(b) using 20 percent of the minimum ultimate strength of the support material.

§ 78.340–7 Circumferential reinforcement.

(a) Tanks with shell thicknesses less than three-eighths of an inch shall in addition to the tank heads be circumferentially reinforced with either bulkheads, baffles, or ring stiffeners. It is permissible to use any combination of the aforementioned reinforcements in a single cargo tank.

(1) *Location.* Such reinforcement shall be located in such a manner that the maximum unreinforced portion of the shell be as specified in Table II of the applicable specification and in no case more than 60 inches. Additionally such circumferential reinforcement shall be located within 1 inch of points where discontinuity in longitudinal shell sheet alignment exceeds 10 degrees unless otherwise reinforced with structural members capable of maintaining shell sheet stress levels permitted in § 78.340–4(a).

(b) Baffles: Baffles or baffle attaching rings if used as reinforcement members shall be circumferentially welded to the tank shell. The welding must not be less than 50 percent of the total circumference of the vessel and the maximum unwelded space on this joint shall not exceed 40 times the shell thickness.

(c) Double bulkheads: Tanks designed to transport different commodities which if combined during transit will cause a dangerous condition or evolution of heat or gas shall be provided with compartments separated by an air space. This air space shall be vented and be equipped with drainage facilities which shall be kept operative at all times.

(d) Ring stiffeners: Ring stiffeners when used to comply with this section shall be continuous around the circumference of the tank shell and shall have a section modulus about the neutral axis of the ring stiffener parallel to the shell at least equal to that determined by the following formula:

$I_{C\,(Min)} = 0.00027\ WL$ (MS, HSLA, and SS) Steel

$I_{C\,(Min)} = 0.000467\ WL$ (AL) Aluminum Alloy

where:

C = Section modulus (inches).[3]

I

W = Tank width or diameter (inches).

L = Ring spacing (inches); i.e., the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener.

(1) If a ring stiffener is welded to the tank shell (with each circumferential weld not less than 50 percent of the total circumference of the vessel and the maximum unwelded space on this joint not exceeding 40 times the shell thickness) a portion of the shell may be considered as part of the ring section for purposes of computing the ring section modulus. The maximum portion of the shell to be used in these calculations is as follows:

Circumferential ring stiffener to tank shell welds	Distance between parallel circumferential ring stiffener to shell welds	Shell section credit
1		20t.
2	Less than 20t	20t + W.
2	20t or more	40t.

Where:

t = Shell thickness;

W = Distance between parallel circumferential ring stiffener to shell welds.

(2) If configuration of internal or external ring stiffener encloses an air space, this air space shall be arranged for venting and be equipped with drainage facilities which shall be kept operative at all times.

§ 78.340–8 Accident damage protection.

(a) Unless protected in accordance with paragraph (b) or (c) of this section, the design, construction and/or installation of all cargo tank appurtenances whether required by the Commission's regulations or not, shall be such as to minimize the possibility of accident damage or failure of such appurtenances adversely affecting the product retention integrity of the tank.

(1) Attachment of appurtenances to structural members such as the upper coupler, suspension subframe, external ring stiffeners, rear bumper, and the overturn protection shall meet the provisions of this paragraph.

(2) All appurtenance attachments to shell or head material shall be made by means of mounting pads. Mounting pad thickness shall not be less than the required shell thickness. Each pad shall extend not less than 2 inches in each direction beyond the appurtenance attachment. Pad corner shall be rounded or otherwise prepared in such a manner as to not cause stress concentration.

(3) The strength of the appurtenance to mounting pad attachment shall be such that when a force is applied to the

appurtenance (as mounted and normally equipped) in any direction (except normal to the tank shell or within 45° thereof) such attachment shall fail completely without damage to the mounting pad to shell (or head) attachment which will adversely affect the product retention integrity of the tank.

(b) Rear bumpers: Every cargo tank shall be provided with a rear bumper to protect the tank and piping in the event of a rear end collision and minimize the possibility of any part of the colliding vehicle striking the tank. Except that the bumper shall be located at least 6 inches to the rear of any vehicle component which is used for loading or unloading purposes or may at any time contain lading while in transit dimensionally the bumper shall conform to § 193.86 of this title. Structurally the bumper shall be capable of successfully absorbing (no damage which will cause leakage of product) the impact of the fully loaded vehicle with a deceleration of 2 "g" using a factor of safety of two based on the ultimate strength of the bumper material as the calculation base. For purposes of these regulations such impact shall be considered applied horizontally (parallel to the ground) from any direction at an angle not exceeding 30° to the length of the vehicle.

(c) Overturn protection: All closures for filling, manhole or inspection openings shall be protected from damage which will result in leakage of lading in the event of overturning of the vehicle by being enclosed within the body of the tank or dome attached to the tank or by guards.

(1) When guards are required, they shall be designed and installed to withstand a vertical load of twice the weight of the loaded tank and a horizontal load in any direction equivalent to one-half the weight of the loaded tank. These design loads may be considered independently. Ultimate strength of the material shall be used as a calculation base. If more than one guard is used each shall carry its proportionate share of the load. If protection other than guards are considered the same design load criteria is applicable.

(2) Except for pressure actuated vents no overturn protection is required for nonoperating nozzles or fittings less than 5 inches in diameter (which do not contain product while in transit) that project a distance less than the fitting ID. This projected distance may be measured either from the shell or the top of an adjacent ring stiffener provided said stiffener is within 30 inches of the center of the nozzle or fitting.

(3) If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall be provided with drainage facilities directed to a safe point of discharge.

(d) Piping:

(1) Product discharge piping shall be provided with protection in such a manner as to reasonably assure against the accidental escape of contents. Such protection may be provided by:

(i) A shear section located outboard of each emergency valve seat and within 4 inches of the tank shell which will break under strain and leave the emergency valve seat and its attachment to the vessel and the valve head intact and capable of retaining product. The shear section shall be machined in such a manner as to abruptly reduce the wall thickness of the adjacent piping (or valve) material by at least 20 percent; or

(ii) By suitable guards capable of successfully absorbing a concentrated horizontal force of at least 8,000 pounds applied from any horizontal direction, without damage to the discharge piping which will adversely affect the product retention integrity of the discharge valve.

(2) Minimum road clearance: The minimum allowable road clearance of any cargo tank component or protection device located between any two axles on a vehicle or vehicle combination shall be at least one-half inch for each foot separating such axles and in no case less than 12 inches.

(3) Strength of piping, fittings, hose and hose couplings: Hose, piping, and fittings for tanks to be unloaded by pressure shall be designed for a bursting pressure of at least 100 p.s.i.g. and not less than four times the pressure to which, in any instance, it may be subjected in service by the action of any vehicle mounted pump or other device (not including safety relief valves), the action of which may be to subject certain portions of the tank piping and hose to pressures greater than the design pressure of the tank. Any coupling used on hose to make connections shall be designed for a working pressure not less than 20 percent in excess of the design pressure of the hose and shall be so designed that there will be no leakage when connected.

(4) Provision for expansion and vibration: Suitable provisions shall be made in every case to allow for and prevent damage due to expansion, contraction, jarring, and vibration of all pipe. Slip joints shall not be used for this purpose.

(5) Heater coils: Heater coils, when installed, shall be so constructed that the breaking-off of their external connections will not cause leakage of contents of tank.

(6) Gauging, loading, and air-inlet devices: Gauging, loading, and air-inlet devices, including their valves, shall be provided with adequate means for their secure closure, and means shall also be provided for the closing of pipe connections of valves.

§ 78.340–9 Pumps.

(a) Loading or unloading pumps mounted on tractor or trailer, if used, shall be provided with automatic means to prevent the pressure from exceeding the design pressure of the tank mounted equipment.

§ 78.340–10 Certification.

(a) Certification as required in paragraphs (b) and (c) of this section shall indicate that such cargo tank has been designed, constructed, and tested in accordance with the applicable specification MC 306, MC 307, or MC 312 (§ 78.341, § 78.342 or § 78.343).

(1) *Multipurpose tanks.* If a cargo tank is divided into compartments and each compartment is constructed in accordance with the requirements of a different MC specification, there shall be a metal plate required in paragraph (b) of this section, located on the right side, near the front of each compartment, in a place readily accessible for inspection. Details pertaining to the multipurpose configuration shall also be clearly indicated on the manufacturer's certificate required in paragraph (c) of this section.

(i) If a cargo tank is constructed in accordance with the requirements of one specification and may be physically altered to meet another cargo tank specification in this part; or physically altered to accommodate a commodity not requiring a specification tank, such alterations shall be clearly indicated on the manufacturer's certificate required in paragraph (c) of this section and the tank mounted multipurpose plate required in paragraph (b)(2) of this section.

(2) *Specification shortages.* If a cargo tank is manufactured which does not meet all of the applicable specification requirements, thereby requiring subsequent manufacturing involving the installation of additional components, parts, appurtenances or accessories, it is permissible for the original manufacturer to affix the metal certification plate required in paragraph (b) of this section. The specification requirements not complied with shall be indicated on the manufacturer's certificate required in paragraph (c) of this section. When the cargo tank is finally brought into complete compliance, the date such compliance is accomplished shall be stamped on the metal certification plate. The certificate shall indicate the pertinent details, date and concern (manufacturer or carrier) accomplishing complete compliance.

(3) *Removal of certification.* If as the result of accident or for any reason the cargo tank ceases to be in compliance with the applicable specification, the metal certification plate shall be removed or otherwise made illegible by the carrier. The details pertaining to action necessitating removal of certification shall be recorded on the certificate, dated, signed and such certificate shall be retained for 3 years by the vehicle owner.

(b) Metal certification plate: There shall be on every cargo tank (or tank compartment if constructed to different specification) a metal plate not subject to corrosion located on the right side, near the front, in a place readily accessible for inspection. Such plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked in characters of at least ⅜-inch high by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, at least

the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

(1) If a cargo tank is to be physically altered to meet another specification (or to accommodate a commodity not requiring a specification tank) such combinations shall be indicated beside specification identification. Additionally the metal multipurpose plates required in subparagraph (2) of this paragraph are required.

Vehicle manufacturer _____
Manufacturer's serial No. _____
Specification identification [1] ICC MC 306; or MC 307; or MC 312 _____
Date of manufacture _____
Original test date _____
Certification date _____
Design pressure _____ p.s.i.g.
Test pressure _____ p.s.i.g.
Head material _____
Shell material _____
Weld material _____
Lining material _____
Nominal tank capacity by compartment (front to rear) _____ U.S. gal.
Maximum product load _____ lbs.
Loading limits _____ g.p.m. and/or p.s.i.g.
Unloading limits _____ g.p.m. and/or p.s.i.g.

[1] The following material designations (or combinations thereof) must be added: Aluminum Alloy (AL); Mild Steel (MS); High Strength Low Alloy (HSLA); Austenitic Stainless Steel (SS). For example "ICC MC 306–AL" for cargo tanks made of aluminum. A multipurpose cargo tank example would be "Combination MC 306SS–307SS."

(2) Metal multipurpose plate: If a cargo tank is to be physically altered, metal multipurpose plates shall be mounted adjacent to the metal certification plate readily accessible for inspection. The mounting of the plates shall be such that only the plate identifying the applicable specification is legible at all times the cargo tank is in complete compliance with such specifications. The mounting of the plates (or plate assembly) shall be secured in such a manner as to be capable of retaining the plate when subjected to normal operating conditions. The same marking size and method used on the certification plate shall be used. The plate shall contain at least the information contained below:

SPECIFICATION IDENTIFICATION MC ____
EQUIPMENT NECESSARY

	Quantity [1]
Vents:	
Pressure actuated	
Fusible	
Frangible	
Product discharge:	
Top	
Bottom	
Pressure unloading fitting	
Covers:	
Manhole	
Fill opening	

[1] The number required to meet applicable specification. If no physical change is required the letters NC shall follow the number required. If cargo tank is not so equipped the word "NONE" shall be inserted.

(i) *Color coding.* Those parts which must be changed or added to meet the applicable specification requirements and the appropriate multipurpose plate shall be identified using the following colors:

MC 306	RED
MC 307	GREEN
MC 312	YELLOW
Nonspecification	BLUE

Additionally those parts to be changed or added shall be stamped with the appropriate MC Specification No. _____

(c) Manufacturer's certificate: A certificate signed by a responsible official of the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed, constructed and tested in accordance and complies with the requirements contained in the applicable specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him plus one year. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Add § 78.341 (29 F.R. 18995, Dec. 29, 1964) to read as follows:

§ 78.341 Specification MC 306; cargo tanks.

§ 78.341–1 General requirements.

(a) Specification MC 306 consists of the General Design and Construction Requirements contained in § 78.340 in addition to the specific requirements contained in this section.

(b) Design pressure: The design pressure of each cargo tank shall be not less than that pressure exerted by the static head of the fully loaded tank in the upright position.

§ 78.341–2 Thickness of shells, heads, bulkheads, and baffles.

(a) *Material thickness.* The minimum thicknesses of tank material authorized in § 78.340–3 shall be predicated on not exceeding the maximum allowable stress level (78.340–4(a)) but in no case less than those indicated in Tables I and II below:

TABLE I—MINIMUM THICKNESS OF HEADS, BULKHEADS AND BAFFLES, MILD STEEL (MS), HIGH STRENGTH LOW ALLOY STEEL (HSLA), AUSTENITIC STAINLESS STEEL (SS), IN U.S. STANDARD GAUGE; ALUMINUM ALLOY (AL)—EXPRESSED IN DECIMALS OF AN INCH

	Volume capacity in gallons per inch											
	10 or less			Over 10 to 14			14 to 18			18 and over		
	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL
Thickness	14	15	0.066	13	14	0.109	12	13	0.130	11	12	0.151

TABLE II—MINIMUM THICKNESS OF SHELL SHEETS, MILD STEEL (MS), HIGH STRENGTH LOW ALLOY STEEL (HSLA), AUSTENITIC STAINLESS STEEL (SS) IN U.S. STANDARD GAUGE; ALUMINUM ALLOY (AL)—EXPRESSED IN DECIMALS OF AN INCH

Maximum shell radius	Distance between bulkheads, baffles, or ring stiffeners	Volume capacity in gallons per inch											
		10 or less			over 10 to 14			14 to 18			18 and over		
		MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL
Less than 70 inches	36 inches or less	14	16	0.067	14	16	0.087	14	15	0.096	13	14	0.109
	Over 36 inches to 54 inches	14	16	.067	14	15	.096	13	14	.109	12	13	.130
	54 inches through 60 inches	14	15	.096	13	14	.109	12	13	.130	11	12	.151
70 inches or more, less than 90 inches	36 inches or less	14	16	.067	14	15	.096	13	14	.109	12	13	.130
	Over 36 inches to 54 inches	14	15	.096	13	14	109	12	13	.130	11	12	.151
	54 inches through 60 inches	13	14	109	12	13	.130	11	12	.151	10	11	.173
90 inches or more, less than 125 inches	36 inches or less	14	15	096	13	14	.109	12	13	.130	11	12	.151
	Over 36 inches to 54 inches	13	14	109	12	13	130	11	12	.151	10	11	.173
	54 inches through 60 inches	12	13	.130	11	12	.151	10	11	.173	9	10	.194
125 inches or more	36 inches or less	13	14	.109	12	13	.130	11	12	.151	10	11	.173
	Over 36 inches to 54 inches	12	13	.130	11	12	.151	10	11	.173	9	10	.194
	54 inches through 60 inches	11	12	.151	10	11	.173	9	10	.194	8	9	.216

(1) *Product density.* The material thicknesses contained in Tables I and II are minimums based on a maximum 7.2 pounds per gallon product weight. If the tank is designed to haul products weighing more than 7.2 pounds per gallon, the gallon per inch value used to determine the minimum thickness of heads, bulkheads, baffles or shell sheets shall be the actual section capacity required in gallons per inch multiplied by the actual product density in pounds per gallon divided by 7.2.

§ 78.341–3 Closures for fill openings and manholes.

(a) Each compartment in excess of 2,500 gallons capacity shall be accessible through a manhole of at least 11 x 15 inches. Manhole and/or fill opening covers shall be designed to provide secure closure of the openings. They shall have structural capability of withstanding internal fluid pressures of 9 p.s.i.g. without permanent deformation. Safety devices to prevent the manhole and/or fill cover from opening fully when internal pressure is present shall be provided.

§ 78.341–4 Vents.

(a) Each cargo tank compartment shall be provided with safety relief devices in accordance with the requirements contained in this paragraph. All of such devices shall communicate with the vapor space. Shutoff valves shall not be installed between the tank opening and any safety device. Safety relief devices shall be so mounted, shielded or drained as to eliminate the possibility of water collection, the freezing of which could impair the operation or discharge capability of the device.

(b) Normal venting: Each cargo tank compartment shall be provided with pressure and vacuum vents having a minimum through area of 0.44 square inch. All pressure vents shall be set to open at no more than 1 p.s.i.g. and all vacuum vents at no more than 6 ounces. Pressure and vacuum vents shall be designed to prevent loss of liquid through the vent under any condition of vehicle rollover attitude.

(c) Loading and unloading venting protection: If the tank is designed to be loaded or unloaded with the dome cover closed, the vent or vents as described in paragraph (b) of this subsection or additional vents shall limit the vacuum to 1 p.s.i. and the tank pressure to 3 p.s.i.g. based on maximum product transfer rate to be included on the metal certification plate § 78.340–10(b). Unless effective protection against overfilling is made, the pressure vent shall also have sufficient liquid capacity to prevent the pressure from exceeding 3 p.s.i.g. in case of accidental overfilling. This pressure vent may be pressure operated or interlocked with the tank loading device, and shall be designed to prevent loss of liquid through the vent under any condition of vehicle rollover attitude.

(d) Emergency venting for fire exposure:

(1) *Total capacity.* The total emergency venting capacity (cu. ft./hr.) of each cargo tank compartment shall be not less than that determined from Table III.

(2) *Pressure-actuated venting.* Each cargo tank compartment shall be equipped with pressure-actuated vent or vents set to open at not less than 3 p.s.i.g. and close when pressure drops to 3 p.s.i.g. or below. The minimum venting capacity for pressure-actuated vents shall be 6,000 cubic feet of free air per hour (14.7 p.s.i.a. and 60° F.) from a tank pressure of 5 p.s.i.g. Pressure-actuated devices shall be designed so as to prevent leakage of liquid past the device in case of surge or vehicle upset but shall function in case of pressure rise under any condition of vehicle rollover attitude.

(3) *Fusible venting.* If the pressure-actuated venting required by subparagraph (2) of this paragraph does not provide the total venting capacity required by subparagraph (1) of this paragraph additional capacity shall be provided by adding fusible venting devices each having a minimum area of 1.25 square inches, such fusible elements shall be outside of the tank and not in contact with the tank lading. The fusible vent or vents shall be actuated by elements which operate at a temperature not exceeding 250° F. when the tank pressure is between 3 and 5 p.s.i.g.

TABLE III—MINIMUM EMERGENCY VENT CAPACITY IN CUBIC FEET; FREE AIR/HOUR (14.7 P.S.I.A. and 60° F.)

Exposed area square feet	Cubic feet free air per hour	Exposed area square feet	Cubic feet free air per hour
20	15,800	275	214,300
30	23,700	300	228,100
40	31,600	350	245,700
50	39,500	400	265,000
60	47,400	450	283,200
70	55,300	500	300,600
80	63,300	550	317,300
90	71,200	600	333,300
100	79,100	650	348,800
120	94,900	700	363,700
140	110,700	750	378,200
160	126,500	800	392,200
180	142,300	850	405,800
200	158,100	900	419,300
225	191,300	950	432,300
250	203,100	1,000	445,000

NOTE 1: Interpolate for intermediate sizes.

(e) Flow testing and marking of vents: Each type and size of venting devices shall be flow tested in the ranges specified in the applicable preceding paragraphs. The actual rated flow capacity of the vent in cubic feet of free air per hour at the pressure in p.s.i.g. at which the flow capacity is determined shall be stamped on the device. The fusible vent or vents shall have their flow rating determined at 5 p.s.i.g. differential.

(1) These flow tests may be conducted by the manufacturer or may be delegated to a certified outside agency.

§ 78.341–5 Emergency flow control.

(a) Each product discharge opening shall be equipped with a self-closing shut-off valve, designed, installed, and protected in accordance with § 78.340–8(d) and operated so as to assure against the accidental escape of contents. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or within the welded flange, its companion flange, nozzle, or coupling. Such product discharge valves (outflow) shall, in addition to normal means, be closed by (1) an automatic heat actuated means which will become effective at a temperature not over 250° F., (2) a secondary closing means, remote from tank filling or discharge openings, for operation in event of fire or other accident.

§ 78.341–6 Gauging devices.

(a) No applicable provisions.

§ 78.341–7 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure at least equal to the tank design pressure of the § 78.341–1(b) applied to the whole tank and dome if it be noncompartmented. If compartmented each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be held for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be placed in or returned to service unless an adequate repair is made. The adequacy of the repair shall be determined by the same method of test.

Add § 78.342 (29 F.R. 18995, Dec. 29, 1964) to read as follows:

§ 78.342 Specification MC 307; cargo tanks.

§ 78.342–1 General requirements.

(a) Specification MC 307 consists of the General Design and Construction Requirements contained in § 78.340, in addition to the specific design requirements contained in this section.

(b) The design pressure (maximum allowable working pressure) of each cargo tank shall be not less than 25 p.s.i.g. For working pressures in excess of 50 p.s.i.g. the tank shall be designed in accordance with the requirements of section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, 1965 edition.

(c) Tanks shall be of circular cross-section.

§ 78.342–2 Thickness of shell, heads, bulkheads, and baffles.

(a) *Material thickness.* The minimum thicknesses of tank material authorized in § 78.340–3 shall be not less than those obtained by applying the following formulas nor less than those specified in Tables I and II below:

$$\text{Thickness of shell} = T_s = \frac{PD}{2SE_s}$$

$$\text{Thickness of heads} = T_h = \frac{0.885PL}{SE_h}$$

*For pressure on concave side only.

T_s = Minimum thickness of shell material, exclusive of allowance for corrosion or other loadings.

T_h = Minimum thickness of head material, after forming, exclusive of allowance for corrosion and other loadings.

P = Design pressure, pounds per square inch.

D = Inside diameter of shell, inches.

L = Inside crown radius of head, inches.

S = Maximum allowable stress value, pounds per square inch—equals one-fourth of specified minimum ultimate tensile strength (one-fourth of Aluminum Alloy's annealed minimum ultimate strength).

E_s = Lowest efficiency of any longitudinal joint in shell (85 per cent maximum).

E_h = Lowest efficiency of any joint in head (85 percent maximum).

(1) The knuckle radius of the head shall not be less than three times the material thickness. The straight flange shall not be less than three times the material thickness for butt-welded heads.

(2) For heads with pressure on the convex side, the material thickness as obtained by the above formula shall be increased by 67 percent unless such heads are adequately braced to prevent excessive distortion.

(b) *Corrosion allowance.* Vessels or part of vessels subject to thinning by corrosion, erosion or mechanical abrasion, shall have provision made to withstand 10 years of normal service by a suitable increase in the thickness of the material over that determined by the design formulas, or by using some other suitable method of protection. Material added for these purposes need not be of the same thickness for all parts of the vessel if different rates of attack are expected for the various parts.

TABLE I—MINIMUM THICKNESS OF HEADS, BULKHEADS, AND BAFFLES. MILD STEEL (MS), HIGH STRENGTH LOW ALLOY (HSLA), AND AUSTENITIC STAINLESS STEEL (SS) EXPRESSED IN U.S. GUAGE, ALUMINUM ALLOY (AL) IN DECIMALS OF AN INCH

	Volume capacity of tank in gallons per inch																							
	10 or less			Over 10 to 14			14 to 18			18 to 22			22 to 26			26 to 30			30 and over		
	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL
Thickness	14	15	0.109	13	14	0.130	12	13	0.151	11	12	0.173	10	11	0.194	9	10	0.216	8	9	0.237

TABLE II—MINIMUM THICKNESS OF SHELL SHEETS. MILD STEEL (MS), HIGH STRENGTH LOW ALLOY (HSLA), AND AUSTENITIC STAINLESS STEEL (SS) EXPRESSED IN U.S. STANDARD GAUGE, ALUMINUM ALLOY (AL) IN DECIMALS OF AN INCH

Distance between bulkheads, baffles, or other shell stiffeners	Volume capacity of tank in gallons per inch																				
	10 or less			Over 10 to 14			14 to 18			18 to 22			22 to 26			26 to 30			30 and over		
	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL
Inches																					
36 or less	14	16	0.109	14	16	0.109	14	15	0.109	13	14	0.130	12	13	0.151	11	12	0.173	10	11	0.194
Over 36 to 54	14	16	.109	14	15	.109	13	14	.130	12	13	.151	11	12	.173	10	11	.194	9	10	.216
54 through 60	14	15	.109	13	14	.130	12	13	.151	11	12	.173	10	11	.194	9	10	.216	8	9	.237

§ 78.342–3 Closures for manholes.

(a) Each compartment shall be accessible through a 15-inch minimum ID manhole. The manhole cover shall be designed to provide a secure closure of the manhole. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid. Gaskets, if used, shall be of suitable material not subject to attack by lading.

(1) Closures shall have structural capability of withstanding internal fluid pressures of 40 p.s.i.g. or one and one-half times the design pressure of the tank whichever is greater without permanent deformation. Safety devices to prevent the manhole and/or fill cover from opening fully when internal pressure is present shall be provided.

§ 78.342–4 Vents.

(a) Each cargo tank compartment shall be provided with safety relief devices in accordance with the requirements contained in this paragraph. All of such devices shall communicate with the vapor space. Shutoff valves shall not be installed between the tank opening and any safety device. Safety relief devices shall be so mounted, shielded or drained as to eliminate the possibility of water collection, the freezing of which could impair the operation or discharge capability of the device.

(b) Total capacity: Every cargo tank compartment shall be provided with one or more devices with sufficient capacity to limit the tank internal pressure to a maximum of 130 percent of the tank design pressure. This total venting capacity shall be not less than that determined from table III, using the external surface of the cargo tank or tank compartment as the exposed area.

(c) Pressure-actuated venting (spring loaded): Every cargo tank compartment shall be equipped with pressure-actuated vent or vents set to open at not less than the tank design pressure. The minimum venting capacity for pressure actuated vents shall be 12,000 cubic feet of free air per hour (14.7 p.s.i.a and 60° F.) per compartment or 12,000 cubic feet of free air per hour (14.7 p.s.i.a. and 60° F.) for each 350 square feet of exposed tank area, whichever is greater. This minimum capacity shall be measured at a pressure of 130 percent of the tank design pressure. Pressure actuated devices shall be designed to function in case of pressure rise when in any condition of roll over attitude. If pressure (maximum limits to be included on the metal certification plate § 78.340–10 (b) unloading devices are provided, the relief valve shall have sufficient capacity to limit the tank internal pressure to 130 percent of design pressure.

(d) Fusible and frangible venting: If the pressure-actuated venting required by paragraph (c) of this section does not provide the total venting capacity required by paragraph (b) of this section, additional capacity shall be provided by adding fusible and/or frangible venting devices. Fusible devices shall each have a minimum area of 1.25 square inches and shall be actuated by elements which operate at a temperature not exceeding 250° F. when the tank pressure is between the tank design pressure and 130 percent of the tank design pressure. Such fusible elements shall be outside of the tank and not in contact with the lading. The bursting pressure of frangible devices shall be not less than 130 percent nor more than 150 percent of the tank design pressure.

TABLE III—MINIMUM EMERGENCY VENT CAPACITY IN CUBIC FEET, FREE AIR/HOUR (14.7 P.S.I.A. AND 60° F.)

Exposed area square feet	Cubic feet free air per hour	Exposed area square feet	Cubic feet free air per hour
20	15,800	275	214,300
30	23,700	300	225,100
40	31,600	350	245,700
50	39,500	400	265,000
60	47,400	450	283,200
70	55,300	500	300,600
80	63,300	550	317,300
90	71,200	600	333,300
100	79,100	650	348,800
120	94,900	700	363,700
140	110,700	750	378,200
160	126,500	800	392,200
180	142,300	850	405,900
200	158,100	900	419,300
225	191,300	950	432,300
250	203,100	1,000	445,000

NOTE 1: Interpolate for intermediate sizes.

(e) Flow testing and marking of vents: Each type and size of venting devices shall be flow tested in the ranges specified in the applicable preceding paragraphs. The actual rated flow capacity of the vent in cubic feet of free air per hour at the pressure in p.s.i.g. at which the flow capacity is determined shall be stamped on the device.

(1) These flow tests may be conducted by the manufacturer, or may be delegated to a certified agency.

§ 78.342–5 Outlets.

(a) Each product discharge opening shall be equipped with a self-closing shut-off valve, designed, installed, and protected in accordance with § 78.340–8(d) and operated so as to assure against the accidental escape of contents. These valves shall be located inside the tank or within the welded flange, its companion flange, nozzle, or coupling. Such product discharge valves (outflow) shall, in addition to normal means, be closed by (1) an automatic heat actuated means which will become effective at a temperature not over 250° F., (2) a secondary closing means, remote from tank filling or discharge openings, for operation in event of fire or other accident.

(b) Vapor return lines, if used, may be equipped with an excess flow valve at the tank connection if a positive shutoff valve is provided between the excess-flow valve and the hose connection.

§ 78.342–6 Gauging devices.

(a) *Gauge device design.* Every tank compartment except tanks filled by weight, shall be equipped with one or more gauging devices which shall indicate accurately the maximum permitted liquid level in each compartment. Additional gauging devices may be installed but may not be used as primary controls for filling of cargo tanks at pressures above atmospheric. Acceptable gauging devices for use at pressures above atmospheric are the rotary tube, the adjustable slip tube and the fixed length dip tube. Gauge glasses are not permitted to be installed on any cargo tank.

(b) *Fixed level indicators.* All liquid level gauging devices, except those on tanks provided with fixed maximum level indicators, shall be legibly and permanently marked in increments of not more than 20° F. to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20° F. In the event that it is impractical to put these markings on the gauging device, this information shall be marked on a suitable plate affixed to the tank in a location adjacent to the gauging device.

(c) *Dip tubes.* A fixed length dip tube gauging device, when used, shall consist of a dip pipe of small diameter equipped with a valve at the outer end, and extending into the tank to a specified fixed length. On horizontally mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid reaches the maximum level permitted by the regulations in this part.

§ 78.342–7 Method of test.

(a) *Test pressure.* The standard test pressure for each required test shall be 40 p.s.i.g. or a minimum of 1.5 times design pressure whichever is greater.

(b) *Method of test.* Every cargo tank shall be tested by complete filling (including domes if any) with water or other liquid having a similar viscosity and applying a pressure of not less than the standard test pressure specified in paragraph (a) of this section. The pressure shall be gauged at the top of the tank. The tank shall hold the prescribed pressure for at least 10 minutes. All tank accessories shall be leakage tested after installation and proved tight at not less than the design pressure of the tank, except that hose used on such tanks may be tested either before or after installation. Failure to successfully meet the test criteria shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired. The suitability of the repair shall be determined by the same method of test.

(1) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be tested as a separate tank with adjacent compartments empty and at atmospheric pressure.

Add § 78.343 (29 F.R. 18995 Dec. 29, 1964) to read as follows:

§ 78.343 Specification MC 312; cargo tanks.

§ 78.343–1 General requirements.

(a) Specification MC 312 consists of the General Design and Construction Requirements contained in § 78.340 in addition to the specific requirements contained in this section.

(b) Tank design: Cargo tanks built under this specification that are unloaded by pressure in excess of 15 p.s.i.g. shall be designed and constructed in accordance with and fulfill all requirements of the 1965 edition of section VIII of the American Society of Mechanical Engineers' Boiler and Pressure Vessel Code, no revisions. No tank shall have head, bulkhead, and baffle or shell thicknesses less than that specified in § 78.343–2, Tables I and II, nor shall the spacing of bulkheads, baffles or shell stiffeners exceed that specified in § 78.340–7.

(c) Design pressure shall be not less than pressure used for unloading.

§ 78.343–2 Thickness of shell, heads, bulkheads and baffles of noncode tanks.

(a) *Material thickness.* The minimum thicknesses of tank material authorized in § 78.340–3 shall be predicated on not exceeding the maximum allowable stress level § 78.340–4(a) but in no case less than those indicated in Tables I and II listed below, or the accompanying aluminum alloy formula:

TABLE I—MINIMUM THICKNESS OF HEADS, BULKHEADS, AND BAFFLES. MILD STEEL (MS), HIGH STRENGTH LOW ALLOY STEEL (HSLA), AUSTENITIC STAINLESS STEEL (SS), IN U.S. STANDARD GAGE—UNLESS OTHERWISE EXPRESSED IN FRACTIONS OF AN INCH

	Volume capacity in gallons per inch											
	10 or less			Over 10 to 14			14 to 18			18 and over		
	Product weight in pounds per gallon at 60° F.											
	10lbs. and less	Over 10 to 11lbs.	11 to 16lbs.	10lbs. and less	Over 10 to 11lbs.	11 to 16lbs.	10lbs. and less	Over 10 to 11lbs.	11 to 16lbs.	10lbs. and less	Over 10 to 11lbs.	11 to 16lbs.
Thickness	12	10	8	10	8	3/16	9	3/16	1/4	8	1/4	1/4

TABLE II—MINIMUM THICKNESS OF SHELL SHEETS, MILD STEEL (MS), HIGH STRENGTH LOW ALLOY STEEL (HSLA), AUSTENITIC STAINLESS STEEL (SS) IN U.S. STANDARD GAUGE—UNLESS OTHERWISE EXPRESSED IN FRACTIONS OF AN INCH

Maximum shell radius	Distance between bulkheads, baffles, or ring stiffeners	Volume capacity in gallons per inch: 10 or less			Over 10 to 14			14 to 18			18 and over		
		Product weight in pounds per gallon at 60° F.											
		10 lbs. and less	Over 10 to 13 lbs.	13 to 16 lbs.	10 lbs. and less	Over 10 to 13 lbs.	13 to 16 lbs.	10 lbs. and less	Over 10 to 13 lbs.	13 to 16 lbs.	10 lbs. and less	Over 10 to 13 lbs.	13 to 16 lbs.
Less than 70 inches	36 inches or less	12	10	8	12	10	8	12	10	8	10	8	5/16
	Over 36 inches to 54 inches	12	10	8	12	10	8	10	8	5/16	8	5/16	1/4
	54 inches through 60 inches	12	10	8	10	8	5/16	9	5/16	1/4	8	1/4	1/4
70 inches or more less than 90 inches	36 inches or less	12	10	8	12	10	8	10	8	5/16	8	5/16	1/4
	36 inches to 54 inches	12	10	8	10	8	5/16	9	5/16	1/4	8	1/4	1/4
	54 inches through 60 inches	10	8	5/16	9	5/16	1/4	8	1/4	1/4	5/16	1/4	5/16
90 inches or more less than 125 inches	36 inches or less	12	10	8	10	8	5/16	8	5/16	1/4	8	1/4	1/4
	36 inches to 54 inches	10	8	5/16	9	5/16	1/4	8	1/4	1/4	5/16	1/4	5/16
	54 inches through 60 inches	9	5/16	1/4	8	1/4	1/4	5/16	1/4	5/16	5/16	1/4	5/16
125 inches or more	36 inches or less	10	8	5/16	9	5/16	1/4	8	1/4	1/4	5/16	1/4	5/16
	36 inches to 54 inches	9	5/16	1/4	8	1/4	1/4	5/16	1/4	5/16	5/16	1/4	5/16
	54 inches through 60 inches	8	1/4	1/4	5/16	1/4	5/16	5/16	1/4	5/16	1/4	5/16	3/8

(1) *Aluminum alloy formula.*

Thickness of aluminum alloy materials = Steel thickness from Tables I and II $\times \left(\frac{3\times10^7}{E}\right)^{1/2}$

where:

E = Modulus of elasticity of the material to be used.

(b) *Lining.* Except as provided in paragraph (c) of this section, cargo tanks shall be lined and the material used for lining each cargo tank subject to this specification shall be homogenous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities to be transported therein. It shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means.

(c) *Conditions under which tanks need not be lined.* Tanks need not be lined as provided in paragraph (b) of this section, if:

(1) The material of the tank is substantially immune to attack by the materials to be transported therein; or,

(2) The material of the tank is thick enough to withstand 10 years normal service without being reduced at any point to less thickness than that specified in paragraph (a) of this section corresponding to its type;

(3) The chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized and if the tank is not frequently cleaned and not used in the transportation of other commodities.

§ 78.343–3 Closure for manholes.

(a) Each compartment shall be accessible through a 15-inch minimum inside diameter manhole. The manhole cover shall be designed to provide a secure closure of the manhole. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid. Gaskets, if used, shall be of suitable material not subject to attack by the lading.

(1) The manhole cover shall have structural capability of withstanding internal fluid pressures equal to one and one-half times the design pressure of the tank and in no case less than 15 p.s.i.g. without permanent deformation. Safety devices to prevent the manhole and/or fill cover from opening fully when internal pressure is present shall be provided.

§ 78.343–4 Vents.

(a) *Safety vent.* Every cargo tank compartment shall be equipped with suitable pressure relief devices as required by the ASME Code, or shall be fitted with suitable rupture discs in lieu of mechanical pressure relief valves. Such discs shall be designed to rupture at not to exceed one and one-half times the design pressure of the tank. If air inlet devices are provided a relief valve shall have adequate capacity to limit tank pressure to 130 percent of design pressure at maximum inlet flow rate. Such maximum limits to be included on the metal certification plate § 78.340–10 (b). Air inlet lines if permanently connected to an air source shall be equipped with a check valve. Shutoff valves between the tank and relief valve or rupture disc are prohibited.

§ 78.343–5 Outlets.

(a) *Outlet construction.* No cargo tank, except those used for shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets shall be equipped with a shutoff valve as close as practical to the tank outlet and a shutoff valve, blank flange, or sealing cap at the discharge end of the outlet, and should not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the top of the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

(b) *Bottom outlet construction.* Outlets shall be metal, not subject to rapid deterioration by the lading and each shall be provided with a valve designed, installed, and protected in accordance with § 78.340–8(d) and operated so as to assure against escape of contents. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or within the welded flange nozzle or coupling.

(1) A shutoff valve, blank flange or sealing cap at the discharge end of the piping is required.

(c) *Bottom washout chambers.* Cargo tanks may be equipped with bottom washout chambers. Bottom washout chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a bolted flange closure at its lower end.

§ 78.343–6 Gauging devices.

(a) No applicable requirement.

§ 78.343–7 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying a pressure of one and one-half times the design pressure but not less than 3 p.s.i.g. The pressure shall be gauged at the top of the tank. The tank shall hold the prescribed pressure for at least 10 minutes without failure, undue distortion, leakage or evidence of impending failure. All closures shall be in place while test is made. During these tests, operative relief devices shall be clamped, plugged or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in paragraph (a) of this section and shall withstand such pressures without undue distortion or other indication of impending failure. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be placed in or returned to service unless an adequate repair is made. The adequacy of the repair shall be determined by the same method of test.

(c) *Test of heating system.* After an interior heating system consisting of coil piping is installed, and before the tanks to which they are fitted are placed in service, the heating system shall be tested. Systems employing media such as steam or hot water under pressure for heating the contents of cargo tanks shall be tested with hydrostatic pressure and proved to be tight at 200 p.s.i.g.

(d) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be tested as a separate tank.

[F.R. Doc. 66–10567; Filed, Sept. 29, 1966; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; ALLOCATION OF INCOME AND DEDUCTIONS AMONG TAXPAYERS AND DETERMINATION OF SOURCES OF INCOME

Notice of Proposed Rule Making

The proposed amendment to the regulations under section 482 relating to Allocation of Income and Deductions Among Taxpayers; Determination of Sources of Income was published in the FEDERAL REGISTER for August 2, 1966.

A public hearing on the provisions of this proposed amendment to the regulations will be held starting Wednesday, November 2, 1966, at 10 a.m., e.s.t., and continuing if necessary on November 3 and 4 to hear oral comments. The hearing will be held in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Written comments on the proposed amendment submitted at any time prior to or at the hearing will be considered before the final regulations are promulgated.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by October 27, 1966, Telephone (Washington, D.C.—area code 202) 964–3935.

In order to provide an orderly schedule of appearances at a convenient time, it will be appreciated if all persons who desire an opportunity to present oral comments will so notify the Commissioner at the earliest practicable date, even if they expect to defer submission of their written comments until the hearing. It will also be appreciated if such persons will, where possible, indicate the specific sections of the amendment on which they plan to comment.

[SEAL] Lester R. Uretz,
Chief Counsel.

By: JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 66–10748; Filed, Sept. 29, 1966; 12:03 p.m.]

Notices

POST OFFICE DEPARTMENT

STANDBY INSTRUCTIONS FOR GUIDANCE DURING NATIONWIDE RAILROAD STRIKES

The following is an excerpt from Regional Letter No. 66–134, signed by the Assistant Postmaster General, Bureau of Operations on September 13, 1966:

II. *General instructions.* Shipments of second-, third-, and fourth-class mail addressed for delivery beyond the second parcel-post zone from the post office of origin will not be accepted. First-class and airmail will continue to be accepted without restrictions as to distance.

III. *Special instructions—A. Second-class.* Arrangements may be made by publishers of second-class and controlled circulation publications to ship at their own expense and risk copies of their publications for designated areas to other centrally located post offices for acceptance in the mails under the following conditions:

1. The publisher must continue to pay the postage for the full mailing at the post office where the publication officially has original or additional entry. There will be no change in the method of paying postage. The postage will be computed at the regular rates applicable from the official entry office. The mailer will get no rate advantage for transporting the copies at his expense to other mailing points.

2. The publisher will advise the postmaster at the office of entry of the special mailing points to which he desires to transport the publications and the approximate number of sacks for each special mailing point.

3. The special mailing points selected by a publisher must be first-class post offices which have facilities for handling the mail.

4. The copies transported to special mailing points must be for delivery at post offices not beyond the second parcel post zone from the place of mailing.

5. When the post office of original or additional entry has a request from a publisher with the information specified herein, the arrangement should be approved by the postmaster and notification sent to the other post offices involved. Reports need not be submitted to the Department.

B. *Third- and fourth-class.* 1. Special arrangements will not be made for payment of postage on third- or fourth-class mail at one post office for acceptance at another. Metered or permit imprint mail must be accepted only at the post office shown in the meter postmark or permit imprint.

2. If third- or fourth-class mail is shipped by the mailer at his own expense and risk for mailing at another post office it will be accepted provided the mail is addressed for delivery at a post office not beyond the second parcel post zone from the mailing office and the postage is paid by:

a. *Postage stamps affixed.* It is not required that they be purchased at the place of mailing. The use of precanceled stamps of the office where the mailer is located will be permissible. The requirement for overprinting in § 32.2(e) of Title 39, Code of Federal Regulations, is waived.

b. *Permit imprints of the office accepting the mail.* If the mailer does not have a permit at that office the required application and fee must be submitted.

c. *Meter stamps showing postmark of the accepting office.* Arrangements may be made for setting meters used in paying postage at another office under the procedures in § 33.3(b)(2) of Title 39, Code of Federal Regulations.

C. *First-class.* If postage is paid at the first-class rate on articles of the second-, third-, or fourth-class they will be accepted for mailing without distance limitation.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 27, 1966.

[F.R. Doc. 66–10669; Filed, Sept. 29, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 23, 1966.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. S38, for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the mining laws but not the mineral leasing laws, subject to valid existing claims.

The applicant desires the land for the Sanger Lake Campground Site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

HUMBOLDT MERIDIAN, CALIFORNIA
SIX RIVERS NATIONAL FOREST
Sanger Lake Campground

T. 17 N., R. 5 E.,
Sec. 4, $W\frac{1}{2}W\frac{1}{2}$ lot 4 ($W\frac{1}{2}W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$);
Sec. 5, $S\frac{1}{2}$ lot 1 and $S\frac{1}{2}N\frac{1}{2}$ lot 1 ($S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$, and $S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$).

The areas described aggregate approximately 40 acres in Del Norte County.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 66–10658; Filed, Sept. 29, 1966; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

UNITED STATES LINES CO.

Notice of Application

Notice is hereby given that United States Lines Co. has applied for an increase in the maximum number of sailings permitted with freight ships operating on its subsidized Trade Route No. 12 (U.S. Atlantic/Far East) Service from the present maximum of 55 to a new maximum of 81 sailings per year.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on October 13, 1966, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board/Maritime Administration.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: September 28, 1966.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66–10700; Filed, Sept. 29, 1966; 8:49 a.m.]

National Bureau of Standards

NATIONAL BUREAU OF STANDARDS RADIO STATIONS

Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no change in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo., on November 1, 1966.

Notice is also hereby given that there will be no change in the phase of time pulses emitted from radio stations WWV, Greenbelt, Md., and WWVH, Maui, Hawaii, on November 1, 1966. These pulses at present occur at intervals which are longer than 1 second by 300 parts in 10^{10}. This is due to the offset maintained in frequency, as coordinated by the Bureau International de l'Heure (BIH).

R. S. WALLEIGH,
Acting Director.

SEPTEMBER 22, 1966.

[F.R. Doc. 66–10646; Filed, Sept. 29, 1966; 8:45 a.m.]

Office of the Secretary

ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority

Pursuant to the authority delegated to the Assistant Secretary for Administration by Department Order 9, the Director, Office of Administrative Services, is hereby designated as the Claims Officer authorized to settle and pay claims for damage to, or loss of, personal property incident to his service, under the provisions of Public Law 88–558 (31 U.S.C. 240 et seq.), filed by an employee (or his duly authorized representative) of the Office of the Secretary and constituent operating units reporting to the Under Secretary for Transportation.

Effective date. September 13, 1966.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 66–10647; Filed, Sept. 29, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17711]

LINEA AEREA NACIONAL—CHILE (LAN)

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 6, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., September 27, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66–10679; Filed, Sept. 29, 1966; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

CATV REPORT FORM

Issuance

SEPTEMBER 30, 1966.

The Commission has adopted and announces the availability of a form to be used by existing CATV operators for reporting information about their CATV systems. The form provides the vehicle for furnishing the essential data which the Commission indicated in its second report and order was necessary for properly verifying the dimensions of the industry.

Principally, the form is designed to identify the ownership and operational details of CATV systems and to develop the extent of CATV cross-ownership and of involvement with related communications services. The Commission is relieving smaller systems of the necessity for supplying detailed ownership information—if the total number of subscribers is less than 500 and the population of the community served is less than 5,000, only the first part of the report need be filed. It was originally contemplated that top-100 market systems would be required to submit a map showing the location of cable lines as of February 15, 1966. The systems are now only obliged to retain in their files the information from which a map may be prepared, if needed.

Accompanying the form are full instructions and a list of the top-100 television markets. Copies of the reporting form have been sent to all CATV systems now on the Commission's mailing list. Additional copies are available at the Commission's offices in Washington, D.C. The return is due by November 1, 1966. Only an original of the form need be filed.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–10664; Filed, Sept. 29, 1966; 8:46 a.m.]

[Docket Nos. 16879–16881; FCC 66–843]

AUDUBON BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Audubon Broadcasting Corp., Westwego, La.; Docket No. 16879, File No. BP–17113; Requests: 1540 kc, 500 w, Day; Holmes Broadcasting, Inc., Westwego, La.; Docket No. 16880, File No. BP–17114; Requests: 1540 kc, 500 w, Day; West Jefferson Broadcasting, Inc., Gretna, La.; Docket No. 16881, File No. BP–17115; Requests: 1540 kc, 500 w, Day; for construction permits; Audubon Broadcasting Corp., Westwego, La.; Requests: 1540 kc, 500 w, Day; for temporary authority to operate, using the facilities and equipment of former station KABE, Westwego, La.

1. The Commission has before it for consideration: The above captioned and described construction permit applications;[1] a request by Audubon Broadcasting for special temporary authority to continue the operation of Station KABE, Westwego, La.; letters from counsel for Holmes Broadcasting, Inc. ("Holmes"), and West Jefferson Broadcasting, Inc. ("West Jefferson"), opposing Audubon's request; and related materials.

2. The Commission finds that, since simultaneous operation of any two of the construction permit proposals would result in mutually destructive interference, they are mutually exclusive and must be designated for hearing in a consolidated proceeding; and that, except as indicated by the issues set forth below, each of the applicants is qualified to construct and operate as proposed.

3. The Audubon application indicates that George A. Mayoral has an option to purchase the 43 percent stock interest of Cranford J. Vioscs, Audubon's president, by January 4, 1969. Mayoral is currently

[1] Accepted for filing on Apr. 13, 1966, by Commission adoption of Public Notice (FCC 66–334) which at the same time waived § 73.37(a) of the Commission's rules insofar as its provisions interfered with the applications' acceptance.

involved in a Commission proceeding (Docket Nos. 15139–15141) regarding the proposed revocation of the licenses for standard broadcast Station WKYN, San Juan, P.R., and FM broadcast Stations WFQM, San Juan, and WORA–FM, Mayaguez, P.R. At his own request, Mayoral has been recognized as an intervenor in that proceeding, has testified and presented witnesses in his own behalf, and has exercised the right of cross-examination.

4. In his initial decision and supplemental initial decision in that proceeding,[1] the Hearing Examiner has found that Mayoral, while station manager of WKYN, was responsible for numerous interceptions and delayed rebroadcasts by WKYN and its sister stations, WFQM (FM) and WORA–FM, of news broadcasts by the Armed Forces Radio Service, New York, despite explicit refusals of permission by the U.S. Department of Defense, and in such a manner as to camouflage the time lag and the unauthorized source; and that Mayoral compounded his previous malefactions by a series of wilful and deliberate denials and misrepresentations to the Commission, under oath, in an effort to conceal them.

5. For these reasons, an issue will be included herein to determine whether Mayoral possesses the requisite qualifications to be an officer, director, or stockholder of a broadcast licensee; and, in the light of the facts adduced with respect to these issues, whether Audubon Broadcasting Corp. possesses the requisite qualifications of a broadcast licensee. Mayoral is made a party, and the Hearing Examiner is bound by the Commission's ultimate findings and conclusions in the WKYN(AM) et al. license-revocation proceeding. An ordering clause is included providing that, in the event of a negative determination with respect to Mayoral's qualifications, and a grant of the Audubon application nonetheless, the construction permit shall contain a condition providing that Mayoral shall not become an officer, director, or stockholder of Audubon without prior Commission approval.

6. On February 1, 1966, Audubon Broadcasting Corp. requested that it "be granted Special Temporary Authority to continue operation of existing Station KABE at Westwego, La." Audubon based its request on § 1.542 of the Commission's rules. Station KABE is no longer in existence. Its call letters were deleted and its license canceled on June 6, 1966. Apart from that fact, however, Audubon's reliance upon § 1.542 ("Application for Temporary Authorization") is clearly inappropriate. Recourse to that section is, by its express terms, available only to "a licensee or permittee of a broadcast station." Audubon is neither. Accordingly, its application for temporary authorization will be dismissed as patently defective.

In view of the foregoing: *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the Audubon, Holmes, and West Jefferson proposals and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b) which of the operations proposed in the above-captioned applications would better serve the public interest.

4. To determine whether George A. Mayoral possesses the requisite qualifications to be an officer, director, or stockholder of a broadcast licensee.

5. To determine, in the light of the evidence adduced with respect to Issue 4, whether Audubon Broadcasting Corp. possesses the requisite qualifications of a broadcast licensee.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That, in the event of both a negative determination with respect to the qualifications of George A. Mayoral, and a grant of the Audubon application nonetheless, the construction permit shall contain the following condition: George A. Mayoral shall not become an officer, director, or stockholder of Audubon Broadcasting Corp. without prior Commission approval.

It is further ordered, That George A. Mayoral is made a party to the proceeding.

It is further ordered, That, with respect to Issues 5 and 6, the Hearing Examiner shall be bound by the Commission's ultimate findings and conclusions in the proceeding in Docket Nos. 15139–15141.

It is further ordered, That, in the event of a grant of the Holmes application, the construction permit shall contain the following condition: Before program tests are authorized, sufficient measurement data shall be submitted to establish that the radiation is essentially 176 mv/m per kilowatt or 124.5 mv/m per 500 watts as proposed.

It is further ordered, That Audubon's request for temporary authority to continue operation of Station KABE, Westwego, La., is dismissed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 21, 1966.

Released: September 27, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–10665; Filed, Sept. 29, 1966; 8:46 a.m.]

[Docket No. 16865; FCC 66M–1285]

VIDEO SERVICE CO.

Order Scheduling Hearing

In re applications of Video Service Co., Atlanta, Ga.; Docket No. 16865, File Nos. 1816/17–C1–P–66, CATV 100–101; for construction permits for new fixed (video) radio stations at Lafayette and Waynetown, Ind., (KSQ–36 and KSQ–37).

It is ordered, This 26th day of September 1966, that H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 2, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 10, 1966, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: September 27, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–10666; Filed, Sept. 29, 1966; 8:46 a.m.]

[Docket No. 16865; FCC 66–808]

VIDEO SERVICE CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re applications of Video Service Co., Atlanta, Ga.; Docket No. 16865, File Nos. 1816/17–C1–P–66, CATV 100–101; for construction permits for new fixed (Video) radio stations at Lafayette and Waynetown, Ind. (KSQ–36 and KSQ–37).

1. The Commission has before it for consideration the above-captioned applications; a Petition for Reconsideration and Stay of Grant Without Hearing filed on June 10, 1966, by Midwest Television, Inc. (Midwest), licensee of Station WCIA (Ch. 3, CBS), Champaign, Ill.; a Petition for Declaratory Ruling and for Other Appropriate Relief filed on July 8, 1966, by Midwest; and responsive pleadings in connection therewith.[1]

2. The applications, filed on September 21, 1965, requesting construction permits for new Fixed (Video) Point-to-Point Microwave Radio Stations to transmit the signal of Station WGN–TV (Channel 9, Indep.), Chicago, Ill., to Video Service's CATV customer, Danville Community Antenna System, Inc. (Community), in Danville, Ill., were announced as granted on May 16, 1966 (Public Notice C, Report 283, May 16, 1966). Subsequently, the petition for reconsideration and the petition for declaratory ruling were filed.

3. In its petitions, Midwest alleges that Danville, Ill., is part of the Champaign-Danville-Decatur-Springfield television market which is ranked 73d according to ARB net weekly circulation figures. It is within the predicted Grade A contour of television Station WICD (Channel 24, NBC) Danville (the auxiliary outlet of Station WICS, Springfield, Ill.). Midwest further alleges that Danville is beyond the predicted Grade B contour of Station WGN–TV and that the grant of the above applications was therefore contrary to §§ 21.712(k) and 74.1107 of the Commission's rules.[2] It therefore requests that the grant be reconsidered and revoked or, if not revoked, construction thereunder conditioned on Video Service's customer filing a proper request under § 74.1107 and approval thereof by the Commission, and that the Commission issue a ruling that Video Service may not deliver the signal of Station WGN–TV to Community and Community may not lawfully supply to its subscribers microwave fed signals of WGN–TV unless it has first obtained permission from the Commission.

4. In its opposition to the petition for reconsideration, filed on June 23, 1966, Video Service concedes for purposes of this proceeding that Danville is part of the 73d ARB television market but contends that the signal of WGN–TV has been carried and supplied to its subscribers by Community since January 17, 1966, and is therefore "grandfathered" pursuant to § 74.1107(d) of the rules.[3] Video Service contends that the purpose of the applications was only to improve the "quality" of the signal previously being received and not to bring in new signals.[4] In its Reply, filed on July 5, 1966, Midwest alleges that the off-the-air signal of WGN–TV on the cable is virtually unwatchable at all times and that, in any event, a microwave license to deliver a distant signal to a CATV system cannot automatically be granted merely on a showing that the system was carrying the signal by off-the-air pickup prior to February 15, 1966. In support of its allegation that the signal is virtually unwatchable, Midwest submitted as attachments to its pleadings the affidavits of the assistant chief engineer of Station WCIA, two subscribers to the Danville system and three photographs of the WGN signal on the cable. The affidavits of the subscribers state that the WGN picture on the system is generally unviewable and of poor quality. In the opinion of the subscribers "* * * WGN is not really carried on the Danville Community Antenna System at all" and "* * * nothing is there most of the time."

5. In a response to Midwest's petition for declaratory ruling, filed on July 21, 1966, Community states that the Commission did not provide for an evaluation of quality as to the signals covered by the "grandfather" clause and that, such an evaluation, in any event, would present a virtually impossible task. Community goes on to allege that the general pattern of the WGN–TV picture on the cable is to deteriorate during the middle portion of the day and to be generally better and more readily viewable during the early and latter portions of the day; that WGN–TV signal has been received for several years in Danville directly off the air by residents and on at least one CATV system in the area; and that the signal intensity of the WGN–TV signal at Community's receiving antenna is sufficiently strong to provide a receivable and viewable picture well over 50 percent of the time. Community's response was accompanied by photographs of the WGN picture on the cable and affidavits from several subscribers stating that the WGN signal was usable and worthwhile a great percentage of the time. In its reply, Midwest repeats its contention that no generally usable WGN–TV picture is available on the cable. It states that Community has submitted no substantial support for its claim that the signal is generally viewable. More photographs are supplied in support of Midwest's claim that the signal is unwatchable. Finally, Midwest points out that Community carries a slide on the cable throughout the day at 2-minute intervals apologizing for the poor WGN–TV picture.

6. In granting the applications, the inclusion of Danville and Station WICD as part of the 73d television market was inadvertently overlooked. It is clearly part of the market and it is also clear that Danville is beyond the Grade B contour of Station WGN–TV. Accordingly, unless the WGN signal was being supplied to Community's subscribers on or prior to February 15, 1966, §§ 21.712(k) and 74.1107 of the rules preclude both Video Service from supplying the signal to Community via microwave and Community from supplying the signal to its subscribers, absent prior approval by the Commission pursuant to § 74.1107. While the photographs and other material submitted by the parties tend to support the allegations of the contending sides, they are in conflict. On the facts before us, we find that there is a substantial question whether the signal of WGN–TV is "grandfathered" on the Danville CATV system. Midwest's petition for reconsideration will, therefore, be granted so that this matter may be fully explored in a hearing.

7. We immediately wish to make it clear that we have no intent generally of making the quality of the signal carried on a CATV system on or prior to February 15, 1966, a determinant in deciding whether the particular signal is "grandfathered" within the meaning of § 74.1107(d) of the rules. As a matter of policy, applications to microwave a signal previously received off-the-air and viewable by subscribers will not be considered as proposals to provide new service nor will we so consider microwave applications which propose technical changes such as increased tower height, change of transmitter location equipment, or the path of the signal, etc. As we said in the second report and order (2 FCC 2d 725) at paragraph 148:

* * * So far as the application of our major market distant signal policy, we do not intend to disrupt the existing situation, by withdrawing from any CATV subscriber any signal which he was receiving as of February 15, 1966, in the top-100 markets or

[1] An initial decision of Hearing Examiner Forest L. McClenning (FCC 64D–90), released Dec. 21, 1964, included extensive findings of fact regarding Mayoral's conduct as a principal officer, director, stockholder, and managerial employee of one or more of the stations in question. On Mar. 31, 1965, the Commission adopted an order (FCC 65–257) granting a request by Mayoral (filed Feb. 26, 1965) that the hearing record be reopened, that he be recognized as an intervenor, and that additional evidence be accepted. Subsequently, the hearing was resumed and Mayoral exercised the rights accorded him in that order. On July 28, 1966, a supplemental initial decision (FCC 66D–42) was released, fully reaffirming the previous findings of fact regarding Mayoral's conduct.

[1] A Petition for Reconsideration was also filed on June 16, 1966, by United Video but was dismissed at the request of petitioner by letter of July 15, 1966.

[2] Section 21.712(k) provides: "No CATV system shall be provided with microwave service, either directly or indirectly, if the operation of such CATV system would be inconsistent with § 74.1107 of this chapter." Section 74.1107(a) provides: "No CATV system operating within the predicted Grade A contour of a television broadcast station in the 100 largest television markets shall extend the signal of a television broadcast station beyond the Grade B contour of that station, except upon a showing, approved by the Commission, that such extension would be consistent with the public interest, and specifically the establishment and healthy maintenance of television broadcast service in the area. Commission approval of a request to extend a signal in the foregoing circumstances will be granted where the Commission, after consideration of the request and all related materials in a full evidentiary hearing, determines that the requisite showing has been made. The market size shall be determined by the rating of the American Research Bureau, on the basis of the net weekly circulation for the most recent year."

[3] Section 74.1107(d) provides, in pertinent part: "The provisions of paragraphs (a) and (b) of this section shall not be applicable to any signals which were being supplied by a CATV system to its subscribers on Feb. 15, 1966, and pursuant to a franchise (where necessary) issued on or before that date; * * *"

[4] Video Service also contends that Midwest has failed to comply with § 1.106 of the rules since it has not shown good cause for its failure to file a pregrant objection. However, without reaching the question of good cause, we find, pursuant to § 1.106(c)(3) of the rules, that consideration of the facts relied upon by Midwest are required in the public interest.

which he is presently receiving in other markets.** Based on our experience, we regard such a withdrawal as impractical and, in any event, we note that we have not made any basic policy judgment which would warrant such undue disruption. We therefore shall "grandfather" all systems which were in operation upon February 15, 1966 (the release date of the above mentioned public notice), to the extent that such systems need not make the showing in § 74.1107 to continue to carry to subscribers signals beyond their Grade B contour, which were being supplied to those subscribers on that date. But any addition of a new distant signal on an existing system in the top-100 markets would come within the major market policy.

8. To sum up, there is a substantial question whether a viewable WGN–TV signal was being provided by the Danville CATV system to its subscribers prior to February 15, 1966. If the grant of a microwave application will, for the first time after February 15, 1966, make available a viewable beyond Grade B signal to subscribers, then logic and commonsense dictate that the signal is a "new" signal so far as the subscribers are concerned and its carriage is subject to the provisions of § 74.1107 (a) and (b) of the rules. A contrary interpretation would mean that a system could carry "snow" on one or more of its channels, claiming that it was receiving and carrying a distant television signal off-the-air, and that such signal was therefore "grandfathered." We do not interpret our rules to require that we reach this result. Accordingly, the prior grant of the subject applications will be vacated.

9. As of this date, understandably, neither Video Service nor Community has filed a request pursuant to § 74.1107. If issue 2 is answered in the negative, such a request would be necessary and, ordinarily, these applications would be placed in deferred status until such a request had been received and reached for action in the normal processing line. However, we do not think such a course should be followed here. Accordingly, we will treat the applications as a request, pursuant to § 74.1107, for permission to extend the signal of WGN–TV and provide it to Community's subscribers, and act upon it now. Since Danville is one of the major communities in the 73d market and there is UHF activity in the market, we think that a § 74.1107 hearing is necessary. Issues 3 to 6 will not become relevant, however, unless issue 2 is answered in the negative.

Accordingly, it is ordered, This 7th day of September 1966 that the petitions of Midwest Television, Inc., are granted to the extent indicated, and in all other respects, are denied.

It is further ordered, That pursuant to section 309 of the Communications Act of 1934, as amended, and § 1.106 of the rules, the prior grant of the subject applications is vacated and that, pursuant to §§ 21.712(k) and 74.1107 of the Commission's rules, the applications of Video Service Co. are designated for hearing, at a time and place to be specified in a further order, upon the following issues:

1. To determine whether Danville Community Antenna System, Inc., began supplying, via an off-the-air pickup, the signal of Station WGN–TV, Chicago, Ill., to its subscribers in Danville, Ill., on or prior to February 15, 1966, and, if so, whether the signal so supplied has been generally viewable during substantial portions of the broadcast day.

2. To determine whether, in light of the evidence adduced with respect to issue No. 1, the signal of Station WGN–TV is "grandfathered" on the Danville CATV system, pursuant to § 74.1107(d) of the Commission's rules.

3. To determine the present and proposed penetration and extent of CATV service, including television signals carried, in the market area.

4. To determine effects of present and proposed CATV service in the market area on existing, proposed, and potential Champaign - Danville - Decatur-Springfield-Urbana television stations.

5. To determine the present policy and proposed future plans of Danville Community Antenna System, Inc., with respect to the initiation of pay-TV operations based upon or in connection with its CATV operations.

6. To determine whether, in light of the evidence adduced with respect to the foregoing issues, Video Service Co. should be authorized to deliver and Danville Community Antenna System, Inc., should be authorized to carry the signal of Station WGN–TV.

It is further ordered, That Danville Community Antenna System, Inc., Midwest Television, Inc., and the Chief, Broadcast Bureau, are made parties to this proceeding.

It is further ordered, That Danville Community Antenna System, Inc., shall have the burden of proceeding and the burden of proof with respect to issues 1 and 3–5.

It is further ordered, That, to avail itself of the opportunity to be heard, Video Service Co., Danville Community Antenna System, Inc., and Midwest Television, Inc., pursuant to § 1.221 (c) and (e) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating their intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

Released: September 26, 1966.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66–10667; Filed, Sept. 29, 1966; 8:46 a.m.]

** Footnote omitted.

* Commissioners Bartley, Wadsworth, and Johnson absent. Commissioner Loevinger's dissenting opinion filed as part of the original document.

FEDERAL RESERVE SYSTEM

HAWKEYE BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956, as amended by Public Law 89–485, by Hawkeye Bancorporation, Red Oak, Iowa, for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 51 percent of the voting shares of Houghton State Bank, Red Oak, Iowa.

Section 3(c) of the Act, as amended, provides that:

The Board shall not approve:

(1) Any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 23d day of September 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 66–10651; Filed, Sept. 29, 1966; 8:45 a.m.]

OTTO BREMER FOUNDATION AND OTTO BREMER CO.

Notice of Applications for Approval of Acquisition of Shares of Bank

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (section 3(a)(3) of the Act, as amended by Public Law 89–485, which became effective July 1, 1966), by Otto Bremer Foundation and Otto Bremer Co., which are bank holding companies located in St. Paul, Minn., for the prior approval of

the Board of the acquisition by each of an additional 50 percent of the voting shares of Citizens State Bank, Rugby, N. Dak. Otto Bremer Foundation and Otto Bremer Co. now own or control, respectively, 49 percent and 46 percent of the bank's voting shares.

Section 3(c) of the Act, as amended, provides that:

The Board shall not approve:

(1) Any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 23d day of September 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 66–10652; Filed, Sept. 29, 1966; 8:45 a.m.]

BANK OF COMMONWEALTH

Order Approving Acquisition of Bank's Assets

In the matter of the application of Bank of the Commonwealth for approval of acquisition of assets of Public Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89–356), an application by Bank of the Commonwealth, Detroit, Mich., a State member bank of the Federal Reserve System, for the Board's prior approval of that bank's acquisition of assets and assumption of deposit liabilities of Public Bank, Detroit, Mich., and, as an incident thereto, Bank of the Commonwealth has applied, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment by that bank of branches at the locations of the 11 offices of Public Bank.

Published notice of the proposed acquisition of assets and assumption of deposit liabilities and requests for reports on the competitive factors involved therein have been dispensed with as authorized by said Bank Merger Act.

Upon consideration of all relevant material in the light of the provision of said Act,

It is hereby ordered, For the reasons set forth in the Board's Statement[2] of this date, that said applications be and hereby are approved and that said acquisition of assets and assumption of deposit liabilities and establishment of branches may be consummated immediately, but not later than 3 months after the date of this order.

Dated at Washington, D.C., this 23d day of September 1966.

By order of the Board of Governors.[3]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 66–10670; Filed, Sept. 29, 1966; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. H–3]

REPORTING AND TRANSFERRING ELECTRICAL ACCOUNTING MACHINES LEASED BY GOVERNMENT

To heads of Federal agencies:

1. *Purpose.* This regulation provides guidance on the release and acquisition of electrical accounting machines which are leased by the Government from a supplier and provides a procedure for the reporting and acquisition of such machines.

2. *Definition.* Electrical accounting machines (EAM) are conventional punch card equipment such as punches, verifiers, sorters, collators, tabulators, calculators, etc.

3. *Applicability.* The provisions of this regulation are applicable to all electrical accounting machines when such machines are:

a. Government-leased; or

b. Leased by Government contractors under cost-reimbursement contracts and subcontracts when the total costs of such equipment are applied as a direct charge to such contracts (equipment used in performance of multiple contracts and the cost of which constitutes an indirect expense charged to overhead is excluded).

4. *Reporting.* Excess Government-leased EAM shall be reported by holding agencies to the appropriate GSA regional office shown below. This shall be accomplished by transmitting to the appropriate GSA regional office a copy of the equipment discontinuance notification to the supplier, together with the name, address, and telephone number of the person in the holding agency to contact. Line items with an acquisition cost of less than $1,500 are not to be reported.

5. *Transfers.* a. Agencies desiring to acquire Government-leased EAM may contact one or more of the GSA regional offices shown below for advice on availability of such equipment. The GSA regional office will advise as to the availability of equipment, and furnish the name, address, and telephone number of the contact in the releasing activity. The acquiring agency will then arrange with the holding agency for transfer of the equipment and notify the supplier of the proposed action.

b. When a transfer is arranged, a copy of the correspondence confirming the transfer will be furnished by the transferee to the GSA regional office concerned, addressed as shown below. The acquiring agency will be responsible for rental charges of equipment while in transit.

c. The costs of care and handling of leased equipment prior to the release date designated by the holding agency, including movement and temporary storage, shall be borne by the holding agency. Costs incurred in the actual packing, preparation for shipment, loading, and transportation are the responsibility of the acquiring agency.

d. Agencies are responsible for determining that EAM equipment acquired through the procedures prescribed by this regulation meets the criteria for selection and acquisition of automatic data processing equipment contained in Bureau of the Budget Circular No. A–54.

6. *Related issuances.* Government-owned and Government-leased automatic data processing equipment will continue to be reported and transferred in accordance with Federal Property Management Regulations (FPMR) 101–43.313–5. Government-owned EAM will continue to be reported and transferred in accordance with FPMR 101–43.311 and 101–43.315.

7. *Effective date.* This regulation is effective immediately.

8. *Expiration date.* This regulation expires 6 months from issuance unless sooner revised or superseded.

Dated: September 26, 1966.

LAWSON B. KNOTT, JR., *Administrator of General Services.*

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Daane, and Maisel. Absent and not voting: Governors Mitchell and Brimmer.

GSA region	GSA regional office contact	Area of responsibility
1	Joseph P. Mahoney, Regional Interagency ADPS Coordinator, General Services Administration, Post Office and Courthouse Building, Boston, Mass. 02109, Area Code 617, 223-2907.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
2	William B. Klinger, Regional Interagency ADPS Coordinator, General Services Administration, 30 Church Street, New York, N.Y. 10007, Area Code 212, 264-8349.	Delaware, New Jersey, New York, Pennsylvania.
3	T. Fred Noble, Interregional ADPS Coordinator, Data Processing Coordination Staff, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, IDS Code 183, 4964, Area Code 202, 343-4964.	District of Columbia, Maryland, Virginia, West Virginia.
4	Edward D. Dancy, Jr., Acting Regional Interagency ADPS Coordinator, General Services Administration, 1776 Peachtree Street NW., Atlanta, Ga. 30309, Area Code 404, 526-5609.	Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.
5	Anton G. Myse, Regional Interagency ADPS Coordinator, General Services Administration, U.S. Courthouse and Federal Building, 219 South Dearborn Street, Chicago, Ill. 60604, Area Code 312, 828-5405.	Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin.
6	Thomas M. O'Donnell, Regional Interagency ADPS Coordinator, General Services Administration, Federal Building, 1500 East Bannister Road, Kansas City, Mo. 64131, Area Code 816, 361-7540.	Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.
7	Ralph Hoffman, Regional Interagency ADPS Coordinator, General Services Administration, 819 Taylor Street, Fort Worth, Tex. 76102, Area Code 817, 334-3421.	Arkansas, Louisiana, Oklahoma, Texas.
8	William S. Gen, Regional Interagency ADPS Coordinator, General Services Administration, Building 41, Denver Federal Center, Denver, Colo. 80225, Area Code 303, 233-8758.	Arizona, Colorado, New Mexico, Utah, Wyoming.
9	Julius O. Engmann, Regional Interagency ADPS Coordinator, General Services Administration, 49 Fourth Street, San Francisco, Calif. 94103, Area Code 415, 556-7877.	Nevada, California, Hawaii.
10	Donald Ross, Regional Interagency ADPS Coordinator, General Services Administration, Regional Headquarters Building, Auburn, Wash. 98002, Area Code 206, 833-5281.	Alaska, Idaho, Montana, Oregon, Washington.

[F.R. Doc. 66-10696; Filed, Sept. 29, 1966; 8:49 a.m.]

[Federal Property Management Regs.; Temporary Reg. A-4]

GOVERNMENT-WIDE AUTOMATIC DATA PROCESSING SHARING EXCHANGE PROGRAM

To heads of Federal agencies:

1. *Purpose.* This regulation (a) announces the establishment of the Central Automatic Data Processing Systems (ADPS) Sharing Exchange to provide ADP resources sharing services within the States of Maryland, Virginia, West Virginia, and the District of Columbia, and (b) amends the inventory reporting requirements for Federal ADP installations in this specific area as required by FPMR Temporary Regulation No. A-3, May 18, 1966. This regulation also furthers the objectives contained in the President's memorandum to the Heads of Departments and Agencies dated September 16, 1966, on the subject of Cost Reduction in Procurement, Supply, and Property Management.

2. *Background.* a. The Bureau of the Budget (BOB) prescribes policies in BOB Circular No. A-27, June 15, 1964, on the sharing of ADP resources in the Federal Government and charged the General Services Administration with the responsibility for this program on a nationwide basis, excluding the metropolitan area of Washington, D.C. The responsibility for this program in this metropolitan area was charged to the Department of Commerce (National Bureau of Standards (NBS)). NBS established and operated a Computer Sharing Exchange for this purpose.

b. The Bureau of the Budget, in Transmittal Memorandum No. 1, BOB Circular No. A-27, August 6, 1966, transferred the responsibility for this program in the metropolitan area of Washington, D.C. from the Department of Commerce (NBS) to GSA. The NBS Computer Sharing Exchange has been replaced by the Central ADPS Sharing Exchange with geographic area of operations extended to the States of Maryland, Virginia, West Virginia, and the District of Columbia.

3. *Concept of the Central ADPS Sharing Exchange.* a. ADP sharing exchanges in the Government-wide ADP Sharing Exchange Program are currently operated:

(1) By Regional Interagency ADPS Coordinators assigned to GSA regional offices throughout the United States; and

(2) By selected ADP installations in areas where ADP resources are highly concentrated. These sharing exchanges are established by interagency agreements between GSA and cooperating Federal agencies and managed by personnel of the ADP installations involved. Technical supervision is provided by the GSA Regional Interagency ADPS Coordinators.

b. Since the highest concentration of Federal ADP resources is in the metropolitan area of Washington, D.C., the Central ADPS Sharing Exchange will serve as a model sharing exchange. The manpower resources of the Office of Automated Data Management Services, Federal Supply Service, will be used to develop standard operating procedures for all ADPS sharing exchanges in the Federal Government. The success of this effort is contingent upon the complete cooperation of Federal agencies as directed by the President in his Memorandum for the Heads of Departments and Agencies, June 28, 1966.

4. *Reporting requirements*—a. *Inventory of ADP resources.* Agencies are requested to notify all their ADP installations in the States of Maryland, Virginia, West Virginia, and the District of Columbia of the following inventory reporting requirements:

(1) *GSA Form 2068B, Computer Facilities on Hand.* The submission of this report is required of all ADP installations with electronic data processing (EDP) equipment since the computer inventory data in the 1966 BOB inventory of ADP Equipment in the Federal Government does not contain all of the data required for the operation of a sharing exchange. ADP installations which submitted this report in accordance with FPMR Temporary Regulation No. A-3 are excluded from this inventory reporting requirement.

(2) *GSA Form 2068C, Punched Card Facilities.* The submission of this report is required only from those ADP installations that did not report as required by FPMR Temporary Regulation No. A-3.

(3) *Reports submission.* The required inventory reports should be submitted not later than November 1, 1966, to the:

Regional Interagency ADPS Coordinator (FT), General Services Administration, 18th and F Streets NW., Washington, D.C. 20405 (Telephone: Area Code 202, 343-4964; IDS Code 183, 4964).

b. *Listing of ADP installations.* Agencies are requested to provide GSA with a listing of all ADP installations in the States of Maryland, Virginia, West Virginia, and the District of Columbia. These listings will be used as checklists against the reports required in FPMR Temporary Regulation No. A-3. Complete mail addresses (including ZIP codes) are required. Listings should be submitted to the addressee in subparagraph 4a(3), above, not later than November 1, 1966.

5. *Sharing arrangements.* a. Negotiations for and reporting of sharing arrangements will be in accordance with FPMR 101-6.3 and 101.6-49, transmitted by FPMR Amendment No. A-6, dated July 27, 1965. Quarterly negative reports of sharing are required of ADP installations if no sharing arrangements are negotiated (see subpar. 4a of FPMR Temporary Reg. No. A-3).

b. Requests for assistance in arranging for ADP resource sharing in the States of Maryland, Virginia, West Virginia, and the District of Columbia should be directed to the:

Manager, Central ADPS Sharing Exchange (FT), General Services Administration, 18th and F Streets NW., Washington, D.C. 20405. (Telephone: Area Code 202, 343-4964; IDS Code 183, 4964)

c. Agencies are requested to notify all organizational elements located in the States of Maryland, Virginia, West Virginia, and the District of Columbia, as to the availabilities of these services, including those non-ADP activities with potential requirements.

6. *Availability of forms.* The reporting forms required by this regulation are obtainable from the addressee in paragraph 4a(3), above, by telephone, mail, or personal request.

7. *Effective date.* This regulation is effective immediately.

8. *Expiration date.* This regulation expires on November 30, 1966.

Dated: September 28, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66-10701; Filed, Sept. 29, 1966; 8:49 a.m.]

[Federal Property Management Regs.; Temporary Reg. E-1]

REPORTS RELATING TO IMPROVEMENT IN PROCUREMENT AND MANAGEMENT OF PROPERTY

To heads of Federal agencies:

1. *Purpose.* This regulation establishes reporting requirements in conformance with the President's memorandum of September 16, 1966, to heads of departments and agencies on the subject of Cost Reduction in Procurement, Supply, and Property Management.

2. *Background.* The President directed that special and sustained effort be made to improve the procurement and management of property and indicated specific areas for which there was apparent need for improvement together with objectives for reducing the cost of the Government supply and procurement operations. In addition, the President specifically directed the Secretary of Defense and the Administrator of General Services to, (1) take such actions as would achieve the same objective in connection with Government-wide improvements in procurement and supply management, (2) accelerate actions to standardize items and eliminate avoidable duplication and, (3) report the results of these efforts to achieve this objective to the President on February 1, 1967, and thereafter as appropriate. In this connection, GSA is developing material which will be promulgated in other appropriate issuances in the near future to provide for:

a. An effective system for redistributing Government property to places where it is needed most;

b. Criteria for reducing the number of items in the Government supply systems; and

c. Revised application of replacement standards to avoid procurement of replacements under standards heretofore applied.

3. *Applicability.* The provisions of this regulation are applicable to all executive agencies except the Department of Defense. The information required by this regulation will also be reported to the President on February 1, 1967, and thereafter as required.

4. *Exclusions.* The same exclusions applicable to the Supply Activity Report (see FPMR 101-25.48 and 101-25.49) are applicable to this report, e.g., inventories for supply operations valued at $10,000, inventories for construction valued at $100,000, inventories representing 30 days supply or less regardless of value, shop stocks, and items in use.

5. *Reporting requirements.* Each department and agency shall submit the data and information, and substantially in the format, shown in Attachment A, to GSA to be used for reporting to the President, the overall results and progress of civilian agencies' activities.

a. The report shall be submitted in an original and two copies to:

General Services Administration, Federal Supply Service, Supply Management Systems Division, Washington, D.C. 20405.

b. The initial report, covering the month of October 1966 shall be submitted to reach GSA by November 30, 1966. Monthly reports shall be submitted by the same calendar day, except that reports submitted subsequent to January 20, 1967, shall be on a quarterly basis. The first quarterly report shall cover the first 3 months of calendar year 1967 and be submitted to reach GSA by the 20th calendar day following the last day of March 1967. Thereafter quarterly reports shall be submitted to arrive at GSA by the 20th calendar day the month following the reporting period.

c. The department or agency submitting the report shall be so identified as well as a responsible official qualified to discuss any element on the report.

d. Agencies excluded from the reporting requirements set forth in paragraph 4, above, are requested to provide narrative reports by the dates indicated, setting forth accomplishments in consonance with the President's objective.

6. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

7. *Forms.* GSA Form 1473, Supply Activity Report, is required by Attachment A to this regulation, copies of which may be obtained from General Services Administration Region 3, Printing and Publications Division, Washington, D.C. 20407.

8. *Expiration date.* This regulation expires June 30, 1967, unless sooner rescinded or revised. As appropriate, material will be incorporated into the permanent Federal Property Management Regulations, Title 41, CFR.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

SEPTEMBER 28, 1966.

ATTACHMENT A—FORMAT AND INSTRUCTIONS FOR REPORTING COST REDUCTIONS AND IMPROVEMENTS IN PROCUREMENT AND PROPERTY MANAGEMENT

The elements of information required by this report are designed primarily to permit agencies to identify problems and to take corrective actions more promptly. To achieve this purpose, agencies shall use the Supply Activity Report, GSA Form 1473, in the same manner as required by FPMR 101-25.48. However, this report will be submitted to reflect the totals only for lines 1 through 6 of Part I of the form. Breakdown by individual commodity groupings will not be required. A consolidated report on GSA Form 1473 should also be furnished for all individual Supply Activity Reports within the department or agency.

In addition to the Supply Activity Report, departments and agencies shall report data and information as indicated in this Attachment A. For convenience, these additional data and information have been identified as Parts V through IX and may be considered supplementing the Supply Activity Report. The reports for these parts should accompany, as attachments, the submission of the Supply Activity Reports. Instructions for entries for Parts V through IX are as follows:

PART V—ITEM REDUCTIONS

	As of [enter last date of reporting period]
Number of items eliminated from inventory	

Explanation of entries. Enter the total number of items eliminated from the supply inventories of the department or agency where items can be readily obtained from GSA or DOD supply sources, or from commercial sources.

PART VI—UTILIZATION AND REDISTRIBUTION

	As of [enter last date of reporting period]	
Category	*Value*	*Line items*
1. Utilized excess property		
2. Redistribution stock		
3. Equipment returned		
4. Equipment reported excess		

Explanation of entries.

1. The value for excess property (at current acquisition cost) drawn from declared Excess Property Listings and placed in use in lieu of new procurement shall be entered for the first category.

2. The value of redistributed stock used in lieu of new procurement shall be entered for the second category. This includes administrative supplies, generally object Class 26, and other items such as maintenance items, repair parts, and other items located in subsidiary stockrooms, or storage areas. (Such items should be sought and used wherever office administrative functions and services are performed, or on construction, research, maintenance, or other programs where items may be redistributed or shared in lieu of new procurement. Any such items in "standby" or "reserve" should be carefully reviewed in the light of the President's objective and redistributed wherever possible.)

3. Value of equipment (at current acquisition cost) returned to stock or placed in pools shall be entered for the third category. This is to also include equipment transfers within organizations of an agency provided the intent is to preclude new procurement.

4. Value of equipment reported as excess shall be entered for the fourth category. These entries are to be limited to generation of excess resulting from returning equipment or pooling reflected in the third category.

PART VII PROCUREMENT

	As of [enter last date of reporting period]	
Category	*Value*	*Line items*
Orders canceled		
Orders reduced		

Explanation of entries. Value of procurement orders canceled or reduced together with the number of line items associated therewith shall be entered in the appropriate blocks. This should include actions taken to reduce inventories or direct procurement compatible within minimum requirements without incurring penalty charge.

PART VIII—REPLACEMENT STANDARDS

Explanation of entries. Identify in narrative form any use or replacement standards adjusted to avoid procurement of replacements.

PART IX—GOVERNMENT CONTRACTORS

Explanation of entries. A narrative statement shall be included in this Part IX to indicate actions taken to improve property management by cost-type contractors during the reporting period. The following actions should be considered in this connection:

1. Require contractors to use Government-supply sources, including GSA depots and Federal Supply Schedules.
2. Review use of Government-furnished equipment under control of contractors is being fully utilized and withdraw any equipment not essential for contract performance.
3. Assure that Government-furnished materials and supplies in the hands of contractors is held to a minimum level needed for contract performance.

[F.R. Doc. 66-10702; Filed, Sept. 29, 1966; 8:49 a.m.]

[Federal Property Management Regs.; Temporary Reg. E-2]

ELIMINATION OF ITEMS FROM SUPPLY SYSTEMS AND RESTRICTION ON PROCUREMENT OF SUCH ITEMS

To heads of Federal agencies:

1. *Purpose.* This regulation provides for the elimination of items which are not essential to agencies' program needs and requires the substitution of less expensive essential items, where practicable, in order to reduce acquisition and inventory costs, in conformance with the President's Memorandum of September 16, 1966, to the Heads of Departments and Agencies on the subject of Cost Reduction in Procurement, Supply, and Property Management.

2. *Background.* The President directed all Departments and Agencies to take action to reduce inventories and eliminate procurement of nonessential items with a view to reducing operating costs, and specifically directed the Secretary of Defense and the Administrator of General Services to accelerate efforts to reduce the number of items in the Government's supply systems by (1) establishing effective controls to prevent new items from entering the supply system unless they are essential, and (2) developing standards and requiring that standard items be used, and that items which have unnecessary nonstandard features are eliminated from the system.

3. *Applicability.* This regulation applies to all executive agencies. Other Federal agencies are encouraged to take advantage of cost reductions in consonance with the objectives of the President's program.

4. *Restrictions on procurement.* Agencies will take appropriate action to assure that items which are not essential to their program needs are not acquired. Acquisition of supplies and equipment from any source will be limited to those items which meet essential program needs at the lowest overall cost. In this connection, GSA is taking action to remove from its supply system a number of questionable items. The Commissioner, FSS, will periodically issue GSA Bulletins listing such items. After depletion of such items from GSA stock or elimination from Federal Supply Schedules, approval by the Commissioner, FSS, will be required to procure such items, in the same manner as prescribed in FPMR 101-26.301 for items similar to those available from GSA.

5. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

6. *Expiration date.* This regulation will expire September 30, 1967, unless otherwise superseded.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10703; Filed, Sept. 29, 1966; 8:49 a.m.]

[Federal Property Management Regs.; Temporary Reg. E-3]

MAXIMIZING USE OF LONG SUPPLY INVENTORIES

To heads of Federal agencies:

1. *Purpose.* This regulation establishes methods for redistributing and maximizing the use of long supply inventories in consonance with the President's Memorandum to Heads of Federal Departments and Agencies on the subject of Cost Reduction in Procurement, Supply, and Property Management.

2. *General.* The President's memorandum directed, in part, that GSA develop an effective system for the redistribution of Government property to the places where it is needed most. This regulation is designed to achieve that objective.

3. *Background.* Under the national supply system plan, commonly used, commercial type items generally will be procured and supplied to Federal executive civilian and military agencies either by DSA or GSA (or a civil agency when authorized by GSA), under an integrated supply management concept. It is expected, ultimately, that the extent of item duplication in the system will be minimal. Agencies generally will continue to procure and supply their own requirements for items peculiar to their programs, and military and weapons related commodities.

4. *Objectives.* The provisions of this regulation are in consonance with the objectives of the President's program of cost reduction in Government operations. By matching available resources with requirements before acquiring additional supplies, long supply stocks can be placed in use while demand for the item remains active; before obsolescence has developed; and within the shelf life period. The value of the inventory investment by the Government is, therefore, permitted to be maintained throughout the useful life of the inventory, insofar as reduction due to inventory loss is concerned.

5. *Definitions.* As used in this regulation the following terms have the meaning set forth below:

a. "Long Supply" means that increment of inventory which exceeds the stock level criteria established by the inventory manager, but excludes quantities to be declared excess.

b. "Centrally managed" level means the Government activity first receiving material primarily from commercial sources, or otherwise, and storing for distribution within the agency or, as in the case of GSA or DSA, to other Government activities.

c. "Locally managed" level means the Government agency activity receiving and storing material for issue to users or consumers.

6. *Procedures for using items in long supply.* GSA shall consult with appropriate agency representatives for the purpose of developing implementing instructions which will provide for cross-servicing of long supply assets in consonance with the provisions of paragraphs 5 and 6.

a. *Centrally managed level.* Commodity managers of items stocked for issue at this level (Military Inventory Control Points, GSA, or other civil agency) will be kept informed of the long supply stock position of specific items at other centrally managed levels. The manager in need of supplies will initiate requests to other commodity managers for redistribution to designated consignees of quantities that can be utilized to preclude new procurement. These managers will also furnish specific items to the locally managed levels upon receipt of requisitions.

b. *Locally managed level.* The flow of supplies to this level from the centrally managed level is from designated supply sources only. Long supply quantities will be reported to the same designated supply source from which the item was received.

7. *Reporting items in long supply.* Reporting of items in long supply will be made only from locally managed levels to centrally managed levels.

a. The inventory manager at the centrally managed level will determine disposition of reported long supplies, and will direct shipment to supply facilities in need (or with indications of future need), or authorize retention for temporary periods of time.

b. Credit allowances for authorized disposition of stock in long supply will be determined by the centrally managed level and may be granted at various rates based on the quantities involved and degree of use effected.

c. Supplies not required by the centrally managed level or with no indications of future need will be determined excess and reported by the manager to the applicable GSA regional office in accordance with Part 101.43 of the Federal Property Management Regulations.

8. *Evaluation.* In order to assure effectiveness, the agency representatives shall evaluate, on a continuing basis, the provisions of this regulation and its application within the agency and shall apprise GSA of needed improvements in the techniques or methods for maximizing use of long supply inventories. At the end of a 6 months period, which is established for conducting tests with DOD activities in connection with commodity management, a determination will be made to codify this temporary regulation, as modified by experience, into permanent form.

9. *Effective date.* This regulation is effective with its publication in the FEDERAL REGISTER.

10. *Expiration date.* This regulation expires 9 months after publication in the FEDERAL REGISTER unless sooner rescinded by codification in the permanent regulations of GSA appearing in Title 41 CFR, Public Contracts and Property Management, or otherwise.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10704; Filed, Sept. 29, 1966; 8:49 a.m.]

[Federal Property Management Regs; Temporary Reg. E-4]

EQUIPMENT REPLACEMENT STANDARDS

To heads of Federal agencies:

1. *Purpose.* This regulation revises policy and establishes guidelines relating to replacement standards for equipment with an objective of reducing Federal expenditures pursuant to the President's memorandum of September 16, 1966, to Heads of Departments and Agencies on the subject of Cost Reduction in Procurement, Supply, and Property Management.

2. *Applicability.* The provisions of this regulation apply to all executive agencies. Other Federal agencies are encouraged to conform so that maximum benefits may be realized.

3. *Background.* The President's memorandum directed, in part, that GSA reexamine replacement standards for equipment and make necessary adjustments to curtail procurement of replacements. This has been interpreted to include use as well as replacement standards prescribed in the Federal Property Management Regulations (FPMR) together with those use or replacement standards developed for use by individual agencies.

4. *Restrictions and limitations.* Revised motor vehicle standards extending the life of vehicles will be published in the near future. Agencies desiring to replace equipment covered by replacement standards published in FPMR 101-25.4 will adhere to FPMR 101-25.401 which requires executive agencies to retain items which are in usable and workable condition even though the standard permits replacement, provided the item can continue to be used or operated without excessive maintenance cost or substantial reduction in trade-in value. Replacement of office furniture and typewriters is further restricted by FPMR 101-25.104(b) either to usable excess, rehabilitated, or the least expensive line of new furniture determined to meet the requirement under the following circumstances, authority for which shall be fully documented in the agency file:

a. Where the agency determines that the item is not economically repairable.

b. Where reductions in office space occupancy are accomplished through use of more convenient or smaller size furniture and the space saved is required to meet program needs.

5. *Agency standards.* Agency use and replacement standards developed by agencies shall be reexamined and wherever possible such standards shall be adjusted to curtail procurement of replacement equipment. However, despite adjusted standards or those continued in existence, equipment shall be retained which is in usable and workable condition even though the standard permits replacement in the same manner as provided in FPMR 101-25.401.

6. *Review of equipment.* After complying with paragraph 5, above, agencies are directed to reexamine all office machines and equipment programed for replacement during this fiscal year 1967 and extend the replacement date wherever possible. In making a determination as to whether the useful life of equipment can be extended it should be expected that reasonable expenditures for maintenance and repair may be necessary and that such expenditures are preferable to replacement and in line with the President's memorandum and this regulation. The only equipment which shall be replaced after this review should be that which is necessary to avoid safety hazards or to avoid excessive maintenance and operating costs.

7. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER and should be implemented immediately to meet the provisions of FPMR Temporary Regulation E-1.

8. *Expiration date.* This regulation expires October 1, 1967, unless sooner amended or rescinded.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10705; Filed, Sept. 29, 1966; 8:49 a.m.]

[Federal Property Management Regs.; Temporary Reg. E-5]

OBTAINING MAXIMUM USE OF SHELF LIFE MATERIALS

To heads of Federal agencies:

1. *Purpose.* This regulation provides policies and procedures for the identification, designation of useful life, and for the establishment of control procedures by executive agencies to minimize losses and insure maximum use of shelf life materials prior to deterioration.

2. *Background.* a. The report of the Subcommittee on Defense Procurement to the Joint Economic Committee, Congress of the United States, dated September 3, 1964, recommended that the General Services Administration and the Department of Defense set up a joint project to identify shelf life items in stock and used throughout the Government; and devise ways and means to reduce losses resulting from deterioration of these items. This regulation also furthers the objectives of the President's memorandum to heads of Federal agencies on the subject of Cost Reduction in Procurement, Supply, and Property Management, dated September 16, 1966, with respect to effecting improvements in the redistribution of Government property.

b. A GSA/DOD agreement has been developed which provides for establishing control procedures and cross-servicing shelf life assets between DOD and GSA or between military and civil agencies. Under this agreement DOD will provide procedural guidelines for military activities and GSA will provide policy and procedural guidelines for civil agencies.

3. *Government-wide program objectives.* a. Identify shelf life assets in executive agency inventories, including those new items of supply to be placed in inventory which have a limited shelf life period.

b. Establish the shelf life period of such assets and procedures for controlling their procurement, storage, and issue.

c. Inspect or test certain types of shelf life materials prior to deterioration to determine if the shelf life period can be extended.

d. Conduct inventory management analyses to determine if shelf life stocks will be utilized prior to the expiration of the original or extended shelf life period, and if not, to arrange for transfer of any overages in sufficient time to permit usage prior to deterioration. When such transfer cannot be arranged, overages will be reported as excess to the needs of the holding activity and expedited utilization attempted under current utilization and disposal procedures.

4. *Scope.* The requirements of this regulation are applicable only to supply items with a shelf life of 36 months or less, and are applicable to all executive agencies except the Department of Defense. Agencies may, however, establish control procedures for items with a shelf life of over 36 months, if determined appropriate to the needs of their supply system.

5. *Standard shelf life codes.* a. Shelf life items will be identified by the use of a one digit standardized code which will provide for the use of uniform shelf life item periods by all agencies participating in the Federal Catalog System. Although procedures for the use of these standard codes within the Department of Defense and GSA supply systems are not expected to be finalized and implemented until early 1967 agencies shall utilize such codes at this time to avoid later conversion.

b. Standard codes for use in agency control procedures are as follows:

Shelf life period (months)	*Code*	*Shelf life period (months)*	*Code*
3	C	21	T
6	F	24	2
9	J	27	U
12	[1]	30	V
15	P	33	W
18	S	36	3

[1] Indicates figure one.

c. The Standardization Division, Federal Supply Service, General Services Administration, Washington, D.C. 20405, will, upon request, provide a listing of those items stocked in GSA supply depots which have a shelf life of 36 months or less.

d. Agencies shall determine the shelf life period code for all items purchased from other than GSA supply depots.

6. Procurement of shelf life items by executive civil agencies. a. Requirements determinations and procurement of shelf life items should take into consideration the assigned storage time period and the most appropriate contracting techniques for the particular type item involved, including existing specification requirements, industry practices., and storage and delivery procedures.

b. Procurement activities shall, whenever practicable, require manufacturers to mark the unit or container with the date of manufacture or production (month and year) and the batch number (when appropriate) on all shelf life items (36 months or less) purchased from other than GSA sources. Arrangements can be made when necessary for coded "date of manufacture."

c. Procurement activities shall also, whenever practicable, include a contractual requirement that material must be shipped or delivery made within a given number of months from the date of manufacture or production. "Age on delivery" requirements should not unduly restrict competition from trade levels other than manufacturers. The following guidelines are suggested as appropriate for most shelf life items:

Shelf life period	*Age on delivery (months)*
25 months or over	6
19 to 24 months	4
13 to 18 months	3
7 to 12 months	2
6 months or less	1

7. Controls and inspection procedures. a. Shelf life items require special management controls and storage and issue procedures to assure use prior to deterioration. These controls and procedures will vary in accordance with the two types of shelf life items—those (Type I—Nonextendable) which have a definite storage life established by test and experience, and those (Type II—Extendable) which, upon inspection, still conform to the specification at the expiration of the assigned shelf life period and the expiration date can be extended for a reasonable period of time. Examples of Type I items would be certain drugs and medicines, while Type II includes items such as film, paint, and ink. It must be recognized in the establishment of agency controls that the determination of shelf life periods is not an exact science and that the initiation of this program may involve a period of trial and error before experience and variable storage conditions permit the determination of dependable shelf life periods for appropriate items in the various Government supply systems.

b. Agencies shall establish the necessary controls and procedures to identify shelf life items on their stock records (and other appropriate elements of their supply system), and to provide that such items are stored so as to assure that the oldest stock on hand is issued first.

c. Activities shall inspect Type II items remaining in stock prior to the expiration of the designated shelf life to determine if the expiration date can be extended. Such inspection shall be made at the time indicated in paragraph 9b below. If the material is found suitable for issue on the date of such inspection, the expiration date should be extended for a period equal to 50 percent of the original shelf life period. Material should be retested at the expiration of each extended period and extended again up to 50 percent of the original shelf life as long as it conforms to the applicable specification. Activities that are excluded from the reporting requirements of FPMR 101–25.48 and 49 (Supply Activity Report) are excluded from the inspection requirements of this paragraph.

d. Inspection is not required in those cases where the line item cost of the inventory item is under $300. This line item cost may be exceeded to a limited degree if the extra costs of inspection or laboratory testing are significant.

8. Packaging and marking. a. To the extent practicable, agencies should assure that shelf life items are packaged so as to provide for a minimum depreciation and reduction of shelf life time periods.

b. When the original shelf life period of an item is extended, the package or container will need to be annotated with the new expiration date. Although no specific method is prescribed for accomplishing this purpose, GSA internal procedures provide for use of a preprinted label (on Type II depot stock items) as shown below.

9. Reporting of excess stocks. To provide for Government-wide utilization of shelf life materials prior to deterioration agencies shall:

a. Conduct inventory management analyses on each stocked item with a shelf life of 36 months or less, to determine if the quantity on hand will be issued prior to the expiration of the designated shelf life. This analysis shall be made at the following time:

Shelf life period	*Date of analysis*
18 to 36 months	6 to 8 months prior to expiration.
12 to 18 months	4 to 6 months prior to expiration.
6 to 12 months	2 to 3 months prior to expiration.
Up to 6 months	No analysis required, but special emphasis should be placed on good requirements determination and proper order quantity.

b. If Type II overages with a line item cost in excess of $300 are indicated, the item shall be inspected to determine if the shelf life period can be extended. If extendable, the procedures prescribed in paragraph 7c above should be followed. If no overage is indicated, no inspection is required at this time; however, such items should be reviewed again during the last month of the shelf life period. If, at such time, overages sufficient to warrant inspection are indicated, the previously stated inspection requirement procedures should be followed. Type I items are subject to inventory management analysis, but only for the purpose of determining indicated overages and expediting the utilization of such overages before the expiration date.

c. If an agency does not have an inspection capability and the quantity and dollar value of an indicated overage is sufficiently large to warrant special consideration, arrangements should be made for qualified inspection or laboratory testing to determine conformance with the applicable specification and extension of the shelf life period. Any overages that will not be issued during the extended shelf life period shall be disposed of under procedures outlined in the following paragraphs.

d. On Type II overages in excess of a line item cost of $300, follow the appropriate procedure below:

(1) For items obtained from GSA supply depots, notify the appropriate GSA regional office by letter or telephone of the stock number and quantity of the overage and request instructions for return to GSA stock. If GSA's stock position and other conditions permit such return, the material will be accepted and full credit made on the basis of the original requisition price, with transportation to be paid by the holding activity. Normally, at least 6 months remaining shelf life is necessary on returns for credit to permit reissue and use.

(2) For items obtained from GSA supply depots, but not accepted for return to GSA stock, and for items obtained from other than GSA supply depots, agencies shall, if an item is reportable in accordance with the reporting requirements set forth in § 101–43.4901 of the Federal Property Management Regulations (41 CFR), prepare a Standard Form 120 and transmit it to the Property Management and Disposal Service in the appropriate GSA regional office. GSA will provide expedited screening among other Federal agencies. If an item is not reportable in accordance with the above mentioned reporting criteria, it shall be held for a period of at least 15 calendar days; during this period executive agencies shall make reasonable efforts to obtain utilization among Federal agencies. The availability of nonreportable property may also be made known to GSA Area Utilization Officers for screening among other Federal agencies.

(3) With respect to reportable property, a Surplus Release Date will be established by GSA normally 60 days after receipt of a Standard Form 120 in the regional office. However, the Surplus Release Date may be shortened or extended when consistent with utilization objectives and with the remaining useful shelf life. With respect to nonreportable property, the Surplus Release Date will be established by the holding agency.

(4) At the close of business on the Surplus Release Date property will become surplus.

(5) Reportable and nonreportable property, upon becoming surplus, will be made available for donation program screening for a period of 15 days in accordance with Part 101–44 of the Federal Property Management Regulations (41 CFR).

(6) If no transfer is requested during the Federal utilization screening period, and no donation is requested during the donation screening period, at the termination of the donation screening period the property will be assigned for sale, abandonment, or destruction in accordance with Part 101–45 of the Federal Property Management Regulations (41 CFR).

10. Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

11. Expiration date. This document expires 180 days after publication in the FEDERAL REGISTER. Prior to expiration these policies and procedures, subject to modification based on agency experience and comment, will be incorporated in the permanent Federal Property Management Regulations, Title 41 CFR.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10706; Filed, Sept. 29, 1966; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2607, etc.]

BECKMAN INSTRUMENTS, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 23, 1966.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File
Beckman Instruments, Inc	7-2607
Continental Telephone Corp	7-2609
The Glidden Co	7-2610
Schlumberger, Ltd	7-2611
Swingline, Inc	7-2612

Upon receipt of a request, on or before October 8, 1966, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10671; Filed, Sept. 29, 1966; 8:47 a.m.]

[811-1362]

CENTRAL FLORIDA INVESTMENTS, INC.

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

SEPTEMBER 26, 1966.

Notice is hereby given that Central Florida Investments, Inc. ("applicant"), 125 South Court, Orlando, Fla., licensed as a small business investment company under the Small Business Investment Act of 1958 and registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein.

Applicant represents that it has nineteen shareholders, that no company owns as much as 10 percent of its voting securities and that it is not making nor does it presently intend to make a public offering of its securities.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking of effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 12, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Central Florida Investments, Inc., at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall send a copy of this Notice by certified mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10672; Filed, Sept. 29, 1966; 8:47 a.m.]

[File No. 70-4368]

GENERAL PUBLIC UTILITIES CORP.

Supplemental Notice of Filing of Posteffective Amendment Proposing Additional Cash Capital Contribution to Subsidiary Company

SEPTEMBER 23, 1966.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed with this Commission a posteffective amendment to its declaration in this proceeding pursuant to section 12(b) of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 45 promulgated thereunder. All interested persons are referred to the said posteffective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated April 28, 1966 (Holding Company Act Release No. 15457), this Commission authorized GPU to make cash capital contributions during 1966 to certain of its subsidiary companies, including $20,000,000 to Jersey Central Power & Light Co. ("JCP&L"). GPU now proposes to make an additional con-

tribution of $2,000,000 to JCP&L which, like the prior contribution, will be applied by JCP&L to the cost of its 1966 construction program, estimated at $73,600,000.

Notice is further given that any interested person may, not later than October 17, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10673; Filed, Sept. 29, 1966; 8:47 a.m.]

[File No. 1-3782]

GREAT AMERICAN INDUSTRIES, INC.

Order Suspending Trading

SEPTEMBER 23, 1966.

The common stock, 10 cents par value, of Great American Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock, Series A, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 26, 1966, through October 5, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10674; Filed, Sept. 29, 1966; 8:47 a.m.]

[811-1225]

INVESTORS INTER-CONTINENTAL FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 23, 1966.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Investors Inter-Continental Fund, Inc. ("applicant"), c/o Investors Diversified Services, Inc., Eighth and Marquette Streets, Minneapolis, Minn., a Nevada corporation and a management, open-end, diversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of applicant's representations, which are summarized below.

Applicant represents that on May 16, 1966, its shares were exchanged for shares of Investors Variable Payment Fund, Inc. ("Variable"), on the basis of the relative net asset value per share of the two companies. Applicant also represents that it has no assets, has no securities outstanding, and that all known liabilities of applicant are now vested in Variable.

Notice is further given that any interested person may, not later than October 12, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10675; Filed, Sept. 29, 1966; 8:47 a.m.]

[File No. 70-4407]

MIDDLE SOUTH UTILITIES, INC., AND LOUISIANA POWER & LIGHT CO.

Notice of Proposed Acquisition of Common Stock of Nonassociated Company and Related Transactions

SEPTEMBER 26, 1966.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y. 10017, a registered holding company, and its public-utility subsidiary company, Louisiana Power & Light Co. ("Louisiana"), 142 Delaronde Street, New Orleans, La. 70114, have filed with this Commission a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding the proposed acquisition by Louisiana of all the outstanding common stock of Peoples Utilities, Inc. ("Peoples"), a nonassociate electric utility company, and other transactions set forth below. Applicants-declarants have designated sections 6, 7, 9, 10, and 12(f) of the Act and Rule 50(a)(3) thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Middle South is solely a holding company, and its electric utility subsidiary companies, including Louisiana, provide electric service to about 993,000 customers in the States of Arkansas, Mississippi, and Louisiana. As of June 30, 1966, Middle South had consolidated assets, less related valuation reserves, of $1,160,923,881, and for the 12 months then ended its consolidated operating revenues amounted to $291,258,650.

Louisiana, all of whose common stock is owned by Middle South, provides electric service in the northern and eastern part of the State of Louisiana. As of June 30, 1966, Louisiana's total assets, less related valuation reserves, amounted to $318,160,673. For the 12 months then ended its operating revenues amounted to $81,901,558.

Peoples distributes electricity to about 5,000 customers in the eastern part of Louisiana. Its service area is adjacent to that of Louisiana, and the electric facilities of both companies are interconnected. As of June 30, 1966, Peoples net utility plant, including construction work in progress, amounted to $5,337,974. For the 12 months then ended, Peoples had gross revenues of $1,248,194 and a net income deficit of $114,457. For the calendar year 1965 Peoples had gross operating revenues of $1,341,554 and net income of $101,724. In September 1965, Peoples' properties suffered severe hurricane damage and part of its transmission lines have not been restored. Since August 1, 1966, Peoples' operations have been conducted by Louisiana pursuant to an agreement approved by the Louisiana Public Service Commission.

Louisiana proposes to acquire all of the issued and outstanding common stock of Peoples, which is owned by four persons, pursuant to an agreement, dated July 22, 1966. The agreement is stated to have been reached at arms-length bargaining. In exchange Middle South will issue to the Peoples shareholders 60,000 shares of its common stock, $5 par value per share. In turn Louisiana will issue to Middle South 68,000 shares of Louisiana's no par value common stock. Middle South and Louisiana will record their respective investments at $1,435,079, the underlying book value of the Peoples' common stock at July 31, 1966, the closing date under the agreement. At the date of the agreement the closing market price of Middle South common stock on the New York Stock Exchange was $24 per share, and the 60,000 shares of the Middle South common stock then had an aggregate market value of $1,440,000.

It also proposed that after consummation of the proposed acquisition, Peoples will issue to Louisiana its demand note or notes bearing interest at the prime rate (currently 6 percent) for unsecured loans prevailing from time to time. The demand note or notes will be in an amount sufficient to retire all of Peoples' outstanding indebtedness at principal plus interest and the applicable redemption premiums. At June 30, 1966, Peoples had outstanding $2,257,500 principal amount of long term debt, all held by one institutional investor which has agreed to a reduction of $50,000 in the aggregate redemption premiums, if redeemed prior to October 31, 1966. At the same date Peoples had outstanding bank loans in the aggregate amount of $975,000.

The amended application-declaration states that within approximately 1 year from the date of the acquisition of the Peoples common stock, it is expected that Peoples will be liquidated or merged into Louisiana. Upon such liquidation or merger, Louisiana expects to put into effect its substantially lower average rates throughout the area presently serviced by Peoples.

The amended application-declaration also states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Estimates of fees and expenses to be incurred in connection with the proposed transactions are to be filed by further amendment.

Notice is further given that any interested person may, not later than October 17, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at their respective above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the amended application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10676; Filed, Sept. 29, 1966; 8:47 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

SEPTEMBER 23, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5¾ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended this order to be effective for the period September 26, 1966, through October 5, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10677; Filed, Sept. 29, 1966; 8:47 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

SEPTEMBER 23, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc. otherwise than on a national securities exchange is required in the public interest for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 26, 1966, through October 5, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10678; Filed, Sept. 29, 1966; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1419]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 27, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69021. By order of September 22, 1966, the Transfer Board approved the transfer to "O Z" Trucking & Rigging Corp., Lake Success, N.Y., of the operating rights in permit No. MC-112576, issued November 23, 1959, to Howard Ousey, Joseph Ousey, and Kenneth Ousey, doing business as "O Z" Trucking & Rigging Co., Cambria Heights, N.Y., authorizing the transportation, over irregular routes, of safes, vaults, and parts of the foregoing described commodities, between points in Connecticut, New York, New Jersey, and Pennsylvania within 100 miles of New York, N.Y., including New York, N.Y. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, New York, N.Y. 11432, attorney for applicants.

No. MC-FC-69048. By order of September 22, 1966, the Transfer Board approved the transfer to Fries Towing, Inc., Brookline, Mass., of the operating rights in certificate No. MC-100458 issued September 28, 1959, to Frank W. Gropman, doing business as Fries Towing, Brighton, Mass., authorizing the transportation, of: Disabled motor vehicles, between points in Massachusetts, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and New York. Louis M. Gropman, 31 Milk Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-69054. By order of September 22, 1966, the Transfer Board

approved the transfer to Malvin J. Parham, doing business as West Transfer Co., Asheville, N.C., of the operating rights in permits Nos. MC–103335 and MC–103335 (Sub-No. 1) issued Feb. 16, 1951, and July 14, 1955, to Charles W. West, doing business as West Transfer Co., Asheville, N.C., authorizing the transportation of: Class A and B explosives, and blasting supplies, serving points in Georgia, South Carolina, Tennessee, and North Carolina. Robert R. Williams, Jr., 4 South Pack Square, Asheville, N.C., attorney for applicants.

No. MC–FC–69066. By order of September 22, 1966, the Transfer Board approved the transfer to J. Myron Williams, Vaughnsville, Ohio, the certificate of registration No. MC–121337 (Sub-No. 1) issued July 19, 1965, to J. Myron Williams, Vaughnsville, Ohio, evidencing a right to engage in interstate or foreign commerce transporting, property from and to Vaughnsville, Ohio, and an 8-mile radius. Earl N. Merwin, 85 Gay Street, Columbus, Ohio 43215, attorney for applicants.

No. MC–FC–69090. By order of September 22, 1966, the Transfer Board approved the transfer to Louis F. DuFresne, doing business as Dano's Express, Adams Center, N.Y., of certificate of registration No. MC–99890 (Sub-No. 1) issued December 19, 1963, to Francis N. Besaw, doing business as Dano's Express, Adams Center, N.Y., authorizing the transportation of: General commodities, between points in New York State. Robert R. Hrabshak, 314 Woolworth Building, Watertown, N.Y., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10680; Filed, Sept. 29, 1966; 8:48 a.m.]

[Notice 260]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 27, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 40719 (Sub-No. 4 TA), filed September 23, 1966. Applicant: R. A. PAYNE, ROY PAYNE, and TROY PAYNE, doing business as PAYNE FREIGHT LINES, 104½ Adams, Post Office Box 562, Mount Ayr, Iowa. Applicant's representative: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving Lorimor, Iowa, as an off-route point in connection with certificate in MC 40719, for 180 days. Supporting shippers: Criss Food Store, Lorimor Variety, Williams Ceramics, Watkins Products, Eginoire Fertilizer, Allan L. Kirkhart, South Side Garage, Corsbie Auto, Coffee Cup Cafe, Walton Feed & Service, Community Oil Co., HiWay DX Service Station & Cafe, Paxton Service, Roseman Feed & Mill, Dusenbuy Hardware, Electric Motor & Pump Repair, and James W. Allender, D. O., all of Lorimor, Iowa. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 59583 (Sub-No. 108 TA), filed September 23, 1966. Applicant: THE MASON & DIXON LINES, INCORPORATED, Post Office Box 969, Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading). Serving the plantsite of the Tennessee Valley Authority located on the north bank of the Tennessee River at Brown's Ferry near Athens, Ala., as an off-route point in connection with applicant's presently authorized operation between Nashville, Tenn., and Birmingham, Ala., for 180 days. Supporting shipper: Tennessee Valley Authority, Chattanooga, Tenn. 37401. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 111383 (Sub-No. 18 TA), filed September 23, 1966. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 301 Raynolds Street, Post Office Box 9518, El Paso, Tex. 79946. Applicant's representative: Bob W. Fleming, Post Office Box 1966, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with usual exceptions), serving the plantsite of Magna America Corp. at Raymond, Miss., located approximately 14 miles southwest of Jackson, Miss., over Mississippi Highway 467 and 18, as an off-route point in connection with applicant's authorized regular-route operations, for 180 days. Supporting shipper: Carsten R. Wegelin, General Traffic Manager, Magna American Corp., Interstate Highway 75, Evendale, Cincinnati, Ohio 45215. Send protests to: Jerry R. Murphy, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 109 U.S. Courthouse Building, Albuquerque, N. Mex. 87101.

No. MC 115331 (Sub-No. 208 TA), filed September 23, 1966. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, bags, or packages, from points in Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, to El Paso, Ill., for 180 days. Supporting shipper: Chevron Chemical Co., Post Office Box 282, Ortho Way, Fort Madison, Iowa 52627, J. L. Roye, Traffic Representative. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 128596 TA, filed September 21, 1966. Applicant: BEVARD BROTHERS, INC., 4714 St. Barnabas Road SE., Silver Hill, Md. 20031. Applicant's representative: Francis J. Ortman, National Press Building, Washington, D.C. 2004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Prince Georges County, Md., to points in Arlington, Fairfax (except Herndon), Loudoun, and Prince William Counties, Va., Alexandria, Fairfax, and Falls Church, Va., and Washington, D.C. Restricted to the accounts of Silver Hill Sand & Gravel Co. of Silver Hill, Md., and Inland Materials, Inc., of Clinton, Md., for 180 days. Supporting shippers: Inland Materials, Inc., 7401 Kirby Road, Clinton, Md., and Silver Hill Sand & Gravel Co., 4600 St. Barnabas Road SE., Silver Hill, Md. 20031. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1220, Washington, D.C. 20423.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10681; Filed, Sept. 29, 1966; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 27, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40723—*Class and commodity rates from and to Gibbons, Miss.* Filed by O. W. South, Jr., agent (No. A4948), for interested rail carriers. Rates on property moving on class and commodity rates, between Gibbons, Miss., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10682; Filed, Sept. 29, 1966; 8:48 a.m.]

[Notice 10122]

STANDARD TIME ZONE INVESTIGATION

SEPTEMBER 12, 1966.

Notice is hereby given that the South Bend-Mishawaka Area Chamber of Commerce, Warren G. Wheeler, Jr., Chairman of the Board, Sherland Building, South Bend, Ind., has filed a petition with the Interstate Commerce Commission praying that the Commission enter an order reopening the above-entitled proceeding to the extent that St. Joseph County be included in the U.S. eastern time zone as defined by order of June 6, 1961 (26 F.R. 5394).

Any person interested in this matter who desires to actively participate in this proceeding may, on or before November 1, 1966, advise the Commission whether he supports or opposes the relief sought. An original and six copies of such reply must be filed with the Commission and must show service of two copies upon petitioner at the above address.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10683; Filed, Sept. 29, 1966; 8:48 a.m.]

[No. 34736]

CANAVERAL PORT AUTHORITY, ET AL.

Freight Rates and Charges

Canaveral Port Authority, et al. v. The Ahnapee and Western Railway Company, et al.:

It appearing, that on April 27, 1966, a complaint was filed in the above-entitled proceeding naming certain railroads as defendants and alleging that their freight rates and charges published and maintained for the transportation of export and/or import traffic, both carload and less-than-carload, between affected inland territory, on the one hand, and, on the other, the complainants' ports located along the southeast Florida coast and the competing ports on the Gulf including Tampa, and other South Atlantic ports, are in violation of sections 1, 3, and 15(a) of the Interstate Commerce Act, and in conflict with the purposes of the National Transportation Policy;

And it further appearing, that upon consideration of the record in this proceeding, and having determined that this proceeding is of such a nature as to require the adoption of special procedure, and for good cause appearing:

It is ordered, That:

(1) Complainants and all interested parties in support thereof shall file with the Commission on or before November 1, 1966, prepared testimony, in writing, including all exhibits thereto, and, at the same time, serve a copy of such prepared testimony and exhibits upon all parties on the service list which will be prepared after October 20, 1966;

(2) Defendants and all interested parties in support thereof shall file with the Commission on or before January 4, 1967, their prepared testimony, in writing, including all exhibits thereto, and, at the same time, serve a copy of such prepared testimony and exhibits upon all parties on the service list;

(3) Complainants shall file their prepared rebuttal testimony on or before February 15, 1967, and, at the same time, serve a copy upon all parties on the service list;

(4) Defendants desiring to cross-examine complainants' witnesses who have submitted prepared testimony must give notice, in writing, of such request to affiant and his counsel, if any, with a copy to the hearing examiner on or before January 4, 1967; likewise, complainants must give notice of their desire to cross-examine defendants' witnesses on or before February 15, 1967; and defendants must give such notice to cross-examine complainants' rebuttal witnesses on or before February 28, 1967. Failure of any witness to appear at the hearing for cross-examination, shall be considered good cause for the rejection of his prepared testimony;

(5) The prepared testimony of any witness not called for cross-examination, shall be received in evidence without the attendance of the witness being required at the hearing, if a hearing is held;

(6) Anyone desiring to become a party of record and to participate in this proceeding, and to receive and/or serve copies of the prepared evidence to be filed in accordance with the procedure set forth herein, should file a petition to intervene on or before October 20, 1966; otherwise, any interested person may appear at a hearing, if a hearing is held, and request permission of the hearing examiner to become a party to the proceeding;

(7) As soon as practicable after October 20, 1966, a service list of all interested parties participating in the proceeding will be prepared and served;

(8) This proceeding be, and it is hereby, referred to Hearing Examiner Charles W. Bennett for hearing commencing March 6, 1967, if cross-examination is requested, at 9:30 o'clock a.m., U.S. standard time, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., and for recommendation of an appropriate order thereon, accompanied by the reasons therefor;

(9) An original with the affidavit and signature in ink, together with two copies of all prepared testimony, shall be filed with the Commission;

(10) Evidence presented which fails to conform to the above-outlined procedure shall be good cause for the rejection of such evidence as part of the record in this proceeding.

And it is further ordered, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Dated at Washington, D.C., this 19th day of September A.D. 1966.

By the Commission, Commissioner Brown.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10684; Filed, Sept. 29, 1966; 8:48 a.m.]

[3d Rev. S.O. 562; Pfahler's ICC Order 207, Amdt. 2]

FRANKFORT & CINCINNATI RAILROAD CO.

Diversion or Rerouting of Traffic

Upon further consideration of Pfahler's ICC Order No. 207 (Frankfort & Cincinnati Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's ICC Order No. 207 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1966, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 30, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 27, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66–10685; Filed, Sept. 29, 1966; 8:48 a.m.]

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FEDERAL REGISTER

VOLUME 31 • NUMBER 191

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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Volume 79

UNITED STATES STATUTES AT LARGE

[89th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1965, reorganization plans, a proposed amendment to the Constitution, and Presidential proclamations. Also included are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes and supplements of the Code of Federal Regulations. The rate for subscription service to all revised volumes and supplements issued as of January 1, 1966, is $100 domestic, $30 additional for foreign domestic, $30 additional for foreign mailing. The subscription price for revised volumes and supplements issued as of January 1, 1967, will be at the same rate.

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CFR Unit:	Price
1–3 (Rev. Jan. 1, 1966)	$1.75
3 1938–1943 (Compilation)	3.00
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1949–1953 (Compilation)	7.00
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4 (Rev. Jan. 1, 1966)	.30
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6 (Rev. Jan. 1, 1966)	1.00
7 Parts:	
1–45 (Rev. Jan. 1, 1966)	1.25
46–51 (Rev. Jan. 1, 1966)	1.00
52 (Rev. Jan. 1, 1966)	2.00
53–209 (Rev. Jan. 1, 1966)	2.00
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9 (Rev. Jan. 1, 1966)	1.25
10–11 (Rev. 1, 1963)	4.50
(Supp. Jan. 1, 1966)	.60
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14 Parts:	
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16 (Rev. Jan. 1, 1960)	6.50
(Supp. Jan. 1, 1966)	1.00
17 (Rev. Jan. 1, 1964)	6.00
(Supp. Jan. 1, 1966)	1.00
18 (Rev. Jan. 1, 1961)	6.75
(Supp. Jan. 1, 1966)	.75
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21 Parts:	
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130–end (Rev. Jan. 1, 1966)	2.50
22 (Rev. Jan. 1, 1966)	1.00
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24 (Rev. Jan. 1, 1966)	1.25
25 (Rev. Jan. 1, 1966)	1.25
26 Parts:	
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1 (§§ 1.301–1.400) (Rev. Jan. 1, 1966)	.65
1 (§§ 1.401–1.500) (Rev. Jan. 1, 1966)	.65
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1 (§§ 1.641–1.850) (Rev. Jan. 1, 1966)	1.00
1 (§§ 1.851–1.1200) (Rev. Jan. 1, 1966)	1.25
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(Supp. Jan. 1, 1966)	.50
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(Supp. Jan. 1, 1966)	.40
27 (Rev. Jan. 1, 1961)	3.00
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29 Parts:	
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31 (Rev. Jan. 1, 1966)	1.25
32 Parts:	
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400–589 (Rev. Jan. 1, 1962)	3.50
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1000–1099 (Rev. Jan. 1, 1966)	1.50
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36 (Rev. Jan. 1, 1960)	3.00
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37 (Rev. Jan. 1, 1960)	3.50
(Supp. Jan. 1, 1966)	.45
38 (Rev. Jan. 1, 1966)	2.00
39–40 (Rev. Jan. 1, 1966)	2.00
41 Chapters:	
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42 (Rev. Jan. 1, 1960)	4.00
(Supp. Jan. 1, 1966)	1.00
43 (Rev. Jan. 1, 1966)	2.50
44 (Rev. Jan. 1, 1960)	3.25
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165–end (Rev. Jan. 1, 1964)	6.25
(Supp. Jan. 1, 1966)	.60
50 (Rev. Jan. 1, 1961)	3.75
(Supp. Jan. 1, 1966)	.60
General Index (Rev. Jan. 1, 1966)	1.00
List of Sections Affected, 1949–1963 (Compilation)	6.75

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President and Commission on Marine Science, Engineering, and Resources

1. Section 213.3103 is amended to show that all positions on the staff of the National Council on Marine Resources and Engineering Development

are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, paragraph (b) is added to § 213.3103 as set out below.

§ 213.3103 Executive Office of the President.

• • • • •

(b) *National Council on Marine Resources and Engineering Development* (1) All positions on the Council staff.

2. Section 213.3190 is added to show that all positions on the staff of the Commission on Marine Science, Engineering, and Resources are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, § 213.3190 is added as set out below.

§ 213.3190 Commission on Marine Science, Engineering, and Resources.

(a) All positions on the Commission staff.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-10729; Filed, Sept. 30, 1966, 8:48 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

ADMINISTRATIVE INSTRUCTIONS LISTING GENERA OR SPECIES OF PLANTS HAVING UNDERGROUND PORTIONS CONFORMING TO DEFINITION OF BULBS

Pursuant to § 319.37–1(h) of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37–1(h)), under authority of sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), administrative instructions designated as § 319.37–1a are hereby revised to read as follows:

§ 319.37–1a Administrative instructions listing genera or species of plants having underground portions conforming to the definition of bulbs in § 319.37–1(h).

(a) Most or all of the species of the genera listed in this paragraph, and all of the species listed in this paragraph, have underground parts that conform to the definition of bulbs contained in § 319.37–1(h):

Achimenes (Gesner.).
Acidanthera (Irid.).
Agapanthus (Lil.).
Albuca (Lil.).
Allium (Lil.).
Alstroemeria (Amar.).
Amarcrinum = Crinodonna.
Amaryllis (Amar.).
Amianthium (Lil.).
Ammocharis (Amar.).
Anapalina (Irid.).
Androcymbium (Lil.).
Androstephium (Lil.).
Anemone (Ranun.) (Anemone is prohibited entry from Germany.).
Anomatheca = Lapeirousia.
Anthericum (Lil.).
Antholyza (Irid.).
Arum (Ar.).
Babiana (Irid.).
Begonia (Begon.).
Bellevalia = Hyacinthus.
Bessera (Lil.).
Bletia (Orch.).
Bletilla (Orch.).
Bloomeria (Lil.).
Bongardia chrysogonum (Berber.).
Boophane (Amar.).
Bottionea (Lil.).
Bowlea (Lil.).
Bravoa (Amar.).
Brevoortia (Lil.).
Brodiaea (Lil.).
Brunsdonna (Amar.).
Brunsvigia (Amar.).
Bulbocodium (Lil.).
Buphane = Boophane.
Caladium (Ar.).
Calla = Zantedeschia.
Caliphruria (Amar.).
Calochortus (Lil.).
Calostemma (Amar.).
Camassia (Lil.).
Canna (Cann.).
Chasmanthe (Irid.).
Chionodoxa (Lil.).
Chionoscilla (Lil.).
Chlidanthus (Amar.).
Chorogalum (Lil.).
Cipura (Irid.).
Clivia (Lil.).
Colchicum (Lil.).
Convallaria (Lil.).
Cooperanthes (Amar.).
Cooperia (Amar.).
Corydalis (Fumar.).
Crinodonna (Amar.).
Crinum (Amar.).
Crocosmia (Irid.).
Crocus (Irid.).
Curcuma (Zingiber.).
Curtonus (Irid.).
Cyclamen (Prim.).
Cyclobothra-Calochortus.
Cypella (Irid.).
Cyrtanthus (Amar.).
Dahlia (Compos.).
Dicentra (Fumar.).
Dielytra-Dicentra.
Dierama (Irid.).
Dipcadi (Lil.).
Dipidax (Lil.).
Drimia (Lil.).
Drymophila (Lil.).
Elisena (Amar.).
Eranthis (Ranun.).
Eremurus (Lil.).
Erythronium (Lil.).
Eucharis (Amar.).
Eucomis (Lil.).
Eurycles (Amar.).
Eustephia (Amar.).
Eustylis (Irid.).
Ferraria (Irid.).
Freesia (Irid.).
Fritillaria (Lil.).
Funkia-Hosta.
Gagea (Lil.).
Galanthus (Amar.).
Galtonia (Lil.).
Geissorhiza (Irid.).
Geranium tuberosum (Geran.).
Gesneria (Gesner.).
Gladiolus (Irid.) (Gladiolus is prohibited entry from African sources).
Globba (Zingiber.).
Gloriosa (Lil.).
Gloxinia-Sinningia.
Griffinia (Amar.).
Habenaria radiata (Orch.).
Habranthus (Amar.).
Haemanthus (Amar.).
Hastingsia (Lil.).
Hedychium (Zingiber.).
Helonias (Lil.).
Heloniopsis (Lil.).
Hemerocallis (Lil.).
Herbertia (Irid.).
Hermodactylus (Irid.).
Hesperantha (Irid.).
Hesperocallis (Lil.).
Hessea (Amar.).
Hexaglottis (Irid.).
Hippeastrum (Amar.).
Homeria (Irid.).
Homoglossum (Irid.).
Hosta (Lil.).
Hyacinthus (Lil.).
Hydrotaenia (Irid.).
Hyline (Amar.).
Hymenocallis (Amar.).
Hypoxis (Amar.).
Incarvillea (Bignon.).
Ipheion (Lil.).
Iris (Irid.).
Ismene (Amar.).
Isoloma (Gesner.).
Ixia (Irid.).
Ixiolirion (Amar.).
Kaempferia (Zingiber.).
Kohleria (Gesner.).
Lachenalia (Lil.).
Lapeirousia (Irid.).
Lapeyrousia = Lapeirousia.
Leucocoryne (Lil.).
Leucojum (Amar.).
Lilium (Lil.).
Littonia (Lil.).
Lloydia (Lil.).
Lycoris (Amar.).
Manfreda (Amar.).
Massonia (Lil.).
Melasphaerula (Irid.).
Merendera (Lil.).
Mertensia (Borag.).
Milla (Lil.).
Montbretia = Tritonia.
Moraea (Irid.).
Mullia (Lil.).
Muscari (Lil.).
Naegelia (Gesner.).
Narcissus (Amar.).
Nemastylis (Irid.).
Nerine (Amar.).
Nomocharis (Lil.).
Notholirion (Lil.).
Nothoscordum (Lil.).
Ornithogalum (Lil.).
Ostrowskia magnifica (Campan.).
Oxalis (Oxal.).
Paeonia herbaceous (Ranun.).
Pamianthe (Amar.).
Pancratium (Amar.).
Papaver (Papaver.).
Pasithea (Lil.).
Phaedranassa (Amar.).
Placea (Amar.).
Pollanthes (Amar.).
Polyanthes = Pollanthes.
Polyanthus = Pollanthes.
Prochnyanthes (Amar.).
Pulsatilla = Anemone (Anemone is prohibited entry from Germany).
Puschkinia (Lil.).
Pyrolirion (Amar.).
Quamasia = Camassia.
Ranunculus (Ranun.).
Rechsteineria (Gesner.).
Rhodohypoxis (Amar.).
Rhodophiala (Amar.).
Rigidella (Irid.).
Romulea (Irid.).
Salpingostylis (Irid.).
Sandersonia (Lil.).
Sauromatum (Ar.).
Saxifraga granulata (Sax.).
Schizobasopsis = Bowiea.
Schizostylis (Irid.).
Scilla (Lil.).
Sinningia: the "Gloxinia" of florists (Gesner.).
Smithiantha (Gesner.).
Sparaxis (Irid.).
Spiloxene (Amar.).
Sprekelia (Amar.).
Stenanthium (Lil.).
Stenomesson (Amar.).
Sternbergia (Amar.).
Streptanthera (Irid.).
Synnotia (Irid.).
Tecophilaea thomosonia (Ar.).
Tigridia (Irid.).
Trimeza (Irid.).
Tristagma (Lil.).
Tritelela = Brodiaea.
Tritonia (Irid.).
Tropaeolum tuberosum (Trop.).
Tulbaghia (Lil.).
Tulipa (Lil.).
Tydaea (Gesner.).
Urceocharis (Amar.).
Urceolina (Amar.).
Urginea (Lil.).
Vagaria (Amar.).
Vallota (Amar.).
Veltheimia (Lil.).
Watsonia (Irid.).
Zantedeschia (Ar.): the calla of gardeners.
Zephyranthes (Amar.).
Zigadenus (Lil.).
Zingiber (Zingiber.).
Zygadenus = Zigadenus.

In the list in this paragraph the correct botanical name follows the equal sign after each synonym. Botanical family abbreviations are in parentheses and have the following meanings: (Amar.) Amaryllidaceae; (Ar.) Araceae; (Begon.) Begoniaceae; (Berber.) Berberideae; (Bignon.) Bignoniaceae; (Borag.) Boraginaceae; (Campan.) Campanulaceae; (Cann.) Cannaceae; (Compos.) Compositae; (Fumar.) Fumariaceae; (Geran.) Geraniaceae; (Gesner.) Gesneriaceae; (Irid.) Iridaceae; (Lil.) Liliaceae; (Orch.) Orchidaceae; (Oxal.) Oxalidaceae; (Papaver.) Papaveraceae; (Prim.) Primulaceae; (Ranun.) Ranunculaceae; (Sax.) Saxifragaceae; (Trop.) Tropaeolaceae; (Zingiber.) Zingiberaceae.

(b) A determination as to whether a particular shipment of plant material qualifies as bulbs will be made at the time of offer for entry.

(Secs. 1, 5, 9, 37 Stat. 315, 316, 318, as amended; 7 U.S.C. 154, 159, 162; 29 F.R. 16210, as amended; 7 CFR 319.37–1(h))

The foregoing administrative instructions shall become effective October 1, 1966, when they shall supersede 7 CFR 319.37–1a, effective September 2, 1961.

These revised administrative instructions list genera and species of plants having underground portions that conform to the definition of bulbs in § 319.37–1(h) and are commodities of importance in international trade. A number of additions have been made to the list to include genera and species presently found in international trade channels which have not heretofore been listed.

This document constitutes an interpretation of the term "bulb" as defined in the regulations and as an interpretive rule is not subject to the notice and other public procedure and delay in effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Therefore, the administrative instructions set forth above shall become effective on publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 28th day of September 1966.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 66-10728; Filed, Sept. 30, 1966; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangelo Reg. 30]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 3, 1966. The committee held an open meeting on September 27, 1966, to consider recommendations for a regulation, in accordance with the said amended marketing agreement and order, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangelos, grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangelos, grown in the production area, at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.486 Tangelo Regulation 30.

(a) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., October 3, 1966, and ending at 12:01 a.m., e.s.t., August 1, 1967, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2$\frac{8}{10}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the amended U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 28, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10745; Filed, Sept. 30, 1966; 8:48 a.m.]

[Export Reg. 14]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Export Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of exports of oranges, including Temple oranges, grapefruit, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grapefruit, and tangelos, grown in the production area, are subject to grade and size limitations on shipments from the production area to any point outside thereof in the continental United States, Canada, and Mexico; the recommendation and supporting information for the grade and size limitation hereinafter prescribed for exports of oranges, including Temple oranges, grapefruit, and tangelos, other than to Canada and Mexico, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 27, 1966; such meeting was held to consider recommendations for regulation on exports, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such fruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

§ 905.487 **Export Regulation 14.**

(a) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., October 3, 1966, and ending at 12:01 a.m., e.s.t., August 1, 1967, no handler shall ship to any destination outside the continental United States, other than to Canada and Mexico:

(i) Any oranges, including Temple oranges, grapefruit, or tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$^{1}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges, except Temple oranges, smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended U.S. Standards for Florida Oranges and Tangelos;

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2$^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the aforesaid U.S. Standards for Florida Oranges and Tangelos;

(iv) Any grapefruit, grown in the production area, which are of a size smaller than 3$^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised U.S. Standards for Florida Grapefruit; or

(v) Any tangelos, grown in the production area, which are of a size smaller than 2$^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said amended U.S. Standards for Florida Oranges and Tangelos.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective terms in the revised U.S. Standards for Florida Grapefruit (§§ 51.750–51.783 of this title), or the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 29, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10756; Filed, Sept. 30, 1966; 8:48 a.m.]

[Valencia Orange Reg. 181]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.481 **Valencia Orange Regulation 181.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 29, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 2, 1966, and ending at 12:01 a.m., P.s.t., October 9, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 400,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 30, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10796; Filed, Sept. 30, 1966; 11:30 a.m.]

[Lemon Reg. 234]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.534 **Lemon Regulation 234.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 27, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 2, 1966, and ending at 12:01 a.m., P.s.t., October 9, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 111,600 cartons;
(iii) District 3: 76,325 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 29, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10757; Filed, Sept. 30, 1966; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1966 Cottonseed Oil and Meal Purchase Program Regs.; Amdt. 1]

PART 1443—OILSEEDS

Subpart—Cottonseed Oil and Meal Purchase Program Regulations (1966)

PURCHASES OF COTTONSEED BY CRUSHERS

The regulations issued by the Commodity Credit Corporation governing the purchase of cottonseed oil and cottonseed meal as a part of the 1966 Cottonseed Price Support Program (31 F.R. 8348) are amended as follows:

The first sentence of paragraph (b) (2) of § 1443.2044 *Purchases of cottonseed by crusher*, is amended as follows to revise the method which may be used in grading cottonseed in the San Joaquin Valley of Calif.:

§ 1443.2044 **Purchases of cottonseed by crushers.**

* * * * * * *

(b) * * *

(2) In the San Joaquin Valley of Calif. the grade of cottonseed acquired by the crusher from gins within the area may be determined on the basis of composite samples of such cottonseed. * * *

* * * * * * *

(Secs. 4 and 5, 62 Stat. 1070, as amended, secs. 301, 401, 63 Stat. 1051, as amended, sec. 601, 70 Stat. 212, 15 U.S.C. 714b and 714c, and 7 U.S.C. 1447, 1421, 1446d)

Effective date. This amendment shall become effective on the date it is filed with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 27, 1966.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66-10698; Filed, Sept. 30, 1966; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Maximum Rates of Interest or Dividends Payable on Deposits by Insured Nonmember Mutual Savings Banks; Banks in Alaska

Effective October 1, 1966, § 329.7 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.7) is amended by adding a new paragraph (e) as follows:

§ 329.7 **Maximum rates of interest or dividends payable on deposits by insured nonmember mutual savings banks.**

* * * * * *

(e) *Banks in Alaska.* Notwithstanding paragraph (b) of this section, any insured nonmember mutual savings bank located in the State of Alaska may pay for any time on or after October 1, 1966, a rate of interest or dividends not in excess of 5¼ percent per annum on any deposit and may continue to pay a higher rate of interest or dividends in accordance with any time certificate of deposit, savings certificate, or similar certificate issued by the bank prior to September 22, 1966, requiring maintenance of the deposit for a stated period or making the rate of interest or dividends dependent thereon, and on any renewals or extensions of such certificates on the same terms and conditions. For the purposes of paragraphs (c) and (d) of this section, the applicable maximum rate for any such bank located in the State of Alaska is that prescribed by this paragraph.

The purpose of this amendment is to prescribe for insured nonmember mutual savings banks in the State of Alaska a maximum rate of interest or dividends on deposits of 5¼ percent per annum, together with a "grandfather clause" permitting such banks to continue to pay higher existing rates on certificates evidencing funds deposited prior to September 22, 1966.

There was no notice and public participation with respect to this amendment, nor is the effective date thereof deferred with prior publication, as the Board of Directors has found pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6) that, under

the circumstances, such procedure would cause delay and would prevent the action from becoming effective as promptly as necessary in the public interest.

(Sec. 9, 64 Stat. 881; 12 U.S.C. 1819)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 66-10707; Filed, Sept. 30, 1966; 8:45 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 20,204]

PART 545—OPERATIONS

Distribution of Earnings at Variable Rates

SEPTEMBER 29, 1966.

Resolved that, notice and public procedure having been duly afforded (31 F.R. 12062) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 545.3–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.3–1) providing for the distribution of earnings by Federal savings and loan associations at variable rates, and for the purpose of effecting such amendment, hereby amends said § 545.3–1 to read as follows, effective October 1, 1966.

§ 545.3–1 Distribution of earnings at variable rates.

(a) *General.* Subject to the provisions of this section, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.), after having determined the rate at which earnings will be distributed on its savings accounts for the dividend period, hereinafter referred to as the regular rate, may provide for the distribution of earnings for that dividend period at a higher rate or rates on savings accounts which meet eligibility requirements fixed by the board of directors pursuant to paragraph (b) of this section and such additional requirements as the board of directors may impose.

(b) *Eligibility requirements.* The board of directors may, by resolution, provide for the distribution of earnings at a rate or rates higher than the regular rate only on savings accounts which meet the minimum requirements fixed by the board of directors pursuant to subparagraphs (1) and (2) of this paragraph and such additional requirements as the board of directors may impose.

(1) *Accounts evidenced by account books.* For any dividend period for which the regular rate is less than the applicable maximum rate of return prescribed for regular accounts in Part 526 of Subchapter B of this Chapter V, a savings account which is evidenced by an account book and is maintained at not less than $1,000 for a continuous period of not less than 12 months may receive earnings at a rate higher than the regular rate.

(2) *Accounts evidenced by separate certificates.* A savings account which is evidenced by a separate certificate, as provided in paragraph (c) of this section, issued and dated on or after the date of such resolution, may receive earnings on the amount of such certificate at a rate higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for certificate accounts in Part 526 of Subchapter B of this Chapter V, if such account is maintained at not less than $1,000 for a continuous period of not less than 6 months, nor more than 12 months, commencing on the date of such certificate. If such savings account is evidenced by more than one separate certificate, the provisions of this subparagraph (2) shall be as fully applicable to each such certificate as if each such certificate evidenced a separate savings account.

(c) *Use of certificate.* A Federal association which issues certificates evidencing savings accounts on which earnings are distributable at a rate higher than the regular rate pursuant to this section shall issue certificates in the form prescribed in subparagraph (1) of this paragraph, or in one of the optional forms permitted by subparagraph (2) of this paragraph, but may not issue more than one type of form for any one class of savings accounts in any one dividend period. The form to be issued shall be set forth in the minutes of the board of directors together with the date after which said form will be issued and the class of savings account for which said form will be issued.

(1) *Form of certificate.* An account evidenced by a separate certificate issued pursuant to this section may not be printed in or in any manner attached to an account book. Such separate certificate shall be in the form prescribed pursuant to paragraph (b) of § 545.2 bearing on its face the following additional words: "Earnings are distributable on the amount of this certificate as provided in, and subject to, § 545.3–1 of the rules and regulations for the Federal Savings and Loan System. On the qualified amount of this certificate at the expiration of the period ending _____ _____ (date), it is anticipated, subject to final determination of the board of directors, that the holder will be paid earnings at the rate of _____ percent per annum. This certificate shall be renewed, as to any qualified amount not withdrawn prior to or at the expiration of said period or any renewal period, on the same terms and conditions unless a written notice has been mailed by the association at least 30 days prior to the expiration of the period ending _____ _____ (date), or prior to the expiration of any renewal period, stating that the holder will not be entitled to receive earnings at a rate higher than the regular rate for savings account books for any time this certificate is outstanding after the expiration of the period in which such notice is given. Amounts withdrawn prior to _____ (date) will receive earnings on the following basis: (Here a statement shall be included as to the basis for distributing earnings as provided by the board of directors pursuant to subparagraph (2) of paragraph (d) of this section.)"

(2) *Optional forms of certificate.* A Federal association at its option may issue a separate certificate evidencing savings accounts issued pursuant to this section which omits any one or more of the second, third, or fourth sentences of the quoted language set forth in subparagraph (1). If the third sentence is omitted, the association shall substitute for said third sentence the following sentence: "Earnings shall be distributable at the regular rate for savings account books for any period during which this certificate is outstanding after _____ (date)."

(d) *Time and manner of distributing earnings.* (1) As to an account issued under this section which is evidenced either by an account book or by a certificate issued in accordance with paragraph (c), which does not contain the fourth sentence of the quoted language set forth in subparagraph (1) of paragraph (c), earnings at the regular rate shall be distributed on each such savings account at each date as of which the Federal association regularly distributes earnings on its savings accounts.

(2) As to an account issued under this section which is evidenced by a certificate issued in accordance with paragraph (c) and which contains the fourth sentence of the quoted language set forth in subparagraph (1) of paragraph (c), no earnings shall be distributed until the account has met the applicable eligibility requirements fixed pursuant to paragraph (b) of this section unless part or all of the account is withdrawn prior to meeting such eligibility requirements. In such event, the board of directors may provide that the funds withdrawn shall receive a percentage of the regular rate of earnings which percentage may vary according to the length of time the funds remain in the account, but shall be less than 100 but not less than 50 percent of the regular rate of earnings distributable on accounts evidenced by an account book.

(3) When any savings account issued pursuant to this section has met the applicable eligibility requirements fixed pursuant to paragraph (b) of this section, any earnings on the account that then remain undistributed shall thereupon be credited or paid to the owner thereof.

(4) As to an account issued under this section which is evidenced by an account book and which has met the applicable eligibility requirements fixed pursuant to paragraph (b) of this section, the association, while such account continues to be eligible to receive a higher rate, shall continue to distribute earnings at a higher rate pursuant to this section at each date as of which the association regularly distributes earnings on its savings accounts until such time as the board of directors determines to discontinue such higher rate.

(5) As to any account issued under this section which is evidenced by a certificate issued on or after October 1, 1966, in accordance with paragraph (c) of this section and which does not contain the third sentence of the quoted language set forth in subparagraph (1) of paragraph (c), earnings shall be distributed for any period during which such account is outstanding beyond the time eligibility requirements fixed pursuant to paragraph (b) of this section at the regular rate for account books at each date as of which the association regularly distributes earnings on its savings accounts.

(6) While an account evidenced by a certificate issued prior to October 1, 1966, under this section continues to be eligible to receive, and the association continues to distribute, earnings at a higher rate pursuant to this section, earnings on such account shall be distributed, for any period during which such account is outstanding beyond the time eligibility requirement fixed pursuant to paragraph (b) of this section, at each date as of which the association regularly distributes earnings on its savings accounts, at such applicable higher rate as is from time to time determined by the board of directors within the limitations of this section.

(7) While any certificates issued in accordance with paragraph (c) of this section remain outstanding, a reserve for undistributed earnings on such accounts shall be maintained and appropriate credits and debits shall be made to such reserve as of the dates the Federal association regularly distributes earnings on its savings accounts.

(e) *Exchange of accounts.* Such part of any savings account as is not less than the minimum amount fixed pursuant to subparagraph (2) of paragraph (b) of this section may, upon request by the holder of such account, be exchanged for one or more separate certificates issued pursuant to and in accordance with paragraphs (b) and (c) of this section; and the association may, either at the time of such exchange or at the next date as of which it regularly distributes earnings, distribute any undistributed earnings and any applicable bonus on the savings account, or part thereof, so exchanged.

(f) *Exclusion.* This section shall not be applicable to distribution of earnings on any savings account on which such association is paying or is obligated to pay a bonus under any provision of this part.

(g) *Notice requirements.* Each Federal association which determines after the effective date of this paragraph to distribute earnings pursuant to the provisions of this section shall, within 30 days, give notice of such determination by at least one of the following means:

(1) Postage prepaid to each member having a savings account at the time of determination with a balance of not less than the determined amount at the last address of the member appearing on the books of such Federal association;

(2) Posting in a conspicuous place in each of the offices of the association for so long as the association continues to offer the plan; or

(3) Publishing in a newspaper printed in the English language and of general circulation in the city or county in which each office of the association is located.

Each Federal association which on the effective date of this paragraph is distributing earnings pursuant to this section shall, if it has not previously done so, give the notice required by this paragraph within 30 days from the effective date of the paragraph.

(h) *Limitation on issuance of certificates.* No Federal association may issue any certificate pursuant to this section at any time when the total of its savings accounts evidenced by such certificates exceeds 50 percent of the association's total capital.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as the foregoing amendment is designed to permit Federal savings and loan associations to adjust their operations as of the beginning of the next quarterly dividend period to changed economic conditions emerging during the current quarterly period, the Board hereby finds that deferral of the effective date of the said amendment pursuant to the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) is not consistent with the public interest and provides that the said amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 66-10751; Filed, Sept. 30, 1966; 8:48 a.m.]

[No. 20,205]

PART 545—OPERATIONS

Distribution of Earnings on Bases, Terms, and Conditions Other than those Provided by Charter

SEPTEMBER 29, 1966.

Whereas, by Federal Home Loan Bank Board Resolution No. 20,176, dated September 10, 1966, and duly published in the FEDERAL REGISTER on September 15, 1966 (31 F.R. 12061), this Board proposed, pursuant to Part 508 of the general regulations of the Board (12 CFR Part 508), to amend paragraph (b), (c), and (d) of § 545.1–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1–1) the substance of which proposal was set out in said publication; and

Whereas, all relevant material presented or available having been considered by it;

Now, therefore, be it resolved, that this Board hereby determines to adopt the amendment, as proposed, without change, effective October 1, 1966.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

§ 545.1–1 Distribution of earnings on bases, terms, and conditions other than those provided by charter.

* * * * * *

(b) *Quarterly.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, distribute earnings on savings accounts as of March 31, June 30, September 30, and December 31 of each year, or as of the last business day of each March, June, September, and December, after providing as of March 31 and September 30 for the payment of expenses, and for the pro rata portion of credits to reserves required by section 10 of Charter N and Charter K (rev.) for the 6-month period ending on June 30 and December 31, respectively, next succeeding.

(c) *Amounts withdrawn between distribution dates.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, distribute earnings on amounts withdrawn from savings accounts, or designated classes thereof, between the dates as of which such Federal association regularly distributes earnings on savings accounts: *Provided*, That, earnings on any amount so withdrawn shall neither be distributed for any greater portion of the dividend period than that during which such amount remained in the association nor at a rate in excess of the rate at which earnings, exclusive of any bonus, are distributed on savings accounts for the dividend period in which such amount is so withdrawn.

(d) *Determination date.* For the purpose of computing earnings for distribution on savings accounts, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption of a resolution so providing and while such resolution remains in effect, fix a date, not later than the 20th of the month, for determining the date of investment of payments on savings accounts or designated classes thereof. Payments received by the association on or before such determination date shall receive earnings as if invested on the first of such month; payments received subsequent to such determination date shall receive earnings as if invested on the first of the next succeeding month, except that, after adoption by the association's board of directors of a resolution so providing and while such resolution remains in effect, payments received subsequent to a determination date which is

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not later than the 10th of the month shall receive earnings from the date of receipt.

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[F.R. Doc. 66-10752; Filed, Sept. 30, 1966; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 6]

PART 121—SMALL BUSINESS SIZE STANDARDS

Employment Size Standards for Concerns Primarily Engaged in Manufacturing

Correction

In F.R. Doc. 66-7709, appearing at page 9721 of the issue for Tuesday, July 19, 1966, the following corrections are made in Schedule A, Major Group 36, in the Employment Size Standard column:

1. In entry 3631, the number "75" should read "750".

2. In entry 3633, the number "1,00" should read "1,000".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-SW-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 27, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10132) stating that the Federal Aviation Agency proposed to alter the Ardmore, Okla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2154) the Ardmore, Okla., transition area is amended to read:

ARDMORE, OKLA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W.); within a 5-mile radius of the Downtown Ardmore Airport (latitude 34°09'30" N., longitude 97°08'00" W.); within 2 miles each side of the Ardmore VOR 233° and 053° radials, extending from the 7-mile radius area to 8 miles SW of the VOR; within 2 miles N and 8 miles S of the 265° and 085° bearings from the Ardmore RBN, extending from 3 miles E to 8 miles W of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on September 16, 1966.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 66-10690; Filed, Sept. 30, 1966; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-307; Order 325]

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

Fees for Applications; Correction

SEPTEMBER 14, 1966.

In the order Amending Uniform System of Accounts Prescribed for Natural Gas Companies, issued August 2, 1966, and published in the FEDERAL REGISTER August 9, 1966 (F.R. Doc. 66-8635, 31 F.R. 10605); in Part 204 of the "Gas Plant Instructions" change the designation of the new paragraph from "13" to "14" in:

1. The second line of subparagraph (B)(1);

2. Caption of new paragraph;

3. Last line of the "Note" near bottom of page;

4. Last line of Item 3 of subparagraph (4).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10691; Filed, Sept 30, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt from Certification

Subpart F—Listing of Color Additives for Drug Use Exempt from Certification

TITANIUM DIOXIDE; CONFIRMATION OF EFFECTIVE DATE

In the matter of listing titanium dioxide as a safe color additive for use in food and drugs and exempting it from certification:

1. In response to the order in the above-identified matter published in the FEDERAL REGISTER of January 27, 1966 (31 F.R. 1065), The Toilet Goods Association, Inc., 1270 Avenue of the Americas, New York, N.Y. 10020, which is not the petitioner, submitted an objection because the order did not include a regulation listing titanium dioxide as a safe color additive for use in or on cosmetics.

No representation has been made that the regulations in the order (21 CFR 8.316, 8.6005) listing titanium dioxide as a safe color additive for use in or on foods and drugs are deficient in any respect. A regulation listing titanium dioxide as a safe color additive for use in cosmetics was not included in the order because the petitioner failed to submit adequate information about the use of the additive in cosmetics.

The Commissioner of Food and Drugs has concluded, therefore, that reasonable grounds for objection have not been presented. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b), (c)(2), (d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), notice is given that the regulations (21 CFR 8.316, 8.6005) promulgated by the subject order became effective March 28, 1966.

The provisional listing of titanium dioxide for use in or on cosmetics (21 CFR 8.501(g)) will continue, to allow time for information necessary for a permanent listing to be assembled.

2. Effective on publication of this order in the FEDERAL REGISTER, § 8.501 *Provisional lists of color additives* is amended by deleting the item "Titanium dioxide" from both paragraphs (e) and (f).

(Sec. 706 (b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b), (c)(2), (d))

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10719; Filed, Sept. 30, 1966; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 53—TOMATO PRODUCTS

Canned Tomatoes; Confirmation of Effective Date of Order Amending Standards of Identity and Quality

In the matter of amending the definition and standard of identity for canned tomatoes (21 CFR 53.40) with respect to peeling and coring requirements; the optional use of organic acidifying agents, a nutritive sweetener in solid form, and tomato paste or puree; and certain appropriate labeling changes including the requirement that all optional ingredients be declared; and the standard of quality for canned tomatoes (21 CFR 53.41) to show that the test for amount of peel does not apply to canned unpeeled tomatoes:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of August 11, 1966 (31 F.R. 10676). Accordingly, the amendments promulgated by that order will become effective October 10, 1966.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10720; Filed, Sept. 30, 1966; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

INORGANIC BROMIDES

An order was published in the FEDERAL REGISTER of June 15, 1966 (31 F.R. 8369), establishing tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide. The petitioner, Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, has requested that the present tolerance of 400 parts per million for residues of inorganic bromides in dried eggs and processed herbs and spices from fumigation with a mixture of methyl bromide and ethylene dibromide be extended to provide for the same residues from fumigation with methyl bromide alone.

Also, a petition (FAP 4H1474) was filed by Ferguson Fumigants, Inc., 93 Ford Lane, Hazelwood, Mo. 63042, proposing the issuance of a regulation to provide for the safe use of ethylene dibromide in combination with methyl bromide as a fumigant of flours derived from the cereal grains barley, corn, milo (sorghum), oats, rice, rye, and wheat. Previously, at the request of this petitioner, a food additive tolerance was established for 200 parts per million of inorganic bromides (calculated as Br) in or on oat flour as the result of the use of a mixture of methyl bromide and ethylene dibromide as a fumigant (21 CFR 121.1020(b)). A proposal to decrease this tolerance in or on oat flour to 125 parts per million is being published separately in this issue of the FEDERAL REGISTER.

The Commissioner of Food and Drugs, having evaluated the data in the petitions and other relevant material, has concluded that:

1. The food additive regulations should be amended to provide for a tolerance of 400 parts per million for residues of inorganic bromides in dried eggs and processed herbs and spices from fumigation with methyl bromide alone;

2. A tolerance of 125 parts per million should be established for residues of inorganic bromides in or on the flours of barley, corn, milo (sorghum), rice, rye, and wheat from fumigation with a mixture of methyl bromide and ethylene dibromide; and

3. These actions will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.1020 is amended by adding in numerical sequence a tolerance of 400 parts per million to paragraph (a) and a tolerance of 125 parts per million to paragraph (b), as follows:

§ 121.1020 Inorganic bromides.

• • • • •

(a) • • •

400 parts per million in or on dried eggs and processed herbs and spices.

• • • • •

(b) • • •

125 parts per million in or on the flours of barley, corn, milo (sorghum), rice, rye, and wheat.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10721; Filed, Sept. 30, 1966; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL REGULATIONS

Suspension of Certification Service

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), the procedural antibiotic drug regulations are amended to provide for the suspension of certification service when there is a failure of compliance with the requirements of good manufacturing practice prescribed by Part 133 (21 CFR Part 133).

Accordingly, § 146.6 is revised to read as follows:

§ 146.6 Suspension of certification service.

When the Commissioner finds that a person has:

(a) Obtained or attempted to obtain a certificate through fraud or through misrepresentation or concealment of a material fact; or

(b) Falsified the records required to be kept by § 146.5; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to take an inventory of stocks on hand, or otherwise to check the correctness of such records as required by § 146.5; or

(d) Failed to establish a system for maintaining the records required by § 146.14 or has repeatedly or deliberately failed to maintain such records or to make required reports in accordance with the provisions of that section, or has refused to permit access to, or copying, or verification of such records or reports; or

(e) Failed to conform to the requirements of good manufacturing practice prescribed by Part 133 of this chapter; the Commissioner will immediately suspend service to such person under the regulations in this chapter. Upon request a hearing will be granted to such person to show cause why such service should be resumed.

This order amends the antibiotic-drug procedural regulations in the interest of protecting the public health; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: September 23, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-10722; Filed, Sept. 30, 1966; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 6—INVENTIONS AND PATENTS (GENERAL)

PART 7—EMPLOYEE INVENTIONS

PART 8—INVENTIONS RESULTING FROM RESEARCH GRANTS, FELLOWSHIP AWARDS, AND CONTRACTS FOR RESEARCH

Miscellaneous Amendments

In order to withdraw the delegation of authority from the heads of the constituent organizations and to vest responsibility in the Assistant Secretary (Health and Scientific Affairs) for administration of inventions and patents for the Department of Health, Education, and Welfare, Title 45, Subtitle A, Parts 6, 7, and 8, are hereby amended as follows:

§ 6.0 [Deleted]

1. Section 6.0 is deleted.

§§ 6.0, 6.1 [Redesignated]

2. Section 6.1 is hereby renumbered as § 6.0, and § 6.2 is renumbered as § 6.1.

3. A new § 6.2 is added as follows:

§ 6.2 General Responsibility.

The Assistant Secretary (Health and Scientific Affairs) is responsible for the administration of the invention and patent program of the Department and the determination of rights in inventions and patents in which the Department has an interest.

4. Section 6.3 is revised to read as follows:

§ 6.3 Government-owned patents; licensing; dedication to the public.

Licenses to practice inventions covered by patents and pending patent applications owned by the U.S. Government as represented by this Department will be royalty free, revocable, and nonexclusive. Except in unusual cases when it is determined that unconditional licensing would be contrary to the public interest, licenses will be issued to all applicants and will contain no limitations or standards relating to the quality of the products to be manufactured, sold, or distributed thereunder. To reduce the need for individual license applications, patents held for unconditional licensing shall be dedicated to the public as may be feasible.

§ 6.5 [Deleted]

5. Section 6.5 is deleted.

§ 6.6 [Deleted]

6. Section 6.6 is deleted.

7. Section 7.1 is revised to read as follows:

§ 7.1 Duty of employee to report inventions.

Every Department employee is required to report to the Assistant Secretary (Health and Scientific Affairs) in accordance with the procedures established therefor, every invention made by him (whether or not jointly with others) which bears any relation to his official duties or which was made in whole or in any part during working hours, or with any contribution of Government facilities, equipment, material, funds, or information, or of time or services of other Government employees on official duty.

§ 7.2 [Deleted]

8. Section 7.2 is deleted.

§ 7.3 [Amended]

9. In § 7.3, on line 7 after "by the" "head of the appropriate office or constituent organization" is deleted and there is inserted "Assistant Secretary (Health and Scientific Affairs)."

10. In § 7.3(a), "Assistant Secretary (Health and Scientific Affairs)" is inserted on line 2 after "by the" in lieu of "Secretary."

11. In § 7.3(b), in the 6th line from the end of this paragraph, after "such reservation" there is deleted ", in the terms thereof or where applicable in the terms required by 35 U.S.C. 266."

§ 7.5 [Deleted]

12. Section 7.5 is deleted.

§ 7.6 [Deleted]

13. Section 7.6 is deleted.

14. Section 7.7 is revised to read as follows:

§ 7.7 Notice to employee of determination.

The employee-inventor shall be notified in writing of the Department's determination of the rights to his invention and of his right of appeal, if any. Notice need not be given if the employee stated in writing that he would agree to the determination of ownership which was in fact made.

§ 7.8 [Amended]

15. Section 7.8 is amended in the following respect: On lines 9 and 10, there is omitted "Department Patents Officer" and inserted in lieu thereof "Assistant Secretary (Health and Scientific Affairs)".

§ 8.1 [Amended]

16. Section 8.1 is amended by deleting in the third line from the end of the introductory paragraph, after "shall provide", the words "as the head of the constituent unit may determine,".

17. Section 8.1(a) is amended by deleting in line 4, after "by the", the words "head of the constituent unit responsible for the grant" and inserting in lieu thereof, "Assistant Secretary (Health and Scientific Affairs)".

18. Section 8.1(b) is amended by deleting in line 8 the words "head of the constituent unit" and inserting in lieu thereof "Assistant Secretary (Health and Scientific Affairs)".

§ 8.2 [Amended]

19. Section 8.2 is amended by deleting in line 4 (exclusive of heading) "head of the constituent organization" and inserting in lieu thereof "Assistant Secretary (Health and Scientific Affairs)".

§ 8.5 [Amended]

20. Section 8.5 is amended by deleting in line 2 "head of the responsible constituent organization" and inserting in lieu thereof "Assistant Secretary (Health and Scientific Affairs)".

§ 8.6 [Amended]

21. Section 8.6(a) is amended by deleting in lines 6 and 7 "head of the constituent organization responsible for the contract" and substituting therefor "Assistant Secretary (Health and Scientific Affairs)". In line 3 from end of same paragraph there is deleted "the organization head" and "he" is inserted in lieu thereof.

§ 8.7 [Amended]

22. Section 8.7 is amended by deleting in the second line from the end the word "Secretary" and inserting in lieu thereof "Assistant Secretary (Health and Scientific Affairs)".

Dated: September 26, 1966.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 66-10724; Filed, Sept. 30, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

EXPENSES FOR EDUCATION

Notice of Proposed Rule Making

Pursuant to the Administrative Procedure Act, approved June 11, 1946, regulations proposed to be prescribed as § 1.162–5 and § 1.262–1(b)(9) were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for July 7, 1966 (31 F.R. 9276). Notice is hereby given that such proposed regulations are withdrawn.

Further, notice is hereby given, pursuant to the Administrative Procedure Act, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:IR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at the public hearing which will be held on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. Notice of the time, place, and date of the public hearing is published simultaneously herewith. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to provide more specific rules with respect to the treatment, for Federal income tax purposes, of expenditures for education, § 1.162–5 (relating to expenses for education) and § 1.262–1 (relating to personal, living, and family expenses) of the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Section 1.162–5 is amended to read as follows:

§ 1.162–5 Expenses for education.

(a) *General rule.* Expenditures made by an individual for education (including research undertaken as part of his educational program) which are personal or capital expenditures, or which have elements of both, are not deductible. Educational expenditures included within this category are described in paragraph (b) of this section. On the other hand, expenditures made by an individual for education (including research undertaken as part of his educational program) which are neither capital nor personal expenditures are deductible as ordinary and necessary business expenses (even though the education may lead to a degree) if the education—

(1) Maintains or improves skills required by the individual in his present employment or other trade or business, or

(2) Meets the express requirements of the individual's employer, or the requirements of applicable law or regulations, imposed as a condition to the retention by the individual of an established employment relationship, status, or rate of compensation.

(b) *Nondeductible educational expenditures*—(1) *In General.* Educational expenditures described in subparagraphs (2) and (3) of this paragraph are personal or capital expenditures, or have elements of both, and, therefore, are not deductible as ordinary and necessary business expenses even though they may maintain or improve skills required by the individual in his present employment or other trade or business or may meet the express requirements of the individual's employer or of applicable law or regulations.

(2) *Minimum educational requirements.* (i) The first category of nondeductible capital or personal educational expenses are expenditures made by an individual for education which is required of him in order to meet the minimum educational requirements for qualification in his present employment or other trade or business. The minimum education necessary to qualify for a position or other trade or business must be determined from a consideration of such factors as the requirements of the employer, the applicable law and regulations, and the standards of the profession, trade, or business involved. The fact that an individual is already performing service in an employment status does not establish that he has met the minimum educational requirements for qualification in that employment. Once an individual has met the minimum educational requirements for qualification in his present employment or other trade or business, he shall be treated as continuing to meet those requirements even though they are subsequently changed.

(ii) The minimum educational requirements for qualification of a particular individual in a position in an educational institution is the minimum level of educaton (in terms of college hours or degree) which under the applicable laws or regulations, in effect at the time this individual is first employed in such position, is normally required of an individual initially being employed in such a position. If there are no normal requirements as to the minimum level of education required for a position in an educational institution, then an individual in such a position shall be considered to have met the minimum educational requirements for qualification in that position when he becomes a member of the faculty of the educational institution. The determination of whether an individual is a member of the faculty of an educational institution must be made on the basis of the particular practices of the institution. However, an individual will ordinarily be considered to be a member of the faculty of an institution if (*a*) he has tenure or his years of service are being counted toward obtaining tenure; (*b*) the institution is making contributions to a retirement plan in respect of his employment; or (*c*) he has a vote in faculty affairs.

(iii) The application of this subparagraph may be illustrated by the following examples:

Example (1). General facts: State X requires a bachelor's degree for beginning secondary school teachers which must include 30 credit hours of professional education courses. In addition, in order to retain his position, a secondary school teacher must complete a fifth year of preparation within 10 years after beginning his employment. If an employing school official certifies to the State Department of Education that applicants having a bachelor's degree and the required courses in professional education cannot be found, he may hire individuals as secondary school teachers if they have completed a minimum of 90 semester hours of college work. However, to be retained in his position, such an individual must obtain his bachelor's degree and complete the required professional education courses within 3 years after his employment commences. Under these facts, a bachelor's degree is considered to be the minimum educational requirement for qualification as a secondary school teacher in State X. The following are examples of the application of these facts in particular situations:

Situation 1. A, at the time he is employed as a secondary school teacher in State X, has a bachelor's degree including 30 credit hours of professional education courses. After his employment, A completes a fifth college year of education and, as a result, is issued a standard certificate. The fifth college year of education undertaken by A is not education required to meet the minimum educational requirements for qualification as a secondary school teacher.

Situation 2. Because of a shortage of applicants meeting the stated requirements, B, who has a bachelor's degree, is employed as a secondary school teacher in State X even though he has only 20 credit hours of professional education courses. After his employment, B takes an additional 10 credit hours of professional educational courses. These courses do not constitute education required to meet the minimum educational requirements for qualification as a secondary school teacher.

Situation 3. Because of a shortage of applicants meeting the stated requirements, C

is employed as a secondary school teacher in State X although he has only 90 semester hours of college work towards his bachelor's degree. After his employment, C undertakes courses leading to a bachelor's degree. These courses (including any courses in professional education) constitute education required to meet the minimum educational requirements for qualification as a secondary school teacher.

Situation 4. Subsequent to the employment of A, B, and C, but before they have completed a fifth college year of education, State X changes its requirements affecting secondary school teachers to provide that beginning teachers must have completed 5 college years of preparation. In the cases of A, B, and C, a fifth college year of education is not considered to be education undertaken to meet the minimum educational requirements for qualification as a secondary school teacher.

Example (2). D, who holds a bachelor's degree, obtains temporary employment as an instructor at University Y and undertakes graduate courses as a candidate for a graduate degree. D may become a faculty member only if he obtains a graduate degree and may continue to hold a position as instructor only so long as he shows satisfactory progress towards obtaining this graduate degree. The graduate courses taken by D constitute education required to meet the minimum educational requirements for qualification in D's intended trade or business and, thus, the expenditures for such courses are not deductible.

Example (3). E, who has completed 2 years of a normal 3-year law school course leading to a bachelor of laws degree (LL.B.), is hired by a law firm to do legal research and perform other functions on a full-time basis. As a condition to continued employment, E is required to obtain an LL.B. and pass the State bar examination. E completes his law school education by attending night law school, and he takes a bar review course in order to prepare for the State bar examination. The law courses and bar review course constitute education required to meet the minimum educational requirements for qualification in E's intended trade or business and, thus, the expenditures for such courses are not deductible.

(3) *Qualification for new trade or business, position, or specialty.* (i) The second category of nondeductible capital or personal educational expenses are expenditures made by an individual for education which is part of a program of study being pursued by him which will lead to qualifying him in a new trade or business, position, or specialty. A change of duties does not constitute a new position or specialty if the new duties involve the same general type work as is involved in the individual's present employment. For this purpose, all teaching and related duties shall be considered to involve the same general type of work. The following are examples of changes in duties which do not constitute new positions or specialties:

(*a*) Elementary to secondary school classroom teacher.

(*b*) Classroom teacher in one subject (such as mathematics) to classroom teacher in another subject (such as science).

(*c*) Classroom teacher to guidance counselor.

On the other hand, a change in duties from a classroom teacher to principal constitutes a new position. Thus, if a classroom teacher undertakes a program of study which will lead to qualifying him to become a principal, the expenditures for such education are nondeductible even though some or all of the courses in the program also satisfy requirements for the retention of his teaching position.

(ii) The application of this subparagraph to individuals other than teachers may be illustrated by the following examples:

Example (1). A, a general practitioner of medicine, takes a course of study which qualifies him as a specialist in pediatrics. A's expenses for such education are not deductible because of course of study qualifies him for a new specialty.

Example (2). B, a self-employed certified public accountant, attends law school at night and after completing his law school studies receives a bachelor of laws degree. The expenditures made by B in attending law school are nondeductible because this course of study qualifies him for a new trade or business.

Example (3). Assume the same facts as in example (2) except that B is employed by an accounting firm, rather than self-employed, and that his employer requires him to obtain a bachelor of laws degree. B intends to remain as an employee of the accounting firm. Nevertheless, the expenditures made by B in attending law school are not deductible since this course of study qualifies him for a new trade or business.

Example (4). C, a general practitioner of medicine, takes a 2-week course reviewing new developments in several specialized fields of medicine. C's expenses for the course are deductible because the course maintains or improves skills required by him in his trade or business and does not qualify him for a new specialty within his trade or business.

(c) *Deductible educational expenditures*—(1) *Maintaining or improving skills.* The deduction under the category of expenditures for education which maintains or improves skills required by the individual in his present employment or other trade or business includes refresher courses or courses dealing with current developments. In addition, a deduction may also be allowable under this category for expenditures for academic or vocational courses provided such expenditures are not within one of the categories of capital or personal expenditures described in paragraph (b) of this section.

(2) *Meeting requirements of employer.* An individual is considered to have undertaken education in order to meet the express requirements of his employer, or the requirements of applicable law or regulations, imposed as a condition to the retention by the taxpayer of his established employment relationship, status, or rate of compensation only if such requirements are imposed for a bona fide business purpose of the individual's employer. Only the minimum education necessary to the retention by the individual of his established employment relationship, status, or rate of compensation may be considered as undertaken to meet the express requirements of the taxpayer's employer. However, education in excess of such minimum education may qualify as education undertaken in order to maintain or improve the skills required by the taxpayer in his present employment or other present trade or business (see subparagraph (1) of this paragraph). In no event, however, is a deduction allowable for expenditures for education which, even though for education required by the employer or applicable law or regulations, are within one of the categories of capital or personal expenditures described in paragraph (b) of this section.

(d) *Travel as a form of education.* In general, an individual's expenditures for travel (including travel while on sabbatical leave which travel has no direct relationship to the conduct of the individual's trade or business) as a form of education are personal in nature and, therefore, not deductible.

(e) *Travel away from home.* (1) If an individual travels away from home primarily to obtain education the expenses of which are deductible under this section, his expenditures for travel, meals, and lodging while away from home are deductible. However, if as an incident of such trip the individual engages in some personal activity such as sightseeing, social visiting, or entertaining, or other recreation, the portion of the expenses attributable to such personal activity constitutes nondeductible personal or living expenses and is not allowable as a deduction. If the individual's travel away from home is primarily personal, the individual's expenditures for travel, meals and lodging (other than meals and lodging during the time spent in participating in deductible educational pursuits) are not deductible. Whether a particular trip is primarily personal or primarily to obtain education the expenses of which are deductible under this section depends upon all the facts and circumstances of each case. An important factor to be taken into consideration in making the determination is the relative amount of time devoted to personal activity as compared with the time devoted to educational pursuits. The rules set forth in this paragraph are subject to the provisions of section 162(a)(2), relating to deductibility of certain traveling expenses, and section 274 (c) and (d), relating to allocation of certain foreign travel expenses and substantiation required, respectively, and the regulations thereunder.

(2) *Examples.* The application of this subsection may be illustrated by the following examples:

Example (1). A, a self-employed tax consultant, decides to take a 1-week course in new developments in taxation, which is offered in City X, 500 miles away from his home. His primary purpose in going to X is to take the course, but he also takes a side trip to City Y (50 miles from X) for 1 day, takes a sightseeing trip while in X, and entertains some personal friends. A's transportation expenses to City X and return to his home are deductible but his transportation expenses to City Y are not deductible. A's expenses for meals and lodging while away from home will be allocated between his educational pursuits and his personal activities. Those expenses which are entirely personal, such as sightseeing and entertaining friends, are not deductible to any extent.

Example (2). The facts are the same as in example (1) except that A's primary purpose in going to City X is to take a vacation. This purpose is indicated by several factors, one of which is the fact that he spends only 1 week attending the tax course and devotes 5 weeks entirely to personal activities. None of A's transportation expenses are deductible and his expenses for meals and lodging while away from home are not deductible to the extent attributable to personal activities. His expenses for meals and lodging allocable to the week attending the tax course are, however, deductible.

Example (3). B, a high school mathematics teacher in New York City, in the summertime travels to a university in California in order to take a single 3-hour mathematics course the expense of which is deductible under this section. A full course of study for the summer session is 12 hours. Since B is pursuing only one-fourth of a full course of study and the remainder of her time is devoted to personal activities the expense of which is not deductible, absent other compelling circumstances, the trip is considered taken primarily for personal reasons and the cost of traveling from New York City to California and return would not be deductible. However, one-fourth of the cost of B's meals and lodging while attending the university in California may be considered properly allocable to deductible educational pursuits and, therefore, is deductible.

PAR. 2. Paragraph (b) of § 1.262–1 is amended by adding a subparagraph (9) at the end thereof which reads as follows:

§ 1.262–1 Personal, living, and family expenses.

* * * * *

(b) *Examples of personal, living, and family expenses.* * * *

(9) Expenditures made by a taxpayer in obtaining an education or in furthering his education are not deductible unless they qualify under section 162 and § 1.162–5 (relating to trade or business expenses).

[F.R. Doc. 66–10800; Filed, Sept. 30, 1966; 12:51 p.m.]

[26 CFR Part 1]

EXPENSES FOR EDUCATION

Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under section 162 of the Code relating to expenses for education appears in this issue of the FEDERAL REGISTER (supra).

A public hearing on the provisions of this proposed amendment to the regulations will be held starting on Tuesday, November 15, 1966, at 10 a.m. e.s.t., and continuing if necessary on November 16. The hearing will be held in the Auditorium of the Smithsonian Institution, Natural History Building, 10th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by November 10, 1966, telephone (Washington, D.C.—area code 202–964–3935).

Lester R. Uretz,
Chief Counsel.

BY: JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 66–10801; Filed, Sept. 30, 1966; 12:51 p.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1005]

[Docket No. AO–177–A27]

MILK IN TRI-STATE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Tri-State marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the third day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Charleston, W. Va., on September 7–8, 1966, pursuant to notices thereof which were issued August 18, 1966 (31 F.R. 11149) and August 24, 1966 (31 F.R. 11397).

The material issues on the record of the hearing relate to:

1. Reload point,
2. Pricing diverted milk,
3. Pooling standards for supply plants, and
4. Producer definition.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Reload point.* Milk moved from the farm of a producer to a reload point and then to a pool plant should be priced at the location of the reload point. A reload point should be defined as a location at which milk moved from a farm in a tank truck is commingled with other milk before entering a plant. A reload operation on the premises of a plant, however, would be considered a part of the plant operation and not a reload point under the order.

The order does not now define a reload point. Bulk tank milk that is assembled and reloaded at such a point for movement to a pool plant is now priced at the location of the pool plant where received. Until April of this year, there was no such operation under the Tri-State order. Since April, milk received from dairy farmers at a reload point in Madison, Wis., has been pooled under the order because of its receipt at the Athens, Ohio, plant of a Tri-State handler.

The milk of the approximately 50 producers shipping to the Madison reload point is purchased by the Tri-State handler through the producers' cooperative. The handler pays the cooperative for the milk delivered to the reload point at the f.o.b. Athens price. Milk delivered to the reload point that is not needed by the Athens handler is diverted to a nonpool plant at Norwalk, Wis., about 100 miles from Madison. The milk that is diverted to the Norwalk plant is sold back to the cooperative by the Athens handler at the Class II price.

Each producer whose milk is assigned for delivery to the Madison reload point pays 18 cents per hundredweight for hauling. This is the only hauling cost paid directly by him. All other hauling of his milk, whether to Athens, Ohio, or Norwalk, Wis., is borne collectively by the cooperative. The hauling cost for moving milk from Madison to Athens is 75 cents per hundredweight. For milk moved from Madison to Norwalk, the cooperative pays 20 cents per hundredweight.

The function of a reload point approximates that of a supply plant in that milk is assembled at such place for movement to the market. It serves for a distributing plant an essential function that is customarily performed by a supply plant. Facilities at a reload point do not have the permanence of a supply plant. This is because reload points are maintained only for the purpose of transferring milk from farm pickup tank trucks to larger tank trucks. Reload operations do not have the receiving facilities and holding tanks that supply plants must have. Hence, they cannot be expected to perform as a supply plant in all respects and should not be treated for all order purposes as a supply plant.

Currently under the order, milk which is received from the farm of a producer at a supply plant is priced at the location of the supply plant. Since the assembly function of the reload point is similar to that of the supply plant, it is appropriate that milk received at a reload point be priced in the same manner as milk received at a supply plant.

As provided elsewhere in this decision, a supply plant that qualifies monthly as a pool plant in September through March obtains pool plant status for the following April–August, whether or not any milk is shipped from the supply plant to

pool distributing plants in these latter months. Producers delivering to a reload point would, in effect, receive the same consideration. That is, their milk could be moved as diverted milk to nonpool plants throughout the months of April–July if they had otherwise qualified as producers under the order. This is because the order provides for unlimited diversion during these months.

For August–March, the diversion provisions of the order enable a producer to divert up to 50 percent of his monthly deliveries. This is comparable to the actual shipments required to be made from a supply plant to qualify as a pool plant. As proposed in this decision, a supply plant would have to ship 50 percent of its monthly receipts from dairy farmers to pool distributing plants in September–November to qualify for pooling and 40 percent monthly in other months. Hence, even if it were otherwise justified, no advantage would accrue to producers delivering to a reload point by having such reload point designated as a supply plant.

Pricing producer milk at the location of a reload point was proposed by the major producer associations in the market. They claim that the present arrangement whereby producer milk may be received by a handler from a distant reload point and be priced at his plant enables the handler to purchase milk for manufacturing purposes and utilize the pool to pay for the transportation.

The present absence in the order of a provision for reload point pricing has provided an advantage to handlers. A handler in the market buying milk from a supply plant for Class II use normally would have to assume the cost of moving the milk to his plant. However, a handler receiving milk from a reload point for Class II use does not now bear the cost of hauling the milk. The outlying bulk tank producer receives the uniform price f.o.b. market and bears the cost of hauling the milk to the market, regardless of the use made of his milk by the handler. The purchasing handler, therefore, is provided a significant advantage on distant milk so assembled for Class II purposes as compared to buying distant milk through a supply plant for similar use.

Establishing the reload point as the point of pricing would reduce the incentive to move distant milk at producers' expense to the market for Class II use. Uniform prices to producers would be enhanced since milk moved through the reload point would be priced at that location and the consequent savings on transportation applicable to the Class II portion of such milk would be reflected in the uniform price.

The Class II utilization of the Athens handler receiving milk from the Madison reload point has increased greatly since he began receiving milk from the reload point in April. In April through July in 1964 and 1965, his Class II utilization was 2.45 million and 2.36 million pounds, respectively. His April–July 1966 Class II utilization was 7.84 million. In the most recent month for which data were available at the time of the hearing, July 1966, the handler's Class II utilization was 2.25 million pounds compared to 0.57 million in each of the months of July in 1964 and 1965.

In July 1966, the Tri-State Class II price was $4.05 and the Athens district uniform price $4.98, a difference of 93 cents. Producers claim that the handler's cost of the Class II milk received from the Madison reload point is now subsidized through the pool by this 93-cent difference. If the handler purchased the Class II milk at the Madison location, his cost under the order would be $4.05 plus the cost of moving the milk from Madison to Athens.

In each month since the Athens handler began receiving milk from the Madison reload point, the quantities thus received have been less than his monthly Class II utilization. Apparently, the receipts from the reload plant are used primarily in the manufacture of Class II products. A representative of the Athens handler testified that the reason for the handler's expanded Class II utilization in recent months was to supply the Class II product requirements of recently acquired Class I outlets.

It is not the purpose of the order to maintain a supply of Class II milk for the market. The Class I prices in the order are established on the basis of maintaining an adequate supply, including necessary reserves, of Class I milk for the market. Including in the pool, milk that is not intended to supply the market's Class I needs, but that will be used primarily for the manufacture of Class II products, will tend to reduce the uniform price to all producers. This will tend to impair the maintenance of an adequate supply of milk for Class I use from those producers on whom the market regularly depends for its Class I needs.

When milk from the producers supplying the Madison reload point is not needed by the Athens handler, it is moved as diverted milk to a nonpool plant for manufacturing purposes. It will be no less practicable to maintain in the Madison vicinity the manufacture of the Class II products that are now manufactured at the Athens plant. Unless the milk is used as part of the Class I supply of the market, it is not economically justifiable to move it in the form of whole milk from a distant location to the market for manufacturing use instead of manufacturing it at facilities in or near the production area.

The cost of moving manufactured milk products is but a small fraction of moving their whole milk equivalent. Consequently, there is little difference in the value of milk used in manufactured products that is associated with the location of the plant receiving the milk. The present location adjustment provisions of the order are established on the basis of moving only whole milk to the market for Class I purposes. Under current conditions in the Tri-State market, it is economically inappropriate to encourage through the present order provisions the movement of whole milk to the market at producers' expense for manufacturing.

It is necessary in conjunction with reload point pricing that a handler receive a location adjustment credit from the pool for moving milk from a reload point to the market for Class I use. Under reload point pricing, the producer would incur only the cost of moving the milk to the reload point and the handler would assume the cost of hauling the milk to the market where it is used. Such credit would achieve a high degree of uniformity of milk prices to handlers f.o.b. market regardless of the location where handlers may acquire the milk. The order now provides a similar location adjustment credit on milk which is moved to the market from a supply plant and assigned to Class I.

Because the pool would bear the handler's cost (the location adjustment) of moving the milk to market from a reload point, it is also necessary to assure that the location adjustment credit be allowed only when there is a bona fide need for milk for Class I use at the handler's plant. Otherwise, the handler could obtain milk from distant sources and claim Class I use for it, and thus receive the location credit, while at the same time receive milk from nearer sources and assign this milk to Class II. This would result in the pool unnecessarily bearing the cost of moving milk from the more distant sources to the market when, in fact, the milk was not needed for Class I use.

As was indicated, it is economically unjustifiable to move whole milk from a distant location to the market for manufacturing purposes. The incentive for such movement of milk would remain, however, if a handler could receive a pool credit on milk moved from a reload point without regard to actual need for Class I use. Accordingly, it is necessary as an integral part of reload point pricing that the order provide a means of determining when a handler location adjustment credit is appropriate.

Because this concept is no less applicable to receipts of milk from a supply plant than from a reload point, the provision for handler location adjustment credits should apply to both types of sources of milk.

For the purpose of computing such credit, the order should provide that fluid milk products received at a pool plant from other pool plants and reload points shall be assigned to any Class I milk at such pool plant that is in excess of the sum of producer milk receipts (except receipts from reload points) at the plant and receipts from other order plants and unregulated supply plants which are assigned to Class I. Such assignment should be made first to receipts from plants and reload points at which no location adjustment is applicable and then in sequence beginning with receipts from the plant or reload point at which the lowest location adjustment is applicable.

This sequential assignment of milk will provide an equitable basis for facilitating the movement of milk from pool plants and reload points for Class I purposes. Likewise, it will tend to discourage the unnecessary moving of milk from pool plants and reload points for other than Class I purposes at the expense of producers supplying the Class I market. Such assignment, which is commonly provided in other Federal orders, is required to effectuate the reload point location adjustment provisions for the reasons stated.

2. *Pricing diverted milk.* Milk that is diverted from a pool plant to a nonpool plant should be priced at the location of the nonpool plant. Presently, diverted milk is priced at the location of the pool plant from which diverted.

A change in the pricing of diverted milk was proposed by cooperatives in the market. They proposed that milk diverted to a nonpool plant located more than 125 miles from the cities in the market designated as pricing points be priced at the plant to which diverted. In the case of milk diverted to less distant plants, the present manner of pricing would continue to apply.

Pricing diverted milk at the location of the pool plant from which diverted provides an incentive to both handlers and dairy farmers to pool milk supplies under the order which are not needed in the order market and which may have no real association with the Class I market. This makes it possible to exploit the pool by diverting milk to manufacturing plants and negates the incentive to make milk available for the market's Class I needs. Moreover, it results in producers in the market paying (through the pool) a transportation cost to the market on milk which is not moved to the market and on which an equivalent transportation charge is not incurred.

As indicated elsewhere in this decision, milk is now diverted from an Athens pool plant to a nonpool plant in Wisconsin, more than 500 miles from Athens. When this milk is received at the Athens pool plant, the hauling charge incurred on such milk from the farm to the Athens plant is 93 cents. However, the hauling cost incurred when the milk is moved to the nonpool plant from the farm as diverted milk is 18 to 38 cents. The Wisconsin producers supplying the Athens plant pay (through their cooperative) 75 cents per hundredweight for hauling their milk from the Wisconsin reload point to Athens. This approximates the location adjustment under the order for milk moved to Athens from the Wisconsin location. When the milk is not so moved, the cooperative saves the 75-cent hauling cost. Because the diverted milk is now priced f.o.b. Athens, the producers whose milk is diverted receive the uniform price applicable at Athens rather than that applicable at the nonpool plant where their milk was actually received. The difference between these prices (the location adjustment) is paid from the pool to these producers at the expense of all producers sharing in the pool proceeds.

The mileage limitation proposed by the cooperatives should not be adopted. For purposes of pricing diverted milk, there is no reason to differentiate in this market between various distances to which milk is diverted. The uniform price for such milk would be affected proportionately to the distance that milk is diverted.

3. *Pooling standards for supply plants.* The present basis on which a supply plant may qualify as a pool plant should be changed. A supply plant should be required to ship to pool distributing plants in September, October, and November at least 50 percent of its monthly Grade A receipts, and in any other month at least 40 percent of such receipts. A supply plant that is pooled in each of the months of September through March should be accorded pool plant status in April through August.

A supply plant may now qualify as a pool plant in any month in which not less than 50 percent of its Grade A receipts is shipped to pool distributing plants. A supply plant that is pooled in each of the months of September through December automatically qualifies as a pool plant in the following January through August period.

Several cooperatives proposed that the monthly shipping requirement be lowered to 40 percent. They proposed also that the present September–December period used for establishing automatic pool plant status be extended to include January, February, and March. Under their proposal, a supply plant qualifying for automatic pooling for the April–August period would have to ship to pool distributing plants during the September–March period an average of not less than 50 percent of its Grade A receipts.

Proponents stated that these changes are necessary to assure that a pool supply plant sharing in the Class I proceeds of the market is supplying the market when supplemental supplies are needed to meet handlers' Class I requirements. They cited recent problems which handlers operating distributing plants in the tristate market had in obtaining milk supplies from a pool supply plant at Circleville, Ohio.

The difficulties experienced in obtaining milk from the Circleville plant apparently stemmed from the plant's loss for a period of time of its status under the U.S. Public Health Code as a qualified "interstate milk shipper." Thus, milk from this Ohio plant was ineligible under the West Virginia health requirements to be received at distributing plants in West Virginia. The supply plant's pool status was not affected, though, as milk from the plant was eligible for distribution in the Ohio portion of the marketing area. Moreover, it was not necessary for the plant to ship milk to distributing plants at the time the milk supplies were sought because the plant was operating as an automatically qualified pool plant. A representative of the Circleville plant testified, however, that at the time of the hearing (September, a qualifying month for automatic pooling) the plant was qualified as an "interstate milk shipper."

The Circleville plant is the only supply plant that has been associated with the market on a regular basis. The plant has been customarily relied upon by Tri-State handlers as a source of supplemental milk supplies for Class I use. The plant also manufactures milk which is surplus to the fluid needs of the market.

Shipping standards are the basis used for determining which supply plants are an integral part of the market and constitute a source of regular and dependable supplies for the market. They are intended to distinguish between plants meeting a reasonable standard of regular and customary service to the market and those which do not.

Shipping requirements serve the added purpose of assuring that handlers engaged in bottling and distribution operations in the market are able to obtain milk from pool supply plants for their fluid milk requirements. Without such requirements, supply plants may tend to keep milk at their plants for manufacturing when it is to their advantage to do so. In this circumstance, milk supplies would be associated with the market for manufacturing rather than fluid purposes, and returns to producers supplying the Class I needs of handlers would be inappropriately lowered.

The present pooling standards do not provide the necessary assurance that a pool supply plant will make qualified milk available to the market on a regular and dependable basis. Extending the present qualifying period for future automatic pooling would tend to provide such assurance. The benefits received by a supply plant which is allowed to be pooled without supplying the market are generally recognized. A plant with a Class I utilization lower than the average for the market is able to provide its dairy farmers with returns higher than would be possible if the plant were not pooled. This gives the plant operator an incentive to ship milk to distributing plants during the qualifying period for automatic pooling.

Lowering the shipping requirements for the months of December through August to 40 percent of a supply plant's Grade A receipts recognizes, on the other hand, handlers' lesser need during this time than in the fall months for supplemental supplies. In December, the demand for fluid milk products drops because of the customary closing of schools and colleges. Demand is similarly affected in the summer months for this reason. During the spring months, milk production is seasonally higher while demand remains relatively constant. It is not expected that the lower shipping requirements would attract additional milk supplies to the market for manufacturing purposes.

4. *Producer definition.* The proposal which would restrict the health approval of a producer to that given by local authorities in the marketing area should not be adopted.

The order now provides that to qualify as a producer a dairy farmer must produce milk in compliance with the Grade A inspection requirements of a duly constituted health authority.

Cooperatives in the market proposed that producer status be accorded only to those dairy farmers who produce milk approved by the appropriate health authority in the marketing area. Under

their proposal, those dairy farmers not having such approval, even though their milk meets the Grade A inspection requirements of another health authority, would not be eligible to qualify as producers.

Producer status under the Tri-State order should not be contingent upon the health approval of authorities in a particular area. Such agencies tend to limit the scope of their dairy farm inspection to relatively nearby farms. Adoption of the cooperatives' proposal, therefore, would tend to limit the dairy farmers who may become associated with the Tri-State market.

Any dairy farmer producing Grade A milk, wherever located, should be eligible under the terms of the order to ship milk to a Tri-State pool plant. To provide otherwise would not tend to effectuate the purposes of the Act.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the term and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Tri-State marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1005.11(b) is revised to read as follows:

§ 1005.11 Pool plant.

* * * * *

(b) A supply plant from which during the months of September, October, and November not less than 50 percent, and during all other months not less than 40 percent, of the Grade A milk physically received at such plant from dairy farmers, reload points and handlers pursuant to § 1005.13(d) or diverted as producer milk from such plant pursuant to § 1005.16 is shipped to and physically received in the form of fluid milk products at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through March shall be a pool plant for the months of April through August, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

2. Section 1005.15 is revised to read as follows:

§ 1005.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant, at a reload point or diverted pursuant to § 1005.16 from a pool plant to a nonpool plant.

3. Section 1005.16 is revised to read as follows:

§ 1005.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, a reload point or a haulier pursuant to § 1005.13(d); or

(b) Diverted from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant. Such milk shall be deemed to have been received by the diverting handler at the location of the nonpool plant to which diverted: *Provided*, That in any month, August through March, the quantity of milk of any producer so diverted that exceeds that delivered to pool plants shall not be deemed to have been received by the diverting handler and shall not be producer milk.

4. A new § 1005.19 is added to read as follows:

§ 1005.19 Reload point.

"Reload point" means a location at which milk moved from a farm in a tank truck is commingled with other milk before entering a plant. A reload operation on the premises of a plant shall be considered a part of the plant operation.

5. In § 1005.32, a new paragraph (d) is added to read as follows:

§ 1005.32 Other reports.

* * * * *

(d) Each handler receiving milk from a reload point shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 6th day after the end of the month the quantities of skim milk and butterfat in producer milk received from such reload point.

6. Section 1005.53 is revised to read as follows:

§ 1005.53 Location adjustments to handlers.

(a) Except as provided in paragraph (b) of this section, the Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant outside the marketing area and more than 45 miles from all the cities listed in § 1005.51(a) shall be reduced 2 cents for each 10 miles or major fraction thereof up to 100 miles and 1.5 cents for each 10 miles or major fraction thereof in excess of 100 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, that such plant is from the city hall of the nearest of the cities listed in § 1005.51(a).

(b) For the purpose of this section, the location of the reload point (instead of the location of the pool plant) shall be used in determining the location adjustment on producer milk received at a pool plant from a reload point.

(c) For the purpose of calculating location adjustments, receipts of fluid milk products from pool plants and reload points at a pool plant shall be assigned any remainder of Class I milk at such plant that is in excess of the sum of producer milk receipts at the plant (excluding such receipts from reload points) and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made first to receipts from plants and reload points at which no location adjustment is applicable pursuant to this section and then in sequence beginning with receipts from the plant or reload point with the lowest applicable location adjustment.

7. Section 1005.72 is revised to read as follows:

§ 1005.72 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk at a pool plant shall be reduced as follows:

(1) Except as provided in paragraph (b) of this section, according to the location of the pool plant at the rates set forth in § 1005.53; and

(2) Additionally, at a pool plant at which the Gallipolis-Scioto or Athens district Class I price is applicable at the rate of 10 cents and 20 cents, respectively.

(b) For the purpose of this section, the location of the reload point (instead of the location of the pool plant) shall be used in determining the location adjustment on producer milk received at a pool plant from a reload point.

(c) For the purpose of computations pursuant to § 1005.74(b), adjustments pursuant to this section shall be computed according to the location of the nonpool plant from which other source milk was received.

Signed at Washington, D.C., on September 27, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-10699; Filed, Sept. 30, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

INORGANIC BROMIDES IN OAT FLOUR

Tolerance for Residues; Decrease

A petition (FAP 4H1474) was filed by Ferguson Fumigants, Inc., 93 Ford Lane, Hazelwood, Mo. 63042, proposing the issuance of a regulation to provide for the safe use of a mixture of methyl bromide and ethylene dibromide as a fumigant of flours derived from the cereal grains barley, corn, milo (sorghum), oats, rice, rye, and wheat. In an order published elsewhere in this issue of the FEDERAL REGISTER, tolerances of 125 parts per million for inorganic bromides (calculated as Br) in the flours of barley, corn, milo (sorghum), rice, rye, and wheat are being established.

The Commissioner of Food and Drugs, having evaluated the data in the petition and other relevant material, has concluded that the present tolerance of 200 parts per million for oat flour should be decreased, as proposed below, to 125 parts per million since a tolerance no higher than that level is needed for the residues likely to occur.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 C.F.R. 2.120; 31 F.R. 3008), it is proposed that Part 121 be amended in Subpart D in the following respects:

§ 121.1020 [Amended]

1. By changing in paragraph (b) of § 121.1020 *Inorganic bromides* the tolerance "200 parts per million in or on oat flour" to read "125 parts per million in or on oat flour."

2. By revising § 121.1133(c) to read as follows:

§ 121.1133 Fumigants for grain mill machinery.

* * * * *

(c) Residues of inorganic bromides (calculated as Br) in milled fractions derived from cereal grain from all fumigation sources, including fumigation of grain-mill machinery, shall not exceed 125 parts per million.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10723; Filed, Sept. 30, 1966; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 6]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Government Procurement

Notice is hereby given that the Administrator of the Small Business Administration (SBA) proposes to amend the Small Business Size Standards Regulation (Revision 6), as amended, by establishing a new definition of a small business concern for the purpose of bidding on Government procurements for refined petroleum products other than lubricants and miscellaneous petroleum products.

Under the present definition a small business concern for the purpose of furnishing a refined petroleum product, is one which does not exceed 1,000 persons and does not have more than 30,000 barrels-per-day crude oil capacity from owned or leased facilities. The same definition presently applies to a concern which does not engage in petroleum refining but which blends petroleum products from components purchased from large or small refiners.

One of the primary purposes of making small business set-asides for refined petroleum products is to preserve the productive capacity of small refiners and to assist them in competing in this increasingly highly concentrated industry. It has been alleged that these objectives would not be accomplished if concerns which are not themselves refiners, offer for sale petroleum products which they produce from materials acquired from concerns that do not qualify as small business concerns, through a process other than that commonly accepted as refining, are allowed to qualify as small business in connection with government procurements of refined petroleum products.

Preliminary studies of the history of procurements in this field suggest that there may be merit to the above view. For this reason the Small Business Administration is considering revising its regulation to accomplish the objectives set forth above.

Interested persons may file with the Small Business Administration within 15 days after publication in the FEDERAL REGISTER written statements of facts, opinions or arguments concerning the proposed definitions.

All correspondence shall be addressed to:

Deputy Administrator for Procurement and Management Assistance, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C. 20416, Attention: Size Standards Staff.

It is proposed to change the definition of a small business concern for the purpose of bidding on Government procurements for a refined petroleum product as follows:

The Small Business Size Standards (Revision 6), (31 F.R. 9721) as amended (31 F.R. 10114, 11651, 11973), is hereby further amended by:

1. Revising § 121.3-8(b) and the final sentence of (c), and by adding a new paragraph (g) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

* * * * *

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(2) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(3) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(c) * * * If the procurement is for a refined petroleum product, other than a product classified in Standard Industrial Classification Industries No. 2951, Paving mixtures and blocks, No. 2952, Asphalt felts and coatings, No. 2992, Lubricating oils and greases or No. 2999, Products of petroleum and coal, not elsewhere classified, paragraph (g) of this section is for application.

* * * * *

(g) *Refined petroleum products.* Any concern bidding on a contract for a refined petroleum product other than a product classified in Standard Industrial Classification Industries No. 2951, Paving mixtures and blocks; No. 2952, Asphalt felts and coatings; No. 2992, Lubricating oils and greases; or No. 2999, Products of petroleum and coal, not elsewhere classified, is classified as small if (1) (i) its number of employees does not exceed 1,000 persons; (ii) it does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities, and (iii) if the product to be delivered in the performance of the contract will contain at least 50 percent components refined by the bidder from either crude oil or bona fide feed stocks: *Provided, however,* That a petroleum refining concern which meets the requirements in subdivisions (i) and (ii) of this subparagraph above may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement in effect on the date of the bid or offer between the bidder and offeror and the refiner of the product to be delivered: *Provided,* That the exchange agreement requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes any monetary settlement, that the products exchanged for the products offered and to be delivered to the Government meet the requirement in subdivision (iii) of this subparagraph: *And, provided further,* That the exchange of products for products to be delivered to the Government, will be completed within 90 days after expiration of the delivery period under the Government contract; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under subparagraph (1) of this paragraph.

2. Deleting from Schedule B of Part 121 the size standard for Standard Industrial Classification Industry No. 2911, Petroleum refining.

Dated: September 26, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-10695; Filed, Sept. 30, 1966; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3–G]

PIG IRON FROM U.S.S.R.

Antidumping Proceeding Notice

SEPTEMBER 23, 1966.

On September 1, 1966, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs regulations indicating a possibility that pig iron imported from the U.S.S.R. is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

The information was submitted by Congressman Thaddeus J. Dulski of New York.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

Having conducted a summary investigation pursuant to § 14.6(d)(1)(i) of the Customs regulations and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the provisions of §14.6(d)(1)(ii), (2), and (3) of the Customs regulations to determine the validity of the information.

A summary of information received from all sources is as follows: Information received indicates that the net price of pig iron from the U.S.S.R. for export to the United States is generally lower than the net price of comparable pig iron sold for home consumption in countries not having a state-controlled economy, suggesting the possibility of sales at less than fair value within the meaning of the Antidumping Act of 1921.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs regulations (19 CFR 14.6(d)(1)(i)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-10697; Filed, Sept. 30, 1966; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

FORT SUMTER TOURS, INC.

Notice of Intention to Extend Concession Contract Regarding Facilities and Services in Fort Sumter National Monument

Pursuant to the provisions of Section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Director, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to extend for the period January 1, 1967, through December 31, 1967, the concession contract under which Fort Sumter Tours, Inc., provides concession facilities and services for the public in Fort Sumter National Monument.

The foregoing concessioner has performed its obligations under a prior contract to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the act cited above, the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: September 29, 1966.

JACKSON E. PRICE,
Acting Director,
National Park Service.

[F.R. Doc. 66-10749; Filed, Sept. 30, 1966; 8:48 a.m.]

Office of the Secretary

STANLEY MILTON SWANSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Delete Mid America Mutual Fund.
(3) None.
(4) None.

This statement is made as of September 20, 1966.

Dated: September 20, 1966.

S. M. SWANSON.

[F.R. Doc. 66-10712; Filed, Sept. 30, 1966; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(65)-53]

ELECTRONIC ENTERPRISE AND HO CHEE CHOON

Order Denying Export Privileges for Indefinite Period

In the matter of Electronic Enterprise and Ho Chee Choon, 9 Leng Kee Road, Singapore, and 83-A Kim Keat Avenue, Singapore, respondents; File No. 23(65)-53.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because said respondents, without good cause being shown, failed to furnish responsive answers to interrogatories and to make available for inspection commodities exported from the United States which were consigned to Electronic Enterprise. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence presented shows that the respondent firm Electronic Enterprise deals in electrical and electronic instruments and is located in Singapore; that the respondent Ho Chee Choon is the owner and manager of said firm; that the aforesaid Investigations Division is conducting an investigation as to the location, or disposition by said respondents, of certain strategic U.S.-origin commodities exported from the United States and consigned to Electronic Enterprise; that the purpose of said investigation is to ascertain whether said respondents re-exported or traded in said commodities in violation of the U.S. Export Regulations. It is impracticable to subpoena the respondents, and relevant and material interrogatories were served on them pursuant to section 382.15 of the Export Regulations. Said respondents have failed to furnish responsive answers to all of said interrogatories as required by said section. The respondents were also requested to make available for inspection certain commodities exported from the United States which were consigned to Electronic Enterprise. The respondents have failed to do so. They have not shown good cause for their failure to furnish answers to all of the interrogatories or to make the commodities available for inspection.

I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them and comply with the request to make available for inspection the commodities specified, or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: September 26, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-10708; Filed, Sept. 30, 1966; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16928, etc.]

DETROIT-TORONTO, ERIE-TORONTO ROUTE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on October 12, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 27, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10709; Filed, Sept. 30, 1966; 8:46 a.m.]

[Docket No. 16901, etc.]

LOS ANGELES/CHICAGO-TORONTO SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on October 19, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 28, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10710; Filed, Sept. 30, 1966; 8:46 a.m.]

[Docket No. 17438]

WINGS AND WHEELS EXPRESS, INC.

Notice of Postponement of Hearing

Notice hereby is given that hearing in the above-indicated proceeding, now scheduled to be held October 4, 1966, is postponed until October 5, 1966, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., September 28, 1966.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 66-10711; Filed, Sept. 30, 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16509—16519; FCC 66M-1290]

MICROWAVE COMMUNICATIONS, INC. ET AL.

Order Regarding Procedural Dates

In re applications of Microwave Communications, Inc. et al.; Docket No. 16509, File No. 4615-C1-P-64; for construction permits to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Chicago, Ill., St. Louis, Mo., and intermediate points; Docket Nos. 16510, 16511, 16512, 16513, 16514, 16515, 16516, 16517, 16518, 16519.

On September 23, 1966, counsel for Microwave Communications, Inc. filed a motion for continuance of procedural dates. Movant says that "[a]dditional time is required by the applicant * * * for the completion of its direct written case because of the unexpected death on September 10, 1966, of the senior member of the law firm which represents MCI and the heavy workload placed on surviving members of the firm." Because the earliest of the dates, September 30, 1966, falls before the expiration of the time within which to file responses to the motion, the Hearing Examiner is exercising his discretion, under Rule 1.298, to act "without waiting for the filing of responsive pleadings."

It is ordered, This 27th day of September 1966, that the motion is granted, and procedural dates or extended as follows:

	From	To
Applicant to furnish its direct written case to other parties and Hearing Examiner.	Sept. 30	Oct. 31, 1966
Petitioners to furnish their direct written cases to applicant and Hearing Examiner.	Oct. 21	Nov. 21, 1966
Receipt of notification of witnesses for cross-examination.	Oct. 31	Nov. 30, 1966
Hearing	Nov. 7	Dec. 7, 1966

Released: September 28, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10714; Filed, Sept. 30, 1966; 8:46 a.m.]

[Docket No. 14855; FCC 66M-1288]

NORTHERN INDIANA BROADCASTERS, INC.

Memorandum Opinion and Order Continuing Hearing

In re application of Northern Indiana Broadcasters, Inc., Mishawaka, Ind.; Docket No. 14855, File No. BP-14771; for construction permit.

1. Here under consideration is a pleading entitled, "Request for Extension of Dates for Hearing Proceeding," filed by counsel for South Bend on September 22, 1966. The pleading asks that the hearing now scheduled for September 28, 1966, be continued to October 19, 1966.

2. South Bend marshals the following arguments in support of its request. The Examiner has already once continued hearing at the request of the applicant. Applicant has furnished other parties with that portion of its showing which it was obligated to exchange pursuant to prehearing arrangements and the material is voluminous. The 9-day time span now provided between exchange and hearing furnishes inadequate time within which to prepare for hearing. All parties agree to the requested continuance.

3. In view of the last mentioned consideration, particularly, the Examiner is disposed to grant the request. He does so in the belief that all things considered such action will tend to facilitate rather than delay close of the record. In doing so, we would like to point out that here involved is an application for a radio station in Mishawaka, Ind. To be finally determined is whether the frequency sought should go to the applicant, be thrown open to other bids, or, for good reason, lie fallow. The matter is not one that involves sublime mystery. Yet the application has been on file since April 4, 1961, has been in hearing status since November 21, 1962, has twice been through formal hearing, and stands on the threshold of a third. It would seem that if this case is not to constitute a monument to administrative procedural inefficiency, it is going to have to move along toward final disposition at a considerably accelerated pace. Counsel are not wholly free of responsibility in this area. Requests for delay in taking procedural steps do not ordinarily contribute to speeding up overall process.

Accordingly, it is ordered, This 27th day of September 1966, that so much of the subject request as seeks continuance of hearing is granted, and the hearing now scheduled for September 28, 1966, is continued to October 19, 1966.[1]

Released: September 27, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10715; Filed, Sept. 30, 1966; 8:46 a.m.]

PETROLEUM AND GAS COMPANY EMERGENCY COMMUNICATIONS REQUIREMENTS

Extension of Time for Filing

SEPTEMBER 26, 1966.

The Commission, by Defense Commissioner Lee Loevinger, today extended the time from October 1, to January 1, for petroleum and gas companies to file their emergency communications requirements and a listing of their communications facilities which could be made available for use in an emergency as a part of the Petroleum and Gas Industry Communications Emergency Plan (PAGICEP).

On August 19, the Commission announced the approval of the PAGICEP Plan as the INTERIM Basic Plan for the Petroleum and Gas Industry under Executive Order 11092, and requested those companies desiring to participate voluntarily in the PAGICEP Plan to furnish their emergency communications requirements and a listing of their communications facilities. The Chairman of the Industrial Communications Services Subcommittee of the National Industry Advisory Committee stated that many of these companies feel that they will not be able to complete both tasks before October 1, and requested an extension of time.

Statements should be submitted to the Executive Secretary, NIAC, Federal Communications Commission, Washington, D.C. 20554. They will be forwarded to the Petroleum and Gas Ad Hoc Working Group to assist it in developing working plans at the regional level.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10716; Filed, Sept. 30, 1966; 8:46 a.m.]

[1] South Bend also asks for an extension of time to October 11, 1966, within which parties may notify those of applicant's witnesses they desire be present at hearing for examination. This notification is a matter that has been left by the Examiner to the private arrangements of counsel. He declines to now intervene on the subject. His sole concern is that the notifications be so effected as not to delay hearing.

[Docket Nos. 16301, 16312; FCC 66R-366]

SAWNEE BROADCASTING CO. (WSNE) AND HALL COUNTY BROADCASTING CO. (WLBA)

Memorandum Opinion and Order Enlarging Issues

In re applications of John T. Pittard, tr/as Sawnee Broadcasting Co. (WSNE), Cumming, Ga.; Docket No. 16301, File No. BP-16375; Ernest H. Reynolds, Jr., tr/as Hall County Broadcasting Co. (WLBA), Gainesville, Ga.; Docket No. 16312, File No. BP-16606; for construction permits.

1. This proceeding involves the mutually exclusive applications of Sawnee Broadcasting Co. (WSNE) and Hall County Broadcasting Co. (WLBA), each seeking a construction permit to improve the facilities of their respective standard broadcast stations. The applications were designated for hearing by order released November 26, 1965, and the record was closed on April 22, 1966. Presently under consideration is a petition filed by WSNE on June 23, 1966, seeking the addition of an issue to inquire into the financial qualifications of WLBA.[1]

2. In support of its request, WSNE alleges that in order to finance the subject proposal and an FM station,[2] WLBA will require $62,317.16, as follows:

Dollars	
1,980.00	Note, Peidmont Southern Life Ins. Co.
4,800.00	Note, Gainesville National Bank.
13,817.16	AM and FM equipment payments.
4,470.00	Payment for proposed loan for FM stations from Gainesville National Bank.
15,000.00	FM operation for 1 year.
13,750.00	AM operation for 3 months.
2,500.00	Cost of remodeling new studio.
3,000.00	Miscellaneous AM construction costs.
3,000.00	Miscellaneous FM construction costs.

To meet this requirement, WSNE alleges that WLBA will have available only $46,346, as follows:

Dollars	
16,000.00	Loan from Gainesville National Bank for FM station.
15,000.00	Balance of proceeds from insurance payment.
10,000.00	Loan from Ernest H. Reynolds, Sr.[3]
6,346.00	Cash on hand, April 30, 1966.

[2] Ernest H. Reynolds, Jr., is the sole proprietor of WLBA.

[1] Also before the Board are (a) statement in support, filed July 15, 1966, by the Broadcast Bureau; (b) opposition, filed July 15, 1966, by Hall County Broadcasting Co. (WLBA); and (c) reply, filed July 27, 1966, by Sawnee. Since the subject petition is an outgrowth of an earlier petition filed by WSNE, no question of timeliness is raised. See memorandum opinion and order, 3 FCC 2d 900 (1966) in which the pertinent history and chronology appear.

[2] On May 27, 1965, WLBA's application for a new FM broadcast station in Gainesville, Ga., was granted (FCC 65R-193).

In addition to the alleged shortages shown above, WSNE challenges various other aspects of WLBA's financial proposal including the proposed $15,000 bank loan; the availability of the $15,000 in insurance proceeds;[4] the financial arrangements with the proposed equipment supplier; and WLBA's estimate of expenses for construction and operation. Finally, WSNE contends that WLBA cannot rely upon revenues to finance its proposal because it has not adequately established a basis for its revenue estimate. The Bureau supports the addition of a financial issue, contending that WLBA will require $51,188, and has available only $43,180.

3. In response, WLBA first alleges that it is relying, to finance the two stations, on existing assets of Reynolds personally, and the assets of WLBA, as shown on attached balance sheets; the $10,000 loan from Reynolds, Sr.; the $15,000 commitment from the Gainesville National Bank; and revenues. With regard to the expenses of construction and first year's operation, WLBA alleges that the equipment payment for the FM proposal was included in the operating expense estimate for that station; that the $2,500 for remodeling the new studio has already been paid; and that the miscellaneous construction costs for both stations will not exceed $1,500. WLBA also attempts to resolve the various other questions raised by WSNE.

4. The Board finds it exceedingly difficult to determine, with any degree of precision, the amount that WLBA will require to finance its proposals or the amount it has available.[5] From WLBA's most recent financial amendment, filed June 1, 1966, and the information submitted with WLBA's opposition, it appears, however, that WLBA would require (aside from increased costs of AM operation) a minimum of $35,470 in order to finance the AM and FM operations, consisting of $13,800 for equipment payments; $1,500 in miscellaneous construction expenses; $4,470 in payments for the proposed bank loan; $4,800 in payments for the existing bank loan; $7,000 for FM operation for the first year; $1,980 in mortgage payments to the Piedmont Southern Life Insurance Co.; and $1,920 in payments on another mortgage to Dr. R. L. Rogers. In arriving at these figures, the Board has resolved all disputed matters in WLBA's favor. Even so, to meet the minimum requirement, the maximum WLBA appears to have available (assuming that the increased costs of AM operation could be met from existing revenues) is approximately $33,126, consisting of the $10,000 loan from Reynolds, Sr.; the $15,000 proposed bank loan; and approximately $8,126 in cash, shown on the balance sheet submitted with WLBA's opposition.[6] The showing of WLBA regarding the basis of its revenues estimate is inadequate to allow us to place additional reliance on this factor. Moreover, there appears to have been a considerable change in WLBA's financial picture since its most recent amendment, and questions concerning WLBA's estimate of expenses for construction and operation have not been satisfactorily answered.

5. In view of the foregoing, the Board is of the opinion that a full inquiry into WLBA's financial proposal is necessary. Such inquiry should encompass the question of the effect of the grant to WLBA of May 27, 1965 (note 2, supra) on the instant proposal.

Accordingly, it is ordered, This 22d day of September, 1966, That the further petition to enlarge issues, filed on June 23, 1966, by Sawnee Broadcasting Company (WSNE) is granted; that the record in this proceeding is reopened for further hearing consistent with this opinion; and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine as to Hall County Broadcasting Co. (WLBA) (1) the funds available; (2) estimated construction costs; and (3) estimated operating expenses for the first year of operation;

(b) In the event that WLBA will depend upon operating revenues during the first year operation to meet fixed costs and operating expenses, to determine the basis of its estimated revenues for the first year of operation;

(c) To determine, in light of the evidence adduced under the foregoing issues, whether WLBA is financially qualified to construct and operate its proposed station.

Released: September 27, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10717; Filed, Sept. 30, 1966; 8:46 a.m.]

[Docket No. 16043; FCC 66M-1289]

SPORTS NETWORK, INC. AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Regarding Procedural Dates

Sports Network, Inc., New York, N.Y., Complainant; versus American Telephone and Telegraph Co., New York, N.Y., Defendant; Docket No. 16043.

1. On September 15, 1966, Sports Network filed a motion to extend time for exhibit exchange from October 11 to November 21. It asks for more time because "[i]t will not be possible to meet that deadline in view of the large volume of statistical data that has to be sorted out and analyzed for the exhibits." Movant also requests an early further prehearing conference to discuss the resetting of other procedural dates (hearing is now scheduled for October 25). At that conference, Sports Network says, it "would like to discuss the problem of interrelationship of matters at issue in this case with matters being explored in the large AT&T investigatory proceeding (Docket No. 16258)."

2. Sports Network notes that [c]ounsel for AT&T consents to a grant of this motion and to immediate consideration of it. "It also declares that [c]ounsel for AT&T and the Broadcast [sic] Bureau consent to the holding of such a conference." Now, the Broadcast Bureau has not yet, so far as the Hearing Examiner knows, indicated any intention to appear in this case, so it is assumed that "Broadcast" is a misprint for "Common Carrier." In any event, on September 22, the Common Carrier Bureau filed a partial opposition to the motion. The Bureau does not object to the extension of time, but it opposes a further prehearing conference. It writes, in contradiction of movant's contention that "the questions involved in [the present] proceedings [relating to individual classes of service] are not in issue in Docket No. 16258," which, as the Commission said in its memorandum opinion and order setting Sports Network's complaint for hearing, is "concerned with the total revenue requirements of the Bell System companies * * *" (FCC 66-403, released May 6, 1966). The Bureau therefore maintains that "no good reason has been presented or exists for calling a second prehearing conference for the purposes stated by Complainant."

3. The Hearing Examiner cannot help expressing his concern over the fact that 15 months after the filing of the complaint and 4 months after designation for what one would think was a desired hearing, movant conjures up inadmissible relationships between cases in an evident attempt further to delay disposition of its charges. The complaint, as the Commission has implied, has a litigious life of its own, the force of which must be determined by the record in the present proceeding. And as for the mass of statistical data which Sports Network has allegedly been culling and analyzing for its exhibits, there is no averment that this material was not in its possession before it filed its complaint; the transcript of the prehearing conference of June 16, 1966, does not show a request by complainant of defendant for additional data. It might reasonably be supposed that selection, analysis, and exhibit preparation should have been far advanced by now, if not already completed.

4. Although enough has been written in the preceding paragraph to indicate that if it were not that the other parties do not object to the extension of time, the postponement might have been refused, in the circumstances it will be allowed. But the request for a further prehearing conference must be denied for the reasons stated by the Bureau and adopted by the Hearing Examiner. The order below will also set other new procedural dates required by the requested extension.

5. *Accordingly, it is ordered*, This 26th day of September 1966, that the motion to extend time for exhibit exchange, filed by Sports Network on September 15, 1966, is granted to the extent that procedural dates are extended as follows:

	From	To
Receipt of complainant's direct written case and names of its witnesses to testify orally.	Oct. 11	Nov. 21, 1966
Receipt of notification of witnesses desired for cross-examination.	Oct. 18	Nov. 28, 1966
Hearing	Oct. 25	Dec. 5, 1966

In other respects the motion is denied.

Released: September 28, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10718; Filed, Sept. 30, 1966; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

U.S. FLAG OCEAN CARRIERS

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

U.S.-flag ocean carriers rate agreement:

Notice of agreement filed for approval by:

O. W. Koke, Secretary, Pro Tem, 80 Broad Street, 34th Floor, New York, N.Y. 10004.

Agreement No. 9578, between 11 American flag lines, provides that the carriers may from time to time meet, discuss and agree between themselves upon rates, terms and conditions and other matters relating to the carriage of cargoes of military household goods, personal effects, and unaccompanied baggage originating with the U.S. Department of Defense and moving under Department of Defense through Government bills of lading executed by truck lines, household movers, railroads and/or regulated or nonregulated freight forwarders operating under rate and service tenders approved by the U.S. Department of Defense. The agreement covers movements from, to, and between ports on the U.S. Atlantic, Great Lakes, Gulf of Mexico, or in territories and possessions of the United States, and all foreign countries.

Dated: September 28, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-10730; Filed, Sept. 30, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7310]

IDAHO POWER CO.

Notice of Application

SEPTEMBER 22, 1966.

Take notice that on September 15, 1966, Idaho Power Co. (Idaho) and Utah Power & Light Co. (Utah) filed an application with the Federal Power Commission seeking an order pursuant to section 203 of the Federal Power Act authorizing the acquisition by Utah of certain electric facilities of Idaho.

Idaho is incorporated under the laws of the State of Maine and is qualified to do business in the States of Idaho, Oregon, and Nevada with its principal place of business office in Boise, Idaho, and is engaged in the electric utility business in southern and central Idaho, in a portion of Elko County in northern Nevada and in four counties in the eastern part of Oregon.

Utah is incorporated under the laws of the State of Maine and is qualified to transact business in the States of Utah, Wyoming, and Idaho with its principal place of business office at Salt Lake City, Utah, and is engaged in the electric utility business and 14 counties in Idaho, 26 counties in Utah and 2 counties in Wyoming.

The facilities to be transferred from Idaho to Utah consist of a 161 kv transmission line located between Utah's Goshen substation in Idaho, and Utah's proposed Jefferson substation in Idaho. The original cost of the subject facilities is currently estimated at approximately $143,000. According to the application Idaho will transfer these facilities to Utah for a consideration of approximately $85,000, which sum represents the original cost adjusted to reflect retirements, replacements, and improvements of the facilities, less accumulated depreciation as of June 1, 1966.

Any person desiring to be heard or to make any protest with reference to the application should on or before October 26, 1966, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10692; Filed, Sept. 30, 1966; 8:45 a.m.]

[Docket Nos. G-2661 etc.]

BURLINGTON BANK & TRUST CO. ET AL.

Findings and Order; Correction

AUGUST 25, 1966.

Burlington Bank & Trust Co., Trustee, et al., Docket Nos. G-2661, etc., Mabee Petroleum Corp., et al., Docket No. CI66-1214 (G-18045).

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors corespondents, redesignating proceedings, requiring filing of agreement and undertaking, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing issued August 4, 1966 and published in the FEDERAL REGISTER August 13, 1966 (F.R. Doc. 66-8712, 31 F.R. 10856), change Docket No. "G-10845" to read Docket No. "G-18045" in ordering paragraph (Y).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10693; Filed, Sept. 30, 1966; 8:45 a.m.]

[Docket No. CS66-2 etc.]

MAXWELL OIL CO. ET AL.

Findings and Order; Correction

AUGUST 11, 1966.

Maxwell Oil Co. (Operator), et al. Docket No. CS66-2, etc.

In the findings and order after statutory hearing issuing small producer certificates of public convenience and necessity terminating certificates, severing and terminating proceedings, amending orders issuing certificates, canceling FPC gas rate schedules, and dismissing applications, issued July 20, 1966 and published in the FEDERAL REGISTER July 27, 1966 (F.R. Doc. 66-8127, F.R. 31-10155), in the second paragraph change "§ 157.20" to read "§ 157.40."

[4] Reynolds received $20,000 from an insurance company as reimbursement for damage sustained in a fire that destroyed the existing facilities of WLBA. Of this amount, $5,000 was used as a down payment for a building purchased by Reynolds.

[5] WLBA has filed several amendments to its financial proposal. Additionally, some of the information submitted with its opposition varies from that shown in its amended application. Notwithstanding this variance, the Board will consider the information in the opposition.

[6] Reynold's personal balance sheet shows only $200 in current assets and $2,230 in short term liabilities. The balance sheet, purportedly that of WLBA, shows accounts receivable of $16,797.62 in addition to the cash, but there is no showing of the availability and liquidity of this amount. Therefore it cannot be considered available. See KWEN Broadcasting Company, FCC 64R-37, released Jan. 21, 1964. It is also noteworthy that this balance sheet reflects only $4,803 in current assets over short term liabilities.

[7] Board Member Slone not participating.

In footnote ', bottom of first column on page 10156, correct Docket No. "CS66–110" to read "CS66–124." Also in Appendix correct Docket No. "RI64–188" to read "RI65–188" after Docket No. CS66–72, terminated suspension to FPC Gas Rate Schedule No. 17 and correct Docket No. "CI62–268" to read "CI60–268" after Docket No. CS66–121, Neleh Gas & Oil Corp. (Operator.)

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–10694; Filed, Sept. 30, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4371]

WESTEC CORP.

Order Suspending Trading

SEPTEMBER 27, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 28, 1966, through October 7, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–10713; Filed, Sept. 30, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 28, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40724—*Clay from Gulfport, Miss.* Filed by O. W. South, Jr., agent (No. A4945), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, from Gulfport, Miss., to Kansas City, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 235 to Southern Freight Association, agent, tariff ICC S–40.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10725; Filed, Sept. 30, 1966; 8:47 a.m.]

[Notice 261]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 28, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 78786 (Sub-No. 266 TA), filed September 23, 1966. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: T. T. Edwards (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, commodities requiring special equipment, class A and B explosives and household goods as defined by the Commission, between points in California, Arizona, New Mexico, and Nevada, as follows: (A) (1) from San Francisco, Calif., to Stockton, Calif., over U.S. Highway 50; (2) from junction U.S. 50 and California Highway 120 near Banta, Calif., over California Highway 120 to junction U.S. Highway 99, (3) from Banta, Calif., over California Highway 33 to Los Banos, Calif., (4) from Vernalis, Calif., to Modesto, Calif., over California Highway 132, (5) from Gustine, Calif., to Merced, Calif., over California Highway 140, (6) from Los Banos, Calif., to junction U.S. Highway 99 and California Highway 152 over California Highway 152, (7) from Sacramento, Calif., to Calexico, Calif., over U.S. Highway 99 to junction U.S. Highway 60, thence over U.S. Highway 60 to Coachella, Calif., thence over California Highway 86 to El Centro, Calif., thence over California Highway 111 to Calexico, Calif., (8) from Coachella, Calif., to Brawley, Calif., over California Highway 111, (9) from San Diego, Calif., to Yuma, Ariz., over U.S. Highway 80, (10) from Arcata, Calif., to Santa Ana, Calif., over U.S. Highway 101, (11) from Benson, Ariz., to Lordsburg, N. Mex., over U.S. Highway 80, (12) from San Simon, Ariz., to junction U.S. Highway 80 near Steins, N. Mex., over Arizona Highway 86, and (13) from Casa Grande, Ariz., to Gila Bend, Ariz., over Arizona Highway 84; and return over the same routes in (1) through (13) above serving all intermediate points and all off-route points in Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Marin, Mendocino, and Merced Counties, Calif. NOTE: Applicant states it proposes to tack the authority sought in (A) above to authority presently held by it in its certificate MC–78786; in Items 13, 20, 22B, 34, 36, 37, 38, 40, 97, 99, 100, 102, and Sub 219, 110, 113, 115, and 116.

Applicant also states it proposes to interline traffic carried under the subject authority with other connecting motor common carriers at the usual gateways, over El Paso, Tex., Phoenix, Yuma, and Tucson, Ariz., San Diego, Santa Ana, El Centro, Los Angeles, Bakersfield, Fresno, Stockton, San Francisco, Oakland, Sacramento, Willits, Eureka, Red Bluff, and Redding, Calif.; and Medford, Klamath Falls, Coos Bay, Roseburg, Eugene, Albany, Salem, and Portland, Oreg., Monterey, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Benito, San Bernardino, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tulare, Ventura, Yolo, and Yuba, and the Arizona counties of Yuma, Maricopa, Pinal, Santa Cruz, Cochise, Graham, Greenlee, Gila, and Pima which are stations on the rail lines of Southern Pacific Co. and its wholly owned rail subsidiaries (Northwestern Pacific Railroad Co., Petaluma and Santa Rosa Railroad Co., Visalia Electric Railroad Co., San Diego and Arizona Eastern Railroad, and Holton Inter-Urban Railway Co. (B) (1) from Alturas, Calif., to Reno, Nev., over U.S. Highway 395, (2) from Hawthorne, Nev., to Phoenix, Ariz., over U.S. Highway 95 to junction U.S. Highway 93 near Boulder City, Nev., thence over U.S. Highway 93 to Kingman, Ariz., thence over U.S. Highway 66 to junction Arizona Highway 93, thence over Arizona Highway 93 to junction U.S. Highway 89, thence over U.S. Highway 89 to Phoenix, (3) from Las Vegas, Nev., to Yuma, Ariz., over U.S. Highway 95, serving Las Vegas for purposes of joinder only; (4) from Indio, Calif., to Phoenix, Ariz., over U.S. Highway 60, (5) from Globe, Ariz., to Glenbar, Ariz., over U.S. Highway 70, (6) from Canby, Calif., to Susanville, Calif., over California Highway 299 to Adin, Calif., thence over California Highway 139 to Susanville, Calif.; and return over same routes, as alternate routes for operating convenience only, in connection with (B) (1) through (6) above, serving no intermediate points, for 180 days. Supporting shippers: The application is supported by statements from 176 shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 114211 (Sub-No. 105 TA), filed September 23, 1966. Applicant: WARREN TRANSPORT, INC., 213 Witry Street, Post Office Box 420, Waterloo, Iowa 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, agricultural machinery and implements, industrial and construction machinery and equipment, attachments and parts* of the above described commodities, when moving in mixed loads with such commodities, from the plant and warehouse sites of Deere & Co., located in Moline and East Moline, Ill., and Dubuque and Waterloo, Iowa, to the port of entry of the international boundary of the United States and Canada located at or near Noyes, Minn., for 180 days. Supporting shipper: Deere & Co., John Deere Road, Moline, Ill. 61265. Send protests to: Charles C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 235 Federal Building, Fourth and Perry Streets, Davenport, Iowa 52801.

No. MC 123393 (Sub-No. 166 TA), filed September 26, 1966. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 948 (Commercial Station), Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wichita and Arkansas City, Kans., to points in Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, South Carolina, North Carolina, Alabama, Georgia, the District of Columbia (except frozen meat pies and frozen poultry pies from Macon, Mo.), Tennessee, Kentucky, and Florida (except frozen meat pies and frozen poultry pies from Macon, Mo.), for 180 days. Supporting shippers: Sunflower Packing Co., Inc., 1410 East 21st Street, Wichita, Kans. 67208, Cudahy Co., 22d and Broadway, Wichita, Kans. 67202, Excel Packing Co., Inc., Wichita, Kans., Kansas Cold Storage Inc., 21st at Topeka, Wichita, Kans. 67214, Dold Packing Co., Inc., 421 East 21st Street, Wichita, Kans. 67214, Wichita Ice & Cold Storage Co., Wichita, Kans., Star Meat Inc., Wichita, Kans., John Morrell & Co., Mauer-Neuer Division, Arkansas City, Kans. 67005. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128566 (Sub-No. 1 TA), filed September 23, 1966. Applicant: C. W. LOWE, doing business as LOWE TRANSPORT, 942 Edith Street, Missoula, Mont. 59801. Applicant's representative: Jeremy Thane, Savings Center Building, Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Defluorinated phosphate and rock phosphate*, in bulk and in bags, for Canadian destination, from Garrison, Mont., over U.S. Highway 12 to junction Montana Highway 272, thence over Montana Highway 272 to junction Montana Highway 20, thence over Montana Highway 20 to junction Interstate Highway 15 near Great Falls, Mont. (also from Garrison over U.S. Highway 12 to Helena, Mont., thence over U.S. Highway 91 and Interstate Highway 15 to Great Falls, Mont.), thence over Interstate Highway 15 to the port of entry on the international boundary line between the United States and Canada at Sweetgrass, Mont., serving no intermediate points, for 180 days. Supporting shipper: Rocky Mountain Phosphates, Inc., Garrison, Mont. 59731. Send protests to: Paul J. Lebane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10726; Filed, Sept. 30, 1966; 8:47 a.m.]

[Notice 1420]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 28, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69039. By order of September 27, 1966, the Transfer Board approved the transfer to Trinity Transportation, Inc., Braintree, Mass., of the certificate of registration in No. MC–58759 (Sub-No. 1), issued April 7, 1964, to Wardell's Motor Transportation, Inc., Dedham, Mass., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Massachusetts, corresponding in scope to the service authorized by irregular route common carrier certificate No. 1739, dated January 15, 1945, issued by the Massachusetts Department of Public Utilities. Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184, attorney for applicants.

No. MC–FC–69055. By order of September 27, 1966, the Transfer Board approved the transfer to Fastest Way Motor Freight, Inc., Spokane, Wash., of the operating rights in certificates Nos. MC–123602 (Sub-No. 2), MC–123602 (Sub-No. 3), MC–123602 (Sub-No. 5) and MC–123602 (Sub-No. 6) issued April 26, 1962, February 21, 1963, June 24, 1964, and November 29, 1965, respectively, to Grant Cowie, doing business as Fastest Way Motor Freight, Spokane, Wash., authorizing the transportation of: General commodities, with the usual exceptions, between points in Washington and Idaho. Hugh A. Dressel, 702 Old National Building, Spokane, Wash. 99201, attorney for applicants.

No. MC–FC–69056. By order of September 27, 1966, the Transfer Board approved the transfer to John W. Gillingham, Jr., doing business as Medical Lake-Spokane Auto Freight, Spokane, Wash., of the operating rights in certificate No. MC–114794 issued to Hubert B. Gillingham, doing business as Dependable Motor Freight, Cheney, Wash., authorizing the transportation of: General commodities, with the usual exceptions, between Spokane and Cheney, Wash. Hugh A. Dressel, 702 Old National Building, Spokane, Wash. 99201, attorney for applicants.

No. MC–FC–69064. By order of September 27, 1966, the Transfer Board approved the transfer to Advance Materials Corp., West Stockbridge, Mass., of certificates Nos. MC–113657 and MC–113657 (Sub-No. 1), issued March 3, 1953, and April 21, 1966, respectively, to Joseph J. Marchetto, West Stockbridge, Mass., the former authorizing the transportation, over irregular routes, of agricultural lime, in bulk, from Lee, Mass., to points in New York within 50 miles of Lee; and the latter the transportation of lime and limestone, in bulk, over irregular routes, from Lee and West Stockbridge, Mass., to points in Connecticut and points in Albany, Columbia, Delaware, Dutchess, Essex, Fulton, Greene, Herkimer, Montgomery, Nassau, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Suffolk, Ulster, Warren, Washington, and Westchester Counties, N.Y. James E. Hannon, 47 Main Street, Lee, Mass. 01238, attorney for applicants.

No. MC–FC–69070. By order of September 27, 1966, the Transfer Board approved the transfer to Iddings Trucking, Inc., New Matamoras, Ohio, of the certificate of registration in No. MC–99656 (Sub-No. 1), issued June 22, 1965, to Jennings Transfer Co., a corporation, Caldwell, Ohio, evidencing a right to engage in transportation in interstate or

foreign commerce as authorized by certificate of public convenience and necessity No. 3586–I, dated March 28, 1962, issued by the Public Utilities Commission of Ohio. Paul F. Beery, 100 East Broad, Columbus, Ohio 43215, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10727; Filed, Sept. 30, 1966; 8:47 a.m.]

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PART 2

FEDERAL REGISTER

VOLUME 31 • NUMBER 191

Saturday, October 1, 1966 • Washington, D.C.

PART II

Department of the Treasury

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Coast Guard

Oceanographic Vessels

Notice of Proposed Rule Making Regarding Inspection and Certification



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF THE TREASURY

Coast Guard

[46 CFR Parts 2, 24, 30, 70, 90, 110, 175, 188–196]

[CGFR 66-49]

OCEANOGRAPHIC VESSELS

Inspection and Certification

1. The Commandant, U.S. Coast Guard, will consider proposals regarding the inspection and certification of oceanographic vessels, which are being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, and therefore entitled to special consideration under Public Law 89–99, approved July 30, 1965 (79 Stat. 424; 46 U.S.C. 441–445). The Merchant Marine Council will hold a public hearing on Monday, November 21, 1966, in Room 1120, Coast Guard Headquarters, 1300 E Street NW., Washington, D.C., for the purpose of receiving comments, views, and data on the proposed rules and regulations to govern the inspection and certification of oceanographic vessels, as set forth below in this document. Interested persons and organizations are requested to submit written or oral comments about these proposals. The written comments should be submitted in triplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20226, prior to November 18, 1966, in order to assure consideration.

2. This document contains the complete text of the proposed rules and regulations together with appropriate references to statutes authorizing such regulations. Copies of this document will be mailed to persons and organizations who have made known their continued interest in the subjects under consideration by the Merchant Marine Council and have requested that such copies be furnished them. Copies of this document will be furnished, upon request to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20226, so long as they are available. After the supply of extra copies is exhausted, copies will be available for reading purposes only in Room 4211, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

3. In order to insure consideration of written comments and to facilitate checking and recording, it is essential that each comment regarding a section or paragraph of the proposed regulations be submitted on Form CG–3287, or separate sheets of paper, showing the section number and paragraph designation (if any); the subject; the proposed change; the reason or basis; and the name, business firm or organization (if any), and the address of the submitter. A small quantity of Form CG–3287 will be distributed with copies of this document which are sent to those who have expressed interest in these proposals to the Merchant Marine Council. Additional copies of this form may be reproduced by typewriter or otherwise.

4. The public hearing held by the Merchant Marine Council is informal and intended to obtain views and information from those who will be directly affected by the proposals under consideration. Each oral or written comment received is considered and evaluated. If it is believed the comment, view, or suggestion clarifies or improves the wording of a proposed regulation, such proposal is changed accordingly, and after adoption by the Commandant, the regulations as revised are published in the FEDERAL REGISTER. The acknowledgment of the comments received or reasons why certain suggested changes were or were not adopted will not be furnished since personnel to handle the necessary correspondence is not available.

5. Vessels are subject to inspection and certification by the Coast Guard when by reason of size, method of propulsion, occupation or trade in which engaged, or waters on which operated, specific laws require it. Public Law 89–99 (46 U.S. Code, secs. 441 to 445) is an act which exempts oceanographic research vessels from the application of certain vessel inspection laws, and for other purposes. This law applies only to those vessels which the Coast Guard finds are "* * * being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research * * *." By law such a vessel "* * * shall not be considered a passenger vessel, a vessel carrying passengers, or a passenger-carrying vessel under the laws relating to the inspection and manning of merchant vessels by reason of the carriage of scientific personnel." Also, such a vessel "* * * shall not be deemed to be engaged in trade or commerce." (46 U.S.C. 442, 443.)

6. The proposed regulations in this document are intended to set forth the requirements applicable to oceanographic vessels coming within findings based on Public Law 89–99 (46 U.S.C. 441), with respect to inspection and certification under other laws, as set forth with the proposed regulations. These proposals do not deal with manning of oceanographic vessels and the shipment and discharge of seamen under Title 53 of the Revised Statutes. Determinations on these matters will be made on an individual vessel basis, and no regulation exempting any such vessel from such provisions will me promulgated until findings show a provision of law or regulation "* * * is not necessary in the performance of the mission of the vessel, * * *."

7. The purpose of the proposed rules and regulations is to establish requirements in one subchapter which will govern the inspection and certification of those oceanographic vessels coming within the provisions of Public Law 89–99 (46 U.S.C. 441–445), and are found to be oceanographic research vessels as defined in 46 U.S.C. 441, and not engaged in trade or commerce. If or when a vessel is not employed exclusively as an "oceanographic research vessel" as defined in 46 U.S.C. 441, then such a vessel will be inspected and certificated as required by the applicable inspection laws, and scientific personnel aboard then become persons employed in the business of the vessel.

8. The authority to prescribe rules and regulations generally for inspection and certification of vessels is in R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. Other provisions in Title 52 of the Revised Statutes describe vessels subject to inspection and certification, as well as other laws which are deemed to be supplementary to Title 52, R.S. These laws are cited as a part of the authority for the proposed regulations in 46 CFR Parts 188 through 196, following the table of contents for each part. The authority of the Secretary of the Treasury to prescribe regulations under the laws was further delegated to the Commandant, U.S. Coast Guard, by Treasury Department Orders 120 and 167–66, as well as in others for specific laws, which are also noted in the authority note following the table of contents for each part below.

9. It is proposed to add a new Subchapter U, entitled "Oceanographic Vessels," consisting of Parts 188 to 196, inclusive, at the end of Chapter I, in Title 46—Shipping, which will read as follows:

SUBCHAPTER U—OCEANOGRAPHIC VESSELS

Part
188 General provisions.
189 Inspection and certification.
190 Construction and arrangement.
191 Subdivision and stability.
192 Lifesaving equipment.
193 Fire protection equipment.
194 Handling, use and control of explosives and other dangerous articles.
195 Vessel control and miscellaneous systems and equipment.
196 Operations.

PART 188—GENERAL PROVISIONS

Subpart 188.01—Authority and Purpose

Sec.
188.01–1 Purpose of regulations.
188.01–3 Scope of regulations.
188.01–5 Assignment of functions.
188.01–10 Authority for regulations.

Subpart 188.05—Application

188.05–1 Vessels subject to requirements of this subchapter.
188.05–2 Exemptions from inspection laws for oceanographic vessels and terms and conditions which apply in lieu thereof.
188.05–3 New vessels and existing vessels for the purpose of application of regulations in this subchapter.
188.05–5 Specific application noted in text.
188.05–7 Ocean or unlimited coastwise vessels on inland and Great Lakes routes.
188.05–10 Application to vessels on an international voyage.
188.05–30 Portable containers—interpretive rulings.
188.05–33 Scientific personnel—interpretive rulings.
188.05–35 Load lines—interpretive ruling.
188.05–37 Numbered vessels not subject to International Convention for Safety of Life at Sea, 1960—interpretive ruling.

Subpart 188.10—Definitions of Terms Used in This Subchapter

Sec.
188.10–1 Approved.
188.10–3 Approved containers.
188.10–5 Barge.
188.10–7 Chemical stores.
188.10–9 Chemical storeroom.
188.10–11 Chemistry laboratory.
188.10–13 Coast Guard District Commander.
188.10–15 Coastwise.
188.10–17 Combustible liquid.
188.10–19 Commandant.
188.10–21 Compressed gas.
188.10–23 Corrosive liquids.
188.10–25 Explosive.
188.10–27 Flammable liquid.
188.10–31 Great Lakes.
188.10–33 Headquarters.
188.10–35 International voyage.
188.10–37 Label.
188.10–39 Lakes, bays, and sounds.
188.10–41 Liquefied compressed gas.
188.10–43 Liquefied flammable gas.
188.10–45 Marine inspector or inspector.
188.10–47 Nuclear vessel.
188.10–49 Numbered vessel.
188.10–51 Ocean.
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188.10–75 Undocumented vessel.
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Subpart 188.15—Equivalents

188.15–1 Conditions under which equivalents may be used.
188.15–5 Design of vessels.

Subpart 188.20—General Marine Engineering Requirements

188.20–1 Marine engineering details.
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Subpart 188.25—General Electrical Engineering Details

188.25–1 Electrical engineering details.

Subpart 188.35—American Bureau of Shipping's Standards

188.35–1 Standards to be used.
188.35–5 Where obtainable.

AUTHORITY: The provisions of this Part 188 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4400, as amended, 4401, as amended, 4403, as amended, 4417, as amended, 4418, as amended, 4472, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 362, 364, 372, 391, 392, 170, 481, 489, 395, 368, 367, 526p; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR 1965 Supp. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–66, Sept. 8, 1965, 30 F.R. 11735.

Subpart 188.01—Authority and Purpose

§ 188.01–1 Purpose of regulations.

(a) The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for oceanographic vessels found by the Officer in Charge, Marine Inspection, or the Commandant, U.S. Coast Guard, to be "oceanographic research vessels" as defined in section 441 of 46 U.S. Code (Public Law 89–99), and of a type as listed in column 7 of Table 188.05–1(a). These requirements are prescribed in accordance with the intent of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto which govern inspection and certification of vessels, and to provide for oceanographic vessels exemptions from specific requirements when found they are "* * * not necessary in the performance of the mission of the vessel, * * *"; as well as to specify the terms and conditions applicable to such vessels, as authorized by section 445 of 46 U.S. Code (Public Law 89–99). The regulations are necessary to carry out the provisions of applicable laws governing inspection and certification of oceanographic vessels and such regulations have the force of law.

§ 188.01–3 Scope of regulations.

(a) The regulations in this subchapter contain requirements for materials, design, construction, equipment, lifesaving appliances and procedures, fire protection, and fire prevention procedures, inspection and certification, and special operational requirements for oceanographic vessels, including the handling, use, and control of explosives and other dangerous articles or substances.

(b) The regulations in this subchapter are deemed to be necessary when "* * * a vessel * * * is being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research * * *." If or when a vessel is not so exclusively employed and engages in any trade or commerce then the provisions of section 441 through 445 of 46, U.S. Code (Public Law 89–99), are not applicable and such a vessel shall be subject to the applicable provisions of laws and other regulations in this chapter governing such activities.

(c) The regulations in this subchapter do not govern the minimum manning of oceanographic vessels, nor the shipment and discharge of seamen.

(1) For manning of oceanographic vessels, see § 157.15–1 and other applicable regulations in Part 157 of Subchapter P (Manning) of this chapter.

(2) For shipment and discharge of seamen, see Parts 14 through 16 of Subchapter B (Merchant Marine Officers and Seamen) of this chapter for applicable requirements.

§ 188.01–5 Assignment of functions.

(a) The Secretary of the Treasury by Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), and others for specific laws or amendments enacted since then, delegated to the Commandant, U.S. Coast Guard, the administration of functions in the vessel inspection laws.

(b) The Acting Assistant Secretary of the Treasury, pursuant to the authority delegated by the Secretary of the Treasury in Treasury Department Order 190 (Rev. 2), by Treasury Department Order 167–66, dated September 8, 1965 (30 F.R. 11735), transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary of the Treasury contained in the Act of July 30, 1965 (Public Law 89–99, 79 Stat. 424, 46 U.S.C. 441–445), concerning the exemption of oceanographic research vessels from the application of certain vessel inspection laws.

§ 188.01–10 Authority for regulations.

(a) *General.* The authority to prescribe regulations generally is set forth in 46 U.S. Code, sections 375 and 416, as well as in certain other provisions in 46 U.S. Code, sections 170, 361, 362, 363, 364, 367, 372, 391, 392, 395, 399, 400, 407, 411, 435, 481, and 489. In 46 U.S. Code, section 445, is the authority for exemptions for oceanographic vessels upon such terms and conditions as may be deemed necessary. Under the provisions of 46 U.S. Code, section 372, the Commandant, U.S. Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules and regulations.

(b) *Inspection and certification.* The regulations regarding inspection and certification of oceanographic vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 395, 399, 411, 435, and 481.

(c) *Construction and arrangement.* The regulations regarding construction and arrangement of oceanographic vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 395, and 481.

(d) *Subdivision and stability.* The regulations regarding subdivision and stability of oceanographic vessels interpret or apply 46 U.S. Code, sections 85a, 88a, 363, 367, 392, 395, 435, and 481.

(e) *Lifesaving equipment.* The regulations regarding lifesaving equipment of oceanographic vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 395, 435, 481, and 526p.

(f) *Fire protection equipment.* The regulations regarding fire protection equipment of oceanographic vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 395, 435, 481, and 526p.

(g) *Handling, use and control of explosives and other dangerous articles.* The regulations regarding the handling, use, and control of explosives and other dangerous articles for oceanographic vessels interpret or apply 46 U.S. Code, sections 170, 363, 367, 391, 392, 395, 435, and 481.

(h) *Vessel control and miscellaneous systems and equipment.* The regulations regarding vessel control and miscellaneous systems and equipment of oceanographic vessels interpret or apply 46 U.S. Code, sections 363, 367, 391, 392, 395, 435, and 481.

(i) *Operations.* The regulations regarding operations of oceanographic vessels interpret or apply 46 U.S. Code, sections 170, 363, 367, 391, 392, 395, 435, and 481.

Subpart 188.05—Application

§ 188.05–1 Vessels subject to requirements of this subchapter.

(a) This subchapter shall be applicable to all U.S.-flag vessels indicated in

Column 7 of Table 188.05–1(a) to the extent prescribed by applicable laws and the regulations in this subchapter, except as follows:

(1) Any foreign vessel.

(2) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(3) Any vessel while laid up and dismantled and out of commission.

(4) With the exception of vessels of the U.S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

TABLE 188.05–1(a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]: Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [3] [4] [5] or Subchapter T—Small Passenger Vessels [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [6] [8]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [3] [6] [7]	Vessels subject to provisions of Subchapter U—Oceanographic Vessels [3] [6] [7] [8]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[9]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, 5, and 7.	All vessels engaged in oceanographic research.
	Vessels over 65 feet in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[9] 3. All other vessels carrying passengers,[9] except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, may carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None	All vessels engaged in oceanographic research.
Motor	Vessels not over 15 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[9]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All vessels except those covered by columns 3, 4, 5, and 7.	None.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[9] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, 5, and 7.	None.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or flammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers,[9] except: a. Yachts. b. Documented cargo or tank vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, 5, and 7.	All vessels engaged in oceanographic research.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[9]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None	None.
	Vessels over 700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	None	None.

See footnotes at end of table.

TABLE 188.05–1(a)—Continued

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]: Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [3] [4] [5] or Subchapter T—Small Passenger Vessels [3] [4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [6] [8]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [3] [6] [7]	Vessels subject to provisions of Subchapter U—Oceanographic Vessels [3] [6] [7] [8]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Non-self-propelled.	Vessels less than 100 gross tons.	All vessels carrying combustible or liquid cargo in bulk.	All vessels carrying more than 6 passengers.[9]	Those vessels carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by column 4.	None.
	Vessels 100 gross tons or over.	All vessels carrying combustible or flammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges except those covered by columns 3 and 4; and those inland barges carrying dangerous cargoes when required by 46 CFR Part 98 or 146.	All barges carrying passengers except those covered by columns 4 and 7.	All seagoing barges engaged in oceanographic research.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Dangerous Cargoes) of this chapter may also be applicable under certain conditions. The provisions of 46 U.S.C. 170 and Subchapter N (Dangerous Cargoes) of this chapter apply whenever explosives or dangerous articles or substances are on board vessels (including motorboats), except when specifically exempted by law.

[3] Public nautical schoolships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical schoolships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons.

[5] Vessels covered by Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1960.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (Sec. 1, 70 Stat. 151; 46 U.S.C. 390). On oceanographic vessels scientific personnel on board shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., shall be counted as persons.

[8] Under 46 U.S.C. 441 an "oceanographic research vessel" is a vessel "* * * being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, * * *." Under 46 U.S.C. 443, "an oceanographic research vessel shall not be deemed to be engaged in trade or commerce." If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certificated for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.

[9] Boilers and machinery are subject to examination on vessels over 40 feet in length.

§ 188.05–2 Exemptions from inspection laws for oceanographic vessels and terms and conditions which apply in lieu thereof.

(a) The regulations in this subchapter govern vessels employed exclusively as "oceanographic research vessels," as defined in section 441 of 46, U.S. Code, with respect to inspection and certification by the U.S. Coast Guard. Any law in Title 52 of the Revised Statutes regarding inspection and certification which has requirements different from those specified in this subchapter shall be deemed to come within the provisions of section 445 of 46, U.S. Code, and the oceanographic vessel shall be exempt from its application because it is not necessary in the performance of the mission of the vessel so long as the vessel complies with the applicable requirements in this subchapter.

(b) The oceanographic vessel shall comply with the dangerous cargo act in section 170 of 46, U.S. Code, and the regulations in Subchapter N (Dangerous Cargoes) of this chapter whenever applicable, except to the extent as specifically provided otherwise in this subchapter.

§ 188.05–3 New vessels and existing vessels for the purpose of application of regulations in this subchapter.

(a) *New vessels.* In this application of the regulations in this subchapter, a new vessel is meant to be one, the construction of which is contracted for on or after March 1, 1967, or the major alteration of a vessel is contracted for on or after March 1, 1967, or the conversion of any vessel not previously inspected and certificated by the Coast Guard which is contracted for on or after March 1, 1967.

(b) *Existing vessels.* In the application of the regulations in this subchapter an existing vessel is meant to be one which is holding a valid certificate of inspection as an oceanographic vessel on March 1, 1967.

(c) *Other vessels.* When it is desired to have a vessel, which has been used in another trade or for recreational purposes, initially inspected and certificated as an oceanographic vessel on or after March 1, 1967, such vessel shall be subject to all the requirements governing a vessel contracted for on or after March 1, 1967. However, if such vessel has a current certificate of inspection as a passenger, tank, cargo, or miscellaneous vessel, the Commandant may authorize its inspection and certification under this subchapter as a vessel contracted for prior to March 1, 1967, subject to those requirements necessitated by change in service.

§ 188.05–5 Specific application noted in text.

(a) At the beginning of the various parts, subparts, and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, or services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in this subchapter, the term "vessels contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to an oceanographic vessel, and the changing of area of operation of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

§ 188.05–7 Ocean or unlimited coastwise vessels on inland and Great Lakes routes.

(a) Vessels inspected and certificated for ocean or unlimited coastwise routes shall be considered suitable for navigation insofar as the provisions of this subchapter are concerned on any inland routes, including the Great Lakes.

§ 188.05–10 Application to vessels on an international voyage.

(a) Where, in various places or portions of this subchapter, requirements are stipulated specifically for "vessels on an international voyage", it is intended that these requirements apply only to vessels subject to the International Convention for Safety of Life at Sea, 1960, which are mechanically propelled vessels of 500 gross tons and over on an international voyage, as defined in § 188.10–35.

(1) The International Convention for Safety of Life at Sea, 1960, is not applicable to undocumented vessels, which are vessels numbered in accordance with the Federal Boating Act of 1958 (46 U.S.C. 527–527h).

(b) In accordance with Regulation 4, Chapter I (General Provisions), of the International Convention for Safety of Life at Sea, 1960, a vessel which is not normally engaged on an international voyage, but which in exceptional circumstances, is required to undertake a single international voyage may be exempted

by the Commandant from any of the requirements of the Regulations of the Convention: *Provided*, That it complies with safety requirements which are adequate, in his opinion, for the voyage which is to be undertaken.

(c) In accordance with Regulation 1(c), Chapter II (Construction), of the International Convention for Safety of Life at Sea, 1960, the Commandant may, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of Chapter II of this Convention unreasonable or unnecessary, exempt from those requirements individual vessels or classes of vessels which, in the course of their voyage, do not go more than 20 miles from the nearest land.

(d) In accordance with Regulation 3(a), Chapter III (Lifesaving Appliances, Etc.), of the International Convention for Safety of Life at Sea, 1960, the Commandant, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of the full requirements of Chapter III of this Convention unreasonable or unnecessary, may to that extent exempt from the requirements of Chapter III individual vessels or classes of vessels which, in the course of their voyage, do not go more than 20 miles from the nearest land.

§ 188.05–30 Portable containers—interpretive rulings.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable containers having a maximum capacity of 110 U.S. gallons and ICC-specification cylinders having a water capacity of not more than 1,000 pounds, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "inflammable or combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable containers of a capacity of more than 110 U.S. gallons.

(c) The phrase "liquid cargo" as used in R.S. 4417a, as amended (46 U.S.C. 391a), is interpreted to mean flammable or combustible liquids.

§ 188.05–33 Scientific personnel—interpretative rulings.

(a) Scientific personnel on oceanographic vessels are not considered to be seamen or passengers, but are considered as "persons" when requirements are based on total persons on board.

(b) Scientific personnel on such vessels shall not be required to possess seamen's documents nor shall they be required to sign shipping articles.

§ 188.05–35 Load lines—interpretative ruling.

(a) Certificated vessels shall be subject to the applicable provisions of the Load Line Acts, and regulations in Subchapter E (Load Lines) of this chapter.

§ 188.05–37 Numbered vessels not subject to International Convention for Safety of Life at Sea, 1960—interpretative ruling.

(a) Vessels numbered under the requirements of Federal Numbering Act and/or State Numbering Act as required by 46 U.S.C. 527a shall not be required to comply with the requirements of the International Convention for Safety of Life at Sea, 1960, even though making an international voyage.

Subpart 188.10—Definition of Terms Used in This Subchapter

§ 188.10–1 Approved.

This term means approved by the Commandant unless otherwise stated.

§ 188.10–3 Approved container.

This term means a container which is properly labeled, marked and approved by ICC for the commodity which it contains.

§ 188.10–5 Barge.

This term means any non-self-propelled vessel.

§ 188.10–7 Chemical stores.

This term means those chemicals intended for use in the performance of the vessel's scientific activities.

§ 188.10–9 Chemical storeroom.

This term refers to any compartment specifically constructed or modified for the stowage of chemical stores and so designated and identified.

§ 188.10–11 Chemistry laboratory.

This term refers to that laboratory used for chemical work. The term includes any space in which experiments are conducted or chemicals are used for scientific purposes in conjunction with the research mission of the vessel, and is so identified.

§ 188.10–13 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 188.10–15 Coastwise.

Under this designation shall be included all vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

§ 188.10–17 Combustible liquid.

This term includes any liquid whose flashpoint, as determined by an open cup tester, is above 80° F.

§ 188.10–19 Commandant.

This term means the Commandant of the Coast Guard.

§ 188.10–21 Compressed gas.

This term includes any material or mixture having in the container an absolute pressure exceeding 40 p.s.i. at 70° F.; or regardless of the pressure at 70° F., having an absolute pressure exceeding 104 p.s.i. at 130° F.; or any liquid flammable material having a vapor pressure exceeding 40 p.s.i. absolute at 100° F. as determined by the Reid method covered by the American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D–323). Compressed gases are discussed in more detail in Subpart 146.24 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 188.10–23 Corrosive liquids.

(a) This term includes those acids, alkaline caustic liquids, and other corrosive liquids which, when in contact with living tissues, will cause severe damage of such tissues by chemical action; or in case of leakage, will materially damage or destroy other freight by chemical action, or are liable to cause fire when in contact with organic matter or with certain chemicals.

(b) A corrosive substance may be:

(1) Solid, such as iodine; or,

(2) Liquid, such as acids, or caustic soda solution; or,

(3) Gaseous, such as chlorine or sulfur dioxide.

§ 188.10–25 Explosive.

This term means a chemical compound or mixture, the primary purpose of which is to function by explosion; i.e., with substantially instantaneous release of gas and heat. Explosives are discussed in more detail in Subpart 146.20 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 188.10–27 Flammable liquid.

This term includes any liquid whose flashpoint, as determined by an open cup tester, is 80° F. or below.

§ 188.10–31 Great Lakes.

Under this designation shall be included all vessels navigating the Great Lakes.

§ 188.10–33 Headquarters.

This term means the Office of the Commandant, U.S. Coast Guard, Washington, D.C.

§ 188.10–35 International voyage.

(a) The term "international voyage" as used in this subchapter shall have the same meaning as that contained in Regulation 2(d), Chapter I of the International Convention for Safety of Life at Sea, 1960, i.e., "International voyage means a voyage from a country to which the present Convention applies to a port outside such country, or conversely; and for this purpose every territory for the international relations of which a contracting Government is responsible or for which the United Nations are the administering authority is regarded as a separate country."

(b) The International Convention for Safety of Life at Sea, 1960, does not apply to vessels "solely navigating the Great Lakes of North America and the River St. Lawrence as far east as a straight line drawn from Cap de Rosiers

to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63d Meridian." Accordingly, such vessels shall not be considered as being on an "international voyage" for the purpose of this subchapter.

(c) For the purposes of this subchapter the term "territory" as used in paragraph (a) of this section shall be considered to include the Commonwealth of Puerto Rico, the Canal Zone, all possessions of the United States, and all lands held by the United States under a protectorate or mandate.

(d) In addition, although voyages between the continental United States and Hawaii or Alaska, and voyages between Hawaii and Alaska are not "International voyages" under the provisions of the International Convention for Safety of Life at Sea, 1960, such voyages are similar in nature and shall be considered as "International voyages" and subject to the same requirements for the purposes of this subchapter.

§ 188.10–37 Label.

This term means the caution label required by Part 146 of Subchapter N (Dangerous Cargoes) of this chapter and the regulations of the ICC to be affixed to outside containers of explosives or other dangerous articles or substances.

§ 188.10–39 Lakes, bays, and sounds.

Under this designation shall be included all vessels navigating the waters of any of the lakes, bays, or sounds, other than the waters of the Great Lakes.

§ 188.10–41 Liquefied compressed gas.

This term means a gas which, under the charged pressure, is partially liquid at a temperature of 70° F.

§ 188.10–43 Liquefied flammable gas.

This term means any flammable gas having a Reid vapor pressure exceeding 40 p.s.i. which has been liquefied.

§ 188.10–45 Marine inspector or inspector.

These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration to Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 188.10–47 Nuclear vessel.

This term means a vessel provided with a nuclear powerplant for propulsion or any other purpose, or any vessel handling or processing substantial amounts of radioactive material.

§ 188.10–49 Numbered vessel.

This term means a vessel which is numbered under the provisions of the Federal Boating Act of 1958 (46 U.S.C. 527–527h).

§ 188.10–51 Ocean.

Under this designation shall be included all vessels navigating the waters of any ocean, or the Gulf of Mexico more than 20 nautical miles offshore.

§ 188.10–15 Oceanographic vessel.

This term means an "oceanographic research vessel" as defined in section 441 of 46, U.S. Code, and is a vessel which "is being employed exclusively in oceanographic research, including, but not limited to, such studies pertaining to the sea as seismic, gravity meter and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research." Such a vessel shall not be deemed to be engaged in trade or commerce (46 U.S.C. 443).

§ 188.10–55 Officer in Charge, Marine Inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 188.10–59 Recognized classification society.

This term means the American Bureau of Shipping or other classification society recognized by the Commandant.

§ 188.10–61 Rivers.

Under this designation shall be included all vessels whose navigation is restricted to rivers and/or canals exclusively, and to such other waters as may be so designated by the Coast Guard District Commander.

§ 188.10–63 Rules of the Road.

(a) This term means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the Rules of the Road pamphlets may be obtained from any Marine Inspection Office.

§ 188.10–65 Seagoing barge.

The phrase "every seagoing barge of one hundred gross tons or over" in subsections 395(a) and 395(b), Title 46 U.S. Code (Sec. 10, 35 Stat. 428, as amended), includes every non-self-propelled vessel of 100 gross tons or over, if such vessel will navigate the high seas or ocean. The phrase "non-self-propelled vessel" means a vessel without sufficient means for self-propulsion and is required to be towed.

§ 188.10–67 Scientific equipment.

This term means equipment installed or carried on board an oceanographic vessel and not normally required for the operation of a vessel or its machinery or for the navigation of the vessel, and which is used primarily in the gathering of scientific data or samples or in processing, analyzing, preserving, or storing such data or samples.

§ 188.10–69 Scientific laboratory.

This term means those spaces on board an oceanographic research vessel used primarily for scientific experimentation or research, and are so identified.

§ 188.10–71 Scientific personnel.

This term means those persons who are aboard an oceanographic vessel solely for the purpose of engaging in scientific research, or in instructing, or receiving instruction, in oceanography or limnology, and shall not be considered seamen under the provisions of Title 53 of the Revised Statutes and acts amendatory thereof or supplementary thereto.

§ 188.10–73 Ships' stores and supplies.

This term means any article or substance which is used on board a vessel subject to the appropriate portions of Parts 146 or 147 of Subchapter N (Dangerous Cargoes) of this chapter for the upkeep and maintenance of the vessel; or for the safety or comfort of the vessel, its passengers or crew; or for the operation or navigation of the vessel (except fuel for its own machinery).

§ 188.10–75 Undocumented vessel.

This term means any vessel which is not required to have, and does not have, a valid marine document by the Bureau of Customs.

§ 188.10–77 Vessel.

Where the word "vessel" is used in this subchapter, it shall be considered to include all inspected and certificated oceanographic vessels as listed in Column 7 of Table 188.05–1(a).

Subpart 188.15—Equivalents

§ 188.15–1 Conditions under which equivalents may be used.

(a) Where in this subchapter it is provided that a particular fitting, material, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made or arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, material, apparatus, or equipment, or type thereof, or any other arrangement: *Provided*, That he shall have been satisfied by suitable trials that the fitting, material, appliance, apparatus, or equipment, or type thereof, or the provision or arrangement is at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically

required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

§ 188.15–5 Design of vessels.

(a) In order not to inhibit design and application the Commandant may accept vessels of unusual, unique, special, or exotic design, both new and for conversion, after it is shown to his satisfaction that such a vessel is at least as safe as any vessel which meets the standards required by this subchapter.

Subpart 188.20—General Marine Engineering Requirements

§ 188.20–1 Marine engineering details.

(a) The marine engineering details shall be in accordance with Subchapter F (Marine Engineering) of this chapter.

§ 188.20–5 Nuclear vessels.

(a) Nuclear vessels shall comply with the applicable requirements in Subpart 57.30 of Part 57 of Subchapter F (Marine Engineering) of this chapter.

Subpart 188.25—General Electrical Engineering Requirements

§ 188.25–1 Electrical engineering details.

(a) The electrical engineering details shall be in accordance with Subchapter J (Electrical Engineering) of this chapter.

Subpart 188.35—American Bureau of Shipping's Standards

§ 188.35–1 Standards to be used.

(a) Where in this subchapter an item, or method of construction, or testing is required to meet the standards established by the American Bureau of Shipping, the current standards in effect at the time of construction of the vessel, or otherwise as applicable, shall be used.

(b) The current standards of other recognized classification societies may also be accepted upon approval by the Commandant.

§ 188.35–5 Where obtainable.

(a) The standards established by the American Bureau of Shipping are usually published annually and may be purchased from the American Bureau of Shipping, 45 Broad Street, New York, N.Y. 10004.

(b) These standards may also be examined at the Office of the Commandant (M), U.S. Coast Guard, Washington, D.C., or at the Office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

PART 189—INSPECTION AND CERTIFICATION

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189.50–1 Inspection and testing required when making alterations, repairs, or other such operations involving riveting, welding, burning, or like fire-producing actions.

Subpart 189.55—Plan Approval

189.55–1 General.
189.55–5 Plans and specifications required for new construction.
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Subpart 189.60—Certificates Under International Convention for Safety of Life at Sea, 1960

Sec.
189.60–1 Application.
189.60–5 Cargo Ship Safety Construction Certificate.
189.60–10 Cargo Ship Safety Equipment Certificate.
189.60–15 Cargo Ship Safety Radiotelegraphy Certificate.
189.60–20 Cargo Ship Safety Radiotelephony Certificate.
189.60–25 Exemption Certificate.
189.60–30 Nuclear Cargo Ship Safety Certificate.
189.60–35 Posting of Convention certificates.
189.60–40 Duration of certificates.
189.60–45 American Bureau of Shipping.

AUTHORITY: The provisions of this Part 189 issued under R.S. 4405, as amended, 4462, as amended, and sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4472, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 391, 392, 170, 481, 489, 395, 363, 367, 526p; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–66, Sept. 8, 1965, 30 F.R. 11735, unless otherwise noted.

Subpart 189.01—Certificate of Inspection

AUTHORITY: The provisions of this Subpart 189.01 interpret or apply R.S. 4421, as amended, 4423, as amended, sec. 12, 35 Stat. 428, as amended; 46 U.S.C. 399, 400, 397.

§ 189.01–1 When required.

(a) Except as noted in this subpart or Subpart 189.05 of this part, no vessel subject to inspection and certification shall be operated without a valid certificate of inspection.

§ 189.01–5 Posting.

(a) The original certificate of inspection shall, in general, be framed under glass or other transparent material and posted in a conspicuous place where it will be most likely to be observed. On other vessels such as barges, where the framing of the certificate under glass would be impracticable, the original certificate of inspection shall be kept on board to be shown on demand.

§ 189.01–10 Period of validity.

(a) Certificates of inspection will be issued for periods of either 1 or 2 years. Application may be made by the master, owner, or agent for inspection and issuance of a new certificate of inspection at any time during the period of validity of the current certificate. For nuclear vessels, the period of validity shall be 1 year.

(b) Certificates of inspection may be revoked or suspended by the Coast Guard where such process is authorized by law. This may occur if the vessel does not meet the requirements of law or regulations in this chapter or if there is a failure to maintain the safety requirements requisite to the issuance of a certificate of inspection.

(c) (1) In the case of the following vessels, modification of the period of validity of the certificate of inspection will be permitted as set forth in this paragraph:

(i) Non-self-propelled vessels of 100 gross tons and over proceeding on the high seas or ocean for the sole purpose of changing place of employment.

(ii) Non-self-propelled vessels of 100 gross tons and over making rare or infrequent voyages on the high seas or ocean and returning to the port of departure.

(2) The certificate of inspection may be issued for a specific period of time to cover a described situation or for one voyage only but in no case to exceed 2 years. The certificate of inspection will include the conditions under which the vessel must operate. Unless the vessel is in compliance with this subchapter insofar as it applies to seagoing barges of 100 gross tons and over, such vessel shall not carry any person on board while underway, and the certificate of inspection will be endorsed as an unmanned seagoing barge.

§189.01–15 Temporary certificate.

(a) If necessary to prevent delay of the vessel, a temporary certificate of inspection, Form CG–854, shall be issued pending the issuance and delivery of the regular certificate of inspection. Such temporary certificate shall be carried in the same manner as the regular certificate and shall in all ways be considered the same as the regular certificate of inspection which it represents.

Subpart 189.05—Permit To Proceed to Another Port for Repair

AUTHORITY: The provisions of this Subpart 189.05 interpret or apply R.S. 4453, as amended; 46 U.S.C. 435.

§ 189.05–1 When issued.

(a) The Officer in Charge, Marine Inspection, may issue a permit to proceed to another port for repair, Form CG–948, to a vessel, if in his judgment it can be done with safety, even if the certificate of inspection of the vessel has expired or is about to expire.

§ 189.05–5 To whom issued.

(a) Such permit will only be issued upon the written application of the master, owner, or agent of the vessel.

§ 189.05–10 Conditions of permit.

(a) The permit will state upon its face the conditions under which it is issued.

§ 189.05–15 Posting.

(a) The permit shall be carried in a manner similar to that described in § 189.01–5 for a certificate of inspection.

Subpart 189.15—Inspection of Vessels

§ 189.15–1 Standard in inspection of hulls, boilers, and machinery.

(a) In the inspection of hulls, boilers, and machinery of vessels, the standards established by the American Bureau of Shipping, see Subpart 188.35 of this subchapter, respecting material and construction of hulls, boilers, and machinery, and the certificate of classification referring thereto, except where otherwise provided for by the rules and regulations in this subchapter, Subchapter E (Load Lines), Subchapter F (Marine Engineering), or Subchapter J (Electrical Engineering) of this chapter shall be accepted as standard by the inspectors.

Subpart 189.20—Initial Inspection

§ 189.20–1 Prerequisite of certificate of inspection.

(a) The initial inspection is a prerequisite of the issuance of the original certificate of inspection.

§ 189.20–5 When made.

(a) The initial inspection will only be made upon the written application of the owner or builder of the vessel to the Officer in Charge, Marine Inspection, on Form CG–3752, Application for Inspection of U.S. Vessel, at or nearest the port where the vessel is located.

§ 189.20–10 Plans.

(a) Before application for inspection is made, and before construction is started, the owner or builder shall have plans approved by the Commandant indicating the proposed arrangement and construction of the vessel.

(b) The procedure for submitting plans and the list of plans to be supplied is set forth in Subpart 189.55 of this part.

§ 189.20–15 Scope of inspection.

(a) The initial inspection, which may consist of a series of inspections during the construction of a vessel, shall include a complete inspection of the structure, machinery, and equipment, except scientific equipment which does not affect the safety of the vessel or personnel, but including the outside of the vessel's bottom, and the inside and outside of the boilers and unfired pressure vessels. The inspection shall be such as to insure that the arrangements, materials, and scantlings of the structure, boilers and other pressure vessels and their appurtenances, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire detecting and extinguishing equipment, pilot ladders, and other equipment fully comply with the applicable regulations for such vessel and are in accordance with approved plans, and determine that the vessel is in possession of a valid certificate issued by the Federal Communications Commission, if any. The inspection shall also be such as to insure that the workmanship of all parts of the vessel and its equipment is in all respects satisfactory, and that the vessel is provided with lights, means of making sound signals and distress signals as required by applicable regulations and the applicable "Rules of the Road."

(b) When equipment other than scientific equipment is installed which is not required by the applicable regulations in this subchapter, that equipment shall be inspected and tested as may be required for such equipment by the Officer in Charge, Marine Inspection, to assure safety.

(1) All scientific equipment and their electrical or pressure connections to the ship's supply shall be designed to good commercial standards and shall be free of personnel hazards caused by shock, temperature extremes, and moving parts.

(c) For nuclear vessels, the inspections required by this section shall be made except insofar as they may be limited by the presence of radiation. In addition, the inspection shall include any special requirements of the vessel's "Safety Assessment."

§ 189.20–20 Specific tests and inspections.

(a) The applicable tests and inspections as set forth in Subpart 189.25 of this part shall be made at this time. In addition, the following specific tests and inspections shall be made by the marine inspector.

(1) Installation of lifeboats, davits, and winches. See Subpart 192.35 of this subchapter.

(2) Installation of carbon dioxide extinguishing piping. See § 193.15–15 of this subchapter.

(3) Marine engineering equipment and systems. See Subchapter F (Marine Engineering) of this chapter.

(4) Electrical engineering equipment and systems. See Subchapter J (Electrical Engineering) of this chapter.

§ 189.20–25 Chemical and explosive hazards.

(a) If installed, the marine inspector shall examine the chemistry laboratory, scientific laboratory, chemical storeroom, magazines, vans and chests to insure that the workmanship and arrangements are satisfactory and the chemical and explosive hazards are minimized.

Subpart 189.25—Inspection for Certification

§ 189.25–1 Prerequisite of reissuance of certificate of inspection.

(a) An inspection for certification is a prerequisite of the reissuance of a certificate of inspection.

§ 189.25–5 When made.

(a) The inspection for certification will be made only upon written application of the master, owner, or agent of the vessel on Form CG–3752, Application for Inspection of U.S. Vessel, to the Officer in Charge, Marine Inspection, at or nearest the port where the vessel is located.

§ 189.25–10 Scope of inspection.

(a) The inspection for certification shall include an inspection of the structure, boilers, and other pressure vessels, machinery, and equipment. The inspection shall be such as to insure that the vessel, as regards the structure, boilers, and other pressure vessels and their appurtenances, piping, main and auxilliary machinery, electrical installations, lifesaving appliances, fire detecting and extinguishing equipment, pilot ladders, and other equipment, is in satisfactory condition and fit for the service for which it is intended, and that it complies with the applicable regulations for such vessel, and determine that the vessel is in possession of a valid certificate issued by the Federal Communications Commission, if required. The lights and means

of making sound signals carried by the vessel shall also be subject to the above-mentioned inspection for the purpose of insuring that they comply with the requirements of the applicable regulations and the applicable "Rules of the Road."

(b) For nuclear vessels, the inspections required by this section shall be made except insofar as they may be limited by the presence of radiation. In addition, the inspection shall include any special requirements of the vessel's "Safety Assessment."

(c) When equipment other than scientific equipment is installed which is not required by the applicable regulations in this subchapter, that equipment shall be inspected and tested as may be required for such equipment by the Officer in Charge, Marine Inspection, to assure safety.

(1) Scientific equipment and their electrical or pressure connections to the ship's supply will be checked to ascertain that it is maintained free of personnel hazards caused by shock, temperature extremes, and moving parts.

§ 189.25–15 Lifesaving equipment.

(a) At each inspection for certification, except as modified in subparagraph (2) of this paragraph, the marine inspector shall conduct the following tests and inspections of lifesaving equipment:

(1) It shall be demonstrated that the air tanks of all lifesaving appliances are airtight.

(2) Each lifeboat shall be lowered to near the water and then be loaded with its allowed capacity, evenly distributed throughout the length, and then be lowered into the water until it is afloat, and be released from the falls. In making this test persons or deadweight may be used. The total weight used shall be at least equal to the allowed capacity of the lifeboat considering persons to weigh 165 pounds each. This test shall be made at least once in each 2-year period. If practicable it shall be made at the inspection for certification or at a reinspection.

(3) Each life preserver shall be examined to determine its serviceability. If found to be satisfactory, it will be stamped "Passed," together with the date, the port, and the inspector's initials. If not in a serviceable condition, the life preserver shall be removed from the vessel, and if beyond repair, shall be destroyed in the presence of the inspector.

(4) All lifeboat winch electrical control apparatus shall be opened up and inspected.

(5) Where gravity davits are installed, it shall be demonstrated that the lifeboat can be swung out and lowered from any stopped position by merely releasing the brake on the lifeboat winch. The use of force to start the davits or the lifeboat winch will not be permitted.

(6) Inflatable liferafts shall be serviced at an approved servicing facility in accordance with the provisions of Subpart 160.051 of Subchapter Q (Specifications) of this chapter. Inflatable liferafts shall be serviced at an approved servicing facility every 12 months or not later than the next vessel inspection for certification provided the total time since date of last servicing does not exceed 15 months. The period for servicing is computed from the date of last servicing. Except in emergencies no servicing should be done aboard vessels. If at any time external damage is found to the container or straps or if the seal is broken, the Officer in Charge, Marine Inspection, shall be notified and the raft may be required to be serviced by an approved servicing facility.

NOTE: After the raft has been satisfactorily serviced in the presence of a marine inspector at an approved servicing facility, the raft is repacked and sealed and the carrying case stamped "PASSED" together with the date, port, and the marine inspector's initials.

(7) All other items of lifesaving equipment shall be examined to determine that they are in suitable condition.

§ 189.25–20 Fire-extinguishing equipment.

(a) At each inspection for certification and at such other times as considered necessary the inspector shall determine that all fire-extinguishing equipment is in suitable condition and he may require such tests as are considered necessary to determine the condition of the equipment. The inspector shall determined if the tests and inspections required by § 196.15–60 of this subchapter have been conducted. At each inspection for certification the inspector shall conduct the following tests and inspections of fire-extinguishing equipment:

(1) All hand portable fire extinguishers and semiportable fire-extinguishing systems shall be checked as noted in Table 189.25–20(a)(1). In addition, the hand portable fire extinguishers and semiportable fire-extinguishing systems shall be examined for excessive corrosion and general condition.

TABLE 189.25–20(a)(1)

Type unit	*Test*
Soda acid	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze)	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze, or loaded stream)	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Remove liquid. Clean hose and inside of extinguisher thoroughly. Recharge with water, solution, or antifreeze. Insert charged cartridge.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.[1]
Dry chemical (cartridge-operated type)	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see they are clear. Insert charged cartridge. Be sure dry chemical is free-flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type)	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.
Vaporizing liquid[2]	

[1] Cylinder shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Dangerous Cargoes) of this chapter.

[2] Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids are not permitted.

(2) Fixed fire-extinguishing systems shall be checked as noted in Table 189.25–20(a)(2). In addition, all parts of the fixed fire-extinguishing systems shall be examined for excessive corrosion and general conditions.

TABLE 189.25–20(a)(2)

Type system	*Test*
Foam	Systems utilizing a soda solution shall have such solution replaced. In all cases, ascertain that powder is not caked.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge.[1]

[1] Cylinders shall be tested and marked in accordance with regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Dangerous Cargoes) of this chapter.

NOTE: Section 147.04–1 of Subchapter N of this chapter includes requirements that such cylinders shall be retested and re-marked under the following conditions: (1) Whenever a cylinder is recharged or for any cause removed from a vessel subsequent to 5 years from the latest test date stamped on the shoulder of the cylinder; or (2) whenever a cylinder remains in place on a vessel for 12 years from the latest test date stamped on the shoulder of the cylinder. Cylinders retested under any of the above conditions shall have new or renewed valve and safety relief devices of the proper design installed in the cylinder.

(3) On all fire-extinguishing systems all piping, controls, valves, and alarms shall be checked to ascertain that the system is in operating condition.

(4) The fire main system shall be operated and the pressure checked at the outlets having the greatest pressure drop between the fire pumps and the nozzles which may not always be the most remote and highest outlets. All firehoses shall be subjected to a test pressure equivalent to the maximum pressure to which they may be subjected in service, but not less than 100 p.s.i.

§ 189.25–25 Hull equipment.

(a) At each inspection for certification the inspector shall conduct the following tests and inspections of hull equipment:

(1) All watertight doors shall be operated locally by manual power and also by hydraulic or electric power if so fitted. Where remote control is fitted, the doors shall also be operated by the remote control apparatus.

(2) The remote controls of all valves shall be operated.

(3) An inspection of the weight handling gear shall be required. The inspection may consist of tests and examinations to determine the condition and suitability of the gear. Current valid certificates and registers, issued by a recognized nonprofit organization or association approved by the Commandant, may be accepted as prima facie evidence of the condition and suitability of the weight handling gear. Weight handling gear certificates and registers will not be issued by the Coast Guard.

§ 189.25–30 Electrical engineering equipment.

(a) For inspection procedures of Electrical Engineering equipment and systems, see Subchapter J (Electrical Engineering) of this chapter.

§ 189.25–35 Marine engineering equipment.

(a) For inspection procedures of Marine Engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

§ 189.25–40 Sanitary inspection.

(a) At each inspection for certification, the quarters, toilets, and washing spaces, galleys, serving pantries, lockers, etc., shall be examined by the marine inspector to be assured that they are in a sanitary condition.

(Sec. 4, 49 Stat. 1935, as amended; 46 U.S.C. 660a)

§ 189.25–45 Fire hazards.

(a) At each inspection for certification, the inspector shall examine the tank tops and bilges in the machinery spaces to see that there is no accumulation of oil which might create a fire hazard.

§ 189.25–47 Chemical and explosive hazards.

(a) The marine inspector shall inspect every chemistry laboratory, scientific laboratory, and chemical storeroom during each inspection for certification.

(b) **Magazines, vans, and chests** shall be inspected during each inspection for certification.

§ 189.25–50 Inspector not limited.

(a) Nothing in this subpart shall be construed as limiting the inspector from making such tests or inspections as he deems necessary to be assured of the safety and seaworthiness of the vessel.

Subpart 189.27—Reinspection

§ 189.27–1 When made.

(a) At least one reinspection shall be made on each vessel holding a certificate of inspection valid for 2 years. This reinspection will be made, where possible, between the 10th and 14th months of the period for which the certificate is valid.

(b) No written application for reinspection will be required.

§ 189.27–5 Scope.

(a) The marine inspector shall examine all accessible parts of the vessel's hull, machinery, and equipment to be assured that it is in a satisfactory condition, except scientific equipment which does not affect the safety of the vessel or personnel.

(b) In general, the scope of the reinspection shall be the same as for the inspection for certification, but will be in less detail unless it is determined that a major change has occurred since the last inspection.

§ 189.27–10 Deficiencies in maintenance.

(a) If the reinspection reveals deficiencies in the maintenance as called for by the regulations in this subchapter, such necessary repairs or improvements shall be made as may be ordered.

§ 189.27–15 Inspector not limited.

(a) Nothing in this subpart shall be construed as limiting the marine inspector from making such tests or inspections as he deems necessary to be assured of the seaworthiness of the vessel.

Subpart 189.30—Inspection After Accident

§ 189.30–1 General or partial survey.

(a) A survey, either general or partial, according to the circumstances, shall be made every time an accident occurs or a defect is discovered which affects the safety of the vessel or the efficacy or completeness of its lifesaving appliances, firefighting or other equipment, or whenever any important repairs or renewals are made. The survey shall be such as to insure that the necessary repairs or renewals have been effectively made, that the material and the workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the regulations in this subchapter.

(R.S. 4450, as amended; 46 U.S.C. 239)

Subpart 189.33—Sanitary Inspections

§ 189.33–1 When made.

(a) An inspection of quarters, toilet and washing spaces, serving pantries, galleys, etc., shall be made at least once in every month. If the route of the vessel is such that it is away from a U.S. port for more than 1 month, an inspection shall be conducted at least once every trip.

(Sec. 4, 49 Stat. 1935, as amended; 46 U.S.C. 660a)

Subpart 189.35—Inspection of Weight Handling Gear

§ 189.35–1 When made.

(a) Inspections and tests of weight handling gear shall be made at the time of the initial inspection for certification, during reinspection of the vessel, or as deemed necessary by the Officer in Charge, Marine Inspection.

§ 189.35–3 Inspections.

(a) Inspections will normally consist of a visual examination with access covers removed. Suitability of the equipment for the service intended will be emphasized.

(b) Disassembly of the equipment will be required only when there is a suspected deficiency or unsafe condition.

§ 189.35–5 Tests.

(a) Tests should normally consist of exercising the equipment as a unit with a proof load 25 percent in excess of the equipment's normal rated capacity. Test loads should not exceed design loads or manufacturer's limitations. The 25 percent excess proof load may be modified as circumstances warrant.

(b) Braking, safety, and limiting devices shall be tested whenever possible. Equipment so tested shall be suitably marked with the test load, date, and any other pertinent information by means of a permanently attached plate.

§ 189.35–7 Plans.

(a) Four (4) sets of plans for weight handling gear shall be submitted for review. These plans shall include:

(1) One line electrical diagrams showing appropriate overload protection as currently required by Subchapter J (Electrical Engineering) of this chapter.

(2) Plans showing the hydraulic or pneumatic equipment, which should be in compliance with Subpart 55.17 of Part 55 of Subchapter F (Marine Engineering) of this chapter.

(3) Stress and/or arrangement diagrams, as appropriate to the specific equipment in question, with supporting design calculations for the equipment designed to handle loads of 1 ton or more. In lieu of design calculations, purchase specifications or vendor's information may be accepted as sufficiently definitive on materials, design (safety) factors, and operating limitations.

(b) The owner shall provide the master for maintenance on the vessel one set of plans of the weight handling gear. These plans shall be made available to the marine inspector upon request.

Subpart 189.40—Drydocking

§ 189.40–1 When required.

(a) Except for extensions as authorized by the Commandant, all vessels shall be placed in drydock or hauled out for

examination within the periods set forth in this paragraph, depending upon the service.

(1) Each vessel should be drydocked or hauled out at intervals not to exceed 18 months if it operates in salt water an aggregate of more than 9 months in the 18-month period since it was last drydocked or hauled out.

(2) Each vessel shall be drydocked or hauled out at intervals not to exceed 36 months if it operates in salt water an aggregate of more than 3 months but not more than 6 months in each 12-month period since it was last drydocked or hauled out. When a vessel exceeds an aggregate of 6 months service in salt water in any 12-month period since it was last drydocked or hauled out, it shall be drydocked or hauled out within 6 months after the end of that period or within the 36-month interval, whichever is earlier.

(3) Each vessel shall be drydocked or hauled out at intervals of 48 months if it operates in salt water an aggregate of more than 1 month but not more than 3 months in each 12-month period since it was last drydocked or hauled out.

(4) Each vessel shall be drydocked or hauled out at intervals not to exceed 60 months if it operates in salt water an aggregate not exceeding 1 month in each 12-month period since it was last drydocked or hauled out.

§ 189.40–5 Notice by owner.

(a) The master, owner, or agent shall notify the Officer in Charge, Marine Inspection, when any vessel is to be placed on a drydock in order that an examination of the underwater portion of the vessel may be made if deemed necessary.

Subpart 189.45—Repairs and Alterations

§ 189.45–1 Notice required.

(a) No repairs or alterations affecting the stability or safety of the vessel with regard to the hull, machinery, and equipment shall be made without the knowledge of the Officer in Charge, Marine Inspection.

(b) Drawings of alterations shall be approved before work is started unless deemed unnecessary by the Officer in Charge, Marine Inspection.

(c) Drawings will not be required for repairs in kind.

(d) Notice is not required for repairs or alterations to scientific equipment where the stability or safety of the vessel with regard to the hull and machinery or equipment is not affected.

§ 189.45–3 Inspection required.

(a) An inspection, either general or partial depending upon the circumstances, shall be made whenever any important repairs or alterations are undertaken.

Subpart 189.50—Special Operating Requirements

§ 189.50–1 Inspection and testing required when making alterations, repairs, or other such operations involving riveting, welding, burning, or like fire-producing actions.

(a) The provisions of "Standard for the Control of Gas Hazards on Vessels To Be Repaired," NFPA No. 306, published by National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, shall be used as a guide in conducting the inspections and issuance of certificates required by this section.

(b) Until an inspection has been made to determine that such operation can be undertaken with safety, no alterations, repairs, or other such operations involving riveting, burning, welding, or like fire-producing actions shall be made:

(1) Within or on the boundaries of tanks which have been used to carry combustible liquids or chemicals; or,

(2) Within spaces adjacent to tanks which have been used to carry Grade D combustible liquids, except where the distance between such tanks and the work to be performed is not less than twenty-five (25) feet; or,

(3) Within or on the boundaries of fuel tanks; or,

(4) Within or on the boundaries of tanks carrying Grade B or Grade C flammable liquids or within spaces adjacent to such tanks; or,

(5) To pipelines, heat coils, pumps, fittings, or other appurtenances connected to such fuel tanks.

(c) Such inspections shall be made and evidenced as follows:

(1) In ports or places in the United States or its territories and possessions the inspection shall be made by a marine chemist certificated by the National Fire Protection Association; however, if the services of such certified marine chemist are not reasonably available, the Officer in Charge, Marine Inspection, upon the recommendation of the vessel owner and his contractor or their representative shall select a person who, in the case of an individual vessel, shall be authorized to make such inspection. If the inspection indicates that such operations can be undertaken with safety, a certificate setting forth the fact in writing and qualified as may be required, shall be issued by the certified marine chemist or the authorized person before the work is started. Such qualifications shall include any requirements as may be deemed necessary to maintain, insofar as can reasonably be done, the safe conditions in the spaces certified throughout the operation and shall include such additional tests and certifications as considered required. Such qualifications and requirements shall include precautions necessary to eliminate or minimize hazards that may be present from protective coatings or residues from cargoes.

(2) When not in such a port or place, and a marine chemist or such person authorized by the Officer in Charge, Marine Inspection, is not reasonably available, the inspection shall be made by the senior officer in the crew present and a proper entry shall be made in the vessel's logbook.

(d) It shall be the responsibility of the senior officer present to secure copies of certificates issued by the certified marine chemist or such person authorized by the Officer in Charge, Marine Inspection. It shall be the responsibility of the senior officer in the crew present, insofar as the persons under his control are concerned, to maintain a safe condition on the vessel by full observance of all qualifications and requirements listed by the marine chemist in the certificate.

Subpart 189.55—Plan Approval

§ 189.55–1 General.

(a) The following list of required plans in § 189.55–5 is general in character, but includes all plans which normally show construction and safety features coming under the cognizance of the Coast Guard. In the case of a particular vessel, all of the plans enumerated may not be applicable and it is intended that only those plans and specifications be submitted as will clearly show the vessel's arrangements, construction and required equipment.

(b) In the following list of required plans in § 189.55–5, the items which must be approved by the American Bureau of Shipping for vessels classed by that organization are indicated by an asterisk. When prints bearing record of such approval by the American Bureau of Shipping are forwarded to the Coast Guard they will in general be accepted as satisfactory except insofar as the law or the Coast Guard regulations contain requirements which are not covered by the American Bureau of Shipping.

§ 189.55–5 Plans and specifications required for new construction.

(a) *General.* (1) Specifications.

(2) General arrangement plan of decks, holds, inner bottoms, etc., and including inboard and outboard profile.

(b) *Hull structure.*[1] (1) *Inner bottom plating and framing.

(2) *Midship section.

(3) *Shell plating and framing.

(4) *Stem, stern frame, and rudder.

(5) *Structural deck plans for strength decks.

(6) *Pillars and girders.

(7) *Watertight and oiltight bulkheads.

(8) *Foundations for main machinery and boilers.

(9) *Arrangement of ports, doors, and airports in shell plating.

[1] The asterisk (*) indicates items which may require approval by the American Bureau of Shipping for vessels classed by that society.

(10) *Hatch coamings and covers in weather and watertight decks.

(11) *Details of watertight doors and operating gear.

(12) *Scuppers and drains penetrating shell plating.

(13) Weight handling gear.

(14) Fixed independent tanks containing flammable or combustible liquids in bulk.

(15) Special arrangements for scientific equipment, if any.

(c) *Hull calculations, etc.* Required only when a stability test is to be performed.

(1) Lines (for information).

(2) Curves of form.

(3) Capacity plan showing capacities and vertical and longitudinal centers of gravity of cargo spaces, tanks, etc. (for information).

(4) Tank sounding tables (for information).

(5) Draft mark locations (for information).

(6) Scientific equipment, if any.

(d) *Fire control.* (1)* General arrangement plans showing for each deck the control stations, the various fire sections enclosed by fire resisting bulkheads, the arrangement of the alarm and extinguishing systems, the fire extinguishers, means of access to different compartments and decks and the ventilation system including location of ventilation shutdowns, positions of dampers and the number identifying each system.

(2) Ventilation diagram including dampers and other fire control features.

(3) Details of alarm systems.

(4) Details of extinguishing systems, including fire mains, carbon dioxide, foam and sprinkling systems.

(e) *Marine engineering.* For plans required for marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

(f) *Electrical engineering.* For plans required for electrical engineering, equipment, and systems, see Subchapter J (Electrical Engineering) of this chapter.

(g) *Lifesaving equipment.* These plans are to show the location and arrangement of embarkation decks, all overboard discharges and projections in way of launching lifeboats, weights of lifeboats fully equipped and loaded, working loads of davits and winches, types and sizes of falls, the manufacturer's name and identification for all equipment, and all other relevant and necessary information.

(1) Arrangement of lifeboats.

(2) Arrangement of davits.

(3) Location and stowage of liferafts and buoyant apparatus.

(h) *Accommodations for crewmembers and scientific personnel.* Arrangement plans showing accommodations, ventilation, escapes, hospitals, and sanitary facilities for all crewmembers and scientific personnel.

(i) *Magazines and magazine vans.* (1) All plans relating to the arrangement, construction, ventilation, and fire protection system for magazines and magazine vans. (The plans required for magazines and magazine vans to be installed or carried on a vessel after the vessel is in operation, are set forth in Subpart 195.11 of this subchapter.)

(2) Ventilation and sprinkler system calculations for magazines and magazine vans.

(j) *Scientific equipment.* Plans of scientific equipment to show location, estimated weight, and arrangements when on board the vessel. With estimated weights, the manufacturer's specifications, purchase specifications, or the vendor's information may be accepted as sufficiently definitive on materials, design (safety) factors, and operating limitations.

§ 189.55–10 Plans required for alterations of existing vessels.

(a) In the event of alterations involving the safety of the vessel, the applicable plans shall be submitted for approval covering the proposed work except as modified by § 189.45–1. The general scope of the plans shall be as noted in § 189.55–5.

§ 189.55–15 Procedure for submittal of plans.

(a) As the relative location of shipyards, design offices, and Coast Guard offices vary throughout the country, no specific routing will be required in the submittal of plans. In general, one of the following procedures would apply, but in a particular case, if a more expeditious procedure can be used, there will be no objection to its adoption.

(1) The plans may be submitted to the Officer in Charge, Marine Inspection, in the district in which the vessel is to be built. This procedure will be most expeditious in the case of those offices where personnel and facilities are available for examination and approval of plans locally.

(2) The plans may be submitted directly to the Commandant (MMT), U.S. Coast Guard, 1300 E Street NW., Washington, D.C. 20226. In this case, the plans will be returned directly to the submitter, with a copy of the action being forwarded to the interested Officer in Charge, Marine Inspection.

(3) The plans may be submitted directly to field technical offices.

(i) Commander, 3d Coast Guard District (mmt), Governors Island, New York, N.Y. 10004, for the geographical area covered by 1st, 3d, and 5th Coast Guard Districts.

(ii) Commander, 8th Coast Guard District (mmt), Room 308, Customhouse, New Orleans, La., for geographical area covered by 2d, 7th, and 8th Coast Guard Districts.

(iii) Commander, 9th Coast Guard District (mmt), Main Post Office Building, West Third and Prospect Streets, Cleveland, Ohio 44113, for geographical area covered by 9th Coast Guard District.

(iv) Commander, 12th Coast Guard District (mmt), 630 Sansome Streets, San Francisco, Calif., for geographical area covered by 11th, 12th, 13th, 14th, and 17th Coast Guard Districts.

(4) In the case of classed vessels, upon specific request by the submitter, the American Bureau of Shipping will arrange to forward the necessary plans to the Coast Guard indicating its action thereon. In this case, the plans will be returned as noted in subparagraph (2) of this paragraph.

§ 189.55–20 Number of plans required.

(a) Four copies of each plan are normaly required so that one can be returned to the submitter. If the submitter desires additional approved plans, a suitable number should be submitted to permit the required distribution.

Subpart 189.60—Certificates Under International Convention for Safety of Life at Sea, 1960

§ 189.60–1 Application.

(a) The provisions of this subpart, with the exception of §§ 189.60–30 and 189.60–40(e), shall apply to all oceanographic vessels on an international voyage other than nuclear vessels. (See § 188.05–10 of this subchapter.)

(b) The provisions of §§ 189.60–30, 189.60–35, and 189.60–40(e) shall apply to all nuclear oceanographic vessels on an international voyage.

§ 189.60–5 Cargo Ship Safety Construction Certificate.

(a) All vessels on an international voyage are required to have a Cargo Ship Safety Construction Certificate. This certificate shall be issued by the U.S. Coast Guard or the American Bureau of Shipping to certain vessels on behalf of the United States of America as provided in Regulation 12, Chapter I, of the International Convention for Safety of Life at Sea, 1960.

(b) All such vessels shall meet the applicable requirements of this chapter for vessels on an international voyage.

§ 189.60–10 Cargo Ship Safety Equipment Certificate.

(a) All vessels on an international voyage are required to have a Cargo Ship Safety Equipment Certificate.

(b) All such vessels shall meet the applicable requirements of this chapter for vessels on an international voyage.

§ 189.60–15 Cargo Ship Safety Radiotelegraphy Certificate.

(a) The application for Cargo Ship Safety Radiotelegraphy Certificate is made on FCC Form 801 to the local office of the Federal Communications Commission.

(b) Where applicable, a Cargo Ship Safety Radiotelegraphy Certificate will be issued by the Federal Communications Commission to a vessel meeting its requirements for a vessel fitted with a radiotelegraph installation.

§ 189.60–20 Cargo Ship Safety Radiotelephony Certificate.

(a) The application for a Cargo Ship Safety Radiotelephony Certificate is made on FCC Form 801 to the local office of the Federal Communications Commission.

(b) Where applicable, a Cargo Ship Safety Radiotelephony Certificate will be

issued by the Federal Communications Commission to a vessel meeting its applicable requirements for a vessel fitted with a radiotelephone installation.

§ 189.60–25 Exemption Certificate.

(a) A vessel may be exempted by the Commandant from complying with certain requirements of the Convention under his administration upon request made in writing to him and transmitted via the Officer in Charge, Marine Inspection.

(b) When an exemption is granted to a vessel by the Commandant under and in accordance with the Convention, an Exemption Certificate describing such exemption shall be issued through the appropriate Officer in Charge, Marine Inspection, in addition to other required certificates.

§ 189.60–30 Nuclear Cargo Ship Safety Certificate.

(a) All nuclear cargo vessels on an international voyage are required to have a Nuclear Cargo Ship Safety Certificate.

(b) All such vessels shall meet the applicable requirements of this chapter for nuclear vessels on an international voyage.

(c) Nuclear vessels cannot be exempted from any requirements of the Convention.

§ 189.60–35 Posting of Convention certificates.

(a) The certificates described in this subpart, or certified copies thereof, when issued to a vessel shall be posted in a prominent and accessible place on the vessel.

(b) The certificates shall be carried in a manner similar to that described in § 189.01–5 for a certificate of inspection.

§ 189.60–40 Duration of certificates.

(a) A Cargo Ship Safety Equipment Certificate shall be issued for a period of not more than 24 months.

(b) A Cargo Ship Safety Construction Certificate shall be issued for a period of not more than 60 months.

(c) A Cargo Ship Safety Radiotelegraphy Certificate and a Cargo Ship Safety Radiotelephony Certificate shall be issued for a period of not more than 12 months.

(d) An Exemption Certificate shall not be valid for longer than the period of the certificate to which it refers.

(e) The Nuclear Cargo Ship Safety Certificate shall be issued for a period of not more than 12 months.

(f) A Convention Certificate may be withdrawn, revoked, or suspended at any time when it is determined the vessel is no longer in compliance with applicable requirements. (See § 2.01–70 of this chapter for procedures governing appeals.)

§ 189.60–45 American Bureau of Shipping.

(a) The American Bureau of Shipping, with its home office at 45 Broad Street, New York, N.Y. 10004, is hereby designated as an organization duly authorized to issue the "Cargo Ship Safety Construction Certificate" to certain oceanographic vessels on behalf of the United States of America as provided in Regulation 12, Chapter I, of the International Convention for Safety of Life at Sea, 1960, and Executive Order 11239 and the certificate shall be subject to the requirements in this subpart. The American Bureau of Shipping is authorized to place the official seal of the United States of America on the certificate. This designation and delegation to the American Bureau of Shipping shall be in effect from March 1, 1967, until terminated by proper authority and notice of cancellation is published in the FEDERAL REGISTER.

(b) At the option of the owner or agent of a vessel on an international voyage and on direct application to the American Bureau of Shipping, the Bureau may issue to such vessel a Cargo Ship Safety Construction Certificate, having a period of validity of not more than 60 months after ascertaining that the vessel:

(1) Has met the applicable requirements of the Convention; and

(2) Is currently classed by the Bureau and classification requirements have been dealt with to the satisfaction of the Bureau.

(c) When the Bureau determines that a vessel to which it has issued a Cargo Ship Safety Construction Certificate no longer complies with the Bureau's applicable requirements for classification, the Bureau shall immediately furnish to the Coast Guard all relevant information, which will be used by the Coast Guard to determine whether or not to withdraw, revoke or suspend the Cargo Ship Safety Construction Certificate.

(Sec. 25, 41 Stat. 998, as amended, sec. 701, 62 Stat. 731, as amended; 46 U.S.C. 881, 18 U.S.C. 701)

PART 190—CONSTRUCTION AND ARRANGEMENT

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AUTHORITY: The provisions of this Part 190 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 46 U.S.C. 391, 392, 481, 395, 363, 367. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–66, Sept. 8, 1965, 30 F.R. 11735; unless otherwise noted.

Subpart 190.01—Hull Structure

§ 190.01–1 Application.

(a) The provisions of this subpart, with the exception of § 190.01–90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 190.01–90.

§ 190.01–5 Vessels subject to load line.

(a) For vessels assigned a load line, see Subchapter E (Load Lines) of this chapter for special requirements as to strength, closure of openings, etc.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a. Treasury Dept. Order 167–48, Oct. 19, 1962, 27 F.R. 10504)

§ 190.01–10 Structural standards.

(a) In general, compliance with the standards established by the American Bureau of Shipping, see Subpart 188.35 of this subchapter, will be considered as satisfactory evidence of the structural efficiency of the vessel. However, in special cases, a detailed analysis of the entire structure or some integral part may be made by the Coast Guard to determine the structural requirements.

§ 190.01–13 Sliding watertight doors.

(a) Sliding watertight doors, where fitted, shall be designed, tested, and installed in accordance with Subpart 163.001 of Subchapter Q (Specifications) of this chapter.

§ 190.01–15 Special consideration.

(a) Special consideration will be given to the structural requirements for small vessels or vessels of an unusual design not contemplated by the rules of the American Bureau of Shipping.

§ 190.01–90 Vessels contracted for prior to March 1, 1967.

(a) Existing structure previously approved will be considered satisfactory so long as it is maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction.

(b) Conversions, major alterations, new installations, and replacements, shall meet the applicable specifications in this subpart for new vessels.

Subpart 190.05—General Fire Protection

§ 190.05–1 Application.

(a) The provisions of this subpart shall apply to all vessels, except as noted otherwise in this subpart.

§ 190.05–3 Fire hazards to be minimized.

(a) The general construction of the vessel shall be such as to minimize fire hazards.

§ 190.05–5 Woodwork insulated from heated surfaces.

(a) Internal combustion engine exhausts, boiler, and galley uptakes, and similar sources of ignition shall be kept clear of and suitably insulated from any woodwork or other combustible matter.

§ 190.05–10 Chemical storeroom and lamp room construction.

(a) Chemical storerooms, lamp, paint, and oil lockers and similar compartments shall be constructed of steel or shall be wholly lined with metal.

§ 190.05–15 Segregation of spaces containing the emergency source of electric power.

(a) When a compartment containing the emergency source of electric power, or vital components thereof, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, all common bulkheads and/or decks shall be protected by approved "structural insulation" or other approved material. This protection shall be such as to be capable of preventing an excessive temperature rise in the space containing the emergency source of electric power, or vital components thereof, for a period of at least 1 hour in the event of fire in the adjoining space. Bulkheads or decks meeting Class A–60 requirements, as defined by § 72.05–10 of Subchapter H (Passenger Vessels) of this chapter, will be considered as meeting the requirements of this paragraph.

§ 190.05–20 Segregation of chemical laboratories, scientific laboratories, and chemical storerooms.

(a) The provisions of this section shall apply to all vessels contracted for on or after March 1, 1967.

(b) The chemical laboratories, scientific laboratories, and chemical storerooms shall not be located in horizontal proximity to nor below accommodation or safety areas.

(c) The chemical laboratories and chemical storerooms shall not be located adjacent to the collision bulkhead, nor boundary divisions of the boilerroom, engineroom, galley or other high fire hazard area.

Subpart 190.07—Structural Fire Protection

§ 190.07–1 Application.

(a) The provisions of this subpart, with the exception of § 190.07–90, shall apply to all vessels which carry not more than 150 persons and are contracted for on or after March 1, 1967. Such vessels contracted for prior to March 1, 1967, shall meet the requirements of § 190.–07–90.

(b) Those vessels which carry more than 150 persons shall meet the requirements in §§ 72.05–5 through 72.05–60 of Subchapter H (Passenger Vessels) of this chapter.

§ 190.07–5 Definitions.

(a) *Standard fire tests.* A "standard fire test" is one which develops in the test furnace a series of time temperature relationships as follows:

5 minutes—1,000° F.
10 minutes—1,300° F.
30 minutes—1,550° F.
60 minutes—1,700° F.

(b) *"A" Class divisions.* Bulkheads or decks of the "A" Class shall be composed of steel or equivalent metal construction, suitably stiffened and made intact with the main structure of the vessel; such as shell, structural bulkheads, and decks. They shall be so constructed, that if subjected to the standard fire test, they would be capable of preventing the passage of flame and smoke for 1 hour.

(c) *"B" Class bulkheads.* Bulkheads of the "B" Class shall be constructed with approved incombustible materials and made intact from deck to deck and to shell or other boundaries. They shall be so constructed that, if subjected to the standard fire test, they would be capable of preventing the passage of flame and smoke for one-half hour.

(d) *"C" Class divisions.* Bulkheads or decks of the "C" Class shall be constructed of approved incombustible materials, but need meet no requirements relative to the passage of flame.

(e) *Steel or other equivalent metal.* Where the term "steel or other equivalent metal" is used in this subpart, it is intended to require a material which, by itself or due to insulation provided, has structural and integrity qualities equivalent to steel at the end of the applicable fire exposure.

(f) *Approved material.* Where in this subpart approved materials are required, they refer to materials approved under the applicable subparts of Subchapter Q (Specifications) of this chapter, as follows:

Deck coverings 164.006
Structural insulation 164.007
Bulkhead panels 164.008
Incombustible materials 164.009
Interior finish 164.012

§ 190.07–10 Construction.

(a) The hull, superstructure, structural bulkheads, decks, and deckhouses shall be constructed of steel. Alternately, the Commandant may permit the use of other suitable material in special cases, having in mind the risk of fire.

(b) Bulkheads of chemistry laboratories, chemical storerooms, galleys, paint and lamp lockers, and emergency generator rooms shall be of "A" Class construction.

(c) The boundary bulkheads and decks separating the accommodations and control stations from hold and machinery spaces, galleys, main pantries, laboratories, and storerooms, other than small service lockers, shall be of "A" Class construction.

(d) Within the accommodation and service areas the following conditions shall apply:

(1) Corridor bulkheads in accommodation spaces shall be of the "A" or "B" Class intact from deck to deck. Stateroom doors in such bulkheads may have a louver in the lower half.

(2) Elevator, dumbwaiter, stairtower, and other trunks shall be of "A" Class construction.

(3) Bulkheads not already specified to be of "A" or "B" Class construction may be of "A", "B", or "C" Class construction.

(4) The integrity of any deck in way of a stairway opening shall be maintained by means of "A" or "B" Class bulkheads and doors at one level. The doors shall be of self-closing type. Holdback hooks will not be permitted. However, magnetic holdbacks operated from the bridge or from other suitable remote control positions are acceptable.

(5) Interior stairs, including stringers and treads, shall be of steel.

(6) Except for washrooms and toilet spaces, deck coverings within accommodation spaces shall be of an approved type. However, overlays for leveling or finishing purposes which do not meet the requirements for an approved deck covering may be used in thicknesses not exceeding three-eighths of an inch.

(7) Ceilings, linings, and insulation, including pipe and duct laggings, shall be approved incombustible materials.

(8) Any sheathing, furring, or holding pieces incidental to the securing of

any bulkhead, ceiling, lining, or insulation shall be of approved incombustible materials.

(9) Bulkheads, linings, and ceiling may have a combustible veneer within a room not to exceed two twenty-eighths of an inch in thickness. However, combustible veneers, trim, decorations, etc., shall not be used in corridors or hidden spaces. This is not intended to preclude the use of an approved interior finish or a reasonable number of coats of paint.

(e) Nitrocellulose or other highly flammable or noxious fume-producing paints or lacquers shall not be used.

§ 190.07–90 Vessels contracted for prior to March 1, 1967.

(a) Existing structure arrangements and materials previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction.

(b) Conversions, major alterations, new installations, and replacements shall comply with the applicable specifications and requirements in this subpart for new vessels.

Subpart 190.10—Means of Escape

§ 190.10–1 Application.

(a) The provisions of this subpart, with the exception of § 190.10–90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 190.10–90.

§ 190.10–5 Two means required.

(a) There shall be at least two means of escape from all general areas where the crew or scientific personnel may be quartered or normally employed. At least one of these two means of escape shall be independent of watertight doors and hatches, except for quick acting watertight doors giving final access to weather decks.

§ 190.10–10 Location.

(a) The two means of escape shall be as remote as practicable so as to minimize the possibility of one incident blocking both escapes.

§ 190.10–15 Vertical ladders not accepted.

(a) Vertical ladders and deck scuttles shall not in general be considered satisfactory as one of the required means of escape. However, where it is demonstrated that the installation of a stairway would be impracticable, a vertical ladder may be used as the second means of escape.

§ 190.10–20 No means for locking doors.

(a) No means shall be provided for locking doors giving access to either of the two required means of escape except that crash doors or locking devices, capable of being easily forced in an emergency, may be employed provided a permanent and conspicuous notice to this effect is attached to both sides of the door. This paragraph shall not apply to outside doors to deckhouses where such doors are locked by key only and such key is under the control of one of the vessel's officers.

§ 190.10–25 Stairway size.

(a) Stairways shall be of sufficient width having in mind the number of persons having access to such stairs for escape purposes.

(b) All interior stairways, other than those within the machinery spaces, shall have minimum width of 28 inches. The angle of inclination with the horizontal of such stairways shall not exceed 50°.

(c) Special consideration for relief may be given if it is shown to be unreasonable or impracticable to meet the requirements in this section.

§ 190.10–30 Dead end corridors.

(a) Dead end corridors, or the equivalent, more than 40 feet in length shall not be permitted.

§ 190.10–35 Public spaces.

(a) In all cases, public spaces having a deck area of over 300 square feet shall have at least two exits. Where practicable, these exits shall give egress to different corridors, rooms, or spaces to minimize the possibility of one incident blocking both exits.

§ 190.10–40 Access to lifeboats.

(a) The stairways, corridors, and doors shall be so arranged as to permit a ready and direct access to the various lifeboat and liferaft embarkation areas.

§ 190.10–45 Weather deck communications.

(a) Vertical communication shall be provided between the various weather decks by means of permanent inclined ladders.

§ 190.10–90 Vessels contracted for prior to March 1, 1967.

(a) Existing arrangements previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original design: *Provided*, That in no case will a greater departure from the standards of §§ 190.10–5 through 190.10–45 be permitted than presently exists. Nothing in this paragraph shall be construed as exempting any vessel from having two means of escape from all main compartments where persons on board may be quartered or normally employed.

Subpart 190.15—Ventilation

§ 190.15–1 Application.

(a) The provisions of this subpart, with the exception of § 190.15–90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 190.15–90.

§ 190.15–5 Vessels using fuel having a flashpoint of 110° F. or lower.

(a) Spaces containing machinery which uses, or tanks which contain, fuel having a flashpoint of 110° F. or lower shall have natural supply and mechanical exhaust ventilation as required by this section.

(b) The mechanical exhaust system shall be such as to assure the air changes as noted in Table 190.15–5(b) depending on the size of the space.

TABLE 190.15-5(b)

Size of space, cubic feet		Minute per air change
Over	Not over	
	500	2
500	1000	3
1000	1500	4
1500		5

(c) Exhaust blower motors, unless of a totally enclosed, explosion-proof type, shall be located outside of the ducts and outside of the compartment required to be ventilated. Exhaust blower motors if mounted in any compartment shall be located as high above the bilge as practicable. Blower blades shall be nonsparking with reference to their housings.

(d) Exhaust blower switches shall be located outside of any space required to be ventilated by this section, and shall be of the type interlocked with the ignition switch so that the blowers are started before the engine ignition is switched on. A red warning sign at the switch shall state that the blowers shall be operated prior to starting the engines for a sufficient time to insure at least one complete change of air in the compartments.

(e) The area of the ducts shall be such as to limit the air velocity to a maximum of 2,000 feet per minute. Ducts may be of any shape: *Provided*, That in no case shall one cross section dimension exceed twice the other.

(f) At least two inlet ducts shall be located at one end of the compartment and they shall extend to the lowest part of the compartment or bilge on each side. Similar exhaust ducts shall be led to the mechanical exhaust system from the lowest part of the compartment or bilge on each side of the compartment at the end opposite from that at which the inlet ducts are fitted. These ducts shall be so installed that ordinary collection of water in the bilge will not close off the ducts.

(g) All ducts shall be of rigid permanent construction of fireproof material and reasonably gastight from end to end. The ducts shall lead as direct as possible and be properly fastened and supported.

(h) All supply ducts shall be provided with cowls or scoops having a free area not less than twice the required duct area. When the cowls or scoops are screened, the mouth area shall be increased to compensate for the area of the screen wire. Dampers shall not be fitted in the supply ducts. Cowls or scoops shall be kept open at all times except when the stress of weather is such as to endanger the vessel if the openings are not temporarily closed. Supply and exhaust openings shall not be located where the natural flow of air is unduly obstructed, or adjacent to possible sources of vapor ignition, nor shall they be so located that exhaust air may be taken into the supply vents.

(i) Provision shall be made for closing all cowls or scoops when the fixed carbon dioxide system is operated.

§ 190.15–10 Ventilation for closed spaces.

(a) All enclosed spaces within the vessel shall be properly vented or ventilated. Means shall be provided to close off all vents and ventilators.

(b) Means shall be provided for stopping all fans in ventilation systems serving the chemical laboratories, scientific laboratories, chemical storerooms, and machinery spaces and for closing all doorways, ventilators, and annular spaces around funnels and other openings to such spaces, from outside these spaces, in case of fire.

(c) See §§ 194.15–5 and 194.20–5 of this subchapter for ventilation of chemical laboratories, scientific laboratories, and storerooms.

§ 190.15–15 Ventilation for living spaces and quarters.

(a) All living spaces shall be adequately ventilated in a manner suitable to the purpose of the space.

(b) All spaces used as quarters for crewmembers and scientific personnel shall be ventilated by a mechanical system unless it can be shown that a natural system will provide adequate ventilation. By a natural system is meant those spaces so located that the windows, ports, skylights, etc., and doors to passageways can be kept open and thereby provide adequate ventilation under all ordinary conditions of weather.

§ 190.15–90 Vessels contracted for prior to March 1, 1967.

(a) Existing arrangements previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original design: *Provided*, That in no case will a greater departure from the standards of §§ 190.15–5 through 190.15–15 be permitted than presently exists.

Subpart 190.20—Accommodations for Officers, Crew, and Scientific Personnel

§ 190.20–1 Application.

(a) The provisions of this subpart, with the exception of § 190.20–90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 190.20–90.

§ 190.20–5 Intent.

(a) It is the intent of this subpart that the accommodations provided for officers, crew, and scientific personnel on all vessels shall be securely constructed, properly lighted, heated, drained, ventilated, equipped, located, arranged, and, where practicable, shall be insulated from undue noise and free from effluvia.

(b) Provided the intent of this subpart is met, consideration may be given by the Officer in Charge, Marine Inspection, to relax the requirements relating to the size and separation of accommodations for scientific personnel.

(c) The crew referred to in this subpart includes all persons, except the licensed officers, regularly employed on board any vessel. Where the requirements for the accommodations of licensed officers and/or scientific personnel are not otherwise specified, they shall be at least equivalent to that indicated in this subpart for the crew.

§ 190.20–10 Location of crew spaces.

(a) Crew spaces shall be located, where practicable, so that the maximum amount of fresh air and light are obtainable, having due regard to the service of the vessel and the requirements of other space users.

(b) Crew quarters shall not be located farther forward in the vessel than a vertical plane located at 5 percent of the vessel's length abaft the forward side of the stem at the designed summer load water line. However, for vessels in other than ocean or coastwise service, this distance need not exceed 28 feet. For purpose of this paragraph the length shall be as defined in § 43.15–1 of Subchapter E (Load Lines) of this chapter. No section of the deck of the crew spaces shall be below the deepest load line, except that in special cases, the Commandant may approve such an arrangement: *Provided*, That in no case shall be deck head of crew spaces other than gymnasiums, exercise rooms, and libraries be below the deepest load line.

(c) Hawse pipes or chain pipes shall not pass through crew spaces.

(d) There shall be no direct communication, except through solid, close fitted doors or hatches between crew spaces and chain lockers, or machinery spaces.

(e) There shall be no access, vents, or sounding tubes from fuel oil tanks opening into crew spaces, except that sounding tubes and access openings may be located in corridors.

(f) Where practicable, crew spaces shall be located entirely separate and independent of spaces alloted to licensed officers.

§ 190.20–15 Construction.

(a) All crew spaces are to be constructed in a manner suitable to the purpose for which they are intended. The bulkheads separating the crew spaces from machinery spaces, lamp and paint rooms, storerooms, drying rooms, washrooms, and toilet spaces shall be made odor-proof where deemed necessary by the Commandant.

(b) Toilet spaces, except when provided as private or semiprivate facilities, shall be so built, fitted, and situated, that no odor from them will readily enter other crew spaces.

(c) Where shell or unsheated weather decks form boundaries of crew spaces, suitable protective coverings shall be applied to prevent formation or accumulation of moisture.

(d) Where crew spaces adjoin or are immediately above spaces such as galleys, machinery spaces or casings, donkey boilerrooms, etc., they shall be suitably protected from the heat.

(e) The interior sides and deck heads of crew spaces shall be covered with enamel, paint, or other material light in color.

(f) Crew spaces shall be properly drained where considered necessary.

(g) All washrooms and toilet rooms shall be properly drained and so constructed and arranged that they can be kept in a clean, workable, and sanitary condition. The scuppers shall be located in the lowest part of the space, due consideration being given to the average trim of the vessel.

§ 190.20–20 Sleeping accomodations.

(a) *Arrangements.* (1) Where practicable, separate sleeping accommodations are to be provided for the deck, engine, and steward groups of the crew.

(2) Where practicable, each licensed officer shall be provided with a separate stateroom.

(b) *Size.* (1) Sleeping accommodations for the crew shall be divided into rooms, no one of which shall berth more than four persons.

(2) Each room shall be of such size that there are at least 30 square feet of deck area and a volume of at least 210 cubic feet for each person accommodated. The clear head room shall be not less than 6 feet 3 inches. In measuring sleeping quarters allocated to crews of vessels, any equipment contained therein for the use of the occupants is not to be deducted from the total volume or from the deck area.

(3) Sleeping accommodations for scientific personnel shall be divided into rooms, no one of which shall berth more than six persons.

(4) Each room for scientific personnel shall be of such size that there are at least 20 square feet of deck area and a volume of at least 150 cubic feet for each person accommodated. The clear head room shall be not less than 6 feet 3 inches. In measuring sleeping accommodations any equipment contained therein for the use of the occupants is not to be deducted from the total volume or from the deck area.

(c) *Equipment.* (1) Each person shall have a separate berth and not more than one berth shall be placed above another. The berths shall have a framework of metal or other hard, smooth material not likely to corrode or harbor vermin, and shall be so arranged that they provide ample room for easy occupancy. The overall size of a berth shall not be less than 30 inches wide by

76 inches long, except by special permission of the Commandant. Where berths adjoin, they shall be divided by a partition not less than 18 inches in height. Where two tiers of berths are fitted, the bottom of the lower must not be less than 12 inches above the deck, and the bottom of the upper must not be less than 2 feet 6 inches both from the bottom of the lower and from the deck overhead. The berths shall not be obstructed by pipes, ventilating ducks, or other installations.

(2) A locker of metal or other hard, smooth material shall be provided for each person accommodated in a room. Each locker shall be not less than 300 square inches in cross section area and 60 inches high. It shall be so placed as to be readily accessible. The interior of the locker shall be so arranged as to facilitate the proper stowage of clothes.

§ 190.20–25 Washrooms and toilet rooms.

(a) There shall be provided at least one toilet, one washbasin, and one shower or bathtub for each eight members or portion thereof in the crew to be accommodated. The crew to be accommodated shall include all members who do not occupy rooms to which private or semiprivate facilities are attached.

(b) Under the following conditions, the toilet and washing facilities for the specific groups of the crew indicated shall be located in spaces separate from the facilities for other crewmembers; and shall be provided for that group in the ratios required by paragraph (a) of this section.

(1) The members of the engine department, where their number, exclusive of licensed officers and others separately provided for, exceeds eight.

(2) The members of the steward's department, exclusive of those separately provided for, where their number exceeds eight.

(3) All female members of the crew.

(c) The toilet rooms and washrooms shall be located convenient to the sleeping quarters of the crew to which they are allotted but shall not open directly into such quarters except when they are provided as private or semiprivate facilities.

(d) All washbasins, showers, and bathtubs shall be equipped with proper plumbing, including hot and cold running water. Washbasins may be located in the crew sleeping quarters.

(e) The toilet rooms shall be separate from the washrooms and at least one washbasin shall be fitted in each toilet room, except where private or semiprivate facilities are provided and washbasins are installed in the sleeping rooms.

(f) All toilets shall be installed with proper plumbing for flushing. Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made therefor.

(g) Where more than one toilet is located in a space or compartment, each toilet shall be separated by partitions, which shall be open at the top and bottom for ventilation and cleaning purposes.

§ 190.20–30 Messrooms.

(a) Messrooms shall be located as near to the galley or suitably equipped serving pantry, as is practicable except where messroom is equipped with a steam table. The messrooms shall be of such size as to seat the number of persons normally scheduled to be eating at one time.

(b) Messrooms shall be properly equipped with tables, seats, and other necessary equipment and shall be so arranged as to permit access to each seat.

§ 190.20–35 Hospital space.

(a) Each vessel, which in the ordinary course of its employment makes voyages of more than 3 days' duration between ports and which carries a crew of 12 or more, shall be provided with a hospital space. This space shall be situated with due regard to the comfort of the sick so that they may receive proper attention in all weathers.

(b) The hospital shall be suitably separated from other spaces and shall be used for the care of the sick and for no other purpose.

(c) The entrance shall be of such width and in such a position as to admit a stretcher case readily. Berths shall be of metal and may be in double tier, provided the upper berth is hinged and arranged to be secured clear of the lower berth when not in use. At least one berth shall be so arranged that it can be made accessible from both sides when necessary.

(d) The hospital shall be fitted with berths in the ratio of 1 berth to every 12 members of the crew or portion thereof who are not berthed in single occupancy rooms, but the number of berths need not exceed six. Where all single occupancy rooms are provided the requirement for a separate hospital room may be withdrawn: *Provided*, That one stateroom is fitted with a bunk accessible from both sides.

(e) The hospital shall have a toilet, washbasin and bathtub or shower conveniently situated. Other necessary suitable equipment of such character as clothes locker, table, seat, etc., shall be provided.

§ 190.20–40 Other spaces.

(a) Sufficient facilities, depending upon the number of the crew, shall be provided where the crew may wash their own clothes. There shall be at least one tub or sink, fitted with the necessary plumbing, including hot and cold running water.

(b) Clothes drying facilities or space shall be provided for the needs of the crew.

(c) Recreation accommodations shall be provided. Where messrooms are used for this purpose, they shall be suitably planned.

§ 190.20–45 Lighting.

(a) All crew spaces shall be adequately lighted in accordance with the requirements of Subchapter J (Electrical Engineering) of this chapter.

(b) Berth lights shall be provided for each member of the crew.

§ 190.20–50 Heating.

(a) All crew spaces shall be adequately heated in a manner suitable to the purpose of the space.

(b) The heating system will be considered satisfactory if it is capable of maintaining a minimum temperature of 70° F. under normal operating conditions without undue curtailment of the ventilation.

(c) Radiators and other heating apparatus shall be so placed, and where necessary shielded, as to avoid risk of fire, danger, or discomfort to the occupants. Pipes leading to radiators or heating apparatus shall be lagged where those pipes create a hazard to persons occupying the space.

§ 190.20–55 Insect screens.

(a) Except in such areas as are considered to be insect free, provision shall be made to protect the quarters for crew and scientific personnel against the admission of insects. This may be accomplished by the fitting of suitable screens to ventilating skylights, airports, ventilators, and doors to unscreened spaces and the open deck or by other methods. Insect screens are not required in air conditioned quarters nor for windows, airports, and doors that are normally kept closed.

§ 190.20–90 Vessels contracted for prior to March 1, 1967.

(a) Existing structures, arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction: *Provided*, That in no case will a greater departure from the standards of §§ 190.20–5 through 190.20–55 be permitted than presently exists.

Subpart 190.25—Rails and Guards

§ 190.25–1 Application.

(a) The provisions of this subpart, with the exception of § 190.25–90, apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 190.25–90.

§ 190.25–5 Where rails required.

(a) Rails at least 36 inches high or equivalent protection shall be installed near the periphery of all weather decks accessible to persons on board. Such rails on decks which extend outboard to the side of the vessel shall be in at least three courses approximately evenly spaced. Such rails on decks which do not extend outboard to the side of the vessel, such as tops of deckhouses and winch houses, shall be in at least two courses approximately evenly spaced. If it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that the installation of rails of such height will be unreasonable and impracticable, having regard to the business of the vessel, rails of a lesser height or in some cases grab rails may be accepted and inboard rails may be eliminated if the deck is not generally accessible.

§ 190.25–10 Storm rails.

(a) On vessels in ocean and coastwise service, suitable storm rails shall be installed in all passageways and at the deckhouse sides where persons on board might have normal access. Storm rails shall be installed on both sides of passageways which are 6 feet or more in width.

§ 190.25–15 Guards in dangerous places.

(a) Suitable hand covers, guards, or rails shall be installed in way of all exposed and dangerous places such as gears, machinery, etc.

§ 190.25–90 Vessels contracted for prior to March 1, 1967.

(a) Existing structures, arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction: *Provided*, That in no case will a greater departure from the standards of §§ 190.25–5 through 190.25–15 be permitted than presently exists.

PART 191—SUBDIVISION AND STABILITY

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Subpart 191.90—Vessels Contracted for Prior to March 1, 1967

191.90–1 Requirements.
191.90–5 Stability information.
191.90–10 Stability letter.

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Subpart 191.01—Application

§ 191.01–1 General.

(a) The provisions of this part, with the exception of Subpart 191.90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of Subpart 191.90.

Subpart 191.05—Definitions

§ 191.05–1 Subdivision load line.

(a) A subdivision load line is a waterline used in determining the subdivision of the ship.

§ 191.05–2 Deepest subdivision load line.

(a) The deepest subdivision load line is the waterline which corresponds to the greatest draft permitted by the subdivision requirements which are applicable.

§ 191.05–3 Length of the vessel.

(a) The length of the vessel is the length measured between perpendiculars taken at the extremities of the deepest subdivision load line.

§ 191.05–4 Breadth of the vessel.

(a) The breadth of the vessel is the extreme width from outside of frame to outside of frame at or below the deepest subdivision load line. On wood vessels, measurements should be taken to outside of planking.

§ 191.05–5 Bulkhead deck.

(a) The bulkhead deck is the uppermost deck up to which the transverse watertight bulkheads are carried.

§ 191.05–6 Margin line.

(a) The margin line is a line drawn at least 3 inches below the upper surface of the bulkhead deck at side where the bulkhead deck is continuous; where the bulkhead deck is not continuous, an assumed continuous margin line shall be used which at no point is less than 3 inches below the top of the deck at side to which the bulkheads concerned and the shell are carried watertight.

(b) In the case of vessels with continuous bulkhead decks, where the average value of the sheer at bow and stern is less than 12 inches, a modified margin line 3 inches below the top of deck at the ends but lowered amidships to the position indicated in Table 191.05–6(b) is to be used.

TABLE 191.05–6(b)

Average value of sheer at bow and stern (inches)	*Required position of margin line below top of deck, at side amidships (inches)*
12	3
6	6
0	9

(1) Interpolation is required for intermediate values not shown in Table 191.05–6(b).

(2) The modified margin line shall be parabolic through the midship and end points indicated in this paragraph. Margin lines so determined are based upon the assumption that the bulkhead deck is continuous and has existing parabolic sheer. Where this is not the case, the margin line shall be such as to give at least a standard of safety equivalent to the standard described in this paragraph.

§ 191.05–7 Draft.

(a) The draft is the vertical distance from the molded base line amidships to the subdivision load line in question.

§ 191.05–8 Permeability.

(a) The permeability of a space is the percentage of that space which can be occupied by water.

Subpart 191.10—Rules for Subdivision

§ 191.10–1 Permeability.

(a) In making subdivision calculations, volumes shall be calculated to the margin line, and the permeability of spaces shall be taken as follows:

(1) Machinery spaces at 85 percent.

(2) Tanks, chain lockers, and spaces normally filled with cargo, stores, mail, or baggage in the full load condition at 60 percent.

(3) All other spaces at 95 percent.

§ 191.10–5 Compartmentation.

(a) All vessels shall be subdivided so as not to submerge the margin line with any one main compartment flooded.

§ 191.10–10 Minimum spacing of bulkheads.

(a) To be considered effective, watertight bulkheads abaft the collision bulkhead shall be spaced not less than 10 feet plus 3 percent of the load waterline length.

§ 191.10–13 Stepped and recessed bulkheads.

(a) Where a main transverse bulkhead is recessed or stepped, an equivalent plane bulkhead shall be used in determining the subdivision, and the same measure of safety shall be provided as would be provided by a plane bulkhead.

(b) In recessed bulkheads, the recess shall be inboard from the vessel's side by at least one-fifth the beam amidship measured at right angles to the centerline at the level of the load waterline.

§ 191.10–15 Collision bulkhead required.

(a) Every vessel shall have a collision bulkhead located not less than 5 percent, and not more than 10 feet plus 5 percent, of the length of the vessel from the forward perpendicular.

§ 191.10–16 Extent of double bottoms.

(a) A double bottom should be fitted extending from the forepeak bulkhead to the afterpeak bulkhead as far as is practicable and compatible with the design and proper working of the vessel.

(b) In vessels 165 feet and under 200 feet in length, a double bottom shall be fitted at least from the machinery space to the forepeak bulkhead, or as near thereto as practicable.

(c) In vessels 200 feet and under 249 feet in length, a double bottom shall be fitted at least outside the machinery space, and shall extend to the fore and afterpeak bulkheads, or as near thereto as practicable.

(d) In vessels 249 feet in length and upwards, a double bottom shall be fitted amidships and shall extend to the fore and afterpeak bulkheads, or as near thereto as practicable.

(e) Where a double bottom is required to be fitted, its depth shall be sufficient to provide acceptable protection against grounding. A depth in inches at the centerline of $18+\frac{L}{20}$, where L is the vessel's length in feet will ordinarily be considered acceptable. The inner bottom shall be continued out to the ship's side in such a manner as to protect the bottom to the turn of the bilge. Such protection will be deemed satisfactory if the line of intersection of the outer edge of the margin plate with the bilge plating is not lower at any part than a horizontal plane passing through the point of intersection with the frame line amidships of a transverse diagonal line inclined at 25 degrees to the base line and cutting it at a point one-half the ship's molded breadth from the middle line.

(f) A double bottom need not be fitted in way of watertight compartments of moderate size used exclusively for the carriage of liquids, provided the safety of the ship, in the event of bottom or side damage, is not, in the opinion of the Commandant, thereby impaired.

§ 191.10–17 Wells in double bottoms.

(a) Small wells constructed in the double bottom in connection with drainage arrangements of holds, etc., shall not extend downward more than necessary. The depth of the well shall in no case be more than the depth less 18 inches of the double bottom at the centerline, nor shall the well extend below the horizontal plane referred to in § 191.10–16(e).

(b) A well extending to the outer bottom is, however, permitted at the after end of the shaft tunnel of screw vessels. Other wells, such as for lubricating oil under main engines, may be permitted by the Commandant, if satisfied that the arrangements give protection equivalent to that afforded by a double bottom complying with this section.

§ 191.10–18 Manholes in double bottoms.

(a) The number of manholes in the inner bottom shall be reduced to the minimum compatible with the design and necessity for access to the double bottom.

(b) Efficient covers, capable of being made thoroughly watertight and effectively protected from damage by stores, shall be fitted to the manholes.

§ 191.10–19 Watertight floors in double bottoms.

(a) Watertight transverse divisions should be fitted in the double bottom under each main watertight subdivision bulkhead or as near thereto as practicable. Where duct keels are fitted, the transverse divisions need not extend across the duct keel.

§ 191.10–20 Penetrations and openings in watertight bulkheads.

(a) *General.* The number of openings in watertight bulkheads shall be reduced to the minimum compatible with the design and proper working of the vessel; satisfactory means shall be provided for closing these openings. Lead or other heat sensitive materials shall not be used in systems which penetrate watertight subdivision bulkheads, where deterioration of such systems in the event of fire would impair the watertight integrity of the bulkheads.

(b) *Pipes, cables, etc.* (1) Where pipes, scuppers, electric light cables, etc., are carried through watertight subdivision bulkheads, arrangements shall be made to insure the integrity of the watertightness of the bulkheads.

(2) The collision bulkhead below the margin line shall not be pierced by more than one pipe conveying liquids to and from the forepeak tank. Such pipe shall be fitted with a screwdown valve operable from above the bulkhead deck and the valve shall be secured to the bulkhead fitted inside the forepeak tank.

(c) *Valves and cocks.* Valves and cocks not forming part of a piping system shall not be permitted in watertight subdivision bulkheads.

(d) *Ventilation ducts.* (1) Ventilation or forced draft ducts which penetrate watertight bulkheads shall be held to a minimum.

(2) Watertight penetrations may be allowed if the bottom of the duct is not more than 18 inches below the bulkhead deck, and the duct is as near the centerline as possible; and then only if the bottom of the duct is at least 4 feet above the deepest level of flooding water shown by the damaged condition waterlines.

(e) *Prohibited locations for access openings.* No doors, manholes, or access openings are permitted in the collision bulkhead below the margin line.

(f) *Openings above the margin line.* (1) Where a portion of an assumed margin line is appreciably below the deck to which bulkheads are carried, and it can be shown that the maintenance of complete watertightness will result in undue hardship in the arrangement of the vessel, a limited amount of nontight bulkhead penetrations may be permitted as high as possible immediately under the bulkhead deck. Such penetrations shall be subject to specific approval in each instance and will generally be limited as follows:

(i) Not more than 2 feet below the molded line of the bulkhead deck.

(ii) Not less than 9 inches above the margin line.

(iii) Not outboard of vertical lines located off the centerline at a distance of one-fourth of the full breadth of the ship measured on the bulkhead deck at the point in question.

(2) Approved nontight bulkhead penetrations shall be indicated on a suitable plan carried aboard the vessel.

(g) *Trunkways or tunnels.* (1) Where trunkways or tunnels are carried through main transverse watertight bulkheads, they shall be watertight and in accordance with structural requirements for watertight bulkheads. The access to at least one end of each such tunnel or trunkway, if used as a passage at sea, shall be through a trunk extending watertight to a height sufficient to permit access above the margin line. The access to the other end of the trunkway or tunnel may be through a watertight door of the type required by its location in the ship. Such trunkways or tunnels shall not extend through the first subdivision bulkhead abaft the collision bulkhead.

(2) A short tunnel extending through not more than one main subdivision compartment and which is closed at one end need not be fitted with a door at the other end, provided its sides are not nearer the shell than is permitted for the sides of a recess in a bulkhead as stated in 191.10–13(b), and for damaged stability the volume of the tunnel is included in the volume of the compartment into which it opens.

§ 191.10–25 Watertight bulkhead doors.

(a) *General.* Watertight door openings shall be located as high in the bulkhead and as far inboard as practicable. The number of watertight doors shall be reduced to the minimum consistent with the design and proper working of the vessel.

(b) *Types and classes.* (1) The only types of watertight doors permissible are hinged doors, sliding doors, and doors of other equivalent patterns, excluding plate doors secured only by bolts and doors required to be closed by dropping or by the action of a dropping weight. Sliding doors may have horizontal or vertical motion. The permissible classes of doors are:

Class 1—Hinged doors.
Class 2—Sliding doors, operated by hand gear only.
Class 3—Sliding doors, operated by power and by hand gear.

(2) Hinged doors shall be quick acting, dog on frame type, with dogs spaced and designed to insure that the opening may be closed thoroughly watertight from either side of the bulkhead.

(c) *Class 1 doors, permissible locations.* Class 1 doors are only permitted above a deck the molded line of which, at its lowest point at side, is at least 7 feet above the deepest subdivision load line.

(d) *Class 2 doors, permissible locations.* (1) Watertight doors, the sills of which are above the deepest subdivision load line and below the line specified in paragraph (c) of this section shall be Class 2.

(2) When the number of watertight doors which may be sometimes opened at sea, and whose sills are below the deepest subdivision load line (excluding doors at entrance to shaft tunnels) does not exceed five, these watertight doors and the shaft tunnel doors shall be Class 2.

(e) *Class 3 doors required locations.* When the number of watertight doors which may be sometimes opened at sea, and whose sills are below the deepest subdivision load line (excluding doors at entrance to shaft tunnels) exceed five, all of these doors and those at the entrance to shaft tunnels shall be Class 3, and shall be capable of being simultaneously closed from a central station situated on the bridge.

(f) *Design, installation, and tests.* (1) The design of all watertight doors shall be subject to approval by the Commandant.

(2) Each Class 1 door installed on a vessel in ocean or coastwise service shall be tested by water pressure to a head up to the margin line, but in no case less than 10 feet. Such doors on vessels in other services shall be tested in the same manner as the bulkhead in which they are fitted.

(3) Each Class 2 and Class 3 door shall be designed, tested, and installed in accordance with Subpart 163.001 of Subchapter Q (Specifications) of this chapter.

(g) *Relaxation of requirements.* The Commandant may allow a relaxation of the requirements of this section in exceptional cases where it is shown to be unreasonable or impracticable to meet the requirements.

§ 191.10–30 Openings in vessel's sides below the bulkhead deck.

(a) *General.* (1) The number of openings in vessel's sides below the bulkhead deck shall be reduced to the minimum compatible with the proper design and working of the vessel.

(2) The arrangement and efficiency of the means for closing each opening shall be consistent with its intended purpose and the position in which it is fitted, and shall be to the satisfaction of the Commandant.

(b) *Port lights.* (1) If, a 'tween deck, the sills of any port lights are below a line drawn parallel to the molded line of the bulkhead deck at side and having its lowest point 2½ percent of the breadth of the vessel above the deepest subdivision load line, all port lights in that 'tween deck shall be of a nonopening type.

(2) All port lights, the sills of which are below the bulkhead deck, other than those required to be of a nonopening type shall be of such construction as will effectively prevent any person opening them without the consent of the master of the vessel.

(3) No port lights shall be fitted in spaces which are appropriated exclusively to the carriage of stores.

(4) Design of port lights below the bulkhead deck as follows:

(i) All port lights are to be of substantial construction subject to approval of the Commandant.

(ii) Nonopening port lights are to be thoroughly watertight and port lights which are capable of being opened shall be so constructed that they can be easily and effectively closed and secured watertight. Port lights capable of being opened shall have fitted to one or more of the bolts a special round slotted or recessed nut requiring a special wrench. The special nuts are to be protected by sleeves or guards so as to render them incapable of being released by the use of ordinary tools, such as pipe wrenches, etc.

(c) *Deadlights.* (1) Port lights to space below the freeboard deck, as defined in Subchapter E (Load Lines) of this chapter, or to spaces within enclosed superstructure shall be fitted with hinged deadlight covers.

(2) Dead covers shall be of efficient design and arranged so that they can be easily and effectively secured watertight. Where fitted to opening-type port lights, they shall be of such design that it will not be necessary to release the special or locked nut in order to secure the dead cover.

(d) *Side ports.* Gangway, stowing, and coaling ports, and similar openings in the vessel's sides shall be designed and constructed to the approval of the Commandant. Such ports or openings shall be in no case fitted so as to have their lowest point below the deepest subdivision load line.

(e) *Piping openings in vessel's sides.* Requirements for inlets and discharges of scuppers, sanitary piping, main and auxiliary machinery piping, and ash and rubbish-chutes, etc., are in § 55.10–70 of Subchapter F (Marine Engineering) of this chapter.

§ 191.10–35 Watertight integrity above the margin line.

(a) *General.* (1) All reasonable and practicable measures shall be taken to limit the entry and spread of water above the bulkhead deck. Such measures may include partial bulkheads or webs.

(2) When partial watertight bulkheads and webs are fitted on the bulkhead deck, above or in the immediate vicinity of main subdivision bulkheads, they shall have watertight shell and bulkhead deck connections so as to restrict the flow of water along the deck when the vessel is in a heeled-damaged condition. Where the partial watertight bulkhead does not line up with the bulkhead below, the bulkhead deck between shall be made effectively watertight.

(b) *Decks.* (1) The bulkhead deck or a deck above it shall be weathertight in the sense that in ordinary sea conditions water will not penetrate in a downward direction.

(2) All openings in the exposed weather deck shall have coamings of ample height and strength and shall be provided with efficient means for expeditiously closing them weathertight.

(3) Freeing ports, open rails, and/or scuppers shall be fitted as necessary for rapidly clearing the weather deck of water under all weather conditions.

(c) *Side openings.* (1) All side openings in the vessel's shell above the bulkhead deck and all deck openings in or above the bulkhead deck shall comply with the applicable requirements of Subchapters E (Load Lines) and F (Marine Engineering) of this chapter for type closures and fittings. Port lights, gangway, and stowing ports and other means for closing openings in the shell plating above the margin line shall be of efficient design and construction and of sufficient strength having regard to the spaces in which they are fitted and their positions relative to the deepest subdivision load line.

(2) Efficient inside dead covers, arranged so that they can be easily and effectively closed and secured watertight, shall be provided for all port lights to spaces below the first deck above the bulkhead deck.

Subpart 191.15—Stability Test

§ 191.15–1 When required.

(a) Except as otherwise provided in this section, each vessel to which this part pertains shall be subjected to a stability test conducted under the supervision of the Coast Guard and the results of the test shall be approved before the vessel is placed in service.

(b) The Commandant may allow the stability test of a vessel to be dispensed with provided basic stability data are available from the stability test of a sister vessel and it is shown to the satisfaction of the Commandant that reliable stability information for the exempted vessel can be obtained from such basic data.

(c) Except for vessels on an international voyage, the Commandant may

allow the stability test of a vessel to be dispensed with in exceptional cases where it can be shown to his satisfaction that due to the form, construction, and arrangement of the vessel stability calculations can be safely made without a stability test being performed.

§ 191.15–5 Procedure.

(a) *Plans required.* The following plans are essential for use in conducting the stability test and determining the results, and if these plans have not been previously submitted, they shall be made available at the time of the test:

Lines plan.
Curves of form, or hydrostatic curves.
General arrangement plan of decks, holds, inner bottoms, etc.
Inboard and outboard profile.
Midship section.
Capacity plan showing capacities and vertical and longitudinal centers of gravity of cargo spaces, tanks, etc.
Tank sounding tables.
Draft mark locations.

(b) *Stability test preparations.* (1) Preparations as noted in this paragraph shall be made to place a vessel in suitable condition for a stability test. The Coast Guard representative supervising the stability test may relax from these standards in a particular instance if, in his opinion, such relaxation is warranted and will not materially affect the reliability of the results of the test.

(2) To obtain dependable stability results, all tanks on the vessel, as far as practicable, shall be either completely empty and dry or fully pressed up and without air pockets. Where this is impracticable, slack tanks may be accepted provided their free surface can be readily and accurately determined for the angles of heel to be obtained during the stability test.

(3) The vessel shall be as nearly complete as practicable when the test is conducted. If additional material or equipment is to be installed after the test, a complete list of such items by weight and location shall be prepared.

(4) All dunnage, tools, and other items extraneous to the completed vessel shall be removed before the test.

(5) The vessel shall be moored in a location reasonably protected from broadside wind, waves, and tide. The depth of water shall be sufficient to provide ample clearance under the vessel against grounding. Mooring lines shall be arranged so that they will not interfere with the free rolling or listing of the vessel.

Subpart 191.20—Stability Standards

§ 191.20–1 General.

(a) With the vessel in the intact condition, the net metacentric height at any operating draft, including allowance for normally slack tanks, shall not be less than the standards outlined in this subpart, taken singly, and the most severe requirement shall govern at any particular draft.

§ 191.20–5 Weather criteria.

(a) The required minimum metacentric height (GM) in feet at any particular draft is obtained from the following formula:

$$GM = \frac{P\Delta\Theta}{\Delta \tan\theta} \qquad (1)$$

where:

$P = 0.005 + \left(\frac{L}{14,200}\right)^2$ tons/ft² for ocean and coastwise service.

$P = 0.0033 + \left(\frac{L}{14,200}\right)^2$ tons/ft² for partially protected waters such as lakes, bays and sounds, and Great Lakes (summer service).

$P = 0.0025 + \left(\frac{L}{14,200}\right)^2$ tons/ft² for protected waters such rivers, harbors, etc.

L = Length between perpendiculars in feet.
A = Projected lateral area in square feet of portion of vessel above waterline.
h = Vertical distance in feet from center of A to center of underwater lateral area or approximately one-half draft point.
Δ = Displacement in long tons.
Θ = Angle of heel to one-half the freeboard to the deck edge or 14 degrees whichever is less. (For vessels having a discontinuous weather deck or abnormal sheer, the angle to one-half the freeboard may be suitably modified).

§ 191.20–10 Special cases.

(a) The criteria in § 191.20–5 is generally limited in application to flush deck powered vessels of ordinary form and proportions. In the case of vessels not considered to come in this category, the Commandant may require or accept a modification of these criteria or such additional calculations as may be necessary to demonstrate the limits of safe operation.

§ 191.20–15 Damaged stability standards.

(a) *General requirements.* Sufficient intact stability shall be provided in all service conditions so as to enable the vessel to withstand flooding in any one main compartment. Assumed damage shall extend transversely one-fifth the beam, longitudinally 10 feet plus 3 percent of the load waterline length, or 35 feet, whichever is less, with no main bulkhead involved, and vertically from base line upward without limit.

(b) *Damaged stability calculations.* (1) The requirement of paragraph (a) of this section shall be determined by calculations which take into consideration the proportions and design characteristics of the vessel and the arrangement and configuration of the damaged compartments. Where decks, inner skins, or longitudinal bulkheads are to be fitted of sufficient tightness to seriously restrict the flow of water, the Commandant shall be satisfied that proper consideration is given to such restrictions in the calculations. Where it is considered that the range of stability in the damaged condition is doubtful, the Commandant will require the investigation thereof.

(2) In making these calculations the vessel is to be assumed in the worst anticipated service condition as regards stability.

(3) For damaged stability calculations the volume and surface permeabilities shall be in general as indicated in Table 191.20–15(b)(3). Higher surface permeabilities are to be assumed in respect to spaces which, in the vicinity of the damage waterplane, contain no substantial quantity of accommodation or machinery and spaces which are not generally occupied by any substantial quantity of cargo or stores. The maximum surface permeability which must be assumed need not exceed 95.

TABLE 191.20–15(b)(3)

Spaces	*Permeability*
Appropriated to cargo or stores	60.
Appropriated to accommodations	95.
Appropriated to machinery	85.
Intended for liquids (use value resulting in more severe requirement).	0 or 95.

(4) Unsymmetrical flooding is to be kept to a minimum consistent with efficient arrangements. Where it is necessary to correct large angles of heel, the means adopted shall, where practicable, be self-acting, but in any case where controls to cross-flooding fittings are provided they shall be operable from above the bulkhead deck. The construction and arrangement of such fittings and of their controls, together with the estimated maximum heel before equalization is subject to approval by the Commandant. The time for equalization to acceptable heel limits, as provided in subparagraphs (6) and (7) of this paragraph, shall in no case be more than 15 minutes.

(5) For symmetrical flooding or in the case of unsymmetrical flooding, after equalization measures have been taken, there shall be a positive residual metacentric height of at least 2 inches (calculated on the basis of the initial undamaged displacement).

(6) For unsymmetrical flooding the remaining heel after equalization by use of manually operated cross connections shall not exceed 7 degrees. Where equalization is either self-acting through open cross connections of large area or where no equalization is involved, a greater heel up to, but not in excess of, 15 degrees may be allowed. Where final heel in excess of 7 degrees is allowed, it must be shown to the satisfaction of the Commandant that the range and dynamic reserve of stability in the damaged condition is satisfactory.

(7) In no case shall the margin line be submerged in the final stage of flooding. If it is considered that the margin line may become submerged during an intermediate stage of flooding, the Commandant may require such investigations and arrangements as shall be considered necessary for the safety of the vessel.

(8) Righting arm curves for the vessel in the flooded condition shall be submitted in those cases where:

(i) The final equilibrium heel angle is greater than 7 degrees; or,

(ii) An intermediate heel angle prior to equalization is in excess of 15 degrees; or,

(iii) The margin line is immersed during intermediate flooding.

(c) *Relaxation of requirements.* (1) No relaxation from the requirements for damaged stability may be considered by the Commandant unless it is shown that the intact metacentric height in any service condition necessary to meet these requirements is excessive for the service intended.

(2) Relaxations from the requirements for damaged stability shall be permitted only in exceptional cases and subject to

the condition that the Commandant is to be satisfied that the proportions, arrangements and other characteristics of the vessel are the most favorable to stability after damage which can practically and reasonably be adopted in the particular circumstances.

§ 191.20–20 Special operating conditions.

(a) Where a vessel may be operated under conditions where its stability will be affected by factors not covered by §§ 191.20–5 and 191.20–15 such factors shall be investigated to determine if the vessel has sufficient stability to meet such conditions.

Subpart 191.25—Ballast

§ 191.25–1 When required.

(a) Where it is determined that a vessel does not have sufficient stability to meet the requirements of the stability standard and the characteristics of the vessel cannot be altered to provide the required stability, ballast may be required. This ballast may be solid fixed ballast, liquid ballast, or both.

§ 191.25–5 Fixed ballast.

(a) When fixed ballast is installed, its amount and location shall be included in the stability information provided the vessel.

(b) Fixed ballast shall not be removed from the vessel or relocated unless first approved by the Commandant, except that such ballast may be temporarily moved for examination or repair of the vessel and then only under the supervision of a marine inspector.

§ 191.25–10 Liquid ballast.

(a) Liquid ballast may be used when necessary to provide satisfactory draft, trim, weight distribution, or stability.

(b) If it is necessary to put liquid ballast in oil tanks, the oily ballast shall not be discharged overboard within any of the prohibited zones as defined in the Oil Pollution Act, 1961 (33 U.S.C. 1011), except through oily water separators which meet the requirements of § 55.10–25(n) of Subchapter F (Marine Engineering), or directly into sludge barges, shore facilities, or other approved means.

Subpart 191.30—Stability Instructions for Operating Personnel

§ 191.30–1 Data supplied master.

(a) The master shall be supplied with such reliable information as is necessary to enable him by rapid and simple processes to obtain accurate guidance as to the stability of the ship under varying conditions of service, so as to permit compliance with stability requirements.

(b) This information and necessary related plans and data shall be submitted to the Commandant for approval.

§ 191.30–5 Conditions under which calculations made.

(a) The master of the vessel shall be informed of the conditions under which the damaged stability calculations have been made and advised to what extent the vessel can safely withstand damage under these assumed conditions.

§ 191.30–10 Cross-flooding.

(a) In the case of a vessel requiring cross-flooding, the master shall be provided with the conditions of stability on which the calculations of heel are based and be warned that excessive heel might result should the vessel sustain damage when in a less favorable condition. Suitable information shall be supplied concerning the use of any special cross-flooding fittings.

§ 191.30–15 Type of instructions.

(a) In all ships on international voyages the information called for by this subpart shall be provided in booklet form; at least two copies, one for the master and one for the chief engineer, being supplied each ship. Included as part of these booklets, at suitably reduced scale, shall be plans showing clearly for each deck and hold the boundaries of the watertight compartments, the openings therein with the means of closure and position of any controls thereof, and the arrangements for the correction of any list due to flooding.

(b) Depending upon the extent of necessary information, such booklets may also be required for vessels not on international voyages. In any case, it will be required that any information necessary to compliance with stability and watertight integrity requirements be supplied.

(c) Whenever alterations are made to the vessel so as to materially affect the stability information, amended stability information shall be provided. If necessary, the vessel shall have a new stability test.

Subpart 191.35—Stability Letter

§ 191.35–1 Posting.

(a) Each vessel subject to the requirements of this part shall have posted under glass or other transparent material in the pilothouse a stability letter issued by the Coast Guard before the vessel is placed in service.

§ 191.35–5 Information contained in stability letter.

(a) Stability letters will record approval of the information required by Subpart 191.30 and will set forth the master's responsibility for maintaining satisfactory stability conditions at all times.

(b) Stability letters issued to vessels which are exempted from a stability test in accordance with § 191.15–1 will record this fact.

Subpart 191.90—Vessels Contracted for Prior to March 1, 1967

§ 191.90–1 Requirements.

(a) Except for vessels covered by paragraph (b) of this section, vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation: *Provided*, That in no case will a greater departure from the standards of Subparts 191.05 through 191.35 be permitted than presently exists.

(2) The details and arrangements shall be in general agreement with the applicable provisions of Subparts 191.05 through 191.35 insofar as is reasonable and practicable.

(b) For those vessels contracted for prior to March 1, 1967, which were allowed to substitute subdivision for lifeboatage, i.e., which carry 125 percent primary lifesaving equipment in lieu of 250 percent, shall meet the standards of Subparts 191.05 through 191.35 applicable to vessels contracted for on or after March 1, 1967.

§ 191.90–5 Stability information.

(a) For vessels contracted for prior to March 1, 1967, the owners shall furnish for maintenance on the vessels and use by the master and chief engineer two copies of any information necessary to maintain compliance with stability and watertight integrity applicable to such vessels.

(b) Whenever alterations are made to the vessel so as to materially affect the stability information, amended stability information shall be provided to the vessel for use by the master and chief engineer.

(c) This stability information shall be made available to marine inspectors upon request.

§ 191.90–10 Stability letter.

(a) Each vessel subject to this subpart shall have posted under glass or other transparent material in the pilothouse a stability letter issued by the Coast Guard.

(b) The stability letter will record approval of the information required by this part and will set forth the master's responsibility for maintaining satisfactory stability conditions at all times. If the vessel was exempted from a stability test, the stability letter will record this fact whenever issued on or after March 1, 1967.

PART 192—LIFESAVING EQUIPMENT

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AUTHORITY: The provisions of this Part 192 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4453, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 17, 49 Stat. 166, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 46 U.S.C. 391, 392, 435, 481, 395, 363, 526p, 367; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, Oct. 26, 1959, 24 F.R. 8857; 167-66, Sept. 8, 1965, 30 F.R. 11735.

Subpart 192.01—Application

§ 192.01-1 Details of application.

(a) Except as specifically noted, the provisions of this part shall apply to all vessels.

Subpart 192.05—General Provisions Pertaining to Lifesaving Equipment

§ 192.05-1 Equipment of an approved type.

(a) Where equipment in this part is required to be of an approved type, such equipment requires the specific approval of the Commandant. Such approvals are published in the FEDERAL REGISTER, and in addition, are contained in Coast Guard publication CG-190, "Equipment Lists."

(b) Specifications for many of the items required to be of an approved type have been promulgated and are contained in Subchapter Q (Specifications) of this chapter. In general, such specifications are of interest only to the manufacturer of specific items of equipment.

§ 192.05-5 Equipment installed but not required.

(a) Where items of lifesaving equipment are not required, but are installed, such equipment and its installation shall meet the requirements of this part.

§ 192.05-10 Primary lifesaving equipment.

(a) The term "primary lifesaving equipment" means a lifeboat or an acceptable substitute. The acceptable substitutes may include liferafts, lifefloats, rescue boats, and buoyant apparatus under certain conditions. Life preservers and ring life buoys are not included in the definition of "primary lifesaving equipment."

Subpart 192.10—Lifeboats, Liferafts, Lifefloats, Buoyant Apparatus, and Rescue Boats

§ 192.10-1 Application.

(a) Except as otherwise provided in this section, the provisions of this subpart shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.10-90.

(c) In the case of special types of vessels subject to the International Convention for Safety of Life at Sea, 1960, which are not specifically treated in this subpart, the Commandant may give special consideration as to lifesaving equipment requirements to the extent permitted by the International Convention for Safety of Life at Sea, 1960.

§ 192.10-5 Type of lifeboats, liferafts, lifefloats, buoyant apparatus, and rescue boats required.

(a) *Lifeboats.* (1) All lifeboats shall be of an approved type, constructed in accordance with Subpart 160.035 of Subchapter Q (Specifications) of this chapter except as specifically noted in this part.

(2) All lifeboats certified to carry 60 or more but not over 100 persons shall be either motor lifeboats or shall be fitted with an approved type of hand-propelling gear. Lifeboats carrying more than 100 persons shall be motor lifeboats.

(3) A Class 1 motor lifeboat is one that is fitted with a compression-ignition engine, is capable of being readily started in all conditions, and has sufficient fuel for 24 hours continuous operation. The speed ahead in smooth water when loaded with its full complement of persons and equipment shall be at least 6 knots.

(4) Except as further modified in this subparagraph, all lifeboats, except those installed on vessels in river service, shall be fitted with suitable disengaging apparatus consisting of fixed hooks in the lifeboat or mechanical disengaging apparatus. Mechanical disengaging apparatus, if fitted, shall be of an approved type, constructed in accordance with Subpart 160.033 of Subchapter Q (Specifications) of this chapter.

(i) All lifeboats installed on ocean, coastwise, or Great Lakes vessels of over 3,000 gross tons shall be fitted with mechanical disengaging apparatus so arranged as to make it possible for the lifeboats to be launched with their full complement of persons and equipment while such vessels are underway or stopped, and for both ends of the lifeboats to be launched with their full under tension or not by one person. Simultaneous release shall be effected by partially rotating a shaft which shall be continuous and extended from points of contact with the hooks.

(ii) All lifeboats installed on any particular vessel shall be fitted with the same type of disengaging apparatus.

(iii) On small vessels, the Commandant may approve means other than those previously mentioned to agree with the needs of a particular vessel.

(b) *Liferafts.* (1) All rigid type liferafts shall be of an approved type, constructed in accordance with Subpart 160.018 of Subchapter Q (Specifications) of this chapter. Type A liferafts shall be stowed on the standard liferaft skids required by § 192.15-10(c)(1) unless specifically noted otherwise. Rigid type liferafts shall not be used as required equipment on vessels on an international voyage.

(2) All inflatable liferafts shall be of an approved type, constructed in accordance with Subpart 160.051 of Subchapter Q (Specifications) of this chapter.

(3) On vessels on an international voyage, each inflatable liferaft shall have a carrying capacity of not less than 6 nor more than 25 persons.

(c) *Lifefloats.* All lifefloats shall be of an approved type, constructed in accordance with Subpart 160.027 of Subchapter Q (Specifications) of this chapter.

(d) *Buoyant apparatus.* All buoyant apparatus shall be of an approved type, constructed in accordance with Subpart 160.010 of Subchapter Q (Specifications) of this chapter.

(e) *Rescue boats.* In general, a suitable rescue boat shall be a small lightweight boat of rigid construction, with built-in buoyancy and capable of being readily launched and easily maneuvered. Also it shall be of adequate proportion to permit taking an unconscious person on board without capsizing. A rescue boat and its installation shall be acceptable to the Officer in Charge, Marine Inspection, as suitable for the rescue of persons accidentally falling over the side, or for similar emergency purposes. The size, shape, installation, and other factors of suitability will be determined with due consideration of the size, arrangement, intended service, and crew requirements of the vessel on which it is to be installed.

§ 192.10-10 Requirements for vessels in ocean or coastwise service.

(a) All vessels shall be provided with sufficient lifeboats on each side of the vessel to accommodate all persons on board.

(b) Lifeboats shall be not less than 24 feet in length, except where owing to the size of the vessel, or for other reasons, the Commandant considers the carriage of such lifeboats to be unreasonable or impracticable. However, in no case shall lifeboats of less than 16 feet in length be used.

(c) All vessels of 1,600 gross tons and over on an international voyage shall carry at least one motor propelled lifeboat of Class 1.

(d) In addition to the lifeboats required by paragraph (a) of this section, all vessels on an international voyage and all vessels in ocean service shall be provided with liferafts of such aggregate capacity to accommodate at least one-half the total number of persons on board. Those vessels having widely spaced accommodations and/or working spaces shall have at least one liferaft in each such location.

(e) Inflatable liferafts may be substituted for lifeboats on certain vessels not on an international voyage in accordance with § 192.10-55.

(f) Except for vessels on an international voyage, vessels which meet one compartment subdivision and damage stability requirements and whose structural fire protection is in accordance with the requirements for new vessels contained in Subpart 190.07 of this subchapter may carry primary lifesaving equipment of 100 percent in boats and 25 percent in inflatable liferafts in lieu of that primary lifesaving equipment required by paragraphs (a) and (d) of this section.

§ 192.10-15 Requirements for seagoing barges.

(a) All manned seagoing barges shall be provided with approved lifeboats with sufficient capacity for all persons on board.

(b) Inflatable liferafts may be substituted for lifeboats on certain barges in accordance with § 192.10-55.

§ 192.10-40 Requirements for vessels in Great Lakes; lakes, bays, and sounds; or river service.

(a) All vessels, except those on an international voyage, shall be provided with lifeboats and liferafts as required by Table 192.10-40(a).

Table 192.10-40(a)—Lifeboats and liferafts required on vessels in Great Lakes and lakes, bays, and sounds, and river service.

	Percent
Percentage of persons to be accommodated	100
Percentage of required equipment in lifeboats	50
Percentage of required equipment which may be in Type A or Type B liferafts	50

(b) Inflatable liferafts may be substituted for lifeboats and liferafts on certain vessels in accordance with § 192.10-55.

(c) All vessels on an international voyage shall meet the applicable requirements of § 192.10-10.

§ 192.10-55 Inflatable liferafts as an alternate for lifeboats, other liferafts, lifefloats, and buoyant apparatus on certain vessels not on an international voyage.

(a) (1) On all vessels inflatable liferafts may be permitted as substitutes for other types of liferafts, lifefloats, and buoyant apparatus wherever they may be required.

(2) The capacity of inflatable liferafts carried in place of other liferafts, lifefloats, and buoyant apparatus shall be at least equivalent to that required of the equipment for which substitution is made.

(3) The substitution of inflatable liferafts shall not be made without prior approval of the Officer in Charge, Marine Inspection.

(b) On all vessels less than 3,000 gross tons the substitution of liferafts for lifeboats may be permitted as follows:

(1) (i) On all vessels under 500 gross tons, inflatable liferafts may be substituted for all required lifeboats.

(ii) The total capacity of the inflatable liferafts shall be at least equal to the total number of persons that the lifeboats would have been required to accommodate. Partial substitution is permissible provided the aggregate lifeboat and inflatable liferaft capacity is sufficient to accommodate the required number of persons, as indicated above.

(iii) Vessels certificated for ocean, coastwise, or Great Lakes service, where substitution of inflatable liferafts is made, at least a 16-foot approved lifeboat shall be provided for rescue purposes. Vessels certificated for other than ocean, coastwise or Great Lakes service where substitution of inflatable liferafts is made, an approved lifeboat or a rescue boat as described in § 192.10-5(e) shall be provided. In the case of partial substitution, an approved lifeboat may serve as the rescue boat.

(2) (i) On all vessels of 500 gross tons and upward to 1,600 gross tons, inflatable liferafts may be substituted for all required lifeboats provided one approved lifeboat of a size acceptable to the Officer in Charge, Marine Inspection, suitable for rescue purposes, is installed.

(ii) The aggregate lifeboat and inflatable liferaft capacity shall be at least equal to the total number of persons that the lifeboats would have been required to accommodate.

(iii) The launching arrangement and location of the lifeboat to be used as rescue boat shall be such that it can be readily launched and shall be to the satisfaction of the Officer in Charge, Marine Inspection.

(3) (i) On all vessels of 1,600 gross tons and upward to 3,000 gross tons, inflatable liferafts may be substituted for all except two of the required lifeboats. These lifeboats shall be of a size acceptable to the Officer in Charge, Marine Inspection, and shall be suitable for rescue purposes. In all cases, two approved lifeboats, one on each side, shall be provided.

(ii) The aggregate lifeboat and inflatable liferaft capacity shall be at least equal to the total number of persons that the lifeboats, for which substitutions are made plus those remaining on board, would have been required to accommodate.

(4) The substitution of inflatable liferafts for lifeboats shall not be made without prior approval of the Officer in Charge, Marine Inspection. However, for new construction this approval may be granted by the Commandant.

(c) On all seagoing barges of 100 gross tons and over an inflatable liferaft may be substituted for the required lifeboat, the total capacity of which shall be sufficient to accommodate all persons on board. Where substitution of inflatable liferafts is made, a suitable rescue boat shall be provided.

(d) The Commandant may give special consideration to the substitution of approved inflatable liferafts for required lifeboats on vessels of 3,000 gross tons and over.

§ 192.10–90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.10–5 through 192.10–55 shall be complied with insofar as the number and general type of lifesaving equipment is concerned.

(2) Existing items of lifesaving equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 192.10–5 through 192.10–55 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be permitted to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

Subpart 192.15—Stowage and Marking of Lifeboats, Liferafts, Lifefloats and Buoyant Apparatus

§ 192.15–1 Application.

(a) The provisions of this subpart, with the exception of § 192.15–90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.15–90.

§ 192.15–5 General.

(a) The lifeboats, liferafts, lifefloats, and buoyant apparatus shall be readily available in the case of emergency, and shall be kept in good working order and available for immediate use at all times when the vessel is being navigated and, insofar as reasonable and practicable, while the vessel is not being navigated.

(b) The decks on which lifeboats, liferafts, lifefloats, and buoyant apparatus are carried shall be kept clear of any obstructions which would interfere with the immediate launching of the lifesaving appliances.

§ 192.15–10 Stowage.

(a) *General.* Lifeboats, liferafts, lifefloats, and buoyant apparatus shall be stowed in such a manner that:

(1) They are capable of being launched in the shortest possible time.

(2) They shall not impede the launching or handling of other lifesaving appliances.

(3) They shall not impede the marshalling of persons at the embarkation stations, or their embarkation.

(4) They shall be capable of being put in the water safely and rapidly even under unfavorable conditions of list and trim.

(b) *Lifeboat stowage.* (1) Every lifeboat shall be attached to a separate set of davits.

(2) Suitable access to the lifeboats shall be provided to enable the crew to prepare the lifeboats for launching.

(3) Lifeboats shall be so stowed that embarkation into them may be made rapidly and in good order.

(4) Lifeboats shall not be stowed in the bows of the vessel nor as far aft as to be endangered by the propellers or overhang of the stern. The clear horizontal distance between the after lifeboat davit and the propeller shall be not less than 1.5 times the length of the lifeboat without special acceptance by the Commandant. Where the vessel has extreme shape or where other factors are present affecting the clear launching of the lifeboat, the Commandant may require this distance to be increased.

(5) Lifeboats shall be so stowed that it shall not be necessary to lift them in order to swing out the davits, except on small vessels where such requirement is unreasonable and impracticable in the opinion of the Officer in Charge, Marine Inspection.

(6) Means shall be provided for bringing the lifeboats against the ship's side and holding them there so that persons may be safely embarked.

(7) On vessels certificated for ocean or coastwise service, lifeboats shall be fitted with skates or other suitable means to facilitate launching against an adverse list of up to 15 degrees. However, skates may be dispensed with if, in the opinion of the Commandant, the arrangements are such as to insure that the lifeboats can be satisfactorily launched without such skates.

(8) On vessels in ocean and coastwise service, where applicable, means shall be provided outside the machinery space to prevent the discharge of water into the lifeboats while they are being lowered. This shall consist of baffles to deflect the water down the vessel's side, or reach rods, or other means to close the discharge openings.

(c) *Liferaft stowage.* (1) Type A liferafts shall be stowed on standard skids, constructed in accordance with Subpart 160.042 of Subchapter Q (Specifications) of this chapter.

(2) Type B liferafts shall be stowed in such a manner that they may be readily launched.

(3) Inflatable liferafts shall be stowed in such a manner that they will float free in the event of the vessel sinking. Stowage and launching arrangements will be to the satisfaction of the Officer in Charge, Marine Inspection.

(d) *Lifefloat and buoyant apparatus stowage.* (1) Lifefloats and buoyant apparatus shall be stowed in such a manner as to be readily launched. Lifefloats exceeding 400 pounds in weight shall be stowed in such a manner as not to require lifting before launching.

(2) Lifefloats and buoyant apparatus shall not be secured to the vessel except by lashings which can be easily slipped. They may be stowed in tiers one above the other, but not more than four high. When stowed in tiers, the separate units shall be kept apart by suitable distance pieces.

(3) Means shall be provided to prevent shifting.

§ 192.15–15 Marking.

(a) Lifeboats, liferafts, lifefloats, and buoyant apparatus shall be marked as required by §§ 196.37–37 and 196.37–40 of this subchapter.

§ 192.15–90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) The provisions of §§ 192.15–5 through 192.15–15 shall be met except as further set forth in this paragraph.

(2) The requirements of § 192.15–10 (b) (7) shall apply unless in the opinion of the Officer in Charge, Marine Inspection, it is unreasonable or impracticable, or the arrangement or construction of the vessel make the use of skates or similar appliances unnecessary.

(b) Existing arrangements or construction previously approved will be considered satisfactory so long as they are maintained in a good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original design provided that in no case will a greater departure from the standards of §§ 192.15–5 through 192.15–15 be permitted than presently exists.

Subpart 192.20—Equipment for Lifeboats, Liferafts, Lifefloats, and Buoyant Apparatus

§ 192.20–1 Application.

(a) The provisions of this subpart, with the exception of § 192.20–90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.20–90.

§ 192.20–5 General.

(a) Equipment for lifeboats, liferafts, lifefloats, and buoyant apparatus shall be of good quality, efficient for the purpose they are intended to serve, and kept in good condition.

(b) Lifeboats, liferafts, lifefloats, and buoyant apparatus shall be fully equipped before the vessel is navigated and the equipment shall remain in such lifesaving appliances throughout the voyage, except as provided in § 196.15–45 (e) of this subchapter.

(c) It shall be unlawful to stow in any lifeboat, liferaft, lifefloat, or buoyant apparatus any article not required by this subpart unless such article can be properly stowed so as not to reduce the seating capacity or space available to the occupants and so as not to adversely affect the seaworthiness of such appliances or, in the case of lifeboats, overload the davits or winches.

(d) Loose equipment, except boathooks in lifeboats, shall be securely attached to the lifesaving appliance to which it belongs.

§ 192.20–10 Required equipment for lifeboats.

(a) The lifeboats for all vessels shall be equipped in accordance with Table 192.20–10(a). For a description of the items contained in this table, and the units comprising the items, see the applicable paragraphs of § 192.20–15. The letter identification prefixing the item in the table corresponds to the paragraph designations in § 192.20–15.

TABLE 192.20–10(a)

Letter identification	Item	Ocean and coastwise		Great Lakes	Lakes, bays, and sounds; and rivers
		Other than seagoing barges	Seagoing barges		
a	Bailer	1	None	1	None.
b	Bilge pump	1 [1]	None	None	None.
c	Boathooks	2	2	1	1.
d	Bucket	2	1	1	1.
e	Compass and mounting	1	None	None	None.
f	Ditty bag	1	None	None	None.
g	Drinking cups	1	1	None	None.
h	Fire extinguishers (motor-propelled lifeboats only).	2	2	2	2.
i	First-aid kit	1	None	None	None.
j	Flashlight	1	None	1	None.
k	Hatchets	2	None	2	1.
l	Heaving line	1	1	None	None.
m	Jackknife	1	1	None	None.
n	Ladder, lifeboat gunwale	1	None	None	None.
o	Lantern	1	1	1	1.
p	Lifeline	2	2	2	2.
q	Life preservers	1	None	1	None.
r	Locker	1	1	None	None.
s	Mast and sail (oar-propelled lifeboats only).	1	None	None	None.
t	Matches (boxes)	2	2	1	1.
u	Milk, condensed (pounds per person)	1	None	None	None.
v	Mirrors, signaling	2	None	None	None.
w	Oars	1 unit [3]	1 unit [3]	1 unit [3]	1 unit.[3]
x	Oil, illuminating (quarts)	1	None	1	None.
y	Oil, storm (gallons)	1	None	1	None.
z	Painter	2	1	2	1.
aa	Plugs	1	1	1	1.
bb	Provisions (pounds per person)	2	None	None	None.
cc	Rowlocks	1 unit [3]	1 unit [3]	1 unit [3]	1 unit.[3]
dd	Rudder and tiller	1	1	1	None.
ee	Sea anchor	1	None	1	None.
ff	Signals, distress, floating orange smoke	2	None	None	None.
gg	Signals, distress, red hand flare	1 unit [3]	None	½ unit [3]	None.
hh	Signals, distress, red parachute flare	1 unit [3] [4]	None	½ unit [3]	None.
ii	Tool kit (motor-propelled lifeboat only)	1 unit [3]	1 unit [3]	1 unit [3]	1 unit.[3]
jj	Water (quarts per person)	3	1	None	None.
kk	Whistle, signaling	1	None	None	None.
ll	Fishing kit	1	None	None	None.
mm	Cover, protecting	1	None	None	None.
nn	Signals, lifesaving	1	None	None	None.
oo	Desalting kit	1 [4]	None	None	None.

[1] Motor-propelled lifeboats, certified for 100 or more persons, shall be fitted with an additional hand bilge pump of an approved type or a power bilge pump.
[2] For description of units, see § 192.20–15.
[3] Vessels in coastwise service need only carry 1 unit for each 5 lifeboats or fraction thereof.
[4] Optional equipment. See § 192.20–15 (jj) water.

§ 192.20–15 Description of equipment for lifeboats.

(a) *Bailer.* The bailer shall have a lanyard attached and shall be of sufficient size and suitable for bailing.

(b) *Bilge pump.* Bilge pumps shall be of an approved type, constructed in accordance with Subpart 160.044 of Subchapter Q (Specifications) of this chapter. They shall be of the size given in Table 192.20–15(b) depending upon the capacity of the lifeboat as determined by the six-tenths rule as described in § 160.035–8(b) of Subchapter Q (Specifications) of this chapter.

TABLE 192.20–15(b)

Capacity of lifeboat, cubic feet		Bilge pump size
Over	Not over	
	330	1
330	700	2
700		3

(c) *Boathooks.* Boathooks shall be of the single hook ballpoint type. Boathook handles shall be of clear grained white ash, or equivalent, and of a length and diameter as given in Table 192.20–15(c).

TABLE 192.20–15(c)

Length of lifeboat, feet		Boathook handles	
Over	Not over	Diameter, inches	Length, feet
	28	1¼	8
28	20	1½	10
20		2	12

(d) *Bucket.* The bucket shall be of heavy gage galvanized iron, or other suitable corrosion-resistant metal, of not less than 2-gallon capacity, and shall have a 6-foot lanyard of 12-thread manila attached.

(e) *Compass and mounting.* The compass and mounting shall be of an approved type, constructed in accordance with U.S. Coast Guard specifications dated December 14, 1944.

(f) *Ditty bag.* The ditty bag shall consist of a canvas bag and shall contain a sailmaker's palm, needles, sail twine, marline, and marline spike.

(g) *Drinking cups.* Drinking cups shall be enamel coated or plastic, graduated in ounces, and be provided with lanyards 3 feet in length.

(h) *Fire extinguisher.* Fire extinguishers shall be of an approved Type B–C, Size I (see § 193.50–5 of this subchapter). One shall be attached to each end of the lifeboat.

(i) *First-aid kit.* The first-aid kit in accordance with Subpart 160.041 of Subchapter Q (Specifications) of this chapter.

(j) *Flashlight.* The flashlight shall be of an approved Type I, Size No. 3, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter. Three spare cells (or one 3-cell battery) and two spare bulbs, stowed in a watertight container, shall be provided with each flashlight. Batteries shall be replaced yearly during the annual stripping, cleaning, and overhaul of the lifeboats.

(k) *Hatchet.* Hatchets shall be of an approved type, constructed in accordance with Subpart 160.013 of Subchapter Q (Specifications) of this chapter. They shall be attached to the lifeboat by individual lanyards and be readily available for use, one at each end of the lifeboat.

(l) *Heaving Line.* The heaving line shall be of adequate strength, 10 fathoms in length and 1 inch in circumference. It shall be of such quality as to be buoyant after 24 hours submergence.

(m) *Jackknife.* The jackknife (with can opener) shall be of an approved type, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(n) *Ladder, lifeboat gunwale.* The lifeboat gunwale ladder shall consist of 3 flat wood steps cut out for handholds. The steps shall be spaced 12 inches apart and fastened with ⅝-inch diameter manila rope. Each rope end shall be tied inside the lifeboat at about amidships with the ladder stowed on top of the side benches and ready for immediate use. Other suitable devices may be specifically approved.

(o) *Lantern.* The lantern shall contain sufficient oil to burn for at least 9 hours, and shall be ready for immediate use.

(p) *Lifeline.* The lifeline shall be properly secured to the sides of the lifeboat, along its entire length, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The lifeline shall be of a size and strength not less than ⅜-inch diameter manila. The bights shall hang to within 12 inches of the water when the lifeboat is light.

(q) *Life preservers.* Life preservers shall be of an approved type, constructed in accordance with the applicable subparts of Subchapter Q (Specifications) of this chapter.

(r) *Locker.* The locker shall be suitable for the storage and preservation of the small items of equipment.

(s) *Mast and sail.* A unit, consisting of a standing lug sail together with the necessary spars and rigging, shall be provided in general agreement with Table 192.20–15(s). The sails shall be of good quality canvas, or other material acceptable to the Commandant, colored Indian Orange (Cable No. 70072, Standard Color Card of America). Rope rigging shall consist of galvanized wire not less than three-sixteenths of an inch in diameter. The mast and sail shall be protected by a suitable canvas cover.

TABLE 192.20–15(s)

Length of lifeboat, feet		Standing lug sail							Mast [1]		Yard [1]	
Over	Not over	Area, square feet	Luff and head lengths	Leach length	Foot length	Clew to throat	Ounces per square yard	Commercial designation No.	Length	Diameter, ins.	Length	Diameter, ins.
			Ft. In.	Ft. In.	Ft. In.	Ft. In.			Ft. In.		Ft. In.	
.....	17	88	5 11	12 1	8 10	10 10	14.35	10	11 2	3	6 11	2
17	19	74	6 8	13 8	10 0	12 2	14.35	10	12 6	3	7 8	2
19	21	93	7 5	15 1	11 2	13 8	14.35	10	13 10	3½	8 5	2½
21	23	113	8 3	16 11	12 4	15 1	14.35	10	15 2	3½	9 3	2½
23	25	135	9 0	18 8	13 6	16 6	14.35	10	16 6	4	10 0	3
25	27	158	9 9	20 0	14 7	17 10	17.50	8	17 10	4	10 9	3
27	29	181	10 5	21 5	15 7	19 1	17.50	8	19 2	4½	11 5	3½
29	31	203	11 0	22 8	16 6	20 3	20.74	6	20 6	4½	12 0	3½
31	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)

[1] Mast lengths measured from heel to center of upper halyard sheave. Mast diameters measured at thwart. Mast and yard shall be of clear-grained spruce, fir, or equivalent.
[2] Subject to special consideration.

(t) *Matches.* A box of friction matches in a watertight container stowed in an equipment locker or secured to the underside of the stern thwart if no locker is fitted.

(u) *Milk, condensed.* One pound of condensed milk shall be provided for each person the lifeboat is certified to carry, to be stowed in lockers or other compartments providing suitable protection.

(v) *Mirrors, signaling.* Signaling mirrors shall be of an approved type (see listing under 160.020 in CG–190, Equipment Lists).

(w) *Oars.* A unit, consisting of a complement of rowing oars and steering oar, shall be provided for each lifeboat in accordance with Table 192.20–15(w), except that motor-propelled and hand-propelled lifeboats need only be equipped with four rowing oars and one steering oar. In any case, the emergency lifeboats shall be provided with the full complement of oars prescribed by the table. All oars shall be buoyant.

TABLE 192.20–15(w)

Length of lifeboat, feet		Number of oars		Length of oars, feet	
Over	Not over	Rowing	Steering	Rowing	Steering
.....	15	4	1	8	8
15	19	6	1	10	11
19	21	6	1	11	12
21	23	6	1	12	13
23	25	8	1	13	14
25	27	8	1	14	15
27	.....	8	1	15	16

(x) *Oil, illuminating.* One quart of illuminating oil shall be provided in a metal container.

(y) *Oil, storm.* One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(z) *Painter.* Painters shall be of manila rope not less than 2¾ inches in circumference, or equivalent, and of a length not less than three times the distance between the deck on which the lifeboat is stowed and the light draft of the vessel. For lifeboats in vessels on ocean, coastwise, or Great Lakes service one of the painters shall have a long eye splice and be attached to the thwart with a toggle. The other painter shall be attached to the stem.

(aa) *Plug.* The automatic drain required in the lifeboat shall be provided with a cap or plug attached to the lifeboat by a suitable chain.

(bb) *Provisions.* Two pounds of hard bread or its approved equivalent shall be provided for each person the lifeboat is certified to carry. The provisions shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in lockers or other compartments providing suitable protection.

(cc) *Rowlocks.* A unit, consisting of sufficient rowlocks and rowlock sockets for each oar required by Table 192.20–15(w) plus two additional rowlocks. The rowlocks shall be attached to the lifeboat by separate chains so as to be available for immediate use, except that the two additional spare rowlocks shall be carried in the equipment locker or stowed near the stern if no locker is fitted. The rowlocks and rowlock sockets shall be distributed so as to provide the maximum amount of single banked oars practicable.

(dd) *Rudder and tiller.* The rudder and tiller shall be constructed in accordance with § 160.035–3(t) in Subpart 160.035 of Subchapter Q (Specifications) of this chapter.

(ee) *Sea anchor.* The sea anchor shall be of an approved type (see listing under 160.019 in CG–190, Equipment Lists).

(ff) *Signals, distress, floating orange smoke.* Two approved floating orange smoke distress signals, constructed in accordance with Subpart 160.022 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture, and replacement shall be made no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration.

(gg) *Signals, distress, red hand flare.* A unit, consisting of 12 approved hand red flare distress signals in a watertight container, constructed in accordance with Subpart 160.021 or Subpart 160.023 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture, and replacement shall be no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration.

(hh) *Signals, distress, red parachute flare.* A unit, consisting of 12 parachute red flare distress signals with an approved means of projecting them, all contained in a portable watertight container; or 12 approved hand-held rocket-propelled parachute red flare distress signals contained in a portable watertight container. Construction shall be in accordance with Subparts 160.024 and 160.028 or Subpart 160.036 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture, and replacement shall be no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration.

(ii) *Tool kit.* The tool kit shall consist of at least the following tools contained in a suitable container:

(1) One 12-ounce ball peen hammer.
(2) One screwdriver with 6-inch blade.
(3) One pair 8-inch slip joint pliers.
(4) One 8-inch adjustable end wrench.

(jj) *Water.* (1) For each person the lifeboat is certified to carry, there shall be provided 3 quarts of drinking water consisting of nine approved hermetically sealed containers per person, constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. The service life of this equipment shall be limited to 5 years from date of packing, and replacement shall be made no later than the first annual stripping, cleaning, and overhaul of the lifeboat after the date of expiration. Approved desalting kits capable of producing an equal amount of drinking water may be substituted for not more than one-third of the drinking water required to be carried.

(2) The drinking water containers shall be stowed in drinking water tanks, lockers, or other compartments providing suitable protection.

(kk) *Whistle, signaling.* The whistle shall be of the ball type, of corrosion-resistant construction, with a 3-foot lanyard attached, and in good working order.

(ll) *Fishing kit.* The fishing kit shall be of an approved type constructed in accordance with Subpart 160.061 of Subchapter Q (Specifications) of this chapter.

(mm) *Cover, protecting.* The protecting cover shall be of a highly visible color, and capable of protecting the occupants against injury by exposure.

(nn) *Table of lifesaving signals.* The table shall be in accordance with the provisions of Chapter V, Regulation 16, of the International Convention for Safety of Life at Sea, 1960, and shall be printed on water resistant paper.

(oo) *Desalting kit.* One or more approved desalting kits may be used as a substitute for one-third of the required amount of drinking water per person, and shall be constructed in accordance with Subpart 160.058 of Subchapter Q (Specifications) of this chapter.

§ 192.20–20 Required equipment for liferafts.

(a) The liferafts for all vessels shall be equipped in accordance with Table 192.20–20(a). For a description of the items contained in this table and the units comprising the items see applicable paragraphs of § 192.20–25. The letter identification prefixing the item in the table corresponds to the paragraph of designations in § 192.20–25.

TABLE 192.20–20(a)

Letter identification	Item identification	Ocean and coastwise	Great Lakes	Lakes, bays, and sounds; and rivers
a	Boathook	1	1	1.
b	Drinking cups	1	None	None.
c	Jackknife	1	None	None.
d	Lifeline	1	1 [1]	1. [1]
e	Matches (boxes)	1	1	None.
f	Mirrors, signaling	2	None	None.
g	Oars	1 unit [2]	1 unit [2]	1 unit. [2]
h	Oil, storm (gallons)	1	1	None.
i	Painter	1	1	1.
j	Provisions (pounds per person)	2	None	None.
k	Rowlocks	1 unit [2]	1 unit [2]	1 unit. [2]
l	Sea anchor	1	1	None.
m	Signals, distress	1 unit [3]	1 unit [3]	None.
n	Water (quarts per person)	1	None	None.
o	Water light	1	1	None.

[1] Not required on Type A liferafts.
[2] For description of units see section 192.20–25.
[3] 1 unit here means 6 hand red flare distress signals and 6 parachute red flare distress signals with an approved means of projecting them.

(b) Inflatable liferafts shall be equipped with ocean service equipment for vessels on ocean and coastwise routes and with limited service equipment for vessels on Great Lakes, lakes, bays, sounds, and river routes in accordance with Subpart 160.051 of Subchapter Q (Specifications) of this chapter.

NOTE: Subpart 160.051 of Subchapter Q (Specifications) of this chapter requires the servicing of inflatable liferafts at approved servicing facilities. Included in the servicing at an approved servicing facility is a complete inspection of the required equipment by a marine inspector.

§ 192.20–25 Description of equipment for liferafts.

(a) *Boathooks.* Boathooks shall be of the single hook ballpoint type. Boathook handles shall be of clear grained white ash, or equivalent, not less than 8 feet long and 1½ inches in diameter.

(b) *Drinking cups.* Drinking cups shall be enameled and provided with ⅛-inch cotton lanyards 3 feet in length.

(c) *Jackknife.* The jackknife (with can opener) shall be of an approved type, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(d) *Lifeline.* The lifeline shall be properly secured around the sides and ends of the liferaft, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The lifeline shall be of a size and strength not less than ⅜-inch diameter manila.

(e) *Matches.* A box of friction matches in a watertight container.

(f) *Mirrors, signaling.* Signaling mirrors shall be of an approved type (see listings under 160.020 in CG–190, Equipment Lists).

(g) *Oars.* A unit, consisting of four rowing oars and one steering oar not less than 8 feet in length shall be provided for liferafts for seven persons or more. For liferafts for six persons or less, a unit shall consist of two paddles not less than 5 feet in length.

(h) *Oil, storm.* One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(i) *Painter.* Painters shall be of manila rope not less than 2¾ inches in circumference and of a length not less than three times the distance between the deck on which the liferafts are stowed and the light draft of the vessel.

(j) *Provisions.* Two pounds of hard bread or its approved equivalent shall be provided for each person the liferaft is certified to carry. The provisions shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in compartments providing suitable protection.

(k) *Rowlocks.* A unit consisting of five rowlocks attached to the liferaft by separate chains and ready for immediate use, together with proper rowlock sockets so arranged as to provide four rowing positions and one steering position with the liferaft floating either side up. Rowlocks and rowlock sockets are not required on liferafts for six persons or less.

(l) *Sea anchor.* The sea anchor shall be constructed of good quality canvas or other satisfactory material, and shall not be less than 2 feet in diameter.

(m) *Signals, distress.* A unit consisting of equipment as specified in subparagraphs (1) to (3) of this paragraph. The service use of this equipment shall be limited to 3 years from date of manufacture, and replacement shall be made no later than the first annual inspection of the vessel after the date of expiration.

(1) Twelve (12) approved hand red flare distress signals in a watertight container and two approved floating orange smoke distress signals, constructed in accordance with Subparts 160.021 and 160.022 of Subchapter Q (Specifications) of this chapter; or,

(2) Twelve (12) approved hand red flare distress signals in a watertight container and 12 approved hand orange smoke distress signals, constructed in accordance with Subparts 160.021 and 160.037 of Subchapter Q (Specifications) of this chapter; or,

(3) Twelve (12) approved hand combination flare and smoke distress signals, constructed in accordance with Subpart 160.023 of Subchapter Q (Specifications) of this chapter.

(n) *Water.* (1) For each person the liferaft is certified to carry, there shall be provided 1 quart of drinking water consisting of three approved hermetically sealed containers per person, constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. The service life of this equipment shall be limited to 5 years from date of packing, and replacement shall be made no later than the first annual stripping, cleaning, and overhaul of the liferaft after the date of expiration.

(2) The drinking water containers shall be stowed in compartments providing suitable protection.

(o) *Water light.* The water light shall be of an approved type, constructed in accordance with Subpart 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter. The water light shall be attached to the liferaft by a 12-thread manila lanyard 3 fathoms in length.

§ 192.20–30 Required equipment for lifefloats and buoyant apparatus.

(a) The lifefloats and buoyant apparatus for all vessels shall be equipped in accordance with Table 192.20–30(a). For a description of the items contained in this table, and the units comprising the items, see the applicable paragraphs of § 192.20–35. The letter identification prefixing the item in the table corresponds to the paragraph designation in § 192.20–35.

TABLE 192.20-30(a)

Letter identification	Item	Number required for each lifefloat and buoyant apparatus		
		Ocean and coastwise	Great Lakes	Lakes, bayd sounds, ans, rivers
a	Boathook [1]	1	1	1
b	Lifeline	1	1	1
c	Paddles [1]	4	4	4
d	Painter	1	1	1
e	Water light	1	1	None

[1] Buoyant apparatus need not be equipped with boathook or paddles.

§ 192.20–35 Description of equipment for lifefloats and buoyant apparatus.

(a) *Boathook.* Boathooks shall be of the single hook ballpoint type. Boathook handles shall be of clear grained white ash, or equivalent, not less than 6 feet long and 1½ inches in diameter.

(b) *Lifeline.* The lifeline shall be properly secured around the sides and ends of the lifefloat or buoyant apparatus, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The lifeline shall be of a size and strength not less than $\frac{3}{8}$-inch diameter manila.

(c) *Paddles.* Paddles shall not be less than 5 feet long.

(d) *Painter.* (1) The painter for buoyant apparatus shall be of manila rope not less than 2 inches in circumference and of a length not less than 6 feet plus the distance between the deck on which the buoyant apparatus is stowed and the light draft of the vessel.

(2) The painter for lifefloats shall be of manila rope not less than 2¾ inches in circumference and of a length not less than three times the distance between the deck on which the lifefloats are stowed and the light draft of the vessel.

(e) *Water light.* The water light shall be of an approved type, constructed in accordance with Subpart 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter. The water light shall be attached to the lifefloat or buoyant apparatus by a 12-thread manila lanyard 3 fathoms in length.

§ 192.20–90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specificially modified by this paragraph, the requirements of §§ 192.20–5 through 192.20–35 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 192.20–5 through 192.20–35 may be continued in service so long as they are maintained in a good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this part for new vessels.

Subpart 192.25—Davits for Lifeboats

§ 192.25–1 Application.

(a) The provisions of this subpart, with the exception of § 192.25–90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.25–90.

§ 192.25–5 General.

(a) All gravity and mechanical type davits shall be of an approved type, constructed in accordance with Subpart 160.032 of Subchapter Q (Specifications) of this chapter.

(b) Davits for lifeboats weighing in excess of 5,000 pounds when fully equipped (but without persons) shall be of the gravity type.

(c) All davits shall be so arranged that the lifeboats do not require lifting prior to being swung out, except on small vessels where such requirement is unreasonable or impracticable in the opinion of the Officer in Charge, Marine Inspection.

(d) All davits and necessary gear shall be such as to meet the requirements for the installation test set forth in Subpart 192.35. The design, arrangements, and installation shall be such as to preclude undue delay in getting lifeboats into the water, and shall be of such strength that the lifeboats can be turned out manned by a launching crew and then safely lowered with the full complement of persons and equipment, with the ship listed to 15 degrees either way and with a 10-degree trim.

(e) Radial davits, where permitted, shall comply with the following requirements:

(1) They shall be fitted with means to prevent them from being jerked from their sockets.

(2) They shall maintain a factor of safety of six based on the weight of the fully equipped and loaded lifeboat, except that the weight of the fully equipped lifeboat alone may be used where the lifeboat is launched before being loaded with people.

(3) They shall be fitted with hand gear of sufficient power to insure that the boat can be turned out against a maximum list of 15 degrees.

(4) They shall be shop tested and show no permanent set or undue stress when subjected to a load equal to 2.2 times the working load. In addition, they shall be shop tested with a load equal to 1.1 times the weight of the fully equipped lifeboat with the davit set up to simulate a 15-degree list inboard, and it shall be determined that the hand gear can adequately handle the load in this condition.

(f) Davits shall be so disposed on one or more decks as to permit the lifeboats placed under them to be safely lowered without interference from the operation of any other davits.

(g) On a vessel on which inflatable liferafts have been substituted for lifeboats, a launching device for each lifeboat to be used for rescue purposes shall be installed. Radial type davits or other means may be used in sheltered waters if acceptable to the Officer in Charge, Marine Inspection.

§ 192.25–10 Approved davits and lifelines for davit spans.

(a) All vessels shall be fitted with a set of approved gravity or mechanical davits for each lifeboat carried, except that on small vessels radial type davits or other means may be used if specifically approved by the Commandant.

(b) For all vessels in ocean, coastwise, or Great Lakes service, all davit installations shall have two lifelines fitted to a davit span. The lifelines shall be of such length as to reach the water at the lightest seagoing draft with the vessel listed 15 degrees either way.

§ 192.25–90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.25–5 and 192.25–10 shall be complied with insofar as the number and general type of equipment is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 192.25–5 and 192.25–10 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be made to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

(3) All davits for lifeboats weighing in excess of 5,000 pounds when fully equipped (but without persons) shall be of the gravity type.

Subpart 192.30—Lifeboat Winches

§ 192.30–1 Application.

(a) The provisions of this subpart, with the exception of § 192.30–90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.30–90.

§ 192.30–5 General.

(a) All lifeboat winches shall be of an approved type, constructed in accordance with Subpart 160.015 of Subchapter Q (Specifications) of this chapter.

(b) Where ice conditions are likely to be encountered, suitable covers shall be provided for all lifeboat winches, so fitted over exposed mechanism, that ice formation may be readily broken adrift when necessary to operate the winch.

(c) Where lifeboat winches are used, wire falls shall be employed.

§ 192.30–10 Number and type required.

(a) Lifeboat winches shall be fitted for each set of davits on all vessels in ocean or coastwise service where the height of the deck on which lifeboats are carried exceeds 20 feet from the lightest seagoing draft.

(b) Lifeboat winches shall be used in all cases where gravity type davits are employed.

(c) Lifeboat winches for use with gravity davits shall have grooved drums of such size that there will be only one layer of wire on the drums. Lifeboat winches for use with mechanical davits need not have grooved drums, and may be designed to take more than one layer of wire.

§ 192.30–15 Installation.

(a) Lifeboat winch controls shall be so located that the operator can observe the movement of the lifeboat during the lowering operation. In addition, any electrical controls provided shall meet the requirements of Subpart 111.65 of Subchapter J (Electrical Engineering) of this chapter.

(b) The lead of the falls to the lifeboat winches and length and size of wire shall be in accordance with Subpart 192.33.

§ 192.30–90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.30–5 through 192.30–15 shall be complied with insofar as the number and general type of equipment is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 192.30–5 through 192.30–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. However, all new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

Subpart 192.33—Blocks and Falls for Lifeboats

§ 192.33–1 Application.

(a) The provisions of this subpart, with the exception of § 192.33–90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.33–90.

§ 192.33–5 General.

(a) All blocks, falls, fairleads, padeyes, shackles, links, fastenings, etc., used in connection with lifeboat gear, shall be designed with a minimum factor of safety of six, based on the maximum working load.

(b) Falls shall be of such length that the lifeboat may be lowered to the water with the vessel at its lightest draft, listed 15 degrees either way.

(c) Falls, where exposed and subject to damage or fouling, shall be suitably protected.

(d) Such blocks or other fittings shall be fitted as are necessary to permit the falls to lead fair in all positions of the davits.

(e) Means for lubrication shall be provided for all moving parts of blocks, sheaves, fairleads, etc.

§ 192.33–10 Installations where lifeboat winches are used.

(a) All falls shall be of wire rope.

(b) Wire rope falls of 6 x 19 regular lay filler wire constructed, prelubricated at the factory with suitable neutral wire rope lubricant, shall be accepted as standard. Any other wire rope, superior or equal to this minimum standard may be used if specifically approved.

(c) Not more than two-part falls may be used, except in special cases where three-part falls may be permitted by the Commandant.

(d) The lead sheaves to the drums shall be located so as to provide fleet angles of not more than 8 degrees for grooved drums and not more than 4 degrees for nongrooved drums. By fleet angle is meant the angle included between an imaginary line from the lead sheave perpendicular to the axis of the drum and the line formed by the wire rope when led from the lead sheave to either extremity of the drum.

(e) Sheaves shall have a diameter at the base of the groove at least equal to 12 times the diameter of the wire rope.

§ 192.33–15 Installations where lifeboat winches are not used.

(a) All falls shall be of manila rope or equivalent. Wire rope shall not be used.

(b) All vessels shall be provided with covered tubs, boxes, or reels for the stowage and protection of the falls, and cruciform bitts shall be provided for properly lowering the lifeboats.

(c) There shall be ample clearance between the cheeks of all blocks. The width between the cheeks shall be ½-inch greater than the diameter of new rope if 3¾ inches circumference or greater is used. Blocks for smaller rope shall be designed with proportional clearances.

§ 192.33–90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.33–5 through 192.33–15 as applicable, shall be complied with insofar as the general type of equipment is concerned.

(2) Existing equipment previously approved but not meeting the detailed requirements may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be made to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable requirements for new vessels.

Subpart 192.35—Installation of Lifeboats, Davits, and Winches

§ 192.35–1 Application.

(a) The provisions of this subpart apply to all installations, except as set forth in § 196.15–45(c) of this subchapter.

§ 192.35–5 Tests and examinations.

(a) Upon completion of installation of lifeboats, davits, or winches, tests, and examinations as required by this section shall be made to the satisfaction of the inspector before the vessel may be navigated.

(b) The lifeboat shall be swung out from the chocks and lowered to the embarkation deck. At this point the lifeboat shall be loaded with deadweight equivalent to the number of persons allowed (165 pounds per person) together including the weight of the lifeboat. No person shall be permitted in the lifeboat while it is being loaded or lowered. The lifeboat shall then be lowered to the water and disengaged from the falls.

(1) None of the equipment or parts thereof nor deck connections shall show signs of permanent set or excessive deflection.

(2) Mechanical and radial type davits shall be capable of being swung out without lifting the lifeboat, except on small vessels where such requirements are unreasonable or impracticable in the opinion of the Officer in Charge, Marine Inspection.

(3) The falls shall be of sufficient length to lower the lifeboat as required by § 192.33–5(b).

(4) Where lifeboat winches are used, the following additional determinations shall be made:

(i) During lowering, the lifeboat shall be stopped at intervals of approximately 6 feet by the action of the counterweight alone. The counterweight shall be capable of stopping and holding the lifeboat. The brake action shall be smooth, but positive.

(ii) Brakes exposed to the weather shall be tested under the load conditions with the braking surfaces both wet and dry.

(iii) The governor brake shall be capable of controlling the speed of lowering the fully equipped lifeboat with its complement of persons on board to not more than 120 feet per minute. In addition, the speed of lowering of the fully equipped lifeboat without its complement of persons shall not be less than 40 feet per minute.

Subpart 192.40—Life Preservers

§ 192.40–1 Application.

(a) The provisions of this subpart, with the exception of § 192.40–90, apply

to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.40–90.

§ 192.40–5 General.

(a) All life preservers shall be of an approved type, constructed in accordance with Subparts 160.002, 160.005, or 160.055 of Subchapter Q (Specifications) of this chapter.

(b) All life preservers on vessels on an international voyage shall be provided with a whistle of the ball type, of corrosion-resistant construction, with a 3-foot lanyard attached, and in good working order. It shall be attached to the life preserver by the lanyard alone without hooks, snaps, clips, etc., and shall extend not less than 15 inches from the life preserver body. While stowed on the life preserver, the whistle lanyard shall be coiled and stopped off.

§ 192.40–10 Number required.

(a) All vessels shall be provided with a life preserver for each person on board. An additional number of life preservers shall be provided for the personnel on watch in the engineroom and pilothouse, and at the bow lookout.

(b) In addition to the life preservers required by paragraph (a) of this section, all vessels on an international voyage shall be provided with approved type life preservers for 5 percent of the persons carried.

(c) When children are carried, a suitable number of children's life preservers shall be provided.

§ 192.40–15 Distribution and stowage.

(a) *Distribution.* (1) Life preservers shall be distributed throughout the quarters for the crew and scientific personnel and other places readily accessible for each person on board. The stowage of the additional number of life preservers required by § 192.40–10 shall be such that they are readily accessible to personnel on watch in the engineroom and pilothouse, and at the bow lookout.

(2) Life preservers stowed overhead shall be so supported that they can be quickly released and distributed. Where life preservers are stowed at a height greater than 7 feet from the deck below, efficient means shall be provided for their immediate release and distribution to be operated by persons standing on the deck.

(3) For vessels on an international voyage and carrying additional life preservers required by § 192.40–10(b), such life preservers shall be stowed in boxes near the lifeboats.

§ 192.40–90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.40–5 through 192.40–15 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 192.40–5 through 192.40–15 may be continued in service so long as they are serviceable and in good condition to the satisfaction of the Officer in Charge, Marine Inspection, except that:

(i) Kapok and fibrous glass life preservers which do not have plastic-covered pad inserts, as required by Subparts 160.002 and 160.005 of Subchapter Q (Specifications) of this chapter shall not be permitted.

(3) All new installations or replacements shall meet the applicable specifications or requirements for new equipment, except that:

(i) Cork and balsa wood life preservers, constructed in accordance with the applicable provisions of Subpart 160.003 or 160.004 and manufactured as approved life preservers prior to July 1, 1965, may be accepted as new or replacement equipment required by this subchapter if such life preservers are serviceable and in good condition to the satisfaction of the Officer in Charge, Marine Inspection, except for vessels on an international voyage.

Subpart 192.43—Ring Life Buoys and Water Lights

§ 192.43–1 Application.

(a) The provisions of this subpart, with the exception of § 192.43–90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.43–90.

§ 192.43–5 General.

(a) All ring life buoys shall be of an approved type, constructed in accordance with Subpart 160.009 or 160.050 of Subchapter Q (Specifications) of this chapter.

(b) All water lights shall be of an approved type, constructed in accordance with Subparts 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter.

(c) All self-activating smoke signals shall be of an approved type, constructed in accordance with the requirements of Subpart 160.057 of Subchapter Q (Specifications) of this chapter which shall be capable of producing smoke of a highly visible color for at least 15 minutes.

§ 192.43–10 Number required.

(a) The minimum number of approved 30-inch ring life buoys and the minimum number of which shall have water lights attached, shall be in accordance with Table 192.43–10(a): *Provided*, That unmanned barges are exempt from this section.

TABLE 192.43–10(a)

Length of vessel in feet	Ocean [1]		All services other than ocean [1]	
	Minimum number of ring life buoys	Minimum number of ring life buoys in column 2 which shall have water lights attached	Minimum number of ring life buoys	Minimum number of ring life buoys in column 4 which shall have water lights attached
	Column 1	Column 2	Column 3	Column 4	Column 5
Under 100	8	6	2	0
100 and under 200	8	6	4	2
200 and under 300	8	6	6	3
300 and under 400	12	6	12	4
400 and under 600	18	9	18	9
600 and under 800	24	12	24	12
800 and over	30	15	30	15

[1] Manned barges shall be equipped with 1 ring life buoy at each end of the vessel with water light attached and 15 fathoms of line.

(b) One of the ring life buoys on each side of the vessel shall have secured to it a line at least 15 fathoms in length. On vessels on an international voyage, the line shall be of a buoyant type.

(c) On vessels on an international voyage, at least two of the ring life buoys with water lights attached as required by Table 192.43–10(a) shall also be provided with an approved self-activated smoke signal and shall be capable of quick release from the bridge.

(d) On vessels on an international voyage, the ring life buoys required by this section shall be orange in color.

§ 192.43–15 Distribution and securing.

(a) All ring life buoys shall be placed so as to be readily accessible to the persons on board, and their positions plainly indicated so as to be known to the persons concerned.

(b) The ring life buoys shall always be capable of being cast loose, and shall not be permanently secured in any way.

§ 192.43–90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.43–5 through 192.43–15 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 192.43–5 through 192.43–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this subpart for new vessels.

Subpart 192.45—Line-Throwing Appliances

§ 192.45–1 Application.

(a) The provisions of this subpart with the exception of § 192.45–90, shall apply to all mechanically propelled vessels in ocean and coastwise service, contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.45–90.

§ 192.45–5 General.

(a) Line-throwing appliances of the impulse-projected rocket type, and the equipment auxiliary thereto, shall be of an approved type, constructed in accordance with Subpart 160.040 of Subchapter Q (Specifications) of this chapter. The service use of rockets shall be limited to a period of 4 years from date of manufacture, and replacement of outdated items shall be made at the first port of arrival in the United States where such rockets are available, except that replacement shall be made in all cases within 12 months after the date of expiration.

(b) Line-throwing appliances of the shoulder-gun type, and the equipment auxiliary thereto, shall be of an approved type, constructed in accordance with Subpart 160.031 of Subchapter Q (Specifications) of this chapter.

§ 192.45–10 Type required.

(a) All vessels shall be fitted with an approved line-throwing appliance of the impulse-projected rocket type. However, vessels of less than 500 gross tons may substitute a line-throwing appliance of the shoulder-gun type.

§ 192.45–15 Equipment for line-throwing appliances.

(a) The equipment enumerated in this paragraph shall be carried for impulse-projected rocket type line-throwing appliances. Except as noted, the equipment and the appliance shall be stowed together in a suitable case or box:

(1) Four rockets, two of which shall be of the buoyant type.

(2) Four primer-ejector cartridges.

(3) Four service lines, each of a length not less than that specified in the approval of the appliance carried, of 7/32-inch to 9/32-inch diameter, of flax or manila, and having a breaking strength of at least 500 pounds, to be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment, or be stowed in an accessible location nearby.

(4) One cleaning brush, one can of oil, and twelve wiping patches.

(5) One set of instructions furnished by the manufacturer.

(6) One auxiliary line, 1,500 feet of 3-inch circumference manila. This line may be kept either in the box or case with the remainder of the equipment or be stowed in an accessible location nearby.

(b) The equipment enumerated in this paragraph shall be carried for shoulder-gun type line-throwing appliances. Except as noted, the equipment and the appliance shall be stowed together in a suitable case or box.

(1) Ten service projectiles.

(2) Twenty-five cartridges.

(3) Four service lines, each not less than 400 feet in length, of 3/8-inch circumference flax or cotton and having a breaking strength of at least 250 pounds, or each not less than 600 feet in length of 1/16-inch or more diameter woven or braided nylon, very flexible, having a breaking strength not less than 140 pounds, or equivalent, to be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment or be stowed in an accessible location nearby.

(4) One cleaning rod with brush, one can of oil, and twelve wiping patches.

(5) One set of instructions furnished by the manufacturer.

(6) One auxiliary line, 500 feet of 3-inch circumference manila.

§ 192.45–20 Accessibility.

(a) The line-throwing appliance and its equipment shall be kept easily and readily accessible and ready for use. No part of this equipment shall be used for any other purpose.

§ 192.45–25 Service recommendations.

(a) In firing the line-throwing appliances, the operating instructions and safety precautions furnished by the manufacturer should be followed.

§ 192.45–90 Vessels contracted for prior to March 1, 1967.

(a) Vessels in ocean or coastwise service contracted for prior to March 1, 1967, shall meet the requirements set forth in §§ 192.45–5 through 192.45–25. However, if a Lyle gun type line-throwing appliance is already in service on such vessel, it may be continued in use so long as it is in good and serviceable condition, but may not be replaced by a similar installation. Where Lyle guns are used, the following requirements shall be met:

(1) The equipment enumerated in this subparagraph shall be carried for Lyle gun type line-throwing appliances. The equipment and the gun shall be stowed together in a suitable case or box. If the case or box does not meet the requirements of Subpart 160.038 of Subchapter Q (Specifications) of this chapter for portable magazine chest, the powder and primers shall be separately stowed in a chest meeting such requirement.

(i) Six service projectiles.

(ii) Eighteen bags (2½ ounces each) of black powder marked "One-half normal charge of Lyle gun, 2½ ounces black powder" in a nonferrous metal screw-top container.

(iii) One approved firing attachment with accessories consisting of lanyard, wrench, washer to fit between barrel and shoulder of firing attachment, blank plug for screwing into gun when firing attachment is not in place, cartridge extractor, and 25 primers in a watertight metal box.

(iv) Twenty-five paper wads.

(v) Four service lines, each 1,700 feet in length, of 7/32-inch to 9/32-inch diameter flax or manila, and having a breaking strength of at least 500 pounds, to be kept in faking boxes or on reels.

(vi) One ram rod, one wire brush, one can of light petrolatum, and twelve wiping patches.

(vii) One tapered wooden plug for muzzle of gun when not in use.

(viii) One set of instructions furnished by the manufacturer of the gun.

(ix) One auxiliary line, 1,500 feet of 3-inch circumference manila.

(2) Accessibility. Same as § 192.45–20.

Subpart 192.50—Embarkation Aids

§ 192.50–1 Application.

(a) The provisions of this subpart, with the exception of § 192.50–90, shall apply to all vessels, contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 192.50–90.

§ 192.50–5 Ladders.

(a) *General.* (1) All ladders required by this section shall be of an approved type constructed in accordance with Subpart 160.017 of Subchapter Q (Specifications) of this chapter.

(b) *Vessels in ocean, coastwise, or Great Lake service.* (1) All vessels in ocean, coastwise, or Great Lakes service shall have an approved Type II (chain suspension) ladder for each set of lifeboat davits, but existing ladders previously approved by the Coast Guard may be continued in service so long as they are maintained in good condition. Such ladders shall be kept ready and convenient for use on the lifeboat deck, and shall reach from such deck to the vessel's light waterline, no heel assumed.

(2) All ocean and coastwise vessels which normally employ a pilot shall have a ladder for the use of the pilot in addition to the ladders required by subparagraph (1) of this paragraph. Suitable spreaders, a man rope, and a safety line shall be kept readily available for use in conjunction with the pilot ladder whenever circumstances may so require. When used, the ladder shall be secured in a position so that each step rests firmly against the ship's side, and so the pilot can gain safe and convenient access to the ship after climbing not more than 30 feet. Whenever the distance from sea level is more than 30 feet, access from the pilot ladder to the ship shall be by means of an accommodation ladder or other equally safe and convenient means. Arrangements shall be such that the rigging of the ladder and the embarkation and debarkation of the pilot is supervised by a responsible

officer of the ship, and handholds are provided to assist the pilot to pass safely and conveniently from the head of the ladder into the ship and onto the ship's deck. At night a light shining over the side shall be available for use, and the deck at the position where the pilot boards the ship shall be adequately lighted.

§ 192.50–7 Embarkation aids into inflatable liferafts.

(a) Where inflatable liferafts are substituted for lifeboats, unless freeboard at embarkation point is such that embarkation devices are not necessary, suitable arrangements shall be made for embarkation which shall include sufficient ladders or other suitable devices to facilitate embarkation into the inflatable liferafts when waterborne.

§ 192.50–10 Illumination of lifeboat launching operations.

(a) Provisions shall be made on all vessels on an international voyage and all other vessels where the lifeboat deck is more than 30 feet above the light waterline, for readily and continuously available illumination from the vessel of lifeboats when alongside and in process of or immediately after being launched. Details of the illuminating system shall be in accordance with Subchapter J (Electrical Engineering) of this chapter.

§ 192.50–15 Illumination for liferaft stowage areas.

(a) For all vessels on an international voyage, suitable illumination shall be provided for the liferaft stowage areas.

§ 192.50–90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 192.50–5 through 192.50–15 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications or requirements of §§ 192.50–5 through 192.50–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements for new vessels.

(3) The illumination for lifeboat launching operations need not meet the detailed requirements of Subchapter J (Electrical Engineering) of this chapter.

Subpart 192.55—Portable Radio Apparatus

§ 192.55–1 Required on international voyage.

(a) Vessels on an international voyage shall be provided with a portable radio apparatus complying with the requirements of the Federal Communications Commission unless at least one lifeboat on each side of the vessel is fitted with a fixed radio installation. Such portable radio shall be kept in the radioroom, chartroom, or other suitable location ready to be moved to one or other of the lifeboats in the event of an emergency.

Subpart 192.60—Ship's Distress Signals

§ 192.60–1 Application.

(a) The provisions of this subpart shall apply to all manned vessels of 300 gross tons and over as specifically noted.

§ 192.60–5 Vessels in ocean or coastwise service.

(a) All vessels in ocean and coastwise service shall carry within the pilothouse or on the navigator's bridge 12 approved hand-held rocket-propelled parachute red flare distress signals, contained in a portable watertight container, constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter.

(b) The service use of the distress signals shall be limited to a period of 3 years from date of manufacture, and replacement of outdated items shall be made at the first port of arrival in the United States where such distress signals are available, except that replacement shall be made in all cases within 12 months after the date of expiration.

§ 192.60–10 Vessels in Great Lakes service.

(a) All vessels in Great Lakes service shall carry within the pilothouse or on the navigator's bridge, 12 approved hand-held red flare distress signals, contained in a portable watertight container, constructed in accordance with Subpart 160.021 or Subpart 160.023 of Subchapter Q (Specifications) of this chapter.

(b) The service use of distress signals shall be limited to a period of 3 years from date of manufacture, and replacement of outdated items shall be made at the first port of arrival in the United States where such distress signals are available, except that replacement shall be made in all cases with 12 months after the date of expiration.

PART 193—FIRE PROTECTION EQUIPMENT

Subpart 193.01—Application

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193.01–5 Equipment installed but not required.

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Subpart 193.50—Hand Portable Fire Extinguishers and Semiportable Fire Extinguishing Systems, Arrangements and Details

193.50–1 Application.
193.50–5 Classification.
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Subpart 193.60—Fire Axes

193.60–1 Application.
193.60–5 Number required.
193.60–10 Location.

AUTHORITY: The provisions of this Part 193 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4453, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 17, 49 Stat. 166, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 46 U.S.C. 391, 392, 435, 481, 395, 363, 526p, 367; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; COFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857; 167–66, Sept. 8, 1965, 30 F.R. 11735.

Subpart 193.01—Application

§ 193.01–1 General.

(a) Except as specifically noted, the provisions of this part shall apply to all vessels.

§ 193.01–5 Equipment installed but not required.

(a) Where fire detecting or extinguishing systems on equipment are not required, but are installed, the system or equipment and its installation shall meet the requirements of this part.

Subpart 193.05—Fire Detecting and Extinguishing Equipment, Where Required

§ 193.05–1 Fire detecting, manual alarm, and supervised patrol systems.

(a) Fire detecting, manual alarm, and supervised patrol systems are not required, but if installed, the systems shall meet the applicable requirements of Part 76 of Subchapter H (Passenger Vessels) of this chapter.

(b) In each compartment containing explosives, and in adjacent compartments if containing stores, there shall be provided a smoke detecting or other suitable type fire detecting system.

§ 193.05–5 Fire main system.

(a) Fire pumps, hydrants, hose, and nozzles shall be installed on all manned vessels.

(b) The arrangements and details of the fire main system shall be as set forth in Subpart 193.10.

§ 193.05–10 Fixed fire extinguishing systems.

(a) Approved fire extinguishing systems shall be installed in those locations delineated in this section.

(b) A fixed carbon dioxide or other approved system shall be installed in all lamp and paint lockers, oil rooms, and similar spaces.

(c) Fire extinguishing systems shall be provided for internal combustion engine installations in accordance with the following:

(1) Enclosed spaces containing gasoline engines shall have fixed carbon dioxide systems.

(2) If a fire extinguishing system is installed to protect an internal combustion or gas turbine installation, the system shall be of the carbon dioxide type.

(3) On vessels of 1,000 gross tons and over, a fixed carbon dioxide system shall be installed in all spaces containing internal combustion or gas turbine main propulsion machinery, auxiliaries with an aggregate power of 1,000 b. hp. or greater, or their fuel oil units, including purifiers, valves, and manifolds.

(d) A fixed carbon dioxide system shall be installed in all chemical storerooms.

(e) On vessels of 1,000 gross tons and over, a fixed carbon dioxide, foam, or water spray system shall be installed in all spaces containing oil fired boilers, either main or auxiliary, or their fuel oil units, valves, or manifolds in the line between the settling tanks and the boilers.

(f) Where an enclosed ventilating system is installed for electric propulsion motors or generators, a fixed carbon dioxide extinguishing system shall be installed in such system.

(g) The arrangements and details of the fixed carbon dioxide extinguishing systems shall be as set forth in Subpart 193.15.

(h) Additional specific requirements for fire extinguishing systems for spaces containing explosives and other dangerous articles or substances are in Part 194 of this subchapter.

§ 193.05–15 Hand portable fire extinguishers and semiportable fire extinguishing systems.

(a) Approved hand portable fire extinguishers and semiportable fire extinguishing systems shall be installed on all manned vessels as set forth in Subpart 193.50.

§ 193.05–20 Sand.

(a) There shall be in each space containing oil fired boilers a metal receptacle containing not less than 10 cubic feet of sand, sawdust impregnated with soda, or other approved dry materials together with a scoop or shaker for distributing the same.

(b) In lieu of the requirements in paragraph (a) of this section, one B–II fire extinguisher may be substituted.

Subpart 193.10—Fire Main System, Details

§ 193.10–1 Application.

(a) The provisions of this subpart, with the exception of § 193.10–90; shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 193.10–1(b).

§ 193.10–5 Fire pumps.

(a) Vessels shall be equipped with independently driven fire pumps in accordance with Table 193.10–5(a).

TABLE 193.10–5(a)

Gross tons		Minimum number of pumps	Hose and hydrant size, inches	Nozzle orifice size, inches	Length of hose, feet
Over	Not over				
----	100	[1] 1	[1] 1½	[1] ¾	[1] 50
100	1,000	1	1½	⅞	50
1,000	1,500	2	1½	⅞	50
1,500	----	2	[2] 2½	[2] ⅞	[2] 50

[1] On vessels of 65 feet in length or less, ¾-inch hose of good commercial grade together with a commercial garden hose nozzle may be used. The pump may be hand operated and the length of hose shall be sufficient to assure coverage of all parts of the vessel.

[2] 75 feet of 1½-inch hose and ⅞-inch nozzel may be used where specified by § 193.10–10(b) for interior locations and 50 feet 1½-inch hose may be used in exterior locations on vessels in other than ocean or coastwise services.

(b) On vessels of 1,000 gross tons and over on an international voyage, each required fire pump, while delivering water through the fire main system at a pressure corresponding to that required by paragraph (c) of this section, shall have a minimum capacity of at least two-thirds of that required for an independent bilge pump. However, in no case shall the capacity of each fire pump be less than that otherwise required by this section.

(c) Each pump shall be capable of delivering water simultaneously from the outlets having the greatest pressure drop from the fire pumps to the nozzles which may not always be the two highest outlets, at a Pitot tube pressure of approximately 50 p.s.i. Where 1½-inch hose is permitted in lieu of 2½-inch hose by footnote 2 of Table 193.10–5(a), the pump capacity shall be determined on the same basis as if 2½-inch hose had been permitted. Where ¾-inch hose is permitted by Table 193.10–5(a), the Pitot tube pressure need be only 35 p.s.i.

(d) Fire pumps shall be fitted on the discharge side with relief valves set to relieve at 25 p.s.i. in excess of the pressure necessary to maintain the requirements of paragraph (c) of this section or 125 p.s.i., whichever is greater. Relief valves may be omitted if the pumps, operating under shutoff conditions, are not capable of developing a pressure exceeding this amount.

(e) Fire pumps shall be fitted with a pressure gage on the discharge side of the pumps.

(f) Fire pumps may be used for other purposes provided at least one of the required pumps is kept available for use on the fire system at all times. Unless specifically approved by the Commandant, no branch lines shall be connected to the fire mains for other than fire and deck wash purposes. Other discharge lines shall lead from a discharge manifold near the fire pumps. In no case shall a pump having connection to an oil line be used as fire pump.

(g) The total area of the pipes leading from a pump shall not be less than the discharge area of the pump.

(h) On vessels with oil fired boilers, either main or auxiliary, or with internal combustion propulsion machinery, where 2 fire pumps are required, they shall be located in separate spaces, and the arrangement, pumps, sea connections, and sources of power shall be such as to insure that a fire in any one space will not put all of the fire pumps out of operation. However, where it is shown to the satisfaction of the Commandant that it is unreasonable or impracticable to meet this requirement due to the size or arrangement of the vessel, or for other reasons, the installation of a total flooding carbon dioxide system may be accepted as an alternate method of extinguishing any fire which would affect the powering and operation for the required fire pumps.

§ 193.10–10 Fire hydrants and hose.

(a) The size of fire hydrants, hose, and nozzles and the length of hose required shall be as noted in Table 193.10–5(a).

(b) In lieu of the 2½-inch hose and hydrants specified in Table 193.10–5(a), on vessels over 1,500 gross tons, the hydrants in interior locations may have siamese connections for 1½-inch hose. In these cases the hose shall be 75 feet in length, and only one hose will be required at each fire station; however, if all such stations can be satisfactorily served with 50-foot lengths, 50-foot hose may be used.

(c) On vessels of 1,000 gross tons and over there shall be at least one shore connection to the fire main available to each side of the vessel in an accessible location. Suitable cutout valves and check valves shall be provided. Suitable adapters also shall be provided for furnishing the vessel's shore connections with couplings mating those on the shore fire lines. Such vessels on an international voyage, shall be provided with at least one international shore connection. Facilities shall be available enabling such a connection to be used on either side of the vessel. The international shore connection shall be in accordance with specification Subpart 162.034 of Subchapter Q (Specifications) of this chapter.

(d) Fire hydrants shall be of sufficient number and so located that any part of the vessel, other than main machinery spaces, may be reached with at least 2 streams of water from separate outlets, at least one of which shall be from a single length of hose. In main machinery spaces, all portions of such spaces shall be capable of being reached by at least 2 streams of water, each of which shall be from a single length of hose from separate outlets; however, this requirement need not apply to shaft alleys containing no assigned space for the stowage of combustibles. Fire hydrants shall be numbered as required by § 196.37–15 of this subchapter.

(e) All parts of the fire main located on exposed decks shall either be protected against freezing or be fitted with cutout valves and drain valves so that the

entire exposed parts of such piping may be shut off and drained in freezing weather. Except when closed to prevent freezing, such valves shall be sealed open.

(f) The outlet at the fire hydrant shall be limited to any position from the horizontal to the vertical pointing downward, so that the hose will lead horizonally or downward to minimize the possibility of kinking.

(g) Each fire hydrant shall be provided with a single length of hose with nozzle attached and a spanner. A suitable hose rack or other device shall be provided for the proper stowage of the hose. If the hose is not stowed in the open or behind glass so as to be readily seen, the enclosures shall be marked in accordance with § 196.37–15 of this subchapter.

(h) Fire hose shall be connected to the outlets at all times. However, as open decks where no protection is afforded to the hose in heavy weather, the hose may be temporarily removed from the hydrant and stowed in an accessible nearby location.

(i) Hose nozzles shall be as follows:

(1) All nozzles shall be of good grade bronze or equivalent metal.

(2) Where smooth bore type nozzles are used, they shall have an orifice of the size indicated in Table 193.10–5(a).

(3) Where combination solid stream and water spray fire hose nozzles are used, they shall be approved type and shall be constructed in accordance with Subpart 162.027 of Subchapter Q (Specification) of this chapter. The detachable applictaor shall be stowed adjacent to the fire hydrant, except where combination nozzles are not required, in which case the applicator may be stowed at the discretion of the master.

(4) Except as noted in subparagraphs (5) and (6) of this paragraph, all hose nozzles shall be of either the smooth bore type or the approved type combination nozzle.

(5) On all vessels of 1,000 gross tons and over, the hose attached to the hydrants in propulsion machinery spaces containing oil fired boilers, internal combustion machinery, or oil fuel units shall be fitted with an approved combination nozzle. The applicator shall be not more than 6 feet in length.

(6) Where ¾-inch hose is permitted by Table 193.10–5(a), a good commercial grade garden hose nozzle or equivalent will be accepted.

(7) Where approved combination nozzles are used, but are not required, the applicators with low velocity fog spray heads and the self-cleaning strainers may be fitted, but will not be required.

(j) Firehose shall not be used for any other purpose than fire extinguishing, drills, and testing.

(k) Fire hydrants, nozzles, and other fittings shall have threads to accommodate the hose connections noted in this paragraph. Firehose and couplings shall be as follows:

(1) Couplings shall be of brass, bronze, or other equivalent metal. National Standard firehose coupling threads shall be used for the 1½-inch and 2½-inch sizes, i.e., 9 threads per inch for 1½-inch hose and 7½ threads per inch for 2½-inch hose.

(2) Unlined hose shall not be used in the machinery spaces.

(3) Where ¾-inch hose is permitted by Table 193.10–5(a), the hose and couplings shall be of good commercial grade.

(4) All lined and unlined hoses shall be of firehose quality in conformance with Underwriters' Laboratories, Inc., Standard 18 or 19, or Federal Specification JJ–H–571 or ZZ–H–451a. Hose which bears the label of Underwriters' Laboratories, Inc., as inspected lined or unlined firehose will be accepted as conforming to this requirement.

§ 193.10–15 Piping.

(a) All piping, valves, and fittings, shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All distribution cut-off valves shall be marked as required by § 196.37–10 of this subchapter.

(c) For vessels on an international voyage, the diameter of the fire main shall be sufficient for the effective distribution of the maximum required discharge from two fire pumps operating simultaneously. This requirement is in addition to § 193.10–5(c). The discharge of this quantity of water through hoses and nozzles at a sufficient number of adjacent hydrants shall be at a minimum Pitot tube pressure of approximately 50 pounds per square inch.

§ 193.10–90 Installations contracted for prior to March 1, 1967.

(a) Installations contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 193.10–5 through 193.10–15 shall be complied with insofar as the number and general type of equipment is concerned.

(2) Existing equipment previously approved, but not meeting the applicable requirements of §§ 193.10–5 through 193.10–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alteration, and replacements may be permitted to the same standards as the original installations. However, all new installations or major replacements shall meet the applicable requirements in this subpart for new installations.

(3) The general requirements of § 193.10–5 (c) through (g), § 193.10–10 (d) through (l), and § 95.10–15 shall be complied with insofar as is reasonable and practicable.

Subpart 193.15—Carbon Dioxide Extinguishing Systems, Details

§ 193.15–1 Application.

(a) The provisions of this subpart shall apply to all new installations contracted for on or after March 1, 1967.

(b) Installations contracted for prior to March 1, 1967, shall meet the requirements of § 193.15–90.

(c) The requirements of this subpart are based on a "high pressure system," i.e., one in which the carbon dioxide is stored in liquid form at atmospheric temperature. Details for "low pressure systems," i.e., those in which the carbon dioxide is stored in liquid form at a continuously controlled low temperature, may be specifically approved by the Commandant where it is demonstrated that a comparable degree of safety and fire extinguishing ability is achieved.

§ 193.15–5 Quantity, pipe sizes, and discharge rates.

(a) *General.* The amount of carbon dioxide required for each space shall be as determined by paragraphs (b) through (e) of this section.

(b) *Total available supply.* A separate supply of carbon dioxide need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(c) *Enclosed ventilation systems for rotating electrical propulsion equipment.* (1) The number of pounds of carbon dioxide required for the initial charge shall be equal to the gross volume of the system divided by 10 for systems having a volume of less than 2,000 cubic feet, and divided by 12 for systems having a volume of 2,000 cubic feet or more.

(2) In addition to the amount required by subparagraph (1) of this paragraph there shall be sufficient carbon dioxide available to permit delayed discharges of such quantity as to maintain at least a 25-percent concentration until the equipment can be stopped. If the initial discharge is such as to achieve this concentration until the equipment is stopped, no delayed discharge need be provided.

(3) The piping for the delayed discharge shall not be less than ½-inch standard pipe, and no specific discharge rate need be applied to such systems. On small systems, this pipe may be incorporated with the initial discharge piping.

(4) The piping for the initial charge shall be in accordance with Table 193.15–5(d)(4), and the discharge of the required amount shall be completed within 2 minutes.

(d) *Machinery spaces, paint lockers, tanks, chemical storerooms, and similar spaces.* (1) Except as provided in subparagraph (3) of this paragraph, the number of pounds of carbon dioxide required for each space shall be equal to the gross volume of the space divided by the appropriate factor noted in Table 193.15–5(d)(1). If fuel can drain from the compartment being protected to an adjacent compartment, or if the compartments are not entirely separate, the requirements for both compartments shall be used to determine the amount of carbon dioxide to be provided. The carbon dioxide shall be arranged to discharge into both such compartments simultaneously.

TABLE 193.15-5(d)(1)

Gross volume of compartment, cubic feet		Factor
Over	Not over	
	500	15
500	1,600	16
1,600	4,500	18
4,500	50,000	20
50,000		22

(2) For the purpose of the requirements of this paragraph, the volume of the machinery space shall be taken as exclusive of the normal machinery casing unless the boiler, internal combustion machinery, or fuel oil installations extend into such space, in which case the volume shall be taken to the top of the casing or the next material reduction in casing area, whichever is lower. "Normal machinery casing" and "material reduction in casing area" shall be defined as follows:

(i) By "normal machinery casing" shall be meant a casing the area of which is not more than 40 percent of the maximum area of the machinery space.

(ii) By "material reduction in casing area" shall be meant a reduction to at least 40 percent of the casing area.

(3) For vessels on an international voyage contracted for on or after May 26, 1965, the amount of carbon dioxide required for a space containing propulsion boilers or internal combustion propulsion machinery shall be as given by subparagraphs (1) and (2) of this paragraph or by dividing the entire volume, including the casing, by a factor of 25, whichever is the larger.

(4) Branch lines to the various spaces shall be as noted in Table 193.15–5(d)(4).

TABLE 193.15-5(d)(4)

Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches	Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches
100	¾	2,500	2½
225	¾	4,450	3
300	1	7,100	3½
600	1¼	10,450	4
1,000	1½	15,000	4½
2,450	2		

(5) Distribution piping within the space shall be proportioned from the supply line to give proper distribution to the outlets without throttling.

(6) The number, type, and location of discharge outlets shall be such as to give a uniform distribution throughout the space.

(7) The total area of all discharge outlets shall not exceed 85 percent nor be less than 35 percent of the normal cylinder outlet area or the area of the supply pipe, whichever is smaller. The nominal cylinder outlet area in square inches shall be determined by multiplying the factor 0.0022 by the number of pounds of carbon dioxide required, except that in no case shall this outlet area be less than 0.110 square inch.

(8) The discharge of at least 85 percent of the required amount of carbon dioxide shall be complete within 2 minutes.

§ 193.15–10 Controls.

(a) Except as noted in § 193.15–20(b), all controls and valves for the operation of the system shall be outside the space protected and shall not be located in any space that might be cut off or made inaccessible in the event of fire in any of the spaces protected.

(b) If the same cylinders are used to protect more than one hazard, a manifold with normally closed stop valves shall be used to direct the carbon dioxide into the proper space. If cylinders are used to protect only one hazard, a normally closed stop valve shall be installed between the cylinders and the hazard except for systems of the type indicated in § 193.15–5(d) which contain not more than 300 pounds of carbon dioxide.

(c) One of the stations controlling the system for the main machinery space and the chemical storerooms shall be located as convenient as practicable to one of the main escapes from these spaces. All control stations and the individual valves and controls shall be marked as required by §§ 196.37–10 and 196.37–13 of this subchapter.

(d) Systems of the type indicated in § 193.15–5(d) shall be actuated by one control operating the valve to the space and a separate control releasing at least the required amount of carbon dioxide. These two controls shall be located in a box or other enclosure clearly identified for the particular space. Those systems installed without a stop valve shall be operated by one control releasing at least the required amount of carbon dioxide.

(e) Where provisions are made for the simultaneous release of a given amount of carbon dioxide by operation of a remote control, provisions shall also be made for manual control at the cylinders. Where gas pressure from pilot cylinders is used as a means for releasing the remaining cylinders, not less than two pilot cylinders shall be used for systems consisting of more than two cylinders. Each of the pilot cylinders shall be capable of manual control at the cylinder, but the remaining cylinders need not be capable of individual manual control.

(f) Systems of the type indicated in § 193.15–5(d), other than systems for tanks, which are of more than 300 pounds of carbon dioxide, shall be fitted with an approved delayed discharge so arranged that the alarm will be sounded for at least 20 seconds before the carbon dioxide is released into the space. Such systems of not more than 300 pounds of carbon dioxide shall also have a similar delayed discharge, except for those systems for tanks and for spaces which have a suitable horizontal escape.

(g) All distribution valves and controls shall be of an approved type. All controls shall be suitably protected.

(h) Complete but simple instructions for the operation of the system shall be located in a conspicuous place at or near the releasing control device.

(i) If the space or enclosure containing the carbon dioxide supply for controls is to be locked, a key to the space or enclosure shall be in a break-glass-type box conspicuously located adjacent to the opening.

§ 193.15–15 Piping.

(a) The piping, valves, and fittings shall have a bursting pressure of not less than 6,000 pounds per square inch.

(b) All piping, in nominal sizes not over ¾ inch shall be at least Schedule 40 (standard weight) and in nominal sizes over ¾ inch, shall be at least Schedule 80 (extra heavy).

(c) All piping valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(d) A pressure relief valve or equivalent set to relieve between 2,400 and 2,800 pounds per square inch shall be installed in the distribution maniford or such other location as to protect the piping in the event that all branch line shutoff valves are closed.

(e) All dead-end lines shall extend at least 2 inches beyond the last orifice and shall be closed with cap or plug.

(f) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(g) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture. Drains and dirt traps shall be located in accessible locations where possible.

(h) Piping shall be used for no other purpose except that it may be incorporated with the fire-decting system.

(i) Piping passing through living quarters shall not be fitted with drains or other openings within such spaces.

(j) Installation test requirements are:

(1) Upon completion of the piping installation, and before the cylinders are connected, a pressure test shall be applied as set forth in this paragraph. Only carbon dioxide or other inert gas shall be used for this test.

(2) The piping from the cylinders to the stop valves in the manifold shall be subjected to a pressure of 1,000 pounds per square inch. With no additional gas being introduced to the system, it shall be demonstrated that the leakage of the system is such as not to permit a pressure drop of more than 150 pounds per square inch per minute for a 2-minute period.

(3) The individual branch lines to the various spaces protected shall be subjected to a test similar to that described in the preceding subparagraph with the exception that the pressure used shall be 600 pounds per square inch in lieu of 1,000 pounds per square inch. For the purpose of this test, the distribution piping shall be capped within the space protected at the first joint ahead of the nozzles.

(4) In lieu of the tests prescribed in the preceding subparagraphs in this paragraph, small independent systems protecting spaces such as emergency generator rooms, lamp lockers, chemical storerooms, etc., may be tested by blowing out the piping with air at a pressure of at least 100 pounds per square inch.

§ 193.15–20 Carbon dioxide storage.

(a) Except as provided in paragraph (b) of this section, the cylinders shall be located outside the spaces protected, and shall not be located in any space that might be cut off or made inaccessible in the event of a fire in any of the spaces protected.

(b) Systems of the type indicated in paragraph 193.15–5(d), consisting of not more than 300 pounds of carbon dioxide, may have cylinders located within the space protected. If the cylinder stowage is within the space protected, the system shall be arranged in an approved manner to be automatically operated by a heat actuator within the space in addition to the regular remote and local controls.

(c) The space containing the cylinders shall be properly ventilated and designed to preclude an anticipated ambient temperature in excess of 130° F.

(d) Cylinders shall be securely fastened and supported, and where necessary, protected against injury.

(e) Cylinders shall be so mounted as to be readily accessible and capable of easy removal for recharging and inspection. Provisions shall be available for weighing the cylinders.

(f) Where subject to moisture, cylinders shall be so installed as to provide a space of at least 2 inches between the flooring and the bottom of the cylinders.

(g) Cylinders shall be mounted in an upright position or inclined not more than 30 degrees from the vertical. However, cylinders which are fitted with flexible or bent siphon tubes may be inclined not more than 80 degrees from the vertical.

(h) Where check valves are not fitted on each independent cylinder discharge, plugs or caps shall be provided for closing outlets when cylinders are removed for inspection or refilling.

(i) All cylinders used for storing carbon dioxide shall be fabricated, tested, and marked in accordance with the regulations of the Interstate Commerce Commission as noted in § 147.04–1 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 193.15–25 Discharge outlets.

(a) Discharge outlets shall be of an approved type.

§ 193.15–30 Alarms.

(a) Space normally accessible to persons on board while the vessel is being navigated which are protected by a carbon dioxide extinguishing system and are required to be fitted with a delayed discharge system other than paint and lamp lockers and similar small spaces, shall be fitted with an approved audible alarm which will be automatically sounded when the carbon dioxide is admitted to the space. The alarm shall be conspicuously and centrally located and shall be marked as required by § 196.37–9 of this subchapter. Such alarms shall be so arranged as to sound during the 20-second delay period prior to the discharge of carbon dioxide into the space, and the alarm shall depend on no source of power other than the carbon dioxide.

§ 193.15–35 Enclosure openings.

(a) Where mechanical ventilation as provided for spaces which are protected by carbon dioxide extinguishing systems provisions shall be made so that the ventilation system is automatically shut down with the operation of the system to that space.

(b) Where natural ventilation is provided for spaces protected by a carbon dioxide extinguishing system, provisions shall be made for easily and effectively closing off the ventilation.

(c) Means shall be provided for closing all other openings to the space protected from outside such space. In this respect, relatively tight doors, shutters, or dampers shall be provided for openings in the lower portion of the space. The construction shall be such that openings in the upper portion of the space can be closed off either by permanently installed means or by the use of canvas or other material which is normally carried by the vessel.

§ 193.15–40 Pressure relief.

(a) Where necessary, relatively tight compartments such as refrigeration spaces, paint lockers, etc., shall be provided with suitable means for relieving excessive pressure accumulating within the compartment when the carbon dioxide is injected.

§ 193.15–90 Installations contracted for prior to March 1, 1967.

(a) Installations contracted for prior to March 1, 1967 shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be permitted to the same standards as the original installations. However, all new installations or major replacements shall meet the applicable requirements in this subpart for new installations.

(2) The details of the systems shall be in general agreement with §§ 193.15–5 through 193.15–40 insofar as is reasonable and practicable, with the exception of § 193.15–5(d) (1), (2), and (4), covering machinery spaces, etc., which systems may be installed in accordance with subparagraphs (3) through (6) of this paragraph.

(3) In boilerrooms, the bilges shall be protected by a system discharging principally below the floorplates. Perforated pipe may be used in lieu of discharge nozzles for such systems. The number of pounds of carbon dioxide shall be equal to the gross volume of the boilerroom taken to the top of the boilers divided by 36. In the event of an elevated boilerroom which drains to the machinery space, the system shall be installed in the engineroom bilge and the gross volume shall be taken to the flat on which the boilers are installed.

(4) In machinery spaces where main propulsion internal combustion machinery is installed, the number of pounds of carbon dioxide required shall be equal to the gross volume of the space taken to the under side of the deck forming the hatch opening divided by 22.

(5) In miscellaneous spaces other than cargo or main machinery spaces the number of pounds of carbon dioxide required shall be equal to the gross volume of the space divided by 22.

(6) Branch lines to the various spaces other than cargo and similar spaces shall be as noted in Table 193.15–90 (a) (6). This table is based on cylinders having discharge outlets and siphon tubes of ⅜-inch diameter.

TABLE 193.15–90(a)(6)

Number of cylinders		Nominal pipe size, inches
Over	Not over	
.....	2	¼—standard.
2	4	¾—standard.
4	6	1—extra heavy.
6	12	1¼—extra heavy.
12	16	1½—extra heavy.
16	27	2—extra heavy.
27	39	2½—extra heavy.
39	60	3—extra heavy.
60	80	3½—extra heavy.
80	104	4—extra heavy.
104	165	5—extra heavy.

Subpart 193.50—Hand Portable Fire Extinguishers and Semiportable Fire Extinguishing Systems, Arrangements and Details

§ 193.50–1 Application.

(a) The provisions of this subpart, with the exception of § 193.50–90, shall apply to all vessels other than unmanned barges, contracted for on or after March 1, 1967.

(b) All vessels other than unmanned barges contracted for prior to March 1, 1967, shall meet the requirements of § 193.50–90.

(c) All unmanned barges are exempted from the requirements in this subpart. However, if such barges carry on board hand portable fire extinguishers and semiportable fire extinguishing systems, then such equipment shall be in accordance with this subpart for manned barges.

§ 193.50–5 Classification.

(a) Hand portable fire extinguishers and semiportable fire extinguishing systems shall be classified by a combination letter and number symbol. The letter indicating the type of fire which the unit could be expected to extinguish and the number indicating the relative size of the unit.

(b) The types of fire will be designated as follows:

(1) "A" for fires in ordinary combustible materials where the quenching and cooling effects of quantities of water, or solutions containing large percentages of water, are of first importance.

(2) "B" for fires in flammable liquids, greases, etc., where a blanketing effect is essential.

(3) "C" for fires in electrical equipment where the use of nonconducting extinguishing agent is of first importance.

(c) The number designations for size will start with "I" for the smallest to "V" for the largest. Sizes I and II are considered hand portable fire extinguishers and sizes III, IV, and V are considered semiportable fire extinguishing systems which shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical hand portable and semiportable fire extinguishing systems are set forth in Table 193.50–5(c).

TABLE 193.50–5(c)

Classification		soda-acid and water, gallons	Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size				
A	II	2½	2½	.....	.....
B	I	.....	1¼	4	2
B	II	.....	2½	15	10
B	III	.....	12	35	20
B	IV	.....	20	50	30
B	V	.....	40	100	50
C	I	.....	.....	4	2
C	II	.....	.....	15	10

(d) All hand portable fire extinguishers and semiportable fire extinguishing systems shall have permanently attached thereto a metallic nameplate giving the name of the item, the rated capacity in gallons, quarts, or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.

(e) Vaporizing liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall not be permitted.

§ 193.50–10 Location.

(a) Approved hand portable fire extinguishers and semiportable fire extinguishing systems shall be installed in accordance with Table 193.50–10(a). The location of the equipment shall be to the satisfaction of the Officer in Charge, Marine Inspection. Nothing in this paragraph shall be construed as limiting the Officer in Charge, Marine Inspection, from requiring such additional equipment as he deems necessary for the proper protection of the vessel.

TABLE 193.50–10(a)—HAND PORTABLE FIRE EXTINGUISHER AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS

Space	Classification (see § 193.50–5)	Quantity and location
Safety Areas [1]		
Wheelhouse or fire control room	.....	None required.
Stairway and elevator enclosures	.....	Do.
Communicating corridors	A–II	1 in each main corridor not more than 150 feet apart. (May be located in stairways.)
Lifeboat embarkation and lowering stations	.....	None required.
Radio room	C–I [2]	2 in vicinity of exit.[2]
Accommodations [1]		
Staterooms, toilet spaces, public spaces, offices, lockers, isolated storerooms, and pantries, open decks, etc.	.....	None required.
Service spaces [1]		
Galleys	B–II or C–II	1 for each 2,500 square feet or fraction thereof suitable for hazards involved.
Paint and lamp rooms	B–II	1 outside space in vicinity of exit.
Accessible baggage, mail, and specie rooms, and storerooms	A–II	1 for each 2,500 square feet or fraction thereof located in vicinity of exits, either inside or outside the spaces.
Carpenter shop and similar spaces	A–II	1 outside the space in vicinity of exit.
Machinery spaces		
Coal-fired boilers: Bunker and boiler space	.....	None required.
Oil-fired boilers: Spaces containing oil-fired boilers, either main or auxiliary, or their fuel-oil units	B–II	2 required.[3]
	B–V	1 required.[4]
Internal combustion or gas turbine propelling machinery spaces	B–II	1 for each 1,000 brake horsepower, but not less than 2 nor more than 6.[5]
	B–III	1 required.[6 7]
Electric propulsive motors or generators of open type	C–II	1 for each propulsion motor or generator unit.
Enclosed ventilating systems for motors and generators of electric propelling machinery	.....	None required.
Auxiliary spaces:		
Internal combustion gas turbine	B–II	1 outside the space in vicinity of exit.[7]
Electric emergency motors or generators	C–II	1 outside the space in vicinity of exit.[8]
Steam	.....	None required.
Trunks to machinery spaces	.....	Do.
Fuel tanks	.....	Do.
Scientific spaces		
Chemistry laboratory or Scientific laboratory	C–II	1 dry chemical and 1 carbon dioxide for each 300 square feet or fraction thereof, with one (1) of each kind located in the vicinity of the exit.
Chemical storeroom	C–II	Same as for the chemistry laboratory.

[1] Two B–I hand portable fire extinguishers may be substituted for 1 B–II.
[2] For vessels on an international voyage, substitute 1 C–II in vicinity of exit.
[3] Vessels of less than 1,000 gross tons require 1.
[4] Vessels of less than 1,000 gross tons may substitute 1 B–IV.
[5] Only 1 required for motorboats.
[6] If oil burning donkey boiler fitted in space, the B–V previously required for the protection of the boiler may be substituted. Not required where a fixed carbon dioxide system is installed.
[7] Not required on vessels of less than 300 gross tons if fuel has a flash-point higher than 110° F.
[8] Not required on vessels of less than 300 gross tons.

(b) Semiportable fire extinguishing systems shall be located in the open so as to be readily seen.

(c) If hand portable fire extinguishers are not located in the open or behind glass so that they may be readily seen, they may be placed in enclosures together with the firehose, provided such enclosures are marked as required by § 196.37–15 of this subchapter.

(d) Hand portable fire extinguishers and their stations shall be numbered in accordance with § 196.37–15 of this subchapter.

(e) Hand portable or semiportable extinguishers, which are required on their nameplates to be protected from freezing, shall not be located where freezing temperatures may be expected.

§ 193.50–15 Spare charges.

(a) For all vessels spare charges shall be carried for at least 50 percent of each size and each variety, i.e., foam, soda-acid, carbon dioxide, etc., of hand portable fire extinguishers required by § 193.50–10(a). However, if the unit is of such variety that it cannot be readily recharged by the vessel's personnel, one spare unit of the same classification shall be carried in lieu of spare charges for all such units of the same size and variety.

(b) Spare charges shall be so packaged as to minimize the hazards to personnel while recharging the units. Acid shall be contained in a Crown stopper type of bottle.

§ 193.50–90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 193.50–5 through 193.50–15 shall be complied with insofar as the number and general type of equipment is concerned.

(2) Existing installations previously approved, but not meeting the applicable requirements of §§ 193.50–5 through 193.50–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, and they are in general agreement with the degree of safety prescribed by Table 193.50–15(a). Minor modifications may be made to the same standard as the original installation: *Provided*, That in no case will a greater departure from the standards of Table 193.50–15(a) be permitted than presently exists.

(3) All new equipment and installations shall meet the applicable requirements in this subpart for new vessels.

Subpart 193.60—Fire Axes

§ 193.60–1 Application.

(a) The provisions of this subpart shall apply to all vessels other than unmanned barges.

(b) Unmanned barges are exempted from the requirements in this subpart. However, if such barges carry on board fire axes, then such equipment shall be in accordance with this subpart for manned barges.

§ 193.60–5 Number required.

(a) All vessels shall carry at least the minimum number of fire axes as set forth in Table 193.60–5(a). Nothing in this paragraph shall be construed as limiting the Officer in Charge, Marine Inspection, from requiring such additional fire axes as he deems necessary for the proper protection of the vessel.

TABLE 193.60–5(a)

Gross tons		Number of axes
Over	Not over	
	30	1
30	200	2
200	500	4
500	1000	6
1000		8

§ 193.60–10 Location.

(a) Fire axes shall be distributed throughout the spaces available to persons on board so as to be most readily available in the event of emergency.

(b) If fire axes are not located in the open, or behind glass, so that they may be readily seen, they may be placed in enclosures together with the firehose, provided such enclosures are marked as required by § 196.37–15 of this subchapter.

PART 194—HANDLING, USE AND CONTROL OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Subpart 194.01—Application

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194.01–1 General.

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Subpart 194.20—Chemical Stores and/or Storerooms

Sec.
194.20–1 General.
194.20–3 Responsibility.
194.20–5 Ventilation.
194.20–7 Fire protection.
194.20–9 Storage.
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194.20–15 Chemical stores other than compressed gases.
194.20–17 Compressed gases.
194.20–19 Piping and electrical requirements.

Subpart 194.90—Vessels Contracted for Prior to March 1, 1967

194.90–1 Requirements.

AUTHORITY: The provisions of this Part 194 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4453, as amended, 4472, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 46 U.S.C. 391, 392, 435, 170, 481, 395, 363, 367; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857; 167–66, Sept. 8, 1965, 30 F.R. 11735.

Subpart 194.01—Application

§ 194.01–1 General.

(a) The provisions of this part, with the exception of Subpart 194.90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of Subpart 194.90.

Subpart 194.05—Stowage and Marking

§ 194.05–1 General.

(a) The master shall be held responsible for and shall require the proper handling, stowage, and marking of all chemical stores and reagents.

(b) Chemical stores shall be stowed in a chemical storeroom in approved drums, barrels, or other packages, properly marked and labeled, as prescribed by Part 146 of Subchapter N (Dangerous Cargoes) of this chapter for the specific commodities, except that those chemical stores excluded from the storeroom by §§ 194.20–15 and 194.20–17, and those chemical stores not desired to be located in a chemical storeroom, shall be stored in accordance with the appropriate provisions of Part 146 insofar as such regulations apply to cargo vessels.

(c) Ships' stores shall be regulated in accordance with the appropriate provisions of Part 147 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 194.05–3 Chemical stores.

(a) Chemical stores which possess one or more of the following properties shall be classed, marked, and labeled in accordance with Subchapter N (Dangerous Cargoes) of this chapter as follows:

(1) Explosives, in accordance with Subpart 146.20.

(2) Flammable liquids, in accordance with Subpart 146.21.

(3) Flammable solids, in accordance with Subpart 146.22.

(4) Oxidizing materials, in accordance with Subpart 146.22.

(5) Corrosive liquids, in accordance with Subpart 146.23.

(6) Compressed gasses, in accordance with Subpart 146.24.

(7) Poisonous articles, in accordance with Subpart 146.25.

(8) Combustible liquids, in accordance with Subpart 146.26.

(9) Hazardous articles, in accordance with Subpart 146.27.

(b) Substances for use in the chemistry laboratory, or to be stored in the chemical storeroom and generally covered under paragraph (a) of this section but not specifically listed by name in § 146.04–5 must be approved by the Commandant prior to being carried on board a vessel.

§ 194.05–5 Chemicals in the chemistry laboratory.

(a) Chemical stores once removed from the approved shipping container and in small working quantities in the chemistry laboratory as reagents need not be marked or labeled as required by Part 146 of Subchapter N (Dangerous Cargoes) of this chapter. Reagent containers in the laboratory shall be marked to show at least the following:

(1) Common chemical name.

(2) Hazards, if any; e.g., flammable, poison, etc.

(b) In the interest of facilitating scientific activities, no restrictions are intended which will limit the variety of chemicals which may be used in the chemical laboratory. With the knowledge and approval of the master, the laboratory supervisor may be responsible for stowage and use of materials within the laboratory and chemical storeroom.

(c) Reagent containers shall be properly secured against shifting and spillage. Insofar as practical all reagents shall be stowed in suitable, unbreakable containers.

§ 194.05–7 Explosives—Detail requirements.

(a) Class A explosives and blasting caps, except as otherwise provided by this subpart, shall be carried in magazines specifically fitted for that purpose as described in Subpart 194.10. The Class A explosives magazine requirements of § 146.09–1 through 146.09–6 of Subchapter N (Dangerous Cargoes) of this chapter, shall apply only to those vessels already so fitted under the provisions of Subpart 146.90.

(b) Military explosives shall be identified by their appropriate Interstate Commerce Commission classification.

(c)(1) Compatibility of magazine stowage shall be in accordance with § 146.20–90 of Subchapter N (Dangerous Cargoes) of this chapter.

(2) Magazine chests, magazine vans, and deck stowage areas shall be separated by a distance of at least 25 feet if their contents are incompatible with each other.

(d) On deck stowage of unfused depth charges or other unfused case type military explosives is authorized as follows:

(1) Stowage shall be in a location protected from boarding seas.

(2) Stowage shall be protected from direct exposure to the sun by overhead decks, awnings, or tarpaulins. Decks shall be constructed of incombustible materials; awnings and tarpaulins shall be fire-resistant and/or flame proof fabric.

(3) Items shall be properly secured by using existing vessel structures such as bulwarks, hatch coamings, shelter deck and poop bulkheads as part boundaries and effectively closing in the items by fitting angle bar closing means secured by bolting to clips or other parts of the ship's structure. Lashing of deck stowage is permitted provided eye pads or other suitable means are fitted to secure such lashings and provided the individual items are of such a configuration as to prevent slippage of the lashings. Shoring and dunnage may be used as necessary to further facilitate the security of the stowage.

(4) Stowage area shall be selected so as to provide for safe access to all internal spaces and to all parts of the deck required to be used in navigation and working of the vessel. Stowage shall not be on or under the bridge, or navigating deck, or within a distance, in a horizontal plane, of 25 feet of an operating or embarkation point of any lifeboat or raft.

§ 194.05–9 Flammable liquid chemical stores—Detail requirements.

(a) Flammable liquids as chemical stores and reagents are governed by Subparts 194.15 and 194.20.

(b) Other flammable liquids are regulated by the appropriate portions of Subpart 146.21 or Part 147 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 194.05–11 Flammable solids and oxidizing materials—Detail requirements.

(a) Flammable solids and oxidizing materials used as chemical stores and reagents are governed by Subparts 194.15 and 194.20.

(b) Oxidizing materials used as blasting agents are regulated by the appropriate portions of Subpart 146.22 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 194.05–13 Corrosive liquids as chemical stores—Detail requirements.

(a) Corrosive liquids as chemical stores and reagents are governed by Subparts 194.15 and 194.20.

(b) Other corrosive liquids are regulated by the appropriate portions of Subpart 146.23 or Part 147 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 194.05–15 Compressed gases as chemical stores—Detail requirements.

(a) Compressed gases as chemical stores and reagents are governed by Subparts 194.15 and 194.20.

(b) Other compressed gases are regulated in accordance with the appropriate portions of Subpart 146.24 or Part 147 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 194.05–17 Poisonous articles as chemical stores—Detail requirements.

(a) Poisonous articles as chemical stores and reagents shall be governed by Subparts 194.15 and 194.20.

(b) Other poisonous articles shall be regulated by the appropriate portions of Subpart 146.25 or Part 147 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 194.05–19 Combustible liquids as chemical stores—Detail requirements.

(a) Combustible liquid chemical stores and reagents shall be governed by Subparts 194.15 and 194.20.

(b) Other combustible liquids shall be regulated by the appropriate portions of Subpart 146.26 or Part 147 of Subchapter N (Dangerous Cargoes) of this chapter.

§ 194.05–21 Hazardous articles as chemical stores—Detail requirements.

(a) Hazardous articles as chemical stores and reagents shall be governed by appropriate portions of Subparts 194.15 and 194.20.

(b) Other hazardous articles shall be regulated by the appropriate portions of Subpart 146.27 or Part 147 of Subchapter N (Dangerous Cargoes) of this chapter.

Subpart 194.10—Magazines

§ 194.10–1 Application.

(a) The provisions of this subpart apply to the construction of integral magazines, magazine vans, and magazine chests.

(b) Loading, loading procedures, shipper's requirements, and other features not related to the construction of magazines shall be in accordance with the applicable provisions of Part 146 of Subchapter N (Dangerous Cargoes) of this chapter and 33 CFR Part 6 and Parts 121 to 126, inclusive.

§ 194.10–5 Type and location.

(a) *Integral magazines.* (1) Magazines shall be of permanent construction located below the freeboard deck and where practicable below the waterline.

(2) Magazines shall not be located in horizontal proximity to or below accommodation spaces.

(3) Magazines shall not be located adjacent to the collision bulkhead, nor in bearing with a bulkhead forming the boilerroom, engineroom, galley, or other high fire hazard area boundary. If it is necessary to construct the magazine in proximity to these areas, a cofferdam space of at least 2 feet shall be provided between the bulkhead or deck involved and the magazine. Such a cofferdam shall be provided with suitable ventilation and shall not be used for storage purposes.

(b) *Magazine vans.* (1) Magazine vans may be installed on deck in a location protected from boarding seas. The location selected shall not impair access to accommodations or other spaces necessary to the safe working and navigation of the vessel and shall not be within 15 feet of ventilation terminals emitting warm air or hazardous vapors, such as from galleys and pumprooms, or within 10 feet of any radio apparatus or antenna lead.

(2) Magazine vans may be installed below decks in holds provided the hold location meets the location requirements for integral magazines. The cofferdam requirement of paragraph (a)(3) of this section is considered as fulfilled if the van is of steel construction. Holds so utilized shall not be used for stowage of other dangerous or hazardous materials covered by Part 146 of Subchapter N (Dangerous Cargoes) of this chapter. The stowage of other explosives or oxidizing materials in the same hold is permitted in accordance with the requirements of Part 146 of this chapter.

(c) *Magazine chests.* (1) Magazine chests shall be located on the weather decks in a position suitable for jettisoning the contents.

(2) Magazine chests shall be set off at least 4 inches from decks and deckhouse.

(3) Magazine chests shall not be located within 15 feet of ventilation terminals emitting warm air or hazardous vapors, such as from galleys and pumprooms.

(4) Magazine chests intended for the stowage of blasting caps, detonators, or boosters, in addition to the requirements in this paragraph, shall not be stowed within 10 feet of any radio apparatus or antenna leads.

§ 194.10–10 Integral magazine construction.

(a) Magazines shall be of permanent watertight construction. Bulkheads and decks, including the deck overhead, which are common with storerooms or workshops shall be of A–15 construction as defined by § 72.05–10 of Subchapter H (Passenger Vessels) of this chapter. Flush construction shall be employed where practicable.

(b) Where the shell or unsheathed weather decks form boundaries of the magazine spaces suitable approved incombustible thermal insulation shall be provided to prevent condensation of moisture.

(c) Where a tank top forms the magazine deck it shall be insulated with an approved deck covering to prevent condensation of moisture. Tank top manholes shall not be installed in magazines.

(d) Light fixtures shall be of an approved type equipped with globes and guards. Control of the lighting system shall be from a location external to the magazine. An indicator light shall be provided at the switch location to indicate when the lighting circuits are energized. Other electrical equipment and wiring shall not be installed within or pass through the magazine. Electrical cables enclosed in a watertight trunk are permitted.

(e) Piping, other than fresh or salt water service and drainage system, shall not be routed through magazines except as required for the magazines themselves. Other piping systems enclosed in a watertight trunk are permitted.

(f) Access doors for the magazine, or magazine groups, shall be of substantial

watertight construction and be provided with means whereby they may be securely locked.

(g) Racks, stanchions, battens, and other devices shall be installed to provide rigid and safe stowage of explosives in their approved shipping containers with a minimum of dunnage.

(h) Decks shall be covered with a permanent nonslip nonspark covering.

§ 194.10–15 Magazine van construction.

(a) Vans shall be of substantial metal construction. Their interior shall be insulated with an approved incombustible insulation to the standards required for A–15 divisional bulkheads as prescribed in Part 72 of Subchapter H (Passenger Vessels) of this chapter. The interior shall be lined flush with incombustible materials.

(b) Lighting fixtures, if installed, shall be of an approved type equipped with globes and guards. All electrical installations shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter. The electrical terminals for connections to the ship's electrical system shall be of watertight construction and bear a label plate denoting the power requirement of the van.

(c) Access doors and ventilation closures shall be of watertight construction. Doors shall be provided with means whereby they may be securely locked.

(d) Vans shall be provided with suitable pads and clips for securing to the deck and for installation of wire rope sway braces.

(e) Vans shall bear a label plate stating light weight, gross weight and weight of explosives. Gross weight shall not exceed 250 pounds per square foot of deck area.

§ 194.10–20 Magazine chest construction.

(a) Magazine chests shall be of watertight metal construction with flush interior. The body and lid shall have a minimum thickness of ⅛ inch.

(b) Permanent sun shields shall be provided for sides and top including the lid. These shall have a minimum thickness of ⅛-inch aluminum or 16-gage steel. Side shields shall be offset from the body a distance of 1 inch. The top shield shall be offset a distance of 1½ inches. Sun shields may be omitted when chests are installed "on deck protected," shielded from direct exposure to the sun.

(c) Chests shall be limited to a gross capacity of 100 cubic feet.

(d) Chests shall be secured to the vessel's structure by means of permanently installed foundation clips or bolts or a combination thereof. Lashings will not be acceptable.

(e) Chests shall be provided with substantial hasps and staples for locking purposes.

§ 194.10–25 Ventilation.

(a) *Integral magazines.* (1) All integral magazines shall be provided with natural or mechanical ventilation. Design calculations shall be submitted demonstrating that the system has sufficient capacity to maintain the magazine temperature below 100° F. with 88° F. weather air.[1] Mechanical cooling may be used where ventilation requirements exceed 1,500 cubic feet per minute.

(2) Ventilation systems shall be of watertight construction and shall serve no other space. Weather cowls shall be provided with a double layer of wire screen of not less than ⅛-inch mesh. Metal watertight closures shall be provided for use when the ventilation system is not in operation. A 2-inch IPS bypass with check valve shall be provided in parallel with at least one of the ventilation closures to prevent pressure buildup.

(b) *Magazine vans.* (1) All magazine vans shall be provided with natural ventilation sufficient to maintain the inside air temperature below 130° F. with an assumed outside temperature of 115° F.

(2) Ventilation supply weather openings shall be located at least 6 feet above the deck. Exhaust terminals shall be located in the van overhead. Louvers or vanned cowls with a double layer of wire screen of not less than ⅛-inch mesh shall be provided for protection of weather openings.

§ 194.10–30 Magazine sprinklers.

(a) *Sprinkler system required.* (1) A manual control, hydraulic control, or automatic sprinkler system shall be installed in each magazine or magazine group. The control valve shall generally be in accordance with Specification MIL–F–17501[2] insofar as materials and test fittings are concerned. All systems shall be remotely operable from a control station on the freeboard deck and manually operable at the control valve location.

(2) Where automatic systems are installed sprinkler heads shall be of the open head design so as to permit either manual or automatic operation.

(3) Sprinkler systems shall be designed in accordance with the requirements of Part 76 of Subchapter H (Passenger Vessels) of this chapter. Minimum total system capacity shall be based on 0.8 gallon per minute per square foot of overhead area.

(4) The normally required fire pumps may be used for magazine sprinkling purposes. However, the use of the magazine sprinkling system shall not interfere with the simultaneous use of the fire main system.

(b) *Magazine vans.* (1) A manual control sprinkler system shall be installed in each magazine van. The system shall be connected to the nearest fire main outlet by jumper hose. The hose shall be protected from physical damage by a grating or similar arrangement. The fire station valve shall serve as the sprinkler control valve.

(2) Sprinkler systems shall be designed in accordance with the requirements of Part 76 of Subchapter H (Passenger Vessels) of this chapter, except that the system capacity shall be increased to provide a coverage of 0.8 gallon per minute per square foot of overhead area.

§ 194.10–35 Labeling.

(a) Labeling shall be in 3-inch block type lettering. Letters shall be red or white, whichever provides the better contrast against the background. On small chests the labeling size may be reduced to that consistent with the size of the chest so that the inscription may be placed in its entirety on the side or top.

(b) The access door to magazines and magazine vans shall bear the inscription:

MAGAZINE
KEEP LIGHTS AND FIRE AWAY
KEEP DOOR CLOSED
REMOVE MATCHES AND LIGHTERS
PRIOR TO ENTERING

(c) Magazine chests shall be marked in a conspicuous location, preferably the top, with the inscription:

MAGAZINE CHEST
KEEP LIGHTS AND FIRE AWAY

(d) Magazine chests used for blasting caps, detonators, or boosters shall be marked in a conspicuous location with the inscription as appropriate:

BLASTING CAP LOCKER
or
DETONATOR LOCKER
or
BOOSTER LOCKER
KEEP LIGHTS AND FIRE AWAY

(e) Magazine van, unless specifically approved as a portable magazine under provisions of § 146.09–6 of Subchapter N (Dangerous Cargoes) of this chapter, shall bear the additional statements on each side:

MAGAZINE
WARNING
DO NOT LIFT WITH CONTENTS

(f) Control locations for magazine sprinkler systems, in addition to the operating instructions required by § 76.20–20 of Subchapter H (Passenger Vessels) of this chapter shall bear the inscription:

MAGAZINE SPRINKLER CONTROL

Subpart 194.15—Chemistry Laboratory and Scientific Laboratory

§ 194.15–1 General.

(a) The chemical laboratories shall be considered to be service areas, and as such shall be subject to the applicable requirements of § 190.07–10(d). The scientific laboratories shall be considered to be service areas.

(1) Installed and portable equipment shall be constructed of incombustible materials. Utility items, such as hoses and reagent containers, where compliance is not practicable are exempted from the provisions of this section.

(b) Storage of all equipment, materials, etc., and cleanliness shall be consistent with sound laboratory practices. All items shall be securely stowed.

(c) The deck of the laboratory shall be covered with a nonskid masonry or stone material so fashioned that spillage may be easily flushed down suitably installed deck drains. Deck materials such as terrazzo, ceramic tile, or concrete are considered suitable and acceptable.

(d) The access doors to the laboratory shall bear the inscription "Chemical Laboratory", or "Scientific Laboratory" in lettering meeting requirements of § 194.10–35(a).

§ 194.15–3 Responsibility.

(a) With the knowledge and approval of the master, the senior member of the scientific party embarked may supervise the safety and operation of the chemical laboratory.

(b) The laboratory supervisor shall:

(1) Maintain the highest standards of safe working conditions.

(2) Provide safeguards against hazardous undertakings.

(3) Educate personnel working in the laboratory spaces to be alert for hazards.

§ 194.15–5 Ventilation.

(a) Chemical laboratories and scientific laboratories shall be equipped with power ventilation system of the exhaust type. The system shall have a capacity sufficient to effect a complete change of air in not more than 4 minutes based upon the volume of the compartment.

(1) Power ventilation units shall have nonsparking impellers and shall not produce a source of vapor ignition in either the compartment or the ventilation system associated with the compartment.

(2) The power ventilation shall be interlocked with a visual alarm such that the alarm will be actuated in the event of ventilation shutdown or failure.

(b) This ventilation system shall be independent of any other ventilation system in the vessel. It shall serve no other space. It shall be of watertight construction.

(c) Ventilation from the weather deck shall be provided. Ventilation shall terminate more than 6 feet from any opening to the interior part of the vessel and from any possible source of vapor ignition.

(d) Operations, reactions or experiments which produce toxic, noxious or corrosive vapors shall be conducted under a suitably installed fume hood. The fume hood shall be equipped with an independent power exhaust ventilation system which terminates so as to prevent fumes from entering other portions of the vessel. The exhaust system of the fume hood shall be compatible with the ventilation system of the laboratory to prevent fumes from backing-up within the fume hood system. The terminals shall be equipped with acceptable flame screens.

§ 194.15–7 Fire protection.

(a) If a fixed firefighting system is installed, it shall be an independent, fixed automatic carbon dioxide firefighting system meeting the applicable requirements in Subpart 193.15 of this subchapter. Such an installation envisions the installation of a manual control station located in the vicinity of one of the main escapes from the space as discussed in § 193.15–10(c) of this subchapter. Other fixed firefighting systems will be given special consideration by the Commandant.

(b) Portable fire extinguishers are required in accordance with Table 193.50–10(a) of this subchapter.

§ 194.15–9 Storage.

(a) Chemicals mentioned in § 194.05–3 may be stored in small working quantities in the laboratory provided their containers are labeled in accordance with § 195.05–5(a).

(b) Chemicals in greater than small laboratory working quantities shall be stored in approved containers in the chemical storeroom as prescribed in § 194.05–1(b).

(c) All material stored in any laboratory shall be securely stowed for sea with due consideration for chemical compatibility and safety standards.

(1) Items shall not be stowed on the deck.

(2) Shelving shall be so constructed as to provide a clear space of at least 4 inches between the bottom shelf and the deck.

§ 194.15–11 Flushing systems.

(a) The laboratory shall be equipped with a fresh water safety shower for personnel use in emergencies.

(b) A garden hose-type flushing system of fresh water shall be provided for the purpose of flushing away chemical spills within the laboratory. The laboratory shall have acceptable overboard drainage system(s) to facilitate this flushing system. The laboratory drainage systems shall be separate from the other drainage systems.

§ 194.15–15 Chemicals other than compressed gases.

(a) Chemicals used in the chemistry laboratory and specifically mentioned in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter may be stored in small working quantities in the chemical laboratory.

§ 194.15–17 Compressed gases.

(a) When, in consideration for a particular operation, compressed gases are needed within the laboratory, the cylinders may be temporarily installed in the laboratory, provided no more than one (1) cylinder of each gas is in the laboratory simultaneously. When transporting compressed gas cylinders to, from, or within the vessel, the cylinder valves shall be capped or otherwise protected in accordance with § 146.34–15(d) of Subchapter N (Dangerous Cargoes) of this chapter.

(b) Cylinders temporarily installed in the laboratory shall be securely stowed for sea. Appropriate safety signs shall be displayed and safety precautions observed.

(c) Oxygen and acetylene cylinders for use in ship's maintenance shall not be stored in the laboratory.

(d) Systems providing gas for bunsen burners or similar semipermanent/permanent installations shall be installed in accordance with Subpart 195.03.

§ 194.15–19 Electrical.

(a) All electrical equipment located within 18 inches of the deck shall be in accordance with the applicable requirements of Subchapter J (Electrical Engineering) of this chapter for Class I, Division 2, hazardous locations. Electrical equipment located 18 inches or more above the deck may be of a type suitable for wet or dry locations in accordance with Subchapter J.

Subpart 194.20—Chemical Stores and/or Storerooms

§ 194.20–1 General.

(a) The chemical storerooms shall be considered to be service areas and as such shall be subject to the applicable requirements of § 190.07–10(d).

(1) Installed and portable equipment shall be constructed of incombustible materials.

(2) The access doors to the storeroom shall bear the inscription "Chemical Storeroom" in lettering meeting requirements of § 194.10–35(a).

(b) Storage and cleanliness shall be consistent with good chemical stowage practices.

(c) The deck of the chemical storeroom shall be covered with a nonskid masonry or stone material so fashioned that spillage may be easily flushed down suitably installed deck drains. Deck materials such as terrazzo, ceramic tile, or concrete are considered suitable and acceptable.

(d) Chemical reactions and experiments shall not be conducted in the chemical storeroom.

(e) The chemical storeroom shall be for the exclusive use of chemicals to be used in the chemistry laboratory.

(f) All doors shall open in the direction of escape.

(g) Movement of chemicals to, or from, the storeroom shall be accomplished utilizing suitable, portable containers. In no event shall piping systems, or similar arrangements, be permitted for transfer of chemical stores between the storeroom and the area in which the chemical is to be used.

§ 194.20–3 Responsibility.

(a) With the knowledge and approval of the master, the senior member of the scientific party embarked may supervise the safety and operation of the chemical storerooms.

(b) The chemical storeroom supervisor shall:

(1) Maintain the highest standards of safe working conditions.

(2) Provide safeguards against hazardous undertakings.

(3) Educate personnel working in, and near, the storeroom to be alert for hazards.

[1] U.S. Navy Design Data Sheet DD 3801–1 may be used as the basis for design calculations. This information may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

[2] This specification may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

§ 194.20–5 Ventilation.

(a) Chemical storerooms shall be equipped with a power ventilation system of exhaust type. The system shall have a capacity sufficient to effect a complete change of air in not more than 3 minutes based upon the volume of the compartment.

(1) Power ventilation units shall have nonsparking impellers and shall not produce a source of vapor ignition in either the compartment or the ventilation system associated with the compartment.

(2) The power ventilation shall be interlocked with an audible alarm such that the alarm will be actuated in the event of ventilation shutdown or failure.

(b) This ventilation system shall be independent of any other ventilation system. It shall serve no other space in the vessel. It shall be of watertight construction.

(c) Inlets to exhaust ducts shall be provided and located at points where concentration of vapors may be expected. Ventilation from the weather deck shall be provided. Ventilation shall terminate more than 6 feet from any opening to the interior part of the vessel and from any possible source of vapor ignition. Terminals shall be fitted with acceptable flame screens.

§ 194.20–7 Fire protection.

(a) Each chemical storeroom shall be protected by an independent, fixed automatic carbon dioxide extinguishing system installed in accordance with Subpart 193.15 of this subchapter. A manual control station shall be located as directed by § 193.15–10(c) of this subchapter.

(b) Portable fire extinguishers are required in accordance with Table 193.50–10(a) of this subchapter.

§ 194.20–9 Storage.

(a) Chemical stores shall be stored in the chemical storeroom as prescribed in § 194.05–1(b).

(b) All items stored in the storeroom shall be secured against shifting and with due consideration for chemical compatibility and safety standards.

(1) Items shall not be stowed on the deck.

(2) Shelving shall be so constructed as to provide a clear space of at least 4 inches between the bottom shelf and the deck.

§ 194.20–11 Flushing systems.

(a) A garden-hose-type fresh water flushing system shall be provided for the purpose of flushing away chemical spills within the storeroom.

(b) The storeroom shall have an acceptable drainage system to facilitate this flushing system. These drainage systems shall be separate from the other drainage systems.

§ 194.20–15 Chemical stores other than compressed gases.

(a) Flammable liquids are excluded from the storeroom unless contained in properly marked and labeled metal safety cans not in excess of 5 gallons of each kind. Refer to Subpart 194.05 for applicable requirements governing quantities greater than 5 gallons.

(b) Combustible liquids in approved portable drums, barrels or containers not in excess of 55 gallons of each kind may be stored in the storeroom. Refer to Subpart 194.05 for applicable requirements governing quantities greater than 55 gallons.

(c) Containers when used for dispensing flammable and combustible liquids shall be equipped with automatic closing valves.

(d) Poisons listed in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter may be stored in approved containers in the chemical storeroom.

(e) Explosives and oxidizing materials not for use in the chemical laboratory shall not be stored in the chemical storeroom.

(f) Chemical stores specifically mentioned in Part 146 of Subchapter N (Dangerous Cargoes) of this chapter may be carried in the chemical storeroom.

§ 194.20–17 Compressed gases.

(a) Nonflammable compressed gases (excluding oxygen) may be securely stowed in the storeroom: *Provided*, That no more than three (3) cylinders of the same gas nor more than eight (8) cylinders total are stowed simultaneously in the same chemical storeroom.

(b) Flammable compressed gases and oxygen shall be stowed in accordance with Subpart 146.24 of Subchapter N (Dangerous Cargoes) of this chapter.

(c) Compressed gas cylinders shall have valve protection in accordance with § 146.24–15(d) of Subchapter N (Dangerous Cargoes) of this chapter, and shall be securely stowed in a vertical position in suitable racks.

§ 194.20–19 Piping and electrical requirements.

(a) Piping, electrical equipment, and wiring shall not be installed within or pass through a chemical storeroom except as required for the chemical storeroom itself.

(b) The electrical installation shall be in accordance with the applicable requirements of Subchapter J (Electrical Engineering) of this chapter for Class I, Division 1, Group C hazardous locations.

Subpart 194.90—Vessels Contracted for Prior to March 1, 1967

§ 194.90–1 Requirements.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved but not meeting the applicable requirements of Subparts 194.05 through 194.20 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be permitted to the same standards as the original design: *Provided*, That in no case will a greater departure from the standards of Subparts 194.05 through 194.20 be permitted than presently exists.

(2) All new installations, major alterations, and major replacements shall meet the applicable requirements in this part for new vessels.

(3) The general requirements of Subparts 194.05 through 194.20 shall apply unless in the opinion of the Officer in Charge, Marine Inspection, it is unreasonable or impracticable, or the arrangement or construction of the vessel makes it unnecessary.

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

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Subpart 195.35—Fireman's Outfit

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195.35–1 Application.
195.35–5 General.
195.35–10 Fireman's outfit.
195.35–15 Stowage.
195.35–20 Spare charges.
195.35–90 Vessels contracted for prior to March 1, 1967.

AUTHORITY: The provisions of this Part 195 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416. 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4453, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 46 U.S.C. 391, 392, 435, 481, 395, 363, 367; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR 1965 Supp. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521, CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857; 167–66, Sept. 8, 1965, 30 F.R. 11735; unless otherwise noted.

Subpart 195.01—Application

§ 195.01–1 General.

(a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

Subpart 195.03—Marine Engineering Systems

§ 195.03–1 Installation and details.

(a) The installation of all systems of a marine engineering nature, together with the details of design, construction, and installation, shall be in accordance with the requirements of Subchapter F (Marine Engineering) of this chapter. Systems of this type include the following:

Steering Systems.
Bilge and Ballast Systems.
Tank Vent and Sounding Systems.
Overboard Discharges and Shell Connections.
Pipe and Pressure Systems.
Liquefied Petroleum Gas Systems.

Subpart 195.05—Electrical Engineering and Interior Communications Systems

§ 195.05–1 Installation and details.

(a) The installation of all system of an electrical engineering or interior communication nature, together with the details of design, construction, and installation shall be in accordance with the requirements of Subchapter J (Electrical Engineering) of this chapter. Systems of this type include the following:

Ship's Service Generating Systems.
Ship's Service Power Distribution Systems.
Ship's Lighting Systems.
Electric Propulsion and Propulsion Control Systems.
Emergency Lighting and Power Systems.
Electric Lifeboat Winch Systems.
Electric Steering Gear and Steering Control Systems.
Fire Detecting and Alarm Systems.
Sound Powered Telephone and Voice Tube Systems.
Engine Order Telegraph Systems.
Rudder Angle Indicator Systems.
Refrigerated Spaces Alarm Systems.
Navigation Lights Systems.
Daylight Signaling Lights.
Miscellaneous Machinery Alarms and Controls.
General Alarm Systems.

Subpart 195.07—Anchors, Chains, and Hawsers

§ 195.07–1 Application.

(a) The provisions of this subpart, with the exception of § 195.07–90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 195.07–90.

§ 195.07–5 Ocean, coastwise, or Great Lakes service.

(a) Vessels in ocean, coastwise, or Great Lakes service shall be fitted with anchors, chains, and hawsers which shall be in general agreement with the standards established by the American Bureau of Shipping, see Subpart 188.35 of this subchapter.

§ 195.07–10 Lakes, bays, and sounds, or river service.

(a) Vessels in lakes, bays, and sounds, or river service shall be fitted with such ground tackle and hawsers as deemed necessary by the Officer in Charge, Marine Inspection, depending upon the size of the vessel and the waters on which it operates.

§ 195.07–90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) Existing arrangements, materials, installations, and facilities previously accepted or approved shall be considered satisfactory for the same service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. If the service of the vessel is changed, the suitability of the equipment will be established by the Officer in Charge, Marine Inspection.

(2) Minor repairs, alterations and replacements may be permitted to the same standards as the original installations. However, all new installations, major alterations, or major replacements shall meet the applicable requirements in this subpart for new vessels.

Subpart 195.09—Scientific Equipment

AUTHORITY: The provisions of this Subpart 195.09 interpret or apply R.S. 4429, as amended, 4433, as amended, 4472, as amended; 46 U.S.C. 407, 411, 170.

§ 195.09–1 Application.

(a) The provisions of this subpart shall apply to all vessels.

§ 195.09–5 General.

(a) All scientific equipment and their electrical or pressure connections to the ship's supply shall be designed to good commercial standards for such appliances.

(b) It shall be the responsibility of the owner to assure that the scientific equipment and their electrical or pressure connections to the ship's supply are maintained in such a manner as to be free of personnel hazards which may be caused by shock, temperature extremes, and moving parts.

Subpart 195.11—Portable Vans, Magazines and Chests

AUTHORITY: The provisions of this Subpart 195.11 interpret or apply R.S. 4472, as amended, 46 U.S.C. 170.

§ 195.11–1 Application.

(a) The provisions of this subpart shall apply to all vessels.

§ 195.11–5 Scope.

(a) The provisions in this subpart contain requirements for the design, construction, and stowage of portable vans, magazines, chests, etc., which may be carried on board vessels. The regulations apply to portable structures which are capable of being lifted in either a loaded or unloaded condition on and off the vessel.

(b) Special consideration may be given to the approval of portable structures which have been used for other purposes prior to proposed use on these vessels.

(c) As used in this subpart, portable vans, magazines, chests, etc., are intended to include those temporary structures which may be carried aboard a vessel for a limited period of time and which are not permanently attached to the vessel. The use, arrangement, and handling of such portable structures shall be approved by the Officer in Charge, Marine Inspection, prior to placement on board the vessel.

§ 195.11–10 Plan approval.

(a) Plans in quadruplicate showing the details of construction shall be submitted to the Commandant (MMT), U.S. Coast Guard, or to a field technical unit in the same manner as described in § 189.55–15 of this subchapter for the vessel plans.

(b) Plans shall be approved by the Commandant in the same manner as followed for the vessel plans, as described in Part 189 of this subchapter.

§ 195.11–15 Construction.

(a) Portable vans shall be substantially constructed of steel or other material satisfactory to the Commandant.

(b) Portable magazines, chests, etc., and similar temporary structures shall comply as far as reasonable and practicable with the requirements of this subchapter applicable to permanent spaces on a vessel intended for the same usage.

§ 195.11–17 Portable tanks.

(a) Portable tanks for flammable or combustible liquids in bulk shall not be carried on vessels.

§ 195.11–20 Attachment to the vessel.

(a) Portable vans, magazines, chests, etc., and other similar temporary structures, not intended to be occupied, shall be securely attached to the vessel to prevent shifting.

(b) Portable vans and similar temporary structures carried aboard the ves-

sel and intended to be occupied during the vessel's operation shall be securely attached to the vessel by welding or bolting.

(c) Portable cable lashings are not permitted.

§ 195.11–25 Access to or means of escape from occupied portable vans.

(a) The placement of portable vans and similar temporary structures carried aboard a vessel shall be such as to provide a walkway of not less than 30 inches in width and shall be in general accordance with the requirements in Subpart 190.10 of this subchapter except that a van of 320 square feet of floor area or less may have one means of escape in lieu of the two required by § 190.10–5 of this subchapter.

Subpart 195.13—Radiotelegraph and Radiotelephone

§ 195.13–1 Required by Federal Communications Commission.

(a) Radiotelegraph and radiotelephone installations are required on certain vessels. Details of the application of this requirement as well as details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

Subpart 195.15—Radio Direction Finder

§ 195.15–1 When required.

(a) All mechanically propelled vessels of 1,600 gross tons and over, in ocean service or on an international voyage, shall be fitted with a radio direction finder. Details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

Subpart 195.20—Navigation Lights and Shapes, Whistles, Foghorns, Fog Bells, and Gongs

§ 195.20–1 Vessels operating on waters governed by the International Rules of the Road.

(a) All vessels operating on waters governed by the International Rules of the Road (33 U.S.C. 1051–1094) shall be equipped with the navigation lights and shapes, whistles, foghorns, fog bells, and gongs, as required by those rules.

§ 195.20–10 Vessels operating on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road.

(a) All vessels (other than motorboats) operating on waters governed by the Inland, Great Lakes, or Western Rivers Rules of the Road (33 U.S.C. 154–232, 241–295, 301–355) shall be equipped with the navigation lights and shapes, whistles, foghorns, fog bells, and gongs as required by the Rules of the Road applicable to the waters on which the vessel is being navigated. For motorboats see the applicable requirements described in Part 25 of Subchapter C (Uninspected Vessels) of this chapter.

Subpart 195.27—Sounding Equipment

§ 195.27–1 When required.

(a) All mechanically propelled vessels of 500 gross tons and over in ocean or coastwise service and all such vessels in Great Lakes service and certificated for service on the River St. Lawrence eastward of the lower exit of the St. Lambert Lock at Montreal, Canada, shall be fitted with an efficient mechanical or electronic deep-sea sounding apparatus and a deep-sea hand lead. All other mechanically propelled vessels of 1,500 gross tons and over in Great Lakes service shall carry a deep-sea hand lead.

Subpart 195.30—Protection From Refrigerants

§ 195.30–1 Application.

(a) The provisions of this subpart, with the exception of § 195.30–90, shall apply to all vessels contracted for on or after March 1, 1967.

(b) Vessels contracted for prior to March 1, 1967, shall meet the requirements of § 195.30–90.

§ 195.30–5 General.

(a) All self-contained breathing apparatus and gas masks shall be of an approved type, constructed in accordance with Subpart 160.011 of Subchapter Q (Specifications) of this chapter.

(b) All equipment shall be maintained in an operative condition, and it shall be the responsibility of the master and chief engineer to ascertain that a sufficient number of the crew are familiar with the operation of the equipment.

§ 195.30–15 Refrigeration masks.

(a) On all vessels equipped with refrigeration, other than small unit type refrigeration of not more than 20 cubic feet capacity, a gas mask, suitable for protection against each refrigerant used, or a self-contained breathing apparatus shall be provided. The refrigeration gas mask shall be stowed convenient to, but outside of the spaces containing the refrigeration equipment.

(b) A complete recharge shall be carried for each gas mask and self-contained breathing apparatus. The spare charge shall be stowed in the same location as the equipment it is to reactivate.

§ 195.30–90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) The requirements of §§ 195.30–5 and 195.30–15 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned unless it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that other arrangements provide adequate protection.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications set forth in § 195.30–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, but all new installations or replacements shall meet the applicable specifications or requirements in this subpart for new vessels.

Subpart 195.35—Fireman's Outfit

§ 195.35–1 Application.

(a) The provisions of this subpart, with the exception of § 195.35–90, shall apply to all vessels other than unmanned barges contracted for on or after March 1, 1967.

(b) All vessels other than unmanned barges contracted for prior to March 1, 1967, shall meet the requirements in § 195.35–90.

(c) All unmanned barges are exempted from the requirements in this subpart. However, if such barges carry on board a fireman's outfit, then such equipment shall be in accordance with the requirements in this subpart for manned barges.

§ 195.35–5 General.

(a) All flame safety lamps shall be of an approved type, constructed in accordance with Subpart 160.016 of Subchapter Q (Specifications) of this chapter.

(b) All self-contained breathing apparatus shall be of an approved type, constructed in accordance with Subpart 160.011 of Subchapter Q (Specifications) of this chapter.

(c) All flashlights shall be of an approved three-cell explosion-proof type, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter.

(d) All lifelines shall be of steel or bronze wire rope. Steel wire rope shall be either inherently corrosion-resistant, or made so by galvanizing or tinning. Each end shall be fitted with a hook with keeper having throat opening which can be readily slipped over a $\frac{5}{8}$-inch bolt. The total length of the lifeline shall be dependent upon the size and arrangement of the vessel, and more than one line may be hooked together to achieve the necessary length. No individual length of lifeline may be less than 50 feet in length. The assembled lifeline shall have a minimum breaking strength of 1,500 pounds.

(e) All equipment shall be maintained in an operative condition, and it shall be the responsibility of the master and chief engineer to ascertain that a sufficient number of the crew are familiar with the operation of the equipment.

§ 195.35–10 Fireman's outfit.

(a) A fireman's outfit shall consist of one self-contained breathing apparatus with lifeline attached, one flashlight, one flame safety lamp, and one fire axe.

(b) Every vessel shall carry at least one fireman's outfit.

§ 195.35–15 Stowage.

(a) Equipment shall be stowed in a convenient, accessible location as determined by the master, for use in case of emergency.

§ 195.35–20 Spare charges.

(a) A complete recharge shall be carried for each self-contained breathing apparatus, and a complete set of spare batteries shall be carried for each flashlight. The spares shall be stowed in the same location as the equipment it is to reactivate.

§ 195.35–90 Vessels contracted for prior to March 1, 1967.

(a) Vessels contracted for prior to March 1, 1967, shall meet the following requirements:

(1) The requirements of §§ 195.35–5 through 195.35–20 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned.

(2) Existing items of equipment previously approved, but not meeting the applicable specifications set forth in § 195.35–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, but all new installations or replacements shall meet the applicable specifications or requirements for new vessels.

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196.80–1 Master's responsibility.

Subpart 196.85—Magazine Control

196.85–1 Magazine operation and control.

AUTHORITY: The provisions of this Part 196 issued under R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 46 U.S.C. 391, 392, 435, 395, 368, 367. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–66, Sept. 8, 1965, 30 F.R. 11735; unless otherwise noted.

Subpart 196.01—Application

§ 196.01–1 General.

(a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

Subpart 196.03—Statutory Penalties

§ 196.03–1 General.

(a) The marine safety and criminal statutes provide penalties for the violation of the applicable provisions of this subchapter, which penalties, depending upon the gravity of the violation, are as follows:

(1) Assessment and collection of civil monetary penalty.

(2) Criminal prosecution where no loss of life results.

(3) Criminal prosecution for manslaughter were loss of life results from violation of statute or regulation or from misconduct, negligence, or inattention to duty.

(4) Libel against vessel.

(b) In addition to the foregoing, any licensed or certificated personnel committing an act of misbehavior, negli-

gence, unskillfulness, endangering life, violation of marine safety statutes or regulations or requirements thereunder, and incompetency shall be subject to proceedings under the provisions of 46 U.S.C. 239 and regulations thereunder (Part 137 of this chapter) with respect to suspension or revocation of license or certificate.

Subpart 196.05—Notice to Mariners and Aids to Navigation

§ 196.05–1 Duty of officers.

(a) Licensed deck officers are required to acquaint themselves with the latest information published by the Coast Guard and the U.S. Navy regarding aids to navigation. Neglect to do so is evidence of neglect of duty. It is desirable that all vessels have available in the pilothouse for convenient reference at all times a file of the applicable Notice to Mariners.

(b) Weekly Notices to Mariners (Great Lakes Edition) as published by the Commander, 9th Coast Guard District, contains announcements and information on changes in aids to navigation and other marine information affecting the safety of navigation on the Great Lakes. These notices may be obtained free of charge, by making application to Commander, 9th Coast Guard District.

(c) Weekly Notices to Mariners (Part I, Atlantic and Mediterranean) are prepared jointly by the U.S. Coast Guard, the U.S. Coast and Geodetic Survey and the U.S. Naval Oceanographic Office. They include changes in aids to navigation in assembled form for the 1st, 3d, 5th, 7th, and 8th Coast Guard Districts and the Greater Antilles Section. Foreign marine information in the Atlantic and Mediterranean area is also included in these notices. These notices are available without charge from the U.S. Naval Oceanographic Office, Branch Oceanographic Offices, and U.S. Collector of Customs of the major seaports in the United States and are also on file in the U.S. Consulates where they may be inspected.

(d) Weekly Notices to Mariners (Part II, Pacific and Indian Oceans) are prepared jointly by the U.S. Coast Guard, the U.S. Coast and Geodetic Survey, and the U.S. Naval Oceanographic Office. They include changes in aids to navigation in assembled form for the 11th, 12th, 13th, 14th, and 17th Coast Guard Districts. Foreign marine information in the Pacific and Indian Oceans area is also included in these notices. These notices are available without charge from the U.S. Naval Oceanographic Office, Branch Oceanographic Offices and U.S. Collector of Customs of the major seaports in the United States and are also on file in the U.S. Consulates where they may be inspected.

§ 196.05–5 Charts.

(a) All vessels, except barges and vessels operating exclusively on rivers, shall have charts of the waters upon which they operate available for convenient reference at all times.

Subpart 196.07—Notice of Casualty and Voyage Records

AUTHORITY: The provisions of this Subpart 196.07 interpret or apply R.S. 4450, as amended, 4453, as amended, secs. 13, 17, 54 Stat. 165, 166, as amended, sec. 10, 18 Stat. 128, as amended; 46 U.S.C. 239, 435, 526l(c), 526p, 33 U.S.C. 361. Treasury Dept. Orders 167–32, Sept. 23, 1958, 23 F.R. 7605; 167–38, Oct. 26, 1959, 24 F.R. 8857.

§ 196.07–1 Notice of casualty.

(a) The owner, agent, master, or person in charge of a vessel involved in a marine casualty shall give notice as soon as possible to the nearest marine inspection office of the U.S. Coast Guard whenever the casualty results in any of the following:

(1) Damage to property in excess of $1,500 except for scientific equipment

(2) Material damage affecting the seaworthiness or efficiency of a vessel.

(3) Stranding or grounding.

(4) Loss of life.

(5) Injury causing any person to remain incapacitated for a period in excess of 72 hours; except injuries to harbor workers not resulting in death and not resulting from vessel casualty or vessel equipment casualty.

(b) The master of any nuclear vessel shall immediately inform the Commandant in the event of any accident or casualty to the nuclear vessel which may lead to an environmental hazard. The master shall also immediately inform the competent governmental authority of the country in whose waters the vessel may be in, or whose waters the vessel approaches in a damaged condition.

§ 196.07–5 Information required.

(a) The notice required by § 196.07–1 shall show the name and official number of the vessel involved, the owner or agent thereof, the nature and probable occasion of the casualty, the locality in which it occurred, the nature and extent of injury to persons and the damage to property.

§ 196.07–10 Written report.

(a) In addition to the notice required by § 196.07–1 the person in charge of the vessel shall, as soon as possible, report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival. However, if due to the distance it may be inconvenient to report in person, it may be done in writing only. The written report required for personal accident shall be made on Form CG–924E and submitted for each individual injured and each loss of life. For all other vessel casualties the written report shall be made on Form CG–2692.

(b) If filed without delay, the Form CG–924E or CG–2692 may also provide the notice required by § 196.07–1.

§ 196.07–15 Retention of records.

(a) The owner, agent, master, or other person in charge of any vessel involved in a marine casualty shall retain such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engineroom logs, bell books, navigation charts, navigation work books, compass deviation cards, gyrocompass records, storage plans, record of draft, aids to mariners, radiograms sent and received, the radio log, and crew and passenger lists. The owner, agent, master, or other officer in charge, shall make these records available to a duly authorized Coast Guard officer or employee for examination upon request.

§ 196.07–20 Aids to Navigation.

(a) Whenever a vessel collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection. No report on Form CG–2692 is required unless any of the results listed in § 196.07–1(a) occur.

§ 196.07–25 Reports when state of war exists.

(a) During the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties or accidents shall be handled with caution and the reports shall not be made by radio or by telegram.

Subpart 196.13—Station Bills

AUTHORITY: The provisions of this Subpart 196.13 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857.

§ 196.13–1 Application.

(a) The provisions of this subpart shall apply to all manned vessels.

§ 196.13–5 Master's responsibility.

(a) A station bill (muster list) shall be prepared by the master of the vessel who shall be responsible to sign such station bill and to ascertain that it is duly posted in conspicuous locations in the vessel, particularly in the quarters of crewmembers and scientific personnel, before the vessel sails.

§ 196.13–10 Duties of crew and scientific personnel.

(a) The station bill shall set forth the special duties and duty station of each member of the crew and scientific personnel for the various emergencies. The duties shall, as far as possible, be comparable with the regular work of the individual. The duties shall in general include the following, and in addition such other duties shall be assigned as are necessary in the case of the particular vessel for the proper handling of the particular emergency:

(1) The closing of airports, watertight doors, scuppers, sanitary, and other discharges which lead through the vessel's hull below the margin line, etc., the stopping of fans and ventilating systems, and the operation of all safety equipment.

(2) The preparation and launching of lifeboats and liferafts.

(3) The extinction of fire.

(4) The custody of the portable radio apparatus required by Subpart 192.55 of this subchapter.

§ 196.13–15 Emergency signals.

(a) *General.* The station bill shall set forth the various signals to be used for the calling of the crew to their stations and for giving instructions while at their stations. These signals shall be as set forth in this section.

(b) *Fire alarm stations.* (1) The fire alarm signal shall be a continuous blast of the whistle for a period of not less than 10 seconds supplemented by the continuous ringing of the general alarm bells for not less than 10 seconds.

(2) For dismissal from fire alarm stations, the general alarm shall be sounded three times supplemented by three short blasts of the whistle.

(c) *Boat stations or boat drills.* (1) The signal for boat stations or boat drill shall be a succession of more than six short blasts followed by one long blast of the whistle supplemented by a comparable signal on the general alarm bells.

(2) Where whistle signals are used for handling the lifeboats, they shall be as follows:

(i) To lower lifeboats, one short blast.

(ii) To stop lowering the lifeboats, two short blasts.

(3) For dismissal from boat stations, there shall be three short blasts of the whistle.

(d) The master of any vessel may establish such other emergency signals, in addition to the above, as will provide that all officers, crew, and passengers will have positive and certain notice of the existing emergency.

§ 196.13–20 Master to instruct crew and scientific personnel.

(a) The master shall conduct such drill and give such instructions as are necessary to insure that all hands are familiar with their duties as specified in the station bill.

Subpart 196.14—Manning of Lifeboats and Liferafts

AUTHORITY: The provisions of this Subpart 196.14 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 18, 1959, 24 F.R. 8857.

§ 196.14–1 Application.

(a) The provisions of this subpart shall apply to all vessels equipped with lifeboats and/or liferafts.

§ 196.14–5 Person in command of lifeboat or liferaft.

(a) For vessels in ocean service, a licensed deck officer, an able seaman, or a certificated lifeboatman shall be placed in charge of each lifeboat or liferaft. When two or more certificated lifeboatmen are required by Table 196.14–10(a) a second in command shall also be appointed, which person shall be either a licensed deck officer, an able seaman or a certificated lifeboatman.

(b) For vessels in services other than ocean service, the master shall appoint a person in command of each lifeboat and each liferaft. Except for vessels in river service, this person in command shall be either a licensed deck officer, an able seaman, or a certificated lifeboatman.

(c) The person in charge of each lifeboat or liferaft shall have a list of its crew, and shall see that the persons under his orders are acquainted with their several duties.

§ 196.14–10 Certificated lifeboatmen.

(a) Except for vessels in river service, there shall be for each lifeboat and each liferaft a number of certificated lifeboatmen equal to that specified in Table 196.14–10(a): *Provided*, That vessels required to carry sufficient lifeboats on each side to accommodate all persons on board need only carry the certificated lifeboatmen required for the manning of the lifeboats on one side.

TABLE 196.14–10(a)

Prescribed complement of lifeboat or liferaft		Minimum number of lifeboatmen	
Over	Not over	Ocean service	All services other than ocean [1]
	25	1	1
25	40	2	2
40	60	3	3
60	85	4	4
85	110	5	5
110		6	6

[1] Certificated lifeboatmen are not required on vessels in river service.

(b) The allocation of the certificated lifeboatmen to each lifeboat and each liferaft shall be at the discretion of the master according to the circumstances.

§ 196.14–15 Motor-propelled lifeboat.

(a) The master shall assign to each motor-propelled lifeboat a man capable of working the motor.

§ 196.14–20 Lifeboat carrying a radiotelegraph and/or searchlight.

(a) The master shall assign to each lifeboat carrying a radiotelegraph and/or searchlight a man capable of operating such equipment.

Subpart 196.15—Test, Drills, and Inspections

AUTHORITY: The provisions of this Subpart 196.15 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481, Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857.

§ 196.15–1 Application.

(a) The provisions of this subpart shall apply to all vessels.

§ 196.15–3 Steering gear, whistle, and means of communication.

(a) On all vessels making a voyage of more than 48 hours duration, the entire steering gear, the whistle, and the means of communication between the bridge or pilothouse and engineroom shall be examined and tested by an officer of the vessel within a period of not more than 12 hours prior to departure. On all other vessels similar examinations and tests shall be made at least once in every week.

(b) The date of the test and the condition of the equipment shall be noted in the official logbook.

§ 196.15–5 Drafts.

(a) The master of every vessel on an ocean, coastwise, or Great Lakes voyage shall enter the drafts of the vessel, forward and aft, in the official logbook when leaving port.

(b) On vessels subject to the requirements of Subchapter E (Load Lines) of this chapter at the time of departure from port on an ocean, coastwise, or Great Lakes voyage, the master shall insert in the official logbook a statement of the position of the loadline mark, port, and starboard, in relation to the surface of the water in which the vessel is then floating.

(1) When an allowance for draft is made for density of the water in which the vessel is floating, this density is to be noted in the official logbook.

§ 196.15–10 Sanitation.

(a) It shall be the duty of the master and chief engineer to see that the vessel, and, in particular, the quarters are in a clean and sanitary condition. The chief engineer shall be responsible only for the sanitary condition of the engineering department.

§ 196.15–15 Examination of boilers and machinery.

(a) It shall be the duty of the chief engineer when he assumes charge of the boilers and machinery of a vessel to examine them thoroughly. If any parts thereof are in unsatisfactory condition, or if the safety-valve seals are broken, the fact shall immediately be reported to the master, owner, or agent, and the Officer in Charge, Marine Inspection.

§ 196.15–20 Hatches and other openings.

(a) It shall be the responsibility of the master to assure himself that all exposed hatches and other openings in the hull of his vessel are closed, made properly watertight by the use of tarpaulins, gaskets or similar devices, and in all respects properly secured for sea before leaving protected waters.

(b) The openings to which this section applies are as follows:

(1) Exposed hatches.

(2) Gangway and other ports fitted below the freeboard deck.

(3) Port lights that are not accessible during navigation, including the dead lights for such port lights.

(c) The master at his discretion may permit hatches or other openings to remain uncovered or open, or to be uncovered or opened for reasonable purposes such as ship's maintenance while the vessel is being navigated: *Provided*, That in his opinion existing conditions warrant such action.

(d) In the event the master employs the discretionary provisions of this section after leaving port he shall cause appropriate entries to be made in the official log or equivalent thereof setting forth the time of uncovering, opening, closing or covering of the hatches or

other openings to which this section applies and the circumstances warranting the action taken.

(e) The discretionary provisions of this section shall not relieve the master of his responsibility for the safety of his vessel, her crew or cargo.

§ 196.15–25 Line-throwing appliances.

(a) On vessels fitted with a line-throwing appliance, it shall be the duty of the master to drill his crew in the use of such appliance, and require it to be fired at least once in every 3 months. Each drill shall be recorded in the vessel's official logbook. The service line shall not be used for drill purpose. The drill shall be conducted as follows:

(1) For impulse-projected rocket type, by actually firing the rocket with any flexible line of proper size and length, suitably faked or laid out.

(2) For shoulder gun type, by actually firing, using the regular cartridge and projectile with any flexible line of proper size and length, suitably faked or laid out.

(3) For Lyle gun type, by actually firing, using 2½ ounces of powder, the regular service projectile with any flexible line of proper size and length suitably faked or laid out.

§ 196.15–30 Emergency lighting and power systems.

(a) Where fitted, it shall be the duty of the master to see that the emergency lighting and power systems are operated and inspected at least once in each week that the vessel is navigated to be assured that the system is in proper operating condition.

(b) Internal combustion engine driven emergency generators shall be operated under load for at least 2 hours, at least once in each month that the vessel is navigated.

(c) Storage batteries for emergency lighting and power systems shall be tested at least once in each 6-month period that the vessel is navigated to demonstrate the ability of the storage battery to supply the emergency loads for the specified period of time.

(d) The date of the tests and the condition and performance of the apparatus shall be noted in the official logbook.

§ 196.15–35 Fire and boat drills.

(a) The master shall be responsible for conducting a fire and boat drill at least once in every week. The scheduling of such drills shall be at the discretion of the master except that at least one fire and boat drill shall be held within 24 hours of leaving a port if more than 25 percent of the crew have been replaced at that port.

(b) The fire and boat drill shall be conducted as if an actual emergency existed. All hands should report to their respective stations and be prepared to perform the duties specified in the station bill.

(1) Fire pumps shall be started and a sufficient number of outlets used to ascertain that the system is in proper working order.

(2) All rescue and safety equipment shall be brought from the emergency equipment lockers and the persons designated shall demonstrate their ability to use the equipment.

(3) All watertight doors which are in use while the vessel is underway shall be operated.

(4) Weather permitting, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position, painters led forward and tended, and other lifesaving equipment prepared for use. The motor and hand-propelling gear of each lifeboat, where fitted, shall be operated for at least 5 minutes.

(5) In port, every lifeboat shall be swung out, if practicable, and the unobstructed lifeboats shall be lowered to the water and the crew exercised in the use of the oars and other means of propulsion if provided for the lifeboat. Although all lifeboats may not be used in a particular drill, care shall be taken that all lifeboats are given occasional use to ascertain that all lowering equipment is in proper order and the crew properly trained. The master shall be responsible that each lifeboat is lowered to the water at least once in each 3 months.

(6) When the vessel is underway, and weather permitting, all lifeboats shall be swung out to ascertain that the gear is in proper order.

(7) The person in charge of each lifeboat and liferaft shall have a list of its crew and shall see that the men under his command are acquainted with their duties.

(8) Lifeboat equipment shall be examined at least once a month to insure that it is complete.

(c) An entry shall be made in the vessel's official logbook relative to each fire and boat drill setting forth the date and hour, length of time of the drill, numbers on the lifeboats swung out and numbers on those lowered, the length of time that motor and hand-propelled lifeboats are operated, the number of lengths of hose used, together with a statement as to the condition of all fire and lifesaving equipment, watertight door mechanisms, valves, etc. An entry shall also be made to report the monthly examination of the lifeboat equipment. If in any week the required fire and boat drills are not held or only partial drills are held, an entry shall be made stating the circumstances and extent of the drills held.

(d) A copy of these requirements, Form CG–809, Notice-Station Bill and Drills, shall be framed under glass or other transparent material and posted in a conspicuous place about the vessel. This form may be obtained from the Officer in Charge, Marine Inspection.

§ 196.15–40 Electric power-operated lifeboat winches.

(a) It shall be the duty of the master to see that all lifeboat winch control apparatus, including motor controllers, emergency switches, master switches, are examined at least once in each 3 months. The examination shall include the removal of drain plugs and/or the opening of drain valves in such appliances to assure that the enclosures are free of water.

(b) The date of the examination required by this section and the condition of the equipment shall be noted in the official logbook.

§ 196.15–45 Lifeboats, rescue boats, liferafts, lifefloats, and buoyant apparatus.

(a)(1) It shall be the duty of the master or person in charge to see that the lifeboats, rescue boats, liferafts, lifefloats, and buoyant apparatus are properly maintained at all times, and that all equipment for his vessel required by the regulations in this subchapter is provided, maintained, and replaced as indicated.

(2) The master shall assign to one or more officers the duty of seeing that the lifeboats, rescue boats, liferafts, lifefloats, and buoyant apparatus are at all times ready for immediate use.

(3) The decks on which lifeboats, rescue boats, liferafts, lifefloats, and buoyant apparatus are stowed shall be kept clear of cargo or any other obstructions which would interfere with the immediate launching of such equipment.

(b) Where motor-propelled lifeboats are carried, the motor of each lifeboat shall be operated in the ahead and astern position for a period of not less than 5 minutes at least once in each week.

(c) All lifeboats, rescue boats and rigid type liferafts shall be stripped, cleaned, and thoroughly overhauled at least once in every year. When lifeboats are removed from a vessel for this purpose on a rotational basis, the installation test prescribed by Subpart 192.35 of this subchapter need not be made.

(d) The fuel tanks of all motor-propelled lifeboats shall be emptied and the fuel changed at least once in every year.

(e) Vessels in ocean or coastwise service having a sufficient number of lifeboats on each side to accommodate all persons on board may care for their lifeboats at sea: *Provided*, That a number of lifeboats sufficient to accommodate all persons on board are fully equipped and ready for use at all times.

(f) Inflatable liferafts shall be serviced at an approved service facility every 12 months or not later than next inspection for certification provided the time since date of last servicing does not exceed 15 months. Except in emergencies no servicing should be done aboard vessels.

§ 196.15–50 Radio apparatus for lifeboats.

(a) It shall be the duty of the master to require that all batteries for all fixed and portable radio apparatus for lifeboats are brought up to full charge weekly if the batteries are of a type which require recharging.

(b) The transmitter shall be tested weekly using a suitable artificial aerial.

§ 196.15–55 Requirements for fuel oil.

(a) It shall be the duty of the chief engineer to cause an entry in the log to be made of each supply of fuel oil received on board, stating the quantity received, the name of the vendor, the name of the oil producer, and the flashpoint (closed cup test) for which it is certified by the producer.

(b) It shall be the further duty of the chief engineer to cause to be drawn and sealed and suitably labeled at the time the supply is received on board, a half-pint sample of each lot of fuel oil. These samples shall be preserved until the particular supply of oil is exhausted.

§ 196.15–60 Firefighting equipment, general.

(a) It shall be the duty of the owner, master, or person in charge to see that the vessel's firefighting equipment is at all times ready for use and that all such equipment required by the regulations in this subchapter is provided, maintained, and replaced as indicated.

(b) It shall be the duty of the owner, master, or person in charge to require and have performed at least once in every 12 months the tests and inspections of all hand portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems on board as described in Tables 189.25–20(a)(1) and 189.25–20(a)(2) in § 189.25–20(a) of this subchapter. The owner, master, or person in charge shall keep records of such tests and inspections showing the dates when performed, the number and/or other identification of each unit tested and inspected, and the name(s) of the person(s) and/or company conducting the tests and inspections. Such records shall be made available to the marine inspector upon request and shall be kept for the period of validity of the vessel's current certificate of inspection. Where practicable these records should be kept in or with the vessel's logbook. The conduct of these tests and inspections does not relieve the owner, master, or person in charge of his responsibility to maintain this firefighting equipment in proper condition at all times.

Subpart 196.17—Steering Orders

§ 196.17–1 Method of communicating.

(a) All steering orders shall be given and communicated in terms of "right rudder" where it is intended that the top of the wheel, the rudder blade, and the head of the ship should go to the right, and "left rudder" where it is intended that the top of the wheel, the rudder blade, and the head of the ship should go to the left.

Subpart 196.20—Whistling

§ 196.20–1 Unnecessary whistling prohibited.

(a) The unnecessary sounding of the vessel's whistle is prohibited within any harbor limits of the United States.

Subpart 196.23—Unauthorized Lights

§ 196.23–1 Unauthorized lights prohibited.

(a) The master shall not authorize or permit the carrying of any lights not required by law that in any way will interfere with the distinguishing of the signal lights.

Subpart 196.25—Searchlights

§ 196.25–1 Improper use prohibited.

(a) No person shall flash or cause to be flashed the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel underway.

Subpart 196.27—Lookouts

§ 196.27–1 Master's and officer's responsibility.

(a) Nothing in this part shall exonerate any master or officer in command from the consequences of any neglect to keep a proper lookout or the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case.

§ 196.27–10 Reckless or negligent operation prohibited by law.

(a) Subsection 13(a) of the act of April 25, 1940 (46 U.S.C. 526*l*), reads as follows:

No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person. To "operate" means to navigate or otherwise use a motorboat or a vessel.

Subpart 196.30—Reports of Accidents, Repairs, and Unsafe Equipment

AUTHORITY: The provisions of this Subpart 196.30 interpret or apply R.S. 4450, as amended, 4453, as amended, sec. 10, 18 Stat. 128, as amended; 46 U.S.C. 239, 435, 33 U.S.C. 361.

§ 196.30–1 Repairs to boilers and pressure vessels.

(a) Before making any repairs to boilers or unfired pressure vessels, the chief engineer shall submit a report covering the nature of the repairs to the Officer in Charge, Marine Inspection, at or nearest to the U.S. port where the repairs are to be made.

§ 196.30–5 Accidents to machinery.

(a) In the event of an accident to a boiler, unfired pressure vessel, or machinery tending to render the further use of the item unsafe until repairs are made, or if by ordinary wear such items become unsafe, a report shall be made by the Chief Engineer immediately to the Officer in Charge, Marine Inspection, or if at sea, immediately upon arrival at port.

§ 196.30–10 Notice required before repair.

(a) No repairs or alterations, except in an emergency, shall be made to any lifesaving or fire detecting or extinguishing equipment without advance notice to the Officer in Charge, Marine Inspection. When emergency repairs or alterations have been made, notice shall be given to the Officer in Charge, Marine Inspection, as soon as practicable.

§ 196.30–20 Breaking of safety valve seal.

(a) If at any time it is necessary to break the seal on a safety valve for any purpose, the Chief Engineer shall advise the Officer in Charge, Marine Inspection, at the next port of call, giving the reason for breaking the seal and requesting that the valve be examined and adjusted by an inspector. (R.S. 4419, as amended; 46 U.S.C. 393.)

Subpart 196.33—Cable Traveler

AUTHORITY: The provisions of this Subpart 196.33 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857.

§ 196.33–1 When required.

(a) On vessels where the distance between deckhouses is more than 150 feet, a wire cable shall be stretched between the deckhouses at all times when the vessel is navigating in other than protected waters. As many loose rings with lanyards shall be attached as deemed necessary by the master. In any case, a properly constructed raised catwalk or raised bridge or a below deck passage may be substituted for the required cable.

Subpart 196.34—Work Vests

AUTHORITY: The provisions of this Subpart 196.34 interpret or apply R.S. 4488, as amended, 4491, as amended; 46 U.S.C. 481, 489. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857.

§ 196.34–1 Application.

(a) Provisions of this subpart shall apply to all vessels.

§ 196.34–5 Approved unicellular plastic foam work vests.

(a) Buoyant work vests carried under the permissive authority of this subpart shall conform to the specifications contained in Subpart 160.053 in Subchapter Q (Specifications) of this chapter.

§ 196.34–10 Use.

(a) Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard vessels to be worn by crew members when working near or over the water under favorable working conditions. They shall be used under the supervision and control of designated ship's officers. When carried, such vests shall not be accepted in lieu of any portion of the required number of approved life preservers and shall not be substituted for the approved life preservers required to be worn during drills and emergencies.

§ 196.34–15 Shipboard stowage.

(a) The approved buoyant work vests shall be stowed separately from the regular stowage of approved life preservers.

(b) The locations for the stowage of work vests shall be such as not to be easily confused with that for approved life preservers.

§ 196.34–20 Shipboard inspections.

(a) Each work vest shall be subject to examination by a marine inspector to determine its serviceability. If found to

be satisfactory, it may be continued in service, but shall not be stamped by a marine inspector with a Coast Guard stamp. If a work vest is found not to be in a serviceable condition, then such work vest shall be removed from the vessel. If a work vest is beyond repair, it shall be destroyed or mutilated in the presence of a marine inspector so as to prevent its continued use as a work vest.

Subpart 196.35—Logbook Entries

AUTHORITY: The provisions of this Subpart 196.35 interpret or apply R.S. 4472, as amended, 4488, as amended, sec. 6, 45 Stat. 1494, sec. 6, 49 Stat. 880; 46 U.S.C. 170, 481, 85e, 88e. Treasury Dept. Orders 167-38, Oct. 26, 1959, 24 F.R. 8857; 167-48, Oct. 19, 1962; 27 F.R. 10504.

§ 196.35–1 Application.

(a) Except as specifically noted, the provisions of this subpart shall apply to all manned vessels.

§ 196.35–3 Logbooks and records.

(a) Under various statutes or by regulations in this subchapter, all vessels with the exception of vessels operated exclusively on rivers of the United States are required to have certain logbooks or records, and, when the occasion arises, it is the duty of the master or person in charge to place therein specific entries as required by law or regulations in this chapter.

(b) R.S. 4290, as amended (46 U.S.C. 201), states: "Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of 75 tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an Official Logbook; * * *." This official logbook is furnished gratuitously to masters of U.S.-flag vessels by the Coast Guard, as Form CG–706B or CG–706C, depending upon the number of persons employed as crew. There is printed in the first several pages of this official logbook various acts of Congress relating to logbooks and the entries required to be made therein. When a voyage is completed, or after a specified period of time is completed, the official logbooks with required entries therein shall be filed with the Officer in Charge, Marine Inspection, at or nearest the U.S. port where the vessel may be.

(c) For vessels other than those required to have official logbooks by R.S. 4290 (46 U.S.C. 201), the owners, operators, and or masters are to supply their own logs or records in any form desired, which will be considered to take the place of the official logbooks and may be used for the purpose of making entries therein as required by law or regulations in this subchapter. Such logs or records are not filed with the Officer in Charge, Marine Inspection, but shall be kept available for review by a marine inspector for a period of 1 year after the date to which the records refer, except for separate records of tests and inspections of firefighting equipment which shall be maintained with the vessel's logs for the period of validity of the vessel's certificate of inspection.

§ 196.35–5 Actions required to be logged.

(a) The actions and observations noted in this section shall be entered in the official logbook. This section contains no requirements which are not made in other portions of this subchapter, the items being merely grouped together for convenience.

(1) Fire and boat drills. Weekly. See § 196.15–35.

(2) Steering gear, whistle, and means of communication. Prior to departure. See § 196.15–3.

(3) Drafts and load line marks. Prior to leaving port, ocean, coastwise, and Great Lakes service only. See § 196.15–5.

(4) Line-throwing appliances. Once every 3 months. See § 196.15–25.

(5) Emergency lighting and power systems. Weekly and semiannually. See § 196.15–30.

(6) Electric power-operated lifeboat winches. Once every 3 months. See § 196.15–40.

(7) Fuel oil data: Upon receipt of fuel oil on board. See § 196.15–55.

(8) Hatches and other openings. All openings and closings required by § 196.-15–20.

(9) Magazines and magazine chests. Maximum and minimum temperatures as required by § 196.85–1(b).

§ 196.35–10 Official log entries.

(a) On vessels where an official logbook is required by R.S. 4290 (46 U.S.C. 201), all items relative to the crew as well as with respect to any casualties which may occur, shall be entered in the official logbook as required by this law.

Subpart 196.36—Display of Plans

§ 196.36–1 When required.

(a) All manned vessels shall have permanently exhibited for the guidance of the officer in charge of the vessel, general arrangement plans showing for each deck the various fire retardant bulkheads together with particulars of the fire-detecting, manual alarm and fire extinguishing systems, fire doors, means of ingress to the different compartments, the ventilating systems including the positions of the dampers, the location of the remote means of stopping the fans, and the identification of the fans serving each section.

(R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857)

Subpart 196.37—Markings for Fire and Emergency Equipment, etc.

AUTHORITY: The provisions of this Subpart 196.37 interpret or apply R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857.

§ 196.37–1 Application.

(a) The provisions of this subpart shall apply to all vessels.

§ 196.37–3 General.

(a) It is the intent of this subpart to provide such markings as are necessary for the guidance of the persons on board in case of an emergency. In any specific case, and particularly on small vessels, where it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that the prescribed markings are unnecessary for the guidance of the persons on board in case of emergency, such markings may be modified or omitted.

(b) In addition to English, notices, directional signs, etc., shall be printed in languages appropriate to the service of the vessel.

(c) Where in this subpart red letters are specified, letters of a contrasting color on a red background will be accepted.

§ 196.37–5 General alarm bell switch.

(a) The general alarm bell switch in the pilothouse shall be clearly and permanently identified by lettering on a metal plate or with a sign in red letters on a suitable background: "GENERAL ALARM."

CROSS REFERENCE: See also § 113.25–20 of Subchapter J (Electrical Engineering) of this chapter.

§ 196.37–7 General alarm bells.

(a) All general alarm bells shall be identified by red lettering at least ½ inch high: "GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION."

§ 196.37–9 Carbon dioxide alarm.

(a) All carbon dioxide alarms shall be conspicuously identified: "WHEN ALARM SOUNDS—VACATE AT ONCE. CARBON DIOXIDE BEING RELEASED."

§ 196.37–10 Fire extinguishing system branch lines.

(a) The branch line valves of all fire extinguishing systems shall be plainly and permanently marked indicating the spaces served.

§ 196.37–13 Fire extinguishing system controls.

(a) The control cabinets or spaces containing valves or manifolds for the various fire extinguishing systems shall be distinctly marked in conspicuous red letters at least 2 inches high: "CARBON DIOXIDE FIRE APPARATUS," or "FOAM FIRE APPARATUS," etc., as the case may be.

§ 196.37–15 Firehose stations.

(a) Each fire hydrant shall be identified in red letters and figures at least 2 inches high "FIRE STATION NO. 1", "2", "3", etc. Where the hose is not stowed in the open or behind glass so as to be readily seen, this identification shall be so placed as to be readily seen from a distance.

§ 196.37–20 Self-contained breathing apparatus and gas masks.

(a) Lockers or spaces containing self-contained breathing apparatus shall be marked "SELF-CONTAINED BREATHING APPARATUS".

§ 196.37–23 Hand portable fire extinguishers.

(a) Each hand portable fire extinguisher shall be marked with a number and the location where stowed shall be marked with a corresponding number at least ½ inch high. Where only one type and size of hand portable fire extinguisher is carried, the numbering may be omitted.

§ 196.37–25 Emergency lights.

(a) All emergency lights shall be marked with a letter "E" at least ½ inch high.

§ 196.37–33 Instructions for changing steering gear.

(a) Instructions in at least ½ inch letters and figures shall be posted in the steering engineroom, relating in order, the different steps to be taken in changing to the emergency steering gear. Each clutch, gear, wheel, lever, valve, or switch which is used during the changeover shall be numbered or lettered on a metal plate or painted so that the markings can be recognized at a reasonable distance. The instructions shall indicate each clutch or pin to be "in" or "out" and each valve or switch which is to be "opened" or "closed" in shifting to any means of steering for which the vessel is equipped. Instructions shall be included to line up all steering wheels and rudder amidship before changing gears.

§ 196.37–35 Rudder orders.

(a) At all steering stations, there shall be installed a suitable notice on the wheel or device or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" and for "left rudder".

§ 196.37–37 Lifeboats.

(a) The name of the vessel shall be plainly marked or painted on each side of the bow of each lifeboat in letters not less than 3 inches high. For vessels on an international voyage, the vessel's port of registry shall be added in similar type letters.

(b) The number of each lifeboat shall be plainly marked or painted on each side of the bow of each lifeboat in figures not less than 3 inches high. The lifeboats on each side of the vessel shall be numbered from forward aft, with the odd numbers on the starboard side.

(c) The cubical contents and number of persons allowed to be carried in each lifeboat shall be plainly marked or painted on each side of the bow of each lifeboat in letters and numbers not less than 1½ inches high. In addition, the number of persons allowed shall be plainly marked or painted on top of at least two thwarts in letters and numbers not less than 3 inches high.

(d) All oars shall be conspicuously marked with the vessel's name.

(e) Where mechanical disengaging apparatus is used, the control effecting the release of the lifeboat shall be painted bright red and shall have thereon in raised letters either the words—"DANGER—LEVER DROPS BOAT" or the words—"DANGER—LEVER RELEASES HOOKS".

(f) The top of thwarts, side benches, and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever.. This band of white should be approximately 12 inches wide depending on the internal arrangement of the lifeboat.

§ 196.37–40 Liferafts, lifefloats, and buoyant apparatus.

(a) Rigid type liferafts, lifefloats, and buoyant apparatus, together with their oars and paddles, shall be conspicuously marked with the vessel's name. For vessels on an international voyage, the vessel's port of registry also shall be similarly marked on lifefloats and bouyant apparatus.

(b) The number of persons allowed on each rigid type liferaft, lifefloat, and buoyant apparatus shall be conspicuously marked or painted thereon in letters and numbers at least 1½ inches high.

(c) There shall be stenciled in a conspicious place in the immediate vicinity of each inflatable liferaft the following:

INFLATABLE LIFERAFT NO. ------
------ PERSONS CAPACITY

These markings shall not be placed on the inflatable liferaft containers.

§ 196.37–43 Life preservers and ring life buoys.

(a) All life preservers, wood floats, and ring life buoys shall be marked with the vessel's name.

(b) For vessels on an international voyage, the vessel's port of registry shall be added in similar type letters on all ring life buoys.

§ 196.37–45 Firehose and axes.

(a) All firehose and axes shall be marked with the vessel's name.

§ 196.37–47 Portable magazine chests.

(a) Portable magazine chests shall be marked in letters at least 3 inches high: "PORTABLE MAGAZINE CHEST—FLAMMABLE—KEEP LIGHTS AND FIRE AWAY".

Subpart 196.39—Posting Placards of Instructions for Launching and Inflating Inflatable Liferafts

§ 196.39–1 When required.

(a) Every vessel equipped with inflatable liferafts shall have posted in conspicuous places which are regularly accessible to the crew and/or scientific personnel, approved placards containing instructions for launching and inflating inflatable liferafts for the information of persons on board. The number and location of such placards shall be as determined necessary by the Officer in Charge, Marine Inspection.

(b) Under the requirements contained in § 160.051–6(c)(1) of Subpart 160.051 in Subchapter Q (Specifications) of this chapter, the manufacturer of approved inflatable liferafts is required to provide approved placards containing such instructions with each liferaft.

Subpart 196.40—Markings on Vessels

§ 196.40–1 Application.

(a) The provisions of this subpart shall apply to all vessels except as specifically noted.

§ 196.40–5 Markings required by Customs Regulations.

(a) The following markings are required. Details of the application of the requirements as well as details of the required markings will be found in the Customs Regulations:

(1) *Name of vessel.* On both bows and the stern, and on steam vessels the name is also required on both sides of the pilothouse.

(2) *Hailing Port.* On the stern.

(3) *Official Number.* On the vessel's main beam.

(4) *Net tonnage.* On the vessel's main beam.

§ 196.40–10 Draft marks.

(a) All vessels 50 gross tons and over shall have the draft of the vessel plainly and legibly marked upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The draft shall be taken from the bottom of the keel at the marks to the surface of the water, the bottom of the mark to indicate the draft in feet.

(b) In cases where the keel does not extend forward or aft to the location of the draft marks, due to raked stem, or cutaway skeg, the datum line from which the draft shall be taken shall be obtained by projecting the line of the bottom of keel forward, or aft, as the case may be, to the location of the draft marks.

(c) In cases where a vessel may have a skeg or other appendage extending locally below the line of the keel, the draft at the end of the vessels adjacent to such appendage shall be measured to a line tangent to the lowest part of such appendage and parallel to the line of the bottom of the keel.

§ 196.40–15 Load line marks.

(a) Vessels assigned a load line shall have the deck line and the load line marks permanently marked or embossed as required by Subchapter E (Load Lines) of this chapter.

Subpart 196.43—Placard of Life-saving Signals and Breeches Buoy Instructions

§ 196.43–1 Application.

(a) The provisions of this subpart shall apply to all manned vessels certificated for ocean, coastwise, or Great Lakes service.

§ 196.43–5 Availability.

(a) On all vessels to which this subpart applies there shall be posted in the pilothouse and readily available to the deck officer of the watch a placard (Form CG–811) containing instructions

for the use of breeches buoys and the lifesaving signals as set forth in Regulation 16, Chapter V, of the International Convention for Safety of Life at Sea, 1960. These signals shall be used by vessels or persons in distress when communicating with lifesaving stations and maritime rescue units.

(b) A copy of Form CG–811 shall also be conveniently posted in the engineroom and crews quarters of all vessels to which this subpart applies.

Subpart 196.45—Carrying of Excess Steam

§ 196.45–1 Master and chief engineer responsible.

(a) It shall be the duty of the master and the engineer in charge of the boilers of any vessel to require that a steam pressure is not carried in excess of that allowed by the certificate of inspection, and to require that the safety valves, once set and sealed by the inspector, are in no way tampered with or made inoperative except as provided in § 196.30–20.

Subpart 196.50—Compliance With Provisions of Certificate of Inspection

§ 196.50–1 Master or person in charge responsible.

(a) It shall be the duty of the master or other person in charge of the vessel to see that all of the provisions of the certificate of inspection are strictly adhered to. Nothing in this subpart shall be construed as limiting the master or other person in charge of the vessel, at his own responsibility, from diverting from the route prescribed in the certificate of inspection or taking such other steps as he deems necessary and prudent to assist vessels in distress or for other similar emergencies.

Subpart 196.53—Exhibition of License

§ 196.53–1 Licensed officers.

(a) All licensed officers on a vessel shall have their licenses conspicuously displayed as required by R.S. 4446 (46 U.S.C. 232).

Subpart 196.60—Motion Picture Film and Equipment

§ 196.60–1 Type required.

(a) Only acetate or slow-burning film may be used. Nitrocellulose film is specifically prohibited.

(b) Projectors shall be of an approved type. (R.S. 4488, as amended; 46 U.S.C. 481. Treasury Dept. Order 167–38, Oct. 26, 1959, 24 F.R. 8857.)

Subpart 196.75—Prevention of Oil Pollution

§ 196.75–1 Prohibited zones.

(a) All vessels shall be so operated as to meet the requirements of the Oil Pollution Act, 1924 (33 U.S.C. 431–437). In addition, all vessels shall be so operated as to avoid discharging any oil or oily ballast which may foul the surface of the sea, within any of the prohibited zones set forth in the Oil Pollution Act, 1961 (33 U.S.C. 1001–1015). (Sec. 8, 75 Stat. 403; 33 U.S.C. 1007; Treasury Dept. Order 167–46, Nov. 6, 1961, 26 F.R. 10609.)

Subpart 196.80—Explosive Handling Plan

§ 196.80–1 Master's responsibility.

(a) It shall be the responsibility of the master to have prepared, sign, and prominently posted in conspicious locations operating procedures, plans, and safety precautions for all operations involving the use of explosives.

(b) The operating procedures referred to in paragraph (a) of this section shall include and set forth the special duties and stations of appropriate qualified persons for various operations involving the use of explosives. Assignment of such persons shall be commensurate with their experience and training.

(c) A copy of the operating procedures, plans and safety precautions required by paragraph (a) of this section and all subsequent changes or revisions shall be forwarded to the Officer in Charge, Marine Inspection, issuing the certificate of inspection for review.

Subpart 196.85—Magazine Control

§ 196.85–1 Magazine operation and control.

(a) Keys to magazine spaces and magazine chests shall be kept in the sole control or custody of the Master or one delegated qualified person at all times. Test fittings for magazine sprinkler systems shall be kept in a locked cabinet under the custody of the Master.

(b) Whenever explosives are stored in magazines and magazine chests they shall be inspected daily. Magazine inspection results and corrective action, when taken, shall be noted in the ship's log daily. Maximum and minimum temperatures for the previous 24-hour period shall be recorded in the ship's log along with general magazine condition and corrective action taken when necessary.

(c) The magazine sprinkler controls shall be tested monthly. Test results and all corrective actions taken shall be recorded in the ship's log.

(d) The Master shall limit access to the magazines, or the contents thereof, to persons who can document 3 months on board ship training in the use of explosives. This shall not be construed as prohibiting access to the Master or others designated by the Master.

CHANGES IN OTHER REGULATIONS

10. If the concept of having separate regulations for oceanographic vessels in Subchapter U in Chapter I of Title 46, CFR, is adopted, then the various regulations describing "application of Coast Guard regulations" will be revised to reflect establishment of this new category of inspected and certificated vessels. In particular, it is proposed to amend the tables in 46 CFR 2.01–7(a), 24.05–1(a), 30.01–5(d), 70.05–1(a), 90.05–1(a), 110.–05–1(a), and 175.05–1(a) so that these tables will be identical to Table 188.05–1(a) in the above proposed regulations in 46 CFR 188.05–1(a). Any change to Table 188.05–1(a) will be incorporated into the other tables.

Dated: September 23, 1966.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 66–10558; Filed, Sept. 30, 1966; 8:45 a.m.]

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Pages 12913–12930

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Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Farm Credit Administration
Federal Aviation Agency
Fish and Wildlife Service
Interstate Commerce Commission
Land Management Bureau
Oil Import Administration
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Small Business Administration

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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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Title 3—THE PRESIDENT

Executive Order 11307

COORDINATION OF FEDERAL PROGRAMS AFFECTING AGRICULTURAL AND RURAL AREA DEVELOPMENT

WHEREAS the development of our Nation's agricultural and rural areas has undergone radical changes due to technological advancement and the increasing urbanization of the Nation's society and economy; and

WHEREAS the living standards and welfare of the rural area population depend upon a successful accommodation to these changes; and

WHEREAS Congress has vested responsibilities in the Secretary of Agriculture for the administration of numerous programs aimed at the achievement of sound agricultural and rural development; and

WHEREAS such programs are closely interrelated with important programs and activities administered by other Federal departments and agencies, which affect agricultural and rural area development; and

WHEREAS the President has directed the Secretary of Agriculture to put the facilities of Department of Agriculture field offices at the disposal of all Federal agencies to assist them in making their programs effective in rural areas, and jointly with the Director of the Bureau of the Budget to review with the head of each department or agency the administrative obstacles which may stand in the way of equitable distribution in rural areas of the benefits of their programs and to propose administrative or legislative steps which can be taken to assure that equity is attained to assure full participation by rural areas; and

WHEREAS the highest level of coordination is required between the Department of Agriculture and such other Federal departments and agencies in order to achieve the maximum beneficial impact on agricultural and rural area development:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Responsibilities of the Secretary.* (a) The Secretary of Agriculture shall take the initiative in identifying problems of agricultural and rural area development which require the cooperation of various Federal departments and agencies for their effective solution, and pursuant thereto shall convene, or authorize his representatives to convene, meetings at appropriate times and places, to which he shall invite the heads of such departments and agencies as may be responsible for interrelated programs or activities, or representatives designated by them, for the following purposes:

(1) To provide a forum for consideration of mutual problems concerning Federal programs and activities affecting agricultural and rural area development and for the exchange of information needed to achieve coordination of, and to avoid duplication in, such programs and activities.

(2) To promote cooperation among Federal departments and agencies in achieving consistent policies, practices, and procedures for administration of their programs affecting agricultural and rural area development.

(3) To consult with and obtain the advice of appropriate Federal departments and agencies with respect to:

(A) intergovernmental relations and cooperation in promoting sound agricultural and rural area development;

(B) provision of information and technical assistance to State and local governments in solving agricultural and rural area development problems; and

(C) encouragement of comprehensive planning of, and effective regional, State, and local cooperation in agricultural and rural area development activities.

(4) To identify agricultural and rural area development problems of particular States, regions, or localities which require interagency or intergovernmental coordination.

(b) The Secretary shall make arrangements with such Federal departments and agencies for such working groups as they shall agree may be desirable to consider special problems arising with respect to matters described in subsection (a) of this section.

SEC. 2. *Agency responsibilities.* The heads of Federal departments and agencies having programs which have an impact on agricultural or rural area development shall to the extent permitted by law and funds available, furnish information, at the request of the Secretary, pertaining to programs within the responsibilities of such departments or agencies, and such additional information as will assist the Secretary in developing solutions to agricultural and rural area development problems.

SEC. 3. *Construction.* Nothing in this Order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal department or agency or head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

SEC. 4. *Administrative arrangements.* (a) Each executive department and agency participating under section 1 or section 2 shall furnish necessary assistance for effectuating the provisions of this Order as authorized by section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

(b) The Department of Agriculture shall provide necessary administrative services pursuant to this Order.

SEC. 5. Executive Order 11122 of October 16, 1963, establishing the Rural Development Committee, is hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,
September 30, 1966.

[F.R. Doc. 66-10841; Filed, Sept. 30, 1966; 5:05 p.m.]

Executive Order 11308

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE PAN AMERICAN WORLD AIRWAYS, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Pan American World Airways, Inc., a carrier, and certain of its employees represented by the Transport Workers Union of America, AFL–CIO, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Sections 10 and 201 of the Railway Labor Act, as amended (45 U.S.C. 160 and 181, respectively), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or any carrier.

The board shall report its findings to the President with respect to this dispute within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Pan American World Airways, Inc., or by its employees, in the conditions out of which this dispute arose.

LYNDON B. JOHNSON

THE WHITE HOUSE,
September 30, 1966.

[F.R. Doc. 66-10851; Filed, Sept. 30, 1966; 5:05 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—Determination of County Normal Yields for 1966 Crop

Correction

In F.R. Doc. 66–10528, appearing at page 12633 of the issue for Tuesday, September 27, 1966, the following entry should appear immediately following the entry for Telfair County, Ga., in the tabular matter of § 729.1707:

Terrell.....1,425

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7556; Amdt. 39–302]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1–11 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive specifying a service life limit for the Belleville washers in the nose landing gear up/down lock jack assembly on British Aircraft Model BAC 1–11 200 and 400 Series airplanes was published in 31 F.R. 10952.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1–11 200 and 400 Series airplanes. Compliance required as indicated.

To prevent fatigue failures of the Belleville washer stack of the nose undercarriage up/down lock jack, P/N AB44A39 (200 series) and P/N AK44A39 (400 series), accomplish the following:

(a) For airplanes with Belleville washer stacks, P/N AB44B67, with less than 2,300 landings on the effective date of this AD, remove stacks from service before the accumulation of 2,800 landings.

(b) For airplanes with Belleville washer stacks, P/N AB 44B67, with 2,300 or more landings on the effective date of this AD, remove stacks from service within the next 200 landings.

(c) For airplanes with Belleville washer stacks, P/N AB44–1791 (with BAC Modification PM 2437 washers) with less than 7,800 landings on the effective date of this AD, remove stacks from service before the accumulation of 8,000 landings.

(d) For airplanes with Belleville washer stacks, P/N AB44–1791 (with BAC Modification PM 2437 washers) with 7,800 or more landings on the effective date of this AD, remove stacks from service within the next 200 landings.

(e) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

(British Aircraft Corp. (B.A.C.), Ltd., Alert Service Bulletin No. 82–A–PM2437 pertains to this subject.)

This amendment becomes effective November 3, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 27, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66–10734; Filed, Oct. 3, 1966; 8:45 a.m.]

[Airspace Docket No. 65–SO–89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On August 5, 1966, F.R. Doc. 66–8525 was published in the FEDERAL REGISTER (31 F.R. 10516) which in part raises the floor of V–35 and V–35 W alternate between Fort Myers, Fla., and St. Petersburg, Fla., from 700 feet above the surface to 1,200 feet above the surface. This action is to be effective October 13, 1966.

On June 22, 1966, Airspace Docket No. 63–SO–57 was published in the FEDERAL REGISTER (31 F.R. 8637) stating that the Federal Aviation Agency was considering the designation of a transition area and control zone at Fort Myers. This action, if adopted, was also to be effective concurrently with the airway revision. It has been adopted as a rule, however, because of unforeseen circumstances, it cannot be made effective until November 10, 1966.

Implementation of the airway action prior to the transition area action will result in 500 feet of uncontrolled airspace in an area north and northwest of Fort Myers. This particular airspace is required to provide protection to IFR air traffic in the vicinity of Page Field. Retention of the present floor on V–35 and V–35 west alternate until the transition area can be designated will retain the required controlled airspace. Such action is taken herein.

Since this action is required in the interest of safety to air commerce, the Administrator has determined that notice and public procedure hereon are impractical and that the effective date of that portion of the original action may be extended until November 10, 1966.

In consideration of the foregoing, in F.R. Doc. 66–8525, Item 7, the effective date of the segment of V–35 between Fort Myers, Fla., and St. Petersburg, Fla., including a W alternate, is extended to November 10, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 26, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66–10735; Filed, Oct. 3, 1966; 8:45 a.m.]

[Airspace Docket No. 66–SO–71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On August 20, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11169) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Anderson, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 e.s.t., December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the following transition area is added:

ANDERSON, S.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Anderson County Airport (latitude 34°29'40" N., longitude 82°42'30" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on September 27, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66–10736; Filed, Oct. 3, 1966; 8:45 a.m.]

[Airspace Docket No. 66-AL-19]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke the Anchorage, Alaska (Elmendorf AFB), Restricted Area/Military Climb Corridor R-2201.

The Department of the Air Force has stated there is no longer a requirement for R-2201 and requested action be taken to revoke it. Such action is taken herein.

Since this amendment will restore airspace to the public use, notice and public procedure are unnecessary and for this reason the amendment may be made effective without regard to the 30 day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.22 (31 F.R. 2295) R-2201 Anchorage, Alaska (Elmendorf AFB), Restricted Area/Military Climb Corridor is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 23, 1966.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 66-10737; Filed, Oct. 3, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-46]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the size of Restricted Area R-2510 at El Centro, Calif.

A review of the utilization records for the past year indicates that R-2510 is not being used above FL 500. Furthermore, the Department of the Navy has advised that they have no future requirement for the area above FL 500. Therefore, action is taken herein to reduce the upper limits of the designated altitudes of R-2510 from FL 1,000 to FL 500.

Since this amendment is less restrictive to the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as herein set forth.

In § 73.25 (31 F.R. 2299, 9865) R-2510 at El Centro, Calif., is amended as follows:

"*Designated altitudes.* Surface to flight level 1,000." is deleted and "Designated altitudes. Surface to flight level 500." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 23, 1966.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 66-10738; Filed, Oct. 3, 1966; 8:45 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Miscellaneous Amendments

The following amended sections are adopted to take effect January 1, 1967. All applications submitted after that date must comply with the sections as amended. With respect to amended § 1.72(b), every application which has not received a first office action of any kind from the Examiner prior to November 1, 1966, must be amended to contain an abstract in accordance with this section.

The general substance of these sections and other proposed sections was published in the FEDERAL REGISTER of March 15, 1966, 31 F.R. 4412-3, and the Official Gazette of April 5, 1966, 825 O.G. 2. All persons who desired, were invited both to submit their written views, objections, recommendations, or suggestions and their oral comments at a hearing held on April 26, 1966. Both the oral and written comments were carefully considered. It was decided on the basis of the comments received and other considerations that the substance of certain of the proposed sections would be incorporated merely as suggestions in a guide to drafting a model patent application; and that the substance of certain other of the proposed sections would be adopted as herein indicated.

The principal purposes of the amendments are to facilitate examination of applications by the Patent Office and review of issued patents by the public. Suggested guidelines for complying with the amendment requiring an abstract of disclosure (Section 1.72(b)) and the amendment adding paragraph (e) to § 1.75 will be published separately by the Patent Office in a guide to drafting a model patent application.

Sections 1.72, 1.75, 1.77, 1.78, 1.83, and 1.84(g) have been amended to read as follows:

§ 1.72 Title and abstract.

(a) The title of the invention, which should be as short and specific as possible, should appear as a heading on the first page of the specification, if it does not otherwise appear at the beginning of the application.

(b) A brief abstract of the technical disclosure in the specification must be set forth immediately following the title and preceding the disclosure in a separate paragraph under the heading "Abstract of the Disclosure." The purpose of the abstract is to enable the Patent Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure, and the abstract shall not be used for interpreting the scope of the claims.

§ 1.75 Claim(s).

(a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

(b) More than one claim may be presented provided they differ substantially from each other and are not unduly multiplied.

(c) When more than one claim is presented, they may be placed in dependent form in which a claim may refer back to and further restrict a single preceding claim. Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim.

(d)(1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.

(2) See §§ 1.141 to 1.147 as to claiming different inventions in one application.

(e) Where the nature of the case admits, as in the case of an improvement, any independent claim should contain in the following order, (1) a preamble comprising a general description of all the elements or steps of the claimed combination which are conventional or known, (2) a phrase such as "wherein the improvement comprises," and (3) those elements, steps and/or relationships which constitute that portion of the claimed combination which the applicant considers as the new or improved portion.

§ 1.77 Arrangement of application.

The following order of arrangement should be observed in framing the application:

(a) Title of the invention; or an introductory portion stating the name, citizenship, and residence of the applicant, and the title of the invention may be used.

(b) Abstract of the disclosure.

(c) Cross-references to related applications, if any.

(d) Brief summary of the invention.

(e) Brief description of the several views of the drawing, if there are drawings.

(f) Detailed Description.

(g) Claim or claims.

(h) Signature. (See § 1.76).

§ 1.78 Cross-references to other applications.

(a) When an applicant files an application claiming an invention disclosed in a prior filed copending application of the same applicant, the second application must contain or be amended to contain in the first sentence of the specification following the title and abstract a reference to the prior application, identifying it by serial number and filing date and indicating the relationship of the applications, if the benefit of the filing date of the prior application is to be claimed. Cross-references to other related applications may be made when appropriate. (See § 1.14(b)).

(b) Where two or more applications filed by the same applicant, or owned by the same party, contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application.

§ 1.83 Content of drawing.

(a) The drawing must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g. a labeled rectangular box).

(b) When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

§ 1.84 Standards for drawings.

* * * * *

(g) *Symbols, legends.* Graphical drawing symbols and other labeled representations may be used for conventional elements when appropriate, subject to approval by the Office. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. While descriptive matter on drawings is not permitted, suitable legends may be used, or may be required, in proper cases, as in diagrammatic views and flowsheets or to show materials or where labeled representations are employed to illustrate conventional elements. Arrows may be required, in proper cases, to show direction of movement. The lettering should be as large as, or larger than, the reference characters.

* * * * *

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6, 112, 113)

EDWARD J. BRENNER,
Commissioner of Patents.

Approved: September 29, 1966.

J. HERBERT HOLLOMAN,
Assistant Secretary for Science and Technology.

[F.R. Doc. 66-10803; Filed, Oct. 3, 1966; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

The public hunting of pheasants, quail, and cottontail rabbits on the Kirwin National Wildlife Refuge, Kans., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,800 acres, is delineated on maps available at refuge headquarters, 5 miles southwest of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail, and cottontail rabbits subject to the following special conditions:

(1) The open season for hunting pheasants on the refuge extends from November 12 to November 27, 1966, inclusive, and from December 17, 1966, to January 8, 1967, inclusive.

(2) The open season for hunting quail on the refuge extends from November 19, 1966, to January 15, 1967, inclusive.

(3) The open season for hunting cottontail rabbits on the refuge shall be only on those days during the open season for the hunting of pheasants and quail.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1967.

MERLE O. BENNETT,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.

SEPTEMBER 23, 1966.

[F.R. Doc. 66-10740; Filed, Oct. 3, 1966; 8:45 a.m.]

PART 32—HUNTING

Baskett Slough National Wildlife Refuge, Oreg.

On page 11184 of the FEDERAL REGISTER of August 24, 1966, there was published a notice of a proposed amendment to §§ 32.11 and 32.21 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public hunting of migratory game birds and upland game on Baskett Slough National Wildlife Refuge, Oreg., as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i and sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d)

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

OREGON

* * * * *

BASKETT SLOUGH NATIONAL WILDLIFE REFUGE

2. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

§ 32.21 List of open areas; upland game.

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OREGON

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BASKETT SLOUGH NATIONAL WILDLIFE REFUGE

JOHN S. GOTTSCHALK,
Director.

OCTOBER 3, 1966.

[F.R. Doc. 66-10852; Filed, Oct. 3, 1966; 9:45 a.m.]

PART 32—HUNTING

Eastern Neck National Wildlife Refuge, Md.

On page 11184 of the FEDERAL REGISTER of August 24, 1966, there was published a notice of a proposed amendment to § 32.31 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of big game on the Eastern Neck National Wildlife Refuge, Md., as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i; and sec. 4, 48 Stat. 451, 16 U.S.C. 718d)

1. Section 32.31 is amended by the addition of the following area as one where hunting of big game is authorized.

§ 32.31 List of open areas; big game.

* * * * *

MARYLAND

* * * * *

EASTERN NECK NATIONAL WILDLIFE REFUGE

JOHN S. GOTTSCHALK,
Director.

OCTOBER 3, 1966.

[F.R. Doc. 66-10853; Filed, Oct. 3, 1966; 9:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1, Rev. 5]

OIL IMPORTS

Allocations of Crude Oil, Unfinished Oils, and Finished Products

Notice is hereby given that it is proposed to recommend to the Secretary of the Interior that, pursuant to the authority vested in him by section 3 of Proclamation 3279, as amended, he issue amendments to Oil Import Regulation 1 (Revision 5) (31 F.R. 7745–7750) which would provide as follows:

1. The graduated scales in sections 10 and 11 of Oil Import Regulation 1 (Revision 5) for determining allocations of imports of crude oil and unfinished oils to refiners on the input basis would be revised and made applicable only to refiners defined as small business under the regulations of the Small Business Administration. Eligible persons who fall within the category of small business would receive an allocation on a scale somewhat similar to the following:

Average B/D input	Districts I–IV percent of input	District V percent of input
0–10,000	20	50
10–30,000	9	12

All other eligible persons would receive an allocation based upon a fixed percent (in the order of 9 percent for Districts I–IV and 12 percent for District V) of their inputs.

This amendment would introduce into the mandatory oil import program the clearcut distinction between small business and other business which is reflected in the national policy embodied in the Small Business Act. In line with that policy, an equitable preference would be given refiners in the category of small business.

2. Section 13 of Oil Import Regulation 1 (Revision 5) would be amended to provide that an allocation of imports of finished products other than residual fuel oil to be used as fuel would entitle an eligible applicant to import no greater quantity of finished products of 25° API gravity or higher than he imported during the calendar year 1957.

This amendment would correct departures from the pattern of imports of finished products existing when Proclamation 3279 was issued. At that time the bulk of such imports were heavier products—such as asphalt and No. 4 oil—which supplemented domestic production. Over the last several years, solely because of higher value, increasing quantities of lighter products, such as naphthas and gasolines, have been imported.

3. A quantity of imports of finished products other than residual fuel oil to be used as fuel would be made available to the Oil Import Appeals Board for use during each allocation period.

This amendment would permit the Board to alleviate demonstrated hardships during an allocation period.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit (in copies of five) written comments, suggestions or objections to the Administrator, Oil Import Administration, Washington, D.C. 20240, on or before October 24, 1966.

ELMER L. HOEHN,
Administrator,
Oil Import Administration.

SEPTEMBER 29, 1966.

[F.R. Doc. 66–10746; Filed, Oct. 3, 1966; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 6]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Government Procurement

Correction

In F.R. Doc. 66–10695, appearing at page 12349 of the issue for Saturday, October 1, 1966, the figure "50 percent" appearing in § 121.3–8(g)(1)(iii) should be corrected to read "90 percent".

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7641]

AIRWORTHINESS DIRECTIVES

Dowty Rotol Accessory Gear Boxes

NOTICE OF PROPOSED RULE MAKING

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain Dowty Rotol accessory gear boxes installed on Hawker Siddeley Argosy Type AW650 Series 101, Grumman Model G–159 Series, and Vickers Viscount Model 810 Series airplanes. There has been excessive wear on the tunnel shaft serrations and fatigue failure of the tunnel drive shaft on certain Dowty Rotol accessory gear boxes. Since this condition is likely to exist or develop in other gear boxes of the same design, the proposed AD would require replacement of the tunnel shaft assemblies with modified assemblies on certain Dowty Rotol accessory gear boxes installed on Hawker Siddeley Argosy Type AD650 Series 101, Grumman Model G–159 Series, and Vickers Viscount Model 810 Series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before October 31, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to Accessory Gear Boxes (c)PTG.14/6A and B installed on Hawker Siddeley Argosy Type AW650 Series 101 airplanes, (c)PTG.14/8 installed on Grumman Model G–159 Series airplanes, and (c)PTG.14/1 and 14/2B installed on Vickers Viscount Model 810 airplanes.

Compliance required at next gear box overhaul after the effective date of this AD, unless already accomplished.

To prevent fatigue failure of the tunnel drive shaft and excessive wear on the tunnel shaft serrations of airplanes specified in Column 1 of the following table equipped with accessory gear boxes with type number specified in Column 2 and premodification GB2145 tunnel shaft assemblies with part number specified in Column 3, replace each tunnel shaft assembly with one of applicable assemblies with part number specified in Column 4 modified in accordance with modification number specified in Column 5.

Column 1 Airplane model	Column 2 Accessory gear box No.	Column 3 Pre-modification GB2145 part No.	Column 4 Replacement part No.	Column 5 Modification No.
Argosy AW650 Series 101	(c)PTG.14/6A and B	6.0207.2023	6.0207.2029 6.0207.2049 6.0207.2064 6.0207.2069 6.0207.2069	GB2145. GB2145. GB2300. GB2300. GB2320.
Grumman G–159	(c)PTG.14/8	6.0207.2023	6.0207.2029 6.0207.2049 6.0207.2054 6.0207.2059 6.0207.2080	GB2145. GB2145. GB2300. GB2300. GB2320.
Vickers Viscount 810	(c)PTG.14/2B	6.0207.2023	6.0207.2029 6.0207.2049 6.0207.2054 6.0207.2059 6.0207.2069	GB2145. GB2145. GB2300. GB2300. GB2320.
	(c)PTG.14/1	6.0207.2024	6.0207.2030 6.0207.2060 6.0207.2055 6.0207.2060 6.0207.2070	GB2145. GB2145. GB2300. GB2300. GB2320.

(Dowty Rotol Service Bulletins Nos. 83–297, Revision 2; 83–331, Revision 1; and 83–338 pertain to this subject.)

Issued in Washington, D.C., on September 26, 1966.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 66–10732; Filed, Oct. 3, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66–CE–73]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Cadillac, Mich., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Cadillac, Mich., terminal area, proposes the following airspace action:

Designate the Cadillac, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Cadillac, Mich., Municipal Airport (latitude 44°16'32" N., longitude 85°25'20" W.); and within 5 miles SE and 8 miles NW of the 238° bearing from Cadillac Airport, extending from the airport to 12 miles SW of the airport, excluding that portion which overlies the Reed City, Mich., transition area.

The proposed transition area is being developed for the protection of aircraft executing a new public instrument approach procedure to serve the Cadillac, Mich., Municipal Airport, using the city-operated MH facility on the airport.

The proposed transition area will provide protection for aircraft executing the prescribed instrument approach procedure during descent to 700 feet above the surface. It will also provide protection for departing aircraft during climb from 700 to 1,200 feet above the surface.

The floors of airways that traverse the transition area proposed herein will automatically coincide with the floor of the transition area. A new approach procedure is to be established. Therefore, no procedural changes will be effected in conjunction with the actions proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on September 15, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66–10733; Filed, Oct. 3, 1966; 8:45 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 66–WA–25]

RESTRICTED AREAS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 of the Federal Aviation Regulations that would alter two restricted areas near the Hunter-Liggett military reservation.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

On May 27, 1966, a rule was published in the FEDERAL REGISTER (31 F.R. 7612) designating two temporary restricted areas R–2513C and R–2513D near the Hunter-Liggett military reservation to contain a series of tests known as Test 3.1/3.5 to be conducted by Joint Task Force Two (JTF–2). On September 17, 1966, a rule was published in the FEDERAL REGISTER (31 F.R. 12402) extending the designations of these areas to November 30, 1966.

JTF–2 has conducted a series of trial and calibration flights prior to commencing the field testing. The data obtained therefrom was unsatisfactory; therefore, the flights must be repeated. To provide for the necessary additional time to complete the exercise, JTF–2 has requested that the designations of the Hunter-Liggett temporary restricted areas be extended approximately 2 weeks.

If this action is taken, temporary restricted areas R–2513C and R–2513D Hunter-Liggett, Calif., would be altered by extending the time of designation from November 30, 1966, to December 16, 1966.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348.

Issued in Washington, D.C., on September 29, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66–10765; Filed, Oct. 3, 1966; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 017512; Classification No. 11-02-1-66]

IDAHO

Notice of Classification of Public Lands

SEPTEMBER 27, 1966.

Pursuant to the Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, all the vacant public domain lands within the descriptions below, together with any lands therein that may become public lands in the future, but specifically excluding L.U. lands (acquired under Title III of the Bankhead-Jones Farm Tenant Act), in Oneida County, Idaho, are classified for retention for Multiple Use Management.

BOISE MERIDIAN, IDAHO

Tps. 13, 14, 15 and 16 S., R. 30 E.
T. 13 S., R. 31 E.,
Sec. 7;
Secs. 17 to 20, inclusive;
Secs. 28 to 33, inclusive.
T. 14 S., R. 31 E.,
Sec. 3, SW¼SW¼, E½SW¼, W½SE¼, SE¼SE¼;
Secs. 4 to 10, inclusive;
Secs. 14 to 36, inclusive.
Tps. 15 and 16 S., R. 31 E.
Tps. 13, 14 and 15 S., R. 32 E.
T. 16 S., R. 32 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 20, inclusive;
Secs. 28 to 30, inclusive.
T. 12 S., R. 33 E.,
Secs. 6, 13 and 24.
T. 13 S., R. 33 E.,
Sec. 13;
Sec. 14, E½NE¼, SE¼;
Secs. 22 to 27, inclusive;
Secs. 34 and 35.
Tps. 14, 15 and 16 S., R. 33 E.
T. 11 S., R. 34 E.,
Secs. 3, 4, 9, 21 and 22;
Secs. 26 to 28, inclusive;
Secs. 33 to 35, inclusive.
T. 12 S., R. 34 E.,
Secs. 4 to 8, inclusive;
Secs. 17 to 20, inclusive;
Sec. 21, W½W½, SE¼SW¼, SW¼SE¼;
Sec. 28, W½E½, W½;
Secs. 29 to 32, inclusive;
Sec. 33, W½E½, W½.
Tps. 13 and 14 S., R. 34 E.
T. 15 S., R. 34 E.,
Secs. 1 to 6, inclusive;
Secs. 10 to 13, inclusive;
Secs. 24 and 25.
T. 16 S., R. 34 E.,
Secs. 1 and 12.
T. 13 S., R. 35 E.,
Secs. 28 to 33, inclusive.
T. 14 S., R. 35 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 33, inclusive.
T. 15 S., R. 35 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 21, inclusive;
Secs. 29 to 36, inclusive.
T. 16 S., R. 35 E.
T. 15 S., R. 36 E.
Secs. 31 and 32.
T. 16 S., R. 36 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 30, inclusive.

Containing approximately 265,000 acres.

The public lands included in this classification are identified on a map designated I-2 PL-4-6(1), which is on file in the Burley District Office and at the Land Office, Bureau of Land Management, Federal Building, Boise, Idaho.

This classification segregates the described lands from settlement, location, sale, selection, entry, lease, or other forms of appropriation under all the public land laws except State, private, and Forest Service exchanges (including Forest Service adjustments), State lieu selections, scrip, rights-of-way, and the general mining and the mineral leasing laws.

This segregative effect shall continue for a period of 2 years from the date of publication in the FEDERAL REGISTER, subject to a possible 2-year extension in accordance with the provisions of section 4 of the Act.

There were no adverse comments received following publication of the notice of proposed classification (31 F.R. 131). No comments were received at the public hearing on the proposed classification which was held August 17, 1966. Favorable comments on the classification were received and are on file and can be examined at the Land Office, Boise, Idaho.

For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

JOE T. FALLINI,
State Director.

[F.R. Doc. 66-10741; Filed, Oct. 3, 1966; 8:45 a.m.]

IDAHO

Notice of Filing of Protraction Diagrams

SEPTEMBER 26, 1966.

Notice is hereby given that effective at and after 10 a.m., on October 31, 1966, the following protraction diagrams are officially filed of record in the Idaho Land Office, Room 327, Federal Building, Boise, Idaho 33701. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the lands for all authorized uses. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

IDAHO PROTRACTION DIAGRAMS
NOS. 39, 40 AND 41
BOISE MERIDIAN
Approved August 18, 1966

No. 39
Ts. 23 and 24 N., Rs. 17 and 18 E.

No. 40
Ts. 23 and 24 N., Rs. 13, 14, 15, and 16 E.

No. 41
Ts. 23 and 24 N., Rs. 10, 11, and 12 E.

IDAHO PROTRACTION DIAGRAMS
NOS. 33, 34 AND 35
BOISE MERIDIAN
Approved August 24, 1966

No. 33
Ts. 25 and 26 N., Rs. 13 and 14 E.

No. 34
Ts. 25 and 26 N., Rs. 10, 11, and 12 E.

No. 35
Ts. 25 and 26 N., Rs. 7, 8, and 9 E.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, Post Office Box 2237, Boise, Idaho 83701.

E. D. BARNES,
Acting Manager, Land Office, Boise, Idaho.

[F.R. Doc. 66-10742; Filed, Oct. 3, 1966; 8:46 a.m.]

DISTRICT DIRECTORS, WYOMING

Redelegation of Authority by State Director

1. Pursuant to authority contained in section 1.1(a) of Bureau of Land Management Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526) as amended, I hereby redelegate to the District Managers authority to take action on the following specific matters coming under section 1.9(g) of said order:

(a) To make sales of material other than forest products not exceeding $5,000 in value and issue free use permits for materials other than forest products not exceeding $5,000 in value.

(b) District Manager may redelegate to any qualified employee on his immediate staff authority to make sales of materials other than forest products not exceeding $100 in value and issue free use permits for materials other than forest products not exceeding $100 in value.

2. The authority delegated to District Managers in paragraph 1(a) above may not be redelegated other than the redelegation authorized by paragraph 1(b).

This redelegation is effective upon publication in the FEDERAL REGISTER.

A. L. SIMPSON,
Acting State Director.

Approved: September 28, 1966.

JOHN O. CROW,
Associate Director.

[F.R. Doc. 66-10743; Filed, Oct. 3, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MEAT

Import Limitations

P.L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lambs (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act the following fourth quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1966 is 800 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1966 is 890.1 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, no limitations for the calendar year 1966 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (106.20), are authorized to be imposed pursuant to P.L. 88-482 at this time.

Done at Washington, D.C., this 29th day of September 1966.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 66-10758; Filed, Oct. 3, 1966; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-47]

U.S. ARMY MATERIALS RESEARCH AGENCY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 7, set forth below, to Facility License No. R-65. The license, as previously issued, authorizes the U.S. Army Materials Research Agency ("the licensee") to operate its pool-type nuclear reactor ("the reactor") located at Watertown Arsenal, Watertown, Mass. The amendment authorizes the licensee to temporarily store used fuel elements in the gamma ray facility in the basement of the reactor containment shell in accordance with the application for license amendment dated May 23, 1966, and the supplement thereto dated July 29, 1966.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment and (2) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of September 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

FACILITY LICENSE AMENDMENT

[License No. R-65; Amdt. 7]

The Atomic Energy Commission having found that:

a. The application for license amendment dated May 23, 1966, as supplemented on July 29, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. There is reasonable assurance that (i) the activities authorized by the license, as amended, can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

(c) The licensee is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

d. The licensee is a Federal Agency and is not required to furnish proof of financial protection as would otherwise be required by subsection 170a of the Atomic Energy Act of 1954, as amended; and

e. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Facility License No. R-65, as amended, which authorizes the U.S. Army Materials Research Agency to operate the pool-type nuclear reactor located at Watertown Arsenal, Watertown, Mass., is hereby further amended as follows:

"The licensee is authorized to temporarily store used fuel elements in the gamma ray facility in the basement of the reactor containment shell in accordance with the application for license amendment dated May 23, 1966, and the supplement thereto dated July 29, 1966."

This amendment applies only to the spent fuel presently employed in the operation of the reactor and which must be removed in order to install a stainless steel liner in the reactor tank, and shall expire 1 year after installation of the liner.

This license amendment is effective as of the date of issuance.

Date of issuance: September 26, 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-10731; Filed, Oct. 3, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17719]

UNION SPEDITIONS-GESELLSCHAFT m.b.H.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 18, 1966, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., September 28, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10750; Filed, Oct. 3, 1966; 8:45 a.m.]

FARM CREDIT ADMINISTRATION

[Order 710]

SHORT-TERM CREDIT SERVICE

Authority and Order of Precedence of Certain Officers To Act as Deputy Governor and Director

SEPTEMBER 28, 1966.

1. Paul Fankhauser, Deputy Director of Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Short-Term Credit Service in the event that the Deputy Governor and Director is unavailable to act by reason of absence or for any other cause.

2. Walter F. Patterson, Deputy Director of Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Short-Term Credit Service in the event that the Deputy Governor and Director and Deputy Director Fankhauser are unavailable to act by reason of absence or for any other cause.

3. Lester L. Arnold, Deputy Director of Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Short-Term Credit Service in the event that the Deputy Governor and Director, Deputy Director Fankhauser, and Deputy Director Pat-

terson are unavailable to act by reason of absence or for any other cause.

4. Julius H. Porter, Chief, Fiscal and Operations Division, Short-Term Credit Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Short-Term Credit Service in the event that the Deputy Governor and Director, Deputy Director Fankhauser, Deputy Director Patterson, and Deputy Director Arnold are unavailable to act by reason of absence or for any other cause.

5. This order shall be and become effective on the date above written and supersedes Farm Credit Administration Order No. 703 (30 F.R. 11071).

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 66-10744; Filed, Oct. 3, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 29, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40725—*Superphosphate to Meredosia, Ill.* Filed by O. W. South, Jr., agent (No. A4947), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, subject to minimum shipment of 500,000 pounds, from Piney Point, Fla., to Meredosia, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 9 to Southern Freight Association, agent, tariff ICC S-632.

FSA No. 40726—*Grain and grain products to Memphis, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B-8898), for interested rail carriers. Rates on grain, grain products and related articles, also seeds, in carloads, from points in Illinois, to Memphis, Tenn.

Grounds for relief—Market and cross-country competition.

Tariff—Supplement 90 to Southwestern Freight Bureau, agent, tariff ICC 4494.

FSA No. 40727—*Returned Shipments—Corn grits or corn meal.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2864), for interested rail carriers. Rates on corn grits or corn meal, in covered hopper cars, in carloads, from points in trunkline and New England territories returned to original points of shipment in central and Illinois Freight Association territories.

Grounds for relief—Carrier competition.

Tariff—Supplement 121 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-375.

FSA No. 40728—*Liquid caustic soda to Danville, Va.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2863), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from points in New York, also Reybold, Del., and Newark, N.J., to Danville, Va.

Grounds for relief—Market competition.

Tariff—Supplement 156 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-334.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10753; Filed, Oct. 3, 1966; 8:46 a.m.]

[Notice 262]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 29, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 665 (Sub-No. 66 TA), filed September 27, 1966. Applicant: RED ARROW TRANSPORTATION COMPANY, INC., 1700 North Jackson Street, Kansas City, Mo. 64120. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* (1 gallon or less in capacity), *caps and covers and set-up cartons for said containers*, from Okmulgee, Okla., to Fort Smith, Ark., for 180 days. Supporting shipper: Ball Brothers Co., Inc., Muncie, Ind. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 1756 (Sub-No. 6 TA), filed September 27, 1966. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and Tin Cans, on Automated Trailers*, from Danbury, Conn., to New York, N.Y., for 180 days. Supporting shipper: Aluminum Can Co., Inc., Great Pasture Road, Post Office Box 291, Danbury, Conn. 06810. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 83885 (Sub-No. 5 TA), filed September 27, 1966. Applicant: UNITED STATES TRUCKING CORPORATION, 68 Murray Street, New York, N.Y. 10007. Applicant's representative: Zelby and Burstein, 160 Broadway, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver Bars*, from U.S. Bullion Depository, West Point, N.Y., to Engelhard Industries, Inc., Newark, N.J., for 150 days. Supporting shipper: General Services Administration, Transportation and Communications Service, Washington, D.C. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 100666 (Sub-No. 91 TA), filed September 27, 1966. Applicant: MELTON TRUCK LINES, INC., Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 443-54 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sideboard racks*, from Lufkin, Tex., to Bradenton, Fla., for 150 days. Supporting shipper: George H. Henderson, Jr., Sales Manager, Angelina Hardwood Sales Co., Post Office Box 1028, Lufkin, Tex. 75902. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 120826 (Sub-No. 4 TA), filed September 27, 1966. Applicant: BARTON LYMAN, doing business as LYMAN TRUCK LINE, Post Office Box 377, Blanding, Utah 84511. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Irregular routes—(1) *General commodities* (except commodities requiring special equipment, petroleum products and ores and ore concentrates in bulk), between points in that area in San Juan County, Utah, located on and south of, U.S. Highway 160, between Monticello, Utah, and the Utah-Colorado State line, and located on the east of Utah Highway 47, said area being bounded on the south by the Utah-Arizona State line, on the east by the Utah-Colorado State line, on the north by U.S. Highway 160, and on the west by Utah Highway 47, and (2) *general commodities* (except commodities in bulk and those requiring special equipment) between Blanding, Utah, on the one hand, and, on the other, those points in San Juan County, Utah, west of Utah Highway 47 (east of the Colorado River and south of a line running due west from Monticello, Utah), and over regular routes—*general commodities*, (a) between the Utah-Arizona State line and junction Arizona Highway 64 and U.S. Highway 89; from the Utah-Arizona State line over Arizona Highway 464 to junction Arizona Highway 64, thence over Arizona Highway 64 to junction U.S. Highway 89, and return over the same route, serving all intermediate and off-route points, (b) between Monticello, Utah, and the Utah-Arizona State line, over Utah Highway 47, serving all intermediate points and (c) between Blanding and Natural Bridge National Monument, Utah, over Utah Highway 95, with service to be an on-call service only, for 180 days. Supporting shippers: Parley Redd Mercantile, Post Office Box 125, Blanding, Utah 84511, Mesa Sanitary Supply Co., Post Office Box 1887, Grand Junction, Colo. 81502, Cow Springs Trading Post, Tonalea, Ariz., Tuba City Cafe, Tuba City, Ariz., Motor Parts Co. of Monticello, Monticello, Utah, Blue Mountain Meats & Superette, Monticello, Utah, Tsegi Trading Post, Tsegi, Ariz. (Post Office, Kayenta, Ariz.), Kayenta Motors, Kayenta, Ariz., Blanding Mercantile Co., Blanding, Utah 84511, The Biggs-Kurtz Co., Post Office Box 909, Grand Junction, Colo. 81502, E. D. Smith Co., Post Office Box 728, Grand Junction, Colo. 81501, City of Blanding, Post Office Box 68, Blanding, Utah 84511. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 127499 (Sub-No. 1 TA), filed September 27, 1966. Applicant: REPUBLIC VAN AND STORAGE COMPANY, 1340 Willow Road, Menlo Park, Calif. 94025. Applicant's representative: Marshall G. Berol, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, between points in San Mateo, Santa Clara, Alameda, and San Francisco Counties, Calif., for 150 days. Supporting shipper: Sunpak Movers, Inc., 1621 Queen Anne North, Seattle, Wash. 98109. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 127567 (Sub-No. 2 TA), filed September 27, 1966. Applicant: SMITH & WEEKS, INC., Main Street, Mars Hill, Maine 04758. Applicant's representative: William D. Pinansky, 443 Congress Street, Portland, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, in dump type vehicles, from the international boundary between the United States and Canada at or near the port of entry of Bridgewater, Maine, to Crystal, Eagle Lake, Grand Isle, Houlton, Island Falls, St. Francis, Sherman, Caribou, Fort Fairfield, Fort Kent, Wallagrass, Ashland, and Mapleton, Maine, for 150 days. Supporting shipper: Morton Salt Co., 110 North Wacker Drive, Chicago, Ill. Send protests to: Donald G. Weiler, District Supervisor, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 128413 (Sub-No. 1 TA), filed September 27, 1966. Applicant: SEASON-ALL TRANSPORTATION CO., Route 119, Indiana, Pa. 15701. Applicant's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum products and commercial aluminum extrusions and shapes; fabricated metal products; materials, equipment and supplies, used or useful in the production, distribution and sale of aluminum products, commercial aluminum extrusions and shapes, and fabricated metal products*, between the plantsites or other facilities of Season-All Industries, Inc., at or near Indiana, Pa., on the one hand, and, on the other, points in the United States east of the Mississippi River, except the States of Georgia, Florida, and South Carolina. (2) *Aluminum products* from the plantsites or other facilities of Season-All Industries, Inc., at or near Inkster, Mich., to Forest Park, Ga., Mechanicsburg, Pa., and Memphis, Tenn., and (3) *Aluminum products and commercial aluminum extrusions and shapes; materials, equipment and supplies, used or useful in the production, distribution and sale of aluminum products and commercial aluminum extrusions and shapes*, between the plantsites or other facilities of Season-All Industries, Inc., at or near Marshall, Mich., on the one hand, and, on the other, points in Indiana and Michigan. NOTE: The proposed operations will be restricted to a service to be performed under a continuing contract or contracts with Season-All Industries, Inc. The transportation described in Paragraphs 1, 2, and 3 is restricted against the transportation of commodities in bulk, for 180 days. Supporting shipper: Season-All Industries, Inc., Route 119, Indiana, Pa. 15701. Send protests to: Mr. L. Calvary, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2109 Federal Building, Pittsburgh, Pa. 15222.

No. MC 128558 (Sub-No. 1 TA), filed September 27, 1966. Applicant: HARLAN SAUG, R.F.D. No. 2, Mason City, Iowa 50401. Applicant's representative: Clayton L. Wornson, 206 Brick and Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Data processing cards and statistical documents*, between Mason City, Iowa, and Fond du Lac, Wis., back movement from Fond du Lac, Wis., to Mason City, Iowa, will be *return of cards and documents* which have been processed at Fond du Lac, for 180 days. Supporting shipper: A. C. Nielsen Co., 2101 Howard Street, Chicago, Ill. 60645. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 128564 (Sub-No. 1 TA), filed September 27, 1966. Applicant: KENNETH G. WOODARD, 420 Irving Street, Storm Lake, Iowa 50588. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Orchard, Nebr., to Richmond, Calif., Green Bay, Wis., and Carthage, Mo., for 150 days (ETA for 30 days granted September 9, 1966). Supporting shipper: Orchard Cheese Co., Orchard, Nebr. 68764. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10754; Filed, Oct. 3, 1966; 8:46 a.m.]

[Notice 1421]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 29, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69035. By order of September 28, 1966, the Transfer Board approved the transfer to Eric J. MacDonald, doing business as Tondo Trucking Co., Post Office Box 1307, Burlingame, Calif., of certificate of registration No. MC-120733 (Sub-No. 1), issued May 26, 1964, to Martin A. Rotondo and Eric MacDonald, a partnership, doing business as Tondo Trucking, San Mateo, Calif., which certificate of registration evidences a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of service authorized in certificate of public convenience and necessity in decision No. 60947, dated October 25,

1960, issued by the Public Utilities Commission of California.

No. MC–FC–69061. By order of September 28, 1966, the Transfer Board approved the transfer to Brennan Truck Lines Inc., 4115 East 10th Street, Des Moines, Iowa, of permits Nos. MC–123600 and MC–123600 (Sub-No. 1), issued August 18, 1961, and November 29, 1962, respectively, to Ray E. Brennan, Des Moines, Iowa, the former authorizing the transportation, over irregular routes, of packinghouse products and supplies, between Chicago, Ill., on the one hand, and, on the other, Des Moines and Muscatine, Iowa; between Des Moines, Iowa, on the one hand, and, on the other, East St. Louis, Ill., Sioux City, Iowa, and Omaha and South Omaha, Nebr.; from Des Moines, Iowa, to specified points in Illinois, and wall paper, from Chicago, Ill., to Des Moines, Iowa, and the latter authorizing the transportation of meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in 61 M.C.C. 209 and 766, except liquid commodities in bulk, in tank vehicles, from the plantsite of Swift & Co., at Rochelle, Ill., to Des Moines, Iowa.

No. MC–FC–69065. By order of September 28, 1966, the Transfer Board approved the transfer to Mary Ann Satterwhite and Tatiana M. Walter, a partnership, doing business as Emery Travel Service, Bradford, Pa., of corrected license No. MC–12888 (Sub-No. 1), issued September 30, 1965, to Mary Ann Satterwhite, Charlotte Edwards Anderson, and Catherine Bromeley Daggett, a partnership, doing business as Emery Travel Service, Bradford, Pa., authorizing brokerage operations in the transportation of passengers and their baggage, in charter and special operations, in round-trip, all-expense, sightseeing, pleasure, or educational tours, beginning and ending at points in Elk, Cameron, Potter, and McKean Counties, Pa., and extending to points in the United States, including Alaska and Hawaii. John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222, attorney for applicants.

No. MC–FC–69072. By order of September 28, 1966, the Transfer Board approved the transfer to Smith Banana Transport, Inc., Pueblo, Colo., of the operating rights in certificate No. MC–117990, issued June 8, 1966, to Stanley B. Ranch, doing business as Stanley Ranch Produce, Denver, Colo., authorizing the transportation of: Bananas, from New Orleans, La., to Denver, Colo. Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202, attorney for applicants.

No. MC–FC–69074. By order of September 28, 1966, the Transfer Board approved the transfer to Cayuga Bulk Service, Inc., Cayuga, N.Y., the operating rights in certificate No. MC–125701 issued August 18, 1964, to Ralph P. Williams, doing business as Cayuga Transport Co., Cayuga, N.Y., authorizing the transportation of: Animal and poultry feeds and ingredients, between specified points in New York and Pennsylvania. Murray J. S. Kirshtein, 118 Bleeker Street, Utica, N.Y. 13501, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10755; Filed, Oct. 3, 1966; 8:46 a.m.]

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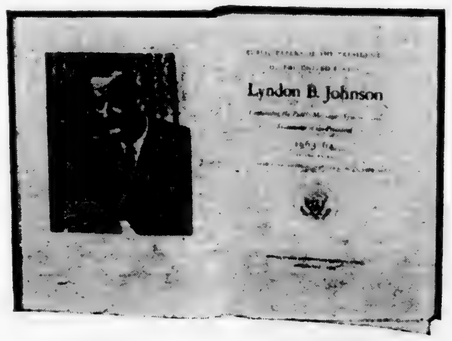
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Title 3—THE PRESIDENT

Proclamation 3749

WHITE CANE SAFETY DAY, 1966

By the President of the United States of America

A Proclamation

In our Nation, the white cane is the symbol of the independent blind person, able to come and go on his own. For motorists in our streets and highways, the white cane also represents a caution sign—a reminder that it is upon their courtesy and consideration that the safety of blind persons depends.

To make our people more fully aware of the significance of the white cane, and to encourage motorists to exercise caution and courtesy when approaching persons carrying a white cane, the Congress, by a joint resolution approved October 6, 1964 (78 Stat. 1003), has authorized the President to issue annually a proclamation designating October 15 as White Cane Safety Day.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim October 15, 1966, as White Cane Safety Day.

I urge civic and service organizations, schools, public bodies, and the media of public information in every community to join in observing White Cane Safety Day with activities which will promote greater awareness of the significance of the white cane and thereby contribute to the safety and welfare of our blind persons.

I call upon all our citizens to join individually in this observance, that blind persons in our society may continue to enjoy the greatest possible measure of personal independence.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of September in the year of our Lord nineteen hundred and sixty-six, and [SEAL] of the Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 66-10869; Filed, Oct. 3, 1966; 2:25 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

District of Columbia Redevelopment Land Agency

Section 213.3187 is added to show that Neighborhood Aide (Urban Renewal) positions are excepted under Schedule A when filled for 2 years or less by residents of the urban renewal project area in which the Aides will work. Effective on publication in the FEDERAL REGISTER, § 213.3187 is added as set out below.

§ 213.3187 District of Columbia Redevelopment Land Agency.

(a) Neighborhood Aide (Urban Renewal) positions when filled by residents of the urban renewal project area in which the Aides will serve. Employment under this authority may not exceed 2 years.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-10826; Filed, Oct. 4, 1966; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1109]

PART 13—PROHIBITED TRADE PRACTICES

Findlay Fashions, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act: 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act: 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act: 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 66 Stat. 179; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 69f, 68) [Cease and desist order, Findlay Fashions, Inc., et al., New York, N.Y., Docket C-1109, Sept. 13, 1966]

In the Matter of Findlay Fashions, Inc., a Corporation, and Abraham Schnapper and Abraham Greenbaum, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer to cease misbranding its fur and wool products and falsely invoicing its furs.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Findlay Fashions, Inc., a corporation, and its officers, and Abraham Schnapper and Abraham Greenbaum, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation and distribution in commerce of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing directly or by implication on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb."

4. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

6. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

7. Failing to affix labels to sample fur products used to promote or effect sales of fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act and of the rules and regulations promulgated thereunder.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb."

3. Failing to set forth on invoices the item number or mark assigned to each such product.

It is further ordered, That respondents Findlay Fashions, Inc., a corporation, and its officers, and Abraham Schnapper and Abraham Greenbaum, individually and as officers of the said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to affix labels to samples, swatches or specimens of wool products used to promote or effect sales of wool products, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 13, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10777; Filed, Oct. 4, 1966; 8:46 a.m.]

[Docket No. C-1107]

PART 13—PROHIBITED TRADE PRACTICES

Midwest Color Studios, Inc., et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1555 *Size, extent or equipment;* Misrepresenting oneself and goods—Goods: § 13.1715 *Quality;* Misrepresenting oneself and goods—Prices: § 13.1778 *Additional costs unmentioned.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Midwest Color Studios, Inc., et al., Chicago, Ill., Docket C-1107, Sept. 12, 1966]

In the Matter of Midwest Color Studios, Inc., a Corporation, and Frank J. Blum and Morris Projansky, Individually and as Officers of the Said Corporation

Consent order requiring a Chicago firm selling color photographs through door-to-door coupon salesmen to cease using false quality claims and other misrepresentations to sell its pictures.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Midwest Color Studios, Inc., a corporation, and its officers, and Frank J. Blum and Morris Projansky, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of photographs, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That respondents' photographs are natural color portraits or photographs.

2. That the purchaser of the photograph incurs no obligations or charges other than the purchase price specified on the certificate or otherwise represented by the respondents during the sale of said photographs: *Provided, however*, It shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the specified purchase price included all payment obligations incurred by the purchaser.

3. That respondents operate studios or branch offices throughout the United States, or otherwise misrepresenting in any manner the size of respondents' business.

4. That respondents' finished portraits or photographs will be equal in quality and workmanship to sample photographs or proof slides which have been exhibited to purchasers and prospective purchasers: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the photographs furnished by them to purchasers are in every instance of the represented quality and workmanship.

5. That proofs will be shown to the customers or that photographs ordered by customers will be delivered within a specified period of time or upon a particular date: *Provided, however*, That it shall be a defense in any enforcement proceeding hereunder for respondents to establish that said proofs were shown and that said photographs were delivered within such time or upon such date; or misrepresenting, in any manner, the period of time within which the proofs will be exhibited or the photographs will be delivered.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 12, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10778; Filed, Oct. 4, 1966; 8:46 a.m.]

[Docket No. C-1108]

PART 13—PROHIBITED TRADE PRACTICES

Shinyei Co., Inc.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Shinyei Co., Inc., New York, N.Y., Docket C-1108, Sept. 12, 1966]

Consent order requiring a New York City importer and distributor of fabrics to cease importing and selling fabrics which are so highly flammable as to be dangerous when worn by individuals, in violation of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Shinyei Co., Inc., a corporation, and respondent's officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any fabric which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 12, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10779; Filed, Oct. 4, 1966; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-212]

PART 1—GENERAL PROVISIONS

Ports of Entry

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographical limits of the customs port of entry of Port Canaveral, Fla., in the Tampa, Fla., district (Region IV), comprising the territory described in Treasury Decision 55666, are extended to include:

All those ports of Township 24 South, Range 36 East and Townships 24, 25, and 26 South, Range 37 East, described as follows:

Beginning at the Northeast corner of the Southeast ¼ of the Southeast ¼ of Section 1, Township 24 South, Range 36 East; thence westerly along the North line of the South ¼ of Sections 1, 2, and 3 and the westerly extension of said North line of the South ¼ of Section 3, to the center line of the intracoastal waterway; thence southeasterly along said center line to an intersection with the westerly extension of the South line of the North ¼ of Section 15, Township 24 South, Range 36 East; thence East along said westerly extension of the South line of the North ¼ of Section 15, and the South line of the North ¼ of Sections 15, 14, and 13, said Township 24 South, Range 36 East; thence continue East along the South line of the North ¼ of Sections 18 and 17, Township 24 South, Range 37 East to the Southwest corner of the Northwest ¼ of the Northwest ¼ of Section 16, Township 24 South, Range 37 East; thence South along the West line of Sections 16, 21, 28, and 33, said Township 24 South, Range 37 East; thence continue South along the West line of Sections 4, 9, 16, 21, 28, and 33, Township 25 South, Range 37 East to the Southwest corner of said Section 33, Township 25 South, Range 37 East; thence East along the South line of said Section 33, Township 25 South, Range 37 East to the Southeast corner thereof; thence South along the West line of Sections 3, 10, 15, and 22, Township 26 South, Range 37 East to the Southwest corner of the Northwest ¼ of the Northwest ¼ of said Section 22, Township 26 South, Range 37 East; thence East along the South line of the North ¼ of Sections 22 and 23, Township 26 South, Range 37 East to the shoreline of the Atlantic Ocean; thence northerly along said shoreline of the Atlantic Ocean to an intersection with the North line of the South ¼ of Section 1, Township 24 South, Range 37 East; thence westerly along said North line of the South ¼ of Sections 1 and 2 and the westerly extension thereof and the North line of the South ¼ of Section 6, Township 24 South, Range 37 East, to the point of beginning.

Section 1.2(c) of the Customs Regulations is amended by deleting "(including territory described in T.D. 55666)" after "Port Canaveral, Fla." in the column headed "Ports of entry" in the Tampa, Fla., district (Reg. IV) and by substituting therefor "(including territory described in T.D. 66-212)".

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-10804; Filed, Oct. 4, 1966; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 22—PERSONNEL OTHER THAN COMMISSIONED OFFICERS

Appointment of Special Consultants

The following amendments revise Public Health Service Regulations, Part 22, § 22.3 to reflect current requirements. Since these amendments relate solely to the appointment of special consultants under section 207(f), PHS Act, as amended (42 U.S.C. 209(f)), notice of proposed rule making, public rule making procedures and delay in effective date have been omitted.

Section 22.3(b) is amended and (d) is revoked, as follows:

§ 22.3 Appointment of special consultants.

* * * * *

(b) Appointments, pursuant to the provisions of this section, may be made by those officials of the Service to whom authority has been delegated by the Secretary or his designee.

* * * * *

(d) [Revoked]

This amendment shall be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 207(f), 58 Stat. 686 as amended by 62 Stat. 40; 42 USC 209(f))

Approved: September 14, 1966.

[SEAL] LEO J. GEHRIG,
Acting Surgeon General.

Approved: September 28, 1966.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-10815; Filed, Oct. 4, 1966; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Eastern Neck National Wildlife Refuge, Md.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Eastern Neck National Wildlife Refuge, Md., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,000 acres, is delineated on maps available at refuge headquarters, Rock Hall, Md., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) White-tailed deer may be taken from sunrise to sunset during the following open seasons:

Bow and arrow hunt only: October 17 through October 22, 1966;

Shotgun hunt only: October 23 through October 29, 1966.

(2) Bag limits: One deer per day, either sex.

(3) Participants in the shotgun hunt must report in at the designated check station before entering the refuge. Participants in both the shotgun and the bow and arrow hunts are required to check out at the check station before leaving the refuge. All deer killed must be presented for examination at the check station.

(4) Hunters may not enter the refuge before 5:00 a.m., e.s.t. and must check out no later than 6:30 e.s.t.

(5) Possession of loaded firearms before or after legal hunting hours is prohibited.

(6) All hunters must enter and leave the refuge by way of State Road 445 only. Entry by boat is prohibited.

(7) Dogs are prohibited.

(8) There shall be no hunting within 200 yards of any residence or within any area designated as closed. No buildings and structures are to be entered.

(9) During the shotgun hunt, October 24 through 29, hunters must not hunt or possess loaded guns on or within 20 feet of the county roads or the designated parking areas.

(10) Vehicles must be parked only in designated parking areas.

(11) During the shotgun hunt, October 24 through 29, all hunters must furnish and wear red, yellow, or orange caps, hats, vests, shirts, or coats while on the hunting area.

(12) Hunters under 18 years of age must be accompanied by an adult.

(13) Hunters shall not disturb, damage, or destroy any unharvested crops.

(14) Camping and fires are prohibited.

(15) A Federal permit will be required during the shotgun hunt. Permits will be limited to 100 per day and will be issued in advance of the season to hunters selected by an impartial drawing from applications received. Applications must be received no later than October 3, 1966, at the Eastern Neck Island National Wildlife Refuge, Route 2, Box 193, Rock Hall, Md. 21661. Permits not issued as result of the drawing will be issued on first-come, first-served basis at the check station each hunt day.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 29, 1966.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 4, 1966.

[F.R. Doc. 66-10854; Filed, Oct. 4, 1966; 8:52 a.m.]

PART 33—SPORT FISHING

Reelfoot National Wildlife Refuge, Tennessee; Correction

In F.R. Doc. 66-1970, appearing at page 3118 of the issue for February 24, 1966, subparagraph (1), should read as follows:

(1) The sport fishing season on the refuge extends from February 16, 1966, through October 23, 1966, except the lower refuge located south of Upper Blue Basin remains open through November 17, 1966.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-10786; Filed, Oct. 4, 1966; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—1967 National Marketing Quota, National Acreage Allotment, and Apportionment of National Acreage Allotment to States

Sec.
729.1801 Basis and purpose.
729.1802 Proclamation of national marketing quota, normal yield per acre, and national acreage allotment for the crop of peanuts to be produced in 1967.
729.1803 Apportionment of the national acreage allotment, less new farm reserve, to States.

AUTHORITY: The provisions of this subpart issued under secs. 358, 375, 55 Stat. 88, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1375.

§ 729.1801 Basis and purpose.

(a) Section 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), hereinafter referred to as the Act, provides that between July 1 and December 1 of each calendar year the Secretary of Agriculture shall proclaim a national marketing quota for the crop of peanuts to be produced in the next succeeding calendar year. The quota for such crop shall be a quantity of peanuts which will make available for marketing a supply equal to the average quantity of peanuts harvested for nuts during the immediately preceding 5 years, adjusted for current trends and prospective demand conditions. Section 358(a) further provides that the national marketing quota may not be less than a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

(b) Except for the 1,610,000-acre minimum, the national marketing quota for the 1967 crop would be 890,000 tons and the national acreage allotment, computed by dividing the national quota by the normal yield per acre, then adjusting for underharvesting, would be 1,262,817 acres. In order to obtain the minimum national acreage allotment of 1,610,000 acres, the national marketing quota must be set at 1,428,875 tons. Section 358(a) also provides that the national marketing quota shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre for the United States.

(c) Section 358(c) of the Act provides that the national acreage allotment less the acreage to be alloted to new farms under Section 358(f), shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made.

(d) Section 729.1802 of this proclamation establishes the national marketing quota, the normal yied per acre, and the national acreage allotment for the 1967 crop of peanuts. Section 729.1803 apportions the 1967 national acreage allotment among the several peanut-producing States. The determinations contained herein are based on the latest available statistics of the Federal Government.

(e) Public notice of the proposed determination of the 1967 national marketing quota, the national acreage allotment and the apportionment of such allotment, less reserve for new farms, among the States was given (31 F.R. 10471) in accordance with the Administrative Procedure Act (5 U.S.C. 1003). No recommendations or views were received in response to such notice. In order that State allotments may be made available for the orderly determination of farm allotments for 1967, it is essential that the provisions of this document be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest.

§ 729.1802 Proclamation of national marketing quota, normal yield per acre, and national acreage allotment for the crop of peanuts to be produced in 1967.

(a) *National marketing quota.* The amount of the national marketing quota for peanuts for the crop to be produced in the calendar year 1967 is 1,428,875 tons.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States is 1,775 pounds.

(c) *National acreage allotment.* The national acreage allotment for the crop to be produced in the calendar year 1967 is 1,610,000 acres.

§ 729.1803 Apportionment of the national acreage allotment, less new farm reserve, to States.

The national peanut acreage allotment proclaimed in § 729.1802 is hereby apportioned as follows:

State	1967 State acreage allotment
Alabama	217,502
Arizona	714
Arkansas	4,198
California	934
Florida	55,293
Georgia	528,028
Louisiana	1,953
Mississippi	7,520
Missouri	247
New Mexico	5,566
North Carolina	168,421
Oklahoma	138,429
South Carolina	13,869
Tennessee	3,902
Texas	356,915
Virginia	105,199
Total apportioned to States	1,608,390
Reserve for new farms	1,610
Total, United States	1,610,000

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 30, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-10848; Filed, Oct. 4, 1966; 8:52 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 874.19]

PART 874—SUGARCANE; LOUISIANA

Fair and Reasonable Prices for 1966 Crop

Correction

In F.R. Doc. 66-10212 appearing on page 12395 in the issue of Saturday, September 17, 1966, the following corrections are made in § 874.19:

(a) In the table on page 12396, the ninth entry in the second column from the right which now reads ".930" should read ".920".

(b) In the nineteenth line in the center column on page 12397, the word "hunderweight" should read "hundredweight".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958) regulating the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER August 31, 1966 (31 F.R. 11465). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.210 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1966, and ending June 30, 1967, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $8,905.00.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be three-tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1967, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period, and (2) the current fiscal period began on July 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable onions beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 30, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10843; Filed, Oct. 4, 1966; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7101; Amdt. 37-8]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Individual Flotation Devices—TSO-C72a

The purpose of this amendment is to revise the Technical Standard Order (TSO-C72) for individual flotation devices contained in § 37.178 of the Federal Aviation Regulations. This action was published as a notice of proposed rule making (31 F.R. 296, Jan. 11, 1966) and circulated as Notice No. 66-1 dated January 5, 1966.

Notice 66-1 proposed an amendment to clarify the buoyancy testing requirements that were stated in TSO-C72 in broad objective terms. The proposal incorporated and described two alternative test procedures applicable to inflatable and noninflatable devices—a survivor (human) test and a machine test. In addition, the notice proposed to amend the buoyancy test requirements to make it clear that the tests may be conducted under other than standard water conditions provided the results can be converted to standard conditions.

In response to the notice of proposed rule making a number of comments pointed out that although the TSO requires allowance for the effects of extended service use, the proposed buoyancy test procedures are not realistic in several respects and do not account for loss of buoyancy caused by aging of materials or by permanent compression from in-service (cabin) usage. The Agency considers that these comments have merit and paragraph 7.0.1 is revised to include objective test procedures to account for aging through either preconditioning the test specimens or demonstrating excess buoyancy to offset the aging loss.

Recommending clarification or change to those portions of the TSO not covered by the proposal and which state that dress covers enveloping flotation devices are not considered to be part of the device, one commentator advised that actual practice is to the contrary inasmuch as dress covers are a part of seat cushions. The provision excluding covers was incorporated into the original TSO because it was considered conservative to exclude the effects of incidentally entrapped air in the covers, particularly during simple short-period static immersion tests. While it would be unrealistic to rely on covers generally to provide a dependable increment of total bouyancy, nevertheless it appears possible to develop dress coverings that have adequate air retention characteristics. Furthermore, the dynamic test conditions being introduced by this amendment will prove the effectiveness and durability of covers in augmenting buoyancy. Therefore, since the reasons for excluding covers no longer appear valid, the Agency considers it appropriate to further amend the TSO by deleting those sentences that exclude dress covers as parts of flotation devices, and at the same time, to require that buoyancy tests be conducted on complete devices configured as they would normally be for emergency use.

Most of the comments took issue with one or more features of the proposed machine test and two commentators objected to that test in its entirety. The essential thrust of the objections was that the test does not duplicate the actual conditions of use and would be unreasonably difficult and costly to perform. It was pointed out that the 10-foot depth would never be reached by a person holding on to the device and, in any event, hydrostatic pressure at that depth, rather than simulating the effect of squeezing, would tend to seal the device and stop leaks. The comments significantly emphasized that static immersion tests for a predetermined time at a nominal depth of 2 feet are adequate to determine buoyancy for closed cell materials, whereas, for open cell material, immersion at or just below the water surface coupled with the cyclic squeezing action characteristic of a human would be required.

The Agency appreciates the distinction between open cell and closed cell materials and the importance of tests that are representative of the conditions under which such devices will be used. Accordingly, the proposed paragraph 7.0.1 has been recast to require tests appropriate to the material involved and to permit the use of a mechanical apparatus in the tests provided it simulates the squeezing motions characteristic of humans.

One suggestion would have required buoyancy measurements to be made in accordance with U.S. Coast Guard Specification Subpart No. 16.049, Second Amendment. However, that specification does not require preconditioning to simulate the effects of aging nor does it require squeezing to account for repetitive cycling during emergency use. For these reasons, the TSO has not been changed as suggested.

A recommendation that testing be conducted in a swimming pool or similar test area has been adopted and further expanded to make it clear that testing may be conducted in either open or restricted water areas.

A number of comments were directed to the proposed duration of the tests. Two commentators expressed agreement with 8 hours insofar as static immersion tests for closed cell materials are concerned or where a dummy or equivalent is used in place of a human subject. To the contrary, one commentator stated that the proposed 8-hour demonstration in 2-foot waves is unwarranted in view of the Agency's previously established position that individual flotation devices are not intended to be the equivalent of life preservers but only to provide the minimum of buoyancy when rescue is close at hand. Another commentator alleged that the proposed test duration of 8 hours was unrealistic for domestic routes and recommended 4 hours since that would be the maximum time before rescue would take place.

Of the comments opposing the proposed 8-hour test, the most analytical pointed out that testing in 2-foot waves for 8 hours was unnecessarily severe and presented a hardship in proving compliance. This commentator cited industry tests tending to prove that when devices lose buoyancy they do so rapidly, usually in the first 30 minutes, and if buoyancy stabilizes to a constant value for a period of 2 hours, the buoyancy at the end of 8 hours can be predicted. The commentator therefore recommended TSO buoyancy testing durations and conditions in keeping with its findings. The Agency agrees in principle with the analysis and recommendations expressed by this commentator and has revised the proposal to allow the tests to be stopped when buoyancy has stabilized over 4 successive 30-minute measurement intervals.

One commentator contended that present cushion material (polyurethane foam) will not meet the proposed buoyancy testing requirements, and, if other

materials are used to attain the necessary buoyancy, the cushions will be more flammable. However, the commentator makes no claim that, nor is the Agency aware of any reason why, polyurethane foam cushions may not be designed to meet the buoyancy test. In fact, tests conducted by the Agency have indicated that polyurethane foam cushions encased in a waterproof covering do meet the buoyancy test.

Noting that the flame-resistance test procedure of TSO–C72 is applicable only to fabric-type materials, one comment recommended that such procedures should be extended to cover foam. While this comment may have merit, it goes beyond the scope of Notice 66–1. However, the Agency has published Notice No. 66–26 (31 F.R. 10275, July 29, 1966) concerning Crashworthiness and Passenger Evacuation, in which changes to the flame-resistant requirements of TSO–C72 have been proposed. Recommendations relating to flame-resistance testing of individual flotation devices would properly be responsive to Notice 62–26.

In response to comments, the TSO has been further amended to make it clear that flotation device models approved prior to the effective date of this amendment may continue to be manufactured under the provisions of their original approval.

The phrase "for use on civil aircraft of the United States" has been deleted from the applicability provision of the revised TSO. As indicated in the preambles to TSO–C50b (31 F.R. 9977, July 22, 1966) and TSO–C87 (30 F.R. 15547, Dec. 17, 1965), such phrases have created some confusion and serve no useful purpose insofar as the TSO is concerned. A TSO contains those standards that a manufacturer must meet in order to identify his equipment with the applicable TSO marking. A manufacturer desiring to use the applicable TSO marking must meet the prescribed standard regardless of the type of operation or the type of aircraft in which the equipment might be used.

In view of the fact that clarifying amendments are being made to the requirements of § 37.178 in addition to the substantive changes to the Federal Aviation Agency Standard as proposed, the Agency considers it appropriate in the interest of clarity to set forth the TSO in its entirety. In this connection, minor changes of an editorial nature have been made in the text of the standard.

Interested persons have been afforded the opportunity to participate in the making of this amendment. All relevant material submitted has been fully considered.

(Secs. 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 37.178 of Part 37 of the Federal Aviation Regulations is amended as hereinafter set forth below, effective November 4, 1966.

Issued in Washington, D.C., on September 28, 1966.

C. W. WALKER,
Director, Flight Standards Service.

§ 37.178 Individual flotation devices—TSO–C72a.

(a) *Applicability.* This Technical Standard Order (TSO) prescribes the minimum performance standards that individual flotation devices must meet in order to be identified with the applicable TSO marking. New models of the equipment that are to be so identified, and that are manufactured on or after November 4, 1966, must meet the requirements of the "Federal Aviation Agency Standard, Individual Flotation Devices" set forth at the end of this section.

(b) *Marking.* The marking specified in § 37.7(d) must be shown except that the weight need not be included.

(c) *Data requirements.* In addition to the data specified in § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the descriptive information on the device.

(2) Six copies of the manufacturers' equipment operating instructions and limitations.

(3) Six copies of the applicable installation instructions indicating any restrictions or other conditions pertinent to installation.

(4) One copy of the manufacturers' test report.

(5) One copy of the manufacturers' special cleaning and maintenance instructions.

(d) *Previously approved equipment.* Flotation device models approved prior to November 4, 1966, may continue to be manufactured under the provisions of their original approval.

FEDERAL AVIATION AGENCY STANDARD
INDIVIDUAL FLOTATION DEVICES

1.0 *Purpose.* To specify minimum performance standards for individual flotation devices other than life preservers defined in the TSO–C13 Series.

2.0 *Types and description of devices.* This standard provides for the following two categories of individual flotation devices:

a. Inflatable types (compressed gas inflation).

b. Noninflatable types.

2.0.1 *Description of inflatable types.* Inflation must be accomplished by release of a compressed gas contained in a cartridge into the inflation chamber. The cartridge must be activated by a means readily accessible and clearly marked for its intended purpose. The flotation chamber must also be capable of oral inflation in the event of failure of the gas cartridge.

2.0.2 *Description of noninflatable types.* Seat cushions, head rests, arm rests, pillows or similar aircraft equipment are eligible as flotation devices under this standard provided they fulfill minimum requirements for safety and performance. Compression through extended service use, perspiration and periodic cleaning must not reduce the buoyancy characteristics of these devices below the minimum level prescribed in this standard.

2.1 *Instructions for use.* Where the design features of the device relative to its purpose and proper use are not obvious to the user, clearly worded instructions must be provided. These instructions must be visible under conditions of emergency lighting.

3.0 *Definitions.* The following are definitions of terms used throughout the standard:

a. *Buoyancy.* The amount of weight a device can support in fresh water at 85° F.

b. *Flame resistant.* Not susceptible to combustion to the point of propagating a flame beyond safe limits after the ignition source is removed.

c. *Corrosion resistant.* Not subject to deterioration or loss of strength as a result of prolonged exposure to a humid atmosphere.

4.0 *General requirements*—4.0.1 *Materials and processes.* Materials used in the finished product must be of the quality which experience and tests have demonstrated to be suitable for the use intended throughout the service life of the device. The materials and processes must conform to specifications selected or prepared by the manufacturer which will insure that the performance, strength and durability incorporated in the prototype are continued or exceeded in subsequently produced articles.

4.0.2 *Fungus protection.* Materials used in the finished product must contain no nutrient which will support fungus growth unless such materials are suitably treated to prevent such growth.

4.0.3 *Corrosion protection.* Metallic parts exposed to the atmosphere must be corrosion resistant or protected against corrosion.

4.0.4 *Flame resistance.* All materials used in the device, including any covering, must be flame resistant.

4.0.5 *Temperature range.* Materials used in the construction of the device must be suitable for the intended purpose following extended exposures through a range of operating temperatures from −40° F. to +140° F.

4.1 *Design and construction*—4.1.1 *General.* The design of the device, the inflation means if provided, and straps or other accessories provided for the purpose of donning by the user must be simple and obvious thereby making its purpose and actual use immediately evident to the user.

4.1.2 *Miscellaneous design features.* The devices must be adaptable for children as well as adults. They must have features which enable the users to retain them when jumping into the water from a height of at least 5 feet. Attachment straps must not pass between the user's legs for retention or restrict breathing or blood circulation.

5.0 *Performance characteristics*—5.0.1 *Buoyance standard.* The device must be shown by the tests specified in paragraph 7.0.1 to be capable of providing not less than 14 pounds of buoyancy in fresh water at 85° F. for a period of 8 hours.

5.0.2 *Utilization.* The devices must be capable of being utilized by the intended user with ease.

5.0.3 *Function under temperature limits.* The device must be functional within the temperature limitations of —40° F. to +140° F.

6.0 *Standard test procedures*—6.0.1 *Salt spray test solution.* The salt used must be sodium chloride or equivalent containing on the dry basis not more than 0.1 percent of sodium iodide and not more than 0.2 percent of impurities. The solution must be prepared by dissolving 20±2 parts by weight of salt in 80 parts by weight of distilled or other water containing not more than 200 parts per million of total solids. The solution must be kept free from solids by filtration, decantation, or any other suitable means. The solution must be adjusted to be maintained at a specific gravity of from 1.126 to 1.157 and a PH of between 6.5 and 7.2 when measured at a temperature in the exposure zone maintained at 95° F.

6.0.2 *Flame resistance.* Three specimens approximately 4 inches wide and 14 inches long must be tested. Each specimen must be clamped in a metal frame so that the two long edges and one end are held securely. The frame must be such that the exposed area of the specimen is at least 2 inches wide and 13 inches long with the free end at least one-half inch from the end of the frame for ignition purposes. In the case of fabrics, the direction of the weave corresponding to the most critical burn rate must be parallel to the 14-inch dimension. A minimum of 10 inches of the specimen must be used for timing purposes, and approximately 1½ inches must burn before the burning front reaches the timing zone. The specimen must be long enough so that the timing is stopped at least 1 inch before the burning front reaches the end of the exposed area.

The specimens must be supported horizontally and tested in draft free conditions. The surface that will be exposed when installed in the aircraft must face down for the test. The specimens must be ignited by a Bunsen or Tirrell burner. To be acceptable, the average burn rate of the three specimens must not exceed 4 inches per minute. Alternatively, if the specimens must not support combustion after the ignition flame is applied for 15 seconds or if the flame extinguishes itself and subsequent burning without a flame does not extend into the undamaged areas, the material is also acceptable.

7.0 *Test requirements*—7.0.1 *Buoyancy testing.* The flotation device, including all dress covers, and straps that would normally be used by a survivor in an emergency, must be tested in accordance with either subparagraph (a) or (b) of this paragraph, as applicable, or an equivalent test procedure. The test may be conducted using non-fresh water, or at a temperature other than 85° F., or both, provided the result can be converted to the standard water condition specified in paragraph 5.0.1. The test may be conducted in open (ocean or lake) or restricted (swimming pool) water. The test specimen of non-inflatable devices, such as pillows or seat cushions, must either be preconditioned to simulate any detrimental effects on buoyancy resulting from extended service use or an increment must be added to the buoyancy standard in paragraph 5.0.1 sufficient to offset any reduction in buoyancy which would result from extended service use.

a. *Test procedures applicable to inflatable devices and to noninflatable devices made from closed cell material.* The device must be tested by submerging it in water so that no part of it is less than 24 inches below the surface. It must be shown that the buoyancy of the device is at least equal to the value specified in paragraph 5.0.1 after submersion for at least 8 hours, except that the test may be discontinued in less than 8 hours if buoyancy measurements taken at 4 successive 30-minute intervals show that the buoyancy of the device has stabilized at a value at least equal to the value specified in paragraph 5.0.1.

b. *Test procedures applicable to noninflatable devices made from open cell material.* The device must be completely submerged and either supporting a human subject or attached to a mechanical apparatus that simulates the movements characteristic of a nonswimmer. During the test, the device must be subjected to a squeezing action comparable to that caused by the movements characteristic of a nonswimmer. It must be shown that the buoyancy of the device is at least equal to the value specified in paragraph 5.0.1 after testing for at least 8 hours, except that the test may be discontinued in less than 8 hours if the buoyancy measurements taken at 4 successive 30-minute intervals show that the buoyancy of the device has stabilized at a value at least equal to the value specified in paragraph 5.0.1.

7.0.2 *Salt spray testing.* All metallic operating parts must be placed in an enclosed chamber and sprayed with an atomized salt solution for a period of 24 hours. The solution must be atomized in the chamber at a rate of three quarts per 10 cubic feet of chamber volume per 24-hour period. At the end of the test period, it must be demonstrated that the parts operate properly.

7.0.3 *Flame resistance testing.* Tests must be performed on nonmetallic materials in accordance with section 6.0.2 to substantiate adequate flame resistant properties.

7.0.4 *Extreme temperature testing.* Tests must be performed to demonstrate that the device is operable throughout the temperature range specified in paragraph 5.0.3. In performing these tests, preconditioning of test specimens must be accomplished to simulate conditions of immediate use of the device following an aircraft takeoff.

NOTE: An acceptable procedure for preconditioning may involve storage of the device for 8 hours at the extreme temperatures specified, followed by exposure to room temperature conditions for a period of time not to exceed 10 minutes.

[F.R. Doc. 66–10760; Filed, Oct. 4, 1966; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66–EA–31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Pages 8596 and 8597 of the FEDERAL REGISTER for June 21, 1966, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot floor transition area over Lawrenceville Municipal Airport, Lawrenceville, Va.

Interested persons were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., December 8, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on September 15, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Lawrenceville, Va., transition area described as follows:

LAWRENCEVILLE, VA.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 36°46'20" N., 77°47'45" W., of Lawrenceville Municipal Airport, Lawrenceville, Va.; and within 2 miles each side of the Lawrenceville, Va., VOR 118° radial extending from the 4-mile radius area to the VOR. This transition area shall be in effect from sunrise to sunset daily.

[F.R. Doc. 66–10761; Filed, Oct. 4, 1966; 8:45 a.m.]

[Airspace Docket No. 66–EA–44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 10885 of the FEDERAL REGISTER for August 16, 1966, the Federal Aviation Agency amended § 71.181 of Part 71 of the Federal Aviation Regulations which would alter the Dayton, Ohio (Montgomery County), transition area.

Since then the Montgomery County Airport VOR instrument approach procedure final approach course was altered to the 146° magnetic radial, 145° true, an amendment is required to reflect the change in radials.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and it may be made effective as of the date of the final rule.

In view of the foregoing, the proposed amendment is hereby adopted effective 0001 e.s.t., October 13, 1966, as follows:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Dayton, Ohio (Montgomery County), transition area the numbers, "135°" and insert in lieu thereof the numbers, "145°".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on September 19, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66–10762; Filed, Oct. 4, 1966; 8:45 a.m.]

[Airspace Docket No. 66–SO–80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Eastover, S.C., control zone and the Sumter, S.C., control zone and transition area.

The Eastover control zone is described in § 71.171 (31 F.R. 2065). An extension to the control zone is described in part as "• • • and within 2 miles each side of the McEntire VOR 139° radial • • •."

Because of the redefining of the final approach radial, it is necessary to redesignate this extension on the McEntire VOR 138° radial.

The Sumter control zone is described in § 71.171 (31 F.R. 2065). An extension to the control zone is described as "• • • within 2 miles each side of the Shaw VOR 010° and 235° radials extending from the 5-mile radius zone to 12 miles N and 10.5 miles SW of the VOR • • •."

Because of the decommissioning of the Shaw VOR, it is necessary to alter the Sumter control zone by revoking this extension.

The Sumter transition area is described in § 71.181 (31 F.R. 2149, 5120). Extensions to the transition area are de-

scribed as "* * * within 5 miles SE and 8 miles NW of the Shaw VOR 234° radial extending from the Shaw 7-mile radius area to 12 miles SW of the VOR * * *" and "* * * within 5 miles NE and 8 miles SW of the McEntire VOR 139° radial extending from the McEntire 8-mile radius area to 12 miles SE of the VOR * * *."

Because of the decommissioning of the Shaw VOR, it is necessary to alter the Sumter transition area by revoking the extension predicated on the Shaw VOR 243° radial. Because of the redefining of the final approach radial, it is necessary to redesignate the extension predicated on the McEntire VOR 139° radial to the McEntire 138° radial.

Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (31 F.R. 2065) the following control zones are amended to read:

EASTOVER, S.C.

Within a 5-mile radius of McEntire ANGB (latitude 33°55'26" N., longitude 80°48'14" W.) and within 2 miles each side of the McEntire VOR 138° radial extending from the 5-mile radius zone to 10.5 miles SE of the VOR.

SUMTER, S.C.

Within a 5-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.) and within 2 miles each side of the Shaw TACAN 033° and 213° radials extending from the 5-mile radius zone to 8 miles NE and 13 miles SW of the TACAN.

In § 71.181 (31 F.R. 2149) the Sumter, S.C., transition area (31 F.R. 5120) is amended to read:

SUMTER, S.C.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.); within 2 miles each side of the Shaw ILS localizer SW course extending from the Shaw 7-mile radius area to 12 miles SW of the Shaw OM; within an 8-mile radius of McEntire ANGB (latitude 33°55'-26" N. longitude 80°48'14" W.); within 5 miles NE and 8 miles SW of the McEntire VOR 138° radial extending from the McEntire 8-mile radius area to 12 miles SE of the VOR; and within a 5-mile radius of Sumter Airport (latitude 33°59'39" N., longitude 80°21'45" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on September 28, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-10763; Filed, Oct. 4, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-45]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to lower the designated ceiling of the Desert Mountains, Nev., Restricted Area R-4810 from flight level 300 to flight level 240.

Utilization records for the past year indicate that R-4810 is not being utilized to the maximum designated ceiling and the Department of the Navy concurs in lowering the ceiling to flight level 240.

Since this amendment will restore airspace to the public use, notice and public procedure are unnecessary and for this reason the amendment may be made effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.48 (31 F.R. 2321), R-4810 Desert Mountains, Nev., "Designated altitudes: Surface to flight level 300." is deleted and "Designated altitudes: Surface to flight level 240." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 28, 1966.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 66-10764; Filed, Oct. 4, 1966; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 7646; Amdt. 95-146]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective November 10, 1966, as follows:

1. By amending Subpart C as follows:

Section 95.115 *Amber Federal airway 15* is amended to read in part:

From, to, and MEA

Haines, Alaska, LF/RBN; Burwash Landing, Y.T.LFR; #11,000. #For that airspace over U.S. territory.

Section 95.627 *Blue Federal airway 27* is amended to read in part:

*Nome, Alaska, LFR; Kotzebue, Alaska, LF/RBN; 6,000. *3,000—MCA Nome LFR, northeastbound.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Gadsden, Ala., VOR; Geraldine INT, Ala.; *3,000. *2,400—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Charles INT, S.C.; Johnsonville INT, S.C.; *5,000. *1,400—MOCA.
Johnsonville INT, S.C.; Myrtle Beach, S.C., VOR; 1,600.
Grand Rapids, Mich., VOR; Otsego INT, Mich.; 2,900.
Grand Rapids, Mich., VOR; Bellevue INT, Mich.; *2,600. *2,300—MOCA.
Lansing, Mich., VOR; Bellevue INT, Mich.; *2,500. *2,300—MOCA.
Ogden, Utah, VORTAC, COP 70 OGD; Jackson, Wyo., VOR; #22,000. MAA—30,000. #MEA is established with a gap in navigation signal coverage.
Ontario, Calif., VORTAC; Peach Springs, Ariz., VORTAC; *#23,000. *12,900—MOCA. MAA—45,000. #MEA is established with a gap in navigation signal coverage.
Peach Springs, Ariz., VORTAC, COP 115 PGS; Cortez, Colo., VOR; #18,000. MAA—45,000. #MEA is established with a gap in navigation signal coverage.
Cortez, Colo., VOR, COP 80 CEZ; Pueblo, Colo., VORTAC; #22,000. MAA—45,000. #MEA is established with a gap in navigation signal coverage.
Pueblo, Colo., VORTAC; Hill City, Kans., VORTAC; 18,000. MAA—45,000.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

*Davis INT, S.C.; **Planter INT, S.C.; ***3,000. *3,000—MRA. **2,500—MRA. ***1,300—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Spokane, Wash., VOR; Rockford DME Fix, Wash.; 6,500.
*Black Diamond INT, Wash., via S alter.; Humphrey INT, Wash., via S alter.; southeastbound 10,000; northwestbound 6,000. *7,500—MCA Black Diamond INT, eastbound.

Section 95.6003 *VOR Federal airway 3* is amended to delete:

Jacksonville, Fla., VOR, via W alter.; *O'Neil INT, Fla., via W alter.; **1,500. *2,000—MRA. **1,100—MOCA.
O'Neil INT, Fla., via W alter.; Brunswick, Ga. VOR; via W alter.; *1,500. *1,300—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

*Starfish INT, Ga., via E alter.; **Catherine INT, Ga., via E alter.; ***3,000. *3,000—MRA. **5,000—MRA. ***1,100—MOCA.
Catherine INT, Ga., via E alter.; *Keller INT, Ga., via E alter.; **1,600. *5,500—MRA. **1,500—MOCA.

Section 95.6004 *VOR Federal Airway 4* is amended to read in part:

From, to, and MEA

*Black Diamond INT, Wash.; Humphrey INT, Wash.; southeastbound 10,000; northwestbound 6,000. *7,500—MCA Black Diamond INT, eastbound.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Ellijay INT, Ga.; Chatsworth INT, Ga.; 4,700.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Hazen, Nev., VOR, via S alter.; Lovelock, Nev., VOR, via S alter.; *8,000. *7,600—MOCA.
Bay Point INT, Calif.; *Rio INT, Calif.; southbound 5,000; northbound 4,000. *4,000—MCA Rio INT, southbound.
Roseville INT, Calif., via N alter.; *Newcastle INT, Calif., via N alter.; 4,000. *7,500—MCA Newcastle INT, northbound.
Newcastle INT, Calif., via N alter.; Blue Canyon INT, Calif., via N alter.; southbound 7,000; northbound 11,000.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Eden INT, Wis.; Oshkosh, Wis., VOR; *2,600. *2,200—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Litchfield, Mich., VOR; Milan INT, Mich.; *3,000. *2,400—MOCA.
Milan INT, Mich.; Carleton, Mich., VOR; *2,300. *2,000—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

*Plain City INT, Ohio; Appleton, Ohio, VOR; 3,000. *4,000—MRA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

*Cotton INT, La., via N alter.; Homer INT, La., via N alter.; **2,000. *3,000—MRA. **1,600—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Sabine Pass, Tex., VOR, via S alter.; Marsh INT, Tex., via S alter.; *1,500. *1,200—MOCA.

Section 95.6022 *VOR Federal airway 22* is amended to read in part:

Sabine Pass, Tex., VOR; Holly Beach INT, La.; *2,000. *1,200—MOCA.
Holly Beach INT, La.; White Lake, La., VOR; *2,000. *1,300—MOCA.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

Medford, Oreg., VOR; Milo INT, Oreg.; *7,000. *6,900—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

San Luis Obispo, Calif., VOR, via W alter.; Paso Robles, Calif., VOR, via W alter.; *5,000. *4,800—MOCA.

Section 95.6028 *VOR Federal airway 28* is amended to read in part:

Altamont INT, Calif.; Holt INT, Calif.; *4,500. *4,000—MOCA.
Holt INT, Calif.; Linden, Calif., VOR; *3,000. *2,000—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Cobb INT, Ga.; Fort Valley INT, Ga.; *2,200. *1,500—MOCA.

From, to, and MEA

Fort Valley INT, Ga.; Myrtle INT, Ga.; *2,000. *1,700—MOCA.
Clinton INT, Ga.; Athens, Ga., VOR; *2,500. *2,300—MOCA.
Linville INT, N.C., via E alter.; Holston Mountain, Tenn., VOR, via E alter.; 7,200.
Albany, Ga., VOR, via W alter.; Montezuma INT, Ga., via W alter.; *2,200. *1,800—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Ellijay INT, Ga., via W alter.; Chatsworth INT, Ga., via W alter.; 4,700.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Monticello INT, S.C.; Spartanburg, S.C., VOR; *2,500. *2,300—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Sunset INT, S.C.; Cleveland INT, S.C.; *5,300. *5,100—MOCA.
Slayden INT, Miss.; Muscle Shoals, Ala., VOR; *3,000. *2,100—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Gordon INT, Ga.; *Anna INT, Ga.; **2,100. *2,600—MRA. **1,800—MOCA.
Anna INT, Ga.; Mitchell INT, Ga.; *2,100. *1,800—MOCA.
Mitchell INT, Ga.; Augusta, Ga., VOR; *2,000. *1,800—MOCA.
Geneva INT, Ga.; *Junction City INT, Ga.; **2,400. *3,000—MRA. **1,900—MOCA.
Junction City INT, Ga.; Roberta INT, Ga.; *2,400. *1,900—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

*Cotton INT, La.; Homer INT, La.; **2,000. *3,000—MRA. **1,800—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Eufaula, Ala., VOR; Americus INT, Ga.; *2,100. *1,900—MOCA.
Sabine Pass, Tex., VOR; Marsh INT, Tex.; *1,500. *1,200—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Albany, Ga., VOR, via E alter.; Montezuma INT, Ga., via E alter.; *2,200. *1,800—MOCA.
College INT, Ga., via E alter.; Harris, Ga., VOR, via E alter.; 6,200.
London, Ky., VOR, via E alter.; Loglick, Ky., VOR, via E alter.; *3,500. *2,700—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended to delete:

Keeler, Mich., VOR; Jackson, Mich., VOR; *3,000. *2,300—MOCA.
Jackson, Mich., VOR; Salem, Mich., VOR; *3,000. *2,400—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended by adding:

Keeler, Mich., VOR; Litchfield, Mich., VOR; *2,800. *2,100—MOCA.
Litchfield, Mich., VOR; Milan INT, Mich.; *3,000. *2,400—MOCA.
Milan INT, Mich.; Carleton, Mich., VOR; *2,300. *2,000—MOCA.

Section 95.6102 *VOR Federal airway 102* is amended to read in part:

*Santa Rosa INT, Tex.; **Electra INT, Tex.; 2,700. *4,000—MRA. **3,500—MRA.

From, to, and MEA

Electra INT, Tex.; Wichita Falls, Tex., VOR; 2,700.

Section 95.6103 *VOR Federal airway 103* is amended to read in part:

Akron, Ohio, VOR; Crib INT, Ohio; 3,000.

Section 95.6107 *VOR Federal airway 107* is amended to read in part:

*Los Angeles, Calif., VOR, via W alter.; Topanga INT, Calif., via W alter.; westbound 5,000; eastbound 4,000. *2,400—MCA Los Angeles VOR, westbound.
Topanga INT, Calif., via W alter.; Ventura, Calif., VOR, via W alter.; 5,000.

Section 95.6112 *VOR Federal airway 112* is amended to read in part:

*Portland, Oreg., VOR; Groves INT, Wash.; eastbound **7,000; westbound **6,500. *4,700—MCA Portland VOR, eastbound. **6,400—MOCA.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

*Santa Rosa INT, Tex., via S alter.; **Electra INT, Tex., via S alter.; 2,700. *4,000—MRA. **3,500—MRA.
Electra INT, Tex., via S alter.; *Wichita Falls, Tex., VOR, via S alter.; 2,700. *3,000—MCA Wichita Falls VOR, southeastbound.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Knoxville, Tenn., VOR; *Blaine INT, Tenn.; 4,000. *5,000—MRA.
Blaine INT, Tenn.; Rutledge INT, Tenn.; 4,000.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

Bigelow INT, Iowa; *Gruver INT, Iowa; **6,000. *5,000—MRA. **2,700—MOCA.
Gruver INT, Iowa; Mason City, Iowa, VOR; *5,000. *2,600—MOCA.

Section 95.6138 *VOR Federal airway 138* is amended to read in part:

Washington INT, Nebr.; Neola, Iowa, VOR; 3,500.

Section 95.6145 *VOR Federal airway 145* is amended to read in part:

Florence INT, N.Y.; Watertown, N.Y., VOR; *3,000. *2,400—MOCA.

Section 95.6154 *VOR Federal airway 154* is amended to read in part:

Geneva INT, Ga.; *Junction City INT, Ga.; **2,400. *3,000—MRA. **1,900—MOCA.
Junction City INT, Ga.; Roberta INT, Ga.; *2,400. *1,900—MOCA.

Section 95.6155 *VOR Federal airway 155* is amended to read in part:

Lawrenceville, Va., VOR; Flat Rock, Va., VOR; 2,000.

Section 95.6170 *VOR Federal airway 170* is amended to read in part:

Worthington, Minn., VOR; Fairmont, Minn., VOR; *3,300. *2,800—MOCA.
Fairmont, Minn., VOR; Mankato, Minn., VOR; *3,000. *2,500—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Wolbach, Nebr., VOR; Bellwood INT, Nebr.; *4,000. *3,100—MOCA.

Section 95.6174 *VOR Federal airway 174* is amended to read in part:

From, to, and MEA

Henderson, W. Va., VOR; Clara INT, W. Va.; 4,000.

Section 95.6181 *VOR Federal airway 181* is amended to read in part:

Omaha, Nebr., VOR; Kennard INT, Nebr.; 3,500.

Section 95.6182 *VOR Federal airway 182* is amended to read in part:

*Portland, Oreg., VOR; Groves INT, Wash.; eastbound **7,000; westbound **6,500. *4,700—MCA Portland VOR, eastbound. **6,400—MOCA.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

Eden INT, Wis.; Oshkosh, Wis., VOR; *2,600. *2,200—MOCA.

Section 95.6192 *VOR Federal airway 192* is deleted.

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

Omaha, Nebr., VOR, via W alter.; Blair INT, Nebr., via W alter.; 2,900.

Section 95.6219 *VOR Federal airway 219* is amended to read in part:

Sioux City, Iowa, VOR; *Gruver INT, Iowa; **5,000. *5,000—MRA. **2,900—MOCA.
Gruver INT, Iowa; Fairmont, Minn., VOR; *3,100. *2,700—MOCA.
Fairmont, Minn., VOR; Mankato, Minn., VOR; *3,000. *2,500—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Alma, Ga., VOR, via E alter.; Vienna, Ga., VOR, via E alter.; *2,100. *1,700—MOCA.

Section 95.6264 *VOR Federal airway 264* is amended by adding:

Socorro, N. Mex., VOR; Corona, N. Mex., VOR; 9,500.
Corona, N. Mex., VOR; Tucumcari, N Mex., VOR; *11,000. *9,000—MOCA.

Section 95.6266 *VOR Federal airway 266* is amended to read in part:

Windsor INT, Va.; Norfolk, Va., VOR; 2,200.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

College INT, Ga.; Harris, Ga., VOR; 6,200.

Section 95.6272 *VOR Federal airway 272* is amended to read in part:

Bessie INT, Okla.; Union INT, Okla.; *3,500. *3,100—MOCA.

Section 95.6279 *VOR Federal airway 279* is amended to read in part:

Columbus, Ohio, LF/RBN; Findlay, Ohio, VOR; *3,000. *2,500—MOCA.

Section 95.6299 *VOR Federal airway 299* is amended to read in part:

*Los Angeles, Calif., VOR; Topanga INT, Calif., westbound 5,000; eastbound 4,000. *2,400—MCA Los Angeles VOR, westbound.
Topanga INT, Calif.; Virginia INT, Calif.; 5,000.

Section 95.6307 *VOR Federal airway 307* is amended to read in part:

Sandspit, British Columbia, VOR; Annette Island, Alaska, VOR; *#5,000. *4,600—MOCA. #For that airspace over U.S. territory.

Section 95.6317 *VOR Federal airway 317* is amended by adding:

From, to, and MEA

Harbor Point INT, Alaska; Yakutat, Alaska, VOR; *9,000. *5,300—MOCA.
Yakutat, Alaska, VOR; Malaspina DME Fix, Alaska; *3,000. *2,000—MOCA.
Malaspina DME Fix, Alaska; Katalla INT, Alaska; *#12,000. *5,400—MOCA. #MEA is established with a gap in navigation signal coverage.
Katalla INT, Alaska; Castle INT, Alaska; *5,000. *4,000—MOCA.
Castle INT, Alaska; Eyak INT, Alaska; *3,000. *2,000—MOCA.
Eyak INT, Alaska; Hinchinbrook, Alaska, VOR; 5,000.
Hinchinbrook, Alaska, VOR; Storey INT, Alaska; *5,000. *4,000—MOCA.
Storey INT, Alaska; Whittier, Alaska, LF/RBN; eastbound *6,000; westbound *10,000. *5,000—MOCA.
Whittier, Alaska, LF/RBN; Anchorage, Alaska, VOR; *10,000. *8,000—MOCA.
Hinchinbrook, Alaska, VOR, via S alter.; Knight INT, Alaska, via S alter.; *5,000. *2,000—MOCA.
Knight INT, Alaska, via S alter.; Anchorage, Alaska, VOR, via S alter.; *9,000. *8,500—MOCA.

Section 95.6405 *Hawaii VOR Federal airway 5* is amended to read:

Kona, Hawaii, VOR; *Mynah INT, Hawaii; 5,000. *3,500—MCA Mynah INT, southeastbound.
Mynah INT, Hawaii; Alli INT, Hawaii; 2,000.
Alli INT, Hawaii; Makena INT, Hawaii; northwestbound *8,000; southeastbound *7,000. *6,100—MOCA.
Kona, Hawaii, VOR, via W alter.; *Reef INT, Hawaii, via W alter.; 5,000. *3,600—MCA Reef INT, southeastbound.
Reef INT, Hawaii, via W alter.; *Surf INT, Hawaii, via W alter.; 2,000. *5,500—MCA Surf INT, northwestbound.
Surf INT, Hawaii, via W alter.; Makena INT, Hawaii, via W alter.; *7,000. *6,100—MOCA.

Section 95.6411 *Hawaii VOR Federal airway 11* is amended to delete:

Int, 138° M rad, Lanai VOR and 200° M rad, Upolu Point, VOR; *Seahorse INT, Hawaii; **2,300. *4,500—MCA Seahorse INT, northbound. **1,200—MOCA.

Section 95.6411 *Hawaii VOR Federal airway 11* is amended by adding:

Reef INT, Hawaii; *Seahorse INT, Hawaii; 2,000. *4,500—MCA Seahorse INT, northbound.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

*Starfish INT, Ga.; **Catherine INT, Ga.; ***3,000. *3,000—MRA. **5,000—MRA. ***1,100—MOCA.
Catherine INT, Ga.; *Keller INT, Ga.; **1,600. *5,500—MRA. **1,500—MOCA.

Section 95.6438 *VOR Federal airway 438* is amended to delete:

Shuyak, Alaska, LF/RBN; Homer, Alaska, VOR; 6,000.

Section 95.6438 *VOR Federal airway 438* is amended by adding:

Kodiak, Alaska, VOR; Shuyak INT, Alaska; 4,000.
Shuyak INT, Alaska; Homer, Alaska, VOR; 6,000.
Kodiak, Alaska, VOR, via W alter.; Shuyak, Alaska, LF/RBN, via W alter.; 4,000.
Shuyak, Alaska, LF/RBN, via W alter.; Homer, Alaska, VOR, via W alter.; 6,000.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

From, to, and MEA

United States-Canadian border; Muzon INT, Alaska; *12,000. *4,800—MOCA.
Muzon INT, Alaska; Biorka Island, Alaska, VOR; *15,000. *4,000—MOCA.
Middleton Island, Alaska, VOR; Int. 248° M rad, Hinchinbrook VOR and 288° M rad, Middleton Island, VOR 8,500.
Int. 248° M rad, Hinchinbrook, VOR, and 288° M rad, Middleton Island, VOR; *Anchorage, Alaska, VOR; **9,000. *5,400—MCA Anchorage VOR, southeastbound. **8,500—MOCA.

Section 95.6454 *VOR Federal airway 454* is amended to read in part:

Greenwood, S.C., VOR; Fort Mills, S.C., VOR; *2,400. *2,000—MOCA.

Section 95.6494 *VOR Federal airway 494* is amended to read in part:

Roseville INT, Calif.; *Newcastle INT, Calif.; 4,000. *7,500—MCA Newcastle INT, northbound.
Newcastle INT, Calif.; *Auburn INT, Calif.; southbound 7,000; northbound 11,000. *9,000—MCA Auburn INT, northeastbound.
Auburn INT, Calif.; Lake Tahoe, Calif., VOR; 11,000.

Section 95.6506 *VOR Federal airway 506* is amended by adding:

*Kodiak, Alaska, VOR; Black Cape INT, Alaska, northwestbound 10,000; southeastbound 4,500. *4,000—MCA Kodiak VOR, northwestbound.
Black Cape INT, Alaska; Bay INT, Alaska; *10,000. *9,600—MOCA.
Bay INT, Alaska; King Salmon, Alaska, VOR; 5,000.

Section 95.7005 *Jet Route No. 5* is amended to read in part:

From, to, MEA, and MAA

Lakeview, Oreg., VORTAC; Seattle, Wash., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7501 *Jet Route No. 501* is amended by adding:

Yakutat, Alaska, VOR; Hinchinbrook, Alaska, VOR; 18,000; 45,000.
Hinchinbrook, Alaska, VOR; Anchorage, Alaska, VOR; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From; to—Changeover point: distance; from

V–25 is amended by adding:
San Luis Obispo, Calif., VOR, via W alter.; Paso Robles, Calif., VOR, via W alter.; 7; San Luis Obispo.
V–107 is amended by adding:
Los Angeles, Calif., VOR, via W alter.; Ventura, Calif., VOR, via W alter.; 23; Los Angeles.
V–210 is amended to read in part:
Peach Springs, Ariz., VOR; Grand Canyon, Utah, VOR; 57; Peach Springs.
V–317 is amended by adding:
Yakutat, Alaska, VOR; Hinchinbrook, Alaska, VOR; 119; Yakutat.
V–438 is amended by adding:
Kodiak, Alaska, VOR; Homer, Alaska, VOR; 66; Kodiak.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on September 26, 1966.

W. E. ROGERS,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-10739; Filed, Oct. 4, 1966; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-474]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Expansion of Coverage to Overseas and Foreign Certificated Supplemental Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1966.

Part 208 of the Board's Economic Regulations (14 CFR Part 208), which contains, inter alia, certain terms, conditions and limitations of interim certificates issued pursuant to section 7 of Public Law 87–528 and of certificates issued pursuant to section 401(d)(3) of the Act, was revised and reissued[1] in conjunction with the Board's decision in the domestic phase of the Supplemental Air Service Proceeding, Docket 13795 et al.[2] In order to correspond with the scope of authority granted to supplemental air carriers in that decision, the regulation as then adopted pertains only to authorizations to perform interstate air transportation.[3]

To correspond with authorizations being awarded as a result of the Board's final decision in the foreign and overseas phase of the Supplemental case,[4] which is being issued concurrently herewith, we are amending Part 208 to expand its coverage to certificated supplemental overseas and foreign air transportation. In view of the fact that the regulatory problems with respect to such authority were dealt with by the Board in the above-mentioned proceeding, further notice and public procedure on the amendments involved herein are unnecessary and not in the public interest. Accordingly, the Board hereby amends Part 208 of its Economic Regulations (14 CFR Part 208), effective November 26, 1966, as follows:

1. Amend the table of contents by adding § 208.32a and by revising § 208.33 to read as follows:

Sec.
208.32a Flight delays and substitute air transportation (foreign).
208.33 Flight delays and substitute air transportation (interstate and overseas).

[1] Regulation ER-454, adopted on Mar. 11, 1966, and published in 31 F.R. 4771.
[2] Order E-23350.
[3] Between any point in any State of the United States or the District of Columbia, and any other point in any State of the United States or the District of Columbia.
[4] Order E-24237.

2. Amend § 208.3 by revising paragraphs (c) and (t) thereof to read as follows:

§ 208.3 Definitions.

• • • • • •

(c) "Supplemental air transportation" (other than operations subject to Part 295 of this subchapter) means charter flights in air transportation performed pursuant to (1) an interim certificate or authorization issued under section 7 of Public Law 87–528, or (2) a certificate of public convenience and necessity issued under section 401(d)(3) of the Act authorizing the holder to engage in supplemental air transportation of persons and property between any point in any State of the United States or the District of Columbia, and any other point in any State of the United States or the District of Columbia (exclusive of air transportation within the State of Alaska) or in foreign or overseas supplemental air transportation.

• • • • • •

(t) "Substitute service" means the performance by an air carrier of foreign or overseas air transportation, or air transportation between the 48 contiguous States, on the one hand, and the State of Alaska or Hawaii, on the other hand, in planeload lots pursuant to an agreement with another air carrier to fulfill such other air carrier's contractual obligation to perform such air transportation for the Department of Defense and when the performance of such air transportation is not to take place during a period longer than 3 weeks.

• • • • • •

3. Amend § 208.32(d) to read as follows:

§ 208.32 Tariffs and terms of service.

• • • • • •

(d) Each and every contract for a charter to be operated hereunder shall incorporate the provisions of §§ 208.10 through 208.15, inclusive, and 208.32a, 208.33, and 208.33a, where applicable, concerning insurance and substitute transportation.

• • • • • •

4. Add a new § 208.32a entitled "Flight delays and substitute air transportation (foreign)" to read as follows:

§ 208.32a Flight delays and substitute air transportation (foreign).

Supplemental air carriers shall assume, and publish as part of the rules and regulations of their tariffs applicable to passenger service in foreign air transportation, the following obligations without prejudice, and in addition, to any other rights or remedies of passengers under applicable law:

(a) *Substitute air transportation.* (1) On all charter flights, unless the air carrier causes an aircraft to finally enplane each passenger and commence the takeoff procedures at the airport of departure before the 48th hour following the time scheduled for the departure of such flight, it shall provide substitute transportation in accordance with the provisions of this paragraph.

(2) As soon as the air carrier discovers, or should have discovered by the exercise of reasonable prudence and forethought, that the departure of any such charter flight will be delayed more than 48 hours, such air carrier shall arrange for and pay the costs of substitute air transportation for the charter group on another charter flight, operated by any other carrier or foreign air carrier.

(3) When neither the charter transportation contracted for nor substitute transportation has been performed before the expiration of 48 hours following the scheduled departure time of any such charter flight, the charterer, or his duly authorized agent, may arrange for substitute air transportation of the members of the charter group, at economy or tourist class fares, on individually ticketed flights and the chartered air carrier shall pay the costs of such air transportation to the substitute air carrier or foreign air carrier.

(4) In determining the period of time during which the departure of a charter flight has been delayed within the purview of this paragraph, periods of delay caused by the prohibition of flights from the airport of departure because of weather or other operational conditions shall be excluded if, and while, the air carrier had an airworthy aircraft which is capable of transporting the charter group in a condition of operational readiness posted at such airport.

(b) *Incidental expenses.*[5] (1) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft to finally enplane each passenger and commence the takeoff procedures at the airport of departure before the 6th hour following the time scheduled for the departure of such flight, it shall pay incidental expenses in accordance with the provisions of this paragraph. Such payments shall be made at the airport of departure as soon as they become due to the charterer, or its duly authorized agent, for the account of each passenger, including infants and children traveling at reduced fares.

(2) Such payments shall be made at the rate of $16 for each full 24-hour period of delay following the scheduled departure time. However, the sum of $8 shall be paid for each passenger delayed 6 hours following the scheduled departure time. Thereafter, during the succeeding 18 hours of delay, an additional sum of $8 shall be paid for each passenger delayed in installments of $4 for the first and second succeeding 6-hour period of delay, or any fractional part thereof. If the delay continues beyond

[5] Although the requirements with respect to providing incidental expenses are made expressly applicable only to the return leg of a charter flight, the air carriers are expected, in the case of delay in departure of the originating leg of a flight, to furnish such incidental expenses to charter passengers whose homes are not located within a reasonable distance from the point of origination of the charter.

a period of 24 hours following the scheduled departure time, such payments shall be made in equal installments of $4 for each further 6-hour period of delay, or any fractional part thereof: *Provided, however*, That the air carrier may, at its option, discharge this obligation by providing free meals and lodging in lieu of making such payments. The obligation of the air carrier to pay incidental expenses or provide free meals and lodging shall cease when substitute air transportation is provided in accordance with the provisions of paragraph (a) of this section.

5. Amend the title of § 208.33 to read as follows:

§ 208.33 Flight delays and substitute air transportation (interstate and overseas).

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 401(d)(3), 401(n), 407, 417, Federal Aviation Act, 76 Stat. 143, 49 U.S.C. 1371; 76 Stat. 144, 49 U.S.C. 1371; 72 Stat. 766, 49 U.S.C. 1377; 76 Stat. 145, 49 U.S.C. 1387; and sec. 7, Public Law 87-528, 76 Stat. 146)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 66-10805; Filed, Oct. 4, 1966; 8:48 a.m.]

[Reg. ER-475]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Redefinition of "Charter Flight" To Include Inclusive Tour Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1966.

The Board has determined in the Reopened Transatlantic Charter Investigation (All-expense Tour Phase), Docket 11908, et al., to grant inclusive tour charter authority to Capitol Airways, Inc., Saturn Airways, Inc., and any supplemental air carrier subsequently certificated in the transatlantic market in that proceeding.[1] Such authority involves the charter of supplemental carrier aircraft to tour operators who in turn sell the inclusive tours to individual members of the general public.[2] It therefore becomes necessary to contemporaneously expand the definition of "charter flight," as contained in Part 295 of the Economic Regulations, to include inclusive tour charters.[3] Inasmuch as the question of whether such charters should be authorized in the transatlantic market has been fully litigated in Docket 11908, et al., we believe that further notice and public procedure on this amendment are unnecessary and not in the public interest.

Accordingly, the Board hereby amends Part 295 of its Economic Regulations effective November 26, 1966, as follows:

1. By amending § 295.2(b) to read as follows:

§ 295.2 Definitions.

As used in this part, unless the context otherwise requires—

* * * * *

(b) "Charter flight" means air transportation performed by a direct air carrier on a time, mileage, or trip basis where (1) the entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage—

(i) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel or commercial passenger traffic in cases of emergency);

(ii) By a representative (or representatives acting jointly) of a group for the use of such group (provided no such representative is professionally engaged in the formation of groups for the transportation or in the solicitation or sale of transportation services); or

(iii) By a tour operator as defined by Part 378 of this chapter;

or (2) one-half the capacity of an aircraft has been engaged by a person for his own use or by a representative or representatives of a group for the use of such group and the remaining half of the capacity of such aircraft has been engaged by another person for his own use or by a representative or representatives of a second group (provided no such representative is professionally engaged in the formation of groups for the transportation or in the solicitation or sale of transportation services).

With the consent of the charterer, the direct air carrier may utilize any unused space for the transportation of the carrier's own personnel and property.

* * * * *

2. By revising § 295.5(a) to read as follows:

§ 295.5 Records and record retention.

(a) Prior to performing any supplemental air transportation pursuant to this part, the carrier shall execute, and require the travel agent (if any) and charterer to execute, the form "Statement of Supporting Information" attached hereto and made a part hereof: *Provided*, That this requirement shall not apply to inclusive tour charters.

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958; 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401(d)(3), 401(n); 76 Stat. 143, 144; 49 U.S.C. 1371)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 66-10806; Filed, Oct. 4, 1966; 8:48 a.m.]

[1] Order E-24240.

[2] Part 378 of the Board's Special Regulations, which contains the regulatory provisions governing inclusive tour operations, is being amended concurrently herewith to cover transatlantic inclusive tours.

[3] In view of the extensive application and reporting requirements imposed by Part 378, the operation of inclusive tour charters is being exempted from the condition that a "Statement of Supporting Information" be executed prior to any supplemental air transportation performed pursuant to Part 295.

[Reg. SPR-16]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS AND TOUR OPERATORS

Expansion of Coverage to Overseas and Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1966.

Part 378 of the Board's Special Regulations (14 CFR Part 378), which contains the regulatory provisions governing the operation of inclusive tour charters, was originally issued[1] in conjunction with the Board's decision in the domestic phase of the Supplemental Air Service Proceeding, Docket 13795, et al.[2] In order to correspond with the scope of authority granted to supplemental air carriers in that decision, the regulation as then adopted pertains only to inclusive tours in interstate air transportation.

To correspond with authorizations being awarded as a result of the Board's final decisions in the foreign and overseas phase of the Supplemental case[3] and in the Reopened Transatlantic Charter Investigation (All-Expense Tour Phase), Docket 11908, et al.,[4] which are being issued concurrently herewith, we are amending Part 378 to expand its coverage to inclusive tours in overseas and foreign air transportation. In view of the fact that the regulatory problems with respect to such authority were dealt with by the Board in the abovementioned proceedings, and because parties to the rule making were heretofore given the opportunity to comment on this matter,[5] further notice and public procedure on the amendments involved herein are unnecessary and not in the public interest.

Accordingly, the Board hereby amends Part 378 of its Special Regulations effective November 26, 1966, as follows:

1. By revising § 378.1 to read as follows:

§ 378.1 Applicability.

This part establishes the terms and conditions governing the furnishing of inclusive tours in interstate, overseas, and foreign air transportation by supplemental air carriers and tour operators. This part also relieves tour operators from various provisions of the Act and the Board's regulations for the purpose of enabling them to provide inclusive tours to members of the general public utilizing aircraft chartered from supplemental air carriers. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing contained in this part shall be construed as repealing or amending any provision of any of the Board's regulations, unless the context so requires.

2. By revising § 378.2(a) to read as follows:

§ 378.2 Definitions.

As used in this part, unless the context otherwise requires—

(a) "Inclusive tour charter" means the charter of an entire aircraft by a tour operator for the carriage by a supplemental air carrier of persons traveling in air transportation on inclusive tours.

* * * * *

(Secs. 101(3), 204(a), 401, 409, 414, Federal Aviation Act of 1958, as amended (72 Stat. 737; 49 U.S.C. 1301; 72 Stat. 743; 49 U.S.C. 1324; 72 Stat. 754 as amended by 76 Stat. 143; 49 U.S.C. 1371; 72 Stat. 768; 49 U.S.C. 1379; 72 Stat. 770; 49 U.S.C. 1384) and sec. 7, Public Law 87-528 (76 Stat. 146; 49 U.S.C. 1371))

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 66-10807; Filed, Oct. 4, 1966; 8:48 a.m.]

[1] Regulation No. SPR-14, adopted Mar. 11, 1966, and published in 31 F.R. 4779.

[2] Order E-23350.

[3] Order E-24237.

[4] Order E-24240.

[5] Part 378 as originally proposed pertained to interstate and overseas air transportation (Notice of Proposed Rule Making SPDR-6, Jan. 5, 1965, 30 F.R. 281). Moreover, the proposed regulation was amended to cover foreign air transportation (Supplemental Notice of Proposed Rule Making, SPDR-6B, Oct. 11, 1965, 30 F.R. 13077). Comments concerning both of these notices were received, as set forth in SPR-14, supra, and have been considered by the Board.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Listing of Propylene Glycol Mono- and Diesters of Fats and Fatty Acids as Optional Ingredient

In the matter of amending the standard of identity for bread (21 CFR 17.1) by listing propylene glycol mono- and diesters of fats and fatty acids as an optional ingredient for use in or in conjunction with shortening in bread:

No comments were received in response to the notice of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of June 17, 1966 (31 F.R. 8497), and it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That § 17.1 (a)(1) be revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) * * *

(1) Shortening, in which or in conjunction with which may be used one or any combination of two or more of the following:

(i) Lecithin, hydroxylated lecithin complying with the provisions of § 121.1027 of this chapter (either of which may include related phosphatides derived from the corn oil or soybean oil from which such ingredients were obtained).

(ii) Mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids complying with the provisions of § 121.1113 of this chapter, or a combination of two or more of these. The total weight of these ingredients used does not exceed 20 percent by weight of the combination of such ingredients and the shortening, and the total amount of monoglyceride, diacetyl tartaric acid ester of monoglyceride, and propylene glycol monoester does not exceed 8 percent by weight of the combination; but if purified or concentrated monoglyceride alone is used, the amount does not exceed 10 percent by weight of the combination.

* * * * *

Because of cross-references, this amendment to the standard for bread (§ 17.1) has the effect of making the subject substance a permitted ingredient of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2–17.5).

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 27, 1966.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 66-10814; Filed, Oct. 4, 1966; 8:49 a.m.]

PART 27—CANNED FRUITS AND FRUIT JUICES

Orange Juice Products; Further Postponement of Certain Labeling Requirements

An order was published in the FEDERAL REGISTER of December 31, 1965 (30 F.R. 17164), postponing the labeling requirements for orange juice products prescribed by § 27.107 (d) and (e) and § 27.111 (c) and (d) until September 30, 1966.

The Commissioner of Food and Drugs has received a request from the Florida Canners Association, Post Office Box 780, Winter Haven, Fla. 33881, on behalf of producers of pasteurized orange juice and packers of concentrated orange juice and orange juice from concentrate, to further postpone the above-cited labeling requirements until December 31, 1966. A copy of the request is on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C.

The Association states that due to unforeseen, uncontrollable factors, (i.e., market conditions and acts of nature), producers and packers have large inventories of caps and juice products bearing caps and labels which, unless the subject labeling requirements are postponed, will become obsolete resulting in significant economic loss.

Good reason therefor appearing: *It is ordered*, That the labeling requirements prescribed by § 27.107 (d) and (e) and by § 27.111 (c) and (d) be further postponed until December 31, 1966, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008).

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 30, 1966.

JAMES L. GODDARD, *Commissioner of Food and Drugs.*

[F.R. Doc. 66-10868; Filed, Oct. 4, 1966; 8:52 a.m.]

PART 51—CANNED VEGETABLES

Identity Standards Regarding Optional Use of Butter as Seasoning Ingredient for Certain Canned Vegetables

Correction

In F.R. Doc. 66–10638, appearing at page 12715 of the issue for Thursday, September 29, 1966, the heading for § 51.1 should read as follows:

§ 51.1 Canned peas; identity; label statement of optional ingredients.

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4097]

[Wyoming 0325194]

WYOMING

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental order of December 29, 1938, withdrawing lands for the Upper Snake River Project, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 118 W.,
Sec. 28, E½SE¼;
Sec. 33, W½NW¼, SE¼NW¼, SW¼, W½SE¼, SE¼SE¼.

The areas described aggregate approximately 480 acres in the Bridger National Forest, of which the SE¼SE¼, sec. 28, and SE¼SE¼, sec. 33, are withdrawn for water power purposes.

2. At 10 a.m. on November 4, 1966, the lands shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, and the provisions of existing withdrawals.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66–10780; Filed, Oct. 4, 1966; 8:46 a.m.]

[Public Land Order 4098]

[New Mexico 191]

NEW MEXICO

Partial Revocation of Public Water Reserve 107

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 843; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

GROUP I—PATENTED LANDS

T. 34 S., R. 22 W.,
Sec. 11, NE¼SE¼, S½SE¼;
Sec. 14, NW¼NE¼.

GROUP II—UNPATENTED LANDS

T. 23 S., R. 16 W.,
Sec. 25, NW¼NW¼.
T. 34 S., R. 22 W.,
Sec. 12, SE¼NW¼, N½SW¼;
Sec. 14, lot 1.

The areas described aggregate 160 acres of patented lands and 193.19 acres of public domain.

The lands in T. 23 S., R. 16 W. are located in extreme southern Grant County, some 10 miles east of Lordsburg, N. Mex. The soils are sandy loams in texture and of medium to shallow depth. Vegetal cover consists of tobosa grass with scattered yucca. The lands in T. 34 S., R. 22 W. are located in the extreme southwestern corner of Hidalgo County, some 75 miles southwest of Lordsburg, N. Mex. The terrain is rough and the soils are shallow to medium in depth. Vegetal cover consists of oak and mesquite brush with curly mesquite grass and scattered cacti on the slopes to sycamore and oak trees in the canyon floor.

2. At 10 a.m. on November 4, 1966, the public domain, identified as Group II above, shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 4, 1966, shall be considered as simultaneously filed at the that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open for location for nonmetalliferous minerals at 10 a.m. on November 4, 1966. It has been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

The State of New Mexico has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the land shall be addressed to Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66–10781; Filed, Oct. 4, 1966; 8:46 a.m.]

[Public Land Order 4099]

[Arizona 08582, 035718]

ARIZONA

Partial Revocation of National Forest Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1195 of July 25, 1955, and the Departmental order of July 10, 1908, withdrawing national forest lands as administrative sites, are hereby revoked so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN

COCONINO NATIONAL FOREST

Arizona 035718

T. 17 N., R. 6 E.,
Sec. 7, NE¼NE¼NE¼SW¼SE¼.

Arizona 08582

T. 21 N., R. 7 E.,
Sec. 28, E½NE¼SW¼NW¼, and NE¼SE¼SW¼NW¼.

The areas described aggregate approximately 8.13 acres in Coconino County.

2. At 10 a.m., on November 4, 1966, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66–10782; Filed, Oct. 4, 1966; 8:46 a.m.]

[Public Land Order 4100]

[BLM 080779]

LOUISIANA

Addition to Breton National Wildlife Refuge and Revocation of Executive Order of September 24, 1847

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following dsecribed lands which are under the jurisdiction of the Secretary of the Interior are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and added to and made a part of the Breton National Wildlife Refuge:

CHANDELEUR ISLANDS

That part of the islands lying north of a line bearing N. 73°30′ E., and S. 73°30′ W., through a point that is S. 36° E. 3 miles distant from Chandeleur Lighthouse (the geographic position of which lighthouse is latitude 30°02.9′ N., and longitude 88°52.3′ W., from Greenwich Meridian).

The area described contains approximately 1,920 acres.

2. The Executive Order of September 24, 1847, reserving Chandeleur Island for lighthouse purposes, is hereby revoked.

All the lands are a part of the Breton National Wildlife Refuge.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66–10783; Filed, Oct. 4, 1966; 8:46 a.m.]

[Public Land Order 4101]

[Washington 03124]

WASHINGTON

Withdrawal for Flood Control

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved under jurisdiction of the Secretary of the Interior in aid of programs of the Corps of Engineers, Department of the Army, for construction, operation, and maintenance of the John Day Lock and Dam Project:

WILLAMETTE MERIDIAN

T. 5 N., R. 25 E.,
Sec. 14, SE¼NE¼, that part lying south of the existing right-of-way line of Washington State Highway 8 E.

The area described contains 9.21 acres in Benton County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66–10784; Filed, Oct. 4, 1966; 8:46 a.m.]

[Public Land Order 4102]

[Utah 0149649]

UTAH

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for a recreation area of the Department of Agriculture:

ASHLEY NATIONAL FOREST

SALT LAKE MERIDIAN

Dowd Springs Picnic Area and Rest Stop

T. 2 N., R. 20 E.,
Sec. 29, W½SW¼NE¼, and E½SE¼NW¼.

The areas described aggregate 40 acres in Daggett County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66–10785; Filed, Oct. 4, 1966; 8:46 a.m.]

[Public Land Order 4103]

[ES–0764]

ARKANSAS

Withdrawal for Protection of National Forest Scenic Trail

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for protection of the Choctaw Trail:

FIFTH PRINCIPAL MERIDIAN

OUACHITA NATIONAL FOREST

Choctaw Trail (Skyline Drive)

T. 1 S., R. 30 W.,
Sec. 30, W½SW¼SW¼, SE¼SW¼SW¼, S½SW¼NW¼SW¼;
Sec. 31, SE¼NW¼, S½SE¼NE¼NW¼, SW¼NW¼NE¼NW¼, SW¼NW¼, S½NW¼NW¼, NW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼.
T. 1 S., R. 31 W.,
Sec. 7, SW¼SE¼SW¼NW¼, SW¼NW¼SW¼NW¼, S½N½NW¼SE¼;
Sec. 15, NW¼NE¼SW¼, SE¼NE¼SW¼;
Sec. 17, N½S½SE¼NW¼, N½NE¼SE¼;
Sec. 18, N½NE¼NW¼NE¼;
Sec. 22, N½N½NW¼SE¼, S½NE¼NW¼SE¼, NE¼NE¼SE¼SE¼;
Sec. 23, SW¼SW¼SW¼NE¼;
Sec. 24, S½SW¼SW¼, S½NW¼SW¼SW¼.

ASHLEY NATIONAL FOREST

SALT LAKE MERIDIAN

T. 1 S., R. 32 W.,
Sec. 4, S3/4S1/4SW¼;
Sec. 6, S½SE¼;
Sec. 8, N½NW¼;
Sec. 9, N½S½NW¼, N½SW¼NE¼, N½S½SW¼NE¼;
Sec. 11, S½SW¼NE¼NW¼, N½N½S½SE¼;
Sec. 12, S½S½NE¼NW¼, S½S½NW¼NE¼, N½N½SE¼SE¼, S½NE¼SE¼SE¼.

The areas described aggregate 685.38 acres in Polk County.

The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66–10786; Filed, Oct. 4, 1966; 8:47 a.m.]

[Public Land Order 4104]

[Arizona 09390]

ARIZONA

Partial Revocation of National Forest Roadside Zone Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 3152 of July 30, 1963, and Public Land Order No. 3584 of March 31, 1965, withdrawing national forest lands as road side zones, are hereby revoked so far as they affect the following described land:

GILA AND SALT RIVER MERIDIAN

A strip of land 300 feet on each side of the centerline of the following roads through the subdivision listed below:

U.S. Highways 89 and 89A, Roadside Zone

T. 21 N., R. 5 E.,
Sec. 7, NE¼NE¼.

The area described contains approximately 40 acres in Coconino County. The land is patented.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66–10787; Filed, Oct. 4, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Notice of Determinations Regarding Quotas, Allotments, Normal Yields, and Referendum on Quotas for 1967 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1377), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1967 crop of rice, to determine and proclaim the national acreage allotment for the 1967 crop of rice, to apportion among States and counties the national acreage allotment for the 1967 crop of rice, to establish county normal yields for the 1967 crop of rice, and to establish a date for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1967 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1966 the Secretary determines that the total supply of rice for the 1966–67 marketing year will exceed the normal supply for such marketing year the Secretary shall, not later than December 31, 1966, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1967. Within 30 days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether farmers are in favor of or opposed to such quotas.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1967 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the 5 calendar years 1962 through 1966, produce an amount of rice adequate, together with the estimated carryover from the 1966–67 marketing year, to make available a supply for the 1967–68 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1966.

Section 353(c)(6) of the act, as amended, provides that the national acreage allotment of rice for 1967 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1967 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carryover of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1–July 31.

Section 353(a) and (c)(6) of the act requires that the national acreage allotment of rice for the 1967 crop, less a reserve of not to exceed 1 per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under sec. 353(c)(5) of the act, as amended).

Section 353(b) of the act requires that the State acreage allotment of rice for the 1967 crop shall be apportioned to farms owned or operated by persons who have produced rice in the State in any one of the 5 calendar years, 1962 through 1966, on the basis of past production of rice in the State by the producer on the farm taking into consideration the acreage allotments previously established in the State for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop rotation practices; and the soil and other factors affecting the production of rice. Provision is made that if the State committee recommends such action and the Secretary determines that such action will facilitate the effective administration of the act, he may provide for the apportionment of part or all of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators. Provision is also made that if the Secretary determines that part of the State acreage allotment shall be apportioned on the basis of past production of rice by the producer on the farm and part on the basis of the past production of rice on the farm, he shall divide the State into two administrative areas, to be designated "producer administrative area" and "farm administrative area", respectively, which areas shall be separated by a natural barrier which would prevent each area from being readily accessible to rice producers in one area from producing rice in the other area, and each area shall be composed of whole counties. Not more than 3 per centum of the State acreage allotment shall be apportioned among farms operated by persons who will produce rice in the State in 1967 but who have not produced rice in the State in any one of the years, 1962 through 1966, on the basis of the applicable apportionment factor set forth herein: *Provided*, That in any State in which allotments are established for farms on the basis of past production of rice on the farm such percentage of the State acreage allotment shall be apportioned among the farms on which rice is to be planted during 1967 but on which rice was not planted during any of the years, 1962 through 1966, on the basis of the applicable apportionment factors set forth in said section 353. In determining the eligibility of any producer or farm for an allotment as an old producer or farm under the first sentence of subsection (b) of section 353 of the act or as a new producer or farm under the second sentence of such subsection, such producer or farm shall not be considered to have produced rice on any acreage which under subsection (c)(2) of section 353 of the act either is not to be taken into account in establishing acreage allotments or is not to be credited to such producer. For purposes of section 353 of the act in States which have been divided into administrative areas pursuant to subsection (b) thereof, the term "State acreage allotment" shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area and the word "State" shall be deemed to mean "administrative area," wherever applicable.

Section 353(c)(1) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators, the State acreage allotment shall be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned among the States and the county acreage allotments shall be apportioned to farms on the basis of the applicable factors set forth in subsection (b) of the section: *Provided*, That if the State is divided into administrative areas pursuant to subsection (b) of this section the allotment for each administrative area shall be determined by apportioning the State acreage allotment among counties as provided in this subsection and totaling the allotments for the counties in such area: *Provided*, That the State committee may reserve not to exceed 5 per centum of the State allotment, which shall be used to make adjustments in county allotments for trends in acreage and for abnormal conditions affecting plantings.

Section 301(b)(13)(0) of the act provides that the "normal yield" of rice for 1967 for any county shall be the average yield per acre of rice for the county during the 5 calendar years 1962 through 1966 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1962 through 1966 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1962 through 1966 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Section 377 of the act provides that any case in which the acreage planted to rice on any farm in any year is less than the rice acreage allotment for the farm for such year, the entire acreage allotment for such farm for such year shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to rice in such year, if, except for federally owned land, an acreage equal to or greater than 75 per centum of the farm acreage allotment for such year or for either of the 2 immediately preceding years was actually planted to rice in such year or was regarded as planted to rice under the soil bank program.

Sections 106 and 112 of the Soil Bank Act provide that the acreage on any farm which is determined to have been diverted from the production of rice under the acreage reserve or conservation reserve program shall be considered as rice acreage for the purpose of establishing future farm, county, and State acreage allotments under the Agricultural Adjustment Act of 1938, as amended. Section 16(e)(6) of the Soil Conservation and Domestic Allotment Act, as amended, authorizes the Secretary, to the extent he deems it desirable to carry out the purposes of the cropland conversion program, to provide any cropland conversion agreement for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage and allotment history applicable to the land covered by the agreement for the purposes of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of such crop; or (2) surrender of any such history and allotments.

Section 602 (g) of the Food and Agriculture Act of 1965 (Public Law 89–321) provides that, notwithstanding any other provision of law, the Secretary may, to the extent he deems it desirable, provide by appropriate regulations for preservation of cropland, crop acreage, and allotment history applicable to acreage diverted from the production of crops in order to establish or maintain vegetative cover or other approved practices for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program. This section also repeals section 16(e)(6) of the Soil Conservation and Domestic Allotment Act, as amended, referred to above, but preserves all rights accruing thereunder to persons who entered into contracts or agreements prior to such repeal.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, and county normal yields for the 1967 crop of rice, including national, State, and county reserves, and announcing the date of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions must be postmarked not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on September 29, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66–10849; Filed, Oct. 4, 1966; 8:52 a.m.]

Consumer and Marketing Service

[7 CFR Part 948]

[Area 1]

IRISH POTATOES GROWN IN COLORADO

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 948.253 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending May 31, 1967, will amount to $500.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be one cent ($0.01) per hundredweight of potatoes grown in Area No. 1 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending May 31, 1967, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 30, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–10845; Filed, Oct. 4, 1966; 8:51 a.m.]

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Notice of Proposed Free and Restricted Percentages for 1966–67 Fiscal Year

Notice is hereby given of a proposal to establish, for the 1966–67 fiscal year, beginning August 1, 1966, free and restricted percentages of 52 and 48 percent, respectively, applicable to filberts grown in Oregon and Washington. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Filbert Control Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates (inshell weight basis) for the 1966–67 fiscal year.

(1) Production of 22.20 million pounds;

(2) Total requirements for 1966 crop merchantable filberts of 9.39 million pounds, which is the sum of an inshell trade demand of 9.50 million pounds and provision for inshell handler carryover on July 31, 1967, of 1.3 million pounds, less the inshell handlers carryover on August 1, 1966, of 1.41 million pounds not subject to regulation; and

(3) A total supply of merchantable filberts subject to regulation of 18.22 million pounds.

On the basis of the foregoing estimates, free and restricted percentages of 52 percent and 48 percent, respectively, appear to be appropriate for the 1966–67 season.

The proposal is as follows:

§ 982.216 Free and restricted percentages for merchantable filberts during the 1966–67 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1966:

Free percentage	52
Restricted percentage	48

Dated: September 30, 1966.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-10644; Filed, Oct. 4, 1966; 8:51 a.m.]

[7 CFR Part 1038]

[Docket No. AO 194-A14]

MILK IN ROCK RIVER VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Rockford, Ill., September 21, 1966, pursuant to notice thereof issued September 14, 1966 (31 F.R. 12104).

The material issues on the record of the hearing related to:

1. The percentage of total Grade A milk receipts which must be sold in the marketing area on routes to qualify as a pool plant.

2. Whether an emergency exists with respect to issue No. 1 which requires the elimination of a recommended decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The percentage of total Grade A milk receipts which must be made as route disposition in the marketing area to qualify a plant as a pool plant should be increased from 10 percent to 25 percent.

As a consequence of the termination of the Chicago milk order on May 1, 1966, three plants became regulated as pool plants by the Rock River Valley milk order. Although their principal sales area is the territory previously regulated by the Chicago milk order, their disposition in the Rock River Valley marketing area is sufficient to qualify them as pool plants under this order. All three of these plants are operated by the same handler. Two of the plants qualified because of their disposition on routes in the Rock River Valley marketing area and the other qualified because 50 percent or more of its Grade A milk receipts was shipped to the plants making route disposition in the marketing area.

Each of the two distributing plants, which qualifies as a pool plant under the order by reason of having 10 percent of its total Grade A milk receipts disposed of on routes in the marketing area, has less than 20 percent of its total Grade A milk receipts so disposed. The witness for the handler who operates these three plants and the representatives of the producer cooperatives which supply the major part of his milk requirements testified that they anticipate each of these plants would be regulated by the Milwaukee order if relieved of regulation under this order. Further, each of them testified in support of the proposal to increase the requirements for pool plant status which relates to the percentage of sales made in the marketing area. There was no opposition to this proposal.

The handler who operates these three plants also operates five other plants which formerly were regulated under the Chicago order and now are regulated under the Milwaukee order. About 2,000 dairy farmers supply these eight plants with their fluid milk requirements. These dairy farmers are located in the States of Illinois and Wisconsin and are interspersed with one another. Prior to the termination of the Chicago order these eight plants paid the same uniform price to producers except for adjustments due to plant location. Also, Chicago was and continues to be his primary market for fluid milk sales.

Under present conditions with five of these plants regulated under Milwaukee and three under Rock River Valley the uniform blend prices to producers vary considerably even though the class prices at these locations are the same under both orders. The Rock River Valley order provides for the marketwide blending of returns to producers while the Milwaukee order provides for individual-handler blending of returns. Plants regulated under the Rock River Valley order utilize in the aggregate a much higher proportion of their receipts in Class I use than does this handler at the five plants regulated under the Milwaukee order. Consequently, since the termination of the Chicago order, this handler's payment to his Rock River Valley producers has averaged 22 cents per hundredweight more than to his Milwaukee producers. For May and June milk the Rock River Valley producers received 17 cents and 13 cents per hundredweight, respectively, more than the Milwaukee producers. However, in July and August this difference widened to 26 cents and 30 cents, respectively, in favor of the Rock River Valley producers.

Since this handler's utilization at the three plants regulated by the Rock River Valley order is approximately the same as the market average utilization by all Rock River Valley handlers, the removal of these plants from the market pool would not affect the uniform price significantly. Hence, producers who supply handlers which have served the Rock River Valley market historically would not be affected by a change in the regulated status of these three plants.

If all eight plants of this handler had been regulated under the Milwaukee order the price to all of his producers would have been uniform, except for any adjustment due to plant location. This would restore the alignment of prices paid to his producers that existed prior to the termination of the Chicago order. Since this handler has one primary sales area and all his producers supply that one area, it is appropriate that they share equally in the handler's sales of Class I and Class II milk.

Although the proponents testified that it is their intent that each of the plants relieved of full regulation by the Rock River Valley order will become regulated by the Milwaukee order, regulation under that order will depend on each plant's performance in relation to that market. The producer proponents and the handler affected recognized the possibility that one or more of the affected plants might not be fully regulated under any order. If that occurred, such a plant would still be partially regulated under the Rock River Valley order. As a partially regulated plant, the operator would have the option of either making a payment on Class I sales made inside the marketing area at a rate equal to the difference between the Class I and blend prices or paying its own producers according to its use of milk based on Rock River Valley class prices.

The proposed requirement for pool plant qualification based on route sales in the marketing area equal to 25 percent of a plant's total Grade A receipts will fully regulate only those handlers whose principal sales area is encompassed by the Rock River Valley marketing area. All handlers regulated prior to May 1, 1966, on the basis of their route disposition in the marketing area have at least 50 percent of their total Grade A milk receipts disposed of as Class I sales in the area. The increased pooling requirement will remove from pool status those plants whose primary sales area for fluid milk products is in another area. By confining pool status to plants which dispose of 25 percent or more of their Grade A receipts in the Rock River Valley marketing area, orderly marketing will be achieved within this marketing area and appropriate partial regulation will apply to plants with relatively small sales in the area.

2. Emergency action: The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The conditions in the market are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions reached will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and the filing of exceptions thereto would delay unnecessarily the removal of the price disparity which has developed.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendment. Action under the procedure described above was requested by proponents at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

The amendment contained in the attached order would cause a redistribution of funds among producers. Such an amendment should not be made without giving notice to the persons affected. Thus, at this late date, it should not be made effective on milk delivered during September 1966. However, to correct the disparity in prices to producers as soon as possible the order should be amended effective October 1, 1966.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions was filed on behalf of an interested party. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Rock River Valley Marketing Area" and "Order Amending the Order, Regulating the Handling of Milk in the Rock River Valley Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1966, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Rock River Valley marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on September 30, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Order [1] Amending the Order Regulating the Handling of Milk in the Rock River Valley Marketing Area

§ 1038.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rock River Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the Rock River Valley marketing area

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1038.11(a) is revised to read as follows:

§ 1038.11 Pool plant.

* * * * *

(a) A distributing plant from which not less than 50 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 25 percent of such receipts is disposed of in the marketing area on routes.

* * * * *

[F.R. Doc. 66-10846; Filed, Oct. 4, 1966; 8:52 a.m.]

[7 CFR Ch. XI]

[CRPA Docket No. 1]

COTTON RESEARCH AND PROMOTION

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate orders (7 CFR Part 1205), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision of the Department, with respect to a proposed order on cotton research and promotion. Any order that may result from this proceeding will be effective pursuant to the provisions of the Cotton Research and Promotion Act (80 Stat. 279), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. To be considered, exceptions must be filed not later than October 14, 1966. They should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the order is based was held in Memphis, Tenn., on August 22–24, Dallas, Tex., on August 25–26, Phoenix, Ariz., on August 29–30, and Atlanta, Ga., on September 1–2, pursuant to a notice of hearing which was published in the FEDERAL REGISTER on August 5, 1966 (31 F.R. 10532). The notice contained a proposed cotton research and promotion order prepared and submitted to the Secretary of Agriculture by the National Cotton Council of America.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed program to effectuate the declared policy of the act;

(3) The specific terms and provisions of the order, including:

(a) Definitions of the commodity, cotton-producing States and regions, producer, cotton handlers, and those other terms set forth in the notice of hearing which are applicable to the provisions of the proposed program;

(b) The establishment, maintenance, and procedures of a Cotton Board, which shall be the administrative agency for the program;

(c) Powers and duties of the Cotton Board, including authority and procedures for the Cotton Board to establish and carry our plans or projects for advertising and sales promotion of cotton and its products and research and development projects and studies with respect to cotton and its products;

(d) Authority for the Cotton Board to incur expenses and to designate handlers to collect assessments at the rate of $1 per bale of cotton handled and procedures applicable to producer refunds;

(e) Establishment of reporting and related recordkeeping requirements; and

(f) Additional terms and conditions as set forth in the notice of hearing.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Since 1959, about 14 to 15 million bales of cotton have been produced annually on approximately a half-million farms located in all southern States from Virginia to California. Approximately 50 percent of the crop is grown in States located in the southwestern and western part of the country, about 35 percent in southcentral area States, and only about 15 percent in States in the southeast, where the textile mill industry is concentrated. Exports of cotton from the United States since 1959 have ranged from about 7.2 million bales in the 1959 marketing year to about 2.9 million bales in the 1965 marketing year. Thus, it is necessary to transport a large proportion of the crop across State lines to domestic mills or to ports for export. The yarns, woven goods, and other products of domestic mills are shipped to manufacturers of cotton apparel and goods, located principally in the industrial Northeastern and Mid-Atlantic States, or to foreign manufacturers. The consumer products made of cotton are packaged, stored, and shipped to outlets in all of the 50 States, or to foreign outlets. It is readily apparent that cotton moves in large part in the channels of interstate and foreign commerce and any cotton which does not move in such channels directly burdens or affects interstate commerce in cotton and cotton products. Hence, it is concluded that all cotton produced and handled in the United States is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in cotton and cotton products.

(2) In the years since World War II, U.S. cotton and the products thereof have been confronted with intensive competition, both at home and abroad, from other fibers, primarily man-made fibers, and from foreign-grown cotton. The great inroads on the market and uses for U.S. cotton which have been made by man-made fibers have been largerly the result of extensive research and promotion of such fibers and their products which have not been effectively matched by cotton research and promotion. The production and marketing of cotton by numerous individual farmers makes it difficult to develop and carry out adequate and coordinated programs of research and promotion necessary to the maintenance and improvement of the competitive position of, and market for, cotton. Without an effective and coordinated method for assuring cooperative and collective action in providing for and financing such programs, cotton farmers are unable adequately to provide or obtain the research and promotion necessary to develop, maintain and improve markets for cotton.

The order would tend to effectuate the declared policy of the act by authorizing and enabling the establishment of an orderly procedure for the development, financing through the collection of $1 per bale on all cotton marketed in the United States, and carrying out an effective and continuous coordinated program of research and promotion designed to strengthen cotton's competitive position and to develop, maintain and expand domestic and foreign markets and uses for U.S. cotton.

(3)(a) "Secretary" should be defined to include the Secretary of Agriculture of the United States, and in recognition of the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is or who may hereafter be authorized to act in his stead.

"Act" should be defined within the order to provide a ready and correct legal reference for the statutory authority pursuant to which the order is to be operative and to make it unnecessary to refer to the citation whenever the word "act" is used.

"Person" should be defined as it is in the act to ensure that when it is used in the order it has the same meaning.

"Cotton" should be defined as all upland cotton harvested in the United States, including, except for purposes of the $1 per bale assessment, the cottonseed of such cotton and the products derived from such cotton and its seed.

"Fiscal period" should be defined as the 12-month budgetary period and means the calendar year unless the Cotton Board, with the approval of the Secretary, decides that some other 12-month period would be more suitable for budgetary purposes.

"Cotton Board" should be defined as the administrative body established by the order to administer the provisions of the order.

"Producer" should be defined as meaning any person who shares in a cotton crop actually harvested on a farm, or in the proceeds thereof, as an owner of the farm, cash tenant, landlords of a share tenant, share tenant, or sharecropper. Under this definition a person who purchases a crop of cotton in the field prior to harvesting is not considered the "producer" of that crop.

"Handler" should be defined as any person who handles cotton, including the Commodity Credit Corporation. Certain obligations relating to collection of assessments and reporting will be placed on handlers designated by the Cotton Board pursuant to regulations issued by the Board.

"Handle" should be defined to mean to harvest, gin, warehouse, compress, purchase, market, transport, or otherwise acquire ownership or control of cotton. This definition is to so define "handle" as to assure that all upland cotton grown in the United States is subject to the order. Failure to include all upland cotton would impair the efficacy of the order to effectuate the purpose of the act.

"United States" should be defined as it is in the act.

With reference to the definition of "Cotton-producing State," section 17(f) of the act defines that term as meaning any State in which the average annual production of cotton during the 5 years 1960–64 was 20,000 bales or more, except that any State producing cotton whose production during such period was less than such amount shall under regulations prescribed by the Secretary be combined with another State or States producing cotton in such manner that such average annual production of such combination of States totaled 20,000 bales or more, and the term "cotton-producing State" shall include any such combination of States. It is recognized that less than 20,000 bales are produced annually in each of the States of Florida, Nevada, Illinois, Virginia, and Kentucky. These States should be combined with adjacent States so as to include every State which produced cotton during the statutory period within a specified "cotton-producing State." The States and combinations of States should be as follows:

Alabama-Florida.	New Mexico.
Arizona.	North Carolina-Virginia.
Arkansas.	Oklahoma.
California-Nevada.	South Carolina.
Georgia.	Tennessee-Kentucky.
Louisiana.	Texas.
Mississippi.	
Missouri-Illinois.	

These combinations of States are logical and reasonable because they recognize that for purposes of representation on the Cotton Board the interests and concerns of cotton producers in adjacent areas are more likely to be similar than would be the case if those areas were widely removed from one another.

"Marketing" should be defined as it is in the act.

"Cotton-producer organization" should be defined as any organization which has been certified by the Secretary pursuant to the provision of the order governing such certification. It is necessary to define this term because cotton-producer organizations have a right under the act to nominate members and alternate members of the Cotton Board and a right to select the governing body of the organization or association which will contract with the Cotton Board to develop and carry out the research and promotion program.

"Contracting organization or association" should be defined as the organization or association with which the Cotton Board has entered into a contract or agreement for research and promotion pursuant to the provisions of the act and of the order.

"Cotton-producing region" should be defined in terms of four regions, each containing specified cotton-producing States grouped because of their geographical proximity and common interests, as follows: Southeast Region: Alabama-Florida, Georgia, North Carolina-Virginia, and South Carolina; Midsouth Region: Arkansas, Louisiana, Mississippi, Missouri-Illinois, and Tennessee-Kentucky; Southwest Region: Oklahoma and Texas; Western Region: Arizona, California-Nevada, and New Mexico. Use of these regions will help insure balanced and experienced representation on the Cotton Board for all cotton producers at all times.

"Marketing year" should be defined in the order as the 12-month period ending on July 31 because this is the normal marketing year for cotton programs. Any termination or suspension of the order under section 9(b) of the act is required to be made effective at the end of the marketing year in which the referendum is held.

"Part" should be defined to mean the cotton research and promotion order and all rules, regulations and supplementary orders issued pursuant to the act and the order. The order itself should constitute a subpart of such part. This use of such terms is in conformity with the practices of the Office of the Federal Register.

(b) There should be established a Cotton Board to administer the terms and provisions of the order. The Cotton Board should be composed of representatives of cotton producers, each of whom should have an alternate, selected by the Secretary from nominations submitted by eligible producer organizations within a cotton-producing State; or, if the Secretary determines that a substantial number of producers are not members of or their interests are not represented by any such eligible producer organizations, from nominations made by such producers in a manner directed by the Secretary. The provision for an alternate for each Board member is designed to give assurance that the producers in each cotton-producing State will at all times have a qualified person available to represent their State on the Board.

Each cotton-producing State should be represented on the Board by at least one member, as is required by the act. Provision should be made for an additional member for each 1 million bales or major fraction (more than one-half) thereof of cotton produced in the State and marketed above 1 million bales during the period to be used for determining Board membership. This period will be specified in the Secretary's regulations. This provision is intended to carry out the act's provision that the representation of cotton producers on the Board for each cotton-producing State shall reflect, to the extent practicable, the proportion which that State's marketings of cotton bears to the total marketings of cotton in the United States.

These membership provisions will provide a Cotton Board of about 20 members which should be adequate to represent producer interests throughout the Cotton Belt without being too large or unwieldy.

The initial members of the Cotton Board and their alternates should be selected to represent the cotton-producing States in each of the cotton-producing regions for terms expiring on December 31, 1968, 1969, or 1970, so that, as nearly as practicable, the terms of one-third of the members and their alternates from cotton-producing States in any such region expire each year. Except for these initial members and alternates, the term of office should be 3 years. This will provide an adequate period to enable members and alternates to gain experience and be in a position to make a greater contribution to the Board and to the producer interests of their States and regions. The staggering of the expiration dates will assure that approximately two-thirds of the members and alternates representing each region will be experienced, which is important to continuity in the administration of the order, and it will provide the opportunity for reasonable rotation of Board members. Each member and alternate member of the Cotton Board should serve until his successor is selected and has qualified in order to ensure a full complement of members and alternates at all times.

Eligible producer organizations within each cotton-producing State should be required to caucus for the purpose of jointly nominating two qualified persons for each member and for each alternate member of the Cotton Board to be selected to represent the cotton producers of such cotton-producing State. The requirement to caucus is necessary in order to provide maximum opportunity for agreement among the nominating producer organizations upon the smallest possible number of nominees from each cotton-producing State, so that the ultimate selection by the Secretary will be from persons who have been nominated on the basis of their capability and willingness to represent the entire producer interest of the State. The nominations should be made within such period of time and in such manner as the Secretary prescribes. The period of time for submitting nominations should be adequate to permit the eligible producer organizations to comply with the requirement that they caucus with a view to reaching joint agreement on nominees. The term "qualified person" is necessary in order to permit rejection of any nominees by the Secretary who may be found to be clearly disqualified from performing as a Board member or alternate, e.g., lack of mental or physical capacity, con-

viction of a crime, or performance of other acts clearly in conflict with performance of duties. If joint (unanimous) agreement is not reached with respect to the nominees, each eligible producer organization should have the right to nominate two qualified persons for any position on which there was no agreement. Since all eligible producer organizations are required to caucus for the purpose of reaching joint agreement with respect to nominees, participation in the caucusing should be a condition precedent to the exercise of the right to submit separate nominees. This provision is necessary in order to assure attendance at caucuses and to encourage full deliberation and agreement.

From the nominations which are submitted to him, the Secretary shoud be required to select the members of the Cotton Board and an alternate for each such member on the basis of the representation herein prescribed.

Any person selected by the Secretary as a member or as an alternate member of the Cotton Board should be required to qualify by filing a written acceptance with the Secretary promptly after being notified of such selection. This is a necessary requirement to assure that any person selected has consented to accept the responsibilities of office.

Any vacancy occasioned by the failure of any person selected as a member or alternate member of the Cotton Board to qualify, or by the death, removal, resignation, or disqualification of any member or alternate member of the Board, should be filled by nominating and selecting a successor for the unexpired term in the manner provided for the nomination and selection of other Board members and alternates. This provision is necessary to assure maximum producer control of the composition of Board membership at all times. The word "disqualification" should be interpreted as having reference to circumstances of the kind which would have precluded a determination that the person was a "qualified person" to be selected as a member or alternate member of the Cotton Board.

There should be provision for an alternate member of the Cotton Board, during the absence of the member for whom he is the alternate, to act in the place and in the stead of such member and to perform such other duties as the Board may assign in furtherance of its activities. In the event of the death, removal, resignation, or disqualification of a member, his alternate should serve in his place until a successor for such member is selected and qualified. In the event both a member of the Cotton Board and his alternate are unable to attend a Board meeting, the Board should be authorized to designate any other alternate member from the same cotton-producing State or region to serve in such member's place and stead at such meeting. These provisions are necessary in order to assure that full representation will be enjoyed by every cotton-producing State and region at every meeting of the Cotton Board, in the person either of a duly nominated and selected alternate from the same State, or if not available, from the cotton-producing region of which that State is a part.

At an assembled meeting of the Cotton Board, all votes should be cast in person and a majority of the members, or alternates acting for members, should constitute a quorum. Any action of the Board should require the concurring votes of at least a majority of those present and voting. In order to facilitate the transaction of routine and noncontroversial business by the Board without entailing the expense of attendance at assembled meetings, provision should be made for the Board to take action upon the concurring votes of a majority of its members by mail, telegraph, or telephone. In order to provide a written record of any action taken by telephone, each member should promptly confirm his vote in writing.

Evidence was presented at the hearing that members of the Cotton Board, and alternates when acting as members, should be willing to serve without compensation. However, since they will incur certain expenses in connection with their Board duties, provision should be included in the order for reimbursement of these necessary expenses, as approved by the Board.

(c) The act provides in section 7(a) for the selection by the Secretary of a Cotton Board and defining its powers and duties which include only specified powers. These powers should be enumerated in the order and thus would serve to notify the Board and other interested persons as to the extent of its powers. To enable the Secretary to discharge his responsibilities under the act, the order should make explicit that the rule making power of the Cotton Board is subject to his approval.

In administering a program such as herein set forth, the Cotton Board would have many duties. To assist the Board in carrying out its responsibilities, it is desirable that its important duties be set forth in the order.

In order to carry out its business in an orderly manner, the Board should select from among its members a chairman and such other officers as it deems necessary and should define their duties. The Board should also have authority to appoint or employ such persons as it may need to carry out its operational functions, and to determine their compensation and duties. The Board's staff should be held to a minimum so that the maximum amount of funds available may go directly into research and promotion.

It is the duty of the Cotton Board, as provided in the act, to enter into contracts or agreements for cotton research and promotion with a contracting organization or association whose nature and duties are specified in section 7(g) of the act. These contracts or agreements require the approval of the Secretary. Any such contract or agreement is required to contain certain provisions: that the contracting organization shall submit annually to the Cotton Board a program of research, advertising, and sales promotion projects, together with a budget showing the estimated cost of such projects; that any such projects shall become effective upon approval by the Secretary; that the contracting organization shall keep accurate records of all its transactions; that it shall make annual reports to the Cotton Board of activities carried out; that it shall make an accounting for funds received and expended; and that it shall make such other reports as the Secretary may require. The governing body of the contracting organization will consist of cotton producers selected after the order becomes effective by the cotton producer organizations certified by the Secretary pursuant to section 14 of the act. The producers of each cotton-producing State should to the extent practicable have representation on the governing body of such organization in the proportion that the cotton marketed by the producers of each State bears to the total cotton marketed by the producers of all cotton-producing States. Such an organization should be a separate entity and should not be a part of, or affiliated with, another organization. While the contracting organization has primary responsibility for the cotton research and promotion projects, it is subject at all times to the approval and supervision of the Cotton Board and the Secretary and should be subject to such controls and safeguards, including audits, as will enable the Cotton Board and the Secretary to fulfill their responsibilities under the act. For example, transfers of funds from one project to another should require the approval of the Cotton Board and the Secretary, in order that their approval of the projects themselves may continue to be meaningful.

As provided in section 7 of the act, the Cotton Board should be required to review and submit to the Secretary any research and promotion plans or projects which have been developed and submitted to it by the contracting organization or association, together with the Board's recommendations with respect to the approval thereof by the Secretary. So, too, the Cotton Board should be required to submit to the Secretary for his approval budgets, including reasonable reserves, on a fiscal period basis of its anticipated expenses and disbursements in the administration of the order, including probable costs of advertising and promotion and research and development projects as estimated in the budget or budgets submitted to it by the contracting organization or association, with the Board's recommendations with respect thereto. The "reasonable reserve" should include set asides to meet anticipated requests by producers for refunds and to maintain a cushion to assure the continued operation of the program in accordance with commitments.

The act also requires the Cotton Board to maintain such books and records and prepare and submit such reports from time to time to the Secretary as he may prescribe, and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it.

It is desirable to repeat these various statutory provisions in the order for ready reference.

The Cotton Board should be required to cause its books to be audited by a competent public accountant at least once each fiscal period and at such other times as the Secretary may request, and to submit a copy of each such audit to the Secretary. This is desirable as a matter of sound business practice.

The Cotton Board should be required to give the Secretary the same notice of meetings of the Board as is given to members in order that his representative may attend such meetings. The ultimate determination as to whether activities carried out under the act will effectuate its purposes is the statutory responsibility of the Secretary and such a requirement is necessary to facilitate his discharge of this responsibility.

The Cotton Board should have the duty to act as intermediary between the Secretary and any producer or handler. Initial consideration by the Board of any such matters is desirable, since the Board is charged with the administration of the terms of the order and will have readily available to it any facts or information which might be needed to evaluate and resolve any questions or problems which may be presented.

The Cotton Board should be required to submit to the Secretary such information as he may request. Section 7(f) of the act requires the Board to submit such reports as he may prescribe.

The Cotton Board should in the manner prescribed in section 7(g) of the act establish or provide for: (1) The establishment, issuance, effectuation, and administration of appropriate plans or projects for the advertising and sales promotion of cotton and its products, which plans or projects shall be directed toward increasing the general demand for cotton or its products in accordance with section 6(a) of the act; and (2) the establishment and carrying on of research and development projects and studies with respect to the production, ginning, processing, distribution, or utilization of cotton and its products in accordance with section 6(b) of the act, to the end that the marketing and utilization of cotton may be encouraged, expanded, improved, or made more efficient. This provision is necessary because the provisions of sections 6 (a) and (b) of the act are merely permissive, whereas the proposed order authorizes both research and promotion activities.

Research and promotion activities are authorized both in the United States and in foreign countries. However, research activities under the order should not duplicate or replace the programs already being carried out, or which may hereafter be carried out, by the U.S. Department of Agriculture, the land-grant colleges, or private groups.

(d) The record shows that in carrying out its responsibilities it will be necessary for the Cotton Board to incur certain expenses for its proper maintenance and functioning. The Cotton Board should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of the act and order, and that the funds to cover such expenses shall be paid from assessments received pursuant to the order. These expenses should be distinguished from expenses incidental to enforcement of the order, conducting referenda, or for personnel of the Department of Agriculture, which are not payable out of assessment funds.

Section 7 of the act requires the inclusion, inter alia, in the order of the following provision: The producer or other person for whom the cottom is being handled shall pay to the handler of cotton designated by the Cotton Board pursuant to regulations issued under the order and such handler of cotton shall collect from the producer or other person for whom the cotton, including cotton owned by the handler is being handled, and shall pay to the Cotton Board, an assessment prescribed by the order, on the basis of bales of cotton handled, for such expenses and expenditures, including provision for a reasonable reserve, as the Secretary finds are reasonable and likely to be incurred by the Cotton Board under the order, during any period specified by him. To facilitate the collection and payment of such assessments, the Cotton Board may designate different handlers or classes of handlers to recognize differences in marketing practices or procedures utilized in any State or area, except that no more than one such assessment shall be made on any bale of cotton. The rate of assessment prescribed by the order shall be $1 per bale of cotton handled.

The record evidence indicates that the assessment is applicable to all cotton handled. It is thus applicable to all cotton sold or marketed. Inasmuch, as the great bulk of cotton produced is sold or marketed, as a general matter it is applicable to all cotton produced.

The Cotton Board designates the "collecting" handler. The act confers on the Cotton Board the power to designate the handler or handlers responsible for collecting and paying over to the Board the producer assessments. This enables the Cotton Board to develop and carry out the most effective and practical system of collection and to make any changes which may be necessary in the future to meet any new or changed conditions. This it must do by regulation. The intent of the act is that the assessments are to be borne directly or indirectly by the producer of the cotton and therefore he is the one authorized to obtain a refund thereof and the order so provides. Nevertheless, the failure or refusal of a handler designated by the Cotton Board to collect assessments from producers and pay over to the Cotton Board such assessments will not excuse or exempt such handler from making full payment to the Cotton Board for all cotton handled.

The designated handler who actually collects from the producer and the handler designated by the Cotton Board to collect and pay over the assessment to the Cotton Board may or may not be the same person. However, the Board should give paramount consideration in the matter of handler designation to the facilitation of collection and payment.

There are differences in marketing practices and procedures in different States or areas. The Cotton Board may designate different handlers or classes of handlers to recognize such differences, if to do so will facilitate collection and payment and is otherwise feasible.

The record shows that there are a number of feasible methods or points of collection. The evidence shows the desirability of collection procedures which will minimize the amount of paper work, records and expense involved in the collection and remitting processes; the need for a procedure to provide producers with evidence that payment has been made; and the need for prompt collection and remission of the funds to the Cotton Board.

Section 11 of the act provides that any cotton producer against whose cotton any assessment is made under authority of the act and collected from him and who is not in favor of supporting the research and promotion program as provided for in the order shall have the right to demand and receive from the Cotton Board a refund of such assessment upon submission of proof satisfactory to the Board that the producer paid the assessment for which refund is sought. The act also provides that any such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period, not less than 90 days from the date of collection, prescribed by the Board and approved by the Secretary, and that any such refund shall be made within 60 days after demand therefor. The record shows that this provision makes it voluntary with the producer whether he desires to support the program and pay the dollar per bale assessment. The record is also clear that the decision of whether to participate or not to participate is for the producer to decide and that the Board should take appropriate action to prevent any attempt by any handler or organization to attempt to defeat the program by influencing refund requests. The act appropriately requires that any producer desiring a refund shall make the request personally. It should be entirely independent of and not at the place of business of the handler collecting the $1 per bale on his cotton because the intense competition for business among handlers could easily defeat the purpose of the act and order.

The record evidence indicates that the refund procedure should be made as simple as possible. The proof of payment should not be onerous; it should not place an undue burden on the producer. Perhaps he need only show that he sold, or ginned, or otherwise marketed his cotton. Or perhaps the assessment procedure will provide for the giving of a simple receipt showing payment to all producers. In any event, the

procedure of securing a refund should be spelled out in regulations issued by the Cotton Board. Application forms for refunds should be made readily available to any producer upon written request to the Board. The Board may also want to consider making such forms available at a government office in each cotton-producing county. Certainly, no regulation should contain any impossible, complex, or even onerous condition. The assessment and refund procedure should provide every producer of cotton sold or marketed with simple proof of payment satisfactory to the Cotton Board and the entitlement to refund on simple application. No interest shall be allowed on such refund.

Section 7(h) of the act provides that no funds collected by the Cotton Board under the order shall in any manner be used for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the order. Funds collected from producers by assessment should be used only in the furtherance of cotton research and promotion. The provision should be repeated in the order for purposes of emphasis.

(e) The section of the order on reports should provide that each handler subject to the order may be required to report to the Cotton Board periodically such information as is required by regulations, which information may include but not be limited to, the following: (1) Number of bales handled; (2) number of bales on which an assessment was collected; (3) name and address of person from whom he has collected the assessment on each bale handled; (4) date collection was made on each bale handled. This provision is necessary to assure that each handler, whether or not a collecting handler, may be required to make such report as may be necessary for the effective administration of the order by the Cotton Board in accordance with the provisions of section 6(c) of the act.

The order should provide that each handler subject to the order shall maintain and make available for inspection by the Cotton Board and the Secretary such books and records as are necessary to carry out the provisions of the order and regulations issued thereunder, including such records as are necessary to verify any reports required, and that such records shall be retained for at least 2 years beyond the marketing year of their applicability. The requirement that records be retained for 2 years beyond the marketing year of their applicability is necessary to provide a reasonable period for access to original records to verify any matter pertaining to the operation of the program.

Further details on reports, books, and records would be prescribed in the regulations issued after the Cotton Board has designated the handler or handlers responsible for collecting the producer assessments. The hearing record shows clearly the desirability of collection and reporting procedures which (1) would minimize the amount of paperwork, records, and expense involved in the collection and remitting processes, and (2) provide for prompt collection and remission of the funds to the Cotton Board.

Section 6(c) of the act provides that all information obtained from the books, records, or reports of handlers shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary of Agriculture, or to which he or any officer of the United States is a party, and involving the order. It further provides that the foregoing provision shall not be deemed to prohibit: (1) The issuance of general statements based upon the reports of a number of handlers subject to the order, which statements do not identify the information furnished by any person; or (2) the publication by direction of the Secretary of the name of any person violating the order, together with a statement of the particular provisions of the order violated by such person. This provision should be included in the order to assure the confidentiality of information acquired by the Secretary and the Cotton Board, e.g., that required to be reported by handlers under the order. In addition, the order should provide that all information with respect to refunds made to individual producers shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board. Any producer has a right under the act and order to request a refund of any assessment paid by him and he should be able to exercise this right without public disclosure. This would not preclude the Cotton Board or the Secretary from issuing general statements with respect thereto, e.g., volume of refunds in a county, area, or State, if such statements do not identify refunds made to any producer and would serve a useful purpose in appraising or administering the program.

(f) Section 14 of the act prescribes certain information to be submitted to the Secretary by cotton producer organizations in order that a determination and certification can be made with respect to the eligibility of each such organization to participate in the making of nominations for members and alternate members of the Cotton Board. The information that is required to be submitted should be set forth in the order for the benefit of cotton producer organizations and other interested parties.

Section 9(a) of the act provides that the Secretary shall, whenever he finds the order or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of the order or such provision thereof. This provision should be included in the order to apprise cotton producers and other interested parties of the circumstances under which the Secretary is obligated to suspend the order or any provision of the order.

Section 9(b) of the act provides that the Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 per centum or more of the number of cotton producers voting in the referendum approving the order, to determine whether cotton producers favor the termination or suspension of the order, and that he shall suspend or terminate the order at the end of the marketing year whenever he determines that suspension or termination of the order is approved or favored by a majority of the producers of cotton voting in the referendum who, during a representative period determined by the Secretary have been engaged in the production of cotton, and who produced more than 50 per centum of the volume of the cotton produced by the cotton producers voting in the referendum. This assures to producers the right to terminate or suspend the order if they so desire. This provision should be included in the order to apprise cotton producers of the procedure available to them to cause the termination or suspension of the order.

Provision should be included that upon the termination of the order the Cotton Board would recommend not more than five of its members to the Secretary to serve as trustees, for the purpose of liquidating the affairs of the Cotton Board. Such persons, upon designation by the Secretary, should become trustees of all of the funds and property then in the possession or under control of the Board, including claims, liquidated or potential, for any funds unpaid or property not delivered, or any other claim existing at the time of such termination. The said trustees should (1) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Cotton Board under any existing contracts or agreements; (3) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and (4) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title, right and interest to all of the funds, property, and claims vested in the Board or the trustees. Any person to whom funds, property, or claims are transferred or delivered should be subject to the same obligation imposed upon the Cotton Board and upon the trustees. Any residual funds not required to defray the necessary expenses of liquidation should be turned over to the Secretary to be disposed of, in the manner or to the extent practicable, in the interest of continuing one or more of the cotton research and promotion programs previously authorized.

Such proceedings after termination would establish an orderly and economical liquidation procedure in the event of termination of the order and assure cotton producers that any funds left after defraying expenses of liquidation would be used for essentially the same purposes for which collected.

Provision should be made in the order that unless otherwise expressly provided by the Secretary, the termination of the

order or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of the order or any regulation issued thereunder, or (b) release or extinguish any violation of the order or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person, with respect to any such violation. This provision should be included to make it clear that rights, duties, obligations, and liabilities which arise under the order or regulations will be determined by the provision of the order and regulations then in effect and will not be affected by later termination or amendment of the order or regulations.

The order should provide that no member or alternate member of the Cotton Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member of alternate, except for acts of dishonesty or wilful misconduct. This provision is necessary to protect members and alternate members of the Cotton Board from personal liability when they are performing their duties conscientiously. Otherwise, it might be difficult to obtain competent personnel to serve.

The order should provide that if any provision of the order is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this order or the applicability thereof to other persons or circumstances shall not be affected thereby. In the event any provision of the order should be found invalid, it is the intent of this savings clause to permit the program to operate insofar as practicable under the remaining provisions.

Rulings on proposed findings and conclusions. The Presiding Officer announced at the hearing that interested persons could, not later than September 13, 1966, file with the Hearing Clerk proposed findings and conclusions, and written arguments or briefs, based on evidence received at the hearing. That time was later extended to September 14. Briefs were filed by or on behalf of: (1) The National Cotton Council of America; and (2) Robert B. Delano, C. H. DeVaney, J. D. Hays, Marvin L. Morrison, and Boswell Stevens.

Each point included in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that any suggested findings or conclusions contained in any of the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the recommended decision.

General findings. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act; and

(2) All cotton produced and handled in the United States is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in cotton and cotton products.

Recommended order. The order hereinafter set forth is recommended as the detailed and appropriate means by which the foregoing conclusions may be implemented.

Any order that may be issued pursuant to the act requires approval of cotton producers in a referendum. Section 8 of the act provides that no order issued shall be effective unless the Secretary determines that the issuance of such order is favored by not less than two-thirds of the producers voting in such referendum, or by a majority of producers voting if that majority produced at least two-thirds of the cotton represented in the referendum.

If a proposed order is approved by the Secretary and subsequently by cotton producers in a referendum, it is contemplated that the $1 per bale assessment will start at the beginning of the ginning season for the 1967 crop.

DEFINITIONS

§ 1205.301 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1205.302 Act.

"Act" means the Cotton Research and Promotion Act (Public Law 89-502, 89th Congress, approved July 13, 1966, 80 Stat. 279).

§ 1205.303 Person.

"Person" means any individual, partnership, corporation, association, or any other entity.

§ 1205.304 Cotton.

"Cotton" means all upland cotton harvested in the United States, and except as used in §§ 1205.308, 1205.331, and 1205.332, includes cottonseed of such cotton and the products derived from such cotton and its seed.

§ 1205.305 Fiscal period.

"Fiscal period" is the 12-months budgetary period and means the calendar year unless the Cotton Board, with the approval of the Secretary, selects some other 12-months budgetary period.

§ 1205.306 Cotton Board.

"Cotton Board" means the administrative body established pursuant to § 1205.318.

§ 1205.307 Producer.

"Producer" means any person who shares in a cotton crop actually harvested on a farm, or in the proceeds thereof, as an owner of the farm, cash tenant, landlord of a share tenant, share tenant, or sharecropper.

§ 1205.308 Handler.

"Handler" means any person who handles cotton, including the Commodity Credit Corporation.

§ 1205.309 Handle.

"Handle" means to harvest, gin, warehouse, compress, purchase, market, transport, or otherwise acquire ownership or control of cotton.

§ 1205.310 United States.

"United States" means the 50 States of the United States of America.

§ 1205.311 Cotton-producing State.

"Cotton-producing State" means each of the following States and combinations of States:

Alabama-Florida;	New Mexico;
Arizona;	North Carolina-Virginia;
Arkansas;	Oklahoma;
California-Nevada;	South Carolina;
Georgia;	Tennessee-Kentucky
Louisiana;	Texas.
Mississippi;	
Missouri-Illinois;	

§ 1205.312 Marketing.

"Marketing" includes the sale of cotton or the pledging of cotton to the Commodity Credit Corporation as collateral for a price support loan.

§ 1205.313 Cotton-producer organization.

"Cotton-producer organization" means any organization which has been certified by the Secretary pursuant to § 1205.337.

§ 1205.314 Contracting organization or association.

"Contracting organization or association" means the organization or association with which the Cotton Board has entered into a contract or agreement pursuant to § 1205.328(c).

§ 1205.315 Cotton-producing region.

"Cotton-producing region" means each of the following groups of cotton-producing States:

(a) Southeast Region: Alabama-Florida, Georgia, North Carolina-Virginia, and South Carolina;

(b) Midsouth Region: Arkansas, Louisiana, Mississippi, Missouri-Illinois, and Tennessee-Kentucky;

(c) Southwest Region: Oklahoma and Texas;

(d) Western Region: Arizona, California-Nevada, and New Mexico.

§ 1205.316 Marketing year.

"Marketing year" means a consecutive 12-month period ending on July 31.

§ 1205.317 Part and subpart.

"Part" means the cotton research and promotion order and all rules, regulations and supplemental orders issued pursuant to the act and the order, and the aforesaid order shall be a "subpart" of such part.

COTTON BOARD

§ 1205.318 Establishment and membership.

There is hereby established a Cotton Board composed of representatives of cotton producers, each of whom shall have an alternate, selected by the Secretary from nominations submitted by eligible producer organizations within a cotton-producing State, as certified pursuant to § 1205.337, or, if the Secretary determines that a substantial number of producers are not members of or their interests are not represented by any such eligible producer organizations, from nominations made by producers in the manner authorized by the Secretary. Each cotton-producing State shall be represented by at least one member and by an additional member for each 1 million bales or major fraction (more than one-half) thereof of cotton produced in the State and marketed above 1 million bales during the period specified in the regulations for determining Board membership.

§ 1205.319 Term of office.

The members of the Board and their alternates shall serve for terms of 3 years, but the initial members and alternates shall be selected to represent the cotton-producing States in each of the cotton-producing regions for terms expiring on December 31, 1968, 1969, or 1970, so that, as nearly as practicable, the terms of one-third of the members and their alternates from cotton-producing States in any such region expire each year. Each member and alternate member shall continue to serve until his successor is selected and has qualified.

§ 1205.320 Nominations.

All nominations authorized under § 1205.318 shall be made within such period of time and in such manner as the Secretary shall prescribe. The eligible producer organizations within each cotton-producing State, as certified pursuant to § 1205.337, shall caucus for the purpose of jointly nominating two qualified persons for each member and for each alternate member to be selected to represent the cotton producers of such cotton-producing State. If joint agreement is not reached with respect to the nominees for any such position each such organization may nominate two qualified persons for any position on which there was no agreement.

§ 1205.321 Selection.

From the nominations made pursuant to §§ 1205.318 and 1205.320 the Secretary shall select the members of the Board and an alternate for each such member on the basis of the representation provided for in §§ 1205.318 and 1205.319.

§ 1205.322 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the Board shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1205.323 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the Board, a successor for the unexpired term of such member or alternate member of the Board shall be nominated and selected in the manner specified in §§ 1205.318, 1205.320, and 1205.321.

§ 1205.324 Alternate members.

An alternate member of the Board, during the absence of the member for whom he is the alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and qualified. In the event both a member of the Board and his alternate are unable to attend a Board meeting, the Board may designate any other alternate member from the same cotton-producing State or region to serve in such member's place and stead at such meeting.

§ 1205.325 Procedure.

A majority of the members of the Board, or alternates acting for members, shall constitute a quorum and any action of the Board shall require the concurring votes of at least a majority of those present and voting. At assembled meetings all votes shall be cast in person. For routine and noncontroversial matters which do not require deliberation and the exchange of views, the Board may also take action upon the concurring votes of a majority of its members by mail, telegraph or telephone, but any such action by telephone shall be confirmed promptly in writing.

§ 1205.326 Compensation and reimbursement.

The members of the Board, and alternates when acting as members, shall serve without compensation but shall be reimbursed for necessary expenses, as approved by the Board, incurred by them in the performance of their duties under this subpart.

§ 1205.327 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms and provisions;

(b) Subject to the approval of the Secretary, to make rules and regulations to effectuate the terms and provisions of this subpart including the designation of the handler responsible for collecting the producer assessment authorized by § 1205.331, which designation may be of different handlers or classes of handlers to recognize differences in marketing practices in any State or area;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart;

(d) To recommend to the Secretary amendments to this subpart.

§ 1205.328 Duties.

The Board shall have the following duties:

(a) To select from among its members a chairman and such other officers as may be necessary for the conduct of its business, and to define their duties;

(b) To appoint or employ such persons as it may deem necessary and to determine the compensation and to define the duties of each;

(c) With the approval of the Secretary, to enter into contracts or agreements for the development and submission to it of research and promotion plans or projects authorized by § 1205.329, and for the carrying out of such plans or projects when approved by the Secretary, and for the payment of the costs thereof with funds collected pursuant to § 1205.331, with an organization or association whose governing body consists of cotton producers selected by the cotton producer organizations certified by the Secretary under § 1205.337, in such manner that the producers of each cotton-producing State will, to the extent practicable, have representation on the governing body of such organization in the proportion that the cotton marketed by the producers of such State bears to the total cotton marketed by the producers of all cotton-producing States, subject to adjustments to reflect lack of participation in the program by reason of refunds under § 1205.332. Any such contract or agreement shall provide that such contracting organization or association shall develop and submit annually to the Cotton Board, for the purpose of review and making recommendations to the Secretary, a program of research, advertising, and sales promotion projects, together with a budget, or budgets, which shall show the estimated cost to be incurred for such projects, and that any such projects shall become effective upon approval by the Secretary. Any such contract or agreement shall also provide that the contracting organization shall keep accurate records of all its transactions, which shall be available to the Secretary and Board on demand, and make an annual report to the Cotton Board of activities carried out and an accounting for funds received and expended, and such other reports as the Secretary may require;

(d) To review and submit to the Secretary any research and promotion plans or projects which have been developed and submitted to it by the contracting organization or association, together with its recommendations with respect to the approval thereof by the Secretary;

(e) To submit to the Secretary for his approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of this subpart, including probable costs of advertising and promotion and research and development projects as estimated in the budget or budgets submitted to it by the contracting organization or association, with the Board's recommendations with respect thereto;

(f) To maintain such books and records and prepare and submit such reports from time to time to the Secretary as he may prescribe, and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it;

(g) To cause its books to be audited by a competent public accountant at least once each fiscal period and at such other times as the Secretary may request, and to submit a copy of each such audit to the Secretary;

(h) To give the Secretary the same notice of meetings of the Board as is given to members in order that his representative may attend such meetings;

(i) To act as intermediary between the Secretary and any producer or handler;

(j) To submit to the Secretary such information as he may request.

RESEARCH AND PROMOTION

§ 1205.329 Research and promotion.

The Cotton Board shall in the manner prescribed in § 1205.328(c) establish or provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate plans or projects for the advertising and sales promotion of cotton and its products, which plans or projects shall be directed toward increasing the general demand for cotton or its products in accordance with section 6(a) of the act;

(b) The establishment and carrying on of research and development projects and studies with respect to the production, ginning, processing, distribution, or utilization of cotton and its products in accordance with section 6(b) of the act, to the end that the marketing and utilization of cotton may be encouraged, expanded, improved, or made more efficient.

EXPENSES AND ASSESSMENTS

§ 1205.330 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. The funds to cover such expenses shall be paid from assessments received pursuant to § 1205.331.

§ 1205.331 Assessments.

Each cotton producer or other person for whom cotton is being handled shall pay to the handler thereof designated by the Cotton Board pursuant to regulations issued by the Board and such handler shall collect from the producer or other person for whom the cotton, including cotton owned by the handler, is being handled, and shall pay to the Cotton Board, at such times and in such manner as prescribed by regulations issued by the Board, an assessment at the rate of $1 per bale of cotton handled, for such expenses and expenditures, including provision for a reasonable reserve, as the Secretary finds are reasonable and likely to be incurred by the Cotton Board under this subpart, except that no more than one such assessment shall be made on any bale of cotton.

§ 1205.332 Producer refunds.

Any cotton producer against whose cotton any assessment is made under the authority of the act and collected from him and who is not in favor of supporting the research and promotion program as provided for in this subpart shall have the right to demand and receive from the Cotton Board a refund of such assessment upon submission of proof satisfactory to the Board that the producer paid the assessment for which refund is sought. Any such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the Board and approved by the Secretary. Such time period shall give the producer at least 90 days from the date of collection to submit the refund form to the Board. Any such refund shall be made within 60 days after demand therefor.

§ 1205.333 Influencing governmental action.

No funds collected by the Board under this subpart shall in any manner be used for the purpose of influencing governmental policy or action except in recommending to the Secretary amendments to this subpart.

REPORTS, BOOKS, AND RECORDS

§ 1205.334 Reports.

Each handler subject to this subpart may be required to report to the Cotton Board periodically such information as is required by regulations, which information may include but not be limited to, the following:

(a) Number of bales handled;

(b) Number of bales on which an assessment was collected;

(c) Name and address of person from whom he has collected the assessment on each bale handled;

(d) Date collection was made on each bale handled.

§ 1205.335 Books and records.

Each handler subject to this subpart shall maintain and make available for inspection by the Cotton Board and the Secretary such books and records as are necessary to carry out the provisions of this subpart and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such records shall be retained for at least 2 years beyond the marketing year of their applicability.

§ 1205.336 Confidential treatment.

(a) All information obtained from such books, records, or reports shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary of Agriculture, or to which he or any officer of the United States is a party, and involving this subpart. Nothing in this § 1205.336 shall be deemed to prohibit (1) the issuance of general statements based upon the reports of a number of handlers subject to this subpart, which statements do not identify the information furnished by any person, or (2) the publication by direction of the Secretary, of the name of any person violating this subpart, together with a statement of the particular provisions of this subpart violated by such person.

(b) All information with respect to refunds made to individual producers shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board.

CERTIFICATION OF COTTON PRODUCER ORGANIZATION

§ 1205.337 Certification of cotton producer organization.

Any cotton producer organization within a cotton-producing State may request the Secretary for certification of eligibility to participate in nominating members and alternate members to represent such State on the Cotton Board. Such eligibility shall be based in addition to other available information upon a factual report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including the following:

(a) Geographic territory within the State covered by the organization's active membership;

(b) Nature and size of the organization's active membership in the State, proportion of total of such active membership accounted for by farmers, a map showing the cotton-producing counties in such State in which the organization has members, the volume of cotton produced in each such county, the number of cotton producers in each such county, and the size of the organization's active cotton producer membership in each such county;

(c) The extent to which the cotton producer membership of such organization is represented in setting the organization's policies;

(d) Evidence of stability and permanency of the organization;

(e) Sources from which the organization's operating funds are derived;

(f) Functions of the organization; and

(g) The organization's ability and willingness to further the aims and objectives of the act.

The primary consideration in determining the eligibility of an organization shall be whether its cotton farmer membership consists of a sufficiently large number of the cotton producers who produce a relatively significant volume of cotton to reasonably warrant its participation in the nomination of members for the Cotton Board. Any cotton producer organization found eligible by the Secretary under this § 1205.337 will be certified by the Secretary, and his determination as to eligibility is final.

MISCELLANEOUS

§ 1205.338 Suspension and termination.

(a) The Secretary will, whenever he finds that this subpart or any provision

thereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or such provision.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 per centum or more of the number of cotton producers voting in the referendum approving this subpart, to determine whether cotton producers favor the termination or suspension of this subpart, and he shall suspend or terminate such subpart at the end of the marketing year whenever he determines that its suspension or termination is approved or favored by a majority of the producers of cotton voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of cotton, and who produced more than 50 per centum of the volume of the cotton produced by the cotton producers voting in the referendum.

§ 1205.339 Proceedings after termination.

(a) Upon the termination of this subpart the Cotton Board shall recommend not more than five of its members to the Secretary to serve as trustees, for the purpose of liquidating the affairs of the Cotton Board. Such persons, upon designation by the Secretary, shall become trustees of all of the funds and property then in the possession or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Cotton Board under any contracts or agreements entered into by it pursuant to § 1205.328(c); (3) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and (4) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this § 1205.339.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this § 1205.339 shall be subject to the same obligation imposed upon the Cotton Board and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be disposed of, to the extent practicable, in the interest of continuing one or more of the cotton research or promotion programs hitherto authorized.

§ 1205.340 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued thereunder, or (b) release or extinguish any violation of this subpart or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person, with respect to any such violation.

§ 1205.341 Personal liability.

No member or alternate member of the Cotton Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or alternate, except for acts of dishonesty or wilful misconduct.

§ 1205.342 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this subpart or the applicability thereof to other persons or circumstances shall not be affected thereby.

Dated: September 30, 1966.

S. R. SMITH,
Administrator.

[F.R. Doc. 66-10847; Filed, Oct. 4, 1966; 8:52 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 12]

COFFEE IMPORT QUOTAS

Imports from Nonmember Countries of International Coffee Agreement of 1962

The Department of the Treasury has been informed by the Department of State that the International Coffee Council on September 6, 1966, approved Resolution No. 117 applying the limitations of Article 45(2) of the International Coffee Agreement of 1962 (14 UST 1911) to imports of coffee produced in nonmember countries as soon as practicable after October 1, 1966. Pursuant thereto annual imports of coffee into the United States from nonmember countries of the International Coffee Organization will be limited to a quantity not in excess of the average annual imports from those countries for the years 1960, 1961, and 1962.

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority conferred upon the President by section 2, subsection (1) of the International Coffee Agreement Act of 1965 (19 U.S.C. 1356a(1)), which authority was delegated to the Secretary of the Treasury by Executive Order No. 11229, dated June 14, 1965 (30 F.R. 7741) it is proposed to add a new section to the Customs Regulations designated as § 12.71 to provide for the Administration of the quota provisions along lines requested by the Department of State.

The terms of the proposed amendment, in tentative form, are as follows:

Part 12 of the Customs Regulations is amended by adding new § 12.71 as follows:

§ 12.71 Import quotas on coffee produced in nonmember countries of the International Coffee Organization.

(a) The following import quotas for the 12-month period beginning on November 1 in any year on coffee, expressed in pounds of green coffee, produced in nonmember countries of the International Coffee Organization are established pursuant to article 45(2) of the International Coffee Agreement for the following countries:

Country	*Quota in pounds of green coffee*
Bolivia	1,850,800
Guinea	1,454,200
Honduras	28,026,400
Kenya	11,765,800
Liberia	2,511,800
Paraguay	2,644,000
Yemen	1,850,800

(b) All coffee not specifically identified as a product of or shipment from a member country (and therefore accompanied by a certificate of origin or certificate of reexport) and not charged to the quota of one of the countries listed in paragraph (a) of this section shall be charged to an annual basket quota of 6,610,000 pounds of green coffee. Coffee from any one of the countries named in paragraph (a) of this section shall be charged to the basket quota after the specific quota for that country has been filled.

(c) Coffee in any of the forms covered by items 160.10, 160.20, and 160.21, Tariff Schedules of the United States, are chargeable to the above quotas. In converting from one form of coffee to another, the following factors prescribed in Article 2 of the International Coffee Agreement shall be employed:

1 pound of roasted coffee equals 1.19 pounds of green coffee.
1 pound of soluble coffee equals 3.00 pounds of green coffee.
1 pound of coffee berries equals 0.50 pound of green coffee.
1 pound of parchment coffee equals 0.80 pound of green coffee.
1 pound of the dried coffee solids contained in liquid coffee equals 3.00 pounds of green coffee.

(d) The following shipments will not be chargeable to import quotas:

(1) Shipments of 27 pounds or less of green or other crude coffee; 23 pounds or less of roasted coffee; or 9 pounds or less of soluble coffee.

(2) Coffee covered by a certificate of reexport issued by a member country through which such coffee has been shipped to the United States.

(3) Coffee imported into Puerto Rico or coffee grown in Puerto Rico and shipped to other areas of the United States.

It is proposed to apply the quotas to coffee entered, or withdrawn from warehouse, for consumption on and after November 1, 1966. However, coffee shipped to the United States prior to the date of the publication of this notice in the FEDERAL REGISTER and arriving in the United States after November 1, 1966, will not be subject to the quota restrictions set out above.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved October 3, 1966.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-10905; Filed, Oct. 4, 1966; 11:03 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Proposed Revision of Form

The Board of Governors is considering the adoption of a revision of Form F.R.Y.-5[1] for use by a bank holding company in registering with the Board pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841ff).

[1] Filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System or to any Federal Reserve Bank.

The proposed revised form, like its predecessor, is designed to assure that a bank holding company furnish in its registration statement the information required by section 5(a) of the Act (12 U.S.C. 1844).

This notice is published pursuant to section 553(b) of Title 5, United States Code, and section 1(b) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1(b)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 31, 1966.

Dated at Washington, D.C., this 28th day of September 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-10776; Filed, Oct. 4, 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16068]

MULTIPLE OWNERSHIP OF TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. Comments and reply comments in this proceeding are now due October 3, 1966, and December 1, 1966. On September 21, 1966, National Broadcasting Co., Inc. filed a petition requesting an extension of time to file comments to November 1, 1966 (Columbia Broadcasting System, Inc. filed a statement in support of the request). It is stated that petitioner wishes additional time to study the voluminous report recently filed (in preliminary form) by United Research, Inc. The petition also states that counsel for the Council For Television Development (the group financing the United Research study) has no objection to the requested extension although it intends to file its comments by October 3.

2. It appears that good cause exists for the extension, and that it will not materially delay disposition of the proceeding. *Accordingly, it is ordered*, This 29th day of September 1966, that the time for filing comments herein is extended to and including November 1, 1966, and the time for filing reply comments herein is extended to and including December 5, 1966; and the petition of National Broadcasting Co., Inc., is granted.

3. This action is taken pursuant to authority contained in sections 4(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10842; Filed, Oct. 4, 1966; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

DRIED FISH

Importation; Available Certifications by Government of Republic of Korea

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Korea of the following additional commodity: Fish, dried.

MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 66-10865; Filed, Oct. 4, 1966; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of a Bureau of Reclamation application, U-069117, for withdrawal and reservation of lands for damsites, reservoirs, and potential farm units in connection with the Dixie Project, was published as F.R. Doc. No. 62-1042, on pages 952-3 of the issue for February 1, 1962. The applicant agency has canceled its application insofar as it affects the following described lands:

SALT LAKE MERIDIAN

T. 41 S., R. 13 W.
Sec. 27, W½NW¼;
Sec. 28, NE¼NE¼, NW¼SE¼.
T. 42 S., R. 13 W.
Sec. 8, NW¼NE¼;
Sec. 11, lots 1, 4-8, inclusive;
Sec. 15, E½E½;
Sec. 27, E½W½;
Sec. 29, W½W½;
Sec. 30, E½E½;
Sec. 31, lots 7 to 12, inclusive, SE¼;
Sec. 34, E½W½.
T. 43 S., R. 13 W.
Sec. 4, NE¼NE¼, S½NE¼, E½SW¼, SE¼;
Sec. 6, lots 1-12, inclusive, W½E½.
T. 41 S., R. 14 W.
Sec. 34, NW¼SE¼;
Sec. 35, lots 1-4, inclusive, E½NW¼.
T. 42 S., R. 14 S.,
Sec. 3, lots 2, 3, 8;
Sec. 4, lots 1, 3, 4, 9, 10, S½NW¼, N½SW¼;
Sec. 8, lots 1-4 inclusive, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 9, NW¼NW¼;
Sec. 33, E½NE¼, SE¼.
T. 43 S., R. 14 W.
Sec. 1;
Sec. 4, NW¼NW¼, S½NW¼, SW¼;
Sec. 9, NW¼, N½SW¼, SE¼SW¼;
Sec. 19, E½SW¼, SE¼;
Sec. 22, N½;
Secs. 25, 26;
Sec. 27, S½S½;
Sec. 28, S½S½;
Sec. 29, NW¼, S½;
Sec. 30, E½;
Sec. 31, lots 5, 6, NE¼;
Secs. 33, 34, 35.
T. 42 S., R. 15 W.
Sec. 14, SW¼NE¼;
Sec. 15, NW¼NW¼;
Sec. 19, lot 1, NE¼, E½NW¼;
Sec. 20, W½NW¼, NW¼SW¼.
T. 43 S., R. 15 W.
Sec. 7, lots 3, 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 11, lot 11;
Sec. 14, NE¼, N½NW¼, SW¼NW¼;
Sec. 15, S½NE¼, S½;
Sec. 22, W½NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 25, W½NW¼, NW¼SW¼;
Secs. 26, 27, 34, 35.
T. 41 S., R. 16 W.
Sec. 30, lot 1;
Sec. 31, NE¼NE¼.
T. 42 S., R. 16 W.,
Sec. 7, lots 1-6 inclusive, S½NE¼, E½NW¼, N½SE¼;
Sec. 8, W½SW¼, SE¼SW¼;
Sec. 9, lots 1-5, inclusive;
Sec. 17, lots 3-8 inclusive;
Sec. 18, lots 6-14, SE¼;
Sec. 21, lots 1-4, 6-8, inclusive, SW¼NE¼, E½NW¼, NW¼SE¼;
Sec. 24, N½NE¼;
Sec. 25, lots 7, 8;
Sec. 26, lot 4;
Sec. 35, W½NW¼, N½SW¼.
T. 43 S., R. 16 W.
Sec. 12, lots 3, 4, 9, N½NW¼, SW¼NW¼;
Sec. 13, SE¼SW¼, S½SE¼.
T. 42 S., R. 17 W.,
Sec. 12, NW¼NW¼, S½NW¼, SW¼.

The areas described aggregate 16,920.17 acres.

Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2311, such lands, at 10 a.m. on October 30, will be relieved of the segregative effect of the above-mentioned application.

R. D. NIELSON,
State Director.

[F.R. Doc. 66-10802; Filed, Oct. 4, 1966; 8:48 a.m.]

Fish and Wildlife Service

[Docket No. C-249]

FREDERICK N. WEDEL

Notice of Loan Application

Frederick N. Wedel, Post Office Box 193, Bodega Bay, Calif. 94923, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 40.9-foot registered length wood vessel to engage in the fishery for salmon and Dungeness crabs.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

SEPTEMBER 30, 1966.

[F.R. Doc. 66-10798; Filed, Oct. 4, 1966; 8:47 a.m.]

[Docket No. B-392]

SALVATORE AND PROVIDENZA CURCURU

Notice of Loan Application

Salvatore and Providenza Curcuru, 33 Hodgkins Street, Gloucester, Mass. 01930, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 90-foot registered length wood vessel to engage in the fishery for groundfish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operations of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

SEPTEMBER 30, 1966.

[F.R. Doc. 66-10799; Filed, Oct. 4, 1966; 8:47 a.m.]

DEPARTMENT OF STATE

Agency for International Development

ASSOCIATE ASSISTANT ADMINISTRATOR FOR PRIVATE ENTERPRISE

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961, I hereby delegate the following functions:

To the Associate Assistant Administrator for Private Enterprise, authority under sections 221(b)(1) and 222(b)(2) of the Foreign Assistance Act of 1961 to authorize and issue all Specific Risk Investment Guaranties and the Extended Risk Guaranty now pending issuance in connection with the Siam Kraft Paper Co., Ltd., paper mill project in Thailand.

This delegation of authority shall be effective immediately.

Dated: September 27, 1966.

WILLIAM S. GAUD,
Administrator, Agency for International Development.

[F.R. Doc. 66-10797; Filed, Oct. 4, 1966; 8:47 a.m.]

Office of the Secretary

[Delegation of Authority 111; Public Notice 250]

LEGAL ADVISER AND DEPUTY LEGAL ADVISERS

Delegation of Authority To Determine and Certify to Secretary of Treasury Certain Claims

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949, as amended (63 Stat. 111; 5 U.S.C. 151c) I hereby delegate to the Legal Adviser and the Deputy Legal Advisers the authority vested in the Secretary of State by the Act of February 27, 1896, Ch. 34, 29 Stat. 32, 31 U.S.C. 547, to determine the amounts due claimants from funds held in trust for citizens of the United States or others, which have been received by the Secretary of State from foreign governments, and certify the same to the Secretary of the Treasury.

This delegation of authority shall be effective immediately.

Dated: September 26, 1966.

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-10825; Filed, Oct. 4, 1966; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHAS. PFIZER & CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6J2016) has been filed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, proposing the issuance of a regulation to provide for the safe use of a milk-clotting enzyme, derived from *Endothia parasitica* by a pure culture fermentation process, in cheese production.

Dated: September 27, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10816; Filed, Oct. 4, 1966; 8:49 a.m.]

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0532) has been filed by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94801, proposing the establishment of tolerances for residues of the insecticide 1,2-dibromo-2,2-dichloroethyldimethyl phosphate in or on raw agricultural commodities, as follows:

3 parts per million in or on chard, grapefruit, lemons, oranges, spinach, tangerines, and turnip tops.

1 part per million in or on broccoli, brussels sprouts, cabbage, cauliflower, lettuce, and strawberries.

0.5 part per million in or on beans (succulent and dry forms), cucumbers, eggplants, melons (conteloups, honey dew, muskmelons, watermelons, and others), peas (succulent and dry forms), peppers, pumpkins, rice, soybeans (succulent and dry forms), summer squash, tomatoes, and winter squash.

The analytical methods proposed in the petition for determining residues of this insecticide are that of microcoulometric gas chromatography and electron capture gas chromatography.

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10817; Filed, Oct. 4, 1966; 8:49 a.m.]

UNION CARBIDE CORP.

Notice of Extension of Temporary Tolerance

A temporary tolerance of 1 part per million for residues of the insecticide *exo*-3-chloro-*endo*-6-cyano-2-norbornanone *O*-(methylcarbamoyl)oxime in or on apples and pears, which was established at the request of Union Carbide Corp., Post Office Box 8361, South Charleston, W. Va. 25303, expired August 25, 1966, and the company has requested a 1-year extension to permit additional tests.

The Commissioner of Food and Drugs has determined that extension of this temporary tolerance will protect the public health; therefore, an extension has been granted which will expire August 25, 1967.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346(j)), and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008).

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10818; Filed, Oct. 4, 1966; 8:49 a.m.]

GENERAL ANILINE & FILM CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B1065) has been filed by General Aniline & Film Corp., Dyestuff & Chemical Division, 140 West 51st Street, New York, N.Y. 10020, proposing an amendment to § 121.2520 *Adhesives* to provide for the safe use of phosphate esters of the reaction product of nonylphenol condensed with 9 or 50 moles of ethylene oxide, as optional components of food-packaging adhesives.

Dated: September 27, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10819; Filed, Oct. 4, 1966; 8:49 a.m.]

GENERAL ANILINE & FILM CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2073) has been filed by General Aniline & Film Corp., Dyestuff & Chemical Division, 140 West 51st Street, New York, N.Y. 10020, proposing an amendment to § 121.2527 *Antistatic and/or antifogging agents in food-packaging materials* to provide for the safe use of the following substances as antistatic and/or antifogging agents in polyolefin, polyvinyl chloride, and polystyrene food-contact articles:

Phosphate ester of the reaction product of nonylphenol condensed with 9 moles of ethylene oxide.

Phosphate esters of the reaction product of tridecyl alcohol condensed with 6 or 9 moles of ethylene oxide.

Phosphate ester of the reaction product of lauryl alcohol condensed with 4 moles of ethylene oxide.

Dated: September 27, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10820; Filed, Oct. 4, 1966; 8:50 a.m.]

GENERAL ANILINE & FILM CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2074) has been filed by General Aniline & Film Corp., Dyestuff & Chemical Division, 140 West 51st Street, New York, N.Y. 10020, proposing an amendment to § 121.2536 *Filters, resin-bonded* to provide for the safe use of the phosphate ester of the reaction product of nonylphenol condensed with 9 moles of ethylene oxide, as an optional adjuvant substance in the production of resin-bonded filters used in producing, manufacturing, processing, and preparing food.

Dated: September 27, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10821; Filed, Oct. 4, 1966; 8:50 a.m.]

NORSE CHEMICAL CORP.

Notice of Filing of Petition for Food Additive Disodium EDTA

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6A2018) has been filed by Norse Chemical Corp., 2121 Norse Avenue, Cudahy, Wis. 53110, proposing an amendment to § 121.1056 *Disodium EDTA* to provide for the safe use of disodium EDTA as a sequestering agent in aqueous solutions of artificial sweeteners which are generally recognized as safe.

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10822; Filed, Oct. 4, 1966; 8:50 a.m.]

SYNTEX LABORATORIES, INC.

Notice of Withdrawal of Petition for Food Additive Chlormadinone Acetate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Syntex Laboratories, Inc., 701 Welch Road, Palo Alto, Calif. 94304, has withdrawn its petition (FAP 5D1634) notice of which was published in the FEDERAL REGISTER of January 22, 1965 (30 F.R. 727), proposing the issuance of a regulation to provide for the safe use of chlormadinone acetate (6-chloro-Δ⁶-17-acetoxyprogesterone) in the feed of beef and dairy heifers and beef cows for the synchronization of estrus (heat).

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10823; Filed, Oct. 4, 1966; 8:50 a.m.]

WESTERN DAIRY PRODUCTS, INC.

Notice of Withdrawal of Petition for Food Additive Stannic Oxide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Western Dairy Products, Inc., 118 World Trade Center, San Francisco, Calif. 94111, has withdrawn its petition (FAP 5A1789), notice of which was published in the FEDERAL REGISTER of July 30, 1965 (30 F.R. 9551), proposing the issuance of a regulation to provide for the safe use of stannic oxide as a tracer at a level of 0.1 percent in sodium caseinate used in cooked comminuted meat products.

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10824; Filed, Oct. 4, 1966; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-156]

UNIVERSITY OF WISCONSIN

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 7, set forth below, to Facility License No. R-74. The amendment authorizes the University of Wisconsin to receive and possess, but not to use, 3.75 kilograms of contained uranium 235 in modified TRIGA type fuel elements, as described in the licensee's application for license amendment dated July 13, 1966.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated July 13, 1966, and (2) a related Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 20th day of September 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[License No. R-74; Amdt. 7]

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, paragraph 2.B. of License No. R-74, as amended, issued to the University of Wisconsin, is hereby amended to read as follows:

"B. Pursuant to the Act and Title 10, CFR, Ch. 1, Part 70, 'Special Nuclear Material,' to receive, possess and use in connection with the operation of the reactor 16 grams of plutonium contained in plutonium-beryllium neutron sources and up to 7.0 kilograms of contained uranium 235; and to receive and possess, but not to use 3.75 kilograms of contained uranium 235 in modified TRIGA type fuel element bundles; and"

Date of issuance: September 20, 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-10750; Filed, Oct. 4, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17037]

AIR EXPRESS CHARGE INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on October 3, 1966, is postponed to October 17, 1966, 10 a.m., e.d.s.t., Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., September 30, 1966.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 66-10808; Filed, Oct. 4, 1966; 8:48 a.m.]

[Docket No. 17613]

ALOHA AND HAWAIIAN SHOW CAUSE ORDER [1]

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 1, 1966, at 10 a.m., e.d.s.t., Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

Dated at Washington, D.C., September 29, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10809; Filed, Oct. 4, 1966; 8:48 a.m.]

[Docket No. 17657]

EXECUTIVE JET AVIATION, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 13, 1966, at 10 a.m., e.d.s.t., Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., September 29, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10810; Filed, Oct. 4, 1966; 8:48 a.m.]

[Docket No. 17727]

W.A.A.C. (NIGERIA) LTD.

Notice of Prehearing Conference

Application for renewal of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended.

[1] Order E-24066, August 11, 1966.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 12, 1966, at 10 a.m., e.d.s.t., Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., September 30, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10811; Filed, Oct. 4, 1966; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16884; FCC 66M-1307]

ARTHUR POWELL WILLIAMS

Order Continuing Prehearing Conference

In re application of Arthur Powell Williams; Docket No. 16884, File No. BR-1852; for renewal of license of Station KLAV, Las Vegas, Nev.

On the unopposed oral request of counsel for applicant: *It is ordered*, This 28th day of September 1966, that the prehearing conference is rescheduled from October 5 to October 14, 1966, at 9 a.m., in Washington, D.C.

Released: September 29, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10833; Filed, Oct. 4, 1966; 8:51 a.m.]

[Docket Nos. 16879-16881; FCC 66M-1306]

AUDUBON BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of Audubon Broadcasting Corp., Westwego, La.; Docket No. 16879, File No. BP-17113; Holmes Broadcasting, Inc., Westwego, La.; Docket No. 16880, File No. BP-17114; West Jefferson Broadcasting, Inc., Gretna, La.; Docket No. 16881, File No. BP-17115; for construction permits.

It is ordered, This 26th day of September 1966, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 14, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 13, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: September 29, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10834; Filed, Oct. 4, 1966; 8:51 a.m.]

[Docket Nos. 15668, 15708; FCC 66R-373]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

Memorandum Opinion and Order Enlarging Issues

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill.; Docket No. 15668, File No. BPCT-3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill.; Docket No. 15708, File No. BPCT-3439; for construction permit for new television broadcast station.

1. The above-captioned applicants seek construction permits for a new UHF television broadcast station to operate on Channel 38 in Chicago, Ill. By order (FCC 64-961, released Oct. 23, 1964) Chicagoland TV Co.'s (Chicagoland) application was designated for comparative hearing with the applications of Kaiser Industries Corp. and Warner Bros. Pictures, Inc.[1] Subsequently, by order (FCC 64-1076, released Nov. 20, 1964) the mutually exclusive application of the Chicago Federation of Labor and Industrial Union Council (Federation) was consolidated for hearing with the previously designated applications. Presently before the Board is a petition to enlarge issues filed July 18, 1966, by Federation.[2] The petition seeks addition of issues to determine (a) whether there is reasonable assurance that Chicagoland's proposed antenna site will be available; (b) whether the application of Chicagoland is a contingent application; (c) whether Chicagoland misrepresented its true intentions with respect to its proposed antenna location, structure and cost; and (d) whether Chicagoland has been so negligent, careless and inept in the prosecution of its application as to seriously reflect upon its ability to fulfill the duties and responsibilities of a Commission licensee.

2. The instant petition was filed more than 18 months after the hearing issues were first published in the FEDERAL REGISTER. Accordingly, "good cause" for the untimely filing of the petition must be shown before the Board may consider the

[1] The application of Kaiser Industries Corp. was dismissed by the Hearing Examiner in a memorandum opinion and order (FCC 64M-1278) released Dec. 23, 1964. The application of Warner Bros. Pictures, Inc., was dismissed by order of the Hearing Examiner (FCC 65M-296), released Mar. 15, 1965.

[2] Also before the Board are the Broadcast Bureau's comments, filed Aug. 3, 1966; opposition, filed Aug. 5, 1966, by Chicagoland; reply, filed Aug. 15, 1966, by Federation; motion for leave to file supplement to opposition to petition to enlarge issues and supplement to opposition to petition to enlarge issues, filed Aug. 10, 1966, by Chicagoland; supplement to reply to opposition to petition to enlarge issues, filed Sept. 1, 1966, by Federation; comments on supplement to reply to opposition to petition to enlarge issues, filed Sept. 13, 1966, by Chicagoland; and reply to Chicagoland's "comments on supplement to reply to opposition to petition to enlarge issues," filed Sept. 19, 1966, by Chicagoland. The latter three pleadings were neither requested nor authorized pursuant to Rule 1.294(d), and will not be considered.

merits of the allegations contained

4. From the foregoing facts it is evi-

hearing session held in May 1966, Davis

merits of the allegations contained therein. Federation maintains that the facts giving rise to the requested issues were not fully disclosed until the June 24, 1966, cross-examination of Frederick Livingston, one of Chicagoland's partners; that the transcript of this testimony (which Federation alleges is inconsistent with the earlier testimony of Chicagoland's other partner, Thomas L. Davis) was not available until the first week in July; and that its petition was filed promptly thereafter. Our review of the record supports Federation's assertion that Livingston's testimony is essential to its requests. Under these circumstances we are satisfied that Federation has shown good cause for the late filing of its petition. Flower City Television Corp., FCC 62R–39, 24 RR 242.

3. Briefly stated, Federation's request for a site availability issue is premised upon its allegations: (a) That the antenna site specified in Chicagoland's application (the Kemper Building) has been leased to Essaness TV Associates (Essaness), permittee of Channel 44 in Chicago, for a period of 5 years commencing January 1, 1967; (b) that the Commission recently granted Essaness' application modifying its construction permit to specify its transmitter and antenna sites at the same location proposed by Chicagoland; (c) that Essaness has not agreed to share its facilities with Chicagoland; and (d) that in the event its application is granted, Chicagoland cannot commence operations as proposed in its application unless and until Essaness moves its antenna site and Chicagoland acquires that site. Chicagoland does not contest these allegations but argues that it proposed a site with reasonable assurance, made in good faith, that it will be available for the intended purpose. In support of its position Chicagoland states: (a) That Essaness intends to move its antenna and transmitter to the Hancock Building when that building becomes ready for the erection of television towers in the fall of 1967; (b) that Essaness has agreed to permit Chicagoland to assume its lease with the owners of the Kemper Building as of the time Essaness moves to the Hancock Building; and (c) that Chicagoland will not need the Kemper Building site before Essaness' contemplated move to the Hancock Building. In support of its contentions Chicagoland submitted a letter agreement between itself and Essaness evidencing Essaness' willingness to allow Chicagoland to assume the unexpired portion of its lease of the Kemper Building site, "if the space is not then needed by Essaness * * * and subject to the approval of the lessor and the FCC,"[1] and a letter from the rental agent of the Kemper Building advising Chicagoland that if Essaness moves, they would consider an arrangement whereby Chicagoland could occupy the site.

[1] The letter agreement submitted with the opposition was unsigned. On Aug. 10, 1966, a supplement to its opposition in order to submit a signed copy of the agreement. Chicagoland's motion will be granted.

4. From the foregoing facts it is evident that the availability of Chicagoland's proposed antenna site is conditioned upon completion of the Hancock Building;[2] Esseness' move to the Hancock Building; and Commission approval of the relocation of Essaness' transmitter and antenna sites to that building. Livingston's testimony indicates Chicagoland has no alternative antenna site and that it would not be able to commence operations as proposed in its application until Essaness moves from the Kemper Building. Because of the serious questions raised by these contingencies the Board sees no alternative but to add the site availability issue.

5. Our addition of the site availability issue obviates the need for an issue to determine whether Chicagoland's application is of a contingent nature since, as noted by the Broadcast Bureau,[3] the failure of Chicagoland to prevail on the site availability issue would result in the denial of its application.

6. Federation's request for misrepresentation and ineptness issues is based on its contentions: (a) That Chicagoland's partners gave inconsistent testimony in response to questions whether Chicagoland proposed an arrangement whereby it would "stack" its antenna with that of Essaness, and whether it had ever received a cost estimate for such a stacked antenna; (b) that Chicagoland failed to disclose its application was of a contingent nature;[4] (c) that Chicagoland's partners were lacking in candor when they stated that RCA's deferred payment letter of June 17, 1966, included $20,000 for the installation of the stacked antenna, since the quotation letter from the rigging company giving the $20,000 estimate is dated June 20, 1966; (d) that Chicagoland failed to advise the Commission of its plan to rely on a stacked antenna; (e) that Chicagoland failed to include in its cost estimate the erection and installation of its antenna (as proposed in its application); and (f) that Chicagoland did not comply with section II paragraph 22 of FCC Form 301 when it failed to submit a copy of the Essaness lease assumption agreement with its application.

7. We have reviewed these allegations in light of the responsive pleadings and the record, and are of the opinion that addition of the misrepresentation and ineptness issues is not warranted. At a hearing session held in May 1966, Davis indicated considerable uncertainty as to what Chicagoland's antenna proposal would be if it received a construction permit prior to the time Essaness moved from the Kemper Building. Counsel for Chicagoland stated on the record that under such circumstances Chicagoland would install its antenna as originally proposed in its application and would mount the Essaness antenna above it in a stacked arrangement. Subsequently, on July 24, 1966, Livingston testified that based on his earlier conversations with Essaness' president he thought Chicagoland would be able to share the Kemper Building facilities but that it was later determined that such an interim arrangement would not be necessary. There is no evidence contradicting Chicagoland's claim that the stacked antenna arrangement was only a contingent plan and that it was discarded between the time Davis testified and the time of Livingston's testimony. Viewed in this light there is no material inconsistency between the partners' testimony concerning Chicagoland's plan for a stacked antenna.

8. At the May 17, 1966, hearing session it was discovered that Chicagoland had failed to include the cost of installing its antenna (as proposed in its application) in its preoperation expenses. On May 18, 1966, Davis testified that on the previous evening he contacted RCA and obtained a cost estimate of $20,000 which he believed included the stacked antenna. Subsequently, Livingston testified that Chicagoland had never obtained a cost estimate for the stacked antenna from RCA, but that at RCA's suggestion this cost was obtained from a rigging company and added to the RCA equipment letter dated June 17, 1966.[5] Chicagoland admits the existence of some inconsistency in the testimony of its partners but maintains that it resulted from a misunderstanding on the part of Davis, who thought the original $20,000 estimate from RCA included the stacked antenna, and that Chicagoland never intended to deceive the Commission. While the record evidences some confusion on the part of Chicagoland's partners regarding the antenna cost estimates, we do not believe these deficiencies to be of such magnitude or made with deceptive purposes as to warrant the addition of either a misrepresentation or an ineptness issue.[6]

Accordingly, it is ordered, This 29th day of September 1966, that the motion for leave to file supplement to opposition to enlarge issues, filed August 10, 1966, by Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., is granted; and

[2] The record contains a letter from Sudler & Co., rental agents for the Hancock Building, which states that the building will be available on or about Jan. 1, 1968.

[3] Chicagoland's argument that it will not need the Kemper Building site until 1968 is premised upon its projection of the duration of this proceeding and fails to take into account any possibility of a disposition thereof prior to 1968.

[4] The Bureau supports Federation's request for a site availability issue, but believes that the evidence does not support addition of the misrepresentation and ineptness issues.

[5] Whether Chicagoland's application is contingent is dependent in large measure upon the resolution of the site availability issues and until that is determined, this allegation cannot serve as a basis for the addition of the other issues.

[6] This information was obtained on June 17, 1966 and conveyed to RCA on that date. Subsequently, the rigging company confirmed the estimate in a letter dated June 20, 1966. The foregoing explains the alleged lack of "candor" charged by Federation.

[7] We agree with Chicagoland that par. 22 of sec. II, FCC Form 301 pertains to the disclosure of contracts relating to the ownership and control of proposed stations and does not require the disclosure or submission of agreements pertaining to proposed antenna sites.

It is further ordered, That the petition to enlarge issues filed July 18, 1966, by Chicago Federation of Labor and Industrial Union Council, is granted to the extent indicated herein, and is denied in all other respects; and that the issues in this proceeding are enlarged by addition of the following issue:

To determine whether there is reasonable assurance that the antenna site proposed by Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., will be available for its proposed use.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[10]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66–10835; Filed, Oct. 4, 1966; 8:51 a.m.]

[Docket Nos. 16340, 16341; FCC 66R–372]

EDGEFIELD-SALUDA RADIO CO. (WJES) AND WQIZ, INC. (WQIZ)

Memorandum Opinion and Order Enlarging Issues

In re applications of Franklin D. R. McClure, Jessie Claude Casey, James H. Satcher, and Van E. Edwards, Jr., doing business as the Edgefield-Saluda Radio Co. (WJES), Johnston, S.C.; Docket No. 16340, File No. BP–16489; WQIZ, Inc. (WQIZ), Saint George, S.C.; Docket No. 16341, File No. BP–16625; for construction permits.

1. Each of the above applicants presently operates an AM station in its respective community. Each is seeking herein a change of frequency (to 810 kc/s) and increased power. The applications are mutually exclusive, and the principal issue designated is which of the two should be preferred under section 307(b) of the Act. The designation order was released on December 8, 1965; evidentiary hearings were held on March 8 and 9, 1966; the record was closed on the latter date; and, on June 6, 1966, the Hearing Examiner released an initial decision, FCC 66D–30, proposing to grant the application of WQIZ, Inc. (WQIZ), and deny the application of the Edgefield-Saluda Radio Co. (WJES).

2. On May 31, 1966, prior to the release of the initial decision but well after the record was closed, WJES filed the subject petition to enlarge issues.[1] This petition,[2] filed more than 5 months after designation and more than 2 months after the closing of the record, is clearly late. Moreover, as urged by WQIZ and the Broadcast Bureau, petitioner's showing of good cause for its tardiness is wholly unpersuasive since it is clear to the Board that with the exercise of due diligence, petitioner could have obtained its "newly discovered" evidence shortly after January 20, 1966, when the hearing exhibits were exchanged. Accordingly, no portion of the petition may be granted unless the likelihood of proving the respective allegations therein is so substantial as to outweigh the public interest benefits inherent in the orderly and fair administration of the Commission's business. Cf. West Central Ohio Broadcasters, Inc., FCC 66R–344, released September 8, 1966.[3] It is stressed at the outset that petitioner's burden in the instant case is a heavy one; this is so not only because of the lateness of the petition, but also because additional issues would be warranted only if they are of a disqualifying nature. Thus, the principal question here is which of two communities is more deserving of the facilities sought; consequently allegations not going to matters disqualifying in nature are irrelevant to the disposition of the proceeding.

3. In all, petitioner seeks the addition of six factual issues against WQIZ, most of which have "character" overtones. In general, petitioner requests issues to determine whether its opponent has (a) made misrepresentations and failed to disclose material facts; (b) prosecuted the subject application in bad faith; (c) operated Station WQIZ at substantial variance from the operation represented to the Commission; (d) operated Station WQIZ in a manner inimical to the town of St. George, S.C.; and (e) operated Station WQIZ unattended contrary to the provisions of § 73.93 of the rules. Additionally, petitioner seeks a technical issue concerning WQIZ's antenna system. The requested issues will be treated seriatim.

4. In contending for an issue to determine whether WQIZ has been operating "inimicable to the interests of the town of St. George, S.C.," petitioner relies upon (a) various copies of articles and editorials from the Times, a weekly newspaper owned by Clarence E. Jones, the president and sole owner of WQIZ; and (b) two letters, signed by Jones, from the face of which it can be contended that Jones bears certain religious prejudices. As to (a), as pointed out by the Broadcast Bureau in its comments, no showing has been made that WQIZ has discriminated against local merchants either in the allotment of broadcast time or in the assessment of charges for services; that WQIZ has broadcast programs or editorialized in a manner defamatory to the members of any religious or racial group; or that WQIZ has not afforded opportunity for the presentation of opposing viewpoints on controversial matters. Nor are there any factual allegations, supported by affidavits of persons with knowledge, that WQIZ is not meeting the needs and interests of the residents of St. George.[4] As to (b), Jones, in an affidavit submitted with WQIZ's opposition, states that he wrote the letters submitted by WJES when overly tired and under an emotional strain, that he regrets these actions, and that he harbors no feelings of prejudice or religious bigotry. This explanation is accepted by the Board.

5. Despite the admonition of section 1.65 of the Rules requiring applicants to submit amendments within 30 days if the information contained in the application is no longer substantially accurate, WQIZ has failed, WJES contends, to report substantial and significant changes in the WQIZ operation. Although WQIZ's application states that it has and will have a staff consisting of six fulltime employees and one part time employee, WQIZ has reduced its staff to one fulltime employee—Jones—and one part time employee. This fact was discovered, WJES states, by Franklin D. R. McClure, a partner in WJES, on a visit to St. George on May 11, 1966. With respect to hours of operation, WJES alleges that although WQIZ's application indicates that the hours of operation will be the same as that shown in the WQIZ license—from local sunrise to local sunset—during the months of March and April 1966, WQIZ went off the air at 4 p.m. each day, thus denying the locality of an outlet during an important part of the broadcast day. WJES also alleges that significant changes in WQIZ's programing have been unreported to the Commission. It points out that the WQIZ application states that there will be no change in programing from that originally proposed for its present facilities, and that the original application indicates that its wire presentations would total 13.13 percent. In addition WQIZ indicated in that application that it had a contract with United Press International Teletype News Service. However, WJES states, McClure, on a visit to St. George on April

[10] Board Member Pincock dissenting.

[1] The following pleadings are also before the Board: (a) Opposition, filed on July 15, 1966, by WQIZ; (b) Broadcast Bureau's comments, filed on July 15, 1966; (c) reply to (b), filed on Aug. 3, 1966, by WQIZ; and (d) reply to (a) and (b), filed on Aug. 4, 1966, by WJES.

[2] Although WJES has not labeled its petition a petition to reopen the record, a request for such relief—in light of the closing of the record—is inherent in its request for enlargement of the issues.

[3] In the past where petitions were filed late and no good cause was shown, the Board has often followed a practice of denying the petition on procedural grounds and, where appropriate, allowing the relief requested on the Board's own motion. We believe it would improve and expedite our disposition of these untimely petitions to modify this approach and, in cases where the public interest demands that the merits of such a deficient petition be considered, to initiate a practice of considering the late-filed petition to the extent that serious public interest questions are raised. However, we will act favorably on such petitions only when the petition satisfies the likelihood test set forth above. As stated in Valley Telecasting Co. v. FCC, 118 U.S. App. D.C. 410, 336 F. 2d 914, 917 (1965), wherein the court of appeals indicated that allegations of injury to the public could be measured by a more exacting standard if such allegations were not raised at an appropriate stage of the proceeding, "[o]rderliness, expedition, and finality in the adjudicatory process are appropriate weights in the scale, as reflecting a public policy which has authentic claims of its own."

[4] In response to the above charges, WQIZ submitted a list of various public service programs broadcast by the station and a list of numerous organizations and groups for which WQIZ has broadcast non-commercial spot announcements. WQIZ also submitted a statement signed by 30 St. George businessmen expressing support for the station.

14, 1966, determined that no wire programing was being carried on Station WQIZ, and McClure "has reason to believe" that this situation existed for at least several months before March 1966; moreover, it is contended, WQIZ's news programs consisted only of reading from a Charleston, S.C., newspaper. Further lack of candor by WQIZ is shown, WJES asserts, by the length of time it took for WQIZ to inform the Commission of certain changes in the antenna ground system of its station. WQIZ's original application, which was granted on April 19, 1962, indicated that WQIZ was to utilize easements and place the ground system on land adjacent to that owned by Jones. An easement for the land was obtained on August 14, 1961, but on August 19, 1961, this easement was released and Jones agreed to remove his ground wires from the property; in June of 1964, Jones advised the Commission that he was utilizing a ground system within the WQIZ property. An affidavit from McClure attests to personal knowledge of the foregoing facts.

6. In response to these allegations, Jones, in his affidavit, concedes that the station no longer has a six-man staff, but states that it is his "hope and expectation" that if the subject application is granted, the staff will be enlarged to its previous size. Jones also concedes that WQIZ does not presently have teletype news services, but states that he continues to propose such news service if his application is granted. With respect to WQIZ's ground system, Jones states that the release of easement was executed simply to protect the owner of the property, that it was never exercised, that the location of the ground system was as shown in the application, and that when the ground system was subsequently moved, it was done pursuant to Commission consent.

7. No showing has been made that WQIZ's ground system was moved without Commission consent, and Jones' explanation of the release of easement is adequate. However, WQIZ neither denies nor explains the allegations concerning the reduction of its hours of operation. With regard to its staff and programing, while WQIZ apparently intends to operate in the manner proposed in its application, there have been significant changes in past and existing operations which WQIZ has failed to report. There is no indication of when these changes occurred or how long they have been in effect. Commission policy requires licensees to report significant changes in programing. Report and order, FCC 65–686, 5 RR 2d 1773, 1776. Additionally, since WQIZ's application makes specific representations with regard to its existing and proposed operations, serious questions are raised as to whether WQIZ has failed to comply with § 1.65 of the rules. Moreover, if these changes had already been made at the time WQIZ filed its subject application, a question of misrepresentation would be present. Issues inquiring into these matters appear warranted and will therefore be added.

8. WJES alleges that WQIZ's 810 kc/s proposal appears to be designed as an inducement for profitable sale rather than operation. In support of this allegation, WJES submitted a "notice of private sale," signed by Jones, wherein reference to its pending application is made, and a letter, signed by Jones on January 22, 1966, to a prospective buyer which also mentions the pending application. The Broadcast Bureau, in its comments, supports the addition of a trafficking issue, contending that a clause in the notice of private sale which states that the "contract is binding on a buyer only if the 5 kw. application is approved" conditions the sale on the outcome of the instant proceeding, and raises substantial questions as to whether Jones intends to construct the proposed facilities and whether he has prosecuted the pending application for the purpose of selling the station at an increased price. Jones, in his affidavit, concedes that he has, in the past, attempted to sell Station WQIZ. However, Jones points out that he has owned the station for over three years, and states that the subject application was not filed for the purpose of selling the station, that the existence of the application had no connection with the proposed sale, and that he has discontinued his efforts to sell the station. In its reply, WQIZ states that the language contained in the notice of sale, relied upon by the Bureau, refers only to the contract for the purchase of new equipment, not the contract for the sale of the station.

9. The Board agrees with the Bureau that if a substantial question were raised as to whether WQIZ filed the subject application merely for the purpose of selling the station at an enhanced price, a trafficking issue would be warranted. See Edina Corp., FCC 66R–238, 4 FCC 2d 36, 61. However, there is no allegation, supported by affidavits of persons with knowledge, that Jones intended to sell the station at the time he filed the application or that WQIZ does not intend to construct its proposed facilities and operate thereon indefinitely. The mere fact that Jones attempted to sell the station and mentioned the subject proposal while the application was pending is not sufficient to raise questions as to his intent in applying for improved facilities, particularly in view of Jones' unequivocal denial that the subject application had anything to do with the attempt to sell the station, and the fact that he no longer has the station on the market.[8] Cf. Central Broadcasting Corporation, FCC 66R–117, 3 FCC 2d 115.

10. WJES alleges that Station WQIZ is being operated completely unattended, contrary to the Commission's rules. WJES states that on May 11, 1966, Jones met McClure at a restaurant, and gave him a guided tour of the station; that during that tour McClure saw no other person at the station except Jones' wife, who unlocked the door and entered the building, presumably to make a half-hourly reading; that Jones told McClure that the station was being operated by "automation," from 3 to 5 p.m.; and that during the tour, Jones turned on the lights in the control room and turned them off when the two departed. Jones, in his affidavit, denies the allegation that WQIZ has been operated on an unattended basis, contending that the studio and transmitter of WQIZ are located in the same building with the residence of Jones and wife; that, although McClure did not see her, Mrs. Jones was in the building monitoring the station from the control room and was never outside the building;[9] and that although Jones turned off lights in certain rooms, the lights in the transmitter and control rooms, which are adjacent to each other, were left on so that Mrs. Jones could properly perform the duties of an operator. McClure, in an affidavit submitted with WJES's reply, again states that the lights in the control room were turned off and Mrs. Jones was not in the room.

11. Section 73.93 of the Commission's rules requires a licensed operator to be in charge of the transmitting apparatus and to be on duty at the transmitter location, if remote control is not authorized. The affidavits submitted are conflicting as to whether this rule was being complied with. In view of this conflict and because of the interrelationship of this matter and the allegations concerning WQIZ's programing and staffing changes, hearing issues to determine whether WQIZ has operated unattended will be added.

12. WJES asserts that WQIZ will not be able to achieve the minimum radiation efficiency of 175 mv/m per 1 kilowatt of power, as required by § 73.189 of the rules. In support of this contention, petitioner submitted an engineering affidavit to the effect that the proposed WQIZ antenna is capable of radiating no more than 171.5 mv/m per kilowatt. In response, WQIZ submitted an engineering affidavit showing that the antenna would develop a field of 174 mv/m or 175.2 mv/m, depending upon which of the petitioner's two estimated no-loss field strengths are used. As pointed out by the Bureau in its comments, the designation order contains a condition requiring that before program tests are authorized, WQIZ shall submit sufficient field intensity measurement data to establish that the proposed antenna system complies with the minimum efficiency requirements of section 73.189 of the rules. Thus, the Commission was aware of this problem at the time of designation. Moreover, even if petitioner's contention that WQIZ's proposed antenna system would only develop 171.5 mv/m is accurate, the amount of departure is only 2 percent below the minimum required field, and it is not beyond the realm of possibility that the minimum value can be attained, depending upon the manner in which the antenna system is constructed and adjusted.

[8] The Board agrees with WQIZ that the notice of sale did not make the sale of the station conditional on the outcome of the instant proceeding.

[9] Mrs. Jones, in an affidavit, substantiates these allegations.

13. WJES contends that the burden of proceeding with the introduction of evidence and the burden of proof should be placed upon WQIZ with regard to any added issues. Since the pertinent information raised by the issues added herein is peculiarly within the knowledge of WQIZ, it will be given the burden of proof on these issues. However, since the additional issues relate to serious questions of conduct and resulted from charges made by WJES, WJES will have the burden of proceeding with the initial presentation of evidence. See D & E Broadcasting Co., 1 FCC 2d 78, 5 RR 2d 475 (1965); and Elyria-Lorain Broadcasting Co., FCC 65–857, 6 RR 2d 191 (1965).

Accordingly, it is ordered, This 28th day of September 1966, That the petition of the Edgefield-Saluda Radio Co. to enlarge hearing issues, filed on May 31, 1966, is granted to the extent indicated herein, and denied in all other respects; that this proceeding is remanded to the Hearing Examiner for a reopening of the record, further hearing, and the preparation of a supplemental initial decision consistent with this opinion; and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether there has been with respect to Station WQIZ (and, if so, the attendant facts and circumstances) unattended operation, reduction in hours of operation, reduction in staff, and/or substantial changes in programing of WQIZ; and to determine in connection therewith whether WQIZ, Inc., has misrepresented its operation to the Commission in its application, pleadings or testimony, has failed to report significant changes in operation contrary to the provisions of § 1.65 of the rules and/or the Commission's policy requiring licensees to report substantial changes in programing, and/or has operated Station WQIZ in a manner contrary to the provisions of § 73.93 of the Commission's rules;

(b) To determine in light of the evidence adduced under the foregoing issue, whether WQIZ, Inc., possesses the requisite qualifications to be a Commission licensee.

It is further ordered, That the Edgefield-Saluda Radio Co. is directed to proceed with the initial presentation of evidence with respect to the issues added herein, WQIZ, Inc., then to proceed with the introduction of its evidence and to have the burden of proof with respect to the added issues.

Released: September 28, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–10836; Filed, Oct. 4, 1966; 8:51 a.m.]

[7] Board Member Kessler concurring in the result only and Board Member Nelson absent.

[Docket Nos. 16340, 16341; FCC 66M–1310]

EDGEFIELD-SALUDA RADIO CO. (WJES) AND WQIZ, INC. (WQIZ)

Order Scheduling Prehearing Conference

In re applications of Franklin D. R. McClure, Jessie Claude Casey, James H. Satcher, and Van E. Edwards, Jr., doing business as the Edgefield-Saluda Radio Co. (WJES), Johnston, S.C.; Docket No. 16340, File No. BP–16489; WQIZ, Inc. (WQIZ), Saint George, S.C.; Docket No. 16341, File No. BP–16625; for construction permits.

The Hearing Examiner having under consideration the memorandum opinion and order of the Review Board in the above-entitled proceeding, released September 28, 1966 (FCC 66R–372), remanding the proceeding to the Hearing Examiner for reopening of the record, further hearing on enlarged issues, and preparation of a supplemental initial decision;

It is ordered, This 29th day of September 1966, that the record herein is hereby reopened and that a prehearing conference is hereby scheduled to convene at 10 a.m., October 14, 1966, at the Commission's offices, Washington, D.C.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–10837; Filed, Oct. 4, 1966; 8:51 a.m.]

[Docket No. 16889; FCC 66–863]

HAWAIIAN PARADISE PARK CORP. AND FRIENDLY BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of Hawaiian Paradise Park Corp. (Assignor); and Friendly Broadcasting Co. (Assignee); Docket No. 16889, BALCT–293, BALTS–185; for assignment of licenses of Stations KTRG–TV and KUT–67, Honolulu, Hawaii.

At a session of the Federal Communications Commission held at its office in Washington, D.C., on the 28th day of September 1966.

1. The Commission has before it the above application as amended. It requests the assignment of the license of Station KTRG–TV, Honolulu, Hawaii, from the Hawaiian Paradise Park Corp. to the Friendly Broadcasting Co.

2. Examination of the application indicates that the assignee proposes a major change in the program format to that of a substantial amount of Japanese programing with a limited amount of other foreign language programing. This proposal raises a number of substantial and material questions of fact to be resolved by the hearing which we are ordering. Some of these questions are:

(1) The adequacy of the assignee's survey to support the proposed programing.
(2) The need and interest of the station's principal community and service area for the proposed programing.

3. There are other questions to be resolved at the hearing. Such an application presents difficult problems of control and supervision. In this regard, we note that the Eaton stations have a history of rule violations, and that this history raises a question of the adequacy of the supervision and control of the operation of the Eaton stations.

4. In light of this past history and of the proposed programing at KTRG and of the distance of the facility from Eaton's principal business address (Washington, D.C.), substantial and material questions of fact remain as to the assignee's proposals for control and supervision of the KTRG television facilities.

5. The Commission finds that except as indicated by the issues specified below, the assignee is legally, technically, and financially qualified to operate Station KTRG as proposed. However, in view of the outstanding substantial and material questions of fact previously mentioned, the Commission is unable to find that a grant of the aforementioned application would serve the public interest, convenience and necessity and is of the opinion that the application must be designated for hearing on the issues set forth below.

6. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the adequacy of the assignee's survey of needs and whether this survey of needs supports the assignee's proposed programing.

2. To determine the adequacy of assignee's proposed measures for control and supervision at KTRG.

3. To determine whether a grant of the above application will serve the public interest, convenience, and necessity.

It is further ordered, That to avail itself of the opportunity to be heard, the applicants herein, pursuant to § 1221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of

such notice as required by § 1.594(g) of the rules.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10838; Filed, Oct. 4, 1966; 8:51 a.m.]

[Docket No. 16663; FCC 66M-1303]

LAMAR LIFE INSURANCE CO.

Order Scheduling Prehearing Conference

In re applications of Lamar Life Insurance Co., Docket No. 16663, File No. BRCT-326; for renewal of license of television station WLBT and auxiliary services, Jackson, Miss.

Upon the Hearing Examiner's own motion; *It is ordered*, This 29th day of September 1966, that there will be a prehearing conference in this proceeding on October 10, 1966, 9:00 a.m., in the Commission's Offices, Washington, D.C.

Released: September 29, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10839; Filed, Oct. 4, 1966; 8:51 a.m.]

[Docket Nos. 16301, 16312; FCC 66M-1309]

SAWNEE BROADCASTING CO. (WSNE) AND HALL COUNTY BROADCASTING CO. (WLBA)

Order Scheduling Further Prehearing Conference

In re applications of John T. Pittard, trading as Sawnee Broadcasting Co. (WSNE), Cumming, Ga.; Docket No. 16301, File No. BP-16375; Ernest H. Reynolds, Jr., trading as Hall County Broadcasting Co. (WLBA), Gainesville, Ga.; Docket No. 16312, File No. BP-16606; for construction permits.

A further prehearing conference in the above-entitled proceeding will be held on Thursday, October 13, 1966, beginning at 9 a.m., in the offices of the Commission, Washington, D.C.

The matters to be considered will include but will not be limited to (1) the type and scope of the exhibits which Hall County Broadcasting Co. (WLBA) will offer in response to the financial issues adopted by the Review Board in its corrected memorandum opinion and order adopted September 22, 1966, released September 27, 1966; (2) the date for the exchange of such exhibits; and (3) the date for further evidentiary hearing.

[1] Commissioner Hyde dissenting and Commissioner Lee absent.

It is so ordered, This the 29th day of September 1966.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-10840; Filed, Oct. 4, 1966; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-49; 1st Supp. Order]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Household Goods Investigation

By order of August 23, 1966, the Commission on its own motion instituted an investigation to determine whether the rates maintained by the North Atlantic Mediterranean Freight Conference and its member lines on the movement of household goods for the Department of State in relation to those applicable to the movement of household goods shipped in the Conference trade by the military are contrary to sections 16, 17, and 18(b)(5), Shipping Act, 1916; and whether the maintenance of such rates and the failure of the Conference and its member lines to act upon the request of the Department of State for rate adjustments constitute a violation of section 15 of said Act.

On August 26, 1966, the Waterman Steamship Corp. was admitted to membership in the North Atlantic Mediterranean Freight Conference and on that date the Conference tariff was revised to name said carrier as a participant therein.

Now therefore it is ordered, That the Waterman Steamship Corp., 19 Rector Street, New York, N.Y. 10006, be named as a respondent in this proceeding, that notice of this order be published in the FEDERAL REGISTER and that a copy thereof and all other notices in this proceeding be served upon all respondents.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 66-10812; Filed, Oct. 4, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CS67-1—CS67-3]

J. C. BARNES OIL CO., ET AL.

Findings and Order

SEPTEMBER 27, 1966.

J. C. Barnes Oil Co. (Operator), Docket No. CS67-1; Adobe Oil Co., Docket No. CS67-2; and Leonard Latch, et al., Docket No. CS67-3; findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, severing and terminating proceeding, and canceling FPC gas rate schedules.

Each Applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications and in the Appendix hereto.

Applicants' presently effective certificates and FPC gas rate schedules for sales from the Permian Basin area to be continued under small producer certificates are listed in the Appendix hereto. The certificates will be terminated and the rate schedules canceled.

Applicant in Docket No. CS67-1 proposes to continue a sale made pursuant to J. C. Barnes (Operator), et al., FPC Gas Rate Schedule No. 4 which was heretofore unconditionally authorized to be made at a rate in excess of the area base rate prescribed in Opinion No. 468. J. C. Barnes filed a notice of change in rate under his FPC Gas Rate Schedule No. 4 which change is suspended in Docket No. RI63-296.[1] Applicant in Docket No. CS67-3 has heretofore filed an increase in rate under his FPC Gas Rate Schedule No. 1 which was suspended in Docket No. RI60-328[2] and is effective subject to refund. The proceeding in Docket No. RI63-296 will be terminated and Applicants' other rate proceeding will remain pending.

After due notice no petition to intervene, notice of intervention or protest to the granting of the applications has been received.

At a hearing held on September 22, 1966, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon commencement of service under the authorization hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein and in the Appendix hereto, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) Applicants are or will be independent producers of natural gas who are not affiliated with natural gas pipeline companies and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10 million Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants for sales of natural gas from the Permian Basin, which sales will be continued under the small producer certificates issued hereinafter should be terminated, and the related FPC gas rate schedules should be cancelled.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI63-296 should be severed from the proceeding on the order to show cause issued August 5, 1965, in Docket No. AR61-1, et al., and terminated.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Applicants from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the Appendix hereto and in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission, and particularly.

(a) The subject certificates shall be applicable only to all previous and all future "small producer sales," as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, from the Permian Basin area,

(b) Sales shall not be at rates in excess of those set forth in § 157.40(b)(1) of the regulations under the Natural Gas Act, and

(c) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms and conditions of this order is observed, the small producer certificates will still be effective as to those sales already included thereunder.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The certificates issued herein shall be effective on the date of this order.

(F) The proceeding pending in Docket No. RI63-296 is severed from the proceeding on the order to show cause issued August 5, 1965, in Docket No. AR 61-1, et al., and terminated.

(G) The issuance and termination of certificates and the cancellation of rate schedules herein shall not relieve Applicants from compliance with orders which have been or may by issued in Applicants' pending rate proceedings and in Docket Nos. AR 61-1, et al., including refund obligations, and from the submission of refund reports for sales made at rates in excess of the applicable area base rates between September 1, 1965, and the date of this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule No.	Terminated certificate docket No.
CS67-1 7-25-66	J. C. Barnes Oil Co. (Operator).	13 14	G-7103,[3] G-14334.[4]
CS67-2 7-20-66	Adobe Oil Co.		
CS67-3 7-5-66	Leonard Latch, et al.	11	G-19443.

[1] On file as J. C. Barnes, et al., FPC Gas Rate Schedule No. 3.
[2] Certificate issued to J. C. Barnes, et al.
[3] On file as J. C. Barnes (Operator), et al., FPC Gas Rate Schedule No. 4. An increased rate under this rate schedule is suspended in Docket No. RI63-296.
[4] Certificate issued to J. C. Barnes (Operator), et al.
[5] An increased rate under this rate schedule is in effect subject to refund in Docket No. RI60-328.

[F.R. Doc. 66-10767; Filed, Oct. 4, 1966; 8:45 a.m.]

[Docket No. CP67-67]

CITIES SERVICE GAS CO.

Notice of Application

SEPTEMBER 27, 1966.

Take notice that on September 19, 1966, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP67-67 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a gas pipeline, the installation and operation of metering, regulating, and other appurtenant facilities, and the sale and delivery of natural gas to the Gas Service Co. (Gas Service) for resale and distribution by Gas Service to consumers in and about the cities of Ash Grove, Walnut Grove, and Willard, Mo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to tap its 16-inch pipeline in the NE¼ of sec. 22, T. 28 N., R. 23 W., Greene County, Mo.; to construct and operate approximately 27 miles of 6- and 4-inch pipeline from the tap location to the vicinity of the communities to be served; to install and operate metering, regulating, and appurtenant facilities at three locations along this pipeline and to there sell and deliver gas to Gas Service for such resale and distribution.

The third year peak day and annual natural gas requirement is estimated to be 968 Mcf and 108,500 Mcf, 14.73 p.s.i.a., respectively.

The total estimated cost of the proposed facilities is $469,400, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure,

a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10768; Filed, Oct. 4, 1966; 8:45 a.m.]

[Docket No. CP67-74]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 28, 1966.

Take notice that on September 21, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-74 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities necessary to augment certain existing facilities utilized for the receipt and transportation of gas in the Wasson area of Yoakum County, Tex., as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant states that the proposed facilities will implement the receipt and utilization at its Wasson plant of an additional 33 M^3 cf d of gas under an amended contract between Applicant and Shell Oil Co. and Coltexo Corp.

The facilities for which Applicant seeks certificate authorization to construct and operate consist of approximately 1.1 miles of 20-inch O.D. pipeline, 0.6 mile of $10^3/_4$-inch O.D. pipeline, one (1) 20-inch O.D. and one (1) $10^3/_4$-inch O.D. check meter. Applicant also proposes to construct and operate, under authority of § 2.55(a) of the Commission's general policy and interpretations, additional purification and dehydration facilities to provide an increase of 33 M^3 cf d design inlet capacity in its existing Wasson plant.

The total estimated cost of Applicant's proposed construction is $3,010,559, and will be financed out of working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10769; Filed, Oct. 4, 1966; 8:45 a.m.]

[Docket No. CP67-68]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

SEPTEMBER 27, 1966.

Take notice that on September 19, 1966, Humble Gas Transmission Co. (Applicant), 1700 Commerce Building, New Orleans, La., filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of facilities for the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate two measuring stations for the receipt and transportation of natural gas to be purchased from Petroleum Management, Inc., produced from the Buckner Field, Richland Parish, La., and Joe G. Strahan, produced from the Richland Field Area in Richland, Caldwell, Ouachita, and Franklin Parishes, La.

The total estimated cost of the proposed facilities is $3,547, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10770; Filed, Oct. 4, 1966; 8:45 a.m.]

[Docket No. CP67-66]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

SEPTEMBER 27, 1966.

Take notice that on September 19, 1966, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP67-66 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by §157.7(b) of the regulations under the act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct during the calendar year 1967 and operate meter stations, lateral pipelines, and taps on Applicant's existing natural gas transmission system to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from an independent producer or other similar seller authorized by the Commission to make a sale to the Applicant for resale in interstate commerce.

The application states that the facilities for which authorization is sought are required in order to enable Applicant to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various areas located in the vicinity of its system.

Total estimated cost of Applicant's proposed construction is not to exceed $2,000,000 with no single project expenditure to exceed $500,000, and will be financed with funds on hand for construction.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10771; Filed, Oct. 4, 1966; 8:45 a.m.]

[Docket No. RP67-10]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

SEPTEMBER 27, 1966.

Pursuant to § 2.59 of the Commission's rules (18 CFR 2.59), notice is hereby given that on September 23, 1966, Texas Gas Transmission Corp. filed stipulation as to rates which reflect its proposed changes reducing rates and charges in each rate schedule presently in effect. The proposed decrease aggregates approximately $4,238,000 based upon estimated 1966 billing quantities and represents primarily the reduction in Federal income tax resulting from the company's flow-through of its use of liberalized depreciation as a tax deduction. The reduced rates are proposed to become effective October 1, 1966.

The stipulation also provides for filing of net rate reductions by Texas Gas to give effect to reductions in the rates of its suppliers, effective on October 1, 1966, and for flow-through of refunds received from its suppliers.

The stipulation further provides that Texas Gas will not effectuate an increase in any of the jurisdictional rates being reduced herein prior to July 1, 1968, after statutory suspension, if any.

Copies of the proposed rate changes and the agreement have been served by Texas Gas upon its customers and State Commissions.

Comments may be filed with the Commission on or before October 20, 1966.

JOSEPH H. GUTRIDE,
Secretary.

F.R. Doc. 66-10772; Filed, Oct. 4, 1966; 8:45 a.m.]

[Docket No. CP67-71]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

SEPTEMBER 28, 1966.

Take notice that on September 19, 1966, Texas Gas Transmission Corp. (Applicant), 3800 Frederica Street, Owensboro, Ky., filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of facilities in Haywood County, Tenn. for the transportation in interstate commerce for sale for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate one side valve and a positive meter in Haywood County, Tenn., which will establish a new delivery point for an existing customer, the city of Brownsville, Tenn. (Brownsville), for resale in the community of Providence, Haywood County, Tenn. (Providence).

The estimated annual and peak day requirements for Providence are 1,800 Mcf and 20 M-f, respectively. The application states that no increase in the contract demand of Brownsville is proposed for this service.

The total estimated cost of the proposed facilities is $2,470, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10773; Filed, Oct. 4, 1966; 8:46 a.m.]

[Docket Nos. CP67-72, CP67-73]

TEXAS GAS UTILITIES CO.

Notice of Application

SEPTEMBER 28, 1966.

Take notice that on September 19, 1966, Texas Gas Utilities Co. (Applicant), Post Office Drawer 521, Corpus Christi, Tex. 78403, filed in Docket No. CP67-72 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing the exportation of natural gas to the Republic of Mexico. Concurrently with the above-mentioned application Applicant filed in Docket No. CP67-73 an application for a Presidential Permit pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the maintenance and operation of facilities to export gas at the international boundary between the United States of America and the Republic of Mexico. The proposals involved are more fully set forth in the aforementioned applications which are on file with the Commission and open to public inspection.

Applicant states that its predecessor in interest, Border Pipe Line Co. (Border), presently sells and delivers natural gas to American Smelting & Refining Co. (American) for exportation pursuant to authority granted both Border and American by the Commission in Docket No. G-228, on October 10, 1942, and maintains and operates facilities to export gas by authority of a Presidential Permit also issued by the Commission in Docket No. G-228 on October 10, 1942. American transports the gas into Mexico for use by its subsidiary, Compania Mineral Asarco, S. A.

Applicant further states that pursuant to an assignment, dated June 29, 1966, Border assigned and conveyed its interest to Applicant in the sale to American.

Applicant specifically seeks authorization to continue the sale and delivery of natural gas to American for exportation to Mexico at a point on the international boundary approximately 7 miles south of Laredo, Tex., as described above. The application states that the natural gas used in the exportation will come from fields in the State of Texas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10774; Filed, Oct. 4, 1966; 8:46 a.m.]

[Docket Nos. CP67-69, CP67-70]

UNITED GAS DISTRIBUTION CO.

Notice of Application

SEPTEMBER 27, 1966.

Take notice that on September 19, 1966, United Gas Distribution Co. (Applicant), Post Office Box 2461, Houston, Tex. 77001, filed in Docket No. CP67-69 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing the exportation of natural gas to the Republic of Mexico. Concurrently with the above application, Applicant has also filed in Docket No. CP67-70 an application for a permit pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the operation and maintenance of facilities on the international border between the United States and Mexico for the exportation of natural gas to Mexico. The proposals involved are more fully set forth in the aforementioned applications which are on file with the Commission and open to public inspection.

Applicant proposes, subject to the approval of the Securities and Exchange Commission, to take over the Distribution Division of United Gas Corp. (United). The application states that on August 9, 1966, Applicant and United entered into a form of purchase agreement wherein United agreed to sell and Applicant agreed to purchase United's Distribution Division, including all properties, records, and contracts pertaining to the exportation of gas for which authorization is here sought.

The application states that United, subsequent to the enactment of the Natural Gas Act in 1938, pursuant to section 3 of said Act, applied for authorization to continue the exportation of natural gas to Compania de Gas Nuevo Laredo, S.A. (CGNL) for sale for resale in the city of Nuevo Laredo, Mexico, which exportation and sale had been conducted by United and the predecessors of United since 1923. The Commission granted authorization in Docket No. G–103 on September 10, 1940 (2 FPC 803). United also applied for and obtained the requisite Presidential permit which was dated July 9, 1940. Subsequently, upon the execution of a new contract between United and CGNL a new authorization and permit were granted on January 26, 1945, 4 FPC 840, and November 29, 1944, respectively, in Docket No. G–103.

Specifically, Applicant proposes to operate and maintain facilities at the international border with Mexico between Laredo, Tex., and Nuevo Laredo, Mexico. Applicant states that all the gas supplies for CGNL will come from fields located in the State of Texas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–10775; Filed, Oct. 4, 1966; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 78]

PORTION OF KINGSBURY ORDNANCE PLANT, LA PORTE, IND.

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Chicago Regional Office, dated June 7, 1966, the property comprising 747.735 acres and 41 buildings, identified as a portion of the former Kingsbury Ordnance Plant, La Porte, Ind., and more particularly described in the conveyance document has been transferred by deed effective June 6, 1966, to the State of Indiana.

2. The above identified property was transferred to the State of Indiana for the use and benefit of the Department of Natural Resources for wildlife conservation purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: September 27, 1966.

CURTIS A. ROOS,
Acting Assistant Commissioner for Property Disposal, Property Management and Disposal Service.

[F.R. Doc. 66–10813; Filed, Oct. 4, 1966; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

SEPTEMBER 28, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 29, 1966, through October 8, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–10791; Filed, Oct. 4, 1966; 8:47 a.m.]

[NY–4393]

FIRST STANDARD CORP.

Order Suspending Trading

SEPTEMBER 28, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of First Standard Corp. otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 29, 1966, through October 8, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–10792; Filed, Oct. 4, 1966; 8:47 a.m.]

[File No. 70–4417]

MISSISSIPPI POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Transfer of Portion of Earned Surplus to Common Capital Stock Account

SEPTEMBER 28, 1966.

Notice is hereby given that Mississippi Power & Light Co. ("Mississippi"), P.O. Box 1640, Jackson, Miss. 39205, an electric utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $7,000,000 principal amount of First Mortgage Bonds, ------ percent Series due November 1, 1996. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust dated September 1, 1944, between Mississippi and Irving Trust Co. and Fredrick G. Herbst (E. J. McCabe, Successor), Trustees, as heretofore supplemented and as to be further supplemented by a Ninth Supplemental Indenture to be dated November 1, 1966.

The net proceeds from the sale of the bonds will be used (i) to retire short-term notes to banks made or to be made by Mississippi as temporary financing of its current construction program, estimated at about $51,900,000 for the year 1966 of which about $37,085,000 has been expended through July 31, 1966, and (ii) for other corporate purposes.

As of July 31, 1966, the earned surplus of Mississippi amounted to $14,413,792. Mississippi proposes to transfer $6,200,000 of its earned surplus to its common Capital Stock Account thereby increasing the stated value of its 3,100,000 outstanding shares of no par common stock from $49,600,000 to $55,800,000.

Fees and expenses relating to the proposed sale of bonds are estimated at $45,000, including legal fees of $17,500 and accountant's fees of $2,500. The fee of counsel for the underwriters, to be paid by the successful bidders, is estimated at $6,000. Fees and expenses which may become payable in connection with the proposed increase in stated capital are expected to be nominal, and no special fees will be paid to regularly retained counsel.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 21, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–10793; Filed, Oct. 4, 1966; 8:47 a.m.]

[812–1999]

NATIONAL AVIATION CORP.

Notice of Filing of Application for Order of Exemption To Permit Purchase of Securities During an Underwriting

SEPTEMBER 28, 1966.

Notice is hereby given that National Aviation Corp. ("Applicant"), 111 Broadway, New York, N.Y. 10006, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the provisions of section 10(f) a proposed purchase by the Applicant at the public offering price of up to $1 million principal amount convertible subordinated debentures due 1986 ("the debentures") which Sanders Associates, Inc. ("the Issuer"), proposes to issue. The proposed purchase is a portion of an offering of $17,500,000 principal amount of debentures expected to be offered to the public as soon as the registration statement on Form S–1 of the Issuer, filed September 13, 1966, shall be made effective pursuant to section 8(a) of the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The firm of Hornblower & Weeks-Hemphill, Noyes will probably be one of the principal underwriters for the issue. Howard E. Buhse, a director of Applicant and a member of the executive committee, is a partner of that firm. Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) if a director of the registered investment company is an affiliate of a principal underwriter of such security. Since one of the Applicant's directors is an affiliated person of one of the principal underwriters offering the debentures, the purchase thereof by the Applicant is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

The Applicant in support of its application asserts that the proposed purchase of the debentures is consistent with Applicant's investment objectives and policies and is not proposed for the purpose of stimulating the market in the debentures or for the purpose of relieving the underwriters of securities otherwise unmarketable, that it will not purchase the debentures from Hornblower & Weeks-Hemphill, Noyes, that the terms of the proposed investment, if consummated, are fair and reasonable, that the amount paid will represent 1.20 percent of the Applicant's assets as of September 9, 1966, and that the investment of the Applicant in all securities of the Issuer will represent approximately 1.95 percent of the Applicant's assets as of September 9, 1966.

Notice is further given that any interested person may, not later than October 10, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–10794; Filed, Oct. 4, 1966; 8:47 a.m.]

[File No. 70–4416]

NEW ENGLAND ELECTRIC SYSTEM, ET AL.

Notice of Proposed Increase in Authorized Amounts of Promissory Notes Issued by Subsidiary Companies to Banks and/or to Holding Company

SEPTEMBER 28, 1966.

Notice is hereby given that New England Electric System ("NEES"), 441 Stuart Street, Boston, Mass. 02116, a registered holding company, and certain of its public-utility subsidiary companies ("the borrowing companies"), namely, Massachusetts Electric Co. ("Mass Electric"), New England Power Co. ("NEPCO"), Central Massachusetts Gas Co. ("Central"), Mystic Valley Gas Co. ("Mystic Valley") and Wachusett Gas Co. ("Wachusett"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, and 12 of the Act and Rules 42(b)(2), 45 and 50(a)(2) and (3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The Commission on February 23, 1966 (Holding Company Act Release No. 15410), authorized the borrowing companies, among other subsidiary companies of NEES, to issue to banks and/or to NEES, not later than December 31, 1966, their short-term notes in a maximum aggregate amount outstanding at any one time of $44,765,000. It is now proposed that the borrowing companies will issue $5 million additional amount of such notes not later than such date, for interim financing of construction expenditures, or reimbursement of their treasuries for expenditures for such purpose, as follows:

Mass Electric	[1] $1,500,000
NEPCO	[2] 3,000,000
Central	[2] 100,000
Mystic Valley	[2] 300,000
Wachusett	[2] 100,000
	$5,000,000

[1] Notes to be issued to: NEES and/or The First National Bank of Boston, Mass.
[2] Notes to be issued to: First National City Bank, New York, N.Y.

Each proposed note will bear interest at not in excess of the prime rate (currently 6 percent per annum) in effect at

the time of issue, will mature on or prior to March 31, 1967, and will be prepayable at any time, in whole or in part, without premium, and in all respects will contain the same terms and conditions as the notes heretofore authorized by the Commission.

Incidental services in connection with the proposed issuance of notes will be performed at actual cost by New England Power Service Co., an associate service company; such cost is estimated not to exceed $200 for each company.

It is stated that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than October 19, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the joint applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10795; Filed, Oct. 4, 1966; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Adamsville Shirt Mfg. Co., Adamsville, Tenn.; 9-8-66 to 9-7-67 (ladies' blouses).

The Arrow Co., division of Cluett, Peabody & Co., Inc., Albertville, Ala.; 9-8-66 to 9-7-67 (men's shirts).

The Bennettsville Co., Division of Florence Manufacturing Co., Inc., 200 Rogers Street, Bennettsville, S.C.; 9-12-66 to 9-11-67; 10 learners (ladies' dresses).

Glenn Berry Manufacturers, Inc., 126 North River Street, Commerce, Okla.; 9-20-66 to 9-19-67 (men's army fatigues).

Gross Galesburg Co., Charlton, Iowa; 9-19-66 to 9-18-67 (men's outerwear jackets).

Industrial Garment Manufacturing Co., Route No. 2, Palestine, Tex.; 9-12-66 to 9-11-67 (men's work pants).

McCoy Manufacturing Co., Inc., Sulligent, Ala.; 9-8-66 to 9-7-67 (men's and boys' slacks).

Henry I. Siegel Co., Inc., Fulton, Ky.; 9-24-66 to 9-23-67 (men's and boys' pants).

Stapleton Garment Co., Stapleton, Ga.; 9-23-66 to 9-22-67 (men's trousers and ladies' slacks).

Levi Strauss & Co., 802½ West Erwin Street, Tyler, Tex.; 9-12-66 to 9-11-67 (men's and boys' jeans).

Vista Slack Corp., 660 L Street, Chula Vista, Calif.; 9-30-66 to 9-29-67 (men's slacks).

Williamson-Dickie Manufacturing Co., Post Office Box 377, Bainbridge, Ga.; 9-12-66 to 9-11-67 (men's and boys' pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

The Arrow Co., Division of Cluett, Peabody & Co., Inc., Albertville, Ala.; 9-8-66 to 3-7-67; 60 learners (men's shirts).

Macon Garment Co., Red Boiling Springs, Tenn.; 9-12-66 to 3-11-67; 80 learners (men's pants).

Prairie Manufacturing Co., East Prairie, Mo.; 9-12-66 to 3-11-67; 20 learners (men's and boys' pants).

Vista Slack Corp., 660 L Street, Chula Vista, Calif.; 9-12-66 to 3-11-67; 10 learners (men's slacks).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended)

Good Luck Glove Co., Rosiclare, Ill.; 9-12-66 to 3-11-67; 100 learners for plant expansion purposes (work gloves).

St. Johnsbury Glovers, Inc., 18 Railroad Street, St. Johnsbury, Vt.; 9-21-66 to 9-20-67; 10 learners for normal labor turnover purposes (knit and leather gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended)

Beauty Maid Mills, Inc., Post Office Box 631, Statesville, N.C.; 9-9-66 to 9-8-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' panties, gowns, and slips).

Sierra Lingerie Co., 300 West 12th Street, Ogden, Utah; 8-25-66 to 2-24-67; 15 learners for plant expansion purposes (ladies' and children's panties).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended)

Bissinger's, Inc., 205 West Fourth Street, Cincinnati, Ohio; 9-6-66 to 1-31-67; 10 learners for plant expansion purposes in the occupation of candy creations assembler, for a learning period of 320 hours at the rate of $1.15 an hour (candy creations).

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below:

Southwestern Union College, Keene, Tex.; 9-7-66 to 8-31-67; authorizing the employment of: (1) 6 student-workers in the printing industry in the occupations of compositor, pressman, bindery worker, camera and plate room technician and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; and (2) 2 student-workers in the clerical occupations of typist, file clerk, bookkeeper, stenographer, timekeeper and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 23d day of September 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66-10789; Filed, Oct. 4, 1966; 8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the statutory minimum of $1.25 an hour.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Crest Stores Co., variety stores from 9-17-66 to 9-16-67: Boone, N.C.; Brevard, N.C.; North Wilkesboro, N.C.

Eagle Stores Co., Inc., variety stores: 222 Sunset Avenue, Asheboro, N.C. (9-15-66 to 9-14-67); 1-11 West Main Street, Martinsville, Va. (9-3-66 to 9-2-67).

W. T. Grant Co., variety stores: 77-85 Congress Street, Rumford, Maine (9-12-66 to 9-11-67); No. 5, New Bedford, Mass. (9-12-66 to 9-11-67); 8 Airport Plaza, Hazlet, N.J. (9-14-66 to 9-13-67); 1113 Washington Pike, Bridgeville, Pa. (9-15-66 to 9-14-67); Crafton-Ingram Shopping Center, Pittsburgh, Pa. (9-16-66 to 9-15-67); 345 Market Street, Sunbury, Pa. (9-3-66 to 9-2-67).

Harry's Food Stores, Inc., food store; 135 Twohig, San Angelo, Tex.; 9-12-66 to 9-2-67.

Harts Super Markets, food store; No. 1, Branson, Mo.; 9-3-66 to 9-2-67.

S. S. Kresge Co., variety stores: No. 305, Chicago, Ill. (9-3-66 to 9-2-67); No. 549, Lansing, Mich. (9-14-66 to 9-13-67); No. 4573, Ypsilanti, Mich. (9-6-66 to 9-5-67); No. 520, Minneapolis, Minn. (9-3-66 to 9-2-67); No. 4567, Cleveland, Ohio (9-16-66 to 9-15-67); No. 644, Dayton, Ohio (9-21-66 to 9-20-67).

McCrory-McClellan-Green Stores, variety stores: No. 1135, Louisville, Ky. (9-3-66 to 9-2-67); No. 1202, Baltimore, Md. (9-16-66 to 9-15-67); No. 664, Lynn, Mass. (9-27-66 to 9-26-67); No. 906, Ypsilanti, Mich. (9-9-66 to 9-8-67); No. 1059, Portsmouth, Ohio (9-6-66 to 9-5-67); No. 317, East York, Pa. (9-14-66 to 9-13-67); No. 325, Fairless Hills, Pa. (9-14-66 to 9-13-67); No. 130, Bristol, Tenn. (9-3-66 to 9-2-67).

Morgan & Lindsey, Inc., variety stores from 9-3-66 to 9-2-67: No. 3090, Arabi, La.; No. 3065, Baton Rouge, La.; No. 3083, Morgan City, La.; No. 3057, New Orleans, La.; No. 3068, New Orleans, La.; No. 3012, Ruston, La.; No. 3086, Sulphur, La.; No. 3060, West Monroe, La.; No. 3084, Hattiesburg, Miss.; No. 3051, Jackson, Miss.; No. 3062, Laurel, Miss.

G. C. Murphy Co., variety stores: No. 134, Baltimore, Md. (9-12-66 to 9-11-67); No. 147, Baltimore, Md. (9-12-66 to 9-11-67); No. 238, Baltimore, Md. (9-12-66 to 9-11-67); No. 267, Baltimore, Md. (9-12-66 to 9-11-67); No. 268, Glen Burnie, Md. (9-12-66 to 9-11-67); No. 271, Bethlehem, Pa. (9-12-66 to 9-11-67); No. 108, Mercer, Pa. (9-13-66 to 9-12-67).

J. J. Newberry Co., variety stores: 11 Dexter Avenue, Montgomery, Ala. (9-8-66 to 9-7-67); No. 425, Atlanta, Ga. (9-23-66 to 9-22-67); No. 237, Winchester, Ky. (9-1-66 to 8-31-67); No. 360, Alma, Mich. (9-12-66 to 9-11-67); No. 244, Okmulgee, Okla. (9-14-66 to 9-13-67); 110 East State Street, Kennett Square, Pa. (9-12-66 to 9-12-67); No. 509, Houston, Tex. (9-16-66 to 9-15-67).

Rayless Department Stores, Inc., department stores; 835-941 Broad Street, Augusta, Ga. (9-15-66 to 9-14-67); 342 North Main Street, Hendersonville, N.C. (9-17-66 to 9-16-67); 230-32 Main Street, Salisbury, N.C. (9-17-66 to 9-16-67); 312-320 East Broad Street, Richmond, Va. (9-3-66 to 9-2-67).

Rockford Dry Goods Co., department store; State and Main Streets, Rockford, Ill.; 9-14-66 to 9-13-67.

Skinner, Chamberlain & Co., department store; 225 South Broadway, Albert Lea, Minn.; 9-3-66 to 9-2-67.

Sunshine Department Stores, Inc., department store; 795 Marietta Street NW., Atlanta, Ga.; 9-15-66 to 9-14-67.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum of $1.25 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Branson Heights Supermarket, Inc., food store; No. 2, Branson, Mo.; stock boy, bag boy, clean-up boy; 10 percent for each month; 9-3-66 to 9-2-67.

Eagle Stores Co. variety store; No. 27, Collinsville, Va.; sales clerk, stock clerk; 10 percent for each month; 9-3-66 to 9-2-67.

W. T. Grant Co., variety stores for the occupations of sales clerk, stock clerk, office clerk, cashier, except as otherwise indicated: No. 599, Mableton, Ga. (sales clerk, between 0.2 percent and 10 percent, 9-14-66 to 9-13-67); No. 1131, Baltimore, Md. (between 7.4 percent and 10 percent, 9-13-66 to 9-11-67); No. 902, Barre, Vt. (between 3.5 percent and 10 percent, 9-12-66 to 9-11-67).

H.E.B. Food Store, food stores for the occupations of bottle boy, package boy, sack boy, 10 percent for each month, from 9-12-66 to 9-11-67: No. 108, Corpus Christi, Tex.; No. 100, Laredo, Tex.

Hested Stores Co., variety store; Sterling, Colo.; sales clerk, stock clerk; between 3.1 percent and 10 percent; 9-19-66 to 9-18-67.

S. S. Kresge Co., variety stores for the occupation of sales clerk: No. 4019, Champaign, Ill. (between 3.9 percent and 10 percent, 9-2-66 to 9-2-67); No. 780, Midland, Tex. (between 0.8 percent and 4.5 percent, 9-13-66 to 9-12-67); 1135 Market Street, Wheeling, W. Va. (10 percent for each month, 9-3-66 to 9-2-67).

McCrory-McLellan-Green Stores, variety stores: No. 3501, Northport, Ala. (sales clerk, stock clerk, between 6.6 percent and 10 percent, 9-6-66 to 9-2-67); No. 709, Sierra Vista, Ariz. (sales clerk, stock clerk, office clerk, between 4.3 percent and 10 percent, 9-14-66 to 9-13-67); No. 331, East Dover, Del. (sales clerk, cashier, between 4.0 percent and 10 percent, 9-15-66 to 9-14-67); No. 354, Salisbury, Md. (sales clerk, between 1.1 percent and 10 percent, 9-14-66 to 9-13-67).

Morgan & Lindsey, Inc., variety stores for the occupations of sales clerk, stock clerk: No. 3046, Alexandria, La. (between 6.0 percent and 10 percent, 9-16-66 to 9-15-67); No. 3085, Gulfport, Miss. (between 4.2 percent and 10 percent, 9-3-66 to 9-2-67); No. 3107, Picayune, Miss. (between 4.3 percent and 10 percent, 9-3-66 to 9-2-67).

Neisner Brothers, Inc., variety stores for the occupations of sales clerk, stock clerk, office clerk: No. 135, Arcadia, Fla. (between 9.8 percent and 10 percent, 9-15-66 to 9-15-67); No. 80, Deltona, Fla. (between 7.7 percent and 10 percent, 9-19-66 to 9-18-67); No. 79, South Miami, Fla. (10 percent for each month, 9-19-66 to 9-18-67); No. 314, Newton, N.J. (between 0.9 percent and 10 percent, 9-19-66 to 9-18-67); No. 307, Williamsport, Pa. (between 0.8 percent and 10 percent, 9-12-66 to 9-11-67).

Wade's Super Market, Inc., food store; Dublin, Va.; bag boy, checker, stock clerk, carry-out boy, wrapper; between 2.7 percent and 10 percent, 9-3-66 to 9-2-67.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Pursuant to the provisions of 29 CFR 519.9, any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 26th day of September 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66-10790; Filed, Oct. 4, 1966; 8:47 a.m.]

[Administrative Order 595]

REGIONAL DIRECTORS ET AL.

Authorization To Grant or Deny Certificates

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1949-53 Comp., p. 1004), General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U.S.C. 35 et seq.), and the minimum wage determinations and regulations of the Secretary of Labor there-

under (41 CFR Parts 50–201 and 202), I hereby:

A. Designate and appoint as my authorized representative the following persons with full power and authority to grant or deny applications for special certificates authorizing employment of full-time students, student-learners, apprentices, handicapped persons, and handicapped clients in sheltered workshops, as provided in 29 CFR Parts 519, 520, 521, 524, and 525 and as provided in 41 CFR Parts 50–201 and 202 and to take such other action as may be necessary or appropriate therewith: (1) The Regional Directors and Deputy Regional Directors within their respective regions, (2) the District Directors within their respective districts, and (3) the Regional Director and Assistant Regional Director for Puerto Rico and the Virgin Islands.

B. Designate and appoint as my authorized representatives the following persons with full power and authority to grant or deny applications for special certificates authorizing the employment of full-time students, learners, and student-workers at special minimum wage rates as provided in 29 CFR Parts 519, 522, and 527 and pursuant to 41 CFR Part 50–202 and to take such other action as may be necessary or appropriate in connection therewith: (1) The Assistant Administrator for Wage Determinations and Regulations, (2) the Director of the Division of Wage Determinations, and (3) the Chief of the Branch of Special Minimum Wages.

C. Designate and appoint as my authorized representative the following persons with full power and authority to grant or deny applications for special certificates authorizing the employment of learners at special minimum wage rates as provided in 29 CFR Part 522 and to take such other action as may be necessary or appropriate in connection therewith: The Regional Director and Assistant Regional Director for Puerto Rico and the Virgin Islands.

D. Revoke and withdraw Administrative Order No. 579 (28 F.R. 11524).

All other authority to grant or deny applications for, or to sign or issue certificates pursuant to section 14 of the Fair Labor Standards Act of 1938 is hereby revoked and withdrawn.

Part 528 of Title 29 of the Code of Federal Regulations, which authorizes certain officers to effect premature termination of certificates issued under 29 CFR Parts 519, 520, 521, 522, 523, 524, and 527, is unaffected by this administrative order.

Signed at Washington, D.C., this 30th day of September 1966.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 66-10860; Filed, Oct. 4, 1966; 8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 972]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 30, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 117574 (Sub-No. 151) (Amendment), filed May 17, 1966, published FEDERAL REGISTER issue of June 23, 1966, amended September 23, 1966, and republished as amended, this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids, and (3) *parts, attachments, and accessories* for use in the installation and operation of items named in (1) and (2) above, from St. Bethlehem, Tenn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, North Carolina, and the District of Columbia. NOTE: The purpose of this republication is to change the origin point shown as Clarksville, Tenn., in the previous publication to St. Bethlehem, Tenn., which point is 4 miles out of Clarksville. Common control may be involved.

HEARING: Remains as assigned October 24, 1966, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Earl S. Dowell.

No. MC 59728 (Sub-No. 15) (Republication), filed May 6, 1966, published FEDERAL REGISTER issue of May 26, 1966, and republished, this issue. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Akron, Ohio 44306. By application filed May 6, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities (except those of unusual value and except dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Indianapolis, Ind., and the Indiana State line; over Interstate Highway 74, serving no intermediate points, as an alternate route for operating convenience only, and serving the termini for the purpose of joinder only. An order of the Commission, Operating Rights Board No. 1, dated August 31, 1966, and served September 26, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *general commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from Indianapolis, Ind., to points in that part of Ohio, on and south of U.S. Highway 40, and subject to the restriction that such authority shall not be severable by sale or otherwise, from the authority set forth in applicant's present certificate No. MC 59728 (Sub-No. 7); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 127915 (Sub-No. 1) (Republication), filed March 4, 1966, published FEDERAL REGISTER issue of April 7, 1966, and republished, this issue. Applicant: C & W TRUCKING, INC., 2017 East Colfax Avenue, Denver, Colo. Applicant's representative: Raymond B. Danks, 401 First National Bank Building, Denver, Colo. By application filed March 4, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over regular routes, of potato chips and snack food and their containers, for the account of Red Seal, Inc., of Denver, Colo., and Cheyenne, Wyo., over U.S. Highways 85 and 87, serving no intermediate points. An order of the Commission, Operating Rights Board No. 1, dated August 31, 1966, and served September 27, 1966, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *foodstuffs* from Denver, Colo., to Cheyenne, Wyo., and *returned shipments* of the above commodities from Cheyenne, Wyo., to Denver, Colo., under a continuing contract with Red Star, Inc., of Denver, Colo., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 906 (Sub-No. 40) (Notice of filing of petition for waiver of Rule 1.101 (e) of the Commission's general rules of practice for leave to file this petition for removal of a restriction in the certificate), filed July 13, 1966. Petitioner: CONSOLIDATED FORWARDING CO., INC., St. Louis, Mo. Petitioner's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Petitioner holds authority in MC 906 (Sub-No. 40) to conduct operations as a motor common carrier, transporting, as follows: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. Restriction: The service authorized herein is restricted against service on traffic that originates or is handled through interchange at point in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and is destined to points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission, or on similar movements in the reverse direction. Between Kansas City, Kans., and Marshall, Mo.: From Kansas City over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to Higginsville, Mo., and thence over Missouri Highway 20 to Marshall, and return over the same route.

Service is authorized without restriction to and from all intermediate points; intermediate and off-route points in Wyandotte County, Kans.; off-route points in that part of Missouri bounded by a line beginning at Sweet Springs and extending along Missouri Highway 127 to junction Missouri Highway 20, thence along Missouri Highway 20 to junction Missouri Highway 13, thence along Missouri Highway 13 to the Blackwater River, thence along the Blackwater River to Missouri Highway 127, and thence along Missouri Highway 127 to the point of beginning; off-route points in that part of Johnson County, Mo., north of the Blackwater River, including points on the indicated portions of the highways specified in describing the foregoing off-route point areas; and the off-route points of Mayview, Lexington, and Mount Leonard, Mo. Service also is authorized to all other off-route points within 10 miles of Higginsville, restricted to pickup of livestock and delivery of general commodities. Between Higginsville, Mo., and St. Louis, Mo.: From Higginsville over Missouri Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to East St. Louis, and return over the same route. Service is authorized to and from the intermediate points of Concordia and Sweet Springs, Mo., and the off-route points of Warrensburg and Emma, Mo. By the instant petition, petitioner requests that the Commission waive Rule 1.101(e) of its general rules of practice, accept and grant this petition, and remove the restriction against the acceptance of traffic imposed in said certificate. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 11207 (Sub-No. 236) (Notice of filing of petition to modify or amend certificate), filed September 12, 1966. Petitioner: DEATON, INC., Birmingham, Ala. Petitioner's representative: A. Alvis Layne, 948 Pennsylvania Building, Washington, D.C. 20004. Petitioner states that in certificate MC 11207 (Sub-No. 236) effective July 27, 1966, it was authorized to transport: (1) *Cement asbestos products* (except conduit and pipe which because of size, shape, weight, or inherent character require the use of special equipment), and (2) *fittings, materials, and accessories* for the installation or transportation thereof (except in bulk), from Ragland, Ala., to points in Alabama and West Virginia. By the instant petition, petitioner seeks to add to the present commodity description, *"Plastic pipe and pipe fittings in mixed loads with cement asbestos products."* Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 109538 (Notice of filing of petition for modification of certificate), filed May 3, 1966. Petitioner: CHIPPEWA MOTOR FREIGHT, INC., Eau Claire, Wis. Petitioner's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. By petition filed May 3, 1966, petitioner requests the Commission to modify its certificate issued March 17, 1950, to specifically name certain communities, in the general area of Minneapolis-St. Paul, Minn. Petitioner is successor to A. G. Henneman, doing business as A. G. Henneman Transfer, No. MC 56169, pursuant to successive finance applications in MC-FC 22238 and MC-FC 27175. In MC 56169 Sub. No. 2 a certificate was recommended to be issued to A. G. Henneman Transfer to serve the following communities in Minnesota: Minneapolis, St. Paul, South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, in intermediate or off-route service in connection with its authorized operations. Subsequent to the purchase petitioner was authorized to serve the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission. As a result of this latter authorization, and it appearing that the specifically named points above were included in the Minneapolis-St. Paul, Minn., commercial zone, a certificate was issued to petitioner in which it merely authorized service to the Minneapolis-St. Paul, Minn., commercial zone. By the instant petition, petitioner respectfully requests that the Commission modify the certificate to the end that the following communities be specifically named in Certificate No. MC 109538: Invergove, West St. Paul, Newport, North St. Paul, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, and Fort Snelling, Minn. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 8958 (Sub-No. 20), filed September 19, 1966. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in that part of Ohio bounded by a line beginning at a point in Ohio on the east bank of the Mahoning River at a point due west of DeForest Town Line Road (County Road 69), thence due east to DeForest Town Line Road, thence east along DeForest Town Line Road (County Road 78) to Heathen-North Road (County Road 64), thence north on Heathen-North Road (County Road 64) to U.S. Highway 422, thence south on U.S. Highway 422 to northerly city limits of Girard, thence west and south along city limits of Girard to Watson-Marshall Road (County Road 60), thence north, west, and south along city limits of McDonald to junction Ohltown-McDonald Road (County Road 68),

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thence southwest on Ohltown-McDonald Road (County Road 68) to Salt Springs Road (County Road 64), thence northwest on Salt Springs Road (County Road 64) to Austintown-Warren Road (County Road 67), thence north on Austin-Warren Road (County Road 67) to Brunstetter-Niles Road (County Road 68), thence east on Brunstetter-Niles Road to the east bank of the Mahoning River, thence north along the east bank of the Mahoning River to the point of beginning, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states it would tack at any point in the base area described above enabling it to serve points in Ohio, in connection with authorized existing service between points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, and Wisconsin. Applicant seeks no duplicating authority. This is a matter directly related to docket No. MC-F-9529, published FEDERAL REGISTER issue of September 28, 1966, wherein applicant seeks to purchase the pending certificate of registration held in MC 121238, Sub 1.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9528 (RICHARD S. WATHEN — CONTROL — BURKS — PELZ TRANSFER, INC.), published in the September 28, 1966, issue of the FEDERAL REGISTER on page 12693. By application filed September 26, 1966, RICHARD S. WATHEN, seeks to temporarily lease the operating rights of BURKS—PELZ TRANSFER, INC., under section 210a(b).

No. MC-F-9536. Authority sought for purchase by RALPH POZZI, CARL A. POZZI, CLINTON D. POZZI, AND WAYNE POZZI, doing business as POZZI BROS. TRANSPORTATION CO., 705 West Meeker Street, Kent, Wash. 98031, of the operating rights and property of BUCK'S AUTO FREIGHT COMPANY, INC., 1322 Cole Street, Enumclaw, Wash. 98022. Applicants' representative: Ralph Pozzi, 705 West Meeker Street, Kent, Wash. 98031. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Enumclaw, Wash., and Seattle, Wash., serving certain specified intermediate and off-route points, between Enumclaw, Wash., and Tacoma, Wash., serving certain specified intermediate and off-route points between Tacoma, Wash., and Enumclaw, Wash., serving certain specified intermediate and off-route points, between Enumclaw, Wash., and Mud Mountain Dam, Wash., serving no intermediate points; and *general commodities* between Enumclaw, Wash., and Mud Mountain Dam, Wash., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9537. Authority sought for purchase by GENERAL HIGHWAY EXPRESS, INC., Vandemark Road, Post Office Box 179, Sidney, Ohio 45365, of the operating rights and property of MAURICE F. BARRETT, doing business as PORTER'S MOTOR EXPRESS, First and Hopkins, Morrow, Ohio, and for acquisition by PAUL B. LONG, SR., also of Sidney, Ohio, of control of such rights and property through the purchase. Applicants' attorney: Paul F. Beery, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: *General commodities* excepting among others, household goods and commodities in bulk, as a *common carrier*, over a regular route, between Morrow, Ohio, and Cincinnati, Ohio, serving all intermediate and certain specified off-route points, with restriction; and under a certificate of registration, in Docket No. MC-77152 Sub. No. 4, covering the transportation of property, over regular and irregular routes, as a common carrier, in intrastate commerce, in the State of Ohio. Vendee is authorized to operate under a certificate of registration, as a common carrier, in the State of Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9538. Authority sought for control by PAUL CROUSE, Carroll, Iowa, of NEBRASKA-IOWA XPRESS, INC., 525 Jones, Omaha, Nebr., through management. Applicants' attorney: William S. Rosen, 400 Minnesota Building, Saint Paul, Minn. 55101. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Douglas, Washington, and Sarpy Counties, Nebr., and Council Bluffs, Iowa; and between points in Douglas, Washington, and Sarpy Counties, Nebr., and Council Bluffs, Iowa, on the one hand, and, on the other, points in Nebraska. PAUL CROUSE holds no authority from this Commission. However, he controls CROUSE CARTAGE COMPANY, Post Office Box 151, Carroll, Iowa, which is authorized to operate as a *common carrier* in Iowa and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9541. Authority sought for purchase by P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154, of the operating rights and property of PETCHEM TANK LINES, INC., 11 South Third Street, Hammonton, N.J., and for acquisition by FRANCIS P. MUTRIE and JAMES E. MUTRIE, both also of Waltham, Mass., of control of such rights and property through the purchase. Applicants' attorney: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Operating rights sought to be transferred: *Chemicals*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Philadelphia, Pa., to points in Delaware and New Jersey. Vendee is authorized to operate as a *common carrier* in Michigan, Minnesota, Missouri, Massachusetts, Maine, New York, Rhode Island, Connecticut, New Hamshire, Vermont, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, Ohio, Illinois, Kentucky, South Carolina, North Carolina, Indiana, Wisconsin, Georgia, California, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9542. Authority sought for purchase by CARGO-IMPERIAL FREIGHT LINES, INC., 91 Mountain Road, Burlington, Mass. 01801, of the operating rights of HART'S EXPRESS, INC., Route 5, Amsterdam Road, Scotia, N.Y., and for acquisition by ROBERT W. HOTIN, also of Burlington, Mass., of control of such rights through the purchase. Applicants' attorney: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Hudson, N.Y., and Albany, N.Y., serving certain intermediate and off-route points restricted to delivery only, and serving certain intermediate and off-route points restricted to pickup only, and between Hudson, N.Y., and Chatham, N.Y., serving certain intermediate and off-route points; and under a certificate of registration in Docket No. MC-25339, Sub 4, covering the transportation of general commodities, as a common carrier, in intrastate commerce, in the State of New York. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-114877, Sub-4, is a matter directly related. See also MC-F-9524 (COOPER-JARRETT, INC.—CONTROL—CARGO-IMPERIAL FREIGHT LINES, INC.) published in the September 14, 1966, issue of the FEDERAL REGISTER in page 12036.

No. MC-F-9543. Authority sought for control by CLARK TANK LINES COMPANY, INC., 1450 Beck Street, Salt Lake City, Utah, of POPELKA TRUCKING CO., Billings, Mont., and for acquisition by BOYCE R. CLARK, 2439 Michigan Avenue, Salt Lake City, Utah, of control of POPELKA TRUCKING CO., through the acquisition by CLARK TANK LINES COMPANY, INC. Applicants' attorney: Bruce R. Geernaert, 100 Bush Street, San Francisco, Calif. Operating rights sought to be controlled: *Tile, farm machinery, oil well supplies, agricultural commodities*, and *emigrant movables*, in truckloads, as a *common carrier*, over irregular routes, between points in Montana and Wyoming within 100 miles of Bridger, Mont.; *building brick, paving brick, hollow block, wall coping, blue lining*, and *clay pipe*, in truckloads, between points in Montana and Wyoming within 100 miles of Bridger, Mont.; *building materials, fencing, fertilizer, feed*, and *flour*, in truckloads, between points in Montana and Wyoming within 100 miles of Bridger, Mont., including Bridger, Mont.; *building materials, fertilizer*, and *agricultural commodities*, except feed and flour, in truckloads, between certain specified points in Montana, on the one hand, and, on the other, points in Montana and Wyoming within 100 miles of Bridger, Mont., including Bridger, Mont.; *paving brick, clay pipe, fertilizer, building materials* except cement, and *agricultural commodities* except feed and flour, in truckloads, between Hysham and Forsyth, Mont., on the one hand, and, on the other, points in Montana and Wyoming within 100 miles of Bridger, Mont., including Bridger, Mont.; *natural sodium sesquicarbonate* and *refined and natural soda ash*, in bulk, in tank vehicles, from Westvaco, Wyo., to Columbus, Mont.; and *contaminated shipments* of the immediately above-specified commodities, from Columbus, Mont., to Westvaco, Wyo.; *liquid animal feed ingredients*, consisting of urea, ethyl alcohol, phosphoric acid, inorganic chloride salts, water and trace minerals, in bulk, in vinyl plastic or rubber lined vehicles or in a rubber tank or container by use of a flat bed vehicle, from Crete, Nebr., to certain specified points in Montana, and Wyoming, points in that part of North Dakota west of North Dakota Highway 3, and points in that part of South Dakota west of the Missouri River; *contaminated and rejected shipments* of liquid, animal food ingredients in possession of consignee, from the immediately above destination points to Crete, Nebr.; *liquid chemical fertilizer* and *liquid fertilizer compound*, in bulk, in tank vehicles, from Don, Idaho, to points in Montana; *dry fertilizer* and *dry fertilizer compound*, in bulk, and in bags and packages, from Don, Idaho, to points in Wyoming; *dry fertilizer* and *dry fertilizer compound*, in bags and packages, from Don, Idaho, to certain specified points in Montana. *Dry fertilizer* and *dry fertilizer compound*, in bulk, from Don, Idaho, to certain specified points in Montana; *dry fertilizer*, in bulk, from Don, Idaho, to certain specified points in Montana; *dry fertilizer*, from Georgetown, Idaho, to points in Montana, and certain specified points in Wyoming; *contaminated shipments* of dry fertilizer, from the immediately above destination points to Georgetown, Idaho; *dry cement*, from Trident, Mont., to certain specified points in Idaho, Wyoming, and those in that part of North Dakota on and west of U.S. Highway 83; *barite*, from Don, Idaho, to points in Montana; *sulfuric acid*, in bulk, in tank vehicles, from Riverton, Wyo., to McGregor, N. Dak., and points in Montana; *fertilizer*, other than liquid fertilizer in bulk, from the port of entry on the United States-Canada boundary line at Sweetgrass, Mont., to points in Montana and Wyoming; *poles* and *posts*, from Butte, Mont., to points in Wyoming and that part of Idaho in and south of Idaho County, Idaho; *poles*, from Bozeman, Mont., to points in North Dakota, South Dakota, Wyoming, Utah, and that part of Idaho in and south of Idaho County, Idaho; *lumber*, from Clyde Park and White Sulphur Springs, Mont., to points in North Dakota, South Dakota, Minnesota, and Wisconsin; *sulphur* and *sulphur compounds*, dry, in bulk, from Cody, Wyo., to points in Oregon, Washington, Idaho, Montana, North Dakota, and South Dakota; *limestone, limestone products*, and *calcium carbonate*, and *compounds thereof*, dry, in bulk, from Red Lodge, Mont., to points in Oregon, Washington, Idaho, North Dakota, South Dakota, Utah, Wyoming, Colorado, and Nebraska; *alfalfa products*, dry, in bulk, from Belgrade, Mont., to points in Oregon, Washington, and Idaho; *concrete aggregates*, dry, in bulk, from the plantsite of the Montana Lightweight Aggregates Co., approximately 5 miles west of Billings, Mont., to points in Wyoming, Idaho, and Washington; *feeds*, livestock and poultry, dry, in bulk, from Sidney, Mont., to points in that part of North Dakota in and west of certain specified points; from Denver, Colo., to points in Yellowstone County, Mont.; and *wooden beams, glue laminated wooden beams*, and *roofdecking*, from Columbus and Missoula, Mont., to points in Colorado, Idaho, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming. CLARK TANK LINES COMPANY, INC., is authorized to operate as a *common carrier* in Utah, Wyoming, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Arizona, Oregon, Washington, North Dakota, Kansas, Nebraska, Oklahoma, South Dakota, and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9539. Authority sought for continuance in control by JAMES G. ANZUONI, ALBERT A. ANZUONI, LAWRENCE A. ANZUONI, GEORGE S. ANZUONI, JOHN F. ANZUONI, AND RICHARD W. ANZUONI, 55 Kilby Street, Boston, Mass. 02109, of (1) PLYMOUTH & BROCKTON STREET RAILWAY CO., 55 Kilby Street, Boston, Mass. 02109, (2) SERVICE BUS LINE, INC., 851 Broadway, Revere, Mass., (3) McGINN BUS COMPANY, INC., 55 Kilby Street, Boston, Mass., and (4) BRUSH HILL TRANSPORTATION COMPANY, 55 Kilby Street, Boston, Mass. 02109. Applicants' attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Operating rights sought to be controlled: (1) Passengers and their baggage, in the same vehicle, as a *common carrier*, over regular routes, between Boston, Mass., and Bourne, Mass., serving certain intermediate points; passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Bourne, Mass., and Hyannis, Mass., serving all intermediate points; passengers and their baggage, restricted to traffic originating at the points indicated, in charter operations, over irregular routes, from Brockton and Plymouth, Mass., to points in Rhode Island, New Hampshire, and Maine, and return; passengers, in round-trip special operations, restricted to the transportation of passengers, who at the time, are traveling from the designated destination, and return, for the purpose of participating in games commonly referred to as beano and bingo games, beginning and ending at certain specified points in Massachusetts, and extending to Central Falls, R.I.; and passengers and their baggage, in special round-trip operations, beginning and ending at certain specified points in Massachusetts, and extending to certain specified points in New Hampshire, with restriction; (2) passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, as a *common carrier*, over irregular routes, from Boston, Mass., and points within 15 miles of Boston, to points in Maine, New Hampshire, Vermont, Rhode Island, and Connecticut, and return; and passengers, in special round-trip operations, restricted to the transportation of passengers who at the time are traveling from the destinated origin points to the designated destinations and return for the purpose of participating in games commonly referred to as beano and bingo games, beginning and ending at certain specified points in Massachusetts, and extending to certain specified points in New Hampshire, and Central Falls, R.I.

(3) Passengers and their baggage, during the respective racing seasons only, as a *common carrier*, over regular routes, between Lynn, Mass., and Salem, N.H., between Lynn, Mass., and Pawtucket, R.I., serving no intermediate points; passengers, in round-trip special operations, during the racing season at Lincoln Downs race track, over irregular routes, between Lynn, Mass., and Lincoln Downs race track, at Lincoln, R.I.; passengers and their baggage, in charter operations, from Lynn, Mass., and points within 25 miles of Lynn, to Graymoor and New York, N.Y., points in Westchester County, N.Y., and those in Maine, Vermont, New Hampshire, Rhode Island, Connecticut, and Massachusetts, and return; passengers, in special round-trip operations, restricted to the transportation of passengers, who at the time are traveling from the designated origin points to the designated destinations and return, for the purpose of participating in games commonly referred to as beano and bingo games, beginning and ending at Lynn and Reading, Mass., and extending to Derry and Hudson, N.H., beginning and ending at certain specified points in Massachusetts, and extending to Pelham, N.H., beginning and ending at certain specified points in Massachusetts, and extending to St. Joseph Parish Hall, in Salem, N.H.; passengers and their baggage, in round-trip special operations, during the harness racing season, only, beginning and ending at Lynn and Salem, Mass., and extending to Salem, N.H.; and (4) in pending Docket No. MC-126667, seeking a certificate of public convenience and necessity, covering the transportation of passengers and their baggage, in special operations, consisting of round trip conducted sightseeing and pleasure

tours, as a common carrier, over irregular routes, beginning and ending at points in that part of Massachusetts on and east of Massachusetts Highway 12 and extending to all points in the Continental United States. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10827; Filed, Oct. 4, 1966; 8:50 a.m.]

[Notice 974]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 30, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for Hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 118159 (Sub-No. 29), filed September 26, 1966. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from Guymon, Okla., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

HEARING: October 17, 1966, at the U.S. Post Office Building, Northwest Third and Robinson Streets, Oklahoma City, Okla., before Examiner W. Elliott Neffen.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10828; Filed, Oct. 4, 1966; 8:50 a.m.]

[Notice 415]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 30, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 22301 (Deviation No. 3), SIOUX TRANSPORTATION COMPANY, INC., 1619 11th Street, Sioux City, Iowa 51101, filed September 22, 1966. Carrier's representative: R. W. Wigton, 710 Badgerow Building, Sioux City, Iowa 51101. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30 and Interstate Highway 35 approximately 2 miles southeast of Ames, Iowa, over Interstate Highway 35 to junction Interstate Highway 80, near Des Moines, Iowa, thence over Interstate Highway 80 to junction Interstate Highway 55, near Joliet, Ill., thence over Interstate Highway 55 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Sioux City, Iowa, over Iowa Highway 141 to Denison, Iowa, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill., and (2) from Omaha, Nebr., over U.S. Highway 75 to Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill., and return over the same routes.

No. MC 59680 (Deviation No. 49), STRICKLAND TRANSPORTATION CO. INC., Post Office Box 5689, Dallas, Tex. 75222, filed September 22, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 20 to junction Alternate U.S. Highway 20, in Williams County, Ohio, thence over Alternate U.S. Highway 20 to junction U.S. Highway 20, at Perrysburg, Ohio, thence over U.S. Highway 20 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over Alternate U.S. Highway 30 via Calumet City, Ill., to junction U.S. Highway 6, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio.

MOTOR CARRIERS OF PASSENGERS

No. MC 107586 (Deviation No. 7), CONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. 75207, filed September 23, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 45 and U.S. Highway 75 4 miles north of Corsicana, Tex., over Interstate Highway 45 to junction U.S. Highway 75 2 miles south of Corsicana, Tex. (a distance of 6 miles), (2) from junction Interstate Highway 45 and U.S. Highway 75 4 miles north of Madisonville, Tex., over Interstate Highway 45 to junction Texas Highway 21 (an access road), thence over Texas Highway 21 to Madisonville, Tex. (a distance of 4 miles), (3) from Madisonville, Tex., over Texas Highway 21 (an access road) to junction Interstate Highway 45, thence over Interstate Highway 45 to junction Farm Road 150 (an access road), thence over Farm Road 150 to New Waverly, Tex. (a distance of 40 miles), (4) from New Waverly, Tex., over Farm Road 150 (an access road) to junction Interstate Highway 45, thence over Interstate Highway 45 to junction Farm Road 1097 (an access road), thence over Farm Road 1097 to Willis, Tex. (a distance of 8 miles), and (5) from Willis, Tex., over Farm Road 1097 (an access road) to junction Interstate Highway 45, thence over Interstate Highway 45 to junction U.S. Highway 75 3 miles south of Conroe, Tex. (a distance of 12 miles), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows:

(1) From Rhome, Tex., over Texas Highway 114 via Grapevine, Tex., to Dallas, Tex., thence over U.S. Highway 75 to Ennis, Tex., and (2) from Salt Lake City, Utah, over Alternate U.S. Highway 50 (formerly U.S. Highway 50) via Springville, Utah, to junction U.S. Highway 50, thence over U.S. Highway 50 via Grand Junction, Montrose, and Gunnison, Colo., to Salida, Colo., thence over Colorado Highway 291 to junction U.S. Highway 285, thence over U.S. Highway 285 to junction Colorado Highway 9 at Fairplay, Colo., thence over Colorado Highway 9 to Alma, Colo., and return over Colorado Highway 9 to junction U.S. Highway 285 at Fairplay, Colo., thence over U.S. Highway 285 to Denver, Colo., thence over U.S. Highway 287 via Amarillo and Wichita Falls, Tex., to Fort Worth, Tex. (also from Wichita Falls, Tex. over U.S. Highway 281 to junction Texas Highway 199, thence over Texas Highway 199 to Fort Worth), thence over U.S. Highway 287 to Corsicana, Tex., thence over U.S. Highway 75 to Houston, Tex., and return over the same routes.

No. MC 109780 (Deviation No. 17) (Cancels Deviation No. 13), TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. 75207, filed September 23, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 20 and U.S. Highway 80 5 miles west of Terrell, Tex., over Interstate Highway 20 to junction Texas Highway 19, thence over Texas Highway 19 (an access road) to Canton, Tex. (a distance of 35 miles), (2) from Canton, Tex., over Texas Highway 19 (an access road) to junction Interstate Highway 20, thence over Interstate Highway 20 to junction U.S. Highway 69 4 miles south of Lindale, Tex. (a distance of 24 miles), (3) from junction Interstate Highway 20 and U.S. Highway 69 4 miles south of Lindale, Tex., over Interstate Highway 20 to junction U.S. Highway 271 13 miles east of Tyler, Tex. (a distance of 15 miles), (4) from junction Interstate Highway 20 and U.S. Highway 271 13 miles east of Tyler, Tex., over Interstate Highway 20 to junction U.S. Highway 259, thence over U.S. Highway 259 (an access road) to Longview, Tex. (a distance of 21 miles), (5) from junction Interstate Highway 20 and U.S. Highway 259 over Interstate Highway 20 to junction Texas Highway 149 (a distance of 6 miles), (6) from Longview, Tex., over Texas Highway 149 (an access road) to junction Interstate Highway 20, thence over Interstate Highway 20 to junction Texas Highway 43 (an access road), thence over Texas Highway 43 to Marshall, Tex. (a distance of 20 miles).

(7) From junction Interstate Highway 20 and Texas Highway 43 over Interstate Highway 20 to junction Farm Road 31 (a distance of 8 miles), and (8) from Marshall, Tex., over Farm Road 31 (an access road) to junction Interstate Highway 20, thence over Interstate Highway 20 to Shreveport, La. (a distance of 35 miles), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Denton, Tex., over U.S. Highway 77 to junction New U.S. Highway 77 approximately 1 mile north of Carrollton, Tex., thence over New U.S. Highway 77 to Dallas, Tex. (also from said junction over old U.S. Highway 77 to Dallas), thence over U.S. Highway 175 to junction New U.S. Highway 175 approximately 6 miles east of Dallas, Tex., thence over New U.S. Highway 175 to junction old U.S. Highway 175 approximately 2 miles west of Seagoville, Tex. (also from said junction over old U.S. Highway 175 to said junction 2 miles west of Seagoville), thence over U.S. Highway 175 via Kaufman to Athens, Tex., thence over Texas Highway 19 to Palestine, Tex., (2) from Dallas, Tex., over U.S. Highway 80 via Truman, Marshall and Waskom, Tex., to Shreveport, La. (also from Dallas over Texas Highway 352 via Mesquite, Tex., to junction U.S. Highway 80); (3) from Truman, Tex., over unnumbered county road to Mesquite, Tex., (4) from Mineola, Tex., over U.S. Highway 69 via Lindale and Swan Junction, Tex., to Tyler, Tex., thence over U.S. Highway 271 to Gladewater, Tex., (5) from Wills Point, Tex., over Texas Highway 64 via Tyler to Henderson, Tex., (6) from Tyler, Tex., over Texas Highway 31 to Kilgore, Tex., and (7) from Nacogdoches, Tex., over U.S. Highway 59 to junction Texas Highway 26, thence over Texas Highway 26 via Mount Enterprise, Minden Junction, Henderson, and Kilgore, Tex., to Longview, Tex., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10829; Filed, Oct. 4, 1966; 8:50 a.m.]

[Notice 263]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 30, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 215 TA), filed September 28, 1966. Applicant: RISS & COMPANY, INC., 903 Grand Avenue, Temple Building, Post Office Box 2809, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 11th Floor, Scarritt Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass, fibrous glass products and accessories thereto*, from Newark, Ohio, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, District of Columbia, Maryland, Virginia, West Virginia, Kentucky, Indiana, Lower Peninsula of Michigan, and Illinois, for 180 days. Supporting shipper: Owens-Corning Fiberglas Corp., Toledo, Ohio 43601. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 30837 (Sub-No. 339 TA), filed September 28, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, in truckaway service, from Athens, N.Y., to the international boundary line, between the United States and Canada, at Buffalo, N.Y., for 180 days. Supporting shipper: J. B. E. Olson Corp., 600 Old Country Road, Garden City, N.Y. 11530. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 106 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 31600 (Sub-No. 613 TA), filed September 28, 1966. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: J. F. O'Neil (same address as above). Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in pressurized tank vehicles, from Middletown, Conn., to Bath, Maine, for 180 days. Supporting shipper: Bath Iron Works Corp., Bath, Maine. Send protests to: James F. Martin, Jr., District Supervisor, Interstate Commerce Commission, Room 2211–B, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 95084 (Sub-No. 57 TA) (amendment), filed September 1, 1966, published FEDERAL REGISTER, issue of September 9, 1966, and republished as amended this issue. Applicant: HOVE TRUCK LINE, Stanhope, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery, parts, assemblies and attachments, and materials, equipment and supplies used in the manufacture of agricultural implements and machinery and parts*, between the plantsites and/or storage facilities of Kewanee Machinery & Conveyor Co. at Kewanee, Ill., on the one hand, and, on the other, the plantsites and/or storage facilities of Kewanee Machinery & Conveyor Co. at Kirksville, Queen City, Brashear, and La Plata, Mo., for 150 days. Supporting shipper: Kewanee Machinery & Conveyor Co., Kewanee, Ill. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, De Moines, Iowa 50309. NOTE: The purpose of this republication is to show that the application has been amended to the four Missouri locations which are all within the 25-mile radius of Kirksville, Mo., as requested in the original application. The location of the plants or facilities has now been narrowed to these four points.

No. MC 102616 (Sub-No. 809 TA), filed September 28, 1966. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17405. Applicant's representative: James Annand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged petroleum products* in cases, on specially constructed racks mounted on tank vehicles in conjunction with bulk deliveries of gasoline to service stations, from Baltimore, Md., to points in Virginia and the District of Columbia, for 180 days. Supporting shipper: Hess Oil & Chemical Corp., State Street, Perth Amboy, N.J. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 107515 (Sub-No. 557 TA), filed September 28, 1966. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, SE., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* in vehicles equipped with mechanical refrigeration, restricted against shipments in bulk, in tank vehicles, from plantsite and warehouse facilities of The Pillsbury Co., New Albany, Ind., and Louisville, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Missouri, Michigan, Minnesota, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 66402. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 111401 (Sub-No. 210 TA), filed September 28, 1966. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, 2510 Rock Island Boulevard, Enid, Okla. Applicant's representative: Victor R. Comstock, Post Office Box 632, 2510 Rock Island Boulevard, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Bishop and Corpus Christi, Tex., to points in California, Tennessee, Michigan, Illinois, Georgia, Kentucky, Indiana, and Florida, for 180 days. Supporting shipper: Celanese Chemical Co., A. DeRouen, Traffic Manager, Box 2768, Corpus Christi, Tex. 78403. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 115523 (Sub-No. 131 TA) (Correction) filed September 13, 1966, published FEDERAL REGISTER, issue of September 21, 1966, and republished as corrected this issue. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, Utah 84116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk and in bags, from Laramie, Wyo., and a radius of 25 miles thereof, to points in Wyoming, Nebraska, North Dakota, South Dakota, Montana, Colorado, New Mexico, Arizona, Minnesota, Iowa, and Kansas, for 180 days. Supporting shipper: El Paso Products Co., Post Office Box 3986, Odessa, Tex. 79760. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111. NOTE: The purpose of this republication is to show that the above-named commodities will be transported in bulk and in bags. "In bags" was inadvertently omitted from the previous publication.

No. MC 111729 (Sub-No. 167 TA) (Correction), filed September 14, 1966, published FEDERAL REGISTER, issue of September 22, 1966, and republished as corrected this issue. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, DeBeroise Building, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, consisting of labels, envelopes, and packaging materials, and advertising literature moved therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Toledo, Ohio, on the one hand, and, on the other, points in Michigan, (b) between St. Louis, Mo., on the one hand, and, on the other, points in Illinois (except Olney and Jacksonville, Ill.), (c) between Alexandria, Va., and Harrisburg, Pa. (2) *Business papers, records, checks, audit and accounting media of all kinds* (excluding plant removals), (a) between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland; Arlington, Clarke, Fairfax, Frederick, Loudoun, Northampton, Prince William, and Warren Counties, Va.; and Alexandria, Va., and (b) between Baltimore, Md., on the one hand, and, on the other, points in Clarke, Fairfax, Frederick, Loudoun, Northampton, and Warren Counties, Va.; and Adams, Cumberland, Dauphin, Franklin, Lebanon, and York Counties, Pa., (3) *Blood, research samples, business papers, and accompanying documents*, between New York, N.Y., on the one hand, and, on the other, points in New London County, Conn. Supporting shippers: Magnagard, Inc., Post Office Box 7247–2930 Airport Highway, Toledo, Ohio 43615, Dynadolor Corp., 1999 Mount Read Boulevard, Post Office Box 82, Rochester, N.Y. 14601, The Apex Photographic Service, 8049 Litzsinger, St. Louis, Mo., The Great Atlantic & Pacific Tea Co., Inc., Graybar Building, 420 Lexington Avenue, New York 17, N.Y., Chas. Pfizer & Co., Inc., Groton, Conn. 06340. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013. NOTE: The purpose of this republication is to correct (2)(a) above, and to add (2)(b) above, which was inadvertently omitted from previous publication.

No. MC 123844 (Sub-No. 5 TA), filed September 28, 1966. Applicant: P. SALDUTTI & SON, INC., 497 Raymond Boulevard, Post Office Box 389, Newark, N.J. 07105. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Raw stock;* namely, *bones, skins, hides, carcasses, dead animals; meat meal, bone and fat, tallow greases, shortening and meat scrap;* loose, or in containers, or in bulk, between Elizabethtown, Pa., and points within 25 miles thereof, Fort Plains, N.Y., and points within 10 miles thereof, on the one hand, and, on the other, Kearny, Newark, N.J., and points in New York, N.Y., commercial zone, for 180 days. Supporting shipper: The Theobald Industries, Post Office Box 72, Harrison, N.J. 07029, Kearny, N.J. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 128578 TA (Correction), filed September 15, 1966, published FEDERAL REGISTER, issue of September 22, 1966, and republished as corrected this issue. Applicant: ANTHONY J. GARCIA, doing business as TONY'S TRAILER CONVOY, 2385 Table Rock Road, Medford, Oreg. 97501. Applicant's representative: Brian B. Mullen, Suite 332, Medical Center Building, Medford, Oreg. 97501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and Mobil Homes*, between points in Josephine and Jackson Counties, Oreg., and points in Siskiyou and Del Norte Counties, Calif., for 180 days. Supporting shippers: Uncle Don's Mobile City, 2972 South Pacific Highway, Medford, Oreg., Southern Oregon Trailer Mart, Inc., 4150 South Pacific Highway, Medford, Oreg. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204. NOTE: The purpose of this republication is to show the correct docket number assigned thereto, No. MC 128578 TA. The previous publication inadvertently gave No. MC 12857 TA.

No. MC 126987 (Sub-No. 1 TA), filed September 28, 1966. Applicant: VINCENT FISTER, INC., 770–776 East Third Street, Post Office Box 355, Lexington, Ky. 40501. Applicant's representative: Louis J. Amato, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in the following Kentucky counties: Anderson, Bath, Bell, Bourbon, Boyle, Bracken, Breathitt, Carroll, Carter, Casey, Clinton, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Scott, Wayne, Whitley, Wolfe, and Woodford; restricted to shipments having a prior or subsequent movement beyond said counties, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments, for 180 days. Supporting shipper: Robert M. Graham, operations manager, Vanpac Carriers, Inc., 2114 Macdonald Avenue, Richmond, Calif. 94802. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, 207 Exchange Building, 147 North Upper Street, Lexington, Ky. 40507.

No. MC 127812 (Sub-No. 1 TA), filed September 28, 1966. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, Minn. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products*, from Albert Lea, Minn., to Superior, Wis., in peddle service, in combination with intrastate movements, for 150 days. Supporting shipper: Wilson & Co., Inc., Prudential Plaza, Chicago, Ill. 60601, Albert Lea, Minn., plant. Send protests to: A. E. Rathert, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128610 TA, filed September 28, 1966. Applicant: ALCO SHIPPING AGENCIES BAHAMAS, LTD., Port Laudania, Dania, Fla. Applicant's representative: Bernard C. Pestcoe, Suite 412, City National Bank Building, 25 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those commodities injurious, or contaminating to other lading), from Port Laudania or Port Everglades, Fort Lauderdale, Fla., on the one hand, and, on the other, points and places in Dade, Broward, and Palm Beach Counties, Fla., restricted to traffic having a prior or subsequent movement by water aboard vessels owned or operated by applicant, for 180 days. Supporting shippers: Port Everglades Steel Corp., Post Office Box 13065, Fort Lauderdale, Fla. 33316, Smith, Richardson & Convoy, Inc., 3500 Northwest 62d Street, Miami, Fla. 33147, General Electric Co., Southeastern District, 3655 Northwest 71st Street, Miami, Fla. 33147, Adobe Brick & Supply Co., 2056 Scott Street, Hollywood, Fla., Dant & Russell, Inc., Port Everglades Station, Fort Lauderdale, Fla., E & I Inc., 3000 West State Road 84, Fort Lauderdale, Fla. 33312, Coronet Kitchens, Inc., 4200 Northwest 10th Avenue, Oakland Park Station, Fort Lauderdale, Fla. 33307, J. & L. Feed & Supply, Post Office Box 568, Dania, Fla., United Purveyors, Inc., Post Office Box 593, Allapattah Station, Miami, Fla. 33142, Forest Products Corp., Post Office Drawer 1341, Fort Lauderdale, Fla., East Coast Supply Corp., 2725 Hillsboro Road, West Palm Beach, Fla., Angelo's Seafood & Frozen Foods, 500 Northeast Third Street, Fort Lauderdale, Fla. 33302, Marine Construction & Engineering Co., Ltd., Freeport, Grand Bahama Island, Causeway Lumber Co., 2627 South Andrews Avenue, Fort Lauderdale, Fla., Temcurt Import-Export Corp., 7 North Federal Highway, Fort Lauderdale, Fla. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10830; Filed, Oct. 4, 1966; 8:50 a.m.]

[3d Rev. S.O. 562; Pfahler's ICC Order 200, Amdt. 4]

SOUTHERN INDUSTRIAL RAILROAD, INC.

Diversion or Rerouting of Traffic

Upon further consideration of Pfahler's ICC Order No. 200 (Southern Industrial Railroad, Inc.) and good cause appearing therefor:

It is ordered, That:

Pfahler's ICC Order No. 200 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1966, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 30, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 29, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66–10831; Filed, Oct. 4, 1966; 8:50 a.m.]

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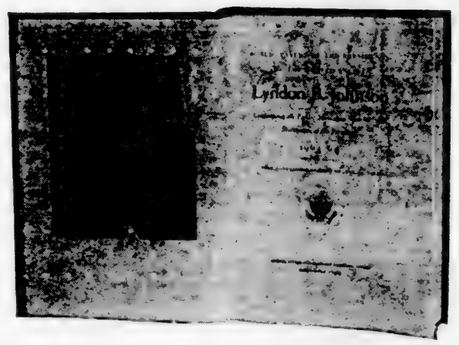
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NATIONAL DAY OF PRAYER, 1966

By the President of the United States of America

A Proclamation

Abraham Lincoln spoke these words in 1865:

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

Now, once again, we are engaged in a struggle that demands our courage, that tests our will, that asks us to persevere through a time of hostile uncertainty.

We pray for an end to that struggle, for a time of healing, in which we and all other nations may turn our hands to the work of building and planting, of teaching and caring.

We pray for God's guidance through the storm of conflict, for His wisdom in the search for peace, for His mercy and forgiveness toward all men, friend and foe.

Congress has provided that the President shall set aside a day each year as a National Day of Prayer, "on which the people of the United States may turn to God in prayer and meditation at churches, in groups and as individuals."

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby set aside Wednesday, October 19, 1966, as a National Day of Prayer.

On that day, each according to his own custom and in his own faith, let us

—Recognize our dependence upon Almighty God.

—Express thanksgiving for the blessings He has bestowed upon us.

—Examine our hearts in the light of His word; end the brutal divisions between His children.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of October in the year of our Lord nineteen hundred and sixty-six, and of the [SEAL] Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-10923; Filed, Oct. 4, 1966; 2:03 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. 2]

PART 1490—PAYMENTS ON EXPORTS OF CERTAIN KINDS OF TOBACCO

Subpart—Tobacco Export Program

The Tobacco Export Program regulations issued by Commodity Credit Corporation and published in 31 F.R. 6862, 7556, and 9208 are hereby revised and reissued.

Sec.

1490.1 General.
1490.2 Definitions.
1490.3 Export payment and rate.
1490.4 Eligible tobacco.
1490.5 Eligible exporter.
1490.6 Contracts to export tobacco.
1490.7 Application for tobacco export payment and evidence of export.
1490.8 Reentry or transshipment.
1490.9 Assignments and setoffs.
1490.10 Records and accounts.
1490.11 Officials not to benefit.
1490.12 Amendment and termination.

AUTHORITY: The provisions of this subpart are issued under secs. 4, 5, 62 Stat. 1070, as amended, 15 U.S.C. 714(b).

§ 1490.1 General.

The regulations in this subpart state the terms and conditions of a tobacco export program under which Commodity Credit Corporation, an agency and instrumentality of the United States within the Department of Agriculture, will make a cash payment to an exporter on exportation of eligible tobacco to an eligible country. This revised subpart and any amendments hereto are hereinafter called "this program." Export payment will be made on submission of acceptable evidence of compliance with the provisions of this program. The regulations appearing in 31 F.R. 6862 and 7556 shall apply to exports of eligible tobacco exported prior to July 6, 1966, and the regulations appearing at 31 F.R. 9208 shall apply to exports of eligible tobacco exported prior to the effective date of this program, but not earlier than July 6, 1966, except that this program shall apply to all exports of 1966-crop tobacco. This program shall also apply to other crops of tobacco exported on or after the effective date hereof.

§ 1490.2 Definitions.

(a) The term "CCC" means Commodity Credit Corporation.

(b) The term "ASCS" means Agricultural Stabilization and Conservation Service.

(c) The term "eligible country" means any destination outside the United States other than any country or area for which an export license is required under regulations issued by the Bureau of International Commerce, U.S. Department of Commerce, unless a license for shipment or transshipment thereto has been obtained from such bureau.

(d) (1) The terms "export" and "exportation" mean, except as hereinafter provided, a shipment from the United States destined to an eligible country with the intent that the tobacco shall become a part of the mass of goods of the eligible country. Tobacco so shipped shall be considered to have been exported on the date of loading as shown on the applicable on-board vessel ocean bill of lading or other document authorized by this program to be furnished in lieu of such bill of lading, or if shipment from the United States is by truck, rail, or air, the date the shipment clears U.S. Customs. If any of the tobacco is lost, destroyed, or damaged after loading on board a ship, for export, exportation shall be considered to have been as of the date of loading as shown on the on-board vessel ocean bill of lading or other document authorized by this program to be furnished in lieu of such bill of lading, or as of the latest date appearing on the loading tally sheet or similar document, if the loss, destruction, or damage occurs subsequent to loading aboard ship but prior to issuance of on-board vessel ocean bill of lading or such other document, except that, if the "lost" or "damaged" tobacco remains in the United States, it shall not be considered as exported if CCC determines that the condition of the "lost" or "damaged" tobacco is such that it can be disposed of in the domestic market in a manner which will adversely affect CCC's price support or export programs.

(2) Notwithstanding any of the provisions of this program, a shipment of eligible tobacco pursuant to a sale to a U.S. Government Agency shall not qualify as an export or exportation. The term "U.S. Government Agency" means any corporation wholly owned by the Federal Government, and any department, bureau, administration, or other unit of the Federal Government as, for example, the Departments of the Army, Navy, and Air Force, the Agency for International Development, the Army and Air Force Exchange Service, and the Panama Canal Company. A sale to a foreign buyer, including a foreign government, though financed with funds made available by a U.S. Government Agency, such as the Agency for International Development or the Export-Import Bank, is not a sale to a U.S. Government Agency unless the tobacco is transferred or caused to be transferred by such buyer to a U.S. Government Agency.

(e) The term "stemmed tobacco" means tobacco leaf and leaf particles which (1) are produced by processing in the manner commonly known as threshing, or tipping and threshing, or stemming and (2) do not contain stems in excess of 10 percent of total weight. "Stemmed tobacco" shall include cut tobacco or blended strips, or tobacco similarly processed from stemmed tobacco.

(f) The term "unstemmed tobacco" means any packed tobacco which (1) is not stemmed tobacco or blackfat as defined in this section and (2) does not include butt ends, stems, scrap, or other particles removed from tobacco. If tobacco has been tipped and butted, the butt ends shall be considered removed from tobacco unless tip ends in the proportion produced in the tipping process are exported under this program as unstemmed tobacco.

(g) The term "blackfat" means unstemmed packed tobacco which has been further processed, usually by application of oil compounds, into a form of tobacco commonly known as blackfat.

(h) The term "United States" means the 50 States of the United States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

§ 1490.3 Export payment and rate.

(a) Except as otherwise provided in section 1490.6 with respect to exports of eligible tobacco pursuant to a contract with CCC, CCC will make a payment on exports of eligible tobacco at the rate in effect on the date of exportation based on the unstemmed-leaf packed-weight, or the unstemmed-leaf packed-weight equivalent, of the eligible tobacco exported. The unstemmed-leaf packed-weight equivalent of all 1966-crop stemmed tobacco, and of stemmed tobacco of other crops exported after the effective date of this program, shall be determined in accordance with § 1490.3 (d).

(b) The export payment rate shall be as follows:

(1) Ten dollars per hundredweight for (i) Flue-cured tobacco (types 11–14) of the 1960, 1961, and 1962 crops, (ii) Fire-cured tobacco (type 21) of the 1959, 1960, 1961, and 1962 crops, (iii) Fire-cured tobacco (types 22–23) of the 1960, 1961, and 1962 crops, and (iv) dark air-cured tobacco (types 35–36) of the 1961 and 1962 crops. If such tobacco was purchased from CCC loan stocks (tobacco pledged to CCC as security for a price support loan) under terms and conditions providing for or authorizing a refund of part of the purchase price upon proof of exportation, the exporter's application for export payment under this program shall constitute a waiver of his right to such refund. If the purchaser of the tobacco was other than the exporter, the exporter shall submit a waiver of the right to such refund signed by the

person entitled thereto and, if the exporter does not furnish such a waiver, the rate of payment shall be as provided in subparagraph (2) of this paragraph.

(2) Five dollars per hundredweight for all other kinds and crops of eligible tobacco.

(c) CCC reserves the right to reduce the export payment rate, except that any rate reduction (1) shall be effective only after expiration of 90 days following publication thereof in the FEDERAL REGISTER and (2) shall not apply to any contract entered into with CCC under § 1490.6.

(d) The unstemmed-leaf packed weight of unstemmed tobacco shall be the sales weight of the unstemmed tobacco as shown on the invoice and supported by evidence in the exporter's records. The unstemmed-leaf packed-weight equivalent of blackfat shall be the net packed weight of the processed blackfat, less the weight of the oil applied in processing. The unstemmed-leaf packed-weight equivalent of stemmed tobacco shall be the original net packed weight (prior to any further processing) of the stemmed tobacco multiplied by the applicable factors shown below:

Kind of tobacco	Stem content does not exceed		
	3 per-cent	6 per-cent	10 per-cent
Flue-cured	1.30	1.25	1.19
Burley	1.34	1.29	1.23
Fire-cured	1.31	1.26	1.20
Dark air-cured	1.39	1.34	1.28
Virginia sun-cured	1.32	1.27	1.21
Cigar binder and filler	1.53	1.48	1.42
Puerto Rican	1.45	1.40	1.34

If the tobacco was not processed by the exporter or an affiliated company, the original net packed weight and stem content shall be based on a statement furnished by the company which processed the tobacco for the use of the exporter in making application for payment. Such statement shall include the representation that weight and stem content, as stated, are supported by company records which for purposes of CCC audit relating to export payments under Tobacco Export Program regulations, shall be considered records of the exporter. If such a statement cannot be obtained, the tobacco shall be considered unstemmed tobacco for the purpose of this program. If the sales weight shown on the invoice is subsequently reduced by agreement between the exporter and the foreign buyer, the exporter shall report and refund to CCC the excess export payment received.

§ 1490.4 Eligible tobacco.

(a) Tobacco eligible for export payment (hereinafter called "eligible tobacco") under this program shall be tobacco which is:

(1) Unstemmed tobacco, or stemmed tobacco, or blackfat, not contained in manufactured products such as, but not limited to, cigarettes, cigars, snuff, or smoking or chewing tobacco packaged for consumer use;

(2) Produced in the United States;

(3) Exported on or after the effective date of this program, unless it is 1966-crop tobacco; and

(4) Composed of one or more of the following kinds and types: (i) flue-cured, types 11–14, (ii) burley, type 31, (iii) fire-cured, types 21–23, (iv) dark air-cured, types 35–36, (v) Virginia sun-cured, type 37, (vi) cigar binder, types 51–52, (vii) cigar filler and binder, types 42–44, 53–55, and (viii) Puerto Rican, type 46.

(b) If eligible tobacco is exported commingled with other tobacco or additives, the exporter shall certify the weight of the eligible tobacco to CCC.

§ 1490.5 Eligible exporter.

An exporter, to be eligible to participate in this program, must be a person (an individual, corporation, partnership, association, or other business entity) who (a) is engaged in the business of buying or selling tobacco for export, (b) maintains a bona fide business office in the United States for this purpose, and (c) has in such office an agent who is authorized to receive service of process upon behalf of such person.

§ 1490.6 Contracts to export tobacco.

(a) An exporter who desires to obtain an export payment rate which will not be subject to reduction under paragraph (c) of § 1490.3 may submit an offer, during a 90-day period beginning with the date of publication of a rate reduction in the FEDERAL REGISTER, to export eligible tobacco of the then current or prior crops. A crop shall be identified by the calendar year in which the marketing year (July 1 for flue-cured tobacco and October 1 for other kinds of tobacco) for such crop began. If such an offer is accepted by CCC, an exporter who otherwise complies with this program shall receive an export payment at the rate in effect on the date the offer is submitted. The exporter's offer shall state:

(1) That the offer is subject to the terms and conditions of this program in effect at the time the offer was submitted;

(2) The kind and type of tobacco of the then current or prior crops or both which the exporter agrees to export;

(3) The unstemmed-leaf packed-weight or the unstemmed-leaf packed-weight equivalent of the tobacco the exporter agrees to export; and

(4) That the tobacco will be exported within 48 months following the month of acceptance of the exporter's offer by CCC.

(b) The offer, signed by an authorized official of the offeror, shall be submitted to:

Fiscal Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

(c) Any offer containing terms and conditions other than those authorized in this program shall not be accepted. An acceptance by CCC of an exporter's offer shall be made by letter to the exporter giving a contract acceptance number. The contract resulting from such acceptance shall consist of the exporter's offer, CCC's letter of acceptance, and the terms and conditions of this program in effect on the date of submission of the offer. The date of the CCC letter of acceptance shall be the date of the contract.

(d) The exporter shall export or cause exportation of the quantity of eligible tobacco specified in his contract not later than the final date for exportation specified therein, or within such extension of the export period as may for good cause be approved in writing by CCC. If an extension of the exportation period is approved, it may be made subject to such reduction in the export payment rate as may be specified by CCC. The extension may be made before or after the expiration of the export period.

(e) (1) Failure of the exporter to comply with all of the terms and conditions of his contract with CCC will cause serious and substantial losses to CCC, such as damage to its export and price support programs and the incurrence of administrative and other costs. Inasmuch as it will be difficult, if not impossible, to establish the exact amount of such losses, the exporter, in submitting his offer, agrees that the liquidated damages provided in subparagraph (2) of this paragraph are reasonable estimates of CCC's probable actual damages in the event of his breach of the contract.

(2) The exporter shall pay to CCC for each day of delay in exportation after the final date therefor, liquidated damages of 2 cents per hundredweight of tobacco not exported by the final date for exportation, except that such liquidated damages shall not exceed $1 per hundredweight of such tobacco. CCC shall not make any export payment under the contract with respect to eligible tobacco exported more than 90 days after the final date for export.

§ 1490.7 Application for tobacco export payment and evidence of export.

(a) The exporter shall submit an original of an application for tobacco export payment on the form prescribed by CCC to the Fiscal Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. Supplies of the application form may be obtained from that office. The exporter, in order to receive an export payment under this program, must submit the application required by this section within 365 days from the date of export. If the tobacco is exported pursuant to a contract of sale with a foreign buyer, the exporter shall certify either (1) that such contract of sale was entered into after July 6, 1966, or (2) that the sale price in the contract of sale with the foreign buyer was reduced by an amount equal to the export payment for which application is made. Such reduction of the sale price may be made by credit invoices or other standard commercial practice acceptable to the foreign buyer. If the tobacco was acquired prior to July 6, 1966, for export under a barter contract with CCC, the exporter shall submit the certification required by subparagraph (2) of this paragraph. The exporter shall also certify as to the kind, type, form (i.e., unstemmed tobacco, stemmed tobacco, or blackfat) and the quantity of eligible tobacco exported and, in the event the export is made under a contract entered into under section 1490.6, the particular crop or crops of tobacco exported and the contract acceptance number. If the tobacco exported is of a kind and crop specified in § 1490.3(b)(1), the exporter shall also certify as to the particular crops exported and shall state whether or not the tobacco was purchased from CCC loan stocks by a purchaser who is other than the exporter. Each application for export payment shall show, by type and form, the unstemmed-leaf packed weight or the unstemmed-leaf packed-weight equivalent of the eligible tobacco exported, determined in accordance with § 1490.3(d). When such weight is different from the invoice weight, the computation of the weight on which payment is claimed shall be certified to CCC. The use of a conversion rate provided for in § 1490.3(d) in determining the unstemmed-leaf packed-weight equivalent shall constitute the exporter's representation that the stemmed tobacco is of the quality, with respect to the percentage of stems remaining therein, to which the conversion factor applies. Applications for export payment shall be supported by the following documentary evidence:

(i) If the tobacco exported was purchased from CCC loan stocks under terms and conditions providing for or authorizing a refund of part of the purchase price upon proof of exportation, any waiver of right to a refund required by § 1490.3.

(ii) In the case of exportation by water, a nonnegotiable copy of an on-board vessel ocean bill of lading showing the number of containers of tobacco, the gross weight of the containers, including the tobacco therein, the date and place of loading on board vessel, the name of the vessel, the name and address of the exporter and of the consignee, and the destination.

(iii) In the case of exportation by rail, truck, or air, a copy of the bill of lading under which the tobacco was shipped, together with (a) an authenticated landing certificate issued by an official of the Government of the country to which the tobacco was exported, or (b) a copy of Shipper's Export Declaration authenticated by the appropriate U.S. Customs official. The bill of lading and supporting export form (landing certificate or Shipper's Export Declaration) must apply to the same shipment of tobacco, and such forms, or properly authenticated attachments, must show the number of containers of tobacco, the gross weight of containers including the tobacco therein, the date and place of entry into the country of destination, and the name and address of both the exporter and the person to whom it was shipped;

(iv) A copy of the exporter's invoice to the foreign buyer or to the consignee showing the net weight of the tobacco exported.

(v) If the exporter establishes that for good cause he is unable to supply the specified documentary evidence of export, CCC may accept such other evidence of export as will establish to its satisfaction that the exporter has qualified for an export payment under this program.

(b) Payment shall be made to the eligible exporter whose name appears as shipper or consignor on the bill of lading or other evidence of export required by paragraph (a) of this section. If the shipper or consignor named in the export bill of lading or other evidence of export is other than the exporter filing the application for tobacco export payment, a waiver must be submitted from the shipper or consignor named in such bill of lading or other evidence of export waiving any interest in the claim for payment in favor of the exporter filing such application.

§ 1490.8 Reentry or transshipment.

If any quantity of tobacco with respect to which an export payment has been made under this program is reentered into the United States in unmanufactured, processed, or manufactured form, or while in the course of shipment is diverted to any ineligible country, whether or not such reentry or diversion is caused by the exporter, or if any quantity of tobacco with respect to which an export payment has been made under this program is transhipped or caused to be transshipped by the exporter to any country or destination not an eligible country, the exporter shall promptly refund to CCC any export payment made with respect to the quantity of tobacco so reentered or transshipped. The exporter shall not be required to make such refund if he establishes to the satisfaction of CCC that (a) the reentry was not due to his fault or negligence and promptly after he received notice of reentry he exported the reentered tobacco, or an equivalent quantity of eligible tobacco with respect to which no export payment has been made, to an eligible country or (b) the tobacco reentered was lost, damaged, or destroyed and its physical condition is such that its reentry will not adversely affect CCC's price support or export programs.

§ 1490.9 Assignments and setoffs.

(a) No assignment shall be made by the exporter of any export payment due under this program, except that subject to paragraph (b) of this section the exporter may assign the payment due the exporter under an application for payment on the form prescribed by CCC to any trust company, Federal lending agency, or other financing institution and, subject to the approval of the Executive Vice President of CCC, assignment may be made to any other person: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment on Form CCC–251, "Notice of Assignment," together with a signed copy of the instrument of assignment, in accordance with the instructions on Form CCC–251: *And provided further*, That any such assignment shall cover all amounts payable and not already paid under such application, shall not be made to more than one person, and shall not be subject to further assignment, except that any such assignment may be made to one person as agent or trustee for two or more persons. The "Instrument of Assignment" may be executed on Form CCC–252, or the assignee may use his own form of assignment. Forms may be obtained from the:

Fiscal Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) If the exporter is indebted to CCC, the amount of such indebtedness may be set off against payments due the exporter under the application form provided for in § 1490.7, except that if an assignment of any payment has been made CCC may set off (1) any amount due CCC with respect to the application for such payment, and (2) any other amounts due CCC if CCC notifies the assignee of such other amounts to be set off at the time acknowledgment was made of the receipt of notice of such assignment. Setoffs as provided herein shall not deprive the exporter of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1490.10 Records and accounts.

Each exporter shall maintain complete and accurate records of transactions under this program, including contracts of purchase and sale, and storage and other records which will establish that the tobacco upon which export payment is made to the exporter is eligible for payment under this program. Such records shall be available during regular business hours for inspection and audit by authorized employees of the U.S. Department of Agriculture, and shall be preserved for 3 years after date of export.

§ 1490.11 Officials not to benefit.

No member or delegate to Congress or resident Commissioner shall be admitted to any benefit that may arise from any provision of this program, but this prohibition shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 1490.12 Amendment and termination.

This program may be amended or terminated by publishing such amendment or termination in the FEDERAL REGISTER, except that any such termination shall be effective 90 days after publication of the notice of termination in the FEDERAL REGISTER. A notice of termination shall be considered a rate reduction for purposes of §§ 1490.3 and 1490.6. Any such amendment or termination shall not be applicable to exports made prior to the date such amendment or termination becomes effective or to tobacco for which an offer to export has been accepted by CCC in accordance with § 1490.6.

The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on September 30, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

RAYMOND A. IOANES,
Vice President, Commodity Credit Corporation, and Administrator, Foreign Agricultural Service.

NOTICE TO EXPORTER

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the Shipper's Export Declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 66-10887; Filed, Oct. 4, 1966, 8:56 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 20,204]

PART 545—OPERATIONS

Distribution of Earnings at Variable Rates

Correction

In F.R. Doc. 66-10751, appearing at page 12838 of the issue for Saturday, October 1, 1966, the following correction is made in the third sentence of the quoted matter in § 545.3-1(c)(1): The phrase reading "or at the expiration of such period" should read "or at the expiration of the period ending ---------- (date)".

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage may bear interest at the rate agreed upon by the mortgagee and mortgagor, but in no case shall the interest rate exceed 6 percent per annum with respect to mortgages insured on or after October 3, 1966.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

In § 220.510 paragraph (a) is amended to read as follows:

§ 220.510 Maximum interest rate.

(a) The mortgage may bear interest at the rate agreed upon by the mortgagee and mortgagor, but in no case shall the interest rate exceed 6 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 3, 1966.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.518 paragraph (a) is amended to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage may bear interest at the rate agreed upon by the mortgagee and mortgagor, but in no case shall the interest rate exceed 6 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 3, 1966. Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 232.29 paragraph (a) is amended to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage may bear interest at the rate agreed upon by the mortgagee and mortgagor, but in no case shall the interest rate exceed 6 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 3, 1966.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

§ 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage may bear interest at the rate agreed upon by the mortgagee and mortgagor, but in no case shall the interest rate exceed 6 percent per annum with respect to mortgages insured on or after October 3, 1966.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

Section 1000.50 is amended to read as follows:

§ 1000.50 Maximum interest rate.

The mortgage may bear interest at the rate agreed upon by the mortgagee and the mortgagor, but in no case shall the interest rate exceed 6 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after October 3, 1966.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

Issued at Washington, D.C., October 3, 1966.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 66-10882; Filed, Oct. 5, 1966; 8:47 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

SUBCHAPTER B—WELFARE-PENSION REPORTS

PART 462—VARIATION FROM PUBLICATION REQUIREMENTS

Conditions of Variation

Recently, the U.S. Department of Labor Form D-2, entitled "Employee Welfare or Pension Benefit Plan Annual Report Form" prescribed by the Department under the authority of section 7 of the Welfare-Pension Plans Disclosure Act (72 Stat. 1000, 76 Stat. 36, 37; 29 U.S.C. 306) has been revised effective January 1, 1966 (30 F.R. 15659; 29 CFR Part 460). The revised Form dispenses with Exhibits A-1, A-2, and A-3 and replaces these exhibits with a Part III of the Form. Consistent with this revision an amendment to this Part 462, § 462.26 is required to change a reference to Exhibit A-3.

Inasmuch as the amendment adjusts to an amendment already effected, good cause is found to dispense with public notice and comment as provided in section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)). Such procedure is considered unnecessary. Further, for this reason, good cause is found to dispense with the 30 days delayed effective date as provided for in section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)).

Accordingly, under the authority of sections 5 and 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999, 1000, 76 Stat. 36, 37; 29 U.S.C. 304, 306; Secretary's Order No. 24-63 (29 F.R. 9172)), 29 CFR Part 462 is hereby amended as follows:

Paragraph (b) of § 462.26 is hereby amended to read as follows:

§ 462.26 Conditions of variation.

* * * * *

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of such Blue Cross or Blue Shield organization, each plan administrator of an employee benefit plan to which this variation applies shall report in Part III, section D, of Department of Labor Annual Report Form D-2, the name, address and code number of each Blue Cross or Blue Shield organization which the plan utilizes and shall indicate that the financial report of each such Blue Cross or Blue Shield organization is on file with the Office of Labor-Management and Welfare-Pension Reports.

* * * * *

This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. this 26th day of September 1966.

JAMES J. REYNOLDS,
Labor-Management Services Administrator.

[F.R. Doc. 66-10861; Filed, Oct. 5, 1966; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 520—FOREIGN FUNDS CONTROL REGULATIONS

Deletion of Certain Securities

Advice has been received from the Government of the Netherlands that information now in its possession makes it possible to delete certain securities listed in §§ 520.205 and 520.205b. Accordingly, § 520.205 is amended by the deletion of the following securities listed therein.

1. Dominican Republic Customs Administration, 20 year 5½% Gold Loan of 1922–1926 Due 1961:

$1,000—Number 9915.

Section 520.205b is amended by the deletion of the following securities listed therein.

1. Atchison, Topeka and Santa Fe Railway Company (The)—General Gold 4% Due 1995:

$1,000—Numbers 12577 and 42413.

2. Chesapeake & Ohio Railway Co. (The) 3½% Bonds 1936:

$1,000—Number 28604.

3. Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—Convertible Adjustment Series A 5%:

$1,000—Number 6479.

4. Cities Service Company 5% Gold Debenture, 1969:

$1,000—Number 14306.

5. International Mercantile Marine Co., Ltd.—First and Collateral Trust Gold 6% Due 1941:

$1,000—Number 28305.

6. Union Pacific Railroad Company—First Gold, 4% of 1947:

$1,000—Number 23432;

$500—Numbers 13555 and 16830.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 66-10871; Filed, Oct. 5, 1966; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 22—Office of Economic Opportunity

PART 22-1—GENERAL

A new Part 22-1 is added to Chapter 22 of Title 41, Code of Federal Regulations as follows:

Sec.
22-1.000 Scope of part.

Subpart 22-1.0—Introduction

22-1.001 Scope of subpart.
22-1.002 Purpose.
22-1.003 Authority.
22-1.004 Applicability.
22-1.004-1 [Reserved.]
22-1.004-2 Relationship to the FPR.
22-1.004-3 Description.
22-1.004-4 Interim applications.
22-1.005 Exclusions.
22-1.006 Issuance.
22-1.006-1 Code arrangement.
22-1.006-2 Publication.
22-1.006-3 Copies.
22-1.007 Arrangement.
22-1.007-1 General plan.
22-1.007-2 Numbering.
22-1.007-3 Citation.
22-1.008 Agency implementation.
22-1.008-1 Suffixes.
22-1.009 Deviations.

AUTHORITY: The provisions of this Part 22-1 issued under Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended; sec. 602(n) of Public Law 88-452, as amended.

§ 22-1.000 Scope of part.

This part establishes a system of procurement regulations and procedures applicable to procurement of property, rights and services (including construction) necessary to the operations of the Office of Economic Opportunity, Executive Office of the President. This system is based upon the Federal Property and Administrative Services Act of 1949, and is comprised of the Federal Procurement Regulations (referred to herein as FPR), and Office of Economic Opportunity Procurement Regulations (referred to herein as OEOPR, which are hereby established). This part describes the method by which the Office of Economic Opportunity implements, supplements, and may deviate from the FPR, and sets forth policies and procedures which implement and supplement the FPR.

Subpart 22-1.0—Introduction

§ 22-1.001 Scope of subpart.

This subpart sets forth introductory information pertaining to the Office of Economic Opportunity Procurement Regulations (herein identified as OEOPR). It explains the purpose of the OEOPR, the authority under which they are issued, their relationship to the Federal Procurement Regulations, and their applicability, method of issuance, exclusions, and arrangement. It also outlines procedures for implementing, supplementing, and deviating from the FPR.

§ 22–1.002 Purpose.

The Federal Procurement Regulations, as implemented, supplemented, or deviated from by the Office of Economic Opportunity Procurement Regulations set forth in this chapter, are hereby designated as the authorized regulations governing the procurement of property, rights, and services (including construction) necessary to the operations of the Office of Economic Opportunity, Executive Office of the President.

§ 22–1.003 Authority.

(a) The Office of Economic Opportunity Procurement Regulations (OEOPR) are prescribed pursuant to Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and section 602(n) of Public Law 88–452, as amended and the authority delegated to the Director of Contracts.

(b) Procurement instructions and procedures which are necessary to implement, supplement, or deviate from the FPR, will be issued in the OEOPR by the Director of Contracts, when necessary to accomplish Office of Economic Opportunity procurement objectives.

§ 22–1.004 Applicability.

§ 22–1.004–1 [Reserved]

§ 22–1.004–2 Relationship to the FPR.

Material published in the FPR which has Government-wide applicability, becomes effective throughout the Office of Economic Opportunity upon the effective date cited in the particular FPR material. Such material generally will not be repeated, paraphrased, or otherwise stated in OEOPR except to the extent necessary to supplement, implement, or deviate from the FPR.

§ 22–1.004–3 Description.

The meanings of OEOPR "implementation," "supplementation," and "deviation" from the FPR includes the following:

(a) "Implementation" means a part, subpart, section, etc., which treats the policies and procedures of a similarly numbered portion of the FPR in greater detail or indicates the manner of compliance, including any deviations. However, material in this Chapter 22 which differs from material in Chapter 1 of this title (FPR) shall be regarded as a deviation only if explicitly referenced to be a deviation.

(b) "Supplementation" means OEOPR coverage of matters which have no counterpart in the FPR.

(c) "Deviation" is defined in FPR 1–1.009–1.

§ 22–1.004–4 Interim applications.

The regulations in this chapter apply to all Office of Economic Opportunity procurement actions, except as otherwise specified herein; however, existing Office of Economic Opportunity procurement regulations, procedures, instructions, and requirements, not in conflict with FPR, will remain in effect until superseded by an appropriate OEOPR, or otherwise rescinded.

§ 22–1.005 Exclusions.

(a) Certain Office of Economic Opportunity procurement policies and procedures which come within the scope of this Chapter 22 nevertheless may be excluded when justified. These exclusions may include the following categories:

(1) Policies or procedures effective for a period of less than 6 months.

(2) Policies or procedures effective on an experimental basis for a reasonable period.

(3) Policies and procedures pertaining to other functions of the Office of Economic Opportunity as well as to procurement functions, and where there is need to make the issuance available to all Office of Economic Opportunity employees concerned.

(4) Where speed of issuance is essential, and numerous changes required in this Chapter 22 cannot be made promptly.

(b) Procurement policies and procedures issued under the authority of paragraph (a) (3) and (4) of this section will be codified into this Chapter 22 at the earliest practicable date, but in any event not later than six months from date of issuance.

§ 22–1.006 Issuance.

§ 22–1.006–1 Code arrangement.

Office of Economic Opportunity Procurement Regulations which basically or significantly implement, supplement or deviate from the Federal Procurement Regulations, Chapter 1 of this Title 41 of the Code of Federal Regulations, will be published as this Chapter 22 of this Title 41, Code of Federal Regulations.

§ 22–1.006–2 Publication.

This Chapter 22 of this Title 41, Code of Federal Regulations will be published in the daily issues of the FEDERAL REGISTER, and in cumulated form in the Code of Federal Regulations.

§ 22–1.006–3 Copies.

Copies of the Office of Economic Opportunity Procurement Regulations in the FEDERAL REGISTER and the Code of Federal Regulations form may be purchased by Federal agencies and the public, at nominal cost from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 22–1.007 Arrangement.

§ 22–1.007–1 General plan.

The Office of Economic Opportunity Procurement Regulations (OEOPR) employ the same numbering system and nomenclature as the Federal Procurement Regulations and conform with FEDERAL REGISTER standards approved for the FPR.

§ 22–1.007–2 Numbering.

(a) This Chapter 22 has been allocated to the Office of Economic Opportunity for implementing, supplementing, and deviating from Chapter 1 of this Title 41 CFR, the Federal Procurement Regulations.

(b) Where the OEOPR implements (or deviates from) a part, subpart, section, or subsection of the FPR, the implementing part, subpart, section, or subsection of OEOPR will be numbered (and captioned) to correspond to the part, subpart, section, or subsection of Chapter 1 of this title, CFR, the FPR.

(c) Where the subject matter contained in a part, subpart, section, or subsection of FPR requires no implementation, the OEOPR will contain no corresponding part, subpart, section, or subsection number and the subject matter as published in the FPR governs.

(d) OEOPR's which supplement the FPR will be assigned an appropriate number and title different from any assigned to an FPR.

§ 22–1.007–3 Citation.

The Office of Economic Opportunity Procurement Regulations will be cited in accordance with FEDERAL REGISTER standards approved for the FPR. Thus this section, when referred to in sections of the Office of Economic Opportunity Procurement Regulations, should be cited as "§ 22–1.007–3 of this chapter." When this section is referred to formally in official documents, such as legal briefs, it should be cited as "41 CFR 22–1.007–3." Any section of Office of Economic Opportunity Procurement Regulations may be informally identified, for purposes of brevity, as OEOPR followed by the section number, i.e., "OEOPR 22–1.007–3."

§ 22–1.008 Agency implementation.

§ 22–1.008–1 Suffixes.

OEOPR's which may be issued to provide for special requirements of individual programs will be identified by alphabetical suffixes to the appropriate digit 22 part, subpart, section, and subsection. Such suffixes will be assigned when regulations of this type are issued.

§ 22–1.009 Deviations.

Deviations from the FPR and OEOPR shall be kept to a minimum and controlled as follows:

(a) Deviations in both individual cases and classes of cases must be approved in advance by the Director of Contracts. Requests for approval of such deviations may be initiated by Contracting Officers. They shall be submitted to the Director of Contracts. Requests shall cite the specific parts of the FPR and OEOPR from which it is desired to deviate, shall set forth the nature of the deviations, and shall give the reasons for the action requested.

(b) If a requested deviation is considered appropriate, approval will be accomplished as follows:

(1) Where the deviation applies to an individual case, approval will be granted by memorandum addressed to the requesting officer with copies to interested offices. The contract file of the requesting office shall include a copy of the request and approval.

(2) Where the deviation applies to a class of cases, necessary coordination with the General Services Administration will be accomplished by the Director of Contracts. Such class deviations will be issued as a part of OEOPR.

(3) Where circumstances preclude the obtaining of prior concurrence of the GSA, to a class of cases, the Director of Contracts may authorize a deviation. In such an instance, the Director of Contracts shall inform the GSA of the deviation and circumstances under which it was required.

(c) The requesting office will be notified by memorandum, with copies to other interested offices, whenever a requested deviation is disapproved.

(d) In emergency situations involving individual cases, deviation approvals may be processed by telephone and later confirmed in writing.

(e) Requests for deviations may be made at any time. New FPR issuances should be reviewed upon receipts, so that requests for deviations can be acted upon prior to the effective date, whenever practicable.

These regulations shall be effective upon publication in the FEDERAL REGISTER.

SARGENT SHRIVER,
Director.

SEPTEMBER 28, 1966.

[F.R. Doc. 66–10856; Filed, Oct. 5, 1966; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Interest Rates

1. In § 36.4311, paragraph (a) is amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real-estate loans insured under 38 U.S.C. 1815, effective October 3, 1966, the interest rate on any loan guaranteed or insured wholly or in part may not exceed 6 per centum per annum on the unpaid principal balance.

* * * * *

2. In § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after March 3, 1966, shall not exceed an amount which bears the same ratio to $17,500 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $7,500, nor may any veteran obtain direct loans aggregating more than $17,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by Veterans Administration shall bear interest at the rate of 6 percent per annum, except where a commitment to make the loan was issued prior to October 3, 1966, in which case the rate of interest shall be that applicable on the date such commitment was issued.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective October 3, 1966.

Approved: October 3, 1966.

[SEAL] W. J. DRIVER,
Administrator.

[F.R. Doc. 66–10877; Filed, Oct. 5, 1966; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Sutter National Wildlife Refuge, Calif.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695), it has been determined that a major portion of the crops in the vicinity of the subject refuge has been harvested and that the period of susceptibility of such crops to waterfowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER. The limitation of time makes it impracticable to give public notice of proposed rule making.

Public hunting of ducks, geese, coots and gallinules on the Sutter National Wildlife Refuge, Calif., is permitted only on an area of 1,100 acres designated by signs as open to hunting.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Ducks, coots, and gallinules may be hunted during the period October 22, 1966, through January 4, 1967, and geese may be hunted from October 22, 1966, through January 8, 1967, all dates inclusive. Hunting will be restricted to Saturdays, Sundays (except Christmas Day and New Year's Day), Wednesdays, and Veterans' Day. A special hunt will be permitted on January 14, 15, 21, and 22, 1967, for the taking of snow and Ross' geese only.

(2) Before hunting on the area, hunters must obtain a State permit issued at the checking station, or advance reservation obtained from the State Fish and Game Department, Sacramento, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

The public hunting of ring-necked pheasants on the Sutter National Wildlife Refuge, Calif., is permitted only on an area of 1,100 acres, designated by signs as open to hunting. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition: Pheasants may be hunted only on November 19, 20, 23, 26, 27, 30, and December 3 and 4, 1966.

The areas open to hunting are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 22, 1967.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 28, 1966.

[F.R. Doc. 66–10875; Filed Oct. 5, 1966; 8:46 a.m.]

PART 32—HUNTING

St. Marks National Wildlife Refuge, Fla.; Correction

In F.R. Doc. 66–10345, appearing on page 12530 of the issue for September 22, 1966, subparagraph (1) of § 32.22 is corrected to read as follows:

(1) The open season for archery hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox on the refuge is limited to the separate periods of October 1–2, October 8–9, October 15–16, and October 22–23, 1966. The open season for archery and gun hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox on the refuge extends from November 12, 1966, through January 15, 1967.

In F.R. Doc. 66–10345, appearing on page 12530 of the issue for September 22, 1966, the second paragraph of § 32.32 is corrected to read as follows:

The open season for archery hunting of deer and bear on the refuge is limited to the separate periods of October 1–2, October 8–9, October 15–16, and October 22–23, 1966. The open season for archery and gun hunting of deer and bear on the refuge extends from November 12, 1966, through January 15, 1967.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66–10857; Filed, Oct. 5, 1966; 8:45 a.m.]

PART 32—HUNTING

McNary National Wildlife Refuge, Wash.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WASHINGTON

MCNARY NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the McNary National Wildlife Refuge, Wash., is permitted from October 15 through November 6, 1966, in Unit I, and from October 15 through November 13 and from November 26 through December 31, 1966, in Unit II, as designated by signs as open to hunting. This open area, comprising 1,273 acres, is delineated on a map available at McNary National Wildlife Refuge headquarters, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Hunters must report at such checking stations as may be established when entering or leaving Unit II.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10876; Filed, Oct. 5, 1966; 8:46 a.m.]

PART 32—HUNTING

Rice Lake National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Rice Lake National Wildlife Refuge is permitted from sunrise to sunset November 12 through November 20, 1966, and with bow and arrow only from sunrise December 3, 1966, to sunset December 18, 1966, inclusive, only on the area designated by signs as open to hunting. This open area comprising 13,000 acres, is delineated on a map available at refuge headquarters, McGregor, Minnesota and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions:

(1) Hunters may not enter the refuge before 6 a.m. daily and must leave the refuge before 6 p.m. daily.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 18, 1966.

CARL E. POSPICHAL,
Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minn. 55760.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10858; Filed, Oct. 5, 1966; 8:45 a.m.]

PART 32—HUNTING

Noxubee National Wildlife Refuge, Miss.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Noxubee National Wildlife Refuge, Miss., is permitted only on the area designated by signs as open to hunting. This open area, comprising 45,700 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) The open seasons for archery hunting only on Noxubee Refuge are October 24 through November 3, 1966, and November 5 through 12, 1966.

(2) Bag limit—One (1) deer of either sex per season.

(3) The use of dogs is not permitted.

(4) All deer killed must be checked out at refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 12, 1966.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-10859; Filed, Oct. 5, 1966; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Expenses of Walnut Control Board and Rates of Assessment for 1966–67 Marketing Year

Notice is hereby given of a proposal regarding expenses of the Walnut Control Board and rates of assessment for the 1966–67 marketing year beginning August 1, 1966, pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Board has recommended a budget of expenses in the total amount of $124,850 and, based on the volume of merchantable inshell walnuts handled or declared for handling and merchantable shelled walnuts handled or declared for handling during the 1966–67 marketing year, an assessment rate of 0.125 cent per pound and 0.25 cent per pound, respectively, is expected to provide sufficient funds to meet the estimated expenses of the Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the eighth day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 984.318 Expenses of the Walnut Control Board and rates of assessment for the 1966–67 marketing year.

(a) *Expenses.* The expenses in the amount of $124,850 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1966, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, is fixed at 0.125 cent per pound for merchantable inshell walnuts and 0.25 cent per pound for merchantable shelled walnuts.

Dated: October 3, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10868; Filed, Oct. 5, 1966; 8:47 a.m.]

[7 CFR Part 1126]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provison of the order regulating the handling of milk in the North Texas marketing area is being considered for the months of October 1966 through March 1967.

The provision proposed to be suspended is: "described in paragraph (a) of this section" as it appears in § 1126.10(c), relating to pool plant status of a plant operated by a cooperative association.

This suspension has been requested by the North Texas Producers Association and the Lamar Creamery Co., cooperatives representing the majority of producers on the market. These two cooperatives request that this provision be suspended to reflect the changed milk marketing conditions in this market and to permit cooperatives to cooperate in the efficient marketing of milk and continued pooling of certain milk during a period in which it is indicated that such milk will be required to provide an adequate and dependable supply to meet the needs of the market.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on September 30, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-10867; Filed, Oct. 5, 1966; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CERTAIN CHEESES AND CHEESE PRODUCTS

Identity Standards; Use of Additional Safe and Suitable Milk-Clotting Enzymes

Notice is given that a petition has been filed by Kraft Foods, Division of National Dairy Products Corp., 500 Peshtigo Court, Chicago, Ill. 60690, proposing amendment of the standards of identity for cheddar, washed curd, colby, granular, and swiss cheese (21 CFR 19.500, 19.505, 19.510, 19.535, and 19.540) to permit use of safe and suitable milk-clotting enzymes, other than presently permitted rennet, in cheesemaking.

Grounds set forth in the petition in support of the proposal are that the no longer adequate supply of animal rennet for cheesemaking has resulted in its having high and unstable prices and that use of other suitable milk-clotting enzymes, one or more of which are now available, would alleviate this situation.

It is proposed that Part 19 be amended:

1. By adding a new section, as follows:

§ 19._____ Definitions.

For the purposes of this part, the phrase "safe and suitable" when used to describe ingredients of cheese or cheese products means that such ingredients shall be functionally suitable substances that are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or if they are food additives as so defined, they shall be used in conformity with regulations established pursuant to section 409 of the act.

2. By changing, respectively, the third sentence of paragraph (b) of §§ 19.500 *Cheddar cheese, cheese; identity; label statement of optional ingredients*, 19.505 *Washed curd cheese, soaked curd cheese* * * *, 19.510 *Colby cheese* * * *, 19.535 *Granular cheese, stirred curd cheese* * * *, and 19.540 *Swiss cheese, emmentaler cheese* * * * to read "Sufficient rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, with or without purified calcium chloride in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) by weight of the milk, is added to set the milk to a semisolid mass."

Due to cross-references, adopting the proposed amendment to the above-cited cheese standards would have the effect of making other suitable milk-clotting enzymes, as well as rennet, permitted in-

gredients of cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, and swiss cheese for manufacturing (21 CFR 19.502, 19.507, 19.512, 19.537, and 19.542).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: September 29, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10872; Filed, Oct. 5, 1966; 8:46 a.m.]

[21 CFR Part 191]

HAZARDOUS SUBSTANCES

Exemption of Painting and Other Coating Materials From Labeling Requirements

The Commissioner of Food and Drugs has received a request that § 191.63(a)(25), which conditionally exempts from the requirements of the Federal Hazardous Substances Labeling Act the outer retail cartons of certain kits containing a variety of solvents and cleaning agents, be amended to include kits intended for use in coating, painting, and similarly processing various surfaces.

Having considered the request and other relevant information, the Commissioner concludes that full compliance with the labeling requirements of section 2(p)(1) of the act is not necessary for the adequate protection of public health and safety if the outer carton of such kits bears warnings adequate to alert the user to the fact that the kit contains substances that may be hazardous, and if each individual container of a hazardous substance in the kit is properly labeled.

Therefore, pursuant to the provisions of the act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), it is proposed that § 191.63(a)(25) be revised to read as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

(a) • • •

(25) Cleaning and spot removing kits intended for use in cleaning carpets, furniture, and other household objects, and kits intended for use in coating, painting, antiquing, and similarly processing various surfaces, furniture, furnishings, equipment, sidings, etc., are exempt from the requirements of section 2(p)(1) of the act: *Provided*, That:

(i) The immediate container of each hazardous substance in the kit is fully labeled and in conformance with the requirements of the act and regulations issued thereunder; and

(ii) The carton of the kit bears on the main display panel (or panels) within a borderline, and in the type size specified in § 191.101, the following caution statement: "(Insert proper signal word as specified in subdivision (iii) of this subparagraph.) This kit contains the following chemicals that may be harmful if misused: (List chemicals by name.) Read cautions on individual containers carefully. Keep out of the reach of children."

(iii) If either the word "POISON" or "DANGER" is required on the container of any component of the kit, the same word shall be required to appear as part of the caution statement on the kit carton. If both "POISON" and "DANGER" are required in the labeling of any component or components in the kit, the word "POISON" shall be used. In all other cases the word "WARNING" or "CAUTION" shall be used.

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Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW, Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: September 29, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10873; Filed, Oct. 5, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Proposed Classification of Public Lands

Notice is hereby given that it is proposed to classify, pursuant to section 3 of the act of August 31, 1964 (78 Stat. 751; 43 U.S.C. 254), the public lands described below for disposal in satisfaction of valid scrip rights. This publication is made pursuant to section 2 of the act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1412). For a period of 60 days from the date of this publication, interested parties may submit comments to the Director, Bureau of Land Management, Washington, D.C. 20240.

Regulations (43 CFR 2221.01–2221.2–4) governing selection of classified lands were published August 24, 1966 (31 F.R. 11178, 11179). As stated therein, scrip claimants may submit recommendations of areas to be classified for satisfaction of claims, specifying the type of claim for which the land should be classified. Recommendations should be sent to the State Director, Bureau of Land Management, of the State in which the recommended lands are located (see 43 CFR 1821.2–1).

The lands affected by this proposal are described as follows:

For Satisfaction of Valid Valentine, Sioux Halfbreed, Wyandotte, Porterfield, Gerard, McKee, and Railroad Lieu Selection Claims:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 60 E.,
Sec. 14, E½NE¼NE¼SW¼, W½NW¼NE¼SW¼, W½SE¼NW¼SW¼, W½NE¼SE¼SW¼, W½W½SE¼SW¼, E½SE¼SE¼SW¼;
Sec. 23, W½NE¼NE¼NE¼, W½NW¼NW¼NE¼;
Sec. 24, W½NE¼SE¼NW¼, SE¼SE¼NW¼;
Sec. 25, W½NW¼NW¼NE¼, W½SW¼NE¼, E½NE¼SW¼NE¼, NE¼SE¼NE¼, E½SE¼SE¼NE¼, SW¼SE¼NE¼, W½E½NE¼NW¼, W½NE¼NW¼, W½NW¼NW¼NW¼, SW¼NW¼NW¼, W½SE¼NW¼NW¼, W½NE¼SW¼NW¼, E½SW¼SW¼NW¼, SE¼SW¼NW¼, NW¼SE¼NW¼, E½NE¼NE¼SW¼, E½NW¼NE¼SW¼, S½NE¼SW¼, E½NE¼NW¼SW¼, W½W½NW¼SW¼, W½SE¼NW¼SW¼, E½SW¼SW¼SW¼; E½SE¼SW¼SW¼, W¼NE¼SE¼SW¼, NW¼SE¼SW¼, E½NE¼NE¼SE¼, SE¼NE¼SE¼, W¼NW¼NE¼SE¼, NW¼NW¼SE¼, N½SW¼SE¼, E½SW¼SW¼SE¼, SE¼SW¼SE¼, W½NE¼SE¼SE¼, NW¼SE¼SE¼, E½SW¼SE¼SE¼, W½SE¼SE¼SE¼;
Sec. 26, NE¼SE¼NW¼, E½NW¼SE¼NW¼, E½SE¼SE¼NW¼, NE¼NE¼SW¼, W½NW¼NE¼SW¼, W½NE¼NW¼SW¼, E½W½NW¼SW¼, SW¼SW¼SW¼, E½SW¼SE¼SW¼, SE¼SE¼SW¼, E½SE¼NE¼SE¼, W½SW¼NE¼SE¼, NW¼NE¼SE¼, W½NW¼SW¼SE¼, NE¼SE¼SE¼, E½NW¼SE¼SE¼, W½SE¼SE¼SE¼;

MOUNT DIABLO MERIDIAN—Continued

Sec. 36, NW¼NE¼NE¼NE¼, S½NE¼NE¼NE¼, NW¼NE¼NE¼, W½SW¼NE¼NE¼, N½SE¼NE¼NE¼, SE¼SW¼SW¼NE¼, NW¼NE¼SE¼NE¼, NE¼SE¼SE¼NE¼, SE¼NE¼NE¼NW¼, NE¼NE¼NE¼NW¼, SE¼SE¼SE¼NW¼, SE¼SW¼SE¼SW¼, SW¼SE¼SE¼SW¼, NW¼NE¼SE¼, NE¼NW¼NE¼SE¼, SE¼NE¼NE¼SE¼, NW¼SW¼NE¼SE¼, N½SE¼NW¼SE¼, SE¼SE¼NW¼SE¼, SE¼SW¼NE¼SE¼, NW¼SE¼SE¼, W½NW¼NW¼SE¼, NW¼SW¼NW¼SE¼, NW¼NE¼SW¼SE¼, SE¼NE¼SW¼SE¼, SW¼NW¼SE¼SE¼, W½NW¼SW¼SE¼, SE¼SW¼SE¼SE¼, W½SE¼SW¼SE¼, NW¼SE¼SE¼, E½SW¼SE¼SE¼, W½SW¼SE¼SE¼, SE¼SE¼SE¼.
T. 21 S., R. 61 E.,
Sec. 30, lots 9 and 10, NW¼NE¼NW¼NW¼;
Sec. 31, W½W½NE¼NW¼, SE¼SW¼NE¼NW¼, NE¼SE¼NE¼NW¼, S½SE¼NE¼NW¼, lots 21, 26, 27, 28, 30, 35, 36, 39, 40, 41, 42, 43, 45, and 47, S½NE¼SE¼NW¼, W½SE¼NW¼, W½SE¼SE¼NW¼, SW¼NE¼NE¼SW¼, NW¼NW¼NE¼SW¼, lots 53, 54, SE¼SW¼NE¼SW¼, lots 56, 57, 62, 71, 73, 69, 75, 76, 78, 79, 81, 82, W½NW¼SE¼SW¼, N½SW¼SE¼SW¼.
T. 22 S., R. 60 E.,
Sec. 1, NE¼NE¼NE¼NE¼, SW¼NE¼NE¼NE¼, SW¼NW¼NE¼NE¼, NE¼SW¼NE¼NE¼, E½NW¼NW¼NE¼, SW¼NW¼NE¼, W½W½SW¼NE¼, SE¼NE¼SW¼NE¼, E½SE¼SW¼NE¼, E½NE¼SE¼NE¼, SW¼NE¼SE¼NE¼, NE¼SE¼SE¼NE¼, NW¼SE¼NE¼, N½SW¼SE¼NE¼, SW¼SW¼SE¼NE¼, NE¼NE¼NW¼SE¼, E½SE¼NE¼SE¼, W½NW¼NE¼SE¼, E½NE¼NW¼SE¼, SE¼NW¼NW¼SE¼, SW¼SW¼NW¼SE¼, SE¼NW¼SW¼SE¼, E½NE¼SW¼SE¼, NE¼NW¼SW¼SE¼, W½SW¼SW¼SE¼, SW¼SE¼SW¼SE¼, SW¼NW¼SE¼, NW¼SE¼SE¼, N½SW¼SE¼, SE¼NW¼SE¼, N½SE¼SE¼SE¼, SE¼NW¼SE¼SE¼, SE¼SE¼SE¼.
Sec. 12, NE¼NE¼NE¼NE¼, SW¼NE¼NE¼NE¼, NE¼NW¼NE¼NE¼, S½NW¼NE¼NE¼, N½SW¼NE¼NE¼, NE¼SE¼NE¼NE¼, SW¼SE¼NE¼NE¼, NE¼NW¼NW¼NE¼, S½NW¼NW¼NE¼, S½SW¼NW¼NE¼, NE¼SW¼NE¼, SE¼SW¼NE¼, E½NW¼SW¼NE¼, S½SW¼SW¼NE¼, E½SE¼SW¼NE¼, N½SW¼SE¼NE¼, SW¼SE¼SW¼NE¼, NE¼NW¼NW¼SE¼, E½NW¼NE¼SE¼, SE¼NW¼NE¼SE¼, SW¼NW¼SE¼, E½NE¼SW¼SE¼, NE¼NW¼SW¼SE¼, W½SW¼SW¼SE¼, SW¼SE¼SW¼SE¼, SW¼NW¼SE¼, NW¼SE¼SE¼, S½SW¼SE¼, N½SE¼SE¼SE¼, SE¼NW¼SE¼SE¼, W½SW¼SE¼SE¼;
Sec. 13, S½NE¼NE¼NE¼, W½SE¼NE¼NE¼, SW¼NW¼NE¼NE¼, W½NE¼NW¼NE¼, S½NW¼NW¼NE¼, NE¼SW¼NW¼NE¼, S½S½NW¼NE¼, NE¼SE¼NW¼NE¼, S½N½SW¼NE¼, S½SE¼SW¼NE¼, N½S½SW¼NE¼, S½SE¼SW¼NE¼, NW¼NE¼SE¼NE¼, N½NW¼SE¼NE¼, NE¼SW¼SE¼NE¼, SW¼SE¼SE¼NE¼, NE¼NE¼NE¼NW¼, NW¼NE¼NE¼NW¼, SE¼NE¼NE¼NW¼, S½NW¼NE¼NW¼, NE¼SW¼NE¼NW¼, SW¼SW¼NE¼NW¼, E½SE¼NE¼NW¼, S½SE¼NE¼NW¼, SW¼SE¼NE¼NW¼, NW¼NW¼NW¼, S½SW¼NW¼, SE¼SW¼NW¼, NW¼NE¼SE¼NW¼, S½NE¼SE¼NW¼, SW¼NW¼SE¼NW¼, NW¼SW¼SE¼NW¼, S½SW¼SE¼NW¼, NE¼SE¼SE¼NW¼, SW¼SE¼SE¼NW¼, S½NW¼, SW¼NE¼NE¼SW¼, NW¼NW¼NE¼SW¼, S½SW¼NE¼SW¼, E½SE¼NE¼SW¼, NE¼NW¼NW¼SW¼, W½SE¼NW¼SW¼, SE¼SW¼SW¼, NE¼SE¼SW¼, S½NW¼SW¼, SW¼SW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½NW¼SE¼SW¼, NE¼SW¼SE¼SW¼, S½SW¼SE¼SW¼, SE¼SE¼SW¼, NW¼SW¼, SW¼NE¼NE¼SE¼, NW¼NW¼NE¼SE¼, S½SW¼NE¼SE¼, W½SE¼NE¼SE¼, SE¼SE¼NE¼SE¼, SW¼NW¼SE¼, NE¼SW¼SE¼, S½SE¼SE¼, W½NW¼SE¼SE¼, SW¼SE¼SE¼, N½SE¼SE¼SE¼, SE¼NW¼SE¼SE¼, S½SE¼SE¼SE¼.

MOUNT DIABLO MERIDIAN—Continued

NE¼SE¼NE¼, N½N¼NE¼SW¼, SE¼NE¼NE¼SW¼, E½SE¼NE¼SW¼, E½SW¼NE¼SW¼, E½NE¼NW¼SW¼, NW¼NW¼NW¼SW¼, SE¼SW¼NW¼SW¼, NW¼SE¼NW¼SW¼, S½SE¼NW¼SW¼, NE¼SW¼NW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, N½SW¼SW¼, SE¼SE¼SW¼, W½NW¼SE¼SW¼, NW¼SW¼SE¼, S½NE¼SW¼SE¼, SE¼SE¼SW¼SE¼, W½NE¼SE¼, NW¼SW¼SE¼, SW¼NW¼SE¼SE¼, W½SW¼SE¼SE¼, NE¼SW¼SE¼SE¼, S½SE¼SE¼SE¼, NW¼SE¼SE¼SE¼, E½SW¼SE¼SE¼, W½SE¼SE¼SE¼, SE¼SE¼SE¼;
Sec. 22, N½NE¼NE¼NE¼, SE¼NE¼NE¼NE¼, NW¼SE¼NE¼NE¼, NW¼NW¼NE¼NE¼, SE¼NE¼NW¼NE¼, N½NE¼NW¼NE¼, S½NW¼NE¼NE¼, NW¼NW¼NW¼NE¼, S½NW¼NE¼, W½E½SW¼NE¼, SE¼SE¼SW¼NE¼, S½NW¼SW¼NE¼, SW¼SW¼NE¼, SW¼SW¼NE¼NE¼, SE¼NE¼SE¼NE¼, W½NE¼SE¼NE¼, NW¼SE¼NE¼, NW¼SW¼SE¼NE¼, W½SE¼NW¼, SE¼NE¼NW¼NW¼, NE¼NW¼NW¼, W½SE¼NW¼NW¼, SW¼NW¼NW¼, S½NE¼NW¼NW¼, NE¼NW¼SW¼NW¼, SW¼NW¼NW¼, S½SE¼NW¼NW¼, NE¼NW¼NW¼, SW¼NW¼, SE¼NW¼SW¼NW¼, S½NE¼SW¼NW¼, NE¼NW¼SW¼, SW¼NW¼SW¼, S½SW¼SW¼NW¼, NW¼SE¼SW¼NW¼, NE¼SW¼SW¼NW¼, S½SW¼SW¼NW¼, SE¼SW¼SW¼NW¼, NW¼SE¼NW¼, NE¼NW¼SE¼NW¼, SW¼NW¼SE¼NW¼, NW¼SW¼SE¼NW¼, S½SW¼SE¼NW¼, NE¼SW¼SE¼NW¼, SW¼SW¼SE¼NW¼, SE¼SW¼SE¼NW¼, NW¼NE¼SE¼, S½NE¼SE¼, NW¼SE¼SE¼, N½SW¼SE¼, SE¼NW¼SE¼SE¼, S½SE¼SE¼, NW¼SW¼SE¼SE¼, SW¼SE¼SE¼, E½SW¼SE¼SE¼, W½SE¼SE¼SE¼, SE¼SE¼SE¼;
Sec. 23, NW¼NE¼NE¼NE¼, SE¼NE¼NE¼NE¼, N½SE¼NE¼NE¼, E½SW¼NE¼NE¼, SW¼SE¼NE¼NE¼, NE¼NW¼NW¼NE¼, NW¼NE¼NW¼NE¼, W½SW¼NW¼NE¼, SE¼SW¼NE¼, S½SW¼SW¼NE¼, NE¼NE¼SE¼NE¼, SW¼NW¼SE¼NE¼, N½NW¼SE¼NE¼, SE¼SW¼SE¼NE¼, NE¼NE¼NW¼, NW¼NE¼NW¼, SE¼NE¼NW¼, NW¼NW¼NW¼, S½NW¼NW¼, NE¼SW¼NW¼, S½SW¼NW¼, SE¼SW¼NW¼, NW¼SE¼NW¼, S½SE¼NW¼, NE¼SW¼SE¼NW¼, SW¼NW¼SE¼NW¼, NW¼SW¼SE¼NW¼, S½SW¼SE¼NW¼, NE¼SE¼SE¼NW¼, SW¼SE¼SE¼NW¼, S½NW¼, SW¼NE¼NE¼SW¼, NW¼NW¼NE¼SW¼, S½SW¼NE¼SW¼, E½SE¼NE¼SW¼, NE¼NW¼NW¼SW¼, W½SE¼NW¼SW¼, SE¼SW¼SW¼, NE¼SE¼SW¼, S½NW¼SW¼, SW¼SW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½NW¼SE¼SW¼, NE¼SW¼SE¼SW¼, S½SW¼SE¼SW¼, SE¼SE¼SW¼, NW¼SW¼, SW¼NE¼NE¼SE¼, NW¼NW¼NE¼SE¼, S½SW¼NE¼SE¼, W½SE¼NE¼SE¼, SE¼SE¼NE¼SE¼, SW¼NW¼SE¼, NE¼SW¼SE¼, S½SE¼SE¼, W½NW¼SE¼SE¼, SW¼SE¼SE¼, N½SE¼SE¼SE¼, SE¼NW¼SE¼SE¼, S½SE¼SE¼SE¼, W½SW¼SE¼SE¼;
Sec. 24, NW¼NE¼NE¼NE¼, SE¼NW¼NE¼NE¼, N½SE¼NE¼NE¼, E½SW¼NE¼NE¼, SW¼SE¼NE¼NE¼, NE¼NW¼NW¼NE¼, NW¼NE¼NW¼NE¼, W½SW¼NW¼NE¼, SE¼SW¼NE¼, S½SW¼SW¼NE¼, NE¼NE¼SE¼NE¼, SW¼NW¼SE¼NE¼, N½NW¼SE¼NE¼, SE¼SW¼SE¼NE¼, NE¼NE¼NW¼, NW¼NE¼NW¼, SE¼NE¼NW¼, NW¼NW¼NW¼, S½NW¼NW¼, NE¼SW¼NW¼, S½SW¼NW¼, SE¼SW¼NW¼, NW¼SE¼NW¼, S½SE¼NW¼, NE¼SW¼SE¼NW¼, SW¼NW¼SE¼NW¼, NW¼SW¼SE¼NW¼, S½SW¼SE¼NW¼, NE¼SE¼SE¼NW¼, SW¼SE¼SE¼NW¼, S½NW¼, SW¼NE¼NE¼SW¼, NW¼NW¼NE¼SW¼, S½SW¼NE¼SW¼, E½SE¼NE¼SW¼, NE¼NW¼NW¼SW¼, W½SE¼NW¼SW¼, SE¼SW¼SW¼, NE¼SE¼SW¼, S½NW¼SW¼, SW¼SW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½NW¼SE¼SW¼, NE¼SW¼SE¼SW¼, S½SW¼SE¼SW¼, SE¼SE¼SW¼, NW¼SW¼, SW¼NE¼NE¼SE¼, NW¼NW¼NE¼SE¼, S½SW¼NE¼SE¼, W½SE¼NE¼SE¼, SE¼SE¼NE¼SE¼, SW¼NW¼SE¼, NE¼SW¼SE¼, S½SE¼SE¼, W½NW¼SE¼SE¼, SW¼SE¼SE¼, N½SE¼SE¼SE¼, SE¼NW¼SE¼SE¼, S½SE¼SE¼SE¼, W½SW¼SE¼SE¼;
Sec. 25, NW¼NE¼NE¼NE¼, SE¼NW¼NE¼NE¼, N½SE¼NE¼NE¼, E½SW¼NE¼NE¼, SW¼SE¼NE¼NE¼, NE¼NW¼NW¼NE¼, NW¼NE¼NW¼NE¼, W½SW¼NW¼NE¼, SE¼SW¼NE¼, S½SW¼SW¼NE¼, NE¼NE¼SE¼NE¼, SW¼NW¼SE¼NE¼, N½NW¼SE¼NE¼, SE¼SW¼SE¼NE¼, NE¼NE¼NW¼, NW¼NE¼NW¼, SE¼NE¼NW¼, NW¼NW¼NW¼, S½NW¼NW¼, NE¼SW¼NW¼, S½SW¼NW¼, SE¼SW¼NW¼, NW¼SE¼NW¼, S½SE¼NW¼, NE¼SW¼SE¼NW¼, SW¼NW¼SE¼NW¼, NW¼SW¼SE¼NW¼, S½SW¼SE¼NW¼, NE¼SE¼SE¼NW¼, SW¼SE¼SE¼NW¼, S½NW¼, SW¼NE¼NE¼SW¼, NW¼NW¼NE¼SW¼, S½SW¼NE¼SW¼, E½SE¼NE¼SW¼, NE¼NW¼NW¼SW¼, W½SE¼NW¼SW¼, SE¼SW¼SW¼, NE¼SE¼SW¼, S½NW¼SW¼, SW¼SW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½NW¼SE¼SW¼, NE¼SW¼SE¼SW¼, S½SW¼SE¼SW¼, SE¼SE¼SW¼, NW¼SW¼, SW¼NE¼NE¼SE¼, NW¼NW¼NE¼SE¼, S½SW¼NE¼SE¼, W½SE¼NE¼SE¼, SE¼SE¼NE¼SE¼, SW¼NW¼SE¼, NE¼SW¼SE¼, S½SE¼SE¼, W½NW¼SE¼SE¼, SW¼SE¼SE¼, N½SE¼SE¼SE¼, SE¼NW¼SE¼SE¼, S½SE¼SE¼SE¼, W½SW¼SE¼SE¼;
Sec. 26, NE¼SE¼NW¼, E½NW¼SE¼NW¼, E½SE¼SE¼NW¼, NE¼NE¼SW¼, W½NW¼NE¼SW¼, W½NE¼NW¼SW¼, E½W½NW¼SW¼, SW¼SW¼SW¼, E½SW¼SE¼SW¼, SE¼SE¼SW¼, E½SE¼NE¼SE¼, W½SW¼NE¼SE¼, NW¼NE¼SE¼, W½NW¼SW¼SE¼, NE¼SE¼SE¼, E½NW¼SE¼SE¼, W½SE¼SE¼SE¼, SE¼SE¼SE¼.

MOUNT DIABLO MERIDIAN—Continued

NW¼, N½NE¼NW¼NW¼, SW¼NE¼NW¼NW¼, SW¼NW¼NW¼NW¼, N½SW¼NW¼NW¼, SW¼SW¼NW¼NW¼, NE¼SE¼NW¼NW¼, S½SE¼NW¼NW¼, NE¼NE¼SW¼NW¼, S½NE¼SW¼NW¼, N½NW¼SW¼NW¼, SE¼NW¼SW¼NW¼, NE¼SE¼SW¼NW¼, SW¼NW¼SE¼NW¼, N½SW¼SE¼NW¼, SW¼SW¼SE¼NW¼, SW¼SE¼SW¼NW¼.

T 22 S., R 61 E.,

Sec. 6, lots 12, 16, 33, 37, 38, 56, 96, 97, 99, 100, 101, 104, 107, 108, 110, 115, 116, 117, 124, 125, 128, 130, 151, 152, 158, 159, 161, 165, 166, 167, 169, 171, 173;

Sec. 7, NW¼NE¼NE¼, E½NE¼NW¼NE¼, SW¼NE¼NW¼NE¼, SE¼SW¼NE¼NE¼, NE¼NW¼SE¼NE¼, W½SE¼SE¼NE¼, NE¼SW¼SE¼NE¼, SW¼SW¼SE¼NE¼, N½NE¼SW¼NE¼, SW¼NE¼SW¼NE¼, E½NW¼SE¼NE¼, SE¼SW¼SE¼NE¼, SW¼NW¼SW¼NE¼, N½SW¼SW¼NE¼, SW¼SE¼SW¼NE¼, S½SW¼SW¼NE¼, N½NW¼NW¼NE¼, SW¼NW¼NW¼NE¼, W½SW¼NW¼NE¼, E½NE¼NE¼NW¼, SE¼SE¼NW¼NE¼, NW¼NW¼NE¼NW¼, N½SE¼NW¼NW¼, lot 13, N½NE¼NE¼SW¼, NW¼SE¼NE¼SW¼, SW¼, W½NW¼NE¼SW¼, SW¼SW¼NE¼SW¼, NE¼SW¼SW¼, S½SE¼NW¼SW¼, SW¼SE¼SW¼, S½SE¼SW¼SW¼, lots 26, 29, 30, 33, 34, 36, SE¼SW¼SW¼, S½SE¼SW¼, NW¼SE¼SW¼, N½NE¼SE¼SW¼, SE¼NE¼SE¼SW¼, SW¼SE¼;

Sec. 8, NW¼SW¼SW¼, E½SW¼SW¼, SW¼;

Sec. 14, NE¼NE¼NE¼NE¼, E½SE¼NE¼NE¼NE¼, E½SE¼NE¼NE¼, E½W½SE¼NE¼NE¼, SW¼NE¼NE¼NE¼, W½NW¼NE¼NE¼NE¼, E½NE¼NW¼NE¼NE¼, S½NW¼NE¼NE¼, E½NW¼NW¼NE¼NE¼, SW¼NE¼NE¼, N½NE¼SE¼NE¼, E½SE¼NE¼SE¼NE¼, E½SW¼NE¼SE¼NE¼, NE¼SE¼NE¼, E½SW¼NE¼SE¼NE¼, NE¼SE¼SE¼NE¼, SW¼SW¼SE¼NE¼, W½NW¼SW¼SE¼NE¼, W½SE¼NW¼SE¼NE¼, SW¼SW¼SE¼NE¼, W½SE¼SW¼SE¼NE¼, E½NE¼NW¼NE¼, SE¼NE¼NW¼NE¼, N½SE¼NW¼NE¼, E½SW¼NW¼NE¼, W½SW¼NW¼NE¼, E½SW¼NE¼, SE¼NW¼NE¼, W½SW¼NE¼NE¼, N½NW¼SW¼NE¼, SW¼NE¼NW¼NE¼, E½SW¼NW¼NE¼, W½SW¼NW¼NE¼, E½SE¼NE¼, W½NW¼NE¼SE¼, SE¼NW¼NE¼SE¼, E½NW¼SW¼NE¼SE¼, N½SW¼NE¼SE¼, E½SW¼NW¼SE¼, W½SW¼NW¼SE¼, E½SE¼NE¼SE¼, NE¼NW¼NE¼SE¼, S½NW¼NE¼SE¼, E½W½SW¼NE¼SE¼, W½NW¼NE¼SE¼, E½SW¼NE¼SE¼, W½SW¼NE¼SE¼, N½SE¼NE¼SE¼, E½SW¼SE¼NE¼SE¼, W½NW¼SE¼NE¼SE¼, SW¼SE¼NE¼SE¼, W½SE¼SE¼NE¼SE¼, S½SE¼NE¼SE¼;

Sec. 15, E½NE¼NE¼NE¼SE¼, SE¼NE¼NE¼SE¼, NW¼NE¼NE¼SE¼, E½SW¼NE¼NE¼SE¼, NE¼SE¼NE¼SE¼, E½NW¼SE¼NE¼SE¼, SE¼SE¼NE¼SE¼, NW¼NW¼NE¼SE¼, SE¼NW¼NE¼SE¼, E½SW¼NW¼NE¼SE¼, NE¼SW¼NE¼SE¼, S½SW¼NE¼SE¼, E½NE¼NW¼SE¼, NW¼NW¼NW¼SE¼, E½NW¼SW¼NE¼SE¼, NE¼SW¼NW¼SE¼, N½SE¼NW¼SE¼, SW¼NW¼SE¼, E½SE¼NW¼SE¼, W½NW¼SW¼SE¼, E½SW¼SW¼SE¼, W½SW¼SW¼SE¼, E½SE¼SE¼, W½SE¼SE¼, S½SE¼SE¼;

Sec. 17, W½NE¼NE¼SE¼NW¼, NW¼NE¼SE¼NW¼, W½SW¼NE¼SE¼NW¼, SE¼NE¼SE¼NW¼, N½SE¼NW¼, E½SW¼SE¼NW¼, W½NW¼SE¼SE¼NW¼, SE¼NW¼SE¼SE¼NW¼, E½SW¼SE¼SE¼NW¼, W½SE¼SE¼SE¼NW¼, NE¼NE¼SE¼SW¼, S½NE¼SE¼SW¼, NW¼SE¼SE¼SW¼, N½SE¼SE¼SW¼, SE¼SE¼SE¼SW¼, SW¼SE¼, E½SW¼SE¼NW¼, W½NW¼SE¼SE¼, E½SW¼SE¼SE¼, W½SW¼SE¼SE¼, S½SE¼SE¼;

Sec. 18, lots 29 to 38, inclusive, 40, 42, 43, 44, 75 to 81, inclusive, 86 to 90, inclusive, 92, and 94 to 106, inclusive, 137, 138, 140 to 146, inclusive, 148, 149, 152, 153, 154, 156, 157, 158, and 164 to 168, inclusive, 202, 203, 205, 221, 223, 224, 225, 226, 228, 229, 230, 263 to 267, inclusive, 269, 270, 271, 273, 274, 275, S½NE¼NE¼SE¼, E½NE¼NW¼NE¼SE¼, NW¼NW¼NE¼SE¼, E½SW¼NW¼NE¼SE¼, SE¼NW¼NE¼SE¼, N½SW¼NE¼SE¼, E½NW¼SE¼, W½SW¼SE¼, NE¼SE¼, W½E½SE¼NE¼SE¼, NW¼SW¼SE¼, N½SW¼SE¼, E½SW¼NW¼SE¼, E½SE¼SE¼, W½SE¼SE¼, NW¼SE¼SE¼, E½SW¼SE¼SE¼, W½SE¼SE¼SE¼, E½NE¼NE¼SW¼, W½NE¼NE¼SW¼, E½NW¼NE¼SW¼, W½NW¼NE¼SW¼, E½SW¼NE¼SW¼, W½SW¼NE¼SW¼, E½SE¼NE¼SW¼, W½SE¼NE¼SW¼, E½NE¼NW¼SW¼, W½NE¼NW¼SW¼, E½NW¼NW¼SW¼, W½NW¼NW¼SW¼, E½SW¼NW¼SW¼, W½SW¼NW¼SW¼, E½SE¼NW¼SW¼, W½SE¼NW¼SW¼, E½NE¼SW¼, W½NE¼SW¼, E½NW¼SW¼, W½NW¼SW¼, E½SW¼SW¼, W½SW¼SW¼, E½SE¼SW¼, W½SE¼SW¼, NE¼SE¼, W½E½SE¼SE¼, NW¼SE¼, E½SW¼SE¼, W½SW¼SE¼, E½SE¼SE¼, W½SE¼SE¼, S½SE¼;

Sec. 19, E½E½E½NE¼NE¼, W½NE¼SE¼NE¼NE¼, E½NW¼SE¼NE¼NE¼, SW¼SE¼NE¼NE¼, E½NE¼SW¼NE¼NE¼, W½NE¼NE¼NE¼, E½W¼NW¼NE¼NE¼, W½SW¼NE¼NE¼, E½NE¼SE¼NW¼NE¼, NE¼NW¼NE¼, W½SE¼NE¼NW¼NE¼, E½NW¼NE¼NW¼NE¼, W½SE¼NW¼NE¼, NE¼NE¼SW¼NE¼, W½NW¼SW¼NE¼, E½NE¼NW¼NW¼, W½SE¼NW¼NW¼, NW¼NE¼NW¼, S½W½NW¼NW¼, E½NW¼SW¼NW¼, W½SW¼NW¼, NE¼SE¼NW¼, W½SE¼SE¼NW¼, E½E½NE¼NW¼, E½W½NE¼NW¼, W½NW¼NW¼, E½NE¼SW¼NW¼, W½NE¼SW¼NW¼, E½NW¼SW¼NW¼, W½NW¼SW¼NW¼, E½SW¼SW¼NW¼, W½SW¼SW¼NW¼, E½SE¼SW¼NW¼, W½SE¼SW¼NW¼, NE¼NE¼, W½E½SE¼NE¼, NW¼NE¼, E½SW¼NE¼, W½SW¼NE¼, E½SE¼NE¼, W½SE¼NE¼, NW¼SE¼, E½SW¼SE¼, W½SW¼SE¼, E½SE¼SE¼, W½SE¼SE¼, S½SE¼;

Sec. 20, lot 13, SW¼SW¼, lots 79 and 80;

Sec. 22, NW¼NE¼NW¼NE¼, NW¼SE¼NW¼NE¼, NW¼NW¼NE¼, NE¼SW¼NW¼NE¼, S½SW¼NW¼NE¼, N½NW¼SW¼NE¼, W½SW¼NE¼, S½NE¼SW¼NE¼, W½SW¼NE¼SW¼NE¼, SW¼SW¼NE¼SW¼, NW¼NE¼SW¼, W½NE¼SE¼NE¼NW¼, W½NE¼NW¼, E½NE¼NW¼, W½SW¼NW¼, NW¼NE¼SW¼, S½NE¼SW¼, W½NE¼SE¼NW¼, NW¼SE¼NW¼, E½W½NE¼SW¼, W½NW¼SW¼, E½NE¼NW¼SW¼, S½NW¼NW¼SW¼, N½SE¼NW¼SW¼, W½SW¼SW¼, E½NE¼SW¼, W½NE¼SW¼, E½NW¼SW¼, W½NW¼SW¼, E½SW¼SW¼, W½SW¼SW¼, E½SE¼SW¼, W½SE¼SW¼, NE¼SE¼, W½E½SE¼SE¼, NW¼SE¼, E½SW¼SE¼, W½SW¼SE¼, E½SE¼SE¼, W½SE¼SE¼, S½SE¼;

Sec. 23, SE¼NE¼NE¼, NE¼NE¼SE¼NE¼, W½NE¼NE¼NE¼, NW¼NE¼NE¼, NE¼NW¼NE¼NE¼, SW¼NE¼NW¼NE¼, N½NW¼NW¼NE¼, SE¼NW¼NW¼NE¼, SW¼NE¼SW¼NE¼, W½SE¼SW¼NE¼, NE¼NE¼SW¼NE¼, N½SE¼SW¼NE¼, SW¼SE¼SW¼NE¼, E½NE¼NW¼, W½NW¼NW¼, E½NE¼SW¼NW¼, W½SE¼SW¼NW¼, E½SW¼SW¼NW¼, S½NW¼SW¼NW¼, N½NE¼SE¼SW¼NW¼, W½SW¼SE¼SW¼NW¼, SW¼NE¼SE¼SW¼NW¼, W½SE¼SE¼SW¼NW¼, NE¼NE¼SW¼, S½NE¼SW¼, NW¼SE¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½SE¼SE¼SW¼, E½NE¼NW¼SW¼, W½NE¼NW¼SW¼, E½NW¼NW¼SW¼, W½NW¼NW¼SW¼, E½SW¼NW¼SW¼, W½SW¼NW¼SW¼, E½SE¼NW¼SW¼, W½SE¼NW¼SW¼, NE¼NE¼SW¼, S½NE¼SW¼, NW¼SE¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½SE¼SW

MOUNT DIABLO MERIDIAN—Continued

$N\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$;

Sec. 33, lots 1, 2, 9, 27, 29, 36, 37, 38, 52, 53, 59, 60, 68, 77.

T. 23 S., R. 61 E.,

Sec. 4, $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$;

Sec. 5, Lots 5, 7, 8, $N\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$;

Sec. 8, $NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$;

Sec. 9, $NE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$.

The areas described aggregate approximately 5,488.22 acres.

JOHN O. CROW,
Associate Director.

SEPTEMBER 30, 1966.

[F.R. Doc. 66-10862; Filed, Oct. 5, 1966; 8:45 a.m.]

[Montana 386]

MONTANA

Order Providing for Opening of Public Lands

SEPTEMBER 29, 1966.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g) the following lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 31 N., R. 33 E.,
Sec. 14, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 19, $E\frac{1}{2}SW\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}$.

The areas described aggregate 200 acres.

2. The lands are located 3 to 7 miles southwest of Saco, Mont. They are rough grazing lands that adjoin approximately 7,500 acres of other Federally owned lands. The tracts are not suitable for crop production due to adverse topography and soil conditions as well as low precipitation.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., November 3, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore the mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont. 59101.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 66-10860; Filed, Oct. 5, 1966; 8:45 a.m.]

AREA MANAGERS

Redelegation of Authority in General

In accordance with Bureau Order No. 701 of July 23, 1964, and Amendment No. 2 dated April 26, 1966, the Area Managers of:

Malta District, M-1—Glacier Resource Area, Blaine Resource Area, Phillips Resource Area, Valley Resource Area;
Miles City District, M-2—Big Dry Resource Area, Prairie Resource Area, Powder River Resource Area, Makotapi Project Area;
Dillon District, M-5—Lewis and Clark Resource Area, Sacajawea Resource Area;
Lewistown District, M-6—Judith Resource Area, Black Butte Resource Area, Roundup Resource Area;
Missoula District, M-7—Garnet-Hoodoo Resource Area, Helena Resource Area,

are redelegated the authority given to the respective district managers in Part III of the above order subject to the limitations and exceptions specified below:

Signing authority is not redelegated for land classifications, contracts, personnel actions, or adverse decisions concerning the use of public lands. This restriction does not apply to trespass action.

The Area Managers have fiscal responsibility for their areas within the framework of the approved Annual Work Plan. Purchasing authority is limited to emergency purchases as specified in Bureau Manual 1510.

The district manager may at any time temporarily reserve, restrict or withhold any portion of the above delegated authority through the use of Form 1213-1, District Office Authority and Responsibility Guides.

This order will become effective upon publication in the FEDERAL REGISTER.

HAROLD TYSK,
State Director.

[F.R. Doc. 66-10883; Filed, Oct. 5, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

October 1966 CCC Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.d.t., on September 30, 1966, and, subject to amendment, continuing until superseded by the November Monthly Sales List. The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, linseed oil, and tung oil.

For October, tung oil is being added to the list of commodities offered.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

With the beginning of the 1966 marketing year, statutory minimum prices for corn are being based on 105 percent of effective 1966-crop support prices (county loan rates plus 19 cents per bushel, that is, five-eighths of the 30-cent-per-bushel price-support payment to 1966 feed grain program cooperators). For 1966, the 30-cent price-support payment rate was limited to not more than 50 percent of corn base acreage, but the maximum acreage permitted for planting was 80 percent of base. Thus, for statutory minimum pricing under section 407 of the Agricultural Act of 1949, the payment rate is adjusted to reflect production on all the acreage that could be planted under the program in order to determine the effective support price. A similar adjustment has been made for barley and grain sorghum with the minimum prices reflecting 1966 loan rates plus 13 cents per bushel for barley and 34 cents per hundredweight for grain sorghum.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3) for October 1966 are 6 percent for U.S. bank obligations and 7 percent for foreign bank obligations, without regard to credit periods involved up to a maximum of 36 months. CCC-owned commodities currently available for export sale under the CCC Export Credit Sales Program are: Wheat, grain sorghum, barley, oats, rye, rice, flaxseed, extra long staple cotton, plus tobacco from CCC loan stocks. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, milled, and brown rice, cottonseed oil, soybean oil, and dairy products.

Information on commodities available under Title IV, P.L. 480, private trade agreements, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. Wheat and grain sorghum are also available under conditions noted in the individual commodity listings. (In addition, free market stocks of corn, grain sorghum, wheat, wheat flour, tobacco, cottonseed, and soybean oils are eligible for barter programing under barter contracts covering procurements for Federal agencies that will reimburse CCC except that hard red winter, hard red spring, and durum wheats, and flour produced from those wheats, may not be exported through west coast ports.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon whom service of judicial process may be held.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet Nam except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10 (c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 108 percent of the 1966 support price for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel—in store).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.09½	$0.06¼	Minneapolis—No. 1 DNS ($1.56) 108 percent+$0.06¼; $1.75½. Portland—No. 1 SW ($1.46) 108 percent+$0.06¼; $1.64¼. Kansas City—No. 1 HRW ($1.43) 108 percent+$0.06¼; $1.61¾. Chicago—No. 1 RW ($1.49) 108 percent+$0.06¼; $1.67¾.

D. *Availability information.* Contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales will be made pursuant to the following announcements:

A. Announcement GR-345 (Revision III, July 6, 1962, as amended), wheat export program. When Hard Red Winter, Hard Red Spring, or durum wheat is delivered on the west coast by CCC, evidence of export must show exportation from west coast ports. Exports of these classes of wheat through west coast ports will not be eligible for P.L. 480 sales. When sold through west coast ports for dollar exports, these wheats must be exported to destinations west of the 170th meridian, west longitude and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

B. Announcement GR-346 (Revision I, June 23, 1960, as amended) for export as flour.

C. Announcement GR-261 (Revision II, Jan. 9, 1961, as amended and supplemented) for export as wheat and under Announcement GR-262 (Revision II, Jan. 9, 1961, as amended) for export as flour for application to barter * * * contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.s., on August 26, 1966, * * * and to approved CCC credit sales. Hard Red Winter, Hard Red Spring, and durum wheat will not be sold for barter through west coast ports under these announcements. Sales from the west coast under CCC Export Credit Program may only be exported to des-

tinations west of the 170th meridian, west longitude and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

D. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1966 price-support loan rate for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate[2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 Yellow Corn, 14 percent M.T., 2 percent F.M.).*

Markup in-store received by—	Examples
Truck	
[illegible]	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.01+$0.03 +$0.04¼); $1.08¼. Agricultural Act of 1949 stat. minimums: McLean County, Ill. ($1.01+$0.19 +$0.03); 105 percent +$0.04¼; $1.31¼.

D. *Availability information.* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Corn from CCC inventory is not available for export sale.

GRAIN SORGHUM (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1966 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate[2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better)*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.09	$0.03¼	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.50+$0.09), $1.59. Kansas City, Mo. (ex-rail) ($1.78+$0.03¼), $1.81¼. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.50+$0.34); 105 percent +$0.09; $2.03. Kansas City, Mo. (ex-rail) ($1.78+$0.34); 105 percent +$0.03¼; $2.26¼.

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961) for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966, and to approved CCC credit sales.

C. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of barley as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1966 price-support loan rate for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable barley as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate[2] (published loan rate plus 13 cents per bushel) for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section, applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.08¾	$0.08¼	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. ($0.76+$0.08¾); $0.84¾. Minneapolis, Minn. (ex-rail) ($0.99 +$0.08¼); $1.08¼. Agricultural Act of 1949; statutory minimums: Cass County, N. Dak. ($0.76+$0.13); 105 percent +$0.08¾; $1.02¾. Minneapolis, Minn. (ex-rail) ($0.99 +$0.13); 105 percent +$0.08¼; $1.24¼.

D. *Availability information.* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Kansas City, Evanston, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for barley. Sales will be made pursuant to the following announcements.

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. *Available.* Kansas City, Evanston, and Minneapolis ASCS grain offices.

OATS, BULK

Unrestricted use.

A. Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1966 price-support rate[2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store[1] basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.07¾	Redwood County, Minn. ($0.56+$0.03 quality differential); 105 percent +$0.07¾; $0.69¾.

C. *Nonstorable.* At not less than the market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through the ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable 1966 price-support rate[2] (published loan rate plus 34 cents per bushel) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section, applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better)*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.09	$0.03¼	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.50+$0.09), $1.59. Kansas City, Mo. (ex-rail) ($1.78+$0.03¼), $1.81¼. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.50+$0.34); 105 percent +$0.09; $2.03. Kansas City, Mo. (ex-rail) ($1.78+$0.34); 105 percent +$0.03¼; $2.26¼.

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961) for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966, and to approved CCC credit sales.

C. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

ton, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable 1966 price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter contracts and to approved CCC credit sales.

C. *Available.* Kansas City, Evanston, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[2] of the applicable 1966 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.09¼	$0.06¼	Rolette County, N. Dak. ($0.89); 105 percent +$0.09¼; $1.03⅛. Minneapolis, Minn. (ex-rail) ($1.23); 105 percent +$0.06¼; $1.36¾.

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. *Available.* Evanston, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1966 loan rate plus 5 percent, plus 19 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR–369 (Revision III, as amended), rice export program—and under GR–379 (Revision I), for approved credit sales.

Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the current loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, which shall be the highest price offered but not less than the minimum determined by CCC, and in no event at less than the loan rate for such cotton.

Export.

CCC disposals for barter (1966–67 marketing year). Competitive offers under the terms and conditions of Announcements CN–EX–26 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO–C–31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO–C–6 (Revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC sales for export.* Competitive offers under the terms and conditions of Announcements CN–EX–20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO–C–23 (Sale of Foreign-Grown Extra Long Staple Cotton), as amended.

Competitive offers under the terms and conditions of Announcements CN–EX–22 (Extra Long Staple Cotton Export Program) and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

B. *CCC credit sales and barter.* Competitive offers under the terms and conditions of Announcements CN–EX–36 (Purchase of Extra Long Staple Cotton for Export Under the Export Credit Sales Program), or CN–EX–37 (Acquisition of Extra Long Staple Cotton for Export Under the Barter Program), and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

Availability information. Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED

A. *Domestic crushing or export.*

1. Shelled peanuts of less than U.S. No. 1 grades may be purchased for foreign or domestic crushing.

2. U.S. Medium—Virginia type—for export.

3. Terms and conditions of sales as set forth in Peanut Announcement PS–1 effective July 1, 1966, and the lot list.

B. When stocks of any of the above categories are available in their area of responsibility, weekly lot lists are issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

All sales are made on the basis of competitive bids submitted each Wednesday, to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C.

TUNG OIL

Domestic or export.

All sales are made on the basis of competitive bids submitted each Wednesday to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

Beginning October 5 and weekly until further notice, bids will be considered for not less than 60,000 pounds nor more than 500,000 pounds.

Terms and conditions of sales as set forth in Sales Announcement NTOM–PR–3 effective September 26, 1966.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price but not less than the applicable 1966 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1]).*

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents $0.11	*Cents* $0.06½	Minneapolis	No. 1	$3.36

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

Export.

A. Announcement PS–GR–4, Revision 1, as amended, dispositions of flaxseed, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales. Such sales will be at the domestic market price as determined by CCC less the applicable export payment allowance. The flaxseed to be exported shall be No. 2 grade, or better.

C. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

LINSEED OIL, RAW (BULK)

Export.

Under Announcement PS–GR–4, Revision 1, as amended, dispositions of raw linseed oil, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Commodity Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 21.60 cents per pound.

Export.

Competitive bid, under MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and approved CCC credit.

Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 70.5 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 69.75 cents per pound—Washington, Oregon, and California. All other States 69.50 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and CCC credit.

Any butter offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP–14: 49 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 48 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under MP–10. Sales under this announcement may be made for application to CCC credit.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

FOOTNOTES

[1] The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 1.05 round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight and handling charges.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Emerson 1–0860.

Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming.

Branch Office—Evanston ASCS Branch Office, 2201 Howard Street, Evanston, Ill. 60202. Telephone: Long Distance—University 9–0600 (Evanston Exchange). Local—Rogers Park 1–500 (Chicago, Ill.).

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusets, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: 334–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: 226–3361.

Idaho, Nevada, Oregon, Utah, and Washington (domestic and export sales). Arizona and California (export sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif. 94704. Telephone: Thornwall 1–5121.

Arizona and California (domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone 334–3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y. 10013. Telephone: 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: 556–6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on September 30, 1966.

RAY FITZGERALD,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66–10866; Filed, Oct. 5, 1966; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 282]

EJICE, S. A. AND ROBERT CENTNER

Order Terminating Probation

In the matter of Ejice, S. A. and Robert Centner, manager; 122 Rue Jules Besme, Brussels, Belgium; Respondents; Case No. 282.

By order dated April 21, 1961 (26 F.R. 3576), the above named respondents were denied all U.S. export privileges for the duration of export controls with conditional restoration of export privileges after 12 months while the respondents remained on probation.

The respondents have petitioned to have the probation terminated. The matter was referred to the Compliance Commissioner for his consideration. He has found that good cause for terminating the probation has been shown and has recommended that an order be entered terminating the probation. I concur in the Compliance Commissioner's finding and adopt his recommendation.

Accordingly, it is ordered, That the respondents' probation be and is hereby terminated and export privileges are unconditionally restored to them.

Dated: September 29, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66–10870; Filed, Oct. 5, 1966; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ANTIBIOTIC DRUGS

Reports of Information for Drug Effectiveness

There was published in the FEDERAL REGISTER of July 9, 1966 (31 F.R. 9426), information pertaining to the agreement by the National Academy of Sciences-National Research Council to assist the Food and Drug Administration in its review of the claims of effectiveness for drugs cleared through the new-drug procedures, pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act, from 1938 until October 10, 1962. This agreement also provides for a review of effectiveness of antibiotic drugs certified or exempted from certification under the provisions of section 507 of the act prior to October 10, 1962, as well as to antibiotic drugs cleared through the new-drug procedures but not subject to the certification provisions of section 507 of the act prior to October 10, 1962.

To facilitate this review and to facilitate a determination as to whether any certification or release should be rescinded or whether any regulation issued under section 507 of the act should be amended or repealed, and to give persons described below an opportunity to present for consideration of the reviewing experts the best data available to support the medical claims, this order is entered pursuant to section 507 of the act:

1. Each person engaged in manufacturing, compounding, processing, packing, or labeling any antibiotic drug in dosage form (other than distributors whose labeling is identical, except for such information as distributors' trade names, and addresses, to that under which such antibiotic drug is marketed by its supplier), which antibiotic drug is certified, released, or exempted from certification under the provisions of section 507 of the act on any basis other than approval of a form "5" after October 9, 1962, or an investigational exemption, shall report the following, in duplicate, preferably on forms which have been devised by the National Academy of Sciences-National Research Council and which are available for this purpose from the Food and Drug Administration or any of its offices:

a. Date originally approved (whether approval is for a form 5, 6, or a new-drug application), new-drug application number, if any, section of antibiotic regulations (21 CFR) providing specifications therefor, and whether prescription or over-the-counter drug.

b. Brand name of drug or preparation.

c. Applicant's (firm's) name and address.

d. Quantitative formula using established (nonproprietary) name of active ingredients.

e. Dosage form and route of administration. Where a new-drug application, form 5, or form 6 covers different routes of administration, separate forms should be used.

f. Current labels and package inserts (attach 10 copies of each to original of form; one copy of each to duplicate).

g. List of literature references most pertinent to an evaluation of the effectiveness of the drug for the purposes for which it is offered in the label, package insert, or brochure. Approximately 5 to 10 key references, if available (attach 10 copies of the list to original of form and one copy to duplicate).

h. Unpublished articles or other data pertinent to an evaluation of the claims (one copy only; attach to duplicate).

2. This report shall be made as promptly as possible and no later than 30 days from the date of this publication in the FEDERAL REGISTER, shall be plainly marked on the outside of the envelope or package "Special Antibiotic Report," and shall be addressed to the Director, Bureau of Medicine (or Director, Bureau of Veterinary Medicine, in the case of veterinary drugs), Food and Drug Administration, Washington, D.C. 20204.

3. The submission of this special report may be made without prejudice to any person's contention that he is not required by law to make the report.

4. This order is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507(g), 59 Stat. 463, as amended 76 Stat. 787; 21 U.S.C. 357(g)).

Dated: October 3, 1966.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 66–10899; Filed, Oct. 5, 1966; 8:48 a.m.]

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2085) has been filed by Monsanto Co., Post Office Box 1531, Springfield, Mass. 01101, proposing an amendment to § 121.2566 *Antioxidants and/or stabilizers for polymers* to provide for the safe use of hydrogenated bisphenol A-phosphite aster as a stabilizer in semirigid and rigid polyvinyl chloride plastics intended for use in contact with food.

Dated: September 29, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66–10874; Filed, Oct. 5, 1966; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

ROGER O. McCLELLAN

Certification

Pursuant to the proviso contained in section 207 of Title 18 U.S.C. (P.L. 87–849, 76 Stat. 1124), having found that Dr. Roger O. McClellan, formerly of the Medical Research Branch, Division of Biology and Medicine, Atomic Energy Commission, and presently an employee of the Lovelace Foundation for Medical Education and Research, possesses outstanding scientific qualifications, I certify that the national interest would be served by the said Dr. McClellan acting as agent for or appearing personally before the Atomic Energy Commission on behalf of the Lovelace Foundation on matters relating to biomedical programs of the Lovelace Foundation in which he participated personally and substantially as an employee of the Atomic Energy Commission or which were under his official responsibility as an Atomic Energy Commission employee.

This certification is directed to be published in the FEDERAL REGISTER.

Dated: September 28, 1966.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 66–10855; Filed, Oct. 5, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 10920, 15726; Order No. E–24247]

MAIL RATE CASES

Nonpriority and Domestic Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of September 1966.

On September 12, 1966, the Board issued Order E–24175 proposing certain modifications in Order E–17255, July 31, 1961, which embodies the nonpriority mail rate, and Order E–22512, August 6, 1965, which sets forth the domestic multielement service mail rate. All interested persons were directed to show cause why the Board should not effectuate the proposed modifications.

The time allowed for filing notices of objection has expired without objection being filed. All parties have therefore waived their right to a hearing and all other procedural steps short of a final decision by the Board.

For the reasons stated in the order to show cause, the Board has decided to adopt the proposed modifications.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered, That:

(1) Effective October 8, 1966, subparagraph 1 of paragraph A of Order E–17255, July 31, 1961, shall be amended to read as follows:

1. Line-haul charges: The line-haul charge shall be the product of the mail ton-miles times the line-haul rate of 15.115 cents per mail ton-mile, and the mail ton-miles shall be computed using the nonstop great circle miles between the point of origin and point of destination as the standard mileage except for mail transported between a point in Alaska and a point in the 48 contiguous States. For mail transported between a point in Alaska and a point in the 48 contiguous States the standard mileage between such points shall consist of two components, the first component of which shall consist of the nonstop great circle miles between the point of origin or destination in Alaska and the nearest point (referred to hereafter as the gateway point) in the 48 contiguous States served on the schedule, combination of schedules, or parts of schedules designated for nonpriority mail service and forming the shortest routing between the point of origin or destination in Alaska and point of origin or destination in the 48 contiguous States. The second component shall consist of the nonstop great circle miles between the gateway point and the point of origin or destination within the 48 contiguous States. For the first component the line-haul charge shall be 18.003 cents per mail ton-mile, and for the second component the line-haul charge shall be 15.115 cents per mail ton-mile.

(a) If, after October 7, 1966, there has been or shall be a change in the airport through which a particular point is served or service to a new point has been or shall be instituted, the standard mileage for each pair of points affected thereby shall be determined, in the manner described above.

(b) In case of any community served through more than one airport, the provisions hereof shall be applied as if the community were served by only one airport and that airport shall be the one having the greatest number of scheduled departures of domestic flights during the month of May preceding the commencement of each fiscal year by air carriers certificated to transport mail; *Provided, however,* That in any case where one of the multiairports other than the controlling airport has a flight (or flights) which would produce a shorter distance to a given point, if the mileage for such flight (or flights) were computed from the controlling airport, than the flights

actually serving the controlling airport, the standard mileage shall be computed as if such flight (or flights) serves the controlling airport.

(2) Effective October 8, 1966, paragraph B of Order E–17255, July 31, 1961, shall be amended as follows:

B. The rates fixed and determined herein shall be applicable only to the transportation by air of nonpriority mail; i.e., such first-class mail, other than airmail and air parcel post, which may be tendered from time to time by the Post Office Department and carried on a voluntary space-available basis, between any points within the 48 contiguous States and between any point within them and Agana, Anchorage, Cordova, Fairbanks, Honolulu, Juneau, Ketchikan, Kodiak, San Juan, or Yakutat, and between Honolulu, Hawaii, and Agana, Guam.

(3) Effective October 8, 1966, Appendix 2 to Order E–23774, June 6, 1966, shall be amended to add Agana, Guam, among the Class B stations there listed for nonpriority mail service only.

(4) Effective October 8, 1966, Order E–22512, August 6, 1965, shall be amended as follows:

(a) The first full paragraph on page 5 shall be amended to read as follows: On and after October 8, 1966, but not beyond December 31, 1966, in the case of American Airlines, Inc., Continental Air Lines, Inc., Eastern Air Lines, Inc., National Airlines Inc., Northeast Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Airlift International, Inc., The Flying Tiger Line Inc., The Slick Corporation, Braniff Airways, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc., Allegheny Airlines, Inc., Bonanza Air Lines, Inc., Central Airlines, Inc., Frontier Airlines, Inc., Lake Central Airlines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Pacific Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans-Texas Airways, Inc., and West Coast Airlines, Inc., the mail compensation for each carrier shall be paid monthly or at such lesser interval as may be agreed upon by the carrier and the Post Office Department and shall be computed by obtaining the sum of (1) the line-haul charges, and (2) the terminal charges, computed as follows:

(b) On pages 5 and 6, the provisions denominated: "1. Line-Haul Charges," shall be amended to read as follows:

1. Line-haul charges: The line-haul charge shall be the product of the mail ton-miles times the line-haul rate of 27.33 cents per mail ton-mile. The mail ton-miles for each shipment shall be computed by using the nonstop great circle miles between the station of origin and station of destination for each shipment as the standard mileage between such points.

(a) If, after October 7, 1966, there is a change in the airport through which a particular point is served, or service to a new point is instituted, the standard mileage for each pair of points affected thereby shall be determined in the manner described above.

(b) In the case of any community served through more than one airport, the provisions of this formula shall be applied as if the community were served by only one airport and that airport shall be the one having the greatest total number of scheduled departures of domestic flights during the month of May preceding the commencement of each fiscal year by air carriers certificated to transport mail: *Provided, however*, That in any case where one of the multiairports other than the controlling airport has a flight (or flights) which would produce a shorter distance to a given point, if the mileage for such flight (or flights) were computed from the controlling airport, than the flights actually serving the controlling airport, the standard mileage shall be computed as if such flight (or flights) serves the controlling airport.

(5) This order shall be served upon the parties enumerated in paragraph (4) (a) above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66–10880; Filed, Oct. 5, 1966; 8:47 a.m.]

CIVIL SERVICE COMMISSION

DIRECTOR OF AGRICULTURAL ECONOMICS AND DIRECTOR OF SCIENCE AND EDUCATION

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective September 26, 1966, that there is a manpower shortage for the positions of Director of Agricultural Economics and Director of Science and Education, both Schedule C, Executive Pay Level V positions, Department of Agriculture, Washington, D.C.

This manpower shortage finding will terminate for each position when it is filled.

The appointees to these positions may be paid for the expenses of travel and transportation to the first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–10889; Filed, Oct. 5, 1966; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16860; FCC 66M–1317]

GOODMAN BROADCASTING CO.

Order Continuing Hearing

In re application of Hiram A. Goodman trading as Goodman Broadcasting Co., Madison, Ala.; Docket No. 16860, File No. BP–16501; for construction permit.

Pursuant to agreements reached at the prehearing conference held on September 30, 1966, the evidentiary hearing now scheduled for November 9, 1966, is continued to November 30, 1966, beginning at 10 a.m. in the offices of the Commission, Washington, D.C.

It is so ordered, This the 30th day of September 1966.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–10890; Filed, Oct. 5, 1966; 8:47 a.m.]

[Docket Nos. 16655, 16656; FCC 66R–374]

JONES T. SUDBURY AND NORTHWEST TENNESSEE BROADCASTING CO., INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Jones T. Sudbury, Martin, Tenn.; Docket No. 16655, File No. BPH–5067; Northwest Tennessee Broadcasting Co., Inc., Martin, Tenn.; Docket No. 16656, File No. BPH–5174; for construction permits.

1. This proceeding involves the above-entitled mutually exclusive applications to establish a new FM broadcast station to operate on Channel 269 at Martin, Tenn. The Board has under consideration a petition to enlarge issues, filed on July 29, 1966, by Northwest Tennessee Broadcasting Co., Inc. (Northwest), seeking the addition of issues to determine whether Jones T. Sudbury (Sudbury) has failed to comply with § 1.65 of the rules and, if so, to determine the effect of this failure on Sudbury's comparative qualifications.[1]

2. In support of its request, Northwest points out that Sudbury's original application shows that he proposed virtually 100 percent duplication of his existing AM station, WCMT, and that the cost of construction and operation of his proposal would be less than $5,000; that on May 24, 1966, Sudbury filed an amendment to his application altering his program proposal so as to include 63 hours per week (approximately 50 percent) of nonduplicated programing, but did not amend his financial proposal; that Northwest, in a petition filed on June 20, 1966, noted, among other things, Sudbury's failure to provide for increased costs of programing; that on July 21, 1966, nearly 2 months after filing his programing amendment, Sudbury filed an amendment[2] indicating that his cost of construction and operation would exceed his initial estimate by approximately

[1] Also before the Board are the following related pleadings: (a) opposition, filed by Sudbury on Aug. 18, 1966; (b) Broadcast Bureau's statement in support, filed on Aug. 18, 1966; and (c) reply to (a), filed by Northwest on Aug. 23, 1966.

[2] The Hearing Examiner granted Sudbury's petition for leave to amend by order, FCC 66M–1234, released Sept. 16, 1966.

$13,500,[3] and that in order to establish his financial qualifications Sudbury relies mainly on a $35,000 bank loan commitment dated July 14, 1966, over 1½ months after Sudbury filed the programing amendment. Northwest argues that the foregoing events raise questions as to whether Sudbury was negligent in not filing a financial amendment showing the revised first-year operating costs within the time allotted by the rules, even though the matter was brought to his attention before the expiration of the allotted time, or whether Sudbury purposely did not file the amendment within such time because he did not have the requisite funds available. The Bureau supports Northwest's request for issues. In response, Sudbury alleges that good cause was present for filing the July 20, 1966, amendment; that Northwest has not substantiated its allegations with affidavits of persons with knowledge, as required by § 1.229 of the rules; and that no specific facts have been alleged which could be "considered to have been indicative of negligence or dereliction."

3. Section 1.65 of the rules requires that whenever the information contained in a pending application is no longer substantially accurate and complete in all significant respects, the applicant shall within 30 days, unless good cause is shown, attempt to amend his application so as to provide the correct information. From the sequence of events pointed out by Northwest, it appears that on May 24, 1966, at the time Sudbury changed his programing proposal, the financial information contained in the application was no longer accurate, and Sudbury has not set forth an adequate explanation of a delay of almost 2 months before amending the financial portion of his application. The fact that good cause for amending existed on July 20, 1966, does not necessarily mean that good cause for the failure to update the application at an earlier date was present; and since Northwest's petition is based upon facts which may be the subject of official notice—Sudbury's application—it does not have to be supported by affidavits of persons with knowledge. See § 1.229(c) of the rules. Whether Sudbury's apparent failure to comply with § 1.65 of the rules was willful or inadvertent need not concern us now. In either event, the addition of issues inquiring into this matter would be warranted.

Accordingly, it is ordered, This 29th day of September 1966, That the petition to enlarge issues, filed on June 29, 1966, by Northwest Tennessee Broadcasting Co., Inc., is granted, and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether Jones T. Sudbury failed to amend or attempt to amend the financial portion of his application within 30 days after substantial changes were made, as required by § 1.65 of the rules.

(b) To determine whether the facts adduced pursuant to the foregoing issue bear upon the comparative qualifications of Jones T. Sudbury.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–10891; Filed, Oct. 5, 1966; 8:48 a.m.]

[3] With regard to the cost of operation, Sudbury's unamended application stated there would be no operational expenses, while the July 20, 1966, amendment estimates cost of operation to be $9,290.

[Docket Nos. 16712, 16713; FCC 66M–1316]

TREND RADIO, INC. AND JAMES BROADCASTING CO., INC.

Order Regarding Procedural Dates

In re applications of Trend Radio, Inc., Jamestown, N.Y.; Docket No. 16712, File No. BPCT–3665; James Broadcasting Co., Inc., Jamestown, N.Y.; Docket No. 16713, File No. BPCT–3694; for construction permits for new television broadcast station.

A further prehearing conference having been held on September 30, 1966, whereat certain agreements were reached;

It is ordered, This 30th day of September, 1966, that:

(1) The exhibits of Trend Radio, Inc., directed to the staffing issue added by the Review Board's order released September 7, 1966 shall be exchanged on or before October 11, 1966;

(2) In the event any party wishes produced for cross-examination the sponsor of any such Trend exhibit, notification thereof shall be given on or before October 18, 1966; and,

(3) Hearing on the Trend staffing issue shall commence on October 24, 1966, at 10 a.m., in the offices of the Commission at Washington, D.C.; and,

It is further ordered, That:

(1) The exhibits of the applicants directed to the remaining issues shall be exchanged on or before November 8, 1966;

(2) In the event any party wishes produced for cross-examination the sponsor of any such exhibits, notification thereof shall be given on or before November 21, 1966; and,

(3) Hearing on such remaining issues shall commence on November 28, 1966, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–10892; Filed, Oct. 5, 1966; 8:48 a.m.]

[1] Board member Kessler's dissenting statement filed with the original document and Board Member Nelson joins in dissent.

FEDERAL MARITIME COMMISSION

MARYLAND PORT AUTHORITY AND STOCKYARD SHIPPING AND TERMINAL CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Philip G. Kraemer, Maryland Port Authority, Pier 2 Pratt Street, Baltimore, Md. 21202.

Agreement No. T–1996 between the Maryland Port Authority (MPA) and Stockard Shipping and Terminal Corp. (Stockard) provides for the 1 year lease to Stockard of certain property at Locust Point, Baltimore, to be used as a marine terminal. The amount of rental is based on the tonnage handled over the facility, computed pursuant to a schedule set forth in the agreement. Stockard agrees to file its tariffs with the Federal Maritime Commission. The agreement is subject to all the terms and conditions of Agreement No. T–32 between MPA and the Baltimore and Ohio Railroad.

Dated: October 3, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66–10879; Filed, Oct. 5, 1966; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

LINCOLN FIRST GROUP, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956, as amended by Public Law 89–485, by Lincoln First

Group, Inc., Rochester, N.Y., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of all, or substantially all, of the voting shares of each of the following banks: Lincoln National Bank of Syracuse, Syracuse, N.Y., a proposed new bank; First-City National Bank of Southern New York, Binghamton, N.Y., a proposed new bank; Second National Bank of Jamestown, Jamestown, N.Y., a proposed new bank; and Lincoln Rochester Trust Co., Rochester, N.Y.

Section 3(c) of the Act, as amended, provides that:

The Board shall not approve—

(1) Any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 28th day of September 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-10881; Filed, Oct. 5, 1966; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

TEXAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated September 27, 1966, reading in part as follows:

I have determined that the damage in Hudspeth County, Tex., adversely affected by heavy rains and flooding on or about August 22, 1966, is of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

Dated: September 29, 1966.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 66-10878; Filed, Oct. 5, 1966; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

SEPTEMBER 29, 1966.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 30, 1966, through October 9, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10863; Filed, Oct. 5, 1966; 8:45 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

SEPTEMBER 29, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 30, 1966, through October 9, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10864; Filed, Oct. 5, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 973]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 30, 1966.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1222 (Sub-No. 28), filed September 16, 1966. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 West 10th Street, Portsmouth, Ohio 45662. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, and *equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states joinder will take place at authorized service points in Ohio such as Portsmouth, Cincinnati, Columbus, and Dayton, to enable service to and from West Virginia points on and south of U.S. Highway 60 and on and west of a line beginning at Lewisburg and extending along U.S. Highway 219 to Princeton and thence along U.S. Highway 19 to the Virginia State line. Applicant further states joinder will also take place at New Boston, Ohio, to enable service to points in West Virginia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 2228 (Sub-No. 49), filed September 21, 1966. Applicant: MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80, Post Office Drawer 270, Abilene, Tex. 79604. Applicant's representative: Regan Sayers, Century Life Building, Post Office Drawer 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Panhandle and Claude, Tex., over Texas Highway 15, and (2) between Berger and Skellytown, Tex., over Texas Highway 152; as alternate routes for operating convenience only, in (1) and (2) above, in connection with applicant's presently authorized regular route operations, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Abilene, or San Angelo, Tex.

No. 2304 (Sub-No. 30), filed September 19, 1966. Applicant: THE KAPLAN TRUCKING COMPANY, a corporation, 2900 Chester Avenue, Cleveland, Ohio. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, material, and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it intends to tack at any point in Ohio to enable services to and from points in West Virginia and New York, and tack at Philadelphia, Pa., and New York, N.Y., to enable service to and from points in New Jersey, Baltimore, Md., and Wilmington, Del. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 11207 (Sub-No. 251), filed September 15, 1966. Applicant: DEATON, INC., 3409 10th Avenue North, Birmingham, Ala. 35204. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt or composition lumber* (boards or sheets made from wood chips, ground wood, or sawdust), from plantsite of Dierks Forests, Inc., at Craig (McCurtain County), and Broken Bow (McCurtain County), Okla., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; (2) *gypsum wallboard, gypsum lath, and gypsum wallboard products*, from plantsite of Dierks Forests, Inc., Briar (Howard County), Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia; (3) *lumber and lumber products*, from plantsite of Dierks Forests, Inc., from Dierks (Howard County), Ark., Mountain Pine (Garland County), Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia; (4) *lumber and lumber products*, from plantsite of Dierks Forests, Inc., Wright City (McCurtain County), Okla., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and, (5) *posts, poles, and piling and lumber*, treated and untreated, from plantsite of Dierks Forests, Inc., at Process City (Sevier County), Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 19227 (Sub-No. 111), filed September 19, 1966. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representatives: W. O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Armlon Leonard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt and composition lumber*, boards, or sheets made from wood chips, ground wood, or sawdust, from the plantsites of Dierks Forest, Inc., located in McCurtain County, Okla., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Washington, Wisconsin, and the District of Columbia, (2) *gypsum wallboard, gypsum lath, and gypsum wallboard products*, from the plantsite of Dierks Forest, Inc., located in Howard County, Ark., to points in Alabama, Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, (3) *lumber and lumber products*, from the plantsites of Dierks Forest, Inc., located in Howard and Garland Counties, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, (4) *lumber and lumber products*, from the plantsites of Dierks Forest, Inc., located in McCurtain County, Okla., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, and (5) *post, poles, piling, and lumber*, treated and untreated, from the plantsites of

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Dierks Forest, Inc., located in Sevier County, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 26088 (Sub-No. 7), filed September 19, 1966. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., Main Street, Allendale, S.C. Applicant's representative: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from Augusta, Ga., and points within a 10-mile radius thereof, to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Augusta or Atlanta, Ga.

No. MC 13569 (Sub-No. 19) (Amendment), filed July 21, 1966, published in the FEDERAL REGISTER issue of September 1, 1966, amended and republished as amended, this issue. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, a corporation, 1200 South State Street, Girard, Ohio 44420. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago commercial zone, as defined by the Commission, Chicago Heights, Joliet, Waukegan, Ill., and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to add Illinois as a destination State. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 28599 (Sub-No. 4), filed August 24, 1966. Applicant: DEVINE & SON TRUCKING CO., a corporation, Post Office Box 217, West Sacramento, Calif. 95691. Applicant's representative: Willard S. Johnson, Post Office Box 1147, Walnut Creek, Calif. 94597. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, in truckload quantities, from points in Trinity, Shasta, Siskiyou, Modoc, Lassen, Tehama, Plumas, Mendocino, Glenn, Lake, Colusa, Butte, Sutter, Yuba, Sierra, Nevada, Placer, Sonoma, Napa, Yolo, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Tuolumne, and Mariposa Counties, Calif., to the Port of Sacramento. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sacramento or San Francisco, Calif.

No. MC 36832 (Sub-No. 21) (Amendment), filed May 19, 1966, published in FEDERAL REGISTER issue of June 16, 1966, amended and republished this issue. Applicant: AMERICAN TRANSIT LINES, INCORPORATED, 221 North La Salle Street, Chicago, Ill. 60601. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Joliet, Waukegan, Chicago Heights, and Chicago, Ill., and points within their respective commercial zones, and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 38478 (Sub-No. 4) (Amendment), filed July 21, 1966, published FEDERAL REGISTER issue of August 25, 1966, amended September 21, 1966, and republished, as amended, this issue. Applicant: FRANK RUMSEY AND BERNARD RUMSEY, a partnership, doing business as RUMSEY TRANSFER COMPANY, Post Office Box 767, Wheatland, Wyo. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Albany and Platte Counties, Wyo., to points in Nebraska and Colorado. NOTE: Applicant has a pending contract carrier application in MC 128435 Sub. 1. The purpose of this republication is to add Albany County, Wyo., to the origin territory. If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo., or Denver, Colo.

No. MC 41116 (Sub-No. 29), filed September 19, 1966. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 603, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags, bagging, steel cotton-bale ties, burlap, and twine*, between Crowley, La., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Texas, under a continuing contract with Continental Bag Co., Inc., of Crowley, La. NOTE: Applicant holds common carrier authority in MC 123993, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 52751 (Sub-No. 65), filed September 16, 1966. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tree and weed killing compounds* (except in bulk, in tank vehicles), from Des Moines, Iowa, to points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or St. Louis, Mo.

No. MC 52921 (Sub-No. 7), filed September 15, 1966. Applicant: RED BALL, INC., Post Office Box 520, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards and parts, materials, supplies, and accessories* incidental thereto, from the plantsite of the Celotex Corp. at or near Marrero, La., to points in Oklahoma (except points in Tulsa, Muskogee, Okmulgee, Wagoner, and Creek Counties, and Oklahoma City). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or New Orleans, La.

No. MC 60014 (Sub-No. 21), filed September 19, 1966. Applicant: AERO TRUCKING, INC., Box 278, Oakdale, Pa. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack the proposed authority with its present authority at Steubenville, Cambridge, and Zanesville, Ohio, and points on and east of U.S. Highways 13 and 33, and on and south of U.S. Highway 30, to enable service to and from New York and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64994 (Sub-No. 82), filed September 13, 1966. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representatives: Frank C. Philips (same address as applicant), and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats*, between Montgomery, Ala., on the one hand, and, on the other, points in the Philadelphia, Pa. and New York, N.Y., commercial zones, and those in Connecticut, Rhode Island, and Massachusetts. NOTE: Applicant states that the authority sought herein could or would be tacked with other authority at New York, N.Y., to provide service to points in New Jersey within 30 miles of City Hall, New York, N.Y.; and at Philadelphia, Pa., to provide service to points in New Jersey and Pennsylvania within 25 miles of Philadelphia, Pa. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Montgomery, Ala., or Washington, D.C.

No. MC 67818 (Sub-No. 72), filed September 16, 1966. Applicant: MICHIGAN EXPRESS, INC., 1122 Freeman Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: J. M. Neath, Jr., 900—One Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the plantsite of Hussmann Refrigerator Co., located at St. Charles Rock Road and Taussig Road, Bridgeton, Mo., as an off-route point in connection with applicant's presently authorized regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 70832 (Sub-No. 11), filed September 20, 1966. Applicant: NEW PENN MOTOR EXPRESS, INC., 18 East Weidman Street, Lebanon, Pa. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Milton, Pa., and New York, N.Y., and points in the New York, N.Y., commercial zone, as defined by the Commission, serving no intermediate points, and serving off-route points in that part of Lycoming County, Pa., south of the Susquehanna River, and those in Columbia, Montour, Northumberland, Union, and Snyder Counties, Pa.; (a) from Milton over Pennsylvania Highway 254 to junction Pennsylvania Highway 254 and Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 80 and U.S. Highway 46 near Columbia, N.J., thence over U.S. Highway 46 to junction Interstate Highway 80 near Netcong, N.J., thence over Interstate Highway 80 to junction U.S. Highway 46 near Denville, N.J.; thence over U.S. Highway 46 to junction U.S. Highway 46 and New Jersey Highway 23, thence over New Jersey Highway 23 to junction Interstate Highway 80, thence over Interstate Highway 80 to Paterson, N.J., thence over city streets in Paterson, N.J., to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highways 80 and 95, thence over Interstate Highway 95 to the George Washington Bridge at or near Fort Lee, N.J., thence over the George Washington Bridge to New York City, and return over the same route, and (b) from Milton to Paterson as specified above, thence over U.S. Highway 46 to junction U.S. Highway 46 and New Jersey Highway 3, thence over New Jersey Highway 3 to the Lincoln Tunnel at or near Weehawken, N.J., thence through the Lincoln Tunnel to New York City, and return over the same route. NOTE: Applicant states it may presently serve points in Pennsylvania and New York embraced in this application. Application involves a change in gateway only. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 70832 (Sub-No. 12), filed September 20, 1966. Applicant: NEW PENN MOTOR EXPRESS, INC., 18 East Weidman Street, Lebanon, Pa. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between points in Hunterdon, Warren, and Sussex Counties, N.J., and that part of Mercer County, N.J., on and north of New Jersey Highway 33, including Trenton, N.J., on the one hand, and, on the other, New York, N.Y., and points in the New York, N.Y., commercial zone as defined by the Commission, and (2) between Phillipsburg, N.J., on the one hand, and, on the other, points in Hunterdon, Warren, and Sussex Counties, N.J., and that part of Mercer County, N.J., on and north of New Jersey Highway 33, including Trenton, N.J. NOTE: Applicant states it may presently serve all points embraced in this application and that this application involves a change in gateway only. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 71516 (Sub-No. 84), filed September 16, 1966. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala. Applicant's representative: Robert E. Tate, Suite 2025–2026, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone, as defined by the Commission, Joliet and Waukegan, Ill., and Gary, Indiana Harbor, East Chicago, and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant holds general commodity authority between Chicago, Ill. and points in Indiana, on the one hand, and, on the other, points in Alabama within 65 miles of Birmingham, Ala., in docket No. MC 71516. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 73165 (Sub-No. 226), filed September 22, 1966. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35207. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, cast iron meter boxes, manhole frames, and manhole covers* (except those which because of size or weight require the use of special equipment, and except pipe and pipe fittings such as are included in the first findings of the Commission in *T. E. Mercer and G. E. Mercer—Extension—Oil Field Commodities*, 74 M.C.C. 459 and 543), from Swan, Tex., to points in Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Oklahoma, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 80428 (Sub-No. 60), filed September 19, 1966. Applicant: McBRIDE TRANSPORTATION, INC., Main and Nelson Streets, Goshen, N.Y. Applicant's representative: Robert V. Giannini, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers and empty malt beverage containers*, (1) between Newark, N.J., and Hornell, N.Y., (2) between Erie, Pa., and Hornell, N.Y., (3) between Reading, Pa., and Buffalo, N.Y., (4) between Wilkes-Barre, Pa., and Buffalo, N.Y., (5) between Mahoney City, Pa., and Buffalo, N.Y., and (6) between Shenandoah, Pa., and Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 198), filed September 15, 1966. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Holden, La., to points in Alabama, Arkansas, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and those in Texas on and east of U.S. Highway 81. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 83745 (Sub-No. 5), filed September 19, 1966. Applicant: STEEL CITY TRANSPORT, INC., 3034 Chateau

Street, Pittsburgh, Pa. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack the proposed authority with its present authority at Pittsburgh, Pa., to enable service to West Virginia and Maryland on such of the involved commodities as require specialized handling and rigging because of size and weight. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 88220 (Sub-No. 19), filed September 13, 1966. Applicant: WABASH VALLEY TRUCKING, INC., Post Office Box 208, Brazil, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Brazil, Ind., to points in Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 89684 (Sub-No. 52) (Amendment), filed April 8, 1965, published FEDERAL REGISTER issue of May 19, 1965, amended September 24, 1966, and republished as amended, this issue. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West Street, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 315 East Second South, Suite 600, El Paso Natural Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* having a prior or subsequent movement by aircraft, (A) Regular route, between Rock Springs and Rawlins, Wyo., over Interstate Highway 80, and return over the same route, serving all intermediate points, and (B) Irregular routes, between Salt Lake City, Utah, airport; Hill Air Force Base, Utah, airport; Ogden, Utah, airport; Pocatello, Idaho, airport; Boise, Idaho, airport; Twin Falls, Idaho, airport; Mountain Home Air Force Base, Idaho, airport; and Butte, Mont., airport; on the one hand, and, on the other, points in Utah, Idaho, and Yellowstone Park; and Butte, Dillon, Twin Bridges, Sheridan, and West Yellowstone, Mont.; Ontario, Adrian, and Baker, Oreg.; Rock Springs, Mountainview, Thayne, Afton, Evanston, Kemmerer, and Jackson, Wyo.; Ely, Nev.; and Flagstaff, Ariz. NOTE: The purpose of this republication is for clarification. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 98952 (Sub-No. 17), filed September 19, 1966. Applicant: GENERAL TRANSFER COMPANY, a corporation, 2880 North Woodford Street, Decatur, Ill. 62526. Applicant's representative: Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, chocolate candy, and confectionery, including milk chocolate candy, and confectionery, advertising matter, premiums, and display material*, when shipped in the same vehicle with the foregoing commodities, from Chicago, Ill., to points in Indiana and Paducah, Henderson, Owensboro, and Louisville, Ky., and points within a 5-mile radius thereof in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 100542 (Sub-No. 12), filed September 15, 1966. Applicant: RANDALL R. SAIN, doing business as C. B. TRUCK LINE, 1034 Humble Place, El Paso, Tex. 79915. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manganese ore*, in bulk, from Deming, N. Mex., to El Paso, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 104654 (Sub-No. 144), filed September 13, 1966. Applicant: COMMERCIAL TRANSPORT, INC., Box 469, Belleville, Ill. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the plantsite of the Missouri Portland Cement Co. at or near Joppa, Ill., to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105461 (Sub-No. 75), filed September 18, 1966. Applicant: HERR'S MOTOR EXPRESS, INC., Box 8, Quarryville, Pa. 17566. Applicant's representative: Bernard N. Gingerich, 114 West State Street, Quarryville, Pa. 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and advertising materials and cartons* for glass containers moving in the same vehicle and at the same time with glass containers, from points in Wharton Township, Town of Wharton, Morris County, N.J., to points in Delaware, Maryland, New York, Pennsylvania, and Washington, D.C.; and (2) *damaged, rejected, and returned shipments* of the commodities specified in (1) above, and *cullet, wooden shells, or bottle carrying boxes* with or without partitions; and *fiberboard and pulpboard packing materials, and containers* used in the manufacture, sale, and distribution of glass bottles, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 107541 (Sub-No. 23), filed September 22, 1966. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukie, Oreg. 97222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, timbers, trusses, and beams, fabricated or not fabricated and connecting hardware items*, from Tacoma, Wash., to points in California, Arizona, Nevada, Utah, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 107818 (Sub-No. 40), filed September 19, 1966. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's representative: Martin Sack, Jr., 710 Atlantic Bank Building, 121 West Forsyth Street, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from Lemont and Chicago, Ill., and points in their commercial zones, to points in Alabama, Florida, Georgia, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108560 (Sub-No. 4), filed September 16, 1966. Applicant: RUKE TRANSPORT LINE, INC., 2761 East Edison Avenue, Fort Myers, Fla. Applicant's representative: Paul A. Saad, First National Bank Building, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from New York City, N.Y. to points in Georgia, North Carolina, South Carolina, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 108560 (Sub-No. 5), filed September 16, 1966. Applicant: RUKE TRANSPORT LINE, INC., 2761 East Madison Avenue, Fort Myers, Fla. Applicant's representative: Paul A. Saad, First National Bank Building, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil and oil products*, in containers, from St. Mary's, W. Va., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 109478 (Sub-No. 99), filed September 22, 1966. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods and commodities in bulk), from Chicago, Ill., to points in Erie County, Pa., and those in New York on and west of New York Highway 8. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 109478 (Sub-No. 101), filed September 22, 1966. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods and commodities in bulk), (1) from North Chicago to points in Illinois, Indiana, Ohio, New York, and Pennsylvania; and (2) from Bordentown, N.J., to points in Indiana, Illinois, Ohio, New York, and Pennsylvania. NOTE: Applicant indicates it could or would tack at Chicago, Ill., North East, Pa., or any point in New York west of U.S. Highway 11, to provide service to points in Northern New England area; and, at Hamlin or Holley, N.Y., to provide service to points in the lower New England area. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 110325 (Sub-No. 41), filed September 1, 1966. Applicant: TRANSCON LINES, a corporation, 1206 South Maple Avenue, Los Angeles, Calif. 90015. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and machinery requiring special equipment or handling), (1) between Oakland (and San Leandro), Calif., and Princeton, Ill.: From Oakland, over U.S. Highway 40 (Interstate Highway 80) to junction U.S. Highway 99E (Interstate Highway 5) at or near Sacramento, Calif.; (also, from San Leandro, over U.S. Highway 50 (Interstate Highways 580, 205 and 5) to junction U.S. Highway 99 (Interstate Highway 5); thence over U.S. Highways 50 and 99 to junction U.S. Highway 99E; thence over U.S. Highway 99E to junction U.S. Highway 40 (Interstate Highway 80) at or near Sacramento, Calif.); thence over U.S. Highway 40 (Interstate Highway 80) to junction U.S. Highway 189, east of Salt Lake City, Utah; thence over U.S. Highway 189 (Interstate Highway 80) to junction U.S. Highway 30S at or near Echo, Utah; thence over U.S. Highway 30S (Interstate Highway 80) to junction U.S. Highway 30 at or near Little America, Wyo.; thence over U.S. Highway 30 (Interstate Highway 80) to junction U.S. Highway 34 at or near Grand Island, Nebr.; thence over U.S. Highway 34 (Interstate Highway 80) to junction U.S. Highway 6 at or near Lincoln, Nebr.; thence over U.S. Highway 6 (Interstate Highway 80) to Princeton; (2) between Oakland (and San Leandro), Calif., and Kansas City, Mo.: From Oakland (and San Leandro) to Lincoln, Nebr., as specified in (1) above, thence over U.S. Highway 6 (Interstate Highway 80) to Council Bluffs, Iowa, thence over U.S. Highway 275 to junction U.S. Highway 71; thence over U.S. Highway 71 to Kansas City (also from Council Bluffs, Iowa, over Interstate Highway 29 to Kansas City); and (3) between Oakland (and San Leandro), Calif., and Kansas City, Mo.: From Oakland (and San Leandro), to Lincoln, Nebr., as specified in (1), above; thence over U.S. Highway 34 to junction U.S. Highway 75; thence over U.S. Highway 75 to Nebraska City, Nebr.; thence over Nebraska Highway 2 to the Nebraska-Iowa State line; thence over Iowa Highway 2 to junction Interstate Highway 29; thence over Interstate Highway 29 to Kansas City (also, from Lincoln, Nebr., over U.S. Highway 34 to junction U.S. Highway 75); thence over U.S. Highway 75 to Nebraska City, Nebr.; thence over Nebraska Highway 2 to the Nebraska-Iowa State line; thence over Iowa Highway 2 to junction U.S. Highway 275; thence over U.S. Highway 275 to St. Joseph, Mo.; thence over U.S. Highway 71 (Interstate Highway 29) to Kansas City; and return over the same routes, serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's presently authorized regular route operations. NOTE: Applicant states that its intention is to utilize the Interstate Highway system now in the process of completion and shown above. Wherever an Interstate Highway designation follows a U.S. Highway designation in parentheses, it is, according to applicant's information, a situation where the Interstate Highway system will overlap, duplicate, replace, parallel, or closely follow the designated U.S. Highway. Applicant seeks authority to utilize the designated U.S. Highways until such time as the corresponding portion of the Interstate Highway system is completed. In the case of completed portions, applicant seeks authority to use them immediately upon a grant of authority. Applicant further seeks authority to operate over such interchanges, access roads, or connecting roads and highways not named as may be required to obtain access to completed portions of the Interstate Highway route named. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 111170 (Sub-No. 114), filed September 21, 1966. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, petroleum and petroleum products, fertilizer and fertilizer ingredients*, in bulk, from Luling, La., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 111729 (Sub-No. 168), filed September 13, 1966. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, New York, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiopharmaceuticals, radioactive drugs, and medical isotopes*, limited to shipments not exceeding 75 pounds per shipment, (a) between New York, N.Y., on the one hand, and, on the other, points in Maryland, Massachusetts, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, (b) between Boston, Mass., on the one hand, and, on the other, points in Connecticut, Massachusetts, and Rhode Island, restricted to traffic having an immediately prior or subsequent movement by air, (c) between Washington, D.C., and Dulles Airport, Fairfax, Va., on the one hand, and, on the other, points in Maryland and Virginia, restricted to traffic having an immediately prior or immediately subsequent movement by air, (d) between Bradley Field and Windsor Locks, Conn., on the one hand, and, on the other, points in Connecticut, restricted to traffic having an immediately prior or immediately subsequent movement by air, (e) between Baltimore, Md., on the one hand, and, on the other, points in Maryland and the District of Columbia, restricted to traffic having an immediately prior or immediately subsequent movement by air.

(2) *Exposed and processed film and prints, complementary replacement film, incidental dealer handling supplies, consisting of labels, envelopes, and packaging materials and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Fitchburg, Mass., on the one hand, and, on the other, points in Connecticut, Rhode Island, and Ashland, Auburn, Biddeford, Bingham, Brownville Junction, Buckport, Calais, Camden, Chrisholm, Ellsworth, Fort Kent, Greenville Junction, Hiram, Kittery, Lewiston, Locke Mille, Lubec, Machais, Madison, Mexico, Millinocket, Mount Desert, Naples, Newcastle, Newport, Norway, Oakland, Portland, Porter, Presque Isle, Rockland, Rumford, Sanford, South Berwick, South West Harbor, Warren, Waterville, Wilton, and Yarmouth, Maine; points in Ashland, Bennington, Berlin, Charleston, Chester, Claremont, Concord, Errol, Francestown, Gorham, Greenville, Hampton, Hanover, Hillsboro, Hopkinton, Hudson, Keene, Lancaster, Littleton, Manchester, Milford, Milton, Nashua, New London, New Market, Newport, North Sutton, Pittsfield, Plymouth, Raymond, Rindge, Rochester, Somersworth, Troy, Whitfield, Wilton, Winchester, Windham, and Woodsville, N.H., and (b) between Philadelphia, Pa., on the one hand, and, on the other, points in Mercer, Burlington, Cumberland Gloucester, Camden, Salem, Atlantic, Cape May, and Warren Counties, N.J., (3) *meter books, meter reading scan sheets, sales slips, cashier payment stubs, data runs and audit media*, between Westboro, Mass., on the one hand, and, on the other, Lebanon, N.H., and Providence, R.I.

(4) *Checks, business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between points in Hartford County,

Conn., on the one hand, and, on the other, points in Nassau County, N.Y., and (b) between Clifton, N.J., on the one hand, and, on the other, points in Fairfield, Litchfield, and New Haven Counties, Conn., points in Nassau (except Great Neck), Suffolk, Richmond, Westchester, Sullivan, Rockland, Orange, and Dutchess Counties, N.Y., and points in Bucks, Lehigh, Northampton, Chester, Delaware, Berks, and Lancaster Counties, Pa., (5) *payroll checks, business papers, records, checks, and audit and accounting media of all kinds, sales and advertising pamphlets moving therewith* (excluding plant removals), between Washington, D.C., on the one hand, and, on the other, points in Philadelphia County, Pa., and (6) *business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between New York, N.Y., on the one hand, and, on the other, Searsport and South Portland, Maine; Fall River and Waltham, Mass.; East Brooklyn, Md.; and Springfield, Va.; and (b) between New York, N.Y., on the one hand, and, on the other, Paramus, N.J. NOTE: Applicant holds contract carrier authority in MC 112750 and therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 112223 (Sub-No. 81), filed September 19, 1966. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 501 11th Avenue South, Minneapolis, Minn. 55415. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Rochester, Minn., and points within 15 miles thereof, to points in Iowa and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 112304 (Sub-No. 19), filed September 15, 1966. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: Applicant states it would tack the proposed authority with its present authority at points in Ohio to enable service to and from points in New York and New Jersey. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112520 (Sub-No. 150), filed September 21, 1966. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals, petroleum and petroleum products, fertilizer and fertilizer ingredients*, in bulk, from Luling, La., to points in the United States (except Hawaii and Alaska), (2) *acids and chemicals*, in bulk, (a) from Augusta, Ga., to points in the United States (except Hawaii and Alaska) and (b) from Anniston, Ala., to points in the United States (except Alaska, Hawaii, West Virginia, Kentucky, North Carolina, Arkansas, Mississippi, and Louisiana). NOTE: Applicant indicates it could or would tack the authority sought herein with its presently held authority in Subs 13, 16, 18, 25, 35, 55, 66, 68, 71, 74, 75, 82, 83, 84, 91, 100, 106, 114, 116, 119, 122, 129, and 134, wherein it is authorized to conduct operations in the States of Arkansas, Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New Orleans, La., or Atlanta, Ga.

No. MC 112668 (Sub-No. 43), filed September 14, 1966. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office, Route U.S. 140, Finksburg, Md. 21048. Applicant's representative: Donald E. Freeman, Post Office Box No. 880, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bulk, (2) *fertilizer* in containers, in mixed loads with fertilizer in bulk, and (3) *pesticides* in containers, in mixed loads with fertilizer, from Baltimore, Md., to points in New York east of U.S. Highway 14. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 112893 (Sub-No. 40), filed September 19, 1966. Applicant: BULK TRANSPORT COMPANY, a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in bulk, in tank vehicles, from the plantsite or terminal facilities of the Williams Brothers Pipe Line Co., located in Dubuque County, near Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113083 (Sub-No. 3), filed September 21, 1966. Applicant: JOHN F. MAHR, doing business as MAHR BROS. TRANSPORTATION CO., Route 83, Box 328, Rockville, Conn. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsites of Dow Chemical Co. at Ledyard, Conn., Baltimore, Md., Carteret, N.J., and Royersford, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia, under a continuing contract or contracts with the Dow Chemical Co., of Gales Ferry, Conn. NOTE: Applicant holds common carrier authority in MC 124679, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Hartford, Conn.

No. MC 113271 (Sub-No. 28), filed September 19, 1966. Applicant: CHEMICAL TRANSPORT, a corporation, 712 Central Avenue West, Great Falls, Mont. 59401. Applicant's representative: Ray F. Koby, 314 Montana Building, Post Office Box 2567, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and Limestone products*, from Baker, Oreg., and points within 10 miles thereof, to points in Montana. NOTE: Applicant states that tacking is not presently contemplated, but the authority sought could be tacked with applicant's present authority in MC 113271 Sub 14, at Warren, Mont., and, where feasible, service could be provided to points in Wyoming. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 113855 (Sub-No. 141), filed September 19, 1966. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power brooms, gravel spreaders, and road rollers*, from Pocatello, Idaho, and points within 5 miles thereof, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Nevada, North Carolina, Oregon, South Carolina, Tennessee, Utah, Washington, Wyoming, Alaska, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114364 (Sub-No. 125), filed September 9, 1966. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and dog foods, in cans in cartons, not requiring refrigeration, and not in bulk or in tank vehicles*, from Gentry, Ark., Siloam Springs, Ark., the plantsite of Allen Canning Co., approximately 10 miles east of Siloam Springs, Ark., and

Kansas, Okla., to Douglas, Flagstaff, Kingman, Phoenix, and Tucson, Ariz., Great Bend, Hutchinson, Liberal, Topeka, and Wichita, Kans., points in Nebraska, and Albuquerque, Gallup, and Santa Fe, N. Mex., and Abilene, Amarillo, Austin, Big Springs, Brownsville, Brownwood, Bryan, El Paso, Houston, Lubbock, Odessa, San Angelo, San Antonio, Tyler, Waco, and Wichita Falls, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 114533 (Sub-No. 147), filed September 13, 1966. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed color film and prints, black and white films and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), between Denver, Colo., on the one hand, and, on the other, points in Boulder, Delta, Fremont, Garfield, Grand Gunnison, Jefferson, La Plata, Larimer, Las Animas, Logan, Mesa, Moffat, Montezuma, Montrose, Morgan, Otero, Phillips, Pitkin, Pueblo, Rio Grande, Routt, and Weld Counties, Colo. NOTE: Applicant states that the above proposed operations are restricted to movements having a prior or subsequent movement by air or express. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 115212 (Sub-No. 14), filed September 13, 1966. Applicant: H. M. H. MOTOR SERVICE, Route 130, Cranbury, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail women's and children's ready-to-wear apparel stores, and in connection therewith supplies and equipment used in the conduct of such business*, between North Bergen, N.J., on the one hand, and, on the other, points in Minnesota, under contract with Diana Stores Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115667 (Sub-No. 2), filed September 1, 1966. Applicant: ARROW TRANSFER CO., LTD., 320 Seymour Boulevard, North Vancouver, B.C., Canada. Applicant's representative: J. J. Joyce, 1666 Boundary Road, Burnaby, B.C., Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery pipes and commodities* which because of size or weight require the use of special equipment for handling or rigging, between the ports of entry on the international boundary line between the United States and Canada located in Idaho, Washington, and Montana, and points in Idaho, Utah, Oregon, Montana, and California. NOTE: Applicant states it is presently serving Portland, Oreg., and points in Washington under its certificate No. MC 115667, and it indicates it intends to tack that authority at (1) Portland, Oreg., to provide service to points in Oregon and California, and at (2) unspecified points on the Washington-Idaho border to serve points in Idaho and Montana. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 115931 (Sub-No. 15), filed September 19, 1966. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue, Post Office Box 1961, North Billings, Mont. Applicant's representative: Oscar Scherer, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated steel buildings and components or parts therefor*, from points in Fayette County, Ohio, and points in Vigo County, Ind., to points in Montana and Wyoming; and (2) *lumber*, (a) from points in Lake, Lincoln, Mineral, and Sanders Counties, Mont., to points in Illinois, Indiana, Iowa, Minnesota, Ohio, South Dakota, and Wisconsin, and (b) from points in Flathead, Granite, Missoula, and Ravalli Counties, Mont., to points in Indiana and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 115931 (Sub-No. 16), filed September 21, 1966. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue, Post Office Box 1961, North Billings, Mont. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, hydraulic, masonry, mortar, natural, or portland, (1) between points in Utah, and (2) between points in Wyoming; restricted to shipments having an immediately prior movement by rail, and further restricted against the transportation when intended for use as an oil filed material or supply. NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 116254 (Sub-No. 69), filed September 9, 1966. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, from points in Monroe County, Miss., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Ohio, Oklahoma, Texas, and Wisconsin. NOTE: Applicant states that he does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala., or, Memphis or Nashville, Tenn.

No. MC 116273 (Sub-No. 77), filed September 21, 1966. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank or hopper type vehicles, and *plastic liners* in mixed loads, from Detroit, Mich., and points in the Detroit, Mich., commercial zone, to points in Michigan and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 117313 (Sub-No. 6), filed September 16, 1966. Applicant: TRYON TRUCKING, INC., Post Office Box 68, Fairless Hills, Pa. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products, and steel mill equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it intends to tack this proposed authority at Philadelphia, Pa., to enable service to and from points in Delaware, Maryland, New Jersey, New York, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill..

No. MC 117765 (Sub-No. 54), filed September 19, 1966. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla. Applicant's representative: R. E. Hagan (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, remnants, and padding*, from Anadarko, Okla., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 119700 (Sub-No. 10) (Amendment), filed July 21, 1966, published FEDERAL REGISTER issue of August 11, 1966, amended September 19, 1966, and republished as amended, this issue. Applicant: STEEL HAULERS, INC., 306 Ewing, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between Joliet, Waukegan, Chicago Heights, and Chicago, Ill., and points in the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan,

Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to broaden the scope of the application by adding Chicago Heights, Ill., as a point in the base area. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 121571 (Sub-No. 2), filed December 20, 1965. Applicant: O. K VAN & STORAGE CO. OF NEW MEXICO, Post Office Box 1316, Las Cruces, N. Mex. Applicant's representative: O. Russell Jones, Post Office Box 2228, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Dona Ana and Otero Counties, N. Mex., restricted to shipments having a prior or subsequent movement beyond Dona Ana and Otero Counties, N. Mex., in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 123195 (Sub-No. 1), filed September 19, 1966. Applicant: JORAE, INC., 220 Passaic Avenue, Pompton Lakes, N.J. Applicant's representative: Joseph Gaudio (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive brakes, parts, and equipment*, loose or in packages, from Feasterville, Pa., to points in New Jersey and New York and *old brake parts, cores, and equipment having value for reclamation and salvage purposes*, on return, under contract with Consolidated Unit Co., Irvington, N.J., and Wagner Electric Corp., Feasterville, Pa., Sulco Sales Corp., New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 123375 (Sub-No. 10), filed September 19, 1966. Applicant: KIRK TRUCKING SERVICE, INC., Post Office Box 153, Monroeville, Pa. 15146. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products, and steel mill equipment, materials, and supplies*, between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that joinder will take place at Philadelphia, Pa., to enable service to and from points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and West Virginia, and that joinder will also take place at points in Jefferson, Belmont, Harrison, Carroll, and Columbiana Counties, Ohio, to enable service to and from points in Marshall, Ohio, Brooke, and Hancock Counties, W. Va. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124174 (Sub-No. 56), filed September 16, 1966. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages, from Emlenton and Farmers Valley, Pa., and St. Marys, W. Va., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: Common control may be involved. Applicant states that it intends to tack with present authority in MC 124174, in which it is authorized to operate in Iowa, Kansas, Missouri, Minnesota, and Nebraska. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 124174 (Sub-No. 57), filed September 16, 1966. Applicant: MOMSEN TRUCKING CO., a corporation Highway 71 and 18N, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer products, feed ingredients, and feed*, between points in Woodbury County, Iowa, and points in South Dakota, Iowa, North Dakota, Minnesota, Wisconsin, Illinois, and Nebraska. NOTE: Common control may be involved. Applicant states the proposed authority herein can or will be joined with its presently authorized authority in MC 124174 wherein it is authorized to operate in the States of Iowa, Nebraska, Minnesota, Kansas, Missouri, Indiana, Illinois, and South Dakota. If a hearing is deemed necessary applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 125777 (Sub-No. 104), filed September 19, 1966. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in dump vehicles, from the plant-sites of American Colloid Co., at Colloid Spur, Wyo., and Belle Fourche, S. Dak., to points in Iowa, Illinois, Indiana, Wisconsin, Michigan, Missouri, Minnesota, Kansas, Ohio, Pennsylvania, and Nebraska. NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 127093 (Sub-No. 5) (Clarification), filed September 13, 1966, published FEDERAL REGISTER issue of September 29, 1966, and clarified this issue. Applicant: BASIL J. SMEESTER and JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson, Iron Mountain, Mich. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (not including lumber or bulk commodities), *consisting of gypsum and gypsum products, materials and supplies* used in the installation or distribution thereto, *boards, building, wall, and insulating, parts, materials and accessories* incidental thereto, *manufactured and composition boards, parts, materials, and accessories* incidental thereto, *roofing and insulating materials, parts and accessories* incidental thereto, and *materials and supplies* used in the manufacture of items named above, from the plantsite of Celotex Corp. at or near Fort Dodge, Iowa, to points in Kansas and Missouri; and *refused, rejected or damaged shipments* of the commodities described herein above, on return, under contract with the Celotex Corp. NOTE: The purpose of this republication is to clarify the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 127431 (Sub-No. 8), filed September 20, 1966. Applicant: CAROLINA-VIRGINIA COURIERS, INC., 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Washington, D.C., and Richmond, Va., on the one hand, and, on the other, points in Bedford, Nottoway, Montgomery, Pittsylvania, Southampton, Rockbridge, Campbell, Henry, Dinwiddie, Pulaski, Roanoke, Augusta, and James City Counties, Va. NOTE: Applicant states this is an application for conversion of contract carrier authority presently held in No. MC 123486, Sub 3, to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127539 (Sub-No. 5), filed September 19, 1966. Applicant: PARKER REFRIGERATED SERVICE, INC., 1225 Puyallup Avenue, Tacoma, Wash. 98421. Applicant's representative: G. R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, from Lynden, Wash., to points in California. NOTE: Applicant holds contract authority in MC 124593, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127916 (Sub-No. 1), filed September 13, 1966. Applicant: JOHN R. GUILLOT, 707 Bennett Street, Alexandria, La. Applicant's representative: John Schwab, Post Office Box 1359, 617 North Boulevard, Baton Rouge, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato chips, vanilla wafers, assorted cookies, and other bakery snacks*, from the plantsite of Continental Baking Co., Inc., at or near Memphis, Tenn., to points in Louisiana, and (2) *sugar* in bags, from New Orleans, La., to the plantsite of Continental Baking Co., Inc., at or near Memphis, Tenn., under contract with Continental Baking Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La.

MC 128190 (Sub-No. 2), filed September 19, 1966. Applicant: FREMONT CONTRACT CARRIERS, INC., 1106 Cuming Street, Fremont, Nebr. Applicant's representative: J. Max Harding, Box 2028, 605 South 14th Street, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicles, over irregular routes, transporting: (1) *Cribs, silos, grain dryers, bins, and tanks, and accessories therefor*, from the plantsite of Nebraska Crib & Silo Co., Inc., located at Fremont, Nebr., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming, and (2) *dump bodies, truck bodies, utility bodies, van bodies, camper bodies, truck bumpers, truck hoists, truck racks, semitrailers, and hydraulic fifth wheels*, from the plantsite of Omaha Standard, Inc., located at Council Bluffs, Iowa, to points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wyoming, under contract with Nebraska Crib & Silo Co., Inc., and Omaha Standard, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128377 (Sub-No. 1) (clarification), filed September 1, 1966, published in FEDERAL REGISTER issue of September 29, 1966, and republished this issue. Applicant: JOHN M. KOLODZIEJSKI, doing business as SHERIDAN RENTAL SERVICE, 209 Lake Avenue, Michigan City, Ind. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Commodities having immediately prior or subsequent transportation by air*, between Michigan City, Ind., and the sites of Midway Airport and O'Hare Field at Chicago, Ill., (1) over U.S. Highway 12; (2) over U.S. Highway 20; (3) over Interstate Highway 94; and (4) from Michigan City over U.S. Highway 421 to junction combined Interstate Highways 80 and 90, thence over combined Interstate Highways 80 and 90 to the sites of Midway Airport and O'Hare Field at Chicago, and return over the same route; serving intermediate and off-route points within 5 miles of Michigan City, in connection with the routes described in (1), (2), (3), and (4) above. NOTE: The purpose of this republication is to clarify the route description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 128559, filed August 23, 1966. Applicant: LARMOUR STEPHENSON, Rural Route No. 2, Prescott, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles), between the port of entry on the international boundary line between the United States and Canada located at Ogdensburg, N.Y., and Ogdensburg, N.Y., over city streets, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Ogdensburg, N.Y.

No. MC 128595, filed September 14, 1966. Applicant: ROY L. BRITZMAN, Route No. 2, Richland, Mo. 65556. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets, and pallet materials*, from points in Pulaski, Texas, and Howell Counties, Mo., to points in Illinois on and north of U.S. Highway 36. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo., or St. Louis, Mo.

No. MC 128597 (Sub-No. 1), filed September 20, 1966. Applicant: WALTER TABER, doing business as WALT'S POULTRY AND BEEF CO., 1920 Wadsworth Boulevard, Lakewood, Colo. 80215. Applicant's representative: Bert L. Penn, 30 South Emerson Street, Denver, Colo. 80209. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in part A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Grand Island Gering, and Scottsbluff, Nebr., to Cheyenne and Laramie, Wyo., Broomfield, Denver, Fort Collins, Longmont, and Loveland, Colo., under contract with Swift & Co., 115 East Jackson, Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128603, filed September 19, 1966. Applicant: E. W. WHITE and E. R. WHITE, a partnership, doing business as WHITE TRUCK LINES, 2815 Highway 12, Vidor, Tex. 77662. Applicant's representative: John H. Benckenstein, Post Office Box 551, 1350 Petroleum Building, Beaumont, Tex. 77704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, including raw and treated lumber, ply boards, roofing, pressed wood, and impregnated sheeting*, between points in Arkansas, Louisiana, Mississippi, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 128605, filed September 20, 1966. Applicant: ROCK TRUCKING, INC., 99 Route 46, Budd Lake, N.J. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Jetty stone and stone used in the construction or repair of jetties, seawalls, and breakwaters*, from points in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J., to New York, N.Y., and points in Nassau, Westchester, and Suffolk Counties, N.Y., under contract to Passaic Crushed Stone Co., Inc., and John R. Woodburn, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 128607, filed September 16, 1966. Applicant: BOYD TRUCKING COMPANY, a corporation, Post Office Box 577, First Street and Cemetery Lane, Cottonwood, Calif. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in the Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Humboldt, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, Calif., to the Port of Sacramento, Sacramento, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco or Sacramento, Calif.

MOTOR CARRIERS OF PASSENGERS

No. MC 2284 (Sub-No. 24), filed September 19, 1966. Applicant: BOULEVARD TRANSIT LINES, INC., 53 Kennedy Boulevard, Bayonne, N.J. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between points in Kings County, N.Y., on the one hand, and, on the other, the Philadelphia Naval Shipyard, Philadelphia, Pa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Brooklyn or Manhattan, N.Y.

No. MC 96345 (Sub-No. 4), filed September 16, 1966. Applicant: SOUTHERN MASSACHUSETTS BUS LINES, INC., 17 Swift Street, New Bedford,

Mass. 02740. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in round-trip sightseeing and pleasure tours, beginning and ending at points in Barnstable County, Mass., and those points in Bristol and Plymouth Counties, Mass., on and south of U.S. Highway 44, and extending to points in the United States, except those in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, Hawaii, and the District of Columbia. NOTE: Applicant states it could or would tack only insofar as a tour would involve service at or through States authorized in MC 96345 (Sub-No. 3) in which it is authorized to transport passengers and their baggage, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Barnstable County, Mass., and those in Bristol and Plymouth Counties, Mass., south of U.S. Highway 44, and extending to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 128601, filed September 13, 1966. Applicant: GLYNN S. BOLES, Phoenix & Gibbes, Greenwood, S.C. 29646. Applicant's representative: Francis B. Nicholson, Post Office Box 882, Greenwood, S.C. 29646. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip, charter operations, between Greenwood, S.C., and Atlanta, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

APPLICATIONS FOR BROKERAGE LICENCES

No. MC 12752 (Sub-No. 1), filed September 1, 1966. Applicant: BERKSHIRE TRAVEL AGENCY, INCORPORATED, Berkshire Hotel, Post Office Box 13, Fifth and Washington Streets, Reading, Pa. 19603. Applicant's representative: David Berger, 2220 Philadelphia Saving Fund Building, Philadelphia, Pa. 19107. For a license (BMC 5) to engage in operations as a *broker* at Reading, Pa., in arranging for the transportation, in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, either as complete tours or as a leg of a tour or trip to be completed by some other means such as air, rail, or ship; beginning and ending at points in Berks County, Pa., and extending to points in the United States. NOTE: Applicant states it presently holds a broker's license in MC 12752, and if the instant application is granted, a request for revocation of such license will be made.

No. MC 130015, filed July 15, 1966. Applicant: TRAVEL ADVISORS, INC., 5000 Normandale Road, Minneapolis, Minn. 55436. For a license (BMC 5) to engage in operations as a *broker* at Minneapolis, Minn., in arranging for transportation of *passengers and their baggage*, in round-trip charter tours, beginning and ending at Minneapolis, Minn., and extending to points in Minneapolis, Wisconsin, North Dakota, South Dakota, and Montana.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 42487 (Sub-No. 659), filed September 19, 1966. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, 7101 South Cicero Avenue, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, including bulk liquids, assembled automobiles, and heavy machinery requiring special equipment for handling), between Peoria and El Paso, Ill., over U.S. Highway 24, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route authority between East Peoria and Urbana, Ill., between Kansas City, Kans., and Chicago, Ill., and between Bloomington and Chenoa, Ill.

No. MC 103654 (Sub-No. 120), filed September 19, 1966. Applicant: SCHIRMER TRANSPORTATION COMPANY, a corporation, 1145 Homer Street, St. Paul, Minn. 55416. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from New Richmond, Wis., to Minneapolis-St. Paul, Minn.

No. MC 128118 (Sub-No. 2), filed September 14, 1966. Applicant: WILLIAM J. TRUE, Bridgton, Maine 04037. Applicant's representative: David R. Hastings, II, 8 Portland Street, Fryeburg, Maine 04037. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Milford, N.H., to Cumberland Mills (Westbrook), Maine, under contract with Lorden Lumber Co., Inc.

No. MC 128588 (Sub-No. 1), filed September 19, 1966. Applicant: NORRIS TRANSFER & STORAGE COMPANY, INC., 1109 West Memorial Boulevard, Lakeland, Fla. 33801. Applicant's representative: Bill Norris, 1109 West Memorial Boulevard, Lakeland, Fla. 33801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* having a prior or subsequent movement in interstate commerce, between Lakeland, Fla., and points in Polk, Hillsborough, and Highlands Counties, Fla., under contract with Western Electric Co., Inc.

No. MC 128602, filed September 13, 1966. Applicant: JAMES J. GREENE, doing business as GREENE'S TRUCKING SERVICE, 148 Belleview Road, Oakdale, Long Island, N.Y. Applicant's representative: A. David Milliner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail department stores, between Rutherford, N.J., on the one hand, and, on the other, New York, N.Y., restricted to service to be performed under a continuing contract with B. Altman & Co., New York, N.Y.

MOTOR CARRIER OF PASSENGERS

No. MC 10978 (Sub-No. 65), filed September 13, 1966. Applicant: TRANSCONTINENTAL BUS SYSTEM, INC., doing business as CONTINENTAL TRAILWAYS, a corporation, 315 Continental Avenue, Dallas, Tex. 75207. Applicant's representative: D. Paul Stafford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, newspapers and express* in the same vehicle with passengers, over new U.S. Highway 75, for a distance of approximately 3½ miles, from junction Oklahoma Highway 75A, approximately 6 miles south of Calera, Okla., to junction Oklahoma Highway 75A, approximately 1 mile south of Colbert, Okla., and return over the same route, serving all intermediate points.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10832; Filed, Oct. 5, 1966; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 3, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40729—*Grain and related articles within southern territory*. Filed by O. W. South, Jr., agent (No. A4944), for interested rail carriers. Rates on grain, grain sorghums, and soybeans, in carloads, between points in southern territory, also between points in southern Illinois and southern Indiana, on the one hand, and points in southern territory, on the other.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Southern Freight Association, agent, tariff ICC S-666.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10885; Filed, Oct. 5, 1966; 8:47 a.m.]

[Notice 1422]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 3, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68983. By order of September 30, 1966, the Transfer Board, on reconsideration, approved the transfer to Burge, Inc., Post Office Box 166, Middletown, Del., of a portion of the operating rights in certificate No. MC-27648, and the entire operating rights in certificate No. MC-27648 (Sub-No. 2) issued August 11, 1950, and May 31, 1960, respectively, to Eugene Merritt Savin, Townsend, Del., authorizing the transportation of: Fertilizer, from Chestertown, Md., to Townsend, Del., and points within 10 miles of Townsend, and from Baltimore, Md., to Middletown, Del., and points and places within 10 miles of Middletown. Cattle, from Middletown and Dover, Del., and Cecilton, Md., to Philadelphia, Pa., Wilmington, Del., and Baltimore, Md.

No. MC-FC-69042. By order of September 29, 1966, the Transfer Board approved the transfer to Marsh Trucking Co., Inc., Maple Heights, Ohio, of the operating rights in permits Nos. MC-81818, MC-81818 (Sub-No. 2), MC-81818 (Sub-No. 4), MC-81818 (Sub-No. 5), and MC-81818 (Sub-No. 6), issued May 5, 1942, June 6, 1947, October 11, 1949, May 7, 1959, and February 26, 1964, respectively, to J. A. Marsh, doing business as Marsh Trucking Co., Maple Heights, Bedford, Ohio, authorizing the transportation, over irregular routes, of coffins, burial vaults, burial cases, and related materials, supplies, and accessories, between various points in Ohio, Pennsylvania, Massachusetts, Illinois, Michigan, Virginia, New Jersey, Indiana, New York, and Wisconsin; dry goods between Philadelphia, Pa., and Cleveland, Ohio; and wool and woolen materials between Galion and Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh and Philadelphia, Pa. Edwin C. Reminger, 731 Leader Building, Cleveland, Ohio 44114, attorney for applicants.

No. MC-FC-69062. By order of September 28, 1966, the Transfer Board approved the transfer to W. M. Webster, Jr., doing business as Petroleum Haulers, Greenville, S.C., of certificates Nos. MC-89631 and MC-89631 (Sub-No. 1), issued June 19, 1941, and March 14, 1942, respectively, to John H. Saylors, Anderson, S.C., the former authorizing the transportation of petroleum and petroleum products, over a regular route, from Savannah, Ga., to Anderson, S.C., and the latter, the transportation of petroleum products, in tank trucks, over irregular routes, from Savannah, Ga., to points and places in Abbeville, Anderson, Greenwood, Greenville, Spartanburg, Pickens, and Oconee Counties, S.C. Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201, attorney for applicants.

No. MC-FC-69063. By order of September 29, 1966, the Transfer Board approved the transfer to Eagle Express, Inc., Kansas City, Mo., of certificate No. MC-79619 issued September 12, 1956, to Allen M. Galloway, doing business as Eagle Express, Kansas City, Mo. (formerly Arndt Truck Line, Sweet Springs, Mo.), authorizing the transportation, over regular routes, of, among other things, general commodities, with usual exceptions, between Sweet Springs, Mo., and Kansas City, Kans., serving the intermediate points of Concordia and Kansas City, Mo., and the off-route point of Emma, Mo.; between Odessa, Mo., and Kansas City, Mo., serving the intermediate points of Bates City, Oak Grove, and Grain Valley, Mo., and the off-route points of Blue Springs, Mo., and Kansas City, Kans.; between Kansas City, Kans., and Rich Hills, Mo., serving the intermediate points of Kansas City, Passaic, and Butler, Mo., and, over irregular routes, brick and machinery, from Parsons and Weir, Kans., to Schell City, Mo., and threshing machines, from Des Moines, Iowa, to Schell City, Mo. Carl V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10886; Filed, Oct. 5, 1966; 8:47 a.m.]

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Agricultural Stabilization and Conservation Service
Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Home Loan Bank Board
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Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, Fiscal Year 1967

Pursuant to section 4 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1967, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$4,584,482	$4,470,998	$113,484
Alaska	158,314	158,314	
Arizona	1,207,571	1,282,109	85,462
Arkansas	2,751,742	2,670,498	81,244
California	6,098,533	6,098,533	
Colorado	1,447,561	1,338,482	109,079
Connecticut	1,310,475	1,310,475	
Delaware	326,094	322,636	3,458
District of Columbia	222,766	222,766	
Florida	5,844,672	5,718,390	126,282
Georgia	6,473,669	6,473,669	
Guam	100,430	31,425	68,005
Hawaii	967,812	879,146	88,666
Idaho	672,147	651,318	20,829
Illinois	4,457,833	4,457,833	
Indiana	3,387,638	3,387,638	
Iowa	2,824,993	2,473,988	350,915
Kansas	1,688,062	1,688,062	
Kentucky	4,380,482	4,380,482	
Louisiana	5,990,117	5,990,117	
Maine	807,449	716,205	91,244
Maryland	1,993,177	1,921,942	71,235
Massachusetts	3,390,572	3,390,572	
Michigan	3,878,075	3,490,575	387,500
Minnesota	3,378,026	2,943,564	434,462
Mississippi	4,004,856	4,004,856	
Missouri	3,626,989	3,626,989	
Montana	474,324	443,842	30,482
Nebraska	1,116,500	937,770	178,730
Nevada	129,450	128,361	1,089
New Hampshire	411,110	411,110	
New Jersey	1,953,330	1,693,240	260,090
New Mexico	1,087,119	1,087,119	
New York	9,234,492	9,234,492	
North Carolina	7,335,516	7,335,516	
North Dakota	748,157	663,306	84,851
Ohio	5,807,798	5,393,252	414,546
Oklahoma	2,091,742	2,091,742	
Oregon	1,373,217	1,373,217	
Pennsylvania	5,889,311	5,141,011	748,300
Puerto Rico	3,960,635	3,960,635	
Rhode Island	274,835	274,835	
South Carolina	4,554,452	4,503,513	50,939
South Dakota	833,867	695,867	
Tennessee	4,765,044	4,686,771	79,273
Texas	8,903,988	8,619,961	284,027
Utah	1,155,734	1,150,397	5,317
Vermont	264,737	264,737	
Virginia	4,209,047	4,135,406	73,641
Virgin Islands	118,010	118,010	
Washington	1,880,873	1,824,559	56,314
West Virginia	1,863,861	1,823,736	40,125
Wisconsin	2,791,987	2,239,178	552,809
Wyoming	262,467	262,467	
American Samoa	25,100	25,000	
Total	147,445,000	142,634,492	5,010,396

(Secs. 2–12, 60 Stat. 230–233, as amended, 76 Stat. 944; 42 U.S.C. 1751–1760)

Dated: October 4, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66–10994; Filed, Oct. 6, 1966; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[ACP–1967, Supp. 2]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1967

PRIOR REQUEST FOR COST-SHARING

Correction

In F.R. Doc. 66–9596, appearing at page 11591 of the issue for Friday, September 2, 1966, the first sentence of § 701.15 should end with the words "beyond his control" instead of with the words "before his control".

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 722—COTTON

Subpart—Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to make the following miscellaneous changes in the regulations:

(1) Provide for the rule of fractions in establishing the rate of penalty to the nearest 10th of a cent;

(2) To change the reference to export market acreage programs to cover the years 1966–69;

(3) To require ginner's records to include the farm number.

Since cotton of the current crop is now being ginned, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The regulations for Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton (31 F.R. 6573, 9445) are amended as follows:

1. Section 722.62 of the regulations is amended to read as follows:

§ 722.62 Extent of calculations and rule of fractions.

The rate of penalty under §§ 722.79 and 722.100 shall be computed to the nearest 10th of a cent and fractions of exactly five-hundredths of a cent shall be dropped. In making all other computations under §§ 722.61 to 722.100, the amount of lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds for a farm shall be rounded to the nearest whole cent and fractions of exactly five-tenths of a pound or cent shall be dropped.

§ 722.64 [Amended]

2. The second sentence of § 722.64(b)(1) of the regulations is amended by deleting the figures and word "1966 crop", and substituting in lieu thereof "1966–69 crops".

§ 722.66 [Amended]

3. The last sentence of § 722.66(b) of the regulations is amended by deleting the figures and word "1966 crop", and substituting in lieu thereof "1966–69 crops".

4. Subparagraph (2) of paragraph (b) of § 722.89 of the regulations is amended to read as follows:

§ 722.89 Records to be kept and reports to be made by ginners.

* * * * *

(b) *Ginner's record of cotton ginned.* * * * (2) the name of the operator of the farm, and the farm number or some other information which will identify the farm on which the cotton was produced; * * *

* * * * *

(Secs. 346, 347, 373, 375, 63 Stat. 674, as amended, 63 Stat. 675, as amended, 52 Stat. 65, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1346, 1347, 1373, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 3, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66–10919; Filed, Oct. 6, 1966; 8:47 a.m.]

[Amdt. 6]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to establish a national percentage for use in calculating that portion of minimum farm allotments for 1967 allocated to a farm from the national acreage reserve. Such percentage of the allotment may not be transferred to other farms under section 344a of the act. Another purpose is to establish the procedure for applying the limit on the amount of acreage which may be transferred under section 344a of the act to separately owned tracts which are constituted as a single farm. In addition, this amendment provides that allotments for new cotton farms established during the period 1966–69 shall not be reduced for underplanting if some cotton is planted on the farm and there is participation in the voluntary cotton acreage reduction program.

Since the county committees are now receiving transfer of allotment applications, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) are amended as follows:

1. Paragraph (b) of § 722.437 of the regulations is redesignated to make the present language a subparagraph (1) with the heading "For 1966" and by adding a new subparagraph (2) at the end thereof, and paragraph (d) is amended; the affected portions of § 722.437 now read as follows:

§ 722.437 Amount of allotment transferable.

* * * * *

(b) *No transfer of acreage from national acreage reserve—(1) For 1966.* * * *

(2) *For 1967.* No acreage apportioned from the national acreage reserve to a farm shall be transferred under section 344a of the act. This limitation applies only to farms receiving 1967 minimum farm allotments under section 344(f)(1) of the act in counties receiving an allocation from the 1967 national acreage reserve. It is hereby determined that 11 percent of each such minimum farm allotment for 1967 is attributable to the national acreage reserve. If all the minimum allotment is to be transferred, the county committee shall transfer the minimum allotment less 11 percent thereof and shall cancel the apportionment of the 11 percent portion of the allotment because the farm allotment is required to be reduced to zero under subsection (e) of section 344a of the act. If part of the minimum allotment is to be transferred, the national acreage reserve apportioned to the farm shall be reduced by the percentage which the part of the allotment transferred is of the entire minimum allotment.

* * * * *

(d) *Sale and lease transfers—limit on amount of acreage transferred.* The total upland cotton allotment which may be transferred by sale or lease to a farm shall not exceed the smaller of (1) the available cropland on the farm, or (2) the acreage obtained by subtracting the allotment (excluding reapportioned acreage) for such farm established for the year the transfer is to take effect from the sum of (i) the 1965 farm allotment before release and reapportionment and (ii) 100 acres. The available cropland on the farm for purposes of such transfers shall be the total cropland as defined in Part 719 of the Regulations Governing Reconstitution of Farms, Allotments, and Bases (Part 719 of this chapter; 29 F.R. 13370, as amended) on the farm less the total of the allotments, feed grain base, and sugar proportionate shares established for the farm for the current year. Producers wishing to transfer cotton allotment to a farm may choose to reduce the feed grain base, sugar proportionate share, or other allotments on the farm to the extent necessary to meet the requirements of this section. If the farm to which allotment is to be transferred is made up of two or more separately owned tracts, each separately owned tract shall be considered a farm for purposes of computing this limitation. No farm shall be eligible for transfer of an allotment by sale or lease unless such farm received an upland cotton allotment greater than zero for 1965 and for the year in which the transfer is to take effect, except that allotment may be transferred to a farm for which an upland cotton allotment was established under provisions of section 378 of the act during the period 1966–69 from pooled allotment if the farm which was acquired by the agency having the power of eminent domain, and which contributed the allotment to the pool, had an allotment greater than zero for 1965. For purposes of determining the amount of allotment eligible for transfer by sale or lease under the first sentence of this paragraph, the 1965 farm allotment on the farm acquired by the agency shall be used, regardless of the allotment actually transferred from the pool.

* * * * *

2. Paragraph (e) of § 722.412 of the regulations is amended to read as follows:

§ 722.412 Allotments for new cotton farms.

* * * * *

(e) *Reduction of new cotton farm allotment for underplanting.* If the acreage planted to cotton on the new cotton farm is less than 75 percent of the cotton allotment established for the farm pursuant to paragraph (c) of this section, such allotment shall be reduced to the acreage planted to cotton on the farm: *Provided*, That for such allotments established for the years 1966–69, if some cotton was planted or considered planted on the farm and the farm qualified for payment under section 103(d) of the Agricultural Act of 1949, as amended, the allotment shall be considered fully planted for purposes of computing future allotments for the farm.

(Secs. 344, 344a, 375, 52 Stat. 57, as amended, 79 Stat. 1197, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1344b, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 3, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-10933; Filed, Oct. 6, 1966; 8:48 a.m.]

[Amdt. 4]

PART 728—WHEAT

Subpart—Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for the Crop Years 1966 Through 1969

MISCELLANEOUS AMENDMENTS

The regulations pertaining to acreage allotments, yields, wheat diversion and wheat certificate programs for the crop years 1966 through 1969, as amended, are amended as follows:

Section 728.323 is amended by changing the period at the end of the first sentence thereof to a colon and inserting the following new language: "*Provided*, That the notice shall not be mailed to any producer who has filed a written request that he not be furnished a notice of wheat allotment he is otherwise entitled to receive, but the notice shall be filed with the producer's request in the county office. The producer may withdraw his request at any time; however, during the period a request is in effect, the producer shall be considered as having been timely and correctly notified of the farm wheat allotments for purposes of making determinations under the provisions of Part 790 of this chapter relating to performance based upon action or advice by an authorized representative of the Secretary. For any year for which no farm wheat allotment notice is mailed based upon a filed written request, the wheat history acreage for the farm shall be zero unless measured wheat acreage has been recorded through a request by the producer for measurement service or by action of the State or county committee in making a compliance determination."

(Secs. 339(g), 334, 375(b), 379j; 52 Stat. 53, as amended, 66, 76 Stat. 624, 76 Stat. 630; 7 U.S.C. 1334, 1339(g), 1375(b), 1379j))

Effective date. Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 3, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-10920; Filed, Oct. 6, 1966; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of Prune Administrative Committee and Rate of Assessment for 1966–67 Crop Year

Notice was published in the August 18, 1966, issue of the FEDERAL REGISTER (31 F.R. 10964) regarding proposed expenses of the Prune Administrative Committee for the 1966–67 crop year and rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. Additional time for receipt of such written comments was thereafter granted (31 F.R. 11987) to midnight, September 30, 1966.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Prune Administrative Committee, additional data submitted pursuant to the notice by the Prune Administrative Committee, and other available information, it is found that the expenses of the Prune Administrative Committee and the rate of assessment for the crop year beginning August 1, 1966, shall be as follows:

§ 993.317 Expenses of the Prune Administrative Committee and rate of assessment for the 1966–67 crop year.

(a) *Expenses.* Expenses in the amount of $86,250 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1966, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at 75 cents per ton of salable prunes handled by him as the first handler thereof.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all salable prunes handled by handlers as the first handlers thereof; and (2) the current crop year began on August 1, 1966, and the rate of assessment herein fixed will automatically apply to all such prunes beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 3, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10921; Filed, Oct. 6, 1966; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 38]

PART 1038—MILK IN ROCK RIVER VALLEY MARKETING AREA

Order Amending Order

§ 1038.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rock River Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than October 1. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued September 30, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Rock River Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1038.11(a) is revised to read as follows:

§ 1038.11 Pool plant.

* * * * *

(a) A distributing plant from which not less than 50 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 25 percent of such receipts is disposed of in the marketing area on routes.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. October 1, 1966.

Signed at Washington, D.C., on October 3, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66–10922; Filed, Oct. 6, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66–CE–60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On July 27, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10132) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Salina, Kans., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. November 10, 1966, as hereinafter set forth.

(1) In § 71.171 (31 F.R. 2065), the Salina, Kans., control zone is amended to read:

SALINA, KANS.

Within a 5-mile radius of Salina Municipal Airport, latitude 38°47'30" N., longitude 97°38'45" W. (formerly Schilling AFB); within 2 miles each side of the 191° radial of the Salina, Kans., VORTAC, extending from the 5-mile radius to the VORTAC, and within 2 miles each side of the Salina ILS localizer S course extending from the 5-mile radius to the LOM.

(2) In § 71.181 (31 F.R. 2149) the transition area is amended to read:

SALINA, KANS.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Salina VORTAC 011° radial, extending from the VORTAC to 8 miles N of the VORTAC, and within 8 miles E and 5 miles W of the Salina ILS localizer S course extending from the OM to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the VORTAC bounded on the south by V–4, and within a 19-mile radius of the VORTAC bounded on the north by V–4S and on the west by V–73.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 22, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66–10898; Filed, Oct. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 66–CE–66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On August 3, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10420) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Saginaw, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 3, 1966, as hereinafter set forth.

In § 71.171 (31 F.R. 2065), the Saginaw, Mich., control zone is amended to read:

SAGINAW, MICH.

Within a 5-mile radius of Tri-City Airport (latitude 43°31'54" N., longitude 84°04'54" W.) and within 2 miles each side of the Saginaw VORTAC 030°, 158°, 233°, and 310° radials extending from the 5-mile radius zone to 3 miles NE, SE, SW, and NW of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued at Kansas City, Mo., on September 27, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66–10899; Filed, Oct. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 66–CE–64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On August 3, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10420) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Danville, Ill., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth:

In § 71.181 (31 F.R. 2149), the Danville, Ill., transition area is amended to read:

DANVILLE, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vermilion County Airport, Danville, Ill. (latitude 40°11'55" N., longitude 37°35'-40" W.), within 2 miles each side of the Danville VORTAC 196° radial extending from the 5-mile radius area to the VORTAC, and within 2 miles each side of the Danville VORTAC 199° radial extending from the 5-mile radius area to 18 miles S of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1384)

Issued in Kansas City, Mo., on September 27, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66–10900; Filed, Oct. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 65–CE–123]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area and Revocation of Control Area Extension

On May 5, 1966, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 6716) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Minot, N. Dak., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth:

(1) In § 71.165 (31 F.R. 2055) the Minot, N. Dak., control area extension is revoked in its entirety.

(2) In § 71.171 (31 F.R. 2065), the Minot, N. Dak. (International Airport), control zone is amended to read:

MINOT, N. DAK. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Minot International Airport (latitude 48°15'45" N., longitude 101°16'50" W.), within 2 miles each side of the Minot VORTAC 097° radial, extending from the 5-mile radius zone to 8 miles E of the VORTAC, within 2 miles each side of the Minot VORTAC 129° radial extending from the 5-mile radius zone to 12 miles SE of the VORTAC, and within 2 miles each side of the Minot VORTAC 260° radial, extending from the 5-mile radius zone to 8 miles W of the VORTAC.

(3) In § 71.171 (31 F.R. 2065), the Minot, N. Dak. (Minot AFB) control zone is amended to read:

MINOT, N. DAK. (MINOT AFB)

Within a 5-mile radius of Minot AFB (latitude 48°24'58" N., longitude 101°21'26" W.), within 2 miles each side of the Minot AFB ILS localizer SE course extending from the 5-mile radius zone to the LOM, within 2 miles each side of the Minot AFB TACAN 110° radial extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles each side of the Minot AFB TACAN 307° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN.

(4) In § 71.181 (31 F.R. 2149), the following transition area is added:

MINOT, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Minot International Airport (latitude 48°15'45" N., longitude 101°16'50" W.), within an 8-mile radius of Minot AFB (latitude 48°24'56" N., longitude 101°21'26" W.), and within 2 miles each side of the Minot AFB TACAN 307° radial extending from the 8-mile radius to 12 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Minot AFB TACAN; and that airspace extending upward from 5,700 feet MSL within a 50-mile radius of Minot AFB TACAN excluding the area north of latitude 49°00'00" N., and the area which overlies V430 and V15.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 23, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66–10901; Filed, Oct. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 66–SW–43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On September 7, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11,724) stating that the Federal Aviation Agency proposed to alter the 1,200-foot floor portion of the Wichita Falls, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2271) the 1,200-foot portion of the Wichita Falls, Tex., transition area is amended to read:

WICHITA FALLS, TEX.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 34°10'00" N., longitude 97°49'00" W.; thence E via latitude 34°10'00" N., to and counterclockwise along the arc of a 25-mile radius circle centered at the Ardmore Airport, Ardmore, Okla. (latitude 34°18'00" N., longitude 97°00'50" W.) to longitude 97°18'00" W.; thence S via longitude 97°18'00" W.; to latitude 33°56'00" N., longitude 97°18'00" W.; to latitude 33°48'00" N., longitude 97°44'00" W.; to latitude 33°34'00" N., longitude 97°44'00" W.; to latitude 33°22'00" N., longitude 97°55'00" W.; to latitude 33°16'00" N., longitude 98°30'00" W.; to latitude 33°16'00 N., longitude 98°51'00" W.; to latitude 33°02'00" N., longitude 98°51'00" W.; to latitude 32°53'00" N., longitude 99°02'00" W.; to latitude 32°52'-00" N., longitude 99°14'00" W.; to latitude 33°31'00" N., longitude 99°14'00" W.; to latitude 33°31'00" N., longitude 99°49'00" W.; to latitude 33°56'00" N., longitude 99°42'30" W.; to latitude 34°18'00" N., longitude 99°33'00" W.; to latitude 34°15'00" N., longitude 99°30'00" W.; to latitude 34°08'00" N., longitude 99°05'00" W.; to latitude 34°21'00" N., longitude 98°46'00" W.; to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on September 29, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66–10902; Filed, Oct. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 66–SW–33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area and Alteration of Federal Airway

On August 3, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10418) stating that the Federal Aviation Agency proposed to designate a transition area at Perryton, Tex., and alter the floor of Federal Airway V–190.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. December 8, 1966, as hereinafter set forth.

1. In § 71.181 (31 F.R. 2149) the Perryton, Tex., transition area is designated as follows:

PERRYTON, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perryton Airport (latitude 36°24'45" N., longitude 100°45'00" W.), and within 2 miles each side of the 101° bearing from the Perryton RBN (latitude 36°24'46" N., longitude 100°44'17" W.) extending from the 5-mile radius area to 8 miles E. of the RBN; that airspace extending upward from 1,200 feet above the surface within 5 miles N. and 8 miles S. of the 281° and 101° bearings from the Perryton RBN, extending from 7 miles W. to 14 miles E. of the RBN, and within 5 miles each side of the 101° bearing from the Perryton RBN extending from the RBN to 23 miles E.

2. In § 71.123 (31 F.R. 8621) the floor of V–190 between Dalhart, Tex., and Gage, Okla., is redesignated as:

Dalhart, Tex., 14 miles 12 AGL, 36 miles 60 MSL, 12 AGL Gage, Okla.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on September 29, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66–10903; Filed, Oct. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 66–EA–30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 8597 of the FEDERAL REGISTER for June 21, 1966, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot floor transition area over Kellam Field, Weirwood, Va.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., December 8, 1966.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on September 15, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Weirwood, Va., transition area described as follows:

WEIRWOOD, VA.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 37°27'30" N., 75°52'45" W., of Kellam Field, Weirwood, Va.; and within 2 miles each side of the Cape Charles, Va., VOR 041° radial extending from the 4-mile radius area to the VOR. This transition area shall be in effect from sunrise to sunset, daily.

[F.R. Doc. 66–10904; Filed, Oct. 6, 1966; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 20,217]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certificate Accounts; Correction

OCTOBER 4, 1966.

Resolved that in F.R. Doc. 66–10486, amending the regulations for the Federal Home Loan Bank System (12 CFR Ch. V, Subch. B) by the addition of a new part, Part 526, published at 31 F.R. 12594, the following correction is hereby made: In paragraph (b) of § 526.4 the words "an insured institution" are corrected to read "a member institution". As so corrected, paragraph (b) of § 526.4, aforesaid, shall read as follows:

§ 526.4 Maximum rate of return payable on certificate accounts.

* * * * *

(b) *Institutions paying more than 4.75 percent on regular accounts.* During a distribution period with respect to which

a member institution has an announced rate of return in excess of 4.75 percent per annum on regular accounts, it may not pay a rate of return on certificate accounts in excess of 5 percent, except as otherwise herein provided.

* * * * *

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 66-10925; Filed, Oct. 6, 1966; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of Export Regs., Amdt. 22]

MISCELLANEOUS AMENDMENTS

Parts 372, 373, 374, 379, 382, 385, 398, and 399 of Title 15 of the Code of Federal Regulations is amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: September 9, 1966.

RAUER H. MEYER, *Director, Office of Export Control.*

I. Reexports to Republic of Singapore. Purpose and effect: Section 372.12(c)(2)(ii)(a) of the *Comprehensive Export Schedule* sets forth certain additional information which must accompany a request for authorization to reexport U.S.-origin commodities to certain designated destinations. The Export Regulations have been amended to include the Republic of Singapore in the listing of these destinations.

Effective date of action: September 23, 1966.

Accordingly, § 372.12(c)(2)(ii)(a) of the *Comprehensive Export Schedule* is amended to read as set forth below.

II. Revision of General License GTDU. Purpose and effect: Before exporting unpublished technical data relating to certain materials and equipment under the provisions of General License GTDU, the exporter must obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to Country Group W, Y, or Z. Effective October 10, 1966, the list of materials and equipment subject to this requirement for a written assurance is now extended to include technical data relating to:

Hot isostatic presses employing pressure mediums of liquid, gas, or solid, including those presses where the work piece is only partially isostatically pressed and specialized parts and components thereof. (Export Control Commodity No. 71960.)

Accordingly, § 385.2(c)(4)(iii) of the *Comprehensive Export Schedule* is amended to read as set forth below.

III. Rescission of Part 398—Priority Ratings. Purpose and effect: Previously, the Office of Export Control was authorized to assign certain DO (Priority) Ratings and Allotment Symbols (DMS) for the purchase of maintenance, repair, and operating supplies for foreign civil air carriers. This function had been delegated to the Office of Export Control by the Federal Aviation Agency.

The Federal Aviation Agency is now exercising complete jurisdiction in the assignment of these priority ratings and allotment symbols. Therefore, any such requests should be submitted to the following address: "Defense Requirements Officer, IM 524, Installation & Materials Services, Federal Aviation Agency, 800 Independence Avenue SW., Washington, D.C. 20553."

Effective date of action: September 9, 1966.

Accordingly, Part 398 is deleted from the *Comprehensive Export Schedule.*

IV. Establishment of New Commodity Interpretation No. 6: Magnetic Materials. Purpose and effect: This newly established Interpretation defines the term "magnetic materials" as it applies to certain entries on the Commodity Control List. These entries occur under the following Export Control Commodity Nos.: 28200, 67504, 68120, 68310, 68321, 68322, 68323, 68950, and 729091.

Effective date of action: September 9, 1966.

Accordingly, Interpretation 6 is added to § 399.2 of the *Comprehensive Export Schedule* to read as set forth below.

V. Revision of Commodity Interpretation Nos. 3, 7, 18, and 20.

Interpretation 3: Gear Making and Finishing Machinery. Interpretation 3 explains terms used on the Commodity Control List to describe the coverage of entries for certain types of gear-making and gear-finishing machines, Export Control Commodity No. 72510.

The Interpretation is revised for purpose of clarification and to add an explanation of the term "module" as used for these machines.

Interpretation 7: Numerical Control Systems. Formerly only electronic closed loop feed-back control systems for machine tools required a validated license for export to all Country Group destinations. Interpretation 7 is revised to reflect the extension of this validated license requirement to include all closed loop systems and open loop systems other than those designed solely for positioning operations.

Interpretation 18: Transistors. Interpretation 18 lists certain types of transistors (Export Control Commodity No. 72930) which are exportable under the provisions of General License G-DEST to Country Groups T and V, except Southern Rhodesia. This list is revised by the addition of the types of transistors listed below. Therefore, a validated license is no longer required for exportation of these types of transistors to destinations in Country Groups T and V, except Southern Rhodesia.

2N123	2N584	2N1306
2N317	2N585	2N1307
2N388	2N658	2N1308
2N396	2N660	2N1309
2N397	2N680	2N1694
2N404	2N682	2N1994
2N413	2N675	2N1995
2N414	2N1090	2N1996
2N426	2N1091	2N1997
2N427	2N1160	2N1998
2N428	2N1170	2N2000
2N579	2N1185	2N2001
2N580	2N1189	2N2171
2N581	2N1190	2N3427
2N582	2N1304	2N3428
2N583	2N1305	

Commodity Interpretation 20: Aircraft, Parts, Accessories and Components. Interpretation 20 includes an explanation of the term "normal civil use for 2 years or less" as applied to certain aircraft on the Commodity Control List. This term is revised to change the time period from 2 years to 1 year.

Effective date of action: September 9, 1966.

Accordingly, Interpretations 3, 7, 18, and 20 to § 399.2 of the *Comprehensive Export Schedule* are amended to read as set forth below.

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

Section 372.12(c)(2)(ii)(a) is amended to read as follows:

§ 372.12 Reexportations.

* * * * *

(c) *Reexportation request subsequent to submission of license application—** * *

(2) *Additional special requirements.* * * *

(ii) * * *

(a) Cambodia, Indonesia, Laos, Lebanon, Liechtenstein, Malaysia, Singapore (Republic of), South Africa (Republic of), Southern Rhodesia, Switzerland, Thailand, Vietnam (Republic of), Yugoslavia; or any destination in Country Group W, X, Y, or Z (see para. 370.1(g)).

* * * * *

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Section 373.18 *Cattle hides, calf and kip skins and bovine leathers* is amended to read as follows:

§ 373.18 Cattle hides, calf and kip skins, and bovine leathers.

(a) *Scope.* The following commodities are subject to the provisions of this § 373.18:

Export Control Commodity Number and Commodity Description
21110 Cattle hides, whole.
21110 Cattle hide croupons, crops, dossets, sides, butts, and butt bends.[1]
21120 Calf skins and kip skins.

Export Control Commodity Number and Commodity Description—Continued

61150 Cattle hide and kip side upper leather, grain, other than patent and metalised, except leather scrap.[2]

61150 Cattle hide and kip side sole, belting, and welting leather, grain; cattle hide and kip side rough, russet, and crust leather; and whole splits, side splits, and bend splits; except leather scrap.[1] [2]

61150 Cattle hide and kip side leather, n.e.c., except leather scrap.[2]

61150 Calf and whole kip upper leather, other than lining, patent and metalised, except leather scrap.[1]

61150 Calf and whole kip leather, n.e.c., other than patent and metalised, except leather scrap.[1]

[1] Other types of cattle hide pieces such as bellies, splits, shanks, heads, and shoulders are not subject to the provisions of § 373.18.

[2] For purposes of this regulation, leather scrap is defined as residual pieces remaining after multiple cuttings and not exceeding 2 sq. ft. per piece.

(b) *Certain exports licensed ex-quota.* An application for a license to export any of the commodities set forth in paragraph (a) of this section will be considered for licensing without a charge against the export quota, provided that the commodities:

(1) Were not produced or manufactured in the United States.

(2) Were imported into the United States under a warehouse entry and stored in a bonded warehouse, and

(3) Were not and will not be entered under a U.S. Customs consumption entry.

Such an application shall be accompanied by the following signed certification:

I (We) certify that the commodities described on this application for export license: (1) Were not produced or manufactured in the United States; (2) were imported into the United States under a warehouse entry and stored in a bonded warehouse; and (3) were not and will not be entered under a U.S. Customs consumption entry.

(c) *Other shipments—*(1) *General.* An application for a license to export any of the commodities set forth in paragraph (a) of this section which cannot be licensed ex-quota in accordance with the provisions of paragraph (b) of this section shall be subject to the provisions of subparagraphs (2) and (3) of this paragraph.

(2) *Method of licensing.* An application for export license will be considered for approval under the Past Participation in Exports method of licensing (see § 373.8). In order to qualify as a historical exporter, an exporter is required to submit a statement of past participation in exports. The statement shall be completed in accordance with the instructions set forth in § 373.8 and the following specific instructions:

(i) *Separate statement for each quota.* A separate statement shall be submitted for each of the following quotas:

(a) Cattle hides, whole (Export Control Commodity No. 21110);

(b) Cattle hide croupons, crops, dossets, sides, butts, and butt bends (Export Control Commodity No. 21120);

(c) Calfskins and kip skins (Export Control Commodity No. 21120);

(d) Cattle hide and kip side upper leather, grain, other than patent and metalised, and cattle hide and kip side leather, n.e.c., except leather scrap[1] (Export Control Commodity No. 61150);

(e) Cattle hide and kip side sole, belting, and welting leather, grain, cattle hide and kip side rough, russet and crust leather, and whole splits, side splits, and bend splits, except leather scrap[1] (Export Control Commodity No. 61150); and

(f) Calf and whole kip upper leather, other than lining, patent and metalised, and calf and whole kip leather, n.e.c., other than patent and metalised, except leather scrap[1] (Export Control Commodity No. 61150).

(ii) *Additional information on statement.* The statement shall show the commodity description, the country of destination, and for each such commodity description and country of destination, the quantity in units specified on the Commodity Control List exported by the exporter during the base period of January 1, 1964, through December 31, 1965, and the value thereof. However, such exports shall exclude shipments of foreign-origin hides, skins, or leather which were not imported into the United States under a consumption entry, in addition to excluding the types of shipments set forth in paragraph 373.8(c)(1).

(iii) *Attachment to statement.* The exporter shall show on a separate sheet of paper, as an attachment to his statement, the commodity description, the country of destination, and for each such commodity description and country of destination, the quantity in units specified on the Commodity Control List exported by the exporter during the period of January 1, 1966, through April 7, 1966, and the value thereof. However, the attachment shall exclude shipments of foreign-origin hides, skins, or leather which were not imported into the United States under a consumption entry, in addition to excluding the types of shipments set forth in § 373.8(c)(1).

(3) *Completion of license application.* An application for an export license shall be completed in accordance with the instructions set forth in § 372.5 and the following specific instructions:

(i) If the application covers cattle hides, the applicant shall specify on the application whether the hides are "whole hides" or "pieces of whole hides" and, if pieces, the types of pieces, e.g.: croupons, splits, butts, shanks, etc.

(ii) If the application covers calf skins weighing 5 pounds or less, the applicant shall so specify on the application. In any instance in which the weight limitation is not set forth on the application, the Office of Export Control will assume that the skins proposed for export weigh in excess of 5 pounds each.

In § 373.44(a), the following entries are revised to read:

§ 373.44 Other commodities in Commodity Section 6.

(a) Bovine leather. * * *

Export Control Commodity Number and Commodity Description

61150 Cattle hide and kip side upper leather, grain, other than patent and metalised, except leather scrap.[1]

61150 Cattle hide and kip side sole, belting, and welting leather, grain; cattle hide and kip side rough, russet, and crust leather; and whole splits, side splits, and bend splits; except leather scrap.[1]

61150 Cattle hide and kip side leather, n.e.c., except leather scrap.[1]

61150 Calf and whole kip upper leather, other than lining, patent, and metalised, except leather scrap.[1]

61150 Calf and whole kip leather, n.e.c., other than patent and metalised, except leather scrap.[1]

[1] For purposes of this regulation, leather scrap is defined as residual pieces remaining after multiple cuttings and not exceeding 2 sq. ft. per piece.

[2] Tanned and partially tanned offal leather and splits except whole, side, and bend splits are not subject to the provisions of § 373.18.

* * * * *

In Part 373, Supplement 2 is revised to read:

2. TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR CATTLE HIDES, CALF AND KIP SKINS, AND BOVINE LEATHERS

Export control commodity No.	Commodity	Submission dates for non-historical applicants (No later than date shown below)	Submission dates for historical applicants (No later than date shown below)
21110	Cattle hides, whole	Sept. 30, 1966	Dec. 10, 1966
21110	Cattle hide croupons, crops, dossets, sides, butts, and butt bends.	do	Do.
21120	Calf skins and kip skins	do	Do.
61150	Cattle hide and kip side upper leather, grain, other than patent and metalised, except leather scrap.[1]	do	Do.
61150	Cattle hide and kip side sole, belting, and welting leather, grain; cattle hide and kip side rough, russet, and crust leather; and whole splits, side splits, and bend splits; except leather scrap.[1]	do	Do.
61150	Cattle hide and kip side leather, n.e.c., except leather scrap.[1]	do	Do.
61150	Calf and whole kip upper leather, other than lining, patent and metalised, except leather scrap.[1]	do	Do.
61150	Calf and whole kip leather, n.e.c., other than patent and metalised, except leather scrap.[1]	do	Do.

[1] For purposes of this regulation, leather scrap is defined as residual pieces remaining after multiple cuttings and not exceeding 2 sq. ft. per piece.

AUTHORITIES ADMINISTERING IMPORT CERTIFICATE/DELIVERY VERIFICATION SYSTEM IN FOREIGN COUNTRIES[1]

Country	Authority	System administered[2]
Austria	Bundesministerium für Handel und Wiederaufbau, Stubenring 1, Vienna I.	IC
	Bundesministerium für Handel und Wiederaufbau—Aussenstelle, Metternichgasse 4, Vienna III.	DV
Belgium	Ministère des Affaires Economiques, Office Central des Contingents et Licences, 11, Parc du Cinquantenaire, Bruxelles.	IC/DV
Denmark	Handelsministeriets Licenskontor, Gothersgade 49, Copenhagen K. IC/DV also issued by Danmarks Nationalbank, Holmens Kanal 17, Copenhagen K.	IC/DV
	Custom-houses	DV
France	Ministère des Finances et des Affaires Economiques, Direction des Relations Economiques Extérieures, Service des Autorisations Commerciales, 8, rue de la Tour-des-Dames, Paris (9ème).	IC/DV
West Germany (Federal Republic of Germany).	Bundesamt für gewerbliche Wirtschaft, Bockenheimer Landstrasse 38-40, 6 Frankfurt a/M.	IC/DV
Western Sectors of Berlin.	Senator für Wirtschaft, Zentrale Genehmigungsstelle, Martin-Luther-Strasse 105, 1 Berlin 62.	IC/DV
Greece	Banque de Grece, Direction des Transactions Commerciales avec l'Etranger, Athens.	IC/DV
Hong Kong	Import Control Branch, Department of Commerce and Industry, Fire Brigade Building, Hong Kong.	IC
	Department of Commerce and Industry, Connaught Road, Central, Hong Kong.	DV
Italy	Ministero del Commercio con l'Estero, Direzione Generale delle Importazioni e delle Esportazioni, Div. VII, Rome.	IC
	Dogana Italiana (of the town where the import takes place)	DV
Japan	Bureau of International Trade and Industry in Tokyo, Osaka, Fukuoka, Sapporo, Sendai, Nagoya, Marugame, Hiroshima, Shimonoseki, Kobe, Yokohama, and Shimizu.	IC
	Japanese Customs Offices	DV
Luxembourg	Office des Licences, 21, rue Glesener, Luxembourg-Gare	IC/DV
Netherlands	Centrale Dienst voor In- en Uitvoer, van Stolkweg 14, The Hague	IC/DV
Norway	Handelsdepartmentet, Direktoratet for Eksport-og-Importregulering, Fr. Nansens plass 5, Oslo.	IC/DV
Portugal	Repartição do Comercio Externo, Direcção-Geral do Comercio, Secretaria de Estado do Comercio, Ministerio da Economia, Lisbon.	IC/DV
Turkey	Ministry of Commerce, Department of Foreign Commerce, Ankara	IC
	Head Customs Office at the point of entry.	
United Kingdom	Board of Trade, Export Licensing Branch, Hillgate House, 35 Old Bailey, London, E.C.4.	IC
	H.M. Customs and Excise, Section 22 King's Beam House, Mark Lane London, E.C.3.	DV

[1] Facsimiles of Import Certificates and Delivery Verifications issued by each of these countries may be inspected at any U.S. Department of Commerce field office listed on page 1, or at the U.S. Department of Commerce, Office of Export Control, 1201 E St., N.W., Washington, D.C. 20230.

[2] IC—Import Certificate
DV—Delivery Verification

PART 374—PROJECT LICENSE

Section 374.2 is revised to read as follows:

§ 374.2 Commodities and technical data subject to project license.

The project licensing procedure is applicable to all commodities and technical data which require a validated license for export as well as commodities which may be exported under General License GLV except:

(a) Complete aircraft, either assembled or knocked down; [1]

(b) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 373.7 (b); and

(c) The following commodities:

Export Control Commodity Number and Commodity Description	
21110	Cattle hides, whole.
21110	Cattle hide croupons, crops, dossets, sides, butts and butt bends.
21120	Calf skins and kip skins.
28311	Copper ores and concentrates.
28312	Copper matte.
28401	Copper metalliferous ash and residue.
28402	Copper and copper-base alloy waste and scrap.
28403	Nickel waste and scrap containing 50 percent or more copper irrespective of nickel content.
61150	Cattle hide and kip side upper leather, grain, other than patent and metallized, except leather scrap.[3]
61150	Cattle hide and kip side leather n.e.c., except leather scrap.[3]
61150	Cattle hide and kip side sole, belting, and welting leather, grain; cattle hide and kip side rough, russet, and crust leather; and whole splits, side splits, and bend splits; except leather scrap.[3]
61150	Calf and whole kip upper leather, other than lining, patent and metallized, except leather scrap.[3]
61150	Calf and whole kip leather, n.e.c., other than patent and metallized, except leather scrap.[3]
68211	Blister copper and other unrefined copper.
68212	Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.
68212	Copper-base alloy ingots.
68213	Master alloys of copper.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222	Plates, sheets, and strips of copper or copper-base alloy.
68223	Copper foil.
68223	Paper backed copper foil.
68224	Copper and copper alloy powders and flakes.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
69892	Copper and copper-base alloy castings and forgings.
71420	Electronic computers.
72310	Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.
72310	Coaxial-type communications cable as follows: (a) containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for pressurization or use with a gas dielectric, or (e) intended for submarine laying.
72310	Other coaxial cable.
72310	Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter exceeding 0.9 mm. (0.035 inch), as follows: (a) Cable in which the nominal mutual capacitance of paired circuits is less than 53 nanofarads/mile (33 nanofarads/KM), except conventional paper and air dielectric types, (b) submarine cable, or (c) cable containing fluorocarbon polymers or copolymers.
72310	Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
72310	Other copper or copper-base alloy insulated wire and cable.
72620	X-ray machines, and specially designed parts therefor, and flash discharge type X-ray tubes.
72952	Vibration testing equipment.
72952 and 86198	Mass spectrometers.
72970	Neutron generators and specially designed parts therefor, and neutron generator tubes.

(d) Unpublished technical data related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 385.2(c)(3)(v).

(e) Commodities destined directly or indirectly to Southern Rhodesia which are listed in § 373.69(a)(1).

[1] Applicants who propose to export a complete aircraft, either assembled or knocked down, must apply for an individual validated license for the aircraft. However, a project license may be used, where applicable, to export related parts, accessories, or components for the aircraft.

[3] For purposes of this regulation, leather scrap is defined as residual pieces remaining after multiple cuttings and not exceeding 2 sq. ft. per piece.

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Section 379.1 is revised to read as follows:

§ 379.1 General export clearance requirements.

(a) *Exports by water or air carrier.* (1) No exporter or his agent, including any carrier, shall place or permit placing on a pier or dock or other place of loading for the purpose of exporting by water or air, load or carry or permit loading or carrying onto an exporting carrier, or present to the Customs Office for inspection and clearance for export, any commodity or technical data until:

(i) For shipments requiring a validated export license: A validated license therefor has been presented to the Customs Office, and a related duly executed Shipper's Export Declaration [1] in the requisite number of copies covering such commodity or technical data has been presented to, and authenticated by, the Customs Office, and a copy returned to the person presenting it.

(ii) For shipments under a general license: A duly executed Declaration, in the requisite number of copies, consistent with the provisions of an applicable general license, has been presented to, and authenticated by, the Customs Office, and a copy returned to the person presenting it (except as provided in subpar. (3) of this paragraph). Where the filing of a Declaration is not required, an oral declaration describing the commodity or technical data about to be exported and identifying the applicable general license shall be made to the Customs Office at the port of exit.

(2) No carrier shall load or carry any commodity or technical data onto an exporting carrier or permit any commodity or technical data to be loaded or carried onto an exporting carrier for export by water or air, until such carrier has received its copy of the authenticated Shipper's Export Declaration as provided in § 30.14 of the Census Bureau Foreign Trade Statistics Regulations (15 CFR 30.14).

(3) A shipment to Canada or to Country Group T does require the submission of a Shipper's Export Declaration if the shipment is valued at less than $100 and is not made under the provisions of General License GLV or a validated export license.[2] As used in this subparagraph (3), a "shipment" is defined as all of the commodities classified under a single seven-digit Schedule B Number that are shipped on the same exporting carrier from one exporter to one importer.[3]

(b) *Exports by Mail*—(1) *Shipments requiring a validated license*—(i) *General requirements.* No person shall export any commodity or any technical data by means of mail, including surface and air parcel post, until:

(a) A validated license therefor has been presented to the Postmaster at the place of mailing, together with a related duly executed Declaration covering the commodity [4] to be so mailed, whether or not required by the regulations of the Bureau of the Census; and

(b) The sender (exporter) has entered the complete validated license number on the address side of the wrapper on the package.

(ii) *Partial shipments.* (a) Where more than one shipment is to be made against a validated license, the sender (exporter) shall file the license with a Customs Office (instead of surrendering the license to the Postmaster) and present to such Customs Office for authentication a copy of the Declaration covering each shipment. The authenticated Declaration, in addition to the Declaration required under this subparagraph of subdivision (i) shall be surrendered to the Postmaster at the time of mailing.

(b) A shipment by mail against a license on file with a Customs Office may be exported on or before the license expiration date indicated by the Customs Office on the authenticated Declaration. Where the mail shipment is not made within this period and the validity period of the export license has been extended by amendment in accordance with the provisions of § 380.2, the exporter shall prepare and present to the Customs Office for authentication a new copy of the Declaration, clearly marked "Amended", together with the previously authenticated Declaration. The previously authenticated Declaration will be retained by the Customs Office and the amended Declaration, if authenticated, will be returned to the exporter for presentation to the Postmaster.

(2) *Shipments under a general license*—(i) *Declaration required.* The sender (exporter) shall present to the Postmaster at the place of mailing a duly executed Declaration for each commercial mail shipment made under a general license from one business concern to another business concern when the shipment consists of a commodity (ies) valued at $100 or more, unless otherwise set forth in the regulations issued by the Bureau of the Census. An export by mail of technical data under a general license does not require the submission of a Declaration.

(ii) *Symbol on declaration.* In preparing the Declaration for presentation to the Postmaster the sender shall place on the form the designation or symbol of the general license under which the commodity (ies) is being exported.

(iii) (a) *Symbol on parcel.* On mail shipments under a general license, the sender (exporter) shall place the general license designation or symbol on the address side of the wrapper of the parcel, followed by the phrase "Export License Not Required"; however, no notation need be made if the exported material meets the provisions of General License GTDP, GTDU, or GTDS.

(b) The general license symbol and the phrase shall constitute a certification by the sender to the Postmaster and to the Office of Export Control that the shipment is made under the authority of the general license indicated.

(c) The export regulations (including the requirements of General Licenses GTDP, GTDU, and GTDS) remain otherwise fully applicable to exports which require no general license symbol.

NOTES

1. *Post Office Regulations.* All exports via mail should also conform to the applicable Post Office Department regulations as to size, weight, permissible contents, etc. Such exports are subject to inspection by the Post Office Department and the Bureau of Customs.

2. *Gift Parcels.* If the sender is shipping a gift parcel under the provisions of the general license for gift parcels, he must place the word "Gift" on the customs declaration tag as well as the words "Gift—Export License Not Required" on the address side of the wrapper. In this instance, the word "Gift" is the general license symbol. (See § 371.21.)

3. *Weekly Shipments.* Only one shipment per calendar week of a commodity classified in a single entry on the Commodity Control List may be made by parcel post or mail under General License GLV by one exporter to one importer. (See par. 371.10(b)(4).)

4. *Partial Shipments.* The procedures for obtaining separate or additional licenses when making partial shipments by mail are set forth in paragraph 372.5(g).

(c) *Exports by means other than water, air, or mail.* No person shall export any commodity or technical data by means other than by water, air, or mail, until (1) a validated license, where required by the provisions of the Export Regulations, has been presented to the Customs Office at the port of exit from the United States and until (2) a duly executed Declaration together with the related license covering the commodity or technical data, except as provided for in § 385.5, has been presented to the Customs Office and authenticated by him prior to inspection. Where no validated license is required, a duly executed Declaration consistent with the provisions of an applicable general license shall be presented for authentication, prior to inspection, to the Customs Office at the port of exit. Where the filing of a Declaration is not required, an oral declaration, including a description of the commodity or technical data to be exported and the applicable general license, shall be made to the Customs Office at the port of exit.

(d) *Exports to Canada.* No person shall export any commodity or technical data to Canada until a duly executed Shipper's Export Declaration consistent with the Bureau of the Census Foreign Trade Statistics Regulations shall have been presented to and authenticated by the Customs Office. Where the Bureau of the Census regulations do not require the filing of a Declaration, or where a delay in the filing of a Declaration is authorized, an oral declaration shall be made to the Customs Office at the port of exit, describing the commodity or technical data to be exported and stating that it is for export to Canada.

[1] Shipper's Export Declaration Form 7525-V may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, local Customs Offices, and U.S. Department of Commerce Field Offices (see list on p. 1). Price of the form is $1 for a pad of 100.

[2] This rule is also contained in the foreign trade statistics regulations issued by the Bureau of the Census.

[3] See "Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States" published by the Bureau of the Census.

[4] § 385.5 excludes technical data from this requirement for a Declaration.

(e) *Responsibility of licensee and agent.* Under the Export Regulations, the exporter to whom a license is issued or who undertakes to export under a general license is legally responsible for the proper use of that license and for the due performance of all its terms and provisions. This responsibility continues even when he acts through a freight forwarder or other forwarding agent.

PART 382—DENIAL OF EXPORT PRIVILEGES

VI. Revision of Denial and Probation Orders, Supplement No. 1 to Part 382 (§ 382.51).

The Denial and Probation Orders, Supplement No. 1 to Part 382, are revised as follows:

A. ADDITIONS

Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Caramant Gesellschaft fuer Technikund Industrie m. b. H. Co. K. G., Adolfsallee 27/29, 62 Wiesbaden, West Germany.	7-20-65	7-20-68	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Manfred Hardt, which see.)	30 F. R. 9067, 7-20-65. 31 F. R. 10464, 8-4-66.
Commodity Export, Ltd., 13 Upper Berkeley St., London, W. 1, England.	8-9-66	10-8-66*	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Glover Trading Ltd., which see.)	31 F. R. 8501, 6-17-66.
Radio-Meteor, Manfred Knusch, doing business as Arnhem, Netherlands, and Ede, Netherlands, and Kaiserslautern, West Germany.	7-2-64	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F. R. 8495, 7-7-64. 31 F. R. 10627, 7-30-66.

*The expiration date of this order is subject to extension. Before making shipment to this person or firm, the shipper should inquire of the Office of Export Control as to whether the order has been extended.

B. AMENDMENTS

Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Caramant Industrial Trade Agency, Adolfsallee 27/29, 62 Wiesbaden, West Germany.	7-20-65	7-20-68	General and validated licenses, all commodities, any destination, also exports to Canada.	30 F. R. 9067, 7-20-65. 31 F. R. 10464, 8-4-66. 23 F. R. 3349, 5-22-58.
Felix, Mario, doing business as Internationale Transporte Mario Felix, Zurlindenstrasse 49, 8039 Zurich, Switzerland.	8-19-58	Duration	do	31 F. R. 8501, 6-17-66.
Glover Trading Ltd., 13 Upper Berkeley St., London, W. 1, England.	8-10-66	10-8-66*	do	31 F. R. 8501, 6-17-66.
Hardt, Manfred, Adolfsallee 27/29, 62 Wiesbaden, West Germany.	7-20-65	7-20-68	do	30 F. R. 9067, 7-20-65. 31 F. R. 10464, 8-4-66.
Hauck, C. & Co., Adolfsallee 27/29, 62 Wiesbaden, West Germany.	7-20-65	7-20-68	do	30 F. R. 9067, 7-20-65. 23 F. R. 3349, 5-22-58.
Internationale Transporte Mario Felix, Zurlindenstrasse 49, 8039 Zurich, Switzerland.	5-19-58	Duration	do	

See footnote at end of table.

piece is only partially isostatically pressed; and specialized parts and components thereof. (Export Control Commodity No. 71980.)

* * * * *

PART 398—PRIORITY RATINGS

Part 398 is deleted.

PART 399—COMMODITY CONTROL LIST

In § 399.1, the following entries are revised to read:

Group	Export control commodity number	Commodity	Unit	Validated license required
GT	72930	Transistors	No.	W, X, Y, Z, Southern Rhodesia

In § 399.2 *Commodity interpretations*, Commodity Interpretation 6 is added to read as follows:

INTERPRETATION 6: MAGNETIC MATERIALS

The term "magnetic materials" is used on the Commodity Control List to denote coverage of certain magnetic metals. Such entries occur under the following Export Control Commodity Nos.: 28200, 67504, 68120, 68310, 68321, 68322, 68323, 68950, and 72991.

As used in entries under the above-mentioned Export Control Commodity Numbers, the term "magnetic materials" includes magnetic metals and alloys of all types and forms (for example: powder, strip, sheets, castings, block, etc.) possessing one or more of the following characteristics:

(a) Grain oriented sheet or strip of a thickness of 0.1 mm (0.004 inch) or less;

(b) Initial permeability 70,000 gauss-oersteds (0.0875 henry per meter) or over;

(c) Remanence 98.5 percent or over of maximum flux for materials having magnetic permeability; or

(d) A composition capable of an energy product greater than 6 times 10^6 gauss-oersteds.

In § 399.2, Commodity Interpretations 3, 17, 18, and 20 are revised to read as follows:

INTERPRETATION 3: GEAR MAKING AND FINISHING MACHINERY

Certain types of gear-making and gear-finishing machines, Export Control Commodity No. 71510, require a validated license for shipments to all destinations except Canada if they are capable of producing gears finer than 48 diametral pitch. In order to clarify the meaning of the term "diametral pitch finer than 48," examples are given of how diametral pitch is computed. In addition, there is also given below an explanation of how to distinguish between "gear-tooth grinding machines, generating types" and nongenerating types of grinding machines.

Diametral pitch of a gear is the ratio of the number of teeth to the number of inches in the pitch diameter. It indicates the number of teeth in the gear for each inch of pitch diameter. ("Pitch diameter" is the diameter of the pitch circle which is the circle through the pitch point having its center at the axis of the gear.) Module (British or metric) is the ratio of the pitch diameter in millimeters to the number of teeth. The larger the proportion of teeth to pitch diameter, the finer the diametral pitch.

Example of diametral pitch: If a gear has a 1-inch pitch diameter and has 48 teeth, the ratio would be 48:1, or a 48 diametral pitch gear. Additional teeth in the same pitch diameter gear, i.e., 49, would result in a finer diametral pitch; fewer teeth, i.e., 47, would result in a gear of coarser diametral pitch.

Examination of a gear making or finishing machine may not disclose whether it is capable of producing a gear of finer than 48 diametral pitch. If the exporter has no information on the ability of the machine to be exported for making gears of finer than 48 diametral pitch, he should obtain the information from the manufacturer or distributor.

Generating type geartooth grinding machines are those in which the grinding wheel and the gear are both power-driven for continuous circular motion while grinding, rather than an intermittent or indexing operation as with the nongenerating type.

INTERPRETATION 7: NUMERICAL CONTROL SYSTEMS

Numerical control systems for machine tools are systems in which actions are controlled by the direct insertion of numerical data at some point. The system must automatically interpret at least some portion of this data. The entire system may be incorporated in or on the machine, or the control component may be separated from the machine but be capable of being joined for operation by plug-in cables or wiring.

Where the system is shipped complete with the machine the unit (machine and control system) shall be reported as a complete machine under the appropriate Export Control Commodity Number for the machine. Where a control system for a machine tool is not shipped as part of the original installation of the machine it shall be reported under Export Control Commodity No. 72952 if it is an electric or electronic system, and spare and replacement parts therefor under Export Control Commodity No. 86199. If it is a hydraulic or other type system the control system and parts therefor shall be reported under Export Control Commodity No. 71954.

INTERPRETATION 18: TRANSISTORS (EXPORT CONTROL COMMODITY NO. 72930)

The transistors listed below require a validated license for shipment only to Country Groups W, X, Y, Z, and Southern Rhodesia. In addition, all variations of these types denoted by a letter following the type number (e.g., GT760R or V10/15A) require a validated license for shipment only to Country Groups W, X, Y, Z, and Southern Rhodesia.

CK 4	V15/20	2N 105
CK 13	V15/30	2N 106
CK 14	V30/10	2N 107
CK 16	V30/20	2N 108
CK 17	V30/30	2N 109
CK 22	XA 101	2N 110
CK 25	XA 102	2N 111
CK 26	XB 102	2N 112
CK 27	XB 103	2N 113
CK 38	2N 22	2N 114
CK 64	2N 23	2N 115
CK 65	2N 24	2N 123
CK 66	2N 25	2N 124
CK 67	2N 26	2N 125
CK 782	2N 27	2N 126
CK 870	2N 28	2N 127
CK 891	2N 29	2N 128
CK 892	2N 30	2N 129
CTP 1104	2N 31	2N 130
CTP 1108	2N 32	2N 131
CTP 1109	2N 33	2N 132
CTP 1117	2N 34	2N 133
GA 52829	2N 35	2N 135
GA 53270	2N 36	2N 136
GFT 20	2N 37	2N 137
GFT 21	2N 38	2N 138
GFT 26	2N 41	2N 139
GFT 32	2N 43	2N 140
GFT 44	2N 44	2N 141
GFT 45	2N 45	2N 142
GT 35	2N 46	2N 143
GT 42	2N 47	2N 144
GT 43	2N 48	2N 144/13
GT 123	2N 49	2N 145
GT 153	2N 50	2N 146
GT 167	2N 51	2N 147
GT 229	2N 52	2N 148
GT 269	2N 53	2N 149
GT 758	2N 54	2N 150
GT 759	2N 55	2N 155
GT 760	2N 56	2N 156
GT 761	2N 59	2N 157
GT 762	2N 60	2N 158
GT 763	2N 61	2N 164
GT 792	2N 62	2N 165
GT 903	2N 63	2N 166
GT 904	2N 64	2N 167
GT 905	2N 65	2N 168
GT 947	2N 66	2N 169
GT 948	2N 67	2N 170
MN 48	2N 68	2N 172
OC 16	2N 71	2N 175
OC 30	2N 72	2N 180
OC 44	2N 73	2N 181
OC 45	2N 74	2N 182
OC 65	2N 75	2N 183
OC 66	2N 76	2N 184
OC 70	2N 77	2N 185
OC 73	2N 78	2N 186
SB 100	2N 79	2N 187
SYL 1750	2N 80	2N 188
T 1164	2N 81	2N 189
T 2233	2N 82	2N 190
T 2234	2N 94	2N 191
TS 1	2N 95	2N 192
TS 2	2N 97	2N 193
TS 3	2N 98	2N 194
TS 637	2N 99	2N 206
V6/R2	2N 100	2N 207
V6/R4	2N 101	2N 211
V6/R8	2N 101/13	2N 212
V10/15	2N 102	2N 213
V10/30	2N 102/13	2N 214
V10/50	2N 103	2N 215
V15/10	2N 104	2N 216

SECTION 6—MANUFACTURED GOODS CLASSIFIED CHIEFLY BY MATERIAL

Leather, Leather Manufactures, n.e.c., and Dressed Fur Skins							
61120 Reconstituted and artificial leather containing leather or leather fiber.	Lb.	TEXT 8	Z				B.
61150 Cattle hide and kip side upper leather, grain, other than patent and metallized; except leather scrap.[3] (See §§ 373.18 and 373.44.)	Sq. ft.	AGRI 2	TVWXYZ	100	100		
61150 Cattle hide and kip side sole, belting, and welting leather, grain; cattle hide and kip side rough, russet, and crust leather; and whole splits, side splits, and bend splits; except leather scrap.[3] (See §§ 373.18 and 373.44.)	Lb.	AGRI 2	TVWXYZ	100	100		
61150 Other cattle hide and kip side sole, belting, and welting leather, offal; and other splits, except whole, side, or bend splits.	Lb.	AGRI 2	TVWXYZ	100	100		
61150 Cattle hide and kip side leather, n.e.c., except leather scrap.[3] (See §§ 373.18 and 373.44.)	Sq. ft.	AGRI 2	TVWXYZ	100	100		
61150 Calf and whole kip upper leather, other than lining, patent and metallized; except leather scrap.[3] (See §§ 373.18 and 373.44.)	Sq. ft.	AGRI 2	TVWXYZ	100	100		
61150 Calf and whole kip leather, n.e.c., other than patent and metallized; except leather scrap.[3] (See §§ 373.18 and 373.44.)	Sq. ft.	AGRI 2	TVWXYZ	100	100		
61150 Equine leather	Sq. ft.	TEXT 8	Z				B.
61150 Bovine leather scrap[3]	Sq. ft.	AGRI 2	TVWXYZ	100	100		

®Trademark registered in the Patent Office of the United States.

[1] Thermal stability is determined as follows: 20 c.c. of the fluid under test shall be placed in a 46 c.c. stainless steel chamber containing one each of 0.5 inch diameter balls of M-10 tool steel, 52100 steel, and naval bronze. The chamber shall be purged with nitrogen, sealed at atmospheric pressure, and the temperature raised to 371° ± 6° C. and maintained at this temperature for 6 hours. The specimen will be considered thermally stable if at the completion of the above procedure all of the following conditions are met: (a) the weight loss of each ball is less than 0.1 milligram per square centimeter of surface, (b) the change in original viscosity as determined at 38° C. is less than 25 percent, and (c) the total acid or base number is less than 0.40.

[2] Report the following commodities in "pound"; collecting agents for the concentration of ores and minerals; and composite diagnostic reagents.

[3] For purposes of this regulation, leather scrap is defined as residual pieces remaining after multiple cuttings and not exceeding 2 sq. ft. per piece.

INTERPRETATION 18: TRANSISTORS—Continued

2N 217	2N 367	2N 529
2N 218	2N 368	2N 530
2N 219	2N 369	2N 531
2N 220	2N 370	2N 532
2N 223	2N 370/33	2N 533
2N 224	2N 371	2N 534
2N 225	2N 371/33	2N 535
2N 226	2N 372	2N 536
2N 227	2N 372/33	2N 544
2N 228	2N 373	2N 544/33
2N 229	2N 374	2N 556
2N 231	2N 376	2N 557
2N 232	2N 378	2N 563
2N 233	2N 381	2N 564
2N 234	2N 382	2N 565
2N 235	2N 383	2N 566
2N 237	2N 384	2N 567
2N 238	2N 384/33	2N 568
2N 240	2N 385	2N 569
2N 241	2N 386	2N 570
2N 247	2N 387	2N 571
2N 248	2N 388	2N 572
2N 249	2N 394	2N 578
2N 252	2N 395	2N 579
2N 253	2N 396	2N 580
2N 254	2N 397	2N 581
2N 255	2N 398	2N 582
2N 256	2N 402	2N 583
2N 257	2N 403	2N 584
2N 260	2N 404	2N 585
2N 261	2N 405	2N 586
2N 262	2N 406	2N 587
2N 265	2N 407	2N 588
2N 267	2N 408	2N 591
2N 269	2N 409	2N 591/5
2N 270	2N 410	2N 592
2N 271	2N 411	2N 593
2N 272	2N 412	2N 594
2N 273	2N 413	2N 595
2N 274	2N 414	2N 596
2N 279	2N 422	2N 597
2N 280	2N 425	2N 598
2N 281	2N 426	2N 599
2N 283	2N 427	2N 600
2N 284	2N 428	2N 601
2N 291	2N 438	2N 605
2N 292	2N 439	2N 606
2N 293	2N 444	2N 609
2N 299	2N 445	2N 610
2N 300	2N 446	2N 611
2N 301	2N 447	2N 612
2N 302	2N 448	2N 613
2N 303	2N 449	2N 617
2N 306	2N 460	2N 624
2N 307	2N 461	2N 625
2N 308	2N 462	2N 631
2N 309	2N 463	2N 632
2N 310	2N 464	2N 633
2N 311	2N 465	2N 640
2N 312	2N 466	2N 641
2N 313	2N 467	2N 642
2N 314	2N 469	2N 647
2N 317	2N 481	2N 649
2N 319	2N 482	2N 649.5
2N 320	2N 483	2N 650
2N 321	2N 484	2N 651
2N 322	2N 485	2N 652
2N 323	2N 486	2N 653
2N 324	2N 504	2N 654
2N 325	2N 505	2N 655
2N 326	2N 506	2N 658
2N 331	2N 507	2N 659
2N 344	2N 508	2N 660
2N 345	2N 515	2N 662
2N 346	2N 516	2N 670
2N 350	2N 517	2N 671
2N 351	2N 518	2N 672
2N 356	2N 519	2N 673
2N 358	2N 520	2N 674
2N 359	2N 521	2N 675
2N 360	2N 522	2N 679
2N 361	2N 523	2N 680
2N 362	2N 524	2N 818
2N 363	2N 525	2N 1008
2N 364	2N 526	2N 1009
2N 365	2N 527	2N 1010
2N 366	2N 528	2N 1012

INTERPRETATION 18: TRANSISTORS—Continued

2N 1017	2N 1265/5	2N 1471
2N 1018	2N 1266	2N 1473
2N 1038	2N 1273	2N 1478
2N 1039	2N 1274	2N 1510
2N 1040	2N 1280	2N 1524
2N 1041	2N 1281	2N 1525
2N 1042	2N 1282	2N 1526
2N 1043	2N 1283	2N 1527
2N 1044	2N 1284	2N 1605
2N 1045	2N 1287	2N 1614
2N 1056	2N 1288	2N 1622
2N 1057	2N 1289	2N 1631
2N 1058	2N 1299	2N 1632
2N 1059	2N 1302	2N 1633
2N 1086	2N 1303	2N 1634
2N 1087	2N 1304	2N 1635
2N 1090	2N 1305	2N 1636
2N 1091	2N 1306	2N 1637
2N 1097	2N 1307	2N 1638
2N 1098	2N 1308	2N 1639
2N 1101	2N 1309	2N 1670
2N 1102	2N 1310	2N 1672
2N 1107	2N 1311	2N 1673
2N 1108	2N 1312	2N 1678
2N 1109	2N 1313	2N 1681
2N 1110	2N 1319	2N 1694
2N 1111	2N 1343	2N 1705
2N 1114	2N 1347	2N 1706
2N 1121	2N 1348	2N 1707
2N 1123	2N 1349	2N 1745
2N 1124	2N 1350	2N 1779
2N 1125	2N 1351	2N 1780
2N 1126	2N 1352	2N 1781
2N 1127	2N 1353	2N 1782
2N 1128	2N 1354	2N 1783
2N 1129	2N 1366	2N 1784
2N 1130	2N 1367	2N 1785
2N 1144	2N 1370	2N 1786
2N 1145	2N 1371	2N 1787
2N 1169	2N 1372	2N 1788
2N 1170	2N 1373	2N 1789
2N 1171	2N 1374	2N 1790
2N 1175	2N 1375	2N 1808
2N 1176	2N 1376	2N 1924
2N 1183	2N 1377	2N 1925
2N 1184	2N 1378	2N 1926
2N 1185	2N 1379	2N 1954
2N 1186	2N 1380	2N 1955
2N 1187	2N 1381	2N 1956
2N 1188	2N 1382	2N 1957
2N 1189	2N 1383	2N 1993
2N 1190	2N 1391	2N 1994
2N 1191	2N 1395	2N 1995
2N 1192	2N 1396	2N 1996
2N 1193	2N 1404	2N 1997
2N 1194	2N 1408	2N 1998
2N 1198	2N 1413	2N 2000
2N 1202	2N 1414	2N 2001
2N 1203	2N 1415	2N 2042
2N 1213	2N 1416	2N 2043
2N 1214	2N 1425	2N 2085
2N 1215	2N 1426	2N 2171
2N 1216	2N 1431	2N 2354
2N 1217	2N 1446	2N 2428
2N 1224	2N 1447	2N 2429
2N 1225	2N 1448	2N 2430
2N 1226	2N 1449	2N 2431
2N 1251	2N 1450	2N 3427
2N 1264	2N 1451	2N 3428
2N 1265	2N 1452	
	2N 1453	

INTERPRETATION 20: AIRCRAFT, PARTS, ACCESSORIES AND COMPONENTS

(a) *Aircraft, and parts, accessories and components therefor.*[1] Aircraft, parts, accessories, and components defined in Categories VIII and IX of the Munitions List are under the export licensing authority of the U.S. Department of State. All other aircraft, and parts, accessories, and components therefor are under the export licensing authority of the U.S. Department of Commerce.

[1] This interpretation does not refer to electronic communication and navigational commodities usable on aircraft.

Aircraft, parts, accessories, and components are under the licensing authority of the U.S. Department of Commerce if one or more of the following criteria are met:

(1) Any aircraft (except an aircraft that has been demilitarized or a military trainer) which conforms to a Federal Aviation Agency type certificate in the normal, utility, acrobatic, transport, or restricted category, provided such aircraft has not been equipped with or modified to include military equipment, such as gun mounts, turrets, rocket launchers, or similar equipment designed for military combat or military training purposes.

(2) All reciprocating engines.

(3) Other aircraft engines not specifically designed or modified for military aircraft.

(4) Parts, accessories, and components (including propellers), designed exclusively for aircraft and engines described in (1), (2), and (3) above.

(5) General purpose parts, accessories, and components usable interchangeably on either military or civil aircraft.

(b) *Normal civil use for 1 year or less.* The term "normal civil use for 1 year or less," as specified on the Commodity Control List, is computed from the date the type or model of the aircraft was placed in commercial operation.

[F.R. Doc. 66-10884; Filed, Oct. 6, 1966; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.1—Procurement Regulations

PART 9-2—PROCUREMENT BY FORMAL ADVERTISING

PART 9-3—PROCUREMENT BY NEGOTIATION

Subpart 9-3.2—Circumstances Permitting Negotiation

Subpart 9-3.3—Determinations, Findings, and Authorities

Subpart 9-3.4—Types of Contracts

Subpart 9-3.9—Subcontracting Policies and Procedures

MISCELLANEOUS AMENDMENTS

1. The following section is added to Subpart 9-1.1, Procurement Regulations:

§ 9-1.110 Exemptions.

(a) Section 602(d)(13) of the Federal Property and Administrative Services Act of 1949, as amended, provides that nothing in that Act shall impair or affect any authority of the Atomic Energy Commission. This includes the authority of AEC under the Atomic Energy Act of 1954, as amended, Public Law 85-804, and any other law.

(b) This exemption authority is to be exercised only to the extent that compliance with the requirements of the Federal Property and Administrative Services Act of 1949, as amended, would impair or affect the carrying out of AEC's programs. Except as otherwise expressly provided in these regulations, requests for exemptions from the requirements of Title III of the Federal Property and Administrative Services Act of 1949, as amended, shall be submitted to the Director, Division of Contracts, Headquarters. Such requests will be accompanied by an appropriate explanation and justification for the exemption, which sets forth the grounds on which compliance with the particular requirements of Title III of the Federal Property and Administrative Services Act of 1949, as amended, would impair or affect AEC programs.

2. Section 9-2.102, *Policy*, is revised to read as follows:

§ 9-2.102 Policy.

Procurement by formal advertising for AEC direct procurement shall be followed, except where negotiation is authorized by the Federal Property and Administrative Services Act of 1949, as amended. Section 302(c)(15) of that Act authorizes negotiation when "otherwise authorized by law" (see AECPR 9-3.200). Direct AEC procurement of supplies and services by formal advertising shall comply with the requirements of this part and FPR 1-2.

3. Section 9-3.200, *Scope of subpart*, is revised to read as follows:

§ 9-3.200 Scope of subpart.

Section 302(c) of the Federal Property and Administrative Services Act of 1949, as amended, authorizes the negotiation of contracts, and is applicable to AEC procurement. Section 302(c)(15) of the Federal Property and Administrative Services Act of 1949, as amended, permits negotiation when otherwise authorized by law, provided that in such event the requirements of that Act shall apply. Accordingly, when the Federal Property and Administrative Services Act of 1949, as amended, or the Atomic Energy Act of 1954, as amended, or other law is used as the basis for negotiation, the requirements of section 304 of the Federal Property and Administrative Services Act of 1949, as amended, are applicable, except as provided in these regulations.

§ 9-3.202 [Deleted]

4. Section 9-3.202, *Publicity exigency*, is deleted and reserved.

5. Section 9-3.204, *Personal or professional services*, is revised to read as follows:

§ 9-3.204 Personal or professional services.

Formal advertising procedures shall not be used for contracts for architect-engineer or other professional engineering services. Such contracts may be negotiated under section 302(c)(4) of the Federal Property and Administrative Services Act of 1949, as amended, or section 302(c)(15) of that Act and the Atomic Energy Act of 1954, as amended. However, the exemption provided for in AECPR 9-3.405-5(c) does not apply to contracts negotiated under section 302 (c)(4) of the Federal Property and Administrative Services Act of 1949, as amended.

§ 9-3.211 [Deleted]

6. Section 9-3.211, *Experimental, developmental, or research work*, is deleted and reserved.

7. Section 9-3.213, *Technical equipment requiring standardization and interchangeability of parts*, is revised to read as follows:

§ 9-3.213 Technical equipment requiring standardization and interchangeability of parts.

If section 302(c)(15) of the Federal Property and Administrative Services Act of 1949, as amended, and the Atomic Energy Act of 1954, as amended, are used as the basis for negotiation, the example of findings and determinations set forth in FPR 1-3.213(e)(2) shall be appropriately modified to state the authority for negotiation.

8. Section 9-3.215, *Otherwise authorized by law*, is revised to read as follows:

§ 9-3.215 Otherwise authorized by law.

(a) The Atomic Energy Act of 1954, as amended, and the Atomic Energy Community Act of 1955, as amended, contain various exemptions from section 3709 of the Revised Statutes, as amended. Pursuant to section 310 of the Federal Property and Administrative Services Act of 1949, as amended, these references to section 3709 shall be construed to authorize procurement pursuant to section 302(c)(15) of the Federal Property and Administrative Services Act of 1949, as amended, without regard to the advertising requirements of sections 302(c) and 303 of that Act.

(b) The Atomic Energy Act of 1954, as amended, also provides in section 162 that the President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

(c) Every contract negotiated under the authority of section 302(c)(15) of the Federal Property and Administrative Services Act of 1949, as amended, and the Atomic Energy Act of 1954, as amended, shall be supported by a determination and findings justifying use of such authority.

9. Subpart 9-3.3, Determinations, Findings, and Authorities, is revised to read as follows:

Subpart 9-3.3—Determinations, Findings, and Authorities

§ 9-3.301 General.

Except as otherwise provided in AECPR 9-3.302, the determinations and findings required by FPR 1-3.3 shall be made. Except as otherwise provided in AECPR 9-3.303, the determinations and findings required by FPR 1-3.3 may be made and executed by the contracting officer.

§ 9-3.302 Determinations and findings required.

The determination and finding required by FPR 1-3.302(d) is not required when the contract is negotiated under the Atomic Energy Act of 1954, as amended.

§ 9-3.303 Determinations and findings by the Head of the Agency.

Findings and determinations supporting negotiation under the authority of the Federal Property and Administrative Services Act of 1949, section 302(c)(11) (FPR 1-3.211), with respect to contracts which will not require the expenditure of more than $25,000 may be executed by Managers of Field Offices and appropriate Headquarters Division Directors. Findings and determinations for such contracts in excess of $25,000 and in support of contracts negotiated pursuant to sections 302(c)(12) and 302(c)(13) of the Federal Property and Administrative Services Act of 1949 (FPR 1-3.212 and 1-3.213) shall be executed by the General Manager.

10. In § 9-3.405-5, *Cost-plus-a-fixed-fee contract*, paragraph (b) is revised and new paragraph (c) is added, as follows:

§ 9-3.405-5 Cost-plus-a-fixed-fee contract.

* * * * *

(b) The authority to determine under FPR 1-3.405-5(d)(1)(ix) that the application of the policy of limiting interim payments on cost reimbursement type contracts to 80 percent of costs incurred would impose undue hardship on the contractor or adversely affect the interests of the Government is delegated to Managers of Field Offices.

(c) Pursuant to section 602(d)(13) of the Federal Property and Administrative Services Act of 1949, as amended, the 10 and 6 per centum cost and fee restrictions on contracts for architect-engineer services are not applicable.

11. Section 9-3.903-2, *Review and approval of subcontracts*, is revised to read as follows:

§ 9-3.903-2 Review and approval of subcontracts.

(a) Procurement activities of AEC cost-type contractors are governed by (1) the requirements of the "Subcontracts and Purchase Order" clause in the contract and (2) other applicable contract provisions. (See AECPR 9-1.5201, 9-1.5202, and 9-1.5203.)

(b) Pursuant to section 602(d)(13) of the Federal Property and Administrative Services Act of 1949, as amended, the limitations in section 304(b) of that Act concerning advance notification of cost-plus-a-fixed-fee subcontracts (provided such subcontracts do not exceed an estimated cost of $500) and fixed-price subcontracts over $25,000 or 5 per centum of the total estimated cost of the prime contracts are not applicable, provided the prime contractor's procurement policies and procedures have been reviewed and approved in accordance with AECPR 9-1.5202. See AECPR 9-51.2 for policy

on subcontracts which require prior authorization by AEC.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 3d day of October 1966.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 66-10895; Filed, Oct. 6, 1966; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Benton Lake National Wildlife Refuge, Mont.

On page 11947 of the FEDERAL REGISTER of September 10, 1966, there was published a notice of a proposed amendment to § 32.11 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public hunting of migratory game birds on Benton Lake National Wildlife Refuge, Mont., as legislatively permitted.

Interested persons were given 20 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. After consideration of all comments, suggestions, and objections received, the amendment is adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER. (Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i and sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d).

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas: migratory game birds.

* * * * *

MONTANA

BENTON LAKE NATIONAL WILDLIFE REFUGE

* * * * *

JOHN S. GOTTSCHALK,
Director.

OCTOBER 5, 1966.

[F.R. Doc. 66-10963; Filed, Oct. 6, 1966; 8:50 a.m.]

PART 32—HUNTING

Colusa National Wildlife Refuge, Calif.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695), it has been determined that a major portion of the crops in the vicinity of the subject refuge has been harvested and that the period of susceptibility of such crops to waterfowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER. The limitation of time makes it impracticable to give public notice of proposed rule making.

Public hunting of ducks, geese, coots, and gallinules on the Colusa National Wildlife Refuge, Calif., is permitted only on an area of 1,230 acres designated by signs as open to hunting.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Ducks, coots, and gallinules may be hunted during the period October 22, 1966, through January 4, 1967, and geese may be hunted from October 22, 1966, through January 8, 1967, all dates inclusive. Hunting will be restricted to Saturdays, Sundays (except Christmas Day and New Year's Day), Wednesdays, and Veterans' Day. A special hunt will be permitted on January 14, 15, 21, and 22, 1967, for the taking of snow and Ross' geese only.

(2) Before hunting on the area, hunters must obtain a State permit issued at the checking station, or advance reservation obtained from the State Fish and Game Department, Sacramento, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

The public hunting of ring-necked pheasants on the Colusa National Wildlife Refuge, Calif., is permitted only on an area of 1,230 acres, designated by signs as open to hunting. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition: Pheasants may be hunted only on November 19, 20, 23, 26, 27, 30, and December 3 and 4, 1966.

The areas open to hunting are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 22, 1967.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10913; Filed, Oct. 6, 1966; 8:46 a.m.]

PART 32—HUNTING

Delevan National Wildlife Refuge, Calif.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

The following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER. The limitation of time makes it impracticable to give public notice of proposed rule making.

Public hunting of ducks, geese, coots, and gallinules on the Delevan National Wildlife Refuge, Calif., is permitted only on an area of 2,200 acres designated by signs as open to hunting.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Ducks, coots, and gallinules may be hunted during the period October 22, 1966, through January 4, 1967, and geese may be hunted from October 22, 1966, through January 8, 1967, all dates inclusive. Hunting will be restricted to Saturdays, Sundays (except Christmas Day and New Year's Day), Wednesdays, and Veterans' Day. A special hunt will be permitted on January 14, 15, 21, and 22, 1967, for the taking of snow and Ross' geese only.

(2) Before hunting on the area, hunters must obtain a State permit issued at the checking station, or advance reservation obtained from the State Fish and Game Department, Sacramento, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

The public hunting of ring-necked pheasants on the Delevan National Wildlife Refuge, Calif., is permitted only on an area of 2,200 acres, designated by signs as open to hunting. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition: Pheasants may be hunted only on November 19, 20, 23, 26, 27, 30, and December 3 and 4, 1966.

The areas open to hunting are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

The provisions of these special regulations supplement the regulations which

govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 22, 1967.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10914; Filed, Oct. 6, 1966; 8:46 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge, Wash.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Columbia National Wildlife Refuge, Wash., is permitted from October 15 through November 13 and from November 26 through December 31, 1966; the hunting of quail, Hungarian and chukar partridge from October 15, 1966, through January 22, 1967; and the hunting of cottontail rabbits from October 15, 1966, through February 28, 1967, but only on the area designated by signs as open to hunting. This open area, comprising 7,554 acres, is delineated on maps available at refuge headquarters, Columbia National Wildlife Refuge, Othello, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Camping will be permitted in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1967.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 30, 1966.

[F.R. Doc. 66-10916; Filed, Oct. 6, 1966; 8:46 a.m.]

PART 32—HUNTING

Pahranagat National Wildlife Refuge, Nev.

The following special condition supplements the regulations published in F.R. Doc. 66-9883, appearing on Page 11893 of the issue for Friday, September 9, 1966:

Boats without motors will be permitted for use by hunters during the waterfowl hunting season on the area opened to hunting.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10915; Filed, Oct. 6, 1966; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1, Rev. 5]

ALLOCATION OF CRUDE OIL, UNFINISHED OILS, AND FINISHED PRODUCTS

Supplemental Notice of Proposed Rule Making

On page 12924 of the FEDERAL REGISTER for October 4, 1966 (31 F.R. 12924) there appears a notice of proposed rule making which sets forth in general terms certain amendments which it is proposed to recommend to the Secretary of the Interior.

Proposal numbered 1 contemplated, as a basis of the allocation of imports of crude oil, a two-step scale both in Districts I–IV and in District V with respect to "small business" and a fixed percentage in Districts I–IV and in District V with respect to all other eligible applicants.

It has become apparent that the percentages stated in that proposal, although used for illustrative purposes only, have given rise to misconceptions of its objective. Accordingly proposal numbered 1 is withdrawn and the following proposal is substituted therefor:

1. The graduated scales in sections 10 and 11 of Oil Import Regulation 1 (Revision 5) for determining allocations of imports of crude oil and unfinished oils to refiners on the input basis would be revised and made applicable only to refiners defined as small business under the regulations of the Small Business Administration. All other eligible persons would receive an allocation based on a fixed percentage of inputs.

Example: Assuming that 700,000 barrels daily of crude oil are available for allocation in Districts I–IV and 195,000 barrels daily are available for allocation in District V, eligible persons who fall within the category of small business would receive an allocation on a scale approximately as follows:

Average B/D input	Districts I–IV percent of input	District V percent of input
0–10,000	20	50
10–30,000	10.5	20

All other eligible persons would receive an allocation based upon a fixed percent in the order of 7.75 for Districts I–IV and 12 for District V. (The percentages used in this example are illustrative only; they are not put forward as firm figures.)

This amendment would introduce into the mandatory oil import program the clear-cut distinction between small business and other business which is reflected in the national policy embodied in the Small Business Act. In line with that policy, an equitable preference in the order of that shown in the schedule above would be given refiners in the category of small business.

ELMER L. HOEHN,
Administrator,
Oil Import Administration.

OCTOBER 5, 1966.

[F.R. Doc. 66–11027; Filed, Oct. 6, 1966; 11:56 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR, PROGRAM PLANNING AND COORDINATION STAFF

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 19 from the Administrator dated October 3, 1962, as amended December 21, 1965, I hereby redelegate to the Director, Program Planning and Coordination Staff, for interregional services and programs for which the Office of Technical Cooperation and Research has responsibility, authority to enter into, and to implement agreements with any agency of the U.S. Government to undertake specific projects or programs financed in whole or in part by AID, subject to the terms of basic agreements between AID and such agencies. This redelegation does not include authority to make such basic agreements.

The authorities herein redelegated are to be excercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within AID.

The authorities redelegated herein may not be further redelegated.

This redelegation of authority is effective immediately.

Dated: September 27, 1966.

A. H. MOSEMAN,
Assistant Administrator for Technical Cooperation and Research.

[F.R. Doc. 66–10918; Filed, Oct. 6, 1966; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Los Angeles 099557]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 29, 1966.

Notice of a Department of the Navy application, Los Angeles 099557, for withdrawal and reservation of lands for an artillery range and Fleet Marine Force support training area in connection with the Marine Corps Training Center at Twentynine Palms, Calif., was published as F.R. Doc. No. 55–8360, on pages 7739–7740 of the issue for October 14, 1955, as corrected by notice published as F.R. Doc. No. 55–9341, on page 8614 of the issue for November 22, 1965. The applicant agency has canceled its application insofar as it affects the following described lands:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 6 N., R. 7 E.,
Sec. 12.
T. 7 N., R. 7 E.,
Sec. 24.
T. 4 N., R. 12 E.,
Sec. 19, N½.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands, at 10 a.m., on November 7, 1966, will be relieved of the segregative effect of the above-mentioned application.

HALL H. MCCLAIN,
Manager.

[F.R. Doc. 66–10917; Filed, Oct. 6, 1966; 8:47 a.m.]

National Park Service

SEQUOIA NATIONAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, Public Law 89–249, public notice is hereby given that the Department of the Interior, through the Superintendent of Sequoia and Kings Canyon National Parks, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue for the period December 1, 1966, through November 30, 1971, the concession permit under which Jack B. and Dorothy Reese provides ski tow facilities and services for the public in the Wolverton Ski Area in Sequoia National Park.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: September 15, 1966.

CHAS. F. HILL,
Acting Superintendent, Sequoia and Kings Canyon National Parks.

[F.R. Doc. 66–10893; Filed, Oct. 6, 1966; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MANAGER, FEDERAL CROP INSURANCE CORPORATION

Notice of Basic Compensation

Pursuant to the provisions of section 309 of the Government Employees Salary Reform Act of 1964 (Public Law 88–426), notice is given that the basic compensation for the position of Manager of the Federal Crop Insurance Corporation of the U.S. Department of Agriculture, has been adjusted to $25,890 per annum, effective July 3, 1966.

Done at Washington, D.C., this 4th day of October 1966.

JOSEPH M. ROBERTSON,
Assistant Secretary for Administration.

[F.R. Doc. 66–10935; Filed, Oct. 6, 1966; 8:48 a.m.]

DELAWARE

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Delaware a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

DELAWARE

Kent. New Castle.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 4th day of October 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–10936; Filed, Oct. 6, 1966; 8:48 a.m.]

INDIANA, NEW MEXICO, NORTH CAROLINA, NORTH DAKOTA

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Indiana, New Mexico, North Carolina, and North Dakota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

INDIANA

Boone. Orange.
Martin.

NEW MEXICO

Otero.

NORTH CAROLINA

Duplin.

NORTH DAKOTA

Richland.

It also has been determined that in the hereinafter-named counties in the States of New Mexico and North Dakota natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

New Mexico	*Original designation*
Eddy	30 F.R. 10330
North Dakota	*Original designation*
Sheridan	31 F.R. 4256

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 4th day of October 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66 10937; Filed, Oct. 6, 1966; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 75]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through September 22, 1966, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total—all flags (254 ships)	1,813,855
British (74 ships)	553,682
**Amalia (now Maltese).	
**Amazon River (now River—sold to Dutch breakers)	7,234
Antarctica	8,785
Arctic Ocean	5,791
Ardenode	7,036
Ardgem	6,981
**Ardmore (now Kali Elpis—British)	4,664
**Ardpatrick (now Pakistani)	7,054
Ardrossmore	5,820
Ardrowan	7,300
Ardsirod	7,025
Ardtara	5,795
**Arlington Court (now Southgate—British).	
Athelcrown (tanker)	11,149
Atheiduke (tanker)	9,089
Atheiknight (tanker)	9,087
Athelmere (tanker)	7,524
Athelmonarch (tanker)	11,183
**Athelsultan (tanker—broken up)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cheung Chau	8,566
Chipbee (sold for scrap)	7,271
**Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British).	
**Dairen (now Agate—Panamanian)	4,939
**East Breeze (now Phoenician Dawn—British).	
Eastfortune	8,789
**Ellcos (broken up)	7,134
Formentor	8,424
Fortune Enterprise	7,284
**Free Enterprise (now Cypriot).	
**Free Merchant (now Cypriot).	
**Garthdale (now Jeb Lee—British)	7,542
**Grosvenor Mariner (now Red Sea—British)	7,026
Hazelmoor	7,907
Heika	2,111
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
Inchstuart	7,043
Ivy Fair (now Cosmo Trader—British—broken up)	7,201
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British).	
Jolity	8,660
**Kali Elpis (trips to Cuba under ex-name, Ardmore—British).	
Kinross	5,388
La Hortensia	9,486
**Lady Era (trips to Cuba under ex-name Stanwear—British).	
Linkmoor	8,236
*Loradore	8,078
Magister	2,339
Nancy Dee	6,597
Nebula	8,924
**Newdene (now Free Navigator—Cypriot).	
**Newforest (now Cypriot).	
Newgate	6,743
Newglade	7,368
**Newgrove (now Cypriot).	
Newheath	7,643
Newhill	7,855
Newlane	7,043
**Newmeadow (now Cypriot).	
Newmoat	7,151
Newmoor	7,168
Nils Amelon	6,281
Oceantramp	6,185
Oceantravel	10,477
Peony	9,037
**Phoenician Dawn (previous trips to Cuba under ex-name, East Breeze—British)	8,708
**Red Sea (trip to Cuba under ex-name, Grosvenor Mariner—British).	
**Redbrook (now E. Evangelia—Greek)	7,388
Ruthy Ann	7,361
**St. Antonio (now Maltese).	
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	8,941
Seasage	4,330
Shienfoon	7,127
**Shun Fung (wrecked)	7,148
**Soclyve (now Maltese).	
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British)	9,662
**Stanwear (now Lady Era—British)	8,108
Suva Breeze (now Cathay Trader—Panamanian)	4,970
**Swift River (now Kallithea—Cypriot).	
**Timios Stavros (now Maltese flag—previous trips to Cuba—Greek).	
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Lebanese (55 ships)	374,134
Aiolos II	7,256
Ais Giannis	6,997
**Akamas (now Cypriot).	
Al Amin	7,186
Alaska	6,989
Anthas	7,044
Antonis	6,259
**Ares (constructive total loss)	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
**Athamas (now Cypriot)	4,729
**Carnation (sold Spanish breakers)	4,884
Claire	5,411
Cris	6,032
Dimos	7,187
Georgios M. II	5,028
Giannis	5,270
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
**Kalliopi D. Lemos (now E. Myrtidiotissa—Lebanese)	5,103
Katerina	9,357
Leftric	7,176
Malou	7,145
Mantric	7,255
**Maria Despina (broken in two)	7,254
Maria Renee	7,203
Marichristina	7,124
**Marymark (sold German shipbreakers)	4,383
Mersinidi	6,782
Mousse	9,307
Nictric	7,296
Noelle	7,251
**Noemi (aground)	7,070
**Olga (now Greek)	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
**Reneka (now San Carlo—Panamanian Flag)	7,250
Rio	7,194
**St. Anthony (broken up)	5,349
St. Nicolas	7,165

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

*Added to Rept. No. 74, appearing in the FEDERAL REGISTER issue of July 22, 1966.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Lebanese—Continued	
San Spyridon	7,260
**Sheik Boutros (trips to Cuba under ex-name, Cavtat—Yugoslav).	
Stevo	7,066
Taxiarhis	7,349
Tertric	7,045
Theodoros Lemos	7,198
Tony	7,176
Toula	6,426
Troyan	7,243
Vassiliki	7,192
Vastric	6,751
Vergolivada	6,339
Yanxilas	10,051
Greek: (34 ships)	257,190
Agios Therapon	5,617
**Akastos (now Cypriot).	
Alice	7,189
**Ambassade (sold Hongkong shipbreakers)	5,600
Americana	7,104
Anscreon	7,359
**Anatoli (now Sunrise—Cypriot).	
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek)	6,712
**Antonia (now Amfithea—Cypriot).	
Apollon	9,744
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
**Embassy (broken up)	8,418
**E. Evangelia (trips to Cuba under ex-name, Redbrook—British).	
Eftychia	10,865
**Flora M. (now Liberian)	7,244
**Gloria (now Helen—Greek).	
**Helen (previous trips to Cuba under ex-name, Gloria—Greek)	7,128
Irena	7,232
Istros II	7,275
**Kapetan Kostis (broken up)	5,032
**Kyra Hariklia (broken up)	6,888
**Maria Theresa (now Ingrid Anne—South African)	7,245
**Marigo (now Amfitriti—Cypriot)	7,147
**Maroudio (now Thalie—Panamanian)	7,369
**Mastro-Stelios II (now Wendy H.—South African)	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek)	7,199
**Nicolaos Frangistas (now Nicolaos F.—Greek).	
Nikolis M	7,176
**Ogla (trips to Cuba—Lebanese).	
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek).	
**Presvia (broken up)	10,820
Redestos	5,911
Roula Maria (tanker)	10,606
**Seirios (broken up)	7,239
Sophia	7,030
**Stylianos N. Vlassopulos (now Antonia II—Cypriot)	7,303
**Timios Stavros (formerly British flag—now Maltese).	
Tina	7,362
Western Trader	9,266
Polish (18 ships)	136,680
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	9,148
Chornow	7,237
Energetyk	10,843
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Hutnik	10,897
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Transportowiec	10,880
Cypriot (19 ships)	129,385
Acme	7,159
Adelphos Petrakis	7,170
**Akamas (previous trips to Cuba—Lebanese)	7,285
**Akastos (previous trip to Cuba—Greek)	7,331
**Aktor (sunk)	6,993
Amfiali	7,110
**Amfithea (previous trip to Cuba under ex-name, Antonia—Greek)	5,171
**Amfitriti (trip to Cuba under ex-name, Marigo—Greek).	
Amon	7,299
**Antonia II (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek).	
Artemida	7,247
**Athamas (trips to Cuba—Lebanese).	
El Toro	5,949
**Free Enterprise (previous trips to Cuba—British)	6,807
**Free Merchant (previous trips to Cuba—British)	5,237
**Free Navigator (previous trips to Cuba under ex-name, Newdene—British)	7,181
**Free Trader (previous trips to Cuba—Lebanese)	7,067
**Kallithea (previous trips to Cuba under ex-name, Swift River—British)	7,251
**Newforest (previous trips to Cuba—British)	7,185
**Newgrove (previous trips to Cuba—British and Haitian)	7,172
**Newmeadow (previous trips to Cuba—British)	5,654
**Sunrise (previous trips to Cuba under ex-name, Anatoli—Greek)	7,187
Italian (15 ships)	123,058
Achille	6,950
Agostino Bertani	5,380
**Andrea Costa (tanker—broken up)	10,440
**Aspromonte	7,154
Caprera	7,189
Elia (tanker)	11,377
**Geremia (previous trips to Cuba under ex-name, Mariasusanna—Italian)	2,479
Giuseppe Giulietti (tanker)	17,519
**Graziella Zeta (trips to Cuba under ex-name, Montiron—Italian).	
**Mariasusanna (now Geremia—Italian).	
**Montiron (now Graziella Zeta—Italian)	1,595
Nazareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (tanker)	12,461
Santa Lucia	9,278
**Somalia (now Chenchang—Nationalist Chinese)	3,352
Yugoslav (9 ships)	60,800
Bar	7,233
**Cavtat (now Sheik Boutros—Lebanese)	7,266
Cetinje	7,200
Dugi Otok	6,997
Kolasin	7,217
Mojkovac	7,125
Plod	3,657
Promina	6,960
Trebisnjica (wrecked)	7,145
French (9 ships)	48,758
Arsinoe (tanker—sunk)	10,426
*Avranches	7,282
Circe	2,874
Enee	1,232
Foulaya	3,739
Mungo	4,820
Nelee	2,874
**Neve (now Drameoumar—Guinean)	852
Senanque (tanker)	14,659
Moroccan (5 ships)	35,828
Atlas	10,392
**Banora (sunk)	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Maltese (5 ships)	33,788
**Amalia (previous trips to Cuba—British)	7,304
Ispahan	7,156
**St. Antonio (broken up, previous trip to Cuba—British)	6,704
**Soclyve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Finnish (4 ships)	32,919
Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name, Amfred—Swedish).	
Margrethe Paulin	7,251
Ragni Paulin	6,823
Sword (tanker)	11,749
Netherlands (2 ships)	999
Meike	500
Tempo	499
Norwegian (2 ships)	10,002
Ole Bratt	5,252
**Tine (now Jezreel—Panamanian flag—wrecked)	4,750
Swedish (2 ships)	9,318
**Amfred (now Hermia—Finnish)	2,828
**Dagmar (now Bali Mariner—Panamanian)	6,490
Monaco (1 ship)	7,314
Saint Lys	7,314

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

*Added to Rept. No. 74, appearing in the FEDERAL REGISTER issue of July 22, 1966.

Flag of Registry and Name of Ship	Gross Tonnage
Guinean:	
*Drame Oumar (trip to Cuba under ex-name, Neve—French).	
Haitian:	
**Newgrove (now Cypriot).	
Liberian:	
**Flora M. (trips to Cuba—Greek).	
Nationalist Chinese:	
**Chenchang (trip to Cuba under ex-name, Somalia—Italian).	
Pakistani:	
**Ardpatrick (trip to Cuba—British).	
Panamanian:	
*Agate (trips to Cuba under ex-name, Duiren—British).	
**Bali Mariner (trips to Cuba under ex-name, Dagmar—Swedish).	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian—wrecked).	
**Cathay Trader (trips to Cuba under ex-name, Suva Breeze—British).	
**San Carlo (trip to Cuba under ex-name, Reneka—Lebanese—broken up).	
**Thalie (trip to Cuba under ex-name, Maroudio—Greek).	
South African:	
**Wendy H. (trip to Cuba under ex-name, Mastro-Stellos II—Greek).	
**Ingrid Anne (trip to Cuba under ex-name, Maria Theresa—Greek).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship	Gross tonnage
a. Since last report:	
Greek (1 ship)	
Pamit (now Bambero—Liberian)	3,929
	Number of ships
b. Previous reports:	
Flag of registry (total)	95
British	39
Cypriot	2
Danish	1
Finnish	2
French	1
German (West)	1
Greek	25
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	5
Norwegian	4
Spanish	6
Swedish	1

*Added to Rept. No. 74, appearing in the FEDERAL REGISTER issue of July 22, 1966.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through September 22, 1966.

Flag of registry	Number of trips							
	1963	1964	1965	1966				Total
				Jan.–June	July	Aug.	Sept.	
British	133	180	126	58	11	6	2	516
Lebanese	64	91	58	18	2	1	1	235
Greek	99	27	23	16	3	3		171
Italian	16	20	24	7		1		68
Yugoslav	12	11	15	6	1	1		46
Cypriot		1	17	20	1			39
French	8	9	9	1	1	1	2	31
Spanish	8	17						25
Norwegian	14	10						24
Moroccan	9	13	1					23
Finnish	1	4	5	6	1			17
Maltese		2	6	1				9
Netherlands		4	2					6
Swedish	3	3						6
Kuwaiti		2	1					3
Israeli			2					2
Danish	1							1
German (West)	1							1
Haitian			1					1
Japanese	1							1
Monaco				1				1
Subtotal	370	394	290	134	20	13	5	1,226
Polish	18	16	12	6	1			53
Grand total	388	410	302	140	21	13	5	1,279

NOTE: Trip totals in this section exceed ship totals in secs. 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

By order of the Acting Maritime Administrator.

Dated: September 28, 1966.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-10896; Filed, Oct. 6, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CIBA CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0530) has been filed by CIBA Corp., Post Office Box 1105, Vero Beach, Fla. 32960, proposing the establishment of a tolerance of 0.1 part per million for residues of the herbicide *N*-(*p*-bromophenyl)-*N'*-methyl-*N'*-methoxyurea in or on potatoes.

The petition proposes the following analytical method for determining residues of the herbicide: The pesticide chemical is hydrolyzed to *p*-bromoaniline by strong alkali. The hydrolysis product is steam distilled and extracted into isooctane, diazotized, and coupled with α-naphthol to produce a colored compound. Plant material is separated from the colored compound by thin-layer chromatography. The colored compound is read in a spectrophotometer at 500 millimicrons.

Dated: September 30, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10926; Filed, Oct. 6, 1966; 8:47 a.m.]

ELANCO PRODUCTS CO.

Notice of Withdrawal of Petition for Food Additives Tylosin and Diethylstilbestrol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, has withdrawn its petition (FAP 4D1491), notice of which was published in the FEDERAL REGISTER of September 11, 1964 (29 F.R. 12852), proposing the amendment of § 121.241 *Diethylstilbestrol* to provide for the safe use of a combination of tylosin and diethylstilbestrol in cattle feed for growth promotion and feed efficiency.

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 30, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10927; Filed, Oct. 6, 1966; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16222, etc.]

SAN FRANCISCO & OAKLAND HELICOPTER AIRLINES, INC., AND NEW YORK AIRWAYS, INC.

Notice of Prehearing Conference Regarding Service Mail Rates

Regarding service mail rates insofar as they relate to San Francisco & Oakland Helicopter Airlines, Inc., and New York Airways, Inc., Order to Show Cause E-22281.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 31, 1966, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Milton H. Shapiro.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties, on or before October 20, 1966, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., October 3, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10928; Filed, Oct. 6, 1966; 8:48 a.m.]

FEDERAL AVIATION AGENCY

AREA OFFICE AT ANNETTE, ALASKA

Notice of Closing

Notice is hereby given that on or about October 2, 1966, the Office of the Area Manager at Annette, Alaska, will be closed, and management responsibilities consolidated with the Juneau Area. The consolidated Area will be known as the Juneau Area. This action does not effect any change in facilities or services to the public.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

JOHN R. KULLMAN,
Acting Director, Alaskan Region.

[F.R. Doc. 66-10897; Filed, Oct. 6, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16440; FCC 66-878]

INTERNATIONAL TELECOMMUNICATIONS UNION

Third Notice of Inquiry Regarding Preparation for World Administrative Conference

In the matter of preparation for a World Administrative Conference of the International Telecommunications Union to consider amendment of the international radio regulations presently applicable to the maritime mobile radio service and new provisions for the radio requirements of the service of oceanography; Docket No. 16440.

1. On July 13, 1966, the Commission adopted its Second Notice of Inquiry in this docket to obtain comments and recommendations from interested persons relative to the announced agenda for the World Administrative Radio Conference (WARC) on maritime mobile matters, scheduled to convene in Geneva, Switzerland, on September 18, 1967. On August 4, 1966, on its own motion, the Commission extended the time for filing comments from August 15 to August 31, 1966, and the time for filing reply comments to September 14, 1966. Comments were filed by the Radio Technical Commission for Marine Services (RTCM) and Communications Satellite Corporation (COMSAT). No reply comments were filed with the Commission.

2. RTCM responded to the specific items set forth in the agenda and recommended consideration by the WARC of two additional subjects: (1) The desirability of proposing a study looking toward improvement in the present maritime mobile distress system; and (2) establishment of a category of radio operator license to reflect special qualifications in shipboard telecommunications equipment maintenance. The comments filed by COMSAT were directed solely to the application of space radiocommunication techniques in the maritime mobile service.

3. Attached hereto is a document entitled "Preliminary Views of the United States"[1] developed jointly by the Commission and the Director of Telecommunications Management (DTM). These preliminary views reflect generally the recommendations of non-Government users and Executive Branch agencies. The Commission and the DTM have recommended to the Department of State that this document be given wide distribution abroad to elicit the reaction, comments and proposals of other administrations. The Commission has been informed by the Department of State that it concurs in the joint recommendation and will transmit the "Preliminary Views of the United States" to member countries of the International Telecommunication Union (ITU). The responses of other administrations, as well as comments filed with the Commission in response to this notice, will be taken into account prior to the submission of formal U.S. proposals to the ITU for consideration at the WARC. It is expected that the Commission and the DTM will collaborate also in the preparation of recommendations with respect to the subsequent formal proposals and that such recommendations will be the subject of a further notice in this proceeding.

4. It will be noted that some items in the preliminary views are not treated in detail. In some instances the specific agenda item resulted from the recommendation of another administration to deal with local problems on which the U.S. is not fully informed. In other cases, the U.S. has not completed its study of the subject. It is expected that specific proposals will be developed on most of these issues prior to the time formal proposals are submitted to the ITU.

5. Interested parties are invited to file with the Commission their views relative to the "Preliminary Views of the United States". Authority for the further inquiry instituted herein is contained in section 403 of the Communications Act of 1934, as amended. Comments in response to this inquiry, pursuant to § 1.415 of the Commission's rules, should be submitted on or before December 7, 1966, and reply comments on or before December 23, 1966. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements or comments shall be furnished to the Commission. In reaching its decision in this proceeding, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this notice.

Adopted: September 28, 1966.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10938; Filed, Oct. 6, 1966; 8:49 a.m.]

[1] Attachment filed as part of original document.

[Docket No. 16058]

COMMUNICATIONS SATELLITE CORPORATION

Order Extending Time for Filing of Responses to Oppositions to Petitions for Reconsideration

In the matter of authorized entities and authorized users under the Communications Satellite Act of 1962; Docket No. 16058.

The Commission has before it a request, filed September 26, 1966, by the Communications Satellite Corporation, that the time for filing responses to

[2] Commissioner Lee absent.

oppositions to the petitions for reconsideration in the above-captioned proceeding be extended to October 14, 1966.

It appearing, that the Communications Satellite Corporation filed a petition for reconsideration in this matter on August 22, 1966, and that seven oppositions addressed, at least in part, to that petition were filed by September 16, 1966;

That additional time is required for the preparation of responses to the oppositions to the petition in consequence of the complexity and importance of the questions involved;

That counsel for all parties having filed the oppositions consent to a grant of this request; and

That a carefully considered response by the Communications Satellite Corporation would be of benefit to the Commission and would serve the public interest:

It is ordered, This 28th day of September 1966, pursuant to § 0.303 of the Commission's rules and regulations, that the time for filing responses to the oppositions to petitions for reconsideration in this proceeding is extended to October 14, 1966.

Released: September 29, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10939; Filed, Oct. 6, 1966; 8:49 a.m.]

[Docket Nos. 16890, 16891; FCC 66-866]

LUIS PRADO MARTORELL AND AUGUSTINE L. CAVALLARO, JR.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Luis Prado Martorell, Loiza, P.R., Docket No. 16890, File No. BP-16000, Requests: 1030 kc, 10 kw, Day, Class II; Augustine L. Cavallaro, Jr., Bayamon, P.R., Docket No. 16891, File No. BP-16182, Requests: 1030 kc, 10 kw, DA-1, U, Class II; for construction permits.

1. The Commission has before it the above captioned and described applications by Luis Prado Martorell and Augustine L. Cavallaro, Jr., and related Commission decisions, pleadings, affidavits, exhibits, et al. The basic items among these are listed in chronological order in Appendix A, attached hereto.[1]

2. The Commission finds that, since simultaneous operation of the two proposals would result in mutually destructive interference, the applications are mutually exclusive and must be designated for hearing in a consolidated proceeding; and that, except as indicated by the issues set forth below, each of the applicants is qualified to construct and operate as proposed.

3. The Martorell application was originally filed on April 10, 1962. Because of a major change in the proposal (moving the designated location from Dorado to Loiza, P.R.), the Commission, on March 4, 1964, pursuant to § 1.571(j)(1) of the rules, ordered that it be assigned a new file number and placed on a new "cut-off" list. The Cavallaro application was tendered for filing on April 27, 1964, 1 day prior to Martorell's new "cut-off" date. On May 18, Martorell filed a petition opposing acceptance of the Cavallaro application. In it, Martorell alleged, inter alia, that the Cavallaro application was incomplete in certain respects, and that the proposed antenna-transmitter site—as indicated by the geographic coordinates set forth in the Cavallaro application—was both unfeasible and unavailable. On July 29, 1964, the Commission adopted a memorandum opinion and order denying the Martorell petition and accepting the Cavallaro application for filing. In that order, the Commission stated: "The Commission * * * is of the opinion that the application is substantially complete to comply for acceptance. The site may, in fact, not be available or feasible. If so, this can only be determined after an evidentiary hearing."

4. On September 29, 1964, Cavallaro filed an amendment stating that the coordinates originally set forth (north latitude, 18°19'47"; west longitude, 66°11'-08") were incorrect, and that the proper coordinates were: North latitude, 18°18'-57"; west longitude, 66°10'38". Cavallaro thus asserted that he had never sought to use the site objected to in Martorell's May 18, 1964, petition, but rather had intended to describe another site approximately 1 mile away.

5. In his "Petition for Relief," filed October 29, 1964,[2] and subsequent pleadings, Martorell contended that that assertion was "patently specious," and alleged that Cavallaro had not erred in his original statement of coordinates, but rather had specified them, despite the unavailability and obvious unfeasibility of the location, in order to camouflage the lack of an actual site; that his purpose in doing so was to get his application to the Commission before the filing deadline, and to hide what otherwise would have been a defect so patent and so gross as to guarantee the return of his application as unacceptable for filing. Thus, Martorell alleged, Cavallaro had willfully deceived the Commission and abused its processes, and had compounded his deceit by claiming, in his September 29, 1964, amendment, that he was not changing his site but merely correcting the coordinates. Moreover, Martorell alleged, Cavallaro had deliberately omitted data which would have revealed the unsuitability of the site originally proposed. Alternatively, Martorell contended, Cavallaro was grossly negligent in failing to ascertain the availability and feasibility of that site.

6. On the basis of these and other allegations, Martorell has requested in his various pleadings that the Commission dismiss the Cavallaro application, or reconsider its acceptance of Cavallaro's application and August 22, 1963, amendment. As an alternative Martorell has requested that the Commission conditionally grant the Martorell application, pursuant to § 1.592 of the rules, pending a final determination regarding the two applications.

7. As a further alternative, Martorell has requested that any order designating the Martorell and Cavallaro applications for hearing include issues to determine: (1) The availability of the site indicated by the geographic coordinates originally specified by Cavallaro; (2) the feasibility of either that site or the site indicated by the coordinates set forth in Martorell's August 22, 1963, amendment; (3) whether Cavallaro is financially qualified; (4) whether Cavallaro, expressly or by omission, has made misrepresentations of fact in the materials he has submitted to the Commission regarding his Bayamon application; (5) whether Cavallaro, in the prosecution of his Bayamon application, has abused or attempted to abuse the Commission's processes; (6) whether Cavallaro has exhibited such negligence, carelessness, ineptness, or disregard of the Commission's procedures, in the prosecution of his application, as to demonstrate his unreliability as a licensee; and (7) whether, in view of the evidence adduced with respect to the foregoing proposed issues, Cavallaro has demonstrated a lack of the requisite qualifications of a broadcast licensee.

8. Our disposition of these requests, insofar as they are based upon the allegations set forth in paragraph 5 supra, depends at the outset upon whether a substantial question exists as to the truth of Cavallaro's assertion that his substitution of coordinate data was merely a correction of figures and did not represent an actual site change.

9. Martorell has attempted to refute that assertion by the submission of affidavits—by his consulting engineer and by Jesus Hernandez Ayala ("Hernandez"), owner of the site now proposed by Cavallaro—and a copy of a letter sent by Cavallaro to Victor Martin, a real estate broker in Bayamon.

10. Martorell's engineer, in his affidavit, concludes, after examining Cavallaro's original application and his September 29, 1964, amendment, that the contents of that amendment are inconsistent with Cavallaro's claim that they do not represent an actual change of site. The Commission has studied Cavallaro's application and the amendment in question in the light of both its own experience with such matters and the comments of Martorell's engineering consultant. We find that the difference between the two sets of coordinates

[1] Appendix A filed as part of original document.

[2] Cavallaro, on Nov. 19, 1964, filed a "Motion to Strike" Martorell's "Petition for Relief" on the grounds that its contents were "scandalous" and that Martorell's requests for reconsideration of the Cavallaro application and Aug. 22, 1963, amendment were untimely filed. Cavallaro's motion will be denied for the following reasons: (a) Martorell's petition appears to have sufficient substance to at least warrant its consideration for the purpose of determining whether the requests therein should be granted. (b) Martorell's requests for reconsideration are not the only requests in the petition.

amounts to less than 1.2 miles. In our experience coordinate-reading errors of at least that magnitude have occurred from time to time under circumstances in which no question of willful misrepresentation could reasonably exist, and in which the professional reputation of the engineer involved was deservedly good. In this case, we see nothing in the engineering material submitted by Cavallaro that would be inconsistent with the claim that his coordinate data amendment was filed for the sole purpose of correcting an error in the readings.

11. In the other affidavit accompanying Martorell's "Petition for Relief," Hernandez, owner of the site currently proposed by Cavallaro, states that, some months before, he advised a local real estate broker, Victor Martin, that the property in question was available for sale or lease; that in May 1964, Cavallaro visited the Hernandez property with Martin and mentioned to Hernandez that he was interested in buying a farm in the area; that on the following day Cavallaro came alone, took some photographs of the property, and inquired about other property nearby; that Cavallaro visited him again in June, with Martin, at which time Hernandez, in exchange for $300, gave Cavallaro an option to lease his property. This affidavit by Hernandez is dated October 3, 1964.

12. Even considered in isolation, the October 3, 1964, Hernandez affidavit is of limited evidentiary significance. Hernandez' property may certainly be considered to have been available for sale or lease from the date (not specified) when he asked Martin to find a customer for him. Hernandez states that Cavallaro visited the farm in May; but he does not say—nor may one reasonably infer—that that was the first time Cavallaro inspected the Hernandez farm.

13. Whatever probative value that affidavit might have had, however, was substantially eliminated by Cavallaro's submission, on November 19, 1964,[3] of affidavits by Hernandez and Martin which were signed and notarized in June 1964—some 4 months before the signing and notarization of the Hernandez affidavit submitted by Martorell. In these affidavits, both Hernandez and Martin state, inter alia, that Cavallaro visited the Hernandez site on April 14 and 15, 1964. As we have noted above, the Cavallaro application, was tendered on April 27, 1964. In an affidavit filed on December 8, 1964, Martorell commented regarding the foregoing: "It is apparent to me now that Hernandez' [Jesus Hernandez Ayala's] affidavits cannot be relied upon fully."

14. Martorell also attempted to show that the Hernandez site was not available at the time Cavallaro submitted his application, by submitting a copy of a letter, dated May 15, 1964, from Cavallaro to Martin, which reflects the fact that as of that date Cavallaro had not yet obtained an option for the Hernandez property.[4] The Commission, however, does not require an applicant to enter into a final, binding agreement to establish that a site is available.[5] Nonetheless, the letter is significant in that it fully confirms Mr. Cavallaro's claim that he visited Puerto Rico and consulted Mr. Martin there in April 1964. The opening sentence of the letter reads: "I would like to express my belated thanks for the help you gave me during my trip to Puerto Rico last month [i.e., April 1964]."

15. In view of the foregoing, we find no substantial reason to doubt Cavallaro's assertion that his substitution of coordinate data did not represent a change in site. On the basis of that finding, we also reject Martorell's contention that some engineering data, photographs, et al. were omitted from Cavallaro's original application in order to camouflage the obvious unsuitability of the site indicated by the initially submitted coordinate figures. Also, under these circumstances, no consideration need be given to Martorell's request for an issue concerning the availability and suitability of that location for use as a transmitter site.

16. A substantial question does exist, however, as to the suitability of Cavallaro's Hernandez-farm site. The aerial photograph of that site, submitted by Cavallaro, does not comply with the requirements specified in the application form, at section V-G, Item 11, in that it was taken from too great a height to permit identification of any structures in the vicinity. At section V-G, Item 2, of the application, Cavallaro states that the terrain in the vicinity exceeds the proposed tower height. Photographs of the Cavallaro site submitted by Martorell indicate that it is located on a hilltop and that the surrounding terrain is very rugged. Martorell contends that the site is unsuitable, first, because the expense of leveling it would be great, and, second, because the proposed directional operation is unpredictable in that it is not possible, or at least practicable, to determine what effect signal scattering and reflections would have on the efficiency and stability of the horizontal and vertical radiation patterns. The cost of leveling the site is essentially a financial rather than site-suitability matter, and will be considered in that light. The other points mentioned in this paragraph, however, do raise substantial questions as to the suitability of the site proposed by Cavallaro, and, accordingly, an appropriate issue will be specified herein.

17. Martorell has requested in his various pleadings, that an issue be specified regarding Cavallaro's financial qualifications. Upon consideration of the material submitted by Martorell and Cavallaro, we find as follows:

(a) Cavallaro indicates that his construction and first-year operating expenses would total $168,346, consisting of the following: Down payment for equipment, $20,048; first-year periodic payments for equipment, $20,048; land lease, $2,000; land clearance and preparation, $33,250; building, $2,500; miscellaneous, $6,500; and first-year working capital, $84,000. His estimate of land-clearance and preparation costs, however, is unsupported by either an adequate description of the work to be performed or a clear identification of the engineer, "Ydrach," whose plan would be used. On the other hand, Martorell has submitted more detailed cost estimates for that Cavallaro project ranging, from $50,000 or more to at least $200,000, from three Puerto Rican civil engineers who are more fully identified and whose credentials are fully specified. In view of this, a substantial question exists as to the reasonableness of Cavallaro's estimate of expenses.

(b) Cavallaro has proposed to meet his initial construction and first-year operating expenses by reliance upon: A $100,000 loan from the San Martin Mortgage & Investment Corp.; a $50,000 personal loan from his father, Dr. Augustine Cavallaro, Sr.; and $27,695 of his own "net quick" assets. On May 24, 1966, Cavallaro filed an amendment stating only that he had agreed to assign the license of his standard broadcast Station WTTT, Amherst, Mass., for $200,000 plus $50,000 in income from a forebearance covenant. One day before, however, Cavallaro had separately filed an application for Commission approval of the assignment (File No. BAL-5794). The agreement accompanying that application provided, inter alia, for a $5,000 down payment (already paid), $150,000 to be paid at the closing, and $10,000 in further payments during the first year. The WTTT application was granted on August 30, 1966.

(c) Martorell has questioned the availability of the San Martin Mortgage & Investment Corp. ("San Martin") loan on two grounds: First, that Cavallaro had failed to show either that San Martin was a financial institution or that it had sufficient assets to meet its loan commitments; and, second, that the reliability of the San Martin "commitment" was highly questionable in view of San Martin's statement that "This loan is subject to our satisfaction at the time the loan is advanced with the borrower's financial condition and the proposed management of the station." In response to Martorell's first objection,

[3] Accompanying his "Motion to Strike" Martorell's "Petition for Relief."

[4] At section III ("Financial Qualifications * * *"), Item 1-a, of his application, Cavallaro responded to a question concerning the "estimated initial costs of * * * Acquiring land" by filling in the word, "Lease." Martorell contends that that answer was a misrepresentation, since Cavallaro did not have either a lease or an option for one for either the Hernandez site or the site indicated by the originally submitted coordinate figures. A more plausible interpretation of Cavallaro's response at section III, Item 1-a, is that he meant that the site would be acquired by lease, as a result of which no initial expenses of acquisition were anticipated. It would be reasonable to say that Cavallaro's answer at that point was ambiguous, but ambiguity and misrepresentation are not synonymous.

[5] See Greater New Castle Broadcasting Corp., 8 RR 291 (1952), Sheffield Broadcasting, 31 FCC 563, 21 RR, 514a (1961), Suburban Broadcasting Co., Inc., FCC 60-182, 19 RR 956 (1960).

Cavallaro submitted a San Martin balance sheet as of December 31, 1964, demonstrating ample ability to lend him $100,000 at that time. However, in view of the quoted unusual language in the San Martin loan commitment letter, and the age of the San Martin balance sheet, we are unable to find that a $100,000 loan from San Martin is now available to Cavallaro.

(d) We do not believe, moreover, that Cavallaro has adequately demonstrated the availability of the funds which he proposes to obtain by use of his own "net quick" assets—apart from the proceeds of the WTTT sale—and the contemplated loan from his father. Cavallaro's last-filed balance sheet indicates cash and quick assets totaling approximately $3,470, far less than the $27,695 "net quick" assets claimed. Although his father's balance sheet as of April 15, 1964, shows a net worth of $316,471, (i) only $6,300 of that is in cash, (ii) no information has been supplied indicating the type and marketability of his security holdings (e.g., information as to whether they are listed at stock exchanges), and (iii) no information has been supplied as to the quick-sale value of his real estate holdings. Although Cavallaro's father may possibly have considerable experience as an appraiser of property values, his estimate of the market value of his own property can hardly be considered impartial. As for the $165,000 which Cavallaro may expect to receive within a year after the WTTT sale, the cryptic character of his May 24, 1966, amendment gives rise to a need for clarification as to how much of that sum will be made available, if need be, for construction and operation of the proposed Bayamon station.

(e) Apart from the aforementioned $165,000 in early revenues from the sale of WTTT, Cavallaro has failed to demonstrate that he would obtain more than $110,000 from loans and his own "net quick" assets. The total of those two figures is $275,000—some $60,000 short of the approximately $336,000 initial construction and first-year operating costs of his proposal if the at-least-$200,000 "land clearance and preparation" expense estimates proves to be correct. Thus, it may be that Cavallaro will be obliged to rely in part upon the first-year revenues of his proposed station. Cavallaro states in his application that he anticipates first-year revenues totaling $121,000. In the absence of dependable supporting data, however, we are unable to credit that figure or to determine what percentage of it would be a reasonable estimate.

(f) In view of the foregoing, a financial issue regarding the Cavallaro application is clearly required.

18. Martorell has also contended that Cavallaro, in his initially filed application and subsequent amendments, pleadings, et al., has generally made such misrepresentations and/or demonstrated such carelessness as to raise a substantial question as to his qualifications for a broadcast license. This contention appears to be based primarily upon (a) Cavallaro's alleged failure to recognize or acknowledge deficiencies of the site indicated by the antenna site coordinates originally submitted, or, (b) alternatively, his failure to submit the correct coordinate figures in the first place; and (c) his delay in recognizing, via amendments to his financial proposal, the considerable expense of clearing and preparing the Hernandez farm for use as a transmitter site. The first two of these arguments have already been disposed of in the preceding paragraphs of this order. As for the third, we are not sure whether Cavallaro's delay was the result of carelessness or an incorrect judgment of the situation, but in either case it is not of sufficient consequence to raise a question as to his qualifications. Martorell has also noted a number of omissions in the application data submitted by Cavallaro. They may well have resulted from some haste and carelessness in preparation of the application, but not, in our opinion, to such an extent as to put Cavallaro's qualifications in question.[5]

19. Martorell's application indicates that for some years he has been chief engineer of standard broadcast Station WITA, San Juan, P.R. A Commission study indicates that WITA's transmitter site is located approximately 12.3 miles from that of the proposed Martorell station, and that the 1 mv/m radiation contours of the two stations would overlap each other. In view of these facts, and to avoid any possible contravention of § 73.35(a) of the Commission's rules, we will provide herein that any grant of Martorell's application be conditioned by a requirement that he terminate his employment at WITA.

20. Data submitted by the applicants indicates that the 5 mv/m contour of each of the two proposals completely encompasses San Juan, P.R.,[6] a city of over 400,000 population. Loiza and Bayamon are both approximately 11 miles from San Juan; their 1960 Census populations are, respectively, 3,097 and 15,109. Thus, a presumption that both applicants realistically propose to serve San Juan is raised under the Commission's "Policy Statement on Section 307 (b) Considerations for Standard Broadcast Facilities Involving Suburban Communities" (FCC 65–1153, 6 RR 2d 190, adopted Dec. 22, 1965).

21. Cavallaro did not attempt to rebut this presumption, but Martorell did. However, the material submitted by Martorell appears to be insufficient to overcome the presumption and, in any case, can best be weighed in the framework of the forthcoming proceeding. A "suburban community" issue will therefore be included with respect to each proposal.

22. Upon examination of the Cavallaro and Martorell applications and related materials, we find that a grant of Martorell's request for a conditional grant of its application pursuant to § 1.592 of the rules is not warranted by the facts. Accordingly, Martorell's request for a conditional grant will be denied.

In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the Martorell and Cavallaro applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposals and the availability of other primary service to such areas and populations.

2. To determine, (a) whether conditions exist in the vicinity of the antenna-transmitter site proposed by Cavallaro which would preclude satisfactory adjustment and maintenance of the proposed directional antenna system, and, (b) in light of the evidence adduced with respect to (a), whether the antenna-transmitter site proposed by Cavallaro is suitable.

3. To determine, with respect to the Cavallaro application:

(a) Whether Cavallaro's estimate of the cost of clearing and preparing his proposed transmitter-antenna site is reasonable, and, in the light of the evidence adduced with respect to that question, whether his estimate of initial construction and first-year operating costs is reasonable;

(b) Whether Cavallaro's father has sufficient cash and other liquid assets available to permit him to meet his loan commitment to Cavallaro;

(c) The extent of Cavallaro's own cash and other liquid assets, and the proportion of those assets which he intends to provide, if necessary, to meet the initial construction and first-year operating expenses of his proposed station;

(d) Whether the San Martin Mortgage & Investment Corp. possesses sufficient liquid assets to enable it to lend $100,000 to Cavallaro, and, if so, whether such San Martin loan will be available to Cavallaro if his application is granted.

(e) The basis for Cavallaro's estimate of revenues in the proposed station's first year of operation, whether such estimate is reasonable, and the extent to which revenues may be relied upon to yield necessary funds for the operation of the proposed station during the first year; and

(f) In light of the evidence adduced pursuant to 3 (a) through (e), whether the applicant is financially qualified.

4. To determine whether the application of Luis Prado Martorell will realistically provide a local transmission facility for his specified station location or for another, larger community, in light of all of the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific, unsatisfied programing needs of his specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within his specified station location are adequate to support his proposal, as compared with his projected sources from all other areas.

5. To determine, in the event that it is concluded, pursuant to Issue 4, that the Martorell proposal will not realistically provide a local transmission service for his specified station location, whether the proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically prove a local transmission service.

6. To determine whether the application of Augustine L. Cavallaro, Jr., will realistically provide a local transmission facility for his specified station location or for another, larger community, in light of all of the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast station;

(c) The extent to which the applicant's program proposal will meet the specific, unsatisfied programing needs of his specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within his speciled station location are adequate to support his proposal, as compared with his projected sources from all other areas.

7. To determine, in the event that it is concluded, pursuant to Issue 6, that the Cavallaro proposal will not realistically provide a local transmission service for its specified station location, whether the proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

9. To determine, in the event that it is concluded, pursuant to the foregoing issue, that a choice between the two applicants should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That Cavallaro's "Motion to Strike" is denied; that Martorell's "Petition for Relief" is granted to the extent indicated above and in all other respects is denied; and that Martorell's "Request for Immediate Conditional Relief" is denied.

It is further ordered, That, in the event of a grant of the Martorell application, the construction permit shall specify the following:

Painting and lighting of the proposed antenna system shall be in accordance with paragraphs 1, 3, 11, 21, and 22 of FCC Form 715.

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Program tests shall not be authorized until the permittee has severed all connections with standard broadcast Station WITA, San Juan, P.R., and has supplied the Commission with proof that he has done so.

If interference is caused to the Commission's monitoring activities in the vicinity of Sabana Seca, P.R., or to any other U.S. Government facility, immediate remedial action shall be taken to eliminate the problem involved.

It is further ordered, That in the event of a grant of the Cavallaro application, the construction permit shall specify the following:

Painting and lighting of the proposed antenna system shall be in accordance with paragraphs 1, 3, 12, 21, and 22 of FCC Form 715.

In the event that interference is caused to the Commission's monitoring facilities in the vicinity of Sabana Seca, P.R., or to any other U.S. Government facility, immediate remedial action shall be taken to eliminate the problem involved.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 28, 1966.

Released: October 4, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66–10940; Filed, Oct. 6, 1966; 8:49 a.m.]

[Docket Nos. 16892, 16893; FCC 66–867]

COMMUNITY COMMUNICATORS OF OHIO, INC., AND DAVID JOSEPH KITTEL

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Community Communicators of Ohio, Inc., Wilmington, Ohio, Docket No. 16892, File No. BPH–5338, Requests: 102.3 mc, No. 272; 3 kw; 292 ft.; David Joseph Kittel, Wilmington, Ohio, Docket No. 16893, File No. BPH–5423, Requests: 102.3 mc, No. 272; 3 kw (H); 3 kw(V) 300 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of September 1966;

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Consideration of the programing proposals is required because of the substantial and material difference between the proposals in the amount of AM programing to be duplicated. Community Communicators of Ohio, Inc., proposes essentially complete duplication, while David Joseph Kittel proposes independent operation. Therefore, programing evidence will be admissible under the standard comparative issue.

3. Community Communicators of Ohio, Inc., has requested waiver of § 73.210(a)(2) of the Commission's rules to permit the main studio to be located outside the city limits of Wilmington, Ohio. The proposed main studio location is on a major artery, 250 feet from the city limits, and is already used as a main studio for companion AM station WMWM. Under these circumstances, we believe that adequate justification has been provided for waiver if the Community Communicators of Ohio, Inc. application is granted.

4. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutually exclusivity, the Commission is unable to make a statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consoli-

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[5] This conclusion is reinforced by Cavallaro's generally satisfactory record as licensee of WTTT(AM), Amherst, Mass.

[6] The penetration of San Juan is, in each case, in excess of 25 mv/m.

[7] Commissioners Bartley and Lee absent; Commissioner Johnson not participating.

dated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That, in the event of a grant of the Community Communicators of Ohio, Inc., application, the permit shall contain the following condition: § 73.210(a)(2) of the Commission's rules is waived to permit the establishment of the main studio outside the city limits of Wilmington, Ohio, one-quarter mile west of the intersection of Nelson Avenue and the Pennsylvania Railroad tracks.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: October 4, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10941; Filed, Oct. 6, 1966; 8:49 a.m.]

[Docket No. 16895; FCC 66-872]

BCU-TV

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Mary Jane Morris and James R. Searer, doing business as BCU-TV, Battle Creek, Mich., Docket No. 16895, File No. BPCT-3654; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned application of Mary Jane Morris and James R. Searer, doing business as BCU-TV, requesting a construction permit for a new television broadcast station to operate on Channel 41, Battle Creek, Mich., and a petition to deny, filed December 6, 1965, by West Michigan Telecasters, Inc., permittee of Television Broadcast Station WZZM-TV, Channel 13, Grand Rapids, Mich., and various pleadings filed in connection therewith.[1] The applicant is a general partnership with the two partners having equal interests.

2. Petitioner claims standing as a "party in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended, on the grounds that a grant of the application would cause petitioner economic injury because of the diversion of advertising revenues and viewership in the area where applicant's proposed Grade B contour would overlap the predicted Grade B contour of Station WZZM-TV. Petitioner also operates Television Broadcast Translator Station W12AI in Kalamazoo, Mich., which is within the applicant's proposed principal city contour.[2] We find that petitioner has standing. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2008.

3. Petitioner's principal contention [3] in this proceeding is that the applicant has not shown that it is financially qualified to construct and operate the proposed new station. Based on information contained in the application, the applicant will require cash of approximately $361,000 to construct and operate the station in the first year. Our review of the application discloses that the applicant does not have sufficient funds to meet the costs of construction [4] and has not shown that any funds would be available for the operation of the station. The applicant relies upon the availability of revenues to meet the costs of operation, but it has not established the validity of its estimate of revenues as required by our decision in Ultravision Broadcasting Co., et al., FCC 65-581, 5 RR 2d 343.

4. The staffing figures set forth in the applicant's "Exhibit F-3" (as amended Mar. 4, 1966) cannot be reconciled with the staffing figures set forth in section IV, paragraph 12 of FCC Form 301. Since this appears to be an inconsistency without decisional significance, we will not specify an issue with respect thereto, but we will expect the applicant to clarify its staffing plans by appropriate post-designation amendment.

5. The applicant proposes to locate its main studios outside the corporate limits of Battle Creek, Mich., for economic reasons. We believe that good cause has been shown for so locating the main studios and that the location proposed would not be inconsistent with the public interest. We will provide, therefore, that in the event of a grant of the application, the Commission's consent to the location will be granted, pursuant to § 73.613(b) of the rules.

6. Except as indicated by the issues specified below, we find the applicant to be qualified to construct, own and operate the proposed television broadcast station. The Commission, however, is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Mary Jane Morris and James R. Searer, doing business as BCU-TV, is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the extent to which the personal resources of Mary Jane Morris and James R. Searer may be relied upon to yield funds for the construction and operation of the proposed station for 1 year.

2. To determine the basis for the applicant's estimate of first-year revenues, whether such estimate is reasonable, and whether the revenues upon which the applicant relies can be realistically expected from the sources depended upon to yield such revenues.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the applicant is financially qualified.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That, in the event of a grant of the application, the applicant's request, pursuant to § 73.613(b) of the Commission's rules, to locate its main studios outside the corporate limits of Battle Creek, Mich., shall be granted.

It is further ordered, That the petition to deny filed herein by West Michigan Telecasters, Inc., is granted to the extent indicated herein and otherwise is denied.

It is further ordered, That West Michigan Telecasters, Inc. is made a party to this proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 28, 1966.

Released: October 4, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10942; Filed, Oct. 6, 1966; 8:49 a.m.]

[Docket No. 16894; FCC 66-869]

MARVIN H. OSBORNE

Order Designating Application for Hearing on Stated Issues

In re application of Dr. Marvin H. Osborne, Jackson, Miss.; Docket No. 16894, File No. BPCT-3506; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of September 1966;

1. The Commission has before it for consideration the above-captioned application of Marvin H. Osborne requesting a construction permit for a new television broadcast station to operate on Channel 40, Jackson, Miss. The following matters are to be considered in connection with the issues specified below:

a. Based on information contained in the application, cash in the amount of approximately $241,000, will be required for the construction and operation of the proposed station for 1 year.[1] To meet these cash requirements, the applicant relies upon the availability of $150,000 from First National Bank of Jackson, Miss., and advertising commitments aggregating $43,650, or a total of $193,650 if all of the funds upon which the applicant relies were available. No showing has been made as to how the remaining necessary funds will be obtained.

b. The letters from First National Bank of Jackson, purporting to represent the availability of funds of $150,000 to the applicant do not contain any terms of repayment nor security required. The bank has indicated that 6 of the 12 parcels of land owned by the applicant and submitted to the bank as security "* * * are acceptable types of security for a bank loan," but the bank has not stated that it would accept these six parcels as security for the proposed $150,000 loan. Moreover, in an amendment filed January 11, 1966, the applicant has stated that the bank "* * * could not give me a definite commitment until I am actually ready to borrow the money." Under the circumstances, therefore, the bank loan cannot be considered to be available to the applicant in the absence of a clear showing to the contrary. Central Broadcasting Corp., FCC 65-1123, released December 20, 1965.

c. As originally filed, the application proposed 105 hours per week operation with estimated first year operating expenses of $37,500 and first year revenues of $36,500. By amendment filed October 4, 1966, the applicant reduced proposed operating hours to 42 per week, increased his estimate of expenses to $100,000 for the first year, and increased its estimate of revenues in the first year to $110,000. No change in staff was proposed and no explanation has been furnished as to the basis for the increased estimate of revenues. Under these circumstances, an issue appears warranted to determine the basis for the applicant's estimates of expected first year expenses and revenues and whether the estimates are reasonable.

d. The applicant proposes to utilize a directional antenna which does not comply with the Commission's technical requirements. The proposed effective radiated visual power in the horizontal plane at approximately 120 degrees true azimuth is less than −10 dbk (100 watts). The proposal is, therefore, inconsistent with § 73.614(a) of the Commission's rules.

e. The proposed ratio of maximum to minimum radiation in the horizontal plane of approximately 30 db is in excess of the maximum value of 15 db permissible under § 73.685(e) of the Commission's rules.

f. The applicant's computed values of the effective radiated visual power in the horizontal plane from the proposed directional antenna appear to be in error. The proposed Grade A and Grade B contours based upon these values would, therefore, also be erroneous.

2. The applicant proposes to locate his main studios at the transmitter site outside the corporate limits of Jackson, Miss., and has requested authority to do so, pursuant to § 73.613(b) of the Commission's rules. The applicant has made the requisite showing of good cause and that such a location would not be inconsistent with the public interest. In the event of a grant of the application, therefore, the request will be granted.

3. Except as indicated by the issues specified below, the applicant appears to be qualified to construct, own and operate the proposed new television broadcast station. The Commission is, however, unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Marvin H. Osborne is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the manner in which the applicant will obtain sufficient funds to construct and operate the proposed television broadcast station for 1 year.

2. To determine the terms, conditions, and security required, if any, of the proposed bank loan from First National Bank of Jackson, Miss.; whether the applicant can meet the bank's requirement and whether the bank loan will, in fact, be available to the applicant.

3. To determine the basis for the applicant's estimate of first year operating expenses and whether such estimate is reasonable.

4. To determine the basis for the applicant's estimate of first year revenues, whether such estimate is reasonable, and the extent to which revenues can be relied upon to produce funds for the operation of the proposed station in its first year.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the applicant is financially qualified.

6. To determine whether a grant of the application would be consistent with § 73.614(a) of the Commission's rules and if not, whether circumstances exist which would warrant a waiver of the rules.

7. To determine whether a grant of the application would be consistent with § 73.685(e) of the Commission's rules and if not, whether circumstances exist which would warrant a waiver of the rules.

8. To determine the correct values of the proposed effective radiated visual power in the horizontal plane and, on the basis thereof, to determine the correct locations of the proposed Grade A and Grade B contours.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the application, the applicant's request for authority to locate his main studio outside the corporate limits of the city of Jackson, Miss., shall be granted, pursuant to § 73.613(b) of the Commission's rules.

It is further ordered, That, in the event of a grant of the application, operation of the station shall be in accord-

[1] The Commission also has before it for consideration an Opposition, filed Dec. 20, 1965, by the applicant and a reply thereto filed Dec. 27, 1965, by petitioner.

[2] Petitioner states that Station WZZM-TV is affiliated with the ABC network and that applicant proposes an ABC affiliation. If the application is granted and applicant obtains an ABC network affiliation, petitioner contends, it will suffer economic injury in this manner also.

[3] Petitioner also contends that the applicant has not demonstrated that it will operate in the public interest because there is no assurance that its programing proposal can be effectuated. Petitioner's conclusion on this point is not supported by the specific allegations of fact which section 309(d) of the Communications Act requires.

[4] The applicant appears to have less than $89,000 in current and liquid assets available to it for the construction of the station. At least $106,000 will be needed for that purpose.

[5] Commissioners Bartley and Lee absent.

[1] Consisting of down payment for equipment ($40,000, based upon General Electric letter of June 27, 1966, for equipment worth $160,000), curtails for equipment ($30,000), interest ($4,550), buildings ($15,000), other items ($2,000), net current liabilities shown on applicant's balance sheet ($24,800), curtails on bank loan, based on repayment in 10 years at 6½ interest as indicated by applicant's letter of Jan. 7, 1966 ($15,000); interest ($9,750); and costs of operation ($100,900), totaling $241,100.

[2] Commissioners Lee and Wadsworth absent.

ance with offset designators to be specified in a subsequent order.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: October 4, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10943; Filed, Oct. 6, 1966; 8:49 a.m.]

[Docket Nos. 16737, 16738; FCC 66R-382]

ADIRONDACK TELEVISION CORP. AND NORTHEAST TV CABLEVISION CORP.

Memorandum Opinion and Order Amending Issues

In re applications of Adirondack Television Corp., Albany, N.Y.; Docket No. 16737, File No. BPCT-3511; Northeast TV Cablevision Corp., Albany, N.Y.; Docket No. 16738, File No. BPCT-3635; for construction permit for new television broadcast station.

1. The Review Board has before it a petition[1a] filed July 25, 1966, by Adirondack Television Corp. (Adirondack) seeking deletion of financial issues and an air hazard issue.

2. This proceeding involves the mutually exclusive applications of Adirondack and Northeast TV Cablevision Corp. (Northeast), each seeking a construction permit for a new television broadcast station to operate on Channel 23, Albany, N.Y. The applications were designated for hearing by Order (FCC 66-578) released July 5, 1966. In the designation order, the Commission noted, among other things, that Adirondack's amended application indicated that $432,800 would be needed for the construction and first year operation of the proposed station; that Adirondack sought to finance the station with a $100,000 stock subscription from Richard E. Bailey, a $200,000 loan from Bailey, and estimated revenues of $275,000; and that Adirondack had established the availability of the $100,000 for the stock subscription. However, because it did not appear to the Commission that Bailey had committed himself to a $200,000 loan, and because Bailey's balance sheet did not reveal sufficient liquid and current assets in excess of current liabilities to meet such a commitment, the Commission designated issues to determine whether Bailey would undertake to lend $200,000 to Adirondack, and whether Bailey had sufficient current and liquid assets in excess of current liabilities to make the loan. In addition, other financial issues were designated to determine whether Adirondack would have available sufficient revenue to supplement its available funds, whether other sources of funds would be available to meet cash requirements in the event sufficient revenue were not available; and whether, in the light of the evidence adduced pursuant to the other financial issues, Adirondack is financially qualified.

3. In support of its request to delete the financial issues, Adirondack contends that prior to an amendment filed April 20, 1966, it relied upon the $100,000 stock subscription from Bailey, a $200,000 bank loan, and a loan from Bailey for the remaining amount ($132,800); that on April 20, 1966, it filed an amendment to clarify its proposal but that the amendment was not intended to delete the $200,000 bank loan;[2] and that the Commission must have misinterpreted the amendment to mean that the $200,000 bank loan was no longer available and that Bailey was to provide the $200,000. Therefore, Adirondack contends, the issues concerning Bailey's willingness and ability to lend $200,000 was specified under a misapprehension of the facts and should be deleted. Additionally, Adirondack claims that the other financial issues should also be deleted because Bailey would furnish the remaining $132,800; and that since the amount Bailey is committed to lend is only a small portion of his total assets, it should be presumed "that he will be able to raise sufficient liquid assets to meet his commitment."

4. Although Adirondack's April 20, 1966, amendment is somewhat ambiguous, an examination of the record as whole, including the documents filed in connection with the petition to delete issues, reveals that Adirondack did not intend to delete the $200,000 bank loan from its application.[3] However, even with the $200,000 bank loan and the $100,000 stock subscription, Adirondack has not shown the availability of the additional $132,800 needed to establish its financial qualifications. Adirondack's statement that Bailey will lend Adirondack any additional amount of money needed is insufficient since there is no statement from Bailey that he will undertake to provide the money.[4] Therefore issue 1(a) will be modified to determine whether Richard E. Bailey will undertake to lend Adirondack $132,800. Moreover, since the current and liquid assets listed in Bailey's balance sheet do not approach the $132,800 that Bailey may have undertaken to lend Adirondack, issue 1(b) must be retained, in order that it may be determined whether Bailey has current and liquid assets in excess of current liabilities in sufficient amount to meet [5] $132,800 loan commitment.[6] Finally, because the availability of the $132,800 is in doubt, and because no commitment from Bailey for that amount has been submitted, the remaining financial issues will not be deleted.[7]

5. In its designation order, the Commission noted that the Federal Aviation Agency's approval of Adirondack's antenna structure had expired and therefore specified an air hazard issue. Adirondack, in its petition, contends that the approval has not expired and that even though an expiration date is contained in the FAA letter, it is valid until the date specified in the construction permit for completion of construction or until an application for a construction permit is denied. In support of its contention, Adirondack submits a letter from the Federal Aviation Agency, which states that according to FAA rules, the original approval has not expired. In view of the fact that the Federal Aviation Agency's approval has not expired, the air hazard issue will be deleted.

Accordingly, it is ordered, This 30th day of September 1966, That the petition filed July 25, 1966, by Adirondack Television Corp. to delete issues is granted to the extent indicated herein; that the petition is denied in all other respects; that Issue (2) is deleted; and that Issue 1(a) is modified to read as follows:

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[1] Commissioners Bartley and Lee absent.

[1a] Before the Board is a petition to delete issues, filed July 25, 1966, by Adirondack; supplement to petition to delete issues filed July 27, 1966, by Adirondack; response filed Aug. 8, 1966, by the Broadcast Bureau; opposition, filed Aug. 9, 1966, by Northeast; and reply filed Aug. 16, 1966, by Adirondack.

[2] The pertinent part of the amendment reads as follows: "Delete answer to loans from banks or others" and substitute therefor the following: "$200,000"".

[3] "Richard E. Bailey will lend Adirondack Television Corp. any additional amounts it may need for construction and operation. This is over and above his commitment to purchase stock in the amount of $100,000."

[4] Although the original bank loan commitment has expired, Adirondack filed, with a supplement to its petition another bank letter extending the date of the commitment. Since this letter merely up-dates the original commitment it does not involve an attempt to prove the existence of the loan in a pleading.

[5] Adirondack points out that it has pending an amendment which includes a statement from Bailey evidencing his willingness to furnish the necessary funds. However, this amendment has not yet been allowed.

[6] Bailey's balance sheet shows a net worth of $3,261,636. However, $3,000,000 of this amount consists of stock in Sports Network, Inc., which is to be pledged to secure a $100,000 loan to meet Bailey's stock subscription.

[7] However, in the event Adirondack submits evidence establishing financial qualifications under Issues 1(a) and 1(b), Issues 1(c) and 1(d) would become moot.

(a) Whether Richard E. Bailey will undertake to lend $132,800 to the applicant.

Released: October 4, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10944; Filed, Oct. 6, 1966; 8:49 a.m.]

[Docket Nos. 15668, 15708; FCC 66M-1323]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

Order Scheduling Prehearing Conference

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill.; Docket No. 15668, File No. BPCT-3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill.; Docket No. 15708, File No. BPCT-3439; for construction permit for new television broadcast station.

The Hearing Examiner having for consideration an order of the Review Board released herein on September 30, 1966, wherein the issues were again enlarged;

It is ordered, This 3d day of October 1966, that:

(1) The record is reopened; and,

(2) Further hearing conference herein shall convene on October 12, 1966, at 9 a.m., in the offices of the Commission at Washington, D.C. for the purpose of establishing a hearing schedule on the enlarged issue.

Released: October 3, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10945; Filed, Oct. 6, 1966; 8:49 a.m.]

[Docket No. 15888; FCC 66M-1319]

SELMA TELEVISION, INC. (WSLA-TV)

Order Regarding Procedural Dates

In re application of Selma Television, Inc. (WSLA-TV), Selma, Ala.; Docket No. 15888, File No. BPCT-2827; for construction permit.

Pursuant to the agreements reached at the further prehearing conference held herein on September 29, 1966;

It is ordered, This 30th day of September 1966;

(a) The affirmative cases of all parties shall be presented in the form of written sworn exhibits;

(b) All additional exhibits shall be exchanged among the parties and copies thereof supplied the hearing examiner on October 21, 1966;

(c) Notification of witnesses to be called for cross-examination, if any, shall be given on or before November 4, 1966; and

(d) The date for commencement of hearing is continued from October 4, 1966, to November 15, 1966, commencing at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: October 3, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10946; Filed, Oct. 6, 1966; 8:49 a.m.]

[Docket No. 16709; FCC 66M-1322]

ISLAND BROADCASTING SYSTEM (WRIV), INC.

Order Regarding Procedural Dates

In re application of Island Broadcasting System (WRIV), Inc., Riverhead, N. Y.; Docket No. 16709, File No. BPCT-3475; for construction permit (Channel 55).

The Hearing Examiner having under consideration the motion for continuance of procedural dates filed on September 27, 1966, by Island Broadcasting System, Inc.;

It appearing, that the Broadcast Bureau, the other party in the proceeding, has consented to immediate consideration and grant of the said motion and good cause for a grant is set forth;

It is ordered, This 30th day of September 1966, that the said motion is granted and;

(a) The date for preliminary exchange of all exhibits to be offered into evidence is continued from September 30, 1966, to October 31, 1966;

(b) The date for final exchange of all exhibits to be offered into evidence is continued from October 10, 1966, to November 10, 1966;

(c) The date for giving notification of witnesses to be called for cross-examination is continued from October 14, 1966, to November 14, 1966; and

(d) The date for hearing is continued from October 20, 1966, to November 22, 1966, commencing at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: October 3, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10947; Filed, Oct. 6, 1966; 8:49 a.m.]

[Dockets Nos. 16678, 16831; FCC 66M-1320]

BAY BROADCASTING CO. AND REPORTER BROADCASTING CO.

Order Scheduling Hearing

In re applications of Bay Broadcasting Co., San Francisco, Calif.; Docket No. 16678, File No. BPCT-3631; Reporter Broadcasting Co., San Francisco, Calif.; Docket No. 16831, File No. BPCT-3562; for construction permit for new television broadcast station.

Following a prehearing conference held this date in the above matter; *It is ordered*, This 30th day of September 1966, that:

(1) Financial exhibits shall be exchanged November 1, 1966,

(2) All other exhibits shall be exchanged December 1, 1966,

(3) Notification of witnesses shall be made December 5, 1966, and

(4) The hearing on all issues shall commence at 10 a.m., December 12, 1966, in the Commission's offices in Washington, D.C.

Released: October 3, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10948; Filed, Oct. 6, 1966; 8:50 a.m.]

[Docket No. 16732; FCC 66M-1327]

CHARLES M. GOULD

Order Continuing Hearing

In the matter of Charles M. Gould, Framingham, Mass.; Docket No. 16732; order to show cause why the license for radio station KMA-8075 in the citizens radio service should not be revoked.

In accordance with the proceedings at today's hearing session, *It is ordered*, This 3d day of October 1966, that the hearing is rescheduled to November 25, 1966, at 10 a.m., in the offices of the Commission, Washington, D.C.

At today's session respondent Gould did not appear, and counsel for the Safety and Special Radio Services Bureau moved, under Rule 1.92(c), that by reason of "waiver" the hearing proceeding be terminated and the case certified to the Commission. The Hearing Examiner denied the motion, however, on the ground that there was no proof, beyond the unacceptable "presumption of regularity," that the notice of the time and place of the hearing had actually been "served" upon respondent. The hearing was therefore continued to permit appropriate service to be made and proof of service furnished.

Released: October 4, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10949; Filed, Oct. 6, 1966; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

SEA-LAND SERVICE, INC. AND AZTA SHIPPING CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. Scot Provan, Commerce Attorney, Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement 9504-2, between Sea-Land Service, Inc. and Azta Shipping Co., proposes to modify the transshipment arrangement between the carriers by adding Baltimore, Md., and Jacksonville, Fla., as ports of destination for the receipt of Frozen Shrimp, all in accordance with the terms set forth in the agreement.

Dated: October 4, 1966.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 66-10924; Filed, Oct. 6, 1966; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI67-72]

CONTINENTAL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

SEPTEMBER 29, 1966.

On September 2, 1966, Continental Oil Co. (Continental)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated August 30, 1966.

Purchaser and producing area: Cities Service Gas Co. (South Sterling Field, Comanche County, Okla.) (Oklahoma "Other" Area).

Rate schedule designation: Supplement No. 4 to Continental's FPC Gas Rate Schedule No. 184.

[1] Address is: Post Office Box 2197, Houston, Tex. 77001.

Effective date: October 17, 1966.[2]
Amount of annual increase: $250.
Effective rate: 15.0 cents per Mcf.[3]
Proposed rate: 16.0 cents per Mcf.[3][4]
Pressure base: 14.65 p.s.i.a.

Continental's proposed increased rate and charge exceeds the area price level for increased rates in Oklahoma "Other" Area as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 4 to Continental's FPC Gas Rate Schedule No. 184 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Continental's FPC Gas Rate Schedule No. 184.

(B) Pending such hearing and decision thereon, Supplement No. 4 to Continental's FPC Gas Rate Schedule No. 184 is hereby suspended and the use thereof deferred until March 17, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 9, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10906; Filed, Oct. 6, 1966; 8:46 a.m.]

[2] The stated effective date is the effective date proposed by Respondent.
[3] Subject to downward B.t.u. adjustment.
[4] Periodic rate increase.

[Project 2561]

SHO-ME POWER CORP.

Notice of Application for License for Constructed Project

SEPTEMBER 29, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Sho-Me Power Corp. (correspondence to: C. E. Boulson, General Manager, Sho-Me Power Corp., 301 West Jackson Street, Marshfield, Mo.) for a license for constructed Project No. 2561, known as Niangua River, in the County of Camden, Mo.

The existing project consists of: (1) A dam having an overall length of about 878 feet comprised of a concrete gravity overflow section, a rock and earth-fill section, and a rock-filled crib section; (2) a reservoir at normal water surface elevation 711.5 feet, about 2.25 miles long with an area of about 360 acres and gross capacity of 2,650 acre-feet; (3) a concrete lined tunnel about 830 feet long to surge chamber section at powerhouse; (4) a powerhouse housing 2 vertical turbines directly connected to 2 generators rated at 1,500 kilowatts each; (5) an outdoor substation; (6) appurtenant facilities; and (7) access areas for public fishing and boating.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 21, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10909; Filed, Oct. 6, 1966; 8:46 a.m.]

[Docket No. CF67-75]

TRENTON ROCK OIL & GAS CORP.

Notice of Application

SEPTEMBER 29, 1966.

Take notice that on September 21, 1966, Trenton Rock Oil & Gas Corp. (Applicant), 311 South First Street, Belleville, Ill., filed an application pursuant to section 7(b) of the Natural Gas Act for an order of the Commission authorizing the abandonment of certain natural gas pipeline facilities in Indiana and Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon facilities which consist of (1) a 4-inch natural gas transmission pipeline approximately 8,800 feet in length extending easterly from a gas field in

Jay County, Ind., across the Indiana-Ohio State boundary line, to a point near the village of Fort Recovery, Mercer County, Ohio, and (2) a regulating and metering station at the corporate limits of Fort Recovery.

The application states that since approximately April 1956, the facilities have not been used or operated, the gas reserves of the Jay County field having become totally depleted.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10910; Filed, Oct. 6, 1966; 8:46 a.m.]

[Docket No. RI67-71]

BOWERS DRILLING CO., INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

SEPTEMBER 29, 1966.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before November 9, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-71	Bowers Drilling Co., Inc., 1434 Wichita Plaza Bldg. Wichita, Kans. 67202.	[1] 7	6	Cities Service Gas Co. (Little Bear Creek, Barber County, Kans.).	$1,920	9-1-66	[2] 10-2-66	[3] 10-3-66	[4] 13.0	[4][5] 14.0	

[1] Basic contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1.
[2] The stated effective date is the effective date proposed by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to downward B.t.u. adjustment.

The contract related to the rate filing proposed by Bowers Drilling Co., Inc. (Bowers) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, Bowers' rate filing should be suspended for 1 day from October 2, 1966, the proposed effective date.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10912; Filed, Oct. 6, 1966; 8:46 a.m.]

[Docket Nos. CI65-974, etc.]

GEORGE DESPOT ET AL.

Order To Show Cause; Correction

SEPTEMBER 22, 1966.

George Despot, agent (Operator), et al.; Docket Nos. CI65-974, etc.

In the order to show cause issued September 14, 1966, and published in the FEDERAL REGISTER September 23, 1966 (F.R. Doc. 66-10385, 31 F.R. 12580), delete ordering paragraph (F) and redesignate paragraph (G) as paragraph (F); also delete footnotes 7, 8, and 13 in appendix "A".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10907; Filed, Oct. 6, 1966; 8:46 a.m.]

[Docket Nos. CS66-2, etc.]

MAXWELL OIL CO. AND WOLFSON OIL CO.

Findings and Order; Correction

SEPTEMBER 22, 1966.

Maxwell Oil Co. (Operator), et al.; Docket Nos. CS66-2, etc.; Wolfson Oil Co. (Operator), et al.; Docket No. CS66-62.

In the findings and order after statutory hearing issuing small producer certificates of public convenience and necessity terminating certificates, severing and terminating proceedings, amending orders issuing certificates, canceling FPC gas rate schedules, and dismissing applications, issued July 20, 1966, and published in the FEDERAL REGISTER July 27, 1966 (F.R. Doc. 66-8127, 31 F.R. 10155), in the chart after Docket No. CS66-62 add the following:

Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated suspension dockets	Suspension dockets not to be terminated
3	C162-376		R165-248 [1]
4	C162-444 [1]		R165-247 [1]
5	C163-103	R163-462 [1]	

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10908; Filed, Oct. 6, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 981; Pfahler's Car Dist. Dir. 17]

CENTRAL RAILROAD CO. OF NEW JERSEY AND LEHIGH VALLEY RAILROAD CO.

Boxcar Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 981.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Central Railroad Co. of New Jersey shall deliver to the Lehigh Valley Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian Ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended. The operation of all rules and regulations, insofar as they conflict with the provisions of this direction is hereby suspended.

(3) Effective date. This direction shall become effective at 12:01 a.m., October 4, 1966.

(4) Expiration date. This direction shall expire at 11:59 p.m., October 23, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 3, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66-10929; Filed, Oct. 6, 1966; 8:48 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 18]

LEHIGH VALLEY RAILROAD CO. AND NORFOLK & WESTERN RAILWAY CO.

Boxcar Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 981.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Lehigh Valley Railroad Co. shall deliver to the Norfolk & Western Railway Co. a weekly total of 350 empty plain serviceable boxcars with inside length less than 44 feet, 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., October 4, 1966.

(4) Expiration date: This direction shall expire at 11:59 p.m., October 23, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 3, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66-10930; Filed, Oct. 6, 1966; 8:48 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 19]

NORFOLK & WESTERN RAILWAY CO. AND ILLINOIS CENTRAL RAILROAD CO.

Boxcar Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 981.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Norfolk & Western Railway Co. shall deliver to the Illinois Central Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet, 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., October 4, 1966.

(4) Expiration date: This direction shall expire at 11:59 p.m., October 23, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 3, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66-10931; Filed, Oct. 6, 1966; 8:48 a.m.]

[Notice 264]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 4, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1966. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 220 TA), filed September 29, 1966. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus, juices*, in bulk, in tank vehicles, from Corona and Ontario, Calif., to Glen Roy, Pa., for 180 days. Supporting shipper: Sunkist Growers, Orange Products Division, Mr. C. D. Van Treese, Traffic manager, 616 East Sunkist Street, Ontario, Calif. 91764. Send protests to: District Supervisor, John C. Redus, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 30837 (Sub-No. 340 TA), filed September 29, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in initial movements, by the truckaway method, from Milwaukee, Wis., to points in California, New York, and Texas, for 180 days. Supporting shipper: S. S. Automobiles, Inc., 1735 South 106th Street, Milwaukee, Wis. 53214, William C. Stevens, vice president. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 78786 (Sub-No. 266 TA) (Correction), filed September 23, 1966, published FEDERAL REGISTER, issue of October 1, 1966, and republished this issue. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: T. T. Edwards (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, commodities requiring special equipment, class A and B explosives and household goods as defined by the Commission, between points in California, Arizona, New Mexico, and Nevada, as follows: (A) (1) From San Francisco, Calif., to Stockton, Calif., over U.S. Highway 50; (2) from junction U.S. 50 and California Highway 120 near Banta, Calif., over California Highway 120 to junction U.S. Highway 99; (3) from Banta, Calif., over California Highway 33 to Los Banos, Calif.; (4) from Vernalis, Calif., to Modesto, Calif., over California Highway 132; (5) from Gustine, Calif., to Merced, Calif., over California Highway 140; (6) from Los Banos, Calif., to junction U.S. Highway 99 and California Highway 152 over California Highway 152; (7) from Sacramento, Calif., to Calexico, Calif., over U.S. Highway 99 to junction U.S. Highway 60, thence over U.S. Highway 60 to Coachella, Calif., thence over California Highway 86 to El Centro, Calif., thence over California Highway 111 to Calexico, Calif.; (8) from Coachella, Calif., to Brawley, Calif., over California Highway 111; (9) from San Diego, Calif., to Yuma, Ariz., over U.S. Highway 80; (10) from Arcata, Calif., to Santa Ana, Calif., over U.S. Highway 101; (11) from Benson, Ariz., to Lordsburg, N. Mex., over U.S. Highway 80; (12) from San Simon, Ariz., to junction U.S. Highway 80 near Steins, N. Mex., over Arizona Highway 86; and (13) from Casa Grande, Ariz., to Gila Bend, Ariz., over Arizona Highway 84; and return over the same routes in (1) through (13) above serving all intermediate points and all off-route points in Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Marin, Mendocino, and Merced, Counties, Calif.

NOTE: Applicant states it proposes to tack the authority sought in (A) above to authority presently held by it in its certificate MC-78786; in Items 13, 20, 22B, 34, 36, 37, 38, 40, 97, 99, 100, 102, and Subs 219, 110, 113, 115, and 116. Applicant also states it proposes to interline traffic carried under the subject authority with other connecting motor common carriers at the usual gateways, namely, El Paso, Tex., Phoenix, Yuma, and Tucson, Ariz., San Diego, Santa Ana, El Centro, Los Angeles, Bakersfield, Fresno, Stockton, San Francisco, Oakland, Sacramento, Willits, Eureka, Red Bluff, and Redding, Calif.; and Medford, Klamath Falls, Coos Bay, Roseburg, Eugene, Albany, Salem, and Portland, Oreg., Monterey, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Benito, San Bernardino, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tulare, Ventura, Yolo, and Yuba, and the Arizona counties of Yuma, Maricopa, Pinal, Santa Cruz, Cochise, Graham, Greenlee, Gila, and Pima which are stations on the rail lines of Southern Pacific Co. and its wholly owned rail subsidiaries (Northwestern Pacific Railroad Co., Petaluma and Santa Rosa Railroad Co., Visalia Electric Railroad Co., San Diego and Arizona Eastern Railroad, and Holton Inter-Urban Railway Co. (B) (1) Alternate Routes: From Alturas, Calif., to Reno, Nev., over U.S. Highway 395; (2) from Hawthorne, Nev., to Phoenix, Ariz., over U.S. Highway 95 to junction U.S. Highway 93 near Boulder City, Nev., thence over U.S. Highway 93 to Kingman, Ariz., thence over U.S. Highway 66 to junction Arizona Highway 93, thence over Arizona Highway 93 to junction U.S. Highway 89, thence over U.S. Highway 89 to Phoenix; (3) from Las Vegas, Nev., to Yuma, Ariz., over U.S. Highway 95, serving Las Vegas for purposes of joinder only; (4) from Indio, Calif., to Phoenix, Ariz., over U.S. Highway 60; (5) from Globe, Ariz., to Glenbar, Ariz., over U.S. Highway 70; (6) from Canby, Calif., to Susanville, Calif., over California Highway 299 to Adin, Calif., thence over California Highway 139 to Susanville, Calif.; and return over same routes, as alternate routes for operating convenience only, serving no intermediate points, for 180 days. Supporting shippers: The application is supported by statements from 176 shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Golden

Gate Avenue, Box 36004, San Francisco, Calif. 94102. NOTE: The purpose of this correction is to clarify that Routes B (1) through (6) above are alternate routes for operating convenience only.

No. MC 118159 (Sub-No. 30 TA), filed September 30, 1966. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration from the plant and warehouse facilities of The Pillsbury Co. at New Albany, Ind., and Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: The Pillsbury Co., Post Office Box 222, Minneapolis, Minn. 55440. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 128147 TA, filed September 30, 1966. Applicant: BENTZINGER TRUCKING COMPANY, a corporation, Martell, Nebr. Applicant's representative: Nelson, Harding, Ackile, Leonard, and Tate, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared animal and poultry feed and grain products*, from Lincoln, Nebr., to points in Colorado, Iowa, Illinois, Kansas, Minnesota, Missouri, South Dakota, and Wyoming, and (2) *feed ingredients*, from points in Iowa to Lincoln, Nebr., for 180 days. Supporting shipper: Gooch Milling & Elevator, Co., Lincoln, Nebr. 68501. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 128586 (Sub-No. 1 TA), filed September 30, 1966. Applicant: FEED HAULERS, INC., 1701 Thomas Avenue, Guntersville, Ala. Applicant's representative: Markstein and Morris, 818-821 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and animal and poultry feed ingredients, and supplements thereto*, both in bags and in bulk, between Geraldine, Trussville, and Guntersville, Ala., and Cornelia, Ga., and points within 3 miles of each on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Michigan, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63199. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

By the Commission.

(SEAL) H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10932; Filed, Oct. 6, 1966; 8:48 a.m.]

[Notice 1423]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 5, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69085. By order of September 30, 1966, the Transfer Board approved the transfer to King Motor Line, Inc., Greenville, Ala., of the certificate of registration in No. MC-121222 (Sub-No. 1), issued May 4, 1965, to Allison Transfer Co., Inc., Mobile, Ala., and evidencing a right of the holder to engage in transportation in interstate or foreign commerce to the extent of certificate of public convenience and necessity No. 550 issued prior to October 15, 1962, by the Alabama Public Service Commission. F. A. Scott, Post Office Box 126, Greenville, Ala., attorney for applicants.

(SEAL) H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-10994; Filed, Oct. 6, 1966; 8:50 a.m.]

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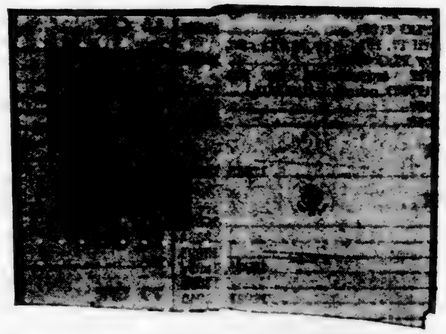
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VOLUME 31 • NUMBER 196

Saturday, October 8, 1966 • Washington, D.C.

Pages 13071–13108



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Commerce Department
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Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
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Executive Order 11309

AMENDING EXECUTIVE ORDER NO. 11215, RELATING TO THE PRESIDENT'S COMMISSION ON THE PATENT SYSTEM

By virtue of the authority vested in me as President of the United States, it is ordered that Section 4(a) of Executive Order No. 11215 [1] of April 8, 1965, entitled "Establishing the President's Commission on the Patent System", is hereby amended by deleting "18 months" and inserting in lieu thereof "20 months".

LYNDON B. JOHNSON

THE WHITE HOUSE,
October 6, 1966.

[F.R. Doc. 66-11030; Filed, Oct. 6, 1966; 1:15 p.m.]

[1] 3 CFR, 1965 Supp., p. 123; 30 F.R. 4661.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 182]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.482 Valencia Orange Regulation 182.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 6, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 9, 1966, and ending at 12:01 a.m., P.s.t., October 16, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 7, 1966.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11074; Filed, Oct. 7, 1966; 11:42 a.m.]

[Lemon Reg. 235]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.535 Lemon Regulation 235.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 910, as amended), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 4, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m. P.s.t., October 9, 1966, and ending at 12:01 a.m., P.s.t., October 16, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 106,950 cartons;

(iii) District 3: 89,886 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 6, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11022; Filed, Oct. 7, 1966; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Support Regs., 1966 Crop Oat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 Crop Oat Loan and Purchase Program

Correction

In F.R. Doc. 66-7411 appearing on page 9337 in the issue of Friday, July 8, 1966, in § 1421.2665 in the third column under the heading "Wisconsin", the rate per bushel for Burnett which now reads ".60" should read ".59".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7329; Amdt. 121-22]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Operation of Certain Aircraft

The purpose of this amendment to § 121.161(b) of the Federal Aviation Regulations is to permit the operation of Martin 404 and Convair Model 240 (CV-240), 580 (CV-580), 600 (CV-600), and 640 (CV-640) airplanes in extended overwater operations without being certificated or approved as adequate for ditching under the airworthiness requirements of Part 25.

This amendment is based on a notice of proposed rule making (Notice No. 66-17) issued on April 27, 1966, and published in the FEDERAL REGISTER on May 3, 1966 (31 F.R. 6592). Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matter presented.

The comments generally supported the proposal in the notice which applied to the Martin 404 and CV-240 airplanes only. Two comments suggested inclusion of the CV-600, representing a conversion of the CV-240D to turbopropeller power through use of Rolls Royce engines and Dowty Rotal propellers; the CV-640, representing a conversion of the CV-340/440D to turbopropeller power in the same manner; and the CV-580, representing a conversion of the CV-340/440 to turbopropeller through use of Allison engines and Aeroproducts propellers. These comments pointed out that the conversions of the CV-240, CV-340, and CV-440 airplanes to turbopropeller power would not adversely affect the ditching characteristics of the basic model type since the external configuration of these airplanes, which would play a significant role in determining the ditching characteristics of the airplanes, remained substantially the same.

The Agency agrees that the conversion of the CV-240, CV-340, and CV-440 airplanes to turbopropeller power without substantial changes to the external configuration of the basic model type does not alter the ditching characteristics of the basic model type. Therefore, the CV-580, CV-600, and CV-640 airplanes in addition to the CV-240 and Martin 404 airplanes (as proposed in the notice) have been included with the DC-3, C-46, CV-340, and CV-440 airplanes as exceptions to the requirement of § 121.161(b) that land airplanes operated under Part 121 in extended overwater operations be certificated or approved as adequate for ditching under the ditching provisions of Part 25.

Since inclusion of the CV-580, CV-600, and CV-640 airplanes within the scope of this amendment represents a minor change, I find that notice and public procedure relating to this aspect of the amendment are unnecessary.

In consideration of the foregoing and for the reasons stated in Notice No. 66-17, § 121.161(b) of the Federal Aviation Regulations is amended effective November 7, 1966, to read as follows:

§ 121.161 **Airplane limitations: type of route.**

* * * * *

(b) No certificate holder may operate a land airplane (other than a DC-3, C-46, CV-240, CV-340, CV-440, CV-580, CV-600, CV-640, or Martin 404) in an extended overwater operation unless it is certificated or approved as adequate for ditching under the ditching provisions of Part 25 of this chapter.

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, and 1424)

Issued in Washington, D.C., on October 3, 1966.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 66-10955; Filed, Oct. 7, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1111]

PART 13—PROHIBITED TRADE PRACTICES

American Bakeries Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, American Bakeries Co., Chicago, Ill., Docket C-1111, Sept. 14, 1966]

Consent order prohibiting one of the nation's largest wholesale baking companies with headquarters in Chicago from acquiring any domestic producer or seller of bakery products for the next 10 years without prior approval of the Federal Trade Commission.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That for ten (10) years from the date this order becomes final, respondent shall cease and desist from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, any part of the share capital or other assets of any firm, partnership, or corporation engaged in the production or sale of bakery products (U.S. Bureau of Census SIC Codes 2051 and 2052) in the United States.

II. *It is further ordered*, That respondent shall, within sixty (60) days after the date of service of this order, submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which respondent intends to comply, is complying or has complied with this order.

Issued: September 14, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10972; Filed, Oct. 7, 1966; 8:47 a.m.]

[Docket C-1113]

PART 13—PROHIBITED TRADE PRACTICES

Lu Mar Fashions, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfair or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 69f, 68) [Cease and desist order, Lu Mar Fashions, Inc., et al., New York, N.Y., Docket C-1113, Sept. 19, 1966]

In the Matter of Lu Mar Fashions, Inc., a Corporation, and Louis Marangione and William Gordon, Individually and as Officers of Said Corporation

Consent order requiring a New York City clothing manufacturer to cease misbranding its fur and wool products and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Lu Mar Fashions, Inc., a corporation, and its officers, and Louis Marangione and William Gordon, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on labels the item number or mark assigned to each such fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on invoices the item number or mark assigned to each such fur product.

It is further ordered, That respondents Lu Mar Fashions, Inc., a corporation, and its officers, and Louis Marangione and William Gordon, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, or delivery for shipment or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10973; Filed, Oct. 7, 1966; 8:47 a.m.]

[Docket C-1112]

PART 13—PROHIBITED TRADE PRACTICES

Philip Morris Originals, Ltd., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1255 *Manufacture or preparation;* § 13.1325 *Source or origin:* 13.1325-70 Place: 13.1325-70(a) Domestic product as imported. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Philip Morris Originals, Ltd., et al., New York, N.Y., Docket C-1112, Sept. 19, 1966]

In the Matter of Philip Morris Originals, Ltd., a Corporation, and Saul Devorkin, Individually and as an Officer of the Aforesaid Corporation, and Philip Morris Devorkin, Individually and as Manager and Principal Stockholder of Said Corporation

Consent order requiring a New York City manufacturer of men's slacks to cease misbranding and falsely guaranteeing its wool and textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Philip Morris Originals, Ltd., a corporation, and its officers, and Saul Devorkin, individually and as an officer of said corporation, and Philip Morris Devorkin, individually and as manager and principal stockholder of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, or delivery for shipment or shipment in commerce, of men's slacks composed in whole or in part of wool, or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

A. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the character or amount of constituent fibers included therein.

B. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the country of origin of such wool product.

C. Setting forth on labels affixed to any such wool product such terms as "Creazione Italiane" and "DEL'ORSO di ROMA," or any words, terms, depictions, or symbols of similar import, connoting Italian origin when such wool product is not of Italian origin.

D. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the method of manufacture of such wool product.

E. Setting forth on labels affixed to any such wool product such terms as "Hand Needled," or any words, terms, depictions, or symbols of similar import, connoting the product to be substantially hand-sewn, when such wool product is not substantially hand-sewn or hand stitched.

F. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the construction or composition of such wool product.

G. Setting forth on labels affixed to any such product such terms as "genuine Raeford 2/80's 2 Ply—80's quality," or any words, terms, depictions, or symbols of similar import, connoting two-ply construction or composition, when such wool product is not of a two-ply construction or composition.

H. Failing to securely affix to, or place on, each such wool product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

I. Failing to set forth the common generic name of fibers in naming such fibers in the required information on stamps, tags, labels, or other means of identification attached to wool products.

It is ordered, That respondents Philip Morris Originals, Ltd., a corporation, and its officers, and Saul Devorkin, individually and as an officer of said corporation, and Philip Morris Devorkin, individually and as manager and principal stockholder of said corporation, and re-

spondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66 10974; Filed, Oct. 7, 1966; 8:47 a.m.]

[Docket C-1110]

PART 13—PROHIBITED TRADE PRACTICES

Winn-Dixie Stores, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Winn-Dixie Stores, Inc., Jacksonville, Fla., Docket C 1110, Sept. 14, 1966]

Consent order prohibiting the seventh largest ranked national retail grocery chain store with headquarters in Jacksonville, Fla., from acquiring any retail food or grocery stores in the United States for a period of ten (10) years without the prior consent of the Federal Trade Commission.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That for ten (10) years from the effective date of this order, respondent shall not, without the prior approval of the Federal Trade Commission, make any acquisition, directly or indirectly, of any retail food or grocery stores in the United States.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has compiled with the order to cease and desist as set forth herein.

Issued: September 14, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-10975; Filed, Oct. 7, 1966; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-212]

PART 1—GENERAL PROVISIONS

Ports of Entry

Correction

In F.R. Doc 66-10804 appearing in the issue for Wednesday, October 5, 1966, at page 12938, the word "ports" in the first line of the second paragraph, should read "parts".

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.540]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are hereby amended in the following respects and to make necessary editorial changes. Section 41.114 is being amended to authorize consular officers to waive personal appearance requirements for certain airmen. Section 41.120 is being amended to provide for the revalidation in the United States of certain nonimmigrant visas for a period not to exceed 48 months from the date of issuance of the original visa, regardless of the date of expiration.

1. Section 41.114 is amended to read as follows:

§ 41.114 Personal appearance.

(a) Except as otherwise provided in this section, every alien seeking a nonimmigrant visa shall be required to apply in person before a consular officer. The requirement of personal appearance may be waived in the discretion of the consular officer in the case of any alien who is:

(1) A child under 14 years of age,

(2) Within a class of nonimmigrants classifiable under the visa symbols A-1, A-2, A-3, C-2, C-3, G-1, G-2, G-3, G-4, G-5, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6, or NATO-7,

(3) An applicant for a diplomatic or official visa,

(4) An applicant for a nonimmigrant visa under the provisions of section 101 (a)(15)(B) of the Act,

(5) Within a class of nonimmigrants classifiable under the visa symbols C-1, H-1, or I,

(6) Within a class of nonimmigrants classifiable under the visa symbol J-1, who qualifies as a leader in a field of specialized knowledge or skill and who is the recipient of a U.S. Government grant, and the spouse and children of such an alien who qualify for J-2 classification,

(7) An airman applying for a nonimmigrant visa under the provisions of section 101(a)(15)(D) of the Act if the application is supported by a letter from the employing carrier certifying that the applicant is employed as an airman and the consular officer is satisfied in the individual case that the personal appearance of the alien is not necessary to a determination of his eligibility to receive a visa, or,

(8) A nonimmigrant in any category in whose case the principal officer or, at a diplomatic mission, the Chief of Mission, or the Deputy Chief of Mission, the Counselor for Consular Affairs, or the Supervising Consul General determines that a waiver of personal appearance in the individual case is warranted in the national interest or because of unusual circumstances, including hardship to the visa applicant.

(b) In the categories described in subparagraphs (2) and (3) of paragraph (a) of this section the filing of a visa application by the applicant may be waived in the discretion of the consular officer. In cases in which personal appearance is waived pursuant to paragraph (a)(8) of this section the filing of a visa application by the applicant may be waived in the discretion of the consular officer in hardship, emergency or national interest cases. In any case in which personal appearance is waived pursuant to any other subparagraph of paragraph (a) of this section, application for a visa shall be made on either Form FS-257 or Form FS-257a as determined to be appropriate by the consular officer.

2. Paragraph (a) of § 41.115 is amended to read as follows:

§ 41.115 Application forms.

(a) *Aliens required to execute applications.* Every alien applying for a nonimmigrant visa shall make application therefor on Form FS-257 (Application for Nonimmigrant Visa and Alien Registration) or Form FS-257a (see definition of Form FS-257 contained in § 41.1) unless personal appearance is waived and submission of the application form by the applicant is not required pursuant to § 41.114(b) or unless there is a Form FS-257 available at the consular office which can be appropriately amended to bring the application up to date. In cases in which the filing of the visa application is waived, the consular officer shall prepare a Form FS-257 on behalf of the applicant from the data available

in the passport or other documents submitted. In the case of an alien under 16 years of age, or one physically incapable of making an application, the application may be made by the alien's parent or guardian, or, if the alien has no parent or guardian, by any person having legal custody of, or a legitimate interest in, the alien.

• • • • •

3. Section 41.117 is amended to read as follows:

§ 41.117 Signature.

When personal appearance is required, Form FS-257 shall be signed by or on behalf of the applicant in the presence of the consular officer. The application shall be verified by the applicant before the consular officer who shall then sign the Form FS-257. If personal appearance is waived, and the submission of an application form by the alien is required, the form shall be signed by the applicant. If the filing of an application form is also waived, the consular officer shall so indicate on the Form FS-257 prepared on behalf of the applicant.

4. Paragraph (b)(2) of § 41.120 is amended to read as follows:

§ 41.120 Authority to issue visas.

• • • • •

(b) *Issuance or revalidation in the United States for certain other nonimmigrants.* • • •

(2) The Director of the Visa Office of the Department and such other officers of the Department as he may designate are authorized, in their discretion, to revalidate F, H, and J visas, including diplomatic visas, for qualified aliens in the United States who intend, after a temporary absence, to reenter the United States in the nonimmigrant status specified in their visas, regardless of the expiration date of the original visa, provided the revalidation does not extend its validity for more than 48 months from the date the original visa was issued.

• • • • •

5. Paragraph (c)(1) of § 41.124 is amended to read as follows:

§ 41.124 Procedure in issuing visas.

• • • • •

(c) *Form of visa stamp.* (1) The nonimmigrant visa stamp shall be in the form prescribed by the Department. It shall contain the following data: (i) The number of the visa; (ii) the title and location of the issuing office; (iii) the classification of the visa; (iv) the date of issuance; (v) the expiration date; (vi) the number of applications for admission for which it is valid; (vii) the name(s) of the person(s) to whom issued; (viii) the fee, if any, or the word "Gratis"; and (ix) the signature and title of the issuing officer.

• • • • •

6. Section 42.110 is amended to read as follows:

§ 42.110 Place of application.

Every alien applying for an immigrant visa shall make application at a U.S. consular office in the consular district in which he has his residence, except that the consular officer shall accept an application for an immigrant visa from an alien having no residence in the consular district if the alien is physically present therein, and may, in his discretion, or at the direction of the Department, accept applications from aliens who are neither residents of, nor physically present in, the consular district. An alien residing temporarily in the United States is considered to be a resident of the consular district of his last residence abroad.

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

PHILIP B. HEYMANN,
Acting Administrator, Bureau of Security and Consular Affairs.

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10996; Filed, Oct. 7, 1966; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 5—RENT SUPPLEMENT PAYMENTS

Eligible Housing Owner

In § 5.15 paragraph (d) is amended to read as follows:

§ 5.15 Eligible housing owner.

• • • • •

(d) Where the project is to be insured under section 221(d)(3) of the National Housing Act and is to be located in a community in which a workable program was required and was in effect at an earlier date (at which time a loan or grant was made under title I of the Housing Act of 1949 or under the United States Housing Act of 1937), the workable program requirement of paragraph (c)(1) of this section must be met and the requirements of paragraph (c)(2) of this section shall not be applicable.

(Sec. 101(g), P.L. 89-117, 79 Stat. 453)

Effective as of the 8th day of October 1966.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 66-10995; Filed, Oct. 7, 1966; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER F—AIRCRAFT

PART 855—USE OF AIR FORCE INSTALLATIONS BY OTHER THAN U.S. DEPARTMENT OF DEFENSE AIRCRAFT

Part 855 is revised to read as follows:

Sec.
855.1 Purpose.
855.2 Definitions.
855.3 Policy.
855.4 Types of civil aircraft use.
855.5 Emergency landing at an Air Force installation.
855.6 Processing violations of this part.
855.7 How to request the use of an Air Force installation.
855.8 Who has approving authority.
855.9 Processing procedure of the approving authority.
855.10 Cooperation with customs, immigration, health, and other local authorities.
855.11 Aviation fuel and oil purchases.
855.12 Supply and service charges.
855.13 Insurance requirements.
855.14 Cancellation or suspension of the landing permit (AF Form 181).
855.15 Landing, parking, and storage fees.
855.16 Joint use of an Air Force installation by a community.

AUTHORITY: The provisions of this Part 855 issued under sec. 8012, 70A Stat. 488, secs. 1107, 1108, 72 Stat. 798; 10 U.S.C. 8012, 49 U.S.C. 1507, 1508.

SOURCE: AFR 55-20, May 16, 1966.

§ 855.1 Purpose.

This part establishes the responsibilities and describes the procedures for the use of Air Force installations by aircraft other than U.S. Department of Defense aircraft.

§ 855.2 Definitions.

The terms used in this part are explained as follows:

(a) *Installation.* An officially defined area of real property, operated by the U.S. Air Force as an airfield facility, which:

(1) The U.S. Air Force controls; or

(2) HQ USAF has designated as an Air Force installation; or

(3) The U.S. Air Force utilizes in a foreign country by agreement or by right of occupation.

(b) *Civil aviation.* All flying activity by civil aircraft including:

(1) *Commercial aviation.* Transportation by aircraft of passengers or cargo for hire; this includes both regularly scheduled and nonscheduled (i.e., one-time or irregular) flights.

(2) *General aviation.* All types of civil aviation not involving the transportation of passengers or cargo for hire.

(c) *Weather alternate use.* Use of an Air Force installation for a weather alternate in accordance with Federal Aviation or other pertinent regulations.

(d) *Scheduled use.* Use of an Air Force installation on a scheduled or regularly recurring basis by an air carrier certificated by the Civil Aeronautics

Board to provide passenger and cargo service to a community or area.

(e) *Civil aircraft.* Domestic or foreign aircraft of any national registry operated by private individuals or corporations, and foreign government-owned aircraft operated for commercial purposes.

(1) *Contract aircraft.* Civil aircraft operated under charter or other contract to any U.S. Government department or agency.

(2) *Leased aircraft.* U.S. Government-owned aircraft delivered by the Government to a lessee subject to terms and conditions prescribed in an agreement which does not limit the lessee's use of the aircraft to Government business or performance of Government contracts.

(f) *Government aircraft.* Aircraft owned, operated by or on behalf of, or controlled by any department or agency of either the United States or a foreign government (except a foreign government-owned aircraft operated for commercial purposes). Aircraft owned by any department, agency, or political subdivision of a State of the United States when the State, county, or municipality has sole responsibility for operating the aircraft.

(1) *Military aircraft.* Aircraft used in the military services of any government.

(2) *Loaned aircraft.* U.S. Government-owned aircraft delivered gratuitously by any DOD agency to another Government agency or to a USAF Aero Club.

(3) *Bailed aircraft.* U.S. Government-owned aircraft delivered by the Government to a Government contractor for a specific purpose directly related to a Government contract.

(4) *Foreign government aircraft.* Foreign military and other foreign government-owned aircraft which are not being operated commercially.

(g) *User.* An individual or corporation operating civil aircraft. A user will be named on the AF Form 180, Hold Harmless Agreement; the AF Form 181, Civil Aircraft Landing Permit; and the AF Form 203, Certificate of Insurance. The user named on each of the above forms must be the same.

(h) *Hold Harmless Agreement.* An agreement on AF Form 180 executed by the user which releases the U.S. Government from all liabilities incurred in connection with civil aircraft use of Air Force installations. Unless this form is already on file with the approving authority, it is submitted with the AF Form 181.

(i) *Civil Aircraft Landing Permit.* An application on AF Form 181 completed by the user and submitted to an approving authority at least 30 days prior to the first intended landing. Upon approval, the user is authorized to use Air Force installations in accordance with the terms of the permit and this part.

(j) *Certificate of Insurance.* A certificate on AF Form 203 executed by an insurance company which is in consonance with this part and evidences the amount of aircraft liability insurance carried by the user. Unless a valid certificate is on file with the approving authority, it is submitted with the AF Form 181.

(k) *Joint use installation.* An Air Force installation where civil aircraft use of the runways and taxiways is authorized by a specific agreement between the Air Force and a community (see § 855.16) or between the U.S. Government authorities and foreign government authorities. The civil aircraft terminal, parking, and servicing facilities are established and controlled by the community or its agent and are normally located in a civil area separate from the military. Civil aircraft normally are restricted to the civil parking and terminal areas at joint use installations, except for those aircraft on official business or under contract to the U.S. Government.

(l) *Technical use.* Use of an Air Force installation, under other than emergency conditions, by civil aircraft for servicing or obtaining supplies. The servicing and supplies must be obtained from civil sources (see AFR 67–53 (Selling Aviation Fuel and Oil for Contract, Charter, and Civil Aircraft) for purchase of petroleum, oil, and lubricants).

(m) *Authorized supplier.* A commercial petroleum company doing business in the United States which has an agreement with the Air Force to guarantee payment for aviation fuel and oil furnished by the Air Force to civil aircraft (see AFR 67–53).

(n) *Official business.* Business, in the interest of the U.S. Government, which personnel aboard an aircraft must transact with U.S. Government personnel, units, or organizations at or near the Air Force installation concerned. (The use of an Air Force installation by transient aircraft to petition for U.S. Government business or to obtain clearance, servicing, or other items pertaining to itinerant operations is not considered official business.)

§ 855.3 Policy.

Except for those users declaring an inflight emergency (see § 855.5), civil and foreign government aircraft may not land at any Air Force installation or use the Air Force area of a joint use installation other than in exceptional circumstances. In an exceptional circumstance landing may be authorized, provided permission from the Air Force is obtained in the form of an approved AF Form 181 or an approved "Foreign Government Aircraft Landing Request." Air Force installations are established and facilities, personnel, and materiel are maintained at such installations only to the extent necessary to support the Air Force mission and the needs of national defense. Consequently, the Air Force cannot authorize the use of its installations for other than official business unless an exceptional reason exists for granting such authorization and unless, in addition, the Air Force finds, in its sole discretion, that the requested use will be compatible with current and programed military activities at the installation after considering security, volume, and type of military flights, availability of supplies, maintenance services, crash protection, and any other pertinent factors, such as international agreements or arrangements. When a request for use of an Air Force installation has been approved, the approving authority or the installation commander, providing advance notice where practicable, may suspend the authorization or require a change in the proposed time of landing or takeoff, if such suspension or flight plan revision is deemed necessary, to prevent interference with military activities at the installation. Air Force authority applies only to the use of Air Force installations; the installation commander is responsible for and authorized to exercise administrative and security control over both the aircraft and passengers while on his installation.

(a) *Civil aircraft.* Domestic or foreign civil aircraft will normally not be permitted to use an Air Force installation unless an official requirement exists for the aircraft or its passengers to be at the installation and a written authorization permits such use. Use of an Air Force installation for other than official business will require full justification and will be acted upon only under exceptional circumstances. Where the requested use is for other than official business, the request from the prospective user must include an explanation of why a civil airfield cannot be used; mere convenience is not sufficient reason to justify authorization to use an Air Force installation. Except for certain joint use Air Force installations, Air Force installations are not appropriate for technical use and requests for such use will normally not be approved. The Air Force is not obligated to permit civil aircraft to use Air Force installations or the Air Force area of a joint use installation except in the performance of Air Force contracts which specify landings and use of the facilities at named installations; consequently, an approving authority receiving an AF Form 181 may disapprove and return the request form without further action. Landing clearance granted by a tower does not nullify the requirements of this part; except for those users declaring an inflight emergency, an approved AF Form 181 or other written authorization must be aboard the aircraft before making any landing at an Air Force installation and will be presented upon demand. The types of civil aircraft use that may be considered are described in § 855.4.

(b) *Foreign government aircraft.* Foreign government aircraft are not required to submit AF Forms 180, 181, and 203 to request permission to land at an Air Force installation. Instead, and except for a declared inflight emergency, such aircraft must submit in advance a written request to HQ USAF (AFNICBB) Washington, D.C. 20330. (For procedure, see § 855.7(b).) Diplomatic clearance must be obtained as explained in paragraph (c)(1) of this section.

(c) *All aircraft.* Except for an inflight emergency, all aircraft must have a UHF or VHF two-way radio capable of voice communication with the control tower, and the associated approach control facilities, on the air-ground frequencies assigned to the Air Force installation being utilized. Authorization to use an Air Force installation under the provisions of this part extends only to the landing, taxiing, and normal parking of the aircraft and does not represent, or take the place of:

(1) *Diplomatic clearance.* Diplomatic clearance must be obtained through the proper channels from the United States and from each of the other foreign countries which is to be overflown or in which a landing is to be made.

(2) *Authorization to use real property.* Requests for such use must be submitted according to the procedure outlined in AFR 87–3 (Granting Temporary Use of Real Property).

(d) *International operations.* Civil aircraft performing scheduled or nonscheduled international flights, whether for commercial or noncommercial purposes, will normally not be permitted to use Air Force installations unless they are performing under a U.S. Government contract or providing charter service for a U.S. Government contractor where use of the installation is necessary. Where the Air Force has designated an installation for use by air carriers of countries that are members of the International Civil Aviation Organization (ICAO), or has authorized the use of a specific installation by civil aircraft engaged in a specified type of international operation, the Air Force will normally authorize other civil aircraft registered in ICAO countries (or, in the case of aircraft performing scheduled flights, registered in countries which are parties to the International Air Services Transit Agreement) to use the same installation for similar international operations, provided that the prospective user has obtained all necessary authorization from the authorities responsible for civil aviation, has complied with all the requirements of this part and other applicable laws and regulations of the United States, and that the prospective use is not inconsistent with national defense interests.

§ 855.4 Types of civil aircraft use.

This section defines, but does not limit, the types of use of Air Force installations by civil aircraft which the Air Force may act on, but only if the Air Force has determined, in its sole discretion, that the requested use will be compatible with the current and programed military activities at the installation. The types of use are:

(a) *U.S. Government contract.* An air carrier may be permitted to use an Air Force installation when the carrier is operating under an agreement with any U.S. Government agency or at the request of an authorized Air Force contracting or transportation officer, i.e., under a charter or other contract with the Military Traffic Management and Terminal Service (MTMTS) or Military Airlift Command (MAC). However, in addition:

(1) An official U.S. Government document (e.g., a certificate of operations, U.S. Government bill of lading, cargo manifest, transportation request, or MAC Form 8—see para. 3, AFR 67–53) must be presented with the approved AF Form 181 to substantiate that the use is a bona fide U.S. Government charter/contract operation.

(2) Loading, enroute, and terminal stops at Air Force installations will be used only for the on-and-off loading of Government passengers and cargo, unless the contract, charter, or MAC Form 8 expressly permits landing for another purpose.

(b) *Scheduled air carrier.* Scheduled and weather alternate use are the only two types of scheduled air carrier use recognized by the Air Force. Each use is permitted as follows:

(1) Scheduled use, where authorized, is that regular scheduled air carrier service to a community or area for the purpose of on-or-off loading passengers and cargo (see § 855.16 on joint use).

(2) Weather alternate use, when authorized, permits the diversion to and actual use of an Air Force installation only when unforecast weather conditions require the aircraft to change from its original to the alternate destination while in flight. Aircraft may not be dispatched from a point of departure to an approved weather alternate.

(c) *Nonscheduled air carrier.* Air taxi and charter service are the only two types of nonscheduled air carrier use recognized by the Air Force. Each use is permitted as follows:

(1) Air taxi service must be sanctioned by a written agreement with the installation commander concerned who is also the approving authority for the AF Form 181. Only official passengers and cargo may be carried (see par. 304011, AFM 75–2 (Military Traffic Management Regulation)).

(2) Charter service is that air transport service rendered to an individual or corporation where part or all of the capacity of the aircraft is chartered for transportation on official business as authorized by the installation commander or in the performance of a specific Government contract. The aircraft may be used to transport the contractor's supplies and personnel needed to perform the specific contract; but, the aircraft cannot be used for daily transportation of employees in competition with public transportation. The individual(s) or corporation(s) chartering such service must submit a letter of justification addressed to the approving authority specifying the name of the chartered air carrier and how use of the Air Force installation will facilitate the official business or contract performance. Upon approval, the installation may be used only when providing transport service to the individual or corporation having official business; such stops at authorized Air Force installations will be used for the on- and off-loading of official business passengers and cargo only, unless other written authorization expressly permits use for private commercial charter passengers and cargo. In Item 7 of AF Form 181 the prospective user must list each installation to be visited with its applicable contract numbers, name(s) of chartering individual or corporation, description of work to be performed, period of use, and any other pertinent details.

(d) *Civil Air Patrol.* Aircraft owned by either the Civil Air Patrol (CAP) or its members are considered civil aircraft and must comply with this part. Such aircraft, when operated by CAP members, may be permitted to use designated Air Force installations in connection with CAP activities. (Aircraft under lease or contractual agreement with the U.S. Government and operated by USAF–CAP liaison officers on official business are considered DOD aircraft and not required to submit AF Forms 180, 181, and 203.)

(e) *Government personnel.* Aircraft privately owned, or leased, and operated by military personnel on active duty or retired, members of the Air National Guard (ANG) or Air Force Reserve (AFRes), and civil employees of the U.S. Government may be granted permission to use an Air Force installation on official business. Active duty military personnel may use an Air Force installation for private, non-revenue-producing purposes. Retired military personnel may use an Air Force installation for those activities authorized to them by law. None of these aircraft may carry passengers or cargo for revenue producing purposes.

(f) *Non-Government personnel.* Aircraft which are privately owned and noncommercially operated by other than U.S. Government personnel for purposes of interest to the U.S. Government not involving transportation of passengers or cargo for hire may be authorized the use of an Air Force installation as follows:

(1) By an individual or corporation for transportation on official business as authorized by the installation commander (e.g., in connection with sales or service representation to authorized military agents such as the exchange, commissary, or contracting officer) or in the performance of a specific Government contract at specified Air Force installations. The aircraft may be used to transport the contractor's supplies and personnel needed to perform the specific contract, but the aircraft cannot be used for daily transportation of employees in competition with public transportation. In item 7 of the AF Form 181 the prospective user must list each installation to be visited with its applicable contract number(s), description of work to be performed, duration of use, and any other pertinent details.

(2) By a manufacturer (or others) to demonstrate or to show civil aircraft or installed equipment to official representatives of the U.S. Government who have a procurement interest, who have approval or certification responsibility for the aircraft or equipment, and who have requested the demonstration or showing.

(g) *Other.* In appropriate circumstances civil aircraft may be considered for use of an Air Force installation for such purposes as: FAA certification, testing, developmental testing, aircrew training, technical use, ferrying aircraft, non-

scheduled charter operations where the aircraft is used for purposes unrelated to any U.S. Government contract, and various other special uses. However,

(1) The request must be thoroughly substantiated.

(2) Ample reasons must be furnished to the approving authority as to why a civil airfield cannot be used.

(3) In item 7 of AF Form 181, the prospective user must list each requested installation to include its applicable purpose, justification, period of use, and any other pertinent details deemed necessary for consideration.

§ 855.5 Emergency landing at an Air Force installation.

Any aircraft involved in an inflight emergency that endangers the safety of its passengers and aircraft may land at an Air Force installation. Advance authorization or an approved AF Form 181 is not required. However, to avoid interference with military operations, the aircraft should land at a civil airfield if the pilot has time to select a landing place. After an emergency landing:

(a) The appropriate USAF authority may use any method or means to clear the aircraft or wreckage from the runway. Consistent with actual national defense requirements, care will be taken to preclude unnecessary damage in removing the aircraft or wreckage.

(b) The user will be billed for all costs to the Government that result from the emergency landing. No landing fee will be charged, but the charges will include the labor, material, parts, use of equipment, tools, etc., for:

(1) Spreading foam on the runway before landing.

(2) Damage to runway, lights, navigation aids, etc.

(3) Rescue, crash, and fire control.

(4) Movement and storage of aircraft.

(5) Performance of minor maintenance.

(c) The base operations officer will provide the base accounting and finance officer with all the necessary data to show what costs were incurred by the U.S. Government as a result of the civil aircraft emergency (see Part 812, Subchapter B of this chapter for guidance in determining costs).

(d) The base accounting and finance officer will prepare the bill of charges and collect payment therefor.

(e) The pilot or his employer will file a complete narrative report of the emergency with the installation commander. If there are no survivors to prepare this report, the base operations officer will use the most reliable information available to prepare it. A copy of the report will be forwarded to HQ USAF (AFOAPDA), Washington, D.C. 20330.

(f) The aircraft operator, before taking off, must complete AF Forms 180 and 181 to cover the takeoff, if the aircraft is to be flown from the installation. (AF Form 203 is not required.)

(g) The installation commander will review and distribute the completed AF Form 181 as directed in § 855.9 (he need not complete the entries to be filled in by the approving authority); he will also report the circumstances of the landing to:

(1) The General Aviation District Office of the Federal Aviation Agency, if the installation is in the United States or its possessions.

(2) The appropriate USAF authority, such as an air attache, if the installation is within a foreign country.

§ 855.6 Processing violations of this part.

Any aircraft that lands at an Air Force installation without obtaining prior permission from an approving authority, except in a bona fide emergency, is in violation of this part. Civil aircraft landing in violation of this part will have to pay the penalty fee prescribed in § 855.15(a) and will probably experience delays while authorization for departure is obtained pursuant to this part. Before the aircraft is authorized to depart, the installation commander must ensure full compliance with this part by doing the following.

(a) Inform the aircraft operator of the provisions of this part.

(b) Require the aircraft operator (or owner), before takeoff, to pay all fees and charges and to comply with the following procedure:

(1) Execute AF Forms 180 and 181; in item 7 of AF Form 181 explain the reason for the landing. In lieu of submitting an AF Form 203, evidence of sufficient insurance must be furnished by the insurer to include waiver of any right of subrogation against the United States and that such insurance applies to the liability assumed by the insured under the AF Form 180.

(2) When it appears that the violation may have been deliberate, or is a repeated violation, departure authorization must be obtained from HQ USAF as prescribed in § 855.7.

(c) If the violation is processed at the installation, the installation commander will review and distribute the completed AF Form 181 as directed in § 855.9 (he need not complete the entries to be filled in by the approval authority); he will also report the circumstances of the landing to:

(1) The General Aviation District Office of the Federal Aviation Agency, if the installation is in the United States or its possessions.

(2) The appropriate Air Force authority, such as an air attache, if the installation is within a foreign country.

§ 855.7 How to request the use of an Air Force installation.

The prospective user should obtain a copy of this part and the required forms (the "Foreign Government Aircraft Landing Request" is not a printed form but should be prepared by the foreign government) from any Air Force installation or approving authority and should review them before preparing the required documents for submission.

(NOTE: See paragraph (c) of this section for those users who are exempt from submitting AF Forms 180, 181, and 203.)

Prospective civil and foreign government users of an Air Force installation must apply for authorization as follows:

(a) Prospective civil aircraft users will:

(1) Complete, sign, and forward only 1 copy of AF Form 180 to the approving authority. When the user is a corporation, the "Certificate" of acknowledgment on AF Form 180 must be completed and signed by a second official of the corporation (other than the one executing the Hold Harmless Agreement) to certify the signature of the first official. As necessary, the Air Force also may require that the "Certificate" of acknowledgment be authenticated by an appropriately designed third official. Once the completed and signed AF Form 180, Hold Harmless Agreement, has been accepted by an approving authority, it is valid until obsolete and need not be resubmitted with future requests to the same approving authority.

(2) Prepare and sign a separate set (5 copies) of the user's portion of AF Form 181 for each type of use requested. The user should insure that all entries conform to the requirements of this part. Once the AF Form 181 has been approved and distributed, no further entries or amendments can be made. New requirements must be submitted on a new set of AF Forms 181, but may include the old listings.

(3) Have the insurer or his authorized agent complete, sign, and forward the original of AF Form 203 to HQ USAF (AFOAPDA), Washington, D.C. 20330. All coverages will be stated in U.S. dollars (see § 855.13 for required minimum coverage). When the approving authority is other than HQ USAF, a signed carbon copy of the original AF Form 203 will be submitted with the AF Forms 181 to that approving authority. Once an AF Form 203 is on file with an approving authority, it is valid until insurance expiration date and may be used by that approving authority as a basis for his action upon any subsequent AF Forms 181 submitted for approval. If necessary, insurance companies may reproduce the AF Form 203; however, reproductions or photostats of the completed form are NOT acceptable.

(4) Forward the completed forms direct to the appropriate approving authority (see § 855.8) at least 30 days prior to first intended landing in order to provide the approving authority with sufficient time for review and processing (i.e., to insure that the request, Certificate of Insurance, and Hold Harmless Agreement are valid and to notify the appropriate installations and commands).

(b) Prospective foreign government aircraft users: Foreign government aircraft are not required to submit AF Forms 180, 181, and 203 to request permission to land at an Air Force installation. Instead, the foreign government must:

(1) Complete and forward a written request through its air attache to HQ USAF (AFNICBB), Washington, D.C. 20330, at least 10 days prior to first intended landing. (All Latin American countries are authorized to submit their requests for use of an Air Force installation in the Canal Zone or CONUS direct to USAFSO, APO New York 09825.)

(2) Submit a request for diplomatic clearance to the Department of State, where flight to U.S. territory is desired, unless flight in U.S. airspace is already authorized by an appropriate agreement. (Among the countries with which the United States has such agreements are: Costa Rica, Dominican Republic, Guatemala, Nicaragua, and Honduras. Certain government aircraft of these countries may use Air Force installations in accordance with existing Bilateral Military Air Transit Agreements.)

(3) Submit a request for diplomatic clearance to each appropriate foreign country which is to be overflown or in which a landing is to be made in addition to obtaining U.S. Air Force landing approval (where use of an Air Force installation in a foreign country is desired).

(c) Aircraft exempt from submitting AF Forms 180, 181, and 203: In addition to foreign government aircraft, certain other aircraft are permitted to use Air Force installations without completing AF Forms 180, 181, and 203. They are:

(1) Aircraft owned and operated by:

(i) An agency of the U.S. Government outside the Department of Defense.

(ii) USAF Aero Clubs established in accordance with Part 861 of this subchapter.

(iii) Aero Clubs of the other military services which are organized as a sundry fund activity and operated as an instrumentality of the U.S. Government.

(iv) A State, county, or municipality when use is in connection with the official business of the owner.

(2) Civil aircraft under lease or contractual agreement to:

(i) The U.S. Government and operated by employees of a U.S. Government agency outside the Department of Defense (e.g., the Federal Aviation Agency) on official business.

(ii) The Civil Air Patrol and operated by a USAF–CAP liaison officer on official Air Force business.

(3) Bailed aircraft, provided the contract under which the aircraft is bailed specifies that the U.S. Government is the insurer for liability.

§ 855.8 Who has approving authority.

The authority to approve and to disapprove the AF Form 181 and the "Foreign Government Aircraft Landing Permit" is delegated without right of redelegation to:

(a) *HQ USAF*—(1) *Directorate of Aerospace Programs (AFOAP).* HQ USAF (AFOAPDA) will act on any request for civil aircraft to use Air Force installations but specifically reserves to itself exclusive approving authority on requests for:

(i) U.S. Government contract use.

(ii) Scheduled or weather alternate use by any scheduled air carrier.

(iii) Use of more than one installation. (Except for air taxi service, a user submitting an application to an installation commander for approval must have interests at only the one Air Force installation.)

(iv) Use for commercial training, testing, or certification purposes.

(v) One-time use for on-and-off loading passengers or cargo not justified for performance of a U.S. Government contact or other official Government business.

(vi) Continuous use (i.e., for more than a 5-day period) by general aviation or by a nonscheduled commercial air carrier (except that an installation commander has sole authority to approve air taxi service).

(vii) Use on international flights (i.e., where the aircraft operates for a part of its journey, with or without landing, in the air space of a country other than the country where the installation is located.

(viii) Use by a foreign civil aircraft of an Air Force installation located in the United States or in a foreign country other than the country of aircraft registry.

(ix) Any other use not specifically delegated to a lower echelon for processing action.

(2) *Assistant Chief of Staff, Intelligence (AFNIN).* HQ USAF (AFNICBB) will act on all requests for use of an Air Force installation by a foreign government aircraft except, as stated in paragraph (d) of this section, Commander, USAF Southern Command, has authority to approve certain requests from Latin American countries.

(b) *Major command.* The major commander may act only on requests for civil aircraft to use an installation under his control, provided an authorized supplier is not to be shown in Item 20 of AF Form 180 and, additionally, that the aircraft are operating on domestic flights performed entirely within the airspace of the country where the Air Force installation is located and do not involve flight through international airspace; and provided further, that the request for use is not specifically reserved to HQ USAF for approval and is one or more of the following:

(1) Directly connected with official Government business.

(2) Use in accordance with the provisions governing use by the Civil Air Patrol, Government personnel, and non-Government personnel on official business.

(3) A one-time request to make not more than eight landings during a 5-day period if the use is in connection with community or U.S. Government interests and no adequate civil airport is available. (However, such a request may not be approved under this category if an identical request has been approved in the previous 90 days.)

(4) A request for a civil aircraft to land at an installation under his control when use is:

(i) By a civil aircraft either owned or personally chartered by the President, Vice President, or a past President of the United States; the head of any Federal department or agency; or a Member of Congress.

NOTE: Compliance with this part is required whether use is for official or personal business. If time does not permit processing of the request prior to arrival at the installation, AF Forms 180, 181, and 203 must be complete immediately after aircraft arrival. Landing, parking, and storing fees will be collected when use is not for official business purposes, e.g., political campaigning is not considered official business. Requests by or for Members of Congress will be reported to the Director of Legislative Liaison (SAF–LL) in accordance with provisions of AFR 11–7 (Air Force Relations With Congress).

(ii) By a civil aircraft either owned or personally chartered by a presidential or vice-presidential candidate of a major party. Approval is contingent upon the presence of a presidential or vice-presidential candidate aboard the aircraft. Normal fees will be charged as prescribed in this part.

NOTE: To reduce conflict with U.S. statutes and Air Force operational requirements and to provide expeditious handling of aircraft carrying major party presidential and vice-presidential candidates, the following guidance applies: Minimum official (base officials) welcoming party, no special facilities need be provided, no plans should be approved for on-base political speeches, and no official transportation should be provided for unauthorized (press, local populace, etc.) personnel.

(c) *Commander, Alaskan Air Command.* In addition to the uses that may be approved by a major commander, he may act on occasional use of the various airstrip type installations under his control, without restriction as to type of use, provided such use does not interfere with the Air Force mission and does not involve the use of any Air Force supplies, equipment, or facilities except a landing strip.

(d) *Commander, USAF Southern Command.* In addition to the uses that may be approved by a major commander, he may act on a request from any Latin American country for its military aircraft, or other government-owned aircraft, not engaged in commercial operations, to use Air Force installations under his control and in the CONUS. Prior clearance for use of CONUS installations must be obtained, either formally or informally, from the installation commander concerned before issuing the landing authorization. Concurrent with obtaining clearance from the installation commander, informal notification of period of use and petroleum, oil, and lubricants (POL) billing instructions may be furnished; this information will be repeated in the landing authorization message. USAFSO will insure that all authorizations are consistent with current directives.

(e) *Air Force installation commander.* The installation commander may act on requests for civil aircraft to use only his installation for the same uses that may be approved by a major commander. The flights covered by AF Form 181 approved by an installation commander must be domestic flights performed entirely within the airspace of the country where the Air Force installation is located and must not involve flight through international airspace; and pro-

vided further, that the type of use requested is not specifically reserved to HQ USAF for approval. A request for a foreign civil aircraft to use his installation, where the installation is located in a country other than that of aircraft registry, will be forwarded to HQ USAF (AFOAPDA), Washington, D.C. 20330.

(f) *USAF air attache.* The air attache must refer all requests direct to HQ USAF (AFOAPDA), Washington, D.C. 20330, except that he may act on a request for a civil aircraft one-time operation at an Air Force installation located within the country to which he is accredited, provided that:

(1) The aircraft is registered in that country.

(2) The landing is in connection with official interests of either that country or the U.S. Government.

(3) There is no adequate civil airport available.

(4) The request is a one-time request for not more than eight landings during a 5-day period.

(5) At least 90 days have elapsed since a similar 5-day request was approved.

§ 855.9 Processing procedure of the approving authority.

Upon receiving a request for the use of an Air Force installation, the approving authority will:

(a) Determine the availability of the installation and its capability to accommodate the type of use requested.

(b) Insure that the prospective civil aircraft user has a valid AF Form 180 and AF Form 203 on file at his approving level (this should be determined prior to completion of the approval section of the AF Form 181, if the request is to be approved).

(c) Determine the validity of the request and, if the request is to be approved, insure that all entries on the AF Form 181 conform to the requirements of this part. Approve the AF Form 181 (with or without stating any conditions or limitations that may be appropriate) by completing all items in the section reserved for the approving authority. Important items to check on AF Form 181 and AF Form 203 are:

(1) "Period of Use" "Thru" date and Landing Permit expiration date indicated on AF Form 181 must agree. (An "Indefinite" period of use or expiration date is not acceptable.)

(2) The "Period of Use" may not exceed 18 months. If the insurance is the limiting factor, landing permit expiration date in Item 17 of AF Form 181 must be 1 day prior to insurance coverage expiration date indicated in item 4C of AF Form 203.

(3) Type of use checked—one only.

(4) The amount of insurance indicated on the AF Form 203 must be stated in U.S. dollars and must be adequate for the type of use requested and for the passenger capacity and gross takeoff weight of the aircraft being operated.

(5) Items 1 through 23 of the landing permit must be filled with either the proper information, dashes, or X-ed out. Incorrect entries must be corrected to conform to the requirements of this part.

(6) If approving action is by an installation commander, and Item 20 on AF Form 181 is to indicate an authorized supplier, one copy of the "authorized supplier letter" will be retained and the original and second copy will be forwarded to HQ USAF (AFOAPDA), Washington, D.C. 20330.

(d) Disapprove the request if it is determined not to be valid or if it does not comply with the requirements of this part. A request may be disapproved:

(1) If there is incompatibility with or priority of Air Force operations.

(2) If the use would interfere with current operations, security, or ground safety.

(3) If adequate civil facilities are available in the proximity of the Air Force installation requested for use.

(4) If the civil user has not fully complied with the requirements of this part.

(e) HQ USAF (AFNICBB) will assign an aircraft landing number (ALAN) to each request approved for foreign government aircraft and will notify Air Force installations, major commands, Air Staff offices, and HQ USAF (AFOAPDA) by message.

(f) Distribute the approved AF Form 181 and transmit the message granting foreign government aircraft clearance prior to the first intended landing, when possible, as follows:

(1) Original copy to HQ USAF (AFOAPDA), Wash., D.C. 20330. (If an installation commander has accepted an "authorized supplier letter," 1 copy of the letter is retained for file at the installation; the original and second copy are forwarded to HQ USAF (AFOAPDA), Wash., D.C. 20330.)

(2) Return 2 copies to the user.

(3) Send one copy to the appropriate major commands. (Those landing permits approved by HQ USAF for U.S. Government contract use will be distributed as follows: When approved for "All USAF Installations in CONUS," a copy will be sent to all CONUS Air Commands and MTMTS; when approved for "All USAF Installations in the Western Hemisphere," a copy will be sent to each CONUS Air Command, MTMTS, PACAF, AAC, and USAFSO; when approved for "All USAF Installations—Worldwide," a copy will be sent to each major command and MTMTS. Major commands may make further distribution to appropriate installations. Those landing permits approved by HQ USAF for other types of use requiring "All USAF Installations in CONUS," or "Worldwide," will be distributed to the appropriate major commands who may make further distribution to their appropriate installations.)

(4) Send one copy to each installation approved for use.

(5) Retain one copy for file.

§ 855.10 Cooperation with customs, immigration, health, and other local authorities.

The installation commander will cooperate with the local customs, immigration, health, and other public authorities when it is deemed necessary in connection with the arrival or departure of an aircraft. Each appropriate installation will establish mutually acceptable procedures for the handling of aircraft. The Air Force will not grant clearance for takeoff until all requirements have been met. The user of an Air Force installation will:

(a) Comply with all laws and regulations administered by the public authorities.

(b) Pay all fees, charges for overtime services, and any other costs associated with the administration of such laws.

§ 855.11 Aviation fuel and oil purchases.

Air Force aviation fuel and oil may be purchased by the users of an Air Force installation as follows:

(a) Civil aircraft may purchase fuel and oil in accordance with AFR 67–53 and Part Three, Volume I, AFM 67–1 (USAF Supply Manual). Those aircraft operators desiring to purchase fuel on credit by the "authorized supplier" method must submit an "authorized supplier letter" as prescribed in AFR 67–53. Three signed copies of the letter should be submitted with AF Forms 181 to the approving authority. The approving authority will enter the name and address of the "authorized supplier" and the geographical area of coverage in item 20 of AF Form 181. Only HQ USAF and an installation commander may accept an authorized supplier letter.

(b) Foreign government aircraft may purchase fuel and oil only as authorized by separate agreement or as stated in the approved landing request.

(c) Aero club aircraft may purchase fuel and oil in accordance with AFR 67–147 (Sale of Aviation Fuels and Oils to Air Force Aero Clubs).

§ 855.12 Supply and service charges.

Charges for supplies and services furnished will be as prescribed in paragraph 28, Chapter 4, Volume II, AFM 67–1. For official business, communications service may be provided at no cost to the U.S. Government or on a reimbursable basis where additional charges accrue to the U.S. Government for such service. Communications service normally will not be provided for unofficial business.

§ 855.13 Insurance requirements.

Except for those aircraft specified in paragraph (g) of this section, each civil aircraft that is permitted to use an Air Force installation is required to carry the minimum coverage prescribed in this section. (Effective Nov. 16, 1967, the amounts stated within the parentheses in this section are the required minimum coverages.) All coverages on AF Form 203 must be stated in U.S. dollars. The policy must be carried at the expense of the civil aircraft owner or operator and with a company acceptable to the U.S. Air Force.

(a) Privately owned commercially operated aircraft used for cargo carrying only and aircraft being flight-tested or ferried without passengers will be insured for:

(1) *Bodily injury liability (excluding passengers).* At least $50,000 ($100,000) for each person in any one accident with at least $500,000 ($1,000,000) for each accident.

(2) *Property damage liability.* At least $500,000 ($1,000,000) for each accident.

(b) Privately owned commercially operated aircraft used for passenger carrying and privately owned noncommercially operated aircraft of 12,500 pounds or more certified maximum gross takeoff weight will be insured for:

(1) *Bodily injury liability (excluding passengers).* At least $50,000 ($100,000) for each person in any one accident with at least $500,000 ($1,000,000) for each accident.

(2) *Property damage liability.* At least $500,000 ($1,000,000) for each accident.

(3) *Passenger liability.* At least $50,000 ($100,000) for each passenger, with a minimum for each accident determined as follows: multiply the minimum for each passenger, $50,000 ($100,000), by the next highest whole number resulting from taking 75 percent of the total number of passenger seats (exclusive of crew seats). For example: The minimum passenger coverage for each accident for an aircraft with 94 passenger seats is computed: 94×0.75=70.5—next highest whole number resulting is 71. Therefore, 71×$50,000=$3,550,000 (71×$100,000=$7,100,000).

(c) Privately owned noncommercially operated aircraft of less than 12,500 pounds will be insured for:

(1) *Bodily injury liability (excluding passengers).* At least $50,000 ($100,000) for each person in any one accident with at least $200,000 ($500,000) for each accident.

(2) *Property damage liability.* At least $150,000 ($500,000) for each accident.

(3) *Passenger liability.* At least $50,000 ($100,000) for each passenger, with a minimum for each accident determined by multiplying the minimum for each passenger, $50,000 ($100,000), by the total number of passenger seats (exclusive of crew seats).

(d) Aircraft insured for a single limit of liability must have coverage equal to or greater than the combined required minimums for bodily injury, property damage, and passenger liability for the type of use requested and for the passenger capacity and gross takeoff weight of the aircraft being operated. For example: The minimum single limit of liability acceptable for an aircraft operating as described in paragraph (b) of this section is: $500,000+$500,000+$3,550,000=$4,550,000 ($1,000,000+$1,000,000+$7,100,000=$9,100,000).

(e) Aircraft insured by a combination of primary and excess policies must have combined coverage equal to or greater than the required minimums for bodily injury, property damage, and passenger liability, for the type of use and for the passenger capacity and gross takeoff weight of the aircraft.

(f) Each policy must specifically provide that:

(1) The insurer waives any right of subrogation the insurer may have against the United States by reason of any payment under the policy for damage or injury which might arise out of or in connection with the insured's use of any Air Force installation or facility.

(2) The insurance afforded by the policy applies to the liability assumed by the insured under AF Form 180, Hold Harmless Agreement.

(3) If the insurer cancels or reduces the amount of insurance afforded under the listed policy, the insurer shall send written notice of the cancellation or reduction to HQ USAF (AFOAPDA), Washington, D.C. 20330, by registered mail at least 30 days in advance of the effective date of cancellation; the policy must state that any cancellation or reduction will not be effective until at least 30 days after such notice is sent, regardless of the effective date specified therein.

(4) If the insured requests cancellation or reduction, the insurer shall notify HQ USAF (AFOAPDA), Washington, D.C. 20330, immediately upon receipt of such request.

(g) Aircraft exempt from carrying the required insurance coverage are:

(1) Foreign government aircraft.

(2) Aircraft owned and operated by States, counties, or municipalities of the United States.

(3) Aircraft owned and operated by an Air Force Aero Club established in accordance with Part 861 of this subchapter.

(4) Aircraft owned and operated by Aero Clubs of other U.S. military services which are organized as sundry fund activities and operated as instrumentalities of the U.S. Government.

(5) Bailed aircraft, provided the contract under which the aircraft is bailed specifies that insurance is not required.

§ 855.14 Cancellation or suspension of the landing permit (AF Form 181).

(a) *Cancellation.* If HQ USAF (AFOAPDA) receives cancellation notice of either the user's insurance or authorized supplier letter of credit guarantee, or if the user fails to comply with the terms of the AF Form 181 or of any applicable regulations, all current AF Forms 181 for that user will be canceled. A canceled AF Form 181 cannot be reinstated; a new request must be submitted for approval (as explained in § 855.7).

NOTE: If an installation commander has reason to believe that use of a landing permit is not in connection with official Government business or in consonance with the reason(s) given on the AF Form 181 to justify the use of his installation, he should immediately notify HQ USAF (AFOAPDA), giving the name of the user, the identification number of the permit, and citing the circumstances of the use.

(b) *Suspension.* The approving authority (or the installation commander) may suspend an approved AF Form 181 when military activities or any other requirement at an Air Force installation become such that the authorized use would temporarily be inconsistent with Air Force or national defense interests. The Air Force will seek particularly to avoid such a suspension in the case of aircraft authorized to use an Air Force installation in connection with official government business or for scheduled air carrier use. In all cases, suspensions will be lifted as quickly as possible; however, a suspension will not have the effect of extending the expiration date of an approved AF Form 181. Consequently, as a result of a suspension, if use of an Air Force installation is desired beyond the specified expiration date of the AF Form 181, a new set of AF Forms 181 must be submitted for approval.

§ 855.15 Landing, parking, and storage fees.

The base operations officer, acting for the installation commander, will collect fees from all users (see exemptions in par. (d) of this section) and will remit all fees, with supporting documentation, to the base accounting and finance officer each workday. All fees due will be collected at the time of use unless a prior agreement between the user and the installation commander specifies otherwise.

(a) *Penalty landing fee.* If an aircraft lands at an Air Force installation without obtaining prior permission (except for a bona fide emergency landing), a penalty landing fee will be charged to cover the additional expenses incurred due to special handling and processing. The penalty landing fee will be the greater of the following amounts:

(1) For aircraft weighing 12,500 pounds or less, triple the normal landing fee or $200.

(2) For aircraft weighing more than 12,500 pounds, triple the normal landing fee or $500.

(b) *Normal landing fee.* The normal landing fee is based on the frequency of operation (touch-and-go or full-stop landings) and on the aircraft maximum authorized gross takeoff weight, to the nearest 1,000 pounds. The maximum gross takeoff weight may be determined either from Item 11E of AF Form 181 or from the "Airplane Flight Manual" carried aboard each aircraft. If the weight cannot be determined, it should be estimated. Landing fees outside the CONUS normally will be the same as those at the nearest suitable civil airport within the same country; however, when the rates shown in the following table are higher, they will be charged. All active and inactive Air Force installations will charge the following normal landing fees:

Landings per month per user	*Charge per landing*
First 90	Inside CONUS — 0.15/1,000 pounds or any portion thereof with a minimum of $2.50. Outside CONUS—0.25/1,000 pounds or any portion thereof with a minimum of $5.00.
Next 90	Inside CONUS — 0.10/1,000 pounds or any portion thereof with a minimum of $1.75. Outside CONUS—0.20/1,000 pounds or any portion thereof with a minimum of $4.00.

Landings per month per user	*Charge per landing*
After first 180	Inside CONUS — 0.05/1,000 pounds or any portion thereof with a minimum of $1.00.
	Outside CONUS—0.15/1,000 pounds or any portion thereof with a minimum of $3.00.

(c) *Parking and storing fees.* Parking and storing fees are based on the gross weight of the aircraft and the amount of time spent on the ground. An installation commander may limit the amount of time an aircraft is permitted to remain at his installation. Aircraft owned and noncommercially operated by active duty military personnel may be permitted free storage when facilities are available and it will not interfere with military requirements. All parking and storing will be nonexclusive, and either emergency, temporary, or intermittent. Parking and storing fees are:

(1) *Outside a hangar.* Charges begin 6 hours after the aircraft lands. The rate is 10 cents per 1,000 pounds for each 24-hour period or fraction thereof, with a minimum charge of $1 per aircraft.

(2) *Inside a hangar.* Charges begin as soon as the aircraft is placed inside the hangar. The rate is 20 cents per 1,000 pounds for each 24-hour period or fraction thereof, with a minimum charge of $3 per aircraft.

(d) *Exemptions.* Aircraft exempt from landing, parking, and storing fees are:

(1) All Government aircraft except that foreign government aircraft will be charged fees if their government charges similar fees for U.S. Government aircraft.

(2) Aircraft being produced under a contract of the U.S. Government.

(3) Any contract aircraft or other civil aircraft which is authorized to use the installation on official Government business.

(4) Aircraft employed to train operators in the use of ground control approach, instrument landing systems, et al., provided full-stop or touch-and-go landings are not performed.

(5) Aircraft owned and operated by a USAF Aero Club established under Part 861 of this subchapter.

(6) Aircraft owned and operated by an Aero Club of the other U.S. military services which is organized as a sundry fund activity and operated as an instrumentality of the U.S. Government.

(7) Aircraft privately owned, or leased, and operated by military and auxiliary personnel (CAP, AFRes, ANG, AFROTC) on active duty or retired, provided the aircraft is not used for commercial purposes.

§ 855.16 Joint use of an Air Force installation by a community.

Requests for joint use of an Air Force installation by any civil commercial or general aviation activities on a continuing basis (including scheduled commercial use) are accepted only from authorized community representatives (e.g., mayor, city council, airport committee) and are considered and evaluated on an individual basis. Such requests should be addressed to the installation commander concerned. The installation commander is not authorized to make even a tentative decision on such a request; however, he will forward the request with his comments through military channels to HQ USAF (AFOAP), Washington, D.C. 20330. Approval of a joint use request can be granted only by HQ USAF.

(a) A request for joint use must include the following information:

(1) Type and number of aircraft to be located on the installation;

(2) An estimate of the number of scheduled air carrier operations annually over a 5-year period (if applicable); and

(3) An estimate of the number of general aviation aircraft operations annually over a 5-year period (if applicable).

(b) In evaluating the request, the Air Force will consider all of the following factors:

(1) The current and programed military activities at the installation (giving consideration to security, availability of supplies and maintenance services, volume, and type of military traffic, crash protection, and any other pertinent factors) and the extent to which the proposed civil use might detract from the installation capability to meet national defense needs.

(2) Availability of public airports to accommodate the current and future civil aviation requirements of the community and the practicality of constructing or expanding a public airport.

(3) The availability of sufficient land for civil facilities in an area separate from the Air Force facilities.

NOTE: If the community does not already own the land needed, the necessary land must be acquired either by purchase at no expense to the Government, or from land that is excess to Air Force needs. The availability of excess Air Force installation land may be requested through the Federal Aviation Agency and the General Services Administration (see 50 App. U.S.C. 1622(g)).

(4) Whether the community would acquire, construct, and maintain all necessary facilities for civil aviation operation, e.g., a terminal building, parking ramp, taxiways, and, if appropriate, a civil runway.

(5) Whether the community would reimburse the Government a proportionate share of the costs for maintenance and operation of the runway and other utilized facilities.

(c) If the request for joint use seems sufficiently meritorious to warrant such action, the Air Force will forward the request to the Federal Aviation Agency for appropriate review. In addition, when a scheduled commercial air carrier use is involved, the Air Force will forward the request to the Civil Aeronautics Board for review.

(d) If the request for joint use is approved, HQ USAF will negotiate and conclude the agreement on behalf of the Air Force. The joint use agreement will state the extent to which the provisions of this part will apply to all civil use authorized.

By order of the Secretary of the Air Force.

LUCIEN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 66-10954; Filed, Oct. 7, 1966; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—ADJUDICATION

Subpart E—Waiver of Overpayments

WAIVER OF OVERPAYMENTS; FRAUD

In § 3.1902(b), subparagraph (7) is amended to read as follows:

§ 3.1902 "Overpayments."

• • • • • •

(b) • • •

(7) Overpayments due to forfeiture of benefits, except that where forfeiture was based on fraud, any portion of the overpayment which was not due to fraud may be waived.

• • • • • •

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective September 1, 1966.

Approved: September 27, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-10987; Filed, Oct. 7, 1966; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Benton Lake National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MONTANA

BENTON LAKE NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, geese, and gallinules on Benton Lake National Wildlife Refuge, Mont., is permitted from October 8, 1966, through January 5, 1967, inclusive, but only on the area designated by signs as open to hunting. The 2,350 acre public hunting area is designated on maps available at refuge headquarters, Great Falls, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with applicable State and Federal regulations and subject to the following special condition:

(1) Hunters shall report at such designated checking stations as may be established when entering or leaving the public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

ABRAM V. TUNISON,
Deputy Director.

OCTOBER 6, 1966.

[F.R. Doc. 66-11056; Filed, Oct. 7, 1966; 9:30 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 994]

[Docket No. AO-359]

PECANS OF DOMESTIC PRODUCTION

Decision With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), hereinafter referred to as the "act," this decision with respect to a proposed marketing agreement and order regulating the handling of domestically produced pecans is issued.

The recommended decision, based on record evidence adduced at the hearing pursuant to notice thereof (31 F.R. 8021) and after consideration of briefs thereafter submitted, was filed August 9, 1966, with the Hearing Clerk, U.S. Department of Agriculture. Notice of the filing of the recommended decision, affording opportunity through September 9, 1966, to file written exceptions was published August 12, 1966, in the FEDERAL REGISTER (31 F.R. 10747). No exceptions to the recommended decision were filed with the Hearing Clerk.

Hearing record evidence both by proponents in justification of, and by opponents in opposition to, a marketing agreement and order for pecans of domestic production, as set forth in the hearing notice and later modifications thereof proposed during the hearing, was carefully analyzed and considered together with the recommended decision.

The material issues, findings and conclusions, and rulings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 66-8798; 31 F.R. 10747) are hereby approved and adopted as set forth below.

Preliminary statement. A public hearing was held to consider a proposed marketing agreement and order for pecans of domestic production pursuant to notice thereof which was published in the FEDERAL REGISTER of June 7, 1966 (31 F.R. 8021). The notice set forth the proposed marketing agreement and order which was submitted by the Federated Pecan Growers' Associations of the United States which represents pecan growers in most of the pecan producing States. The hearing, pursuant to the above notice was held in Albany, Ga., June 23 and 24, 1966, continued in Jackson, Miss., June 27, 1966, and in Dallas, Tex., on June 30 and July 1, 1966.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared policy of the act;

(3) The specific terms and provisions of a proposed marketing agreement and order.

Findings and conclusions. On hearing record evidence, the following facts are found:

Hearing sessions were held at three locations in the pecan producing areas, beginning at Albany, Ga., then continuing at Jackson, Miss., and concluding at Dallas, Tex. Numerous witnesses testified for the record. The record shows a broad coverage of the proposals in the notice of hearing. However, there is substantial variation in the views of the witnesses who testified. These views ranged from strong support to strong opposition with various modifications among the different witnesses. The evidence shows a rather wide divergence of opinion among substantial numbers of leaders within the pecan industry on the proposed program.

The evidence of the hearing does not permit recommendation of a sound, workable marketing agreement and order of the general nature proposed. This is particularly true on domestic quality regulation and collection of assessments. Of these two matters, proponent witnesses from different States within the production area, favored different provisions. In addition, the evidence indicates a lack of such industry demand and support at this time as will assure the support and cooperation required to make operation of a program of this type and scope feasible. Therefore, it is concluded that a marketing order program should not be recommended on the basis of this record. Hence, there is no need for further findings or conclusions on issues which relate to Federal jurisdiction, need, or the particular terms and provisions of a proposed regulatory program.

Rulings on briefs of interested parties. At the conclusion of the hearing, the Presiding Officer fixed July 22, 1966, as the latest day on which interested parties could file with the Hearing Clerk, U.S. Department of Agriculture, briefs with respect to the testimony presented in evidence at the hearing, and the findings and conclusions to be drawn therefrom.

Briefs were filed within the specified time by the following:

Western Irrigated Pecan Growers' Association, Las Cruces, N. Mex.

National Pecan Shellers and Processors Association, Chicago, Ill.

Tom Gist, Jr., Vice President, Eastern Arkansas, Pecan Growers Association, Helena, Ark.

Each brief was carefully considered along with the record evidence in reaching the findings and conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with those contained herein, the requests to make such findings or to reach such conclusions are denied.

In view of the aforesaid findings and conclusions, a marketing agreement should not be entered into and an order should not be issued at this time for regulating the handling of domestically produced pecans. This decision shall be published in the FEDERAL REGISTER and there shall be no further action in this proceeding.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 5, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-11001; Filed, Oct. 7, 1966; 8:49 a.m.]

[7 CFR Part 1005]

[Docket No. AO-177-A27]

MILK IN TRI-STATE MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area, which was issued September 27, 1966 (31 F.R. 12845), is hereby extended to October 7, 1966.

Signed at Washington, D.C., on October 4, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-10984; Filed, Oct. 7, 1966; 8:48 a.m.]

[7 CFR Part 1069]

[Docket No. AO 153-A12]

MILK IN DULUTH-SUPERIOR MARKETING AREA

Notice of Extension of Time for Filing Briefs

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held August 10-11, 1966, at Duluth, Minn., with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Duluth-Superior marketing area, pursuant to notice thereof issued July 25, 1966 (31 F.R. 10131), is hereby extended to October 15, 1966.

Signed at Washington, D.C., on October 5, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-10985; Filed, Oct. 7, 1966; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Allocation of Income and Deductions Among Taxpayers and Determination of Sources of Income

The notice of hearing on the proposed amendment to the regulations under sections 482 and 861 of the Code relating to the Allocation of Income and Deductions Among Taxpayers as published in the FEDERAL REGISTER for September 30, 1966 (31 F.R. 12809), is hereby withdrawn.

The public hearing on this amendment as originally scheduled for November 2, 3, and 4 has been rescheduled and will be held starting Monday, November 14, 1966, at 10 a.m., e.s.t., and continuing if necessary on November 15 and 16 to hear oral comments. The hearing will be held in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Written comments on the proposed amendment submitted at any time prior to or at the hearing will be considered before the final regulations are promulgated.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by November 9, 1966, Telephone (Washington, D.C.—area code 202) 964-3935.

In order to provide an orderly schedule of appearances at a convenient time, it will be appreciated if all persons who desire an opportunity to present oral comments will so notify the Commissioner at the earliest practicable date, even if they expect to defer submission of their written comments until the hearing. It will also be appreciated if such persons will, where possible, indicate the specific sections of the amendment on which they plan to comment. Further, it is requested that the oral comments be presented to the extent practicable on an industry- or association-wide basis.

LESTER R. URETZ,
Chief Counsel.

By: JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 66-11073; Filed, Oct. 7, 1966; 11:24 a.m.]

Notices

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Ports of Entry; Point Roberts, Wash.

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, Dec. 8, 1954), as amended, is prescribed:

"Point Roberts, Wash.," of District No. 12—Seattle, Wash., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended to read: "*Point Roberts, Wash."

Dated: October 4, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66-10979; Filed, Oct. 7, 1966; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 155]

ARIZONA

Notice of Proposed Classification of Public Lands for Retention for Multiple Use Management

OCTOBER 3, 1966.

In F.R. Doc. 66-10073, appearing on page 12065 of the issue of September 15, 1966, the following change should be made:

The land description in T. 24 N., R. 19 W., is amended to include secs. 22, 23, 24, 25, 26, and 27.

FRED J. WEILER,
State Director.

[F.R. Doc. 66-10990; Filed, Oct. 7, 1966; 8:48 a.m.]

[A 156]

ARIZONA

Notice of Proposed Classification of Public Lands for Retention for Multiple Use Management

OCTOBER 3, 1966.

In F.R. Doc. 66-10074, appearing on pages 12065 and 12066 of the issue of September 15, 1966, the following change should be made:

The sections in T. 16½ N., R. 18 W., are changed to secs. 19, 20, and 30.

FRED J. WEILER,
State Director.

[F.R. Doc. 66-10991; Filed, Oct. 7, 1966; 8:48 a.m.]

EASTERN STATES OFFICE

Notice of New Location

Notice is hereby given that effective October 17, 1966, the Eastern States Office of the Bureau of Land Management, including the Eastern States Land Office, will be located at 7981 Eastern Avenue, Silver Spring, Md. 20910.

On and after this date all matters required to be filed with the Eastern States Land Office should be sent to the above address. For a period of 60 days after publication of this notice in the FEDERAL REGISTER any such filings transmitted by mail or by telegram will also be accepted at the Bureau of Land Management, Department of the Interior, 19th and E Streets NW., Washington, D.C. 20240.

At the conclusion of the 60-day period above provided such filings with the Eastern States Land Office will be accepted only at the Silver Spring, Md., address. Necessary revisions will be made to appropriate sections of Title 43 of the Code of Federal Regulations as soon as practicable.

EUGENE V. ZUMWALT,
Acting Director.

OCTOBER 6, 1966.

[F.R. Doc. 66-11057; Filed, Oct. 7, 1966; 9:48 a.m.]

Fish and Wildlife Service

[Docket No. G-376]

JAMES O. RUSSELL, JR.

Notice of Loan Application

James O. Russell, Jr., Star Route, Box 5, Brownsville, Tex. 78520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 67-foot steel vessel to engage in the fishery for all commercial species of shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director, Bureau of Commercial Fisheries.

OCTOBER 4, 1966.

[F.R. Doc. 66-10951; Filed, Oct. 7, 1966; 8:45 a.m.]

MASTER HULL POLICIES

Intent To Request Proposals

Under the terms of the mortgages utilized in connection with loans to commercial fishermen authorized in section 4 of the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742c), a mortgagor is required to obtain, among other things, hull insurance satisfactory to the Secretary of the Interior. Some of the basic requirements as respects the hull insurance coverage are that (a) the United States of America be the sole loss payee; (b) the vessel be insured for its full commercial value but in no event less than 110 percent of the outstanding balance of the note secured by the mortgage; and (c) the policy contain satisfactory Inchmaree and Breach of Warranty Clauses.

In the past, as a service to our borrowers and to potential borrowers, the Bureau of Commercial Fisheries has notified the interested public that the Commercial Fishermen's Inter-Insurance Exchange had a Master Hull Policy which, both in form and substance, met the requirements of our mortgage. This notice was merely informational and did not require the utilization of said Master Hull Policy. This Master Hull Policy expires on January 1, 1967.

The Bureau of Commercial Fisheries, in fulfilling its obligations under the Fish and Wildlife Act of 1956, as amended, desires to again notify the interested public of the existence of any Master Hull Policies which may be available to commercial fishing vessel owners or operators whose vessels serve as collateral for fisheries loans. The name of any qualified insurance company submitting a Master Hull Policy, found acceptable for use in connection with the Bureau's lending program, will be placed in an informational release along with the applicable premium charges. While this release will be distributed to the interested public there will be no compulsion that a borrower utilize any Master Hull Policy listed in such release.

Notice is hereby given of the intent to issue a request for such proposals. Interested persons may submit written comments, suggestions, or objections

with respect to the proposed request to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C. 20240, by November 1, 1966.

WILLIAM M. TERRY,
Acting Director, Bureau of Commercial Fisheries.

OCTOBER 4, 1966.

[F.R. Doc. 66-10952; Filed Oct. 7, 1966; 8:45 a.m.]

National Park Service

[Order 3]

CERTAIN DESIGNATED OFFICIALS; BIGHORN CANYON RECREATION AREA

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Supplies, Equipment, or Services

SECTION 1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 2. *Supervisory Park Ranger (North District Park Ranger)* and *Supervisory Park Ranger (South District Park Ranger).* The Supervisory Park Ranger (North District Park Ranger) and the Supervisory Park Ranger (South District Park Ranger) may execute and approve contracts not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 3. *Revocation.* This order supersedes Order No. 2, Bighorn Canyon Recreation Area, published May 18, 1966 (31 F.R. 7251).

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2. Midwest Region Order No. 4 (31 F.R. 5769))

Dated: September 18, 1966.

JOSEPH C. RUMBURG, Jr.,
Superintendent, Bighorn Canyon Recreation Area.

[F.R. Doc. 66-10976; Filed, Oct. 7, 1966; 8:47 a.m.]

[Order 1]

ASSISTANT SUPERINTENDENT, ADMINISTRATIVE OFFICER, GENERAL SUPPLY ASSISTANT; CANYONLANDS NATIONAL PARK

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. Assistant Superintendent and Administrative Officer. The Assistant Superintendent and Administrative Officer may execute and approve contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

2. General Supply Assistant. The General Supply Assistant may execute and approve contracts not in excess of $2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

3. The authorities stated herein are applicable to Canyonlands National Park in its entire jurisdiction, including Arches and Natural Bridges National Monuments and the National Park Service Office of State Coordination, Salt Lake City, Utah.

4. Revocation. This order supersedes Arches National Monument Order No. 1, published April 26, 1963.

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2; Southwest Region Order No. 4 (31 F.R. 8134)

BATES E. WILSON,
Superintendent, Canyonlands National Park, Arches and Natural Bridges National Monuments.

[F.R. Doc. 66-10977; Filed, Oct. 7, 1966; 8:47 a.m.]

[Order 2]

ADMINISTRATIVE ASSISTANT, GENERAL SUPPLY ASSISTANT; CARLSBAD CAVERNS NATIONAL PARK

Delegation of Authority

SECTION 1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

SEC. 2. *General Supply Assistant.* The General Supply Assistant may execute and approve contracts not in excess of $2,500 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

SEC. 3. *Revocation.* This order supersedes Order No. 1 filed March 26, 1959 (F.R. Doc. 59-2579).

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2; Southwest Region Order No. 4 (31 F.R. 8134))

PHILIP F. VAN CLEAVE,
Acting Superintendent, Carlsbad Caverns National Park.

SEPTEMBER 14, 1966.

[F.R. Doc. 66-10978; Filed, Oct. 7, 1966; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File Nos. 22-46, 22-53]

ELECTRICAL AGENCIES LTD. AND F. GEVIRTZMAN

Order Terminating Indefinite Denial Order

In the matter of Electrical Agencies (London) Ltd. and F. Gevirtzman, Managing Director; 15 Percy Street, Tottenham Court Road, London, W. 1, England; Respondents; File Nos. 22-46, 22-53.

On May 1, 1953 (18 F.R. 2659), the Office of International Trade, Predecessor of the Bureau of International Commerce, entered an order against the above respondents denying them, for an indefinite period, all privileges of participating in exportations from the United States, for failure to answer interrogatories served under authority of the Export Control Act of 1949, and without giving reasons for such failure.

The respondents have petitioned for relief from the denial order and the matter was referred to the Compliance Commissioner for consideration. The Compliance Commissioner has found that adequate reasons have now been given for failure to answer the interrogatories and that good cause for terminating the denial order has been shown. He has recommended that an order be entered terminating the denial order. I concur in the Compliance Commissioner's finding and adopt his recommendation.

Accordingly, it is ordered, That the said order of May 1, 1953, be and is hereby terminated and the respondents' export privileges are restored.

Dated: October 3, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-10950; Filed, Oct. 7, 1966; 8:45 a.m.]

Maritime Administration

[Docket No. S-200]

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Application

Notice is hereby given that American Export Isbrandtsen Lines, Inc., has filed application dated August 2, 1966, for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to permit a gas turbine roll-on/roll-off ship, to be owned and operated by its related companies under a long-term charter to Military Sea Transportation Service, to be used from time to time in domestic intercoastal and coastwise service during the period of such charter, as directed by the Military Sea Transportation Service or the Department of Defense.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or submit a written statement with reference to the application must, before the close of business on October 24, 1966, make such submission or notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds

of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration (46 CFR 201.78) petitions for leave to intervene received after the close of business October 24, 1966, will not be granted in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions are received from parties with standing to be heard on the application, a hearing will be held October 26, 1966 at 10 a.m., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the Act.

Dated: October 5, 1966.

By order of Maritime Subsidy Board/Maritime Administration.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 66-10988; Filed, Oct. 7, 1966; 8:48 a.m.]

DELTA STEAMSHIP LINES, INC.

Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc., has applied for permission to provide service without prior approval of the Maritime Administration between U.S. ports in the Gulf of Mexico and Barbados, British West Indies, with freight ships operating in its subsidized service on Trade Route No. 14 between U.S. Atlantic ports and ports on the West Coast of Africa. This company may presently provide service with these ships between U.S. ports in the Gulf of Mexico and the West Indies but only with the prior approval of the Maritime Administration.

Any person, firm, or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on October 24, 1966, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of Practice and Procedure of the Maritime Subsidy Board/Maritime Administration.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: October 5, 1966.

By order of the Maritime Subsidy Board.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 66-10989; Filed, Oct. 7, 1966; 8:48 a.m.]

Office of the Secretary

INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Advance Notice of Proposed Rule Making

The Secretary of Commerce is now developing the initial Federal motor vehicle safety standards contemplated by section 103(h), first sentence, of the National Traffic and Motor Vehicle Safety Act of 1966, 80 Stat. 718 (the Act).

This advance notice of proposed rule making solicits suggestions, opinions, and proposals that interested persons believe the Secretary should consider in promulgating the initial Federal Motor Vehicle Safety Standards pursuant to the Act. Among the definitions in the Act that are most pertinent to the comments solicited herein are:

"Motor vehicle safety" means the performance of motor vehicles or motor vehicle equipment in such a manner that the public is protected against unreasonable risk of accidents occurring as a result of the design, construction, or performance of motor vehicles and is also protected against unreasonable risk of death or injury to persons in the event accidents do occur, and includes nonoperational safety of such vehicles.

"Motor vehicle safety standards" means a minimum standard for motor vehicle performance, or motor vehicle equipment performance, which is practicable, which meets the need for motor vehicle safety and which provides objective criteria.

"Motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

"Motor vehicle equipment" means any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory, or addition to the motor vehicle.

The Act provides in section 201 of Title II that in all standards for pneumatic tires established under Title I, the Secretary shall require that tires subject thereto be permanently and conspicuously labeled with appropriate safety information. Comments on these tire matters are also invited.

The law requires that the initial Federal Motor Vehicle Safety Standards be based upon existing safety standards. The Secretary has tentatively decided that the existing safety standards he will consider include, among others, the regulations prescribed by the General Services Administration for vehicles purchased by the Federal Government (41 CFR Subpart 101-29.3), the regulations on parts and accessories necessary for safe operation of certain vehicles issued by the Interstate Commerce Commission (49 CFR Part 193), and the trade conference rules prescribed by the Federal Trade Commission for the rubber tire industry (16 CFR Part 115). Comments are invited on any other existing safety standards that interested persons believe the Secretary should consider as well.

All communications must be addressed to the Secretary of Commerce, U.S. Department of Commerce, Washington, D.C. 20230, and transmitted to him in twenty (20) legible copies. All communications received on or before November 1, 1966, will be considered. All communications received will be available both before and after the closing date for examination by interested persons.

After further consideration and in light of the comments received hereon and other material data, a notice of rule-making will be issued, in conformity with section 4(a) of the Administrative Procedure Act, proposing the initial motor vehicle safety standards to be adopted by the Secretary. Further comments will be received on that notice at that time.

This action is taken under the authority of section 119 of the National Traffic and Motor Vehicle Safety Act of 1966, 80 Stat. 718.

Issued in Washington, D.C., on October 6, 1966.

JOHN T. CONNOR,
Secretary of Commerce.

[F.R. Doc. 66-11028; Filed, Oct. 7, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-52]

NEW YORK FREIGHT BUREAU ET AL.

Notice of Intent and Order To Show Cause

By declaratory order served this date,[1] we decided that:

[1] In the matter of the petition of New York Freight Bureau (Hong Kong) for a declaratory order.

1. States Marine Lines' telegram protest of March 1, 1966, filed prior to approval of Agreement 5700-8 operated to withdraw Agreement 5700-8 from the Commission's consideration.

2. Our order of May 13, 1966, which approved Agreement 5700-8 in part, was void ab initio since said agreement was not properly before the Commission for approval.

3. Agreements 5700-6 and 5700-7 have been withdrawn prior to approval.

4. That Agreement 5700-4 as approved on July 29, 1960, is presently in full force and effect and constitutes the basic agreement under which the New York Freight Bureau (Hong Kong) is permitted to operate.

5. Agreement 5700-4 does not satisfy the requirements of section 15 and General Orders 7 and 9 promulgated thereunder, in that it does not contain a system of self-policing and does not meet the required criteria for admission, withdrawal, and expulsion of members.

The members of the New York Freight Bureau (Hong Kong) were able to agree upon amendments to this conference agreement which would satisfy the requirements of General Orders 7 and 9. Agreements 5700-6 and 5700-7 received the unanimous support of all the Bureau members. Similarly, Agreement 5700-8 was approved unanimously by the Bureau. Nevertheless, States Marine Lines has chosen to withdraw from these amended agreements prior to approval, thereby removing them from the Commission's consideration.

There are only two courses of action now open to the Commission. The first would be to withdraw approval of Agreement 5700-4. Unless satisfactory self-policing and membership provisions are added to the agreement, this course is clearly necessary under section 15.

The second would be to modify Agreement 5700-4 by adding amendments which would give the conference an adequate system of self-policing and proper provisions for the admission, withdrawal, and expulsion.

Under section 15, we are empowered "by order, after notice and hearing," to modify or disapprove any agreement found to be in violation of the Act.

Accordingly, the members of the New York Freight Bureau (Hong Kong) are hereby notified, pursuant to our authority under section 15 of the Shipping Act, 1916, that we intend to modify Agreement 5700-4 by deleting subparagraphs 10(b), 10(c), 10(d), and 10(e) and by adding new paragraphs 12 through 16, as set forth in the Appendix A below.

We see no need for the taking of evidence in this proceeding since no genuine issues of material fact are presented. The modifications to Agreement No. 5700-4, which the Commission proposes to make as specified in this notice, have twice been considered and "approved" by the Commission as satisfying the requirements of section 15 and General Orders 7 and 9. Should any of the parties to this proceeding consider that there are disputed issues of fact which are relevant to this proceeding, such facts shall be specified with particularity by means of affidavits setting forth such facts, together with a statement of their relevance to the issue in question. Should any other parties dispute these facts by a similar affidavit, the disputed issues of fact, if relevant, will be set down for an evidentiary hearing.

Now therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended,

It is ordered, That the common carriers by water designated in Appendix B hereto show cause why Agreement No. 5700-4 should not be amended in the manner proposed in this notice or, in the alternative, why approval of Agreement No. 5700-4 should not be withdrawn on the grounds that:

1. It fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal, as required by section 15 of the Act and General Order 9; and

2. Fails to contain provisions for adequate policing of the obligations under it, as required by section 15 of the Shipping Act, 1916, and General Order 7 of the Federal Maritime Commission promulgated thereunder.

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business October 18, 1966, replies thereto shall be filed by Hearing Counsel and interveners, if any, no later than close of business October 28, 1966. An original and 15 copies of affidavits of fact, memoranda of law, and replies are to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument, if granted, will be heard at a date and time to be announced later.

It is further ordered, That the carriers indicated in Appendix B are hereby made respondents in this proceeding;

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure no later than the close of business October 11, 1966, with a copy to respondents.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

12. Copies of the minutes of all meetings, including meetings of the committees authorised to take final action as well as those of the conference shall be promptly furnished to the Federal Maritime Commission. These minutes shall be authenticated by the Chairman/Secretary or other duly authorized New York Freight Bureau (Hong Kong) official.

13. *Faithful Performance: Bond.*

As a guarantee of faithful performance hereunder, and of prompt payment of any liquidated damages which may accrue against them or of any award or judgment which may be rendered against them hereunder, the parties hereto agree to deposit with the New York Freight Bureau Chairman/Secretary the sum of US$30,000 (thirty thousand) or its equivalent in Hong Kong currency or a confirmed irrevocable letter of credit, in such form as may be approved by the New York Freight Bureau, in the aforesaid sum of US$30,000 (thirty thousand) or it equivalent in Hong Kong currency established by a bank being a member of the Honk Kong Exchange Banks Association and which is acceptable to the New York Freight Bureau, providing that it may be drawn upon by draft signed in the name of the New York Freight Bureau by the Chairman/Secretary and by the authorized representatives of any two Member Lines and payable to the New York Freight Bureau to which there shall be attached a certificate signed by the Chairman/Secretary to the effect that there has been assessed or adjudged against the party who shall have deposited the said letter of credit a penalty or penalties in the amount of the said draft. Such depositing party undertakes and agrees in the event of the payment of the said draft to cause a new letter of credit in the sum of US$30,000 (thirty thousand) or its equivalent in Hong Kong currency, similar in its terms, to be issued immediately in replacement for that upon which the draft has been made. Among other such provisions as the New York Freight Bureau may require, the New York Freight Bureau may insist upon provisions in such letter of credit which will render it most certain that payment must be made by the bank immediately upon the compliance by the Chairman/Secretary with the aforesaid conditions.

14. *Self-Policing System.*

It is hereby agreed and declared by and between the parties hereto that:

(a) A report shall immediately be made in writing to the Chairman/Secretary in respect of any information which appears to such party hereto to be reasonably reliable of the commission by any other party hereto of a violation of this Agreement.

(b) A report shall immediately be made in writing to the Chairman/Secretary in respect of any information which such party hereto shall have received from any shipper or from any other source considered to be reliable that any party hereto has committed a violation of this Agreement.

(c) It shall be the duty of the Chairman/Secretary to investigate immediately all such reports submitted by parties hereto in addition to any such reports in writing he may receive direct from shippers or from any other source considered to be reliable, for which purpose the Chairman/Secretary shall hereby be authorized to engage the services of such qualified persons as he may consider necessary for a thorough and complete investigation to be made.

(d) It shall also be the duty of the Chairman/Secretary to ascertain, on his own initiative, whether or not the parties hereto have strictly complied with the terms of this Agreement, the provisions incorporated in the New York Freight Bureau tariff and all other decisions regularly and properly made by the parties hereto and, in the event that there is any reason to believe that there has been a violation of any of the aforesaid obligations, he shall file a complaint with respect thereto as above provided.

(e) The Chairman/Secretary shall be furnished such pertinent records of the parties hereto, their agents, subagents, affiliates, subsidiaries, freight brokers, compradores and or Chinese Freight Agents, wherever located, as may be required in the enforcement of this Agreement and the decisions of the New York Freight Bureau, and the failure of any party hereto either on their own behalf or the aforementioned additional parties shall constitute a violation of this Agreement.

(f) Upon the completion of such investigations, the Chairman/Secretary shall lay before the membership his written report thereon, and such report shall include all relevant particulars thereto other than the identity of the party hereto or other person from whom the report originated.

(g) Such written reports shall constitute and are hereafter referred to as complaints. A copy thereof shall be furnished to the accused party not less than 20 days prior to the time that the matter is submitted to a vote of the parties as provided in subparagraph (h), of the paragraph.

(h) All such complaints shall be submitted to a vote of the parties hereto other than the party charged with the violation, after giving the party charged in the respective complaint an opportunity to adduce evidence in its defense. If the parties hereto, other than the party so charged shall, by a three-fourths affirmative vote of all parties entitled to vote, determine that the violation or violations alleged in the complaint have been proved, the party charged with the violation or violations shall be subject to liquidated damages as hereinafter provided in respect of each and every violation so proved; but if the party accused is dissatisfied with the decision reached as aforesaid, such party shall have the right to appeal, it being incumbent upon the accused party to make any such appeal within 10 days following the aforementioned determination. In which event the question of violation shall be left to the determination of a majority of three arbitrators, one arbitrator to be nominated by the accused, the second by a three-fourths affirmative vote of the remaining parties, and the third arbitrator to be nominated by the arbitrators so chosen, it being incumbent upon the parties concerned to nominate the first and second arbitrators within 30 days of the appeal being made by the accused party. In the event the accused party does not appoint an arbitrator within the said 30 days, the accused party will thereby forfeit its right to appeal. Such arbitrations shall take place in Hong Kong and any decision so arrived at shall be binding and final, and the parties hereto agree that such decision shall be equivalent to a legal judgment given by the highest court of law, and the parties to this Agreement hereby waive and abandon every right to take any legal action to obtain a review or reversal of the decision so made.

However, it shall not be a breach of this agreement for any line to refer any matter arbitrated to the Federal Maritime Commission for a decision as to whether or not the matter arbitrated was within the jurisdiction of the arbitrators in the terms of this agreement; or, as to whether or not any decision rendered constitutes a modification of this agreement.

(i) Inasmuch as it will be impossible to ascertain or measure the amount of damages which the parties hereto will suffer by reason of the breach of this Agreement, the parties hereto expresaly agree that the damages suffered thereby by each party hereto shall be assessed on the basis of a three-fourths majority vote as above provided but that, in any event, such damages shall be subject to the undernoted maxima, exclusive of any arbitration costs which may accrue to the accused party:

(i) First offence—Up to a maximum of US-$10,000.00 or its equivalent in H.K. currency.

(ii) Second offence—Up to a maximum of US$15,000.00 or its equivalent in H.K. currency.

(iii) Third offence—Up to a maximum of US$20,000.00 or its equivalent in H.K. currency.

(iv) Fourth and any subsequent offences—Up to a maximum of US$30,000.00 or its equivalent in H.K. currency.

(j) The Chairman/Secretary shall notify in writing the party against whom a violation shall have been found of the decision against it and the amount of liquidated damages which shall have been assesed against it. In the absence of any appeal by such notified party in accordance with the provisions of Article 14(h) hereof, the party thus notified shall pay the amount of such liquidated damages within a period of ten (10) days. In the event that it shall fail or refuse to make such payment within said period, the other parties may have resort to the performance bond which such party shall have deposited in accordance with the provisions contained in Article 13 of this Agreement; and each party hereto hereby authorizes the Chairman/Secretary, in case that a decision shall be made against it, to the effect that it has violated this Agreement, and in case liquidated damages are assesed against it and it shall fail to pay said damages within the period of ten (10) days after such notice has been given to it by the Chairman/Secretary, to pay the amount of said liquidated damages to the other parties hereto from the cash which it shall have deposited or, if its performance bond shall be by way of a confirmed irrevocable letter of credit, to draw upon the letter of credit and pay the amount of such liquidated damages to the other parties from the proceeds thereof, such payments to the other parties being on a pro rata basis. The costs incurred in arbitration proceedings shall be dealt with in the award.

(k) It is hereby agreed and declared by and between the parties hereto that each party hereto shall be fully responsible for the acts and omissions of its parent companies, agents, subagents, affiliates, subsidiaries, freight brokers, compradores, and/or Chinese Freight Agents, and an act done or omitted to be done by an agent, subagent, affiliate, subsidiary, freight broker, compradore, and/or Chinese Freight Agent, which would constitute a violation of this Agreement, if done or omitted to be done by the party itself, shall for all purposes hereof, constitute a violation of this Agreement by such party, for which such party shall be liable for damages in the same amount as if it had done or omitted the said act.

(l) In the event of the termination of this Agreement or the expulsion or voluntary withdrawal of any of the parties hereto, the performance bond deposited by the parties concerned shall be returned to them, together with accrued interest, but only after any complaints which may be pending against the parties concerned at the time of its expulsion or withdrawal or at the time of the termination of this Agreement, as the case may be, have been satisfied.

15. *Admission to Membership.*

(a) Any common carrier by water which has been regularly engaged as a common carrier in the trade covered by this Agreement, or who furnishes evidence of ability and intention in good faith to institute and maintain such a common carrier service between ports within the scope of this Agreement, and who evidences an ability and intention in good faith to abide by all the terms and conditions of this Agreement, may hereafter become a party to the New York Freight Bureau, promptly following written application to the New York Freight Bureau for membership, such application to set forth evidence demonstrating compliance with the foregoing requirements, by affixing its signature hereto, or to a counterpart hereof, and by payment to the New York Freight Bureau of any outstanding financial obligation arising from prior membership of the New York Freight Bureau, and by posting with the New York Freight Bureau security for faithful performance of its obligations as provided in Article 13 hereof.

(b) Every application for membership shall be acted upon promptly.

(c) No carrier which has complied with the conditions set forth in paragraph (a) of this article, shall be denied admission or readmission to membership.

(d) Prompt notice of admission to membership shall be furnished to the Federal Maritime Commission and no admission shall be effective prior to the postmark date of such notice.

(e) Advice of any denial of admission to membership, together with a statement of the reasons therefor, shall be furnished promptly to the Federal Maritime Commission.

16. *Withdrawal and Expulsion of Membership.*

(a) Any party may withdraw from the Conference without penalty by giving at least sixty (60) days' written notice of intention to withdraw to the Conference: *Provided, however,* That action taken by the Conference to compel the payment of outstanding financial obligations by the resigning Member shall not be construed as a penalty for withdrawal.

(b) Notice of withdrawal of any party shall be furnished promptly to the Federal Maritime Commission.

(c) No party may be expelled against its will from this Conference except for failure to maintain a common carrier service between the ports within the scope of this Agreement, or for failure to abide by all the terms and conditions of this Agreement.

(d) No expulsion shall become effective until a detailed statement setting forth the reason or reasons therefor has been furnished to the expelled Member and a copy of such notification submitted to the Federal Maritime Commission.

APPENDIX B

New York Freight Bureau, Hong Kong, D. Parker, Chairman/Secretary, P & O Building, Des Voeux Road Central, Hong Kong, British Crown Colony.

American President Lines, Ltd., 29 Broadway, New York, N.Y. 10006.

Barber-Wilhelmsen Line—Joint Service, c/o Barber Steamship Line, Inc., 17 Battery Place, New York, N.Y. 10004.

Blue Sea Line, c/o Punch, Edye & Co., 25 Broadway, New York, N.Y. 10004.

Central Gulf Steamship Corp., 1 Whitehall Street, New York, N.Y. 10004.

Japan Line, Ltd., c/o A. L. Burbank & Co., Ltd., 120 Wall Street, New York, N.Y. 10005.

Kawasaki Kisen Kaisha, Ltd., c/o Kerr Steamship Co., 51 Broad Street, New York, N.Y. 10004.

Lykes Bros. Steamship Co., Inc., 17 Battery Place, New York, N.Y. 10004.

Marchessini Lines, c/o P. D. Marchessini & Co., Inc., 26 Broadway, New York, N.Y. 10004.

Maritime Co. of the Philippines, Inc., c/o Furness, Withy & Co., Ltd., 34 Whitehall Street, New York, N.Y. 10004.

Mitsui O.S.K. Lines, Ltd., 17 Battery Place, New York, N.Y. 10004.

Moller-Maersk Lines, A.P., c/o Moller Steamship Co., Inc., 67 Broad Street, New York, N.Y. 10004.

Nedlloyd Lines, Inc., 25 Broadway, New York, N.Y. 10004.

Nippon Yusen Kaisha, Ltd., 25 Broadway, New York, N.Y. 10004.

States Marine Lines—Joint Service, c/o States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y. 10004.

United Philippine Lines, Inc., c/o Stockard Shipping Co., Inc., 17 Battery Place, New York, N.Y. 10004.

United States Lines Co. (American Pioneer Line), 1 Broadway, New York, N.Y. 10004.

Yamashita-Shinnihon Steamship Co., Ltd., c/o Texas Transport & Terminal Co., Inc., 52 Broadway, New York, N.Y. 10004.

[F.R. Doc. 66-10993; Filed, Oct. 7, 1966; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize ten percent of the total number of factory production workers except as otherwise indicated.

The Arrow Co., 2022 Murphy Avenue, SW., Atlanta, Ga.; 10-1-66 to 9-30-67 (men's shirts).

Michael Berkowitz Co., Inc., Uniontown, Pa.; 9-12-66 to 9-11-67 (men's, ladies', and children's pajamas).

Big Ace Corp., 355 Oneta Street, Athens, Ga.; 9-13-66 to 9-12-67 (overalls and dungarees).

Bryan Infants' Wear, Inc., 6907 East 14th Street, Tulsa, Okla.; 9-29-66 to 9-28-67; 10 learners (infants' wear).

Continental Manufacturing Co., Knorville, Iowa; 9-20-66 to 9-19-67 (single pants).

Continental Manufacturing Co., Oskaloosa, Iowa; 9-20-66 to 9-19-67 (single pants).

D & D Shirt Co., 1801 Newport Avenue, Northampton, Pa.; 9-14-66 to 9-13-67 (men's shirts and ladies' blouses).

Elder Manufacturing Co., Sainte Genevieve, Mo.; 9-19-66 to 9-18-67 (boys' shirts).

Fairmont Manufacturing Co., Inc., Post Office Box 625, Fairmont, N.C.; 9-14-66 to 9-13-67; 10 learners (ladies' nightgowns, pajamas, etc.).

Gregg-Harriet Shirt Co., Broad Street, Exmore, Va.; 9-16-66 to 9-15-67 (men's shirts).

Higginsville Garment Co., Inc., Higginsville, Mo.; 10-1-66 to 9-30-67 (ladies' uniforms).

Janmark, Inc., Post Office Box 8, Highway 111 North, Albertson, N.C.; 9-20-66 to 9-19-67; 10 learners (girls' outerwear jackets).

Johnson Garment Corp., Marshfield, Wis.; 9-14-66 to 9-13-67; 8 learners (men's outerwear jackets).

Laurel Industrial Garment Manufacturing Co., Post Office Box 2397, Laurel, Miss.; 9-20-66 to 9-19-67 (men's shirts).

Logan Manufacturing Co., Johnson and Spring Streets, Russellville, Ky.; 9-24-66 to 9-23-67 (work pants).

Miller Manufacturing Co., Inc., 928 Virginia Street, Joplin, Mo.; 9-27-66 to 9-26-67 (trousers and shirts).

Morehead City Garment Co., Inc., Morehead City, N.C.; 9-13-66 to 9-12-67 (men's shirts).

Pella Manufacturing Corp., 707 East Third Street, Pella, Iowa; 9-19-66 to 9-18-67; 10 learners (work clothes).

Prescott Manufacturing Corp., Prescott, Ark.; 9-15-66 to 9-14-67 (men's and boys' pajamas).

Ridgely Manufacturing Co., Ridgely, Tenn.; 9-14-66 to 9-13-67 (outerwear jackets).

Roydon Wear, Inc., McRae, Ga.; 9-12-66 to 9-11-67 (boys' trousers and shorts).

Salley Manufacturing Co., Post Office Box 516, Salley, S.C.; 9-12-66 to 9-11-67 (ladies' slacks and shorts).

Levi Strauss & Co., Denison Branch, Highway 84 West, Post Office Box 328, Denison, Tex.; 9-27-66 to 9-26-67 (men's and boys' slacks).

Sun-Flo Sportswear, 219 Arch Street, Nanticoke, Pa.; 9-18-66 to 9-17-67; 10 learners (ladies' blouses).

Toll Gate Garment Co., Inc., Hamilton, Ala.; 10-1-66 to 9-30-67 (men's and boys' shirts).

Westmoreland Manufacturing Co., Westmoreland, Tenn.; 9-21-66 to 9-20-67 (ladies' blouses).

Wilcox Garment Co., Inc., Rochelle, Ga.; 9-15-66 to 9-14-67 (men's and boys' shirts).

Winston Uniform Corp., Highway 278 East, Box 296, Double Springs, Ala.; 9-19-66 to 9-18-67 (men's coveralls, trousers, and outerwear jackets).

The following plant expansion certificate was issued authorizing the number of learners indicated.

Michael Berkowitz Co., Inc., Uniontown, Pa.; 9-12-66 to 3-11-67; 45 learners (men's, ladies', and children's pajamas).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85)

Bayuk Cigars, Inc., Morgan Street, Selma, Ala.; 9-29-66 to 9-28-67; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended)

Excel Hosiery Mills, Inc., 203-205 Hart Street, Union, S.C.; 9-17-66 to 9-16-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

East Tennessee Undergarment Co., Inc., New Johnson City Highway, Post Office Box 111, Elizabethton, Tenn.; 9-12-66 to 3-11-67; 40 learners for plant expansion purposes (ladies' and children's nylon and rayon undergarments).

East Tennessee Undergarment Co., Inc., New Johnson City Highway, Post Office Box 111, Elizabethton, Tenn.; 9-21-66 to 9-20-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's nylon and rayon undergarments).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa.; 9-13-66 to 9-12-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Puritana Manufacturing Corp., Apartado 8, Aguas Buenas, P.R.; 8-18-66 to 8-17-67; 39 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a cleaning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitching, pressing, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (full-fashioned sweaters and shirts).

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below:

Oak Park Academy, Nevada, Iowa; 9-8-66 to 8-31-67; authorizing the employment of: (1) 10 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; and (2) 20 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours (replacement certificate).

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The

certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 30th day of September 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66-10980; Filed, Oct. 7, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2613]

GENERAL PRECISION EQUIPMENT CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 3, 1966.

In the matter of application of the Pacific Coast Stock Exchange, for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

General Precision Equipment Corp., File 7 2613.

Upon receipt of a request, on or before October 18, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10941; Filed, Oct. 7, 1966; 8:47 a.m.]

[File Nos. 7-2615—7-2617]

SHERATON CORPORATION OF AMERICA ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 3, 1966.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File
Sheraton Corporation of America	7-2615
Bourns, Inc.	7-2616
Scientific Data Systems, Inc.	7-2617

Upon receipt of a request, on or before October 18, 1966, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10982; Filed, Oct. 7, 1966; 8:48 a.m.]

[File No. 70-4418]

CONSOLIDATED NATURAL GAS CO.

Charter Amendment Relating to Stock Split and Order Authorizing Solicitation of Proxies

OCTOBER 4, 1966.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Consolidated proposes to amend its Certificate of Incorporation to increase and reclassify its authorized capital stock from 9,500,000 shares, par value $10 per share ("old shares"), to 20,000,000 shares, par value $8 per share ("new shares"), and to issue and distribute to its stockholders one additional new share for each of the 9,056,808 old shares presently outstanding. After the reclassification, the outstanding certificates for old shares will evidence a like number of new shares. To give effect to the foregoing transactions, the aggregate par value of the capital stock will be increased from $90,568,080 to $144,908,928 by the transfer of $54,340,848 from the capital surplus account to the capital stock account. It is stated that the proposed reclassification and issue of the additional shares of capital stock will result in a wider distribution and a broader market for such stock.

The proposed amendment of the Certificate of Incorporation will require the affirmative vote of the holders of a majority of Consolidated's outstanding capital stock, and Consolidated proposes to solicit proxies with respect thereto for use at a special meeting of stockholders to be held on December 2, 1966. The solicitation material and the form of proxy have been filed pursuant to Rule 62 under the Act, and Consolidated has requested that the declaration under Rule 62 be accelerated so as to become effective on or before October 4, 1966.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at $175,000, including $23,000 charges of the transfer agent in connection with the solicitation of proxies and the special meeting of stockholders, $90,000 fees and expenses of the transfer agent in issuing additional certificates, $7,000 fees of registrar, $23,000 New York Stock Exchange listing fee, and $7,500 charges of the system service company, at cost.

Notice is further given that any interested person may, not later than November 1, 1966, request in writing that a hearing be held in connection with the proposed amendment of the Articles of Incorporation and the issuance of additional shares of capital stock, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

It appearing to the Commission that Consolidated's request for acceleration of the effectiveness of its declaration, as amended, under Rule 62 should be granted:

It is ordered, That the declaration, as amended, filed pursuant to Rule 62 regarding the proxy solicitation be, and the same hereby is, permitted to become effective forthwith.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10992; Filed, Oct. 7, 1966; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 265]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 5, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 108207 (Sub-No. 208 TA), filed September 30, 1966. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, General Traffic Manager, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine and salad dressing*, from Memphis, Tenn., to points in Mississippi on and north of U.S. Highway 80, for 180 days. Supporting shipper: Anderson, Clayton & Co. Foods Division, Post Office Box 35, Dallas, Tex. 75221. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce, Bureau of Operations and Compliance, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 123393 (Sub-No. 167 TA), filed October 3, 1966. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods, and pies* not baked, and *agricultural commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Act if transported in vehicles not used in carrying any other property when moving in the same vehicle at the same time with foodstuffs from Turlock, Calif., and named origin points in Missouri, and when moving in vehicles equipped with mechanical refrigerating and heating units, (1) from Turlock, Calif., to points in Washington, Oregon, Idaho, Montana, Nevada, Utah, Wyoming, Colorado, Nebraska, Arizona, New Mexico, and Texas, (2) from Carrollton, Macon, Marshall, Milan, Moberly, St. Joseph, Sedalia, Mo., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, West Virginia, Virginia, Delaware, Maryland, Pennsylvania, and the District of Columbia, for 180 days. Supporting shipper: Banquet Canning Co., Division of F. M. Stamper Co., 1221 Locust Street, St. Louis, Mo. 63103. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 125708 (Sub-No. 62 TA), filed October 3, 1966. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosoted poles and lumber*, from Meridian, Miss., to Tremont, Ill., for 180 days. Supporting shipper: Moss-American, Inc., Security Building, St. Louis, Mo. 63102. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10996; Filed, Oct. 7, 1966; 8:49 a.m.]

ORGANIZATION OF DIVISIONS AND BOARDS

Assignment of Duties

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 19th day of September 1966.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of law being under consideration with a view to reassigning uncontested revocations of water carrier and freight forwarder authorities to the Temporary Authorities Board:

It is ordered, That the "Organization Minutes of the Interstate Commerce Commission relating to the Organization of Division and Boards and Assignment of Work," issue of July 27, 1965, as amended (30 F.R. 11189, 12559, 13302; 31 F.R. 242, 4762, 9529, 12693), be further amended as follows:

1. Under the heading Assignment of Duties to Division, paragraphs (o) and (t) of Item 4.2 are amended to read as follows:

4.2 Division One—Operating Rights Division.

* * * * * *

(o) Section 212(a) (including sec. 204 (c) when pertinent thereto), relating to suspension, change, and revocation of certificates, permits, and licenses except determination of uncontested revocation proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Temporary Authorities Board.

* * * * * *

(t) Sections 303(i), 309, and 310, relating to certificates of public convenience and necessity and permits; section 311(a), relating to temporary authorities, when certified to the Division by the Temporary Authorities Board; section 312(a), relating to revocation of certificates and permits except determination of uncontested proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Temporary Authorities Board; section 410 (a) to (f), inclusive, section 410 (h) and (i), relating to permits, except matters assigned to and determined by an Operating Rights Board pursuant to Item 7.11(a)(1) or the Temporary Authorities Board pursuant to Item 7.4(c).

* * * * * *

2. Under the heading Assignments to Boards, Item 7.4(c) is amended to read as follows:

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NEIL GARSON,
Secretary.

ued, Oct. 7, 1966;

FEDERAL POWER COMMISSION

[Docket Nos. G-6378, etc.]

KERR-McGEE CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

SEPTEMBER 29, 1966.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 21, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-6378 D 9-19-66	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102 (partial abandonment)	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	Uneconomical	.....
G-5799 C 9-16-66	Cities Service Gas Corp., Box 769, Denver, Colo. 80201.	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	[1] 15.0	14.65
G-10218 D 9-23-66	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., acreage in Harper County, Okla.	Uneconomical	.....
G-11977 C 9-30-66	do	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[2] 15.2	14.65
G-10200 D 9-19-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Southland Natural Gas Co., Hub Field, Marion County, Miss.	Assigned	.....
G-20223 E 9-12-66	George R. Brown (successor to Herman Brown, Estate), Brown-Brown Building, 120l San Jacinto Bldg., Houston, Tex. 77002.	El Paso Natural Gas Co., Headlee Field, Ector County, Tex.	[3] 10.0625	14.65
C161-262 C 9-22-66	Hamilton Brothers, Ltd., 1200 Denver Club Bldg., Denver, Colo. 80202.	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	[4] 17.0	14.65
C161-276 D 9-15-66	Amax Petroleum Corp., 507 Enterprise Bldg., Tulsa, Okla. 74103 (partial abandonment).	Lone Star Gas Co., South Alma Field, Stephens County, Okla.	Decline in pressure	.....
C161-295 E 9-14-66	Robert Lindholm, et al. (successor to United Penn Oil & Gas Co.), 344 Broadway, Gary, Ind. 46401.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
C161-443 E 9-14-66	do	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	25.0	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] Subject to upward and downward B.t.u. adjustment.
[2] Includes 1.2 cents upward B.t.u. adjustment.
[3] Rate increase to 17.2296 cents per Mcf suspended in Docket No. RI66-82.
[4] Less downward B.t.u. adjustment to 14.144 cents per Mcf.

[F.R. Doc. 66-10911; Filed, Oct. 7, 1966; 8:45 a.m.]

7.4 *Temporary Authorities Board:*

(c) Determination of uncontested motor carrier, broker, water carrier, and freight forwarder revocation proceedings under sections 212(a), 312a, and 410(f) which have not involved the taking of testimony at a public hearing.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10997; Filed, Oct. 7, 1966; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 5, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40730—*Chlorine from Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A4948), for interested rail carriers. Rates on chlorine, in tank carloads, from Calvert, Ky., to Charlotte and Chemway, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 107 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 40731—*Cinders to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8910), for interested rail carriers. Rates on cinders, clay or shale, in carloads, from Arkalite and Edmondson, Ark., also Alexandria, La., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 113 to Southwestern Freight Bureau, agent, tariff ICC 4565.

FSA No. 40732—*Stone to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2473), for interested rail carriers. Rates on stone, broken, crushed, or ground, in carloads, from Antonito and McClintock, Colo., to points in trunkline territory.

Grounds for relief—Market competition.

Tariff—Supplement 28 to Western Trunk Line Committee, agent, tariff A-4530.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10995; Filed, Oct. 7, 1966; 8:49 a.m.]

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C161-1348 E 9-14-66	do	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
C164-90 E 9-16-66	W. & J. Oil and Gas Producers (successor to Parker Petroleum), c/o Harry A. Jones, agent, Route 2, Cairo, W. Va. 26337.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
C164-423 C 9-16-66	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Transwestern Pipeline Co., acreage in Beaver County, Okla.	[6] 19.5	14.65
C164-1066 D 9-22-66	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001 (partial abandonment).	United Gas Pipe Line Co., Emma Haynes Field, Goliad County, Tex.	(7)	.....
C165-1321 E 9-16-66	Hugh K. Spencer (successor to Tuscarora Oil & Gas Corp., et al.), West Union, W. Va. 26456.	Consolidated Gas Supply Corp., Grant District, Doddridge County, W. Va.	25.0	15.325
C166-1330 9-15-66[7]	Humble Oil & Refining Co. (Operator), et al., Post Office Box 2180, Houston, Tex. 77001.	United Fuel Gas Co., Longview Field, Franklin Parish, La.	17.5	15.025
C167-206 A 8-22-66	Pauley Petroleum Inc., [8] 10,000 Santa Monica Blvd., Los Angeles, Calif. 90067.	El Paso Natural Gas Co., Cotton Draw Unit Area, Lea and Eddy Counties, N. Mex.	[9] 16.0	14.65
C167-320 A 9-15-66	Oil Industries Associates, 9307 Mercer Dr., Dallas, Tex. 75228.	Equitable Gas Co., Clay District, Ritchie County, W. Va.	25.0	15.325
C167-321 (C-2990) F 9-15-66	Coastal States Gas Producing Co. (successor to Champlin Petroleum Co., et al.), Post Office Drawer 521, Corpus Christi, Tex. 78403.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., El Ebanito Field, Starr County, Tex.	15.0	14.65
C167-322 A 9-16-66	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Panhandle Eastern Pipe Line Co., McQuiddy Ranch Area, Hemphill County, Tex.	[5] 17.0	14.65
C167-323 (C162-96) F 9-16-66	Pan American Petroleum Corp. (successor to Global Oils, Inc., et al.), Post Office Box 591, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Woodward Gas Area, Major County, Okla.	15.0	14.65
C167-324 A 9-19-66	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Northwest Lovedale Field, Harper and Woods Counties, Okla.	(7)	14.65
C167-325 A 9-19-66	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Keyes Field, Cimarron County, Okla.	[5] 17.0	14.65
C167-326 A 9-19-66	Gulf Oil Corp.	Panhandle Eastern Pipe Line Co., Feldman Douglas Field, Hemphill County, Tex.	[10] 20.4	14.65
C167-327 A 9-19-66	Quaker State Oil Refining Corp., Post Office Box 337, Bradford, Pa. 16701.	United Fuel Gas Co., Jefferson District, Lincoln County, W. Va.	20.0	15.325
C167-328 A 9-19-66	Benitsen-Whittington Oil Co., et al., 201 First National Bank Bldg., McAllen, Tex. 78501.	Texas Eastern Transmission Corp., East Groves Field, Bee County, Tex.	12.0	14.73
C167-329 A 9-12-66	John A. Hufford, Post Office Box 594, Hooker, Okla. 73945.	Kansas-Nebraska Natural Gas Co., Inc., Hugoton-Kansas Gas Field, Finney County, Kans.	12.0	14.65
C167-330 A 9-16-66	Edwin L. Cox, 3600 First National Bank Bldg., Dallas, Tex. 75202.	Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans.	[11] 16.0	14.65
C167-332 A 9-21-66	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Kinta Field (Moffett Area), Sequoyah County, Okla.	15.0	14.65
C167-334 A 9-21-66	W. O. McBride, Inc., 25 North Brentwood Blvd., Clayton, Mo. 63105.	Michigan Wisconsin Pipe Line Co., Northwest Lovedale Area, Harper County, Okla.	[5] 17.0	14.65
C167-335 A 9-22-66	Union Oil Company of California (Operator), et al., Union Oil Center, Los Angeles, Calif. 90017.	Panhandle Eastern Pipe Line Co., Northeast Selling Field, Dewey County, Okla.	[5] 17.0	14.65
C167-336 B 9-19-66	MPS Production Co. (Operator), et al., c/o Vinson, Elkins, Weems & Searls, 2100 First City National Bank Bldg., Houston, Tex. 77002.	Texas Gas Transmission Corp., South Bell City Field, Calcasieu Parish, La.	Depleted	.....
C167-337 A 9-20-66	MAPCO Production Co., 800 Oil Center Bldg., Tulsa, Okla. 74119.	Western Gas Service Co., Wide-A-Wake Field, Seward County, Kans.	15.0	14.65
C167-338 A 9-22-66	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Natural Gas Pipeline Company of America, Chitwood (Shallow) Field, Grady County, Okla.	15.0	14.65

[5] Subject to upward and downward B.t.u. adjustment.
[6] Includes 1.2 cents upward B.t.u. adjustment.
[7] Rate increase to 17.2296 cents per Mcf suspended in Docket No. RI66-82.
[8] Less downward B.t.u. adjustment to 14.144 cents per Mcf.
[9] Effective rate subject to refund in Docket No. RI66-284. Applicant requests that sales from the additional acreage be subject to the same refund obligation.
[10] Abandons service hereafter as the Emma Haynes Lease which has expired.
[11] Amendment to certificate filed to include interest of co-owners.
[12] By letter filed Sept. 14, 1966, Applicant agreed to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[13] 17.0 cents per Mcf, plus B.t.u. adjustment for production from acreage in Harper County; 15.0 cents per Mcf, plus B.t.u. adjustment for production from acreage in Woods County.
[14] Subject to upward and downward B.t.u. adjustment. Includes 2.4 cents upward adjustment.
[15] Less 0.95 cent downward B.t.u. adjustment.

[F.R. Doc. 66-10911; Filed, Oct. 7, 1966; 8:45 a.m.]

[Docket No. CP67-83]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

OCTOBER 3, 1966.

Take notice that on September 26, 1966, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP67-83 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and the operation of transportation facilities for the purposes of making direct sales of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to utilize the facilities for direct sales to diverse customers within its distribution area. The application states further that the maximum delivery to any one customer will not exceed 100,000 Mcf annually and will not be used for boiler fuel purposes, as defined by § 157.7(c) (9) of the Commission's regulations under the Natural Gas Act.

The total estimated cost of the proposed construction will not exceed $300,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10956; Filed, Oct. 7, 1966; 8:45 a.m.]

[Project No. 2338]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Place of Hearing

SEPTEMBER 30, 1966.

Notice is hereby given that the hearing scheduled to be held on November 14, 1966, by order issued June 3, 1966, in the above-designated project, shall commence at 10 a.m., e.s.t., in the Corinthian Room of the Park Sheraton International Hotel, located at 870 Seventh Avenue (Seventh Avenue and 56th Street), in the city of New York, N.Y.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10957; Filed, Oct. 7, 1966; 8:45 a.m.]

[Project No. 2590]

CONSOLIDATED WATER POWER CO.

Notice of Application for License for Constructed Project

SEPTEMBER 30, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Consolidated Water Power Co. (correspondence to: F. E. Husting, Assistant Secretary, Consolidated Water Power Co., Wisconsin Rapids, Wis. 54494), for constructed Project No. 2590, known as the Wisconsin River Division Project, located on the Wisconsin River in the town of Linwood, village of Whiting, in Portage County, Wis.

The existing project consists of: (1) A dam consisting of the following six sections: (a) a 255-foot long grinder-building substructure; (b) a 16.5-foot long powerhouse substructure; (c) a 108-foot long spillway section with crest at elevation 1,070.02 (U.S.G.S. datum); (d) a 484-foot long section having 20 taintor gates, each 20 feet wide; (3) a 338-foot long section of concrete gravity wall backed by a compacted sand-fill dike; and (f) a 555-foot long section of compacted sand-fill dike (about 1,756 feet in total length); (2) a reservoir of 76 acres with normal elevation 1,070.02 feet, and reaching upstream approximately 3 miles to the tailrace of applicant's licensed Stevens Point Project No. 2110; (3) a powerhouse integral with the dam, housing an 1,800 kw electric generator and a turbine; (4) a grinder building integral with the dam, housing the nine project turbines (three rated at 530 hp., three at 700 hp., and three at 800 hp.) utilized for hydromechanical power; and (5) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 9, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10958; Filed, Oct. 7, 1966; 8:45 a.m.]

[Docket No. CI65-974, etc.]

MAXWELL HERRING DRILLING CORP., ET AL.

Order Consolidating Orders To Show Cause and Setting Procedures

OCTOBER 3, 1966.

George Despot, agent (Operator), et al., Docket No. CI65-974; Maxwell Herring Drilling Corp. (Operator), et al., Docket No. CI65-1176; Skelly Oil Co., Docket No. CI66-468; Phillips Petroleum Co., Docket No. CI66-500; International Helium, Inc. (Operator), et al., Docket No. CI66-564; J. W. Baton (Operator), et al., Docket No. CI66-1169; W. R. Hughey Operating Co., agent (Operator), et al., Docket No. CI66-1170; Robbins Petroleum Corp. (Operator), et al., Docket No. CI66-1208; B. Reagan McLemore, et al., Docket No. CI66-1220; Trice Production Co. (Operator), et al., Docket No. CI66-1228; Phillips Petroleum Co., Docket No. CI66-498; Texaco, Inc., Docket Nos. CI66-536, CI66-537; Humble Oil & Refining Co., Docket No. CI66-591; Phillips Petroleum Co., Docket No. CI66-1038; Northern Pump Co. (Operator), et al., Docket No. CI66-1124; Forest Oil Corp. (Operator), et al., Docket No. CI66-1159; Forest Oil Corp., Docket No. CI66-1160; Gulf Oil Corp., Docket No. CI66-68; Mobil Oil Corp., Docket Nos. CI65-1227, CI67-338; Texaco, Inc. (Operator), et al., Docket No. CI67-170; J. C. Trahan, Drilling Contractor, Inc. (Operator), et al., Docket No. CI67-132; Gulf Oil Corp., Docket No. G-16141; Continental Oil Co., Docket No. CI66-1099; Union Texas Petroleum, a division of Allied Chemical Corp., et al., Docket No. CI66-1167; Mobil Oil Corp., Docket No. CI67-364; Sinclair Oil & Gas Co., Docket No. CI67-365.

On September 14, 1966, orders to show cause were issued separately by the Commission in the following proceedings:

(a) Socony Mobil Oil Co., Inc., Docket No. CI65-1227, and

(b) George Despot, agent (Operator), et al., Dockets Nos. CI65-974, et al.

The latter proceeding (i.e., George Despot, agent (Operator), et al.) represents a consolidation of 20 dockets involving common questions of law and fact.

It appears that Docket No. CI65-1227 involves essentially the same issues of law and fact as the consolidated dockets captioned George Despot, agent (operator), et al., Docket Nos. CI65-974, et al., i.e., that in all of the above-mentioned dockets the Commission has not authorized the sales of gas for compressor fuel or other purported intrastate use and that under the holding of the Supreme Court in California *v.* Lo Vaca Gathering Co., 379 U.S. 366 they appear to be jurisdictional sales.

Docket Nos. CI67-338 and CI67-170 involve applications for certificates to sell natural gas pursuant to new contracts rededicating acreage from which sales were previously made without authorization from the Commission on the purported ground that such sales were nonjurisdictional. Docket No. CI67-132 involves an application to sell gas to Lone Star Gas Co. similar to certain sales already consolidated in George Despot, et al., Docket Nos. CI65-974, et al. Docket No. G-16141 involves an amended letter agreement which now dedicates acreage to jurisdictional sales from which previous sales have been made without Commission authorization. Docket Nos. CI66-1099, CI67-364, and CI67-365 involve sales to El Paso similar to the sales to Lone Star previously consolidated in George Despot, agent (operator), et al., Docket Nos. CI65-974, et al., i.e., sales restricted by contract for intrastate use but commingled with gas purchased from other producers and transported to points outside the State. It is apparent that all of the above sales, with some minor variation in the facts, are nevertheless jurisdictional sales under the holding of the Supreme Court in California *v.* Lo Vaca Gathering Co., supra.

Consequently, in order to avoid unnecessary duplication of a trial record on substantially the same issues it would be in the public interest to consolidate the above dockets including the already issued order to show cause in Docket No. CI65-1227 and to provide uniform procedures for presentation of evidence and dates of hearing.

The Commission finds:

(1) It is appropriate and in the public interest that the above-captioned matters be consolidated for hearing and decision as hereinafter ordered.

(2) The expeditious disposition of these proceedings may be effectuated by providing a uniform procedure for prehearing conference and dates of public hearing.

The Commission orders:

(A) Docket Nos. CI65-1227, CI67-338, CI67-170, CI67-132, G-16141, CI66-1099, CI66-1167, CI67-364, and CI67-365 are hereby consolidated with Docket Nos. CI65-974, et al. for the purposes of hearing and decision.

(B) The prehearing conference provided for on October 26, 1966, in paragraph (D) of the order to show cause captioned George Despot, agent (operator), et al., Docket Nos. CI65-974, et al., as well as the other procedures in that order shall also apply to the following companies:

	Docket Nos.
Mobil Oil Corp	CI65-1227, CI67-338
Texaco Inc. (Operator), et al	CI67-170
J. C. Trahan, Drilling Contractor, Inc. (Operator), et al	CI67-132
Gulf Oil Corp	G-16141
Continental Oil Co	CI66-1099
Union Texas Petroleum, a division of Allied Chemical Corp., et al	CI66-1167
Mobil Oil Corp	CI67-364
Sinclair Oil & Gas Co	CI67-365

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10959; Filed, Oct. 7, 1966; 8:45 a.m.]

[Docket No. CP67-80]

GRANITE STATE GAS TRANSMISSION, INC.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 23, 1966, Granite State Gas transmission, Inc. (Applicant), 66 Market Street, Portsmouth, N.H. 03802, filed in Docket No. CP67-80 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission and delivery facilities for the sale and delivery of natural gas to Allied New Hampshire Gas Co. (Allied), an existing customer of Applicant, and authorizing an increase in maximum daily deliveries to Allied, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate a tap and meter station on its main transmission line in Rockingham County, N.H., in the vicinity of East Kingston, N.H., in order to establish a new delivery point for sales to Allied. Natural gas delivered through these new delivery points will be distributed and resold by Allied in the towns of East Kingston, Kensington, and Hampton Falls, N.H., as recently authorized by the Public Utilities Commission of New Hampshire. Applicant further seeks authority to operate a tap and meter station which was constructed without the Federal Power Commission's certification in August 1966, near Plaistow, N.H., for delivery also to Allied.

The application also states that Applicant requests authority to increase maximum day deliveries to Allied from 3,570 Mcf per day to 3,855 Mcf per day, beginning with the 1966–1967 winter season. The third year annual natural gas requirements of Plaistow and East Kingston delivery stations are 23,566 Mcf and 41,640 Mcf, respectively at 14.73 p.s.i.a.

The total estimated cost of the new facilities is $20,187, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure 18 CFR (1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 27, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10960; Filed, Oct. 7, 1966; 8:45 a.m.]

[Docket No. CP 67-76]

HOME GAS CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 22, 1966, Home Gas Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP 67-76 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in Cattaraugus County, N.Y., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate 4.9 miles of 12-inch pipeline from the Pennsylvania-New York State line in the town of Allegheny to a point in the town of Olean, all in Cattaraugus County, N.Y. Applicant states that the purpose of the proposed construction is to provide the facilities required for increased off peak sales at Olean, N.Y. Applicant further states that higher pressures are required to make such sales and it is not economical to upgrade existing facilities which in the future will be used as reserve facilities to be operated for limited periods.

The estimated total cost of the proposed facilities is $260,000 which Applicant proposes to finance through the issuance and sale of promissory notes and/or common stock to Applicant's parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 26, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10961; Filed, Oct. 7, 1966; 8:46 a.m.]

[Docket No. RI66-319]

HYDE CARBON BLACK CO.

Order Amending Order Accepting Superseding Contract, Providing for Hearing on and Suspension of Proposed Change in Rate To Permit Substitute Rate Filing, and Making Rate Effective Subject to Refund

SEPTEMBER 30, 1966.

On February 24, 1966, Hyde Carbon Black Co. (Hyde) filed with the Commission a proposed renegotiated contract and a related rate increase[1] from 25.0 cents to 27.5 cents per Mcf at 15.025 p.s.i.a. for a sale of gas to The Sylvania Corp. in Elk County, Pa. The renegotiated contract superseded a contract dated December 1, 1948, on file with the Commission as Hyde's FPC Gas Rate Schedule No. 1, and provides the basis for the proposed rate change. The Commission by order issued on March 29, 1966, accepted for filing Hyde's superseding contract to be effective as of April 1, 1966, and suspended Hyde's rate increase and deferred the use thereof for 5 months until September 1, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act. Hyde's suspended rate increase has not been placed in effect.

On August 31, 1966, Hyde submitted a letter agreement dated April 25, 1966,[2] and a notice of change in rate proposing a rate increase from 25.0 cents to 27.0 cents per Mcf, amounting to $800 annually, which amends the presently suspended rate increase from 25.0 cents to 27.5 cents per Mcf suspended in Docket

[1] Designated as Supp. No. 1 to Hyde's FPC Gas Rate Schedule No. 2.

[2] Designated as Supp. No. 2 to Hyde's FPC Gas Rate Schedule No. 2.

No. RI66–319 until September 1, 1966. The proposed amended notice of change in rate has been designated as Supplement No. 3 to Hyde's FPC Gas Rate Schedule No. 2. Under the substitute filing, the estimated annual amount of the increase to The Sylvania Corp. would be reduced from $1,000 to $800.

No formal price ceilings have been announced by the Commission for the Pennsylvania area. However, the proposed rate may be unjust and unreasonable. Since Hyde's proposed change is in effect a reduction in a rate that has already been suspended for 5 months to September 1, 1966, we conclude that it would be in the public interest to accept for filing Hyde's proposed superseding rate of 27.0 cents per Mcf and permit such rate to be collected subject to refund in Docket No. RI66–319 effective as of September 1, 1966, the proposed effective date.

The Commission finds: Good cause exists for amending the Commission's order issued on March 29, 1966, in Docket No. RI66–319, to the extent hereinafter provided.

The Commission orders:

(A) The suspension order issued on March 29, 1966, in Docket No. RI66–319, is amended only so far as to permit the 27.0 cents per Mcf rate contained in Supplement No. 3 to Hyde's FPC Gas Rate Schedule No. 2 to be filed to supersede the 27.5 cents per Mcf rate provided in Supplement No. 1 to Hyde's FPC Gas Rate Schedule No. 2, subject to the suspension proceeding in Docket No. RI66–319. The suspension period for such substitute rate filing to terminate concurrently with the suspension period (Sept. 1, 1966) presently in effect in said docket.

(B) Supplement No. 3 to Hyde's FPC Gas Rate Schedule No. 2 shall become effective subject to refund as of September 1, 1966, in the manner prescribed by the Natural Gas Act if within 20 days from the date of the issuance of this order, Hyde shall execute and file under Docket No. RI66–319, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Hyde is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Hyde's Letter Agreement dated April 25, 1966, which provides for the 27.0 cents per Mcf rate, designated as Supplement No. 2 to Hyde's FPC Gas Rate Schedule No. 2, is accepted for filing as a contract amendment and not as a notice of change in rate. Such contract amendment is permitted to become effective as of June 12, 1966, the date of expiration of the statutory notice.

(D) In all other respects, the order issued by the Commission on March 29, 1966, in Docket No. RI66–319, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66–10962; Filed, Oct. 7, 1966; 8:46 a.m.]

[Docket No. CP67–82]

KENTUCKY GAS TRANSMISSION CORP.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 26, 1966, Kentucky Gas Transmission Corp. (Applicant), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP67–82 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of facilities for the sale and delivery of natural gas to Columbia Gas of Kentucky, Inc. (Columbia of Kentucky) for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically requests authority to construct and operate a tap, measuring, and regulating facilities on its 20-inch gas transmission line in Boyd County, Ky., for the wholesale sale of natural gas to Columbia of Kentucky which will distribute and sell the gas in the town of Cannonsburg and environs in Boyd County.

The estimated third year annual and peak day deliveries through the new facilities are 26,000 Mcf and 270 Mcf respectively.

The total estimated cost of the new facilities is $8,400 which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66–10963; Filed, Oct. 7, 1966; 8:46 a.m.]

[Docket No. CP67–79]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 23, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67–79 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the merger of its wholly owned subsidiary Northern Natural Gas Pipeline Co. (Pipeline Company), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that on June 30, 1961, Applicant purchased all of the outstanding securities of Pioneer Gathering System, Inc. and since that date has been operating such company as a wholly owned subsidiary under the name of Northern Natural Gas Pipeline Co. Applicant now plans to turn over all the common stock of Pipeline Company in exchange for all of the assets of such company. After completing the transfer the common stock of Pipeline Company will be canceled.

The application further states that upon dissolution of Pipeline Company, Applicant will continue to render through the facilities now owned by Pipeline Company all services now rendered or contemplated by Pipeline Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 27, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66–10965; Filed, Oct. 7, 1966; 8:46 a.m.]

[Docket No. CP67–78]

TENNESSEE GAS PIPELINE CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 23, 1966, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP67–78 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new delivery point for one of its existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a new delivery point in Highland Township, Elk County, Pa., on its pipeline system for delivery of natural gas to Manufacturers Light & Heat Co., which construction will consist of a side valve and the required metering facilities.

The estimated cost of construction of the proposed facilities is $24,713, which cost will be financed from current operating funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 27, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66–10966; Filed, Oct. 7, 1966; 8:46 a.m.]

[Docket No. CP64–34]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

SEPTEMBER 30, 1966.

Take notice that on September 26, 1966, Transwestern Pipeline Co. (Petitioner), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP64–34 a petition to amend further the order issued in the said docket on December 4, 1964, by authorizing increased deliveries of natural gas to Pacific Lighting Service & Supply Co. (Pacific Lighting), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By the order issued December 16, 1963, in the instant proceeding, the Commission granted Petitioner a limited term certificate of public convenience and necessity authorizing Petitioner to sell and deliver to Pacific Lighting up to 410,000 Mcf of natural gas per day on an annual basis with a maximum daily demand quantity of 410,000 per day for a period ending November 1, 1965, or upon commencement of new service as might be ordered by the Commission.

By the amending order issued in said docket on December 4, 1964, Petitioner was authorized to provide for the sale and delivery of 430,000 Mcf per day on an annual average basis, and the period of the authorization was extended from November 1, 1965, to December 31, 1965. By the amending order issued December 27, 1965, Petitioner was further authorized to sell and deliver up to 440,000 Mcf per day on an annual average basis with the maximum daily demand obligation of 430,000 Mcf, and the period of authorization was extended through December 31, 1966.

Specifically, Petitioner requests the following:

(1) That authorization to sell and deliver gas to Pacific Lighting be increased to 460,000 Mcf per day on an annual average basis,

(2) That the term of the certificate be extended from December 31, 1966, to the date of commencement of any new service resulting from the order accompanying Opinion No. 500 issued July 26, 1966, in Docket Nos. CP63–204, et al.

(3) That effective January 1, 1967, Petitioner's maximum daily demand obligation be increased to 460,000 Mcf when border delivery pressure is reduced to 620 p.s.i.g.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 28, 1966.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66–10967; Filed, Oct. 7, 1966; 8:45 a.m.]

[Docket No. CP67–81]

TRANSWESTERN PIPELINE CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 26, 1966, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP67–81

[Docket No. CP67–84]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

OCTOBER 3, 1966.

Take notice that on September 27, 1966, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP67–84 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the Regulations under the Act for a certificate of public convenience and necessity authorizing the construction and operation of certain gas transmission facilities during the calendar year 1967, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate gas transmission facilities at various points along its transmission lines in order to take into its system increased quantities of natural gas from producers along its facilities.

The total cost of the facilities is estimated not to be in excess of $2,000,000 and no single project will cost in excess of $500,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66–10967; Filed, Oct. 7, 1966; 8:45 a.m.]

[Docket No. CP67–81]

TRANSWESTERN PIPELINE CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 26, 1966, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP67–81

an application pursuant to section 7(c) of the Natural Gas Act for certificate of public convenience and necessity authorizing the construction and operation of facilities in Texas and New Mexico for the transportation and sale in interstate commerce of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install, operate, and maintain 8 miles of 36-inch loop line and 8 miles of 30-inch loop line along the West Texas lateral. The application states that these facilities will provide approximately 25,000 Mcf per day additional capacity for deliveries from Applicant's Compressor Station WT-2 to Roswell, N. Mex.

The estimated total cost of construction of these facilities is $2,613,000 which cost will initially be financed out of funds made available from company operations and may be refinanced at a later date.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 28, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10968; Filed, Oct. 7, 1966; 8:46 a.m.]

[Docket No. CP67-77]

VOLUNTEER NATURAL GAS CO. AND EAST TENNESSEE NATURAL GAS CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 22, 1966, Volunteer Natural Gas Co. (Applicant), 334 East Main Street, Johnson City, Tenn. 37602, filed in Docket No. CP67-77 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing East Tennessee Natural Gas Co. (Respondent) to establish physical connection with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale in Gray, Tenn., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks a physical connection of its proposed facilities near Gray, Tenn., with the existing 8⅝-inch lateral of Respondent in Washington County, Tenn. It is contemplated that Respondent would tap its line and provide a regulating and metering station, as provided by its existing tariff.

The estimated third year annual and peak day requirements of service to Gray, Tenn. are 43,622 Mcf and 506 Mcf respectively, at 14.73 p.s.i.a.

Applicant estimates that the total cost of the proposed construction is $10,525, which will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 26, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10969; Filed, Oct. 7, 1966; 8:46 a.m.]

[Docket Nos. RI67-73, etc.]

TIDEWATER OIL CO., ET AL.

Order Permitting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 30, 1966.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-73	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attn: A. M. Mouser, Manager, Gas Utilization Department.	102	3	Michigan Wisconsin Pipe Line Co., (Lacassine Refuge Field, Cameron Parish, La.) (Southern Louisiana).	$1,030	9-9-66	[2] 10-10-66	3-10-67	[3] [4] 19.75	[5] [6] 30.00	
RI67-74	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020, Attn: F. C. Sweat, Manager Gas Utilization.	180	3	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., (West Cameron Block 192 Field, Offshore Louisiana).	13,200	9-9-66	[7] 11-1-66	4-1-67	[8] 21.40	[9] 23.55	RI65-475.
	Shell Oil Co.	263	3	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Chalkley Field, Cameron Parish, La.) (Southern Louisiana).	26,158	9-9-66	[7] 11-1-66	4-1-67	[8] 22.8333	[6] [9] 23.55	RI65-652.

[2] The stated effective date is the effective date proposed by Respondent.
[3] "Fractured" rate increase which represents a portion of the 2.5 cents periodic increase contractually due Apr. 1, 1962. Settlement provides for 1.0 cent maximum rate filing.
[4] Pressure base is 15.025 p.s.i.a.
[5] Inclusive of 1.5 cents per Mcf tax reimbursement.
[6] Settlement rate pursuant to Commission order issued June 15, 1962, amended July 11, 1962, in Docket Nos. G-13310, et al.
[7] "Fractured" rate increase which represents a portion of the 2.0 cents periodic increase contractually due Nov. 1, 1966.
[8] "Fractured" rate increase which represents a portion of the 1.0 cent periodic increase contractually due Nov. 1, 1966.
[9] Includes 1.2166⅞ cents tax reimbursement.

The sale related to Shell Oil Co.'s (Shell) rate increase contained in Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 263 was initially made under a temporary certificate containing a Condition (2) provision prohibiting changes in the initial rate unless ordered in the related certificate proceeding, Docket No. CI62-625. Shell requests waiver of such condition inasmuch as 3 years have elapsed since Shell initiated service under its temporary certificate. Shell's Docket No. CI62-625 is included in the South Louisiana "in-line" certificate proceeding, Opinion No. 436, which is currently involved in a judicial review proceeding. Condition (2) provision contained in the temporary certificate was previously waived by the Commission with respect to the last rate increase filing made by Shell under this rate schedule on June 1, 1965. Under the circumstances, we believe it would be in the public interest to again waive Condition (2) in Shell's temporary certificate issued January 17, 1962, in Docket No. CI62-625, to permit Shell's proposed notice of change in rate (Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 263) to be filed as hereinafter ordered.

Shell and Tidewater Oil Co.'s proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Pt. 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for waiving Condition (2) in the temporary certificate issued in Docket No. CI62-625 with respect to Shell's notice of change, designated as Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 263, and that such notice of change be permitted to be filed as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon public hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Condition (2) in the temporary certificate issued in Docket No. CI62-625 is hereby waived with respect to Shell's notice of change, designated as Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 263, and such rate change is permitted to be filed.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated rate supplements.

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 9, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10971; Filed, Oct. 7, 1966; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 591]

NEW JERSEY

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1966, because of the effects of certain disasters, damage resulted to residences and business property located in the city of Elizabeth in the State of New Jersey;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid city and areas adjacent thereto, suffered damage or destruction resulting from flooding and accompanying conditions occurring on or about September 22, 1966.

Office: Small Business Administration Regional Office, 10 Commerce Court, Newark, N.J. 07102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1967.

BERNARD L. BOUTIN,
Administrator.

SEPTEMBER 26, 1966.

[F.R. Doc. 66-10983; Filed, Oct. 7, 1966; 8:48 a.m.]

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Tuesday, October 11, 1966 • Washington, D.C.

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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

VOL 3 19

Volume 79

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[89th Cong., 1st Sess.]

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108 is amended to show that positions of Medical Intern at the U.S. Naval Hospital in Bethesda, Md., are in Schedule A when filled by Medical Interns of the D.C. General Hospital. Effective on publication in the FEDERAL REGISTER, subparagraph (11) is added to paragraph (a) of § 213.3108 as set out below.

§ 213.3108 Department of the Navy.

(a) *General.* • • •

(11) Positions of Medical Intern at the U.S. Naval Hospital, Bethesda, Md., when filled by persons serving medical internships at the District of Columbia General Hospital. Employment under this authority may not exceed 1 month. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of 5 U.S.C. 5351–5356.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-11052; Filed, Oct. 10, 1966; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3111 is amended to show that the position of Administrative Assistant to the Assistant to the Regional Director (St. Louis Region) is no longer excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, subparagraph (6) of paragraph (a) of § 213.3111 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-11053; Filed, Oct. 10, 1966; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Select Commission on Western Hemisphere Immigration

Section 213.3191 is added to show that positions on the staff of the Select Commission on Western Hemisphere Immigration are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, § 213.3191 and paragraph (a) thereunder are added as set out below.

§ 213.3191 Select Commission on Western Hemisphere Immigration.

(a) All positions on the Commission staff.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-11054; Filed, Oct. 10, 1966; 8:49 a.m.]

Chapter VII—Advisory Commission on Intergovernmental Relations

PART 1700—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to and in accordance with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Chapter VII is added to Title 5 of the Code of Federal Regulations, consisting of Part 1700, reading as follows:

Sec.
1700.735–101 Adoption of regulations.
1700.735–102 Review of statements of employment and financial interests.
1700.735–103 Disciplinary and other remedial action.
1700.735–104 Gifts, entertainment, and favors.
1700.735–105 Outside employment.
1700.735–106 Specific provisions of Commission regulations governing special Government employees.
1700.735–109 Statements of employment and financial interest.

AUTHORITY: The provisions of this Part 1700 issued under E.O. 11222, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.101, et seq.

§ 1700.735–101 Adoption of regulations.

Pursuant to 5 CFR 735.104(f), the Advisory Commission on Intergovernmental Relations (referred to hereinafter as the Commission) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: 735.101, 735.102, 735.202 (a), (c), (d), (e), 735.210, 735.302, 735.303(a), 735.304, 735.305(a), 735.403 (a), (b), 735.404, 735.411, 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 1700.735–102 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part shall be reviewed by the Executive Director. When this review indicates a conflict of interest of an employee or special Government employee of the Commission and the performance of his services for the Government, the Executive Director shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the Executive Director shall forward a written report on the indicated conflict to the Chairman, Advisory Commission on Intergovernmental Relations.

§ 1700.735–103 Disciplinary and other remedial action.

An employee or special Government employee of the Commission who violates any of the regulations in this part or adopted under § 1700.735–101 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to, or in lieu of, disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(a) Changes in assigned duties;

(b) Divestment by the employee of his conflicting interests; or

(c) Disqualification for a particular assignment.

§ 1700.735–104 Gifts, entertainment, and favors.

The Commission authorizes the exceptions to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b) (1)–(4).

§ 1700.735–105 Outside employment.

(a) An employee of the Commission may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who engages in outside employment shall report that fact in writing to his supervisor.

(b) Employees and special Government employees of the Commission may engage in teaching, writing, and lecturing; provided, however, employees and special Government employees shall not receive compensation or anything of monetary value for any consultation, discussion, writing, lecturing, or appearance the subject matter of which is devoted substantially to the specific responsibilities, programs, or operations of the Commission, or which draws substantially on official data or ideas which have

not been published or otherwise publicly released by the Commission. The foregoing limitation on the receipt of compensation or anything of monetary value shall not be construed as applying to amounts received for reimbursement for travel and other expenses incurred in performing the outside employment.

§ 1700.735–108 Specific provisions of Commission regulations governing special Government employees.

(a) The term "special Government employee" as used in this part means an officer or employee who is retained, designated, appointed, or employed by the Commission to perform, with or without compensation, for not more than 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

(b) Special Government employees shall adhere to the standards of conduct applicable to employees set forth in this part and adopted under § 1700.735–101, except that 5 CFR 735.203(b) is not applicable to a special Government employee.

(c) Pursuant to 5 CFR 735.305(b), the Commission authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 1700.735–104.

§ 1700.735–109 Statements of employment and financial interests.

(a) In addition to the employees required to submit statements of employment and financial interests under 5 CFR 735.403 (a) and (b), employees in the following named positions shall submit statements of employment and financial interest to the Executive Director.

Assistant Director, Taxation and Finance.
Assistant Director, Governmental Structure and Functions.
Senior Analyst, Taxation and Finance.

(b) The statement of employment and financial interests required by this section shall be submitted by the Executive Director to the Chairman of the Commission.

(c) A statement of employment and financial interests is not required under this part from Members of the Commission. Members of the Commission are subject to 3 CFR 100.735–31 and are required to file a statement only if requested to do so by the Counsel to the President.

This Part 1700 was approved by the Civil Service Commission on August 19, 1966.

This Part 1700 shall become effective upon publication in the FEDERAL REGISTER.

WM. G. COLMAN,
Executive Director.

[F.R. Doc. 66–11015; Filed, Oct. 10, 1966; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Waiver of Certain Grounds of Excludability

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

The second sentence of subparagraph (1) *Section 212(a)(6) (tuberculosis)* of paragraph (b) *Section 212(g) (tuberculosis and certain mental conditions)* of § 212.7 *Waiver of certain grounds of excludability* is amended to read as follows: "The statement shall include the name and address of the facility where the alien will be treated, and shall affirm (i) that arrangements have been made for any treatment and observation required for proper management of the alien's condition, in conformity with local standards of medical practice, and that upon arrival at such facility the alien will be placed in an inpatient or outpatient status as determined by the responsible local physician; (ii) that such facility will submit the following to the U.S. Quarantine Station, Rosebank, Staten Island, N.Y. 10305: An initial report giving a clinical evaluation of the alien, including necessary X-ray films, within 30 days after the alien's arrival at the hospital or other institution (or, if within 30 days after receipt of notice from the U.S. Public Health Service that the alien has arrived in the United States he has not reported to the facility, a notice of his failure to report), and a report of the final disposition of the case; and (iii) that complete financial arrangements for charges which might be made for the alien's care have been made by the alien, the sponsoring family member, or other responsible person; or that the eligibility of the alien under the dependents medical care provisions of sections 1071–1085 of Title 10 of the United States Code has been established."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order relates to agency procedure.

Dated: October 5, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66–11020; Filed, Oct. 10, 1966; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective August 18, 1964 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 21, 1965 (30 F.R. 7893), and June 7, 1966 (31 F.R. 8020), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Galveston, Tex.
Add: Texas City, Tex.

THREE HOURS

Add: Freeport, Tex.

OUTSIDE METROPOLITAN AREA

THREE HOURS

Add: San Pedro (Palominas), Ariz. (served from Douglas, Ariz.).
Add: Antler, N. Dak. (served from Minot, N. Dak.).

FOUR HOURS

Add: Wauna, Oreg. (served from Portland, Oreg.).

FIVE HOURS

Add: Douglas, Ariz. (served from Lochiel, Ariz.).
Add: San Pedro, Ariz. (served from Nogales, Ariz.).
Add: Antler, N. Dak. (when served from Portal, N. Dak.).

SIX HOURS

Add: Antler, N. Dak. (when served from Bismarck, N. Dak.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER. (64 Stat. 561)

These revised administrative instructions shall be effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 5th day of October 1966.

G. H. WISE,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 66–11046; Filed, Oct. 10, 1966; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66–SO–72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On August 27, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11399) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Mobile, Ala., transition area and the Mobile, Ala. (Bates Field), control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

In § 71.171 (31 F.R. 2065) the Mobile, Ala. (Bates Field), control zone is amended to read:

MOBILE, ALA. (BATES FIELD)

Within a 5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within 2 miles each side of the Mobile VORTAC 113° radial extending from the 5-mile radius zone to 2 miles SE of the VORTAC.

In § 71.181 (31 F.R. 2149) the Mobile, Ala., 700-foot transition area is amended to read:

MOBILE, ALA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within 8 miles SW and 5 miles NE of the Bates Field localizer NW course extending from 5 miles SE to 12 miles NW of the OM; within an 8-mile radius of Brookley AFB (latitude 30°37'39" N., longitude 88°04'10" W.); and within 2 miles each side of the Brookley VORTAC 140° radial extending from the VORTAC to 12 miles SE.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on September 30, 1966.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66–11004; Filed, Oct. 10, 1966; 8:45 a.m.]

[Airspace Docket No. 66–CE–75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Great Bend, Kans., transition area.

The following controlled airspace is presently designated in the Great Bend, Kans., terminal area: The Great Bend, Kans., transition area is designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Great Bend Municipal Airport (latitude 38°20'50" N., longitude 98°52'-00" W.), and within 2 miles each side of the 305° bearing from the Great Bend Municipal Airport, extending from the 7-mile radius area to 10 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the 305° bearing from Great Bend Municipal Airport, extending from the airport to 14 miles NW of the airport.

Since designation of the Great Bend, Kans., transition area, the special instrument approach procedure that it was designated to protect has been modified, and there has been a slight change in the airport coordinates. In addition, a public instrument approach procedure is being established. The public procedure will require the same controlled airspace protection that is required for the special procedure.

This amendment does not include any additional controlled airspace. The changes are in coordinates and are minor in nature. No additional burden is imposed upon any person and, therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149), the transition area is amended to read:

GREAT BEND, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Great Bend Municipal Airport (latitude 38°20'50" N., longitude 98°51'47" W.); and within 2 miles each side of the 301° bearing from Great Bend Municipal Airport, extending from the 7-mile radius area to 10 miles NW of the airport; and that airspace extending upward from 1200 feet above the surface within 5 miles NE and 8 miles SW of the 301° bearing from Great Bend Municipal Airport, extending from the airport to 14 miles NW of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 27, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66–11005; Filed, Oct. 10, 1966; 8:45 a.m.]

[Airspace Docket No. 66–EA–76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area/Military Climb Corridor and Alteration of Transition Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to revoke the Langley Air Force Base, Va., Restricted Area/Military Climb Corridor, R–6610, and remove reference to this area from the description of the Norfolk, Va., transition area.

The U.S. Air Force submitted a request to revoke R–6610 stating in the proposal that alternate procedures either have been or are being developed by the FAA which will permit desirable interceptor departure routings from Langley AFB.

Since this restricted area/military climb corridor was designated solely for use of the military, revocation thereof will reduce the burden on the public. Therefore, notice and public procedure thereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective immediately, as hereinafter set forth.

1. In § 73.66 (31 F.R. 2339) R–6610 Hampton Roads, Va. (Langley AFB), Restricted Area/Military Climb Corridor is revoked.

2. In § 71.181 (31 F.R. 2231) Norfolk, Va., delete the last sentence.

(Sec. 307(a), the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 30, 1966.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 66–11008; Filed, Oct. 10, 1966; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7685; Amdt. 504]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
Lawrence VOR	TOF RBn (final)	Direct	1100	T-dn	300-1	300-1	300-1
Danvers Int	TOF RBn	Direct	1900	C-dn	500-1	500-1	500-1¼
Ipswich Int	TOF RBn	Direct	1900	A-dn	NA	NA	NA
Bedford RBn	TOF RBn	Direct	1900				

Radar available.
Procedure turn N side of crs, 334° Outbnd, 154° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 154°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles after passing TOF RBn, make left-climbing turn to 1900′, return to TOF RBn. Hold NW, 154° Inbnd, 1-minute left turns.
NOTES: (1) Use Boston altimeter setting. (2) Monitor Boston TRACON frequency until landing assured. (3) Approach from a holding pattern not authorized, procedure turn required. (4) State-owned facility must be monitored aurally during approach.
MSA within 25 miles of facility: 000°-090°—1500′, 090°-180°—1500′, 180°-270°—2500′, 270°-360°—2000′.

City, Beverly; State, Mass.; Airport name, Beverly Municipal; Elev., 108′; Fac. Class., MHW; Ident., TOF; Procedure No. 1, Amdt. 3; Eff. date, 29 Oct. 66; Sup. Amdt. No. 2; Dated, 17 Aug. 63

Burton Int	Kitsap RBn	Direct	3000	T-dn	500-1	500-1	500-1
Lobali Int	Kitsap RBn	Direct	3000	C-dn	600-1	600-1	600-1¾
SEA VOR	Kitsap RBn	Direct	3000	A-dn*	800-2	800-2	800-2

Radar available.
Procedure turn W side crs, 187° Outbnd, 007° Inbnd, 2000′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1100′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing PWT RBn make immediate right turn, climb to 2000′ on crs, 187° from Kitsap RBn within 10 miles.
CAUTION: 1761′ terrain, 2.5 miles N of airport.
*Alternate minimums not authorized when control zone not effective. Use Seattle altimeter setting when control zone not effective.
MSA within 25 miles of facility: 000°-090°—2100′, 090°-180°—2000′, 180°-270°—7700′, 270°-360°—8800′.

City, Bremerton; State, Wash.; Airport name, Kitsap County; Elev., 482′; Fac. Class., MHW; Ident., PWT.; Procedure No. 1, Amdt. 4; Eff. date, 29 Oct. 66; Sup. Amdt. No. 3; Dated, 27 May 65

APE VOR	CB LOM	Direct	2500	T-dn	300-1	300-1	200-½
CM LOM	CB LOM	Direct	2500	C-dn	500-1	500-1	500-1½
Dublin Int	CB LOM	Direct	2500	S-dn-10R	500-1	500-1	500-1
Plain City Int	CB LOM	Direct	2500	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 280° Outbnd, 100° Inbnd, 2500′ within 10 miles of CB LOM.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 100°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing CB LOM, climb on a heading of 098° to 2700′ and proceed to CM LOM, hold E, 1-minute right turns, 276° Inbnd.
MSA within 25 miles of facility: 000°-360°—2600′.

City, Columbus; State, Ohio; Airport name, Port Columbus International; Elev., 816′; Fac. Class., LOM; Ident., CB; Procedure No. 2, Amdt. 3; Eff. date, 29 Oct. 66; Sup. Amdt. No. 2; Dated, 14 Mar. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
Appleton VOR	CB LOM	Direct	2500	T-dn	300-1	300-1	200-½
CM LOM	CB LOM	Direct	2500	C-dn	500-1	500-1	500-1½
Dublin Int	CB LOM	Direct	2500	S-dn-10L	500-1	500-1	500-1
Plain City Int	CB LOM	Direct	2500	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2500′ within 10 miles of CB LOM.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 096°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing CB LOM, climb straight ahead to 2700′ and proceed direct to CM LOM, hold E, 1-minute right turns, 276° Inbnd.
MSA within 25 miles of facility: 000°-360°—2600′.

City, Columbus; State, Ohio; Airport name, Port Columbus International; Elev., 816′; Fac. Class., LOM; Ident., CB; Procedure No. 3, Amdt. 3; Eff. date, 29 Oct. 66; Sup. Amdt. No. 2; Dated, 14 Mar. 64

PROCEDURE CANCELED, EFFECTIVE 29 OCT. 1966.

City, Columbus; State, Ohio; Airport name, Port Columbus International; Elev., 816′; Fac. Class., BH; Ident., CMH; Procedure No. 4, Amdt. 2; Eff. date, 14 Mar. 64; Sup. Amdt. No. 1; Dated, 15 Sept. 62

CVG VOR	CV LOM	Direct	2000	T-dn	300-1	300-1	200-½
New Baltimore Int	CV LOM	Direct	2300	C-dn	400-1	500-1	500-1½
Madeira RBn	CV LOM	Direct	2700	S-dn-36	400-1	400-1	400-1
Dry Ridge Int	Union Int	Direct	2400	A-dn	800-2	800-2	800-2
Union Int	CV LOM (final)	Direct	2000				
Mount Healthy Int	CV LOM	Direct	2400				

Radar available.
Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 360°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000′ on crs, 360° to the SI LOM. Hold N, 1-minute right turns, 180° Inbnd.
MSA within 25 miles of facility: 000°-090°—2800′, 090°-360°—2300′.

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890′; Fac. Class., LOM; Ident., CV; Procedure No. 1, Amdt. 19; Eff. date, 29 Oct. 66; Sup. Amdt. No. 18; Dated, 2 Nov. 63

Holland Int	LOM	Direct	2100	T-dn	300-1	300-1	*200-½
Princeton Int	LOM	Direct	2100	C-dn	600-1	600-1	600-1¾
EVV VOR	LOM	Direct	2100	S-dn-21	500-1	500-1	500-1
Phillips Town Int	LOM	Direct	2100	A-dn	800-2	800-2	800-2
New Haven Int	LOM	Direct	2100				
Mount Vernon Int	LOM	Direct	2100				
Augusta Int	LOM	Direct	2100				
Booneville Int	LOM	Direct	2100				
OWB VOR	LOM	Direct	2100				
Mackey Int	LOM	Direct	2100				
Cairo Int	LOM	Direct	2400				

Procedure turn N side of crs, 035° Outbnd, 215° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 215°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing LOM, make left-climbing turn, climb to 2100′ on 180° crs to EVV R 060° and proceed to EVV VOR or when directed by ATC, (1) make climbing right turn to 2100′ on 305° crs and proceed to Princeton Int via EVV VOR R 013°.
CAUTION: Radio tower, 993′ MSL, 3.6 miles SW of airport.
*300-1 on runways 9-27.
MSA within 25 miles of facility: 000°-090°—1900′; 090°-180°—2100′; 180°-270°—2500′; 270°-360°—2000′.

City, Evansville; State, Ind.; Airport name, Dress Memorial; Elev., 389′; Fac. Class., LOM; Ident., EV; Procedure No. 1, Amdt. 2; Eff. date, 29 Oct. 66; Sup. Amdt. No.1; Dated, 1 Sept. 62

Manchester VOR	MHT RBn	Direct	2200	T-dn	500-1	800-1	NA
				C-dn	800-1	800-1	NA
				A-dn	1000-2	1000-2	NA

Procedure turn N side of crs, 058° Outbnd, 238° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 238°—7.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing MHT RBn, make a right-climbing turn to 2200′ direct MHT RBn. Hold NE of MHT RBn, 238° Inbnd, 1-minute right turns.
NOTES: (1) State-owned facility and must be monitored aurally during approach. (3) Use Manchester altimeter setting.
MSA within 25 miles of facility: 000°-090°—3000′; 090°-180°—2000′; 180°-270°—3000′; 270°-360°—3500′.

City, Nashua; State, N.H.; Airport name, Boire Field; Elev., 193′; Fac. Class., MHW; Ident., MHT; Procedure No. 1, Amdt. 3; Eff. date, 29 Oct. 66; Sup. Amdt. No. 2; Dated, 5 Dec. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Manchester VOR	Nashua RBn	Direct	3300	T–dn	500–1	500–1	NA
				C–dn	600–1	600–1	NA
				A–dn	1000–2	1000–2	NA

Procedure turn N side of crs, 317° Outbnd, 137° Inbnd, 3300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 137°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing AMH RBn, climb to 1500′ on 137° bearing from AMH RBn within 5 miles, then make left-climbing turn to 3300′ direct AMH RBn, hold NW, 1-minute right turns, 137° Inbnd.
NOTES: (1) Use Manchester altimeter setting. (2) Approach from a holding pattern not authorized, procedure turn required.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—2000′, 180°–270°—3500′, 270°–360°—4800′.

City, Nashua; State, N.H.; Airport name, Boire Field; Elev., 193′; Fac. Class., MHW; Ident., AMH; Prodecure No. 2, Amdt. 2; Eff. date, 29 Oct. 66; Sup. Amdt. No. 1; Dated, 1 May 65

Holt Int	PYX RBn	Direct	4500	T–dn	300–1	300–1	
				C–dn	700–1	700–1	
				A–dn	NA	NA	

Procedure turn S side of crs, 090° Outbnd, 270° Inbnd, 4500′ within 10 miles.
Minimum altitude over facility on final approach crs, 3600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing PYX RBn turn right, climb to 4500′ on 090° bearing from PYX RBn within 20 miles.
NOTES: (1) Facility operated by city. Authorized for public use. (2) Weather service not available. (3) Altimeter from GAGE FSS. (4) Procedure not completely contained within controlled airspace.
MSA within 25 miles of facility: 000°–360°—4500′.

City, Perryton; State, Tex.; Airport name, Municipal; Elev., 2918′; Fac. Class., MHW, Ident., PYX; Procedure No. 1, Amdt. Orig.; Eff. date, 29 Oct. 66

Bar Harbor RBn	Rockland RBn	Direct	2500	T–dn	300–1	300–1	300–1
				C–dn	500–1	500–1	500–1½
				S–dn–3	500–1	500–1	500–1
				A–dn	NA	NA	NA

Procedure turn W side of crs, 210° Outbnd, 030° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 030°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing RKD RBn, make left-climbing turn to 1700′ direct RKD RBn, hold SW of RKD RBn, 030° inbnd, 1-minute, left turns.
NOTES: (1) Use Augusta altimeter setting. (2) City owned facility must be monitored aurally during approach. (3) Approach from a holding pattern not authorized, procedure turn required. (4) Air carriers with weather service at the airport—alternate minimums of 800–2 authorized. Use Rockland altimeter setting.
MSA within 25 miles of facility: 000°–090°—2500′, 090°–270°—1500′, 270°–360°—2000′.

City, Rockland; State, Maine; Airport name, Rockland Municipal; Elev., 60′; Fac. Class., MHW; Ident., RKD; Procedure No. 1, Amdt. 4; Eff. date, 29 Oct. 66; Sup. Amdt. No. 3; Dated, 20 July 63

AWK RBn	AXX RBn	Direct	1500	T–dn	500–1	500–1	500–1½
				C–dn*	500–1	500–1	500–1½
				S–dn–10	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 095°—0.2 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.2 mile, climb to 1500′ on crs of 095° within 20 miles.
*CAUTION: Standard obstruction clearance not provided N of the runway. When necessary to circle N of airport, 700′ ceiling minimums apply due to 422′ towers, 1.5 miles N in the vicinity of AWK HHW.
MSA within 25 miles of facility: 000° 360°—1500′.

Wake Island; Airport name, Wake; Elev., 14′; Fac. Class., MHW, Ident., AXX; Procedure No. 2, Amdt. 8; Eff. date, 29 Oct. 66; Sup. Amdt. No. 7; Dated, 10 Oct. 59

Woodstown VOR	LOM	Direct	1600	T–dn	300–1	300–1	200–½
				C–dn	800–2	800–2	800–2
				S–dn–1	800–2	800–2	800–2
				A–dn	800–2	800–2	800–2
				If Stack Int received, the following minimums apply:			
				C–dn	500–1	500–1	500–1½
				S–dn–1	500–1	500–1	500–1

Procedure turn W side of final approach crs, 194° Outbnd, 014° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 014°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, make climbing left turn to 1600′ and return to Wilmington LOM. Hold S, Wilmington LOM, 1-minute right turns, 014° Inbnd.
CAUTION: Turn left as soon as practical to avoid holding pattern at Philadelphia LOM.
MSA within 25 miles of facility: 270°–090°—2000′; 090°–270°—1500′.

City, Wilmington; State, Del.; Airport name, Greater Wilmington; Elev., 79′; Fac. Class., LOM; Ident., IL; Procedure No. 1, Amdt. 8; Eff. date, 29 Oct. 66; Sup. Amdt. No. 7; Dated, 8 Feb. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Millbury Int	OR LOM	Direct	3400	T–dn	300–1	300–1	200–½
Putnam VOR	Sutton Int	Direct	2400	C–dn	600–1	600–1	600–1½
Boston VOR	Sutton Int	Direct	3000	S–dn–33	500–1	500–1	500–1
Sutton Int	OR LOM (final)	Direct	2100	A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 332°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing OR LOM or at the LMM, make an immediate left-climbing turn to 2400′ direct to OR LOM, hold SE of OR LOM, 332° Inbnd, 1-minute right turns.
CAUTION: 1653′ radio tower, 1.9 miles NNW of airport; 1180′ lighted obstruction, 0.7 mile W of approach end Runway 11.
Departure procedures: Departure Runway 33—Execute left-climbing turn as soon as practicable after take off to 300° heading, climbing to 2000′ before proceeding northeastbound. Departure Runway 2—Climb to 3000′ on a heading of 050° before making a left turn.
6300–1 required for takeoffs on Runway 29.
MSA within 25 miles of facility: 000°–090°—3500′; 090°–180°—2500′; 180°–270°—2500′; 270°–360°—3500′.

City, Worcester; State, Mass.; Airport name, Worcester Municipal; Elev., 1009′; Fac. Class., LOM; Ident., OR; Procedure No. 1, Amdt. 10; Eff. date, 29 Oct. 66; Sup. Amdt. No. 9; Dated, 9 July 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bismarck RBn	BIS VOR	Direct	3400	T–dn*	300–1	300–1	200–½
R 050°, BIS VOR clockwise	R 093°, BIS VOR	Via 5-mile DME Arc.	3400	C–d	400–1	500–1	500–1½
				C–n	400–1½	500–1½	500–1½
R 192°, BIS VOR counterclockwise	R 093°, BIS VOR	Via 5-mile DME Arc.	3400	A–dn	800–2	800–2	800–2
6-mile DME Fix, R 093°	BIS VOR (final)	Direct	2700				

Procedure turn N side of crs, 093° Outbnd, 273° Inbnd, 3400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 273°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing BIS VOR, climb to 4000′ on R 263° BIS VOR within 20 miles, or when directed by ATC, make right-climbing turn to 4000′ on R 336° BIS VOR within 20 miles.
Final approach from holding pattern as VOR not authorized, procedure turn required.
*When weather is below 1800–2 aircraft departing southwestbound, flight below 3900′ beyond 5 miles from airport is prohibited between R 175° and R 230° inclusive of the BIS VOR due to 3373′ tower, 10 miles SSW of airport.
MSA within 25 miles of facility: 000°–090°—3400′; 090°–180°—3600′; 180°–270°—4400′; 270°–360°—3400′.

City, Bismarck; State, N. Dak.; Airport name, Bismarck Municipal; Elev., 1677′; Fac. Class., L–BVORTAC; Ident., BIS; Procedure No. 1, Amdt. 9; Eff. date, 29 Oct. 66; Sup. Amdt. No. 8; Dated, 20 Aug. 66

				T–dn	300–1	300–1	NA
				C–d	900–1	900–1	NA
				C–n	900–2	900–2	NA
				A–dn	NA	NA	NA
				DME minimums, DME equipment required:*			
				C–d	700–1	700–1	NA
				C–n	700–2	700–2	NA

Procedure turn NW side of crs, 050° Outbnd, 230° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′; over 6-mile DME Fix, R 230°—2100′.
Crs and distance, facility to airport, 230°—9.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.1 miles after passing Chardon VOR or at 9-mile DME Fix, R 230°, make left-climbing turn to 3000′, return to Chardon VOR, hold NE, 1-minute right turns, 230° Inbnd.
NOTE: Use Cleveland, Ohio, altimeter setting.
MSA within 25 miles of facility: 000°–180°—2300′; 180°–270°—3000′; 270°–360°—2800′.

City, Chagrin Falls; State, Ohio; Airport name, Chagrin Falls; Elev., 1229′; Fac. Class., L–BVORTAC; Ident., CXR; Procedure No. 1, Amdt. 1; Eff. date, 29 Oct. 66; Sup. Amdt. No. Orig.; Dated, 13 Aug. 66

New Baltimore Int	CVG VOR	Direct	2400	T–dn	300–1	300–1	200–½
Madeira RBn	CVG VOR	Direct	2700	C–dn	400–1	400–1	400–1½
Union Int	CVG VOR	Direct	2400	A–dn	800–2	800–2	800–2

Radar available.
Procedure turn E side of crs, 223° Outbnd, 043° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 043°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing CVG VOR, climb to 2500′ on crs, 360° to the New Baltimore Int, hold N, 1-minute right turns, 186° Inbnd.
NOTE: When authorized by ATC, DME may be used within 10 miles at 2700′ to position aircraft for approach with elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—2800′; 090°–360°—2800′.

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890′; Fac. Class., L–VORTAC; Ident., CVG; Procedure No. 1, Amdt. 8; Eff. date, 29 Oct. 66; Sup. Amdt. No. 7; Dated, 20 Apr. 63

PROCEDURE CANCELED, EFFECTIVE 29 OCT. 1966.

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890′; Fac. Class., BVORTAC; Ident., CVG; Procedure No. 2, Amdt. 8; Eff. date, 20 Apr. 63; Sup. Amdt. No. 2; Dated, 7 July 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 266°, DDC VOR clockwise	R 330°, DDC VOR	Via 6-mile DME Arc.	4100	T-dn	300–1	300–1	200–½
R 073°, DDC VOR counterclockwise	R 330°, DDC VOR	Via 6-mile DME Arc.	4100	C-dn	500–1	500–1	500–1⅛
6-mile DME Fix, R 330°, DDC VOR	DDC VOR (final)	Direct	4100	S-dn-14	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 4100′ within 10 miles.
Minimum altitude over facility on final approach crs, 4100′.
Crs and distance, facility to airport, 150°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles, after passing DDC VOR, make left turn, climbing to 4100′ on R 330° within 10 miles, make left turn and return to DDC VOR.
MSA within 25 miles of facility: 000°–090°—3800′; 090°–180°—3900′; 180°–270°—4500′; 270°–360°—3800′.

City, Dodge City; State, Kans.; Airport name, Dodge City Municipal; Elev., 2594′; Fac. Class., L-BVORTAC; Ident., DDC; Procedure No. 1, Amdt. 9; Eff. date, 29 Oct. 66; Sup. Amdt. No. 8; Dated, 5 June 65

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1⅛
				S-dn-22	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 051° Outbnd, 231° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 231°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing ELD VOR, climb to 1600′ on R 226° ELD VOR within 20 miles; when authorized by ATC, DME 10-mile arc at 1800′ may be used between R 340° clockwise to R 139° to position aircraft on final approach with elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—1400′; 090°–180°—2500′; 180°–270°—1800′; 270°–360°—1400′.

City, El Dorado; State, Ark.; Airport name, Goodwin Field; Elev., 277′; Fac. Class., BVOR; Ident., ELD; Procedure No. 1, Amdt. 4; Eff. date, 29 Oct. 66; Sup. Amdt. No. 3; Dated, 26 Sept. 64

R 281°, FAR VOR counterclockwise	R 180°, FAR VOR	Via 6-mile DME Arc.	2500	T-dn	300–1	300–1	200–½
R 101°, FAR VOR clockwise	R 180°, FAR VOR	Via 6-mile DME Arc.	2500	C-dn	900–1	900–1	900–1⅛
6-mile DME Fix, R 180°	FAR VOR (final)	Direct	2500	A-dn	900–2	900–2	900–2
				Minimums with DME:			
				C-dn	600–1	600–1	600–1½
				S-dn-35°	600–1	600–1	600–1

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′; over 6-mile DME Fix, 1400′.
Crs and distance, facility to airport, 360°—9.4 miles; 6-mile DME Fix to airport, 360°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.4 miles after passing FAR VORTAC, climb to 2500′ on R 360° within 20 miles, or when directed by ATC, make left-climbing turn to intercept R 281°, climb to 2800′ on R 281° within 20 miles.
*500–½ authorized with operative ALS except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–270°—2300′, 270°–360°—3200′.

City, Fargo; State, N. Dak.; Airport name, Hector; Elev., 900′; Fac. Class., H-BVORTAC; Ident., FAR; Procedure No. 1, Amdt. 4; Eff. date, 29 Oct. 66; Sup. Amdt. No. Orig.; Dated, 19 June 65

R 215°, FOD VOR clockwise	R 300°, FOD VOR	Via 6-mile DME Arc.	2800	T-dn*	300–1	300–1	200–½
R 048°, FOR VOR counterclockwise	R 300°, FOD VOR	Via 6-mile DME Arc.	2800	C-dn	400–1	500–1	500–1⅛
6-mile DME Fix, R 300°	FOD VOR (final)	Direct	2800	S-dn-12#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 300° Outbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 120°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing FOD VOR, climb to 2800′ on R 120° within 15 miles, return to FOD VOR and hold on R 300°.
CAUTION: Runways 18/36 unlighted.
*When weather is below 700–1, aircraft departing southbound, flight below 2300′ is prohibited between radials 120° and 175°, inclusive of the FOD VOR due to 1773′ tower, 3.7 miles S of the airport.
$400–1¼ authorized with operative HIRL except for 4-engine turbojets. Reduction below 1¼ not authorized.
#These minimums apply at all times for those air carriers with approved weather reporting services.
Use Mason City, Iowa, altimeter setting when control zone not effective. Circling and straight-in ceiling minimums are raised 100′ and alternate minimums not authorized when control zone not effective.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2800′; 180°–270°—2500′; 270°–360°—2500′.

City, Fort Dodge; State, Iowa; Airport name, Fort Dodge Municipal; Elev., 1162′; Fac. Class., H-BVORTAC; Ident., FOD; Procedure No. 1, Amdt. 7; Eff. date, 29 Oct. 66; Sup. Amdt. No. 6; Dated, 19 Feb. 66

Penguin Int	LNY R 293°/MKK R 162°	Direct	2000	T-d**	300–1	300–1	200–½
LNY R 293°/MKK R 162°	Rose Int	Direct	2000	C-d	700–1	700–1	700–1⅛
Sampan Int	Rose Int	Direct	2000	A-d*	800–2	800–2	800–2
Rose Int	LNY VOR (final)	Direct	2000				

Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 2400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 026°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums over the LNY VOR or if landing not accomplished, make right turn, climb to 4000′ on LNY R 278° within 20 miles.
NOTES: (1) No airport lighting. (2) Control zone operates 1430–1815 local standard time only. (3) Warning area 5 miles S of VOR. (4) Reductions not authorized.
CAUTION: Terrain rises sharply 2 miles NE of airport. Lee side turbulence may be encountered throughout approach.
*Alternate minimums authorized only for air carriers with approved weather reporting service.
**Takeoffs Runway 3: Westbound V–28, V–16, V–3, turn left, climb on crs; northwestbound on V–7, turn left to 300°, climb to 2500′ prior to proceeding on crs; eastbound on V–2, V–16, turn left, climb eastbound, S of R 096° to 3000′ prior to joining airway. Runway 21: northwestbound to V–7, turn right to 300°, climb to 2500′ prior to proceeding on crs; eastbound aircraft turn left, climb S of R 096° to 3000′ prior to joining airway.
MSA: 000°–090°—7800′; 090°–180°—3500′; 180°–270°—3300′; 270°–360°—5300′.

City, Lanai City; State, Hawaii; Airport name, Lanai; Elev., 1318′; Fac. Class., H-BVOR; Ident., LNY; Procedure No. 1, Amdt. 2; Eff. date, 29 Oct. 66; Sup. Amdt. No. 1; Dated, 2 May 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	500–1	500–1	NA
				C-dn	800–1	800–1	NA
				A-dn	1000–2	1000–2	NA
				DME Minimums:			
				C-dn	600–1	600–1	NA

Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′; at 5-mile DME Fix, R 245°, 900′.
Crs and distance, facility to airport, 245°—8.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.2 miles after passing MHT VOR, make a right-climbing turn to 2200′ direct MHT VORTAC. Hold NE of MHT VOR, 1-minute right turns, 245° Inbnd.
NOTE: Use Manchester altimeter setting.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—2000′; 180°–270°—3000′; 270°–360°—3500′.

City, Nashua; State, N.H.; Airport name, Boire Field; Elev., 198′; Fac. Class., L-BVORTAC; Ident., MHT; Procedure No. 1, Amdt. 3; Eff. date, 29 Oct. 66; Sup. Amdt. No. 2; Dated, 5 Dec. 64

PROCEDURE CANCELED, EFFECTIVE 29 OCT. 1966.

City, New Orleans; State, La.; Airport name, New Orleans-Lakefront; Elev., 10′; Fac. Class., L-BVORTAC; Ident., HRV; Procedure No. 3, Amdt. Orig.; Eff. date, 25 Dec. 65

AMP RBn	PIE VOR	Direct	1500	T-dn	800–1	800–1	200–½
				C-dn	700–1	700–1	700–1⅛
				S-dn-17°	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2
				If aircraft equipped with operating DME and 3-mile DME Fix R 342° identified, the following minimums are authorized:			
				C-dn	500–1	500–1	500–1½
				S-dn-17°	500–1	500–1	500–1

Radar available.
Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′; if 3-mile DME Fix R 342° identified, 800′.
Crs and distance, breakoff point to Runway 17, 170°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing PIE VOR, turn right, climb to 1600′ on R 270° within 20 miles, or when directed by ATC, turn right, climb to 1600′ on R 225° within 20 miles.
NOTE: When authorized by ATC, PIE 10-mile DME Orbit may be used from R 276° clockwise through R 039° at 1500′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
*Reduction not authorized.
MSA within 25 miles of facility: 000°–090°—1600′; 090°–180°—2200′; 180°–270°—1600′; 270°–360°—1600′.

City, St. Petersburg-Clearwater; State, Fla.; Airport name, St. Petersburg-Clearwater International; Elev., 11′; Fac. Class., H-BVORTAC; Ident., PIE; Procedure No. 1, Amdt. Orig; Eff. date, 29 Oct. 66

SAT VOR	Stinson VOR	Direct	2800	T-dn	800–1	800–1	200–½
McCoy Int	Stinson VOR (final)	Direct	2000	C-dn	500–1	500–1	500–1⅛
Losoya Int	Stinson VOR	Direct	2300	S-dn-32#	400–1	400–1	400–1
Elmendorf Int	Stinson VOR	Direct	2300	A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 157° Outbnd, 337° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 337°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing SSF VOR, turn right, heading 060° to intercept and proceed on San Antonio VORTAC, R 185° to Elmendorf Int, maintain 3000′.
NOTE: Night operation authorized Runways 14–32 only. Control zone effective between 0700–2300 c.s.t.
CAUTION: 2046′ TV tower, 11 miles ESE of Stinson field.
#Straight-in minimums not authorized unless position is established over the LVR, R 240° on final approach.
MSA within 25 miles of facility: 000°–090°—3100′; 090°–180°—2000′; 180°–270°—2100′; 270°–360°—2700′.

City, San Antonio; State, Tex.; Airport name, Stinson Municipal; Elev., 577′; Fac. Class., T-BVOR; Ident., SSF; Procedure No. 1, Amdt. 6; Eff. date, 29 Oct. 66; Sup. Amdt. No. 5; Dated, 13 Aug. 66

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
R 253°, FNT VOR clockwise	R 354°, FNT VOR	Via 10-mile DME Arc.	2000	T-dn	800-1	800-1	800-1½
				C-dn	800-1	800-1	800-1½
R 072°, FNT VOR counterclockwise	R 354°, FNT VOR	Via 10-mile DME Arc.	2000	S-dn-18	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2
10-mile DME Fix, R 354°	3-mile DME Fix (final)	Direct	1281	Minimums with DME:			
				C-dn	400-1	400-1	400-1½
				S-dn-18	400-1	400-1	400-1

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2300′ within 10 miles.
Minimum altitude over 3-mile DME Fix on final approach crs, 1281′.
Crs and distance, breakoff point to Runway 18, 182°—0.32 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FNT VOR, make climbing turn right and proceed to FN LOM at 2100′.
MSA within 25 miles of facility: 000°-090°—2300′, 090°-180°—2600′, 180°-270°—2200′, 270°-360°—2600′.

City, Flint; State, Mich.; Airport name, Bishop; Elev., 781′; Fac. Class., L-BVORTAC; Ident., FNT; Procedure No. Ter VOR-18, Amdt. 4, Eff. date, 29 Oct. 66; Sup. Amdt. No. 3; Dated, 24 Sept. 66

Harcum, R 134°	Bayside Int (ORF DME, 11 miles)	Direct	2000	T-dn	300-1	300-1	300-1½
Bayside Int (ORF DME, 11 miles)	7.6-mile or 7-mile Radar Fix	ORF, R 041°	2000	C-dn	700-1	700-1	700-1½
7.6-mile DME or 7-mile Radar Fix	3.6-mile DME or Radar Fix (final) 3 miles.	ORF, R 041°	726	S-dn-22	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2
				Minimums with 3-mile Radar or 3.6 DME Fix:			
				C-dn	500-1	500-1	500-1½
				S-dn	500-1	500-1	500-1

Radar available.
Procedure turn N side of crs, 041° Outbnd, 221° Inbnd, 2000′ within 10 miles.
Minimum altitude over 3.6-mile DME or 3-mile Radar Fix on final approach crs 726′.
Crs and distance, 3-mile Radar Fix or 3.6-mile DME Fix to airport, 221°—3 miles. Breakoff point to runway, 225°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2500′ on ORF R 233° direct to Deep Creek Int. Hold SW, 1-minute left turns.
NOTE: When authorized by ATC, DME or Radar may be used within 10 miles at 2000′ altitude to position aircraft for a straight-in approach with elimination of procedure turn.
CAUTION: 209′ tower, 1.7 miles N of airport.
MSA: 000°-090°—1300′, 090°-180°—1200′, 180°-270°—2200′, 270°-360°—1500′.

City, Norfolk; State, Va.; Airport name, Norfolk Municipal; Elev., 26′; Fac. Class., H-BVORTAC; Ident., ORF; Procedure No. Ter VOR-22, Amdt. Orig.; Eff. date, 29 Oct. 66

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
FOD VOR	11-mile DME Fix, R 120°	Direct	2800	T-dn*	300-1	300-1	300-1
R 048°, FOD VOR clockwise	R 120°, FOD VOR	Via 17-mile DME Arc.	2800	C-dn#	400-1	500-1	500-1½
				S-dn-30#	400-1	400-1	400-1
R 215°, FOD VOR counterclockwise	R 120°, FOD VOR	Via 17-mile DME Arc.	2800	A-dn#	800-2	800-2	800-2
17-mile DME Fix, R 120°	11-mile DME Fix, R 120° (final)	Direct	2600				

Procedure turn E side of crs, 120° Outbnd, 300° Inbnd, 2800′ between 11- and 21-mile DME Fix, R 120°.
Minimum altitude over 11-mile DME Fix, R 120° on final approach crs, 2600′.
Crs and distance, 11-mile DME Fix, R 120° to airport, 300°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.3-mile DME Fix R 120°, climb to 2800′ on R 300° within 10 miles, return to VOR and hold on R 300°.
CAUTION: Runways 18/36 unlighted.
*When weather is below 700-1, aircraft departing southbound, flight below 2300′ is prohibited between R 120° and R 175° inclusive of the FOD VOR due to 1773′ tower 3.7 miles S of the airport.
‡800-¾ authorized with operative HIRL except for 4-engine turbojet. Reduction below ¾ not authorized.
#These minimums apply at all times for those air carriers with approved weather reporting services.
Use Mason City, Iowa, altimeter setting when control zone not effective. Circling and straight-in ceiling minimums are raised 200′ and alternate minimums not authorized when control zone not effective.
MSA within 25 miles of facility: 000°-090°—2500′; 090°-180°—2800′; 180°-270°—2500′; 270°-360°—2500′.

City, Fort Dodge; State, Iowa; Airport name, Fort Dodge Municipal; Elev., 1162′; Fac. Class., H-BVORTAC; Ident., FOD; Procedure No. VOR DME-1, Amdt. 3; Eff. date, 29 Oct. 66; Sup. Amdt. No. 2; Dated, 19 Feb. 66

PROCEDURE CANCELED, EFFECTIVE 29 OCT. 1966.

City, Norfolk; State, Va.; Airport name, Norfolk Municipal; Elev., 26′; Fac. Class., BVORTAC; Ident., ORF; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 18 July 64; Sup. Amdt. No. Orig.; Dated, 11 Apr. 64

PROCEDURE CANCELED, EFFECTIVE 29 OCT. 1966.

City, St. Petersburg-Clearwater; State, Fla.; Airport name, St. Petersburg-Clearwater International; Elev., 11′; Fac. Class, BVORTAC; Ident., PIE; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 26 Mar. 66; Sup. Amdt. No. 1; Dated, 14 Aug. 65

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
APE VOR	CB LOM	Direct	2500	T-dn‡	300-1	300-1	300-1
Plain City Int	CB LOM	Direct	2500	C-dn	500-1	500-1	500-1½
CM LOM	CB LOM	Direct	2600	S-dn-10L#	200-½	200-½	200-½
Dublin Int	CB LOM	Direct	2600	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2495′—5.8 miles; at MM, 1028′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700′ and proceed direct to the CM LOM, hold E, 1-minute right turns, 276° Inbnd.
‡RVR 2400′: Authorized Runway 10L.
#RVR 2400′: Descent below 1016′ not authorized unless approach lights are visible.
*800-½ (RVR 4000′) required with glide slope inoperative. 800-½ (RVR 2400′) authorized with operative ALS except for 4-engine turbojets.

City, Columbus; State, Ohio; Airport name, Port Columbus International; Elev., 816′; Fac. Class., ILS; Ident., I-CBP; Procedure No. ILS-10L, Amdt. 3; Eff. date, 29 Oct. 66; Sup. Amdt. No. 2; Dated, 7 Aug. 65

10-mile DME Fix, R 152°	LOM	Direct	3200	T-dn‡*	800-1	800-1	800-1
EUG VOR	LOM	Direct	2100	C-dn	800-1	800-1	800-1½
*12-mile DME Fix and N crs EUG localizer.	LOM (final)	Direct	1500	S-dn-16#	200-½	200-½	200-½
10-mile DME Fix, R 167°	LOM	Direct	3000	A-dn	600-2	600-2	600-2
10-mile DME Fix, R 204°	LOM	Direct	3000				
CVO VOR via CVO VOR R 135° and N crs EUG localizer.	LOM (final)	Direct	2200				

Procedure turn E side of crs, 320° Outbnd, 140° Inbnd, 2100′ within 10 miles. Not authorized beyond 10 miles. (Final approach from holding pattern at EU LOM not authorized, procedure turn required.)
Minimum altitude at glide slope intercept Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at LOM, 1499′—3.7 miles; at LMM, 570′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right and climb to 2100′ on N crs, Eugene ILS localizer within 10 miles of LOM, or when directed by ATC, turn right and climb to 3000′ on R 250° EUG VOR within 10 miles of EUG VOR.
CAUTION: High terrain E and W.
NOTE: When authorized by ATC, DME may be used between R 320° EUG VOR clockwise to R 010° EUG VOR within 12 miles at 2300′ to position aircraft for straight-in approach with elimination of the procedure turn.
‡RVR 2400′: Authorized Runway 16.
#RVR 2400′: Descent below 555′ not authorized unless approach lights are visible.
*Glide slope altitude at 12-mile DME Fix, 3700′.
%Takeoffs all runways: Climb on the Eugene VORTAC R 355° within 10 miles to cross the VORTAC, southbound V-23, 900′; westbound R 251°, 1000′.

City, Eugene; State, Oreg.; Airport name, Mahlon Sweet Field; Elev., 365′; Fac. Class., ILS; Ident., I-EUG; Procedure No. ILS-16, Amdt. 19; Eff. date, 29 Oct. 66; Sup. Amdt. No. 18; Dated, 16 July 66

Holland Int	LOM	Direct	2100	T-dn**	800-1	800-1	800-1
EVV VOR	LOM	Direct	2000	C-dn	800-1	800-1	800-1½
Princeton Int	LOM	Direct	2100	S-dn-21*	800-½	800-½	800-½
Mount Vernon Int	LOM	Direct	2100	A-dn	600-2	600-2	600-2
Augusta Int	Buckskin Int	Direct	2100				
New Haven Int	LOM	Direct	2100				
Holland Int	Buckskin Int	RAM, R 112°	2100				
Buckskin Int	LOM (final)	Direct	2100				
Booneville Int	LOM	Direct	2100				
Fallistown Int	LOM	Direct	2100				
CWB VOR	LOM	Direct	2100				
Mackey Int	LOM	Direct	2100				
Cairo Int	LOM	Direct	2400				

Procedure turn N side of crs, 035° Outbnd, 215° Inbnd, 2100′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 2035′—6 miles; at MM 806′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn, climb to 2100′ on 180° crs to R 060°, and proceed to EVV VOR or when directed by ATC, make climbing right turn, climb to 2100′ on 265° crs until intercepting R 013°, then proceed N on R 013° to Princeton Int.
CAUTION: Radio tower 905′, 3.6 miles SW of airport.
Back crs unusable.
*300-1 required with glide slope inoperative, 500-½ authorized with operative HIRL, except for 4-engine turbojets.
**300-1 on Runways 9-27.

City, Evansville; State, Ind.; Airport name, Dress Memorial; Elev., 389′; Fac. Class., ILS; Ident., I-EVV; Procedure No. ILS-21, Amdt. 10; Eff. date, 29 Oct. 66; Sup. Amdt. No. 9; Dated, 13 Oct. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Louisville VOR	SD LOM	Direct	2100	T–dn‡	300–1	300–1	200–½
Bourbon Int	SD LOM	Direct	2500	C–dn	600–1	600–1	600–1½
Bethany Int	SD LOM	Direct	2300	S–dn–17*	200–½	200–½	200–½
Corydon Int	SD LOM	Direct	2300	A–dn	600–2	600–2	600–2
Harbor Int	SD LOM	Direct	2300				
Sellersburg Int	SD LOM	Direct	3000				
New Albany Int	SD LOM	Direct	2600				

Radar available.
Procedure turn W side of final approach crs, 190° Outbnd, 010° Inbnd, 2100′ within 10 miles of SD RBn (LOM).
Minimum altitude at glide slope interception Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 1870—4.8 miles, at MM, 665—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a left-climbing turn to 2500′ on heading 270°, intercept R 283° LOU VOR and proceed to Corydon Int. Hold W 1-minute right turns, 103° Inbnd.
Alternate missed approach: Climb to 2200′ on N crs of ILS to Harbor Int. Hold N, 1-minute left turns, 190° Inbnd.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs at 2500′ via an 11-mile DME Arc, R 036° clockwise to R 240° from Louisville VORTAC with the elimination of the procedure turn.
*400–¾ (RVR 4000′) required when glide slope not utilized. 400–½ (RVR 2400′) authorized with operative ALS, except for 4-engine turbojets.
‡RVR 2000′ authorized for 4-engine turbojets. RVR 1800′ authorized for all other aircraft. Descent below 697′ not authorized unless approach lights visible.

City, Louisville; State, Ky.; Airport name, Standiford Field; Elev., 497′; Fac. Class., ILS; Ident., I-SDF; Procedure No. ILS–1, Amdt. 25; Eff. date, 29 Oct. 66; Sup. Amdt. No. 24; Dated 9 July 66

Woodstown VOR	LOM	Direct	2000	T–dn*	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–9‡	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar available.
Procedure turn S side of crs, 265° Outbnd, 085° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM, 1800′—5.9 miles; at MM, 215′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 700′ on crs, 085° within 5 miles, then make right-climbing turn to 2000′ and proceed direct to Woodstown VOR. Hold SW, R 211°, 031° Inbnd, 1-minute left turns.
CAUTION: 180′ water tank, 2 miles W of approach end of Runway 9.
*RVR 2000′: Authorized Runway 9. Descent below 214′ not authorized unless approach lights are visible. RVR 2400′: Applies when 200′ runway light spacing in use.
‡600–1 required with glide slope inoperative.

City, Philadelphia; State, Pa.; Airport name, Philadelphia International; Elev., 14′; Fac. Class., ILS; Ident., I-PHL; Procedure No. ILS–9, Amdt. 18; Eff. date, 29 Oct. 66; Sup. Amdt. No. 17; Dated, 15 June 63

Woodstown VOR	LOM	Direct	1600	T–dn**	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–18‡	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn W side S crs, 194° Outbnd, 014° Inbnd, 1600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1631′—5.3 miles; at MM, 293′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing left turn to 2000′ on EWT R 270° to Elkton Int. Hold W, 1-minute right turns, 060° Inbnd.
CAUTION: Turn left as soon as practical to avoid holding pattern at Philadelphia LOM.
**RVR 2400′: Authorized Runway 1.
‡RVR 2400′: Descent below 279′ not authorized unless approach lights are visible.
*300–¾ required with glide slope inoperative.

City, Wilmington; State, Del.; Airport name, Greater Wilmington; Elev., 79′; Fac. Class., ILS; Ident., I-ILG; Procedure No. ILS–1, Amdt. 9; Eff. date, 29 Oct. 66; Sup. Amdt. No. 8; Dated, 8 Aug. 64

Millbury Int	OR LOM	Direct	2400	T–dn‡	300–1	300–1	200–½
Putnam VOR	Sutton Int	Direct	2400	C–dn	600–1	600–1	600–1½
Sutton Int	OR LOM (final)	Direct	2400	S–dn–33*	200–½	200–½	200–½
Boston VOR	Sutton Int	Direct	3000	A–dn	800–2	800–2	800–2
				Without glide slope: S–dn–33*	300–¾	300–¾	300–¾

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 2400′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2400′.
Altitude of glide slope and distance to approach end of runway at OM, 2343′—4 miles; at MM, 1220′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing OR LOM, or at the LMM, make an immediate left-climbing turn to 2400′ direct to OR LOM. Hold SE of OR LOM, 332° Inbnd, 1-minute right turns.
NOTES: (1) Glide slope unusable below 1200′. (2) Back crs unusable.
CAUTION: 1663′ radio tower, 1.9 miles NNW of airport; 1180′ lighted obstruction, 0.7 mile W of approach end Runway 11.
*Missed approach point is the LMM.
‡600–1 required when LMM is inoperative.
§300–1 required for takeoffs on Runway 29.
Departure Procedures: Departure Runway 33—Execute left-climbing turn as soon as practicable after takeoff to 300° heading climbing to 2000′ before proceeding northeast-bound. Departure Runway 2—Climb to 2000′ on a magnetic heading of 050° before making a left turn.

City, Worcester; State, Mass; Airport name, Worcester Municipal; Elev., 1009′; Fac. Class., ILS; Ident., I-ORH; Procedure No. ILS–33, Amdt. 10; Eff. date, 29 Oct. 66; Sup. Amdt. No. 9; Dated, 9 July 66

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:			Surveillance approach		
250°	350°	20 miles	2800	T–dn	300–1	300–1	200–½
350°	030°	20 miles	2400	C–dn*	400–1	400–1	400–1½
030°	210°	20 miles	2600	C–dn–27	700–1	700–1	700–1½
210°	250°	20 miles	2600	S–dn–9‡	400–1	400–1	400–1
000°	360°	10 miles	2000	S–dn–27	700–1	700–1	700–1
				A–dn	800–2	800–2	800–2

and including the area 4 miles E and 7 miles W of Runways 18–36 centerline extended 16 miles to the N; and the area 4 miles W and 7 miles E of Runways 18–36 centerline extended 16 miles to the S, minimum altitude 2000′.
Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
Radar control will provide 1000′ vertical clearance within a 3-mile radius of towers, 1740′ and 1411′, 9 miles ENE; 1550′, 24 miles NE; 1280′, 2.5 miles E; 1130′, 9 miles E; 1120′, 12 miles NW and water tank 1063′, 4 miles SSE. Tower 1167′, 14 miles NNE.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 36: Climb to 2500′ and proceed to New Baltimore Int. Hold N 1-minute right turns, 186° Inbnd. Runways 9, 18, and 27: Climb to 2000′ and proceed S to Union Int. Hold S 1-minute right turns, 360° Inbnd.
*Runways 9, 18, 36.
‡400–¾ authorized for Runways 18 and 36 with operative high-intensity runway lights, except for 4-engine turbojet aircraft.
§600–½ authorized for Runways 18 and 36 with operative ALS, except for 4-engine turbojet aircraft.

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890′; Fac. Class. and Ident., Cincinnati Radar; Procedure No. 1, Amdt. 7; Eff. date, 29 Oct. 66; Sup. Amdt. No. 6; Dated 2 July 66

000°	360°	0–7 miles	1900	Surveillance approach			
000°	360°	7–15 miles	2300	T–dn	300–1	300–1	200–½
000°	360°	15–20 miles	2890	C–dn	600–1½	600–1½	600–1½
				A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 23L: Climb to 2600′, proceed to YIP LOM. Runway 5R, make left turn, climb to 2600′ and proceed to SVM VOR on SVM R 170°.
NOTE: Radar control will provide 1000′ vertical clearance with a 3-mile radius of 1321′ tower, 7 miles SE, four towers, 1700′ to 1753′, 15 miles NE.

City, Detroit; State, Mich.; Airport name, Willow Run; Elev., 716′; Fac. Class., and Ident., Detroit Metro Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 29 Oct. 66

		Within:		Surveillance approach			
045°	265°	20 miles	3080	T–dn**	300–1	300–1	200–½
295°	320°	20 miles	2200	C–dn*	500–1	500–1	500–1½
320°	045°	20 miles	2460	S–dn‡	800–1	800–1	800–1
265°	020°	10 miles	1880	A–dn	800–2	800–2	800–2
020°	295°	10 miles	1,000	Precision approach			
				S–dn–9**	200–½	200–½	200–½
				A–dn–9	600–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ and proceed direct to Woodstown VOR. Hold SW, R 211°, 031° Inbnd, 1-minute left turns.
‡Runways 9, 17, 27, 35.
*Runway 27 only descent below 760′ not authorized until passing 5-mile Radar Fix.
**RVR 2000′: Authorized Runway 9. Descent below 264′ not authorized unless approach lights are visible. RVR 2400′: Applies when 200′ runway lights spacing in use.

City, Philadelphia; State, Pa.; Airport name, Philadelphia International; Elev., 14′; Fac. Class. and Ident., Philadelphia Radar; Procedure No. 1, Amdt. 10; Eff. date, 29 Oct. 66; Sup. Amdt. No. 9; Dated, 12 Mar. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775))

Issued in Washington, D.C., on September 21, 1966.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 66–10635; Filed, Oct. 10, 1966; 8:45 a.m.]

(2) The child marries (except as pro- ent is entitled to disability insurance (ii) Was legally adopted by such par-

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950_____)

Subpart D—Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability

Subpart L—Family Relationships

MISCELLANEOUS AMENDMENTS

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.320 is amended to read as follows:

§ 404.320 Child's insurance benefits; conditions of entitlement.

(a) *Entitlement.* A child is entitled to a child's insurance benefit if he or she:

(1) Is the child (as defined in § 404.1109) of:

(i) An individual entitled to old-age insurance benefits or disability insurance benefits; or

(ii) An individual who was fully insured (see §§ 404.108–404.113) or currently insured (see § 404.114) at the time of death; and

(2) Has filed application, except as provided in § 404.353(d), for child's insurance benefits; and

(3) Is unmarried at the time such application is filed; and

(4) At the time such application is filed:

(i) Has not attained the age of 18, or

(ii) Has not attained the age of 22 and is a full-time student (as defined in paragraph (c) of this section), or

(iii) Is under a disability which began before attainment of age 18; and

(5) Was dependent (see §§ 404.324–404.327) at a time specified in § 404.323, upon the parent on whose earnings child's insurance benefits are claimed.

(b) *Reentitlement.* A child whose entitlement to benefits terminated with the month before the month in which he attained age 18, or later, may thereafter (provided no event specified in paragraph (b) (2) and (3) of § 404.321 has occurred) again become entitled to such benefits upon filing application for such reentitlement, beginning with the first month after such termination in which he is a full-time student and has not attained the age of 22.

(c) *Definitions of terms*—(1) *Full-time student.* The term "full-time student" means a student who is in full-time attendance (as defined in subpar. (2) of this paragraph) at an educational institution (as defined in subparagraph (4) of this paragraph), except that no student shall be considered a full-time student if he is paid by his employer for attending an educational institution at his employer's request or pursuant to a requirement of his employer.

(2) *Full-time attendance.* Ordinarily, a student is in "full-time attendance" at an educational institution if he is enrolled in a noncorrespondence course and is carrying a subject load which is considered full-time for day students under the institution's standards and practices. However, a student will not be considered in "full-time attendance" (i) if he is enrolled in a junior college, college, or university in a course of study of less than 13 school weeks' duration, or, (ii) if he is enrolled in any other educational institution and either the course of study is less than 13 school weeks' duration or his scheduled attendance is at the rate of less than 20 hours a week. A student whose full-time attendance begins or ends in a month is in full-time attendance for that month.

(3) *Deemed full-time student during period of nonattendance.* An individual will be deemed a full-time student during any period of nonattendance (including part-time attendance) at an educational institution if the period is 4 consecutive calendar months or less, and the individual:

(i) Establishes that he intends to be in full-time attendance at an educational institution in the month immediately following such period, or

(ii) Is in full-time attendance at an educational institution in the month immediately following such period.

However, an individual will not be deemed a full-time student during any period of nonattendance if the nonattendance is due to expulsion or suspension, notwithstanding such individual intends to, or does in fact, resume full-time attendance within 4 calendar months after the beginning of such period of nonattendance.

(4) *Educational institution.* An educational institution, as used in this paragraph (c), is a school (including a technical, trade, or vocational school), junior college, college, or university which meets any of the conditions described in the following subdivisions (i), (ii), and (iii) of this subparagraph (4):

(i) It is operated or directly supported by the United States, or by any State or local government or political subdivision thereof; or

(ii) It is approved by a State or accredited by a State-recognized or nationally recognized accrediting agency or body. A nationally recognized accrediting agency or body is an agency or body that has been determined to be such by the U.S. Commissioner of Education. A State-recognized accrediting agency or body is an agency or body designated or recognized by a State as proper authority for accrediting schools, colleges, or universities as meeting educational standards. Approval by a State includes approval of a school, college, or university as an educational institution, or of one or more of the school's, college's, or university's courses, by a State agency or subdivision of the State. This approval may be indirect, as, for example, if attendance at the school satisfies the State's compulsory education laws, or if the school has a tax exemption as a school, or if the school receives financial aid, loans, or scholarship allowances; or

(iii) In the case of a nonaccredited school, college, or university, its credits are accepted, on transfer, by not less than three institutions which have been accredited by a State-recognized or nationally recognized accrediting agency or body, for credit on the same basis as if transferred from an institution so accredited. Acceptance of credits on transfer includes, in addition to acceptance of laterally transferred credits between similar educational institutions, acceptance of credits completed in an institution at a lower grade level for entrance into an institution at a higher grade level.

2. Section 404.321 is amended to read as follows:

§ 404.321 Child's insurance benefits; duration of entitlement.

(a) A child is entitled to a child's insurance benefit for each month beginning with the first month in which all of the conditions of entitlement described in § 404.320 (a) or (b) are met. However, no entitlement to child's benefits may be established for any month:

(1) Before January 1957 if the child's entitlement is based on his disability as defined in section 223(c)(2) of the Act as in effect prior to September 1965, or before September 1965 if entitlement is based on his disability as defined in section 223(c)(2) of the Act, as amended by section 303(a)(2) of P.L. 89–97, enacted on July 30, 1965;

(2) Before September 1958, if benefits are based on the earnings of a parent entitled to disability insurance benefits;

(3) Before October 1960, if the parent on whose earnings record the benefits are claimed died before 1940;

(4) Before January 1965, if child's entitlement is based on his status as a full-time student (see § 404.320(a)(4)(ii));

(5) Before September 1965, if child's entitlement is based on his status as described in § 404.1101(d);

(6) Before the month of the child's birth.

(b) The last month for which a child is entitled to a child's insurance benefit is the month before the month in which any one of the following events first occurs:

(1) The child dies;

(2) The child is adopted, except for adoption after the death of the individual on whose earnings such entitlement is based, by:

(i) The child's stepparent, grandparent, aunt, or uncle, and

(ii) Effective after July 1965, the child's brother or sister (where a child's benefits were terminated by such adoption prior to August 1965, such child may, based upon application filed after June 1965, become reentitled to benefits if all other requirements are met).

(3) The child marries (except as provided in paragraph (d) of this section);

(4) The child attains age 18, and

(i) Is not under a disability at that time, and

(ii) Is not a full-time student (as defined in § 404.320(c)) during any part of the month in which he attains age 18.

(5) If the child's entitlement is based on his status as a full-time student, the earlier of:

(i) The first month during no part of which he is a full-time student, or

(ii) The month in which he attains age 22.

(6) If the child's entitlement is based on his disability, the third month following the month in which he ceases to be under a disability, unless he is a full-time student during any part of such third month and has not attained age 22 in or before such month.

(7) The parent on whose earnings the child's entitlement to benefits is based ceases to be entitled to disability insurance benefits for reasons other than death or attainment of age 65.

(c) Where a woman who is entitled to child's insurance benefits is married to a man entitled to disability insurance benefits or to child's insurance benefits because under a disability (see paragraph (d) of this section), her entitlement to child's insurance benefits will terminate with the month in which her husband's entitlement to such benefits ends for a reason other than his death or his entitlement to old-age insurance benefits.

(d) The marriage of a child, age 18 or over and entitled to child's insurance benefits based on a disability, will not terminate such entitlement (however, see paragraph (c) of this section for termination because of a subsequent event) if the marriage is to:

(1) A person age 18 or older entitled to child's insurance benefits based on a disability; or

(2) A person entitled to old-age, widow's, widower's, mother's, parent's, or disability insurance benefits, or, effective after August 1965, wife's insurance benefits.

3. Section 404.323(a) is amended to read as follows:

§ 404.323 Child's insurance benefits; time at which child must be dependent upon parent.

(a) *Months after August 1958.* For months after August 1958, the dependency requirement must be met:

(1) If the parent is living, at the time the application for child's insurance benefits is filed, except as provided in subparagraphs (4), (5), and (6) of this paragraph; or

(2) If the parent is deceased, at the time of the parent's death; or

(3) If the parent had a period of disability which continued until he became entitled to disability or old-age insurance benefits (or, if he had died, until the month of his death), at the beginning of such period of disability, or at the time he became entitled to such benefits.

(4) Except as provided in subparagraph (5) of this paragraph, if the parent is entitled to disability insurance benefits, dependency of the child may not be established at the time specified in subparagraph (1) of this paragraph unless such child:

(i) Is the natural child or stepchild of such parent (including a natural child or stepchild of such parent who was legally adopted by such parent); or

(ii) Was legally adopted by such parent before the end of the 24-month period beginning with the month after the month in which the parent most recently became entitled to disability insurance benefits, and (a) proceedings for such adoption had been instituted by the parent in or before the month in which such parent's period of disability began, and such period of disability still existed at the time of such adoption, or (b) such adopted child was living with such parent in the month in which such period of disability began.

(5) Effective with applications for child's insurance benefits filed on or after July 30, 1965, if the parent is entitled to disability insurance benefits, or is entitled to old-age insurance benefits and was entitled to disability insurance benefits for the month preceding the first month for which he was entitled to old-age insurance benefits, and the child had been adopted by such parent after he became entitled to the disability insurance benefits, such child shall be deemed not to meet the dependency requirements at the times specified in subparagraphs (1) and (3) of this paragraph unless such child:

(i) Is the natural child or stepchild of such parent (including a natural child or stepchild who was legally adopted by such parent), or

(ii) Was legally adopted by such parent before the end of the 24-month period beginning with the month after the month in which such parent most recently became entitled to disability insurance benefits, provided (a) the proceedings for the adoption of the child had been instituted by such parent in or before the month in which such parent's period of disability began, and such period of disability still existed at the time of adoption (or, if such child was adopted by the parent after he attained age 65, such period of disability existed in the month before the month in which he attained age 65), or (b) such adopted child was living with such parent in the month in which the period of disability began.

(6) Effective with applications for child's insurance benefits filed on or after July 30, 1965, if the parent is entitled to old-age insurance benefits but is not a parent included under subparagraph (5) of this paragraph and the child had been adopted by such parent after he became entitled to the old-age insurance benefits, such child shall be deemed not to meet the requirements of subparagraph (1) of this paragraph unless such child:

(i) Is the natural child or stepchild of such parent (including a natural child or stepchild who was legally adopted by such parent), or

(ii) Was legally adopted by such parent before the end of the 24-month period beginning with the month after the month in which such parent became entitled to old-age insurance benefits (however, this time limit does not apply if the child was adopted before August 1966), provided (a) such child had been receiving at least one-half of his support from such parent for the year before such parent filed his application for old-age insurance benefits, or, if such parent had a period of disability which continued until he became entitled to old-age insurance benefits, for the year before such period of disability began, and (b) either the proceedings for the adoption of the child had been instituted by such parent in or before the month in which the parent filed his application for old-age insurance benefits, or such adopted child was living with such parent in the month he filed his application for old-age insurance benefits.

• • • • • •

4. Paragraph (a)(3) of § 404.325 is amended to read as follows:

§ 404.325 Child's insurance benefits; dependency upon father or adopting father.

(a) *Months after August 1960.* For benefits for months after August 1960, based on an application filed after August 1960, a child is deemed dependent upon his father or adopting father if, at the time determined under the provisions of § 404.323(a):

• • • • • •

(3) The child is the legitimate or legally adopted child of such individual and has not been legally adopted by some other person. For purposes of this paragraph, a child who is deemed to be a child of an individual under the criteria in § 404.1101(c)(1), or under the criteria in § 404.1101(d), is deemed to be the legitimate child of such individual.

• • • • • •

5. Section 404.1101 is amended by adding a new paragraph (d) to read as follows:

§ 404.1101 Determination of relationship.

Whether a claimant bears the necessary relationship for entitlement under title II of the Act, as wife, husband, widow, widower, child or parent of the insured individual upon whose wages and self-employment income an application is based is determined as follows:

• • • • • •

(d) If the application for child's benefits is filed in or after July 1965 and the claimant is the natural son or daughter of the insured individual but does not have the relationship of child to the insured individual under the criteria described in paragraph (a) or (c)(1) of this section, such child will nevertheless be deemed the child of such insured individual for purposes of child's benefits beginning no earlier than September 1965, if:

(1) In the case of an insured individual who is entitled to old-age insurance benefits and in the month before he became entitled to such benefits was not entitled to disability insurance benefits:

(i) Such insured individual has acknowledged in writing that the claimant is his son or daughter, or he has been decreed by a court to be the father of the claimant, or he has been ordered by a court to contribute to the support of the claimant because claimant is his son or daughter, and such acknowledgment, court decree, or court order was made not less than 1 year before such insured individual became entitled to old-age insurance benefits or attained age 65, whichever is earlier, or

(ii) Such insured individual is shown by satisfactory evidence to be the father of the claimant and was living with or contributing to the support of the claimant at the time such insured individual became entitled to old-age insurance benefits or attained age 65, whichever first occurred;

(2) In the case of an insured individual who is entitled to disability insurance benefits or who was entitled to such benefits in the month before the first month for which he was entitled to old-age insurance benefits:

(i) Such insured individual has acknowledged in writing that the claimant is his son or daughter, or he has been decreed by a court to be the father of the claimant, or he has been ordered by a court to contribute to the support of the claimant because the claimant was his son or daughter, and such acknowledgment, court decree, or court order was made before such insured individual's most recent period of disability began, or

(ii) Such insured individual is shown by satisfactory evidence to be the father of the claimant and was living with or contributing to the support of the claimant at the time such period of disability began;

(3) In the case of a deceased insured individual:

(i) Such insured individual had acknowledged in writing that the claimant is his son or daughter, or he had been decreed by a court to be the father of the claimant, or he had been ordered by a court to contribute to the support of the claimant because the claimant was his son or daughter, and such acknowledgment, court decree, or court order was made before the death of such insured individual, or

(ii) Such insured individual is shown by satisfactory evidence to have been the father of the claimant and that he was living with or contributing to the support of the claimant at the time he died.

6. Section 404.1109(c) is amended to read as follows:

§ 404.1109 Definition of child.

The term "child" means a claimant who:

* * * * * * *

(c) Is neither the stepchild nor legally adopted child of the individual upon whose wages and self-employment income his application is based but has the status of a child of such individual under applicable State law as described in § 404.1101 (a) and (b)(1), or is deemed to have the status of child of such individual pursuant to § 404.1101 (c) or (d).

(Secs. 202, 205, 1102, 72 Stat. 1022, as amended, 53 Stat. 1362, as amended, 53 Stat. 647; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 402, 405, 1302)

Dated: September 21, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 4, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 66-11044; Filed, Oct. 10, 1966; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SYNTHETIC TERPENE RESINS FOR CHEWING GUM BASE

No adverse comments were received in response to the notice published in the FEDERAL REGISTER of July 28, 1966 (31 F.R. 10198), proposing that (1) the polymer composition of synthetic terpene resins for use in chewing gum base as prescribed in § 121.1059(a) be broadened to include polymers of α-pinene and dipentene and (2) that the regulation be amended to prescribe specifications for such synthetic terpene resins. (Proposal (1) was based on a petition (FAP 6A1819) filed by Tenneco Chemicals, Inc., Newport Division, Post Office Drawer 911, Pensacola, Fla. 32502, and proposal (2) was on the initiative of the Commissioner of Food and Drugs.) Accordingly, it is concluded that the proposed amendment should be adopted without change.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c)(1), (d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.1059(a) is amended by changing the item "Synthetic resin" listed under "Terpene Resins" to read as follows:

§ 121.1059 Chewing gum base.

* * * * * * *

(a) * * *

TERPENE RESINS	
Synthetic resin	Consisting of polymers of α-pinene, β-pinene, and/or dipentene; acid value less than 5, saponification number less than 5, and color less than 4 on the Gardner scale as measured in 50 percent mineral spirit solution.

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409 (c)(1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c)(1), (d))

Dated: October 3, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11043; Filed, Oct. 10, 1966; 8:48 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

SUBCHAPTER B—PROCEDURAL RULES

[Docket No. 1]

PART 215—RULE MAKING; INITIAL SAFETY STANDARDS

NOTE: The heading of Title 23 of the Code of Federal Regulations is revised to read as set forth above.

This rule-making action adds Chapter II to Title 23 of the Code of Federal Regulations. Chapter II will eventually contain all the regulations pertaining to Motor Vehicle and Highway Safety. At this time only the procedural rules governing promulgation of initial Federal motor vehicle safety standards under section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 are being issued.

These rules will constitute Part 215 of Title 23 CFR. They are made effective upon publication.

These rules are drafted to help ensure the initial motor vehicle safety standards are issued on or before January 31, 1967. This time schedule will necessitate strict adherence to procedural dates established under these rules. This part may be amended in light of comments or on the Secretary's own initiative.

Procedural rules to govern adoption of the revised Federal Motor Vehicle Standards will be issued separately at a later date.

Subchapter A of Chapter II is reserved, and Parts 211–213 of Subchapter B of Chapter II are reserved.

In consideration of the foregoing, Title 23 of the Code of Federal Regulations is hereby amended, effective on publication, by the addition of Chapter II, consisting of Part 215 at present, to read as follows:

Sec.
215.1 Scope.
215.3 Definitions.
215.5–215.9 [Reserved]
215.11 Notice of rule-making.
215.13 Docket.
215.15 Order.
215.17 Reconsideration.

AUTHORITY: The provisions of this Part 215 issued under secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966, 80 Stat. 718.

§ 215.1 Scope.

This part prescribes the procedures that will govern the rule-making proceedings for adoption and amendment of the initial Federal Motor Vehicle Safety Standards under section 103 of the National Traffic and Motor Vehicle Safety Act of 1966.

§ 215.3 Definitions.

"Act" means the National Traffic and Motor Vehicle Safety Act of 1966, P.L. 89–563, of September 9, 1966, 80 Stat. 718.

"Initial standard" means a standard adopted under section 103(h), first sentence, of the Act.

"Secretary" means the Secretary of Commerce or a person to whom he has delegated final authority in the matter concerned by published delegation.

"Standard" means a Federal motor vehicle safety standard established under sections 102(2) and 103 of the Act.

§§ 215.5–215.9 [Reserved]

§ 215.11 Notice of rule-making.

The Secretary will issue a notice of rule-making that will be published in the FEDERAL REGISTER in conformity with section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, proposing the initial Federal motor vehicle safety standards. The notice will establish the period within which written comments containing data, views and arguments must actually be received. Such written comments shall be submitted in twenty (20) legible copies. Any interested person shall submit as part of his written comments all the evidence that he considers material to any statement of fact made by him. In the comments, statements of fact, supporting evidence, contentions as to policy, and legal arguments shall be separated to the extent possible. Incorporation of material by reference should be avoided. However, if necessary, the incorporated material should be identified with respect to document and page. After the notice is issued and before issuance of the order, communications to the Secretary or his staff concerning the Initial Standards shall be in writing unless specific arrangements are made for a meeting at which a transcript or summary minutes shall be taken.

§ 215.13 Docket.

A public docket relating to this proceeding will be maintained at the Office of the General Counsel of the Department of Commerce. Any interested person may examine and copy any document in the docket during regular business hours. The docket will contain the record in this proceeding (except for copies of published materials that are readily available to the public); and correspondence and other public documents relating to this proceeding.

§ 215.15 Order.

The Secretary will make an order issuing initial motor vehicle safety standards. This order will be published in the rules section of the FEDERAL REGISTER. The order will be based exclusively on the record.

§ 215.17 Reconsideration.

Any person who will be adversely affected by an order issued under § 215.15 may, within ten (10) days after publication of the order in the FEDERAL REGISTER, file a Petition for Reconsideration of the order. The Petition shall be filed in twenty (20) legible copies and shall contain a concise statement of Petitioner's contentions and underlying matters of fact, law or policy. Matters of fact not already in the record and introduced in the Petition will be considered only if accompanied by a showing that there were reasonable grounds for failure to adduce them before the end of the period for comments on the notice of rule-making. The Secretary may direct a stay of any provisions of the order objected to in the Petition pending disposition of the Petition. After such proceedings, if any, as the Secretary may direct, he will dispose of the Petition by an appropriate Order on Reconsideration.

Issued in Washington, D.C., on October 6, 1966.

JOHN T. CONNOR,
Secretary of Commerce.

[F.R. Doc. 66-11039; Filed, Oct. 10, 1966; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Hudson River, N.Y.; Straits of Florida and Florida Bay, Fla.

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.60 is hereby amended with respect to paragraph (p) redesignating the boundaries of a special anchorage area in the Hudson River at Hastings-on-Hudson, N.Y., wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.60 Port of New York and vicinity.

* * * * * * *

(p) *Hudson River, at Hastings-on-Hudson.* That portion of the waters northerly of a line extending from a point at latitude 40°59'56.0", longitude 73°53'11.3" to the shore at latitude 40°59'55.7"; easterly of lines extending from the aforementioned point at latitude 40°59'56.0", longitude 73°53'11.3" through a point at latitude 41°00'04.6", longitude 73°53'10.9" to a point at latitude 41°00'14.6", longitude 73°53'08.2"; and southerly of a line extending from the last mentioned point to the shore at latitude 41°00'14.2".

* * * * * * *

[Regs., Sept. 26, 1966, 1507-32 (Hudson River, N.Y.)—ENGCW-ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 204.95 establishing and governing the use and navigation of danger zones in the Straits of Florida and Florida Bay, Fla., is hereby amended with respect to subparagraph (a)(2), revoking one of the danger zones in subdivision (iii), effective 30 days after publication in the FEDERAL REGISTER as follows:

§ 204.95 Straits of Florida and Florida Bay in vicinity of Key West, Fla.; operational training area, aerial gunnery range, and bombing and strafing target areas, Naval Air Station, Key West, Fla.

(a) *The danger zones.* * * *

(2) * * *

(iii) A circular area located west of Marquesas Keys with a radius of two nautical miles having its center at latitude 24°34'30" and longitude 82°14'00".

* * * * * * *

[Regs., Sept. 26, 1966, 1507-32 (Straits of Florida and Florida Bay, Fla.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-11002; Filed, Oct. 10, 1966; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

National Wildlife Refuges in Florida and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rulemaking.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

FLORIDA

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Merritt Island National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,000 acres, is delineated on a map available at the refuge headquarters, Titusville, Fla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only from one-half hour before sunrise until noon, 5 days per week, Tuesday through Saturday, during the periods November 24 through November 27, 1966, and December 3, 1966, through January 8, 1967.

(2) Hunters will be permitted to hunt only from designated blinds furnished and located by the Bureau. Shooting is not permitted outside a blind.

(3) Guns must be unloaded while being transported on the refuge and while being carried to and from the blinds. Guns must be left in the blind while dead or crippled birds are being retrieved.

(4) A maximum of three persons will be permitted to shoot from one blind.

(5) Participants in the hunt are required to furnish either a retriever or a boat for retrieving birds which fall across or in deep water.

(6) The use of air-thrust boats on the refuge is prohibited.

(7) Hunters under 16 years of age may not apply for advance reservations, but may participate in the hunt if accompanied by an adult.

(8) Shells that contain shot larger than BB's are prohibited.

(9) Hunters are required to enter and leave the hunting area by way of the check station located on State Highway 402. All waterfowl bagged must be presented for inspection at the check station before hunters leave the refuge.

(10) A refuge permit is required of all hunters. A blind fee of $3 per blind per day is required. (One dollar per person if three persons occupy a blind.)

(11) Applications for advance reservations for refuge permits must be submitted in writing prior to October 25 to the Refuge Manager, Merritt Island National Wildlife Refuge, Post Office Box 956, Titusville, Fla. 32780. Vacancies not reserved by advance reservation will be awarded daily at the check station on a first come, first served basis. Reservation commitments for a refuge permit are not transferable and, unless claimed prior to 1 hour before shooting time, are automatically canceled.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1967.

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Chassahowitzka National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Wednesday through Sundays during the periods November 24 through November 27, 1966, and December 3, 1966, through January 8, 1967.

(2) No more than two dogs per hunter may be used only to retrieve wounded or dead birds.

(3) Only temporary blinds constructed of native vegetation are permitted.

(4) Designated routes of travel must be used for entering or leaving the public hunting area.

(5) A Federal permit is required for the use of airboats in the refuge area. Airboat permits may be obtained by applying in person at refuge headquarters, 4½ miles south of Homosassa Springs, Fla., between the hours of 7:30 a.m. and 4 p.m., Monday through Friday. All airboats must be equipped with exhaust mufflers.

(6) All guns must be unloaded and cased while hunters are traveling to and from the hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1967.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Loxahatchee National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 29,000 acres, is delineated on a map available at the refuge headquarters, Delray Beach, Fla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) The possession or use of shells containing shot larger than No. 4 is prohibited.

(2) Only temporary blinds constructed of native vegetation are permitted.

(3) Hunters must enter and leave the refuge by either the S-39 landing or the headquarters landing and must use the following designated routes of travel to and from the hunting area: Those portions of Canal 40 and Canal 39 (Hillsboro Canal) immediately east and south of the hunting area; also the refuge marsh areas near the headquarters landing and the S-39 landing lying between the hunting area and portions of canals described above. No hunting is permitted in or over these designated routes of travel.

(4) While using designated routes of travel to and from the hunting area, hunters must have their shotguns unloaded and dismantled or cased.

(5) Air-thrust boats may be authorized for use only by special permit issued by the refuge manager.

(6) All public use within the refuge is limited to the period each day from 1 hour before sunrise to 1 hour after sunset.

(7) Each hunter will be permitted to use dogs for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1967.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, and coots on the Wheeler National Wildlife Refuge, Ala., is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,000 acres, is delineated on a map available at the refuge headquarters, Decatur, Ala., and from the Office of the Regional

Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, and coots subject to the following conditions:

(1) Open season—Geese: November 16, 1966, through January 14, 1967. Ducks and coots: November 24, 1966, through January 7, 1967. A kill quota of 2,000 geese is established. If this quota is reached during the above open season, the refuge hunt for all waterfowl species will be terminated. During the above seasons, hunting will be permitted only on Wednesdays, Thursdays, Fridays, and Saturdays, from one-half hour before sunrise to 12 noon.

(2) Blinds—The construction of blinds by the public is prohibited. Hunting shall be only from those blinds constructed and labeled by the Bureau.

(3) Guns must be unloaded and cased at all times except when hunters are inside blinds. No shooting is permitted outside blinds. Hunters are authorized to hunt only from the blind specified on their permits.

(4) Ammunition—Shells that contain shot larger than No. 2 may not be used and will not be permitted in the possession of hunters. No hunter may possess more than 15 shells of any shot size or fire more than 15 shots during any one hunting trip.

(5) Crows and foxes may also be shot during the hunt period, provided these are shot from designated waterfowl blinds.

(6) Intoxicating beverages will not be permitted on the refuge.

(7) Hunters will not be permitted to enter the hunting area sooner than 1½ hours before legal hunting hours and must leave the area promptly after 12 noon.

(8) A maximum of two persons will be permitted to hunt from each blind.

(9) Hunters under 16 years of age must be accompanied by adults.

(10) Each hunter must have a refuge permit. To obtain a permit individuals must present a valid Alabama hunting license, a duck stamp (if persons have attained 16th birthday) and pay a blind fee of $4 ($2 per person if two persons occupy blind).

(11) Hunters are required to stop at the permit office at the close of each hunt, return permits, and allow game to be examined.

(12) Applications for advance reservations for refuge permits must be submitted in writing to the refuge manager. Applications for advance reservations will be accepted during the period September 15 through 30. Only one application will be accepted per individual, and this for a maximum of 1 hunting day. Reservations will be awarded on the basis of a drawing held at the refuge office on October 3, 1966. Blinds not reserved and those for which reservations are not claimed within 1 hour of legal hunting hours will be awarded on the basis of a drawing held at the permit office each hunt morning approximately 1 hour before legal hunting hours. Reservation commitments for a refuge permit are nontransferable.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 14, 1967.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Mattamuskeet National Wildlife Refuge, N.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,300 acres, is delineated on a map available at the refuge headquarters, New Holland, N.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 14, 1967.

GEORGIA

SAVANNAH NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Savannah National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,600 acres, is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Thursdays, Fridays, and Saturdays, from one-half hour before sunrise to 1 p.m., during the period November 24, 1966, through January 7, 1967.

(2) Hunting will not be permitted in or on Front River, Middle River, Steamboat River, and Back River, nor closer than 50 yards to the shoreline of these rivers.

(3) Hunters will not be permitted to enter the hunting area sooner than 1½ hours before sunrise.

(4) Guns must be unloaded while being carried to and from the hunting area.

(5) Only temporary blinds constructed of native materials are permitted.

(6) Dogs used to retrieve waterfowl must be under complete control at all times.

(7) Before entering the hunting area, hunters are required to obtain a permit at the refuge check station, located on U.S. Highway 17 at the Middle River Bridge. All hunters must check out at the check station as soon as possible after completing their hunt and must present all bagged game for inspection.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1967.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Noxubee National Wildlife Refuge, Miss., is permitted only on the area designated by signs as open to hunting. This open area, comprising 520 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Mondays, Wednesdays, and Saturdays from one-half hour before sunrise to 12 o'clock noon during the period November 26, 1966, through January 7, 1967.

(2) The use of boats without motors is permitted within the hunting area, except that electric motors may be used.

(3) The construction of blinds is not permitted.

(4) Hunters will not be permitted to enter the hunting area sooner than 15 minutes before legal shooting hours.

(5) All hunters must enter and leave the waterfowl hunting area by way of the designated access point.

(6) No hunter may take more than 16 shotgun shells into the hunting area.

(7) No shooting will be permitted from the levee or the open water area immediately adjacent to the levee.

(8) All hunters are required to check out at the designated check station before leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1967.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, and coots on the Santee National Wildlife Refuge, Pinopolis Unit, South Carolina is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 29,500 acres, is delineated on a map available at the refuge headquarters, Summerton, S.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, and coots subject to the following special conditions:

(1) Hunting will be permitted only on Tuesdays, Thursdays, and Saturdays during the period from November 24, 1966, through January 7, 1967.

(2) Shooting hours are from one-half hour before sunrise to 12 o'clock noon. Hunters may not enter the refuge hunting area prior to 1½ hours before sunrise and must be out of the Pinopolis Pool area by 1 p.m.

(3) Only temporary blinds constructed of native vegetation are permitted. Any blind constructed by a hunter on the hunting area, once vacated, may be occupied by any other hunter on a first come, first served basis.

(4) Boats are not to be left in Pinopolis Pool overnight.

(5) Boat motors of any type (inboard, outboard, gasoline, diesel, or electric) are not allowed in the Pinopolis Pool.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 7, 1967.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-11017; Filed, Oct. 10, 1966; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOMENTS

PART 722—COTTON

Subpart—1967 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

Basis and purpose. The provisions of §§ 722.551 to 722.553 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1967 crop of extra long staple cotton. The term "extra long staple cotton" (referred to as "ELS cotton") as used in § 722.551 (a) and (b) means the kinds of cotton described in section 347(a) of the act, including American-Egyptian cotton, Sea Island cotton in both the continental United States and Puerto Rico, and Sea-land cotton, and all imports of similar type cotton produced in Egypt, Sudan, and Peru. Exports of ELS cotton from Commodity Credit Corporation stocks estimated to be made pursuant to 7 U.S.C. 1852a are excluded from the determinations of estimated exports under § 722.551 (b) and (d). ELS cotton as used in §§ 722.551 (c) and (d) and 722.552 means the kinds of cotton described in section 347(a) of the act. The findings and determinations in §§ 722.551 to 722.553 have been made on the basis of the latest available statistics of the Federal Government. The following matters are included in §§ 722.551 to 722.553:

(a) Proclamation for the 1967 crop of ELS cotton of a national marketing quota and a national acreage allotment.

(b) Apportionment of the national allotment to the States.

Notice that the Secretary was preparing to determine whether a national marketing quota would be required under the act for the 1967 crop of ELS cotton and notice with respect to the matters listed in paragraphs (a) and (b) of this preamble was published in the FEDERAL REGISTER on July 2, 1966 (31 F.R. 9138), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

In order that State and county ASC committees may complete the necessary work in issuing farm allotment notices for the 1967 crop of ELS cotton as soon as possible, it is essential that §§ 722.551 to 722.553 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.551 to 722.553 shall be effective upon filing this document with the Director, Office of the Federal Register.

Sec.
722.551 National marketing quota for the 1967 crop of ELS cotton.
722.552 National acreage allotment for the 1967 crop of ELS cotton.
722.553 Apportionment of national allotment to the States.

AUTHORITY: The provisions of §§ 722.551 to 722.553 issued under secs. 301, 342, 344, 347, 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended; 63 Stat. 675, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1342, 1344, 1347, 1375.

§ 722.551 National marketing quota for the 1967 crop of ELS cotton.

(a) *Finding of total supply.* As defined in section 301(b)(16)(C) of the act, the "total supply" of ELS cotton for the marketing year beginning August 1, 1966 (in terms of running bales or the equivalent), consists of the sum of (1) "carryover" of ELS cotton on August 1, 1966, (2) estimated production of ELS cotton in the United States during 1966, and (3) estimated imports of ELS cotton into the United States during the marketing year beginning August 1, 1966. Pursuant to Public Law 87-548 enacted July 25, 1962 (76 Stat. 218), the term "carryover" does not include any domestically grown ELS cotton which was transferred or made available to the Commodity Credit Corporation from the stockpile established under the Strategic and Critical Materials Stockpiling Act, as amended (50 U.S.C. 98), and which has not been sold by the Commodity Credit Corporation; and does not include any foreign-grown ELS cotton which was transferred to the Commodity Credit Corporation from such stockpile. The following finding of total supply is hereby made by the Secretary:

(1) Total supply of ELS cotton for the marketing year beginning August 1, 1966, in running bales or equivalent:

	Bales
(a) Carryover	240,000
(b) Estimated production	86,900
(c) Estimated imports	85,600
Total supply	412,500

(b) *Finding of normal supply.* As defined in section 301(b)(10)(C) of the act, the "normal supply" of ELS cotton for the marketing year beginning August 1, 1966 (in terms of running bales or equivalent), consists of the sum of (1) estimated domestic consumption of ELS cotton for the marketing year beginning August 1, 1966, (2) estimated exports of ELS cotton during the marketing year beginning August 1, 1966, and (3) 30 percent of the sum of such estimated domestic consumption and estimated exports as an allowance for carryover. The following finding of normal supply is hereby made by the Secretary:

(1) Normal supply of ELS cotton for the marketing year beginning August 1, 1966, in running bales or equivalent:

	Bales
(a) Estimated domestic consumption	145,000
(b) Estimated exports	0
(c) 30 percent allowance for carryover	43,500
Normal supply	188,500

(ii) It is also hereby determined that 108 percent of such normal supply equals 203,580 running bales or equivalent.

(c) *Proclamation of national marketing quota.* It is hereby determined and proclaimed by the Secretary that the total supply of ELS cotton for the marketing year beginning August 1, 1966, will exceed the normal supply of ELS cotton for such marketing year by more than 8 percent. Therefore, a national marketing quota shall be in effect for the crop of ELS cotton produced in the calendar year 1967.

(d) *Proclamation of amount of national marketing quota in bales.* Section 347 of the act provides that the amount of the national marketing quota for the 1967 crop of ELS cotton (in terms of standard bales of 500 pounds gross weight) shall be the largest of the following:

(1) The number of bales of ELS cotton equal to the estimated domestic consumption plus exports for the marketing year beginning August 1, 1967; less the estimated imports for the marketing year beginning August 1, 1967; plus such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until ELS cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks.

(2) 30,000 bales of ELS cotton.

(3) The number of bales of ELS cotton equal to 30 percent of the estimated domestic consumption plus exports of ELS cotton for the marketing year beginning August 1, 1966. It is hereby determined and proclaimed that the national marketing quota for the 1967 crop of ELS cotton (in terms of standard bales of 500 pounds gross weight) shall be 79,761 bales based on subparagraph (1) of this paragraph including an adjustment of 19,000 bales to assure adequate working stocks. This determination is based on the following data:

Determinations for purposes of:	
(i) Section 722.551(d)(3)[1]	43,500
(ii) Section 722.551(d)(1)[1]	79,761
Based on:	
(iii) Estimated domestic consumption[2]	145,000
(iv) Estimated exports[2]	None
(v) Estimated imports[2]	85,600
(vi) Adjustment for stocks[1]	19,000

[1] Standard bales.
[2] Running bales.
[3] Equivalent running bales.

§ 722.552 National acreage allotment for the 1967 crop of ELS cotton.

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the crop of ELS cotton produced in the calendar year 1967. The amount of such national allotment is 70,500 acres (rounded to nearest 100 acres) calculated by multiplying the national quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield of 543 pounds per acre of ELS cotton for the 4 calendar years 1962, 1963, 1964, and 1965.

§ 722.553 Apportionment of national allotment to the States.

The national allotment of 70,500 acres is apportioned to the States in accordance with section 344(b) of the act as follows:

State	State allotment (acres)
Arizona	30,591
California	472
Florida	198
Georgia	98
New Mexico	14,249
Texas	24,846
Puerto Rico	46
United States	70,500

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 7, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-11078; Filed, Oct. 7, 1966; 2:44 p.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 10]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1966

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (30 F.R. 15313, 31 F.R. 2776, 2895, 3283, 5681, 7999, 9546, 9939, 11307, 11711) is to revise the determination of sugar requirements for the calendar year 1966, establish quotas, prorations and direct-consumption limits consistent with such requirements and to determine and prorate or allocate deficits in quotas pursuant to the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act."

Section 201 of the Act directs the Secretary to revise the determination of sugar requirements at such times during the calendar year as he deems necessary.

In view of the greater than normal seasonal distribution of refined sugar through September and the continued strong demand for off-shore raw sugar, it is apparent that additional supplies of readily available raw sugar are needed to meet the requirements for consumers. Accordingly, sugar requirements for the calendar year 1966 are hereby increased by 50,000 short tons, raw value, to a total of 10,375,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. The governments of the Republic of the Philippines, Nicaragua, and Panama notified the Department prior to August 1, 1966, that they would be unable to fill that part of their 1966 sugar quotas in excess of 1,202,978, 19,000 and 13,000 short tons, raw value, respectively. Accordingly, a finding has heretofore been made (31 F.R. 11307) under section 202(d)(4) of the Act, that such failure of the Republic of the Philippines, Nicaragua, and Panama to fill their respective quotas was due to crop disaster or other force majeure. Pursuant to section 204(b) of the Act, the quota, including prorated deficits, for the Republic of the Philippines has been reduced to 1,202,978 short tons, raw value; the quota for Nicaragua has been reduced to 19,000 short tons, raw value; and the quota for Panama has been reduced to 13,000 short tons, raw value, representing the approximate quantity of sugar each country will be able to supply in 1966.

It is herein determined that 116,290 short tons, raw value, of the deficit previously allocated to the Republic of the Philippines shall be reprorated and total deficits are herein determined for Nicaragua and Panama of 32,982 and 18,779 short tons, raw value, respectively. In a previous action taken prior to September 1, 1966 (31 F.R. 11307), the deficit in the quota determined for Panama at that time of 17,590 short tons, raw value, plus 105,430 short tons, raw value, of the deficit previously allocated to the Republic of the Philippines, which totaled 123,020 short tons, raw value, was allocated to the Dominican Republic on August 26, 1966, on the basis of a determination issued by the President to the Secretary of Agriculture dated August 17, 1966; and 31,040 short tons, raw value, of the deficit for Nicaragua was prorated to other Central American Common Market countries.

In another action taken on September 7, 1966 (31 F.R. 11711), an additional deficit of 970 short tons, raw value, determined for Nicaragua was prorated to other Central American Common Market countries. In this same action, an additional deficit for Panama of 595 short tons, raw value, plus an additional 5,430 short tons, raw value, of the deficit previously allocated to the Republic of the Philippines which it was unable to fill, totaling 6,025 short tons, raw value, were prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which were able to supply such additional sugar.

Except for an additional reduction of 5,430 short tons in the deficit proration to the Republic of the Philippines, such previous allocations of deficits are not disturbed by the action taken herein.

As a result of the increase in consumption requirements determined herein and under section 204(a) of the Act, Nicaragua has an additional deficit of 972 short tons, raw value, which is prorated herein to other Central American Common Market countries; Panama has an additional deficit in the amount of 594 short tons, raw value, and the Republic of the Philippines will be unable to fill the deficit previously allocated to it in the additional amount of 5,430 short tons, raw value, which amounts totaling 6,024 short tons, raw value, are herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which are able to supply such additional sugar on the basis of published quotas most recently in effect.

Effective date. This action increases by 50,000 short tons, raw value, the quantity that foreign countries, other than the Republic of the Philippines, may import. To permit such countries for which larger prorations are hereby established to plan and to market in an orderly manner the larger quantity of sugar, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be promptly informed of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.40, 811.41, 811.42, and 811.43 as follows:

1. Section 811.40 is amended to read as follows:

§ 811.40 Sugar requirements, 1966.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1966 is hereby determined to be 10,375,000 short tons, raw value.

2. Section 811.41 is amended by amending subparagraph (1) of paragraph (a) to read as follows:

§ 811.41 Quotas for domestic areas.

(a)(1) For the calendar year 1966 domestic area quotas limiting the quantities of sugar which may be brought into

or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	Short tons, raw value	
Domestic Beet Sugar	3,025,000	(1)
Mainland Cane Sugar	1,100,000	(1)
Hawaii	1,400,227	35,482
Puerto Rico	1,140,000	155,625
Virgin Islands	15,000	0

[1] No limit.

* * * * *

3. Section 811.42 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.42 Proration and allocation of deficits and quotas in effect.

* * * * *

(b) Pursuant to section 204(a) of the Act, a deficit is hereby determined in the section 202 quota determined herein in § 811.43 for Nicaragua amounting to 32,982 short tons, raw value. Of such amount, 32,010 short tons, raw value, previously allocated to other Central American Common Market countries on August 26, 1966 (31 F.R. 11307), and September 7, 1966 (31 F.R. 11711), are hereby allocated in the same manner, and 972 short tons, raw value, are allocated in section 811.43 to other Central American Common Market countries able to fill additional quota.

(c) Pursuant to section 204(a) of the Act, a deficit of 18,779 short tons, raw value, is hereby determined in the section 202 quota for Panama referred to in § 811.43 and it is hereby determined that the Republic of the Philippines will be unable to fill the proration established in paragraph (a) of this section of 195,963 short tons, raw value, by 116,290 short tons, raw value. In accordance with section 204(a) of the Act and a Presidential Memorandum dated August 17, 1966, 17,590 short tons, raw value of the Panama deficit and 105,430 short tons, raw value of the Philippine shortfall were allocated on August 26, 1966, to the Dominician Republic, and such allocation is hereby reestablished. Also, in accordance with section 204(a) of the Act, an additional deficit of 595 short tons, raw value, for Panama plus an additional shortfall in the deficit proration to the Republic of the Philippines of 5,430 short tons, raw value, were prorated on September 7, 1966, to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which were able to supply such additional sugar, and such proration is hereby re-established. Pursuant to section 204(a) of the Act, an additional deficit for Panama of 594 short tons, raw value, and an additional 5,430 short tons, raw value, of the deficit proration which the Republic of the Philippines is unable to fill are prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which are able to supply such additional sugar.

4. Section 811.43 is amended by amending paragraphs (a), (b), and (c) to read as follows:

§ 811.43 Quotas for foreign countries.

(a) For the calendar year 1966, the quota for the Republic of the Philippines is 1,202,978 short tons, raw value, representing 1,123,305 short tons established pursuant to section 202 of the Act and 79,673 short tons established pursuant to section 204 of the Act.

(b) Of the quantity of 1,123,305 short tons established in paragraph (a), only 59,920 short tons, raw value, may be filled by direct-consumption sugar, pursuant to section 207(d) of the Act.

(c) For the calendar year 1966, the prorations to individual foreign countries pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in Amendments 5, 8, and 9 of § 811.43 of this part (31 F.R. 7999, 11307, 11711), are shown in column (3). In column (4) the additional deficit in the section 202 quota for Nicaragua due to the increase in requirements by this action, and amounting to 972 short tons, raw value, is prorated herein to other Central American Common Market countries; the additional deficit in the section 202 quota for Panama due to the increase in requirements, amounting to 594 short tons, raw value, and the additional portion of the previously prorated deficit which the Republic of the Philippines is unable to fill, amounting to 5,430 short tons, raw value, are herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which have indicated that they are able to supply such additional sugar on the basis of published quotas most recently in effect. Total quotas and prorations are herein established as shown in column (5).

Country	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Previous deficits and prorations	New deficits and deficit prorations	Total quotas and prorations
Mexico	213,821	224,844	44,491	1,127	484,283
Dominican Republic	209,118	219,588	166,531	1,395	597,242
Brazil	209,118	219,588	43,513	1,103	473,632
Peru	166,707	175,395	34,756	879	377,777
British West Indies	83,547	73,910	17,357	413	175,217
Ecuador	30,427	31,998	6,331	160	68,914
French West Indies	26,279	23,249	5,461	130	55,119
Argentina	25,725	27,051	5,353	136	58,265
Costa Rica	24,618	27,364	18,311	579	70,872
Nicaragua	24,618	27,364	−32,010	−972	19,000
Colombia	22,129	23,269	4,605	117	50,120
Guatemala	20,746	23,080	15,430	472	59,708
Panama	15,490	16,289	−18,183	−594	13,000
El Salvador	15,214	16,910	11,317	346	43,787
Haiti	11,618	12,217	2,417	61	26,313
Venezuela	10,511	11,053	2,187	55	23,806
British Honduras	6,085	5,396	1,264	30	12,775
Bolivia	2,466	2,618	518	13	5,630
Australia	99,581	67,546			182,127
Republic of China	41,492	36,477			77,969
India	39,522	35,018			74,540
South Africa	29,521	25,777			55,298
Fiji Islands	21,832	19,212			41,044
Thailand	9,128	8,025			17,153
Mauritius	9,128	8,025			17,153
Malagasy Republic	4,772	4,124			8,896
Swaziland	3,598	3,161			6,757
Ireland	5,351				5,351

[1] Proration of quotas withheld from Cuba, Southern Rhodesia and the proration of the Honduras quota to Central American Common Market countries.

* * * * * * * *

(Secs. 201, 202, 204, and 403; 61 Stat. 923 as amended, 924 as amended, 925 as amended and 932 as amended; 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This order will become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 7th day of October 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-11082; Filed, Oct. 10, 1966, 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 33]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on September 29, 1966, to consider recommendation for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received by the Fruit Branch on October 3, 1966; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

§ 909.333 Grapefruit Regulation 33.

(a) Order: (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period beginning at 12:01 a.m., P.s.t., October 16, 1966, and ending at 12:01 a.m., P.s.t., August 1, 1967, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purpose of this regulation shall include the requirement that the grapefruit be well colored, instead of slightly colored, and free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided,* That grapefruit having any amount of light or fairly light colored scarring may be handled if they otherwise grade at least U.S. No. 2: *Provided further,* That the tolerances prescribed for the U.S. No. 2 grade shall be the tolerance applicable to the requirements of this subparagraph except that not more than 5 percent shall be allowed for grapefruit having peel more than 1 inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than 3 11/16 inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than 3 11/16 inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California and Arizona), 7 CFR 51.925–51.955: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than 3 11/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4 5/16 inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1)(i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3 11/16 inches in diameter directly to a destination in Zone 4, Zone 3, or Zone 2; and if the grapefruit is so handled directly to Zone 2 the grapefruit does not measure less than 3 5/16 inches in diameter: *Provided,* That a tolerance of 5 percent, by count, of grapefruit smaller than 3 5/16 inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than 3 5/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are 3 13/16 inches in diameter and smaller.

(b) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," "Zone 3," and "Zone 4" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised U.S. Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 6, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11023; Filed, Oct. 10, 1966; 8:47 a.m.]

[Avocado Reg. 8, Amdt. 4]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as herein after provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective, as hereinafter set forth, in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of avocados in that it permits shipment of certain varieties of avocados at an earlier date then currently provided.

It is, therefore, ordered that the provisions of § 915.308 (31 F.R. 7394, 8592, 9678, 12398) are hereby further amended as follows:

1. Paragraph (b)(2) is amended by inserting "and (11)" immediately following "subparagraphs (9) and (10)."

2. A new subparagraph (b)(11) is added reading as follows:

§ 915.308 Avocado Regulation 8.

* * * * *

(b) * * *

(11) During the period beginning at the effective time of this amendment and ending at 12:01 a.m., October 8, 1966, avocados of any variety may be handled if the avocados meet the grade and applicable minimum weight or diameter requirements prescribed for the handling of such variety on October 24, 1966.

* * * * *

The provisions of this amendment shall become effective on October 5, 1966.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 5, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11024; Filed, Oct. 10, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

CRANBERRIES

Expenses and Rate of Assessment for 1966–67 Fiscal Period, Carryover of Unexpended Funds, and Handler Reports

Consideration is being given to the following proposals submitted by the Cranberry Marketing Committee, established under the marketing agreement and Order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by said committee, during the fiscal period beginning August 1, 1966, and ending July 31, 1967, will amount to $8,010.

(2) That the Secretary of Agriculture fix the rate of assessment for said period, payable by each handler in accordance with § 929.41, at one-half cent ($0.005) per barrel, or equivalent quantity, of cranberries;

(3) That unexpended funds in excess of expenses incurred during the fiscal period ended July 31, 1966, be carried over as a reserve in accordance with § 929.42; and

(4) That reports be submitted to the committee by each handler showing the total quantity of cranberries he has acquired, the total quantity of cranberries he has handled, and the total quantity of cranberries and cranberry products, respectively, he has on hand. The reports would be rendered on a quarterly basis as follows: November 1, 1966; February 1, 1967; May 1, 1967; and August 1, 1967. Each report would cover the 3-month period preceding the applicable specified date and would be filed with the committee not later than the 10th day of the first month following such period.

Terms used in the marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 6, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11048; Filed, Oct. 10, 1966; 8:49 a.m.]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Receiving of Prunes by Handlers

Notice is hereby given of a proposal, based upon a unanimous recommendation of the Prune Administrative Committee, to revise certain provisions of the Subpart—Administrative Rules and Regulations. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed revision would change (a) certain information currently required by § 993.149(b)(2) to be shown on an inspector's certificate issued with respect to a lot of dried prunes not returned by a handler to the producer or dehydrator thereof, and (b) the applicability of the size tolerance currently permitted by § 993.149(d)(2) for certain defective dried prunes required to be disposed of by handlers. The purpose of the revision is to reduce the number of size count determinations of dried prunes which currently must be made by the inspection service in those crop years in which a reserve percentage of zero is established.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the sixth day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

Revise § 993.149(b)(2) (vi) and (vii) and the first sentence of (d)(2) to read:

§ 993.149 Receiving of prunes by handlers.

* * * * *

(b) *Incoming inspection*—* * *

(2) *Certification.* * * * (vi) in any crop year in which a reserve percentage other than 0 percent is established, the average size count of all prunes in the lot; and (vii) if substandard, the percentage by weight of off-grade prunes (those defective pursuant to § 993.97) necessary to be removed therefrom for the lot to be standard prunes, and the percentage by weight and the average size count of those off-grade prunes with defects of mold, imbedded dirt, insect infestation, and decay, and the percentage by weight, of prunes with such defects necessary to be removed in order for the balance of the lot to be within the tolerance for such defects.

* * * * *

(d) *Prunes for nonhuman consumption only*— * * *

(2) *Regulation on substandard prunes accumulated by a handler pursuant to § 993.49(c).* To satisfy the obligation imposed by § 993.49(c) to dispose of excess defective prunes, other than those of subparagraph (1) of this paragraph, each handler shall dispose of, in nonhuman consumption outlets, a weight of such prunes equal to the excess in substandard lots received and such prunes shall be prunes with defects of mold, imbedded dirt, insect infestation, or decay, as of their receipt by the handler, and shall not exceed by more than 20 prunes per pound the weighted average size count of prunes with those defects in lots with an excess of such prunes. * * *

* * * * *

Dated: October 6, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11049; Filed, Oct. 10, 1966; 8:49 a.m.]

[7 CFR Part 1041]

[Docket No. AO-72-A29]

MILK IN NORTHWESTERN OHIO MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of

marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Northwestern Ohio marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Stony Ridge, Ohio, on July 6 and 7, 1966, pursuant to notice thereof which was issued June 13, 1966 (31 F.R. 8496).

The material issues on the record of the hearing relate to:

(1) Expansion of the marketing area.

(2) Requirements for pool participation.

(3) Pricing diverted milk.

(4) The "route disposition" definition.

(5) The "fluid milk product" definition.

(6) The level and seasonality of the Class I price.

(7) The application of location differentials.

(8) Time and method of reporting receipts and utilization of milk and of paying producers.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The Northwestern Ohio marketing area should not be expanded at this time. The proposal to include in the marketing area the Ohio counties of Erie, Huron, and Ottawa, and the unregulated portion of Sandusky County therefore is denied.

The proposal to expand the marketing area was submitted by the Northwestern Cooperative Sales Association, a cooperative representing about 85 percent of the producers in the market. It was supported also by the principal cooperative in the Northeastern Ohio market and a Northwestern Ohio regulated handler. The nine unregulated handlers distributing milk in the four-county area and their approximately 100 dairy farmer suppliers opposed expansion.

The present estimated population of the proposed area is about 220,000. Because of its proximity to Lake Erie, there is a substantial population increase during the summer tourist season of June, July, and August. Fluid milk is distributed in the area by regulated handlers in the Columbus, Northwestern Ohio, and Northeastern Ohio Federal order markets and by the nine unregulated handlers, seven of which have their plants located in such counties.

The area in question has been proposed for inclusion in a Federal order on previous occasions. As late as 1964, when the North Central Ohio and Toledo orders were merged, the four counties were proposed for regulation. Official notice is taken of the Under Secretary's decision of November 13, 1964 (29 F.R. 15416) in this regard. The Under Secretary found in the 1964 decision that the unregulated territory in the four counties did not constitute a primary distribution area for Northwestern Ohio handlers and, hence, should not be included in the marketing area at that time.

The situation has not changed appreciably. The primary distributors in the four counties still are the unregulated handlers. While Northwestern Ohio handlers are the principal regulated persons doing business in these counties, their distribution is less than one-third of the total.

Proponents and opponents of the marketing area expansion both presented results of separate surveys with respect to sales in the proposed area by regulated and unregulated handlers. While there were admitted difficulties in determining actual sales volumes, the survey results were substantially in agreement. It was shown that all regulated handlers (including those regulated under the Columbus and Northwestern Ohio orders) distribute between 40 and 45 percent of the total fluid milk sales in the four counties and the unregulated handlers distribute between 55 and 60 percent of such sales.

In support of their proposal, producers contended that unregulated handlers have a competitive advantage over regulated handlers both in the procurement of milk supplies and in the sale of milk in the proposed area. They pointed out that unregulated handlers purchase milk on a "flat price" basis without regard to the utilization in their plants.

Although specific data were not presented at the hearing, producers claimed that the unregulated handlers are able to maintain a high Class I utilization aided by the purchase of supplemental milk supplies from regulated handlers during the summer tourist season when supplies from their regular dairy farmers are insufficient, sometimes even less than their Class I sales. The fact of a high Class I utilization paid for on a flat price basis, it was stated, gives them a competitive advantage over regulated handlers in the procurement of milk in a common supply area and results in the Northwestern Ohio market carrying the reserve supply for such counties.

It is not clear from this record whether unregulated handlers do, in fact, have any substantial advantage in the procurement and sale of milk in the four-county area and, if so, whether this has had adverse affect upon the orderly marketing of milk by Northwestern Ohio producers. While certain of the unregulated handlers do rely on regulated markets for supplemental milk supplies during the tourist season, it is evident that at least some do not. It was brought out also that most of them have some uses in their plants equivalent to Class II milk under the order and that it is not unusual for them to have considerable quantities of surplus milk.

A representative of dairy farmers delivering to plants in the proposed area testified that at least some of the unregulated handlers do not rely heavily on regulated markets for the area's increased fluid needs during the tourist season. He stated that local farmers have attempted over the years to tailor their production as closely as possible to the needs of their market. Dairy farmers have been encouraged to increase production in the early summer months rather than during the normally short production months in the fall of the year as customary in most other markets. He indicated that they have been successful in providing much of increased milk supply from their own farm resources for the tourist season needs.

Regulated handlers have maintained their proportion of sales in the four-county area, and have had little difficulty in procuring milk supplies in competition with the unregulated handlers. This makes difficult the conclusion that marketing conditions for Northwestern Ohio producers have been adversely affected by the competitive situation in these counties. It is noteworthy also that handlers under the Northeastern Ohio and Columbus orders, who purchase Class I milk at somewhat higher Class I prices than Northwestern Ohio handlers, have continued to compete in these counties.

It may not be concluded from the record that the four counties are part of the primary distribution area of Northwestern Ohio regulated handlers. Class I sales of Northwestern Ohio handlers in the proposed area represent only about 4 percent of their total Class 1 distribution and, as previously stated, less than one-third of the total sales in such area. The unregulated handlers involved distribute no fluid milk products in the present marketing area but compete with regulated handlers only in the unregulated territory. Marketing conditions do not justify the inclusion of this territory in the marketing area at this time.

(2) The pooling requirements for distributing plants should be modified.

The principal cooperative association proposed that one of the standards for pooling a distributing plant be modified. The proposal would allow such a plant to retain pool status even though it distributed, during the month, less than 50 percent of its Grade A milk receipts on routes, provided it had met such requirement in 5 of the 6 preceding months. The proposal was supported by handlers.

Proponents pointed out that under the present provisions it is possible for a distributing plant to lose its pool status, however unintentionally, if it drops even slightly below the minimum 50 percent route distribution percentage requirement for the month. Several handlers qualify in some months by only a very small amount over the present minimum

requirement. In this market it is not unusual for large wholesale accounts to be switched from one handler to another on short notice which can cause a handler to fall below the 50 percent requirement. At least once in the last 18 months a handler has found himself in the position of inadvertently failing by a small margin to meet such requirement.

Producers further requested that the order contain a provision requiring the market administrator to notify any cooperative associations with milk delivered to a plant of the failure of the plant to meet the 50 percent requirement even though such plant is continued in the pool as proposed. It was stated that such a requirement would allow a cooperative sufficient time to make other arrangements for its member milk supply in the event the plant subsequently lost its pool status.

The 50 percent route distribution requirement is a reasonable standard for differentiating between plants that are primarily engaged in the distribution of fluid milk and those that are primarily manufacturing plants but such requirement need not be so rigid as to impede orderly marketing. The additional requirement that to be pooled a distributing plant must also sell at least 15 percent of its dairy farmer receipts as Class I milk on routes in the marketing area is a reasonable basis for establishing its association with this market and there is no indication in the record that this requirement should be changed.

Failure of a distributing plant to meet the prescribed pooling standards could have serious consequences for producers as well as for any supply plant shipping milk to such distributing plant. In view of the high possibility that failure to meet the 50 percent route disposition requirement for a given month can be inadvertent, the proposed modification is appropriate.

Since the revised provision will permit a distributing plant to continue its pool status for up to 2 consecutive months without meeting the 50 percent route distribution requirement, interested persons could be unaware of the fact that the plant was in danger of losing its pool status. In this situation the corollary proposal that whenever a plant drops below the 50 percent requirement the market administrator shall make it known publicly should be adopted also. The information thus would be available to any cooperative with members delivering to such plant as well as to unaffiliated producers and supply plant operators shipping milk to such plant.

(3) a. The order should be amended to price producer milk diverted from a pool plant to a nonpool plant at the location of the nonpool plant to which it is diverted.

The present order prices all producer milk diverted to nonpool plants at the location of the pool plant from which it is diverted. Producers contend that this pricing arrangement could enable producers distant from the market to enhance their returns unduly at the expense of nearby producers.

The marketing area uniform price establishes the value of milk delivered f.o.b. plants in the marketing area. Lower prices, adjusted to reflect the cost of transporting milk to market from various locations, apply at outlying plants. Thus, when a producer's milk is delivered to an outlying pool plant and the full cost of transportation to the marketing area is not incurred, the uniform price to such producer is reduced by a location differential.

Similarly, when the milk of a distant producer is diverted to an outlying nonpool plant, full transportation cost to market is not incurred and a location price should apply to such milk.

With respect to milk so diverted there ordinarily is a significant saving in the farm-to-plant haul as compared to delivering the milk to a marketing area plant. To price such milk at the plant from which diverted creates undue incentive to attach producer milk to the Northwestern Ohio market for the sole purpose of receiving the marketing area blended price without necessarily shipping a substantial proportion of the milk to the market for fluid uses. Thus, the blend price could be reduced by the attachment of milk receiving a marketing area price but not readily available for fluid purposes in the market. Accordingly, such incentive should be eliminated by providing that producer milk diverted from a pool plant to a nonpool plant shall receive a price for the location of the plant to which it is physically delivered.

As proposed by producers, diversions to nonpool plants within 150 miles of Toledo would continue to be priced at the plant from which diverted. There is no basis in this market, however, for differentiating between plants located less than 150 miles from Toledo and plants beyond that distance. The same incentive exists to associate milk with a nearby plant for the purpose of obtaining the f.o.b. market price and then diverting it to manufacturing facilities at which location differentials apply even though such nonpool plants are within 150 miles of Toledo.

b. The order should be amended also to price producer milk diverted from one pool plant to another at the location of the pool plant from which it is diverted. However, a limit should be provided so as to insure that milk diverted between pool plants will be priced at the plant at which it is generally received.

Presently, producer milk diverted from one pool plant to another is priced at the second plant. The major association requested the privilege of diverting milk between pool plants with the milk priced at the plant from which it is diverted.

The association has practiced the diversion of milk within the market to achieve the most advantageous use of available milk. However, under the present order when the milk must be moved to a plant in a lower-priced zone, the producer whose milk is moved receives the lower price while producers as a whole benefit from the action. The producers involved understandably object to the lower price received.

While the problem is greatly reduced by the elimination of location differentials within the marketing area, there may be occasions when the proposed change in point of pricing will enhance the ability of the cooperative to channel milk from one handler to another within the market as handler bottling requirements change. Marketing efficiency should be improved. It also will simplify the accounting with respect to such diverted milk.

A limit should be provided, however, on the number of days that a producer's deliveries may be diverted to another pool plant and still receive the price applicable at the plant from which diverted. If location differentials are to carry out their function of equating the order prices at the various plant locations in the market, there must be provision for recognizing a specific plant location to which the milk is delivered for the purpose of applying order prices. This may be accomplished by pricing milk diverted between pool plants at the location of the plant from which diverted if at least 15 days' milk production of the producer is physically received at such plant or at other plants in the same or a higher price zone as the diverting plant. If more than 15 days' production is diverted to a plant in a lower price zone than that of the diverting plant then the diverted milk should be priced at the plant(s) where physically received.

(4) The definition of "route disposition" should be clarified. As the definition is now phrased it has not been entirely clear to the trade whether route disposition is intended to include Class I milk that moves from a processing and packaging plant through an intermediate distribution point en route to resale or wholesale outlets. Also, clarification is needed as to whether route disposition is to be credited to the handler processing and packaging the Class I milk in cases where the milk is custom-packaged for another person. Also, some doubt was raised as to whether route disposition includes milk that is delivered to a retail or wholesale customer at a plant's loading dock.

It is intended that the definition in this order include Class I milk that moves through a distribution point en route to retail or wholesale outlets but not until it is, in fact, disposed of to such outlets. For determining route disposition the distribution point is, in effect, an "extension" of the processing and packaging plant. Consequently, delivery to the distribution point in itself does not constitute route disposition. Delivery from the distribution point to a retail or wholesale outlet does constitute route disposition and such disposition is attributable to the processing plant of origin.

The present definition includes Class I milk which is disposed of to retail and wholesale customers at the dock of the handler's processing plant and Class I milk that is custom-packaged for another person, provided such milk is not then moved to another milk plant. However, in view of the questions raised at the hearing, the language of the definition has been modified in order to eliminate any uncertainty as to its coverage of these types of sales.

(5) The "fluid milk product" definition should not be changed except for clarification. A regulated handler proposed an amendment which would exclude from Class I any milk product containing more than 6 percent butterfat, concentrated milk, all cultured products except buttermilk, and eggnog. With the exception of sour cream mixtures which are not labeled Grade A, these products presently are classified as Class I. The amendment was opposed by producers.

Proponent's testimony was based primarily on the competitive difficulties arising from the introduction in the market of nondairy product substitutes such as imitation cream and imitation sour cream. It was noted also that some of the nearby Federal orders provide Class II pricing for certain specialty products which are priced as Class I in the Northwestern Ohio market.

The order classifies as Class I all fluid milk products which require the use of Grade A milk. It also fixes the class prices at levels designed to assure an adequate supply of milk for use in such products. Milk which is in excess of the market's fluid needs generally is processed into manufactured dairy products such as ice cream, cottage cheese, butter, and nonfat dry milk. The latter uses of producer milk are designated Class II and are priced at the level of manufacturing grade milk since all manufactured milk products generally compete in a common market whether made from Grade A milk or ungraded milk.

The products included in Class I are those that in this market must be made from milk meeting Grade A inspection requirements. Applicable health regulations require that such products sold in the Northwestern Ohio marketing area be labeled Grade A. Consequently, they continue to require a regular supply of Grade A milk. In this respect such products are quite different from butter or other Class II products which may be made from manufacturing grade milk.

To reduce the price for fluid milk products simply to allow handlers to compete more effectively with nondairy products would fail to recognize the value of the Grade A milk so used. Permitting Grade A milk to be priced at the Class II level would add to the burden on fluid milk consumers of maintaining an adequate milk supply for fluid requirements.

A question was raised at the hearing concerning the classification of milk used in the production of yogurt. In this market cultured sour cream mixtures which are not labeled Grade A are classified and priced as Class II. Yogurt which does not carry a Grade A label should be included in the same category as cultured sour cream mixtures and therefore priced at the Class II price level.

(6) The Class I price level should not be increased. The Class I differentials should be modified, however, to compensate for a change in the application of location differentials. This change is discussed in conjunction with the consideration of location differentials.

The principal cooperative in the market proposed to retain seasonal Class I differentials but at higher levels. They proposed Class I differentials of $1.73 for August through March and $1.50 for April through July, an average increase of about 40 cents over present differentials. The cooperative contended that these amounts are necessary to halt the recent decline in production in the market and to insure an adequate supply of milk for area consumers.

The cooperative proposed also to retain the present tie to the Northeastern Ohio order Class I price on the basis that there has been insufficient experience with the relatively new order from which to develop a supply-demand mechanism based on local production and utilization figures.

A regulated handler with plants in both Toledo and Mansfield proposed a year-round Class I differential of $1.25. His purpose was to improve Class I price alignment with competing markets which have flat Class I differentials. He further proposed a supply-demand adjustor based on production and Class I utilization figures for the Northwestern Ohio market.

A regulated handler with a plant at Marion, Ohio, also supported a flat Class I differential for the purpose of improving Class I price alignment with the Columbus market, pointing out that he sells a high proportion of his milk in competition with Columbus handlers.

In support of an increase in the Class I price the cooperative stated that milk supplies have tightened significantly in the market in recent months. For the first 6 months of 1966 producer receipts declined an average 5.8 percent from this period a year earlier. During the same 6-month period Class I sales increased an average of 1.7 percent from 1965. Because of these factors, the percentage of producer milk used in Class I averaged 5.6 percent higher for the first 6 months of 1966 over the comparable period in 1965.[1]

The fact of shorter supplies in Federal order markets was taken into account, however, in the increase in prices which became effective July 5, 1966, in all Federal order markets. The amendment to the Northwestern Ohio order placed a $4 floor under the basic formula price through March 1967. It also increased the July 1966 Class I differential 22 cents. The increases resulting from these changes were made to encourage the production of an adequate supply of milk for the market. Therefore, a further increase in the stated Class I differential should not be made at this time.

The proposal of a regulated handler that a supply-demand adjustor be devised using Northwestern Ohio production and Class I sales figures is denied. Experience under the merged order has not been sufficient to permit development of such a mechanism with any assurance of satisfactory operation. The present order has been in effect only since January 1, 1965, when it was formed by the merger of the Toledo and North Central Ohio orders. The intervening time period has not been sufficient to reflect typical production and Class I sales patterns in the market. For example, sales data were affected by the milk strike which occurred in May and June of 1965 depressing Class I utilization significantly during that 2-month period.

Moreover, several major revisions, including changes in the marketing area, pricing and pooling provisions were made when the orders were merged. The pooling change involved substituting a marketwide pooling plan for the handler-pooling provisions of the previous orders. Some additional supplies have been attracted to the market under the new order. A supply plant at Defiance, Ohio, not associated with either of the previous orders, pooled under the new order in 1965.

The present tie to the Northeastern Ohio supply-demand adjustor provides a basis for varying the Class I price in this market in response to changes in the regional supply and demand situation. In these circumstances it would be appropriate to provide additional experience with the new provisions, and in particular with marketwide pooling, before a supply-demand mechanism based on Northwestern Ohio market figures alone is developed.

An amendment effective July 5, 1966, extended the Class I price differentials through March 1967, the same period for which a basic formula "floor" price was established in this and other Federal milk orders. In view of the consideration given at this hearing to the longer-term aspects of Class I pricing in the Northwestern Ohio market, it is now appropriate to establish the revised Class I price differentials from their effective date through March 1968. Interested parties then would have the opportunity to review the pricing provisions at a public hearing on the basis of market statistics covering a period of 3 years under the consolidated order.

The proposal for a flat Class I price differential should not be adopted at this time.

While some handlers are concerned with competition from markets where flat differentials are applicable year-round, there is supply competition with the Northeastern Ohio market where seasonably variable Class I pricing is used.

[1] The month of May 1966 was the latest month for which complete statistical information was available at the hearing. In order to complete the analysis through the first 6 months of 1966, official notice is taken of the price statistics of the market administrator for June 1966.

At the present time milk production in the Northwestern Ohio market is not highly seasonal. Average daily production in the market in 1965 ranged from a high of 1,041 pounds in May to a low of 899 pounds in July, about a 16 percent change. However, producers testified that abandoning seasonal Class I pricing without an appropriate substitute method of encouraging continued level production could change the seasonal production pattern and cause other marketing problems for producers and handlers.

In all other markets competing for supply there is some type of seasonal production incentive plan in operation. Instituting a flat Class I price differential in Northwestern Ohio without a method of varying producer returns seasonally could result in uniform prices in Northwestern Ohio being unduly out of line with uniform prices in nearby markets during some part of each year. The evidence in this record does not support the adoption of any alternate plan for adjusting blend prices seasonally.

(7) a. The location adjustment provisions should be modified to establish identical price levels in the first five zones where location adjustments from zero up to 9 cents now apply. To accomplish the change in the location differential rates without changing the average Class I price for the market, the stated Class I price differentials (to apply throughout the marketing area) should be reduced 4 cents (from $1.36 to $1.32 in August through March and from $1.13 to $1.09 in April through July).

The principal cooperative proposed to eliminate all location adjustments for plants located within the marketing area. As part of this proposal, the cooperative would eliminate the city of Napoleon as a basing point for computing location adjustments to apply to plants located outside the marketing area.

They gave two primary reasons for eliminating location adjustments within the marketing area. First, it would facilitate the shifting of milk from plants in one pricing zone to plants in other zones to meet handlers' demands for bottling milk. They stated that it has been difficult to move milk from plants in the higher-priced zones to those in lower-priced zones within the marketing area on a regular basis because the producers affected have been reluctant to accept the resulting lower net return for their milk. Also, it would provide similar prices to handlers who compete throughout the marketing area for bottled milk sales.

A Lima, Ohio, handler opposed changes in the location adjustment provisions. He contended that the present zone location adjustments are necessary to insure that an adequate supply of milk is shipped to handlers in the northern and eastern portions of the market. He said that his plant, which is located in the $—0.09 zone, has been able to obtain an adequate supply of milk under the present provisions.

The present location adjustment provisions divide the marketing area into five zones. The location adjustments applicable to plants in principal cities within the market are as follows: $0.00 for Mansfield, $—0.03 for Bucyrus, $—0.04 for Toledo and Marion, $—0.07 for Findlay and $—0.09 for Lima.

The farms of most producers who regularly supply handlers in each of the major cities in the market are located, however, at relatively short distances from the plant either in the same county as the plant or in an adjacent county. The distances to market outlets for most producers do not differ greatly. Hauling rates on most of the producer milk direct-shipped to the principal cities thus are very similar.

As plants expand their area of distribution, there is an increasing amount of route competition that has little relationship with the pattern of location adjustments. The routes of handlers in the several pricing zones now overlap extensively throughout the marketing area. Toledo handlers, for example, distribute milk in the Lima and Findlay area in competition with handlers who purchase Class I milk 3 to 5 cents per hundredweight less than the price applicable at Toledo. With the passage of uniform health regulations in the various cities in the marketing area on July 1, 1966, this interhandler competition may be expected to intensify.

The problem of the cooperative in assigning milk among handlers in accordance with their needs has been most acute in the Lima area where the $—0.09 location adjustment prevails. Last fall when milk supplies shortened, certain Lima handlers needed additional milk. The cooperative, which allocates some 85 percent of the milk supplies in the market, moved to assign additional producers to these handlers on a temporary basis. However, the producers to be shifted, who normally supply plants in higher-priced zones, were reluctant to accept the lower net return from shipping milk to the Lima area.

Also, Lima handlers have had some difficulty in holding their regular supplies of producer milk in competition with Toledo handlers. Lima and Toledo handlers compete for supplies in the intervening counties. Their procurement areas overlap, for example, in Hancock, Putnam and Henry Counties which lie between the two cities.

The Toledo blend price is 5 cents higher than at Lima. Yet in much of this intervening area, hauling costs are very similar, generally about 30 cents per hundredweight, whether the milk is hauled to Toledo or Lima, making the net return to producers shipping to Lima plants about 5 cents lower. The added amount afforded them under the location adjustment schedule has enabled Toledo handlers to solicit producers from the Lima handlers.

The milk procurement problems of the handlers in the lower-priced zones may be remedied by establishing the same blend price for the five zones within the market. This would tend to equate net returns to all producers who supply handlers in the major cities in the market. There would be little price incentive for the individual producer to prefer an outlet in one city rather than another. The cooperative would be assisted in moving milk about within the market since producers would receive similar prices regardless of the destination of their milk.

Such an amendment should not make it more difficult for handlers in the present higher-priced zones to obtain adequate milk supplies. Since hauling costs throughout the market are fairly similar and available supplies of milk are quite evenly distributed throughout the counties of the marketing area, location adjustments within the marketing area should not be necessary to insure the shipment of adequate supplies of milk to any given segment of the area as compared to other segments. It is in the interest of the cooperative and the producers to see that all handlers receive sufficient milk for their Class I needs.

It was contended that there would be no incentive under the new provision for producers to ship their milk to Mansfield on the eastern edge of the market to supply any handler in that city who became short of milk. This should not create a problem since there are farm milk routes originating in the area southeast of Toledo which could be directed to this area without an increase in hauling costs to the producers involved.

The area to which similar Class I and blend prices should apply under the revised order provisions is slightly different from that proposed by producers. Producers proposed that the same prices apply to all plants in the marketing area rather than in the 18 counties included in the five price zones previously discussed, an area which does not precisely coincide with the marketing area. Under the revision similar prices will prevail throughout the 18 counties in order to preserve intramarket price alignment. At least one regulated plant and two or more partially regulated plants are located near the market but in counties which are not included in the marketing area. Prices applicable to these plants would not be appropriately aligned with those at nearby plants located inside the marketing area if the same prices did not apply in all 18 counties.

As proposed by producers, the city of Napoleon, Ohio, should be eliminated as a basing point for computing location adjustments for plants located beyond the 18-county area. Under the present order, four cities serve as basing points. They are, in addition to Napoleon, Toledo, Lima, and Marion.

The cities which are retained as basing points are the largest urban centers in the market. Handlers in these cities are those most likely to receive supplies of milk additional to regular producer deliveries from the farm. It is appropriate, therefore, to compute location adjustments from these points.

The latter revision will provide an appropriate location adjustment for the market's only supply plant which is located at Defiance, Ohio. Presently this plant receives a $0.03 location adjustment based on its distance from Napoleon. With this location adjustment the milk is priced only $0.03 below the Toledo level. Under the new provision, the located adjustment for this plant will be computed on the basis of its distance from Lima (the closest basing point). It will receive a location adjustment of about $0.075 which should be more in line with the cost of moving milk to the market.

The average Class I price (taking into consideration the present value of location differential adjustments within the marketing area) is approximately 4 cents per hundredweight less than the announced Class I price f.o.b. Mansfield. With a single Class I price applicable throughout the 18 counties, it is appropriate to reduce the stated Class I differentials by a like amount in order to maintain total producer returns at their same level.

The proposed Class I price f.o.b. market will be the same as the Class I price which now applies at Toledo. Since a major portion of the milk is priced at the Toledo Class I price level, the relationship of the Northwestern Ohio Class I price with Class I prices in surrounding markets will not change significantly. The change in location pricing therefore, should not disrupt intermarket price alignment.

b. Provision also should be made to define a "reload point" at which a location adjustment would apply with respect to milk transferred at such point from one bulk tank truck to another in the course of movement from the farm to a milk plant.

The principal cooperative proposed a definition of "reload point" for the purpose of providing location adjustments on all bulk tank milk assembled and reloaded at outlying locations. By this means milk received at a reload point from farm tanks and assembled with other similar milk, to be shipped in larger tank trucks to pool or nonpool plants, would be treated, for pricing purposes, in a manner similar to milk received at a pool supply plant in a location differential zone.

Proponent pointed out that under recently adopted Ohio health regulations, standards have been established for installations at which such intertruck transfers of bulk tank milk may be made. These include, among other things, a covered building, cement floor, tight walls, and tank washing facilities. Health inspection of the milk will be made at the transfer point. Identification of the reload location and the operator thereof are required.

While milk is considered direct-shipped when brought into the pool distributing plant in the farm pickup tank, it was contended that the conditions of transfer make the assembly function of the reload point very similar to that provided by any receiving station or country plant.

Milk moved to the marketing area through a reload point should be priced at the location of the reload point.

Bulk tank handling methods permit delivery of milk to distributing plants at farms without receipt at an intermediate plant. Transfer of producer milk in the country from farm pickup tanks to larger tank trucks facilitates the economical handling and movement of such milk where substantial distances are involved. Such milk has a high degree of mobility and may be delivered to a plant in the marketing area or at times to other plants distantly located from the marketing area.

The function of a reload point approximates that of a supply plant in that milk is assembled at such place for movement to the market. It serves for a distributing plant an essential function that is customarily performed by a supply plant. However, facilities at a reload point do not have the permanence of a supply plant since they are only for the transfer of milk from farm pickup tank trucks to larger tank trucks. Reload operations do not have the full line of receiving facilities and holding tanks that supply plants must have. Hence, they cannot be expected to perform as a supply plant in all respects and consequently should not be treated for all order purposes on the same basis as supply plants.

The nature of the assembly function as described and the mobility factor, however, make reloaded milk appropriately subject to location pricing in this market. Providing for the reload point, as well as the supply plant, to be the point of pricing will promote uniformity of treatment to all producers similarly situated.

Moreover, distant whole milk brought in for Class II purposes should cost the handler approximately the Class II, or manufacturing, price at the point of origin plus the cost of transporting the milk to the market for processing. This is the case with respect to milk for Class II purchased from a supply plant in a location price zone. However, since the outlying bulk tank producer currently receives the uniform price f.o.b. marketing area even when his milk is handled through a reload point, he normally pays the full hauling cost to market regardless of final use made of the milk by the handler.

The purchasing handler therefore may be provided a significant advantage on distant milk so assembled for Class II purposes as compared to the handler buying distant milk through a country supply plant for similar use. This occurs because the handler buying from a supply plant is not allowed location credit from the pool on milk for Class II use but only on such milk shipped to market and allocated to Class I under normal allocation procedures. Establishing the reload point as the point of pricing would reduce the incentive to move distant milk to market for Class II use at producer expense and promote uniformity of prices to handlers. Also, uniform prices to producers would be enhanced since milk moved through the reload point and so used would be priced at the reload point and the consequent savings on transportation as to the Class II portion of such milk would be reflected in the uniform price.

It was proposed that any reload point located on or at the premises of a pool plant should be considered as part of the operations of such plant. To reduce problems of identification and accounting any reload point located on the premises of a pool plant should be considered as part of such plant's operation. The handler operating the pool plant which receives milk through a reload point should be the responsible person under the reporting and payment provisions with respect to milk so received.

Since the purpose of defining a reload point is to provide a location adjustment on milk assembled for movement to distributing plants, the definition adopted excludes any reloading operation that takes place within the area to which the f.o.b. market price applies.

(8) a. The order should be amended to provide that a handler's regular monthly report of receipts and utilization must be postmarked no later than the 6th day of the month if mailed, or, if otherwise delivered, be actually received at the market administrator's office no later than the close of business on the 7th day of the month. The date for the announcement of the uniform price for the preceding month should be changed from the 12th to the 11th day of the current month, and payments to producers should be advanced to the 16th day of the current month. Presently the uniform price is announced by the 12th of the month and payments to producers are due by the 17th day of the month.

Producers proposed that handlers be required to submit their monthly reports of receipts and utilization to the market administrator no later than the 5th day of the month (excluding Sundays) rather than the 7th as now provided. They further proposed that the date for announcing the uniform price and the date for paying producers be moved up 2 days. Their purpose was to achieve an advance in the date producers receive payment for their milk. The proposals were opposed by handlers.

Producers understandably desire to receive full payment for their milk as early as possible. However, the process of preparing and submitting monthly reports to the market administrator and the time necessarily consumed in computing the uniform price are limiting factors in any advance in the producer payment dates.

Under the producers' proposal handlers would be required to file receipts and utilization reports 2 days earlier than is now required. Handlers testified that reporting by the 5th day of the month would be difficult, if not impossible, to comply with. This would be particularly true, they stated, when a weekend or a holiday occurs during the first 5 days of the month, as frequently happens.

The hearing disclosed that the market administrator could announce the uniform price earlier than the 12th of the month if all handlers' reports were actually received by the 7th day of the month. While there was no suggestion that handlers have been lax in meeting their reporting obligation, it nevertheless is likely that reports mailed on the

7th, as presently permissible, will not reach the market administrator's office until at least the following day, tending to cut down the time available to compute the uniform price.

Provision that handlers' reports must be postmarked no later than the 6th day of the month if mailed, or actually received by the market administrator no later than the 7th day of the month if otherwise delivered, should put little, if any, additional burden on handlers. It will assist, however, in insuring that all such reports will be in the market administrator's office on the 7th, allowing sufficient time to compute and announce the uniform price 1 day earlier. This will make it possible to move ahead by 1 day the dates for payment to producers and cooperative associations.

Corollary changes are made in other payment sections of the order so as to conform to the earlier announcement of the uniform price. Such changes include the dates for payments in and out of the producer-settlement fund and for payment of administrative and marketing service assessments.

b. The order should be amended to provide a partial payment to producers at not less than the uniform price for the preceding month minus 75 cents for milk delivered during the first 15 days of the month. The partial payment rate should also be adjusted, for the appropriate months, by the amount of the seasonal change in the Class I differential. The present order provides for a partial payment to producers at not less than the Class II price for the preceding month.

The proposal for an increase in the amounts paid to producers in the form of a partial payment was submitted by the major cooperative association. They stated that the present rate of partial payment returns to the producer a relatively low proportion of the value of the producer milk delivered during the first 15 days of the month, and results in undue delay as to a portion of the payment for such milk.

Partial payments to producers, made on or before the last day of the month, apply to milk which was delivered to handlers during the first 15 days of the month. The costs of producing such milk have been incurred by producers, and the milk has been sold by the handler, at least several days before any payment is required. While the final value of such milk is not known before the uniform price is computed, it is reasonable for the producer to expect partial payment at a rate which more nearly approaches its true value than does the Class II price. The proposed provision should contribute to the orderly marketing of producer milk by reducing financing problems for producers.

Had the proposed rate been in effect during 1965 it would have increased the partial payment 25 cents per hundredweight. For the first 6 months of 1966 it would have resulted in a 51 cents per hundredweight increase.

Certain handlers expressed concern that under a higher rate of partial payment a low utilization handler might be required to pay producers more than the classification value of the first 15 days' milk supply. They were concerned also that such an overpayment might result because of money owed the handler by the producer for the purchase of supplies and equipment.

At the partial payment rate proposed herein it would be extremely unlikely that any pool distributing plant's utilization would be such that this could occur. Based on average prices for 1965, a plant's utilization would have to be substantially below 50 percent Class I to result in a partial payment of more than the actual value of the milk at the order's class prices. In view of the order's 50 percent route distribution requirement for such plants to qualify as pool plants the proposed provision should present no difficulty in this regard. It should be noted also that at the time the partial payment is made the remainder of the month's milk supply will have been delivered and the amount of the partial payment on the first 15 days' milk supply will fall far short of the actual value of the full month's deliveries.

Partial payment should not be required, however, in instances where the producer has discontinued shipping to a handler during the month. At the date of partial payment there could be considerable uncertainty as to the exact amount due a producer who has not shipped the full month. In the latter case it would be preferable to permit a handler to make final settlement in the form of a single payment after the uniform price for the current month is announced.

For timely computation of its producer payroll a cooperative association receiving payment from handlers on member milk needs information concerning daily and total pounds, and the average butterfat content, for each such producer prior to the date on which payment is received from handlers. Presently the order does not require handlers to submit this information before the date on which payment actually is made to the cooperative. Although cooperatives admitted no difficulty in getting this information in a timely manner, considerable difficulty could result if it were not submitted prior to the payment date.

The order should be amended to require the submission of such information in time to assure that a cooperative will be able to compute its payroll and make prompt payment to its members. While the cooperative requested that the information be submitted as early as the 7th of the month, they stated it was not needed quite that early in the month and would not object if the submission date was made the 10th. Handlers were not opposed to the latter date. It should be adopted.

Rulings on proposed findings and conclusions and motions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

During the course of the hearing counsel for a group of milk distributors not regulated by the order requested that official notice be taken of certain portions of the record of the original promulgation hearing on the Northwestern Ohio marketing order held in February 1964. Such hearing was concerned, in part, with the proposed inclusion of the four additional counties proposed for inclusion in the marketing area. Following objection, the Hearing Examiner denied official notice as to any part of the evidence of such hearing, but indicated that the request for official notice was in the record and subject to consideration by the Department.

From review of the colloquy on this matter it is concluded that the ruling of the Hearing Examiner was appropriate in the circumstances and such ruling is affirmed.

Same counsel also offered in evidence a letter containing aggregate sales figures of unregulated distributors made in the four counties proposed for inclusion in the marketing area. Following an objection, the letter was ruled inadmissible and an offer of proof concerning it was made.

The ruling of the Hearing Examiner as to the admissibility of the letter in the circumstances is affirmed.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Northwestern Ohio marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1041.13(a) is revised to read as follows:

§ 1041.13 Pool plant.

* * * * *

(a) A distributing plant with route disposition during the month, or in 5 of the immediately preceding 6 months, of not less than 50 percent of the total Grade A milk received at such plant from dairy farmers (excluding any such milk received by diversion from a plant at which such milk is fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act), pool supply plants and through reload points, and with at least 15 percent of such route disposition made within the marketing area during the month.

* * * * *

1a. In § 1041.15 paragraphs (a), (b), and (c)(3) are revised to read as follows:

§ 1041.15 Producer milk.

* * * * *

(a) Received during the month at one or more pool plants from the producer, either directly or through a reload point, or caused to be delivered from the producer's farm to a pool plant(s) by a cooperative association.

(b) Diverted by a handler from a pool plant to another pool plant for any number of days of the month. Milk so diverted shall be priced at the location of the plant from which it is diverted, if at least 15 days' production of the producer is delivered during the month to such plant or to other plants at which the same or a higher price applies; otherwise milk diverted to other pool plants shall be priced at the plant(s) where physically received.

(c) * * *

(3) Milk diverted to a nonpool plant for the account of a handler operating a pool plant or for the account of a cooperative association shall be priced at the location of the nonpool plant to which diverted.

2. Section 1041.16 is revised to read as follows:

§ 1041.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, buttermilk, concentrated milk, eggnog, sweet or sour cream, and any mixture of fluid cream and milk or skim milk. Cultured sour mixtures disposed of as other than sour cream and yogurt shall be considered as fluid milk products only if disposed of under a Grade A label. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized products in hermetically sealed containers, and such products as milkshake mix, ice cream mix, and other frozen dessert mixes, aerated cream products, frozen cream, cultured sour mixtures (disposed of as other than sour cream and not disposed of under a Grade A label), pancake mixes, and evaporated or sweetened condensed milk, or skim milk in either plain or sweetened form.

3. Section 1041.18 is revised to read as follows:

§ 1041.18 Route disposition.

"Route disposition" means a delivery (including disposition from a plant store, vendor, or vending machine) of Class I milk pursuant to § 1041.41(a) at retail or wholesale either directly or through any distribution point other than a plant.

4. A new § 1041.20 is added to read as follows:

§ 1041.20 Reload point.

Reload point means any location which is outside the Ohio counties specified in § 1041.53 and which is both 40 miles from the City Hall of Toledo, Ohio, and more than 15 miles from the City Halls of Mansfield, Marion, and Lima, Ohio, at which milk moved from the farm in a tank truck is commingled with other such milk before entering a plant, except that reloading operations on the premises of a plant shall be considered to be part of such plant's operation.

5. In § 1041.27, paragraphs (g) and (j)(2) are revised to read as follows:

§ 1041.27 Duties.

* * * * *

(g) He shall publicly announce (by posting in a conspicuous place in his office and by such means as he deems appropriate), at his discretion and unless otherwise directed by the Secretary, the name of any handler with respect to a pool plant under § 1041.13(a) from which route disposition during the month is less than 50 percent of receipts as specified in such paragraph, and the name of any handler the value of whose fluid milk products is not included in the computation of the uniform price because of failure to make reports pursuant to §§ 1041.30 and 1041.32, or payments pursuant to §§ 1041.80, 1041.82, 1041.84, 1041.85, and 1041.86.

* * * * *

(j) * * *

(2) By the 11th day after the end of each month, the uniform price computed pursuant to § 1041.71 and the butterfat differential computed pursuant to § 1041.72.

* * * * *

6. The introductory text of § 1041.30 is revised to read as follows:

§ 1041.30 Reports of receipts and utilization.

Each handler for each of his pool plants, and a cooperative association with respect to milk for which it is the handler, shall report to the market administrator each month. If mailed, such report shall be postmarked on or before the 6th day after the end of such month; or if otherwise delivered, it must be received at the office of the market administrator on or before the 7th day after the end of such month. The report shall be in the detail and on forms prescribed by the market administrator and shall reflect the quantities of skim milk and butterfat contained in:

* * * * *

7. In § 1041.51, the introductory text and subparagraph (1) of paragraph (a) are revised to read as follows:

§ 1041.51 Class prices.

* * * * *

(a) *Class I milk price.* For the period from the effective date of this paragraph through March 1968, the monthly Class I milk price shall be the basic formula price for the preceding month, plus the sum of the amounts specified under subparagraphs (1) and (2) of this paragraph:

(1) The amount set forth below for the applicable month, subject to adjustment for location pursuant to § 1041.53:

August through March	$1.32
April through July	1.09

* * * * *

8. Section 1041.53 is revised to read as follows:

§ 1041.53 Location adjustments to handlers.

(a) The price for Class I milk at a plant or reload point located outside the Ohio Counties of Allen, Auglaize, Crawford, Erie, Fulton, Hencock, Hardin, Henry, Huron, Lucas, Marion, Morrow, Ottawa, Richland, Sandusky, Seneca, Wood, and Wyandot, which is both more than 40 miles from the City Hall of Toledo, Ohio, and more than 15 miles from the City Halls of Mansfield, Marion, and Lima, Ohio, shall be the price computed pursuant to § 1041.51(a) reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant or reload point is from the nearest of the City Halls of Toledo, Mansfield, Marion, or Lima, Ohio. No location adjustment shall apply, however, at a plant or reload point which is nearer to the Public Square in Cleveland, Ohio, than the distance between such Cleveland location point and the City Hall at Mansfield, Ohio.

(b) For purposes of calculating location adjustments to handlers, receipts of fluid milk products from pool plants and reload points shall be assigned to Class I disposition at the transferee plant in excess of the sum of receipts at such plant directly from producers and the volume assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made first to transferor plants at which no location adjustment credit

is applicable and then in sequence beginning with the plant or reload point at which the least location adjustment would apply.

(c) For the purpose of this section and § 1041.73, the distances to be computed shall be on the basis of the shortest hard-surfaced highway distances as determined by the market administrator.

9. In § 1041.73, paragraph (a) is revised to read as follows:

§ 1041.73 Location differentials to producers and on nonpool milk.

(a) For the purposes of § 1041.80, the uniform price at a plant or a reload point may be reduced on the basis of the applicable amount or rate for the location of such plant or reload point pursuant to § 1041.53;

* * * * *

10. In § 1041.80, paragraph (a) (1) and (2) and the introductory text of paragraph (c) are revised to read as follows:

§ 1041.80 Time and method of payment.

(a) * * *

(1) On or before the last day of each month to each producer who had not discontinued shipping milk to such handler during the month, at not less than the uniform price for the preceding month minus 75 cents, adjusted by any amount that the Class I differential pursuant to § 1041.51(a) for the preceding month is greater or lesser than such differential for the current month, for the producer milk received during the first 15 days of the month:

(2) On or before the 16th day after the end of each month, at not less than the uniform price adjusted pursuant to §§ 1041.72, 1041.73, and 1041.85, less any payment made pursuant to subparagraph (1) of this paragraph, for producer milk received during such month. If by such date the handler has not received full payment from the market administrator pursuant to § 1041.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following receipt of the balance due from the market administrator; and

* * * * *

(c) In making payments for producer milk pursuant to this section, each handler shall furnish a supporting statement to each producer, or cooperative association in the case of member producers for whom payment is made pursuant to paragraph (b) of this section. Such statement shall be furnished at the time payments are made pursuant to this section, except that the information included in subparagraphs (1) and (2) of this paragraph shall be furnished a cooperative association for whom payment is made pursuant to paragraph (b) of this section on or before the 10th day after the end of the month during which the producer milk was received. The supporting statement shall be in such form that it may be retained by the recipient and shall show:

* * * * *

11. The introductory text of § 1041.82 is revised to read as follows:

§ 1041.82 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

* * * * *

12. Section 1041.83 is revised to read as follows:

§ 1041.83 Payment out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1041.82(b) exceeds the amount computed pursuant to § 1041.82(a).

13. In § 1041.85 paragraph (a) is revised to read as follows:

§ 1041.85 Marketing service deductions.

(a) In making the payments required by § 1041.80 (a) (2) and (b) to producers, other than payments to himself and to any producer who is a member of a cooperative association which the Secretary determines is performing the services specified in paragraph (b) of this section, each handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, for marketing services. The handler shall pay the amount deducted to the market administrator on or before the 13th day after the end of the month.

* * * * *

14. Section 1041.86 is revised to read as follows:

§ 1041.86 Expense of administration.

On or before the 13th day after the end of each month, each handler shall make payment to the market administrator as his pro rata share of the expense of administration of this part. The payment shall be at the rate of 3 cents per hundredweight or such lesser amount as the Secretary may prescribe. The payment shall apply to all of the handler's receipts during the month of skim milk and butterfat contained in (a) producer milk (including a handler's own farm production); and (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1041.46 (a)(3), (a)(7) and the corresponding steps of § 1041.46(b). The payment shall apply also to the quantity of route disposition in the marketing area during the month of other source milk from a partially regulated distributing plant that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

Signed at Washington, D.C., on October 6, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-11050; Filed, Oct. 10, 1966; 8:49 a.m.]

Notices

POST OFFICE DEPARTMENT

ZIP CODE REGULATIONS

Presorting of Bulk Second- and Third-Class Mail

The following is an excerpt from a Circular Letter to the Regional Directors signed by the Assistant Postmaster General, Bureau of Operations, on September 20, 1966, to provide guidance to the Regional Offices in processing applications filed by second- or third-class bulk rate mail users for additional time to comply with mandatory ZIP Code presorting regulations effective January 1, 1967, and to provide the criteria to determine whether an applicant should be deemed to have made substantial and good faith efforts to bring his mailings into compliance:

I. CRITERIA TO BE USED BY REGIONAL DIRECTORS IN CONSIDERING APPLICATIONS FOR ADDITIONAL TIME TO COMPLY WITH ZIP CODE PRESORTING REQUIREMENTS BECOMING EFFECTIVE JANUARY 1, 1967

In issuing the regulations requiring presorting to ZIP Codes of bulk second- and third-class mail and controlled circulation publications which become effective January 1, 1967, the Department has provided that mailers may be granted appropriate extensions of time to come into compliance with the new requirements. (See notes following present §§ 16.3(b)(9) and 24.4(b)(7) of Title 39, Code of Federal Regulations.) The regulations require that to "obtain an extension, the mailer must show that (1) he is unable without undue hardship and for causes not reasonably within his control to achieve compliance with these regulations and (2) he has made a substantial and good faith effort to bring his mailings into compliance with these regulations." The mailer's request in writing for an extension, accompanied with supporting documentation, must be submitted to the postmaster where mailings are made. The postmaster will submit the request to his Regional Director for a decision.

Regional Directors will apply the following criteria in their consideration of applications for extensions of time:

1. Use of ZIP in stationery, forms, coupons, etc.

2. Tangible efforts made subsequent to February 2, 1965, to ZIP Code address and master mailing files. Such files must be at least 50 percent ZIP Coded by January 1, 1967. This 50 percent criterion is waived where Items 1, 3, and 4 are being followed and the applicant qualifies for an extension because he is awaiting delivery of new equipment from which completely new address records are to be created.

3. Actual conduct of feasibility studies leading to a management decision about modernizing or improving master filing systems and/or leading to a management decision to order additional or new equipment (if applicable).

4. Current action to include ZIP Code in addresses included in new customer records, change transactions, etc.

Latitude is given to Regional Directors in fixing times to be approved or disapproved, to increase such times not to totally exceed 1 year or to decrease such times under the following conditions:

Increase. (1) The times may be increased where substantial efforts have been made in excess of the above, such as cooperation in voluntarily ZIP Coding address records between July 1, 1963, and February 2, 1965, and the degree of such voluntary cooperation. (2) Actual additions of personnel or expenditure of significant funds because of ZIP Coding. (3) Delays beyond the control of the applicant where his ZIP Coding work was contracted to a service bureau or other party. (4) Any time consumed while waiting for address cards to be returned from post offices when submitted to post office for ZIP sorting.

Decrease. The times may be decreased (1) where the "good faith" efforts are lesser than the minimum specified, and (2) where the circumstances are such that the principal reason for inability of the applicant to be ready for compliance on January 1, 1967, was his failure to initiate action to ZIP Code address files within a reasonable time after July 2, 1965, when the proposed ZIP Coding and presorting requirements were actually published as final regulations.

II. NOTIFICATION OF DECISION

A. *To applicant*—1. *Approval.* If an applicant's request is granted in full, he need not be informed in detail of the reasons why the request was granted, but merely should be sent a brief letter of approval. The approval letter should contain language specifically stating (a) the exact period for which the additional time is granted, and (b) the location and type of mailings to which the extension applies.

2. *Denial.* On the other hand, if an applicant's request is denied, either in whole or in part, then he should be informed in some detail why his request was so denied. Unless the applicant is given such reasons, he would not be able to intelligently frame an appeal.

A letter of denial, either in whole or in part, should also advise the applicant that he may appeal the Regional Director's decision to the Post Office Department Headquarters, 12th and Pennsylvania Avenue NW., Washington, D.C. 20260, within 15 calendar days following receipt of the decision letter. Letters of denial should be sent certified mail, return receipt requested, so that a record will be available of the applicant's receipt of the decision letter. The applicant should be advised that any appeal to the Department should be directed to the Office of the Assistant Postmaster General, Bureau of Operations, giving his specific reasons why he feels the additional time should be granted.

B. *To postmaster.* Copies of all decision letters should be sent to the postmaster where mailings are entered.

For second-class mail, a copy of the decision letter should be sent to the postmaster where the publication has original entry and that postmaster should be instructed to notify postmasters at other offices where additional entries, if any, are made.

For third-class mail, a copy of the Regional decision letter should be sent to the postmaster where the applicant makes third-class mailings covered by each application.

* * * * *

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 6, 1966.

[F.R. Doc. 66-11021; Filed, Oct. 10, 1966; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

OHIO CITIZENS TRUST CO.

Order Approving Application for Merger of Banks

In the matter of the application of The Ohio Citizens Trust Co. for approval of merger with The Whitehouse State Savings Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89-356), an application by The Ohio Citizens Trust Co., Toledo, Ohio, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Whitehouse State Savings Bank, Whitehouse, Ohio, under the charter and title of The Ohio Citizens Trust Co. As an incident to the merger, the main office and branch of The Whitehouse State Savings Bank would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[3] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after said date.

Dated at Washington, D.C., this 4th day of October 1966.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 66-11016; Filed, Oct. 10, 1966; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

NATIONAL WILDERNESS PRESERVATION SYSTEM

Notice of Areas Within National Wildlife Refuge System That Qualify for Study

The Wilderness Act, Public Law 88-577 (78 Stat. 890), provided the authority and indicated the procedure by which lands in the National Wildlife Refuge System that meet the necessary requirements may be considered for inclusion in the National Wilderness Preservation System. This law directed the study and review within 10 years after September 3, 1964, of every roadless area of 5,000 contiguous acres or more and every roadless island within national wildlife refuges and game ranges.

The President is to have the completed studies on one-third of the areas and islands to be reviewed to the Congress by September 3, 1967.

Accordingly, the Bureau of Sport Fisheries and Wildlife has considered all areas in the National Wildlife Refuge System and has determined that 82 areas and islands on 67 refuges and ranges qualify for study under the act and the regulations of the Secretary of the Interior published February 22, 1966, 31 F.R. 7899. Studies of these areas and islands by the Bureau of Sport Fisheries and Wildlife will be followed by public hearings, which will be announced in the FEDERAL REGISTER, in order that all interested persons may express their views.

The areas and islands that qualify for study are as follows:

Refuge or range	County	Study area	Acreage
	Judicial division		
Alaska:			
Aleutian Islands NWR	Third	Aleutian Islands	2,600,000
Arctic NW Range	Fourth	Arctic	8,900,000
Bering Sea NWR	Second	Bering Sea	41,113
Bogoslof NWR[1]	Third	Bogoslof	350
Chamisso NWR	Second	Chamisso	641
Clarence Rhode NW Range	Second and Fourth	Clarence Rhode	1,870,016
Forrester Island NWR[1]	First	Forrester Island	2,832
Hazen Bay NWR	Second	Hazen Bay	6,800
Hazy Islands NWR[1]	First	Hazy Islands	42
Izembek NW Range	Third	Izembek	372,000
Kenai National Moose Range	Third	Andrew Simon	830,000
Kenai National Moose Range	Third	Moose River	140,000
Kodiak NWR	Third	Kodiak	1,815,000
Nunivak NWR	Fourth	Nunivak	1,109,000
St. Lazaria NWR[1]	First	St. Lazaria	65
Semidi NWR	Third	Semidi	8,472
Simeonof NWR	Third	Simeonof	10,442
Tuxedni NWR[1]	Third	Tuxedni	6,439
Arizona:			
Cabeza Prieta Game Range	Pima, Yuma	Cabeza Prieta	860,000
Havasu Lake NWR	Mohave	Needles	11,261
Kofa Game Range	Yuma	Castle Dome	228,224
Kofa Game Range	Yuma	Kofa	140,416
California:			
Farallon	Marin	Farallon	91
Florida:			
Caloosahatchee NWR	Lee	Caloosahatchee	20
Cedar Keys NWR[1]	Levy	Cedar Keys	379
Great White Heron NWR	Monroe	Great White Heron	706
Island Bay NWR[1]	Charlotte	Island Bay	20
Key West NWR	Monroe	Key West	2,019
Matlacha Pass NWR	Lee	Matlacha Pass	10
Passage Key NWR[1]	Manatee	Passage Key	36
Pelican Island NWR[1]	Indian River	Pelican Island	615
Pine Island NWR	Lee	Pine Island	31
Georgia:			
Okefenokee NWR[1]	Ware, Charlton, & Clinch	Okefenokee	331,836
Tybee NWR	Chatham	Tybee	100
Wolf Island NWR	McIntosh	Wolf Island	338
Hawaii:			
Hawaiian Islands NWR	Honolulu	Hawaiian Islands	1,708
Territory:			
Johnston Island NWR	(no county)	Johnston Island	100
	Parish		
Louisiana:			
Breton NWR	Plaquemines	Breton	7,512
East Timbalier Island NWR	Terrebonne	East Timbalier Island	337
Shell Keys NWR	Iberia	Shell Keys	8
	Judicial division		
Maine:			
Moosehorn NWR[1]	Washington	Bitch Island	3
Moosehorn NWR[1]	Washington	Dog Island	3
Moosehorn NWR[1]	Washington	Edmunds	8,200
Maryland:			
Martin NWR	Somerset	Martin	4,414
Massachusetts:			
Monomoy NWR[1]	Barnstable	Monomoy Island	2,806
Michigan:			
Huron NWR[1]	Marquette	Huron Island	147
Michigan Island NWR[1]	Alpena and Charlevoix	Michigan Island	12
Seney NWR[1]	Schoolcraft	Riverside	19,150
Mississippi:			
Horn Island NWR	Jackson	Horn Island	2,442
Petit Bois NWR	Jackson	Petit Bois	749
Montana:			
Charles Russell NW Range	Garfield	Bone Trail	26,846
Charles Russell NW Range	Valley	Burnt Lodge	24,782
Charles Russell NW Range	Phillips	Devil Creek	8,640
Nevada:			
Anaho Island NWR	Washoe	Anaho Island	248
Chas. Sheldon Antelope Range	Humboldt	Big Spg. Tab	100,000
Chas. Sheldon Antelope Range	Humboldt	Big Mountain	12,200
Chas. Sheldon Antelope Range	Washoe	Bitner Butte	18,000
Chas. Sheldon Antelope Range	Washoe	Catnip Mountain	18,000
Nevada:			
Chas. Sheldon Antelope Range	Humboldt	Gooch Table	31,300
Chas. Sheldon Antelope Range	Humboldt	Virgin Canyon	17,840
Desert NW Range	Clark, Lincoln	Desert Bighorn	617,000
New Jersey:			
Great Swamp NWR[1]	Morris	M. Hartley Dodge	2,000
New Mexico:			
Bitter Lake NWR[1]	Chaves	Salt Creek	11,900
Bosque del Apache NWR[1]	Socorro	Chupadera	5,568
Bosque del Apache NWR[1]	Socorro	Indian Well	10,000
Bosque del Apache NWR[1]	Socorro	Little San Pascual	22,298
San Andres NWR	Dona Ana	San Andres	80,160
Ohio:			
West Sister Island NWR	Lucas	West Sister Island	82
Oklahoma:			
Wichita Mountains Wildlife Refuge[1]	Comanche	Charon's Gardens	5,710
Oregon:			
Hart Mountain National Antelope Refuge[1]	Lake	Fort Warner	22,500
Hart Mountain National Antelope Refuge[1]	Lake	Poker Jim Ridge	18,500
Malheur NWR[1]	Harney	Harney Lake	80,117
Malheur NWR[1]	Harney	Malheur Lake	46,317
Oregon Island NWR[1]	Curry	Oregon Island	21
Three Arch Rocks NWR[1]	Tillamook	Three Arch Rocks	17
Texas:			
Laguna Atascosa NWR	Cameron	Arroyo Colorado	9,613
Utah:			
Bear River Migratory Bird Refuge[1]	Box Elder	Bear River	50,926

See footnotes at end of table.

Refuge or range	County	Study area	Acreage
	Judicial division		
Washington:			
Copalis NWR[1]	Grays Harbor	Copalis	5
Flattery Rocks NWR[1]	Clallam	Flattery Rocks	125
Quillayute Needles NWR[1]	Clallam and Jefferson	Quillayute Needles	117
Wisconsin:			
Gravel Island NWR[1]	Door	Gravel Island	27
Green Bay NWR[1]	Door	Green Bay	2

[1] To be studied during the initial 3-year period.

NWR = National Wildlife Refuge.
NW = National Wildlife.

SUMMARY

Region	Number of States	Number of counties	Number of refuges	Areas and islands	Acreage
I	7	23	31	41	18,707,120
II	6	10	9	12	1,396,080
III	3	8	6	6	19,420
IV	5	16	18	18	351,865
V	3	3	3	5	9,904
Total	24	60	67	82	20,485,379

JOHN S. GOTTSCHALK, *Director.*

OCTOBER 5, 1966.

[F.R. Doc. 66-11018; Filed, Oct. 10, 1966; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland. Dissenting statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Shepardson, Mitchell, Daane, Maisel, and Brimmer. Voting against this action: Governor Robertson.

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

PEANUTS

Outgoing Quality Regulation

Pursuant to the provisions of sections 32 and 34 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the amendment hereinafter set forth to the Outgoing Quality Regulation (31 F.R. 8601) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of the Outgoing Quality Regulation is necessary to allow exporters who purchase restricted peanut meal an opportunity to also sell it to licensed or registered U.S. fertilizer manufacturers for nonfeed use. Previously handlers were permitted to sell restricted peanut meal to such exporters only if the meal was to be exported for nonfeed use. However, the exporting firms also sell domestically and should be permitted to so sell the meal and provide the industry with additional outlets.

Therefore, the penultimate sentence of paragraph (g), subparagraph (3) of the Outgoing Quality Regulation (31 F.R. 8601) is deleted and replaced by the following: "To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for nonfeed use or sell it to the aforesaid fertilizer manufacturers."

The Peanut Administrative Committee has recommended that this amendment be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement dealing with outgoing quality regulations. Marketing of the 1966 peanut crop is underway and such outgoing quality regulations for actual operations under the agreement should therefore be modified and made effective as soon as possible, i.e., on the effective date specified herein. Handlers of peanuts who will be affected by such amendment have signed the marketing agreement authorizing the issuance of such regulations, they are represented on the Committee which recommended such amendments, and time does not permit prior notice of the proposed amendment to such handlers.

The foregoing amendment of the Outgoing Quality Regulation is hereby approved and issued this 6th day of October 1966 to become effective October 6, 1966.

FLOYD F. HEDLUND, *Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 66-11047; Filed, Oct. 10, 1966; 8:48 a.m.]

Office of the Secretary

NEW YORK

Extension of Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafternamed counties in the State of New York the disasters for which such counties are presently designated have caused a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

New York	Original designation	Present extension
Albany	29 F.R. 11165	30 F.R. 11070
Allegany	29 F.R. 11165	30 F.R. 11070
Broome	29 F.R. 11165	30 F.R. 11070
Cattaraugus	30 F.R. 11070	
Cayuga	29 F.R. 15267	30 F.R. 11070
Chautauqua	30 F.R. 11070	
Chemung	29 F.R. 11165	30 F.R. 11070
Chenango	29 F.R. 11165	30 F.R. 11070
Clinton	29 F.R. 11165	30 F.R. 11070
Columbia	29 F.R. 11165	30 F.R. 11070
Cortland	29 F.R. 11165	30 F.R. 11070
Delaware	29 F.R. 11165	30 F.R. 11070
Dutchess	29 F.R. 11165	30 F.R. 11070
Erie	30 F.R. 11070	
Essex	29 F.R. 11165	30 F.R. 11070
Franklin	29 F.R. 11165	30 F.R. 11070
Fulton	29 F.R. 11165	30 F.R. 11070
Genesee	30 F.R. 11070	
Greene	29 F.R. 11165	30 F.R. 11070
Hamilton	29 F.R. 11165	30 F.R. 11070
Herkimer	29 F.R. 11165	30 F.R. 11070
Jefferson	29 F.R. 11165	30 F.R. 11070
Lewis	29 F.R. 11165	30 F.R. 11070
Livingston	30 F.R. 11070	
Madison	29 F.R. 11165	30 F.R. 11070
Monroe	30 F.R. 11070	
Montgomery	29 F.R. 11165	30 F.R. 11070
Niagara	30 F.R. 11070	
Oneida	29 F.R. 11165	30 F.R. 11070
Onondaga	29 F.R. 11165	30 F.R. 11070
Ontario	30 F.R. 11070	
Orange	29 F.R. 13081	30 F.R. 11070
Orleans	30 F.R. 11070	
Oswego	29 F.R. 11165	30 F.R. 11070
Otsego	29 F.R. 11165	30 F.R. 11070
Putnam	30 F.R. 11070	
Rensselaer	29 F.R. 11165	30 F.R. 11070
Rockland	30 F.R. 11070	
St. Lawrence	29 F.R. 11165	30 F.R. 11070
Saratoga	29 F.R. 11165	30 F.R. 11070
Schenectady	29 F.R. 11165	30 F.R. 11070
Schoharie	29 F.R. 11165	30 F.R. 11070
Schuyler	29 F.R. 11166	30 F.R. 11070
Seneca	30 F.R. 11070	
Steuben	29 F.R. 11165	30 F.R. 11070
Suffolk	29 F.R. 11165	30 F.R. 11070
Sullivan	29 F.R. 13081	30 F.R. 11070
Tioga	29 F.R. 11165	30 F.R. 11070
Tompkins	29 F.R. 11165	30 F.R. 11070
Ulster	29 F.R. 13081	30 F.R. 11070
Warren	29 F.R. 11165	30 F.R. 11070
Washington	29 F.R. 11165	30 F.R. 11070
Wayne	30 F.R. 11070	
Westchester	30 F.R. 11070	
Wyoming	30 F.R. 11070	
Yates	29 F.R. 11165	30 F.R. 11070

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of October 1966.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 66-11035; Filed, Oct. 10, 1966; 8:47 a.m.]

TEXAS AND COLORADO

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafternamed county in the State of Texas a natural disaster has caused a need for agricultural credit not readily available

from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Presidio

It has also been determined that in the hereinafter-named county in the State of Colorado natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Colorado	Original designation	Present extension
Morgan	29 F.R. 15876	30 F.R. 8282

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of October 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-11026; Filed, Oct. 10, 1966; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

ASSISTANT SECRETARY FOR METROPOLITAN DEVELOPMENT AND DEPUTY ASSISTANT SECRETARY FOR METROPOLITAN DEVELOPMENT

Delegations of Authority

The Secretary's delegations of authority to the Assistant Secretary for Metropolitan Development and the Deputy Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7358, May 20, 1966), are hereby amended in the following respects:

(1) Under section B, by revising subsection 3 and adding new subsections 4 and 5, to read:

SEC. B. *Additional authority excepted.* • • •

3. Exercise the powers under section 402(a) of the Housing Act of 1950, as amended (12 U.S.C. 1749a(a)).

4. Sue and be sued.

5. In the case of the Deputy Assistant Secretary for Metropolitan Development, issue rules and regulations.

(2) By revising section C to read:

SEC. C. *Additional authority delegated.* The Assistant Secretary for Metropolitan Development and the Deputy Assistant Secretary for Metropolitan Development each is further authorized to:

1. Redelegate to Regional Administrators and to Deputy Regional Administrators any of the authority delegated under section A, and authorize further redelegation to employees within the respective Regions of any of the authority so redelegated.

2. Redelegate to headquarters employees any of the authority delegated under sections A, 3, with respect to the Urban Mass Transportation Programs, and authorize further redelegation to employees under the jurisdiction of the Assistant Secretary for Metropolitan Development.

(3) By adding the following new sections D and E:

SEC. D. *Additional authority delegated to Assistant Secretary for Metropolitan Development.* The Assistant Secretary for Metropolitan Development is further authorized to:

1. Issue such rules and regulations as may be necessary to carry out the power delegated herein.

2. With respect to employees or positions under his jurisdiction:

a. Designate one or more employees to serve as Acting Assistant Secretary for Metropolitan Development during the absence of such Assistant Secretary, or to serve as acting head of an organizational unit during the absence of the head of the unit or during a vacancy in the position.

b. Authorize the head of an organizational unit to designate one or more subordinate employees to serve as acting head of such unit during the absence of the head of the unit, or to serve in an "Acting" capacity in any other position in the unit during the absence of the appointee to such position or during a vacancy in such position.

SEC. E. *Existing delegations and redelegations.* Notwithstanding the delegations herein and redelegations hereunder, delegations to Regional Administrators and redelegations thereunder in effect on May 17, 1966, with respect to the programs and matters listed herein continue in effect until expressly modified or revoked.

Effective date. These amendments of delegations of authority are effective as of May 18, 1966.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 66-11042; Filed, Oct. 10, 1966; 8:48 a.m.]

REGIONAL ADMINISTRATORS AND DEPUTY REGIONAL ADMINISTRATORS

Redelegations of Authority

The redelegations of authority by the Assistant Secretary for Metropolitan Development to Regional Administrators and Deputy Regional Administrators effective May 18, 1966 (31 F.R. 7359, May 20, 1966), are hereby amended under section B, by revising subsection 3 and adding new subsections 4 and 5, to read:

SEC. B. *Additional authority excepted.* • • •

3. Exercise the powers under section 402(a) of the Housing Act of 1950, as amended (12 U.S.C. 1749a(a)).

4. Sue and be sued.

5. Issue rules and regulations.

(Secretary's delegation effective May 18, 1966, 31 F.R. 7359, May 20, 1966, as amended at 31 F.R. 13148, Oct. 11, 1966)

Effective date. These amendments of redelegations of authority are effective as of May 18, 1966.

CHARLES M. HAAR,
Assistant Secretary for Metropolitan Development.

[F.R. Doc. 66-11045; Filed, Oct. 10, 1966; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17613]

ALOHA AND HAWAIIAN SHOW CAUSE ORDER

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on November 1 is postponed to November 14, 1966, 10 a.m., e.s.t., Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

Dated at Washington, D.C., October 5, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11033; Filed, Oct. 10, 1966; 8:47 a.m.]

[Docket No. 17738]

BABY POULTRY RATES

Notice of Prehearing Conference

Increased rates on baby poultry proposed by American Airlines, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc. (See order E-24210, dated Sept. 22, 1966.)

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 24, 1966, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., October 5, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11034; Filed, Oct. 10, 1966; 8:47 a.m.]

[Docket No. 17728]

OZARK-CENTRAL MERGER

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 17, 1966, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Under date of October 4, 1966, the joint applicants filed with the Board a Preliminary Submission of the Applicants, containing extensive data with respect to the application. A copy of this document was served upon interested parties.

In order to facilitate the conduct of the conference and expeditious handling of this case, parties are instructed to submit to the examiner and other parties, on or before October 13, 1966, (1) proposed statements of issues; (2) proposed stipulations; (3) statements setting forth wherein the preliminary submission is deficient and what additional information, if any, is required; (4) statements of positions of parties including proposed conditions and operating restrictions, if any; and (5) proposed procedural dates which should recognize the necessity of a prompt decision in this case.

Dated at Washington, D.C., October 5, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11035; Filed, Oct. 10, 1966; 8:47 a.m.]

[Docket No. 17719]

UNION SPEDITIONS-GESELLSCHAFT m.b.H

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference on the above-entitled application now assigned to be held on October 18, 1966, is postponed to October 25, 1966, 10 a.m., e.d.s.t., Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., October 5, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11036; Filed, Oct. 10, 1966; 8:47 a.m.]

[Docket No. 15356, etc.]

NORTHEAST-BAHAMAS SERVICE CASE

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 14, 1966, at 10 a.m., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Board's Orders of Investigation E-23436 of March 29, 1966, and E-23760 of June 1, 1966, the Prehearing Conference Report served on May 16, 1966, and Supplemental Prehearing Conference Report served on May 27, 1966, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 5, 1966.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 66-11051; Filed, Oct. 10, 1966; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16892, 16893; FCC 66M-1331]

COMMUNITY COMMUNICATORS OF OHIO, INC. AND DAVID JOSEPH KITTEL

Order Scheduling Hearing

In re applications of Community Communicators of Ohio, Inc., Wilmington, Ohio; Docket No. 16892, File No. BPH-5338; David Joseph Kittel, Wilmington, Ohio; Docket No. 16893, File No. BPH-5423; for construction permits.

It is ordered, This 4th day of October 1966, that Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 21, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 17, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11006; Filed, Oct. 10, 1966; 8:45 a.m.]

[Docket No. 16690; FCC 66M-1345]

DAILY EXPRESS, INC., ET AL.

Order Continuing Hearing

In the matter of Daily Express, Inc., Post Office Box 39, Carlisle, Pa.; Complainant; versus American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.; The Bell Telephone Co. of Pennsylvania, 1 Parkway, Philadelphia, Pa.; The United Telephone Co. of Pennsylvania, Carlisle, Pa.; Defendants; Docket No. 16690.

Pursuant to a prehearing conference as of this date: *It is ordered*, This 5th day of October 1966, that the complainant herein shall exchange its exhibits on or before December 10, 1966, and that the other parties shall notify complainant on or before January 3, 1967, as to the witnesses desired for cross-examination;

It is further ordered, That the hearing now scheduled for November 9, 1966, be and the same is hereby rescheduled for January 10, 1967, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11007; Filed, Oct. 10, 1966; 8:45 a.m.]

[Docket Nos. 16700, 16701; FCC 66M-1333]

KENTUCKY CENTRAL TELEVISION, INC. AND WBLG-TV, INC.

Order Regarding Procedural Dates

In re applications of Kentucky Central Television, Inc., Lexington, Ky.; Docket No. 16700, File No. BPCT-3569; WBLG-TV, Inc., Lexington, Ky.; Docket No. 16701, File No. BPCT-3642; for construction permit for new television broadcast station.

Pursuant to agreement arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 4th day of October 1966, that due to the recent addition of an issue by the Review Board, the procedural dates are rescheduled as follows:

Exchange of exhibits will be made on November 2, 1966; hearing for offer and receipt of exhibits will be held on November 9, 1966, and further hearing for oral examination of witnesses will be held on November 15, 1966.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11008; Filed, Oct. 10, 1966; 8:45 a.m.]

[Docket Nos. 16876-16878; FCC 66-839]

LORAIN COMMUNITY BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Lorain Community Broadcasting Co., Lorain, Ohio; Docket No. 16876, File No. BP-16940; Requests: 1380 kc, 500 w, Day; Allied Broadcasting, Inc., Lorain, Ohio; Docket No. 16877, File No. BP-17297; Requests: 1380 kc, 500 w, Day; Midwest Broadcasting Co., Lorain, Ohio; Docket No. 16878, File No. BP-17302; Requests: 1380 kc, 500 w, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of September 1966;

1. The Commission has before it the above-captioned and described applications, each requesting authority to continue standard broadcast service in Lorain, Ohio, now being provided by Station WWIZ.[1] Each of the applicants

[1] An application for renewal of the license of WWIZ has been denied, and WWIZ must cease operation on October 13, 1966.

also requests interim authority to operate on the WWIZ frequency pending the final determination of the proceeding ordered herein. Also before the Commission is a petition to designate the applications for hearing filed June 28, 1966, by The Times Herald Co., licensee of standard broadcast Station WTTH, Port Huron, Mich. (1380 kc, 5 kw, DA–2, U);[2] opposition to the WTTH petition filed by Lorain Community on July 11, 1966; a response to the WTTH petition of July 11, 1966, by the Storer Broadcasting Co., licensee of standard broadcast Station WSPD, Toledo, Ohio (1370 kc, 5 kw, DA–N, U); and WTTH's reply to the Lorain Community opposition filed July 20, 1966.

2. With respect to the requests for interim operating authority, each of the applicants has indicated a willingness to participate with the other applicants in the temporary operation of facilities at Lorain. Therefore, the Commission will defer action on the request for temporary authority for a period of thirty (30) days within which the interested applicants may submit for the Commission's consideration a joint proposal for interim operation on a participating basis.

3. WTTH requests that the applications be designated for hearing to determine whether overlap of contours prohibited by § 73.37(a) of the Commission's rules would result; whether the overlap would be greater or less than the existing overlap involving WTTH and the existing operation of WWIZ; the extent of the area and population; whether the public interest would be served by a waiver of § 73.37(a); whether a directional antenna could be designed which would be feasible for use in Lorain; and whether the public interest would be served by a grant of an application proposing to protect the contours of WTTH.

4. In opposition to the WTTH petition, Lorain Community states that the affidavit of the consulting engineer supporting the petition does not state that the operation with a directional antenna would permit satisfactory service to Lorain in accordance with the Commission's rules; that it is doubtful if the Lorain proposal could provide satisfactory coverage of the business district in the event the signal is suppressed as suggested by WTTH; that WTTH can claim no injury because the status quo is maintained and therefore WTTH is not a party in interest within the meaning of section 309(d)(1) of the Communications Act; that the investment involved in the installation of a directional antenna may discourage applicants for the Lorain facility; that any balancing of Lorain's interests against those of WTTH in the elimination of some minor interference requires resolution in favor of the former; and that the issues raised by WTTH are inappropriate in this proceeding.

5. In its response, WSPD supports WTTH'S request for the alternative facilities issue and requests that the issue be cast in terms of interference to both WTTH and WSPD.

6. WTTH replies by stating that it doubts that there is any real danger that applicants will be discouraged by the inclusion of a hypothetical alternative issue in the light of an impending, lengthy hearing; that Lorain Community is mistaken in arguing that WTTH is not a party in interest; that WTTH's request is reasonable; and that the burden should be on the applicant to introduce evidence on the hypothetical alternative issue.

7. With respect to the dispute over WTTH's standing as a party in interest, it is settled that an existing station is entitled to a hearing on an application which proposes an operation involving interference to that station. Federal Communications Commission v. National Broadcasting Co., Inc. (KOA) 319 U.S. 239 (1943). It is now established that in a case where a license has been revoked, the Commission may authorize an interim operation on the frequency without holding a hearing at the instance of a station which received interference from the formerly licensed operation. Beloit Broadcasters, Inc., v. Federal Communications Commission, decided July 27, 1966, by the U.S. Court of Appeals for the District of Columbia Circuit, Case No. 19,908, 7 RR 2d 2155. Likewise, we believe that this decision holds that a licensee, whose operation previously received interference from a now defunct station, is not entitled to a hearing as a matter of law under section 316 of the Communications Act of 1934, as amended, where a new applicant seeks authority to restore the preexisting broadcast service. The present applications specify essentially the same operating characteristics authorized for the operation of WWIZ which involves some interference to both WTTH and WSPD. Under the Beloit decision a grant of any of the applications would not constitute a modification of the licenses of either WTTH or WSPD. Therefore WTTH and WSPD have no standing to oppose the authorizations sought and, accordingly, the requests for hearing will be dismissed.

8. Matters to be considered in connection with the issues specified below are the following:

With respect to the application of the Lorain Community Broadcasting Co.:

(a) Lorain Community will require approximately $122,000 for the construction and operation of the proposed station for 1 year. Lorain Community proposes to meet these costs with existing capital $42,606, a bank loan of $50,000, and $20,000 in loans from two of the stockholders and revenues as required. Thus, Lorain Community claims the availability of $112,606.

(b) The financial statements submitted by the two stockholders, Austin W. O'Toole and George T. Mobille, who have agreed to lend funds to the corporation are not complete and do not segregate assets and liabilities in a manner to establish the availability of sufficient liquid assets with which to meet their loan commitments.

(c) The Lorain Community applicant indicates that the operation of WWIZ has been observed and that it is apparent that a station in Lorain will attract sufficient advertising revenue to cover the cost of the station's operation. Apart from this statement, there is no indication of the basis for the applicant's estimate of anticipated revenue. Accordingly, issues will be specified to permit Lorain Community to establish the basis for its estimate of revenue and whether it will have funds in a sufficient amount to cover the costs and construction and initial operation of the proposed station.

With respect to the application of Allied Broadcasting, Inc.:

(a) It appears that $204,413 will be required to meet the costs of construction and operation for 1 year. Allied has established the availability of $200,000. Therefore, it will be necessary to specify an issue to determine if the additional funds necessary will be available.

(b) It has not been determined whether the proposed antenna would constitute a menace to air navigation.

With respect to the application of the Midwest Broadcasting Co.:

(a) A total of $99,341 will be required to meet the costs of construction and 1 year's operation. To meet these costs the applicant has $4,600 in existing capital and will secure additional funds through loans from two individual stockholders, Herbert L. Jacobs and S. Lee Kohrman, of $50,000 each. The financial statements submitted on behalf of the prospective lenders do not show liabilities and there is no showing that the assets will provide funds to meet the commitments.

(b) It has not been determined whether the proposed antenna would constitute a menace to air navigation.

9. Examination of the Allied application indicates that the radiation is the same as that specified in the WWIZ authorization. However, it appears that the radiation would be greater than indicated because of a more efficient ground system than that which has been used in the operation of WWIZ. No information was submitted to indicate the manner in which the radiation is to be restricted to the proposed value. Therefore, any grant of the Allied application will be subject to the condition that program tests will not be authorized until the permittee has submitted sufficient data to establish that the radiation has been adjusted to the value proposed.

10. By public notice of May 19, 1966, FCC 66–441, the Commission waived the provisions of the note to § 1.571 of the rules to permit acceptance of applications by interested individuals or groups desiring to compete for the Lorain facilities with the Lorain Community Broadcasting application. The Allied and Midwest applications were filed in response to that notice, and, accordingly will be accepted at this time. Section 1.580(b) of the Commission's rules does not contemplate action on an application less than thirty (30) days following the issuance of a public notice of the acceptance of the application. However, the Commission will, on its own motion, waive § 1.580(b) to permit the hearing on the applications to proceed without further delay.

11. It appears that, except as indicated in paragraphs above, the applicants are qualified to construct, own, and operate the facilities proposed, but that the applications are mutually exclusive. Therefore, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications must be designated for hearing.

12. *Accordingly, it is ordered,* That the applications of Allied Broadcasting, Inc., and Midwest Broadcasting Co., are hereby accepted for filing and designated for hearing in a consolidated proceeding with the application of the Lorain Community Broadcasting Co., at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a reasonable possibility that the respective tower heights and locations proposed by Allied Brodcasting, Inc., and the Midwest Broadcasting Co. would constitute a menace to air navigation.

2. To determine with respect to the application of the Lorain Community Broadcasting Co.:

(a) Whether Austin W. O'Toole and George T. Mobille have sufficient cash and/or liquid assets to meet their respective loan commitments.

(b) The basis for the applicant's estimate of revenues in the first year of operation, whether such estimate is reasonable and, if not, the amount of revenues which may reasonably be expected in the first year.

(c) In the light of the evidence adduced pursuant to the foregoing, the manner in which the applicant will obtain sufficient additional funds to enable it to construct and operate the proposed station for 1 year.

(d) Whether, in the light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

3. To determine with respect to the application of Allied Broadcasting, Inc.:

(a) The manner in which the applicant will obtain additional funds to construct and operate the proposed station for 1 year.

(b) In the event the applicant will rely on revenue for the additional funds, the basis for the applicant's estimate of revenues in the first year of operation.

(c) Whether, in the light of the evidence adduced pursuant to the foregoing (a and b), the applicant is financially qualified.

4. To determine with respect to the application of the Midwest Broadcasting Co.:

(a) Whether Herbert L. Jacobs and S. Lee Kohrman have sufficient cash and/or liquid assets to meet their respective loan commitments.

(b) Whether, in the light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

5. To determine which of the proposals would better serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That the petitions to designate the applications for hearing filed by The Times Herald Co. and the request of the Storer Broadcasting Co. are hereby dismissed.

It is further ordered, That, in the event of a grant of any of the proposals herein, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of the application of Allied Broadcasting, Inc., the construction permit shall contain the following condition:

Before program tests are authorized, permittee shall submit sufficient data to establish that the radiation has been adjusted to the value proposed.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the Commission will withhold action on the requests for interim operating authority submitted thus far for a period of thirty (30) days to permit interested applicants who are parties to this proceeding to submit a proposal for joint interim operation on a participating basis.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[3]
BEN F. WAPLE,
Secretary.

[SEAL]

[F.R. Doc. 66–11009; Filed, Oct. 10, 1966; 8:45 a.m.]

[3] Commissioner Bartley dissenting.

[2] The WTTH petition is directed specifically against the Lorain Community application and an application tendered by Sanford A. Schafitz. WTTH also requests a hearing on any other application which is filed for the WWIZ facilities. Simultaneously with the present action, the Commission is ordering that the Schafitz application be returned to the applicant. Therefore, the WTTH petition, insofar as it opposes the Schafitz application is moot.

[Docket Nos. 16876–16878; FCC 66M–1341]

LORAIN COMMUNITY BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Lorain Community Broadcasting Co., Lorain, Ohio, Docket No. 16876, File No. BP–16940; Allied Broadcasting, Inc., Lorain, Ohio; Docket No. 16877, File No. BP–17297; Midwest Broadcasting Co., Lorain, Ohio; Docket No. 16878, File No. BP–17302; for construction permits.

It is ordered, This 26th day of September 1966, that Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 7, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 18, 1966, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[SEAL]

[F.R. Doc. 66–11010; Filed, Oct. 10, 1966; 8:45 a.m.]

[Docket Nos. 16890, 16891; FCC 66M–1332]

LUIS PRADO MARTORELL AND AUGUSTINE L. CAVALLARO, JR.

Order Scheduling Hearing

In re applications of Luis Prado Martorell, Loiza, P.R.; Docket No. 16890, File No. BP–16000; Augustine L. Cavallaro, Jr., Bayamon, P.R.; Docket No. 16891, File No. BP–16182; for construction permits.

It is ordered, This 4th day of October 1966, that Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 22, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 18, 1966, commencing at 9 a.m.: *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[SEAL]

[F.R. Doc. 66–11011; Filed, Oct. 10, 1966; 8:45 a.m.]

[Docket No. 16896; FCC 66M–1329]

BCU–TV

Order Scheduling Hearing

In re application of Mary Jane Morris and James R. Searer, doing business as BCU–TV, Battle Creek Mich.; Docket No. 16895, File No. BPCT–3654; for construction permit for new television broadcast station (Channel 41).

It is ordered, This 4th day of October 1966, that Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 21, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 20, 1966, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11012; Filed, Oct. 10, 1966; 8:46 a.m.]

[Docket No. 16894; FCC 66M-1330]

MARVIN H. OSBORNE

Order Scheduling Hearing

In re application of Dr. Marvin H. Osborne, Jackson, Miss.; Docket No. 16894, File No. BPCT-3506; for construction permit for new television broadcast station (Channel 40).

It is ordered, This 4th day of October 1966, that David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 21, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 21, 1966, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11013; Filed, Oct. 10, 1966; 8:46 a.m.]

[Docket Nos. 15841 etc.; FCC 66M-1344]

WTCN TELEVISION, INC. (WTCN-TV) ET AL.

Order Continuing Hearing

In re applications of WTCN Television, Inc. (WTCN-TV), Minneapolis, Minn.; Docket No. 15841, File No. BPCT-2850; Midwest Radio-Television, Inc. (WCCO-TV), Minneapolis, Minn.; Docket No. 15842, File No. BPCT-3292; United Television, Inc. (KMSP-TV), Minneapolis, Minn.; Docket No. 15843, File No. BPCT-3293; Twin City Area Educational Television Corp. (KTCA-TV), St. Paul, Minn.; Docket No. 16782, File No. BPET-249; Twin City Area Educational Television Corp. (KTCI-TV), St. Paul, Minn.; Docket No. 16783, File No. BPET-250; for construction permits.

The Hearing Examiner having under consideration request filed on October 3, 1966, on behalf of the Commission's Broadcast Bureau requesting a rescheduling of the hearing now scheduled to commence on October 10, 1966;

It appearing, that counsel pleads that he has a conflict with another hearing now in progress, coupled with two other hearings also scheduled for October 1966;

It further appearing, that counsel pleads that counsel has sought to find a date early in November for the rescheduling of this proceeding upon which all could agree but due to the general election being held on November 8, 1966, hearings presently scheduled by the Examiner on November 9 and 28, and a previously announced scheduling difficulty by counsel for the Minneapolis Department of Aeronautics between November 11 and 22, agreement on a date in November could not be reached;

It further appearing, that counsel requests that the hearing be rescheduled for an early date in December 1966;

It further appearing, that good cause exists why said request should be granted;

Accordingly, it is ordered, This 5th day of October 1966, that the request is granted, and that the hearing now scheduled for October 10, 1966, be and the same is hereby rescheduled for December 5, 1966, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: October 5, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11014; Filed, Oct. 10, 1966; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

[20,216]

ADVANCES

Restrictions

OCTOBER 5, 1966.

Whereas by Federal Home Loan Bank Board Resolution No. 19,333, dated August 6, 1965, and duly published in the FEDERAL REGISTER on August 13, 1965 (30 F.R. 10124), this Board published its policy on restricting advances for purposes other than meeting withdrawals to members of the Federal Home Loan Bank System; and

Whereas by Federal Home Loan Bank Board Resolution No. 20,051, dated July 1, 1966, and duly published in the FEDERAL REGISTER on July 9, 1966 (31 F.R. 9429), the Board suspended its policy of restricting members from obtaining advances for purposes other than meeting withdrawals without affecting member institutions previously restricted in accordance with this policy; and

Whereas the Board has determined to revise its requirements governing restrictions on obtaining advances for purposes other than meeting withdrawals heretofore imposed and still in effect:

Now, therefore, it is hereby resolved that the Board's policy embodied in Federal Home Loan Bank Board Resolution No. 19,333, aforesaid, is hereby amended as hereinafter set forth and, to the extent inconsistent herewith, is hereby superseded.

I. *Restriction on advances.* Institutions that came under restriction under prior policies of the Board, and that remain under restriction as of the date of this statement shall continue to be restricted until released, as hereinafter indicated, following an evaluation by the Federal Home Loan Bank of which the institution is a member.

II. *Elimination of restriction.* Any member institution may have its access to advances restored, in whole or in part at the discretion of the Board, following an evaluation by the Bank of which the institution is a member.

Advances for purposes other than meeting withdrawals following the restoration of access to credit shall, except as hereinafter indicated, be subject to such waiting period as the Board may prescribe.

The Banks may, following an evaluation, release from restriction any institutions paying dividends or interest at a rate not in excess of 4½ percent and such institutions shall not be subject to the 6 months to 1 year waiting period previously imposed.

III. *Evaluation of institutions remaining subject to restriction.* In the case of institutions which increased their rates on or after June 28, 1966, one of the criteria for the restoration of credit shall be the competitive situation at the time the rate change was made. Any institution increasing its rate of return on or after that date should be afforded opportunity to make an affirmative showing, acceptable to the bank, that its rate action was warranted by existing competitive pressures. If, in the opinion of the Federal Home Loan Bank, none of the other criteria are of sufficient significance to require further maintenance of restriction, the Bank may so notify the Board and the Board may base its release of the institution thereon.

IV. *Renewal of advances to restricted institutions.* In the case of any restricted institution experiencing adverse savings flows and other cash outflows based on legal and binding loan commitments and loans-in-process disbursements, each Federal Home Loan Bank is authorized to negotiate a workout arrangement giving recognition to pertinent operating characteristics including the renewal or refinancing of outstanding advances made for purposes other than meeting withdrawals.

Resolved further that the Secretary to the Board is hereby directed to transmit the foregoing statement approved by the Board to the Office of the Federal Register for publication.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 66-11033; Filed, Oct. 10, 1966; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2933, etc.]

LANDA OIL CO., ET AL.

Findings and Order

SEPTEMBER 30, 1966.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, reinstating rate proceeding, substituting respondent, making successor co-respondent, redesignating proceedings, requiring filing of agreement and undertakings, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add, or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from the Permian Basin area of Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Landa Oil Co., Applicant in Docket No. G-2933, proposes to continue sales of natural gas heretofore authorized in said docket to be made pursuant to Texas Gas Producing Co. FPC Gas Rate Schedule Nos. 2, 3, and 4. Said rate schedules will be redesignated as those of Applicant. The presently effective rates under Texas Gas Producing Co. FPC Gas Rate Schedule Nos. 2, 3, and 4 are in effect subject to refund in Docket Nos. RI64-740, RI64-730, and RI65-397, respectively. An increased rate has been collected for a locked-in period by Texas Gas Producing Co. pursuant to its FPC Gas Rate Schedule No. 4 subject to refund in Docket No. RI61-210. Therefore, Applicant will be made co-respondent in the proceeding pending in Docket No. RI61-210 and will be substituted as respondent in the proceedings pending in Docket Nos. RI64-730, RI64-740, and RI65-397, the proceedings will be redesignated, and Applicant will be required to file agreements and undertakings to assure the refunds of any amounts collected in excess of the amounts determined to be just and reasonable in said proceedings.

On July 5, 1966, Tenneco Oil Co. (Operator), et al., Applicant filed in Docket No. CI67-7 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas to Lone Star Gas Co. from the Doyle Field, Stephens County, Okla. Permission and approval to abandon the sale were granted by order issued August 22, 1966, in Docket Nos. G-5130, et al., and the certificate of public convenience and necessity theretofore issued in Docket No. CI64-1023 was terminated and the related rate suspension proceeding instituted in Docket No. RI66-369 was terminated. A review of the records of the Commission reveals that other rate schedules in addition to Applicant's FPC Gas Rate Schedule No. 67 are covered by said rate proceeding. Accordingly, the rate suspension proceeding in Docket No. RI66-369 will be reinstated and said docket will be terminated only with respect to Tenneco Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 67.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on September 22, 1966, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-2933, G-3605, G-14198, G-15035, G-16271, G-17012,[1] G-17791, CI62-305, CI63-1029, CI64-580,[1] and CI66-470 should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding in Docket No. RI66-369 should be reinstated and that said proceeding be terminated only with respect to Tenneco Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 67.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Landa Oil Co. should be co-respondent in the proceeding pending in Docket No. RI61-210 and should be substituted in lieu of Texas Gas Producing Co. as respondent in the proceedings pending in Docket Nos. RI64-730, RI64-740, and RI65-397, that the proceedings should be redesignated accordingly, and that Landa Oil Co. should be required to file an agreement and undertaking in each proceeding.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

[1] Temporary certificate.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 2 and 14 in the attached tabulation.

(E) Within 45 days from the date of this order Applicant in Docket No. CI66–724 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(F) The certificates heretofore issued in Docket Nos. G–17791 and CI66–470 are amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(G) The certificates heretofore issued in Docket Nos. G–3605 and G–17012 [1] are amended by deleting therefrom authorization to sell natural gas from the interests assigned to Applicant in Docket No. CI66–742.

(H) The certificates heretofore issued in Docket Nos. G–2933, G–14198, G–15035, G–16271, CI62–305, CI63–1029, and CI64–580 [1] are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

[1] Supra.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications are granted.

(J) Permission and approval of the abandonment of service by Applicant in Docket No. CI67–105 is granted and the related certificate in Docket No. G–274 is terminated only insofar as it relates to sales covered by Supplement No. 2 to FPC Gas Rate Schedule No. 2.

(K) The certificates heretofore issued in Docket Nos. G–14140, CI60–640, CI62–83, and CI63–485 are terminated.

(L) The rate suspension proceeding in Docket No. RI66–369 is reinstated and the proceeding is terminated only with respect to Tenneco Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 67.

(M) Landa Oil Co. shall be co-respondent in the proceeding pending in Docket No. RI61–210 and is substituted as respondent in the proceedings pending in Docket Nos. RI64–730, RI64–740, and RI65–397. Said proceedings are redesignated accordingly.[2]

(N) Within 30 days from the issuance of this order Landa Oil Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Docket Nos. RI61–210, RI64–730, RI64–740, and RI65–397 to assure the refunds, together with interest at the rate of 7 percent per annum, of any amounts collected by it or by Texas Gas Producing Co. in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, said agreements and undertakings shall be deemed to have been accepted for filing.

(O) Landa Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by Landa Oil Co. in Docket Nos. RI61–210, RI64–730, RI64–740, and RI65–397 shall remain in full force and effect until discharged by the Commission.

(P) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[2] Docket No. RI61–210, LeCuno Oil Corp. (Operator), et al., and Landa Oil Co.; Docket Nos. RI64–730, RI64–740, and RI65–397, Landa Oil Co.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–2933 E 6–13–66	Landa Oil Co. (successor to Texas Gas Producing Co.).	Texas Eastern Transmission Corp., Waskom Field, Harrison County, Tex.	Texas Gas Producing Co., FPC GRS No. 1.	10	.....
			Supplement Nos. 1–14	10	1–14
			Notice of succession 5–31–66.	.....	.....
			Effective date: 10–15–65	.....	.....
	Landa Oil Co. (successor to Texas Gas Producing Co. (Operator), et al.).	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	Texas Gas Producing Co. (Operator), et al., FPC GRS No. 2.	11	.....
			Supplement Nos. 1–12 [1]	11	1–12
			Notice of succession 5–31–66.	.....	.....
			Effective date: 10–15–65	.....	.....
	do	do	Texas Gas Producing Co. (Operator), et al., FPC GRS No. 3.	3	.....
			Supplement Nos. 1–16 [1]	3	1–16
			Notice of succession 5–31–66.	.....	.....
			Effective date: 10–15–65	.....	.....
	Landa Oil Co. (successor to Texas Gas Producing Co.).	Mississippi River Transmission Corp., Waskom Field, Harrison County, Tex.	Texas Gas Producing Co., FPC GRS No. 4.	4	.....
			Supplement Nos. 1–9	4	1–9
			Notice of succession 5–31–66.	.....	.....
			Effective date: 10–15–65	.....	.....
G–14198 E 6–13–66	Landa Oil Co., et al. (successor to Texas Gas Producing Co., et al.).	United Gas Pipe Line Co., North La Rosa Field, Refugio County, Tex.	Texas Gas Producing Co., et al., FPC GRS No. 9.	9	.....
			Supplement Nos. 1–4	9	1–4
			Notice of succession 5–31–66.	.....	.....
			Effective date: 10–15–65	.....	.....
G–15035 E 6–13–66	Landa Oil Co. (successor to Texas Gas Producing Co.).	Arkansas Louisiana Gas Co., Waskom Field, Harrison County, Tex.	Texas Gas Producing Co., FPC GRS No. 5.	5	.....
			Supplement Nos. 1–7	5	1–7
			Notice of succession 5–31–66.	.....	.....
			Effective date: 10–15–65	.....	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
C165–108 (C–274) B 7–29–66 [1]	Philadelphia Oil Co.	Equitable Gas Co., Clay District, Wetzel County, W. Va.	Notice of cancellation (undated), [11]	3	3
C167–107 A 9–1–66 [14]	Continental Oil Co.	El Paso Natural Gas Co., Hondo Mesa Area, Lea, Artesia County, N. Mex.	Contract 7–7–66 [3]	216	.....
C167–109 A 9–1–66 [1]	Cleary Petroleum, Inc. (Operator), et al.	Cities Service Gas Co., Knowles Gas Area, Beaver County, Okla.	Contract 7–1–66 [3]	20	1
			Contract 9–3–63	20	
C167–115 A 9–1–66 [1]	do	Lone Star Gas Co., West Velma Field, Stephens County, Okla.	Contract 8–18–66	21	.....
C167–116 (C165–640) B 7–29–66	Herman Brown Estate	Texas Eastern Transmission Corp., Northeast Buttermilk Slough Field, Matagorda County, Tex.	Notice of cancellation 7–26–66 [11]	10	1
C167–118 A 8–2–66 [14]	Bowers Drilling Co., Inc.	Cities Service Gas Co., acreage in Barber County, Kans.	Contract 7–22–66 [3]	8	.....
C167–121 (G–14140) B 8–2–66	Warren Petroleum Corp.	Natural Gas Pipeline Co. of America, Farnsley Field, Lamb County, Tex.	Notice of cancellation (Undated), [11]	67	1

[1] Supplement No. 11 to FPC Gas Rate Schedule No. 2 and Supplement No. 15 to FPC Gas Rate Schedule No. 5, respectively, pertain to sales being made pursuant to temporary authorization. Permanent authorization with respect to these supplements is not being granted by this order.

[2] July 1, 1967, moratorium date pursuant to Commission's statement of general policy No. 61–1, as amended.

[3] Effective date: Date of issuance of temporary authorization, should advise the Commission with respect to this sale is not being granted by this order.

[4] Sale being made pursuant to temporary authorization; permanent authorization with respect to this sale is not in Docket No. 108 as set forth covered by Sohio Petroleum Co. (Operator), et al.

[5] Transfers all interest of Ruth Wilbanks and Ruther (one-eighth interest) in Tract No. 108 to San Jacinto Oil & Gas Co. (subsidiary of Continental Oil Co.).

[6] Certificate covers sales by predecessor in interest, Joseph S. Gruss, under Gruss' FPC GRS No. 4.

[7] Conveys acreage of Rae, Jacinto Petroleum Corp. into Continental Oil Co.

[8] Certificate covers sales by Joseph S. Gruss from Tract No. 113.

[9] On file as Joseph S. Gruss FPC GRS No. 1.

[10] Transfers all interests of Ruther Wilbanks and Ruther (one-eighth interest) in Tract 113 to San Jacinto Oil & Gas Co. (subsidiary of Continental Oil Co.).

[11] Jan. 1, 1968, moratorium date pursuant to Commission's statement of general policy No. 61–1, as amended.

[12] Source of gas depleted.

[13] Effective date: Date of this order.

[14] Application is for abandonment of Docket No. G–274, therefore, the certificate in said docket will be terminated only insofar as it pertains to sales made under FPC GRS No. 2.

[15] Ratifies basic contract dated Sept. 8, 1965 between Cleary Petroleum, Inc., et al. and Cities Service.

[16] Operation of Applicant's plant discontinued.

[F.R. Doc. 66–10970; Filed, Oct. 10, 1966; 8:45 a.m.]

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–16271 E 6–13–66	do	Mississippi River Transmission Corp., Caddo Lake Field, Harrison County, Tex.	Texas Gas Producing Co., FPC GRS No. 6.	6	.....
			Supplement Nos. 1–4	6	1–4
			Notice of succession 5–31–66.	.....	.....
			Effective date: 10–15–65	.....	.....
G–17791 C 8–1–66 [1]	Sohio Petroleum Co. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Moscow-Laverne Field, Harper County, Okla.	Amended agreement 7–6–66 [3]	47	25
C162–303 E 6–13–66	Landa Oil Co. (successor to Texas Gas Producing Co.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bayou Penchant Area, Terrebonne Parish, La.	Texas Gas Producing Co., FPC GRS No. 8.	8	.....
			Supplement No. 1–9	8	1–9
			Notice of succession 5–31–66.	.....	.....
			Effective date: 10–15–65	.....	.....
C163–1029 E 7–29–66	Tenkon, Inc. et al. (successor to Management Service Corp.).	Panhandle Eastern Pipe Line Co., Area in Moore and Carson Counties, Tex.	Management Service Agreement 1–27–66	1	.....
			Effective date: 10–24–61	1	.....
			Contract 8–26–66 [13]	1	.....
C164–580 [1] E 6–13–66	Landa Oil Co. (successor to Texas Gas Producing Co.).	Panhandle Eastern Pipe Line Co., Valley Center West Field, Seward County, Okla.	Texas Gas Producing Co., FPC GRS No. 7.	7	.....
			Supplement No. 1	7	1
			Notice of succession 5–31–66.	.....	.....
			Effective date: 10–15–65	.....	.....
C166–470 C 8–1–66 [1]	Sunray DX Oil Co.	Arkansas Louisiana Gas Co., Arkoma Area, Haskell County, Okla.	Supplement 27–67	250	1
A C166–724 (G–17012) [1] (G–14140) B 8–2–66	Continental Oil Co.	El Paso Natural Gas Co., Spraberry Field, Glasscock County, Tex.	Contract 10–6–52 [3]	211	1
			Supplemental agreement 2–24–66	211	2
			Amendment 10–24–61 [1]	211	3
			Supplemental agreement 6–11–62 [1]	211	4
			Memorandum agreement 12–27–65 [1]	211	5
			Effective date: 10–24–61	211	6
(G–3605) [8]			Contract 8–26–66 [13]	211	.....
			Supplemental agreement 2–24–66	211	1
			Supplemental agreement 10–26–56	211	2
			Supplemental agreement 10–24–61 [13]	211	3
			Supplemental agreement 6–11–62 [1]	211	4
			Memorandum agreement 12–27–65 [1]	211	5
			Effective date: 10–24–61	211	6
C167–17 A 7–7–66 [14]	Franks Petroleum, Inc.	United Gas Pipe Line Co., Driskill Field, Bee County, Tex.	Contract 6–22–66 [3]	7	.....
C167–101 (C160–640) B 7–29–66	H. H. Howell (Operator), et al.	United Gas Pipe Line Co., Sterling Field, Jackson County, Tex.	Notice of cancellation 7–26–66 [11] [8]	6	8
C167–102 A 7–29–66 [1]	Publishers Petroleum, a division of the Oklahoma Publishing Co.	Cities Service Gas Co., Okeene Dome Area, Alfalfa County, Okla.	Contract 7–7–66 [3]	2	.....
C167–103 A 7–29–66 [1]	Charles J. Richard, et al.	Cities Service Gas Co., Northeast Ashland Field, Grant County, Okla.	Contract 7–18–66 [3]	3	.....
C167–104 (C164–640) B 7–29–66	Apco Oil Corp.	Cities Service Gas Co., North Cedarke Field, Pratt County, Kans.	Notice of cancellation 7–25–66 [11] [8]	10	4

See footnotes at end of table.

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1966 Rev., Supp. No. 7]

BUFFALO INSURANCE CO.

Termination of Authority To Qualify as Surety on Federal Bonds

OCTOBER 5, 1966.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Buffalo Insurance Co., Buffalo, N.Y., a New York corporation, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13) to qualify as an acceptable surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States is terminated as of June 30, 1966.

The Buffalo Insurance Co. ceased writing new or renewal insurance business effective June 30, 1966, and reinsurance of the Treasury to the Buffalo Insurance Co., Buffalo, N.Y., a New York corporation, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13) to qualify as an acceptable surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States is terminated as of June 30, 1966.

Notice is hereby given that the Certificate of Authority issued by the Secretary

sured all of its existing insurance business in force as of that date with the Aetna Casualty & Surety Co., Hartford, Conn., a Connecticut corporation. The Aetna Casualty & Surety Co. holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on Federal bonds.

Pursuant to a Reinsurance Agreement, effective 12:01 a.m. July 1, 1966, the Aetna Casualty & Surety Co. assumed the outstanding insurance liabilities of the Buffalo Insurance Co. as of the close of business June 30, 1966.

The Treasury has obtained from the Aetna Casualty & Surety Co., a separate Indemnifying Agreement, dated August 30, 1966, whereby the Aetna Casualty & Surety Co. has assumed the liability for any losses and claims that have arisen or may arise under or in connection with any bond, undertaking, or other form of obligation entered into or assumed by the Buffalo Insurance Co. on or before June 30, 1966, in which the United States has or may have an interest, direct or indirect. Copies of the Reinsurance Agreement and the Indemnifying Agreement are on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

No action need be taken by bond-approving officers, by reason of the Reinsurance Agreement referred to herein, with respect to any bond or other obligation in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before June 30, 1966, by the Buffalo Insurance Co. pursuant to the Certificate of Authority issued to the company by the Secretary of the Treasury.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 66-11061; Filed, Oct. 10, 1966; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1039]

GEORGE CO.

Revocation of License

Whereas, George Leslie Miller, doing business as George Co., Pier A, Berth 7, Long Beach, Calif. 90802, has ceased to operate as an independent ocean freight forwarder; and

Whereas, George Leslie Miller, doing business as George Co., has returned his Independent Ocean Freight Forwarder License No. 1039 to the Commission for cancellation.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1, § 6.03;

It is ordered, That the Independent Ocean Freight Forwarder License No. 1039 of George Leslie Miller, doing business as George Co. be and is hereby revoked, effective this date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-11055; Filed, Oct. 10, 1966; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Issuance and Publication of Regulations

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, Dec. 8, 1954), as amended, are prescribed:

1. The first sentence of section 1.60 *General* is amended to read as follows: "The regulations of the Immigration and Naturalization Service, published as Chapter I of Title 8 of the Code of Federal Regulations, contain information which, under the provisions of section 552 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383), is required to be published."

2. The last sentence of section 1.61 *Rule making* is amended to read as follows: "The provisions of the Federal Register Act (49 Stat. 500; 44 U.S.C. 301-314), as amended, and of the regulations thereunder (1 CFR—Administrative Committee of the Federal Register) as well as the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) governing the issuance of regulations are observed."

Dated: October 5, 1966.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 66-11019; Filed, Oct. 10, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order 65]

PENNSYLVANIA

Transportation of Hay at Reduced Prices

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: William H. Tucker, Vice Chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing, that by reason of drouth conditions existing in certain portions of the State of Pennsylvania, hereinafter referred to as the disaster area, the Secretary of the U.S. Department of Agriculture has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of hay to the counties of:

Adams.	Huntingdon.
Allegheny.	Indiana.
Armstrong.	Jefferson.
Bedford.	Juniata.
Berks.	Lackawanna.
Blair.	Lebanon.
Butler.	Lehigh.
Cambria.	Mercer.
Cameron.	Mifflin.
Carbon.	Monroe.
Centre.	Montgomery.
Clarion.	Northampton.
Clearfield.	Northumberland.
Clinton.	Perry.
Columbia.	Potter.
Crawford.	Schuylkill.
Cumberland.	Snyder.
Dauphin.	Somerset.
Elk.	Union.
Fayette.	Venango.
Forest.	Washington.
Franklin.	Westmoreland.
Fulton.	Wyoming.
Greene.	York.

all located in the State of Pennsylvania, referred to herein as the disaster area, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until May 31, 1967, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be effective 1 day after publication and filing instead of 30.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the U.S. Department of Agriculture or by such State agents or agencies as may in turn be designated by the U.S. Department of Agriculture to assist in relieving the distress caused by the drouth.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Ga., the Chairman of the Executive Committee, Western Railroad Traffic Association, Chicago, Ill., the Vice President and Director, Bureau of Railway Economics, Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 6th day of October A.D. 1966.

By the Commission, Vice Chairman Tucker.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11037; Filed, Oct. 10, 1966; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 6, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40733—*Passenger fares in western territory.* Filed by E. B. Padrick, agent (No. 11), for interested rail carriers. Relating to transportation of passengers, between points on lines of applicant carriers and between such points on the one hand, and points on lines of connecting carriers, on the other.

Grounds for relief—Establishment of new fares by applicant carriers and maintenance of present fares by connecting carriers.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11038; Filed, Oct. 10, 1966; 8:48 am.]

[Notice 266]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 6, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1756 (Sub-No. 6 TA) (Correction), filed September 27, 1966, published FEDERAL REGISTER, issue of October 4, 1966, and republished as corrected this issue. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and tin cans, on automated trailers*, from Danbury, Conn., to New York, N.Y., for the account of Aluminum Can Co., Inc., for 180 days. Supporting shipper: Aluminum Can Co., Inc., Great Pasture Road, Post Office Box 291, Danbury, Conn. 06810. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102. NOTE: This republication adds the words "for the account of Aluminum Can Co., Inc." inadvertently omitted in the previous publication.

No. MC 30837 (Sub-No. 341 TA), filed October 4, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, by the truckaway methods, from Buffalo, N.Y., and points within 20 miles thereof, to Framingham, Mass., and Hagerstown, Md., and points in New York and Pennsylvania, restricted to transportation of vehicles manufactured or assembled at the site of the plant of American Motors (Canada) Ltd., in Brampton, Ontario, Canada, having an immediately prior movement by truck, for 180 days. Supporting shipper: American Motors Corp., 14250 Plymouth Road, Detroit, Mich. 48232, Leonard C. Kropp, Distribution Traffic Manager, Automotive Division. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 40270 (Sub-No. 5 TA), filed October 4, 1966. Applicant: A. J. CRABBS, Rural Route No. 2, Enid, Okla. 73701. Applicant's representative: John E. Jandera, Jandera and Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and feed ingredients*, between Afton, Okla., on the one hand, and, on the other, points in Arkansas, Missouri, Kansas, and Texas, for 180 days. Supporting shipper: Clifford H. DeKesel, Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, Mo. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 110525 (Sub-No. 802 TA), filed October 4, 1966. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin*, in bulk, in tank vehicles, from Toms River, N.J., to Long Island City and Farmingdale, N.Y., for 180 days. Supporting shipper: CIBA Corp. Send protests to: Peter G. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111069 (Sub-No. 36 TA), filed October 4, 1966. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, State Highway 131, Clarksville, Ind. Applicant's representative: Smith, Reed, Yessin and Davis, Sixth Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coffee whitener (coffee pak), vegetable oil base in ½-oz. containers*, from Louisville, Ky., to East St. Louis, Chicago, and Rockford, Ill.; Indianapolis, Ind.; Ashland, Ky.; New Orleans, La.; Biloxi, Miss.; St. Louis, Mo.; Cincinnati and Cleveland, Ohio; Nashville, Chattanooga, and Memphis, Tenn.; Charleston, W. Va.; Atlanta, Ga.; for 150 days. Supporting shipper: Food Specialties of Kentucky, Post Office Box 1017, Louisville, Ky. 40201. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 35 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 124078 (Sub-No. 248 TA), filed October 4, 1966. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank vehicles, from Alabaster, Ala., to Rockmart, Ga., for 150 days. Supporting shipper: Alabaster Lime Co., Inc., Alabaster, Ala. 35007, C. H. Fortner, Assistant to the President. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 126276 (Sub-No. 4 TA), filed October 4, 1966. Applicant: FAST MOTOR SERVICE, INC., 7521 West 62d Street, Summit, Ill. 60608. Applicant's representative: Robert H. Levy, Levy and Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Materials and supplies* used in the manufacture of metal containers, between the plantsite of Crown Cork & Seal Co., Inc., at Chicago, Ill., and the plantsite of Crown Cork & Seal Co., Inc., at Cleveland, Ohio; *and, metal containers*, from the plantsite of Crown Cork & Seal Co., Inc., at Cleveland, Ohio, to South Bend, Ind., and Chicago, Ill., for 180 days. Supporting shipper: Crown Cork & Seal Co., Inc., 9300 Ashton Road, Post Office Box 6208, Philadelphia, Pa. 19136. Send protests to: Charles J. Kudelka, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 127567 (Sub-No. 2 TA) (Amendment), filed September 27, 1966, published in FEDERAL REGISTER, issue of October 4, 1966, and republished as amended this issue. Applicant: SMITH & WEEKS, INC., Main Street, Mars Hill, Maine 04758. Applicant's representative: William D. Pinansky, 443 Congress Street, Portland, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, in dump type vehicles, from the international boundary between the United States and Canada at or near the port of entry of Bridgewater, Maine, to points in Aroostook and Washington Counties, Maine, for 150 days. Supporting shipper: Morton Salt Co., 110 North Wacker Drive, Chicago, Ill. Send protests to: Donald G. Weiler, District Supervisor, Room 307, 76 Pearl Street, Portland, Maine 04112. NOTE: The purpose of this republication is to change the destination territory to points in Aroostook and Washington Counties, Maine.

No. MC 128446 (Sub-No. 1 TA), filed October 4, 1966. Applicant: ROBERT A. MORRIS, doing business as MORRIS TRUCKING SERVICE, Star Route, Indian River, Mich. 49749. Applicant's representative: Robert A. Morris, Indian River, Mich. 49749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and rough lumber*, from Vanderbilt, Mich., to Milwaukee, Wis., for 150 days. Supporting shipper: O. W. Rowley & Sons, Inc., Vanderbilt, Mich. 49795. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 128615 TA, filed October 4, 1966. Applicant: CHARLES J. UNRATH, doing business as CHARLES UNRATH TRUCKING, 1018 Milwaukee Street, Delafield, Wis. 53018. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the ports of entry on the international boundary line between the United States and Canada, located at or near Portal, N. Dak.; International Falls, Pigeon River, and Noyes, Minn.; and Sault Ste. Marie, Mich.; to points in Minnesota, Wisconsin, Illinois, Indiana, and Michigan, for 180 days. Supporting shippers: Boehm-Madisen Lumber Co., 161 West Wisconsin Avenue, Milwaukee, Wis. 53203, Ben Nuzum Lumber Co., Tomah, Wis. 54660, Lake States Lumber Co., Inc., 312 East Wisconsin Avenue, Post Office Box 1675, Milwaukee, Wis. 53201, Metropolitan Lumber Co., 1300 North Glenview Place, Milwaukee, Wis. 53213. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11039; Filed, Oct. 10, 1966; 8:48 a.m.]

[Notice 1424]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 6, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68777. By order of September 30, 1966, the Transfer Board approved the transfer to Gilpin County Freight Service, Inc., Denver, Colo., of the portion of the certificate of registration in No. MC-98757 (Sub-No. 4), issued December 7, 1964, to Thomas D. Lane, doing business as Thomas D. Lane Truck Lines, Denver, Colo., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Colorado, corresponding to certificate of public convenience and necessity No. PUC-1127, as transferred to Thomas D. Lane, doing business as Thomas D. Lane Truck Lines, Denver, Colo., by decision No. 49158, dated November 27, 1957, as issued by the Public Utilities Commission of the State of Colorado. Julius I. Ginsberg, 818 Majestic Building, Denver, Colo. 80202, attorney for transferee.

No. MC-FC-68940. By order of September 30, 1966, the Transfer Board, on reconsideration, approved the transfer to Wanatah Trucking Co., Inc., Wanatah, Ind., of certificate No. MC-113569, issued January 13, 1954, to Earl J. Mohlke, Wanatah, Ind., and authorizing the transportation of: Grain, from points in La Porte and Porter Counties, Ind., to Chicago, Ill.; feed, from Chicago, Ill., to points in La Porte and Porter Counties, Ind.; fertilizer, from Calumet City, Ill., to points in La Porte and Porter Counties, Ind., and from Chicago Heights, Ill., to points in La Porte and Porter Counties, Ind.; cement blocks from points in Illinois within 1 mile of Dyer, Ind., to points in La Porte County, Ind., and Livestock, between Chicago, Ill., on the one hand, and, on the other, points in La Porte and Porter Counties, Ind. Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-68982. By order of September 30, 1966, the Transfer Board, on reconsideration, approved the transfer to Allied Truck, Inc., Portland, Oreg., of the portion of the operating rights in certificate No. MC-29447 issued February 20, 1961 to Sandy Truck Line, Inc., Sandy, Oreg., authorizing the transportation of: Household goods, as defined by the Commission, and lumber mill products, forest products, agricultural commodities, seed, and machinery, between specified points in Washington, and Oregon. Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210, attorney for applicants.

No. MC-FC-69043. By order of September 30, 1966, the Transfer Board approved the transfer to Donald F. Nottke and Robert E. Nottke, a partnership, doing business as Nottke Bros., Traverse City, Mich., of the operating rights in certificate No. MC-118392, issued November 18, 1960, to Harry E. Heller and Donald F. Nottke, a partnership, doing business as Heller & Nottke, Traverse City, Mich., authorizing the transportation, over irregular routes, of frozen fruits, from Traverse City, Mich., to points in Illinois, with no transportation for compensation on return except as otherwise authorized. Mrs. Donald F. Nottke, 622 Webster Street, Traverse City, Mich. 49684, representative for applicants.

No. MC-FC-69049. By order of September 28, 1966, the Transfer Board approved the transfer to Brown's Trucking Co., a corporation, Trenton, N.J., of certificate in No. MC-2017, issued December 11, 1962, to Helen M. Citro, doing business as Brown's Trucking Co., Trenton, N.J., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, over regular routes, between Philadelphia, Pa., and New York, N.Y.; between Trenton, N.J., and Philadelphia, Pa.; between Trenton, N.J., and New Brunswick, N.J.; and between Trenton, N.J., and Princeton, N.J.; serving all intermediate points and certain specified off-route points. August W. Heckman, 297 Academy Street, Jersey City, N.J. 07306, attorney for applicants.

No. MC-FC-69052. By order of September 30, 1966, the Transfer Board approved the transfer to Gainey Truck Lines, Inc., Hanahan, S.C., of certificate in No. MC-117695, issued April 29, 1960, to Vance B. Murphy, Orangeburg, S.C., authorizing the transportation of: Bananas, from Miami and Tampa, Fla., and Charleston, S.C., to Columbia, S.C. Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201, attorney for applicants.

No. MC-FC-69098. By order of September 29, 1966, the Transfer Board approved the transfer to Gale Industrial Rigging & Erecting Contractors, Inc., Detroit, Mich., of the operating rights of Gale Heavy Haul, Inc., in certificate No. MC-47024, issued August 3, 1965, authorizing the transportation, over irregular routes, of heavy machinery, between points in the Lower Peninsula of Michigan. Richard D. Weber, 1600 Dime Building, Detroit, Mich. 48226, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11040; Filed, Oct. 10, 1966; 8:48 a.m.]

[Notice 1424-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 6, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68800. By order of September 30, 1966, Division 3, acting as an Appellate Division, approved the transfer to Charles F. Padovano, doing business as Padovano Trucking Co., Kearny, N.J., of the portion of the operating rights in certificate No. MC-7089 issued August 2, 1966, to Jacob Lazer, doing business as Bond Motor Express Co., Paterson, N.J., authorizing the transportation of: General commodities, with the usual exceptions, between points in Hudson County, N.J., and New York, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11041; Filed, Oct. 10, 1966; 8:48 a.m.]

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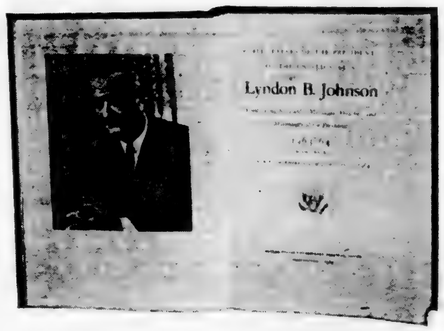
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VOLUME 31 • NUMBER 198

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Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-2,767]

PART 563—OPERATIONS

Other Insurance or Guaranty

OCTOBER 6, 1966.

Resolved that, notice and public procedure having been duly afforded (31 F.R. 11156) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amending § 563.31 of the Rules and Regulations for Insurance of Accounts (31 CFR 563.31) to prohibit institutions insured by the Federal Savings and Loan Insurance Corporation from acquiring any other insurance or guaranty on their withdrawable accounts, and for the purpose of effecting such amendment, hereby amends said § 563.31 to read as follows, effective November 12, 1966.

§ 563.31 Other insurance or guaranty.

An insured institution shall not acquire any insurance or guaranty of all or any part of the accounts of such insured institution in addition to the insurance provided by Title IV of the National Housing Act. As used in this section the term "accounts" shall have the same meaning as the term "withdrawable or repurchasable shares, investment certificates, or deposits" where used in subsection (a) of section 405 of the National Housing Act.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 66-11091; Filed, Oct. 11, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7660; Amdt. 39-293]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

There have been aborted wires to the tail navigation light on Boeing Model 707 and 720 Series airplanes, one of which resulted in a fire causing considerable damage to the tail cone and elevator control components. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the tail cone wiring, repair as necessary, and modification on certain Boeing Model 707 and 720 Series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 707 and 720 Series airplanes equipped with nylon tube conduit in the tail cone.

Compliance required as indicated, unless already accomplished.

To prevent fire in the tail cone due to aborted tail navigation light wires, accomplish the following:

(a) Within the next 300 hours' time in service after the effective date of this AD, remove tail cone and inspect tail navigation light wiring for frayed or deteriorated wires and inspect protective nylon tube to ensure that it is secured to bulkhead. Replace frayed or deteriorated wires and secure nylon tube to bulkhead as necessary before further flight.

(b) Within the next 700 hours' time in service after the effective date of this AD, accomplish the following or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region:

(1) Trim nylon tube flush with bulkhead, 65-14660-3, at Fuselage Station 1653;

(2) Install cover plate and angle fabricated in accordance with Boeing Service Bulletin No. 2395 (R-1) or later FAA-approved revision using a clamp and grommet in accordance with that Bulletin; and

(3) Replace all frayed or chafed tail cone light wiring.

This amendment becomes effective October 12, 1966.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 6, 1966.

EDWARD C. HONSON, *Acting Director, Flight Standards Service.*

[F.R. Doc. 66-11061; Filed, Oct. 11, 1966; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

FREEZING-POINT STANDARDS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER. The amendment revises § 230.8-2 to reflect two types of freezing-point standards, and to add standard reference material 740. The revised material supersedes § 230.8-2 previously issued.

The following amends Title 15 CFR Part 230:

Section 230.8-2 *Freezing-point standards* is revised and supersedes § 230.8-2 previously issued, as follows:

§ 230.8-2 Freezing-point standards.

(a) *Defining fixed points—International Practical Temperature Scale.* The purity of these materials is such that they are suitable for realizing the defining fixed points on the International Practical Temperature Scale of 1948.

Sample No.	Kind	Value assigned to defining fixed point °C (Int. 1948)	Approximate weight in grams	Price
740	Zinc	419.505	350	$65.00

(b) *Secondary reference points.* These are intended for the calibration of resistance thermometers and thermocouples.

Sample Nos.	Kind	Determined freezing point °C (Int. 1948)	Approximate weight in grams	Price
44e	Aluminum	660.0	200	$12.00
45d	Copper	1082.9	450	12.00
49e	Lead	327.417	600	12.00
42f	Tin	231.88	350	12.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959, 15 U.S.C. 275a)

Dated: September 27, 1966.

I. C. SCHOONOVER, *Acting Director.*

[F.R. Doc. 66-11056; Filed, Oct. 11, 1966; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1967 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

COUNTY PROJECTED YIELDS

Basis and purpose. This document is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

The purpose of § 722.470 is to establish county projected yields under section 301 (b)(13)(L) of the act for upland cotton of the 1967 crop.

Notice that the Secretary was preparing to establish county projected yields was published in the FEDERAL REGISTER on July 2, 1966 (31 F.R. 9138) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

Since the yields established under this section require immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that § 722.470 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and § 722.470 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.470 County projected yields for upland cotton of the 1967 crop.

(a) *Method of determining county projected yields.* The county projected yields for the 1967 crop of upland cotton were determined on the basis of the average yield per harvested acre in the counties during 1961, 1962, 1963, 1964, and 1965, adjusted for abnormal weather conditions affecting such yields, for trends in yields and for any significant changes in production practices, as provided under section 301(b)(13)(L) of the Act.

(b) *Adjustments for change in determining cotton acreage planted in skip-row patterns.* The county harvested yields for each year of the base period (1961–1965) were adjusted to provide comparable harvested yields for such years on the basis of the current method for measuring the acreage devoted to cotton planted in skip-row patterns under the provisions of Part 718 of this chapter. Such adjustments were made on the following basis:

(1) *1962, 1963, 1964, and 1965.* It was estimated that a 30 percent increase in harvested acreage of cotton in 1962, 1963, 1964, and 1965 planted in less than four skip-row patterns would result if the method for measuring the acreage devoted to cotton in skip-row patterns applicable beginning with the 1966 crop had been in effect during 1962, 1963, 1964, and 1965, and approximately the same acreage of land had been used for cotton. Such estimate was also based on the predominance during 1962, 1963, 1964, and 1965 of 40-inch row widths and skip-row patterns of two rows of cotton by one skip-row and two rows of cotton by two skip-rows, and the acreage currently determined as devoted to cotton in such patterns. Beginning with the 1966 crop, accordingly, county harvested yields for 1962, 1963, 1964, and 1965 were adjusted by adding an amount of harvested acreage for each county equal to 30 percent of the cotton acreage planted in skip-row patterns of less than four row skips in such county for each such year.

(2) *1961.* In 1961 skip-row patterns of less than four row skips (generally two rows of cotton and two rows skipped) were used primarily as a moisture conservation practice in dryland areas and all the land planted in such patterns was regarded as planted to cotton. It was estimated that a 35-percent decrease in harvested acreage in 1961 planted in less than four skip-row patterns would result if the method for measuring the acreage devoted to cotton in skip-row patterns applicable beginning with the 1966 crop had been in effect during 1961 and approximately the same acreage of land had been used for cotton. Accordingly, county harvested yields for 1961 were adjusted by subtracting an amount of harvested acreage for each county equal to 35 percent of the cotton acreage planted in skip-row patterns of less than four row skips in such county.

(c) *Adjustments for abnormal weather conditions, trends, and significant changes in production practices.* The harvested yields adjusted under paragraph (b) of this section for each county for the base period (1961–65) were adjusted for abnormal weather conditions, for trends in yields, and for any significant changes in production practices during such period as follows:

(1) For each annual yield in the 5-year period which was less than 80 percent of the 5-year average harvested yield, a yield equal to 80 percent of such 5-year average was substituted. For each annual yield in the 5-year period which was more than 140 percent of the 5-year average harvested yield, a yield equal to 140 percent of such 5-year average was substituted. A simple average of the 5-year yields so adjusted was obtained for each county.

(2) The 5-year average yield for each county as adjusted under subparagraph (1) of this paragraph was further adjusted for trends in yields and significant changes in production practices (referred to as trend adjustments) by obtaining a simple average of (i) the 1961–65 average yield for each county as adjusted under subparagraph (1) of this paragraph, and (ii) the 1964–65 average yield for each county as adjusted under subparagraph (1) of this paragraph except that if the 5-year average of the harvested yields prior to adjustment under subparagraph (1) of this paragraph exceeded the adjusted annual yield for 1964 or 1965, such 5-year average yield was substituted for the purpose of trend adjustment. For each county for which the trend adjustment exceeded the 5-year average yield as adjusted under subparagraph (1) of this paragraph, the simple average determined under this subparagraph (2) was substituted for the 5-year average yield as adjusted under subparagraph (1) of this paragraph.

(d) *Preliminary county projected yields.* The preliminary county projected yields were determined as follows:

(1) A State weighted average of county adjusted yields determined under paragraph (c) of this section was obtained by dividing (i) the sum of the products of the 1966 county allotments, including allocations from the State reserve for hardships and inequities and for small farms, times the adjusted county yields, under paragraph (c)(2) of this section, by (ii) the State total of 1966 county allotments, including allocations from the State reserve for hardships and inequities and for small farms;

(2) A State yield factor was computed by dividing (i) the 1967 State projected yield determined under § 722.467 (31 F.R. 11965) by (ii) the State weighted yield under subparagraph (1) of this paragraph; and

(3) The preliminary county projected yield was obtained by multiplying the county adjusted yield by the State yield factor.

(e) *County projected yields for 1967.* The county projected yields were established as follows:

(1) The preliminary county projected yields for each State established under paragraph (d) of this section were revised by the State committee and on the basis of all available data, the State committee adjusted such preliminary county projected yields to provide comparability and proper relationships between counties in the State. The weighted average of the county projected yields as adjusted by the State committee did not exceed the State projected yield.

(f) *Tabulation of county projected yields for 1967.* The following county projected yields for upland cotton of the 1967 crop are hereby determined and established:

ALABAMA

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Autauga	615	Clarke	368
Baldwin	435	Clay	408
Barbour	422	Cleburne	404
Bibb	610	Coffee	413
Blount	505	Colbert	637
Bullock	349	Conecuh	412
Butler	455	Coosa	342
Calhoun	505	Covington	444
Chambers	513	Crenshaw	442
Cherokee	693	Cullman	592
Chilton	509	Dale	433
Choctaw	383	Dallas	496

ALABAMA—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
De Kalb	606	Marion	543
Elmore	592	Marshall	617
Escambia	568	Mobile	327
Etowah	483	Monroe	556
Fayette	561	Montgomery	420
Franklin	491	Morgan	545
Geneva	443	Perry	534
Greene	453	Pickens	504
Hale	532	Pike	361
Henry	434	Randolph	462
Houston	464	Russell	377
Jackson	572	St. Clair	404
Jefferson	509	Shelby	655
Lamar	482	Sumter	415
Lauderdale	552	Talladega	450
Lawrence	593	Tallapoosa	498
Lee	460	Tuscaloosa	527
Limestone	606	Walker	462
Lowndes	501	Washington	521
Macon	481	Wilcox	406
Madison	621	Winston	498
Marengo	411		

ARIZONA

Cochise	830	Pima	937
Gila	983	Pinal	1,127
Graham	917	Santa Cruz	604
Greenlee	812	Yavapai	837
Maricopa	1,135	Yuma	1,460
Mohave	1,656		

ARKANSAS

Arkansas	507	Lee	663
Ashley	697	Lincoln	713
Baxter	382	Little River	561
Benton	271	Logan	470
Boone	323	Lonoke	605
Bradley	547	Marion	330
Calhoun	516	Miller	523
Chicot	635	Mississippi	675
Clark	445	Monroe	638
Clay	592	Montgomery	516
Cleburne	375	Nevada	432
Cleveland	376	Newton	319
Columbia	332	Ouachita	356
Conway	521	Perry	573
Craighead	650	Phillips	753
Crawford	533	Pike	441
Crittenden	664	Poinsett	569
Cross	617	Polk	437
Dallas	368	Pope	549
Desha	662	Prairie	539
Drew	581	Pulaski	574
Faulkner	460	Randolph	579
Franklin	450	St. Francis	645
Fulton	391	Saline	541
Garland	411	Scott	366
Grant	335	Searcy	356
Greene	561	Sebastian	382
Hempstead	457	Sevier	544
Hot Springs	486	Sharp	413
Howard	492	Stone	451
Independence	508	Union	363
Izard	430	Van Buren	333
Jackson	530	Washington	391
Jefferson	696	White	491
Johnson	546	Woodruff	619
Lafayette	611	Yell	585
Lawrence	576		

CALIFORNIA

Fresno	1,131	Riverside	1,410
Imperial	1,507	San Benito	1,165
Kern	1,193	San Bernardino	614
Kings	1,063	San Diego	1,362
Los Angeles	781	Stanislaus	670
Madera	907	Tulare	961
Merced	932		

FLORIDA

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Alachua	310	Lafayette	334
Baker	250	Leon	298
Bay	317	Levy	273
Calhoun	300	Liberty	267
Clay	438	Madison	298
Columbia	190	Nassau	361
Dixie	311	Okaloosa	397
Escambia	529	Putnam	283
Gadsden	278	Santa Rosa	552
Gilchrist	259	Suwannee	200
Hamilton	238	Taylor	216
Holmes	360	Union	272
Jackson	349	Walton	369
Jefferson	312	Washington	296

GEORGIA

Appling	380	Grady	415
Atkinson	373	Greene	248
Bacon	360	Gwinnett	451
Baker	386	Habersham	326
Baldwin	405	Hall	291
Banks	441	Hancock	366
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Bartow	619	Harris	448
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Berrien	458	Heard	423
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Gilmer	391	Screven	492
Gordon	399	Seminole	473
Glascock	414	Spalding	382
		Stephens	451

GEORGIA—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Stewart	528	Upson	364
Sumter	673	Walker	353
Talbot	317	Walton	550
Taliaferro	344	Ware	379
Tattnall	450	Warren	423
Taylor	680	Washington	508
Telfair	391	Wayne	373
Terrell	666	Webster	430
Thomas	445	Wheeler	453
Tift	450	White	384
Toombs	478	Whitfield	503
Treutlen	448	Wilcox	474
Troup	401	Wilkes	331
Turner	538	Wilkinson	326
Twiggs	514	Worth	528

ILLINOIS

Alexander	538	Pulaski	498
Massac	498		

KANSAS

Montgomery	212

KENTUCKY

Ballard	405	Graves	467
Calloway	442	Hickman	525
Carlisle	503	McCracken	498
Fulton	683	Marshall	416

LOUISIANA

Parish	Projected yield (Pounds per acre)	County	Projected yield (pounds per acre)
Acadia	481	Livingston	359
Allen	377	Madison	731
Ascension	380	Morehouse	721
Avoyelles	627	Natchitoches	555
Beauregard	356	Ouachita	671
Bienville	298	Pointe Coupee	520
Bossier	555	Rapides	740
Caddo	611	Red River	560
Caldwell	679	Richland	573
Catahoula	597	Sabine	352
Claiborne	243	St. Helena	335
Concordia	611	St. Landry	555
De Soto	298	St. Martin	451
East Baton Rouge	294	St. Tammany	264
East Carroll	765	Tangipahoa	255
East Feliciana	381	Tensas	736
Evangeline	532	Union	346
Franklin	573	Vermilion	415
Grant	555	Vernon	351
Iberia	331	Washington	382
Iberville	256	Webster	349
Jackson	274	West Baton Rouge	473
Jefferson Davis	407	West Carroll	573
Lafayette	469	West Feliciana	389
La Salle	590	Winn	265
Lincoln	313		

MISSISSIPPI

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Adams	394	Chickasaw	586
Alcorn	632	Choctaw	602
Amite	414	Claiborne	529
Attala	658	Clarke	447
Benton	632	Clay	558
Bolivar	727	Coahoma	781
Calhoun	629	Copiah	498
Carroll	668	Covington	491

MISSISSIPPI—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
De Soto	658	Neshoba	452
Forrest	467	Newton	434
Franklin	360	Noxubee	581
George	399	Oktibbeha	451
Greene	434	Panola	767
Grenada	768	Pearl River	367
Hancock	335	Perry	397
Harrison	395	Pike	397
Hinds	536	Pontotoc	537
Holmes	852	Prentiss	616
Humphreys	820	Quitman	760
Issaquena	823	Rankin	591
Itawamba	568	Scott	523
Jackson	435	Sharkey	902
Jasper	413	Simpson	456
Jefferson	421	Smith	449
Jefferson Davis	449	Stone	369
Jones	458	Sunflower	758
Kemper	475	Tallahatchie	814
Lafayette	578	Tate	774
Lamar	471	Tippah	680
Lauderdale	416	Tishomingo	565
Lawrence	438	Tunica	758
Leake	580	Union	630
Lee	518	Walthall	442
Leflore	823	Warren	681
Lincoln	419	Washington	830
Lowndes	548	Wayne	505
Madison	600	Webster	697
Marion	422	Wilkinson	429
Marshall	697	Winston	556
Monroe	581	Yalobusha	741
Montgomery	718	Yazoo	539

MISSOURI

Bollinger	460	New Madrid	607
Butler	568	Oregon	422
Cape Girardeau	560	Pemiscot	649
Carter	453	Ripley	501
Dunklin	619	Scott	551
Howell	560	Stoddard	628
Mississippi	649	Vernon	455
		Wayne	465

NEVADA

Clark	734	Nye	874

NEW MEXICO

Bernalillo	556	Hidalgo	853
Chaves	862	Lea	479
Curry	585	Luna	914
De Baca	415	Otero	714
Dona Ana	842	Quay	576
Eddy	784	Roosevelt	574
Grant	729	Sierra	801
Guadalupe	486	Socorro	650
Harding	250	Valencia	503

NORTH CAROLINA

Alamance	301	Duplin	335
Alexander	361	Durham	329
Anson	459	Edgecombe	486
Beaufort	437	Forsyth	308
Bertie	448	Franklin	411
Bladen	355	Gaston	399
Brunswick	339	Gates	514
Burke	335	Granville	355
Cabarrus	375	Greene	355
Caldwell	326	Guilford	319
Camden	457	Halifax	500
Carteret	308	Harnett	440
Catawba	350	Hertford	471
Chatham	337	Hoke	444
Chowan	442	Hyde	351
Cleveland	522	Iredell	413
Columbus	312	Johnston	406
Craven	298	Jones	324
Cumberland	415	Lee	386
Currituck	415	Lenoir	315
Davidson	326	Lincoln	498
Davie	357	Martin	446

NORTH CAROLINA—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Mecklenburg	413	Robeson	438
Montgomery	436	Rowan	446
Moore	417	Rutherford	484
Nash	437	Sampson	413
New Hanover	353	Scotland	535
Northampton	518	Stanly	442
Onslow	312	Tyrrell	406
Orange	308	Union	477
Pamlico	348	Vance	415
Pasquotank	395	Wake	382
Pender	312	Warren	364
Perquimans	460	Washington	327
Person	354	Wayne	354
Pitt	389	Wilkes	301
Polk	453	Wilson	400
Randolph	326	Yadkin	315
Richmond	427		

OKLAHOMA

Adair	244	La Flore	349
Atoka	231	Lincoln	280
Beaver	228	Logan	304
Beckham	286	Love	253
Blaine	278	McClain	340
Bryan	289	McCurtain	536
Caddo	340	McIntosh	358
Canadian	344	Major	273
Carter	278	Marshall	267
Cherokee	294	Mayes	277
Chocktaw	323	Murray	331
Cimarron	339	Muskogee	366
Cleveland	304	Noble	256
Coal	289	Nowata	288
Comanche	189	Okfuskee	263
Cotton	184	Oklahoma	267
Craig	282	Okmulgee	278
Creek	231	Osage	378
Custer	382	Pawnee	310
Dewey	256	Payne	300
Ellis	271	Pittsburg	306
Garfield	293	Pontotoc	240
Garvin	378	Pottawatomie	262
Grady	372	Pushmataha	211
Grant	218	Roger Mills	304
Greer	269	Rogers	326
Harmon	368	Seminole	258
Harper	247	Sequoyah	547
Haskell	512	Stephens	287
Hughes	304	Texas	433
Jackson	404	Tillman	280
Jefferson	233	Tulsa	333
Johnston	293	Wagoner	374
Kay	289	Washington	331
Kingfisher	209	Washita	323
Kiowa	221	Woodward	233
Latimer	224		

SOUTH CAROLINA

Abbeville	483	Greenwood	418
Aiken	525	Hampton	611
Allendale	572	Horry	300
Anderson	538	Jasper	328
Bamberg	546	Kershaw	402
Barnwell	510	Lancaster	487
Beaufort	312	Laurens	484
Berkeley	406	Lee	617
Calhoun	638	Lexington	469
Charleston	341	McCormick	416
Cherokee	466	Marion	400
Chester	419	Marlboro	502
Chesterfield	510	Newberry	427
Clarendon	561	Oconee	492
Colleton	430	Orangeburg	568
Darlington	594	Pickens	419
Dillon	504	Richland	526
Dorchester	514	Saluda	550
Edgefield	562	Spartanburg	395
Fairfield	343	Sumter	514
Florence	392	Union	420
Georgetown	277	Williamsburg	373
Greenville	447	York	432

TENNESSEE

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Bedford	528	Lawrence	518
Benton	550	Lewis	460
Bradley	415	Lincoln	529
Cannon	512	Loudon	461
Carroll	656	McMinn	356
Chester	641	McNairy	610
Coffee	491	Madison	681
Crockett	743	Marion	488
Cumberland	471	Marshall	467
Davidson	434	Maury	427
Decatur	588	Meigs	387
De Kalb	410	Monroe	362
Dyer	670	Moore	449
Fayette	658	Obion	659
Franklin	591	Perry	462
Gibson	688	Polk	416
Giles	505	Rhea	434
Grundy	504	Robertson	440
Hamilton	429	Rutherford	543
Hardeman	676	Shelby	619
Hardin	561	Tipton	695
Haywood	699	Van Buren	553
Henderson	644	Warren	467
Henry	567	Wayne	530
Hickman	467	Weakley	573
Humphreys	404	White	452
Knox	650	Williamson	442
Lake	700	Wilson	383
Lauderdale	714		

TEXAS

Anderson	316	Crockett	404
Andrews	437	Crosby	631
Angelina	338	Culberson	749
Aransas	336	Dallam	457
Archer	194	Dallas	252
Armstrong	308	Dawson	397
Atascosa	329	Deaf Smith	495
Austin	378	Delta	334
Bailey	491	Denton	274
Bandera	465	De Witt	266
Bastrop	211	Dickens	292
Baylor	234	Dimmit	485
Bee	305	Donley	333
Bell	234	Duval	118
Bexas	220	Eastland	130
Blanco	150	Ector	433
Borden	339	Ellis	277
Bosque	180	El Paso	877
Bowie	578	Erath	199
Brazoria	801	Falls	275
Brazos	638	Fannin	271
Brewster	502	Fayette	283
Briscoe	542	Fisher	333
Brooks	165	Floyd	707
Brown	127	Foard	217
Burleson	572	Fort Bend	534
Burnet	157	Franklin	214
Caldwell	290	Freestone	203
Calhoun	493	Frio	654
Callahan	135	Gaines	538
Cameron	530	Galveston	460
Camp	241	Garza	359
Carson	325	Gillespie	131
Cass	308	Glasscock	651
Castro	673	Goliad	237
Chambers	332	Gonzales	213
Cherokee	259	Gray	297
Childress	282	Grayson	244
Clay	265	Gregg	168
Cochran	549	Grimes	331
Coke	141	Guadalupe	278
Coleman	164	Hale	687
Collin	265	Hall	342
Collingsworth	320	Hamilton	173
Colorado	486	Hansford	299
Comal	250	Hardeman	278
Comanche	140	Hardin	363
Concho	218	Harris	392
Cooke	272	Harrison	213
Coryell	209	Hartley	304
Cottle	266	Haskell	294

TEXAS—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Hays	270	Palo Pinto	208
Hemphill	373	Panola	217
Henderson	174	Parker	161
Hidalgo	556	Parmer	727
Hill	286	Pecos	802
Hockley	537	Polk	262
Hood	215	Potter	486
Hopkins	161	Presidio	884
Houston	346	Rains	179
Howard	275	Randall	333
Hudspeth	702	Reagan	730
Hunt	219	Real	507
Irion	196	Red River	378
Jack	209	Reeves	854
Jackson	472	Refugio	575
Jasper	306	Roberts	451
Jeff Davis	739	Robertson	670
Jefferson	270	Rockwall	250
Jim Hogg	124	Runnels	246
Jim Wells	231	Rusk	308
Johnson	237	Sabine	241
Jones	241	San Augustine	211
Karnes	205	San Jacinto	243
Kaufman	228	San Patricio	472
Kendall	318	San Saba	264
Kent	238	Schleicher	250
Kerr	222	Scurry	362
Kimble	157	Shackelford	289
King	228	Shelby	241
Kinney	287	Smith	210
Kleberg	301	Somervell	220
Knox	315	Starr	285
Lamar	304	Stephens	157
Lamb	570	Sterling	245
Lampasas	119	Stonewall	222
La Salle	197	Sutton	565
Lavaca	242	Swisher	659
Lee	201	Tarrant	245
Leon	273	Taylor	193
Liberty	505	Terrell	503
Limestone	152	Terry	596
Live Oak	230	Throckmorton	204
Llano	176	Titus	235
Loving	350	Tom Green	257
Lubbock	639	Travis	221
Lynn	459	Trinity	290
McCulloch	159	Tyler	378
McLennan	234	Upshur	144
McMullen	105	Upton	645
Madison	404	Uvalde	728
Marion	132	Val Verde	569
Martin	346	Van Zandt	168
Mason	346	Victoria	405
Matagorda	507	Walker	292
Maverick	536	Waller	377
Medina	584	Ward	350
Menard	147	Washington	327
Midland	411	Webb	647
Milam	278	Wharton	523
Mills	215	Wheeler	304
Mitchell	343	Wichita	273
Montague	222	Wilbarger	279
Montgomery	249	Willacy	385
Moore	435	Williamson	325
Morris	211	Wilson	243
Motley	265	Winkler	400
Nacogdoches	273	Wise	175
Navarro	227	Wood	176
Newton	223	Yoakum	526
Nolan	304	Young	168
Nueces	346	Zapata	706
Ochiltree	456	Zavala	760
Oldham	316		

VIRGINIA

Accomack	309	Lunenburg	336
Brunswick	367	Mecklenburg	361
Charlotte	326	Nansemond	375
Chesapeake	442	Patrick	417
Cumberland	384	Prince Edward	376
Dinwiddie	284	Prince George	392
Franklin	417	Southampton	418
Greensville	516	Surry	455
Isle of Wight	498	Sussex	315

(Secs. 201(b) (12) (L), 79 Stat. 1197; 7 U.S.C. 1301(b) (12) (L))

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 5, 1966.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-10999; Filed, Oct. 10, 1966; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 932—OLIVES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

On September 21, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 12483) regarding proposed expenses and the related rate of assessment for the fiscal year ending August 31, 1967, pursuant to the marketing agreement and Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented including the proposals set forth in such notice which were submitted by the Olive Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 932.202 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Olive Administrative Committee during the fiscal year ending August 31, 1967, will amount to $73,500.

(b) *Rate of assessment.* The rate of assessment for said year, payable by each first handler in accordance with § 932.39, is fixed at $1.75 per ton, or equivalent quantity, of olives.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable olives from the beginning of such year; and (2) such year began on September 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable olives beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 7, 1966.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11102; Filed, Oct. 11, 1966; 8:49 a.m.]

PART 932—OLIVES GROWN IN CALIFORNIA

Establishment of Reserve and Carryover of Unexpended Funds

Notice was published in the September 21, 1966, issue of the FEDERAL REGISTER (31 F.R. 12483), that consideration was being given to a proposal for establishing a reserve and that unexpended assessment funds in excess of expenses incurred during the fiscal year ended August 31, 1966, be placed in said reserve, to be used in accordance with the provisions of § 932.40 of the marketing agreement and Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Olive Administrative Committee, established pursuant to the provisions of the said marketing agreement and order, it is hereby determined that:

§ 932.203 Reserve.

(a) It is necessary and appropriate to establish and maintain a reserve in an amount not to exceed approximately 1 crop year's expenses to be used in accordance with the provisions of § 932.40 of the marketing agreement and this part, and

(b) Assessments collected for the fiscal year ended August 31, 1966, were in excess of the expenses for such period and the committee is hereby authorized to place such excess in said reserve.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 7, 1966.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11101; Filed, Oct. 11, 1966; 8:48 a.m.]

[947.324, Amdt. 2]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agree-

ment and order, it is hereby found that the amendment to the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1966 crop potatoes grown in the production area are now being made, (2) to maximize benefits to producers, this amendment should apply to as many shipments as possible, (3) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date, and (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. The introductory paragraph and paragraph (a), of § 947.324 (31 F.R. 9269, 12709) are amended to read as follows:

§ 947.324 Limitation of shipments.

During the period October 17, 1966, through June 30, 1967, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section, as applicable.

(a) *Minimum quality requirements.*—(1) *Grade.* All varieties—U.S. No. 2, or better, grade.

(2) *Size*—(i) *Round varieties.* 1⅞ inches minimum diameter.

(ii) *All other varieties grown in Districts No. 1, No. 2, and No. 4.* 2 inches minimum diameter or 4 ounces minimum weight.

(iii) *All other varieties grown in District No. 3.* 1⅞ inches minimum diameter, except that for potatoes grading U.S. No. 1, or better, grade, the size requirement is 2 inches minimum diameter or 4 ounces minimum weight.

(iv) *All varieties.* Size B if U.S. No. 1, or better, grade.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated October 6, 1966, to become effective October 17, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11075; Filed, Oct. 11, 1966; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 822—BUREAUS AND OFFICES

Bureau of Facilities

In § 822.7, a new paragraph (h) (1) is inserted to show the functions and duties of the Field Liaison Officer, Realty Division, and present paragraph (h) (1), (2), and (3) are redesignated paragraph (h) (2), (3), and (4) respectively.

As the addition of a new paragraph (h) (1) to § 822.7 relates to a proprietary function of the Government and does not affect substantive rights, advanced notice and public rule making procedures, as well as a delayed effective date are unnecessary and would be contrary to the public interest. Accordingly, new § 822.7 (h) (1) is revised to read as follows effective upon publication in the FEDERAL REGISTER.

§ 822.7 Bureau of Facilities.

* * * * * *

(h) *Realty Division.* * * *

(1) *Field Liaison Officer.* (i) Represents the Director, Realty Division in reviewing and evaluating the quality and scope of regional real estate programs and implementation of headquarter's policies and directives. Recommends action to assure immediate, as well as long term, regional improvement in programs, policies, and procedures; directs on-site improvement within previously established policies and procedures.

(ii) Maintains close liaison with regional officials in developing realty information for use by bureaus and offices having primary responsibility in various areas, as well as assisting regional officials in effecting Departmental policies and decisions.

* * * * * *

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 7, 1966.

[F.R. Doc. 66–11100; Filed, Oct. 11, 1966; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 326—PUBLIC USE OF CERTAIN NAVIGABLE RESERVOIR AREAS

Dardanelle Reservoir Area

The Secretary of the Army having determined that the use of the Dardanelle Reservoir Area by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be inconsistent with the operation and maintenance of the reservoir for its primary purpose, hereby prescribes rules and regulations for its public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944, as amended (76 Stat. 1195), adding the reservoir to the list in § 326.1(c), as follows:

§ 326.1 Areas covered.

* * * * * *

(c) The areas covered by this part are:

* * * * * *

ARKANSAS

Dardanelle Reservoir Area, Arkansas River

* * * * * *

[Regs., Sept. 23, 1966, ENGCW–OM] (sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

KENNETH G. WICKHAM,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 66–11059; Filed, Oct. 11, 1966; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

FOREIGN PAYEES

In § 3.653, paragraphs (b) and (c) are amended to read as follows:

§ 3.653 Foreign residence.

* * * * * *

(b) *Retroactive payments.* Any amount not paid to an alien under this section, together with any amounts placed to his credit in the special deposit account in the Treasury or covered into the Treasury as miscellaneous receipts under 31 U.S.C. 123–128 will be paid to him on the filing of a new claim. Such claim should be supported with evidence that he has not been guilty of mutiny, treason, or sabotage or rendering assistance to an enemy, as provided in § 3.902(a). (38 U.S.C. 3109)

(c) *Treasury Department list.* This paragraph is applicable to claims for benefits for aliens residing in countries identified on the list established by the Secretary of the Treasury as countries to which checks could not be delivered with reasonable assurance that the payee would actually receive and be able to negotiate a check for full value.

(1) *Evidence requests.* Requests for evidence to establish either basic or continued entitlement will not be made where such evidence would be obtained from a country on the Treasury Department list unless the claimant requests

that checks be sent to him in care of a U.S. Foreign Service post in a country which is not on the list.

(2) *Awards.* Payments for a claimant residing in a country included in the Treasury Department list will not be authorized unless the claimant requests that checks be sent to him in care of a U.S. Foreign Service post in a country which is not on the list.

(3) *Retroactive payments.* Where award action is authorized under subparagraph (2) of this paragraph, or a new claim has been filed after a country has been removed from the Treasury Department list, all benefits to which the payee is otherwise entitled will be paid as provided in paragraph (b) of this section. There is no time limit for filing claim.

* * * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective date of approval.

By direction of the Administrator.

Approved: October 6, 1966.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66–11079; Filed, Oct. 11, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 909]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA, IMPERIAL COUNTY, CALIF., AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1966–67 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Administrative Committee, established under Marketing Agreement No. 96, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif., and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses that are reasonable and necessary to be incurred by the Administrative Committee during the period August 1, 1966, through July 31, 1967, will amount to $138,000.

(b) That the Secretary of Agriculture fix the rate of assessment for such period, payable by each handler in accordance with § 909.41, at three cents ($0.03) per carton; and

(c) That the Secretary of Agriculture find that unexpended assessment funds, in excess of expenses incurred during such period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

(d) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 6, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11076; Filed, Oct. 11, 1966; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 40]

FARM LABOR CONTRACTOR REGISTRATION

Notice of Proposed Rule Making

Pursuant to section 14 of the Farm Labor Contractor Registration Act of 1963 (7 U.S.C. 2053), and Secretary of Labor's Orders Nos. 36–64 and 37–64 (30 F.R. 1139), 29 CFR Part 40 is proposed to be amended in the manner set forth below. The changes are proposed primarily to implement the administration of the insurance provisions of the Act and to eliminate the necessity for the issuance of a new Farm Labor Contractor Employee Identification Card whenever a full-time or regular employee who engages in farm labor contracting activities changes his employer.

Interested persons may submit written data, views, and arguments concerning the proposed amendments within 15 days of their publication in the FEDERAL REGISTER. Such submissions should be filed by mail with the Administrator, Bureau of Employment Security, U.S. Department of Labor, Washington D.C. 20210.

1. Section 40.3 would be amended to read as follows:

§ 40.3 Certificate of Registration required.

(a) On or after January 1, 1965, the effective date of the Farm Labor Contractor Registration Act of 1963, any person who desires to engage in activities as a farm labor contractor, as defined in the Act, must first obtain a Certificate of Registration.

(b) A farm labor contractor who holds a valid Certificate of Registration is responsible for assuring that his full-time or regular employees have filed applications for Farm Labor Contractor Employee Identification Cards before they participate in any of the activities enumerated in section 3(b) of the Act.

2. Section 40.4 would be amended to read as follows:

§ 40.4 Application for Certificate of Registration.

(a) The application for a Certificate of Registration on Form ES–410 is available and must be executed and filed in any office of the Employment Service of the various States, except that in States requiring licensing or registration of farm labor contractors under State law, such application shall be available and shall be filed at the Employment Service office of such State or the same office where the State registration or license is filed, whichever may be designated by the Governor of such State.

(b) The application shall set forth the information required thereon, shall be subscribed and sworn to by the applicant and shall have attached the applicant's fingerprints on a completed Form FD–258.

(c) Before any person may transport, within the meaning of the Act, migrant workers and their property in any vehicle which he owns, operates, or causes to be operated, he shall have complied with the insurance or financial responsibility requirements of the Act by having submitted the following:

(1) A completed Farm Labor Contractor Automobile Liability Certificate of Insurance, showing that the passenger hazard is included (as evidence of liability insurance which covers the workers while being transported). Such certificate represents that an automobile liability insurance policy including a Farm Labor Contractor Liability Endorsement provides insurance in an amount not less than that required under the law or regulation of any State in which such applicant operates a vehicle in connection with his business, activities, or operations as a farm labor contractor; but in no event less than $5,000 for bodily injuries to or death of one person; $20,000 for bodily injuries to or death of all persons injured or killed in any one accident; $5,000 for the loss or damage in any one accident to property of others, and that it was obtained from an insurance carrier licensed or otherwise authorized to do business in the State in which the insurance is obtained; or

(2) Proof of financial responsibility evidenced by (i) a completed Farm Labor Contractor Standard Accident Policy Certificate of Insurance, as evidence of the issuance of a Farm Labor Contractor Standard Accident Policy, in addition to a completed Farm Labor Contractor Automobile Liability Certificate of Insurance, if the Farm Labor Contractor Automobile Liability Policy shows that the passenger hazard has been excluded; or (ii) a liability bond executed by the applicant, identified in the instrument as the "principal," together with a third party, identified in the instrument as the "surety," to assure payment of any liability up to $50,000 for damages to persons or property arising out of the applicant's ownership of, operation of, or his causing to be operated any vehicle for the transportation of migrant workers in connection with his business, activities, or operations as a farm labor contractor. The "surety" shall be one which appears on the list contained in Treasury Department Circular 570, with an underwriting limit of not less than $50,000 or which has been approved by the Secretary under the Welfare and Pension Plan Disclosure Act, as amended. Treasury Department Circular 570 may be obtained from the U.S. Treasury Department, Bureau of Accounts, Division of Deposit and Investments, Surety Bonds Branch, Washington, D.C. 20226.

(d) The foregoing provisions of paragraph (c) of this section must be complied with, except to the extent that other arrangements have been approved by the Secretary.

(e) Any insurance policy or liability bond which is obtained pursuant to this Act should provide the required coverage for the full period during which the applicant for a Certificate of Registration shall be engaged in transporting migrant workers within the meaning of the Act during a calendar year. If a policy or liability bond shall expire within 30 days of the date of filing an application for a Certificate of Registration, such Certificate will not be issued unless the applicant shall have submitted written evidence of renewal or extension of said policy or liability bond for the period of time during which migrant workers will be transported. In the event that a policy or liability bond shall expire on a date which exceeds 30 days from the date of application for a Certificate of Registration, proof of renewal or extension of a policy or of a liability bond must be submitted promptly to the Regional Administrator who has issued the Certificate of Registration. The requirements of this paragraph do not excuse compliance with the provisions hereinafter set forth in § 40.11.

(f) Before any person may transport migrant workers within the meaning of the Act, he shall submit evidence satisfactory to the Regional Administrator that he is in compliance with the rules and regulations promulgated by the Interstate Commerce Commission that are applicable to his activities and operations in interstate commerce.

(g) The holder of a valid Certificate of Registration may request the renewal of his Certificate of Registration by executing and filing with a local office of the Employment Service of the various States or any office designated by the Governor of a State pursuant to section 40.4 the following: (1) An application which shall set forth the information required thereon; (2) proof of insurance coverage as required in paragraph (c) (1) of this section or proof of financial responsibility as required in paragraph (c) (2) of this section; (3) upon request, a completed Form FD–258 Fingerprint Card; and (4) upon request, evidence of compliance with applicable rules and regulations promulgated by the Interstate Commerce Commission.

(h) If a Certificate of Registration is lost or destroyed, a duplicate Certificate of Registration may be obtained by submission to any Regional Office of the Bureau of Employment Security of a written statement explaining its loss or destruction, indicating where the original application was filed and requesting that a duplicate be issued.

3. Section 40.5 would be amended to read as follows:

§ 40.5 Corporations, partnerships, associations, and other organizations.

Any corporation, partnership, association, or other organization which is a farm labor contractor within the meaning of the Act must obtain a Certificate of Registration. If any officer, director, partner, or member of a corporation, partnership, association, or other organization, engages in any of the covered farm labor contracting activities as a full-time or regular employee of such business organization, he must comply with the requirements for obtaining a Farm Labor Contractor Employee Identification Card.

4. Section 40.6 would be amended to read as follows:

§ 40.6 Farm Labor Contractor Employee Identification Cards, Applications.

(a) Any person who intends to be employed as a full-time or regular employee in any of the covered farm labor contracting activities by a farm labor contractor who is a holder of a valid Certificate of Registration must obtain a Farm Labor Contractor Employee Identification Card. This can be obtained by submitting Form ES–412, Application for Farm Labor Contractor Employee Identification Card, which shall be subscribed and sworn to by the applicant. The applicant shall submit a completed Form FD–258, Fingerprint Card. These forms are available at any local office of the Employment Service of the various States or any office designated by the Governor of the State pursuant to section 40.4.

(b) An application for a Farm Labor Contractor Employee Identification Card shall be acknowledged by the Regional Administrator. Until a determination is made upon the application, such acknowledgment shall authorize the applicant to engage in any of the covered activities of a farm labor contractor, as defined in the Act, in behalf of any holder of a valid Certificate of Registration. While engaging in such activities, the employee must have in his possession either the letter of acknowledgment, which shall not be effective for more than 30 days, or a Farm Labor Contractor Employee Identification Card where such has been issued. Such employee shall not be engaged as a driver of a bus or truck for transportation of migrant workers in connection with the business, activities, or operations of a farm labor contractor subject to the Act, unless he shall comply with rules and regulations promulgated by the Interstate Commerce Commission that are applicable to his activities and operations in interstate commerce.

(c) If a Farm Labor Contractor Employee Identification Card is lost or destroyed, a duplicate Farm Labor Contractor Employee Identification Card may be obtained by submitting to any Regional Office of the Bureau of Employment Security a written statement explaining its loss or destruction, indicating where the original application was filed, and requesting that a duplicate be issued.

(d) The Farm Labor Contractor Employee Identification Card authorizes the employee to engage in activities as a farm labor contractor within the meaning of the Act in behalf of any holder of a valid Certificate of Registration.

(e) A holder of a valid Farm Labor Contractor Employee Identification Card may request renewal of such card by executing and filing at a local office of the Employment Service of the various States or to any office designated by the Governor of a State pursuant to section 40.4 the following: (1) An application for renewal; (2) upon request, a Form FD–258, Fingerprint Card; and (3) upon request, a Form ES–415, Doctor's Certificate.

5. Paragraphs (a), (b), and (c) (9) and (15) of section 40.10 would be amended to read as follows:

§ 40.10 Terms of Certificates of Registration, other conditions and obligations.

(a) Certificates of Registration and Farm Labor Contractor Employee Identification Cards shall expire on each December 31. In any case in which an application for renewal of a valid Certificate of Registration submitted in accordance with the requirements of § 40.4 or employee identification card submitted in accordance with the requirements of § 40.6 has been made on or before November 30 of the year preceding the year for which renewal is sought, the authority to operate as a farm labor contractor or employee of a certificate holder shall not expire until the application shall have been finally determined by the Administrator.

(b) [Revoked]

(c) Certificates of Registration and Farm Labor Contractor Employee Identification Cards may be revoked or suspended, or issuance or renewal thereof refused, if the applicant or registrant:

• • • • •

(9) Knowingly employs or continues to employ any person, to whom subsection (b) of section 4 of the Act applies, who has taken any action, except for that listed in subparagraph (15) of this paragraph, which could be used by the Administrator to refuse to issue a Certificate of Registration or a Farm Labor Contractor Employee Identification Card.

• • • • •

(15) Has failed to obtain or maintain in effect, or, has had canceled or terminated, any insurance policy or liability bond required by the Act and this part and cannot demonstrate financial responsibility acceptable to the Secretary or his representative.

• • • • •

6. Section 40.11 would be amended to read as follows:

§ 40.11 Cancellation of insurance, review of financial responsibility, change of ownership.

(a) Any insurance policy or liability bond required by the Act or this part shall provide that it shall not be canceled, rescinded, or suspended, nor become void for any reason whatsoever during such period in which the insurance or liability bond is required by the Act to be effective, except by the expiration of the term for which it is written, or until the company or the named insured, in the case of an insurance policy, or the "surety" or the "principal," in the case of a liability bond, shall have first given thirty (30) days' notice in writing by registered mail to the Director of the Office of Farm Labor Service, Bureau of Employment Security, U.S. Department of Labor, Washington, D.C., said thirty (30) days' notice to commence to run from the date notice is actually received.

(b) Any change in the membership or officers of a holder of a valid Certificate of Registration from that most recently reported shall within twenty (20) days of the change be reported in writing by registered mail to the Regional Administrator who issued the Certificate of Registration.

§ 40.27 [Revoked]

7. Section 40.27 would be revoked.

(Sec. 14, 78 Stat. 924; 7 U.S.C. 2053)

Signed at Washingon, D.C., this 6th day of October, 1966.

ROBERT C. GOODWIN,
Administrator,
Bureau of Employment Security.

[F.R. Doc. 66-11068; Filed, Oct. 11, 1966; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 75]

[Airspace Docket No. 66-WE-58]

JET ROUTE

Proposed Realignment

The Federal Aviation Agency is considering an amendment to Part 75 of the Federal Aviation Regulations which would alter Jet Route No. 9.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Jet Route No. 9 is presently aligned in part from Milford, Utah, via Provo, Utah; Salt Lake City, Utah; to Ogden, Utah. It is proposed herein to realign this portion of J-9 from Milford direct to Ogden. Such action would eliminate two doglegs which exist in the current routing and would decrease the jet route distance by 11 miles.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 5, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-11065; Filed, Oct. 11, 1966; 8:45 a.m.]

NATIONAL MEDIATION BOARD

[29 CFR Part 1207]

ESTABLISHMENT OF SPECIAL ADJUSTMENT BOARDS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the Railway Labor Act, as amended (45 U.S.C. 151–163), it is proposed to add a new Part 1207 to Title 29, Chapter X, of the Code of Federal Regulations, to read as set forth below.

The proposed regulations define responsibilities and prescribe related procedures of the National Mediation Board under Public Law 89–456 (80 Stat. 208), which amended the Railway Labor Act to provide for establishment of special adjustment boards upon the request of either the representatives of employees or of carriers to resolve disputes otherwise referable to the National Railroad Adjustment Board.

If further hearings are deemed necessary, they shall be held within ten (10) days in the offices of the National Mediation Board.

By direction of the National Mediation Board.

THOMAS A. TRACY,
Executive Secretary.

Sec.
1207.1 Establishment of special adjustment boards (PL Boards).
1207.2 Requests for Mediation Board action.
1207.3 Compensation of neutrals.
1207.4 Designation of PL Boards, filing of agreements, and disposition of records.

AUTHORITY: The provisions of this Part 1207 issued under the Railway Labor Act, as amended (45 U.S.C. 151–163).

§ 1207.1 Establishment of special adjustment boards (PL Boards).

Public Law 89–456 (80 Stat. 208) governs procedures to be followed by carriers and representatives of employees in the establishment and functioning of special adjustment boards, hereinafter referred to as PL Boards. Public Law 89–456 requires action by the National Mediation Board in the following circumstances:

(a) *Designation of party member of PL Board.* Public Law 89–456 provides that within thirty (30) days from the date a written request is made by an employee representative upon a carrier, or by a carrier upon an employee representative, for the establishment of a PL Board, an agreement establishing such a Board shall be made. If, however, one party fails to designate a member of the Board, the party making the request may ask the Mediation Board to designate a member on behalf of the other party. Upon receipt of such request, the Mediation Board will notify the party which failed to designate a partisan member for the establishment of a PL Board of the receipt of the request. The Mediation Board will then designate a representative on behalf of the party upon whom the request was made. This representative will be an individual associated in interest with the party he is to represent. The designee, together with the member appointed by the party requesting the establishment of the PL Board, shall constitute the Board.

(b) *Appointment of a procedural neutral to determine matters concerning the establishment and/or jurisdiction of a PL Board.* (1) When the members of a PL Board constituted in accordance with paragraph (a) of this section are unable to agree on questions concerning the establishment of the Board and/or its jurisdiction, either party may, within ten (10) days after their failure to agree, request the Mediation Board to appoint a neutral member to determine these procedural issues.

(2) Upon receipt of this request, the Mediation Board will notify the other party to the PL Board. The Mediation Board will then designate a neutral member to sit with the PL Board and resolve the procedural issues in dispute. When the neutral has determined the procedural issues in dispute, he shall cease to be a member of the PL Board.

(c) *Appointment of neutral to sit with PL Boards and dispose of disputes.* (1) When the members of a PL Board constituted by agreement of the parties, or by the appointment of a party member by the Mediation Board, as described in paragraph (a) of this section, are unable to agree upon awards disposing of the dispute or group of disputes, and are unable to agree upon the selection of a neutral to assist them in this endeavor, either member of the Board may, within ten (10) days after their failure to agree, request the Mediation Board to appoint each neutral person. Upon receipt of such a request, the Mediation Board will notify the other party to the Board, and will make such appointment.

(2) A request for the appointment of a neutral under the paragraph (b) of this section or this paragraph (c) shall:

(i) Show the authority for the request—Public Law 89–456, and

(ii) Define and list the proposed specific issues or disputes to be heard.

§ 1207.2 Requests for Mediation Board action.

(a) Requests for the National Mediation Board to appoint neutrals or party representatives should be made on NMB Form 5.

(b) Those authorized to sign request on behalf of parties:

(1) The "representative of any craft or class of employees of a carrier," as referred to in Public Law 89–456, making request for Mediation Board action, shall be either the General Chairman, Grand Lodge Officer (or corresponding officer of equivalent rank), or the Chief Executive of the representative involved. A request signed by a General Chairman or Grand Lodge Officer (or corresponding officer of equivalent rank) shall bear the approval of the Chief Executive of the employee representative.

(2) The "carrier representative" making such a request for the Mediation Board's action shall be the highest carrier officer designated to handle matters arising under the Railway Labor Act.

(c) Docketing of PL Board agreements: The National Mediation Board will docket agreements establishing PL Board, which agreements meet the requirements of coverage as specified in Public Law 89–456. No neutral will be appointed under § 1207.1(c) until the agreement establishing the PL Board has been docketed by the Mediation Board.

§ 1207.3 Compensation of neutrals.

(a) *Neutrals appointed by the National Mediation Board.* All neutral persons appointed by the National Mediation Board under the provisions of § 1207.1 (b) and (c) will be compensated by the Mediation Board in accordance with legislative authority. Certificates of appointment will be issued by the Mediation Board in each instance.

(b) *Neutrals selected by the parties.* (1) In cases where the party members of a PL Board created under Public Law 89–456 mutually agree upon a neutral person to be a member of the Board, the party members will jointly so notify the Mediation Board, which Board will then issue a certificate of appointment to the neutral and arrange to compensate him as under paragraph (a) of this section.

(2) The same procedure will apply in cases where carrier and employee representatives are unable to agree upon the establishment and jurisdiction of a PL Board, and mutually agree upon a procedural neutral person to sit with them as a member and determine such issues.

§ 1207.4 Designation of PL Boards, filing of agreements, and disposition of records.

(a) *Designation of PL Boards.* All special adjustment boards created under Public Law 89–456 will be designated PL Boards, and will be numbered serially, commencing with No. 1, in the order of their docketing by the National Mediation Board.

(b) *Filing of agreements.* The original agreement creating the PL Board under Public Law 89–456 shall be filed with the National Mediation Board at the time it is executed by the parties. A copy of such agreement shall be filed by the parties with the Administrative Officer of the National Railroad Adjustment Board, Chicago, Ill.

(c) *Disposition of records.* Since the provisions of section 2(a) of Public Law 89–456 apply also to the awards of PL Boards created under this Act, two copies of all awards made by the PL Boards, together with the record of proceedings upon which such awards are based, shall be forwarded by the neutrals who are members of such Boards, or by the parties in case of disposition of disputes by PL Boards without participation of neutrals, to the Administrative Officer of the National Railroad Adjustment Board, Chicago, Ill., for filing, safekeeping, and handling under the provisions of section 2(q), as may be required.

[F.R. Doc. 66-11077; Filed, Oct. 11, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

LAUBACH LITERACY, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Reg. 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Laubach Literacy, Inc., 1011 Harrison Street, Post Office Box 131, Syracuse, N.Y. 13210.

HERBERT J. WATERS,
Assistant Administrator for Material Resources.

OCTOBER 4, 1966.

[F.R. Doc. 66-11072; Filed, Oct. 11, 1966; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3-b]

TUBELESS TIRE VALVES FROM WEST GERMANY

Withholding of Appraisement Notice

OCTOBER 6, 1966.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price is less or likely to be less than the foreign market value of valves, tubeless tire, finished (except Item Nos. TR 413 and TR 415 produced by Alligator Ventilfabrik, Giengen-Brenz), imported from West Germany as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

In accordance with the provisions of § 14.9(a) of the Customs Regulations (19 CFR 14.9(a)), customs officers are being directed to withhold appraisement of valves, tubeless tire, finished (except Item Nos. TR 413 and TR 415 produced by Alligator Ventilfabrik, Giengen-Brenz), imported from West Germany. All importations entered, or withdrawn from warehouse, for consumption, after the date of publication of this notice in the FEDERAL REGISTER are subject to this order.

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on April 26, 1966. This information was the subject of an "Antidumping Proceeding Notice" which was published on page 9751 of the FEDERAL REGISTER of July 19, 1966, pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)).

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-11080; Filed, Oct. 11, 1966; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 073813]

MONTANA

Notice of Proposed Classification of Public Lands

OCTOBER 3, 1966.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412) notice is hereby given of a proposal to classify the lands described below for disposal through exchange under section 8 of the Act of June 28, 1934 (43 U.S.C. 315a) for lands within the El Rancho Glorietta, Watson, and Wheeler ranches located 25 air miles north of Forsyth, Mont.

The lands affected by this proposal are located in Northern Rosebud County and are described as follows:

PRINCIPAL MERIDIAN, MONTANA

T. 10 N., R. 38 E.,
Sec. 10, All;
Sec. 12, W½;
Sec. 14, All;
Sec. 22, E½;
Sec. 28, N½NW¼, NE¼, and E½SE¼.
T. 8 N., R. 39 E.,
Sec. 10, N½;
Sec. 23, E½;
Sec. 24, S½;
Sec. 26, E½.
T. 9 N., R. 39 E.,
Sec. 18, Lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 20, N½N½, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 28, N½;
Sec. 30, Lots 1 and 2, E½NW¼, and NE¼.
T. 10 N., R. 39 E.,
Sec. 6, Lots 2, 3, 4, 5, 6, and 7, SE¼NW¼, SW¼NE¼, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 18, Lots 1, 2, 3, and 4, and E½W½;
Sec. 20, S½;
Sec. 28, E½;
Sec. 30, Lot 1, NE¼NW¼, NW¼NE¼, and NE¼SE¼;
Sec. 34, All.

The areas described aggregate 7,365.06 acres.

This proposal has been discussed with District Advisory Board members, local governmental officials, and other interested parties. Information derived from these discussions and other sources indicates these lands meet the criteria of 43 CFR Part 2410.

Information concerning the lands, including the record of public discussions, is available for study at the Bureau of Land Management District Office, 217 South Eighth Street, Miles City, Mont.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Miles City District, Post Office Box 960, Miles City, Mont.

HAROLD TYSK,
State Director.

[F.R. Doc. 66-11067; Filed, Oct. 11, 1966; 8:46 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA

Call for Nominations of Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR Part 3380, notice is hereby given that nominations of areas for prospective oil and gas leasing in the Outer Continental Shelf off the State of Louisiana as shown upon Ship Shoal Area, and Ship Shoal Area, South Addition, official leasing maps, and all other mapped areas to the east awarded to the United States by the Supplemental Decree of the Supreme Court, entered December 13, 1965, in United States v. Louisiana, No. 9, Original (382 U.S. 288), or included in Zone 3 as described in the Interim Agreement of October 12, 1956, between the United States and the State of Louisiana, may be submitted to the Director, Bureau of Land Management, Washington, D.C. 20240, not later than January 9, 1967. Copies of nominations should be sent to the Regional Oil and Gas Supervisor, Geological Survey, T-6009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113. Envelopes should be marked "Nominations for leasing in the Outer Continental Shelf—Louisiana."

Official leasing maps in a set of 25 maps and cover sheet showing leasing blocks off Louisiana, may be purchased from the Manager, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue (Post Office Box 53226), New Orleans, La. 70150, and the Director, Bureau of Land Management, Washington, D.C. 20240, for $5 per set. Whole blocks or properly described subdivisions thereof not less than one quarter of a block may be nominated.

Any areas selected for competitive bidding will be published in the FEDERAL REGISTER and the published notice of lease offers will state the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

JOHN O. CROW,
Acting Director, Bureau of Land Management.

Approved: October 6, 1966.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 66-11081; Filed, Oct. 11, 1966; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2095) has been filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, proposing an amendment to § 121.1030 *Polysorbate 60* * * * to provide for the safe use of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) alone or in combination with sorbitan monostearate, polyoxyethylene (20) sorbitan tristearate, and/or polysorbate 80 as an emulsifier in whipped vegetable oil topping, provided that the amount of polysorbate 60 shall not exceed 0.77 percent of the weight of the finished whipped vegetable oil topping and no combination of these emulsifiers shall exceed 1.04 percent of the weight of such topping.

Dated: October 4, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11103; Filed, Oct. 11, 1966; 8:49 a.m.]

CHIPMAN CHEMICAL CO., INC.

Notice of Filing of Petition Regarding Pesticide Bromoxynil

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0536) has been filed by Chipman Chemical Co., Inc., Post Office Box 1065, Burlingame, Calif. 94010, proposing a tolerance for residues of the herbicide bromoxynil (3,5-dibromo-4-hydroxybenzonitrile), from use of its octanoic acid ester, of 0.2 part per million (calculated as bromoxynil) in or on the raw agricultural commodities barley, flax, oats, rye, and wheat.

The analytical method proposed in the petition for determining residues of bromoxynil is extraction with acetone followed by alkaline hydrolysis and measurement of the bromoxynil by infrared spectrophotometry.

Dated: October 4, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11104; Filed, Oct. 11, 1966; 8:49 a.m.]

HOOKER CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2089) has been filed by Hooker Chemical Corp., Durez Plastics Division, Walck Road, North Tonawanda, N.Y. 14120, proposing that § 121.2576 *Cross-linked polyester resins* be amended to provide for the safe use of 1,4,5,6,7,7-hexachlorobicyclo-(2.2.1)-5-heptene-2,3 dicarboxylic acid (as a reactant) and 2-methyl hydroquinone (as an inhibitor) in the production of cross-linked polyester resins for repeated food-contact use.

Dated: October 4, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11105; Filed, Oct. 11, 1966; 8:49 a.m.]

ROHM & HAAS CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1555) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing that § 121.2514 *Resinous and polymeric coatings* be amended to provide for the use of ethyl acrylate-styrene-methacrylic acid copolymers and ethyl acrylate-methyl methacrylate-styrene-methacrylic acid copolymers as modifiers of epoxy resins used in the production of resinous and polymeric coatings for articles that contact food.

Dated: October 4, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11106; Filed, Oct. 11, 1966; 8:49 a.m.]

VELSICOL CHEMICAL CORP.

Notice of Filing of Petitions for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP 7B2092, 7B2093, 7B2094) have been filed by Velsicol Chemical Corp., Industrial Chemicals Division, 341 East Ohio Street, Chicago, Ill. 60611, proposing an amendment to § 121.2520 *Adhesives* to provide for the safe use of butyl benzoate, glyceryl tribenzoate, and benzyl benzoate as optional components of food-packaging adhesives.

Dated: October 4, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11107; Filed, Oct. 11, 1966; 8:49 a.m.]

VIRGINIA CHEMICALS, INC.

Notice of Filing of Petition for Food Additive Sodium Hydrosulfite

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2086) has been filed by Virginia Chemicals, Inc., West Norfolk, Va. 23703, proposing the issuance of a regulation to provide for the safe use of sodium hydrosulfite as a processing aid in sugar production.

Dated: October 4, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11108; Filed, Oct. 11, 1966; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

THE FIRST PENNSYLVANIA BANKING & TRUST CO.

Notice of Approval of Applicant as Trustee

Notice is hereby given that The First Pennsylvania Banking & Trust Co., a Pennsylvania corporation, with offices at Southeast Corner 15th and Chestnut Streets, Philadelphia, Pa., has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: October 10, 1966.

M. I. GOODMAN,
Chief, Office of Ship Operations.

[F.R. Doc. 66-11149; Filed, Oct. 11, 1966; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-59, 50-128]

TEXAS A & M UNIVERSITY

Notice of Issuance of Facility License Amendments

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 7, set forth below, to Facility License No. R-23 and Amendment No. 2, set forth below, to Facility License No. R-83. License Nos. R-23 and R-83, as previously issued, authorize The Texas Agricultural and Mechanical College System to operate its Model AGN-201, Serial No. 106 and the pool-type nuclear reactors, respectively, which are located on its campus at College Station, Tex. The amendments reflect a change in the name of the licensee from The Texas Agricultural and Mechanical College System to Texas A & M University.

By application for license amendment dated August 8, 1966, the licensee advised the Commission that the name of Texas Agricultural and Mechanical College had been changed to Texas A & M University. The licensee stated that there have been no changes in operating procedures or personnel for the reactors as a result of this change in name and requested that License Nos R-23 and R-83 be amended to reflect the change in name of its organization.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to these amendments, see the application for license amendment dated August 8, 1966, a copy of which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 5th day of October 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[License No. R-23; Amdt. 7]

The Atomic Energy Commission having found that:

a. The application for license amendment dated August 8, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. There is reasonable assurance that (i) the activities authorized by this license, as amended, can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

c. Texas A & M University is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

d. Texas A & M University is a nonprofit educational institution and will operate the reactor for the conduct of educational activities. Texas A & M University is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Energy Act of 1954, as amended;

e. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and

f. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility License No. R-23, as amended, which authorizes The Texas Agricultural and Mechanical College System to operate its Model AGN-201, Serial No. 106 nuclear reactor located on its campus at College Station, Tex., is hereby further amended in accordance with the application.

1. "Texas A & M University" is substituted for "The Texas Agricultural and Mechanical College System" wherever it appears in License No. R-23.

2. This amendment is effective as of the date of issuance.

Date of issuance: October 5, 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[License No. R-83; Amdt. 2]

The Atomic Energy Commission having found that:

a. The application for license amendment dated August 8, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. There is reasonable assurance that (i) the activities authorized by this license, as amended, can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

c. Texas A & M University is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

d. Texas A & M University is a nonprofit educational institution and will operate the reactor for the conduct of educational activities. Texas A & M University is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Energy Act of 1954, as amended;

e. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and

f. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility License No. R-83, as amended, which authorizes The Texas Agricultural and Mechanical College System to operate its pool-type nuclear reactor located on its campus at College Station, Tex., is hereby further amended in accordance with the application.

1. "Texas A & M University" is substituted for "The Texas Agricultural and Mechanical College System" wherever it appears in License No. R-83.

2. This amendment is effective as of the date of issuance.

Date of issuance: October 5, 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-11060; Filed, Oct. 11, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17597]

CIVIL AIR TRANSPORT CO., LTD.

Notice of Indefinite Postponement of Prehearing Conference

On October 5, 1966, Civil Air Transport Co., Ltd., requested a further postponement of the prehearing conference in this proceeding until October 13, 1966. Good cause has been shown by applicant in support of its request; however, inasmuch as the conference has been postponed on several previous occasions at its request it would appear more appropriate to postpone the matter for an indefinite period rather than to the date suggested by the applicant. Accordingly, notice is given herewith that the prehearing conference now assigned to be held on October 6, 1966, is hereby postponed indefinitely.

Dated at Washington, D.C., October 5, 1966.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 66-11063; Filed, Oct. 11, 1966; 8:47 a.m.]

[Docket No. 17711]

LINEA AEREA NACIONAL—CHILE (LAN)

Notice of Hearing

Application of Linea Aerea Nacional—Chile (LAN) for the further amendment of its amended foreign air carrier permit by the addition of New York, N.Y., as a coterminal point and the redesignation of Miami, Fla., as a coterminal point.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 18, 1966, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Hearing Examiner.

Dated at Washington, D.C., October 6, 1966.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 66-11084; Filed, Oct. 11, 1966, 8:47 a.m.]

[Docket 17727]

W.A.A.C. (NIGERIA) LTD.

Notice of Postponement of Prehearing Conference

Application for renewal of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given that the prehearing conference on the above-entitled application now assigned for October 12, 1966, is postponed to October 19, 1966. The conference will be held at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., October 7, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11151; Filed, Oct. 11, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC., AND MESSRS. REDERIAKTIEBOLAGET HELSINGBORG

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. Gerald Shea, Traffic Manager, Operations, Farrell Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Agreement 9581, between Farrell Lines, Inc., and Messrs. Rederiaktiebolaget Helsingborg, cover the establishment of a through billing arrangement for the movement of general cargo from Messrs. Rederiaktiebolaget Helsingborg's ports of call in New Guinea to Farrell Lines ports of call at U.S. Atlantic and Gulf ports with transshipment at Australian ports in accordance with the terms and conditions set forth in the agreement.

Dated: October 6, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11085; Filed, Oct. 11, 1966; 8:47 a.m.]

GRACE LINE, INC., AND ROYAL NETHERLANDS STEAMSHIP CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. C. Astudillo, General Manager, Freight Rates and Conference Relations, Grace Line, Inc., 3 Hanover Square, New York, N.Y. 10004.

Agreement 9580, between Grace Line, Inc., and Royal Netherlands Steamship Co., proposes the establishment of a through billing service for the movement of general cargo from U.S. Pacific Coast ports to the ports of Georgetown, British Guiana; Paramaribo, Surinam; and Cayenne, French Guiana with transshipment at Port of Spain, Trinidad, in accordance with the terms and conditions set forth in the agreement.

Dated: October 6, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11086; Filed, Oct. 11, 1966; 8:47 a.m.]

MOORE-McCORMACK LINES, INC., AND ADOLFO MOREY E HIJOS

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. B. Ewers, Attorney, Ira L. Ewers, Suite 401, 1000 16th Street NW., Washington, D.C. 20036.

Agreement 9579, between Moore-McCormack Lines, Inc., and Adolfo Morey E Hijos provides for the establishment of a through billing service for the movement of cargo between Peruvian Amazon Region ports and U.S. East Coast ports, with transshipment at Belem, Brazil. In addition, each company will act as the other's agent at the respective destinations, all in accordance with the terms and conditions of the agreement.

Dated: October 6, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11088; Filed, Oct. 11, 1966; 8:47 a.m.]

PACIFIC WESTBOUND CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

William C. Galloway, Chairman, Pacific Westbound Conference, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement 57–86, between the member lines of the Pacific Westbound Conference, Agreement 57, as amended, would modify Article 6 of the basic agreement by deleting certain language pertaining to the retention of conference voting records previously required to appear in rate making agreements by the Commission's General Order No. 18. As initially promulgated by the Commission on January 29, 1966. By revised order issued September 1, 1966, this language is no longer required.

Dated: October 6, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66–11090; Filed, Oct. 11, 1966; 8:48 a.m.]

OCEANBROKERS, INC., ET AL.

Independent Ocean Freight Forwarder Licenses and Applications Therefor

Notice is hereby given of the cancellation of the following independent ocean freight forwarder licenses.

LICENSES

Oceanbrokers, Inc., 500 Sansome Street, San Francisco, Calif. 94111; License No. 1077, suspended September 19, 1966.

Eastern Freight Forwarders, Inc., Post Office Box 433, 309 St. Michael Street, Mobile, Ala.; License No. 1107, canceled September 21, 1966.

H. C. Richards Co. (Helen Currie Richards, d.b.a.) 125B 26th Street, Newport News, Va.; License No. 998, canceled September 13, 1966.

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses filed pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANT

E & R Forwarders, Inc., 150 Broadway, New York, N.Y.; Application No. 654, denied September 14, 1966.

NEW APPLICANTS

Carl F. Ewig, Inc., 82 Wall Street, New York, N.Y. 10005; Application withdrawn September 21, 1966.

United Van Lines, Inc., No. 1 United Drive Fenton, St. Louis County, Mo. 73026; Application withdrawn September 26, 1966.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

Air Freight Specialists, Inc., 140 Cedar Street, New York, N.Y. 10006; Martin Strauss, president; Pasquale Pascarella, secretary and treasurer.

Crescent Transport Co. (Adil Araboglu, d.b.a.), 1200 18th Street NW., Washington, D.C. 20036; Adil Araboglu, owner.

Cuestas Moving & Express Corp., 204 Nine Street, Brooklyn, N.Y.; Luciano Stella, president and treasurer; Manuel H. Medina, vice president and secretary.

Wilson Warehouse Co. of Texas, Inc., 2321 Sorrell Avenue, Post Office Box 748, Baton Rouge, La.; Ernest D. Wilson, president; Margaret M. Wilson, secretary and treasurer; Patricia W. Baldridge, vice president; C. D. Baldridge, Jr., vice president and general manager; Carolyn W. Sandor, vice president.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses.

ADDRESS CHANGES

R. J. Bolte, 223 Lafayette Building, Fifth and Chestnut Streets, Philadelphia, Pa.; License No. 1127.

Paul A. Boulo (Branch), 301 Pascagoula, Moss Point Bank Building, Pascagoula, Miss. 39567; License No. 788.

Pan American Shipping Co., Inc., Post Office Box 3385, New Orleans, La. 70117; License No. 245.

Bridgetts & Co., Inc., 27 Pearl Street, New York, N.Y. 10004; License No. 609.

Eyrnes & Lowery, 55 Broadway, New York, N.Y.; License No. 828.

Cleto Hernandez R., 267 West 89th Street, Suite 6–C, New York, N.Y. 10024; License No. 1108.

The Hipage Co., Inc. (Branch), 125B 26th Street, Newport News, Va.; License No. 498.

Impex Services, 260 California Street, Room 1105, San Francisco, Calif. 94111; License No. 27.

American Transatlantic Package Forwarders, 15 Park Row, New York, N.Y. 10038; License No. 708.

Luigi-Serra, Inc., 21 West Street, New York, N.Y. 10006; License No. 282.

M. A. Graser-Rothe, 414 Walnut Street, 703 Mercantile Library Building, Cincinnati, Ohio 45202; License No. 983.

Metro Shipping Corp., 50 Doncaster Road, Malverne, N.Y. 11565; License No. 368.

J. B. Wood Shipping Co., Inc., 17 Battery Place, New York, N.Y. 10004; License No. 81.

United States Forwarding Corp., 80 Broad Street, New York, N.Y.; License No. 12.

CHANGE OF OFFICERS

American Express Co. (License No. 289), 65 Broadway, New York, N.Y.; Brooks Banker, vice president; James A. Henderson, treasurer and senior vice president.

Orbit Shipping Corp. (License No. 136), 24 Stone Street, New York, N.Y.; Walter J. Cowan, traffic manager.

Trans Atlantic Shipping Co., Ltd. (License No. 1010), 52 Broadway, New York, N.Y. 10004; Galo Pineda, president; William G. Bikora, vice president; Ivan A. Barrow, secretary and treasurer.

Fulton Freight Forwarding Corp. (License No. 611), 32 Broadway, New York, N.Y.; Charles F. Capaldo, secretary.

Sorrentino Shipping, Inc. (License No. 878), 80 Broad Street, New York, N.Y. 10004; Robert R. Risch, vice president and treasurer; Alfred J. Visone, vice president and secretary.

C. H. Timms & Son, Inc. (License No. 579), 55 Broadway, New York, N.Y.; Charles H. Timm, Jr., president; William C. Fischofer, vice president; Robert A. Craft, vice president; Margaret C. Timm, secretary; Genevieve E. Timm, treasurer.

Florida Panama Forwarders, Inc. (License No. 1085), 844 Biscayne Boulevard, Miami, Fla. 33132; Julio Lecuona, secretary.

NEW APPLICANTS LICENSED

September 1966

Dickinson, Mikell & Comar, Inc., 4 North Atlantic Wharf, Suite 201, Charleston, S.C.; License No. 1129, issued September 6, 1966.

Air Freight Specialists, d.b.a. Hemisphere Air Freight, 140 Cedar Street, New York, N.Y.; License No. 1130, issued September 28, 1966.

CHANGE OF NAME

Alba Forwarding, Inc. (Branch), to Alba Chicago, Inc., 327 South La Salle Street, Chicago, Ill. 60604; License No. 267.

Dated: October 7, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66–11087; Filed, Oct. 11, 1966; 8:47 a.m.]

[Docket No. 66–53]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE

Order of Investigation Regarding Limitation on Transshipment

The North Atlantic United Kingdom Freight Conference operates under Agreement No. 7100–2, approved by the Federal Maritime Commission on August 6, 1965, pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814). The member lines of the conference have now filed with the Commission a modification (No. 7100–3) for approval under section 15. This modification provides (1) for transshipment at European Continental ports of containerized cargo only on vessels owned or wholly time chartered by the member line, and (2) that all other transshipment shall continue to be prohibited.

Sea-Land Service, Inc., a member of the conference, has protested approval of this modification. The protest raises the question whether Agreement No. 7100–3 was adopted in accordance with the terms of the basic agreement, whether Agreement No. 7100–3 meets the standard for approval set forth in section 15, and whether Agreement No. 7100–3 was carried out, in whole or part, prior to approval by the Commission.

The Commission is of the opinion that, in order to resolve these questions and to determine whether Agreement No. 7100–3 should be approved, disapproved, or modified, it will institute an investigation so that it can make these determinations upon an evidentiary record.

Therefore, it is ordered, That the Commission, pursuant to section 15 and section 22 of the Shipping Act, 1916 (46 U.S.C. 814, 821), institute an investigation to determine:

1. Whether the present agreement, Agreement No. 7100–2, limits or prohibits transshipments;

2. Whether the modification, Agreement No. 7100–3, was adopted in accordance with the provisions of the basic conference agreement, Agreement No. 7100–2;

3. Whether the modification, Agreement No. 7100–3, should be approved, disapproved, or modified pursuant to section 15; and

4. Whether the modification, Agreement No. 7100–3, or other agreement, understanding, or arrangement that limits or prohibits transshipment, has been entered into or carried out, since August 6, 1965, prior to the filing with and approval of the Federal Maritime Commission.

It is further ordered, That the North Atlantic United Kingdom Freight Conference and the member lines thereof, as listed in Appendix A hereto, are hereby made respondents in this proceeding; and

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 20, 1966, with copy to parties;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

North Atlantic United Kingdom Freight Conference, Mr. R. J. Gage, Chairman, 17 Battery Place, New York, N.Y. 10004.

Anchor Line, Ltd., The Cunard Steam-Ship Co., Ltd., 25 Broadway, New York, N.Y. 10004.

Bristol City Line of Steamships, Ltd., Charles Hill & Sons, Inc., General Agents, 1 Broadway, New York, N.Y. 10004.

The Cunard Steam-Ship Co., Ltd., 25 Broadway, New York, N.Y. 10004.

Irish Shipping Ltd., Hansen & Tidemann, Inc., General Agents, 67 Broad Street, New York, N.Y. 10004.

Johnston Warren Lines, Ltd., Furness, Withy & Co., Ltd., 34 Whitehall Street, New York, N.Y. 10004.

Manchester Liners, Ltd., Furness, Withy & Co., Ltd., 34 Whitehall Street, New York, N.Y. 10004.

Sea-Land Service, Inc., Post Office Box 1050, Terminal and Fleet Streets, Elizabeth, N.J. 07207.

The Ulster Steamship Co., Ltd., Ellerman's Wilson Line, 26 Beaver Street, New York, N.Y. 10004.

United States Lines Co., 1 Broadway, New York, N.Y. 10004.

[F.R. Doc. 66–11089; Filed, Oct. 11, 1966; 8:48 a.m.]

FEDERAL AVIATION AGENCY

AIRPORT TRAFFIC CONTROL TOWER, ALEXANDER HAMILTON AIRPORT, ST. CROIX, V.I.

Notice of Commissioning

Notice is hereby given that on or about November 7, 1966, the Airport Traffic Control Tower at Alexander Hamilton Airport, St. Croix, V.I., will begin operation, providing VFR airport traffic control services to aircraft operating at Alexander Hamilton Airport.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66–11063; Filed, Oct. 11, 1966; 8:45 a.m.]

FLIGHT SERVICE STATION, ST. CROIX, V.I.

Notice of Closing

Notice is hereby given that on or about November 7, 1966, the Flight Service Station, St. Croix, V.I., will be closed concurrent with the commissioning of the Airport Traffic Control Tower at Alexander Hamilton Airport. Services formerly provided by this facility will be provided by the San Juan, P.R., International Flight Service Station.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66–11064; Filed, Oct. 11, 1966; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BAYSTATE CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (section 3(a)(3) of the Act, as amended by Public Law 89–485, which became effective July 1, 1966), by Baystate Corp., which is a bank holding company located in Boston, Mass., for the prior approval of the Board of the acquisition by Applicant of up to 100 percent of the voting shares of The Merchants National Bank of New Bedford, New Bedford, Mass.

Section 3(c) of the Act, as amended, provides that:

The Board shall not approve

(1) Any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 5th day of October 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66–11066; Filed, Oct. 11, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3782]

GREAT AMERICAN INDUSTRIES, INC.

Order Suspending Trading

OCTOBER 5, 1966.

The common stock, 10 cents par value, of Great American Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock, Series A, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 6, 1966, through October 15, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–11069; Filed, Oct. 11, 1966; 8:46 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

OCTOBER 5, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended this order to be effective for the period October 6, 1966, through October 15, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11070; Filed, Oct. 11, 1966; 8:46 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

OCTOBER 5, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 6, 1966, through October 15, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11071; Filed, Oct. 11, 1966; 8:46 a.m.]

[File No. 70-4420]

OHIO POWER CO.

Notice of Proposed Issue and Sale of Notes to Banks

OCTOBER 6, 1966.

Notice is hereby given that Ohio Power Co. ("Ohio"), 301 Cleveland Avenue SW., Canton, Ohio, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof and Rule 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio proposes to issue and sell, from time to time prior to December 31, 1966, its promissory notes in an aggregate principal amount not to exceed $58,600,000 outstanding at any one time, to the following banks in the respective amounts shown:

Irving Trust Co., New York, N.Y.	$8,900,000
First National City Bank of New York, N.Y.	8,900,000
Manufacturers Hanover Trust Co., New York, N.Y.	7,000,000
Continental Illinois National Bank & Trust Co., Chicago, Ill.	7,000,000
Morgan Guaranty Trust Co. of New York, N.Y.	6,500,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	5,800,000
Chase Manhattan Bank, New York, N.Y.	5,800,000
Bankers Trust Co., New York, N.Y.	2,900,000
Chemical Bank New York Trust Co., New York, N.Y.	2,900,000
The Northern Trust Co., Chicago, Ill.	2,900,000
Total	58,600,000

Each note will be dated as of the date of issue, will bear interest at the then current prime rate (currently 6 percent per annum), will mature within 270 days thereafter, and will be prepayable at any time, in whole or in part, without penalty or premium. Approval is requested for the issue and sale of any note which is not exempted from the provisions of section 6(a) of the Act by the first sentence of section 6(b) thereof. Ohio proposes to use the proceeds from the sale of the proposed notes to temporarily finance, in part, its construction costs, which are estimated at about $142,000,000 for the second half of 1966 and the year 1967. It is estimated that approximately one-half of its construction expenditures will be obtained from internal sources and that the next permanent financing of Ohio, expected to consist of senior securities and equity securities or a capital contribution, will be completed during 1967. All of the notes outstanding at the time of Ohio's permanent financing will be paid from the proceeds of such financing which will be subject to further proceedings before this Commission.

The declaration states that there will be no fees, commissions, or expenses incident to the proposed transactions and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 2, 1966, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11092; Filed, Oct. 11, 1966; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 7, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40734—*Cement and related articles from Gifco, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8903), for interested rail carriers. Rates on cement and related articles, in carloads, from Gifco, Tex., to points in Illinois Freight Association, southern, southwestern, and western trunkline territories, also Mississippi and Ohio River crossings, and Virginia cities gateway points.

Grounds for relief—Market competition.

Tariffs—Supplement 69 to Southwestern Freight Bureau, agent, tariff ICC 4587 and Southwestern Freight Bureau, agent, tariff ICC 4701.

FSA No. 40735—*Chlorine to Jay, La.* Filed by Southwestern Freight Bureau, agent (No. B-8900), for interested rail carriers. Rates on chlorine, in carloads, from Evans City, Ala., to Jay, La.

Grounds for relief—Market competition.

Tariff—Supplement 142 to Southwestern Freight Bureau, agent, tariff ICC 4469.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11093; Filed, Oct. 11, 1966; 8:48 a.m.]

[Notice 416]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 7, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 629 (Deviation No. 30), HELM'S EXPRESS, INC., 1011 Lincoln Highway, West Irwin, Pa., filed October 3, 1966. Carrier's representative: Richard J. Smith, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Elyria, Ohio, and Willoughby, Ohio, over Interstate Highway 90, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Elyria, Ohio, over U.S. Highway 20 to Euclid, Ohio, thence over U.S. Highway 6 to junction Ohio Highway 91, thence over Ohio Highway 91 to junction U.S. Highway 20, thence over U.S. Highway 20 to Willoughby, Ohio, and return over the same route.

No. MC 38565 (Deviation No. 3), HARRIS MOTOR EXPRESS, INC., Charlestown Road, Post Office Box 1288, Martinsburg, W. Va. 25401, filed October 3, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Hagerstown, Md., and Winchester, Va., over Interstate Highway 81, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Hagerstown, Md., and Winchester, Va., over U.S. Highway 11.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 333) (Cancels Deviation No. 292), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed September 30, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From St. Louis, Mo., over Interstate Highway 55 to junction U.S. Highways 61 and 67, 4.7 miles from the St. Louis, Mo., city limits, with the following access route: From junction Interstate Highway 55 and U.S. Highways 61 and 67 over U.S. Highways 61 and 67 to junction Missouri Highway 267; and (2) from junction Interstate Highway 55 and U.S. Highway 61, 4 miles east of Jackson, Mo., over Interstate Highway 55 to Memphis, Tenn., with the following access routes: (a) From junction Interstate Highway 55 and U.S. Highway 62 over U.S. Highway 62 to Sikeston, Mo., (b) from junction Interstate Highway 55 and Missouri Highway 162 over Missouri Highway 162 to Portageville, Mo., (c) from junction Interstate Highway 55 and Missouri Highway 84 over Missouri Highway 84 to Hayti, Mo., (d) from junction Interstate Highway 55 and Arkansas Highway 18 over Arkansas Highway 18 to Blytheville, Ark., (e) from junction Interstate Highway 55 and Arkansas Highway 140 over Arkansas Highway 140 to Osceola, Ark., (f) from junction Interstate Highway 55 and Arkansas Highway 181 over Arkansas Highway 181 to Wilson, Ark., (g) from junction Interstate Highway 55 and Arkansas Highway 118 over Arkansas Highway 118 to Joiner, Ark., and (h) from junction Interstate Highway 55 and Arkansas Highway 42 over Arkansas Highway 42 to Turrell, Ark., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to Mehlville, Mo., thence over U.S. Highway 61 to junction old U.S. Highway 61 at a point approximately 1 mile northeast of Turrell, Ark., thence over old U.S. Highway 61 to Turrell, Ark., thence over U.S. Highway 61 via Clarksdale, Miss., to Vicksburg, Miss., and return over the same route.

No. MC 61616 (Deviation No. 17), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, Ark., filed October 3, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 45 and U.S. Highway 75, 4 miles south of Huntsville, Tex., over Interstate Highway 45 to junction Texas Highway 150 (as access road) thence over Texas Highway 150 to New Waverly, Tex. (a distance of 14 miles), (2) from New Waverly, Tex., over Texas Highway 150 (as access road) to junction Interstate Highway 45, thence over Interstate Highway 45 to junction Farm Road 1097 (as access road), thence over Farm Road 1097 to Willis, Tex. (a distance of 8 miles) and (3) from Willis, Tex., over Farm Road 1097 (as access road) to junction Interstate Highway 45, thence over Interstate Highway 45 to junction U.S. Highway 75, 3 miles south of Conroe, Tex. (a distance of 12 miles), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to Judsonia, Ark., thence over U.S. Highway 67 to junction U.S. Highway 67C, thence over U.S. Highway 67C to junction U.S. Highway 67, thence over U.S. Highway 67 to Maud, Tex., thence over Texas Highway 8 to junction U.S. Highway 59, thence over U.S. Highway 59 to Marshall, Tex., thence over Texas Highway 43 to Henderson, Tex., thence over U.S. Highway 79 to Palestine, Tex., thence over U.S. Highway 287 to Crockett, Tex., thence over Texas Highway 19 to Huntsville, Tex., thence over U.S. Highway 75 to Houston, Tex., thence over Texas Highway 288 to Freeport, Tex., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11094; Filed, Oct. 11, 1966; 8:48 a.m.]

[Notice 975]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 7, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 109478 (Sub-No. 98), filed August 25, 1966, published FEDERAL REGISTER September 22, 1966, and republished this issue. Applicant: WORSTER MOTOR LINES, INC., Gary Road, Post Office Box 110, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and materials and supplies* used in the manufacture, distribution, and sale thereof, between Toledo, Ohio, on the one hand, and, on the other, points in New York and New Jersey. NOTE: The purpose of

this republication is to reflect the hearing information.

HEARING: October 24, 1966, at the New Post Office Building, 85 Marconi Boulevard, Columbus, Ohio, before Examiner Elden J. Miller.

No. MC 128487 (Amendment), filed July 21, 1966, published FEDERAL REGISTER issue of August 24, 1966, amended and republished, this issue. Applicant: C & A TRANSPORT, INC., 4923 Old Midlothian Pike, Post Office Box 8811, Richmond, Va. 23225. Applicant's representative: John D. Clark, Post Office Box 608, Washington, D.C. 20044. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: Over regular routes: (1) *Such commodities as* are dealt in by wholesale grocery houses and *malt beverages*, from Baltimore, Md., over U.S. Highway 1 to Washington, D.C., thence over U.S. Highway 211 to Warrenton, Va., and thence over U.S. Highway 29 to Charlottesville, Va., and return over the same route, serving the intermediate point of Washington, D.C., restricted to pickup only, and (2) *empty malt beverage containers*, from Charlottesville, Va., over the above-specified route in (1) above to Baltimore, Md., and return over the same route, serving the intermediate point of Washington, D.C., restricted to delivery only, and over irregular routes: *Malt beverages*, from Cumberland, Md., to Charlottesville, Va. NOTE: Common control may be involved. Applicant states this application is for conversion from contract authority in MC 33597 and Sub 2 to common carrier authority. The purpose of this republication is to more clearly set forth the proposed operation, reflect the hearing information, to indicate said proceeding will be heard concurrently with MC-F-9493, Russell Beverley Trucking Co., Inc., Control and Merger—C & A Transport, Inc., and to show that MC-F-9493 has been transferred from Examiner Alvin H. Schutrumpf to Examiner Paul J. Clerman.

HEARING: November 7, 1966, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Paul J. Clerman.

No. MC 66562 (Sub-No. 1257), and MC 66562 (Sub-No. 1269) (Extension of expiration date of operating authority), filed August 8, 1966. Applicant: RAILWAY EXPRESS AGENCY INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: William H. Marx (same address as applicant). The above-named carrier in certificates Nos. MC 66562 (Sub-Nos. 1257 and 1269), dated August 29, 1956, and September 4, 1956, respectively, holds authority to operate as a common carrier by motor vehicle, of classes A and B explosives, among other things, from and to certain points over regular routes; that those portions of the certificates authorizing the transportation of classes A and B explosives expired by their express terms, on August 29, 1961, and September 4, 1961; by petitions filed August 8, 1966, application is made to extend the expiration dates of those portions of the certificates authorizing the transportation of classes A and B explosives. An order of the Commission, Division 1, dated September 22, 1966, and served October 3, 1966, finds that inasmuch as the certificates have expired on August 29, 1961, and September 4, 1961, the said petitions of August 8, 1966, will be treated as petitions for reinstatement of the certificates. That certificates Nos. MC 66562 (Sub-Nos. 1257 and 1269), dated August 29, 1956, and September 4, 1956, to the extent such certificates authorize the transportation of classes A and B explosives, be, and they are hereby, reinstated, and the expiration dates of said portions of those certificates be, and they are hereby, fixed as 5 years from the effective date of this order. Unless an appropriate protest or other pleading is filed as provided in the second preceding paragraph (in which event the effective date of this order will be postponed pending the disposition thereof), this order shall be effective 30 days from the date of the FEDERAL REGISTER publication provided for above. Because it is possible that other parties may have an interest in and would be prejudiced by the lack of proper notice of the action taken in this order, a notice thereof will be published in the FEDERAL REGISTER and the effective date of this order will be postponed for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 114877 (Sub-No. 4), filed September 26, 1966. Applicant: CARGO-IMPERIAL FREIGHT LINES, INC., 91 Mountain Road, Burlington, Mass. 01801. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between points in Columbia County, N.Y., (2) between points in Columbia County, N.Y., on the one hand, and, on the other, points in Albany, Dutchess, Montgomery, Rensselaer, Saratoga, Schenectady, Warren, and Westchester Counties, N.Y., and New York City and Long Island City, N.Y., and the towns of Hempstead and West Hempstead, N.Y., (3) between points in Montgomery County, N.Y., on the one hand, and, on the other, points in Albany, Dutchess, Rensselaer, Saratoga, Schenectady, Warren, and Westchester Counties, N.Y., and New York City and Long Island City, N.Y., and the towns of Hempstead and West Hempstead, N.Y., (4) between New York City and Long Island City, N.Y., and the towns of Hempstead and West Hempstead, N.Y., and points in Westchester County, N.Y., on the one hand, and, on the other, points in Albany, Dutchess, Montgomery, Rensselaer, Saratoga, Schenectady, and Warren Counties, N.Y., (5) between points in Herkimer County, N.Y., and points in Columbia, Dutchess, and Westchester Counties, N.Y., and New York City and Long Island City, N.Y., and the towns of Hempstead and West Hempstead, N.Y., and (B) *textile products*, from points in Columbia County, N.Y., to points in Herkimer County, N.Y. NOTE: Applicant states it intends to tack at points in Albany, Montgomery, and Columbia Counties, N.Y., on traffic moving to or from points in New York, Massachusetts, Rhode Island, and Connecticut. This application is directly related to application in MC-F-9542, published FEDERAL REGISTER issue of October 5, 1966.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9544. Authority sought for purchase by CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa, of the operating rights of ROY FRANCIS MESSINGER (EDITH C. MESSINGER, EXECUTRIX), doing business as MESSINGER'S, 1131 5th Street NW., Cedar Rapids, Iowa, and for acquisition by HERALD A. SMITH, JR., and MIRAM G. SMITH, both of 536 Valley Brook Drive SE., Cedar Rapids, Iowa, of control of such rights through the purchase. Applicants' representatives: Robert E. Konchar, Suite 315 Commerce Exchange Building, Cedar Rapids, Iowa, Herald A. Smith, Jr., Post Office Box 68, Cedar Rapids, Iowa, and Robert E. Ford, 830 Higley Building, Cedar Rapids, Iowa. Operating rights sought to be transferred: *Heavy machinery* and *wrecked automobiles and trucks*, as a *common carrier*, over irregular routes, between Cedar Rapids, Iowa, on the one hand, and, on the other, points in Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Wisconsin, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9545. Authority sought for purchase by M. G. M. TRANSPORT CORPORATION, 800 Main Street, Paterson, N.J., of the operating rights and property of H. KOHNKE, INC., 55 Bushwick Place, Brooklyn, N.Y., and for acquisition by MICHAEL MASSOOD and GEORGE MASSOOD, both also of Paterson, N.J., of control of such rights and property through the purchase. Applicants' attorney and representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y., and Vincent Pitaro, 107-21 Queens Boulevard, Forest Hills, N.Y. Operating rights sought to be transferred: *New furniture*, as a *common carrier*, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in that part of New Jersey and New York within 100 miles of Columbus Circle, New York, N.Y.; and *new furniture*, crated and uncrated, from Kingston, N.Y., to points in New York, New Jersey, and Pennsylvania, from Eldred, Pa., and Boonville, Buffalo, and Herkimer, N.Y., to Kingston, N.Y., with restriction. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9546. Authority sought for purchase by DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo., of the operating rights of SMOCK TRANSPORTATION COMPANY, INC. (WALTER SMOCK, TRUSTEE IN BANKRUPTCY), Doniphan, Mo., and for acquisition by PAUL D. DODDS, MELBOURN DODDS, and DAVID D. DODDS, all also of West Plains, Mo., of control of such rights through the purchase. Applicants' attorneys: Elvis Mooney, Bloomfield, Mo., and Frank W. Taylor, Jr., 1221 Baltimore, Kansas City, Mo. 64105. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Hoxie, Ark., and National Stock Yards, Ill., serving certain intermediate points, between Doniphan, Mo., and Poplar Bluff, Mo., serving certain intermediate and off-route points, between Corning, Ark., and Walter Ridge, Ark., serving all intermediate and certain off-route points; between Roxana, Ill., and Doniphan, Mo., as follows: *Petroleum lubricating oils and greases*, from Roxana over unnumbered highway to junction Illinois Highway 159, thence over Illinois Highway 159 to junction Alternate U.S. Highway 67, thence over Alternate U.S. Highway 67 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction Missouri Highway 14, and thence over Missouri Highway 14 to Doniphan. Vendee is authorized to operate as a *common carrier* in Missouri, Arkansas, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9547. Authority sought for purchase by MID-CONTINENT FREIGHT LINES, INC. (OKLA. CORP.), 11 Oak Street SE., Minneapolis, Minn. 55414, of a portion of the operating rights of SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105, and for acquisition by MID-CONTINENT FREIGHT LINES INC. (MINN. CORP.), also of Minneapolis, Minn., of control of such rights through the purchase. Applicants' attorney: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: (A) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Moberly, Mo., and Kansas City, Mo., serving all intermediate points; and *general commodities*, excepting, among others, household goods and commodities in bulk, in truckload lots, over irregular routes, between points on the routes specified in (A) above, on the one hand, and, on the other, points in Iowa. Vendee is authorized to operate as a *common carrier* in Oklahoma, Missouri, Kansas, Illinois, Texas, Minnesota, Wisconsin, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9548. Authority sought for purchase by PHILIPP TRANSIT LINES, INC., Highway 100 East, Post Office Box 335, Washington, Mo. 63090, of the operating rights of FISCHER TRUCKING COMPANY, 7467 Maple Avenue, Post Office Box 3430, Maplewood, Mo. 63143, and for acquisition by PAUL F. PHILIPP, 512 West 10th Street, Washington, Mo., of control of such rights through the purchase. Applicants' attorney: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between East St. Louis, Ill., and Linn, Mo., serving all intermediate and certain off-route points, between junction U.S. Highway 50 and Missouri Highway 100 and junction U.S. Highway 50 and Missouri Highway 89, between Rosebud, Mo., and Belle, Mo., between Washington, Mo., and Union, Mo., serving all intermediate points; one alternate route for operating convenience only; and *livestock*, over irregular routes, from certain specified points in Missouri, to National Stock Yards, Ill. Vendee is authorized to operate as a *common carrier* in Missouri and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9549. Authority sought for purchase by DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508, of a portion of the operating rights and certain property of RINGLE TRANSPORT, INC., 405 South Grand Street, Fowler, Ind. 47944, and for acquisition by BERT GLUPKER, LOUIS E. CAIN, and EUGENE BEENE, all also of Grand Rapids, Mich., of control of such rights and property through the purchase. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Operating rights sought to be transferred: *Roofing and roofing materials*, as a *common carrier*, over irregular routes, from Whiting, Ind., to points in Illinois, Ohio, Kentucky, and West Virginia, and those in Missouri within 10 miles of the west bank of the Missouri River; *insulated brick siding*, from Lowell, Ind., to points in Illinois, Ohio, Kentucky, and West Virginia, and those in Missouri within 10 miles of the west bank of the Mississippi River; *roofing, building and insulating materials*, from Lockland, Ohio, to points in Indiana (except Lake County), Illinois, and Louisville, Ky., from Joliet, Ill., to points in Indiana (except Lake County), Ohio, those in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and Louisville, Ky., from Vandalia, Ill., to points in Indiana, Ohio, those in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and Louisville, Ky., from St. Louis, Mo., to points in Indiana (except Indianapolis, and points in Lake County), and to points in Ohio (except Cincinnati); and *roofing and roofing materials*, from Joliet, Ill., to points in West Virginia and Kentucky (except Louisville), with restriction. Vendee is authorized to operate as a *common carrier* in Connecticut, Maine, Michigan, Illinois, Ohio, Indiana, Tennessee, Iowa, Virginia, West Virginia, Iowa, Wisconsin, Missouri, Nebraska, Kentucky, Rhode Island, Delaware, Maryland, Minnesota, Vermont, Mississippi, New Jersey, New York, New Hampshire, and Pennsylvania; and as a *contract carrier* in Michigan, Ohio, Missouri, Indiana, Illinois, Wisconsin, Pennsylvania, Kentucky, West Virginia, Iowa, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9550. Authority sought for control and merger by ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, of the operating rights and property of ROCKET TRANSPORTATION COMPANY, Old Airport Road, Post Office Box 310, New Cumberland, Pa., and for acquisition by GALEN J. ROUSH, also of Akron, Ohio, of control of such rights and property through the transaction. Applicants' attorneys: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas W. Faris, Post Office Box 471, Akron, Ohio 44309. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Harrisburg, Pa., and York Haven, Pa., serving all intermediate points, and the off-route point of Marysville, Pa.; and *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points west of the Susquehanna River, within 6 miles of New Cumberland, Pa., including New Cumberland, on the one hand, and, on the other, points within 15 miles of New Cumberland; and under a certificate of registration, in Docket No. MC-43012 Sub. No. 3, covering the transportation of property, in intrastate commerce, as a common carrier, in the State of Pennsylvania. ROADWAY EXPRESS, INC. is authorized to operate as a *common carrier* in Ohio, Texas, Oklahoma, Michigan, Missouri, Indiana, Pennsylvania, Illinois, Kansas, Tennessee, Alabama, Georgia, North Carolina, South Carolina, New Jersey, New York, Kentucky, Maryland, West Virginia, Virginia, Connecticut, Wisconsin, Mississippi, Massachusetts, Rhode Island, and the District of Columbia. Application has not been

filed for temporary authority under

[Notice 977]

acts, and articles distributed by meat

at 9:30 a.m., before Examiner Lyle C.

No. MC 100542 (Sub-No. 13 TA), filed

HEARING: Wednesday, November 9,

filed for temporary authority under section 210a(b).

No. MC–F–9551. Authority sought for purchase by GREAT LAKES TRUCKING COMPANY, 29 Washington Street, Monroe, Mich. 48161, of the operating rights of O. R. Hayden, 1421 West Front Street, Monroe, Mich. 48161, and for acquisition by THOMAS E. GRIFFIN, 29 Washington Street, Monroe, Mich. 48161, of control of such rights through the purchase. Applicants' attorney: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Operating rights sought to be transferred: *Paper* and *paper products*, as a *contract carrier*, over irregular routes, from Monroe to points in Ohio, and those in that part on and west of U.S. Highway 19; *raw material for the manufacture of paper and paper products*, from points in the above-specified Ohio and Pennsylvania territory, to Monroe; *paper* and *paper products*, from Monroe, Mich., to Connersville, Ind., and points in that part of Indiana on and north of U.S. Highway 40; *raw materials used in the manufacture of paper and paper products*, from Connersville and points in the above-described Indiana territory, to Monroe; *strawboard, fiberboard, corrugated board*, and *boxes manufactured therefrom*, from Monroe, Mich., to points in Illinois, those in Missouri in the St. Louis, Mo., commercial zone, as defined in 1 M.C.C. 656, and certain specified points in Wisconsin and West Virginia; and *raw materials* used in the manufacture of the above-specified commodities, from the above destination points to Monroe. Vendee is authorized to operate as a *contract carrier* in Michigan and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9552. Authority sought for purchase by MARK E. YODER, INC., 41 Parkway, Schuylkill Haven, Pa. 17972, of the operating rights of JEANNETTE M. BOYLE, doing business as E. J. BOYLE, 622 Arlington Street, Tamaqua, Pa. 18252, and for acquisition by MARK E. YODER, also of Schuylkill Haven, Pa., and THOMAS E. YODER, Orchard Ave., Schuylkill Haven, Pa., of control of such rights through the purchase. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Operating rights sought to be transferred: *Anthracite coal*, as a *common carrier*, over irregular routes, from certain specified points in Pennsylvania, to certain specified points in New York, with exceptions. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, and Delaware. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–11095; Filed, Oct. 11, 1966; 8:48 a.m.]

[Notice 977]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 7, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 10761 (Sub-No. 201), filed October 10, 1966. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: Paul Coyle, 5631 Utah Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, from the plantsite of Swift & Co. located at or near Guymon, Okla., to points in Connecticut, Delaware, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted against tacking at origin and restricted against the transportation of commodities in bulk in tank vehicles.

HEARING: October 17, 1966, at the U.S. Post Office Building, Northwest Third and Robinson Streets, Oklahoma City, Okla., before Examiner W. Elliott Neffen.

No. MC 106194 (Sub-No. 17) (Amendment), filed January 10, 1966, published FEDERAL REGISTER issue of February 3, 1966, amended October 3, 1966, and republished, as amended, this issue. Applicant: HORN TRANSPORTATION, INC., 1119 West 24th Street, Kansas City, Mo. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except oil country tubular goods), between the plant and warehouse sites of C F & I Steel Corp. at or near Pueblo, Colo., on the one hand, and, on the other, points in Wyoming, Texas, Iowa, and Missouri. NOTE: The purpose of this republication is to broaden the radial territory.

HEARING: Remains assigned October 24, 1966, at the New Courthouse and Federal Building, 1961 Stout Street, Denver, Colo., before Examiner Jerome K. Soffer.

No. MC 118142 (Sub-No. 24) (Amendment), filed December 13, 1965, published in the FEDERAL REGISTER issue of January 6, 1966, amended and republished, this issue. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. Applicant's representative: James F. Miller, 7501 Mission Road, Shawnee Mission, Kans. 66208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except in tank vehicles), as described in appendix I, articles A and C, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wichita, Kans. (except the site of the Cudahy Packing Co.), to points in Alabama, Texas, Louisiana, Tennessee, Georgia, Mississippi, New Mexico, Oklahoma, Kentucky, Utah, Nevada, Washington, Oregon, and Colorado. NOTE: The purpose of this republication is to broaden the territorial description by adding Utah, Nevada, Washington, Oregon, and Colorado as destination States.

HEARING: October 24, 1966, at Lassen Terrace Motor Hotel, Wichita, Kans., at 9:30 a.m., before Examiner Lyle C. Farmer.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–11096; Filed, Oct. 11, 1966; 8:48 a.m.]

[Notice 267]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 7, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 89684 (Sub-No. 56 TA), filed October 5, 1966. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West Street, Post Office Box 366, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, moving in express service, between points in Utah and Idaho south of Idaho County, on the one hand, and, on the other hand, points north of the Idaho-Montana border on U.S. Highway 91, and Montana Highway 41; over U.S. Highway 91 to Butte, Mont., and return, serving all intermediate points, and over Montana Highway 41 to junction with U.S. Highway 10 to Butte, Mont., and return, serving all intermediate points, and the off-route point of Sheridan, Mont., for 180 days. Supporting shippers: The application is supported by statements from 22 shippers which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 100542 (Sub-No. 13 TA), filed October 5, 1966. Applicant: RANDALL R. SAIN, doing business as C–B TRUCK LINE, 1034 Humble Place, El Paso, Tex. 79915. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manganese ore*, in bulk, in hopper-type trailers, from site of Black Canyon Mine in Socorro, N. Mex., to El Paso, Tex., for 180 days. Supporting shipper: Clarence Major, Plant Superintendent, American Minerals, Inc., 3666 Doniphan Drive, El Paso, Tex. 79922. Send protests to: Jerry R. Murphy, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 109 U.S. Courthouse, Albuquerque, N. Mex. 87101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–11097; Filed, Oct 11, 1966; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 7, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M–4112, filed September 15, 1966. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 822 East Sixth Street, Little Rock, Ark. Applicant's representative: C. J. Lincoln, 1550 Tower Building, Little Rock, Ark. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Little Rock, Ark., and Fulton, Ark., from Little Rock, Ark., over U.S. Highway 67 to Fulton and return over the same route, service authorized at Curtis, Ark., and Fulton, Ark., and intermediate points between Curtis and Fulton, Ark., between Amity, Ark., and Arkadelphia, Ark., from Amity, Ark., over Arkansas Highway 8 to Arkadelphia, Ark., and return over the same route, service not authorized at intermediate points. Both intrastate and interstate authority sought.

HEARING: Wednesday, November 9, 1966, at the Arkansas Commerce Commission's Courtroom, Justice Building, Little Rock, Ark., at 10 a.m. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Arkansas Public Service Commission, Justice Building, Little Rock, Ark., and should not be directed to the Interstate Commerce Commission.

State Docket No. 9913, filed September 19, 1966. Applicant: SAIA MOTOR FREIGHT LINE, INC., Post Office Box 10157, Station No. 1, Naval Air Station, Houma, La. Applicant's representative: John L. Saia, 116 Central Avenue, Houma, La. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities*, (1) between New Orleans and Donaldsonville on Louisiana Highway 18, including the plantsite of Hooker Chemical Co. and Union Carbide, serving all intermediate points and return, and (2) between Thibodaux on Louisiana Highway 20 to Vacherie, serving all intermediate points and return.

HEARING: Date, time, and place of hearing to be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Louisiana Public Service Commission, Box 4035, Capitol Station, Baton Rouge, La. 70804, and should not be directed to the Interstate Commerce Commission.

State Docket No. 34105, filed August 31, 1966. Applicant: GAFFNEY MOTOR FREIGHT, INC., 724 South Columbus Street, Lancaster, Ohio 43130. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Certificate of public convenience and necessity sought to operate a freight service as follows: Applicant seeks to amend State certificate No. 1259–I and certificate of registration No. MC 106573, Sub 12, to authorize transportation of *property*, unrestricted, over irregular routes, from and to Lancaster, Ohio, and also the transportation of *household goods, office furniture, and fixtures* from and to any point within Fairfield County, Ohio. Both intrastate and interstate authority is sought.

HEARING: Thursday, October 20, 1966, at the offices of the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio, at 10 a.m., e.s.t. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–11098; Filed, Oct. 11, 1966; 8:48 a.m.]

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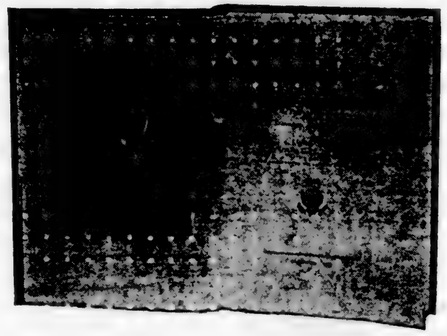
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Title 3—THE PRESIDENT

Proclamation 3751

NATIONAL FOREST PRODUCTS WEEK, 1966

By the President of the United States of America

A Proclamation

In the mighty forests of this Nation our people have an inheritance of majestic beauty which is both a material and a spiritual resource.

With the application of expanding scientific knowledge and technological advances, these forest resources—both public and private—yield a variety of products which contribute a large measure of our Nation's wealth, prosperity, and security.

Our forests

—sustain a vast complex of industries which employ a large segment of our population and contribute to the economic and social improvement of our forested rural areas.

—protect our water supply and our wildlife.

—provide unmatched opportunities for both physical recreation and spiritual uplift.

The Congress, in order to reemphasize the importance and heritage of our forest resources, has by a joint resolution of September 13, 1960 (74 Stat. 898), designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week, and has requested the President to issue annually a proclamation calling for the observance of that week.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, call upon the people of the United States to observe the week beginning October 16, 1966, as National Forest Products Week, with activities and ceremonies designed to direct public attention to the essential role that our forest resources play in stimulating the advancement of our rural economy and in the continued growth and prosperity of the entire Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of October in the year of our Lord nineteen hundred and sixty-six, and of the [SEAL] Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

NICHOLAS DEB. KATZENBACH,
Acting Secretary of State.

[F.R. Doc. 66-11234; Filed, Oct. 12, 1966; 10:41 a.m.]

Executive Order 11310

ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO THE ATTORNEY GENERAL

By virtue of the authority vested in me as President of the United States and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), it is hereby ordered as follows:

SECTION 1. *Scope.* (a) The Attorney General shall prepare national emergency plans and develop preparedness programs covering law-enforcement functions of concern to the executive branch of the Federal Government except to the extent that such functions are vested in other departments or agencies by statute or Executive order. Upon request, the Attorney General shall assist, as appropriate, in developing preparedness programs covering law-enforcement functions vested in other departments and agencies of the executive branch. He shall also provide, as appropriate, liaison with and guidance and assistance to the various divisions of State and local government, and maintain liaison with the Federal judicial system and the United States Congress as hereinafter set forth.

(b) These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including an attack upon the United States.

SEC. 2. *Basic Functions.* The Attorney General shall:

(a) *Emergency documents and measures.* Provide advice, as appropriate, with respect to any emergency directive or procedure prepared by a department or agency as a part of its emergency preparedness function.

(b) *Industry support.* As appropriate, review the legal procedures developed by the Federal agencies concerned to be instituted if it becomes necessary for the Government to institute extraordinary measures with respect to vital production facilities, public facilities, communications systems, transportation systems, or other facility, system, or service essential to national survival.

(c) *Judicial and legislative liaison.* In cooperation with the Office of Emergency Planning, maintain liaison with Federal courts and with the Congress so there will be mutual understanding of Federal emergency plans involving law enforcement and the exercise of legal powers during emergencies of various magnitudes.

(d) *Legal advice.* Develop emergency plans for providing legal advice to the President, the Cabinet, and the heads of Executive departments and agencies wherever they may be located in an emergency, and provide emergency procedures for the review as to form and legality of Presidential proclamations, Executive orders, directives, regulations, and documents and of other documents requiring approval by the President or by the Attorney General which may be issued by authorized officers after an armed attack.

(e) *Alien control and control of entry and departure.* Develop emergency plans for the control of alien enemies and other aliens within the United States and, in consultation with the Department of the Treasury, develop emergency plans for the control of persons attempting to enter or leave the United States. These plans shall specifically include provisions for the following:

(1) The location, restraint, or custody of alien enemies.

(2) Temporary detention of alien enemies and other persons attempting to enter the United States pending determination of their admissibility.

(3) Apprehension of deserting alien crewmen and stowaways.

(4) Investigation and control of aliens admitted as contract laborers.

(5) Control of persons entering or departing from the United States at designated ports of entry.

(6) Increased surveillance of the borders to preclude prohibited crossings by persons.

(f) *Alien property.* Develop emergency plans for the seizure and administration of property of alien enemies under provisions of the Trading with the Enemy Act.

(g) *Security standards.* In consultation with the Department of Defense and with other executive agencies to the extent appropriate, prepare plans for adjustment of security standards governing the employment of Federal personnel and Federal contractors in an emergency.

(h) *Research.* Within the framework of over-all Federal research objectives, supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task-force groups, and provide advice and assistance to other agencies in planning for research in areas involving the interests of the Department of Justice.

SEC. 3. *Civil Defense.* In consonance with national civil defense programs developed by the Department of Defense, the Attorney General shall:

(a) *Local law enforcement.* Upon request, consult with and assist the Department of Defense to plan, develop, and distribute materials for use in the instruction and training of law-enforcement personnel for civil defense emergency operations; develop and carry out a national plan for civil defense instruction and training for enforcement officers, designed to utilize to the maximum extent practicable the resources and facilities of existing Federal, State, and local police schools, academies, and other appropriate institutions of learning; and assist the States in preparing for the conduct of intrastate and interstate law-enforcement operations to meet the extraordinary needs that would exist for emergency police services under conditions of attack or imminent attack.

(b) *Penal and correctional institutions.* Develop emergency plans and procedures for the custody and protection of prisoners and the use of Federal penal and correctional institutional resources, when available, for cooperation with local authorities in connection with mass feeding and housing, for the storage of standby emergency equipment, for the emergency use of prison hospitals and laboratory facilities, for the continued availability of prison-industry products, and for the development of Federal prisoner skills to appropriately augment the total supply of manpower; advise States and their political subdivisions regarding the use of State and local prisons, jails, and prisoners for the purpose of relieving local situations and conditions arising from a state of emergency.

(c) *Identification and location of persons.* Develop emergency plans and procedures for the use of the facilities and personnel of the Department of Justice in assisting the Department of Health, Education, and Welfare with the development of plans and procedures for the identification of the dead and the reuniting of families during a civil defense emergency.

SEC. 4. *Interagency Cooperation.* Unless otherwise provided in this order, the Attorney General shall assume the initiative in developing joint plans for emergency preparedness functions described in this order in consultation with those departments and agencies which have responsibilities for any segment of such activities.

SEC. 5. *Presidential Coordination.* The Director of the Office of Emergency Planning shall advise and assist the President in determining policy for, and assist him in coordinating the performance of, functions under this order with the total national preparedness program.

SEC. 6. *Emergency Planning.* Emergency plans and programs shall be developed as an integral part of the continuing activities of the Department of Justice on the basis that it will have the responsibility for carrying out such programs during an emergency. The Attorney General shall be prepared to implement all appropriate plans developed under this order. Modifications, based on emergency conditions, will be in accordance with policy determinations by the President.

SEC. 7. *Emergency Actions.* Nothing in this order shall be construed as conferring authority under Title III of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2291–2297), or otherwise, to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Such authority is reserved to the President.

SEC. 8. *Redelegation.* The Attorney General is hereby authorized to redelegate within the Department of Justice the functions hereinabove assigned to him.

SEC. 9. *Construction.* Nothing in this order shall be deemed to derogate from any now-existing assignment of functions to any Executive agency or officer made by statute or by Executive order.

SEC. 10. *General.* To the extent of any inconsistency between the provisions of any prior order and the provisions of this order, the latter shall control.

LYNDON B. JOHNSON

THE WHITE HOUSE,
October 11, 1966.

[F.R. Doc. 66-11227; Filed, Oct. 11, 1966; 4:40 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Poultry Soups; Effective Date of Certain Amendments Postponed

On July 7, 1964, there were published in the FEDERAL REGISTER (29 F.R. 8456) certain amendments of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.) to become effective on January 1, 1965.

In a lawsuit instituted against the Secretary of Agriculture and other officials of the Department of Agriculture in the U.S. District Court for the District of New Jersey challenging the validity of the amendments with respect to soups containing poultry ingredients, on behalf of one processor of dehydrated soups, a preliminary injunction was issued restraining enforcement of such amendments against that processor with respect to dehydrated soup mixes. In order to afford equitable treatment to all poultry soup processors in view of this preliminary injunction, the effective date of the amendments insofar as they relate to all types of soups containing poultry ingredients, was postponed on a month-to-month basis until July 1, 1966 (31 F.R. 7553).

The U.S. District Court on June 10, 1966, issued an opinion upholding the validity of the amendments but no final order was entered at that time. Pending further action by the District Court, it was necessary, in order to avoid disruption of orderly operations in the affected industry, to postpone temporarily the effective date of the amendments with respect to soups containing poultry ingredients beyond July 1, 1966, the date on which the amendments otherwise would have become effective, and such effective date was further postponed until September 1, 1966 (31 F.R. 9043 and 10311). At the time of such postponement, it was announced that the Department contemplated making the amendments effective on January 1, 1967.

On July 13, 1966, a final order was entered by the Court granting the defendants' motion for summary judgment, vacating the preliminary injunction, and dismissing the plaintiff's complaint. Accordingly an order was issued on August 25, 1966 (31 F.R. 11448), providing that the amendments would become effective with respect to soups containing poultry ingredients on January 1, 1967.

Subsequently the plaintiff in the above-mentioned law suit appealed the order of the District Court to the U.S. Court of Appeals for the Third Circuit and filed with the latter Court a motion for stay of such order pending disposition of the appeal. At the hearing on such motion in the Court of Appeals on September 26, 1966, the Court suggested that the effective date of the regulations with respect to such soups be administratively postponed until March 1, 1967. The Government acceded to the Court's suggestion and agreed to such an administrative postponement of the effective date of the regulations to obviate the necessity at that time for the Court to rule on the plaintiff's motion for stay, which remains pending in the Court of Appeals.

Therefore the effective date of the amendments with respect to soups containing poultry ingredients is hereby postponed until March 1, 1967.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended; 30 F.R. 2160)

In view of the foregoing, under the provisions in 5 U.S.C., section 553, it is found for good cause that notice of rulemaking and other public procedure with respect to this action are impracticable and unnecessary. This postponement action shall become effective on January 1, 1967, when the amendments would otherwise become effective.

Done at Washington, D.C., this 10th day of October 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66-11168; Filed, Oct. 12, 1966; 8:50 a.m.]

SUBCHAPTER E—WAREHOUSE REGULATIONS

PART 110—CANNED FOOD WAREHOUSES

PART 112—COLD-PACK FRUIT WAREHOUSES

PART 113—SEEDS WAREHOUSES

Revocation of Regulations

On September 2, 1966, there was published in the FEDERAL REGISTER (31 F.R. 11614) a notice of proposed revocations of the regulations relating to Canned Food Warehouses (7 CFR, Part 110); the regulations relating to Cold-Pack Fruit Warehouses (7 CFR, Part 112); and the regulations relating to Seeds Warehouses (7 CFR, Part 113) under the U.S. Warehouse Act, as amended (7 U.S.C. 241 et seq.). After due consideration of all relevant matters and under authority of section 28 of said act (7 U.S.C. 268), said regulations are hereby revoked.

The regulations relating to Canned Food Warehouses were originally promulgated under the act on August 11, 1926, as Service and Regulatory Announcement No. 101. There has been no appreciable activity in this commodity since 1930 when the total number of licenses reached 73. There have been few requests for new licenses since and none in the last 10 years. The last license terminated during fiscal year 1965 because the warehouseman's bond had expired.

The regulations relating to Cold-Pack Fruit Warehouses were originally promulgated under the act on May 26, 1928, as Service and Regulatory Announcement No. 111. There have never been more than five licensed Cold-Pack Fruit Warehouses at one time. There have been no new licenses issued since 1934. Only one warehouse was under license from 1941 until 1965 when this license was not renewed on the bond renewable date due to failure by the warehouseman to furnish bond.

The regulations relating to Seeds Warehouses were originally promulgated under the act on November 21, 1930, as Service and Regulatory Announcement No. 122. The maximum number of warehouses licensed at one time under these regulations was 14 in 1932 soon after the regulations were promulgated. There have been no new applications since 1957 and the last license terminated at the request of the warehouseman in 1964.

These three sets of regulations are being revoked because of their limited use, and apparent lack of future interest by warehousemen in them.

The foregoing revocations shall become effective 30 days following the date of publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of October 1966.

ROY W. LENNARTSON,
Acting Deputy Administrator,
Regulatory Programs, Consumer and Marketing Service.

[F.R. Doc. 66-11169; Filed, Oct. 12, 1966; 8:50 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective January 27, 1966, as amended March 19,

1966, April 23, 1966, June 9, 1966, July 15, 1966, and August 25, 1966 (31 F.R. 1052, 4722, 6247, 8113, 9593, 11213), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding to the "list" therein as follows:

§ 354.2 Administrative instructions prescribing commuted travel time.

* * * * *

OUTSIDE METROPOLITAN AREA

TWO HOURS

Melbourne, Fla. (served from Port Canaveral, Fla.).

* * * * *

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561)

This amendment shall become effective October 13, 1966.

Done at Hyattsville, Md., this 10th day of October 1966.

[SEAL] F. A. JOHNSTON,
Director, Plant Quarantine Division.

[F.R. Doc. 66-11167; Filed, Oct. 12, 1966; 8:50 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Preservation of Cropland and Allotment Acreage

Basis and purpose. This amendment is issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), section 124 of the Soil Bank Act (7 U.S.C. 1812), section 203(g) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. A. 203), and the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g–q). This amendment further implements section 602(g) of the Food and Agriculture Act of 1965 (79 Stat. 1208; 7 U.S.C. 1838(g)).

The amendment to the Regulations for Reconstitution of Farms, Allotments, and Bases includes the following:

(a) Amends § 719.2(f) to provide that cropland acreage planted to trees in the fall of the preceding year will retain its cropland classification for the succeeding year.

(b) Amends § 719.10 to extend provision for preserving cropland acreage and allotment history to cropland acreage established and maintained in vegetative cover (excluding trees) under the Regional Conservation Program, Agricultural Conservation Program and to comparable practices carried out without Federal cost sharing. This amendment also provides for preservation of cropland acreage and allotment history for acreage diverted under the Cropland Adjustment Program.

Since the determination of history acreage for allotment crops is impending, it is essential that this amendment be made effective as soon as possible. It is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

The Regulations Governing the Reconstitution of Farms, Allotments, and Bases (29 F.R. 13370), as amended, are amended as follows:

1. Subparagraph (5) of paragraph (f) of § 719.2 of the regulations as amended, is amended to read as follows:

§ 719.2 Definitions.

* * * * *

(f) *Cropland.* * * *

(5) Is preserved as cropland under § 719.10. Land classified as cropland shall be removed from such classification upon a determination by the county committee that (i) the land is removed from agricultural production; (ii) is no longer suitable for production of crops; (iii) is devoted to trees (other than orchards or one-row shelter belt plantings) which were planted in the preceding year except that land planted to trees in the fall of the preceding year will retain its cropland classification for the succeeding year; or (iv) is no longer preserved as cropland under the provisions of § 719.10 and does not meet the conditions in subparagraphs (1) through (4) of this paragraph.

* * * * *

2. Section 719.10 of the regulations is amended to read as follows:

§ 719.10 Preservation of cropland and allotment acreage.

(a) *Definitions.* Notwithstanding the definitions in § 719.2, for the purposes of this section, the following terms shall have the following meanings:

(1) *Final acreage.* The actual crop acreage, plus any additional acreage considered planted to the crop under applicable commodity regulations.

(2) *Underplanted acreage.* The acreage by which the allotment for a commodity exceeds the final acreage of the commodity.

(b) *Preservation of cropland and acreage available for diversion credit—(1) CRP, GPCP, CCP, CAP, and RCP.* Cropland acreage established and maintained in vegetative cover under the Conservation Reserve Program, Great Plains Conservation Program, Cropland Conversion Program, Cropland Adjustment Program, and Regional Conservation Program, shall retain its cropland classification for the period of the contract or agreement plus an equal period thereafter (not to exceed 10 years for the Conservation Reserve Program unless the land was approved tree cover) plus an additional 5 years if requested in writing by the producer and the vegetative cover is maintained in accordance with good farming practices. Such acreage shall be available for allotment diversion credit to the extent of the underplanted acreage of an allotment crop where needed to fully protect the allotment history for such crop.

(2) *ACP and comparable practices carried out without Federal cost sharing.* Cropland acreage established and maintained in vegetative cover (excluding trees) under the Agricultural Conservation Program or comparable practices carried out without Federal cost sharing shall retain its cropland classification for the life span of the practice not to exceed 5 years unless an additional equal period is requested in writing and approved by the county committee. Such acreage shall be available for allotment diversion credit to the extent of the underplanted acreage of an allotment crop where needed to fully protect the allotment history for such crop. To qualify for cropland classification and allotment diversion credit under this subparagraph (2), the following conditions shall be met:

(i) Acreage must be in excess of the sum of the conserving base and diverted acreage requirements under other adjustment programs.

(ii) The producer must notify the county committee in the year in which the cover is established of his intent to establish such cover and divert acreage from an allotment crop except that the producer may notify the county committee in the year following the year in which the cover is established in the case of diversion of winter wheat.

(iii) A request for preserving cropland and allotment acreage must be made in writing and must be approved by the county committee.

(iv) The practice must be carried out in accordance with good farming practices.

(c) *Termination of allotment diversion credit.* Acreage shall cease to be available for allotment diversion credit when:

(1) The contract or agreement for a given land area is canceled or terminated prior to the expiration date of the contract or agreement.

(2) The permanent vegetation is destroyed or not properly maintained.

(3) The period of extended protection expires.

(d) *Diversion credit for divided farms.* When a parent farm is reconstituted by division, future allotment diversion credit shall accrue to the farm or tract on which the vegetative cover is physically located.

(e) *Use of diversion credit.* The diversion credit determined under the provisions of this section for each underplanted allotment crop shall be considered as acreage devoted to the crop and shall be utilized in establishment of future State, county, and farm acreage allotments under the provisions of the Agricultural Adjustment Act of 1938, as amended.

(Sec. 375, 52 Stat. 66, as amended, 7 U.S.C. 1375; sec. 124, 70 Stat. 198, as amended, 7 U.S.C. 1812; sec. 203(g), 79 Stat. 12, 40 U.S.C. App. A. 203; sec. 602(g), 79 Stat. 1208, 7 U.S.C. 1838(g))

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 10, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11165; Filed, Oct. 12, 1966; 8:50 a.m.]

[Amdt. 8]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is as follows:

(1) To provide for computation of 1967 farm domestic allotments; and

(2) To provide for 1967 export market acreage allocations.

Since the county committees are now establishing farm domestic allotments and producers are making plans for the 1967 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) are amended as follows:

1. Section 722.429 of the regulations is amended by adding a new paragraph (b) at the end thereof to read as follows:

§ 722.429 Farm domestic allotments.

* * * * *

(b) *For 1967.* Section 350 of the act provides for the establishment of farm domestic acreage allotments for upland cotton of the 1967 crop. The farm domestic acreage allotment percentage of 65 percent was established for 1967 under § 722.467(d) (31 F.R. 11965). The county committee shall establish a farm domestic acreage allotment for each farm for 1967 by multiplying the farm allotment established under section 344 of the act, as revised by transfers under section 344a of the act, by 65 percent.

2. A new § 722.451 is added to the regulations after § 722.450 to read as follows:

§ 722.451 Export market acreage for 1967.

(a) *National export market acreage reserve.* A national export market acreage reserve for 1967 of 250,000 acres was established by § 722.468 (31 F.R. 11965), pursuant to section 348(e) of the act.

(b) *Applications for export market acreage—(1) Persons eligible to file applications.* The farm operator for 1967 of a farm for which a farm allotment for 1967 is established and which had an upland cotton allotment in 1965 and which he operated in 1965, may apply for export market acreage for the 1967 crop. If such farm operator in 1965 is deceased, his heir who is the farm operator for 1967, may apply for export market acreage for the 1967 crop. No farm shall be eligible for export market acreage for 1967 if a transfer by sale under section 344a of the act is approved from such farm for 1967 or was approved for 1966. No farm shall be eligible for export market acreage for 1967 if a transfer by lease under section 344a of the act is approved from such farm for 1967 or was approved for 1966 where the lease term also covers 1967.

(2) *Where application is to be filed.* Applications for export market acreage shall be filed with the county committee of the county in which the farm is located.

(3) *Closing date for filing applications.* Applications for export market acreage for the 1967 crop shall be filed on or before a date to be announced later.

(4) *Form of application.* The form of application for export market acreage shall be prescribed by the deputy administrator and shall provide that the applicant elects to forego price support for the 1967 crop of upland cotton on the farm for which application is made and on any other farm in which he has a controlling or substantial interest. No application shall be made for a greater acreage than is available on the farm for the production of upland cotton.

(5) *Closing date for withdrawal of applications.* The applicant may withdraw an application at any time (i) prior to apportionment of export market acreage to the farm, or (ii) within 15 days after notice of the original apportionment of export market acreage to the farm is mailed to the applicant or March 1, 1967, whichever is later, by filing a written request for such withdrawal with the county committee. Such timely withdrawal shall also cancel the agreement of applicant to forego price support.

(6) *Closing date for furnishing bond or other undertaking.* The bond or other undertaking required to be furnished under this section shall be furnished to the county committee on or before the later of (i) 15 days after notice of the original apportionment to the farm is mailed to the applicant, or (ii) March 1, 1967.

(c) *Procedure for apportioning export market acreage to farms—(1) Initial apportionment.* The county committee shall determine the maximum acreage for which eligible applicants have filed applications by the closing date. Such maximum acreage shall be tabulated for each county in a State and transmitted to the deputy administrator by the State ASCS office. The deputy administrator shall tabulate the total of all applications and if not in excess of the national export market acreage reserve shall notify the respective State ASCS offices that the applications from each county are approved. If the total of all applications is in excess of the national export market acreage reserve, the deputy administrator shall establish a pro rata factor and notify the respective State ASCS offices that the applications from each county are approved subject to the reduction determined by applying the pro rata factor to each application. The county committee shall issue a notice to the applicant showing the export market acreage approved for the farm.

(2) *Supplemental apportionment.* If a supplemental apportionment is required, the county committee shall tabulate the export market acreage recovered from farms for which applications are timely withdrawn and notify the State ASCS office of the amount. Such recovered acreage shall be tabulated for each county in a State and transmitted to the deputy administrator by the State ASCS office. The deputy administrator shall apportion such recovered export market acreage to the remaining farms for which applications were approved and not withdrawn in amounts determined to be fair and reasonable taking into account the applications filed for such farms, but the total export market acreage so apportioned shall not exceed the acreage requested in the application for any farm. The county committee shall issue a notice showing the total export market acreage approved for a farm receiving a supplemental apportionment.

(3) *Finding as to amount of acreage requested for 1967.* This subparagraph will be amended after the closing date for filing applications to make a finding whether the applications for apportionment to farms are within the 250,000-acre national export market acreage reserve.

(d) *No acreage history.* Acreage planted to cotton in excess of the farm allotment established under section 344 of the act shall not be taken into account in establishing future State, county, and farm allotments.

(e) *Requirement of exportation of cotton.* The operator of any farm to which export market acreage is appor-

tioned, or the purchaser of cotton produced on such farm, shall furnish a bond or other undertaking providing for the exportation of all cotton produced on such farm without benefit of any Government cotton export subsidy, and for the payment of liquidated damages upon failure to comply with such bond or other undertaking.

(f) *Bond or other undertaking.*—(1) *Bond.* The deputy administrator shall prescribe the form of bond for exportation of cotton. The farm operator shall execute such bond as principal and furnish it to the county committee duly executed by the principal and a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States. A person who has agreed to purchase all the cotton produced on the farm may execute the bond as principal in lieu of the farm operator.

(2) *Other undertaking.* In lieu of a bond under subparagraph (1) of this paragraph, the county committee may accept an undertaking from the farm operator or the purchaser of all the cotton produced on the farm providing for the exportation of all cotton produced on the farm and for deposit with the county committee of an amount to secure the payment of liquidated damages for failure to fulfill terms and conditions of such undertaking. The amount of such deposit shall be equal to the maximum obligation for the payment of liquidated damages determined under paragraph (g) of this section. Such deposit shall be refundable to the extent that it exceeds such maximum obligation or such undertaking for the exportation of cotton is satisfied. The deputy administrator shall prescribe the form of the undertaking to be furnished.

(g) *Liquidated damages.*—(1) *Determination of amount.* The county committee shall determine the estimated liquidated damages under each bond or other undertaking furnished under this section at the time so furnished. Such estimated liquidated damages shall be the number of dollars and cents obtained by multiplying the acreage permitted to be planted on the farm (farm allotment plus export market acreage) by the projected farm yield, and multiplying the result thereof by 21.3 cents. Such estimated liquidated damages shall be adjusted when the cotton crop has been harvested so that the adjusted liquidated damages shall be the number of dollars and cents obtained by multiplying the actual production of lint cotton on the farm in net weight pounds by the marketing quota penalty rate for the 1967 crop of upland cotton determined under section 346(a) of the act. In case of exportation of only part of the cotton produced on the farm, the adjusted liquidated damages shall be reduced accordingly.

(2) *Due date.* Liquidated damages shall be due and payable 15 days after the date of mailing notice of the amount of adjusted liquidated damages to the principal and surety on any bond, or to the person furnishing any other undertaking in lieu of such bond. The county committee shall mail such notice by certified mail upon a determination that all the cotton produced on the farm has not been exported in accordance with the requirements of this section. The principal and surety on any bond of indemnity shall be deemed to waive actual notice of any adjustments in the amount of liquidated damages.

(3) *Liability for liquidated damages.* The principal and surety on any bond of indemnity furnished under this section shall be jointly and severally liable for the payment of liquidated damages to the United States of America in accordance with the terms and conditions of the bond and the provisions of this section. Where an undertaking in lieu of a bond of indemnity is furnished, the person executing such undertaking shall be liable for liquidated damages to the United States of America in accordance with the terms and conditions of the undertaking and the provisions of this section and any such person shall authorize payment of the liquidated damages out of any deposit made with the county committee and shall pay any outstanding balance not covered by such deposit within 15 days from the date of mailing of notice of such balance by certified mail to the farm operator and to such person. The county committee shall collect such liquidated damages from the deposit so made and give notice of the balance due, if any, upon a determination that all the cotton produced on the farm has not been exported in accordance with the requirements of this section.

(h) *Determination of cotton to be exported.* The county committee shall determine the actual production of lint cotton of the 1967 crop on the farm on the basis of evidence of production furnished by the operator. If the evidence of production is not satisfactory or none is furnished, the county committee shall appraise the actual production on the basis of the projected farm yield and such other information as is available. The actual production, or the appraised actual production, as determined under this paragraph of 1967 crop lint cotton on the farm shall be exported and the cotton so required to be exported is referred to as export cotton for the farm.

(i) *Evidence of exportation.* The county committee shall be furnished with evidence of exportation of export cotton for each farm in terms of bales of cotton of the 1967 crop which shall total at least the number of pounds of lint cotton net weight determined as the export cotton for the farm. The county committee shall review the evidence of exportation furnished for each farm which shall be deemed satisfactory if it meets the following requirements:

(1) There shall be submitted a listing showing the name of the farm operator, farm number, gin, or compress bale number or mark, and gross weight of each bale, bill of lading number and date, total quantity (pounds) of export cotton included on bill of lading, carrier, vessel, or car number, destination and date and place of lading, on rail and truck exports the number and date of the lading certificate. Such listing shall be certified by the exporter as true and correct and the farm operator shall also certify that each bale so listed was produced in the United States from the 1967 crop on the farm so designated.

(2) The exporter shall also certify that no cotton export subsidy for the exportation of the cotton so listed has been received from the Government and that no claim for any cotton export subsidy for the exportation of such cotton has been or will be filed by such exporter with the Government and the evidence of exportation of cotton furnished under this section has not and will not be used to satisfy the obligation to export cotton which such exporter or any other person may have under the cotton equalization program under section 348 of the act, or any other program for the exportation of cotton which may now be or later become effective under the statutes of the United States. However, exportation of export cotton under programs pursuant to Title I—Sales for Foreign Currency and Title IV—Long-Term Supply Contracts of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480, 83d Cong.; 7 U.S.C. 1701–9, 1731–6) shall not be deemed to involve a Government cotton export subsidy within the meaning of section 346(e) of the act (7 U.S.C. 1346(e)). Accordingly, evidence of such exportation of export cotton may also be furnished to satisfy the obligation of the exporter under such programs if the applicable purchase authorization under such programs permits the exportation of export cotton.

(3) The exporter shall also furnish promptly any additional evidence of exportation which may be requested by the county committee, State committee, or deputy administrator and make his records available for inspection concerning the records for any farm for which he has provided proof of export.

(j) *Time limit for export and submission of evidence of exportation.* The export cotton for a farm shall be exported on or before July 31, 1968, and evidence of such exportation satisfactory to the county committee shall be furnished within 60 days after the date of exportation. The State committee, upon recommendation by the county committee may extend the date for exportation and the date for furnishing evidence of exportation upon a showing of good cause and the furnishing of an appropriate extension of the bond or other undertaking. Unless evidence of exportation within the time specified under this paragraph is furnished, liability for liquidated damages shall accrue.

(k) *Amounts collected as liquidated damages.* All amounts collected as liquidated damages shall be remitted to the Commodity Credit Corporation.

(l) *Records and reports.* The provisions of section 373 of the act are applicable to the export market acreage program.

(m) *Appeals.* The Appeal Regulations in Part 780 of this chapter (29 F.R. 8200) shall be applicable to determinations under this section.

(n) *Failure to furnish a bond or other undertaking.* No application for export market acreage shall be approved unless a bond or other undertaking is furnished in accordance with this section.

(o) *Acreage planted to cotton exceeds farm allotment and export market acreage.* If the acreage planted to cotton on a farm receiving export market acreage exceeds the sum of the farm allotment and the export market acreage for the farm, the acreage planted to cotton in excess of the farm allotment shall be regarded as excess acreage for purposes of determining the farm marketing excess and marketing quota penalty under sections 345 and 346 of the act. The obligation to export cotton under the bond or other undertaking and the provisions of this section is not reduced or modified by reason of excess acreage plantings established under this paragraph.

(Secs. 346(e), 350, 375, 79 Stat. 1192, 1193, 52 Stat. 66, as amended; 7 U.S.C. 1346(e), 1350, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 10, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11164; Filed, Oct. 12, 1966; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1446—PEANUTS

Subpart—1966 Crop Peanut Warehouse Storage Loan and Sheller Purchase Regulations

PURCHASE AND INSPECTION; CORRECTION

F.R. Doc. 66-9156, published at page 11141 in the issue dated August 23, 1966, is corrected by changing item 2 to read as follows:

2. The last sentence of paragraph (e) of § 1446.1643 *Period of offering—size of lots—grading* is corrected to read:

(e) * * * Nothing in this subpart shall preclude the sheller or CCC from applying for an appeal inspection under the regulations governing inspection or fresh fruits, vegetables and other products, §§ 51.1–51.67 of this title.

Signed at Washington, D.C., October 10, 1966.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66-11163; Filed, Oct. 12, 1966; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-CE-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On July 9, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9423) stating that the Federal Aviation Agency proposed to designate controlled airspace at Sturgeon Bay, Wis.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth:

In § 71.181 (31 F.R. 2149), the following transition area is added:

STURGEON BAY, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Door County-Cherryland Airport (latitude 44°50'30" N., longitude 87°25'10" W.); and within 2 miles each side of the 195° bearing from Door County-Cherryland Airport, extending from the 5-mile radius area to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the 015° and 195° bearings from Door County-Cherryland Airport extending from 6 miles N to 14 miles S of the airport; and within 5 miles each side of the 015° bearing from Door County-Cherryland Airport extending from 6 to 12 miles N of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 30, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11110; Filed, Oct. 12, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area and Alteration of Adjacent Control Zone

On August 3, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10419) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Chesterfield, Mo., terminal area, and to alter the controlled airspace in the St. Louis, Mo., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The two comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 December 8, 1966, as hereinafter set forth.

(1) In § 71.171 (31 F.R. 2065) the following is added:

CHESTERFIELD, MO.

Within a 5-mile radius of the Spirit of St. Louis Airport, Chesterfield, Mo. (latitude 38°39'35" N., longitude 90°38'45" W.); within 2 miles each side of the Maryland Heights 243° radial extending from the 5-mile radius zone to 7 miles SW of the VORTAC; and within 2 miles each side of the Maryland Heights 310° radial extending from the 5-mile radius zone to 8 miles NW of the VORTAC. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(2) In § 71.181 (31 F.R. 2149) the following transition area is added:

CHESTERFIELD, MO.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Maryland Heights, Mo. VORTAC 243° radial extending from 7 miles SW of the VORTAC to 10.5 miles SW of the VORTAC.

(3) In § 71.171 (31 F.R. 2065) the St. Louis, Mo., control zone is amended to read:

ST. LOUIS, MO.

Within a 5-mile radius of the Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), within 2 miles SE and 3 miles NW of the Lambert-St. Louis Municipal Airport Runway 24 ILS localizer SW course extending from the 5-mile radius zone to 12 miles SW of the Lake RBN, within 2 miles each side of the St. Louis VORTAC 142° radial, extending from the 5-mile radius zone to 7 miles NW of the NW end of the Lambert-St. Louis Municipal Airport Runway 12R, within 2 miles each side of the St. Louis Municipal Airport Runway 12R ILS localizer NW course extending from the 5-mile radius zone to the Runway 12R OM and within 2 miles each side of the St. Louis Municipal Airport Runway 12R ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the Runway 12R localizer, excluding that area which overlies the Spirit of St. Louis control zone during the hours it is in effect.

Initially, the Chesterfield, Mo., control zone will be effective from 0700 to 2200 hours local time daily.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 30, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11111; Filed, Oct. 12, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On August 6, 1966, a notice of proposed rule making was published in the FEDERAL

REGISTER (31 F.R. 10580) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Battle Creek, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

(1) In § 71.171 (31 F.R. 2065) the Battle Creek, Mich., control zone is amended to read:

BATTLE CREEK, MICH.

Within a 5-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42°18'35" N., longitude 85°14'55" W.), within 2 miles each side of the Battle Creek VORTAC 050°, 117° and 215° radials, extending from the 5-mile radius zone to 8 miles NE, SE and SW of the VORTAC; and within 2 miles each side of the Kellogg Field ILS localizer SW course, extending from the 5-mile radius zone to 5 miles SW of the approach end of runway 4.

(2) In § 71.181 (31 F.R. 2149) the Battle Creek, Mich., transition area is amended to read:

BATTLE CREEK, MICH.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42°18'35" N., longitude 85°14'55" W.), within 8 miles NW and 5 miles SE of the Battle Creek ILS localizer NE course, extending from the 12-mile radius area to 12 miles NE of the OM, within a 13-mile radius of Kalamazoo Airport (latitude 42°14'07" N., longitude 85°33'10" W.); within 8 miles W and 5 miles E of the Kalamazoo ILS localizer N course extending from the 13-mile radius area to 17 miles N of the airport; within a 4-mile radius of Haines Field, Three Rivers, Mich. (latitude 41°57'30" N., longitude 85°-35'30" W.), and within 8 miles NW and 5 miles SE of the 034° bearing from Haines Field, extending from the 4-mile radius area to 12 miles NE of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°38'00" N., on the E by longitude 84°50'00" W., on the S by latitude 41°40'00" N., on the SW by V-277, and on the W by longitude 86°00'00" W.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on September 30, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11112; Filed, Oct. 12, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1114]

PART 13—PROHIBITED TRADE PRACTICES

Fredericks Furs, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155–45 Fictitious marking. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Fredericks Furs, Inc., et al., Surfside, Fla., Docket C-1114, Sept. 19, 1966]

In the Matter of Fredericks Furs, Inc., a Corporation, and Jerry Lindenbaum and Sidney Gelfand, Individually and as Officers of Said Corporation

Consent order requiring a Surfside, Fla., furrier to cease misbranding, falsely invoicing, and advertising its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Fredericks Furs, Inc., a corporation, and its officers, and Jerry Lindenbaum and Sidney Gelfand, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

4. Failing to set forth on labels the item number or mark assigned to each such fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to each such fur product.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Uses the word "was" or words of similar import, to refer to any amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by the respondents in the recent regular course of their business, or otherwise misrepresents the prices at which such merchandise has been sold, or offered for sale by respondents.

3. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11134; Filed, Oct. 12, 1966; 8:47 a.m.]

[Docket No. 8635]

PART 13—PROHIBITED TRADE PRACTICES

Merck & Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties or product or service:* 13.170–52 Medicinal, therapeutic, healthful, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Modified order to cease and desist, Quinton Co. et al., Rahway, N.J., Docket 8635, July 20, 1956]

In the Matter of Merck & Co., Inc., a Corporation, Trading as Quinton Co., and Doherty, Clifford, Steers & Shenfield, Inc., a Corporation

Order modifying a final order dated April 8, 1966, 31 F.R. 7059, requiring a New Jersey drug manufacturer and its advertising agency to cease its deceptive television advertising of throat lozenges, by substituting as co-respondent a successor advertising agency.

The modified order to cease and desist, is as follows:

It is ordered, That this proceeding be, and it hereby is, reopened;

It is further ordered, That the Commission's final order of April 8, 1966, be, and it hereby is, modified by striking therefrom the preamble on page 4 of such order and substituting therefor the following:

It is further ordered, That respondent Doherty, Clifford, Steers & Shenfield, Inc., a corporation, and Needham, Harper & Steers, Inc., a corporation, and their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of throat lozenges or any similar preparation, do forthwith cease and desist from, directly or indirectly: * * *

Issued: July 20, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11135; Filed, Oct. 12, 1966; 8:47 a.m.]

[Docket No. C-1115]

PART 13—PROHIBITED TRADE PRACTICES

Pageant Press, Inc., and Simon A. Halpern

Subpart—Advertising falsely or misleadingly: § 13.160 *Promotional sales plans.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Pageant Press, Inc., et al., New York, N.Y., Docket C-1115, Sept. 23, 1966]

Consent order requiring a New York City subsidy publisher to cease misrepresenting in its advertising the profits which authors may make, the sales promotion it gives its books, and making other false claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Pageant Press, Inc., a corporation, and its officers, and Simon A. Halpern, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the solicitation of contracts for the publication of books or other printed matter for authors and prospective authors and in the promotion, sale, or distribution of books of authors who have engaged respondents' services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That under their plan of publication the contracting authors will recover all or substantially all of their entire investment in the publication of their books: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for the respondents to establish that any represented number or proportion of authors have recovered the represented portion or amount of their investment.

2. Misrepresenting, in any manner, the amount of return on investment, profits or gains derived or which may be derived by persons who have engaged respondents' services.

3. That books or other printed matter published by respondents are purchased in large numbers or quantities in the regular course of business by bookstores, department stores, wholesalers, libraries, colleges and universities; or misrepresenting, in any manner, the kind or number of purchasers of said books or the number of such books purchased by such organizations or others.

4. That the contracting author's book will be nationally advertised; or misrepresenting in any manner, the kind, manner or extent of the advertising, publicising or promoting accorded said books or other printed matter.

5. That their advertising, publicity, or sales promotion campaign assures success of the sale or distribution of books or other printed matter published by them.

6. That they print or bind all or a portion of the copies listed in the contract of the first edition of an author's book: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that said books are printed or bound as represented.

7. That books published by respondents are reviewed by critics or columnists, or in newspapers, magazines, radio, TV or other reviewing media: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder to establish that the said books have been reviewed as represented.

8. That respondents offer and enter into contracts or agreements with authors of manuscripts, whether or not determined by them to have unusual possibilities of success or for any other reason, whereby respondents agree to assume all or a portion of the publication, promotion or distribution costs or to compensate the author on the basis of the number of books sold: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that they make such offers and enter into contracts or agreements as represented and that a bona fide effort is made to make such offers and enter into such contracts with each of the authors responding to such advertising representations.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 23, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11136; Filed, Oct. 12, 1966; 8:47 a.m.]

[Docket No. 6702]

PART 13—PROHIBITED TRADE PRACTICES

Royal Oil Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.140 *Old, reclaimed, or reused product being new.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1695 *Old, secondhand, reclaimed, or reconstructed as new.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Modified order to cease and desist, Royal Oil Corp. et al., Baltimore, Md., Docket 6702, Sept. 19, 1966]

In the Matter of Royal Oil Corp., a Corporation, and Alden C. Jocelyn, Joseph A. Inciardi, and Irving H. Weil, Individually and as Officers of Royal Oil Corp.

Order reopening and modifying an earlier order, 23 F.R. 3298, dated April 7, 1958, requiring a marketer of lubricating oil to cease advertising its product without disclosing that the oil is rerefined or reprocessed, by affirmatively ordering that such disclosure be made on the front panel or panels of the container.

The modified order to cease and desist, is as follows:

It is ordered, That the proceeding herein be, and it hereby is, reopened and the Commission's order of April 7, 1958,

be, and it hereby is, modified by substituting the following paragraph for paragraph (1) contained in that order:

(1) Advertising, offering for sale or selling, any lubricating oil which is composed in whole or in part of oil which has been reclaimed or in any manner processed from previously used oil, without disclosing such prior use to the purchaser or potential purchaser in the advertising and sales promotion material, and by a clear and conspicuous statement to that effect on the front panel or front panels of the container.

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-11137; Filed, Oct. 12, 1966; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Cooperative Advertising Program Must Be Made Available to All Competing Customers

§ 15.92 Cooperative advertising program must be made available to all competing customers.

(a) The Commission was requested to furnish an advisory opinion concerning a proposal by an advertising agency to solicit suppliers of products sold in drug stores to permit the agency to place some of their money for advertising in one trade area. Suppliers were to be charged at the rate of $3 per each store which agrees to participate. The agency will notify all drug stores in the area that, for example, supplier A wants to participate in the plan and ask each store to mark a self-addressed card as to whether they either displayed the item and/or if they would purchase additional products either for the display or in anticipation of the advertising campaign of that product. If 700 stores return the card as evidence of their in-store cooperation, the supplier would then pay the agency $2,100 at the rate of $3 per store. The agency will then take this sum and place the money in an advertising campaign for the supplier. In return for the pharmacists' cooperation, the agency will tag each supplier's advertising with "this product available at your local pharmacy." No specific names will be mentioned.

(b) Although each supplier's advertising will be run separately and there will be no joint advertising, each will be able to buy advertising under discounts earned from collective buying of space under the contract for all participating suppliers. There will be no payment to any individual druggist or association of druggists. Payments to the agency will be by the media in the form of agency commissions. Further, none of the advertisements to be published will contain selling prices for any of the products featured therein.

(c) The plan was subsequently amended so that the offer would be extended to all competing retailers of the products advertised instead of just to drug stores. However, the agency advised that it had already received negative answers from a number of food chains and other retailers and, consequently, it proposed to leave the tag reading as above, but that if any of the others subsequently indicated they would like to participate, the tag would be amended to read "available at your local pharmacy and grocery store" or "variety store" as the case may be. All of these stores will continue to be notified periodically.

(d) The Commission advised that while no specific customer will be named in the proposed advertisements, the fact that a class of customers will be specified, namely, pharmacies, means that the principles of section 2(e) of the Robinson-Patman Act apply and each supplier would owe a duty to make this proposal available on proportionally equal terms to all of their competing customers. The Commission further advised that it appeared the agency proposed to operate the plan in such manner as to meet the test of that section, assuming, of course, that all competing retailers will be notified of the availability of the plan and offered an opportunity to participate and that the tag will be changed in an appropriate manner if other than pharmacies evidence an interest.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: October 12, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-11132; Filed, Oct. 12, 1966; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Newspapers Right To Reject Advertising

§ 15.93 Newspapers right to reject advertising.

(a) The Commission was requested to render an advisory opinion with respect to the right of a newspaper to reject advertising which it regarded as false and misleading. While the question propounded involved the right of the paper to reject an advertisement by an automobile dealer which impliedly represented that a used car in its stock was a repossession when it was not, the Commission noted that the question presented went far beyond the fate of the particular advertisement and involved the basic question of whether or not a newspaper has the right under the antitrust laws to reject advertisements which are submitted to it for publication.

(b) The Commission further noted the fact that the newspaper, which is in open competition with other newspapers in the same area, is acting in accord with the exercise of its own independent judgment and not in concert with others in proposing to reject the particular advertisement.

(c) Under these circumstances, the Commission advised that it could see no objection to the exercise by the newspaper of its right to refuse to accept the advertisement.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 12, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-11133; Filed, Oct. 12, 1966; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Endrin

A petition (PP 5F0424) was submitted to the Food and Drug Administration by Shell Chemical Co., 110 West 51st Street, New York, N.Y. 10020, requesting the establishment of a tolerance of 0.1 part per million for residues of the insecticide endrin in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, and cauliflower.

The petition was found to be inadequate for filing because of deficiencies in the toxicological data; however, the petitioner requested that the petition be filed as submitted, as provided in § 120.7 (d), and it was filed.

The Secretary of Agriculture has certified that endrin is useful for the purposes for which the tolerances were requested.

After consideration of the data submitted, and other relevant material, scientists of the Food and Drug Administration concluded that endrin residues should not be tolerated on food crops by reason of the aforementioned deficiencies in the petition.

The Shell Chemical Co. asked that the petition be referred to an advisory committee, as provided by sections 408 (d) and (g) of the Federal Food, Drug, and Cosmetic Act, with the request that it make a report and recommendation thereon. The petition was referred to an advisory committee, and it has unanimously recommended that the petition be denied. Copies of the report and recommendations of the committee are on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201.

The available information shows that it is proper to continue the present tolerance of zero for endrin in or on cabbage and to establish a tolerance of zero for endrin in or on broccoli, brussels sprouts, and cauliflower.

Therefore, based on consideration of all the data and the report and recommendations of the advisory committee, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(3)(A), 68 Stat. 513, 21 U.S.C. 346a(d)(3)(A)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.120; 31 F.R. 3008), § 120.131 is revised to read as follows:

§ 120.131 Endrin; tolerances for residues.

A tolerance of zero is established for residues of the insecticide endrin in or on each of the following raw agricultural commodities: Broccoli, brussels sprouts, cabbage, cauliflower, cottonseed, cucumbers, eggplant, peppers, potatoes, sugarbeets, sugarbeet tops, summer squash, and tomatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(3)(A), 68 Stat. 513, 21 U.S.C. 346a(d)(3)(A))

Dated: October 10, 1966.

JAMES L. GODDARD, *Commissioner of Food and Drugs.*

[F.R. Doc. 66-11204; Filed, Oct. 12, 1966; 8:51 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 512—REVIEW COMMITTEES FOR PUERTO RICO AND THE VIRGIN ISLANDS

Under authority provided in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), 29 CFR Part 512 is hereby revised in order to adapt the procedures set forth therein to the provisions in the Fair Labor Standards Amendments of 1966 (P.L. 89-601) for minimum wage increases to become effective during 1967 in industries operating in Puerto Rico and the Virgin Islands.

As these regulations are rules of agency procedure, no provision for public participation in their formulation is required by the Administrative Procedure Act. As they must be effective immediately in order to accomplish their purpose, good cause is hereby found, and they shall be, effective on publication in the FEDERAL REGISTER.

Sec.
- 512.1 Scope and application.
- 512.2 Statutory requirements prerequisite for appointment of review committees.
- 512.3 Industry.
- 512.4 Confidentiality.
- 512.5 Identification and filing date.
- 512.6 Majority of employees in the industry.
- 512.7 Financial information.
- 512.8 Payroll and employment data.
- 512.9 Other information.
- 512.10 Action on application.
- 512.11 Review committee procedure.
- 512.12 Effective period of the 12 per centum increase or the review committee wage order.
- 512.13 Surety undertaking.
- 512.14 Information previously submitted.

AUTHORITY: The provisions of this Part 512 issued under 52 Stat. 1060, as amended (P.L. 89-601); 29 U.S.C. 201.

§ 512.1 Scope and application.

Section 6(c)(2)(A) of the Fair Labor Standards Act of 1938, as amended, requires, with respect to employees in Puerto Rico and the Virgin Islands, that the rate or rates applicable to them under the latest industry wage order issued prior to February 1, 1967, be increased by 12 per centum, unless such rate or rates are superseded by a rate or rates prescribed in a wage order issued pursuant to the recommendations of a review committee appointed under section 6(c)(2)(C). The regulations in this part provide the procedure for applications for the appointment of such review committees, as well as the procedure to be observed by such committees in the conduct of investigations and hearings and in formulating their recommendations, and the procedure for the promulgation of wage orders giving effect to their recommendations.

§ 512.2 Statutory requirements prerequisite for appointment of review committees.

Under the terms of the governing statute, authority to appoint a review committee for the purpose provided in § 512.1, arises only where application is made to the Secretary of Labor in writing, by any employer or group of employers employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands, for the appointment of a review committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates resulting from the percentage increase described in § 512.1. Such application shall be filed not later than November 22, 1966. Appointment of a review committee pursuant to such application is authorized only if the Secretary of Labor has reasonable cause to believe, on the basis of financial and other information contained in the application, that compliance with the increase of 12 per centum referred to in § 512.1 will substantially curtail employment in such industry. The governing statute provides that the Secretary's decision on such application shall be final.

§ 512.3 Industry.

Only one application for each industry shall be received. The definition of each industry shall conform to one of the definitions under the first section, entitled "Definition," in Parts 601 to 699, both inclusive, and Part 720 of this chapter excluding, however, Parts 694, 695, and 697 of this chapter. In the case of industries in the Virgin Islands, the definition of an industry shall conform to one of the lettered paragraphs of § 694.1 of this chapter. Every employer who joins a group of employers in filing an application must sign it. Signers on behalf of business organizations should be the employer's chief executive officer in charge of all its operations in the industry in Puerto Rico or the Virgin Islands, as the case may be, or an officer with supervisory authority over such chief executive. Each such application should be complete in one document. Where, however, substantial reason compels a particular employer to join a group of employers in filing an application by a separate document and if it meets the requirements provided in §§ 512.3 to 512.9, it will be received, considered, together with the presentation of the other employers in the group, and the employer will be accorded status as an applicant under § 512.13.

§ 512.4 Confidentiality.

Each application and the financial and other information contained therein shall, if the application is granted, become a matter of public record at the time the application is granted. Such documents will, upon appointment of the review committee, be referred to it in accordance with section 5(d) of the Fair Labor Standards Act. Prior to the granting of any such application, and both prior to and after the denial of any such application, access to such documents will be restricted, and the contents thereof will be revealed only to the Secretary and officers and employees of the Department of Labor whose duties require the examination of such application.

§ 512.5 Identification and filing date.

Each application shall separately state for each employer participating in it, his name and address (in Puerto Rico or the Virgin Islands as the case may be), the products produced and services rendered by the employees to whom the application relates, and the applicable wage order and any classification or classifications applicable to such employees, all as defined in Parts 601 through 699, both inclusive, and Part 720 of this chapter. The application

shall be filed during the period prescribed by § 512.2. No clarification, supplemental, or additional data filed outside the period prescribed by § 512.2 may be considered. If the application is sent by airmail between Puerto Rico or the Virgin Islands and the mainland, such filing shall be deemed timely if postmarked within the period prescribed by § 512.2. The original and two copies of the application shall be filed at the Office of the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, and one copy shall be filed at the Office of the Regional Director of the Wage and Hour Division, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R. 00908.

§ 512.6 Majority of employees in the industry.

In order to provide the information necessary to determine whether the employer or employers applying for appointment of a review committee employ a majority of the employees in the industry, the application shall show the number of employees subject to the wage order for such industry who are employed by each such employer for the payroll week which includes September 12, 1966. In addition to this information, such information on employment during another specific payroll week may be submitted if the application shows that employers employing a majority of the employees in the industry and participating in the application agree upon such week as the most recent payroll week considered to be normal, and if the application presents facts which establish that employment during such other week is, because of factors such as seasonality or temporary abnormal conditions, more representative than the employment during the week which includes September 12, 1966. The name and address of each employing establishment in the industry which has not joined in the application shall also be stated, together with the estimated number of employees employed by it in the workweek which includes September 12, 1966, and such other week as may be selected for counting employees of employers joining in the application. Employers filing information on employment in establishments operated by other employers in their industry who have not joined in the application shall supply the best information they are able to discover on this question and identify its source.

§ 512.7 Financial information.

(a) The application shall set forth separately for each employer participating in such application the financial and other information with respect to his operations which he relies upon to establish reasonable cause for believing that compliance with the minimum wage rate or rates resulting from the percentage increase referred to in § 512.1 will substantially curtail employment in the industry. If such information is not set forth in such pertinent detail as will permit the Secretary to conclude that there is reasonable cause to believe that such curtailment of employment will result, he is not authorized to appoint a review committee. It is therefore recommended that each application contain information in at least the detail required by Part 511 of this chapter as a prerequisite to becoming a party to a proceeding before a special industry committee.

(b) With respect to financial information, each application shall provide pertinent, unabridged profit and loss statements and balance sheets for a representative period of years (not less than three) covering the operations of each employer in the industry joining in such application, and include the most recent year or fraction thereof for which such data are available. Such financial statements (except those relating to the most recent fiscal period that are for less than a full fiscal year and those that are for a year ending less than 90 days prior to the filing of the application) shall be certified by an independent certified public accountant, or verified by the employer to whom they relate, as conforming to, and being consistent with, the corresponding income tax returns covering the same years, so that the application presents all the detail in such returns that is pertinent to the question of whether the 12 per centum increase referred to in § 512.1 will substantially curtail employment in the industry. The names of individuals or business organizations with whom transactions were accomplished, and minor details which are not pertinent to the appointment of a review committee, need not be revealed.

§ 512.8 Payroll and employment data.

Each applicant shall present separately for each participating employer payroll data for the week or weeks identified in § 512.6 showing the following information for all employees employed by him in the industry in classifications subject to the 12 per centum increase referred to in § 512.1: (a) For employees other than learners and apprentices working under special minimum wage certificates and homeworkers—(1) the number of employees paid minimum wages and (2) the number of employees in each interval of straight-time earnings (the intervals should be 2½ cents and the lowest interval should begin with and include the lowest appropriate multiple of 5 cents); (b) for learners and apprentices—the number of employees in each straight-time interval of earnings; and (c) for homeworkers—(1) the number of homeworkers and (2) the total amount of wages paid to homeworkers. In addition to the foregoing, there shall be submitted for each participating employer for every worker employed by him, on one of the copies to be filed with the Administrator pursuant to § 512.5, the following: The wage rate at which the worker is employed, his hours worked in the workweek, his total earnings, and his straight-time hourly earnings as computed from the weekly straight-time earnings and hours of work. In reporting payroll data on homeworkers, only the number of homeworkers and the total amount paid to each need be shown. Those employees who are learners or apprentices working under special certificates shall be identified as such in the data. In addition to the foregoing payroll data, there should be stated for each participating employer (i) the number of employees other than learners and apprentices and homeworkers, (ii) the number of learners and apprentices, and (iii) the number of homeworkers employed by him in the workweeks which included the following dates: August 12, 1964, November 12, 1964, February 12, 1965, May 12, 1965, August 12, 1965, November 12, 1965, February 12, 1966, May 12, 1966, August 12, 1966, and September 12, 1966.

§ 512.9 Other information.

Other information which the participants in the application deem necessary or appropriate for consideration on the question of whether the 12 per centum wage increase referred to in § 512.1 will substantially curtail employment in the industry shall be supplied in the application. Among the types of data which may be considered pertinent, are those revealing (a) employment and labor conditions and trends in Puerto Rico or the Virgin Islands, as the case may be, and on the mainland, particularly after the effective date of the most recent applicable wage order, including such items as present and past employment, present wage rates, perquisites, and fringe benefits, changes in average hourly earnings or wage structure, provisions of collective bargaining agreements, hours of work, labor turnover, absenteeism, productivity, learning periods, rejection rates and similar factors; (b) market conditions and trends in Puerto Rico or the Virgin Islands, as the case may be, and on the mainland, including changes in the volume and value of production, market outlets, price changes, style factors, consumer demand, and similar marketing factors; (c) comparative production costs in Puerto Rico or the Virgin Islands, as the case may be, with such costs on mainland and in foreign countries, together with the conditions responsible for the differences.

§ 512.10 Action on application.

Each application under this part will be considered promptly after receipt, and decisions thereon will be promptly communicated to employers participating in the application. On approval of any such application, an order of appointment of a review committee for the industry to which it relates will be published in the FEDERAL REGISTER. Approval of an application shall not, in proceedings before a review committee, be considered as evidence that any specific rate or rates which may be applicable or may be made applicable under any provision of the Act to employees in the industry concerned will or will not cause substantial curtailment of employment therein.

§ 512.11 Review committee procedure.

The provisions of sections 5 and 8 of the Fair Labor Standards Act of 1938 relating to special industry committees are applicable to review committees appointed pursuant to this part. Part 511 of this chapter, entitled "Wage Order Procedure for Puerto Rico, the Virgin Islands, and American Samoa" shall govern the procedure of review committees and the general method for issuance of wage orders pursuant to their recommendations, except insofar as Part 511 of this chapter may be inconsistent with this part or the Fair Labor Standards Amendments of 1966 (Public Law 89–601).

§ 512.12 Effective period of the 12 per centum increase or the review committee wage order.

Except as provided in § 512.13, the 12 per centum increase in minimum wage rates or the superseding minimum rate or rates prescribed in a wage order issued pursuant to the recommendations of a review committee, as referred to in § 512.1, shall be effective April 2, 1967, and shall remain in effect for 1 year unless superseded by a wage order fixing a higher minimum wage rate or rates (but not in excess of $1.40 per hour) hereafter issued by the Secretary of Labor pursuant to the recommendations of a special industry committee. However, no special industry committee shall hold any hearing within 1 year after a minimum wage rate or rates for such industry shall have been recommended to the Secretary by a review committee to be paid in lieu of the 12 per centum referred to in § 512.1. Section 6(c)(2)(B) of the Fair Labor Standards Act of 1938 gives the conditions under which the minimum wage rates referred to in § 512.1 are to be increased by an additional 16 per centum on April 2, 1968.

§ 512.13 Surety undertaking.

(a) *Eligibility for relief.* In the event a review committee has been appointed as provided in § 512.10 and its deliberations have not resulted in a wage order effective on or before the effective date referred to in § 512.12, the 12 per centum increase shall go into effect on the effective date prescribed in that section, except with respect to the employees of an employer who filed a timely application under § 512.5 to the extent that he qualifies for relief under paragraph (b) of this section.

(b) *Conditions of relief.* Each employer eligible for relief as provided in paragraph (a) of this section is hereby relieved, subject to the following conditions, from the obligation to pay the 12 per centum wage increase referred to in § 512.1 until the effective date of the wage order for his industry recommended by the review committee appointed under § 512.10. Such relief shall begin when, and continue as long as, the following conditions are complied with:

(1) He shall file with the Secretary of Labor a bond enforceable by the Secretary of Labor in the district court of the United States for the District of Columbia or for the district of Puerto Rico by service of process on a public officer in the District of Columbia or in Puerto Rico who is, by irrevocable appointment in the undertaking, authorized to receive service of process on the employer's behalf in any judicial proceeding to enforce the bond. The condition of the bond shall be such that liability for the amount of the undertaking may be avoided only if there is payment to each of his employees of an amount equal to the difference between the wages they actually receive and the wages provided in the wage order made on recommendation of the review committee.

(2) The liability in such a bond shall be fully joined by a corporate surety identified currently by the Secretary of the Treasury under sections 6 through 13 of Title 6 of the United States Code as an acceptable surety on Federal bonds who is licensed to transact a surety business and has a process agent, both in the District of Columbia and in Puerto Rico.

(3) The employer shall file with the Secretary of Labor a weekly report showing the cumulative difference between the total amount of wages he has paid to his employees through the end of the preceding workweek and the total wages his employees will be entitled to receive if the review committee recommends an increase of 12 per centum.

(4) The relief shall not be effective for any period after the cumulative difference reported under subparagraph (3) of this paragraph exceeds 75 per centum of the amount of the undertaking, nor after the Secretary of Labor advises the employer that in his opinion the amount of the undertaking is inadequate to give satisfactory assurance that the employees whose wages are affected by the relief will ultimately receive the total compensation for their work to which they will be entitled.

(5) The condition of the bond shall also require that sums due employees who cannot be located within 3 years after the effective date of the wage order recommended by the review committee shall be payable to the Secretary of Labor to be covered into the Treasury of the United States as miscellaneous receipts.

§ 512.14 Information previously submitted.

Where financial information required to be included in a petition has previously been submitted to the Wage and Hour and Public Contracts Divisions in the form required by § 512.7, the petitioner may request that it be permitted to exclude such information, setting forth the date and circumstances of such prior submission. Such request, however, must be made and granted before a petition omitting the required information may be filed, and will not authorize a petition subsequent to November 22, 1966.

Signed at Washington, D.C., this 10th day of October 1966.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 66–11179; Filed, Oct. 12, 1966; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII of Title 32 is amended as follows:

PART 1001—GENERAL PROVISIONS

1. Subpart B is revised to read as follows:

Subpart B—Definition of Terms

Sec.
1001.201 Definitions.
1001.201–7 Head of procuring activity.
1001.201–55 Base procurement.
1001.201–57 Central procurement.
1001.201–59 Foreign central procurement activity.
1001.201–60 Oversea commands.

AUTHORITY: The provisions of this Subpart B issued under sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 126–133; 10 U.S.C. 8012, 2301–2314.

Subpart B—Definition of Terms

§ 1001.201 Definitions.

§ 1001.201–7 Head of procuring activity.

See § 1001.456.

§ 1001.201–55 Base procurement.

Any AF installation engaged in local purchase is a base procurement activity. Except as authorized by §§ 1003.607–2, 1004.2102(a), and 1004.2103 of this subchapter, the local purchase (and sales contracting) function will be consolidated under one office at AF installations. The base procurement office is the centralized purchasing office engaged in local purchase at an AF installation.

§ 1001.201–57 Central procurement.

The purchasing of consolidated AF requirements (supplies or services) by certain designated agencies, such as AFLC, AFSC, MAC, ACIC, ATC, AFCS, Department of the Army or Navy, and DSA.

§ 1001.201–59 Foreign central procurement activity.

Any AFLC/AFSC installation that is engaged in central procurement and is located outside the United States, its possessions, or Puerto Rico.

§ 1001.201–60 Oversea commands.

Major commands located in possessions of the United States, and in Puerto Rico, Alaska, and Hawaii, as well as those in foreign countries.

2. Section 1001.366 is deleted, and a new § 1001.367 is added as follows:

§ 1001.366 Allegations concerning the competitive procurement program. [Deleted]

§ 1001.367 Contracts for food of animal origin.

Contracts for food of animal origin will only be placed with those sources

which are approved with respect to sanitation according to the standards and procedures prescribed in AFR 160–48 (Veterinary Food Inspection). In this respect, contracting officers will solicit the cooperation of the director of base medical services, base veterinarian, or other duly authorized persons in determining the acceptability of food sources of supply. Further, the contracting officer will take necessary action to insure that his activity receives distribution or has access to all lists of approved sources of food (see AFR 160–48). These lists of approved sources are not to be used for the purpose of limiting consideration to a group of selected suppliers, but may be used only to suggest potential sources. Sources who wish to bid on food of animal origin requirements, but who have not been inspected, will be advised to apply in writing to the procurement activity concerned requesting a sanitary inspection.

3. Section 1001.402 is amended by revising the title, paragraph (a), subparagraphs (1) and (3) of paragraph (b), and paragraph (f). As amended, §1001.402 reads as follows:

§ 1001.402 Authority of contracting officers.

(a) The authority to enter into contracts applies only to contracting officers appointed under § 1001.405. The acts of a contracting officer must be within the scope of the written orders designating him a contracting officer. Unless otherwise specifically provided, the words "the contracting officer" also mean his duly designated successor. (Also see §1.201–3 of this title.)

(b) • • •

(1) Imprest fund purchases made according to § 3.607 of this title and § 1003.607 of this subchapter.

• • • • •

(3) Emergency purchases of medical supplies and equipment made according to paragraph 11, Chapter 16, Volume V, AFM 67–1 (USAF Supply Manual), followed by the issuance of a confirmatory purchase order by the base procurement officer or a cash purchase receipt by a cash purchasing officer.

• • • • •

(f) The responsibility of contracting office or a cash purchase receipt by a forth in Chapter 11, Volume VI, AFM 67–1.

• • • • •

4. Sections 1001.405, 1001.405–1, 1001.405–2, 1001.405–50, and 1001.405–51 are added; and §§ 1001.451 and 1001.452 are deleted as follows:

§ 1001.405 Selection, appointment, and termination of appointment of contracting officers.

Contracting officers and their representatives, as defined in § 1.201–3 of this title, will be those designated by the persons listed below, or by persons who are authorized in writing by the persons listed below to designate contracting officers within the meaning of that term as used throughout Chapter I of this title and this subchapter: Secretary of the Air Force (as defined in § 1.201–15 of this title; Deputy Chief of Staff, Systems and Logistics; Director of Procurement Policy, Office of the Deputy Chief of Staff, Systems and Logistics; and heads of procuring activities (Commanders, AFLC and AFSC).

(a) *AFLC authority to designate contracting officers and their representatives.* Pursuant to § 1001.456, this authority has been redelegated by Director of Procurement and Production, HQ AFLC, to activities cited in § 1001.455(b).

(b) *AFSC authority to designate contracting officers and their representatives.* This authority has been redelegated by the Deputy Chief of Staff, Procurement and Production, HQ AFSC.

§ 1001.405–1 Selection.

In addition to the requirements contained in § 1.405–1 of this title, contracting officer appointments will be limited to the following categories of personnel and subject to the requirements and limitations stated, except that the requirement pertaining to AFSCs in paragraph (a)(1) of this section may be waived by appointing authorities in AFLC and AFSC when the individual to be appointed has a level of procurement experience commensurate with the complexity of the procurement actions to be assigned the individual.

(a) *Considerations.* (1) Commissioned officers and NCOs (Grades E–6, E–7, E–8, and E–9) who have been awarded AFSC 6516, 6534, 65190, or 65170; or civilian personnel occupying a manning position listed under these AFSCs. Personnel must have successfully completed the OBR 6531 or AAR 65170 courses of instruction, previously held a contracting officer warrant, or had 2 or more years of procurement experience.

(2) Commissioned officers who have more than 1 year procurement experience with authority limited to blanket purchase agreements, delivery orders, purchase orders and modifications thereto.

(3) NCOs in grade E–5 who have completed the AAR 65170 course of instruction or equivalent OJT with authority limited to blanket purchase agreements, delivery orders, purchase orders and modifications thereto.

(b) [Not implemented]

§ 1001.405–2 Appointment.

(a)(1) The commander or deputy commander of a base, division, wing, etc., and, in the case of AFLC activities, the Director of Procurement and Production will review and sign the request for designation of a contracting officer. In AFSC the request will be reviewed and signed by the officer (or civilian) immediately subordinate to the designating authority. The request will include:

(i) A résumé of his qualifications signed by the applicant.

(ii) A statement by the person signing the request that the qualifications contained in the résumé were verified against the applicant's personnel file.

(iii) If the designee is already an employee of the requesting activity and his qualifications are known, a statement that the designee is qualified.

(iv) If the designee is not an employee of the requesting activity and his qualifications are not known, a summary of an interview of the designee by the chief or deputy chief of the procurement activity. The summary will include a statement that the designee is qualified. If the designee is located at a distance which makes it impractical and uneconomical to conduct an interview, this requirement will be waived. Justification for not having an interview will be included. However, the statement that the designee is qualified must still be made.

(2) Request for designation of a representative of a contracting officer will be handled the same as in subparagraph (1) of this paragraph, except that:

(i) Unless it is impractical, the contracting officer desiring a representative will initiate the request, sign the statements, and conduct the interview instead of the chief or deputy chief of the procurement activity.

(ii) If the contracting officer takes the action in subdivision (i) of this subparagraph, the chief or deputy chief of the procurement activity will review the request prior to transmittal.

(iii) The approval of the designee's commander will be obtained when the designee is not under the jurisdiction of the designating authority (see authority under § 1001.405 (a) and (b)).

(3) Requests for designation will be sent through channels to the appropriate designating authority (see authority under § 1001.405 (a) and (b)). Requests for designation of personnel as contracting officer, who do not meet the full criteria in § 1001.405–1, together with the following additional information, may be submitted by the appropriate designating authority to AFLC (MCPP), or AFSC (SCKPR) (for AFSC activities), for review and approval.

(i) Complete justification for the proposed appointment.

(ii) Action taken to preclude recurrence of a situation where other than qualified personnel are recommended for appointment as a contracting officer.

(iii) A list of persons in the same office who are qualified for appointment, their present duties, and whether they are now appointed contracting officer.

(4) Designations and terminations of representatives of contracting officers will be in letter form.

(b) [Not implemented]

§§ 1001.405–3—1001.405–49 [Not implemented]

§ 1001.405–50 Distribution of designation and termination of appointment instruments.

Each designating authority will promptly distribute copies of instruments of designation and termination as follows:

(a) *Designation of contracting officers.* (1) Original to the individual designated.

(2) One true copy to the individual designated (to be furnished by that individual to the accounting and finance officer if requested by the latter).

(3) In the case of military personnel, one true copy to the activity having custody of the military field personnel records for permanent retention in the individual's personnel file.

(b) *Termination of contracting officer.* Distribution as provided in paragraph (a) of this section, except paragraph (a)(2) of this section. The accounting and finance officer will be sent a copy of each termination letter so he can cancel out the DD Form 577, Signature Card, on file in his office.

(c) *Designation of representatives.* (1) Original to the individual designated.

(2) One true copy to the contracting officer whom the representative serves.

(d) *Termination of representatives.* Distribution as provided in paragraph (c) of this section.

§ 1001.405–51 Representatives of contracting officers.

(a) The appointment of representatives of contracting officers will not be made unless it is determined that the duties of the individual cannot be performed by appointment as a limited contracting officer or designation of a Government agency or position in the contractual document as authorized by paragraph (c) of this section.

(b) The designating authority (see authority under § 1001.405) may designate according to § 1001.405–2(a)(2), any officer, warrant officer, civilian, or noncommissioned officer to act as representative of a contracting officer or his duly designated successor. The written designation will contain specific instructions as to the extent to which the representatives may take action for the contracting officer but will not contain authority to sign contractual documents.

(c) A Government agency or position (by title but not an individual by name) may be designated in the contractual document to perform specific functions under the contract. Such functions may include inspection, approval of shop drawings, testing, approval of samples, scheduling and signing work orders or equipment orders, determining number of hours for a job, and other functions of a technical nature not involving a change to the scope, price, terms, or conditions of the basic contract or order. The responsibilities and limitations of the agency or position will be set forth in the contract or in a separate letter. If a letter is used a copy will be furnished the contractor. The contracting officer will monitor the actions of the designated agency or position to insure that they do not exceed assigned functions. The functions assigned will not violate policies (e.g., base procurement centralization policy prescribed in §§ 1001.402, 1001.201–55, and 1003.608–6 of this subchapter) which reserve certain actions or authorities to contracting officers or which require approval prior to placing the authority or procedure in effect.

(d) A person assigned to and performing his primary duty within a procurement office, and who is under the supervision of a contracting officer, does not require designation as a representative nor designation in a contractual document to perform his assigned duties. Such a person is considered to be an employee of the contracting officer, acting in his behalf and as such has the inherent authority to perform acts as assigned by the contracting officer. The contracting officer cannot authorize his employees to sign any contractual document or letter where the signature of a contracting officer is required.

§ 1001.451 Representatives of contracting officers. [Deleted]

§ 1001.452 Designation of contracting officers (See § 1001.454). [Deleted]

5. Section 1001.453 is amended by revising the introductory paragraph, paragraph (f), the introductory paragraph and subparagraphs (1) and (4) of paragraph (j), and paragraph (m)(3). As amended § 1001.453 reads as follows:

§ 1001.453 Delegations of authority.

Certain specific delegation of authority instructions with respect to procurement are referenced in subsequent paragraphs of this subpart. In addition to limitations and conditions applicable to individual delegations and included therewith, the provisions of the paragraphs set forth in this section apply to all delegations of procurement authority and are published in this section to eliminate their repetition.

• • • • •

(f) Procurement authorities vested in commanders, overseas commands are likewise vested in the Commander, Military Airlift Command, and the Commander-in-Chief, Strategic Air Command, with respect to areas outside the continental United States and not within the jurisdiction of a major command.

• • • • •

(j) Ratification authority: In the event that a person acts without the requisite authority, his action may, under certain circumstances, be later ratified.

(1) For purchases involving $2,500 or less, made by persons to whom requisite authority has not been delegated, the individuals designated below are authorized to ratify such a transaction in the case of persons under the jurisdiction of: (i) The major commands (other than AFLC and AFSC) by the commander of the respective major command with power of redelegation to the DCS/materiel or comparable office within the major command headquarters, and (ii) AFLC and AFSC by the commanders of the first echelon of command immediately subordinate to HQ AFLC and AFSC. In no event will such authority be redelegated to contracting officers at any level. Each such transaction will be submitted for review and possible ratification according to the following procedures:

• • • • •

(4) Contracting officers do not have the authority to ratify unauthorized acts (subparagraph (1) of this paragraph).

• • • • •

(m) • • •

(3) Contractual instruments obligating funds covering calls issued under terms of requirements contracts (§ 3.409–2 of this title), indefinite quantity contracts (§ 3.409–3 of this title), or call procurement arrangements (§ 1003.409–50 of this subchapter), except as provided in § 1001.405–1(a).

• • • • •

6. Section 1001.454 is deleted; §§ 1001.455 and 1001.456 are revised; and §§ 1001.457, 1001.458 and 1001.459 are deleted, as follows:

§ 1001.454 Authority to designate contracting officers and their representatives. [Deleted]

§ 1001.455 General procurement authority.

The delegation referenced in this section is a general one, and all other existing or future delegations, regulations, or directives issued by competent authority, to the extent to which they would, expressly or by reasonable implication, limit the scope of or impose conditions or restrictions upon the exercise of the general authorities cited in delegation instruments, will be controlling over it. This includes authority to enter into, execute and approve contracts.

(a) [No implementation]

(b) *AFLC authority.* This authority has been redelegated by Commander of AFLC to the Director, Deputy Director, and Assistant to the Director of Procurement and Production, HQ AFLC, and to all commanders of major commands (only base procurement for AFSC), air materiel areas, procurement regions, 2750 Air Base Wing, 2802 Inertial Guidance and Calibration Group, USAF Air Attaches, and USAF Missions.

(c) *AFSC authority.* This authority has been redelegated by the Commander, HQ AFSC, to the Deputy Chief of Staff, Procurement and Production, and the Assistant Deputy Chief of Staff, Procurement and Production, HQ AFSC, and further redelegated to commanders and vice commanders of AFSC divisions, centers, and the Office of Aerospace Research with power of redelegation.

§ 1001.456 Designation of heads of procuring activities.

Commanders of AFLC and AFSC are each designated as "a head of a procuring activity" within the Department of the Air Force. The Director of Procurement and Production, HQ AFLC, and the DCS/Procurement and Production, Hq AFSC, have been authorized to act for their respective commanders in exercising Chapter I of this title prescribed responsibilities vested only in the "head of a procuring activity." This authority is not applicable to Part 17, Subchapter A of this title, Extraordinary Contractual Actions to Facilitate the National Defense.

§ 1001.457 Authority to enter into, execute and approve contracts. [Deleted]

§ 1001.458 Manual approval of contracts for services of experts and consultants. [Deleted]

§ 1001.459 Architect-engineer contracts. [Deleted]

7. Section 1001.461 is amended by revising the note following paragraph (a)(4); § 1001.462 is deleted; a new § 1001.464 is added; and § 1001.465 is deleted as follows:

§ 1001.461 Contracts for public utility services extending beyond current fiscal year.

(a) • • •

(4) • • •

NOTE: Indefinite term utility service contracts as contemplated in Subpart KK, Part 1007 of this chapter (which are in effect until terminated) do not impose any obligation on the Government except as the service is actually used and therefore, do not come within the purview of this section. Such contracts will be approved pursuant to §§ 1001.455 and 1007.3706 of this chapter and will cite only 10 U.S.C. 2304(a)(10) as statutory authority.

• • • • • •

§ 1001.462 Approval of certain PRs and MIPRs. [Deleted]

§ 1001.464 Delegation to Commander, Air Training Command.

Authority for procurement of services for primary pilot training has been delegated to the Commander, ATC, by Director of Procurement and Production, HQ AMC (redesignated AFLC).

§ 1001.465 Release of program data and procurement information. [Deleted]

8. Section 1001.801–2 is revised; § 1001.804–1 is added; and Subpart J is revised as follows:

§ 1001.801–2 Area trends in employment and unemployment.

"Area Trends in Employment and Unemployment," which establishes the boundaries of each labor market area and lists communities included in each area, is distributed by the Department of Labor directly to AF purchasing activities. Hq AFLC (MCP–5) and HQ AFSC (SCK–4) will periodically assure that distribution is adequate and that the contents of the publication are fully understood and correctly used by cognizant personnel.

§ 1001.804–1 General.

(a) (1) [Not implemented.]

(2) If the set-aside portion is 50 percent or less, unit price difference attributable to the division of a procurement into two portions does not constitute a price differential.

Subpart J—Publicizing Procurement Actions

Sec.

1001.1002 Dissemination of information relating to invitations for bids and requests for proposals.
1001.1002–6 Paid advertisements in newspapers and trade journals.
1001.1003–9 Preparation and transmittal.
1001.1005–1 Synopsis of contract awards.
1001.1007–2 Application.
1001.1007–3 Conditions.

AUTHORITY: The provisions of this Subpart J issued under sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314.

§ 1001.1002 Dissemination of information relating to invitations for bids and requests for proposals.

In addition to the requirements of §§ 1.1002 and 2.203 of this title:

(a) AFLC/AFSC central procurement activities will mail or otherwise provide one copy of each unclassified synopsized (§ 1.1003 of this title) Invitation for Bids and Request for Proposals to each Small Business office of the following activities for use in furnishing information to potential bidders, to firms interested in subcontracting opportunities and for public display or other management uses.

(1) ASD (ASK–10), Wright-Patterson AFB, Ohio 45433.

(2) DCASR, Atlanta, 3100 Maple Drive NE, Atlanta, Ga. 30305.

(3) DCASD, Orlando, Orlando AFB, Orlando, Fla. 32813.

(4) DCASR, Boston, 666 Summer Street, Boston, Mass. 02210.

(5) DCASR, Chicago, O'Hare International Airport, Post Office Box 8758, Chicago, Ill. 60666.

(6) DCASR, Cleveland, 1367 East Sixth Street, Cleveland, Ohio 44114.

(7) DCASR, Dallas, 500 South Ervay Street, Dallas, Tex. 75201.

(8) DCASR, Detroit, 1580 East Grand Boulevard, Detroit, Mich. 48211.

(9) DCASR, Los Angeles, 11099 South La Cienega Boulevard, Los Angeles, Calif. 90045.

(10) DCASR, New York, 770 Broadway, New York, N.Y. 10003.

(11) DCASR, Philadelphia, 2800 South 20th Street, Philadelphia, Pa. 19101.

(12) DCASR, St. Louis, 1136 Washington Avenue, St. Louis, Mo. 63120.

(13) DCASR, San Francisco, 866 Malcolm Road, Burlingame, Calif. 94010.

(b) Central procurement activities other than AFLC and AFSC, and Base Procurement Activities (Air Force-wide) will distribute one copy of each unclassified synopsized Invitation for Bids and Request for Proposals to the DCASR office listed in paragraph (a) of this section which is located in, or closest to, that trade area which the procurement activity conducts the majority of its business.

(c) Upon request, or if required by other directives, additional distribution may be made, on an individual or recurring basis, to any Small Business Administration Regional Office or any other Government office including AFSC divisions, AFLC AMAs, or a DCASD office.

§ 1001.1002–6 Paid advertisements in newspapers and trade journals.

(a) through (b) [No implementation]

(c) *General.* Paid advertisements in newspapers, in connection with the disposition of disposable property by sale, will be used according to paragraph 4, Chapter II, Volume VI, AFM 67–1 (USAF Supply Manual).

(d) [No implementation]

(e) *Authority and delegation.* (1) Authority to approve the publication of paid advertisements for proposed procurements or surplus sales has been delegated by the Secretary to:

(i) AFLC.

(a) Commander, AFLC.

(b) Director and Deputy Director of Procurement and Production, HQ AFLC.

(c) Commander and director of procurement and production, AMAs.

(d) Commander, 2750th Air Base Wing.

(e) Commander, The Headquarters, The Military Aircraft and Storage Disposition Center.

(f) Commander, 2802d Inertial Guidance and Calibration Group.

(g) Commander, Air Procurement Region European and Air Procurement Region Far East.

(ii) AFSC.

(a) Commander, AFSC.

(b) Deputy Chief of Staff, Procurement and Production, Hq AFSC.

(c) Director and Deputy Director of Procurement, Hq AFSC.

(d) Commander and chief of procurement and production office of AFSC divisions.

(e) Commander and director of procurement office of AFSC centers.

(f) Commander and director of procurement office of AFSC ranges.

(iii) Major Command (other than AFLC and AFSC). Commander and vice commander, and while so acting, to the person acting for the time being in any of the foregoing capacities. The above authority will not be redelegated.

(2) Authority to authorize the publication of paid advertisements for purposes of recruiting civilian employees has been delegated by the Secretary to the Secretary of the Air Staff, HQ USAF; commanders of major commands; and each base commander of an activity maintaining a central civilian personnel office. The above authority will not be redelegated. Use of paid advertisements will be according to paragraph 7, section 3131, AFM 40–1 (Air Force Civilian Personnel Manual).

(f) (1) [Not implemented]

(2) Requests for authority to place advertisements for the purpose of recruiting civilian employees will be submitted to the official named in paragraph (e)(2) of this section for approval.

§ 1001.1003–9 Preparation and transmittal.

RCS: AF–XDC–N–1 is assigned to this report.

§ 1001.1005–1 Synopsis of contract awards.

RCS: AF–XDC–N–2 is assigned to this report.

§ 1001.1007–2 Application.

Responsibility for approval of public releases is assigned as follows:

(a) Deputy Chief of Staff and Assistant Deputy Chief of Staff, Procurement and Production, HQ AFSC.

(b) Commanders of AFSC divisions, centers or ranges, with authority for redelegation no lower than the chief, procurement and production.

(c) Director and Deputy Director of Procurement and Production, HQ AFLC.

(d) Commanders of AFLC AMAs with authority for redelegation to the director of procurement and production. The responsibility is limited to estimates of supplies and services for which the AMA has been assigned procurement responsibility.

(e) Commanders of major commands other than AFSC/AFLC with authority for redelegation.

§ 1001.1007–3 Conditions.

(a) through (h) [No implementation]

(i) Responsibility for the determination of the need for, and the preparation of, public announcements is the same as the assignments in § 1001.1007–2.

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

9. Section 1002.201 is revised to read as follows:

§ 1002.201 Preparation of invitation for bids.

(a) (1) through (16) [No implementation]

(17) *Special provisions*—(i) *DO ratings.* See § 1001.460.

(ii) *Classified information.* Classified information in invitations for bids will be handled according to AFR 205–4, Armed Forces Industrial Security Regulation, and regulation issued by each major command.

(iii) *Percentage of subcontracting.* When a Pre-Award Survey is contemplated as prescribed in § 1.905–4 of this title the IFB will contain the following provision except that this provision will not be inserted when the clause contained on § 7.603–15 of this title is used:

Bidder represents that the estimated percentage of subcontracting contemplated on this procurement is ---------- percent (December 1964).

NOTE: The "percentage of subcontracting" will be reported as a percentage of the prime contractor's selling price. "Subcontracting" means only contracts for the production of or work upon an item, component, or assembly and does not include (a) any purchase of a standard commercial or catalog item, (b) any purchase of a basic raw material (c) any purchase of supplies or services for the general operation of the contractor's plant, or (d) any purchase from a parent, subsidiary, or affiliate of the contractor.

(18) *General provisions or conditions*—(i) *Special maintenance tools and test equipment.* Where a requirement for special maintenance tools and test equipment exists, a separate item in the schedule will be established similar to the following sample:

The contractor agrees to furnish special maintenance tools and test equipment for items ---------- above, to be selected in accordance with ---------- dated ---------- incorporated herein by reference.

(ii) The following provision will be included in all Invitation for Bids calling for the purchase of milk or milk products:

STATE MINIMUM DISTRIBUTOR PRICE REGULATION NOT APPLICABLE (MARCH 1963)

This Procurement is financed by Appropriated Funds and is made under the authority of Chapter 137, Title 10, U.S.C., and the Armed Services Procurement Regulation. Pursuant to *Paul vs. United States*, decided by the Supreme Court of the United States on January 14, 1963, State minimum distributor price regulations with respect to milk or milk products are not applicable to this procurement.

PART 1003—PROCUREMENT BY NEGOTIATION

10. Subpart E is revised; the title of § 1003.607 and paragraph (a) of § 1003.607–4 are revised; and § 1003.608–4 is deleted as follows:

Subpart E—Solicitations of Proposals and Quotations

§ 1003.501 Preparation of request for proposals or request for quotations.

(a) [No implementation]

(b) (1) through (43) [No implementation]

(44) The provisions in § 1002.201(a)(18)(ii) of this subchapter in all Request for Proposals or Requests for Quotations calling for the purchase of milk or milk products.

(Sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314)

§ 1003.607 Imprest fund method.

§ 1003.607–4 Procedures.

(a) (1) COD orders may be placed on DD Form 1155, without obtaining prior verbal or written quotations, subject to the following conditions:

(i) The order is endorsed: "Payment to be made from Imprest Fund."

(ii) The order specifies that shipment can be made only if: (a) Item strictly conforms to the purchase description, (b) the total price of the item does not exceed the ceiling price stated in the order, and (c) delivery can be made COD within 30 days from date of order. A statement will be placed in the order instructing the contractor to withhold shipment if all the foregoing conditions cannot be met and requesting the contractor to advise of nonshipment and any counter-offer concerning substitute item, price, or delivery date.

(iii) For reporting purposes, only actual prices paid for the item will be reported. When the order is placed, the ceiling price will be entered by pencil in the AFFI Form 2E, Imprest Fund Register. When delivered, the ceiling price will be erased from the register and replaced by the actual price.

(2) [No implementation]

• • • • • •

§ 1003.608–4 Use of DD Form 1155a with the DD Form 1155. [Deleted]

11. In § 1003.608–6 paragraph (a), the introductory text of (c), and (c)(4) are revised. As amended § 1003.608–6 reads as follows:

§ 1003.608–6 Use of DD Form 1155 as a delivery order.

(a) DD Form 1155 will be used as a delivery order under basic ordering agreements (§ 3.410–2 of this title).

• • • • • •

(c) The above type of delivery orders against indefinite delivery contracts will be issued monthly or prior to the beginning of each fiscal quarter, except for commissary stock fund requirements, which may be issued at the beginning of each fiscal year.

• • • • • •

(4) On the last day of the month the requiring activity will prepare a consolidated receiving report (by line item of the contract) for all deliveries made during the monthly period. Obligations will be recorded and reported in the reporting month (as opposed to calendar month) in which they are incurred. One copy of each consolidated receiving report prepared will be furnished to complete the files in the base procurement office.

• • • • • •

12. In § 1003.651–2, paragraph (d) and the last sentence of paragraph (i) are revised as follows:

§ 1003.651–2 General.

• • • • • •

(d) Whenever a purchase is made against a credit card, the individual making the purchase will sign and enter the vehicle tag number on the delivery ticket, obtain a copy of the delivery ticket from the service station attendant and, immediately upon return from a trip, will turn in the copy of the delivery ticket to the officer responsible for the credit card.

• • • • • •

(i) • • • A duplicate copy of each delivery ticket will be forwarded to the transportation officer immediately after processing the invoice for payment. The transportation officer will extract from these duplicate copies information needed to report vehicle operation and maintenance costs.

• • • • • •

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

13. Section 1004.214–4 is corrected; new §§ 1004.2100 and 1004.2101 are added; and § 1004.2102 is revised as follows:

F.R. Doc. 66–1529, appearing at pages 2681–2689 of the issue for Saturday, February 12, 1966, is corrected in the following respect:

In § 1004.214–4, paragraph (c)(1) "No implementation" is corrected to read as follows:

§ 1004.214–4 Transfer of title to equipment to nonprofit educational or research institutions.

• • • • • •

(c) *Transfer of title.* (1) No implementation.

• • • • • •

§ 1004.2100 Scope of subpart.

This subpart contains instructions for the preparation of and the procedure for handling commercial storage requirements and other related services for military and civilian personnel.

§ 1004.2101 Applicability of subpart.

This subpart applies to all AF procuring activities within the continental United States.

§ 1004.2102 Department of Defense commercial warehousing and related services for household goods of military and civilian personnel.

The procedure for processing commercial storage requirements for household goods of military and civilian personnel is set forth in AFR 67–61 (Commercial Warehousing and Related Services for Household Goods of Military Personnel).

(a) *Policy.* The execution and administration of service orders (DD Form 1164, Service Order for Household Goods) against basic agreements (DD Form 1162) will be performed in the base transportation office. Since this duty is fundamentally a procurement responsibility, the individual in the base transportation office performing these duties must be a duly appointed contracting officer according to § 1001.452 of this subchapter. In the appointment of base transportation personnel as AF contracting officers, care must be exercised to insure that such individuals' qualification and experience meets the minimum standards established by § 1001.452(a) (1), (3), (4), (5), (6), and (7) of this subchapter.

(b) *General.* To achieve maximum uniformity and desired efficiency in performing this function, the duties of the contracting officer located in the transportation activity and procedures to be used are as follows:

(1) Obtain the following, from the transportation officer, on each individual request for services:

(i) Completed DD Form 1099, Application for Non-Temporary Storage of Household Goods (Chapter 2, AFM 75–4 (Movement of Personnel and Personal Property)).

(ii) Completed DD Form 1299, Application for Shipment of Household Goods, and power of attorney or informal letter of authorization is required only when for some reason the DD Form 1099 cannot be accomplished.

(iii) Sufficient copies of individual travel orders necessary for required distribution.

(iv) A statement to the effect that commercial storage has been determined to be more economical than Government storage.

(2) Determine the order of preference for selecting the basic agreement to be used for each individual requirement. The cost of the service will be the sole determining factor. In the event of identical rates under two or more basic agreements, the requirements should be distributed according to AF policy concerning award of equal low bids.

(3) Obtain either oral or written offers, as appropriate, from commercial storage firms according to the basic agreement.

PART 1007—CONTRACT CLAUSES

14. Section 1007.105–51 is revised; § 1007.105–52 is deleted; new § 1007.4014 is added; § 1007.4033 is deleted; paragraph (d) of the clause in § 1007.4048(a) is revised; and § 1007.4058 is deleted as follows:

§ 1007.105–51 Correction of deficiencies.

The following clause is an example of a warranty clause which is authorized for insertion in fixed-price type supplies and services contracts for systems and equipment where performance specifications and/or design are of major importance.

CORRECTION OF DEFICIENCIES (AUGUST 1965)

(a) *Definitions.* As used in this clause: (1) The word "deficiency" shall mean: Any condition or characteristic in any supplies (which term shall include related services and technical data) furnished or to be furnished hereunder, which is not in compliance with the requirements of this contract.

(2) The word "corrections" shall mean: Any and all actions necessary to eliminate any and all deficiencies.

(b) *General.* (1) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(2) This clause shall apply only to those deficiencies discovered by either the Government or the Contractor within _____
(Insert a specific period of time after delivery or after the occurence of a specified event.)

(c) *Discovery, notice and recommendation for correction of deficiencies.* (1) If it is determined by the Contracting Officer (CO) that a deficiency exists in any of the supplies accepted by the Government under this contract, he shall notify the Contractor of the deficiency, in writing, within _____
(Insert specific period of time)
of the discovery of the deficiency. Upon timely notification of the existence of such deficiency, the Contractor shall promptly submit to the Contracting Officer its recommendation for corrective action. The information shall be in sufficient detail for the Contracting Officer to determine what corrective action, if any, should be undertaken.

(2) If the contractor shall become aware that a deficiency exists in any supplies, either tendered to the Government for acceptance but not yet accepted or not yet tendered to the Government for acceptance hereunder, or that a deficiency exists in any accepted supplies, the contractor shall promptly correct such deficiency, or if it elects to invoke the procedures set forth in paragraphs (d) and (e) hereof, it shall promptly communicate such information, in writing, to the Contracting Officer, together with its detailed recommendation for corrective action.

(d) *Notice to Contractor.* (1) The Contracting Officer, at his sole discretion, may direct the contractor to correct, within a reasonable time and at _____
(Insert the location or locations where correction may be directed)
any and all deficiencies in such supplies and the contractor shall take necessary action to bring the supplies into compliance with the requirements of this contract at no increase in the total contract price.

(2) The Contracting Officer may: (i) Choose not to direct any correction; or (ii) choose to direct only partial correction of an actual or potential deficiency; in such an event, he shall give written notice to the Contractor of the choice made.

(3) Written notice to the Contractor to correct, partially correct, or not to correct, as appropriate, an actual or potential deficiency must be issued by the Contracting Officer within _____
(Indicate a period of time)
after receipt of the contractor's recommendations for corrective action and adequate supporting information.

(e) *Adjustment for and correction of deficiencies.* (1) In the event of timely notice of a decision not to correct or only to partially correct, the Contractor shall promptly submit a technical and cost proposal to amend the contract to permit acceptance of the affected supplies to the revised requirements and an equitable reduction in total contract price shall be promptly negotiated by the parties and reflected in a supplemental agreement to this contract.

(2) The Contractor shall promptly comply with any timely written direction by the Contracting Officer to correct a deficiency.

(3) The Contractor shall prepare and furnish to the Government data and reports applicable to correction required under this provision inclusive of revising and updating all other affected data called for under this contract, at no increase in total contract price.

(f) *Limitation on contract modifications.* (1) The Government shall not, in any event, be responsible for extensions or delays in the scheduled deliveries or period(s) of performance of this contract as a result of the Contractor's obligations to accomplish corrections of deficiencies, nor shall there be any adjustment of contract terms as a result of such correction of deficiencies.

(2) It is hereby specifically recognized and agreed by the parties hereto that these provisions shall not be construed as obligating the Government to increase the total contract price of this contract.

(g) *Transportation charges.* When return, correction, or replacement is required, the Contracting Officer shall return the supplies, and transportation charges to and from the Contractor, and responsibility for such supplies while in transit shall be borne by the Contractor. However, the Contractor's liability for such transportation charges shall not exceed an amount equal to the cost of transportation by the usual commercial method of shipment between the designated destination point under this contract and the Contractor's plant and return.

(h) *Failure to correct.* If the Contractor fails or refuses to (1) Present a detailed recommendation for corrective action in accordance with paragraph (c) above; (2) correct deficiencies in accordance with (e)(2) above; or (3) prepare and furnish data and reports in accordance with paragraph (e)(3) above, the Contracting Officer shall give the Contractor written notice specifying the failure or refusal and setting a period within which it must be cured. If the failure or refusal is not cured within the specified period after receipt of such notice from the Contracting Officer, the Contracting Officer may by contract or otherwise, as required:

(i) Obtain such detailed recommendations;

(ii) Correct or replace them with similar supplies or services, and/or;

(iii) Obtain data and reports applicable to the correction, and charge to the Contractor the cost occasioned to the Government thereby. In addition, if the Contractor fails to furnish timely disposition instructions, the Contracting Officer may dispose of the nonconforming supplies for the Contractor's account in a reasonable manner, in which case the Government is entitled to reimbursement from the Contractor or from the proceeds for the reasonable expenses of the care and disposition of the nonconforming supplies, as well as for excess costs incurred or to be incurred.

(i) *Correction of deficient replacements and reperformances.* Any services reperformed or supplies or parts thereof corrected or furnished in replacement pursuant to this clause shall also be subject to all the provisions of the clause to the same extent as supplies initially delivered.

(j) *Disagreements.* Failure to agree upon any determination to be made under these provisions shall be deemed to be a dispute within the meaning of the clause of this contract entitled "Disputes."

§ 1007.4033 Contractual contents. [Deleted]

§ 1007.4014 Certificate of conformance.

The following clause may be inserted in the contractual documents per § 14.204 serted in base procurement documents of this title, except that it will not be inspecifying delivery to the same CONUS base where the base procurement activity is located. When the clause is inserted in base procurement documents, the Certificate of Conformance (COC) will be attached to or entered on the invoice. When the clause is incorporated into a DD Form 1155, either central or base procurement, the portion of the clause inclosed in brackets will be omitted. Omission of the portion in brackets is required because the DD Form 1155 does not include either of the clauses mentioned therein. When the clause is inserted in central procurement documents the COC will be attached to or entered on the DD Form 250 or DD Form 1155.

CERTIFICATE OF CONFORMANCE (JUNE 1966)

(a) Notwithstanding any clauses of the contract concerning inspection the Government will accept any of the supplies or services to be furnished hereunder upon receipt of a Certificate of Conformance by the Contractor attached to a (DD Form 1155 or DD Form 250 or invoice as applicable), reading substantially as follows:

"I hereby certify that I did, on the (date) of (month) 19 ___, ship via (Name of Carrier) on (Bill of Lading No., Receipt, etc.), in accordance with shipping instructions issued by the Contracting Officer, the supplies called for by Contract Number (insert contract number), that such supplies were in the quantities and of the quality called for, and were in all respects in accord with the applicable specifications, or (complete the services called for by Contract Number (insert contract number), item (insert item number) and that such services were in the quantity and of the quality called for, and were in all respects in accord with the applicable specifications). This statement is furnished to support payment of the attached invoice."

(b) Notwithstanding any provisions of the certificate above referred to, and [notwithstanding the provisions of paragraph (c) of the clause hereof, entitled, "Inspection" or "Inspection of Supplies and Correction of Defects" as the case may be], the liability of the Contractor with respect to supplies accepted by the Government under the provisions of paragraph (a) above will, after inspection by the Government or after the expiration of a reasonable time following delivery to the Government within which inspection may be made, whichever occurs first, be limited, except as to supplies rejected upon inspection, to liability for latent defects, fraud, or such gross mistakes as amount to fraud.

§ 1007.4048 Safety precautions for all types of dangerous materials.

(a) * * *

SAFETY PRECAUTIONS FOR DANGEROUS MATERIALS (NOVEMBER 1964)

* * * * * *

(d) Insofar as applicable to contract or subcontract work or services hereunder, requirements of the following exhibits are hereby invoked: MIL–STDs 129D, to the extent called out by MIL–L–9931, 130B to the extent called out by MIL–L–9931, 444 and 709; MIL–STD–1167, MIL–STD–1168 and MIL–L–9931; AF TO 11A–1–47; ICC Regulations T. C. George's Tariff No. 15; Freund's Tariff No. 11, Motor Carrier Explosives and Dangerous Articles Tariff; Restricted Articles Tariff No. 6C (including ATB No. 14 and CAB No. 18); U.S. Coast Guard Regulations and Federal Aviation Agency Regulations.

* * * * * *

§ 1007.4058 Current reimbursement. [Deleted]

PART 1010—BONDS AND INSURANCE

15. Part 1010 is deleted.

PART 1013—GOVERNMENT PROPERTY

16. In § 1013.102–3, subdivision (viii) of paragraph (a)(10) is revised, subdivision (ix) of paragraph (a)(10) is deleted, the last sentence of subparagraph (a)(15) is revised, the parenthetical references in paragraph (b) are deleted, the first sentence of paragraph (c) is revised, and subparagraph (2) is added. As amended § 1013.102–3 reads as follows:

§ 1013.102–3 Facilities.

(a) * * *

(10) * * *

(viii) General purpose production equipment: Neither general purpose production equipment nor funds to procure them will be provided to contractors by the Air Force except when determination is made that such action is clearly in the best interest of the Government. Such determination may be made if the contractor's proposal is supported by a "Make or Buy" evaluation for each general operation involved, together with supporting justification in the form of acceptable reasons why the contractor is unwilling or financially incapable of providing general purpose machinery and equipment, and is in other respects fully documented. Determination of exceptions will be by the chief of the industrial facilities organization of the cognizant AFSC division. All determinations of exceptions will be fully documented and reported according to AFR 78–16. Report submitted will contain the following information:

(a) Number of contracts on which exceptions to policy stated above were authorized.

(b) Number and dollar acquisition cost of new general purpose items procured as a result of such exceptions.

(c) Number and dollar acquisition cost of Department of Defense owned general purpose items provided as a result of such exceptions.

The information necessary to prepare and submit the required report will be furnished by the Commander, AFSC divisions to AFSC (SCKM), who will submit the report according to AFR 78–16.

(ix) [Deleted]

* * * * * *

(15) Government bills of lading: Facilities acquired under facilities contracts will be shipped on Government bills of lading where the Government takes title at the point or origin of shipment. Such facilities, to which the Government has taken title, will not be shipped on commercial bills of lading collect, or otherwise for conversion, unless specifically authorized by the transportation officer-in-charge.

* * * * * *

(b) Each procurement contract, facilities contract, lease or other agreement which provides Government-owned facilities, will contain clauses or provisions stating whether the facilities may be used on a charge or no-charge basis. A facilities contract, lease, or agreement under which facilities are held by a contractor will require the periodic payment of a use-charge unless such use-charge is not required according to terms of prime procurement contracts and subcontracts. Where facilities are used without charge, the contract file of the facilities contract, lease, or agreement under which facilities are provided will be documented, by the administering office, to indicate the procurement contracts, subcontracts, or other basis that authorize no-charge use of Government facilities.

(c) Project approval as required under § 13.302(c) of this title will be made as follows:

Project cost $1,000,000 or more, Office of Secretary of Defense.
Over $500,000 to $1,000,000, Hq USAF (DCS (S&L)).
$500,000 or less, Hq AFSC DCS (P&P); Commander/Vice Commander AFSC Division (ASD/BSD/SSD/ESD/RTD).
$100,000 or less, Commander Aerospace Medical Division (AMD).

The approval authority for purchase of industrial facilities will not be redelegated below the levels indicated above. The exercise of this authority as well as any other action with regard to the expansion of industrial facilities will be subject to the following conditions and limitations:

* * * * * *

(2) See § 13.307(a)(3) of this title relative to the location of nonseverable industrial facilities on land not owned by the Government.

* * * * * *

17. Subpart C—Special Tooling is deleted.

18. Section 1013.401 is amended by inserting a date following the colon after the word "contract" in paragraph (a), correcting the word "expected" in the note in paragraph (a), and correcting section reference 13.407 in subparagraph (a)(1). As amended § 1013.401 reads as follows:

§ 1013.401 Award of procurement contracts.

* * * * *

(a) *Procurement contracts requiring the provision of additional facilities under separate facilities contracts.* When a procurement contract, supplement, or change is negotiated on the basis that additional facilities will be provided to the contractor under a separate facilities contract (either directly by the Government or by contractor acquisition at Government expense), the following clause will be inserted into the procurement contract: (February 1958)

* * * * *

NOTE: If the procurement contract does not already contain the clause set forth in § 1007.4052 of this chapter, "Use of Government Facilities on No-Charge Basis," insert the following in lieu of the last sentence of paragraph (a) of the clause above: "Such facilities shall be provided on a no-charge basis, and at the time that the facilities contract is executed this contract shall be amended to include the clause set forth in § 1007.4052 of this chapter, entitled: 'Use of Government Facilities on No-Charge Basis.'"

* * * * *

PART 1017—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

19. A new Subpart D is added as follows:

Subpart D—Records of Requests and Dispositions

§ 1017.403 Sample format for preliminary and final records.

The sample format in § 17.403 of this title has been established as AFPI Form 48, Record of Request for Adjustment, Public Law 85–804. AFPI Form 48 will be used by AF activities for the preparation and maintenance of prescribed records.

(Sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314)

PART 1018—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

20. Section 1018.108–1 is revised as follows:

§ 1018.108–1 Construction contracts.

Both the detailed estimate and the purchase request will be designated "For Official Use Only."

PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

21. Part IX of § 1030.5 is deleted as follows:

§ 1030.5 Appendix E—Contract Financing.

* * * * *

Part IX—Assignment of Claims Arising Under Government Contracts [Deleted]

PART 1053—CONTRACTS; GENERAL

22. Sections 1053.405 through 1053.405–3 are deleted; § 1053.407–3 is revised; and §§ 1053.407–4 through 1053.407–9 are deleted as follows:

§ 1053.405 Certification of invoices by vendors. [Deleted]

§ 1053.405–1 General. [Deleted]

§ 1053.405–2 Exceptions. [Deleted]

§ 1053.405–3 Responsibility of vendors. [Deleted]

§ 1053.407–3 Dating signatures.

The term "purchase order" as used in paragraph 7c, AFR 170–8, applies to any unilateral signature contractual document, requiring only the signature of the contracting officer to effect a binding agreement upon issuance and delivery to the contractor. Such documents do not require a date beside the signature if the date of the document appears elsewhere. This includes all contractual forms listed in ASPR 20–101(b). The signature of any contractual document need not be dated if the document does not obligate funds.

§ 1053.407–4 Contracts with individuals. [Deleted]

§ 1053.407–5 Contracts with an individual trading as a firm. [Deleted]

§ 1053.407–6 Contracts with partnerships. [Deleted]

§ 1053.407–7 Contracts with corporations. [Deleted]

§ 1053.407–8 Contract with joint venturers. [Deleted]

§ 1053.407–9 Contracts for food of animal origin. [Deleted]

PART 1054—CONTRACT ADMINISTRATION

23. Section 1054.302 is revised, and § 1054.303 is amended by adding a new subparagraph (5) to paragraph (a) and revising the first sentence of paragraph (c) as follows:

§ 1054.302 Definition.

A Master Serial Number is a number assigned by the contract distribution office of the issuing activity, for keeping a record of CCNs in consecutive order as issued.

§ 1054.303 Use of CCNs.

(a) * * *

(5) Is necessary to prevent loss of savings which would accrue to the Government as a result of an approved cost reduction proposal submitted pursuant to the value engineering clause of the contract.

* * * * *

(c) CCNs will not be issued to effect changes in the following instances:

* * * * *

(Sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 126–133; 10 U.S.C. 8012, 2301–2314) [AFPI Revisions No. 66, May 31, 1966; No. 67, June 29, 1966; No. 68, July 27, 1966; No. 69, Aug. 31, 1966. AF Procurement Circulars No. 25, Aug. 20, 1965; No. 12, May 27, 1966; No. 17, June 30, 1966; and No. 21, Aug. 17, 1966]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 66–11109; Filed, Oct. 12, 1966; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 170—FINANCIAL ASSISTANCE FOR CONSTRUCTION OF HIGHER EDUCATION FACILITIES

Part 170 of Title 45 of the Code of Federal Regulations, dealing with regulations for the administration of the Higher Education Facilities Act of 1963, Public Law 88–204 (77 Stat. 364, 20 U.S.C. 711), as amended, is revised to read as set forth below.

Section 170.15 as published finally herein reflects comment received in connection with a proposed draft thereof published in the FEDERAL REGISTER on June 18, 1966 (31 F.R. 8544), pursuant to section 4 of the Administrative Procedures Act. Inasmuch as the formulation and submission of revised State plans for Title I of the Higher Education Facilities Act, pursuant to paragraph (c) of § 170.17 of these regulations, is dependent upon these sections becoming effective and inasmuch as their becoming effective immediately would in no wise adversely affect the States or institutions within the States who may wish to participate under Title I of the Act, it is deemed to be in the public interest that § 170.15, together with the other sections published herein be made, and it is hereby made, effective immediately.

Grants and loans made pursuant to the regulations set forth below are subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88–352).

Subpart A—General Provisions

Sec.
170.1 Definitions.
170.2 Requirement for compliance with labor standards and equal opportunity requirements in all construction contracts.
170.3 Requirement for competitive bidding on contracts for construction and for acquisition and installation of built-in equipment.
170.4 Requirement for economical methods of purchase of movable equipment.
170.5 Fiscal control and fund accounting procedures.
170.6 Retention of records.
170.7 Determination of costs eligible for Federal participation.

Subpart B—Grants for Construction of Academic Facilities

Sec.
170.11 Institutional eligibility for grants under section 103 of the Act.
170.12 Institutional eligibility for grants under section 104 of the Act.
170.13 Conditions for grant approval.
170.14 Submission and processing of Title I applications.
170.15 Criteria for standards and methods to determine relative priorities of eligible projects.
170.16 Criteria for standards and methods to determine Federal shares of eligible projects.
170.17 State plans.
170.18 Adjustments in amount of Federal share.
170.19 Payment of grant funds on approved projects.

Subpart C—Grants for Construction of Graduate Academic Facilities

170.41 Eligibility for grants.
170.42 Submission of applications.
170.43 Advisory Committee.
170.44 Criteria for evaluating applications.
170.45 Special terms and conditions.

Subpart D—Loans for Construction of Academic Facilities

170.51 Eligibility for loans.
170.52 Submission of applications.
170.53 Special terms and conditions.
170.54 Determination of nonavailability of equally as favorable terms and conditions.
170.55 Form of evidence of indebtedness.
170.56 Security for loans.
170.57 Length and maturity of loans.
170.58 Bond counsel opinion.
170.59 Determination of priorities for loan approvals.
170.60 Loan agreement.
170.61 Loan closing.
170.62 Interim financing.
170.63 Construction fund.
170.64 Investment of idle construction funds.
170.65 Disposal of balance remaining in the construction fund.

AUTHORITY: The provisions of this Part 170 issued under secs. 101–111, 301–407; 77 Stat. 364–370, 372–379; 20 U.S.C. 711–721, 741–757, except as otherwise noted.

Subpart A—General Provisions

§ 170.1 Definitions.

(a) "Act" means Public Law 88–204, the Higher Education Facilities Act of 1963, as amended. Unless otherwise indicated, title references are to titles of the Act. All terms defined in the Act shall have the same meaning as given them in the Act. All references to sections are to sections of this part, unless otherwise indicated.

(b) "Academic facilities," as defined in the Act, are further defined and subdivided into the following categories:

(1) "Instructional and library facilities" means all rooms or areas used regularly for instruction of students, for faculty offices, or for library purposes, and service areas (such as storage closets, projection booths, balance rooms, dark rooms, locker and shower rooms, and private toilets) which adjoin and are used in conjunction with such rooms or areas. A room intended and equipped for any such purposes should be counted in the appropriate category regardless of the building (e.g., administration building, library building, or classroom building) in which it is located.

(2) "Instruction-related facilities" means all rooms or areas (other than instructional and library facilities) which are used for purposes related to the instruction of students, research, or for the general administration of the educational or research programs of an institution of higher education, and service areas (such as storage rooms, private toilets, or control rooms) which adjoin and are used in conjunction with such rooms or areas.

(3) "Related supporting facilities" means all other areas and facilities which are necessary for the utilization, operation and maintenance of "instructional and library facilities" or "instruction-related facilities," as defined above. This term includes building service areas and circulation areas, and central maintenance and utility facilities which serve more than one building, to the degree that such central facilities are designed and used to serve academic facilities of the two aforementioned categories rather than other, nonacademic, facilities such as dormitories, chapels, or stadiums, or facilities which are excluded from the definition of eligible academic facilities because they are used by ineligible schools or departments.

(c) "Advisory Committee on Graduate Education" means that committee established by section 203 of the Act.

(d) "Assignable area" means square feet of area in facilities which are designed and available for assignment to specific functional purposes (such as instruction, research, and administration, and including noneligible purposes such as student sleeping rooms, apartments, or chapel rooms). Areas used for general circulation within the building, for public washrooms, for building maintenance and custodial services, or in central maintenance and utility facilities which exist only to support the operation and utilization of other structures on the campus and which are not available for assignment to other specific functional purposes, as illustrated above, shall be classified as nonassignable area.

(e) "Branch campus" means a campus of an institution of higher education which is located in a community different from that in which its parent institution is located. A campus shall not be considered to be located in a community different from that of its parent institution unless it is located beyond a reasonable commuting distance from the parent institution.

(f) "Capacity/enrollment ratio" means the ratio of (1) the square feet of assignable area of instructional and library facilities as defined in paragraph (b)(1) of this section to (2) the total student clock-hour enrollment, at a particular campus of an institution. For purposes of this definition, "student clock-hour enrollment" means the aggregate clock hours (sometimes called contact hours) per week in classes or supervised laboratory or shop work for which all resident students (i.e., students enrolled for credit courses on the campus) are enrolled as of a particular date. Where formally established independent study programs exist, systematically determined equivalents of class or laboratory hours may be included under "student clock-hour enrollment."

(g) "Commissioner" means the U.S. Commissioner of Education or his designee.

(h) "Equipment" means manufactured items which have an extended useful life and are not consumed in use and which have an identity and function which are not lost through incorporation into a different or more complex unit or substance. For purposes of construction applications under the act, equipment is further subdivided into three categories: built-in building service systems, other built-in equipment, and initial movable equipment.

(1) "Built-in building service systems" means utilities and other machinery necessary for the effective functioning of a building or uniformly distributed through all portions of the building, such as heating and air conditioning systems and machinery, automatic fire-control systems, public address, time and communication systems.

(2) "Other built-in equipment" means all items other than "built-in building service systems," which are permanently fastened to the building or the grounds, such as: laboratory tables connected permanently to plumbing, and other built-in specialized laboratory equipment; built-in audiovisual systems in individual classrooms; chalkboards, bulletin boards, and display cabinets fixed to walls; built-in library stacks and counters; carpeting installed in lieu of other finished flooring; and draperies installed in lieu of other light control devices.

(3) "Initial movable equipment" means all items of initial equipment other than built-in equipment, which are necessary and appropriate for the functioning of a particular academic facility for its specific purpose, and will be used solely or primarily in the rooms or areas covered by an application under the Act (as distinguished from items which are appropriate for academic purposes but are not to be used principally within the rooms included in the project). The term does not include books, curricular or program materials, carpets or drapes, or any items of current operating expense such as fuel, supplies, component items such as vacuum tubes which have no function apart from other items in which they are to be incorporated, or manufactured items which are consumed in use or have a short useful life.

(i) "Full-time equivalent number of students" means:

(1) For purposes of determining State allotments, the number of full-time students enrolled in programs which consist wholly or principally of work normally creditable towards a bachelor's or higher degree plus one-third of the number of part-time students enrolled in such programs, plus 40 percent of the number of students enrolled in programs which are not chiefly transferable towards a

bachelor's or higher degree plus 28 percent of the remaining number of such students. Student enrollment figures for each fiscal year for the purposes of this computation shall be those contained in the most recent Office of Education survey containing data on opening fall enrollments in higher education.

(2) For purposes of reporting undergraduate enrollment trends and projections in connection with applications for financial assistance for individual institutions under Title I of the Act, the "full-time equivalent number of students" may be defined for each State by the State commission by specific State plan provision. In the absence of such a definition in the applicable State plan, "full-time equivalent number of students" for application purposes shall be the total number of full-time students plus one-third of the number of part-time students. For the purposes of this definition, full-time students are those carrying at least 75 percent of a normal student-hour load.

(j) "Institution of higher education," or "institution," means an educational institution in any State which meets the requirements set forth in section 401(f) of the Act. The term "educational institution" limits the scope of this definition to establishments at which teaching is conducted.

(k) "Project" means the facilities (all or a portion of one or more structures) which are eligible for grant or loan assistance under a particular title of the Act, and for which grant or loan assistance is requested in a specific grant or loan application. Only facilities located on the same campus and for which the basic construction contracts are to be awarded at approximately the same time may be included in the same project application.

(l) "State commission" means the State agency designated or established in each State pursuant to section 105(a) of the Act.

(m) "State plan" means the document submitted by a State commission and approved by the Commissioner, which sets forth the standards, methods, and administrative procedures whereby the State commission shall review projects proposed by applicants in the State for Federal assistance under Title I of the Act, and shall determine and recommend the relative priority of each such project and the Federal share of the costs eligible for Federal financial participation for each such project.

§ 170.2 Requirement for compliance with labor standards and equal employment opportunity requirements in all construction contracts.

The Commissioner shall not approve any application for a grant or loan under the Act except upon adequate assurance that:

(a) Construction contracts for the construction covered by the application will provide that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction assisted by such grant or loan will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), and will receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (Public Law 87-581), unless a waiver is granted by the Commissioner pursuant to section 403(a) of the Act; and

(b) All applicable provisions for equal opportunity in employment, pursuant to Executive Order 11246, will be included in all construction contracts covered by the application, and all other requirements, imposed by or pursuant to that Executive order, will be complied with.

§ 170.3 Requirement for competitive bidding on contracts for construction and for acquisition and installation of built-in equipment.

(a) All contracting for new construction, and all orders for the acquisition and installation of built-in equipment not covered by general construction contracts, shall be on a fixed price basis. Contracts for new construction and for acquisition and installation of built-in equipment shall be awarded on the basis of competitive bidding obtained by public advertising (*Provided, however*, That for applications approved prior to the publication of these regulations, the competitive bidding requirement may be satisfied by obtaining three or more bids).

(b) Except where the Commissioner specifically approves alternative contracting procedures due to special problems or conditions, all contracting for rehabilitation, renovation, remodeling, conversion, or improvement of existing structures shall be undertaken in accordance with the provisions of paragraph (a) of this section.

(c) The concurrence of the Commissioner (including concurrence in any provision for prequalification of bidders) shall be obtained before advertising for bids and before awarding any contract for construction or for acquisition and installation of built-in equipment for which grant or loan assistance under the Act is requested.

§ 170.4 Requirement for economical methods of purchase of movable equipment.

All movable initial equipment, the cost of which is to be charged to a project covered by a grant or loan application under the Act, shall be procured in an economical manner consistent with sound business practice, in accordance with such instructions as the Commissioner may from time to time prescribe.

§ 170.5 Fiscal control and fund accounting procedures.

(a) *State commissions.* Each State plan shall contain specific information regarding fiscal control and fund accounting procedures, as required by the Commissioner to insure proper disbursement of and accounting for Federal funds which may be paid to the State commission for expenses for the proper and efficient administration of the State plan.

(b) *Institutions, cooperative graduate center boards, and higher education building agencies.* Applicants and, where applicable, their building agencies, shall maintain adequate and separate accounting and fiscal records and accounts of all funds provided from any source to pay the cost of construction (including necessary site acquisition and equipment) covered by the grant or loan application, and audit or inspection of such records by authorized representatives of the Federal Government shall be permitted and facilitated by applicants at any reasonable time.

§ 170.6 Retention of records.

(a) *State commissions.* (1) Accounts and documents supporting expenditures for expenses of State commissions shall be maintained until the State commission is notified of completion of Federal audits for the Federal fiscal year concerned.

(2) Where the State commission purchases equipment items costing $50 or more per unit, for use in the administration of the State plan, inventories and other records supporting accountability for such items shall be maintained until the State commission is notified of the completion of the review and audit by the Department of Health, Education, and Welfare covering the disposition of such equipment.

(3) State commissions shall establish a complete case file on each Title I application received; inform applicants of official actions and determinations, by letter or similar type of correspondence, and shall retain records regarding each case for at least 2 years after final action with respect to the application is taken by the State commission. In addition, each State commission shall maintain a full record of all hearings on appeals pursuant to section 105(a)(5) of the Act, and all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered as of each specified closing date and shall retain such records for at least 3 years.

(b) *Institutions, cooperative graduate center boards, and higher education building agencies.* All accounting records relating to approved projects, including bank deposit slips, cancelled checks and other supporting documents, purchase orders and contract awards (or microfilm copies thereof), shall be retained intact by the applicant and, where applicable, by the applicant's building agency, for audit or inspection by authorized representatives of the Federal Government for a period of 3 years after completion of the project or until the applicant is notified of completion of the Government's audit, whichever is later.

§ 170.7 Determination of costs eligible for Federal participation.

Determination of costs eligible for Federal participation will be based for each individual project, whether application is made under Title I, II, or III of the Act, upon: (1) The date on which a given cost item was incurred or contracted for; (2) whether the cost is an allowable "development cost," as defined in section 401(c) of the Act, and has been incurred in accordance with the requirements set forth in these regulations; (3) the portion of the proposed facility which is eligible under the type of assistance for which the application is submitted; and (4) the amount of any financial assistance under any other Federal program which the applicant has obtained or is assured of obtaining for the project.

(a) In connection with a Title I grant for an institution other than a public community college or a public technical institute, awarded prior to July 1, 1966, for structures, or portions thereof, which are not especially designed for instruction or research in the natural or physical sciences, mathematics, modern foreign languages, or engineering, or for use as a library—any cost which was incurred before, or under a contract entered into before, November 8, 1965, shall be excluded from the eligible development cost.

(b) For a project for which an application was filed for the first time (under any title of the Act) on or after April 1, 1965, and prior to July 1, 1966, the following shall be excluded from the eligible development cost:

(1) Any cost for movable equipment incurred before the date of receipt by either the Office of Education or a State commission of an application covering the project; and

(2) Any cost incurred under a construction contract or a contract for the purchase and installation of built-in equipment which did not, when let, meet the requirements set forth in sections 170.2 and 170.3.

(c) For a project for which an application is filed for the first time (under any title of the Act) on or after July 1, 1966, the following shall be excluded from the eligible development cost:

(1) Any cost for movable equipment incurred before the date of receipt by either the Office of Education or a State commission of an application covering the project; and

(2) Any cost incurred under a construction contract or a contract for the purchase and installation of built-in equipment which was entered into before the date of concurrence by the Commissioner in the award of such contract. While such concurrence normally will be given only after a grant or loan for a project has been approved, circumstances occasionally may warrant the beginning of construction in advance of grant or loan approval in order to meet scheduled needs for expansion of enrollment capacity. In any such case, where an application for a project has been filed and the applicant can justify the necessity of beginning construction in advance of the award of the grant or approval of the loan, the Commissioner may, after an appropriate review of the bidding documents, authorize bidding and concur in the award of the contract. However, such concurrence shall in no way provide any advantage for the project in priority determinations by a State commission under Title I and shall in no way commit the Commissioner subsequently to approve a grant or loan under any Title for any such application.

Subpart B—Grants for Construction of Academic Facilities

§ 170.11 Institutional eligibility for grants under section 103 of the Act.

To qualify for a grant from funds allotted pursuant to section 103 of the Act, an institution or a branch campus of an institution shall meet the requirements specified in sections 401(f) and 401(g) of the Act.

(a) An institution which is not accredited by a nationally recognized accrediting agency or association listed pursuant to section 401(f) of the Act may qualify, alternatively, by obtaining a certification from the Commissioner (dated no earlier than two years prior to the date of filing of the application for a grant) that the institution meets requirements set forth in subsection 401(f)(5) of the Act.

(b) An institution or a branch campus of an institution shall be determined to be organized and administered principally to provide a 2-year program as specified in section 401(g) of the Act, if:

(1) More than 50 percent of the full-time equivalent student enrollment at the institution or branch campus is in 2-year programs of the types specified in section 401(g) of the Act; and

(2) The application for a grant pursuant to section 103 of the Act contains a statement that the institution or branch campus is organized and administered principally to provide such programs, and such statement is supported by information available to or obtained by the State commission.

§ 170.12 Institutional eligibility for grants under section 104 of the Act.

To qualify for a grant from funds allotted pursuant to section 104 of the Act, an institution shall meet requirements specified in section 401(f) of the Act. An institution which is not accredited by a nationally recognized accrediting agency or association listed pursuant to section 401(f) of the Act may qualify, alternatively, by obtaining a certification from the Commissioner (dated no earlier than 2 years prior to the date of filing of the application for a grant) that the institution meets requirements set forth in subsection 401(f)(5) of the Act.

§ 170.13 Conditions for grant approval.

(a) An application for a grant under Title I of the Act shall be approved only if: (1) The Commissioner is satisfied, on the basis of information submitted with the application, that (i) the facilities included in the Title I project are intended for use predominantly in undergraduate instruction and/or extension and continuing education programs; and that (ii) the requirements of section 106 of the Act will be met; and (2) the application meets all requirements of section 108(b) of the Act; and (3) the application contains or is supported by: (i) Satisfactory assurances that the applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, and to apply for and receive the proposed grant; and (ii) satisfactory evidence that the applicant has or will have a fee simple or such other estate or interest in the facilities and site, including access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 75 years from the date of the application.

(b) In determining whether a project, either alone or together with other construction to be undertaken within a reasonable time, will result in an urgently needed substantial expansion or creation of student enrollment capacity or capacity to carry out on-campus extension and continuing education programs, consideration will be given to statewide and institutional planning data, projected undergraduate enrollment increases and increases in on-campus extension and continuing education programs, any serious deficiencies in the quality of existing undergraduate instruction programs because of inadequacies in existing academic facilities, and the contribution of the project in providing for new or increased enrollments or remedying existing deficiencies.

§ 170.14 Submission and processing of Title I applications.

(a) *Closing dates for filing of applications.* Closing dates by which applications may be filed with and accepted by the State commission shall be established in the State plan. For each category of applications (i.e., applications for public community colleges and public technical institutes; and applications for institutions of higher education other than public community colleges and public technical institutes) the State plan shall provide at least two closing dates for any Federal fiscal year, and all such closing dates shall be between July 31 and February 15. Each State plan may provide for apportionment of the State allotments under section 103 and section 104 of the Act, so that specified portions of either or both allotments become available for grants as of specified closing dates, but such apportionment shall not be required, and in the absence of such a provision in the State plan, the total of each allotment shall be available as of the first applicable closing date in each Federal fiscal year.

(b) *Submission of project applications.* Applications for grants under Title I of the Act shall be submitted on forms supplied by the Commissioner, and shall contain such assurances as are required pursuant to the Act and the regulations in this part. Applications shall be submitted directly to the appropriate State commission, together with any supplemental information which may be required by the State commission. The State commission shall accept all applications for grants under Title I for institutions of higher education in the State, provided such applications are

submitted on forms provided by the Commissioner, and shall officially record the date of receipt of each application by the State commission.

(c) *Verification of application data and institutional and project eligibility.* Before determining the relative priority or Federal share for any application for grant assistance under Title I of the Act, the State commission shall satisfy itself that the data contained in the application appear to be valid, and that the institution and the project appear to meet basic eligibility requirements set forth in the Act and the regulations governing the administration of the Act. In any case where in the opinion of the State commission a question may be raised as to the eligibility of an institution or of a project, the State commission shall promptly forward a copy of the application to the Office of Education for a clarification of such eligibility. In any such case, the State commission shall continue to process and rank such application as if it were eligible, but shall delay final action on all applications under the same category considered as of the same closing date until receipt of notification by the Office of Education of the disposition of the eligibility question.

(d) *Determination of relative priorities and Federal shares.* All eligible applications received by each specified closing date shall be considered by the State commission together with others of the same category (i.e., applications for public community colleges and public technical institutes for funds allotted under section 103 of the Act; and applications for all other institutions of higher education for funds allotted under section 104 of the Act) and assigned relative priorities and recommended Federal shares in accordance with the provisions of the State plan.

(e) *Procedures where funds are insufficient to provide full Federal shares for all eligible projects.* (1) In any case where the funds available in a State allotment for projects considered as of a particular closing date are insufficient to cover all eligible applications, the State commission shall nevertheless determine the full Federal share, calculated according to the State plan, for all projects in their order of relative priority, until the remaining available funds are insufficient to provide the full Federal share as calculated for the next project in order of priority.

(2) If the State plan provides for apportionment of the State allotment among closing dates, the State plan may provide also that sufficient funds will be made available immediately, from such funds as were apportioned to later closing dates in the same fiscal year, so that the full Federal share as initially calculated will be available for the first project for which only a part of the Federal share would otherwise have been available. In any case where the State allotment is apportioned among closing dates and no such provision is included in the State plan, all projects for which the full Federal share, as calculated, cannot be provided for by the available funds shall be carried over to any subsequent closing dates in the same fiscal year.

(3) If the State allotment is not apportioned among closing dates, or in the case of the last closing date in the fiscal year, the amount of the remaining funds shall be offered as a partial Federal share for the first project in order of relative priority for which less than the full Federal share as calculated is available. The offer and acceptance of such a lesser Federal share shall in no way be deemed to diminish the scope of the project. An applicant which agrees to accept such a partial Federal share shall in all cases have the option to submit a supplemental application as provided in paragraph (1) of this section. If the applicant offered such a partial Federal share declines to accept it, the remaining funds and the application for which the partial Federal share was declined shall be carried over to the next closing date, if any, in the same fiscal year.

(f) *Recommendation by State commissions.* Promptly upon completing its consideration of applications as of each closing date, and no later than March 31 of each Federal fiscal year, each State commission will forward to the Commissioner: (1) A current project report, on forms supplied by the Commissioner, for the pertinent category of applications, listing each application received or carried over from the previous closing date, each application returned to the applicant and the reason for return of such application, each application considered as of the closing date, and the priority and Federal share determined according to the State plan for each project considered; (2) the application form and exhibits in the number of copies requested by the Commissioner, for each project assigned a priority high enough to qualify for a Federal grant within the amount of funds available in the allotment for the State; and (3) copies of correspondence documenting the offering and either acceptance or rejection of partial Federal shares pursuant to paragraph (e) of this section.

(g) *Notification to applicants.* The State commission shall promptly notify each applicant of the results of all determinations regarding its application as of each closing date, and any applicant shall, upon request in accordance with such orderly procedures as are established by the State commission, be furnished access to the records of official State commission proceedings on the basis of which relative priorities and Federal shares of all applications were determined.

(h) *Disposition of applications which are not recommended for grants.* Applications which are not recommended for a grant within the fiscal year in which they are filed, shall be retained by the State commission until notified that there are no longer any funds available in the State allotments for the fiscal year. New applications shall be filed each fiscal year for any project which does not receive a recommendation for a grant and which the applicant desires to have reconsidered in a subsequent year. In addition, whenever any application is carried over from one closing date to the next within a fiscal year, and the fall term opened between such closing dates, those portions of the application containing data as of the most recent opening fall term shall be revised to show the most recent data on enrollments and available instructional and library facilities. Any applications which are still on file with State commissions after the completion of approvals for fiscal year 1966 shall be refiled on new application forms to be supplied by the Commissioner, if the applicant desires to have such applications considered by the State commission during fiscal year 1967.

(i) *Grant award.* For a Title I project application which meets all eligibility requirements the Commissioner will approve the application and reserve Federal funds from the appropriate State allotment and will prepare and send to the applicant a grant award, which sets forth the pertinent terms and conditions of the grant.

(j) *Amendment of project applications.* Any time prior to a closing date for which an application is to be considered, the applicant may make changes in the application by written notification to the State commission. After any such closing date, no changes in applications shall be permitted, except corrections or submission of additional data as requested by the State commission.

(k) *Project changes.* After a project has been forwarded to the Commissioner by the State commission, no substantial changes in the nature or scope of the project shall be approved by the Commissioner without first verifying that such changes would not have affected the State commission's original recommendation of the project for a grant.

(l) *Supplemental applications.* Any time after an application has been forwarded to the Commissioner by the State commission with a recommendation for a Federal grant, an applicant desiring to apply: (1) For an increase in the amount of the Federal share on the basis of an increase in development cost; and/or (2) for the balance of the original eligible grant amount when a partial Federal share was recommended pursuant to paragraph (e) of this section, shall submit a supplemental application on forms supplied by the Commissioner together with any additional information which may be required by the State commission. Supplemental applications shall be considered for the assignment of relative priority together with all other applications eligible for consideration as of the next applicable closing date. Supplemental applications which are assigned sufficiently high priorities to be recommended for additional grant funds shall, unless otherwise provided in the applicable State plan, be recommended for the balance of the Federal share for which the project would have qualified pursuant to Federal share criteria in effect for the closing date for which the project originally was recommended, or for the balance of the Federal share calculated according to State plan provisions in effect as of the current closing date, whichever is the lesser. In no event shall a supplemental application be considered by a State commission or approved by the Commissioner after final settlement has been made on the completed project.

§ 170.15 Criteria for standards and methods to determine relative priorities of eligible projects.

(a) The State plan shall set forth separately the standards and methods for determining the relative priorities of eligible projects for the construction of academic facilities (1) for public community colleges and public technical institutes and (2) for institutions of higher education other than public community colleges and public technical institutes. The standards and methods set forth for each of the two categories of eligible projects shall provide separately for new institutions or new branch campuses and for established institutions or campuses. Unless otherwise defined in the State plan, a new institution or branch campus (as distinguished from an established institution or branch campus) shall be one which was not in operation and admitting students as of the fourth fall term preceding the date of application for assistance under Title I.

(b) The standards for determining relative priorities for established institutions or branch campuses shall include each of the following, each of which shall be assigned at least the indicated percentage of the total weight assigned to all standards for established institutions or branch campuses:

(1) One or more standards dealing with the planned for and reasonably expected numerical and/or percentage increase in full-time equivalent undergraduate student enrollment at the campus at which the facilities are to be constructed, between the opening of the fall term which opened preceding the closing date for which the application is being considered and the opening of either the third, fourth, or fifth term thereafter (at least 20 percent of total weight, with priority advantage given to higher numerical and/or percentage increases).

(2) One or more standards dealing with the amount and/or percentage by which the construction of the project for which a Title I grant is requested will increase the square feet of assignable area in instructional and library facilities at the campus at which the facilities are to be constructed (at least 10 percent of total weight, with priority advantage given to higher numerical and/or percentage increases).

(3) One or more standards designed to favor projects for institutions or branch campuses which are most effectively utilizing their existing academic facilities (at least 10 percent of total weight).

(c) The standards for determining relative priorities for new institutions or branch campuses shall include each of the following, each of which shall be assigned at least the indicated percentage of the total weight assigned to all standards for new institutions or branch campuses:

(1) A standard dealing with the planned for and reasonably expected numerical increase in full-time equivalent undergraduate student enrollment at the campus at which the facilities are to be constructed, between the opening of the fall term which opened preceding the closing date for which the application is being considered and the opening of either the third, fourth, or fifth fall term thereafter (at least 30 percent of total weight, with priority advantage given to higher numerical increases).

(2) A standard dealing with the amount by which the construction of the project for which a Title I grant is requested will increase the square feet of assignable area in instructional and library facilities at the campus at which the facilities are to be constructed (at least 10 percent of total weight, with priority advantage given to higher numerical increases).

(d) The State plan may include additional standards for determining relative priorities which are not inconsistent with the standards set forth in paragraphs (b) and (c) of this section and which will carry out the purposes of the Act.

(e) The methods for application of the standards for determining relative priorities shall provide for the assignment of point scores for each standard applied, such that the potential total score for each project will be the same whether the project is for a new institution or branch campus or for an established institution or branch campus. The assignment of points for each standard may be by any one of the following methods or by similar objective methods, a different one of which may be used in connection with each standard:

(1) Applications may be ranked according to relative performance for the standard, and assigned a point score for relative rank (e.g., 10 points for placement in the highest 10 percent, 9 points for placement in the second highest 10 percent, 8 points for placement in the third highest 10 percent, etc.).

(2) Applications may be compared to a scoring table for the standard, and assigned points accordingly (e.g., for numerical increase in full-time equivalent undergraduate enrollment, a scoring table might provide for 10 points for an increase of 1,000 or more, 8 points for an increase of 800–999, 6 points for an increase of 600–799, etc.).

(3) Applications may be compared to a fixed requirement for the standard, and assigned points if they meet the requirement or denied points if they do not. This type of scoring should be used where comparison against the standard involves a "yes"—"no" decision (e.g., Is the proposed project located in a geographic area of the State in which an unfilled need for creation or expansion of undergraduate enrollment capacity has been documented in a statewide study? If "yes," award 5 points, if "no," award 0 points).

(f) The methods for application of the standards shall provide for determination of relative priorities on the basis of the total of the points earned by each application for each applicable standard and shall specify factors to be applied in determining which application shall receive the higher priority in the case of identical scores.

(g) The standards and methods for determining relative priorities must be developed on the basis of information which is to be submitted on the application form prescribed by the Commissioner, or required by the State commission to be submitted on supplemental State forms to accompany the application, or contained in published reports or publications readily available to the State commission and to all institutions within the State. Whenever supplemental forms or definitions or data in published reports or publications are to be used in connection with optional State plan standards, the State plan shall include a section setting forth such definitions and supplementary data sources and an appendix illustrating the supplemental State forms.

(h) In no event shall an institution's readiness to admit out-of-State students be considered as a priority factor adverse to such institution and in no event may the nature of the control or sponsorship of the institution, or the fact that construction of the project has commenced, or that part of the cost of a project has been incurred before or under a contract entered into prior to the date of the application, be considered as a priority factor either in favor of, or adverse to, an institution.

§ 170.16 Criteria for standards and methods to determine Federal shares of eligible projects.

(a) Unless the Federal share is specified in the State plan as a uniform percentage of the costs eligible for Federal financial participation, the State plan shall prescribe the standards and methods in accordance with which the State commission shall determine the Federal share of such costs, but in no event may the Federal share of a project exceed the percentage of the eligible project development cost specified by the Act.

(b) Standards and methods for determining the Federal share pursuant to paragraph (a) of this section: (1) Must be objective and simple to apply; (2) may involve the use only of data which are to be submitted on the application form prescribed by the Commissioner, required by the State commission to be submitted on supplemental State forms to accompany the application, or contained in reports or publications readily available to the State commission and the institutions of higher education in the State; (3) must be such as will enable an applicant to calculate in advance (on the assumption that sufficient funds will be available to cover all applications) the minimum Federal share of the estimated eligible project development cost which the State commission will certify to the Commissioner if it recommends the project for a Federal grant; and (4) must be consistent with criteria published by the Commissioner with re-

spect to the determination of relative priorities among projects and be promotive of the purposes of the Act.

§ 170.17 State plans.

(a) The Commissioner shall approve a State plan only after he has received satisfactory assurance and explanation regarding the basis on which the State commission submitting the plan meets the requirements of section 105(a) of the Act. A new or revised State plan submitted in accordance with section 105 of the Act shall be submitted on forms or in a format supplied by the Commissioner and shall contain all provisions required by the Commissioner pursuant to section 105 of the Act and other sections of the regulations in this part, together with such additional organizational and administrative information as the Commissioner may request.

(b) All proposed amendments to the State plan shall be submitted to the Commissioner for his approval in such form and in accordance with such instructions as are established for that purpose. Such amendments shall apply uniformly to all applications to be considered together as of any closing date, and, unless otherwise provided in the State plan, shall become effective immediately upon approval by the Commissioner, except that in no event shall any amendment which affects the standards and methods for determining priorities or Federal shares or any amendment providing for an additional closing date or for the change in an existing closing date become effective sooner than 60 days after the date the proposal to make such amendment is received by the Commissioner and 30 days after the date of the Commissioner's approval of the amendments as a part of the State plan: *Provided, however,* That amendments which are required by amendments of the Act or of these regulations or are designed to implement promptly amendments of the Act or of these regulations may be made effective immediately upon their approval by the Commissioner.

(c) State plan amendments conforming to the provisions in these regulations regarding closing dates and determination of priorities shall be submitted and approved prior to State commission actions on any Title I applications for closing dates later than December 31, 1966.

§ 170.18 Adjustments in amount of Federal share.

For all Title I grants approved after July 1, 1966, the following procedures shall apply:

(a) In any case where the costs eligible for Federal participation, as determined by the final audit, exceed those provided for in the grant agreement for the project, the Federal share entitlement of the applicant shall be limited to that provided by the grant award.

(b) In any case where the costs eligible for Federal participation, as determined by the final audit, are less than those provided for in the grant award, the Commissioner shall redetermine the amount of the Federal share which would have been recommended for the project, based on the lesser eligible cost, under State plan provisions in effect at the time the project was recommended for a grant, if sufficient funds had been available in the State allotment at that time to provide the maximum Federal share provided for by the plan. If such redetermined Federal share entitlement is less than the maximum amount authorized by the grant award the grant shall be reduced accordingly, and any overpayment of Federal funds shall immediately be due to the Government of the United States. If such redetermined Federal share is equal to or greater than the maximum amount of the Federal share authorized by the grant award, the final settlement shall be based on the Federal share amount authorized by the grant award.

(c) The Commissioner may from time to time, after award of the grant and prior to final settlement, adjust the grant amount to take into account any reductions of eligible project development cost which occur or are identified subsequent to the award of the grant.

§ 170.19 Payment of grant funds on approved projects.

The commissioner shall provide for payment of grant funds for approved projects pursuant to such methods as he determines will best make the funds available as needed and eliminate unnecessary expense to the Federal Government.

Subpart C—Grants for Construction of Graduate Academic Facilities

§ 170.41 Eligibility for grants.

Grants for construction of academic facilities from funds appropriated under Title II of the Act may be made only to assist institutions of higher education and cooperative graduate center boards in the construction of such academic facilities, including facilities essential to their operation, as will be dedicated to the provision of graduate education.

§ 170.42 Submission of applications.

Applications covered by this subpart may be submitted by institutions of higher education or by cooperative graduate center boards as defined in section 401 (i) of the Act. Such applications shall be submitted at such time and in such manner as may be prescribed by the Commissioner and will be processed by the staff of the Office of Education in the order of their receipt. Upon the completion of such processing as is appropriate, each application will be submitted to the advisory committee at its next meeting.

§ 170.43 Advisory Committee.

The advisory committee on graduate education established pursuant to section 203 of the Act shall review all applications submitted in the light of the criteria set forth in § 170.44 and shall make recommendations to the Commissioner for the approval or disapproval, in whole or in part, of each such application.

§ 170.44 Criteria for evaluating applications.

In determining whether, to what extent and in what order to approve applications consideration shall be given, but not limited to, the following factors which are not necessarily listed in the order of their importance:

(a) The extent to which the program or programs to be assisted by the proposed construction will contribute toward the establishment or development of a graduate school or cooperative graduate center of excellence, or the extent to which such program or programs will contribute toward the improvement of an existing graduate school or cooperative graduate center.

(b) The extent to which the proposed construction will increase the capacity of the institution to supply highly qualified personnel critically needed by the community, industry, government, research, and teaching.

(c) The extent to which the proposed construction will assist in attaining a wider distribution throughout the United States of graduate schools and cooperative graduate centers.

(d) The capability of the applicant to give full financial support to its programs generally, and specifically to the program or programs of graduate education to be assisted by the proposed construction.

(e) The extent to which the program or programs to be assisted by the proposed construction are likely to draw to the institution both graduate students and faculty of a high level of competence.

(f) The adequacy of applicant's existing academic facilities with respect to the present demands made on them and the demands that can reasonably be expected to be made on them in the foreseeable future, with particular reference to the adequacy of those facilities, if any, available for the conduct of the program or programs to be assisted by the proposed construction.

(g) The extent to which the proposed construction would contribute significantly to the increase in both or either the quantity or quality of graduate education in a relatively wide geographical area.

§ 170.45 Special terms and conditions.

Before approving a Title II grant the Commissioner will require:

(a) Satisfactory evidence that the applicant has or will have a fee simple or such other estate or interest in the facilities and site, including access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 75 years from the date of application.

(b) Satisfactory evidence that the applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, and to apply for and receive the proposed grant.

Subpart D—Loans for Construction of Academic Facilities

§ 170.51 Eligibility for loans.

Loans may be made only for construction of academic facilities for institutions of higher education or for cooperative graduate centers.

§ 170.52 Submission of applications.

Each institution, cooperative graduate center board or higher education building agency desiring a loan for the construction of academic facilities shall submit an application for such assistance, in the manner and containing the information specified by the Commissioner.

§ 170.53 Special terms and conditions.

Before approving a loan the Commissioner will require:

(a) Satisfactory evidence that the applicant has or will have a fee simple or such other estate or interest in the facilities and site, including access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 75 years from the date of application.

(b) Satisfactory evidence of the ability of the applicant to comply with the appropriate terms and conditions for repayment of the loan.

(c) Satisfactory evidence that the applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, to apply for and receive the proposed loan, and to pledge or mortgage any assets or revenues to be given as security for the proposed loan.

(d) Satisfactory assurances that the project for which the loan is requested is related to a plan for development of the institution, branch campus or cooperative graduate center for which it will be constructed, and is associated with either a planned increase in student enrollment or a planned improvement in the instructional programs offered by the institution, branch campus or cooperative graduate center.

(e) Satisfactory assurance that the applicant will not mortgage to others the facility to be constructed with the assistance of the loan during the life of the loan.

§ 170.54 Determination of nonavailability of equally as favorable terms and conditions.

No loan will be made unless the Commissioner finds that the applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this part. For the purpose of making such determination, the applicant shall be required to comply with such procedures as the Commissioner may establish, including, where deemed necessary, public advertising for bids from other sources.

§ 170.55 Forms of evidence of indebtedness.

The evidences of indebtedness shall be in such form as may be prescribed by the Commissioner.

§ 170.56 Security for loans.

All loans shall be secured in a manner which the Commissioner finds sufficient to reasonably assure repayment. The security may be one or a combination of the following:

(a) A first mortgage on the facilities and site thereof.

(b) Negotiable stocks or bonds of a quality and value acceptable to the Commissioner.

(c) A pledge of unrestricted and unencumbered income from an endowment or other trust funds acceptable to the Commissioner.

(d) A pledge of a specified portion of annual general or special revenues of the institution, acceptable to the Commissioner.

(e) Full faith and credit (tax supported) obligations of a State or local public body.

(f) Such other types of security as the Commissioner may find acceptable in specific instances.

§ 170.57 Length and maturity of loans.

(a) The maximum repayment period for loans under Title III of the Act shall be 30 years, except where the Commissioner finds that a longer repayment period is required in order for the loan to be feasible.

(b) Substantially level total annual installments of principal and interest, sufficient to amortize the loan from the third year through the final year of the life of the loan, will be required unless otherwise authorized by the Commissioner.

(c) Loans maturing in less than 30 years, or loans which do not mature serially, may be considered by the Commissioner in order to fit the loan into an applicant's total financial plan.

(d) In no case shall a loan repayment period exceed the estimated useful life of the facilities to be constructed with the assistance of the loan.

§ 170.58 Bond counsel opinion.

At appropriate stages in the loan application and development procedure, a legal memorandum or opinion of bond counsel will be required with respect to the legality of the proposed bond or note issue, the legal authority to offer the issue and secure it by the proposed collateral, and the legality of the issue upon delivery. "Bond Counsel" means either a law firm or individual lawyer, thoroughly experienced in the financing of construction projects by the issuance of bonds, and whose approving opinions have previously been accepted by purchasers of bonds offered at public sales. In addition, where the borrower is a public institution or agency, the proposed bond counsel shall be a recognized bond counsel in the municipal field. The legal memorandum or opinion to be provided by such an acceptable bond counsel in each case generally shall be as follows:

(a) A memorandum by bond counsel, submitted with the loan application, stating that there is or will be authority to finance, construct, maintain the project, and to issue the proposed obligations and to pledge or mortgage the assets and/or revenues offered to secure the loan, citing the basis for such authority.

(b) A preliminary approving opinion of bond counsel, submitted at the time the applicant proposes to advertise for construction bids for the project, to the effect that when the bonds or notes described in the loan agreement are sold and delivered they will comply with the applicable provisions of the loan agreement and will be valid and binding obligations of the issuer and will be payable in accordance with their terms.

(c) The final approving opinion of bond counsel, delivered at the same time as the delivery of the bonds or notes, stating that the bonds or notes (1) are those described in the loan agreement and the authorizing proceedings, (2) have been duly authorized, sold, and delivered to the Commissioner, and (3) constitute the valid and binding obligations of the issuer payable in accordance with their terms.

§ 170.59 Determination of priorities for loan approvals.

Loan applications shall be processed in such order and according to such standards and methods as the Commissioner may determine. Such standards and methods shall be developed as may be necessary and appropriate to encourage distribution of the available loan funds in accordance with actual needs and may include establishment of closing dates for consideration of applications and for determination of priorities.

§ 170.60 Loan agreement.

For project applications which meet all requirements of the Act and of the regulations governing the administration of the Act, and upon approval by the Commissioner together with a reservation of Federal funds, a loan offer will be prepared by the Commissioner and sent to the applicant. The loan offer will set forth the pertinent terms and conditions for the loan, and will be conditioned upon the fulfillment of these terms and conditions. The accepted loan offer will constitute the Loan Agreement between the Commissioner and the applicant for the partial financing of the construction of the approved project.

§ 170.61 Loan closing.

Loan closing shall be accomplished at such time as may be determined by the Commissioner.

§ 170.62 Interim financing.

If necessary, the applicant shall arrange for interim financing, subject to the approval of the Commissioner, to cover the cost of construction pending the loan closing. Where the Commissioner finds that an applicant is unable to secure necessary interim financing on

reasonable terms, he may provide for advances against the approved loan.

§ 170.63 Construction fund.

The proceeds of the sale of the bonds or notes, any interim advances against the approved loans, and all other moneys to be used in paying for the construction of which the project is a part, shall be deposited into a separate bank account to be maintained in a bank of the applicant's choice and to be known as the Construction Fund. All expenditures for the construction shall be made from this fund. Accounting for this fund shall be in accordance with generally accepted accounting principles. When necessary and appropriate, the Commissioner may approve other arrangements for the deposit of construction funds and the construction fund accounting, provided such arrangements provide adequate accountability for the total construction receipts and expenditures.

§ 170.64 Investment of idle construction funds.

Where the moneys on deposit in the construction fund exceed the estimated disbursements for the project for the next 90 days, the borrower shall, if permitted by State or local law, direct the depository bank to invest such excess funds in direct obligations of the U.S. Government, or obligations the principal of and interest on which are guaranteed by the U.S. Government, which shall mature not later than eighteen (18) months from the date of such investment.

§ 170.65 Disposal of balance remaining in the construction fund.

The balance of moneys remaining in the construction fund at the completion of construction shall be disposed of in accordance with the provisions of the loan agreement.

Dated: August 23, 1966.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: October 4, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 66-11177; Filed, Oct. 12, 1966; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13961; FCC 66-903]

PART 1—PRACTICE AND PROCEDURE

Report and Order; Television Program Form

In the matter of amendment of Section IV; Statement of Program Service of Broadcast Application Forms 301, 303, 314, and 315.

1. The Commission has before it for consideration the fourth notice of further proposed rule making released April 24, 1964, in the above-captioned matter, proposing a new television program reporting form for use in place of the present section IV as part of broadcast applications for renewal, assignment and transfer of control, and new stations and major changes in facilities (FCC 64-385), together with more than 60 comments filed in response thereto[1] and the testimony of 19 witnesses consuming some 454 pages of testimony.

2. We have also adopted today a report and order in Docket 14187 amending our rules so as to require television stations to log the information they will need to complete section IV with which we are here concerned.

3. These proceedings were instituted by the Commission on February 21, 1961, with issuance of a notice of proposed rule making looking toward adoption of a new program reporting form for television and radio broadcast applicants.

4. After extensive comments and informal conferences with industry representatives and other interested parties, on July 7, 1961, the Commission issued a notice of further proposed rule making proposing separate forms for television and for radio. By a second notice of further proposed rule making released December 20, 1963 we invited comments on another section IV for television.[2] Before the date set in the second notice for oral and written presentations concerning the new form, objections to the proposal were raised informally, chiefly by broadcasters, the NAB and members of the Communications Bar.

5. Subsequently, an ad hoc committee was formed consisting of members of the Communications Bar, broadcasters, a representative of the NAB and Commission staff members to recommend clarification and simplification of the form to the extent practicable. The Commission found that the committee's proposals represented in a number of respects an improvement over the proposal contained in the second notice.

6. On April 24, 1964, the Commission released its fourth notice of further proposed rule making incorporating many of the committee's recommendations. Therein it was proposed to have two forms: One for renewal and the other for all other applications. On June 1, 1964, an en banc oral proceeding was held by the Commission to provide opportunity for direct presentation of views and comments. Nineteen witnesses appeared, including representatives of broadcast stations, religious organizations, and other interested parties.[3]

7. A number of comments included extensive constitutional, legal and philosophical arguments concerning the role of this Commission and its duty, or lack of authority, in the field of programing. That these matters are serious and basic is evident. The Commission's views in the matter, however, have been set forth in some detail in its "Report and Statement of Policy Re: Commission En Banc Program Inquiry" (FCC 60-970, 25 F.R. 7291, 20 RR 1902, released July 29, 1960). Many of the arguments presented have been disposed of in that report and other Commission pronouncements in this area. Suffice it to say here that the Commission finds the form adopted herein to be in accordance with its statutory duties and authority and warranted in the public interest.

8. The Commission, throughout this proceeding, has made every effort to accede to reasonable suggestions. It has been our intention to seek only information we deem necessary in fulfilling our statutory function and do it with the least expense, inconvenience and burden to licensees and applicants. The form adopted herein represents a substantial reduction in the information called for in the fourth notice. Some of the questions to which major objections were directed have been deleted or revised. Programing and commercial information need only be supplied for one composite week, as compared with 3 composite weeks proposed in the fourth notice.

9. We do not propose to prolong this report by discussing the positions taken and the suggestions made by the numerous parties who have participated in this proceeding. All have been considered and many of the objections contained in the comments and presented at the en banc oral proceeding and the informal meetings were found to have some merit and we have adopted many of the suggestions presented. We shall, however, discuss briefly some matters which we believe are essential to a thorough understanding of the form adopted herein.

[1] The total number of individuals who have expressed views in this matter, since its inception in 1961, far exceeds this number.

[2] On Jan. 28, 1964, a third notice was issued herein proposing a new radio program form and subsequently, on June 2, 1964, a fifth notice was issued proposing another version of the radio form. On Aug. 12, 1965, the Commission released a report and order (FCC 65-686) adopting a revised program form (sec. IV-A) for AM and FM applicants.

[3] The parties appearing at the en banc oral proceeding were as follows:
National Association of Broadcasters.
National Council of Churches of Christ.
Television, Radio & Film Commission of the Methodist Church.
United Churches of Christ.
American Federation of Musicians, AFL-CIO.
Texas Association of Broadcasters.
Station KWTV (Oklahoma City, Okla.).
Frank U. Fletcher, Esq., for various licensees.
Storer Broadcasting Co.
Harry M. Plotkin, Esq., behalf of Station Representatives Association.
Thomas W. Wilson, Esq., behalf of FCBA.
Harold E. Yourkman, Columbus, Ohio, on behalf of various Columbus residents.
Joseph M. Kittner, Esq., behalf of American Broadcasting Co.
W. Theodore Pearson, Esq., on behalf of Community Broadcasting Co. (WTOL-TV), Toledo, Ohio, et al.
Paul Dobin, Esq.
Ben C. Fisher, Esq., behalf of Bi-States Co. (KHOL-TV), Kearney-Holdridge, Nebr., et al.
William J. Potts, Esq., behalf of Meredith Broadcasting Co.

10. At the outset, we note that as a matter of procedural convenience and administrative judgment, we have abandoned the contemplated adoption of two forms, one for renewal and another for all other applications. Study revealed that two separate forms would result in needless duplication. One form will be used for all television station applicants, with the instructions indicating which questions should be answered by each of the various types of applicants.

11. Applicants are also instructed that replies which relate to proposed future programing and commercial operation constitute representations on which the Commission relies. Such representations are not, of course, exact detailed statements of proposed day-to-day operations, and literal adherence to them in that respect would neither be possible not necessarily desirable. Because the proposals as to programing and commercial matter are representations relied upon by the Commission in determining whether grant of an application is in the public interest, licensees are given the responsibility for advising the Commission whenever substantial changes occur. It is not possible to define what would constitute a substantial change so that it may be applied in every case. This is a judgment to be made by the licensee in the exercise of sound discretion. It does not require that every departure from programing and commercial proposals is to be reported to the Commission. Obvious examples of program format alterations which would be reported are changing from a diversified format to emphasis on feature films or sports; or from English-language programs to a foreign language format. Examples of the type of changes in commercial practices which should be reported are a station deciding as a matter of policy to increase the maximum percentage of commercial matter which it proposes to allow, or if the station determines that it is exceeding these proposed maximums approximately 10 percent of the time. If the type of change raises serious public interest questions, the licensee will be so advised and an inquiry may be made in order to ascertain complete details. However, silence on the part of the Commission is not to be construed as indicating that the Commission has passed on the matter. The station's performance in the public interest will be evaluated in any event at the time of next renewal.

12. To avoid any confusion resulting from the adoption of one form for all television applicants, it should be understood that applicants for major changes need not file this section IV unless a substantial change in programing is proposed. Where an applicant for major change indicates that no substantial change in programing is proposed, the Commission at the time such application is reached for processing will determine whether the filing of program information is necessary and will request it in appropriate cases. To assist us in making the necessary public interest finding in assignments and transfer proceedings, we are requiring certain information from assignors and transferors as well as from assignees and transferees. It should be noted, however, that assignors and transferors need not answer any portion of section IV if the information required of such applicants has been filed with the Commission within 18 months prior to the filing of the application and it is referenced and identified.

13. The Commission recognizes that there is wide disagreement over the details that should be required of an applicant in reporting on ascertainment of community needs and interests. There is general agreement, however, that an awareness of and a response to such needs is essential. Realistically, a question seeking such information can be phrased only in somewhat general terms. We believe that the question in the form (Question No. 1), reasonably interpreted, can be readily answered, provided good faith efforts have been made to ascertain needs; and that the question imposes no great burden.[4] While the ultimate decision with regard to the presentation of programs is that of the licensee, the Commission expects broadcast permittees and licensees to make a positive, diligent and continuing effort to provide a program schedule designed to serve the needs and interests of the public in areas served by the station. The efforts must include consultation with the general listening public, and with leaders in community life and professional and eleemosynary organizations. Report and Statement of Policy Re: Commission En Banc Programing Inquiry (FCC 60-970, 25 F.R. 7291, 20 RR 1902, released July 29, 1960). The Commission's experience with the radio form has shown that some applicants are not providing full answers to the questions on ascertainment of community needs (Question No. 1). The Commission cautions applicants to study this question and to supply a complete and responsive answer to each part thereof. The question is designed to elicit full information as to:

(a) The steps that an applicant has taken to become informed of the real needs and interests of the area served and to provide programing which constitutes a diligent effort to provide for such needs and interests;

(b) Any suggestions that may have been made as to how the station could help meet the needs and interests of the community from the viewpoint of those consulted;

(c) The applicant's evaluation of the relative importance of all such suggestions and the consideration given them in formulating the station's over-all program structure; and

(d) The programing that applicant proposes, either generally or specifically, to meet the needs and interests of the community as he has evaluated them.

14. A question-by-question comparison between the form proposed in the fourth notice and the one adopted herein is not practicable. Some of the differences have already been touched upon (paragraph 9) and two others are particularly worthy of mention. The requirement to supply information as to the extent of interruptions of program continuity by commercial and other matter has been deleted, and the proposed program source category of exchange has also been deleted.

15. Questions 3-A and 12 of the new form (relating to past and future programing, respectively) ask for the amount of time devoted to news, public affairs, and all other programs exclusive of entertainment and sports, and the percentage of total time on the air represented by each category. It has been suggested that, to make computation easier, the gross amount of time (including commercial material) should be used. However, on further analysis we are persuaded that the opposite is true, and that the amount of time should be computed excluding such material. This is necessary if a true picture of station operation is to be presented. We note, for example, that many newscasts contain a large amount of commercial material, and for a station to show the gross figure including such material would be for it to overstate the extent of its news coverage. Therefore Questions 3-A and 12 provide for computation only of time devoted to the subject of the program, excluding commercial matter. Further, to alleviate some apparent confusion,[5] the base to be used in computing the percentage of total time on the air called for in these questions, is the gross amount of time that the station was on the air during the composite week. Thus commercial matter is not excluded from the figure used as a base in computing the percentage.

16. Questions 5 and 13 (relating to past and future programing, respectively) ask for the amount of program time by source. It should be noted that commercial matter is not to be excluded from programs in computing the time devoted to the source categories.

17. In defining programs by type, the form divides programs basically into eight categories ("A" through "H"), not greatly different from those formerly used except that—in response to numerous requests—a category of "instructional" programs has been adopted, including programs of an instructional nature, whether or not they are presented by or in cooperation with an educational institution (the requirement of the former "Educational" category). In addition, three subcategories of programs are listed ("I" through "K") which fall within the first eight categories but which we believe should be further identified separately. These are "Editorials," "Political" programs (which are subcategories of the "Public Affairs" category) and "Educational Institution" programs (which could be a subcategory of any of the first eight categories "A" through "H", exclusive of "Sports"). The "Educational Institution" program

[4] Records to support needs and interests representations shall be kept available for inspection by the Commission for 3 years. (Note to Question 1.)

[5] Based on questions that have been asked by radio applicants in connection with the same question in the AM and FM form (sec. IV-A, Questions 3-A and 14).

category is generally similar to the former "Educational" program classification. We wish to reemphasize as we have in the past, that these program classifications have never been intended as a rigid mold or fixed formula for station operation. The ascertainment of the broadcast matter to be provided by a particular applicant for the audience he is licensed to serve remains the responsibility of the licensee. The Commission recognizes that the form does not contain questions which require information as to all program definition categories. Nevertheless we have decided to require all programs to be classified, as it will facilitate examination of composite week logs by providing a record which can be readily analyzed.

18. It should also be noted that a "Local" program (Instruction, General Information and Definitions, paragraph 10-a), is limited to those programs which the station originates, produces or for the production of which the station is primarily responsible and employing live talent for more than 50 percent of the time. It would only pertain where the station is actively involved in producing or originating the program; i.e., its studio or other facilities are used. Thus the definition would not include programs in which the station's sole relationship; i.e., one of financial support. Further, if two or more stations jointly participate in the production of a program, all of them may classify it as local. The one exception is that all nonnetwork news programs are to be classified as local. It may be of assistance in understanding this category if it is thought of in terms of station participation rather than program content.

19. There is included in the form an optional question (3-B) which permits an applicant to supply certain programming information for a representative period during the year preceding the filing of the application. The Commission recognizes that applicants may not have complete information for network programs carried during such a period of time, and it is not expected that the networks will supply it to affiliates. Accordingly, if a response is made to this question, it should clearly note the network programs for which the applicant is unable to supply the required information.

20. Question 26-A of the form adopted herein requires an applicant to state his policy on broadcasting certain programs even if sponsorship is not available or appropriate. It should be made clear that this question is intended to determine whether an applicant has retained flexibility to accommodate public needs, and does not indicate any modification of the Commission's position pertaining to sustaining versus commercially sponsored programs. This position was fully expressed in the July 29, 1960, report and statement of policy as follows:

> Our own observations and the testimony in this inquiry have persuaded us that there is no public interest basis for distinguishing between sustaining and commercially sponsored programs in evaluating station performance. However, this does not relieve the station from responsibility for retaining the flexibility to accommodate public needs.
>
> Sponsorship of public affairs, and other similar programs, may very well encourage broadcasters to greater efforts in these vital areas. This is borne out by statements made in this proceeding in which it was pointed out that under modern conditions sponsorship fosters rather than diminishes the availability of important public affairs and "cultural" broadcast programing. There is some convincing evidence, for instance, that at the network level there is a direct relation between commercial sponsorship and "clearance" of public affairs and other "cultural" programs. Agency executives have testified that there is unused advertising support for public affairs-type programing. The networks and some stations have scheduled these types of programs during "prime time."

21. We have decided in Docket 14187 to make the effective date of the new logging requirements December 1, 1966, to give licensees time to prepare new forms and train staff in their use. It is recognized that a transition period will necessarily exist between adoption of the new section IV-B and its actual use. The problem is caused quite simply by the requirement of additional information in the new section IV-B not heretofore required, and for which there was previously no logging requirement. We have decided to make section IV-B effective as to any application filed on or after December 1, 1966, for a new television station and/or assignees and transferees. The section IV-B adopted herein will be used by assignors and transferors beginning December 1, 1967. Applicants for renewal of license whose applications are due to be filed on or after January 1, 1967, but prior to November 1, 1967, shall be required to answer Parts I, III, V, VI, and VII of section IV-B and questions 1(a), 2(a), 3(a), 4(a), 5 (a) and (b), and 10 of section IV. All applicants for renewal of television licenses which are due to be filed on or after November 1, 1967, shall use the revised form in its entirety.

22. Authority for adoption of the changes herein is contained in section (4)(i) and 303 and 307(d) of the Communications Act of 1934, as amended.

23. In view of the foregoing; *It is ordered*, That section IV of FCC Forms 301, 303, 314, and 315 is revised for television applications as set forth in the appendix hereto.*

24. *It is further ordered*, That the above revised form shall be used for applications for new television facilities (or major changes in television facilities when required) filed on or after December 1, 1966.

25. *It is further ordered*, That the above revised form shall be used for applications for assignment and transfer filed on or after December 1, 1966, by assignees and transferees and/or those filed on or after December 1, 1967, by assignors and transferors.

26. *It is further ordered*, That applications for renewal of television licenses which expire on or after November 1, 1967, shall use the above revised form in its entirety.

27. *It is further ordered*, That applications for renewal of television licenses which are due to be filed on or after January 1, 1967, but prior to November 1, 1967, shall use Parts I, III, V, VI, and VII of the above revised Form and Questions 1(a), 2(a), 3(a), 4(a), 5 (a), and (b), and 10 of the present form.

28. *It is further ordered*, That this proceeding is terminated.

Adopted: October 7, 1966.

Released: October 10, 1966.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-11173; Filed, Oct. 12, 1966; 8:51 a.m.]

* Appendix filed as part of original document.

[Docket No. 16106; FCC 66-891]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 91—INDUSTRIAL RADIO SERVICES

PART 99—DISASTER COMMUNICATIONS SERVICE

Miscellaneous Amendments

In the matter of amendment of Parts 2, 91, and 99 of the Commission's rules insofar as they relate to the Industrial Radiolocation Service, RM-139.

1. On July 16, 1965, the Commission released a notice of proposed rule making (FCC 65-625, 30 F.R. 9109) proposing to establish the Industrial Radiolocation Service on a regular basis. The service, which provides for the use of radio to determine speed, direction, position and distance for purposes other than radionavigation and primarily in connection with geographical, geophysical and geological activities, has been on a developmental basis since 1951. The Commission proposed to amend the rules so as to clarify the eligibility provisions of the service; to incorporate appropriate frequency availability and other changes occasioned by the Geneva Radio Regulations (1959) and the adoption of certain Commission orders; and to amend the Disaster Communications Service Rules in regard to control of interference in the 1750-1800 kc/s band, which is shared between the Industrial Radiolocation Service and the Disaster Communications Service. The notice invited interested parties to file comments on or before November 15, 1965, and reply comments on or before December 15, 1965. An errata was released on August 4, 1965 (30 F.R. 9885). By virtue of our order in this document, the Commission's objectives in the rule making proceeding are accomplished.

* Concurring statement of Chairman Hyde and Commissioners Cox and Loevinger filed as part of original document; Commissioner Johnson absent.

2. Comments were received from the following parties:

Board of Water Supply and the Department of Public Works, city and county of Honolulu.
Central Committee on Communication Facilities of the American Petroleum Institute (Central Committee).
Hastings-Raydist, Inc. (Hastings).
Lorac Service Corp. (LSC).
Offshore Navigation, Inc., and Offshore Raydist, Inc. (Offshore).
Washington State Highway Commission, Department of Highways.

Reply comments were filed by Hastings and Offshore Raydist, Inc.

3. In general, everyone who participated in the proceedings voiced approval of our proposal. Certain modifications were, however, suggested by a number of parties.

4. LSC suggested that our proposed frequency separation of 5 kc/s between stations of different systems in the 1750–1800 kc/s band be reduced to 3 kc/s and be between stations of different licensees. Between stations of the same licensee, however, LSC would maintain the proposed 5 kc/s spacing in order to provide licensees with assignment flexibility. In reply comments, both Hastings and Offshore-Raydist, Inc., addressed themselves to the LSC "3 kc/s" frequency separation proposal and generally endorsed it. Hastings, however, qualified its endorsement by noting that a 3 kc/s separation is acceptable only if adjacent systems employ continuous unmodulated carrier or carrier modulated with tones of 1500 kc/s or less. Both Hastings and Offshore-Raydist, Inc., agree that if a reduction to 3 kc/s is ordered by the Commission, licensees should be afforded a reasonable period of time within which to conform to the new spacing arrangement; a 12-month period was suggested.

5. We had specified in our proposal in the text of § 91.604(b)(9) that 3 kc/s would be the maximum bandwidth authorized for stations operating in the 1605–1800 kc/s band. Based upon its experience, LSC indicated that a maximum bandwidth of 1.5 kc/s, or half that proposed, is within the present state of the art and adequate for radiolocation service. In reply comments, Offshore Raydist, Inc., concurred with LSC in the suggestion that bandwidths should be reduced from the proposed 3 kc/s but believed that halving the proposed 3 kc/s is beyond the present state of the art. As an alternative or compromise, Offshore Raydist, Inc., suggested a maximum bandwidth of 2 kc/s.

6. Sections 91.604(b) (9) and (14) (the latter is now § 91.606) have been changed to specify a maximum bandwidth of 2 kc/s and frequency separation of 3 kc/s, respectively, with the latter figure to become effective on October 1, 1967. The geographical separation and frequency separation in § 91.606 is now applied to stations of different licensees rather than different radiolocation systems. This should provide additional flexibility in the selection of frequencies to be used in systems of the same licensee. These modifications were suggested by LSC and Offshore Raydist, Inc. They should serve to make clear that the separation provision applied to stations of different licensees and will provide flexibility in systems authorized to the same licensee as pointed out by LSC. Increased utilization of the available frequency spectrum will be possible. While the 2.0 kc/s bandwith is not as restrictive as proposed by LSC, the figure does represent a material reduction in bandwidth and appears to be satisfactory to Offshore Raydist, Inc.

7. Central Committee commented that licensees in the Petroleum Radio Service have had access to the frequencies 1614, 1628, 1652, 1676, and 1700 kc/s for a number of years. As the Industrial Radiolocation Service will share frequencies in the 1605–1715 kc/s band with other radio services, including the Petroleum Radio Service, Central Committee has suggested that a footnote be added to the rule governing the assignment of frequencies in the 1605–1715 kc/s band pointing out the "extensive use" being made of frequencies in the band by petroleum users and the necessity for close coordination between petroleum and radiolocation users in some areas. In reply comments Offshore-Raydist, Inc., expressed no objection to the footnote suggestion made by Central Committee.

8. We believe that the status of stations sharing frequencies in the 1605–1715 kc/s band is made clear by the notes appended to the frequency tables in the various radio services having access to frequencies within this band. We are, however, adding suitable language to point out the nature of assignments within this band, as well as the bands 1715–1750 kc/s, 1750–1800 kc/s, and 3250–3400 kc/s. This is appropriate inasmuch as all frequencies below 25 Mc/s are available on a case-by-case basis and individual frequencies are not, in every case, available for assignment or assignment without restricted conditions of operations. This has been reflected in section 91.604(b)(16) relating to frequencies available for assignment in the Industrial Radiolocation Service.

9. It also should be pointed out that frequency requirements are increasing by services to which the 225–400 Mc/s band is allocated on a primary basis. Discussions with appropriate Government agencies has indicated that it may become necessary to delete the availability of frequencies in that band for Shoran operations by 1971. In the interim, adjustments of operations now centered on the frequencies 230, 250, and 310 Mc/s may be required to insure compatibility of Shoran operations with regular services. Accordingly, applicants for new or expanded Shoran systems should consider these prospects when contemplating the filing with the Commission of applications for frequency authorizations in the 225–400 Mc/s band. This subject may be the matter of further rule making.

10. In regard to station identification LSC requested that permanent land stations operating in the Industrial Radiolocation Service in the frequency band 1605–1800 kc/s not be required to transmit call signs during regular periods of operation. LSC pointed out that the requirement for identification has been waived by the Commission under developmental operation. The company stated that no problem has been encountered in the identification of stations because of the unique nature of the transmissions. If identification did prove to be necessary, LSC stated that arrangements can be made for transmission of call signs upon prior request for specified periods. Offshore recommended that Industrial Radiolocation stations be exempted from requirement for transmitting call signs. Offshore specified that transmission of call signs would have to be by automatic devices using Morse code since most stations operate in a remote unmanned condition. The one manned station in a network does not have sufficient bandwidth to transmit voice identification. Transmission of call signs could also cause interruption of service with possible loss of lane count unless confined to times at which the station was being turned on or turned off.

11. The Commission proposed that stations in the Industrial Radiolocation Service be subject to the identification requirements of section 91.152 which requires a station to identify if it is capable of being identified by transmission of its assigned call sign. The comments received about station identification and consideration of the need for stations to identify in certain bands of frequencies has indicated the need for a more specific rule in regard to station identification in the Industrial Radiolocation Service. As a practical problem the Commission has experienced great difficulty in identifying stations in radiolocation systems operating on frequencies in the 1.605 to 2 Mc/s band. A serious situation developed when the stations caused harmful interference to priority operations of stations in another country. Since it has been found that the emissions are not sufficiently characteristic to permit suitable identification by that means, and it is most important that the Commission be able to identify the stations with a reasonable expenditure of time and effort when stations operating on frequencies that may cause interference to priority operations in this and other countries, § 91.152 has been revised so as to require stations in the Industrial Radiolocation Service to identify by means of radiotelegraphy at the beginning and end of each operation on frequencies below 3400 kc/s. A period of about 1 year has been allowed for stations to make the necessary arrangements to accomplish the required identification. The identification is considered the minimum that will serve Commission purposes and should not cause interruption of service with possible loss of lane count or other possible problems or inconveniences that would be present if periodic identification was required. Industrial Radiolocation Service stations operating on frequencies above 3400 kc/s are not required to transmit identifying signals.

12. Section 91.604(b)(6) has been revised to reflect footnote US 97 to the Table of Frequency Allocations, § 2.106, Part 2 of the Commission's rules as recommended by Offshore Navigation, Inc., and Offshore Raydist, Inc. The footnote was included in an amendment to Part 2 accomplished in Docket No. 15696 (30 F.R. 7105), and affected the availability of frequencies in the 1605–1715 kc/s band for aeronautical radionavigation purposes and concurrently for other services operating in the band. The amendment was inadvertently not taken into account in our notice of proposed rule making.

13. The Washington State Highway Commission, Department of Highways, suggested that § 91.601(a) be clarified by including "agencies of State or local government" if it is the intent of the Commission to authorize such applicants. The department anticipated problems with § 91.602 (b) and (c) in regard to expenditure of funds by an agency of State or local government for the performance of work for the material benefit of others.

14. It was not intended that State or local governments be eligible under § 91.601 for stations in the Industrial Radiolocation Service since the radiolocation requirements of such groups may be satisfied under Part 89 of the Commission's rules. The section has been adopted as proposed. Outstanding developmental station licenses issued to any State or local governments in the Industrial Radiolocation Service will remain valid until their expiration. Rather than requesting a license in the Industrial Radiolocation Service on a regular basis, applicants are requested to apply for licensing of their radiolocation operations under Part 89 of the rules.

15. LSC requested modification of proposed § 91.604(b)(13) so as to delete the proviso that "use of frequencies in this band is necessary for the proper functioning of the particular radiolocation system." The proviso applied to the 3230–3400 kc/s frequency band. While LSC supported the limited availability of the frequency band as expressed in the section, the company believed that the proviso was too restrictive and contrary to the policy set forth in paragraph 6 of the Commission's notice of proposed rule making which rejected the sponsorship of a single system in favor of competition between different systems. In reply comments Hastings-Raydist, Inc., favored adoption of § 91.604(b)(13) as proposed by the Commission. The company pointed out that it has been necessary to amend § 2.106 of Part 2 of the rules to include a US footnote and that the domestic use of frequencies in the 3230–3400 kc/s band should be limited to those instances where there is a "genuine and pressing requirement for the particular frequencies."

16. The US footnote (now US 105) and § 91.604(b)(13) have been adopted as proposed since they make clear the specific conditions under which the frequencies have been made available for use.

17. A frequency tolerance for radar stations in the Industrial Radiolocation Service using pulse modulation has been added to footnote 2 to the table in § 91.102(a). The tolerance is presently applicable in the maritime mobile and aviation services and no problem is anticipated in regard to equipment meeting the tolerance in the Industrial Radiolocation Service. Application of the tolerance will provide a uniform engineering standard for pulse radar equipment in the Industrial Radiolocation Service.

18. LSC, Central Committee, Hastings, and Offshore specifically supported the Commission's proposal to retain the Industrial Radiolocation Service in its noncommon carrier status. Central Committee indicated that the petroleum industry, as one of the principal customers of Radiolocation Service licensees, has never believed that communications service for-hire was being rendered. The Committee stated that the service received is engineering in nature and the use of communications facilities is incidental to this principal function. In response to the Commission's request that licensees and other interested persons include in their comments descriptions of the services being rendered by stations in the Industrial Radiolocation Service, and the distribution of charges for the service provided, relative to the use of the station, LSC, Hastings, and Offshore commented in some detail. LSC indicated that private contract arrangements have been used over a period of 14 years without discrimination. The company described how a complete radiolocation service provides a great deal more than the radio transmission facility and that the arrangement has been acceptable to users and licensees alike. Raydist described some of the uses for radiolocation, such as geophysical exploration, hydrographic operations, military operations, oceanographic operations, performance testing and as a proving ground for new systems. Raydist indicated that a variety of functions is performed in addition to furnishing basic radiolocation service; and that payment for service includes many services which are distinct from the actual operation of the radio equipment. Offshore stated that a complete engineering service is provided and that use of radio signals is a means to an end. No separate charge is made for use of the radiolocation stations.

19. The Commission has held that the clear legislative intent of Congress in the enactment of the Communications Act of 1934 was that the common carrier regulatory provisions thereof should not apply to persons who are not common carriers in the ordinary sense of the term; that the fundamental concept of a communications common carrier is that such a carrier makes a public offering to provide, for hire, facilities by wire or radio whereby all members of the public who choose to employ such facilities may communicate or transmit intelligence of their own design and choosing between points on the system of that carrier and between such points and points on the systems of other carriers connecting with it; and that a carrier provides the means or ways of communication for the transmission of such intelligence as the customer may choose to have transmitted so that the choice of the specific intelligence to be transmitted is the sole responsibility or prerogative of the customer and not the carrier. Frontier Broadcasting Co. et al. *v.* J. E. Collier et al., 24 F.C.C. 251 (1958). The aforementioned fundamental concept of a communications common carrier applies even though the public offering is limited to a special classification of service which restricts the customer's choice to intelligence permissible within such class of service offering. Western Union Telegraph Co., 5 R.R. 1213 (1950); Charles Edward Stuart, Docket No. 6553, File No. T5–Ph 526. See also CATV and TV Repeater Services, 26 F.C.C. 403; 428.

20. On the basis of the facts presented to the Commission in the comments herein, it appears clear that the radio facilities licensed in the radiolocation service are not used and cannot properly be used to transmit any intelligence of the design and choice of the subscriber to the service and that the specific intelligence transmitted is and must be the sole responsibility and prerogative of the licensee and not the subscriber. We conclude, therefore, that the rendition of radiolocation service is not a communications common carrier service within the meaning of Title II of the Communications Act.

21. Editorial and other changes have been made to clarify and simplify the rules.

22. Amendment of the rules to make frequencies available in the 3230 to 3400 kc/s band for radiolocation systems or techniques requiring harmonically related pairs of frequencies in order to function properly satisfies the remaining item to be considered in the Hastings-Raydist petition for rule making (RM–139) dated September 22, 1959. The proceeding in RM–139 is hereby concluded.

23. Therefore, pursuant to authority contained in sections 4(i) and 303 (c), (f), and (r) of the Communications Act of 1934, as amended: *It is ordered,* That effective November 15, 1966, Parts 2, 91, and 99 of the Commission's rules are amended in the manner set forth below. *It is further ordered,* That the proceedings in Docket No. 16106 are hereby terminated.

(Sec. 4, 48 Stat. 1068, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: October 5, 1966.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[1] Commissioner Cox abstaining from voting.

Parts 2, 91, and 99 are amended as follows:

§ 2.106 [Amended]

1. In § 2.106 *Table of Frequency Allocations,* a new footnote designator, US105, is added in column 7 for the frequency bands 3230–3240 and 3240–3400 kc/s; and a new footnote is added to the Table to read as follows:

US105 On the express condition that harmful interference is not caused to stations operating in accordance with the Table of Frequency Allocations, frequencies in the bands 3230–3240 and 3240–3400 kc/s may be assigned to radiolocation systems which are also assigned frequencies in the 1605–1800 kc/s band, provided the use of frequencies in the bands 3230–3240 and 3240–3400 kc/s is necessary for the proper functioning of the particular radiolocation system.

2. In § 91.102(a), the table is amended to read as follows:

§ 91.102 Frequency stability.

(a) * * *

Frequency range	Transmitter (input) power			
	Fixed and base stations		Mobile stations	
	Over 300 watts	300 watts or less	Over 3 watts	3 watts or less
Mc/s	Percent	Percent	Percent	Percent
Below 25 [1]	0.005	0.01	0.01	0.02
25 to 50	.002	.002	.002	.005
50 to 1000	.0005	.0005	.0005	.005
Above 1000	(2)	(2)	(2)	(2)

[1] Industrial Radiolocation Service stations operating in the frequency bands 70–90 kc/s and 110–130 kc/s will be required to maintain the carrier frequency of each authorized transmitter within 0.01 percent of the assigned frequency. Industrial Radiolocation Service stations operating in frequency bands above 130 kc/s must comply with the tolerance requirements indicated in the column for fixed and base stations in this table.

[2] For microwave fixed equipment, see § 91.111. Radar stations in the Industrial Radiolocation Service using pulse modulation shall meet the following frequency tolerance: The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T Mc/s to the upper and lower limits of the authorized frequency band where T is the pulse duration in microseconds. For other equipment, tolerances will be specified in the station authorization.

* * * * *

3. In § 91.109, paragraph (b) is amended to read:

§ 91.109 Acceptability of transmitters for licensing.

* * * * *

(b) Except for transmitters used at developmental stations and transmitters authorized in the Industrial Radiolocation Service (see § 91.603), each transmitter utilized by a station authorized for operation under this part must be of a type which is included on the Commission's current "Radio Equipment List, Part C" and designated for use under this part or be of a type which has been type accepted by the Commission for use under this part.

* * * * *

4. Section 91.152 is amended by adding paragraphs (f) and (g) to read:

§ 91.152 Station identification.

* * * * *

(f) In lieu of the requirement of paragraph (a) of this section, and effective October 1, 1967, stations in the Industrial Radiolocation Service operating on frequencies below 3000 kc/s shall identify on each carrier frequency by transmission of the assigned call sign at the beginning and end of each period of operation. Such identification shall be by the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention, Geneva, 1959 using A1 or A2 emission. For the latter emission either the modulating audio frequency or modulated emission may be keyed.

(g) Notwithstanding the requirements of paragraph (a) of this section, stations in the Industrial Radiolocation Service operating on frequencies above 3400 kc/s are not required to identify except upon specific instruction from the Commission.

5. In Part 91, Subpart M (§§ 91.601–91.611) is amended to read as follows:

Subpart M—Industrial Radiolocation Service

Sec.

91.601 Eligibility.
91.602 Availability and use of service.
91.603 Station limitations and exemptions.
91.604 Frequencies available.
91.605 Unlisted frequencies.
91.606 Policy governing assignment of frequencies in the band 1750–1800 kc/s.

AUTHORITY: The provisions of this Subpart M issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.

Subpart M—Industrial Radiolocation Service

§ 91.601 Eligibility.

Any of the following persons who have a substantial need, in connection with their various activities, to determine direction, distance, or position by means of radiolocation devices, for purposes other than navigation, are eligible to hold authorizations to operate radio stations in the Industrial Radiolocation Service:

(a) Any person engaged in a commercial, industrial scientific, or educational activity.

(b) A corporation or association organized for the purpose of furnishing a radiolocation service.

(c) A subsidiary corporation proposing to furnish a nonprofit radiocommunications service to its parent corporation or to another subsidiary of the same parent.

§ 91.602 Availability and use of service.

(a) The initial application from a person claiming eligibility in the Industrial Radiolocation Service must be accompanied by a statement in sufficient detail to indicate clearly his eligibility.

(b) Each initial application for a station in this service shall be accompanied by:

(1) A functional description of the manner in which the system will operate, including the interrelationship and function of each unit in the system;

(2) A map of the area which it is proposed to serve, showing the location of each station.

(c) Stations licensed in the Industrial Radiolocation Service may, in the discretion of the Commission, be required to provide service upon reasonable request therefor, and without discrimination.

§ 91.603 Station limitations and exemptions.

(a) Nontype accepted equipment will be authorized to be operated in this service, pending the establishment of engineering standards. All nontype accepted equipment must, however, meet the frequency tolerance specifications enumerated in Subpart C of this part.

(b) Stations licensed in this service may transmit only those signals necessary to the rendition of the radiolocation service involved.

§ 91.604 Frequencies available.

(a) The following tabulation indicates the frequencies or bands of frequencies available for assignment to land and mobile stations in the Industrial Radiolocation Service, and the specific limitations, which are enumerated in paragraph (b) of this section:

INDUSTRIAL RADIOLOCATION SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitation(s)
kc/s		
70–90	Radiolocation land or mobile.	1.
110–130	do	1.
1605–1715	do	6, 9, 16.
1715–1750	do	9, 16.
1750–1800	do	9, 14, 16.
3230–3400	do	13, 16.
Mc/s		
220	do	2.
250	do	2.
810	do	2.
2450–2500	do	3.
2900–3100	do	4, 5.
3100–3246	do	10.
3246–3270	do	10.
5350–5460	do	4, 7.
5460–5470	do	4, 8.
5470–5650	do	4, 8.
5650–5850	do	1, 4.
9000–9200	do	4, 7.
9200–9300	do	10.
9300–9500	do	4, 8, 15.
10000–10500	do	1, 11.
10500–10680	do	12.

(b) Explanation of assignment limitations appearing in the frequency tabulation of this section.

(1) This band is allocated to the radiolocation service on a secondary basis to those services having primary status as shown in the Commission's Table of Frequency Allocations contained in § 2.106 of this chapter.

(2) Radiolocation land and radiolocation mobile stations making use of SHORAN equipment may be authorized the use of this frequency for the radiolocation activities of the petroleum industry only, at locations within 150 miles of the respective shorelines of Alaska, California, Oregon, Washington (including the area in and about Puget Sound), and the Gulf of Mexico provided that no harmful interference is caused to services operating in accordance with the Table of Frequency Allocations and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in this band in the same area.

(3) This band is allocated to the radiolocation service on a secondary basis. Radiolocation stations operating within this band shall not cause harmful interference to the fixed or mobile services. Further, they must accept any harmful interference that may be experienced from such services or from the industrial, scientific and medical equipment operating in accordance with Part 18 of this chapter. Rules and Regulations relating to Industrial, Scientific, and Medical Equipment.

(4) Speed measuring devices will not be authorized in this band.

(5) The non-Government radiolocation service in this band is secondary to the maritime radionavigation service and to the Government radiolocation service.

(6) The non-Government radiolocation service in this band shall not cause harmful interference to stations in the aeronautical radionavigation service operating on 1638 or 1708 kc/s.

(7) The non-Government radiolocation service in this band is secondary to the aeronautical radionavigation service and to the Government radiolocation service.

(8) The non-Government radiolocation service in this band is secondary to the radionavigation service and to the Government radiolocation service.

(9) Station assignments on frequencies in this band will be made subject to the conditions that the maximum plate power input to the final radio frequency stage shall not exceed 500 watts and the maximum authorized bandwidth shall not exceed 2 kc/s.

(10) Stations authorized to operate on frequencies in this band prior to April 16, 1958, whose authorizations have been renewed and are currently valid may continue to operate. Such authorizations will be subject, upon proper application therefor, to renewal and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they are granted. All such authorizations will be subject to the condition that harmful interference shall not be caused to the Government radiolocation service.

(11) The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna. Pulsed emissions are prohibited.

(12) This band is restricted to radiolocation systems using type AO emission with a power not to exceed 40 watts into the antenna.

(13) Frequencies in this band may be assigned to radiolocation stations which are also assigned frequencies in the 1605–1800 kc/s band, provided the use of frequencies in this band is necessary for the proper functioning of the particular radiolocation system, and on the express condition that harmful interference is not caused to stations operating in accordance with the Commission's Table of Frequency Allocations contained in § 2.106 of this chapter.

(14) Frequencies from within this band are available on a shared basis with stations in the Disaster Communications Service (see Part 99 of this chapter). Stations in the Industrial Radiolocation Service shall not cause harmful interference to stations in the Disaster Communications Service between local sunset and local sunrise, or at any time during an actual or imminent disaster in any area. Local sunrise and sunset times shall be derived by interpolation from the tables of the 1946 American Nautical Almanac, in accordance with a standardized procedure described therein.

(15) Radiolocation installations will be coordinated with the meteorological aids service, and, insofar as practicable, will be adjusted to meet the needs of the meteorological aids service.

(16) Because of the operation of stations having priority on the same or adjacent frequencies in this or in other countries, frequency assignments may either be unavailable or may be subject to certain technical or operational limitations. Therefore, applications for frequency assignments in this band shall include information concerning the transmitter output power; the type and directional characteristics of the antenna and the minimum hours of operation (GMT).

§ 91.605 Unlisted frequencies.

Radiolocation stations in this service may be authorized, on request, to use frequencies allocated exclusively to Federal Government stations, in those instances where the Commission finds, after consultation with the appropriate Government agency or agencies, that such assignment is necessary or required for coordination with Government activities.

§ 91.606 Policy governing assignment of frequencies in the band 1750–1800 kc/s.

(a) Each frequency assignment in the band 1750–1800 kc/s will be made on an exclusive basis within the daytime primary service area of the station to which assigned. The daytime primary service area of a station operating in this band is defined as the area within which the signal intensities are adequate for radiolocation purposes during the hours from sunrise to sunset from all stations in the radiolocation system of which the station in question is a part, that is, the primary service area of the station coincides with the primary service area of the system.

(b) The normal minimum geographical separation between stations of different licensees shall be not less than 360 miles when the stations are operated on the same frequency or on different frequencies separated by less than 5 kc/s until October 1, 1967, and 3 kc/s on and after that date. Any person desiring geographical separation of less than 360 miles under these circumstances will be required to show that the desired separation will result in a protection ratio of at least 20 decibels throughout the daytime primary service area of other stations.

(c) Where the number of applicants requesting authority to serve an area exceeds the number of frequencies available for assignment; or where it appears to the Commission that fewer applicants or licensees than the number before it should be given authority to serve a particular area; or where it appears that an applicant, either directly or indirectly, seeks to use more than 25 kc/s of the available spectrum space in this band, the applications may be designated for hearing.

4. Section 99.29 is amended to read as follows:

§ 99.29 Limitations on use of frequencies.

(a) Frequencies in the band 1750–1800 kc/s are available to stations in this service on a shared basis with stations in the Industrial Radiolocation Service; *Provided, however*, That, except when transmitting in connection with an actual or imminent disaster in any area, stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service between local sunrise and local sunset; *And, provided further*, That stations in the Industrial Radiolocation Service shall not cause harmful interference to stations in the Disaster Communications Service between local sunset and local sunrise, or at any time during an actual or imminent disaster in any area. Local sunrise and sunset times shall be derived by interpolation from the tables of the 1946 American Nautical Almanac, in accordance with a standardized procedure described therein.

(b) During the periods specified in paragraph (a) of this section when stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service, the operation of a disaster station for the purpose of drills or tests shall not be permitted if the licensee of such station has reason to believe or has been informed that such operation might reasonably be expected to cause harmful interference to stations in the Industrial Radiolocation Service.

[F.R. Doc. 66-11114; Filed, Oct. 12, 1966; 8:45 a.m.]

[Docket No. 16762; FCC 66-897]

PART 73—RADIO BROADCAST SERVICES

First Report and Order

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Reedsburg, Wis.; Portland, Ind.; Brazil, Ind.; Winner, S. Dak.; Ardmore, Okla.; Hutchinson and St. Cloud, Minn.; Gonzales, Tex.; Cullman, Ala.; De Land, Winter Park, Live Oak, and Ocala, Fla.; Rockford, Ill.; Adrian and Jackson, Mich.; and Corinth, Miss.), RM-969, RM-984, RM-967, RM-971, RM-974, RM-977, RM-978, RM-983, RM-988, RM-987, RM-989, RM-990.

1. The Commission has before it for consideration its notice of proposed rule making issued on July 14, 1966 (FCC 66-637), and printed in the FEDERAL REGISTER on July 20, 1966 (31 F.R. 9808), proposing a number of changes in the FM Table of Assignments. A number of comments were filed in response to the proposals set forth in the notice and all duly filed documents were considered in making the following determinations. The proposals were unopposed except as otherwise specified. This decision disposes of all the subject petitions except RM-989.

2. *RM-969, Reedsburg, Wis.* (Sauk Broadcasting Corp.); *RM-984, Portland, Ind.* (The Graphic Printing Co., Inc.). In these two cases, interested parties have sought the assignment of a first Class A channel in a community, without requiring any other changes in the Table. Reedsburg has a population of 4,371 and Portland has a population of 6,999 persons. The former has a Class IV AM station and the latter a daytime-only AM station. We are of the view that these communities are large enough to warrant the assignment of a first FM channel to each of them. In the case of Portland, the FM assignment will provide the first nighttime radio service of a local nature. We are accordingly assigning Channel 265A to Portland, Ind., and Channel 285A to Reedsburg, Wis.

3. *RM-967, Brazil, Ind.* In response to a petition filed on May 23, 1966, by Community Broadcasting Corp., licensee of Station WWCM(AM), Brazil, Ind., the Commission invited comments on a proposal to add Channel 249A to that community as follows:

City	Channel No.	
	Present	Proposed
Brazil, Ind.	272A	232A, 249A

Brazil has a population of 8,853 and Clay County, in which it is located and is the county seat, has a population of 24,207. Its only radio station is WWCM, a daytime-only operation, licensed to petitioner. The sole FM channel (232A) assigned to Brazil is in operation at Greencastle under the "25 mile rule". Greencastle is located in the next county. Community urges that there is a definite need for an FM station in Brazil due to its importance to the county, the economic importance of the community, and the lack of any early morning and nighttime local radio service. Petitioner submits that the city of Brazil is known as the "Clay Products Center of the World" and that it contains a number of other industries as well.

4. Normally, a community the size of Brazil would warrant only one FM assignment. However, since the only available assignment is in use in another community situated in a different county (Greencastle, Ind.) the subject request is in effect a request for a first local FM assignment. In addition, since Brazil does not have a fulltime AM station, the proposed FM assignment would provide the first local nighttime radio service in the community. For these reasons we believe that the petitioner's request would serve the public interest and should be adopted. We are therefore adding Channel 249A to Brazil, Ind.

5. *RM-971, Winner, S. Dak.* Midwest Radio Corporation, licensee of Station KWYR(AM), Winner, S. Dak., in a petition filed May 26, 1966, requests that Channel 229 be substituted for Channel 228A at Winner, S. Dak., as follows:

City	Channel No.	
	Present	Proposed
Winner, S. Dak.	228A	229

Winner, with a population of 3,705 persons, is the county seat and largest community in Tripp County, which has a population of 8,762. Its only AM station, licensed to petitioner, is a daytime-only operation. Midwest submits that there are no other AM or FM stations in Tripp County or the nearby six counties and that the coverage of KWYR is very extensive due to the high soil conductivity in central South Dakota. Petitioner states that it is anxious to provide fulltime rural service to the county and surrounding area and that this cannot be done with the assigned Class A channel. Winner is located in a very large rural area and is over 160 miles from the nearest large population center (Sioux Falls). Midwest adds that the nearest stations in operation are at Pierre (about 70 miles north) and Mitchell (about 90 miles northeast).

6. While Winner is the type of community which normally is assigned a Class A channel, it is in a sparsely settled rural area and located far from any metropolitan areas or population centers. It thus merits a departure of our policy of making Class A assignments to the smaller communities and Class B or C assignments to the metropolitan areas and large cities. We therefore find the proposal to be in the public interest and are assigning Channel 229 to Winner in lieu of Channel 228A.

7. *RM-974, Ardmore, Okla.* On June 3, 1966, Albert Riesen, Jr., Betty Maurine Riesen Dillard, Jean Lowenstein Riesen Hughes, an individual, and Jean Lowenstein Riesen Hughes and T. Fred Collins, Co-Trustees of John N. Riesen, doing business as KVSO Broadcasting Co., licensee of Station KVSO(AM), Ardmore, Okla., filed a petition requesting the addition of Channel 239 to Ardmore, Okla., as follows:

City	Channel No.	
	Present	Proposed
Ardmore, Okla.	221A	221A, 239

Ardmore has a population of 20,184 and its county (Carter) has a population of 39,044. It has a Class IV AM station (KVSO) and no application has been filed for the sole FM assignment, Channel 221A.

8. Petitioner submits that Ardmore is centrally located in south central Oklahoma and serves as the hub and distribution center for much of the area comprising eight counties with a total population of 100,000 persons. KVSO states that it has been serving the area with its AM station and is anxious to do the same with FM but that only a Class C assignment would make this possible. It urges that the proposed assignment would conform to all the rules and practices of the Commission, that in Oklahoma a total of four Class C assignments have been made in three communities smaller than Ardmore, and that it would serve the public interest since KVSO would take the needed steps to bring a service geared to the needs and desires of the people in the effective service radius of the proposed station.

9. We are of the view that Ardmore, being a substantial sized community and of importance to the general area and well removed from population centers, merits the assignment of a Class C channel and a second FM assignment, in spite of the resulting mixture of a Class A and C channel. We are thus adopting the proposal advanced by petitioner in this case.

10. *RM-977, Hutchinson, Minn.* In a petition filed on June 6, 1966, and supplemented on June 8, 1966, by North American Broadcasting Co., licensee of Station KDUZ(AM), Hutchinson, Minn., requests the assignment of Channel 296A to Hutchinson, Minn., by substituting Channel 269A for 296A at St. Cloud, Minn., as follows:

City	Channel No.	
	Present	Proposed
Hutchinson, Minn.		296A
St. Cloud, Minn.	284, 296A	269A, 284

Hutchinson, located about 55 miles west of Minneapolis, has a population of 6,207. It is the largest community in McLeod County, which has a population of 24,401. The only radio station in the area is KDUZ, which operates daytime only. Petitioner urges that Hutchinson needs an FM assignment since it has no local nighttime service, is the largest community in the county, and is located in an important business, manufacturing, and farm products area. Finally, petitioner submits that the proposal would conform to all the separation requirements. In the case of Channel 269A, it is alleged that sites are available about 2 miles northwest of the city of St. Cloud, from which the required spacings can be met.

11. We are of the view that Hutchinson is large and important enough to warrant the assignment of a first Class A assignment. This would provide the community and the surrounding area with a first nighttime radio service without any adverse effect on any other station or assignment. The only change required to make this assignment possible is the substitution of Channel 269A for 296A at St. Cloud, where a site about 2 miles northwest of the city must be used to meet the required minimum spacings. We believe that the public interest would be served by the proposal and the

site limitation for Channel 269A at St. Cloud not to be a severe one. Accordingly, we are assigning Channel 296A to Hutchinson and substituting Channel 269A for 296A at St. Cloud.

12. *RM–978, Gonzales, Tex.* A petition filed by Waterman Broadcasting Corp. of Texas, licensee of Station KTSA (AM), San Antonio, Tex., on June 8, 1966, requests that Channel 292A be substituted for Channel 272A in Gonzales, Tex. Petitioner points out that since Channel 272A is assigned to Gonzales at somewhat less than required 65 miles to the assignments of Channel 270 and 274 at San Antonio, this places a burden on applicants for potential uses of these assignments to find locations to the west of the city of San Antonio. It therefore urges that Channel 292A, which can be assigned to Gonzales in full conformance with the spacing rules and without limiting the applicants for stations in San Antonio, be substituted for Channel 272A.

13. We are of the view that the proposed amendment will serve the public interest since it would provide for more effective use of available frequencies without adversely affecting any other assignments or stations. In view of this we are substituting Channel 292A for 272A at Gonzales, Tex.

14. *RM–983, Cullman, Ala.* Kenneth E. Lawrence, in a petition filed June 10, 1966, requests the addition of Channel 221A to Cullman, Ala., as follows:

City	Channel No.	
	Present	Proposed
Cullman, Ala.	266	221A, 266

Cullman, a community of 10,883 persons, is the county seat and largest community in Cullman County, which has a population of 45,572 persons. It has two unlimited time AM stations and an FM station operating on Class C Channel 266. Petitioner states that he will file an application for the additional Class A assignment in the event it is adopted and that he plans an independent, good music, stereo station. He urges that Cullman is large and important enough from a business standpoint to merit a second FM station. A number of business, political, and religious leaders in the community filed supports of the Lawrence proposal citing the need for another local station in the community.

15. We are of the view that Cullman merits the assignment of a second FM channel to provide diversification of programing and another competitive outlet. While we have attempted to avoid mixing Class A and C channels in the same community we believe that it is warranted under the circumstances here presented. We are therefore adding Channel 221A to Cullman.

16. *RM–988, DeLand, Fla.* In a petition filed on June 16, 1966, Shom Broadcasters, Inc., licensee of Station WOOO (AM), DeLand, Fla., requests the assignment of Channel 290 to DeLand by deleting it from Winter Park, Fla., and making other necessary changes as follows:

City (all in Florida)	Channel No.	
	Present	Proposed
De Land		290
Winter Park	276A, 290	276A
Live Oak	291	251
Ocala	229, 272A	229, 272A

DeLand has a population of 10,775 and is located about 20 miles southwest of Daytona Beach, both of which are located in Volusia County, which has a population of 125,319. There are no FM assignments in DeLand but two AM stations operate in the community, one daytime-only licensed to petitioner, and a Class IV station. Daytona Beach (population 37,395) has two Class C stations in operation. Winter Park has a population of 17,162 and is located about 5 miles north of Orlando and is in its SSMA and Urbanized Area. It has a station in operation on Channel 276A and an unlimited time AM station. Orlando has four Class C stations.

17. Petitioner points out that Channel 290 was assigned to Winter Park in Docket No. 16006 (30 F.R. 13644) in response to a petition from Contemporary Broadcasting Co., Inc., licensee of Station WABR(AM), Winter Park, Fla., but that no application has been filed for its use in spite of the more than 6 months which have elapsed. Petitioner points out in this connection that Contemporary Broadcasting Co., the party which sought Channel 290 in Winter Park has filed an application for the assignment of its license for WABR and stated that the officers desire to retire partly from business. It urges that DeLand is more deserving of its first FM assignment than Winter Park its second since DeLand is a substantial community without any FM assignments and is not near a large population center while Winter Park already has an FM station and is located within an urbanized area and standard metropolitan statistical area, the central city of which has four Class C stations and five AM stations (four full-time), that DeLand is an area of considerable growth in spite of its small geographical area; and that the new assignment would better serve the objective of section 307 (b) of the Act.

18. Norfolk Broadcasting Corp., licensee of Station WABR(AM), Winter Park, Fla. (previously licensed to Contemporary Broadcasting Co.) opposes the deletion of Channel 290 from Winter Park. It submits that it is presently preparing an application for this assignment and urges that this growing community needs more than one FM outlet.[1] In reply to this opposition, petitioner urges that the allocation of frequencies to particular communities takes precedence over the private interest of any applicant. It states that in the past the Commission has made changes in assignments even after a hearing has been completed on applications for a particular assignment and has done the same after the end of a existing license period. The contention is made that Channel 290 should be deleted from Winter Park and assigned to De Land in spite of the Norfolk statement that it plans to file for the channel because of the greater need in De Land, the removal of the mixture of classes of stations in Winter Park, and the expressed reluctance of the Commission in making the assignment previously.

19. We have carefully considered all the comments in this proceeding and the situation of the competing communities of De Land and Winter Park for Channel 290 and on balance conclude that De Land merits the assignment of a first channel before Winter Park obtains its second. While Winter Park is larger than De Land (17,162 as against 10,775) it is located in the Orlando Standard Statistical Metropolitan Area and urbanized area about 5 miles from the city of Orlando, while De Land is about 20 miles from the nearest large city (Daytona). Thus, the local broadcast needs of Winter Park can more readily be met as a result of the four Class C FM stations in Orlando. In addition, Winter Park does have one FM assignment already, which, together with its unlimited time AM station gives it two local radio services as against one for De Land. While it is true, as Norfolk points out, that in a previous decision the Commission found that the community of Winter Park merited another FM assignment, this determination was made in the absence of a competing request and also on a finding that Channel 290 could be used in a very small area and hence did not preclude other needed assignments. Petitioner in this case has discovered a method which permits the channel to be moved by means of a few changes in other cities and without any adverse effect on other stations and assignments. We are of the view, therefore, that the public interest would be served by the requested changes and the assignment of Channel 290 to De Land rather than to Winter Park.

20. *RM–987, Rockford, Ill.* In a petition filed on June 13, 1966, the First Church of the Open Bible, Rockford, Ill., requests the addition of Channel 285A to Rockford as follows:

City	Channel No.	
	Present	Proposed
Rockford, Ill.	248	248, 285A

Rockford has a population of 126,706 and its SSMA has a population of 209,765 persons. Channel 248 is presently in operation, as are three AM stations, two of which are daytime-only operations. Petitioner submits that Channel 285A is the only assignment which can be added to Rockford and that it can be made to Rockford in conformance with the spacing rules provided a site is selected in an angular area whose apex is on the east side of the city. The Mayor of Rockford filed a supporting statement submitting that Rockford is the second largest city in Illinois and merits a second FM channel.

[1] It is noted that such an application was tendered for filing on Sept. 21, 1966.

21. Loves Park Broadcasting Co., licensee of Station WLUV–FM, Loves Park, Ill., opposes the addition of Channel 285A to Rockford as a second FM assignment. Loves Park urges that two FM services (Channel 248 at Rockford and 244A at Loves Park, which is in the Rockford Urbanized Area) are enough at "this time"; that since commercial channels are scarce, the aims of the Church could more easily be accommodated in the noncommercial educational band; that the Church proposes a site outside of Rockford; and that Channel 285A could be reserved for future use in such communities as Oregon and Mount Morris, Ill. Finally, Loves Park argues that additional nighttime radio service could be more practically achieved by one or more AM nighttime services. In a reply to Loves Park, petitioner submits that a commercial channel is needed since it cannot qualify for a noncommercial educational assignment and also proposes some commercial programing, and that the advisability of increase in nighttime hours of AM stations is not relevant to this proceeding. It urges that the proposed location of its studio outside of Rockford is not a bar to the subject rule making concerning the assignment of Channel 285A to Rockford. Finally, petitioner requests that the proposed channel not be reserved for some other city but that it be assigned to Rockford at this time since it can provide a needed additional service without taking it from any other community.

22. In setting up the FM Table of Assignments, the criteria used for a city the size of Rockford was four to six assignments. Since the area is also a metropolitan area an attempt was made to assign Class B channels to such markets. However, due to the large number of existing stations in other communities in the general area (particularly Chicago and Milwuakee) it was not possible at that time to add any FM assignments to the one Class B then in operation. It is obvious from this that Rockford merits a second FM assignment (it has only one AM nighttime operation) even though this is only a Class A assignment and results in a mixture of classes of channels. Loves Park contends that the needs of the petitioner can be met in the noncommercial educational band. Since this band is available to educational institutions and organizations it is not clear that the petitioner would be eligible for such an assignment. But more important, a proceeding such as this one involves the assignment of channels to communities and not to petitioners or other interested parties. The issue here is whether Channel 285A should be assigned to Rockford and made available to all interested parties. As to the reservation of the channel for such communities as Oregon and Mount Morris, these communities are quite small (less than 4,000 persons) and in any event we deem it more important to assign a second channel to the large metropolitan area of Rockford than to reserve indefinitely the channel for future use in such small communities. With respect to the contention that additional service can be achieved by additional nighttime AM service, no showing has been made as to the feasibility of additional AM stations in the Rockford area. Even had such a showing been made, our view is that the area merits the second FM assignment for its present and future needs. We are therefore assigning Channel 285A to Rockford.

23. *RM–990, Corinth, Miss.* The Corinth Broadcasting Co., Inc., filed comments and reply comments on May 20, 1966, and June 13, 1966, respectively in Docket No. 16601, RM–934, in which it proposed the assignment of Channel 237A to Corinth, Miss. Since this counterproposal was not directly related to the proposal made in that proceeding, it is being considered herein as a new proposal. Corinth, a community of 11,453 persons, is the county seat and largest community in Alcorn County, which has a population of 25,282. A construction permit has been recently granted for Channel 232A, the sole FM assignment in Corinth. Corinth also has two AM stations, one a Class IV and the other a daytime-only station. Petitioner submits that Channel 237A can be assigned to the community of Corinth and that sites are available in a 5-square-mile area from which the required minimum spacings can be met and the required signal placed over the entire community. It urges further that this assignment will not preclude any other related channel in any community of over 1,000 population. Finally, Corinth states that the nighttime coverage of its AM station, WCMA, is severely limited due to interference and that the only way in which it can serve the rural population at night is by means of the FM assignment sought.

24. In view of the size of Corinth, the availability of Channel 237A at a site about 5 miles out of the community, the fact that the proposed assignment will not preclude future assignments in other areas, and the expressed demand for a second FM assignment, we are of the view that the proposal would serve the public interest and should be adopted. We are therefore adding Channel 237A to Corinth.

25. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

26. In accordance with the determinations made above: *It is ordered*, That effective November 18, 1966, § 73.202 of the Commission's rules and regulations, the FM Table of Assignments, is amended to read, with respect to the communities listed below, as follows:

City	Channel No.
Alabama:	
Cullman	221A, 266
Florida:	
DeLand	290
Live Oak	251
Ocala	229, 272A
Winter Park	276A
Illinois:	
Rockford	248, 285A
Indiana:	
Brazil	232A, 249A
Portland	265A
Minnesota:	
Hutchinson	296A
St. Cloud	269A, 284
Mississippi:	
Corinth	232A, 237A
Oklahoma:	
Ardmore	221A, 239
South Dakota:	
Winner	229
Texas:	
Gonzales	292A
Wisconsin:	
Reedsburg	285A

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: October 5, 1966.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66–11113; Filed, Oct. 12, 1966; 8:45 a.m.]

[Docket No. 14187; FCC 66–904]

PART 73—RADIO BROADCAST SERVICES

Program Log

In the matter of amendment of § 3.663 (a) (now § 73.670), the program logging rules for television broadcast stations.

1. The Commission has before it for consideration the notice of proposed rule making released July 7, 1961, in the above-captioned matter as it relates to amendment of § 3.663(a) (now § 73.670), the program logging rules for television broadcast stations.

2. In a companion rule making proceeding (Docket No. 13961) the Commission has considered amendment to section IV (Statement of Program Service) of Broadcast Application Forms 301, 303, 314, and 315. The purpose of the instant proceeding is to insure that the information required by such forms is contained in the television station's program log. We have today adopted a program form for use with renewal and other television applications. The rules adopted herein are designed to provide the information which licensees will need in order to fill out this form.[1] Since this proposal was initiated the program form

[2] Commissioner Cox dissenting to the assignment of Ardmore, Okla.

[1] On Aug. 12, 1965, the Commission released a report and order (FCC 65–697) in this proceeding revising the program logging rules for AM and FM broadcast licensees.

(sec. IV—Statement of Program Service), to which the rules adopted here were proposed to relate, has undergone extensive revision.

3. Many comments have been filed in this proceeding since its inception in 1961. Informal conferences were held by the Commission staff with representatives of the Federal Communications Bar Association and the National Association of Broadcasters before this proceeding was inaugurated. On October 6, 1961, the Commission en banc held an informal meeting with the National Association of Broadcasters, which presented some 15 broadcasters who spoke on various aspects of the proposed program form and logging requirements.

4. All of the views which were expressed in the many informal meetings and the views and objections contained in the comments have been considered in reaching our conclusions herein. We have given particular attention to minimizing the burden and possible expense associated with any logging requirement by seeking only such information as we deem necessary to fulfill our statutory function.

5. As will be noted, the definitions used are in conformance with those in the Statement of Program Service (sec. IV–B) adopted in the report and order in Docket 13961.

6. We have required that the time each program begins and ends be noted and that each program be classified as to type and source and identified by the name or title. The separate logging of program segments, where appropriate, is permissible.

7. For commercial matter it is permissible to show the total duration of such matter in each hourly segment. No distinction need be made between commercial continuity and commercial announcements. Since this is a somewhat new procedure in the logging of commercials, licensees should clearly understand that it is permissible to enter one figure in the log in each hourly segment, showing the total duration of commercial matter in that hour, and there is no requirement to state the duration of each individual commercial or to log its beginning or ending time. It is also required that the name of the sponsor or the person who paid for the announcement be logged. The Statement of Program Service (sec. IV–B) requires commercial information computed on a clock-hour basis. Thus, licensees are cautioned to insure that the log can be accurately divided into hourly segments for reporting purposes.

8. In connection with the logging of commercial continuity a special problem is raised by certain sponsored programs wherein it is difficult to measure the exact length of what would be considered as commercial matter, e.g., some sponsored religious and political programs. For such programs we will not require licensees to compute the amount of commercial matter, but merely to log and announce the program as sponsored. This exception does not, of course, apply to any program advertising commercial products or services. Nor is the exception applicable to any commercial announcements.

9. Duration of commercial matter shall be a reasonable approximation of the time actually consumed. It is not necessary, for example, to correct an entry of a 20-second commercial to accommodate varying reading speeds even though the actual time consumed might be a few seconds more or less than the scheduled amount. But reasonable precision is required and the licensee should realize that this requires adequate supervision of on-the-air personnel to make sure that time devoted to commercials does not deviate from time prelogged more than is necessary to accommodate different rates of speech.

10. A question has been raised as to whether the identification of prizes and mentions of donors' names are to be considered within our definition of commercial announcements and logged as such. The Commission does not believe that the question can be answered categorically and requires that such announcements be judged in light of § 317 of the Communications Act of 1934, as amended and § 73.654 of the Commission's rules. If the anouncement is one which is required thereunder it would constitute a commercial and must be considered accordingly.

11. Prelogging is permitted, but any deviation from the pre-prepared log must be noted by a proper entry if it relates to matter which is required to be logged.

12. A station affiliated with a network which will supply to the station the required logging information for the composite week shall record in its log the time when it joins the network, the name of each network program broadcast, the time it leaves the network and any nonnetwork matter broadcast required to be logged. It is required that the information supplied by the network be attached to the pertinent program logs to which it relates.

13. The Commission realizes that it will take some time for stations to become familiar with the provisions of the new rules and to draw up new logging forms. The Commission feels that it has provided adequate time for such purposes. It is highly desirable that licensees begin logging under the new rules at the earliest practicable date because a long transition period will still be required before all applications for renewal will reflect a full range of information kept in accordance with the new logging requirements.

14. The present report and order and rule amendments relate only to the matters to be entered in the log. (§ 73.670)

15. Authority for the adoption of the amendments herein is contained in sections 4(i) and (j) 303, and 307(d) of the Communications Act of 1934, as amended.

16. In view of the foregoing: *It is ordered*, That § 73.670 of the Commission's rules is amended as set forth below, to be effective December 1, 1966.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

NOTE: Rules changes herein will be covered by T.S. III(64)–14.

Adopted: October 7, 1966.

Released: October 10, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

1. Section 73.670 is amended to read as follows:

§ 73.670 Program log.

(a) The following entries shall be made in the program log:

(1) *For each program.* (i) An entry identifying the program by name or title.

(ii) An entry of the time each program begins and ends. If programs are broadcast during which separately identifiable program units of a different type or source are presented, and if the licensee wishes to count such units separately, the beginning and ending time for the longer program need be entered only once for the entire program. The program units which the licensee wishes to count separately shall then be entered underneath the entry for a longer program, with the beginning and ending time of each such unit, and with the entry indented or otherwise distinguished so as to make it clear that the program unit referred to was broadcast within the longer program.

(iii) An entry classifying each program as to type, using the definitions set forth in Note 1 at the end of this section.

(iv) An entry classifying each program as to source, using the definitions set forth in Note 2 at the end of this section. (For network programs, also give name or initials of network, e.g., ABC, CBS, NBC.)

(v) An entry for each program presenting a political candidate, showing the name and political affiliation of such candidate.

(2) *For commercial matter.* (i) An entry identifying (a) the sponsor(s) of the program; (b) the person(s) who paid for the announcement, or (c) the person(s) who furnished materials or services referred to in § 73.654(d). If the title of a sponsored program includes the name of the sponsor, e.g., XYZ News, a separate entry for the sponsor is not required. See Note 3 at the end of this section for definition of commercial matter.

(ii) An entry showing the total duration of commercial matter in each hourly time segment (beginning on the hour). See Note 5 at the end of this section for statement as to computation of commercial time.

(iii) An entry showing that the appropriate announcement(s) (sponsorship, furnishing material or services, etc.) have been made as required by section 317 of the Communications Act and § 73.654. A check mark (√) will suffice but shall be made in such a way as to indicate the matter to which it relates.

(3) *For public service announcements.* (i) An entry showing that a public service announcement (PSA) has been broadcast together with the name of the organization or interest on whose behalf it is made. See Note 4 at the end of this section for definition of a public service announcement.

(4) *For other announcements.* (i) An entry of the time that each required station identification announcement is made (call letters and licensed location; see § 73.652).

(ii) An entry for each announcement presenting a political candidate, showing the name and political affiliation of such candidate.

(iii) An entry for each announcement made pursuant to the local notice requirements of §§ 1.580 (pregrant) and 1.594 (designation for hearing) of this chapter, showing the time it was broadcast.

(iv) An entry showing that a mechanical reproduction announcement has been made in accordance with the provisions of § 73.653.

(b) Program log entries may be made either at the time of or prior to broadcast. A station broadcasting the programs of a national network which will supply it with all information as to such programs, commercial matter and other announcements for the composite week need not log such data but shall record in its log the time when it joins the network, the name of each network program broadcast, the time it leaves the network, and any nonnetwork matter broadcast required to be logged. The information supplied by the network shall be retained with the program logs and attached to log pages to which it relates.

(c) No provision of this section shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the licensee must comply with the following requirements:

(1) The licensee, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged;

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the licensee, to the effect that it accurately reflects what was actually broadcast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated;

(3) The licensee shall extract any required information from the recording for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape, or other means employed.

(d) Program logs shall be changed or corrected only in the manner prescribed in § 73.669(c) and only in accordance with the following:

(1) *Manually kept log.* Where, in any program log, or preprinted program log, or program schedule which upon completion is used as a program log, a correction is made before the person keeping the log has signed the log upon going off duty, such correction no matter by whom made, shall be initialed by the person keeping the log prior to his signing of the log when going off duty, as attesting to the fact that the log as corrected is an accurate representation of what was broadcast. If correction or additions are made on the log after it has been so signed, explanation must be made on the log or an attachment to it, dated and signed by either the person who kept the log, the station program director or manager, or an officer of the licensee.

NOTE 1. *Program type definitions.* The definitions of the first eight types of programs (a) through (h) are intended not to overlap each other and will normally include all the various programs broadcast. Definitions (i) through (k) are subcategories and the programs classified thereunder will also be classified under one of the appropriate first eight types. There may also be further duplication within types (i) through (k); (e.g., a program presenting a candidate for public office, prepared by an educational institution, would be classified as Public Affairs (PA), Political (POL), and Educational Institution (ED)).

(a) *Agricultural programs* (A) include market reports, farming, or other information specifically addressed, or primarily of interest, to the agricultural population.

(b) *Entertainment programs* (E) include all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz, etc.

(c) *News programs* (N) include reports dealing with current local, national, and international events, including weather and stock market, reports; and when an integral part of a news program, commentary, analysis, and sports news.

(d) *Public affairs programs* (PA) include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(e) *Religious programs* (R) include sermons or devotionals; religious news; and music, drama, and other types of programs designed primarily for religious purposes.

(f) *Instructional programs* (I) include programs (other than those classified under Agricultural, News, Public Affairs, Religious or Sports) involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences; and programs devoted to occupational and vocational instruction, instruction with respect to hobbies, and similar programs intended primarily to instruct.

(g) *Sports programs* (S) include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news or information (e.g., fishing opportunities, golfing instructions, etc.).

(h) *Other programs* (O) include all programs not falling within definitions (a) through (g).

(i) *Editorials* (EDIT) include programs presented for the purpose of stating opinions of the licensee.

(j) *Political programs* (POL) include those which present candidates for public office or which give expressions (other than in station editorials) to views on such candidates or on issues subject to public ballot.

(k) *Educational Institution programs* (ED) include any program prepared by, in behalf of, or in cooperation with, educational institutions, educational organizations, libraries, museums, PTA's or similar organizations. Sports programs shall not be included.

NOTE 2. *Program source definitions.* (a) *A local program* (L) is any program originated or produced by the station, or for the production of which the station is substantially responsible, and employing live talent more than 50 percent of the time. Such a program, taped, recorded, or filmed for later broadcast shall be classified by the station as local. A local program fed to a network shall be classified by the originating station as local. All nonnetwork news programs may be classified as local. Programs primarily featuring syndicated or feature films or other nonlocally recorded programs shall be classified as "Recorded" (REC) even though a station personality appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a feature film program, a nonnetwork 2-minute news report is given and logged as a news program, the report may be classified as local).

(b) *A network program* (NET) is any program furnished to the station by a network (national, regional, or special). Delayed broadcasts of programs originated by networks are classified as network.

(c) *A recorded program* (REC) is any program not defined in (a), (b), (c) above, including without limitation, syndicated programs, taped or transcribed programs, and feature films.

NOTE 3. *Definition of commercial matter* (CM) includes commercial continuity (network and nonnetwork) and commercial announcements (network and nonnetwork) as follows: (Distinction between continuity and announcements is made only for definition purposes. There is no need to distinguish between the two types of commercial matter when logging.)

(a) *Commercial continuity* is the advertising message of a program sponsor.

(b) *A commercial announcement* is any other advertising message for which a charge is made, or other consideration is received.

(1) Included are (i) "bonus spots"; (ii) trade-out spots, and (iii) promotional announcements of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of a future program beyond mention of the sponsor's name as an integral part of the title of the program. (E.g., where the agreement for the sale of time provides that the sponsor will receive promotional announcements, or when the promotional announcement contains a statement such as "LISTEN TOMORROW FOR THE—[NAME OF PROGRAM]—BROUGHT TO YOU BY—[SPONSOR'S NAME]—.")

(2) Other announcements including but not limited to the following are not commercial announcements:

(i) Promotional announcements, except as heretofore defined in paragraph (b) of this Note.

(ii) Station identification announcements for which no charge is made.

(iii) Mechanical reproduction announcements.

(iv) Public service announcements.

(v) Announcements made pursuant to § 73.654(d) that materials or services have been furnished as an inducement to broadcast a political program or a program involving the discussion of controversial public issues.

[1] Chairman Hyde and Commissioners Cox and Loevinger concurring; Commissioner Johnson absent.

(vi) Announcements made pursuant to the local notice requirements of §§ 1.580 (pregrant) and 1.594 (designation for hearing) of this chapter.

NOTE 4. *Definition of a public service announcement.* A public service announcement is an announcement for which no charge is made and which promotes programs, activities, or services of Federal, State or local Governments (e.g., recruiting, sales of bonds, etc.) or the programs, activities or services of nonprofit organizations (e.g., UGF, Red Cross Blood Donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

NOTE 5. *Computation of commercial time.* Duration of commercial matter shall be as close an approximation to the time consumed as possible. The amount of commercial time scheduled will usually be sufficient. It is not necessary, for example, to correct an entry of a 1-minute commercial to accommodate varying reading speeds even though the actual time consumed might be a few seconds more or less than the scheduled time. However, it is incumbent upon the licensee to ensure that the entry represents as close an approximation of the time actually consumed as possible.

[F.R. Doc. 66-11174; Filed, Oct. 12, 1966; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Upper Mississippi River Wildlife and Fish Refuge, Illinois et al.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations, upland game, for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of upland game species and unprotected birds and mammals consisting of foxes, groundhogs, and crows on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as open to hunting during the dates of date of publication 1966, through March 1, 1967, in Illinois; date of publication 1966, through March 1, 1967, in Iowa; date of publication 1966, through March 1, 1967, in Minnesota; and 12 noon October 8, 1966, through March 1, 1967, in Wisconsin except as listed under special conditions. Restricted hunting is also permitted on the areas designated by signs as closed to hunting. The open areas comprising 153,000 acres, and the closed areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Hunting on designated open areas concurrent with applicable State seasons is permitted, but only during the period from the first day of the first waterfowl hunting season applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(2) Hunting on designated closed areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks and coots applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) Hunting of upland game species and unprotected birds and mammals shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1967.

DONALD V. GRAY,
Refuge Manager.

OCTOBER 4, 1966.

[F.R. Doc. 66-11140; Filed, Oct. 12, 1966; 8:47 a.m.]

PART 32—HUNTING

Upper Mississippi River Wildlife and Fish Refuge, Illinois et al.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of deer on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted on the areas designated by signs as open to hunting. Restricted hunting of deer is also permitted on the areas designated by signs as closed to hunting. The open areas comprising 153,000 acres, and the closed areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Deer hunting shall be subject to the following special conditions:

(1) All deer hunting shall be within the outside dates of the applicable State seasons as follows:

ILLINOIS

Bow and arrow seasons from date of publication 1966 through November 15, 1966; and November 2, 1966, through December 5, 1966; and December 13, 1966 through December 31, 1966. Shotgun season November 18 through November 20, 1966; and December 9, 1966 through December 11, 1966.

IOWA

Bow and arrow season October 15, 1966, through November 13, 1966; and November 26, 1966, through December 16, 1966. Shotgun season November 19 through November 22, 1966.

MINNESOTA

Bow and arrow season from date of publication 1966, through October 31, 1966; and December 3, 1966, through December 18, 1966. Shotgun and bow and arrow season November 12, 13, and 14, 1966.

WISCONSIN

Bow and arrow season for either sex from date of publication 1966, through November 15, 1966; and December 3, 1966, through December 31, 1966. Gun and bow and arrow season of varying length in various areas, all designated by the current State regulations during the outside dates of November 19, 1966, through November 27, 1966.

(2) Gun hunting on designated open areas concurrent with applicable State seasons is permitted, but only during the period from the first day of the first waterfowl hunting season applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) Bow hunting is permitted on designated open areas concurrent with applicable fall State seasons, but not later than the next succeeding March 1.

(4) Bow and gun hunting on designated closed areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks and coots applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(5) The hunting of white-tailed deer shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1967.

DONALD V. GRAY,
Refuge Manager.

OCTOBER 4, 1966.

[F.R. Doc. 66-11139; Filed, Oct. 12, 1966; 8:47 a.m.]

PART 32—HUNTING

Chatauqua National Wildlife Refuge, Ill.; Correction

In F.R. Doc. 66-10609, appearing on page 12722 of the issue for Thursday, September 29, 1966, under Chautauqua National Wildlife Refuge, Ill., the first sentence of the first paragraph should read as follows: "Public hunting of geese on the Chautauqua National Wildlife Refuge, Ill., is permitted from October 22 through December 5, 1966, unless closed sooner by Federal action; and the hunting of ducks and coots is permitted from October 22 through December 5, 1966, but only on the area designated by signs as open to hunting."

Under Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, the second sentence of the first paragraph should read as follows: "Hunting of geese is permitted from October 1 through December 9, 1966, in Iowa and Minnesota; October 8 through December 16, 1966, unless closed sooner by Federal action, in Wisconsin; October 22 through December 5, 1966, unless closed sooner by Federal action, in Illinois."

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-11138; Filed, Oct. 12, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

TIME FOR MAILING CERTAIN NOTICES TO SHAREHOLDERS BY REGULATED INVESTMENT COMPANIES

Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under sections 852–855 of the Code, relating to the time for mailing certain notices to Shareholders by Regulated Investment Companies, was published in the FEDERAL REGISTER for July 27, 1966.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, November 10, 1966, at 10 a.m., e.s.t., Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224 by November 8, 1966, Telephone (Washington, D.C.—area code 202) 964–3935.

By: Lester R. Uretz,
Chief Counsel.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 66-11154; Filed, Oct. 12, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

Basic and Other Water Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U.S.C. 1001) and pursuant to the Acts of March 1, 1907 (34 Stat. 1024), August 11, 1914 (38 Stat. 583) and August 31, 1954 (68 Stat. 1026), and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oreg., by section 200 of the Commissioner's Order 551, notice is hereby given of intention to modify § 221.32 *Basic and other water charges*, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Fort Hall Indian Irrigation Project, Fort Hall Indian Reservation, Idaho, beginning with calendar year 1967 and for subsequent years until further notice, as follows:

By increasing the annual operation and maintenance assessments under paragraph (a), subparagraph (1) Fort Hall Project: Basic rate from $4.25 to $5.00 per acre and under subparagraph (3) Minor Units, Fort Hall Reservation: Basic rate from $1.50 to $2.50 per acre.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Dale M. Baldwin, Area Director, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oreg. 97208, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

DALE M. BALDWIN,
Area Director.

[F.R. Doc. 66-11156; Filed, Oct. 12, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Notice of Determinations To Be Made With Respect to Marketing Quotas on an Acreage-Poundage Basis for 1967–68 Marketing Year

Pursuant to the Agricultural Adjustment Act of 1938, as amended, and supplemented (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary under section 317 is preparing to determine and announce on an acreage-poundage basis, with respect to Flue-cured (Types 11, 12, 13 and 14) tobacco for the 1967–68 marketing year, (a) the amount of the national marketing quota, (b) the national average yield goal, (c) the national acreage allotment, (d) the reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and for establishing allotments for new farms, (e) the national acreage factor, and (f) the national yield factor. Flue-cured tobacco farmers approved marketing quotas on an acreage-poundage basis for Flue-cured tobacco for the 1965–66, 1966–67, and 1967–68 marketing years on May 4, 1965 (30 F.R. 9299).

Subsection 317(a) of the Act contains, for the purposes of section 317, the following definitions:

1. "National marketing quota" for any kind of tobacco for a marketing year means the amount of the kind of tobacco produced in the United States which the Secretary estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 per centum of such estimated utilization and exports.

2. "National average yield goal" for any kind of tobacco means the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant.

3. "National acreage allotment" means the acreage determined by dividing the national marketing quota by the national average yield goal.

4. "Farm acreage allotment" for a tobacco farm, other than a new tobacco farm, means the acreage allotment determined by adjusting uniformly the acreage allotment established for such farm for the immediately preceding year, prior to any increase or decrease in such allotment due to undermarketings or overmarketings and prior to any reduction under subsection (f), so that the total of all allotments is equal to the national acreage allotment less the reserve provided in section 317(e) with a further downward or upward adjustment to reflect any adjustment in the farm marketing quota for overmarketing or undermarketing and to reflect any reduction required under section 317(f), and including any adjustment for errors or inequities from the reserve. In determining farm acreage allotments for Flue-cured tobacco for 1965, the 1965 farm allotment determined under section 313 shall be adjusted in lieu of the acreage allotment for the immediately preceding year.

5. "Community average yield" means for Flue-cured tobacco the average yield per acre in the community designated by the Secretary as a local administrative area under the provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, which is determined by averaging the yields per acre for the 3 highest years of the 5 years, 1959 to 1963, inclusive, except that if the yield for any of the 3 highest years is less than 80 per centum of the average for the 3 years then that year or years shall be eliminated and the average of the remaining years shall be the community average yield. Community average yields for other kinds of tobacco shall be determined in like manner, except that the 5 years, 1960 to 1964, inclusive, may be used instead of the period 1959 to 1963, as determined by the Secretary.

6. "Preliminary farm yield" for Flue-cured tobacco means a farm yield per acre determined by averaging the yield per acre for the 3 highest years of the 5 consecutive crop years beginning with the 1959 crop year except that if that average exceeds 120 per centum of the community average yield the preliminary farm yield shall be the sum of 50 per centum of the average of the 3 highest years and 50 per centum of the national average yield goal but not less than 120 per centum of the community average yield, and if the average of the 3 highest years is less than 80 per centum of the community average yield the preliminary farm yield shall be 80 per centum of the community average yield. In counties where less than 500 acres of Flue-cured tobacco were allotted for 1964, the county may be considered as one community. If Flue-cured tobacco was not produced on the farm for at least 3 years of the 5-year period the average of the yields for the years in which tobacco was produced shall be used instead of the 3-year average. If no Flue-cured tobacco was produced on the farm in the 5-year period but the farm is eligible for an allotment because Flue-cured tobacco was considered to have been produced under applicable provisions of law, a preliminary farm yield for the farm shall be determined under regulations of the Secretary taking into account preliminary farm yields of similar farms in the community.

7. "Farm yield" means the yield of tobacco per acre for a farm determined by multiplying the preliminary farm yield by a national yield factor which shall be obtained by dividing the national average yield goal by a weighted national average yield computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined pursuant to paragraph (4) of subsection 317(a) for the farm prior to adjustments for overmarketings, undermarketing, or reductions required under section 317(f) and dividing the sum of the products by the national acreage allotment.

8. "Farm marketing quota" for any farm for any marketing year shall be the number of pounds of tobacco obtained by multiplying the farm yield by the acreage allotment prior to any adjustment for undermarketing or overmarketing, increased for undermarketing or decreased for overmarketing by the number of pounds by which marketings of tobacco from the farm during the immediately preceding marketing year, if marketing quotas were in effect under the program established by section 317, is less than or exceeds the farm marketing quota for such year: *Provided*, That the farm marketing quota for any marketing year shall not be increased for undermarketing by an amount in excess of the number of pounds determined by multiplying the acreage allotment for the farm for the immediately preceding year prior to any increase or decrease for undermarketing or overmarketing by the farm yield. If on account of excess marketings in the preceding marketing year the farm marketing quota for the marketing year is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made for the subsequent marketing year or years.

Section 317(d) of the Act requires the Secretary to determine and announce the national marketing quota, national acreage allotment, and national average yield goal for the 1967–68 marketing year for Flue-cured tobacco on or before December 1, 1966.

Section 317(e) provides that (1) no farm acreage allotment or farm yield shall be established for a farm on which no tobacco was produced or considered produced under applicable provisions of law for the immediately preceding 5 years, (2) for each marketing year for which acreage-poundage quotas are in effect under section 317 the Secretary in his discretion may establish a reserve from the national acreage allotment in an amount equivalent to not more than 1 per centum of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which tobacco was not produced or considered produced during the immediately preceding 5 years, (3) the part of the reserve held for apportionment to new farms shall be allotted on the basis of land, labor, and equipment available for the production of tobacco, crop rotation practices, soil, and other physical factors affecting the production of tobacco and the past tobacco-producing experience of the farm operator, and (4) the farm yield for any farm for which a new farm acreage allotment is established shall be determined on the basis of available productivity data for the land involved and farm yields for similar farms, and shall not exceed the community average yield.

Section 317(f) provides that only the provisions of the last two sentences of section 313(g) of the Act shall apply with respect to acreage-poundage programs established under section 317. The acreage reductions required under the last two sentences shall be in addition to any other adjustments made pursuant to section 317 and when acreage reductions are made the farm marketing quota shall be reduced to reflect such reductions. The provisions of the next to the last sentence of such section 313(g) pertaining to the filing of any false report with respect to the acreage of tobacco grown on the farm shall also be applicable to the filing of any false report with respect to the production or marketings of tobacco grown on a farm for which an acreage allotment and a farm yield are established as provided in section 317. In establishing acreage allotments and farm yields for other farms owned by the owner displaced by acquisition of his land by any agency, as provided in section 378 of the Act, increases or decreases in such acreage allotments and farm yields as provided in section 317 shall be made on account of marketings below or in excess of the farm marketing quota for the farm acquired by the agency. Acreage allotments and farm marketing quotas determined under section 317 may (except in case of Burley tobacco, or other kinds of tobacco not subject to section 316) be leased under the terms and conditions contained in section 316 of the Act.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of Flue-cured tobacco for any marketing year as the carry-over at the beginning of the marketing year plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The subjects and issues involved in the proposed determinations with respect to Flue-cured tobacco for the 1967–68 marketing year are:

1. The amount of the national marketing quota on an acreage-poundage basis.
2. The amount of the national average yield goal.
3. The amount of the national acreage allotment.
4. The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms.
5. The national acreage factor.
6. The national yield factor.

Community average yields, as published in the FEDERAL REGISTER (30 F.R. 5207, 9875, 14487) which were effective for the 1965–66 and 1966–67 marketing years, will be used for purposes of the 1967–68 marketing year.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules, and regulations covered by this notice which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to the notice will be made available for public inspection at such times and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must be postmarked not later than 30 days

from the date of filing of this notice with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 10, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11166; Filed, Oct. 12, 1966; 8:50 a.m.]

Consumer and Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Volume Regulation for 1966-67 Crop Year

Notice is hereby given of a proposal to provide free tonnage of 142,000 tons and to designate the percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the 1966-67 crop year beginning September 1, 1966, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively. The designation of percentages would be in accordance with the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is based on the recommendation of the Raisin Administrative Committee and other information.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 17, 1966. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

To achieve a free tonnage objective of 142,000 tons (estimated to equal trade demand) of standard natural (sun-dried) Thompson Seedless raisins for the 1966-67 crop year, and to protect against possible underestimation of the production (presently estimated at 237,000 tons), it is proposed to designate the percentages of such raisins which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, as follows: Free tonnage percentage, 50 percent; reserve tonnage percentage, 15 percent; surplus tonnage percentage, 35 percent. It is further proposed that on or about February 1, 1967, on the basis of relevant information then available concerning the 1966 production of such Thompson Seedless raisins, appropriate modifications in the percentages will be made to retain in the reserve tonnage a sufficient amount to meet any deficit in free tonnage and to add the remainder of the reserve tonnage to the surplus tonnage.

The total production of other varietal types of raisins, estimated to be 21,000 tons, is not expected to be in excess of the quantity that can be marketed in all outlets at reasonable prices during the 1966-67 crop year, and the quantity needed for desirable carryout. Therefore, volume regulation for these raisin types is not proposed.

Dated: October 10, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 66-11170; Filed, Oct. 12, 1966; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 31, 33]

[Docket No. 16909; FCC 66-902]

TELEPHONE COMPANIES

Uniform System of Accounts; Notice of Proposed Rule Making

In the matter of Amendment of Parts 31 and 33 of the Commission's rules relating to accounting for revenues from teletypewriter exchange service (TWX); also related amendment of Annual Report Form M.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes in this rule making proceeding to amend Part 31, Uniform System of Accounts for Class A and Class B telephone companies, and Part 33, Uniform System of Accounts for Class C telephone companies, of the Commission's rules to provide that all revenues from teletypewriter exchange service (TWX), except those from local message charges, shall be classified as revenues from toll service. At the same time it is proposed to amend Annual Report Form M for telephone companies to obtain additional data with respect to TWX revenues.

3. Under the present provisions of Part 31, account 500, "Subscribers' station revenues," includes, in addition to other items, local service revenues from auxiliary equipment furnished in connection with subscribers' service and account 510, "Message tolls," includes, in addition to other items, revenues from fixed monthly service charges on interexchange teletypewriter service furnished on a message charge basis. In accounting for revenues from TWX service under the foregoing provisions, the general practice in the telephone industry has been to include in account 510 only the TWX toll message revenues and the fixed monthly interexchange charges for basic TWX service. All other revenues relating to TWX, including any separately tariffed equipment charges, have been included in account 500. No exception to such accounting has been taken by the Commission.

4. The accounting that has been sanctioned under the existing rules has resulted in a substantial amount of TWX revenues from facilities furnished for use in both toll and local service being reported as local service revenues even though a very high proportion of all TWX messages are toll messages. The Bell System included TWX revenues of $13,850,000 in account 500 in 1965. However, only about $500,000 of this amount was from local messages, the balance of $13,350,000 being from charges for facilities used in both local and toll TWX service. The Bell System companies included $57,300,000 of TWX revenues in account 510 in 1965, all of which are properly classified as toll revenues.

5. On August 12, 1966, the American Telephone & Telegraph Co. (A.T. & T.) filed revised TWX rates to become effective September 1, 1966. It is understood that under the revised TWX tariffs which went into effect on September 1, 1966, a much greater proportion of the total TWX revenues will be classified as local service revenues under the existing accounting. We think the accounting and reporting should more accurately reflect the usage of the TWX facilities. On August 15, 1966, the Commission issued an order waiving the provisions of Parts 31 and 33 of the rules to permit, pending this rule making proceeding, all revenues from TWX service except those from messages wholly within a teletypewriter local calling area to be credited to accounts 510, "Message tolls," and 3030, "Toll service revenues," of Parts 31 and 33, respectively.

6. In view of the foregoing, it appears that TWX facilities furnished for use in both toll and local service are used so predominantly for toll service that the accounting currently provided should be amended to recognize that fact. Further, since only a very small proportion of TWX message revenues are from local service, it does not appear that any useful purpose would be served by requiring the carriers to apportion TWX revenues from charges for monthly service, equipment, installations, moves, changes, and directory listings between local and toll service. The proposed amendments accordingly provide that all TWX revenues, except local message charges, should be credited to account 510 as toll service revenues. This proposed accounting will more accurately reflect the nature of the service than has resulted under the present accounting. However, under the revised tariff a substantial proportion of revenues will be derived from charges for monthly service, equipment, installations, etc. Therefore, it is believed that data should be available which show toll message revenues separately from other TWX toll revenues. Accordingly, it is proposed to amend Schedule 34, Operating Revenues, of Annual Report Form M to obtain the amount of revenues included in account 510, "Message tolls," for teletypewriter messages separate from other teletypewriter revenues proposed to be included therein.

7. As hereinbefore indicated, the present provisions of the text of account 500 provide for including revenues from furnishing auxiliary equipment in that account. We believe that this provision, as it relates to telephone service, should not be changed but that a note should be added to this account to exclude therefrom revenues from charges for monthly service, equipment, installations, moves, changes, and directory listings relating to teletypewriter exchange service.

8. It is also believed that Part 33, Uniform System of Accounts for Class C telephone companies, of the rules should be amended in order to clearly indicate in that Part that accounting similar to that proposed herein for Class A and Class B telephone companies should be followed by Class C companies with respect to TWX revenues.

9. In view of the foregoing, it is proposed to amend Parts 31 and 33 of the rules and annual Report Form M as set forth below.

10. The Commission proposes to make any rule amendments adopted as a result of this proceeding effective January 1, 1968, with the option that any company may make the changes effective January 1, 1967. The annual report changes are proposed to be effective for the reporting year 1968.

11. This notice of proposed rule making is issued under authority of sections 4(i), 219, and 220 of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before November 15, 1966, and reply comments on or before November 30, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

13. In accordance with the provisions of section 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements or briefs shall be furnished to the Commission.

Adopted: October 5, 1966.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

I. Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

1. Section 31.500 is amended by adding Note C reading as follows:

§ 31.500 Subscribers' station revenues.

• • • • • •

NOTE C: Revenues applicable to teletypewriter exchange service other than revenues from local messages (i.e., messages originating and terminating within a teletypewriter local calling area) shall be included in account 510, "Message tolls."

2. In § 31.510, paragraph (b) is amended and new paragraph (c) is added to read as follows:

§ 31.510 Message tolls.

• • • • • •

(b) This account shall also include revenues from guarantees at toll stations; from toll terminals, other local loops, and related facilities and equipment furnished in connection with message toll services; and from messenger service in notifying persons of toll calls.

(c) This account shall also include all revenues from teletypewriter exchange service except charges for local messages; i.e., messages originating and terminating within a teletypewriter local calling area. Among the teletypewriter exchange service revenues to be included in this account are toll message charges and charges for monthly service, equipment, installations, moves, changes, and directory listings.

II. Part 33—Uniform System of Accounts for Class C Telephone Companies, is amended as follows:

1. In § 33.3010, item 10 is redesignated item 11 and new item 10 is inserted reading as follows:

§ 33.3010 Local service revenues.

• • • • • •

10. Revenues from teletypewriter exchange service for messages originating and terminating within a teletypewriter local calling area.

• • • • • •

2. In § 33.3030, item 6 is amended to read as follows:

§ 33.3030 Toll service revenues.

• • • • • •

6. Other revenues from toll line operations, including revenues from toll terminals, other local loops, and related facilities and equipment furnished in connection with toll services, and revenues from all charges relating to teletypewriter exchange service except charges for messages within a teletypewriter local calling area.

III. Annual Report Form M for telephone companies is amended as follows: Schedule 34, Operating Revenues (Account 300), is amended by revising line 17 to read "Teletypewriter messages" and by inserting a new line 18 reading "Other teletypewriter."

[F.R. Doc. 66-11116; Filed, Oct. 12, 1966; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 16601; FCC 66-898]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Memorandum Opinion and Order and Further Notice of Proposed Rule Making

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Mount Sterling, Ky., Litchfield, Minn., Oconto, Wis., Dodgeville, Wis., Clare, Mich., Tioga, N.Dak., Prentiss, Miss., Crossett, Ark., Bristow, Okla., Boone, Iowa, Oxford and Clarksdale, Miss., Warsaw, Va., Kingsport, Tenn., Norton, Va., Neon, Ky., and Ames, Iowa), Docket No. 16601, RM-921, RM-922, RM-923, RM-925, RM-931, RM-932, RM-935, RM-938, RM-929, RM-933, RM-934, RM-939, RM-1024.

1. The first report and order (FCC 66-707) issued in this proceeding on July 28, 1966, disposed of all the petitions for rule making to change the FM Table of Assignments, except for RM-933, filed by Boone Biblical College on March 4, 1966. This party, the licensee of Station KFGQ-FM, Channel 257A, Boone, Iowa, requested the assignment of a first Class C channel to Boone by the following changes:

City	Channel No.	
	Present	Proposed
Boone, Iowa	252A, 257A	255, 296A

This proposal would permit the substitution of a Class C channel for the Class A (257A) presently occupied by Boone Biblical College, at a site about 5 miles south of Boone. The notice of proposed rule making herein set forth this proposal.

2. Two oppositions to the subject proposal were filed. Lee Broadcasting Co., applicant for a new FM station on Channel 256 at Mankato, Minn., opposes the assignment of Channel 255 to Boone on the grounds that it would not permit the use of the KEYC-TV tower located 24 miles southwest of Mankato, for the proposed FM station. Palmer Broadcasting Co., licensee of Station WHO-TV, Channel 13, Des Moines, Iowa, opposes the assignment of Channel 296A to Boone on the grounds that it would cause second harmonic interference to the reception of WHO-TV in the Boone area (Palmer has opposed other Iowa assignments for the same reason).

3. In a petition filed on August 17, 1966, RM-1024, Ames Broadcasting Co. (Ames), licensee of Station KASI(AM), Ames, Iowa, and formerly applicant for Channel 281 in Ames, requests the Commission to institute rule making to provide a second FM assignment to that community by one of two alternative methods. The first would assign Channel 273 to Ames by deleting this assignment from Des Moines and the second would assign Channel 252A to Ames by deleting that assignment from Boone. The latter proposal is in conflict with the Boone proposal for Channel 255 since the communities are closer than the required 65 miles for assignments three channels removed. Thus, if consideration is to be given to the Ames' second alternative proposal, it must be in this proceeding.

4. We are of the view that the first alternative proposal advanced by Ames must be denied. Ames has a population of 27,003 persons. It has been assigned one Class C FM channel (281), for which there are two competing applications, that of Ames Broadcasting Co., BPH-5118, and that of Lunde Corp., BPH-5016.

The city also has one daytime-only AM station (KASI) in addition to the noncommercial stations licensed to Iowa State University (WOI–AM and FM). Des Moines has a population of 208,982 and its Standard Statistical Metropolitan Area has a population of 266,315. It has been assigned five FM channels, four of which are in operation. The proposal would delete the last remaining assignment and would reduce the number of such assignments to four. In setting up the FM table we attempted to assign from four to six FM assignments to a city the size of Des Moines. We do not believe that the reduction from five to four assignments in Des Moines in order to place a second one in the much smaller community of Ames is warranted. Accordingly, we are denying this alternative request of Ames.

5. With respect to the second alternative Ames request, the assignment of Channel 252A, we have already noted the conflict with the Channel 255 proposal for Boone.[1] We note however, that Channel 296A could be assigned to Ames (instead of to Boone) to serve the stated purposes of the Ames proposal, that is, the assignment of a second FM channel in order that the community have two competing commercial FM services.

6. As to the proposal for Channel 255 in Boone and the opposition thereto by Lee Broadcasting, it may be possible to locate a site about 18 miles south of Boone from which all the required spacings could be met, including that to the proposed Mankato station, and from which the required signal strength could be placed over Boone with reasonable facilities.

7. Comments are therefore invited on the following proposed changes in the FM table:

City	Channel No.	
	Present	Proposed
Ames, Iowa	281	281, 296A
Boone, Iowa	252A, 257A	255

The Boone proposal would result in a loss of a Class A assignment in view of the fact that Channel 255 requires the deletion of both Channels 252A and 257A. (Channel 296A could be assigned to the general area in any event.) Comments are therefore invited on the matter of allocation efficiency in the proposal. Since the resulting assignments in Ames would be a Class A and Class C mixture, comments are invited on this aspect of the proposal as well. Also comments are invited on the feasibility of utilizing Channel 255 at Boone with a site located about 18 miles south of the community. In view of the fact that KFGO–FM operates on Channel 257A and the proposal herein would substitute Channel 255 therefor, appropriate action will be necessary with respect to its outstanding license in the event the proposal is adopted.

8. In view of the foregoing: *It is ordered*, That the petition of Ames Broadcasting Co., insofar as it requests the assignment of Channel 273 or 252A to Ames, Iowa, is denied.

9. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 7, 1966, and reply comments on or before November 22, 1966. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: October 5, 1966.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–11115; Filed, Oct. 12, 1966; 8:45 a.m.]

[1] Boone Biblical College in an opposition filed on Oct. 3, 1966, points out that Channel 252A cannot be assigned to Ames if Channel 255 is assigned to Boone.

[47 CFR Part 73]

[Docket No. 16672; FCC 66–899]

UHF TELEVISION BROADCAST CHANNEL AT ORLANDO, FLA.

Memorandum Opinion and Order

In the matter of amendment of § 73.606(b) of the Commission rules and regulations to add a UHF television broadcast channel at Orlando, Fla., Docket No. 16672, RM–928.

1. On June 3, 1966, the Commission issued a notice of rule making proposing to add Channel 48 to Orlando, Fla. (FCC 66–492). Orlando is currently assigned Channels 6, 9, *24, and 35. Channel 24 is reserved for educational use and Channels 6 and 9 are in operation. The proceeding was initiated at the request of Gordon Sherman, an applicant for a commercial television broadcast station on Channel 35. His application had been designated for hearing with that of Omicron Television Corp. (Dockets Nos. 16536 and 16537).

2. In support of his request, Gordon Sherman pointed out that the addition of another UHF channel to Orlando would make it possible for one of the applicants for Channel 35 to amend its application to the new channel, eliminate the necessity for a comparative hearing and thus bring UHF television service to the area more expeditiously. Omicron Television Corp. opposed the request and stated that it had no intention of amending its application and that the petition for rule making should not serve as a basis for a delay in the hearing.

3. The Commission determined that Channel 48 was available for assignment at Orlando and that it was the most efficient assignment in terms of the impact on remaining available assignments. Therefore, in view of the possibility that one of the applicants for Channel 35 would amend its application to specify the new frequency and eliminate the necessity for a hearing, the Commission instituted this proceeding.

4. On July 6, 1966, Gordon Sherman filed "Comments" in which he advised the Commission that the two applicants for Channel 35 had reached an agreement concerning said applications, which agreement was filed with the Commission on July 6, 1966.[1] On July 11, 1966, Omicron Television Corp. filed its comments on the rule making and cited the agreement between it and Sherman, which looked toward the dismissal of Sherman's application and the grant of Omicron's. Omicron, therefore, argued that no public need exists for the addition of another channel to the Orlando area and that, since Orlando has two VHF stations on the air, it will be difficult enough for a single UHF station to become operative and competitive, without the addition of further competition from another UHF station in Orlando.

5. In our fifth Report and memorandum opinion and order in Docket No. 14229 (FCC 66–137), we stated in paragraph 14 that we would insist that requests for additional assignments be accompanied by an adequate showing that petitioner is prepared to proceed promptly with the construction and operation of the requested facility and that additional assignments will be made only where we can determine that there is an actual public need.

6. In view of the dismissal of Gordon Sherman's application, there is no public need at this time for an additional channel in Orlando, Fla.: *And it is ordered*, This 5th day of October 1966, that the petition for rule making filed by Gordon Sherman is denied, and that this proceeding is terminated.

Released: October 7, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–11117; Filed, Oct. 12, 1966; 8:45 a.m.]

[1] Commissioner Cox dissenting.

[1] This agreement was approved by the Review Board on Sept. 13, 1966 (FCC 66R–383).

Notices

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

ASSISTANT DIRECTOR ET AL.

Delegation of Authority To Act as Director Under Specified Conditions

1. Under the authority conferred upon me by Treasury Department Order No. 129 (Revision 2) dated April 22, 1955, the following officials of the Bureau of Engraving and Printing in the order of succession enumerated are hereby authorized to act as Director of the Bureau of Engraving and Printing in the absence or disability of or in the event of a vacancy in the Office of the Director of the Bureau of Engraving and Printing:

(1) Deputy Director.
(2) Assistant Director.
(3) Director of Industrial Services.

2. In the event of an enemy attack upon any point within the continental limits of the United States the officials named in paragraph 1 and, in addition, the following officials of the Internal Revenue Service, both in the order of succession enumerated, are authorized to exercise so much of the authority of the Secretary of the Treasury and of the Director of the Bureau of Engraving and Printing as is necessary to insure continuous performance of all essential functions of the Bureau of Engraving and Printing:

(1) Assistant Regional Commissioner (Administration), Internal Revenue Service, Swift Building, Cincinnati, Ohio 45202.

(2) Assistant Regional Commissioner (Administration), Internal Revenue Service, Federal Office Building, Atlanta, Ga. 30303.

3. The purpose of the authorization contained in paragraph 2 is to provide a temporary expedient to meet emergency conditions. The respective officials will be notified when they are to cease to exercise the authority therein delegated.

[SEAL] H. B. HOLTZCLAW,
Director,
Bureau of Engraving and Printing.

OCTOBER 7, 1966.

[F.R. Doc. 66–11150; Filed, Oct. 12, 1966; 8:48 a.m.]

POST OFFICE DEPARTMENT

BOARD OF ZIP CODE EXTENSION APPEALS

Notice of Establishment of Board and Rules of Procedure Therefor

The following is the text of Headquarters Circular No. 66–29 signed by the Postmaster General on October 11, 1966, relative to the above subject:

SECTION 1. *Purpose.* To establish and to prescribe the function and rules of procedure for the Board of ZIP Code Extension Appeals pursuant to the regulations set out in the notes following sections 126.329 and 134.427 Postal Manual (Notes following §§ 16.3 and 24.4, Title 39 CFR; 31 F.R. 9540).

SEC. 2. *Membership.* The Board of ZIP Code Extension Appeals consists of three members; i.e., representatives of (a) the Bureau of Operations; (b) the Bureau of Finance and Administration and (c) the Office of the General Counsel. These representatives and their alternates will be designated by the Assistant Postmasters General, Bureau of Operations, Bureau of Finance and Administration and the General Counsel respectively.

SEC. 3. *Office.* The Office of the Board of ZIP Code Extension Appeals shall be in the Office of the Assistant Postmaster General, Bureau of Operations in the Post Office Department Building, Washington, D.C. 20260. A suitable docket of ZIP Code Extension Appeal cases shall be maintained in that office.

SEC. 4. *Jurisdiction.* The Board is the duly authorized representative of the Postmaster General to hear appeals from decisions of Regional Directors denying in whole or in part requests made by mailers for extensions of time within which to meet the mandatory ZIP Code of mail requirements contained in sections 126.32 and 134.43, Postal Manual (§§ 16.3(b) and 24.4(c), Title 39 CFR). The Board is authorized to exercise the full authority of the Postmaster General in deciding these appeals and has full authority to grant and deny the requests for extensions in whole or in part.

SEC. 5. *Appeals.* An appeal must be made by the mailer by a notice in writing within 15 days from the date he receives the written decision of the Regional Director denying his request in whole or in part. The notice shall be addressed to the Assistant Postmaster General, Bureau of Operations, and shall contain the reasons why the mailer believes the decision of the Regional Director to be erroneous. The notice must be signed by the mailer or his attorney.

SEC. 6. *Regional Director.* Within 10 days after advice that the appeal has been received by the Department, the Regional Director shall transmit to the Board a copy of his decision; any documents or other material submitted by the mailer in support of his request for an extension and the Regional Director's comments on the matters contained in the Notice of Appeal. The Regional Director shall send a copy of his comments on the Notice of Appeal to the mailer by certified mail. Within such 10 day's period, the Regional Director may reconsider his decision. If he reconsiders, he shall notify the mailer or his attorney and send a copy of the decision on reconsideration to the Board. The period within which the mailer may take an appeal from the reconsidered decision shall begin to run from the day the reconsidered decision is received by the mailer. The rendering of such a reconsidered decision shall cause the original appeal to be considered as withdrawn.

SEC. 7. *Mailer.* Within 7 days after receiving a copy of the Regional Director's comments on his appeal, the mailer may reply thereto and may request a hearing or oral argument before the Board. Such request shall fully explain why the mailer believes that such a hearing or oral argument is necessary to the proper disposition of the appeal.

SEC. 8. *Practice.* The mailer may appeal in person; through any official of the corporation (if the mailer is a corporation), or by any attorney eligible to practice before the Post Office Department in accord with Part 202 of Title 39, Code of Federal Regulations.

SEC. 9. *Settlement.* The appeal may be settled at any time (a) by the mailer's filing written notice withdrawing his appeal, or (b) the written stipulation by the mailer and the Regional Director settling the entire dispute.

SEC. 10. *Consideration of the appeal.* The appeal shall be decided by the Board on the record. No hearing or oral argument shall be afforded: *Provided*, That if the mailer has requested a hearing or oral argument be afforded, the Board may, in its discretion, hold the hearing or afford oral argument. At any such hearing, either party may produce oral or documentary evidence. If such hearing is held, the Board may, in its discretion, permit the mailer and the Regional Director to submit written statements 10 days thereafter.

SEC. 11. *Decisions.* Decisions of the board shall be by a majority of the members. The decision shall be sent to the mailer by registered or certified mail and a copy shall be furnished to the Regional Director and shall be available to the public for inspection in the Post Office Department library.

SEC. 12. *Reconsideration.* A request for consideration by the Board may be made by the mailer within 10 days of the date the decision is received. Reconsideration may be granted if, in the judgment of the Board, sufficient reason appears.

SEC. 13. *Extensions of time.* Extensions of time within which the mailer or the Regional Director is required to take any action mentioned in these rules will only be granted for the most cogent of reasons.

SEC. 14. *Requirements pending final decision.* The Regional Director's De-

cision will remain in effect during the pendency of the appeal, unless the Board otherwise directs.

(5 U.S.C. 301, 39 U.S.C. 501, 4451–4453)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 11, 1966.

[F.R. Doc. 66–11219; Filed, Oct. 12, 1966; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Elimination Thereof

OCTOBER 5, 1966.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial No. S 30, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for the construction, operation and maintenance of the planned facilities of the Auburn-Folsom South Unit of the Central Valley project, California.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their view in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources.

He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 12 N., R. 9 E.,
Sec. 1, lot 10.
T. 13 N., R. 9 E.,
Sec. 11, lot 2, SE¼SW¼ and unpatented portion of NW¼SE¼ (NW¼SE¼ exclusive of lot 4 as shown on approved township plat of survey dated October 23, 1878);
Sec. 34, S½ lot 19, NE¼ lot 19, and lot 20;
Sec. 36, lots 2 and 3.
T. 14 N., R. 9 E.,
Sec. 1, W½ lot 5, NW¼SW¼NW¼, S½SW¼NW¼, and unpatented land in the W½SW¼ embraced in the Gitaway and Blue Rock quartz mining claims;
Sec. 12, NW¼NW¼ and S½NW¼;
Sec. 13, NW¼NW¼NE¼, S½NW¼NE¼, and SW¼NE¼;
Sec. 24, S½;
Sec. 25, lots 3, 4, 5, and 6, NE¼SW¼, W½SW¼, SE¼SW¼, NE¼SE¼, NW¼, SE¼, and SW¼SE¼, excluding any portion in unsegregated M.S. 5816;
Sec. 35, NE¼NW¼.
T. 13 N., R. 10 E.,
Sec. 2, lots 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, and Mineral lot 53;
Sec. 3, lots 4, 8, 9, 10, 11, and 12;
Sec. 4, lots 43, 44, 45, and 46;
Sec. 9, lots 8, 12, and 13, and SW¼NE¼;
Sec. 10, lots 1 to 10, inclusive, E½NE¼, SW¼NW¼, E½NW¼, W½SE¼SE¼, and NE¼SE¼SE¼;
Sec. 18, lots 1, 2, SE¼ lot 5, S½ lot 8, 11, and 13;
Sec. 19, lot 24;
Sec. 20, N½NE¼.
T. 14 N., R. 10 E.,
Sec. 6, S½ lot 14, SE¼ lot 15, SE¼ lot 19, lot 20, and NW¼ lot 21;
Sec. 7, lots 5 and 6;
Sec. 18, lots 2, 3, 6, and 7;
Sec. 30, E½ lot 8, lot 9, E½ lot 10, E½ lot 15, and lot 16, NE¼, SE¼NW¼, SE¼SW¼, and SW¼SE¼.

The areas described aggregate approximately 3,417 acres. The applicant agency desires the withdrawal of lot 53, sec. 4, T. 13 N., R. 10 E., M.D.M., from prospecting, location and entry under the mining laws, but not the mineral leasing laws as this land is patented, having been patented under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended with a reservation of all minerals to the United States.

The above described patented land contains 3.65 acres.

The applicant agency has canceled its application insofar as it affects the SW¼ lot 19, sec. 6, T. 14 N., R. 10 E., M.D.M., embracing 10 acres. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such land at 10 a.m. on Nov. 23, 1966, will be relieved of the segregative effect of the above-mentioned application.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 66–11143; Filed, Oct. 12, 1966; 8:48 a.m.]

IDAHO

Notice of Filing of Plat of Survey

OCTOBER 5, 1966.

1. A plat of survey of the land described below will be officially filed in the Land Office, Boise, Idaho, effective at 10 a.m. on October 20, 1966:

BOISE MERIDIAN

T. 23 N., R. 17 E.,
Tract No. 37.

The tract described aggregates 2.492 acres.

2. All of the above-described land is embraced in the (now) Salmon National Forest by proclamation dated May 22, 1905.

Since the lands are withdrawn for the Salmon National Forest, the described land will not be subject to disposition under the general public land laws by reason of the official filing of the plat.

ORVAL G. HADLEY,
Manager,
Idaho Land Office, Boise.

[F.R. Doc. 66–11141; Filed, Oct. 12, 1966; 8:48 a.m.]

IDAHO

Notice of Opening of Lands and Revocation of Final Classification Order

OCTOBER 6, 1966.

1. Notice is hereby given that in accordance with the regulations in 43 CFR 2411 the initial decision (final order of the Secretary) dated June 15, 1964, classifying the following described lands as unsuitable for entry under the desert land act is hereby revoked and the lands are hereby reclassified for entry under the desert land act provided they can be incorporated with adjoining private land to form an economic unit:

BOISE MERIDIAN

T. 2 N., R. 36 E.,
Sec. 20, N½SE¼.

The area described aggregates 80 acres.

2. From the date of publication of this notice the lands will be open to filing of desert land applications in accordance with the above reclassification. All valid applications received between the date of publication of this notice and 10 a.m. on October 27, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 66–11142; Filed, Oct. 12, 1966; 8:48 a.m.]

IDAHO

Notice of Filing of Plats of Survey; Suspension Lifted

OCTOBER 7, 1966.

Federal Register Document 66–1332 appearing on page 2503 of the issue for February 8, 1966, suspended the original filing date of February 10, 1966, for certain plats of survey involving the following lands:

BOISE MERIDIAN

T. 2 N., R. 37 E.,
Sec. 12, lots 9 to 15, inclusive;
Sec. 13, lots 9 to 213, inclusive;
Sec. 24, lot 8;
Sec. 25, lots 8 to 19, inclusive;
Sec. 35, lots 8 and 9.

The areas described aggregate 187.94 acres.

The suspension placed on the filing of these plats is hereby lifted with the publication of this notice. The plats are officially filed in the Idaho Land Office, Boise, Idaho, effective at 10 a.m. on the date this notice appears in the FEDERAL REGISTER.

EUGENE E. BABIN,
Acting Manager,
Land Office, Boise, Idaho.

[F.R. Doc. 66–11157; Filed, Oct. 12, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to the authority delegated to the Administrator of the Consumer and Marketing Service in section 40 of the Statement of Organization and Delegations appearing in 29 F.R. 16212, and in accordance with the notice in 31 F.R. 7916, dated June 3, 1966, which sets forth changes in the internal organization of the Consumer and Marketing Service, the Statement of Organization, Functions, and Delegations of Authority appearing in 30 F.R. 1260, as amended by 30 F.R. 6597, is hereby superseded and the following substituted therefore:

ORGANIZATION AND FUNCTIONS

SECTION 1. *General.* The Consumer and Marketing Service, hereinafter referred to as "C&MS," was created as the Agricultural Marketing Service by the Secretary of Agriculture on November 2, 1953, pursuant to his authority under 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 67 Stat. 633; and related authority. Effective February 8, 1965, the name "Agricultural Marketing Service" was changed to "Consumer and Marketing Service." The central office of C&MS is located at Washington, D.C., but a large part of the program activity is carried on through various field offices. The functions and authorities delegated to C&MS are published in 30 F.R. 6697, dated May 15, 1965, 31 F.R. 10079, dated July 26, 1966, and 31 F.R. 10644, dated August 10, 1966.

SEC. 2. *The Office of the Administrator.*—(a) *The Administrator.* The Administrator is responsible for the general direction and supervision of programs and activities assigned to C&MS. He reports to the Assistant Secretary for Marketing and Consumer Services.

(b) *The Associate Administrator.* The Associate Administrator shares overall responsibility with the Administrator for the general direction and supervision of programs and activities assigned to C&MS.

(c) *Deputy Administrator, Consumer Food Programs.* The Deputy Administrator, Consumer Food Programs, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS; and

(2) Directing and coordinating the administration of consumer food programs, including the national school lunch program, the special milk program, the program for distribution of donated commodities acquired under the price support program and the surplus removal program, the program for accelerated movement of plentiful foods through normal channels of trade, the food stamp program, and related activities, and the food management phases of the civil defense and defense mobilization programs. These programs are carried out by three functional Divisions (Commodity Distribution, Food Stamp, and School Lunch), one functional staff (Food Trades Staff), one program services staff (Consumer Food Programs Services Staff), located at Washington, D.C., and by five Consumer Food Programs District Offices in the field.

(d) *Deputy Administrator, Marketing Services.* The Deputy Administrator for Marketing Services is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs and activities of C&MS;

(2) Directing and coordinating the administration of the marketing service programs, including the standardization, inspection, grading and classing of agricultural commodities; market news; expansion of market outlets; commodity procurement; export and diversion programs; process and renovated butter; programs and related activities involving Standard Container, Export Apple and Pear, Naval Stores, Export Grape and Plum, and the Tobacco Seed and Plant Exportation Acts; statistical services; assigned civil defense and defense mobilization activities; and other related programs and activities. These programs and activities are carried out by seven commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, and Tobacco), located at Washington, D.C., and by field offices of these Divisions, and by one staff (Matching Fund Program Staff); and

(3) Considering and determining appeals from findings of fact of contracting officers within the scope of any disputes provision, which provides a method for final and conclusive determination of disputed questions of fact, in any purchase contract under purchase and donation programs carried out pursuant to section 6 of the National School Lunch Act and section 32 of Public Law 320, 74th Congress.

(e) *Deputy Administrator, Regulatory Programs.* The Deputy Administrator for Regulatory Programs is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs and activities of C&MS; and

(2) Directing and coordinating the administration of marketing regulatory programs and related activities involving the Packers and Stockyards, Perishable Agricultural Commodities, Federal Seed, U.S. Warehouse, Produce Agency, and Cotton Research and Promotion Acts; freight rate services under section 201 of the Agricultural Adjustment Act of 1938 and section 203(j) of the Agricultural Marketing Act of 1946, as amended; assigned civil defense and defense mobilization activities; marketing agreements and orders; and other related programs and activities. These programs are carried out by six commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Poultry, and Tobacco), and two functional Divisions (Packers and Stockyards, and Transportation and Warehouse), located at Washington, D.C., and by field offices of these Divisions, except milk marketing orders which are carried out through market administrators in the field and fruit and vegetable marketing orders which are administered by elected committees.

(f) *Deputy Administrator, Consumer Protection.* The Deputy Administrator for Consumer Protection is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs and activities of C&MS; and

(2) Directing and coordinating the administration of consumer protection programs including meat inspection, poultry inspection, humane slaughter, processing plant sanitation, labelling standards, and related activities. These programs are carried out by one commodity Division (Poultry), three functional Divisions (Livestock Slaughter Inspection, Processed Meat Inspection, and Technical Services), and two staffs (Compliance and Evaluation Staff and Administrative Staff), located at Washington, D.C., and by the seven Meat Inspection District Offices, the Compliance and Evaluation Staff field offices, and the five area Poultry Inspection offices.

(g) *Deputy Administrator, Management.* The Deputy Administrator, Management, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS;

(2) Directing and coordinating the administration and integration of the overall management, budget, fiscal, personnel, and administrative services programs and the planning-programing-budgeting system necessary to meet the requirements of the consumer and marketing programs of C&MS, and assigned civil defense, defense mobilization, and related programs and activities. These pro-

grams and activities are carried out by the Operations Analysis Staff and the Administrative Services, Budget and Finance, and Personnel Divisions, located at Washington, D.C., and by field branch offices of the three Divisions; and

(3) Civil rights coordination in the Consumer and Marketing Service.

SEC. 3. *Information Division.* The Information Division, under the direction and supervision of the Administrator and Associate Administrator, is responsible for planning and administering an information program involving the activities of C&MS. In addition to the central office located at Washington, D.C., this program is carried on through area offices.

SEC. 4. *Consumer Food Programs.* The Commodity Distribution, Food Stamp, and School Lunch Divisions, the Food Trades Staff, Consumer Food Programs Services Staff and the Consumer Food Programs District Offices, under the administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrator for Consumer Food Programs, are responsible as follows:

(a) *Commodity Distribution Division.* The Commodity Distribution Division is responsible for:

(1) Planning and administering the commodity distribution program, including distribution to eligible recipients of donated foods made available under section 32 of the Act of August 24, 1935, as amended; section 6 of the National School Lunch Act; and section 416 of the Agricultural Act of 1949, as amended;

(2) Planning and administering the distribution of commodities for disaster and/or emergency relief; and

(3) Executing assigned civil defense and defense mobilization activities.

(b) *Food Stamp Division.* The Food Stamp Division is responsible for:

(1) Planning and administering the food stamp program, including coupon allotment, coupon issuance, negotiations with State agencies, and wholesaler-retailer operations; and

(2) Executing assigned civil defense and defense mobilization activities.

(c) *School Lunch Division.* The School Lunch Division is responsible for:

(1) Planning and administering the national school lunch program and the special milk program, including technical services for these and other consumer food programs; and

(2) Executing assigned civil defense and defense mobilization activities.

(d) *Food Trades Staff.* The Food Trades Staff is responsible for:

(1) Planning and administering the plentiful foods programs;

(2) Serving as a focal point for wholesalers, retailers, public feeding operators, and other food distributors on problems of food supply and its effective distribution; and

(3) Executing assigned civil defense and defense mobilization activities.

(e) *Consumer Food Programs Services Staff.* This staff is responsible for:

(1) Planning and providing management services, reports, statistical services for Consumer Food Program Divisions, Staffs, and District Offices.

(f) *Consumer Food Programs District Offices.* Consumer Food Programs District Offices are responsible for:

(1) Planning, coordinating, and administering the consumer food programs within the district; and

(2) Executing assigned civil defense and defense mobilization activities.

SEC. 5. *Marketing Services, Regulatory Programs, and Consumer Protection Programs.* The Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Packers and Stockyards, Transportation and Warehouse, Livestock Slaughter Inspection, Processed Meat Inspection, and Technical Services Divisions, the Administrative Staff, the Compliance and Evaluation Staff, and the Meat Inspection District Offices, under administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrators for Marketing Services, Regulatory Programs, and Consumer Protection Programs, are responsible as follows:

(a) *Cotton Division.* The Cotton Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, classing, grading, and testing), surplus removal, expansion of market outlets, marketing regulatory, marketing agreements and orders, and related programs for cotton, cotton linters, cottonseed, cotton products, and other vegetable fibers and related commodities as authorized by Cotton Futures provisions of Internal Revenue Code of 1954; U.S. Cotton Standards Act, as amended; Cotton Statistics and Estimates Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Cotton Research and Promotion Act; and other authorities; and

(2) Executing assigned civil defense and defense mobilization activities.

(b) *Dairy Division.* The Dairy Division is responsible for:

(1) Planning and administering marketing services (standardization, inspection, and grading), marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for milk and its products, and such other commodities as may be assigned; process and renovated butter; surplus removal, expansion of market outlets, and related programs for milk and dairy products as authorized by section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Process and Renovated Butter Act; and other authorities;

(2) Formulating policies and technical direction for market news services for dairy and dairy products which are administered by the Poultry Division; and

(3) Executing assigned civil defense and defense mobilization activities.

(c) *Fruit and Vegetable Division.* The Fruit and Vegetable Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing regulatory, surplus removal, expansion of market outlets, and related programs for fruits and vegetables, their products and other assigned commodities as authorized by the Standard Container Acts of 1916 and 1928, as amended; Produce Agency Act, as amended; Perishable Agricultural Commodities Act, 1930, as amended; Export Apple and Pear Act; Export Grape and Plum Act; section 32 of the Act of August 24, 1935, as amended; section 8c of the Agricultural Adjustment Act of 1933, as added August 28, 1954, and amended; Agricultural Marketing Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for fruits, vegetables, nuts, hops, and the products thereof, and such other commodities as may be assigned; and

(3) Executing assigned civil defense and defense mobilization activities.

(d) *Grain Division.* The Grain Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, grading, and testing), marketing regulatory, surplus removal, expansion of market outlets, and related programs for grain, grain products, seeds, beans, peas, rice, hay, and related commodities as authorized by the U.S. Grain Standards Act, as amended; Federal Seed Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for seed and such other commodities as may be assigned;

(3) Planning and administering market news services on molasses and sugar cane syrups; and

(4) Executing assigned civil defense and defense mobilization activities.

(e) *Livestock Division.* The Livestock Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, grading, and specification certification), surplus removal, expansion of market outlets, and related programs for livestock, meat, meat products, wool, mohair, and related commodities as authorized by the Wool Standards Act; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; and other authorities; and

(2) Executing assigned civil defense and defense mobilization activities.

(f) *Poultry Division.* The Poultry Division is responsible for:

(1) Planning and administering standardization, inspection, and grading, surplus removal, expansion of market outlets, and related programs for poultry, poultry products, domestic rabbits, and related commodities as authorized by Poultry Products Inspection Act, 21 U.S.C. 451 et seq.; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for poultry and poultry products and such other commodities as may be assigned;

(3) Formulating policies and directing market news service for poultry and poultry products, and domestic rabbits; administrative direction of market news services for dairy and dairy products; and

(4) Executing assigned civil defense and defense mobilization activities.

(g) *Tobacco Division.* The Tobacco Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading) marketing regulatory, surplus removal, expansion of market outlets, statistical reporting, and related programs for tobacco, tobacco products and byproducts, naval stores, and related commodities as authorized by Tobacco Stocks and Standards Act of 1929, as amended; Tobacco Inspection Act, as amended; Tobacco Seed and Plant Exportation Act; Naval Stores Act, section 32 of the Act of August 24, 1935, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for tobacco, and the products thereof, and such other commodities as may be assigned; and

(3) Executing assigned civil defense and defense mobilization activities.

(h) *Packers and Stockyards Division.* The Packers and Stockyards Division is responsible for:

(1) Administering the provisions of the Packers and Stockyards Act, as amended; and

(2) Executing assigned civil defense and defense mobilization activities.

(i) *Transportation and Warehouse Division.* The Transportation and Warehouse Division is responsible for:

(1) Administering the U.S. Warehouse Act, as amended;

(2) Warehouse examination functions in connection with warehouses storing commodities pursuant to contracts or agreements with Commodity Credit Corporation;

(3) Administering provisions of section 201 of the Agricultural Adjustment Act of 1938, section 203(j) of the Agricultural Marketing Act of 1946, as amended, and other authorities covering adjustments in transportation and services for farm commodities, food, and farm supplies;

(4) Acting for, or assisting on assignment from the Office of the Administrator in directing and coordinating and planning activities and operations assigned C&MS with respect to emergency preparedness programs in connection with defense mobilization; and

(5) Executing other marketing services programs and activities as assigned.

(j) *Livestock Slaughter Inspection Division.* The Livestock Slaughter Inspection Division is responsible for planning and administering livestock slaughter inspection programs relating to:

(1) Ante-mortem and post-mortem inspection of animals, their carcasses, organs and parts thereof; the chilling, branding and shipping of carcasses, meat byproducts and nonprocessed parts of carcasses; the handling and control of inedible and condemned materials (including inedible rendering) incident to ante-mortem, post-mortem, and chilling operations to assure a wholesome supply of meat and edible meat byproducts for consumers. These functions are performed pursuant to (a) Meat Inspection Act, 21 U.S.C. 71–79, 87, 89, 90, 91, and 94; (b) The provisions of the Humane Slaughter Act, 7 U.S.C. 1901 et seq.; and (c) The Horse Meat Act, 21 U.S.C. 96; and

(2) Executing assigned civil defense and defense mobilization activities.

(k) *Processed Meat Inspection Division.* The Processed Meat Inspection Division is responsible for planning and administering processed meat inspection programs relating to:

(1) Processed meat inspection, including all operations after slaughter and chilling relating to, or further handling of, edible meat, meat byproducts and meat food products; the carcass breakup, and movement in commerce from slaughtering establishments; export certification and import inspection; the issuance of certificates and surveillance of exempted plants; and related reimbursable services to assure sanitary, wholesome and truthfully labeled products. These functions are performed pursuant to 21 U.S.C. 73–79, 83–87, 89–91, 94; 19 U.S.C. 1306 (b) and (c); 21 U.S.C. 96; and 7 U.S.C. 1622; and

(2) Executing assigned civil defense and defense mobilization activities.

(l) *Technical Services Division.* The Technical Services Division is responsible for planning and administering programs to provide the meat and poultry inspection programs of C&MS with the technical services required to assure that food products moving in foreign and domestic commerce are wholesome, unadulterated, and truthfully labeled, including:

(1) The sampling for Technical Services Division functions, testing, and analyses of meat and poultry products, chemical compounds, microbiological, pathological, and toxicological specimens and other associated laboratory services;

(2) The approval of product formulae, methods of preparation, and labels;

(3) The development and promulgation of standards of composition and identity for processed products;

(4) The approval of plant design, structure and equipment, and sanitation standards; and

(5) The surveillance and approval of foreign inspection systems, and Federal-State relations.

The functions of items 1 through 5 are performed pursuant to 21 U.S.C. 72–76, 78, 79, 89–91, 94, 96; 7 U.S.C. 1622 and 1904; 19 U.S.C. 1306 (b) and (c); section 7 of P.L. 85–172; and

(6) Executing assigned civil defense and defense mobilization activities.

(m) *Meat Inspection District Offices.* The Meat Inspection District Offices are responsible for carrying out:

(1) Livestock slaughter inspection programs;

(2) Processed meat inspection programs;

(3) Technical services programs (except laboratories) relating to meat inspection within their respective geographical areas; and

(4) Executing assigned civil defense and defense mobilization activities.

(n) *Administrative Staff.* The Administrative Staff provides administrative management services for the Livestock Slaughter Inspection Division, the Processed Meat Inspection Division, the Technical Services Division, the Compliance and Evaluation Staff, and the Meat Inspection District Offices.

(o) *Compliance and Evaluation Staff.* The Compliance and Evaluation Staff administers the compliance and evaluation program designed to augment and strengthen management controls and the regulatory and enforcement aspects of the Poultry Products Inspection Act, the Meat Inspection Act, and related laws, and the regulations promulgated thereto.

(p) *Matching Fund Program Staff.* This staff under the direction of the Administrator is responsible for:

(1) Providing leadership and consulting services to assist States in the development and execution of matched-funds marketing service projects, under the provisions of the Agricultural Marketing Act of 1946, as amended, and coordinating similar lines of work between States.

(2) Reviewing and approving such projects proposed by the State Departments of Agriculture, Bureaus of Markets, and similar State agencies; and

(3) Coordinating the matching fund program with the overall Federal-State marketing program.

SEC. 6. *Management Services.* The Administrative Services, Budget and Finance, and Personnel Divisions, and the Operations Analysis Staff, under the administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrator, Management, are responsible as follows:

(a) *Administrative Services Division.* The Administrative Services Division is responsible for:

(1) Planning and administering procurement, real and personal property, records, communications, procedures, forms, reports, paperwork, and related management services programs necessary to meet requirements of the overall programs and activites of C&MS;

(2) Approving for administrative feasibility and for conformance with governing rules and regulations, cooperative agreements and related documents, and contracts under the Agricultural Marketing Act of 1946, as amended;

(3) Developing standards and procedures for the preparation of program dockets and authorities, and clearing for conformance with governing rules and regulations materials to be published in the FEDERAL REGISTER and the Code of Federal Regulations; and

(4) Providing staff assistance to the Deputy Administrator, Management, with respect to committee management and civil rights activities in C&MS.

(b) *Budget and Finance Division.* The Budget and Finance Division is responsible for:

(1) Planning and administering the budget, fiscal, and related financial programs necessary to meet the requirements of the over-all programs and activities of C&MS;

(2) Developing and assisting in establishing required systems and controls with respect to apportionments, obligations, and expenditures of available funds; and

(3) Developing, installing, and revising accounting systems, methods and procedures for control committees and market administrators operating under marketing agreements and orders assigned to C&MS.

(c) *Personnel Division.* The Personnel Division is responsible for planning and administering the organization, classification, wage and salary, employment, employee relations, training, safety, and health phases of a personnel program to meet requirements of the overall programs and activities of C&MS.

(d) *Operations Analysis Staff.* The Operations Analysis Staff is responsible for planning and administering a broad program of review, research, analysis and coordination in program management as it relates to the efficiency and effectiveness of C&MS program operations.

DELEGATIONS OF AUTHORITY

SEC. 7. *Associate Administrator.* The Associate Administrator is hereby delegated the authority to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator. The Associate Administrator does not have the authority to redelegate the authority to make determinations as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act which are considered confidential under such Act or under the regulations of the Department.

SEC. 8. *Deputy Administrators.* The Deputy Administrator, Consumer Food Programs; the Deputy Administrator, Marketing Services; the Deputy Administrator, Regulatory Programs; the Deputy Administrator, Consumer Protection, and the Deputy Administrator, Management, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator. The Deputy Administrators do not have the authority to redelegate the authority to make determinations as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act which are considered confidential under such Act or under the regulations of the Department. Each Deputy Administrator shall be primarily responsible for the programs and activities of the Consumer and Marketing Service herein or hereafter assigned to him.

SEC. 9. *Information Division.* The Director of the Information Division is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator and Associate Administrator.

SEC. 10. *Consumer Food Divisions and Staffs.* The Directors of the Commodity Distribution, Food Stamp, School Lunch Divisions, Food Trades and Consumer Food Programs Services Staffs, and Consumer Food Programs District Offices, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators.

SEC. 11. *Marketing Services, Regulatory, and Consumer Protection Divisions and Staffs.* The Directors of the Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Packers and Stockyards, Transportation and Warehouse, Livestock Slaughter Inspection, Processed Meat Inspection, and Technical Services Divisions, the Administrative Staff, the Compliance and Evaluation Staff, Matching Fund Programs Staff, and the Meat Inspection District Offices, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators. The Director of the Packers and Stockyards Division does not have the authority to make the determination as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act and which are considered confidential under such Act or under the regulations of the Department.

SEC. 12. *Management Services Divisions.* The Directors of the Administrative Services, Budget and Finance, and Personnel Divisions, and the Director, Operations Analysis Staff, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators.

SEC. 13. *Concurrent authority and responsibility to the Administrator.* No delegation or authorization prescribed herein shall preclude the Administrator, the Associate Administrator, or each Deputy Administrator, from exercising any of the powers or functions or from performing any of the duties conferred upon them herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, the Associate Administrator, and in their respective fields, by each Deputy Administrator. The officers to whom authority is delegated herein shall (a) maintain close working relationships with the officers to whom they report, (b) keep them advised with respect to major problems and developments, and (c) discuss with them proposed actions involving major policy questions or other important considerations or questions, including matters involving relationships with other Federal agencies, other agencies of the Department, other Divisions or offices of C&MS or other governmental or private organizations or groups.

SEC. 14. *Prior authorizations and delegations.* All prior delegations and redelegations of authority relating to any function, program, or activity covered by the Statement of Organization, Functions, and Delegations of Authority, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignments of functions.

RESERVATION OF AUTHORITY

SEC. 15. *Reservation of authority.* (1) There is hereby reserved to the Administrator, or to the individual designated to act in his absence, the authority to designate Market Administrators and Committees administering marketing agreement and order programs.

(2) There is hereby reserved to the Administrator, the Associate Administrator, and the Deputy Administrators, the authority to make determinations as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act which are considered confidential under such Act or under the regulations of the Department.

(3) There is hereby reserved to the Administrator, or to the individual designated to act in his absence, the approval of regulations relating to the travel of seasonal inspectors.

AVAILABILITY OF INFORMATION AND RECORDS

SEC. 16. *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of C&MS should address his request to: Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or the Director of the particular Division or Office, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. The availability of information and records of C&MS and its Divisions and offices is governed by the rules and regulations of the Department published in the Code of Federal Regulations.

Issued at Washington, D.C., this 10th day of October 1966.

S. R. SMITH,
Administrator.

[F.R. Doc. 66-11146; Filed, Oct. 12, 1966; 8:48 a.m.]

CONECUH COOPERATIVE STOCKYARD ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	Current name of stockyard and date of change in name
ALABAMA	
Conecuh Cooperative Stockyard, Evergreen, Oct. 3, 1959.	Conecuh Stockyards, Aug. 1, 1966.
Fort Payne Stockyard, Fort Payne, June 11, 1965	Fort Payne Livestock Commission, Feb. 1, 1966.
Tri-County Stockyards, Hurtaboro, Oct. 1, 1959	Hodges Capital Stockyards, June 23, 1966.
ARIZONA	
Wentz Brothers Livestock Auction, Tucson, Dec. 5, 1964.	Wentz Brothers Livestock Auction, Inc., Aug. 3, 1966.
COLORADO	
Craig Livestock Auction, Craig, Mar. 21, 1957	Craig Sales Barn, Apr. 15, 1966.
ILLINOIS	
Price's Livestock Marketing Company, Shelbyville, Mar. 21, 1961.	Interstate Producers Livestock Ass'n, Aug. 1, 1966.
KENTUCKY	
Berry and Whitford Commission Company, Mayfield, Dec. 9, 1959.	Mayfield Livestock and Sales Co., July 20, 1966.
Richmond Livestock Market, Inc., Richmond, Oct. 9, 1961.	Madison Sales Company, Inc., June 14, 1966.
MISSOURI	
Fairground Sale Company, Inc., Maryville, July 31, 1957.	Fairground Livestock Auction, Jan. 1, 1966.
Savannah Sales Company, Savannah, Aug. 16, 1962.	Savannah Sales Co., Inc., May 20, 1966.
MONTANA	
Miles City Livestock Auction Company, Miles City, Nov. 9, 1951.	Miles City Stockyards Company, June 23, 1966.
NEBRASKA	
Platte Valley Sale Barn, Kearney, Nov. 22, 1947	Producers-Platte Valley Livestock Auction Public Stockyards, Aug. 1, 1966.
NORTH CAROLINA	
Murphy Livestock Auction, Murphy, Apr. 10, 1959	Murphy Livestock Auction Company, June 1, 1966.
TEXAS	
Kerr County Livestock Auction Company, Kerrville, June 14, 1957.	Kerr County Livestock Auction, Inc., June 7, 1966.
Livingston Livestock Auction Company, Livingston, Apr. 17, 1959.	Livingston Livestock Exchange, Aug. 1, 1966.
Wichita Falls Stockyards Company, Wichita Falls, May 22, 1950.	Wichita Livestock Auction, June 1, 1966.
VIRGINIA	
Giles County Stockyards, Inc., Narrows, Mar. 3, 1959.	Narrows Livestock Market, Inc., Jan. 1, 1966.
WASHINGTON	
Pasco Livestock Market Center, Inc., Pasco, Sept. 23, 1959.	Pasco Central Stockyards, Inc., Aug. 1, 1966.

Done at Washington, D.C. this 5th day of October 1966.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-11171, Filed, Oct. 12, 1966; 8:50 a.m.]

PEDLEY HORSE SALES ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and location of stockyard, and date of posting

CALIFORNIA

Pedley Horse Sales, Pedley, Aug. 30, 1966.

KANSAS

Farmers & Ranchers Livestock Commission Co., Salina, Sept. 22, 1966.

MICHIGAN

Walkerville Livestock Auction, Walkerville, Aug. 23, 1966.

MISSOURI

HRH Auction Co., Hamilton, Sept. 28, 1966.

NORTH CAROLINA

Asheville Livestock Yards, Inc., Canton, Aug. 30, 1966.

VERMONT

Campbell's Commission Sales, Inc., Newport, June 28, 1966.

Done at Washington, D.C., this 5th day of October, 1966.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-11172; Filed, Oct. 12, 1966; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 17206]

SUDFLUG, SUDDEUTSCHE FLUGGESELLSCHAFT mbH

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on October 26, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 7, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11152; Filed, Oct. 12, 1966; 8:48 a.m.]

[Docket 17358]

MIAMI-KEY WEST SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 9, 1966, at 10 a.m., l.t., in the Allison Hotel, 6261 Collins Avenue, Miami Beach, Fla., before the undersigned Examiner.

Dated at Washington, D.C., October 7, 1966.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 66-11153; Filed, Oct. 12, 1966; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

RACES PLANS

Extension of Time for Filing

OCTOBER 6, 1966.

The Commission, by Defense Commissioner Lee Loevinger, today extended from October 1, 1966, to January 1, 1967, the time within which State and local Civil Defense Directors should submit two copies of their Radio Amateur Civil Emergency Service (RACES) Plans to their Regional Director, Office of Civil Defense.

On May 26 the Commission announced the approval of all outstanding RACES Plans as Interim Plans for the Amateur Radio Service under Executive Order 11092, and requested copies of updated RACES Plans for review by the Amateur Radio Service Subcommittee of the Commission's National Industry Advisory Committee (NIAC). On July 28, 1966, the time was extended to October 1. More time is needed by some States in updating and preparing the plans.

At the same time, Commissioner Loevinger extended to the same date the time within which all other interested entities should submit their requirements for emergency communications utilizing facilities and personnel of the Amateur Radio Service, to the Executive Secretary, NIAC, Federal Communications Commission, Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11120; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket Nos. 14755-14757; FCC 66M-1348]

JUPITER ASSOCIATES, INC., ET AL.

Order Continuing Hearing

In re applications of Jupiter Associates, Inc., Matawan, N.J., Docket No. 14755, File No. BP-14178; William S. Halpern and Louis N. Seltzer, doing business as Somerset County Broadcasting Co., Somerville, N.J., Docket No. 14756, File No. BP-14234; Radio Elizabeth, Inc., Elizabeth, N.J., Docket No. 14757, File No. BP-14812; for construction permits.

Upon the Hearing Examiner's on motion: *It is ordered*, This 6th day of October 1966, that the hearing now scheduled for November 7, 1966, be and the same is hereby rescheduled for November 21, 1966, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: October 6, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11118; Filed, Oct. 12, 1966; 8:45 a.m.]

[Docket Nos. 15835-15839; FCC 66M-1351]

LEBANON VALLEY RADIO ET AL.

Order Scheduling Prehearing Conference

In re applications of Arthur K. Greiner, Glenn W. Winter, William W. Rakow, and Robert M. Lesher, doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP-16098; John E. Hewitt, Thomas A. Ehrgood, Clifford A. Minnich, and Fitzgerald C. Smith, doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP-16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP-16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; for construction permits.

It is ordered, This 5th day of October 1966, on the Hearing Examiner's own motion, that a further hearing conference will be held on November 1, 1966, at 10 a.m.

Released: October 6, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11119; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. 16311; FCC 66M-1349]

WILKES COUNTY RADIO

Order Continuing Hearing

In re application of Paul L. Cashion and J. B. Wilson, Jr., doing business as Wilkes County Radio, Wilkesboro, N.C., Docket No. 16311, File No. BP-16556; for construction permit.

The Hearing Examiner having under consideration communication dated October 5, 1966, on behalf of Wilkes Broadcasting Co. (WKBC), respondent herein, requesting that the hearing herein now scheduled for October 7, 1966, be rescheduled for October 17, 1966;

It appearing, that good cause exists why said request should be granted and counsel for Wilkes Broadcasting Co. states that counsel for the applicant and the Broadcast Bureau, the other two parties herein, have agreed to the instant request;

Accordingly, it is ordered, This 5th day of October 1966, that the request is granted and the hearing now scheduled for October 7, 1966, be and the same is hereby rescheduled for October 17, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: October 6, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11121; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. 16663; FCC 66M-1362]

LAMAR LIFE INSURANCE CO.

Order Continuing Prehearing Conference

In re applications of Lamar Life Insurance Co., Docket No. 16663, File No. BRCT-326; for renewal of license of Television Station WLBT and auxiliary services, Jackson, Miss.

The Hearing Examiner having under consideration informal request on behalf of the United Church of Christ, transmitted by counsel for the Broadcast Bureau, requesting that the prehearing conference scheduled for October 10, 1966, be continued to November 14, 1966;

It appearing, that counsel for the Church have under consideration an appeal to the U.S. Circuit Court of Appeals for the District of Columbia from the Commission's memorandum opinion and order (FCC 66-815) released September 27, 1966;

It further appearing, that good cause exists why said request should be granted and there is no opposition thereto;

Accordingly, it is ordered, This 7th day of October 1966, that the request is granted and the prehearing conference now scheduled for October 10, 1966, be and the same is hereby rescheduled for November 14, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: October 10, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11175; Filed, Oct. 12, 1966; 8:51 a.m.]

[Docket Nos. 16712, 16713; FCC 66M-1361]

TREND RADIO, INC., AND JAMES BROADCASTING CO., INC.

Order Regarding Procedural Dates

In re applications of Trend Radio, Inc., Jamestown, N.Y., Docket No. 16712, File No. BPCT-3665; James Broadcasting Co., Inc., Jamestown, N.Y., Docket No. 16713, File No. BPCT-3694; for construction permits for new television broadcast station.

The applicants having this date submitted to the Review Board an agreement which, if approved, would moot certain of the issues herein;

It appearing, that it would be inappropriate to conduct hearing procedures on the affected issues until such time as the Review Board shall have acted on the said agreement;

It further appearing, that the agreement would not affect the issue directed to Trend's staffing proposal, and it is appropriate to proceed to hearing on that issue;

It is ordered, This 7th day of October 1966, that the procedural dates now set for November 1966, including the hearing November 28, are set aside; and,

It is further ordered, That the procedural dates now scheduled for October 1966, including the October 24 hearing, shall remain unchanged.

Released: October 10, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11176; Filed, Oct. 12, 1966; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 845]

MERCAL INTERNATIONAL, INC.

Order To Show Cause

On September 28, 1966, the New Hampshire Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by Mercal International, Inc., 13A East 40th Street, New York, N.Y. 10016, would be canceled effective 12:01 a.m., October 31, 1966.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order 201.1 (amended) section 6.03:

It is ordered, That Mercal International, Inc., on or before October 17, 1966, either (1) submit a valid bond effective on or before October 31, 1966, or (2) show cause in writing or request a hearing to be held at 10 a.m. on October 24, 1966, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d) Shipping Act, 1916.

It is further ordered, That License No. 845 be forthwith revoked if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-11180; Filed, Oct. 12, 1966; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2585]

DUKE POWER CO.

Notice of Application for License for Constructed Project

OCTOBER 4, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Duke Power Co. (correspondence to: Carl Horn, Jr., Vice President and General Counsel, Duke Power Co., Post Office Box 2178, Charlotte, N.C. 28201) for constructed Project No. 2585, known as Idols Station, located on the Yadkin River, near Winston-Salem and town at Clemmons, in the county at Forsyth, N.C.

The existing project consists of: (1) A rubble masonry dam about 15 feet high and 660 feet long, including a 145.5-foot long powerhouse section, an ungated 410-foot spillway and a 10- x 40-foot fish ladder; (2) a reservoir at elevation 672.3 feet (USGS datum), about 1 mile long with a surface area of 35 acres and no appreciable storage; (3) a stone-masonry and wood powerhouse with eight turbine bays containing six generating units each rated at 235 kw., totaling 1,411 kw.; (4) an indoor substation containing three step-up transformers each rated at 2.3-13 kv.; (5) a brick machine shop and utility storage structure; and (6) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 21, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11122; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. CP67-86]

ILLINOIS POWER CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

OCTOBER 4, 1966.

Take notice that on September 29, 1966, Illinois Power Co. (Applicant), 500 South 27th Street, Decatur, Ill. 62525, filed in Docket No. CP67-86 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan-Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transmission facilities with Applicant's proposed new distribution system and to sell and deliver to Applicant volumes of natural gas for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests that Respondent make physical connection in Mercer County, Ill., of its transmission facilities with the distribution system proposed to be built by Applicant to serve the unincorporated communities of Gilchrist, Wanlock, and Shale City and environs, Mercer County, Ill. Applicant also requests that Respondent construct a sales station to service this connection, and to sell and deliver volumes of natural gas for resale in the above mentioned areas.

The estimated third year annual and peak day requirements for this service is 6,250 Mcf and 61.0 Mcf respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 2, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11123; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. CP67-85]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

OCTOBER 4, 1966.

Take notice that on September 28, 1966, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP67-85 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities in Warrick County, Ind., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate one side valve and a positive meter for the establishment of a new delivery point for Southern Indiana Gas & Electric Co. (Southern Indiana), an existing customer. Natural gas delivered through this delivery point is for resale by Southern Indiana to the town of Elberfeld, Warrick County, Ind., and its environs and in rural areas in Vanderburgh and Warrick Counties, Ind.

Annual and peak day requirements associated with service to Elberfeld are 24,920 Mcf and 274 Mcf respectively. No increase in the contract demand of

Southern Indiana is proposed for this service.

The cost of the facility is estimated to be $6,000 and will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11124; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. RI67-75]

MARATHON OIL CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

OCTOBER 5, 1966.

On August 15, 1966, Marathon Oil Co. (Marathon)[1] tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Address is 539 South Main St., Findlay, Ohio 45840, Attention: Jack Fariss, Esq.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-75	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840, Attn: Jack Fariss, Esquire.	[1] 63	4	Transwestern Pipeline Co. (Worsham Field, Reeves County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$37	8-15-66	[2] 10-6-66	[3] 10-7-66	[4] 16.65	[5] 16.65	
	Marathon Oil Co.	[6] 79	[7] 6	Transwestern Pipeline Co. (Waha Field, Reeves County, Tex.) (R.R. District No. 8) (Permian Basin Area).	370	8-15-66	[2] 10-6-66	[3] 10-7-66	[8] 16.74	[9] [10] 16.84	

[1] Contract dated Feb. 8, 1962, and covers sale of "new" gas-well gas.
[2] By letter dated Sept. 7, 1966, Marathon extended the time for Commission action on these filings.
[3] The suspension period is limited to 1 day.
[4] Respondent is filing for increase in applicable rate reflected on its revised quality statement.
[5] Applicable rate established by Respondent's revised quality statement. (Base rate of 16.5 cents, plus 0.25 cent upward B.t.u. adjustment, less 0.10 cent treating cost.)
[6] Pressure base is 14.65 p.s.i.a.
[7] Settlement rate approved by Commission order issued June 27, 1966, in Docket No. RI66-9.
[8] Applicable rate for "new" gas-well gas established by Respondent's revised quality statement. (Base rate of 16.5 cents, plus 0.44 cent upward B.t.u. adjustment, less 0.10 cent treating cost.)
[9] Contract dated Jan. 2, 1962, and covers sale of "new" gas-well gas and residue gas derived from casinghead gas.
[10] Applicable to "new" gas-well gas only.

Marathon requests a retroactive effective date of February 11, 1966, for its proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Marathon's rate filings and such request is denied.

Marathon, a producer respondent in the Permian Basin Opinion No. 468, proposes two 0.1 cent per Mcf rate increases, amounting to $407 annually, for sales of "new" gas-well gas to Transwestern Pipeline Co. (Transwestern) in the Permian Basin Area of Texas.

The proposed rate increases have been filed by Marathon to implement the rate set forth in its revised rate schedule quality statements (filed concurrently with the rate changes) as a result of Transwestern's proposed change in the method of determining treating and dehydration costs for nonpipeline quality gas. No action has yet been taken with respect to Marathon's revised rate schedule quality statements. In view of the possibility that Marathon's proposed rates may exceed the just and reasonable rate ceiling for these sales determined in Permian Basin Opinion No. 468, they are suspended herein for one day from October 6, 1966, pending action by the Commission with respect to Marathon's revised rate schedule quality statements.

Except for the stay of the moratorium in Opinion No. 468, Marathon's filings would be rejectable if the proposed rates are determined to be in excess of the applicable area rate ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review and the proposed rates are determined to be in excess of the applicable area rate ceiling determined in Opinion No. 468, the filings will be rejected ab initio.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending a hearing and decision thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until October 7, 1966, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Marathon, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Marathon shall execute and file under Docket No. R167-75, with the Secretary of the Commission, its agreement and undertaking to comply with the refund and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon Transwestern. Unless Marathon is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 23, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11126; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. CI61-247, etc.]

MAY PETROLEUM, INC.

Notice of Change in Name

OCTOBER 5, 1966.

Take notice that on August 11, 1966, May Petroleum, Inc., Republic National Bank Building, Dallas, Tex. 75201, filed a notice that its corporate name has been changed from Mayflo Oil Co. as of June 1, 1966.

May Petroleum, Inc., requests that the certificates of public convenience and necessity heretofore issued and applications for certificates now pending, more fully set forth in the Appendix hereto, and its rate schedules on file with the Commission be redesignated to reflect the new name.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 28, 1966.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

PERMANENT CERTIFICATES

CI61-247	CI62-871
CI61-270	CI62-967
CI61-538	CI62-986
CI61-1225	CI62-1489
CI61-1417	CI63-611
CI62-820	CI63-872

PENDING CERTIFICATE APPLICATIONS

CI63-473	CI63-1493

[F.R. Doc. 66-11127; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. CP67-87]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 6, 1966.

Take notice that on September 30, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-87 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 4.4 miles of 30-inch loop line north of Clifton, Kans., Compressor Station. By means of this new facility Applicant proposes to increase its system capacity by 3,000 Mcf per day to supply contract requirements of its Peoples Division for the heating season beginning October 27, 1966. The additional contract demand is required by Peoples Division to meet for the first time the firm requirements of four industrial customers.

The total estimated cost of the proposed facilities is $481,160 which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 2, 1966.

Take further notice that, pursuant to to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11128; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. CP66-311]

OHIO FUEL GAS CO.

Notice of Petition To Amend

OCTOBER 5, 1966.

Take notice that on September 29, 1966, the Ohio Fuel Gas Co. (Petitioner), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP66-311 a petition to amend the order issued in said docket August 30, 1966, by authorizing the increase in maximum deliveries of natural gas under firm rate schedules, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Specifically, Petitioner seeks increases in maximum deliveries of natural gas under firm rate schedules to the following customers:

Customer	Present deliveries	Proposed deliveries
The Racine Gas & Service Co.	270 Mcf	280 Mcf
The Vanlue Gas Co.	376 Mcf	400 Mcf
The Waterville Gas & Oil Co., Inc.	3,290 Mcf	3,400 Mcf
The Delaware Gas Co.	11,576 Mcf	11,800 Mcf

Petitioner states that it has entered into new Service Agreements with the above customers under which they would be entitled to receive the maximum daily quantity set forth above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 2, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11129; Filed, Oct. 12, 1966; 8:46 a.m.]

[Docket No. CP66-149]

TEXAS GAS TRANSMISSION CORP.

Notice of Petition To Amend

OCTOBER 5, 1966.

Take notice that on September 26, 1966, Texas Gas Transmission Corp. (Petitioner), Post Office Box 1160, Owensboro, Ky. 72301, filed in Docket No. CP66-149 a petition to amend the order issued in said docket on April 12, 1966, by authorizing an increase in deliveries of natural gas on a contract demand basis to one of its existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The order of April 12, 1966, in the instant proceeding authorized Petitioner to sell and deliver to Western Kentucky Gas Co. 34,500 Mcf on a contract demand basis for the 1966-67 winter heating season in Petitioner's Zone 2. Specifically, Petitioner requests that the contract demand be increased by 940 Mcf to 35,440 Mcf, effective November 1, 1966.

Petitioner states that no new facilities are required to render the increased deliveries.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11130; Filed, Oct. 12, 1966; 8:47 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order No. 70]

NEW ORLEANS, LA.

Reduction and Readjustment of Zone Boundary, and Erection of Building Within Foreign-Trade Zone

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Board of Commissioners of the Port of New Orleans, Grantee of Foreign-Trade Zone No. 2, filed an application dated August 17, 1966, for permission to reduce and readjust the boundary of the zone by withdrawing 0.04 acre of open space;

Whereas, the Grantee also requests authority to permit Sears, Roebuck & Co. to erect a modern building containing 73,780 square feet upon an area of 80,920 square feet, which Sears, Roebuck & Co. has leased from the Grantee for a period of 10 years; and

Whereas, the Grantee finds it necessary to relocate the north gate guardhouse to the new east gate entrance near the truck loading court area of the proposed Sears, Roebuck & Co. building.

Now, therefore, the Foreign-Trade Zone Board, after consideration, hereby orders:

That the boundaries of Foreign-Trade Zone No. 2 be, and they are hereby reestablished to conform with Exhibits Nos. 1, 3, 5, 6, 8, 10(b), and 13 filed with the Board, which provide for a reduction of 0.04 acre of open space, or a net reduction in the overall zone area from 18.62 acres to 18.58 acres;

That the north gate guardhouse be, and it is hereby relocated to the new east gate entrance according to Exhibit No. 10(b);

That the Grantee is authorized to permit Sears, Roebuck & Co. to erect said building within the boundary of the zone in accordance with § 400.815 of the Foreign-Trade Zones Board Regulations, and in conformity with Exhibit No. 10(b) and the Lease on file with the Foreign-Trade Zones Board; and

That the necessary temporary structural modifications resulting from the erection of the Sears, Roebuck & Co. building be, and they are hereby allowed; all of which will be subject to settlement locally with the District Director of Customs and the District Army Engineer regarding requirements for physical security and protection of the revenue.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary in connection with the issuance of this order, because it imposes no burden on the parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. this 6th day of October 1966.

[SEAL] JOHN T. CONNOR,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

RICHARD H. LAKE,
Executive Secretary, Foreign-Trade Zones Board.

[F.R. Doc. 66–11155; Filed, Oct. 12, 1966; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rev. 11); Amdt. 1]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in Field Offices

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, and Delegation of Authority 29 F.R. 14764; Delegation of Authority No. 30 (Rev. 11) 31 F.R. 11734 is hereby amended by revising Item I.B. 1 through 6 to read as follows:

I. • • •

B. *State and local development company loan program.* 1. To approve or decline section 501 loans without dollar limitation and 502 loans up to $350,000 (SBA share).

2. To disburse section 501 and 502 loans.

3. To extend the disbursement period on section 501 and 502 loan authorizations or undisbursed portions of section 501 and 502 loans.

4. To cancel wholly or in part undisbursed balances of partially disbursed section 501 and 502 loans.

5. To do and perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 501 and 502 loans.

6. To substitute, add, or change the collateral requirements of any loan authorization where such change will not adversely affect the credit aspects of the loan.

• • • • •

Effective date: September 1, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66–11144; Filed, Oct. 12, 1966; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

OCTOBER 7, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 9, 1966, through October 18, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–11158; Filed, Oct. 12, 1966; 8:49 a.m.]

[NY–4393]

FIRST STANDARD CORP.

Order Suspending Trading

OCTOBER, 7, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of First Standard Corp. otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 9, 1966, through October 18, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–11159; Filed, Oct. 12, 1966; 8:49 a.m.]

[File No. 1–1686]

LINCOLN PRINTING CO.

Order Suspending Trading

OCTOBER 7, 1966.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 8, 1966, through October 17, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–11162; Filed, Oct. 12, 1966; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 976]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 7, 1966.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2202 (Sub-No. 297), filed September 26, 1966. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue N.W., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Charleston, S.C., and Wilmington, N.C., over U.S. Highway 17, as an alternate route for operating convenience only, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, S.C.

No. MC 2428 (Sub-No. 19), filed September 26, 1966. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral wool insulation*, in mixed loads with presently authorized commodities, from Perth Amboy, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey (ports of embarkation), New York, Pennsylvania, Rhode Island, and the District of Columbia, and *returned shipments* on return, under contract with Philip Carey Manufacturing Co., and (2) *plastic siding, with or without insulation, gutters, downspouts and leaders, and shutters,*

[1] Copies of Special Rule 1.247 (as amended), can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

together with accessories used or useful in connection therewith, all in mixed loads with presently authorized commodities, from Perth Amboy, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey (ports of embarkation), New York, Pennsylvania, Rhode Island, and the Disrtict of Columbia, and *returned shipments* on return, under contract with Bird & Sons, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 2900 (Sub-No. 149), filed September 22, 1966. Applicant: RYDER TRUCK LINES, INC., 25050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: W. D. Beatenbough (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Atlanta, Ga., and New Orleans, La., (a) from Atlanta, over U.S. Highway 29 to junction U.S. Highway 80 at or near Tuskegee, Ala., thence over U.S. Highway 80 to junction U.S. Highway 31 near Montgomery, Ala., thence over U.S. Highway 31 to junction U.S. Highway 90 at or near Mobile, Ala., and thence over U.S. Highway 90 to New Orleans, and (b) from Atlanta over Interstate Highway 85 to junction Interstate Highway 65 at or near Montgomery, Ala., thence over Interstate Highway 65 to junction Interstate Highway 10 at or near Mobile, Ala., thence over Interstate Highway 10 to New Orleans, and return over the same routes, as alternate routes for operating convenience only in (1) (a) and (b) above, serving no intermediate points; and (2) between Atlanta, Ga., and Baton Rouge, La., (a) from Atlanta, over U.S. Highway 29 to junction U.S. Highway 80, at or near Tuskegee, Ala., thence over U.S. Highway 80 to junction U.S. Highway 31, near Montgomery, Ala., thence over U.S. Highway 31 to junction U.S. Highway 90, at or near Mobile, Ala., thence over U.S. Highway 90 to junction U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, and (b) from Atlanta, over Interstate Highway 85 to junction Interstate Highway 65, at or near Montgomery, Ala., thence over Interstate Highway 65 to junction Interstate Highway 10, at or near Mobile, Ala., thence over Interstate Highway 10 to junction Interstate Highway 12, thence over Interstate Highway 12 to Baton Rouge; and return over the same routes, as alternate routes for operating convenience only in (2) (a) and (b) above, serving no intermediate points. NOTE: Applicant request the right to ingress and egress to, from, and between, points on route number (1)(a) on the one hand, and, on the other, route number (1)(b); and points on route number (2)(a) on the one hand, and, on the other, route number (2)(b); over all roads and highways connecting said routes. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 149), filed September 23, 1966. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: W. D. Beatenbough (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between junction U.S. Highways 90 and 98 and Poplarville, Miss.; from junction U.S. Highways 90 and 98, over U.S. Highway 98 to Lucedale, Miss., thence over Mississippi Highway 26 to Poplarville, Miss., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving junction U.S. Highways 90 and 98 for purpose of joinder only; (2) between Poplarville, Miss., and Baton Rouge, La.; from Poplarville, Miss., over Mississippi Highway 26 to the Louisiana-Mississippi State line, thence over Louisiana Highway 10 to junction Louisiana Highway 25, thence over Louisiana Highway 25 to junction Louisiana Highway 16, thence over Louisiana Highway 16 to junction U.S. Highway 190, at or near Denham Springs, La., thence over U.S. Highway 190 to Baton Rouge, La., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (3) between junction U.S. Highway 41 and Indiana Highway 63, at or near Clinton, Ind., and junction U.S. Highway 41 and Indiana Highway 63, at or near Carbondale, Ind.; from junction U.S. Highway 41 and Indiana Highway 63, at or near Clinton, Ind., over Indiana Highway 63 to its junction with U.S. Highway 41, at or near Carbondale, Ind., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving junction Indiana Highway 63 and U.S. Highway 41 for the purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2907 (Sub-No. 5), filed September 29, 1966. Applicant: DARBY TRANSFER, INC., Locust Street, McKees Rocks, Allegheny County, Pa. Applicant's representative: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from points in the Pittsburgh, Pa., commercial zone as defined by the Commission, to points in Ohio, on and east of U.S. Highway 21, those in West Virginia on and east of U.S. Highway 21 and north of U.S. Highway 60, and those in Pennsylvania on and south of U.S. Highway 322 and on and west of U.S. Highway 220. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5697 (Sub-No. 10), filed September 26, 1966. Applicant: KENNETH HOLMSTROM, Varna, Ill. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Hamilton, Hopedale, and Peoria, Ill., to Dubuque, Iowa, for the account of Hiram Walker & Sons, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 9148 (Sub-No. 10), filed September 23, 1966. Applicant: DEAN THORNTON, doing business as KEYSTONE TRUCKING COMPANY, Main Street, Rushford, N.Y. 14777. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed popcorn products; chips, twists, or puffs; popped corn; fried pork skins*, from the plantsites and facilities of Popped-Right Corn Co. at points in Marion and Wyandot Counties, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) *iron and steel rust-preventing or removing compound* (other than petroleum), *metal cutting, drawing and drilling compounds* (other than petroleum), *brake fluid* (other than petroleum), *cleaning, washing, and scouring compound, petroleum tar, petroleum wax, petroleum oil, compounded oil and greases and lubricating greases, vehicle body sealer, sound deadening compound, and oil emulsions, all in containers, and petroleum and petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except in bulk, and related advertising material, (a) from Buffalo, N.Y., and Bradford, Emlenton, and Farmers Valley, Pa., to points in Illinois, Indiana, and Michigan, and (b) from Warren, Pa., to points in Connecticut, Maine, Massachusetts, New Jersey, New Hampshire, New York, Rhode Island, and Verment, restricted to loads to be stopped off for completion of loading at Farmers Valley, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Cleveland or Columbus, Ohio.

No. MC 11207 (Sub-No. 252), filed September 29, 1966. Applicant: DEATON, INC., 3409 10th Avenue North, Birmingham, Ala. 35204. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards, building, wall and insulating, and parts, materials, and accessories*, incidental to the transportation and installation thereof, from the plantsite of National Gypsum Co., located at Mobile, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 19227 (Sub-No. 112), filed September 23, 1966. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: W. O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Airplanes and airplane parts*, the transportation of which because of size or weight requires the use of special equipment, and related parts moving in connection therewith, between points in Snohomish, Pierce, and King Counties, Wash., on the one hand, and, on the other, points in Oregon, Idaho, California, Arizona, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Los Angeles, Calif.

No. MC 24379 (Sub-No. 34), filed September 23, 1966. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 3755 Central Avenue, Detroit, Mich. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles and equipment, material and supplies* used in the manufacture or processing of iron and steel articles, between Chicago, Ill., and points in its commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it intends to tack at common points in Ohio in connection with presently held authorized authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 26174 (Sub-No. 3), filed May 18, 1966. Applicant: M. W. DALTON, ROBERT D. DALTON, and MAURICE WAYNE DALTON, a partnership, doing business as M. W. DALTON & SONS, 709 E Street, Hamburg, Iowa 51640. Applicant's representative: Howard B. Wenger, 1101 Main Street, Hamburg, Iowa 51640. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic awnings, and related plastic products*, from Hamburg, Iowa, to points in Illinois, Missouri, Minnesota, Nebraska, Kansas, South Dakota, and North Dakota, (2) *dry fertilizer and dry feed*, in bulk, and in bags, from St. Joseph, Mo., to Hamburg, Iowa, and (3) *John Deere machinery and equipment*, from Moline, Ill., to Hamburg, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 26739 (Sub-No. 56), filed September 21, 1966. Applicant: CROUCH BROS., INC., Post Office Box 1059, St. Joseph, Mo. 64502. Applicant's representative: G. W. Keefer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Illinois, Kansas, Missouri, and Nebraska. NOTE: Applicant states that the above proposed operations will be restricted to traffic originating at such plantsite and storage facilities. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 31444 (Sub-No. 53), filed September 21, 1966. Applicant: SCHREIBER TRUCKING CO., INC., 1391 Washington Boulevard, Pittsburgh, Pa. 15206. Applicant's representative: Louis E. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant indicates it would tack the proposed authority at Pittsburgh, Pa., and Chicago, Ill., with its present authority wherein it conducts operations in Illinois, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Ohio. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Pittsburgh, Pa.

No. MC 55896 (Sub-No. 26) (Amendment), filed May 19, 1966, published in the FEDERAL REGISTER issue of June 16, 1966, and republished, as amended, this issue. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Street, Dearborn, Mich. Applicant's representative: Rex Eames, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, equipment, materials and supplies* used in the manufacturing or processing of iron and steel and iron and steel articles, between points in the Chicago, Ill., commercial zone as defined by the Commission, and Chicago Heights, Ill., and Portage, Ind., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to add Chicago Heights, Ill., and Portage, Ind., to the origin points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61403 (Sub-No. 161) (Amendment), filed August 29, 1966, published FEDERAL REGISTER, issue of September 29, 1966, amended September 30, 1966, and republished, as amended, this issue. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Geismar, La., and points within 15 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: The purpose of this republication is to add the words, "and points within 15 miles thereof", to the origin point. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 80), filed September 23, 1966. Applicant: JENKINS TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, agricultural implements, and agricultural machinery parts*, from Tarboro, N.C., to points in Arkansas, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, Oklahoma, Texas, South Dakota, Louisiana, and the District of Columbia, and (2) *materials and supplies used in the manufacture of agricultural machinery, agricultural implements, and agricultural machinery parts*, from the above specified destination points and points in Ohio to Tarboro, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Chicago, Ill.

No. MC 61979 (Sub-No. 12), filed September 23, 1966. Applicant: Y. & T. TRUCKING, INC., 48 Pollock Avenue, Jersey City, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are manufactured, processed, sold, or dealt in by dealers, distributors, or manufacturers of chemicals and related items, in bulk, and *materials, supplies and equipment* used in the manufacture of the commodities described above, between the plantsites of Philadelphia Quartz Co., at or near Rahway, N.J., Chester, Pa., and Baltimore, Md., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Philadelphia Quartz Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 68183 (Sub-No. 24), filed September 23, 1966. Applicant: YANKEE LINES, INC., 1400 East Archwood Avenue, Akron, Ohio 44306. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack at common Ohio points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Pittsburgh, Pa., or Washington, D.C.

No. MC 75305 (Sub-No. 20), filed September 29, 1966. Applicant: DEALERS TRANSPORT COMPANY, a corporation, 69 Highway and Transport Road, Liberty, Mo. 64068. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, and busses* as defined in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, and *parts and accessories thereof*, moving at the same time and with the same vehicles on which they are to be installed; (a) in initial movement in truckaway service from the site of the Ford Motor Co. plant in Clay County, Mo., to points in Iowa and South Dakota; (b) in initial movement in driveaway service from the site of the Ford Motor Co. plant in Clay County, Mo., to points in Arkansas, Iowa, South Dakota, Illinois, Minnesota, and Wisconsin; (c) in secondary movement in truckaway and driveaway service from the site of the Ford Motor Co. plant in Clay County, Mo., to points in Arkansas, Iowa, South Dakota, Illinois, Minnesota, and Wisconsin; and (2) *farm type tractors* moving in mixed loads with automobiles and trucks and *parts and accessories thereof* moving at the same time and with the tractors of which they are a part and on which they are to be installed, from the site of the Ford Motor Co. plant in Clay County, Mo., to points in Arkansas, Iowa, South Dakota, Illinois, Minnesota, and Wisconsin; under a continuing contract, or contracts with Ford Motor Co., of Dearborn, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St Louis, Mo.

No. MC 83539 (Sub-No. 199), filed September 26, 1966. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 276, between points in Arizona, Arkansas, Colorado, Illinois, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., or Tulsa, Okla.

No. MC 83745 (Sub-No. 5) (amendment), filed September 19, 1966, published in the FEDERAL REGISTER, issue of October 6, 1966, republished as amended, this issue. Applicant: STEEL CITY TRANSPORT, INC., 3034 Chateau Street, Pittsburgh, Pa. Applicant's representative: Noel F. George, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between Lemont, Broadview, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack the proposed authority with its present authority at Pittsburgh, Pa., to enable service to West Virginia and Maryland on such of the involved commodities as require specialized handling and rigging because of size and weight. The purpose of this republication is to add Lemont and Broadview, Ill., as points in the base territory. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 89723 (Sub-No. 43), filed September 26, 1966. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis, 2008 Missouri Pacific Building, St. Louis, Mo. 63103. Applicant is authorized in certificates Nos. 89723 (Sub-No. 1) and MC 89723 (Sub-No. 4) to transport, over regular routes, between named points therein, in Texas, general commodities, with certain exceptions, and subject to the following restrictions: No shipments shall be transported (a) between any of the following points, or through, or to, or from, more than one of said points: Palestine, Austin, San Antonio, Laredo, Fort Worth, Waco, Houston, Hearne-Valley Junction (to be considered as a single key point) or Odem, Tex. (applicable only to southbound traffic moving to, from, or through Odem other than traffic from or through Corpus Christi, Tex.), or (b) from Corpus Christi, from Raymondville, or from points south or west of Raymondville, to points north or east of Houston, points north of San Antonio, and points on or west of U.S. Highway 81 from San Antonio to Laredo, including Laredo. The purpose of the subject application is to seek authority to operate over the routes contained in MC 89723 (Sub-No. 1) and MC 89723 (Sub-No. 4) by removal of Odem, Tex., as a key point in said certificate, for the transportation of REA express traffic. The proposed authority is to be subject to the remaining key point restrictions and other restrictions contained in said certificates. NOTE: Applicant is a wholly owned subsidiary of Missouri Pacific Railroad Co., therefore, common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Brownsville, Tex.

No. MC 93980 (Sub-No. 44), filed September 27, 1966. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, Raleigh Road, Post Office Box 1119, Henderson, N.C. 27536. Applicant's representative: N. P. Strause (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco*, homogenized, reconstructed or reconstituted in hogsheads, tierces, boxes, cartons or machine pressed bales, (1) from Spotswood, N.J., to Jacksonville and Tampa, Fla., (2) from Spotswood, N.J., to Lancaster, Pa., and (3) from Spotswood, N.J., to Newport News and Norfolk, Va. NOTE: Applicant states it would tack the proposed authority at Newport News and Norfolk, Va., with its present authority in its Sub 1 certificate wherein it transports tobacco and empty tobacco containers, between points in North Carolina, South Carolina, and Virginia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Richmond, Va., or Lancaster, Pa.

No. MC 106603 (Sub-No. 90), filed September 23, 1966. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49506. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, material and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant holds contract carrier authority in MC 46240 and Subs 12 and 13, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106644 (Sub-No. 73), filed September 21, 1966. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 17050, Chattahoochee Station, Atlanta, Ga. 30321. Applicant's representative: Otis E. Stovall (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between points in the

Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it could tack with authority in its lead certificate at a point in Tennessee, and with its Sub 41, at a point in North Carolina to perform through service on machinery and articles requiring special equipment to and from points in Virginia, Maryland, Pennsylvania, New Jersey, New York, Rhode Island, and Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 501), filed September 23, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Hexane-edible oil*, in bulk, in tank vehicles, from Sidney, Nebr., to Groton, Conn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Des Moines, Iowa, or Columbus, Ohio.

No. MC 108207 (Sub-No. 209), filed September 29, 1966. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Lafayette, La., to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 109478 (Sub-No. 100), filed September 22, 1966. Applicant: WORS

No. MC 109478 (Sub-No. 100), filed September 22, 1966. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products, cooking oils, shortening, and matches and such materials, supplies and equipment* as are used in the manufacture, packing and shipping thereof, between Toledo, Ohio, on the one hand, and, on the other, points in New York and Pennsylvania. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 109584 (Sub-No. 136), filed September 30, 1966. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry sugar*, in bulk, *including blends with other sweetners*, in tank or hopper vehicles; *molasses* in bulk in tank vehicles; and, *dried beet pulp*, with or without molasses, in bulk in hopper vehicles, from points in Arizona to points in California, Colorado, New Mexico, Nevada, Texas, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 111170 (Sub-No. 115), filed September 26, 1966. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar emulsions*, in bulk, from El Dorado, Ark., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or St. Louis, Mo.

No. MC 111594 (Sub-No. 31), filed September 29, 1966. Applicant: CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, a corporation, Post Office Box 200, Wisconsin Rapids, Wis. 54494. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of the foregoing commodities, between Chicago Heights and Chicago, Ill., and points in their respective commercial zones, on the one hand, and, on the other, points in Wisconsin on and south of Wisconsin Highway 64. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 169), filed September 20, 1966. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Pittsburgh, Pa., on the one hand, and, on the other, points in Erie, Warren, Crawford, Mercer, Venango, Forest, Elk, Lawrence, Butler, Armstrong, Jefferson, Clearfield, Beaver, Indiana, Cambria, Alleghany, Westmoreland, Washington, Greene, Fayette, Somerset, McKean, Clarion, and Bedford Counties, Pa., (b) between points in Illinois on and south of U.S. Highway 36, and points in Adams, Brown, and Pike Counties, Ill., on the one hand, and, on the other, St. Louis, Mo., and East St. Louis, Ill., (c) between points in Missouri, (d) between points in Iowa, (e) between points in Missouri, on the one hand, and, on the other, Chicago, Ill., (f) between Chicago, Ill., on the one hand, and, on the other, points in Clinton, Des Moines, Dubuque, and Scott Counties, Iowa, (g) between Fair Lawn, N.J., on the one hand, and, on the other, points in Suffolk, Dutchess, Orange, Putnam, Rockland, Ulster, and Westchester Counties, N.Y., and La Guardia Airport and International (Idlewild Airport), N.Y., (h) between Minneapolis and Duluth, Minn., and points in that part of Wisconsin in and west of Ashland, Sawyer, Rusk, Chippewa, Eau Claire, Trempealeau, and La Crosse Counties, Wis., (i) between Boston, Mass., on the one hand, and, on the other, points in Grafton, Merrimack, Belknap, Cheshire, and Sullivan Counties, N.H.

(j) Between Portland, Maine, on the one hand, and, on the other, points in Strafford, Rockingham, Hillsboro, Cheshire, Merrimack, and Sullivan Counties, N.H., (k) between Washington, D.C., on the one hand, and, on the other, points in Harford, Worcester, Dorchester, Kent, Talbot, Frederick, Washington, Wicomico, Carroll, Caroline, and Queen Annes Counties, Md., Frederick, Loudoun, Spotsylvania, and Warren Counties, Va., Wilmington, Del., and Philadelphia, Pa., (l) between Philadelphia, Pa., on the one hand, and, on the other, points in Columbia, Wayne, and Wyoming Counties, Pa., and (m) between Cleveland, Columbus, and Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio, and (2) *business records, audit and accounting media of all kinds*, (a) between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio, Brooke, Hancock, Marshall, Wetzel, Monongalia, Marion, Taylor, Harrison, Barbour, Upshur, Lewis, Doddridge, Tyler, Pleasants, Ritchie, Wood, Wirt, and Preston Counties, W. Va., and points in Washington, Monroe, Belmont, Jefferson, Columbiana, Mahoning, Trumbull, Ashtabula, Portage, Summit, Stark, Carroll, Harrison, Noble, Guernsey, Muskingum, Coshocton, Licking, Franklin, Tuscarawas, Knox, and Holmes Counties, Ohio, (b) between Minneapolis and Duluth, Minn., and points in that part of Wisconsin in and west of Ashland, Sawyer, Rusk, Chippewa, Eau Claire, Trempealeau, and La Crosse Counties, Wis., (c) between Providence, R.I., on the one hand, and, on the other, points in Middlesex, Essex, and Bristol Counties, Mass., and (d) between Pittsburgh, Pa., and Cumberland, Md. NOTE: Applicant states the purpose of this application is to convert MC 112750 (Sub-Nos. 50, 52, 53, 60, 66, 71, 91, 92, and 116) from contract carrier authority to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 170), filed September 20, 1966. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Wash-

ington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bank checks, drafts, and other bank stationery*, (a) from Pawtucket, R.I., to points in Massachusetts and Connecticut; points in Grafton, Merrimack, Belknap, Strafford, Rockingham, Sullivan, Cheshire, and Hillsboro Counties, N.H.; points in Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 2 to Bangor, Maine; thence along Alternate U.S. Highway 1 to Ellsworth, Maine, and points in Albany, Broome, Cayuga, Chenango, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Seneca, Sullivan, Ulster, Warren, Washington, Wayne, Westchester, Wyoming, and Yates Counties, N.Y., (2) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Boston, Mass., on the one hand, and, on the other, Orono and Old Town, Maine, and points in that part of Maine on and south of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 2 to Bangor, Maine, and thence along Alternate U.S. Highway 1 to Ellsworth, Maine, (b) between Pittsburgh, Pa., on the one hand, and, on the other, points in Marshall, Wetzel, Monongalia, Marion, Harrison, Tyler, Pleasants, Wood, Ohio, Brooke, and Hancock Counties, W. Va., and Washington, Belmont, Jefferson, Columbiana, Mahoning, and Harrison Counties, Ohio.

(c) Between Cleveland, Ohio, on the one hand, and, on the other, points in Brooke, Hancock, Ohio, and Marshall Counties, W. Va., and Washington, Belmont, Jefferson, Columbiana, Mahoning, and Harrison Counties, Ohio, (d) between Ashland, Ky., on the one hand, and, on the other, Findlay, Ohio, (e) between Aurora, Ill., and Milwaukee, Wis.; (f) between Aurora and Chicago, Ill., points in Jefferson County, Ky., and points in that part of Indiana on and south of U.S. Highway 40, and (g) between Findlay, Ohio, on the one hand, and, on the other, points in Adams, Delaware, Henry, Randolph, Steuben, Wayne, Wells, Jay, and De Kalb Counties, Ind., (3) *business records, audit and accounting media of all kinds*, (a) between Natick (Middlesex County), Mass., on the one hand, and, on the other, points in Penobscot and Cumberland Counties, Maine, points in Hillsboro County, N.H., and points in Providence County, R.I., and (b) between Cincinnati, Ohio, on the one hand, and, on the other, Charleston and Huntington, W. Va., and points in Barren, Bell, Bourbon, Boyd, Caldwell, Campbell, Christian, Clark, Davies, Franklin, Graves, Henderson, Hopkins, Jefferson, Kenton, Madison, Mason, McCracken, Montgomery, Muhlenberg, Scott, Warren, and Whitley Counties, Ky., and (4) *impressions, models and bites, articulators, dentures and products* relating to restorative dentistry, between St. Louis, Mo., on the one hand, and, on the other, points in that part of Illinois on and south of U.S. Highway 36, and points in Adams, Brown, and Pike Counties, Ill. NOTE: Applicant states the purpose of this application is to convert MC 112750 (Sub-Nos. 56, 59, 61, 65, 80, 82, and 97) from contract carrier authority to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 171), filed September 20, 1966. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between points in Iowa and (b) between Milwaukee, Wis., on the one hand, and, on the other, points in Iowa and Illinois, except that movements to or from the Chicago, Ill., commercial zone, shall be restricted to movements immediately prior to or subsequent to a movement by air or rail. NOTE: Applicant states this is an application for conversion of contract carrier authority presently held in MC 112750, Sub 78 to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 356), filed September 22, 1966. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 747, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, chocolate and related products, cough drops and advertising materials and supplies* moving therewith (except in bulk in tank vehicles), from the plantsite of Luden's, Inc., at Reading, Pa., to points in Arizona, California, Idaho, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or New York, N.Y.

No. MC 112049 (Sub-No. 16), filed September 22, 1966. Applicant: McBRIDE'S EXPRESS, INC., 1907 Wabash Avenue, Mattoon, Ill. 61938. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Springfield, and Peoria, Ill., over Illinois Highway 29, serving all intermediate points; (2) between Springfield, and Bloomington, Ill., from Springfield, over U.S. Highway 66 and/or Interstate Highway 55 to Bloomington, and return over the same route, serving all intermediate points; (3) between Decatur, and Peoria, Ill., over Illinois Highway 121, serving all intermediate points; (4) between Decatur, and Bloomington, Ill., over U.S. Highway 51, serving all intermediate points; (5) between Bloomington, and Peoria, Ill., over U.S. Highway 150, serving all intermediate points; (6) between Mattoon, and Champaign-Urbana, Ill., over U.S. Highway 45, serving all intermediate points; (7) between Champaign, and Bloomington, Ill., over U.S. Highway 150, serving all intermediate points; (8) between Champaign, and Danville, Ill., from Champaign, over U.S. Highway 150 and/or Interstate Highway 74 to Danville, and return over the same route, serving all intermediate points; (9) between Champaign, and Decatur, Ill., over Illinois Highway 47, serving all intermediate points; (10) between Farmer City, and Springfield, Ill., over U.S. Highway 54, serving all intermediate points; (11) between Champaign and Gibson City, Ill., in a circuitous manner, from Champaign, over U.S. Highway 45 to Paxton, Ill., thence over Illinois Highway 9 to Gibson City, thence over Illinois Highway 47 to junction U.S. Highway 150, thence over U.S. Highway 150 to Champaign, and return over the same route, serving all intermediate points, and the off-route point of Chanute Air Force Base; (12) between Gibson City and Farmer City, Ill., over U.S. Highway 54, serving all intermediate points; and (13) between Decatur, Ill., and Indianapolis, Ind., over U.S. Highway 36, serving those intermediate points on U.S. Highway 36 between Decatur, Ill., and the Illinois-Indiana State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 112617 (Sub-No. 239), filed September 14, 1966. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk from rail-motor interchange points served by the Louisville & Nashville Road Co. in Jefferson County, Ky., to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, and West Virginia, restricted to shipments having a prior movement by rail. NOTE: Applicant states it would propose to tack with other authorities held under MC 112617 and subs. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 113325 (Sub-No. 115), filed September 20, 1966. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including fertilizers and fertilizer ingredients and petroleum products*, in bulk, from El Dorado, Ark., to points in Illinois, Indiana, Michigan, Missouri, Ohio, West Virginia, and Wisconsin. NOTE: Applicant indicates it could or would tack this proposed authority with other presently held authorized authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115651 (Sub-No. 14), filed September 26, 1966. Applicant: KANEY TRANSPORTATION, INC., Rural Route 4, Post Office Box 12, Freeport, Ill. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Bettendorf, Iowa, to points in Illinois and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116077 (Sub-No. 207), filed September 20, 1966. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in East Baton Rouge, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states tacking would take place at East Baton Rouge, La., in connection with its presently authorized authority to points in Louisiana, Arkansas, Mississippi, Delaware, Kansas, Texas, Missouri, New Mexico, Oklahoma, Florida, California, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, Wisconsin, North Carolina, and South Carolina. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 116254 (Sub-No. 70), filed September 25, 1966. Applicant: CHEMHAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, petroleum and petroleum products, fertilizer and fertilizer ingredients*, in bulk, from Luling, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states no duplicating authority sought. Applicant further states tacking could be performed at Luling, La., in conjunction with other presently held authority wherein Louisiana is included as a destination State. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 116273 (Sub-No. 78), filed September 26, 1966. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles, from Meredosia, Ill., to points in Indiana, Iowa, and Missouri. NOTE: Applicant states the proposed authority herein sought can or will be joined with MC 116273, Sub 6 at Whiting, Ind., to serve lower Michigan and 17 counties in southeastern Wisconsin. Also Sub 6 to Muskegon, thence Sub 20 to Ohio, Kentucky, Mississippi, western Tennessee, Wisconsin, and St. Paul, Minn. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 391), filed September 26, 1966. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle carrying steel wire crates*, from Clarendon, Ark., to points in Illinois, Michigan, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Little Rock, Ark.

No. MC 117370 (Sub-No. 15), filed September 20, 1966. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, Wis. 53122. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand additives*, from Belvidere, Ill., Archbold and Wadsworth, Ohio, to points in Illinois, Iowa, Indiana, Ohio, Michigan, Wisconsin, Pennsylvania, West Virginia, New York, Minnesota, Kentucky, and Missouri, and to ports of entry on the United States-Canada boundary line in Michigan and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 120228 (Sub-No. 2), filed September 26, 1966. Applicant: TRANS WESTERN TRANSPORT, INC., Post Office Box 490, 1111 Redondo Avenue, Odessa, Tex. 79760. Applicant's representative: Reagan Sayers, 301 Century Life Building, Post Office Drawer 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles*, requiring special equipment for the loading, unloading, and transportation thereof, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to shipments having a prior or subsequent movement by rail or water, and to highway movements of not to exceed 50 miles, between points in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Texas, Wyoming, and Utah. NOTE: Applicant states it holds a certificate of registration in MC 120228, and will surrender same upon a grant of the above. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 123844 (Sub-No. 4), filed September 22, 1966. Applicant: P. SALDUTTI & SON, INC., 497 Raymond Boulevard, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Raw stock;* namely, bones, skins, hides, carcasses, dead animals, *meat meal, bone and fat, tallow, greases, shortening and meat scrap*, loose or in containers, or in bulk, between Elizabethtown, Pa., and points within 25 miles thereof; between Fort Plains, N.Y., and points within 10 miles thereof, and between Berlin and Baltimore, Md., on the one hand, and, on the other, Kearny and Newark, N.J., and points in the New York, N.Y., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 123856 (Sub-No. 2), filed September 15, 1966. Applicant: WIECK'S FEED AND LIVESTOCK, INCORPORATED, Dysart, Iowa. Applicant's representative: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ingredients* used in the manufacture of livestock feeds, (1) from Ladora, Iowa, to Salina, Kans., Kansas City, Mo., Madison, Wis., Monmouth and Danville, Ill., Castleton, Ind., Williston, N. Dak., Akron, Ohio, and St. Clair, Mich., and (2) from Maple Park, Chicago, Springfield, and East St. Louis, Ill., and Hammond, Ind., to Ladora, Iowa. NOTE: Applicant states it could or would tack insofar as it is possible to make split deliveries or pickup. Applicant further states it now has authority to serve St. Joseph, Mo., and in this application seeks authority to serve Kansas City, Mo. If the application is granted, applicant proposes if requested on certain trips to make delivery at St. Joseph and then continue on and make delivery to Kansas City, Mo. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124078 (Sub-No. 247), filed September 27, 1966. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Meredosia, Ill., to points in Indiana, Iowa, and Missouri. NOTE: Applicant states it intends to tack at Meredosia, Ill., to serve points in Minnesota,

Nebraska, Wisconsin, North Dakota, South Dakota, Kentucky, and Cincinnati, Ohio, and Sheboygan, Wis., in connection with other presently held authorized authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124174 (Sub-No. 48) (Amendment), filed May 9, 1966, published FEDERAL REGISTER issue of May 26, 1966, amended September 23, 1966, and republished, as amended, this issue. Applicant: MOMSEN TRUCKING COMPANY, a corporation, Highway 71 and 18 North, Spencer, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (A) Over regular routes: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving North Chicago, Ill., as an off-route point in connection with applicant's presently authorized regular and irregular routes which authorize service to or from Chicago, Ill., and (B) over irregular routes: *Iron and steel articles*, between points in Indiana and Illinois in the Chicago, Ill., commercial zone, Joliet, Waukegan, North Chicago, and Chicago Heights, Ill., and Portage, Ind., on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, Wisconsin, and South Dakota. NOTE: Common control may be involved. The purpose of this republication is to add (B) above. If a hearing is deemed necessary applicant requests it be held at Omaha, Nebr.

No. MC 124245 (Sub-No. 10), filed September 26, 1966. Applicant: ALBERT V. MEILSTRUP, doing business as ACE REFRIGERATED TRUCKING SERVICE, 219 East Tutt Street, South Bend, Ind. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between South Bend, Ind., and points in Bartholomew, Boone, Brown, Clay, Clinton, Dearborn, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Owen, Parks, Putnam, Randolph, Ripley, Rush, Shelby, Tipton, Union, Vermillion, Vigo, Warren, and Wayne Counties, Ind. NOTE: Applicant states that joinder would be at South Bend, Ind., permitting service from Hammond, Ind., and its commercial zone. If a hearing is deemed necessary, applicant requests it be held at Detroit, Lansing, Mich., or Chicago, Ill.

No. MC 125409 (Sub-No. 3), filed September 26, 1966. Applicant: R & R TRUCKING CO., INC., R.F.D. 5 (Waterford Road, Blue Anchor), Hammonton, N.J. Applicant's representative: Raymond A. Thistle, Jr., Suite 1408–09, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tables, chairs and platforms*, from Philadelphia, Pa., to points in New Jersey, New York, Connecticut, Massachusetts, Ohio, Delaware, Maryland, Virginia, West Virginia, and Washington, D.C., under continuing contract with Institutional Products, Inc., (2) *outdoor furniture, clothes hampers, and toy chests*, from Philadelphia, Pa., to points in New Jersey, New York, Delaware, Maryland, Virginia, West Virginia, Michigan, and Washington, D.C., under continuing contract with Mastur Manufacturing Co., (3) *lamps and lamp shades*, from Philadelphia, Pa., to points in New Jersey, New York, Delaware, Maryland, and Washington, D.C., under continuing contract with Filley Lamp Corp., (4) *cabinets and sheds and shelving*, from New York, N.Y., to points in Connecticut, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and Washington, D.C., under continuing contract with Dart Metal Products Co., Inc., and (5) *metal cabinets and desks*, from New York, N.Y., to points in Connecticut, Massachusetts, Rhode Island, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and Washington, D.C., under continuing contract with Duracold Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 125833 (Sub-No. 3), filed September 22, 1966. Applicant: ALBERT C. DAVIDSON, Harbeson, Del. Applicant's representative: M. Bruce Morgan, 206 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from points in Kent County, Del., to Baltimore, Md., Philadelphia, Pa., New York, N.Y., and points in New Jersey and points in Nassau County, Long Island, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salisbury, Md., or Washington, D.C.

No. MC 126569 (Sub-No. 5), filed September 29, 1966. Applicant: ROBERT DHAMERS, doing business as DHAMERS TRUCKING AND EXCAVATING COMPANY, Post Office Box 102, Cordova, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluxing stone*, in bulk, in dump vehicles, from Hillsdale, Ill., to Dubuque, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126745 (Sub-No. 19), filed September 20, 1966. Applicant: SOUTHERN COURIERS, INC., 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), (1) between Dallas, Tex., and Shreveport, La., on the one hand, and, on the other, points in that part of Louisiana on and north of U.S. Highway 84, and (2) between New Orleans, La., on the one hand, and, on the other, Pensacola, Fla., Mobile, Ala., points in that part of Louisiana on and south of a line extending from the Texas-Louisiana State line along Louisiana Highway 8 to Zimmerman La., thence along Louisiana Highway 1 to New Roads, La., and thence along Louisiana Highway 10 to the Louisiana-Mississippi State line, and points in that part of Mississippi on and south of U.S. Highway 80. NOTE: Applicant states this is an application for conversion of contract carrier authority presently held in MC 123304, Sub 1 to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127253 (Sub-No. 33), filed September 26, 1966. Applicant: GRACE LEE CORBETT, doing business as R. A. CORBETT, Post Office Box 86, Lufkin, Tex. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from El Dorado, Ark., to points in Louisiana and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 128428 (Sub-No. 1) (Amendment), filed July 20, 1966, published in the FEDERAL REGISTER issue of August 18, 1966, amended and republished, as amended, this issue. Applicant: LOUIS C. BRYAN and CHARLES H. McBRIDE, a partnership, doing business as LOU MAC TRANSFER, 580 Northwest 71st Street, Miami, Fla. 33130. Applicant's representative: John T. Bond, Esq., 1955 Northwest 17th Avenue, Miami, Fla. 33125. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies used in the installation, maintenance and repair of such equipment* for the account of Western Electric Co., Inc., such equipment, material and supplies having a prior or subsequent movement in Interstate Commerce, as a contract carrier, by motor vehicle in interstate and foreign commerce between Miami, Fla., on the one hand, and, on the other, points in Dade, Broward, and Monroe Counties, Fla. NOTE: The purpose of this republication is to add Monroe County to the territorial description. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 128564 (Sub-No. 2), filed September 26, 1966. Applicant: KENNETH G. WOODARD, 420 Irving Street, Storm Lake, Iowa. Applicant's representative: J. Max Harding, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from Orchard and Ord, Nebr., to Richmond, Calif., Carthage, Mo., and Green Bay, Wis.; (2) *dried whey* from Orchard and Ord, Nebr., to Fond du Lac, Wis.; and (3) *cheese boxes and cheese box liners*, from Springfield, Mo., and Sheboygan, Wis., to Orchard and Ord, Nebr., all under continuing contract with the Orchard Cheese Co., Orchard, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 128576 (Correction), filed September 7, 1966, published FEDERAL REGISTER issue of September 29, 1966, and republished, as corrected, this issue. Applicant: HARRY GORDON SCOTT, Sebringville, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by printing, embossing, and engraving companies*, in foreign commerce only, (1) from Detroit, Mich., and points in the Detroit, Mich., commercial zone as defined by the Commission, to ports of entry on the international boundary line between the United States and Canada located in Michigan along the Detroit River between Lake St. Clair and Lake Erie and (2) from Buffalo and Niagara Falls, N.Y., to ports of entry on the international boundary line between the United States and Canada located in New York along the Niagara River between Lake Erie and Lake Ontario, and *refused and rejected shipments*, on return, in connection with (1) and (2) above, under contract with International Artcrafts Co., Ltd., Stratford, Ontario, Canada. NOTE: The purpose of this republication is to show the correct name of the shipper as International Artcrafts Co., Ltd., in lieu of International Aircrafts Co., Ltd. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Detroit, Mich.

No. MC 128599 (Sub-No. 1), filed September 20, 1966. Applicant: BROADWAY TRANSPORTATION, INC., 139 Rosalie Drive, East Meadow, Long Island, N.Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building erection braces, including, but not limited to, support beams, scaffolding, shoring, forms and molds, and parts thereof*, (a) from piers and wharves in the New York, N.Y., commercial zone to Millwood, N.Y., and (b) between Millwood, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, New Hampshire, and Pennsylvania, under continuing contract with American Pecco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128606, filed September 16, 1966. Applicant: WILMA F. GEHRON, doing business as FROSTY'S DELIVERY SERVICE, 114 West Leona Street, Celina, Ohio. Applicant's representative: James F. Bell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Castings, patterns, repairs, component parts, supplies, and materials* related to the manufacturing of construction equipment, house trailers and automatic presses, between points in Mercer, Auglaize, Darke, Van Wert, Shelby, Montgomery, and Allen Counties, Ohio, and points in Michigan, Indiana, Illinois, Pennsylvania, Wisconsin, New Jersey, and New York, under contracts with Baldwin-Lima-Hamilton Co., Lima, Ohio, Airstream, Inc., Jackson Center, Ohio, Hannifin Press Co., St. Marys, Ohio, and the Huffman Manufacturing Co., Inc., Miamisburg, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Cincinnati, Ohio.

No. MC 128608, filed September 20, 1966. Applicant: M.D.I. TRUCKING CORPORATION, Colonial Oaks Industrial Park, East Brunswick, N.J. 08816. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburg, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Formed metal roofing*, from the plantsite of Metal Deck, Inc., at East Brunswick, N.J., to points in Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, Delaware, Ohio, Michigan, West Virginia, Virginia, Indiana, Illinois, and the District of Columbia, and (2) *materials used in the manufacture thereof*, to the said plantsite, on return; under contract with Metal Deck, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128609, filed September 23, 1966. Applicant: LEGION WAREHOUSE CORP., doing business as LEGION TRUCKING COMPANY. Applicant's representative: Daniel N. Camois, 27 William Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet glass* from steamship piers in the New York, N.Y., commercial zone, and Teaneck, N.J., to points in New Jersey, Connecticut, New York on, south and east of New York Highway 7 extending from the New York-Vermont line to the New York-Pennsylvania line, and Philadelphia, Pa., for the account of Flat Glass, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128611, filed September 26, 1966. Applicant: ROBERT K. JAIN, doing business as JAIN TRUCKING SERVICE, La Salle Street, Eau Claire, Wis. 54701. Applicant's representative: Robert G. Evans, 204 East Grand Avenue, Eau Claire, Wis. 54701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent rail movement by the Soo Line Railroad Co., between Eau Claire, Wis., and points within two (2) miles thereof, and Chippewa Falls, Wis., and points within two (2) miles thereof, under contract with Soo Line Railroad Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Eau Claire or Chippewa Falls, Wis., or Minneapolis, Minn.

No. MC 128612, filed September 26, 1966. Applicant: MAX DIAMOND, doing business as MAX DIAMOND & COMPANY, 3200 Calumet Avenue, Hammond, Ind. Applicant's representative: Louis Lebin, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet steel and coil steel*, from the Midwest Steel Co. and Bethlehem Steel Co. plants at Portage and Burns Harbor, Ind., to the Atlas Steel Co. warehouse at Chicago, Ill., and directly to its customers in the Chicago commercial zone and to the Cragin Metal Products Co. warehouse at Chicago, Ill., under contract with Atlas Steel Co., Inc., and Cragin Metal Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128613, filed September 25, 1966. Applicant: DEPENDABLE TRUCKING, INC., 105–31 63d Road, Forest Hills, N.Y. 11375. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys and games*, from the site of the warehouse of Alex Forst & Sons, Inc., Bronx, N.Y., to points in Bergen, Essex, Hudson, Mercer, Union, Middlesex, Monmouth, Somerset, and Passaic Counties, N.J., Rockland County, N.Y., and Fairfield, New Haven, and Hartford Counties, Conn., under contract with Alex Forst & Sons, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130016, filed September 1, 1966. Applicant: MTS COMPANY, a corporation, doing business as MTS TRAVEL AGENCY, 1816 Soo Line Building, Minneapolis, Minn. Applicant's representative: D. C. Nolan, 402–409 Iowa State Bank Building, Iowa City, Iowa. For a license (BMC 5) to engage in operations as a *broker* at Minneapolis, Minn., Des Moines, Iowa, and Kansas City, Mo., in arranging for the transportation in interstate or foreign commerce of passengers and their baggage, both as individuals and in groups in regular scheduled service or on charter bus tours, in passenger vehicles, between points in Minnesota, Iowa, and Missouri and points in the United States.

No. MC 130017, filed September 26, 1966. Applicant: PEOPLES TRAVEL SERVICE, INC., doing business as PEOPLES TRAVEL SERVICE, 246 North

High Street, Columbus, Ohio 43216. Applicant's representative: Paul B. Warnick (same address as applicant). For a license (BMC 5) to engage in operations as a *broker* at Columbus, Ohio, and New York, N.Y., in arranging for the transportation in interstate or foreign commerce, of passengers and their baggage in the same vehicle with passengers, both as individuals and in groups, in all expense tours, beginning and ending at Columbus, Ohio, and New York, N.Y., and extending to points in the United States, including Alaska and Hawaii and outside the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 14252 (Sub-No. 21), filed September 28, 1966. Applicant: COMMERCIAL MOTOR FREIGHT, INC., 525 Cleveland Avenue, Columbus, Ohio 43215. Applicant's representative: R. L. Ratchford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 MCC 467, commodities in bulk, and those requiring special equipment), between Zanesville, Ohio, and Wheeling, W. Va., over Interstate Highway 70 (U.S. Highway 40), and return over the same route, serving no intermediate points, and for operating convenience only in connection with applicant's presently held authorized regular route authority.

MOTOR CARRIER OF PASSENGERS

No. MC 2890 (Sub-No. 41), filed September 13, 1966. Applicant: AMERICAN BUSLINES, INC., 18th and Leavenworth, Omaha, Nebr. 68102. Applicant's representative: D. Paul Stafford, 315 Continental Avenue, Dallas, Tex. 75207. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, newspapers, and express*, in the same vehicle with passengers, between Mineral Wells, Tex., and junction U.S. Highway 281 and Interstate Highway 20 (U.S. Highway 80), over U.S. Highway 281, serving all intermediate points. NOTE: Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11099; Filed, Oct. 12, 1966; 8:45 a.m.]

[Notice 268]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 10, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51322 (Sub-No. 3 TA), filed October 6, 1966. Applicant: JACK DANE CAGNO, doing business as CAGNO HORSE TRANSPORTATION, 1343 Caryl Drive, Bedford, Ohio. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in the same vehicle *such equipment and supplies incidental to the care, transportation, racing and exhibition of such horses*, between points in Ohio, on the one hand, and, on the other, points in Michigan over irregular routes, for 180 days. Supporting shippers: Jerry Noss; S. A. DeAngelis; Ted Waite, Jr., owner of Buckeye Stable; Mr. Ward G. Myers, Wee Stables; John Phillip Sillia, Skyview Stable & Farm, 4581 Hawkins Road, West Richfield, Ohio. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 435 Federal Building, Cleveland, Ohio 44114.

No. MC 107403 (Sub-No. 695 TA), filed October 5, 1966. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke fines*, in bulk, in dump or hopper type vehicles, from Petrolia, Pa., to Fostoria, Ohio, for 150 days. Supporting shipper: Witco Chemical, Sonneborn Division, Petrolia, Pa. 16050. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 109397 (Sub-No. 147 TA), filed October 5, 1966. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, East on Interstate Business Route 44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, Morgan, Dykeman & Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives*, moving on Government bill of lading from Louviers, Colo., points within 5 miles thereof, to Bremerton and Bangor, Wash., and points within 5 miles of each. NOTE: Applicant states it is presently participating in the involved traffic under its Sub 71 between Louviers and points in California, and from Oakland and points within 20 miles and Creed, Calif., to points Washington under its Subs 84 and 86. This application would merely eliminate the Oakland and Creed, Calif., gateway, for 150 days. Supporting shipper: Riss & Company, Inc., Post Office Box 2809, Kansas City, Mo. 64142. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128622 TA, filed October 15, 1966. Applicant: JOSEPH ROTELLA, doing business as RONALD MOTORS, 225 Fourth Avenue, Brooklyn, N.Y. 11215. Applicant's representative: E. Joseph Picarello, 110 East 42d Street, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, from New York, N.Y., to Carteret, N.J., for 150 days. Supporting shipper: Alexander's Rent-A-Car, 1114 First Avenue, New York, N.Y. 10021. Send protests to: Robert E. Johnston, District Supervisor, 346 Broadway, Room 1113, New York, N.Y. 10013.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11147; Filed, Oct. 12, 1966; 8:48 a.m.]

ALEXANDER W. WUERKER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9469, 28 F.R. 4269, 28 F.R. 10468, 29 F.R. 5579, 29 F.R. 12992, 30 F.R. 5888, 30 F.R. 12310, and 31 F.R. 4857) during the 6 months' period ended September 14, 1966.

No change.

Dated: September 14, 1966.

A. W. WUERKER.

[F.R. Doc. 66-11148; Filed, Oct. 12, 1966; 8:48 a.m.]

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PART 2

FEDERAL REGISTER

VOLUME 31 • NUMBER 199

Thursday, October 13, 1966 • Washington, D.C.

PART II

Department of Agriculture

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Consumer and Marketing Service



Milk in Upper Florida Marketing Area

Decision on Proposed Marketing Agreement and Order

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1006]

[Docket No. AO–356]

MILK IN UPPER FLORIDA MARKETING AREA

Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Jacksonville, Fla., on January 19–21, 1966, and at Orlando, Fla., on January 24–26, 1966, pursuant to notices thereof issued on December 22, 1965 (30 F.R. 16115), and December 27, 1965 (30 F.R. 16268), upon a proposed marketing agreement and order regulating the handling of milk in the Upper Florida marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on August 25, 1966 (31 F.R. 11465; F.R. Doc. 66–9452), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and general findings of the recommended decision (31 F.R. 11465; F.R. Doc. 66–9452) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. The eighth paragraph in the "Classification of milk" discussion is revised.

2. A new paragraph is added immediately after the 14th paragraph in the "Class I price" discussion.

3. In the "Location adjustments" discussion, the sixth paragraph is revised and a new paragraph is added immediately thereafter.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Character of commerce.* The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs and affects interstate commerce in milk and milk products.

The marketing area specified in the proposed order, hereinafter referred to as the "Upper Florida marketing area" includes all the territory within 40 contiguous counties in the State of Florida. The principal cities in this area are Jacksonville, Orlando, Tallahassee, Daytona Beach, Panama City, Gainesville, Sanford, Winter Park, St. Augustine, Ocala, Deland, Lake City, and Marianna. The specific counties in the proposed marketing area are listed in the marketing area discussion.

The production of milk by dairy farmers regularly associated with the above proposed marketing area is insufficient to meet handlers' Class I milk requirements throughout the year. To supplement the local supply, milk is imported from as far away as Minnesota, Wisconsin, and Iowa.

Handlers who would be regulated by the proposed order received nearly 20 million pounds of milk (about 4 percent of their total receipts) from out-of-state sources during the 12-month period ending September 30, 1965. This milk was shipped from at least five different states. Moreover, such shipments were not of a sporadic nature but were received in every month during the year. The same was true in 1963 and the first 9 months of 1964.

Contracts to supply military installations within the proposed marketing area often are awarded to out-of-state distributors. At the time of the hearing, two such contracts were supplied by a distributor in Mobile, Ala. Sales to military installations within the proposed marketing area account for approximately 10 percent of the market's total Class I sales.

Interstate movement of milk also takes place between the States of Georgia and Florida. A dairy farmer in Georgia delivers milk to a plant in Jacksonville and some handlers in the proposed area distribute milk in Georgia.

It is not uncommon for handlers in the proposed marketing area to use nonfat milk solids in producing such Class II products as buttermilk and chocolate drinks. The nonfat milk solids used in these products are purchased from out-of-state sources. These products compete with similar milk products produced from local milk supplies.

The market's requirements for such manufactured products as butter and cheese come almost entirely from out-of-state sources.

2. *Need for an order.* Marketing conditions in the Upper Florida marketing area justify the issuance of a marketing agreement and order.

There is no overall plan whereby all farmers supplying milk to this marketing area are assured of payment for their milk in accordance with its use. In some segments of the area, there is no procedure whereby farmers may participate in price determinations necessary for the marketing of their milk which, because of its perishability, must be delivered to the market as it is produced.

A certain amount of reserve milk in excess of the actual fluid sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production and changes in demand associated with the opening and closing of schools and the tourist trade require that some of the Grade A milk produced for the market be disposed of in manufacturing channels at certain times of the year.

Milk disposed of to manufacturing outlets returns considerably less than that marketed for fluid use. Consequently, a well defined and uniformly applied plan of use classification, with the proper pricing of milk in such uses, is necessary to prevent excess milk from depressing the market price of all Grade A milk. To be successful, the classification and payment for milk in accordance with its use requires the participation of all those engaged in marketing milk in this market. Orderly marketing of the milk produced for fluid consumption requires uniformity of pay prices by handlers and a means whereby both the higher returns from the fluid market and the lower returns resulting from surplus milk may be shared equitably by producers.

The area herein proposed to be regulated has been regulated by the Florida Milk Commission as three separate areas: the Northeast Florida, Central Florida and Tallahassee milk marketing areas. For several years, the State orders regulated milk handling in a way that was satisfactory to dairy farmers and other interested parties. However, in April 1964, a ruling of the Supreme Court of the United States limited the State's ability to regulate marketing conditions in these markets.

Indicative of instability in the Upper Florida market are the fluctuations in the stated Class I prices since early 1964. From April 1964 to February 1965, the Florida Milk Commission's announced Class I price for the three separate areas for milk of 3.5 percent butterfat dropped from $6.72 to $6.02.

The Florida Milk Commission's minimum price regulations were discontinued in its Northeast Florida and Central Florida marketing areas in June 1965 and in its Tallahassee area in February 1966. Official notice is here taken of this latter action.

The five cooperatives whose producer-members supply handlers in the proposed Upper Florida marketing area are Northeast Florida Milk Producers Association (Northeast) in the Jacksonville area; Dairy Farmers Mutual (Mutual) and Independent Dairy Farmers' Association (IDFA) in the Orlando area; and Sunshine State Dairymen's Cooperative (Sunshine) and Chipola Dairy Cooperative (Chipola) in the Tallahassee area. Northeast, Mutual and IDFA are bargaining cooperatives. Sunshine and Chipola, in addition to bargaining for their members, have arrangements with processors for packaging their milk and operate distribution routes in the area.

Dairy Farmers Mutual and Northeast have attempted to maintain a degree of market stability after the State's minimum price regulations were discontinued in the Northeast and Central Florida areas in June 1965. They negotiated contracts with handlers using a $6.02 Class I price and a $5.45 price for Class I sales to military installations as a basis for such negotiations. In addition, they engaged a certified public accountant to audit the handlers' records. However, not all milk received by handlers operating in those areas is covered by such negotiations.

About 15 percent of the dairy farmers supplying handlers in the Northeast and Central areas are not members of a cooperative. No apparent uniform method is followed by these handlers in arriving at the prices they pay their dairy farmers. In those instances in which a handler may purport to pay his dairy farmers on a utilization basis, the handler establishes what the utilization scheme shall be, but the dairy farmers have no way of verifying the utilizations on which they are paid. The relative advantage that apparently accrues to handlers obtaining these supplies from unaffiliated dairy farmers tends to depreciate the bargaining position of cooperatives in negotiating with their buying handlers.

The Sunshine plant in Tallahassee and its facilities are leased from a handler, Foremost Dairies. The cooperative owns the routes operating from the plant. All fluid milk products distributed on these routes bear the Foremost label. The contract establishing this arrangement expires October 31, 1966. There appears to be considerable doubt as to whether the contract will be renewed.

If the Sunshine-Foremost contract is not renegotiated in its present form, it is contemplated that Sunshine on behalf of its 31 members will make considerable changes in its marketing arrangements. Sunshine spokesmen, for example, are uncertain whether the cooperative will continue its present route operations, which would entail obtaining a new plant; or whether it will dispose of its routes and operate as a bargaining cooperative, possibly joining with an established bargaining cooperative. A spokesman for Foremost also indicated doubt about the renewing of this handler's contract with Sunshine. If it is not renewed, Foremost will likely close its plant in Tallahassee and utilize its Jacksonville plant for any distribution it will have in the Tallahassee area.

Producer-members of Chipola deliver milk to a plant in Marianna, which is owned and operated by Sealtest Foods Division, National Dairy Products Corp. Sealtest processes and packages this milk for the cooperative, which the cooperative distributes on its routes in the Tallahassee area.

This arrangement, apparently, has not worked too satisfactorily for Chipola's 15 members. In 1961, the last year before this arrangement became effective, Chipola's producers received $5.70 for milk of 3.5 percent butterfat. In 1962, the price dropped to $4.80 and since 1962, it has stabilized at about $4.60. At the time of the hearing, Chipola's 15 producer-members were negotiating with Northeast to become members of that association and to deliver their milk to Jacksonville. If this occurs, Sealtest plans to close the Marianna plant and service its Tallahassee area sales from its Jacksonville plant. It was not indicated what Chipola would do with their routes.

The present arrangements between the various cooperatives and handlers expire during 1966. Sunshine's contract expires October 31 and Northeast's, August 31. Mutual's contract with its handlers, which is on an annual basis, will expire before December 1966. There is no assurance new contracts can be negotiated or, if they are, that they will be as favorable to producers as the present contracts.

The proponent cooperatives contend that only a device such as a Federal milk marketing order can prevent further deterioration in their bargaining position and insure orderly marketing and stability in the sales area served by them and their buying handlers.

The stated Class I prices in the proposed marketing area do not accurately reflect the prices paid by handlers for their actual Class I dispositions. This is because there are significant variations in what is considered Class I by different handlers. Historically in this area, producers have been paid prices substantially lower than the stated Class I prices for milk disposed of by handlers to military installations. There have also been other Class I categories, such as sales to schools, for which producers received less than the stated Class I price. To what extent such Class I categories are now used by handlers in computing their payments to producers is not known.

The utilizations on which a substantial number of producers in the market are paid are not audited or otherwise verified. In view of the uncertainty of their position with their buying handlers, there is apprehension among producers. They lack assurance that the contracts which their various cooperatives have with handlers will be renewed or on what basis they may be renewed.

Since the "Polar Ice Cream Case" (the 1964 U.S. Supreme Court decision denying the State the authority to discriminate in the allocation of out-of-State milk received at a Florida plant), there has been increasing fear among producers that their milk may be down-allocated or replaced by their buying handlers with the surplus milk that may become available on an opportunity basis from time to time. The surplus supplies from nearby locations in Georgia and Alabama are continuously a threat in this regard. Although both these States fix minimum prices that handlers must pay producers according to the utilization of their milk, such prices do not apply to out-of-State sales. This provides an incentive for Georgia and Alabama handlers to dispose of unneeded supplies at any price above that which they would realize in disposing of such supplies for manufacturing purposes. The disposition of such milk in the proposed marketing area for Class I, even for short periods, has a deteriorating effect on the bargaining position of producers regularly supplying the market. The uncertainty among producers, caused by the threat of their losing their market to such surplus supplies, tends to create instability in the market and to discourage rather than encourage the maintenance of an adequate supply of pure and wholesome milk for the market.

Approximately 10 percent of the Class I sales in the proposed marketing area is to military installations. Contracts for supplying such installations are awarded on a bid basis for varying periods, usually about 6 months. These contracts most frequently are obtained by handlers in the market who would be regulated by the proposed order. It is not uncommon, however, for the successful bidders on these contracts to be handlers at some distance from the marketing area, usually in adjoining States. Moreover, it has been possible at times for local handlers to obtain such contracts on the basis of their being able to obtain supplies from outside sources for limited periods of time. This tends to result in the down-allocation or replacement of the milk of the handlers' regular producers. Even if a handler heavily involved in supplying military installations utilizes no outside supplies to fill his military contracts, his failure to obtain contract renewals may cause a sharp decline in the return he will be able to make to his producers.

Under the proposed order, and in all existing Federal milk orders, the pricing of milk sold to military installations is the same as the Class I price to all other outlets. The advent of a marketwide pool order would remove the continuous uncertainty concerning their market of producers supplying handlers who make a substantial portion of their Class I sales to military installations.

The problems of unstable marketing encountered by producers in the proposed marketing area are not uncommon in fluid milk markets where there is no overall program for effectively regulating producer milk supplies. Production of high quality milk in Florida requires a substantial investment. The present unstable marketing conditions could discourage continuation of the necessary production resources and thereby seriously threaten the maintenance of an adequate supply of milk for the market. A Federal order establishing class prices at reasonable levels with a marketwide pool for distribution of returns to producers will provide the needed market stability.

There is now a lack of detailed market information relative to procurement of milk and disposition of milk throughout the marketing area. Such information is essential to the effectuation of orderly marketing. The institution of Federal milk order regulation will provide the

basis for complete information on receipts and utilization of milk.

A marketing agreement and order for the Upper Florida marketing area as herein proposed would contribute substantially to the improvement of many of the conditions complained of by producers and would tend to effectuate the declared policy of the Act. A classified pricing plan based on the audited utilization of handlers would provide a uniform system of minimum prices to handlers for milk purchased from producers and a fair division among all producers of the proceeds from the sale of their milk. The procedures required by the Agricultural Marketing Agreement Act would afford all interested parties the opportunity to take part in determining through public hearing what assistance the marketing system requires in order to insure an orderly market.

3(a) *Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the order. This is accomplished by providing specified definitions to describe the area involved, and to describe the category of persons, plants and milk products to which the applicable provisions of the order relate.

Marketing area. The Upper Florida marketing area should include all the territory within the 40 contiguous Florida counties of Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Orange, Osceola, Putnam, St. Johns, Seminole, Sumter, Suwanee, Taylor, Union, Volusia, Wakulla, and Washington.

Because a significant portion of the sales of fluid milk by handlers who would be regulated is in relatively rural communities and because of the substantial population immediately surrounding the various cities, it is important that the marketing area be defined on a county boundary basis rather than on the basis of city boundaries.

The 1960 census population of the area proposed to be regulated was 1,737,000. The population of Jacksonville, Orlando, and Tallahassee, the largest cities in the proposed area, was then 213,000, 88,000, and 48,000, respectively. Other principal cities and their 1960 populations include Daytona Beach (37,000), Panama City (33,000), Gainesville (30,000), Sanford (19,000), Winter Park (17,000), St. Augustine (15,000), Ocala (14,000), Deland (11,000), Lake City (10,000), and Marianna (7,000).

Duval County, in which Jacksonville is located, contains the greatest concentration of population in the 40-county area. Its 455,000 inhabitants represent more than 25 percent of the area's population. The four counties (Duval, Orange, Volusia, and Brevard) in the proposed marketing area, whose 1960 populations were greater than 100,000, contain 956,000 or 55 percent of the 1,737,000 people in the marketing area. Most counties in the area, however, are predominantly rural. Of the 40 counties in the proposed marketing area, 25 have less than 20,000 inhabitants.

The 41-county marketing area considered at the hearing was proposed by the Southland Corp., a handler with wide distribution throughout the marketing area. No counties other than the 41 were proposed by others. Foremost Dairies proposed a 40-county marketing area. Sunshine State Dairymen's Cooperative (Sunshine) and Chipola Dairy Cooperative (Chipola), which represent producers supplying handlers in the Tallahassee area, proposed a marketing area of 39 counties. Northeast Milk Producers Association (Northeast) and Dairy Farmers Mutual (Mutual) proposed a 25-county marketing area. These 25 counties are substantially those which had in the past been designated as the Northeast Florida and Central Florida marketing areas by the Florida Milk Commission.

Except for Indian River County, there was active support for and no opposition to the inclusion of the proposed counties in the marketing area. No testimony was presented to support the inclusion of Indian River County in the marketing area. Instead, it was indicated that this county should more appropriately be included in the Southeastern Florida marketing area and that a hearing for accomplishing this purpose had been requested.

More than 40 handlers (including producer-distributors) have route distribution in the proposed marketing area. The total route distribution by these handlers is about 40 million pounds of milk monthly.

The principal source of supply of handlers who would be regulated by the proposed order is from producer-members of the four cooperatives proposing an order for the area, Northeast, Mutual, Sunshine, and Chipola. These cooperatives represent and market the milk of about 70 percent of the approximately 215 producers on the market. Independent Dairy Farmers' Association (IDFA), the principal cooperative in the Southeastern Florida and Tampa Bay order markets, represents an additional 10 percent of the producers supplying handlers in the proposed area.

Besides the approximately 215 producers supplying handlers in the proposed area, an additional 25 farms are operated by handlers whose principal source of supply is the production of their own farms. These handlers account for about 20 percent of the total Class I distribution in the proposed marketing area. The three largest operations in this group, all in the Jacksonville vicinity, distribute about 6 million pounds of milk monthly. Most of the other 22 such handlers maintain relatively small operations for processing and distributing the production from their own farms. The handlers with own-farm production who qualify as producer-handlers would be exempt from the pooling and payment provisions of the order.

Distribution throughout the area is predominantly from the plants of a relatively small group of handlers in or near the larger cities in the marketing area. Of the 17 plants in the market whose principal source of supply is from producers (other than own-herd production) 7 are in Jacksonville, 5 in the Orlando area, 4 in the Tallahassee area and 1 in the vicinity of Gainesville. Five handlers who operate eight of these plants account for well over half of the Class I sales in the proposed marketing area. Also, one or more of them has distribution in each of the counties in the proposed marketing area.

A number of the major handlers operate more than one plant from which milk is distributed in the marketing area. From the Borden Company plants in Orlando and Tallahassee, fluid milk products are distributed in at least 28 counties in the proposed marketing area. In addition, milk is distributed in other counties in the marketing area from the Borden's Tampa Bay order pool plant. The total distribution from the Southland Corp.'s Jacksonville plant is within a 23-county area that encompasses the Jacksonville and Tallahassee vicinities. Some fluid milk products distributed on routes from its Jacksonville plant emanate from Southland's Winter Haven plant, a Tampa Bay pool plant. The fluid milk products transferred to the Jacksonville plant and the route distribution from Winter Haven within the proposed marketing area, in the Orlando vicinity and in counties adjacent to the Tampa Bay marketing area, are about 30 percent of the Class I utilization at that plant. Sealtest Foods operates plants in Jacksonville and in Marianna (which is in the Tallahassee vicinity). The total Class I distribution from these plants is made within the proposed marketing area. Sealtest's Tampa Bay pool plant also has some distribution in the proposed marketing area. Foremost Dairies, which operates a plant in Jacksonville, owns the plant in Tallahassee that is now leased and operated by Sunshine. Also, the Foremost Tampa Bay order plant has some distribution in the proposed marketing area.

It is not uncommon for handlers operating two or more plants in relatively close proximity to package different sizes and categories of fluid milk products in each plant. In such instances, packaged fluid milk products are moved regularly between the handler's plants in the same or adjacent marketing areas. Establishing an order to include the 40-county marketing area will facilitate such movement of both packaged and bulk fluid milk products between plants within the proposed marketing area and with plants in the adjacent Tampa Bay area.

The route distribution of handlers who would be regulated and of producer-handlers in the market is confined almost entirely to the 40-county area. These handlers are, by a wide margin, the principal distributors in all sections of the proposed marketing area. Route distribution by other handlers (principally Tampa Bay order distributors) in the 40-county area is not a significant

portion of the total distribution in the area.

In the northwestern portion of the marketing area, two handlers whose plants are outside the marketing area (in Pensacola, Fla. and Mobile, Ala.) have some distribution in the proposed marketing area, in Bay County. The Class I disposition by these handlers in the marketing area is apparently insufficient to qualify their plants as pool plants. The Pensacola handler's Class I sales in the county are primarily to stores and restaurants. The Mobile handler is currently supplying two military installations in Bay County. Both handlers, if their Class I distribution in the marketing area continues to be below the minimum required for pooling, would be treated as partially regulated distributing plants under the order. Neither handler took any position at the hearing concerning the inclusion of Bay County in the marketing area. Their sales in the county, however, are a relatively small proportion of the total distribution therein. The major portion of distribution in Bay County is by handlers who would otherwise be fully regulated by the proposed order.

In view of the operations of the handlers who would be regulated by the proposed order, it would be inappropriate to provide a marketing area for the proposed order that excluded a segment of the proposed marketing area. As indicated above, the plant operations of the principal handlers in the marketing area are in or near Jacksonville, Orlando, and Tallahassee. There is extensive competition throughout the marketing area between fluid milk products from Jacksonville plants with those emanating from Tallahassee and Orlando area plants. The closing of two Tallahassee area plants is currently under consideration. If these plants are closed, the distribution that is now made from them would be made from Jacksonville plants. The possibility of the closing of the Tallahassee area plants has caused producers in that area to consider affiliation with the producer association in the Jacksonville area and shipping to Jacksonville plants. Improved technology and transportation facilities will tend to accelerate such concentration of processing and packaging facilities at centrally located plants and distribution over a wider area from such plants. The 40-county marketing area herein proposed appropriately gives consideration to this.

All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market.

It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition. Further, the level of class price should be identical on Class I sales inside and outside the marketing area.

The essentials of the classified pricing plan for the Upper Florida order, and generally applicable to all Federal orders issued by the Secretary, are to establish one level of price to be paid by handlers for milk which is sold as milk or specified milk products for fluid consumption and other prices for the necessary surplus of the market which is disposed of in lower-valued fluid products and in manufactured products.

It is necessary that the class prices effective under the Upper Florida order be established at levels which will bring forth a sufficient supply to meet the demands of milk for the particular marketing area but not necessarily to fulfill the requirements of outside markets. Nevertheless, handlers who are regulated by virtue of their sales in the marketing area may have varying proportions of their sales outside the regulated area. This is a situation normally unavoidable even in the establishment of a new marketing area. Sales areas of regulated and unregulated handlers may overlap, and it would be rarely possible, if at all, to find a line of demarcation around an entire marketing area such that no overlapping occurs. Other considerations in establishment of a marketing area may also preclude inclusion of all sales areas of fully regulated handlers.

The problem of establishing a price to supply adequately the marketing area is thus affected by the activity of handlers in selling milk outside the regulated area and in procuring milk for such sales. There is no basis in this price determination for discrimination between milk sold inside and outside the marketing area. The milk sold outside by a regulated plant is processed in the same plant and is produced under similar conditions as milk sold in the marketing area. Thus, the milk moving through the regulated handler's plant, whether it is sold inside or outside the marketing area, is part of the same supply and demand situation upon which proper price level determination must be made.

If the price to farmers were higher for milk sold inside than for milk sold outside the marketing area, returns for disposition in the area would be bearing the greater burden of providing the incentive for milk production for both. To the extent such discrimination in pricing at the procurement level is reflected in higher prices to consumers inside than outside the marketing area consumers in the marketing area will be subsidizing consumers outside the marketing area.

Further, it is not intended that Federal regulation be susceptible of manipulation to permit the use of adjacent outside markets as a dumping ground for milk in excess of a market's needs. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by unregulated distributors in such markets. Such action would tend to lower blended returns to dairy farmers supplying the unregulated handlers.

Limited quantities (as provided) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area.[1]

The operator of the partially regulated plant is afforded the options of: (1) Paying an amount equal to the difference between the Class I price and the uniform price with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

In the course of the operation of an order, the question may arise as to whether piers, docks, wharves, and any territory within the boundaries of the designated marketing area which is occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other establishments shall be considered as within the marketing area. A proposal was made to include in the order sales by a handler in any such territory or to any such agency. These facilities constitute regular outlets for milk by handlers to be regulated and no evidence was presented at the hearing

[1] Official notice is taken of the decisions of the Assistant Secretary issued June 19, 1964 (29 F.R. 9002), supporting amendments to various orders, including the nearby Southeastern Florida order.

which would justify their exemption. So that there will be no doubt as to the meaning or the intent of the application of the marketing area definition in the proposed order, it should be indicated that the designated counties in the recommended Upper Florida marketing area shall include all piers, docks, and wharves connected therewith and any territory wholly or partly within the area which is occupied by the government (municipal, State, or Federal) reservations, installations, institutions or other establishments.

Definition of plants. Essential to the operation of a marketwide pool is the establishment of minimum performance requirements to distinguish between those plants substantially engaged in serving the fluid needs of the order market and those plants which do not serve the market in a way, or to a degree, that warrants their sharing (by being included in the market pool) in the market average utilization of Class I milk. Such distinction is necessary; otherwise, the proceeds of the higher Class I price would be dissipated by including in the market pool additional quantities of milk which were acquired by handlers primarily for manufacturing purposes. Such dissipated proceeds could accrue to the benefit of producers supplying milk to handlers who do not regularly or dependably furnish the fluid milk needs of consumers in the marketing area. Unless adequate standards of marketing performance are provided to determine which milk and plants will participate fully in the market pool funds, the uniform price of the market could be depressed to the point that it would not serve its function of attracting an adequate supply of milk for the fluid needs of the market without a Class I price higher than otherwise would be necessary.

Since Class I price increases are generally passed on to the public, such price increases necessitated solely because of inadequate performance standards for regulation would be contrary to the public interest. Therefore, in order to share in market pool funds, it is essential that plant operators perform marketing functions (i.e., deliver milk to market in specified amounts or proportions) which contribute to providing adequate and dependable market supplies. The marketing performance standards are essential provisions of a milk order if it is to attain the statutory purpose of assuring adequate supplies of milk in the most economical manner and in a way that best serves the public interest. The marketing performance standards also minimize the effects of regulation on handlers who have only a minor proportion of their distribution in the regulated market. They do this by exempting such handlers from full regulation.

Any plant, wherever located, may become a pool plant if it meets the marketing performance standards for regulation which at any time are equal for all plants performing the same function. The performance standards for regulation of a plant are an essential means of assuring the regulated market of adequate and dependable supplies of milk. It should be emphasized that these performance standards do not impede the shipment of milk to regulated markets. Quite the contrary. Because they require milk to be shipped to the market in order to share in the market pool funds, they encourage milk shipments for Class I use which otherwise might not be made. This incentive is achieved by preventing plants which do not ship milk in accordance with the prescribed standards from sharing in the pool fund. The performance standards are thus the opposite of a barrier to the shipment of milk to the market.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards have been provided for them. A "distributing plant" would be defined as a plant approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

In order to qualify as a pool plant, a distributing plant should be required to dispose of on routes in the marketing area not less than 10 percent of its total receipts of Grade A fluid milk products.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be qualified as pool plants under this definition. To preserve this distinction, a further condition should be placed on distributing plants. This is that a plant's total route distribution of Class I milk during the month, both inside and outside the marketing area, must be at least 50 percent of its receipts of Grade A fluid milk products. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its pool status judged by the standards applied to such plants.

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Such plants should be required to file reports, make available their records for audit by the market administrator and be subject to payment alternatives hereinafter discussed if they are not fully subject to regulation under another order.

"Supply plant" is the other plant category for which standards for pooling must be provided. A supply plant would be defined to mean a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

To qualify for pool plant status, a supply plant should ship to distributing plants which are pool plants at least 50 percent of its receipts of milk from dairy farmers in any month in the form of fluid milk products. A plant thus shipping the major portion of its receipts from dairy farmers to regulated distributing plants is making a substantial contribution toward providing an adequate supply for the market and hence may reasonably be considered as an integral part of the fluid milk supply for the market. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under present conditions, be considered as contributing sufficiently to the market supply to share in the pool funds.

At the present time, there are no supply plants regularly serving the Upper Florida market, and it is not likely that there will be in the foreseeable future. However, provision should be made so that it will be possible for a supply plant to participate in the pool should there be a regular and continuing need for supply plant milk in the future.

Some milk may be distributed in the marketing area from plants which are fully subject to the classification and pricing provisions of other Federal milk orders. It is not necessary to extend full regulation under an order to such plants which dispose of a major portion of their receipts in another regulated market. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

A definition of "nonpool plant" is provided to facilitate formulation of the various order provisions as they apply to such a plant. A nonpool plant would mean a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing, processing, or bottling plant. Specific categories of nonpool plants would be defined as follows:

(1) "Other order plant" is a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant under this order and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool distributing plants than to plants under the other order or in the marketing area of such other order;

(2) "Producer-handler plant" is a plant operated by a producer-handler as defined in any order (including this order) issued pursuant to the Act;

(3) "Exempt distributing plant" is a distributing plant operated by a governmental agency;

(4) "Partially regulated distributing plant" is a nonpool plant that is a distributing plant and is not an other order plant, a producer-handler plant or an exempt distributing plant; and

(5) "Unregulated supply plant" is a nonpool plant that is a supply plant and is not an other order plant, a producer-handler plant or an exempt distributing plant.

A spokesman for the University of Florida (which maintains a dairy herd and a processing plant in Gainesville) requested that its dairy plant operation be exempt from the provisions of the Upper Florida order. This plant receives practically all of its milk from the 160 dairy cows maintained on the University's farms. The one load of supplemental milk purchased in 1965 by the University, at the beginning of the school year, was from a Tampa handler.

The milk production and processing carried on at Gainesville are maintained in connection with the research and educational functions of the University of Florida. They are used and deemed necessary in connection with the various courses given and research done under the auspices of the Dairy Science Department of the University. The plant facilities are used for laboratory instruction and research. Each animal in the herd is generally being used in at least two experiments.

Milk that is not needed for the various research projects is disposed of in fluid form through 15 campus cafeterias or manufactured into ice cream, cottage cheese, or other dairy products. In those periods when students are on vacation, the unneeded production is sold to Sunland Training Center, another State institution in Gainesville, or condensed for later use in the manufacture of ice cream.

Several other State educational institutions and mental and penal establishments within the proposed marketing area also maintain herds and bottling facilities to furnish milk to their residents. Detailed information on receipts and sales of milk at these institutions was not presented on the record. However, it is not the practice of these institutions to sell milk in commercial channels in competition with proprietary handlers and producers.

It is not likely that the University of Florida plant (or plants of governmental agencies similarly situated) will have production from its farm in excess of its usual requirements. Such excess production if it should develop could not be depended upon by handlers in the Upper Florida market as a regular or a supplemental supply during periods when the market may be short of milk. It would clearly be surplus milk incidental to the operation of the University's milk plant. Accordingly, the order should provide that milk received at pool plants from such incidental operations be allocated first to Class III. Any such milk allocated to Class I at a pool plant would be subject to a compensatory payment at the difference between the Class I and Class III prices.

The University of Florida's milk plant (and similar institutions) may at times be required to purchase supplemental supplies from handlers who would be regulated by the proposed order. It may reasonably be expected that purchases in the form of fluid milk products would be needed and used for Class I purposes. The order should provide, therefore, that fluid milk products transferred or diverted from pool plants to exempt distributing plants be classified as Class I.

To qualify for pooling under the proposed order, milk must be received at a pool plant or diverted under specified conditions from a pool plant to a nonpool plant. Because an exempt distributing plant would be a nonpool plant, milk received at such plant from sources other than regulated plants and producers under the Upper Florida order would not be subject to the provisions of the order. Therefore, milk from producers' farms received at an exempt distributing plant could qualify as producer milk under the order only on the basis of its having been diverted from a pool plant. Otherwise, such milk would lose its producer milk status and would not be pooled or priced under the Upper Florida order.

Handler. The primary impact of regulation under an order is on handlers. A handler definition is necessary to identify those individuals from whom the market administrator must receive reports, or who have financial responsibility for payment for milk in accordance with its classified use value. As herein provided, the definition includes (a) persons operating pool plants; (b) a person operating a partially regulated distributing plant; (c) a cooperative association with respect to producer milk diverted from a pool plant to a nonpool plant for its account; (d) a cooperative association with respect to its members' milk delivered in a tank truck under its control from the farm to a pool plant; (e) a person in his capacity as the operator of an other order plant; and (f) a producer-handler.

Designating as handlers the operators of the various types of plants that may be associated with the market is necessary so that the market administrator may require of them the reports to determine the regulatory status of the plants and the extent of the operators' obligations, if any, to the producer-settlement fund.

The principal cooperatives in the market assume the responsibility of balancing supplies among various handlers. Milk not needed for fluid uses generally can be most economically handled by diversion directly to manufacturing plants. To facilitate such handling, a cooperative is accorded handler status for milk which it causes to be diverted to nonpool plants for its account.

Requiring a cooperative to be a handler for milk delivered from the farm to a pool plant in a tank truck owned and operated by or under contract to the cooperative will afford a practicable basis of accounting for such milk. In addition, it will provide added flexibility to a cooperative's operations in allocating its members' milk among handlers.

Once milk from a producer has been commingled with milk of other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. A similar situation prevails when the milk of an individual producer is delivered in a tank truck to two or more plants. The operator of a pool plant to which bulk tank milk is delivered has an opportunity to determine only the weight and butterfat test of the total load.

If a tank truck picking up milk at the farm is operated under the supervision of a cooperative association, it is the association that determines the weight and butterfat content of each producer's milk. Handlers have no control and generally take no part in determining the weights and butterfat tests of milk at the farm. In some instances, handlers may not even know from which farms their milk is shipped.

The milk delivered by the cooperative as a bulk tank handler would be considered as a receipt of producer milk by the operator of the pool plant at which it was physically received. The pool plant operator's obligation for such milk to the producer-settlement fund, to the administration fund and to the cooperative would be the same as for producer milk received directly from the farm of an individual producer.

In some instances, as discussed elsewhere in this decision, differences between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant would be considered a receipt of producer milk by the cooperative at the location of the pool plant. For such differences, the cooperative (instead of the pool plant operator) would be required to settle with the producer-settlement and administration funds.

Producer-handler. Producer-handler should be defined as any person who:

(a) Operates a dairy farm and a distributing plant from which the Class I disposition (except that represented by nonfat solids used in the fortification of fluid milk products) is entirely from his own farm production;

(b) Receives no fluid milk products from sources other than his own farm production; and

(c) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all fluid milk products handled and the operation of the processing and packaging business are his personal enterprise and risk.

The order is not intended to establish minimum prices for producer-handlers, but they should be required to make reports to the market administrator. Such reports are necessary to determine whether the operator continues to meet the producer-handler definition.

The producer-handler definition herein provided, which is patterned after that proposed by producers, is essentially the same as the producer-handler definition in the Tampa Bay and Southeastern Florida orders. Proposals by handlers, however, would restrict producer-handler status to those who met the qualifications herein proposed and handled not more than 200,000 pounds of milk monthly. Handlers would also require that a producer-handler who failed to qualify as such in 1 month would lose his producer-handler status for the next 11 months. On the other hand, some pro-

ducer-handlers proposed broad exemptions which would allow them a preferred allocation for their own production and have other area producers supply their supplementary needs. A specific proposal of two handlers with own-farm production would permit a producer-handler to purchase up to 10 percent of his Class I sales from pool sources without losing producer-handler status.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers. It is appropriate, therefore, to provide that to maintain producer-handler status, the maintenance, care and management of the dairy animals and other resources necessary to produce milk and the processing, packaging and distribution of milk shall be the personal enterprise and risk of the person involved. The term producer-handler is not intended to include any person who does not accept the responsibility and risk for the operation of the plant in which the milk of his own production is processed and bottled for sale.

Exemption from regulation as a producer-handler must be limited to those persons whose own farm production is the sole source of their Class I disposition (except nonfat solids used to fortify Class I products). To permit them to purchase fluid milk products from other sources without becoming fully regulated would give them an unwarranted competitive advantage over other handlers in the market. This is so because they would be able to retain the full value of their Class I sales for themselves without assuming the burden of their own surplus. However, as long as they produce their own Class I needs and the necessary reserves and handle their own excess production, producer-handlers will not have a significant advantage over regulated handlers under present marketing conditions.

Any milk which a regulated handler receives from a producer-handler would be other source milk and, therefore, would be allocated to the lowest use classification after the allocation of shrinkage on producer milk. This is appropriate since milk disposed of to another handler normally would be surplus to the operation of the producer-handler.

In proposing that a producer-handler who failed to qualify as such in 1 month would lose his producer-handler status for the next 11 months, handlers maintained that this would prevent him from exploiting the pool by becoming regulated when it was to his advantage, while retaining his exempt status at other times. Such a provision, however, could result in hardship in some instances. For example, an inadvertent failure to meet all requirements for producer-handler status in 1 month could cause a person to lose his designation as a producer-handler for an entire year. The regulatory effect of such action might too often tend to be disproportionate to the relative significance of the requirement that was not met. Since a producer-handler must rely on his own production, he must establish adequate production facilities to assure a sufficient milk supply for his operation. Because of this, it is unlikely that a producer-handler will shift back and forth between his exempt status and that of a regulated handler for the purpose of exploiting the pool.

It is expected that less than half of the 25 handlers in the market with own-farm production will qualify as producer-handlers under the order. At least three such handlers distribute more than 200,000 pounds of milk monthly. The combined operations of these three potential producer-handlers account for more than 10 percent of the total Class I sales in the proposed marketing area. Because their sales are such a relatively large proportion of the market total, handlers who would be regulated under the proposed order stressed the need to have such large operations regulated. Proponents, however, did not show that these producer-handlers have any cost advantage on Class I milk or are a disruptive factor in the market. Moreover, it was not established that exempting those handlers with own-farm production who qualify as producer-handlers, even the three largest, would affect adversely the competitive position of regulated handlers or producers. For the above stated reasons, the proposals to limit producer-handler status to operations of not more than 200,000 pounds of milk monthly and the proposal that would deny producer-handler status during the succeeding 11 months to a producer-handler who failed to qualify as such in 1 month are denied.

Route. The term "route" would mean a delivery (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor, or vending machine) of a fluid milk product classified as Class I.

Fluid milk products may be moved from a milk plant to a distribution facility such as a warehouse, loading station or storage plant. The distribution from such latter point would be considered route distribution from the milk plant. To do otherwise would be inappropriate because it would consider the disposition of fluid milk products to have been made at the temporary storage facility instead of at the location at which such products are received by retail and wholesale purchasers.

Producer. Producer should mean any person (except a producer-handler or a governmental agency in its capacity as the operator of an exempt distributing plant) who produces milk in compliance with the inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted therefrom to a nonpool plant under certain conditions. The producer definition will provide the necessary distinction between the production of those farmers whose milk will be priced and pooled each month under the Upper Florida order and the receipts at handlers' plants from all other sources.

Fluid milk products. Fluid milk products should mean milk (including frozen and concentrated milk), flavored milk and skim milk. The definition should not, however, include sterilized products in hermetically sealed containers. The items designated as fluid milk products pursuant to this definition are those products which, when disposed of by handlers, are included as Class I milk.

Producer milk. Producer milk is intended to include all milk that is fully regulated by the order. Accordingly, it should be defined as all skim milk and butterfat contained in milk received at a pool plant directly from dairy farmers and milk diverted from a pool plant to a nonpool plant under certain conditions. As provided elsewhere in this decision, milk delivered by a cooperative as a bulk tank handler would be considered as a receipt of producer milk by the operator at the pool plant at which it was physically received.

Producer milk should not include any milk moved from a farm directly to an other order plant since such milk's eligibility to be included under a Federal order would be more appropriately determined at the other order plant where received. In fact, diversion to such plants if permitted could result in the pricing and pooling of the same milk under two orders.

When milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant for manufacturing purposes should be facilitated. It is necessary, however, to provide limitations on the amount of milk which may be diverted so that only that milk which is genuinely associated with the market will be diverted and only at those times when it is not needed in the market for Class I purposes.

Producers associated with this market are not expected to produce large quantities of milk in excess of the market's fluid requirements. Diversion provisions are provided herein primarily to enable handlers and cooperative associations to divert producer milk on such occasions as weekends and holidays when the milk is not needed in the market for Class I purposes.

Diversion of producer milk by a cooperative to a nonpool plant should be limited to 25 percent of the milk physically received from its producer-members at pool plants during the month. Similarly, milk diverted by the operator of a pool plant for his account would be limited to 25 percent of the quantity of producer milk physically received at his plant during the month.

The proposed diversion provisions are appropriate under the conditions in the Upper Florida order market. There was no opposition to the diversion provisions, which were supported by both producers and handlers at the hearing.

Only that milk genuinely associated with the market should be eligible to be diverted to nonpool plants. Therefore, it is provided that at least 10 days' production of a producer must be received at a pool plant during the month to qualify any of his production in the same month for diversion within the limits described above. A producer shipping on an every-other-day basis would under this standard be required, in effect, to ship only five days. The requirement herein

adopted is sufficient to establish a producer's association with the fluid market and still permit the necessary flexibility in diverting milk not needed for fluid use.

Milk diverted to nonpool plants in excess of the limitations provided would not be considered producer milk. Hence, eligibility for pricing and pooling under the order would be forfeited on a quantity of milk equal to such excess. In such instances, the diverting handler would specify which milk is ineligible as producer milk. If the handler fails to make such designation, thereby making it infeasible for the market administrator to determine which milk was overdiverted, all milk diverted to nonpool plants by such handler would be made ineligible as producer milk.

Producer milk that is diverted should be priced at the location of the plant to which diverted instead of at the location of the pool plant to which it is customarily delivered. To provide for pricing such milk at the latter location would be inappropriate. This is because it would result in producers in the market paying (through the pool) a transportation cost to the market on milk which is not moved to the market and on which an equivalent transportation charge is not incurred.

Other source milk. A definition of "other source milk" is necessary to facilitate the application of the order to the various categories of receipts at a regulated plant.

Other source milk should include all skim milk and butterfat contained in or represented by (a) fluid milk products and Class II products utilized by the handler in his operation (except producer milk, fluid milk products and Class II products from pool plants, and fluid milk products and Class II products in inventory at the beginning of the month), (b) all manufactured dairy products from any source (including those produced at the plant) which are reprocessed or converted into another product during the month, and (c) any disappearance of nonfluid milk products in a form in which they may be converted into Class I products and which are not otherwise accounted for under the order.

In order to verify the actual utilization of milk received from producers, it is necessary that the market administrator be in a position to reconcile all receipts of milk and dairy products with the disposition records of the plant. If such records cannot be reconciled, the handler must be held responsible for the shrinkage or the overrun which occurs as a result of the discrepancy between records of receipts and disposition. Otherwise, the handler with improper records would be in a position to gain an advantage over his competitors who properly account for all milk and dairy products received. It is equally necessary that the handler be required to account for all nonfluid dairy products in a form in which they can be converted into Class I products. Otherwise, a handler, by failing to keep records of the nonfat dry milk and similar products which can be reconstituted into skim milk or other fluid products would gain a competitive advantage over other handlers in the market.

(b) *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as Class I, Class II, or Class III milk.

Milk is received by handlers directly from dairy farmers, from other handlers, and from other sources. Milk from all these sources is commingled in handlers' plants. It is necessary, therefore, to have a plan for allocating the uses of milk to each source of supply in order to afford a means to establish the classification of producer milk and to apply the classified pricing plan.

The products included in Class I milk are required by health authorities in the marketing area to be obtained from milk or milk products from "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products considerably above the manufacturing milk price. This higher price should be at a level which will yield a blend price to farmers that will encourage production of enough milk to meet market needs.

In accordance with these standards, the Class I milk should include all skim milk and butterfat disposed of in the form of milk, flavored milk, and skim milk. Class I, however, should not include any of the above products which are sterilized and in hermetically sealed containers. Fluid milk products to which extra skim milk solids have been added, and frozen or concentrated milk disposed of for fluid use likewise would be included as Class I milk. Any skim milk and butterfat not accounted for in either Class II or Class III also would be included in Class I.

Class II should include cream, sour cream, half and half, buttermilk, chocolate drink, and acidophilus milk. The distinction between Class II products and products included in Class I is that the marketing area health authorities permit the use of milk products from uninspected sources in the preparation of products herein designated as Class II. A separate Class II classification is necessary, therefore, so that a separate price may be applied consistent with the somewhat lower value of such products in this market.

Producers proposed that the skim milk and butterfat in the products herein designated as Class II dispositions be included in Class I. They asserted that Florida statute requires that these products be made from Grade A milk. However, the Director of Milk Industry for the Florida Department of Agriculture stated that, in practice, it is not required that Grade A milk be used in the manufacture of these Class II products. Historically, the products herein designated as Class II have been included in a separate classification in Florida and priced significantly below the Class I price. Both the Tampa Bay and Southeastern Florida orders have a separate Class II classification for these products. No change has taken place in the application of the State statute to require any different classification for these products in the Upper Florida order than is now provided under the other two Federal orders in the State or from what has been historically the practice in the market. The producer proposal to include these Class II products in the Class I classification is therefore denied.

Some nonfat milk solids are utilized, through reconstitution or fortification, in the preparation of Class I and Class II products distributed in the marketing area. For purposes of accounting for the skim milk required to produce the product, the added nonfat milk solids should include the normal quantity of water originally associated with the solids. The volume of the reconstituted or fortified product classified as Class I or Class II, whichever is applicable, would be a quantity equal to the volume of the same product made without the addition of nonfat milk solids. The remaining volume of the product, which represents the skim milk equivalent of added nonfat milk solids, should be classified as Class III.

Class III should be all skim milk and butterfat used to produce frozen desserts (e.g., ice cream and ice cream mix), eggnog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, and sterilized products in hermetically sealed containers.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The accounting procedure would be facilitated by providing that month-end inventories of fluid milk products and Class II products be classified in Class II milk. Such inventories would be subtracted, under the allocation procedures, from any available Class II in the following month. The higher use value of any such skim milk and butterfat allocated to Class I in the following month will be reflected in returns to producers.

Inventories should include all the skim milk and butterfat in bulk and packaged fluid milk products and Class II products. Since the disposition of skim milk and butterfat in nonfluid milk products has been accounted for when used to produce a manufactured dairy product (and classified as Class III milk), such skim milk and butterfat should not be included in inventories.

Inventories of fluid milk products and Class II products on hand at a plant at the beginning of the first month in which the order becomes effective or during any month in which a plant becomes regulated for the first time should be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of cur-

rent producer milk receipts to current Class I utilization.

The proposed method of handling inventories is identical with that provided in the Tampa Bay order. In urging its adoption, handlers stressed the desirability of having inventories handled in the same manner in these adjacent orders.

Producers proposed that ending inventories be classified in Class I and that the differences between the Class I prices in each month be taken into account when pricing inventories classified in Class I in the following month. As outlined at the hearing, it was not shown that application of the order would be facilitated or that producers would realize any significant advantage by classifying inventories in Class I.

The fluid milk products and Class II products contained in inventory and classified in Class II might be used in the following month in a Class I, Class II, or Class III classification. On any such inventory used in Class I in the following month, handlers must pay the difference between the applicable Class I price in the month it was utilized and the Class II price at which it was priced in the preceding month. Under the three-classification system provided in the Upper Florida order, this manner of handling inventories will tend to work out more practicably and equitably than classifying closing inventory in Class I in the manner proposed by producers. The producer proposal, therefore, is denied.

Skim milk and butterfat in fluid milk products and Class II products dumped or disposed of by a handler for livestock feed should be classified as Class III milk. Such outlets often represent the most efficient means for disposing of surplus skim milk. Transportation and handling costs are such that it is uneconomical to ship relatively small quantities of unneeded skim milk to trade outlets for surplus skim milk. In the case of route returns of such products as homogenized milk and chocolate milk, it is difficult and impractical to salvage the butterfat for further use. Such butterfat which is not salvageable should be classified as Class III when dumped or disposed of for livestock feed.

It would not be practicable to permit in an unlimited manner the dumping of skim milk and butterfat by pool plant handlers. Neither would it be appropriate to classify such skim milk and butterfat, for which no better outlet is available, in other than Class III. Accordingly, the order should clearly specify a Class III classification for skim milk and butterfat dumped, provided that the market administrator is notified in advance and afforded the opportunity to verify the dumping.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage." Since shrinkage represents disappearance of milk for which the handler must account but for which no direct return is realized, it should be considered as Class III milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class III at each pool plant should be 2 percent of producer milk (except that diverted to a nonpool plant or for which a cooperative association is the handler), plus 1.5 percent of producer milk from a cooperative as a handler and bulk fluid milk products from pool plants of other handlers and less 1.5 percent of bulk fluid milk products transferred to other plants (except pool plants of the same handler). A 1.5 percent shrinkage allowance would be allowed on bulk fluid milk products received from other order plants and unregulated supply plants (exclusive of the quantity for which Class II or Class III utilization is requested by the handler).

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and will tend to encourage maintenance of adequate records and efficient handling of milk.

As provided elsewhere in this decision, a cooperative would be the handler for milk delivered from producers' farms to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative. When a cooperative is a handler under such conditions, the operator of a pool plant receiving this bulk tank milk directly from the farm would settle with the pool and the cooperative for such milk in the same manner as a receipt from producers. However, the full 2 percent allowance for shrinkage would be permitted the handler only if he is purchasing the milk on the basis of farm weights and has so notified the market administrator. Otherwise, the maximum shrinkage in Class III allowed the handler on such milk would be 1.5 percent, and the cooperative would be responsible for any difference between the gross weight of producer milk received in the tank truck at the farms and that delivered to pool plants. This procedure is followed in a number of other Federal orders and provides a reasonable basis for the allocation of the shrinkage allowance in those instances wherein the cooperative is the responsible handler with respect to milk picked up at producers' farms in bulk tank trucks.

In those instances in which a pool plant operator is not purchasing farm tank milk (from a cooperative as a handler) on the basis of farm weights, any difference between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant would be considered a receipt of producer milk by the cooperative at the location of the pool plant. The cooperative would report such differences, which may reasonably be expected to be within 0.5 percent of the quantity of producer milk determined on the basis of farm weights during the month, to the market administrator for inclusion in the monthly pool computation. Up to 0.5 percent of the total producer farm tank milk involved would be reported and pooled as Class III; any such difference in excess of the maximum allowable Class III shrinkage of 0.5 percent would be Class I. The cooperative would be responsible for settling with the producer-settlement fund for the total quantity of shrinkage it reported. If the quantities of bulk tank milk physically received at a pool plant from a cooperative during the month is the same as or greater than farm weights, the cooperative would have no settlement to make with the producer-settlement fund on such milk. However, in those instances wherein the quantities of milk physically received at pool plants are greater than the farm weights, the pool plant operator's obligation to the cooperative and the producer-settlement fund would be on the basis of the weights ascertained at his plant.

It is appropriate to limit the volume of unregulated supply plant milk and other order milk that may be classified in Class III as shrinkage since these types of receipts are allocated pro rata to class uses along with quantities received from pool plants and producers. Under the allocation system provided, such other source milk will share with producer milk in any shrinkage allocated to Class I when the specified Class III shrinkage limitations are exceeded. No specific shrinkage limit is necessary on unregulated or other order milk that does not share a pro rata assignment and thus is allocated first to Class III uses, since the allocation procedure insures assignment of such milk to Class III in an amount at least equal to the shrinkage that may be associated therewith.

To insure an equitable assignment of total shrinkage to the two categories of receipts (i.e., receipts for which there is a percentage limitation for Class III shrinkage assignment and receipts for which there is no such limitation), the total shrinkage should be prorated to these two categories.

Skim milk and butterfat are not used in most products in the same proportions farmers and, therefore, should be classified as contained in the milk received from farmers according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through certain testing procedures. Some products such as ice cream and condensed products present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an appropriate means of ascertaining the amount of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of concentrated milk products such as condensed milk or nonfat dry milk should be based on the pounds of milk or skim milk required to produce such product.

Skim milk and butterfat used to produce Class III products should be considered to be disposed of when the Class III product is produced. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator so that verification of such Class III uses may be made. If a handler fails to keep the necessary records for verification purposes, the skim milk and butterfat will be reclassified as Class I milk.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from dairy farmers should be held responsible for establishing the classification of and making payment for such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the order.

Except for the quantities of shrinkage that may be classified in Class III, all skim milk and butterfat for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records and to assure that dairy farmers receive payment for their milk on the basis of its use. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

Transfers. Some Class I or Class II items may be disposed of to other plants for Class III use. It is necessary, therefore, to provide specific rules so that the classification of such transfers may be determined under this order.

Fluid milk products and Class II products transferred from a pool plant to the pool plant of another handler should be classified as Class I milk unless utilization as Class II or Class III milk is claimed for both plants on the reports submitted for the month to the market administrator. However, sufficient Class II or Class III utilization must be available at the transferee plant for such assignment after the allocation of all other source milk at such transferee plant during the month. Moreover, if other source milk of the type to which a surplus value inherently applies (such as nonfat milk solids) has been received at the shipping plant during the month, the skim milk or butterfat in fluid milk products or Class II products involved in such transfer should be classified so as to allocate the least possible Class I utilization to such other source milk. If the shipping handler receives other source milk from an unregulated supply plant or an other order plant, the transferred quantities, up to the total of such receipts, should not be Class I to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

Fluid milk products or Class II products transferred or diverted to a nonpool plant (other than transfers to the plant of a producer-handler, an exempt distributing plant, or an other order plant) should be classified as Class I milk unless certain conditions are met. The operator of the nonpool plant, if requested, should make his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk and milk products in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the order.

Any Class I utilization disposed of on routes in this marketing area from the nonpool plant should be first assigned to fluid milk products transferred from pool plants and then pro rata to receipts from all other order plants and last to receipts from dairy farmers who the market administrator determines constitute the regular source of Grade A milk for the nonpool plant.

Any Class I utilization disposed of on from the nonpool plant on routes in the marketing area of another Federal order should be assigned to fluid milk products transferred or diverted from plants fully regulated by that order, then pro rata to fluid milk products received from plants regulated by this order and all other Federal orders and thereafter to the nonpool plant's regular Grade A dairy farmers.

Any Class I utilization remaining in the nonpool plant after the above assignments should be assigned to the plant's regular Grade A dairy farmers and then pro rata to unassigned receipts from plants regulated by this order and other orders.

After the above assignments to Class I are made, any remaining receipts of fluid milk products from pool plants would be classified in sequence as Class III and then Class II. Also, any Class II milk which is not assigned pursuant to the above sequence would be classified as Class II.

The method herein recommended for classifying transfers and diversions to nonpool plants accords equitable treatment to order handlers and also gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving highest use priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provision of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

In the case of fluid milk products or Class II products transferred from pool plants to other order plants, specific rules are necessary to provide equitable treatment to the handlers in both orders and coordinate the classification under the orders.

Such products transferred to an other order plant in excess of receipts from such plant in the same category (packaged, bulk designated for surplus disposal, or bulk milk not so designated) should be classified in the comparable classes to which allocated under the other order. If the operators of both the transferor and transferee plants so request, transfers in bulk form should be classified as Class II or Class III to the extent that Class II or Class III utilization (or comparable utilization under such other order) is available for such assignment under the allocation provisions of the transferee order. Such requests should be filed with the respective market administrators with their reports of receipts and utilization for the month.

If information concerning the classification to which the products transferred are allocated under the transferee order is not available to the market administrator for purposes of establishing classification under this order, then classification of fluid milk products and Class II products transferred should be as Class I and Class II, respectively, subject to adjustment when such information is available. If the transferee order provides for more than two classes of utilization, allocations to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes should be classified in a comparable classification as Class II or Class III.

If the form in which a fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification should be in accordance with the form in which it leaves the transferor plant. This would be the case where the classification of a product differs in the shipping and receiving markets and according identical classification is not possible. These differences exist primarily because the health authorities in different areas have varying requirements with respect to the use of Grade A milk in some milk products. Hence, the order provisions must be designed to accommodate the differences in classification which might exist in this order compared to any order market from which such product is received.

Allocation. Because the value of producer milk is based on its classification, the order must prescribe an assignment of receipts from all sources during the month to establish such classification.

The system of allocating handlers' receipts to the various classes must be similar to that adopted in the decisions issued June 10, 1964, for 76 milk orders, of which official notice has been taken. These decisions were designed to integrate into the regulatory plan of each of the orders milk which is not subject to classified pricing under any order, and to apply the regulatory plan of each of the orders to milk regulated under another order which is disposed of from the other order plant on routes in the marketing area, or is received at a fully regulated plant. Inasmuch as those decisions set forth the standards for dealing with unregulated milk under Federal orders generally, it is desirable that the system of allocation under this order be similar. Further, the treatment of other order milk should conform with the plan included in those decisions so as to coordinate the applicable regulations on all movements of milk between Federal

order markets. Producers and handlers recognized the necessity for such coordination and proposed allocation provisions similar to those adopted in other orders.

Except for relatively minor variations to accommodate this individual market's situation, the general scheme of allocation must be based on the considerations of coordination among markets and uniform treatment of unregulated milk in the several markets.

When a handler receives a Class II product from nonpool plants in the same month that he utilizes producer milk to make Class II products, there is usually an intermingling of such products at the plant. However, some handlers may, at times, receive Class II products from nonpool plants for Class III utilizations in their plants. It would be appropriate in such instances to subtract these receipts from nonpool sources from the handler's available Class III utilization if the handler so requested it. Otherwise it is not possible to ascertain what proportion of the Class II products from each source was actually used in the handler's Class II and Class III dispositions. To give priority in the assignment of a handler's Class II utilization to either the Class II products produced at his plant or those obtained from nonpool sources might often result in inequities, under different circumstances, to both producers and handlers. Because Class II products from all sources are intermingled at the plant and since such products may be disposed of in either Class II or Class III utilizations, equity to both producers and handlers will be best achieved by allocating the available Class II utilization of a handler on a pro rata basis to the skim milk and butterfat in Class II products received from nonpool plants and those produced at the plant.

Milk received at regulated plants from unregulated plants. When unregulated milk eligible for Class I distribution in the marketing area is received at a pool plant, provision must be made for its allocation to the total available classification of such pool plant and for providing an appropriate rate of payment to the producer-settlement fund on any such milk allocated to Class I.

The order should provide that fluid milk products moved from an unregulated plant to a pool plant be classified as Class II or Class III milk if so reported by the operator of the regulated plant. Milk may be purchased by a pool plant operator from an unregulated plant either for use in his manufacturing operation or in connection with his Class I or Class II requirements. When the purchase is for Class II or manufacturing uses, the order should accommodate this by providing that such milk be allocated to the indicated class utilization in the pool plant. This treatment of unregulated milk further serves to accommodate unregulated plants which have surplus milk but do not have manufacturing facilities. Hence, it will make available as an outlet any manufacturing facilities of pool plants without involving the unregulated plant in the regulation. When, however, Class II or Class III utilization in a regulated plant is insufficient for the assignment of all fluid milk products from unregulated plants to the agreed manufacturing use, the remainder, of course, must be allocated to Class I.

Other categories of milk receipts assigned first to Class III use (down allocated) should include receipts from producer-handlers, receipts from exempt distributing plants, receipts without Grade A certification, and reconstituted milk. The reasons for such assignment are explained in subsequent findings on these specific types of receipts.

With respect to the general category of milk received from unregulated plants (not producer-handlers or exempt distributing plants, however) the order should provide that (within limits) unregulated milk received at a pool plant, which is not specifically designated for manufacturing use, be assigned a classification which is pro rata to regulated milk received by the operator of such plant. This should be provided because classification of bulk milk cannot be determined on the basis of its inherent characteristics as either Class I (i.e., in bottles) or as surplus (i.e., as in manufactured products). Its classification depends upon its utilization by the handler who receives it. Unless the regulated handler accepts the milk for Class II or III use, a method as described herein must be provided for assigning the unregulated bulk milk to classes of use. By assigning it pro rata with regulated milk (within limits), its indeterminate character as Class I, II, or III will be recognized up to the limit provided.

A limit must be placed on the amount of unregulated milk which may share full classification with regulated milk. The receipt of unregulated milk in a regulated handler's operation is always a source of danger to the regulatory plan. Handlers often obtain unregulated milk because it is a cheaper source of supply than regulated milk. Unless some limitation is placed on the volume of unregulated milk that may be prorated, a handler with a supply of regulated milk adequate for his Class I requirements could acquire cheaper unregulated milk to increase his manufacturing uses. This milk would share in his Class I utilization while an equal volume of regulated milk would be assigned to the expanded surplus use. This would impair the effectiveness of the regulation.

The limit placed on the amount of unregulated milk to be assigned pro rata with regulated milk is such that when, as a result of proration or assignment, as much as 20 percent of all regulated milk in the handler's plant is assigned to Class II and Class III, all additional unregulated milk will then be assigned to such lower classes. A reserve of milk for fluid requirements on a marketwide basis more or less than 20 percent of all handlers' receipts may be required, depending upon seasonal and other considerations. An individual handler associated with a regulated fluid market (whose main purpose is to furnish Class I milk to the market) will not need unregulated milk for the purpose of maintaining an adequate supply to service Class I sales in amounts which will increase his reserve above 20 percent of his total receipts in any given month. Whenever a handler has a milk supply such that 20 percent of his receipts are in Class II and Class III, he is fully supplied for furnishing a regulated Class I market. Even though a situation could conceivably arise where, because of the disruption of normal supplies, a handler receives milk from unregulated sources in excess of the quantities that may be prorated, the attainment of effective regulation nevertheless requires the imposition of this limit.

It is provided that in assigning unregulated bulk milk for purposes of classification, the overall utilization of the handler at all of his plants regulated under the order[2] (rather than the utilization at a single plant) should be used. This is necessary for the same reasons, set forth later in this decision, which apply to receipts of milk from plants regulated by other orders.

Payment at the difference between the Class I and uniform prices should be made by the receiving handler into the producer-settlement fund on the portion of unregulated milk which is assigned to Class I through proration. There can be no question that the Class I price basically should apply to both regulated and unregulated milk used in a fully regulated plant as Class I milk. To attribute any different valuation on the unregulated milk would automatically result in inequity as compared with regulated milk similarly utilized.

Although there is no room for doubt as to the need to attribute a Class I value for any milk so utilized (the minuend), the proper credit to be allowed to milk from unregulated plants is not clear; i.e., what subtrahend should be used in such a payment formula. It may be expected that in many situations a payment at any lesser rate than the difference between the Class I price and the value of such milk as surplus would give unwarranted price advantage to unregulated milk over producer milk similarly utilized.

Milk at unregulated plants may be purchased from dairy farmers on a flat price basis without regard to use classification. Although most of the milk so purchased by the unregulated plant operator may be intended for local distribution outside the regulated market, excess milk supplies on a daily and seasonal basis will arise as they also do in regulated plants.

This frequently leaves excess milk at unregulated plants which is truly surplus to the normal fluid needs of those plants. This situation is accentuated at certain times of the year when there are characteristic seasonal increases in the production of milk without corresponding increases in the demand for milk. If it were not for the sale in the regulated market, such milk would have no higher value to the plant operator than its surplus value. In such circumstances, the operator of such an unregulated plant, including the fringe distributor, has great incentive to "dump" his surplus milk into the regulated market or its supply system at any price higher than a surplus price and thereby obtain a competitive advantage for such milk over regulated milk. Regulated handlers cannot similarly convert otherwise surplus Class III milk into Class I utilization without accounting to the producer-settlement fund at the full difference between these two utilizations, i.e., they account at Class I rather than Class III. There would then appear to be substantial justification for the same rate of charge against milk from unregulated plants obtained and used in similar circumstances.

Even though surplus milk obviously is available to handlers from time to time, there is no indication that they have exploited their opportunities to use such milk. It is concluded, therefore, in the light of the decision of the Supreme Court in the Lehigh Valley case, and because of the administrative difficulty in determining whether particular milk from an unregulated plant utilized as Class I in this market actually had only a surplus value or cost at source, that the charge should be limited to the difference between the Class I price and the uniform price, both adjusted for butterfat content and the location of the unregulated plant from which the milk was received. Although the use of the uniform price as the subtrahend will not assure complete removal of the price advantage which may exist for some milk for the reasons just stated, it nevertheless will serve to minimize this advantage in such cases, and generally should be an equitable means of providing a reasonable measure of protection to the regulatory plan. If subsequent experience shows that such payment is not protecting the regulatory plan, then on the basis of specific evidence, another rate of payment or another plan will need to be devised.

As a means of carrying out the equalization provided by market pooling, regulated handlers are required to pay the uniform price to their own producers and, in addition, are required to pay to the producer-settlement fund the full difference between the Class I price and such uniform price on all regulated milk classified as Class I because of its use as fluid milk. Unregulated milk similarly used as Class I milk by a regulated handler likewise should carry a payment to the producer-settlement fund at least at the same rate as that required of regulated milk. If the handler buys regulated milk at a price in excess of the uniform price, he receives no credit for this excess payment in accounting to the producer-settlement fund. Neither should he receive credit for any amount paid for unregulated milk in excess of the uniform price. Both the regulated and unregulated milk, therefore, will be credited at only the uniform price in accounting to the producer-settlement fund.

These payments are not unfair or burdensome to the dairy farmer supplying the unregulated plant, whose milk is used as Class I milk by a regulated handler. The allowance of a credit for milk from unregulated plants used as Class I by the regulated handler at the uniform price level will provide opportunity to the unregulated plant operator to pay his dairy farmers at least the uniform price on these Class I sales. The order cannot, of course, guarantee to the dairy farmer that his purchaser in fact will pay this full uniform price to him.

The order must contain provisions of this kind which serve to adequately relate to the total scheme of regulation that milk received by regulated handlers which is not subject to full regulation. Otherwise, the very existence of the market pool order may establish the condition which makes impractical the attainment of the regulatory objective of stabilizing the market in the manner prescribed by the statute. Consequently, the Secretary must protect, to the extent consistent with the Act, the regulatory plan in any marketing area against defeat or impairment because of the introduction into the marketing area of milk from unregulated sources which is not subject to full regulation.

There may be instances where a distributor is subject to State milk control and pays the State minimum price on all of his receipts of milk including some that is assigned as Class I in a federally regulated market. The method of assignment and rate of payment into the producer-settlement fund applicable to other unregulated milk must also be applied to this source of "unregulated" milk even though the State regulated distributor may have paid a price for the Class I milk disposed of in the Federal order market that was higher than the uniform price established by the Federal order. This is necessary for the same reasons as apply to any operator of a plant who, for whatever reasons, pays a price for milk higher than the Federal order uniform price.

The evidence does not show that packaged milk is received from unregulated plants. However, in case such a contingency should arise in the future, a rule for dealing with it must be provided. In the absence of evidence as to a specific method of dealing with such receipts, it should be provided that packaged milk received from an unregulated plant will be treated the same as bulk milk.

Producer-handler surplus, reconstituted milk, non-Grade A milk. Certain milk by its very nature must be treated as surplus when received at market pool plants regulated by a Federal order and, therefore, it must be assigned a surplus value. Such sources include milk received at a regulated plant, in either bulk or packaged form, from a producer-handler (under any Federal order) and exempt distributing plants. Another source is milk produced by the reconstitution to fluid form of manufactured dairy products, such as fluid skim milk made by the addition of water to nonfat dry milk. Still another source is milk of manufacturing grade (non-Grade A milk) which is not eligible for disposition for fluid consumption in the market. As to milk from these sources, a payment into the producer-settlement fund at the difference between the Class I and surplus prices must be required of the receiving handler when such milk is allocated to Class I, following "down-allocation" to the extent it can be absorbed in lower priced uses.

In this order as in most other orders, the producer-handler is exempt from the pooling and pricing provisions. This exemption is based on the principle that the producer-handler assumes the burden of disposing of his milk supplies in excess of his Class I milk needs. Being exempt from these provisions of the order makes it possible for the producer-handler to retain the full return from his Class I sales of milk on routes even though such sales are in competition with regulated handlers.

Producer-handlers are primarily engaged in the distribution of Class I and Class II milk. Normally they do not maintain facilities for processing and manufacturing any milk produced in excess of their fluid needs. Because of seasonality of milk production and for other reasons, producer-handlers will produce some milk in excess of their needs. The best available outlets for this surplus milk usually are to fully regulated plants in the market. In view of a producer-handler's limited capacity for utilizing excess supplies of milk, it is often economically advantageous for him to dispose of such excesses at surplus prices to regulated handlers. Such milk, therefore, would be available to regulated handlers at surplus prices. Under these circumstances, it would not be appropriate to allow the regulated handler credit from the producer-settlement fund at more than a surplus price for any such purchases.

Inasmuch as a producer-handler's appropriate competitive relationship with other handlers and with other producers depends upon the producer-handler assuming the burden of his own surplus, an equitable relationship among the several groups would not be achieved if a producer-handler were allowed to dispose of his surplus and obtain the uniform price for such surplus. As long as the producer-handler has the advantage of enjoying the full benefit of his own Class I route sales without sharing them with other producers, he should not also receive Class I benefit from a market pool, at the expense of producers, for any of his milk which he is unable to sell in such way. Surplus milk purchases from producer-handlers operating under another order has the same potential for creating disorderly marketing conditions as surplus from producer-handlers operating under the same order. Therefore, no distinction in treatment for such milk should be provided.

The order should provide, therefore, that milk received from producer-handlers at a pool plant should first be assigned to Class III and then Class II milk at the pool plant. If any is then assigned to Class I, a payment into the

[2] Such total utilization would be subject to certain prior deductions for receipts assigned to the surplus classification as mentioned in prior findings.

producer-settlement fund at the Class I-surplus price difference should be applied. Such rate of payment on receipts by federally-regulated handlers of milk from producer-handlers was ratified by Congress at the time provisions of the Agricultural Adjustment Act of 1933, as amended in 1935, authorizing the issuance of milk orders, were reenacted by the passage of the Agricultural Marketing Agreement Act of 1937. During the period between August 24, 1935, and June 3, 1937, the effective date of the latter Act, six Federal milk orders were issued under such Agricultural Adjustment Act. Two of such milk orders (Greater Kansas City, Mo., and Fall River, Mass.), placed in effect during this period, contained provisions requiring handlers who used bulk milk received from producer-handlers in other than the lowest priced classification to pay the difference between the class use price and the lowest class (surplus) price for such milk as part of the handler's total obligation for milk. Such payment was distributed, together with the classified value of producer milk of the handler, through the market pool.[1]

From time to time, exempt distributing plants will have production from their farms in excess of their fluid milk requirements. Such excess production could not be depended upon by handlers in the market as either a regular supply of milk or a supplemental supply during periods when the market may be short of milk. It would clearly be surplus milk incidental to the operation of the exempt distributing plant. Accordingly, the order should provide that milk received at pool plants from such exempt operations be allocated first to Class III and then Class II milk at pool plants. Any such milk allocated to Class I at a pool plant would be subject to a compensatory payment at the difference between the Class I and surplus prices. The University of Florida spokesman requesting that its and similar governmental operations be designated exempt distributing plants testified that such operations would expect to receive credit only at the Class III price for any milk which they may deliver to pool plants.

A surplus value likewise is properly assigned to reconstituted milk (for instance, the result of combining nonfat dry milk or condensed milk with water). The products used in such reconstitution process are made from milk which always carries a manufacturing, or surplus value. Producer milk used to produce such products is priced as surplus. Since the milk used to produce these products is originally priced as surplus milk, payment into the producer-settlement fund at the difference between the Class I and surplus price is necessary to insure competitive equity with producer milk when reconstituted milk is used in Class I. No recognition should be given to processing costs involved in the manufacture of the products derived from unregulated milk and used in reconstitution, since similar costs are incurred in processing producer milk into such products.

Nonfat dry milk and condensed milk also may be added to fluid milk products to increase the nonfat solids content, thus making so-called "fortified" fluid milk products. The incentive for handlers to use nonfat milk solids to fortify fluid milk products arises from the specific demands of consumers. The increased emphasis on low-fat diets and the high nutritional value of nonfat solids in relation to their weight have contributed to the increased demand for added nonfat milk solids in fluid milk products.

Such products are distinguished from reconstituted products, however, in that the resulting volume of fluid product is not increased appreciably since no water is added. The essential economic difference in the use of nonfat milk solids for fortification of fluid milk products versus their use for reconstitution is recognized in the class use definitions. The class use definitions, which provide that the fluid equivalent of the added solids shall be Class III (excepting the minor quantity of increase in volume of the fortified product), and the allocation provisions which would assign the fluid equivalent of solids used to Class III milk, accomplish appropriate accounting and result in a proper obligation against the handler.

Milk of manufacturing grade is not eligible for Class I uses under the requirements of the health authorities in the market. In dual-purpose plants, however, such milk could find its way into Class I in the pool plant. The appropriate value which attaches to such milk is the surplus price because such price accurately reflects its value as manufactured milk only. The manufacturing value is the price which processors pay for this grade of milk. Receipts at a pool plant of manufacturing grade milk, therefore, should be assigned first to use in Class III. But should any manufacturing grade milk be assigned to Class I, a payment into the producer-settlement fund at the difference between the Class I and surplus prices likewise would be necessary to remove the competitive advantage this milk would have in relation to producer milk. Health authorities require that the source of milk eligible for fluid consumption (Grade A milk) must be identified. Any receipts from unidentifiable sources must therefore be treated as milk of manufacturing grade.

Receipts from other order plants. The order should provide for the assignment to Class I (i.e., to be deducted from gross Class I milk in the receiving plant) of 98 percent of packaged fluid milk products received from a fully regulated plant under another order. The remaining 2 percent should be assigned to Class III. The 2 percent may be considered as a safeguard against possible "over-assignment" of milk to Class I in the originating market (i.e., the assignment to such market of a transferred quantity which is greater, from a practical standpoint, than normally can be disposed of as Class I in the receiving market). Since it is reasonable to expect some route returns will be associated with intermarket transfers just as there are in connection with milk locally processed in the receiving market, an allowance of 2 percent for such returns, which must fall into surplus use, should be included to avoid such overassignment in Class I.

Prior to amendments to orders effective August 1, 1964, a variety of classification methods had applied to intermarket transfers of bulk milk. Such a variety of methods could not achieve the objective of appropriately integrating into the respective regulatory schemes in a uniform and consistent way intermarket shipments of regulated milk. Following the pattern of these amendments, a Class II or Class III classification should apply whenever the parties involved agree that the shipment involved is for one or the other of these class uses. A higher classification would result only when it is found, on verification, that some portion of the milk could not have been used in the classification claimed. The portion then would be reclassified as Class I.

Interorder shipments of bulk milk which are not classified as Class II or Class III by agreement should be classified as Class I, Class II, and Class III on the basis of the marketwide utilization of producer milk. Such classification should be limited, however, so that the quantity of milk assigned to Class II and Class III is not greater than the receiving handler has utilized in such classes.

The order should not provide for marketwide proration of milk received from an other order plant when the receiving handler has a greater proportion of milk in Classes II and III than the average in the receiving market. Marketwide proration of receipts of milk from other markets is designed to deal primarily with milk received by a handler who is supplementing his local supply for Class I use. Marketwide proration would tend to encourage unduly and uneconomically the importation of milk by a handler with a higher proportion of milk in Classes II and III than the market average because it would assign a disproportionate share of local producers' milk to such classes.

The particular classification which is given to bulk transfers from other orders will be within the control of the receiving handler and there will be no monetary obligation placed on him for this milk by the receiving market order. Inasmuch as other Federal orders from which milk might be received have provisions corresponding to those herein adopted, the situation will not arise where milk transferred would be classified as Class I in the shipping market and Class II or Class III in this market since the same classification would apply in both markets.

Assigning the bulk receipts from other order plants to the handler's system utilization will prevent a handler with more than one plant from discriminating against either his own producers or those supplying the other Federal order market by importing milk not serving a bona fide need for Class I use. It should be provided, therefore, that assignments of interorder bulk milk should be made over all utilization of milk at all the handler's regulated plants in the receiving market.

Handlers who receive milk from other order plants or from unregulated plants should be precluded from transferring such milk to regulated plants of other handlers at a utilization higher than would have resulted from a direct receipt at the second plant. Unless the order so provides, it would be possible to use a plant with high Class I utilization as a conduit for receiving milk from other order plants and unregulated plants and avoid the allocation provisions applicable to milk received directly from such plants.

In any month in which bulk milk is received in the market (without agreement as to Class II or Class III classification on the part of the handlers involved in the transfer) it will be necessary that the administrator in the shipping market know the classification of such milk on or about the date when handler reports are due under that order. Since the reporting dates under orders are similar, it is possible the market administrator may not have complete information to compute his exact marketwide utilization of producer milk by the time the classification of a transfer is needed by the administrator in the shipping market. It is provided, therefore, that, when necessary, the market administrator will estimate the marketwide utilization of producer milk for purposes of determining the allocation of bulk milk received from other orders. It is provided that such estimate will be made and publicly announced to the nearest whole percentage and, for this purpose, will be final.

Federal orders generally provide that the administrator of any order receiving bulk milk from another Federal order will promptly notify the administrator of the shipping market of the allocation of such milk so that a compatible classification on such milk may be applied under the shipping orders. Information as to the classification of such milk must be passed on by the respective administrators to the handlers involved so that handlers may know the basis of their obligation on such milk. This order should provide similarly for such interchange of information.

Situations may arise where plants subject to this and another Federal order ship milk back and forth during the same month (i.e., each plant ships milk to the other plant). If such shipments are of a similar nature (packaged milk, bulk milk designated for surplus disposal, or bulk milk not so designated) only transfers of milk between two plants which are not offset by an equal quantity of milk received from the second plant need be considered. Since the classification of this milk in the shipping market is based on its allocation in the receiving market, only the net difference in transferred quantities (in terms of butterfat and skim milk) need be allocated in the receiving market. Otherwise, from a mechanical standpoint, neither market could allocate receipts of milk to classes until all milk had been classified, including the shipment to the other market.

(c) *Class prices*—(1) *Class I price.* The price for Class I milk should be computed by adding $2.80 to a basic formula price (Minnesota-Wisconsin manufacturing milk price series).

The method of adding a differential to such basic formula price in determining the price for Class I milk gives appropriate consideration to the economic factors underlying the general level of prices for milk and manufactured dairy products. Prices for milk used for fluid purposes in the proposed marketing area have a direct relationship to the prices paid for milk used for manufacturing purposes.

A differential over manufacturing milk prices is necessary to cover the extra costs of meeting quality requirements in the production of milk for fluid uses and in transporting the milk to the market. Moreover, it is a necessary incentive for dairy farmers to produce and deliver an adequate supply of quality milk to meet the demand for fluid milk.

Producers proposed that the Class I price be computed by adding a specified differential to a basic formula price. As the basic formula price, they proposed the Minnesota-Wisconsin manufacturing milk price series. This series is based on prices paid at a large number of manufacturing plants in each of the two States. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content and the total dollars paid to dairy farmers for such milk, f.o.b. plant. These prices are reported on a current month basis and the announced Minnesota-Wisconsin price is available on or before the 5th day of the following month. The Minnesota-Wisconsin price series is the basic formula price in 56 Federal order markets, including markets that serve as sources of supplemental milk for Upper Florida handlers.

This price series reflects a manufacturing price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. Further, it reflects the supply and demand of such products within a highly coordinated marketing system which is national in scale. The series is appropriate for use in establishing milk prices under the Upper Florida order.

Since the Class I price for the current month would be announced by the 5th day of the month, the basic formula price used in computing the Class I price should be that reflecting the Minnesota-Wisconsin price for the preceding month. This procedure is commonly used in other Federal orders.

Producers proposed that a Class I differential of $3.15 be added to a basic formula price. Handlers proposed that the Class I price be tied directly to the Tampa Bay Class I price. Under the latter scheme, the Upper Florida price during the months of August through January would be the Tampa Bay Class I price and for the remaining months, such price less 23 cents. This would result, in effect, in an annual Class I differential of $2.885 for the Upper Florida order.

The Class I price must be established at a level which, in conjunction with the other class prices, will result in returns to producers high enough to maintain an adequate, but not excessive, supply of quality milk to meet the requirements of consumers, including the necessary market reserves. The Class I price also must be in alignment with those prevailing in nearby Federal order markets. It should not be at a level, though, which exceeds the cost of obtaining milk of acceptable quality and regular availability from alternative sources.

The Class I price proposed herein (basic formula plus $2.80) will tend to maintain an adequate supply of milk for the market and will be reasonably aligned with Class I prices in nearby Federal order markets. For 1965, such price would have averaged $6.06. The Tampa Bay Class I price formula averaged $6.23 in 1965 and the average Southeastern Florida Class I price that year was $6.40.

As indicated, producers proposed a Class I differential of $3.15. This differential would obtain a Class I price 15 cents more than Tampa Bay's and only 5 cents below the Southeastern Florida Class I price. The Class I differentials under the latter orders, both of which use the Minnesota-Wisconsin price series as a basic formula price, are $3.00 and $3.20, respectively.

The difference between Class I prices proposed for the Upper Florida order and the Tampa Bay and Southeastern Florida Class I prices recognizes that Upper Florida plants are significantly nearer alternative sources of supply than plants in the other Florida order markets. Such supplies, which are not customarily available within the State, must be obtained from out-of-State sources to the north. The Upper Florida market is closer geographically to such sources of milk.

Milk qualified for fluid distribution in the Upper Florida market is available from other Federal order markets. Upper Florida handlers generally depend on other order plants for supplemental supplies. For the year ending September 1965, nearly 20 million pounds of milk were imported by them from these and other sources. If the Upper Florida Class I price is not reasonably aligned with Class I prices under these orders, regulated handlers might turn to these sources for their milk supplies even when local milk is available.

Nashville is a principal source of supplemental milk for the Upper Florida market. In 1965, the Nashville Class I

[1] 7 U.S.C. section 672, which contains the codified language of section 4 of the Agricultural Marketing Agreement Act of 1937, as amended, states in paragraph (a) "Nothing in this Act shall be construed as invalidating any marketing agreement, license, or order, or any regulation relating to or any provision of, or any act of the Secretary of Agriculture in connection with any such agreement, license or order which has been executed, issued, approved, or done under sections 601–608, 608a, 608b, 608c, 608d–612, 613, 614–619, 620, 623, 624 of this title, but such marketing agreements, licenses, orders, regulations, provisions, and acts are expressly ratified, legalized and confirmed."

price averaged $4.64 per hundredweight for milk of 3.5 percent butterfat. Nashville is 570 miles from Jacksonville, the major distribution point and the center of the heaviest concentration of population in the proposed marketing area. At 1.5 cents per hundredweight for each 10 miles (the location differential applicable under the Nashville order), the hauling cost for Nashville milk delivered to Jacksonville is 86 cents per hundredweight. On this basis, the Nashville Class I price f.o.b. Jacksonville averaged $5.50 in 1965. This latter price gives no consideration, however, to the various other costs that would be incurred in obtaining a regular and dependable supply of milk from Nashville, or a market similarly situated, on a year-round basis.

The cost to Upper Florida handlers for milk from Nashville and from other Federal order markets will not vary significantly. This is because the Class I prices in all such markets must bear a reasonable relationship to each other. The proposed Upper Florida Class I price represents a reasonable alignment with prices in other markets from which milk may be obtained.

In excepting to the Class I price herein provided, producers contend that a price at least 10 cents higher is justified primarily on the basis that the skim milk and butterfat in Class II products (at the lower Class II price) are classified and priced as Class I under most Federal orders.

The level of the Class I price specified in a Federal order is designed to obtain an adequate supply of milk for Class I purposes plus an appropriate reserve of milk to insure against short-range fluctuation in supplies and sales. The fact that certain products often included in Class I in other markets are included in Class II in this market simply means that a lesser quantity of milk is needed for Class I. The fact that these products are in Class II provides no basis for adjusting the Class I price. On all of the evidence of the record it is apparent that the Class I price established in this order is at a level which will tend to obtain an adequate supply of milk for Class I purposes plus an appropriate reserve.

There is no need to specify in the order that the Tampa Bay Class I price shall be used as the basis for the Upper Florida Class I price. Handlers advocated this for the purpose of assuring that the Upper Florida price would not exceed the Southeastern Florida Class I price. The Tampa Bay order contains such a provision with respect to its Class I price.

Prior to July 1, 1966, and at the time of the hearing on which this decision is based, the Southeastern Florida Class I price was set at $6.625, subject to supply-demand adjustments and maximum-minimum price limits. The order was amended July 1, however, to provide that the Class I price be the Minnesota-Wisconsin price plus a Class I differential of $3.20 (31 F.R. 9045). Inasmuch as the Tampa Bay Class I price is the Minnesota-Wisconsin price plus $3.00, the Class I prices under the two orders are in a fixed relationship with each other. The proposed Upper Florida Class I price, based on a similar price formula, likewise would be in a fixed relationship with the Class I prices in the two neighboring markets.

A seasonal pricing scheme as proposed by handlers should not be adopted. Such pricing would result during certain months in substantial price differences between the Upper Florida order and the Tampa Bay and Southeastern Florida orders which use a "flat" differential. During the months when the lower differential is in effect, Upper Florida handlers, particularly those in the Orlando vicinity, would have a definite price advantage over handlers in the adjacent markets. The price relationship between the Upper Florida and the Tampa Bay and Southeastern Florida orders is developed further in the findings on location differentials.

It is proposed herein that the Upper Florida Class I price be effective only for the first 18 months in which the order is fully effective. It is appropriate that the Class I price structure be reexamined at a public hearing after the accumulation of at least 1 year's data on milk supplies and sales. At that time, sufficient experience under the order would be available to determine whether the Class I price should be adjusted. Also, sufficient data would be available to determine whether a supply-demand adjustor should be incorporated into the order to automatically vary the Class I price in relation to current supply-sales relationships.

(2) *Class II price.* The Class II price should be established by adding $1.00 to the basic formula price. This price, which is the same as provided in the nearby Tampa Bay order, averaged $4.27 in 1965.

In supporting the proposed Class II price, handlers emphasized the importance of having the same Class II price in both this and the Tampa Bay order. There was no opposition at the hearing to the proposed Class II price.

Locally produced milk is not always adequate to meet handlers' total needs. When local supplies are short, handlers obtain concentrated dairy products from other sources for further processing into Class II products at their plants.

The cost of such supplies are affected by transportation over long distances. Local producer milk supplies used in Class II compete directly with these concentrated products delivered to the marketing area. The Class II price under the order must be maintained in close alignment with the cost of these alternative supplies.

The proposed Class II price approximates the price level for Class II milk provided under the past regulations of the Florida Milk Commission and that now provided in the Southeastern Florida order.

(3) *Class III price.* The Class III price should be established by adding 15 cents to the basic formula price.

The basic formula price reflects the value of manufacturing milk in the major milk production areas of the United States. Because manufactured milk products compete on a national basis, it is important that the price for surplus uses in the market be in close alignment with similar uses nationally. Both producers and handlers supported the Class III price that is herein proposed and which is the same as that provided in the nearby Tampa Bay order.

Negligible quantities of milk for Class III uses are produced in Florida. Handlers depend on shipments of products in manufactured form for most of their Class III requirements. On these manufactured products, they incur transportation charges, although at relatively low rates in terms of dollars per hundredweight of milk equivalent.

The Class III price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I and Class II needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to seek milk supplies solely for the purpose of converting them into Class III products.

The pricing of reserve milk as herein proposed should reflect the competitive value of reserve milk utilized for manufacturing purposes in the area and will reflect the competitive value of manufacturing milk on a national basis. It provides approximately the same price level for products included in Class III which has prevailed in this market.

(4) *Butterfat differentials.* Because of variations in the butterfat content of milk delivered by individual producers and in milk and milk products sold by different handlers, it is necessary to provide "butterfat differentials" to insure equitable payments for such variations in butterfat.

The Class I and Class II butterfat differentials should be established at 7.5 cents for each one-tenth of 1 percent variation in butterfat above or below 3.5 percent. The Class III butterfat differential should be determined by multiplying the Chicago butter price by 0.115.

The proposed Class I and Class II butterfat differentials, which are the same as those in the Tampa Bay and Southeastern Florida orders, are representative of the value of butterfat when disposed of in the fluid items included in these classes. These differentials were proposed by handlers, who emphasized the importance of maintaining the same butterfat differentials in Upper Florida as in the other Florida orders.

Producers proposed a Class I butterfat differential of 12.5 percent times the Chicago butter price. This differential, which would have averaged 7.5 cents in 1965, varied in that year from 7.2 cents in February and March to 7.9 cents in December. Historically, the Class I butterfat differential in the Florida markets has been maintained at a constant rate from month to month, as is now provided in the Tampa Bay and Southeastern Florida orders. It was not shown that the differential proposed by producers would be advantageous to them economically or would otherwise be more appropriate than the Class I butterfat differential that had been found acceptable by handlers and producers throughout Florida in the past.

The proposed Class III butterfat differential of 11.5 percent of the Chicago butter price, which is the same as that contained in the Tampa Bay order, is likewise comparable with its counterpart in other orders throughout the country. It will vary from month to month as the price of butter varies. Hence, it will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets.

The Class II and Class III prices and the Class III butterfat differential will not be announced until after the end of the month and should be based on current month prices. Although handlers will not know the exact cost of Class II and Class III milk as it is utilized, they will know that their costs tend to follow daily and weekly dairy production prices and cost of milk to their principal competitors.

The butterfat differential to producers should be calculated at the average of the Class I, Class II, and Class III butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Thus, returns to producers will reflect the actual value of their butterfat at the class prices provided by the orders.

(5) *Solids-not-fat differentials.* In the hearing notice, producers proposed solids-not-fat (S N F) differentials. These would be applied (in the same manner as butterfat differentials) on producer milk containing more or less than 8.47 pounds of SNF per hundredweight of milk; a hundredweight of 3.5 percent milk contains about 8.47 pounds of SNF. As proposed, class prices would be adjusted for each one-tenth percent SNF above or below 8.47 pounds by 4.1 cents on Class I and 1.7 cents on Class II. These differentials were arrived at by subtracting the applicable butterfat value from each class price and dividing the remainder by the pounds of SNF in a hundredweight of 3.5 percent milk.

At the hearing, producers withdrew their proposal for SNF differentials, but asked instead that they be applied on a "dry run" basis during the first 6 months of the order. In this period, producer milk would be tested for SNF content and the market administrator would make calculations and announce what the individual producer prices would have been if the SNF differentials had been applicable. Although producers claim that testing for SNF has been perfected and is now practicable, a trial period was requested to obtain experience in the operation of an SNF program. Handlers opposed making provision in the order for an SNF differential on a dry run or any other basis.

SNF tests are not commonly made or applied in paying dairy farmers for their deliveries. No Federal order, currently or in the past, has provided for the adjustment of Class I prices or payments to producers on the basis of the SNF content of milk. The State of California was the only place cited in which some milk was paid for on the basis of its SNF content. However, no testimony was presented concerning the experience in California and whether its use there had any application to conditions in the Upper Florida market.

At least two research projects have been conducted to test consumer acceptance of milk with varying amounts of SNF. These projects, it was claimed, tended to establish that consumers found milk with a high SNF content more palatable and desirable than milk of a low or normal SNF content. None of these research projects were conducted in the Upper Florida market.

The amount of SNF in milk is generally related to the amount of butterfat in the milk. Milk with a high butterfat content contains a greater percentage of SNF than low testing milk. However, the SNF in milk does not increase directly in proportion to the increases in butterfat.

The returns of producers of high test milk are enhanced by the butterfat differentials provided in the order, which were supported by both producers and handlers. In effect, the portion of the increased returns obtained through the butterfat differentials on milk with a high butterfat content might reasonably be considered as representing compensation for the greater SNF content of such milk. If there is an even greater value for high butterfat milk than that represented by the butterfat differentials proposed, it was not established at the hearing. Moreover, there is no indication that the demand by handlers and consumers in the Upper Florida market for milk of high butterfat content is such as to justify higher prices for such milk than would be realized by the class prices and butterfat differentials in the proposed order.

It was not shown that the butterfat and SNF content of milk now produced for the market is not meeting the needs of handlers or that there is dissatisfaction among producers with the practice of paying for their deliveries on the basis of stipulated prices adjusted by butterfat differentials. Neither was it shown that it would be to the advantage of producers to provide for SNF differential provisions in the order.

The 6-month trial period for an SNF differential proposed by producers may be a worthwhile project. However, it is more appropriate that the operation of such a project be conducted outside the scope of the order. The experience thus obtained by producers and/or handlers might have some value at a future hearing in considering SNF differentials for the order.

In view of the various considerations mentioned above, no provision should be made in the order at this time to provide for SNF differentials or for instituting a 6-month trial period therefor (as proposed) within the framework of the order.

(6) *Location adjustments.* Location differentials should be incorporated into the order to provide an appropriate adjustment to the Class I and uniform prices based on the location of any plant at which producer milk or other source milk is received.

For milk received at plants outside the State of Florida and 70–85 miles from the nearer of the City Halls in Jacksonville and Tallahassee, the Class I price should be reduced 10 cents. For plants beyond the 85-mile limit, the Class I price should be reduced 10 cents plus an additional 1.5 cents for each 10 miles or fraction thereof that such plants are more than 85 miles from the nearer of the City Halls in Jacksonville and Tallahassee. The Class I price should be increased 10 cents at plants south of the Florida counties of Dixie, Gilchrist, Alachua, Putnam, or St. Johns.

Class I milk products, because of their bulky, perishable nature, incur a relatively high transportation cost if such products or the milk used to produce them are moved considerable distances. Milk delivered directly by farmers to plants in or near the urban centers in the defined marketing area, therefore, is worth more to a handler than milk which is received from farmers at a plant located many miles from the market. This is so because in the latter instance, the handler must incur the additional cost of moving that milk to the central market. Under these conditions, the value of producer milk delivered to plants located some distance from the market is reduced in proportion to the distance (and the cost of transporting such milk) from the point of receipt to the market. Providing location differentials based on the cost of moving milk to the market will insure uniform pricing to all handlers regardless of the location where the milk is procured.

To be equitable to all handlers, the Class I price should not be dependent on the type of plant receiving the milk. To the extent that milk is received at distributing plants from producers at a considerable distance from the market and brought to the market by the handler, he has assumed a transportation cost which might otherwise be borne by producers. Accordingly, the Class I price should be adjusted at such plants to reflect the cost of hauling milk to market.

The cost of obtaining milk from alternative sources of supply in the major milk production areas of the country (all of which are necessarily to the north) is an important factor in establishing Class I prices in the Florida order markets. Because of this, the structure of Class I pricing within the State is one of increasing prices from north to south. It would be inappropriate, therefore, to provide for downward adjustments in the Class I price for milk received at plants south of the major points of distribution in the marketing area. Moreover, it is unnecessary to establish a downward location adjustment applicable to any plant in Florida. This is because the points, Jacksonville and Tallahassee, from which location differentials are measured are sufficiently near the northern border of the State so that plants at which location adjustments would appropriately be applicable would necessarily be outside the State.

The Class I price at plants in the southern part of the marketing area should be 10 cents over the announced Class I price for the market. Distributing plants at Orlando, the major distribution center in the southern part of the area, compete with Tampa Bay order plants for milk supplies and sales. Also, Orlando handlers have some competition for sales with Southeastern Florida order handlers. The Tampa Bay and Southeastern Florida Class I prices f.o.b. Orlando are about the same as the proposed Upper Florida Class I price at that point. This pricing scheme will provide a price alignment with respect to Orlando area handlers and handlers to the north and south of that vicinity commensurate with the prevailing competitive situation.

Producers excepted to the plus 10-cent location differential applicable in the Orlando vicinity. Instead, they proposed that no location differential be applicable to the Class I price at any plant in the marketing area. The Class I price provided in this decision is applicable at Jacksonville, the major center of population and principal distribution point in the marketing area. The Tampa Bay and Southeastern Florida Class I prices f.o.b. Jacksonville are about the same as the proposed Upper Florida Class I price at Jacksonville. To adopt the producers' proposal of providing the same Class I price throughout the marketing area would tend to disregard some of the basic factors (e.g., price alignment, cost of obtaining milk from alternative sources of supply) used in determining the Class I prices in the Upper Florida, Tampa Bay and Southeastern Florida orders. Accordingly, the producers' proposal for the elimination of the plus 10-cent location adjustment in the Orlando vicinity is denied.

Upper Florida plants located south of the Florida counties of Dixie, Gilchrist, Alachua, Putnam or St. Johns distribute their milk primarily in the Orlando vicinity. The proposed geographical delineation of the area in which the plus 10-cent adjustment would apply thus would result in uniform pricing for those plants in a generally comparable competitive situation.

Uniform prices paid producers supplying plants at which location differentials apply should likewise be adjusted to reflect the value of milk f.o.b. the point to which delivered.

No adjustment should be made in the Class II and Class III prices because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for these uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products or the concentrated products which may be used in Class II products.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that, for the purpose of calculating such credit, fluid milk products received from pool plants shall be assigned to any Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and receipts from other order plants and unregulated supply plants which are assigned to Class I. Such assignment would be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the City Hall in Jacksonville, Orlando, or Tallahassee. This sequential assignment of milk based on these locations will provide an equitable basis for facilitating the movement of milk between pool plants for Class I purposes. Likewise, it will tend to discourage the unnecessary moving of milk between pool plants for other than Class I purposes at the expense of producers.

Use of equivalent prices. If for any reason a price quotation required by the order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby will prevent any unnecessary interruption in the operation of the order.

(d) *Distribution of the proceeds to producers.* A marketwide equalization pool should be included in the proposed order as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure a producer supplying the order market a return based on his pro rata share of the total Class I sales of such market. The "blend" that a producer receives for each month's deliveries will be a price based on the overall utilization of all producer milk received at the pool plants of all regulated handlers during such month.

The uniformity of payments to producers provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blended prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk in excess of that needed for Class I purposes vary considerably. While a number of plants in the market are exclusively Class I operations and handle little or no surplus milk, some plants which would be subject to the order handle milk for manufacturing purposes. Under these conditions, a marketwide pool in the Upper Florida marketing area will facilitate the marketing of producer milk. A marketwide pool will make it possible for producer associations to assist in diverting seasonal reserve milk and thus keep producers on the market who are needed to fulfill the year-round requirements of the market. It will assist also in apportioning among all producers the lower returns from reserve milk where otherwise this burden would be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

Payments to producers. Each handler under the order should pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price. Provision also is made for partial payments for milk received during each half of the month.

Producers in the Upper Florida area historically have received partial payments, and the proposed payments adopted herein were supported by both producers and handlers. The first partial payment, for milk delivered during the first 15 days of the month will be required on or before the 20th day of the month at not less than 85 percent of the uniform price of the preceding month. On or before the second day of the following month for milk received from the 16th to the last day of the month, a second partial payment will be required at the same rate as the first partial payment. Final payment to producers will be required on or before the 15th day of the month at the applicable uniform price for the preceding month, less partial payments and authorized deductions.

During the first month the pricing provisions are effective, there will be no previous month's uniform price on which to base partial payments. For this reason, a minimum partial payment rate of $5.00 per hundredweight is provided for such month. This amount will approximate the Class II price.

Provision should be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of proceeds for the sale of such milk will tend to promote the orderly marketing of milk and will assist a cooperative in discharging its responsibility to its members and to the market.

The Act provides for the payment by handlers to cooperatives for milk delivered by them and permits the blending of all proceeds from the sale of members' milk.

The contracts with its members authorize the principal cooperatives in the markets to collect payment for producer milk. Therefore, each handler, if requested by such cooperative association, would pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make payments to the cooperative association for milk received during the month on or before the second day prior to the date payments are due individual producers.

At the time settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer (or his cooperative association) a supporting statement. This statement should show the

pounds and butterfat tests of milk received from such producer, the rate of payment for such milk and a description of any deductions claimed by the handler.

Producer-settlement fund. All producers will receive payment at the rate of the marketwide uniform price each month. Because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform prices would pay the difference into the producer-settlement fund and each handler whose obligation for producer milk is less than the applicable uniform price values would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in other Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than 4 nor more than 5 cents per hundredweight of producer milk in the pool for the month.

Any payments on partially regulated milk received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.

Marketing services. Provisions should be made in the order for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member-producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own service.

Milk produced on a handler's own farm should be exempt from marketing service deductions, even though it is subject to the other provisions of the order. There are no payments to producers to verify on such milk and, therefore, no need to provide the same marketing services as are provided other producers.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producer deliveries reported by the handler are accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization, and marketing of milk will be promoted by providing for the dissemination of current market information on a marketwide basis to producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 4 cents per hundredweight with respect to receipts of milk from producers for whom he renders such marketing services. Producers' proposal for marketing services would provide a maximum deduction of 6 cents per hundredweight. Southeastern Florida and Tampa Bay, however, contain a maximum deduction of 4 cents. Comparison of the number of producers involved and the expected volume of milk with that of other markets indicates that a 4-cent rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Expense of administration. Each handler should be required to pay to the market administrator, as his proportionate share of the cost of administering the order, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, on producer milk (including milk of such handler's own production) and on other source milk allocated to Class I (except milk so assessed under another Federal order).

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that such cost of administration shall be financed through an assessment on handlers. A principal function of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment on the basis of Grade A milk received from dairy farmers at a plant and on other source milk allocated to Class I milk.

The order specifies minimum performance standards that must be met to obtain regulated status. Operators of plants not meeting such standards are required to either (1) make specified payments into the producer-settlement fund on route distribution in the marketing area in excess of offsetting purchases of Federal order Class I milk, or (2) otherwise pay into such fund and/or to dairy farmers an amount not less than the classified use value of his receipts from dairy farmers computed as though such plant were a fully regulated plant.

The market administrator, in administering an order as it applies to the nonpool route distributor, must incur expenses in essentially the same manner as in applying the order to pool handlers. However, the order is not applicable to such distributor to the same extent as to regulated handlers. Hence, payment of the administrative assessment on his in-area sales reasonably would constitute his pro rata share of administrative expense.

In the case of unregulated milk which enters the market through a regulated plant for Class I use, it is the regulated handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. Hence, it is appropriate that the regulated handler be responsible for payment of the administrative assessment on such unregulated milk.

The order is designed so that the cost of administration is shared equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication, an assessment should not be made on other source milk on which an assessment was made under another Federal order.

Provision should be made so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced when experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

Interest payments on overdue accounts. Provision is made for the payment of interest on amounts due to the market administrator for each month or portion thereof that such obligation is overdue.

Prompt payment of amounts due to the market administrator is essential to the operation of order provisions. Interest charges will encourage payment of amounts due on or before the specified date. The rate provided herein is reasonable to compensate for the cost of borrowing money in accord with normal business practices.

Administrative provisions. Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision, which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

Market administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requir-

ing handlers to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and payments due therefor. Such reports are necessary for the computation of the uniform price and determination of each plant's continuing status under the order. The maintenance of adequate records is necessary to enable the market administrator to verify receipts and utilization as reported by the handlers and to verify that the several financial obligations arising under the order are fully discharged.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the orders.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area would also be used by the market administrator to compute the amounts payable to the producer-settlement fund on such unpriced milk.

A cooperative association having authority to market milk for member producers should have available to it information on the use of such milk by individual handlers in order that member milk may be directed to those handlers needing Class I milk. This will promote orderly marketing by enabling the efficient allocation among handlers of available milk supplies, permit the market to be serviced with smaller reserve supplies and assist producers in maximizing their returns. A provision therefore should be included to authorize the market administrator to provide this information when it is requested by such an association. For the purpose of this report, the utilization of member milk in each handler's plant would be prorated to each class in the same ratio as all producer milk is allocated to each class during the month.

It is necessary that handlers retain records to prove the utilization of milk and that proper payments were made therefor. Since books and records of all handlers cannot be completely audited immediately after receipt of the milk, it becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the orders shall terminate. Provision made in this regard is identical in principle with the general amendment (made to all milk orders which were in operation on July 30, 1947), following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitation of claims, is equally applicable in this situation and is adopted as a part of this decision.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Upper Florida Marketing Area," and "Order Regulating the Handling of Milk in the Upper Florida Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Upper Florida marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of August 1966 is hereby determined to be the representative period for the conduct of such referendum.

A. E. LaLiberte is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on October 7, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Regulating the Handling of Milk in the Upper Florida Marketing Area

DEFINITIONS

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1006.1 Act.
1006.2 Secretary.
1006.3 Department.
1006.4 Person.
1006.5 Cooperative association.
1006.6 Upper Florida marketing area.
1006.7 Fluid milk product.
1006.8 Distributing plant.
1006.9 Supply plant.
1006.10 Pool plant.
1006.11 Nonpool plant.
1006.12 Route.
1006.13 Handler.
1006.14 Producer-handler.
1006.15 Producer.
1006.16 Producer milk.
1006.17 Other source milk.
1006.18 Chicago butter price.
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MARKET ADMINISTRATOR

1006.20 Designation.
1006.21 Powers.
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REPORTS, RECORDS, AND FACILITIES

1006.30 Reports of receipts and utilization.
1006.31 Producer payroll reports.
1006.32 Other reports.
1006.33 Records and facilities.
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CLASSIFICATION OF MILK

1006.40 Skim milk and butterfat to be classified.
1006.41 Classes of utilization.
1006.42 Shrinkage.
1006.43 Transfers.
1006.44 Computation of skim milk and butterfat in each class.
1006.45 Allocation of skim milk and butterfat classified.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

MINIMUM PRICES

Sec.
1006.50 Basic formula price.
1006.51 Class prices.
1006.52 Butterfat differentials to handlers.
1006.53 Location differentials to handlers.
1006.54 Use of equivalent prices.

APPLICATION OF PRICES

1006.60 Computation of the net pool obligation of each handler.
1006.61 Computation of uniform price.
1006.62 Obligations of handler operating a partially regulated distributing plant.

PAYMENTS

1006.70 Time and method of payment.
1006.71 Butterfat differential to producers.
1006.72 Location differentials to producers and on nonpool milk.
1006.73 Producer-settlement fund.
1006.74 Payments to the producer-settlement fund.
1006.75 Payments from the producer-settlement fund.
1006.76 Marketing services.
1006.77 Expense of administration.
1006.78 Adjustment of accounts.
1006.79 Interest payments.
1006.80 Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

1006.90 Effective time.
1006.91 Suspension or termination.
1006.92 Continuing power and duty of the market administrator.
1006.93 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

1006.100 Separability of provisions.
1006.101 Agents.

AUTHORITY: The provisions of this Part 1006 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1006.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Upper Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own production); (ii) other source milk allocated to Class I pursuant to § 1006.45(a) (3) and (9) and the corresponding steps of § 1006.45(b); and (iii) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upper Florida marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

The provisions of §§ 1006.1 to 1006.101, both inclusive, of the proposed order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on August 25, 1966 (31 F.R. 11465; F.R. Doc. 66–9452), shall be and are the terms and conditions of this order and are set forth in full herein subject to the revisions made in §§ 1006.17(b), 1006.41(c)(1), and 1006.60 (d).

DEFINITIONS

§ 1006.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1006.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1006.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1006.4 Person.

"Person" means any individual, partnership, corporation, association or other business unit.

§ 1006.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and be engaged in making collective sales of or marketing milk or milk products for its members.

§ 1006.6 Upper Florida marketing area.

The "Upper Florida marketing area", hereinafter called the "marketing area", means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all waterfront facilities connected therewith and all territory wholly or partly therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments.

Alachua.
Baker.
Bay.
Bradford.
Brevard.
Calhoun.
Citrus.
Clay.
Columbia.
Dixie.
Duval.
Flagler.
Franklin.
Gadsden.
Gilchrist.
Gulf.
Hamilton.
Holmes.
Jackson.
Jefferson.
Lafayette.
Lake.
Leon.
Levy.
Liberty.
Madison.
Marion.
Nassau.
Orange.
Osceola.
Putnam.
St. Johns.
Seminole.
Sumter.
Suwannee.
Taylor.
Union.
Volusia.
Wakulla.
Washington.

§ 1006.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers.

§ 1006.8 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

§ 1006.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

§ 1006.10 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section that is not an other order plant, a producer-handler plant, or an exempt distributing plant.

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products received at the plant during the month is disposed of on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section.

§ 1006.11 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1006.10 and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Exempt distributing plant" means a distributing plant operated by a governmental agency.

(d) "Partially regulated distributing plant" means a nonpool plant that is a distributing plant and is not an other order plant, a producer-handler plant or an exempt distributing plant.

(e) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant, a producer-handler plant or an exempt distributing plant.

§ 1006.12 Route.

"Route" means a delivery (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I pursuant to § 1006.41(a)(1).

§ 1006.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(d) A cooperative association with respect to milk of its producer-members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; and

(f) A producer-handler.

§ 1006.14 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant from which the Class I disposition (except that represented by nonfat solids used in the fortification of fluid milk products) is entirely from his own farm production;

(b) Receives no fluid milk products from sources other than his own farm production; and

(c) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all fluid milk products handled and the operation of the processing and packaging business are his personal enterprise and risk.

§ 1006.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act or the operator of an exempt distributing plant, who produces milk in compliance with the inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted pursuant to § 1006.16 from a pool plant to a nonpool plant.

§ 1006.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1006.13(d): *Provided*, That if the milk received at a pool plant from a handler pursuant to § 1006.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1006.13(d) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the plant to which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the plant to which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from member-producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1006.17 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products and Class II products from any source except (1) producer milk, (2) fluid milk products and Class II products from pool plants, and (3) fluid milk products and Class II products in inventory at the beginning of the month;

(b) Products other than fluid milk products and Class II products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for pursuant to § 1006.33.

§ 1006.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported for the month by the Department.

§ 1006.19 Class II product.

"Class II product" means cream, sour cream, half and half, buttermilk, acidophilus milk and chocolate drink.

MARKET ADMINISTRATOR

§ 1006.20 Designation.

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1006.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1006.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1006.77 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1006.76, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made either reports pursuant to §§ 1006.30 through 1006.32 or payments pursuant to §§ 1006.70, 1006.74, 1006.76, 1006.77, and 1006.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, and by such investigation as the market administrator deems necessary.

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month;

(2) The 5th day of each month the Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(3) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

(k) On or before the 12th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association for its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month;

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1006.45(a)(10) and the corresponding step of § 1006.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1006.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such reports; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1006.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler (except a handler pursuant to § 1006.13 (e) or (f)) shall report to the market administrator for such month with respect to each plant at which milk is received, reporting in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (or, in the case of handlers pursuant to § 1006.13(b), Grade A milk received from dairy farmers);

(2) Fluid milk products and Class II products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1006.16; and

(5) Inventories of fluid milk products and Class II products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1006.31 Producer payroll reports.

(a) Each handler pursuant to § 1006.13 (a), (c), and (d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1006.62(b) shall report to the market administrator on or before the 20th day after the end of the month the same information required of handlers pursuant to paragraph (a) of this section. In such report, payments to dairy farmers delivering Grade A milk shall be reported in lieu of payments to producers.

§ 1006.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler pursuant to § 1006.13 (d) shall report to the market administrator, in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

§ 1006.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1006.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1006.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1006.30 shall be classified each month pursuant to the provisions of §§ 1006.41 through 1006.45: *Provided*, That such skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1006.41 Classes of utilization.

Subject to the conditions set forth in § 1006.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b)(2) and (c) (2), (3), and (4) of this section; and

(2) Not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk sh ll be all skim milk and butterfat:

(1) Disposed of in the form of a Class II product, except as provided in paragraph (c) (2), (3), and (4) of this section; and

(2) In inventory of fluid milk products and Class II products at the end of the month.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), eggnog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, and sterilized products in hermetically sealed containers;

(2) Skim milk and butterfat in fluid milk products and in Class II products disposed of by a handler for livestock feed;

(3) Skim milk and butterfat in fluid milk products and in Class II products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk represented by the nonfat solids added to a fluid milk product or Class II product which is in excess of an equivalent volume of such product prior to the addition;

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1006.16) but not in excess of:

(i) 2 percent of producer milk (except that received from a handler pursuant to § 1006.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1006.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler;

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1006.42(b)(2).

§ 1006.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1006.41(c)(5); and

(2) Other source milk exclusive of that specified in § 1006.41(c)(5).

§ 1006.43 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a Class II product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1006.45(a)(10) and the corresponding step of § 1006.45(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1006.45(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1006.45(a)(9) or (10) and the corresponding steps of § 1006.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product or a Class II product to a nonpool plant that is not an other order plant, a producer-handler plant or an exempt distributing plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted pursuant to § 1006.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to the skim milk and butterfat in receipts of fluid milk products transferred or diverted from plants fully regulated by such order, next pro rata to such receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk; and

(v) To the extent that Class I or Class III utilization is not assigned to it, the skim milk and butterfat in Class II products so transferred shall be classified as Class II milk.

(c) As follows, if transferred in the form of a fluid milk product or Class II product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II or Class III milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1006.41.

(d) As Class II (to the extent of such utilization in the transferee plant) if transferred to the plant of a producer-handler in the form of a Class II product, unless a Class III classification is requested by the operators of both plants and sufficient Class III utilization is available in the transferee plant.

(e) As Class I milk if transferred or diverted in the form of a fluid milk product, and as Class II milk if transferred in the form of a Class II product, from a pool plant to an exempt distributing plant.

§ 1006.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors all reports submitted pursuant to § 1006.30 and from such reports, shall compute for each handler the total pounds of skim milk and butterfat in each class: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1006.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1006.44, the market administrator shall determine the classification of producer milk for each handler for each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1006.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1006.41(c)(4) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or a Class II product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from an exempt distributing plant;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III (and then Class II), the pounds of skim milk in Class II products received from nonpool plants for which the handler requests a Class III utilization;

(5) Subtract from the pounds of skim milk remaining in Class II and Class III, pro rata to such quantities, the pounds of skim milk in Class II products received from nonpool plants that were not subtracted pursuant to subparagraph (4) of this paragraph;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified below) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

(7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products and Class II products at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (6)(i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (6)(ii) of this paragraph:

(i) In series beginning with Class III, and thereafter from Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1006.22(l) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(11) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and in Class II products received from pool plants of other handlers ac-

cording to the classification of such products pursuant to § 1006.43(a); and

(12) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1006.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent.

§ 1006.51 Class prices.

Subject to the provisions of §§ 1006.52 and 1006.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* For the first 18 months from the effective date of this section, the Class I price shall be the basic formula price for the preceding month plus $2.80.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus $1.

(c) *Class III price.* The Class III price shall be the basic formula price for the month plus 15 cents.

§ 1006.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1006.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I price, 7.5 cents;

(b) Class II price, 7.5 cents; and

(c) Class III price, 0.115 times the Chicago butter price for the month.

§ 1006.53 Location differentials to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant south of Dixie, Gilchrist, Alachua, Putnam or St. Johns Counties, Fla., shall be increased 10 cents and at a plant outside the State of Florida and 70 miles or more from the nearer of the City Halls in Jacksonville and Tallahassee, Fla., shall be reduced 10 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 85 miles from the nearer of the Jacksonville and Tallahassee City Halls.

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the City Hall in Jacksonville, Orlando or Tallahassee, Fla.

§ 1006.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price that is required.

APPLICATION OF PRICES

§ 1006.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler pursuant to § 1006.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1006.45(c) by the applicable class price;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1006.45(a)(12) and the corresponding step of § 1006.45 (b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(7) and the corresponding step of § 1006.45(b);

(d) Add an amount equal to the difference between the Class I and Class III price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(3) and the corresponding step of § 1006.45(b);

(e) Add the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1006.45(a)(9) and the corresponding step of § 1006.45(b).

§ 1006.61 Computation of uniform price.

For each month, the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1006.60 for all handlers who filed the reports pursuant to § 1006.30 for the month, except those in default of payments required pursuant to § 1006.74 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1006.71 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the minus location differentials computed pursuant to § 1006.72(a);

(d) Subtract an amount equal to the total value of the plus location differential computed pursuant to § 1006.72(a);

(e) Add an amount equal to one-half the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1006.60(e); and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

§ 1006.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1006.30 and 1006.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1006.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1006.60(e) and a credit in the amount specified in § 1006.74(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1006.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1006.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation, deduct the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class III price, whichever is higher.

PAYMENTS

§ 1006.70 Time and method of payment.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment for producer milk as follows:

(1) On or before the 20th day of the month to each producer who had not discontinued shipping milk to such handler before the 15th day of the month, not less than 85 percent of the uniform price for the preceding month (not less than $5 for the first month this provision is in effect) per hundredweight of milk received during the first 15 days of the month, less proper deductions authorized in writing by such producer;

(2) On or before the 5th day of the following month to each producer who had not discontinued shipping milk to such handler before the last day of the month, not less than 85 percent of the uniform price for the preceding month (not less than $5 for the first month this provision is in effect) per hundredweight of milk received from the 16th through the last day of the month, less proper deductions authorized in writing by such producer; and

(3) On or before the 15th day of each month to each producer for milk received during the preceding month, not less than the uniform price per hundredweight, adjusted pursuant to §§ 1006.71, 1006.72, and 1006.76, subject to the following:

(i) Minus payments made pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less proper deductions authorized in writing by such producer; and

(iii) If by such date such handler has not received full payment from the market administrator pursuant to § 1006.75 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, together with a written promise of such association to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, such handler on or before the second day prior to the date on which payments are due individual producers, shall pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount not less than the total due such producer-members pursuant to paragraph (a) of this section, subject to the following:

(1) Payment pursuant to this paragraph shall be made for milk received from any producer beginning on the first day of the month following receipt from the cooperative association of its certification that such producer is a member, and continuing through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) Copies of the written request of the cooperative association to receive payments on behalf of its members, together with its promise to reimburse and its certified list of members shall be submitted simultaneously both to the handler and to the market administrator and shall be subject to verification by the market administrator at his discretion, through audit of the records of the cooperative association. Exceptions, if any, to the accuracy of such certification claimed by any producer or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 1006.71 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk, is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1006.45 by the respective butterfat differential for each class.

§ 1006.72 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced or increased according to the location of the pool plant at the rates set forth in § 1006.53; and

(b) For purposes of computations pursuant to §§ 1006.74 and 1006.75, the uniform price shall be adjusted at the rates set forth in § 1006.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1006.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1006.62 and 1006.74 and out of which he shall make all payments from such fund pursuant to § 1006.75: *Provided,* That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1006.74 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation pursuant to § 1006.60 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) of other source milk for which a value is computed pursuant to § 1006.60(e).

§ 1006.75 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1006.74(b) exceeds the amount computed pursuant to § 1006.74(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1006.76 Marketing services.

(a) Except as provided in paragraph (b) of this section, each handler in making payments for producer milk received during the month shall deduct 4 cents per hundredweight or such lesser amount as the Secretary may prescribe (except on such handler's own farm production) and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and

to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1006.77 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1006.45(a) (3) and (9) and the corresponding steps of § 1006.45(b); and

(c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1006.78 Adjustment of accounts.

When verification by the market administrator of reports or payments of a handler discloses errors resulting in monies due the market administrator from such handler, such handler from the market administrator, or a producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1006.79 Interest payments.

The unpaid obligation of a handler pursuant to §§ 1006.74, 1006.76, 1006.77, and 1006.78 shall be increased one-half of 1 percent for each month or portion thereof that such obligation is overdue.

§ 1006.80 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1006.90 Effective time.

The provisions of this part or any amendment thereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1006.91 Suspension or termination.

The Secretary shall suspend or terminate any or all provisions of this part whenever he finds that they obstruct or do not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1006.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1006.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1006.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1006.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1967 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

STATE RESERVE AND COUNTY ALLOTMENT

Basis and purpose. Section 722.469 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.) and in accordance with the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended). This section establishes the State reserve and its allocation among uses for the 1967 crop of upland cotton. It also allocates the State's share of the national reserve among counties and establishes the county allotments. Such determinations were made initially by the respective State committees and are hereby approved and made effective by the Administrator pursuant to delegated authority (19 F.R. 74, 21 F.R. 1665, 25 F.R. 3925, 28 F.R. 4368).

Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on July 2, 1966 (31 F.R. 9138), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice.

Since the allocations under this section require immediate action by the Agricultural Stabilization and Conservation State and county committees, it is essential that § 722.469 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and § 722.469 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.469 State reserve and county allotment for the 1967 crop of upland cotton.

(a) *State reserve.* Pursuant to the authority provided in § 722.408 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 11011), the 1967 State acreage reserves for Arkansas, Louisiana, Mississippi, Oklahoma, South Carolina, and Tennessee have been approved by the Deputy Administrator, State and County Operations, to be in excess of 2 percent of the State allotment available for distribution to counties in the State. The State reserve for each State shall be established and allocated among uses as shown in the following table for the 1967 crop of upland cotton pursuant to § 722.408:

State	Total State reserve	Allocations from State reserve for:			
		Trends	Small farms	Inequity and hardship cases	New farms and set aside for errors
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Alabama	100				160
Arizona	10				10
Arkansas	78,000	78,000			
California	50				50
Florida	314				314
Georgia	500				500
Illinois	50			40	10
Kansas	136				136
Kentucky	55,047	55,047			
Louisiana	152,440	152,386			54
Mississippi	3,500			3,487	13
Missouri					
Nevada	300			300	50
New Mexico	8,700			8,500	200
North Carolina	111,251	110,251			1,000
Oklahoma	66,104	46,273		19,631	200
South Carolina	53,000	52,860			140
Tennessee	12,008	11,008			1,000
Texas	410		150	150	10
Virginia					
U.S. Total	541,870	505,825	150	32,108	3,787

(b) *Explanation of allocations of State reserve among uses*—(1) *State reserve for minimum farms.* It is hereby determined that the State's share of the national reserve will meet the requirements for additional acreage for establishing minimum farm allotments under section 344(f)(1) of the Act and accordingly, the State committee is not required to establish a State reserve for minimum farm allotments.

(2) *State reserve for abnormal conditions.* It is hereby determined that no State reserve for abnormal conditions is required.

(3) *State reserve for trends.* It is hereby determined that State reserves in substantial amounts are required for trend adjustments in applicable counties of Arkansas, Louisiana, Mississippi, Oklahoma, South Carolina, and Tennessee. Cotton producers in such counties generally plant the entire farm allotment each year and the size of available farm allotments is the limiting factor on the acreage planted to cotton in such counties. Cotton producers in other areas of these States fail to fully utilize farm allotments because of a trend away from cotton production. Relatively small amounts of State reserve are required for trend adjustments in applicable counties of Texas to support allotments transferred by sale in 1966 which did not have adequate history acreage for the 5 years base available for transfer along with the allotments. Trend adjustments in county allotments for the following States shall be made as follows:

(i) *Arkansas.* An average decimal ratio shall be computed for each county by dividing the total preliminary county allotments for each of the 4 years, 1963, 1964, 1965, and 1966 by the preceding year's county allotment. Each county with a ratio of 0.984 or more shall be eligible for a trend adjustment from the State reserve. A trend base acreage for apportioning the State reserve for trend adjustments shall be determined for each eligible county by mutiplying the 1961–65 average history acreage for each eligible county according to the following weights:

County average decimal ratio	*Weight*
0.984–0.989	1.00
0.990–0.995	1.30
0.996–0.997	1.40
0.998 and over	1.70

(ii) *Louisiana.* The State reserve for trends shall be allocated to those parishes which shared in the 1966 State reserve. The cotton producers in the parishes sharing in State reserve generally plant each year the farm allotments established for these farms. The size of available farm allotments is the limiting factor on the acreage planted to cotton in such parishes. In allocating the State reserve, adjustments shall be made for farm allotments transferred by sale and owner from other parishes into the parishes in this group.

(iii) *Mississippi.* Counties for which trend adjustments were made in 1966 shall receive allocation from the State reserve on the basis of maintaining trend adjustments in county allotments that have been made in 1966 in order to prevent reduction in cotton allotments in such counties.

(iv) *Oklahoma.* Each county in which cotton acreage is determined not to be trending upward shall be allocated a portion of the State acreage reserve equal to an acreage determined by subtracting the sum of the 1967 computed allotment and the allocation from the national reserve from the 1966 allotment as adjusted for transfers by sales, owner, reconstitutions, and eminent domain. Each county determined to be trending upward shall be allocated a portion of the State acreage reserve as a trend adjustment which, together with the computed allotment and allocation from the national reserve, shall be a uniform percentage, not to exceed 100 percent, of the 1966 allotment as adjusted for transfers by sale, owner, reconstitution, eminent domain and for farms ineligible for a 1967 allotment.

(v) *South Carolina.* A decimal ratio for each county shall be computed by dividing the total 1967 preliminary farm base acreage by the total 1966 county allotment. Each county with a decimal ratio of 0.989900 or more shall be eligible for a trend adjustment from the State reserve. The State reserve for trends shall be apportioned to eligible counties on the basis of trend base acreages computed by multiplying the average county history acreages for the 3 years, 1963–65 by the following weights:

County decimal ratio	*Weight*
0.989900–0.997675	1.0
0.997676–0.998500	3.0
0.998501–1.000000	4.0

(vi) *Tennessee.* The State reserve for trends shall be apportioned to counties on the basis of the acreage obtained by subtracting the sum of the 1966 computed county allotment and the allocation to the county from the State's share of the national reserve from the county total of the 1967 preliminary farm allotment bases.

(4) *State reserve to correct inequities and prevent hardship.* It is hereby determined that State reserves are required to correct inequities in farm allotments and to prevent hardships in applicable counties of Illinois, Missouri, New Mexico, North Carolina, South Carolina, and Virginia as shown in paragraph (c) of this section. Cotton producers in such counties generally plant the entire farm allotment each year and the size of available farm allotments is the limiting factor on the acreage planted to cotton in such counties. Cotton producers in other areas of these States fail to fully utilize farm allotments. In addition, in certain areas of these States, the reduction of the number of farms eligible for allotments as old cotton farms has resulted in inequitable increases in allotments on the remaining old cotton farms in such areas. Allocation of State reserves for inequities and hardships so as to reduce excessive farm allotments in such areas will also tend to eliminate inequities in farm allotments between areas of these States and between farms within the areas.

(5) *State reserve for new farms, missed and reconstituted farms and correction of errors.* It is hereby determined that a State reserve for new farms shall be established only for Kentucky and Oklahoma. Such reserve is included with the State reserve for missed and reconstituted farms and correction of errors.

(c) *County allotment.* The county allotment is established for the 1967 crop of upland cotton in accordance with § 722.409 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300). The county allotment consists of the computed county allotment, allocation from the State's share of the national reserve and allocation from the State reserve for trends. The following table sets forth the county allotment, allocations from the State's share of the national reserve and allocations from the State reserve. The table also sets forth the allotment in the State productivity pool which shall not be allocated to counties and farms as required under § 722.409(a) of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 11011).

ALABAMA

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Autauga	8,668	227	0	8,895	0
Baldwin	2,709	87	0	2,796	0
Barbour	13,680	491	0	14,171	0
Bibb	3,747	83	0	3,830	0
Blount	16,550	297	0	16,847	0
Bullock	8,465	116	0	8,581	0
Butler	9,154	222	0	9,376	0
Calhoun	6,518	128	0	6,646	0
Chambers	8,883	219	0	9,102	0
Cherokee	20,924	954	0	21,878	0
Chilton	9,310	304	0	9,614	0
Choctaw	6,166	186	0	6,352	0
Clark	5,708	59	0	5,767	0
Clay	2,493	0	0	2,493	0
Cleburne	2,043	0	0	2,043	0
Coffee	17,510	619	0	17,729	0
Colbert	20,638	479	0	21,115	0
Conecuh	11,983	347	0	12,330	0
Coosa	1,296	0	0	1,296	0
Covington	15,298	459	0	15,756	0
Crenshaw	9,499	237	0	9,736	0
Cullman	31,648	986	0	32,634	0
Dale	7,978	207	0	8,185	0
Dallas	25,280	748	0	26,028	0
De Kalb	30,342	1,512	0	31,854	0
Elmore	14,134	346	0	14,480	0
Escambia	10,024	298	0	10,322	0
Etowah	11,485	476	0	11,961	0
Fayette	8,515	249	0	8,764	0
Franklin	12,729	270	0	12,999	0
Geneva	19,409	706	0	20,115	0
Greene	12,375	443	0	12,818	0
Hale	14,497	405	0	14,902	0
Henry	15,002	464	0	15,466	0
Houston	25,234	861	0	26,095	0
Jackson	23,308	974	0	24,282	0
Jefferson	3,503	0	0	3,503	0
Lamar	10,236	253	0	10,489	0
Lauderdale	28,438	608	0	27,046	0
Lawrence	37,266	1,652	0	38,918	0
Lee	8,959	171	0	9,130	0
Limestone	50,277	1,051	0	52,328	0
Lowndes	10,008	227	0	10,235	0
Macon	15,745	540	0	16,285	0
Madison	56,943	1,954	0	58,897	0
Marengo	15,505	286	0	15,791	0
Marion	12,470	314	0	12,784	0
Marshall	28,338	1,133	0	29,471	0
Mobile	3,161	116	0	3,277	0
Monroe	16,988	532	0	17,521	0
Montgomery	10,192	147	0	10,339	0
Morgan	26,947	820	0	27,767	0
Perry	10,481	260	0	10,731	0
Pickens	14,320	533	0	14,853	0
Pike	15,871	536	0	16,207	0
Randolph	6,489	215	0	6,804	0
Russell	9,620	249	0	9,869	0
St. Clair	4,436	0	0	4,436	0
Shelby	5,747	99	0	5,846	0
Sumter	13,325	290	0	13,615	0
Talladega	11,904	309	0	12,213	0
Tallapoosa	6,544	164	0	6,708	0
Tuscaloosa	15,545	323	0	15,868	0
Walker	6,769	0	0	6,769	0
Washington	2,338	85	0	2,423	0
Wilcox	10,987	237	0	11,224	0
Winston	6,936	154	0	7,090	0
Productivity pool	1,000	0	0	0	0

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
ARKANSAS—Continued					
Poinsett	78,794	96	4,792	83,673	0
Polk	33	0	0	33	0
Pope	2,402	0	0	2,402	0
Prairie	8,826	0	0	8,826	0
Pulaski	175,255	194	893	176,341	0
Randolph	8,753	109	379	9,241	0
St. Francis	61,122	0	4,493	65,615	0
Saline	27	0	0	27	0
Scott	186	0	0	186	0
Searcy	166	0	0	166	0
Sebastian	341	0	0	341	0
Sevier	1,332	0	0	1,332	0
Sharp	60	0	0	60	0
Stone	1,077	0	0	1,077	0
Van Buren	310	2	0	310	0
Washington	2	0	2	4	0
White	17,808	195	0	18,003	0
Woodruff	34,005	0	2,500	36,505	0
Yell	5,940	0	0	5,940	0
Productivity pool	8,194	0	0	0	0
CALIFORNIA					
Fresno	188,290	767	0	189,057	0
Imperial	40,883	123	0	40,006	0
Kern	170,276	119	0	170,395	0
Kings	44,940	193	0	44,940	0
Los Angeles	111	0	0	111	0
Madera	27,006	1,196	0	46,106	0
Merced	27,006	59	0	27,125	0
Riverside	19,144	76	0	19,144	0
San Bernardino	247	0	0	247	0
San Diego	211	0	0	211	0
Stanislaus	89	0	0	89	0
Tulare	138,410	852	0	138,962	0
Productivity pool	1,091	0	0	0	0
FLORIDA					
Alachua	101	16.0	0	117.0	0
Baker	7	0	0	7.0	0
Bay	49	5.0	0	54.0	0
Calhoun	561	0	0	561.0	0
Clay	6	1.5	0	7.5	0
Columbia	267	57.5	0	324.5	0
Dixie	13	27.5	0	40.5	0
Escambia	1,360	60.6	0	1,420.6	0
Gadsden	180	30.0	0	210.0	0
Gilchrist	1	71.0	0	72.0	0
Gulf	1,164	157.9	0	1,321.9	0
Holmes	4,453	504.7	0	4,957.7	0
Jackson	7,315	998.8	0	8,313.8	0
Jefferson	1,225	171.3	0	1,396.3	0
Lafayette	252	0	0	252.0	0
Leon	467	50.0	0	517.0	0
Levy	6	0	0	6.0	0
Liberty	15	3.6	0	18.6	0
Madison	2,740	364.1	0	3,104.1	0
Nassau	3	85.9	0	88.9	0
Okaloosa	1,307	0	0	1,342	0
Santa Rosa	170	0	0	170.0	0
Suwannee	18	0	0	18.0	0
Taylor	4	0	0	4.0	0
Wakulla	18	0	0	18.0	0
Walton	1,000	0	0	1,000.0	0
Washington	1,000	0	0	1,000.0	0
ARIZONA					
Cochise	13,729	94	398	9,827	0
Gila	38	0	0	38	0
Graham	8,810	31	1,304	10,145	0
Greenlee	1,544	36	0	1,580	0
Maricopa	122,584	293	0	122,877	0
Mohave	272	0	0	272	0
Pima	24,176	2	0	24,178	0
Pinal	129,456	33	0	129,489	0
Santa Cruz	1,104	0	0	1,104	0
Yavapai	21	0	0	21	0
Yuma	20,250	96	0	20,345	0
Productivity pool	170	0	0	0	0
ARKANSAS					
Arkansas	9,167	58	396	9,621	0
Ashley	29,198	170	1,304	24,672	0
Baxter	18	0	0	18	0
Boone	4	0	0	4	0
Bradley	4,694	2	0	4,696	0
Calhoun	2,927	0	0	2,927	0
Chicot	27,977	50	2,063	30,090	0
Clark	8,699	0	0	8,699	0
Clay	2,699	9	2,065	4,773	0
Cleburne	1,619	0	0	1,619	0
Cleveland	2,554	0	0	2,554	0
Columbia	6,675	0	0	6,675	0
Conway	74,670	113	5,994	80,497	0
Craighead	295	0	0	295	0
Crawford	84,783	390	6,828	91,601	0
Crittenden	1,826	0	2,827	4,653	0
Cross	38,714	160	2,919	42,793	0
Dallas	13,022	81	564	13,677	0
Desha	9,988	107	0	10,095	0
Drew	388	0	0	388	0
Faulkner	618	2	0	620	0
Franklin	5	0	0	5	0
Fulton	380	0	0	380	0
Garland	35,977	891	2,154	37,022	0
Grant	4,977	0	0	4,977	0
Greene	398	0	0	398	0
Hempstead	1,917	0	0	1,919	0
Hot Spring	5,138	49	0	5,287	0
Howard	1,915	0	2,931	4,846	0
Independence	39,871	224	3,031	43,026	0
Izard	63,281	313	4,452	68,146	0
Jackson	785	34	0	819	0
Jefferson	13,119	76	867	13,762	0
Johnson	15,640	146	1,119	16,904	0
Lafayette	6,690	30	3,440	10,160	0
Lawrence	30,954	462	1,674	33,230	0
Lee	4,717	107	0	4,824	0
Lincoln	1,396	10	1,194	2,600	0
Little River	45,772	260	0	47,032	0
Logan	27	0	0	27	0
Lonoke	8,850	0	0	8,850	0
Madison	166,302	715	12,225	179,242	0
Marion	30,070	144	2,615	32,829	0
Miller	46	0	0	46	0
Mississippi	1,895	0	0	1,895	0
Monroe	33	0	0	33	0
Montgomery	2,355	0	0	2,355	0
Nevada	946	0	0	946	0
Newton	1,440	0	0	1,440	0
Ouachita	74,342	415	5,473	80,230	0
Perry		0	0	342	0
Phillips					
Pike					

FLORIDA—Continued

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
	Acres	Acres	Acres	Acres	Acres
Santa Rosa	5,715	359.7	0	6,074.7	0
Suwannee	691	109.5	0	800.5	0
Taylor	26	14.0	0	40.0	0
Union	21	14.0	0	35.0	0
Walton	2,138	131.3	0	2,269.3	0
Washington	833	106.0	0	939.0	0
Productivity Pool	31	0	0	0	0

GEORGIA

Appling	4,218	49.3	0	4,267.3	0
Atkinson	936	0	0	936.0	0
Bacon	2,218	71.6	0	2,289.6	0
Baker	2,970	73.6	0	3,043.6	0
Baldwin	2,262	98.5	0	2,360.5	0
Banks	2,545	0	0	2,545.0	0
Barrow	5,148	107.9	0	5,255.9	0
Bartow	16,303	597.0	0	16,900.0	0
Ben Hill	4,959	113.9	0	5,072.9	0
Berrien	3,356	115.8	0	3,471.8	0
Bibb	952	0	0	952.0	0
Bleckley	6,574	168.0	0	6,742.0	0
Brantley	42	0	0	42.0	0
Brooks	8,561	352.0	0	8,913.0	0
Bryan	202	0	0	202.0	0
Bulloch	13,890	637.9	0	14,527.9	0
Burke	33,711	494.1	0	34,205.1	0
Butts	4,162	86.2	0	4,248.2	0
Calhoun	5,293	140.0	0	5,433.0	0
Candler	6,239	243.8	0	6,482.8	0
Carroll	7,382	0	0	7,382.0	0
Catoosa	936	0	0	936.0	0
Charlton	12	0	0	12.0	0
Chatham	45	0	0	45.0	0
Chattahoochee	99	0	0	99.0	0
Chattooga	4,269	85.7	0	4,354.7	0
Cherokee	425	0	0	425.0	0
Clarke	1,571	78.0	0	1,649.0	0
Clay	3,340	74.0	0	3,414.0	0
Clayton	579	0	0	579.0	0
Clinch	133	0	0	133.0	0
Cobb	673	0	0	673.0	0
Coffee	6,779	251.3	0	7,030.3	0
Colquitt	20,066	630.1	0	20,696.1	0
Columbia	1,673	0	0	1,673.0	0
Cook	3,763	166.3	0	3,929.3	0
Coweta	5,959	73.0	0	6,032.0	0
Crawford	1,587	115.8	0	1,702.8	0
Crisp	9,834	419.2	0	10,253.2	0
Dade	364	0	0	364.0	0
Dawson	158	0	0	158.0	0
Decatur	3,951	0	0	3,951.0	0
De Kalb	288	0	0	288.0	0
Dodge	12,571	324.5	0	12,895.5	0
Dooly	22,783	1,341.4	0	24,124.4	0
Dougherty	1,987	0	0	1,987.0	0
Douglas	602	0	0	602.0	0
Early	13,078	272.8	0	13,350.8	0
Echols	46	0	0	46.0	0
Effingham	1,474	64.5	0	1,538.5	0
Elbert	8,278	321.5	0	8,599.5	0
Emanuel	15,906	405.0	0	16,311.0	0
Evans	2,465	108.2	0	2,573.2	0
Fayette	2,666	0	0	2,666.0	0
Floyd	7,081	631.7	0	7,712.7	0
Forsyth	1,102	0	0	1,102.0	0

GEORGIA—Continued

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
	Acres	Acres	Acres	Acres	Acres
Franklin	7,008	269.5	0	7,277.5	0
Fulton	1,115	0	0	1,115.0	0
Gilmer	1	0	0	1.0	0
Glascock	4,650	123.7	0	4,773.7	0
Gordon	9,228	387.4	0	9,615.4	0
Grady	3,538	108.9	0	3,646.9	0
Greene	2,450	76.0	0	2,526.0	0
Gwinnett	3,263	168.1	0	3,431.1	0
Habersham	281	0	0	281.0	0
Hall	1,568	0	0	1,568.0	0
Hancock	8,145	270.5	0	8,415.5	0
Haralson	1,630	0	0	1,630.0	0
Harris	1,405	43.6	0	1,448.6	0
Hart	10,862	421.5	0	11,283.5	0
Heard	1,614	0	0	1,614.0	0
Henry	8,525	342.6	0	8,867.6	0
Houston	5,210	0	0	5,210.0	0
Irwin	9,452	195.9	0	9,647.9	0
Jackson	6,626	174.5	0	6,800.5	0
Jasper	3,573	143.3	0	3,716.3	0
Jeff Davis	2,188	81.0	0	2,269.0	0
Jefferson	18,432	665.8	0	19,097.8	0
Jenkins	11,269	212.1	0	11,481.1	0
Johnson	15,026	301.3	0	15,327.3	0
Jones	234	0	0	234.0	0
Lamar	2,289	90.8	0	2,379.8	0
Lanier	634	26.3	0	660.3	0
Laurens	27,717	541.0	0	28,258.0	0
Lee	3,523	126.7	0	3,649.7	0
Liberty	125	0	0	125.0	0
Lincoln	1,755	0	0	1,755.0	0
Long	494	0	0	494.0	0
Lowndes	3,172	111.8	0	3,283.8	0
Lumpkin	54	0	0	54.0	0
McDuffie	5,814	247.9	0	6,061.9	0
McIntosh	1	0	0	1.0	0
Macon	11,243	239.0	0	11,482.0	0
Madison	9,488	336.5	0	9,824.5	0
Marion	3,582	82.7	0	3,664.7	0
Meriwether	10,806	226.9	0	11,047.9	0
Miller	5,714	98.6	0	5,812.6	0
Mitchell	11,900	247.3	0	12,147.3	0
Monroe	926	0	0	926.0	0
Montgomery	3,740	150.8	0	3,890.8	0
Morgan	13,463	233.5	0	13,696.5	0
Murray	3,215	72.2	0	3,287.2	0
Muscogee	68	0	0	68.0	0
Newton	6,236	215.2	0	6,451.2	0
Oconee	7,503	275.6	0	7,778.6	0
Oglethorpe	6,819	384.9	0	7,203.9	0
Paulding	1,562	0	0	1,562.0	0
Peach	2,178	59.0	0	2,237.0	0
Pickens	196	0	0	196.0	0
Pierce	2,117	0	0	2,117.0	0
Pike	5,744	108.5	0	5,852.5	0
Polk	5,755	157.2	0	5,912.2	0
Pulaski	8,690	240.6	0	8,930.6	0
Putnam	903	0	0	903.0	0
Quitman	1,390	0	0	1,390.0	0
Randolph	5,577	185.6	0	5,762.6	0
Richmond	2,282	78.6	0	2,360.6	0
Rockdale	2,149	0	0	2,149.0	0
Schley	3,680	74.6	0	3,754.6	0
Screven	15,641	436.6	0	16,077.6	0
Seminole	4,529	93.8	0	4,622.8	0
Spalding	2,265	88.3	0	2,354.3	0
Stephens	668	0	0	668.0	0
Stewart	2,715	75.9	0	2,790.9	0

GEORGIA—Continued

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
	Acres	Acres	Acres	Acres	Acres
Sumter	10,170	214.4	0	10,384.4	0
Talbot	1,273	0	0	1,273.0	0
Taliaferro	1,184	0	0	1,184.0	0
Tattnall	4,929	217.2	0	5,146.2	0
Taylor	6,863	172.2	0	7,035.2	0
Telfair	4,508	131.1	0	4,639.1	0
Terrell	12,210	406.2	0	12,616.2	0
Thomas	5,722	125.7	0	5,847.7	0
Tift	6,553	250.3	0	6,803.3	0
Toombs	7,229	286.6	0	7,515.6	0
Treutlen	3,229	96.1	0	3,325.1	0
Troup	1,696	73.0	0	1,769.0	0
Turner	7,588	141.6	0	7,729.6	0
Twiggs	3,264	122.3	0	3,376.3	0
Upson	1,043	0	0	1,043.0	0
Walker	1,694	0	0	1,694.0	0
Walton	18,146	395.0	0	18,541.0	0
Ware	774	0	0	774.0	0
Warren	10,312	322.2	0	10,634.2	0
Washington	16,343	312.7	0	16,655.7	0
Wayne	2,194	0	0	2,194.0	0
Webster	1,635	42.3	0	1,677.3	0
Wheeler	3,268	133.8	0	3,401.8	0
White	446	0	0	446.0	0
Whitfield	1,217	0	0	1,217.0	0
Wilcox	10,657	240.4	0	10,897.4	0
Wilkes	3,323	101.5	0	3,424.5	0
Wilkinson	2,264	118.9	0	2,382.9	0
Worth	17,992	326.8	0	18,318.8	0
Productivity pool	7,816	0	0	0	0

ILLINOIS

Alexander	1,886	6	0	1,892	22
Massac	3	0	0	3	0
Pulaski	1,106	15	0	1,121	18
Productivity pool	45	0	0	0	0

KANSAS

Montgomery	13.0	2.0	0	15.0	0
Productivity pool	0	0	0	0	0

KENTUCKY

Ballard	7	2.3	0	9.3	0
Calloway	59	4.0	0	63.0	0
Carlisle	48	2.8	0	50.8	0
Fulton	553	233.6	0	5,786.6	0
Graves	150	0.0	0	150.0	0
Hickman	857	0.0	0	857.0	0
McCracken	4	4.2	0	8.2	0
Marshall	10	2.1	0	12.1	0
Productivity pool	26	0	0	0	0

LOUISIANA

Parish	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequities and hardship cases (5)
	Acres	Acres	Acres	Acres	Acres
Acadia	9,423	152	953	10,528	0
Allen	527	0	0	527	0
Ascension	228	0	0	228	0
Assumption	3	0	0	3	0
Avoyelles	19,735	320	2,008	22,063	0
Beauregard	213	19	0	232	0
Bienville	2,440	0	0	2,440	0
Bossier	16,240	289	1,810	18,489	0
Caddo	29,441	528	3,313	33,282	0
Calcasieu	91	0	0	91	0
Caldwell	7,320	156	975	8,451	0
Cameron	75	0	0	75	0
Catahoula	10,594	325	2,039	12,958	0
Claiborne	3,872	0	0	3,872	0
Concordia	8,227	243	1,562	10,032	0
De Soto	7,311	51	0	7,362	0
East Baton Rouge	406	0	0	406	0
East Carroll	28,868	698	4,378	33,944	0
East Feliciana	1,244	0	0	1,244	0
Evangeline	13,419	211	1,322	14,952	0
Franklin	52,018	1,041	6,536	59,595	0
Grant	4,082	75	476	4,633	0
Iberia	1,185	0	0	1,185	0
Iberville	286	0	0	286	0
Jackson	610	0	0	610	0
Jefferson Davis	248	0	0	248	0
Lafayette	11,038	0	0	11,038	0
La Salle	404	15	93	512	0
Lincoln	1,455	0	0	1,455	0
Livingston	167	0	0	167	0
Madison	19,543	425	2,665	22,633	0
Morehouse	31,324	694	4,355	36,373	0
Natchitoches	19,616	369	2,312	22,297	0
Ouachita	13,231	279	1,780	15,290	0
Pointe Coupee	7,710	170	0	7,880	0
Rapides	17,717	366	2,294	20,377	0
Red River	8,933	126	788	9,847	0
Richland	45,318	942	5,911	52,171	0
Sabine	820	0	0	820	0
St. Helena	1,640	49	0	1,689	0
St. Landry	29,202	578	3,630	33,410	0
St. Martin	6,397	18	0	6,415	0
St. Tammany	124	0	0	124	0
Tangipahoa	655	0	0	655	0
Tensas	18,910	417	2,578	21,905	0
Union	4,349	73	0	4,422	0
Vermilion	3,783	0	0	3,783	0
Vernon	583	0	0	583	0
Washington	4,404	0	0	4,404	0
Webster	2,491	0	0	2,491	0
West Baton Rouge	853	16	0	869	0
West Carroll	24,628	525	3,299	28,452	0
West Feliciana	1,112	0	0	1,112	0
Winn	806	0	0	806	0
Productivity pool	7,788				

MISSISSIPPI

Adams	2,066	47	59	2,172	0
Alcorn	11,787	655	1,277	13,719	0
Amite	6,781	0	380	7,161	0
Attala	11,473	647	971	13,091	0
Benton	10,453	338	1,339	12,130	0

MISSISSIPPI—Continued

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)	
	Acres	Acres	Acres	Acres	Acres	
Bolivar	105,539	251	13,394	119,184		0
Calhoun	13,912	486	1,977	16,375		0
Carroll	12,962	410	1,649	15,021		0
Chickasaw	12,044	495	1,464	14,003		0
Choctaw	3,287	16	142	3,445		0
Claiborne	3,948	48	178	4,174		0
Clarke	3,752	0	182	3,934		0
Clay	6,617	407	771	7,795		0
Coahoma	78,699	74	9,975	88,748		0
Copiah	6,774	53	294	7,121		0
Covington	7,504	39	353	7,896		0
De Soto	28,662	545	3,717	32,924		0
Forrest	712	0	0	712		0
Franklin	746	0	0	746		0
George	558	0	0	558		0
Greene	942	0	46	988		0
Grenada	10,178	185	1,293	11,656		0
Hancock	19	0	0	19		0
Harrison	3	0	0	3		0
Hinds	20,873	463	722	22,058		0
Holmes	30,546	614	3,937	35,097		0
Humphreys	41,923	90	5,400	47,413		0
Issaquena	9,160	56	1,207	10,423		0
Itawamba	9,048	659	598	10,305		0
Jackson	20	0	0	20		0
Jefferson	4,047	0	173	4,220		0
Jasper	5,385	0	353	5,738		0
Jefferson Davis	12,401	727	403	13,531		0
Jones	6,489	0	388	6,877		0
Kemper	8,360	545	302	9,207		0
Lafayette	14,305	489	1,600	16,394		0
Lamar	1,878	0	0	1,878		0
Lauderdale	4,445	0	327	4,772		0
Lawrence	5,866	48	318	6,234		0
Leake	13,819	829	426	15,074		0
Lee	22,821	581	2,550	25,952		0
Leflore	64,779	120	8,217	73,116		0
Lincoln	4,003	0	58	4,061		0
Lowndes	13,649	554	1,359	15,562		0
Madison	28,393	619	3,286	32,298		0
Marion	7,710	61	352	8,123		0
Marshall	30,563	546	3,872	34,981		0
Monroe	25,004	833	2,968	29,165		0
Montgomery	6,467	325	807	7,599		0
Neshoba	11,605	0	517	12,122		0
Newton	6,453	0	533	6,986		0
Noxubee	13,901	401	1,590	15,892		0
Oktibbeha	3,623	0	140	3,763		0
Panola	34,879	532	4,489	39,900		0
Pearl River	172	0	0	172		0
Perry	1,506	0	61	1,567		0
Pike	3,569	0	17	3,569		0
Pontotoc	16,878	1,017	2,140	20,035		0
Prentiss	14,515	714	1,991	17,220		0
Quitman	53,032	111	6,730	59,873		0
Rankin	7,397	120	329	7,846		0
Scott	8,624	0	353	8,977		0
Sharkey	24,497	56	3,115	27,668		0
Simpson	9,710	0	509	10,219		0
Smith	7,863	62	378	8,333		0
Stone	65	0	0	65		0
Sunflower	107,858	98	13,687	121,643		0
Tallahatchie	51,845	196	6,637	58,678		0
Tate	21,082	408	2,717	24,207		0
Tippah	13,535	794	1,719	16,048		0
Tishomingo	7,989	681	815	9,485		0
Tunica	42,360	45	5,381	47,786		0
Union	15,132	745	1,741	17,618		0
Walthall	9,705	307	427	10,439		0
Warren	5,302	91	635	6,028		0
Washington	73,865	213	9,388	83,466		0
Wayne	4,950	98	239	5,285		0
Webster	7,073	448	899	8,420		0
Wilkinson	1,667	0	0	1,667		0
Winston	10,139	692	343	11,174		0
Yalobusha	11,104	388	1,327	12,819		0
Yazoo	37,956	190	4,822	42,968		0
Productivity pool	3,537	0	0	0		0

MISSOURI

Bollinger	141	3	0	144	0
Butler	18,170	566	0	18,736	112
Cape Girardeau	109	0	0	109	0
Carter	10	0	0	10	0
Dunklin	77,955	279	0	78,234	636
Howell	14	10	0	24	0
Mississippi	25,855	49	0	25,904	261
New Madrid	84,753	109	0	84,862	857
Oregon	57	0	0	57	0
Ozark	6	0	0	6	0
Pemiscot	89,464	137	0	89,601	1,122
Ripley	2,199	127	0	2,326	14
Scott	15,846	80	0	15,926	165
Stoddard	38,620	414	0	39,034	320
Vernon	4	0	0	4	0
Wayne	7	0	0	7	0
Productivity pool	183	0	0	0	0

NEVADA

Clark	75	26	0	101	0
Nye	2,447	974	0	3,421	0
Productivity pool	0	0	0	0	0

NEW MEXICO

Bernalillo	2	0	0	2	0
Chaves	30,550	17	0	30,567	77
Curry	1,480	3	0	1,483	11
De Baca	491	15	0	506	0
Dona Ana	38,183	332	0	38,515	0
Eddy	26,466	68	0	26,534	0
Grant	111	0	0	111	1
Guadalupe	10	0	0	10	0
Harding	0	0	0	0	10
Hidalgo	6,259	0	0	6,259	14
Lea	26,557	11	0	26,568	34
Luna	13,257	0	0	13,257	9
Otero	2,181	6	0	2,187	0
Quay	2,774	4	0	2,778	20
Roosevelt	18,674	36	0	18,710	101
Sierra	2,506	20	0	2,526	23
Socorro	1,963	60	0	2,023	0
Valencia	8	0	0	8	0
Productivity pool	138	0	0	0	0

NORTH CAROLINA

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)	
	Acres	Acres	Acres	Acres	Acres	
Alamance	41	0	0	41.0		0
Alexander	800	0	0	800.0		0
Anson	12,006	0	0	12,006.0		0
Beaufort	1,091	0	0	1,091.0		0
Bertie	6,863	785.7	0	7,648.7	291.6	
Bladen	3,342	33.5	0	3,376.5	12.4	
Brunswick	259	0	0	259.0	0	
Burke	53	0.1	0	53.1	0	
Cabarrus	3,375	0	0	3,375.0	0	
Caldwell	13	2.1	0	15.1	0.7	
Camden	285	0	0	285.0	0	
Carteret	46	0	0	46.0	0	
Catawba	1,608	0	0	1,608.0	0	
Chatham	369	0	0	369.0	0	
Chowan	2,467	247.8	0	2,714.8	91.9	
Cleveland	29,910	0	0	29,910.0	0	
Columbus	2,380	426.6	0	2,814.6	158.0	
Craven	401	0	0	401.0	0	
Cumberland	11,686	738.2	0	12,424.2	273.9	
Currituck	277	0	0	277.0	0	
Davidson	750	0	0	750.0	0	
Davie	1,425	0	0	1,425.0	0	
Duplin	3,324	0	0	3,324.0	0	
Durham	113	0	0	113.0	0	
Edgecombe	13,167	917.1	0	14,084.1	340.3	
Forsyth	101	0	0	101.0	0	
Franklin	8,843	1,152.1	0	9,995.1	427.6	
Gaston	2,522	0	0	2,522.0	0	
Gates	2,111	106.4	0	2,217.4	39.5	
Granville	353	48.1	0	401.1	17.9	
Greene	3,927	304.2	0	4,231.2	112.9	
Guilford	64	0	0	64.0	0	
Halifax	23,701	2,449.6	0	26,240.6	909.1	
Harnett	13,586	564.1	0	14,150.1	216.8	
Hertford	4,894	797.7	0	5,691.7	296.0	
Hoke	14,926	554.4	0	15,490.4	209.4	
Hyde	189	0	0	189.0	0	
Iredell	7,123	0	0	7,123.0	0	
Johnston	19,529	1,189.1	0	20,718.1	441.3	
Jones	281	0	0	281.0	0	
Lee	1,015	0	0	1,015.0	0	
Lenoir	2,086	0	0	2,086.0	0	
Lincoln	6,365	0	0	6,365.0	0	
Martin	2,865	303.6	0	3,168.6	112.7	
Mecklenburg	5,181	0	0	5,181.0	0	
Montgomery	2,877	444.2	0	3,321.2	164.8	
Moore	2,590	92.4	0	2,691.4	34.3	
Nash	14,204	1,411.7	0	15,615.7	524.0	
New Hanover	4	0	0	4.0	0	
Northampton	21,608	2,550.8	0	24,158.8	946.8	
Onslow	264	0	0	264.0	0	
Orange	68	0	0	68.0	0	
Pamlico	184	0	0	184.0	0	
Pasquotank	208	0	0	208.0	0	
Pender	267	0	0	267.0	0	
Perquimans	1,123	0	0	1,123.0	0	
Person	3	0.8	0	3.8	0.3	
Pitt	6,943	462.3	0	7,407.3	171.6	
Polk	1,195	0	0	1,195.0	0	
Randolph	40	0	0	40.0	0	
Richmond	6,039	60.4	0	6,099.4	22.4	
Robeson	48,680	2,874.3	0	51,554.3	1,066.9	
Rowan	4,875	0	0	4,875.0	0	
Rutherford	7,449	0	0	7,449.0	0	
Sampson	24,973	1,698.3	0	26,671.3	630.3	
Scotland	16,775	1,198.7	0	17,973.7	444.9	
Stanly	1,080	0	0	1,080.0	0	
Tyrrell	227	0	0	227.0	0	

NORTH CAROLINA—Continued

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)	
	Acres	Acres	Acres	Acres	Acres	
Union	13,371	0	0	13,371.0		0
Vance	3,461	658.3	0	4,119.3	244.3	
Wake	4,786	0	0	4,786.0	0	
Warren	7,731	331.7	0	8,062.7	123.1	
Washington	585	0	0	585.0	0	
Wayne	10,868	211.4	0	11,079.4	78.5	
Wilkes	59	0	0	59.0	0	
Wilson	8,469	258.3	0	8,727.3	95.8	
Yadkin	32	0	0	32.0	0	
Productivity pool	643	0	0	0	0	

OKLAHOMA

Adair	32	0	5	37	0
Atoka	1,477	17	281	1,775	0
Beaver	39	0	11	50	0
Beckham	51,579	240	9,325	61,144	0
Blaine	10,384	418	1,799	12,601	0
Bryan	13,831	806	2,312	16,949	0
Caddo	39,427	1,556	6,813	47,796	0
Canadian	10,761	261	1,887	12,909	0
Carter	1,286	24	274	1,584	0
Cherokee	12	0	0	12	0
Choctaw	1,627	4	66	1,697	0
Cimarron	44	0	21	65	0
Cleveland	1,282	36	213	1,531	0
Coal	2,730	35	528	3,302	0
Comanche	10,172	355	1,768	12,295	0
Cotton	15,256	329	2,686	18,271	0
Craig	54	0	12	66	0
Creek	1,710	17	80	1,807	0
Custer	19,884	493	2,701	23,078	0
Dewey	6,692	250	1,192	8,134	0
Ellis	604	29	118	751	0
Garfield	40	0	0	40	0
Garvin	4,893	151	966	5,710	0
Grady	14,311	706	2,667	17,684	0
Grant	34	0	12	46	0
Greer	33,924	175	6,196	40,295	0
Harmon	39,648	115	7,430	47,193	0
Harper	13	0	2	15	0
Haskell	1,866	0	24	1,890	0
Hughes	3,075	0	305	3,380	0
Jackson	47,225	198	8,903	56,426	0
Jefferson	14,702	219	2,350	17,271	0
Johnston	2,975	90	612	3,677	0
Kay	145	0	12	157	0
Kingfisher	1,080	0	0	1,080	0
Kiowa	46,262	653	8,232	55,147	0
Latimer	104	0	0	104	0
Le Flore	2,038	2	47	2,087	0
Lincoln	977	0	124	1,001	0
Logan	2,427	98	419	2,944	0
Love	5,790	40	1,590	6,429	0
McClain	7,734	261	1,624	9,619	0
McCurtain	5,389	51	1,122	6,562	0
McIntosh	7,535	65	537	8,537	0
Major	1,550	5	145	1,700	0
Marshall	3,763	108	633	4,504	0
Mayes	490	0	52	542	0
Murray	317	9	75	401	0
Muskogee	14,771	496	2,596	17,865	0
Noble	615	3	112	730	0
Nowata	510	5	133	648	0

OKLAHOMA—Continued

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
	Acres	Acres	Acres	Acres	Acres
Okfuskee	3,825	53	298	4,176	0
Oklahoma	364	1	102	467	0
Okmulgee	7,765	205	1,338	9,308	0
Osage	2,198	5	380	2,583	0
Pawnee	2,600	90	594	3,284	0
Payne	1,763	67	406	2,236	0
Pittsburg	3,032	0	0	3,032	0
Pontotoc	913	7	138	1,058	0
Pottawatomie	487	0	40	527	0
Pushmataha	264	0	30	294	0
Roger Mills	17,618	331	3,366	21,315	0
Rogers	602	0	51	653	0
Seminole	1,010	0	201	1,211	0
Sequoyah	1,167	26	200	1,393	0
Stephens	4,413	118	1,051	5,582	0
Texas	5	0	4	9	0
Tillman	58,125	275	10,568	68,968	0
Tulsa	1,140	2	77	1,219	0
Wagoner	6,643	133	972	7,748	0
Washington	2	0	0	2	0
Washita	61,610	712	11,088	73,410	0
Woodward	547	11	111	669	0
Productivity pool	2,294	0	0	0	0

SOUTH CAROLINA

Abbeville	6,223	562	0	6,785	31
Aiken	16,841	611	557	18,009	1,152
Allendale	8,477	258	1,154	9,889	178
Anderson	20,791	448	666	21,905	49
Bamberg	11,014	506	1,122	12,642	606
Barnwell	12,312	427	1,670	14,409	50
Beaufort	424	0	0	424	0
Berkeley	7,015	0	0	7,015	0
Calhoun	13,371	391	1,361	15,123	806
Charleston	663	0	0	663	0
Cherokee	9,392	195	298	9,885	131
Chester	8,223	303	264	8,790	20
Chesterfield	25,873	865	847	27,585	501
Clarendon	29,569	943	4,072	34,614	1,205
Colleton	7,513	53	0	7,566	17
Darlington	26,420	782	2,702	29,884	1,479
Dillon	19,523	800	2,685	23,008	683
Dorchester	7,610	204	245	8,059	18
Edgefield	8,184	0	1,064	9,286	21
Fairfield	3,423	0	0	3,423	33
Florence	27,452	1,093	925	29,470	3,050
Georgetown	2,179	0	0	2,179	6
Greenville	10,375	0	0	10,375	373
Greenwood	3,145	0	0	3,145	15
Hampton	6,576	297	640	7,504	17
Horry	6,710	0	0	6,710	187
Jasper	2,021	0	0	2,021	0
Kershaw	15,376	1,199	492	17,067	36
Lancaster	6,284	87	0	6,371	85
Laurens	13,428	411	428	14,267	32
Lee	31,068	1,088	4,276	36,422	1,368
Lexington	9,055	530	0	9,585	336
McCormick	2,750	57	0	2,807	7
Marion	10,195	529	346	11,070	872
Marlboro	34,061	523	4,651	39,235	1,615
Newberry	5,993	0	189	6,182	0
Oconee	5,263	7	0	5,263	199
Orangeburg	49,814	962	6,768	57,544	907
Pickens	3,398	0	0	3,398	163

SOUTH CAROLINA—Continued

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
	Acres	Acres	Acres	Acres	Abres
Richland	5,207	431	0	5,638	13
Saluda	6,330	176	204	6,710	557
Spartanburg	16,067	0	508	16,575	159
Sumter	33,999	769	4,623	39,391	854
Union	4,010	0	127	4,137	9
Williamsburg	29,964	1,875	2,973	33,812	1,680
York	12,311	663	396	13,370	30
Productivity pool	1,702	0	0	0	0

TENNESSEE

Bedford	942	7	25	974	0
Benton	2,072	22	75	2,169	0
Bradley	385	0	0	385	0
Cannon	21	0	2	23	0
Carroll	16,824	595	2,023	19,443	0
Chester	9,514	356	1,208	11,078	0
Coffee	1,111	17	56	1,184	0
Crockett	28,047	1,094	3,710	32,851	0
Davidson	2	0	0	2	0
Decatur	2,797	20	68	2,885	0
De Kalb	3	0	0	3	0
Dyer	27,804	1,037	3,520	32,361	0
Fayette	36,929	1,378	4,677	42,984	0
Franklin	4,186	54	185	4,325	0
Gibson	39,097	1,554	5,274	45,925	0
Giles	6,865	68	230	6,963	0
Grundy	90	0	0	90	0
Hamilton	196	4	14	214	0
Hardeman	18,117	578	1,941	20,636	0
Hardin	7,294	131	446	7,871	0
Haywood	36,937	1,405	4,765	43,107	0
Henderson	14,802	395	1,340	16,537	0
Henry	4,006	62	211	4,279	0
Hickman	9	0	0	9	0
Humphreys	9	0	1	10	0
Lake	18,052	709	2,404	21,165	0
Lauderdale	30,043	1,187	4,026	35,256	0
Lawrence	16,022	344	1,168	17,534	0
Lewis	105	0	0	105	0
Lincoln	10,341	179	607	11,127	0
Loudon	3	0	0	3	0
McMinn	207	0	0	207	0
McNairy	16,423	430	1,459	18,312	0
Madison	28,301	1,047	3,552	32,900	0
Marion	147	0	0	147	0
Marshall	270	4	15	289	0
Maury	115	1	5	121	0
Meigs	249	0	0	249	0
Monroe	78	0	0	78	0
Moore	53	1	5	59	0
Obion	8,351	238	807	9,396	0
Perry	132	2	5	139	0
Polk	474	10	36	520	0
Rhea	6	0	0	6	0
Robertson	1	0	0	1	0
Rutherford	3,432	55	186	3,673	0
Shelby	34,631	744	2,525	37,900	0
Tipton	40,067	1,527	5,181	46,775	0
Van Buren	9	0	0	9	0
Warren	142	0	0	142	0
Wayne	2,349	20	65	2,434	0
Weakley	8,542	302	1,021	9,865	0
White	15	0	0	15	0

TENNESSEE—Continued

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
	Acres	Acres	Acres	Acres	Acres
Williamson	31	0	0	31	0
Wilson	54	0	2	56	0
Productivity pool	1,112	0	0	0	0

TEXAS

Anderson	5,772	0	0	5,772	0
Andrews	4,183	4	134	4,321	0
Angelina	3,289	0	0	3,289	0
Aransas	1,131	0	0	1,131	0
Archer	1,933	5	0	1,938	0
Armstrong	2,099	52	0	2,151	0
Atascosa	9,289	470	0	9,759	0
Austin	18,478	624	14	19,116	0
Bailey	95,998	77	113	96,188	0
Bandera	1	0	0	1	0
Bastrop	11,008	370	0	11,378	0
Baylor	17,645	274	0	17,919	0
Bee	12,660	191	0	13,851	0
Bell	66,754	322	6	67,076	0
Bexar	3,753	30	0	3,783	0
Blanco	113	18	0	131	0
Borden	18,172	0	42	18,214	0
Bosque	10,610	40	0	10,650	0
Bowie	10,561	450	0	11,011	0
Brazoria	7,739	250	12	8,001	0
Brazos	18,014	140	36	18,190	0
Brewster	89	0	0	89	0
Briscoe	25,612	7	45	25,664	0
Brooks	3,183	10	0	3,193	0
Brown	5,453	1	0	5,454	0
Burleson	26,396	377	0	26,773	0
Burnet	4,509	130	0	4,639	0
Caldwell	19,780	1	0	19,781	0
Calhoun	16,905	14	0	16,919	0
Callahan	7,598	275	0	7,873	0
Cameron	154,960	4,968	0	159,928	0
Camp	1,394	0	0	1,394	0
Carson	830	800	0	1,630	0
Cass	4,965	0	0	4,965	0
Castro	52,393	221	116	52,730	0
Chambers	85	0	0	85	0
Cherokee	6,141	0	0	6,141	0
Childress	52,411	26	0	52,437	0
Clay	9,665	47	0	9,712	0
Cochran	73,230	5	85	73,320	0
Coke	6,664	2	0	6,666	0
Coleman	30,691	6	0	30,697	0
Collin	79,757	912	0	80,669	0
Collingsworth	63,248	0	0	63,248	0
Colorado	9,590	209	0	9,799	0
Comal	286	10	0	296	0
Comanche	7,324	0	0	7,324	0
Concho	24,687	39	24	24,750	0
Cooke	6,855	30	0	6,885	0
Corryell	18,459	250	0	18,709	0
Cottle	52,521	32	0	52,553	0
Crockett	59	0	0	59	0
Crosby	118,114	16	380	118,510	0
Culberson	4,698	270	0	4,968	0
Dallam	37	3	0	40	0

TEXAS—Continued

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
	Acres	Acres	Acres	Acres	Acres
Dallas	33,451	170	0	33,621	0
Dawson	195,848	46	714	196,608	0
Deaf Smith	10,566	140	32	10,738	0
Delta	36,150	24	9	36,183	0
Denton	20,736	231	0	20,967	0
De Witt	16,224	100	0	16,324	0
Dickens	51,467	96	45	51,608	0
Dimmit	1,921	70	0	1,991	0
Donley	28,414	47	0	28,461	0
Duval	12,070	390	13	12,473	0
Eastland	4,326	320	0	4,646	0
Ector	202	0	0	202	0
Ellis	125,413	322	0	125,735	0
El Paso	24,181	758	0	24,939	0
Erath	7,786	190	0	7,976	0
Falls	74,675	334	0	75,009	0
Fannin	66,433	470	0	66,903	0
Fayette	27,692	500	0	28,192	0
Fisher	79,576	102	0	79,678	0
Floyd	94,471	83	193	94,747	0
Foard	12,282	93	0	12,345	0
Fort Bend	62,550	976	475	64,001	0
Franklin	3,467	0	0	3,467	0
Freestone	11,997	270	0	12,267	0
Frio	4,721	104	10	4,835	0
Gaines	88,998	16	2,989	97,003	0
Galveston	10	0	0	10	0
Garza	38,520	18	0	38,538	0
Gillespie	1,213	0	0	1,213	0
Glasscock	11,445	3	518	11,966	0
Goliad	4,246	0	0	4,246	0
Gonzales	11,979	0	0	11,979	0
Gray	3,574	65	0	3,639	0
Grayson	32,875	240	0	33,115	0
Gregg	829	0	0	829	0
Grimes	14,325	120	0	14,445	0
Guadalupe	18,512	240	0	18,752	0
Hale	157,392	35	308	157,735	0
Hall	92,102	8	0	92,110	0
Hamilton	10,189	86	0	10,275	0
Hansford	745	400	3	1,148	0
Hardeman	32,090	8	0	32,098	0
Hardin	25	0	0	25	0
Harris	3,780	30	0	3,810	0
Harrison	5,561	0	0	5,561	0
Hartley	88	70	0	158	0
Haskell	115,253	0	12	115,265	0
Hays	7,455	15	0	7,470	0
Hemphill	1,583	46	0	1,629	0
Henderson	5,276	0	0	5,276	0
Hidalgo	182,482	4,284	0	186,766	0
Hill	114,042	449	0	114,491	0
Hockley	179,566	77	294	179,937	0
Hood	2,938	0	0	2,938	0
Hopkins	13,047	0	0	13,047	0
Houston	22,691	500	0	23,191	0
Howard	71,352	5	66	71,423	0
Hudspeth	16,480	0	12	16,492	0
Hunt	87,839	1,080	0	88,919	0
Irion	652	10	0	662	0
Jack	1,889	60	0	1,949	0
Jackson	17,469	168	14	17,651	0
Jasper	260	0	0	260	0

TEXAS—Continued

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
	Acres	Acres	Acres	Acres	Acres
Presidio	3,091	31	0	3,122	0
Rains	7,997	0	0	7,997	0
Randall	1,469	1,800	0	3,269	0
Reagan	1,353	4	0	1,357	0
Real		8	0	8	0
Red River	26,145	63	0	26,208	0
Reeves	34,244	80	0	34,324	0
Refugio	12,445	7	70	12,522	0
Roberts	187	120	44	351	0
Robertson	25,051	136	13	25,200	0
Rockwall	19,176	84	0	19,260	0
Runnels	81,136	14	0	81,212	0
Rusk	10,437	0	0	10,437	0
Sabine	1,357	0	0	1,357	0
San Augustine	4,232	0	0	4,232	0
San Jacinto	2,113	0	0	2,113	0
San Patricio	77,036	278	19	77,333	0
San Saba	6,727	2	0	6,727	0
Schleicher	34,777	0	56	34,833	0
Scurry	65,183	20	0	65,203	0
Shackelford	8,960	0	0	8,960	0
Shelby	8,953	0	0	8,953	0
Smith	8,360	23	0	8,383	0
Somervell	24,050	24	0	24,050	0
Starr	1,065	24	34	1,123	0
Stephens	416	11	7	434	0
Sterling	25,500	11	0	25,511	0
Stonewall	16	0	0	16	0
Sutton	61,219	37	54	61,310	0
Swisher	9,527	67	0	9,594	0
Tarrant	33,218	17	0	33,235	0
Taylor	142,170	36	200	142,406	0
Terry	1,098	0	0	1,098	0
Throckmorton	1,095	1	127	1,223	0
Titus	53,024	82	0	53,106	0
Tom Green	34,437	0	0	34,437	0
Travis	2,253	0	0	2,253	0
Trinity	1,967	0	0	1,967	0
Tyler	208	17	96	319	0
Upshur	1,151	10	13	1,174	0
Upton	1,139	240	0	1,379	0
Uvalde	21,437	8	8	21,703	0
Val Verde	28,914	166	0	29,080	0
Van Zandt	5,954	0	63	6,017	0
Victoria	8,541	90	0	8,541	0
Walker	4,967	349	0	5,316	0
Waller	22,967	0	0	22,967	0
Ward	1,781	350	0	2,131	0
Washington	69,964	12	0	69,976	0
Webb	26,997	1,013	602	28,612	0
Wharton	71,713	183	0	71,896	0
Wheeler	45,711	134	0	45,845	0
Wichita	87,905	542	28	88,475	0
Wilbarger	104,476	0	0	104,476	0
Willacy	4,080	416	0	4,496	0
Williamson	313	0	0	313	0
Wilson	2,365	50	0	2,415	0
Winkler	2,661	0	0	2,661	0
Wise	25,927	41	756	26,724	0
Yoakum	11,468	47	0	11,606	0
Young					

TEXAS—Continued

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
	Acres	Acres	Acres	Acres	Acres
Jeff Davis	340	0	0	340	0
Jefferson	16	0	0	16	0
Jim Hogg	126	46	0	172	0
Jim Wells	21,798	40	0	21,838	0
Johnson	34,131	149	0	34,280	0
Jones	104,846	114	0	104,960	0
Karnes	28,567	140	0	28,657	0
Kaufman	53,296	174	0	53,470	0
Kendall	25	0	0	25	0
Kent	10,861	24	0	10,885	0
Kerr	21	0	0	21	0
Kimble	178	4	0	182	0
King	257	0	0	257	0
Kinney	8,954	90	13	9,057	0
Knox	55,064	87	0	55,151	0
Lamar	55,083	139	104	55,224	0
Lamb	160,423	31	0	160,454	0
La Salle	2,738	2	0	2,738	0
Lavaca	22,982	130	0	23,112	0
Lee	9,517	80	0	9,597	0
Leon	10,284	150	0	10,434	0
Liberty	2,327	0	0	2,327	0
Limestone	64,094	270	0	64,364	0
Live Oak	15,136	128	0	15,264	0
Llano	273	50	0	323	0
Loving	498	0	0	498	0
Lubbock	217,756	344	309	218,409	0
Lynn	179,044	58	901	180,023	0
McCulloch	15,927	108	0	16,035	0
McLennan	82,213	141	0	82,494	0
McMullen	1,205	0	0	1,205	0
Madison	1,451	0	0	1,451	0
Marion	1,284	30	407	1,721	0
Martin	89,091	30	0	89,121	0
Mason	1,730	304	44	2,078	0
Matagorda	17,449	254	0	17,703	0
Maverick	1,444	251	0	1,695	0
Medina	5,708	10	0	5,718	0
Menard	903	2	66	971	0
Midland	25,979	111	0	26,090	0
Milam	49,953	111	0	49,964	0
Mills	6,660	73	0	6,733	0
Mitchell	67,106	66	43	67,172	0
Montague	3,998	0	0	3,998	0
Montgomery	301	193	0	494	0
Moore	9,049	0	0	9,049	0
Morris	33,017	43	5	33,065	0
Motley	2,705	0	0	2,705	0
Nacogdoches	104,396	229	0	104,625	0
Navarro	378	0	0	378	0
Newton	41,774	0	0	41,774	0
Nolan	95,200	0	46	95,246	0
Nueces	469	205	0	674	0
Ochiltree	53	70	0	123	0
Oldham	3,170	1	0	3,171	0
Palo Pinto	4,595	0	0	4,595	0
Panola	3,397	0	0	3,397	0
Parker	44,091	441	179	44,091	0
Parmer	24,271	70	44	24,391	0
Pecos	4,473	90	0	4,473	0
Polk	114	90	0	114	0

TEXAS—Continued

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for trends (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocation from State reserve for inequity and hardship cases (5)
	Acres	Acres	Acres	Acres'	Acres
Zapata	1,078	50	0	1,128	0
Zavala	8,528	24	0	8,552	0
Productivity pool	60,212	0	0	0	0

VIRGINIA

Brunswick	1,794	188.5	0	1,982.5	17.7
Charlotte	5	4.3	0	9.3	0
Chesapeake	11	0	0	11.0	0
Dinwiddie	213	29.2	0	242.2	2.1
Franklin	3	0	0	3.0	0
Greensville	4,040	358.0	0	4,398.0	40.0
Isle of Wight	236	43.7	0	279.7	2.4
Lunenburg	173	18.7	0	191.7	1.7
Mecklenburg	1,794	170.8	0	1,964.8	16.8
Nansemond	1,346	201.2	0	1,547.2	13.3
Prince Edward	4	1.6	0	5.6	0
Prince George	34	9.8	0	43.8	0.3
Southampton	4,153	386.6	0	4,539.6	41.2
Surry	5	1.4	0	6.4	0
Sussex	1,456	162.2	0	1,620.2	14.5
Productivity pool	10	0	0	0	0

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 5, 1966.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11000; Filed, Oct. 10, 1966; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 9]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1966

Correction

In F.R. Doc. 66-9757 appearing in the issue for Wednesday, September 7, 1966, at page 11711, the following changes should be made in the table for § 811.43 (c):

1. In column 4:

a. Opposite "Nicaragua" the figure should read "—31,040".

b. Opposite "Panama" the figure should read "—17,590".

2. In column 5:

a. Opposite "Nicaragua" the figure should read "—970".

b. Opposite "Panama" the figure should read "—595".

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Reservoirs Added to List

The Secretary of the Army having determined that the use of the following reservoir areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944 (76 Stat. 1195), adding six reservoirs to the list in § 311.1 and one reservoir to the list in § 311.6(b), as follows:

§ 311.1 Areas covered.

* * * * *

Kansas

Milford Reservoir Area, Republican River

New York

Almond Reservoir Area, Canacadea Creek

Ohio

Shenango River Reservoir Area, Shenango River

Pennsylvania

Curwensville Reservoir Area, West Branch Susquehanna River

Shenango River Reservoir Area, Shenango River

Texas

Pat Mayse Reservoir Area, Sanders Creek

§ 311.6 Hunting and fishing.

(b) * * *

Pennsylvania

Shenango River Reservoir Area, Shenango River

[Regs., Sept. 26, 1966, ENGCW-ON] (sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

KENNETH G. WICKHAM,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 66-11181; Filed, Oct. 13, 1966; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7412; Amdt. 47-1]

PART 47—AIRCRAFT REGISTRATION

Assignment of Identification Numbers

The purpose of this amendment is to centralize the issuance of all U.S. aircraft registration numbers in the FAA Aircraft Registry at Oklahoma City in order to reduce costs and improve control of U.S. identification numbers. It was proposed by notice of proposed rule making 66-22 of June 2, 1966 (31 F.R. 8077). The proposed changes only affect those persons (other than aircraft manufacturers) who need to obtain U.S. registration numbers for aircraft not previously registered anywhere. These numbers are now obtained from the FAA District Offices. Under the amendment they will be obtained by mail from the FAA Registry.

All comments received on the notice have been fully considered. The only unfavorable comment stated that the new procedure would place an additional burden on amateur aircraft builders. However, FAA District Offices from which the registration number was formerly obtained are still available to the amateur builder for assistance, in any case in which it is needed, in obtaining registration numbers from the FAA Registry. In the ordinary case, the amateur builder will have ample time to attend to this matter during the building of his aircraft. Any additional burden on the amateur builder would therefore be so slight that, on balance, the public interest is furthered by adoption of this proposal.

A comment suggesting that the term "identification number" be changed is not germane to this project but will be given consideration in the future.

In consideration of the foregoing, Part 47 of the Federal Aviation Regulations (14 CFR Part 47) is hereby amended, effective November 13, 1966, by amending § 47.15(a) to read as follows:

§ 47.15 Identification number.

(a) Number required: Except when he applies under § 47.37, an applicant for Aircraft Registration must place a U.S. identification number ("registration mark") on his Application for Aircraft Registration, FAA Form 8050–1, and on any evidence submitted with the application. There is no charge for the assignment of numbers provided in this paragraph. This paragraph does not apply to an aircraft manufacturer who applies for a group of U.S. identification numbers under paragraph (c) of this section, or to a person who applies for a special identification number under paragraphs (d) through (g) of this section.

(1) *Aircraft not previously registered anywhere.* The applicant must obtain the U.S. identification number from the FAA Registry by request in writing describing the aircraft by make, type, model, and serial number (or, if it is amateur-built, as provided in § 47.33(b)) and stating that the aircraft has not previously been registered anywhere. If the aircraft was brought into the United States from a foreign country, the applicant must submit evidence that the aircraft has never been registered in a foreign country.

(2) *Aircraft last previously registered in the United States.* Unless he applies for a different number under paragraphs (d) through (g) of this section, the applicant must place the U.S. identification number that is already assigned to the aircraft on his application and the supporting evidence.

(3) *Aircraft previously registered in a foreign country.* The applicant must comply with § 47.37. The identification number is issued with the Certificate of Aircraft Registration.

• • • • •

(Secs. 307(c), 313(a), 501, 503, 505, 1102, Federal Aviation Act of 1958 (49 U.S.C. 1348 (c), 1354(a), 1401, 1403, 1405, 1502); Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830))

Issued in Washington, D.C., on October 7, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66–11184; Filed, Oct. 13, 1966; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66–SO–92]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On June 30, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9008), stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors of airway segments in the Miami, Fla., Air Route Traffic Control Center area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Due consideration was given to all comments received. The Air Transport Association of America concurred with the proposal provided that where cardinal altitudes could be preserved, the minimum en route altitudes be established at no more than 1,500 feet above terrain. No other comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

1. Section 71.109 (31 F.R. 2007, 5285) is amended as follows:

Blue 19 and Blue 48 are amended to read as follows:

a. Blue 19 From Key West, Fla., RBN 12 AGL INT Key West RBN 037° and Perrine, Fla., RBN 232° bearings; 12 AGL Perrine RBN.

b. Blue 48 From INT Bimini, Bahamas, RBN 216° and Miami, Fla., RBN 145° bearings; 12 AGL Miami RBN.

2. Section 71.123 (31 F.R. 2009, 3230, 3231, 5055, 5285, 6297, 6487, 6960, 7171, 7279, 7505, 7556, 7610, 8046, 8492, 8747, 10026, 10516) is amended as follows:

a. In V–3 all before "12 AGL INT Daytona Beach 344°" is deleted and "From Key West, Fla., 12 AGL INT Key West 086° and Miami, Fla., 205° radials; 12 AGL INT Miami 205° and Biscayne Bay, Fla., 262° radials; 12 AGL Biscayne Bay; 12 AGL Palm Beach, Fla., including a 12 AGL E alternate via INT Biscayne Bay 021° and Palm Beach 166° radials; 12 AGL Vero Beach, Fla., including a 12 AGL E alternate via INT Palm Beach 358° and Vero Beach 143° radials; 12 AGL Daytona Beach, Fla.;" is substituted therefor.

b. In V–7 all before "12 AGL Lakeland, Fla.;" is deleted and "From Miami, Fla., 12 AGL Fort Myers, Fla.;" is substituted therefor.

c. In V–35 all before "12 AGL St. Petersburg, Fla.," is deleted and "From Key West, Fla., 12 AGL INT Key West 086° and Bimini, Bahamas, 215° radials; 12 AGL INT Bimini 215° and Miami, Fla., 147° radials; 12 AGL Miami; 12 AGL INT Miami 269° and Fort Myers, Fla., 137° radials, including a 12 AGL W alternate from INT Miami 147° radial and Miami International Airport Runway 9 left ILS localizer W course to INT Miami 269° and Fort Myers 137° radials via INT Miami International Airport Runway 9 left ILS localizer W course and Fort Myers 137° radial; 12 AGL Fort Myers;" is substituted therefor.

d. In V–51 all before "12 AGL INT Daytona Beach 344°" is deleted and "From Key West, Fla., 12 AGL INT Miami, Fla., 222° and Biscayne Bay, Fla., 262° radials; 12 AGL Biscayne Bay; 12 AGL Miami; 12 AGL Pahokee, Fla.; 12 AGL INT Pahokee 009° and Vero Beach, Fla., 193° radials; 12 AGL Vero Beach, including a 12 AGL E alternate from Biscayne Bay to Vero Beach via INT Biscayne Bay 346° and Vero Beach 178° radials; 12 AGL Daytona Beach, Fla.;" is substituted therefor.

e. In V–97 all before "12 AGL St. Petersburg, Fla.;" is deleted and "From Miami, Fla., 12 AGL La Belle, Fla.;" is substituted therefor.

f. V–152 is amended to read as follows:

V–152 From St. Petersburg, Fla., 12 AGL Orlando, Fla., including a 12 AGL N alternate via INT St. Petersburg 040° and Orlando 258° radials, and also a 12 AGL S alternate via Lakeland, Fla.; 12 AGL Daytona Beach, Fla., including a 12 AGL S alternate via INT Orlando 049° and Daytona Beach 161° radials.

g. In V–157 all before "12 AGL Gainesville, Fla.;" is deleted and "From Key West, Fla., 12 AGL Miami, Fla.; 12 AGL La Belle, Fla., including a 12 AGL W alternate from INT Miami 222° and Fort Myers, Fla., 137° radials to La Belle via INT Fort Myers 137° and La Belle 162° radials; 12 AGL Lakeland, Fla.; 12 AGL Ocala, Fla.;" is substituted therefor.

h. In V–159 all before "12 AGL Gainesville, Fla.;" is deleted and "From Miami, Fla., 12 AGL INT Miami 346° and Palm Beach, Fla., 219° radials; 12 AGL Palm Beach, including a 12 AGL E alternate from Miami direct to Palm Beach; 12 AGL INT Palm Beach 314° and Vero Beach, Fla., 178° radials; 12 AGL Vero Beach; 12 AGL Orlando, Fla., including a 12 AGL E alternate via INT Vero Beach 341° and Orlando 123° radials; 12 AGL Ocala, Fla., including a 12 AGL W alternate via INT Orlando 283° and Ocala 156° radials;" is substituted therefor.

i. V–225 is amended to read as follows:

V–225 From Key West, Fla., 30 miles, 12 AGL, 72 miles, 17 AGL, 12 AGL, Fort Myers, Fla., including an E alternate from Key West, 30 miles 12 AGL, 77 miles 17 AGL 12 AGL to Fort Myers; 12 AGL La Belle, Fla.; 12 AGL Vero Beach, Fla. The portion of the E alternate outside the United States has no upper limit.

j. In V–267 all before "12 AGL INT Jacksonville 334°" is deleted and "From Biscayne Bay, Fla., 12 AGL Miami, Fla.; 12 AGL Pahokee, Fla., including a 12 AGL E alternate from Biscayne Bay to Pahokee via INT Biscayne Bay 346° and Pahokee 143° radials; 12 AGL Orlando, Fla.; 12 AGL Jacksonville, Fla., including a 12 AGL E alternate from Orlando to INT Daytona Beach, Fla., 308° and Jacksonville 174° radials via Daytona Beach;" is substituted therefor.

k. V–295 is amended to read as follows:

V–295 From Biscayne Bay, Fla., 12 AGL INT Biscayne Bay 021° and Vero Beach, Fla., 143° radials; 12 AGL Vero Beach, 12 AGL INT Vero Beach, 296° and Orlando, Fla., 161° radials; 12 AGL Orlando, including a 12 AGL E alternation from Vero Beach to Orlando via INT Vero Beach 341° and Orlando 099° radials; 12 AGL INT Orlando 283° and Cross City, Fla., 150° radials; 12 AGL Cross City. The portion outside the United States has no upper limit.

l. V–441 is amended to read as follows:

V–441 From St. Petersburg, Fla., 12 AGL INT St. Petersburg 010° and Ocala, Fla., 213° radials; 12 AGL Ocala, including a 12 AGL E alternate via INT St. Petersburg 040° and Ocala 171° radials.

m. V–492 is amended to read as follows:

V–492 From St. Petersburg, Fla., 12 AGL La Belle, Fla.; 12 AGL Pahokee, Fla.; 12 AGL Palm Beach, Fla., including a 12 AGL S alternate from La Belle to Palm Beach via INT La Belle 112° and Palm Beach 252° radials, and also a 12 AGL N alternate from La Belle to Palm Beach via INT La Belle 043° and Palm Beach 314° radials.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 7, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66–11185; Filed, Oct. 13, 1966; 8:45 a.m.]

[Airspace Docket No. 65–CE–124]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On August 26, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11319) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a segment of V–430 from the relocated Minot, N. Dak., VOR to the Devils Lake, N. Dak., VOR. It was also stated that the airway would be reduced in width and would have a floor of 1,200 feet above the surface.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Due consideration was given to all comments received. The Air Transport Association of America endorsed the proposal. No other comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

Section 71.123 (31 F.R. 1009, 5823, 8117) is amended as follows: In V–430 all before "From Duluth, Minn.," is deleted and "From Williston, N. Dak., via Minot, N. Dak.; 35 miles, 7 miles wide (4 miles N and 3 miles S of center line) 12 AGL INT Minot 097° and Devils Lake, N. Dak., 273° radials; 12 AGL Devils Lake; to Grand Forks, N. Dak." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 7, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66–11186; Filed, Oct. 13, 1966; 8:45 a.m.]

[Airspace Docket No. 66–WE–33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On August 5, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10538) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area in the vicinity of Crescent City, Calif.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In the consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0001 e.s.t., December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the Crescent City, Calif., transition area is amended to read:

CRESCENT CITY, CALIF.

That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Crescent City VOR 180° and 360° radials, extending from 8 miles N to 30 miles S of the VOR; within 5 miles each side of the Crescent City VOR 234° radial, extending from the VOR to 20 miles SW of the VOR; and within 5 miles NE and 8 miles SW of the Crescent City VOR 325° radial, extending from the VOR to 12 miles NW of the VOR.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 7, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66–11187; Filed, Oct. 13, 1966; 8:45 a.m.]

[Airspace Docket No. 66–WE–49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area; Correction

On September 22, 1966, F.R. Doc. 66–10400 was published in the FEDERAL REGISTER (31 F.R. 12516). It contained amendments to Part 71 of the Federal Aviation Regulations that would alter controlled airspace in the Pasco, Wash., terminal area.

These amendments inadvertently showed the longitude of the Tri-Cities Airport as 109°06'55" W., instead of 119°06'55" W. Action is taken herein to reflect the correct geographical coordinate.

Since this amendment is editorial in nature and will impose no additional burden on any person, notice and public procedure herein are unnecessary, and the effective date of the final rule, as initially adopted, may be retained.

In consideration of the foregoing, effective immediately, F.R. Doc. 66–10400 (31 F.R. 12516) is amended by deleting "• • • longitude 109°06'55" W. • • •" where it appears in the text, and substituting "• • • longitude 119°06'55" W. • • •" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on October 6, 1966.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 66–11188; Filed, Oct. 13, 1966; 8:45 a.m.]

[Airspace Docket No. 66–SO–54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area; Correction

On September 2, 1966, F.R. Doc. No. 66–9573 was published in the FEDERAL REGISTER (31 F.R. 11595), amending the Myrtle Beach, S.C., transition area, and the Crescent Beach/Myrtle Beach, S.C., control zone. These actions will become effective November 10, 1966.

Subsequent to the publication of the document, it has been determined that the official name of the "Crescent Beach/Myrtle Beach, S.C., Airport" is "Myrtle Beach, S.C., Airport." Accordingly, corrective action is taken herein. Since this amendment is editorial in nature, the Administrator has determined that notice and public procedure thereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, F.R. Doc. No. 66–9573 (31 F.R. 11595) is amended, effective immediately as hereinafter set forth.

Delete "Crescent Beach/Myrtle Beach" and "Myrtle Beach/Crescent Beach" wherever they appear, and substitute therefor "Myrtle Beach".

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in Washington, D.C., on October 7, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66–11189; Filed, Oct. 13, 1966; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7649; Amdt. 505]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BHM VORTAC	LOM	Direct	2800	T-dn	300-1	300-1	*200-½
Lewis Int	LOM	Direct	2800	C-dn	800-1	900-1	900-1½
Bessemer Int	LOM (final)	Direct	2000	S-dn 5#	600-1	600-1	600-1
				A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn N side of crs, 232° Outbnd, 052° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 052°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 3000′ on crs of 052° within 15 miles, or when directed by ATC, turn left, climb to 3000′ and proceed to BHM VORTAC.
NOTE: VASI Runway 23.
*Runways 5 and 23 only.
#Reduction not authorized
MSA within 25 miles of facility 000°-360°-2800′.

City, Birmingham; State, Ala.; Airport name, Municipal, Elev., 643′, Fac. Class., LOM, Ident., BH, Procedure No. 1, Amdt. 18, Eff. date, 5 Nov. 66, Sup. Amdt. No. 17; Dated, 4 June 66

BHM VORTAC	ROE RBn	Direct	2800	T-dn	300-1	300-1	*200-½
Lewis Int	ROE RBn	Direct	2800	C-dn	900-1	900-1	900-1½
Helena Int	ROE RBn	Direct	2800	S-dn 23#	900-1	900-1	900-1
Bessemer Int	ROE RBn	Direct	2800	A-dn	1000-2	1000-2	1000-2
Trussville Int	ROE RBn (final)	Direct	1900	If aircraft is equipped with dual ADF and crs guidance is provided by receiving ROE RBn and LOM simultaneously, following minimums apply:			
				S-dn 23#	700-1	700-1	700-1

Radar available.
Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 232°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing ROE RBn, climb to 3000′ on crs, 232° within 20 miles.
NOTE: VASI Runway 23.
CAUTION: Tower 1375′, 1.6 miles S of final approach crs.
*Runways 5 and 23 only.
#Reduction not authorized.
MSA within 25 miles of facility: 000°-360°-2900′.

City, Birmingham; State, Ala.; Airport name, Municipal, Elev., 643′, Fac. Class., MHW, Ident., ROE, Procedure No. 2, Amdt. 5, Eff. date, 5 Nov. 66, Sup. Amdt. No. 4; Dated, 4 June 66

OMA VOR	LOM	Direct	2500	T-dn*	300-1	300-1	300-1
Neola VOR	LOM	Direct	2600	C-d	700-1	700-1	700-1½
				C-a	700-1½	700-1½	700-1½
				S-dn 14	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 316° Outbnd, 136° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 136°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 2800′ on crs, 136° from LOM, proceed to OMA VOR, or when directed by ATC, climb to 2800′ on crs, 136° from LOM, turn left and proceed direct to EOL VOR.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
CAUTION: Bluff 1539′, 1.3 miles E, Towers, 1739′, 4 miles WNW, 1746′, 3 miles SW, and 2349′, 6 miles W of airport.
*Unless radar vectored after takeoff, climb to 2600′ before proceeding in a westerly direction.
MSA within 25 miles of facility: 000°-090°—2700′, 090°-360°—3600′.

City, Omaha, State, Nebr.; Airport name, Eppley Airfield; Elev., 983′, Fac. Class., H-SAB; Ident., OM, Procedure No. 1, Amdt. 16, Eff. date, 5 Nov. 66, Sup. Amdt. No. 15; Dated, 18 June 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d*	500-1	500-1	500-1
				C-d	1000-2	1000-2	1000-2
				A-d	1500-3	1500-3	1500-3

Procedure turn N side of crs, 074° Outbnd, 254° Inbnd, 9000′ within 10 miles.
Minimum altitude over facility on final approach crs, 8300′.
Crs and distance, facility to airport, 254°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing SIR RBn, climb to 10,000′ on crs of 348° from SIR RBn to CKW VOR.
NOTES: (1) High unlighted terrain surrounding airport. (2) Final approach from holding pattern not authorized; procedure turn required.
*IFR departures: Climb direct to SIR RBn, then climb on crs.
MSA within 25 miles of the facility: 000°-180°—12,400′; 180°-270°—10,500′; 270°-360°—11,300′.

City, Rawlins; State, Wyo.; Airport name, Rawlins Municipal; Elev., 6704′; Fac. Class., SBH; Ident., SIR; Procedure No. 1, Amdt. 1; Eff. date, 5 Nov. 66; Sup. Amdt. No. Orig.; Dated, 11 July 64

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AEX VOR	ESF VOR	Direct	1700	T-dn	200-1	200-1	200-½
AEX RBn	ESF VOR	Direct	1700	C-dn	400-1	400-1	400-1½
Boyce Int	ESF VOR	Direct	1700	S-dn 32	400-1	400-1	400-1
Larto Int	ESF VOR	Direct	3000	A-dn	800-2	800-2	800-2
V-114	Marks Int	AEX 116 ESF 148.	1700				
Marks Int	Salt Int	Direct	1700				
Salt Int	Cox Int (final)	Direct	1300				

Radar available.
Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 1600′ within 10 miles of Cox Int.
Minimum altitude over Cox Int on final approach crs, 1308′.
Crs and distance, Cox Int to airport, 328°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing Cox Int, climb to 1700′ and proceed to ESF VOR. Hold NW on ESF R 331°, left turns.
MSA within 25 miles of facility: 000°-090°—1600′; 090°-180°—1400′; 180°-270°—2800′; 270°-360°—1600′.

City, Alexandria; State, La.; Airport name, Esler Field; Elev., 108′; Fac. Class., T-BVOR; Ident., ESF; Procedure No. 2, Amdt. 6; Eff. date, 5 Nov. 66; Sup. Amdt. No. 5; Dated, 9 Apr. 66

R 117°, EVV VOR clockwise	R 237°, EVV VOR	Via 8-mile arc	2400	T-dn*	800-1	800-1	800-1½
R 357°, EVV VOR counterclockwise	R 237°, EVV VOR	Via 8-mile arc	2100	C-d	1100-1	1100-1	1100-1½
8-mile DME Fix, R 237°	EVV VOR (final)	Direct	2100	C-a	1100-2	1100-2	1100-2
				A-dn	1500-2	1500-2	1500-2
				Minimums with DME:			
				C-d	600-1	600-1	600-1½
				C-a	600-2	600-2	600-2

Procedure turn S side of crs, 237° Outbnd, 057° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′; over 10-mile DME Fix, 1699′.
Crs and distance, facility to airport, 057°—12.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 12.4 miles after passing EVV VOR, climb to 2100′ on EVV VOR R 057°, make right turn and return to EVV VOR, or when directed by ATC, climb to 2000′ and proceed to EV LOM.
CAUTION: 983′ tower in final approach area.
*300-1 required on Runways 9-27.
MSA within 25 miles of facility: 000°-090°—2100′; 090°-180°—2500′; 180°-270°—1900′; 270°-360°—2700′.

City, Evansville; State, Ind.; Airport name, Dress Memorial; Elev., 380′; Fac. Class., H-BVORTAC; Ident., EVV; Procedure No. 1, Amdt. 1; Eff. date, 5 Nov. 66; Sup. Amdt. No. Orig.; Dated, 1 June 66

				T-d	200-1	200-1	NA
				C-d	1200-1	1200-1	NA
				A-d	NA	NA	NA
				If Conrad Int is received the following minimums apply:			
				C-d	700-1	700-1	NA

Procedure turn S side of crs, 225° Outbnd, 045° Inbnd, 4000′ within 10 miles.
Minimum altitude over facility approach crs, 3600′; minimum altitude over Conrad Int, 3600′.
Crs and distance, facility to airport, 045°—11.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 11.3 miles after passing Slate Run VOR or 5.1 miles after passing Conrad Int, make climbing left turn to 4000′, return to Slate Run VOR, hold SW, 1-minute right turns, 045° Inbnd.
NOTE: Communications with Bradford radio via Slate Run VOR. Use Bradford, Pa., altimeter setting.
MSA within 25 miles of facility: 270°-090°—3800′; 090°-270°—3500′.

City, Galeton; State, Pa.; Airport name, Cherry Springs; Elev., 2330′; Fac. Class., H-BVORTAC; Ident., SLT; Procedure No. 1, Amdt. 1; Eff. date, 5 Nov. 66; Sup. Amdt. No. Orig.; Dated, 5 Feb. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-13°	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
				TDME minimums—DME equipment required			
				S-dn-13°	600-1	600-1	600-1

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 600' (400' if Lyman 4-mile DME Fix is identified).
Facility on airport. Bearing and distance, breakoff point to Runway 13, 130°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of GPT VORTAC, turn left, climb to 1500' on R 320° GPT VORTAC within 20 miles.
CAUTION: 429' tower, 1.1 miles SSW of airport.
NOTE: When authorized by ATC, DME may be used within 10 miles at 1800' to position aircraft for straight-in approach with the elimination of procedure turn.
*Reduction not authorized.
#600-2¼ authorized with operative high-intensity runway lights, except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 000°–090°—2900', 090°–180°—1500', 180°–270°—1500', 270°–360°—2000'.

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28'; Fac. Class., L-BVORTAC; Ident., GPT; Procedure No. 1, Amdt. 1; Eff. date, 5 Nov. 66; Sup. Amdt. No. Orig.; Dated, 26 May 66

Evans Creek FM, V-23	MFR VOR (final)	Direct	4300	T-dn*	300-1	300-1	300-1
Evans Creek FM, V-23W	MFR VOR (final)	Direct	4300	C-d*	1200-1	1200-1	1200-1½
				C-n*	1200-2	1200-2	1200-2
				A-dn	1200-2	1200-2	1200-2
				*If Table Int is positively identified, the following minimums apply:			
				C-dn	700-1	700-1	700-1½

Procedure turn E side of crs, 342° Outbnd, 162° Inbnd, 6300' within 10 miles of MFR VOR.
Minimum altitude over MFR VOR on final approach crs, 4300'.
Crs and distance, MFR VOR to airport, 146°—6.3 miles; Table Int to airport, 146°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or 4.5 miles after passing Table Int, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6300' in a 1-minute right turn, holding pattern S of MFR VOR on R 157°.
NOTE: When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 342° MFR VOR within 14 miles at 6300', to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain in all quadrants.
*ADF equipment required to execute this procedure to the reduced minimums.
%All IFR departures must comply with published Medford SID's.
MSA within 25 miles of facility: 000°–090°—9000', 090°–180°—8800', 180°–270°—7400', 270°–360°—6300'.

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330'; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. 1, Amdt. 9; Eff. date, 5 Nov. 66; Sup. Amdt. No. 8; Dated, 4 June 66

5-mile DME Fix, R 036° or 5-mile Radar Fix	EWT VORTAC (final)	Direct	3000	T-dn	300-1	300-1	NA
				C-d	1000-1	1000-1	NA
				C-n	1000-2	1000-2	NA
				A-dn	NA	NA	NA
				*If Kirkwood Int or 7-mile DME Fix received, the following minimums apply:			
				C-dn	500-1	500-1	NA

Radar available.
Procedure turn W side of crs, 036° Outbnd, 216° Inbnd, 2000' within 10 miles.
Minimum altitude over 5-mile Radar DME Fix R 036° on final approach crs, 2000'; EWT VORTAC, 3000'; 7-mile DME Fix R 216°, 1065'.
Crs and distance, facility to airport, 216°—10.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.2 miles, make climbing left turn to 1600' direct to Wilmington LOM, hold S, 014° bearing Inbnd, 1-minute right turns.
NOTE: Procedure turn must be authorized by ATC.
*Aircraft must be equipped with Dual VOR, or VOR and DME receivers.
MSA within 25 miles of facility: 180°–270°—1600', 270°–180°—2100'.

City, Middletown; State, Del.; Airport name, Summit Airpark; Elev., 71'; Fac. Class., L BVORTAC; Ident., EWT; Procedure No. 1, Amdt. Orig.; Eff. date, 5 Nov. 66

Tartan Int	MAF VOR	Direct	4400	T-dn	300-1	300-1	*200-½
17-mile DME Fix, R 001°	5-mile DME Fix, R 001°	Direct	4500	C-dn	400-1	500-1	500-1½
5-mile DME Fix, R 001°	MAF VOR (final)	Direct	3900	S-dn 16R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 001° Outbnd, 181° Inbnd, 4400' within 10 miles.
Minimum altitude over facility on final approach crs, 3900'.
Crs and distance, facility to airport, 181°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing MAF VOR, climb to 4500' on R 150° within 20 miles.
NOTE: When authorized by ATC, DME may be used to orbit at 17 miles at 4500' to position aircraft for final approach with elimination of procedure turn.
*300-1 required on Runways 16L and 34R.
MSA within 25 miles of facility: 000°–180°—4300', 180°–360°—5100'.

City, Midland; State, Tex.; Airport name, Midland Air Terminal; Elev., 2870'; Fac. Class., L-BVORTAC; Ident., MAF; Procedure No. 1, Amdt. 14; Eff. date, 5 Nov. 66; Sup. Amdt. No. 13; Dated, 13 Nov. 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
EOL VOR	OMA VOR	Direct	2900	T-dn*	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-1½	700-1½	700-1½
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 130° Outbnd, 310° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 2800'; over Bluff Int, 2500'; over Dodge Int, 1900'; Bluff Int to Dodge Int, final.
Crs and distance, facility to airport, 310°—10.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.2 miles after passing OMA VOR, or 3 miles after passing Dodge Int, climb to 2900' on OMA R 310° within 20 miles of OMA VOR, turn right, return to OMA VOR, or when directed by ATC, make right turn, climbing to 2000', proceed to EOL VOR.
CAUTION: 1339' bluff, 1.3 miles E; Towers: 1739', 4 miles WNW; 1746', 3 miles SW; and 2549', 6 miles W of airport. Lighted airport 5 miles SE of Eppley Airfield.
*Unless radar vectored after takeoff, climb to 2600' before proceeding in a westerly direction.
MSA within 25 miles of facility: 000°–270°—2700'; 270°–360°—3600'.

City, Omaha; State, Nebr.; Airport name, Eppley Airfield; Elev., 983'; Fac. Class., H-BVORTAC; Ident., OMA; Procedure No. 1, Amdt. 2; Eff. date, 5 Nov. 66; Sup. Amdt. No. 1; Dated, 5 Feb. 66

R 072°, RAP VOR clockwise	R 142°, RAP VOR	Via 6-mile DME Arc.	4600	T-dn	300-1	300-1	200-½
R 238°, RAP VOR counterclockwise	R 142°, RAP VOR	Via 6-mile DME Arc.	5500	C-dn	600-1	600-1	600-1½
6-mile DME Fix, R 142°	RAP VOR (final)	Direct	4300	S-dn-32#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 4600' within 10 miles.
Minimum altitude over facility on final approach crs, 4300'.
Crs and distance, facility to airport, 322°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing RAP VOR, make a left-climbing turn to 4600' on R 142° within 10 miles of RAP VOR.
CAUTION: Runways 1-19 unlighted.
#400-¾ authorized with operative HIRL, except for 4-engine turbojets. Reduction not authorized for nonstandard REIL.
MSA within 25 miles of the facility: 000°–090°—4500'; 090°–180°—4500'; 180°–270°—8300'; 270°–360°—8600'.

City, Rapid City; State, S. Dak.; Airport name, Rapid City Municipal; Elev., 3181'; Fac. Class., H-BVORTAC; Ident., RAP; Procedure No. 1, Amdt. 12; Eff. date, 5 Nov. 66; Sup. Amdt. No. 11; Dated, 23 June 66

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 247° Outbnd, 067° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 679'.
Crs and distance, facility to airport, 067°—0.5 mile; breakoff point to runway, 0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of EWT VOR, make left-climbing turn to 2000' on EWT R 270° and proceed to Elkton Int. Hold W EWT R 270°, 1-minute right turns.
MSA within 25 miles of facility: 270°–180°—2100'; 180°–270°—1600'.

City, Wilmington; State, Del.; Airport name, Greater Wilmington; Elev., 79'; Fac. Class., L-BVORTAC; Ident., EWT; Procedure No. 1, Amdt. 2; Eff. date, 5 Nov. 66; Sup. Amdt. No. 1; Dated, 31 Mar. 66

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bowie Int	BAL VOR	Direct	2000	T-dn	300-1	300-1	200-½
Bodkin Int	5-mile Radar Fix (final)	Direct	1900	C-dn	600-1	600-1	600-1½
				S-dn-28°	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar required.
Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 1900' within 10 miles of BAL VOR.
Minimum altitude over 5-mile Radar Fix on final approach crs, 1900'.
Crs and distance, breakoff point to approach end of runway, 284°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BAL VOR, climb to 2000', proceed direct to BA LOM. Hold W, 102° Inbnd, 1-minute right turns.
CAUTION: Procedure turn not authorized when restricted area R-4001 in use.
#400-¾ authorized with operative high-intensity runway lights except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 000°–090°—2400'; 090°–360°—2100'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., L-BVORTAC; Ident., BAL; Procedure No. TerVOR-28, Amdt. 10; Eff. date, 5 Nov. 66; Sup. Amdt. No. 9; Dated, 30 Apr. 66

PROCEDURE CANCELED, EFFECTIVE 5 NOV., 1966.

City, Colorado Springs; State, Colo. Airport name, Peterson Field; Elev., 6172'; Fac. Class., L-VORW; Ident., PEF; Procedure No. TerVOR-30, Amdt. 3; Eff. date, 5 June 66; Sup. Amdt. No. 2; Dated, 13 Mar. 66

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Pines Int	Fountain Int	Direct	7300	T-dn%	300-1	300-1	200-½
Fountain Int	CO LOM (final)	Direct	7100	C-dn	500-1	500-1	500-1½
Colorado Springs VORTAC	Peterson VOR	Direct	8200	S-dn-35[6]	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 7300' within 10 miles.
Procedure turn not authorized when R-260I in use.
Minimum altitude over facility on final approach crs, 6672'.
Facility on airport. Breakoff point to runway, 347°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over PEF VOR, make right-climbing turn to 8000' on PEF R 075° within 20 miles.
CAUTION: Sharply rising terrain W of airport.
C Westbound (210° through 315°) IFR departures climb on PEF VOR R 075° and V19 to Peyton Int, then climb between Peyton Int and COS VORTAC to cross COS VORTAC westbound at or above 14,100' or comply with radar vectors.
[6]500-¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets. 500-½ authorized with operative ALS, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—9200'; 090°–180°—8000'; 180°–270°—16,100'; 270°–360°—15,500'.

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172'; Fac. Class., L-VORW; Ident., PEF; Procedure No. Ter VOR-35, Amdt. Orig.; Eff. date, 5 Nov. 66

				T-dn%	2200-2	2200-2	2200-2
				C-dn	2700-2	2700-2	2700-2
				A-dn	3000-3	3000-3	3000-3

Procedure turn S side of crs, 286° Outbnd, 106° Inbnd, 10,200' within 10 miles.
Minimum altitude over facility on final approach crs, 9000'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing ELY VOR, right turn, climb to 11,000' on R 150° within 18 miles of ELY VOR.
No turns authorized prior to reaching 10,500.
C Takeoff all runways: Climb clear of clouds over the ELY airport to 8500', continue climb on R 286° of ELY VOR within 10 miles to minimum altitude required for direction of flight. All turns S of crs.

Direction of flight	MCA
N, V 209	9500
NW, V 364	9500
SE, R 144°	10,000

MSA within 25 miles of facility: 000°–090°—13,100'; 090°–180°—14,100'; 180°–270°—11,900'; 270°–360°—11,300'.

City, Ely; State, Nev.; Airport name, Ely (Yelland Field); Elev., 6255'; Fac. Class., L-BVOR; Ident., ELY; Procedure No. VOR R-286, Amdt. 2; Eff. date, 5 Nov. 66; Sup. Amdt. No. 1; Dated, 19 June 65

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
38-mile fix, R 105°	10-mile fix, R 105°	Direct	1900	T-dn	300-1	300-1	200-½
10-mile fix, R 096°	6-mile fix, R 096° (final)	Direct	1900	C-dn	500-1	500-1	500-1½
				S-dn-28°	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 1900' to be accomplished between 6-mile DME Fix and 15-mile DME Fix. DME may be used within 10 miles from 270° clockwise to 030° at 2000'; 030° clockwise to 140° at 1900' to position aircraft for a straight-in approach.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished upon passing 0.5-mile DME Fix, climb to 2000', proceed direct to BA LOM, hold W 102° Inbnd, 1-minute right turns.
CAUTION: Procedure turn not authorized when restricted area R-4001 in use.
[4]400-¾ authorized with operative high-intensity runway lights except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 000°–090°—2400'; 090°–360°—2100'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., L-BVORTAC; Ident., BAL; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 5 Nov. 66; Sup. Amdt. No. 2; Dated, 15 May 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10-mile DME Fix, R 343°	10-mile DME Fix, R 306° (final)	Via 10-mile CCW Arc.	1600	T-dn%	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
10-mile DME Fix, R 306°	4-mile DME Fix, R 306°	Direct	556	S-dn-11	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				DME minimums—*DME equipment required:			
				S-dn-11	400-1	400-1	400-1

Procedure turn W side of crs, 306° Outbnd, 126° Inbnd, 1600' within 10 miles.
Minimum altitude *4-mile DME Fix, 556'.
Facility on airport. Breakoff point to runway, 113°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of CEC VOR, turn right, climb to 2000' on R 161° within 15 miles.
CAUTION: High terrain E.
%Takeoff all runways. Climb on the CEC VOR R 215° within 10 miles so as to cross the CEC VOR, at or above the following MCA's, N, V-27, 1500'; NE, V-122, 3000'; S, V-27, climb on crs satisfactory.
MSA within 25 miles of facility: 000°–090°—7500'; 090°–180°—6200'; 180°–270°—1300'; 270°–360°—5300'.

City, Crescent City; State, Calif.; Airport name, Jack McNamara; Elev., 86'; Fac. Class., L-BVORTAC; Ident., CEC; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 22 Oct. 66

PROCEDURE CANCELED, EFFECTIVE 5 NOV. 1966.

City, Evansville; State, Ind.; Airport name, Dress Memorial; Elev., 389'; Fac. Class., BVORTAC; Ident., EVV; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 27 Apr. 63

15-mile DME Fix, R 333°	7.8-mile DME Fix, R 333°	Direct	6000	T-dn%	300-1	300-1	200-½
7.8-mile DME Fix, R 333°	3.5-mile DME Fix, R 333°	Direct	3900	C-dn	700-1	700-1	700-1½
3.5-mile DME Fix, R 333°	0-mile DME Fix, R 333°	Direct	3300	S-dn-14[6]	500-1	500-1	500-1
10-mile DME Fix, R 138°	MFR VOR	Direct	6000	A-dn	1000-2	1000-2	1000-2
10-mile DME Fix, R 157°	MFR VOR	Direct	6000				

Procedure turn E side of crs, 333° Outbnd, 153° Inbnd, 5700' within 12 miles.
Minimum altitude over 3.5-mile DME Fix, R 333° on final approach crs, 3900'; over MFR VOR, 3300'; over 2.4-mile DME Fix, R 146°, 2500'.
Crs and distance, facility to airport, 146°—6.3 miles; 2.4-mile DME Fix, R 146° to airport, 146°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or at the 6.3-mile DME Fix, R 146°, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6000' in a 1-minute right turn, holding pattern S of MFR VOR on R 157°.
CAUTION: High terrain all quadrants.
NOTE: When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 333° MFR VOR within 14 miles at 6500' to position aircraft for straight-in approach with elimination of procedure turn.
%All IFR departures must comply with published Medford SID's.
[6]Sliding scale not authorized. Visibility reduction not authorized.
MSA within 25 miles of facility: 000°–090°—9900'; 090°–180°—8600'; 180°–270°—7400'; 270°–360°—6300'.

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330'; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. date, 5 Nov. 66; Sup. Amdt. No. 3; Dated, 4 June 66

15-mile DME Fix, R 316°	8.7-mile DME Fix, R 316°	Direct	6000	T-dn%	300-1	300-1	200-
8.7-mile DME Fix, R 316°	3.5-mile DME Fix, R 316°	Direct	3900	C-dn	700-1	700-1	700-1½
3.5-mile DME Fix, R 316°	0-mile DME Fix, R 316°	Direct	3300	S-dn-14[6]	500-1	500-1	500-1½
				A-dn	1000-2	1000-2	1000-2

Procedure turn not authorized.
Minimum altitude over 8.7-mile DME Fix, R 316° on final approach crs, 6000'; over 3.5-mile DME Fix, R 316°, 3900'; over MFR VORTAC, 3300'; over 2.4-mile DME Fix, R 146°, 2500'.
Crs and distance, facility to airport, 146°—6.3 miles; 2.4-mile DME Fix, R 146° to airport, 146°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or at the 6.3-mile DME Fix, R 146°, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6000' in a 1-minute right turn, holding pattern S of MFR VOR on R 157°.
NOTE: When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 333° MFR VOR within 14 miles at 6500' to position aircraft for straight-in approach.
CAUTION: High terrain all quadrants.
%All IFR departures must comply with published Medford SID's.
[6]Sliding scale not authorized. Visibility reduction not authorized.
MSA within 25 miles of facility: 000°–090°—9900'; 090°–180°—8600'; 180°–270°—7400'; 270°–360°—6300'.

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330'; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. VOR/DME No. 2, Amdt. 2; Eff. date, 5 Nov. 66; Sup. Amdt. No. 1; Dated, 4 June 66

PROCEDURE CANCELED, EFFECTIVE 5 NOV. 1966.

City, Midland; State, Tex.; Airport name, Midland Air Terminal; Elev., 2870'; Fac. Class., L-BVORTAC; Ident., MAF; Procedure No. VOR/DME No.1, Amdt. Orig.; Eff. date, 13 Nov. 66

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
17-mile DME Fix, R 175°	Odle DME Fix (final)	Direct	4400	T-dn	300-1	300-1	*200-½
MAF VOR	Odle DME Fix	Direct	4400	C-dn	400-1	500-1	500-1½
				S-dn-34L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 175° Outbnd, 355° Inbnd, 4400' within 10 miles of Odle DME Fix.
Minimum altitude over Odle DME Fix on R 175°, on final approach crs, 4400'.
Crs and distance, Odle DME Fix to 4.7-mile DME Fix R 175°, 355°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.7-mile DME Fix on R 175°, proceed direct to MAF VOR, climbing to 4500', continue on R 355° within 15 miles.
NOTE: When authorized by ATC, DME may be used to orbit at 17 miles at 4500' to position aircraft for final approach with elimination of procedure turn.
*300-1 required on Runways 16L and 34R.
MSA within 25 miles of facility: 000°-180°—4300'; 180°-360°—5100'.

City, Midland; State, Tex.; Airport name, Midland Air Terminal; Elev., 2870'; Fac. Class., L-BVORTAC; Ident., MAF; Procedure No. VOR/DME No. 2, Amdt. 1; Eff. date, 5 Nov. 66; Sup. Amdt. No. Orig.; Dated, 13 Nov. 65

20-mile DME Fix, R 003°	OTH VORTAC	Direct	3000	T-dn*	300-1	300-1	200-½
15-mile DME Fix, R 024°	OTH VORTAC	Direct	3000	C-dn	800-1	800-1	800-1½
10-mile DME Fix, R 001°	OTH VORTAC	Direct	3000	A-dn	1000-2	1000-2	1000-2
20-mile DME Fix, R 162°	OTH VORTAC	Direct	3000				
20-mile DME Fix, R 344°	OTH VORTAC	Direct	3000				

Procedure turn S side of crs, 250° Outbnd, 070° Inbnd, 2000' within 13 miles.
Minimum altitude over 3.5-mile DME Fix on final approach crs, 500'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.5-mile DME Fix R 250 (Inbnd 070°) turn left, intercept and climb on R 250° to 2000' within 13 miles.
NOTE: When authorized by ATC, DME may be used between OTH R 162° and R 003° clockwise within 10 miles at 2000' with elimination of procedure turn.
*Takeoffs, Runways 4, 31, and 34 turn left; takeoffs, Runways 13, 16, and 22 turn right; intercept R 250° and climb westbound on R 250° to 500', thence return to VOR via R 250° climbing to cross VOR at or above 1000'.
ADF Departure: Runways 31, 34, and 4 turn left; Runways 16, 22, and 13 turn right; intercept bearing 250° from OBN RBn and climb westbound on bearing 250° to 500', thence return to OBN. RBn via bearing 070° to OBN RBn at or above 1000'.
MSA within 25 miles of facility: 000°-090°—3400'; 090°-180°—4000'; 180°-270°—2600'; 270°-360°—2100'.

City, North Bend; State, Oreg.; Airport name, North Bend Municipal; Elev., 14'; Fac. Class., L BVORTAC; Ident., OTH; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 5 Nov. 66; Sup. Amdt. No. Orig.; Dated 8, Oct. 66

EOL VOR	OMA VOR	Direct	2500	T-dn*	300-1	300-1	200-½
OMA VOR	5-mile DME Fix, R 310°	Direct	2500	C-dn	700-1	700-1	700-1½
5-mile DME Fix, R 310°	8.5-mile DME Fix, R 310°	Direct	1900	C-n	700-1½	700-1½	700-1½
R 072°, OMA VOR clockwise	R 130° OMA VOR	Via 10-mile DME Arc.	2800	A-dn	800-2	800-2	800-2
10-mile DME Fix, R 130°	OMA VOR (final)	Direct	2800				

Radar available.
Procedure turn E side of crs, 130° Outbnd, 310° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 2800'; 5-mile DME Fix, 2500'; 8.5-mile DME Fix, 1900'.
Crs and distance, facility to airport, 310°—10.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 10.2-mile DME Fix R 310°, climb to 2900' on OMA OVR R 310° within 20 miles of OMA VOR, turn right and return to OMA VOR, or when directed by ATC, make right turn, climbing to 2900', proceed to EOL VOR.
CAUTION: 1309' hill, 1.3 miles E. Towers: 1739', 4 miles WNW, 1746' 3 miles SW, and 2549' 6 miles W of airport. Lighted airport 5 miles SE of Eppley Airfield.
*Unless radar vectored after takeoff, climb to 2600' before proceeding in a westerly direction. MSA within 25 miles of facility: 000°-270°—2700'; 270°-360°—3600'.

City, Omaha; State, Nebr.; Airport name, Eppley Air Field; Elev., 983'; Fac. Class., H-BVORTAC; Ident., OMA; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 5 Nov. 66; Sup. Amdt. No. 2; Dated, 5 Feb. 66

PROCEDURE CANCELED, EFFECTIVE 5 NOV. 1966.

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203'; Fac. Class., BVORTAC; Ident., IRL; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 20 Dec. 64; Sup. Amdt. No. 1; Dated, 16 Mar. 63

RAP VOR	10-mile DME Fix, R 321°	Direct	4900	T-dn	300-1	300-1	200-½
R 275°, RAP VOR clockwise	R 300°, RAP VOR	Via 16-mile DME Arc.	6600	C-dn	600-1	600-1	600-1½
R 300°, RAP VOR clockwise	R 321°, RAP VOR	Via 16-mile DME Arc.	5500	A-dn	800-2	800-2	800-2
R 072°, RAP VOR counterclockwise	R 321°, RAP VOR	Via 16-mile DME Arc.	4900				
16-mile DME Fix, R 321°	10-mile DME Fix, R 321° (final)	Direct	4600				

Radar available.
Procedure turn N side of crs, 321° Outbnd, 141° Inbnd, 4900' between 10- and 20-mile DME Fix, R 321°.
Minimum altitude over 10-mile DME Fix R 321° on final approach crs, 4600'.
Crs and distance, 10-mile DME Fix, R 311° to airport, 141°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5-mile DME Fix, R 321°, climb to 4600' on R 142° within 10 miles of RAP VOR.
CAUTION: Runways 1-19 unlighted.
(Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—4500'; 090°-180°—4500'; 180°-270°—8300'; 270°-360°—6600'.

City, Rapid City; State, S. Dak.; Airport name, Rapid City Municipal; Elev., 3181'; Fac. Class., H-BVORTAC; Ident., RAP; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 5 Nov. 66; Sup. Amdt. No. 2; Dated, 19 Feb. 66

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a differnal procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BHM VORTAC	LOM	Direct	2800	T-dn%	300-1	300-1	*200-½
Lewis Int	LOM	Direct	2800	C-dn	400-1	400-1	400-1½
Mesemer Int	LOM (final)	Direct	2000	S-dn-07**	800-1½	800-1½	800-1½
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of SW crs, 232° Outbnd, 052° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 2000'—4.5 miles; at MM, 815'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 3000' on crs of 052° via ROE RBn to Trussville Int. Hold NE, 1-minute right turns, or when directed by ATC, turn left, climb to 3000' and proceed to BHM VORTAC.
NOTES: (1) VASI Runway 23. (2) Back crs unusable.
%RVR 2400', authorized Runway 5.
#RVR 2400'. Descent below 843' not authorized unless approach lights are visible.
**400-¾ (RVR 4000'), required when glide slope not utilized. 400-½ (RVR 2400'), authorized with operative ALS, except for 4-engine turbojets.
*Runways 5/23 only.

City, Birmingham; State, Ala.; Airport name, Municipal; Elev., 643'; Fac. Class., ILS; Ident., I-BHM; Procedure No. ILS-5, Amdt. 21; Eff. date, 5 Nov. 66; Sup. Amdt. No. 20; Dated, 4 June 66

Wolcottsville Int	LOM (final)	Direct	2100	T-dn	300-1	300-1	200-½
Buffalo VOR	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
				S-dn-23	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				With glide slope inoperative:			
				S-dn-23#	600-1	600-1	600-1

Radar available.
Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 3000' within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 3021'—4 miles; at MM, 823'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing LOM, climb to 2500' on SW crs, ILS, intercept BUF VOR R 250°, proceed to Crystal Beach Int. Hold W, right turns, 1 minute, 070° Inbnd, or as directed by ATC, climb to 2000' on SW crs, ILS within 10 miles. Make left turn, proceed direct to BU LOM, hold NE BU LOM, right turns, 1 minute, 232° Inbnd.
CAUTION: 1240' TV tower, 5 miles WNW of airport.
#400-¼ authorized with operative high-intensity runway lights except for 4-engine turbojets; 400-½ authorized with operative ALS, except for 4-engine turbojets.

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 727'; Fac. Class., ILS; Ident., I-BUF; Procedure No. ILS-23, Amdt. 14; Eff. date, 5 Nov. 66; Sup. Amdt. No. 13; Dated, 13 Nov. 65

COS VORTAC, R 012°/7-mile DME Fix counterclockwise.	Localizer back crs	7-mile DME Arc.	9000	T-dn%	300-1	300-1	200-½
Vincent Int	Black Forest Int	Direct	9000	C-dn	600-1	600-1	600-1½
Black Forest Int	Fannin Int (final)	Direct	7300	A-dn	800-2	800-2	800-2
COS VORTAC	Black Forest Int	Direct	9000				
CO LOM	Black Forest Int	Direct	9000				

Radar available.
Procedure turn E side of crs, 347° Outbnd, 167° Inbnd, 9000' within 10 miles of Black Forest Int. Nonstandard due to terrain.
Minimum altitude over Black Forest Int on final approach crs, 9000'; over Fannin Int on final approach crs, 7800'.
Crs and distance, Fannin Int to airport, 166°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing Fannin Int, make a left-climbing turn E to 8000' on R 075° of PEF VOR within 20 miles, or when directed by ATC, left-climbing turn to 8000' on COS VOR R 152° within 20 miles.
CAUTION: Sharply rising terrain W of airport; 7190' tower, 3 miles N of airport; 7925' tower, 14 miles N of airport.
%Westbound (210° through 315°) IFR departures climb on PEF VOR, R 075° and V-19 to Peyton Int, then climb between Peyton Int and COS VORTAC to cross COS VORTAC westbound at or above 14,100'; or comply with radar vectors.

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172'; Fac. Class., ILS; Ident., I-COS; Procedure No. ILS-17 (back crs.) Amdt. 4; Eff. date, 5 Nov. 66; Sup. Amdt. No. 3; Dated, 13 Mar. 65

Black Forest Int	LOM	Direct	8200	T-dn%	300-1	300-1	200-½
Hanover Int	LOM	Direct	7300	C-dn	600-1	600-1	600-1½
Security Int	LOM (final)	Direct	7100	S-dn-35	200-½	300-1½	200-½
Pinon Int	Security Int	Direct	7300	A-dn	600-2	600-2	600-2
COS VOR	LOM	Direct	8500				

Radar available.
*Procedure turn E side 8 crs, 167° Outbnd, 347° Inbnd, 7300' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 7100'.
Altitude of glide slope and distance to approach end of runway at OM, 7081'—3.3 miles; at MM, 6272'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a right-climbing turn to 9000' on R 075° of PEF VOR within 20 miles, or when directed by ATC, make right-climbing turn and climb to 8000' on COS VOR, R 152° within 20 miles of VOR.
NOTE: When authorized by ATC, DME may be used from 24 to 10 miles at 7300' from COS, R 340° clockwise to R 178° to position aircraft on localizer for straight-in approach.
CAUTION: 7190' tower, 3 miles N of airport; 7925' tower, 14 miles N of airport; sharply rising terrain W of airport.
*Procedure turn not authorized when R-2601 in use.
%Westbound (210° through 315°) IFR departures climb on PEF VOR, R 075° and V-19 to Peyton Int, then climb between Peyton Int and COS VORTAC to cross COS VORTAC westbound at or above 14,100'; or comply with radar vectors.

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172'; Fac. Class., ILS; Ident., I-COS; Procedure No. ILS-35, Amdt. 20; Eff. date, 5 Nov. 66; Sup. Amdt. No. 19; Dated, 8 Apr. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Medford VOR	MF LOM	Direct	6500	T–dn%	300–1	300–1	200–½
Gold Hill Int	MF LOM	Direct	6500	C–dn	700–1	700–1	700–1½
Klamath Junction Int	MF LOM	Direct	8000	S–dn–14	200–½	200–½	200–½
Talent Int	MF LOM	Direct	8000	A–dn	1000–2	1000–2	1000–2
15-mile DME Fix and N crs MFR localizer	Evans Creek FM (final)	Direct	*6500				

Procedure turn E side N crs, 320° Outbnd, 140° Inbnd, 6500' within 10 miles of Evans Creek FM.
Minimum altitude at glide slope interception Inbnd, 6000'.
Altitude of glide slope and distance to approach end of runway at Evans Creek, 6000'—14.6 miles; at OM, 2682'—4.7 miles; at MM, 1550'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MF OM, make immediate climbing right turn, climbing direct to MF OM thence continue climb to 6500' in a 1-minute right turn, holding pattern S of MF LOM on the localizer crs.
NOTES: (1) Evans Creek FM and all components of the ILS and related airborne equipment must be fully operational and used when executing this approach. Evans Creek FM and procedure turn may be eliminated provided VFR on-top is maintained to MF LOM, and further, the aircraft must be able to arrive over MF LOM at 2682' on-top. (2) When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 333° MFR VOR within 14 miles at 6500' to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain all quadrants.
*Descent on glide slope to cross Evans Creek FM at 6000' is authorized.
%All IFR departures must comply with published Medford SID's.

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330'; Fac. Class., ILS, Ident., I-MFR; Procedure No. ILS-14, Amdt. 10; Eff. date, 5 Nov. 66; Sup. Amdt. No. 9; Dated, 30 Oct. 65

Searsdale Int	VR LOM (final)	Direct	2000	T–dn	300–1	300–1	200–½
				C–dn	700–1	700–2	700–2
				S–dn–22	200–½	200–½	200–½
				A–dn	800–2	800–2	800–2
				*Glide slope inoperative minimums become:			
				S–dn–22	500–1	500–1	500–1

Radar available.
Procedure turn N side of crs, 043° Outbnd, 223° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1922'.
Altitude of glide slope and distance to approach end of runway at OM, 1910'—8.7 miles; at MM, 233'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' on crs of 223° to Prospect Int. Hold SW of Prospect Int, 1-minute left turns, Inbnd crs, 040°.
NOTES: (1) Bridge Tower 384' 2.5 miles NE and tank 422', 1.7 miles N of airport. (2) Localizer back crs unusable for missed approach guidance.
*Do not descend below 700' until passing Castle FM.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., ILS; Ident., I-URD; Procedure No. ILS-22, Amdt. 4; Eff. date, 5 Nov. 66; Sup. Amdt. No. 3; Dated, 15 Oct. 66

OMA VOR	LOM	Direct	2900	T–dn*	300–1	300–1	200–½
Neola VOR	LOM	Direct	2900	C–d	700–1	700–1	700–1½
				C–n	700–1½	700–1½	700–1½
				S–dn–14@	200–½	200–½	200–½
				A–dn	700–2	700–1	700–2

Radar available.
Procedure turn E side of crs, 316° Outbnd, 136° Inbnd, 2900' within 10 miles.
Minimum altitude at glide slope interception Inbnd 2200'.
Altitude of glide slope and distance to approach end of runway at OM, 2156'—4.1 miles; at MM, 1160'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 2800' on SE crs, ILS, proceed direct OMA VOR, or when directed by ATC, climb to 2900' on SE crs, ILS, turn left direct EOL VOR.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
CAUTION: Bluff 1339', 1.3 miles E. Towers: 1739', 4 miles WNW; 1746', 3 miles SW, and 2549', 6 miles W of airport.
*Unless radar vectored after takeoff, climb to 2600' prior to proceeding in a westerly direction. 2400' RVR, authorized Runway 14.
@2400' RVR. Descent below 1183' not authorized unless approach lights are visible. 500–¾ required when glide slope not utilized and 500–½ authorized with operative ALS except for 4-engine turbojets.

City, Omaha; State, Nebr.; Airport name, Eppley Airfield; Elev., 983'; Fac. Class., ILS; Ident., I-OMA; Procedure No. ILS–14, Amdt. 16; Eff. date, 5 Nov. 66; Sup. Amdt. No. 15; Dated, 18 June 66

Neola VOR	Keg Int	Direct	2800	T–dn*#	800–1	800–1	200–½
OM LOM	Keg Int	Direct	2800	C–d	700–1	700–1	700–1½
OMA VOR	Keg Int (final)	Direct	1800	C–n	700–1½	700–1½	700–1½
Keg Int	Stack Int	Direct	1800	S–dn–32@	800–1	800–1	800–1
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn E side of crs, 136° Outbnd, 316° Inbnd, 2800' within 10 miles of Keg Int.
Minimum altitude over Keg Int on final approach crs, 2500'; over Stack Int, 1800'.
Crs and distance Keg Int to airport, 316°—5.5 miles; Stack Int to airport, 316°—3 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing Stack Int, climb to 2900' on crs of 316° to LOM, or when directed by ATC, make right turn, climbing to 2900' direct to EOL VOR.
CAUTION: 1339' Bluff, 1.3 miles E. Towers: 1739', 4 miles WNW; 1746', 3 miles SW; and 2549', 6 miles W of airport. Lighted airport 5 miles SE of Eppley Airfield.
*Unless radar vectored after takeoff, climb to 2600' prior to proceeding in a westerly direction.
#RVR 2400', authorized Runway 14.
@Reduction below 1 mile visibility not authorized. If SALS inoperative at night 800–1¼ minimums apply.

City, Omaha; State, Nebr.; Airport name, Eppley Airfield; Elev., 983'; Fac. Class., ILS; Ident., I-OMA; Procedure No. ILS–32 (back crs.), Amdt. 8; Eff. date, 5 Nov. 66; Sup. Amdt. No. 7; Dated, 5 Feb. 66

PROCEDURE CANCELED, EFFECTIVE 5 NOV. 1966.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., ILS; Ident., I-SAT; Procedure No. IL–S3, Amdt. 23; Eff. date, 23 July 66; Sup. Amdt. No. 22; Dated, 4 Sept. 65

PROCEDURE CANCELED, EFFECTIVE 5 NOV. 1966.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., ILS; Ident., I-SAT; Procedure No. ILS–21 (back crs.), Amdt. 16; Eff. date, 9 July 66; Sup. Amdt. No. 15; Dated, 5 Sept. 64

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Surveillance approach			
000°	360°	Within: 10 miles	2400				
045°	135°	20 miles	2500	T–d	600–1½	NA	NA
135°	225°	25 miles	4000	C–d	1800–1½	NA	NA
225°	315°	30 miles	3600	S–d	NA	NA	NA
315°	045°	20 miles	3200	A–d	NA	NA	NA

Minimum altitude over 8-mile Radar Fix on final approach crs, 2400'.
Crs and distance, 8-mile Radar Fix to airport, 076°—8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 3000' proceed direct to HAR VORTAC. Hold W, R 251°, 1-minute right turns.

City, Hershey; State, Pa.; Airport name, Hershey Air Park; Elev., 415'; Fac. Class. and Ident., Harrisburg Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 5 Nov. 66

				Precision approach			
				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–11	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2
				Surveillance approach			
				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–16 and 28	500–1	500–1	500–1
				S–dn–11 and 29	400–1	400–1	400–1
				A–dn	600–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 11—Climb to 2000' on R 111° AKN VORTAC within 15 miles. Runway 29—Turn left, climb to 2000' on R 111° AKN VORTAC within 15 miles. Runway 16—Turn left, climb to 2000' on R 111° AKN VORTAC within 15 miles. Runway 34—Turn right, climb to 2000' on R 111° AKN VORTAC within 15 miles.
CAUTION: Antennae: 262', 0.5 mile NW; and 185', 1.1 miles W of airport.

City, King Salmon; State, Alaska; Airport name, King Salmon; Elev., 87'; Fac. Class. and Ident., King Salmon Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 5 Nov. 66

045°	230°	35 miles	*2800'				
230°	045°	10 miles	2300'				
230°	048°	15 miles	2300'	Surveillance approach			
230°	045°	25 miles	3000'	T–dn	300–1	300–1	200–½
				C–dn@	400–1	500–1	500–1½
				S–dn**@	400–1	400–1	400–1
				A–dn	500–2	500–2	500–2

Bearings are from radar antenna site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 12, 17, and 21—Climb to 3000' via SAT R 138° within 20 miles. Runways 3, 30, and 35—Climb to 3300' on R 353° SAT VOR within 20 miles.
*Radar control must provide 1000' vertical or 3-mile horizontal separation from the following obstructions. Towers: 2049', 10 miles SE; 1341', 5 miles SSE; 1190', 10 miles SE; 1167', 3.5 miles SE; and 1230', 7.5 miles S; and 1238', 6.8 miles WSW of airport.
**400–½ authorized for Runways 12 and 3 with operative ALS, except for 4-engine turbojet aircraft.
**400–¾ authorized for Runways 21 and 30 with operative high-intensity runway lights except for 4-engine turbojet aircraft.
@Radar control must restrict descent to 1400' until aircraft is past 1120' water tower located 2.1 miles W of approach end of Runway 12.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac Class. and Ident., San Antonio Radar; Procedure No. 1, Amdt. 8; Eff. date, 5 Nov. 66; Sup. Amdt. No. 7; Dated, 1 Oct. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on September 29, 1966.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 66–10766; Filed, Oct. 13, 1966; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260) as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. Sections 1.201–14 and 1.307–1(b) are revised; a new § 1.307–3 is added; new paragraph (g) is added to § 1.314; and § 1.319(f) is revised, as follows:

§ 1.201–14 Procuring activity.

Procuring activity includes for the Army: U.S. Army Materiel Command and its subordinate commands; U.S. Continental Army Command and its subordinate commands consisting of Zone of Interior Armies and Military District of Washington, U.S. Army; U.S. Army, Alaska; U.S. Forces Southern Command; U.S. Army Communications Zone, Europe; U.S. Army, Hawaii; U.S. Army, Japan; National Guard Bureau; Office of the Chief of Engineers; Strategic Communications Command; Office of the Chief of Support Services; Office of The Surgeon General; U.S. Army Security Agency; and Military Traffic Management and Terminal Service; for the Navy: Each Bureau; the Naval Material Command; the Office of the Deputy Chief of Naval Material (Procurement); the Naval Air Systems Command; the Naval Electronic Systems Command; the Naval Facilities Engineering Command; the Naval Ordnance Systems Command; the Naval Ship Systems Command; the Naval Supply Systems Command; the Office of Naval Research; the Navy Aviation Supply Office; the Military Sea Transportation Service; and the U.S. Marine Corps; for the Air Force: The Air Force Logistics Command and the Air Force Systems Command; for the Defense Supply Agency: the Office of the Deputy Director for Contract Administration Services; the Office of the Executive Director, Procurement and Production; the Defense Supply Centers; and the Defense Personnel Support Center; for the Defense Communications Agency: The Headquarters, Defense Communications Agency, and the Defense Commercial Communications Office; for the Defense Atomic Support Agency: Headquarters, Defense Atomic Support Agency. It also includes any other procuring activity hereafter established. The number and designation of particular procuring activities of any Military Department may be changed by directive of the Secretary.

§ 1.307–1 General.

* * * * *

(b) *Operating responsibility.* In accordance with § 1.403, the Military Departments shall comply with the priorities and allocations program, including the Defense Materials System, as set forth in the Priorities and Allocations Manual and in the rules and regulations published by the Business and Defense Services Administration.

§ 1.307–3 Inadequate response to solicitations.

(a) In accordance with the policies and procedures of the Priorities and Allocations System rated contracts and purchase orders or Authorized Controlled Material Orders may be placed on selected suppliers when adequate response to a solicitation is not received. Therefore, when there are no bids or proposals received as a result of a solicitation or if the bids or proposals received do not cover the entire requirement, normal procurement procedures shall be followed in attempting to locate sources, to the extent exigencies of the procurement will permit. If such efforts are unsuccessful, and it is determined at this point in time that the procurement must be accomplished, then rated orders in the form of rated contracts, rated purchase orders or an Authorized Controlled Material Order shall be presented, to one or more (as appropriate) selected suppliers or manufacturers qualified to produce the item or material. This will be accomplished by a cover letter signed by the contracting officer, citing the requirements of the Defense Production Act and BDSA Regulation 2, and requesting timely acceptance thereof by the contractor. The letter shall also request that any reasons for rejection be promptly furnished in writing, as required by the BDSA Regulations. Rated orders will be placed pursuant to appropriate negotiation authority. Contracts and purchase orders shall contain, as a minimum, the following information in addition to normal contractual requirements to be a valid rated order:

(1) DO or DX rating on contracts or purchase orders as appropriate.

(2) DMS allotment number on Authorized Controlled Material Orders.

(3) Certification "Certified for National Defense Use Under DMS Regulation 1 or BDSA Regulation 2 (as appropriate)."

(4) Delivery schedule.

(5) Signature.

(b) Rated orders or Authorized Controlled Material Orders which are rejected by suppliers shall be forwarded to BDSA, through established Departmental priorities assistance channels, for such action as BDSA considers appropriate.

§ 1.314 Disputes and appeals.

* * * * *

(g) Decisions of the Armed Services Board of Contract Appeals constitute decisions of the Head of the Department as referenced in the Disputes clause standard in all Government contracts. It is expected that decisions favorable to the appellant in whole or in part will be promptly implemented by payment at the contracting officer level. In cases where the question of entitlement only has been decided by the Board and the matter of amount has been remanded to the parties for negotiation, if agreement is not reached, appellant will be afforded a prompt decision and opportunity to appeal on the matter of amount.

§ 1.319 Renegotiation performance reports.

* * * * *

(f) *Advanced-development, engineering-development, and operational-systems-development and production contracts.* Upon request of the renegotiation Board, the Director of Contractor Performance Evaluation, Office of the Assistant Secretary of Defense (Installations and Logistics) (see § 4.215) shall furnish Contractor Performance Evaluation Reports on advanced-development contracts, engineering-development contracts, and operational-systems-development contracts and production contracts which follow or are concurrent with the development contracts that are evaluated.

2. Paragraph (a) of § 1.701–1 is revised, and new footnote added; and in § 1.701–4, the item 2026, Milk, fluid, is added to the list under Major Group 20, as follows:

§ 1.701–1 Small business concern.

(a)(1) *General definition.* A small business concern is a concern that is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and with its affiliates, can further qualify under the criteria set forth in subparagraphs (2) and (3) of this paragraph. "Concern" means any business entity organized for profit with a place of business in the United States, its possessions or Puerto Rico, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of a procurement of a product classified into two or more industries with different size standards, the smallest of such size standards shall be used in determining a bidder's size status.

(2) *Industry small business size standards.* In addition to being independently owned and operated, and not dominant in the field of operation in which it is bidding on Government contracts, a small business concern in order to qualify as such must meet the criteria established for the industries set forth below. Annual sales or annual receipts, as used throughout this subpart, means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

(i) *Construction industries.* For construction, alteration, or repair (including painting and decorating), of buildings, bridges, roads, or other real property, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed $7,500,000, except that if the concern is located in Alaska, such receipts must not exceed $9,375,000. For dredging, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed $5 million, except that if the concern is located in Alaska, such receipts must not exceed $6,250,000.

(ii) *Manufacturing industries*—(a) *Food canning and preserving industry.* For food canning and preserving, the number of employees of the concern and its affiliates must not exceed 500 persons, exclusive of "agricultural labor" as defined in 26 U.S.C. 3306(k).

(b) *Petroleum industry.* For petroleum, other than lubricants and miscellaneous petroleum products, the number of employees of the concern and its affiliates must not exceed 1,000, and it must not have more than 30,000 barrels-per-day crude oil capacity from owned or leased facilities. ("Crude oil capacity" means the maximum daily average crude throughput of a refinery in complete operation with allowances for necessary shutdown time, for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.) A small petroleum refining concern may furnish the refined petroleum product (excluding a lubricant or miscellaneous petroleum product) of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered, provided that the exchange agreement requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes any monetary settlement, and provided, further, that the products exchanged for the products offered and to be delivered to the Government are manufactured by the bidder or offeror.

(c) *Manufacturing industries listed in § 1.701–4.* For a product classified within an industry listed in § 1.701–4, the number of employees of the concern and its affiliates must not exceed the small business size standard established therein for that industry.

(d) *Manufacturing industries not listed in § 1.701–4.* For a product classified within an industry not set forth in this section or in § 1.701–4, the number of employees of the concern and its affiliates must not exceed 500 persons.

(iii) *Nonmanufacturing industries.* For a product not manufactured by the concern submitting a bid or proposal, other than for a construction or service contract, the number of employees of that concern must not exceed 500 persons, and in the case of a procurement set aside for small business (see § 1.706) or involving equal low bids (see § 2.407–6), or otherwise involving the preferential treatment of small business, it must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns. However, if the goods to be furnished are wool, worsted, knitwear, duck, or webbing, nonmanufacturers (dealers and converters), shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher. If the product to be furnished is thread, nonmanufacturers (dealers and converters) shall furnish thread which has been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specification, but excluding mercerizing, spinning, throwing, or twisting operations.)

(iv) *Service industries.* (a) For services not elsewhere defined in this part, the average annual sales or receipts of the concern and its affiliates for the preceding 3 fiscal years must not exceed $1 million ($1,250,000 if located in Alaska).

(b) Any concern bidding on a contract for engineering services, naval architectural services, motion picture production or motion picture services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million ($6,250,000 if located in Alaska).

(c) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $3 million ($3,750,000 if located in Alaska).

(d) Any concern bidding on a contract for [1] base maintenance is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million ($6,250,000 if located in Alaska).

(v) *Transportation industries*—(a) *General.* Except as provided in (b) and (c) of this subdivision, for passenger or freight transportation the number of employees of the concern and its affiliates must not exceed 500 persons.

(b) *Air transportation.* For air transportation, the number of employees of the concern and its affiliates must not exceed 1,000 persons.

(c) *Trucking (local and long distance), warehousing, packing and crating, and/or freight forwarding.* For trucking (local and long distance), warehousing, packing and crating, and/or freight forwarding, the annual receipts of the concern and its affiliates must not exceed $3 million except that if the concern is located in Alaska, such receipts must not exceed $3,750,000. No such concern, however, will be denied small business status for the purpose of Government procurement solely because of its contractual relationship with a large interstate van line if (1) the concern's annual receipts have not exceeded $3 million during its most recently completed fiscal year ($3,750,000 if located in Alaska), and (2) not more than fifty percent (50%) of such annual receipts are directly attributable to the concern's relationship with an interstate van line.

(vi) *Research, development, or testing industries.* For research, development, or testing, which requires delivery of a manufactured product, a concern must (a) qualify as a small business manufacturer within the meaning of *b* above for the industry in which the product is classified, or (b) qualify as a small business nonmanufacturer within the meaning of subdivision (iii) of this subparagraph. For research, development, or testing, which does not require delivery of a manufactured product, the number of employees of the concern and its affiliates must not exceed 500 persons.

(3) *Small business subcontractors.* In connection with subcontracts of $2,500 or less, any concern will be considered a small business concern if it, with its affiliates, employs not more than 500 employees. In connection with subcontracts exceeding $2,500, any concern shall be considered a small business concern if it qualifies as such under subparagraphs (1) and (2) of this paragraph.

* * * * *

§ 1.701–4 Manufacturing industry employment size standards.

* * * * *

Classification Code	Industry	Employment size standard (number of employees) [1]
	MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS	
2026	Milk, fluid	750

* * * * *

3. Sections 1.702(c), 1.703, and 1.903–1(c) and the introductory text of § 1.1103 are revised, as follows:

§ 1.702 General policy.

* * * * *

(c) The extent of small business participation in defense procurement shall be accurately measured, reported, and publicized. All solicitations shall require each prospective supplier to represent whether he is a small business concern for purposes of the specific procurement (see §§ 1.701 and 1.703). Records of the total value of contracts and subcontracts placed with small business concerns during each fiscal year shall be maintained by the use of DD Form 350 (Individual Procurement Action Report), DD Form 1057 (Monthly Procurement Summary by Purchasing Office) (see § 1.110), and DD Form 1140–1 (Defense Small Business Subcontracting Program Quarterly Report of Participating Large Company on Subcon-

[1] Base maintenance is defined as janitorial and custodial services, protective guard services, commissary services, fire prevention services, refuse collection services, safety engineering services, messenger services, ground maintenance and landscaping services, and air conditioning and refrigeration maintenance: *Provided*, That whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the foregoing services constitutes more than 50 percent of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such service is classified.

tract Commitments to Small Business Concerns) (see § 1.707).

§ 1.703 Determination of status as small business concern.

(a) *General.* Except as provided in paragraph (b) of this section, the contracting officer shall accept at face value for the particular procurement involved, a representation by the bidder or offeror that it is a small business concern (see § 7.701–1).

(b) *Representation by a bidder or offeror.* Representation by a bidder or offeror that it is a small business concern shall be effective, even though questioned in accordance with the terms of this paragraph, unless the SBA, in response to such question and pursuant to the procedures in subparagraph (3) of this paragraph, determines that the bidder or offeror in question is not a small business concern. The controlling point in time for a determination concerning the size status of a questioned bidder or offeror shall be the date of award, except that no bidder or offeror shall be eligible for award as a small business concern unless he has in good faith represented himself as small business prior to the opening of bids or closing date for submission of offers (but see § 2.405 with respect to minor informalities and irregularities in bids).

(1) *Protest of small business status.* Any bidder or offeror may, in connection with a contract involving small business set-aside or otherwise involving small business preferential consideration, question the small business status of any apparently successful bidder or offeror by sending a written protest to the contracting officer responsible for the particular procurement. The protest shall contain the basis for the protest together with specific detailed evidence supporting the protestant's claim that such bidder or offeror is not a small business. Such protest must be received by the contracting officer prior to the close of business on the fifth working day exclusive of Saturday, Sunday, and Federal Legal Holidays (hereinafter referred to as working day) after bid opening date or closing date for the receipt of proposals. A protest received after such time shall be considered timely, if in the case of a mailed protest, it is sent by registered or certified mail and the postmark thereon indicates that it would have been delivered within the time limit except for delays beyond the control of the protestant, or a telegraphic protest, the telegram date and time line indicates that it would have been delivered within the time limit except for delays beyond the control of the protestant. The following procedures shall apply:

(i) *Timely protest received prior to award.* When the contracting officer receives a timely protest prior to award, he shall forward the protest record to the Small Business Administration regional office serving the area in which the protested concern is located. The Small Business Administration will promptly notify the contracting officer of the date of its receipt of any such protest and will advise the bidder or offeror in question that his small business status is under review;

(ii) *Untimely protests received prior to award.* A protest which is not timely, even though received before award, shall be forwarded to the Small Business Administration regional office serving the area in which the protested concern is located, with a notation thereon that the protest is not timely. The protestant shall be notified that his protest cannot be considered on the instant procurement but has been referred to SBA for its consideration in any future actions;

(iii) *Action on protests received after award.* A protest received after award of a contract shall be forwarded to the Small Business Administration regional office serving the area in which the protested concern is located with a notation thereon that award has been made. The protestant shall be notified that award has been made and that his protest has been forwarded to SBA for its consideration in future actions.

(2) *Questioning of status by contracting officer.* A contracting officer may, any time prior to award, question the small business status of the apparently successful bidder or offeror by sending a written notice to the SBA regional office of the region in which the bidder or offeror has his principal place of business. Such notice shall contain a statement of the basis for the question, together with available supporting facts. SBA will advise the bidder or offeror in question that his small business status is under review.

(3) *Determination by SBA Regional Director.* The SBA Regional Director will determine the small business status of the questioned bidder or offeror and notify the contracting officer and the bidder or offeror of his determination, and award may be made on the basis of that determination. This determination is final unless it is appealed in accordance with subparagraph (4) of this paragraph, and the contracting officer is notified of the appeal prior to award. If an award was made prior to the time the contracting officer received notice of the appeal, the contract shall be presumed to be valid. Action to be taken on SBA determinations shall be as follows:

(i) If the SBA Regional Director's determination is not received by the contracting officer 10 working days after SBA's initial receipt of a protest or notice questioning the Small Business status of a bidder or offeror, it shall be presumed that the questioned bidder or offeror is a small business concern. This presumption will not be used as a basis for making an award to the questioned bidder or offeror without first ascertaining when a size determination can be expected from SBA, and where practicable, waiting for such determination, unless further delay in award would be disadvantageous to the Government.

(ii) If an appeal from the SBA Regional Director's determination is made, pursuant to subparagraph (4) of this paragraph, to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416, and the contracting officer is notified prior to award, an additional 20 working days (i.e., 30 working days inclusive from the time of initial receipt of the case in the SBA Regional Office) shall be allowed for receipt of the SBA size determination.

(iii) If the determination of the Chairman, Size Appeals Board, Small Business Administration, on the appeal is not received by the contracting officer within the 30-working-day period, it shall be presumed that the SBA Regional Director's size determination has been sustained.

(iv) Until receipt of the SBA determination of the size status, or expiration of the 10-day period (30 days in case of an appeal to the Chairman, Size Appeals Board), whichever occurs first, procurement action shall be suspended; however, this suspension shall not apply to any urgent procurement action which the contracting officer determines in writing must be awarded without delay to protect the public interest. The contracting officer's determination shall be placed in the contract file.

(4) *Appeal from size determination.* An appeal from a size determination made by an SBA Regional Director may be taken before the close of business on the fifth working day after the receipt of such decision. Unless such written notice of appeal is received by the SBA Size Appeals Board, Washington, D.C., within this time and the contracting officer has been notified of such appeal prior to award, the appellant will be deemed to have waived its rights of appeal insofar as the pending procurement is concerned.

(c) *Product classification*—(1) *Determination by contracting officer.* The contracting officer shall determine the appropriate classification of a product establishing the small business definition to be used in a specific procurement. This classification and the applicable size standard, pursuant to § 1.701, shall be set forth in the schedule of the solicitation. The contracting officer's determination shall be final unless appealed in accordance with subparagraph (2) of this paragraph.

(2) *Appeal from classification.* An appeal from a product classification determination by a contracting officer must be taken:

(i) Not less than 10 working days before the bid opening date or the deadline for submitting proposals or quotations where this date or deadline is more than 30 days after the issuance of the invitation for bids or request for proposals or quotations; or

(ii) Not less than 5 working days before the bid opening date or the deadline for submitting proposals or quotations where this date or deadline is 30 or less days after the issuance of the invitation for bids or request for proposals or quotations.

Such appeals shall be directed to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416.

(3) *Action of Size Appeals Board.* The Size Appeals Board will promptly notify the contracting officer of the receipt of a valid appeal and, if possible, will inform the contracting officer prior to the date set for opening of the solicitation of its ruling on the appeal. The SBA decision, if received prior to the opening date, shall be considered final, and solicitations will be modified to reflect such decision, if necessary. Where appropriate, opening dates may be extended. SBA rulings received after the opening date shall not apply to the current procurement but shall apply in future procurements of the product.

§ 1.903–1 General standards.

• • • • •

(c) Have a satisfactory record of performance (contractors who are seriously deficient in current contract performance, when the number of contracts and the extent of deficiency of each are considered, shall, in the absence of evidence to the contrary or circumstances properly beyond the control of the contractor, be presumed to be unable to meet this requirement). Past unsatisfactory performance, due to failure to apply necessary tenacity or perseverance to do an acceptable job, shall be sufficient to justify a finding of nonresponsibility and in the case of small business concerns, shall not require submission of the case to the Small Business Administration; see §§ 1.705–4(c)(5) and 1.905–2;

• • • • •

§ 1.1103 Justification for inclusion of qualification requirements.

Subject to approval by: In case of the Army, the Directorate of Procurement and Production, AMC; in the Navy, the Chief of Naval Material; and in the Air Force, the Directorate of Procurement Policy (AFSPPE), Standardization Group, Headquarters, USAF; and in the Defense Supply Agency, the Executive Director, Procurement and Production; a qualification requirement may be included in a specification when one or more of the following conditions exist:

• • • • •

PART 2—PROCUREMENT BY FORMAL ADVERTISING

4. In § 2.201, a new subparagraph (40) is added to paragraph (a); and in § 2.502, paragraph (b)(4) is revised, as follows:

§ 2.201 Preparation of invitation for bids.

• • • • •

(a) • • •

(40) Invitation for bid which will result in the placement of rated orders or Authorized Controlled Material Orders shall contain the following statement.

Contracts or purchase orders to be awarded as a result of this solicitation shall be assigned a (DX or DO as appropriate) rating or DMS allotment number (as appropriate) in accordance with the provisions of BDSA Regulation 2 and/or DMS Regulation 1.

• • • • •

§ 2.502 Conditions for use.

• • • • •

(b) • • •

(4) A total small business set-aside is involved (see § 1.706–5(b) and § 1.706–2). A total small business set-aside would not be appropriate in a procurement of a highly technical and complex item where it is anticipated that, in order to obtain adequate competition (i) a significant number of acceptable technical proposals must be received from firms with prior testing, developmental, and production experience of the item, or major components thereof, and (ii) the restriction of such procurement to small business firms would seriously limit the number of qualified firms eligible to submit proposals.

PART 3—PROCUREMENT BY NEGOTIATION

5. In § 3.501, the introductory text of paragraph (b) is revised, and new subparagraphs (63) and (64) are added to the same paragraph, and a new paragraph (c) is added to the section, as follows:

§ 3.501 Preparation of request for proposals or request for quotations.

• • • • •

(b) Generally, requests for proposals or quotations shall be in writing. However, in appropriate cases as prescribed in paragraph (c) of this section, proposals or quotations may be solicited orally. Solicitations shall contain the information necessary to enable a prospective offeror to prepare a proposal or quotation properly. Written requests shall be as complete as possible and normally should contain the following information if applicable to the procurements involved:

• • • • •

(63) A request that prospective offerors state whether, to their knowledge, the procurement involves the acquisition of Government production and research property, the disposal of which may be restricted by patent or other rights (see § 13.307(b)); and

(64) Requests for Proposal which will result in the placement of rated orders or Authorized Controlled Material Orders shall contain the following statement.

Contracts or purchase orders to be awarded as a result of this solicitation shall be assigned a (DX or DO as appropriate) rating or DMS allotment number (as appropriate) in accordance with the provisions of BDSA Regulation 2 and/or DMS Regulation 1.

(c) Oral solicitations shall be in accordance with the following:

(1) Oral solicitations are authorized for small purchases (see Subpart F, Part 3 of this chapter) and for the procurement of perishable subsistence.

(2) Oral solicitations, other than those described in subparagraph (1) of this paragraph, also are authorized in cases where the processing of a written solicitation would delay the furnishing of the supplies or services to the detriment of the Government. Examples of such circumstances may include those listed in § 3.202–2. However, oral solicitation is not to be considered justified solely because a high Issue Priority Designator has been assigned to the requirement. In addition to other applicable documentation requirements (see § 1.308), the record of contract actions above shall include a resume of the circumstances which justified use of an oral solicitation, item description, quantity, deliveries required, sources solicited, prices quoted (including name of individual contacted), date and time contacted, and the solicitation number provided the prospective sources. Should the issuance of the resulting contractual instrument be unduly delayed, the contract file shall be documented to describe the reasons for the delay and justify award based upon the oral solicitation. The oral method of solicitation, pursuant to this subparagraph, shall not be used without prior approval at a level higher than the contracting officer.

(3) Use of oral solicitation does not relieve the contracting officer from complying with other applicable portions of this subchapter, e.g., the appropriate requirements of paragraph (b) of this section, post-award notice of offerors (see § 3.508–3), price negotiation policies and techniques (see Subpart H, Part 3 of this subchapter), and submission of same terms and conditions to all offerors.

6. Sections 3.605–5, 3.608–2(b)(1)(i), and 3.608–4 are revised; new paragraph (d) is added to § 3.608–6; in § 3.808–5(d), subparagraph (2) is revised; and in § 3.902–3(a), subparagraphs (4), (5), and (6) are revised, and new subparagraphs (7), (8), and (9) are added, as follows:

§ 3.605–5 Calls against blanket purchase agreements.

Calls against blanket purchase agreements generally will be made orally, except that informal correspondence may be used when ordering against agreements outside the local trade area. Written calls may be executed on DD Form 1155. Documentation of calls shall be limited to essential information. Forms may be developed for this purpose locally..

§ 3.608–2 Order for Supplies or Services (DD Forms 1155, 1155r, 1155r–1, 1155c, 1155c–1, and 1155a).

• • • • •

(b) *Conditions for use.* (1) • • •

(i) The procurement is unclassified, except that DD Form 1155 may be used for classified procurements if:

(*a*) The procuring contracting officer retains responsibility for complete administration of the contract, including compliance with the requirements of the Industrial Security Regulation (DOD 5220.22–R);

(*b*) The Military Security Requirements clause in § 7.104–12 is inserted in the schedule;

(*c*) DD Form 254 (Security Requirements Check List) (see § 16.811) is incorporated in the purchase order; and

(d) The contractor's acceptance of the purchase order is obtained by use of DD Form 1155s at the time of issuance of the order.

* * * * *

§ 3.608–4 Use of DD Form 1155s with DD Form 1155, DD Form 1155r, and DD Form 1155r–1.

(a) DD Form 1155s (Additional General Provisions, Modification and Acceptance) used with DD Form 1155 and 1155r in accordance with § 3.608–2(b)(1), or with DD Forms 1155 and 1155r–1 in accordance with § 3.608–2(b)(2) in negotiated procurement provides:

(1) Additional general provisions;

(2) A block for modifications;

(3) A block for the contracting officer to mark if the contractor's written acceptance is requested; and

(4) A space for the contractor's signature when a written acceptance is requested.

(b) DD Form 1155s is authorized for use in conjunction with DD Form 1155 when it is desired to:

(1) Consummate a binding contract between the parties before the contractor undertakes performance, in which case the contracting officer shall mark the block requiring acceptance by the contractor and shall attach the DD Form 1155s to the DD Form 1155;

(2) Modify the purchase order by action authorized under the Changes clause, in which case the contracting officer shall mark the block requiring acceptance by the contractor; that block need not be marked, however, if the contractor has previously executed such an acceptance on a DD Form 1155s issued under that purchase order;

(3) Modify the purchase order by making administrative changes such as the correction of typographical errors, changes in the paying office and changes in the accounting and appropriation data, in which case acceptance by the contractor is not required; or

(4) Otherwise modify the purchase, order, in which case the contracting officer shall mark the block requiring acceptance by the contractor.

(c) DD Form 1155s shall be used in conjunction with DD Forms 1155 and 1155r–1 for all purchases in excess of $2,500 which are made in accordance with § 3.608–2(b)(2).

(d) No additional clauses are authorized except as provided in § 3.608–2(b). A superseding DD Form 1155 shall not be used to issue a change to an outstanding purchase order.

§ 3.608–6 Use of DD Form 1155 as a delivery order.

* * * * *

(d) Within the monetary limitations of § 3.605–2, the DD Form 1155 may be used to order against a blanket purchase agreement.

§ 3.808–5 Assignment of values to specific factors.

* * * * *

(d) *Record of contract performance.* * * *

(2) Contracting officers should insure that an adequate review is made of contractor's past performance in order that an objective evaluation of this performance may be accomplished. For assistance in determining fee or profit for an advanced-development, engineering-development, operational-systems-development or production contract in excess of $1 million, the contracting officer shall obtain from the Defense Documentation Center, Attention: DDC–OSB, Cameron Station, Alexandria, Va. 22314 (see § 4.215), a transcript of the performance evaluation of the contractor with whom negotiations are being conducted or a statement that there is no record on file. This transcript or statement may be obtained for a procurement below $1 million. This information shall be furnished within 3 working days from receipt of the request by the Defense Documentation Center. Reports of cost reduction monitors, small business, labor surplus, and other specialists involved in the evaluation of the various aspects of contractor performance should be obtained.

* * * * *

§ 3.902–3 Procedure.

(a) * * *

(4) Identification to the maximum extent possible of components, subsystems, etc., which will be procured on a single or sole source basis, citing the reasons therefor and including plans for converting such items to competitive procurement (e.g., through synopsizing pursuant to § 1.1003–6(b), etc.);

(5) The proposed subcontractors, if known;

(6) Designation of the plants and divisions in which the contractor proposes to make the item;

(7) Sufficient information to permit the contracting officer to evaluate the proposed program in accordance with paragraph (b) of this section;

(8) A statement that those items which are recommended as "buy" as identified in subparagraph (2) of this paragraph will be synopsized in accordance with § 1.1003–6(b); and

(9) A statement that any additional Government production and research property as defined in § 13.101–9, required to produce "make" items prior to fabrication or acquisition, will be synopsized in accordance with § 1.1003–6(b).

* * * * *

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

7. Sections 4.205–4(d) and 4.215 are revised; in § 4.303–10, items 20, 21, 28, and 29 are revised; and paragraph (c) of § 4.901–5 is revised, as follows:

§ 4.205–4 Evaluation for award.

* * * * *

(d) In evaluating proposals for contracts in excess of $1 million for advanced-development, engineering-development, operational-systems-development, and follow-on or concurrent production contracts, the Source Selection Advisory Council or any other person or group acting in a similar capacity shall obtain from the Defense Documentation center, Attention: DDC–OSB, Cameron Station, Alexandria, Va. 22314 (see § 4.215), a transcript of the performance evaluations of all contractors submitting acceptable proposals, or a statement that there is no record on file. This transcript or statement may be obtained for a procurement below $1 million. This information shall be furnished within 3 working days from receipt of the request by the Defense Documentation Center.

§ 4.215 Contractor Performance Evaluation Program.

The Contractor Performance Evaluation Program is a procedure for determining and recording the effectiveness of advanced-development (with measurable contractual commitments), engineering-development, and operational-systems-development and production contractors in meeting the performance, schedule, and cost provisions of their contracts. The program requires project managers within the Military Departments to submit periodic Contractor Performance Evaluation Reports (see DD Form 1446 series) for all such development contracts whose projected cost for a single year will exceed $2 million or whose projected overall cost will exceed $10 million and for all production contracts that follow or are concurrent with the development contracts evaluated (until firm specifications susceptible to price competition are in use), if the projected cost exceeds $5 million for a single year or if the projected overall cost exceeds $20 million. After review or certification by the appropriate Departmental Contractor Performance Evaluation Group (see DD Form 1447 series), the report is submitted to the contractor and then transmitted, with the contractor's comments, to the Director of Contractor Performance Evaluation, Office of the Assistant Secretary of Defense (Installations and Logistics), for storage in a central data bank and use by Source Selection Advisory Councils or other persons or groups acting in similar capacity, contracting officers in determining fees or profits and the Renegotiation Board. The central data bank is maintained at the Defense Documentation Center of the Defense Supply Agency, Cameron Station, Alexandria, Va. 22314. Detailed procedures for this program are set forth in the Department of Defense Guide to Contractor Performance Evaluation (Development and Production).

§ 4.303–10 Schedule of items.

* * * * *

Item 20. *Drayage (when other services are performed).* Service provided under this item shall include drayage as required beyond the zone(s) of performance included in the item specified in the order for service. Drayage shall be paid for at a rate per gross cwt. of shipment per mile of shipment over the shortest practicable route.

Zone ------ (provide for additional zones as appropriate).

a. Unit price per gross cwt. per mile (dollars)	-----
b. Estimated average gross cwt. per trip	-----
c. Estimated total miles per trip	-----
d. Estimated total number of trips	-----
Total amount (dollars)	-----

(The total amount bid for this item will be computed on the basis of multiplying a×b×c×d.)

Item 21. *Drayage (when other services not required).* Service under this item shall include drayage as ordered, when other services are not required, at a rate per gross cwt. of shipment per mile of shipment over the shortest practicable route. Service under this item includes the loading and unloading of goods, and placing of same in line-haul carrier terminals or military transportation shipping offices or both. An inventory of individual articles will be prepared when requested by the Contracting Officer.

Zone ------ (provide for additional zones as appropriate).

a. Unit price per gross cwt. per mile (dollars)	-----
b. Estimated average gross cwt. per trip	-----
c. Estimated total miles per trip	-----
d. Estimated total number of trips	-----
Total amount (dollars)	-----

(The total amount bid for this item will be computed on the basis of multiplying a×b×c×d.)

* * * * *

Item 28. *Drayage (when other services are performed).* Service under this item shall include drayage as required beyond the zone(s) of performance included in the item specified in the order for service. Drayage shall be paid for at a rate per gross cwt. of shipment per mile of shipment over the shortest practicable route.

Zone ------ (provide for additional zones as appropriate).

a. Unit price per gross cwt. per mile (dollars)	-----
b. Estimated average gross cwt. per trip	-----
c. Estimated total miles per trip	-----
d. Estimated total number of trips	-----
Total amount (dollars)	-----

(The total amount bid for this item will be computed on the basis of multiplying a×b×c×d.)

Item 29. *Drayage (when other services not required).* Service under this item shall include drayage as ordered, when other services are not required, at a rate per gross cwt. of shipment per mile per shipment over the shortest practicable route. Service under this item includes loading and unloading of goods, and placing of same in owner's residence. An inventory of individual articles will be prepared when requested by the Contracting Officer.

Zone ------ (provide for additional zones as appropriate).

a. Unit price per gross cwt. per mile (dollars)	-----
b. Estimated average gross cwt. per trip	-----
c. Estimated total miles per trip	-----
d. Estimated total number of trips	-----
Total amount (dollars)	-----

(The total amount bid for this item will be computed on the basis of multiplying a×b×c×d.)

§ 4.901–5 Distribution of contracts.

* * * * *

(c) Headquarters, AFLC (MCAMM), Wright-Patterson AFB, Ohio 45433.

PART 7—CONTRACT CLAUSES

8. New §§ 7.103–14 and 7.103–24 are added; § 7.105–8 is revoked; § 7.205–7 is revised; new § 7.302–27 is added; § 7.304–6 is revoked; § 7.404–5 is revised; and § 7.702–32 is revoked, as follows:

§ 7.103–14 Discounts.

DISCOUNTS (APR. 1966)

In connection with any discount offered, time will be computed from date of delivery of the supplies to carrier when delivery and acceptance are at the point of origin, or from date of delivery at destination or port of embarkation when delivery and acceptance are at either of these points, or from the date the correct invoice or voucher is received in the office specified by the Government, if the latter is later than date of delivery. Payment is deemed to be made for the purpose of earning the discount on the date of mailing of the Government check.

§ 7.103–24 Suspension of work.

(a) The primary purpose of the clause set forth in this section is to establish machinery for administrative settlement on a fair and speedy basis for certain delays and interruptions by the contracting officer in the contract work where other specific provision is not made in the contract for an equitable adjustment because of such delay or interruption (e.g., Government-furnished property, Changes, etc.).

(b) A secondary purpose of the clause is to provide expressly for an actually ordered suspension, delay, or interruption. This secondary use, however, is intended for infrequent use, under strict supervision and for as limited a period as practicable, particularly in the case of commercial type supplies. Inasmuch as an order to suspend work may result in incurred costs to the Government by reason of standby costs, such orders will be issued only with prior approval at a level above the contracting officer.

(c) Generally, use of an order to suspend work will be limited to those situations where it is advisable to suspend work pending a decision by the Government and a supplemental agreement providing for such suspension is not feasible. Although an order to suspend work may be used pending a decision to terminate for convenience, it will not be used pending a decision to terminate for default, nor will it be used in lieu of the issuance of a termination notice after a decision to terminate has been made. However, if a contractor is required to show cause why a contract should not be terminated for default, an order to suspend work may be included in the show cause notice if it has been determined that the contract will be terminated for convenience if it is not terminated for default.

(d) An order to suspend work should include:

(1) A clear description of the work to be suspended.

(2) Instructions as to issuance of further orders by the contractor for material or services.

(3) Guidance as to action to be taken on subcontracts.

(4) Other suggestions to the contractor for minimizing costs.

(e) Promptly after issuance, the order to suspend work should be discussed with the contractor and should be modified, as necessary, in the light of such discussions. As soon as feasible after an order to suspend work is issued, the order will be canceled or the contract will be terminated for convenience.

(f) Where the contracting officer has notice of an unordered suspension, delay, or interruption, covered by paragraph (b) of the clause, he will act to end it as soon as practicable or terminate the contract for convenience.

(g) The contracting officer shall retain in the file a record of all negotiations leading to the adjustment made under the Suspension of Work clause, including financial and cost data.

(h) The prescribed clause may also be included by amendment in existing fixed-price supply contracts where a delay situation has not yet arisen.

(i) The clause:

SUSPENSION OF WORK (APRIL 1966)

(a) The Contracting Officer may order the Contractor in writing to suspend, delay, or interrupt all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government.

(b) If the performance of all or any part of the work is, for an unreasonable period of time, suspended, delayed, or interrupted by an act of the Contracting Officer in the administration of this contract, or by his failure to act within the time specified in this contract (or if no time is specified within a reasonable time), and adjustment shall be made for any increase in the cost of performance of this contract (excluding profit) necessarily caused by such unreasonable suspension, delay, or interruption and the contract modified in writing accordingly. Adjustment shall also be made in the delivery or performance dates and any other contractual provision affected by such suspension, delay, or interruption. However, no adjustment shall be made for any suspension, delay, or interruption to the extent that performance would have been so suspended, delayed, or interrupted by any other cause including the fault or negligence of the Contractor. Also no adjustment shall be made under this clause for any suspension, delay, or interruption for which an equitable adjustment is provided for or excluded under any other provision of this contract.

(c) No claim under this clause shall be allowed (i) for any costs incurred more than 20 days before the Contractor shall have notified the Contracting Officer in writing of the act or failure to act involved (but this requirement shall not apply as to a claim resulting from a suspension order), and (ii) unless the claim, in an amount stated, is asserted in writing as soon as prac-

ticable after the termination of such suspension, delay, or interruption, but not later than the date of final payment under the contract.

(d) If the parties fail to agree upon the existence or extent of a suspension, delay, or interruption, or on the amount of adjustment to be made, the dispute shall be determined as provided in the Disputes clause of this contract; but nothing in this clause shall excuse the Contractor from proceeding with the prosecution of the work in accordance with the contract to the extent possible or as otherwise directed by the Contracting Officer.

§ 7.105–8 Stop work orders. [Revoked]

§ 7.205–7 Stop work orders.

(a) *Use of clause.* The clause set forth in paragraph (c) of this section is authorized for use in cost-reimbursement type contracts under which work stoppage may be required for reasons such as advancements in the state of the art, production or engineering breakthroughs, or realignment of programs.

(b) *Use of orders.* (1) Inasmuch as stop work orders may result in increased costs to the Government by reason of standby costs, such orders will be issued only with prior approval at a level above the contracting officer. Generally, use of a stop work order will be limited to those situations where it is advisable to suspend work pending such a decision by the Government and a supplemental agreement providing for such suspension is not feasible. Although a stop work order may be used pending a decision to terminate for convenience, it will not be used pending a decision to terminate for default, nor will it be used in lieu of the issuance of a termination notice after a decision to terminate has been made.

(2) Stop work orders should include (i) a clear description of the work to be suspended, (ii) instructions as to the issuance of further orders by the contractor for material or services, (iii) guidance as to action to be taken on subcontracts, and (iv) other suggestions to the contractor for minimizing costs. Promptly after issuance, stop work orders should be discussed with the contractor and should be modified, if necessary, in the light of such discussions.

(3) As soon as feasible after a stop work order is issued, (i) the contract will be terminated; or (ii) the stop work order will either be canceled or—if necessary and if the contractor agrees—be extended beyond the period specified in the order. In any event, this must be done before the specified stop work period expires. When an extension of the stop work order is necessary, it shall be evidenced by a supplemental agreement. Any cancellation of a stop work order shall be subject to the same approvals as were required for the issuance of the order.
order.

STOP WORK ORDER (APRIL 1966)

(a) The Contracting Officer may, at any time, by written order to the Contractor, require the Contractor to stop all, or any part, of the work called for by this contract for a period of ninety (90)[1] days after the order is delivered to the Contractor, and for any further period to which the parties may agree. Any such order shall be specifically identified as a stop work order issued pursuant to this clause. Upon receipt of such an order, the Contractor shall forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within a period of ninety (90)[1] days after a stop work order is delivered to the Contractor, or within any extension of that period to which the parties shall have agreed, the Contracting Officer shall either—

(i) Cancel the stop work order, or

(ii) Terminate the work covered by such order as provided in the "Termination" clause of this contract.

(b) If a stop work order issued under this clause is canceled or the period of the order or any extension thereof expires, the Contractor shall resume work. An equitable adjustment shall be made in the delivery schedule, the estimated cost, the fee, or a combination thereof, and in any other provisions of the contract that may be affected, and the contract shall be modified in writing accordingly, if—

(1) The stop work order results in an increase in the time required for, or in the Contractor's cost properly allocable to, the performance of any part of this contract, and

(ii) The Contractor asserts a claim for such adjustment within thirty (30) days after the end of the period of work stoppage: *Provided*, That, if the Contracting Officer decides the facts justify such action, he may receive and act upon any such claim asserted at any time prior to final payment under this contract.

Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(c) If a stop work order is not canceled and the work covered by such order is terminated for the convenience of the Government, the reasonable costs resulting from the stop work order shall be allowed in arriving at the termination settlement.

§ 7.302–27 Suspension of work.

In accordance with the instructions in § 7.103–24(a)–(h), insert the clause set forth in § 7.103–24(i).

§ 7.304–6 Stop work orders. [Revoked]

§ 7.404–5 Stop work orders.

The clause set forth in § 7.205–7 is authorized for use under the criteria and in accordance with the instructions in § 7.205–7.

§ 7.702–32 Patent or proprietary rights in facilities. [Revoked]

PART 8—TERMINATION OF CONTRACTS

9. Section 8.802–6 is revised to read as follows:

§ 8.802–6 DD Form 544—Inventory Schedule C—Work in Process and DD Form 544c—Inventory Schedule C—Continuation Sheet.

See F–200.544 and F–200.544c.

PART 11—FEDERAL, STATE AND LOCAL TAXES

10. Subparts A and B are revised; §§ 11.500(c), 11.501, and 11.501–3 are revised; and § 11.501–4 is revoked, as follows:

Subpart A—Federal Excise Taxes

Sec.
11.100 General.
11.101 Retailers excise taxes, special fuels.
11.101–1 Diesel fuel.
11.101–2 Special motor fuels.
11.101–3 Procedures.
11.102 Manufacturers excise taxes.
11.102–1 Motor vehicles.
11.102–2 Tires and tubes.
11.102–3 Gasoline.
11.102–4 Lubricating oils.
11.102–5 Fishing equipment.
11.102–6 Firearms, shells, and cartridges.
11.103 Excise taxes on facilities and services.
11 104 Use tax on highway motor vehicles.

AUTHORITY: The provisions of this Subpart A issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 11.100 General.

This subpart deals with Federal taxes involved in the procurement of certain supplies and services. It is for the general information of Government personnel and does not purport to present the full scope of the applicable provisions of law and implementing regulations as they may be amended from time to time.

§ 11.101 Retailers excise taxes, special fuels.

§ 11.101–1 Diesel fuel.

A tax at the indicated rates is imposed upon any liquid, other than that taxable as gasoline under section 4081 of the Internal Revenue Code (see § 11.102–3), which is (a) sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle, or (b) used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid pursuant to paragraph (a) of this section, as follows:

(1) At 4 cents per gallon, if sold for use or if used as fuel in a diesel-powered highway vehicle—

(i) Which, at the time of such sale or use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is not used on the highway; and

(2) At 2 cents per gallon, if sold for use or if used as fuel in a diesel-powered highway vehicle—

(i) Which, at the time of such sale or use, is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is not used on the highway; and

(3) At an additional 2 cents per gallon, if fuel on which a tax of 2 cents was paid pursuant to subparagraph (2) of this paragraph, is used as fuel in a diesel-powered highway vehicle—

(i) Which, at the time of such use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is used on the highway.

[1] This clause may provide for less than 90 days.

No tax is imposed on diesel fuel sold for use or used as fuel in a nonhighway vehicle, such as certain military vehicles, construction equipment, and equipment designed for use at mines, factories, railroad stations, and farms.

§ 11.101–2 Special motor fuels.

A tax at the rates indicated below is imposed upon benzol, benzene, naphtha, liquefied petroleum gas, casinghead and natural gasoline, or any other liquid (other than kerosene, gas oil, fuel oil, or a product taxable as diesel fuel under § 11.101–1, or as gasoline under section 4081 of the Internal Revenue Code (see § 11.102–3), which is (a) sold by any person to an owner, lessee, or other operator of a motor vehicle, motorboat, or airplane for use as a fuel for the propulsion thereof, or (b) used by any person as a fuel for the propulsion of a motor vehicle, motorboat, or airplane, unless there was a taxable sale of such liquid pursuant to paragraph (a) of this section, as follows:

(1) At 4 cents per gallon, if such liquid is sold for use or is used as a fuel for a highway vehicle—

(i) Which, at the time of such sale or use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is used on the highway, or

(2) At 2 cents per gallon, if such liquid is sold for use or is used as a fuel for the propulsion of a motorboat or airplane, or a motor vehicle—

(i) Which, at the time of such sale or use, is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is not used on the highway; and

(3) At an additional 2 cents per gallon, if a liquid on which a tax of 2 cents was paid pursuant to subparagraph (2) of this paragraph, is used as fuel in a highway vehicle—

(i) Which, at the time of such use, is registered, or required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States is used on the highway.

§ 11.101–3 Procedures.

(a) *General.* The sale of diesel fuel to an owner, lessee, or other operator of a diesel-powered highway vehicle, or of special motor fuel to an owner, lessee, or other operator of a motor vehicle, motor boat, or airplane is considered as a taxable sale by the Internal Revenue Service only (1) if the liquid is delivered by the seller into the fuel supply tank of the vehicle, motor boat, or airplane, or (2) where not so delivered, the purchaser indicates in writing to the seller prior to or at the time of the sale that the entire quantity of the liquid covered by the sale is for use by him for a taxable purpose as a fuel in such a vehicle, motor boat, or airplane. If such a written statement is not furnished by the purchaser, he is liable for the tax at the applicable rate on that quantity of the liquid which is used by him as fuel in such a vehicle, motor boat, or airplane, or which is sold by him in a taxable transaction.

(b) *Diesel fuel.* Within the Departments, diesel fuel is the only product which could be taxable under § 11.101–1. Diesel fuel shall be procured by the Departments at a price exclusive of the tax on diesel fuel unless the contract under which such fuel is to be furnished requires the contractor to deliver it into the fuel supply tank of a diesel-powered highway vehicle. The activity of any Department using diesel fuel in a diesel-powered highway vehicle, where the fuel had not been delivered by the contractor into the fuel supply tank of the vehicle and had therefore been procured tax free, shall be responsible for making payment of the tax, at the applicable rate, directly to the Internal Revenue Service. Such payment shall be made quarterly on TD Form 720 "Quarterly Federal Excise Tax Return." A Certificate of Export is not required to support a tax-free sale of diesel fuel exported to a foreign country or shipped to a possession of the United States or to Puerto Rico.

(c) *Special motor fuel (jet fuel).* The only product procured by the Departments to which the tax under § 11.101–2 could apply is jet fuel. Benzol, benzene, naphtha, liquefied petroleum gas, casinghead and natural gasoline, or any other liquid (other than kerosene, gas oil, fuel oil, or a product taxable as diesel fuel or as gasoline) is not used by the Departments as a fuel for the propulsion of motor vehicles, motor boats, or airplanes and, therefore, the procurement of these products by the Departments would not be subject to the tax on special motor fuel. Moreover, none of these products is subject to the manufacturers excise tax on gasoline. The procurement of jet fuel by the Departments, except on AF Form 15, shall be at a price exclusive of the tax on special motor fuels. The furnishing of a tax exemption certificate (vessel-of-war) is not required unless the contract under which such fuel is to be furnished requires the contractor to deliver it into the fuel supply tank of aircraft or unless such fuel meets the specification requirements of motor gasoline set forth in paragraph (A) of section 314.30 of Regulation 44 of the Internal Revenue Service. The contract price for jet fuel procured by any Department shall not include an amount for manufacturers excise tax on gasoline used in the production of such fuel. (If the manufacturers excise tax on gasoline has been paid on any material used in the production of jet fuel, the manufacturer of the gasoline is entitled to a refund or credit of such tax.) Jet fuel procured on AF Form 15 shall be at a price inclusive of the tax on special motor fuels.

§ 11.102 Manufacturers excise taxes.

§ 11.102–1 Motor vehicles.

(a) A tax at the rates indicated below is imposed upon the following articles (including parts and accessories sold therewith) sold by a manufacturer, producer, or importer:

(1) Chassis and bodies of trucks, buses, truck and bus trailers, and semitrailers, and tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer—10 percent; except that this tax does not apply to equipment designed for off-the-road use, such as certain military vehicles (including oxygen or bomb dollies), construction equipment, and equipment designed for use at mines, factories, railroad stations, and farms;

(2) Chassis and bodies of automobiles, and of trailers and semitrailers (other than house trailers) suitable for use with passenger automobiles—10 percent prior to June 22, 1965; 7 percent from June 22, 1965, through December 31, 1965; 6 percent from January 1, 1966, through March 15, 1966; 7 percent from March 16, 1966, through March 31, 1968; 2 percent from April 1, 1968, through December 31, 1968; 1 percent after December 31, 1968; and

(3) Parts or accessories for trucks and buses—when sold separately from a truck, bus, or other item taxable as indicated in subparagraph (1) of this paragraph 8 percent. Parts or accessories are defined to include any article—

(i) The primary use of which is to improve, repair, replace, or serve as a component part of a truck or bus;

(ii) Designed to be attached to or used in connection with a truck or bus or to add to its utility or ornamentation; or

(iii) The primary use of which is in connection with a truck or bus whether or not essential to its operation or use.

Spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, a taxable vehicle are treated as parts or accessories whether or not primarily adapted for such use. However, the term "parts or accessories" does not include tires or inner tubes. The tax on parts or accessories does not apply to any article sold for use (or for a single resale for use) as material in the manufacture of, or as a component part of any article whether or not such article is subject to a manufacturers excise tax. The contract price of supplies purchased by any Department shall not include an amount for the manufacturers excise tax on parts or accessories purchased for use in the manufacture of any article.

(b) Bodies are exempt from tax when sold by the manufacturer to a manufacturer of motor vehicles to be sold by the purchaser; however, a chassis manufacturer who purchases a body tax free is required to pay a tax on his sale of the completed vehicle as the manufacturer of both the chassis and the body. A manufacturer of motor vehicle chassis cannot sell such chassis tax free to manufacturers of motor vehicle bodies.

§ 11.102–2 Tires and tubes.

(a) A tax at the rates indicated below is imposed on the following supplies, made wholly or in part of rubber, including synthetic and substitute rubber,

sold by a manufacturer, producer, or importer:

(1) Tires of the type used on highway vehicles, which includes motor vehicles which are highway vehicles, and vehicles of the type used with motor vehicles which are highway vehicles—10 cents per pound;

(2) Other tires, which are designed to fit the wheel of any type of vehicle capable of transporting a person or burden (other than laminated tires which consist wholly of scrap rubber from used tire casings with an internal metal fastening agent)—5 cents per pound;

(3) Inner tubes, which include any type of air container for pneumatic tires—10 cents per pound on total weight, including air valves and stems;

(4) Laminated tires (not of the type used on highway vehicles) which consist wholly of scrap rubber from used tire casings with an internal metal fastening agent—1 cent per pound; and

(5) Tread rubber, which includes any material commonly or commercially known as tread rubber or camelback of a type used in retreading or recapping tires—5 cents per pound. An exemption exists for the sale of tread rubber or camelback by a manufacturer to a purchaser for use by that purchaser other than for recapping or retreading tires of the type used on highway vehicles. In addition, if tread rubber, upon which the tax has been paid, is sold for use or is used other than for recapping or retreading tires of the type used on highway vehicles, the manufacturer is entitled to a refund or credit of the tax: *Provided*, That the credit under paragraph (b) of this section is not available. The contract price for supplies purchased by any Department will not include an amount for the manufacturers excise tax on tread rubber to the extent that this exemption or refund or credit is available to the manufacturer. In determining weight of taxable tires under subparagraphs (1) and (2) of this paragraph, metal rims or rim bases are excluded, but any other material or fastening device that forms a part of the tire is included. The tax imposed under subparagraphs (1) and (2) of this paragraph, does not apply to tires which are not more than 20 inches in diameter and not more than $1\frac{3}{4}$ inches in cross section, if such tires are of all-rubber construction without fabric or metal reinforcement, nor does it apply to tires of extruded tiring with an internal wire fastening agent.

(b) The exemption for sales for further manufacture does not apply to taxable tires and tubes (see § 11.202). However, if tax-paid tires and tubes normally sold in connection with the sale by a manufacturer of a taxable motor vehicle are sold therewith, a credit against the tax on the motor vehicle is allowed to the extent of the motor vehicle tax rate applied to the manufacturers purchase price on the tires and tubes. The contract price for supplies purchased by any Department shall not include an amount for manufacturers excise tax on tires and tubes to the extent that this credit is available to the manufacturer.

§ 11.102–3 Gasoline.

(a) *General.* A tax of 4 cents per gallon is imposed on gasoline sold by a producer or importer. Gasoline means all products commonly or commercially known or sold as gasoline which are suitable for use as a motor fuel. The tax does not apply to the sale of gasoline to a producer, which is defined to include a refiner, compounder, blender, or dealer who sells gasoline exclusively to producers of gasoline.

(b) *Procedure.* Products procured by the Departments which are subject to the tax under paragraph (a) of this section include motor gasoline, clear unleaded gasoline, automotive combat gasoline, and aviation gasoline for reciprocating engines. The procurement of motor gasoline, clear unleaded gasoline and automotive combat gasoline shall be at a price inclusive of the tax unless the product is to be exported to a foreign country or shipped to a possession of the United States or to Puerto Rico, or is to be used as supplies for vessels, in which event the procedure in § 11.202 (b) or (d) shall be followed. The procurement of aviation gasoline for reciprocating engines, if to be used for the propulsion of military aircraft and if not made on AF Form 15, shall be at a price exclusive of the tax under paragraph (a) of this section, and a vessel-of-war tax exemption certificate shall be furnished in accordance with § 11.202(d). The procurement of aviation gasoline which is not to be used for the propulsion of military aircraft or which is made on AF Form 15 shall be at a price inclusive of the tax on gasoline.

(c) *Refunds.* The ultimate purchaser of gasoline is entitled to a refund of 2 cents per gallon for gasoline used otherwise than as fuel in a highway vehicle, and in certain circumstances to fuel used in such a vehicle. However, activities of the Department of Defense will not apply for such refunds.

§ 11.102–4 Lubricating oils.

(a) *General.* A tax of 6 cents per gallon is imposed on lubricating oil (other than cutting oils) sold by the manufacturer or producer unless sold to another manufacturer or producer of lubricating oils for resale. Lubricating oil means all oils which are either sold for use as a lubricant or are suitable for use as a lubricant. The tax applies unless—

(1) The sale is exempt from tax under § 11.202; or

(2) The oil has been determined by the Commissioner of Internal Revenue to be "seldom used as a lubricant" and is sold for a nonlubricating use; or

(3) The oil is sold as cutting oil under the procedure described in paragraph (c) of this section.

(b) *"Seldom used as a lubricant."* The following oils have been determined by the Commissioner of Internal Revenue to be "seldom used as a lubricant" and, thus, may be sold tax free: castor oil, petroleum white oil of certain specifications, crude neatsfoot oil, transformer or insulating oil, and a certain product used as an additive to the fuel used in internal combustion engines.

(c) *Cutting oils.* Oil sold as cutting oil is not subject to the tax if the manufacturer or producer follows one of three procedures. First, lubricating oils may be sold tax free by the manufacturer or producer as cutting oil in any case where:

(1) The manufacturer or producer packages the oil in containers of 5 gallons or less furnished by him and labeled by him to indicate use of the oil only in cutting and machining operations on metals;

(2) Any advertising of the oil so packaged and labeled indicates that the oil is for use only in cutting and machining operations on metals; and

(3) The oil so packaged and labeled is sold by the manufacturer or producer to a purchaser for such use by him or for resale by him for such use.

Second, where the Commissioner of Internal Revenue has determined oil to be suitable for use as a lubricant only in cutting and machining operations on metals, the oil may be sold tax free by the manufacturer or producer as cutting oils, unless the manufacturer has definite knowledge, prior to or at the time of the sale, that the oil is not being purchased for use, or resale for use, in cutting and machining operations on metals. Oils as to which the Commissioner has made such a determination may be sold tax free whether in bulk or otherwise. However, the Commissioner may require that the oil be specifically represented to the purchaser, whether by labeling or otherwise, as being suitable for use only in cutting and machining operations on metals. Third, lubricating oils which are sold for use, or for resale for use in cutting and machining operations on metals, but which may not be sold tax free under one of the procedures described above, may be sold tax free, provided the manufacturer obtains from the purchaser a properly executed cutting oil certificate. The form set forth in § 11.501–3 shall be utilized for this purpose.

(d) *Refunds.* The ultimate purchaser of lubricating oil (other than cutting oils, imported lubricating oils, or rerefined oil) is entitled to a refund of 6 cents per gallon on oil purchased tax paid which is used otherwise than as a lubricant in a highway motor vehicle. However, activities of the Department of Defense will not apply for such refunds.

§ 11.102–5 Fishing equipment.

A tax of 10 percent is imposed upon fishing equipment (including parts or accessories sold therewith) sold by a manufacturer, producer, or importer.

§ 11.102–6 Firearms, shells, and cartridges.

(a) A tax is imposed at the rate of 10 percent upon pistols and revolvers; and at the rate of 11 percent on other firearms, shells, and cartridges sold by a manufacturer, producer, or importer. The tax does not attach when such articles are purchased with funds appropriated for the Military Departments.

(b) Chapter 53A of the Internal Revenue Code imposes a transfer tax and a tax on the manufacturer of machine guns and certain other firearms. Transfer to, or manufacture for, the United States is specifically exempted.

(c) Clearly identified orders or contracts of a Military Department, signed by an authorized officer of such Department, will be accepted in support of the exemption. In the absence of such orders or contracts, a statement signed by an authorized officer of a Military Department that the firearms, shells, or cartridges were purchased with funds appropriated for the Military Departments will be acceptable.

§ 11.103 Excise taxes on facilities and services.

Chapter 33 of the Internal Revenue Code imposes excise taxes on communications and certain transportation of persons by air. In general, the tax is based upon the amount paid for the service and is imposed upon the person paying for the service.

§ 11.104 Use tax on highway motor vehicles.

(a) A tax of $3 a year for each 1,000 pounds of taxable gross weight, or fraction thereof, is imposed upon the use of any highway motor vehicle which, together with semitrailers and trailers customarily used in connection with a vehicle of this type, has a taxable gross weight in excess of 26,000 pounds. The full tax is due for any vehicle which is used on the public highways of the United States at any time during the month of July, irrespective whether the vehicle is later removed from highway use. If the first use of a taxable vehicle occurs after the end of July, the tax is computed proportionately from the first day of the month in which the vehicle is first used, through the end of the following June. *For example*, if a vehicle is placed in use during August, $11/12$ of the total tax is payable. No tax applies to vehicles, even though of a highway type, which are never used on the public highways during the taxable year.

(b) Taxable gross weight is the sum of—

(1) The actual unloaded weight of the vehicle and any semitrailers and trailers customarily used with such a vehicle, all units fully equipped for service; and

(2) The weight of the maximum load customarily carried by all units of a vehicle of this type.

(c) The tax is payable by the person in whose name the vehicle is, or is required to be, registered under the law of any State, or if owned by the United States, by the agency or instrumentality of the United States operating such vehicle. If a tax has been paid for a particular vehicle, no further liability can be incurred in the same taxable year, even though there is a change of ownership of the vehicle.

(d) The Secretary of the Treasury, however, has authorized an exemption for vehicles used by the United States whether or not they are Government owned.

Subpart B—Exemptions From Federal Excise Taxes

Sec.
11.200 Policy.
11.201 Retailers excise taxes.
11.202 Manufacturers excise taxes.
11.203 Supplies and services for the exclusive use of the United States.

AUTHORITY: The provisions of this Subpart B issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 11.200 Policy.

It is the policy of the Department of Defense to take maximum advantage of all exemptions from Federal excise taxes available to the United States and its contractors and to claim all refunds and credits which may be available to the United States and its contractors, except as otherwise provided in this subpart and Subpart A of this part.

§ 11.201 Retailers excise taxes.

No retailers excise tax is imposed:

(a) On the sale of special fuels for the exclusive use of any State, any political subdivision thereof, or the District of Columbia, or with respect to the use thereof by any of the foregoing;

(b) On the sale of special fuels for export or for shipment to a possession of the United States (which for the purpose of this exemption includes Puerto Rico), and in due course so exported or shipped—

(1) This exemption shall be utilized by purchasing on a tax-exclusive basis and furnishing the required proof of exportation or shipment to a possession if:

(i) The purchase is substantial, and

(ii) Exportation or shipment to a possession is intended to follow not more than 6 months after title passes to the Government.

(2) To qualify for the exemption of sales for export or for shipment to a possession:

(i) The supplies must be identified as having been sold by the manufacturer (if the tax is a manufacturers excise tax) or the retailer (if the tax is a retailers excise tax) for export or shipment to a possession. The words "for export or shipment to a possession" incorporated into or stamped on a contract or purchase order are acceptable to the Internal Revenue Service as evidence that the sale is for export or for shipment to a possession. In solicitations and contracts, the terms of which imply that the supplies will be either exported or shipped to a possession (e.g., delivery to a port of embarkation or special packing requirements for overseas shipment) where the purchase is not substantial and it is therefore desired to purchase on a Federal excise tax-inclusive basis, the solicitations and the contract should clearly state that proof of export certificates will not be issued.

(ii) The supplies must be exported or shipped to a possession in due course. Proof of export or shipment will be furnished to the contractor in the form set forth in § 11.501.

(c) On the sale of special fuels to retailers for resale. (Sales by the United States, or any agency or instrumentality thereof, are not exempt unless specifically made exempt by statute.);

(d) On the sale of special motor fuels for use or used in the propulsion of vessels of war or military aircraft of the type enumerated in § 11.202(d);

(e) On the sale of special fuels to a nonprofit educational organization for its exclusive use, or, with respect to the use thereof by a nonprofit educational organization.

§ 11.202 Manufacturers excise taxes.

No manufacturers excise tax is imposed:

(a) On the sale of any article for use by the purchaser for further manufacture or for resale to a second purchaser for use by such second purchaser in further manufacture (An article shall be treated as sold for use in further manufacture if sold for use by the purchaser as material in the manufacture or production of, or as a component part of, another taxable article to be manufactured or produced. In the case of truck or bus parts and accessories, it is not necessary that the produced article be a taxable article. This exemption does not apply to tires or inner tubes.); or

(b) On the sale of any article for export, or for shipment to a possession of the United States which for the purpose of this exemption includes Puerto Rico. This exemption shall be obtained only when the purchase is substantial and exportation or shipment to a possession is intended to follow not more than 6 months after title passes. For proper utilization of this exemption, see § 11.201(b).

(c) On the sale of any article for resale to a second purchaser for export. If articles upon which a manufacturers excise tax has been paid are resold by a dealer for export, or for shipment to a possession, the manufacturer is entitled to a credit or refund of the tax paid. If it is economically advantageous to do so, this credit or refund shall be utilized by purchase from a dealer on a tax exclusive basis and execution of the required exemption certificate set forth in § 11.501–1.

(d) On sales of supplies for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, including aircraft owned by the United States or by any foreign nation and constituting a part of the armed forces thereof, and guided missiles and pilotless aircraft owned or chartered by the United States. This exemption and the exemption from the retailers excise tax on special motor fuels (see § 11.201(d)) shall be utilized by purchasing on a tax-exclusive basis and furnishing the required exemption certificate (see § 11.501–2) only if:

(1) The purchase is substantial,

(2) The contracting officer determines at the time of the purchase that the sup-

plies are intended for use in vessels of war or military aircraft, and

(3) The administrative burden of insuring that the supplies are used for exempt purposes does not make use of the exemption uneconomical. Administrative difficulties normally will not exist if the particular supply is suited exclusively for use in vessels or aircraft.

If supplies upon which a manufacturers excise tax has been paid are sold by a dealer for any of the exempt uses enumerated above, the manufacturer is entitled to a credit or refund of the tax paid. If it is economically advantageous to do so, this credit or refund shall be utilized by purchase from a dealer on a tax-exclusive basis and execution of the required exemption certificate set forth in § 11.501–2.

(e) On the sale of any article for the exclusive use of a State or local government; and

(f) On the sale of any article to a nonprofit educational organization for its exclusive use.

§ 11.203 Supplies and services for the exclusive use of the United States.

By virtue of action taken by the Secretary of the Treasury, pursuant to section 4293 of the Internal Revenue Code, exemption is available, and shall be obtained, to the extent indicated, from the following Federal excise taxes:

(a) Tax on communication services and facilities furnished directly to the United States (as distinguished from being furnished to a Government contractor) and paid for directly by the Government (such exemption is obtained without any exemption certificate); and

(b) Tax on transportation of persons for transportation furnished the United States upon a Government transportation request (such exemption is obtainable by use of such transportation request).

§ 11.300 General.

* * * * *

(c) With respect to the forms set out in §§ 11.501–2 and 11.501–3, the Internal Revenue Service will accept one certificate covering all orders under a single contract for a specified period not exceeding four calendar quarters.

§ 11.501 Federal excise taxes.

The forms of certificates set forth in §§ 11.501–1 through 11.501–3 may be reproduced locally.

§ 11.501–3 Cutting oil certificate.

The following form of certificate shall be used by the purchaser of cutting oil, in accordance with § 11.102–4(c).

CUTTING OIL CERTIFICATE

(For use by purchaser of lubricating oil subject to tax under section 4091 of the Internal Revenue Code of 1954, for use by purchaser in cutting and machining operations on metals)

---------- 19 --

Contract:
Contract Period:
Contractor:
Product:
End Use:

The undersigned certifies that he is an authorized agent of the United States of America and that the oil covered by the contract identified above is purchased for the use indicated as a lubricant in cutting and machining operations on metals.

The undersigned understands that the purchaser must be prepared to establish by satisfactory evidence the actual use or disposition made of such oil, and that upon its use of the oil for a lubricating purpose other than in cutting and machining operations on metals, or upon its sale or other disposition of the oil, it is required to notify the manufacturer.

The fraudulent use of this certificate for the purpose of purchasing oil tax free, rather than subject to tax at the rate of 6 cents a gallon, will subject the guilty party to a fine of not more than $10,000 or imprisonment for not more than five (5) years, or both, together with the costs of prosecution.

---------- (Signature)

---------- (Title)

---------- (Address)

§ 11.501–4 Cutting oil certificate. [Revoked]

PART 13—GOVERNMENT PROPERTY

11. Sections 13.102–1, 13.102–2, and the introductory text of § 13.702(b) are revised to read as follows:

§ 13.102–1 Prime contractors.

It is the policy of the Department of Defense not to hold a contractor responsible for loss of or damage to Government property caused by certain perils when such Government property is provided under:

(a) A facilities contract;

(b) A negotiated, fixed-price-type procurement contract for which the price is not based on (1) adequate price competition, (2) established catalog or market prices of commercial items sold in substantial quantities to the general public (see § 3.807–1(b)), or (3) prices set by law or regulation; or

(c) A cost-type procurement contract.

§ 13.102–2 Subcontractors.

(a) If Government property is provided to a subcontractor directly by the Government, § 13.102–1 shall apply.

(b) If Government property is provided to a subcontractor by a prime contractor, the latter shall be required to hold the subcontractor liable for any loss of or damage to such property: *Provided, however*, That if the prime contract falls under either § 13.102–1 (b) or (c), the prime contractor may, with the prior approval of the contracting officer:

(1) Include in any cost-reimbursement type subcontract thereunder provisions similar to those contained in paragraph (g) of the clause in § 13.703; and

(2) Include in any fixed-price subcontract meeting the criteria set forth in § 13.102–1(b) a provision similar to that contained in § 13.702(b).

Contracting officers shall, prior to approving the inclusion of the provisions referred to above in any subcontract, balance the need for the protection and care of Government property against the cost thereof. A prime contractor who provides Government property to a subcontractor shall not be relieved of any responsibility to the Government that he may have under the terms of his contract.

§ 13.702 Government property clause for fixed-price contracts.

* * * * *

(b) In negotiated fixed-price contracts for which the price is not based on (1) adequate price competition, (2) established catalog or market prices of commercial items sold in substantial quantities to the general public (see § 3.807–1(b)), or (3) prices set by law or regulation, substitute the following for paragraph (g) of the clause in paragraph (a) of this section:

* * * * *

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

12. Paragraph (e) of § 15.205–22 is revised to read as follows:

§ 15.205–22 Material costs.

* * * * *

(e) Allowance for all materials, supplies, and services which are sold or transferred between any division, subsidiary, or affiliate of the contractor under a common control shall be on the basis of cost incurred in accordance with this subpart, except that when it is the established practice of the transferring organization to price interorganization transfers of materials, supplies, and services at other than cost for commercial work of the contractor or any division, subsidiary, or affiliate of the contractor under a common control, allowance may be at a price when:

(1) It is or is based on an "established catalog or market price of commercial items sold in substantial quantities to the general public" in accordance with § 3.807–1(b)(2); or

(2) It is the result of "adequate price competition" in accordance with § 3.807–1(b)(1) (i) and (ii) (*a*) and (*b*), and is the price at which an award was made to the affiliated organization after obtaining quotations on an equal basis from such organization and one or more outside sources which normally produce the item or its equivalent in significant quantity;

provided that in either case:

(i) The price is not in excess of the transferor's current sales price to his most favored customer (including any division, subsidiary, or affiliate of the contractor under a common control) for a like quantity under comparable conditions, and

(ii) The price is not determined to be unreasonable by the contracting officer: *Provided, however*, That if the price is determined unreasonable, such determination must be supported by an enumeration of facts on which it is based and approved at a level above the contracting officer.

The price determined in accordance with subparagraph (1) of this paragraph should be adjusted, when appropriate, to reflect the quantities being procured and may be adjusted upward or downward to reflect the actual cost of any modifications necessary because of contract requirements.

PART 18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

13. Sections 18.1001–1, 18.1001–2, 18.1001–3, and 18.1001–4 are revised to read as follows:

§ 18.1001–1 Special fuels.

See § 11.101.

§ 18.1001–2 Motor vehicles.

See § 11.102–1.

§ 18.1001–3 Tires and tubes.

See § 11.102–2.

§ 18.1001–4 Gasoline.

See § 11.102–3.

[Rev. 18, ASPR, Aug. 1, 1966] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66–11162; Filed, Oct. 13, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8161]

PART 13—PROHIBITED TRADE PRACTICES

Ship 'n Shore, Inc.

Subpart—Advertising falsely or misleadingly: § 13.95 *Identity of product;* § 13.235 *Source or origin:* 13.235–60 Place: 13.235–60(a) Domestic products as imported. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1230 *Identity;* § 13.1325 *Source or origin:* 13.1325–70 Place: 13.1325–70(a) Domestic product as imported.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Modified order to cease and desist, Ship 'n Shore, Inc, et al., Upland, Pa., Docket 8161, Sept. 19, 1966]

Order modifying an earlier consent order, 26 F.R. 6023, dated May 16, 1961, requiring a manufacturer of women's sportswear to cease using the term "madras" to describe a textile product not imported from India, but allowing the nondeceptive use of the term if the fabric has an actual resemblance to true madras fabric.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That this proceeding be, and it hereby is, reopened.

It is further ordered, That the order to cease and desist issued in this matter on May 16, 1961, be, and it hereby is, modified to read as follows:

It is ordered, That respondent Ship 'n Shore, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of blouses, sportswear, or other textile products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "madras" or any simulations thereof, either alone or in connection with other words, to designate, describe, or refer to any fabric or other textile product which is not in fact made of fine cotton, handloomed and imported from India, and if the cloth is other than natural in color, has not been dyed with bleeding vegetable dyes: *Provided, however*, That if the fabric or textile product does in fact resemble or is similar to madras fabric, the term "madras" may be used in any phrase or statement to clearly and nondeceptively set forth the actual resemblance or similarity.

2. Placing in the hands of retailers the means and instrumentalities by and through which they may deceive the purchasing public concerning merchandise in the respects set out in paragraph 1, above.

It is further ordered, That the complaint against the individual respondent William Netsky be, and the same hereby is, dismissed.

It is further ordered, That respondent Ship 'n Shore, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist set forth herein.

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66–11193; Filed, Oct. 12, 1966; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

PART 5–12—LABOR

Subpart 5–12.8—Equal Opportunity in Employment

This amendment revises Subpart 5–12.8 for the purpose of prescribing revised, expanded, and updated procedures for carrying out the GSA Equal Employment Opportunity Program. The amendment provides that the GSA Civil Rights Program Policy Staff is responsible for the overall administration of the GSA Equal Employment Opportunity Program, indicates the duties and responsibilities under the program of various officials and organizational units associated with the program, and prescribes more detailed instructions for the program's administration. In addition, the amendment reflects the requirements of Executive Order No. 11246 of September 24, 1965, the rules and regulations of the Secretary of Labor (41 CFR Part 60–1), and the directives issued by the Office of Federal Contract Compliance (EEO).

The table of contents for Part 5–12 is amended to provide revised entries for Subpart 5–12.8, as follows:

Subpart 5–12.8—Equal Opportunity in Employment

Sec.	
5–12.800	Scope of subpart.
5–12.803	Basic requirements.
5–12.803–2	Equal Opportunity clause.
5–12.803–6	Notice to bidders regarding preward equal opportunity compliance reviews.
5–12.803–50	Equal opportunity representation.
5–12.804	Exemptions.
5–12.804–1	General.
5–12.804–2	Specific contracts.
5–12.804–3	Facilities not connected with contracts.
5–12.805	Administration.
5–12.805–1	Duties and responsibilities.
5–12.805–4	Compliance reports.
5–12.805–5	Compliance reviews.
5–12.805–6	Complaints.
5–12.805–50	Ability to comply with the Equal Opportunity clause.
5–12.805–51	Equal employment opportunity considerations.
5–12.805–52	[Reserved]
5–12.805–53	Identification of Predominant Interest Agency.
5–12.805–54	Awards.
5–12.805–55	Monthly listing of construction contractors.
5–12.807	Hearings.
5–12.812	Rulings and interpretations.

AUTHORITY: The provisions of this Subpart 5–12.8 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5–12.8, Equal Opportunity in Employment, is revised to read as follows:

§ 5–12.800 Scope of subpart.

This subpart implements and supplements FPR 1–12.8 of this title and sets forth the GSA Equal Employment Opportunity Program procedures and requirements regarding Government contracts.

§ 5–12.803 Basic requirements.

§ 5–12.803–2 Equal Opportunity clause.

(a) Executive Order No. 11246 dated September 24, 1965 (30 F.R. 12319), on Equal Employment Opportunity provides for the inclusion of an Equal Opportunity clause in every Government contract not exempted by the order. The clause which is prescribed for use is set forth in § 1–12.803–2 of this title, as amended. (See FPR amendments for changes in the clause required by Executive Order No. 11246.)

(b) The following Government contract forms contain the Equal Opportunity clause:

(1) Standard Form 2–A, General Provisions and Instructions, U.S. Government Lease for Real Property (February 1965 edition), as prescribed by §1–16.601 (b) of this title.

(2) Standard Form 23–A, General Provisions (Construction Contract) (June 1964 edition), as prescribed by § 1–16.401 (h) of this title.

(3) Standard Form 32, General Provisions (Supply Contract) (June 1964 edition), as prescribed by § 1–16.101(b) of this title.

(4) GSA Form 1714, Equal Opportunity Clause (August 1966 edition). This form (illustrated at § 5–16.950–1714 of this chapter) is a preprinting of the Equal Opportunity clause which may be incorporated by attachment or reference, if appropriate, in invitations for bids and requests for proposals where Standard Forms 23–A or 32 are not used.

(5) Government Bills of Lading. The rules and regulations of the Secretary of Labor, 41 CFR Part 60–1 of this title (30 F.R. 13441), provide that inclusion of the Equal Opportunity clause in Government Bills of Lading may be by reference. Comptroller General Decision B–109776 dated March 7, 1966, provides that the incorporation of the Equal Opportunity clause by reference shall be by inclusion of a provision on the Government bill of lading form (see Condition 9 on the back of the form), as follows:

> The nondiscrimination clause contained in section 202 of Executive Order 11246, as amended, relative to equal employment opportunity for all persons without regard to race, creed, color, or national origin, and the implementing rules and regulations prescribed by the Secretary of Labor are incorporated herein.

Government bills of lading forms which contain a Condition 9 based on Executive Orders Nos. 10925, 10557, or 11114 may be used until exhausted without modification of the condition.

(6) Commercial Bills of Lading. The reference to the Equal Opportunity clause prescribed in subparagraph (5) of this paragraph for use in standard Government bills of lading shall also be incorporated by attachment or reference in each of the following:

(i) Commercial bills of lading which are to be converted to Government bills of lading.

(ii) Commercial bills of lading (including GSA Form 1642, Straight Bill of Lading—Domestic) when they cover the transportation of property of the U.S. Government or when the transportation charges will be paid by the Government, either directly to the carrier or to the contractor when the transportation charges are listed separately on the invoice for the property.

§ 5–12.803–6 Notice to bidders regarding preaward equal opportunity compliance reviews.

A notice of preaward equal opportunity compliance review for inclusion in invitations for bids which may result in a bid of $1 million or more is required by order of the Office of Federal Contract Compliance, Department of Labor (31 F.R. 6881). A notice for uniform, Government-wide use is prescribed in FPR § 1–12.803–6 of this title.

§ 5–12.803–50 Equal opportunity representation.

A statement by the bidder or prospective contractor as to whether he has participated in any previous contract or subcontract subject to the Equal Opportunity clause (see FPR § 1–12.805–4(e) of this title) is included in Standard Form 19–B, Representations and Certifications (Construction Contract) (December 1965 edition) and in Standard Form 33, Invitation, Bid, and Award (Supply Contract) (December 1964 edition). Pending the publication of a new edition of Standard Form 33, the equal opportunity representation included as Provision 6 in the form shall be modified by inserting after the reference to "Executive Order 10925" the following: "or the clause contained in section 201 of Executive Order No. 11114."

§ 5–12.804 Exemptions.

§ 5–12.804–1 General.

Contracts and subcontracts exempt from the requirements of the Equal Opportunity clause are covered in FPR § 1–12.804–1 of this title.

§ 5–12.804–2 Specific contracts.

Requests for exemption from use of the Equal Opportunity clause for specific contracts or categories of contracts shall be submitted with a complete justification to the Director, Civil Rights Program Policy Staff, for consideration and transmission to the Director, Office of Federal Contract Compliance, Department of Labor.

§ 5–12.804–3 Facilities not connected with contracts.

Requests by GSA contractors and subcontractors for exemption from the Equal Opportunity clause of facilities not involved in the performance of Government contracts shall be submitted with a complete justification to the Director, Civil Rights Program Policy Staff, for consideration and transmission to the Director, Office of Federal Contract Compliance, Department of Labor.

§ 5–12.805 Administration.

§ 5–12.805–1 Duties and responsibilities.

(a) *Director, Civil Rights Program Policy Staff, Office of General Counsel.* The Director is immediately responsible for the implementation of the GSA Equal Employment Opportunity Program. All communications regarding any phase of the Program which are received from or require transmittal to the Office of Federal Contract Compliance, Department of Labor, or the Equal Employment Opportunity Commission, or the Department of Justice, shall be coordinated with or handled by the Director.

(b) *Civil Rights Program Policy Staff, Office of General Counsel.* The staff shall be responsible for (1) the overall administration of the GSA Equal Employment Opportunity Program, including contracts compliance; (2) directing and coordinating the GSA Equal Employment Opportunity Program; and (3) developing and recommending policies, guidelines, and procedures to the Administrator which are necessary for carrying out GSA's responsibilities under the Equal Employment Opportunity Program.

(c) *Office of Compliance, Civil Rights Division.* The office shall be responsible for the overall administration of the GSA Equal Employment Opportunity Compliance Review and Inspection Program in accordance with the provisions of this Subpart 5–12.8 and FPR Subpart 1–12.8 of this title, and the instructions of the Director, Civil Rights Program Policy Staff.

(d) *Other procurement officials and program managers.* The personnel assigned these duties shall be responsible for taking all steps and precautions which are appropriate and necessary to assure contractor compliance with the GSA Equal Employment Opportunity Program as set forth in this Subpart 5–12.8 and FPR Subpart 1–12.8 of this title, and the instructions of the Director, Civil Rights Program Policy Staff.

(e) *Contracts Compliance Officer.* The officer is the Director, Civil Rights Program Policy Staff, Office of General Counsel.

(f) *Deputy Contracts Compliance Officers.* The Deputy Contracts Compliance Officers are the Regional Counsels in the respective GSA regional offices. These officers shall be responsible for implementation of the GSA Equal Employment Opportunity Program in their offices in accordance with this Subpart 5–12.8 and FPR Subpart 1–12.8 of this title, and the instructions of the Civil Rights Program Policy Staff. In addition, these officers shall be responsible for providing assistance in their regions to the Regional Administrator, contracting officers, and field personnel of the Office of Compliance, Civil Rights Division, in the execution of their responsibilities.

(g) *Civil Rights Program Coordinators.* The coordinators, designated by the respective Services and Staff Offices, shall be the liaison between the Central Office contracting officers of their respective procuring activities and the Civil Rights Program Policy Staff and Office of Compliance regarding implementation of the GSA Equal Employment Opportunity Program and related procedures.

(h) *Contracting Officers.* The contracting officers in each GSA procuring activity shall be responsible for determining whether prospective contractors appear to be able to conform to the requirements of the Equal Opportunity clause. These officers also shall be responsible for directing to the attention of the Civil Rights Program Policy Staff, through either the Service or Staff Office Civil Rights Program Coordinators or the Deputy Contracts Compliance Officers, any deficiencies in a contractor's equal employment posture noted during contract performance. In addition, these officers are responsible for taking all other actions necessary to assure contractor compliance with the GSA Equal Employment Opportunity Program.

§ 5–12.805–4 Compliance reports.

(a) Each nonexempt contractor and subcontractor shall file or already have filed, prior to award, compliance reports in accordance with the rules, regulations, and orders of the Secretary of Labor and the printed instructions (except as provided in paragraph (b) of this § 5–12.805–4) on Standard Form 100, Equal Employment Opportunity Employer Information Report EEO–1. In addition, such contractors and subcontractors may be required, prior to award, to furnish such other information regarding their equal employment policies and procedures as the Civil Rights Program Policy Staff, the Office of Compliance, the contracting officer, or the Office of Federal Contract Compliance, Department of Labor, may require.

(b) If a nonexempt prime contractor or subcontractor has not filed a Standard Form 100 as required, the contracting officer shall supply such contractors with copies of the forms for completion and immediate return to the contracting officer. Contractors shall be instructed to submit the Standard Form 100 directly to the contracting officer, in order to expedite the determinations of their ability to comply with the provisions of the Equal Opportunity clause, and to ignore the instruction to file the report with the Joint Reporting Committee, 1800 G Street NW., Washington, D.C. 20506 which appears on the form.

(c) Upon receipt of the Standard Form 100, the contracting officer shall immediately have it hand-carried to the Civil Rights Program Policy Staff or the Deputy Contracts Compliance Officer, as appropriate, for their recommendations regarding the prospective contractor's ability to comply with the provisions of the Equal Opportunity clause.

(d) The Civil Rights Program Policy Staff or the Deputy Contracts Compliance Officer, as the case may be, shall arrange for appropriate transmittal to the Joint Reporting Committee of the Standard Form 100 furnished to the contracting officer.

(e) Procuring activities may request a contractor or subcontractor to furnish a copy of any equal employment opportunity compliance report previously filed by the contractor or subcontractor.

(f) Where preaward compliance reviews have been made pursuant to the requirements of § 5–12.805–5(d)(2), compliance reports shall be submitted by the contractor within 30 days after the award of the contract, and by each first-tier subcontractor subject to such reviews within 30 days after the award of each subcontract, if:

(1) A complete compliance report has not been submitted within 12 months preceding the date of the contract award (prime or sub); and

(2) The contractor and subcontractors concerned are employers within the definition of "employer" in section 2(e)(3) of the instructions to the compliance report, Standard Form 100.

§ 5–12.805–5 Compliance reviews.

(a) *Definitions*—(1) *Routine compliance review.* This type of review is a general "on-site" review of employment practices (see § 5–12.805–51) to ascertain the compliance of a contractor or subcontractor.

(2) *Special compliance review.* This type of review consists of a comprehensive, detailed review of the employment practice (see § 5–12.805–51) to ascertain the compliance of a contractor or subcontractor. The review may be company-wide or involve only particular facilities of the contractor or subcontractor.

(3) *Preaward compliance reviews.* This type of review (see FPR § 1–12.803–6 of this title) is a comprehensive, detailed review of a contractor's employment policies and practices (see § 5–12.805–51) with special attention to those relating to recruitment, placement, promotion, and other areas of potential discrimination to ascertain his ability to comply with the provisions of the Equal Opportunity clause.

(b) *Conduct of routine compliance reviews*—(1) *Responsibilities.* Routine compliance reviews shall be conducted by the Office of Compliance. Advance arrangements shall be made with the contractor or subcontractor by the Office of Compliance to establish a definite date and time for visiting the facilities involved. GSA Form 1950B(FL) (see § 5–16.950–1950B(FL) of this chapter), addressed to the contractor, shall be utilized for this purpose. If time is of the essence, advance arrangements may be made by telephone.

(2) *Procedures.* (i) GSA Form 1953, Nondiscrimination Survey of Government Contractor (see § 5–16.950–1953 of this chapter), shall be completed by the Office of Compliance in conducting a routine compliance review. Copies of GSA Form 1953 shall be furnished to the Civil Rights Program Policy Staff, the contracting officer, and, if appropriate, the Deputy Contracts Compliance Officer. GSA Form 1953 shall not be furnished to the contractor or subcontractor either in blank or otherwise.

(ii) The Office of Compliance may make recommendations to a contractor or subcontractor designed to correct deficiencies in equal employment policies and practices detected during the course of a routine compliance review. A specific time in which to correct deficiencies should be stipulated. Any such recommendations and the deficiencies noted shall be reported on GSA Form 1953 or as attachments thereto. Such recommendations may include, but are not limited to, elimination of segregated facilities, improvement of recruitment techniques, promulgation and dissemination of program policies, preparation of plans to merge functionally related but racially segregated lines of progression, etc. Any refusal on the part of a contractor or subcontractor to correct deficiencies shall be fully reported.

(iii) In no event shall a contractor or subcontractor be advised by GSA officials conducting a routine compliance review that he is in compliance nor shall representations be made that he will be in compliance if he adopts all of the recommendations of such officials.

(iv) Notification of a contractor or subcontractor of his compliance posture shall be made by the Civil Rights Program Policy Staff based upon the recommendations of the Office of Compliance after consideration of all data available including reports relating to all of the facilities of a contractor or subcontractor. A copy of such notification will be forwarded to the appropriate Service or Staff Office Civil Rights Program Coordinator.

(v) A multifacility contractor or subcontractor may have some facilities where equal employment opportunity is practiced and other facilities where it is not. When this situation prevails, the contractor or subcontractor shall not be deemed to be in compliance. Necessary coordination shall be obtained before a determination of compliance is communicated to a contractor or subcontractor.

(vi) The Office of Compliance and the Civil Rights Program Policy Staff may request additional information whenever it is determined to be necessary or appropriate.

(c) *Conduct of special compliance reviews*—(1) *Responsibilities.* Special compliance reviews shall be conducted by the Office of Compliance as directed by the Civil Rights Program Policy Staff. Advance arrangements shall be made with the contractor or subcontractor by the Office of Compliance for the purpose of establishing definite dates and times for visiting the facilities involved.

(2) *Procedures.* (i) The Civil Rights Program Policy Staff shall advise the Civil Rights Program Coordinator of the Service or Staff Office concerned of any decision to conduct a special compliance review of a contractor or subcontractor and shall keep the Coordinator advised of the findings and determinations.

(ii) Special compliance reviews, in addition to a narrative report, shall include

a completed GSA Form 1953. The original and two copies of each special compliance review, including all attachments and exhibits, shall be submitted by the Office of Compliance to the Civil Rights Program Policy Staff which shall evaluate the special compliance review and related documents, taking into consideration the recommendations of the Office of Compliance.

(iii) If no deficiencies are disclosed by the special compliance review and the review was initiated at the request of the Office of Federal Contract Compliance, Department of Labor, the Civil Rights Program Policy Staff shall so inform that office. The information shall be furnished by means of a memorandum enclosing a copy of the report of the special compliance review. Copies of the memorandum shall be furnished to the Office of Compliance and the appropriate Civil Rights Program Coordinator. Where special compliance reviews are made but the reviews were not initiated by the Office of Federal Contract Compliance, determinations that no further action is deemed necessary will only be communicated to the Office of Compliance and the Civil Rights Program Coordinator concerned, except as otherwise deemed necessary or appropriate.

(iv) If deficiencies are disclosed, the Civil Rights Program Policy Staff or the Office of Compliance shall notify the contractor or subcontractor involved of the remedial steps that must be taken. Copies of such notices shall be furnished the Office of Compliance or Civil Rights Program Policy Staff, as appropriate, and the Civil Rights Program Coordinator concerned. In addition, if a special compliance review is requested by the Office of Federal Contract Compliance, Department of Labor, a copy of the special compliance review report and a copy of the advice to the contractor or subcontractor shall be forwarded to that office.

(v) Failure of the contractor or subcontractor to remedy deficiencies in his equal opportunity policies and practices may be the basis for the imposition of sanctions in accordance with FPR § 1–12.805–8 of this title. The Civil Rights Program Policy Staff shall make recommendations regarding sanctions to the contracting officer through the appropriate Civil Rights Program Coordinator. Such recommendations shall be fully documented and accompanied by advice of the General Counsel that the recommended action is legally permissible.

(d) *Conduct of preaward compliance reviews.*—(1) *Responsibilities.* Preaward compliance reviews shall be conducted by the appropriate Predominant Interest Agency (PIA) (as defined in par. 3g of Standard Form 100) or by the Office of Compliance as provided in this § 5–12.805–5(d).

(2) *Procedures.* (i) Before the award of any formally advertised supply contract of $1 million or more, the contracting officer shall request the Predominant Interest Agency (PIA) to conduct preaward compliance reviews of the employment practices of the apparent low bidder and those of his known first-tier subcontractors having subcontracts of $1 million or more, unless the bidder and his subcontractors have been subject to full compliance reviews within 6 months of the award of the contract. If GSA is the PIA or if no PIA has been assigned for the bidder, the contracting officer shall request the Office of Compliance to conduct the reviews. In addition, the contracting officer shall request the PIA or the Office of Compliance, whichever is concerned, to submit a report of its findings, conclusions, and action to him within 30 days of the date of the request. A report of the findings, conclusions, and action shall be forwarded to the Office of Federal Contract Compliance, Department of Labor, within 30 days after the award. (See § 5–12.805–4(f) regarding required compliance reports.)

(ii) Before the award of any other contract, preaward compliance reviews shall be conducted by the Office of Compliance as directed by the Civil Rights Program Policy Staff. (See § 5–12.805–4(a) regarding required compliance reports.)

(3) *Awards.* Where preaward compliance reviews have been conducted as provided in subparagraph (2)(i) of this paragraph, the apparent low bidder and his first-tier subcontractors subject to the reviews must, unless they offer acceptable justifications, be found to be able to comply with the provisions of the Equal Opportunity clause. Where such justifications are received, the contracting officer shall refer the justifications to the GSA Contracts Compliance Officer for determination of their acceptability. If a justification is determined to be acceptable, a copy of the justification together with a report of the preaward compliance review, shall be forwarded to the Office of Federal Contract Compliance, Department of Labor, within 30 days after the award.

(4) *Requests for exemptions.* Requests for exemptions from the requirements of subparagraph (2)(i) of this paragraph shall be made in writing, with supporting justification, to the Director, Office of Federal Contract Compliance, Department of Labor, and shall be forwarded through and with the endorsement of the Administrator of General Services.

(5) *Contracts essential to the national security.* The procedures set forth in subparagraph (2)(i) of this paragraph shall not apply to any contract when it is determined in writing by the Administrator of General Services that such contract is essential to the national security and that its award without following such procedures is necessary to the national security. A signed copy of each such determination shall be furnished to the Office of Federal Contract Compliance, Department of Labor.

§ 5–12.805–6 Complaints.

(a) *Initiation.* Complaints received by GSA that pertain to the Equal Opportunity clause shall be referred to the Civil Rights Program Policy Staff. Such complaints shall be handled in accordance with FPR §§ 1–12.805–6 and 1–12.805–7 of this title.

(b) *Investigation.* If GSA is the Predominant Interest Agency, the Civil Rights Program Policy Staff shall send a copy of the complaint to the Office of Compliance for investigation. The investigation shall include, where appropriate, a review of the pertinent personnel practices and policies of the contractor or subcontractor (see § 5–12.805–51), the circumstances under which the alleged discrimination occurred, and other relevent factors. Within 30 days after the complaint has been investigated, a full report shall be forwarded to the Civil Rights Program Policy Staff which will furnish a copy or summary to the Civil Rights Program Coordinator concerned. The report shall include the following:

(1) Name and address of complainant.

(2) Name and address of contractor involved.

(3) A summary of the findings.

(4) A statement regarding the suggested disposition of the case, including any action already taken and any recommended action.

(c) *Evaluation and further action.* The Civil Rights Program Policy Staff shall determine whether or not there has been any violation of the Equal Opportunity clause. If additional facts are required, further investigation shall be requested.

(1) If it is determined that no violation has occurred, one copy of the report and related recommendations shall be forwarded to the Office of Federal Contract Compliance, Department of Labor, for concurrence. If the Office of Federal Contract Compliance concurs, the persons concerned shall be notified of such findings by the Civil Rights Program Policy Staff and the case shall be closed. If the Office of Federal Contract Compliance does not concur in the GSA recommendations, it may request further investigation by GSA or it may undertake such investigation as it deems appropriate. If the Office of Federal Contract Compliance requests a further investigation by GSA, the Civil Rights Program Policy Staff will arrange with the Office of Compliance for appropriate investigative action.

(2) If it is determined that there has been an apparent violation of the Equal Opportunity clause, the Civil Rights Program Policy Staff shall either attempt to resolve the complaint by informal means or refer the matter to the Office of Compliance for resolution. Where the complaint cannot be resolved by informal means, the firm complained against may be given a hearing pursuant to FPR § 12.807 of this title. In any event, the appropriate Service or Staff Office Civil Rights Program Coordinator shall be kept advised by the Civil Rights Program Policy Staff.

§ 5–12.805–50 Ability to comply with the Equal Opportunity clause.

(a) Contracting officers are responsible for determining whether a bidder is able to comply with the provisions of the Equal Opportunity clause (see § 5–12.805–1(h)). Where equal employment opportunity compliance reviews or complaints have been processed pursuant to this Subpart 5–12.8 regarding any contractor or subcontractor, the contracting officer shall coordinate with the Contracts Compliance Officer or the Deputy Contracts Compliance Officer concerned, as appropriate, before making his determination regarding a prospective contractor's ability to comply with the Equal Opportunity clause.

(b) Where a prospective contractor appears on the review list of bidders, as set forth in paragraph (c)(2) of this section, contracting officers shall, prior to award, review the ability of the bidder to comply with the Equal Opportunity clause with the Civil Rights Program Policy Staff in the Central Office or with the Deputy Contracts Compliance Officer concerned, as appropriate. In emergency situations, such consultations may be handled by telephone.

(c) The Civil Rights Program Policy Staff shall develop and furnish procuring activities, through the respective Civil Rights Program Coordinator, with the following:

(1) A list of contractors previously determined to be in substantial compliance or who have submitted a program which is being implemented that will bring them into such compliance.

(2) A list of firms or individuals who, because of questionable ability to comply with the provisions of the Equal Opportunity clause, require special consideration before contracts are awarded and, if awards are made, require special treatment with respect to contract administration. This list shall be administered by the Office of Compliance as part of the review list of bidders established pursuant to § 5–1.310–50 of this chapter.

(d) In order to supplement compliance reviews, regional Quality Control Divisions, FSS, will, during preaward plant facilities surveys or contract administration visits, review the progress made by the contractor in implementing affirmative action to correct previously reported deficiencies. As a result of plant visits, the quality control representatives will report pertinent information concerning the contractor's equal employment opportunity posture, such as:

(1) Changes observed in employment patterns or practices;

(2) Evidence of segregation of restrooms, drinking fountains, or eating facilities;

(3) Displays of equal employment opportunity notices and posters;

(4) Changes in subcontractors since award of the contract;

(5) Subcontractors meeting the criteria of the rules and regulations of the Secretary of Labor who have not been advised by the contractor of the requirement for filing the Standard Form 100 compliance report with the Office of Federal Contract Compliance;

(6) Additional information requested by the Civil Rights Program Policy Staff; and

(7) Civil disturbances, strikes, and evidence of minority group dissatisfaction. Information developed by Quality Control Divisions shall be forwarded to the contracting officer and the Civil Rights Program Policy Staff.

§ 5–12.805–51 Equal employment opportunity considerations.

(a) *General.* The procedures employed by a contractor in connection with recruitment, hiring, and work force placement are major considerations in the determination of the contractor's ability to comply with the provisions of the Equal Opportunity clause.

(b) *Recruitment practices.* (1) All applicants for employment, regardless of race, color, creed, or national origin, should receive equal consideration for all available jobs in accordance with equal qualification standards.

(2) Contractor standards for minority applicants should be no more stringent than for others and minority group applicants should be considered for all types of jobs.

(3) Applications for employment should be objectively solicited from recruitment sources which reach all members of the community regardless of race, color, creed, or national origin, e.g., advertising as an equal opportunity employer through newspapers and other public news media (see § 1–12.810 of this title).

(4) Contractors should take all actions necessary to insure that there are no barriers to the employment of minority group members. Such action should include, where necessary, positive steps to convince minority groups in the community that the contractor does provide equal employment opportunity. In this connection, contacts with minority group organizations, Fair Employment Committees in the community, and schools and colleges attended by minority group members should be considered.

(5) Contractors should employ procedures for handling of applicants which are compatible with equal employment opportunity. In this regard, employee referrals or "walk-ins" require particular attention, since these recruitment procedures are most susceptible to discrimination. Employees tend to refer friends from their own racial and ethnic backgrounds and, therefore, if few minority group workers are already employed, few minority group workers are likely to be referred. With regard to "walk-ins," the entire recruitment program is strongly dependent upon the attitudes of guards and receptionists and can thus be easily frustrated.

(6) Contractors should not expect to achieve compliance through the use of quota systems and token hirings.

(c) *Hiring and initial placement.* The hiring process involves three distinct operations, namely, completion of formal applications, determination of applicants' qualifications, and determination as to whether or not to hire the applicant. Equal employment opportunity procedures should reflect the following:

(1) Absence of any qualifications based on race, color, creed, or national origin.

(2) Administration of qualification tests fairly and without regard to race, color, creed, or national origin.

(3) Absence of special tests for minority groups only, except for special tests designed to facilitate, rather than exclude, employment of members of minority groups.

(4) Objective qualification standards reasonably related to the skill and promotional requirements of the contractor.

(d) *Treatment during employment.* (1) The terms of the Equal Opportunity clause require the contractor to take "affirmative action" to insure that employees are treated during employment without regard to race, color, creed, or national origin. Such action should include, but not be limited to, upgrading, demotion, transfer, layoff, termination, rates of pay, fringe benefits, selection for training, and use of facilities.

(2) Evaluations of contractor action to comply with the Equal Opportunity clause should include a review of the distribution of minority group employees, male and female, among the various occupations, as reported in Items 5 and 6 of Standard Form 100, for the purpose of ascertaining whether promotional, progression, or transfer opportunities are afforded minority group employees. For example, it is possible for an employer to have a high percentage of minority group employees in his total work force but have the greatest number of the group assigned to duties in lower skills. This situation may be the result of discriminatory promotion policies, segregated lines of progression in the facility, or collective bargaining arrangements (see Item 9 of Standard Form 100 with particular attention to any attachment indicating dual local unions, i.e., two local unions of the same international union listed as bargaining units). Very often where there are dual local unions they are racially segregated. Experience has demonstrated that where racially segregated local unions exist, segregated progression lines and a system of racially reserved positions also exist.

(3) A contractor shall not be deemed to be in compliance if he maintains facilities having racially segregated lines of progression, racially reserved positions, departments, or divisions, separate seniority lists, or racially segregated facilities such as lunch rooms and rest rooms (see Item 10 of Standard Form 100).

(4) Segregation by reason of collective bargaining agreements shall not be deemed to relieve a contractor of his equal employment opportunity obligations.

(5) Compliance requires that contractors undertake to eliminate racially segregated facilities, merge functionally related but racially segregated lines of progression, reconstitute seniority lists on a nondiscriminatory basis, provide equal promotion, progression, and transfer opportunities based on nondiscriminatory qualifications alone, even to the extent of renegotiating collective bargaining agreements.

(6) Reviews shall be made, as necessary, to determine whether contractors actually afford equal employment during employment and shall include consideration of the contractor's organizational structure, payrolls, wage rates, personnel instructions, procedures and guidelines, promotional lists and rules, job descriptions, and methods of job classification, seniority lists, recall lists, and collective bargaining agreements.

(7) Management controls are indicators of ability to comply. A contractor who has formulated and disseminated a firm policy on equal employment opportunity throughout his entire organization, designated a responsible official for implementation of the policy, and instituted a system of control and evaluation of the program usually can effect equal employment opportunity. On the other hand, in those instances where there is no such policy and program, no fixed responsibility and no feedback and evaluation, the possibility of coming into compliance is diminished.

(8) When dealing with prospective construction and repair contractors, contracting officers should be aware of local trades and crafts that historically have discriminated and maintained exclusionary policies. In this connection, consideration should be given to having contractors require their subcontractors to do more than obtain written assurances that their sources of recruitment hire on a nondiscriminatory basis. Contractors and subcontractors have found it necessary to locate qualified minority group individuals and refer them to their appropriate sources as apprentices or journeymen. Most construction craft collective bargaining agreements afford the contractor or subcontractor an opportunity to employ individuals for limited periods of time (7 days to 30 days) who are not members of the bargaining unit before offering such individual for membership. Contractors or subcontractors should be directed to exercise this right where necessary to assure an integrated work force on GSA construction and repair projects. In addition, the contractor's or subcontractor's equal opportunity programs should include encouragement of local labor organizations to demonstrate evidence of their equal employment policy as recited in written assurances.

§ 5–12.805–52 [Reserved]

§ 5–12.805–53 Identification of Predominant Interest Agency.

The Office of Federal Contract Compliance, Department of Labor, will furnish the Civil Rights Program Policy Staff with a list of contractors and subcontractors for which GSA is the Predominant Interest Agency (see par. 3g of Standard Form 100 for definition). The Civil Rights Program Policy Staff shall provide this information to the Services and Staff Offices concerned.

§ 5–12.805–54 Awards.

Contracting officers, when mailing documents to contractors that are subject to the Equal Opportunity clause, shall include appropriate information explaining the contract requirements concerning submission of compliance report forms, notices to labor unions or other organizations of workers, and use of nondiscrimination posters. For this purpose, form letters have been developed for use as follows:

(a) GSA Form 1949, Transmittal Letter, may be used with invitations for bids on Standard Form 20, Invitation for Bids (Construction Contract) or GSA Form 1467, Invitation, Bid, and Award (Contract for Building Services), when bids are estimated to exceed $10,000. (See § 5–16.950–1949 of this chapter.)

(b) GSA Form 1950(FL), Transmittal Letter, may be used to transmit construction contract awards that are subject to the Equal Opportunity clause. (See § 5–16.950–1950(FL) of this chapter.)

(c) GSA Form 1950A(FL), Transmittal Letter, may be used to transmit contract awards for supplies and services other than construction that are subject to the Equal Opportunity clause. (See § 5–16.950–1950A(FL) of this chapter.)

§ 5–12.805–55 Monthly listing of construction contractors.

(a) A monthly report listing the prime construction contractors to whom awards have been made shall be submitted to the Office of Federal Contract Compliance, Department of Labor, by the Civil Rights Program Policy Staff. Information necessary for the preparation of the list shall be developed by each region at the end of each month, as follows:

(1) Name and home office address of prime contractor;

(2) Dollar amount of contract;

(3) Contract number;

(4) Name and location of project;

(5) Estimated or actual starting date and completion date of prime contract, if practicable; and

(6) Name and home office address of any subcontractors which have been reported by the prime contractor.

(b) The above information shall be submitted to the Civil Rights Program Coordinator, Public Buildings Service, General Services Administration, Washington, D.C. 20405, for consolidation and forwarding to the Civil Rights Program Policy Staff by the 10th of the month following the due date of the report.

§ 5–12.807 Hearings.

Hearings shall be conducted by the Civil Rights Program Policy Staff in accordance with the provisions of § 1–12.807 of this title.

§ 5–12.812 Rulings and interpretations.

The Civil Rights Program Policy Staff shall advise the Deputy Contracts Compliance Officers and the Civil Rights Program Coordinators regarding any rulings and interpretations of the Office of Federal Contract Compliance, Department of Labor, which involves GSA predominant interest contractors.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: October 6, 1966.

LAWSON B. KNOTT, JR.,
Administrator.

[F.R. Doc. 66–11211; Filed, Oct. 13, 1966; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Modoc National Wildlife Refuge, Calif.; Correction

In F.R. Doc. 66–10605, appearing on page 12721 of the issue for Thursday, September 29, 1966, the first paragraph should read as follows:

The public hunting of ducks, geese, coots, and gallinules on the Modoc National Wildlife Refuge, Calif., is permitted from October 8, 1966, through January 5, 1967. A special hunt for snow geese will be permitted from January 9 through January 22, 1967; one Ross' goose will be allowed in the daily bag limit. All dates are inclusive. Hunting will be allowed only on the area designated by signs as open to hunting. This open area, comprising 1,440 acres, is delineated on a map available at refuge headquarters, Modoc National Wildlife Refuge, Alturas, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg. 97208.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 6, 1966.

[F.R. Doc. 66–11194; Filed, Oct. 13, 1966; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Office of the Attorney General

[28 CFR Part 5]

ADMINISTRATION AND ENFORCEMENT OF THE FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

Notice of Proposed Rule Making

Pursuant to section 553 of Title 5 of the United States Code, notice is hereby given of the proposed issuance of the following regulations pertaining to the administration and enforcement of the Foreign Agents Registration Act of 1938, as amended.

In accordance with section 553(c) of Title 5 of the United States Code, interested persons may submit written data, views, or arguments relative to these proposed regulations to the Assistant Attorney General, Internal Security Division, Washington, D.C. 20530. Such representations may not be presented orally in any manner.

All pertinent material received within 30 days following the date of the publication of this notice will be considered.

Dated: October 11, 1966.

J. WALTER YEAGLEY,
Assistant Attorney General, Internal Security Division.

§ 5.1 Administration and enforcement of the Act.

The administration and enforcement of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611–621), is, subject to the general supervision and direction of the Attorney General, assigned to, and is conducted, handled, and supervised by, the Assistant Attorney General in charge of the Internal Security Division (§ 0.60(b) of this chapter). Copies of the Act, and of the rules, regulations, and forms prescribed pursuant to the Act, and information concerning the foregoing may be obtained upon request without charge from the Registration Section, Internal Security Division, Department of Justice, Washington, D.C. 20530.

§ 5.2 Inquiries concerning application of the Act.

Any inquiry concerning the application of the Act to any person should be addressed to the Registration Section and should be accompanied by a detailed statement containing the following information:

(a) The identity of the agent and the foreign principal involved;

(b) The nature of the agent's activities for or in the interest of the foreign principal;

(c) A copy of the existing or proposed written contract with the foreign principal, or a full description of the terms and conditions of each existing or proposed oral agreement.

§ 5.3 Filing of a registration statement.

(a) All statements, exhibits, amendments, and other documents and papers required to be filed under the Act or under this part shall be submitted in duplicate to the Registration Section. Filing of such documents may be made in person or by mail, and they shall be deemed to be filed upon their receipt by the Registration Section.

(b) The Assistant Attorney General, Internal Security Division, is authorized to prescribe such forms as may be necessary to carry out the purposes of this part.

§ 5.4 Computation of time.

Sundays and holidays shall be counted in computing any period of time prescribed in the Act or in the rules and regulations in this part.

§ 5.100 Definition of terms.

(a) As used in this part:

(1) The term "Act" means the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611–621).

(2) The term "Attorney General" means the Attorney General of the United States.

(3) The term "Secretary of State" means the Secretary of State of the United States.

(4) The term "Registration Section" means the Registration Section, Internal Security Division, Department of Justice, Washington, D.C. 20530.

(5) The term "rules and regulations" includes all rules and regulations prescribed by the Attorney General pursuant to the Act and all registrations forms, and instructions thereon which may be prescribed by the Assistant Attorney General, Internal Security Division.

(6) The term "registrant" means any person who has filed a registration statement with the Registration Section, pursuant to section 2(a) of the Act and § 5.3.

(7) Unless otherwise specified, the term "agent of a foreign principal" means an agent of a foreign principal required to register under the Act.

(8) The term "foreign principal" includes a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal as that term is defined in clauses 1 and 2 of section 1(b) of the Act.

(9) The term "initial statement" means the statement required to be filed with the Attorney General under section 2(a) of the Act.

(10) The term "supplemental statement" means the supplement required to be filed with the Attorney General under section 2(b) of the Act at intervals of 6 months following the filing of the initial statement.

(11) The term "final statement" means the statement required to be filed with the Attorney General following the termination of the registrant's obligation to register.

(12) The term "short form registration statement" means the registration statement required to be filed by certain partners, officers, directors, associates, employees, or subagents of a registrant.

(b) As used in the Act, the term "control" or any of its variants, shall be deemed to include the possession or the exercise of the power, directly or indirectly, to determine the policies or the activities of a person, whether through the ownership of voting rights, by contract, or otherwise.

(c) The term "agency" as used in section 1(c), 1(o), 1(q), and 4(e) of the Act shall be deemed to refer to every unit in the executive and legislative branches of the Government of the United States, including committees of both Houses of Congress.

(d) The term "official" as used in section 1(c), 1(o), 1(q), and 4(e) of the Act shall be deemed to include Members and officers of both Houses of Congress as well as officials in the executive branch of the Government of the United States.

(e) The terms "formulating, adopting, or changing," as used in section 1(o) of the Act, shall be deemed to include any activity which seeks to maintain any existing domestic or foreign policy of the United States. They do not include making a routine inquiry of a Government official or employee concerning a current policy or seeking administrative action in a matter where such policy is not in question.

(f) The term "domestic or foreign policies of the United States," as used in sections 1 (o) and (p) of the Act, shall be deemed to relate to existing and proposed legislation, or legislative action generally; treaties; executive agreements, proclamations, and orders; decisions relating to or affecting departmental policy, and the like.

§ 5.200 Registration.

(a) Registration under the Act is accomplished by the filing of an initial statement together with all the required exhibits and the filing of a supplemental statement at intervals of 6 months for the duration of the agency relationship requiring registration.

(b) The initial statement shall be filed on Form FA–1. Supplemental and final statements shall be filed on Form FA–2.

§ 5.201 Exhibits.

(a) The following described exhibits are required to be filed for each foreign

principal of the registrant and shall be attached to the initial statement:

(1) *Exhibit A.* This exhibit, which shall be filed on Form FA–3, sets forth the information required to be disclosed concerning each foreign principal.

(2) *Exhibit B.* This exhibit, which shall be filed on Form FA–____, sets forth the agreement or understanding between the registrant and each of his foreign principals as well as the nature and method of performance of such agreement or understanding and the existing or proposed activities engaged in or to be engaged in, including political activities, by the registrant for the foreign principal.

(3) *Exhibit C.* No printed form is provided for this exhibit. Whenever the registrant is an association, corporation, organization, or any other combination of individuals, the following documents shall be filed as the Exhibit C:

(i) A copy of its charter, articles of incorporation, association, constitution, and bylaws, and amendments thereto;

(ii) A copy of every other instrument or document and a statement of the terms and conditions of every oral agreement relating to its organization, powers, and purposes of the registrant.

(b) The requirement to file any of the documents described in subdivisions (i) and (ii) of paragraph (a)(3) of this section may be wholly or partially waived upon written application by the registrant to the Registration Section setting forth fully the reasons why such waiver should be granted.

(c) Any change in the information furnished in an exhibit shall be reported to the Registration Section within 10 days of such change. The filing of a new exhibit may then be required by the Registration Section.

(d) An Exhibit D, whenever applicable, is required to be filed by a registrant. No printed form is provided for this exhibit. Where a registrant, within the United States, receives or collects contributions, loans, money, or other things of value, as part of a fund-raising campaign, for or in the interests of his foreign principal, he shall file as an Exhibit D a statement so captioned setting forth the amount of money or the value of the thing received or collected, the names and address of the persons from whom such money or thing of value was received or collected, and the amount of money or a description of the thing of value transmitted to the foreign principal as well as the manner and time of such transmission.

§ 5.202 Short Form Registration Statement.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, each partner, officer, director, associate, employee, or subagent of a registrant is required to file a registation statement under the Act. Unless the Registration Section specifically directs otherwise, his obligation may be satisfied by the filing of a short form registration statement.

(b) A partner, officer, director, associate, employee, or subagent of a registrant who does not engage in activity in furtherance of the interests of the foreign principal is not required to file a short form registration statement.

(c) An employee or subagent of a registrant whose services in furtherance of the interests of the foreign principal are rendered in a clerical, secretarial, or in a related or similar capacity, is not required to file a short form registration statement.

(d) Whenever the subagent of a registrant is a partnership, association, corporation, or other combination of individuals, only those partners, officers, directors, associates, and employees who engage in activity in furtherance of the interests of the registrant's foreign principal are required to file a short form registration statement.

(e) The short form registration statement shall be filed on Form FA–4. Any change affecting the information furnished with respect to the nature of the services rendered by the person filing the statement, or the compensation he receives, shall require the filing of a new short form registration statement within 10 days after the occurrence of such change. There is no requirement to file exhibits or supplemental statements to a short form registration statement.

§ 5.203 Supplemental statement.

(a) Supplemental statements shall be filed on Form FA–2.

(b) The obligation to file a supplemental statement at 6-month intervals during the agency relationship shall continue even though the registrant has not engaged during the period in any activity in the interests of his foreign principal.

(c) The time within which to file a supplemental statement may be extended for sufficient cause shown in a written application to the Registration Section.

§ 5.204 Amendments.

(a) An initial, supplemental, or final statement which is deemed deficient by the Registration Section, must be amended upon a request from that section. Such amendment shall be filed upon Form FA–5 and shall identify the item of the statement to be amended.

(b) A change in the information furnished in an initial or supplemental statement under clauses (3), (4), (6), and (9) of section 2(a) of the Act shall be by amendment, unless the notice which is required to be given of such change under section 2(b) is deemed sufficient by the Registration Section.

§ 5.205 Termination of registration.

(a) A registrant shall, within 30 days after the termination of his obligation to register, file a final statement with the Registration Section for the final period of the agency relationship not covered by any previous statement.

(b) Registration under the Act shall be terminated upon the filing of a final statement, if the registrant has fully discharged all his obligations under the Act.

(c) A registrant whose activities on behalf of each of his foreign principals become confined to those for which an exemption under section 3 of the Act is available may file a final statement notwithstanding the continuance of the agency relationship with the foreign principals.

§ 5.206 Language and wording of registration statement.

(a) Except as provided in the next sentence, each statement, amendment, exhibit, or notice required to be filed under the Act shall be submitted in the English language. An exhibit may be filed even though it is in a foreign language if it is accompanied by an English translation certified under oath by the translator before a notary public, or other person authorized by law to administer oaths for general purposes, as a true and accurate translation.

(b) A statement, amendment, exhibit, or notice required to be filed under the Act should be typewritten, but will be accepted for filing if it is written legibly in ink.

(c) Copies of any document made by any of the duplicating processes may be filed pursuant to the Act if they are clear and legible.

(d) A response shall be made to every item on each pertinent form, unless a registrant is specifically instructed otherwise in the form. Whenever the item is inapplicable or the appropriate response to an item is "none," an express statement to that effect shall be made.

§ 5.207 Incorporation by reference.

(a) An initial, supplemental, or final statement shall be complete in and of itself. Incorporation of information by reference to statements previously filed is not permissible.

(b) Whenever insufficient space is provided for response to any item in a form, reference shall be made in such space to a full insert page or pages on which the item number and inquiry shall be restated and a complete answer given. Inserts and riders of less than full page size should not be used.

§ 5.208 Disclosure of foreign principals.

A registrant who represents more than one foreign principal is required to list in the statements he files under the Act only those foreign principals for whom he is not entitled to claim exemption under section 3 of the Act.

§ 5.209 Information relating to employees.

A registrant shall list in the statements he files under the Act only those employees whose duties require them to engage directly in activities in furtherance of the interests of the foreign principal.

§ 5.210 Amount of detail required in information relating to registrant's activities and expenditures.

A statement is "detailed" within the meaning of clauses 6 and 8 of section 2(a) of the Act when it has that degree of specificity necessary to permit meaningful public evaluation of each of the significant steps taken by a registrant to achieve the purposes of the agency relation.

§ 5.211 Sixty-day period to be covered in initial statement.

The 60-day period referred to in clauses 5, 7, and 8 of section 2(a) of the Act shall be measured from the time that a registrant has incurred an obligation to register and not from the time that he files his initial statement.

§ 5.212 Exemption under section 2(f) of this Act.

The exemption from the requirement of filing a registration statement or of furnishing certain information, as provided in section 2(f) of the Act may be granted by the Registration Section only upon written application of, and for good cause shown by, the person requesting the exemption.

§ 5.300 Burden of establishing availability of exemption.

The burden of establishing the availability of an exemption from registration under this Act shall rest upon the person for whose benefit the exemption is claimed.

§ 5.301 Exemption under section 3(a).

(a) A consular officer of a foreign government shall be considered duly accredited under section 3(a) of the Act whenever he has received formal recognition as such, whether provisionally or by exequatur, from the Secretary of State.

(b) A person in the United States who is appointed honorary consul by a foreign government shall be exempt from registration as such counsul under section 3(a) of the Act, if he has been duly notified to and accepted as such by the Secretary of State, and if he does not engage in political activities for or in the interests of such foreign government.

(c) The exemption provided by section 3(a) of the Act to a duly accredited diplomatic or consular officer is personal and does not include within its scope an office, bureau, or other entity.

§ 5.302 Exemptions under sections 3 (b) and (c) of the Act.

The exemptions provided by sections 3 (b) and (c) of the Act shall not be available to any person described therein unless he has filed with the Secretary of State a fully executed Notification of Status with a Foreign Government (Form D.S. 394).

§ 5.303 Exemption available to persons accredited to international organizations.

Persons designated by foreign governments as their representatives in or to an international organization, and the officers and employees of such organization, other than nationals of the United States, are exempt from registration under the Act in accordance with the provisions of the International Organizations Immunities Act, if they have been dully notified to and accepted by the Secretary of State as such representatives, officers, or employees, and if they engage exclusively in activities which are recognized as being within the scope of their official functions.

§ 5.304 Exemptions under sections 3 (d) and (e) of the Act.

(a) As used in section 3(d), the term "trade or commerce" shall include the exchange, transfer, purchase, or sale of commodities, services, or property of any kind.

(b) For the purpose of section 3(d) of the Act, activities of an agent of a foreign principal as defined in section 1(c) of the Act, in furtherance of the bona fide trade or commerce of such foreign principal, shall be considered "private," even though the foreign principal is owned or controlled by a foreign government, so long as the activities do not directly promote the public or political interests of the foreign government.

(c) The exemption provided by section 3(e) of the Act shall not be available to any person described therein if he engages in political activities as defined in section 1(o) of the Act.

(d) For the purpose of section 3(d) of the Act, the disclosure of the identity of the foreign person that is required to be made to the agency or official of the United States under section 1(q) of the Act shall be in writing.

§ 5.305 Exemption under section 3(f) of this Act.

The exemption provided by section 3(f) of the Act shall not be available unless the President has, by publication in the FEDERAL REGISTER, designated for the purpose of this section the country the defense of which he deems vital to the defense of the United States.

§ 5.306 Exemption under section 3(g).

For the purpose of section 3(g) of the Act:

(a) Attempts to influence or persuade agency personnel or officials other than in the course of established agency proceedings, whether formal or informal, shall include only such attempts to influence or persuade with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political power; and

(b) In the legal representation of a foreign principal before any agency or official of the U.S. Government, if disclosure of the identity of the foreign principal is not otherwise required as a matter of established agency procedure, such disclosure must, in conformity with this section, be made in writing to the personnel or officials concerned.

(c) The term "agency of the Government of the United States" means a department or agency of the executive branch of the Government.

§ 5.400 Filing of political propaganda.

(a) The two copies of each item of political propaganda required to be filed with the Attorney General under section 4(a) of the Act shall be filed with the Registration Section.

(b) Whenever two copies of an item of political propaganda have been filed pursuant to section 4(a) of the Act, an agent of a foreign principal shall not be required, in the event of further transmittal of the same material, to forward additional copies thereof to the Registration Section.

(c) Unless specifically directed to do so by the Registration Section, a registrant is not required to file two copies of a motion picture containing political propaganda which he disseminates on behalf of his foreign principal, so long as he files monthly reports on its transmittal. In each such case this registrant shall submit to the Registration Section either a film strip showing the label required by section 4(b) of the Act or an affidavit certifying that the required label has been made a part of the film.

§ 5.401 Dissemination report.

(a) A Dissemination Report shall be filed with the Registration Section for each item of political propaganda that is transmitted, or caused to be transmitted, in the U.S. mails, or by any means of interstate or foreign commerce, by an agent of a foreign principal for or in the interests of any of his foreign principals.

(b) The Dissemination Report shall be filed on Form FA–6.

(c) Except as provided in paragraph (d) of this section, a Dissemination Report shall be filed no later than 48 hours after the beginning of the transmittal of the political propaganda.

(d) Whenever transmittals of political propaganda are made over a period of time, a Dissemination Report may be filed monthly for as long as such transmittals continue.

(e) A Dissemination Report shall be complete in and of itself. Incorporation of information by reference to reports previously filed is not permissible.

§ 5.402 Labeling political propaganda.

(a) Within the meaning of this part, political propaganda shall be deemed labeled whenever it has been marked or stamped conspicuously at its beginning with a statement setting forth such information as is required under section 4(b) of the Act.

(b) An item of political propaganda which is required to be labeled under section 4(b) of the Act and which is in the form of prints shall be marked or stamped conspicuously at the beginning of such item with a statement in the language or languages used therein, setting forth such information as is required under section 4(b) of the Act.

(c) An item of political propaganda which is required to be labeled under section 4(b) of the Act but which is not in the form of prints shall be accompanied by a statement setting forth such information as is required under section 4(b) of the Act.

(d) Political propaganda as defined in section 1(j) of the Act which is televised or broadcast, or which is caused to be televised or broadcast, by an agent of a foreign principal, shall be introduced by a statement which is reasonably adapted to convey to the viewers or listeners thereof such information as is required under section 4(b) of the Act.

(e) An agent of a foreign principal who transmits or causes to be transmitted in the U.S. mails or by any means or instrumentality of interstate or foreign commerce a still or motion picture film which contains political propaganda as defined in section 1(j) of the Act shall insert at the beginning of such film a statement which is reasonably adapted to convey to the viewers thereof such information as is required under section 4(b) of the Act.

(f) For the purpose of section 4(e) of the Act, the statement that must preface or accompany a request for information shall be in writing.

§ 5.403 Political propaganda transmitted by person other than agent of a foreign principal.

Whenever political propaganda is transmitted in the U.S. mails or by any means or instrumentality of interstate or foreign commerce by a person who is not directly or indirectly affiliated or associated with, or supervised, directed, controlled, financed, or subsidized in whole or in part by, an agent of a foreign principal or any of his foreign principals, the agent shall be deemed to have complied with the provisions of section 4 of the Act if, at the time the political propaganda is transmitted or caused to be transmitted by the agent—

(a) It is labeled; and

(b) Copies of it have been filed by the agent under section 4(a) of the Act.

§ 5.500 Maintenance of books and records.

(a) A registrant shall keep and preserve in accordance with the provisions of section 5 of the Act the following books and records:

(1) All correspondence, memoranda, cables, telegrams, teletype messages, and other written communications to and from all foreign principals and all other persons, relating to the registrant's activities on behalf of, or in the interest of, any of his foreign principals.

(2) All correspondence, memoranda, cables, telegrams, teletype messages, and other written communications to and from all persons, other than foreign principals, relating to the registrant's political activity, or relating to political activity on the part of any of the registrant's foreign principals.

(3) Original copies of all written contracts between the registrant and any of his foreign principals.

(4) Records containing the names and addresses of persons to whom political propaganda has been transmitted.

(5) All bookkeeping and other financial records relating to the registrant's activities on behalf of any of his foreign principals, including canceled checks, bank statements, and records of income and disbursements, showing names and addresses of all persons who paid moneys to, or received moneys from, the registrant, the specific amounts so paid or received, and the date on which each item was paid or received.

(6) If the registrant is a corporation, partnership, association, or other combination of individuals, all minute books.

(7) Such books or records as will disclose the names and addresses of all employees and agents of the registrant, including persons no longer acting as such employees or agents.

(8) Such other books, records, and documents as are necessary properly to reflect the activities for which registration is required.

(b) The books and records listed in paragraph (a) of this section shall be kept and preserved in such manner as to render them readily accessible for inspection pursuant to section 5 of the Act.

(c) A registrant shall keep and preserve the books and records listed in paragraph (a) of this section for a period of 3 years following the termination of his registration under § 5.205.

(d) Upon good and sufficient cause shown in writing to the Registration Section, a registrant may be permitted to destroy books and records in support of the information furnished in an initial or supplemental statement which he filed 5 or more years prior to the date of his application to destroy.

§ 5.501 Inspection of books and records.

Officials of the Internal Security Division and the Federal Bureau of Investigation are authorized under section 5 of the Act to inspect the books and records listed in paragraph (a) of § 5.500.

§ 5.600 Public examination of records.

(a) Registration statements, Dissemination Reports, and copies of political propaganda filed under section 4(a) of the Act, shall be available for public examination at the Registration Section on official business days, from 10 a.m. to 4 p.m.

(b) Copies of political propaganda filed under section 4(a) of the Act shall be preserved by the Registration Section for a period of at least 2 years from the time they have been filed.

§ 5.601 Copies of records available.

(a) Copies of registration statements and Dissemination Reports may be obtained from the Registration Section upon payment of a fee at the rate of 10 cents per copy of each page of the material requested.

(b) Information as to the fee to be charged for copies of registration statements and Dissemination Reports and the time required for their preparation may be obtained upon request to the Registration Section.

(c) Payment of the fee shall accompany an order for copies, and shall be made in cash, by U.S. postal money order, or by certified bank check made payable to the Treasurer of the United States. Postage stamps will not be accepted.

§ 5.800 Ten-day filing requirement.

The 10-day filing requirement provided by section 8(g) of the Act shall be deemed satisfied if the amendment to the registration statement is deposited in the United States Mails no later than the 10th day of the period.

§ 5.801 Activity beyond 10-day period.

A registrant who has within the 10-day period filed an amendment to his registration statement pursuant to a Notice of Deficiency given under section 8(g) of the Act may continue to act as an agent of a foreign principal beyond this period unless he receives a Notice of Non-Compliance from the Registration Section.

[F.R. Doc. 66-11233; Filed, Oct. 13, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Expenses of Filbert Control Board and Rate of Assessment for 1966–67 Fiscal Year

Notice is hereby given of a proposal regarding expenses of the Filbert Control Board and rate of assessment for the 1966–67 fiscal year beginning August 1, 1966, pursuant to §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Board has recommended a budget of expenses in the total amount of $25,320 and, based on the volume of filberts estimated to be subject to this regulatory program during the 1966–67 fiscal year, an assessment rate of 0.20 cent per pound of assessable filberts is expected to provide sufficient funds to meet the estimated expenses of the Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 982.311 Expenses of the Filbert Control Board and rate of assessment for the 1966–67 fiscal year.

(a) *Expenses.* The expenses in the amount of $25,320 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1966, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.20 cent per pound of filberts.

Dated: October 11, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.D. Doc. 66-11226; Filed, Oct. 13, 1966; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

NEW DRUGS

Applications and Experience Reporting

The Commissioner of Food and Drugs proposes that the procedural new-drug regulations be amended as set forth below to prescribe additional requirements essential to the development of a well-organized new-drug application that can be expeditiously reviewed and evaluated and to include a reference to the form (FD–1639) for reporting adverse drug experiences.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052, as amended, 1055; 21 U.S.C. 355, 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), it is proposed that Part 130 be amended by revising §§ 130.4, 130.5 (a) and (b), 130.9 (e) and (f), and 130.13(b)(2)(i); by redesignating subparagraphs (3) and (4) of § 130.13(b) as subparagraphs (4) and (5), respectively, and adding a new subparagraph (3); and by adding a new § 130.13a, as follows:

§ 130.4 Applications.

(a) Applications to be filed under the provisions of section 505(b) of the act shall be submitted in the form described in paragraphs (c) and (e) of this section. If any part of the application is in a foreign language, an accurate and complete English translation shall be appended to such part. Translations of literature printed in a foreign language shall be accompanied by copies of the original publication. The application must be signed by the applicant or by an authorized attorney, agent, or official. If the applicant or such authorized representative does not reside or have a place of business within the United States, the application must also furnish the name and post office address of, and must be countersigned by, an authorized attorney, agent, or official residing or maintaining a place of business within the United States.

(b) Pertinent information may be incorporated in, and will be considered as part of, an application on the basis of specific reference to such information, including information submitted under the provisions of § 130.3, in the files of the Food and Drug Administration. However, any reference to information furnished by a person other than the applicant may not be considered unless use of such information is authorized in a written statement signed by the person who submitted it.

(c) Applications shall be assembled and submitted in the manner prescribed by paragraph (e) of this section and shall be submitted in the following form, except that applications for medicated feeds may be submitted instead on Form FD–1800, obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204:

FD 356—Rev. 1966.
Department of Health, Education, and Welfare,
Food and Drug Administration,
Washington, D.C. 20204.

NEW DRUG APPLICATION (Title 21, Code of Federal Regulations, § 130.4)

Name of applicant _____
Address _____
Date _____
Name of drug _____

☐ Original application (regulation § 130.4).
☐ Amendment to original, unapproved application (regulation § 130.7).
☐ Supplement to an approved application (regulation § 130.9).

The undersigned submits this application for a new drug pursuant to section 505(b) of the Federal Food, Drug, and Cosmetic Act. It is understood that when this application is approved, the labeling and advertising for the drug will prescribe, recommend, or suggest its use only under the conditions stated in the labeling which is part of this application; and if the article is a prescription drug, it is understood that any labeling which furnishes or purports to furnish information for use or which prescribes, recommends, or suggests a dosage for use of the drug will also contain substantially the same information for its use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, any relevant hazards, contraindications, side effects, and precautions, contained in the labeling which is part of this application. It is understood that all representations in this application apply to the drug produced until an approved supplement to the application provides for a change or the applicant is notified in writing by the Food and Drug Administration that a supplemental application is not required for the change.

Attached hereto, submitted in the form described in § 130.4(e) of the new-drug regulations, and constituting a part of this application are the following:

1. *Table of contents.* Include all the numbered items below and the page and volume numbers in which the item is located.

2. *A summary showing that the application is a well-organized, adequately tabulated, coherent document that presents a sound basis, containing statistical analyses where appropriate, for the action requested and including the following information:* (In lieu of the outline described below and the evaluation described in Item 3, an expanded summary and evaluation as outlined in § 130.4(d) of the new-drug regulations may be submitted to facilitate the review of this application.)

a. Chemistry.

i. Chemical structural formula or description for any new-drug substance.

ii. Relationship to other known drugs and classes of drugs.

iii. Description of dosage form and quantitative composition.

b. Rationale and purpose the drug is to serve.

c. Reference number of the investigational drug notice(s) under which this drug was investigated and of any notice, new-drug application, or master file intended to support this application.

d. Preclinical studies. (Present all findings including those which are interpreted as incidental or not drug-related. Refer to volume and page number of raw data.)

i. Pharmacology (pharmacodynamics, endocrinology, metabolism, etc.).

ii. Toxicology and pathology: Acute toxicity studies: subacute and chronic toxicity studies; reproduction and teratology studies; miscellaneous studies.

e. Clinical studies. (All material should be referenced to the investigator and to the volume and page number of the raw data.)

i. Special studies not described elsewhere.

ii. Dose-range studies.

iii. Controlled therapeutic studies.

iv. Other therapeutic reports (for example, uncontrolled or incompletely controlled studies).

v. Clinical laboratory studies related to effectiveness.

vi. Clinical laboratory studies related to safety.

vii. Literature summary.

3. *Evaluation of safety and effectiveness.*

a. Summarize evidence, favorable and unfavorable for each separate claim in the package labeling. Include reference to volume and page number of raw data.

b. Include tabulation of all side effects or adverse experience, by age and sex, whether or not considered to be significant, showing whether therapy was stopped and showing the investigator's name with a reference to the volume and page number of the raw data. Indicate those experiences considered to be drug-related.

4. *Copies of the label and all other labeling to be used for the drug* (a total of 8 copies if in final printed form, 4 copies if in draft form):

a. Each label, or other labeling, should be clearly identified to show its position on, or the manner in which it accompanies, the market package.

b. If the drug is to be offered over the counter, labeling on or within the retail package should include adequate directions for use by the layman under all the conditions for which the drug is intended for lay use or is to be prescribed, recommended, or suggested in any labeling or advertising sponsored by or on behalf of the applicant and directed to the layman. The application should also contain labeling that includes adequate information for all conditions for which the over-the-counter drug is intended or offered for use under the professional supervision of a practitioner licensed by law to administer it, including all the purposes for which it is to be advertised or represented for use by physicians.

c. If the drug is limited in its labeling to use under the professional supervision of a practitioner licensed by law to administer it, its labeling should bear information for use under which such practitioners can use the drug for the purposes for which it is intended, including all the purposes for which it is to be advertised or represented, in accord with § 1.106 (b) or (c) (21 CFR 1.106 (b) or (c)). The application should in-

clude any labeling for the drug intended to be made available to the layman.

d. If no established name exists for a new-drug substance, the application shall propose a nonproprietary name for use as the established name for the substance.

e. Typewritten or other draft labeling copy may be submitted for preliminary consideration of an application. An application will not ordinarily be approved prior to the submission of the final printed label and labeling of the drug.

f. No application may be approved if the labeling is false or misleading in any particular.

(If the article is a prescription drug, copies of mailing pieces and advertising used to promote the drug are to be submitted when commercial distribution begins. Approval of a supplemental new-drug application is required prior to use of any promotional claims not covered by the approved application.)

5. *A statement as to whether the drug is (or is not) limited in its labeling and by this application to use under the professional supervision of a practitioner licensed by law to administer it.*

6. *A full list of the articles used as components of the drug.* This list should include all substances used in the synthesis, extraction, or other method of preparation of any new-drug substance, and in the preparation of the finished dosage form, regardless of whether they undergo chemical change or are removed in the process. Each substance should be identified by its established name, if any, or complete chemical name, using structural formulas when necessary for specific identification. If any proprietary preparation is used as a component, the proprietary name should be followed by a complete quantitative statement of composition. Reasonable alternatives for any listed substance may be specified.

7. *A full statement of the composition of the drug.* The statement shall set forth the name and amount of each ingredient, whether active or not, contained in a stated quantity of the drug in the form in which it is to be distributed (for example, amount per tablet or per milliliter) and a batch formula representative of that to be employed for the manufacture of the finished dosage form. All components should be included in the batch formula regardless of whether they appear in the finished product. Any calculated excess of an ingredient over the label declaration should be designated as such and percent excess shown. Reasonable variations may be specified.

8. *A full description of the methods used in, and the facilities and controls used for, the manufacture, processing and packing of the drug.* Included in this description should be full information with respect to any new-drug substance and to the new-drug dosage form, as follows, in sufficient detail to permit evaluation of the adequacy of the described methods of manufacture, processing, and packing and the described facilities and controls to determine and preserve the identity, strength, quality, and purity of the drug:

a. A description of the physical facilities including building and equipment used in manufacturing, processing, packaging, labeling, storage, and control operations.

b. A description of the qualifications, including educational background and experience, of the technical and professional personnel who are responsible for assuring that the drug has the safety, identity, strength, quality, and purity it purports or is represented to possess, and a statement of their responsibilities.

c. The methods used in the synthesis, extraction, isolation, or purification of any new-drug substance. When the specifications and controls applied to such substance are inadequate in themselves to determine its identity, strength, quality, and purity, the methods should be described in sufficient detail, including quantities used, times, temperatures, pH, solvents, etc., to determine these characteristics. Alternative methods or variations in methods within reasonable limits that do not affect such characteristics of the substance may be specified.

d. Precautions to assure proper identity, strength, quality, and purity of the raw materials, whether active or not, including the specifications for acceptance and methods of testing for each lot of raw material.

e. Whether or not each lot of raw materials is given a serial number to identify it, and the use made of such numbers in subsequent plant operations.

f. If the applicant does not himself perform all the manufacturing, processing, packaging, labeling, and control operations for any new-drug substance or the new-drug dosage form, his statement identifying each person who will perform any part of such operations and designating the part; and a signed statement from each such person fully describing, directly or by reference, the methods, facilities, and controls in his part of the operation.

g. Method of preparation of the master formula records and individual batch records and manner in which these records are used.

h. The instructions used in the manufacturing, processing, packaging, and labeling of each dosage form of the new drug, including any special precautions observed in the operations.

i. Adequate information with respect to the characteristics of and the test methods employed for the container, closure, or other component parts of the drug package to assure their suitability for the intended use.

j. Number of individuals checking weight or volume of each individual ingredient entering into each batch of the drug.

k. Whether or not the total weight or volume of each batch is determined at any stage of the manufacturing process subsequent to making up a batch according to the formula card and, if so, at what stage and by whom it is done.

l. Precautions to check the actual package yield produced from a batch of the drug with the theoretical yield. This should include a description of the accounting for such items as discards, breakage, etc., and the criteria used in accepting or rejecting batches of drugs in the event of an unexplained discrepancy.

m. Precautions to assure that each lot of the drug is packaged with the proper label and labeling, including provisions for labeling, storage, and inventory control.

n. The analytical controls used during the various stages of the manufacturing, processing, packaging, and labeling of the drug, including a detailed description of the collection of samples and the analytical procedures to which they are subjected. The analytical procedures should be capable of determining the active components within a reasonable degree of accuracy and of assuring the identity of such components. If the article is one that is represented to be sterile, the same information with regard to the manufacturing, processing, packaging, and the collection of samples of the drug should be given for sterility controls. Include the standards used for acceptance of each lot of the finished drug.

o. An explanation of the exact significance of the batch control numbers used in the manufacturing, processing, packaging, and labeling of the drug, including the control numbers that appear on the label of the finished article. State whether these numbers enable determination of the complete manufacturing history of the product. Describe any methods used to permit determination of the distribution of any batch if its recall is required.

p. A complete description of, and data derived from, studies of the stability of the drug, including information showing the suitability of the analytical methods used. Describe any additional stability studies underway or contemplated. Stability data should be submitted for any new-drug substance, for the finished dosage form of the drug in the container including a multiple-dose container in which it is to be marketed, and if it is to be put into solution at the time of dispensing, for the solution prepared as directed. State the expiration date(s) that will be used on the label to preserve the identity, strength, quality, and purity of the drug until it is used. (If no expiration date is proposed, the applicant must justify its absence.)

q. Additional procedures employed which are designed to prevent contamination and otherwise assure proper control of the product.

(An application may be refused unless it includes adequate information showing that the methods used in, and the facilities and controls used for, the manufacturing, processing, and packaging of the drug are adequate to preserve its identity, strength, quality, and purity in conformity with good manufacturing practice and identifies each establishment, showing the location of the plant conducting these operations.)

9. *Samples of the drug and articles used as components, as follows:* a. The following samples shall be submitted with the application or as soon thereafter as they become available. Each sample shall consist of four identical, separately packaged subdivisions, each containing at least three times the amount required to perform the laboratory test procedures described in the application to determine compliance with its control specifications for identity and assays:

i. A representative sample or samples of the finished dosage form(s) proposed in the application and employed in the clinical investigations and a representative sample or samples of each new-drug substance, as defined in § 130.1(g), from the batch(es) employed in the production of such dosage form(s).

ii. A representative sample or samples of finished market packages of each dosage form of the drug prepared for initial marketing and, if any such sample is not from a commercial-scale production batch, such a sample from a representative commercial-scale production batch; and a representative sample or samples of each new-drug substance as defined in § 130.1(g), from the batch(es) employed in the production of such dosage form(s): *Provided, however,* That in the case of medicated feeds marketed in large packages the sample should contain only three times a sufficient quantity of the medicated feed to allow for performing the control tests for drug identity and assays.

iii. A sample or samples of any reference standard and blank used in the procedures described in the application for assaying each new-drug substance and other assayed components of the finished drug: *Provided, however,* That samples of reference standards recognized in the official U.S. Pharmacopeia or The National Formulary need not be submitted unless requested.

b. Additional samples shall be submitted on request.

c. Each of the samples submitted shall be appropriately packaged and labeled to preserve its characteristics; to identify the material and the quantity in each subdivision of the sample, and to identify each subdivision with the name of the applicant and the new-drug application to which it relates.

d. There shall be included a full list of the samples submitted pursuant to Item 9a; a statement of the additional samples that will be submitted as soon as available; and, with respect to each sample submitted, full information with respect to its identity, the origin of any new-drug substance contained therein (including in the case of new-drug substances, a statement whether it was produced on a laboratory, pilot-plant, or full-production scale) and detailed results of all laboratory tests made to determine the identity, strength, quality, and purity of the batch represented by the sample, including assays. Include for any reference standard a complete description of its preparation and the results of all laboratory tests on it. If the test methods used differed from those described in the application, full details of the methods employed in obtaining the reported results shall be submitted.

e. The requirements of Item 9a may be waived in whole or in part on request of the applicant or otherwise when any such samples are not necessary.

10. *Full reports of preclinical investigations that have been made to show whether or not the drug is safe for use and effective in use.* a. An application may be refused unless it contains full reports of adequate preclinical tests by all methods reasonably applicable to a determination of the safety and effectiveness of the drug under the conditions of use suggested in the proposed labeling.

b. Detailed reports of the preclinical investigations, including studies made on laboratory animals, the methods used, and the results obtained, should be clearly set forth. Such information should include identification of the person who conducted each investigation, a statement of where the investigations were conducted, and where the underlying data are available for inspection. The animal studies may not be considered adequate unless they give proper attention to the conditions of use recommended in the proposed labeling for the drug such as, for example, whether the drug is for short- or long-term administration or whether it is to be used in infants, children, pregnant women, or premenopausal women.

c. Detailed reports of any pertinent microbiological and in vitro studies.

11. *List of investigators.* a. A complete list of all investigators supplied with the drug including the name and post office address of each investigator and, following each name, an indication whether reports have been submitted as part of this application or under the provisions of § 130.3. (If this information is included in the summary, a reference to the summary page number(s) will suffice.)

b. Explain any omission of reports from any investigator to whom the investigational drug has been made available. The unexplained omission of any reports of investigations made with the new drug by the applicant, or submitted to him by an investigator, or the unexplained omission of any pertinent reports of investigations or clinical experience received or otherwise obtained by the applicant from published literature or other sources, whether or not it would bias an evaluation of the safety of the drug or its effectiveness in use, may constitute grounds for the refusal or withdrawal of the approval of an application.

c. List volume and page references to each investigator's report or the explanation of its omission.

12. *Full reports of clinical investigations that have been made to show whether or not the drug is safe for use and effective in use.* a. An application may be refused unless it contains full reports of adequate tests by all methods reasonably applicable to show whether or not the drug is safe and effective for use as suggested in the labeling.

b. An application may be refused unless it includes substantial evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling.

c. Reports of all clinical tests sponsored by the applicant or received or otherwise obtained by the applicant should be attached. These reports should include adequate information concerning each subject treated with the drug or employed as a control, including age, sex, conditions treated, dosage, frequency of administration of the drug, results of all relevant clinical observations and laboratory examinations made, full information concerning any other treatment given previously or concurrently, and a full statement of adverse effects and useful results observed, together with an opinion as to whether such effects or results are attributable to the drug under investigation and a statement of where the underlying data are available for inspection. Ordinarily, the reports of clinical studies will not be regarded as adequate unless they include reports from more than one independent, competent investigator who maintains adequate case histories of an adequate number of subjects, designed to record observations and permit evaluation of any and all discernible effects attributable to the drug in each individual treated and comparable records on any individuals employed as controls. An application for a combination drug may be refused unless it contains substantial evidence that each ingredient designated as active makes a positive contribution to the total therapeutic effect claimed for the drug combination. Except when the disease for which the drug is being tested occurs with such infrequency in the United States as to make testing impractical, some of the investigations should be performed by competent investigators within the United States.

d. Attach as a separate section a completed Form FD–1639, Drug Experience Report (obtainable, with instructions, on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204), for each adverse experience described in Item 12c, whether or not full information is available. Form FD–1639 should be prepared by the applicant if the adverse experience was not reported in such form by the investigator. The Drug Experience Report should be cross referenced to any narrative description included in Item 12c.

e. All information pertinent to an evaluation of the safety and effectiveness of the drug received or otherwise obtained by the applicant from any source, including information derived from other investigations or commercial marketing (for example, outside the United States), or reports in the scientific literature, involving the drug that is the subject of the application or pertinent information about any relevantly related drug. An adequate summary may be acceptable in lieu of a reprint of a published article which only supports other data submitted. Include any evaluation of the safety or effectiveness of the drug that has been made by the applicant's medical department, expert committee, or consultants.

f. If the drug is a combination of previously investigated or marketed drugs, an adequate summary of preexisting information from preclinical and clinical investigation and experience with its components, including all reports received or otherwise obtained by the applicant suggesting side effects, contraindications, and ineffectiveness in use of such components. Such summary should include an adequate bibliography of publications about the components and may incorporate by reference information concerning such components previously submitted by the applicant to the Food and Drug Administration.

g. The complete composition and/or method of manufacture of the new drug used in each submitted report of investigation should be shown to the extent necessary to establish its identity, strength, quality, and purity if it differs from the description in Item 6, 7, or 8 of the application in any way that would bias an evaluation of the report.

13. *If this is a supplemental application, full information on each proposed change concerning any statement made in the approved application.* (After an application is approved, a supplemental application may propose changes. A supplemental application may omit statements made in the approved application concerning which no change is proposed. Each supplemental application shall include up-to-date reports of any of the kinds of information required by § 130.13(a) that have not previously been submitted as part of the application, including such submission under the records and reports requirements of § 130.13 or § 130.35. A supplemental application should be submitted for any change beyond the variations provided for in the application (including changes in the scale of production such as from pilot plant to production batch) that may alter the conditions of use, the labeling, safety, effectiveness, identity, strength, quality, or purity of the drug or the adequacy of manufacturing methods, facilities, or controls to preserve them. Any mailing or promotional piece used after the drug is placed on the market is labeling requiring a supplemental application if it deviates in any significant respect from the approved labeling. A supplemental application shall specify a period of time within which the proposed change will be made. If a material change is made in the components, composition, manufacturing methods, facilities, or controls, or in the labeling or advertising from the representations in an approved application for a new drug, and the drug is marketed before a supplement is approved for such change, approval of the application may be suspended or withdrawn as provided in sec. 505(e) of the act.)

Changes of the following kinds proposed in supplemental new-drug applications should be placed into effect at the earliest possible time:

a. The addition to package labeling, promotional labeling, and prescription drug advertising of additional warning, contraindication, side-effect, and precaution information.

b. The deletion from package labeling, promotional labeling, and drug advertising of false, misleading, or unsupported indications for use or claims for effectiveness.

c. Changes in the methods, facilities, or controls used for the manufacture, processing, packing, or holding of the drug (other than utilization of establishments not covered by the approval that is in effect) that give increased assurance that the drug will have the characteristics of identity, strength, quality, and purity which it purports or is represented to possess.

Changes of the kinds described in a, b, and c of this Item 13 may be placed in effect by the applicant prior to his receipt of a written notice of approval of the supplemental new-drug application, provided that all the following conditions are met:

d. The supplemental new-drug application providing a full explanation of the basis for changes has been submitted, plainly marked on the mailing cover and on the supplement "Special new-drug application supplement—Changes being effected."

e. The applicant specifically informs the Food and Drug Administration of the date on which such changes are being effected, and submits to the Administration eight copies of any revised labeling to be placed in use, identified with the new-drug application number.

f. All promotional labeling and all drug advertising are promptly revised consistent with the changes made in the labeling on or within the drug package.

When a supplemental application proposes changes only of the kinds described in a, b, and c of this Item 13, and the applicant informs the Food and Drug Administration that the changes are being put into effect, such notification will be regarded as an agreement by the applicant to an extension of the time for formal action on the application.

(Applicant)

Per

(Responsible official or agent)

(Indicate authority)

(Warning: A willfully false statement is a criminal offense. U.S.C. Title 28, sec. 1001.)

NOTE: This application must be signed by the applicant or by an authorized attorney, agent, or official. If the applicant or such authorized representative does not reside or have a place of business within the United States, the application must also furnish the name and post office address of and must be countersigned by an authorized attorney, agent, or official residing or maintaining a place of business within the United States.

If samples of the drug are sent under separate cover, they should be addressed to the attention of the Bureau of Medicine or the Bureau of Veterinary Medicine, as appropriate, and identified on the outside of the shipping carton with the name of the applicant and the name of the drug as shown on the application.

(d) Optional expanded summary and evaluation: (1) A summary and evaluation prepared according to the guidelines described in subparagraph (2) of this paragraph may be substituted for items 2 and 3 of the new-drug application Form FD–356.

(2) The following summary outline covers the elements that are pertinent to an evaluation of the safety and effectiveness of most drugs, but it is recognized that it may not be applicable in detail to all drugs and situations. It is not intended that all items listed must be dealt with irrespective of their applicability. If it is appropriate for other criteria to be covered, they should be included. An explanation of the reason for omission of an item should be given, if not self-evident. An accurate, complete, and concise summary should contribute materially to facilitate the evaluation of the application. When a supplemental application is proposed that requires the submission of substantial preclinical or clinical data, a summary and evaluation of that data is also invited.

SUMMARY AND EVALUATION

I. Chemistry.

A. Chemical structural formula or description for any new-drug substance.

B. Relationship to other known drugs and classes of drugs.

C. Description of dosage form and quantitative composition.

II. Rationale and purpose the drug is to serve.

A. Purpose.

B. Highlights of preclinical studies. The reasons why certain types of studies were done or omitted as related to the proposed conditions of human use and to information already known about this class of compounds. Emphasize any unusual or particularly significant pharmacological effects or toxicological findings.

C. Highlights of clinical studies. The rationale of the clinical study plan showing why types of studies were done, amended, or omitted as related to preclinical studies and prior clinical experience.

D. Conclusions. A short statement of conclusions combining the major points of effectiveness and safety as they relate to the use of the drug.

III. Reference number of the investigational drug notice(s) under which this drug was investigated and of any notice, new-drug application, or master file intended to support the application.

IV. Preclinical studies. All findings should be presented including those which are interpreted as incidental or not drug-related. The summaries of the individual tests described hereafter should include a brief statement of methodology with results and interpretation of the test. Each test should be referenced to the proper page number(s) and volume number of the detailed report or to the table of contents preceding the basic scientific data. Include a table of contents referring to page number(s) of summary and page number(s) of raw data.

A. Pharmacology. Studies on pharmacodynamics, endocrinology, etc., as appropriate.

1. Studies of activities related to the primary therapeutic activity.

2. Studies of activities related to secondary therapeutic properties.

3. Studies of miscellaneous pharmacologic activities of the compound that may or may not be considered pertinent to the efficacy or safety of the drug.

4. Metabolism.

a. Absorption.

b. Tissue distribution.

c. Detoxication.

d. Excretion.

B. Toxicology and pathology.

1. Acute toxicity. Summarize by species and route of administration. Give levels and number of animals per dose level with weights, sex, and maturity. In some unusual circumstances, a brief description of the method may be needed. Give LD_{50} values with standard deviation, signs of toxicity, times of deaths, and other pertinent information. It is desirable that species and/or sex differences be pointed out and that the ratio of the oral to parenteral LD_{50}'s be indicated.

2. Subacute and chronic toxicity studies (present by species).

a. Method. Give duration of study, route of administration, dose levels, and method of giving drug (diet, gavage). Include number of animals per dose level and range of weights at initiation. Indicate parameters studied, including pathology.

b. Results. List pertinent observations, including pathology, with statement that other parameters were not affected. If necessary, indicate which alterations were related to pharmacodynamic activity and which were related to toxicity.

3. Reproduction and teratology studies (present by species).

a. Method. Give dose levels employed and time of drug administration relative to stage of pregnancy. List parameters examined. State method of examination of young.

b. Results. Describe effect on mother and on the various parameters of pregnancy and the fetus. Discuss relationship of drug doses to the therapeutic and toxic doses.

4. Miscellaneous studies. Include studies designed to explore drug toxicity beyond the more routine acute, subacute, and chronic studies. Studies on tissue irritancy, ciliary motility, etc., and special tests of pharmaceutical formulations should be included.

5. Evaluation of effectiveness and safety. This section should be the final evaluation of effectiveness and safety based upon the known attributes of the new drug in animals.

V. Clinical studies. All material should be referenced to the investigator and to the volume and page number of the raw data. Include a table of contents referring to page number(s) of summary and page number(s) of raw data.

A. Special studies. Include all studies that do not clearly have applicability elsewhere. If anything is known about absorption, distribution, excretion, and fate of the drug, it should be included here. Correlations with similar animal data should be drawn. Drug studies on circulation, respiration, volunteer extraordinary safety studies, and overdosage effects are examples. Studies of dose findings are not to be included.

B. Dose-range studies (individual and collective analysis). Include for each study:

1. Investigator.
2. Plan.
3. Materials used.
4. Diagnosis.
5. Age and sex of patients and, if applicable:
   a. Drug codes.
   b. Control agents.
   c. Statistical methods.
   d. Results, adverse reactions and experience, and other side effects.

C. Controlled therapeutic studies. A brief description of each giving:

1. Investigator.
2. Detailed design of study: Crossover, double crossover, or matched groups, double-blind, single-blind, randomized, etc.
3. Control agents (placebo, reference compounds).
4. Drug codes.
5. Design for selection of control and drug groups.
6. Primary and secondary diagnosis, including severity and stage of disease, of patients in drug and control groups with numbers, sex, and age distribution.
7. Detailed criteria of effectiveness, objective and subjective.
8. Adverse reactions looked for by subject, by investigator, and by laboratory tests and timing of observations.
9. Control and drug periods and kind and number of observations made in each.
10. Adverse reactions and all adverse experience by system and organ, general and local.
11. Results, all positive and negative.
12. Statistical analysis, kind and applicability. The only studies that would be subject to analysis are those that are randomized and controlled with either objective or subjective measurement. Case reports, case studies, or uncontrolled studies would not be subjected to statistical analysis.
13. Conclusions. Overall conclusions of controlled therapeutic studies.

D. Other therapeutic reports. Depending on the nature of the investigation, this could be divided between incompletely controlled studies and reports of uncontrolled use. The presentation of the plan and method of analysis could be governed by the criteria in "C. Controlled therapeutic studies" and by the situation.

E. Clinical laboratory studies related to effectiveness. A description and summary of results. If applicable, use pre- and post-treatment tables and graphs.

F. Clinical laboratory studies related to safety.

1. The general plan giving the number of studies, duration of therapy, controls, number of control determinations, etc.

2. A description and summary of the results for each study, including all variations irrespective of the significance, the investigator's name (with reference to volume and page number of the raw data), the results of laboratory determinations, the number of patients, the range of normal values for each laboratory and what standardization procedures each laboratory employs, and the number of normals for each determination. Discuss variations fully and make a judgment of the significance of variations with supporting reasons. Explanatory tables and graphs are very helpful.

G. Summary of clinical literature reviewed by applicant. All controlled studies that yield data pertinent to safety and effectiveness of the drug and all reports of adverse experience should be abstracted, utilizing the criteria in "C. Controlled therapeutic studies."

H. Overall results and conclusions. This category should combine findings from all categories in this division V and present composite, balanced conclusions.

1. Table of all investigators, academic affiliation, number of cases reported and nature of the study (special, controlled, double-blind, single-blind, randomized, or not, etc.). A statement should be made as to why the study was discontinued, if it was, or a statement that it is continuing, if such is the case. (If this information has been submitted elsewhere, it may be incorporated by reference.)

2. Table of age range for all studies giving totals in each age group and number of males and females in each age group.

3. Table of various dosage schedules by duration and number of patients.

4. Effectiveness.

a. Summarize evidence separately for each claim cited in the package circular. Give results by claim either by blending the results of equivalent types of studies done or by citing the results of the other well-done studies separately and then drawing a conclusion.

b. Include summary tables containing the primary and secondary diagnoses, the number of patients and controls, the dosage schedule, duration, and responses.

5. Safety.

a. Include tabulations listing *all* side effects or adverse experience, by age and sex, whether or not the applicant considers them to be significant, showing whether therapy was stopped and showing the investigator's name with a reference to the volume and page number of the raw data.

b. Include similar tabulations of adverse experiences limited to those regarded by the applicant as possibly drug-related.

c. Append the investigator's and the applicant's discussion of the basis for deciding whether or not the adverse experience is drug-related and the significance of possibly drug-related experiences.

6. Overall conclusions about safety and effectiveness.

a. Concisely compare kind and incidence of beneficial experience with kind and incidence of adverse experience found in clinical studies. Tabulate adverse reactions and experiences with percentage of incidence that were derived from prospective studies, if possible. Concisely state effective and recommended clinical dosage range on a mg./kg. basis and mg./kg. dosage levels showing adverse effects in animals and adverse experience in clinical studies.

b. To the extent known, or from studies by the applicant, concisely compare therapeutic index (effective vs. toxic dosage) and incidence of beneficial and significant adverse effects with related drugs. Summarize findings with regard to habit-forming or addiction potential, when applicable.

I. Annotated package circular.

1. For each claim or indication, give references supporting it in the summary, or give statements that are in turn referenced to the summary.

2. For each side effect and adverse experience contained in the submitted summaries and raw data, and for each contraindication, warning, and precaution suggested by such data, give references to it in the summary and cite the disclosure contained in the package circular, or explain its omission. Similarly, cite or explain the omission of such additional disclosures based on experience with related drugs.

(e)(1) For drugs for human use, assemble and bind three copies of the original application as follows:

(i) Obtain from the Food and Drug Administration, Bureau of Medicine, Washington, D.C. 20204, sufficient folders for binding triplicate copies of the new-drug application. Approximately 2 inches of material may be bound in each folder.

(ii) Bind the original or ribbon copy of the application in a blue folder. This will be copy No. 1 and should be a complete copy.

(iii) Bind an identical copy in a red folder, copy No. 2, and an identical copy in a yellow folder, copy No. 3, except that the individual clinical case reports may be omitted from these copies.

(iv) Identify each front cover with the name of the applicant and the name of the drug.

(v) Use separate pages or sets of pages for each numbered heading, Items 1 through 12, of the new-drug application Form FD–356. Arrange the parts as described under subdivision (vii) of this subparagraph. Number the pages of the new-drug application and include a table of contents. Each copy should be numbered identically except for the omissions in copies No. 2 and No. 3 of the clinical case reports.

(vi) The labeling should be distributed in the three copies of the application as follows: If in draft form, two sets of labeling in copy No. 1, one set in copy No. 2, and one set in copy No. 3; if in printed form and submitted with the orginal submission, two sets in copy No. 1, one set in copy No. 2, one set in copy No. 3, and the remaining four sets submitted unbound.

(vii)(a) For multivolume applications, number each volume of each copy in the lower right-hand corner in numerical sequence starting with volume 1.1 and continuing as needed with 1.2, 1.3, 1.4, etc.

(b) Arrange the separate numbered items of the application described in the new-drug application Form FD–356 in the following sequence (each of the following should comprise one volume, or more if needed, of the application, except that the material in (3), (4), and (6) of this subdivision may be combined in one volume if it does not exceed 2 inches):

(1) Cover letter, if any; signed Form FD–356; Items 1 through 7 of the Form FD–356.

(2) Manufacturing and sample information (Items 8 and 9).

(3) Animal, toxicological, microbiological, and in vitro data (Item 10).

(4) List of investigators and clinical information other than individual case reports (Items 11 and 12).

(5) Forms FD–1639, Drug Experience Report, to be included in a separate volume in copy No. 1 and copy No. 2 only; cover of volume to be marked "FD–1639" (Item 12d).

(6) Individual clinical case reports to be included in copy No. 1 only (Item 12).

(viii) Submit separate applications for each different dosage form of the drug proposed. It is not necessary to repeat in each application basic information pertinent to all dosage forms if reference is made to the application containing such information. Include in each application information applicable to the specific dosage form; such as labeling, composition, stability data, and method of manufacture.

(ix) Forward amendments, supplements, reports, and other correspondence submitted after the original application in these folders and this format if they contain sufficient material.

(x) If applicant employs automatic data processing techniques for summarization and analysis of clinical studies, printouts of the processed data and summarizations may be submitted, in addition to the underlying data required by Form FD–356. If tapes or punch cards are available on request, this should be indicated. Classification and coding schemes employed by the Bureau of Medicine in automatic data processing operations will be made available to applicants on request directed to the Food and Drug Administration, Bureau of Medicine, Washington, D.C. 20204. The use by applicants of similar coding schemes may facilitate the exchange of information in the form of punch cards and computer tapes.

(2) An incomplete application, or one that has not been submitted in triplicate, will be retained but not filed as an application provided for in section 505(b) of the act. The applicant will be notified in what respects his application is incomplete.

§ 130.5 Reasons for refusing to file applications.

(a) An application shall not be considered complete and will not be filed as a new-drug application within the meaning of section 505(b) of the act if one or more of the following is the case:

(1) It does not contain complete and accurate English translations of any pertinent part in a foreign language.

(2) Fewer than three copies are submitted.

(3) It is incomplete on its face in that it does not contain all the matter required by section 505(b) (1), (2), (3), (4), (5), and (6) of the act or by the new-

drug application form set forth in § 130.4(c).

(4) On its face the information concerning required matter is so inadequate that the application is clearly not approvable.

(5) The drug is to be manufactured, prepared, propagated, compounded, or processed in whole or in part in any State in an establishment that has not been registered or exempted from registration under the provisions of section 510 of the act.

(6) The applicant does not reside or maintain a place of business within the United States and the application has not been countersigned by an attorney, agent, or other representative of the applicant, which representative resides in the United States and has been duly authorized to act on behalf of the applicant and to receive communications on all matters pertaining to the application.

(7) The new drug is a drug subject to licensing under the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended; 42 U.S.C. 201 et seq.) or under the animal virus-serum-toxin law of March 4, 1913 (37 Stat. 832; 21 U.S.C. 151 et seq.).

(b) An application that is not considered complete and is not filed will not be accepted as a basis for amendments if a review of the required summary or other portion of the application shows that it is not a well-organized, coherent document and is so inadequate that it cannot be expeditiously reviewed on the basis of an amendment. In such circumstances, the applicant will be notified that he will be required to submit a new, complete new-drug application without reference to the previous submission.

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§ 130.9 Supplemental applications.

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(e) It will be the policy of the Food and Drug Administration to take no action against a drug or applicant solely because changes of the kinds described in paragraph (d) of this section are placed in effect by the applicant prior to his receipt of a written notice of approval of the supplemental new-drug application: *Provided*, That all the following conditions are met:

(1) The supplemental new-drug application providing a full explanation of the basis for changes has been submitted, plainly marked on the mailing cover and on the supplement "Special new-drug application supplement—Changes being effected."

(2) The applicant specifically informs the Food and Drug Administration of the date on which such changes are being effected, and submits to the Administration eight copies of any revised labeling to be placed in use, identified with the new-drug application number.

(3) All promotional labeling and all drug advertising are promptly revised consistent with the changes made in the labeling on or within the drug package.

(f) When a supplemental application proposes changes only of the kinds described in paragraph (d) of this section, and the applicant informs the Food and Drug Administration that the changes are being put into effect, such notification will be regarded as an agreement by the applicant to an extension of the time for formal action on the application.

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§ 130.13 Records and reports concerning experience on drugs for which an approval is in effect.

• • • • •

(b) • • •

(2) • • •

(i) Information concerning any unexpected side effect, injury, toxicity, or sensitivity reaction or any unexpected incidence or severity thereof associated with clinical uses, studies, investigations, or tests, whether or not determined to be attributable to the drug, except that this requirement shall not apply to the submission of information described in a written communication to the applicant from the Food and Drug Administration as types of information that may be submitted at other designated intervals. For drugs for human use, these reports shall be submitted in duplicate on Form FD–1639, Drug Experience Report, obtainable with instructions on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204. "Unexpected" as used in this subdivision refers to conditions or developments not previously submitted as part of the new-drug application or not encountered during clinical trials of the drug, or conditions or developments occurring at a rate higher than shown by information previously submitted as part of the new-drug application, or than encountered during such clinical trials.

• • • • •

(3) When mailing pieces and advertising copy are devised for promotion of the new drug, samples of such promotional material shall be submitted at the time of the initial mailing of any such mailing piece to the profession and at the time of the initial placement of any such advertisement for a prescription drug.

(4) All the kinds of information described in paragraph (a) of this section, other than that submitted under the provisions of subparagraphs (1), (2), and (3) of this paragraph, shall be submitted at the following intervals, unless otherwise ordered in a written communication from the Commissioner:

(i) If the drug is intended for administration to man, within intervals of 3 months beginning with the date of approval of the application during the first year following such date; within intervals of 6 months during the second year following such date; and at yearly intervals thereafter.

(ii) If the drug is intended solely for administration to animals, at intervals within 6 months beginning with the date of approval of the application during the first year following such date, and at yearly intervals thereafter: *Provided, however*, That such reports are not required from applicants to the extent that the reporting obligation is based on their manufacture of complete medicated feed.

(iii) The submitted copies of records and reports shall include all the required information that was received or otherwise obtained by the applicant during the designated intervals.

(5) On written order of the Commissioner, within the time stated in such order or agreed to by the applicant and the Commissioner, any designated records or reports containing the kinds of information described in this section.

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§ 130.13a Reporting of adverse drug experiences.

(a) Required reports of all adverse experiences with drugs for human use submitted as part of a new-drug application under § 130.4, a supplemental new-drug application under § 130.9, or as part of the reporting requirements concerning experiences with drugs for which an approval is in effect prescribed by § 130.13, shall be submitted on Form FD–1639, Drug Experience Report, obtainable with instructions from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204.

(b) For the purpose of such report, the terms "drug experience," "adverse drug experience," and "adverse reaction" mean any adverse experience associated with the use of the drug whether or not considered drug-related.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: October 6, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66–11178; Filed, Oct. 13, 1966; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 91]

[Docket No. 7664; Notice 66–36]

CARELESS OR RECKLESS GROUND USE OF AIRCRAFT NOT INCIDENT TO FLIGHT

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 91 of the Federal Aviation Regulations to prohibit taxiing or otherwise using aircraft, not incident to flight of the aircraft, on any part of an airport surface used for the operation of aircraft in air commerce, in a careless or reckless manner so as to endanger the life or property of another.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before January 12, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Prior to 1945, Part 60 of the Civil Air Regulations prohibited, among other things, starting, or running an aircraft engine unless a competent operator was in the aircraft attending the engine controls, and required placing blocks in front of wheels before starting engines unless the aircraft was provided with adequate parking brakes and these were fully on (§ 60.331). These specific standards were dropped from the regulations in 1945, because they were included in the general provisions of § 60.12 on careless or reckless operation of aircraft. The substance of this provision is now contained in § 91.9 of the Federal Aviation Regulations that prohibits the operation of an aircraft in a careless or reckless manner so as to endanger the life or property of another.

The term "operate" as used in § 91.9 is defined in § 1.1 of the Federal Aviation Regulations to mean the use of aircraft "for the purpose of air navigation", conformably with the definition of that term in section 101(26) of the Federal Aviation Act of 1958. Accordingly, § 91.9 is inapplicable to some incidents involving the use of an aircraft, not incident to flight, on the surface of an airport in a careless or reckless manner so as to endanger the life or property of another. These incidents include leaving the aircraft unattended with propellers or rotors turning, and "hand propping" the aircraft with the controls unattended or without the use of parking brakes or wheel blocks. Moreover, these incidents may also endanger other aircraft being operated on the surface of an airport for the purpose of air navigation.

It appears that safety of aircraft operated in air commerce can be adequately protected while on airport surfaces only if all persons using aircraft there, are required to do so with equal care. It is not sufficient to place the standard of care contained in § 91.9 upon those who operate aircraft for the purpose of air navigation and at the same time to relieve other persons using aircraft on the same airport surface from the exercise of similar care merely because their use is not incident to flight.

The proposed amendment would extend the standard of care of § 91.9 to those persons taxiing or otherwise using aircraft, not incident to flight, on any part of an airport surface used for the operation of aircraft in air commerce. This amendment would be an appropriate exercise of the Administrator's authority to provide adequately for safety in air commerce, pursuant to section 601 of the Act, notwithstanding the additional prohibition would be directed against actions by persons who themselves are not engaged in air commerce.

In consideration of the foregoing, it is proposed to amend Part 91 of the Federal Aviation Regulations as follows:

§ 91.1 [Amended]

1. By adding the words "or use" after the word "operation" in paragraph (a) of § 91.1.

2. By inserting the following new section after § 91.9:

§ 91.10 Careless or reckless ground use.

No person may taxi or otherwise use an aircraft, not incident to flight, on any part of the surface of an airport used for the operation of aircraft in air commerce, in a careless or reckless manner so as to endanger the life or property of another.

These amendments are proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421).

Issued in Washington, D.C., on October 7, 1966.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66–11190; Filed, Oct. 13, 1966; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 303]

TEXTILE FIBER PRODUCTS

Fiber Content of Special Types of Products

On August 3, 1966, the Commission issued a notice of proposed rule making in connection with this matter which was subsequently published in the FEDERAL REGISTER (31 F.R. 10581). Such notice provided that a proposed amendment of § 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act would be considered. The proposed rule was set forth therein and dealt with a proposed disclosure with respect to multiconstituent fibers which were blended or combined at or prior to the time of initial extrusion or fiber formation. Such notice further provided that interested parties might participate by submitting in writing to the Federal Trade Commission on or before September 13, 1966 views, arguments or other data.

Upon good cause being shown, such notice of proposed rule making is hereby suspended pending further orders of the Commission.

Issued: October 11, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66–11205; Filed, Oct. 13, 1966; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 6]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Government Procurement

Correction

On page 12924 of the issue for Tuesday, October 4, 1966, a correction of F.R. Doc. 66–10695 carried a page reference of "12349" which should be corrected to read "12849".

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

CROCKER-ANGLO NATIONAL BANK AND CITIZENS NATIONAL BANK

Notice of Hearing in Connection With the Merger

Notice is hereby given that the Comptroller of the Currency will hold a hearing in connection with the merger of Crocker-Anglo National Bank and Citizens National Bank in San Francisco, Calif., on November 14, 1966, at a time and place to be announced at a later date for the purpose of receiving testimony and evidence in connection with said merger.

Interested parties are notified that if they desire to present any evidence or testimony in connection with the above merger, they are required to serve notice of their intention on the Comptroller by October 24, 1966. Your notification to the Comptroller of the Currency shall indicate in general terms the position you intend to take in connection with said merger.

For the Comptroller of the Currency, Treasury Department.

Dated: October 11, 1966.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 66-11248; Filed, Oct. 13, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 1, 1966.

Dated: October 1, 1966.

JAMES S. BROADDUS.

[F.R. Doc. 66-11195; Filed, Oct. 13, 1966; 8:46 a.m.]

ALEXANDER S. CHAMBERLAIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 25, 1966.

Dated: August 25, 1966.

ALEX S. CHAMBERLAIN.

[F.R. Doc. 66-11212; Filed, Oct. 13, 1966; 8:48 a.m.]

JOHN W. HIERONYMUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 3, 1966.

Dated: October 3, 1966.

JOHN W. HIERONYMUS.

[F.R. Doc. 66-11196; Filed, Oct. 13, 1966; 8:46 a.m.]

GEORGE F. HRUBESKY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Vice President—Power Generation and Engineering.
(2) No change.
(3) None.
(4) None.

This statement is made as of October 5, 1966.

Dated: October 5, 1966.

G. F. HRUBESKY.

[F.R. Doc. 66-11197; Filed, Oct. 13, 1966; 8:48 a.m.]

LOWELL E. HUNT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 25, 1966.

Dated: August 25, 1966.

L. E. HUNT.

[F.R. Doc. 66-11213; Filed, Oct. 13, 1966; 8:48 a.m.]

JOE T. INNIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 27, 1966.

Dated: September 27, 1966.

JOE T. INNIS.

[F.R. Doc. 66-11214; Filed, Oct. 13, 1966; 8:48 a.m.]

LAYTON E. KINCANNON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Stocks sold: Dura Corp. Stocks purchased: California Liquid Gas Corp.; Kelly Services, Inc.; Mercantile Financial Corp.; Reliance Elect. & Engrg. Co.; Smith Industries International; Trans World Airlines; West-Point Pepperrell.
(3) No change.
(4) No change.

This statement is made as of August 25, 1966.

Dated: August 26, 1966.

L. E. KINCANNON.

[F.R. Doc. 66-11215; Filed, Oct. 13, 1966; 8:48 a.m.]

HOWARD LESTER LIVINGOOD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 3, 1966.

Dated: October 3, 1966.

HOWARD LESTER LIVINGOOD.

[F.R. Doc. 66-11198; Filed, Oct. 13, 1966; 8:46 a.m.]

MAXWELL S. McKNIGHT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 15, 1966.

Dated: September 15, 1966.

MAXWELL S. MCKNIGHT.

[F.R. Doc. 66-11216; Filed, Oct. 13, 1966; 8:48 a.m.]

CHARLES K. MILLEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 3, 1966.

Dated: October 3, 1966.

CHARLES K. MILLEN.

[F.R. Doc. 66-11199; Filed, Oct. 13, 1966; 8:46 a.m.]

GEORGE EVERETT MILLICAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

No change in my financial interest during the last 6 months other than I retired as Vice President of Gulf Oil Corp. on December 31 and my primary activity at the present time is that of Alderman, City of Atlanta, for a term ending December 31, 1969.

This statement is made as of September 21, 1966.

Dated: September 21, 1966.

G. E. MILLICAN.

[F.R. Doc. 66-11217; Filed, Oct. 13, 1966; 8:48 a.m.]

GEORGE A. PORTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Additions:
100 shares Union Carbide Corp. common stock—purchased July 8, 1966.
200 shares Youngstown Sheet & Tube Co. common stock—purchased April 19, 1966.

Deletions:
100 shares Bucyrus Erie Co. common stock.
100 shares Cooper Tire & Rubber Co. common stock.
250 shares Federal-Mogul Corp. common stock.
50 shares General Motors Corp. common stock.
200 shares Pacific Gas & Electric Co., 6 percent 1st preferred shares—cumulative.
165 shares Radio Corp. of America common stock.
50 shares Reynolds Metals Co. common stock.
200 shares Southern California Edison Co., 4.32 percent cumulative preferred shares.
50 shares Standard Oil Co. N.J. common stock.
100 shares Union Carbide Corp. common stock—sold August 24, 1966.
250 shares Westinghouse Electric Corp. common stock.
200 shares Youngstown Sheet & Tube Co. common stock—sold August 24, 1966.
(3) No change.
(4) No change.

This statement is made as of October 3, 1966.

Dated: October 3, 1966.

G. A. PORTER.

[F.R. Doc. 66-11200; Filed, Oct. 13, 1966; 8:46 a.m.]

WILLIAM R. REMALIA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 1, 1966.

Dated: October 4, 1966.

WILLIAM R. REMALIA.

[F.R. Doc. 66-11218; Filed, Oct. 13, 1966; 8:48 a.m.]

KENNETH I. SEWELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 3, 1966.

Dated: October 3, 1966.

K. I. SEWELL.

[F.R. Doc. 66-11201; Filed, Oct. 13, 1966; 8:47 a.m.]

ELWYN FRANK TIMME

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 5, 1966.

Dated: October 5, 1966.

E. F. TIMME.

[F.R. Doc. 66-11202; Filed, Oct. 13, 1966; 8:47 a.m.]

EDWARD W. WELCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

Had $10,000 in "K" bond that matured the 1st of August 1966 and reinvested said amount in "H" bonds (10 bonds of $1,000 face value).

This statement is made as of October 3, 1966.

Dated: October 3, 1966.

E. W. WELCH.

[F.R. Doc. 66-11203; Filed, Oct. 13, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA AND SOUTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) it has been determined that in the hereinafter-named counties in the States of North Carolina and South Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Bladen.	Sampson.
Lenoir.	

SOUTH CAROLINA

Aiken.	Lexington.
Chesterfield.	Marion.
Clarendon.	Marlboro.
Darlington.	Newberry.
Dillon.	Orangeburg.
Dorchester.	Richland.
Hampton.	Saluda.
Kershaw.	Spartanburg.
Lancaster.	Union.
Laurens.	Williamsburg.
Lee.	York.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of October 1966.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 66-11228; Filed, Oct. 13, 1966; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to continue or initiate the annual surveys listed below for the year 1966 and for each year thereafter, under the authority of Title 13, United States Code, sections 181, 224, and 225 approved August 31, 1954. These surveys, most of which have been conducted for many years, are significant in the manufacturing area and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available from nongovernmental or other governmental sources.

The establishments covered by these surveys directly account for the bulk of all manufacturing employment. The information to be developed from these surveys is necessary to an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1957 edition) promulgated by the Bureau of the Budget for the use of Federal statistical agencies.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Prepared animal feeds.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Stocks of wool (as of Jan. 1, 1967).
Cotton and synthetic woven goods finished.
Narrow fabrics.
Knit cloth for sale.
Woolen and worsted machinery activity.
Yarn production.
Rugs, carpets, and carpeting.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Commercial steel forgings.
Steel mill products.
Insulated wire and cable.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, television, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly, quarterly, and semiannual surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly, quarterly, and semiannual reports except for construction machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on man-made fiber, silk, woolen, and worsted fabrics, on finishing plants, and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Confectionery products.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen, and worsted fabrics.
Finishing plant report—broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics bottles.
Rubber.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers.

MAJOR GROUP 32—STONE, CLAY AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Closures for containers.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.
Metalworking machinery.
Fans, blowers, and unit heaters.
Typewriters.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts.
Truck trailers.

Also, the Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, manhours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis, will cover all manufacturing industries. Data on employment and payrolls for auxiliary establishments of manufacturing companies such as central administrative offices, warehouses, etc. will be included.

A survey of Research and Development costs will also be conducted. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

Additionally, a survey will be conducted requesting manufacturers to report each plants' volume of products manufactured which were exported. This survey was previously conducted for the year 1963. It is designed to provide important information on the relationship of the economy of States and other geographic areas to foreign trade.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census within 30 days after the date of this publication and will receive consideration.

Dated: October 4, 1966.

A. ROSS ECKLER, *Director.*

[F.R. Doc. 66-11183; Filed, Oct. 13, 1966; 8:45 a.m.]

Bureau of International Commerce

[File No. 23(65)-53]

SCIENTIFIC SUPPLY CO. AND C. J. RAWLINS

Order Denying Export Privileges for an Indefinite Period

In the matter of Scientific Supply Co. and C. J. Rawlins, 187 Jalan Pudu, Kuala Lumpur, Malaysia, respondents; File No. 23(65)-53.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because said respondents, without good cause being shown, failed to furnish responsive answers to interrogatories and failed to furnish certain records and documents specifically requested. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence presented shows that the respondent, Scientific Supply Co., is a firm which deals in electronic equipment and has a place of business in Kuala Lumpur, Malaysia; that the respondent, C. J. Rawlins is the manager and principal official of said firm; that the aforesaid Investigations Division is conducting an investigation into the disposition of certain strategic U.S.-origin items of electronic equipment which were ordered by said firm and which were exported from the United States consigned to said firm as ultimate consignee; that said investigation is to ascertain whether said equipment has been reexported in violation of the U.S. Export Regulations. It is impracticable to subpoena said respondents and relevant and material interrogatories which included requests to furnish certain specific documents relating to the respondents' dealings with respect to said commodities were served on them pursuant to § 382.15 of the Export Regulations. The respondents have failed to furnish answers to said interrogatories or to furnish the documents requested as required by said section, and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a)

As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or techical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: October 6, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-11208; Filed, Oct. 13, 1966; 8:47 a.m.]

[File No. 23(66)-17]

TOKYO SEIDENSHA CO., LTD., AND TAKEO SAKAMOTO

Order Denying Export Privileges for an Indefinite Period

In the matter of Tokyo Seidensha Co., Ltd., and Takeo Sakamoto; 564-7 Chome, Ebara-machi, Shinagawa-Ku, and 8-11 Koyama 6-Chome Shinagawa-Ku, and 1395 Hara-machi Meguro-Ku, all of Tokyo, Japan, respondents; File No. 23(66)-17.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because said respondents, without good cause being shown, failed to furnish responsive answers to interrogatories and failed to furnish certain records and documents specifically requested. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations). A temporary denial order has been in effect against the respondent Tokyo Seidensha Co., Ltd., since June 17, 1966 (31 F.R. 8837, 11111).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence presented shows that the respondent, Tokyo Seidensha Co., Ltd., is a joint stock company with a place of business in Tokyo, Japan; the respondent, Takeo Sakamoto, is the principal official and president of the company; the company is engaged in importing telecommunication and microwave equipment, and also measuring and analyzing instruments and accessories; the aforesaid Investigations Division is conducting an investigation into the disposition by said company of certain U.S.-origin electronic commodities of a strategic nature known to have been received by it; the said investigation is to ascertain whether said commodities have been reexported or traded in violation of the U.S. Export Regulations. It is impracticable to subpoena the company and its principal official and relevant and material interrogatories, which included requests to furnish certain specific documents relating to the company's dealings in said commodities, were served on respondents pursuant to § 382.15 of the Export Regulations. The respondents have failed to furnish answers to said interrogatories or to furnish the documents requested, as required by said section, and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. This order supersedes the Temporary Denial Order entered against Tokyo Seidensha Co., Ltd., on June 17, 1966 (31 F.R. 8837), and extended on August 15, 1966 (31 F.R. 11111).

II. The respondents, their partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization,

whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: October 6, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-11209; Filed, Oct. 13, 1966; 8:47 a.m.]

[File No. 23(66)-16]

WOODHAM TRADING, LTD., AND GLOVET TRADERS, LTD.

Order Further Extending Temporary Denial of Export Privileges

In the matter of Woodham Trading, Ltd. and Glovet Traders, Ltd., 13 Upper Berkeley Street, London W.1, England, respondents; File No. 23(66)-16.

An order temporarily denying export privileges for a period of 60 days was issued against the above respondents on June 10, 1966 (31 F.R. 8501) and was extended for 60 days on August 9, 1966 (31 F.R. 10902). Said order was issued in connection with an investigation instituted by the Investigations Division, Office of Export Control, Bureau of International Commerce. On the evidence presented there was reasonable basis to believe that respondent Woodham Trading, Ltd., purchased substantial quantities of automotive spare parts and equipment from the United States and reexported quantities of said parts and equipment from the United Kingdom to Cuba in violation of the U.S. Export Regulations. There was also reasonable basis to believe that respondent Glovet Traders, Ltd., in connection with an export control document and for the purpose of effecting an exportation from the United States, made false and misleading statements to the Office of Export Control. Further, on the evidence presented there was reasonable basis to believe that the respondents participated together in some phases of business transactions and that by reason of their close connection and affiliation and interlocking directorship the two firms are related to one another in a business sense.

The Director of said Investigations Division has applied under § 381.11 of the Export Regulations for a further extension of the temporary denial order for an additional 60 days. He has represented that since the temporary denial order was issued in this case on June 10, 1966, written interrogatories have been served on respondents and that said interrogatories have not yet been answered. The Director of the Investigations Division further represents that there have been discussions with respondents and their counsel with reference to above-mentioned alleged violations and also with reference to the respondents furnishing answers to the aforesaid interrogatories. In the light of said discussions the Director of the Investigations Division represents that it would be inappropriate to petition for an indefinite denial order for failure to answer interrogatories or to issue a charging letter. He further represents that extension of the temporary denial order is reasonably necessary for enforcement of the export control program.

The matter has been considered by the Compliance Commissioner and he has reported his recommendation to me that the present temporary denial order be further extended for an additional 60 days. He has found that such extension is reasonably necessary for the protection of the public interest and for effective enforcement of the law. I confirm these findings.

The determination made in the order of August 9, 1966, that Commodity Export, Ltd., London, England, is a related party to the respondent Glovet Traders, Ltd., is hereby affirmed. All of the prohibitions and restrictions of this order are applicable to said Commodity Export, Ltd., as though it was named as respondent herein.

Accordingly, it is hereby ordered:

I. The prohibitions and restrictions of the temporary denial order issued in this matter on June 10, 1966 (31 F.R. 8501) and extended on August 9, 1966 (31 F.R. 10902) are hereby continued in full force and effect.

II. The respondents, their successors, assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order continues in full force and effect the temporary denial order which was entered on June 10, 1966, and extended on August 9, 1966, and shall remain in effect for a period of 60 days from the expiration of said extended temporary denial order, unless it is hereafter amended, modified, or vacated in accordance with the provisions of the U.S. Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly, or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, transshipment, reexportation, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents or any related party may move at any time to vacate or modify this extended temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: October 6, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-11210; Filed, Oct. 13, 1966; 8:47 a.m.]

Business and Defense Services Administration

[BDSA Reporting Delegation 2]

ASSISTANT SECRETARY OF DEFENSE FOR INSTALLATIONS AND LOGISTICS

Delegation of Authority To Collect Information Relating to Copper

OCTOBER 11, 1966.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10480 (18 F.R. 4939) as amended, DMO 8400.1 (28 F.R. 12164), and Department of Commerce Order 152 (revised) (29 F.R. 5408), there is hereby delegated to the Assistant Secretary of Defense for Installations and Logistics the authority to collect on behalf of the Business and Defense Services Administration by plant visitation or otherwise certain information relating to the production, distribution and use of copper for defense programs. This information is required for national defense and is set out in form BDSAF-757. Data collected pursuant to this delegation will promptly be made available to the Business and Defense Services Administration.

This authority may be redelegated to persons within the Department of Defense.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 66-11207; Filed, Oct. 13, 1966; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF WASHINGTON

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Washington for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of Washington and summarizing the State's proposed program, was also submitted to the Commission. With the exception of referenced Charts 1–3 and advisory committee memberships, this resume is set forth below as an appendix to this notice. A copy of the program, including proposed Washington regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 12th day of October 1966.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF WASHINGTON FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Washington is authorized under Revised Code of Washington 70.98.110 to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Washington certified on October 3, 1966, that the State of Washington (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This agreement shall become effective on December 31, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ Day of _____.

For the United States Atomic Energy Commission.

_____

For the State of Washington.

DANIEL J. EVANS,
Governor.

FOREWORD

This document presents the current and proposed programs for managing the use of ionizing radiation in this State in a manner consistent with the paramount need in such use for the protection of the public and occupational health and safety. It includes supporting information on authority, regulation, organization, and resources available.

Washington, an early pioneer in the nuclear age, has worked closely with the Atomic Energy Commission and its contractors in assuring adequate protection through the long period of major nuclear activity in the state. As Washington progresses in the nuclear age, and invites beneficial nuclear development, it is fully aware of the responsibility to assure continuing protection in the use of both new and existing sources of ionizing radiation.

The Governor, on behalf of the State of Washington, is authorized to enter into agreements with the federal government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by the State. This authority is found in the Revised Code of Washington (RCW) 70.98.110 relating to development, regulation, and utilization of sources of ionizing radiation.

The Atomic Energy Commission is authorized to enter into an agreement with the governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control of byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass—this authority is found in section 274b of the Atomic Energy Act of 1954, as amended.

BACKGROUND

PERTINENT EVENTS AND LEGISLATIVE HISTORY

1949—The Columbia River Advisory Group (CRAG) was organized at the request of the Atomic Energy Commission Operations Office in 1949 to advise on matters of reactor waste disposal and water used in the Columbia River. Its members were from Oregon (State Sanitary Authority), Washington (Department of Health and Pollution Control Commission), and the U.S. Public Health Service (Portland Office of the Water Supply and Pollution Control).

1956—An Interim Advisory Committee on Radiation Protection and Control was formed to advise the Department of Health on initiating activity in the control of hazards from ionising radiation.

A program was formed to undertake activity in air pollution and radiation control in the "then" Division of Engineering and Sanitation.

1957—Chapter 43.39 RCW was passed by the legislature, calling for review by named State departments, including Health, of legislative and regulatory needs, establishing the position of Coordinator of Atomic Development Activities, and creating an Advisory Council on Atomic Energy.

The Air Sanitation and Radiation Control Section was formally created in the Division of Engineering and Sanitation of the Department of Health. Staff recruitment and training were initiated.

1961—Chapter 70.98 RCW was enacted. It repealed Chapter 43.39 RCW and established the Department of Health as the radiation control agency with authority to register sources of ionising radiation and to regulate their use. It created the Technical Advisory Board on Radiation Control, established the Department of Commerce and Economic Development as the agency for promotion and development of nuclear energy, and created the Advisory Council on Nuclear Energy and Radiation. It authorized the governor to enter into agreements with the Federal Government for transfer of authority. It provided for administrative and legal proceedings, outlawed shoe fluoroscopes, and provided for exemptions.

1964—Rules and Regulations of the State Radiation Control Agency pertaining to the registration of reportable radiation sources were adopted. These required, in addition to registration, the reporting of changes including loss of control by theft, loss, or accident. Exemptions from registration and reporting were provided.

1965—Chapter 70.98 RCW was amended. The Department of Health was named as the sole agency responsible for administrating the regulatory provisions for the protection of the public and occupational health and safety, and provided for licensing of byproduct, source, special nuclear materials and devices utilising such materials, or other naturally-occurring or artificially-produced radioactive materials.

Chapter 43.31 RCW was amended establishing the office of Nuclear Energy Development in the Department of Commerce and Economic Development. It authorized the Department to acquire, develop, operate, lease, sublease, or sell land and facilities for nuclear development purposes and provided for perpetual maintenance and/or surveillance for radioactive material waste-management purposes.

1966—Regulations for licensing, registration, and standards for protection pertaining to the use of ionizing radiation were adopted.

From the time of the establishment of the Advisory Council on Atomic Energy, the Council and its successor, the Advisory Council on Nuclear Energy and Radiation, have provided continuous leadership in developing and improving legislation which would enable Washington to become an agreement-state and to undertake the development of its nuclear potential. The Departments of Health and of Commerce and Economic Development have worked closely with the Councils in this endeavor.

The Department of Health was an active participant in the Columbia River Advisory Group. Through this mechanism, while no formal State programs had been established, it was able to continuously review appropriate information on Hanford waste disposal practices and to advise the Atomic Energy Commission and its contractors concerning discharges to the Columbia River and significant water uses.

PREVIOUS AND CURRENT ACTIVITIES

The initiation of Departmental programs directed at the problems associated with ionising radiation resulted in a series of activities the most significant of which are described below.

Tuberculosis chest X-ray program. Beginning in 1957, more emphasis in this long-standing program was placed on radiation protection. The continuous effort to upgrade X-ray picture quality through improved technique resulted in reducing unnecessary exposure—in participating public agency, private physician, and hospital installations. X-ray installation and operations inspections and consultation were performed by an engineer who is now a senior member of the section radiation control staff.

Environmental surveillance. The Department has participated continuously since 1956 in the U.S. Public Health Service Radiation Surveillance Network for air and precipitation sampling and coordinated local health department's participation. All of the technical staff of the section have participated in this program. Arrangements were made for regular collection of milk by local health departments in the milksheds for Seattle since 1960 and Spokane since 1958 for the National Pasteurized Milk Network.

A raw milk network was established in 1962 to provide for early detection in producing areas of elevated levels of radioactivity from fallout. It continues to operate on a flexible schedule to meet the need.

A substantial program of monitoring of surface and ground water, shellfish, and water biota was initiated in 1961. Equipment resources and part of other costs were largely supported through a contract with the U.S. Public Health Service. The total State network program includes (as of July 1, 1966), 61 active stations of which 39 are for surface water, 10 for shellfish, 9 for raw milk, 2 for air precipitation, and 1 for salt water and sediment. Ground water is sampled at random locations. Sample collection is largely dependent upon cooperators from local health and water departments and the State Pollution Control Commission. Exclusive of air and precipitation, a total of 1,167 samples were collected and analyzed during the 24 months ending June 30, 1966. Four annual reports have been prepared covering this work. Since 1958 the environmental surveillance program has been under the supervision of the staff member now serving as assistant section head and technical director and is operated by a Sanitary Engineer II.

X-ray survey. In 1958, a study was conducted in 352 dental offices using film badges for operator personnel and site exposure determinations. After a period of 1 month, the badges were collected, developed and evaluated. Thirty-eight offices with the highest personnel film badge readings were revisited for the purpose of recommending measures to reduce exposure levels. Filters and/or collimators were added as needed and protec-

tive measures for operators were recommended. All others surveyed were notified of the results by letter. This survey was conducted through joint arrangement with the Washington State Dental Association and the U.S. Public Health Service.

In 1962, Sur-Pak kits were sent to all dentists in Washington listed with the Department of Professional Licenses. A total of 1,344 Sur-Paks were returned and evaluated. The dentists were notified of the evaluation of their equipment. Where indicated, the filter and collimator, as required, were mailed to the dentist with instructions for installing them on his particular machine. Those requiring more difficult procedures were revisited by survey teams who made the modifications for the dentist.

In 1962, physical surveys were started on dental X-ray machines using U.S. Public Health Service X-ray protection survey procedures. A written report was left with the dentist and, when indicated, recommendations for compliance with the standards of the American Academy of Oral Roentgenology were included. Filters and collimators, as required, were installed.

In 1963, radiation protection demonstration surveys were started on other diagnostic X-ray installations in the healing arts. In 1966, medical X-ray therapy equipment surveys were started. The demonstration surveys are conducted in the manner of combined inspections and consultations, but without the basis of formal regulations.

Surveys were based on N.C.R.P. recommended physical standards, as published in National Bureau of Standards Handbook No. 76. A written report with recommendations was left with the user after each survey. Where filters were needed, they were furnished and installed by the survey team.

The following table indicates the number of surveys in each category that have been completed and an estimate of the degree of compliance, including corrections made as a result of the survey. Approximately 50 percent of all dental X-ray machines, 90 percent of the diagnostic equipment used by physicians, and 10 percent of the X-ray therapy equipment have been physically surveyed. Of all the remaining categories, about 95 percent have had an initial survey visit.

X-RAY SURVEYS TO JULY 1, 1966

Category	Number of facilities surveyed	Number of X-ray units surveyed	Estimated percent in compliance after survey
Physicians (M.D.)	709	1,064	70
Osteopaths	68	81	70
Chiropractors	147	150	95
Chiropodists	33	33	95
Veterinary	173	183	85
Hospitals	104	441	90
Industrial	10	33	100
Dentists	837	1,053	95
Naturopaths	9	10	70
Schools	8	12	100
Health Departments	33	36	95
Nursing Homes	2	2	100
State Institutions	12	31	90
Others	15	16	90
Totals	2,200	3,163	

Registration. Registration of all sources of ionizing radiation, with the exception of certain minor exempt sources, in accordance with Department regulations was started late in 1964. The initial registration phase has been completed. A simple return post card registration form was used to enhance a more rapid and complete response. Department of Licenses professional listings, Atomic Energy Commission licensee records, and professional and industrial society rosters were utilized to develop a mailing list. An informational program, directed through public and organizational channels, called attention to the registration requirement. Based upon registration data to July 1, 1966, the following table summarizes the radiation use picture in the state excluding uses under AEC licenses.

Category of user (Federal agencies not included)	Number of X-ray units	Number of locations with radium	Miscellaneous (other sources)
Human uses:			
Physicians (M.D.)	1,197	31	3
Other licensed Practitioners	306	1	
Industrial medicine	20		
Health programs	98		
Hospitals*	667	18	
Dentists	1,652		
Industrial** (Nonmedical)	48	8	1
Universities, Colleges and Schools	76	3	36
Veterinary	245		
Totals	4,389	61	43

*Includes University of Washington Hospital.
**Includes commercial, Civil Defense, and miscellaneous.

Radioactive materials. With the exception of radium, essentially all radioactive material of significant quantity is under the jurisdiction of the Atomic Energy Commission. The Department section staff, starting in 1958, has regularly accompanied the AEC on licensee inspections. In the 2½-year period ending July 1, 1966, present staff members participated in 79 percent of all AEC inspections in the State. As of July 1, 1966, there were approximately 190 AEC licenses in effect in the State, including Federal installations.

ORGANIZATION AND RESPONSIBILITY

The State government organization for the purpose of development, utilization, and regulation of sources of ionizing radiation is illustrated in Chart 1.

The Advisory Council on Nuclear Energy and Radiation is appointed by the governor and advises and reports to him. It consists of seven appointed members providing representation from industry, labor, the healing arts, research, and education. In addition, the directors of the Departments of Health, Labor and Industries, Agriculture, and Commerce and Economic Development are ex-offico members. Its present membership is shown in the appendix. The Council's duties include:

1. Review and evaluation of State policies and programs.

2. Advice to the governor on matters pertaining to the development, utilization, and regulation of sources of ionizing radiation.

The Department of Health will regulate the use of all sources of ionizing radiation except those which it may exempt or are under the jurisdiction of the Federal Government. This function rests in the Air Quality and Radiation Control Section.

The Technical Advisory Board on Radiation Control is appointed by the Director of Health with the approval of the governor. It consists of nine appointed members including representatives of the healing arts, research, industrial, and other recognized users of ionizing radiation, or experts in the field of physiological effects of ionizing radiation. The Director of Health is ex-officio chairman. The head of the Air Quality and Radiation Control Section is radiation control officer and ex-officio secretary of the Board without vote. Its present membership is shown in the appendix. The Board's duties are to:

1. Furnish technical advice to the Department.

2. Advise with reference to matters of policy affecting administration of the Act.

3. Approve rules and regulations prior to adoption by the Department. In practice the Board participates in the development of proposed rules and regulations and in the public hearing.

The Department of Commerce and Economic Development is responsible for the promotion and development of nuclear energy through its office of Nuclear Energy Development. Its functions, powers, and duties are to:

1. Advise the governor and the legislature regarding nuclear progress and State policy for research, development, and education.

2. Sponsor, support, or conduct appropriate studies and issue reports on nuclear progress.

3. Develop information on sites for nuclear industry and acquire land and facilities for nuclear development use.

DEPARTMENT AND STAFF ORGANIZATION

The Air Quality and Radiation Control Section is one of three sections in the Division of Environmental Health—the other sections being Sanitary Engineering and Environmental Sanitation. The Division of Environmental Health is one of eight in the Department—the others being Health Services, Health Facilities, Nursing, Epidemiology, Laboratories, Local Health Services, and Staff Services.

Legal services are provided by assistants to the Attorney General assigned to the Office of the Director. Statistical services are provided by the Division of Staff Services.

The current organization and functions of the section are illustrated in the attached charts, 2A and 2B. The Section Head has overall administrative responsibility for Section programs. The Assistant Section Head is responsible routinely for the performance of the Air Quality Control Services and the Air-Rad Laboratory Services, and acts fully in the absence of the Section Head. He also provides technical assistance to the Radiation Control Services in instrumentation, special problems and emergencies.

The Radiation Control Services programs are supervised by the Radiation Control Specialist III who reports directly to the Section Head. He will specifically have responsibility for directing the licensing, inspection, and registration activities.

The Licensing and Compliance Unit will be staffed with a Nuclear Energy Licensing Supervisor and a Radiation Control Specialist II. The licensing supervisor position is vacant as of October 1, 1966, but it is expected to be filled before the effective date of the agreement. The Radiation Control Specialist III will initiate the organizational activity for this function and, if necessary, can carry the operating responsibility until the vacancy is filled. This unit will provide the routine review of applications for licenses, amendments, and renewals. Findings will be reported to the Radiation Control Specialist III who will recommend action to the Section Head as to issuance, modification, or denial. The Section Head will make the final determination with the cognizance of or in consultation with the Division Chief and the Director of Health.

The Licensing and Compliance Unit will also maintain the necessary records by which appropriate reviews can be made to determine compatibility with programs of the AEC and other agreement States. It will review inspection reports in order to maintain knowledge on the status of licensee operations and provide information to the Radiation Control Specialist III in determining required corrective measures.

The Inspection and Registration unit is staffed with a Radiation Control Specialist II and a Radiation Control Specialist I. It will carry out the inspection functions for both licensed and registered radiation sources. Inspectors will handle minor items of noncompliance and review all findings including items of noncompliance with management at the time of inspection as outlined under Regulatory Procedures and Policy. It will prepare written reports of all inspections. This unit will also have responsibility for maintaining the registration records with statistical assistance from Staff Services.

The current staff and experience records are shown under STAFF.

REGULATORY PROCEDURES AND POLICY

LICENSING AND REGISTRATION

Licensing procedures and criteria will be consistent with those of the Atomic Energy Commission as provided in Part III of the State Radiation Control Regulations.

General licenses are effective by regulation without the filing of applications with the Department or the issuance of licensing documents. General licenses are issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public and occupational health and safety. Specific licenses or amendments thereto are issued upon review and approval of an application. A specific licensing document will be issued to named persons and will incorporate appropriate conditions and expiration date.

The Department, when it determines such to be appropriate, will request the advice of the Technical Advisory Board on Radiation Control, or appropriate members thereof, with respect to any matter pertaining to a license application, or to criteria for reviewing application.

A Review Committee on Medical Use of Radiation has been appointed by the Director of Health. All applications for nonroutine medical uses of radiation will be referred to the Review Committee for advice and consultation. Appropriate research protocol will be required as part of an application. The Review Committee is composed of persons having training and experience in nonroutine medical uses of radiation. It will at all times contain an appropriate representation of disciplines including, but not limited to, radiology, internal medicine, and pathology. The Department will maintain knowledge of current developments, techniques, and procedures for medical uses applicable to the licensing program through continuing contact and information exchange with the Atomic Energy Commission and other agreement States.

Specific licenses and amendments, or renewals thereto, will be issued for a period of time appropriate to the conditions of use and will be issued over the signature or in the name of the Director of Health.

Typical processing of applications for specific licenses or amendments is shown in Chart 3.

The registration program will be a continuation of the current activity except that it will be applicable only to sources of ionizing radiation other than radioactive material covered by licensing or sources which are exempt by regulation.

INSPECTION

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations, and provisions of licenses will be conducted as needed.

Inspection frequency will be based upon the extent of the hazard-potential and experience with the particular facility. It is expected that all specific licensees will be inspected at least once each 2-year period. The following frequency is anticipated:

Use of classification	*Usual inspection frequency*
Industrial radiography:	
Fixed installations	Once each 12 months.
Mobile operations	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Broad licenses — industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12–24 months.

Inspections will be made by prearrangement with the licensee or may be unannounced at reasonable times, as the Department, in its judgment, determines to be most constructive. Consultation visits will be made frequently in the early years of the licensing and compliance program in order to establish understanding and cooperation.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and, instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the licensee management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Department.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the section head for approval.

COMPLIANCE AND ENFORCEMENT

The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license upon request by the licensee may be amended, consistent with Act or regulations, to meet changing conditions in operations or to remedy technicalities of noncompliance of a minor nature. The Department may amend, suspend, or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action, the Department shall notify the licensee of its intent to amend, suspend, or revoke the license and provide the opportunity for a hearing.

The Department will use its best efforts to attain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Whenever the Department finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Administrative Procedures Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Department, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon finding that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the attorney general in the appropriate court upon request of the Department after notice to such person and ample opportunity to comply.

EFFECTIVE DATE OF LICENSE TRANSFER

Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued under this chapter which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license or, on the date of expiration specified in the Federal license, whichever is earlier.

ADMINISTRATIVE PROCEDURES AND JUDICIAL REVIEW

The basic standards of procedure for administrative agencies in the State of Washington are set by the Administrative Procedures Act, Chapter 34.04 RCW. Briefly stated, this act provides for:

1. Due notice to interested persons and opportunity to present data or views either orally or in writing prior to the adoption, amendment, or repeal of any rule.

2. Adoption or amendment of rules in emergency situations without observance of the normal requirements of notice and hearing, upon a finding by the Department that immediate action is necessary for the preservation of the public health, safety, or general welfare.

3. Petition to the Department requesting the promulgation, amendment, or repeal of any rule.

4. Declaratory judgment on the validity of any rule upon petition to the Superior Court of Thurston County, or declaratory ruling by the Department upon petition of any interested person with respect to the applicability of any rule or statute enforceable by the Department.

5. Right to hearing after reasonable notice in a case in which legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined.

6. Judicial review in the appropriate superior court by any person aggrieved by a final decision of the Department, and appeal to the state supreme court for review of and final judgment of the superior court.

COMPATIBILITY AND RECIPROCITY

In promulgating rules and regulations, the Department has, insofar as practicable, avoided requiring dual licensing and has provided for such recognition of other state and federal licenses.

RADIOLOGICAL EMERGENCY CAPABILITY

Currently, the Department is equipped with suitable instrumentation for monitoring in the event of an incident, or presumed incident, involving spread of contamination, undue exposure, or loss of a radiation source. Such situations have occurred and the staff has provided assistance. By mutual agreement with the Seattle-King County Health Department and Seattle Police Department, the Department staff is on call to provide assistance in that jurisdiction. Qualified persons from the University of Washington and a major industry are likewise on call. Contact communications for that area are established. This basic type of plan with refinements is anticipated throughout the State under Department coordination. In the meantime, the staff will respond in the event of any incident in the State requiring radiological assistance.

Liaison is maintained with the Richland Operations office of the AEC and reciprocal assistance is available. Emergency instrumentation from Richland Operations is maintained in the Department office for its use and is regularly taken to Richland Operations for maintenance.

Emergency communications and transportation are available through State and local authorities including police and Civil Defense. By mutual understanding with the Department of Civil Defense, reciprocal assistance and information is available. The Department is prepared to provide or assist in public information.

The Department has authority, in emergency situations, to issue necessary orders and to impound or order the impounding of radiation sources.

STAFF

EMIL C. JENSEN

CHIEF, DIVISION OF ENVIRONMENTAL HEALTH

Education and Training:
- B.S. Civil Engineering, University of Washington, 1936.
- M.S. Engineering, Harvard, 1938.
- U.S.P.H.S. Basic Radiologic Health, 1953.

Experience and Related Activities:
- Washington State Department of Health:
  - District Engineer, 1941–44.
  - Head, Sanitary Engineering Section, 1945.
  - Chief, Division of Environmental Health, 1946 to date.
- Washington State representative on the Columbia River Advisory Group since its inception in 1949. This group was formed to advise the Hanford Operations Office on matters relating to the disposition of radioactivity from the production plants at Hanford.
- Participated with AEC in inspections of authorized uses of radioactive materials in early and mid-1950's.

Other:
- President, Water Pollution Control Federation, 1957.
- Chairman, Conference of State Sanitary Engineers, 1962.
- Diplomate, American Academy of Environmental Engineers.
- Licensed Professional Engineer, Washington.

ROBERT L. STOCKMAN

HEAD, AIR QUALITY AND RADIATION CONTROL SECTION; SECRETARY, TECHNICAL ADVISORY BOARD ON RADIATION CONTROL; EXECUTIVE SECRETARY, STATE AIR POLLUTION CONTROL BOARD

Education and Training
- B.S. Civil Engineering, Sanitary option, Oregon State University, 1941.
- U.S.P.H.S. Training Courses:
  - Radiological Health Training for Water Works Operators, 1952, Reed College.
  - Occupational Radiation Protection, 1956, University of Washington.
  - Basic Radiological Health, 1957, Taft Center.
  - Radiation Surveillance, 1959, Nevada Test Site.
  - Radionuclide Protection, 1959, Taft Center.
  - X-Ray Protection, 1959, Taft Center.
  - Numerous air pollution courses
- AEC Orientation Course in Practices and Procedures of Licensing and Regulation, 1964–65 (in two parts), Bethesda.

Experience and Related Activity:
- Washington State Department of Health:
  - Public Health Engineer, 1941–42 (10 months).
  - District Engineer, 1946–48, 1950–56.
  - Head, air pollution and radiation control program development, including direction of statewide air pollution study, 1956–58.
  - Head, Air Quality and Radiation Control Section, 1958 to date.
  - Final responsibility for developing, organizing, and administering the section air pollution and radiation control programs—including technical and regulatory programs, budget, and personnel.
  - Represent the Department in liaison with the legislature, Office of Nuclear Energy Development, federal, state and local agencies, and professional, trade and business organizations.
  - Serve for the Director, in his absence, on the Advisory Council on Nuclear Energy and Radiation.
  - Serve for the Division Chief, in his absence, on the Columbia River Advisory Group and serve on its technical committee.
  - Member Working Committee on Columbia River Studies which works with Richland Operations Office of AEC to coordinate all studies and data pertaining to radioactivity in the Columbia River environs.
  - Participated with AEC in inspections of licensee users of radioactive materials starting in 1957.

Other:
- Commissioned Officer, U.S. Navy (R) Civil Engineer Corps—
  - Company Commander Seabee Battalion and Seabee Operations.
  - Officer Cinc Pac; to Lt.s.g., 1913–45.
- Employed by Consulting Engineer in municipal utilities, 1949.
- Diplomate, American Academy of Environmental Engineers.
- Licensed Professional Engineer, Washington.
- Currently, President-elect, Air Pollution Control Association.

PETER W. HILDEBRANDT

ASSISTANT HEAD AND TECHNICAL DIRECTOR, AIR QUALITY AND RADIATION CONTROL SECTION

Education and Training:
- B.S. Civil Engineering, University of Washington, 1954.
- M.S. Civil Engineering, University of Washington, 1964, with major work in air pollution and radiation.
- Graduate program included Radiation Biology, 3 quarters, and Control of Radioactive Waste, 1 quarter.
- U.S.P.H.S. Training Courses:
  - Basic Radiological Health, 1957, Portland, Oreg.
  - Sanitary Engineering Aspect of Nuclear Energy, 1958, University of California.
  - Individual Training in Use and Calibration of Radiation Counting Equipment for Surveillance Systems 1961, S.W. Radiological Health Lab.
- Numerous air pollution courses.

Experience and Related Activity:
- Washington State Department of Health:
  - Public Health Engineer and Sr. Public Health Engineer, 1957–62.
  - Supervising Sanitary Engineer serving as Assistant Head and Technical Director, Air Quality and Radiation Control Section, 1962 to date.
  - Conducted a major part of the 1959 occupational exposure study in dental X-ray.
  - Responsible for the performance of technical programs in air pollution and environmental radiation surveillance.
  - Designed and supervises the radiation surveillance systems, including counting facilities.
  - Assists the Section Head in overall planning, administration, and liaison functions. Acts fully as Section Head in his absence and represents him as requested.
  - Member, Working Committee on Columbia River Studies which works with Richland Operations Office of AEC to coordinate all studies and data pertaining to radioactivity in the Columbia River environs.
  - Participated with AEC in inspections of licensed users of radioactive material, 1957–60.

Other:
- Consultant to U.S. Public Health Service, Southwest Radiological Health Laboratory, in development and performance of altitude and ground-level environmental radiation sampling techniques (4 months total), 1962–65.
- U.S. Air Force Reserves, 1954–62.
  - Active Duty, Pilot and Flight Line Maintenance Officer, Armament and Electronics Training; to Captain, 1954–57.
  - U.S. Public Health Service Reserve, 1962 to date.
- Licensed Professional Engineer, Washington.

ARNOLD J. MOEN

RADIATION CONTROL SPECIALIST III, SUPERVISOR, RADIATION CONTROL SERVICES

Education and Training:
- B.S. Electrical Engineering, University of Idaho, 1935.
- One Full Academic year, Radiological Health Major in Graduate School of Public Health, University of Michigan, 1961–62.
- U.S.P.H.S. Training Courses:
  - Occupational Radiation Protection, University of Washington, 1956.
  - Radiation Protection Aspects of Tuberculosis Case Finding, Taft Center, 1958.

ARNOLD J. MOEN—continued.

Education and Training—continued.
- Environmental Radiation Sampling and Analysis, Reed College, 1959.
- Management of Radiation Accidents, Las Vegas, 1965.
- AEC Orientation Course in Practices and Procedures of Licensing and Regulation Bethesda, 1964.
- Civil Defense Courses:
  - Medical Aspects of the Atomic Bomb, 1950.
  - Elements of Civil Defense and Defense Mobilization, 1959.
  - Radiological Monitoring for Instructors, 1960.
  - Radiological Defense Officers, 1960.
  - Medical Self-Help, 1965.

Experience and Related Activity:
- Washington State Department of Health:
  - X-Ray Engineer, Tuberculosis Control Section, 1946–60.
  - Radiation protection surveys and consultation on technique for all installations participating in chest X-ray program.
  - Consultation and plan review service for radiation protection in hospital and clinic design.
  - Radiation Safety Officer for Department—Civil Defense responsibility.
  - Radiation Control Specialist III, Air Quality and Radiation Control Section, 1960 to date. Performance and supervision of radiation protection survey programs in healing arts and industry, dental X-ray Sur-Pak Program, radiation source registration program, and emergency service. Assists Section Head in program planning, development of regulations and represents him as requested in liaison and administrative functions.
  - Provides instruction for local health personnel in Civil Defense radiological monitoring. Organizes and instructs in summer training program for graduate students in radiological health at the University of Washington. Reviews all plans for radiological facilities in hospital design under Department hospital licensing and Hill-Harris programs. Responsible for inspection of radiological facilities under Medicare certification program.
  - Currently, primarily Section participant with AEC in inspection of licensed users of radioactive materials.

Other:
- Washington Water Power Consulting and Research Division, 1943–44.
- Milwaukee Road high voltage transmission engineering, 1944–45.
- ARRT Firland Sanatorium, Seattle, following hospitalization, 1946.
- Past president local and State societies Northwest Conference of Radiological Technologists. Currently Vice-President NWCRT.

CLIFFORD G. LEWIS

RADIATION CONTROL SPECIALIST II, LICENSING AND COMPLIANCE UNIT

Education and Training:
- B.S. Technology, The University of Manchester (England) 1931, 5-year curriculum including Mathematics and Physics equivalent for engineering degree and chemistry for American General Science degree.

Experience and Related Activities:
- Christie Hospital and Holt Radium Institute, Manchester, England, 1933–48; Radium curator responsible for custody, care and manipulation of radium stocks, operation of radon plant, supervision of appropriate technical terms, and maintenance of all records relevant to these operations in Britain's largest radiation therapy center.
- M.D. Anderson Hospital and Tumor Institute, Houston, Texas, 1948–53:
  - Radium curator and X-ray technician.
  - Responsible for radium, procurement of isotopes, assisted in dosimetric problems, operated X-ray equipment and conducted superficial X-ray therapy.
- Tumor Institute of the Swedish Hospital, Seattle, 1953–66:
  - Assistant and acting health physicist.
  - Responsible for radium, isotope manipulations, calibration of X-ray machines, maintenance of records, dosimetry, safety surveys and direction of technicians.
  - As acting health physicist served as Radiation Safety Officer for the Radioisotope Committee of the Swedish Hospital complex operating under AEC license.
- Washington State Department of Health starting September 1966: AEC Orientation Course in Practices and Procedures of Licensing and Regulation, Bethesda, 1966.

GROVER E. NELSON

RADIATION CONTROL SPECIALIST II, INSPECTION AND REGISTRATION UNIT

Education and Training:
- B.A. Economics and Business, University of Washington, 1941.
- B.S. Chemistry, Seattle University, 1952.
- Creighton School of Medicine, 1953–58.
- Basic Radiological Health Taft Center, 1961.

Experience and Related Activity:
- Washington State Department of Health, 1964 to date:
  - Conduct of radiation protection surveys in X-ray installations, including industrial, dental, medical and other healing arts. Participates in the radiation source registration program and summer instruction and field training for University of Washington graduate program in radiological health.
  - Assists in inspection of radiological facilities for Medicare certification program.
  - Participates with AEC in inspection of licensed users of radioactive materials.

Other:
- The Boeing Co., Seattle, Wash.:
  - Quality Control Chemist (1 year), 1952–53.
  - Industrial Hygiene Chemist (2 years), 1958–60.
  - Industrial Hygiene Radiation Control (2 years), 1962–63.
  - Semiannual certification of multicurie cobalt and iridium facilities and X-ray installation for shielding, warning and interlock systems, system controls, posting and film badge program. Regular survey and monitoring of laboratories, source fabrication facilities, field radiography, waste packaging and disposal, semiannual leak test of sealed sources. Survey instrument calibration. Inventory and monitor isotope receival.

CHARLES R. MCJILTON

RADIATION CONTROL SPECIALIST I, INSPECTION AND REGISTRATION UNIT

Education and Training:
- Wisconsin State College, 1948–50, 103 credit hours biology, chemistry.
- St. John's University, Minnesota, 1950–51, 40 credit hours chemistry, philosophy.
- B.A. Philosophy, Carroll College, Montana, 1956–58.
- B.S. Physical Science and Mathematics, University of Minnesota, 1962.
- M.S. Environmental Health with Radiological Health major, University of Minnesota, 1965.
- AEC Summer Fellowship in applied radiation protection, National Reactor Testing Station, Idaho Falls, 1965.

Experience and Related Activities:
- Secondary Science Teacher, Dixon High School, Montana, 1962–64.
- Field representative, University of Idaho Extension Service, teaching radiological monitoring and radiological defense, 1 year, 1965–66.
- Washington State Department of Health: Radiation Control Specialist I, starting October 1966.

[F.R. Doc. 66-11254; Filed, Oct. 13, 1966; 8:49 a.m.]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO., ET AL.

Notice of Proposed Issuance of Provisional Operating License

Please take notice that the Atomic Energy Commission (the Commission) is considering the issuance of Provisional Operating License No. DPR-13, set forth below, which would authorize Southern California Edison Co. (Edison), and San Diego Gas & Electric Co. (San Diego), with Edison acting for itself and as agent for San Diego, to possess, use and operate the San Onofre Nuclear Generating Station Unit No. 1 pressurized water reactor located on the site of Edison and San Diego near the northern boundary of Camp Pendleton in San Diego County, Calif. The license would also authorize these two companies and Bechtel Corp. (Bechtel) and Westinghouse Electric Corp. (Westinghouse) to possess title to the facility as their interests appear. Technical Specifications would be incorporated in the provisional operating license for operation of the reactor at power levels not to exceed 1347 thermal megawatts.

Upon issuance of the provisional operating license, Edison will be required to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140. In addition, prior to issuance of the provisional operating license, the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPPR-13 issued March 2, 1964.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed provisional operating license, see (1) the application for provisional operating license (Amendment Nos. 8, 9, 10, 11, 12, and 13 to license application) dated November 12, 1965, February 10, 1966, March 23, 1966, May 20, 1966, June 21, 1966, and August 12, 1966, respectively, (2) the Report of the Advisory Committee on Reactor Safeguards dated October 8, 1966, (3) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, (4) the Technical Specifications which are incorporated in the proposed license and designated as Appendix A thereto, and (5) the Special Nuclear Material Transfer Schedule designated as Appendix B to the license, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of Items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 12th day of October 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[License No. DPR-13]

PROPOSED PROVISIONAL OPERATING LICENSE

The Atomic Energy Commission having found that:

a. The application for provisional operating license (Amendment Nos. 8, 9, 10, 11, 12, and 13 to the license application, dated November 12, 1965, February 10, 1966, March 23, 1966, May 20, 1966, June 21, 1966, and August 12, 1966, respectively) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The facility has been constructed in accordance with the provisions of Construction Permit No. CPRR-13;

c. There are involved features, characteristics, and components as to which it is desirable to obtain actual operating experience before the issuance of an operating license for the full term requested in the application;

d. There is reasonable assurance (i) that the facility can be operated at power levels not in excess of 1347 megawatts thermal in accordance with this license without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

e. The applicants are technically and financially qualified to engage in the activities authorized by this license, in accordance with the rules and regulations of the Commission;

f. Southern California Edison Co. has furnished proof of financial protection to satisfy the requirements of 10 CFR, Part 140;

g. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;

Provisional Operating License No. DPR-13 is hereby issued to Southern California Edison Co. (Edison), San Diego Gas & Electric Co. (San Diego), Bechtel Corp. (Bechtel), and Westinghouse Electric Corp. (Westinghouse) as follows:

1. This license applies to the San Onofre Nuclear Generating Station Unit No. 1 (hereinafter, the "facility"), a pressurized light water reactor and associated steam generators and electric generating equipment. The facility is located on the site of Edison and San Diego near the northern boundary of Camp Pendleton in San Diego County, Calif., and is described in license application Amendment No. 8, "Final Engineering Report and Safety Analysis," Volumes I, II, and III, and in Supplements 1, 2, and 3 thereto (Amendment Nos. 10, 11, and 13 to the license application). Said "Final Engineering Report and Safety Analysis" in Amendment No. 8, as supplemented and amended, is hereinafter referred to as the hazards summary report.

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (the Commission) hereby licenses:

A. Pursuant to section 104b of the Atomic Energy Act of 1954, as amended (hereinafter, the "Act"), Edison, San Diego, Bechtel and Westinghouse to acquire and possess title to the facility as a utilization facility, and Edison and San Diego to acquire and possess sole title to the facility at such time as the legal title of Bechtel and Westinghouse shall pass to Edison and San Diego.

B. Edison and San Diego, with Edison acting for itself and as agent for San Diego:

(1) To possess, use and operate the facility as a utilization facility, pursuant to section 104b of the Atomic Energy Act of 1954, as amended.

(2) To receive, possess and use at any one time 3,300 kilograms of contained uranium 235 as fuel for operation of the facility, pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material."

(3) To receive, possess and use one thousand (1,000) curies of polonium encapsulated as Po-Be neutron start-up sources, pursuant to the Act and Title 10, CFR, Part 30, "Rules of General Applicability to Licensing of Byproduct Material."

(4) To possess, but not to separate, such byproduct and special nuclear material as may be produced by operation of the reactor, pursuant to the Act and Parts 30 and 70.

3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations (Title 10, CFR, Chapter 1): Part 20, §§ 50.54 and 50.59 of Part 50, § 70.32 of Part 70, § 40.41 of Part 40 and § 30.34 of Part 30; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* Edison is authorized to operate the reactor at steady state power levels up to a maximum of 1,347 megawatts thermal.

B. *Technical specifications.* The Technical Specifications for operation at power levels not in excess of 1,347 megawatts thermal contained in Appendix A attached hereto[1] are hereby incorporated in this license. Edison shall operate the facility in accordance with the Technical Specifications and may make changes therein only when authorized by the Commission in accordance with the provisions of § 50.59 of the Commission's regulations, Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities."

C. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) Edison shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented the facility from performing its safety functions as described in the Technical Specifications. For each such occurrence, Edison shall promptly notify by telephone or telegraph the Commission's Division of Compliance and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Division of Compliance.

(2) Edison shall report to the Commission in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the facility from performance specifications of the facility contained in the hazards summary report or the Technical Specifications.

(3) Edison shall report to the Commission in writing within thirty (30) days of its occurrence any significant change in transient or accident analysis, as described in the hazards summary report.

(4) As soon as possible after the completion of 6 months of operation of the facility (calculated from the date of initial criticality), and at the end of each 6-month period thereafter, Edison shall submit a report in writing to the Commission covering the following matters:

a. Hours of use of the facility.
b. The electric output of the plant.
c. Shutdowns of the facility, with a brief explanation of the cause and duration of each shutdown.
d. Levels of radioactivity measured at the site and at off-site monitoring stations.
e. Levels of radioactivity in principal systems.
f. Routine releases, discharges and shipments of radioactive materials.
g. Principal maintenance performed and principal changes made in the facility with the reasons therefor.
h. A description of significant tests performed during the 6-month period and the results of any test analyses completed during the period.

4. Pursuant to § 50.60, Title 10, CFR, Chapter 1, Part 50, the Commission has allocated to Edison for use in the operation of the reactor 19,219 kilograms of uranium 235 contained in uranium in the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to Edison and returns to the Commission are contained in Appendix B which is attached hereto.[1] Transfers by the Commission to Edison in accordance with column 2 in Appendix B will be conditioned upon Edison's return to the Commission of material substantially in accordance with column 3 (including the subcolumns headed "Recoverable Scrap" and "Spent Hot Fuel") of Appendix B.

5. This license is effective as of the date of issuance and shall expire eighteen (18) months from said date, unless extended for good cause shown, or upon the earlier issuance of a superseding operating license.

Date of issuance: ------ ------

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-11238; Filed, Oct. 13, 1966; 10:16 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

[Docket Nos. 15796, 17427; Order E-24279]

NATIONAL AIRLINES, INC., ET AL.

Order Denying Petition Requesting Revocation of Overflight Authority and Temporarily Extending Pan American-Panagra Overflight Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of October 1966.

Application of National Airlines, Inc., Pan American World Airways, Inc., and Pan American-Grace Airways, Inc.; Docket 15796, Agreements CAB 727, CAB 9205; for approval of agreements pursuant to section 412 and exemptions pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended.

Application of Pan American-Grace Airways, Inc., and Pan American World Airways, Inc.; Docket 17427; for approval of temporary agreements, for temporary exemption from section 401 of the Federal Aviation Act and for other relief as necessary.

By Order E-23267, February 17, 1966, and Order E-23732, May 24, 1966, the Board authorized Pan American World Airways, Inc. (Pan American), Pan American-Grace Airways, Inc. (Panagra) and National Airlines, Inc. (National), to conduct nonstop operations between New York and Lima, and New York and Balboa.[1]

The intercarrier agreements approved by the Board governing such nonstop operations provide, inter alia, that only Panagra crews will operate the flights. In view of this and because the three carriers advised the Board that they had "agreed to resolve labor issues under existing collective bargaining and are confident that, as in the past, they can be resolved satisfactorily without delaying the implementation of the proposed services,"[2] the Board dismissed ALPA's petition which sought imposition of labor protective provisions. However, it did so without prejudice and with permission to "file a subsequent (petition) for relief if labor adjustments cannot be effected to the satisfaction of ALPA."[3]

On June 21, 1966, Pan American and Panagra represented to the Board that the nonstop operations could not be conducted because of the failure of National and its pilots to agree in respect to compensation; and that as a result flights held out to the public as nonstop flights were being forced to stop at Miami to change crews.[4] In these circumstances, Pan American and Panagra requested that the Board grant an emergency exemption and approve agreements to permit them to operate, without reference to National, two weekly round trips between New York and Lima, and one weekly round trip between New York and Balboa for 90 days or until National would be able to participate in the nonstop operations, i.e., until National had reached an accord with its pilots. Neither National nor ALPA interposed any objection to this request, but National suggested that the labor problem could be resolved if the intercarrier agreement were modified so as to permit National pilots to undertake some flying operations and not merely accept payment in lieu of flying, as provided in the intercarrier agreement. The Board granted the temporary authority requested by Panagra and Pan American on an emergency basis in Order E-23941, July 12, 1966. This authority expires on October 10, 1966.

On September 16, 1966, ALPA petitioned the Board to revoke the temporary nonstop authority granted to Pan American and Panagra, and the unimplemented nonstop authority granted to National, Pan American, and Panagra involving Lima and Balboa.

On September 26, 1966, Pan American and Panagra applied for a 60-day extension of the temporary authority. By letter filed with the Docket Section on September 28, 1966, ALPA requested that its petition seeking revocation be considered also as an answer in opposition to the extension application.

Pan American and Panagra jointly and National individually filed answers in opposition to ALPA's petition, and on October 3, 1966, National filed an answer to the Pan American-Panagra extension request which attaches an agreement executed by the three carriers providing that in principle the pilots of each may share in undertaking flying operations and which suggests that this agreement may solve the impasse.

ALPA alleges that it has bargained in good faith with National concerning the dispute. On the other hand, ALPA states that National has failed "to resolve relevant labor issues with its pilots in fairness and good faith," and that all such efforts including mediation by the National Mediation Board have failed. ALPA also contends that by permitting Pan American and Panagra to operate the nonstop services, the Board has removed any incentive on the part of National to reach accord with its pilots, or for Pan American and Panagra to encourage National to reach a satisfactory solution, and that, conversely, by revoking the authority the three carriers will have an incentive to resolve all labor problems. Unless the dispute in respect to the nonstop operations is settled, ALPA asserts, "these unresolved labor issues may momentarily blossom into full-scale controversy * * *".

In answer, the three carriers each point out that since National does not participate in the nonstop operations conducted by Pan American and Panagra it derives no revenues therefrom and that consequently ALPA's contention that National lacks incentive to negotiate is without merit. Pan American and Panagra also allege that the nonstop operations are a valuable public service, and are required to maintain competitive balance in respect to other nonstop operations conducted under similar authority by Braniff and Eastern Air Lines, Inc.

In consideration of the matters presented, the Board finds that the Pan American-Panagra nonstop authority should be extended for 60 days or until National is able to participate, whichever shall first occur. The Board further finds that ALPA's petition should be denied without prejudice.

The Board has previously found after extensive analyses of the deficiencies inherent in the U.S.-flag certificated pattern which prevent single-carrier nonstop service, the requirements of the traveling public, the present and potential inroads of foreign flag carriers, and the problem of competitive balance between U.S.-flag carriers, that nonstop operations between New York and Lima, and New York and Balboa are required by the public interest. These analyses and findings concerning the desirability of and need for such service are set forth in Orders E-22211, May 24, 1965, and E-23267, February 17, 1966, and were expressly adopted in Order E-23941, July 12, 1966, in which the Board authorized Pan American and Panagra to undertake the operations without reference to National or National's route. The service thus authorized has been operating for 3 months and has been extensively advertised and promoted.

There is nothing to indicate that the public interest factors favoring the service are no longer present, or that the Board's previous findings in this regard are no longer viable. Accordingly, we incorporate those findings by reference herein.

Therefore, it appears clear that the public interest lies in extending the exemption authority unless the matters raised in ALPA's petition compel a different result. In our view, however, this is not the case. It appears from the pleadings that the dispute between ALPA and National centers around the amount of compensation to be paid National's pilots as a result of their not flying the nonstop service in question. According to National, it is willing to compensate its pilots for the hours actually flown by Panagra pilots between Miami and New York. However, it is unwilling to pay

[1] The authority granted in these orders expires 180 days after final decision in the Panagra Acquisition Case, Docket 16764, in which Braniff Airways, Inc. (Braniff) seeks approval to acquire and merge with Panagra. This case has been submitted to the Board for decision.

[2] Joint Pan American-National-Panagra answer to ALPA petition for leave to intervene, Apr. 9, 1965.

[3] Order E-22211, May 24, 1965.

[4] Such flights were therefore being operated pursuant to the longstanding interchange services offered by the three carriers conducted under authority approved by the Board. Under the interchange agreements, National pilots operate the aircraft between New York and Miami.

"duty rig," which it defines as inconvenience pay compensating a pilot for hours away from his home base other than flight hours.

In our judgment this is a dispute which properly should be left to the parties for resolution through collective bargaining pursuant to the Railway Labor Act, and one in which the Board should not intervene. Although ALPA alleges that National has not bargained in good faith, there are no factual allegations to support this charge, nor is there any showing that National may have otherwise violated the Railway Labor Act. Similarly, there is no showing that National's pilots will be subjected to major hazards such as dismissal, displacement, loss of seniority, or the like. Rather, the issues center upon the dollar amounts to be paid to National pilots for flights they do not actually conduct.[1] The inability of National and its pilots to resolve this kind of dispute would not warrant a refusal to continue the authorizations which are otherwise in the public interest.

The Board, of course, has an interest in seeing the dispute settled by the parties, and hopes and expects that it will be resolved shortly. Our denial of the ALPA petition relates to the present circumstances as set forth in the pleadings before us and does not, of course, preclude any later petition by ALPA predicated upon a significant change in circumstances.

We conclude that the exemption authority in Order E–23941, July 12, 1966, should be continued as provided hereinafter because the enforcement of Title IV and the provisions of the certificates of Pan American and Panagra would be an undue burden on Panagra and Pan American by reason of unusual circumstances affecting their operations and would not be in the public interest.

Accordingly, it is ordered, That:

1. The termination date of the authority set forth in Order E–23941 be, and hereby is, extended for 60 days or until National is able to participate in the nonstop operations, whichever shall first occur;

2. The ALPA petition be, and hereby is, denied without prejudice; and

3. This order may be amended or revoked by the Board at any time at the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 66–11225; Filed, Oct. 13, 1966; 8:49 a.m.]

[1] The loss of flying time to National pilots resulting from the Pan American-Panagra nonstop operations is equivalent to six 1-way New York-Miami flights per week.

SECURITIES AND EXCHANGE COMMISSION

[811–731]

CANADIAN INTERNATIONAL GROWTH FUND, LTD.

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

OCTOBER 10, 1966.

Notice is hereby given that Canadian International Growth Fund, Ltd. ("applicant"), 85 Broad Street, New York, N.Y., a Canadian corporation and a management open-end investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations stated therein.

Applicant's corporate existence has been terminated as a result of effecting a change of its domicile through its reorganization as International Growth Fund, Inc. ("International"), a new Maryland corporation. On May 15, 1964, pursuant to approval of its stockholders, applicant transferred all of its assets (less a reserve for liabilities) to International, a management open-end investment company, in exchange for a number of shares (526,012 shares) of International equal to the number of shares of applicant outstanding at the time of the transfer. Each share of applicant's stock outstanding at the time of the transfer was canceled and the certificates therefor were deemed to be shares of International without physically exchanging certificates.

Following the transfer of its assets to International, applicant discharged its remaining liabilities, transferred its remaining assets to International and surrendered its corporate charter. Such surrender has been accepted and the corporate existence of applicant has ceased.

Some dividend checks which have been sent to applicant's stockholders have not been cashed. As of August 2, 1966, First National City Bank of New York, formerly a dividend disbursing agent of applicant, held $2,877.16 for distribution as dividends to the persons entitled thereto, and at June 30, 1966, Channing Service Corp. held $4,484.33 for distribution as dividends to the persons entitled thereto. The application states that efforts to locate the persons entitled to these amounts are being and will continue to be made by Chanstat Services, Inc., International's dividend disbursing agent; that Channing Service Corp. will turn over the funds held by it to Chanstat Services, Inc., which will hold them in a separate account at the Michigan National Bank, Battle Creek, Mich.; and that the latter will hold such sums for the persons entitled to them until it is required to turn them over to the State under the escheat laws.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 21, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–11220; Filed, Oct. 13, 1966; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 592]

OHIO

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1966, because of the effects of certain disasters, damage resulted to residences and business property located in the County of Cuyahoga in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about September 29, 1966.

OFFICE

Small Business Administration Regional Office, 1370 Ontario Street, Cleveland, Ohio 44113.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1967.

BERNARD L. BOUTIN, *Administrator.*

OCTOBER 3, 1966.

[F.R. Doc. 66–11206; Filed, Oct. 13, 1966; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

GULF/UNITED KINGDOM CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John T. Crook, Chairman, Gulf Associated Freight Conferences, Suite 927 Whitney Building, New Orleans, La. 70130.

Agreement 161–23, between the member lines of the Gulf/United Kingdom Conference, amends the second sentence of Clause 9 of the basic agreement (161, as amended) by substituting the following provision in lieu thereof: "All collect freight is to be converted at the sight or demand rate of exchange on London 5 days after vessel sails from final U.S. Gulf of Mexico loading port."

Dated: October 11, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 66–11229; Filed, Oct. 13, 1966; 8:49 a.m.]

NIPPON YUSEN KAISHA AND YAMASHITA-SHINNIHON STEAMSHIP CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street N.W., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. O. Flood, Vice President, Transmarine Navigation Corp., 311 California Street, San Francisco, Calif. 94104.

Agreement 9582, between Nippon Yusen Kaisha and Yamashita-Shinnihon Steamship Co., Ltd., proposes to establish a through billing arrangement for the movement of general cargo from ports in East Africa to ports on the U.S. Pacific Coast with transshipment at Yokohama and/or Kobe, Japan, in accordance with the terms and conditions set forth in the agreement.

Dated: October 11, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 66–11230; Filed, Oct. 13, 1966; 8:49 a.m.]

SEA-LAND SERVICE, INC., AND PORTNICA SHIPPING CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. Scot Provan, Commerce Attorney, Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement 9507–2, between Sea-Land Service, Inc. and Portnica Shipping Co., Inc., proposes to modify the transshipment arrangement between the carriers by adding New Zealand as a point of origin in the movement of controlled temperature cargo and by specifying Sea-Land's portion of the through rate on Frozen Shrimp and on commodities other than Frozen Meat and Frozen Shrimp when transshipped at Balboa, Canal Zone, and its portion of the through rate on Beef Offal, Frozen, Edible, when transshipped at Puerto Rico.

Dated: October 11, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 66–11231; Filed, Oct. 13, 1966; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

JOHN V. LAWRENCE

Statement of Changes in Financial Interests

Pursuant to subsection 302(e), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9545, 28 F.R. 4117, 28 F.R. 10468, 29 F.R. 5579, 29 F.R. 14977, 30 F.R. 8982, 30 F.R.

12309, and 31 F.R. 4824) during the 6 months' period ended September 14, 1966.

No change.

Dated: October 7, 1966.

JOHN V. LAWRENCE.

[F.R. Doc. 66-11221; Filed, Oct. 13, 1966; 8:48 a.m.]

[Notice 1425]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 10, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69060. By order of September 30, 1966, the Transfer Board approved the transfer to Central States Express, Inc., 2323 Delaware Avenue, Des Moines, Iowa 50317, of the operating rights of R. D. Simpson, doing business as Central States Express, 2323 Delaware Avenue, Des Moines, Iowa 50317, in certificate No. MC-119627, issued April 28, 1960, authorizing the transportation of agricultural implements and parts, over irregular routes, from Des Moines, Iowa, and points within 6 miles thereof, to points in Indiana, Illinois, Ohio, and Michigan.

No. MC-FC-69067. By order of September 30, 1966, the Transfer Board approved the transfer to H. A. Pierce and R. E. Schuster, a partnership, doing business as Pierce-Schuster Truck Lines, Freeborn, Minn., of the certificate in Nos. MC-114362, MC-114362 (Sub-No. 4), and MC-114362 (Sub-No. 8), issued April 6, 1956, June 19, 1957, and March 17, 1966, respectively, to H. A. Pierce, doing business as Pierce Truck Lines, Freeborn, Minn., authorizing the transportation of: Manufactured fertilizer, dry fertilizer, agricultural lime, and dry fertilizer materials, from Albert Lea, Minn., and Mason City, Iowa, as specified, to points as designated in Iowa, Minnesota, and Wisconsin. Jack F. C. Gillard, 216 East Main Street, Albert Lea, Minn. 56007, attorney for applicants.

No. MC-FC-69076. By order of September 30, 1966, the Transfer Board approved the transfer to Ernest L. Seccomb and Ernest M. Kingsbury, doing business as Kitto's Transfer & Storage, 700 East Front Street, Butte, Mont., of the operating rights in certificate No. MC-70176, issued August 9, 1962, to T. James Kitto and Mary M. Kitto, doing business as Kitto's Transfer & Storage, 700 East Front Street, Butte, Mont., authorizing the transportation of: General commodities, unrestricted and also subject to the usual exceptions, heavy machinery, and equipment used in control of forest fires, between points in Montana.

No. MC-FC-69077. By order of September 30, 1966, the Transfer Board approved the transfer to Gleicher Trucking Corp., New York, N.Y., of the operating rights in certificate No. MC-100030 issued September 13, 1961, to Milton Gleicher and Rubin Gleicher, doing business as H. Gleicher & Sons, New York, N.Y., authorizing the transportation of: New furniture, between New York, N.Y., on the one hand, and, on the other, points in New York and New Jersey within a specified mileage radius of New York, N.Y. Bernard R. Fields, 401 Broadway, New York, N.Y., attorney for applicants.

No. MC-FC-69079. By order of September 30, 1966, the Transfer Board approved the transfer to Terry P. Kiefer, Tionesta, Pa., of certificates in Nos. MC-125279, and MC-125279 (Sub-No. 1), issued December 9, 1963, and July 1, 1964, respectively, to A. C. Benninger, Newmansville, Pa., authorizing the transportation of: Coal, from points in Clarion County, Pa., to Buffalo, Niagara Falls, Medina, Westfield, and Jamestown, N.Y. H. Ray Pope, Jr., 10 Grant Street, Clarion, Pa. 16214, attorney for applicants.

No. MC-FC-69082. By order of September 30, 1966, the Transfer Board approved the transfer to Dillard A. Toliver, doing business as Farmer Bus Line, Post Office Box 903, Wichita Falls, Tex. 76307, of certificate No. MC-99118 (Sub-No. 2), issued May 8, 1964, to Dillard A. Toliver and W. W. Farmer, a partnership, doing business as Farmer Bus Line, Post Office Box 903, Wichita Falls, Tex. 76307, authorizing the transportation of: Passengers and their baggage, express and newspapers, in the same vehicle, between Wichita Falls, Tex., and San Antonio, Tex., serving all intermediate points.

No. MC-FC-69088. By order of September 30, 1966, the Transfer Board approved the transfer to Victoria Transfer & Storage Co. a corporation, 1211 North Laurent, Post Office Box 1807, Victoria, Tex. 77901, of the operating rights in certificate No. MC-109444, issued September 17, 1948, to A. W. Armstrong, doing business as Victoria Transfer & Storage Co., 1211 North Laurent, Post Office Box 1807, Victoria, Tex. 77901, authorizing the transportation of: Household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, over irregular routes, between points and places in Victoria, Lavaca, Jackson, Calhoun, Refugio, Goliad, De Witt, Jim Wells, Live Oak, Bee, and Aransas Counties, Tex., on the one hand, and, on the other, points and places in Louisiana, Arkansas, Oklahoma, New Mexico, and Kansas.

No. MC-FC-69106. By order of September 30, 1966, the Transfer Board approved the transfer to Singer Interstate Carriers, Inc., Hawthorne, N.J., of certificate in No. MC-119788, issued September 16, 1960, to N. & J. Tubing & Reeling Co., Inc., doing business as Singer Interstate Carriers, Hawthorne, N.J., authorizing the transportation of: Cut piece goods and finished products thereof, made of silk, rayon, acetate, celanese, and mixtures thereof, between Haledon, N.J., and New York, N.Y. John M. Zacharа, Post Office Box "Z", Paterson, N.J. 07509, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11222; Filed, Oct. 13, 1966; 8:48 a.m.]

[Notice 269]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 11, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 64994 (Sub-No. 84 TA), filed October 7, 1966. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: Frank C. Phillips (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New Furniture*, from Danville, Ky., to points in Illinois, Wisconsin, Indiana, Michigan, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Tennessee, District of Columbia, and Florida. (2) *Materials and supplies*, used in the manufacture of furniture from points in (1) to Danville, Ky., for 150 days. Supporting shipper: Jackson Chair Co., Inc., Danville, Ky. Attention: Mr. James E. Jackson. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 107496 (Sub-No. 503 TA), filed October 7, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz, Ruan Transport Corp., Keosauqua Way at Third Street, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Dubuque, Iowa, to Rockford, Ill., for 180 days. Supporting shippers: Hudson Oil Co. of Delaware, Inc., Post Office Box 1626, Kansas City, Mo. 64141, Apco Oil Corp., Liberty Bank Building, Oklahoma City, Okla. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 128513 (Sub-No. 1 TA), filed October 7, 1966. Applicant: DOMENICK A. ABRIOLA, doing business as ABRIOLA TRUCKING CO., Washington and Bem Streets, Riverside, N.J. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snow fence, stockade fence, fence posts, and fence rails*, from Burlington City, N.J., to points in Pennsylvania, New York, Connecticut, West Virginia, Maryland, and Delaware; and (2) *Coils of wire*, from Philadelphia, Pa., to Burlington City, N.J., for 180 days. Supporting shipper: Lincraft Inc., Burlington, N.J. 08016. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 128630 TA, filed October 7, 1966. Applicant: COMMODITY CARRIERS, INC., 700 Denargo Market, Denver, Colo. Applicant's representative: Euvell Oldham (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat products and frozen foods*, from Denver and Colorado Springs, Colo., to points in New Mexico, Arizona, and California, for 150 days. Supporting shippers: Shurtenda Steaks, Inc., 2452 West Second Avenue, Denver, Colo. 80223, Johnson Food Co., 201 Lee Street, Colorado Springs, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 128630 (Sub-No. 1 TA), filed October 7, 1966. Applicant: COMMODITY CARRIERS, INC., 700 Denargo Market, Denver, Colo. Applicant's representative: Euvell Oldham (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat products and frozen foods*, from Denver and Colorado Springs, Colo., to points in Utah, Idaho, Oregon, and Washington, for 150 days. Supporting shippers, Shurtenda Steaks, Inc., 2452 West Second Avenue, Denver, Colo. 80223, Johnson Food Co., 201 Lee Street, Colorado Springs, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, Denver, Colo. 80202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11223; Filed, Oct. 13, 1966; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 11, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40736—*Motor vehicles from Doraville, Ga.* Filed by O. W. South, Jr., agent (No. A4949), for interested rail carriers. Rates on motor vehicles, in bi-level and trilevel cars, in carloads, from Doraville, Ga., to Little Ferry, N.J.

Grounds for relief—Market competition.

Tariff—Supplement 60 to Southern Freight Association, agent, tariff ICC S-558.

FSA No. 40737—*Petroleum oil residuum from points in Montana.* Filed by Trans-Continental Freight Bureau, agent (No. 435), for interested rail carriers. Rates on petroleum oil residuum, for further manufacture, subject to minimum shipment of 10 tank carloads, from Billings, East Billings, Great Falls, and Laurel, Mont., to Minneapolis, Minnesota Transfer, and St. Paul, Minn.

Grounds for relief—Market competition.

Tariffs—Supplement 11 to Great Northern Railway Co. tariff ICC A-9207 and Supplement 4 to Northern Pacific Railway Co. tariff ICC 16062.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11224; Filed, Oct. 13, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-5441, etc.]

JOHNSON OIL & GAS CO., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates, and Pending Certificate Application [1]

OCTOBER 5, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 28, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-6441 E 9-21-66	Sinclair Oil & Gas Co.[3]	Northern Natural Gas Co., Hunt Baggett Field, Crockett County, Tex.	16.0	14.65
C166-85 C 9-26-66	Abel & Bancroft, Post Office Box 1391, Midland, Tex. 79701.	United Gas Pipe Line Co., South Allorette Field Area, Goliad County, Tex.	14.0	14.65
C166-1039 (G-8963) C 8-25-66[18]	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Beaurline Field, Hidalgo County, Tex.	[15] 15.0	14.65
C166-1267 C 9-14-66	Bradley H. Keyes, Box 842, Aztec, N. Mex. 87410.	El Paso Natural Gas Co., Fulcher-Kutz-Pictured Cliffs Field, San Juan County, N. Mex.	12.0	15.025
C167-274 A 9-6-66	Texaco Inc.[4]	El Paso Natural Gas Co., Gomez Field, Pecos County, Tex.	[16] 17.2295	14.65
C167-284 A 9-6-66	Hanley Co. (successor to Mobil Oil Corp.), 3300 First National Bank Bldg., Dallas, Tex. 75202.	Texas Natural Gas Co., Spearberry Trend Area, Upton County, Tex.	[17] 17.2295	14.65
C167-333 H 9-19-66	Union Producing Co., Post office Box 1407, Shreveport, La. 71102	United Gas Pipe Line Co., Rodessa Field, Caddo Parish, La. and Cass County, Tex.	Depleted	------
C167-339 (G-18360) F 9-22-66	Colorado Oil & Gas Corp. (successor to Alpha Offshore Co., et al.), Box 749, Denver, Colo. 80201	Texas Eastern Transmission Corp. South Pelto Block 86 Field, Offshore Vermilion Parish, La.	[19] 19.0	15.025
C167-340 B 9-23-66	Southern Minerals Corp. (Operator) et al., Post Office Box 716, Corpus Christi, Tex. 78403	Lone Star Gathering Co., South Creek Field, DeWitt County, Tex.	Depleted	------
C167-341 A 9-23-66	Ashland Oil & Refining Co.[4]	Panhandle Eastern Pipe Line Co., acreage in Ellis County, Okla.	[20] 17.0	14.65
C167-342 A 9-26-66	Braden Drilling, Inc., 1620 Wichita Place, Wichita, Kans. 67203.	Colorado Interstate Corp. (Hugoton Field), Hamilton County, Kans.	[21] 13.5 [22] 16.0	14.65 14.65
C167-343 A 9-26-66	Odessa Natural Gasoline Co., Post Office Box 3008, Odessa, Tex. 79760.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[23] 17.0	14.65
C167-344 A 9-26-66	Cities Service Gas Co. (SW), Post Office Box 1101, Pampa, Tex. 79065.	Natural Gas Pipeline Co. of America, acreage in Texas County, Okla.	[24] 17.0	14.65
C167-345 A 9-26-66	El Paso Products Co., Post Office Box 3986, Odessa, Tex. 79760.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[25] 17.0	14.65
C167-346 A 9-19-66	Mid East Oil Co., Oliver Bldg., Pittsburgh, Pa. 15222.	Consolidated Gas Supply Corp., Gaskill Township, Jefferson County, Pa.	27.5	15.325
C167-347 A 9-21-66	Ralph Mace, Sandridge, W. Va. 25274.	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	20.0	15.325
C167-348 A 9-26-66	Sanford F. McCormick, 1643 First City National Bank Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., acreage in Walker County, Tex.	12.0	14.65
C167-349 A 9-26-66	Bruce Anderson, 600 Southwest Tower, Houston, Tex. 77002.	Panhandle Eastern Pipe Line Co., South Peek Area, Ellis County, Okla.	[26] 17.0	14.65
C167-350 A 9-26-66	Beard Oil Co., 2000 Classen Blvd., Suite 200, 2000 Classen Center, Oklahoma City, Okla. 73106.	do	[27] 17.0	14.65
C167-351 A 9-26-66	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., Northeast Waynoka Area, Woods County, Okla.	[28] 15.0	14.65
C167-352 A 9-26-66	Sinclair Oil & Gas Co.[4]	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	13.0	15.025
C167-353 A 9-26-66	Coastal States Gas Producing Co., Post Office Drawer 521, Corpus Christi, Tex. 78403.	Florida Gas Transmission Co., South Manchester Field, Calcasieu Parish, La.	20.0	15.025
C167-354 A 9-27-66	Montlar Oil & Gas Development Corp., 1200 Alfred I. duPont Bldg., 169 E. Flagler St., Miami, Fla. 33131.	Equitable Gas Co., De Kalb District, Gilmer County, W. Va.	25.0	15.325
C167-355 A 9-27-66	James W. Hershberger, 807 First National Bank Bldg., Wichita, Kans. 67202.	Cities Service Gas Co., acreage in Barber County, Kans.	14.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-336 A 3-18-66	Fred P. Fulton, et ux., c/o Dale M. Stucky, attorney, Fleeson, Gooing, Coulson & Kitch, Post Office Box 997, Wichita, Kans. 67201.	Colorado Interstate Gas Co., Hugoton Field, Kearny County, Kans.	[11] 6	14.65

[1] Effective rate under Predecessor's FPC GRS No. 2.
[2] Effective rate under Predecessor's FPC GRS No. 3. Rate in effect subject to refund in Docket No. RI65-899.
[3] Deletes 2,480 acres on leases that have expired.
[4] Rate in effect subject to refund in Docket No. RI65-242.
[5] Amendment to certificate filed to reflect change in name.
[6] Subject to upward and downward B.t.u. adjustment.
[7] Unconomical for Buyer to connect to well.
[8] No permanent certificate issued. Temporary certificate granted to Presidio Operating Co. (Operator), et al Jan. 22, 1965 to continue service heretofore rendered by Eugene E. Nearburg and Tom L. Ingram d.b.a., Nearburg & Ingram, Operator.
[9] Assignor's interests presently covered under Presidio Operating Co. (Operator), et al, FPC GRS No. 1.
[10] Application previously noticed Sept. 29, 1966 in Docket Nos. G-6378, et al., at a total initial rate of 19.5 cents, subject to refund in Docket No. RI66-284. By letter filed Sept. 28, 1966, Applicant expressed its willingness to accept authorization to sell gas from the additional acreage at a rate of 17 cents per Mcf.
[11] Assignor's interests presently under Capitan Petroleums, Inc., FPC GRS No. 1.
[12] For 1,038 B.t.u. gas. Residue from casinghead gas priced in accordance with Opinion No. 468 and calculated and to be 14.4 cents per Mcf.
[13] By letter filed Sept. 26, 1966, Applicant agreed to accept authorization for the additional acreage containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[14] Adds acreage acquired from Sunray DX Oil Co., Docket No. G-6882.
[15] Settlement rate as approved by Commission order issued Jan. 20, 1965 in Docket Nos. G-6882, et al.
[16] Applicant states its willingness to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[17] Rate in effect subject to refund in Docket No. G-20407.
[18] Predecessor's settlement rate.
[19] Subject to upward and downward B.t.u. adjustment. If desulfurization is necessary to meet quality standards, Seller to pay cost up to 2.0 cents per Mcf.
[20] For all gas produced above base of Chase Series.
[21] For all gas produced below base of Chase Series. Subject to upward and downward B.t.u. adjustment.
[22] Less downward B.t.u. adjustment to 15.84 cents per Mcf.
[23] Applicant states its willingness to accept permanent certificate conditioned to 15.0 cents per Mcf at 14.65 p.s.i.a.

[F.R. Doc. 66-11126; Filed, Oct. 13, 1966; 8:45 a.m.]

[Docket Nos. RI67-76, etc.]

WALTER F. KUHN ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 6, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. D), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 23, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-78	Walter F. Kuhn, et al., 726 Union Center Bldg., Wichita, Kans. 67202.	44	1	Colorado Interstate Gas Co. (Hugoton Field, Haskell County, Kans.).	$200	9-12-66	[2]10-13-66	3-13-67	[4]11.0	[4][5]12.5	
RI67-77	Alice A. Neuner, et al., c/o Walter Kuhn, 726 Union Center Bldg., Wichita, Kans. 67202.	8	3	....do	200	9-12-66	[2]10-13-66	3-13-67	[4]11.0	[4][5]13.5	
RI67-78	Tidewater Oil Co. (Operator), et al., Post Office Box 1404, Houston, Tex. 77001.	114	[7]2	Arkansas Louisiana Gas Co. (South Marlow Field, Stephens County, Okla.) (Oklahoma "Other" Area).	354	9-12-66	[2]10-13-66	3-13-67	[4]15.0	[4][6]16.0	
RI67-79	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	243	3	Arkansas Louisiana Gas Co. (North Carter Field, Beckham County, Okla.) (Oklahoma "Other" Area).	7,082	9-12-66	[2]10-13-66	3-13-67	15.0	[6]18.0	
RI67-80	A. A. Cameron, d.b.a. Cameron Oil Co., 1100 Petroleum Club Bldg., Oklahoma City, Okla.	8	8	Arkansas Louisiana Gas Co. (West Marlow Field, Grady and Commanche Counties, Okla.) (Oklahoma "Other" Area).	12,000	9-13-66	[2]10-14-66	3-14-67	[4]15.0	[4][6]16.0	
RI67-81	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla. 73102, Attn: Gas-Gasoline Division.	35	13	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (North Louisiana).	26	9-19-66	[3]11-1-66	4-1-67	[12]17.2366	[10][11][13]17.4417	RI66-276.
	Sohio Petroleum Co	11	13	Texas Eastern Transmission Corp. (Delhi Pool, Richland Parish, La.) (North Louisiana).	10	9-19-66	[3]11-1-66	4-1-67	[12]17.2366	[10][11][13]17.4417	RI66-276.
RI67-82	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	178	3	Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.).	200	9-12-66	[2]10-13-66	3-13-67	[14]15.0	[4][14]16.0	

[1] The stated effective date is the effective date requested by Respondent.
[2] Two-step periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] Favored-nation rate increase.
[6] Includes letter dated Aug. 29, 1966, from Buyer notifying Seller of 16.0 cents rate contracted for within the favored-nation area.
[7] Increase is from conditioned permanent certificated rate to first contractual periodic increase (initial contract rate is 17.0 cents).
[8] The stated effective date is the first day after expiration of the statutory notice.
[10] Periodic rate increase.
[11] Pressure base is 15.025 p.s.i.a.
[12] Includes 1.75 cents per Mcf tax reimbursement.
[13] Includes 1.35 cents per Mcf handling charge deducted by Buyer and 1.75 cents per Mcf tax reimbursement.
[14] Redetermined rate increase.
[15] Subject to upward and downward B.t.u. adjustment.

A. A. Cameron, doing business as Cameron Oil Co. (Cameron) requests waiver of the statutory notice to permit his proposed favored-nation increase to become effective as of August 1, 1966, the contractually provided effective date, or, in the alternative, August 29, 1966, the date of the buyer's letter notifying Cameron of its right to file for the proposed increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Cameron's rate filing and such request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Pt. 2, § 2.56).

[F.R. Doc. 66-11131; Filed, Oct. 13, 1966; 8:45 a.m.]

[Docket No. CP67-88]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

OCTOBER 7, 1966.

Take notice that on October 3, 1966, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32790, filed in Docket No. CP67-88 an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation of natural gas in interstate commerce, and the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 16 miles of 12-inch lateral supply pipeline and appurtenances and measuring facilities to enable it to transport to Applicant's main transmission pipeline system natural gas purchased in the South Manchester Field, Calcasieu Parish, La., from Pan American Petroleum Corp. (Pan Am) and Coastal States Gas Producing Co. (Coastal States) and natural gas received from Coastal States in exchange for gas to be delivered by Applicant to Coastal States in Texas.

Applicant states that it has entered into gas purchase contracts with Pan Am and Coastal States for the purchase of daily contract quantities of 9,000 Mcf and 17,500 Mcf of natural gas, respectively, to be delivered to Applicant at a single point in the South Manchester Field; and that is has entered into a gas exchange agreement with Coastal States for delivery to Applicant at the same point of natural gas in exchange for equivalent quantities to be delivered by Applicant to Coastal States in Jackson or Matagorda Counties, Tex. Applicant further states that the estimated gas reserves in the South Manchester Field, which are committed to Applicant under its gas purchase contract with Pan Am and Coastal States total one hundred and sixty-four billion two hundred and sixty million cubic feet, exclusive of approximately forty-one thousand and forty billion feet which Applicant expects to receive under its exchange agreement.

The total estimated cost of Applicant's proposed facilities is $880,000, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 7, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11191; Filed, Oct. 13, 1966; 8:46 a.m.]

[Project No. 2145]

PUBLIC UTILITY DISTRICT NO. 1, CHELAN COUNTY, WASH.

Notice of Application for Further Amendment of License To Install Ultimate Kilowatt Capacity

OCTOBER 7, 1966.

Public notice is hereby given that application for further amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Public Utility District No. 1 of Chelan County, Wash., for Project No. 2145, known as the Rocky Reach Project, located on the Columbia River in the region north of the city of Wenatchee and near Chelan, Azwell, and Entiat in Chelan County and Orondo in Douglas County, Wash.

The application seeks authorization to extend the project powerhouse to install four additional generating units in the future-unit bays, structural provisions for which were made in the original project, thereby completing the ultimate scheme of the project as contemplated in the license. The project capacity would be increased from 711,550 kw to 1,140,950 kw. No changes or additions are proposed for the existing dam and reservoir.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 28, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11192; Filed, Oct. 13, 1966; 8:46 a.m.]

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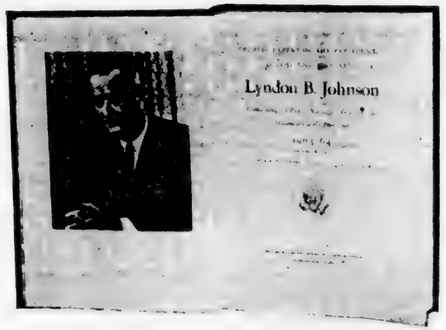
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Title 4—ACCOUNTS

Chapter II—Federal Claims Collection Standards (General Accounting Office—Department of Justice)

JOINT REGULATIONS PRESCRIBING STANDARDS FOR ADMINISTRATIVE COLLECTION, COMPROMISE, TERMINATION OF AGENCY COLLECTION ACTION, AND REFERRAL TO GENERAL ACCOUNTING OFFICE, AND TO DEPARTMENT OF JUSTICE FOR LITIGATION, OF CIVIL CLAIMS BY GOVERNMENT FOR MONEY OR PROPERTY

Pursuant to section 3 of the Federal Claims Collection Act of 1966, 80 Stat. 309, Title 4 of the Code of Federal Regulations is amended to promulgate joint regulations prescribing standards for the administrative collection, compromise, termination of agency collection action, and the referral to the General Accounting Office, and to the Department of Justice for litigation, of civil claims by the Government for money or property, by adding a new Chapter II as follows:

Part
101 Scope of standards.
102 Standards for the administrative collection of claims.
103 Standards for the compromise of claims.
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105 Referrals to GAO or for litigation.

PART 101—SCOPE OF STANDARDS

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101.1 Prescription of standards.
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101.4 Compromise, waiver, or disposition under other statutes not precluded.
101.5 Conversion claims.
101.6 Subdivision of claims not authorized.
101.7 Required administrative proceedings.
101.8 Referral for litigation.

AUTHORITY: The provisions of this Part 101 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 101.1 Prescription of standards.

The regulations in this chapter, issued jointly by the Comptroller General of the United States and the Attorney General of the United States under section 3 of the Federal Claims Collection Act of 1966, 80 Stat. 309, prescribe standards for the administrative collection, compromise, termination of agency collection action, and the referral to the General Accounting Office, and to the Department of Justice for litigation, of civil claims by the Federal Government for money or property. Regulations prescribed by the head of an agency pursuant to section 3 of the Federal Claims Collection Act of 1966 will be reviewed by the General Accounting Office as a part of its audit of the agency's activities.

§ 101.2 Omissions not a defense.

The standards set forth in this chapter shall apply to the administrative handling of civil claims of the Federal Government for money or property but the failure of an agency to comply with any provision of this chapter shall not be available as a defense to any debtor.

§ 101.3 Fraud, antitrust, and tax claims excluded.

The standards set forth in this chapter do not apply to the handling of any claim as to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim, or to any claim based in whole or in part on conduct in violation of the antitrust laws. Only the Department of Justice has authority to compromise or terminate collection action on such claims. However, matters submitted to the Department of Justice for consideration without compliance with the regulations in this chapter because there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim, may be returned to the agency forwarding them for further handling in accordance with the regulations in this chapter if it is determined that action based upon the alleged fraud, false claim, or misrepresentation is not warranted. Tax claims, as to which differing exemptions, administrative consideration, enforcement considerations, and statutes apply, are also excluded from the coverage of this chapter.

§ 101.4 Compromise, waiver, or disposition under other statutes not precluded.

Nothing contained in this chapter is intended to preclude agency disposition of any claim under statutes other than the Federal Claims Collection Act of 1966, 80 Stat. 308, providing for the compromise, termination of collection action, or waiver in whole or in part of such a claim. See, e.g., "The Federal Medical Care Recovery Act," 76 Stat. 593, 42 U.S.C. 2651, et seq., and applicable regulations, 28 CFR 43.1, et seq. The standards set forth in this chapter should be followed in the disposition of civil claims by the Federal Government by compromise or termination of collection action (other than by waiver pursuant to statutory authority) under statutes other than the Federal Claims Collection Act of 1966, 80 Stat. 308, to the extent such other statutes or authorized regulations issued pursuant thereto do not establish standards governing such matters.

§ 101.5 Conversion claims.

The instructions contained in this chapter are directed primarily to the recovery of money on behalf of the Government and the circumstances in which Government claims may be disposed of for less than the full amount claimed. Nothing contained in this chapter is intended, however, to deter an agency from demanding the return of specific property or from demanding, in the alternative, either the return of property or the payment of its value.

§ 101.6 Subdivision of claims not authorized.

A debtor's liability arising from a particular transaction or contract shall be considered as a single claim in determining whether the claim is one of less than $20,000, exclusive of interest, for the purpose of compromise or termination of collection action. Such a claim may not be subdivided to avoid the monetary ceiling established by the Federal Claims Collection Act of 1966, 80 Stat. 308.

§ 101.7 Required administrative proceedings.

Nothing contained in this chapter is intended to require an agency to omit or foreclose administrative proceedings required by contract or by law.

§ 101.8 Referral for litigation.

As used in this chapter referral for litigation means referral to the Department of Justice for appropriate legal proceedings, unless the agency concerned has statutory authority for handling its own litigation.

PART 102—STANDARDS FOR THE ADMINISTRATIVE COLLECTION OF CLAIMS

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102.12 Additional administrative collection action.

AUTHORITY: The provisions of this Part 102 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 102.1 Aggressive agency collection action.

The head of an agency or his designee shall take aggressive action, on a timely basis with effective followup, to collect all claims of the United States for money or property arising out of the activities of,

or referred to, his agency in accordance with the standards set forth in this chapter. However, nothing contained in this chapter is intended to require the General Accounting Office or the Department of Justice to duplicate collection actions previously undertaken by any other agency.

§ 102.2 Demand for payment.

Appropriate written demands shall be made upon a debtor of the United States in terms which inform the debtor of the consequences of his failure to cooperate. Three written demands, at 30-day intervals, will normally be made unless a response to the first or second demand indicates that further demand would be futile or unless prompt suit or attachment is required in anticipation of the departure of the debtor or debtors from the jurisdiction or his or their removal or transfer of assets, or the running of the statute of limitations. There should be no undue time lag in responding to any communication received from the debtor or debtors.

§ 102.3 Collection by offset.

Collections by offset will be undertaken administratively on claims which are liquidated or certain in amount in every instance in which this is feasible. Collections by offset from persons receiving pay or compensation from the Federal Government shall be effected over a period not greater than the period during which such pay or compensation is to be received. See 5 U.S.C. 5514. Collection by offset against a judgment obtained by the debtor against the United States shall be accomplished in accordance with the Act of March 3, 1875, 18 Stat. 481, as amended, 31 U.S.C. 227. Appropriate use should be made of the cooperative efforts of other agencies in effecting collections by offset, including utilization of the Army Holdup List, and all agencies are enjoined to cooperate in this endeavor.

§ 102.4 Personal interview with debtor.

Agencies will undertake personal interviews with their debtors when this is feasible, having regard for the amounts involved and the proximity of agency representatives to such debtors.

§ 102.5 Contact with debtor's employing agency.

When a debtor is employed by the Federal Government or is a member of the military establishment or the Coast Guard, and collection by offset cannot be accomplished in accordance with 5 U.S.C. 5514, the employing agency will be contacted for the purpose of arranging with the debtor for payment of the indebtedness by allotment or otherwise in accordance with section 206 of Executive Order 11222 of May 8, 1965, 3 CFR, pp. 130, 131 (1965 Supp.) (30 F.R. 6469).

§ 102.6 Suspension or revocation of license or eligibility.

Agencies seeking the collection of statutory penalties, forfeitures, or debts provided for as an enforcement aid or for compelling compliance will give serious consideration to the suspension or revocation of licenses or other privileges for any inexcusable, prolonged or repeated failure of a debtor to pay such a claim and the debtor will be so advised. Any agency making, guaranteeing, insuring, acquiring, or participating in loans will give serious consideration to suspending or disqualifying any lender, contractor, broker, borrower or other debtor from doing further business with it or engaging in programs sponsored by it if such a debtor fails to pay its debts to the Government within a reasonable time and the debtor will be so advised. The failure of any surety to honor its obligations in accordance with 6 U.S.C. 11 is to be reported to the Treasury Department at once. Notification that a surety's certificate of authority to do business with the Federal Government has been revoked or forfeited by the Treasury Department will be forwarded by that Department to all interested agencies.

§ 102.7 Liquidation of collateral.

Agencies holding security or collateral which may be liquidated and the proceeds applied on debts due it through the exercise of a power of sale in the security instrument or a non-judicial foreclosure should do so by such procedures if the debtor fails to pay his debt within a reasonable time after demand, unless the cost of disposing of the collateral will be disproportionate to its value or special circumstances require judicial foreclosure. Collection from other sources, including liquidation of security or collateral, is not a prerequisite to requiring payment by a surety or insurance concern unless such action is expressly required by statute or contract.

§ 102.8 Collection in installments.

Claims, with interest in accordance with section 102.10 of this chapter, should be collected in full in one lump sum whenever this is possible. However, if the debtor is financially unable to pay the indebtedness in one lump sum, payment may be accepted in regular installments. The size and frequency of such installment payments should bear a reasonable relation to the size of the debt and the debtor's ability to pay. If possible the installment payments should be sufficient in size and frequency to liquidate the Government's claim in not more than 3 years. Installment payments of less than $10 per month should be accepted in only the most unusual circumstances. An agency holding an unsecured claim for administrative collection should attempt to obtain an executed confess-judgment note, comparable to the Department of Justice form USA-70a, from a debtor when the total amount of the deferred installments will exceed $750. Such notes may be sought when an unsecured obligation of a lesser amount is involved. Security for deferred payments, other than a confess-judgment note, may be accepted in appropriate cases. An agency may accept installment payments notwithstanding the refusal of a debtor to execute a confess-judgment note or to give other security, at the agency's option.

§ 102.9 Exploration of compromise.

Agencies will attempt to effect compromises (preferably during the course of personal interviews), of claims of $20,000 or less exclusive of interest, in accordance with the standards set forth in Part 103 of this chapter in all cases in which it can be ascertained that the debtor's financial ability will not permit payment of the claim in full, or in which the litigative risks or the costs of litigation dictate such action.

§ 102.10 Interest.

In cases in which prejudgment interest is not mandated by statute, contract or regulation, the agency may forego the collection of prejudgment interest as an inducement to voluntary payment. In such cases demand letters should inform the debtor that prejudgment interest will be collected if suit becomes necessary. When a debt is paid in installments and interest is collected, the installment payments will first be applied to the payment of accrued interest and then to principal, in accordance with the so-called "U.S. Rule", unless a different rule is prescribed by statute, contract or regulation. Prejudgment interest should not be demanded or collected on civil penalty and forfeiture claims unless the statute under which the claim arises authorizes the collection of such interest. See Rodgers v. United States, 332 U.S. 371.

§ 102.11 Documentation of administrative collection action.

All administrative collection action should be documented and the bases for compromise, or for termination or suspension of collection action, should be set out in detail. Such documentation should be retained in the appropriate claims file.

§ 102.12 Additional administrative collection action.

Nothing contained in this chapter is intended to preclude the utilization of any other administrative remedy which may be available.

PART 103—STANDARDS FOR THE COMPROMISE OF CLAIMS

Sec.
103.1 Scope and application.
103.2 Inability to pay.
103.3 Litigative probabilities.
103.4 Cost of collecting claim.
103.5 Enforcement policy.
103.6 Joint and several liability.
103.7 Settlement for a combination of reasons.
103.8 Further review of compromise offers.
103.9 Restrictions.

AUTHORITY: The provisions of this Part 103 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 103.1 Scope and application.

The standards set forth in this part apply to the compromise of claims, pursuant to section 3(b) of the Federal Claims Collection Act of 1966, 80 Stat. 309, which do not exceed $20,000 exclusive of interest. The head of an agency or his designee may exercise such compromise authority with respect to claims for money or property arising out of the activities of his agency prior to the referral of such claims to the General Accounting Office or to the Department of Justice for litigation. The Comptroller General or his designee may exercise such compromise authority with respect to claims referred to the General Accounting Office prior to their further referral for litigation. Only the Comptroller General or his designee may effect the compromise of a claim that arises out of an exception made by the General Accounting Office in the account of an accountable officer, including a claim against the payee, prior to its referral by that Office for litigation.

§ 103.2 Inability to pay.

A claim may be compromised pursuant to this part if the Government cannot collect the full amount because of (a) the debtor's inability to pay the full amount within a reasonable time, or (b) the refusal of the debtor to pay the claim in full and the Government's inability to enforce collection in full within a reasonable time by enforced collection proceedings. In determining the debtor's inability to pay the following factors, among others, may be considered: Age and health of the debtor; present and potential income; inheritance prospects; the possibility that assets have been concealed or improperly transferred by the debtor; the availability of assets or income which may be realized upon by enforced collection proceedings. The agency will give consideration to the applicable exemptions available to the debtor under State and Federal law in determining the Government's ability to enforce collection. Uncertainty as to the price which collateral or other property will bring at forced sale may properly be considered in determining the Government's ability to enforce collection. A compromise effected under this section should be for an amount which bears a reasonable relation to the amount which can be recovered by enforced collection procedures, having regard for the exemptions available to the debtor and the time which collection will take. Compromises payable in installments are to be discouraged. However, if payment of a compromise by installments is necessary, an agreement for the reinstatement of the prior indebtedness less sums paid thereon and acceleration of the balance due upon default in the payment of any installment should be obtained, together with security in the manner set forth in § 102.8 of this chapter, in every case in which this is possible. If the agency's files do not contain reasonably up-to-date credit information as a basis for assessing a compromise proposal such information may be obtained from the individual debtor by obtaining a statement executed under penalty of perjury showing the debtor's assets and liabilities, income and expense. Forms such as Department of Justice form DJ-35 may be used for this purpose. Similar data may be obtained from corporate debtors by resort to balance sheets and such additional data as seems required.

§ 103.3 Litigative probabilities.

A claim may be compromised pursuant to this part if there is a real doubt concerning the Government's ability to prove its case in court for the full amount claimed either because of the legal issues involved or a bona fide dispute as to the facts. The amount accepted in compromise in such cases should fairly reflect the probability of prevailing on the legal question involved, the probabilities with respect to full or partial recovery of a judgment having due regard to the availability of witnesses and other evidentiary support for the Government claim, and related pragmatic considerations. Proportionate weight should be given to the probable amount of court costs which may be assessed against the Government if it is unsuccessful in litigation, having regard for the litigative risks involved. Cf. 28 U.S.C. 2412, as amended by Public Law 89-507, 80 Stat. 308.

§ 103.4 Cost of collecting claim.

A claim may be compromised pursuant to this part if the cost of collecting the claim does not justify the enforced collection of the full amount. The amount accepted in compromise in such cases may reflect an appropriate discount for the administrative and litigative costs of collection having regard for the time which it will take to effect collection. Cost of collecting may be a substantial factor in the settlement of small claims. The cost of collecting claims normally will not carry great weight in the settlement of large claims.

§ 103.5 Enforcement policy.

Statutory penalties, forfeitures, or debts established as an aid to enforcement and to compel compliance may be compromised pursuant to this part if the agency's enforcement policy in terms of deterrence and securing compliance, both present and future, will be adequately served by acceptance of the sum to be agreed upon. Mere accidental or technical violations may be dealt with less severely than willful and substantial violations.

§ 103.6 Joint and several liability.

When two or more debtors are jointly and severally liable collection action will not be withheld against one such debtor until the other or others pay their proportionate share. The agency should not attempt to allocate the burden of paying such claims as between the debtors but should proceed to liquidate the indebtedness as quickly as possible. Care should be taken that compromise with one such debtor does not release the agency's claim against the remaining debtors. The amount of a compromise with one such debtor shall not be considered a precedent or as morally binding in determining the amount which will be required from other debtors jointly and severally liable on the claim.

§ 103.7 Settlement for a combination of reasons.

A claim may be compromised for one or for more than one of the reasons authorized in this part.

§ 103.8 Further review of compromise offers.

If an agency holds a debtor's firm written offer of compromise which is substantial in amount and the agency is uncertain as to whether the offer should be accepted, it may refer the offer, the supporting data, and particulars concerning the claim to the General Accounting Office or to the Department of Justice. The General Accounting Office or the Department of Justice may act upon such an offer or return it to the agency with instructions or advice.

§ 103.9 Restrictions.

Neither a percentage of a debtor's profits nor stock in a debtor corporation will be accepted in compromise of a claim. In negotiating a compromise with a business concern consideration should be given to requiring a waiver of the tax-loss-carry-forward and tax-loss-carry-back rights of the debtor.

PART 104—STANDARDS FOR SUSPENDING OR TERMINATING COLLECTION ACTION

Sec.
104.1 Scope and application.
104.2 Suspension of collection activity.
104.3 Termination of collection activity.
104.4 Transfer of claims.

AUTHORITY: The provisions of this Part 104 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 104.1 Scope and application.

The standards set forth in this part apply to the suspension or termination of collection action pursuant to section 3(b) of the Federal Claims Collection Act of 1966, 80 Stat. 309, on claims which do not exceed $20,000 exclusive of interest. The head of an agency or his designee may suspend or terminate collection action under this part with respect to claims for money or property arising out of activities of his agency prior to the referral of such claims to the General Accounting Office or to the Department of Justice for litigation. The Comptroller General or his designee may exercise such authority with respect to claims referred to the General Accounting Office prior to their further referral for litigation.

§ 104.2 Suspension of collection activity.

Collection action may be suspended temporarily on a claim when the debtor cannot be located after diligent effort and there is reason to believe that future collection action may be sufficiently productive to justify periodic review and action on the claim having consideration for its size and the amount which may be realized thereon. The following sources may be of assistance in locating missing debtors: Telephone directories; city directories; postmasters; drivers' license

records; automobile title and license records; state and local governmental agencies; district directors of Internal Revenue; other Federal agencies; employers, relatives, friends; credit agency skip locate reports. Suspension as to a particular debtor should not defer the early liquidation of security for the debt. Every reasonable effort should be made to locate missing debtors sufficiently in advance of the bar of the applicable statute of limitations, such as Public Law 89–505, 80 Stat. 304, to permit the timely filing of suit if such action is warranted. If the missing debtor has signed a confess-judgment note and is in default, referral of the note for the entry of judgment should not be delayed because of his missing status. Collection action may be suspended temporarily on a claim when the debtor owns no substantial equity in realty and is unable to make payments on the Government's claim or effect a compromise thereof at the time but his future prospects justify retention of the claim for periodic review and action and (a) the applicable statute of limitations has been tolled or started running anew or (b) future collection can be effected by offset notwithstanding the statute of limitations.

§ 104.3 Termination of collection activity.

The head of an agency or his designee may terminate collection activity and consider the agency's file on the claim closed under the following standards:

(a) *Inability to collect any substantial amount.* Collection action may be terminated on a claim when it becomes clear that the Government cannot collect or enforce collection of any significant sum from the debtor having due regard for the judicial remedies available to the Government, the debtor's future financial prospects, and the exemptions available to the debtor under State and Federal law. In determining the debtor's inability to pay the following factors, among others, may be considered: Age and health of the debtor; present and potential income; inheritance prospects; the possibility that assets have been concealed or improperly transferred by the debtor; the availability of assets or income which may be realized upon by enforced collection proceedings.

(b) *Inability to locate debtor.* Collection action may be terminated on a claim when the debtor cannot be located, there is no security remaining to be liquidated, the applicable statute of limitations has run, and the prospects of collecting by offset notwithstanding the bar of the statute of limitations is too remote to justify retention of the claim.

(c) *Cost will exceed recovery.* Collection action may be terminated on a claim when it is likely that the cost of further collection action will exceed the amount recoverable thereby.

(d) *Claim legally without merit.* Collection action should be terminated on a claim whenever it is determined that the claim is legally without merit.

(e) *Claim cannot be substantiated by evidence.* Collection action should be terminated when it is determined that the evidence necessary to prove the claim cannot be produced or the necessary witnesses are unavailable and efforts to induce voluntary payment are unavailing.

§ 104.4 Transfer of claims.

When an agency has doubt as to whether collection action should be suspended or terminated on a claim it may refer the claim to the General Accounting Office for advice. When a significant enforcement policy is involved in reducing a statutory penalty or forfeiture to judgment, or recovery of a judgment is a prerequisite to the imposition of administrative sanctions, such as the suspension or revocation of a license or the privilege of participating in a Government sponsored program, an agency may refer such a claim for litigation even though termination of collection activity might otherwise be given consideration under § 104.3 (a) or (c). Claims on which an agency holds a judgment by assignment or otherwise will be referred to the Department of Justice for further action if renewal of the judgment lien or enforced collection proceedings are justified under the criteria discussed in this part, unless the agency concerned has statutory authority for handling its own litigation.

PART 105—REFERRALS TO GAO OR FOR LITIGATION

Sec.
105.1 Prompt referral.
105.2 Current address of debtor.
105.3 Credit data.
105.4 Report of prior collection actions.
105.5 Preservation of evidence.
105.6 Minimum amount of referrals to the Department of Justice.
105.7 Referrals to GAO.

AUTHORITY: The provisions of this Part 105 issued under sec. 3, Federal Claims Collection Act of 1966, 80 Stat. 309.

§ 105.1 Prompt referral.

Claims on which collection action has been taken in accordance with Part 102 of this chapter and which cannot be compromised, or on which collection action cannot be suspended or terminated, in accordance with Parts 103 and 104 of this chapter, will be referred to the General Accounting Office in accordance with R.S. 236, as amended, 31 U.S.C. 71, or to the Department of Justice, if the agency concerned has been granted an exception from referrals to the General Accounting Office. Such referrals should be made as early as possible consistent with aggressive agency collection action and the observance of the regulations contained in this chapter and in any event well within the time limited for bringing a timely suit against the debtor.

§ 105.2 Current address of debtor.

Referrals to the General Accounting Office, and to the Department of Justice for litigation, will be accompanied by the current address of the debtor or the name and address of the agent for a corporation upon whom service may be made. Reasonable and appropriate steps will be taken to locate missing parties in all cases. Referrals to the General Accounting Office, and referrals to the Department of Justice for the institution of foreclosure or other proceedings, in which the current address of any party is unknown will be accompanied by a listing of the prior known addresses of such a party and a statement of the steps taken to locate him.

§ 105.3 Credit data.

(a) Claims referred to the General Accounting Office, and to the Department of Justice for litigation, will be accompanied by reasonably current credit data indicating that there is a reasonable prospect of effecting enforced collections from the debtor, having due regard for the exemptions available to the debtor under State and Federal law and the judicial remedies available to the Government.

(b) Such credit data may take the form of (1) a commercial credit report, (2) an agency investigative report showing the debtor's assets and liabilities and his income and expenses, (3) the individual debtor's own financial statement executed under penalty of perjury reflecting his assets and liabilities and his income and expenses, or (4) an audited balance sheet of a corporate debtor.

(c) Such credit data may be omitted if (1) a surety bond is available in an amount sufficient to satisfy the claim in full, (2) the forced sale value of the security available for application to the Government's claim is sufficient to satisfy its claim in full, (3) the referring agency wishes to liquidate loan collateral through judicial foreclosure but does not desire a deficiency judgment, (4) the debtor is in bankruptcy or receivership, or (5) the debtor's liability to the Government is fully covered by insurance, in which case the agency will furnish such information as it can develop concerning the identity and address of the insurer and the type and amount of insurance coverage.

§ 105.4 Report of prior collection actions.

A checklist or brief summary of the actions previously taken to collect or compromise a claim will be forwarded with the claim upon its referral to the General Accounting Office or to the Department of Justice. If any of the administrative collection actions enumerated in Part 102 of this chapter have been omitted, the reason for their omission will be given with the referral. The General Accounting Office and the Department of Justice may return or retain claims at their option when there is insufficient justification for the omission of one or more of the administrative collection actions enumerated in Part 102 of this chapter.

§ 105.5 Preservation of evidence.

Care will be taken to preserve all files, records and exhibits on claims referred or to be referred to the General Accounting Office, or to the Department of Justice for litigation.

§ 105.6 Minimum amount of referrals to the Department of Justice.

Agencies will not refer claims of less than $250, exclusive of interest, for litigation unless (a) referral is important to a significant enforcement policy or (b) the debtor has not only the clear ability to pay the claim but the Government can effectively enforce payment having due regard to the exemptions available to the debtor under State or Federal law and the judicial remedies available to the Government.

§ 105.7 Referrals to GAO.

Referrals of claims to the General Accounting Office will be in accordance with instructions, including monetary limitations, contained in the General Accounting Office Policy and Procedures Manual for the Guidance of Federal Agencies.

The foregoing joint regulations shall become effective upon the 15th day of January 1967.

Signed at Washington, D.C.

ELMER B. STAATS,
Comptroller General.

OCTOBER 11, 1966.

RAMSEY CLARK,
Acting Attorney General.

OCTOBER 7, 1966.

[F.R. Doc. 66–11266; Filed, Oct. 14, 1966; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangerine Reg. 32]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 17, 1966. The Growers Administrative Committee held an open meeting on October 11, 1966, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committees has been disseminated among shippers of tangerines grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the production area at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

§ 905.488 Tangerine Regulation 32.

(a) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., October 17, 1966, and ending at 12:01 a.m., e.s.t., August 1, 1967, no handler shall, except to the extent otherwise permitted under this paragraph, ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than 2⁶⁄₃₂ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

(2) During any week of the aforesaid period, any handler may ship a quantity of tangerines which are smaller than the size prescribed in subparagraph (1)(ii) of this paragraph if (i) the number of standard packed boxes of such smaller tangerines does not exceed 15 percent of the total standard packed boxes of all sizes of tangerines shipped by such handler during the same week; and (ii) such smaller tangerines are of a size not smaller than 2⁵⁄₃₂ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Tangerines.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; the term "week" shall mean the 7-day period beginning at 12:01 a.m., e.s.t., on Monday of one calendar week and ending at 12:01 a.m., e.s.t., on Monday of the following calendar week; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Tangerines (7 CFR 51.1810–51.1834).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 12, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11300; Filed, Oct. 14, 1966; 8:50 a.m.]

[Valencia Orange Reg. 183]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.483 Valencia Orange Regulation 183.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges

and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 13, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 16, 1966, and ending at 12:01 a.m., P.s.t., October 23, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 14, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11333; Filed, Oct. 14, 1966; 11:15 a.m.]

[Lemon Reg. 236]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.536 Lemon Regulation 236.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 11, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 16, 1966, and ending at 12:01 a.m., P.s.t., October 23, 1966, are hereby fixed as follows:

(i) District 1: 5,580 cartons;

(ii) District 2: 84,630 cartons;

(iii) District 3: 109,740 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 13, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11299; Filed, Oct. 14, 1966; 8:50 a.m.]

[Avocado Order 8, Amdt. 5]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective, as hereinafter set forth, in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the quality and the time of maturity of avocados must await the development of the crop; a determination as to the stage of maturity of the variety of avocados covered by this amendment was made at the meeting of the Avocado Administrative Committee on October 12, 1966. After consideration of all available information relative to the growing conditions prevailing during the current season, recommendations and supporting information for such maturity regulations were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded opportunity to submit their views at this meeting; the provisions hereof are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions hereof will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 915.308 (31 F.R. 7394, 8592, 9678, 12398, 13135) are hereby amended by changing the date "10/17/66" in Table I applicable to the Booth 8 variety of avocados to "10/24/66", and the date "October 17, 1966", in subparagraph (6) to "October 24, 1966".

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., October 17, 1966.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 13, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11321; Filed, Oct. 14, 1966; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Visas

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 211.1 is amended to read as follows:

§ 211.1 Visas.

(a) *General.* A valid unexpired immigrant visa shall be presented by each arriving immigrant alien applying for admission to the United States for lawful permanent residence, except an immigrant alien who: (1) Is a child born subsequent to the issuance of an immigrant visa to his accompanying parent and applies for admission during the validity of such a visa; or (2) is a child born during the temporary visit abroad of a mother who is a lawful permanent resident alien, or a national, of the United States, provided the child's application for admission to the United States is made within 2 years of his birth, the child is accompanied by his parent who is applying for readmission as a permanent resident upon the first return of the parent to the United States after the birth of the child, and the accompanying parent is found to be admissible to the United States.

(b) *Aliens returning to an unrelinquished lawful permanent residence—(1) Form I–151, Alien Registration Receipt Card.* In lieu of an immigrant visa, an immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding 1 year may present Form I–151, Alien Registration Receipt Card, duly issued to him, provided that during such absence he did not travel to, in, or through any of the following places: Albania, Cuba, Outer Mongolia, and Communist portions of China, Korea, or Viet-Nam, and, except for children who have not attained the age of 16 at the time they apply for admission into the United States, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), the Union of Soviet Socialist Republics, or Yugoslavia. The foregoing restrictions shall not apply when the alien has passed in direct and continuous transit through the Soviet Zone of Germany to Berlin from West Germany by automobile, rail, or plane and returned to West Germany; or when the alien has passed in direct and continuous transit through Yugoslavia to or from Austria, Greece, or Italy. An alien regularly serving as a crewman in any capacity required for normal operations and services aboard an aircraft who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding 1 year may, in lieu of an immigrant visa, present Form I–151 duly issued to him, notwithstanding travel to, in, or through any of the restricted places named in this subparagraph pursuant to his employment as a crewman. When returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, a spouse or child of a member of the Armed Forces of the United States stationed foreign pursuant to official orders may, in lieu of an immigrant visa, present Form I–151, provided such spouse or child resided abroad with the member of the Armed Forces and is preceding or accompanying the member, or is following to join the member in the United States within 4 months of the member's return, and during the temporary absence did not travel to, in, or through any of the restricted places named in this subparagraph except those named places concerning which the restrictions do not apply when an alien has passed in direct and continuous transit through such areas.

(2) *Reentry permit.* In lieu of an immigrant visa, an immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad may present a valid, unexpired reentry permit duly issued to him. A reentry permit shall be invalid when presented by an alien who, during his temporary absence abroad, traveled to, in, or through any restricted place or places named in subparagraph (1) of this paragraph, unless his permit bears an endorsement, or he presents a letter issued to him by an officer of the Service, or by the Department of State, stating that the restriction with respect to any such place or places has been waived. With respect to Albania, Cuba, Outer Mongolia, and Communist portions of China, Korea, and Viet-Nam, a waiver of the restriction will not be authorized unless the Secretary of State has granted the alien permission to travel to, in, or through any such place or places.

(3) *Waiver of visas.* An immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad who satisfies the district director in charge of the port of entry that there is good cause for his failure to present an immigrant visa, Form I–151, or reentry permit may, upon application on Form I–193, be granted a waiver of that requirement. If the alien has traveled to, in, or through Albania, Cuba, Outer Mongolia, or Communist portions of China, Korea, or Viet-Nam, a waiver will not be authorized unless the Secretary of State has granted the alien permission to travel to, in, or through any such place or places.

(c) *Immigrants having occupational status defined in section 101(a)(15) (A), (E), or (G) of the Act.* An immigrant visa, reentry permit, or Form I–151 shall be invalid when presented by an alien who has an occupational status under section 101(a)(15) (A), (E), or (G) of the Act, unless he has previously submitted, or submits at the time he applies for admission to the United States, the written waiver required by section 247(b) of the Act and Part 247 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order confers benefits on persons affected thereby.

Dated: October 12, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66–11285; Filed, Oct. 14, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7294; Amdt. 21–12]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Issuance of Class II Provisional Type Certificates and Provisional Amendments to Type Certificates to Foreign Manufacturers

The purpose of this amendment to Part 21 of the Federal Aviation Regula-

tions is to allow certain foreign manufacturers of aircraft to apply for and obtain Class II provisional type certificates and provisional amendments to type certificates. The objective of the regulation is to provide a means whereby air carriers can obtain as much experience as possible with foreign manufactured aircraft which, although safe for flight, have not been approved for the issuance of a type or amended type certificate.

This action was published as a notice of proposed rule making (31 F.R. 5969, Apr. 19, 1966) and circulated as Notice 66-14 dated April 11, 1966. All of the comments received in response to the notice expressed agreement with the objective of the proposal and supported the change. However, the comments also recommended additional changes as discussed below.

Expressing concern over deletion of the requirement that the 100-hours flight time for prototype aircraft must have been under an experimental certificate or under a Class I provisional airworthiness certificate, one commentator recommended that some provision be made to assure that the foreign country of manufacture has prototype requirements at least equivalent to U.S. standards. As the notice stated, applicants for Class II provisional type certificates are limited to those foreign manufacturers who manufacture aircraft in a country with which the United States has an agreement for the acceptance of those aircraft for export and import. Moreover, since an applicant for a provisional certificate must have applied for a type certificate, the prototype requirements for the aircraft are governed by the provisions of § 21.29. Under that section, a foreign country must certify that the foreign manufactured aircraft has been examined, tested and found to meet the airworthiness requirements of the Federal Aviation Regulatations or the airworthiness requirements of the foreign country and any other requirements the Administrator may prescribe to provide a level of safety equivalent to that provided by the Federal Aviation Regulations.

For the foregoing reasons, the Agency does not believe that added regulatory provisions are necessary to assure that the country of manufacture has prototype requirements at least equivalent to U.S. standards.

Another commentator, citing an exemption granted under the predecessor section of proposed § 21.85(d), stated its belief that the requirement for the FAA's flight test program to be in progress as a prerequisite for provisional amendment to a type certificate is unwarranted. The commentator then recommended that consideration be given to making that section compatible with the requirement for issuance of a Class II provisional type certificate.

Insofar as the requirements concerning the existence of a flight test program are concerned, the proposal merely added a clause recognizing that for foreign manufactured aircraft the flight test program would be identified as the program of the foreign country and not necessarily the FAA flight test program. Therefore, the recommendation to delete the requirement that a flight test program must be in progress at the time of the issuance of a Class II provisional type certificate or a provisional amendment to a type certificate goes beyond the scope of the notice. Moreover, contrary to the commentator's position, an examination of the notice in this matter reveals that the requirement concerning the existence of a flight test program is the same for the issuance of a Class II provisional type certificate as for the issuance of a provisional amendment to a type certificate.

Interested persons have been afforded the opportunity to participate in the making of this amendment. All relevant material submitted has been fully considered.

In consideration of the foregoing, Part 21 of the Federal Aviation Regulations is amended effective October 15, 1966, as follows:

1. Section 21.73 is amended by redesignating paragraph (b) as paragraph (c) and inserting the following new paragraph (b):

§ 21.73 Eligibility.

. . . . . .

(b) Any manufacturer of aircraft manufactured in a foreign country with which the United States has an agreement for the acceptance of those aircraft for export and import may apply for a Class II provisional type certificate, for amendments to provisional type certificates held by him, and for provisional amendments to type certificates held by him.

. . . . . .

§ 21.75 [Amended]

2. Section 21.75 is amended by inserting the words "and in the case of the European, African, and Middle East Region, the Chief, Aircraft Certification Staff" immediately after the words "Aircraft Engineering Division."

3. Section 21.83 is amended to read as follows:

§ 21.83 Requirements for issue and amendment of Class II provisional type certificates.

(a) An applicant who manufactures aircraft within the United States is entitled to the issue or amendment of a Class II provisional type certificate if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations in paragraph (h) of this section, and §§ 91.41 and 121.207 of this chapter.

(b) An applicant who manufactures aircraft in a country with which the United States has an agreement for the acceptance of those aircraft for export and import is entitled to the issue or amendment of a Class II provisional type certificate if the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this section, that the aircraft meets the requirements of paragraph (f) of this section and that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations in paragraph (h) of this section and §§ 91.41 and 121.207 of this chapter.

(c) The applicant must apply for a type certificate in the transport category, for the aircraft.

(d) The applicant must hold a U.S. type certificate for at least one other aircraft in the same transport category as the subject aircraft.

(e) The FAA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the issue of a type certificate for that aircraft, must be in progress.

(f) The applicant or, in the case of a foreign manufactured aircraft, the country in which the aircraft was manufactured, must certify that—

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and

(3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter.

(g) The applicant must submit a report showing that the aircraft has been flown in all maneuvers necessary to show compliance with the flight requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in this subchapter.

(h) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight maneuvers, loading, and operation of controls and equipment unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(i) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(j) The applicant must show that a prototype aircraft has been flown for at least 100 hours. In the case of an amendment to a provisional type certificate, the Administrator may reduce the number of required flight hours.

4. Section 21.85 is amended to read as follows:

§ 21.85 Provisional amendments to type certificates.

(a) An applicant who manufactures aircraft within the United States is entitled to a provisional amendment to a type certificate if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the appropriate limitations contained in this subchapter.

(b) An applicant who manufactures aircraft in a foreign country with which the United States has an agreement for the acceptance of those aircraft for export and import is entitled to a provisional amendment to a type certificate if the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this section, that the aircraft meets the requirements of paragraph (e) of this section and that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the appropriate limitations contained in this subchapter.

(c) The applicant must apply for an amendment to the type certificate.

(d) The FAA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the amendment of the type certificate, must be in progress.

(e) The applicant or, in the case of foreign manufactured aircraft, the country in which the aircraft was manufactured, must certify that—

(1) The modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate; and

(3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter.

(f) The applicant must submit a report showing that the aircraft incorporating the modifications involved has been flown in all maneuvers necessary to show compliance with the flight requirements applicable to those modifications and to establish that the aircraft can be operated safely in accordance with the limitations specified in §§ 91.41 and 121.207 of this chapter.

(g) The applicant must establish and publish, in a provisional aircraft flight manual or other document and on appropriate placards, all limitations required for the issue of the type certificate applied for, including weight, speed, flight maneuvers, loading, and operation of controls and equipment, unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(h) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(i) The applicant must operate a prototype aircraft modified in accordance with the corresponding amendment to the type certificate for the number of hours found necessary by the Administrator.

§ 21.223 [Amended]

5. Section 21.223(a)(2) and (f) is amended by striking out the reference "§ 21.83(g)" and inserting the reference "§ 21.83(h)" in place thereof.

§ 21.225 [Amended]

6. Section 21.225(a)(2) and (e) is amended by striking out the reference to "§ 21.85(f)" and inserting the reference "§ 21.85(g)" in place thereof.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1423)

Issued in Washington, D.C., on October 10, 1966.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 66-11263; Filed, Oct. 14, 1966; 8:47 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-AL-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On August 5, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10537) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area in the vicinity of Cape Decision, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments; but no comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended 0001 e.s.t., December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the Cape Decision, Alaska, transition area is added as follows:

CAPE DECISION, ALASKA

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 278° bearing from the Cape Decision RBN, extending from 6 miles W to 12 miles W of the RBN; and that airspace extending upward from 1,200 feet above the surface within 7 miles S and 5 miles N of the 278° and 098° bearings from the Cape Decision RBN, extending from 7 miles E of the RBN to the W boundary of Federal Airway Amber 1.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 10, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-11238; Filed, Oct. 14, 1966; 8:45 a.m.]

[Airspace Docket No. 66-AL-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On August 5, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10536) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of Yakutat, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Comments were received from the Aircraft Owners and Pilots Association. For simplicity of charting, the AOPA suggested that a semicircular transition area with a floor of 700 feet or 1,200 feet suitable to fill the traffic control needs be designated. In view of the control zone extensions, it did not appear to the AOPA that there is a need for a 700-foot transition area. Accordingly, they recommended a semicircular transition area with a 1,200-foot floor.

After a review of the AOPA comments, we agree that some simplicity of charting can be met by a slight modification of the control zone extension to the northwest, and the elimination of the 1,200-foot transition area extension to the northwest. However, there is a need for the 15-mile radius, 700-foot floor transition area to protect holding patterns and procedure turn areas. The 1,200-foot transition areas to the southeast and southwest are required to protect aircraft on missed approach procedures.

Since these modifications involve an insignificant amount of additional airspace, the Administrator has determined that further notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

1. In § 71.171 (31 F.R. 2065) the Yakutat, Alaska, control zone is amended to read:

YAKUTAT, ALASKA

Within a 5-mile radius of Yakutat Airport (latitude 59°30'10" N., longitude 139°39'40" W.); within 2 miles each side of the Yakutat VORTAC 147° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC; within 2 miles each side of the Yakutat VORTAC 229° radial, extending from the 5-mile radius zone to 8 miles SW of the VORTAC; and that airspace within an 8-mile radius of the Yakutat RB, extending clockwise from a line 2.5 miles S of and parallel to the 283° bearing from the Yakutat RR to a line 2 miles NE of and parallel to the 315° bearing from the Yakutat RR.

2. In § 71.181 (31 F.R. 2149) the Yakutat, Alaska transition area is amended to read:

YAKUTAT, ALASKA

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Yakutat VORTAC, and within a 15-mile radius of the Yakutat RR, excluding the portion NE of a line 5 miles NE of and parallel to the Yakutat VORTAC 319° and 139° radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Yakutat VORTAC 147° radial, extending from the 15-mile radius area to 18 miles SE of the VORTAC; and within 5 miles each side of the Yakutat VORTAC 229° radial, extending from the 15-mile radius areas to 18 miles SW of the VORTAC.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 10, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-11264; Filed, Oct. 14, 1966; 8:47 a.m.]

[Airspace Docket No. 66-PC-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On August 3, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10418) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would designate a part-time control zone and alter the transition area at Molokai, Hawaii.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 25, 1966, as hereinafter set forth.

1. In § 71.171 (31 F.R. 2065), the following control zone is added:

MOLOKAI, HAWAII

Within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), and within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius zone to 3½ miles west of the VORTAC, from 0700 to 1200 hours and from 1400 to 1800 hours local time daily.

2. In § 71.181 (31 F.R. 2149), the Molokai, Hawaii, transition area is amended to read:

MOLOKAI, HAWAII

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), and within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius area to 5 miles west of the VORTAC; that airspace extending upward from 1,200 feet above the surface NW of Molokai bounded on the NE by the arc of a 19-mile radius circle centered on the Molokai Airport, on the SE by V-8, on the SW by V-15, and on the NW by V-4; and that airspace NE of Molokai bounded by a line beginning at latitude 21°22'00" N., longitude 156°48'00" W., thence to latitude 21°14'00" N., longitude 156°31'30" W., thence to latitude 21°29'00" N., longitude 156°25'00" W., thence to latitude 21°31'00" N., longitude 156°34'05" W., thence to latitude 21°25'00" N., longitude 156°49'30" W., thence to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Honolulu, Hawaii, on October 7, 1966.

PHILLIP M. SWATEK,
Director, Pacific Region.

[F.R. Doc. 66-11268; Filed, Oct. 14, 1966; 8:48 a.m.]

[Airspace Docket No. 66-CE-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

Correction

In F.R. Doc. 66-10899 appearing in the issue for Friday, October 7, 1966, at page 13038, in the third paragraph, the effective date "December 3, 1966" should read "December 8, 1966".

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

pH STANDARDS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER. The amendment increases the price of standard reference material 185d.

The following amends 15 CFR Part 230:

Section 230.8-1 *pH standards* is amended to increase the price of standard 185d as follows:

Sample No.	Kind	pH (S) (at 25° C)	Approximate weight in grams	Price
185d	Acid potassium phthalate	4.004	60	$7.50

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: October 5, 1966.

I. C. SCHOONOVER,
Acting Director.

[F.R. Doc. 66-11236; Filed, Oct. 14, 1966; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-220]

PART 1—GENERAL PROVISIONS

Ports of Entry

OCTOBER 7, 1966.

In recent years, there has been a trend for carriers of bonded merchandise in Pittsburgh, Pa., to move their truck terminals outside the existing port limits in order to avoid traffic congestion and resulting delays in delivering shipments to consignees. Therefore, in order to provide for customs services at these relocated terminals and service for other increased customs activities outside the existing port limits, it has been decided to extend the port limits of Pittsburgh, Pa.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographical limits of the customs port of Pittsburgh, Pa., in the Philadelphia, Pa. district (Region III), comprising the area within the corporate limits of the city of Pittsburgh, Pa., are extended to include all of Allegheny County and that portion of Westmoreland County in the State of Pennsylvania bounded on the north and east by the Pennsylvania Turnpike, on the south by U.S. Route No. 30, and on the west and northwest by the Allegheny-Westmoreland County line.

Section 1.2(c) of the Customs Regulations is amended by inserting "(including the territory described in T.D. 66-220)" after "Pittsburgh, Pa." in the column headed "Ports of entry" in the Philadelphia, Pa., district (Region III).

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec 624, 46 Stat 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-11249; Filed, Oct. 14, 1966; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

EVALUATION OF INCOME

In § 3.262, paragraphs (i) and (j) (2) and (3) are amended and paragraph (j) (4) is added to read as follows:

§ 3.262 Evaluation of income.

• • • • • •

(i) *Compensation (civilian) for injury or death.* (1) Compensation paid by the Bureau of Employees' Compensation, Department of Labor (of the United States), or by Social Security Administration, or by Railroad Retirement Board, or pursuant to any workmen's compensation or employer's liability statute, or damages collected because of personal injury or death, less medical, legal, or other expenses incident to the injury or death or the collection or recovery of such moneys will be considered income as received, except as provided in subparagraph (2) of this paragraph.

(2) For pension, effective October 7, 1966, if payments based on permanent and total disability or death are received from the Bureau of Employees' Compensation, Social Security Administration or Railroad Retirement Board, or pursuant to any workmen's compensation or employer's liability statute, there will be excluded 10 percent of the payments received after deduction of medical, legal and other expenses as authorized by subparagraph (1) of this paragraph. The 10 percent exclusion does not apply to damages collected incident to a tort suit under other than an employer's liability law of the United States or a political subdivision of the United States, or to determinations of dependency for compensation purposes or eligibility for dependency and indemnity compensation.

(j) *Commercial insurance.* • • •

(2) *Life insurance; general.* In determining dependency, or eligibility for dependency and indemnity compensation, or for pension under Public Law 86-211 (73 Stat. 432), the full amount of payments is considered income as received. For pension under Public Law 86-211, effective October 7, 1966, 10 percent of the payments received will be excluded.

(3) *Life insurance; protected pension.* For pension under laws in effect on June 30, 1960, 10 percent of the payments received will be excluded. Where it is considered that life insurance was received in a lump sum in the calendar year in which the veteran died and payments are actually received in succeeding years, no part of the payments received in succeeding years will be considered income until an amount equal to the lump sum face value of the policy has been received, after which 10 percent of the payments received will be excluded. The 10 percent exclusion is authorized effective October 7, 1966.

(4) *Disability, accident or health insurance.* For pension, effective October 7, 1966, there will be excluded 10 percent of the payments received for disability after deduction of medical, legal, or other expenses incident to the disability. For compensation or for dependency and indemnity compensation, after deduction of such expenses, the full amount of payments is considered income as received.

• • • • • •

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: October 7, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-11251; Filed, Oct. 14, 1966; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 15—RADIO FREQUENCY DEVICES

Measurement Procedure

In the matter of amendment of § 15.75 of the Commission's rules and regulations to effect certain editorial changes therein.

1. On May 18, 1966, the Commission adopted an order amending § 15.75(b) of its rules by the addition of a new subparagraph (4) (31 F.R. 7469). As made clear in the order, the purpose of the amendment was to provide an alternate procedure for receiver radiation measurement, i.e., the procedure described in International Electrotechnical Commission (IEC) Publication 106 (1959) and Supplement 106A (1962).

2. The IEC publication also includes a procedure for measurement of conducted interference, which procedure has not as yet been correlated with other standard procedures. Through inadvertence, the new subparagraph (4) of § 15.75(b) included a reference to the measurement of conducted interference. The subparagraph is being amended herein to delete such reference. Further, with the elimination of the reference to conducted interference, the words, "For frequencies above 25 Mc/s" within the parentheses are no longer necessary, and are being deleted.

3. Since the amendments adopted herein are editorial in nature and serve only to clarify the intent of the prior order, compliance with the notice, procedural, and effective date provisions of the Administrative Procedure Act is unnecessary.

4. The amendment of § 15.75(b)(4) of the rules adopted herein is issued pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's Rules.

Accordingly, it is ordered, That, effective October 18, 1966, Part 15 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Adopted: October 12, 1966.

Released: October 12, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Section 15.75(b)(4) is amended to read as follows:

§ 15.75 Measurement procedure.

• • • • • •

(b) • • •

(4) International Electrotechnical Commission Publication No. 106 (1959) and Supplement 106A (1962) for measurement of radiated interference from broadcast receivers. (A conversion factor of 0.1 (−20 db) shall be applied to the measured values for comparison with the limits of § 15.63.)

NOTE: This publication and supplement may be purchased from the United States of America Standards Institute (formerly American Standards Association), 10 East 40th Street, New York, N.Y. 10016.

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[F.R. Doc. 66-11272; Filed, Oct. 14, 1966; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Mattamuskeet National Wildlife Refuge, N.C.; Correction

In F.R. Doc. 65-11847, appearing at page 13954 of the issue for November 4, 1965, subparagraph (1), should read as follows:

(1) The sport fishing season on the refuge extends from January 15, 1966, through November 6, 1966, except bank fishing along the causeway (State Route 94 crossing Mattamuskeet Lake) is permitted on a year-round basis up to a distance of 100 yards on each side of the road right-of-way.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-11246; Filed, Oct. 14, 1966; 8:46 a.m.]

Proposed Rule Making

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[Ex Parte No. 253]

NOTICE OF INDEPENDENT ACTION; PUBLIC NOTICE OF TARIFF PUBLICATION PROPOSALS BY INDIVIDUAL CARRIERS WHERE PUBLICATION IS TO BE EFFECTED BY A RATE CONFERENCE

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of September, A.D. 1966.

Section 5a of the Interstate Commerce Act provides that the Commission, under such rules and regulations as it may prescribe, shall approve agreements entered into among two or more carriers relating to the joint consideration and initiation of rates, fares, classifications, divisions, allowances, or charges, provided that the furtherance of the national transportation policy requires that such agreements be relieved from the operation of the antitrust laws and that they are not otherwise prohibited by the Act. Many rate conference agreements, together with the rules, regulations, and internal procedures established by the individual conferences, have been approved.

It has been the Commission's consistent practice before approving a rate conference's procedures to require that they include effective means for giving public notice of proposed conference action. This may be done by publication in a transportation journal of general circulation or, in certain instances, by the conference's providing personal notice by mail to all persons requesting it.

Section 5a(6) of the Act provides:

> The Commission shall not approve under this section any agreement which establishes a procedure for the determination of any matter through joint consideration unless it finds that under the agreement there is accorded to each party the free and unrestrained right to take independent action either before or after any determination arrived at through such procedure.

In approving rate conference agreements, the Commission requires that the conference procedures specifically provide for complete freedom on the part of each carrier member to publish any rate or to initiate any practice independently of the conference. There can lawfully be no restraint imposed by a conference upon a carrier which would prevent its publishing its own schedules.

It is a common practice, however, for carriers proposing to take independent action to arrange for tariff publication through the rate conferences to which they belong. Moreover, it is also a common practice—and one which the Commission has approved—for the regulations and procedural rules of rate conferences to provide that, where a member wishes to proceed in this way, the conference will give notice to its other members. It is also common for such regulations to provide that the proposal will be published so as to be applicable to all the conference's members, except those notifying it of their desire to be excluded, or in the alternative, to any members notifying it of their desire to be included. For example, Rule 3.2 of the Code of Procedures for Rate Committees of the Middle Atlantic Conference provides:

> Where independent action is announced, notification will be given promptly by the publishing agent to competing and other interested carriers. Such notification, depending on the nature of the rate on which independent action is taken, will state whether or not it—
>
> (a) Will be published for the account of all carriers which do not within 10 days instruct otherwise, or
>
> (b) Will be published only for the account of the carrier taking independent action, unless within 10 days competitive carriers desire publication made also for their account.

This provision, among others, was approved by the Commission in 1951 in Middle Atlantic Conference—Agreement, 283 ICC 683.

The question has been raised whether a rate proposal which originates as the independent action of a single carrier but which is circulated by a rate conference to its members, subject to terms and conditions which could result in the proposal's being published for the account of such other carriers, actually remains the "independent action" of the initiating carrier; or whether it is, in fact, tantamount to a proposed "conference action" concerning which interested members of the general public are entitled to notice.

Upon consideration of the foregoing matters, and good cause appearing:

It is ordered, That a proceeding be, and it is hereby, instituted under Part I of the Interstate Commerce Act, and more particularly under sections 5a and 12(1) thereof, 49 U.S.C. §§ 5b and 12(1), to inquire into the operations of conferences, bureaus, committees, or other organizations the operations of which require approval by the Commission pursuant to section 5a of the Act, in order to determine whether it is necessary and desirable to adopt regulations requiring such organizations to establish procedures for giving public notice of proposals initiated by individual members, but in which other members are given the opportunity to join; and to take such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all conferences, bureaus, committees, or other organizations which operate pursuant to approval obtained from the Commission under section 5a of the Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearings be scheduled for receiving testimony unless the need therefor should later appear, but that respondents and any other interested person may participate in this proceeding by submitting for consideration written statements of fact, views, and arguments and replies to such statements. All written statements and replies thereto will be considered as evidence and as part of the record in this proceeding.

Twenty-five copies of all initial written statements, the original of which shall be verified, shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before December 5, 1966.

Twenty-five copies of all reply statements shall be filed on or before January 4, 1967.

In order to save time and expense, all parties who have interests in common are urged to file joint statements.

Parties submitting written statements are particularly invited to express their views and opinions concerning the desirability and workability of the Commission's requiring every rate conference to adopt and abide by the following rule or a rule of similar effect:

> Where independent action is announced, and notification is given by the publishing agent to competing and other interested carriers, the subject proposal will be considered as constituting proposed conference action, and notification thereof will be given to all the same persons and in the same manner as is the case with respect to conference action.

And it is further ordered, That a copy of this notice and order be served upon all conferences, bureaus, committees, or other organizations which operate pursuant to approval obtained from the Commission under section 5a of the Act; that a copy be mailed to the Governor of every State and to the Public Utility Commission or Board, or similar regulatory body having jurisdiction over the rates and practices of rail, motor, and water carriers and freight forwarders; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

This is a list of the parties to be served with all statements and pleadings.

SERVICE LIST

Household Goods Carriers' Bureau, F. L. Wyche, Executive Secretary, 1424 16th Street NW., Washington, D.C. 20036.

Western Railroad Traffic Association, James M. Souby, Jr., Chairman and Counsel, Room 514, Union Station Building, Chicago, Ill. 60606.

Eastern Railroads, C. S. Baxter, Chairman, One Park Avenue, New York, N.Y. 10016.

Movers' & Warehousemen's Association of America, Inc., Carroll F. Genovese, Executive Secretary, Suite 1101 Warner Building, Washington, D.C. 20004.

Southern Freight Association, R. E. Boyle, Jr., Chairman, 101 Marietta Street Building, Atlanta, Ga. 30303.

Association of American Railroads, C. A. Lauby, Executive Vice-Chairman, Transportation Building, Washington, D.C. 20006.

National Bus Traffic Association, Inc., Rice, Carpenter & Carraway, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004.

Waterways Freight Bureau, Wesley A. Rogers, Chairman, Suite 711, 1319 F Street NW., Washington, D.C. 20004.

General Tariff Bureau, Inc., Kenneth L. Colchin, Manager, 818 Townsend Street, Post Office Box 1223, Lansing 4, Mich.

Interstate Freight Carriers' Conference, Inc., T. A. L. Loretz, 510 South Spring Street, Los Angeles, Calif. 90013.

North Atlantic Port Railroads, Joseph P. Eshelman, General Attorney, The Pennsylvania Railroad Co., 1740 Broad Street Station Building, Philadelphia 4, Pa.

Lake Coal Demurrage Committee, % Miss Mary Barrett, Secretary, Bessemer & Lake Erie Railroad Co., Greenville, Pa.

Atlantic-Gulf Coastwise Steamship Freight Bureau, W. S. Jermain, 140 Cedar Street, New York, N.Y.

Southwestern Motor Freight Bureau, Inc., J. D. Hughett, 4112 San Jacinto Street, Dallas, Tex. 75204.

Southern Ports Foreign Freight Committee, H. M. Engdahl, Chairman, Room 305 Union Station, 516 West Jackson Boulevard, Chicago, Ill. 60606.

Illinois Freight Association, H. R. Johnson, Chairman, Union Station Building, 516 West Jackson Boulevard, Chicago, Ill. 60606.

Pacific Inland Tariff Bureau, Inc., E. J. Barry, General Manager, 1732 N. W. Quimby Street, Portland, Oreg. 97209.

San Francisco Movers Tariff Bureau, William M. Larimore, Agent, 260 California Street, San Francisco, Calif. 94111.

New England Motor Rate Bureau, Inc., 125 Lincoln Street, Boston, Mass. 02111.

Railroad Interterritorial Agreement, 301 Baltimore & Ohio Building, Baltimore, Md.

Midwest Motor Carriers Bureau, Inc., 807 Colcord Building, 15 North Robinson Street, Oklahoma City, Okla. 73102.

Middle Atlantic Conference, Post Office Box 10213, Washington, D.C. 20018.

Tobacco Transporters Association, C. F. Hardy, 314 South Seventh Street, Richmond, Va.

Chicago Suburban Motor Carriers, Association, Inc., W. B. Jeffrey, General Manager, 1957 Ridge Road, Homewood, Ill. 60430.

Columbia River Tariff Bureau, E. J. Berry, General Manager, 1100 Jackson Tower, Portland, Oreg.

Central States Motor Freight Bureau, Inc., 316 East Ohio Street, Chicago, Ill. 60611.

Oil Field Haulers Association, Inc., Post Office Drawer 947, Kansas City, Mo. 64141.

Oil Field Haulers Association, Inc., Post Office Box 488, Austin, Tex. 78767.

Wearing Apparel Carriers, Herman B. J. Weckstein, Attorney, 1060 Broad Street, Newark, N.J.

Southern Illinois Motor Rate Conference, L. K. Mocabee, 633 Collinsville Avenue, East St. Louis, Ill.

California Household Goods Carriers' Bureau, T. A. L. Loretz, Agent, 510 South Spring Street, Los Angeles, Calif. 90013.

Western States Movers' Conference, T. A. L. Loretz, Agent, 510 South Spring Street, Los Angeles, Calif. 90013.

Kansas Oil Field and Heavy Machinery Haulers, George D. Hutchins, Traffic Manager, Kansas Motor Carriers Association, 2900 South Topeka Boulevard, Topeka, Kans. 66611.

Great Lakes Freight Bureau, Inc., John Boland III, Chairman, c/o Boland & Carnelius, Marine Trust Building, Buffalo, N.Y.

Niagara Frontier Tariff Bureau, Inc., Gerald W. Vaillancount, 631 Niagara Street, Buffalo, N.Y.

Southern Motor Carriers Rate Conference, Inc., Post Office Box 7347, Station C, 1307 Peachtree Street NE., Atlanta, Ga. 30309.

Mississippi Valley Motor Freight Bureau, Inc., 415 Buder Building, Post Office Box 2104, St. Louis, Mo.

Eastern Central Motor Carriers Association, Inc. (The), Post Office Box 3600, Akron, Ohio 44310.

Central and Southern Motor Freight Tariff Association, Inc., Post Office Box 21143, Louisville, Ky. 40221.

Indiana Motor Rate and Tariff Bureau, Inc., 2011 North Meridan Street, Indianapolis, Ind. 46202.

Freight Forwarders Conference, Thomas M. Joseph, Executive Secretary, 9 Lincoln Avenue, Post Office Box 256, Rutherford, N.J.

Intercoastal Steamship Freight Association, Roy G. Banks, Chairman, 26 Broadway, New York, N.Y.

Heavy and Specialized Carriers Tariff Bureau, F. H. Floyd, 1616 P Street NW., Washington, D.C. 20036.

Motor Carriers Traffic Association, Inc., 2701 South Elm Street, Post Office Box 1500, Greensboro, N.C. 28206.

Machinery Haulers Association, A. R. Fowler, 2288 University Avenue, St. Paul, Minn.

Jamestown Area Furniture Haulers Association, Inc., 631 Niagara Street, Buffalo, N.Y. 14201.

Rocky Mountain Motor Tariff Bureau, Inc., Post Office Box 5746 Terminal Annex, Denver, Colo. 80217.

National Classification Committee, F. G. Freund, 1616 P Street NW., Washington, D.C. 20036.

Intermountain Tariff Bureau, Inc., Collier L. Allen, Post Office Box 686, Salt Lake City, Utah 84110.

Eastern Tank Carrier Conference, Inc., William M. Watt, 808 Warner Building, Washington, D.C. 20004.

Steel Carriers' Tariff Association, Inc., 16611 Chagrin Boulevard, Shaker Heights, Ohio 44120.

Equipment Interchange Association, 1616 P Street NW., Washington, D.C. 20036.

Western Tank Truck Carriers' Conference, Inc., Delmar S. Eno, 1077 South Gilpin Street, Denver, Colo.

Perishables Tariff Bureau, F. D. Dollarhide, 318 Cadiz Street, Dallas, Tex. 75207.

Western Motor Tariff Bureau, Inc., Post Office Box 3244, Huntington Park, Calif. 90258.

Motor Carrier Inter-Related Rate Agreement, Roland Rice, 1111 E Street NW., Washington, D.C. 20004.

Ohio Motor Freight Tariff Committee, Inc., Jesse L. Himmelreich, 40 West Gay Street, Columbus, Ohio 43215.

West Carriers Tariff Bureau, William M. Larimore, 260 California Street, San Francisco, Calif.

Pacific Motor Tariff Bureau, Inc., Daniel W. Baker, 11858 San Pablo Avenue, El Cerrito, Calif.

Texas Motor Express and Film Carriers Association, J. L. Burch, Jr., 1224 Milam Building, San Antonio, Tex.

Nationwide Household Movers Association, Robert E. Tate, Motor Carrier Consultants, Inc., 2031 Ninth Avenue South, Birmingham, Ala.

Mobile Housing Carriers Conference, Thomas F. Kilroy, Warner Building, 501 13th Street NW., Washington, D.C. 20004.

Hawaiian Freight Tariff Bureau, Inc., 760 Warehouse Street, Post Office Box 21283, Market Station, Los Angeles, Calif.

New York Movers Tariff Bureau, Inc., Beverley S. Sims, 612 Barr Building, 910 17th Street NW., Washington, D.C.

Alaska Carriers Association, Inc., Edward R. Sanders 1701 East First Avenue, Anchorage, Alaska.

Oil Capital Tariff Bureau, Inc., Grant M. Lankford, Post Office Box 15460, 4101 South 74th East Avenue, Tulsa, Okla. 74115.

National Association of Specialized Carriers, Inc., Mert Starnes, 5003 Jensen Drive, Post Office Box 16355, Houston, Tex.

Wyoming Trucking Association, Inc., Post Office Box 1889, Casper, Wyo. 82602.

Maine Motor Rate Bureau, Roland Rice, Rice, Carpenter & Carraway, 618 Perpetual Building, Washington, D.C. 20004.

Automobile Transporters Tariff Bureau, Inc., 3380 Penobscot Building, Detroit, Mich. 48226.

[F.R. Doc. 66-11261; Filed, Oct. 14, 1966; 8:47 a.m.]

[49 CFR Parts 95-97]

[Ex Parte No. 241]

RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES

Investigation of Adequacy; Notice of Proposed Rule Making

At a session of the Interstate Commerce Commission, Division 3, held at its Office in Washington, D.C., on the 4th day of October A.D. 1966.

Upon consideration of the record in this proceeding and of the request of certain parties for postponement of the date for filing a reply statement to the statement of Witness Robinson; and good cause appearing:

It is ordered, That subparagraphs numbered 6 and 7 in the fourth ordering paragraph of the order of July 29, 1964 (29 F.R. 11653), as modified by the orders dated October 19, 1964 (29 F.R. 14754), October 12, 1965 (30 F.R. 13267), February 14, 1966 (31 F.R. 3081), and August 5, 1966 (31 F.R. 10853), be further modified to read as follows:

6. Prior to November 30, 1966, any party may file and serve replies to the statement of Witness Robinson. The date for filing replies to the other statements filed on July 1, 1966, is unchanged (October 15, 1966).

7. Prior to December 30, 1966, any party may file and serve a request for oral hearing, together with justification therefor. Any reply thereto must be filed and served prior to January 16, 1967.

It is further ordered, That all other provisions of the aforesaid order of

July 29, 1964, as modified, shall remain in full force and effect.

And it is further ordered, That a copy of this order be served upon those persons shown on the service list published with the order dated May 17, 1965; that a copy be posted in the office of the Secretary of this Commission, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11260; Filed, Oct. 14, 1966; 8:47 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 43]

MAIL DEPOSIT AND COLLECTION

Slip-Joint Construction of Mail Chutes

Notice is hereby given of proposed rule making consisting of a proposed amendment to Part 43 of Title 39, Code of Federal Regulations. The proposed amendment to § 43.6(c)(2(i) will require slip-joint construction of mail chutes to reduce manpower costs due to maintenance.

Although the procedures in 39 CFR Part 43 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to comment on the proposed amendments. Written data, views, and arguments may be filed with the Director, Delivery Services Branch, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments read as follows:

§ 43.6 Mail chutes and receiving boxes.

* * * * *

(c) *Specifications for construction of chutes.* * * *

(2) *Material.* (i) Every mailing chute must be made entirely of metal and glass. The metal parts of the chute must be of such form, weight, and character as to insure rigidity, safety, and durability. Panel moldings must be of metal of suitable strength and resilence to insure a constant grip on the glass. At least three-fourths of the front of the chute in each story must be of tempered glass not less than three-sixteenths of an inch in thickness or heavy sheet or plate glass not less than one-fourth inch in thickness. All joints in the chute must be tight so that mail matter cannot catch or lodge therein. Slip-joint construction shall be utilized whereby the upper section will fit into the end of the lower section providing an overlap of not less than 2 inches.

* * * * *

NOTE: The corresponding Postal Manual section is 153.632a.

(5 U.S.C. 301, 39 U.S.C. 501, 6001, 6003)

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 66-11265; Filed, Oct. 14, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 972]

VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

Notice of Rule Making With Respect to Termination of Marketing Agreement and Order

Notice is hereby given that the Secretary of Agriculture is considering termination of Marketing Order No. 972 (formerly Marketing Order No. 910) and Marketing Agreement No. 67. The marketing agreement and order (hereinafter referred to as "order") provide for the regulation of grades and sizes in handling cauliflower and fresh peas grown in the production area, the San Luis Valley, Colo. This order, in effect since August 9, 1936, was issued under the Agricultural Adjustment Act, as amended, and was continued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601, et seq.).

Prior to World War II, production and marketing of fresh peas and cauliflower were important both to San Luis Valley producers and to the late summer supply and market price structure for these commodities. They continued so after the war, with 6,400 acres in fresh peas in 1948 and 3,200 acres in cauliflower. Since then, with the advent of competition from frozen vegetables, production and marketing of fresh peas and cauliflower in the production area have declined rapidly, especially in the decade last past. Current reports indicate the San Luis Valley fresh pea production this season on not more than 100 acres and cauliflower on only about 10 acres.

The last grade and size regulations under this order were during the 1958 season. Neither the cauliflower marketing committee nor the fresh pea marketing committee have recommended any regulations since then. The relative significance of these two commodities is minimal both to the agricultural economy of the San Luis Valley and to the supply and marketing price structure for these crops.

Economic and marketing conditions for these two commodities indicate no existing or continuing need for this marketing order.

It is concluded, therefore, it should be terminated.

Consideration will be given to any data, views, or arguments pertaining to this notice which are filed with the Director, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days following its publication in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the aforesaid Director, Fruit and Vegetable Division, during regular business hours (7 CFR 1.27(b)).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 12, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-11270; Filed, Oct. 14, 1966; 8:48 a.m.]

[7 CFR Part 991]

HANDLING OF HOPS OF DOMESTIC PRODUCTION

Date on Which Excess Hops Become Reserve; 1966 Crop

Notice is hereby given of a proposal, unanimously recommended by the Hop Administrative Committee. The proposal would permit hops baled, packaged, processed, or otherwise prepared for market, that are in excess of an effective individual producer annual allotment or the total of such allotments to members of a cooperative marketing association and are held by any producer-handler or association to become reserve hops on November 15, 1966. The authorization for the proposal would be pursuant to § 991.39 of Marketing Order No. 991 (31 F.R. 9713, 10072), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Section 991.39 provides that in the absence of another prescribed date, the aforementioned hops become reserve hops on November 1. Because this is the initial year of program operations, certain producers will not receive their respective allotment bases until late October. Since the determination of the allotment base is necessary to finalize a producer's annual allotment, the late date will interfere with the producer's ability to fill production deficiencies as authorized by § 991.38(d), prior to November 1, the date excess hops would become reserve hops and subject to the applicable limitations.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administrative Building, Washington, D.C. 20250, not later than October 20, 1966. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 991.202 Date on which excess hops become reserve hops, 1966 crop.

Pursuant to § 991.39, hops of the 1966 crop, baled, packaged, processed, or otherwise prepared for market that are in excess of an effective individual producer annual allotment or the total of such allotments to members of a cooperative marketing association and are held by any producer-handler or association on November 15, 1966, shall be reserve hops.

Dated: October 14, 1966.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-11336; Filed, Oct. 14, 1966; 11:48 a.m.]

[7 CFR Parts 1067, 1102]

[Docket Nos. AO-222-A21, AO-237-A15]

MILK IN THE OZARKS AND FORT SMITH, ARK., MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn, 2402 North College Street, Fayetteville, Ark., beginning at 10 a.m., local time, on November 2, 1966, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Ozarks and Fort Smith, Ark. marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposals relative to a redefinition of the Ozarks and Fort Smith, Ark., marketing areas raises the issue whether the provisions of the present orders would tend to effectuate the declared policy of the Act, if they are applied to the marketing areas as proposed to be redefined and, if not, what modifications of the provisions of the orders would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

OZARKS (ORDER NO. 67)

Proposed by Central Arkansas Milk Producers Association, Producers Creamery Co., Sanitary Milk Producers, Square Deal Milk Producers and Acee Milk Co.:

Proposal No. 1. Delete from § 1067.6 Ozarks marketing area, the Arkansas counties of Benton, Boone, Marion, and Washington.

Proposed by Foremost Dairies, Inc.:

Proposal No. 2. Extend the Ozarks marketing area to include the following counties, all in the State of Arkansas: Baxter, Carroll, Fulton, Izard, Madison, Newton, Searcy, and Stone.

Proposed by Central Arkansas Milk Producers Association, Producers Creamery Co., Sanitary Milk Producers and Square Deal Milk Producers:

Proposal No. 3. Delete the proviso in § 1067.51(a), "Class prices", and substitute in lieu thereof the following: "*Provided*, That the price for fluid milk products delivered by handlers to the Fort Smith marketing area shall be priced at the Fort Smith Class I price less a location adjustment from point of delivery to the handlers pool plant location computed pursuant to § 1067.53."

Proposed by the Acee Milk Co., Fort Smith, Ark.:

Proposal No. 4. Delete the proviso in § 1067.51(a), "Class prices", and substitute in lieu thereof the following proviso: "*Provided*, That the price for Class I packaged milk and milk products delivered by handlers to the Fort Smith marketing area shall be priced at the Fort Smith Class I price."

Proposed by Central Arkansas Milk Producers Association, Producers Creamery Co., Sanitary Milk Producers and Square Deal Milk Producers:

Proposal No. 5. Delete all of paragraph (b) of Section 1067.82.

FORT SMITH, ARKANSAS (ORDER NO. 102)

Proposed by Central Arkansas Milk Producers Association, Producers Creamery Co., Sanitary Milk Producers, Square Deal Milk Producers, and Acee Milk Co.:

Proposal No. 6. Amend § 1102.6 *Fort Smith, Ark., marketing area*, to read as follows:

§ 1102.6 Fort Smith, Ark., marketing area.

Fort Smith, Ark., marketing area, means all territory within the counties of: Scott, Yell, Sebastian, Logan, Crawford, Franklin, Johnson, Washington, Madison, Benton, Carroll, and Boone all in the State of Arkansas.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrators, Fred L. Shipley, 2710 Hampton Avenue, St. Louis, Mo. 63139; and from Charles S. McDonald, Post Office Box 4225, Asher Avenue Station, Little Rock, Ark. 72204, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on October 11, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-11252; Filed, Oct. 14, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 66-221]

VERTICAL WATER WHEEL ELECTRICAL GENERATORS

Appraisement

OCTOBER 11, 1966.

Decision in C.A.D. 881, that a penalty constituted a reduction in the manufacturer's actual profit, limited.

In the case of English Electric Export & Trading Co., Inc., et al. v. United States, the U.S. Court of Customs and Patent Appeals stated, in a decision dated June 16, 1966, published as C.A.D. 881, that a penalty of $175,300 constituted a reduction in the manufacturer's actual profit and should have been subtracted from the appraised value, even though the transaction involving the penalty occurred after exportation.

No further judicial proceedings in connection with the case are contemplated. However, further judicial review of the point will be sought at an appropriate opportunity. Consequently, the decision shall be limited to the facts of the above case.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-11250; Filed, Oct. 14, 1966; 8:46 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARY OF THE ARMY ET AL.

Delegation of Authority Regarding Secrecy of Certain Inventions and Withholding of Patents

Delegations of authority to Secretaries of Army, Navy, and Air Force with respect to secrecy of certain inventions and withholding of patent.

The Secretary of Defense approved the following delegations of authority September 30, 1966:

Reference: DoD Directive 5535.2, dated July 15, 1953, published at 18 F.R. 4241 (hereby canceled).

I. *Delegation.* Under the provisions of section 133(d) of title 10, United States Code, I hereby delegate to the Secretary of the Army, Secretary of the Navy, and the Secretary of the Air Force, all powers conferred upon the Secretary of Defense by sections 181, 182, and 184 of title 35, United States Code, with respect to secrecy of certain inventions and withholding of patent. The said delegates may redelgate this authority to a patent advisory board under the management control of the Department of the Army.

II. *Cancellation.* The reference is hereby superseded and canceled.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 66-11267; Filed, Oct. 14, 1966; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Phoenix 085082]

ARIZONA

Order Providing for Opening of Lands

OCTOBER 7, 1966.

1. Pursuant to the Act of May 13, 1946 (60 Stat. 179), the following lands are opened to entry, subject to the terms and conditions cited below:

GILA AND SALT RIVER MERIDIAN

T. 24 N., R. 14 W.
Sec. 30, SW¼ and E½.

The area described aggregates 480 acres.

2. The lands are located in Mohave County. The soil is sandy loam. The topography is flat and rolling.

3. No application for these lands will be allowed under the homestead, desert land or any other nonmineral public land law unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. This order shall become effective at 10 a.m. on November 12, 1966.

4. Inquiries concerning these lands shall be addressed to the Bureau of Land Management, Arizona Land Office, 3022 Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

[F.R. Doc. 66-11247; Filed, Oct. 14, 1966; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

ALASKA STEAMSHIP CO.

Bareboat Charters

Notice of tentative findings justifying the continuance of bareboat charters covering three C1-M-AV1 type Government-owned ships during calendar year 1967.

Notice is hereby given that the Acting Maritime Administrator has tentatively found, in accordance with section 5(e)(1), Merchant Ship Sales Act of 1946, as amended, that conditions exist justifying the continuance of the bareboat charters during calendar year 1967 of the Government-owned C1-M-AV1 type ships MS "Coastal Monarch," MS "Coastal Nomad," and MS "Coastal Rambler," presently under charter to Alaska Steamship Co., which are due for annual review on or about November 1, 1966.

Any interested person may request a hearing with respect to the Acting Administrator's findings by filing written objections, in triplicate, stating the reasons therefor, with the Secretary, Maritime Administration, Washington, D.C. 20235, within 10 days of the date of this notice.

The findings will become final if no objection or no request for a hearing is received.

Dated: October 11, 1966.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-11253; Filed, Oct. 14, 1966; 8:46 a.m.]

National Bureau of Standards

NBS RADIO STATION WWV, GREENBELT, MD.

Relocation to Fort Collins, Colo.

During the month of November 1966, a voice announcement will be made from WWV between 3 and 4 minutes after each hour giving notice of the relocation of WWV to Fort Collins, Colo., effective December 1, 1966.

Dated: October 5, 1966.

I. C. SCHOONOVER,
Acting Director.

[F.R. Doc. 66-11237; Filed, Oct. 14, 1966; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

BERNARD T. CRAUN

Redelegation of Authority With Respect to Low-Income Housing Demonstration Program

Bernard T. Craun is hereby authorized to exercise the following authority of the Secretary of Housing and Urban Development with respect to the low-income housing demonstration program under section 207 of the Housing Act of 1961, as amended (42 U.S.C. 1436):

1. To execute contracts and contract amendments within the amounts and conditions of allocation orders approved by the Assistant Secretary for Demonstrations and Intergovernmental Relations.

2. To approve requisitions for funds, third-party contracts, and budget amendments.

(Secretary's delegation to Assistant Secretary for Demonstrations and Intergovernmental Relations effective July 1, 1966 (31 F.R. 9752, July 19, 1966))

Effective date. This redelegation of authority shall be effective as of October 15, 1966.

H. RALPH TAYLOR,
Assistant Secretary for Demonstrations and Intergovernmental Relations.

[F.R. Doc. 66-11283; Filed, Oct. 14, 1966; 8:49 a.m.]

HOWARD CAYTON OR DON I. PATCH

Redelegation of Authority With Respect to Urban Renewal Demonstration Program

Howard Cayton or in his absence Don I. Patch is hereby authorized to exercise the following authority of the Secretary of Housing and Urban Development with respect to the urban renewal demonstration program under section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a):

1. To execute contracts and contract amendments within the amounts and conditions of allocation orders approved by the Assistant Secretary for Demonstrations and Intergovernmental Relations.

2. To approve requisitions for funds, third-party contracts, and budget amendments.

(Secretary's delegation to Assistant Secretary for Demonstrations and Intergovernmental Relations effective July 1, 1966 (31 F.R. 9752, July 19, 1966))

Effective date. This redelegation of authority shall be effective as of October 15, 1966.

H. RALPH TAYLOR,
Assistant Secretary for Demonstrations and Intergovernmental Relations.

[F.R. Doc. 66-11284; Filed, Oct. 14, 1966; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-70]

GENERAL ELECTRIC CO.

Notice of Issuance of Amended Operating License

Please take notice that, no request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5 to Facility License No. TR-1 to the General Electric Co. authorizing operation of the General Electric Test Reactor (GETR) located near Pleasanton, Calif., at power levels up to 50 Mwt with revised Technical Specifications for operation of the facility.

The amended operating license was issued substantially as set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER September 1, 1966, 31 F.R. 11558, except that in the Technical Specifications of the license typographical corrections were made, the stack limits set forth in Table I were converted from microcuries per milliliter to microcuries per second, and certain operating limitations were made more conservative.

Dated at Bethesda, Md., this 6th day of October 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 66-11235; Filed, Oct. 14, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16864; FCC 66M-1368]

ARTHUR POWELL WILLIAMS

Order Continuing Prehearing Conference

In re application of Arthur Powell Williams, Docket No. 16864, File No. BR-1852, for renewal of license of Station KLAV, Las Vegas, Nev.

On the unopposed oral request of counsel for applicant: *It is ordered*, This 10th day of October 1966, that the prehearing conference is further rescheduled from October 14 to October 26, 1966, at 9:30 a.m., in Washington, D.C.

Released: October 11, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11273; Filed, Oct. 14, 1966; 8:48 a.m.]

[Docket No. 16722; FCC 66R-396]

BLACK HAWK BROADCASTING CO. (KWWL-TV)

Memorandum Opinion and Order Modifying Designation Order

In re application of Black Hawk Broadcasting Co. (KWWL-TV), Waterloo, Iowa, Docket No. 16722, File No. BPCT-3606; for construction permit.

1. The above-captioned application of Black Hawk Broadcasting Co. (KWWL-TV) for a construction permit to relocate its antenna site and make certain other changes in its television station at Waterloo, Iowa, was, subsequent to consideration of a petition to deny and other pleadings, designated for hearing by Commission order released June 24, 1966. WMT-TV, Inc., and the Association of Maximum Service Telecasters, Inc., were named parties respondent to the proceeding. Among the several issues designated the following are pertinent to our consideration here.

(1) To determine whether there is an area within which the applicant could locate its transmitter in conformity with all of the requirements of the Commission's rules and provide service to the public equivalent to that proposed in the application.

(4) To determine whether circumstances exist which would warrant a waiver of § 73.610(a) of the Commission's rules and, if so, to determine the necessary conditions to be met in order to assure that "equivalent protection" will be provided to Station KHQA-TV, Hannibal, Mo., on the basis of the standards set forth in Docket No. 13340.

The Commission in its fifth ordering clause specified that:

The burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 1 herein is placed on the parties respondent.

On July 14, 1966, WMT-TV, Inc., filed a motion to amend, modify or enlarge issues. On the same date Maximum Service Telecasters filed a motion which, by reference to the WMT-TV motion, seeks identical relief.[1] Both of the above-described motions will therefore be considered in this document. The parties respondent would have us delete Issue No. 1 in its entirety or modify it by deleting that part of the issue which would require a showing that the alternate site meeting the mileage separation would enable the applicant to provide service to the public equivalent to that afforded by the proposed application. If issue 1 is not deleted they would have us delete the ordering clause which places the burden of going forward and the burden of proof on the parties respondent. The parties respondent would also have us add an issue concerning the effect of the proposed move on the development of UHF television.

2. It is argued that Issue No. 1 is redundant, since all the evidence which would be introduced pursuant to issue 1 could also be introduced pursuant to is-

[1] The Review Board has for consideration the following pleadings: Motion to Review Board to amend, modify or enlarge issues, filed by WMT-TV, Inc., July 14, 1966; opposition by Black Hawk Broadcasting Co. to motions to amend, modify or enlarge issues, filed July 27, 1966; Broadcast Bureau's partial opposition to WMT's petition to amend, modify or enlarge issues, filed July 27, 1966; reply of WMT-TV, Inc., filed Aug. 4, 1966; motion to Review Board to amend, modify or enlarge issues, filed by Association of Maximum Service Telecasters, Inc., July 14, 1966; and reply of Association of Maximum Service Telecasters, Inc., filed Aug. 4, 1966.

sue 4. Moreover, the parties respondent note that in a similar recently decided case[2] the Commission included an issue identical to issue 4 but did not include an issue comparable to issue 1. They then argue that to include issue 1 in the present proceeding is arbitrary. In support of their contingent request to modify, they note that the Commission in the text of the designation order spoke in terms of alternate sites which permit the applicant "to achieve its objectives" or "to achieve its purposes" rather than "to provide service to the public equivalent to that proposed in the application," the language of the issue. Thus they argue the language of the issue was not fully considered by the Commission.

3. These arguments do not persuade the Board that the issue should be modified or deleted. The text of the designation order, supra, explicitly discusses the problems posed by the alternate sites question, and in paragraph 15 notes that:

> Having considered all of the matters raised by the pleadings, we find that, except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed.

The respondents have advanced no facts not set forth in the pleadings which were considered by the Commission at the time the matter was designated for hearing. The argument that it is a logical impossibility to provide "equivalent service" from different sites must fall because it stems from a literal reading of the issue, which is not warranted by the context in which the language is used. The meaning attributed to the critical phrase by the Bureau[3] is more appropriate in view of the context in which the words are used and established Commission practice.[4]

The arguments based on the WTCN case, supra, are likewise not persuasive. The crux of the matter is that, in the instant case, the Commission after carefully considering all of the facts and arguments, including citations to WTCN and other cases relied upon by respondents, which were set forth by the parties at great length in their prehearing pleadings, has concluded that it requires more detailed information concerning the alternate sites question than would be submitted pursuant to issue 4. It has therefore spelled out the specific questions contained in issue 1. The facts sought in issue 1 are relevant to a resolution of issue 4. In view of the foregoing, issue 1 will be neither modified nor deleted.

4. With respect to issue 1 there remains the request of the parties respondent that the burden of proof concerning issue 1 be shifted to the applicant. In support of this request they rely heavily upon the WTCN case, supra. In that case, on petition for reconsideration, the Commission reversed its prior holding to conclude that a showing with respect to alternate sites was appropriate in considering the propriety of a waiver of § 73.610. Among other things in discussing burden of proof the Commission there held that,

> where the applicant seeks waiver of our rules, * * * the applicant has the burden of proof on the question, if it is raised, as to whether there are other sites available which would equally serve the public interest and at the same time comply with our rules.

In view of this and other language in that case, we must agree with the Bureau, that in designating this matter the Commission inadvertently overlooked its ruling in the WTCN case to the effect, that the applicant has the ultimate burden of persuasion on this as on other aspects of the waiver question. This does not however necessitate a modification of the ordering clause with respect to going forward with the proof. Inasmuch as the respondents have urged that suitable alternate sites are available, it is appropriate that they be afforded an opportunity to submit proof of their allegations.[5] On the other hand, if the respondents submit such evidence and the applicant is unwilling to concede that alternate sites from which it can render service to the public "equivalent to that proposed in the application" are available, then it must ultimately persuade the Commission of the propriety of its position. The fifth ordering clause will therefore be modified leaving the burden of going forward with the proof pursuant to issue 1 on the parties respondent but to place the ultimate burden of proof on this aspect of the waiver question upon the applicant.

5. The parties respondent seek an issue to determine the effect of the KWWL–TV proposal on the development of UHF television. All of the pertinent matters concerning this question were fully developed in the prehearing pleading and were considered in paragraphs 12 and 13 of the Commission's memorandum opinion and order designating the matter for hearing. The Review Board will therefore not include the requested issue.

Accordingly, it is ordered, This 10th day of October 1966, that the motions to amend, modify or enlarge issues, filed July 14, 1966, by WMT–TV, Inc., and Maximum Service Telecasters, Inc., are granted to the extent indicated above, and are denied in all other respects; and

It is further ordered, That the fifth ordering clause in Commission order FCC 66–559 released June 24, 1966, be modified to read as follows: "*It is further ordered*, That the burden of proceeding with the introduction of evidence as to issue 1 is hereby placed on the parties respondent, but the ultimate burden of proof with respect thereto rests upon the applicant."

Released: October 11, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–11274; Filed, Oct. 14, 1966; 8:48 a.m.]

[Docket No. 16889; FCC 66M–1371]

HAWAIIAN PARADISE PARK CORP. AND FRIENDLY BROADCASTING CO.

Order Scheduling Hearing

In reapplication of Hawaiian Paradise Park Corp (Assignor), and Friendly Broadcasting Co. (Assignee), Docket No. 16889, File Nos. BALCT–293, BALTS–185; for assignment of licenses of Stations KTRG–TV and KUT–67, Honolulu, Hawaii.

It is ordered, This 4th day of October 1966, that Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 22, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 28, 1966, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 11, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–11275; Filed, Oct. 14, 1966; 8:48 a.m.]

[Dockets Nos. 16627, 16628; FCC 66M–1370]

PORTER COUNTY BROADCASTING CORP. AND NORTHWESTERN INDIANA RADIO CO., INC.

Order Regarding Procedural Dates

In re applications of Porter County Broadcasting Corp., Valparaiso, Ind., Docket No. 16627, File No. BPH–4972; Northwestern Indiana Radio Co., Inc., Valaparaiso, Ind., Docket No. 16628, File No. BPH–5045; for construction permits.

The Hearing Examiner having under consideration the petition for postponement of procedural dates filed by Porter County Broadcasting Corp. on October 7, 1966;

It appearing, that a joint petition has been filed with the Review Board seeking approval of an agreement for dismissal of the Northwestern Indiana Radio Co., Inc. application; and

It further appearing, that in the light of this action other parties have consented to a grant of the request; and

It further appearing, that under the circumstances no purpose would be served in going forward with the hearing on engineering currently scheduled for October 11 and on nonengineering for October 18;

It is ordered, This 10th day of October 1966, that the hearing dates of October 11 and October 18 are canceled and hearing on the engineering issues will commence December 12, 1966, and will commence on nonengineering issues December 19, 1966.

Released: October 11, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–11276; Filed, Oct. 14, 1966; 8:48 a.m.]

[Docket No. 16865; FCC 66M–1369]

VIDEO SERVICE CO.

Order Canceling Hearing

In re applications of Video Service Co., Atlanta, Ga., Docket No. 16865, File Nos. 1816/17–C1–P–66, CATV 100–101, for construction permits for new fixed (Video) Radio Stations at Lafayette and Waynetown, Ind. (KSQ–36 and KSQ–37).

The Hearing Examiner having under consideration a request for postponement of the hearing date now scheduled for November 2, 1966;

It appearing, That all parties requested this postponement at a prehearing conference held October 10 in order to permit action by the Commission on a petition for reconsideration;

It is ordered, This 10th day of October 1966, that the hearing date of November 2 is canceled and a further prehearing conference will be held December 15, 1966 at 10 a.m.

Released: October 11, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–11277; Filed, Oct. 14, 1966; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17087]

AIR EXPRESS CHARGE INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on October 17, 1966, is postponed to December 1, 1966, 10 a.m., e.s.t., Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., October 12, 1966.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 66–11262; Filed, Oct. 14, 1966; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN AND AUSTRALIAN STEAMSHIP LINES JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Baldvin Einarson, Esq., c/o Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement No. 7787–5 among the member lines of the American and Australian Steamship Lines Joint Service modifies the basic agreement to provide (1) that profits and losses shall be shared as the member lines contribute vessels to the trade and (2) for the delegation of ratemaking authority to parties designated by the member lines for traffic in the areas served which are outside the scope of the various conferences in which the joint service participates.

Dated: October 12, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66–11278; Filed, Oct. 14, 1966; 8:49 a.m.]

MEMBER LINES OF ATLANTIC AND GULF/PANAMA CANAL ZONE, COLON AND PANAMA CITY CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. D. Marshall, 11 Broadway, New York, N.Y. 10004.

Agreement 3868–20, between the member lines of the Atlantic and Gulf/Panama Canal Zone, Colon and Panama City Conference, will modify the basic agreement, as amended to date, to provide for on-carriage of cargo to Panama City and other Canal Zone points from Cristobal and Balboa by Panamanian Motor Carriers in addition to the Panama Railroad Company under the terms and conditions set forth in said agreement.

Dated: October 12, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66–11279; Filed, Oct. 14, 1966; 8:49 a.m.]

FEDERAL NEW ZEALAND LINES JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

[2] WTCN Television, Inc., 1 FCC 2d 337, 5 RR 2d 573 (1965).

[3] In discussing this matter in its opposition, the Bureau stated that "* * * the Commission wants to know whether the public benefits derived from a grant at an alternate site; namely, a predicted grade B signal to underserved areas, would be equal to or greater than the public benefits derived from a grant of KWWL's proposal."

[4] Cf. Mid-America Broadcasting System, Inc., 19 RR 599 (1959) and cases cited therein.

[5] See WTCN Television, Inc., 1 FCC 2d 337, at p. 339.

[6] Dissenting statement of Review Board Member Nelson, concurred in by Member Kessler, filed as part of original document.

Notice of agreement filed for approval by:

Baldvin Einarson, Esq., c/o Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement No. 7786–2, among the member lines of the Federal New Zealand Lines Joint Service, modifies the basic agreement to provide (1) that profits and losses shall be shared as the member lines contribute vessels to the trade and (2) for the delegation of rate-making authority to parties designated by the member lines for traffic in the areas served which are outside the scope of the various conferences in which the joint service participates.

Dated: October 12, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66–11280; Filed, Oct. 14, 1966; 8:49 a.m.]

FEDERAL NEW ZEALAND LINES ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Joint Service of Federal New Zealand Lines, Shaw Savill & Albion Co., Ltd., Port Line, Ltd., and Blue Star Line, Ltd.

Notice of agreement filed for approval by:

Baldvin Einarson, Esq., c/o Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement No. 8535–4, among the member lines of the Joint Service of Federal New Zealand Lines, Shaw Savill & Albion Co., Ltd., Port Line, Ltd., and Blue Star Line, Ltd., modifies the basic agreement to provide (1) that profits and losses shall be shared as the member lines contribute vessels to the trade and (2) for the delegation of ratemaking authority to parties designated by the member lines for traffic in the areas served which are outside the scope of the various conferences in which the joint service participates.

Dated: October 12, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66–11281; Filed, Oct. 14, 1966; 8:49 a.m.]

MANZ LINE JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Baldvin Einarson, Esq., c/o Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement No. 7814–4 among the member lines of the Manz Line Joint Service, modifies the basic agreement to provide (1) that profits and losses shall be shared as the member lines contribute vessels to the trade and (2) for the delegation of rate-making authority to parties designated by the member lines for traffic in the areas served which are outside the scope of the various conferences in which the joint service participates.

Dated: October 12, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66–11282; Filed, Oct. 14, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67–89]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

OCTOBER 11, 1966.

Take notice that on October 4, 1966, Arkansas Louisiana Gas Co. (Applicant), Slattery Building, Shreveport, La., filed in Docket No. CP67–89 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation and sale in interstate commerce of volumes of natural gas to a new industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 9,000 feet of 3½-inch line from Applicant's existing 18-inch line "L" with the necessary metering and regulating equipment, which will extend to the new plant facility of the Dow Chemical Co., near Magnolia, Columbia County, Ark.

Applicant estimated the natural gas requirements of the new service to be approximately 3,400 Mcf per day and approximately 1,125,000 Mcf per year.

The total estimated cost of construction is $27,980, which will be obtained from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 7, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–11239; Filed, Oct. 14, 1966; 8:45 a.m.]

[Project No. 2604]

CONNECTICUT LIGHT & POWER CO.

Notice of Application for License for Constructed Project

OCTOBER 10, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by the Connecticut Light & Power Co. (correspondence to: Vincent J. Hayes, Vice President, the Connecticut Light & Power Co., Post Office Box 2010, Hartford, Conn. 06101), for constructed Project No. 2604, known as Bulls Bridge Project, located on the Housatonic River, near Gaylordsville, in the towns of New Milford and Kent.

The existing Bulls Bridge Project consists of: (1) Two dams—(a) a cyclopean concrete gravity-arch dam, on the east channel, about 203 feet long and 24 feet high with an overflow spillway 195 feet long; and (b) a masonry gravity dam, on the west channel, about 156 feet long and 17 feet high with an overflow spillway 120 feet long topped by 3-foot flashboards; (2) a reservoir at elevation 354 feet about 4.5 miles long with an area of about 120 acres and a gross storage of 1,800 acre feet of which 233 acre feet, at a drawdown of 2 feet, is normally used; (3) canal spillways consisting of two gated sections and two overflow sections; (4) a headgate structure controlling flow into the canal; (5) a power canal about 2 miles long; (6) a 6-acre forebay; (7) a forebay intake structure with penstock gates; (8) two steel penstocks about 420 feet long; (9) two steel surge tanks 96 and 98 feet in height, respectively; (10) a powerhouse containing six 2,000 hp. turbines each connected to a generator rated at 1,400 kw.; (11) an indoor substation containing six 1.15–27.6 kv transformers; and (12) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 30, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–11240; Filed, Oct. 14, 1966; 8:45 a.m.]

[Docket No. RP66–4]

FLORIDA GAS TRANSMISSION CO.

Order Prescribing Hearing Procedure

OCTOBER 10, 1966.

Florida Gas Transmission Co. (Respondent), on August 16, 1965, tendered for filing First Revised Sheets Nos. 27 and 63 to its FPC Gas Tariff, Original Volume No. 2, to become effective October 1, 1965, proposing an increase in its transportation rates and charges of approximately $1,732,000 annually over the rates currently in effect, based on data for the year ended May 31, 1965, as adjusted.

The Commission, on September 30, 1965, ordered a hearing on the lawfulness of Respondent's rates, charges, classification and services as proposed to be amended. It also suspended and deferred the use of the proposed tariff changes until November 1, 1965, and provided for filing of a motion required by section 4(e) of the Natural Gas Act, with the agreement and undertaking described in paragraph (D) of the order. The motion and agreement and undertaking were filed on October 18, 1965.

Florida Public Utilities Commission filed a notice of intervention. Petitions to intervene were filed by Mobil Oil Corp. (formerly Socony Mobil Oil Co., Inc.), Florida Power & Light Co., Sun Oil Co., and Florida Power Corp. The Commission permitted participation of the four above-named petitioners in this proceeding by order issued October 21, 1965.

Our order issued September 30, 1965, also stated that the dates service of testimony by the Commission staff and interveners, the date for a prehearing conference, and the designation of the Presiding Examiner would be specified by a later order of the Commission.

The Commission orders:

(A) Pursuant to the Commission's rules of practice and procedure, particularly §§ 1.27, 1.30(j), and 3.4(e)(6) thereof, Presiding Examiner William L. Ellis shall preside at the prehearing conference hereinafter provided, and at subsequent prehearing conferences and hearings which he may deem appropriate in these proceedings and to render an Initial Decision on all issues.

(B) Florida Gas shall serve its complete case-in-chief on all issues upon all parties of record, including the Commission Staff, on or before November 7, 1966.

(C) All other parties of record, including the Commission Staff, desiring to present evidence on any issue shall serve their testimony and exhibits on or before December 19, 1966.

(D) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10 a.m., e.s.t., on January 11, 1967, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, for the purpose of defining the issues, reaching an agreement and stipulation thereon and on any facts relevant to this matter, and, if necessary, to prescribe procedure for hearing herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–11241; Filed, Oct. 14, 1966; 8:45 a.m.]

[Project No. 2606]

GREEN MOUNTAIN POWER CORP.

Notice of Application for License for Constructed Project

OCTOBER 10, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Green Mountain Power Corp. (correspondence to: Glen M. McKibben, President, Green Mountain Power Corp., 1 Main Street, Burlington, Vt. 05401) for constructed Project No. 2606, known as Montpelier Project, located on the Winooski River, in the city of Montpelier, towns of Berlin and East Montpelier, in Washington County, Vt.

The existing Montpelier Project consists of: (1) A concrete gravity-type dam about 22 feet high and 213 feet long in three sections: (a) An abutment about 25 feet long, (b) a spillway 152 feet long with 3-foot flashboards, and, (c) a waste-gate-and-intake section 36 feet long; (2) a reservoir at normal elevation 613.2 feet containing a surface area of about 7 acres; (3) a steel penstock 2,918 feet long in three sections: (a) 7-foot diameter, 987 feet long, (b) 6.5-foot diameter, 1,010 feet long, and (c) 6-foot diameter, 921 feet long; (4) a reinforced-concrete-brick powerhouse containing two generating units, each rated at 300 kw, totaling 600 kw; and (5) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 30, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–11242; Filed, Oct. 14, 1966; 8:45 a.m.]

[Docket Nos. G–18313, CP66–172]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Petition To Amend

OCTOBER 10, 1966.

Take notice that on October 4, 1966, Midwestern Gas Transmission Co. (Petitioner), Post Office Box 774, Chicago, Ill. 60690, filed in Docket Nos. G–18313 and CP67–172 a petition to amend the orders issued in the said dockets on October 31, 1959, and March 25, 1966, respectively by requesting authorization to extend the term of the contract dated March 25, 1966, between Petitioner and Trans-Canada Pipe Lines, Ltd. (Trans-Canada), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The order of March 25, 1966, in Docket No. CP66–172, et al., authorized Petitioner to sell up to 25,000 Mcf of natural gas per day to its existing northern system customers on an interruptible basis for a term ending on October 31, 1966. That order also, by further amending paragraph (M) of the Commission's order issued October 31, 1959, in Docket No. G–18313, et al., as amended by order issued August 10, 1965, in Docket No. CP64–308, et al., authorized Petitioner to import on an interruptible basis up to 25,000 Mcf of natural gas daily from Trans-Canada during the same term.

Petitioner commenced service to its northern system customers as authorized and commenced the importation of natural gas as authorized from Trans-Canada. Recently Petitioner has received requests from its northern customers for an extension of the availability of the interruptible service after October 31, 1966.

Accordingly, Petitioner specifically requests that the Commission's order of March 25, 1966, in Docket No. CP66–172, and CP67–172 a petition to amend the

et al., be amended to extend the term of such authorization for a period terminating on November 1, 1967, and that the Commission order of October 31, 1959, in Docket No. G–18313, et al., be further amended to authorize the continued importation of 25,000 Mcf per day of natural gas on an interruptible basis for the same term.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 7, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–11243; Filed, Oct. 14, 1966; 8:45 a.m.]

[Docket No. G–11260]

PECOS CO.

Notice of Petition To Amend

OCTOBER 10, 1966.

Take notice that on August 19, 1966, Pecos Co. (Petitioner), El Paso Natural Gas Building, El Paso, Tex. 79999, filed in Docket No. G–11260 a petition to amend the order issuing a certificate of public convenience and necessity to Hunt Oil Co. (Operator) in said docket by authorizing Petitioner in lieu of Hunt Oil Co. to sell natural gas to El Paso Natural Gas Co. from the Wilshire Gasoline Plant, Upton County, Tex., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner proposes to sell natural gas at a rate of 18.2430 cents per Mcf at 14.65 psia pursuant to a contract on file with the Commission as Hunt Oil Co. (Operator) FPC Gas Rate Schedule No. 31. Said rate is in effect subject to refund in Docket No. RI65–74 and Petitioner has filed a motion to be made co-respondent in said proceeding and has submitted an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 3, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–11244; Filed, Oct. 14, 1966; 8:45 a.m.]

[Dockets Nos. CP61–203, CP64–5]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition To Amend

OCTOBER 10, 1966.

Take notice that on October 4, 1966, Texas Eastern Transmission Corp. (Petitioner), Post Office Box 2521, Houston, Tex. 77001, filed in Dockets Nos. CP61–203 and CP64–5 a petition to amend the orders issued in the said dockets on December 17, 1962, and December 19, 1963, respectively, by requesting authorization to sell to Mount Carmel Public Utilities Co. (Mount Carmel) a portion of the natural gas authorized to be sold under these orders to the city of Grayville, Ill. (Grayville), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued in Docket No. CP61–203 Petitioner was ordered to deliver up to 3,570 Mcf per day of natural gas to Grayville which was to distribute it to Mount Carmel. Subsequently, the allocation of natural gas to Grayville to meet the requirements of Grayville and Mount Carmel was increased by 1,880 Mcf per day to a total of 6,419 Mcf per day by the order issued December 19, 1963, in Docket No. CP64–5, allotments for the sole use of Grayville having been made in separate orders.

Petitioner specifically requests the Commission to allocate the existing authorized sales of natural gas to Grayville in the total amount of 6,419 Mcf per day between Grayville and Mount Carmel so as to authorize Petitioner to sell a total of 1,647 Mcf per day to Grayville and 4,772 Mcf per day to Mount Carmel commencing November 1, 1966. Natural gas will be delivered to Mount Carmel at the existing point of delivery by Petitioner to Grayville and Grayville will continue to transport natural gas to Mount Carmel.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 7, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–11245; Filed, Oct. 14, 1966; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Notice of Request and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956, as amended by Public Law 89–485 (12 U.S.C. 1843(c)(8)), and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)), by The First Virginia Corp., Arlington, Va., a bank holding company, for a determination that the proposed additions to the insurance activities of its nonbanking subsidiaries, First Virginia Life Insurance Agency, Inc. and First General Insurance Agency, Inc., are of the kind described in the aforementioned sections of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to the ownership of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(8) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing:

It is hereby ordered, That pursuant to section 4(c)(8) of the Bank Holding Company Act and in accordance with §§ 222.5(b) and 222.7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on November 1, 1966, at 10 a.m., at the offices of the Board of Governors of the Federal Reserve System, Washington, D.C., before a hearing examiner selected by the Civil Service Commission, pursuant to section 3344 of Title 5 of the United States Code, such hearing to be conducted according to the rules of practice for formal hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing examiner to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties. The Board's rules of practice for formal hearings provide, in part, that "All such hearings shall be private and shall be attended only by parties and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however*, That, on written request by a party or representatives of the Board, or on the Board's own motion, the Board, unless prohibited by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Richmond, Richmond, Va., on or before October 28, 1966, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination. Persons submitting timely request will be notified of the hearing examiner's decision.

Dated at Washington, D.C., this 10th day of October 1966.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66–11269; Filed, Oct. 14, 1966; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812–1970]

BROAD STREET INVESTING CORP.

Notice of Filing of Application for Order Exempting Sale of Shares

OCTOBER 11, 1966.

Notice is hereby given that Broad Street Investing Corp. ("applicant"), 65 Broadway, New York, N.Y. 10006, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at net asset value, without a sales charge, in exchange for the assets of Nichols Securities Corp. ("Nichols") as more fully described below. The shares of applicant are offered to the public at a price which includes a sales charge in addition to the net asset value.

All interested persons are referred to the application on file with the Commission for a statement of the applicant's representations which are summarized below.

Nichols, incorporated in Missouri in 1922, is an investment company having 31 stockholders and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Prior to April 30, 1964, Nichols was engaged in the aluminum fabricating business and on such date sold substantially all of its assets and business. Since that date it has been engaged primarily in the business of investing and reinvesting its funds. Pursuant to an agreement between applicant and Nichols, substantially all of the cash and securities owned by Nichols, with a value of approximately $3,452,092 as of June 13, 1966, will be transferred to applicant in exchange for shares of its capital stock. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Nichols to be transferred to applicant by the net asset value per share of the applicant, both to be determined as of valuation time, as defined in the transfer agreement. If the valuation under the agreement had taken place on June 13, 1966, Nichols would have received 225,480 of applicant's shares. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act.

When received by Nichols the shares of the applicant, which are registered under the Securities Act of 1933, are to be distributed to Nichols' stockholders on the liquidation of Nichols. The applicant has been advised by the management of Nichols that, to the best of its knowledge, none of the stockholders of Nichols has any present intention of redeeming or otherwise transferring any significant number of shares of the applicant to be received on such liquidation.

No affiliation exists between Nichols or its officers, directors or stockholders and applicant, its officers or directors, and the agreement was negotiated at arm's length by the two companies. The Board of Directors of the applicant approved the agreement as being in the best interest of its shareholders, taking all relevant considerations into account, including, among others, the fact that the resulting increase in assets will tend to reduce per share expenses.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 27, 1966, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–11286; Filed, Oct. 14, 1966; 8:49 a.m.]

[File No. 70–4417]

MISSISSIPPI POWER & LIGHT CO.

Notice of Filing of Amendment to Declaration

OCTOBER 12, 1966.

Notice is hereby given that Mississippi Power & Light Co. ("Mississippi"), Jackson, Miss., an electric utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed with this Commission an amendment to its declaration in this proceeding increasing from $7 to $10 million the principal amount of first mortgage bonds proposed to be issued and sold at competitive bidding. Notice of filing of the declaration was issued September 28, 1966 (Holding Company Act Release No. 15570). The amendment states that the increase in the principal amount of bonds to be issued is necessitated by an estimated increase of approximately $1,100,000 in Mississippi's 1966 construction program and by current conditions regarding short-term bank borrowings for interim financing of the program.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–11287; Filed, Oct. 14, 1966; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1426]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 12, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69044. By order of October 7, 1966, the Transfer Board approved the transfer to Rabe Bros., Inc., Richmond Hill, N.Y., of the operating rights in certificate No. MC–75488, issued December 16, 1959, to George F. Meyer, doing business as Rabe Brothers, Richmond Hill, N.Y., authorizing the transportation, over irregular routes, of household goods between New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, Washington, D.C., and points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia. Irving Abrams, Brodsky, Linett, and Altman, 1776 Broadway, New York, N.Y. 10019, attorneys for applicants.

No. MC–FC–69086. By order of October 7, 1966, the Transfer Board approved the transfer to Bortner Bus Co., a corporation, Rural Delivery No. 1,

Sharpsville, Pa., of the certificates in Nos. MC–111191 and MC–111191 (Sub-No. 1), issued November 15, 1950, and January 19, 1956, respectively, to Paul Bortner, Rural Delivery No. 1, Sharpsville, Pa., the former authorizing the transportation of passengers and their baggage, in round-trip charter operations, over irregular routes, beginning and ending at points in that part of Mercer County, Pa., on and west of U.S. Highway 19 and extending to points in Ohio, those in that part of New York on and west of a line extending from Olcott southerly along New York Highway 78 to East Aurora, N.Y., and thence along New York Highway 16 to the New York-Pennsylvania State line, and points in that part of West Virginia on and north of U.S. Highway 50; and, the latter authorizing the transportation of passengers and their baggage, and express, mail and newspapers, in the same vehicle with passengers, over regular routes between Grove City, Pa., and Sharon, Pa., serving all intermediate points.

No. MC–FC–69089. By order of October 7, 1966, the Transfer Board approved the transfer to Flash Bonded Warehouse, Inc., 320 Northeast 75th Street, Miami, Fla. 33138 of License No. MC–12071 and certificate No. MC–17609 issued July 11, 1940, and February 16, 1942, to Flash Bonded Storage Co., Inc., 320 Northeast 75th Street, Miami, Fla. 33138, said license authorizing the holder to engage in brokerage operations in arranging for the transportation of: Household goods between points in Florida, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Missouri, Wisconsin, and the District of Columbia. The operating rights in the certificate covering the transportation of: Household goods, over irregular routes, between Miami, Fla., on the one hand, and, on the other, points and places within 10 miles of Miami, including Miami.

No. MC–FC–69108. By order of October 7, 1966, the Transfer Board approved the transfer to Lester M. Gundrum and Charles Bothwell, a partnership, doing business as P. & E. Buehler Trucking, Troy, N.Y., of the operating rights of Lester M. Gundrum, doing business as P. & E. Buehler Trucking, Troy, N.Y., in certificate No. MC–115059 and certificate of registration No. MC–115059 (Sub-No. 2), issued April 11, 1955, and amended June 24, 1960, and May 26, 1964, respectively, issued in the name of Ernest P. Buehler and Lester M. Gundrum, a partnership, doing business as P. & E. Buehler Trucking and acquired the name of Lester M. Gundrum, doing business as P. & E. Buehler Trucking pursuant to No. MC–FC–68897 approved July 14, 1966, effective August 17, 1966, authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Cherryplain, N.Y., and Albany, N.Y., and in certificate of registration authorizing the transportation, of general commodities as defined in the contemporaneously effective order of the New York Public Service Commission in case MT–4467, between the hamlet of Cherryplain (Rensselaer County) and the city of Albany, and between the city of Troy and the hamlet of Averill Park (Rensselaer County) via N.Y. 66, and returning via the same route; cut piece goods, in shipper's containers, from the city of Troy to the village of Cobleskill (Schoharie County); and children's dresses in shipper's containers, from the village of Cobleskill (Schoharie County) to the city of Troy. John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207, attorney for applicants.

No. MC–FC–69109. By order of October 7, 1966, the Transfer Board approved the transfer to Dickinson's Express, Inc., Canaan, Conn., of the operating rights of William M. Balch, Jr., and Carl D. Currier, Jr., a partnership, doing business as Dickinson's Express, North Canaan, Conn., in certificate of registration No. MC–121331 (Sub-No. 1), issued January 27, 1964, authorizing the transportation of general commodities, other than household goods and office furniture and equipment, and other than commodities which necessitate the use of tank trucks, dump trucks or special equipment, over regular routes, from Sharon to New Haven via Canaan, Winsted and Waterbury, serving Sharon, Kent, Cornwall, Salisbury, Canaan, North Canaan, Norfolk, Winsted, Torrington, Litchfield, Thomaston, Watertown, Waterbury, Naugatuck, Bethany, East Haven, West Haven, Hamden, North Haven, and New Haven. Miss Catherine G. Roraback, Post Office Box 935, Canaan, Conn. 06018, attorney for applicants.

No. MC–FC–68970. By order of September 29, 1966, the Transfer Board approved the transfer to Skyline Transport, 4501 Curtis Avenue, Baltimore, Md. 21225, of the portion of the operating rights in certificate No. MC–59292, issued April 19, 1966, to the Maryland Transportation Co., a corporation, 1111 Frankfurst Avenue, Baltimore, Md. 21225, authorizing the transportation of: Molasses, in bulk, in tank vehicles, from Baltimore, Md., to points in Delaware, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, liquid and invert sugar, in bulk, in tank vehicles, from Baltimore, Md., to points in New Jersey, Delaware, Pennsylvania, Ohio, and North Carolina, with no transportation for compensation on return except as otherwise authorized.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–11255; Filed, Oct. 14, 1966; 8:46 a.m.]

[Notice 1426–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 12, 1966.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC–FC–69178. By application filed October 4, 1966, IRA E. JOHNSON, 2405 Redwood Street, Amarillo, Tex., seeks temporary authority to lease the operating rights of LOWAL LEON HAND, doing business as LOWAL HAND TRUCKING COMPANY, 112 North Hoy Street, Buffalo, Okla., under section 210 a(b). The transfer to IRA E. JOHNSON, of the operating rights of LOWAL LEON HAND, doing business as LOWAL HAND TRUCKING COMPANY, is presently pending.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–11256; Filed, Oct. 14, 1966; 8:46 a.m.]

[Notice 270]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 12, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 115523 (Sub-No. 132 TA), filed October 10, 1966. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Post Office Box 1895, Salt Lake City, Utah 84116. Applicant's representative: Franklin D. Johnson, 422 Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth, in bulk, and in bags*, from Clark and Colado, Nev., to points in Wyoming, Idaho, Utah, and Montana, for 180 days. Supporting shipper: Eagle-Picher Industries, Inc., Post Office Box 1869, Reno, Nev. 89505. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 124926 (Sub-No. 3 TA), filed October 10, 1966. Applicant: DIXON BROS., Post Office Box 636, Newcastle, Wyo. 82701. Applicant's representative: Ward A. White, Post Office Box 568, 1600 Van Lennen Avenue, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, on flatbed equipment only, from Newcastle, Wyo., to points in Iowa, for 180 days. Supporting shipper: Berman Forest Products, Post Office Box 490, Newcastle, Wyo. 82701. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, D. & S. Building, 255 North Center Street, Casper, Wyo. 82601.

No. MC 128634 TA, filed October 10, 1966. Applicant: FIRST SCOTT STREET CORPORATION, 249 Schweizer Place, Detroit, Mich. 48226. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Detroit, Mich., to points in Ohio, Pennsylvania, New York, New Jersey, Vermont, Massachusetts, Maine, New Hampshire, Connecticut, Rhode Island, Maryland, District of Columbia, Delaware, Virginia, and West Virginia, for 180 days. Supporting shipper: Great Markwestern Packing Co., 1825 Scott Street, Detroit, Mich. 48207. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–11257; Filed, Oct. 14, 1966; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 12, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40738—*Liquefied petroleum gas from Melstone, Mont.* Filed by Trans-Continental Freight Bureau, agent (No. 436), for interested rail carriers. Rates on liquefied petroleum gas, in tank carloads, from Melstone, Mont., to points in southwestern and western trunkline territories.

Grounds for relief—Market competition.

Tariff—Supplement 11 to Trans-Continental Freight Bureau, agent, tariff ICC 1741.

FSA No. 40739—*Beet or cane sugar from Hereford, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8906), for interested rail carriers. Rates on beet or cane sugar, dry, in bulk, in carloads, from Hereford, Tex., to East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 58 to Southwestern Freight Bureau, agent, tariff ICC 4514.

FSA No. 40740—*Rates from and to points in Kansas and Nebraska.* Filed by Chicago, Rock Island & Pacific Railroad Co. (No. 901), for itself and interested rail carriers. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, between points in Kansas and Nebraska on the CRI&P RR., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—Abandonment of a portion of Chicago, Rock Island & Pacific Railroad Co. between Horton, Kans., and Jansen, Nebr., under authority of ICC Finance Docket No. 23748.

FSA No. 40741—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 583), for interested rail carriers. Rates on brick and related articles; newsprint paper and corn oil, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 58 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 40743—*Soda ash from Saltville, Va.* Filed by O. W. South, Jr., agent (No. A4950), for interested rail carriers. Rates on soda ash, in carloads, from Saltville, Va., to Fairburn, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 66 to Southern Freight Association, agent, tariff ICC S–517.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40742—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 584), for interested rail carriers. Rates on dried beans, lentils, or peas, iron or steel articles, brick and related articles, newsprint paper and corn oil, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 58 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–11258; Filed, Oct. 14, 1966; 8:47 a.m.]

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 F.R. 8809 and 31 F.R. 930) during the 6 months' period ended July 2, 1966.

REVISED LIST OF SECURITIES

A.T. & T.
I.T. & T.
Scott Paper.
Continental Can.
Control Data.
Minnesota Mining & Manufacturing.
Monarch Equity Realty Investment.
Nationwide Corp.
United Aircraft Products.

RAYMOND R. MANION.

JULY 2, 1966.

[FR. Doc. 66–11259; Filed, Oct. 14, 1966; 8:47 a.m.]

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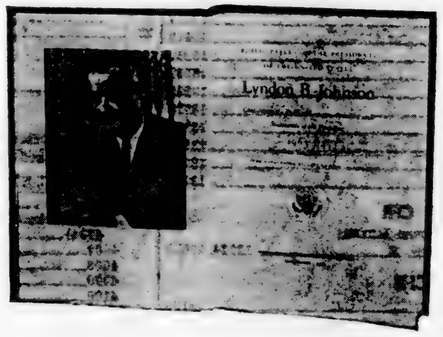
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US N3F

FEDERAL REGISTER

VOLUME 31 • NUMBER 202

Tuesday October 18, 1966 • Washington, D.C.

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Title 3—THE PRESIDENT

Executive Order 11311

CARRYING OUT PROVISIONS OF THE BEIRUT AGREEMENT OF 1948 RELATING TO AUDIO-VISUAL MATERIALS

By virtue of the authority vested in me as President of the United States, including the provisions of the Joint Resolution of October 8, 1966, Public Law 89–634, and section 301 of Title 3 of the United States Code, I hereby order and proclaim that—

1. Pursuant to section 3(b) of the Joint Resolution, the amendments to the Tariff Schedules of the United States made by section 3(a) of the Joint Resolution shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, on and after January 1, 1967.

2. Pursuant to the "Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character", made at Beirut in 1948, the Joint Resolution, and headnote 1 to schedule 8, part 6 of the Tariff Schedules of the United States, the United States Information Agency is hereby designated as the agency to carry out the provisions of the Agreement and related protocol, and to make any determinations and to prescribe any regulations required by headnote 1.

LYNDON B. JOHNSON

THE WHITE HOUSE,
October 14, 1966.

[F.R. Doc. 66-11337; Filed, Oct. 14, 1966; 3:11 p.m.]

Executive Order 11312

DESIGNATING THE SECRETARY OF STATE TO PERFORM FUNCTIONS RELATING TO CERTAIN OBJECTS OF CULTURAL SIGNIFICANCE IMPORTED INTO THE UNITED STATES FOR TEMPORARY DISPLAY OR EXHIBITION

By virtue of the authority vested in me by the Act of October 19, 1965, 79 Stat. 985, entitled "An Act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes," and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of State is hereby designated and empowered to perform the functions conferred upon the President by the above-mentioned Act and shall be deemed to be authorized, without the approval, ratification, or other action of the President, (1) to determine that any work of art or other object to be imported into the United States within the meaning of the Act is of cultural significance, (2) to determine that the temporary exhibition or display of any such work of art or other object in the United States is in the national interest, and (3) to cause public notices of the determinations referred to above to be published in the FEDERAL REGISTER.

SEC. 2. The Secretary of State, in carrying out this order, may consult with the Secretary of the Smithsonian Institution and with such other officers and such agencies of the Government as may be appropriate.

SEC. 3. The Secretary of State is hereby authorized to delegate within the Department of State the functions conferred upon him by this order.

LYNDON B. JOHNSON

THE WHITE HOUSE,
October 14, 1966.

[F.R. Doc. 66-11338; Filed, Oct. 14, 1966; 3:11 p.m.]

Executive Order 11313

PROVIDING THAT CERTAIN OFFICERS MAY ACT AS POSTMASTER GENERAL

By virtue of the authority vested in me by Section 3347 of Title 5 of the United States Code and Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. In the event of a vacancy in the office of Postmaster General or during the absence or disability of the Postmaster General, the Deputy Postmaster General shall act as Postmaster General.

SEC. 2. During any period when, by reason of absence, disability, or vacancy in office, neither the Postmaster General nor the Deputy Postmaster General is available to exercise the powers or perform the duties of the office of Postmaster General, an Assistant Postmaster General or the General Counsel of the Post Office Department, in such order as the Postmaster General may from time to time prescribe in writing, shall act as Postmaster General. If no such order of succession is in effect at that time, they shall act as Postmaster General in the order in which they shall have taken office as Assistant Postmasters General or General Counsel.

SEC. 3. The following are hereby superseded:

(1) Executive Order No. 10154 of August 22, 1950.

(2) Executive Order No. 10558 of September 8, 1954.

(3) Executive Order No. 10686 of November 1, 1956.

LYNDON B. JOHNSON

THE WHITE HOUSE,
October 15, 1966.

[F.R. Doc. 66-11383; Filed, Oct. 17, 1966; 10:26 a.m.]

Executive Order No. 11314

CREATING A BOARD OF INQUIRY TO REPORT ON CERTAIN LABOR DISPUTES AFFECTING THE MILITARY JET ENGINE INDUSTRY, MILITARY AIRCRAFT INDUSTRY, MILITARY ARMAMENT INDUSTRY AND MILITARY ELECTRONICS INDUSTRY OF THE UNITED STATES

WHEREAS, there have existed certain labor disputes between General Electric Company and certain of its employees represented by: International Union of Electrical Radio and Machine Workers, AFL–CIO; International Association of Machinists and Aerospace Workers, AFL–CIO; International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, AFL–CIO; International Union, Allied Industrial Workers of America, AFL–CIO; International Brotherhood of Electrical Workers, AFL–CIO; Sheet Metal Workers' International Association, AFL–CIO; American Federation of Technical Engineers, AFL–CIO; American Flint Glass Workers' Union of North America, AFL–CIO; United Electrical Radio and Machine Workers of America; United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL–CIO; United Steelworkers of America, AFL–CIO; International Union of Operating Engineers, AFL–CIO; International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America; Pattern Makers' League of North America, AFL–CIO; International Brotherhood of Firemen and Oilers, AFL–CIO; Syracuse Draftsmens Union; and

WHEREAS, although a tentative resolution of these disputes was arrived at by the parties, or some of them, nevertheless there is a strike at the Evendale, Ohio, plant of General Electric Company by Local No. 647 of the International Union of the United Automobile, Aerospace and Agricultural Implement Workers of America, AFL–CIO, and Locals 34 and 912 of the International Association of Machinists and Aerospace Workers, AFL–CIO, and there exists a threat that there will be further strikes at General Electric Company plants by one or more of the aforesaid international unions or local units thereof; and

WHEREAS, the existing strike at the Evendale, Ohio, plant of General Electric Company will, in my opinion, if permitted to continue, affect a substantial part of the military jet engine industry, which industry is engaged in trade, commerce, transportation, transmission, or communication among the several states or with foreign nations, or engaged in the production of goods for commerce, and which strike, if permitted to continue, will imperil the national safety; and

WHEREAS, threatened strikes at other General Electric Company plants will, in my opinion, if allowed to occur, affect a substantial part of the military jet engine industry, military aircraft industry, military armament industry and military electronics industry, which industries are engaged in trade, commerce, transportation, transmission, or communication among the several states or with foreign nations, or engaged in the production of goods for commerce, and which threatened strikes, if permitted to occur, will imperil the national safety;

NOW THEREFORE by virtue of the authority vested in me by Section 206 of the Labor Management Relations Act of 1947 (61 Stat. 155; 29 U.S.C. 176), I hereby create a Board of Inquiry, consisting of Mr. David L. Cole, Chairman, Mr. John Dunlop and Mr. Jacob Seidenberg, whom I appoint to inquire into the issues involved in these disputes.

The Board shall have powers and duties as set forth in Title II of such Act. The Board shall report to the President in accordance with the provisions of Section 206 of such Act. With respect to the dispute giving rise to the strike at Evendale, Ohio, plant it shall report on or before October 18th, 1966, and with respect to the dispute or disputes resulting in any other such strike, it shall report as soon as possible.

Upon the submission of its report or reports, the Board shall continue in existence to perform such other functions as may be required under such Act.

LYNDON B. JOHNSON

THE WHITE HOUSE,
October 17, 1966.

[F.R. Doc. 66-11415; Filed, Oct. 17, 1966; 1:07 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Control Percentages for 1966–67 Marketing Year

Notice was published in the September 30, 1966, issue of the FEDERAL REGISTER (31 F.R. 12795) regarding a proposal to establish control percentages applicable to walnuts grown in California, Oregon, and Washington for the marketing year beginning August 1, 1966. The percentages are based on recommendations of the Walnut Control Board and other available information in accordance with the applicable provisions of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Board, and other available information, it is found that to establish marketable and surplus percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the marketable and surplus percentages for walnuts handled during the 1966–67 marketing year are established as follows:

§ 984.214 Marketable and surplus percentages for walnuts during the 1966–67 marketing year.

The marketable and surplus percentages during the marketing year beginning August 1, 1966, shall be as follows:

	District 1	District 2
Marketable	90	95
Surplus	10	5

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said amended marketing agreement and this part require that marketable and surplus percentages designated for a particular marketing year shall be applicable to all walnuts handled during such year; and (2) the current marketing year began on August 1, 1966, and the percentages established herein will automatically apply to all such walnuts beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 12, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11301; Filed, Oct. 17, 1966; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-SO-80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

Correction

In F.R. Doc. 66-10763, appearing at page 12943 of the issue for Wednesday, October 5, 1966, the fifth line of paragraph seven should be corrected to read "234° radial. Because of the redefining".

[Airspace Docket No. 66-WA-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Copper, Alaska, Intersection as a low altitude reporting point.

Air traffic control requirements periodically change with regard to specific reporting points due to modifications of operating procedures or alteration to airway configurations. Recent changes obviate the requirement for the Copper Intersection as a low altitude reporting point.

Since this amendment is procedural in nature and does not involve the designation of airspace, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

Section 71.211 (31 F.R. 2289) is amended by deleting: "Copper INT: INT Homer, Alaska, 269°, King Salmon, Alaska, 051° radials."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 11, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-11291; Filed, Oct. 17, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation, Revocation and Alteration of Federal Airways

On August 11, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10695) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the VOR airway structure in the Phoenix/Prescott/Winslow/Flagstaff, Ariz., area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth.

Section 71.123 (31 F.R. 2009, 2717, 6484) is amended as follows:

a. In V-105 ", including an E alternate via INT of Phoenix 004° and Prescott 135° radials" is deleted.

b. In V-291 "Peach Springs, Ariz.," is deleted and "12 AGL Flagstaff, Ariz., including an 12 AGL N alternate from Winslow to Flagstaff via INT Winslow 292° and Flagstaff 063° radials." is substituted therefor.

c. V-327 is added:

V-327 From Phoenix, Ariz., 12 AGL via INT of Phoenix 004° and Flagstaff, Ariz., 187° radials; 12 AGL Flagstaff.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 11, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-11292; Filed, Oct. 17, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Waycross, Ga., transition area.

The Waycross transition area is described in § 71.181 (31 F.R. 2149). An extension to the 700-foot portion is described as "* * * within 2 miles each side of the Waycross, Ga., VOR 100° radial, extending from the 5-mile radius area to the Waycross VOR 207° and 027° radials * * *." An extension to the 1,200-foot portion is described as "* * * and that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Waycross VOR 297° radial, extending from the VOR to 12 miles NW * * *."

Because of an error in the description, it is necessary to alter the transition area by redesignating the 700-foot extension predicated on the 100° radial to the 099° radial; redesignate the radials, 207° and 027°, that limit the extension to the 206° and 026° radials; and redesignate the 1,200-foot extension predicated on the 297° radial to the 296° radial.

Since this amendment is editorial in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the Waycross, Ga., transition area is amended to read:

WAYCROSS, GA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Waycross-Ware County Airport (latitude 31°14'55" N., longitude 82°23'48" W.); within 2 miles each side of the Waycross, Ga., VOR 099° radial, extending from the 5-mile radius area to the Waycross VOR 206° and 026° radials; and that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Waycross VOR 296° radial, extending from the VOR to 12 miles NW.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 7, 1966.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66-11293; Filed, Oct. 17, 1966; 8:45 a.m.]

[Regulatory Docket No. 7672; Amdt. 73-1]

PART 73—SPECIAL USE AIRSPACE

Prohibited Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to establish Subpart C—Prohibited Areas, change the boundaries of Prohibited Area P-56 as described in Executive Order 10126, and include the redescribed P-56 in the new subpart.

In keeping with its continuing policy of reexamining restrictions on the public use of airspace, the FAA has reviewed the airspace affected by Executive Order 10126 and has determined that it is possible to reduce the size of the prohibited area involved.

Concurrently, the Executive Office of the President has advised that it has no objection to this alteration.

The insertion of the revised description of P-56 in Subpart C of Part 73 does not change the present prohibition of flight therein. No person may navigate an aircraft within the Prohibited Area unless authorization is first obtained from the Administrator of the Federal Aviation Agency.

Due to the length and complexity of the descriptions of prohibited areas, they and all subsequent changes thereto will not be carried in the publication, Federal Aviation Regulations, Part 73, Special Use Airspace. Such descriptions and subsequent changes will be published in the FEDERAL REGISTER and will be included on appropriate aeronautical charts.

Since these amendments return airspace to the public for use, or are editorial in nature, notice and public procedure thereon are unnecessary and they may be made effective in less than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as follows:

§ 73.1 [Amended]

1. In Subpart A—General, § 73.1 *Applicability* is amended by adding "and Subpart C" after the words "Subpart B".

§ 73.15 [Amended]

2. In Subpart B § 73.15(a) is amended by deleting "part" and substituting "subpart" therefor.

§ 73.21 [Amended]

3. In Subpart B the center heading preceding § 73.21 is deleted.

4. Following Subpart B, add:

Subpart C—Prohibited Areas

Sec.
73.81 Applicability.
73.83 Restrictions.
73.85 Using agency.

DESCRIPTIONS OF DESIGNATED PROHIBITED AREAS

73.87 P-56, District of Columbia.

AUTHORITY: The provisions of this Subpart C issued under secs. 307, 1501, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1301.

Subpart C—Prohibited Areas

§ 73.81 Applicability.

This subpart designates prohibited areas and prescribes limitations on the operation of aircraft therein.

§ 73.83 Restrictions.

No person may operate an aircraft within a prohibited area unless authorization has been granted by the using agency.

§ 73.85 Using agency.

For the purpose of this subpart, the using agency is the agency, organization or military command that established the requirement for the prohibited area.

NOTE: Sections 73.87 through 73.99 are reserved for descriptions of designated prohibited areas.[1]

DESCRIPTIONS OF DESIGNATED PROHIBITED AREAS

§ 73.87 P-56, District of Columbia.

BOUNDARIES:

A. Beginning at the southwest corner of the Lincoln Memorial (latitude 38°53'20" N.; longitude 77°03'03" W.);

Thence via a 327° bearing, 0.6 mile, to the intersection of New Hampshire Avenue and Rock Creek and Potomac Parkway NW. (latitude 38°53'45" N.; longitude 77°03'24" W.);

Thence northeast along New Hampshire Avenue, 0.6 mile, to Washington Circle, at the intersection of New Hampshire Avenue and K Street NW. (latitude 38°54'08" N.; longitude 77°03'03" W.);

Thence east along K Street, 2.5 miles, to the railroad overpass between First and Second Streets NE. (latitude 38°54'08" N.; longitude 77°00'14" W.);

Thence southeast via a 158° bearing, 0.7 mile, to the southeast corner of Stanton Square, at the intersection of Massachusetts Avenue and Sixth Street NE. (latitude 38°53'35" N.; longitude 76°59'57" W.);

Thence southwest via a 211° bearing, 0.8 mile, to the Capitol Power Plant at the intersection of New Jersey Avenue and E Street SE. (latitude 38°52'50" N.; longitude 77°00'25" W.);

Thence west via a 265° bearing, 0.7 mile, to the intersection of the Southwest Freeway (Interstate Route 95) and Sixth Street SW., extended (latitude 38°52'56" N.; longitude 77°01'13" W.);

Thence north along Sixth Street, 0.4 mile, to the intersection of Sixth Street and Independence Avenue SW. (latitude 38°53'15" N.; longitude 77°01'13" W.);

Thence west along the north side of Independence Avenue, 0.8 mile, to the intersection of Independence Avenue and 15th Street SW. (latitude 38°53'16" N.; longitude 77°-02'02" W.);

Thence west along the southern lane of Independence Avenue, 0.4 mile to the west end of the Kutz Memorial Bridge over the Tidal Basin (latitude 38°53'12" N.; longitude 77°02'28" W.);

Thence west via a 285° bearing, 0.6 mile, to the southwest corner of the Lincoln Memorial, the point of beginning.

B. That area within a one-half mile radius from the center of the U.S. Naval Observatory located between Wisconsin and Massachusetts Avenues at 34th Street NW. (latitude 38°55'17" N.; longitude 77°04'02" W.).

Designated altitudes: Surface to unlimited.
Time of designation: Continuous.
Using agency: Administrator, Federal Aviation Agency, Washington, D.C.

(Secs. 307, 1501, Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1301)

Issued in Washington, D.C., on October 11, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-11294; Filed, Oct. 17, 1966; 8:45 a.m.]

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[1] The airspace descriptions in this part and their subsequent changes are published in the FEDERAL REGISTER. Due to their complexity and length, they will not be included in this publication of Part 73.

SUBCHAPTER I—AIRPORTS

[Docket No. 7673; Amdt. 151-15]

PART 151—FEDERAL AID TO AIRPORTS

Additional Technical Guidelines

Appendix I sets forth the list of Advisory Circulars providing technical guidelines that are made mandatory by § 151.72 of the Federal Aviation Regulations (14 CFR 151.72). The purpose of this amendment is to add to Appendix I to Part 151 an additional Advisory Circular, AC 150/5335-1, "Airport Taxiways"; to cancel AC 150/5340-4 and replace it with AC 150/5340-4A; and to cancel AC 150/5345-1 and replace it with AC 150/5345-1A.

This rule-making action is taken on the authority of sections 2 through 15, and 17 through 20 of the Federal Airport Act (49 U.S.C. 1101-1114, 1116-1119), and under the delegation of authority to the Director, Airports Service in § 151.72(b) of the Federal Aviation Regulations (14 CFR 151.72(b)). Since this amendment relates to public grants and benefits, notice and public procedure thereon are not required.

In consideration of the foregoing, effective November 17, 1966, Part 151, Appendix I, subsection (a), "Circulars available free of charge", is amended as follows:

1. By inserting Advisory Circular 150/5335-1, "Airport Taxiways", immediately following the listing of Advisory Circular 150/5330-2, "Runway/Taxiway Widths and Lengths", and preceding the listing of Advisory Circular 150/5340-1A, "Marking of Serviceable Runways and Taxiways".

2. By deleting AC 150/5340-4, "Installation Details for In-Runway Lighting", and inserting in its place AC 150/5340-4A, "Installation Details for Centerline and Touchdown Zone Lighting Systems".

3. By deleting AC 150/5345-1, "Approved Airport Lighting Equipment", and inserting in its place AC 150/5345-1A, "Approved Airport Lighting Equipment".

Issued in Washington, D.C., on October 10, 1966.

CHESTER G. BOWERS,
Acting Director, Airports Service.

[F.R. Doc. 66-11295; Filed, Oct. 17, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8629 o.]

PART 13—PROHIBITED TRADE PRACTICES

Rabiner & Jontow, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13)

[Cease and desist order, Rabiner & Jontow, Inc., New York, N.Y., Docket 8629, Sept. 19, 1966]

Order requiring a New York City manufacturer of ladies' coats and suits to cease discriminating among its competing retail customers in paying promotional allowances in violation of section 2(d) of the Clayton Act.

The order to cease and desist, is as follows:

Now, therefore, it is ordered, That respondent Rabiner & Jontow, Inc., a corporation, its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11309; Filed, Oct. 17, 1966; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Promotional Assistance Plans Must Be Reasonable and Nondiscriminatory

§ 15.94 Promotional assistance plans must be reasonable and nondiscriminatory.

(a) The Commission issued an advisory opinion regarding the obligations of a supplier in offering alternatives to his basic plan for providing promotional assistance to his competing, retailer-customers by placing advertisements on shopping carts.

(b) The requesting party, a promoter, had a basic promotional assistance plan which some competing retailer-customers of suppliers participating in the plan were functionally unable to use because the retailer-customers did not have or use shopping carts. The plan provided that such competing retailer-customers were to be offered a reasonably usable alternative way of obtaining the proportionally equal assistance to which they are entitled under the provisions of section 2 (d) and (e) of the Robinson-Patman amendment to the Clayton Act.

(c) The question presented was whether a retailer-customer, whose business operation was such that he was functionally able to use and benefit from the basic—shopping cart—plan could demand the alternative form of assistance, if he so desired.

(d) In its opinion, the Commission stated that whether a supplier's promotional assistance plans are reasonable and nondiscriminatory in their application is essentially a question of fact. The Commission held that if the retailer-customer was able, in fact, to use and benefit from the basic plan offered, but rejected same, the supplier need not offer such retailer-customer the alternative plan. The Commission pointed out that the burden of proof on this issue of fact as it may arise in particular cases will rest upon the supplier. The Commission added that if a competing retailer-customer is unable to use the basic plan, because of the nature of his business operation, he must be offered an alternative plan. However, if he rejects the alternative plan for reasons of his own and said plan could be reasonably used to his benefit, then, the supplier would incur no liability for declining to offer another alternative.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: October 17, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11306; Filed, Oct. 17, 1966; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Foreign Origin; Computers

§ 15.95 Foreign origin; computers.

The Commission issued an Advisory Opinion to the effect that it would be improper to use the "Made in U.S.A." designation in labeling or advertising a computer of which 23 percent of the factory cost was accounted for by imported parts and 77 percent was accounted for by domestically produced parts, assembling and factory testing in the United States.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 17, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11307; Filed, Oct. 17, 1966; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-224]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation of Empty Cargo Vans and Shipping Tanks by Swedish Vessels

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Sweden extends to vessels of the United States in ports of Sweden privileges reciprocal to those provided for in § 4.93(a) of the Customs Regulations. Vessels of Sweden are therefore entitled to the privileges granted by this section.

Accordingly, § 4.93(b) of the Customs Regulations is amended by the insertion of "Sweden" in appropriate alphabetical order in the list of countries in that section.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 46 U.S.C. 2, 883)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: October 11, 1966.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-11303; Filed, Oct. 17, 1966; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965 ------)

Subpart J—Conditions of Participation; Hospitals

In the matter of proposing regulations relating to conditions of participation by hospitals in the Health Insurance for the Aged program (Title XVIII of the Social Security Act, as amended); on February 15, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 2748). Interested parties were given the opportunity to submit written views or arguments within 30 days after publication of such notice.

All of the written comments submitted were considered, and modifications have been made in the proposed regulations accordingly. In addition, changes in the proposed regulations which are editorial and clarifying in nature were made throughout the sections. Discussion of the more significant changes follows:

(1) Section 405.1001 was amended by adding a paragraph (g) which gives recognition to the American Osteopathic Association hospital accreditation program, and stipulates that periodic reevaluation of the implementation of the American Osteopathic Association accreditation program will be undertaken.

(2) Section 405.1027 has been changed to indicate, more precisely, the role of the consulting pharmacist and the functions of the pharmacy and therapeutics committee, and also, to indicate more clearly that it is acceptable for a hospital to dispense combination drugs.

(3) In § 405.1031 there has been added revised language designed to indicate more clearly the services which may appropriately be available in a rehabilitation department, and to clarify who can serve as the director of a separate physical or occupational therapy department. Additionally, language of paragraph (d) (3) and (4) was modified to more clearly define the qualifications of required personnel where physical and/or occupational therapy services are offered.

Chapter III, Title 20 is amended by adding thereto Subpart J of Part 405 to read as set forth below. The addition of Subpart J of Part 405, Title 20, shall be effective upon publication in the FEDERAL REGISTER.

Dated: October 3, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 8, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare

Subpart J—Conditions of Participation; Hospitals

Sec.
405.1001 General.
405.1002 Conditions of participation; general.
405.1003 Standards; general.
405.1004 Certification by State agency.
405.1005 Principles for the evaluation of hospitals to determine whether they meet the conditions of participation.
405.1006 Time limitations on certifications of substantial compliance.
405.1007 Certificate of noncompliance.
405.1008 Criteria for determining substantial compliance.
405.1009 Documentation of findings.
405.1010 Authorization for special certification in areas where necessary to providing access to hospital care.
405.1011 Provision of emergency services by nonparticipating hospitals.
405.1020 Condition of participation—compliance with State and local laws.
405.1021 Condition of participation—Governing body.
405.1022 Condition of participation—Physical environment.
405.1023 Condition of participation—Medical staff.
405.1024 Condition of participation—Nursing department.
405.1025 Condition of participation—Dietary department.
405.1026 Condition of participation—Medical record department.
405.1027 Condition of participation—Pharmacy or drug room.
405.1028 Condition of participation—Laboratories.
405.1028 Condition of participation—Radiology department.
405.1030 Condition of participation—Medical library.
405.1031 Condition of participation—Complementary departments.
405.1032 Condition of participation—Outpatient department.
405.1033 Condition of participation—Emergency service or department.
405.1034 Condition of participation—Social work department.
405.1035 Condition of participation—Utilization review plan.
405.1036 Special rules and exceptions applying to psychiatric and tuberculosis hospitals.
405.1037 Condition of participation—Special medical record requirements for psychiatric hospitals.
405.1038 Condition of participation—Special staff requirements for psychiatric hospitals.
405.1039 Condition of participation—Special medical record requirements for tuberculosis hospitals.
405.1040 Condition of participation—Special staff requirements for tuberculosis hospitals.

AUTHORITY: The provisions of this Subpart J issued under secs. 1102, 1861 (c), (f), and (g), 1864 and 1871; 49 Stat. 647, as amended; 79 Stat. 314-316, 79 Stat. 326; 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq

§ 405.1001 General.

(a) In order to participate as a hospital in the health insurance program for the aged, an institution must be a "hospital" within the meaning of section 1861(e) of the Act. This section of the law states a number of specific requirements which must be met by participating hospitals and authorizes the Secretary of Health, Education, and Welfare to prescribe other requirements considered necessary in the interest of health and safety of beneficiaries.

Section 1861. For purposes of this title—

* * * * * *

(e) The term "hospital" (except for purposes of section 1814(d), subsection (a)(2) of this section, paragraph (7) of this subsection, and subsections (l) and (n) of this section) means an institution which—

(1) is primarily engaged in providing, by or under the supervision of physicians, to inpatients, (a) diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or (b) rehabilitation services for the rehabilitation of injured, disabled, or sick persons;

(2) maintains clinical records on all patients;

(3) has bylaws in effect with respect to its staff of physicians;

(4) has a requirement that every patient must be under the care of a physician;

(5) provides 24-hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times;

(6) has in effect a hospital utilization review plan which meets the requirements of subsection (k);

(7) in the case of an institution in any State which State or applicable local law provides for the licensing of hospitals, (a) is licensed pursuant to such law or (b) is approved, by the agency of such State or locality responsible for licensing hospitals, as meeting the standards established for such licensing; and

(8) meets such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services in the institution, except that such other requirements may not be higher than the comparable requirements prescribed for the accreditation of hospitals by the Joint Commission on Accreditation of Hospitals (subject to the second sentence of sec. 1863). For purposes of subsection (a)(2), such term includes any institution which meets the requirements of paragraph (1) of this subsection. For purposes of sections 1814(d) (including determination of whether an individual received inpatient hospital services for purposes of such section), and subsections (l) and (n) of this section, such term includes any institution which meets the requirements of paragraphs (1), (2), (3), (4), (5), and (7) of this subsection. Notwithstanding the preceding provisions of this subsection, such term shall not, except for purposes of subsection (a)(2), include any institution which is primarily for the care and treatment of mental diseases or tuberculosis unless it is a tuberculosis hospital (as defined in subsection (g)) or unless it is a psychiatric hospital (as defined in subsection (f)). The term "hospital" also includes a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Mass., but only with respect to items and services ordinarily furnished by such institution to inpatients, and payment may be made with respect to services provided by or in such an institution only to such extent and under such conditions, limitations, and requirements (in addition to or in lieu of the conditions, limitations, and requirements otherwise applicable) as may be provided in regulations. For provisions deeming certain requirements of this subsection to be met in the case of accredited institutions, see section 1865.

(b) The requirements included in the statute and those additional health and safety requirements prescribed by the Secretary are set forth in the Conditions of Participation for Hospitals. A hospital which meets all of the specific statutory requirements and which is found to be in substantial compliance with the additional conditions prescribed by the Secretary may, if it so desires, agree to become a participating hospital.

(c) Although the Secretary, in general, may not establish requirements that are higher than the comparable requirements prescribed for accreditation by the Joint Commission on Accreditation of Hospitals, he may, at the request of a State, approve higher health and safety requirements for that State. Also, where a State or political subdivision imposes higher requirements on institutions as a condition for the purchase of services under a State plan approved under Title I, XVI, or XIX of the Social Security Act, the Secretary is required to impose like requirements as a condition to the payment for services in such institutions in that State or subdivision. Hospitals currently accredited by the Joint Commission on Accreditation of Hospitals will be deemed to meet all of the Conditions for Participation, except the requirement for utilization review and, in the case of tuberculosis and psychiatric hospitals, the additional staffing and medical records requirements considered necessary for the provision of intensive care. Consequently, a JCAH approved general hospital will be able to establish eligibility to participate by furnishing adequate evidence that it has an effective utilization review plan. Ordinarily, a written description of the plan and a certification by the hospital that it is either currently in effect or that it will be in effect no later than the first day on which a hospital expects to become a participating provider of services, will constitute sufficient evidence to support a finding that the utilization review plan of such hospital is or is not in conformity with statutory requirements for such a plan.

(d) Likewise, hospitals currently accredited by the American Osteopathic Association, as specified in the next sentence, will be deemed to meet all of the Conditions of Participation, except the requirement for utilization review and, in the case of tuberculosis and psychiatric hospitals, the additional staffing and medical records requirements considered necessary for the provision of intensive care. Hospitals so accredited will be deemed to meet such conditions if their most recent accreditation survey was conducted after March 1966 or they were most recently evaluated for accreditation under standards in effect after the issuance by the American Osteopathic Association of its revised standards for hospital accreditation of November 1965. Recognition of the American Osteopathic Association accreditation program as provided for in this paragraph will be continued so long as there is continued assurance that hospitals accredited under the program meet the Conditions of Participation.

(e) Attention is invited to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88-352) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (sec. 601), and to the implementing regulation issued by the Secretary of Health, Education, and Welfare with the approval of the President (Part 80 of this subtitle).

§ 405.1002 Conditions of participation; general.

For an institution to be eligible for participation in the program, it must meet the statutory requirements of section 1861(e) and there must be a finding of substantial compliance on the part of the institution with all the other conditions. These conditions which are set forth in § 405.1020 through § 405.1040 are requirements related to the quality of care and the adequacy of the services and facilities which the institution provides. They represent essential functions to be performed by the institution and its staff in order to satisfy the requirements for participation. It will not be unusual for hospitals to differ in the manner in which these functions are performed. Variations in the type and size of hospitals and the nature and scope of services offered will be reflected in differences in the details of organization, staffing, and facilities. However, the test is whether there is substantial compliance with each of the conditions.

§ 405.1003 Standards; general.

As a basis for a determination as to whether or not there is substantial compliance with the prescribed conditions in the case of any particular hospital, a series of standards, almost all interpreted by explanatory factors, are listed under each condition. These standards represent a broad range and variety of activities which hospitals may undertake or be pursuing in order to carry out the functions embodied in the conditions. Reference to these standards will enable the State agency surveying a hospital to document the activities of the hospital, to establish the nature and extent of the hospital's deficiencies, if any, with respect to any particular function, and to assess the hospital's need for improvement in relation to the prescribed conditions. In substance, the application of the standards, together with the explanatory factors, will indicate the extent and degree to which a hospital is complying with each condition.

§ 405.1004 Certification by State agency.

(a) Title XVIII of the Social Security Act provides that the services of State agencies operating under agreements with the Secretary will be used by the Secretary in determining whether institutions meet the Conditions of Participation. Pursuant to these agreements, State agencies will certify to the Secretary findings as to whether the facilities and services of the hospital substantially meet the conditions. The Secretary, on the basis of such certifications from the State agency, will determine whether or not an institution is a hospital eligible to participate in the health insurance program as a provider of services.

(b) The certifications by the State agency represent recommendations to the Secretary. Notice of determination of eligibility or noneligibility made by the Secretary on the basis of a State agency certification will be sent to the institution concerned by the Social Security Administration after such review and professional consultation with the Public Health Service as may be required. If it is determined that the institution does not comply with the conditions of participation, the institution has a right to appeal from such determination and request a hearing.

§ 405.1005 Principles for the evaluation of hospitals to determine whether they meet the conditions of participation.

Hospitals (except tuberculosis and psychiatric hospitals, see § 405.1036 et seq.)

will be considered in substantial compliance with the Conditions of Participation upon acceptance by the Secretary of findings, adequately documented and certified to by the State agency, showing that:

(a) The hospital is:

(1) Accredited by the Joint Commission on Accreditation of Hospitals or accredited by the American Osteopathic Association as set forth in § 405.1001(d), and

(2) Has established a utilization review plan meeting the statutory requirements of section 1861(k) and such plan is in effect or will be put into effect no later than the first day a hospital expects to become a participating provider of services, or

(b) The hospital meets the specific statutory requirements of section 1861(e) and is found to be operating in accordance with all Conditions of Participation with no significant deficiencies, or

(c) The hospital meets the specific statutory requirements of section 1861(e) but is found to have deficiencies with respect to one or more Conditions of Participation which:

(1) It is making reasonable plans and efforts to correct, and

(2) Notwithstanding the deficiencies, is rendering adequate care and without hazard to the health and safety of individuals being served, taking into account special procedures or precautionary measures which have been or are being instituted.

§ 405.1006 Time limitations on certifications of substantial compliance.

(a) All initial certifications by the State agency to the effect that a hospital is in substantial compliance with the Conditions of Participation will be for a period of 2 years, beginning with July 1, 1966, or, if later, with the date on which the hospital is first found to be in substantial compliance with the Conditions. Ordinarily, a resurvey will be scheduled to be conducted not later than the 24th month of a 2-year period of certification; however, the resurvey may be conducted earlier than the scheduled time if the circumstances warrant it. State agencies may visit or resurvey institutions where necessary to ascertain continued compliance or to accommodate to periodic or cyclical survey programs. A State finding and certification to the Secretary that an institution is no longer in compliance may occur within a 2-year or subsequent period of certification.

(b) If a hospital is certified by the State agency as in substantial compliance under the provisions of § 405.1005 (c) the following information will be incorporated into the finding and, if the Secretary determines that the hospital is eligible to participate in the program as a provider of services, into a notice of eligibility to the hospital:

(1) A statement of the deficiencies which were found, and

(2) A description of progress which has been made and further action which is being taken to remove the deficiencies, and

(3) A scheduled time for a re-survey of the institution to be conducted not later than the 18th month (or earlier, depending on the nature of the deficiencies) of the period of certification.

§ 405.1007 Certification of noncompliance.

(a) The State agency will certify that an institution is not in compliance with the conditions of participation, or, where a determination of eligibility has been made, that an institution is no longer in compliance where:

(1) The institution is not in compliance with one or more of the statutory requirements of section 1861(e), or

(2) The institution has deficiencies of such character as to seriously limit the capacity of the institution to render adequate care or which place health and safety of individuals in jeopardy, and consultation to the institution has demonstrated that there is no early prospect of such significant improvement as to establish substantial compliance as of a later beginning date, or

(3) After a previous period or part thereof for which the institution was certified under circumstances outlined in § 405.1005(c), there is a lack of progress toward a removal of deficiencies which the State agency finds are adverse to the health and safety of individuals being served.

(b) If, on the basis of a State agency certification, it is determined by the Secretary that a hospital is not in compliance with the conditions of participation, or that a hospital is no longer in compliance and the participation agreement is terminated, the hospital may request that the determination be reviewed.

§ 405.1008 Criteria for determining substantial compliance.

Findings made by a State agency as to whether a hospital is in substantial compliance with the Conditions of Participation require a thorough evaluation of the degree to which operation of a hospital demonstrates adequate performance of the functions which are embodied in the conditions. The State evaluation will take into consideration:

(a) The degree to which each standard, as well as the total set of standards relating to a Condition of Participation, are met; and

(b) When there is a deficiency in meeting a standard: (1) Whether the deficiency is one concerning the statutory requirements which must be met by all hospitals (section 1861(e) of the Act;

(2) Whether the deficiency creates a serious hazard to health and safety; and

(3) Whether the hospital is making reasonable plans and efforts to correct the deficiency within a reasonable period.

§ 405.1009 Documentation of findings.

Where the State agency certification to the Secretary is that an institution is not in compliance with the Conditions of Participation, such documentation is to include a report of all consultation which has been undertaken in an effort to assist the institution to comply with the conditions, a report of the institution's responses with respect to the consultation, and the State agency's assessment of the prospects for such improvements as to enable the institution to achieve substantial compliance with the conditions.

§ 405.1010 Authorization for special certification in areas where necessary to providing access to hospital care.

(a) Where, by reason of factors such as isolated location or absence of sufficient facilities in an area, the denial of eligibility of an institution to participate would seriously limit the access of beneficiaries to participating hospitals, an institution may, upon recommendation by the State agency, be approved by the Secretary as a provider of services. Such approvals will be granted only where there are no deficiencies of such character and seriousness as to place health and safety of individuals in jeopardy. An institution receiving this special approval shall furnish information showing the extent to which it is making the best use of its resources to improve its quality of care. Re-surveys of such institutions will be made at least annually.

(b) Each case will have to be decided on its individual merits, and while the degree and extent of compliance will vary, the institution must, as a minimum, meet all of the statutory conditions in section 1861(e) (1)–(7) of the Act, in addition to meeting such other requirements as the Secretary finds necessary under section 1861(e)(8) of the Act.

§ 405.1011 Provision of emergency services by nonparticipating hospitals.

An institution which has not been determined by the Secretary as being in compliance with all of the Conditions, or which is not accepted to become a participating hospital may, nevertheless, be paid under the program for emergency services furnished provided it meets the requirements of section 1861(e) (1), (2), (3), (4), (5), and (7) of the Act, as amended.

§ 405.1020 Condition of participation—compliance with State and local laws.

The hospital is in conformity with all applicable State and local laws.

(a) *Standard; licensure of hospital.* The hospital, in any State in which State or applicable local law provides for the licensing of hospitals, is (1) licensed pursuant to such law, or (2) approved, by the agency of the State or locality responsible for licensing hospitals, as meeting the standards established for such licensing.

(b) *Standard; licensure or registration of personnel.* Staff of the hospital is licensed or registered in accordance with applicable laws.

(c) *Standard; conformity with other laws.* The hospital is in conformity with laws relating to fire and safety, to communicable and reportable diseases, to postmortem examinations, and to other relevant matters.

§ 405.1021 Condition of participation—Governing body.

The hospital has an effective governing body legally responsible for the conduct of the hospital as an institution. However, if a hospital does not have an organized governing body, the persons legally responsible for the conduct of the hospital carry out the functions herein pertaining to the governing body.

(a) *Standard; bylaws.* The governing body has adopted bylaws in accordance with legal requirements. The factors explaining the standard are as follows:

(1) The bylaws are in writing and available to all members of the governing body.

(2) The bylaws:

(i) Stipulate the basis upon which members are selected, their term of office, and their duties and requirements;

(ii) Specify to whom responsibilities for operation and maintenance of the hospital, including evaluation of hospital practices, may be delegated; and the methods established by the governing body for holding such individuals responsible;

(iii) Provide for the designation of necessary officers, their terms of office and their duties, and for the organization of the governing body into essential committees;

(iv) Specify the frequency with which meetings will be held;

(v) Provide for the appointment of members of the medical staff; and

(vi) Provide mechanisms for the formal approval of the organization, bylaws, rules and regulations of the medical staff and its departments in the hospital.

(b) *Standard; meetings.* The governing body meets at regular, stated intervals. The factors explaining the standard are as follows:

(1) Meetings are held frequently enough for the governing body to carry on necessary planning for growth and development and to evaluate the conduct of the hospital, including the care and treatment of patients, the control, conservation and utilization of physical and financial assets, and the procurement and direction of personnel.

(2) Minutes of meetings reflect pertinent business conducted, and are regularly distributed to members of the governing body.

(c) *Standard; committees.* The governing body appoints committees. There should be an Executive Committee and others as indicated for special purposes. The factors explaining the standard are as follows:

(1) The number and types of committees appointed are consistent with the size and scope of activities of the hospital.

(2) An Executive Committee, or the governing body as a whole, coordinates the activities and general policies of the various hospital departments and special committees established by the governing body.

(3) Written minutes or reports, which reflect business conducted by the Executive Committee, are maintained for review and analysis by the governing body.

(4) Other committees, including finance, joint conference, and building and maintenance, function in a manner consistent with their duties as assigned by the governing body and maintain written minutes or reports which reflect the enactment of such duties. If such other committees are not appointed, a member or members of the governing body assume those duties normally assigned to such committees.

(d) *Standard; liaison.* The governing body has established a formal means of liaison with the medical staff by a joint conference committee or other appropriate mechanism. The factors explaining the standard are as follows:

(1) A direct and effective method of communication with the medical staff is established on a formal, regular basis, and is documented in written minutes or reports which are distributed to designated members of the governing body and active medical staff.

(2) Such effective liaison is a responsibility of the Joint Conference Committee, the Executive Committee, or designated members of the governing body.

(e) *Standard; medical staff.* The governing body appoints members of the medical staff. The factors explaining the standard are as follows:

(1) A formal procedure is established, governed by written rules and regulations, covering the application for medical staff membership and the method of processing application.

(2) The procedure related to the submission and processing of applications involves the administrator, credentials committee of the medical staff or its counterpart, and the governing body, all functioning on a regular basis.

(3) Selection of physicians and definition of their medical privileges, both for new appointments and reappointments, are based on written, defined criteria.

(4) Actions taken on applications for medical staff appointments by the governing body are put in writing and retained.

(5) Written notification of applicants is made by either the governing body or its designated representative.

(6) Applicants selected for medical staff appointment sign an agreement to abide by the rules, regulations, and bylaws of the hospital.

(7) There is a procedure for appeal and hearing by the governing body or other designated committee if the applicant or medical staff feels the decision is unfair or wrong.

(f) *Standard; qualified hospital administrator.* The governing body appoints a qualified hospital administrator or other chief executive officer. The factors explaining the standard are as follows:

(1) The administrator has had actual experience of a suitable kind, nature and duration in hospital administration.

(2) Preferably the administrator has had formal training in a graduate program in hospital administration approved for membership in the Association of University Programs in Hospital Administration.

(g) *Standard; administrator duties.* The administrator acts as the executive officer of the governing body, is responsible for the management of the hospital, and provides liaison among the governing body, medical staff, nursing staff, and other departments of the hospital. The factors explaining the standard are as follows:

(1) In discharging his duties, the administrator keeps the governing body fully informed of the conduct of the hospital through annual, monthly, or written reports and by attendance at meetings of the governing body.

(2) The administrator organizes the day-to-day functions of the hospital through appropriate departmentalization and delegation of duties.

(3) The administrator establishes formal means of accountability on the part of subordinates to whom he has assigned duties.

(4) To maintain sufficient liaison between the governing body, medical and nursing staffs and other departments, the administrator holds interdepartmental and departmental meetings, where appropriate, attends or is represented at such meetings on a regular basis, and reports to such departments as well as the governing body the pertinent activities of the hospital.

(5) The administrator has sufficient freedom from other responsibilities to permit adequate attention to the management and administration of the hospital.

(h) *Standard; all patients under physician's care.* The governing body is responsible for establishing a policy which requires that every patient must be under the care of a physician. The factors explaining the standard are as follows:

(1) Patients are admitted to the hospital only on the recommendation of a physician.

(2) A member of the house staff or other physician is on duty or on call at all times and available within 15 to 20 minutes at the most.

(i) *Standard; physical plant.* The governing body is responsible for providing a physical plant equipped and staffed to maintain the needed facilities and services for patients. The factors explaining the standard are as follows:

(1) The governing body receives periodic written reports from appropriate intramural and extramural sources about the adequacy of the physical plant, equipment and personnel, as well as any deficiencies.

(2) A member, members, or committee of the governing body is assigned primary responsibility for this aspect in the conduct of the hospital.

(3) In order to provide a suitable physical plant which is well-equipped and staffed, the governing body is responsible for raising funds or otherwise arranging for the availability of funds, adopting a budget for the institution, and approving schedules of charges.

§ 405.1022 Condition of participation—Physical environment.

The buildings of the hospital are constructed, arranged, and maintained to insure the safety of the patient, and provide facilities for diagnosis and treatment and for special hospital services appropriate to the needs of the community.

(a) *Standard; buildings.* The buildings of the hospital are solidly constructed with adequate space and safeguards for each patient. The factors explaining the standard are as follows:

(1) The physical facility has current approvals following inspection by appropriate State and/or local authorities.

(2) The condition of the physical plant and the over-all hospital environment are developed and maintained in such a manner that the safety and well-being of patients are assured.

(3) The physical plant provides:

(i) Facilities for the physical separation of all isolation patients, particularly those with communicable diseases, and facilities for hand washing and for carrying out good medical and nursing isolation techniques;

(ii) Proper facilities for handling contaminated linens;

(iii) Adequate floor space per bed; in the absence of State or local requirements regarding space per bed, there is at least one hundred square feet of floor area per bed in a private room and eighty square feet per bed in multiple patient rooms;

(iv) Facilities for emergency power and lighting in at least the operating, recovery, intensive care, and emergency rooms and stairwells; in all other areas not serviced by the emergency supply source, battery lamps and flashlights are available; and

(v) Facilities for emergency gas and water supply.

(4) There is regular inspection and cleaning of air intake sources, screens, and filters, with special attention given to "high risk" areas.

(5) Proper facilities are maintained and techniques used for incineration of infectious wastes, as well as sanitary disposal of all other wastes.

(6) Kitchens and dishwashing facilities located outside the dietary department comply with the standards specified for the dietary department.

(7) Corridors and passageways are free of obstacles.

(8) A person is designated responsible for services and for the establishment of practices and procedures in each of the following areas—plant maintenance, laundry operations, and the supervision and training of general housekeeping personnel.

(b) *Standard; fire control.* The hospital provides fire protection by the elimination of fire hazards; the installation of necessary safeguards such as extinguishers, sprinkling devices, and fire barriers to insure rapid and effective fire control; and the adoption of written fire control plans rehearsed three times a year by key personnel. The factors explaining the standard are as follows:

(1) The hospital has:

(i) Written evidence of regular inspection and approval by State or local fire control agencies;

(ii) Fire-resistant buildings, and equipment as close to fireproof as possible;

(iii) Stairwells kept closed by fire doors or equipped with unimpaired automatic closing devices;

(iv) An annual check of fire extinguishers for type, replacement, and renewal dates;

(v) Sprinkler systems at least for trash and laundry chutes, paint and carpenter shops, and most storage areas, and fire detection equipment for bulk storage areas;

(vi) Conductive floors with the required equipment and ungrounded electrical circuits in areas subject to explosion hazards;

(vii) Proper routine storage and prompt disposal of trash;

(viii) "No Smoking" signs prominently displayed, where appropriate, with rules governing the ban on smoking in designated areas of the hospital enforced and obeyed by all personnel; and

(ix) Fire regulations prominently posted and all fire codes rigidly observed and carried out.

(2) Written fire control plans contain provisions for prompt reporting of all fires; extinguishing fires; protection of patients, personnel and guests; evacuation; and cooperation with fire fighting authorities.

(3) There are rigidly enforced written rules and regulations governing proper routine methods of handling and storing explosive agents, particularly in operating rooms and laboratories, and governing the provision of oxygen therapy.

(c) *Standard; sanitary environment.* The hospital provides a sanitary environment to avoid sources and transmission of infections. The factors explaining the standard are as follows:

(1) An infection committee, composed of members of the medical and nursing staffs and administration, is established and responsible for investigating, controlling and preventing infections in the hospital. Its responsibilities include:

(i) The establishment of written infection control measures; and

(ii) The establishment of techniques and systems for discovering and reporting infections in the hospital.

(2) Written procedures govern the use of aseptic techniques and procedures in all areas of the hospital.

(3) To keep infections at a minimum, such procedures and techniques are regularly reviewed by the infection committee, particularly those concerning food handling, laundry practices, disposal of environmental and patient wastes, traffic control and visiting rules in high risk areas, sources of air pollution, and routine culturing of autoclaves and sterilizers.

(4) There is a method of control used in relation to the sterilization of supplies and water, and a written policy requiring sterile supplies to be reprocessed at specified time periods.

(5) Formal provisions are made to educate and orient all appropriate personnel in the practice of aseptic techniques such as handwashing and scrubbing practices, proper grooming, masking and dressing care techniques, disinfecting and sterilizing techniques, and the handling and storage of patient care equipment and supplies.

(6) There are measures which control the indiscriminate use of preventive antibiotics in the absence of infection, and the use of antibiotics in the presence of infection is based on necessary cultures and sensitivity tests.

(7) Continuing education is provided to all hospital personnel on the cause, effect, transmission, prevention, and elimination of infections.

(8) A continuing process is enforced for inspection and reporting of any hospital employee with an infection who may be in contact with patients, their food or laundry.

(d) *Standard; diagnostic and therapeutic facilities.* The hospital provides adequate diagnostic and therapeutic facilities. The factors explaining the standard are as follows:

(1) Facilities are located for the convenience and safety of patients.

(2) Facilities are available which allow all routine preadmission, admission and discharge procedures to be done as prescribed by the medical staff in bylaws, rules and regulations of the hospital.

(3) Diagnostic and therapeutic facilities, supplies, and equipment permit an acceptable level of patient care to be provided by the medical and nursing staffs.

(4) The extent and complexity of such facilities are determined by the services that the hospital attempts to offer.

§ 405.1023 Condition of participation—Medical staff.

The hospital has a medical staff organized under bylaws approved by the governing body, and responsible to the governing body of the hospital for the quality of all medical care provided patients in the hospital and for the ethical and professional practices of its members.

(a) *Standard; responsibilities toward policies.* The medical staff is responsible for support of medical staff and hospital policies. The factors explaining the standard are as follows:

(1) Medical staff members participate on various staff committees. Committee records verify that committee meetings are attended by the majority of committee members.

(2) There are prescribed enforced disciplinary procedures for infraction of hospital and medical policies.

(b) *Standard; autopsies.* The medical staff attempts to secure autopsies in all cases of unusual deaths and of medical-legal and educational interest. It is recommended that a minimum of 20 percent of all terminal cases be autopsied. The factors explaining the standard are as follows:

(1) The hospital has an autopsy rate consistent with the needs of its ongoing staff education program.

(2) Autopsy reports are distributed to the attending physician and become a part of the patient's record. Whenever possible, they are utilized in conference.

(3) The autopsy is performed by a pathologist or physician versed in autopsy procedure and protocol.

(c) *Standard; consultations.* The medical staff has established policies concerning the holding of consultations:

(1) The status of consultant is determined by the medical staff on the basis of an individual's training, experience, and competence. A consultant must be well qualified to give an opinion in the field in which his opinion is sought.

(2) Except in an emergency, consultations with another qualified physician are required in cases on all services in which, according to the judgment of the attending physician: (i) The patient is not a good medical or surgical risk, (ii) the diagnosis is obscure, (iii) there is doubt as to the best therapeutic measures to be utilized, or (iv) there is a question of criminal action.

(3) A satisfactory consultation includes examination of the patient and the record. A written opinion signed by the consultant must be included in the medical record. When operative procedures are involved, the consultation note, except in an emergency, shall be recorded prior to operation.

(4) The patient's physician is responsible for requesting consultations when indicated. It is the duty of the medical staff, through its chiefs of service and executive committee, to make certain that members of the staff do not fail in the matter of calling consultants as needed.

(5) Routine procedures such as an X-ray examination, electrocardiogram determination, tissue examination, and proctoscopic and cystoscopic procedures are not normally considered to be consultations.

(d) *Standard; staff appointments.* Staff appointments are made by the governing body, taking into account recommendations made by the active staff. The factors explaining the standard are as follows:

(1) The governing body has the legal right to appoint the medical staff and the moral obligation to appoint only those physicians who are judged by their fellows to be of good character and qualified and competent in their respective fields.

(2) Reappointments are made periodically, and recorded in the minutes of the governing body. Reappointment policies provide for a periodic appraisal of each member of the staff, including consideration of his physical and mental capabilities. Recommendations for reappointments are noted either in the credential committee or medical staff meetings' minutes.

(3) Temporary staff privileges (for example, locum tenens) are granted for a limited period if the physician is otherwise properly qualified for such.

(e) *Standard; staff qualifications.* Members of the staff are qualified legally, professionally, and ethically for the positions to which they are appointed. The factors explaining the standard are as follows:

(1) To select its members and delineate privileges, the hospital medical staff has a system, based on definite workable standards, to evaluate each applicant by its credentials committee (or in small hospitals, committee-of-the-whole) which makes recommendations to the medical staff and to the governing body.

(2) Privileges are extended to duly licensed qualified physicians to practice in the appropriate fields of general practice, internal medicine, surgery, pediatrics, obstetrics, gynecology, and other recognized and accepted fields according to individual qualifications.

(3) Criteria for selection are individual character, competence, training, experience, and judgment.

(4) Under no circumstances is the accordance of staff membership or professional privileges in the hospital dependent solely upon certification, fellowship, or membership in a specialty body or society. All qualified candidates are considered by the credentials committee.

(5) The scope of privileges to be accorded the physician is indicated. The privileges of each staff member are specifically stated or the medical staff defines a classification system. If a system involving classification is used, the scope of the divisions is well defined, and the standards which must be met by the applicant are clearly stated for each category.

(f) *Standard; active staff.* Regardless of any other categories having privileges in the hospital, there is an active staff, properly organized, which performs all the organizational duties pertaining to the medical staff. These include:

(1) Maintenance of the proper quality of all medical care and treatment in the hospital;

(2) Organization of the medical staff, including adoption of rules and regulations for its government (which require the approval of the governing body), election of its officers or recommendations to the governing body for appointment of the officers, and recommendations to the governing body upon all appointments to the staff and grants of hospital privileges; and

(3) Making other recommendations to the governing body upon matters within the purview of the medical staff.

(g) *Standard; other staff.* In larger hospitals, and in some smaller hospitals, the medical staff may include one or more of the following categories in addition to the active staff, but this in no way modifies the duties and responsibilities of the active staff.

(1) *Honorary staff.* The honorary staff is composed of former active staff, retired or emeritus, and other physicians of reputation whom it is desired to honor.

(2) *Consulting staff.* The consulting staff is composed of recognized specialists willing to serve in such capacity. A member of the consulting staff may also be a member of the active staff, but only if the two appointments are made.

(3) *Associate staff.* The associate staff is composed of those members who use the hospital infrequently or those less experienced members undergoing a period of probation before being considered for appointment to the active staff.

(4) *Courtesy staff.* The courtesy staff is composed of those who desire to attend patients in the hospital but who, for some reason not disqualifying, are ineligible for appointment in another category of the staff.

(h) *Standard; staff officers.* There are such officers as may be necessary for the government of the staff. These officers are members of the active staff and are elected by the active staff, unless this is precluded by hospital policy. The factors explaining the standard are as follows:

(1) The officers are elected from and by the active staff or appointed in accordance with hospital policy on the basis of ability and willingness to assume responsibility and devote time to the office.

(2) Where officers are elected, all election rules are carefully spelled out in the bylaws. The election is an open one and most preferably by secret ballot.

(3) The chief of staff:

(i) Has direct responsibility for the organization and administration of the medical staff, in accordance with the terms of the medical staff constitution, bylaws, rules, and regulations;

(ii) In all medico-administrative matters, acts in coordination and cooperation with the hospital administrator in giving effect to the policies adopted by the governing body; and

(iii) Is responsible for the functioning of the clinical organization of the hospital and keeps or causes to be kept careful supervision over the clinical work in all departments.

(i) *Standard; bylaws.* Bylaws are adopted to govern and enable the medical staff to carry out its responsibilities. The factors explaining the standard are as follows:

(1) The bylaws of the medical staff are a precise and clear statement of the policies under which the medical staff regulates itself.

(2) Medical staff bylaws, rules and regulations include the following:

(i) A descriptive outline of medical staff organization;

(ii) A statement of the necessary qualifications which physicians must possess to be privileged to work in the hospital, and of the duties and privileges of each category of medical staff;

(iii) A procedure for granting and withdrawing privileges to physicians;

(iv) A mechanism for appeal of decisions regarding medical staff membership and privileges;

(v) A definite and specific statement forbidding the practice of the division of fees under any guise whatsoever;

(vi) Provision for regular meetings of the medical staff;

(vii) Provision for keeping accurate and complete clinical records;

(viii) A statement to the effect that the physician in charge of the patient is responsible for seeing that all tissue removed at operation is delivered to the hospital pathologist, and that a routine examination and report is made of such tissue;

(ix) Provision for routine examination of all patients upon admission and recording of preoperative diagnosis prior to surgery;

(x) A ruling permitting a surgical operation only on consent of the patient or his legal representative, except in emergencies;

(xi) A statement providing that, except in emergency, consultation is required as outlined above;

(xii) A regulation requiring that physicians' orders be recorded and signed; and

(xiii) If dentists and oral surgeons are to be admitted to staff membership, the necessary qualifications, status, privileges and rights of this group are stated in the bylaws.

(j) *Committees—General.* The structure of committee organization is a decision to be made by the medical staff as long as the required committee functions are carried out. A small staff may wish to function as a committee of the whole. Others may wish to combine committee functions in two or three committees.

(k) *Standard; executive committee.* The executive committee (or its equivalent) coordinates the activities and general policies of the various departments, acts for the staff as a whole under such limitations as may be imposed by the staff, and receives and acts upon the reports of the medical records, tissue, and such other committees as the medical staff may designate. The factors explaining the standard are as follows:

(1) The committee meets at least once a month, exclusive of the summer months, and maintains a permanent record of its proceedings and actions.

(2) Committee membership is made up of the officers of the medical staff, chiefs of major departments or services, and one or more members elected at large from the active medical staff.

(3) Its functions and responsibilities include:

(i) Considering and recommending action to the administrator on all matters which are of a medical-administrative nature;

(ii) Investigating any reports of breach of ethics by members of the medical staff, as referred to this committee by the credentials committee; and

(iii) Acting as the program committee for staff meetings, unless this responsibility is delegated to a specific committee.

(l) *Standard; credentials committee.* The credentials committee (or its equivalent) reviews applications for appointment and reappointment to all categories of the staff. It delineates the privileges to be extended to the applicant and makes appropriate recommendations to the governing body according to the procedure outlined in the hospital's medical staff bylaws. The factors explaining the standard are as follows:

(1) The committee makes recommendations for initial appointment, hospital privileges, promotions, and demotions.

(2) The committee is advisory and investigative and makes recommendations only. It is not given disciplinary or punitive powers.

(m) *Standard; joint conference committee.* The joint conference committee (or its equivalent) is a medico-administrative advisory committee and the official means of liaison among the medical staff, the governing body, and the administrator. In the absence of a joint conference committee, a formal means of liaison between the governing body and medical staff is established. The factors explaining the standard are as follows:

(1) A formal means of liaison exists even where there is medical staff representation on the governing body.

(2) The committee meets at least four times per year and maintains a permanent record of its minutes.

(3) Purposes of the committee include:

(i) Communications to keep the governing body, medical staff, and administration cognizant of pertinent actions taken or contemplated by one or the other;

(ii) Consideration of plans for growth; and

(iii) Consideration of issues affecting medical care which arise in the operation and affairs of the hospital.

(n) *Standards; medical records committee.* The medical records committee (or its equivalent) supervises the maintenance of medical records at the required standard of completeness. On the basis of documented evidence, the committee also reviews and evaluates the quality of medical care given the patient. The factors explaining the standard are as follows:

(1) The committee meets at least once a month exclusive of the summer months, and submits a written report to the executive committee.

(2) The committee's members represent a cross section of the clinical services. In large hospitals, each major clinical department may have its own committee.

(3) Membership is staggered so that experienced committee physicians are always included. Senior residents may serve on this committee.

(4) Review of the record for completeness can be performed for the most part by the medical record librarian. In addition, on-the-spot scanning of current inpatient records for completeness is done on the floors.

(5) The quality of patient care is evaluated from the documentation on the chart. In some hospitals, this function may be given to an "audit" or "evaluation" committee.

(6) The committee:

(i) Makes recommendations to the medical staff for the approval of, use of, and any changes in form or format of the medical record;

(ii) Advises and recommends policies for medical record maintenance and supervises the medical records to insure that details are recorded in the proper manner and that sufficient data are present to evaluate the care of the patient;

(iii) Insures that there is proper filing, indexing, storage, and availability of all patient records; and

(iv) With the aid of legal counsel, advises and develops policies to guide the medical record librarian, medical staff, and administration so far as matters of privileged communication and legal release of information are concerned.

(o) *Standard; tissue committee.* The tissue committee (or its equivalent) reviews and evaluates all surgery performed in the hospital on the basis of agreement or disagreement among the preoperative, postoperative, and pathological diagnosis, and on the acceptability of the procedure undertaken. The factors explaining the standards are as follows:

(1) The committee meets at least once a month, exclusive of the summer months, and submits a written report to the executive committee.

(2) This committee's work includes continuing education through such mechanisms as utilization of its findings in the form of hypothetical cases or review of cases by category at staff meetings or publishing in coded form physicians' standings in the hospital regarding percentage of cases in which normal tissue is removed.

(p) *Standard; meetings.* Meetings of the medical staff are held to review, analyze, and evaluate the clinical work of its members; the number and frequency of medical staff meetings are determined by the active staff and clearly stated in the bylaws of the staff and attendance, recments for each individual member of the staff and for the total attendance at each meeting are clearly stated in the bylaws of the staff and attendance records are kept, adequate minutes of all meetings are kept; the method adopted to insure adequate evaluation of clinical practice in the hospital is determined by the medical staff and clearly stated in the bylaws. Any one of the following three methods will fulfill this requirement: Monthly meetings of the active staff; monthly departmental conferences in those hospitals where the clinical services are well organized and each department is large enough to meet as a unit; or monthly meetings of the medical records and tissue committees at which the quality of medical work is adequately appraised, action is taken by the executive committee, and reports are made to the active staff. The factors explaining the standard are as follows:

(1) Absence of a staff member from more than the specified percentage of regular meetings for the year, unless excused by the executive committee for just cause such as absence from the community or sickness, is considered as resignation from the active medical staff.

(2) Staff and departmental meetings are held for the purpose of reviewing the

medical care of patients within the hospital and those recently discharged.

(3) Minutes of such meetings give evidence of the following:

(i) A review of the clinical work done by the staff on at least a monthly basis; this includes consideration of selected deaths, unimproved cases, infections, complications, errors in diagnosis, results of treatment, and review of transfusions;

(ii) Consideration of the hospital statistical report on admissions, discharge, clinical classifications of patients, autopsy rates, hospital infections, and other pertinent hospital statistics;

(iii) Short synopsis of each case discussed;

(iv) Names of discussants; and

(v) Duration of meeting.

(q) *Standard; departments.* (1) Division of the staff into services or departments to fulfill medical staff responsibilities promotes efficiency and is recommended in general hospitals with 75 or more beds. Each autonomous service or department is organized and functions as a unit.

(2) Medical staff members of each service or department are qualified by training and demonstrated competence and are granted privileges commensurate with their individual abilities.

(3) In those hospitals where the review and evaluation of clinical practice are done by committees of the medical staff or by monthly meetings of the entire staff, departmental meetings are optional. In those hospitals where the clinical review is done by the departments, each service or department meets at least once a month. Records of these meetings are kept and become part of the records of the medical staff.

(r) *Standard; chief of service or department.* The chief of services or department is a member of the service or department qualified by training, experience, and administrative ability for the position. He is responsible for the administration of the department, for the general character of the professional care of patients, and for making recommendations as to the qualifications of its members. He also makes recommendations to the administration as to the planning of hospital facilities, equipment, routine procedures, and any other matters concerning patient care. The factors explaining the standard are as follows:

(1) Selection of each chief of service by the governing body is never made without first obtaining reliable medical advice.

(2) Duties and responsibilities of the chief include in addition to those cited above:

(i) Responsibility for arranging and expediting inpatient and outpatient departmental programs embracing organization, educational activities, supervision, and evaluation of the clinical work;

(ii) Responsibility for enforcement of the hospital medical staff bylaws, rules, and regulations, with special attention to those pertaining to his department;

(iii) Cooperation with the hospital administration with respect to the purchase of supplies and equipment and in formulating special regulations and policies applicable to his department, such as standing orders and techniques;

(iv) Maintaining the quality of the medical records in his department; and

(v) Represents his department, in a medical advisory capacity, to the administration and governing body.

§ 405.1024 Condition of participation—Nursing department.

The hospital has an organized nursing department. A licensed registered professional nurse is on duty at all times and professional nursing service is available for all patients at all times.

(a) *Standard; organization.* There is a well-organized departmental plan of administrative authority with delineation of responsibilities and duties of each category of nursing personnel. The factor explaining the standard is as follows: The delineation of responsibilities and duties for each category of the nursing staff may be in the form of a written job description for each category.

(b) *Standard; Licensed registered professional nurse.* There is an adequate number of licensed registered professional nurses to meet the following minimum staff requirements: Director of the department; Assistants to the director for evening and night services; Supervisory and staff personnel for each department or nursing unit to insure the immediate availability of a registered professional nurse for bedside care of any patient when needed; and Registered professional nurse on duty at all times and available for all patients on a 24-hour basis. *The factors explaining the standard are as follows:* (1) The staffing pattern insures the availability of registered professional nursing care for all patients on a 24-hour basis every day.

(2) If a licensed practical nurse or nursing aide is on duty during the evening and night hours in a ward with patiets who do not generally need skilled nursing care, there is a registered professional nurse supervisor who makes frequent rounds and is immediately available to give skilled nursing care when needed. She is free to render bedside care and is not occupied in the operating room, delivery room, or emergency room for long periods of time.

(3) The ratio of registered professional nurses to patients together with the ratio of registered professional nurses to other nursing personnel is adequate to provide proper supervision of patient care and staff performance, taking into consideration the characteristics of the patient load.

(4) A registered professional nurse assigns the nursing care of each patient to other nursing personnel in accordance with the patient's needs and the preparation and competence of the nursing staff available.

(c) *Standard; other nursing personnel.* There are other nursing personnel in sufficient numbers to provide nursing care not requiring the service of a registered professional nurse. The training and supervision of these personnel are continually planned and carried out to enable them to perform effectively the duties which are assigned to them.

(d) *Standard; non-floor services.* There are adequate nursing personnel for the surgical suite, clinics, and other services of the hospital in keeping with their size and degree of activity. The factors explaining the standard are as follows:

(1) A registered professional nurse is in charge of the operating rooms.

(2) Surgical technicians and licensed practical nurses may be permitted to serve as "scrub nurses" under the direct supervision of a registered professional nurse; they are not permitted to function as circulating nurses in the operating rooms.

(e) *Standard; qualifications.* Individuals selected for the nursing staff are qualified by education, experience, and demonstrated ability for the positions to which they are appointed. The factors explaining the standard are as follows:

(1) The director of nursing makes decisions relative to the selection and promotion of nursing personnel based on their qualifications and capabilities and recommends the termination of employment when this is necessary.

(2) The educational and experiential qualifications of the director of nursing, her assistants, and supervisors are commensurate with the size and complexity of the hospital.

(3) The functions and qualifications of nursing personnel are clearly defined in relation to the duties and responsibilities delegated to them.

(4) There is a procedure to insure that hospital nursing personnel, for whom licensure is required, do have valid and current licensure.

(5) Personnel records including application forms and verification of credentials are on file.

(6) New employees are oriented to the hospital, nursing service, and their jobs.

(f) *Standard; working relationships.* There are well established working relationships with other services of the hospital, both administrative and professional. The factors explaining the standard are as follows:

(1) Registered professional nurses confer with the physicians relative to patient care.

(2) Interdepartmental policies affecting nursing service and nursing care to patients are made jointly with the director of nursing.

(3) There are established procedures for scheduling laboratory and X-ray examinations, for ordering, securing, and maintaining supplies and equipment needed for patient care, for ordering diets, etc.

(g) *Standard; evaluation and review of nursing care.* There is constant review and evaluation of the nursing care provided for patients and there are written nursing care procedures and written nursing care plans for patients. The factors explaining the standard are as follows:

(1) Nursing care policies and procedures are written and consistent with generally accepted practice and are reviewed and revised as necessary to keep pace with best practice and new knowledge.

(2) A registered professional nurse plans, supervises, and evaluates the nursing care for each patient.

(3) Nursing care plans are kept current daily. Plans indicate nursing care needed, how it is to be accomplished, and methods, approaches and modifications necessary to insure best results for the patient.

(4) Nursing notes are informative and descriptive of the nursing care given and include information and observations of significance so that they contribute to the continuity of patient care.

(5) Only (i) a licensed physician or a registered professional nurse or (ii) a licensed practical nurse, a student nurse in an approved school of nursing, or a psychiatric technician, when these three classes of personnel are under the direct supervision of a registered professional nurse, is permitted to administer medications, and in all instances, in accordance with the Nurse Practice Act of the State.

(6) All medical orders are in writing and signed by the physician. Telephone orders are used sparingly, are given only to the registered professional nurse, and are signed or initialed by the physician as soon as possible.

(7) Blood transfusions and intravenous medications are administered in accordance with State law. If administered by registered professional nurses, they are administered only by those who have been specially trained for this duty.

(8) There is an effective hospital procedure for reporting transfusion reactions and adverse drug reactions.

(h) *Standard; staff meetings.* Meetings of the registered professional nursing staff are held at least monthly to discuss patient care, nursing service problems, and administrative policies. The pattern for meetings may be by clinical departments, by categories of the staff, or by the staff as a whole. Minutes of all meetings are kept. The factors explaining the standard are as follows:

(1) Minutes reflect the purpose of the staff meetings; e.g., review and evaluation of nursing care, ways of improving nursing service, discussion or nursing care plans for individual patients, consideration of specific nursing techniques and procedures, establishment and/or interpretation of nursing department policies, interpretation of administrative and medical staff policies, reports of meetings, etc.

(2) Minutes are available to staff members either individually or are maintained in a central place.

§ 405.1025 Condition of participation—Dietary department.

The hospital has an organized dietary department directed by qualified personnel. However, a hospital which has a contract with an outside food management company may be found to meet this condition of participation if the company has a therapeutic dietician who serves, as required by scope and complexity of the service, on a full-time, part-time, or consultant basis to the hospital, provided the company maintains the minimum standards as listed herein and provides for constant liaison with the hospital medical staff for recommendations on dietetic policies affecting patient treatment.

(a) *Standard; organization.* There is an organized department directed by qualified personnel and integrated with other departments of the hospital. There is a qualified dietician, full-time or on a consultation basis, and, in addition, administrative and technical personnel competent in their respective duties. The factors explaining the standard are as follows:

(1) There are written policies and procedures for food storage, preparation, and service developed by a qualified dietician (preferably meeting the American Dietetic Association's standards for qualification).

(2) The department is under the supervision of a qualified dietician who is responsible for quality food production, service, and staff education. The dietician serves on a full-time basis if possible or, in smaller hospitals, on a regular part-time supervising or consulting basis.

(3) In the absence of a full-time dietician, there is a qualified person serving as full-time director of the department who is responsible for the daily management aspects of the department and a dietician visits the hospital at intervals to supervise and instruct personnel.

(4) The number of professional dieticians is adequate considering the size of the facility and the scope and complexity of dietary functions.

(5) Supervisors, other than dieticians, are assigned in numbers and with ability to provide a satisfactory span of control to meet the needs of the physical facilities and the organization as well as coverage for all hours of departmental operation.

(6) The number of personnel, such as cooks, bakers, dishwashers, and clerks, is adequate to perform effectively all defined functions.

(7) Written job descriptions of all dietary employees are available.

(8) There is an inservice training program for dietary employees which includes the proper handling of food and personal grooming.

(b) *Standard; facilities.* Facilities are provided for the general dietary needs of the hospital. These include facilities for the preparation of special diets. Sanitary conditions are maintained in the storage, preparation, and distribution of food. The factors explaining the standard are as follows:

(1) All dietary areas are appropriately located, adequate in size, well lighted, ventilated and maintained.

(2) The type, size, and layout of equipment provides for ease of cleaning, optimal work-flow and adequate food production to meet the scope and complexity of the regular and therapeutic diet requirements of the patients.

(3) Equipment and work areas are clean and orderly. Effective procedures for cleaning all equipment and work areas are followed consistently to safeguard the health of the patient.

(4) Lavatories specifically for handwashing, with hot and cold running water, soap and approved disposable towels, are conveniently located throughout the department for use by food handlers.

(5) There are procedures to control dietary employees with infections and open lesions. Routine health examinations at least meet local, State, or Federal codes for food service personnel.

(6) The dietary department is routinely inspected and approved by State or local health agencies as a food handling establishment. Written reports of the inspection are on file at the hospital with notation made by the hospital of action taken to comply with recommendations.

(7) Dry or staple food items are stored at least 12 inches off the floor in a ventilated room which is not subject to sewage or waste water back-flow, or contamination by condensation, leakage, rodents or vermin.

(8) All perishable foods are refrigerated at the appropriate temperature and in an orderly and sanitary manner.

(9) Foods being displayed or transported are protected from contamination and held at proper temperatures in clean containers, cabinets or serving carts.

(10) Dishwashing procedures and techniques are well developed, understood, and carried out in compliance with the State and local health codes and with periodic check on:

(i) Detergent dispenser operation;

(ii) Washing, rinsing, and sanitizing temperatures and cleanliness of machine and jets;

(iii) Routine bacterial counts on dishes, flatware, glasses, utensils and equipment; and

(iv) Thermostatic controls.

(11) All garbage and kitchen refuse which is not disposed of through a disposal is kept in leakproof nonabsorbent containers with close fitting covers and is disposed of daily in a manner that will not permit transmission of disease, a nuisance, or a breeding place for flies. All garbage containers are thoroughly cleaned inside and out each time emptied.

(c) *Standard; diets.* There is a systematic record of diets, correlated, when appropriate, with the medical records. The factors explaining the standard are as follows:

(1) Therapeutic diets are prescribed in written orders on the chart by the physician and are instructive, accurate, and complete as possible; for example, bland low residue diet or, if a diabetic diet is ordered, the exact amounts of carbohydrate, protein, and fat allowed are noted.

(2) Nutrition needs are met in accordance with the current Recommended Dietary Allowances of the Food and Nutrition Board, National Research Council, and in accordance with physician's orders.

(3) The dietician has available an up-to-date manual of regimens for all therapeutic diets, approved jointly by the dietician and medical staff, which is available to dietary supervisory personnel. Diets served to patients are in compliance with these established diet principles.

(4) The dietician correlates and integrates the dietary aspects of patient care with the patient and patient's chart through such methods as patient instruction and recording diet histories and participates appropriately in ward rounds and conferences, sharing specialized knowledge with others of the medical team.

(d) *Standard; conferences.* Departmental and interdepartmental conferences are held periodically. The factors explaining the standard are as follows:

(1) The director of dietetics attends and participates in meetings of heads of departments and functions as a key member of the hospital staff.

(2) The director of dietetics has regularly scheduled conferences with the administrator or his designee to keep him informed, seek his counsel, and present program plans for mutual consideration and solution.

(3) Conferences are held regularly within the department at all levels of responsibility to disseminate information, interpret policy, solve problems, and develop procedures and program plans.

§ 405.1026 Condition of participation—Medical record department.

The hospital has a medical record department with administrative responsibility for medical records. A medical record is maintained, in accordance with accepted professional principles, for every patient admitted for care in the hospital.

(a) *Standard; records maintained.* A medical record is maintained for every patient admitted for care in the hospital. Such records are kept confidential. The factors explaining the standard are as follows:

(1) Only authorized personnel have access to the record.

(2) Written consent of the patient is presented as authority for release of medical information.

(3) Medical records generally are not removed from the hospital environment except upon subpoena.

(b) *Standard; preservation.* Records are preserved, either in the original or by microfilm, for a period of time not less than that determined by the statute of limitations in the respective State.

(c) *Standard; personnel.* Qualified personnel adequate to supervise and conduct the department are provided. The factors explaining the standard are as follows:

(1) Preferably a registered medical record librarian heads the department. If such a professionally qualified person is not in charge of medical records, a qualified consultant or trained part-time medical record librarian organizes the department, trains the regular personnel, and makes periodic visits to the hospital to evaluate the records and the operation of the department.

(2) A sufficient number of regular full-time and part-time employees are available so that medical record services may be provided as needed. In some hospitals this can mean around-the-clock coverage.

(d) *Standard; identification; filing.* A system of identification and filing to insure the prompt location of a patient's medical record is maintained. The factors explaining the standard are as follows:

(1) Index cards bear at least the full name of the patient, the address, the birthdate, and the medical record number.

(2) Filing equipment and space are adequate to house the records and facilitate retrieval.

(3) A unit record is maintained so that both in- and out-patient treatment are in one folder.

(e) *Standard; centralization of reports.* All clinical information pertaining to a patient's stay is centralized in the patient's record. The factors explaining the standard are as follows:

(1) The original of all reports is filed in the medical record.

(2) All reports or records are completed and filed within a period consistent with good medical practice and not longer than 15 days following discharge.

(f) *Standard; indices.* Records are indexed according to disease, operation, and physician and are kept up-to-date. For indexing, any recognized system may be used. The factors explaining the standard are as follows:

(1) As additional indices become appropriate due to advances in medicine, their use is adopted.

(2) The index lists on a card (or other systematic record) for a specific disease or operation, according to a recognized nomenclature, all essential data on each patient having that particular condition. "Essential data" includes at least the medical record number of the patient so that the record may be located. All conditions for which the patient is treated during the hospitalization are so indexed.

(3) In hospitals using automatic data processing, indexes may be kept on punch cards or reproduced on sheets kept in books.

(4) Diagnoses and operations are expressed in terminology which describes the morbid condition both as to site and etiological factors or the method of procedure.

(5) Indexing is current within six months following discharge of the patient.

(g) *Standard; content.* The medical records contain sufficient information to justify the diagnosis and warrant the treatment and end results. The medical records contain the following information: Identification data; chief complaint; present illness; past history; family history; physical examination; provisional diagnosis; clinical laboratory reports; X-ray reports; consultations; treatment, medical and surgical; tissue report; progress notes; final diagnosis; discharge summary; autopsy findings. The factors explaining the standards are as follows:

(1) The chief complaint includes a concise statement of complaints which led the patient to consult his physician and the date of onset and duration of each.

(2) The physical examination statement includes all positive and negative findings resulting from an inventory of systems.

(3) The provisional diagnosis is an impression (diagnosis) reflecting the examining physician's evaluation of the patient's condition based mainly on physical findings and history.

(4) A consultation report is a written opinion signed by the consultant, including his findings on physical examination of the patient.

(5) All diagnostic treatment procedures are recorded in the medical record.

(6) Tissue reports include a report of microscopic findings if hospital regulations require that microscopic examination be done. If only gross examination is warranted a statement that the tissue has been received and a gross description are made by the laboratory and filed in the medical record.

(7) Progress notes give a chronological picture of the patient's progress and are sufficient to delineate the course and results of treatment. The condition of the patient determines the frequency with which they are made.

(8) A definitive final diagnosis is expressed in terminology of a recognized system of disease nonmenclature.

(9) The discharge summary is a recapitulation of the significant findings and events of the patient's hospitalization and his condition on discharge.

(10) Autopsy findings in a complete protocol are filed in the record when an autopsy is performed.

(11) A chronological summary of the patient's record is maintained in the front of the chart.

(h) *Standard; authorship.* Only members of the medical staff and the house staff are competent to write or dictate medical histories and physical examinations.

(i) *Standard; signature.* Records are authenticated and signed by a licensed physician. The factors explaining the standards are as follows:

(1) Every physician signs the entries which he himself makes.

(2) A single signature on the face sheet of the record does not suffice to authenticate the entire record.

(3) In hospitals with house staff, the attending physician countersigns at least the history and physical examination and summary written by the house staff.

(j) *Standard; promptness of record completion.* Current records and those on discharged patients are completed promptly. The factors explaining the standard are as follows:

(1) Current records are completed within 24–48 hours following admission.

(2) Records of patients discharged are complete within 15 days following discharge.

(3) If a patient is readmitted within a month's time for the same condition, reference to the previous history with an interval note and physical examination suffices.

§ 405.1027 Condition of participation—Pharmacy or drug room.

The hospital has a pharmacy directed by a registered pharmacist or a drug room under competent supervision. The pharmacy or drug room is administered in accordance with accepted professional principles.

(a) *Standard; pharmacy supervision.* There is a pharmacy directed by a registered pharmacist or a drug room under competent supervision. The factors explaining the standard are as follows:

(1) The pharmacist is trained in the specialized functions of hospital pharmacy.

(2) The pharmacist is responsible to the administration of the hospital for developing, supervising, and coordinating all the activities of the pharmacy department.

(3) If there is a drug room with no pharmacist, prescription medications are dispensed by a qualified pharmacist elsewhere, and only storing and distributing are done in the hospital. A consulting pharmacist assists in drawing up the correct procedures, rules, and regulations, for the distribution of drugs, and visits the hospital on a regularly scheduled basis in the course of his duties. Wherever possible the pharmacist, in dispensing drugs, works from the prescriber's original order or a direct copy.

(b) *Standard; physical facilities.* Facilities are provided for the storage, safeguarding, preparation, and dispensing of drugs. The factors explaining the standard are as follows:

(1) Drugs are issued to floor units in accordance with approved policies and procedures.

(2) Drug cabinets on the nursing units are routinely checked by the pharmacist. All floor stocks are properly controlled.

(3) There is adequate space for all pharmacy operations and the storage of drugs at a satisfactory location provided with proper lighting, ventilation, and temperature controls.

(4) If there is a pharmacy, equipment is provided for the compounding and dispensing of drugs.

(5) Special locked storage space is provided to meet the legal requirements for storage of narcotics, alcohol, and other prescribed drugs.

(c) *Standard; personnel.* Personnel competent in their respective duties are provided in keeping with the size and activity of the department. The factors explaining the standard are as follows:

(1) The pharmacist is assisted by an adequate number of additional registered pharmacists and such other personnel as the activities of the pharmacy may require to insure quality pharmaceutical services.

(2) The pharmacy, depending upon the size and scope of its operations, is staffed by the following categories of personnel:

(i) Chief pharmacist.

(ii) One or more assistant chief pharmacists.

(iii) Staff pharmacists.

(iv) Pharmacy residents (where a program has been activated).

(v) Nonprofessionally trained pharmacy helpers.

(vi) Clerical help.

(3) Provision is made for emergency pharmaceutical services.

(4) If the hospital does not have a staff pharmacist, a consulting pharmacist has overall responsibility for control and distribution of drugs and a designated individual(s) has responsibility for day-to-day operation of the pharmacy.

(d) *Standard; records.* Records are kept of the transactions of the pharmacy (or drug room) and correlated with other hospital records where indicated. Such special records are kept as are required by law. The factors explaining the standard are as follows:

(1) The pharmacy establishes and maintains, in cooperation with the accounting department, a satisfactory system of records and bookkeeping in accordance with the policies of the hospital for:

(i) Maintaining adequate control over the requisitioning and dispensing of all drugs and pharmaceutical supplies, and

(ii) Charging patients for drugs and pharmaceutical supplies.

(2) A record of the stock on hand and of the dispensing of all narcotic drugs is maintained in such a manner that the disposition of any particular item may be readily traced.

(3) Records for prescription drugs dispensed to each patient (inpatients and outpatients) are maintained in the pharmacy or drug room containing the full name of the patient and the prescribing physician, the prescription number, the name and strength of the drug, the date of issue, the expiration date for all timedated medications, the lot and control number of the drug, the name of the manufacturer (or trademark) and (unless the physician directs otherwise) the name of the medication dispensed.

(4) The label of each out-patient's individual prescription medication container bears the lot and control number of the drug, the name of the manufacturer (or trademark) and (unless the physician directs otherwise) the name of the medication dispensed.

(e) *Standard; control of toxic or dangerous drugs.* Policies are established to control the administration of toxic or dangerous drugs with specific reference to the duration of the order and the dosage. The factors explaining the standard are as follows:

(1) The medical staff has established a written policy that all toxic or dangerous medications, not specifically prescribed as to time or number of doses, will be automatically stopped after a reasonable time limit set by the staff.

(2) The classifications ordinarily thought of as toxic or dangerous drugs are narcotics, sedatives, anticoagulants, antibiotics, oxytocics, and cortisone products.

(f) *Standard; committee.* There is a committee of the medical staff to confer with the pharmacist in the formulation of policies. The factors explaining the standard are as follows:

(1) A pharmacy and therapeutics committee (or equivalent committee), composed of physicians and pharmacists, is established in the hospital. It represents the organizational line of communication and the liaison between the medical staff and the pharmacist.

(2) The committee assists in the formulation of broad professional policies regarding the evaluation, appraisal, selection, procurement, storage, distribution, use, and safety procedures, and all other matters relating to drugs in hospitals.

(3) The committee performs the following specific functions:

(i) Serves as an advisory group to the hospital medical staff and the pharmacist on matters pertaining to the choice of drugs;

(ii) Develops and reviews periodically a formulary or drug list for use in the hospital;

(iii) Establishes standards concerning the use and control of investigational drugs and research in the use of recognized drugs;

(iv) Evaluates clinical data concerning new drugs or preparations requested for use in the hospital;

(v) Makes recommendations concerning drugs to be stocked on the nursing unit floors and by other services; and

(vi) Prevents unnecessary duplication in stocking drugs and drugs in combination having identical amounts of the same therapeutic ingredients.

(4) The committee meets at least quarterly and reports to the medical staff.

(g) *Standard; drugs to be dispensed.* Therapeutic ingredients of medications dispensed are included (or approved for inclusion) in the United States Pharmacopoeia, National Formulary, United States Homeopathic Pharmacopoeia, New Drugs, or Accepted Dental Remedies (except for any drugs unfavorably evaluated therein), or are approved for use by the pharmacy and drug therapeutics committee (or equivalent committee) of the hospital staff. The factors explaining the standard are as follows:

(1) The pharmacist, with the advice and guidance of the pharmacy and therapeutics committee, is responsible for specifications as to quality, quantity, and source of supply of all drugs.

(2) There is available a formulary or list of drugs accepted for use in the hospital which is developed and amended at regular intervals by the pharmacy and therapeutics committee (or equivalent committee) with the cooperation of the pharmacist (consulting or otherwise) and the administration.

(3) The pharmacy or drug room is adequately supplied with preparations so approved.

§ 405.1028 Condition of participation—Laboratories.

The hospital has a well organized, adequately supervised clinical laboratory with the necessary space, facilities and equipment to perform those services commensurate with the hospital's needs for its patients. Anatomical pathology services and blood bank services are available either in the hospital or by arrangement with other facilities.

(a) *Standard; adequacy of laboratory services.* Clinical laboratory services adequate for the individual hospital are maintained in the hospital. The factors explaining the standard are as follows:

(1) The extent and complexity of service are commensurate with the size, scope, and nature of the hospital, and the demands of the medical staff upon the laboratory.

(2) Basic laboratory services necessary for routine examinations are available regardless of the size, scope, and nature of the hospital.

(3) Necessary space, facilities and equipment to perform both the basic minimum and all other services are provided by the hospital.

(4) All equipment is in good working order, routinely checked, and precise in terms of calibration.

(b) *Standard; clinical laboratory examinations.* Provision is made to carry out adequate clinical laboratory examinations including chemistry, microbiology, hematology, serology, and clinical microscopy. The factors explaining the standard are as follows:

(1) Some or all of these services may be provided under arrangements by the hospital with a laboratory which is:

(i) Part of a hospital approved for participation in the Health Insurance for the Aged program; or

(ii) Approved to provide these services as an independent laboratory under the Supplementary Medical Insurance for the Aged program.

(2) In the case of work performed by an outside laboratory, the original report from this laboratory is contained in the medical record.

(c) *Standard; availability of facilities and services.* Facilities and services are available at all times. The factors explaining the standard are as follows:

(1) Adequate provision is made for assuring the availability of emergency laboratory services, either in the hospital or under arrangements with a laboratory which meets one or more of the alternatives listed under paragraph (b) (1) of this section. Such services are available 24 hours a day, 7 days a week, including holidays.

(2) Where services are provided by an outside laboratory, the conditions, procedures, and availability of work done are in writing and available in the hospital.

(d) *Standard; personnel.* Personnel adequate to supervise and conduct the services are provided. The factors explaining the standard are as follows:

(1) Services are under the supervision of a physician with training and experience in clinical laboratory services or a laboratory specialist qualified by a doctoral degree.

(2) The laboratory does not perform procedures and tests which are outside the scope of training of the laboratory personnel.

(3) There is a sufficient number of clinical laboratory technologists, preferably registered by the American Society of Clinical Pathology, to promptly and proficiently perform the tests requested of the laboratory.

(e) *Standard; routine examinations.* Routine examinations required on all admissions are determined by the medical staff. These include at least a urinalysis and a hemoglobin or hematocrit. The factors explaining the standard are as follows:

(1) Required tests upon admission, as approved by the medical staff, are consistent with the scope and nature of the hospital.

(2) The required list of tests is in written form and available to all members of the medical staff.

(f) *Standard; laboratory report.* Signed reports are filed with the patient's medical record and duplicate copies kept in the department. The factors explaining the standard are as follows:

(1) The laboratory director is responsible for the laboratory report.

(2) There is a procedure for assuring that all tests are ordered by a physician.

(g) *Standard; pathologist services.* Services of a pathologist are provided as indicated by the needs of the hospital. The factors explaining the standard are as follows:

(1) Services are under the direct supervision of a pathologist on a full-time, regular part-time or regular consultative basis. If the latter pertains, the hospital provides for, at a minimum, monthly consultative visits by a pathologist.

(2) The pathologist participates in staff, departmental and clinicopathologic conferences.

(3) The pathologist is responsible for the qualifications of his staff and their inservice training.

(h) *Standard; tissue examination.* All tissues removed at operation are sent for examination. The extent of examination is determined by the pathology department. The factors explaining the standard are as follows:

(1) All tissues removed from patients at surgery are macroscopically, and if necessary, microscopically examined by the pathologist.

(2) The pathologist or designated physcian, in his absence, is responsible for verifying the receipt of tissues for examinations.

(3) A list of tissues which routinely require microscopic examination is developed in writing by the pathologist or designated physician with the approval of the medical staff.

(4) A tissue file is maintained in the hospital.

(5) In the absence of a pathologist or suitable physician substitute, there is an established plan for sending to a pathologist outside the hospital all tissues requiring examination.

(i) *Standard; reports of tissue examination.* Signed reports of tissue examinations are filed with the patient's medical record and duplicate copies kept in the department. The factors explaining the standard are as follows:

(1) All reports of macro and microscopic examinations performed are signed by the pathologist or designated physician.

(2) Provision is made for the prompt filing of examination results in the patient's medical record and notification of the physician requesting the examination.

(3) Duplicate copies of the examination reports are filed in the laboratory in a manner which permits ready identification and accessibility.

(j) *Standard; blood and blood products.* Facilities for procurement, safekeeping and transfusion of blood and blood products are provided or readily available. The factors explaining the standard are as follows:

(1) The hospital maintains, as a minimum, proper blood storage facilities under adequate control and supervision of the pathologist or other authorized physician.

(2) For emergency situations the hospital maintains at least a minimum blood supply in the hospital at all times, can obtain blood quickly from community blood banks or institutions, or has an up-to-date list of donors and equipment necessary to bleed them.

(3) Where the hospital depends on outside blood banks, there is an agreement governing the procurement, transfer and availability of blood which is reviewed and approved by the medical staff, administration and governing body.

(4) There is provision for prompt blood typing and cross-matching, and for laboratory investigation of transfusion reactions, either through the hospital or by arrangements with others on a continuous basis, under the supervision of a physician.

(5) Blood storage facilities in the hospital have an adequate alarm system, which is regularly inspected and is otherwise safe and adequate.

(6) Records are kept on file indicating the receipt and disposition of all blood provided to patients in the hospital.

(7) Samples of each unit of blood used at the hospital are retained according to the instructions of the committee indicated in subparagraph (8) of this paragraph for further testing in the event of reactions. Blood not so retained which has exceeded its expiration date is disposed of promptly.

(8) A committee of the medical staff or its equivalent reviews all transfusions of blood or blood derivatives and makes recommendations concerning policies governing such practices.

(9) The review committee investigates all transfusion reactions occurring in the hospital and makes recommendations to the medical staff regarding improvements in transfusion procedures.

§ 405.1029 Condition of participation—Radiology department.

The hospital has diagnostic X-ray facilities available. If therapeutic X-ray services are also provided, they, as well

as the diagnostic services, meet professionally approved standards for safety and personnel qualifications.

(a) *Standard; radiological services.* The hospital maintains or has available radiological services according to needs of the hospital. For example, the hospital has diagnostic X-ray facilities available in the hospital building proper or in an adjacent clinic or medical facility that is readily accessible to the hospital patients, physicians, and personnel.

(b) *Standard; hazards for patients and personnel.* The radiology department is free of hazards for patients and personnel. The factors explaining the standard are as follows:

(1) Proper safety precautions are maintained against fire and explosion hazards, electrical hazards, and radiation hazards.

(2) Periodic inspection is made by local or State health authorities or a radiation physicist, and hazards so identified are promptly corrected.

(3) Radiation workers are checked periodically for amount of radiation exposure by the use of exposure meters or badge tests.

(4) With fluoroscopes, attention is paid to modern safety design and good operating procedures; records are maintained of the output of all fluoroscopes.

(5) Regulations based on medical staff recommendations are established as to the administration of the application and removal of radium element, its disintegration products, and other radioactive isotopes.

(c) *Standard; personnel.* Personnel adequate to supervise and conduct the services are provided, and the interpretation of radiological examinations is made by physicians competent in the field. The factors explaining the standard are as follows:

(1) The hospital has a qualified radiologist, either full-time or part-time on a consulting basis, both to supervise the department and to interpret films that require specialized knowledge for accurate reading. If the hospital is small, and a radiologist cannot come to the hospital regularly, selected X-ray films are sent to a radiologist for interpretation.

(2) If the activities of the radiology department extend to radiotherapy, the physician in charge is appropriately qualified.

(3) The amount of qualified radiologist and technologist time is sufficient to meet the hospital's requirements. A technologist is on duty or on call at all times.

(4) The use of all X-ray apparatus is limited to personnel designated as qualified by the radiologist or by an appropriately constituted committee of the medical staff. The same limitation applies to personnel applying and removing radium element, its disintegration products, and radioactive isotopes. The use of fluoroscopes is limited to physicians.

(d) *Standard; signed reports.* Signed reports are filed with the patient's record and duplicate copies kept in the department. The factors explaining the standard are as follows:

(1) Requests by the attending physician for X-ray examination contain a concise statement of reason for the examination.

(2) Reports of interpretations are written or dictated and signed by the radiologist.

(3) X-ray reports and roentgenographs are preserved or microfilmed in accordance with the statute of limitations.

§ 405.1030 Condition of participation—Medical library.

The hospital has modern textbooks and current periodicals relative to the clinical services offered.

(a) *Standard; hospital library needs.* The hospital maintains a medical library according to the needs of the hospital.

(b) *The factors explaining the standard are as follows:* (1) The medical library is located in or adjacent to the hospital building and its contents are organized, easily accessible, and available at all times to the medical and nursing staffs.

(2) The library contains modern textbooks in basic sciences and other current textbooks, journals, and magazines pertinent to the clinical services maintained in the hospital.

§ 405.1031 Condition of participation—Complementary departments.

Participation is not limited to hospitals which have surgery, anesthesiology, dental, or rehabilitation departments or services, but if these departments or services are present, there are effective policies and procedures, relating to the staff and the functions of the service(s) in order to assure the health and safety of the patients.

(a) *Standard; Department of Surgery.* The Department of surgery has effective policies and procedures regarding surgical privileges, maintenance of the operating rooms, and evaluation of the surgical patient. The factors explaining the standard are as follows:

(1) Surgical privileges are delineated for all physicians doing surgery in accordance with the competencies of each physician. A roster of physicians specifying the surgical privileges of each is kept in the confidential files of the operating room supervisor and in the files of the hospital administrator.

(2) In any procedure with unusual hazard to life, there is present and scrubbed as first assistant a physician designated by the credentials committee as being qualified to assist in major surgery.

(3) Second and third assistants at major operations, and first assistants at lesser operations may be nurses, aides, or technicians if designated by the hospital authorities as having sufficient training to properly and adequately assist at such procedures.

(4) The operating room register is complete and up-to-date.

(5) There is a complete history and physical work-up in the chart of every patient prior to surgery (whether the surgery is major or minor). If such has been transcribed, but not yet recorded in the patient's chart, there is a statement to that effect and an admission note by the physician in the chart.

(6) A properly executed consent form for operation is in the patient's chart prior to surgery.

(7) There are adequate provisions for immediate post-operative care.

(8) An operative report describing techniques and findings is written or dictated immediately following surgery and signed by the surgeon.

(9) All infections of clean surgical cases are recorded and reported to the administration. A procedure exists for the investigation of such cases.

(10) The operating rooms are supervised by an experienced registered professional nurse.

(11) The following equipment is available in the operating suites: call-in system, cardiac monitor, resuscitator, defibrillator, aspirator, thoracotomy set, and tracheotomy set.

(12) The operating room suite and accessory services are so located that traffic in and out can be and is controlled and there is no through traffic.

(13) Precautions are taken to eliminate hazards of explosions including use of shoes with conductive soles and prohibition of nylon garments.

(14) Rules and regulations and/or policies related to the operating rooms are available and posted.

(b) (1) *Standard; Department of Anesthesia.* The Department of Anesthesia has effective policies and procedures regarding staff privileges, the administration of anesthetics, and the maintenance of strict safety controls. There is required for every patient:

(i) Preanesthetic physical examination by a physician with findings recorded within 48 hours of surgery;

(ii) Anesthetic record on special form;

(iii) Postanesthetic follow-up, with findings recorded, by an anesthesiologist or nurse anesthetist.

(2) *The factors explaining the standard are as follows:*

(i) The Department of Anesthesia is responsible for all anesthetics administered in the hospital.

(ii) In hospitals where there is no Department of Anesthesia, the Department of Surgery assumes the responsibility for establishing general policies and supervising the administration of anesthetics.

(iii) The director of the Department of Anesthesia preferably is also the director in charge of inhalation therapy. In any event, the inhalation therapy service is under the supervision of a qualified physician or physicians.

(iv) If anesthetics are not administered by a qualified anesthesiologist, they are administered by a physician anesthetist or a registered nurse anesthetist under the supervision of the operating physician. The hospital staff designates those persons qualified to administer anesthetics and delineates what the person is qualified to do.

(v) The postanesthetic follow-up note is written 3 to 24 hours after the operation, notes any postoperative abnormalities or complications, and states the blood pressure, the pulse, the presence or absence of the swallowing reflex and cyanosis, and the general condition of the patient.

(vi) Safety precautions include:

(a) Shockproof and sparkproof equipment;

(b) Humidity control;

(c) Proper grounding;

(d) Safety regulations posted;

(e) Storage of flammable anesthetic and oxidizing gases meet the standards of the National Fire Protection Association Code.

(c) (1) *Standard; Department of Dentistry and dental staff.* According to the procedure established for the appointment of the medical staff, one or more dentists may be appointed to the dental staff. If the dental service is organized, its organization is comparable to that of other services or departments. Whether or not the dental service is organized as a department, the following requirements are met:

(i) Members of the dental staff are qualified legally, professionally, and ethically for the positions to which they are appointed.

(ii) Patients admitted for dental services are admitted by the dentist either to the Department of Dentistry or, if there is no department, to an organized clinical service.

(iii) There is a physician in attendance who is responsible for the medical care of the patient throughout the hospital stay. A medical survey is done and recorded by a member of the medical staff before dental surgery is performed.

(2) *The factors explaining the standard are as follows:*

(i) There are specific bylaws concerning the dental staff written as combined medical-dental staff bylaws or as separate or adjunct dental bylaws.

(ii) The staff bylaws, rules and regulations specifically delineate the rights and privileges of the dentists.

(iii) Complete records, both medical and dental, are required on each dental patient and shall be a part of the hospital records.

(d) *Standard; Rehabilitation, Physical Therapy, and Occupational Therapy Department.* The Rehabilitation, Physical Therapy, and Occupational Therapy Departments have effective policies and procedures relating to the organization and functions of the service(s) and are staffed by qualified therapists. The factors explaining the standard are as follows:

(1) There may be a rehabilitation department, including both physical and occupational therapy and which may also include other rehabilitation services such as speech therapy, vocational counseling, and other appropriate services or there may be separate physical and/or occupational therapy departments.

(2) The department head has the necessary knowledge, experience, and capabilities to properly supervise and administer the department. A rehabilitation department head is a physiatrist or other physician with pertinent experience. If separate physical or occupational therapy departments are maintained, the department head is a qualified physical or occupational therapist (as is appropriate) or a physician with pertinent experience.

(3) If physical therapy services are offered, the services are given by or under the supervision of a qualified physical therapist. A qualified physical therapist is a graduate of a program in physical therapy approved by the Council on Medical Education of the American Medical Association (in collaboration with the American Physical Therapy Association) or its equivalent. Additional properly trained and supervised personnel are sufficient to meet the needs of the department.

(4) If occupational therapy services are offered, the services are given by or under the supervision of a professional registered occupational therapist (OTR). Other properly trained and supervised personnel, such as certified occupational therapy assistants (COTA) and aides, are sufficient to meet the needs of the department.

(5) Facilities and equipment for physical and occupational therapy are adequate to meet the needs of the services and are in good condition.

(6) Physical therapy or occupational therapy is given in accordance with a physician's orders, and such orders are incorporated in the patient's record.

(7) Complete records are maintained for each patient provided such services and are part of the patient's record.

§ 405.1032 Condition of participation—Outpatient department.

Participation is not limited to hospitals which have organized outpatient departments, but if they are present, there are effective policies and procedures relating to the staff, functions of the service, and outpatient medical records and adequate facilities in order to assure the health and safety of the patients.

(a) *Standard; organization.* The Outpatient Department is organized into sections (clinics) the number of which depends on the size and the degree of departmentalization of the medical staff, available facilities, and the needs of the patients for whom it accepts responsibility. The factors explaining the standard are as follows:

(1) The outpatient department has appropriate cooperative arrangements and communications with community agencies such as other outpatient departments, public health nursing agencies, the department of health, and welfare agencies.

(2) Clinics are integrated with corresponding inpatient services.

(3) Clinics are maintained for the following purposes:

(i) Care of ambulatory patients unrelated to admission or discharge,

(ii) Study of preadmission patients,

(iii) Followup of discharged hospital patients.

(4) Patients, on their initial visit to the department, receive a general medical evaluation and patients under continuous care receive an adequate periodic reevaluation.

(5) Established medical screening procedures are employed routinely.

(b) *Standard; personnel.* There are such professional and nonprofessional personnel as are required for efficient operation. The factors explaining the standard are as follows:

(1) There is a physican responsible for the professional services of the department. Either this physician or a qualified administrator is responsible for administrative services.

(2) A registered professional nurse is responsible for the nursing services of the department.

(3) The number and type of other personnel employed reflect the volume and type of work carried out and the type of patient served in the outpatient department.

(c) *Standard; facilities.* Facilities are provided to assure the efficient operation of the department. The factors explaining the standard are as follows:

(1) The number of examination and treatment rooms is adequate in relation to the volume and nature of work performed.

(2) Suitable facilities for necessary laboratory tests are available either through the hospital or some other facility approved to provide these services as an independent laboratory under the Supplementary Medical Insurance for the Aged program.

(d) *Standard; medical records.* Medical records are maintained, and correlated with other hospital medical records. The factors explaining the standard are as follows:

(1) The outpatient medical record is filed in a location which insures ready accessibility to the physicians, nurses, and other personnel of the department.

(2) The outpatient medical record is integrated with the patient's overall hospital record.

(3) Information contained in the medical record is complete and sufficiently detailed relative to the patient's history, physical examination, laboratory and other diagnostic tests, diagnosis, and treatment to facilitate continuity of care.

(e) *Standard; liaison conferences.* Conferences, both departmental and interdepartmental, are conducted to maintain close liaison between the various sections within the department and with other hospital services. The factors explaining the standard are as follows:

(1) Minutes of staff and/or departmental meetings indicate that a review of selected outpatient cases takes place and that there is integration of hospital inpatient and outpatient services.

(2) The outpatient department has close working relationships with the medical social service department.

§ 405.1033 Condition of participation—Emergency service or department.

The hospital has at least a procedure for taking care of the occasional emer-

gency case it might be called upon to handle. Participation is not limited to hospitals which have organized emergency services or departments, but if they are present, there are effective policies and procedures relating to the staff, functions of the service, and emergency room medical records and adequate facilities in order to assure the health and safety of the patients.

(a) *Standard; organization and direction.* The department or service is well organized, directed by qualified personnel, and integrated with other departments of the hospital. The factors explaining the standard are as follows:

(1) There are written policies which are enforced to control emergency room procedures.

(2) The policies and procedures governing medical care provided in the emergency service or department are established by and are a continuing responsibility of the medical staff.

(3) The emergency service is supervised by a qualified member of the medical staff and nursing functions are the responsibility of a registered professional nurse.

(4) The administrative functions are a responsibility of a member of the hospital administration.

(b) *Standard; facilities.* Facilities are provided to assure prompt diagnosis and emergency treatment. The factors explaining the standard are as follows:

(1) Facilities are separate and independent of the operating rooms.

(2) The location of the emergency service is in close proximity to an exterior entrance of the hospital.

(3) Diagnostic and treatment equipment, drugs, supplies, and space, including a sufficient number of treatment rooms, are adequate in terms of the size and scope of services provided.

(c) *Standard; medical and nursing personnel.* There are adequate medical and nursing personnel available at all times. The factors explaining the standard are as follows:

(1) The medical staff is responsible for insuring adequate medical coverage for emergency services.

(2) Qualified physicians are regularly available at all times for the emergency service, either on duty or on call.

(3) A physician sees all patients who arrive for treatment in the emergency service.

(4) Qualified nurses are available on duty at all times and in sufficient number to deal with the number and extent of emergency services.

(d) *Standard; medical records.* Adequate medical records on every patient are kept. The factors explaining the standard are as follows:

(1) The emergency room record contains:

(i) Patient identification.

(ii) History of disease or injury.

(iii) Physical findings.

(iv) Laboratory and X-ray reports, if any.

(v) Diagnosis.

(vi) Record of treatment.

(vii) Disposition of the case.

(viii) Signature of a physician.

(2) Medical records for patients treated in the emergency service are organized by a medical record librarian or her equivalent.

(3) Where appropriate, medical records of emergency services are integrated with those of the inpatient and outpatient services.

(4) A proper method of filing records is maintained.

(5) At a minimum, emergency service medical records are kept for as long a time as required in a given State's statute of limitations.

§ 405.1034 Condition of participation—Social work department.

Participation is not limited to hospitals which have social work departments, but if they are present, there are effective policies and procedures relating to the staff and the functions of the service.

(a) *Standard; organization, direction, and personnel.* The department is well organized and directed by a qualified medical social worker. The factors explaining the standard are as follows:

(1) Preferably, social services are organized on a departmental level, responsible to the administration of the institution, and social workers in the institution are responsible to the department director, regardless of the unit to which they are assigned.

(2) The social service staff includes social workers, social work assistants, and clerical personnel. The social workers are qualified by a master's degree from an accredited school of social work. The social work assistants are qualified by a bachelor's degree, preferably with a social welfare sequence, and are given training on the job for specific assignments and responsibilities.

(3) The number of social workers and social work assistants is adequate to meet patient needs for patient care planning.

(4) Planning for patient care includes participation by the social service department as indicated to enable the patient to make full use of inpatient, outpatient, or extended care or home health services in the community.

(b) *Standard; departmental integration.* The department is integrated with other departments of the hospital, and departmental and interdepartmental conferences are held periodically. The factors explaining the standard are as follows:

(1) Department staff participate in ward rounds, medical staff seminars, nursing staff conferences, and in conferences with individual physicians and nurses concerned with the care of the patient.

(2) The department communicates to appropriate administrative and professional personnel information on community programs and developments which may affect the hospital program.

(3) The department participates in appropriate education, training, and orientation programs for nurses, medical students, interns and residents, and hospital administartive residents, as well as in inservice training programs.

(c) *Standard; records of social work services.* Records of social service activity related to individual patients are kept, and are available only to the professional personnel concerned. The factors explaining the standard are as follows:

(1) Functions and activities recorded include:

(i) Medicosocial study of referred hospitalized and OPD patients;

(ii) Evaluation of financial status of patient;

(iii) Follow-up of discharged patients;

(iv) Social therapy and rehabilitation of patients;

(v) Environmental investigations for the attending physicians; and

(vi) Cooperative activities with community agencies.

(2) Significant social service summaries are entered promptly in the patient's central medical record for the benefit of all staff involved in the care of the patient.

(3) More detailed records are kept by the department to meet the needs of student or staff training, research, and review by supervisors or consultants.

(d) *Standard; facilities.* Facilities are provided which are adequate for the personnel of the department, easily accessible to patients and to the medical staff, and which assure privacy for interviews.

§ 405.1035 Condition of participation—Utilization review plan.

(a) *Condition.* The hospital has in effect a plan for utilization review which applies at least to the services furnished by the hospital to inpatient; who are entitled to benefits under Title XVIII of the Act. An acceptable utilization review plan provides for: (1) The review, on a sample or other basis, of admissions, duration of stays, and professional services furnished; and (2) review of each case of continuous extended duration.

(b) *General.* (1) There are many types of plans which can fulfill the requirements of Title XVIII of the Act. Hospitals wishing to establish their eligibility to participate should submit a written description of their utilization review plan and a certification that it is currently in effect or that it will be in effect no later than the first day on which the hospital expects to become a participating provider of services. Ordinarily this will constitute sufficient evidence to support a finding that the utilization review plan of the hospital is or is not in conformity with the statutory requirements.

(2) The review plan of a hospital should have as its over-all objective the maintenance of high quality patient care, and an increase in effective utilization of hospital services to be achieved through an educational approach involving study of patterns of care, and the encouragement of appropriate utilization. It is contemplated that a review of the medical necessity of admissions and durations of stay, for example, would take into account alternative use and availability of out-of-hospital facilities and services. The review of professional services furnished might include study of such conditions as overuse or underuse of services, logical substantiation of diagnoses,

proper use of consultation, and whether required diagnostic workup and treatment are initiated and carried out promptly. Review of lengths of stay might consider not only medical necessity, but the effect that hospital staffing may have on duration of stay, whether assistance is available to the physician in arranging for discharge planning, and the availability of out-of-hospital facilities and services which will assure continuity of care.

(3) Costs incurred in connection with the implementation of the utilization review plan are includable in reasonable costs and are reimbursable to the hospital to the extent that such costs relate to health insurance program beneficiaries. For example, costs may include expenses incurred for the purchase of data from organizations outside the hospital which compile statistics, profiles, and study results on utilization of hospital facilities and services.

(c) *Standard; approval and operation of plan.* The operation of the utilization review plan is a responsibility of the medical profession. The plan in the hospital has the approval of the medical staff as well as that of the governing body.

(d) *Standard; written description of plan.* The hospital has a currently applicable, written description of its utilization review plan. Such description includes:

(1) The organization and composition of the committee(s) which will be responsible for the utilization review function;

(2) Frequency of meetings;

(3) The type of records to be kept;

(4) The method to be used in selecting cases on a sample or other basis;

(5) The definition of what constitutes the period or periods of extended duration;

(6) The relationship of the utilization review plan to claims administration by a third party;

(7) Arrangements for committee reports and their dissemination;

(8) Responsibilities of the hospital's administrative staff.

(e)(1) *Standard; conduct of function by committees.* The utilization review function is conducted by one or a combination of the following:

(i) By a staff committee or committees of the hospital, each of which is composed of two or more physicians, with or without the inclusion of other professional personnel; or

(ii) By a committee(s) or group(s) outside the hospital composed as in (i) above which is established by the local medical society and some or all of the hospitals and extended care facilities in the locality; or

(iii) Where a committee(s) or group(s) as described in (i) or (ii) above has not been established to carry out all the utilization review functions prescribed by Title XVIII, by a committee(s) or group(s) composed in as (i) above, and sponsored and organized in such manner as approved by the Secretary of Health, Education, and Welfare.

(2) *The factors explaining the standard are as follows:* (i) The medical care appraisal and educational aspects of review on a sample or other basis, and the review of long-stay cases need not be done by the same committee or group.

(ii) Existing staff committees may assume the review responsibility stipulated in the plan. In smaller hospitals, all of these functions may be carried out by a committee of the whole or a medical care appraisal committee.

(iii) The committee(s) is broadly representative of the medical staff and at least one member does not have a direct financial interest in the hospital.

(f) *Standard; reviews.* (1) Reviews are made, on a sample or other basis, of admissions, duration of stays, and professional services furnished, with respect to the medical necessity of the services, and for the purpose of promoting the most efficient use of available health facilities and services. Such reviews emphasize identification and analysis of patterns of patient care in order to maintain consistent high quality. The review is accomplished by considering data obtained by any one or any combination of the following:

(i) By use of services and facilities of external organizations which compile statistics, design profiles, and produce other comparative data; or

(ii) By cooperative endeavor with the fiscal intermediary(ies) in the locality; or

(iii) By internal studies of medical records.

(2) *The factors explaining the standard are as follows:* (i) Review of cases, based on diagnostic categories, include diagnoses of special relevance to the aged group.

(ii) Some review functions are carried out on a continuing basis.

(iii) Reviews include a sample of recertifications of medical necessity, as made for purposes of the Health Insurance for the Aged Program.

(g) *Standard; extended duration cases.* Reviews are made of each health insurance beneficiary case of continuous extended duration. The hospital utilization review plan specifies the number of continuous days of hospital stay following which a review is made to determine whether further inpatient hospital services are medically necessary. The plan may specify a different number of days for different classes of cases. Reviews for such purpose are made no later than the seventh day following the last day of the period of extended duration specified in the plan. No physician has review responsibility for any extended stay cases in which he was professionally involved. If physician members of the committee decide, after opportunity for consultation is given the attending physician by the committee, and considering the availability and appropriateness of out-of-hospital facilities and services, that further inpatient stay is not medically necessary, there is notification in writing within 48 hours to the institution, the attending physician and the patient or his representative. The factor explaining the standard is as follows:

Because there are significant divergences in opinion among individual physicians in respect to evaluation of medical necessity for inpatient hospital services, the judgment of the attending physician in an extended stay case is given great weight, and is not rejected except under unusual circumstances.

(h) *Standard; records.* Records are kept of the activities of the committee, and reports are regularly made by the committee to the executive committee of the medical staff and relevant information and recommendations are reported through usual channels to the entire medical staff and the governing body of the hospital. The factors explaining the standard are as follows:

(1) The hospital administration studies and acts upon administrative recommendations made by the committee.

(2) A summary of the number and types of cases reviewed, and the findings, are part of the records.

(3) Minutes of each committee meeting are maintained.

(4) Committee action in extended stay cases is recorded, with cases identified only by hospital case number.

(i) *Standard; administrative staff responsibilities.* The committee(s) having responsibility for utilization review functions have the support and assistance of the hospital's administrative staff in assembling information, facilitating chart reviews, conducting studies, exploring ways to improve procedures, maintaining committee records, and promoting the most efficient use of available health services and facilities. The factors explaining the standard are as follows:

(1) With respect to each of these activities, an individual or department is designated as being responsible for the particular service.

(2) In order to encourage the most efficient use of available health services and facilities, assistance to the physician in timely planning for posthospital care is initiated as promptly as possible, either by hospital staff, or by arrangement with other agencies. For this purpose, the hospital makes available to the attending physician current information on resources available for continued out-of-hospital care of patients and arranges for prompt transfer of appropriate medical and nursing information in order to assure continuity of care upon discharge of a patient.

§ 405.1036 Special rules and exceptions applying to psychiatric and tuberculosis hospitals.

(a) The conditions of participation for psychiatric and tuberculosis hospitals are similar to those for other hospitals, though differing in some respects due to their different purpose. To provide assurance that the program while paying for active treatment in psychiatric and tuberculosis hospitals would avoid paying for care that is merely custodial, the conditions of participation require that the hospital be accredited by the Joint Commission on Accreditation of Hospitals, that its clinical records be sufficient to permit the Secretary to deter-

mine the degree and intensity of treatment furnished to beneficiaries, and that it meet staffing requirements the Secretary finds necessary for carrying out an active treatment program. A distinct part of an institution can be considered a psychiatric or a tuberculosis hospital if it meets the conditions even though the institution of which it is a part does not, and if the distinct part meets requirements equivalent to the accreditation requirements of the JCAH, it could qualify under the program even though the institution is not accredited.

(b) A distinct part of an institution will be considered to meet requirements equivalent to the accreditation requirements of the JCAH if it is found to be in substantial compliance with the conditions of participation contained in §§ 405.1020 through 405.1035.

(c) In addition, psychiatric hospitals (or distinct parts thereof) must meet the requirements of section 1861(f) of the Act and be in substantial compliance with the conditions of participation contained in §§ 405.1037 and 405.1038 and tuberculosis hospitals (or distinct parts thereof) must meet the requirements of section 1861(g) of the Act and be in substantial compliance with the conditions of participation contained in §§ 405.1039 and 405.1040.

§ 405.1037 Condition of participation—Special medical record requirements for psychiatric hospitals.

The medical records maintained by a psychiatric hospital permit determination of the degree and intensity of the treatment provided to individuals who are furnished services in the institution.

(a) *Standard; medical records.* Medical records stress the psychiatric components of the record including history of findings and treatment rendered for the psychiatric condition for which the patient is hospitalized. The factors explaining the standard are as follows:

(1) The identification data includes the patient's legal status.

(2) A provisional or admitting diagnosis is made on every patient at the time of admission and includes the diagnoses of intercurrent diseases as well as the psychiatric diagnoses.

(3) The complaint of others regarding the patient is included as well as the patient's comments.

(4) The psychiatric evaluation, including a medical history, contains a record of mental status and notes the onset of illness, the circumstances leading to admission, attitudes, behavior, estimate of intellectual functioning, memory functioning, orientation, and an inventory of the patient's assets in descriptive, not interpretative, fashion.

(5) A complete neurological examination is recorded at the time of the admission physical examination, when indicated.

(6) The social service records, including reports of interviews with patients, family members and others, provide an assessment of home plans and family attitudes, and community resource contacts as well as a social history.

(7) Reports of consultations, psychological evaluations, reports of electroencephalograms, dental records and reports of special studies are included in the record.

(8) The individual comprehensive treatment plan is recorded, based on an inventory of the patient's strengths as well as his disabilities, and includes a substantiated diagnosis in the terminology of the American Psychiatric Association's Diagnostic and Statistical Manual, short-term and long-range goals, and the specific treatment modalities utilized as well as the responsibilities of each member of the treatment team in such a manner that it provides adequate justification and documentation for the diagnoses and for the treatment and rehabilitation activities carried out.

(9) The treatment received by the patient is documented in such a manner and with such frequency as to assure that all active therapeutic efforts such as individual and group psychotherapy, drug therapy, milieu therapy, occupational therapy, recreational therapy, industrial or work therapy, nursing care and other therapeutic interventions are included.

(10) Progress notes are recorded by the physician, nurse, social worker and, when appropriate, others significantly involved in active treatment modalities. Their frequency is determined by the condition of the patient but should be recorded at least weekly for the first 2 months and at least once a month thereafter and should contain recommendations for revisions in the treatment plan as indicated as well as precise assessment of the patient's progress in accordance with the original or revised treatment plan.

(11) The discharge summary includes a recapitulation of the patient's hospitalization and recommendations from appropriate services concerning follow-up or aftercare as well as a brief summary of the patient's condition on discharge.

(12) The psychiatric diagnoses contained in the final diagnoses are written in the terminology of the American Psychiatric Association's Diagnostic and Statistical Manual.

§ 405.1038 Condition of participation—Special staff requirements for psychiatric hospitals.

The hospital has staff adequate in number and qualifications to carry out an active program of treatment for individuals who are furnished services in the institution.

(a) *Standard; personnel; facilities.* Inpatient psychiatric facilities (psychiatric hospitals, distinct parts of psychiatric hospitals or inpatient components of community mental health centers) are staffed with the number of qualified professional, technical and supporting personnel, and consultants required to carry out an intensive and comprehensive treatment program that includes evaluation of individual needs, establishment of treatment and rehabilitation goals, and implementation, directly or by arrangement, of a broad range therapeutic program including, at least, professional psychiatric, medical, surgical, nursing, social work, psychological and activity therapies as required to carry out an individual treatment plan for each patient. The factors explaining the standard are as follows:

(1) Qualified professional, technical, and consultant personnel are available to evaluate each patient at the time of admission, including diagnosis of any intercurrent disease. Services necessary for such evaluation include laboratory, radiological and other diagnostic tests, obtaining psychosocial data, carrying out psychiatric and psychological evaluations, and completing a physical examination, including a complete neurological examination when indicated, shortly after admission.

(2) The number of qualified professional personnel, including consultants and technical and supporting personnel, is adequate to assure representation of the disciplines necessary to establish short-range and long-term goals; and to plan, carry out, and periodically revise a written individualized treatment program for each patient based on scientific interpretation of:

(i) Degree of physical disability and indicated remedial or restorative measures, including nutrition, nursing, physical medicine, and pharmacological therapeutic interventions;

(ii) Degree of psychological impairment and appropriate measures to be taken to relieve treatable distress and to compensate for nonreversible impairments where found;

(iii) Capacity for social interaction and appropriate nursing measures and milieu therapy to be undertaken, including group living experiences, occupational and recreational therapy, and other prescribed rehabilitative activities to maintain or increase the individual's capacity to manage activities of daily living;

(iv) Environmental and physical limitations required to safeguard the individual's health and safety with a plan to compensate for these deficiencies and to develop the individual's potential for return to his own home, a foster home, an extended care facility, a community mental health center, or another alternative facility to full-time hospitalization.

(b) *Standard; director of inpatient psychiatric services; medical staff.* Inpatient psychiatric services are under the supervision of a clinical director, service chief or equivalent who is qualified to provide the leadership required for an intensive treatment program, and the number and qualifications of physicians are adequate to provide essential psychiatric services. The factors explaining the standard are as follows:

(1) The clinical director, service chief or equivalent is certified by the American Board of Psychiatry and Neurology, or meets the training and experience requirements for examination by the Board ("Board eligible"). In the event the psychiatrist in charge of the clinical program is Board eligible, there is evidence of consultation given to the clinical program on a continuing basis from a psychiatrist certified by the American Board of Psychiatry and Neurology.

(2) The medical staff is qualified legally, professionally and ethically for the positions to which they are appointed.

(3) The number of physicians is commensurate with the size and scope of the treatment program.

(4) Residency training is under the direction of a properly qualified psychiatrist.

(c) *Standard; availability of physicians and other personnel.* Physicians and other appropriate professional personnel are available at all times to provide necessary medical and surgical diagnostic and treatment services, including specialized services. If medical and surgical diagnostic and treatment services are not available within the institution, qualified consultants or attending physicians are immediately available or a satisfactory arrangement has been established for transferring patients to a general hospital certified under the Health Insurance for the Aged Program.

(d) *Standard; nursing services.* Nursing services are under the direct supervision of a registered professional nurse who is qualified by education and experience for the position; and the number of registered professional nurses, licensed practical nurses, and other nursing personnel are adequate to formulate and carry out the nursing components of the individual treatment plan for each patient. The factors explaining the standard are as follows:

(1) The registered professional nurse supervising the nursing program has a master's degree in psychiatric or mental health nursing or its equivalent from a school of nursing accredited by the National League for Nursing, or is qualified by education, experience in the care of the mentally ill, and demonstrated competence to participate in interdisciplinary formulation of individual treatment plans; to give skilled nursing care and therapy; and to direct, supervise and train others who assist in implementing and carrying out the nursing components of each patient's treatment plan.

(2) The staffing pattern insures the availability of a registered professional nurse 24 hours each day for direct care; for supervising care performed by other nursing personnel; and for assigning nursing care activities not requiring the services of a professional nurse to other nursing service personnel according to the patient's needs and the preparation and competence of the nursing staff available.

(3) The number of registered professional nurses, including nurse consultants, is adequate to formulate in writing and assure that a nursing care plan for each patient is carried out.

(4) Registered professional nurses and other nursing personnel are prepared by continuing in-service and staff development programs for active participation in interdisciplinary meetings affecting the planning or implementation of nursing care plans for patients including diagnostic conferences, treatment planning sessions, and meetings held to consider alternative facilities and community resources.

(e) *Standard; psychological services.* The psychological services are under the supervision of a qualified psychologist and the psychology staff, including consultants, is adequate in numbers and by qualifications to plan and carry out assigned responsibilities. The factors explaining the standard are as follows:

(1) The psychology department or service is under the supervision of a psychologist with a doctoral degree in psychology from an American Psychological Association approved program in clinical psychology or its adjudged equivalent. Where a psychologist who does not hold the doctoral degree directs the program, he has attained recognition of competency through the American Board of Examiners for Professional Psychology, State certification or licensing, or through endorsement by his State psychological association.

(2) Psychologists, consultants and supporting personnel are adequate in number and by qualifications to assist in essential diagnostic formulations, and to participate in program development and evaluation of program effectiveness, in training and research activities, in therapeutic interventions such as milieu, individual or group therapy, and in interdisciplinary conferences and meetings held to establish diagnoses, goals, and treatment programs.

(f) *Standard; social work services and staff.* Social work services are under the supervision of a qualified social worker, and the social work staff is adequate in numbers and by qualifications to fulfill responsibilities related to the specific needs of individual patients and their families, the development of community resources, and consultation to other staff and community agencies. The factors explaining the standard are as follows:

(1) The director of the social work department or service has a master's degree from an accredited school of social work and meets the experience requirements for certification by the Academy of Certified Social Workers.

(2) Social work staff, including other social workers, consultants and other assistants or case aides, is qualified and numerically adequate to conduct prehospitalization studies; to provide psychosocial data for diagnosis and treatment planning, direct therapeutic services to patients, patient groups or families, to develop community resources, including family or foster care programs; to conduct appropriate social work research and training activities; and to participate in interdisciplinary conferences and meetings concerning diagnostic formulation and treatment planning, including identification and utilization of other facilities and alternative forms of care and treatment.

(g) *Standard; qualified therapists, consultants, volunteers, assistants, aides.* Qualified therapists, consultants, volunteers, assistants or aides are sufficient in number to provide comprehensive therapeutic activities, including at least occupational, recreational and physical therapy, as needed, to assure that appropriate treatment is rendered for each patient, and to establish and maintain a therapeutic milieu. The factors explaining the standard are as follows:

(1) Occupational therapy services are preferably under the supervision of a graduate of an occupational therapy program approved by the Council on Education of the American Medical Association who has passed or is eligible for the National Registration Examination of the American Occupational Therapy Association. In the absence of a full-time, fully qualified occupational therapist, an occupational therapy assistant who is certified by the American Occupational Therapy Association may function as the director of the activities program with consultation from a fully qualified occupational therapist.

(2) When physical therapy services are offered, the services are given by or under the supervision of a qualified physical therapist who is a graduate of a physical therapy program approved by the Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association or its equivalent. In the absence of a full-time, fully qualified physical therapist, physical therapy services are available by arrangement with a certified local hospital or by consultation or part-time services furnished by a fully qualified physical therapist.

(3) Recreational or activity therapy services are available under the direct supervision of a member of the staff who has demonstrated competence in therapeutic recreation programs.

(4) Other occupational therapy, recreational therapy, activity therapy and physical therapy assistants or aides are directly responsible to qualified supervisors and are provided special on-the-job training to fulfill assigned functions.

(5) The total number of rehabilitation personnel, including consultants, is sufficient to permit adequate representation and participation in interdisciplinary conferences and meetings affecting the planning and implementation of activity and rehabilitation programs, including diagnostic conferences; and to maintain all daily scheduled and prescribed activities including maintenance of appropriate progress records for individual patients.

(6) Voluntary service workers are under the direction of a paid professional supervisor of volunteers, are provided appropriate orientation and training, and are available daily in sufficient numbers to be of assistance to patients and their families in support of therapeutic activities.

§ 405.1039 Condition of participation—Special medical record requirements for tuberculosis hospitals.

The medical records maintained by a tuberculosis hospital permit determina-

tion of the degree and intensity of the treatment provided to individuals who are furnished services in the institution.

(a) *Standard; reports on laboratory procedures.* The record contains reports on laboratory procedures undertaken to identify and characterize organisms, identify their drug susceptibility, protect the patient against potential drug toxicity, and measure pulmonary function.

(b) *Standard; records of case review conferences.* The record contains summaries of all scheduled case review conferences performed by the hospital staff, including as a minimum, summaries of case reviews performed upon initiation of therapy, within 8 weeks after initiation of therapy, at least 3 months thereafter, and prior to discharge. The factors explaining the standard are as follows:

(1) A case review conference is a meeting of the medical staff of the hospital at which major medical decisions are made concerning the program of treatment for each patient. Other professional staff involved in the care of the patient participate in the review.

(2) The summary of the case review conference includes: current diagnosis according to the National Tuberculosis Association's Diagnostic Standards and Classification of Tuberculosis, treatment, response to treatment, reference to X-ray and bacteriological findings, any special consultations, recommended schedule of future therapy, and prognosis.

(3) The discharge summary contains a recapitulation of the significant findings and events of the patient's hospitalization including a listing of all drugs used and the reason for discontinuing each, the current diagnoses and medical status of the patient on discharge, and recommendations for follow-up including the kind and duration of posthospitalization chemotherapy.

(c) *Standard; progress notes.* Adequate progress notes contained in the record indicate response to therapy. The factors explaining the standard are as follows:

(1) There is a note on the patient's condition, signed by a physician, at least once monthly.

(2) Any change in treatment plan is indicated in the progress notes.

§ 405.1040 Condition of participation—Special staff requirements for tuberculosis hospitals.

The hospital has staff adequate in number and qualifications to carry out an active program of treatment for individuals who are furnished services in the institution.

(a) *Standard; medical director.* There is a full-time medical director (or his equivalent) who has at least 3 years experience in chest diseases or is Board eligible or Board certified in internal medicine, and who is well versed in the various aspects of tuberculosis. The factors explaining the standard are as follows:

(1) The medical director is responsible for the medical affairs in the hospital. If he is also responsible for the nonmedical affairs of the hospital, he has an administrator or business manager to administer these affairs.

(2) If the medical director carries a patient load in addition to supervising the conduct of medical affairs in the hospital, this additional responsibility does not interfere with his duties as director.

(b) *Standard; staff physicians.* There is a sufficient number of qualified physicians on the medical staff to provide medical supervision and active treatment for each tuberculosis patient. The factors explaining the standard are as follows:

(1) Physicians are legally qualified and have the professional skills necessary to care for tuberculosis patients.

(2) Active treatment includes:

(i) Initial evaluation at a staff case review conference;

(ii) A planned regimen of specific antituberculous measures, including chemotherapy, designed to render the disease noncommunicable and to improve the patient's condition so that he may safely return to his community for continued supervision and treatment; and

(iii) Periodic assessment of progress at case review conferences.

(3) It is preferable that staff physicians be full-time. If full-time staff cannot be obtained, the services of regularly scheduled part-time physicians may be used in order to provide needed services. This does not preclude the hospital from continuing efforts to obtain sufficient full-time staff.

(4) One or more physicians are on duty at all times.

(c) *Standard; thoracic surgeon.* The services of a thoracic surgeon, as a member of the medical team responsible for treating the tuberculosis patient, are available on a regularly scheduled basis and for emergencies. The factors explaining the standard are as follows:

(1) The thoracic surgeon is either Board certified or eligible for Board certification in thoracic surgery.

(2) In addition to his regular visits to the hospital for examination of selected patients, he attends case review conferences as a member of the medical team responsible for the care of the tuberculous patient.

(3) He is either on the full-time hospital staff or is available under arrangements with the hospital to provide specified consultative and surgical services. Necessary surgical procedures may be performed in another hospital.

(d) *Standard; consultative services.* Consultative services in other medical and surgical specialties are available to meet the total medical needs of the patients. The factors explaining the standard are as follows:

(1) Specialists in areas such as urology and orthopedic surgery are available to assist the staff through consultation and, if necessary, direct service in handling complications of tuberculosis.

(2) Specialists in other fields are available to assist as necessary in the treatment of additional medical disorders of the patients.

(e) *Standard; mental health.* Qualified personnel are available to provide mental health consultation and guidance to the staff, and such direct patient service as is appropriate to give in the tuberculosis hospital. The factors explaining the standard are as follows:

(1) If mental health services are not available from hospital staff, arrangements are made for these services with outside agencies or institutions.

(2) Mental health consultation and guidance, including guidance with respect to the alcoholic patient, are provided to the staff by qualified mental health personnel such as psychiatrist and or psychologists.

(3) Patients with severe mental disturbances have ready access to the services of a qualified psychiatrist.

(f) *Standard; social needs.* A staff person is responsible for direction and supervision of activities related to the social needs of all patients, and to the mobilization and use of community resources to meet these needs. The number of professional personnel and nonprofessional social work assistants is sufficient to meet the institution's requirements. The factors explaining the standard are as follows:

(1) Preferably, social work direction and supervision are by a qualified social worker with a master's degree from an accredited school of social work and related professional experience.

(2) If the hospital does not have a qualified social worker on the staff, arrangements are made with another agency for overall direction and continuing supervision of hospital social services by a qualified social worker.

(3) The director of the service assigns responsibilities related to the specific needs of individual patients to professional social workers or to nonprofessional social work assistants according to their ability or training. Nonprofessional social work assistants receive in-service training to enable them to perform assigned functions.

(4) A social worker familiar with the patient's social needs participates in the case review conference.

(5) The social service staff effectively uses available community resources to assist in providing needed services to the patient and his family, and is responsible for proper community referrals upon discharge from the hospital.

(g) *Standard; diversionary and recreational services.* A staff person is responsible for arranging for patients appropriate diversionary and recreational activities as an important adjunct to the active treatment program. The factors explaining the standard are as follows:

(1) Preferably, these activities are under the direction of an occupational therapist who is registered by the American Occupational Therapy Association.

(2) Assistants, aides, or volunteers providing these services are directly responsible to a qualified person on the staff and are provided on-the-job-training.

(h) *Standard; liaison.* There is a person with major responsibility for liaison between the hospital and, in the community in which the patient is to be supervised and treated upon discharge, the official health agency responsible for tuberculosis control and any other agencies or individuals who will be involved in the patient's treatment and follow-up. The factors explaining the standard are as follows:

(1) This person may be an employee of the hospital or an employee of an outside health agency assigned to the hospital for this purpose.

(2) This person is responsible for the administration of a written policy establishing effective lines of communication between the hospital and the official health agency responsible for tuberculosis control in the community and other agencies or individuals who will be involved in the patient's treatment and follow-up.

(3) The policy includes procedures for:

(i) Informing the official health agency of the admission of the patient to the hospital and of the anticipated return of the patient to the community either on discharge or leave from the hospital.

(ii) Assisting the local health agency in obtaining information from the patient on sources of infection and contacts that may have public health significance.

(iii) Transferring to the official health agency and any other agencies or individuals involved in the patient's treatment and follow-up medical and related information as needed to insure continuity and effectiveness of medical care.

[F.R. Doc. 66-11320; Filed, Oct. 17, 1966; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6897]

PART 177—INTERSTATE TRAFFIC IN FIREARMS AND AMMUNITION

Miscellaneous Amendments

On July 21, 1966, a notice of proposed rule making to amend 26 CFR Part 177 was published in the FEDERAL REGISTER (31 F.R. 9869). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice, and the amendments as published in the FEDERAL REGISTER are hereby adopted.

This Treasury decision shall become effective upon the date of its publication in the FEDERAL REGISTER.

(Sec. 7 of the Federal Firearms Act; 52 Stat. 1252; 15 U.S.C. 907)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: October 11, 1966.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to institute procedures under the Federal Firearms Act Amendment (Public Law 89-184), approved September 15, 1965, and to make appropriate conforming, technical and editorial changes, the regulations in 26 CFR Part 177 are amended as follows:

PARAGRAPH 1. Section 177.10 headed "*Meaning of terms*" is amended by inserting after the undesignated paragraph headed "*Licensed manufacturer*" a new paragraph headed "*Licensee*" to read as follows:

§ 177.10 Meaning of terms.

* * * * *

Licensee. Means a manufacturer, importer or dealer licensed under section 3 of the act (15 U.S.C. 903).

* * * * *

PAR. 2. Section 177.25 is amended to liberalize licensing restrictions in accordance with section 10, 79 Stat. 788; 15 U.S.C. 910, made effective September 15, 1965. As amended, § 177.25 reads as follows:

§ 177.25 Statutory restrictions.

(a) A license shall not be issued to any person who is a fugitive from justice or is under indictment for a crime punishable by imprisonment for a term exceeding one year by or in any court.

(b) A license shall not be issued to any person who has been convicted of a crime punishable by imprisonment for a term exceeding 1 year by or in any court unless such person has, as provided in § 177.31(c), made application for, and been granted, relief from the disabilities under the Federal Firearms Act arising by reason of such conviction.

(Sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 3. Section 177.27 is amended to clarify the procedure involved. As amended, § 177.27 reads as follows:

§ 177.27 Application for renewal of license.

Prior to the expiration of a license, each licensee will receive a Form 8-A (Firearms). If the licensee intends to engage in the firearms business cited on the previous license during any portion of the ensuing year, he should execute and immediately return the Form 8-A (Firearms), with proper remittance, to the District Director.

PAR. 4. Section 177.29 is amended to clarify the procedures involved and to make certain technical and editorial changes. As amended, § 177.29 reads as follows:

§ 177.29 Procedure by District Director.

(a) Upon receipt of (1) a properly executed application for an original license on Form 7 (Firearms), or (2) a properly executed application for renewal of a license on Form 8-A (Firearms), accompanied by the required license fee, the District Director may make such inquiry as deemed necessary to determine the bona fides of the applicant. Upon determination that the applicant is lawfully entitled to a license, the District Director will issue such applicant a license on Form 8 (Firearms). Each license will bear an individual serial number and such number will be permanently assigned the licensee to whom issued for so long as he maintains continuity of annual renewal.

(b) If an applicant for license renewal is a person conducting business under a previously issued license pursuant to the provisions of § 177.31(b) or § 177.31(c), action regarding the application will be held in abeyance pending final determination of the applicant's criminal case or final action by the Commissioner on an application for relief submitted pursuant to § 177.31(c), as the case may be.

(Sec. 10, 79 Stat. 788; 15 U.S.C. 910, sec. 9, 69 Stat. 242; 5 U.S.C. 1008(b))

PAR. 5. Section 177.31 is amended to liberalize licensing restrictions in accordance with section 10, 79 Stat. 788; 15 U.S.C. 910, and to make certain technical and editorial changes. As amended, § 177.31 reads as follows:

§ 177.31 General.

(a) A license shall not be issued in any case for a period of less than 1 year. A proper license shall entitle the person to whom issued to transport, ship and receive firearms or ammunition in interstate or foreign commerce, within the limitations of the Act (see subpart F of this part), for a period of 1 year from the date of issuance (or until final action on an application for renewal), unless canceled as provided in § 177.30 or revoked as provided in § 177.43.

(b) A licensed manufacturer or licensed dealer who is indicted during the term of his license for a crime punishable by imprisonment for a term exceeding 1 year may continue operations under his license, until a conviction under the indictment becomes final: *Provided*, That if the term of the license expires during the period between the date of the indictment and the date conviction thereunder becomes final, such manufacturer or dealer must file a timely application for the renewal of his license in order to continue operations. Such application shall show that the applicant is under indictment for a crime punishable by imprisonment for a term exceeding 1 year.

(c) A person who has been convicted of a crime punishable by imprisonment for a term exceeding 1 year (other than a crime involving the use of a firearm or other weapon or a violation of the Federal Firearms Act or the National Firearms Act) may make application for relief from the disabilities under the Federal Firearms Act incurred by reason of such conviction and the Commissioner may grant such relief if it is established

to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to conduct his operations in an unlawful manner, and that the granting of the relief would not be contrary to the public interest.

(1) An application for such relief, addressed to the Commissioner, shall be submitted in triplicate to the Director and shall include such supporting data as the applicant deems appropriate. In the case of a corporation the supporting data should include information as to the absence of culpability in the offense of which the corporation was convicted of any person having the power to direct or control the management of the corporation, if such be the fact.

(2) A licensee who is convicted of a crime punishable by imprisonment for a term exceeding 1 year during the term of a current license or while he has pending a license renewal application, and who qualifies under this paragraph to file an application for removal of disabilities resulting from such conviction, shall not be barred from licensed operations for 30 days after the date upon which his conviction becomes final, and if he files his application for relief with the Commissioner under this paragraph within such 30-day period, he may further continue licensed operations during the pendency of his application. Licensees who do not file an application for relief within 30 days from the date their conviction becomes final, shall not continue licensed operations beyond such 30-day period.

(3) In the event the term of a license of a person qualified to seek relief under this paragraph expires during the 30-day period following the date upon which his conviction becomes final or during the pendency of his application for relief he must file a timely application for renewal of his license in order to continue licensed operations. Such license application shall show that the applicant has been convicted of a crime punishable by imprisonment for a term exceeding 1 year.

(4) The District Director of the District in which the licensed premises are located will be promptly notified of the Commissioner's action on an application for relief and whenever the Commissioner grants relief to any person pursuant to this paragraph, he shall promptly publish in the FEDERAL REGISTER notice of such action, together with the reasons therefor.

(d) The provisions of § 177.83 shall not be construed as prohibiting the shipment of firearms and ammunition in interstate or foreign commerce to a manufacturer or dealer continuing operations under his license pursuant to the provisions of this section.

(Sec. 3, 52 Stat. 1251; 15 U.S.C. 903, sec. 10, 79 Stat. 788; 15 U.S.C. 910, sec. 9, 60 Stat. 242; 5 U.S.C. 1008 (b))

PAR. 6. Section 177.80 is amended in accordance with the provisions contained in section 10, 79 Stat. 788; 15 U.S.C. 910. As amended, § 177.80 reads as follows:

§ 177.80 License to operate.

It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of the Act, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce. Further, it shall be unlawful for any licensed dealer or licensed manufacturer, who is a fugitive from justice or, except as provided in § 177.31(c), who has been finally convicted of a crime punishable by imprisonment for a term exceeding 1 year in any court, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce, or to cause any firearm or ammunition to be transported or shipped in interstate or foreign commerce.

(Sec. 2, 52 Stat. 1250 as amended; 15 U.S.C. 902, sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 7. Section 177.83 is amended in accordance with the provisions contained in section 10, 79 Stat. 788; 15 U.S.C. 910. As amended, § 177.83 reads as follows:

§ 177.83 Interstate deliveries to felons.

It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is a fugitive from justice or, except as provided by § 177.31(b), is under indictment for or, except as provided by § 177.31(c), has been convicted of, a crime punishable by imprisonment for a term exceeding 1 year by or in any court.

(Sec. 2, 52 Stat. 1250, as amended; 15 U.S.C. 902, sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 8. Section 177.84 is amended in accordance with the provisions contained in section 10, 79 Stat. 788; 15 U.S.C. 910. As amended, § 177.84 reads as follows:

§ 177.84 Interstate transportation by felons, etc.

It shall be unlawful for any person who is a fugitive from justice or, except as provided by § 177.31(b), is under indictment for or, except as provided by § 177.31(c), has been convicted of, a crime punishable by imprisonment for a term exceeding 1 year by or in any court, to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

(Sec. 2, 52 Stat. 1250, as amended; 15 U.S.C. 902, sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 9. Section 177.85 is amended in accordance with the provisions contained in section 10, 79 Stat. 788; 15 U.S.C. 910. As amended, § 177.85 reads as follows:

§ 177.85 Receipt by felons, etc.

It shall be unlawful for any person who is a fugitive from justice or, except as provided by § 177.31(b), who is under indictment for or, except as provided by § 177.31(c), has been convicted of, a crime punishable by imprisonment for a term exceeding 1 year by or in any court, to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(Sec. 2, 52 Stat. 1250, as amended; 15 U.S.C. 902, sec. 10, 79 Stat. 788; 15 U.S.C. 910)

PAR. 10. Section 177.102 is amended to make certain technical changes. As amended, § 177.102 reads as follows:

§ 177.102 Disposition after forfeiture.

Any firearm or ammunition forfeited by reason of a violation of the act or any rules or regulations promulgated thereunder, the forfeiture of which firearm or ammunition has not been remitted or mitigated, shall be reported to the Administrator of General Services, General Services Administration, for use or disposition as provided by law (63 Stat. 377).

[F.R. Doc. 66-11232; Filed, Oct. 17, 1966; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XV—Federal Reserve System

REG. V—LOAN GUARANTEES FOR DEFENSE PRODUCTION

Maximum Rates of Interest

1. Effective September 27, 1966, Regulation V is amended as follows:

a. Section 1 is amended to read as follows:

Section 1. Authority.

This regulation is based upon and issued pursuant to the Defense Production Act of 1950 (referred to in this regulation as the "act"), and Executive Order No. 10480, dated August 14, 1953, as amended (3 CFR 1949–1953 Comp., p. 962) (referred to in this regulation as the "order"), and after consultation with the heads of the guaranteeing agencies designated in the act and the order; namely, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Commerce, the Department of the Interior, the Department of Agriculture, the General Services Administration, the Atomic Energy Commission, the Defense Supply Agency, and the National Aeronautics and Space Administration.

b. Section 5 is amended to read as follows:

Sec. 5. Rates and fees.

Rates of interest, guarantee fees, commitment fees, and other charges which may be made with respect to guaranteed loans and guarantees executed through the agency of any Federal Reserve Bank under this regulation will from time to time be prescribed, either specifically or by maximum limits or otherwise, in section 7 (the Supplement) by the Board of Governors after consultation with the guaranteeing agencies.

c. The folowing new section 7 is added:

Sec. 7. Supplement.

Pursuant to the provisions of the Defense Production Act of 1950 and Executive Order No. 10480, dated August 14, 1953, as amended, the Board of Governors of the Federal Reserve System hereby prescribes the maximum rate of interest, guarantee fees, and commitment fees which may be charged with respect to guaranteed loans executed through the agency of any Federal Reserve Bank:

(a) *Maximum rate of interest.* The maximum interest rate charged a borrower by a financing institution with respect to a guaranteed loan shall not exceed 7½ percent per annum.

(b) *Guarantee fees.* The schedule of fees with respect to guaranteed loans is as follows:

Percent of loan guaranteed	*Guarantee fee (percent of interest payable by borrower on guaranteed portion of loan)*
70 or less	10
75	15
80	20
85	25
90	30
95	35
Over 95	40–50

In any case in which the rate of interest on the loan is in excess of 6 percent, the guarantee fee shall be computed as though the interest rate were 6 percent.

(c) *Commitment fees.* In any case in which a commitment fee is charged a borrower with respect to a guaranteed loan, such fee shall not exceed one-half of 1 percent per annum. In any such case, the financing institution will pay to the guaranteeing agency a percentage of such commitment fee, based on the guaranteed portion of the credit, equal to the same percentage of the interest payable on the loan which is required to be paid by the financing institution to the guarantor as a guarantee fee.

2a. The purposes of these amendments are to bring the regulation up to date and to incorporate into the regulation the currently effective maximum rate of interest, guarantee fees, and commitment fees on defense production loans. The only substantive change relates to the maximum permissible rate of interest, which is increased from 6 to 7½ percent per annum.

b. The requirements of section 553(b) of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments. Functions exercised under the Defense Production Act are exempt from such requirements (50 App. U.S.C. 2159).

(50 App. U.S.C. 2154; E.O. 10480)

Dated at Washington, D.C., this 11th day of October 1966.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON, *Assistant Secretary.*

[F.R. Doc. 66-11296; Filed, Oct. 17, 1966; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Atlantic Ocean, Va.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.27 is hereby prescribed establishing and governing the use and navigation of a danger zone in the Atlantic Ocean, Va., effective 30 days after publication in the FEDERAL REGISTER as follows:

§ 204.27 Atlantic Ocean off Wallops Island and Chincoteague Inlet, Va.; danger zone.

(a) *The area.* An area immediately offshore from Wallops Island defined by lines drawn as follows: Beginning at latitude 37°51'30" N., longitude 75°27'-30" W.; thence to latitude 37°51'30" N., longitude 75°17'12" W.; thence to latitude 37°43'18" N., longitude 75°29'42" W.; and thence to latitude 37°49'18" N., longitude 75°29'42" W.

(b) *The regulations.* (1) Vessels may enter and operate in the danger zone at all times when warning signals are not displayed.

(2) When warning signals are displayed, all vessels in the danger zone except vessels entering or departing Chincoteague Inlet shall leave the zone promptly by the shortest possible route and shall remain outside the zone until allowed by a patrol boat to enter, or until the danger signal has been discontinued. Vessels entering or departing Chincoteague Inlet shall take the shortest passage possible through the danger zone upon display of the danger signal.

(3) The intent to conduct rocket-launching operations involving the area shall be indicated by a signal consisting of a large orange-colored, "blimp-shaped" balloon by day and a signal rotating alternately red and white beacon by night. The balloon shall be flown at latitude 37°50'38", longitude 75°28'-47" and the beacon shall be displayed about 200 feet above mean high water at latitude 37°50'16", longitude 75°29'-07". The appropriate one of these signals shall be displayed 30 minutes prior to rocket-launching time and shall remain displayed until danger no longer exists.

(4) The regulations in this section shall be enforced by the Director, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va., or such agencies as he may designate.

[Regs., Sept. 30, 1966, 1507-32 (Atlantic Ocean, Va.)-ENGCW-ON] (Sec. 7, 40 Stat. 266, Chap XIX, 40 Stat. 892; 33 U.S.C. 1, 3)

KENNETH G. WICKHAM, *Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 66-11289; Filed, Oct. 17, 1966; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 52—GRANTS FOR RESEARCH PROJECTS

Subpart E—Grantee Accountability

ACCOUNTING FOR GRANT AWARD PAYMENTS

The purpose of the amendment set forth below is to provide, to the extent indicated, for the accountability of funds granted to educational and other institutions for indirect costs on the basis of a predetermined percentage of allowable direct costs.

Effective on publication in the FEDERAL REGISTER, § 52.41 is revised to read as follows:

§ 52.41 Accounting for grant award payments.

With respect to each approved project the grantee shall account for the sum total of all amounts paid under § 52.14 (e) by presenting or otherwise making available vouchers or any other evidence satisfactory to the Surgeon General of expenditures for direct and indirect costs meeting the requirements of Subpart D of this part: *Provided, however,* That where in accordance with § 52.32 (b)(2) the amount awarded to an educational institution for indirect cost was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred. Such predetermined fixed-percentage rates may also be applied in accounting for awards to noneducational institutions to the extent such application is deemed by the Surgeon General to protect adequately the interests of the Government.

(Sec. 215, 58 Stat. 690; 42 U.S.C. 216)

Dated: September 16, 1966.

[SEAL] WILLIAM H. STEWART, *Surgeon General.*

Approved: October 7, 1966.

WILBUR J. COHEN, *Acting Secretary.*

[F.R. Doc. 66-11319; Filed, Oct. 17, 1966; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER E—FOREST MANAGEMENT (5000)

[Circular 2215]

PART 5430—PRESALE PREPARATION, ADVERTISEMENT AND CONTRACT PREPARATION

Subpart 5433—Bids and Award of Contract

QUALIFICATION OF BIDDERS AND PURCHASERS

On page 10415 of the FEDERAL REGISTER of August 3, 1966, there was published a notice of proposed rule making to amend regulations concerning the qualification of bidders and purchasers of Federal timber. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendment to the regulations.

No objections have been received and the proposed amendment to the regulations is hereby adopted wtihout change and is set forth below.

Effective date. This amendment shall be effective as of the date of its publication in the FEDERAL REGISTER.

CHARLES F. LUCE,
Under Secretary of the Interior.

OCTOBER 11, 1966.

Section 5433.1 is amended by additional wording relating to eligibility to qualify to purchase set-aside timber. As amended § 5433.1 will read as follows:

§ 5133.1 Qualification of bidders and purchasers.

A bidder or purchaser for the sale of timber must be (a) an individual who is a citizen of the United States, (b) a partnership composed wholly of such citizens, (c) an unincorporated association composed wholly of such citizens, or (d) a corporation authorized to transact business in the States in which the timber is located. A bidder must also have submitted a deposit in advance, as required by § 5433.2. To qualify for bidding to purchase set-aside timber, the bidder must not have been determined by the Small Business Administration to be ineligible for preferential award of set-aside sales and must accompany his deposit with a self-certification statement that he is qualified as a small business concern as defined by the Small Business Administration (13 CFR Part 121).

[F.R. Doc. 66-11298; Filed, Oct. 17, 1966; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte MC-19]

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

Practices of Motor Common Carriers of Household Goods

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C. on the 15th day of July 1966.

It appearing, that the order of the Commission entered in this proceeding on June 7, 1966, effective, as postponed, on January 1, 1967, wherein certain regulations were prescribed and adopted, includes a requirement appearing in § 176.10(e), of this chapter that every household goods carrier shall file each month a report of all instances during the preceding month where the actual charges for services rendered exceeded the estimates of such charges by 10 percent or more, with an explanation of reasons for the variances;

And it further appearing, that it is necessary and desirable that a form be prescribed for use by motor common carriers of household goods in filing reports of underestimates with the Commission in accordance with the said requirement:

It is ordered, That Form BOC 101, Report of Underestimates, a copy of which is attached hereto[1] and made a part hereof, be, and it is hereby approved, adopted and prescribed for appropriate use as required by § 176.10(e);

It is further ordered, That Part 7 of Subchapter A of this chapter be, and it is hereby, amended by adding § 7.101 *BOC 101* to read as follows:

§ 7.101 BOC 101.

Report of Underestimates, Form BOC 101,[1] to be used by motor carriers of household goods to report to the Commission all instances in which actual charges exceed written estimates by 10 percent or more, pursuant to § 176.10(e) of this chapter.

(Secs. 204, 220, 49 Stat. 546 as amended, 563 as amended; 49 U.S.C. 304, 320)

It is further ordered, That this order shall be effective on January 1, 1967.

And it is further ordered, That notice of this order shall be given to motor carriers, other persons of interest, and the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11317; Filed, Oct. 17, 1966; 8:47 a.m.]

[1] Form BOC 101 filed as part of original document.

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart E—Waiver of Overpayments

REFUNDS ON OVERPAYMENTS

1. In § 3.1902(b), subparagraph (9) is amended to read as follows:

§ 3.1902 "Overpayments."

* * * * *

(b) * * *

(9) Amounts equal to amounts which have been recovered by the Veterans Administration prior to the date of receipt of the request for waiver.

2. In § 3.1903, paragraph (b) is amended to read as follows:

§ 3.1903 Waiver.

* * * * *

(b) Request for waiver of an overpayment will be considered only if received within 1 year following the date of notice to the payee; otherwise, an application will be considered only if it is supported by new and material evidence.

* * * * *

3. In § 3.1906, paragraph (c) is amended to read as follows:

§ 3.1906 Revision of decisions.

* * * * *

(c) Where reversal or amendment of a decision is authorized by Central Office under § 3.105(b) because of a difference of opinion, the effective date of waiver will be governed by the principle contained in § 3.400(h). However, no refund will be made of any moneys recovered prior to the date of receipt of the request for waiver.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective November 1, 1966.

By direction of the Administrator.

Approved: October 12, 1966.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-11308; Filed, Oct. 17, 1966; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear on the Seney National Wildlife Refuge is permitted from 6 a.m. to 7 p.m., e.s.t., each day from November 12, 1966, through November 27, 1966, only on the area designated by signs as open to hunting. This open area, comprising 85,200 acres, is delineated on a map available at the refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and bear including the requirement that a current Michigan big game license be in the possession of the hunter and shall be subject to the following special conditions:

(1) Firearms (rifles only) chambering center fire cartridges of .23 caliber bullet diameter or larger.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 27, 1966.

JOHN B. HAKALA,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

OCTOBER 11, 1966.

[F.R. Doc. 66-11313; Filed, Oct. 17, 1966; 8:47 a.m.]

PART 33—SPORT FISHING

Merritt Island National Wildlife Refuge, Fla.; Correction

In F.R. Doc. 65-13420, appearing at page 15469 of the issue for December 16, 1965, subparagraph (1), should read as follows:

(1) The sport fishing season on the refuge extends from January 6, 1966, through November 23, 1966.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-11312; Filed, Oct. 17, 1966; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1966 Rev., Supp. No. 8]

BOSTON INSURANCE CO. AND BOSTON OLD COLONY INSURANCE CO.

Termination of Authority To Qualify as Surety on Federal Bonds and Change of Name of Company

The Certificate of Authority as an acceptable surety on Federal bonds issued by the Secretary of the Treasury under date of June 1, 1966, to the Boston Insurance Co., Boston, Mass., a Massachusetts corporation, under the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), is hereby terminated for the following reason.

Pursuant to a Reinsurance and Assumption Agreement, approved by the Commissioner of Insurance of the State of Massachusetts on June 6, 1966, effective 12:01 a.m., e.s.t., January 1, 1966, the Continental Insurance Co., New York, N.Y., a New York corporation, acquired certain assets and assumed all of the insurance liabilities of Boston Insurance Co. which, effective June 6, 1966, withdrew from the insurance business and adopted the name Bimar Corp. A copy of the Reinsurance and Assumption Agreement is on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

The Continental Insurance Co., New York, N.Y., which assumed the insurance business of the Boston Insurance Co., holds a Certificate of Authority as an acceptable surety on Federal bonds issued by the Secretary of the Treasury June 1, 1966, with an underwriting limitation of $118,391,000.

Effective June 6, 1966, the Old Colony Insurance Co., Boston, Mass., a Massachusetts corporation, which was a subsidiary of the Boston Insurance Co., formally changed its name to Boston Old Colony Insurance Co. A copy of a certificate issued by the Secretary of the Commonwealth of Massachusetts certifying to the change of name has been received and filed in the Treasury Department.

A Certificate of Authority as an acceptable surety on Federal bonds dated June 6, 1966, has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), to replace the certificate issued June 1, 1966 to the company under its former name, Old Colony Insurance Co. The underwriting limitation of $717,000 previously established for the company remains unchanged.

Name of company, location of principal executive office, and State in which incorporated: Boston Old Colony Insurance Company, Boston, Massachusetts; Massachusetts.

In view of the foregoing, no action need be taken by bond-approving officers, by reason of the reinsurance and assumption of the insurance business of the Boston Insurance Co. by Continental Insurance Co., the withdrawal from the insurance business of Boston Insurance Co., or the change of name of Old Colony Insurance Co., with respect to any bond or other obligation in favor of the United States or in which the United States has an interest, direct or indirect, issued on or before June 6, 1966, by Boston Insurance Co. or Old Colony Insurance Co. pursuant to the Certificates of Authority issued to the companies by the Secretary of the Treasury.

Certificates of Authority expire on May 31 each year, unless sooner revoked and new certificates are issued on June 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

Dated: October 13, 1966.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 66–11304; Filed, Oct. 17, 1966; 8:46 a.m.]

Office of the Secretary

[Antidumping—ATS 643.3–W]

STEEL WELDED WIRE MESH FROM ITALY

Determination of Sales at Not Less Than Fair Value

OCTOBER 12, 1966.

On August 5, 1966, there was published in the FEDERAL REGISTER a "Notice of Intent To Discontinue Investigation and of Tentative Determination That No Sales Exist Below Fair Value" because of price revisions with respect to steel welded wire mesh for concrete reinforcement imported from Italy, and that such fact is considered to be evidence that there are not, and are not likely to be, sales below fair value.

The merchandise under consideration consists of lightweight concrete reinforcement mesh for buildings.

The complainant submitted a written request for an opportunity to present views in person in opposition to the tentative determination. The opportunity was afforded to the complainant, and all interested parties of record were notified and were represented at the hearing.

After consideration of all written and oral argument presented, I hereby determine that because of price revisions, steel welded wire mesh for concrete reinforcement from Italy is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination and the statement of the reason therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66–11305; Filed, Oct. 17, 1966; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plats of Survey

1. Plats of survey of the lands described below will be officially filed in the Anchorage Office, Anchorage, Alaska, effective at 10 a.m., November 1, 1966.

SEWARD MERIDIAN

T. 20 N., R. 3 W.,
Sec. 31: Lots 1, 2, 3, 4, 5, 6, 7, NE¼, E½W½, SE¼;
Sec. 32: All;
Sec. 33: All;
Sec. 34: All;
Sec. 35: All;
Sec. 36: Lots 1, 2, 3, N½, SW¼;
Tract A.

Containing 22,778.01 acres.

2. The land is hilly to mountainous, covered with spruce and birch, with cottonwood timber along the banks of Willow Creek. The undergrowth consists of alder, berry brush, and patches of devil's club in the creek bottom. The soil varies from sandy loam, covered with vegetable mold, to black muck in marshy areas. Willow Creek flows westerly through the subdivided portion of the township. Peters Creek joins Willow Creek in the northeast quarter of section 36.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

4. The greater part of the land affected by this notice has been selected by the State of Alaska in accordance with and subject to the limitations and requirements of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9–1(a) and Part 1840.

5. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

T. G. BINGHAM,
Manager, Anchorage Land Office.

[F.R. Doc. 66–11310; Filed, Oct. 17, 1966; 8:46 a.m.]

IDAHO

Notice of Filing of Protraction Diagrams

OCTOBER 10, 1966.

Notice is hereby given that effective at and after 10 a.m. on November 14, 1966, the following protraction diagrams are officially filed of record in the Idaho Land Office, Room 327, Federal Building, Boise, Idaho 83701. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the lands for all authorized uses. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

IDAHO PROTRACTION DIAGRAMS

Nos. 25, 26, 27, 28, 29, 30, 31, 32 and 36

BOISE MERIDIAN

Approved September 21, 1966

No. 25

Ts. 27 and 28 N., Rs. 13, 14, 15, and 16 E.

No. 26

Ts. 27 and 28 N., Rs. 10, 11, and 12 E.

No. 27

Ts. 27 and 28 N., Rs. 7, 8, and 9 E.

No. 28

Ts 27 and 28 N., Rs. 4, 5, and 6 E.

No. 29

T. 27 N., Rs. 20, 21, and 22 E.

No. 30

T. 25 N., Rs. 20, 21, 22, and 23 E.
T. 26 N., Rs. 20, 21, and 22 E.

No. 31

T. 25 N., Rs. 18, and 19 E.
T. 26 N., R. 19 E.

No. 32

T. 25 N., Rs. 15, 16, and 17 E.
T. 26 N., Rs. 15, and 16 E.

No. 36

Ts. 25 and 26 N., Rs. 4, 5, and 6 E.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, Post Office Box 2237, Boise, Idaho 83701.

ORVAL G. HADLEY,
Manager,
Land Office, Boise, Idaho.

[F.R. Doc. 66–11311; Filed, Oct. 17, 1966; 8:46 a.m.]

[Montana 073207]

MONTANA

Notice of Proposed Classification of Public Lands

Correction

In F.R. Doc. 66–10229, appearing at page 12455 of the issue for Tuesday, September 20, 1966, the penultimate line of the land description should be deleted and the following inserted therefor:

Sec. 25, NW¼;

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

October Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein, the CCC Monthly Sales List for October 1966 is amended as set forth below:

The Export Section for wheat is amended to read as follows:

All classes of wheat are available for export sale at all U.S. Coasts including the Great Lakes and St. Lawrence ports, however, sales at West Coast ports are subject to the exceptions for the various programs as follows:

A. Announcement GR–345 (Revision III, July 6, 1962, as amended), Wheat Export Program. Hard Red Winter and Hard Red Spring wheat will not be sold at West Coast ports. For Durum wheat offered for sale under this announcement at West Coast ports buyer must show export from West Coast ports and shipment into a dollar market (including shipment under CCC approved credit sale—non PL 480) to a destination west of the 170 meridian, west longitude and east of the 60th meridian, east longitude, and to countries on the West Coast of Central and South America.

B. Announcement GR–346 (Revision I, June 23, 1960, as amended), for export as flour.

C. Announcement GR–261 (Revision II, January 9, 1961, as amended and supplemented) for export as wheat as follows:

(1) All classes will be sold for application to barter contracts except that wheat of the classes Hard Red Winter, Hard Red Spring, and Durum will not be sold for barter at West Coast ports nor will evidence of export at West Coast ports be acceptable under a sale for barter;

(2) All classes will be sold for application to approved CCC credit sales except that (a) in the case of Hard Red Winter and Hard Red Spring wheat sold at West Coast ports, buyers must show export from a West Coast port to a destination within the geographical area described in A above, and (b) Durum wheat will not be sold at West Coast ports for application to credit sales nor will evidence of export from West Coast ports be acceptable under a sale of Durum for application to a credit transaction;

(3) Hard Red Winter and Hard Red Spring wheat will be sold at West Coast ports for export commodity certificates to fill a dollar market sale and buyer must show export from West Coast port to a destination within the geographical area described in A above.

D. Announcement GR–262 (Revision II, January 9, 1961, as amended) for export as flour as follows: All classes will be sold for application to barter and approved CCC credit transactions except that sales for barter will not be made at West Coast ports nor will evidence of export from West Coast ports be acceptable under a sale for barter pursuant to this announcement.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on October 12, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66–11302; Filed, Oct. 17, 1966; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15419]

BLOCKED-SPACE AIRFREIGHT TARIFFS

Notice of Prehearing Conference

In the light of the Supreme Court's recent denial of certiorari in connection with the litigation with respect to the Board's blocked-space airfreight policy, it is appropriate that the tariff investigation now go forward. Accordingly, this proceeding is set for prehearing conference at 10 a.m., November 8, 1966, in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Proposed revisions in the statements of issues, revised requests for information, and revisions in the statements of positions of the parties, as well as proposed procedural dates, shall be submitted in writing with copy to the examiner and all parties by October 27, 1966. The parties should make their submissions on the basis of grant by the Board of the requested consolidation of Docket 17594 into this proceeding.

Dated at Washington, D.C., October, 12, 1966.

[SEAL] RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 66–11314; Filed, Oct. 17, 1966; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition

(PP 7F0535) has been filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances for residues of the insecticide *O,O*-diethyl *O*-[2-isopropyl-4-methyl-6-pyrimidinyl] phosphorothioate in or on raw agricultural commodities, as follows:

40 parts per million in or on peanut forage.
10 parts per million in or on peanut hulls and hay.
0.75 part per million in or on brussels sprouts, peanuts, and sugarcane.
0.10 part per million in or on potatoes and sweet potatoes.

The analytical method proposed in the petition for determining residues of the insecticide is a sulfide method which includes the following steps: The residue is extracted with petroleum ether and after suitable cleanup is transferred to hydrobromic acid. The solution is then boiled, converting the sulfur to hydrogen sulfide. The hydrogen sulfide is trapped in zinc acetate solution and determined colorimetrically as methylene blue.

Dated: October 10, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11318; Filed, Oct. 17, 1966; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Procurement Regs.; Temporary Reg. 8]

EQUAL EMPLOYMENT OPPORTUNITY

Standard Government Contract Forms; Extension of Temporary Regulation

To heads of Federal agencies:

1. *Purpose.* This regulation continues in effect the provisions of FPR Temporary Regulation No. 1, October 19, 1965 (30 F.R. 13475), as extended by FPR Temporary Regulation No. 6, April 25, 1966 (31 F.R. 6388).

2. *Background.* FPR Temporary Regulation No. 1, as extended by FPR Temporary Regulation No. 6, prescribed certain revisions to standard Government contract forms in accordance with the requirements of section 404 of Executive Order No. 11246, September 24, 1965 (30 F.R. 12319). Following the issuance by the Secretary of Labor of the revision of the regulations on equal employment opportunity which currently is under consideration, the provisions of Temporary Regulation No. 1 will be codified in the Federal Procurement Regulations.

3. *Effective date.* This regulation is effective on October 25, 1966.

4. *Expiration date.* Unless revised or canceled earlier by a formal FPR amendment, this regulation and the provisions of FPR Temporary Regulation No. 1 expire on April 24, 1967.

Dated: October 3, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66-11297; Filed, Oct. 17, 1966; 8:45 a.m.]

[Federal Property Management Regulations Temporary Regulation No. E-6]

OFFICE FURNITURE

Use Standards

To: Heads of Federal Agencies.

1. *Purpose.* This regulation establishes revised standards for use of office furniture in consonance with the objectives of the President set forth in his memorandum of September 16, 1966, to heads of departments and agencies on cost reduction in procurement, supply, and property management.

2. *Applicability.* The provisions of this regulation apply to all executive agencies. Other agencies are encouraged to adhere to the revised standards so that maximum benefits can be realized by the Government.

3. *Background.* The President directed that a special sustained Government-wide effort be made so that costs could be further reduced in the procurement and management of property. To that end, a determination has been made that in the interest of economy, use standards for office furniture should be revised.

4. *Use standards for office furniture.* Office furniture, whether new or rehabilitated, shall be used as prescribed by the following standards:

a. The use of executive type wood (traditional or modern) office furniture shall be limited to personnel in Grade GS-18 and above or the equivalent thereto, including military rank. This type of office furniture includes items which are available from Federal Supply Schedules FSC Group 71, Part VI and Part XII and the executive office furniture (Allenwood) available from Federal Prison Industries, Inc.

b. The use of unitized wood office furniture shall be limited to personnel in Grade GS-15 and above or the equivalent thereto, including military rank. This type is included in Federal Supply Schedule FSC Group 71, Part VIII.

5. *Application of revised use standards.* Despite the revised standards, redistribution of furniture merely to comply therewith should not be effected. However, to avoid new procurement where an employee is entitled by reason of grade to other than standard metal furniture, furniture to which he is entitled shall be provided by transfer of furniture owned by the agency.

6. *Review of purchase actions.* Agencies shall review immediately all outstanding requisitions, purchase orders, or contracts to assure that office furniture, when acquired and placed in use, will conform to the standards prescribed by this regulation. Where conformance will not result, action shall be taken to cancel such portions as will assure conformance if this can be done without incurring penalty charges. In the event penalty charges will be incurred, the Chief, Furniture and Furnishings Branch, Procurement Operations Division, Federal Supply Service, telephone: Area Code 202, 343-8211 or Government Dial Code 183, extension 38211, shall be contacted for determination as to whether the quanities involved can be diverted to GSA stock for other utilization. GSA will monitor all orders for wood or executive type furniture placed with Federal Supply Schedule contractors.

7. *Other issuances affected.* The use standards for office furniture included in FPMR 101-25.302-1 are replaced by this regulation.

8. *Effective date.* This regulation is effective October 14, 1966.

9. *Expiration date.* This regulation expires June 30, 1967, unless sooner rescinded or revised, and as appropriate will be incorporated in the permanent Federal Property Management Regulation, Title 41, CFR.

Dated: October 14, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66-11357; Filed, Oct. 17, 1966; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

NEBRASKA

Notice of Major Disaster

Notice of Major Disaster for the State of Nebraska, dated September 1, 1966, and published September 8, 1966 (31 F.R. 11783), is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 31, 1966:

Sherman County.

Dated: October 11, 1966.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 66-11290; Filed, Oct. 17, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1427]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 13, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68605. By order of October 10, 1966, the Transfer Board approved the transfer to Hoag Trucking, Inc., Philip, S. Dak., of the operating rights in certificate No. MC-124755 (Sub-No. 3), issued September 21, 1964, to Homer Hoag, doing business as Hoag Trucking Co., Post Office Box 307, Philip, S. Dak., authorizing the transportation of feed, over irregular routes, from Sioux City, Iowa, to Wall, S. Dak., and points other than incorporated cities or towns, within 50 miles of Wall, S. Dak., and in permits Nos. MC-116751 and MC-116751 (Sub-No. 4), issued September 21, 1964, and July 20, 1965, respectively, to Homer Hoag, the former authorizing the transportation of lumber, over irregular routes, from points in Montana, Wyoming, North Dakota, Utah, Colorado, Nebraska, Minnesota, Iowa, Michigan, Illinois, Arkansas, Washington, Oregon, and Idaho, to Philip, S. Dak., and the latter the transportation of lumber and lumber products, over irregular routes, from points in Idaho, Montana, Orgeon, and Washington to points in South Dakota. Dual operations were authorized.

No. MC-FC-69083. By order of October 10, 1966, the Transfer Board approved the transfer to Edward F. Milovicz, doing business as Mexico Motor Express, Mexico, N.Y., of certificate No. MC-80714, issued August 14, 1957, to Horace B. Schellenberg, doing business as Pulaski Motor Express, Pulaski, N.Y., authorizing the transportation of general commodities, with usual exceptions, over regular routes, between Syracuse and Lacona, N.Y., and between Syracuse and Hastings, N.Y., serving certain intermediate and off-routes points. Robert S. Amdursky, 26 East Oneida Street, Oswega, N.Y., attorney for applicants.

No. MC-FC-69084. By order of October 10, 1966, the Transfer Board approved the transfer to Jackson Trucking, Inc., of permit No. MC-71883, issued January 4, 1954, to A. G. Jackson, Jamestown, N.Y., authorizing the transportation over regular routes, of: Packinghouse products, from Buffalo, N.Y., to specified points in New York and Pennsylvania, and from Jamestown, N.Y., to specified points in New York and Pennsylvania; and, over irregular routes, commodities classified in 46 M.C.C. 23 as (a) meat, meat products and meat byproducts; (b) dairy products, and (c) articles distributed by meat packinghouses from Jamestown, N.Y., to points in Allegany County, N.Y., and those in Potter, Elk, Cameron and Forest Counties, Pa., packinghouse products and dairy products, fresh fruits and vegetables, from Buffalo, N.Y., to points in Erie County, Pa.; and packinghouse products, restricted to transportation in conjunction with pool-car shipments, from Jamestown, N.Y., to points in Erie County, Pa., on and east of Pennsylvania Highway 8, those in Cattaraugus and Chatauqua Counties, N.Y., and those in Warren and McKean Counties, Pa. William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202, attorney for applicants.

No. MC-FC-69091. By order of October 10, 1966, the Transfer Board approved the transfer to James D. Zelka and Richard Strucky, doing business as James Zelka Trucking, 120 North Custer Avenue, Hardin, Mont. 59034, of certificate of registration No. MC-120931 (Sub-No. 1) evidencing a right to engage in the transportation in interstate or foreign commerce of express and freight, between points in Montana, issued August 13, 1964, to Ben Feller, Hardin, Mont., and acquired by James Zelka, doing business as James Zelka Trucking, pursuant to consummation of No. MC-FC-68623 on May 29, 1966.

No. MC-FC-69092. By order of October 10, 1966, the Transfer Board approved the transfer to E. Edna Mulholland, doing business as James Mulholland Moving & Storage, Upper Darby, Pa., of the operating rights in certificate No. MC-74576, issued March 8, 1941, to James Mulholland, Upper Darby, Pa., authorizing the transportation of: Household goods, over irregular routes, between points and places in the Philadelphia, Pa., commercial zone, as defined by the Commission in 17 M.C.C. 533, on the one hand, and, on the other, points and places in Pennsylvania, New Jersey, Maryland, New York, and Delaware. John J. Robinson, 7100 West Chester Pike, Upper Darby, Pa., attorney for applicants.

No. MC-FC-69097. By order of October 10, 1966, the Transfer Board approved the transfer to Blaine L. White, doing business as Blaine White & Son, R.F.D. No. 2, Rexburg, Idaho, of the operating rights in certificate No. MC-125142, issued November 15, 1963, to White Enterprises, Inc., R.F.D. No. 2, Rexburg, Idaho, authorizing the transportation, over regular routes, of animal and poultry feed between Ogden, Utah, and Ashton, Idaho, serving certain intermediate and off-route points.

No. MC-FC-69112. By order of October 12, 1966, the Transfer Board approved the transfer to Mid Continent Freight Lines, Inc., a Minnesota corporation, Minneapolis, Minn., of the operating rights in certificate Nos. MC-108158 (Sub-No. 29), MC-108158 (Sub-No. 50), MC-108158 (Sub-No. 51), and MC-108158 (Sub-No. 52), issued June 22, 1962, February 23, 1962, June 28, 1961, and November 16, 1962, respectively, to Mid Continent Freight Lines, Inc., an Oklahoma corporation, Minneapolis, Minn., authorizing the transportation of: General commodities, with the usual exceptions, between specified points and areas in Oklahoma, Missouri, Kansas, Illinois, Minnesota, Wisconsin, Indiana, and Texas. Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11315; Filed, Oct. 17, 1966; 8:47 a.m.]

[Notice 271]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 13, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 844 (Sub-No. 4 TA), filed October 11, 1966. Applicant: C. O. HAY, doing business as HAY TRUCKING CO., 954 Barton Street, Post Office Box 6367, McKellar Station, Memphis, Tenn. 38106. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Brinkley, Ark., to Lonoke, Ark., over U.S. Highway 70, and return over the same route, serving the intermediate point of Carlisle, Ark., for 180 days. Supporting shippers: J. D. Wood, Inc., Lonoke, Ark., Woody's Hardware Co., Lonoke, Ark., Robinson & Lilly Service Co., Inc., Lonoke, Ark., Joe Royal Chevrolet Co., Lonoke, Ark., G. P. Cazer Equipment Co., Carlisle, Ark., Bailey's Auto and Tractor Parts, Carlisle, Ark., Baldwin Oil Co., Inc., Carlisle, Ark., Carlisle Motors, Inc., Carlisle, Ark. Send protests to: William W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 30844 (Sub-No. 225 TA), filed October 11, 1966. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: James F. Sexton (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of the Kitchens of Sara Lee at Deerfield, Ill., and warehouse facilities utilized by the Kitchens of Sara Lee at Chicago, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, for 150 days. Supporting shipper: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, Ill. 60015. Send protests to: Charles C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 235 Federal Building, Fourth and Perry Streets, Davenport, Iowa 52801.

No. MC 110144 (Sub-No. 8 TA), filed October 11, 1966. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, Post Office Box 4126, 3600 Paper Mill Road, Knoxville, Tenn. 37921. Applicant's representative: Jack C. Robinson, Post Office Box 4126, Knoxville, Tenn. 37921. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Memphis, Tenn., and West Monroe, La.: From Memphis over U.S. Highway 61 to junction U.S. Highway 82, thence over U.S. Highway 82 to Montrose, Ark.; thence over U.S. Highway 165 to West Monroe, La., and return over the same route, serving the intermediate points of Bastrop and Monroe, La., and the off-route point of Sterlington, La., for 180 days. Supporting shippers: The application is supported by statements of 28 shippers which may be examined here at the Interstate Commerce Commission, Washington, D.C. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

MOTOR CARRIER OF PASSENGERS

No. MC 128637 TA, filed October 11, 1966. Applicant: JELCO BUSES, INC., doing business as, HALVORSON BUS LINES, Route 4, Box 440, Sparta, Wis. 54656. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggages*, in charter movements, (1) between Chicago, Ill., and Minneapolis, Minn., on the one hand, and, on the other, Camp McCoy, Wis., and (2) beginning and ending at Camp McCoy, Wis., and extending to points in Illinois, Minnesota, Iowa, and Missouri, for 180 days. Supporting shipper: Office of Economic Opportunity, McCoy Job Corps Center, Post Office Box 255, Sparta, Wis. 54656. Send protests to: C. W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 214 North Hamilton Street, Madison, Wis. 53703.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-11316; Filed, Oct. 17, 1966; 8:47 a.m.]

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VOL 31 20

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PART 2

FEDERAL REGISTER

VOLUME 31 • NUMBER 202

Tuesday, October 18, 1966 • Washington, D.C.

PART II

Department of Health, Education, and Welfare

•

Social Security Administration

•

Federal Health Insurance for the Aged



Principles of Reimbursement for Provider Costs and for Services by Hospital-based Physicians

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965 _____)

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

On June 28, 1966, there was published in the FEDERAL REGISTER (31 F.R. 8940) a notice of proposed rule making relating to the principles of reimbursement to be followed in identifying the source and amount of benefit payments under title XVIII of the Social Security Act (20 CFR Part 405) for services performed by hospital-based physicians. Interested persons were given the opportunity to submit written comments within 30 days after publication.

Written submissions were received and considered. Certain changes were made in the proposed regulations pursuant to these comments. The following changes are considered to be the most important:

(1) Section 405.480(f) has been revised to make the regulations responsive to situations where a physician is compensated by a medical school or other organization for services he furnishes to hospital patients.

(2) Section 405.483(c) has been changed to make the optional, uniform percentage method available in certain cases for the recordation and billing for services other than pathology and radiology services.

(3) A new paragraph (c) has been added to § 405.485 to make the regulations responsive to situations where the charges for hospital-based physicians' services are billed by a hospital as part of its fixed, all-inclusive rate.

Other changes of a clarifying and editorial nature have been made.

Chapter III, Title 20 is amended by adding thereto §§ 405.480 through 405.488, to read as set forth below. The addition of §§ 405.480 through 405.488 to Title 20 shall be effective upon publication in the FEDERAL REGISTER.

Dated: October 4, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 11, 1966.

JOHN W. GARDNER,
Secretary of Health, Education, and Welfare.

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

Sec.
405.480 Determining reimbursement for services performed by hospital-based physicians.
405.481 Noninterference by Federal Government.
405.482 Program payments for physicians' services to hospitals and to individual patients.
405.483 Physician service under Part B.
405.484 Hospital-physician agreements for physician compensation.
405.485 Schedules of charges for Part B physician's services.
405.486 Effect of physician's assumption of operating costs.
405.487 Maintenance of records and review of reasonable costs and charges.
405.488 Effect of principles.

AUTHORITY: The provisions of this Subpart D issued under secs. 1102, 1814(b), 1833(a), 1861(v), and 1871, 49 Stat. 647, as amended, 79 Stat. 296, 79 Stat. 302, 79 Stat. 322, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

§ 405.480 Determining reimbursement for services performed by hospital-based physicians.

(a) *General.* The Health Insurance for the Aged Act establishes two separate health insurance programs for the elderly. One provides hospital insurance protection to nearly all the aged financed largely through social security taxes (see Subpart A of this part). The other provides supplementary medical insurance to aged people who enroll and agree to pay monthly premiums, that are matched with amounts from Federal general revenues (see Subpart B of this part).

(b) *Sources of benefit payments.* Under the law, benefit payments for the services of physicians (except for services of residents and interns under professionally-approved training programs) furnished to individual patients are under the supplementary medical insurance program (see Subpart B of this part). However, some of the services which hospital-based physicians perform are clearly not furnished to an individual patient. To the extent that the cost of such services is borne by the hospital, reimbursement will be made to the hospital under the hospital insurance program or, in certain cases, as a hospital cost under the supplementary medical insurance program.

(c) *Applicability of principles of reimbursement.* The principles set forth in §§ 405.480–405.488 deal principally with the identification of the source and amount of benefit payments under the program for services performed by physicians (other than interns and residents) in a hospital setting under circumstances where physicians typically are salaried or receive compensation from or through the hospital under arrangements such that the physician is paid an agreed amount or the hospital remits to him an agreed portion of the collections from patients and the hospital collects the funds from patients either in its own right or as agent for the physician. These principles establish criteria for distinguishing between those services of physicians who are so compensated which are reimbursable to hospitals and such physicians' services to patients reimbursed under the supplementary medical insurance program. The principles also establish a basis for determining the reasonable charges for physicians' services to patients in situations where, under existing arrangements between hospitals and physicians, billings to patients have not separately identified charges for physicians' services and charges for hospital services. (Where charges for physicians' services to patients have been identified separately from charges for hospital services, the customary charges for physicians' services thus will have been established and a basis afforded for determining the reasonable charges for such services. Where, for example, as is sometimes the case in the arrangements between hospital-based physicians and hospitals, especially, but not exclusively, in the arrangements between teaching hospitals and surgeons, among others, the charges for the physicians' services to the patient are separately identified, the determination of the reasonable charges for such services will take into account customary charges of such physicians so established.) Finally, the principles establish a basis for ascertaining the customary charges for a physician's services to patients in situations where, under the previously existing arrangement between the hospital and the physician, charges to patients had not been separately identified but where under a modification of the previously existing arrangement the hospital and the physician agree to bill patients separately for their respective services.

(d) *Arrangements for services of hospital-based physicians.* (1) Hospitals in the United States have in force a wide variety of arrangements for the compensation of hospital-based physicians. The Health Insurance for the Aged program does not required change in the substance of these arrangements, whether the arrangements call for compensation by way of salary, or a percentage, or in any other manner, or whether payments are received by the hospital (either in its own right or as agent for the physician) or are received directly by the physician.

(2) In many cases, a physician contracts with a hospital to provide only his own professional services, the hospital assuming the cost of supporting personnel (who, in this case, are hospital employees) and bearing the expense of furnishing space, supplies, and the like. Sometimes, however, the physician assumes some or all of these costs. In some instances, the arrangement may constitute a concession or lease, the physician employing the supporting personnel and bearing all other expenses, including a payment to the hospital for the use of space.

(e) *Types of services rendered.* Many hospitals retain physicians on a full-time basis as, for example, in the fields of pathology, physiatry, anesthesiology, and radiology, and in many instances (especially in teaching hospitals) in other fields of medical specialization as well. The functions of these physicians vary widely. In some cases they devote full time to education or administration. Conversely, some are exclusively concerned with patient care. Any one of these physicians may be engaged in a variety of activities including teaching, research, administration, supervision of professional or technical personnel, service on hospital committees, and other hospital-wide activities, as well as direct personal health services to individual patients. Sometimes the hospital's arrangement is made with a group of physicians who assume joint responsibility for discharging agreed-upon duties.

(f) *Provisions for remuneration.* The compensation to the physician generally is either on a salary basis, a percent of the gross income received from the patients for the particular services (usually a group of related services—all those performed in a radiology department, for example), or a percent of the net income (gross income less related expenses) received from patients, or some modification or combination of these (such as percentage with a guaranteed minimum). Generally the hospital collects the charges for the services of these physicians and their supporting personnel, acting in some cases in its own right, in some as agent for the physician. Where the arrangement between the hospital and the physician is that the compensation to the physician is on a salary or percentage of income basis, and the parties to the arrangement have thus agreed between themselves on the amount or the measure of compensation to be received by the physician for his services, the sum of the payments, with respect to the physician's services, under both the hospital insurance program and the supplementary medical insurance program (including deductible and coinsurance amounts payable by beneficiaries) should approximate that portion of the agreed upon compensation which is attributable to covered services. Some hospitals, moreover, have arrangements with medical schools or other organizations under which physicians receive compensation from such organizations for services the physicians provide to hospital patients. The remuneration of physicians from such sources may be included in determining reasonable charges for physicians' services in accordance with § 405.485(a).

(g) *Identification of types of services for purposes of program payments.* However the billing is handled and whatever the method of distributing the proceeds between the hospital and the physician, it has been the almost universal practice to make a single charge to the patient for each of these services. In order to make payments under title XVIII of the Act, however, it is necessary, where billing is by or through the hospital, to distinguish between the medical and surgical services rendered by a physician to a patient, on the one hand, and the hospital services (including physicians' services for the hospital), on the other. This is required because the payments will come from different trust funds, the payments will usually be handled by different intermediaries, and the methods of determining the two payments will differ materially. Thus, there are two sources of payment under the health insurance program for services furnished to beneficiaries covered under title XVIII of the Act. The hospital and the physician may, however, if they wish, pool the two payments where received by the hospital in its own right or as agent for the physician and may distribute the proceeds in accordance with their preexisting arrangement, or in any other way on which they may agree.

§ 405.481 Noninterference by Federal Government.

It is not the function of the health insurance programs established under title XVIII of the Act to determine the arrangement which a hospital and a hospital-based physician may enter into for the compensation of the physician. The Secretary will not specify or influence the provisions of the contract or arrangement between hospitals and hospital-based physicians. The hospital and physician can continue to negotiate all aspects of their arrangement to their mutual satisfaction. The principles in this Subpart D are designed to give recognition to the arrangement entered into by a hospital and a physician by establishing criteria for determining, within the framework of the arrangement, amounts payable under the hospital insurance program and amounts payable under the supplementary medical insurance program to the end that the total payments with respect to the physicians' services to the hospital and for the patient are related as closely as is possible to the level of compensation the parties have agreed upon.

§ 405.482 Program payments for physicians' services to hospitals and to individual patients.

(a) *Principle.* Whatever the arrangement may be between hospital and physician, the law requires that medical and surgical services rendered to a covered individual by a hospital-based physician be reimbursed only under the supplementary medical insurance program—Part B of title XVIII of the Act. The costs to a hospital for services furnished in a hospital by a physician which are not professional services to a patient are included in the reasonable cost reimbursement to the hospital.

(b) *Physicians' services to patients.* Title XVIII of the Act specifically excludes from hospital cost reimbursement under Part A the cost of medical or surgical services provided by a physician, resident, or intern except for those services rendered by interns or residents in approved teaching programs. Therefore, compensation paid by the hospital to the hospital-based physician cannot be included in hospital reimbursable cost to the extent that it represents compensation for physicians' services described in § 405.483. Phyicians' services, as defined in section 1861(q) of the Act, means "professional services performed by physicians, including surgery, consultation, and home, office and institutional calls * * *."

§ 405.483 Physician service under Part B.

(a) *Principle.* A professional service rendered by a physician to a hospital patient that can be reimbursed only under the supplementary medical insurance program (Part B of title XVIII of the Act), as distinguished from his professional services which are of benefit to patients generally, means an identifiable service requiring performance by a physician in person, which contributes to the diganosis of the condition of the patient with respect to whom the charge under the supplementary medical insurance program is to be recognized, or contributes to the treatment of such patient.

(b) *Recordation and billing of charges on item-by-item basis.* The component of the hospital-based physician's services for which reimbursement must be made under Part B of title XVIII of the Act, the supplementary medical insurance program, is only that part of his professional services with respect to which he is personally involved in the provision of services to individual patients as distinct from other professional services he may render in the hospital setting, such as teaching, research, performance of autopsies, committee work, quality control activities and administration. Compliance with this principle for various types of services rendered by hospital-based physicians normally will require (1) determination with respect to each separate service or type of service rendered, of what part may properly be charged under the supplementary medical insurance program, (2) compilation of the results of these determinations in the form of a schedule either of amounts or percentages applicable to separate services or types of services, and (3) recordation of such charges on an item-by-item basis for each service rendered to a patient.

(c) *Optional method of recordation and billing on a uniform-percentage basis.* (1) Application of the item-by-item method may present special problems in the case of a particular hospital department. This is illustrated by pathology laboratory services and radiology services, which involve a high volume of individual procedures, variation in the extent of involvement in services on the part of technicians and others and on the part of the physician, and difficulty in distinguishing between professional activities which are of general benefit to all patients and those performed directly for an identifiable patient. Where the physician participates personally in some procedures and not in others by virtue of quality control activities or because his professional concern is directed to the result in a given case, it may be difficult to ascertain the presence or absence of a specific quantum of professional activity in an individual case. Moreover, the assigning of the appropriate amount of "professional component" to a particular procedure or test for a particular patient receiving the benefit of the physician's service, as defined in paragraph (a) of this section, may not only result in inequality of charges among patients but also may present an undue task of recordation. Administratively costly and impractical requirements could ensue in collecting

the data needed for presentation of bills involving minimal charges on an item-by-item basis to individual patients. Under these conditions, it may not be administratively practical for the physician, the hospital and the Part B carrier to keep track of appropriate professional charges on an item-by-item and patient-by-patient basis.

(2) With respect to pathology services, for example, an individual entitled to Part B benefits under title XVIII of the Social Security Act (in connection with a hospital stay, or in connection with a series of outpatient diagnostic tests) will, on the average, have multiple laboratory procedures which in the aggregate permit the assumption that at some point with respect to at least some of the laboratory services there has been "an identifiable service requiring performance by a physician in person."

(3) In order to facilitate administration, provide a better cost control, and to assure a practical basis for handling charges to individual patients, an optional method of recordation and billing may be elected upon agreement by the physician and the hospital in appropriate cases. Under this optional method, the component of the physician's services to patients would be determined for all medicare patients through application of a uniform percentage to the total charges for such services in a particular department, with the percentage used being designed to produce in the aggregate a measurement of the professional component attributable to patient services which would not be significantly different in amount from that produced by the method of itemization of detailed measurement of such components reflecting variation in the factor of personal participation of the physician in each individual procedure for each individual patient. The percentage factor will be considered reasonable if it can be shown that it does not result from attributing as medical services to patients the costs of teaching, research, administration, and other services that are clearly reimbursable under the hospital insurance program.

(4) Election to use the optional method does not alter the applicability of the principles as the basic criterion for distinguishing professional services chargeable under the supplementary medical insurance program from those to be included in the hospital's reimbursable costs. The optional method is not available where it would result in a charge to medicare patients for services which are not ordinarily furnished by the physicians of the department of the hospital to hospital patients utilizing the services of that department.

§ 405.484 Hospital-physician agreements for physician compensation.

(a) *Principle.* For purposes of reimbursement, intermediaries and carriers will respect, within reasonable limits, an agreement between a hospital and a physician concerning the portion of the physician's compensation which, if he is engaged in the care of individual patients, is to be attributed to such care, and the portion which is to be attributed to service to the institution. The procedure hospitals and physicians are to follow in obtaining review of their agreement by intermediaries is described in § 405.487. The amount attributed to the care of patients will, to the extent of services rendered to supplementary medical insurance beneficiaries (identified in accordance with § 405.483), be recognized as proper charges to such patients, reimbursable under the supplementary medical insurance program. The amount attributed to service to the institution will be recognized as a cost which is reimbursable to the hospital.

(b) *Scope and effect of agreement.* Typically, contracts between hospital-based physicians and hospitals provide for the payment of an aggregate amount (in the form of a salary, a percentage arrangement, or on some other basis) to the physician for all of his services within the institution without a service-by-service itemization. Where the physician is on salary and normally spends full time in administation of departmental affairs, the full salary may be considered a reimbursable hospital cost item and medicare will bear its proportionate share of such cost. Where a salaried physician devotes only part of his time to institutional affairs and also renders an appreciable volume of personal patient care, only part of his salary may be attributed to hospital costs since the law requires that "medical or surgical services" must be excluded in determining a hospital's reimbursable costs.

(c) *Allocation of compensation by parties.* An agreement by the parties that a certain portion of the physician's compensation will be excluded from hospital costs and will be charged to those patients who are identified in accordance with § 405.483 will be respected unless, because of the small portion of time the physician devotes to the personal care of patients, such an agreement could lead to unreasonable charges to such patients.

§ 405.485 Schedules of charges for Part B physician's services.

(a) *Principle.* Once the portion of a physician's compensation attributable to professional services to supplementary medical insurance beneficiaries has been determined, a schedule of charges can be developed. To be deemed reasonable the charges should be designed to yield in the aggregate, as nearly as may be possible, an amount equal to such portion of his compensation. As among the patients to be charged (identified in accordance with § 405.483), the allocation of charges may be based on a schedule of relative values, on a uniform percentage of the charges made by the hospital or the physician to other patients for both professional and supporting components of the services, or on another method approved by the carrier as equitable.

(b) *Development of schedules.* Since the present almost universal practice does not separate the profesional services to individual patients from the other components of hospital-based physicians' services for purposes of determining the manner or amount of his compensation, it is necessary to devise a method for making this separation. The approach set forth in this section starts with the assumption that the present level of compensation of hospital-based physicians is reasonable. The assumption, of course, is open to challenge in any given case, and the carriers must deal with such challenges on the basis of prevailing rates of compensation in comparable institutions. Over a period of time the schedules of charges will be subject to revision in the light of changes in the prevailing levels of compensation.

(c) *Development of charges on per diem basis.* Some relatively few hospitals in which the hospital-based physicians are compensated by salary or other fixed amount of remuneration do not charge on a fee-for-service basis for each service provided a patient, but charge a fixed, all-inclusive rate, computed on a daily or other time basis or a per-visit basis, applicable uniformly to each patient without regard to the quantum of service required by the patient and without distinction between hospital services and physicians' services. Psychiatric hospitals, tuberculosis hospitals, and some governmental general hospitals commonly follow such a charge practice. Other hospitals use the fixed charge method for all services or only in connection with the services of certain of their departments while charging on a fee-for-service basis for the various services actually furnished to the patients in other departments. Where the billing by the hospital is on a per diem or other time period basis or on a per-visit basis, charges for the professional services of hospital-based physicians to patients may be computed on such a basis for program purposes. Under this method, after the apportionment of the physicians' compensation has been made in accordance with § 405.484, a per diem, per visit, or other unit charge can be developed, designed to yield in the aggregate, as nearly as may be possible, an amount equal to the physicians' compensation attributable to professional services to patients.

§ 405.486 Effect of physician's assumption of operating costs.

(a) *Principle.* Where a hospital-based physician himself bears some or all of the costs of operation of a hospital department and bills his patients directly rather than through the hospital, the reasonable charges for his services recognized under the supplementary medical insurance program will reflect the costs so borne by him. Where all the costs are to be borne by the physician, charges heretofore established for such services by agreement between the physician and the hospital may be acceptable as reasonable charges for purposes of the supplementary medical insurance program, but they will require adjustment either upward or downward if the hospital has been bearing a cost significantly greater or less than its share of the proceeds of such charges.

(b) *Billing for physician services.* (1) The objective in determining reasonable charges where the physician bills patients directly is the same as that expressed in § 405.485(a); to bring about as little change as possible (in the normal case) in the compensation the physician receives for his services in the hospital. Where the physician bills the patient directly, costs of operating the hospital department which are borne by the physican will be reflected in his reasonable charges which are compensable under the supplementary medical insurance program; the hospital will receive reimbursement through the hospital insurance program for those costs, if any, which it incurs. Where, however, a hospital initially pays some or all of the operating expenses of a hospital department (e.g., pays the salaries of nonprofessional personnel and purchases supplies and equipment), even though subsequently those items and services for which it pays the operating expenses are furnished for the use of the physician in return for an agreed upon payment by the physician to the hospital, such operating costs are reimbursable under the hospital insurance program as hospital costs, and are not to be reflected in the reasonable charges of the physician. Any payments received by the hospital under such an arrangement shall be treated as a reduction of allowable costs of the hospital reimbursable through the hospital insurance program.

(2) Where a hospital has been receiving, as its portion of the receipts for such services, significantly more or less than the costs the hospital has incurred in the provision of the services, this excess or shortage should not be transferred from the hospital to the physician merely because he decides to bill his patients directly. Since payment to the hospital is made on the basis of its reasonable costs for all hospital services, the transfer of such excess or shortage to the physician necessarily would alter the total cost of patient hospital and medical care—a result which the legislation was not intended to bring about. The reasonable charges of a physician who enters into a lease or similar arrangement with a hospital under which the physician assumes the costs of operating the department and bills the patients directly would be based upon the remuneration he received for his services immediately prior to the leasing arrangement plus his reasonable costs of operation, taking into account the hospital's cost experience in providing such services. Reasonable charges, so determined, would be subject to appropriate future adjustment to take into account changing economic factors. Reference back to the remuneration formerly received by the physician from the hospital as a factor in determining his reasonable charges under the lease or similar arrangement is required to give effect to the provisions of the statute which direct that consideration be given, in determining reasonable charges, to the customary charges generally made by the physician for similar services. Where no pattern of customary charges has been established for the physician's professional services to patients other than the compensation he received from the hospital for his services, such compensation would serve as the basis for establishing the customary charge.

(3) Since prevailing charges of physicians in the locality for similar services also are to be considered in determining reasonable charges of a physician, the charges of nonhospital laboratories, clinics, and the like for similar services would be taken into account in determining whether or not the customary charges, established in accordance with §§ 405.480 through 405.488, are within the range of prevailing charges. The situations, however, are frequently not comparable because of the large volume, and consequent low unit cost, of a laboratory that performs all of the services required in a hospital. Although charges prevailing in nonhospital laboratories are to be taken into account, they will not be guides for determining reasonable charges in situations where they would produce an unreasonable result.

(4) Although the law excludes physicians' services from the definition of hospital services, it further provides that services of nonphysicians aiding physicians are not deemed to be the services of a physician and are covered under the hospital insurance plan whether they are furnished by the hospital or by a physician under an arrangement with the hospital which calls for billing for such services to be by or through the hospital exclusively. Where, therefore, billing for services of a hospital department, including the services of the physician in such department, is by or through the hospital, the charges for the physician's services to the patient and for the nonphysician components of the services furnished by the physician under his arrangement with the hospital shall be determined as provided in subparagraph (1) of this paragraph, and may be included in a single bill which identifies separately the amounts billed for the respective components of the services. The amount of the physician's charge attributable to the nonphysician components of the service represents a cost to the hospital which is reimbursable to the hospital. The amount attributable to the physician's services to the patient is the physician's charge compensable under the supplementary medical insurance program.

(5) Also, tangentially related to the issue of billing for services of hospital-based physicians is the question of billing for diagnostic or therapeutic items or services not furnished in a hospital department, but under arrangements made by the hospital with outside laboratories for such items or services. Many hospitals, especially smaller hospitals, do not maintain full laboratory facilities. Such institutions frequently enter into arrangements with independent outside laboratories for the performance of diagnostic procedures, as, for example, in the field of pathology. In such instances, typically, the laboratory bills the hospital for the services performed, and the hospital, under present practices, bills the patient. Services performed under such an arrangement would be included as inpatient hospital services, and the cost thereof—that is, the cost the hospital incurs in paying the laboratory's charges for the services—would, if reasonable, be reimbursable to the hospital.

§ 405.487 Maintenance of records and review of reasonable costs and charges.

(a) *Principle.* Hospitals and hospital-based physicians will be required to keep records and furnish information to substantiate the agreements they enter into with respect to the allocation of the compensation of the physicians.

(b) *Rationale to support agreements for allocation of compensation.* (1) Where the agreement between the hospital and the physician reasonably allocates the physician's compensation between services covered as costs to be reimbursed to the hospital and those covered under the supplementary medical insurance program on a charges basis, it will generally be accepted if the parties concerned furnish an acceptable rationale for the allocation.

(2) Such allocation (made in accordance with § 405.484) should be capable of substantiation by the hospital and the physician. The parties' determination and supporting information should be reviewed by the hospital insurance intermediary and the carrier. The intermediary will be responsible for the approval of the portion of the physician's compensation which has been determined by the parties to be a cost which is reimbursable to the hospital and the carrier will be responsible for the approval or disapproval of the parties' reasonable charge determination.

(3) If the parties do not come to an agreement, or if either the hospital insurance intermediary or the carrier believes that the rationale does not justify the parties' allocation between reimbursable hospital costs and medical insurance charges, it will notify the other so that coordinated action, if necessary, can be undertaken. The fiscal intermediary responsible for hospital cost reimbursement and the carrier responsible for payments under the supplementary medical insurance program will resolve the issue by negotiation if possible, otherwise by time studies or other suitable methods.

(4) Under these principles, it is recognized that a physician who serves two or more hospitals may under his agreements have significantly different allocations and consequently significantly different charges for the same service in the different hospitals served by him.

§ 405.488 Effect of principles.

(a) Nothing in the foregoing principles restricts the right of the physician (in the absence of his acceptance of an assignment by the patient) to determine the amount of his charge to the patient for his services, or restricts the hospital and the physician in providing for such disposition of the payments received from the health insurance programs and the beneficiaries under the programs as they may agree upon.

(b) The total costs of hospital and medical services to inpatients and outpatients prior to the inauguration of this program should not be increased solely by reason of the requirement for division of payments for the services of hospital-based physicians between the hospital insurance program and the supplementary medical insurance program.

(c) The foregoing principles will, to the extent they are applicable, also govern reimbursement in cases where physicians have a financial arrangement of the kind referred to in § 405.480(c) with an extended care facility or home health agency and where a hospital-based physician provides services to the hospital's outpatients.

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[89th Cong., 1st Sess.]

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7 CFR

722 (2 documents) 13465
777 13502

PROPOSED RULES:

1103 13476
1205 13478

9 CFR

78 13465

14 CFR

71 13466

PROPOSED RULES:

71 13481

20 CFR

602 13466

21 CFR

121 (3 documents) 13474, 13475

26 CFR

507 13466

43 CFR

PUBLIC LAND ORDER:

4094 (corrected) 13473

47 CFR

0 13473
73 13474

PROPOSED RULES:

73 13481

50 CFR

32 13475
33 13475

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that the provisions of the Commissioners of the Defense Materials Service and the Utilization and Disposal Service are no longer expected under Schedule C, and that the position of Commissioner, Property Management and Disposal Service, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs (e) and (g) of § 213.3337 are revoked and paragraph (h) is added to that section as set out below.

§ 213.3337 General Services Administration.

* * * * *

(e) [Revoked]

* * * * *

(g) [Revoked]

(h) *Property Management and Disposal Service.* (1) Commissioner.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–11434; Filed, Oct. 18, 1966; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1967 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM

Basis and purpose. Section 722.472 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section fixes the period for holding the national marketing quota referendum under section 343 of the act.

Notice that the Secretary was preparing to fix the period for holding the referendum was published in the FEDERAL REGISTER on July 2, 1966 (31 F.R. 9138), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice. It will serve no purpose to delay the effective date of this section and accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and § 722.472 shall be effective upon publication of this document in the FEDERAL REGISTER.

§ 722.472 National marketing quota referendum for the 1967 crop of upland cotton.

The national marketing quota referendum for the 1967 crop of upland cotton shall be held during the referendum period December 5 to 9, 1966, each inclusive, by mail ballot in accordance with Part 717 of this chapter (§ 717.17, 31 F.R. 12011). It is hereby determined that such referendum shall not be conducted by voting at polling places.

(Secs. 343, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1343, 1375)

Effective date. Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 14, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66–11352; Filed, Oct. 18, 1966; 8:47 a.m.]

PART 722—COTTON

Subpart—1967 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM

Basis and purpose. Section 722.556 is issued pursuant to the Agricultural Adjustment Act of 1938 as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section fixes the period for holding the national marketing quota referendum under section 343 of the act.

Notice that the Secretary was preparing to fix the period for holding the referendum was published in the FEDERAL REGISTER on July 2, 1966 (31 F.R. 9138), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). No written submissions were received in response to such notice. It will serve no purpose to delay the effective date of this section and accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and § 722.556 shall be effective upon publication of this document in the FEDERAL REGISTER.

§ 722.556 National marketing quota referendum for the 1967 crop of extra long staple cotton.

The national marketing quota referendum for the 1967 crop of extra long staple cotton shall be held during the referendum period December 5 to 9, 1966, each inclusive, by mail ballot in accordance with Part 717 of this chapter (§ 717.17, 31 F.R. 12011). It is hereby determined that such referendum shall not be conducted by voting at polling places.

(Secs. 343, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1343, 1375).

Effective date. Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 14, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66–11351; Filed, Oct. 18, 1966; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Change in List of Public Stockyards

Pursuant to the provisions of sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.14(a) of Part 78, Title 9, Code of Federal Regulations, is hereby amended by adding to the list of public stockyards set forth herein, the name and address "Burlington Producers Livestock Market—Burlington" under "Colorado" in alphabetical order.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The foregoing amendment adds the name of the Burlington Producers Livestock Market, Burlington, Colo., to the list of public stockyards set forth in 9 CFR 78.14(a), as such stockyard is now

operating as a public stockyard where Federal inspection is maintained.

Inasmuch as notice and other public procedure regarding the amendment would not make additional information available to the Department and since interested persons should be informed promptly of such change, it is found upon good cause under the provisions in 5 U.S.C., § 553, that notice and other public procedure regarding the amendment are impracticable and contrary to the public interest, and the amendment should be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of October 1966.

G. H. WISE,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 66-11334; Filed, Oct. 18, 1966; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-CE-78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the North Platte, Nebr., control zone.

The North Platte, Nebr., control zone is presently designated as that airspace within a 5-mile radius of Lee Bird Field Municipal Airport, North Platte, Nebr. (latitude 41°07'41" N., longitude 100°-41'58" W.); and within 2 miles each side of the North Platte VOR 028° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 184° bearing from the North Platte RBN, extending from the 5-mile radius zone to 8 miles S of the RBN.

The ADF approach procedures for Lee Bird Field Municipal Airport have recently been modified. Therefore, the present control zone does not adequately protect these modified procedures. The modification contained herein will provide controlled airspace protection for aircraft executing the prescribed ADF approach procedures at Lee Bird Field Municipal Airport during descent below 1,000 feet above the surface.

Since this amendment is very minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 8, 1966, as hereinafter set forth:

In § 71.171 (31 F.R. 2065), the North Platte, Nebr., control zone is amended to read:

NORTH PLATTE, NEBR.

Within a 5-mile radius of the Lee Bird Field Municipal Airport, North Platte, Nebr. (latitude 41°07'41" N., longitude 100°41'58" W.); and within 2 miles each side of the North Platte VOR 028° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 186° bearing from the North Platte RBN, extending from the 5-mile radius zone to 8 miles S of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 4, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-11322; Filed, Oct. 18, 1966; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF U.S. EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Foreign Agricultural Labor

Pursuant to regulations issued by the Commissioner of Immigration and Naturalization (8 CFR 214.2(h); 29 F.R. 11959) implementing provisions of the Immigration and Nationality Act (8 U.S.C. 1184(c)), I hereby amend footnote 2 of Schedule B of 20 CFR 602.10(d) by changing the date appearing therein from September 1, 1965, to September 1, 1966.

Because this section sets forth general statements of agency procedure and policy, notice of proposed rule making, public participation, and delay in effective date are not required by section 4 of the Administrative Procedure Act (5 U.S.C. 1003). I do not believe such procedures will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

As amended, this footnote reads as follows:

§ 602.10 Certification and use of temporary foreign labor for agricultural and logging industry employment.

* * * * * *

(d) * * *

[2] Effective September 1, 1966, and for 1 year thereafter the wage rate in Florida for pickers in the citrus industry shall be a piece rate designed to produce an average wage of not less than $1.50 per hour in lieu of the $1.15 per hour minimum rate provided above. The average wage shall be computed by dividing the total amount paid by an employer to all of his employees engaged in such picking during each biweekly period by the total number of hours worked by all such employees during such biweekly period. Whenever the average so computed is less than $1.50 the wages paid to each employee so engaged will be supplemented by the percentage required to bring such average up to $1.50. (8 CFR 214.2(h))

Signed at Washington, D.C., this 11th day of October 1966.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 66-11330; Filed, Oct. 18, 1966; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER G—REGULATIONS UNDER TAX CONVENTIONS

[T.D. 6898]

PART 507—UNITED KINGDOM

Exemption From, or Reduction in Rate of, Withholding of U.S. Tax at Source on Income Derived by Residents of United Kingdom and Certain Rules Applicable to U.S. Withholding Agents

In order to provide rules for the exemption from, or reduction in rate of, withholding of U.S. tax, and release of excess tax withheld, on income derived by residents of the United Kingdom, and for additional withholding of United Kingdom tax by certain U.S. withholding agents, the following regulations are prescribed. These amendments shall be effective for taxable years beginning after December 31, 1965, or with respect to dividends paid on or after January 1, 1966.

PARAGRAPH 1. The table of contents in Part 507 is amended—

(a) By revising the heading immediately following "Subpart—Withholding of Tax" to read "Taxable Years Beginning After December 31, 1944, and Before January 1, 1966, or Dividends Paid Before January 1, 1966"; and

(b) By inserting after "507.12 Canadian withholding agents" the following new item:

Sec.
507.13 Effective date.

(c) By inserting after "507.13 Effective date" (as added by subparagraph (b) of this paragraph) the following new index:

TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1965, OR DIVIDENDS PAID ON OR AFTER JANUARY 1, 1966

Sec
507.21 Text of convention and definitions.
507.22 Dividends.
507.23 Additional withholding of tax by persons not owners of income.
507.24 Interest.
507.25 Royalties.
507.26 Private pensions and life annuities.
507.27 Other income covered by convention.
507.28 Beneficiaries of domestic estates or trusts.
507.29 Release of excess tax withheld at source.
507.30 Refund of excess tax paid to Director, Office of International Operations.
507.31 Information furnished in ordinary course.
507.32 Return required when liability not satisfied by withholding.
507.33 Effective date.

PAR. 2. Part 507 is amended—

(a) By revising the phrase immediately following "Subpart—Withholding of Tax" to read "Taxable Years Beginning After December 31, 1944, and Before January 1, 1966, or Dividends Paid Before January 1, 1966"; and

(b) By inserting after § 507.12 the following new section:

§ 507.13 Effective date.

The provisions of §§ 507.1 through 507.12 shall be effective with respect to taxable years of residents of the United Kingdom entitled to the benefits of such sections beginning after December 31, 1944, and before January 1, 1966, or dividends paid before January 1, 1966.

(c) By inserting after § 507.13 (as added by subparagraph (a) of this paragraph) the following heading and new sections:

TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1965, OR DIVIDENDS PAID ON OR AFTER JANUARY 1, 1966

§ 507.21 Text of convention and definitions.

(a) *Text of convention.* The income tax convention between the United States and the United Kingdom of Great Britain and Northern Ireland, signed April 16, 1945, as amended by the protocols signed June 6, 1946, May 25, 1954, August 19, 1957, and March 17, 1966, referred to in §§ 507.21 to 507.33 as the convention, provides in part as follows, effective for taxable years beginning after December 31, 1965, or with respect to dividends paid on or after January 1, 1966:

ARTICLE I

(1) The taxes which are the subject of the present Convention are:

(a) In the case of the United States of America: The Federal income taxes, including surtaxes (hereinafter referred to as "United States tax");

(b) In the case of the United Kingdom of Great Britain and Northern Ireland: The income tax (including surtax), the corporation tax, and the capital gains tax (hereinafter referred to as "United Kingdom tax").

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either Contracting Party subsequent to the date of signature of the present Convention or by the government of any territory to which the present Convention is extended under Article XXII.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires:

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and of Hawaii, and the District of Columbia.

(b) The term "United Kingdom" means Great Britain and Northern Ireland, excluding the Channel Islands and the Isle of Man.

(c) The terms "territory of one of the Contracting Parties" and "territory of the other Contracting Party" mean the United States or the United Kingdom as the context requires.

(d) The term "United States corporation" means a corporation, association or other like entity created or organized in or under the laws of the United States.

(e) The term "United Kingdom corporation" means any kind of juridical person created under the laws of the United Kingdom.

(f) The terms "corporation of one Contracting Party" and "corporation of the other Contracting Party" mean a United States corporation or a United Kingdom corporation as the context requires.

(g) The term "resident of the United Kingdom" means any person (other than a citizen of the United States or a United States corporation) who is resident in the United Kingdom for the purposes of United Kingdom tax and not resident in the United States for the purposes of United States tax. A corporation is to be regarded as resident in the United Kingdom if its business is managed and controlled in the United Kingdom.

(h) The term "resident of the United States" means any individual who is resident in the United States for the purposes of United States tax and not resident in the United Kingdom for the purposes of United Kingdom tax, and any United States corporation and any partnership created or organized in or under the laws of the United States, being a corporation or partnership which is not resident in the United Kingdom for the purposes of United Kingdom tax.

(i) The term "United Kingdom enterprise" means an industrial or commercial enterprise or undertaking carried on by a resident of the United Kingdom.

(j) The term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on by a resident of the United States.

(k) The terms "enterprise of one of the Contracting Parties" and "enterprise of the other Contracting Party" mean a United States enterprise or a United Kingdom enterprise, as the context requires.

(l) The term "permanent establishment" when used with respect to an enterprise of one of the Contracting Parties means a branch, management, factory or other fixed place of business, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the Contracting Parties shall not be deemed to have a permanent establishment in the territory of the other Contracting Party merely because it carries on business dealings in the territory of such other Contracting Party through a *bona fide* commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the Contracting Parties maintains in the territory of the other Contracting Party a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one Contracting Party has a subsidiary corporation which is a corporation of the other Contracting Party or which is engaged in trade or business in the territory of such other Contracting Party (whether through a permanent establishment or otherwise) shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.

(2) For the purposes of Articles VI, VII, VIII, IX and XIV a resident of the United Kingdom shall not be deemed to be engaged in trade or business in the United States in any taxable year unless such resident has a permanent establishment situated therein in such taxable year. The same principle shall be applied, *mutatis mutandis*, by the United Kingdom in the case of a resident of the United States.

(3) In the application of the provisions of the present Convention by one of the Contracting Parties any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting Party relating to the taxes which are the subject of the present Convention.

(4) Where under Articles VI, VII and VIII of the present Convention income from a source in one of the territories is relieved from tax in that territory, and, under the law in force in the other territory an individual, in respect of the said income, is subject to tax by reference to the amount thereof which is remitted to or received in that other territory and not by reference to the full amount thereof, then the relief to be allowed under those Articles of the present Convention in the first-mentioned territory shall apply only to so much of the income as is remitted to or received in the other territory.

* * * * *

ARTICLE VI

(1) The rate of United States tax on dividends beneficially owned by a resident of the United Kingdom which are derived by such a resident from a United States corporation, or are otherwise treated as being from sources within the United States shall not exceed 15 per cent of the gross amount of the dividends.

(2) The rate of United Kingdom tax on dividends beneficially owned by a resident of the United States which are derived by such a resident from a corporation which is a resident of the United Kingdom, or are otherwise treated as being from sources within the United Kingdom, shall not exceed 15 per cent of the gross amount of the dividends.

(3) Subject to the provisions of paragraph (5) of Article VII and of paragraph (4) of Article VIII of the present Convention:

(a) The term "dividends" in the case of the United Kingdom includes any item which under the law of the United Kingdom is treated as a distribution of a company except that this term does not include any redeemable share capital or security issued by a corporation in respect of shares in the corporation otherwise than wholly for new consideration, or such part of any redeemable share capital or security so issued as is not properly referable to new consideration.

(b) The term "dividends" in the case of the United States includes any item which under the law of the United States is treated as a distribution out of earnings and profits.

(4) The provisions of paragraph (1) of this Article shall not apply if the recipient of the dividends, being a resident of the United Kingdom and not a corporation, has in the United States a permanent establishment and the holding giving rise to the dividends is effectively connected with such permanent establishment.

5) The provisions of paragraph (2) of this Article shall not apply if the recipient of the dividends, being a resident of the United States, has in the United Kingdom a permanent establishment and the holding giving rise to the dividends is effectively connected with a trade carried on through such permanent establishment and, in the case of a corporation, the trade is such that a profit on the sale of the holding would be a trading receipt.

(6) Either of the Contracting Parties may terminate this Article by giving written notice of termination to the other Contracting Party, through diplomatic channels, on or before the thirtieth day of June in any year after the year 1965, and in such event paragraph (1) of this Article shall cease to be effective as to United States tax on and after the first day of January, and paragraph (2) of this Article shall cease to be effective as

to United Kingdom tax on and after the sixth day of April, in the year next following that in which such notice is given.

ARTICLE VII

(1) Interest (on bonds, securities, debentures, or on any other form of indebtedness) derived and beneficially owned by a resident of the United Kingdom shall be exempt from tax by the United States.

(2) Interest (on bonds, securities, debentures, or on any other form of indebtedness) derived and beneficially owned by a resident of the United States shall be exempt from tax by the United Kingdom.

(3) Paragraphs (1) and (2) of this Article shall not apply if the recipient of the interest, being a resident of the territory of one of the Contracting Parties, has in the territory of the other Contracting Party a permanent establishment and the indebtedness giving rise to the interest is effectively connected with such permanent establishment.

(4) Subject to paragraph (5) of this Article, the provisions of paragraphs (1) and (2) of this Article shall not apply to any payment of interest which under the law of either Contracting Party is treated as a distribution.

(5) Any provision in the law of either Contracting Party relating only to interest paid to a non-resident corporation shall not operate so as to require such interest paid to a resident of the other Contracting Party to be treated as a distribution by the corporation paying such interest. The preceding sentence shall not apply to interest paid to a corporation of one Contracting Party in which more than 50 per cent of the voting power is controlled, directly or indirectly, by a person or persons resident in the territory of the other Contracting Party.

(6) Where, owing to a special relationship between the payer and the recipient, or between both of them and some other person, the amount of the interest paid exceeds the amount which would have been agreed upon by the payer and recipient in the absence of such relationship, the provisions of this Article shall only apply to the last-mentioned amount.

ARTICLE VII A

Neither Article VI nor Article VII of the present Convention shall apply if the recipient of the dividend or interest is exempt from tax on such income in the territory of the Contracting Party in which it is resident, and either—

(a) In the case of a dividend to which Article VI applies, such recipient owns 10 per cent or more of the class of shares in respect of which the dividend is paid and the dividend is paid in such circumstances that, if the recipient were a resident of the United Kingdom exempt from United Kingdom tax, the exemption would be limited or removed; or

(b) In the case of interest to which Article VII applies, such recipient sells (or makes a contract to sell) the holding from which such interest is derived within three months of the date such recipient acquired such holding.

ARTICLE VIII

(1) Royalties derived and beneficially owned by a resident of the United Kingdom shall be exempt from tax by the United States.

(2) Royalties derived and beneficially owned by a resident of the United States shall be exempt from tax by the United Kingdom.

(3) Paragraphs (1) and (2) of this Article shall not apply if the recipient of the royalty, being a resident of the territory of one of the Contracting Parties, has in the territory of the other Contracting Party a permanent establishment and the right or property giving rise to the royalties is effectively connected with such permanent establishment.

(4) Royalties paid by a corporation of one Contracting Party to a resident of the other Contracting Party shall not be treated as a distribution by such corporation. The preceding sentence shall not apply to royalties paid to a corporation of one Contracting Party where (a) the same persons participate directly or indirectly in the management or control of the corporation paying the royalties and the corporation deriving the royalties, and (b) more than 50 per cent of the voting power in the corporation deriving the royalties is controlled, directly or indirectly, by a person or persons resident in the territory of the other Contracting Party.

(5) The term "royalties" as used in this Article:

(a) Means any royalties, rentals or other amounts paid as consideration for the use of, or the right to use, copyrights of literary, artistic or scientific works (including motion picture films, or films or tapes for radio or television broadcasting), patents, designs or models, plans, secret processes or formulae, trade-marks or other like property or rights, or for industrial, commercial or scientific equipment, or for knowledge, experience or skill (know-how), and

(b) Shall include gains derived from the sale or exchange of any right or property giving rise to such royalties.

(6) Where, owing to a special relationship between the payer and the recipient, or between both of them and some other person, the amount of the royalties paid exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall only apply to the last-mentioned amount.

ARTICLE IX

(1) The rate of United States tax on royalties in respect of the operation of mines or quarries or of other extraction of natural resources, and on rentals from real property or from an interest in such property, derived from sources within the United States by a resident of the United Kingdom who is subject to United Kingdom tax with respect to such royalties or rentals and not engaged in trade or business in the United States, shall not exceed 15 per cent: Provided that any such resident may elect for any taxable year to be subject to United States tax on such income on a net basis as if such resident were engaged in trade or business in the United States.

(2) Royalties in respect of the operation of mines or quarries or of other extraction of natural resources, and rentals from real property or from an interest in such property, derived from sources within the United Kingdom by an individual who is (a) a resident of the United States, (b) subject to United States tax with respect to such royalties and rentals, and (c) not engaged in trade or business in the United Kingdom, shall be exempt from United Kingdom surtax.

ARTICLE X

(1) Any salary, wage, similar remuneration, or pension, paid by the Government of the United States to an individual (other than a British subject who is not also a citizen of the United States) in respect of services rendered to the United States in the discharge of governmental functions, shall be exempt from United Kingdom tax.

(2) Any salary, wage, similar remuneration, or pension, paid by the Government of the United Kingdom to an individual (other than a citizen of the United States who is not also a British subject) in respect of services rendered to the United Kingdom in the discharge of governmental functions, shall be exempt from United States tax.

(3) The provisions of this Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting Parties for purposes of profit.

ARTICLE XI

(1) An individual who is a resident of the United Kingdom shall be exempt from United States tax upon compensation for personal (including professional) services performed during the taxable year within the United States if (a) he is present within the United States for a period or periods not exceeding in the aggregate 183 days during such taxable year, and (b) such services are performed for or on behalf of a person resident in the United Kingdom.

(2) An individual who is a resident of the United States shall be exempt from United Kingdom tax upon profits, emoluments or other remuneration in respect of personal (including professional) services performed within the United Kingdom in any year of assessment if (a) he is present within the United Kingdom for a period or periods not exceeding in the aggregate 183 days during that year, and (b) such services are performed for or on behalf of a person resident in the United States.

ARTICLE XII

(1) Any pension (other than a pension to which Article X applies), and any life annuity, derived from sources within the United States by an individual who is a resident of the United Kingdom shall be exempt from United States tax.

(2) Any pension (other than a pension to which Article X applies), and any life annuity, derived from sources within the United Kingdom by an individual who is a resident of the United States shall be exempt from United Kingdom tax.

(3) The term "life annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in consideration of money paid.

• • • • •

ARTICLE XIV

(1) A resident of the United Kingdom shall be exempt from United States tax on gains from the sale or exchange of capital assets.

(2) A resident of the United States shall be exempt from United Kingdom tax on chargeable gains accruing to him on the disposal of assets.

(3) Paragraph (1) or paragraph (2) of this Article shall not apply if the person deriving the gain has a permanent establishment in the United States, for purposes of paragraph (1), or the United Kingdom, for purposes of paragraph (2) and the gain is derived from an asset which is effectively connected with such permanent establishment.

(4) Paragraph (1) of this Article shall not apply if the person deriving the gain is an individual who is a resident of the United Kingdom and who is present in the United States for a period equal to or exceeding an aggregate of 183 days during the taxable year.

ARTICLE XV

Dividends and interest paid by a corporation of one Contracting Party shall be exempt from tax by the other Contracting Party except where the recipient is a citizen, resident, or corporation of that other Contracting Party. This exemption shall not apply if the corporation paying such dividend or interest is a resident of the other Contracting Party.

• • • • •

ARTICLE XVIII

A professor or teacher from the territory of one of the Contracting Parties who visits the territory of the other Contracting Party for the purpose of teaching, for a period not exceeding two years, at a university, college, school or other educational institution in the territory of such other Contracting Party shall be exempted by such other Contracting Party from tax on his remuneration for such teaching for such period.

ARTICLE XIX

A student or business apprentice from the territory of one of the Contracting Parties who is receiving full-time education or training in the territory of the other Contracting Party shall be exempted by such other Contracting Party from tax on payments made to him by persons within the territory of the former Contracting Party for the purposes of his maintenance, education or training.

ARTICLE XIX A

(1) Each of the Contracting Parties will endeavour to collect on behalf of the other Contracting Party, such amounts as may be necessary to ensure that relief granted by the present Convention from taxation imposed by such other Contracting Party does not enure to the benefit of persons not entitled thereto. The United Kingdom will be regarded as fulfilling this obligation by the continuation of its existing arrangements for ensuring that relief from taxation imposed by the laws of the United States does not enure to the benefit of persons not entitled thereto.

(2) Paragraph (1) of this Article shall not impose upon either of the Contracting Parties the obligation to carry out administrative measures which are of a different nature from those used in the collection of its own tax, or which would be contrary to its sovereignty, security, or public policy. In determining the administrative measures to be carried out each Contracting Party may take into account the administrative measures and practices of the other Contracting Party in recovering taxes on behalf of the first-mentioned Contracting Party.

(3) The competent authorities of the Contracting Parties shall consult with each other for the purpose of co-operating and advising in respect of any action to be taken in implementing this Article.

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ARTICLE XXIV

(1) The present Convention shall continue in effect indefinitely but either of the Contracting Parties may, on or before the 30th June in any year after the year 1966, give to the other Contracting Party, through diplomatic channels, notice of termination and, in such event, the present Convention shall cease to be effective:

(a) As respects United States tax, for the taxable years beginning on or after the 1st January in the year next following that in which such notice is given;

(b) (i) As respects United Kingdom income tax and surtax, for any year of assessment beginning on or after the 6th April in the year next following that in which such notice is given;

(ii) As respects United Kingdom corporation tax, for any financial year beginning on or after the 1st April in the year next following that in which such notice is given; and

(iii) As respects United Kingdom capital gains tax, for any year of assessment beginning on or after the 6th April in the year next following that in which such notice is given.

(2) The termination of the present Convention or any Article thereof shall not have the effect of reviving any treaty or arrangement abrogated by the present Convention or by treaties previously concluded between the Contracting Parties.

(b) *Meaning of terms.* As used in this subpart—

(1) *In general.* Any term defined in the convention or this subpart shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws of the United States.

(2) *Resident of the United Kingdom.* The term "resident of the United Kingdom" means any person (other than a citizen of the United States or a U.S. corporation) who is resident in the United Kingdom for the purposes of United Kingdom tax and not resident in the United States for the purposes of U.S. tax. A corporation is to be regarded as resident in the United Kingdom if its business is managed and controlled in the United Kingdom.

§ 507.22 Dividends.

(a) *Reduction in rate of U.S. tax*—(1) *Paid by a United Kingdom corporation.* Dividends paid after December 31, 1965, by a United Kingdom corporation are exempt from U.S. tax under Article XV of the convention if the recipient is not a citizen, resident, or corporation of the United States. Dividends so paid are not subject to withholding of U.S. tax at source.

(2) *Other dividends from U.S. sources.* Except as provided in subparagraphs (3) through (5) of this paragraph, the rate of U.S. tax imposed upon dividends derived from sources within the United States and received by a resident of the United Kingdom (as defined in paragraph (b)(2) of § 507.21) on or after January 1, 1966, shall not exceed 15 percent under Article VI of the convention.

(3) *Dividends effectively connected with a permanent establishment.* The reduction in rate of tax provided in subparagraph (2) of this paragraph shall not apply if the recipient of the dividends, being a resident of the United Kingdom and not a corporation, maintains a permanent establishment in the United States and the holding giving rise to the dividend is effectively connected with such permanent establishment.

(4) *Tax-exempt organizations.* Under Article VIIA of the convention, the reduction in rate of tax provided in subparagraph (2) of this paragraph shall not apply if the recipient—

(i) Is exempt from tax on dividends in the United Kingdom,

(ii) Owns at least 10 percent of the class of shares in respect of which the dividend is paid, and

(iii) The dividend is paid in such circumstances that, if the recipient were a resident of the United Kingdom exempt from United Kingdom tax, such exemption from United Kingdom tax would be limited or removed.

(5) *Persons taxed on a remittance basis.* Under Article II(4) of the convention, if an individual is subject to tax in the United Kingdom on dividends by reference to the amount of such dividends remitted to or received in the United Kingdom, the reduction in rate of tax provided in subparagraph (2) of this paragraph shall apply to only so much of such dividends as is remitted to or received in the United Kingdom.

(6) *Personal services.* The reduction in rate of U.S. tax described in subparagraph (2) of this paragraph is available to an individual resident of the United Kingdom who performs personal services in the United States but does not have a permanent establishment in the United States to which the holding giving rise to the dividend is effectively connected although, under section 871(c) of the Internal Revenue Code, such individual is treated as engaged in business in the United States by reason of his having performed such services.

(b) *Withholding of U.S. tax from dividends*—(1) *15-percent rate.* Withholding of U.S. tax at source after December 31, 1965, in the case of dividends derived from sources within the United States by a person whose address is in the United Kingdom shall, to the extent withholding of U.S. tax is required, be at the rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, the Commissioner of Internal Revenue or the owner of the dividends has notified the withholding agent that the reduced rate of withholding shall not apply.

(2) *Reduced rate applicable only to owner.* The reduced rate described in this paragraph is available only to the actual owner of the capital stock from which the dividend is derived. As to action by a United Kingdom addressee who is not the actual owner of the capital stock, see § 507.23(c).

(3) *Evidence of rate of tax withheld.* The rate at which U.S. tax has been withheld from a dividend paid after November 15, 1966, to a person whose address is in the United Kingdom at the time the dividend is paid shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment, or on an accompanying statement.

§ 507.23 Additional withholding of tax by persons not owners of income.

(a) *In general.* Article XIXA of the convention provides that each Contracting Party will endeavor to collect on behalf of the other Contracting Party such amounts as may be necessary to ensure that relief granted by the convention from taxation imposed by such other Contracting Party does not inure to the benefit of persons not entitled to such relief.

(b) *Additional United Kingdom tax to be withheld in the United States*—(1) *By a nominee or representative.* The recipient in the United States of income from sources within the United Kingdom which has received a reduction in rate of, or exemption from, withholding of United Kingdom tax who is a nominee or representative through whom such income is received by a person who is not a resident of the United States shall withhold an additional amount of United Kingdom tax equivalent to the United Kingdom tax which would have been withheld if the convention had not been

in effect (41.25 percent as of the date of approval of this Treasury decision) minus the tax which has been withheld at the source.

(2) *By a fiduciary or partnership.* A fiduciary or partnership in the United States which receives, otherwise than as a nominee or representative, income from sources within the United Kingdom which has been exempt from or subject to a reduced rate of United Kingdom tax shall withhold an additional amount of United Kingdom tax from the portion of such income included in the gross income from sources within the United Kingdom of any beneficiary or partner as the case may be, who is not entitled to the reduced rate of tax in accordance with the applicable provisions of the convention. The amount of the additional tax is to be calculated in the same manner as under subparagraph (1) of this paragraph.

(3) *Withholding additional United Kingdom tax from amounts released or refunded.* If any amount of United Kingdom tax is released by the withholding agent in the United Kingdom, or is otherwise received by a nominee, representative, fiduciary, or partnership in the United States, with respect to income from sources within the United Kingdom, the recipient shall withhold from such released amount any additional amount of United Kingdom tax otherwise required to be withheld from such income by the provisions of subparagraph (1) or (2) of this paragraph in the same manner as if at the time of payment, such income had received a reduction in rate of, or exemption from, withholding of United Kingdom tax.

(4) *Return of United Kingdom tax by United States withholding agents*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, amounts of United Kingdom tax withheld pursuant to this paragraph by withholding agents in the United States should be deposited in U.S. dollars with the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225, on or before March 15 of the year following the year in which the withholding occurs. Such withhold agent shall also submit such appropriate forms as may be prescribed by the Commissioner.

(ii) *Withholding agents undertaking to remit United Kingdom tax directly to the United Kingdom.* If a withholding agent furnishes an undertaking to the United Kingdom Inland Revenue Department to remit the amounts referred to in subdivision (i) of this subparagraph directly to such Department, such withholding agent shall, to the extent such amounts are so remitted, be exempt from the requirements of subdivision (i) of this subparagraph. Such withholding agent shall before the 16th day after the close of the quarter of the calendar year in which the withholding occurs file a statement with the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225, setting forth the fact that such undertaking exists and the amount of United Kingdom tax remitted directly to the United Kingdom Department of Inland Revenue during such quarter in accordance with the undertaking.

(c) *Additional U.S. tax to be withheld in the United Kingdom*—(1) *By a nominee or representative.* The recipient in the United Kingdom of any dividend from which U.S. tax has been withheld at the reduced rate of 15 percent pursuant to § 507.22(b)(1), who is a nominee or representative through whom the dividend is received by a person not entitled under § 507.22(a) to the reduced rate, shall withhold an additional amount of U.S. tax equivalent to the U.S. tax which would have been withheld if the convention had not been in effect (30 percent as of the date of approval of this Treasury decision) minus the 15 percent which has been withheld at the source.

(2) *By a fiduciary or partnership.* A fiduciary or a partnership with an address in the United Kingdom which receives, otherwise than as a nominee or representative, a dividend from which U.S. tax has been withheld at the reduced rate of 15 percent pursuant to § 507.22(b)(1) shall withhold an additional amount of U.S. tax from the portion of the dividend included in the gross income from sources within the United States of any beneficiary or partner, as the case may be, who is not entitled to the reduced rate of tax in accordance with § 507.22(a). The amount of the additional tax is to be calculated in the same manner as under subaparagraph (1) of this paragraph.

(3) *Withholding additional U.S. tax from amounts released.* If any amount of U.S. tax is released pursuant to § 507.29(a)(1) by the withholding agent in the United States with respect to a dividend received by a nominee, representative, fiduciary, or partnership with an address in the United Kingdom, the recipient shall withhold from such released amount any additional amount of U.S. tax otherwise required to be withheld from the dividend by the provisions of subparagraph (1) or (2) of this paragraph in the same manner as if at the time of payment of the dividend U.S. tax at the rate of only 15 percent had been withheld at source.

(4) *Return of U.S. tax by United Kingdom withholding agents.* The amounts of U.S. tax withheld pursuant to this paragraph by any withholding agent in the United Kingdom should be deposited, without converting the amounts into U.S. dollars, with the United Kingdom Inland Revenue Department before the 16th day after the close of the quarter of the calendar year in which the withholding in the United Kingdom occurs. The withholding agent making the deposit should also submit such appropriate United Kingdom forms as may be prescribed by the Inland Revenue Department. Copies of such forms should be forwarded by the Inland Revenue Department, along with the amounts so deposited, to the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225, U.S.A., in accordance with arrangement made by the competent authorities.

§ 507.24 **Interest.**

(a) *Exemption from United States tax*—(1) *Paid by a United Kingdom corporation.* Interest paid after December 31, 1965, by a United Kingdom corporation is exempt from United States tax under Article XV of the convention if the recipient is not a citizen, resident, or corporation of the United States. Interest so paid is not subject to withholding of United States tax at source.

(2) *Other interest from United States sources.* Except as provided in subparagraphs (3) through (5) of this paragraph, interest (on bonds, securities, debentures, or on any other form of indebtedness, including interest on obligations of the United States and its instrumentalities and on mortgages or bonds secured by real property) derived from sources within the United States and received by a resident of the United Kingdom (as defined in paragraph (b)(2) of § 507.21), in a taxable year of the recipient beginning after December 31, 1965, shall be exempt from U.S. tax under Article VII of the convention.

(3) *Interest effectively connected with a permanent establishment.* The exemption from tax provided in subparagraph (2) of this paragraph shall not apply if the recipient of the interest maintains a permanent establishment in the United States and the indebtedness giving rise to the interest is effectively connected with such permanent establishment.

(4) *Tax exempt organization selling indebtedness.* Under Article VIIA of the convention, the exemption from tax provided in subparagraph (2) of this paragraph shall not apply if the recipient of the interest is exempt from tax on such interest in the United Kingdom and such recipient sells (or makes a contract to sell) the holding from which such interest is derived within 3 months of the date such recipient acquired such holding.

(5) *Persons taxed on remittance basis.* Under Article II(4) of the convention, if an individual is subject to tax in the United Kingdom on interest by reference to the amount of such interest remitted to or received in the United Kingdom, the exemption from tax provided in subparagraph (2) of this paragraph shall apply to only so much of such interest as is remitted to or received in the United Kingdom.

(6) *Personal services.* The exemption from U.S. tax for interest described in subparagraph (2) of this paragraph is available to an individual resident of the United Kingdom who performs personal services in the United States and does not have a permanent establishment in the United States to which the indebtedness giving rise to such interest is effectively connected although, under section 871 of the Internal Revenue Code, such individual is treated as engaged in business in the United States by reason of his having performed such services.

(b) *Exemption from withholding of U.S. tax*—(1) *Coupon bond interest*—(i) *Form to use.* To avoid withholding of U.S. tax at source during taxable years

of the recipient beginning after December 31, 1965, in the case of coupon bond interest exempt from tax under paragraph (a) of this section, such recipient shall, for each issue of bonds, file Form 1001–UK–2 in duplicate when presenting the interest coupons for payment. This form shall be signed by the owner of the interest, or by his trustee or agent, and shall show the information required by paragraph (d) of § 1.1461–1 of this chapter. Form 1001–UK–2 shall contain a statement that, at the time the income is derived, the owner (*a*) if an individual, is neither a citizen nor a resident of the United States, but is a resident of the United Kingdom or, if a corporation, is a foreign corporation whose business is managed or controlled in the United Kingdom, (*b*) does not have a permanent establishment in the United States or, if the owner does have such a permanent establishment, a statement that the indebtedness giving rise to the income is not effectively connected with such permanent establishment, (*c*) is not exempt from tax on such income in the United Kingdom or, if the owner is exempt from tax on such income, the date of acquisition of the holding from which such income is derived and a statement that the owner has not sold (or made a contract to sell), and does not intend to sell (or make a contract to sell) such holding within 3 months of such date of acquisition, (*d*) is not subject to tax in the United Kingdom on investment income by reference to the amount of such income remitted to or received in the United Kingdom or, if subject to tax on such basis, a statement of the amount of income to which the form relates which is remitted to or received in the United Kingdom, and (*e*) is the actual owner of the income.

(ii) *Exemption applicable only to owner.* The exemption from U.S. tax granted by Article VII of the convention is applicable only to the owner of the interest. The person presenting the interest coupon, or on whose behalf it is presented, shall, for purposes of the exemption from withholding of U.S. tax, be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon, or on whose behalf it is presented, is not the owner of the bond, Form 1001, and not Form 1001–UK–2, shall be used, and U.S. tax shall be withheld at the statutory rate.

(iii) *Disposition of Form 1001–UK–2.* The original and duplicate of Form 1001–UK–2 shall be forwarded by the withholding agent to the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225, in accordance with paragraph (b)(2) of § 1.1461–2 of this chapter.

(2) *Other interest*—(i) *Letter of notification.* To avoid withholding of U.S. tax at source during taxable years of the taxpayer beginning after December 31, 1965, in the case of interest (other than coupon bond interest) exempt from tax under paragraph (a) of this section, the resident of the United Kingdom (as defined in paragraph (b)(2) of § 507.21) shall notify the withholding agent by letter in duplicate that the interest is exempt from U.S. tax under Article VII of the convention. The letter of notification shall be signed by the owner of the interest, or by his trustee or agent, shall show the name and address of the obligor and the name and address of the owner of the interest, and shall indicate the dates on which the taxable years of the taxpayer to which the letter is applicable begin and end. The letter shall contain the statement required by subparagraph (1)(i) of this paragraph. If the interest qualifies for the exemption from tax, the letter of notification may also authorize the release, pursuant to § 507.29(a)(3), of excess tax withheld from the interest concerned.

(ii) *Manner of filing letter.* The letter of notification, which shall constitute authorization for the payment of the income without withholding of U.S. tax at source, shall be filed with the withholding agent as soon as practicable for each successive 3-calendar-year period during which the income is paid. Once a letter has been filed in respect of any 3-calendar-year period, no additional letter need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that an additional letter shall be filed by the owner of the interest. If, after filing a letter of notification, the taxpayer ceases to be eligible for the exemption from U.S. tax granted by Article VII of the convention, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the income as recorded on the books of the payer, the exemption from withholding of U.S. tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(iii) *Disposition of letter.* The original of each letter of notification filed pursuant to this subparagraph shall be retained by the withholding agent and the duplicate shall be immediately forwarded by the withholding agent to the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225.

(3) *Change in circumstances.* If a taxpayer acquires a permanent establishment in the United States after filing a Form 1001–UK–2 or a letter of notification referred to in subparagraph (2) of this paragraph, such taxpayer shall file a new form or a new letter even though the indebtedness giving rise to the income to which such document relates is not effectively connected to such permanent establishment.

§ 507.25 **Royalties.**

(a) *Exemption from U.S. tax*—(1) *In general.* Except as provided in subparagraphs (2) and (3) of this paragraph, royalties (as defined in paragraph (c) of this section) derived from sources within the United States by a resident of the United Kingdom (as defined in paragraph (b)(2) of § 507.21) and received in a taxable year of the recipient beginning after December 31, 1965, shall be exempt from U.S. tax under Article VIII of the convention.

(2) *Royalties effectively connected with a permanent establishment.* The exemption from tax provided in subparagraph (1) of this paragraph shall not apply if the recipient of the royalties, rentals, or similar payments maintains a permanent establishment in the United States and the right or property giving rise to such amounts is effectively connected with such permanent establishment.

(3) *Persons taxed on a remittance basis.* Under Article II(4) of the convention, if an individual is subject to tax in the United Kingdom on royalties, rentals, or similar payments by reference to the amount of such income remitted to or received in the United Kingdom, the exemption from tax provided in subparagraph (1) of this paragraph shall apply to only so much of such income as is remitted to or received in the United Kingdom.

(4) *Personal services.* The exemption from U.S. tax for royalties, rentals, or similar payments described in subparagraph (1) of this paragraph is available to an individual resident of the United Kingdom who performs personal services in the United States and does not have a permanent establishment in the United States to which the right or property giving rise to such income is effectively connected although, under section 871 of the Internal Revenue Code, such individual is treated as engaged in business in the United States by reason of his having performed such services.

(b) *Exemption from withholding of tax*—(1) *Letter of notification.* To avoid withholding of U.S. tax during taxable years of a taxpayer beginning after December 31, 1965, from a royalty, rental, or other amount which is exempt from U.S. tax in accordance with paragraph (a) of this section, the taxpayer shall notify the withholding agent by a letter in duplicate that such amount is exempt from U.S. tax under Article VIII of the convention.

(2) *Manner of filing letter of notification.* The provisions of § 507.24(b)(1)(i) relating to the content, § 507.24(b)(2) relating to the filing, effective period, and disposition, of the letter of notification prescribed therein, and § 507.24(b)(3) relating to change in circumstances, shall also apply mutatis mutandis to the letter of notification prescribed in this paragraph, except that the letter need not contain the statement prescribed in paragraph (b)(1)(i)(c) of § 507.24.

(c) *Definition.* As used in this subpart, the term "royalties"—

(1) Means any royalties, rentals, or other amounts paid as consideration for the use of, or the right to use—

(i) Copyrights of literary, artistic, or scientific works (including motion picture films, or films or tapes for radio or television broadcasting), patents, designs, or models, plans, secret processes or formulae, trademarks, or other like property; or

(ii) Industrial, commercial, or scientific equipment, or knowledge, experience, or skill (know-how); and

(2) Includes gains derived from the sale or exchange of any right or property giving rise to such royalties.

§ 507.26 Private pensions and life annuities.

(a) *Exemption from U.S. tax—(1) Requirements.* Any pension (other than one paid by one of the Contracting States to an individual in respect of services rendered that Contracting State in the discharge of governmental functions) or life annuity derived from sources within the United States by an individual resident of the United Kingdom (as defined in paragraph (b)(2) of § 507.21) and received in a taxable year of the recipient beginning after December 31, 1965, shall be exempt from U.S. tax under the provisions of Article XII of the convention.

(2) *Definitions.* As used in this subpart, the term "pension" means a periodic payment made in consideration for services rendered, or by way of compensation for injuries received, in connection with past employment, and the term "life annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in consideration of money paid.

(b) *Exemption from withholding of tax—(1) Use of letter of notification.* To avoid withholding of U.S. tax during taxable years of the recipient beginning after December 31, 1965, from a pension or life annuity which is exempt from U.S. tax in accordance with paragraph (a) of this section, the individual resident of the the United Kingdom (as defined in paragraph (b)(2) of § 507.21) shall notify the withholding agent by letter in duplicate that the pension or annuity is exempt from U.S. tax under Article XII of the convention. The letter of notification shall be signed by the owner of the income, shall show the name and address of both the payer and the owner of the income, and shall contain a statement that, at the time the income is received, the owner, an individual, is neither a citizen nor a resident of the United States but is a resident of the United Kingdom for purposes of United Kingdom tax.

(2) *Manner of filing letter.* The letter of notification shall constitute authorization for the payment of the pension or life annuity without withholding of U.S. tax at the source or for the release, pursuant to § 507.29(a)(3), of excess tax withheld from a pension or life annuity, unless the Commissioner of Internal Revenue notifies the withholding agent thereafter to withhold the tax from such items of income. If, after filing a letter of notification, the owner of the income ceases to be eligible under the convention for the exemption from U.S. tax on such items of income, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the income as recorded on the books of the payer, the exemption from withholding of U.S. tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(3) *Disposition of the letter of notification.* The original of each letter of notification filed pursuant to this paragraph shall be retained by the withholding agent and the duplicate shall be forwarded immediately by the withholding agent to the Director, Office of International Operations, Internal Revenue Service, Washington, D.C. 20225

§ 507.27 Other income covered by convention.

(a) *Exemption from tax—(1) Request for ruling.* If a taxpayer who is a resident of the United Kingdom (as defined in paragraph (b)(2) of § 507.21 claims or contemplates claiming that an item of income (other than income referred to in §§ 507.22 through 507.26) is exempt from, or subject to a reduced rate of, U.S. tax under the convention, such taxpayer may request a ruling to that effect from the Commissioner of Internal Revenue, Washington, D.C. 20224, by filing a statement setting forth all the facts pertinent to a determination of the question.

(2) *Notification of taxpayer.* As soon as practicable after such information is filed, the Commissioner will determine whether the income concerned qualifies under the convention for exemption from, or a reduced rate of, U.S. tax and will notify the taxpayer of his ruling. If income qualifies for such benefit, this notification may also authorize the release, pursuant to § 507.29(a)(3), of excess tax withheld from the income concerned.

(b) *Exemption from, or reduction in rate of, withholding—(1) Notification of withholding agent.* If the Commissioner rules that income received by a taxpayer qualifies for exemption from, or reduction in rate of, U.S. tax under the convention, and the taxpayer sends a copy of such ruling to the withholding agent, the income designated in such ruling shall be exempt from, or subject to a reduced rate of, withholding of U.S. tax unless the Commissioner or the taxpayer notifies the withholding agent that such income ceases to qualify for such benefit.

(2) *Change in circumstances.* If, during the period covered by the ruling letter, any fact upon which the ruling letter is based materially changes, the taxpayer shall immediately notify the withholding agent and the Commissioner of such change.

§ 507.28 Beneficiaries of domestic estates or trusts.

A nonresident alien individual who is a resident of the United Kingdom and a beneficiary of a domestic estate or trust shall be entitled to the exemption from, or reduction in the rate of, U.S. tax granted by Articles VI, VII, VIII and XII of the convention with respect to dividends, interest, royalties, and rentals, and pensions and annuities, if he otherwise satisfies the requirements for exemption or reduction specified in the Articles concerned, to the extent that (a) any amount paid, credited, or required to be distributed by the estate or trust to the beneficiary is deemed to consist of those items and (b) the items so deemed to be included in such amount would, without regard to the convention, be includible in his gross income. However, such beneficiary is not entitled to the exemption from, or reduction in rate of, U.S. tax granted by such Articles to the extent that the trust conduit rules are not applicable to any payment received by the beneficiary such as, for example, a payment made out of the income of a trust established for the support and maintenance of a wife pursuant to a divorce decree. To obtain the exemption from, or reduction in the rate of, withholding of U.S. tax where permitted by this section, the beneficiary must, where applicable, execute and submit to the fiduciary of the estate or trust in the United States the appropriate letter of notification prescribed in § 507.24(b)(2), § 507.25(b)(1), or § 507.26(b)(1).

§ 507.29 Release of excess tax withheld at source.

(a) *Release of tax withheld—(1) From dividends.* If U.S. tax has been withheld at the statutory rate after December 31, 1965, from dividends described in § 507.22(a)(2) received by a resident of the United Kingdom (as defined in paragraph (b)(2) of § 507.21) whose address at the time of payment was in the United Kingdom, the withholding agent shall release and pay over to such resident an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to § 507.22(b)(1).

(2) *From coupon bond interest—(i) Substitute ownership certificate.* If a taxpayer furnishes the withholding agent a Form 1001–UK–2 clearly marked "Substitute" and executed in accordance with § 507.24(b)(1)(i), where U.S. tax has been withheld from coupon bond interest at the statutory rate during a taxable year of the taxpayer beginning after December 31, 1965, the withholding agent shall release and pay to the person from whom the tax was withheld an amount which is equal to the tax so withheld.

(ii) *Filing and disposition of substitute ownership certificate.* One substitute Form 1001–UK–2 shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which the excess is released. Such forms shall be disposed of in accordance with the rules of § 507.24(b)(1)(ii).

(3) *Tax withheld from other income.* If a taxpayer furnishes to the withholding agent the letter of notification prescribed in § 507.24(b)(2), § 507.25(b), or § 507.26(b), or the authorization for release of tax prescribed in § 507.27(a)(2), and U.S. tax has been withheld at the statutory rate during taxable years of the taxpayer beginning after December 31, 1965, from the income to which such letter or authorization is applicable, the withholding agent shall release and pay to the person from whom the tax was withheld an amount which is equal to the tax so withheld from such income.

(b) *Amounts not to be released.* The provisions of this section do not apply to any excess tax withheld at the source which has been paid by the withholding agent to the Director, Office of International Operations.

(c) *Statutory rate.* As used in this subpart, the term "statutory rate" means the rate of tax (30 percent as of the date of approval of this Treasury decision) prescribed by subchapter A of chapter 3 (relating to the withholding of tax on nonresident aliens and foreign corporations) of the Internal Revenue Code as though the convention has not come into effect.

§ 507.30 Refund of excess tax paid to Director, Office of International Operations.

(a) *In general.* Where U.S. tax withheld at the source on items of income covered by the convention is in excess of the tax imposed under subtitle A (relating to the income tax) of the Internal Revenue Code, as modified by the convention, and such withheld amounts have been paid to the Director, Office of International Operations, a claim by the taxpayer for refund of any resulting overpayment may be made under section 6402 of such Code, and the regulations thereunder.

(b) *Form of claim—(1) Where return previously filed.* If the taxpayer has previously filed an income tax return with the Internal Revenue Service for the taxable year in which an overpayment has resulted because of the application of the convention, he should make a claim for refund of the overpayment by filing Form 843 or an amended return.

(2) *Where no return previously filed.* If the taxpayer has not previously filed an income tax return with the Internal Revenue Service for the taxable year in which an overpayment has resulted because of the application of the convention, he should make a claim for refund of the overpayment by filing Form 1040NB, Form 1040NB–a, Form 1040B, or Form 1120–F, whichever is applicable, showing the overpayment. Such return will serve as a claim for refund, and it is not necessary for the taxpayer to file Form 843.

(c) *Information required.* If the taxpayer's total gross income (including every item of capital gain subject to tax) from sources within the United States for the taxable year in which such overpayment resulted has not been disclosed in an income tax return filed with the Internal Revenue Service prior to the time the claim for refund is made, the taxpayer shall disclose such total gross income with his claim. In the event that securities are held in the name of a person other than the actual or beneficial owner, the name and address of such person shall be furnished with the claim. In addition to such other information as may be required to establish the overpayment, there shall also be included in such claim for refund:

(1) A statement that, at the time when the items of income were received from which the excess tax was withheld, the taxpayer was neither a citizen nor a resident of the United States but was a resident of the United Kingdom, or, in the case of a corporation, was a foreign corporation whose business was managed or controlled in the United Kingdom; and

(2) If the taxpayer's claim is based on exemption from, or reduction in rate of, tax for dividends, interest, or royalties, a statement that the taxpayer does not have a permanent establishment in the United States, or, if the taxpayer does have such a permanent establishment, that the holding from which such income was derived was not effectively connected with such permanent establishment.

§ 507.31 Information furnished in ordinary course.

For provisions relating to the exchange of information under Article XX of the convention, see paragraph (d) of § 1.1461–2 of this chapter.

§ 507.32 Return required when liability not satisfied by withholding.

For action by a nonresident alien individual who is a resident of the United Kingdom or by a foreign corporation whose business is managed or controlled in the United Kingdom in a case where such individual's or corporation's U.S. income tax liability is not satisfied by withholding of U.S. tax at source, see paragraph (b) of § 1.6012–1 of this chapter and paragraph (g) of § 1.6012–2 of this chapter.

§ 507.33 Effective date.

(a) *In general.* Except as provided in paragraph (b) of this section, the provisions of §§ 507.21 through 507.32 shall be effective with respect to taxable years of residents of the United Kingdom entitled to the benefits of such sections beginning after December 31, 1965, and with respect to dividends paid on or after January 1, 1966.

(b) *Withholding of additional United Kingdom tax.* The provisions of § 507.23 (b) shall be effective with respect to income from sources within the United Kingdom received on or after April 6, 1966.

Because it is necessary to provide at the earliest practicable date the rules of this Treasury decision, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: October 14, 1966.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 66–11885; Filed, Oct. 18, 1966; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4094]

[Montana 073084]

MONTANA

Withdrawal for National Forest Administrative Sites

Correction

In F.R. Doc. 66–10467 appearing in the issue for Saturday, September 24, 1966, at page 12600, under "*Condon Range Station Administrative Site and Landing Field*", line 2, "W½NE½" should read "W½NE¼".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 66–906]

PART 0—COMMISSION ORGANIZATION

Action on Requests for Extension of Time

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of October 1966:

Requests for extension of time for filing pleadings in rule making proceedings are generally routine in nature and do not warrant Commission consideration. They can most expeditiously be acted on by the staff. The rules and regulations presently authorize staff action on requests for extension of time relating to briefs and comments, but do not specifically authorize action on requests relating to other pleadings which may be filed in rule making proceedings. The rules and regulations are hereby amended, therefore, to make it clear that the staff is authorized to act on extension requests relating to such other pleadings.

Authority for these amendments is set forth in sections 4(i), 5(d) and 303(r) of the Communications Act of 1934, as amended. Because they pertain to agency management and organization, compliance with the notice and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In view of the foregoing: *It is ordered*, Effective October 21, 1966, that Part 0 of the rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: October 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioner Wadsworth dissenting.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.251(b) is amended to read as follows:

§ 0.251 Authority delegated.

• • • • •

(b) Insofar as authority is not delegated to any other Bureau or Office, and with respect only to matters which are not in hearing status, the General Counsel is delegated authority to act upon requests for extension of time within which briefs, comments or pleadings may be filed.

• • • • •

2. Section 0.281(d)(8) is amended to read as follows:

§ 0.281 Authority delegated.

• • • • •

(d) • • •

(8) For extension of time within which to file briefs, comments and pleadings in rule-making proceedings.

• • • • •

3. Section 0.303(c) is amended to read as follows:

§ 0.303 Authority concerning extension of time and waivers.

• • • • •

(c) For the extension of time within which briefs, comments and pleadings may be filed in common carrier rule-making proceedings.

• • • • •

4. Section 0.331(b)(4) is amended to read as follows:

§ 0.331 Authority delegated.

• • • • •

(b) • • •

(4) Requests for extension of time within which briefs, comments and pleadings may be filed in rule-making proceedings.

• • • • •

[F.R. Doc. 66-11370; Filed, Oct. 18, 1966; 8:49 a.m.]

[Docket No. 16749; FCC 66-916]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Fayetteville, Ark.

Report and order. In the matter of the amendment of the table of assignments for television broadcast stations in § 73.606 of the Commission rules and regulations to add a channel to Fayetteville, Ark.; Docket No. 16749, RM-926.

1. On July 7, 1966, the Commission adopted a notice of proposed rule making in the above entitled matter (FCC 66-613) pursuant to a petition (RM-926) by H. Weldon Stamps. Interested parties were afforded an opportunity to comment on or before August 15, 1966, and to reply to such comments on or before August 25, 1966.

2. Comments were received from the petitioner and from a group of local citizens: E. J. Bell, Paul W. Milam, Sr., Paul W. Milam, Jr., and Hal C. Douglas. Both comments supported the proposed assignment. The petitioner reaffirmed his intention to apply for the channel if it were assigned and to proceed diligently with the construction and operation of a new UHF television broadcast station in Fayetteville if authorized to do so. The group of local citizens recited economic facts about Fayetteville and the surrounding area and also stated that it was their intention to apply for authority to construct and operate a new UHF television broadcast station in Fayetteville. It thus appears that there is a demand for a commercial UHF channel to serve Fayetteville and the proposed assignment should be adopted. As we noted in the notice of proposed rule making, there is an ample number of channels available for assignment to cities in that area of the country. Fayetteville, with a 1960 Census population of 20,274, is the largest city in Washington County and ranks eighth in population in Arkansas.

3. In the light of the foregoing and pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective November 21, 1966, the table of assignments in § 73.606 (b) of the Commission rules is amended, insofar as the city listed below is concerned, to read as follows:

City	*Channels*
Fayetteville, Ark.	*13-, 36

NOTE: Offset for Channel 36 will be supplied in a subsequent order.

4. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: October 12, 1966.

Released: October 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11371; Filed, Oct. 18, 1966; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM STEARYL-2-LACTYLATE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 6A1911) filed by the Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402, and other relevant material, has concluded that the food additive regulations should be amended to prescribe the safe use of calcium stearyl-2-lactylate as a conditioning agent in potato flakes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.1047(c) is amended by adding thereto a new subparagraph (3), as follows:

§ 121.1047 Calcium stearyl-2-lactylate.

• • • • •

(c) • • •

(3) As a conditioning agent in potato flakes in an amount not to exceed 0.5 percent by weight of the potato flakes.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 4, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11358; Filed, Oct. 18, 1966; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ZINC CARBONATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 7R2069) filed by Continental Can Co., Inc., 633 Third Avenue, New York, N.Y. 10017, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of zinc carbonate as a pigment in resinous and polymeric food-contact coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2514(b)(3) is amended by alphabetically inserting a new item in the list in subdivision (xxvi), as follows:

§ 121.2514 Resinous and polymeric coatings.

• • • • •

(b) • • •

(3) • • •

(xxvi) Pigments and colorants:

• • • • •

Zinc carbonate.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 10, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11360; Filed, Oct. 18, 1966; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SURFACE LUBRICANTS USED IN MANUFACTURE OF METALLIC ARTICLES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1974) filed by Yawata Iron & Steel Co., Ltd., 375 Park Avenue, New York, N.Y. 10022, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of di-*n*-octyl sebacate in surface lubricants used in the manufacture of metallic food-contact articles under conditions such that the total residual lubricant does not exceed 0.015 milligram per square inch of food-contact surface. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2531(a)(2) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2531 Surface lubricants used in the manufacture of metallic articles.

• • • • •

(a) • • •

(2) • • •

List of substances	*Limitations*
• • •	• • •
Di-*n*-octyl sebacate.	----------
• • •	• • •

• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 12, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-11359; Filed, Oct. 18, 1966; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

PART 33—SPORT FISHING

Flint Hills National Wildlife Refuge, Kans.

On page 11987 of the FEDERAL REGISTER of September 13, 1966, there was published a notice of a proposed amendment to § 32.31 and 33.4 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of big game and sport fishing on the Flint Hills National Wildlife Refuge, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting and fishing, it shall become effective upon publication in the FEDERAL REGISTER.

Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i; sec. 4, 48 Stat. 451, 16 U.S.C. 715d; and sec. 4, 48 Stat. 402, 16 U.S.C. 664)

1. Section 32.31 is amended by the addition of the following area as one where hunting of big game is authorized.

§ 32.31 List of open areas; big game.

• • • • •

KANSAS

Flint Hills National Wildlife Refuge.

• • • • •

2. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized.

§ 33.4 List of open areas; sport fishing.

• • • • •

KANSAS

Flint Hills National Wildlife Refuge.

• • • • •

JOHN S. GOTTSCHALK,
Director.

OCTOBER 17, 1966.

[F.R. Doc. 66-11414; Filed, Oct. 18, 1966; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1103]

[Docket No. AO-346-A3]

MILK IN MISSISSIPPI MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Mississippi marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Jackson, Miss., on September 13, 1966, pursuant to notice thereof which was issued August 18, 1966 (31 F.R. 11153).

The material issues on the record of the hearing relate to:

1. Qualifying standards for pool plants.
2. Diversion provisions and producer status of new dairy farmers entering the market.
3. Inventory classification.
4. Classification of transfers from pool plants to nonpool plants.
5. An appropriate Class I price level after October 1966.
6. Location differentials.
7. Miscellaneous and conforming changes.

The hearing notice indicated that since the Class I milk price provisions expire at the end of October 1966, a separate decision on the issue of Class I pricing was contemplated. To assure the continuation of an appropriate Class I milk price beyond that date, this decision deals only with Issue No. 5 and reserves the remaining issues for a later decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

5. *Class I milk price.* The Class I differential should be $2.35 for the months of November 1966 through and including February 1967, and beginning in March 1967 should be $2.27 each month. The Class I price should be subject to a supply-demand adjustment based on the relationship of producer milk supplies and Class I sales of handlers.

Producers through their cooperative associations proposed that the Class I differential be $2.35 in all months of the year. While seasonal differentials stated in the order average $2.267, annually, proponents supported the higher level based on economic conditions in the market. In favor of the higher price they cited (1) the upward trend of milk sales in Mississippi in recent years, (2) higher costs for milk production, (3) increased economic activity in the State, which would support an upward trend in milk sales, and (4) increased opportunities for farmers to move into other enterprises.

Proponents would also eliminate the seasonal variation of the Class I differentials. They contended that the base plan provides sufficient encouragement for more level production.

The Mississippi milk order was made effective May 1, 1965. The marketing area is constituted of marketing areas previously regulated by the prior Mississippi Delta and Central Mississippi orders and part of the area which was regulated by the Gulf Coast order. The Class I differentials in the new order expire at the end of October 1966, which is the end of the initial 18-month period. It is necessary at this time, therefore, to establish a price level after October so as to maintain an adequate, but not excessive, supply of quality milk for the market.

The milk supply for the Mississippi market is produced primarily within the State. For the first 6 months of 1966, State milk production, including both Grade A and manufacturing grade milk, increased 1.6 percent compared to a year before. A producer witness testified that Grade A milk production in the State increased 4.5 percent in the first 6 months of 1966 over the same period last year. While these data reflect production in the State, not all of such milk production is associated as producer milk with this market.

Producer milk supply under the order increased 2.5 percent during the May–August period in 1966 compared with the same period last year. These are the only months for which comparison can be made under the new order.

Class I sales under the Mississippi order this year in the May–August period were 4.1 percent higher than last year. The percentage of producer milk used in Class I increased slightly, from 65.4 percent to 66.4 percent for the two periods. At no time since the order was made effective has the supply been less than fully adequate. Class I sales tend to change seasonally being highest in the school months of September through May. In 6 of these months, the percent of producer milk used in Class I exceeded 77 percent, the highest being 81 percent in February.

The milk supply situation for the Mississippi market is significantly related to the supply situation of the New Orleans market. The southern part of the production area for the market joins the production area for the New Orleans market. To a considerable degree, the milk supplies in this area are interchangeable between the two markets.

A producer representative, whose members primarily supply handlers regulated by the New Orleans order, testified that he shifts producers between the Mississippi and New Orleans markets in response to differences in blend prices between the markets. At times during the past year, the movement has been into the Mississippi market. The supply of reserve milk in the New Orleans market, therefore, is an important factor relating to the supply available for the Mississippi market.

The proportion of reserve milk in the New Orleans market has been greater than in the Mississippi market in each of the 12 months ending August 1966. For that period, the Class I utilization averaged 69 percent, 4 percentage points lower than the Class I utilization of the Mississippi market.[1]

The competition of the Memphis market for milk supplies in the State of Mississippi is evident in some northern areas of the State. A considerable portion of the Memphis marketing area lies within the State of Mississippi and joins the northern boundary of the Mississippi marketing area. The competition for supplies has been relatively local, and total milk supply throughout the Mississippi marketing area is sufficiently mobile to assure that adequacy of supply in this area is not jeopardized.

In view of the foregoing considerations, it is concluded that the milk supply available for the market is adequate both currently and prospectively.

The Class I price in the Mississippi order is established at Gulf Coast locations, with appropriate adjustments for other locations in the market. The price levels at the particular locations represent a continuation of the price levels of the former Gulf Coast, Central Mississippi, and Mississippi Delta orders. The Class I differentials at the Gulf Coast locations are $2.15 per hundredweight for the months of March through July and $2.35 in other months. The price is reduced 10 cents and 26 cents, respectively, for areas corresponding to the prior Central Mississippi and Mississippi Delta marketing areas.

[1] Official notice is hereby taken of the "Statistical Summary and Comparison of Milk Receipts and Utilization" issued monthly by the New Orleans market administrator for the period September 1965 through August 1966.

Modifications of the Class I price formula for temporary periods since the inception of the order were made to reflect particular situations. For the first 3 months of the order, May, June, and July 1965, the lower seasonal differential was not used, so as to provide proper transitional pricing for the Delta area, which had not had seasonal pricing. For the period March 1966 through July of this year, the seasonal decline was abated due to emergency action of the Department on a national basis.

Since that time, the Class I formula has provided a higher level of prices due to the action of the basic formula price. The Class I price of $6.61 for September exceeds the Class I price of a year earlier by $1.01.[2] This price represents a higher level than any prior period of regulation. In view of the advance in the price produced by the Class I formula of the order, and the adequacy of supply, it is concluded that the higher price requested would not be appropriate.

The action of the basic formula price, which presently is well above the Department's support price for manufacturing milk, further sustains the Class I price level by the provision that such basic formula price shall be not less than $4 for the months through March 1967.

The Class I price differential should be continued at the present seasonal differential of $2.35 for the period November 1966 through February 1967. Beginning in March 1967 the Class I price each month should be established by adding a level differential of $2.27 to the basic formula price. The latter differential approximates the average, on an annual basis, of the seasonal differentials now in the order. It will provide, as near as is possible to determine, the same returns to producers as the seasonal differentials now stated in the order, and thus would establish a level of pricing which will assure the market of an adequate supply of milk. Producer representatives asserted that level Class I pricing rather than seasonal pricing would facilitate the marketing of their milk. They stated that level pricing would not present any problem in matters of relationship with other markets. Seasonal pricing has not applied in actual prices under Federal orders in Mississippi in recent years.

Supply-demand adjustor. It is anticipated that the Class I price provisions proposed herein will continue to assure the market of an adequate supply of quality milk. It is conceivable, however, that changes may occur in the relationship of milk supply to Class I sales. Thus, when milk supplies are more than adequate in relation to Class I sales, the Class I price should be lowered. Conversely, when the milk supply is less than adequate in relation to Class I sales, the Class I milk price should be increased.

A supply-demand adjustor is provided herein to make appropriate adjustments in relation to changes in supplies and sales. It will make price adjustments promptly and automatically without the need for a public hearing each time an adjustment is warranted. Such adjustment is consistent with the criteria of the Agricultural Marketing Agreement Act, which requires that the prices established under the Act be reasonable in view of market supply and demand conditions, assure a sufficient quantity of pure and wholesome milk and be in the public interest. The automatic adjustment of Class I milk prices in response to changes in the relation between milk supplies and Class I sales is designed to carry out, in the market, the price objective of the Act through encouragement of supplies at the levels needed for fluid requirements.

The supply-demand adjustor provided herein:

(1) Reflects the pattern of production related to Class I sales for the market during the 15 months ending July 1966.

(2) Limits the monthly changes in the supply-demand adjustment, in specified months, to prevent contraseasonal price changes.

(3) Bases the adjustments on production and Class I sales data for the most recent three 2-month periods.

The contraseasonal provision was requested by a producer representative to prevent substantial price adjustments which are contrary to the usual seasonal movement of prices. This is a proper modification of the supply-demand adjustment to assure that any temporary adjustment is not inconsistent with normal seasonal movement of prices. In addition, the provision basing the adjustments on three 2-month periods will reflect current changes in the relationship between milk supplies and Class I sales. At the same time, it will provide a basis for identifying persistent changes from the "normal" relationship between milk supplies and Class I sales. In general, the mechanics provided herein are similar to those provided in the supply-demand adjustors of a number of other Federal milk orders.

The adjustor provides for a "current utilization percentage" by dividing the total pounds of producer milk in the second and third months preceding the pricing month by the total pounds of Class I milk. This computation, however, excludes interhandler transfers, and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk. In the operation of the supply-demand adjustor, the deviation of the current utilization percentage from a "standard utilization percentage" is the basis for price adjustment. The standard utilization percentage is based on the relationship of milk supplies to sales since the inception of the order.

Any amount by which the current utilization percentage is less than the "minimum standard utilization percentage" specified in the order is a "minus deviation percentage". Conversely, any amount by which the current utilization percentage exceeds the "maximum standard utilization percentage" specified in the order is a "plus deviation percentage". The range between the maximum and minimum standard utilization percentages is centered on utilization percentages for each month, which are computed from receipts of producer milk and total Class I sales for 2-month periods since the inception of the order.

For a minus deviation percentage, the Class I price should be increased, and for a plus deviation percentage it is decreased. The rate of adjustment for variations from the standard utilization percentages provided herein would be nominal when such variations first appear, but would be increased progressively as a variation of like direction and amount persisted through two or three consecutive 2-month periods. Such provision will avoid substantial price changes based on minor or nonrecurring deviations from the established norms.

Substantial price adjustment will, however, occur when undersupply or oversupply representing significant deviations from the established norms persist for a period of time. An exception to this is provided for the months of September, October, and November when the supply-demand adjustment for any of those months shall not be lower by more than 5 cents, than such adjustment for the immediately preceding month. For any month of April, May, or June, the supply-demand adjustment would not be higher, by more than 5 cents, than such adjustment for the immediately preceding month. This will avoid abrupt contraseasonal swings in the amount of the supply-demand adjustment.

The adjustment provisions are accomplished by providing that for each unit of deviation from the standard range the price shall be adjusted by 1 cent, plus 1 cent for each such percentage point for which there was a deviation of like extent and character in each of the first and second 2-month periods next preceding. Thus, the effect of the departure from the stated norms would be cumulative. The proposed adjustor would also bring the adjustment back to zero promptly, whenever the ratio of supply to sales again falls within the normal range.

Since the standard utilization percentages are based on actual data since May 1965, the proposed supply-demand adjustor would have made no adjustment in the Class I price since the inception of the order if it had been effective.

The attached order provides the adjustment would not be effective until October 1967. This will allow a period of observation of its action before its effective time.

[2] Official notice is hereby taken of the September 1966 Class I price announcement issued by the market administrator in which the basic formula price for August 1966 is reported as $4.26.

Rulings on proposed findings and conclusions. Briefs and proposed findngs and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order, as amended, regulating the handling of milk in the Mississippi marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Section 1103.51(a) is revised to read as follows:

§ 1103.51 Class prices.

* * * * * *

(a) *Class I milk price.* The minimum Class I milk price for the month shall be the basic formula price for the preceding month, plus $2.27 each month, plus or minus a supply-demand adjustment beginning in October 1967 computed pursuant to subparagraphs (1), (2), and (3) of this paragraph: *Provided,* That the Class I price for each of the months of November and December 1966 and January and February 1967 shall be the basic formula price for the preceding month plus $2.35.

(1) Divide the total pounds of producer milk in the second and third month preceding by the total pounds of Class I milk (excluding interhandler transfers and including any net intermarket transfers) in the same months of handlers fully regulated under this part, multiply the results by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus deviation percentage".

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October–November	124	128
February	November–December	129	133
March	December–January	130	134
April	January–February	123	127
May	February–March	123	127
June	March–April	131	135
July	April–May	141	145
August	May–June	150	154
September	June–July	148	152
October	July–August	147	151
November	August–September	135	139
December	September–October	124	128

(3) For a "minus deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows: *Provided,* That the supply-demand adjustment for any month of September, October, or November shall not be lower, by more than 5 cents, than such adjustment for the immediately preceding month; and for any month of April, May, or June of each year shall not be higher, by more than 5 cents, than such adjustment for the immediately preceding month:

(i) One cent times each such percentage unit of deviation; plus

(ii) One cent times the lesser of:

(*a*) Each percentage unit of deviation, or

(*b*) Each percentage unit of deviation of like direction (plus or minus, with any deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(*a*) Each percentage unit of deviation;

(*b*) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; or

(*c*) Each percentage unit of deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

* * * * * *

Signed at Washington, D.C., on October 14, 1966.

S. R. SMITH,
Administrator.

[F.R. Doc. 66-11355; Filed, Oct. 18, 1966; 8:47 a.m.]

[7 CFR Part 1205]

COTTON RESEARCH AND PROMOTION

Procedure for Conduct of Referenda

Notice is hereby given that the Department of Agriculture, under the authority contained in section 15 of the Cotton Research and Promotion Act (80 Stat. 279), is considering the addition of a new subpart to Part 1205 of Title 7 of the Code of Federal Regulations, as set forth below.

This proposed new subpart would establish regulations for holding referenda among cotton producers to determine whether the issuance by the Secretary of Agriculture of a cotton research and promotion order, or the termination or suspension of such an order, is approved or favored by producers.

The Department now has under consideration a proposed cotton research and promotion order. A public hearing on the proposed order was completed on September 2, 1966, and a decision recommending establishment of the order was published in the FEDERAL REGISTER dated October 5 (31 F.R. 12956). A final decision on the order will not be made until the period for filing comments and exceptions on the recommended decision has expired and consideration has been given to any such comments and exceptions. If it is concluded in this final decision that the order should be issued, the Department will then announce a referendum among cotton producers.

Section 8 of the Cotton Research and Promotion Act provides that the Secretary shall conduct a referendum among persons who, during a representative period determined by the Secretary, have been engaged in the production of cotton for the purpose of ascertaining whether the issuance of an order is approved or favored by producers. It further provides that no order issued pursuant to this Act shall be effective unless the Secretary determines that the issuance of such order is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the cotton produced during the representative period by producers voting in such referendum and by not less than a majority of the producers voting in such referendum.

All persons who desire to submit written data, views, or arguments in connection with the proposed regulations may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 28, 1966. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 14, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Subpart—Procedure for the Conduct of Referenda in Connection With Cotton Research and Promotion Orders

Sec.

1205.200 General.
1205.201 Definitions.
1205.202 Agencies through which a referendum shall be conducted.
1205.203 Voting eligibility.
1205.204 Voting.
1205.205 Canvass of ballots.
1205.206 Reporting results of referendum.
1205.207 Challenge of correctness of county summary of ballots.
1205.208 Disposition of ballots and records by county committee.
1205.209 Confidential information.
1205.210 Additional instructions and forms.

AUTHORITY: The provisions of this subpart issued under sec. 15, Cotton Research and Promotion Act (sec. 15, 80 Stat. 285).

§ 1205.200 General.

Referenda for the purpose of ascertaining whether the issuance by the Secretary of Agriculture of a cotton research and promotion order, or the termination or suspension of such an order, is approved or favored by producers shall, unless supplemented or modified by the Secretary, be conducted in accordance with this subpart.

§ 1205.201 Definitions.

(a) "Act" means the Cotton Research and Promotion Act (80 Stat. 279).

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead and "Department" means the U.S. Department of Agriculture.

(c) "Consumer and Marketing Service" means the Consumer and Marketing Service of the Department.

(d) "Agricultural Stabilization and Conservation Service", also referred to as ASCS, means the Agricultural Stabilization and Conservation Service of the Department.

(e) "Administrator" means the Administrator of the Consumer and Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(f) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service.

(g) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(h) "County committee" means the persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(i) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service county office, or the person acting in such capacity.

(j) "State executive director" means the person employed by the State committee to execute the policies of the State committee and to be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service State Office, or the person acting in such capacity.

(k) "Order" means the order (including an amendatory order) with respect to which the Secretary has directed that a referendum be conducted.

(l) "Representative period" means the period designated by the Secretary pursuant to section 8 of the act.

(m) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(n) "Upland cotton" means any cotton other than extra long staple cotton.

(o) "Engaged in the production." The term "engaged in the production" shall include planting an upland cotton crop even though the crop is not harvested if such failure to harvest is not caused by the neglect of the farmer. In addition,

(1) Except for a landlord of a standing rent, cash rent, or fixed rent tenant, each person sharing in an upland cotton crop, or proceeds thereof, on a farm as an owner, cash tenant, landlord of a share tenant, share tenant or sharecropper shall be considered engaged in the production of such crop.

(2) Each person who was either the owner or operator of a farm for which an acreage allotment for a crop of upland cotton was established pursuant to the Agricultural Adjustment Act of 1938, as amended, but on which such crop was not produced shall be deemed to be engaged in the production of such crop in the year in which such crop, if produced, would have been harvested if any acreage of such crop was deemed devoted to the crop for history purposes under applicable provisions of such law and he would have shared in such crop if it had been produced.

(p) "Producer" means any person engaged in the production of upland cotton.

§ 1205.202 Agencies through which a referendum shall be conducted.

(a) *Consumer and Marketing Service.* The Administrator shall:

(1) Determine the referendum period.

(2) Give reasonable advance notice of the referendum (i) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the upland cotton producing areas, announcing the dates, places, or methods of voting, and other pertinent information, and (ii) by such other means as he may deem advisable.

(3) Provide ballots and related material to be used in the referendum to ASCS. The ballot (i) shall provide for recording essential information for ascertaining whether the person voting is an eligible voter, and (ii) may provide for recording the total amount of upland cotton produced by the producer during the representative period.

(4) Make available to producers through ASCS county committee instructions on voting, an appropriate ballot and, except in the case of a referendum on the termination or suspension of an order, a summary of the terms and conditions of the order. The instructions on voting shall explain the method to be used in determining the amount of upland cotton produced during the representative period and shall specify whether such amount is to be entered on the ballot by the voter, subject to the following terms and conditions:

(i) If a current production year for which harvesting has not been completed is designated as the representative period, the amount of upland cotton produced shall be determined by the office of the county committee on the basis of the acreage planted on the farm and projected lint yield per acre for the farm.

(ii) On farms in which more than one eligible voter is engaged in production, the vote cast by each voter shall represent only the amount of upland cotton that is his share of the crop, or proceeds thereof.

(iii) If an eligible voter is engaged in production of upland cotton on more than one farm he is entitled to only one vote but any vote cast by such voter shall represent the total amount of upland cotton that is his share of the crop, or proceeds thereof, on all such farms: *Provided,* That only farms for which records are maintained by the ASCS county office designated as the voter's polling place shall be considered unless the voter, prior to the referendum, establishes to the satisfaction of such county office his share of the crop, or proceeds thereof, on any additional farm or farms.

(iv) A person who is eligible to vote in the referendum and who did not have any planted acreage of upland cotton during the representative period, regardless of reason for not planting, may vote "yes" or "no" with respect to the order but such person's volume of production will be considered as zero (0).

(b) *Agricultural Stabilization and Conservation Service.* Except for the functions specified in paragraph (a) of this section, the Deputy Administrator shall be in charge of and responsible for conducting each referendum. Each State committee shall be in charge of and responsible for conducting such referendum in its State. Each county committee shall be responsible for the proper holding of such referendum in its county. It shall be the duty of each committee to conduct each referendum in a fair, unbiased and impartial manner in accordance with the regulations in this subpart.

§ 1205.203 Voting eligibility.

(a) *Special eligibility requirements.* Each person who was engaged in the production of upland cotton during the representative period shall be eligible to vote in a referendum.

(b) *General eligibility requirements.* (1) A person may qualify as an eligible voter by meeting the eligibility requirements, but no such person shall be entitled to more than one vote regardless of the number of upland cotton farms in which the person is interested or the number of communities, counties, or States in which are located farms in which such person is interested: *Provided, however,* That the individual members of a qualified partnership shall each have one vote, but the partnership as such shall not have a vote and an individual who qualifies as an eligible voter by reason of his separate farming operations will be entitled to one vote even though he is interested in an organization such as (but not limited to) a corporation which is also eligible as a voter and entitled to one vote. A person who, as a guardian, administrator, executor, or trustee engages in the production of upland cotton will be eligible to vote in such fiduciary capacity if, in such capacity, he qualifies as an eligible voter. In such cases the person for whom he is acting in a fiduciary capacity will not be eligible to vote. An individual may, if otherwise eligible, cast a ballot in his individual capacity although he may also cast a ballot as a guardian, administrator, executor, or trustee. An individual who holds more than one fiduciary position may vote as a fiduciary in each case in which he is otherwise eligible, as for example, if John Doe is administrator of estate X, he may cast a ballot as administrator of estate X, and if he is also administrator of estate Y, he may cast another ballot as administrator of estate Y.

(2) Where a group of several persons, such as husband, wife, and children, are engaged in the production of upland cotton under the same lease or cropping agreement only the person or persons who signed or entered into the lease or cropping agreement shall be eligible to vote. In the event two or more persons are engaged in the production of upland cotton as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote if otherwise qualified. Whether a husband or wife is entitled to vote does not depend upon whether the other spouse is eligible to vote. Eligibility to vote applies to each one individually. A wife is eligible to vote if she shares in the proceeds of the required crop as an owner, cash tenant, landlord of a share tenant, share tenant, or sharecropper. If a husband and wife are tenants or sharecroppers on a farm, jointly responsible under the rental or sharecropping agreement, both are eligible to vote. This is true whether the rental or sharecropping agreement is written, signed by both parties, or oral, provided both husband and wife made the oral agreement. A minor is not disqualified from voting solely because of his minority if otherwise eligible and he is not less than 18 years of age.

(c) *Voting by proxy prohibited.* There shall be no voting by proxy or agent but a duly authorized officer of a corporation, association, or other legal entity, may cast its vote.

§ 1205.204 Voting.

(a) *Place of voting.* The ASCS county office serving the county in which the producer's farm is located shall be his polling place.

(b) *Register of eligible voters.* The county committee shall establish a register of known eligible voters prior to the referendum.

(c) *Mailing of ballot to eligible voters.* The county committee shall furnish each eligible voter a ballot suitable for mailing back to the office of the county committee. If an eligible voter does not receive a ballot, he may obtain one during the referendum period from the office of the county committee for the county in which he is eligible to vote.

(d) *Returning ballot to office of the county committee.* Each person to whom a ballot is issued by mail or in person may vote in the referendum by completing and signing his ballot, placing it in the return postage-and-fees paid indicia envelope furnished by the county committee, and delivering or mailing it to the office of the county committee for the county in which he is eligible to vote. In order to be eligible for tabulation by the county committee, voted ballots must be received by the county committee of the county in which the voter is eligible to vote during the period established for holding the referendum. A ballot shall be considered to have been received during the referendum period if (1) in the case of a ballot delivered to the county committee, it was received in the office prior to the close of the work day on the final day of the referendum period, or (2) in the case of a mailed ballot, it was postmarked not later than midnight of the final day of the referendum period and was received in the county office prior to the start of canvassing the ballots.

(e) *Placing of ballots in ballot box.* Notwithstanding the fact that a ballot(s) may be later challenged by the county committee, envelopes containing ballots received at the ASCS county office during the referendum period shall remain unopened and shall be placed immediately in a ballot box provided by the county office manager. Such ballot box shall be arranged so that ballots cannot be read or moved without breaking the seal on the container.

§ 1205.205 Canvass of ballots.

(a) *Canvassing procedure.* Canvassing of returned ballots shall take place as soon as possible after the opening of the county office on the fifth day following the close of the referendum period. Such canvassing shall be in the presence of at least two members of the county committee. The county committee shall supervise the opening of the sealed ballot box, the opening of the envelopes containing the ballots and a determination as to (1) the number of eligible voters favoring the order and, where necessary, the amount of upland cotton represented by them, (2) the number of eligible voters disapproving the order and, where necessary, the amount of upland cotton represented by them, (3) the number of ballots cast by voters found to be ineligible to vote in the referendum, and (4) number of spoiled ballots.

(b) *Spoiled ballots.* A ballot shall be considered as a spoiled ballot if (1) it is mutilated or marked in such a way that it is not possible to determine with certainty how the ballot was intended to be counted, or (2) it does not contain the signature of the voter, or his properly witnessed mark.

(c) *Challenge of ballots.* A ballot may be challenged by any member of the county committee. Before a challenged ballot is either counted or declared invalid, a determination shall be made by the county committee as to the eligibility of the voter to vote in the referendum.

§ 1205.206 Reporting results of referendum.

(a) Each county committee shall transmit a written county summary of ballots showing the results of the referendum in its county to its State committee.

(b) Each State committee shall transmit a written summary of the referendum results from the county committees within its State to the Director, Cotton Division, Consumer and Marketing Service, Washington, D.C. 20250, and maintain one copy of the summary in the office of the State committee where it will be available for public inspection for a period of 5 years following the end of the referendum period.

(c) The Director of the Cotton Division shall prepare and submit to the Secretary a report as to the results of the referendum. The Secretary shall then publicly proclaim the results of the referendum.

§ 1205.207 Challenge of correctness of county summary of ballots.

The State committee shall make a prompt investigation and decision in case of any dispute or challenge regarding the correctness of the county summary of ballots in any county: *Provided,* That no dispute or challenge shall be investigated unless it is brought to the attention of the State committee within 3 days after receipt by the State committee of the county summary of ballots from such county.

§ 1205.208 Disposition of ballots and records by county committee.

The county committee shall seal the voted ballots, challenged ballots found to be ineligible, spoiled ballots, register sheets, and summary sheets for the county in one or more envelopes or packages, plainly marked with the identification of the referendum, the date, and the names of the county and State, and place them under lock and key in a safe place under the custody of the county office manager for a period of 45 calendar days after the referendum period. If no notice to the contrary is received by the end of such time, and after the ballots and other records have been examined by a representative of the State committee, the voted ballots and challenged ballots shall be destroyed, but the registers and county summary sheets shall be filed for a period of 5 years in the office of the county committee.

§ 1205.209 Confidential information.

All ballots cast and the contents thereof shall be treated as confidential.

§ 1205.210 Additional instructions and forms.

The Deputy Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this subpart for the use of State and county committees in conducting a referendum. Such additional instructions may include procedures for county and State committees to report and announce the results of the preliminary count of the votes in the county and the State.

[F.R. Doc. 66-11354; Filed, Oct. 18, 1966; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-WA-7]

POSITIVE CONTROL AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would raise the upper vertical extent of existing positive control area from flight level 600 to flight level 1,500.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

Positive control area is presently designated within the continental control area from flight level 240 to and including flight level 600 over the 48 conterminous States, excluding portions of the States of Texas, Washington, North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, New Hampshire, and Maine, and excluding some of the islands and keys in the coastal waters of the United States.

Flight operations above flight level 600 are presently conducted only by the military services and a limited number of civil operators under contract to the military services. The Department of Defense has expressed a need for air traffic control service above FL 600 to ensure the increased degree of safety which is provided within the positive control area. Safety considerations clearly require that military and civil supersonic aircraft operating above flight level 600 be provided individual separation from each other. Aircraft speeds, pilots' preoccupation with cockpit duties and limited visibility in this strata preclude the use of "see and avoid" type of separation. Further, the advent of the supersonic civil jet transport and the increasing military activity manifest the requirement to provide a positive control environment.

The experience gained by the provision of separation to the military and test flights which will operate above flight level 600 before the civil supersonic transports are in use will be invaluable in providing a high altitude traffic control service capable of supporting these aircraft as well as military supersonic operations.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 11, 1966.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 66-11323; Filed, Oct. 18, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16927; FCC 66-915]

TABLE OF ASSIGNMENTS TV Broadcast Stations, Mount Clemens, Mich.

In the matter of amendment of § 73.606, Table of Assignments, TV Broadcast Stations, Mount Clemens, Mich., Docket No. 16927, RM-698.

1. On December 11, 1964, Wright and Maltz, Inc., filed a petition for rule making (RM-698) requesting the assignment of Channel 22 to Mount Clemens, Mich., by deleting it from Flint, Mich., and substituting Channel 76 in Flint. The petition contained no showing as to the petitioner's intention to apply for authority to construct and operate a TV station on the channel if the assignment were made. This petition was treated as a comment in Docket No. 14229 which was concerned with an overall revision of the assignment plan for UHF television broadcast channels but through inadvertence it was not disposed of formally in the fourth report and order in Docket No. 14229, adopted June 4, 1965 (FCC 65-504).

2. In the fourth report and order in Docket No. 14229, the Commission announced that new commercial assignments would not be made in cities of less than 25,000 population except where a prospective applicant had made an affirmative showing that it was prepared to go forward promptly with the construction and operation of a new UHF television broadcast station if a channel were made available and it were authorized to do so. Mount Clemens, with a population of only 21,016, was not included in the assignment plan adopted in the fourth report and order nor in the corrected assignment plan adopted in the fifth report and memorandum opinion and order in Docket No. 14229 adopted February 9, 1966 (2 FCC 2d 527). Channel 22 was assigned to Pontiac, Mich.

3. In the normal course of events, we would merely take action to dispose formally of the aforesaid petition. However, on April 26, 1966, the Commission authorized Station WJMY, Channel 20, Detroit, Mich., to move its transmitter site to a point north of the center of Detroit and in so doing reduced the geographic separation between the Channel 20 site and the Pontiac standard reference point to slightly over 12½ miles. The required geographic separation between stations on Channels 20 and 22 is 20 miles. Channel 22 will not meet the required separations if used at Pontiac. It has been found that Channel 22 may be used in an area to the east and northeast of Pontiac in full compliance with the geographic separation requirements. Mount Clemens lies in this area. Therefore, it is possible to salvage the use of this very valuable assignment for service to the Pontiac-Mount Clemens area by assigning it to Mount Clemens.

4. Accordingly, pursuant to the authority contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission's rules and regulations in the following manner:

City	Delete	Add
Mount Clemens, Mich.		22
Pontiac, Mich.	22	

5. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file com-

ments on or before November 21, 1966, and reply comments on or before December 1, 1966. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: October 12, 1966.

Released: October 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11372; Filed, Oct. 18, 1966; 8:49 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI AND MICHIGAN

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Mississippi and Michigan natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Kemper.	Monroe.

MICHIGAN

Alcona.	Missaukee.
Antrim.	Montmorency.
Alpena.	Otsego.
Charlevoix.	Presque Isle.
Crawford.	Roscommon.
Huron.	Wexford.
Lake.	

It also has been determined that in the hereinafter-named counties in the State of Michigan natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Michigan	Original designation	Present extension
Arenac	30 F.R. 11735	30 F.R. 11735
Cheboygan	30 F.R. 2414	
Clare	30 F.R. 11735	
Emmet	30 F.R. 2414	30 F.R. 11735
Gladwin	30 F.R. 11735	
Iosco	30 F.R. 11735	
Kalkaska	30 F.R. 11735	
Lenawee	29 F.R. 13838	30 F.R. 11735
Monroe	29 F.R. 13838	30 F.R. 11735
Ogemaw	30 F.R. 7048	30 F.R. 11735
Oscoda	30 F.R. 11735	
Washtenaw	29 F.R. 13838	30 F.R. 11735

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of October, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-11356; Filed, Oct. 18, 1966; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Termination of Proposed Classification of Public Lands

The notice of proposed classification of public lands appearing as F.R. Doc. 66-7973, in the issue of July 22, 1966 (31 F.R. 10000-10002), is hereby terminated in so far as it relates to the following described lands:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 19 E.,
Sec. 1, SE¼NE¼, E½SE¼.
T. 14 N., R. 20 E.,
Sec. 6, W½W½SE¼NE¼;
Sec. 7, NW¼NE¼, E½NE¼NW¼, SW¼NE¼NW¼, W½NW¼NE¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, N½SE¼SE¼NW¼, SE¼SE¼SE¼NW¼, lot 2 of SW¼.

The areas aggregate approximately 287 acres.

BOYD L. RASMUSSEN,
Director.

OCTOBER 13, 1966.

[F.R. Doc. 66-11329; Filed, Oct. 18, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-96; NDA No. 14-228]

ABBOTT LABORATORIES

Stendin Tablets; Notice of Opportunity for Hearing

Notice is hereby given to the applicant, Abbott Laboratories, North Chicago, Ill., that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 14-228 and all approved amendments and supplements thereto held by Abbott Laboratories for the drug Stendin Tablets (sustained-release tablets; 2.5 grains sodium salicylate and 7.5 grains aspirin per tablet) on the grounds that:

1. New information before the Food and Drug Administration with respect to such drug evaluated together with the evidence available when the application was approved show that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof, in that: new evidence concerning the clinical investigations of Stendin Tablets reported by Cass Research Associates, Inc., Cambridge, Mass., conducted under the sponsorship of and submitted by the applicant as evidence in said application of the effectiveness of the drug, and which were pertinent to the approval of said new-drug application, shows the presence of irregularities in the reports of these investigations of sufficient magnitude that such studies are not adequate as a basis on which it can fairly and responsibly be concluded, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

2. The new-drug application contains untrue statements of material fact. Specifically, the report of clinical investigations reported by Cass Research Associates, Inc., identified by Project Code No. 64-5-D dated November 3, 1964, and submitted by the applicant in said application as evidence of the effectiveness of the drug, contains untrue statements of material fact in that:

a. It contains the identification of a number of persons reported as being treated with the drug during the period of said investigations who in fact were not so treated. During all or part of the time pertinent to these investigations a significant number of these persons were not hospitalized at the institution where the investigations were allegedly conducted. Some of the persons reported as being treated were actually deceased.

b. It contains the identification of clinical conditions for which a number of persons were being treated with the drug, which conditions are not verified by the records of the institution where the investigations were allegedly conducted.

c. It omits full information concerning other relevant treatments, evidenced by the records of the institution where the investigations were allegedly conducted, given concurrently to patients reportedly being treated with the drug.

d. It omits full information on all relevant clinical conditions of the persons reported as being treated with the drug during these investigations.

e. It contains statements of adverse effects and useful results observed in a number of persons being treated with the drug, which observations for reasons specified in paragraphs a, b, c, and d above could not have been made.

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations appearing in Title 21, Code of Federal Regulations, Part 130, the Commissioner will give the applicant named above, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application No. 14-228 should not be withdrawn.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application.

Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public, except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued under the authority contained in the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052, as amended, 1055, as amended; 21 U.S.C. 355, 371) and delegated by the Secretary of Health, Education, and Welfare to the Commissioner (21 CFR 2.120; 31 F.R. 3008).

Dated: October 13, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-11361; Filed, Oct. 18, 1966; 8:48 a.m.]

B. F. GOODRICH CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2096) has been filed by B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318, proposing the issuance of a regulation to provide for the safe use of 2,2'-di-*tert*-butyl-4,4'-isopropylidenediphenol bis(*p*-nonylphenyl) phosphite as an antioxidant and/or stabilizer in certain polymers for food-contact use.

Dated: October 10, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11362; Filed, Oct. 18, 1966; 8:48 a.m.]

DOW CHEMICAL CO.

Amended Notice of Filing of Petition for Food Additives

In the FEDERAL REGISTER of August 9, 1966 (31 F.R. 10616), notice was given that a petition had been filed by the Dow Chemical Co., Post Office Box 512, Midland, Mich. 48641, proposing the issuance of a regulation to provide for the safe use of meticlorpindol (3,5-dichloro-2,6-dimethyl-4-pyridinol) as an aid in the prevention of coccidiosis in growing chickens.

Notice is given, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), that said petition proposed the issuance of a regulation also to provide for the safe use for growing chickens of meticlorpindol in combination with arsanilic acid or 3-nitro-4-hydroxyphenyl arsonic acid, as an aid in the prevention of coccidiosis, and in either case, with or without penicillin, bacitracin, or a penicillin-bacitracin combination added for growth promotion and feed efficiency.

Dated: October 12, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11363; Filed, Oct. 18, 1966; 8:48 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2097) has been filed by the Dow Chemical Co., Biochemical Research Laboratory, 1803 Building, Midland, Mich. 48640, proposing an amendment to § 121.2520 *Adhesives* to provide for the safe use of 1,2-dichloroethylene (mixed isomers) in the formulation of food-packaging adhesives.

Dated: October 10, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11364; Filed, Oct. 18, 1966; 8:48 a.m.]

HAWAIIAN COCONUT PRODUCTS, INC.

Notice of Withdrawal of Petition for Food Additive Sorbitan Monostearate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Hawaiian Coconut Products, Inc., 5441 Opihi Street, Honolulu, Hawaii 96821, has withdrawn its petition (FAP 3A1131), notice of which was published in the FEDERAL REGISTER of September 11, 1964 (29 F.R. 12852), proposing the issuance of a regulation to provide for the safe use of sorbitan monostearate in combination with polysorbate 60(polyoxyethylene (20) sorbitan monostearate) as an emulsifier in coconut milk drink, whereby the level of each additive does not exceed 1,000 parts per million in the finished drink.

The withdrawal of this petition is without prejudice to a future filing.

Dated: October 12, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11365; Filed, Oct. 18, 1966; 8:48 a.m.]

HOPCON INC.

Notice of Filing of Petition for Food Additive Methyl Alcohol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6A2038) has been filed by Hopcon Inc., 274 Madison Avenue, New York, N.Y. 10016, proposing that § 121.1044 *Methyl alcohol* be amended to provide for the safe use of methyl alcohol as a solvent in the extraction of hops. The methyl alcohol will not exceed 1.0 percent by weight of the hops extract for use in beer production.

Dated: October 10, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11366; Filed, Oct. 18, 1966; 8:49 a.m.]

PACIFIC RESINS & CHEMICALS, INC.

Notice of Filing of Petition for Food Additive Triethylenetetramine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B2048) has been filed by Pacific Resins & Chemicals, Inc., 3400 13th Avenue SW., Seattle, Wash. 98134, proposing an amendment to § 121.2542 *Polyamide-epichlorohydrin resins* to provide for use of triethylenetetramine to replace all or part of the diethylenetriamine used in formulating polyamide-epichlorohydrin resins used as components of articles intended for food-contact use.

Dated: October 10, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11367; Filed, Oct. 18, 1966; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16737, 16738; FCC 66M-1379]

ADIRONDACK TELEVISION CORP. AND NORTHEAST TV CABLEVISION CORP.

Order Continuing Hearing

In re applications of Adirondack Television Corp., Albany, N.Y.; Docket No. 16737, File No. BPCT-3511; Northeast TV Cablevision Corp., Albany, N.Y.; Docket No. 16738, File No. BPCT-3635; for construction permit for new television broadcast station (Channel 23).

It is ordered, This 12th day of October 1966, by the Hearing Examiner on his own motion, that the hearing in the above-entitled matter now scheduled for 10 a.m., October 17, 1966, is hereby rescheduled to commence at 10 a.m., October 20, 1966, in the Commission's offices, Washington, D.C.

Released: October 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11373; Filed, Oct. 18, 1966; 8:49 a.m.]

[Docket No. 16922; FCC 66-908]

AMERICAN HOMES STATIONS, INC. (WVCF)

Order Designating Application for Hearing on Stated Issues

In re application of American Homes Stations, Inc. (WVCF), Windermere, Fla.; Docket No. 16922, File No. BP-16643; Has: 1480 kc, 1 kw, Day, Class II; Requests: 1480 kc, 5 kw, DA-Day, Class III; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of October 1966;

1. The Commission has before it the above-captioned and described application for an increase in power for Station WVCF, Windermere, Fla., from 1 kw to 5 kw, daytime operation. The applicant also requests a site change from its present location to a location approximately 4 miles closer to Orlando, Fla.

2. According to the 1960 census, Windermere has a population of 576, and is located approximately 10.5 miles from the city limits of Orlando, Fla., population 88,135. The applicant's proposed 5 mv/m contour penetrates the geographic boundary of Orlando, thus raising a presumption that the applicant is realistically proposing to serve that city rather than Windermere. Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, adopted December 22, 1965, 2 FCC 2d 190, 6 RR 2d 1901.

3. In an amendment filed on April 7, 1966, the applicant submitted data and arguments in support of a grant of his proposal notwithstanding the above policy. However, after careful study of this material, the Commission finds that substantial and material questions are raised under the "Policy Statement" and that a hearing must be held to explore the matter further.

4. Except as indicated by the issues specified below, the applicant is qualified to construct, own, and operate as proposed but, in view of the foregoing, the Commission is unable to find that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that it must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WVCF and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of WVCF will realistically provide a local transmission facility for Windermere or for Orlando, in the light of all the relevant evidence, including, but not limited to, the showing with respect to:

(a) The extent to which Windermere, Fla., has been ascertained by the applicant to have separate and distinct pro-

(b) The extent to which the needs of graming needs;

Windermere, Fla., are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific, unsatisfied programing needs of Windermere, Fla.; and

(d) The extent to which the projected sources of the applicant's advertising revenues within Windermere, Fla., are adequate to support the proposed station as compared with the projected sources from all other areas.

3. To determine, in the event that it is concluded pursuant to Issue 2 above, that the proposal of WVCF will not realistically provide a local transmission service for Windermere, Fla., whether the proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for standard broadcast stations assigned to Orlando, Fla.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That, in the event of a grant of the above application, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: October 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11374; Filed, Oct. 18, 1966; 8:49 a.m.]

[Docket Nos. 16879-16881; FCC 66M-1380]

AUDUBON BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of Audubon Broadcasting Corp., Westwego, La.; Docket No. 16879, File No. BP-17113; Holmes Broadcasting, Inc., Westwego, La.; Docket No. 16880, File No. BP-17114; West Jefferson Broadcasting, Inc., Gretna, La.; Docket No. 16881, File No. BP-17115; for construction permits.

A prehearing conference having been held on October 13, 1966;

It is ordered, This 13th day of October 1966, that this hearing shall be governed by the agreements and rulings appearing on the record of the said conference, and that hearing shall convene on January 9, 1967, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: October 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11375; Filed, Oct. 18, 1966; 8:49 a.m.]

[Docket No. 16928; FCC 66-922]

CALIFORNIA WATER AND TELEPHONE CO.

Order Instituting Investigation

In the matter of California Water and Telephone Co.; Docket No. 16928; Tariff FCC No. 1 and Tariff FCC No. 2 applicable to channel service for use by community antenna television systems.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of October 1966;

1. The Commission has under consideration:

(1) Tariff FCC No. 1 (effective July 29, 1966) and Tariff FCC No. 2 (effective Oct. 15, 1966) of California Water and Telephone Co. applicable to "Channel Service For Use By Community Antenna Television Systems" within the operating territory of the filing company in the State of California; and

(2) A telegraphic petition filed October 3, 1966, by the California Community Television Association requesting suspension and investigation of the aforementioned Tariff FCC No. 2 of California Water and Telephone Co.

[1] Chairman Hyde dissenting.

2. The above-mentioned telegraphic petition was filed with the Commission 12 days before the effective date of the tariff objected to rather than 14 days prior thereto as required by § 1.773 (47 CFR 1.773) of our rules, and will be dismissed for noncompliance therewith.

3. The Commission has reviewed the provisions in Tariff FCC No. 1 and Tariff FCC No. 2 of California Water & Telephone Co. and is of the opinion that there are numerous provisions therein that do not appear to be in conformance with the form and content requirements of Part 61 (47 CFR Part 61) of the Commission's rules and that the provisions of both tariffs present substantive questions as to whether these tariffs are lawful within the meaning of sections 201(b), 202(a), and 203 of the Communications Act of 1934, as amended.

4. The Commission is unable to determine at this time whether or not such tariffs are or will be just and reasonable or otherwise lawful and is concerned that, if the aforementioned Tariff FCC No. 2 of California Water and Telephone Co. is permitted to become effective on the date specified thereon, substantial injury to the public may result therefrom. Pending hearing and decision thereon, the Commission is of the opinion that the proposed Tariff FCC No. 2 should be suspended in order to avoid any substantial injury to the public;

5. In view of the foregoing: *It is ordered*, That pursuant to the provisions of sections 201, 202, 203, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of Tariff FCC No. 1 and Tariff FCC No. 2 of the California Water & Telephone Co.;

6. *It is further ordered*, That pursuant to the provisions of section 204 of the Communications Act of 1934, as amended, the effectiveness of the aforementioned Tariff FCC No. 2 is suspended until January 15, 1967;

7. *It is further ordered*, That, without in anyway limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of section 201(b) of the Act;

(2) Whether such charges, classifications, practices, and regulations will, or could be applied to, subject any person or class of persons, to unjust or unreasonable discrimination or give any undue or unreasonable preference or prejudice to any person, class of persons, or locality, within the meaning of section 202(a) of the Act;

(3) Whether the aforesaid tariffs conform to the requirements of section 203 of the Act and Part 61 of our rules implementing that section;

(4) If any of such charges, classifications, practices, and regulations are found to be unlawful, whether the Commission should prescribe charges, classifications, practices, and regulations for the service governed by the tariffs, and if so, what should be prescribed;

8. *It is further ordered*, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the examiner to be designated to preside at the hearing shall certify the record, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276, and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282;

9. *It is further ordered*, That the petition of the California Community Television Association for suspension and investigation of Tariff FCC No. 2 of California Water and Telephone Co., is dismissed for noncompliance with § 1.773 of the Commission's rules; and

10. *It is further ordered*, That California Water and Telephone Co. is made a party respondent hereto, and that the California Community Television Association shall be granted leave to intervene upon the filing of a notice of intention to appear and participate within 20 days of the release date of this order.

Released: October 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11376; Filed, Oct. 18, 1966; 8:49 a.m.]

[Docket No. 16928; FCC 66M-1384]

CALIFORNIA WATER AND TELEPHONE CO.

Order Scheduling Hearing

In the matter of California Water and Telephone Co.; Docket No. 16928; Tariff FCC No. 1 and Tariff FCC No. 2, applicable to channel service for use by community antenna television systems.

It is ordered, This 13th day of October 1966, that Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 17, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 28, 1966, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.[1]

Released: October 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11377; Filed, Oct. 18, 1966; 8:49 a.m.]

[1] An expedited hearing in this proceeding is indicated, in view of the following language in the Commission's order of hearing designation: *It is further ordered*, That pursuant to the provisions of section 204 of the Communications Act of 1934, as amended, the aforementioned Tariff FCC No. 2 is suspended until Jan. 15, 1967;

[Docket No. 15668, 15708; FCC 66M-1377]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

Order Scheduling Further Prehearing Conference

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill.; Docket No. 15668, File No. BPCT-3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill.; Docket No. 15708, File No. BPCT-3439; for construction permit for new television broadcast station.

A hearing conference having been held on October 12, 1966;

It appearing, that certain pleadings are to be filed expeditiously, and that the disposition thereof will clarify the course of further proceedings;

It is ordered, This 12th day of October 1966, that further hearing conference herein shall convene on October 26, 1966, commencing at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: October 12, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11378; Filed, Oct. 18, 1966; 8:49 a.m.]

[Docket Nos. 16340, 16341; FCC 66M-1387]

EDGEFIELD-SALUDA RADIO CO. (WJES) AND WQIZ, INC. (WQIZ)

Order After Prehearing Conference

In re applications of Franklin D. R. McClure, Jessie Claude Casey, James H. Satcher, and Van E. Edwards, Jr., doing business as the Edgefield-Saluda Radio Co. (WJES), Johnston, S.C.; Docket No. 16340, File No. BP-16489; WQIZ, Inc. (WQIZ), Saint George, S.C.; Docket No. 16341, File No. BP-16625; for construction permits.

The Hearing Examiner having under consideration the proceedings during today's prehearing conference in the above remand matter;

It is ordered, This 14th day of October 1966, that the further hearing in the instant proceeding will convene at 10 a.m., on Tuesday, October 25, 1966, at the Commission's offices, Washington, D.C.; and

It is ordered further, That the suggestions and requests of the Hearing Examiner as set forth in the transcript of the prehearing conference will be carefully observed by the parties and their attorneys.

Released: October 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11379; Filed, Oct. 18, 1966; 8:49 a.m.]

[Docket Nos. 16794, 16795; FCC 66M-1385]

LYNN MOUNTAIN BROADCASTING AND WBEJ, INC.

Order Continuing Hearing

In re applications of Roy C. Nelson, Fred P. Davis, William E. Hale, and C. M. Taylor doing business as Lynn Mountain Broadcasting, Elizabethton, Tenn.; Docket No. 16794, File No. BPH-5193; WBEJ, Inc., Elizabethton, Tenn.; Docket No. 16795, File No. BPH-5260; for construction permits.

The Hearing Examiner having under consideration a motion for continuance filed by WBEJ, Inc. on October 12, 1966;

It appearing, that because of illness one of the principals in WBEJ has been unable to assist in preparation of exhibits in order to meet the exchange date of October 12. It is now requested that the Examiner change the schedule to provide for exhibit exchange on November 2, notification of witnesses on November 7, and commencement of hearing on November 15, 1966; and

It further appearing, that counsel for all parties have consented to an immediate grant of this motion;

It is ordered, This 13th day of October 1966, that the motion of WBEJ, Inc. is granted as requested except that the date for commencement of hearing is continued from October 25 to November 17, 1966.

Released: October 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11380; Filed, Oct. 18, 1966; 8:49 a.m.]

[Docket No. 16867]

TAXICAB RADIO SERVICE

Order Extending Time for Filing Comments

In the matter of inquiry into the requirement of the Taxicab Radio Service for all of the frequencies available within Standard Metropolitan Areas of 50,000 or more population in the 152 and 157 Mc/s bands; Docket No. 16867.

1. The Chief, Safety and Special Radio Services Bureau, acting under delegated authority, has under consideration a request filed by the American Taxicab Association and the National Association of Taxicab Owners for extension of time for filing comments in the above-entitled proceeding. The prescribed time for filing comments expires on October 17, 1966. The petitioners have requested that this time be extended to December 1, 1966.

2. In support of their request, the petitioners state that additional time is required to gather the detailed information requested by the Commission concerning the current use of the frequencies allocated to the taxicab industry, and the industry's future requirements.

3. In view of the foregoing: *It is ordered*, This 13th day of October 1966, pursuant to § 0.331(b) (4) and 1.46 of the Commission's rules, that the above-described request of the American Taxicab Association and the National Association of Taxicab Owners is granted and that the time for filing comments in the above-entitled proceeding is extended to December 1, 1966.

Released: October 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11381; Filed, Oct. 18, 1966; 8:49 a.m.]

[Docket No. 16612; FCC 66M-1386]

STAR STATIONS OF INDIANA, INC.

Order Following Hearing Conferences

In re applications of Star Stations of Indiana, Inc., Docket No. 16612, File No. BR-1144, BRH-1276; for renewal of licenses of Stations WIFE AM-FM, Indianapolis, Ind.

Since issuance of the Commission's memorandum opinion and order of October 7, 1966, denying applicant's petition for reconsideration (FCC 66-887), two prehearing conferences have been held, one on October 12th and the other on October 13th. On the basis of the discussions held at these conferences, the particulars of which are to be found in the transcripts of the conferences, the Examiner takes the action framed in the ordering clause below. Other matters germane to the forthcoming hearing were discussed at these conferences. To the extent that these discussions resulted in binding agreements and understanding between counsel and the Examiner affecting future course of hearing they will be covered by subsequent order following receipt of transcript.

Accordingly, it is ordered, This 13th day of October 1966, that hearing now scheduled to be held on October 26, 1966, in Indianapolis, Ind., is continued, without change of place, to November 7, 1966.

Released: October 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11382; Filed, Oct. 18, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

SEATRAIN LINES, INC., AND MOORE-McCORMACK LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. Harvey M. Flitter, Assistant Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J.

Agreement 9583, between Seatrain Lines, Inc., and Moore-McCormack Lines, Inc., establishes a through billing arrangement in the trade from Puerto Rico to Norway, Holland, Denmark, Belgium, Sweden, Poland, and Finland, with transshipment at the port of New York, N.Y., in accordance with the terms and conditions set forth in the agreement.

Dated: October 14, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11340; Filed, Oct. 18, 1966; 8:46 a.m.]

U.S. FLAG OCEAN CARRIERS RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

O. W. Koke, Secretary, Pro Tem, 80 Broad Street, 34th Floor, New York, N.Y. 10004.

Agreement No. 9584, which cancels and supersedes Agreement No. 9578, notice of which appeared in the FEDERAL REGISTER of October 1, 1966, provides that the six American Flag lines may from time to time meet, discuss, and agree between

themselves upon rates, terms and conditions, and other matters relating to the carriage of cargoes of military or State Department household goods, personal effects, and unaccompanied baggage originating with the U.S. Department of Defense or U.S. Department of State and moving under Department of Defense or State Department through Government bills of lading executed by trucklines, household movers, railroads and/or regulated or nonregulated freight forwarders operating under rate and service tenders approved by either Department. The Agreement covers movements from and to ports on the U.S. Atlantic, Great Lakes or Gulf of Mexico and ports in the Bordeaux/Hamburg Range in Europe and in the United Kingdom and Eire.

Dated: October 14, 1966.

THOMAS LIST,
Secretary.

[F.R. Doc. 66-11341; Filed, Oct. 18, 1966; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-5766, etc.]

CONTINENTAL OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 11, 1966.

Take notice that each of the Applicants listed herein has filed an application or petiton pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 3, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petiton for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-5766 ..... C 8-19-66	Continental Oil Co. (Operator), et al.,[2] Post Office Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	10.0	14.65
G-12302 ..... E 10-3-66	Grande Oil Co. (successor to Emerald Oil & Carbonic Co. (Operator), et al.), 1920 Alamo National Bldg., San Antonio, Tex. 78205.	Texas Eastern Transmission Corp., Salem Field, Victoria County, Tex.	13.8733	14.65
G-13103 ..... C 10-3-66	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Southern Union Gathering Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
G-16199 ..... 9-30-66 [3]	Banquete Gas Co., a division of Crestmont Oil & Gas Co. (formerly Banquete Gas Co., a division of Crestmont Consolidated Corp.), 2622 Mission St., San Marino, Calif. 91108.	United Gas Pipe Line Co., Plymouth and East Taft Fields, San Patricio County, Tex.	12.0	14.65
G-16218 ..... D 10-3-66	Gulf Oil Corp. (Operator), et al., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Southeast Gage Field, Ellis County, Okla.	[4]	.....
G-17199 ..... 9-30-66 [3]	Banquete Gas Co., a division of Crestmont Oil & Gas Co. (formerly Banquete Gas Co., a division of Crestmont Consolidated Corp.).	United Gas Pipe Line Co., Spartan and Odem Fields, San Patricio County, Tex.	13.0	14.65
C160-444 ..... E 9-23-66	Tri Gas Co. (successor to James H. Helland (Operator), et al., Pettus, Tex. 78146.	Trunkline Gas Co., Bryne Field, Bee County, Tex.	12.25	14.65
C160-625 ..... 9-30-66 [3]	Banquete Gas Co., a division of Crestmont Oil & Gas Co. (formerly Banquete Gas Co., a division of Crestmont Consolidated Corp.).	United Gas Pipe Line Co., acreage in San Patricio County, Tex.	13.0	14.65
C161-397 ..... D 10-3-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Kings Ridge Field, Lafourche Parish, La.	Uneconomical	.....
C161-487 ..... C 9-22-66	Ferrell L. Prior d.b.a. Prior Oil & Gas Co., Post Office Box 590, Spencer, W. Va. 25276.	Equitable Gas Co., West Union District, Doddridge County, W. Va.	25.0	15.325
C161-1147 ..... C 10-3-66	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Various Fields, Alfalfa, Dewey, Major, Woods, and Woodward Counties, Okla.	17.0	14.65
C162-1219 ..... C 10-3-66	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	[5] 18.5	14.65
C163-875 ..... D 9-29-66 [3]	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Lone Star Gathering Co., Speary Field, Karnes County, Tex.	Assigned [6]	.....
C166-420 ..... C 9-22-66	Sunray D_ Oil Co.	Arkansas Louisiana Gas Co., Arkoma Area, LeFlore, Latimer, Pittsburg, and Haskell Counties, Okla.	15.0	14.65
C166-703 ..... C 9-29-66	Samedan Oil Corp. (Operator), et al., Post Office Box 909, Ardmore, Okla. 73401.	Panhandle Eastern Pipe Line Co., Greensburg Field, Woods County, Okla.	15.0	14.65
C166-952 ..... C 9-29-66	Joseph S. Gruss (Operator), et al., 30 Broad St., New York, N.Y. 10004.	El Paso Natural Gas Co., Ignacio-Blanco Mesa Verde Field, La Plata County, Colo.	13.0	15.025
C166-968 ..... C 10-6-66	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	Panhandle Eastern Pipe Line Co., South Feldman Field, Hemphill County, Tex. and South Bishop Field, Ellis County, Okla.	[7] 17.0	14.65
C167-357 ..... A 9-26-66	J. C. Barnes Oil Co. (Operator), et al., Post Office Box 505, Midland, Tex. 79701.	Michigan Wisconsin Pipe Line Co., West Campbell Field, Major County, Okla.	15.0	14.65
C167-358 ..... A 9-27-66	U.S. Natural Gas Corp., 9601 Wilshire Blvd., Beverly Hills, Calif. 90210.	Colorado Interstate Gas Co., Desert Springs Area, Sweetwater County, Wyo.	15.0	14.65
C167-359 ..... A 9-28-66	Texaco Inc., [8] Post Office Box 52332, Houston, Tex. 77052.	Michigan Wisconsin Pipe Line Co., Putnam Field, Dewey County, Okla.	[9] 15.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-360 ..... A 9-28-66	Prenalta Corp. (Operator), et al., Post Office Box 2514, Casper, Wyo. 82602.	Colorado Interstate Gas Co., Desert Springs Area, Sweetwater County, Wyo.	16.0	14.65
C167-361 ..... A 9-28-66	Mesa Petroleum Co., Operator, 1801 Taylor St., Amarillo, Tex. 79105.	Natural Gas Pipeline Co. of America, Upper Morrow Field, Hansford County, Tex.	17.0	14.65
C167-362 ..... A 9-28-66	Kimbark Exploration, Ltd., 201 University Blvd., Denver, Colo. 80206.	Kansas-Nebraska Natural Gas Co., Inc., Cayuse Field, Logan County, Colo.	16.0	15.4
C167-363 ..... (C164-1375) F 9-29-66	Sinclair Oil & Gas Co. (successor to Magna Oil Corp.), Post Office Box 521, Tulsa, Okla. 74102.	Lone Star Gas Co., Delaware Bend Field, Cooke County, Tex.	16.0	14.65
C167-366 ..... (G-16674) F 9-27-66	Tamarack Petroleum Co., Inc. (successor to Robert K. Kimberlin, Jr.), 413 First Savings & Loan Bldg., Midland, Tex. 79701.	Northern Natural Gas Co., Buckhorn (Ellenburger) Field, Crockett County, Tex.	[10] 11.0	14.65
C167-367 ..... A 9-29-66	Monsanto Co., 1300 Main St., Houston, Tex. 77002.	Panhandle Eastern Pipe Line Co., Northeast Waynoka Field, Woods County, Okla.	[6] 17.0	14.65
C167-368 ..... B 9-29-66	Cleary Petroleum, Inc., 310 Kremac Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Laverne Area, Woodward County, Okla.	Uneconomical	.....
C167-369 ..... B 9-30-66	R. H. Burns (Operator), et al.	Cities Service Gas Co., Canyon Creek Pool, Osage County, Okla.	Uneconomical	.....
C167-370 ..... A 9-30-66	Graham-Michaelis Drilling Co., 211 North Broadway, Wichita, Kans. 67202.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	[6] 17.0	14.65
C167-371 ..... A 9-30-66	Continental Oil Co.	Natural Gas Pipeline Co. of America, Northeast Fort Supply Area, Harper County, Okla.	[6] 17.0	14.65
C167-372 ..... A 9-30-66	Pennzoil Co., 54 Boylston St., Bradford, Pa. 16701.	Pennsylvania Gas Co., Cooper Field, Sheffield Township, Warren County, Pa.	27.0	15.025
C167-373 ..... A 10-3-66	Lock 3 Oil, Coal & Dock Co., et al., 415 Porter Bldg., Pittsburgh, Pa. 15219.	Cumberland and Allegheny Gas Co., Warren District, Upshur County, W. Va.	25.0	15.325
C167-374 [11] ..... A 10-3-66	Gulf Oil Corp.	Panhandle Eastern Pipe Line Co., Southeast Gage and Tangiers Fields, Ellis and Woodward Counties, Okla.	[12] 17.986	14.65
C167-375 ..... B 10-3-66	Vincent & Welch, Inc. (Operator), et al., 900 Pioneer Bldg., Lake Charles, La. 70601.	Transcontinental Gas Pipe Line Corp., Grand Coulee Field, Acadia Parish, La.	Depleted	.....
C167-376 ..... B 10-3-66	Kilroy Co. of Texas, Inc. (Operator), et al., c/o W. H. Drushel, Jr., attorney, Vinson, Elkins, Weems & Searls, First City National Bank Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Aldine Field, Harris County Tex.	Depleted	.....
C167-377 ..... B 10-3-66	Kilroy Properties, Inc., c/o W. H. Drushel, Jr., Attorney, Vinson, Elkins, Weems & Searls, First City National Bank Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Dolly Field, Newton County, Tex.	[13]	.....
C167-378 ..... B 10-3-66	Southwestern Exploration Consultants, Inc. (Operator), et al., 404 Local Federal Bldg., Oklahoma City, Okla. 73102.	Lone Star Gas Co., acreage in Jefferson County, Okla.	Depleted	.....
C167-379 ..... B 9-28-66	Sunset International Petroleum Corp., et al., 8920 Wilshire Blvd., Beverly Hills, Calif. 90201.	Kansas-Nebraska Natural Gas Co., Inc., Little Hoot and Cement Fields, Logan County, Colo.	Depleted	.....
C167-380 ..... B 9-28-66	Sunset International Petroleum Corp.	Cities Service Gas Co., acreage in Lincoln County, Okla.	Depleted	.....
C167-381 ..... A 10-4-66	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	Northern Natural Gas Co., acreage in Woodward and Ellis Counties, Okla.	[6] 17.0	14.65
C167-382 ..... B 10-4-66	E. Dunlap, Jr., Post Office Box 1888, Ardmore, Okla. 73401.	Lone Star Gas Co., East Hewitt Field, Carter County, Okla.	Depleted	.....
C167-383 ..... B 10-3-66	Texaco, Inc.	do	Depleted	.....
C167-384 ..... A 10-5-66	Slats Honeymon Drilling Co., Post Office Box 94413, Oklahoma City, Okla. 73109.	Northern Natural Gas Co., Fort Supply, Southwest Field, Ellis County, Okla.	[6] 17.0	14.65
C167-386 ..... A 10-6-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Natural Gas Pipeline Co of America, Camrick Field, Beaver and Texas Counties, Okla.	17.0	14.65

[2] Applicant states its willingness to accept authorization for the additional acreage containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[3] Amendment to certificate filed to reflect change in corporate name.
[4] No sales have been made by Applicant to Transwestern from the deleted acreage. Petitioner proposes to dedicate production from the subject acreage to a contract with Panhandle Eastern Pipe Line Co. which is the subject of the application filed in Docket No. C167-374.
[5] Subject to upward and downward B.t.u. adjustment. Includes 1.5 cents upward adjustment.
[6] Applicant assigned all of its right, title, and interest from the surface to a depth of 9,720 feet to H. D. Bruns who has filed for a certificate covering this interest in Docket No. C167-246.
[7] Subject to upward and downward B.t.u. adjustment.
[8] Applicant states its willingness to accept permanent certificate conditioned similar to the sales certificated in Opinion No. 353.
[9] Applicant states its willingness to accept permanent certificate conditioned to 15 cents per Mcf at 14.65 p.s.i.a.
[10] Successor in interest to Willets & Craig.
[11] Rate in effect subject to refund in Docket No. RI64-666.
[12] Production from a portion of the subject acreage has heretofore been dedicated to Transwestern Pipeline Co. and sales therefrom have been authorized in Docket No. G-16218 to be made pursuant to Applicant's FPC GRS No. 196. Applicant has filed a petition to amend the order issuing a certificate in Docket No. G-16218 by deleting authorization to sell gas to Transwestern from the subject acreage.
[13] Subject to upward and downward B.t.u. adjustment. Includes 0.986 cent estimated upward adjustment.
[14] Well covered by subject contract has stopped producing gas and has been reclassified as an oil well.

[F.R. Doc. 66-11324; Filed, Oct. 18, 1966; 8:45 a.m.]

[Docket No. G-10181, etc.]

HOUSTON NATURAL GAS PRODUCTION CO. ET AL.

Order Amending Orders

OCTOBER 11, 1966.

Houston Natural Gas Production Co. (a Deleware corporation) (formerly Morgan Minerals Corp.) (successor to Houston Natural Gas Production Co.) (a Texas corporation), Docket No. G-10181, et al.

Order amending orders issuing certificates of public convenience and necessity, redesignating proceedings, redesignating FPC gas rate schedules, and requiring filing of agreements and undertakings.

On July 25, 1966, Houston Natural Gas Production Co., a Delaware corporation (Houston Delaware), formerly Morgan Minerals Corp., filed applications to amend the orders issuing certificates of public convenience and necessity to Houston Natural Gas Production Co., a Texas corporation (Houston Texas), by authorizing Houston Delaware to continue sales of natural gas heretofore authorized to be made by Houston Texas, all as more fully set forth in the applications and in the Appendix below.

Effective July 1, 1966, Morgan Minerals Corp., a Delaware corporation, merged into Houston Texas and simultaneously changed its own name to that of the merged corporation. Houston Delaware has assumed the obligations and responsibilities of Houston Texas and requests that it be authorized to continue those sales heretofore authorized to be made by Houston Texas and that its own certificates and rate schedules be redesignated to reflect the change in name.

After due notice no petition to intervene, notice of intervention or protest to the granting of the applications herein has been received.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates to Houston Texas and Morgan Minerals Corp. should be amended as hereinafter ordered and that the related FPC gas rate schedules and pending proceedings should be redesignated accordingly.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Houston Texas are amended by authorizing Houston Delaware to continue the sales of natural gas therein authorized, and in all other respects said orders shall remain in full force and effect.

(B) The orders issuing certificates to Morgan Minerals Corp. are amended by changing the name of the certificate holder to "Houston Natural Gas Production Company," and in all other respects said orders shall remain in full force and effect.

(C) The FPC gas rate schedules of Houston Texas and Morgan Minerals Corp. are redesignated as those of Houston Delaware, and the notices of

succession to Houston Texas' rate schedules submitted by Houston Delaware are accepted for filing effective as of July 1, 1966.

(D) Those proceedings in which Houston Texas and Morfgan Minerals Corp. are Applicant or Respondent are redesignated to reflect the succession of interest and change of name.

(E) Within 30 days from the issuance of this order Houston Delaware shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Docket Nos. RI63–316 and RI65–588 to assure the refunds of any amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, said agreements and undertakings shall be deemed to have been accepted for filing.

(F) Houston Delaware shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by Houston Delaware in Docket Nos. RI63–316 and RI65–588 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Certificate docket No.	Former designation	New designation	Rate proceeding docket No.
	Houston Natural Gas Production Co. (a Texas corporation), FPC GRS No.	Houston Natural Gas Production Co. (a Delaware corporation), FPC GRS No.	
G–12797	[1] 3	[1] 2	
G–12797	4	4	
C162–1063	5	5	
C163–1561	6	6	
G–19546	[1] 7	[1] 7	
G–19546	[1] 8	[1] 8	RI63–316.
G–19546	[1] 9	[1] 9	
G–19546	[1] 10	[1] 10	
G–19546	[1] 11	[1] 11	
C161–212	12	[1] 12	RI65–588.
C162–1023	[1] 13	[1] 13	
C164–1314	14	14	
C164–1314	15	15	
G–20054	[1] 16	[1] 16	
G–10183	[1] 17	[1] 17	RI63–326.
	Morgan Minerals Corp., FPC GRS No.		
G–12020	3	[1] 18	G–17365 [3]
G–12021	4	19	
G–19628	[1] 5	[1] 20	
G–19629	[1] 6	[1] 21	
G–19630	[1] 7	[1] 22	
C161–688	7	23	
G–20004	8	24	

[1] "(Operator), et al."

[2] The notice issued Aug. 24, 1966, in Docket No. G–3270, et al., incorrectly stated that this sale is made to Transcontinental Gas Pipe Line Corp. from the South Mineral Unit, Mineral Field, Bee County, Tex. The sale is, in fact, made to Texas Eastern Transmission Corp., from the Yoward Field, Bee County, Tex.

[3] Consolidated in the proceeding in Docket No. AR64–2, et al.

[F.R. Doc. 66–11325; Filed, Oct. 18, 1966; 8:45 a.m.]

[Project 2609]

INTERNATIONAL PAPER CO.

Notice of Application for License for Constructed Project

OCTOBER 11, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by International Paper Co. (correspondence to: Paul B. Carroll, Secretary, International Paper Co., 220 East 42d Street, New York, N.Y. 10017) for constructed Project No. 2609, known as the Palmer Falls Project, located on the Hudson River in the region west of Glen Falls and at the villages of Corinth, Hadley, and Palmer in the towns of Corinth and Hadley in Saratoga County, and the village of Lake Luzerne in the town of Luzerne, in Warren County—all in the State of New York.

The existing Palmer Falls Project consists of two developments known as the Curtis development and Palmer Falls development. The Curtis development consists of: (1) A concrete dam about 25 feet high and 736 feet long in two sections: (a) An overflow spillway about 663 feet long with 46-inch flashboards; and (b) a gated section about 73 feet long; (2) a reservoir about 5.8 miles long with a surface area of about 390 acres and a maximum drawdown of 3 feet; (3) an integral-intake powerhouse containing five generating units, one each rated at 1,250, 950, 900 kw and two each rated at 800 kw, totaling 4,700 kw; and (4) appurtenant facilities. The Palmer Falls development consists of: (1) A concrete hollow-arch dam about 37 feet high and 369 feet long with: (a) A spillway 334 feet long with 45-inch flashboards; and (b) a central log sluice and sluice gates in the remaining 35 feet; (2) a reservoir about 2,700 feet long and with a surface area of about 27 acres; (3) an upper forebay at reservoir level controlled by an intake with eight slide gates and a 92-foot spillway with flashboards from which water may be released to: (a) The lower forebay through two waste gates; and (b) the penstocks by eight gates; (4) a lower forebay which is controlled by: (a) A 168-foot spillway, with flashboards, and (b) a gate structure; (5) four hydroelectric units with turbines totaling 5,600 hp and generators totaling 3,200 kw served by three steel penstocks, (a) 10 to 8.5 feet in diameter and 205 feet long, (b) 10 feet in diameter and 47 feet long and (c) 9.5 feet in diameter and 24 feet long; (6) 12 hydromechanical units totaling 18,600 hp served by 12 steel penstocks varying in diameter from 9 to 13.5 feet and in length from 24 feet to 141 feet (all turbines and generators being housed in the paper mill buildings); and (7) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 8, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66–11326; Filed, Oct. 18, 1966; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BRAZIL TRUST CO.

Order Approving Merger of Banks

In the matter of the application of The Brazil Trust Co. for approval of merger with Farmers & Merchants Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89–356), an application by The Brazil Trust Co., Brazil, Ind., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Farmers & Merchants Bank, Clay City, Ind., under the charter of the former and title of First Bank and Trust Company of Clay County, Ind. As an incident to the merger, the sole office of Farmers & Merchants Bank would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 10th day of October 1966.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON, *Assistant Secretary.*

[F.R. Doc. 66–11327; Filed, Oct. 18, 1966; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

UPPER MAIN LINE BANK

Order Approving Merger of Banks

In the matter of the application of Upper Main Line Bank for approval of merger with Farmers Bank of Parkesburg.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89–356), an application by Upper Main Line Bank, Paoli, Pa., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Farmers Bank of Parkesburg, Parkesburg, Pa., under the charter of the former and title of Community Bank & Trust Co. As an incident to the merger, the sole office of Farmers Bank of Parkesburg would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 10th day of October 1966.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON, *Assistant Secretary.*

[F.R. Doc. 66–11328; Filed, Oct. 18, 1966; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Philadelphia.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governor Daane.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4318]

AMERICAN GAS CO. AND AMERICAN GAS COMPANY OF WISCONSIN, INC.

Notice of Filing of Third Posteffective Amendment Regarding Issue and Sale of Notes to Banks

OCTOBER 13, 1966.

Notice is hereby given that American Gas Co. ("American"), a public-utility company and a registered holding company, and its public-utility subsidiary company, American Gas Company of Wisconsin, Inc. ("Wisconsin"), 546 South 24th Avenue, Omaha, Nebr. 68105, have filed with this Commission, pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act"), a third posteffective amendment to the joint application-declaration in this matter. All interested persons are referred to said posteffective amendment, which is summarized below, for a complete statement of the proposed transactions.

Wisconsin has outstanding 6½ percent promissory notes in the amount of $360,000, maturing on September 30, 1966, all of which are held by Harris Trust & Savings Bank, Chicago, Ill. Such notes were issued, renewed, or extended pursuant to orders of the Commission in this proceeding dated October 26, 1965, February 10, 1966, and May 2, 1966 (Holding Company Act Release Nos. 15335, 15398, and 15459). The company now proposes to renew or extend said notes for an additional period or periods of not to exceed in the aggregate 270 days from September 30, 1966. The notes will bear interest at a rate of not in excess of 1 percent over the prime rate in effect at the time of renewal or extension.

Wisconsin also proposes to issue and sell, from time to time, to a bank or banks additional notes in an aggregate amount not exceeding $175,000 to be outstanding at any one time. These notes, as issued or as renewed or extended will mature no later than June 30, 1967, and will bear interest at a rate of not in excess of 1 percent over the prime rate in effect at the time of issuance, renewal, or extension. The additional notes are to provide funds required for property additions, operating expenses, and the payment of interest on outstanding debt.

The filing states that no separable fees and expenses are to be incurred in connection with the proposed transactions. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 31, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said third posteffective amendment to the joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as heretofore and presently amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–11368; Filed, Oct. 18, 1966; 8:49 a.m.]

[811–548]

QUINBY & CO., INC.

Notice of Filing of Application for Exemption

OCTOBER 13, 1966.

Notice is hereby given that Quinby & Co., Inc. ("Applicant"), Lincoln Rochester Building, Rochester, N.Y. 14604, the principal underwriter for, and sponsor of, The Quinby Plan for Accumulation of Common Stock of Xerox Corp., which is a unit investment trust registered as such under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting such plan from the provisions of section 22(d) of the Act and Rule 22d–1 adopted thereunder, to the extent necessary to permit Applicant to offer such plan at reduced public offering prices on group accounts. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The aforementioned plan is organized under an agreement between Applicant and a custodian, the Lincoln Rochester Trust Co. ("Custodian") of Rochester, N.Y., and is designed to provide for investment and dividend reinvestment over a period of years in the common stock of the Xerox Corp.

The public offering price on the plan includes a sales load, expressed as a percentage of the amount of the planned investment, of 5.9 percent for total planned investments aggregating $12,000, 50 percent of which is deducted from the first 12 payments with the balance de-

ducted in equal amounts from the subsequent payments. Applicant purposes to charge a reduced sales load of 5 percent on: (1) Additional accounts opened by the same subscriber after he has completed the first 12 specified payments on an account or a series of accounts with combined planned investments of at least $12,000; (2) single and multiple accounts opened by individuals at one time with a planned investment of $24,000 or more; (3) multiple accounts opened at one time by an individual, his spouse and their children with an aggregate planned investment of $24,000 or more; (4) multiple accounts with an aggregate planned investment of $24,000 or more opened at one time by two or more individuals who have a common employer or who are members of a recognized partnership, but not including groupings by members of professional associations, social or fraternal organizations or investment clubs; and (5) special payroll accounts involving an original minimum of 50 or more employees of a common employer. In the case of all accounts on which a 5 percent sales load is applicable, except the special payroll accounts, Applicant proposes to deduct the entire sales load from the first 12 payments at the rate of 50 percent of each payment. On the special payroll accounts, Applicant proposes to deduct 32 percent of each of the first 12 payments as sales load.

Section 22(d) of the Act, with certain exceptions not pertinent here, prohibits a registered investment company and its principal underwriter from selling redeemable securities of such company except at a current public offering price described in the prospectus. Rule 22d-1, relating to permissible variations in sales loads of redeemable securities, specifies, among other things, that investment companies and their underwriters may not treat as one person "a group of individuals whose funds are combined, directly or indirectly, for the purchase of redeemable securities of a registered investment company jointly or through a trustee, agent, custodian, or other representative * * * of such a group of individuals." Unless exempted, therefore, Applicant will be unable to effect the sale of plans upon the basis of reduced public offering prices on group accounts.

In support of the application, Applicant states that the Quinby Plan is not the usual type of investment company since it is a plan for the purchase of a specific stock listed on the New York Stock Exchange, rather than a company with a diversified portfolio or a plan for the purchase of redeemable shares of such a company. Because of the special nature of the Quinby Plan, Applicant states that the requested exemption will have no bearing upon the orderly distribution of redeemable shares of registered investment companies, which section 22(d) of the Act is designed to protect. Except for the method of payments of charges and the contractual obligations flowing therefrom, the Quinby Plan is similar to other types of plans which involve the purchase of a specific listed stock through simple brokerage arrangements and which do not prohibit grouping of purchases to determine the applicable charges. Applicant further states that the substance of its application is substantially similar to the order granted in 1959 to the Quinby Plans for the Accumulation of the Common Stock of American Telephone & Telegraph Co., Eastman Kodak Co., E. I. DuPont de Nemours & Co., General Electric Co., General Motors Corp., and Standard Oil Corp. (New Jersey) (Investment Company Act Release No. 2887).

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 21, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11369; Filed, Oct. 18, 1966; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the statutory minimum of $1.25 an hour.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Barr Co., variety store; 116 South Main Street, Celina, Ohio; 9-26-66 to 9-25-67.

Byck Brothers & Co., apparel store; 532 South Fourth Street, Louisville, Ky.; 9-15-66 to 8-31-67.

Eagle Store Co., Inc., variety store; No. 51, Charleston Heights, S.C.; 9-23-66 to 9-22-67.

Glosser Brothers, Inc., department store; Franklin and Locust Street, Johnstown, Pa.; 9-14-66 to 9-13-67.

Goldblatt Brothers, Inc., department store; 1505 West King, Decatur, Ill.; 9-27-66 to 9-26-67.

W. T. Grant Co., variety stores: No. 202, Hackensack, N.J. (10-7-66 to 10-6-67); No. 677, Middletown, Ohio (9-15-66 to 9-14-67).

Grebe's Bakeries, Inc., bakery store; 5132 West Lincoln Avenue, West Allis, Wis.; 9-3-66 to 9-2-67.

Hested Brentwood Corp., variety store; No. 775, Denver, Colo.; 11-24-66 to 11-23-67.

K. C. Super Market, food store; Eighth Street and Ohio Avenue, Etowah, Tenn.; 9-20-66 to 8-31-67.

S. S. Kresge Co., variety stores: No. 69, Washington, D.C. (10-11-66 to 10-10-67); No. 50, Deerfield, Ill. (9-3-66 to 9-2-67); No. 272, Flint, Mich. (9-15-66 to 9-14-67); No. 240, Cleveland, Ohio (9-19-66 to 9-18-67); No. 362, Marion, Ohio (9-19-66 to 9-18-67); No. 4579, Kenosha, Wis. (9-27-66 to 9-26-67).

S. H. Kress & Co., variety store; 100 East Seventh Street, Okmulgee, Okla.; 12-1-66 to 11-30-67.

McCrory-McLellan-Green Stores, variety stores: No. 310, St. Petersburg, Fla. (9-21-66 to 9-20-67); No. 432, Athens, Ga. (9-21-66 to 9-20-67); No. 161, Chester, S.C. (9-18-66 to 9-17-67).

Neisner Brothers, Inc., variety store; No. 42, Detroit, Mich.; 9-27-66 to 9-26-67.

Raylass Department Store, department stores: Corner Main and Davis Streets, Burlington, N.C. (9-21-66 to 9-20-67); 335 Main Street, Danville, Va. (9-17-66 to 9-2-67); 307 Main Street, South Boston, Va. (9-16-66 to 9-2-67).

S. H. Heironimus Co., Inc., department store; 405 South Jefferson Street, Roanoke, Va.; 11-1-66 to 12-31-66.

A. B. Wyckoff, Inc., department store; 564 Main Street, Stroudsburg, Pa.; 9-20-66 to 9-19-67.

Wytheville Crest 5-10-25¢ Store, variety store; Wytheville, Va.; 9-12-66 to 8-31-67.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum of $1.25 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Blue Hills Super Market, food store; 2309 Tuttle Boulevard, Manhattan, Kans.; carry-out boy, checker, stocker, bottle boy; between 9.0 percent and 10 percent; 9-19-66 to 9-18-67.

W. T. Grant Co., variety stores: No. 993, Reisterstown, Md. (sales clerk, between 7.5 percent and 10 percent, 9-22-66 to 9-21-67); No. 1108, Richmond, Va. (sales clerk, stock clerk, office clerk, cashier; between 1.7 percent and 8.2 percent; 10-1-66 to 9-30-67).

S. S. Kresge Co., variety stores for the occupation of sales clerk except as otherwise indicated, from 10-1-66 to 9-30-67 except as otherwise indicated: No. 765, Birmingham, Ala. (between 3.0 percent and 10 percent, 10-4-66 to 10-3-67); 130 New Circle Road, Lexington, Ky. (between 6.1 percent and 10 percent, 11-19-66 to 11-18-67); No. 4091, Bay City, Mich. (10 percent for each month); 216 South Washington Avenue, Lansing, Mich. (10 percent for each month, 9-22-66 to 9-21-67); No. 4032, Greensburg, Pa. (between 4.0 percent and 10 percent); No. 422, New Castle, Pa. (between 4.3 percent and 10 percent); No. 4054, New Kensington, Pa. (between 6.5 percent and 10 percent); No. 4010, Pittsburgh, Pa. (between 6.5 percent and 10 percent, 10-6-66 to 10-5-67); No. 4009, Washington, Pa. (between 6.5 percent and 10 percent); No. 4043, Columbia, S.C. (marker, sales clerk, stock clerk, 10 percent for each month, 9-24-66 to 9-23-67); No. 4033, Knoxville, Tenn. (between 2.1 percent and 10 percent, 12-22-66 to 12-21-67); No. 741, Lubbock, Tex. (between 0.8 percent and 9.8 percent, 9-22-66 to 9-2-67); No. 4029, San Angelo, Tex. (between 7.2 percent and 10 percent); No. 716, San Antonio, Tex. (cashier, sales clerk, between 0.0 percent and 10 percent, 10-13-66 to 10-12-67); No. 4025, Tyler, Tex. (between 7.2 percent and 10 percent, 10-21-66 to 10-20-67); No. 4042, Fredericksburg, Va. (10 percent for each month); No. 4104, Roanoke, Va. (10 percent for each month, 11-1-66 to 10-31-67); No. 547, Springfield, Va. (10 percent for each month).

McCrory-McLellan-Green Stores, variety stores for the occupations of sales clerk, stock clerk, office clerk except as otherwise indicated, from 9-23-66 to 9-22-67: No. 340, Tarpon Springs, Fla. (between 6.2 percent and 10 percent); No. 391, Matteson, Ill. (between 7.4 percent and 10 percent); No. 390, Morton Grove, Ill. (between 7.4 percent and 10 percent); No. 364, Scranton, Pa. (sales clerk, stock clerk, between 6.0 percent and 10 percent); No. 333, Wyoming, Pa. (between 0.0 percent and 10 percent).

Minimax Super Market, food store; 1201 Strawberry Road, Pasadena, Tex.; bag boy, carry-out boy, stock boy, janitor; between 8.3 percent and 10 percent; 10-19-66 to 10-18-67.

Sunshine Department Store, department stores for the occupation of sales clerk, between 7.7 percent and 10 percent: 1241 Moreland Avenue SE., Atlanta, Ga. (10-7-66 to 10-6-67); 2824 Jonesboro Road, Forest Park, Ga. (10-1-66 to 9-30-67).

T. G. & Y. Stores Co., variety store; No. 248, Pine Bluff, Ark.; sales clerk, stock clerk; 10 percent for each month; 10-2-66 to 10-1-67.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Pursuant to the provisions of 29 CFR 519.9, any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 7th day of October 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66-11331; Filed, Oct. 18, 1966; 8:45 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalf's Manufacturing Co., 1009 Second Avenue, Sheldon, Iowa; 10-1-66 to 9-30-67; 10 learners (ladies' jeans).

H. Alter & Co., 311 Market Street, Kingston, Pa.; 9-22-66 to 9-21-67 (men's outerwear jackets).

The Arrow Co., Division of Cluett, Peabody & Co., Inc., 105 Mill Street, Corinth, N.Y.; 10-1-66 to 9-30-67 (men's dress shirts).

Branchville Shirt Co., Inc., 108 Carroll Street, Branchville, S.C.; 9-30-66 to 9-29-67 (men's work shirts and boys' sport shirts).

Bruce Co., Inc., 120 East 15th Street, Ottawa, Kans.; 9-28-66 to 9-27-67 (men's work clothing).

Carolina Lingerie Co., Inc., Yadkinville Highway, Mocksville, N.C.; 9-30-66 to 9-29-67 (men's pajamas and ladies' dresses).

Dunbrooke Shirt Co., El Dorado Springs, Mo.; 10-1-66 to 9-30-67 (men's sport shirts).

The Enro Shirt Co., Inc., 1008 West Sample Street, South Bend, Ind.; 9-23-66 to 9-22-67 (men's pajamas and shorts).

Form-O-Uth Brassiere Co., Inc., doing business as Marie Foundations, Box P, McLean, Tex.; 9-30-66 to 9-29-67 (brassieres and girdles).

Hopkinsville Clothing Manufacturing Co., Inc., Skyline Drive, Hopkinsville, Ky.; 10-1-66 to 9-30-67 (men's and boys' pants).

Jeansco, Inc., Canal and High Streets, Petersburg, Va.; 9-24-66 to 9-23-67 (boys' jeans).

Oshkosh B'Gosh, Inc., Columbia Division, Post Office Box 408, Columbia, Ky.; 9-24-66 to 9-23-67 (men's and boys' dungarees).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn.; 10-3-66 to 10-7-67 (men's pants, shirts, and work clothing).

Phillips-Van Heusen Corp., Fort Payne, Ala.; 9-21-66 to 9-20-67 (men's dress and sport shirts).

The Shirtmaster Co., Inc., 206 Barnette Street, Abbeville, S.C.; 10-3-66 to 10-2-67 (men's sport shirts).

Henry I. Siegel Co., Inc., Verona, Miss.; 9-24-66 to 9-23-67 (men's and boys' sport shirts).

Troytown Shirt Corp., Harmony Hill No. 3, North Mohawk Street, Cohoes, N.Y.; 10-1-66 to 9-30-67 (men's sport shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Dee-Mure Brassiere Co., Inc., Hamlin, W. Va.; 9-21-66 to 3-20-67; 20 learners (brassieres).

Edison Textiles, Inc., Edison, Ga.; 9-19-66 to 3-18-67; 20 learners (infants' and girls' panties, shorts, and slacks).

Hopkinsville Clothing Manufacturing Co., Inc., Skyline Drive, Hopkinsville, Ky.; 9-23-66 to 3-22-67; 70 learners (men's and boys' work pants).

Levi Strauss & Co., 802½ West Erwin Street, Tyler, Tex.; 9-22-66 to 3-21-67; 70 learners (men's and boys' jeans).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Boss Manufacturing Co., Greenville, Ala.; 9-27-66 to 9-26-67; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Monte Glove Co., Inc., Monte Lane, Maben, Miss., Pheba, Miss.; 10-7-66 to 10-6-67; 10 learners for normal labor turnover purposes (work gloves).

Monte Glove Co., Inc., Monte Lane, Maben, Miss., Pheba, Miss.; 9-24-66 to 9-23-67; 15 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Broadway Hosiery Mills, Inc., 53 Burton Street, Asheville, N.C.; 9-22-66 to 9-21-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Claussner Hosiery Co., Division of Joseph Bancroft & Sons Co., 28th and Adams Streets, Paducah, Ky.; 10-1-66 to 9-30-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Dothan Manufacturing Co., Dothan, Ala.; 9-30-66 to 9-29-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas and shorts).

Norwich Mills, Inc., Clayton, N.C.; 10-1-66 to 9-30-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' tee shirts and briefs).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Anasco Sports Co., Inc., Post Office Box 595, San German, P.R.; 9-6-66 to 1-31-67; 50 learners for plant expansion purposes in the occupation of handstitching of baseballs and softballs, for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 78 cents an hour for the remaining 160 hours (baseballs and softballs).

Consolidated Cigar Corp. of Cayey, Planta No. 21, Bo. Montallano—Apartado 937, Cayey, P.R.; 9-7-66 to 9-6-67; 114 learners for normal labor turnover purposes in the occupation of cigar making, packing, each for a learning period of 320 hours at the rates of 94 cents an hour for the first 160 hours and $1.04 an hour for the remaining 160 hours (cigars).

Exotica Foundations, Inc., Road No. 3, Km. 58.6, Post Office Box 672, Ceiba, P.R.; 9-1-66 to 2-28-67; 30 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 92 cents an hour (girdles).

Rico Glove, a division of Fownes Bros. & Co., Lincoln and Washington Streets, Post Office Box 1087, Cayey, P.R.; 9-15-66 to 9-14-67; 12 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours (gloves).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 7th day of October 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66-11332; Filed, Oct. 18, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 417]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 14, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 334) (Cancels Deviation No. 193), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed October 5, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From Cleveland, Ohio, over Interstate Highway 71 to Cincinnati, Ohio, with the following access routes between points on present service routes (1) from Cleveland, Ohio, over Ohio Highway 3 to junction Ohio Highway 82, thence over Ohio Highway 82 to junction Interstate Highway 71, (2) from Cleveland, Ohio, over Ohio Highway 94 to junction Ohio Highway 82, thence over Ohio Highway 82 to junction Interstate Highway 71, (3) from Medina, Ohio, over Ohio Highway 3 to junction Interstate Highway 71, (4) from Medina, Ohio, over Ohio Highway 18 to junction Interstate Highway 71, (5) from Akron, Ohio, over Ohio Highway 18 to junction Interstate Highway 71, (6) from Akron, Ohio, over Ohio Highway 261 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Interstate Highway 71, (7) from Medina, Ohio, over Ohio Highway 3 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Interstate Highway 71, (8) from Lodi, Ohio, over Ohio Highway 76 to junction Interstate Highway 71, (9) from Ashland, Ohio, over U.S. Highway 250 to junction Interstate Highway 71, (10) from Mansfield, Ohio, over U.S. Highway 30 to junction Interstate Highway 71, (11) from Mansfield, Ohio, over Ohio Highway 13 to junction Interstate Highway 71.

(12) From Mount Gilead, Ohio, over Ohio Highway 95 to junction Interstate Highway 71, (13) from Mount Gilead, Ohio, over Ohio Highway 61 to junction Interstate Highway 71, (14) from Delaware, Ohio, over U.S. Highway 36 to junction Interstate Highway 71, (15) from Columbus, Ohio, over city streets to junction Interstate Highway 71, (16) from Mount Sterling, Ohio, over U.S. Highway 62 and Ohio Highway 3 to junction Interstate Highway 71 (approximately 2 miles north of Harrisburg, Ohio), (17) from Washington Court House, Ohio, over U.S. Highway 35 to junction Interstate Highway 71, (18) from Wilmington, Ohio, over U.S. Highway 68 to junction Interstate Highway 71, (19) from Wilmington, Ohio, over Ohio Highway 73 to junction Interstate Highway 71, (20) from Lebanon, Ohio, over Ohio Highway 123 to junction Interstate Highway 71, (21) from Lebanon, Ohio, over Ohio Highway 48 to junction Interstate Highway 71, (22) from Cincinnati, Ohio, over Interstate Highway 75 to junction Interstate Highway 275, thence over Interstate Highway 275 to junction Interstate Highway 71, and (23) from Cincinnati, Ohio, over U.S. Highway 22 and Ohio Highway 3 to junction Interstate Highway 275, thence over Interstate Highway 275 to junction Interstate Highway 71, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Cincinnati, Ohio, over U.S. Highway 42 via Lebanon, Xenia, and London, Ohio, to Delaware, Ohio, (2) from Columbus, Ohio, over U.S. Highway 62 to Washington Court House, Ohio, thence over U.S. Highway 22 to Cincinnati, Ohio, (23) from Akron, Ohio, over Ohio Highway 5 to Wooster, Ohio, thence over Ohio Highway 3 to Columbus, Ohio, (4) from Cleveland, Ohio, over Ohio Highway 3 to Wooster, Ohio, (5) from Cleveland, Ohio, over U.S. Highway 42 to Delaware, Ohio, thence over U.S. Highway 23 to Columbus, Ohio, (6) from Cleveland, Ohio, over Ohio Highway 3 to junction Ohio Highway 94, thence over Ohio Highway 94 to junction Ohio Highway 5, and (17) from Sunbury, Ohio, over Ohio Highway 61 to Mount Gilead, Ohio, and return over the same routes.

No. MC 74761 (Deviation No. 3), TAMIAMI TRAIL TOURS, INC., 4305 21st Avenue, Tampa, Fla., filed October 5, 1966. Carrier's representative: James E. Wharton, Suite 506, First National Bank Building, Orlando, Fla. 32802. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From Gainesville, Fla., over Florida Highway 24 to junction Interstate Highway 75, thence over Interstate Highway 75 to Tampa, Fla., and (2) from Orlando, Fla., over Interstate Highway 4 to junction Interstate Highway 95, approximately 6 miles west of Daytona Beach, Fla., thence over Interstate Highway 95 to Jacksonville, Fla., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Tampa, Fla., over U.S. Highway 41 to Archer, Fla., thence over Florida Highway 24 to Gainesville, Fla., and (2) from Orlando, Fla., over U.S. Highway 17 via Sanford, Fla., to De Land, Fla., thence over Florida Highway 11 to Bunnell, Fla., thence over U.S. Highway 1 via St. Augustine, Fla., to Jacksonville, Fla., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11342; Filed, Oct. 18, 1966; 8:46 a.m.]

[Notice 978]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 14, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 61403 (Sub-No. 125) (republication), filed April 8, 1965, published FEDERAL REGISTER issue of April 28, 1965, and republished, this issue. Applicant: THE MASON AND DIXON TANK LINES, INC., Post Office Box 47, Eastman Road, Kingsport, Tenn. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. In the above-specified proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of inedible vegetable oils in bulk, in tank vehicles, from the plant, warehouse and storage facilities of Cargill, Inc., within the city limits of Chicago, Ill., to points in Alabama, Georgia, North Carolina, and South Carolina, limited to shipments of inedible vegetable oils which are moved in mixed loads with liquid chemicals in bulk, in tank vehicles, from Carpentersville, Ill. A decision and order of the Commission, Operating Rights Review Board No. 2, dated September 30, 1966, and served October 11, 1966, as amended, finds operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *inedible vegetable oils*, in bulk, in tank vehicles, when moving in mixed loads with liquid chemicals (presently authorized) from the plantsite and storage facilities of Cargill, Inc., at Chicago, Ill., to points in Alabama, Georgia, North Carolina, and South Carolina. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority as redescribed in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate containing such authority in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 118527 (Sub-No. 3) (Republication) filed March 1, 1965, published FEDERAL REGISTER issue of May 19, 1965, and republished, this issue. Applicant: SOURDOUGH EXPRESS, INC., 508 12th Avenue, Post Office Box 288, Fairbanks, Alaska. By application filed March 1, 1965, and amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in that part of Alaska bounded by a line beginning at the junction of the United States-Canada boundary line and Alaska Highway 2, at or near Boundary, Alaska, and extending north along the United States-Canada boundary line to its junction with the Yukon River, near Eagle, Alaska, thence north and west along the Yukon River to the confluence of the Yukon and Tanana Rivers at or near Tanana, Alaska, thence east along the Tanana River to the confluence of the Tanana and the Kantishna Rivers, thence south along the Kantishna River to Kantishna, Alaska, thence east along an unnumbered highway between Kantishna, Alaska, and Alaska Highway 3 to junction Alaska Highway 3, thence along Alaska Highway 3 to junction Alaska Highway 8, thence east along Alaska Highway 8 to Paxson, Alaska, thence along an imaginary line drawn in an easterly direction from Paxson to Slana, Alaska, located on Alaska Highway 1, thence easterly along an imaginary line to the point of beginning (presently authorized territory), on the one hand, and, on the other, Haines, Alaska, restricted to through traffic interlined at Haines, Alaska, with no local service on shipments originating at or destined to Haines, Alaska.

That through inadvertence the application was published in the FEDERAL REGISTER as one seeking to serve only a part of the territory actually sought and that by order of the Commission, Operating Rights Board No. 1, entered May 25, 1966, in the above-titled application, applicant was granted operating authority to provide the proposed service solely within the limited territory as noticed in the FEDERAL REGISTER publication. A supplemental order of the Commission, Operating Rights Board No. 1, dated August 31, 1966, and served October 7, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *household goods* as defined by the Commission, between points in Alaska except those east and south of an imaginary line constituting a southward extension of the international boundary line between the United States (Alaska) and Canada (Yukon Territory), on the one hand, and, on the other, Haines, Alaska, restricted against the transportation of shipments originating at or destined to Haines, Alaska; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 128210 (republication), filed May 12, 1966, published FEDERAL REGISTER issue of June 3, 1966, and republished, this issue. Applicant: MARLAND L. CHICK, Oak Street, Alfred, Maine. By application filed May 12, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of sugar and exempt commodities in the same vehicle at the same time, from Boston, Mass., to Sanford and Springvale, Maine, service to be under a continuing bilateral contract and restricted to one shipper, Kostis Fruit Co., Inc., Sanford, Maine, and further restricted to not exceed 3 tons of sugar per trip. An order of the Commission, Operating Rights Board No. 1, dated August 31, 1966, and served October 7, 1966, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *sugar*, and (2) *commodities* the transportation of which would otherwise be exempt from economic regulation pursuant to section 203(b)(6) of the act, in mixed loads with sugar, from Boston, Mass., to Sanford and Springvale, Maine, under a continuing contract with Kostis Fruit Co., Inc., of Sanford, Maine, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the In-

terstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITION

No. MC 107906 (Sub-No. 18) (Notice of Filing of Petition for Modification of Certificate) filed September 13, 1966. Petitioner: TRANSPORT MOTOR EXPRESS, INC., Meyer Road, Post Office Box 958, Fort Wayne, Ind. 46801. Petitioner's representative: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Petitioner states that it holds authority in MC 107906 (Sub-No. 18) to transport, among other things, *Classes A, B, and C explosives*, serving the site of the terminal of Roy Cartage Co., located on Caton Road approximately one-half mile west of Alternate U.S. Highway 66, North of the city limits of Joliet, Ill., as an off-route point in connection with carrier's regular-route operations between Chicago, Ill., and Terre Haute, Ind., authorized in said certificate, and restricted to the transportation of traffic received from or delivered to connecting common motor carriers. By the instant petition, petitioner seeks to modify the above portion of its certificate MC 107906 (Sub-No. 18), by allowing it to serve the site of Roy Cartage Co. at its new site for the interchange of explosives traffic, located at 2150 Moen Avenue, Rockdale, Ill., a suburb located adjacent to the city limits of the city of Joliet, Ill., and a point in the Joliet, Ill., commercial zone, in lieu of the site of its former terminal which has been closed as the result of an ordinance enacted by the city of Joliet. Any person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 33278 (Sub-No. 18), filed July 20, 1966. Applicant: LEE AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, St. Louis, Mo. 63102. Applicant's representative: G. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those of unusual value), over regular routes: (1) Between Farmington and St. Louis, Mo., over U.S. Highway 67, serving the intermediate points of Flat River, Bonne Terre, and Festus, Mo., (2) between Farmington and Ste. Genevieve, Mo., over Missouri Highway 32, serving all intermediate points, including the Alien Enemy Internment Camp at or near Weingarten, Mo., and points within 5 miles of said route as off-route points, except no service is authorized between Ste. Genevieve, Mo. and any point not located on or along the regular route between Farmington and Ste. Genevieve, Mo., (3) between St. Louis, Mo. and the Missouri-Arkansas State line; from St. Louis over U.S. Highway 61-67 to Festus, Mo., and thence over U.S. Highway 67 to the Missouri-Arkansas State line, and return over the same routes, serving the intermediate points of Arnold, Barnhart, Beck, Cantwell, Crystal City, Esther, Farmington, Festus, Halifax, Herculaneum, Imperial, Kimmswick, Luxemburg, Mattese, Mehlville, Pevely, St. Francois, Sulphur Springs, Valles Mines, Fredericktown, Mill Creek, Neelyville, Poplar Bluff, and Zion, Mo. and the off-route points of Bonne Terre, Desloge, Flat River, Libertyville, Mine La Motte, and Elvins, Mo., (4) between St. Louis, Mo. and the Missouri-Arkansas State line, over U.S. Highway 67.

(5) Between Doniphan, Mo., and junction U.S. Highways 160 and 167, over U.S. Highway 160, (6) between Doniphan, Mo., and Oxly, Mo., over Missouri Highway 142, (7) between Neelyville and Naylor, Mo., over Missouri Highway 142, (8) between Chaonia, Mo., and junction U.S. Highway 67 and unnumbered county highway, over unnumbered county highway, (9) between Williamsville, Mo., and junction U.S. Highway 67, over unnumbered county Supplementary Route "A", and return over the same routes in (4) through (9) above, serving all intermediate points between (1) Fairdealing, Poynor (off-route point), Oxly, Doniphan, St. Louis, and Poplar Bluff, Mo., (2) between St. Louis, Zion, Coldwater, Silva, Greenville, Taskee, Poplar Bluff, Harviell, Neelyville, Naylor, Williamsville, and Chaonia, Mo., and (3) between Zion, Coldwater, Silva, Greenville, Taskee, Poplar Bluff, Harviell, Neelyville, Naylor, Williamsville, and Chaonia, Mo., on the one hand, and, on the other, Fredericktown, Mine La Motte, Farmington, Elvins, Esther, Flat River, St. Francois, Desloge, Bonne Terre, Crystal City, and Festus, Mo., and (2) over irregular routes: (1) Between Neelyville and Poplar Bluff, Mo., on the one hand, and, on the other, Elvins, Fredericktown, Mill Creek, and Zion, Mo., (2) between Fredericktown and Zion, Mo., and (3) between St. Louis, Mo., on the one hand, and, on the other, Arnold, Barnhart, Beck, Bonne Terre, Cantwell, Crystal City, Desloge, Esther, Farmington, Festus, Flat River, Halifax, Herculaneum, Imperial, Kimmswick, Libertyville, Luxemburg, Mattese, Mehlville, Mine La Motte, Pevely, St. Francois, Sulphur Springs, and Valles Mines, Mo. NOTE: This application is a matter directly related to MC-F-9468, published FEDERAL REGISTER issue of July 20, 1966.

APPLICATIONS UNDER SECTIONS 5 AND 210(a) (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-8440 (Refrigerated Transport Co., Inc., of Florida—Purchase—Warren P. Kurtz), published in the May 29, 1963, issue of the FEDERAL REGISTER on page 5339, and substitution of REFRIGERATED TRANSPORT CO., INC. (ATLANTA, GA.), in lieu of REFRIGERATED TRANSPORT CO., INC., OF FLORIDA, as vendee, published in the November 23, 1963, issue of the FEDERAL REGISTER on page 12695. By amendment filed October 12, 1966, applicants, who after the hearing, changed ownership and LAMAR BEAUCHAMP, Post Office Box 1453, Winter Haven, Fla., joins in the application as the controlling stockholder of REFRIGERATED TRANSPORT CO., INC. (ATLANTA, GA.).

No. MC-F-9553. Authority sought for control by TRIMAC TRANSPORTATION LIMITED, 640 12th Avenue, S.W., Calgary, Alberta, Canada, of (1) H. M. TRIMBLE & SONS, LTD., 1510 40th Avenue, S.E., Calgary, Alberta, Canada; and (2) OIL AND INDUSTRY SUPPLIERS LTD., 400 Archibald Street, St. Boniface, Manitoba, Canada, and for acquisition by J. R. McCAIG, 2320 Sunset Avenue, Calgary, Alberta, Canada, R. W. McCAIG, 16 Turnbull Place, Regina, Saskatchewan, Canada, and M. W. McCAIG, 335 River Park, Moose Jaw, Saskatchewan, Canada, of control of H. M. TRIMBLE & SONS, LTD., and OIL AND INDUSTRY SUPPLIERS LTD., through the acquisition by TRIMAC TRANSPORTATION LIMITED. Applicants' representative: Randall Swanberg, 314 Montana Building, Post Office Box 2567, Great Falls, Mont. 59401. Operating rights sought to be controlled: (1) *Petroleum* and *petroleum products* (except liquefied petroleum gases), as defined in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from port of entry on the United States-Canada boundary line at or near Portal and Noonan, N. Dak., to points in North Dakota on and west of North Dakota Highway 3; *liquefied petroleum gases*, in bulk, in tank vehicles, from junction Alaska Highway 7 and the United States-Canada boundary line near Porcupine, Alaska, to Haines, Alaska, from junction Alaska Highway 2 and the United States-Canada boundary line, near Tok Junction, Alaska, to Fairbanks, Alaska; from the ports of entry on the United States-Canada boundary line located at or near Eastport, Idaho, and Metaline Falls, Wash., to Spokane, Wash., and Bonners Ferry, Coeur d' Alene, Sandpoint, and Wallace, Idaho, with restriction; from junction Alaska Highway 2 and the United States-Canada boundary line, near Tok Junction, Alaska, to Anchorage, Alaska; and *vermiculite ore*, in bulk, in tank vehicles, from points in Montana within 5 miles of Libby, Mont., to ports of entry on the United States-Canada boundary line at or near Roosville, Mont., and Eastport and Porthill, Idaho, with restriction; and

(2) *Soybean oil, edible animal fats, edible animal and vegetable oils, and blends thereof*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Belmond and Sioux City, Iowa, and South St. Paul, Minn., to the United States-Canada boundary line at the port of entry at or near Noyes, Minn.; *animal fats, oils, lards, tallows*, or *greases*, or *blends or combinations thereof*, in bulk, in tank vehicles, from Chicago (except that part of its commercial zone, as defined by the Commission, lying within Indiana), and Rochelle, Ill., Austin, Duluth, Minneapolis, and Worthington, Minn., Huron, Mitchell, and Sioux Falls, S. Dak., Cedar Rapids, Davenport (except that part of its commercial zone, as defined by the Commission, lying within Illinois), and Sioux City (except that part of its commercial zone, as defined by the Commission, lying within Nebraska), Iowa, and Madison, Wis., to the ports of entry on the United States-Canada boundary line located in Minnesota and North Dakota; and *molasses*, in bulk, in tank vehicles, from points in Dakota, Scott, Washington, Hennepin, and Ramsey Counties, Minn., and Pierce and St. Croix Counties, Wis., to the port of entry on the United States-Canada boundary line at or near Noyes, Minn., with restriction. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9554. Authority sought for merger into YELLOW TRANSIT FREIGHT LINES, INC., 92d Street at State Line Road, Kansas City, Mo. 64114, of the operating rights and property of WATSON-WILSON TRANSPORTATION SYSTEM, INC., 92d Street at State Line Road, Kansas City, Mo. 64114, and for acquisition by GEORGE E. POWELL, 801 West 64th Terrace, Kansas City, Mo., GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, Mo., and LESTER H. BRICKMAN, 6419 Belinder, Swanee Mission, Kans., of control of such rights and property through the transaction. Applicants' attorneys: Kenneth E. Midgley, 1500 Commerce Building, Kansas City, Mo. 64106, Homer S. Carpenter, 1111 E Street NW., Washington, D.C. 20004, and David Axelrod, 39 South La Salle, Chicago, Ill. 60603. Operating rights sought to be merged: General commodities, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Minnesota, Iowa, Missouri, Nebraska, Kansas, Illinois, Colorado, Indiana, Arizona, California, New Mexico, Wyoming, Oklahoma, Utah, Idaho, Montana, Oregon, Washington, Texas, Wisconsin, Tennessee, Georgia, South Carolina, and Kentucky, with certain restrictions, serving various intermediate and off-route points, numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC-70451 and Subs. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. YELLOW TRANSIT FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan, and Ohio. Application has not been filed for temporary authority under section 210a(b). NOTE: YELLOW TRANSIT FREIGHT LINES, INC., controls WATSON-WILSON TRANSPORTATION SYSTEM, INC., pursuant to authority granted May 5, 1966, in Docket No. MC-F-9030, by the Commission, Finance Board No. 1.

No. MC-F-9555. Authority sought for purchase by THE DAVIDSON TRANSFER & STORAGE CO., 6201 Pulaski Highway, Baltimore, Md. 21203, of a portion of the operating rights of KEYSTONE EXPRESS AND STORAGE COMPANY, INC., 1451 Manheim Pike, Lancaster, Pa., and for acquisition by JOSEPH DAVIDSON, B. D. DAVIDSON, J. I. DAVIDSON, and DAVID DAVIDSON, all also of Baltimore, Md., of control of such rights through the purchase. Applicants' attorneys: Homer S. Carpenter and John S. Fessenden, both of 618 Perpetual Building, Washington, D.C. 20004. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Lancaster, Pa., and Downingtown, Pa., serving all intermediate points and the off-route point of Churchtown. Vendee is authorized to operate as a *common carrier* in Maryland, New York, Delaware, New Jersey, Pennsylvania, Virginia, Massachusetts, Rhode Island, Maine, Connecticut, New Hampshire, Vermont, Ohio, Illinois, Indiana, Michigan, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Kentucky, Tennessee, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-11343; Filed, Oct. 18, 1966; 8:46 a.m.]

[Notice 980]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 14, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 25869 (Sub-No. 72), filed October 10, 1966. Applicant: NOLTE BROS. TRUCK LINE, INC., 2509 O Street, Omaha, Nebr. 68107. Applicant's representative: Duane W. Ackle, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (other than oilfield, and pipeline commodities as defined by the Commission), from Pueblo, Colo., to points in Illinois, Iowa, and Nebraska, restricted to traffic originating at the plant, mill, yards, and storage facilities of C.F. & I. Steel Corp. NOTE: Common control may be involved.

HEARING: October 24, 1966, at the New Courthouse and Federal Building, 1961 Stout Street, Denver, Colo., before Examiner Jerome K. Soffer.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-11344; Filed, Oct. 18, 1966; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 14, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. L-13587, filed June 21, 1966. Applicant: ANDREW J. GYULVESZI, doing business as LAKE CITY CARTAGE COMPANY, 20743 Van Born Road, Taylor, Mich. Applicant's representative: Robert K. Anderson, 22500 Orchard Lake Road, Farmington, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Diesel engines and diesel parts* for Circle Forwarders in Detroit to Perkins Diesel in Novi, Mich., and restricted to pickup and delivery on the same day from 4461 West Jefferson, Detroit, to 27575 Wixom Road, Wixom, Mich., as follows: Leaving the pier of Circle Forwarders at 4461 West Jefferson and proceeding down Jefferson Avenue to Livernois and north on Livernois to the I-96 Lansing Expressway and thence out the Expressway to the Wixom Road Ramp, thence south to the Perkins Plant. Both intrastate and interstate authority is sought.

HEARING: Tuesday, November 8, 1966, at the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., at 9:30 a.m. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11345; Filed, Oct. 18, 1966; 8:46 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 16, Amdt. 2]

ERIE-LACKAWANNA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Boxcar Distribution; Expiration Date

Upon further consideration of Pfahler's Car Distribution Direction No. 16 (Erie-Lackawanna Railroad Co.—Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 16 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 13, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., October 16, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 13, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-11346; Filed, Oct. 18, 1966; 8:46 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 15, Amdt. 2]

PENNSYLVANIA RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Boxcar Distribution; Expiration Date

Upon further consideration of Pfahler's Car Distribution Direction No. 15 (The Pennsylvania Railroad Co.—Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 15 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 13, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., October 16, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 13, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-11347; Filed, Oct. 18, 1966; 8:46 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 13, Amdt. 2]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Boxcar Distribution; Expiration Date

Upon further consideration of Pfahler's Car Distribution Direction No. 13 (Louisville and Nashville Railroad Co.—Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 13 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 13, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., October 16, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 13, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-11348; Filed, Oct 18, 1966; 8:46 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 14, Amdt. 2]

KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Boxcar Distribution; Expiration Date

Upon further consideration of Pfahler's Car Distribution Direction No. 14 (Kansas City Southern Railway Co.—Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 14 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 13, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., October 16, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 13, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-11349; Filed, Oct. 18, 1966; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 14, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40744—*Joint motor-rail rates—southwestern territory.* Filed by J. D. Hughett, agent (No. 86), for interested carriers. Rates on property moving on class and commodity rates, loaded in highway trailers and moving over joint routes of applicant rail and motor carriers, between points in Arkansas, Colorado, Oklahoma, Louisiana, Missouri, New Mexico, Texas, and Wyoming, also Memphis, Tenn., Natchez and Vicksburg, Miss.

Grounds for relief—Motortruck competition.

Tariff—Supplement 29 to J.D. Hughett, agent, tariff MF-ICC 404.

FSA No. 40745—*Frozen meats to North Atlantic Ports.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2865), for interested rail carriers. Rates on frozen fresh meats, frozen salted meats or frozen packinghouse products also frozen foodstuffs, in carloads, minima 60,000 and 90,000 pounds, from points in official (including Illinois) territory, excluding points in northern Illinois and southern Wisconsin, to Boston, Mass., Baltimore, Md., Albany and New York, N.Y., Philadelphia, Pa., Norfolk and Richmond, Va., and ports grouped therewith.

Grounds for relief—Rate relationship with domestic rates.

Tariff—Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-613.

FSA No. 40746—*Asphalt to Greenville, Miss.* Filed by O. W. South, Jr., agent (No. A4951), for interested rail carriers. Rates on asphalt (asphaltum), natural byproduct or petroleum (other than paint, stain, or varnish), in tank carloads, from Blakely, Ala., to Greenville, Miss.

Grounds for relief—Barge competition.

Tariff—Supplement 29 to Southern Freight Association, agent, tariff ICC S-479.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11350; Filed, Oct. 18, 1966; 8:47 a.m.]

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PART 2

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PART II

Department of Agriculture

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Agricultural Stabilization
and
Conservation Service



Processor Wheat Marketing
Certificate Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Republication of Regulations

The following republication of Part 777 of Title 7 of the Code of Federal Regulations is issued to include all amendments to date (29 F.R. 6271, 7983, 11642, 13471, 17086; 30 F.R. 5358, 8385, 9299; 31 F.R. 194, 4271, and 9111). This republication of Part 777 contains minor editorial corrections but does not include any substantive changes. The "Basis and Purpose" provisions which relate to the original issuance and various amendments to Part 777 can be found in the FEDERAL REGISTERS cited above.

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777.2 Administration.
777.3 Definitions.
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Appendix I—Instructions to Processors for Preparation of Wheat Transition Report Forms.

Appendix II—Instructions for Preparation of Processing Report—Weight of Wheat Basis.

Appendix III—Instructions for Preparation of Processing Report—Conversion Factor Basis.

Appendix IV—Instructions to Industrial Users for Preparation of Industrial Users Production Report and Claim for Refund Forms.

Appendix V—Instructions for Preparation of Industrial Users Production Report and Claim for Refund Forms (For Users Who Produce Nonfood Products Only).

AUTHORITY: The provisions of this Part 777 issued under secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178, and 79 Stat. 1202; 7 U.S.C. 1379 a–j.

§ 777.1 General.

The Agricultural Adjustment Act of 1938, as amended, provides that during any marketing year for which a marketing allocation program is in effect, all persons engaged in the processing of wheat into food products shall, with certain exceptions, prior to marketing any such food products or removing such food products for sale or consumption, acquire domestic wheat marketing certificates equivalent to the number of bushels of wheat contained in such products. The act also provides that upon the giving of a bond or other undertaking satisfactory to the Secretary of Agriculture to secure the purchase of and payment for such marketing certificates as may be required, and subject to such regulation as he may prescribe, any person required to have marketing certificates in order to market the food product may be permitted to market any such product without having acquired marketing certificates in advance. The regulations in this part contain the terms and conditions for implementing these and related requirements of law.

§ 777.2 Administration.

The regulations in this part will be administered by the Agricultural Stabilization and Conservation Service (hereinafter referred to as "ASCS") under the general supervision of the Administrator, ASCS. The Commodity Credit Corporation (hereinafter referred to as "CCC") will assist in carrying out the regulations through the sale and purchase of domestic certificates. Information pertaining to the regulations in this part may be obtained from the Director, Procurement and Sales Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 777.3 Definitions.

As used in the regulations in this part and in all instructions, forms, and documents pertaining hereto, the words and phrases defined in this section shall have the meaning assigned to them as follows, unless the context or subject matter otherwise requires:

(a) "Wheat" means wheat (regardless of whether produced in the United States), as defined in the Official Grain Standards of the United States or any wheat contained in any mixed grain or in any other mixture, which if not contained in such mixture would qualify as wheat under such standards.

(b) "Food product" means:

(1) Any product processed in whole or in part from wheat, irrespective of whether such product is actually used for human consumption, except such products as are defined herein as non-food products. Such food products shall, except as provided in paragraph (c)(3) of this section, include but not be limited to the following:

(i) Flour, as defined herein. (See §§ 777.18 and 777.19 for special provisions on flour second clears which are not used for human consumption.)

(ii) Wheat which is boiled, steeped, or commercially sprouted.

(iii) Any breakfast cereal.

(iv) Any beverage.

(v) Cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or such other similarly processed wheat as may be designated by the Administrator, except to the extent that the total product of the wheat processed is used in or marketed as animal feed or other nonfood product. To qualify as ground wheat not more than 70 percent of such total product shall pass through a No. 8 sieve, and not more than 30 percent of such total product shall pass through a No. 20 sieve.

(c) "Non-food product" means:

(1) Any of the following products when produced in a single plant from wheat, provided (i) none of the products obtained from the wheat used in the processing of such product is marketed, or removed from the plant for sale or consumption, as a food product, (ii) the product is not manufactured from only a part of the total flour streams obtained in the processing of patent flours, and (iii) the product is labeled or otherwise identified as a non-food product.

(a) Animal feed;

(b) Pet food and poultry feed;

(c) Adhesives and other industrial products unsuitable for human consumption;

(d) Any product marketed or removed from the plant for use as a component of the products listed in subdivisions (a), (b), or (c) of this subparagraph if such product is unsuitable for marketing as a food product because of ingredients added or other action taken during the total course of processing.

(2) Cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or other similarly processed wheat designated by the Administrator to the extent that the total product of the wheat processed is used in or marketed as animal feed or other non-food product specified in this paragraph.

(3) Any product which prior to marketing or removal for sale or consumption (whichever occurs first) is determined to be unfit for human consumption by the Food and Drug Administration or any agency of a State or local government, has not been rendered unfit for human consumption by deliberate action on the part of the processor and is destroyed or disposed of for animal feed or other non-food use; or any product processed from wheat determined to be unfit for human consumption by any such agency, if the product is destroyed or disposed of for animal feed or other non-food use.

(4) Any product, being manufactured as a food product which in the course of processing inadvertently, and not by design or deliberate action on the part of the processor, becomes unsuitable for marketing as the food product originally intended to be produced, provided such product and all other products obtained from the wheat are destroyed, or prior to marketing or removal from the plant (whichever occurs first) are unsuitable for marketing as a food product and are used in or marketed as animal feed or other non-food products specified in this paragraph.

(5) Such other products processed from wheat as the Administrator may determine to be non-food products.

(d) "Flour" means all flour (including flour clears) processed in whole or in part from wheat and shall include whole wheat or graham flour, Durum flour, malted wheat flour, stone ground flour, self-rising flour, semolina, farina and bulgur.

(e) "Person" means an individual, corporation, partnership, association, State, State agency, municipality or any other legal entity.

(f) "Food processor" means any person who processes wheat into a food product, irrespective of whether or not his principal business activity is that of a food processor. An individual who processes wheat in his own home for family use in his home is not a food processor.

(g) A "plant" or "processing plant" means collectively all processing units under one roof or located adjacent to each other except that (1) any such unit or units producing animal feed or other nonfood product exclusively shall be considered a separate plant, (2) any such unit or units processing durum wheat exclusively may be considered a separate plant, (3) any such unit in which beverage distilled spirits are placed in barrels for aging shall be considered a separate plant, (4) any such unit in which flour second clears are used in the manufacture of products which are not used for human consumption shall be considered a separate plant, and (5) any such unit in which cereal products are produced may be considered a separate plant.

(h) "United States" means all the States in the United States, the District of Columbia and Puerto Rico, including any Free Trade zones located therein.

(i) "Bushel" means 60 pounds of wheat, exclusive of dockage as defined in the Official Grain Standards of the United States or 60 pounds of wheat which is contained in mixed grain or in any mixture.

(j) "Domestic certificate" or "certificate" means a Form CCC–145, Wheat Marketing Certificate (domestic) issued by CCC, or a certificate credit established by CCC in its accounts in favor of a food processor for certificates purchased pursuant to these regulations.

(k) "Marketing year" means the twelve months beginning July 1, and ending June 30.

(l) "Director" means the Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, or his designee.

(m) "Commodity office" means the Kansas City ASCS Commodity Office, 8930 Ward Parkway, P.O. Box 205, Kansas City, Missouri 64141.

(n) "ASCS offices" means:

Evanston ASCS Commodity Office, ASCS–USDA, 2201 Howard Street, Evanston, Ill. 60202.

Kansas City ASCS Commodity Office, ASCS–USDA, 8930 Ward Parkway, Kansas City, Mo., Mailing Address: P.O. Box 205, Kansas City, Mo. 64141.

Portland Branch Office, 1218 Southwest Washington Street, Portland 5, Oreg.

Minneapolis Branch Office, Room 310, Grain Exchange Building, Minneapolis, Minn. 55415.

(o) "Administrator" means the Administrator, ASCS, or his designee.

(p) "GR–262" means "Announcement GR–262, Terms and Conditions of Contracts for the Acquisition of CCC wheat for Export as Wheat Flour", under which wheat is acquired from CCC for exportation in the form of flour pursuant to a barter transaction, or Export Credit Announcement GSM–1, or any other program under which CCC offers wheat at competitive world prices for export in the form of flour.

(q) "GR–346" means the regulations with respect to the "CCC Flour Export Program—Cash Payment, GR–346" (25 F.R. 5816, as amended, 25 F.R. 9939, 25 F.R. 10758, 27 F.R. 1753, 27 F.R. 4863, 27 F.R. 10351, 29 F.R. 4667 and any further amendments thereto) under which export payments may be made on flour exports at announced payment rates.

(r) "State or State Agency" means any of the fifty states in the United States, the District of Columbia and Puerto Rico, and any agency thereof.

(s) "Institution" means an organization operating primarily as a charitable or religious institution which provides assistance on a charitable or welfare basis to needy persons and which, for the purpose of these regulations, has been approved in writing by the Administrator as an institution to which the food processor may deliver food products for distribution by donation to needy persons without acquiring certificates, or if the institution is a food processor, which may remove food products from the plant for donation to needy persons without acquiring certificates. Any institution which wishes to apply for such approval shall submit a request in writing to the Administrator specifying its name and address, and describing its activities, including the purpose for which the food products will be used. Such institution must be recognized by the Internal Revenue Service as an institution to which contributions are deductible as charitable contributions for Federal income tax purposes under section 170 of the Internal Revenue Code (26 U.S.C. 170) as evidenced by the listing of such organization in the U.S. Treasury Department's Internal Revenue Service Publication No. 78, "Cumulative List of Organizations Described in Section 170(c) of the Internal Revenue Code of 1954," as revised and supplemented.

(t) [Reserved]

(u) "Flour second clears," means a coproduct of patent flours (including Durum patent flour) which is produced in a 72 percent extraction rate type of milling operation in the United States from wheat produced in the United States and which meets the requirements of this paragraph. Flour second clears produced from Soft Red Winter wheat or White wheat (except the subclass Hard White wheat) or from a mixture which includes at least 80 percent Soft Red Winter or White wheat (except Hard White wheat) shall have an ash content of 0.75 percent or more. Flour second clears produced from Durum wheat, or from a mixture which includes more than 20 percent Durum wheat, shall have an ash content of 1.25 percent or more. Flour second clears produced from any other class or other mixtures shall have an ash content of 1.0 percent or more. The ash content shall be calculated to 14 percent moisture basis. Flour second clears shall be a product of the initial milling process and shall not be a product reconstituted by the mixing or blending of the normal by-products of 72 percent extraction type flour milling operation such as mill run, bran, shorts, middlings or red dog.

(v) "Industrial user" means any person who uses flour second clears in the United States in the production of any products not used for human consumption.

(w) "Nonqualifying clears" means clears which do not comply with the requirements of paragraph (u) of this section.

(x) "Shrinkage" as used herein, means that loss in weight resulting from normal handling of wheat, including the loss in moisture content, which occurs after the wheat is weighed and unloaded into the plant (including the servicing elevator(s)) and until it is removed for milling (i.e. prior to cleaning and tempering) or other disposition. Shrinkage shall not include the loss of weight resulting from artificial drying, screening, or cleaning, nor shall it include any loss of weight to the extent it is offset by any residue which is recovered in the form of sweepings, bin cleanout, or in similar operations.

§ 777.4 Applicability of certificate requirements.

(a) *General.* Any food processor processing wheat into food products, as defined herein, in the United States on or after 12:01 a.m. local time, July 1, 1964, regardless of whether he has legal title to the wheat or the food products processed therefrom, shall for the wheat so processed acquire and surrender certificates to CCC at the time and in the manner hereinafter specified in these regulations. The cost of domestic certificates for the marketing year beginning July 1, 1964, shall be 70 cents per bushel except to the extent that the processor qualifies for transition certificates under § 777.6. The cost of domestic certificates for the marketing years beginning July 1, 1965, and July 1, 1966, shall be 75 cents per bushel.

(b) *Exemptions.* Notwithstanding the foregoing, certificates shall not be required in the circumstances specified in the following subparagraphs:

(1) *Farm-use exemption.* Certificates shall not be required for wheat which is processed into a food product for use on the farm where grown and not for sale or other disposition. To support such exemption, the processor shall, at the time of delivery of the food product, obtain a certificate from the producer, or his authorized agent, on Form CCC–148, Food Product Farm Use Certificate, to cover the quantity of food product delivered. The food processor shall exercise care to ascertain that the exemption is not claimed for a quantity of food products in excess of that actually required for use on the farm where produced. The food processor may without

acquiring certificates, deliver to the person from whom he obtained the certifi-

(6) *Wheat processed for donation.* Certificates shall not be required for

shall give notice of such change to the Director not later than the date he modi-

processing plant, and to which legal title is acquired by the processor during the

of wheat for which he wishes to qualify the following reports:

1964, sufficient stocks of wheat of the particular class to cover his entire stor-

acquiring certificates, deliver to the person from whom he obtained the certification on Form CCC–148, a quantity of the food product not in excess of the quantity of the product processed from a quantity of wheat equivalent to the wheat received by the processor from such person less any such wheat which is received by the processor in payment of processing charges. It is not necessary that the food product be processed from the identical wheat received.

(2) *Wheat processed in bond.* Certificates shall not be required for wheat produced outside the United States which moves into the United States under customs bond, which is processed into food products in a bonded manufacturing warehouse, and which is exported without having been withdrawn from bond for consumption in the United States. To obtain such exemption, the food processor shall obtain authenticated copies of customs Form 7521—a copy evidencing the entry of wheat into a bonded manufacturing warehouse and a copy evidencing the withdrawal from customs bond for export of the food product processed therefrom.

(3) [Reserved]

(4) *Processing by educational institutions or other persons for purposes of student training, experimentation, research, analysis or testing.* An educational institution or other person engaged in the processing of wheat at any installation primarily for the purpose of student training, experimentation, research, analysis or testing shall not be required to acquire and surrender certificates on any wheat processed at the installation into a food product for any such purpose if the food product is not marketed or removed for sale or consumption. Food processing reports need not be submitted nor records maintained with respect to wheat exempt under this subparagraph or food products processed therefrom.

(5) *Wheat produced by and processed for use by a State or State agency.* Certificates shall not be required for wheat produced by a State or agency thereof and processed beginning July 1, 1964, for use by the State or any agency thereof. To support such exemption, the processor shall at the time of delivery of the food product or at such other time as may be approved in writing by the Director, obtain a certification from an authorized official of the State or State agency on Form CCC–148–1, to cover the quantity of food product delivered. The food processor may, without acquiring certificates, deliver to the State or agency thereof from which he obtained the certification on Form CCC–148–1 a quantity of the food product processed from a quantity of wheat equivalent to the wheat received by the processor from the State or agency thereof less any such wheat which is received by the processor in payment of processing charges. It is not necessary that the food product be processed from the identical wheat received. Any State or State agency which processes exclusively wheat produced by such State or State agency solely for its own use is not required to submit food processing reports under § 777.12.

(6) *Wheat processed for donation.* Certificates shall not be required for wheat processed beginning July 1, 1964, into a food product for donation to needy persons under a welfare or charitable program operated by an approved institution (see § 777.3(s)). If the institution is not the food processor, to support such exemption, the food processor shall, at the time of delivery of the food product, or such other time as may be approved in writing by the Director, obtain from the institution a certification on Form CCC–148–2 to cover the quantity of food product delivered for donation. The food product upon which the claim for exemption is based shall not be disposed of by the institution other than for donation to needy persons. The provisions of this subparagraph do not apply to purchases by CCC for donation.

(7) *Wheat processed for noncommercial uses.* Certificates shall not be required for wheat processed for noncommercial uses as determined by the Administrator and specified in this paragraph. Any food processor who wishes to petition the Administrator to establish in the regulations an exemption for any such use shall submit to the Administrator the name and detailed description of the food product, the use which is to be made of the food product, the name and address of the person who will make such use, and any other information deemed relevant by the food processor and as may be required by the Administrator. The exemption shall apply to wheat used in the manufacture of food products for the following use: Wheat processed beginning July 1, 1964, into a food product for use by either the producer or a person to whom he has donated the food product outside the farm where the wheat was grown. To support the exemption provided for in this subparagraph (7), the processor shall at the time of delivery of the food product or at such other time as may be approved in writing by the Director, obtain a certificate from the user in such form as is approved by the Administrator covering the quantity of food product delivered and describing the use to be made of the food product.

§ 777.5 Registration of processors.

(a) *Time of registration.* Any person who processes wheat, either into a food product or nonfood product (except a person who processes wheat in his home solely for family use in his home and a person who processes wheat on a farm solely for use on such farm), shall register with the Director by making the report required by paragraph (b) of this section by May 30, 1964, or such later date as may be approved by the Director in writing. Any such person who begins such processing operations subsequent to May 30, 1964, and who is not registered, shall register not later than the date he commences operations or such later date as may be approved in writing by the Director for good cause shown. Any person who has registered with the Director and who modifies his operations, such as by opening or closing plants, or beginning to process food products, subsequent to the date of his registration, shall give notice of such change to the Director not later than the date he modifies his operations.

(b) *Method of registration.* A person who is required to register (hereinafter called "registrant") shall submit to the Director a report on Form CCC–146, Wheat Processor Registration and Report Form. Any person failing to submit such report is subject to criminal penalties. Blank forms may be obtained from the Director or from any ASCS office listed in paragraph (n) of § 777.3. A separate form in an original and three copies shall be prepared for each processing plant. The original and two copies, shall be submitted to the Director and one copy shall be retained by the registrant. The form shall include the following information: (1) Name of the registrant, (2) Central Office address, (3) plant address, (4) list of food products and non-food products processed at each plant, (5) request for any non-food product designation which the registrant may wish to make, (6) intention to participate or not to participate in transition procedure (see § 777.6), (7) such other information on the form as may be required by the Director.

(c) *Notification of registration by Director.* The Director will assign a primary registration number to the person and return one copy of the Form CCC–146 to him. If he operates more than one plant, he will be assigned a sub-number for each plant, such as Nos. 295–1, 295–2, 295–3, etc.

§ 777.6 Transition.

(a) *General.* It has been determined necessary to facilitate the transition from the 1963 program to the 1964 marketing allocation program by reducing the cost of domestic certificates from 70 cents per bushel to 18 cents per bushel on certain wheat produced and stored in the United States and processed into food products on and after July 1, 1964. Such reduced cost certificates shall hereinafter be referred to as "transition certificates".

(b) *Eligible persons.* Food processors who elect to apply for transition certificates and who comply with the requirements of this section shall be eligible to acquire transition certificates from CCC.

(c) *Quantity eligible for transition certificates.* (1) The quantity of wheat for which transition certificates may be acquired by a processor shall be computed separately for each processing plant for which the processor elects to qualify for transition certificates and separately for each class of wheat for which he elects to qualify for such certificates. Such quantity shall be:

(i) The quantity of old crop wheat (i.e., wheat of 1963 and prior crops) produced and stored in the United States to which the processor holds legal title as of midnight, May 23, 1964, and which has been assigned by the processor for use in the processing plant for which the computation is being made; plus

(ii) The quantity of wheat which the processor purchases from CCC for unrestricted use, which is not designated by CCC as non-storable, which is assigned by the processor for use in the processing plant, and to which legal title is acquired by the processor during the period commencing at 12:01 a.m. on May 24, 1964, and ending at midnight on June 30, 1964; minus

(iii) The quantity of wheat owned by the processor and processed by the processing plant during the period commencing at 12:01 a.m. on May 24, 1964, and ending at midnight on June 30, 1964, irrespective of when the wheat was acquired or whether the wheat processed is old or 1964 crop wheat; and minus

(iv) The quantity of all wheat assigned or intended for use in the processing plant (irrespective of when the wheat was acquired or whether the wheat was old or 1964 crop wheat) as to which there is a transfer of legal title to a buyer, or an intra-company transfer from the plant or reassignment for use other than in the processing plant or a delivery to a carrier for shipment from the United States during the period commencing at 12:01 a.m. on May 24, 1964, and ending at midnight on June 30, 1964.

(2) The processor shall not on or after July 1, 1964, use any wheat which was used as a basis for acquiring transition certificates to replace wheat exported between May 24, 1964 and July 1, 1964, so as to have used such wheat both for the purpose of establishing eligibility for transition certificates and for the purpose of facilitating certificate free exports prior to July 1, 1964. Any processor who violates the foregoing provision shall be considered not to have acted in good faith and shall be subject to the provisions of paragraph (h) of this section.

(3) For the purposes of this section, mixed wheat shall be deemed to consist of the classes of wheat which comprise the mixture. Cleaned wheat, irrespective of degree of cleaning or sizing, and any wheat in process with the berry remaining unbroken by processing (excluding boiled, pearled, steeped or commercially sprouted wheat) shall be eligible on the same basis as any other wheat for transition certificate purposes. For purposes of this section all time shall be local time.

(d) *Transition certificates.* Transition certificates shall be valid only to cover wheat processed into food products during the period July 1, 1964, through August 31, 1964, in the processing plant for which the certificates were issued, except that the Administrator may extend such period to the extent that it is established to his satisfaction that additional time is needed to use such transition certificates. Transition certificates may be used to cover wheat other than the class for which the processor qualified. The cost of such certificates shall be 18 cents per bushel. Transition certificates shall be issued by establishing certificate credits in favor of the processor in the accounts of CCC upon receipt by CCC of payment therefor.

(e) *Submission of reports.* (1) Any food processor who wishes to qualify for transition certificates must submit for each processing plant and for each class of wheat for which he wishes to qualify the following reports:

(i) Beginning Inventory Transition Report, Form CCC–152, together with supporting schedules, to be postmarked not later than June 26, 1964, or such later date as may be approved in writing by the Director for good cause shown.

(ii) Transition Operations Report, Form CCC–153, together with supporting schedules, to be postmarked not later than July 24, 1964, or such later date as may for good cause shown, be approved by the Director in writing. Forms and form preparation instructions may be obtained from the ASCS offices named in § 777.3(n). Completed forms shall be submitted to the Kansas City Commodity Office. Quantities shall be reported in bushels, excluding dockage. Completed forms shall contain all the information required on the forms and shall be prepared in accordance with instructions relating thereto.

(f) *Transition Records to be retained by food processor.* (1) Food processors shall establish and retain accurate records and documents to support the quantities of each class of wheat reported under this section. Separate records shall be established and documents retained for each processing plant. Documents to be retained shall include:

(i) Purchase and sale contracts, purchase and sale invoices, delivery documents, and any other documents necessary to establish legal title to the wheat and the date such title was acquired.

(ii) Bills of lading and related weight and inspection certificates for wheat in transit.

(iii) Records showing the determination of inventory of wheat in the elevator at the processing plant location servicing the processing plant and in the processing plant as of May 23, 1964, and June 30, 1964, including weight tickets representing a weigh-up of the wheat, or accurate measurements made of the wheat.

(iv) Documents evidencing the weight of wheat received in and withdrawn from the processing plant and the elevator at the processing plant location servicing the processing plant during the period from May 23, 1964, through June 30, 1964.

(v) Any other documents relating to the quantities of wheat reported.

(2) Representatives of the U.S. Department of Agriculture may examine such records and documents or the stocks of wheat in storage or in the processing plant at any time during normal business or working hours. Transition inventory records shall be retained until July 1, 1966.

(g) *Wheat stored in public warehouses and elevators.* If any wheat included in the Beginning Inventory Transition Report is stored in a public warehouse or elevator and such warehouse or elevator does not have either a Uniform Grain Storage Agreement with CCC, or is not licensed under the U.S. Warehouse Act, the processor must obtain a certification by the warehouseman that the warehouse receipts representing such wheat are outstanding, that he had on May 23, 1964, sufficient stocks of wheat of the particular class to cover his entire storage liability of such wheat, that he will maintain adequate stocks of the particular class of wheat to cover his storage liability so long as such warehouse receipts are outstanding, and that he will maintain accurate records of all wheat of the particular class received and withdrawn from storage during the period such warehouse receipts are outstanding. Such records shall be retained until July 1, 1966. Warehousemen shall furnish such certification upon request of food processors who establish ownership of outstanding warehouse receipts. Representatives of the U.S. Department of Agriculture may examine such warehouse records and the stocks of wheat in storage at any time during normal business hours of the warehousemen. Warehousemen who have a Uniform Grain Storage Agreement with CCC or are licensed under the U.S. Warehouse Act are obligated under such agreement or license to maintain adequate stocks of wheat to cover their storage liability and to maintain accurate records of wheat in storage.

(h) *Failure to act in good faith.* Any processor who is determined by the Administrator not to have acted in good faith in any report made under this section or in any transaction which serves as a basis for establishing the amount of wheat on which he is entitled to purchase transition certificates under this section, in addition to any other liability, may be denied, to the extent determined by the Administrator, the right to acquire, use, or retain the benefits of any transition certificates to which he might otherwise be entitled.

(i) *Hardship cases.* If, as a result of causes arising after May 23, 1964, beyond the control of a food processor and without his fault or negligence, including but not limited to acts of God, acts of the government, fire, flood, explosion, quarantine, and strikes, a food processor is unable to effectuate the transition in the manner contemplated by these regulations and thereby suffers an undue hardship, he may apply to the Administrator for relief from the requirements of any provision in this Part. Such application shall be in writing and supported by documentary evidence necessary to substantiate the basis on which the application is made. If, in the judgment of the Administrator, relief from the requirements of such provision is justified under all the circumstances of the case, he may issue transition certificates in such amount, valid to cover wheat processed during such period, or take such other action to facilitate the transition as may be authorized by section 379g of the Act, as he determines appropriate to provide relief from the hardship. This authority may not be redelegated.

§ 777.7 Refunds or credits for flour exports.

(a) *General.* In order to expand international trade in wheat and wheat flour and promote equitable and stable prices therefor, the Commodity Credit Cor-

poration shall upon the exportation from the United States of any wheat or wheat flour, make a refund to the exporter or allow him a credit against the amount payable by him for marketing certificates, in such amount as is determined will make United States wheat and wheat flour generally competitive in the world market, avoid disruption of world market prices, and fulfill the international obligations of the United States. Refunds shall be made through export payments under GR–346. If the amount of the export payment under GR–346 exceeds the cost of the certificates for the flour, a part of the export payment equal to the cost of such certificates shall constitute the refund. If the amount of the export payment does not exceed the cost of the certificates, the entire amount of the payment shall constitute the refund.

(b) *Exports under GR–262.* In the case of wheat acquired from CCC under GR–262 at competitive world prices for export in the form of flour, the exporter will be allowed a credit in the amount of the full cost of certificates required to be acquired and surrendered to CCC for the flour exported in fulfillment of the exporter's obligations under GR—262, or certificates for such amount will be issued to the exporter. When wheat is acquired from CCC under GR–262, CCC will establish a credit or issue certificates in such amount in the exporter's favor which may be transferred to the processor from whom the flour to be exported is acquired. If the exporter does not make exportation as required under GR–262, he shall pay to CCC promptly on demand the amount of the credit or the face value of the certificates applicable to the flour not so exported, together with interest at the rate of 6 percent per annum from the date such credit was established or certificates issued.

(c) *Exports of food products other than flour.* No refunds shall be made or credits allowed against the amount payable for certificates on the wheat used in processing any food products, other than flour as defined in § 777.3(d), which are exported.

§ 777.8 Penalties.

(a) *Violation of marketing restrictions—forfeitures.* Any person who beginning July 1, 1964, knowingly violates or attempts to violate or who knowingly participates or aids in the violation of any of the provisions of these regulations with regard to the acquisition of certificates prior to marketing any such food product or removing such food product for sale or consumption shall be subject to section 3791(a) of the Agricultural Adjustment Act of 1938 which provides for the forfeiture to the United States by such person of a sum equal to two times the face value of the certificates involved in such violation. Such forfeiture shall be recoverable in a civil action brought in the name of the United States.

(b) *Violation of marketing restrictions; failure to make reports or maintain records—criminal penalties.* Any person, except a producer in his capacity as a producer, who beginning July 1, 1964, knowingly violates or attempts to violate or who knowingly participates or aids in the violation of any provision of these regulations governing the acquisition, disposition, or handling of certificates or who knowingly fails to make any report or keep any record as required by these regulations shall be subject to the provisions of section 3791 (b) of the Agricultural Adjustment Act of 1938 which state that such person shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $5,000 for each violation.

(c) *Fraudulent use of marketing certificates.* Any person who falsely makes, issues, alters, forges or counterfeits any certificate, or with fraudulent intent possesses, transfers, or uses such falsely made, issued, altered, forged or counterfeited certificate, shall be subject to the provisions of section 3791(c) of the Agricultural Adjustment Act of 1938 which state that such person shall be deemed guilty of a felony and upon conviction thereof shall be subject to a fine of not more than ten thousands dollars or imprisonment of not more than ten years, or both.

§ 777.9 Semi-processed wheat.

Any food processor who processes wheat into cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or other similarly processed wheat as may be designated in § 777.3 (b)(1)(v) shall not market or remove such processed wheat for sale or consumption without acquiring certificates and surrendering certificates to CCC as provided in these regulations, unless the total product of the wheat processed is used in or marketed as a non-food product. Any person who acquires and further processes cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or similarly processed wheat into a food product (including by mixing with a food product or packaging for marketing as a food product) shall be considered a food processor except as otherwise provided in § 777.3(f). Such person shall acquire and surrender certificates and make reports as required by the regulations of this part on the cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or other similarly processed wheat used in the processing of the food product, unless prior to marketing the food product, or removing it for sale or consumption, he has obtained a certification from the person who produced the cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or similarly processed wheat that he has or will acquire and surrender certificates as required by these regulations. The person processing the cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or other similarly processed wheat into a food product shall maintain records of the quantities thereof processed into food products as required by § 777.15 and shall retain any certification obtained by him under the foregoing provisions of this section for a period of three years.

§ 777.10 Wheat Marketing Certificate (Domestic).

(a) *Description.* Wheat Marketing Certificates (Domestic), herein called "domestic certificates" or "certificates", shall be represented by Form CCC–145, Wheat Marketing Certificate (Domestic) issued by CCC, or a certificate credit established by CCC in favor of a food processor for certificates purchased from CCC pursuant to these regulations. Form CCC–145 is a serially numbered form entitled "Wheat Marketing Certificate." A Form CCC–145 domestic certificate will be identified as "domestic", will show date of issuance, bushel quantity, face value, name and address of person to whom issued, and the marketing year to which it applies, and will bear the signature of a representative of CCC authorized to sign certificates.

(b) *Sale by CCC.* CCC will sell certificates to food processors and others who offer to purchase certificates from CCC and who pay to CCC the face value of the certificates plus such interest as may be required by the regulations of this part. Offers to purchase certificates and payment therefor may be made at the Kansas City Commodity Office or may be made by deposit of funds to the credit of CCC at the Kansas City Federal Reserve Bank. If certificates are being purchased for wheat processed in a specific processing report period as provided in § 777.12, the food processor shall identify in his offer the processing report period to which the certificates are to be applied by indicating the beginning and ending report period dates and the processor number. Payment for certificates shall be deemed to have been made when payment is received at the Kansas City Commodity Office or the Kansas City Federal Reserve Bank, except that if payment is by mail and a date appears on the postmark, payment shall be deemed to have been made on the date which appears on the postmark. Form CCC–145 will be issued for certificates sold by CCC, except that in any case where certificates are purchased for wheat processed in a specific processing report period, CCC will establish a credit in favor of the food processor for the amount of the certificates purchased in lieu of issuing Form CCC–145.

(c) *Negotiability.* Form CCC–145 certificates may be transferred to any person by endorsement and delivery. A person acquiring certificates by transfer may surrender them to CCC to cover wheat processed into food products or may sell them to CCC.

(d) *Surrender of certificates to CCC.* Food processors shall discharge their obligation to surrender certificates to CCC by endorsing Form CCC—145 certificates and delivering them to CCC at the Kansas City Commodity Office or by making payment to CCC for certificates required for wheat processed into food products in a specific processing report period. Surrender of certificates to CCC shall be deemed to have been made at the time when payment is made for certification purchased or at the time delivery of Form CCC–145 certificates is made at the Kansas City Commodity Office. If Form CCC–145 certificates are received in the Kansas City Commodity Office by mail and a date appears on the postmark, delivery shall be deemed to have been made on the date which appears on the postmark. Certificates will be deemed to be cancelled by CCC upon their surrender to CCC.

(e) *Balance certificates.* If Form CCC–145 certificates delivered to the Kansas City Commodity Office have a face value in excess of the value of certificates required to be surrendered, CCC will issue Form CCC–145 certificates to the food processor for the unused balance.

(f) *Purchase by CCC.* Any valid Form CCC–145 certificates legally held by any person will be purchased by CCC at face value if presented for purchase to the Kansas City Commodity Office.

§ 777.11 Time and manner of acquiring and surrendering certificates.

(a) *General.* Food processors shall acquire certificates and surrender certificates to CCC as provided in paragraphs (b) and (c) of this section and in the manner specified in § 777.10. The number of certificates acquired by the food processor and surrendered to CCC shall be equivalent to the number of bushels of wheat used in processing the food products for which certificates must be acquired and surrendered. Such quantity of wheat shall be determined and reported to CCC as provided in §§ 777.12 to 777.14 on the basis of the weight of wheat used in processing the food products or by application of conversion factors to the weight of food products obtained in the processing operation.

(b) *Undertaking to secure purchase and payment.* Any food processor may market a food product or remove a food product for sale or consumption without first having acquired and surrendered certificates if he enters into the undertaking with CCC provided in this paragraph and complies with such undertaking. The undertaking shall be entered into by filing with the Kansas City ASCS Commodity Office a properly executed "Food Processor Certificate Undertaking," Form CCC–147. The undertaking shall apply to wheat processed into food products in each plant specified in Form CCC–147 beginning with the first day of the processing report period as determined under § 777.12 in which the undertaking was received by the Commodity Office, except that the undertaking shall apply to wheat processed beginning July 1, 1964, if the undertaking is received in the Commodity Office on or before August 25, 1964. If an undertaking has been filed, it shall remain in effect unless the food processor breaches the undertaking in which event it shall terminate at such time as provided in subparagraph (4) of this paragraph, or unless the food processor notifies CCC that he wishes to withdraw the undertaking in which event it shall expire at such time as may be determined by CCC. By filing Form CCC–147 with the Commodity Office, the food processor agrees, in consideration of the right to market food products and to remove food products for sale or consumption without having first acquired and surrendered certificates as follows:

(1) He will acquire certificates from CCC and surrender the certificates for the wheat processed into food products, as required under the regulations of this part on or before the 45th calendar day after the close of the processing report period during which the wheat was processed or such later date as may be approved by the Administrator for good cause shown by the food processor.

(2) If certificates are acquired and surrendered to CCC later than the 15th calendar day after the close of the processing report period during which the wheat was processed, the cost of the certificates acquired from CCC shall be the face value of the certificates plus interest at the rate of six percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates.

(3) If requested by the Administrator, the food processor will furnish a bond or letter of credit in such form and amount and within such period as may be specified by the Administrator to secure the food processor's obligations hereunder.

(4) The food processor's right to market food products and to remove food products for sale or consumption without first having acquired and surrendered certificates is conditioned on his complying with his obligations under the foregoing provisions of this undertaking. If the food processor breaches his undertaking, his right to market food products and to remove food products for sale or consumption without first acquiring and surrendering certificates shall be deemed terminated as of the first day of the reporting period with respect to which the breach occurred.

(c) *Purchase of certificates in absence of undertaking.* (1) Except as provided in paragraph (b) of this section, the food processor must acquire certificates and surrender such certificates to CCC on or before the 15th calendar day after the end of the processing report period, or such later date as may be approved in writing by the Administrator for good cause shown, for all food products sold and removed for sale or consumption from the processing plant, covered by the processing report, during the processing report period. The cost of certificates acquired from CCC shall be as provided in subparagraphs (2), (3), and (4) of this paragraph.

(2) The food processor may acquire certificates from CCC at face value to the extent that he acquires and surrenders certificates not later than the first day of each processing report period (as determined under § 777.12) to cover the estimated quantity of wheat to be used in the processing of food products during the first half of the report period. In addition, the food processor may acquire certificates from CCC at face value to the extent he acquires and surrenders certificates not later than the first day of the second half of each processing report period to cover the estimated quantity of wheat to be used in the processing of food products during the second half of the report period. If the quantity of wheat estimated to be used in the processing of food products during the processing report period was underestimated, additional certificates may be acquired from CCC at face value if acquired and surrendered to CCC on or before the last day of the report period.

(3) If the certificates acquired and surrendered as provided in subparagraph (2) of this paragraph are equal to 90 percent or more of the certificates required to cover the wheat used in processing food products during the report period, any additional certificates may be acquired from CCC at face value if acquired and surrendered to CCC not later than the 15th calendar day after the end of the processing report period, or such later date as may be approved in writing by the Administrator for good cause shown. The cost of any certificates purchased from CCC after such date to cover wheat used in processing the food products during the report period shall be the face value thereof plus interest at six percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates.

(4) If the certificates acquired and surrendered to CCC by the food processor as provided in subparagraph (2) of this paragraph are less than 90 percent of the certificates required to cover the wheat used in processing food products during the processing report period or if the food processor does not acquire and surrender certificates as provided in subparagraph (2) of this paragraph, the cost of any certificates purchased from CCC subsequent to the last day of the processing report period to cover the wheat used in processing food products during the processing report period will be the face value of the certificates plus interest at six percent per annum from the first day of the report period until the date of surrender of the certificates.

(d) *Wheat acquired from CCC for export as flour under GR–262.* The processor of any food products exported in fulfillment of an exporter's obligation to export under GR–262, shall surrender certificates to CCC on such food products as provided in the foregoing paragraphs of this section. A credit will be allowed or certificates issued to the exporter in the manner provided in § 777.7 for the full cost of certificates required to be acquired and surrendered to CCC on such flour.

(e) *Beverage distilled spirits.* In the case of a food processor who ages beverage distilled spirits which he has manufactured from wheat, the beverage distilled spirits are deemed to be re-

moved from the processing plant for consumption for the purpose of these regulations when the spirits are placed in barrels for aging. Certificates shall be acquired and surrendered as provided in paragraph (c) of this section in an amount equivalent to the number of bushels of wheat used on and after July 1, 1964, in processing the beverage distilled spirits, except that a food processor may age beverage distilled spirits manufactured by him from wheat without first having acquired and surrendered certificates if he enters into the undertaking with Commodity Credit Corporation provided in this paragraph and complies with such undertaking. The undertaking shall be entered into by filing with the Kansas City Commodity Office a properly executed "Food Processor Certificate Undertaking" Form CCC–147. The undertaking shall apply to wheat processed into beverage distilled spirits in each plant specified in such form beginning with the first day of the processing report period specified in the undertaking. By filing Form CCC–147 with the commodity office, the food processor agrees in consideration of the right to age beverage distilled spirits manufactured by him from wheat without having first acquired and surrendered certificates as follows:

(1) He will acquire certificates from Commodity Credit Corporation and surrender the certificates for the wheat processed into beverage distilled spirits and placed in a barrel for aging as required under this part, on or before the 45th calendar day after the end of the month in which such barrel of aged beverage distilled spirits is marketed or removed from the warehouse for sale or consumption or the spirits are removed from such barrel, whichever occurs first, or such later date as may be approved by the Administrator for good cause shown by the food processor. The number of certificates for the wheat used in manufacturing the beverage distilled spirits aged in each barrel shall be determined by dividing (i) the total quantity of wheat used by the processor in manufacturing all the beverage distilled spirits which are produced and placed in barrels for aging in the same marketing year as the particular barrel for which certificates are acquired, by (ii) the total number of barrels of beverage distilled spirits produced and placed in barrels for aging in such marketing year.

(2) If certificates are acquired and surrendered to Commodity Credit Corporation later than the 15th calendar day after the end of the month in which the barrel of aged beverage distilled spirits is marketed or removed from the warehouse for sale or consumption or the spirits are removed from such barrel, whichever occurs first, the cost of certificates acquired from Commodity Credit Corporation will be the face value of the certificates plus interest at the rate of 6 percent per annum starting on the day after such 15th calendar day until the date of surrender of the certificates.

(3) The food processor shall furnish a bond or letter of credit in such form and amount and within such period as may be specified by the Administrator to secure the food processor's obligations hereunder.

(4) The food processor's right to age beverage distilled spirits without first having acquired and surrendered certificates is conditioned on his complying with his obligations under the foregoing provisions of this undertaking. If the food processor breaches his undertaking, his right to age the spirits without first acquiring and surrendering certificates shall be deemed terminated as of the first day of the report period with respect to which the breach occurred.

(f) *Inapplicability of interest.* Interest charges under this section will not apply to the extent it is established to the satisfaction of the Administrator, ASCS, that a delay in the acquisition and surrender of certificates resulted from reliance in good faith upon action or advice of an authorized official of the Department. Any processor who wishes to apply for relief under this section shall submit a request in writing supported by documentary evidence necessary to substantiate the basis on which the application is made.

§ 777.12 Food processing reports.

(a) *General.* Processing reports shall be submitted to the Kansas City Commodity Office by each food processor as defined in § 777.3(f). Descriptions of the processing reports are set forth in §§ 777.13 and 777.14 and detailed instructions are provided in Appendices II and III.

(b) *Processing report period.* (1) The period of processing operations which a processing report shall cover shall be one of the following:

(i) Each calendar month.

(ii) 4 or 5 week periods in combination.

(iii) Each 4 weeks.

(iv) Effective commencing with the marketing year beginning July 1, 1965, each 6-month period in the case of a food processor whose certificate liability during the previous marketing year totalled 300 bushels of wheat or less. The first 6-month report shall cover the 6-month period beginning on 12:01 a.m., July 1, and ending at midnight December 31, and succeeding reports shall cover each 6-month period thereafter. CCC reserves the right to require any processor to report in the period prescribed in (i), (ii), or (iii) above.

(2) The food processor shall report to the Kansas City Commodity Office the processing report periods which he proposes using, by listing specific report periods ending dates for the entire marketing year. The list shall be submitted with Form CCC–147, "Food Processor Certificate Undertaking," if such an undertaking is made, otherwise, with the first processing report. If such list is not submitted, the food processor shall report on a calendar month basis.

(3) Once a processing report period has been established, it shall not be changed for any marketing year except with the approval of the Administrator in writing for good cause shown.

(4) The first report period for any marketing year shall begin on July 1 at 12:01 a.m. If a food processor elects to use a processing report period as provided in paragraph (b)(1) (ii) or (iii) the first report period shall end at such time short of 5 weeks as will make the second report coincide with the plant's established 4- or 5-week reporting period. The last report period for any marketing year shall end with the close of business on June 30. If the first period is less than 7 days, such period need not be reported separately, but may be included in the report for the first full 4- or 5-week period as applicable; similarly, if the last report period is less than 7 days it may be included in the last full 4- or 5-week period as applicable.

(5) If August 31, 1964 is not designated as a processing report period ending date and the processor is still eligible to acquire additional transition certificates which he wishes to acquire for use during the report period in which August 31, 1964 falls, he must submit an additional processing report as of August 31, 1964, or as of a date prior to August 31, 1964, at the election of the processor for the portion of the period in which he wishes to use the transition certificates.

(c) *Date of submittal.* The processing report shall be submitted not later than 15 days after the close of the processing report period (or such later date as may be approved by the Administrator for good cause shown by the food processor). If the report is mailed and a date appears on the postmark, the report shall be deemed to have been submitted on the date shown on the postmark.

(d) *Basis of reporting.* The weight of wheat basis of reporting prescribed in § 777.13 shall be used except that if conversion factors are provided in § 777.14 for all the food products processed in the plant (or approved combination of plants as provided in paragraph (e) of this section) covered by the report, the food processor may elect to use the food product conversion factor basis prescribed in § 777.14. The basis of reporting used in a food processor's first report in a marketing year, i.e., weight of wheat or conversion factor basis, shall be deemed to constitute his election to use such basis for the entire marketing year, and all subsequent reports for any marketing year shall be on such basis, unless the Administrator for good cause shown approves in writing a change of the basis of reporting.

(e) *Plant or plants.* Separate processing reports shall be submitted for each plant in which any wheat is processed into a food product, for each processing report period, with the exception that a food processor may apply to the Director in advance for approval of a combination of two or more plants or a division of the plant. Such approval will be given if such change better suits the inventory, operating or records systems applicable to such plants and if the change does not impair verification of

quantities processed. If such approval is given, the combination of plants will be assigned a new subnumber in the Director's notification of approval.

(f) *Number of report periods for which submitted.* A processing report shall be submitted for each report period beginning July 1, 1964, regardless of whether there was any wheat processed in the processing plant during the period.

(g) *Corrected processing reports.* If it is found that an incorrect processing report has been submitted to the commodity office, the food processor shall promptly prepare and submit a corrected processing report with the applicable beginning and ending dates for the period involved indicated thereon. A consolidated corrected report may, with the approval of the Director, be submitted to cover more than one processing report period. Such report shall be identified as a "Corrected Report" and transmitted with a letter of explanation. If the processor is entitled to a certificate refund, he shall indicate whether the amount of the refund should be paid to him or held for application to a subsequent report. If additional certificates are required, and such certificates are surrendered to CCC later than the 15th calendar day after the close of the processing report period in which the wheat was processed into the food products, the cost of any certificates acquired from CCC shall be the face value thereof plus interest at the rate of six percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates. Any food processor, who has made an incorrect processing report, corrected such report as provided in this section, and surrendered any additional certificates due with the corrected report, will not be subject to the forfeitures referred to in § 777.8 to the extent that the Administrator determines that the error in the report was due to an honest mistake and was not intentional or the result of gross negligence.

(h) *Reports from persons engaged in the processing of wheat primarily for student training, experimentation, research analysis or testing.* Notwithstanding the foregoing provision of this section, food processing reports are not required to be submitted with respect to any wheat processed at an installation by an educational institution or other person which processes wheat at the installation primarily for the purpose of student training, experimentation, research, analysis or testing during a processing report period if all the wheat processed during the period is exempt for the requirement for the acquisition of certificates under § 777.4(b)(4). If any wheat processed into food products during the report period is not so exempt, the food processor shall report on Form CCC–159 on a calendar month basis, the quantity of wheat processed into such food products. The name of such food products shall be entered on the form if not preprinted. If conversion factors are specified in § 777.14 for the food products not so exempt, the quantity of food products produced shall be entered in Item 7(a) the applicable conversion factor in Item 7(b), and the wheat equivalent in Item 7(c). If conversion factors are not so specified, the actual number of bushels used in the processing of the food products shall be entered in Item 7(c). Such person shall state in Item 8 "Wheat not exempt under § 777.4(b)(4) processed at an installation by a person engaged in the processing of wheat at such installation primarily for the purpose of student training, experimentation, research, analysis or testing." The remaining items of the report shall be completed in accordance with Appendix III.

(i) *Beverage distilled spirits.* In the case of a food processor who ages beverage distilled spirits manufactured by him from wheat, the first period of processing operations which a processing report shall cover shall be the period beginning July 1, 1964, and ending June 30, 1965. Thereafter, processing reports shall cover periods as provided in paragraph (b) of this section. In addition, a food processor who has submitted the undertaking provided in § 777.11(e) shall submit not later than the 15th calendar day after the end of the month in which each barrel of aged beverage distilled spirits is marketed or removed from the warehouse for sale or consumption or the spirits are removed from such barrel, whichever occurs first (or such later date as may be approved by the Administrator for good cause shown by the food processor), a report identifying the month in which this occurred, the serial number of the barrel in which such beverage distilled spirits were aged and the processing report period in which the beverage distilled spirits were produced from wheat.

§ 777.13 Weight of wheat basis of reporting.

(a) *General.* Food processors reporting the quantity of wheat processed into food products on the basis of the weight of wheat processed, shall complete Form CCC 160, Processing Report-Weight of Wheat Basis, for each reporting period in accordance with detailed instructions set forth in Appendix II of this part. Determinations of the weight of wheat processed into food products shall be made in the manner prescribed in Appendix II. No deductions may be made for any by-products of a food product obtained in the processing of the wheat.

(b) *Additional reports in absence of an undertaking.* Food processors purchasing certificates in accordance with § 777.11(c) shall supplement each Form CCC–160 with a statement showing: (1) The quantity (in cwt.) and name of food products processed in the reporting period covered by the form, (2) the quantity (in cwt.) and name of food products sold and removed for sale or consumption during such period, (3) the reporting period in which the food product(s) specified in Item (2) were processed, and (4) the wheat equivalent in bushels of such food product(s) calculated by using the actual conversion factor experienced in the reporting period in which processed (bushels of wheat processed into food products divided by cwt. of food products produced). The processor's Form CCC–160 for the first period not covered by an undertaking shall also include a statement showing the quantity of food products remaining in inventory from the previous reporting period(s) and the wheat equivalent of such product(s). For the purpose of determining the report period in which a food product was processed, sales and removals shall be applied to quantities processed on a first produced, first sold and removed basis. The face value of the certificates and the interest charges shall be shown separately on the report.

§ 777.14 Conversion factor basis of reporting.

(a) *Report form.* Food processors reporting the quantity of wheat processed into food products on the basis of the application of conversion factors to the weight of food products obtained in the processing operation (herein called "food product conversion factor basis") shall complete Form CCC–159, Processing Report-Conversion Factor Basis, for each reporting period.

(b) *Additional ingredients.* If the food product conversion factor basis of reporting is used to determine the quantity of the wheat processed, such quantity may be reduced by the weight of any additional ingredient included in the weight of the food products which was introduced during the course of processing. "Additional ingredient" for purposes of this paragraph means:

(1) Any flour and other food products including clears and malted wheat flour, which were produced prior to July 1, 1964, or for which certificates have previously been acquired and surrendered to CCC by the processor or for which certificates are required to be acquired and surrendered to CCC by another food processor from which the food product was purchased.

(2) Any nonwheat ingredient including, but not limited to malted barley flour, creta preparata, and self-rising components, but not including moisture used in the tempering of wheat or otherwise introduced in the production of the product.

(c) *Conversion factors.* For purposes of this section, the wheat equivalent of each food product named in column A shall be the number of bushels prescribed as the conversion factor for such product in column B.

A *Food product*	B *Bushels of wheat-equivalent per 100 pounds of product (conversion factor)*
Whole wheat flour or graham flour	1.700
Flour (including clears) derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction operation	2.900
Malted wheat flour	2.075
Semolina	2.283
Farina	2.283
Bulgur	1.916
Rolled wheat	1.800
Cracked wheat (wheat grits), ground wheat, or crushed wheat	1.700

A Food product	B Bushels of wheat-equivalent per 100 pounds of product (conversion factor)
Heavy bran, type A (extraction approximately 40 percent heavy bran and 50 percent flour)[1]	1.310
Heavy bran, type B (extraction approximately 57 percent heavy bran and 32 percent flour)[1]	1.640
Whole wheat cereal, including fines (extraction approximately 80 percent cereal and 13 percent fines)[2]	2.09
Wheat bits cereal, including fines (extraction approximately 68 percent cereal and 27 percent fines)[2]	2.44
Cracked wheat for cereal, including fines (extraction approximately 59 percent cracked wheat and 27 percent fines)[2]	2.80
Granular cereal (extraction approximately 22 percent Granular cereal and 53 percent flour)[2]	2.12
Popped wheat (manufactured from wheat that is soaked and then immersed in boiling oil)[3]	1.813

(d) *Other conversion factors.* (1) There shall be no conversion factors other than those prescribed in paragraph (c) of this section, except that any food processor may petition the Administrator to establish in the regulations a conversion factor for any additional food product or flour of other rates of extraction.

(2) Any person who wishes to petition for the establishment of a conversion factor for food products other than flour shall submit to the Administrator:

(i) The name and a detailed description of the food product, and

(ii) The conversion factor which is considered to be applicable. (Such factor is to be based upon the quantity of wheat, prior to cleaning, that is required to produce 100 pounds of the particular food product), and

(iii) Evidence to substantiate the recommended conversion factor.

(3) Any person who wishes to petition for the establishment of a conversion factor for flour of other rates of extraction shall submit to the Administrator the rate of extraction for which he desires the establishment of a conversion factor, and a statement to the effect that he mills flour of such rate of extraction.

(e) *Preparation of the report.* Instructions for the preparation of Forms CCC–159 are contained in Appendix III of this part.

(f) *Additional reports in absence of an undertaking.* Food processors who purchase certificates in accordance with section 777.11(c) shall supplement each Form CCC–159 with a statement showing (1) the quantity (in cwt.) and name of food products sold and removed for sale or consumption during the period covered by the form, (2) the quantity of wheat used in the production of such food products, (3) the conversion factor(s) used in making such determination, and (4) the reporting period in which the food products were processed. The processor's Form CCC–159 for the first period not covered by an undertaking shall include a statement, showing the product, and the wheat equivalent in bushels of the products in inventory at the beginning of the period. For the purpose of determining the report period in which a product was processed, sales and removals shall be applied to quantities processed on a first produced, first sold and removed basis. The face value of the certificates and the interest charges shall be shown separately on the report.

[1] The flour produced is subject to the regular conversion factor applicable to a 72 percent extraction operation.

[2] When certificates are acquired for these products based on the conversion factors specified, certificates will be deemed to have been acquired for the fines derived in connection therewith.

[3] Wheat equivalent of product is predicated on combined nonwheat ingredients equalling approximately 25.4 percent.

§ 777.15 Records.

Food processors shall establish and maintain for each processing plant or approved combination of plants accurate records and documents which are necessary (a) to determine the total quantity of wheat processed into food products based upon the weight of wheat used in processing food products as provided in § 777.13 and Appendix II or based upon the application of conversion factors to the weight of food products obtained in the processing operation as provided in § 777.14 and Appendix III, whichever is applicable and (b) to support all reports thereof made to the Kansas City Commodity Office. A food processor shall establish and maintain accurate records of all sales of food products and removals of food products for sale and consumption from the processing plant unless he elects to have all wheat processed during each reporting period considered as having been sold or removed for sale or consumption during such reporting period. The food processor's failure to maintain such records shall constitute his election to have wheat processed during each reporting period considered as having been sold or removed for sale or consumption during such reporting period. Representatives of the U.S. Department of Agriculture may examine the foregoing records and documents and the stocks of wheat and food products in storage or in the processing plant at any time during normal business or working hours. All such records shall be retained for a period of three years.

§ 777.16 Casualty losses.

CCC shall make a refund to the food processor or allow him a credit against the amount payable for certificates to the extent of the value of certificates acquired and surrendered to CCC on any food products which the food processor establishes to the satisfaction of the Administrator was destroyed or rendered unmarketable for use as a food product as a result of a fire, casualty, or act of God prior to sale or removal for sale or consumption (whichever occurs first).

CCC shall make refund to an industrial user to the extent of the value of certificates acquired and surrendered on wheat used in producing flour second clears when it is established to the satisfaction of the Administrator that flour second clears acquired by the industrial user were destroyed or rendered unfit for human consumption as a result of a fire, casualty, or act of God.

§ 777.17 Payments in dispute.

The making of a payment to CCC for certificates, or the surrender of certificates to CCC by a food processor, or the making of an undertaking by the processor pursuant to § 777.11, shall not deprive the food processor of any right which he might otherwise have to assert a claim in the event of a dispute as to the number of certificates, if any, required to be acquired and surrendered by him to CCC or as to the refunds or credits against the cost of certificates to which he or the exporter of flour is entitled on flour exported.

§ 777.18 Food processors manufacturing flour second clears.

(a) *General.* The food processor is required to purchase and surrender certificates for the wheat used in processing flour second clears in accordance with the other provisions of these regulations. Refunds of the cost of such certificates shall be made only to industrial users of flour second clears as provided in § 777.19. The processor shall upon request from the buyer, distributor, or other transferee of flour second clears execute and furnish a Form CCC–165, Processor Certification, Flour Second Clears, to establish that the flour second clears produced by him and sold to the buyer meet the definition of flour second clears. A separate invoice and a separate Form CCC–165 is required for each separate railroad car, truckload, or other applicable shipment unit of flour second clears. The processor shall issue only one original Form CCC–165 for each such unit.

(b) *Blending by the processor.* A processor may blend together quantities of flour second clears produced by him (including quantities of flour second clears produced from different classes of wheat and quantities of flour second clears produced in two or more plants) without the blended lot thereby becoming ineligible for refund. If the processor blends flour second clears with either nonqualifying clears, other types of flour or any other ingredient, or if the processor blends flour second clears produced by him with flour second clears produced by a different processor, the entire blended quantity shall be ineligible for refund unless the blending is accomplished in a plant in which the processor, acting as an industrial user, uses the blended lot in the production of a product not used for human consumption. The processor shall issue only one original Form CCC–165 for each shipment unit of blended flour second clears. If the blend is constituted in whole or in part of flour second clears produced by the processor in a different plant than the plant in which the blending is accomplished, a separate Form CCC–165 must be issued by each plant from which the flour second clears were transferred and such Form must be retained in the records of the plant in which the blending is accomplished to identify the use of such flour second clears in the blend.

(c) *Records.* The processor shall retain a copy of all Forms CCC–165, laboratory reports, and mill records which identify production runs in which the flour second clears were processed (including, among other things, date of processing, lot number, and type of wheat processed) and blended (if applicable) and which can be identified to the flour second clears covered by a specific certification. In the case of blended flour second clears, it is necessary that (1) all the flour second clears used in the blend be sampled and analyzed at the processor's plant where the flour second clears were produced prior to the blending, and (2) the records reflect the quantity of each type of flour second clears used in the blend. The forms and records required of processors of flour second clears shall be retained and be subject to examination as provided in § 777.15.

§ 777.19 Industrial users of flour second clears.

(a) *General.* Refunds of the certificate cost for wheat used in processing flour second clears shall be made to industrial users who use the flour second clears in producing products not used for human consumption as provided in this section. The refund shall be based on the hundredweight of flour second clears used to produce a product not for human consumption, determined as provided in paragraph (h) of this section, multiplied by the refund rate determined as provided in paragraph (e) of this section.

(b) *Registration of industrial users of flour second clears.*—(1) *Requirement.* Refunds will be paid only to industrial users registered with the Director.

(2) *Method of registration.* Industrial users who wish to register shall submit to the Director, Form CCC–149, Industrial User Registration Form, in an original and two copies. Each plant must be registered separately. Forms may be obtained from either the Director or the Kansas City Commodity Office.

(3) *Notification of registration by the Director.* The Director will assign an industrial user number and return one copy of the Form CCC–149 to notify the industrial user that he is registered and of the number assigned to his plant.

(c) *Reports and claims for refund.* The industrial user shall submit claims for refund to the Commodity Office on Form CCC–161, Industrial Users Production Report and Claim for Refund, except that industrial users producing nonfood products only from flour second clears and nonqualifying clears may submit claims for any reporting period described in paragraph (d) of this section in which such production occurred on Form CCC–161–1, Industrial Users Production Report and Claim for Refund (for users who produce nonfood products only). These forms shall be used by the industrial user to report all products manufactured from flour second clears and nonqualifying clears in a plant during a reporting period. Production reports on Form CCC–161 or Form CCC–161–1 must be submitted for each reporting period after the period covered by the first claim for refund even though the period may not involve a claim for refund. Payment will not be made of any claim until the Commodity Office has received from the industrial user Forms CCC–161 or Forms CCC–161–1 covering all prior reporting periods for which the user must file a report. Where reference is made to Form CCC–161 in this section (except in paragraph (h)(3)), it shall also be deemed to refer to Form CCC–161–1.

(d) *Reporting periods.* (1) The period of processing operations which Form(s) CCC–161 must cover shall be one of the following:

(i) Each calendar or fiscal month,

(ii) Each 4- or 5-week period in combination, or

(iii) Each 4 weeks.

(2) The first report shall cover the first processing report period beginning on or after 12:01 a.m., January 1, 1966, for which the industrial user wishes to file a claim for refund. If an industrial user elects to use a reporting period other than the calendar month, the first reporting period shall end at such time short of 5 weeks as will make the second report coincide with the established fiscal month or 4- or 5-week reporting period.

(3) The industrial user of flour second clears shall report to the Commodity Office the reporting periods which he proposes using, by listing specific reporting period ending dates for the entire marketing year. If such list is not submitted, the industrial user shall report on a calendar month basis.

(4) Once a reporting period has been established, it shall not be changed except with the approval of the Administrator in writing for good cause shown.

(e) *Refund rate.* The refund rate shall be determined on the basis of the conversion factor 2.283 multiplied by the applicable certificate cost rounded to the nearest cent; i.e., $1.71 per cwt. for the marketing years beginning July 1, 1965, and July 1, 1966.

(f)(1) *Basis for claiming refund.* Refund of certificate costs may be claimed on flour second clears as provided in this section if the flour second clears were received into the industrial user's plant on and after January 1, 1966, and were either sold by the processor (i.e. title was transferred) or shipped from the processor's plant on or after November 3, 1965. The industrial user may claim the refund only after the flour second clears are used in or manufactured into products which can only be used for other than human consumption or at such time as the nonfood use of the products manufactured has been established by labeling, by identification on the invoice of a product sold or removed from the plant in bulk, or by use.

(2) If a product produced from flour second clears for which an industrial user has received a refund is diverted to food use, the industrial user shall file a corrected Form CCC–161 and reimburse CCC in the amount of the overpayment of refund plus interest at 6 percent per annum starting on the date of the CCC sight draft by which refund was made to the date of payment to CCC.

(g) *Invoicing requirement.* Industrial user's invoices covering a product(s) produced from flour second clears on which a refund is requested and which can be utilized as either food or nonfood must include the statement: "This product is not for human consumption."

(h) *Determination of quantity of flour second clears not used for human consumption.* The quantity of flour second clears eligible for a refund shall be determined as provided in this paragraph, unless otherwise specified in these regulations.

(1) If during a reporting period an industrial user produces only products not used for human consumption and uses flour second clears either alone or in combination with nonqualifying clears or other ingredients in such production, the quantity of flour second clears eligible for a refund shall be the total number of hundredweight of flour second clears so used.

(2) If, during a reporting period, an industrial user produces both products not used for human consumption and products used for human consumption and uses flour second clears either alone or in combination with nonqualifying clears or other ingredients in such production, the quantity of flour second clears eligible for a refund shall be determined by prorating the flour second clears used between the products produced for human consumption and the products produced for other than human consumption.

(3) If any processing involving flour second clears, nonqualifying clears or other ingredients, either alone or in combination with one another is accomplished separately from any other processing, and such separate processing is supported (in a manner satisfactory to the Administrator) by production records which identify the products to the materials used in such separate processing operation, the industrial user may report the production from such processing operation separately on Form CCC–161. (If the processing involves only other ingredients and no flour second clears or nonqualifying clears are used, such processing need not be reported.) Any period in which such separate processing operation is accomplished is referred to as a "production period" on Form CCC–161. If separate processing is claimed for any period when in fact there was not a physical separation in the production line, from the preceding and succeeding periods, of materials used and products produced, the entire claim is invalid and the industrial user submitting such claim may be subject to penalties under Federal civil and criminal statutes.

(i) *Records.* In submitting Form CCC–161 for a refund, the industrial user agrees:

(1) That he shall maintain accurate records and documents which support the information shown on Form CCC–

public or private) at the processing plant the processor and was stored as of May 23, measurement of the wheat stored. Deduct

161 and establish that he is eligible for a refund as claimed. Documents necessary shall include, among other things, Forms CCC-165 received from the processor who produced the flour second clears or Forms CCC-165-1 received from the distributor of the flour second clears which establish that the flour second clears on which a refund is requested meet the requirements of the definition as provided in § 777.3(u), production records which show the quantity of clears utilized and products produced therefrom, and records which establish that the products obtained from the flour second clears for which a refund is claimed were not used for human consumption or were disposed of other than for human consumption.

(2) That representatives of the USDA may examine such records and documents at any time during normal business or working hours.

(3) That all refunds by CCC are subject to verification that the flour second clears for which such refunds are made were produced into products not used for human consumption.

(4) That all such records and documents shall be retained for a period of 3 years.

(j) *Corrected claims for refund.* If an incorrect Form CCC-161 has been submitted to the Commodity Office, the industrial user shall promptly prepare and submit a corrected Form CCC-161. Such report shall be identified by the original report number and transmitted with a letter of explanation. If the industrial user is entitled to additional refund, payment will be made by the Commodity Office. If an amount is due CCC, the industrial user shall include with the corrected report payment of the amount due CCC, plus interest at 6 percent per annum starting on the date of the CCC sight draft by which the excess refund was made to the date of payment to CCC.

(k) *Performance security.* If requested by the Administrator, the industrial user shall furnish a bond or letter of credit in such form and amount as may be specified by the Administrator to protect the Department from any damages resulting from action by the industrial user.

(l) *Blended flour second clears.* A blended quantity of flour second clears acquired by the industrial user shall be ineligible for refund if:

(1) The quantity had been blended by the processor from flour second clears and nonqualifying clears or any other ingredient;

(2) The quantity had been blended by the processor from flour second clears produced by him and flour second clears produced by another processor; or

(3) The quantity had been blended by a distributor or any person other than the processor of the flour second clears. A blended quantity of flour second clears acquired by the industrial user may qualify for a refund if the quantity had been blended by the processor only from flour second clears produced by him (including flour second clears produced from different classes of wheat or in two or more plants) and if there otherwise has been compliance with the requirements of these regulations. The industrial user may also blend flour second clears in a plant in which the clears are used in the production of a product not for human consumption. An industrial user who acquires blended flour second clears should exercise care that the blend acquired by him is in compliance with the provisions of this paragraph.

§ 777.20 Sales of flour second clears by distributors.

(a) *General.* If flour second clears are sold to an industrial user by a distributor, broker, or agent (herein referred to as a distributor) and the distributor elects not to furnish the industrial user with the Form CCC-165 issued by the processor, the industrial user may qualify for a refund on such clears only if the industrial user has obtained in lieu thereof a Form CCC-165-1 properly executed by a distributor who is registered with the Director.

(b) *Time of registration.* A distributor must be registered prior to issuing to an industrial user any Form CCC-165-1 which is used to support a claim for refund.

(c) *Method of registration.* A distributor who wishes to be registered must submit an application to the Director in writing that he wishes approval to issue to buyers of flour second clears properly executed Forms CCC-165-1 which may be used in lieu of Form CCC-165 as a basis for a claim for refund.

(d) *Conditions for registration.* The distributor shall agree in his application for registration:

(1) That he will properly execute Forms CCC-165-1 and shall maintain accurate records and documents (including Forms CCC-165 and a copy of each related Form(s) CCC-165-1) which verify that the flour second clears shipped to an industrial user for which a Form CCC-165-1 was issued are the flour second clears which he had received supported by a Form CCC-165.

(2) That any pertinent records and documents will be retained for a period of 3 years and that representatives of USDA may examine them at any time during normal business or working hours.

(3) That he will, if requested by the Administrator, furnish a bond or letter of credit in such form and amount as may be specified by the Administrator to protect the Department from any damages that may result from action by the distributor.

(e) *Notification of registration by the Director.* The Director will assign a distributor registration number and notify the distributor in writing that he is registered and give the number assigned to him unless it is determined that to permit such distributor to be registered is not in the best interest of the United States.

(f) *Blending.* If flour second clears supported by more than one Form CCC-165 are blended together or if flour second clears are blended with nonqualifying clears or any other ingredient by the distributor, the entire blended lot shall be ineligible for refund.

Appendix I—Instructions to Processors for Preparation of Wheat Transition Report Forms

1. Food Processors who wish to qualify for transition certificates with respect to wheat must submit a Beginning Inventory Transition Report as of May 23, 1964, Form CCC-152 together with supporting schedules (Forms CCC-152-1, 2 and 3) to the Kansas City Commodity Office postmarked not later than May 30, 1964, or such later date as may be approved in writing by the Director for good cause. Blank forms may be obtained from any ASCS office indicated in Section 777.3(n) of the regulations and may be reproduced by the processor, if necessary. Prepare separate reports and schedules for each processing plant and for each class of wheat. Mixed wheat shall be deemed to be comprised of the classes included in the mixture. Show classes and percentages in the mixture and report quantity under applicable class. Report quantities assigned to each processing plant in net bushels. Dockage based on official inspection certificates must be deducted. 1964 crop wheat in the food processor's owned inventory on May 23, 1964, is not eligible for transition certificates and must not be included in the report. Complete the forms as follows:

A. List on Form CCC-152-1 stocks of wheat owned by the processor and stored in public elevators on midnight May 23, 1964. Prepare a separate form for each elevator. (Do not include stocks of wheat stored in a public elevator at the processing plant location servicing the processing plant.) Include only stocks of wheat received in the elevator on or before May 23, 1964, and assigned for use in the processing plant. Do not include wheat removed from elevators on or before May 23, 1964. Enter name and address of elevator and UGSA code or U.S. Warehouse Act License Number, warehouse receipt number, name of person to whom issued, and net bushels. If the wheat is stored in an elevator owned by the processor and a warehouse receipt has not been issued, enter "unreceipted" in the space provided for warehouse receipt number. If any wheat is stored in a public elevator which does not have a Uniform Grain Storage Agreement or is not licensed under the U.S. Warehouse Act, obtain the following warehouseman's certification on each such form:

"I hereby certify that: (1) the above listed warehouse receipts included in the food processor's transition inventory as of May 23, 1964, are outstanding, (2) I had on that date sufficient stocks of wheat of the particular class to cover my entire storage liability for such wheat, (3) I will maintain adequate stocks of the particular class of wheat to cover my entire storage liability so long as such warehouse receipts are outstanding, (4) I will maintain accurate records of all wheat of the particular class received and withdrawn from storage during the period such warehouse receipts are outstanding, and (5) I will retain such records until July 1, 1966."

B. List on Form CCC-152-2 stocks of owned wheat in transit on May 23, 1964, and assigned for use in the processing plant. Include stocks of wheat placed in transit on or before May 23, 1964, which are unloaded after May 23, 1964. Enter car number or other carrier identification, delivering carrier, unload location and net bushels. If official weights are not available, enter estimated weights and submit a corrected report when official unload weights or settlement weights are available.

C. List on Form CCC-152-3, stocks of owned wheat stored in the elevator (whether public or private) at the processing plant location which services the processing plant and stocks in the processing plant. Include only stocks of wheat received in the elevators on or before May 23, 1964. Do not include wheat removed or transferred from the elevators on or before May 23, 1964. Also list on Form 152-3 the stocks of wheat stored in the processing plant or in process on May 23, 1964, which remains in its whole form and has not been pearled, boiled, steeped or commercially sprouted. The quantity of such wheat shall be determined by weigh-up or by accurate measurement of the wheat stored in bins or tanks less the storage liability for any wheat stored for others and less any 1964 crop wheat owned by the processor and stored at the processing plant location. Enter in the space provided on the form the identification (name, number or location) of the elevator, warehouse, building, processing plant, etc. where the stocks are stored and the net bushels. If dockage was not officially determined, enter gross buahels. Enter the total quantity in storage and deduct the storage liability to others, if any.

D. Enter the total quantities shown on Forms CCC-152-1, 2 and 3 in the related spaces on Form CCC-152. If any wheat owned by the processor and assigned for use in the processing plant is stored at other locations, enter the total net bushels in Item 4. Attach a statement in duplicate showing from whom the wheat was purchased, date title was acquired, complete description as to where the wheat is stored, in whose custody the wheat is stored and any other pertinent information. Enter the grand total in Item 5. The certificate shall be executed and dated by an authorized official of the food processor. Enter your processing plant code in the space provided, if such code is available. Submit the original and one copy of Forms CCC-152, 152-1, 2 and 3. Retain a copy in your files.

2. Food Processors who wish to qualify for transition certificates must also submit to the Kansas City Commodity Office, postmarked not later than July 15, 1964, or such later date as may be approved in writing by the Director for good cause shown, Transition Operations Report as of June 30, 1964, Form CCC-153, together with supporting schedule (Form CCC-152-3) and schedule of any purchases from CCC assigned for use in the processing plant. Prepare separate reports and schedules for each processing plant and for each class of wheat. Report quantities assigned to each processing plant in net bushels. Dockage based on official inspection certificates must be deducted. Complete Form CCC-153 as follows:

A. Enter in Item A1 the total bushels shown in Item 5 of Form CCC-152 prepared as of May 23, 1964, or corrected Form CCC-152, as applicable.

B. Enter the total net bushels in Item A2 of any wheat not designated as non-storable purchased by the processor from CCC for unrestricted use and assigned for use in the processing plant, and on which title was acquired during the period from May 23, 1964, through June 30, 1964. Prepare and attach a schedule in duplicate showing the CCC sales contract number, the name of the ASCS selling office and the net bushels acquired. Enter total of Items A1 and A2 in Item A3.

C. Enter in Item A4 the total net bushels of wheat which were assigned or intended for use in the processing plant as to which there was a transfer of legal title to a buyer, or an intra-company transfer from the plant or reassignment for use other than in the processing plant or a delivery to a carrier for shipment from the United States during the period from May 23, 1964, to June 30, 1964.

D. Enter in Item B 1 the total bushels shown in Item 3 of Form CCC-152, prepared as of May 23, 1964, plus the quantity of any 1964 crop wheat which was owned by the processor and was stored as of May 23, 1964, in the elevator which services the processing plant and in the processing plant. Show in a footnote to the report the quantity of 1964 crop wheat included in Item B1.

E. Enter in Item B2 the total net bushels of wheat received or acquired instore at the processing location during the period from May 23, 1964, through June 30. Such quantity shall be based upon the weights of the wheat received into the elevator at the processing plant location which services the processing plant.

F. Enter in Item B3 the total net bushels of wheat at the processing plant location assigned or intended for use in the processing plant as to which there was a transfer of legal title to a buyer, or an intra-company transfer from the plant, or reassignment for use other than in the processing plant, or a delivery to a carrier for shipment from the United States during the period from May 23, 1964, through June 30, 1964.

G. List on Form CCC-152-3 stocks of owned wheat stored in the elevator at the processing plant location which services the processing plant, and in the processing plant as of June 30, 1964. Determine the quantities of wheat as of June 30, 1964, in the same manner as provided in subparagraph 1 C of this instruction for the report as of May 23, 1964, except that there shall be included any 1964 crop wheat owned by the processor as of June 30, 1964, and stored in such elevator and processing plant. Enter in Item B 4 of Form CCC-153, the total net bushels so obtained and shown on Form CCC-152-3. Subtract the sum of the net bushels shown in Items B 3 and B 4 from the sum of the net bushels shown in Items B 1 and B 2 and enter the result in Items B 5 and A 5.

H. Subtract the sum of the net bushels shown in A4 and A5 from the net bushels shown in Item A3 and enter the result in Item A6. The result represents the maximum quantity for which the food processor may acquire transition certificates for use at the particular processing plant. The certificate shall be executed and dated by an authorized official of the food processor. Enter your processing plant code in the space provided. Submit the original and one copy of Forms CCC-153 and CCC-152-3 and the schedule of any wheat purchased from CCC. Retain a copy in your files.

Appendix II—Instructions for Preparation of Processing Report—Weight of Wheat Basis

Food processors reporting on the weight of the wheat basis shall submit an original and one copy of Processing Report—Weight of Wheat Basis, Form CCC-160, to the Kansas City Commodity Office at the time set forth in § 777.12. Retain a copy of the processing report and all copies of any supporting certifications and documents in your files. Prepare the report as follows:

(1) Enter in Item 1 the processor's name and address.

(2) Enter in Item 2 the processor number.

(3) Enter in Item 3 the processing report period beginning and ending dates.

(4) Enter in Item 4A the inventory of wheat at the processing plant location as of the beginning of the reporting period. Specify the total of all stocks of wheat (including stocks stored for others) in the processing plant and in any elevator operated by the processor at the processing plant location servicing the processing plant which remains in its whole form and has not been pearled, boiled, steeped, or commercially sprouted. Except as of July 1, 1964, use the ending inventory from the previous report. As of July 1, 1964, the quantity of such wheat shall be determined by weighup or by accurate measurement of the wheat stored. Deduct from the uncleaned quantity included in the beginning inventory, any officially determined dockage contained in the equivalent quantity of the last received wheat. If the last received equivalent quantity includes any wheat received on a gross weight basis on which no official dockage determination was made, but the dockage content was unofficially determined in accordance with usually accepted testing methods, the unofficial dockage (rounded down to the nearest half percent) may be deducted from the quantity so received.

(5) Enter in Item 4B the weight of all wheat received in the processing plant and in any elevator operated by the processor at the processing plant location servicing the processing plant (including stocks owned by others) during the reporting period. Such quantity shall be the gross weight received less any officially determined dockage. If any wheat is received on a gross weight basis and no official dockage determination was made, but the dockage content is unofficially determined in accordance with usually accepted testing methods, the unofficial dockage (rounded down to the nearest half percent) may be deducted from such quantity.

(6) Enter in Item 4C the total of Items 4A and 4B.

(7) Enter in Item 5A the quantity of wheat processed into food products on which the farm use exemption set forth in § 777.4(b)(1) applies. Enter the actual quantity processed into the food product delivered, or the quantity of wheat obtained by applying the conversion factor provided in § 777.14 to the quantity of food product delivered. Such quantity must be supported by Forms CCC-148 executed by the persons to whom the food product was delivered.

(8) Enter in Item 5B the quantity of wheat processed in bond during the period for which an exemption is claimed under § 777.4(b)(2). Such quantity must be supported by authenticated copies of Customs Form 7521; (i) a copy evidencing the entry of the wheat into a bonded manufacturing warehouse and (ii) a copy evidencing the withdrawal from customs bond for export of the food product manufactured from such wheat.

(9) Enter in Item 5C the quantity of wheat which was produced by and processed for use by a State or State agency during the period for which an exemption is claimed under § 777.4(b)(5). Such quantity(s) must be supported by Forms CCC-148-1 executed by an authorized official or employee of the State or State agency.

(10) Enter in Item 5D the quantity of wheat processed into food products for donation for which an exemption is claimed under § 777.4(b)(6). Such quantity(s) must be supported by Forms CCC-148-2 executed by an authorized official or employee of the Institution receiving the food product(s).

(11) Enter in Item 5E the quantity of wheat processed into food products which is for noncommercial uses as stated in § 777.4(b)(7). (Identify use in the remarks section of Form CCC-160.) Such quantity(s) must be supported by a certificate from the user in such form as approved by the Administrator, ASCS, to cover the food product delivered and describing the use to be made of the food product.

(12) Enter in Item 5F the quantity of wheat processed into nonfood products during the period (see § 777.3(c)). Such quantity shall be the gross weight less any officially determined dockage. If any wheat is processed into nonfood products and no official dockage determination was made and if the food processor reduces the quantity of wheat received for unofficially determined dockage, the dockage for which the reduction is made must be determined in accordance with usually accepted testing methods and rounded down to the nearest half percent.

Do not include the weight of any byproduct of food products, or the weight of any screenings or other residue from cleaning the wheat used or to be used by the food processor for processing into food products. Also do not include flour second clears which are not used for human consumption.

(13) Enter in Item 5G the weight of all wheat removed from the processing plant and from any elevator operated by the processor at the processing plant location servicing the processing plant for shipment, sale, delivery to the owner, transfer to other plants or other dispositions as wheat. Such quantity shall be the gross weight of the wheat removed less any officially determined dockage. If any wheat is removed and no official dockage determination made, and if the food processor reduces the quantity of wheat received for unofficially determined dockage, the dockage for which the reduction is made must be determined in accordance with usually accepted testing methods and rounded down to the nearest half percent. Also include in Item 5G the quantity of any wheat destroyed. Do not include the weight of any byproducts of food products or the weight of any screenings or other residue from cleaning wheat used or to be used by the food processor for processing into food products.

(14) Enter in Item 5H the quantity of shrinkage, if any, applicable to the weight of wheat received at the processing plant location during the processing report period (Item 4B). Such shrinkage quantity shall not exceed three-fifths of 1 percent of the quantity entered in Item 4B. Any shrinkage deducted of one-eighth of 1 percent or less must be determined on a reasonable basis which can be supported by the processor. Any shrinkage deducted in excess of one-eighth of 1 percent must be based on the most recent representative experience for which the processor has records reflecting his average shrinkage per bushel of wheat received. Shrinkage resulting from artificial drying, cleaning, or screening of wheat is not eligible for deduction as shrinkage.

If the processor can establish his actual shrinkage for the 1964 marketing year, he may elect to enter in Item 5H of his processing report for the period ending June 30, 1965, the actual shrinkage for the 1964 marketing year (not to exceed three-fifths of 1 percent of the total weight of wheat received at the processing plant during the marketing year as reported in Item 4B) less the total shrinkage previously reported. In such case he shall enter in the remarks section of the processing report "shrinkage adjusted based on actual experience for the current marketing year."

Shrinkage claimed for the 1965 and subsequent marketing years must be adjusted to actual shrinkage for the marketing year (not to exceed three-fifths of 1 percent of the total weight of wheat received during the marketing year as reported in Item 4B) in the same manner as provided on an optional basis for the 1964 marketing year. Such adjustment shall be made in the processing report for the period ending June 30 of the marketing year involved.

If the processor elects to take a closing inventory as prescribed in the following paragraph (Item 15) as of his fiscal closing date in lieu of taking a closing inventory as of June 30 of each marketing year, the foregoing provisions applicable to June 30 reporting shall apply to the report covering the fiscal closing date. If the processor takes a weighup or measurement at the end of each processing period to determine the ending inventory, no adjustment for shrinkage shall be made at the end of either the marketing year or the processor's fiscal year.

(15) Enter in Item 5I the inventory of wheat as of the end of the reporting period, including all stocks of wheat in the processing plant, and in any elevator operated by the processor at the processing plant location servicing the processing plant (including stocks stored for others) which remains in its whole form and has not been pearled, boiled, steeped, or commercially sprouted. Deduct from the unclean quantity included in the ending inventory any officially determined dockage contained in the equivalent quantity of the last received wheat. If the last received equivalent quantity includes any wheat received on a gross weight basis and no official dockage determination was made, but the dockage content was unofficially determined in accordance with the usually accepted testing methods, the unofficial dockage (rounded down to the nearest half percent) shall be deducted from the quantity so received.

If accurate book inventory records are maintained, such book quantities may be used except as of June 30, or the processor's own fiscal year closing date, whichever, is applicable, for each marketing year. As of June 30, or the processor's own fiscal year closing date, whichever is applicable, the quantities of such wheat shall be determined by weighup or by accurate measurement of the wheat stored. The processor may elect to use a fiscal closing date other than June 30, of each year.

When such an election is taken, the processor must notify the Kansas City Commodity Office in writing of his election and specify the fiscal closing date to be used. Such notice must be made at least 30 days in advance of the actual fiscal closing date. An inventory as prescribed in the preceding paragraph of this item may be required as of June 30 of any marketing year if there is to be a change in the cost of marketing certificates for the succeeding marketing year.

If accurate book inventory records are not maintained, the quantities of wheat for each reporting period shall be determined by weighup or by accurate measurement of the wheat.

(16) Enter in Item 5J the total of Items 5A through 5I.

(17) Enter in Item 6 the result obtained by deducting the quantity shown in Item 5J from the quantity shown in 4C.

(18) Enter in Item 7D the face value of wheat marketing certificates (domestic) required. Obtain the amount by multiplying the quantity shown in Item 6 by the applicable cost of certificates as specified in § 777.4(a).

(19) Enter in Item 7A the amount of certificates enclosed. Also enter the certificate serial numbers.

(20) Enter in Item 7B the amount of remittance enclosed.

(21) Enter in Item 7C the amount of certificates previously surrendered to CCC for the specific processing report period and the date of surrender.

(22) In the case of a food processor who ages beverage distilled spirits manufactured by him from wheat and who has filed the undertaking provided in § 777.11(e), enter in the remarks section the identifying serial numbers of each barrel in which the beverage distilled spirits are placed for aging. The reverse side of the form may be used if necessary.

(23) The certification shall be executed by an authorized official of the food processor. Also enter the title of the official and the date in the spaces provided.

Appendix III—Instructions for Preparation of Processing Report— Conversion Factor Basis

Food processors reporting on a food product conversion factor basis shall submit an original and one copy of the Processing Report—Conversion Factor Basis, Form CCC–159 to the Kansas City Commodity Office at the time set forth in § 777.12. Retain a copy of the report and of supporting certifications and documents in your files. Prepare the report as follows:

(1) Enter in Item 1 the processor's name and address.

(2) Enter in Item 2 the processor number.

(3) Enter in Item 3 the processing report period beginning and ending dates.

(4) Enter in Item 4 the names of the respective food products processed in the plant during the reporting period, if the names of these products are not preprinted on the form.

(5) Enter in Item 5 for each food product processed during the reporting period the total quantity in hundredweights which was processed. (When flour is produced, include the weight of all clears.)

(6) Enter in Item 6A the hundredweight of food product processed on which the farm-use exemption set forth in § 777.4(b)(1) applies. Such weight must be supported by Forms CCC–148 executed by the person to whom the food product was delivered.

(7) Enter in Item 6B the hundredweight of the food product processed in bond during the period for which an exemption is claimed under § 777.4(b)(2). Such quantity must be supported by authenticated copies of Customs Form 7521; (i) a copy evidencing the entry of the wheat into a bonded manufacturing warehouse and (ii) a copy evidencing the withdrawal from customs bond for export of the food product manufactured from such wheat.

(8) Enter in Item 6C the hundredweight of food product processed from wheat which was produced by and processed for use by a State or State agency during the period for which an exemption is claimed under § 777.4(b)(5). Such quantity(s) must be supported by Forms CCC–148–1 executed by an authorized official or employee of the State or State agency.

(9) Enter in Item 6D the hundredweight of food product processed for donation for which an exemption is claimed under § 777.4(b)(6). Such quantity(s) must be supported by Forms CCC–148–2 executed by an authorized official or employee of the institution receiving the food product(s).

(10) Enter in Item 6E the hundredweight of food product processed which is for noncommercial uses as stated in § 777.4(b)(7). (Identify use in the remarks section of Form CCC–159.) Such quantity(s) must be supported by a certificate from the user in such form as approved by the Administrator, ASCS, to cover the food product delivered and describing the use to be made of the food product.

(11) If the weight of any additional ingredient set forth in paragraph (b) of § 777.14 is included in the weights entered in Item 5, enter in Item 6F such total weight minus the total weight of any such ingredients included in the weights entered in A, B, C, D, and E of this Item 6. The food processor must maintain records on an individual additional ingredient basis which substantiates any entry in this Item 6F.

(12) Enter in Item 6G the total of Items 6A, B, C, D, E, and F.

(13) Enter in Item 7A the difference between Item 5 and 6G.

(14) Enter in Item 7B the applicable conversion factor from section 777.14.

(15) Enter in Item 7C the result of Item 7A times Item 7B.

(16) Enter the total of Item 7 in the space provided.

(17) Enter in Item 8 any applicable remarks.

(18) Enter in Item 9D the face value of wheat marketing certificates (domestic) required. Obtain the amount by multiplying the quantity shown in Item 7C by the applicable cost of certificates as specified in § 777.4(a).

(19) Enter in Item 9A the amount of certificates enclosed. Also enter the certificate serial numbers.

(20) Enter in Item 9B the amount of remittance enclosed.

(21) Enter in Item 9C the amount of certificates previously surrendered to CCC for the specific processing report period and the date of surrender.

(22) The certification shall be executed by an authorized official of the food processor. Also enter the title of the official and the date in the space provided.

Appendix IV—Instructions to Industrial Users for Preparation of Industrial Users Production Report and Claim for Refund Forms

Industrial Users wishing to claim a refund of the cost of domestic certificates purchased by processors to cover wheat used in processing flour second clears used in a product not for human consumption shall submit such claims on Form CCC–161, Industrial Users Production Report and Claim for Refund, to the Kansas City Commodity Office as provided in § 777.19. A copy of each Form CCC–161 shall be retained by the industrial user. Instructions for the completion of Form CCC–161 are as follows:

(The numbers and letters listed below correspond with the numbers and letters on the form.)

(1) Heading. (A) Enter name and mailing address.

(B) Enter the industrial user number assigned on registration Form CCC–149.

(C) Enter the marketing year. Prepare separate Forms CCC–161 for each marketing year. July 1 begins the marketing year. The marketing year shown on Form CCC–165 and/or CCC–165–1 shall determine the marketing year under which the flour second clears are to be reported.

(D) Enter the reporting period dates. (See § 777.19(d).)

(2) *Inventory of flour second clears.* Enter in hundredweights.

(A) Enter the quantity on hand at the end of the preceding reporting period. Bring forward from Item 2I of the preceding Form CCC–161.

(B) Enter the quantity received at the plant during the reporting period covered by the report. Such quantity must not be in excess of the quantity shown on Forms CCC–165 and/or CCC–165–1. If during one reporting period there are involved flour second clears identifiable to more than one marketing year, separate Forms CCC–161 for each marketing year must be prepared.

(C) Enter the total of Items 2A and 2B.

(D) Enter the quantity of shipments which did not enter production.

(E) Enter the quantity used during no-refund production periods as shown in applicable Items 4F.

(F) Enter the quantity of flour second clears used as an additive to products shown in Item 4A. Flour second clears so used must be entered in this item. (Example, addition of flour second clears to gluten.)

(G) Enter quantity of flour second clears used as an additive to products shown in Item 4C. Flour second clears so used must be entered in this item. (Example, addition of flour second clears to animal feed manufactured from starch.)

(H) Enter the quantity which was a casualty loss and did not enter production. (See § 777.16.)

(I) Enter the quantity on hand at the end of the reporting period.

(J) Enter the total of Items 2D through 2I.

(K) Enter the difference between Items 2C and 2J.

(3) *Kind of clears used.* Enter in hundredweight the kind of clears used during the reporting period. If more than one Form CCC–161 is submitted because of the use (during the same reporting period) of clears identified to more than one marketing year, prorate the quantity of each kind of clears used between the marketing years according to the percentage relationship between the quantities shown in Item 2K of each separate marketing year report. Enter the prorated quantities.

(A) Enter the quantity of flour second clears produced from (1) hard wheat, (2) soft wheat, (3) durum, and (4) the total thereof on the basis of information as to type of wheat shown on the Forms CCC–165 and CCC–165–1. The total must agree with the sum of Items 2E, 2F, 2G, and 2K. If blended flour second clears are shown on the Form(s) CCC–161, indicate the quantity of blended clears used.

(B) Enter the quantity of (1) imported clears and (2) other non-qualifying clears.

(4) *Products manufactured from clears—production periods.* Check appropriate box to indicate whether refund or nonrefund period. See § 777.19(h)(3). If more than one production period is reported, also use reverse side of form and show the beginning and ending dates of each production period. If flour second clears used during the reporting period had been processed from wheat in more than one marketing year, prorate the hundredweight of product produced during the reporting period between the Forms CCC–161 prepared for the different marketing years. Use the same percentage as used to distribute the quantities required to be entered in Item 3 of each Form CCC–161.

(A) List the food products produced during the production period in whole or in part from flour second clears and nonqualifying clears. Enter the weight of the food products produced. Determine such weight by subtracting from the gross weight of each food product produced (i) the weight of all ingredients other than clears added to the product produced from clears such as an additive to gluten, (ii) the weight of flour second clears used as an additive (Item 2F), and (iii) the weight of nonqualifying clears used as an additive determined in the same manner as in Item 2F for flour second clears; and adjusting the remainder to a 12% moisture basis.

(B) Enter the total of the weights entered under Item 4A.

(C) List the products not for human consumption produced during the production period in whole or in part from flour second clears and nonqualifying clears. Enter the weight of the products not for human consumption produced. Determine such weight by subtracting from the gross weight of each product not for human consumption produced (i) the weight of all ingredients other than clears added to the product produced from clears such as an additive to starch, (ii) the weight of flour second clears used as an additive (Item 2G), and (iii) the weight of nonqualifying clears used as an additive determined in the same manner as in Item 2G for flour second clears; and adjusting the remainder to a 12% moisture basis.

(D) Enter the total of the weights entered under Item 4C.

(E) Enter the total of Items 4B and 4D.

(F) Enter quantity of flour second clears used for the production period. Total of Items 4F for all refund production periods reported on form must equal the quantity shown in Item 2K. Total of Items 4F for all no-refund production periods reported on form must equal the quantity shown in Item 2E.

(G) Enter the percentage relationship of products not for human consumption to all products produced during the refund period. Item 4D divided by Item 4E.

(H) Enter the quantity of flour second clears for which refund is being applied. Multiply Item 4F by 4G. For refund periods II through V, if applicable, bring the entries forward to applicable period shown under Item 4H of period I on face of form.

(I) Enter quantity shown in Item 2G.

(J) Enter the quantity shown in Item 2H.

(K) Enter total of Items 4H, 4I, and 4J.

(5) *Amount of refund claimed.* Enter amount determined by multiplying Item 4K by the applicable refund rate as specified in § 777.19(e).

(6) *Certification.* The certificate shall be dated and executed by an authorized official of the indsutrial user.

Appendix V—Instructions for Preparation of Industrial Users Production Report and Claim for Refund Forms (for Users Who Produce Nonfood Products Only)

Industrial users manufacturing nonfood products only, who wish to claim a refund of the cost of domestic certificates purchased by processors to cover wheat used in processing flour second clears used in a product not for human consumption may submit such claims on Form CCC–161–1, Industrial Users Production Report and Claim for Refund (for users who produce nonfood products only), to the Kansas City Commodity Office as provided in § 777.19. A copy of each Form CCC–161–1, shall be retained by the industrial user. Instructions for the completion of Form CCC–161–1 are as follows:

(The numbers and letters listed below correspond with the numbers and letters on the form.)

(1) *Heading.*

(A) Enter name and mailing address.

(B) Enter the industrial user number assigned on Registration Form CCC–149.

(C) Enter the marketing year. Prepare separate Forms CCC–161–1 for each marketing year. July 1 begins the marketing year. The marketing year shown on Form CCC–165 and/or CCC–165–1 shall determine the marketing year under which the flour second clears are to be reported.

(D) Enter the reporting period dates. (See 777.19(d).)

(2) *Inventory of flour second clears.* Enter in hundredweights.

(A) Enter the quantity on hand at the end of the preceding reporting period. Bring forward from Item 2F of the preceding Form CCC–161–1.

(B) Enter the quantity received at the plant during the reporting period covered by the report. Such quantity must not be in excess of the quantity shown on Forms CCC–165 or CCC–165–1. If during one reporting period there are received flour second clears identifiable to more than one marketing year, separate Forms CCC–161–1 for each marketing year must be prepared.

(C) Enter the total of Items 2A and 2B.

(D) Enter the quantity of shipments which did not enter production.

(E) Enter the quantity which was a casualty loss and did not enter production. (See § 777.16.)

(F) Enter the quantity on hand at the end of the reporting period.

2F.

(H) Enter the difference between Items 2C and 2G.

(3) *Kind of clears used.* Enter in hundredweight the kind of clears used during the reporting period. If more than one Form CCC–161–1 is submitted because of the use (during the same reporting period) of clears identified to more than one marketing year, prorate the quantity of each kind of clears used between the marketing years according to the percentage relationship between the quantities shown in Item 2H of the report for each separate marketing year report. Enter the prorated quantities.

(A) Enter the quantity of flour second clears used which were produced from (1) hard wheat, (2) soft wheat, (3) Durum or (4) if blended clears are received and used, enter the quantity used. (5) Enter the total shown in (1), (2), (3), and (4) must be on the basis of information as to type of wheat and/or clears shown on the Forms CCC–165 and CCC–165–1. The total must agree with the quantity shown in Item 2H.

(B) Enter the quantity of (1) imported clears and (2) other nonqualifying clears.

(4) *Products manufactured from clears.*

(A) List the products not for human consumption produced during the production period in whole or in part from flour second clears and nonqualifying clears. Enter the weight of the flour second clears used to produce the products not for human consumption.

(B) Enter the total of the weights shown under Item 4A.

(C) Enter the quantity shown in Item 2H.

(D) Enter the quantity shown in Item 2E.

(E) Enter total of Items 4C and 4D.

amounts determined by multiplying Item 4E by the refund rate as specified in § 777.19(e).

(6) *Certification.* The certificate shall be dated and executed by an authorized official of the industrial user.

NOTE: The recordkeeping and reporting requirements of Part 777 have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Signed at Washington, D.C., on October 12, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–11353; Filed, Oct. 18, 1966; 8:47 a.m.]

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PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108 is amended to show that five postdoctoral research associate positions a year may be filled under Schedule A at the U.S. Naval Ordnance Test Station, China Lake, Calif., under specified conditions. Effective on publication in the FEDERAL REGISTER, paragraph (e) of § 213.3108 is amended as set out below.

§ 213.3108 Department of the Navy.

* * * * *

(e) *U.S. Naval Research Laboratory, Washington, D.C.; U.S. Navy Electronics Laboratory, San Diego, Calif.; U.S. Naval Ordnance Laboratory, White Oak, Silver Spring, Md.; U.S. Naval Weapons Laboratory, Dahlgren, Va.; David Taylor Model Basin, Washington, D.C.; and U.S. Naval Ordnance Test Station, China Lake, Calif.* (1) Scientific and professional research associate positions when filled on a temporary basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to appointees and the installations. Appointments under this provision may not exceed 20 each calendar year at the Naval Research Laboratory, 6 each calendar year at the Navy Electronics Laboratory, 5 each calendar year at the Naval Ordnance Test Station, and 10 each calendar year at the Naval Ordnance Laboratory, Naval Weapons Laboratory, and David Taylor Model Basin. Employment under this provision may not exceed 1 year in any individual case, except that with the approval of the Commission, such employment may be extended for not to exceed one additional year.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-11442; Filed, Oct. 19, 1966; 8:49 a.m.]

PART 351—REDUCTION IN FORCE

Subpart J—Establishment and Maintenance of Reemployment Priority List

ESTABLISHMENT OF LIST

Section 351.1001 is amended to show an exception from the right to entry on an overseas reemployment priority list where entry would be inconsistent with the limits on overseas service under an agency's rotation program. Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 351.1001 is amended as set out below.

§ 351.1001 Establishment of list.

* * * * *

(b) When an agency separates a group I or II employee from a competitive position overseas or in Alaska, it shall enter his name on the reemployment priority list for the area in which the position is located, except (1) when he leaves that area or (2) when the agency has a general program for rotating employees between overseas areas and the United States, and the employee's immediately preceding overseas service or residence combined with prospective overseas service under available appointments exceeds the maximum duration of an overseas duty tour in the agency's rotation program. On the request of an employee who leaves the area, the agency shall enter his name on its reemployment priority list for the commuting area from which he was employed for overseas or Alaskan service or for another area (except overseas or Alaska) mutually acceptable to him and the agency. An agency may delete an employee's name from the list for one of the reasons in paragraph (a) of this section, and shall delete it from an overseas or Alaskan list when he leaves the area covered by that list or becomes disqualified for overseas appointment because of his previous service or residence.

(5 U.S.C. 1302, 3502)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-11441; Filed, Oct. 19, 1966; 8:49 a.m.]

PART 534—PAY UNDER OTHER SYSTEMS

Maximum Stipends

Section 534.202(b) is amended to show the maximum stipend prescribed for certain student nurses, Department of Health, Education, and Welfare. Effective October 2, 1966, the following item is added to paragraph (b) of § 534.202 as set out below.

§ 534.202 Maximum stipends.

* * * * *

(b) * * *

Student nurses, Department of Health, Education, and Welfare:	
Approved training during clinical affiliation	L–1.

* * * * *

(5 U.S.C. 5102, 5351, 5352, 5541)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-11413; Filed, Oct. 19, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 803; Amdt. 39-294]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Model F–27 Series and FH–227 Airplanes

Amendment 308 (26 F.R. 6265), AD 61–15–2, as amended by Amendments 323 (26 F.R. 7761) and 331 (26 F.R. 8375), requires repetitive inspection of the gimbal nuts in the wing flap actuating screwjacks on Fairchild Model F–27 Series airplanes. Subsequent to the issuance of Amendment 331, the Model FH–227 airplane was certificated, which is a modification of the Model F–27 airplane. Therefore, the AD is being further amended to apply to the Fairchild Model F–27 Series and FH–227 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 308 (26 F.R. 6265), AD 61–15–2, as amended by Amendments 323 (26 F.R. 7761) and 331 (26 F.R. 8375), is further amended by amending the applicability statement to read as follows:

Applies to Model F–27 Series and FH–227 airplanes.

This amendment becomes effective October 20, 1966.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on October 13, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-11393; Filed, Oct. 19, 1966; 8:45 a.m.]

[Regulatory Docket No. 7258; Amdts. 61-25; 63-7; 65-9; 143-2]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

PART 143—GROUND INSTRUCTORS

Airman and Ground Instructor Administrative Requirements

The purpose of these amendments to Parts 61, 63, 65, and 143 of the Federal Aviation Regulations is to resolve several inconsistent administrative requirements applicable to airman and ground instructor certificate holders, and to standardize these provisions. The requirements concern presentation of certificates for inspection; application during suspension or after revocation; changes of name, and replacement of lost or destroyed certificates; and retesting after failure (written and flight tests). Several additional changes clarify certain provisions or remove others that are considered unnecessary. The changes were proposed in Notice No. 66-9 issued on March 28, 1966 (31 F.R. 5324), except for those making consistent the provisions on return of certificates that are suspended or revoked.

Several comments concurred generally with the proposals. Other comments were addressed to individual proposals, principally those concerned with presenting certificates for inspection, and with clarifying and incorporating in § 61.39 the interpretation that a flight instructor may not log as instrument time (and receive credit for) periods when he is serving as a flight instructor but not manipulating the controls.

(1) *Presentation of certificates for inspection.* Three comments opposed adding Federal law enforcement officers to the list of persons to whom the holder of an airman or ground instructor certificate must present it for inspection upon request. One comment expressed apprehension that a law enforcement officer might use the regulations to deprive an individual of his license. However, neither the proposed change nor the existing regulations (already requiring presentation upon request of the Administrator or an authorized representative of the Civil Aeronautics Board or of any State or local law enforcement officer) purport to extend to other agencies authority to enforce FAA safety regulations. The authority to enforce those regulations by a civil penalty or certificate action remains with the FAA, and only this Agency may suspend or revoke an airman certificate issued by it, subject to review by the CAB. This comment also questioned the existing requirements for presentation to other than authorized personnel of the regulatory agencies. However, the requirements, as expanded by these amendments, are appropriate to implement the enforcement of criminal provisions of the Federal Aviation Act of 1958 such as sections 902(b)—Forgery of certificates, and 902(l) through (m)—Aircraft piracy, etc. (for whose investigation the FBI is responsible), as well as to implement regulations issued thereunder and other regulatory provisions. The second adverse comment believed that presentation should be required only to authorized persons who understand what the certificates are, namely, the FAA and CAB. The concern of the third adverse comment was with the question who constitutes a law enforcement officer. However, no difficulty has been encountered in these respects in connection with the existing regulatory provisions, and none can reasonably be expected in the future.

(2) *Application during suspension or after revocation.* Several comments felt it was too harsh to prohibit a pilot whose pilot certificate has been revoked from applying for any pilot or flight instructor certificate or rating for 1 year, or to prohibit a person whose flight instructor certificate only is revoked from applying for any flight instructor certificate for 1 year. One of these comments suggested that a pilot who flies for a living could not sustain himself for a year without an opportunity to regain his certificate, and that he should be permitted to requalify without a time limit if he shows evidence of up-dating and training. These comments lose sight of the punitive as well as corrective nature of revocation action. Furthermore, the revocation order may allow application in less than 1 year.

(3) *Changes of name, and replacement of lost or destroyed certificates.* One comment objected to requiring a brief statement of the circumstances of loss or destruction of a certificate when a person applies for a replacement certificate. The Agency agrees that this requirement serves no useful purpose, and these amendments therefore omit the requirement from Part 61 where it already exists and from the additions made to the other Parts involved. This comment also criticized the requirement to supply documentary evidence verifying a change of name. However, this is a reasonable requirement to safeguard the integrity of certificates that, once issued, are reissued under changed names. Although the comment asserted that some people change their names without marriage or court order, it is reasonable to require at least some documentary evidence in such a case, as is permitted.

One comment mistakenly believed a "user charge" was being introduced into the regulations, that is, the $2 charge for a replacement certificate. This is not a new charge. The charge already was provided for in § 61.13, and the other regulations here involved merely repeat what is already included in Part 187.

(4) *Retesting after failure (written and flight tests).* One comment suggested that in § 61.27(d) as amended, the applicant for an airline transport pilot certificate or associated rating should be required, after a second failure of a maneuver of the flight test, to demonstrate competency on related maneuvers. These amendments make no substantive change at this time. A substantive change has been proposed by Notice No. 66-6 (31 F.R. 4735), upon which final action has not yet been completed.

(5) *Other changes.* As proposed, the word "civil" is inserted before the word "aircraft" in § 61.3(f), thus making the language of this prohibition concerning the lack of instrument rating consistent with § 61.3(a) concerning in general the lack of a pilot certificate. Also, § 61.3(f) is amended to reflect the changes recently made by Amendment 61-24, as well as those proposed by Notice No. 66-9.

Strong opposition was expressed to the proposed change in § 61.39(e) that would specifically express the limitation, already existing and confirmed by interpretation, that a flight instructor may not log (and receive credit for) as instrument time, periods when he is serving as a flight instructor but not manipulating the controls. Since the change is clarifying only, it is made as proposed. However, the Agency intends to fully reconsider this provision in view of the public response to Notice 66-9 and, if relaxation of the rule then appears appropriate, to issue a notice of proposed rule making in order to allow full public participation in making the rule change.

These amendments make the remaining changes proposed by Notice No. 66-9. In addition, the provisions requiring the return of suspended or revoked certificates are made consistent throughout these regulations. Thus, §§ 61.9(g), 63.15(b), 65.15(c), and 143.7(b) are all amended to provide that the holder of a suspended or revoked certificate shall, upon the Administrator's request, return it to the Administrator. This change was not proposed by Notice No. 66-9; however, since the provision is considered procedural only, notice and public procedure thereon is not necessary.

Interested persons have been afforded an opportunity to participate in the making of these amendments (except those concerning return of suspended or revoked certificates), and due consideration has been given to all matter presented.

In consideration of the foregoing, Parts 61, 63, 65, and 143 of the Federal Aviation Regulations are amended effective November 19, 1966, as follows:

1. Part 61 is amended as follows:

a. By amending paragraphs (e) and (f) of § 61.3 to read as follows:

§ 61.3 Certificates and ratings required.

* * * * *

(e) *Inspection of certificate.* Each person who holds a pilot certificate or medical certificate shall present either or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

(f) *Instrument rating.* No person may act as pilot in command of a civil aircraft under instrument flight rules or in weather conditions less than the minimums prescribed for VFR flight unless—

(1) In the case of a helicopter, he holds a helicopter instrument rating, or an airline transport pilot certificate with a rotorcraft category and helicopter class rating not limited to VFR;

(2) In the case of an airship, he holds a commercial pilot certificate with lighter-than-air category and airship class ratings; or

(3) In the case of an aircraft other than a helicopter or airship, he holds an instrument rating or an airline transport pilot certificate.

b. By amending paragraphs (e) and (f) of § 61.5 to read as follows:

§ 61.5 Application and issue.

* * * * *

(e) Unless authorized by the Administrator—

(1) A person whose pilot certificate is suspended may not apply for any pilot or flight instructor certificate or rating during the period of suspension; and

(2) A person whose flight instructor certificate only is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(f) Unless the order of revocation provides otherwise—

(1) A person whose pilot certificate is revoked may not apply for any pilot or flight instructor certificate or rating for 1 year after the date of revocation; and

(2) A person whose flight instructor certificate only is revoked may not apply for any flight instructor certificate for 1 year after the date of revocation.

c. By amending paragraph (g) of § 61.9 to read as follows:

§ 61.9 Duration of certificate.

* * * * *

(g) *Return of certificate.* The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

d. By striking out subparagraph (b)(1) of § 61.13, and redesignating subparagraphs (b)(2) and (b)(3) as subparagraphs (b)(1) and (b)(2) respectively.

e. By amending paragraph (c) of § 61.13 to read as follows:

§ 61.13 Change of name; replacement of lost or destroyed certificate.

* * * * *

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla. 73101, accompanied by a check or money order for $2.

* * * * *

f. By amending paragraph (a) of § 61.27 to read as follows:

§ 61.27 Retesting after failure.

(a) *Written test.* An applicant for a certificate or rating under this part who fails a written test for that certificate or rating may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) Upon presenting a statement from whichever of the following is applicable, certifying that he has given additional instruction to the applicant and considers him ready for retesting:

(i) For a private or commercial pilot certificate or associated rating—a certificated flight instructor with an appropriate category rating or a certificated ground instructor with an appropriate rating.

(ii) For an instrument rating—a certificated flight instructor with an instrument rating on his flight instructor certificate or a certificated ground instructor with an appropriate rating.

(iii) For a flight instructor certificate—a certificated flight instructor with an appropriate category or instrument rating on his flight instructor certificate.

(iv) For an airline transport pilot certificate—a person employed by an airline to instruct in airline transport pilot subjects, a certificated airline transport pilot, a certificated ground instructor with an appropriate rating, or a person qualified to instruct in instrument flight theory.

g. By striking out paragraphs (c), (e), and (f) of § 61.27.

h. By amending the lead-in sentence of paragraph (d) of § 61.27 to read as follows:

§ 61.27 Retesting after failure.

* * * * *

(d) *Airline transport; flight test.* An applicant for an airline transport pilot certificate or associated rating who fails a flight test under this part may apply for retesting upon presenting a statement from his instructor (as to required instruction) certifying that he has given the additional instruction to the applicant and considers him ready for retesting, and satisfactory evidence that he has—

* * * * *

i. By amending § 61.29 to read as follows:

§ 61.29 Graduates of certificated flying schools: Special rules.

(a) A graduate of a flying school that is certificated under Part 141 of this chapter is considered to meet the applicable aeronautical experience requirements of this part if he presents an appropriate graduation certificate within 60 days after the date he is graduated. However, if he applies for a flight test for an instrument rating or a flight instructor certificate, he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of § 61.115 (except paragraphs (a)(3) and (4) thereof).

(b) An applicant for a certificate or rating under this part may be considered to meet the aeronautical knowledge or skill requirements, or both, applicable to that certificate or rating, if he applies within 90 days after being graduated from an appropriate course of a flying school that is certificated under Part 141 of this chapter and is authorized by the Administrator to test applicants on aeronautical knowledge or skill, or both.

j. By amending paragraph (e) of § 61.39 by inserting the word "only" between the words "log" and "that".

k. By striking out § 61.49.

2. Part 63 is amended as follows:

a. By amending paragraph (c) of § 63.3 to read as follows:

§ 63.3 Certificates required.

* * * * *

(c) Each person who holds a flight engineer or flight navigator certificate, or medical certificate, shall present either or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

b. By adding new paragraphs (c) and (d) to § 63.11 to read as follows:

§ 63.11 Application and issue.

* * * * *

(c) Unless authorized by the Administrator, a person whose flight engineer certificate is suspended may not apply fo rany rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise, a person whose flight engineer or flight navigator certificate is revoked may not apply for the same kind of certificate for 1 year after the date of revocation.

c. By amending paragraph (b) of § 63.15 to read as follows:

§ 63.15 Duration of certificates.

* * * * *

(b) The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

d. By inserting the following new section after § 63.15:

§ 63.16 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the FAA Airman Certification Branch, Federal Aviation Agency, Oklahoma City, Okla. The letter must—

(1) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it; and

(2) Be accompanied by a check or money order for $2, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla.

73101, accompanied by a check or money order for $2.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the Federal Aviation Agency confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) or (c) of this section, as appropriate. However, a request for both at the same time should be sent to the office prescribed in paragraph (b) of this section.

3. Part 65 is amended as follows:

a. By adding new paragraphs (c) and (d) to § 65.11 to read as follows:

§ 65.11 Application and issue.

* * * * *

(c) Unless authorized by the Administrator, a person whose air traffic control tower operator, mechanic, or parachute rigger certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise—

(1) A person whose air traffic control tower operator, aircraft dispatcher, or parachute rigger certificate is revoked may not apply for the same kind of certificate for 1 year after the date of revocation; and

(2) A person whose mechanic or repairman certificate is revoked may not apply for either of those kinds of certificates for 1 year after the date of revocation.

b. By amending paragraph (c) of § 65.15 to read as follows:

§ 65.15 Duration of certificates.

* * * * *

(c) The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

* * * * *

c. By inserting the following new section after § 65.15:

§ 65.16 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the FAA Airman Certification Branch, Federal Aviation Agency, Oklahoma City, Okla. The letter must—

(1) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it; and

(2) Be accompanied by a check or money order for $2, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla. 73101, accompanied by a check or money order for $2.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) or (c) of this section, as appropriate. However, a request for both at the same time should be sent to the office prescribed in paragraph (b) of this section.

d. By amending paragraph (a) of § 65.45 to read as follows:

§ 65.45 General operating rules.

(a) Each person who holds an air traffic control tower operator certificate shall keep it readily available when performing duties under it, and shall present that certificate or a medical certificate held by him or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

* * * * *

e. By amending paragraph (b) of § 65.51 to read as follows:

§ 65.51 Certificate required.

* * * * *

(b) Each person who holds an aircraft dispatcher certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

f. By amending § 65.89 to read as follows:

§ 65.89 Display of certificate.

Each person who holds a mechanic certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

g. By amending paragraph (b) of § 65.95 to read as follows:

§ 65.95 Inspection authorization: privileges and limitations.

* * * * *

(b) When he exercises the privileges of an inspection authorization the holder shall keep it available for inspection by the aircraft owner, the mechanic submitting the aircraft, repair, or alteration for approval (if any), and shall present it upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

* * * * *

h. By amending § 65.105 to read as follows:

§ 65.105 Display of certificate.

Each person who holds a repairman certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

i. By amending paragraph (c) of § 65.111 to read as follows:

§ 65.111 Certificate required.

* * * * *

(c) Each person who holds a parachute rigger certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

* * * * *

4. Part 143 is amended as follows:

a. By adding new paragraphs (c) and (d) to § 143.3 to read as follows:

§ 143.3 Application and issue.

* * * * *

(c) Unless authorized by the Administrator, a person whose ground instructor certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise, a person whose ground instructor certificate is revoked may not apply for any ground instructor certificate for 1 year after the date of revocation.

b. By amending paragraph (b) of § 143.7 to read as follows:

§ 143.7 Duration of certificates.

* * * * *

(b) The holder of any certificate issued under this part that is suspended or revoked shall upon the Administrator's request, return it to the Administrator.

c. By inserting the following new section after § 143.7:

§ 143.8 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the FAA, Airman Certification Branch, Federal Aviation Agency, Oklahoma City, Okla. The letter must—

(1) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it; and

(2) Be accompanied by a check or money order for $2, payable to the Federal Aviation Agency.

(c) A person whose certificate issued under this part has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) of this section.

d. By striking out § 143.13.

e. By amending § 143.21 to read as follows:

§ 143.21 Display of certificate.

Each person who holds a ground instructor certificate shall keep it readily available to him while instructing and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

(Secs. 313(a), 601, 602, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422, 1427)

Issued in Washington, D.C., on October 14, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-11393; Filed, Oct. 19, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to make an editorial change in the description of Control Areas 1141 and 1143.

The Canadian Department of Transport has advised that the Yarmouth, Nova Scotia, radio range was converted to a radio beacon on September 21, 1966. Action is taken herein to correct the descriptions of Control 1141 and Control 1143 by substituting the Yarmouth RBN for the Yarmouth RR. The extent of controlled airspace associated with these control areas will not be altered.

Since these amendments are editorial in nature and do not involve the designation of airspace, notice and public procedure are unnecessary and may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon the date of publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.163 (31 F.R. 2050) Control 1141 and Control 1143 are amended by deleting "Yarmouth, Nova Scotia, Canada, RR" and "Yarmouth RR" wherever it appears and substitute "Yarmouth, Nova Scotia, Canada, RBN" and "Yarmouth RBN" therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 13, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-11394; Filed, Oct. 19, 1966; 8:45 a.m.]

[Docket No. 7264; Amdt. 91-33]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Authorization for Ferry Flight With One Engine Inoperative

The purpose of these amendments to § 91.45 of the Federal Aviation Regulations is to provide rules for ferry flight of a turbine engine powered airplane equipped with either three or four engines, with one engine inoperative, to a base for repair of that engine. These amendments also change § 91.45 to require the use of temperature accountability for the takeoff field length in flight tests of four-engine reciprocating engine powered airplanes under that section; to require the addition of certain data to the Airplane Flight Manual, and certain limitations to the operator's manual; and to make the rules of the section applicable to the same kind of ferry flights by commercial operators of large aircraft, in addition to air carriers.

These amendments (except as now changed) were proposed in Notice No. 66-10 and published in the FEDERAL REGISTER on April 5, 1966 (31 F.R. 5381). Public comment was received from five sources. One comment expressed opposition to all ferry flights with one engine inoperative. However, the safety record of these flights supports the extension of the rules accomplished by the amendments. The other comments did not oppose the objectives of the proposals as such, but offered a number of suggestions some of which have been adopted, others not.

Several comments dealt with the proposed or existing general criteria of § 91.45(a). Thus, some concern was expressed as to the inclusion, in the operator's manual, of limitations that the operating weight on any ferry flight must be the minimum necessary therefor, and takeoffs must be made from dry runways. Responsive to these comments, these amendments provide in § 91.45(a)(3)(i) and (ii) that the weight may include the necessary reserve fuel load, and that takeoffs may be made from wet runways after approval of an operator's showing of actual takeoff techniques with full controllability from wet runways. One comment was adverse to the provision of § 91.45(a)(4)(ii), already contained in the regulations, that no person may take off an airplane if weather conditions at the takeoff or destination airport are less than those required for VFR flight, and it suggested "circling minimums" of 500 feet and 1 or 2 miles visibility. However, the Agency believes that VFR conditions are essential for safe ferry operations, especially in the event of an additional engine failure at takeoff and destination landing areas, in order to allow the crewmembers to concentrate on the emergency and to minimize the necessity of holding or making an instrument approach.

Several comments dealt with the criteria for flight tests. One comment felt that the speed of not less than $1.3V_{S1}$, already contained in § 91.45(b)(1), is too high. However, the experience with this speed indicates it is satisfactory for the purpose and its use should be continued. Several comments objected to the proposed requirement, for both reciprocating and turbine engine powered airplanes, of attainment of a speed not less than the two-engine inoperative minimum control speed before the airplane reaches 400 feet above the surface after takeoff. This requirement has been dropped from the amendments, since upon reconsideration the Agency agrees with the observations made by these comments that the new requirement is not necessary in view of past satisfactory operations without it, and that the minimum cleanup altitude is 400 feet under the airworthiness standards for takeoff path in § 25.111(c)(2) and (4) of Part 25 of the Federal Aviation Regulations.

The preamble of Notice 66-10 referred to the use of "full" temperature accountability for the takeoff field length in flight tests for reciprocating engine powered airplanes, but the word "full" was not used in the proposed regulations themselves (§ 91.45(b)(5)). The operating factors for the weight and takeoff distance may be as little as one-half of the full accountability values, under § 25.61, the provision under which temperature accountability is to be computed. Accordingly, the rule as written governs in this respect, and not the language employed in the preamble of the Notice.

Two comments suggested that the minimum final climb gradient in the test flight for a three-engine turbine engine

powered airplane with two engines inoperative should be 1 percent at the end of the takeoff rather than 1.2 percent as proposed for § 91.45(c)(4)(i). The Agency does not concur with this suggestion. Section 25.121(c), the provision to which reference is made for maximum weight for the performance, requires a 1.2 percent gradient for a two-engine airplane for one engine inoperative, and it is proper to require the same gradient for the similar situation of a three-engine airplane with two engines inoperative.

Two other suggestions made by comments with respect to criteria for flight tests have been adopted. Thus, § 91.45(c)(2) has been clarified as to its inclusion of V_2 speed with respect to takeoff field length; and the word "original" has been dropped from the reference to type certification in § 91.45(c)(1) and (2)(iii) as issued, with respect to the power selection, since use of the word might be confusing when applied to airplanes recertified for engine thrust increases.

Some concern was expressed that the proposals made in Notice 66-10 would require additional flight tests for aircraft for which approved Airplane Flight Manual data for one engine-out ferry flights already had been obtained. Pending these amendments of the rules to provide for the distinction between reciprocating and turbine engine powered airplanes, the Agency has approved the use of jet ferry data contained in Airplane Flight Manuals based upon flight tests determined to meet the existing requirements of §91.45(a)(1) for three- or four-engine turbine engine powered airplanes. Therefore, it was also determined that this data might be used for compliance with § 91.45(a)(2). Also, the criterion (temperature accountability) added to the regulatory requirements for flight tests in the case of reciprocating engine powered airplanes, and to the criteria used for approval in the case of turbine engine powered airplanes, is a comparatively minor change. In view of these circumstances, these amendments include a provision in § 91.45(a)(1) that each operator who before the effective date of the amendments has shown that a model of airplane with one engine inoperative is satisfactory for safe flight by a test flight conducted in accordance with performance data contained in the applicable Airplane Flight Manual under § 91.45(a)(2) need not repeat that test flight.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

In consideration of the foregoing, and for the reasons stated in Notice No. 66-10, § 91.45 of Part 91 of the Federal Aviation Regulations is amended effective November 19, 1966, to read as follows:

§ 91.45 Authorization for ferry flight with one engine inoperative by air carriers and commercial operators of large aircraft.

(a) *General.* An air carrier or commercial operator of large aircraft may conduct a ferry flight of a four-engine airplane or a turbine engine powered airplane equipped with three engines, with one engine inoperative, to a base for the purpose of repairing that engine subject to the following:

(1) The airplane model has been test flown and found satisfactory for safe flight in accordance with paragraph (b) or (c) of this section, as appropriate. However, each operator who before November 19, 1966, has shown that a model of airplane with an engine inoperative is satisfactory for safe flight by a test flight conducted in accordance with performance data contained in the applicable Airplane Flight Manual under subparagraph (2) of this paragraph need not repeat the test flight for that model.

(2) The approved Airplane Flight Manual contains the following performance data and the flight is conducted in accordance with that data:

(i) Maximum weight.

(ii) Center of gravity limits.

(iii) Configuration of the inoperative propeller (if applicable).

(iv) Runway length for takeoff (including temperature accountability).

(v) Altitude range.

(vi) Certificate limitations.

(vii) Ranges of operational limits.

(viii) Performance information.

(ix) Operating procedures.

(3) The operator's manual contains operating procedures for the safe operation of the airplane, including specific requirements for—

(i) A limitation that the operating weight on any ferry flight must be the minimum necessary therefor with the necessary reserve fuel load;

(ii) A limitation that takeoffs must be made from dry runways unless, based on a showing of actual operating takeoff techniques on wet runways with one engine inoperative, takeoffs with full controllability from wet runways have been approved for the specific model aircraft and included in the Airplane Flight Manual;

(iii) Operations from airports where the runways may require a takeoff or approach over populated areas; and

(iv) Inspection procedures for determining the operating condition of the operative engines.

(4) No person may take off an airplane under this section if—

(i) The initial climb is over thickly populated areas; or

(ii) Weather conditions at the takeoff or destination airport are less than those required for VFR flight.

(5) No air carrier or commercial operator of large aircraft may carry any persons other than required flight crewmembers on board the airplane during the flight.

(6) No air carrier or commercial operator of large aircraft may use a flight crewmember unless he is thoroughly familiar with the operating procedures for one-engine inoperative ferry flights listed in its manual and the limitations and performance information listed in the Airplane Flight Manual.

(b) *Flight tests: Reciprocating engine powered airplanes.* The airplane performance of a reciprocating engine powered airplane with one engine inoperative must be determined by flight test as follows:

(1) A speed not less than $1.3V_{S_1}$ must be chosen at which the airplane may be controlled satisfactorily in a climb with the critical engine inoperative (with its propeller removed or in a configuration desired by the operator) and with all other engines operating at the maximum power determined in subparagraph (3) of this paragraph.

(2) The distance required to accelerate to the speed listed in subparagraph (1) of this paragraph and to climb to 50 feet must be determined with—

(i) The landing gear extended;

(ii) The critical engine inoperative and its propeller removed or in a configuration desired by the operator; and

(iii) The other engines operating at not more than the maximum power established under subparagraph (3) of this paragraph.

(3) The takeoff, flight, and landing procedures such as the approximate trim settings, method of power application, maximum power, and speed must be established.

(4) The performance must be determined at a maximum weight not greater than the weight that allows a rate of climb of at least 400 feet a minute in the en route configuration set forth in § 25.67(d) of this chapter at an altitude of 5,000 feet.

(5) The performance must be determined using temperature accountability for the takeoff field length, computed in accordance with § 25.61 of this chapter.

(c) *Flight tests: Turbine engine powered airplanes.* The airplane performance of a turbine engine powered airplane with one engine inoperative must be determined in accordance with the following, by flight tests including at least three takeoff tests:

(1) Takeoff speeds V_R and V_2, not less than the corresponding speeds under which the airplane was type certificated under § 25.107 of this chapter, must be chosen at which the airplane may be controlled satisfactorily with the critical engine inoperative (with its propeller removed or in a configuration desired by the operator, if applicable) and with all other engines operating at not more than the power selected for type certification, as set forth in § 25.101 of this chapter.

(2) The minimum takeoff field length must be the horizontal distance required to accelerate, and climb to the 35-foot height at V_2 speed (including any additional speed increment obtained in the tests), multiplied by 115 percent, and determined with—

(i) The landing gear extended;

(ii) The critical engine inoperative and its propeller removed or in a configuration desired by the operator (if applicable); and

(iii) The other engines operating at not more than the power selected for type certification, as set forth in § 25.101 of this chapter.

(3) The takeoff, flight, and landing procedures such as the approximate trim settings, method of power application, maximum power, and speed, must be established. The airplane must be satisfactorily controllable during the entire takeoff run when operated according to these procedures.

(4) The performance must be determined at a maximum weight not greater than the weight determined under § 25.121(c) of this chapter, but with—

(i) The actual steady gradient of the final takeoff climb requirement not less than 1.2 percent at the end of the takeoff path with two critical engines inoperative; and

(ii) The climb speed not less than the two-engine inoperative trim speed for the actual steady gradient of the final takeoff climb prescribed by subdivision (i) of this subparagraph.

(5) The airplane must be satisfactorily controllable in a climb with two critical engines inoperative. Climb performance may be shown by calculations based on, and equal in accuracy to, the results of testing.

(6) The performance must be determined using temperature accountability for takeoff distance and final takeoff climb, computed in accordance with § 25.101 of this chapter.

For the purposes of subparagraphs (4) and (5), "two critical engines" means two adjacent engines on one side of an airplane with four engines, and the center engine and one outboard engine on an airplane with three engines.

(Secs. 307, 313(a), 603, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1424, 1427)

Issued in Washington, D.C., on October 14, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-11395; Filed, Oct. 19, 1966; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Under authority contained in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81, as amended) as set forth below.

Statement of considerations. On July 21, 1966, there was published in the FEDERAL REGISTER (31 F.R. 9671) a notice regarding proposed amendments to the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81). Interested persons were given an opportunity to submit written data, views, or arguments in connection with the proposed amendments not later than August 22, 1966. The time for submitting such written data, views, or arguments was extended to September 23, 1966, in a notice published in the FEDERAL REGISTER of August 24, 1966 (31 F.R. 11185).

The amendments now adopted are essentially the same as the proposed amendments except as indicated below and except that § 81.25 *Suspension of plant approval and withdrawal of service* and § 81.205 *Termination of exemptions* are not being amended at this time. Comments were received indicating concern in a broad segment of the poultry industry with respect to the proposed amendment of § 81.25. The Department is considering modification of the proposed amendment to § 81.25 and will publish such modification in a notice of proposed rule-making at a later date. Further consideration is also being given to what action if any should be taken with respect to § 81.205.

Certain sections of the amendments have been modified slightly in the light of comments received during the rule-making procedure. The proposed temperature of 96° F. for incubating canned products has been changed to 95° F. based on additional information available to the Department. The amendments also provide for the thawing of frozen ready-to-cook poultry in recirculated water maintained at a temperature not in excess of 50° F. Clarifying changes have also been made in the amendments.

1. The heading and text of § 81.7 are hereby amended to read, respectively:

§ 81.7 Poultry, poultry products, meat and meat food products entering or prepared in official establishments.

All poultry and poultry products processed in an official establishment shall be inspected, handled, prepared, marked and labeled as required by the regulations in this part. All dressed poultry and poultry products entering an official establishment shall have been prepared and inspected and passed in accordance with the regulations in this part, and not otherwise prepared, and shall be properly marked as so inspected and passed in accordance with § 81.130. All meat and meat food products of cattle, sheep, swine, goats, or horses entering an official establishment shall have been prepared and inspected and passed in accordance with the Meat Inspection Act, as amended and extended (21 U.S.C. 71 et seq.) or the Imported Meat Act (19 U.S.C. 1306(b)-(e)) and the regulations under such Acts (9 CFR Ch. III, Subchapter A), and not otherwise prepared, and shall be properly marked as so inspected and passed.

2. In § 81.35 *Draining and plumbing*, paragraph (b)(1) is hereby amended to read:

§ 81.35 Draining and plumbing.

• • • • • •

(b) *Sewage and plant wastes.* (1) The sewer system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize or, if possible, prevent stoppage and surcharging of the system. When the sewage disposal system is a private system which is required to be approved by a state or local health authority, the applicant should furnish the Administrator a letter from the proper health authority indicating that the sewage disposal system is acceptable to such authority.

• • • • • •

3. In § 81.41 *Equipment and utensils*, paragraph (e)(4) is hereby amended to read:

§ 81.41 Equipment and utensils.

• • • • • •

(e) *Conveyors.* • • •

(4) When individual trays are not used during eviscerating operations, each carcass shall be suspended and a metal trough or a trough constructed of other acceptable impervious material shall be provided beneath the conveyor. Such troughs shall be flushed continuously by a water spray and shall extend beneath the conveyor at all places where processing operations are conducted from the point where the carcass is opened to the point where the viscera have been completely removed.

• • • • • •

4. In § 81.49 *Operations and procedures*, paragraph (g) is hereby amended to read:

§ 81.49 Operations and procedures.

• • • • • •

(g) Thawing poultry in water:

(1) *Ready-to-cook poultry.* When frozen ready-to-cook poultry is to be thawed in water, the thawing practices and procedures shall be such as will prevent product from becoming adulterated by the absorption of moisture and such poultry shall be thawed by one of the following methods:

(i) Thawed in continuous running tap water of sufficient volume and for such limited time as is necessary to thaw such poultry. The thawing media shall not exceed 70° F. in temperature.

(ii) Thawed in cooking kettles provided the temperature of the water is raised to cooking temperature as rapidly as possible.

(iii) Thawed in recirculated water, maintained at a temperature not in excess of 50° F., for such limited time as is necessary to thaw such poultry.

(2) *Dressed poultry.* Frozen dressed poultry shall not be thawed in tanks with continuously running water or residual water, but shall be thawed on metal racks or in perforated metal containers under a continuous water spray at a temperature not in excess of 70° F.

• • • • • •

5. In § 81.50 *Temperatures and cooling and freezing procedures*, paragraph (d) is hereby amended to read:

§ 81.50 Temperatures and cooling and freezing procedures.

• • • • • •

(d) *Cooling giblets.* Giblets shall be chilled to 40° F. or lower within 2 hours from the time they are removed from the inedible viscera, except that when they are cooled with the carcass the requirements of paragraphs (b)(2) and (f)(4) of this section shall apply. Any of the acceptable methods of chilling the poultry carcass may be followed in cooling giblets, except that unwrapped livers shall not be cooled in agitated ice and water chilling media for a period in excess of 20 minutes, but may be cooled in perforated containers which are immersed in noncirculated ice and water chilling media: *Provided,* That the livers are removed from the chilling containers when their temperature has been lowered to 40° F. When ready-to-cook birds are to be consumer packaged, the giblets shall be handled in a manner that will prevent free water from being included in the giblet package. The average basis weight of giblet wrapping material shall be not more than 30 pounds per standard ream (24" x 36"—500 sheets) when tested in accordance with the Technical Association of the Pulp and Paper Industry (T.A.P.P.I.) Standard T-410 except the basis weight may exceed 30 pounds per standard ream when the absorbent capacity is such that the total weight of the material after moisture absorption is no greater than the total weight, after moisture absorption, of material weighing 30 pounds per standard ream. Test samples shall be conditioned in accordance with T.A.P.P.I. Standard T-402. The sample to be tested shall consist of 10 sheets representative of the shipment or lot, and individual sheets within the sample may vary within normal tolerance from the required basis weight, but the average of the sample (10 sheets) shall not weigh in excess of 30 pounds per standard ream (24" x 36"—500 sheets) except as specified above. The moisture absorption shall not exceed 200 percent of the dry weight (as conditioned in accordance with T.A.P.P.I. Standard T-402) and giblet wrappers (uncreped) shall not exceed the following sizes or equivalents: Chickens and Ducks, 9" x 12", Turkeys, 12" x 14".

* * * * *

6. Section 81.71 *Evisceration,* is hereby amended to read:

§ 81.71 Evisceration.

A post mortem inspection shall be made on a bird-by-bird basis on all poultry eviscerated in an official establishment. No viscera or any part thereof shall be removed from any dressed poultry which is to be processed under inspection in any official establishment, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook poultry. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be examined by the inspector. However, the Administrator may, whenever he deems it advisable and under such conditions as he may require to carry out the purposes of the Act, authorize the removal, from any carcass or parts thereof, prior to inspection, of any part which will not be used in the preparation of any edible product.

§ 81.81 [Amended]

7. Section 81.81 is hereby amended by placing a period immediately after the word "condemned" and deleting the remainder of the sentence.

8. In § 81.95 *Reinspection of poultry products; ingredients,* the heading and paragraphs (a) and (c) are hereby amended to read, respectively:

§ 81.95 Reinspection of poultry and other products; ingredients.

(a) No poultry or poultry product may be brought into an official establishment unless it has been prepared and inspected and passed in accordance with the regulations in this part, and not otherwise prepared, and the container of such product is marked so as to identify the article as so inspected and passed, in accordance with § 81.130, and no meat or meat food product of cattle, sheep, swine, goats or horses may be brought into an official establishment unless it has been prepared and inspected and passed in accordance with the Meat Inspection Act, as amended and extended (21 U.S.C. 71 et seq.), or the Imported Meat Act (19 U.S.C. 1306(b)–(c)) and the regulations under such Acts (9 CFR Ch. III, Subchapter A), and has not been otherwise prepared, and is properly marked as so inspected and passed. All poultry, poultry products, meat and meat food products shall be reinspected by an inspector at the time they are brought into the official establishment. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, adulterated or otherwise unfit for human food, such product, or portion thereof, shall, in the case of poultry and poultry products, be condemned and shall receive such treatment as that provided in § 81.92, and shall, in the case of other products, be disposed of according to applicable law.

* * * * *

(c) All substances and ingredients used in the manufacture or preparation of any poultry product shall be clean, sound, wholesome, and fit for human food. Liquid, frozen and dried egg products used in the preparation of any poultry product shall have been prepared under continuous inspection of the Department.

* * * * *

9. Section 81.96 *Retention tags,* is hereby amended to read:

§ 81.96 Retention tags.

An inspector may use such retention tags or other devices and methods as may be approved by the Administrator, for the identification and control of (a) products which are not in compliance with the regulations and/or which are held for further examination and (b) any equipment, utensils, rooms, or compartments which are found to be unclean or otherwise in violation of any of the regulations. No product, equipment, utensil, room, or compartment so identified shall be released for use until it has been made acceptable. Such identification shall not be removed by anyone other than an inspector.

§ 81.100 [Amended]

10. In § 81.100 *Manner in which canned products shall be processed and handled,* the second sentence of paragraph (g) is hereby amended by changing "98° F." to read "95° F.".

11. A new § 81.105 is hereby added to read:

§ 81.105 Coding requirements.

Either the shipping container or the immediate container of frozen poultry food products shall be plainly and permanently marked, by code or otherwise, with the date of packaging. If the marking is by code, the inspector-in-charge shall be informed as to its meaning.

12. In § 81.130 *Wording on labels,* the introductory provision of paragraph (a) and paragraph (a)(3) are hereby amended to read:

§ 81.130 Wording on labels.

(a) Each label approved for use on immediate containers for poultry products shall bear the following items of information which shall be in distinctly legible form, shall read in the same general direction, and shall be generally parallel to each other:

* * * * *

(3) The net weight or other appropriate measure of the contents, except that the Administrator may approve the use of labels for certain types of consumer packages which do not bear the net weight: *Provided,* That the shipping container bears a statement "Net weight to be marked on consumer packages prior to display and sale": *And provided further,* That the total net weight of the contents of the shipping container is marked on such container: *And provided further,* That the shipping container bears a statement "Tare weight of consumer package" and in close proximity thereto, the actual tare weight (weight of packaging material), weighed to the nearest one-eighth ounce or less, of the individual consumer package in the shipping container. The above specified statements may be added to approved shipping container labels upon approval by the inspector-in-charge. The net weight marked on containers of poultry products shall be the net weight of the poultry products and shall not include the weights of the wet or dry packaging materials and giblet wrapping materials. When a poultry product and a nonpoultry product are separately wrapped and are placed in a single immediate container bearing the name of both products, the net weight shown on such immediate container may be the total net weight of the two products, or such immediate container may show the net weights of the

poultry product and the nonpoultry product separately.

* * * * *

13. In § 81.134 *Product specifications for labeling purposes,* paragraph (c)(4)(iii) is hereby amended to read:

§ 81.134 Product specifications for labeling purposes.

* * * * *

(c) *Poultry meat content of poultry food products.* * * *

(4) *Poultry rolls.* * * *

(iii) Heat processed rolls which have more than 2 percent liquid remaining with or returned to the product shall be labeled as "(Kind) Roll with Natural Juices." If more than 2 percent of any liquid other than natural cookout juices is added, the product must be labeled to indicate that fact; e.g., "Turkey Roll with Broth." Liquid shall not be returned or added to product within this subdivision (iii) in excess of the amount normally cooked out during preparation.

* * * * *

14. In § 81.301 *Eligibility of foreign countries for importation of products into the United States,* paragraph (a) is hereby amended to read:

§ 81.301 Eligibility of foreign countries for importation of products into the United States.

(a) Whenever it is determined by the Administrator that the system of poultry inspection maintained by any foreign country is the substantial equivalent of the system maintained by the United States, notice of that fact will be given by listing the name of such foreign country in paragraph (b) of this section. Thereafter slaughtered poultry and poultry products from the countries so listed shall be eligible, subject to the provisions of this subpart and other applicable laws and regulations, for importation into the United States. Such products to be imported into the United States from these foreign countries must meet, to the extent applicable, the same standards and requirements that apply to comparable domestic products as set forth in the regulations in this entire part. Slaughtered poultry and poultry products from foreign countries not listed herein are not eligible for importation into the United States, except as provided by § 81.311. In determining whether the inspection system of a foreign country is the substantial equivalent of the system maintained by the United States, the Administrator shall review the inspection regulations of the foreign country and make a survey to determine the manner in which the inspection system is administered within the foreign country. The survey of the foreign inspection system may be expedited by payment by the interested Government agency in the foreign country of the travel expenses incurred in making the survey. After approval of the inspection system of a foreign country, the Administrator may, as often and to the extent deemed necessary, authorize representatives of the Department to review the system to determine that it is maintained in such a manner as to be the equivalent of the system maintained by the United States.

* * * * *

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended; 30 F.R. 2160)

The differences between the amendments of the provisions of the regulations set forth above and the amendments of such provisions proposed in the July 21, 1966, notice of rule-making are due to changes made pursuant to comments received from interested persons or in the interests of clarity and consistency. It does not appear that further public rule-making procedure with respect to the amendments set forth above would make additional information available to this Department. Therefore under the provisions in 5 U.S.C. 553, it is found for good cause that such further public procedure is impracticable and unnecessary.

Done at Washington, D.C., this 14th day of October 1966, to become effective the 1st day of December 1966.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 66-11389; Filed, Oct. 19, 1966; 8:45 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 9]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

NOTICES OF FARM ALLOTMENT

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment of § 722.417 is to express in specific terms what has been previously stated in more general terms with respect to the authority of the county committee to issue original and revised notices of farm allotment and marketing quota. Every notice of farm acreage allotment and marketing quota issued to the farm operator in past years has contained substantially the following statement: "Revision of Allotment. This allotment is subject to such changes as may be necessary under the procedure for determination of allotments for the designated crop year, taking into account (1) any incorrect data or information used in establishing this allotment or (2) any change in the total land in the farm for such year from that shown on the reverse. If any change occurs for the crop year designated on the reverse in the ownership, operation, or control of the farm, or if there is any change for such year in the total land in the farm from that shown on the reverse as a result of subdivision, sale or renting of part of the land, or purchase or renting of additional land, it is the responsibility of the farm operator to report any such change to the ASCS County Office promptly and in any event before planting the crop. If a change is made in the farm for the crop year designated on the reverse which affects the allotment, this notice shall not be effective and a revised notice of the corrected allotment will be furnished."

The present regulations have for many years been uniformly interpreted by the Department to authorize revisions of farm allotment and marketing quota where the farm is reconstituted, transfers of allotment are approved, allotments are released and reapportioned or where errors are discovered. Such authority has been exercised even though the prior quota was not appealed to the review committee by the farmer under section 363 of the act. The only exception to the exercise of such authority is that a county committee cannot revise a quota during the pendency of an appeal before the review committee or the courts.

Another purpose of this amendment is to require the county committee to issue a notice of "None" as the farm allotment and marketing quota for the year in which an old cotton farm loses eligibility to receive an allotment as an old cotton farm. This amendment also contains clarifications as to the procedures to be followed by the county committee in issuing notices of farm allotment and marketing quota.

Since notices are now being issued with respect to the 1967 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Section 722.417 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) is amended to read as follows:

§ 722.417 Notices of farm allotment and marketing quota.

(a) *Initial notice of farm allotment and marketing quota.* The county committee shall mail a written notice of farm allotment and marketing quota to the operator of each old cotton farm and each new cotton farm for which a farm allotment for the current year is established and approved as soon as possible after the farm allotment is established. Insofar as practicable, the notice for each old cotton farm shall be mailed so as to be received prior to the referendum under section 343 of the act to determine whether cotton farmers favor or oppose marketing quotas for the current year. If application for a new cotton farm allotment is made but the

county committee determines that no new farm allotment shall be established, the county committee shall mail a written notice of "None" as the farm allotment and marketing quota to the operator of such farm. If an old cotton farm loses eligibility for a farm allotment as an old cotton farm for the current year, the county committee shall mail a written notice of "None" as the farm allotment and marketing quota to the operator of such farm showing the reason no farm allotment was established for the farm.

(b) *Revised notice of farm allotment and marketing quota.* The county committee shall mail a written notice of revised farm allotment and marketing quota to the operator of the farm as soon as possible after the county committee determines that a revision is required under §§ 722.401 to 722.460 or the Regulations for Reconstitution of Farms, Allotments, and Bases in Part 719 of this chapter; or to correct errors committed by the county committee, or to correct errors caused by fraud or misrepresentation of facts by or on behalf of the producers on the farm. Such revised notice shall be issued prior to the date when planting of cotton normally becomes general on farms in the county, if at all possible, but if not possible to do so, such revised notice shall be issued after such date and the county committee shall determine whether the erroneous notice of cotton allotment provisions of § 722.425 are applicable.

(c) *Notice to operator constitutes notice to other persons.* Each notice shall contain a statement substantially as follows: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown below be interested in the cotton produced on the farm for which this allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. A copy of each notice showing the date of mailing to the operator shall be kept among the records of the county committee and upon request, a certified copy thereof shall be furnished without charge to any person who as operator landlord, tenant, or sharecropper is interested in the cotton produced on the farm in the year for which the notice is issued.

(d) *Effectiveness of notice.* Each notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. Farm allotments shall not become effective unless the notice is properly signed, approved in accordance with § 722.423 and mailed in accordance with this section.

(e) *Farm operator obligation to inform county committee of changes.* The farm operator shall immediately inform the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, and any change in the total land in the farm, for a farm with a current farm allotment.

(f) *Review of farm allotment.* Each notice shall contain a brief statement of the procedure for application to obtain a review of the farm allotment and marketing quota by a review committee in accordance with section 363 of the act and the Marketing Quota Review Regulations in Part 711 of this chapter. Unless application for such review is timely filed within 15 days after the mailing of a notice under this section, the farm allotment and marketing quota established by such notice shall be final and not subject to review by the review committee: *Provided*, That the failure of the farmer to apply for such review shall not preclude the county committee from issuing any required revised notice of farm allotment. If such notice is subsequently revised in accordance with this section, the revised farm allotment and marketing quota shall be subject to review in the same manner as the previous allotment and quota in accordance with section 363 of the act and the regulations in Part 711 of this chapter.

(Secs. 362, 363, 375, 52 Stat. 62, as amended, 63, as amended, 66, as amended; 7 U.S.C. 1362, 1363, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 14, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11435; Filed, Oct. 19, 1966; 8:49 a.m.]

[Amdt. 1]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton

NOTICES OF FARM ALLOTMENT

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment of § 722.516 is to express in specific terms what has been previously stated in more general terms with respect to the authority of the county committee to issue original and revised notices of farm allotment and marketing quota. Every notice of farm acreage allotment and marketing quota issued to the farm operator in past years has contained substantially the following statement: "Revision of Allotment. This allotment is subject to such changes as may be necessary under the procedure for determination of allotments for the designated crop year, taking into account (1) any incorrect data or information used in establishing this allotment or (2) any change in the total land in the farm for such year from that shown on the reverse. If any change occurs for the crop year designated on the reverse in the ownership, operation, or control of the farm, or if there is any change for such year in the total land in the farm from that shown on the reverse as a result of subdivision, sale or renting of part of the land, or purchase or renting of additional land, it is the responsibility of the farm operator to report any such change to the ASCS County Office promptly and in any event before planting the crop. If a change is made in the farm for the crop year designated on the reverse which affects the allotment, this notice shall not be effective and a revised notice of the corrected allotment will be furnished."

The present regulations have for many years been uniformly interpreted by the Department to authorize revisions of farm allotment and marketing quota where the farm is reconstituted, allotments are released and reapportioned or where errors are discovered. Such authority has been exercised even though the prior quota was not appealed to the review committee by the farmer under section 363 of the act. The only exception to the exercise of such authority is that a county committee cannot revise a quota during the pendency of an appeal before the review committee or the courts.

Another purpose of this amendment is to require the county committee to issue a notice of "None" as the farm allotment and marketing quota for the year in which an old cotton farm loses eligibility to receive an allotment as an old cotton farm. This amendment also contains clarifications as to the procedures to be followed by the county committee in issuing notices of farm allotment and marketing quota.

Since notices are now being issued with respect to the 1967 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Section 722.516 of the regulations for Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton (31 F.R. 6247) is amended to read as follows:

§ 722.516 Notices of farm allotment and marketing quota.

(a) *Initial notice of farm allotment and marketing quota.* The county committee shall mail a written notice of farm allotment and marketing quota to the operator of each old ELS cotton farm and each new ELS cotton farm for which a farm allotment for the current year is established and approved as soon as possible after the farm allotment is established. Insofar as practicable, the notice for each old ELS cotton farm shall be mailed so as to be received prior to the referendum under section 343 of the act to determine whether ELS cotton farmers favor or oppose marketing quotas for the current year. If application for a new ELS cotton farm allotment is made but the county committee determines that no new farm allotment shall be established, the county committee shall mail a written notice of "None" as the farm allotment and marketing quota to the operator of such farm. If an old ELS cotton farm loses eligibility for a farm allotment as an old ELS cotton farm for the current year, the county committee shall mail a written notice of "None" as the farm allotment and marketing quota to the operator of such farm showing the reason no farm allotment was established for the farm.

(b) *Revised notice of farm allotment and marketing quota.* The county committee shall mail a written notice of revised farm allotment and marketing quota to the operator of the farm as soon as possible after the county committee determines that a revision is required under §§ 722.501 to 722.550 or the regulations for Reconstitution of Farms, Allotments, and Bases in Part 719 of this chapter; or to correct errors committed by the county committee, or to correct errors caused by fraud or misrepresentation of facts by or on behalf of the producers on the farm. Such revised notice shall be issued prior to the date when planting of ELS cotton normally becomes general on farms in the county, if at all possible, but if not possible to do so, such revised notice shall be issued after such date and the county committee shall determine whether the erroneous notice of ELS cotton allotment provisions of § 722.525 are applicable.

(c) *Notice to operator constitutes notice to other persons.* Each notice shall contain a statement substantially as follows: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown below be interested in the ELS cotton produced on the farm for which this allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. A copy of each notice showing the date of mailing to the operator shall be kept among the records of the county committee and upon request, a certified copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the ELS cotton produced on the farm in the year for which the notice is issued.

(d) *Effectiveness of notice.* Each notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. Farm allotments shall not become effective unless the notice is properly signed, approved in accordance with § 722.523 and mailed in accordance with this section.

(e) *Farm operator obligation to inform county committee of changes.* The farm operator shall immediately inform the county committee of any changes in the ownership, operation, or control of the farm, or any part thereof, and any change in the total land in the farm, for a farm with a current farm allotment.

(f) *Review of farm allotment.* Each notice shall contain a brief statement of the procedure for application to obtain a review of the farm allotment and marketing quota by a review committee in accordance with section 363 of the act and the Marketing Quota Review Regulations in Part 711 of this chapter. Unless application for such review is timely filed within 15 days after the mailing of a notice under this section, the farm allotment and marketing quota established by such notice shall be final and not subject to review by the review committee: *Provided*, That the failure of the farmer to apply for such review shall not preclude the county committee from issuing any required revised notice of farm allotment. If such notice is subsequently revised in accordance with this section, the revised farm allotment and marketing quota shall be subject to review in the same manner as the previous allotment and quota in accordance with section 363 of the act and the regulations in Part 711 of this chapter.

(Secs. 362, 363, 375, 52 Stat. 62, as amended, 63, as amended, 66, as amended; 7 U.S.C. 1362, 1363, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 14, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11436; Filed, Oct. 19, 1966; 8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 5]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1963 Cropland Conversion Program

USE OF DESIGNATED ACREAGE AND ADJUSTMENT PAYMENT

The regulations governing the 1963 Cropland Conversion Program, 28 F.R. 1206, as amended, are hereby further amended as follows:

§ 751.19 [Amended]

1. Section 751.19 is amended by adding at the end thereof a sentence as follows: "Destruction of the vegetative cover is authorized (a) during the last 6 months of the agreement period for the purpose of planting a crop which matures for harvest in a later year, and (b) during the last year of the agreement period for carrying out summer fallow operations or planting of small fruit, bush fruit, orchard, and vineyard crops."

2. Section 751.21 is amended by adding at the end thereof a new paragraph (g) to read as follows:

§ 751.21 Adjustment payment.

* * * * *

(g) On farms from which all or part of the cotton allotment is transferred under the Acreage Allotment Regulations for the 1966 and Succeeding Crops of Upland Cotton, §§ 722.435 through 722.439 of this chapter, the adjustment payment made under the cropland conversion program agreement shall be handled as follows: (1) If the transferred cotton allotment acreage is greater than the acreage which could be devoted to nonconserving crops under the agreement, reduce the adjustment payment by an amount equal to the highest annual adjustment payment rate times the transferred allotment acreage in excess of the acreage which could be devoted to nonconserving crops under the agreement, or (2) if the transferred cotton allotment acreage is equal to or less than the acreage which could be devoted to nonconserving crops under the agreement, the adjustment payment shall remain unchanged.

(Sec. 16(e), 76 Stat. 606, 16 U.S.C. 590p(e))

Effective date: Date of signature.

Signed at Washington, D.C., on October 14, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11437; Filed, Oct. 19, 1966; 8:49 a.m.]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1964–65 Cropland Conversion Program

DESIGNATION AND USE OF ACREAGE AND ADJUSTMENT PAYMENT

The regulations governing the 1964–65 Cropland Conversion Program, 29 F.R. 13559, are hereby amended as follows:

§ 751.61 [Amended]

1. Section 751.61 is amended by adding at the end thereof a sentence as follows: "Destruction of the vegetative cover is authorized (a) during the last 6 months of the agreement period for the purpose of planting a crop which matures for harvest in a later year, and (b) during the last year of the agreement period for carrying out summer fallow operations or planting of small fruit, bush fruit, orchard, and vineyard crops."

2. Section 751.63 is amended by adding at the end thereof a new paragraph (f) to read as follows:

§ 751.63 Adjustment payment.

* * * * *

(f) On farms from which all or part of the cotton allotment is transferred under the Acreage Allotment Regulations for the 1966 and Succeeding Crops of Upland Cotton, §§ 722.435 through 722.439 of this chapter, the adjustment payment made under the cropland conversion program agreement shall be handled as follows: (1) If the transferred cotton allotment acreage is greater than the row and small grain crop permitted acreage, reduce the adjustment payment by an amount equal to the highest annual adjustment payment rate times the transferred allotment acreage in excess of the permitted acreage, or (2) if the

transferred cotton allotment acreage is equal to or less than the row and small grain permitted acreage, the adjustment payment shall remain unchanged.

(Sec. 16(e), 76 Stat. 606, 16 U.S.C. 590p(e))

Effective date: Date of signature.

Signed at Washington, D.C., on October 14, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11438; Filed, Oct. 19, 1966; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Rev. 3, Amdt. 3]

PART 1475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 13475, 30 F.R. 2854, and 30 F.R. 6909 which contain specific requirements for the continuing Livestock Feed Program are amended as follows:

1. Section 1475.201 is revised to read:

§ 1475.201 General statement.

The regulations in this subpart contain the terms and conditions of a Livestock Feed Program formulated under Public Law 86-299, and sections 407 and 421 of the Agricultural Act of 1949 as amended. The objective of the program is to give assistance to eligible livestock owners in designated emergency areas through sales of feed grain at 90 percent of the county base price (as defined in § 1475.208) to provide feed for foundation herds and at 115 percent of such county base price to provide feed for other eligible livestock. The program shall be in effect in those designated emergency areas where the Secretary determines there is a shortage of feed because of flood, drought, fire, hurricane, storm, tornado, earthquake, disease, insect infestation, or other catastrophe.

2. In § 1475.205, subparagraph (2) of paragraph (d) is amended to read:

§ 1475.205 Application and approval.

* * * * *

(d) * * *

(2) The feed grain gross allowance for the authorized period shall not exceed 5 pounds per day per animal unit (or whatever lesser quantity is established by the State committee or county committee), times the number of days in the authorized period.

* * * * *

3. Section 1475.208 is revised to read:

§ 1475.208 Pricing of grains.

(a) *Price for primary livestock.* The sale price of feed grain approved for primary livestock shall be 90 percent of the applicable county base price. Such price for grain other than farm stored grain shall be f.o.b. purchaser's conveyance at point of delivery.

(b) *Price for secondary livestock.* The sale price of feed grain approved for secondary livestock shall be 115 percent of the applicable county base price. Such price for grain other than farm stored grain shall be f.o.b. purchaser's conveyance at point of delivery.

(c) *Base price.* (1) The county base price shall be the total of the basic support rate for loans on and purchases of the feed grain by CCC for the county in which the grain is delivered as set forth in the applicable CCC Price Support Bulletin plus: 13 cents per bushel for barley; 19 cents per bushel for corn; and 34 cents per hundredweight for grain sorghums.

(2) If no such county basic support rate for loans on and purchases of the feed grain is set forth in the Bulletin, it shall be a comparable rate as determined by DASCO. Notwithstanding the foregoing, in cases where it results in savings of delivery costs to CCC and it is determined to be necessary to effectuate the purposes of the program, DASCO may authorize delivery of grain in a county other than the county in which the application is filed using the base price for the county in which the application is filed.

(d) *Inadvertent overdeliveries.* Inadvertent overdelivery of the properly determined total approved quantity stated in the application which is delivered to an owner from a binsite under § 1475.210(b), carrier's conveyance under § 1475.210(d), or because of an error on the part of CCC, shall be settled between the owner and CCC at the larger of the county base price, or the price charged the buyer on the delivery order or other document on which the overdelivery occurred. Overdeliveries in excess of such total approved quantity by warehouses, handlers or dealers not due to error by CCC shall be settled between them and the owner.

(Secs. 1-4, 73 Stat. 574 as amended; secs. 407 421, 63 Stat. 1055 as amended; secs. 4, 5, 62 Stat. 1070 as amended; 7 U.S.C. 1427; 15 U.S.C. 714 b and c)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 12, 1966.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66-11388; Filed, Oct. 19, 1966; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 22 (Rev. 3)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Collection or Compromise of Licensee's Indebtedness

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946-16991, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, 13005, 14095, 14850, 14851, and 31 F.R. 2815, 4954-4955, 9720, and 10114, by adding a new § 107.404.

Information and effective date. The present amendment adds a new § 107.404 to the SBIC Regulation, declaring that the Administrator may collect or compromise (1) all obligations assigned to or held by him pursuant to sections 302 and 303 of the Act and (2) all legal or equitable rights accruing to him in connection with such obligations.

Section 5(b)(2) of the Small Business Act authorizes the Administrator to "collect or compromise" all obligations and legal or equitable rights arising in connection with loans made by SBA under the provisions of that Act. Section 201 of the Small Business Investment Act incorporates by reference and extends to the SBIC program all of the Administrator's powers, duties, and functions under the Small Business Act. Accordingly, the Administrator may provide, by regulation, for the collection or compromise of all obligations and attendant legal or equitable rights acquired as a result of loans made by SBA pursuant to sections 302 and 303 of the Small Business Investment Act.

Notice and public rule-making procedure are unnecessary since the present amendment merely constitutes an interpretative rule which is declaratory of the Administrator's statutory authority relating to public property and loans. Furthermore, in view of the determination made by the Administration that it is in public interest that the amendment be promptly applied to the SBIC program, it shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended by adding a new § 107.404, which shall read as follows:

§ 107.404 Collection or compromise of licensee's indebtedness.

SBA may, in its discretion, and upon such terms and conditions and for such consideraiton as it shall deem reasonable, collect or compromise all obligations assigned to or held by it under section 302 and section 303 of the Act and all legal and equitable rights accruing to it in connection with such obligations.

Dated: October 10, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-11409; Filed, Oct. 19, 1966; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart C—Canons of Ethics

PREAMBLE

Commission action. In order to conform its existing Canons of Ethics for Members of the Securities and Exchange Commission to the recent revision of its Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission which were adopted as Subpart M of this part, the Commission has amended its Canons of Ethics set forth in Subpart C of this part in the following respects:

I. Paragraph (b) of § 200.53 is amended by deleting all of the language following the second sentence thereof, and by making certain minor editorial changes therein.

II. Paragraph (c) of § 200.53 is amended by making certain minor editorial changes therein.

As so amended, the affected portions of § 200.53 read as follows:

§ 200.53 Preamble.

* * * * *

(b) It is imperative that the members of this Commission continue to conduct themselves in their official and personal relationships in a manner which commands the respect and confidence of their fellow citizens. Members of this Commission shall continue to be mindful of, and strictly abide by, the standards of personal conduct set forth in its Regulation regarding Conduct of Members and Employees and Former Members and Employees of the Commission, which is set forth in Subpart M of this Part 200, most of which has been in effect for many years, and which was originally codified in 1953.

(c) However, in addition to the continued observance of those principles of personal conduct, it is fitting and proper for the members of the Commission to restate and resubscribe to the standards of conduct applicable to its executive, legislative and judicial responsibilities.

(Secs. 19, 23, 48 Stat. 85, 901, as amended, 15 U.S.C. 77s, 78w; sec. 20, 49 Stat. 838, 15 U.S.C 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; secs. 38, 211, 54 Stat. 841, 855, 15 U.S.C. 80a-37, 80b-11)

Since the foregoing amendments affecting members of the Commission relate solely to the Commission's internal management and personnel, the Commission finds that the procedures specified in section 4 of the Administrative Procedure Act are unnecessary.

Effective date. The foregoing amendments shall become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

OCTOBER 14, 1966.

[F.R. Doc. 66-11436; Filed, Oct. 19, 1966; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950-)

Subpart D—Special Payments at Age 72 to Certain Uninsured Individuals

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended to read as follows:

1. New §§ 404.374, 404.375, 404.376, 404.377, 404.378, 404.379, and 404.380 are added to read as follows:

§ 404.374 Special payments at age 72 to certain uninsured individuals.

(a) *Requirements for entitlement.* An individual is entitled under section 228 of the Act to special payments at age 72 if such individual:

(1) (i) Attained age 72 before 1968 (no quarters of coverage required), or

(ii) Attained age 72 after 1967, and has not less than 3 quarters of coverage (see § 404.103), including compensation quarters of coverage as defined in § 404.1412, whenever acquired, for each calendar year elapsing after 1966 and before the year in which he attained age 72;

(2) Has filed application for special payments under section 228, as provided in paragraphs (b) and (c) of this section; and

(3) Is a resident of one of the 50 States or the District of Columbia and is:

(i) A citizen of the United States; or

(ii) An alien lawfully admitted for permanent residence who has resided in the United States (as defined in sec. 210(i) of the Act, i.e., the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa) continuously during the 5 years immediately preceding the month in which he files application for special payments under section 228.

(b) *Applications; general.* Except as provided in paragraph (c) of this section, an application which is filed by an individual more than 3 months before the first month in which he meets the requirements of paragraph (a) of this section is not regarded as an application for purposes of entitlement to special payments under section 228. No special payments under section 228 may be made to an individual for any month before the month in which he filed application therefor.

(c) *Application for hospital insurance entitlement by uninsured individuals.* An application for hospital insurance entitlement filed by an uninsured individual before July 1966 in accordance with the provisions of § 404.371 is regarded as an application for special payments under section 228 and is deemed to have been filed in July 1966, unless the person by whom or on whose behalf such application was filed notifies the Secretary that he does not want such application so regarded.

§ 404.375 Duration of entitlement to payments under section 228.

An individual is entitled to special payments under section 228 for each month beginning with the first month after September 1966 in which he meets the requirements of § 404.374(a) and ending with the month preceding the month in which he dies.

§ 404.376 Amount of special payments under section 228.

(a) *General.* Except as provided in paragraph (b) of this section, the special payment under section 228 to which an individual is entitled for any month is $35.

(b) *Husband and wife both entitled.* If both husband and wife are entitled (or upon application would be entitled) to special payments under section 228 for any month, the amount of the special payment to the husband for such month is $35 and the amount of the special payment to the wife for such month is $17.50. For purposes of this paragraph, the determination of whether an individual has the relationship of husband or wife to another individual is made in accordance with the provisions of § 404.1101 without regard to the provisions of § 404.1103 or § 404.1106.

§ 404.377 Reduction of special payments under section 228 for governmental pension system benefits.

(a) *General.* The special payment to which an individual is entitled for any month is reduced (but not below zero) by the amount of any periodic benefit under a governmental pension system (as defined in paragraph (i) of this section) for which he is eligible for such month. The term "periodic benefit" includes a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments.

(b) *Husband or wife entitled.* In the case of a husband and wife, if one of such individuals, but not the other, is

entitled to a special payment under section 228 for any month, the special payment, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (1) the total amount of any periodic benefits under governmental pension systems for which the entitled individual's spouse is eligible for such month, over (2) $17.50.

(c) *Husband and wife entitled.* In the case of a husband and wife both of whom are entitled to a special payment under section 228 for any month:

(1) The special payment of the wife, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (i) the total amount of any periodic benefits under governmental pension systems for which the husband is eligible for such month, over (ii) $35, and

(2) The special payment of the husband, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (i) the total amount of any periodic benefits under governmental pension systems for which the wife is eligible for such month, over (ii) $17.50.

(d) *Determining whether individual is eligible for periodic benefits.* For purposes of this section, in determining whether an individual is eligible for periodic benefits under a governmental pension system:

(1) Such individual is deemed to have filed application for such benefits,

(2) To the extent that entitlement depends on an application by such individual's spouse, such spouse is deemed to have filed application, and

(3) To the extent that entitlement depends on such individual or his spouse having retired, such individual and his spouse are deemed to have retired before the month for which the determination of eligibility is being made.

(e) *Periodic benefit payable on basis other than calendar month.* For purposes of this section, if any periodic benefit is payable on any basis other than a calendar month, the amount of such benefit is allocated to the appropriate calendar months.

(f) *Amount payable less than $1.* If, under this section, the amount payable for any month is less than $1, such amount is reduced to zero. In the case of a husband and wife both of whom are entitled to a special payment under section 228 for the month, the preceding sentence is applied with respect to the aggregate amount payable. Thus, if the aggregate amount payable is less than $1, such amount is reduced to zero. However, if the aggregate amount payable to a husband and wife is $1 or more it is not so reduced.

(g) *Special payment not a multiple of $0.10.* If any special payment computed under the foregoing provisions of this section is not a multiple of $0.10, it is raised to the next higher multiple of $0.10.

(h) *Special payments of less than $5.* If, under this section, special payments due an individual (or aggregate payments in the case of a husband and wife) amount to less than $5, such special payments may be accumulated until they equal or exceed $5.

(i) *"Governmental pension system" defined.* The term "governmental pension system" means the insurance system established by title II of the Social Security Act or any other system or fund established by the United States, a State, any political subdivision of a State, or any wholly owned instrumentality of any one or more of the foregoing which provides for payment of (1) pensions, (2) retirement or retired pay, or (3) annuities or similar amounts payable on account of personal services performed by any individual (not including any payment under any workmen's compensation law or any payment by the Veterans' Administration as compensation for service-connected disability or death).

§ 404.378 Nonpayment of special payments under section 228 for months in which cash payments are made under public assistance.

(a) *General.* Except as provided in paragraph (b) of this section, no special payment under section 228 may be paid to an individual for any month if:

(1) Such individual receives aid or assistance in the form of money payments in such month under a State plan approved under title I, IV, X, XIV, or XVI of the Social Security Act (which titles relate to (i) old-age assistance and medical assistance for the aged, (ii) aid to dependent children, (iii) aid to the blind, (iv) aid to the permanently and totally disabled, and (v) aid to the aged, blind, or disabled, or for such aid and medical assistance for the aged, respectively), or

(2) Such individual's husband or wife receives such aid or assistance in such month, and under the State plan the needs of such individual were taken into account in determining eligibility for (or amount of) such aid or assistance.

(b) *State agency notification of termination of aid or assistance.* No special payment with respect to which paragraph (a) of this section applies may be paid for a month in the absence of receipt by the Social Security Administration of a notice from the State agency administering or supervising the administration of the applicable State plan that the aid or assistance referred to in such paragraph (a) has been or will be terminated with the payment or payments made in such month. To be effective for this purpose the notice shall identify the name of the individual age 72 or over on whose behalf aid or assistance was paid, his social security account number, and the last month in which the aid or assistance was or will be paid to him or on his behalf. The notice also should show the individual's date of birth or age, his current address, that the notice is being filed in compliance with section 228(d) of the Act as amended, and, where the State agency has the information, whether the individual has filed an application for social security benefits. To permit prompt payment of the special payments under section 228, such notice should be filed as soon as it is determined that the pertinent aid or assistance will be terminated. The notice should be sent to the social security district office servicing the area in which the individual age 72 or over resides. The special payment under section 228 may be paid for the last month in which the aid or assistance was paid.

§ 404.379 Suspension where individual is residing outside the United States.

No special payment under section 228 for any month may be paid if, during such month, the individual entitled to such special payment is not a resident of one of the 50 States or the District of Columbia.

§ 404.380 When special payment treated as monthly insurance benefits.

A special payment under section 228 is treated as a monthly insurance benefit payable under section 202 of the Act for purposes of section 202(t) of the Act, relating to suspension of benefits of aliens who are outside the United States, for purposes of section 202(u) of the Act, relating to conviction of subversive activities and other offenses, and for purposes of section 1840 of the Act, relating to payment of premiums of individuals enrolled under Part B of title XVIII of the Act. However, a special payment under section 228 is not treated as a monthly insurance benefit under section 202 of the Act for purposes of entitlement to hospital insurance benefits under Part A of title XVIII of the Act (see § 404.367), for purposes of section 202(m) of the Act, relating to minimum benefits, or for purposes of section 1843(b) or section 1843(d)(3)(B) of the Act pertaining to State agreements for coverage under Part B of title XVIII of the Act of certain public assistance recipients.

2. The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

(Secs. 205, 228, and 1102, 53 Stat. 1368, as amended, 80 Stat. 67, 49 Stat. 647, as amended; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 428, and 1302)

Dated: October 4, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 11, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 66-11424; Filed, Oct. 19, 1966; 8:48 a.m.]

[Reg. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965—)

Subpart C—Exclusions, Recovery of Overpayment, and Liability of a Certifying Officer

1. Chapter III, Title 20, is amended by adding thereto Subpart C of new Part 405 to read as follows:

Sec.
405.301 Scope of subpart.
405.310 Types of expenses not covered.
405.311 Nonreimbursable expenses; individual has no legal obligation to pay for items or services.
405.312 Nonreimbursable expenses; items or services paid for by governmental entity.
405.313 Nonreimbursable expenses; items or services not provided in United States.
405.314 Nonreimbursable expenses; items or services required as a result of war.
405.315 Nonreimbursable expenses; charges imposed by immediate relatives or members of beneficiaries' household.
405.316 Nonreimbursable expenses; payment for services made under workmen's compensation law.
405.317 Effect of workmen's compensation payment.
405.318 Responsibility of the individual concerning workmen's compensation payments.
405.319 Responsibility of intermediary concerning workmen's compensation payments.
405.320 Effect of lump-sum workmen's compensation settlement.
405.350 Individual's liability for payments made to providers and other persons for items and services furnished the individual.
405.351 Incorrect payments for which the individual is not liable.
405.352 Adjustment of title XVIII overpayments.
405.353 Certification of amount that will be adjusted against individual title II or railroad retirement benefits.
405.355 Waiver of adjustment or recovery.
405.359 Liability of certifying or disbursing officer.

AUTHORITY: The provisions of this Subpart C issued under secs. 1102, 1842, 1862, 1870, 1871, 49 Stat. 647, as amended, 79 Stat. 309, 79 Stat. 325, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

§ 405.301 Scope of subpart.

Sections 405.310 to 405.320 describe certain exclusions from coverage applicable to hospital insurance benefits (Part A of title XVIII) and supplementary medical insurance benefits (Part B of title XVIII). The exclusions in this subpart are applicable in addition to any other conditions and limitations in this Part 405 and in title XVIII of the Act. Sections 405.350 to 405.359 relate to the adjustment or recovery of an incorrect payment, or a payment made under section 1814(e) of the Health Insurance for the Aged Act.

§ 405.310 Types of expenses not covered.

Notwithstanding any other provisions of this Part 405, no payment may be made for any expenses incurred for the following items or services:

(a) Routine physical checkups—such as examinations performed not for the purpose of treatment or diagnosis of a specific illness, symptom, complaint, or injury, or examinations required by third parties, such as insurance companies;

(b) Eyeglasses or contact lenses for refractive error only—however, payment may be made for postsurgical eyeglasses customarily used during convalescence from eye surgery, or prosthetic lenses for aphakic patients;

(c) Eye examinations for the purpose of prescribing, fitting, or changing eyeglasses or contact lenses for refractive error only (however, examinations in conjunction with eye diseases, such as glaucoma or cataracts, are covered);

(d) Hearing aids or examinations for the purpose of prescribing, fitting, or changing hearing aids;

(e) Immunizations—no payment is made for vaccinations or innoculations unless directly related to the treatment of an injury or direct exposure such as antirabies treatment, tetanus antitoxin or booster vaccine, botulin antitoxin, antivenom sera, or immune globulin;

(f) Orthopedic shoes or other supportive devices for the feet—except when shoes are integral parts of leg braces;

(g) Custodial care;

(h) Cosmetic surgery, or in connection therewith, except as required for the prompt repair of accidental injury or for the improvement of the functioning of a malformed body member;

(i) Routine dental services in connection with the care, treatment, filling, removal, or replacement of teeth, or structures directly supporting the teeth;

(j) Personal comfort items and services (for example, a television set, or telephone service, etc.);

(k) Which are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member (thus, payment could not be made for the rental of a special hospital bed to be used by an individual in his home if it was not a reasonable and necessary part of the individual's treatment).

§ 405.311 Nonreimbursable expenses; individual has no legal obligation to pay for items or services.

Payment may not be made under title XVIII of the Act for expenses incurred for items or services for which the individual who is furnished such items or services has no legal obligation to pay, and which no other person (by reason of the individual's membership in a prepayment plan or otherwise) has a legal obligation to provide or pay for. For example, no payment may be made for items or services, such as a chest X-ray, that are rendered free of charge by health organizations without regard for the individual's ability to pay. This exclusion does not prevent payment for items or services furnished by a group health prepayment plan to a member of the plan. Neither does it apply to items or services paid for by a governmental entity (with respect to such items or services, see § 405.312).

§ 405.312 Nonreimbursable expenses; items or services paid for by governmental entity.

Payment may not be made under title XVIII of the Act for expenses incurred for items or services that are paid for directly or indirectly by a governmental entity, except:

(a) Payment may be made for items or services furnished under a health insurance plan established for employees of the governmental entity.

(b) Payment may be made for items or services furnished an individual under a program based on one of the titles of the Social Security Act.

(c) Payment may be made for items and services furnished an individual in or by a participating hospital operated by a State or local governmental entity, where such hospital is a general or special hospital serving the general community, including a mental or tuberculosis hospital or a hospital for treatment of infectious disease.

(d) Payment may be made for items and services paid for by a State or local governmental entity and furnished an individual as a means of controlling infectious diseases or because of the individual's medical indigency, whether or not such services are furnished in a hospital.

(e) Payment may be made to a participating Federal hospital for items and services which it furnishes to the general public as a community institution or agency, but not for any items or services which it is required to furnish at public expense under a law of, or contract with, the United States.

(f) Payment may be made in other cases as specified by the Secretary under authority of section 1862(a)(3) of the Act.

§ 405.313 Nonreimbursable expenses; items or services not provided in United States.

Payment may not be made under title XVIII of the Act for expenses incurred for items or services which are not provided within the United States (that is, the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa), except for emergency inpatient hospital services furnished in accordance with the provisions of section 1814(f) of the Act.

§ 405.314 Nonreimbursable expenses; items or services required as a result of war.

Payment may not be made under title XVIII of the Act for expenses incurred for items or services which are required as a result of war, or of an act of war, occurring after the effective date of such individual's current coverage for hospital insurance benefits or supplementary medical insurance benefits.

§ 405.315 Nonreimbursable expenses; charges imposed by immediate relatives or members of beneficiaries' household.

Payment may not be made under title XVIII of the Act for expenses which constitute charges imposed by immediate relatives of the individual or members of his household.

(a) The term "immediate relatives" means spouse, father, mother, son, daughter, brother, or sister—by blood, marriage or adoption.

(b) The term "members of his household" means those persons sharing a common abode as part of a single family unit, including those related by blood,

marriage, or adoption as well as domestic employees and others who live together as part of this family unit, but not including a mere roomer or boarder.

(c) The exclusion refers to the person imposing the charges, who might not be the person rendering the services. For example, where the charges are imposed by a:

(1) Physician or other practitioner in practice by himself, the exclusion would apply if the physician or other practitioner has the excluded relationship to the beneficiary.

(2) Partnership, the exclusion would apply only if all of the partners have the excluded relationship to the beneficiary.

(3) Corporation, the exclusion would not apply, regardless of the beneficiary's relationship to the directors, officers, stockholders of the corporation, or person rendering the services.

(4) Individual proprietorship, the exclusion applies if the individual who owns and operates the business has the excluded relationship to the beneficiary.

§ 405.316 Nonreimbursable expenses; payment for services made under workmen's compensation law.

(a) Payment may not be made under title XVIII of the Act with respect to any item or service to the extent that payment has been made, or can reasonably be expected to be made, under a workmen's compensation law or plan of the United States or a State.

(b) Any payment under title XVIII of the Act with respect to any item or service shall be made on the condition that repayment will be made to the appropriate fund if information is received that a workmen's compensation payment for the item or service has been made.

(c) For purposes of this exclusion, a workmen's compensation plan or system of the United States includes the workmen's compensation plans of the 50 States, the District of Columbia, and Puerto Rico, as well as the systems provided under the Federal Employees' Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act.

§ 405.317 Effect of workmen's compensation payment.

(a) *Spell of illness.* Even though inpatient hospital or extended care services received by an individual are (or are expected to be) completely paid for under a workmen's compensation plan, rather than under title XVIII because of the provisions described in § 405.316(a), the services will be considered in determining whether a spell of illness (see sec. 1861 (a) of the Act) has started.

(b) *Expenses paid in full by workmen's compensation.* Where an injury or illness is covered under a workmen's compensation plan that pays all hospital and medical expenses, the services so paid for in full are not counted towards:

(1) The 90-day limitation on inpatient hospital services in each spell of illness (see § 405.110(c)).

(2) The 100-day limitation on post-hospital extended care services in each spell of illness (see § 405.120(b)).

(3) The 190-day lifetime limitation for inpatient psychiatric hospital services (see § 405.110(d)).

(4) The 100 home health visits limitation under Part A or Part B of title XVIII (see § 405.130).

(5) Determining the first day for which payment for inpatient hospital or extended care services is reduced by the applicable coinsurance amount (see §§ 405.115 and 405.124).

(c) *Limited workmen's compensation payments.* Certain workmen's compensation plans specify limits on the number of days of hospitalization for which payment may be made or the total amount that can be paid under workmen's compensation. Services provided after these limits have been exhausted may be paid for under title XVIII, but the days of service or home health visits so paid for under title XVIII are included in applying the respective limitations under title XVIII.

(d) *Deductibles and coinsurance.* Payments made under workmen's compensation cannot be counted toward the deductibles or coinsurance provisions of title XVIII. Thus, if an individual is hospitalized twice in the same spell of illness and the first hospitalization is completely paid for under workmen's compensation, the inpatient hospital deductible would apply to the second hospitalization. In the same way, medical expenses otherwise reimbursable under Part B must first be reduced by any workmen's compensation payment before applying the deductible and coinsurance provisions.

§ 405.318 Responsibility of the individual concerning workmen's compensation payments.

The individual is responsible for taking whatever action is necessary to obtain payment under workmen's compensation where payment under that system can reasonably be expected. Failure to take proper and timely action under such circumstances will preclude payment under title XVIII to the extent that payment could have been made under workmen's compensation if such action had been taken. Thus, so long as the facts indicate a reasonable expectation that payment may be made under a workmen's compensation statute, the individual must exhaust his administrative remedies under that system before any payment may be made under title XVIII. Where the time limit for taking action under workmen's compensation has expired and the intermediary determines payment could reasonably have been expected if timely action had been taken, payment under title XVIII will be denied to the extent that payment could have been made under workmen's compensation.

§ 405.319 Responsibility of intermediary concerning workmen's compensation payments.

Since title XVIII payments are precluded not only where payments have been made under workmen's compensation but also where they can reasonably be expected to be made, it is the responsibility of the intermediary to determine that neither of these conditions apply before making payment where there is possible workmen's compensation involvement. Where the intermediary has information that a claim may be work related (either directly or from the nature of the injury or illness), and where the injury is of a type compensable under pertinent State or Federal law, the intermediary will immediately ascertain whether a workmen's compensation claim has been filed. Where such a claim has been filed, the claimant will be notified that no payment can be made under title XVIII until a determination as to liability under workmen's compensation is made.

§ 405.320 Effect of lump-sum workmen's compensation settlement.

Where a lump sum is awarded as payment of a workmen's compensation claim, payment for hospital and medical expenses may or may not be included in such a settlement. It is not necessary, however, to examine the settlement to determine what items or services for which payment has been made. Since in these cases an award has in fact been made, no payment may be made under title XVIII for items and services for which payment could have reasonably been expected to be made. Thus, in those States where there is no limitation on payment for hospital and medical expenses, no payment may be made for such services.

§ 405.350 Individual's liability for payments made to providers and other persons for items and services furnished the individual.

Any payment made under title XVIII of the Act to any provider of services or other person with respect to any item or service furnished an individual shall be regarded as a payment to the individual, and adjustment shall be made pursuant to § 405.352, where:

(a) More than the correct amount is paid to a provider of services or other person and the Secretary determines, that within a reasonable period of time, the excess over the correct amount cannot be recouped from the provider of services or other person, or

(b) A payment has been made under the provisions described in section 1814 (e) of the Act, to a provider of services or other person for items and services furnished the individual.

§ 405.351 Incorrect payments for which the individual is not liable.

Where an incorrect payment has been made to a provider of services or other person, the individual is liable only to the extent that he has benefited from such payment.

§ 405.352 Adjustment of title XVIII overpayments.

Where an individual is liable for an overpayment (as described in § 405.350 (a)) or a payment (as described in § 405.350(b)) adjustment is made (to the extent of such liability) by:

(a) Decreasing any payment under title II of the Act, or under the Railroad Retirement Act of 1937, to which the individual is entitled; or

(b) In the event of the individual's death before adjustment is completed, by decreasing any payment under title II of the Act, or under the Railroad Retirement Act of 1937 payable to the estate of the individual or to any other person, that are based on the individual's earnings record (or compensation).

§ 405.353 Certification of amount that will be adjusted against individual title II or railroad retirement benefits.

As soon as practicable after any adjustment is determined to be necessary, the Secretary, for purposes of this subpart, shall certify the amount of the overpayment or payment (see § 405.350) with respect to which the adjustment is to be made. If the adjustment is to be made by decreasing subsequent payments under the Railroad Retirement Act of 1937, such certification shall be made to the Railroad Retirement Board.

§ 405.355 Waiver of adjustment or recovery.

The provisions of § 405.352, may not be applied and there may be no adjustment or recovery of an overpayment (§ 405.350 (a)) or payment (§ 405.350(b)) in any case where the overpayment has been made with respect to an individual who is without fault, and where such adjustment or recovery would defeat the purpose of title II of the Act, or of the Railroad Retirement Act of 1937, or would be against equity and good conscience.

§ 405.359 Liability of certifying or disbursing officer.

No certifying or disbursing officer shall be held liable for any amount certified or paid by him to any provider of services or other person:

(a) Where the adjustment or recovery of such amount is waived (see § 405.355); or

(b) Where adjustment (see § 405.352) or recovery is not completed prior to the death of all persons against whose benefits such adjustment is authorized.

2. *Effective date.* The addition of Subpart C to Part 405 of Chapter III, Title 20, shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: October 4, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 11, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 66-11423; Filed, Oct. 19, 1966; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Oral Prenatal Drugs Containing Fluorides for Human Use

A number of vitamin-mineral preparations containing fluorides for prenatal use and intended or represented to be beneficial to tooth development in the fetus or in the prevention of dental caries in the offspring have appeared on the market in the last few years. These preparations and any other fluoride-containing drugs offered for the same uses are not generally recognized as effective for these purposes by experts qualified by scientific training and experience to evaluate the effectiveness of drugs.

Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502 (a), (f), 505, 701(a), 52 Stat. 1050, 1051, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 355, 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), Part 3 is amended by adding thereto a new statement of policy, as follows:

§ 3.53 Oral prenatal drugs containing fluorides intended for human use.

(a) The Food and Drug Administration finds that there is neither substantial evidence of effectiveness nor a general recognition by qualified experts that prenatal drug preparations containing fluorides are beneficial to tooth development in the fetus or in the prevention of dental caries in the offspring.

(b) Any such drug preparation that is so labeled, represented, or advertised will be regarded as misbranded and subject to regulatory proceedings unless such recommendations are covered by a new-drug application, including substantial evidence of effectivenes, approved pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug," Form FD-1571 set forth in § 130.3 of this chapter, must be submitted to cover clinical investigations to obtain evidence that such preparations are effective for such uses.

(d) Regulatory proceedings may be initiated with respect to drug preparations labeled contrary to the provisions of this statement and shipped within the jurisdiction of the act after 60 days from the date of publication of this statement in the FEDERAL REGISTER.

(Secs. 502 (a), (f), 505, 701(a); 52 Stat. 1050, 1051, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 355, 371(a))

Dated: October 12, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-11422; Filed, Oct. 19, 1966; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER F—NATIONALITY AND PASSPORTS

[Departmental Reg. 108.541]

REVISION OF SUBCHAPTER

By the authority of Executive Order 11295 and Presidential Proclamation 3004 I hereby revoke the present regulations appearing as Part 50, Nationality Procedures under the Immigration and Nationality Act; Part 51, Passports; Part 52, Births and Marriages; and Part 53, Travel Control of Citizens and Nationals in Time of War or National Emergency. I prescribe the following regulations on these subjects:

PART 50—NATIONALITY PROCEDURES

Sec.
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§ 50.1 Definitions.

The following definitions shall be applicable to this part:

(a) "United States" means the continental United States, the State of Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, the Canal Zone, American Samoa, Guam and any other islands or territory over which the United States exercises jurisdiction.

(b) "Department" means the Department of State of the United States of America.

(c) "Secretary" means the Secretary of State.

(d) "National" means a citizen of the United States or a noncitizen owing permanent allegiance to the United States.

(e) "Passport" means a travel document issued under the authority of the Secretary of State attesting to the identity and nationality of the bearer.

(f) "Passport Agent" means a person designated by the Department to accept passport applications and to administer oaths in connection therewith.

Subpart A—Procedures for Determination of United States Nationality of a Person Abroad

§ 50.2 Determination of U.S. nationality of persons abroad.

The Department shall determine claims to United States nationality when made by persons abroad on the basis of an application for registration, for a passport, or for registration of birth.

§ 50.3 Application for registration.

(a) A person abroad who claims U.S. nationality, or a representative on his behalf, may apply at a consular post for registration to establish his claim to U.S. nationality or to make his residence in the particular consular area a matter of record.

(b) The applicant shall execute the registration form prescribed by the Department and shall submit the suporting evidence required by Subpart C of Part 51 of this chapter. The diplomatic or consular officer shall determine the period of time for which the registration will be valid.

§ 50.4 Application for passport.

A claim to U.S. nationality in connection with an application for passport shall be determined by posts abroad in accordance with the regulations contained in Part 51 of this chapter.

§ 50.5 Application for registration of birth abroad.

Upon application by the parents or their representative, a consular officer may record the birth of a U.S. citizen child in his consular district. The officer shall require the applicant to submit evidence meeting the requirements of Subpart C of Part 51 of this chapter and shall include:

(a) *Proof of child's birth.* Proof of child's birth usually consists of, but is not limited to, an authentic copy of the record of the birth filed with local authorities, a baptismal certificate, a military hospital certificate of birth, or an affidavit of the doctor or the person attending the birth. If no proof of birth is available, the person seeking to register the birth shall submit his affidavit explaining why such proof is not available and setting forth the facts relating to the birth.

(b) *Proof of child's citizenship.* Evidence of parent's citizenship and, if pertinent, evidence of parent's physical presence in the United States as required for transmittal of claim of citizenship by the Immigration and Nationality Act of 1952 shall be submitted.

§ 50.6 Registration at the Department of birth abroad.

In the time of war or national emergency, passport agents may be designated to complete consular reports of birth for children born at military facilities which are not under the jurisdiction of a consular office. An officer of the Armed Forces having authority to administer oaths may take applications for registration under this section.

§ 50.7 Report of birth.

(a) Upon submission of satisfactory proof of birth and nationality, and at the time of the recording of the birth, the consular officer shall issue to the parent or person in interest, when requested and upon payment of the prescribed fee, a consular report of birth. The Authentication Officer of the Department may issue additional copies of the report of birth.

(b) When it records a birth under § 50.6, the Department shall furnish a copy of the "Report of Birth" without fee to the parent or person in interest.

§ 50.8 Certification of birth.

(a) At the time of registration of birth, the consular officer shall furnish without fee to the parent or person in interest a certificate entitled "Certification of Birth."

(b) At any time subsequent to the registration of birth, when requested and upon payment of the required fee, the Authentication Officer of the Department of State shall issue to the parent or person in interest a "Certification of Birth."

§ 50.9 Certificate of identity and registration.

When authorized by the Department, a consular officer may issue a certificate of identity and registration for travel to the United States to a national of the United States being deported from a foreign country, to nationals involved in a common disaster abroad, or to a returning national whose passport facilities have been denied or withdrawn under the provisions of this Part 50 or Part 51 or 53 of this chapter.

§ 50.10 Certificate of nationality.

(a) Any person who acquired the nationality of the United States at birth and who is involved in any judicial or administrative proceedings in a foreign state and needs to establish his U.S. nationality may apply for a certificate of nationality in the form prescribed by the Department.

(b) An applicant for a certificate of nationality must submit evidence of his nationality and documentary evidence establishing that he is involved in judicial or administrative proceedings in which proof of his U.S. nationality is required.

§ 50.11 Certificate of identity for travel to the United States to apply for admission.

(a) A person applying abroad for a certificate of identity under section 360 (b) of the Immigration and Nationality Act shall complete the application form prescribed by the Department and submit evidence to support his claim to U.S. nationality. The applicant shall sign the application and swear to or affirm the statements made therein before a diplomatic or consular officer.

(b) When a diplomatic or consular officer denies an application for a certificate of identity under this section, the applicant may submit a written appeal to the Secretary, stating the pertinent facts, the grounds upon which U.S. nationality is claimed and his reasons for considering that the denial was not justified. If the applicant includes in his appeal information not set forth in the original application, he shall swear to or affirm the appeal before a diplomatic or consular officer.

Subpart B—Retention and Resumption of Nationality

§ 50.20 Retention of nationality.

(a) *Section 350 of the Immigration and Nationality Act.* A person who desires to retain his U.S. nationality under the provisions of section 350 of the Immigration and Nationality Act may satisfy the requirement of section 350(1) by taking an oath of allegiance, within the time period specified in the statute, in connection with an application for a passport or for registration as a United States national.

(b) *Section 351(b) of the Immigration and Nationality Act.* (1) A person who desires to claim U.S. nationality under the provisions of section 351(b) of the Immigration and Nationality Act must, within the time period specified in the statute, assert his claim to U.S. nationality and subscribe to an oath of allegiance before a diplomatic or consular officer.

(2) In addition, the person shall submit to the Department a statement reciting his identity and acquisition or derivation of U.S. nationality, the facts pertaining to the performance of any act which would otherwise have been expatriative, and his desire to retain his U.S. nationality.

§ 50.30 Resumption of nationality.

(a) *Section 324(c) of the Immigration and Nationality Act.* (1) A woman formerly a citizen of the United States at birth who wishes to regain her citizenship under section 324(c) of the Immigration and Nationality Act may apply abroad to a diplomatic or consular officer on the form prescribed by the Department to take the oath of allegiance prescribed by section 337 of that Act.

(2) The applicant shall submit documentary evidence to establish her eligibility to take the oath of allegiance. If the diplomatic or consular officer or the Department determines, when the application is submitted to the Department for decision, that the applicant is ineligible for resumption of citizenship because of section 313 of the Immigration and Nationality Act, the oath shall not be administered.

(b) *The Act of June 25, 1936.* (1) A woman who has been restored to citizenship by the Act of June 25, 1936, as amended by the Act of July 2, 1940, but who failed to take the oath of allegiance prior to December 24, 1952, as prescribed by the nationality laws, may apply abroad to any diplomatic or consular officer to take the oath of allegiance as prescribed by section 337 of the Immigration and Nationality Act.

(2) The applicant shall submit documentary evidence to establish her eligibility to take the oath of allegiance. If the diplomatic or consular officer or the Department determines, when the application is submitted to the Department, that the applicant is ineligible for resumption of citizenship under section 313 of the Immigration and Nationality Act, the oath shall not be administered.

(c) *Certification of repatriation.* Upon request and payment of the prescribed fee, a diplomatic or consular officer or the Department shall issue a certified copy of the application and oath administered to a woman repatriated under this section.

Subpart C—Loss of Nationality

§ 50.40 Revocation of naturalization under section 340(d).

(a) Whenever a diplomatic or consular officer determines that an individual, within 5 years of the date upon which he was naturalized, has established permanent residence abroad, and has failed to overcome the presumption set forth in section 340(d) of the Immigration and Nationality Act, the officer shall prepare and forward to the Department an affidavit setting forth his findings. Before forwarding the affidavit to the Department, the diplomatic or consular officer shall give written notice to the person affected of his contemplated action and afford the person a reasonable opportunity to present countervailing evidence.

(b) If the Department agrees that the provisions of section 340(d) of the Immigration and Nationality Act are applicable, it shall forward an authenticated copy of the consular officer's affidavit, and other relevant evidence to the Department of Justice for appropriate action.

§ 50.41 Certification of loss of U.S. nationality.

(a) Whenever a diplomatic or consular officer has reason to believe that a person, while in a foreign country, has lost his U.S. nationality under any provision of Chapter 3 of Title III of the Immigration and Nationality Act of 1952, or under any provision of Chapter IV of the Nationality Act of 1940, as amended, he shall prepare a certificate of loss of nationality containing the facts upon which such belief is based and shall forward the certificate to the Department.

(b) If the diplomatic or consular officer determines that any document containing information relevant to the statements in the certificate of loss of nationality should not be attached to the certificate, he may summarize the pertinent information in the appropriate section of the certificate and send the documents together with the certificate to the Department.

(c) Whenever a person admits that he has expatriated himself by the voluntary performance of one of the acts or fulfillment of one of the conditions specified in Chapter 3, Title III of the Immigration and Nationality Act of 1952 or section 401 of the Nationality Act of 1940, and consents to the execution of an affidavit to that effect, the diplomatic or consular officer shall recite in or attach to the certificate the person's affidavit.

(d) If the certificate of loss of nationality is approved by the Department, a copy shall be forwarded to the Immigration and Naturalization Service, Department of Justice. The diplomatic or consular office in which the certificate was prepared shall then forward a copy of the certificate to the person to whom it relates or his representative.

§ 50.42 Determination of loss of nationality abroad in connection with application for passport in the United States.

The Department shall determine that a person in the United States has lost his U.S. citizenship while abroad only in connection with an application for a passport.

§ 50.50 Renunciation of nationality.

(a) A person desiring to renounce his U.S. nationality under section 349(a)(5) of the Immigration and Nationality Act shall appear before a diplomatic or consular officer of the United States and take an oath of renunciation of nationality of the United States in the manner and form prescribed by the Department. The renunciant must include on the form he signs a statement that he absolutely and entirely renounces his U.S. nationality together with all rights and privileges and all duties of allegiance and fidelity thereunto pertaining.

(b) The diplomatic or consular officer shall forward to the Department for approval the oath of renunciation together with a certificate of loss of nationality as provided by section 358 of the Immigration and Nationality Act. If the officer's report is approved by the Department, copies of the certificate shall be forwarded to the Immigration and Naturalization Service, Department of Justice, and to the person to whom it relates or his representative.

§ 50.51 Certification of expatriation.

The procedures under this part shall also apply to the preparation, approval or disapproval of certificates of expatriation. Where loss of nationality occurs under provisions of law other than those specified in section 358 of the Immigration and Nationality Act of 1952, the diplomatic or consular officer shall prepare a certificate of expatriation instead of a certificate of loss of nationality.

Subpart D—Board of Review on Loss of Nationality

§ 50.60 Appeal by nationality claimant.

A person who contends that the Department's administrative holding of loss of nationality or expatriation in his case is contrary to law or fact shall be entitled, upon written request made within a reasonable time after receipt of notice of such holding, to appeal to the Board of Review on Loss of Nationality.

§ 50.61 Organization of the Board of Review on Loss of Nationality.

The Board of Review on Loss of Nationality shall consist of three officers of the Department designated as members by the Secretary of State. The Secretary may also designate alternate members and a legal assistant to the Board. Each member or alternate shall be an attorney experienced in the law of nationality and citizenship of the United States.

§ 50.62 Chairman.

One of the members of the Board shall be designated by the Secretary as Chairman. The Chairman or his designee shall preside at all hearings of the Board and shall be empowered in all respects to regulate the conduct of the hearing and to pass on all issues relating thereto. The Chairman or his designee shall be empowered to administer oaths and affirmations.

§ 50.63 Functions of the Board.

The Board shall consider all appeals under § 50.60 and shall take any action it considers necessary and proper to the disposition of the cases appealed to it. The Board may adopt and make public rules of procedure approved by the Secretary.

§ 50.64 Scope of review on appeal.

The Board shall receive evidence and, if there is a hearing, hear argument on the facts and the law applicable to the case under consideration. The Board

shall not consider argument challenging the constitutionality of any law.

§ 50.65 Appearance before the Board.

Any party to any proceeding before the Board may appear in person or by or with his attorney or any other representative who has his written authority to represent him.

§ 50.66 Hearing before the Board.

The appellant shall be entitled, at his or his representative's request, to a hearing before the Board. The appellant may appear and testify in his own behalf and may present witnesses and offer evidence. The Passport Office may also present witnesses and offer other evidence and make argument. The appellant and witnesses may be examined by any member of the Board and by the representative of the Passport Office. If any witness whom the appellant or the Passport Office wishes to call is unable to appear personally, the Board may, in its discretion, accept an affidavit by the witness or order evidence to be taken by deposition. The appellant shall be entitled to be informed of all evidence before the Board and of the source of such evidence, and shall be entitled to confront and cross-examine any adverse witness. The Board may request a stipulation of facts prior to or at the beginning of the hearing and may request supplemental statements on issues presented to it or confirmation, verification, or authentication of any evidence submitted by or on behalf of the appellant.

§ 50.67 Admissibility of evidence.

The appellant and the Passport Office may introduce such evidence as the Board deems proper. Formal rules of evidence shall not apply, but reasonable restrictions shall be imposed as to the relevancy, competency and materiality of evidence presented.

§ 50.68 Privacy of hearings.

Hearings shall be private. There shall be present at the hearing only the appellant, his counsel or representative, the members of the Board, official stenographers, Department employees, and the witnesses. Witnesses shall be present at the hearing only while actually giving testimony or when otherwise directed by the Board.

§ 50.69 Transcript of hearing.

A complete verbatim transcript shall be made of the hearing, if any, by a qualified reporter. Upon request, the appellant or his counsel shall have the right to inspect the complete transcript and to purchase a copy thereof.

§ 50.70 Record of the proceedings.

The record of the hearing shall consist of the stipulation of facts, if any, the evidence admitted, the transcript of hearing and the appellant's file. If a hearing is not held, the record shall consist of the appellant's written petition, supporting evidence, and the appellant's file. All decisions of the Board shall be made on the basis of the record.

§ 50.71 Decision of the Board.

The decision shall be by majority vote, in writing, and shall set out with particularity the finding of fact and conclusions of law on which it is based.

§ 50.72 Notification of appellant.

The Board's decision shall be promptly communicated in writing to the appellant.

PART 51—PASSPORTS

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AUTHORITY: The provisions of this Part 51 issued under sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 211a, 5 U.S.C. 151c. E.O. 11295, 31 F.R. 10603.

§ 51.1 Definitions.

The following definitions shall be applicable to this part:

(a) "United States" means the continental United States, the State of Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, the Canal Zone, American Samoa, Guam and any other islands or territory over which the United States exercises jurisdiction.

(b) "Department" means the Department of State of the United States of America.

(c) "Secretary" means the Secretary of State.

(d) "National" means a citizen of the United States or a noncitizen owing permanent allegiance to the United States.

(e) "Passport" means a travel document issued under the authority of the Secretary of State attesting to the identity and nationality of the bearer.

(f) "Passport Agent" means a person designated by the Department to accept passport applications and to administer oaths in connection therewith.

(g) "Passport Issuing Office" means the Passport Office, a Passport Agency, a Passport Agent of the Department, or a Foreign Service Post authorized to issue passports.

Subpart A—General

§ 51.2 Passports issued to nationals only.

(a) A United States passport shall be issued only to a national of the United States and can include therein only nationals of the United States (22 U.S.C. 212).

(b) Unless authorized by the Department, no person shall bear or be included in more than one valid or potentially valid U.S. passport at any one time.

§ 51.3 Types of passports.

(a) *Regular passport.* A regular passport is issued to a national of the United States proceeding abroad for personal or business reasons.

(b) *Official passport.* An official passport is issued to an official or employee of the U.S. Government proceeding abroad in the discharge of official duties. Where appropriate, dependents of such persons may be issued official passports.

(c) *Diplomatic passport.* A diplomatic passport is issued to a Foreign Service Officer, a person in the diplomatic service or to a person having diplomatic status either because of the nature of his foreign mission or by reason of the office he holds. Where appropriate, dependents of such persons may be issued diplomatic passports.

§ 51.4 Validity of passports.

(a) *Signature of bearer.* A passport is valid only when signed by the bearer in the space designated for his signature.

(b) *Period of validity of a regular passport.* A regular passport is normally valid for a period of 3 years and may be renewed for an additional period of 2 years. The validity of a regular passport cannot in any event extend more than 5 years from the original date of issue.

(c) *Period of validity of an official passport.* An official passport is normally valid for a period of 3 years and may be renewed for an additional period of 2 years so long as the bearer maintains his official status. In no event is it valid for more than 5 years. It must be returned to the Department upon termination of the bearer's official status.

(d) *Period of validity of a diplomatic passport.* A diplomatic passport is valid so long as the bearer maintains his diplomatic status and must be returned to the Department upon the termination of such status or at such other time as the Secretary shall determine.

(e) *Limitation and extension of validity.* The original or renewal period of a passport may be limited, when necessary, to less than the normal period of validity. A person requiring the extension of a passport so limited, shall apply in writing to a passport issuing office which may extend the passport to the normal period of validity.

§ 51.5 Persons who may be included in one passport.

The following persons may be included in one passport:

(a) The spouse of the bearer.

(b) Unmarried minor children of the bearer including stepchildren and adopted children.

(c) Unmarried minor brothers or sisters of the bearer.

§ 51.6 Mutilation and alteration of passports.

Any passport which has been materially changed in physical appearance or composition, or which includes unauthorized changes, obliterations, entries or photographs may be invalidated.

§ 51.7 Verification of passports.

When required by the officials of a foreign government, an American Foreign Service office may verify a U.S. passport at the request of the bearer or of the foreign government.

§ 51.8 Cancellation of previously issued passport.

(a) Upon applying for a new passport, an applicant shall submit for cancellation any previous passport still valid or potentially valid.

(b) If an applicant is unable to produce such a passport for cancellation, he shall submit a statement under oath setting forth the circumstances surrounding the disposition of the passport and if it is claimed to have been lost, the efforts made to recover it. A determination will then be made whether to issue a new passport and whether such passport shall be limited as to place and periods of validity.

§ 51.9 Passport property of the U.S. Government.

A passport shall at all times remain the property of the United States and shall be returned to the Government upon demand.

Subpart B—Application

§ 51.20 General.

An application for a passport or for the renewal or amendment of a passport shall be made on forms prescribed by the Department. The applicant shall truthfully answer every question and recite each and every matter of fact called for by the application. All information and evidence submitted in connection with an application shall be considered a part thereof. For the purposes of this section a written request for renewal, amendment or extension is considered an application.

§ 51.21 Execution of passport application.

Upon execution of a passport application, the applicant shall take an oath of allegiance and shall swear to or affirm the truthfulness of the statements in the application before one of the following persons:

(a) A duly authorized passport agent of the Department.

(b) A clerk of a Federal Court or of a State Court authorized to naturalize aliens.

(c) A diplomatic or consular officer stationed abroad.

(d) Any other person designated by the Secretary.

§ 51.22 Execution of passport form by person over 18 years of age to be included in passport.

A person over 18 years of age to be included in a passport shall take the oath of allegiance, and shall swear to or affirm the facts pertaining to his identity and citizenship.

§ 51.23 Names of applicant and persons to be included.

The passport application shall contain the full name of the applicant and of any person to be included in the passport. The applicant shall explain any material discrepancies between the names to be placed in the passport and the names recited in the evidence of citizenship and identity submitted. The passport issuing office may require documentary evidence or affidavits of persons having knowledge of the facts to support the explanation of the discrepancies.

§ 51.24 Change of name.

An applicant whose name has been changed by court order or decree shall submit with his application a certified copy of the order or decree. An applicant who has changed his name by the adoption of a new name without formal court proceedings shall submit with his application evidence that he has publicly and exclusively used the adopted name over a long period of time.

§ 51.25 Photographs.

(a) *General.* The applicant shall submit with his application duplicate photographs of the size specified in the application which are a good likeness of and satisfactorily identify the applicant. The photographs shall be signed by the applicant in the same manner and form as the application.

(b) *Group photographs.* An applicant who wishes to include members of his family shall submit a group photograph consistent with the photograph requirements in paragraph (a) of this section. If group photographs are not feasible, duplicate photographs of each member accompanying the applicant shall be submitted.

(c) *Photographs of uniformed personnel.* Only applicants who are in the active service of the Armed Forces and proceeding abroad in the discharge of their duties may submit photographs in the uniform of the Armed Forces of the United States.

(d) *Unacceptable photographs.* A photograph with a waxed back or other coating which lessens adhesiveness is not acceptable. Newspaper or magazine pictures, snapshots, or full length photographs are not acceptable. Photographs of persons in the uniform of a civilian

organization, except religious dress, will not generally be accepted.

§ 51.26 Incompetents.

A parent, a legal guardian, or a person in loco parentis shall execute a passport application on behalf of a person declared incompetent.

§ 51.27 Minors.

(a) *Definition.* A minor is an unmarried person under the age of 18 years.

(b) *Execution of application by minors.* A minor may execute an application in his own behalf if he can understand the statements contained in the application. The passport issuing office may require a minor to obtain and submit the written consent of a parent, a legal guardian, or a person in loco parentis to the issuance of the passport.

(c) *Execution of applications for minors by parent or guardian.* A parent, a legal guardian, or a person in loco parentis may execute a passport application on behalf of a minor under 18 years of age if in the judgment of the person before whom the application is executed it is not desirable for the minor to execute his own application. In such instances the oath of allegiance may be omitted.

(d) *Objection by parent or guardian in cases not involving the custody of the minor.* At any time prior to the issuance of a passport to a minor and upon receipt of a written objection from a person having legal control of the minor, the passport issuing office may disapprove the minor's application.

(e) *Objection by parent or guardian in cases involving the custody of the minor.* When there is controversy concerning the custody of a minor, the passport issuing office will issue a passport to the minor unless it receives a court order giving custody of the minor to the objecting parent, legal guardian, or person in loco parentis.

§ 51.28 Identity of applicant.

If the applicant is not personally known by the official receiving the application he shall establish his identity by submission of a previous passport, or other identifying documents or by an identifying witness. The official receiving the application or the Department may require such evidence of identity as deemed necessary.

§ 51.30 Persons unacceptable as witnesses.

The passport issuing office will not accept as witness to a passport application a person who has received or expects to receive a fee for his services in connection with executing the application or obtaining the passport.

§ 51.31 Affidavit of identifying witness.

(a) An identifying witness shall execute an affidavit stating: That he resides at a specific address; that he knows or has reason to believe that the applicant is a citizen of the United States; the basis of his knowledge concerning the applicant; and that the information set out in his affidavit is true to the best of his knowledge and belief.

(b) If the witness has a U.S. passport, he shall state the place of issue and, if possible, the number and approximate date of issue.

(c) The identifying witness shall subscribe and swear or affirm to his statement before the same person who took the passport application.

§ 51.32 Amendment of passports.

(a) *Request for amendment.* Applications for amendment of a passport shall be made on forms prescribed by the Department.

(b) *Inclusion by amendment.* An amended passport may include any of the persons entitled to inclusion under § 51.5. However, a passport may not be amended to include:

(1) A person who bears or is already included in a valid passport, unless that passport is submitted for cancellation or amendment to exclude such person, or satisfactory explanation is made why the passport cannot be submitted.

(2) A person previously excluded from that same passport.

(c) *Exclusion of the bearer by amendment.* A passport cannot be amended to exclude the person to whom the passport was issued.

§ 51.33 Release of passport information.

Information in passport files is privileged and shall not be released except:

(a) At the request of an applicant or a person acting in his behalf for copies of documents executed or submitted by the applicant.

(b) Pursuant to a subpoena or court order directing the production of passport records.

(c) At the request of another Government agency.

(d) When expressly authorized by the Secretary.

Subpart C—Evidence of U.S. Citizenship or Nationality

§ 51.40 Burden of proof.

The applicant has the burden of proving that he and any persons to be included in the passport are nationals of the United States.

§ 51.41 Documentary evidence.

Every application shall be accompanied by evidence of the U.S. nationality of the applicant and of any other person to be extended passport services.

§ 51.42 Previously issued passport.

(a) When an applicant has available a previously issued passport, he may submit it with his application as evidence of his citizenship or nationality.

(b) If the applicant does not have available a previously issued passport he may identify the passport by stating the name in which it was issued, the number if known, and the date or approximate date of issue.

§ 51.43 Persons born in the United States.

(a) *Primary evidence of birth in the United States*—(1) *Birth certificate.* A person born in the United States in a place where official records were kept at the time of his birth may submit a birth certificate under the seal of the official custodian of birth records. To be acceptable, a certificate must show that the birth was recorded at the time of birth or within a reasonable time thereafter.

(2) *Baptismal certificate.* If a birth certificate is not available, the applicant may submit a baptismal or other church record as evidence of birth. The certificate must recite the name of the child, the date and place of birth, the date of baptism or other ceremony which is the basis of the record, the name and location of the church, and the date the record was made. The certificate must bear the signature of the official custodian of the church, if it has one. The certificate must also show that the baptism or other ceremony took place within a reasonable time after birth and was recorded shortly after the ceremony.

(b) *Secondary evidence of birth in the United States.* If the applicant cannot submit primary evidence of birth, he shall submit the best obtainable secondary evidence. As secondary evidence of birth an applicant may submit for consideration documentary evidence such as census records, newspaper files, family Bibles, ships' logs and affidavits of persons with personal knowledge of the facts of the birth. The passport issuing office will consider secondary evidence if the applicant submits a certificate of "no record of birth" by the official custodian of the birth records of the place at which the birth occurred.

§ 51.44 Persons born abroad.

(a) *Naturalization in own right.* A person naturalized in his own right as a U.S. citizen shall submit with his application his certificate of naturalization.

(b) *Derivative citizenship at birth.* (1) An applicant who claims to have derived citizenship by virtue of his birth abroad to a U.S. citizen parent or parents may submit his own certificate of citizenship (Section 1993, Revised Statutes, as amended by Act of May 24, 1934; section 201 of the Nationality Act of 1940; section 301 of the Immigration and Nationality Act of 1952).

(2) In lieu of a certificate of citizenship, the applicant may submit evidence of his parent(s)' citizenship at the time of his birth, and evidence of his and his parent(s)' residence and physical presence in the United States. The passport issuing office may require the applicant to establish the marriage of his parents and/or grandparents and his relationship to them.

(c) *Derivative citizenship subsequent to birth.* (1) An applicant who claims U.S. citizenship by virtue of the naturalization of his parent or parents subsequent to his birth may submit his own certificate of citizenship.

(2) In lieu of a certificate of citizenship the applicant may submit the naturalization certificate of the parent or parents through whom he claims U.S. citizenship. In this case, he must also show that he resided in the United States during minority as required by the law under which he claims citizenship.

(3) If an applicant claims citizenship through a mother who resumed citizenship or a parent who was repatriated, he must submit evidence thereof. The applicant must establish also that he resided in the United States for the period prescribed by law.

Married Women

§ 51.45 Marriage to an alien prior to March 2, 1907.

A woman citizen of the United States who married an alien prior to March 2, 1907, did not lose her U.S. citizenship unless she acquired as a result of the marriage the nationality of her husband and thereafter took up a permanent residence abroad prior to September 22, 1922.

§ 51.46 Marriage to an alien between March 2, 1907 and September 22, 1922.

(a) A woman citizen of the United States who married an alien between March 2, 1907, and September 22, 1922, lost her U.S. citizenship, except as provided in paragraph (b) of this section. At the termination of the marital relation she could resume her U.S. citizenship, if abroad, by registering as a U.S. citizen within 1 year with a Consul of the United States, or by returning to reside in the United States, or, if resident in the United States, by continuing to reside therein. (Section 3 of the Act of March 2, 1907.)

(b) A woman citizen of the United States who married an alien between April 6, 1917, and July 2, 1921, did not lose her citizenship, if the marriage terminated by death or divorce prior to July 2, 1921, or if her husband became a U.S. citizen prior to that date. She may establish her citizenship by proving her U.S. citizenship prior to marriage and the termination of the marriage or acquisition of U.S. citizenship by her husband prior to July 2, 1921.

§ 51.47 Marriage prior to September 22, 1922, to an alien who acquired U.S. citizenship by naturalization prior to September 22, 1922.

A woman citizen of the United States who lost her citizenship by virtue of her marriage to an alien between March 2, 1907, and September 22, 1922, and who reacquired U.S. citizenship through the naturalization of her husband prior to September 22, 1922, may establish her U.S. citizenship by submitting her husband's certificate of naturalization.

§ 51.48 Marriage between September 22, 1922, and March 3, 1931, to an alien ineligible to citizenship.

A woman citizen of the United States who lost her U.S. citizenship by virtue of her marriage to an alien ineligible to citizenship between September 22, 1922, and March 3, 1931, but who reacquired her citizenship by naturalization in accordance with applicable law shall submit with her application her certificate of naturalization (sec. 3 of the Act of Mar. 3, 1931).

§ 51.49 Marriage on or after September 22, 1922, to an alien eligible to naturalization.

A woman citizen of the United States who on or after September 22, 1922, married an alien eligible for naturalization did not thereby lose her U.S. citizenship and need only submit evidence of her own citizenship before a passport issuing office.

§ 51.50 Alien born woman—marriage to citizen prior to September 22, 1922.

An alien woman who acquired U.S. citizenship by virtue of her marriage to a citizen of the United States prior to September 22, 1922, shall submit with her application evidence of her husband's citizenship and of the marriage. (Section 1994 of the Revised Statutes.)

Citizenship by Act of Congress or Treaty

§ 51.51 Former nationals of Spain or Denmark.

Former nationals of Spain or Denmark who acquired nationality or citizenship of the United States under an act of Congress or treaty by virtue of residence in territory under the sovereignty of the United States shall submit evidence of their former nationality and of their residence in such territory.

§ 51.52 Citizenship by birth in territory under sovereignty of the United States.

A person claiming nationality or citizenship of the United States under an act of Congress or treaty by virtue of his birth in territory under the sovereignty of the United States shall submit evidence of his birth in such territory.

§ 51.53 Proof of resumption of U.S. citizenship.

An applicant who claims that he resumed U.S. citizenship or was repatriated under any of the nationality laws of the United States shall submit with the application a certificate of naturalization, a certificate of repatriation or evidence of the fact that he took an oath of allegiance in accordance with the applicable provisions of the law. (Act of June 29, 1906, as amended by Act of May 9, 1918; Act of June 25, 1936, as amended by Act of July 2, 1940, sections 317(b) and 323 of the Nationality Act of 1940 as amended by Acts of April 2, 1942, and August 7, 1946; Act of August 16, 1951, as amended by section 402(j) of the Immigration and Nationality Act of 1952; sections 324 and 327 of the Immigration and Nationality Act of 1952; Act of July 20, 1954.)

§ 51.54 Requirement of additional evidence of U.S. citizenship.

Nothing contained in §§ 51.43 through 51.53 shall prohibit the Department from requiring an applicant to submit other evidence deemed necessary to establish his U.S. citizenship or nationality.

§ 51.55 Return or retention of evidence of citizenship.

The passport issuing office will generally return to the applicant evidence submitted in connection with an application for passport facilities. However, the passport issuing office may retain evidence when it deems necessary.

Subpart D—Fees

§ 51.60 Form of remittance.

Passport fees in the United States shall be paid in U.S. currency or by draft, check, or money order payable to the Department of State or the Passport Office. Passport fees abroad shall be paid in U.S. currency, travelers checks, money order, or the equivalent value of the fees in foreign exchange.

§ 51.61 Statutory fees.

(a) The fee for a U.S. passport is $9 except as provided in § 51.63.

(b) The fee for renewal of a U.S. passport is $5.

(c) If an applicant executes his passport application before a Federal official authorized to take passport applications, the applicant shall pay an execution fee of $1. If an applicant executes his passport application before the clerk of a State court or other State official authorized to take applications, the applicant shall pay the execution fee of $2 to the clerk or other State official for this service.

§ 51.62 Regulatory fees.

The Secretary may authorize the collection of additional fees in connection with passport services. Upon publication of the fees in the Federal Register, the passport issuing office may collect them in the same manner as statutory fees.

§ 51.63 Exemption from payment of passport or renewal fee.

The following persons are exempt from the payment of passport or renewal fees:

(a) An officer or employee of the United States proceeding abroad on official business, or the members of his immediate family authorized to accompany or reside with him abroad. The applicant shall submit evidence of the official purpose of his travel and if applicable his authorization to have dependents accompany or reside with him abroad.

(b) An American seaman who requires a passport in connection with his duties aboard an American flag vessel.

(c) A widow, child, parent, brother, or sister of a deceased American serviceman proceeding abroad to visit the grave of such serviceman.

§ 51.64 Refunds.

A collected passport or renewal fee shall be refunded:

(a) To any person exempt from the payment of passport or renewal fees under § 51.63 from whom fees were erroneously collected.

(b) To any person refused a visa within the United States by the appropriate officer of a foreign government, provided that the unused passport is returned and a written request for a refund is made within 6 months of the date of issue of the passport.

(c) To any applicant whose passport is not issued or renewed.

(d) To the executor or administrator of the estate of the deceased bearer of an unused passport.

§ 51.65 Replacement passports.

A passport issuing office shall issue a replacement passport without payment of a fee:

(a) To correct an error or rectify a mistake of the Department.

(b) When exceptional circumstances exist as determined by the Secretary.

§ 51.66 Execution fee not refundable.

The fee for the execution of a passport application cannot be refunded.

Subpart E—Limitation on Issuance, Renewal or Extension of Passports

§ 51.70 Denial of passports.

(a) A passport, except for direct return to the United States, shall not be issued or renewed in any case in which:

(1) The applicant is the subject of an outstanding Federal warrant of arrest for a felony, including a warrant issued under the Federal Fugitive Felon Act (18 U.S.C. 1073); or

(2) The applicant is subject to a court order, or conditions of parole, or conditions of probation forbidding his departure from the United States; or

(3) The applicant is subject to a court order committing him to a mental institution.

(b) A passport or renewal of a passport may be refused in any case in which:

(1) The applicant has not repaid a loan received from the United States to effectuate his return from a foreign country in the course of travel abroad; or

(2) The applicant has been legally declared incompetent unless accompanied on his travel abroad by the guardian or other person responsible for the national's custody and well being; or

(3) The applicant is under the age of 18, unmarried, and not in the military service of the United States unless a person having legal custody of such national authorizes issuance or renewal of the passport and agrees to reimburse the United States for any moneys advanced by the United States to enable the minor to return to the United States; or

(4) The national has violated the provisions of § 51.74; or

(5) The Secretary determines that the national's activities abroad are causing or are likely to cause serious damage to the national security or the foreign policy of the United States; or

(6) The applicant has been the subject of a prior adverse action under this section, § 51.71, or § 51.75 and has not shown that a change in circumstances since that adverse action warrants issuance or renewal of a passport.

§ 51.71 Revocation or restriction of passports.

A passport may be revoked, restricted or limited where:

(a) The national would not be entitled to issuance of a new passport under § 51.70; or

(b) The passport has been obtained by fraud, or has been fraudulently altered, or has been fraudulently misused; or

(c) The national's activities abroad are in violation of the laws of the United States.

§ 51.72 Passports invalid for travel to restricted areas.

Upon publication by public notice in the FEDERAL REGISTER of a determination by the Secretary that a country or area is:

(a) A country with which the United States is at war or

(b) A country or area where armed hostilities are in progress or

(c) A country or area to which the Secretary has determined that travel must be restricted in the national interest because such travel would seriously impair the conduct of United States foreign affairs,

U.S. passports shall cease to be valid for travel to, in or through such country or area unless specifically validated therefor: *Provided, however,* That restrictions existing as of the effective date of these regulations in this part on the validity of passports for travel to certain countries or areas shall remain in effect for a period of 60 days from the effective date of the regulations in this part. Any restriction imposed under this section shall expire at the end of 1 year from the date of publication of such public notice in the FEDERAL REGISTER, unless extended by the Secretary by public notice.

§ 51.73 Special validation of passport for travel to restricted areas.

(a) An application of a U.S. national for validation of his passport for travel to, in or through a restricted country or area will be considered only when such action is determined to be in the national interest of the United States.

(b) An application will be considered to be in the national interest of the United States if:

(1) The applicant is a professional reporter, the purpose of whose trip is to obtain, and make available to the public, information about the restricted area; or

(2) The applicant is a doctor or scientist in the field of medicine or public health, the purpose of whose trip is directly related to his professional responsibilities; or

(3) The applicant is a scholar with a postgraduate degree, or its equivalent, the purpose of whose trip is to obtain for public dissemination, further information in his field of research; or

(4) The applicant is a representative of the American Red Cross.

(c) In the discretion of the Secretary, an application may be considered to be in the national interest of the United States, depending upon the restricted area to be visited, the benefit to the United States of such a visit, and the applicant's need to visit the restricted area, if:

(1) The applicant, although not a reporter by profession, establishes that one of the news media has indicated an interest in publishing a report of the applicant's trip; or

(2) The applicant's activities in cultural, athletic, commercial, educational, professional, or other fields or in public affairs demonstrate that his visit to the restricted area would be of benefit to the United States; or

(3) The applicant establishes that his trip is justified by compelling humanitarian considerations.

(d) An application for validation of a passport for travel to a restricted area must be accompanied by evidence that the application falls within paragraph (b) or (c) of this section or would otherwise serve the national interest of the United States.

§ 51.74 Violation of geographical limitations.

Travel to, in or through a restricted country or area without a passport or without a passport specifically validated for such travel is ground for revocation or cancellation of a passport and for denial of an application for a passport or renewal of a passport until such time as the Secretary receives formal assurance and is satisfied that the person will not again travel in violation of the travel restrictions. Unauthorized travel to a restricted country or area may also be a violation of 8 U.S.C. 1185 and/or 18 U.S.C. 1544 and subject to the penalties provided therein.

§ 51.75 Notification of denial or withdrawal of passport.

Any person whose application for the issuance or renewal of a passport has been denied, or who has otherwise been the subject of an adverse action taken on an individual basis with respect to his right to receive or use a passport shall be entitled to notification in writing of the adverse action. The notification shall set forth the specific reasons for the adverse action and the procedures for review available under §§ 51.81–51.105.

§ 51.76 Surrender of passport.

The bearer of a passport which is revoked shall surrender it to the Department or its authorized representative upon demand and upon his refusal to do so such passport may be invalidated by notifying the bearer in writing of the invalidation.

Subpart F—Procedures for Review of Adverse Action

§ 51.80 Applicability of §§ 51.81–51.105.

The provisions of §§ 51.81–51.105 apply to any action of the Secretary taken on an individual basis in denying, restricting, revoking, or invalidating a passport or in any other way adversely affecting the ability of a person to receive or use a passport except action taken by reason of noncitizenship or refusal to grant a discretionary exception from geographical limitations of general applicability. The provisions of this subpart shall constitute the administrative remedies provided by the Department to persons who are the subject of adverse action under § 51.70, § 51.71 or § 51.74.

§ 51.81 Time limits on hearing to review adverse action.

A person who has been the subject of an adverse action with respect to his right to receive or use a passport shall be entitled, upon request made within 60 days after receipt of notice of such adverse action, to require the Department or the appropriate Foreign Service post, as the case may be, to establish the basis for its action in a proceeding before a hearing officer. If no such request is made within 60 days, the adverse action will be considered final and not subject to further administrative review. If such request is made within 60 days, the adverse action shall be automatically vacated unless such proceeding is initiated by the Department or the appropriate Foreign Service post, as the case may be, within 60 days after request, or such longer period as is requested by the person adversely affected and agreed to by the hearing officer.

§ 51.82 Notice of hearing.

The person adversely affected shall receive not less than 5 business days' notice in writing of the scheduled date and place of the hearing.

§ 51.83 Functions of the hearing officer.

The hearing officer shall act on all requests for review under § 51.81. He shall make findings of fact and submit recommendations to the Administrator of the Bureau of Security and Consular Affairs. In making his findings and recommendations, the hearing officer shall not consider confidential security information unless that information is made available to the person adversely affected and is made part of the record of the hearing.

§ 51.84 Appearance at hearing.

The person adversely affected may appear at the hearing in person or by his attorney who must possess the qualifications prescribed for practice before the Board of Passport Appeals.

§ 51.85 Proceedings before the hearing officer.

The person adversely affected may appear and testify in his own behalf and may himself, or by his attorney, present witnesses and offer other evidence and make argument. If any witness whom the person adversely affected wishes to call is unable to appear in person, the hearing officer may, in his discretion, accept an affidavit by the witness or order evidence to be taken by deposition. The person adversely affected shall be entitled to be informed of all the evidence before the hearing officer and of the source of such evidence, and shall be entitled to confront and cross-examine any adverse witness. The person shall, upon request by the hearing officer, confirm his oral statements in an affidavit for the record.

§ 51.86 Admissibility of evidence.

The person adversely affected and the Department may introduce such evidence as the hearing officer deems proper. Formal rules of evidence shall not apply, but reasonable restrictions shall be imposed as to relevancy, competency and materiality of evidence presented.

§ 51.87 Privacy of hearing.

The hearing shall be private. There shall be present at the hearing only the person adversely affected, his attorney, the hearing officer, official stenographers, employees of the Department directly concerned with the presentation of the case, and the witnesses. Witnesses shall be present at the hearing only while actually giving testimony or when otherwise directed by the hearing officer.

§ 51.88 Transcript of hearing.

A complete verbatim stenographic transcript shall be made of the hearing by a qualified reporter, and the transcript shall constitute a permanent part of the record. Upon request, the appellant or his counsel shall be entitled to inspect the complete transcript and to purchase a copy thereof.

§ 51.89 Decision of Administrator of the Bureau of Security and Consular Affairs.

The person adversely affected shall be promptly notified in writing of the decision of the Administrator of the Bureau of Security and Consular Affairs and, if the decision is adverse to him, the notification shall state the reasons for the decision and inform him of his right to appeal to the Board of Passport Appeals under § 51.90.

§ 51.90 Time limit on appeal to Board of Passport Appeals.

A person who has been subject of an adverse decision under § 51.89 shall be entitled, upon request made within 30 days after receipt of notice of such decision, to appeal the decision to the Board of Passport Appeals. If no appeal is made within 30 days, the decision will be considered final and not subject to further administrative review.

§ 51.91 Organization of Board of Passport Appeals.

The Board of Passport Appeals shall consist of not less than three officers of the Department designated as members by the Secretary of State. Three members of the Board shall constitute a quorum to hear an appeal.

§ 51.92 Chairman.

One of the members of the Board shall be designated by the Secretary as Chairman. The Chairman shall insure that there is a quorum, including himself or his designee, to hear an appeal. The Chairman or his designee shall preside at all hearings of the Board and shall be empowered in all respects to regulate the conduct of the hearing and to pass on all issues relating thereto. The Chairman or his designee shall be empowered to administer oaths and affirmations.

§ 51.93 Legal Assistant to the Board.

A Legal Assistant, to be designated by the Secretary, shall be responsible to the Board for the scheduling and presentation of cases; for assistance in legal and procedural matters; for providing information to the appellant as to his procedural rights before the Board; for maintenance of records; and for such other duties as the Board, or the Chairman on its behalf, may determine.

§ 51.94 Functions of the Board.

The Board shall act on all appeals under § 51.90 and shall recommend to the Secretary the action it considers necessary and proper to the disposition of the cases appealed to it. The Board may adopt and make public rules of procedure approved by the Secretary.

§ 51.95 Scope of review on appeal.

In hearing an appeal, the Board shall review the record of the hearing held under §§ 51.81–51.89. The Board shall not receive or consider evidence or testimony not presented at that hearing unless it shall determine that such evidence or testimony could not, by reasonable diligence, have been presented at the hearing. In reaching its decision, the Board shall not take into consideration any confidential security information which is not part of the record.

§ 51.96 Notice of hearing on appeal.

An appellant shall receive not less than 5 business days' notice in writing of the scheduled date and place of any hearing on his appeal, which shall be set for a time as soon as possible after receipt by the Board of the appeal. Hearings will be held at the Department of State in Washington, D.C., unless the Board determines otherwise.

§ 51.97 Appearance at hearing on appeal.

Any party to any proceeding before the Board may appear in person, or by or with his attorney, who must possess the requisite qualifications, as hereinafter set forth, to practice before the Board.

§ 51.98 Appellant's attorney.

(a) Attorneys at law in good standing who are admitted to practice before the Federal courts or before the courts of any State or Territory of the United States may practice before the Board.

(b) No officer or employee of the Department of State whose official duties have, in fact, included participation in the investigation, preparation, presentation, decision or review of the appellant's case shall, within two (2) years after the termination of such duties, appear as attorney in behalf of the appellant in any case of such nature, nor shall any one appear as such attorney in the case if in the course of prior government service he has dealt with any aspects of the appellant's activities relevant to a determination of the case.

§ 51.99 Proceedings before the Board.

The record of the hearing held under §§ 51.81–51.89 shall be made available to the appellant in connection with his appeal to the Board. Subject to the provisions of § 51.95, the appellant and the Passport Office may present witnesses and offer other evidence and make argument. The appellant and any witnesses appearing before the Board may be examined by any member of the Board or by counsel. The appellant shall be entitled to be informed of all the evidence before the Board and of the source of such evidence, and shall be entitled to confront and cross-examine any adverse witness appearing before the Board.

§ 51.100 Admissibility of evidence on appeal.

Subject to the provisions of § 51.95, the Passport Office and the appellant may introduce such evidence as the Board deems proper. Formal rules of evidence shall not apply, but reasonable restrictions shall be imposed as to the relevancy competency and materiality of evidence presented.

§ 51.101 Privacy of hearing.

Unless otherwise requested by the person adversely affected, the hearing shall be private. There shall be present at the hearing only the appellant, his counsel, the members of the Board, the Legal Assistant to the Board, official stenographers, Departmental employees directly concerned with the presentation of the case, and the witnesses. Witnesses shall be present at the hearing only while actually giving testimony or when otherwise directed by the Board.

§ 51.102 Transcript of hearing.

A complete verbatim stenographic transcript shall be made of the hearing by a qualified reporter, and the transcript shall constitute a permanent part of the record. Upon request, the appellant or his counsel shall be entitled to inspect the complete transcript and to purchase a copy thereof.

§ 51.103 Decision of the Board.

The decision shall be by majority vote, in writing, and shall set out with particularity the findings of fact and conclusions of law on which it is based.

§ 51.104 Finality of decision.

The decision of the Board shall be final unless:

(a) The Secretary directs the Board to refer the case to him for decision; or

(b) The Board by majority vote decides to refer its findings and conclusions to the Secretary for decision.

§ 51.105 Notification of appellant.

The Department's decision shall be promptly communicated in writing to the appellant.

PART 52—MARRIAGES

Sec.
52.1 Celebration of marriage.
52.2 Official witness at marriage ceremony.
52.3 Certificate of witness to marriage.
52.4 Authentication of marriage and divorce documents.
52.5 Certification as to marriage laws.

AUTHORITY: The provisions of this Part 52 issued under sec. 4, 63 Stat. 111, as amended; 5 U.S.C. 151c.

§ 52.1 Celebration of marriage.

Foreign Service officers are forbidden to celebrate marriages.

§ 52.2 Official witness at marriage ceremony.

(a) *Diplomatic representative.* A diplomatic representative shall not act as an official witness at a marriage ceremony.

(b) *Consular officer.* A consular officer, when requested, may act as an official witness at a marriage ceremony, in accordance with Title 22 U.S.C. 1172, provided that one of the contracting parties is a national of the United States and provided the consular officer has assured himself, as far as practicable, that the parties have complied with requirements of the applicable law of the place of celebration.

§ 52.3 Certificate of witness to marriage.

Whenever a consular officer witnesses a ceremony of marriage he shall complete a Certificate of Witness to Marriage form, affix thereto the seal of the consulate, certify that the marriage took place in his presence, and sign such certificate.

§ 52.4 Authentication of marriage and divorce documents.

(a) Whenever a consular officer is requested to authenticate the signature of local authorities on a document of marriage when he was not a witness to the marriage, he shall include in the body of his certificate of authentication the qualifying statement, "For the contents of the annexed document, the Consulate (General) assumes no responsibility."

(b) A consular officer shall include the same statement in certificates of authentication accompanying decrees of divorce.

§ 52.5 Certification as to marriage laws.

Although a consular officer may have knowledge respecting the laws of marriage, he shall not issue any official certificate with respect to such laws.

PART 53—TRAVEL CONTROL OF CITIZENS OF UNITED STATES IN TIME OF WAR OR NATIONAL EMERGENCY

Sec.
53.1 Passport requirement.
53.2 Exceptions.
53.3 Attempt of a citizen to enter without a valid passport.
53.4 Optional use of a valid passport.

AUTHORITY: The provisions of this Part 53 issued under sec. 215, 66 Stat. 190; 8 U.S.C. 1185. Proc. 3004, 18 F.R. 489; 3 CFR 1949–1953 Comp.

§ 53.1 Passport requirement.

Under section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185 (b)), it is unlawful except as otherwise provided for any citizen of the United States to depart from or enter, or attempt to depart from or enter, the United States without a valid passport.

§ 53.2 Exceptions.

A U.S. citizen is not required to bear a valid passport to enter or depart the United States:

(a) When traveling directly between parts of the United States as defined in § 50.1 of this chapter;

(b) When traveling between the United States and any country, territory, or island adjacent thereto in North, South or Central America excluding Cuba; provided, that this exception is not applicable to any such person when proceeding to or arriving from a place outside the United States for which a valid passport is required under this part if such travel is accomplished within 60 days of departure from the United States via any country or territory in North, South or Central America or any island adjacent thereto;

(c) When traveling as a bona fide seaman or air crewman who is the holder of record of a valid merchant mariner identification document or air crewman identification card;

(d) When traveling as a member of the Armed Forces of the United States on active duty;

(e) When he is under 21 years of age and is a member of the household of an official or employee of a foreign government or of the United Nations and is in possession of or included in a foreign passport;

(f) When he is a child under 12 years of age and is included in the foreign passport of an alien parent; however, such child will be required to provide evidence of his U.S. citizenship when entering the United States;

(g) When the citizen entering the United States presents a certificate of identity and registration issued by a consular office abroad to facilitate travel to the United States; or

(h) When specifically authorized by the Secretary of State through appropriate official channels to depart from or enter the United States, as defined in § 50.1 of this chapter. The fee for a waiver of the passport requirement under this section is $25.

§ 53.3 Attempt of a citizen to enter without a valid passport.

The appropriate officer at the port of entry shall report to the Secretary of State for the purpose of invoking the waiver provisions of § 53.2(h), any citizen of the United States who attempts to enter the United States contrary to the provisions of this part.

§ 53.4 Optional use of a valid passport.

Nothing in this part shall be construed to prevent a citizen from using a valid passport in a case in which that passport is not required by this Part 53, provided such travel is not otherwise prohibited.

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rulemaking are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

For the Secretary of State.

WILLIAM J. CROCKETT,
Deputy Under Secretary for Administration.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-11421; Filed, Oct. 19, 1966; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII is amended as follows:

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart G—Negotiated Overhead Rates

1. Sections 1003.704–1, 1003.704–2, 1003.705, and 1003.706 are revised to read as follows:

§ 1003.704–1 Contracts with concerns other than educational institutions.

It is AF policy not to incorporate provisional rates in contracts with commercial organizations. The contractor will be reimbursed on basis of billing overhead rates negotiated by the administrative contracting office as provided in the ASPR clause.

§ 1003.704–2 Contracts with educational institutions.

It is AF policy to incorporate provisional rates in contracts with colleges, universities, and research institutes. Provisional overhead rates for research institutes will be negotiated by AFSC (SCKPF). Provisional overhead rates for colleges and universities will be negotiated by OAR (RRMK). Such rates will be negotiated as part of the final overhead rate negotiations.

§ 1003.705 Procedure.

(a) AFSC (SCKPF) will conduct or monitor all negotiated final overhead rates when the Air Force is the only procurement activity concerned or when the Air Force is the cognizant negotiating service for coordinated negotiations as described under § 3.706 of this title.

(1) With the exception of colleges, universities and research institutes, the contractor's proposal will be forwarded through the ACO for distribution to the cognizant auditor. The audit report will be forwarded by the cognizant auditor to AFSC (SCKPF) or OAR (RRMK) through the DCAA liaison office nearest the office responsible for the negotiation, with copies provided to the ACO. In addition to the auditor's responsibility to obtain the contractor's reaction to the costs questioned, it will normally be standard procedure to furnish one copy of the audit report, exclusive of narrative comments, to the contractor.

(2) Under the monitorship of AFSC (SCKPF), authority to conduct such negotiations with colleges and universities has been delegated to OAR (RRMK) without redelegation authority.

(3) ACOs are authorized to negotiate final overhead rates to close out completed contracts provided the total of such actions does not become so significant as to have impact on final overhead rate negotiations. Generally, it may be considered that no substantial impact will occur when the total amount of indirect cost involved in closing the contracts does not exceed 10 to 15 percent of the total indirect cost allocable to cost type contracts for the contractor's fiscal year. Emphasis should be given to closing contracts with small dollar balances. However, in no event should such indirect costs applicable to any one contract in 1 fiscal year exceed $100,000. ACO will coordinate with the cognizant contract auditor to assure application of jointly acceptable rates.

(b) Advisory audit reports will be used in all final overhead negotiations except where AFSC (SCKPF) or OAR (RRMK), as appropriate, decides that the amount of overhead involved is so small that the cost of auditing is not justified and the cognizant audit agency is so notified.

(c) and (d) No implementation.

(e) AFSC (SCKPF) or OAR (RRMK), as appropriate, will distribute the negotiation report to all Air Force and other military department buying activities holding affected contracts and audit activity.

§ 1003.706 Coordination.

Where one or more military departments, other than the Air Force, have cost-reimbursement type contracts with a contractor, AFSC (SCKPF) will coordinate with the other military departments in determining the cognizant negotiating activity. If the determination is made that the Air Force will be the cognizant negotiating activity, SCKPF will (a) for negotiations pursuant to § 3.704–1 of this title, schedule the negotiation, or (b) for negotiations pursuant to § 3.704–2 of this title, notify OAR (RRMK) who will be responsible for scheduling the negotiation meeting, notifying the other interested services, and conducting the negotiation.

PART 1007—CONTRACT CLAUSES

Subpart F—Clauses for Construction and Architect-Engineer Contracts

Subpart U—Clauses for Fixed-Price Nonpersonal Service Contracts

2. A new Subpart F is added; and § 1007.2103–1 is deleted as follows:

§ 1007.602–36 Preparation of progress schedules and reports.

(a) The following clause will be included in all contracts for construction where it is contemplated that Progress Schedules and Reports will be required.

Preparation of Progress Schedules and Reports (August 1966).

(b) The reports contemplated by the clause herein entitled "Progress Charts and Requirements for Overtime Work" shall be accomplished on and in accordance with instructions pertaining to AFPI Forms 78 and 78A.

§ 1007.2103–1 Changes. [Deleted]

3. In § 1007.4047, the clause is revised; in § 1007.4048, paragraph (d) of the clause in paragraph (a) is revised; and § 1007.4050 is revised as follows:

§ 1007.4047 Safety and accident prevention.

* * * * *

SAFETY AND ACCIDENT PREVENTION (MARCH 1966)

In performing any work under this contract on premises which are under the direct control of the Government, the Contractor shall (i) conform to all safety rules and requirements prescribed in Air Force Manual 127–101, as in effect on the date of this contract and (ii) take such additional precautions as the Contracting Officer may reasonably require for safety and accident prevention purposes. The Contractor agrees to take all reasonable steps and precautions to prevent accidents and preserve the life and health of Contractor and Government personnel performing or in any way coming in contact with the performance of this contract on such premises. Any violation of such rules and requirements, unless promptly corrected, as directed by the Contracting Officer, shall be grounds for termination of this contract in accordance with the default provisions hereof.

NOTE: In construction contracts the reference to AF Manual 127–101 appearing in the above clause will be deleted and the following substituted therefor: "Corps of Engineer Manual EM–385–1–1."

§ 1007.4048 Safety precautions for all types of dangerous materials.

(a) * * *

SAFETY PRECAUTIONS FOR DANGEROUS MATERIALS (NOVEMBER 1964)

* * * * *

(d) Insofar as applicable to contract or subcontract work or services hereunder, requirements of the following exhibits are hereby invoked: MIL–STDs 129D, to the extent called out by MIL–L–9931, 130B to the extent called out by MIL–L–9931, 444 and 709; MIL–STD–1167, MIL–STD–1168 and MIL–L–9931; AF TO 11A–1–47; ICC Regulations T. C. George's Tariff No. 15; Freund's Tariff No. 11, Motor Carrier Explosives and Dangerous Articles Tariff; Restricted Articles Tariff No. 6C (including ATB No. 14 and CAB No. 18); U.S. Coast Guard Regulations and Federal Aviation Agency Regulations.

* * * * *

§ 1007.4050 Government bill of lading and mailing indicia.

(a) All central procurement contracts (except purchase orders issued on DD Form 1155 and contracts issued under small purchase procedures, Subpart F, Part 1003 of this subchapter) which provide for delivery of supplies will contain the clause set forth below. Other contracts may contain this clause or a GBL clause adapted to the particular contract.

GOVERNMENT BILL OF LADING AND MAILING INDICIA (AUGUST 1966)

(a) When it is provided in this contract that the supplies shall be delivered other than f.o.b. specified destinations, or freight prepaid, shipment(s) shall be made on U.S. Government Bills of Lading or U.S. Government Mailing Indicia. The required number of Government Bills of Lading and Mailing Indicia shall be furnished to the Contractor by the cognizant transportation or other activity. The Contractor shall acknowledge receipt of Government Bills of Lading and Mailing Indicia in the manner prescribed by the issuing office. As shipments are made, the Contractor shall prepare, or complete, and distribute Government Bills in accordance with instructions of the issuing office.

(b) U.S. Government Mailing Indicia shall be used in lieu of U.S. Government Bills of Lading when weight, cube, and character of commodity permit movement within the U.S. Postal System.

(c) The Contractor agrees that Government Bills of Lading and Mailing Indicia in excess of the requirements of this contract shall be returned to the issuing office(s) not later than submission time of final invoice for payment. The Contractor also agrees that no mailing charge is, or will be, included in the cost/price for postage fees in those instances wherein Government Mailing Indicia is authorized and used.

(d) For the purpose of this clause, the term supplies shall include correspondence, publications, and other written material.

(b) Paragraph (d) of the above clause will be omitted if mailing indicia is not to be furnished the contractor for mailing written material. Based on the provisions of AFR 182–15 (Official Mail—Policies and Procedures) and the particular procurement involved, the contracting officer will determine the feasibility of including mailing indicia for written material. A major area of consideration should be that the anticipated savings exceed the cost of implementation.

PART 1012—LABOR

Subpart A—Basic Labor Policies

4. Section 1012.102–4 is revised to read as follows:

§ 1012.102–4 Approvals.

(a) No implementation.

(b) The following are designated to approve overtime according to § 12.102–4 of this title. The commander or vice commander of each major command; Deputy or Assistant Deputy Chief of Staff, Procurement and Production, HQ AFSC; the Director or Deputy Director of Procurement and Production, HQ AFLC; the director or deputy director of procurement of the other major commands; the Commander, Deputy Commander, and DCS/Materiel of the Office of Aerospace Research; the Director, Special Projects Office (OSAF), for those special projects under personal supervision of the Secretary of the Air Force (Program—Book—RED APPLE); the commander, deputy commander, chief of the procurement and production office, directors of buying offices, and systems program directors of AFSC divisions; the commander, deputy commander, and director of procurement of AFSC centers; and the commander, deputy commander, and director of procurement of AFLC AMAs, Air Procurement Region European (APRE), and Air Procurement Region Far East (APRFE).

(Sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 126–133; 10 U.S.C. 8012, 2301–2314)

[AFPI Revision No. 69, 31 August 1966]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Froce, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 66–11386; Filed, Oct. 19, 1966; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

General Counsel and Chief Attorneys

In § 2.6(e), subparagraph (5) is added to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

* * * * * * *

(e) *General Counsel and Chief Attorneys.* * * *

(5) Authority is hereby delegated to each of the personnel designated in this subparagraph, or those authorized to act for them, to consider, ascertain, adjust, determine and settle tort claims cognizable under 38 U.S.C. 236:

General Counsel.
Deputy General Counsel.
Assistant General Counsel (Professional Staff Group IV).

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective October 28, 1965.

Approved: October 13, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66–11411; Filed, Oct. 19, 1966; 8:47 a.m.]

PART 14—LEGAL SERVICES, GENERAL COUNSEL

Tort Claims

In Part 14, immediately following § 14.610, a new center title and §§ 14.615, 14.616, and 14.617 are added to read as follows:

ADMINISTRATIVE SETTLEMENT OF TORT CLAIMS ARISING IN FOREIGN COUNTRIES

§ 14.615 General.

(a) *Authority.* 38 U.S.C. 236, provides that the Administrator of Veterans' Affairs may pay tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 (i.e., claims for money damages of $2,500 or less), when such claims arise in foreign countries in connection with Veterans Administration operations abroad.

(b) *Action by claimant.* Claims for property loss or damage may be filed by the owner of the property or his duly authorized agent or legal representative. If the property was insured and the insurer is subrogated, in whole or in part, and if both the owner and the insurer desire to file a claim for their respective losses, they should join in one claim. Claims for personal injury may be filed by the injured person or his agent or legal representative. Claims for death may be filed by the personal representative of the decedent or any other legally qualified person. When filed by an agent or legal representative, the claim must show the title or capacity of the person representing the claimant and be accompanied by evidence of the appointment of such person as agent, legal representative, executor, administrator, guardian, or other fiduciary.

(c) *Time for filing.* A claim may not be allowed under 38 U.S.C. 236 unless it is presented to the Administrator or his designee within 2 years after the claim accrues.

§ 14.616 Form and place of filing claim.

(a) *Form of claim.* Claims arising under 38 U.S.C. 236, should be prepared in the form of a sworn statement and submitted in duplicate. The original copy of the claim should be sworn to or affirmed before an official with authority to administer oaths or affirmations and should contain the following information, at least:

(1) The name and address of claimant;

(2) The amount claimed for injury or death, and for property loss or damage;

(3) If property was lost or damaged, the amount paid or payable by the insurer together with the name of the insurer;

(4) A detailed statement of the facts and circumstances giving rise to the claim, including the time, place, and date of the accident or incident;

(5) If property was involved, a description of the property and the nature and extent of the damage and the cost of repair or replacement based upon at least two impartial estimates;

(6) If personal injury was involved, the nature of the injury, the cost of medical and/or hospital services and time and income lost due to the injury;

(7) If death is involved, the names and ages of claimants and their relationship to decedent;

(8) The name and official position of the employee of the United States allegedly responsible for the accident or injury, or loss or damage of property;

(9) The names and addresses of any witnesses to accident or incident; and

(10) If desired, the law applicable to the claim.

(b) *Place of filing claim.* Claims arising in the Philippines under 38 U.S.C. 236 will be filed with the Chief Attorney, Veterans Administration Regional Office, Manila, Republic of the Philippines. Claims arising in other foreign countries will be filed with the American Embassy or Consulate nearest the place where the incident giving rise to the claim took place.

(c) *Evidence to be submitted by claimant*—(1) *General.* The amount claimed on account of damage to or loss of property or on account of personal injury or death should, so far as possible, be substantiated by competent evidence. Supporting statements, estimates and the like should, if possible, be obtained from disinterested parties. All evidence should be submitted in duplicate. Original evidence or certified copies should be attached to the original copy of the claim, and simple copies should be attached to the other copy of the claim. All documents in other than the English language should be accompanied by English translations.

(2) *Personal injury or death.* In support of claims for personal injury or death, the claimant should submit, as may be appropriate, itemized bills for medical, hospital or burial expenses actually incurred; a statement from the claimant's or decedent's employer as to time and income lost from work; and a written report by the attending physician with respect to the nature and extent of the injury, the nature and extent of treatment, the degree of disability, the period of hospitalization or incapacitation, and the prognosis as to future treatment, hospitalization and the like.

(3) *Damage to personal property.* In support of claims for damage to personal property which has been repaired, the claimant should submit an itemized receipt, or, if not repaired, itemized estimates of the cost of repairs by two reliable parties who specialize in such work. If the property is not economically repairable, the claimant should submit corroborative statements of two reliable qualified persons with respect to cost, age of the property and salvage value.

(4) *Damage to real property.* In support of claims for damage to land, trees, buildings, fences, or other improvements to real property, the claimant should submit an itemized receipt if repairs have been made, or, if repairs have not been made, itemized estimates of the cost of repairs by two reliable persons who specialize in such work. If the property is not economically repairable, the claimant should submit corroborative statements of two reliable qualified persons with respect to the value of the improvements both before and after the accident or incident and the cost of replacements.

(5) *Damage to crops.* In support of claims for damage to crops, the claimant should submit an itemized signed statement showing the number of acres, or other unit measure of crop damaged, the probable yield per unit, the gross amount which would have been realized from such probable yield and an estimate of the costs of cultivating, harvesting and marketing the crop. If the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop should also be stated.

§ 14.617 Disposition of Claims.

(a) *Disposition of claims arising in Philippines.* All claims arising under 38 U.S.C. 236 in the Philippines, including a complete investigation report and a brief résumé of applicable law, will be forwarded directly by the Chief Attorney to the General Counsel, together with his recommendation as to disposition. Sections 14.601, 14.603, 14.604, and 14.605, insofar as feasible, will be for application in connection with investigation of claims arising in the Philippines.

(b) *Disposition of claims arising in foreign countries other than the Philippines.* When a claim is received in an American Embassy or Consulate, the Embassy or Consulate receiving such claim shall make such investigation as may be necessary or appropriate for a determination of the validity of the claim and thereafter shall forward the claim, together with all pertinent material, including a résumé of applicable law and a recommendation regarding allowance or disallowance of the claim, through regular channels of the Department of State to the General Counsel, Veterans Administration Central Office, Washington, D.C.

(c) *Payment of claims.* Upon determining that there is liability on the part of the United States under 38 U.S.C. 236, the General Counsel, or such other personnel as may be designated by the Administrator, will take the necessary action to effect payment.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective October 28, 1965.

Approved: October 13, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66–11412; Filed, Oct. 19, 1966; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4105]

[New Mexico 359 (Okla.)]

OKLAHOMA

Restoration of Lands to Ownership of Kiowa, Comanche, and Apache Tribes

By virtue of the authority contained in section 3 of the act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463), and pursuant to recommendations of the Tribal Council and the Commissioner of Indian Affairs, and a finding by the Secretary of the Interior that such action is in the public interest, it is ordered as follows:

The following described lands, ceded by the Kiowa, Comanche, and Apache Tribes of Indians to the United States pursuant to agreement ratified by the act of June 6, 1900 (31 Stat. 672, 676), having been reserved for use of the Bureau of Indian Affairs for administrative purposes and being now surplus for such use, are hereby restored to tribal ownership for the use and benefit of the Kiowa, Comanche, and Apache Tribes of Indians and are added to and made a part of the existing reservation, subject to any valid existing rights:

INDIAN MERIDIAN

T. 2 N., R. 11 W.,
Sec. 19, lot 4, SE¼SW¼, S½SE¼;
Sec. 20, NW¼, and that part of the SW¼ lying west of east line of the SL&SF Railroad right-of-way;
Sec. 29, lots 3, 4, 5, 6, 7, 13, 15, 16, 17, that part of lot 1 lying west of east line of CRL&P Railroad right-of-way, and NE¼SW¼ and SW¼SE¼.
T. 4 N., R. 12 W.,
Sec. 31, SW¼NE¼.
T. 5 N., R. 12 W.,
Sec. 28, S½SW¼.
T. 1 N., R. 13 W.,
Sec. 3, NE¼SE¼.
T. 4 N., R. 13 W.,
Sec. 36, NE¼SE¼SW¼.
T. 2 N., R. 14 W.,
Sec. 27, NE¼.
T. 5 N., R. 14 W.,
Sec. 28, SE¼SE¼.
T. 6 N., R. 15 W.,
Sec. 20, SE¼.
T. 6 N., R. 18 W.,
Sec. 27, SW¼NE¼.

The areas described aggregate 1,166.31 acres in Kiowa, Comanche, and Caddo Counties.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

OCTOBER 13, 1966.

[F.R. Doc. 66–11404; Filed, Oct. 19, 1966; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Piedmont National Wildlife Refuge, Ga.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

F.R. Doc. 66–10064, appearing at page 12057 of the issue for September 15, 1966, is amended by adding the following sentence to subparagraph 14 of § 32.22: "Applications received after October 7, 1966, and postmarked no later than October 29, 1966, will be considered on a first-come, first-serve basis until a maximum of 4,000 permits have been issued for the hunt."

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66–11402; Filed, Oct. 19, 1966; 8:46 a.m.]

PART 32—HUNTING

Arrowwood and Chase Lake National Wildlife Refuges, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,400 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset on November 11, 1966, and from sunrise to sunset November 12, 1966, through November 20, 1966.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1966.

CHASE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on Chase Lake National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,600 acres, is delineated on a map available at the refuge headquarters—Edmunds, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset on November 11, 1966, and from sunrise to sunset November 12, 1966, through November 20, 1966.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1966.

ARNOLD D. KRUSE,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.

[F.R. Doc. 66-11403; Filed, Oct. 19, 1966; 8:46 a.m.]

PART 33—SPORT FISHING

Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Tishomingo, Okla., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) The open seasons for sport fishing on the refuge extend from January 1 through December 31, 1967, inclusive, on the waters of Lake Texoma east of the north-south center line of secs. 19, 30, and 31, T. 4 S., R. 7 E., and in Rock Creek, Polecat Creek, Bell Creek, Big Sandy Creek, Dick's Pond, and Goose Pen Pond; from April 1 through September 30, 1967, inclusive, for waters of Lake Texoma west of the north-south center line of secs. 19, 30, and 31, T. 4 S., R. 7 E.; and from January 15 through September 30, 1967, inclusive, for all other refuge waters.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

EARL W. CRAVEN,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

OCTOBER 11, 1966.

[F.R. Doc. 66-11418; Filed, Oct. 19, 1966; 8:47 a.m.]

PART 33—SPORT FISHING

Hagerman National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Sport fishing including frog gigging on the Hagerman National Wildlife Refuge, Tex., is permitted from April 1 through September 30, 1967, inclusive, only on areas designated by signs as open to fishing. These open areas, comprising 2,900 acres, are delineated on maps available at refuge headquarters, Sherman, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1967.

RONALD S. SULLIVAN,
Refuge Manager, Hagerman National Wildlife Refuge, Sherman, Tex.

OCTOBER 10, 1966.

[F.R. Doc. 66-11419; Filed, Oct. 19, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

DRIED FIGS

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering certain amendments to the U.S. Standards for Grades of Dried Figs (7 CFR 52.1021–52.1033) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090; as amended; 7 U.S.C. 1624).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same in duplicate, not later than 60 days after publication hereof in the FEDERAL REGISTER, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed amendment. The current U.S. Standards for Grades of Dried Figs which have been in effect since December 27, 1955, include separate limits for moisture for two basic groups of packaging. The moisture limits of 23 percent to 24 percent cover figs in containers which do not completely enclose and seal the figs, such as wood or fiber boxes. A higher moisture limit of 30 percent applies to figs packaged in completely sealed containers such as transparent films, metal-foil wraps, or sealed metal cans.

The Dried Fruit Association of California has requested that the moisture limits be revised to 30 percent for bulk packages when a suitable and safe preservative is added. Current industry practices of treating figs with suitable food additives and improved packaging methods permit shipment of dried figs in wood or fiber boxes at higher moistures than in the past, without loss in quality characteristics.

To bring the 1955 grade standards in closer harmony with current industry practices, a specific amendment is proposed to permit dried figs in containers which do not completely seal the figs to have a moisture content of not more than 30 percent if suitable and safe preservatives are added.

1. In § 52.1026, delete paragraph (b) in its entirety.

2. In § 52.1036, Table I, include a footnote "a/" after each percent figure in the column heading of "Group I" and a footnote at the end of the table, so Table I will be corrected to read:

...	Group I	...
	24	
	23	
	23	
	23	
	23	
	23	

[1] Except Dried Figs of this group may have a maximum moisture of 30 percent when a safe and suitable mold inhibitor is used.

Dated: October 17, 1966.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 66-11439; Filed, Oct. 19, 1966; 8:49 a.m.]

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, as hereinafter set forth, which was recommended by the South Texas Lettuce Committee, established pursuant to Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 971.309 Limitation of shipments.

During the period November 21, 1966, through March 25, 1967, no person may handle any lot of lettuce grown in the production area unless the lettuce meets requirements of paragraphs (a) grade, (b) size and pack, and (c) containers, or unless the lettuce is handled in accordance with paragraphs (d) or (e), of this section. Further, no person may handle any lot of lettuce during the above period on any Sunday.

(a) *Grade.* Each lot of lettuce shall average no more than 5 percent decay (no more than three decayed heads permitted in any container) or other serious damage, except:

(1) Mildew may affect no more than three head leaves when associated with discoloration.

(2) Tipburn may not exceed an aggregate area 1¼ inches wide by 3 inches in length when affecting compact portion of head.

(3) No more than three head leaves with pink rib (having areas of deep pink color as viewed on the outer surface of the leaf) or other rib discoloration when either seriously detracts from appearance or edible quality.

(4) No more than six head leaves, in the compact portion of the head, affected by insects.

(5) (i) No more than four outer head leaves with blistering, peeling, or discoloration resulting from freezing that seriously detracts from appearance or edible quality.

(ii) All other defects, such as seedstems, shall have same meaning as described under serious damage in U.S. Standards for grades of lettuce.

(iii) Tolerances: 10 percent by count of heads of lettuce in any lot may be below these requirements with no more than six heads below these requirements in any individual package.

(b) *Sizing and pack.* (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if wrapped, may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85–40 may be packed only 24 heads per container.

(c) *Containers.* Containers may be only—

(1) Cartons with inside dimensions of 10 inches x 14¼ inches x 21⅝ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ inches x 14 inches x 21 inches (designated as carrier container Nos. 7306 and 7313), or

(3) Cartons with inside dimensions of 21½ inches x 16⅛ inches x 10¾ inches (designated as carrier container No. 85–40—flat pack).

(d) *Minimum quantities.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, size, and pack requirements, but it must meet container requirements. This exception may not be applied to any portion of a shipment of over two cartons of lettuce.

(e) *Special purpose shipments.* Lettuce not meeting grade, size, or container requirements of paragraphs (a), (b), or

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

(c) of this section may be handled for any purpose listed, if handled as prescribed, in this paragraph. Inspection or assessments are not required on such shipments.

(1) For relief, charity, experimental purposes, or export to Mexico, if, prior to handling, the handler pursuant to §§ 971.120–971.125 obtains a Certificate of Privilege applicable thereto and reports thereon.

(2) For export to Mexico, if the handler of such lettuce loads or transports it only in a vehicle bearing Mexican registration (license).

(f) *Inspection.* (1) No handler may handle any lettuce for which an inspection certificate is required unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler may transport, or cause the transportation of, by motor vehicle, any shipment of lettuce for which an inspection certificate is required unless each such shipment is accompanied by a copy of an inspection certificate or by a copy of a shipment release form (SPI–23) furnished by the inspection service verifying that such shipment meets the current grade, size, pack and/or container regulations promulgated under this part. A copy of the inspection certificate, or shipment release form applicable to each truck lot shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, an inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film (cf. AMS 481) and then packed in cartons or other containers.

(2) "U.S. No. 1" and "serious damage" shall have the same meaning as in the U.S. Standards for Lettuce (§§ 51.2510–51.2531 of this title).

(3) All other terms used in this section shall have the same meaning as when used elsewhere in this part.

(Secs. 1–19, 48 Stat. 31, as amended. 7 U.S.C. 601–674)

Dated: October 17, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11390; Filed, Oct. 19, 1966; 8:45 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Notice of Proposed Rule Making

Notice is hereby given of a proposal, based upon the unanimous recommendation of the Raisin Administrative Committee, to amend certain provisions of the Subpart—Administrative Rules and Regulations, including those provisions with respect to definitions, and the inspection, identification, transfer, disposition, substitution, and reporting of raisins. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Experience in the operation of this marketing agreement and order program has indicated the desirability of making the proposed changes in the administrative rules and regulations, as hereinafter set forth.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 989.105 [Amended]

1. In the first sentence of § 989.105, delete "weighing of samples,".

2. After § 989.107 add a new section, § 989.108, to read:

§ 989.108 Other failing raisins.

"Other failing raisins" means any raisins received or acquired by a handler either as standard raisins or off-grade raisins which are processed to a point where they qualify as packed raisins but fail to meet the applicable grade standards for packed raisins.

§ 989.158 [Amended]

3. In subparagraph (1) of § 989.158 (a), delete the first two sentences and substitute therefor: "Each handler shall, at his expense, provide at each of his inspection points reasonably safe and adequate facilities (not necessarily scales) for receiving raisins, drawing samples, and efficient inspection of natural condition raisins. At the time of inspection of any lot, the handler shall, at his expense, provide the inspector with any assistance necessary in the inspection of the raisins, including the movement of individual containers. Each handler, other than a processor, shall maintain with the Committee a current written description, defining the boundaries and other pertinent details, of each of his inspection points. In the event the Committee determines that any inspection point, or any modification thereof, does not comply with the definition or the requirements of this part, it shall notify the handler of the changes necessary for compliance. The handler shall make such changes promptly. In the event any of his inspection points is the same as that of another handler or person receiving raisins or grapes in any form, the handler shall maintain his raisins separate and apart from any other raisins."

4. In subparagraph (2) of § 989.158 (a), delete the second, third, and fourth sentences.

5. In subparagraph (1) of § 989.158 (c), beginning with the fourth sentence revise the remaining portion of the subparagraph to read: "Any such lot of off-grade raisins shall be identified immediately following inspection by fixing to a container on each pallet a prenumbered RAC control card (to be furnished by the Committee), and kept separate and apart from any other raisins in the handler's possession. In the event the handler does not normally use pallets in his operation the RAC control card shall be affixed to one or more of the containers in each lot. The RAC control cards shall remain fixed to the containers until the raisins are (i) disposed of by the handler in eligible nonnormal outlets, (ii) returned unstemmed to the tenderer, or (iii) submitted for reconditioning. The cards shall be removed only by an inspector of the inspection service or authorized Committee personnel, except control cards designating lots held only for fumigation may be removed by the handler after the completion of fumigation to the satisfaction of the inspection service. Each lot of off-grade raisins not returned to the tenderer shall be stored by the handler separate and apart by varietal types from all other raisins and by disposition and conditioning categories which preserve the lot identity and, if for reconditioning, the defect identity. Off-grade raisins shall be stored in such a manner as to be accessible to the Committee."

6. Revise subparagraph (3) of § 989.158(c) to read:

(3) *Interplant and interpacker transfer of off-grade raisins.* Any packer may, pursuant to § 989.58(e)(2) and under the surveillance of the inspection service, transfer to or from another packer's plant in California, any off-grade raisins for reconditioning. Such transfer may be for the packer's convenience or that of a financially interested person. Where a tenderer or other person has a financial interest in the raisins, the handler shall first obtain the tenderer's or other interested person's written agreement to the transfer. The handler shall notify the inspection service in advance and in writing on a form to be provided by the Committee, of the time he plans to transfer each lot and shall send a copy of the notification to the Committee. The notification shall be at least 1 business day in advance of the transfer unless a shorter period is acceptable to the inspection service. In the same manner except for the tenderer's or other person's written agreement, any packer may transfer off-grade raisins from one of his plants or inspection points to another of his plants in California. In both cases such raisins may be removed directly to the premises of the receiving packer or another plant of the packer under the surveillance of the inspection service. Upon completion of the transfer all applicable provisions of this part shall apply with respect to such raisins and the packer receiving them.

7. Revise subparagraph (6) of § 989.158(c) to read:

(6) *Off-grade raisins which are not reconditioned successfully.* Except as provided in subdivision (ii) of this subparagraph, no handler shall return to the tenderer any off-grade raisins received for reconditioning which, after his reconditioning of them is complete, have been stemmed and which then fail to meet the applicable minimum grade standards (and thus are "other failing raisins"). Any raisins which fail to meet the applicable minimum grade and condition standards or grade standards after reconditioning and all residual material from reconditioning, held by the handler, shall be identified promptly by affixing to one or more containers in each lot, or to a container in each pallet if pallets are used, a prenumbered RAC control card as prescribed in subparagraph (1) of this paragraph: *Provided*, That such failing raisins and residual material which are placed directly into trucks or trailers for immediate disposition need not be identified by affixing thereto an RAC control card. The handler shall hold the failing raisins and the residual material separate and apart from all other raisins. The control cards shall be removed from the containers only by an inspector of the inspection service or authorized Committee personnel. The handler shall physically dispose of the residual material, and any failing raisins which he does not return unstemmed to the tenderer, only in eligible nonnormal outlets as provided in § 989.159(g)(2).

(ii) Any packer may arrange for or permit the tenderer to remove the stemmed raisins (described in subdivision (i) of this subparagraph), but not the residual, directly to the premises, within California, of another packer for further reconditioning of the raisins at the latter's premises. Such removal and transfer shall be made under the surveillance of the inspection service. The packer shall notify the inspection service as required in § 989.158(c)(3) and shall obtain from the receiving packer a written statement that he will receive the raisins for reconditioning. The notification shall be on a form provided by the Committee, and a copy thereof and of the receiving packer's statement shall be forwarded by the transferring packer to the Committee. Such raisins may be received by the other packer without inspection. On and after such receipt of the raisins for further reconditioning, all applicable provisions of this part shall apply with respect to such raisins and the packer so receiving them.

§ 989.159 [Amended]

8. Revise paragraph (a) of § 989.159 to read:

(a) *Inspection facilities.* At each of the premises where packed raisins are to be inspected each handler shall, at his expense, provide reasonably safe and adequate space and other facilities necessary for the proper and efficient inspection of such raisins.

9. In paragraph (g) of § 989.159, revise the caption to read: *"Off-grade raisins, other failing raisins, and raisin residual material."*

10. In subparagraph (2) of § 989.159 (g), revise the caption and subdivision (i) to read:

(2) *Disposition.* (i) Except as authorized in this part, no handler shall ship or otherwise dispose of any off-grade raisins, other failing raisins, or raisin residual material (including defective raisins, stemmer waste, sweepings, and other residue). Any handler may ship, transfer, or otherwise dispose of off-grade raisins, other failing raisins, and raisin residual material to or at points within the continental United States (other than Alaska) for use in eligible nonnormal outlets only after filing with the Committee a written application to make such shipment, transfer, or other disposition and receiving its written approval thereof. However, the requirements of prior filing and approval of any such application shall not apply to:

(a) The transfer of any such raisins or residual material by a handler from one of his plants to another of his plants in the State of California, except any transfer of raisins which are for reconditioning shall be in accordance with § 989.158(c)(3);

(b) Any interpacker transfer or removal of off-grade raisins made in accordance with § 989.158(c)(3) and of unsuccessfully reconditioned off-grade raisins (which have been stemmed) made in accordance with § 989.158(c)(6)(ii);

(c) Any return by a handler of unstemmed off-grade raisins to the tenderer in accordance with § 989.158(c)(7);

(d) Any shipment or transfer of off-grade raisins, other failing raisins, or raisin residual material by any handler to a processor within the State of California for use, within the State, in eligible nonnormal outlets;

(e) Any shipment or transfer of off-grade raisins, other failing raisins, or raisin residual material by a handler to any person with an effective agreement with the Committee, in which he agrees (*1*) To use such raisins and raisin residual material only in eligible non-normal outlets, (2) if not so used, to pay to the Committee liquidated damages in the amount and under the conditions specified in subdivision (iii) of this subparagraph, and (3) to maintain complete, accurate, and current records regarding his dealings in raisins and raisin residual material, retain the records for at least 2 years, and permit representatives of the Committee and Secretary of Agriculture to examine all of his books and records relating to raisins and residual material; and

(f) Any direct use by the handler of such raisins or material in eligible nonnormal outlets within the State of California.

11. In subdivision (ii) of § 989.159 (g)(2), revise (*f*)(3) to read as follows: "(*3*) To maintain complete, accurate, and current records regarding his dealings in raisins, retain the records for at least 2 years, and permit representatives of the Committee and of the Secretary of Agriculture to examine all of his books and records relating to raisins and residual material."

§ 989.166 [Amended]

12. Delete paragraph (b) of § 989.166.

13. In the third sentence of § 989.166 (d)(2), delete the following words which appear after the first "Provided": "That, in the event reserve or surplus pool raisins which are held in portable containers other than sweat or picking boxes are to be transferred from the premises of the handler storing them, such handler shall at his own expense, place such raisins in either sweat or picking boxes: *Provided further*,".

14. Revise subparagraph (3) of § 989.166(d) to read:

(3) *Substitution of free tonnage.* A handler may, pursuant to § 989.66(b)(3), after giving the Committee reasonable advance notice in writing and under its direction and supervision, substitute free tonnage raisins of like quality (i.e., any level of standard raisins) for reserve tonnage or surplus tonnage raisins.

§ 989.167 [Amended]

15. Delete the second sentence of § 989.167(b) and replace it with: "In the event reserve pool raisins are transferred by the Committee, the purchasing handler shall promptly empty the raisins from the containers used in the transfer so that the Committee may return the containers and pallets used in the transfer to the handler from whom the raisins were transferred within 10 business days from the date of transfer. Any handler who refuses to permit the containers, in which reserve pool raisins are stored, to leave his premises, shall, at his expense, place such raisins in containers supplied by the Committee."

§ 989.168 [Amended]

16. Designate the present provisions of § 989.168 as paragraph (a) and add a new paragraph, paragraph (b), to read:

(b) In the event the Committee transfers surplus pool raisins to a handler for purchase or for other reasons, the receiving handler shall promptly empty the containers used in the transfer so that the Committee may return the containers and pallets used in the transfer to the handler from whom the raisins were transferred within 10 business days from the date transfer. Any handler who refuses to permit the containers in which the pool raisins are stored to leave his premises shall, at his expense, place such raisins in containers supplied by the Committee.

§ 989.169 [Deleted]

17. Delete § 989.169.

§ 989.173 [Amended]

18. In subdivision (i) of § 989.173(b) (1), revise the second parenthetical expression to read: "(Sunday through Saturday or such other 7-day period for which the handler has submitted a pro-

posal to and received approval from the Committee)".

19. In the caption of subparagraph (4) of § 989.173(b), delete "(producers or dehydrators)."

20. In subdivision (ii) of § 989.173(b)(4), delete "as indicated on the inspection certificate".

21. In subdivision (iii) of § 989.173(b)(4), delete "and address".

22. In subdivision (i) of § 989.173(b)(5), delete "and address".

23. In § 989.173(b)(5), delete subdivision (v), and designate subdivision (vi) as (v), and (vii) as (vi), and add a sentence at the end of subparagraph (5) to read: "Each nonacquiring handler shall report also the weight of standard raisins recovered from reconditioning, their inspection certificate number(s) and the handler or other person to whom the standard raisins were delivered."

24. In subparagraph (6) of § 989.173(b), revise the second sentence to read: "Each report shall show for each varietal type:

"(i) The name and address of each handler, producer, or other persons from whom such raisins or raisin residual material was received or acquired; and

"(ii) The net weight of such raisins and raisin residual material."

25. Revise subparagraph (2) of § 989.173(d) to read:

(2) *Off-grade and other failing raisins.* Any handler who transfers off-grade raisins or other failing raisins (including off-grade raisins unsuccessfully reconditioned) to another handler, other than a processor within the State of California, shall submit to the Committee (on forms furnished by it) no later than Wednesday following the week of the transfer:

(i) The date of transfer;

(ii) The name and address of the receiving handler and the location of his plant;

(iii) The name and address of the tenderer of each lot included in the transfer and the inspection certificate numbers applicable to the lot; and

(iv) The varietal type, net weight, and condition of the raisins.

Dated: October 17, 1966.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-11391; Filed, Oct. 19, 1966; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7678]

AIRWORTHINESS DIRECTIVES

Piper Model PA-32-260 Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Piper Model PA-32-260 airplanes. There have been failures of the fuel selector valve that have been attributed to improper sealing of the valve spheres, which allows fuel to gravity feed from the outboard tip tanks into the inboard main tanks and then overboard through the main tank vent line on these airplanes. Since this condition is likely to exist or develop in other airplanes of the same design, the proposed AD would require replacement of the fuel tank selector valve on Piper Model PA-32-260 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before November 21, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PIPER. Applies to Model PA-32-260 airplanes, serial numbers 32-151 through 32-535.

Compliance required within the next 50 hours' time in service after the effective date of this AD unless already accomplished.

To prevent inadvertent fuel transfer from the outboard tanks to the inboard main tanks through a malfunctioning fuel tank selector valve, replace Airborne Mechanism fuel selector valve, Model 1H26-1, with Airborne Mechanism fuel selector valve, Model 1H26-2 (Piper P/N 492 104).

(Piper Service Letter No. 476 pertains to this subject)

Issued in Washington, D.C., on October 13, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-11397; Filed, Oct. 19, 1966; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 1019]

AIRWORTHINESS DIRECTIVES

Fairchild Model F-27 Series and FH-227 Airplanes

Amendment 383 (27 F.R. 204), AD 62-1-1, requires repetitive replacement of the Walter Kidde Chemical Drier Housings on Fairchild Model F-27 Series airplanes. Subsequent to the issuance of Amendment 383, the Model FH-227 airplane was certificated, which is a modification of the Model F-27 airplane. Therefore, it is proposed to amend AD 62-1-1 to apply to Fairchild Model F-27 Series and FH-227 airplanes equipped with certain Walter Kidde Chemical Drier Housings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before November 21, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 383 (27 F.R. 204), AD 62-1-1, by amending the applicability statement to read as follows:

Applies to Model F-27 Series and FH-227 airplanes equipped with Walter Kidde Company Chemical Drier Housings, P/N 890395 and P/N 890800-0001.

Issued in Washington, D.C., on October 13, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-11398; Filed, Oct. 19, 1966; 8:46 a.m.]

[14 CFR Part 61]

[Docket No. 7679; Notice No. 66-37]

PREREQUISITES FOR FLIGHT TESTS

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 61 of the Federal Aviation Regulations by adding a new § 61.22 that would allow applicants for private or commercial pilot certificates or instrument ratings to credit certain flight instruction received from flight instructors who are not certificated by the Agency. These would be flight instructors authorized to give the required flight instruction by an Armed Force of the United States, or by the licensing authority or an Armed Force of a foreign contracting State to the Convention on International Aviation (ICAO). A related change in § 61.21(a)(4) would except an applicant for a flight test from needing a written flight instructor recommendation if he holds a foreign pilot license, issued by an ICAO member, authorizing at least the pilot privileges of the airman certificate he seeks, or if he is a member of an Armed Force of the United States applying for an airline transport pilot certificate and has passed an official military checkout as pilot in command of the type of aircraft to be used in the flight test. Related changes would be made in § 61.27, concerned with flight tests upon retesting after failure. The change in § 61.21(a)(4) also would impose a 60-day limit on the flight instructor's statement where needed. The Agency also is considering amending § 61.115(a) to require an applicant for a commercial pilot certificate (airplane rating) to have, as a part of the required 200 hours of flight time, both the 10 hours of instrument instruction prescribed by subparagraph (4) and the 10 hours of other flight instruction prescribed by subparagraph (3) of that paragraph.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, and arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before December 19, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

(1) *Crediting flight instruction received from flight instructors not certificated by FAA.* Currently there is no provision in Part 61 for crediting flight instruction toward private or commercial pilot certificates or instrument ratings that is received from any person except a flight instructor certificated by the FAA (although in specified circumstances, not here involved, the credited instruction may be received from persons other than flight instructors). This circumstance precludes crediting flight instruction received from persons authorized by licensing authorities of foreign countries or their Armed Forces, or by the Armed Forces of the United States.

At one time, when applicants for private pilot certificates needed "dual instruction from a rated flight instructor," under § 20.25 of the Civil Air Regulations, this provision was interpreted to include instruction given by pilots authorized to instruct by foreign countries or the military services. When a flight instructor certificate was substituted for a rating on a pilot certificate, in the 1957 revision of Part 20, the interpretation previously relevant to a "rated flight instructor" lost significance. Attention has been directed to this situation especially during the last several years by the circumstance that a number of requests for exemption have been received from foreign military and civilian pilots for whom it would be unduly burdensome to comply with the requirement that their instruction must be received from FAA certificated flight instructors.

Under the proposed amendments, the regulations would allow crediting flight instruction received from flight instructors authorized by foreign ICAO countries or their Armed Forces, or from flight instructors authorized by the Armed Forces of the United States. In the former case flight instruction given inside the United States would be excluded, in order to avoid compromising the Agency's continuing efforts to increase responsibilities placed upon FAA certificated flight instructors. In the latter case, however, action recognizing flight instruction received from flight instructors authorized by the Armed Forces of the United States, wherever received, is consistent with § 61.31 (Military pilots or former military pilots: special rules) that already accomplishes the same objective in authorizing the issue of a private or commercial pilot certificate without an FAA flight test.

Adoption of the proposed amendment would save time and expense for the applicants affected, as well as for the Agency. It is considered that there would be no adverse effect upon safety, since this action would not reduce the amount of instruction required by the regulations for the several kinds of pilot certificates and ratings, and it would not eliminate the need to take the flight test, that would reveal any areas of pilot skill in which the flight instruction may have been inadequate. As an added safeguard, the proposed amendments also would add to the present requirements in §§ 61.85, 61.115, 61.119, and 61.123, as to additional flight instruction required for private and commercial pilot certificate applicants, respectively, a provision that the instruction must be in procedures and maneuvers required for the applicable flight test.

In several instances, flight instruction from an FAA certificated flight instructor is considered necessary, and crediting would not otherwise be permissible, such as where the holder of an airline transport pilot certificate, airplane or VFR rotorcraft rating, applies for the other of these two ratings. The proposed amendments therefore would change § 61.157(a)(2) and (c)(2) to assure that the instructor is one with an FAA flight instructor certificate.

In connection with these changes, the proposed amendments would remove the requirement of §§ 61.85, 61.89, and 61.93 that an applicant for a private pilot certificate must hold a student pilot certificate endorsed for solo and cross-country flights, and with this the requirement of § 61.111(e) that an applicant for a commercial pilot certificate free balloon class rating must hold a student pilot certificate, the only case in which the requirement appears in connection with commercial pilot certificates. The endorsement provisions have significance only to authorize solo and cross-country flight by student pilots. The aeronautical experience needed for a private or commercial pilot certificate must be shown in any event, by logged entries, and no purpose is served by the solo and cross-country endorsements as prerequisites for these pilot certificates. Upon allowing the crediting of flight instruction received in an Armed Force or from a foreign rated flight instructor (when the instruction is given outside the United States), the student pilot certificate requirement in §§ 61.85, 61.89, and 61.93 would become a burdensome stumbling block since it would require the applicant to obtain flight instruction from an FAA certificated flight instructor to obtain the needed endorsement.

Removing the requirement from the sections specified would not in any manner affect the other provisions of Part 61 that require the holder of a student pilot certificate to obtain the appropriate flight instructor endorsement before he may solo or make cross-country flights in civil aircraft of U.S. registry, or the requirement of § 61.3, that to act as pilot in command of a civil aircraft, even in a flight test, a person must hold a current pilot certificate.

(2) *Certain exceptions from requirement for flight instructor's statement before flight test.* Section 61.21(a)(4) requires the applicant for a flight test to have a statement from a flight instructor certifying he has given the applicant flight instruction in preparation for the flight test and considers him ready for the test. Already excepted from this requirement is an applicant for a type rating. The proposed amendments would change § 61.21(a) in three respects.

First, the section would designate the essential rating needed by the flight instructor (the category or instrument rating on his flight instructor certificate that is sought by the applicant).

Second, the section would require the flight instructor's statement to have been made within 60 days, since the validity of the statement with respect to readiness for a flight test would only be in terms of relative recency. The 60-day limit coincides with the duration of the validity period of a graduation certificate from a certificated flying school under § 61.29. As a correlative action, the 6-month recency requirement currently provided in § 61.115(a)(3) would be deleted since it would no longer be needed in view of the revised provisions of § 61.21(a)(4).

Third, the proposed amendments to § 61.21(a)(4) would except from the need for a flight instructor's statement two kinds of applicants: Those holding foreign pilot licenses issued by ICAO members that authorize at least the pilot privileges of the airman certificate sought by the applicant, and those who are members of Armed Forces of the United States applying for airline transport pilot certificates who have passed approved military checkouts as pilots in command of the type of aircraft to be used in the flight test. These exceptions would be made because these applicants can offer equivalents to the instructor's recommendation as a means of assuring that adequate and effective flight instruction has been received. They already have been tested by an ICAO State and hold foreign licenses of at least the grade applied for, or are air-

line transport pilot applicants who are members of Armed Forces of the United States and have passed the relevant military checkouts (including instrument check). It should be noted that the exception with respect to an airline transport pilot is not extended to an applicant for a private or commercial pilot certificate who is a rated pilot in the Armed Forces of the United States, since he may qualify under § 61.31 without an FAA flight test.

Correlative with these changes, § 61.27 (Retesting after failure) also would be changed to allow alternative preflight test instruction requirements for the two kinds of applicants originally qualifying for flight testing under the exceptions that would be added to § 61.21(a)(4) by the proposed amendments. The first situation involves an applicant for retesting after failure (other than an applicant for a type rating only, an airline transport pilot certificate or associated rating, or a pilot certificate with a lighter-than-air category or associated class rating) who would originally qualify for flight testing on the basis of holding a foreign pilot license under proposed § 61.21(a)(4)(i). This applicant would be allowed to show he has received 5 additional hours of flight instruction instead of presenting a statement from a certificated flight instructor. The additional instruction could be received from a flight instructor who is authorized to give that flight instruction by an Armed Force of the United States, or by the licensing authority or an Armed Force of a foreign ICAO member (and that flight instruction is given outside the United States). Allowing this alternative would relieve the foreign pilot license holder from obtaining additional instruction, for retesting purposes, from an FAA certificated flight instructor, in the same manner as this burden would be removed with respect to crediting flight instruction under proposed new § 61.22. However, some preparation for retesting would be required, consisting of the 5 hours of additional instruction. The second situation involves an applicant (for retesting after failure) seeking an airline transport pilot certificate or associated rating who would originally qualify for flight testing as a member of an Armed Force of the United States under the provisions of § 61.21(a)(4)(ii). This applicant would be allowed to apply for retesting either in the manner already provided by § 61.27(d) or upon presenting satisfactory evidence, without an instructor's statement, of the same additional experience and the same amount of flight instruction but received from a flight instructor authorized to give that flight instruction by an Armed Force of the United States (or additional practice or instruction that is necessary in the opinion of the Administrator). Here too, the burden of obtaining the additional instruction, for retesting purposes, from an FAA certificated flight instructor or an airline transport pilot would be removed.

(3) *Requirement of 20 hours of flight instruction for commercial pilot certificate (airplane).* Sections 61.115(a)(3) and (4) provide that the 200 hours of flight time required of an applicant for a commercial pilot certificate (airplane) must include, first, 10 hours of flight instruction preparing for the commercial pilot flight test within the 6 months immediately before the flight test, in addition to any flight instruction received before obtaining the private pilot certificate and, second, 10 hours of instrument instruction. This has been interpreted to mean that flight time used to meet the latter requirement may also be used to satisfy the former if received within the 6 months. The proposed amendments would change the regulations to provide that these hours of instruction must be acquired separately, since the 10 hours of instrument instruction were intended to supplement, and not to satisfy, the other 10 hours of instruction. The intent of the regulations has been a problem in only a few instances, involving military pilots or foreign pilot license holders seeking to take the commercial flight test. Since the proposed amendments would permit crediting of flight instruction in those situations, precluding the need for additional flight instruction from FAA certificated flight instructors, the clarification of the original intent would not impose a substantive burden upon the persons regulated.

In consideration of the foregoing, it is proposed to amend Part 61 of the Federal Aviation Regulations as follows:

1. By amending paragraph (a)(4) of § 61.21 to read as follows:

§ 61.21 Prerequisites for flight tests.

* * * * *

(4) Have a written statement made not more than 60 days before applying for the flight test, from a flight instructor whose flight instructor certificate bears the category rating of the aircraft to be used in the flight test (or an instrument rating if that rating is sought), certifying that he has given the applicant flight instruction in preparation for the flight test and considers him ready to take the test. However, an applicant need not have this written statement if he—

(i) Holds a foreign pilot license issued by a contracting State to the Convention on International Civil Aviation (ICAO), that authorizes at least the pilot privileges of the airman certificate sought by him;

(ii) Is a member of an Armed Force of the United States applying for an airline transport pilot certificate, and has passed an official military checkout (including instrument check) as pilot in command of the type of aircraft to be used in the flight test; or

(iii) Is applying for a type rating only.

* * * * *

2. By inserting a new § 61.22 to read as follows:

§ 61.22 Flight instruction received from flight instructors not certificated by FAA.

Flight instruction received to satisfy the requirements for the certificate or rating sought by the applicant may be credited toward a pilot certificate or rating under § § 61.17 (b) or (c), 61.35(c), 61.85(a), 61.89(a), 61.93 (a) or (b), 61.115(a), 61.119(a), or 61.123(b) if it is received from a flight instructor who is authorized to give that flight instruction—

(a) By an Armed Force of the United States; or

(b) By the licensing authority or an Armed Force of a foreign contracting State to the Convention on International Civil Aviation (ICAO), and the flight instruction is given outside the United States.

3. By amending § 61.27 as follows:

a. By adding the following sentence at the end of paragraph (b):

§ 61.27 Retesting after failure.

* * * * *

(b) *Flight test.*

* * * * *

However, an applicant who qualified for flight testing under § 61.21(a)(4)(i) need not present this statement if he shows that he has received at least 5 additional hours of flight instruction in procedures and maneuvers required for the flight test from a flight instructor who is authorized to give that flight instruction by an Armed Force of the United States, or by the licensing authority or an Armed Force of a foreign contracting State to the Convention on International Civil Aviation (ICAO) and that flight instruction was given outside the United States.

* * * * *

b. By amending paragraph (d) to read as follows:

§ 61.27 Retesting after failure.

* * * * *

(d) *Airline transport; flight test.* An applicant for an airline transport pilot certificate or associated rating who fails a flight test under this Part may apply for retesting under subparagraph (1) or (2) of this paragraph.

(1) If he qualified for flight testing other than under § 61.21(a)(4)(ii), he may apply upon presenting a statement from his instructor (as to required instruction) certifying that he has given the additional instruction to the applicant and considers the applicant ready for retesting, and satisfactory evidence that he has—

(i) Logged at least 5 additional hours of flying solely by instrument and at least 5 additional hours of flight instruction from an appropriately rated flight instructor or an airline transport pilot; or

(ii) Received additional practice or instruction (flight, synthetic trainer, or ground training, or any combination thereof) that is necessary, in the opinion of the Administrator or the applicant's instructor (if the Administrator has authorized him to determine the additional instruction necessary) to prepare the applicant for retesting.

(2) If he qualified for flight testing under § 61.21(a)(4)(ii), he may apply either upon presenting the statement and evidence described in subparagraph (1) of this paragraph, or upon presenting satisfactory evidence that he has—

(i) Logged at least five additional hours of flying solely by instrument and at least 5 additional hours of flight instruction from a flight instructor authorized to give that flight instruction by an Armed Force of the United States; or

(ii) Received additional practice or instruction (flight, synthetic trainer, or ground training, or any combination thereof) that is necessary, in the opinion of the Administrator, to prepare the applicant for retesting.

However, in retesting, only the maneuvers failed need be repeated. An applicant who meets the requirement of subparagraph (1) or (2) of this paragraph is considered to meet the 5-hour flight time requirements of § 61.145(b)(2)(i).

* * * * *

4. By amending § 61.85 as follows:

a. By amending the introductory language of paragraph (a) to read as follows:

§ 61.85 Airplane rating: Aeronautical experience.

(a) An applicant for a private pilot certificate (airplane) must have had—

* * * * *

b. By striking out the words "in preparation for the private pilot flight test" from paragraph (a)(4), and substituting the words "in procedures and maneuvers required for the private pilot flight test" therefor.

5. By amending the introductory language of paragraph (a) of § 61.89 to read as follows:

§ 61.89 Rotorcraft rating: Aeronautical experience.

(a) An applicant for a private pilot certificate (rotorcraft) must have had at least—

* * * * *

6. By amending the introductory language of § 61.93 to read as follows:

§ 61.93 Glider rating: Aeronautical experience.

An applicant for a private pilot certificate (glider) must have had at least—

* * * * *

7. By striking out the words "a student pilot certificate and" from paragraph (e) of § 61.111.

8. By amending § 61.115 as follows:

a. By striking out paragraph (a)(4), and amending paragraph (a)(3) to read as follows:

§ 61.115 Airplane rating: Aeronautical experience.

* * * * *

(3) 20 hours of flight instruction in airplanes, including—

(i) At least 10 hours of flight instruction in operating an airplane by referring solely to flight instruments, including at least 5 hours of flight instruction from a flight instructor with an instrument rating on his flight instructor certificate, and the remaining hours, if any, from a flight instructor with an airplane rating on his flight instructor certificates; and

(ii) At least 10 hours of flight instruction from a flight instructor with an airplane rating on his flight instructor certificate in operating an airplane in other procedures and maneuvers required for the commercial pilot flight test, in addition to any flight instruction received before his private pilot certificate was issued to him.

* * * * *

b. By striking out the figures "(4)" in the flush paragraph at the end of paragraph (a), and substituting the figures "(3)(i)" therefor.

9. By striking out the words "preparing for the commercial pilot flight test" from paragraph (a)(3) of § 61.119, and substituting the words "in procedures and maneuvers required for the commercial pilot flight test" therefor.

10. By striking out the words "preparing for the commercial pilot flight test" from paragraph (b) of § 61.123, and substituting the words "in procedures and maneuvers required for the commercial pilot flight test" therefor.

11. By amending § 61.157 as follows:

a. By adding the words "FAA certificated" after the words "appropriately rated" and before the words "flight instructor" in paragraph (a)(2).

b. By adding the words "FAA certificated" after the words "appropriately rated" and before the words "flight instructor" in paragraph (c)(2).

These amendments are proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on October 13, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-11399; Filed, Oct. 19, 1966; 8:46 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 141, 260]

[Docket No. R-309]

ANNUAL REPORTS OF PUBLIC UTILITIES, LICENSEES AND NATURAL GAS COMPANIES

Independent Certification of Compliance With Accounting Requirements

OCTOBER 12, 1966.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission is proposing to add a new General Instruction to the annual report forms (FPC Nos. 1 and 2) prescribed, respectively, by §§ 141.1 and 260.1 of its regulations under the Federal Power and Natural Gas Acts. The instruction would provide that every Class A and B public utility, licensee, and natural gas company subject to the jurisdiction of the Commission, required to file Form No. 1 or 2, submit, in addition, a report from independent certified public accountants attesting to the conformity, in all material respects, of certain schedules in the annual report with the relevant accounting requirements of the Commission.

2. The proposed instruction offers several advantages: (1) It would provide more current evidence of compliance with the Commission's accounting requirements than is presently available to the staff and to State Commissions; (2) it would provide jurisdictional companies with immediate notice of noncompliance and would thereby eliminate the uncertainties attendant to accumulated adjustments experienced under the present program; (3) it would make possible more effective utilization of manpower; and (4) it would be accomplished largely within the framework of present annual examination by independent accountants.

3. This amendment is proposed to be issued under the authority granted to the Federal Power Commission by the Federal Power Act, as amended, particularly sections 301, 304, and 309 (49 Stat. 854, 855, and 858 (1935), 16 U.S.C. 825, 825c, and 825h (1964)), and by the Natural Gas Act, as amended, particularly sections 8, 10, and 16 (52 Stat. 825, 826, and 830 (1938), 15 U.S.C. 717g, 717i, and 717o (1964)).

4. Accordingly, it is proposed to amend the General Instructions to Annual Report FPC Form Nos. 1 and 2 prescribed, respectively, by § 141.1, Subchapter D, and § 260.1, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, by adding the following instruction:

The respondent, if it is under the jurisdiction of the Commission,[1] shall file, together with this form, a letter or report signed by independent certified public accountants, attesting to the conformity, in all material respects, of the following schedules in this report with the Commission's applicable Uniform System of Accounts:

Description	Schedule pages Form No. 1	Form No. 2
Statement A—Comparative Balance Sheet	110–111	110–111
Notes to Balance Sheet	112	112
Statement B—Summary Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion	113	113
Statement C—Statement of Income	114–115	114–115
Notes to Statement of Income	116	116
Statement D—Statement of Earned Surplus	117	117
Materials and Supplies	207	207
Prepayments	210	210
Plant Materials and Operating Supplies	208	208
Long-Term Debt	219	219
Reconciliation of Recorded Net Income With Taxable Income for Federal Income Taxes	223	223
Accumulated Deferred Income Taxes	227	227
Common Utility Plant and Expenses	351	351
Distribution of Salaries and Wages	355–356	355–356
Electric or Gas Plant in Service	401–403	501–504
Plant Held for Future Use	405	506
Construction Work in Progress and Completed Construction Not Classified	406	507
Accumulated Provision for Depreciation of Electric or Gas Plant	408	508
Electric or Gas Operating Revenues	409	514
Electric or Gas Operation and Maintenance Expenses	417–420	527–532
Depreciation, Depletion and Amortization of Electric Plant	429	545

[1] The qualifying phrase "if it is under the jurisdiction of the Commission" would be included only in the Form No. 1 instruction.

The letter or report shall be in the following form:

In connection with our regular examination of the financial statements of [respondent] for the year ended _____, ____, on which we have reported separately under date of _____, ____, we have also reviewed schedules ____ of Form 1 [Form 2] for the year filed with the Federal Power Commission, for conformity in all material respects with the requirements of the Federal Power Commission as set forth in its applicable Uniform System of Accounts and published accounting releases. Our review for this purpose included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

Based on our review, in our opinion the accompanying schedules identified in the preceding paragraph (except as noted below)[1] conform in all material respects with the accounting requirements of the Federal Power Commission as set forth in its applicable Uniform System of Accounts and published accounting releases.

The letter shall state, additionally, which, if any, of the schedules set forth above do not conform to the Commission's requirements, and shall describe the discrepancies that exist.

5. Any person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 1, 1966, data, views, comments, and suggestions in writing concerning the proposed amendment to the General Instructions accompanying Annual Report Forms 1 and 2, as prescribed by the Commission's regulations under the Federal Power Act and Natural Gas Act. An original and 14 conformed copies of each submittal should be filed. The Commission will consider any such written submittals before acting on the proposed regulations.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11401; Filed, Oct. 19, 1966; 8:46 a.m.]

[1] Parenthetical phrase inserted only when exceptions are to be reported.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3–b]

TUBELESS TIRE VALVES FROM ITALY

Withholding of Appraisement Notice

OCTOBER 14, 1966.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price is less or likely to be less than the foreign market value of valves, tubeless tire, finished, imported from Italy as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

In accordance with the provisions of § 14.9(a) of the Customs Regulations (19 CFR 14.9(a)), customs officers are being directed to withhold appraisement of valves, tubeless tire, finished, imported from Italy. All importations entered, or withdrawn from warehouse, for consumption, after the date of publication of this notice in the FEDERAL REGISTER are subject to this order.

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on April 26, 1966. This information was the subject of an "Antidumping Proceeding Notice" which was published on page 9751 of the FEDERAL REGISTER of July 19, 1966, pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)).

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-11433; Filed, Oct. 19, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Modification of Grazing Districts

Pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended.

The north boundary of Grazing District No. 4, Bureau of Land Management, is adjusted so as to transfer administrative responsibility for all public land within the following described legal subdivisions from Grazing District No. 4 to Grazing District No. 7 which headquarters in Grand Junction, Colo.

All vacant, unappropriated public land in:

6TH PRINCIPAL MERIDIAN, COLORADO

T. 15 S., R. 103 W.,
Secs. 1 to 36, inclusive.
T. 15 S., R. 104 W.,
Secs. 1 to 36, inclusive.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 51 N., R. 20 W.,
Secs. 1 to 36, inclusive (unsurveyed).
T. 51 N., R. 19 W.,
Secs. 1 to 36, inclusive (unsurveyed).
T. 51 N., R. 18 W.,
Secs. 7 and 8 (unsurveyed);
Sec. 9, W½ (unsurveyed);
Sec. 16, W½ (unsurveyed);
Secs. 17 and 18 (unsurveyed);
Secs. 19 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 50 N., R. 20 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 50 N., R. 19 W.,
Secs. 1 to 36, inclusive (unsurveyed).
T. 50 N., R. 18 W.,
Secs. 1 to 36, inclusive (partially unsurveyed).
T. 50 N., R. 17 W.,
Sec. 7;
Secs. 17 to 21, inclusive;
Secs. 27 to 32, inclusive;
Sec. 33, W½, NE¼, and N½SE¼;
Sec. 34, N½N½.
T. 49 N., R. 20 W.,
Sec. 1 (unsurveyed).
T. 49 N., R. 19 W.,
Secs. 1 to 17, inclusive (unsurveyed);
Sec. 18, N½, and SE¼;
Secs. 20 to 28, inclusive (unsurveyed);
Sec. 29, N½ and SE¼;
Sec. 36.
T. 49 N., R. 18 W.,
Secs. 1 to 35, inclusive (partially unsurveyed);
Sec. 36, W½.
T. 49 N., R. 17 W.,
Sec. 4, N½NW¼;
Sec. 5, N½, SW¼, and W½SE¼;
Secs. 6 and 7;
Sec. 8, NW¼ and W½SW¼;
Sec. 17, W½W½;
Sec. 18;
Sec. 19, W½;
Sec. 30, W½W½.
T. 48 N., R. 18 W.,
Sec. 2, lots 3 and 4;
Sec. 3, lots 1 to 5, inclusive;
Sec. 4, lots 1 and 8;
Sec. 5, lots 1 to 4, inclusive, and 6;
Sec. 6, lots 1 to 6, inclusive.
T. 48 N., R. 19 W.,
Sec. 1, lots 1 to 8, inclusive (unsurveyed).

The transfer of jurisdiction of Grazing District No. 4 (Durango District) to Grazing District No. 7 (Grand Junction District) will not affect the status or use of the public lands in any way. Effective with the publication of this notice, the Grand Junction District will assume all responsibility for the administration of the area herein described.

J. A. BEIRNE,
Acting Associate Director.

OCTOBER 13, 1966.

[F.R. Doc. 66-11405; Filed, Oct. 19, 1966; 8:46 a.m.]

[New Mexico 0559419]

NEW MEXICO

Notice of Proposed Classification of Lands

OCTOBER 14, 1966.

Notice is hereby given of a proposal to classify the lands described below for disposal through Exchange under Section 8 of the Taylor Grazing Act (43 U.S.C. 315g) for lands within and adjacent to the Cibola National Forest. This publication is made pursuant to the Act of September 19, 1964 (43 U.S.C. 1412).

These lands are in areas where private ownership is extensive and their disposal will facilitate the land adjustment program of the Bureau of Land Management. In exchange the United States will acquire privately owned lands in a predominantly public land area which acquisition will facilitate the land adjustment program of the U.S. Forest Service. Information concerning the lands, including the record of public discussion, is available for inspection and study in the Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, N. Mex. 87103, and Roswell District Office, Post Office Box 1397, 1902 South Main, Roswell, N. Mex. 88201. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager, Roswell or Albuquerque Districts.

The lands affected by this proposal are located in Santa Fe, Sandoval, San Miguel, Guadalupe, Lincoln, Quay, and Eddy Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 12 N., R. 6 E.,
Sec. 1, SW¼ and S½SE¼;
Sec. 3, E½NE¼ and NE¼SE¼;
Sec. 4, SW¼SE¼ and W½SE¼SE¼;
Sec. 9, lots 1, 2, 4, 6, 7 and E½NE¼;
Sec. 11, E½SE¼NE¼.
T. 12 N., R. 7 E.,
Sec. 6, lots 1, 2, 3 and 4.
T. 16 N., R. 8 E.,
Sec. 35, NE¼.
T. 15 N., R. 9 E.,
Sec. 8, S½NE¼, SW¼NW¼, N½SE¼ and SE¼SE¼;
Sec. 9, S½SW¼;
Sec. 17, NE¼NE¼;
Sec. 18, SW¼NE¼;
Sec. 19, E½SE¼ and NW¼SE¼;
Sec. 26, lot 3;
Sec. 27, SW¼ and NE¼SE¼;
Sec. 29;
Sec. 30, lots 2, 3, 4, NE¼NE¼ and SE¼NW¼;
Sec. 35, lots 1, 2, SW¼NE¼ and E½NW¼.
T. 15 N., R. 13 E.,
Sec. 8, lot 14;
Sec. 17, lots 1, 3 and 4;
Sec. 20, SE¼NE¼.
T. 7 N., R. 26 E.,
Sec. 2, SE¼SE¼;
Sec. 4, lot 3.

T 8 N., R. 26 E.,
Sec. 3, lots 1 and 2;
Sec. 8, $NW\frac{1}{4}NE\frac{1}{4}$;
Sec. 19, $NE\frac{1}{4}NE\frac{1}{4}$.
T 8 N., R. 27 E.,
Sec. 1, lots 1, 2, 3, 4, $S\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$ and $NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 4, $SE\frac{1}{4}NE\frac{1}{4}$ and $NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 11, $NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$ and $NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 12, $SW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 13, $N\frac{1}{2}NW\frac{1}{4}$;
Sec. 14, $NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$ and $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 15, $SE\frac{1}{4}NE\frac{1}{4}$;
Sec. 21, $N\frac{1}{2}SE\frac{1}{4}$;
Sec. 23, $NE\frac{1}{4}NE\frac{1}{4}$;
Sec. 24, $NW\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ and $SE\frac{1}{4}$.
T 9 N., R. 27 E.,
Sec. 34, $SE\frac{1}{4}NE\frac{1}{4}$ and $SW\frac{1}{4}SE\frac{1}{4}$.
T 2 S., R. 12 E.,
Sec. 11, $W\frac{1}{2}NE\frac{1}{4}$ and $E\frac{1}{2}NW\frac{1}{4}$.
T 10 S., R. 18 E.,
Sec. 1, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 10, $S\frac{1}{2}NE\frac{1}{4}$ and $SE\frac{1}{4}NW\frac{1}{4}$;
Sec. 11, $S\frac{1}{2}N\frac{1}{2}$ and $SE\frac{1}{4}$;
Sec. 12, $E\frac{1}{2}E\frac{1}{2}$;
Sec. 14, $SW\frac{1}{4}SW\frac{1}{4}$ and $N\frac{1}{2}SE\frac{1}{4}$;
Sec. 23, $SW\frac{1}{4}NE\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 24, $NE\frac{1}{4}NE\frac{1}{4}$ and $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 25, $SE\frac{1}{4}SE\frac{1}{4}$.
T. 10 S., R. 19 E.,
Sec. 6, lot 7;
Sec. 7, lots 1, 2, 3, 4, $E\frac{1}{2}$ and $E\frac{1}{2}W\frac{1}{2}$;
Sec. 17, $E\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ and $S\frac{1}{2}$;
Sec. 18, $E\frac{1}{2}E\frac{1}{2}$ and $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 19, lot 4, $E\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ and $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 20;
Sec. 26, $W\frac{1}{2}$;
Secs. 27 and 28;
Sec. 29, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$, $NW\frac{1}{4}NW\frac{1}{4}$ and $W\frac{1}{2}SW\frac{1}{4}$;
Sec. 30, lots 1, 2, 3, $NE\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{2}$, $W\frac{1}{2}SE\frac{1}{4}$ and $NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 31, lots 1, 2, 3, $W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 33, $N\frac{1}{2}N\frac{1}{2}$;
Sec. 34, $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$ and $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 35, $SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$ and $S\frac{1}{2}S\frac{1}{2}$.
T 11 S., R. 19 E.,
Sec. 1, lots 5, 6 and 7;
Sec. 3, lots 5, 6, 7 and 8;
Sec. 5, lot 5;
Sec. 6, lots 8 to 15, inclusive;
Sec. 7, lots 5 to 12, inclusive;
Sec. 8, $E\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 9, $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 10, $N\frac{1}{2}N\frac{1}{2}$;
Sec. 11, lots 1 to 8, inclusive;
Sec. 12, lots 1 to 10, inclusive;
Sec. 13, lots 1 to 8, inclusive;
Sec. 14, lots 1, 2, 7 and 8;
Sec. 15, $W\frac{1}{2}SE\frac{1}{4}$ and $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$.
T 10 S., R. 20 E.,
Sec. 31, $NE\frac{1}{4}SE\frac{1}{4}$.
T 11 S., R. 20 E.,
Sec. 6, lots 15 to 30, inclusive;
Sec. 7, lots 13 to 30, inclusive;
Sec. 18, lots 13 to 25, inclusive;
Sec. 19, lots 13, 14, 21, 22 and 23;
Sec. 20, lots 1, 2 and 7 to 12, inclusive;
Sec. 21, lot 1.
T 18 S., R. 23 E.,
Sec. 3, $S\frac{1}{2}$;
Sec. 9, $NW\frac{1}{4}$.

The areas described aggregate 18,187.10 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-11406; Filed, Oct. 19, 1966; 8:46 a.m.]

Office of the Secretary

[Order 2860, Amdt. 2]

BONNEVILLE POWER ADMINISTRATION

Disposition of Power From Certain Projects

Order No. 2860 (27 F.R. 591 as amended, 28 F.R. 5273) is hereby amended by revising section 1 to read as follows:

SECTION 1 *Designation as marketing agent.* The Bonneville Power Administrator (hereinafter called the "Administrator") is designated as the agent to market surplus electric power and energy generated at the following Federal projects in the Pacific Northwest: Bonneville Project; Columbia Basin Project, including the reserved power and energy made available pursuant to section 7(c) of the Coulee Dam Community Act of 1957 (71 Stat. 524); Hungry Horse Project; Chandler Power Plant, Kennewick Division, Yakima Project; Roza Power Plant, Roza Division, Yakima Project; and all projects now or hereafter constructed in the drainage basin of the Columbia River and its tributaries and in all other river basins which drain into the Pacific Ocean in the States of Washington and Oregon, for which the Secretary of the Interior is authorized to market power pursuant to section 5 of the act of December 22, 1944 (58 Stat. 887), or section 2 of the act of March 2, 1945 (59 Stat. 10). In addition, the Administrator is designated as the marketing agent for power purchased by him pursuant to the act of July 27, 1954 (68 Stat. 573), or any other authority. The Administrator may exercise such of the authority vested in the Secretary of the Interior by any act or executive order applicable to the marketing of the surplus electric energy referred to in this order as may be necessary or appropriate for carrying out the program functions assigned to the Administrator.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 13, 1966.

[F.R. Doc. 66-11408; Filed, Oct. 19, 1966; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

CARL W. HASEK, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 9, 1966.

CARL W. HASEK, JR.

OCTOBER 9, 1966.

[F.R. Doc. 66-11420; Filed, Oct. 19, 1966; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

CANADA

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that, beginning January 1966, Canada has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Canada, who leave Canada, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Canada has in effect, beginning with January 1966, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises the finding published in the FEDERAL REGISTER of June 21, 1961 (26 F.R. 5536).

Dated: October 14, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 11, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 66-11425; Filed, Oct. 19, 1966; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-186]

CURATORS OF UNIVERSITY OF MISSOURI

Notice of Issuance of Facility License

Please take notice that, no request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Facility License No. R-103 to the Curators of the University of Missouri authorizing operation at 5,000 kilowatts (thermal) of the 10,000 kilowatts (thermal) heterogeneous, light water-cooled and moderated pressurized tank research reactor located on the University's campus at Columbia, Mo.

The license was issued as set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER August 5, 1966, 31 F.R. 10550.

Dated at Bethesda, Md., this 11th day of October 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-11384; Filed, Oct. 19, 1966; 8:45 a.m.]

[Docket No. 27-35]

LONG ISLAND NUCLEAR SERVICE CORP.

Notice of Issuance of Amendment to Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 6 to License No. 31-8360-1 as set forth below. This amendment provides for a change in the license provisions referring to the transportation of radioactive materials to assure conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966.

In a letter dated July 25, 1966, the AEC notified Long Island Nuclear Service Corp. of its intent to amend License No. 31-8360-1 to assure that the license provisions referring to transportation of radioactive materials were in conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966. Long Island Nuclear Service Corp. consented to the proposed modification of its license in a telegram received October 6, 1966.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., October 14, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 31-8360-1; Amdt. 6]

The Atomic Energy Commission having found that:

A. The licensee's equipment and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property.

C. The application dated September 28, 1965, and application for license amendment dated February 25, 1966, comply with the requirements of the Atomic Energy Act of 1954, as amended, and are for a purpose authorized by that Act.

D. Issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 31-8360-1 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," and 10 CFR Part 70, "Special Nuclear Material," a license is hereby issued to Long Island Nuclear Service Corp., Station Road, Bellport, N.Y., to receive and possess packages containing waste byproduct, source, and special nuclear material in any State of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 1,000 curies of Hydrogen 3.

B. 50,000 curies of other byproduct material.

C. 50,000 pounds of source material.

D. 350 grams of Uranium 235 or 200 grams of Uranium 233 or 200 grams of Plutonium provided that the sum of the ratios of the quantity of each special nuclear material to the quantities specified above does not exceed unity. Unity shall be determined by the following formula:

$$\frac{\text{grams contained U235}}{350}+\frac{\text{grams contained U233}}{200}+\frac{\text{grams contained Pu}}{200}\leq 1$$

2. Except as specifically provided otherwise by this license, the licensee shall receive and possess byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application dated August 21, 1961, and amendments thereto dated October 4, 1961, May 31, 1963, July 29, 1963, July 21, 1965, September 28, 1965, and February 25, 1966.

3. Byproduct, source, and special nuclear material shall be received and handled by, or in the physical presence of, John D. LaGrua, Jr.

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Interstate Commerce Commission in §§ 73.391-73.395, 49 CFR Part 73, "Regulations Applying to Shippers", and §§ 77.823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments made by Way Of Common, Contract, Or Private Carriers By Public Highways," and (2) any requests for modifications or exceptions to those requirements, any requests for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

5. The licensee shall not store byproduct, source, and special nuclear material in any of the states in which the licensee is authorized to receive and possess such material under the terms of this license.

This amendment shall be effective on the date issued. This license shall expire November 30, 1967.

Date of issuance: October 14, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 66-11385; Filed, Oct. 19, 1966; 8:45 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on October 26, 1966. The hearing will take place in Room 1306 of the State Office Building, Broad and Spring Garden Streets in Philadelphia, beginning at 2 p.m. The hearing will be on proposals to amend the Comprehensive Plan so as to include the following projects:

1. *Port Jervis Bridge—Interstate Highway #84.* A new bridge at the confluence of the Delaware and Neversink Rivers connecting Port Jervis, N.Y., with Matamoras, Pa. The proposed bridge will cross the upper end of the scheduled Tocks Island reservoir.

2. *Pottsville Sewer Authority.* Primary sewage treatment facilities and interceptor system designed to serve portions of the city of Pottsville and the Boroughs of Port Carbon, Mount Carbon, Palo Alto, and Mechanicsville in Schuylkill County, Pa. An average daily flow of 4.5 million gallons daily will be treated prior to discharge to the Schuylkill River.

3. *Fox Valley Community Service, Inc.* A sanitary sewage collection system and secondary treatment plant to serve the community of Fox Valley, Delaware County, Pa. Average daily flow of approximately 84,000 gallons will receive treatment prior to discharge to the West Branch of Chester Creek.

4. *Lower Merion Township water supply and waste treatment.* A maximum withdrawal of 1.5 million gallons daily by Lower Merion Township, Montgomery County, Pa., for use in controlling stack dust and other wastes generated by a new incinerator. Water would be returned to the Schuylkill River after primary treatment.

5. *Douglassville Water Co.* A new well (No. 4) to provide supplemental water for the Amity Gardens real estate development in Amity Township, Berks County, Pa. The new facility is expected to yield 100 gallons per minute.

6. *Warminster Township Municipal Authority.* A new well (No. 13) to provide supplemental water for Warminster Township, Bucks County, Pa. The new facility is expected to yield a maximum of 100 gallons per minute.

7. *Northampton Municipal Authority.* Two new wells to provide supplemental water for the College Park (Well No. 4) and Wind Mill Village (Well No. 4) in Northampton Township, Northampton County, Pa. The new facilities are expected to yield a maximum of 300 and 220 gallons per minute respectively.

8. *Morrisville Municipal Authority.* A new water supply facility for the Borough of Morrisville, Bucks County, Pa. The existing Delaware River filter plant will be abandoned. A new plant having a capacity of 3 million gallons per day (expandable to 6 million gallons per day) will be constructed adjoining the Delaware River.

Documents relating to the above projects may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; telephone: 609—883—9500.

W. BRINTON WHITALL,
Secretary.

OCTOBER 14, 1966.

[F.R. Doc. 66-11417; Filed, Oct. 19, 1966; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project 2427]

FRANK E. PEACOCK AND WOODS FALLS B HYDRO, INC.

Notice of Application for Transfer of License for Unconstructed Project

OCTOBER 12, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Frank E. Peacock, licensee for unconstructed Project No. 2427, and Woods Falls B Hydro, Inc. (correspondence to: Frank E. Peacock, 204 Lawndale Avenue, Wilmette, Ill. 60091) for transfer of the license for the project from the former to the latter. The project, known as the Woods Falls Project, is proposed to be located on Black River, in the village of Glen Park, in Jefferson County, N.Y. The license was issued on November 19, 1965, for a period of 30 years, effective as of October 1, 1965, and terminating September 30, 1995.

The proposed project would consist of: (1) A 13-foot high diversion dam; (2) a 15-foot in diameter penstock about 125 feet long; (3) a powerhouse containing a 13,000 horsepower turbine driving a 10,000 kva generator; (4) substation; (5) a 23 kv transmission line about 4,500 feet long; and (6) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 2, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11400; Filed, Oct. 19, 1966; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

TRANS-ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. I. Knowles, Chairman and Secretary, Trans-Atlantic Passenger Steamship Conference, 17 Battery Place, New York, N.Y. 10004.

Agreement 120–85, between the member lines of the Trans-Atlantic Passenger Steamship Conference, modifies the basic agreement to permit (1) the Conference to appoint subagencies located in Hawaii to represent the member lines, and (2) the sale of passenger transportation in Hawaii.

Dated: October 17, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11416; Filed, Oct. 19, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3782]

GREAT AMERICAN INDUSTRIES, INC.

Order Suspending Trading

OCTOBER 14, 1966.

The common stock, 10 cents par value, of Great American Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock, Series A, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 16, 1966, through October 23, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11429; Filed, Oct. 19, 1966; 8:48 a.m.]

[812-2008]

NATIONAL AVIATION CORP.

Notice of Filing of Application to Permit Purchase of Securities During an Underwriting

OCTOBER 14, 1966.

Notice is hereby given that National Aviation Corp. ("Applicant"), 111 Broadway, New York, N.Y. 10006, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the provisions of section 10(f) a proposed purchase by the Applicant of up to $1,500,000 principal amount convertible subordinated debentures due 1991 ("the debentures") which American Airlines, Inc. ("the Issuer"), proposes to issue. The Applicant proposes to acquire the debentures either by the purchase, at the market price, of rights to purchase the debentures or by the purchase of the debentures, at the public offering price, upon the public offering thereof. The proposed purchase is a portion of an offering of $81,704,900 principal amount of the debentures expected to be offered to the public as soon as the registration statement on Form S–1 of the Issuer, filed September 23, 1966, shall be made effective pursuant to section 8(a) of the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The firm of Hornblower & Weeks-Hemphill, Noyes will probably be one of the principal underwriters for the issue. Howard E. Buhse, a director of the Applicant and a member of the executive committee, is a partner of that firm. Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) if a director of the registered investment company is an affiliate of a principal underwriter of such security. Since one of the Applicant's directors is an affiliated person of one of the principal underwriters offering the debentures, the purchase thereof by the Applicant is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

The Applicant in support of its application asserts that the proposed purchase of the debentures is consistent with the Applicant's investment objectives and policies and is not proposed for the purpose of stimulating the market in the debentures or for the purpose of relieving the underwriters of securities otherwise unmarketable, that it will not purchase the debentures from Hornblower & Weeks-Hemphill, Noyes, that the terms of the proposed investment, if consummated, are fair and reasonable, that the amount paid will represent 1.80 percent of the Applicant's assets as of September 29, 1966, and that the investment of the Applicant in all securities of the Issuer will represent approximately 5.20 percent of the Applicant's assets as of September 29, 1966.

Notice is further given that any interested person may, not later than October 26, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11430; Filed, Oct. 19, 1966; 8:46 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

OCTOBER 14, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5¾ percent Industrial Development Revenue Bonds of Pinal County Development Association, due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period October 16, 1966, through October 25, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11431; Filed, Oct. 19, 1966; 8:49 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

OCTOBER 14, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 16, 1966, through October 25, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11432; Filed, Oct. 19, 1966; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 50 (Rev. 3) Amdt. 3]

DEPUTY ADMINISTRATOR FOR INVESTMENT DIVISION

Delegation of Authority

Delegation of Authority No. 50 (Revision 3) (25 F.R. 7418) as amended (26 F.R. 4440; 27 F.R. 1303) is hereby amended by adding the following subsection I.D.:

I. • • •

D. *Activities under Sections 302 and 303 of the Small Business Investment Act of 1958, as amended:* To take all necessary action in connection with the servicing, administration, collection, sale and liquidation of partially or fully disbursed loans, obligations and property (real, personal, or mixed, tangible or intangible) held by or assigned to SBA and arising out of activities under section 302 and section 303 of the Small Business Investment Act of 1958, as amended, and, in connection therewith, to accept or reject offers of settlement or of compromise for cash, credit, or property (real, personal, or mixed, tangible or intangible).

• • • • • •

Effective date. October 1, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-11410; Filed, Oct. 19, 1966; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 979]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 14, 1966.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR Part 1, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective MAY 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of MAY 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 409 (Sub-No. 29) (Amendment), filed MAY 19, 1966, published FEDERAL REGISTER issue of June 23, 1966, amended October 3, 1966, and republished, as amended, this issue. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All commercial chemicals and fertilizers normally transported in bulk tanks* (special equipment), from points in Woodbury County, Iowa, and Dakota County, Nebr., to points in Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Wyoming, Montana, and Colorado. NOTE: The purpose of this republication is to add points in Dakota County, Nebr., as origin territory. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 504 (Sub-No. 89), filed October 6, 1966. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's representative: Monty Schumacher, 1375 Peachtree Street NE., Suite 693, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slabs, concrete, building and roofing*, from points in Elbert County, Ga., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 531 (Sub-No. 219), filed September 16, 1966. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, petroleum and petroleum products, fertilizer and fertilizer ingredients*, in bulk, in tank vehicles, from Luling, La., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states it intends to tack with its authority in Sub 41, wherein it is authorized to operate from points in part of Texas to points in Louisiana. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 757 (Sub-No. 4), filed October 3, 1966. Applicant: JACKIE E. DAUTEL, doing business as DAUTEL TRUCK LINE, 303 Northeast 13th Street, Abilene, Kans. 67410. Applicant's representative: John E. Janders, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* from Kansas City, and St. Joseph, Mo., to points in Cloud, Ottawa, Salina, Clay, Dickinson, Geary, Morris, and Riley Counties, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 3009 (Sub-No. 70), filed September 26, 1966. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsites of MacMillan Bloedel United, Inc., and Harmac-Alabama, Inc., at or near Pine Hill, Ala., as off-route points in connection with applicant's authorized operations in MC 3009 and subs thereunder. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Montgomery, or Birmingham, Ala.

No. MC 7640 (Sub-No. 24), filed September 30, 1966. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, N.C. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tools, utensils, containers, implements, articles, machinery and/or parts thereof used or useful in farming and/or forestry industries*, (a) from Tarboro, N.C., and Davenport, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, the District of Columbia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine, and (b) from Davenport, Iowa, to points in North Carolina, South Carolina, and Virginia, and (2) *materials and supplies used or useful in the manufacture of tools, utensils, containers, implements, articles, machinery and/or parts thereof used or useful in farming and/or forestry industries*, from points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, the District of Columbia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C.

No. MC 8535 (Sub-No. 27), filed October 7, 1966. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, 2700 Broening Highway, Baltimore, Md. 21222. Applicant's representative: J. C. Schriner, 11615 Detroit Avenue, Cleveland, Ohio 44102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, material and supplies* used in the manufacture or processing of iron and steel articles, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack the proposed authority with its present authority certificate in Kentucky, Ohio, and Pennsylvania, and the territory to be served would be Maryland, Delaware, New Jersey, New York, Virginia, West Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 8948 (Sub-No. 72), filed October 3, 1966. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058. Applicant's representative: Lloyd R. Guerra (same address as applicant). Authority sought to operate as a *comon carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry sugar*, in bulk, *including blends with other sweeteners*, in tank or hopper vehicles; *molasses in bulk in tank vehicles; and dried beet pulp with or without molasses* in bulk, in hopper vehicles, from points in Arizona to points in California, Colorado, New Mexico, Nevada, Texas, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 10761 (Sub-No. 200), filed September 29, 1966. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: L. G. Naldow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 (272–273), from the plantsite of Farm Best, Inc., located at or near Denison, and Iowa Falls, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 19227 (Sub-No. 111) (Correction), filed September 19, 1966, published FEDERAL REGISTER issue of October 6, 1966, corrected and republished, this issue. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representatives: W. O. Turney, 3001 Massachusetts Avenue NW., Washington, D.C. 20036, and Armlon Leonard (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt and composition lumber*, boards or sheets made from wood chips, ground wood, or sawdust, from the plantsites of Dierks Forest, Inc., located in McCurtain County, Okla., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Washington, Wisconsin, and the District of Columbia, (2) *gypsum wallboard, gypsum lath and gypsum wallboard products*, from the plantsite of Dierks Forest, Inc., located in Howard County, Ark., to points in Alabama, Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(3) *Lumber and lumber products*, from the plantsites of Dierks Forest, Inc., located in Howard and Garland Counties, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, (4) *lumber and lumber products*, from the plantsites of Dierks Forest, Inc., located in McCurtain County, Okla., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, and (5) *post, poles, piling, and lumber*, treated and untreated, from the plantsites of Dierks Forest, Inc., located in Sevier County, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. NOTE: The purpose of this republication is to add the destination State of Indiana in (1) above, which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 64994 (Sub-No. 83), filed October 3, 1966. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston Salem, N.C. 27102. Applicant's representatives: Frank C. Philips (same address as applicant), and James E. Wilson, 1735 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons, from Danville, Ky., to points in Illinois, Wisconsin, Indiana, Michigan, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Florida, and the District of Columbia, and *materials and supplies used in the manufacture of furniture*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64932 (Sub-No. 419), filed September 30, 1966. Applicant: ROGERS CARTAGE COMPANY, a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from points in St. Charles County, Mo., to points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 102), filed October 3, 1966. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Indianapolis and Huntington, Ind., over Indiana Highway 37, serving the intermediate point of Marion, Ind. NOTE: Applicant states it does not seek to serve any points which it is not now authorized to serve. Applicant is presently authorized to conduct operations, under its Sub 33, between Indianapolis, Ind., and Huntington, Ind., serving all intermediate points and the off-route point of Marion, Ind., as follows: From Indianapolis over Indiana Highway 29 to Logansport, thence over U.S. Highway 24 to Huntington, and return over the same route. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

[1] Copies of Special Rule 1.247 (as amended), can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 69901 (Sub-No. 13), filed October 3, 1966. Applicant: COURIER-NEWSOM EXPRESS, INC., Post Office Box 509, Columbus, Ind. Applicant's representative: Edw. G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Cleaning, scouring and washing compounds, bleach, bath salts, soda ash compounds, and sodium phosphate*, except in bulk, serving the site of the plant of the Calgon Corp. located at or near Rockwood, Mich., as an off-route point in connection with applicant's regular route operations to and from Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Chicago, Ill.

No. MC 89693 (Sub-No. 41), filed October 3, 1966. Applicant: HARMS PACIFIC TRANSPORT, INC., 1430–130th NE., Bellevue, Wash. 98004. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and fertilizer compounds*, from points in Washington in and east of U.S. Highway 97 to points in Washington in and east of U.S. Highway 97, and those in Montana, Idaho, and Oregon. NOTE: Applicant states the proposed authority herein can or will be joined with its presently authorized operating authority at Pasco, Dayton, and Walla Walla, Wash. If a hearing is deemed necessary, applicant requests it be held at Seattle, Spokane, or Pasco, Wash.

No. MC 89723 (Sub-No. 44), filed October 3, 1966. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis, 2008 Missouri Pacific Building, St. Louis, Mo. 63103. Applicant is authorized in certificate No. MC 89723 (Sub-No. 4) to transport, over regular routes, between named points therein, in Texas, general commodities, subject to the following restrictions: No shipments shall be transported (a) between any of the following points, or through, or to, or from, more than one said points: Palestine, Austin, San Antonio, Laredo, Fort Worth, Waco, Houston Hearne-Valley Junction (to be considered as a single key point), or Odem, Tex. (applicable only to southbound traffic moving to, from, or through Odem other than traffic from or through Corpus Christi, Tex.) or (b) from Corpus Christi, from Raymondville, or from points south or west of Raymondville, to points north or east of Houston, points north of San Antonio, and points on or west of U.S. Highway 81 from San Antonio to Laredo, including Laredo. The purpose of the subject application is to seek authority to operate over the routes contained in MC 89723 (Sub-No. 4) by removal of Austin, Tex., as a key point in said certificate. The proposed authority is to be subject to the remaining key point restrictions and other restrictions contained in said certificate. NOTE: Applicant is a wholly-owned subsidiary of Missouri Pacific Railroad Co., therefore, common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Austin or Houston, Tex.

No. MC 99427 (Sub-No. 4), filed October 7, 1966. Applicant: ARIZONA TANK LINES, INC., Post Office Box 6430, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and dry sugar* in bulk, *including blends with other sweeteners*, in tank or hopper vehicles, (2) *molasses* in bulk in tank vehicles, and (3) *dried beet pulp with or without molasses* in bulk in hopper vehicles, from points in Arizona to points in California, Colorado, New Mexico, Nevada, Texas, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 102616 (Sub-No. 810), filed October 6, 1966. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized anthracite coal*, in bulk, in vehicles equipped with pneumatic unloading devices, from Shamokin, Pa., to Trenton, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 26739 (Sub-No. 57), filed October 7, 1966. Applicant: CROUCH BROS., INC., Elwood, Doniphan County, Kans., Mailing Address, Post Office Box 1059, St. Joseph, Mo. 64502. Applicant's representative: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Chicago, Ill., and Omaha, Nebr.; from Chicago, Ill., and points in its commercial zone, over Interstate Highway 55 to junction Interstate Highway 80 (approximately 5 miles west of Joliet, Ill.), thence over Interstate Highway 80 to Omaha, and return over the same route, serving no intermediate points, as an alternate route to applicant's presently authorized service route between Chicago, Ill., and Maryville, Mo., and between Maryville, Mo., and Omaha, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 30837 (Sub-No. 342), filed October 3, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, from Athens, N.Y., to the port of entry on the international boundary line between the United States and Canada, located at or near Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 343), filed October 3, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in initial movements in truckaway service, from Milwaukee, Wis., to points in California, New York, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 35469 (Sub-No. 38), filed September 30, 1966. Applicant: MODERN TRANSFER COMPANY, INC., 1300 Hanover Avenue, Allentown, Pa. 18001. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between Joliet, Waukegan, and Chicago, Ill., and points in their respective commercial zones, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51322 (Sub-No. 4), filed October 3, 1966. Applicant: JACK DANE CAGNO, doing business as CAGNO HORSE TRANSPORTATION, 1343 Caryl Drive, Bedford, Ohio 44014. Applicant's representative: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in the same vehicle *such equipment and supplies*, incidental to the care, transportation, racing and exhibition of such horses, between points in Ohio, on the one hand, and, on the other, points in Michigan. NOTE: Applicant states it intends to tack at common points in Ohio with its present authority in Sub 1, wherein it conducts operations between points in Ohio, Illinois, Kentucky, and West Virginia, to provide service between points in Michigan and the States named in its Sub 1 authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 52657 (Sub-No. 649), filed October 3, 1966. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burial vaults*, from Wapakoneta, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and return from the above destination area to Wapakoneta, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 53965 (Sub-No. 53), filed October 3, 1966. Applicant: GRAVES TRUCK LINES, INC., 739 North 10th Street, Salina, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from Downs, Kans., to points in Arkansas, Louisiana, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas, points in Laramie County, Wyo., and points in Sedgwick, Logan, Weld, Larimer, Boulder, Morgan, Phillips, Yuma, Washington, Jefferson, Adams, Arapahoe, Douglas, Elbert, Kit Carson, Lincoln, El Paso, Cheyenne, Kiowa, Crowley, Pueblo, Huerfano, Las Animas, Baca, Prowers, Bent, and Otero Counties, Colo. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 107107 (Sub-No. 378), filed October 3, 1966. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, restricted against shipments in bulk, in tank vehicles, from the plantsite and warehouse facilities of the Pillsbury Co., at New Albany, Ind., and Louisville, Ky., to points in Alabama, Florida, Georgia, Iowa, Minnesota, Nebraska, North Carolina, South Carolina, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 107496 (Sub-No. 501) (correction), filed September 23, 1966, published in FEDERAL REGISTER issue of October 13, 1966, and republished, as corrected, this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hexane-edible oil*, in bulk, in tank vehicles, from Sidney, Nebr., to Groton, Conn. NOTE: Common control may be involved. The purpose of this republication is to show irregular route authority sought in lieu of regular routes. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Des Moines, Iowa, or Columbus, Ohio.

No. MC 107496 (Sub-No. 504), filed September 28, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar, coal tar pitch, and coal tar products*, in bulk, from South Chicago, Ill., to Indianapolis, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 107496 (Sub-No. 505), filed September 28, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar, coal tar pitch, and coal tar products*, in bulk, from South Chicago, Ill., to Indianapolis, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 107496 (Sub-No. 506), filed October 3, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt base and liquid asphaltic flux material*, in bulk, in tank vehicles, between Toledo, Ohio, on the one hand, and, on the other, Lemont, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 107515 (Sub-No. 558), filed September 29, 1966. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as defined by the Commission (except in bulk in tank vehicles), from Aurora, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 559), filed September 30, 1966. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodsstuffs*, in vehicles equipped with mechanical refrigeration, restricted against shipments in bulk, in tank vehicles, from the plantsite and warehouse facilities of the Pillsbury Co., at New Albany, Ind., and Louisville, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Mississippi, Missouri, Michigan, Minnesota, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Louisville, Ky.

No. MC 107818 (Sub-No. 41), filed September 28, 1966. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's representative: Martin Sack, Jr., 710 Atlantic Bank Building, 121 West Forsyth Street, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouses of Aurora Packing Co., located at or near Aurora, Ill., and Chicago, Ill., to points in Alabama, Georgia, Florida, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 210), filed September 29, 1966. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese spreads and dips*, from Fort Worth, Tex., to Louisville, Ky., and to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108428 (Sub-No. 21), filed October 7, 1966. Applicant: DINO D'AGATA, 3340 South 61st Street, Philadelphia, Pa. Applicant's representative: G. Donald Bullock, Box 103, Wyn-

cote, Pa. 19095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Philadelphia and Norristown, Pa., to Norfolk, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 108449 (Sub-No. 242), filed September 28, 1966. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: W. A. Myllenbeck (same address as applicant) and Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, (1) from the Williams Brothers Pipe Line Co. terminal located at or near Rochester, Minn., to points in Iowa, Minnesota, and Wisconsin, (2) from the Williams Bros. Pipe Line Co. terminal located at or near Dubuque, Iowa, to points in Illinois, Iowa, Minnesota, and Wisconsin, (3) from the Williams Bros. Pipe Line Co. terminal located at or near St. Charles, Mo., to points in Illinois and Missouri, and (4) from the Williams Bros. Pipe Line Co. terminal located at or near Topeka, Kans., to points in Kansas and Nebraska. NOTE: Applicant states that the authority sought herein can be tacked with authority now held to serve the additional States of North Dakota, South Dakota, Montana, and upper Michigan. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108449 (Sub-No. 243), filed September 28, 1966. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, in bulk, from points in Dakota, Hennepin, Ramsey, and Scott Counties, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109014 (Sub-No. 5), filed October 10, 1966. Applicant: GREAT SOUTHERN COACHES, INC., 900 Burke Avenue, Jonesboro, Ark. 72401. Applicant's representative: John T. Williams, 1100 Boyle Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (A) Over regular routes: (1) between Little Rock and Newport, Ark., over U.S. Highway 67, serving all intermediate points, (2) between junction U.S. Highways 67 and 64C west of Beebe, Ark., and junction U.S. Highway 67 and Arkansas Highway 31 north of Beebe; from junction U.S. Highways 67 and 64C over U.S. Highway 64C to Beebe, and thence over Arkansas Highway 31 to junction U.S. Highway 67 and return over the same route, serving the intermediate point of Beebe, (3) between junction U.S. Highway 67 and Arkansas Highway 16 south of Searcy, Ark., and junction U.S. Highway 67 and Arkansas Highway 36 east of Searcy; from junction U.S. Highway 67 and Arkansas Highway 16 over Arkansas Highway 16 to Searcy, and thence over U.S. Highway 36 to junction U.S. Highway 67 east of Searcy, and return over the same route, serving the intermediate point of Searcy, and (4) between junction U.S. Highways 67 and 67C southwest of Judsonia, Ark., and junction U.S. Highway 67 and unnumbered Arkansas Highway north of Judsonia; from junction U.S. Highways 67 and 67C over U.S. Highway 67C to Judsonia, and thence over unnumbered highway to junction U.S. Highway 67, and return over the same route, serving the intermediate point of Judsonia, Ark., and (B) Over irregular routes, *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, in charter operations, between Little Rock and Newport, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 109435 (Sub-No. 41), filed October 4, 1966. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., 116 North Allied Road, Post Office Drawer J, Stroud, Okla. 74079. Applicant's representative: K. C. Elliott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Arkansas to points in Kansas, Missouri, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 109478 (Sub-No. 102), filed September 30, 1966. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrate* in bulk, in tank vehicles, between Westfield, N.Y., and North East, Pa., on the one hand, and, on the other, points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 111625 (Sub-No. 14), filed October 7, 1966. Applicant: BERMAN'S MOTOR EXPRESS, INC., Post Office Box 1209, Binghamton, N.Y. 13902. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, and steel and iron products*, from points in Broome County, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 111812 (Sub-No. 357), filed September 30, 1966. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East 8th Street, Post Office Box 747, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen prepared foods*, and (2) *commodities (namely frozen fish)*, the transportation of which is partially exempt under the provisions of section 203 (b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen prepared foods, from points in Essex and Middlesex Counties, Mass., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., New York, N.Y., or Washington, D.C.

No. MC 112750 (Sub-No. 228), filed September 30, 1966. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments, including originals and copies of checks, drafts, notes, money orders, travelers' checks, and canceled bonds, and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips and debit and credit records* (except coin, currency, bullion, and negotiable securities), between Oakland, Md., and Pittsburgh, Pa., under continuing contracts with banks and banking institutions, including the First National Bank of Oakland, Oakland, Md. NOTE: Applicant holds common carrier authority in MC 111729 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 113908 (Sub-No. 193), filed October 7, 1966. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Post Office Box 3180, Springfield, Mo. 65804. Applicant's representative: Robert K. Allen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, and apple juice*, in bulk, in tank vehicles, from points in Alabama, Arkansas, Colorado, Michigan, Minnesota, Missouri, Oklahoma, Tennessee, and Texas to points in California and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 113908 (Sub-No. 194), filed October 7, 1966. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, 706 West Tampa, Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax* in bulk, in tank vehicles, from Oil City, Pa., to points in Alabama, Arkansas, Colorado, Florida, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, Nebraska, South Dakota, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114854 (Sub-No. 2), filed September 30, 1966. Applicant: LARSON AND SON, INC., Alzada Star Route, Colony, Wyo. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, from points in South Dakota and Montana, to points in Crook County, Wyo., under contract with International Minerals & Chemical Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Cheyenne, Wyo.

No. MC 115524 (Sub-No. 11), filed October 4, 1966. Applicant: WILLIAM P. BURSCH, doing business as BURSCH TRUCKING, 4130 Edith NE., Albuquerque, N. Mex. Applicant's representative: J. E. Gallegos, 215 Lincoln Avenue, Post Office Box 2228, Sante Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and such commodities as are dealt in or sold by Road Runner Lumber Sales Co.*, (1) from points in New Mexico to points in Texas, Oklahoma, Kansas, and Colorado; (2) from points in Las Animas, Rio Grande, Archuleta, and Conejos Counties, Colo., to points in New Mexico, Texas, Oklahoma, and Kansas; and, (3) from points in Jasper and Harris Counties, Tex., to points in New Mexico, all under contract with Road Runner Lumber Sales Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Santa Fe or Albuquerque, N. Mex.

No. MC 115841 (Sub-No. 298), filed October 6, 1966. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, 1215 Bankhead Highway West, Birmingham, Ala. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except in bulk in tank vehicle), in vehicle equipped with mechanical refrigeration, restricted to traffic originating at the plantsite and warehouse facilities of the Pillsbury Co. at New Albany, Ind., and Louisville, Ky., to points in Wisconsin, Iowa, Michigan, Nebraska, Missouri, Illinois, Kentucky, Ohio, Indiana, Minnesota, West Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, New York, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Minneapolis, Minn.

No. MC 116063 (Sub-No. 95), filed September 30, 1966. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., Post Office Box 270, 2400 Cold Springs Road, Fort Worth, Tex. 76101. Applicant's representative: Jerry E. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry sugar*, in bulk, *including blends with other sweeteners*, in tank or hopper vehicles; *molasses*, in bulk; and *dried beet pulp*, with or without molasses, in hopper vehicles, from points in Arizona to points in California, Colorado, New Mexico, Nevada, Texas, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 116273 (Sub-No. 79), filed October 3, 1966. Applicant: D&L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch, Traffic Manager (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antispalling compounds* (vegetable oils and petroleum naphtha or mineral spirits combined), in bulk, in tank vehicles, from Chicago, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin. NOTE: Applicant states that it intends to tack with its present authority in Subs 20, 25, and 43 in which it is authorized to operate in Kansas, Minnesota, Mississippi, Nebraska, South Dakota, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116779 (Sub-No. 3), filed October 7, 1966. Applicant: PHILIP C. SCHUSTER, doing business as P. C. SCHUSTER CONTRACT HAULING, Valley View Lane, Boston, N.Y. Applicant's representative: Robert V. Glanniny, 900 Midtown Tower, Rochester, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building brick*, from East Aurora, N.Y., to points in Erie, Crawford, Mercer, Venango, Lawrence, Butler, Beaver, Allegheny, Warren, Forest, Clarion, Armstrong, Westmoreland, Indiana, Jefferson, Elk, McKean, Cameron, Potter, Clinton, Tioga, Lycoming, Bradford, Sullivan, Susquehanna, Wyoming, Wayne, Lackawanna, Clearfield, Center, Blair, Cambria, Somerset, and Bedford Counties, Pa., under contract with Empire Clay Products. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 117344 (Sub-No. 176), filed September 30, 1966. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, fertilizer ingredients, and fertilizer materials*, dry, from Cincinnati, Ohio, to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 117344 (Sub-No. 177), filed September 29, 1966. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Mount Vernon, Ind., to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119489 (Sub-No. 11) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 16, 1966, amended October 4, 1966, and republished, as amended, this issue. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Norfolk, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All commercial chemicals and fertilizers normally transported in bulk tanks* (special equipment), from points in Woodbury County, Iowa, and Dakota County, Nebr., to points in Nebraska, North Dakota, Colorado, Minnesota, Montana, South Dakota, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to add points in Dakota County, Nebr., as origin territory. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119547 (Sub-No. 15), filed September 14, 1966. Applicant: EDGAR W. LONG, Route 4, Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and refractories products*, from points in Perry County, Ohio, to points in New York, West Virginia, Kentucky, Tennessee, Indiana, Illinois, Michigan, Wisconsin, Virginia, Maryland, Delaware, New Jersey, Missouri, Iowa, Pennsylvania, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Minnesota, Rhode Island, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119934 (Sub-No. 132), filed October 3, 1966. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink*, in bulk, in tank vehicles, from Buffalo, N.Y., Jacksonville and Orlando, Fla., Atlanta and Huber, Ga., and New Orleans, La., to points in Sylacauga, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 121495 (Sub-No. 2) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 9, 1966, amended August 15, 1966, and republished as amended, this issue. Applicant: ENGLEWOOD TRANSIT COMPANY, a corporation, 1125 West 46th Avenue, Denver, Colo. Applicant's representative: Edward C. Hastings, 330 Petroleum Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Colorado, on the one hand, and, on the other, Elkhart and Richfield, Kans. NOTE: The purpose of this republication is to redescribe the territory to be served. If a hearing is deemed necessary, applicant requests it be held at Elkhart, Kans.

No. MC 123502 (Sub-No. 18), filed September 30, 1966. Applicant: FREE STATE STONE SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. 21061. Applicant's representative: Donald E. Freeman, Post Office Box 880, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal alloys, and scrap metal*, in dump vehicles, *and fluorspar, ores, gravel, granular refractories and soda ash*, in bulk, in dump vehicles, from East Liverpool, Ohio, to Baltimore, Md.; (2) *metal alloys and ores*, in bulk, in dump vehicles, from Brilliant, Philo, and Powhatan, Ohio, to Baltimore, Md., and points in Connecticut, Massachusetts, New Hampshire, and Rhode Island; and, (3) *metal alloys and ores*, from Baltimore, Md., to points in Massachusetts, New Hampshire, Rhode Island, Indiana, Illinois, and Michigan. NOTE: Applicant states that it intends to tack at Baltimore, Md., with its present authority in Sub 15, wherein it is authorized to operate in Maryland, West Virginia, Virginia, Pennsylvania, Delaware, New York, Connecticut, Ohio, and New Jersey. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124183 (Sub-No. 10), filed October 6, 1966. Applicant: GARRISON TRANSPORT, INC., 409 East 9th Street, Fowler, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, tops, and paper cartons*, knocked down, from Burlington, Wis., to points in Indiana, the Lower Peninsula of Michigan, Ohio, Kentucky, Illinois south of U.S. Highway 36, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124649 (Sub-No. 1), filed September 28, 1966. Applicant: JOSEPH BONANNO, 1 Cranford Avenue, Linden, N.J. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, (1) from Stamford, Conn., to Mahwah, Newark, Paterson, Flagtown, Florence, Burlington, Phillipsburg, Camden, Sewaren, High Bridge, South Amboy, Harrison, Bartley, East Orange, Irvington, and Jersey City, N.J., and Allentown, Easton, and Macungie, Pa.; (2) from New York, N.Y., to Bridgeport, Conn., Mahwah, Newark, Paterson, Flagtown, High Bridge, South Amboy, Harrison, Irvington, East Orange, and Bartley, N.J., and Allentown, Easton, and Macungia, Pa.; (3) from Easton, Allentown, and Wilkes-Barre, Pa., and Camden and Phillipsburg, N.J., to Newark and Jersey City, N.J.; (4) from Newark, N.J., to Bridgeport, Conn., and Watervliet and Albany, N.Y.; and (5) from Albany, N.Y., to Newark, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 125120 (Sub-No. 2), filed October 3, 1966. Applicant: TWIN STATE SAND & GRAVEL CO., INC., Elm Street, West Lebanon, N.H. 03784. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Road surfacing salt*, (1) from Littleton, N.H., to points in Vermont, and (2) from Montpelier, Vt., to points in New Hampshire, under contract with International Salt Co., Summit, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 125550 (Sub-No. 2), filed October 7, 1966. Applicant: THE HELLER COMPANY, a corporation, 200 Chestnut Avenue, Altoona, Pa. 15219. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical fixtures and component parts thereof, metal housewares and housewares products, and metal utility buildings*, from Altoona, Pa., to Minneapolis and St. Paul, Minn., Milwaukee, Wis., St. Louis, Mo., Omaha, Nebr., Phoenix, Ariz., Des Moines, Iowa, Oklahoma City, Okla., and points in Florida and Texas; and, *materials used in the manufacture of the above specified commodities* on return; under continuing contract with Stanley Electric Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 125708 (Sub-No. 63), filed September 29, 1966. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between Chicago, Joliet, Waukegan, and Chicago Heights, Ill., and points within their respective commercial zones, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125941 (Sub-No. 4), filed October 3, 1966. Applicant: J & S TRUCK LINE, INC., 817 Southwest 37th Street, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint materials, and empty containers*, between Garland, Tex., on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Kansas, Louisiana, Mississippi, Missouri, North Carolina, Ohio, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 126276 (Sub-No. 5), filed October 3, 1966. Applicant: FAST MOTOR SERVICE, INC., 7521 West 62d Street, Summit, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the manufacture of metal containers, between the plantsite of Crown Cork & Seal Co., Inc., at Chicago, Ill., and the plantsite of Crown Cork & Seal Co. at Cleveland, Ohio, and (2) *metal containers*, from the plantsite of Crown Cork & Seal Co., Inc., at Cleveland, Ohio, to South Bend, Ind., and Chicago, Ill.; under continuing contract with Crown Cork & Seal Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 127028 (Sub-No. 2), filed October 3, 1966. Applicant: BREDE-HOEFT PRODUCE COMPANY, INC., Decatur, Ark. 72722. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs and dog food*, in cans, in cartons, not requiring refrigeration, and not in bulk or in tank vehicles, from Gentry and Siloam Springs, Ark., the plantsite of Allen Canning Co., approximately 10 miles east of Siloam Springs, and Kansas, Okla., to Douglas, Flagstaff, Kingman, Phoenix, and Tucson, Ariz., Great Bend, Liberal, Salina, Topeka, and Wichita, Kans., Bowling Green, Louisville, Paducah, and Pikeville, Ky., Alexandria, Baton Rouge, Lake Charles, New Orleans, and Shreveport, La., Baltimore, Md., Albuquerque, Gallup, and Santa Fe, N. Mex., Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio, Harrisburg, Philadelphia, and Pittsburgh, Pa., Abilene, Amarillo, Austin, Big Spring, Brownsville, Brownwood, Bryan, El Paso, Houston, Lubbock, Odessa, San Angelo, San Antonio, Tyler, Waco, and Wichita Falls, Tex., Danville, Norfolk, Richmond, and Roanoke, Va., and Charleston, W. Va., (2) *empty cans, and closures therefor*, from Arlington and Houston, Tex., New Orleans and Harvey, La., St. Louis and Kansas City, Mo., and Chicago, Ill., and points in its commercial zone, to Siloam Springs, Ark., (3) *fiberboard cartons*, from Kansas City, Kans., to Siloam Springs, Ark., and (4) *raw sugar*, in bags, from New Orleans, La., to Siloam Springs, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 127539 (Sub-No. 2) (Amendment), filed May 18, 1966, published FEDERAL REGISTER issue of June 16, 1966, amended October 10, 1966, and republished, as amended, this issue. Applicant: PARKER REFRIGERATED SERVICE, INC., 1225 Puyallup Avenue, Tacoma, Wash. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and dry potato products*, between points in Washington, Oregon, and California. NOTE: The purpose of this republication is to add dry potato products to the commodity description and also to change the scope of the application to a nonradial movement. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127623 (Sub-No. 2), filed October 3, 1966. Applicant: R & R FREIGHT TRUCKING, INC., 812 Greene Street, Cumberland, Md. 21502. Applicant's representative: Earl Edmund Manges, 120 South Liberty Street, Post Office Box 833, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, sand, gravel, earth*, in bulk, and *scrap metal*, from Frostburg and Cumberland, Md., to points in Washington, Allegany, and Garrett Counties, Md., Mineral, Hampshire, Jefferson, Grant Tucker, Randolph, and Berkeley Counties, W. Va., Frederick County, Va., and Bedford, Blair, Somerset, Cambria, Westmoreland, Fayette, and Allegheny Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127730 (Sub-No. 1), filed October 6, 1966. Applicant: A. A. A. CARTAGE, INC., 8636 West Harrison Avenue, Milwaukee, Wis. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk, classes A and B explosives, and those injurious or contaminating to other lading), restricted to the transportation of shipments having an immediately prior or subsequent movement by air, between O'Hare Air Field, Cook County, Ill., on the one hand, and, on the other, points in Milwaukee, Racine, and Kenosha Counties, Wis., under a continuing contract with Airborne Freight Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 127979 (Sub-No. 1), filed September 28, 1966. Applicant: RAYMOND F. BROWNING, 3510 Elizabeth, Pueblo, Colo. 81003. Applicant's representative: Dewey W. Beach, Manager, Motor Tariff Service, Post Office Box 26073, Denver, Colo. 80226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed motor vehicles*, in driveaway or towaway service, from points in the United States (excluding Alaska and Hawaii), to Alamosa, Colorado Springs, Durango, Grand Junction, Gunnison, La Jara, La Junta, Lamar, Leadville, Monte Vista, Montrose, Pagosa Springs, Pueblo, Salida, Springfield, and Trinidad, Colo., and Aztec, Clayton, Espanola, Farmington, Las Vegas, Springer, and Taos, N. Mex., under contract with General Motors Acceptance Corp., Pueblo, Colo.; Western Acceptance Corp., Pueblo, Colo.; and, Commercial Credit, Corp., Pueblo, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colorado Springs, or Pueblo, Colo.

No. MC 128372 (Sub-No. 1), filed October 3, 1966. Applicant: PHILPOT CONTRACTING COMPANY, INC., 980 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, 1776 Peachtree Street NW., Room 406, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone electronic equipment*, between points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, under contract with Southern Bell Telephone & Telegraph Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 128412 (Amendment), filed July 15, 1966, published FEDERAL REGISTER issue of August 4, 1966, amended October 4, 1966, and republished, as amended, this issue. Applicant: LO-TEMP EXPRESS, INC., 1810 10th Avenue, Altoona, Pa. 16603. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, paper articles, seafood, fish* (dried, fresh, frozen, and pickled), *food products, baking mixes, frozen foods, frozen fruits and vegetables, frozen dinners, cakes and pies, and articles distributed by meat packinghouses*, as described in sections A, B, and C, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in refrigerated (mechanically or otherwise) vehicles, except commodities in bulk, between Altoona, Pa., Lemoyne, Pa., and State College, Pa., on the one hand, and, on the other, points in Iowa, Illinois, Missouri, Florida, New Jersey, New York, Massachusetts, Michigan, Virginia, Maryland, West Virginia, and Wisconsin, under continuing contracts with Sky Bros., Inc., Altoona, Pa., Sky Bros. of Lemoyne, Inc., Lemoyne, Pa., Cold, Inc., State College, Pa., and Frosen Farm Products, Inc., Altoona, Pa. NOTE: The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128598 (Sub-No. 1), filed October 4, 1966. Applicant: BEVARD BROTHERS, INC., 4600 St. Barnabas Road SE., Washington, D.C. 20031. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Suite 770, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Prince Georges County, Md., to points in Arlington, Fairfax (except Herndon), Loudoun, and Prince William Counties, Va., Alexandria, Fairfax, and Falls Church, Va., and Washington, D.C., restricted to the accounts of Silver Hill Sand & Gravel Co., Silver Hill, Md., and Inland Materials, Inc., Clinton, Md. NOTE: Applicant has pending in MC 126864, Sub 1, application for common carrier authority, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128609 (Correction), filed September 23, 1966, published FEDERAL REGISTER, issue of October 13, 1966, republished as corrected this issue. Applicant: LEGION WAREHOUSE CORP., doing business as LEGION TRUCKING COMPANY, 153 Fort Lee Road, Teaneck, N.J. 07666. Applicant's representative: Daniel N. Camois, 27 William Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet glass*, from Steamship Piers in the New York, N.Y., commercial zone, and Teaneck, N.J., to points in New Jersey, Connecticut, New York on, south and east of New York Highway 7 extending from the New York-Vermont line to the New York-Pennsylvania line, and Philadelphia, Pa., for the account of Fiat Glass, Ltd. NOTE: The purpose of this republication is to show applicant's address, which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128610 (Sub-No. 1), filed September 28, 1966. Applicant: ALCO SHIPPING AGENCIES BAHAMAS, LTD., Port Laudania, Dania, Fla. Applicant's representative: Bernard C. Pestcoe, 412 City National Bank Building, 25 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Port Everglades, Fort Lauderdale, Fla., and points in Dade, Broward, and Palm Beach Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement by water and further restricted to traffic moving aboard vessels owned or operated by applicant. NOTE: Common control may be involved. The application

is accompanied by a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Fort Lauderdale or Miami, Fla.

No. MC 128616, filed September 28, 1966. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Melvin E. Ballet or Warren W. Wallin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and business records* (except currency and negotiable securities) as are used in the conduct and operation of banks and banking institutions (1) between Chicago, Ill., on the one hand, and, on the other, points in Lake Porter, La Porte, Saint Joseph, and Elkhart Counties, Ind.; (2) between Chicago, Ill., on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 40, and points in Waukesha, Racine, Milwaukee, Manitowoc, Brown, Winnebago, Fond du Lac, Washington, Outagamie, Ozaukee, Kewaunee, Calumet, Rock, Dane, and Sheboygan Counties, Wis.; (3) between Chicago, Ill., on the one hand, and, on the other, points in Berrien, Cass, Saint Joseph, Branch, Hillsdale, Monroe, Lenawee, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Wayne, Allegan Barry, Eaton, Ingham, Livingston, Oakland, Macomb, Ottawa, Kent, Iona, Clinton, Shiawasee, Genessee, Lapeer, Saint Clair, Muskegon, Montcalm, Gratiot, Saginaw, Tuscola, Sanilac, Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, and Huron Counties, Mich.; (4) between Detroit, Mich., and Toledo, Ohio; (5) between Kansas City, and St. Joseph, Mo., on the one hand, and, on the other, points in Otoe, Cass, Sarpy, Douglas, Lancaster, Johnson, and Nemaha Counties, Nebr., and points in Kansas; (6) between Omaha, Nebr., on the one hand, and, on the other, points in Woodbury and Monona Counties, Iowa;

(7) Between Detroit, Mich., on the one hand, and, on the other, points in St. Joseph and Elkhart Counties, Ind.; (8) between Toledo, Ohio, on the one hand, and, on the other, points in Monroe and Lenawee Counties, Mich.; (9) between points in Utah, on the one hand, and, on the other, points in Idaho; (10) between Cleveland, Ohio, and Detroit, Mich.; (11) between Chicago, Ill., on the one hand, and, on the other, points in Walworth, Jefferson, Dodge, Columbia, and Kenosha Counties, Wis.; (12) between Joplin, Mo., on the one hand, and, on the other, Baxter Springs, and Galena, Kans.; (13) between Oakbrook, Ill., on the one hand, and, on the other, Milwaukee, Wis., and Muskegon and Detroit, Mich.; (14) between Indianapolis, Ind., and Danville, Ill.; (15) between South Bend, Ind., on the one hand, and, on the other, Baroda, Benton Harbor, Buchanan, and Galien, Mich.; (16) between Michigan City, Ind., on the one hand, and, on the other, Battle Creek, Benton Harbor, Buchanan, Cassopolis, Jackson, and Niles, Mich.; (17) between points in Illinois, on the one hand, and, on the other, points in Missouri and between Memphis, Tenn., on the one hand, and, on the other, points in Missouri; (18) between St. Louis, Mo., on the one hand, and, on the other, Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, and Williamson Counties, Ill.; (19) between Omaha and Lincoln, Nebr., on the one hand, and, on the other, points in Wyoming; (20) between Omaha and Lincoln, Nebr., on the one hand, and, on the other, Denver, Colo.; (21) between Denver, Colo., on the one hand, and, on the other, points in Wyoming; (22) between Salt Lake City, Utah, on the one hand, and, on the other, Boise and Idaho Falls, Idaho; and (23) between Milwaukee, Wis., on the one hand, and, on the other, Detroit, Mich., under contract with unspecified banks and banking institutions. NOTE: Applicant holds common carrier authority in MC 114533 and Subs thereunder, therefore dual operations may be involved. Applicant states that to the extent this application is granted it will surrender its common carrier certificates or those portions of any certificate which include the type of commodities for which contract authority is sought herein. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128618, filed September 30, 1966. Applicant: JOHN L. MARTINO, doing business as MARTINO TRUCKING CO., Railroad Street, Rochester, Pa. Applicant's representative: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough castings and scrap metals* in dump vehicles, between points in Rochester Township and the Borough of New Brighton, Beaver County, Pa., on the one hand, and, on the other, Youngstown, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 128619, filed September 30, 1966. Applicant: RICHARD D. BEILKE, doing business as R. B. DISTRIBUTING, Box 278, Route No. 3, Buffalo, Minn. 55313. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Package milk, cream, cottage cheese, butter, ice milk mix, orange juice* in cartons and bottles, *advertising material and displays, cake cones and cups, and such materials, equipment, and supplies* used in the manufacture and distribution of dairy products, between Minneapolis, Minn., and points in Polk, Burnett, Washburn, Sawyer, Rusk, Chippewa, Barron, St. Croix, Dunn, Pierce, and Eau Claire Counties, Wis., under contract with Maple Island Dairies. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128620, filed September 30, 1966. Applicant: ROBERT J. ERICKSON, SR., doing business as BOB ERICKSON TRUCKING, Route No. 2, Rush City, Minn. 55069. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, butter, cottage cheese, liquid mix, orange drinks, powdered milk, ice cream cones, cups, crushed fruits, fruit juice, ice cream, and dairy supplies*, from Stillwater, St. Paul, and Minneapolis, Minn., to points in Wisconsin, Minnesota, Iowa, North Dakota, and South Dakota, under contract with Maple Island Dairies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128621, filed October 4, 1966. Applicant: F. B. Y. HAULAGE CORP., 4500 Second Avenue, Brooklyn, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, wine* (except in bulk in tank vehicles), *materials, supplies, equipment* (except articles, which because of their size, shape, or weight, require the use of special equipment or special handling) used or useful in the manufacture, and sale of wine and alcoholic beverages, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, and Philadelphia, Pa., under contract with Monarch Wine Co., Inc., Brooklyn, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128626, filed October 3, 1966. Applicant: LAWRENCE C. JUNKER, doing business as JUNKER TRUCKING, 651 South Broadway, Stillwater, Minn. 55082. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, butter, cottage cheese, liquid mix, orange drinks, powdered milk, ice cream cones, cups, crushed fruits, fruit juice, ice cream, and dairy supplies*, from Stillwater, St. Paul, and Minneapolis, Minn., to points in Wisconsin, Minnesota, Iowa, North Dakota, and South Dakota, under contract with Maple Island Dairies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128627, filed October 3, 1966. Applicant: ALTON L. NELSON, doing business as NELSON TRUCKING, Route No. 2, Stillwater, Minn. 55082. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, butter, cottage cheese, liquid mix, orange drinks, powdered milk, ice cream cones, cups, crushed fruits, fruit juice, ice cream, and dairy supplies*, (1) between Stillwater, St. Paul, and Minneapolis, Minn., and points in that part of Wisconsin north of U.S. Highway 10 and west of U.S. Highway 51 from Stephens Point to the Wisconsin-Michigan State line, and (2) from points in that part of Wisconsin described in (1) above to points in that part of Minnesota east of U.S. Highway 71 from the Minnesota-Canadian border to the Minnesota-Iowa border, under contract with Maple Island Dairies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128628, filed October 3, 1966. Applicant: HAROLD E. BEAVER, doing business as BEAVER TRUCKING, 388 North Fifth Street, Bayport, Minn. 55003. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, butter, cottage cheese, liquid mix, orange drinks, powdered milk, ice cream cones, cups, crushed fruits, fruit juice, ice cream, and dairy supplies*, from Stillwater, St. Paul, and Minneapolis, Minn., to points in Wisconsin, Minnesota, Iowa, North Dakota, and South Dakota, under contract with Maple Island Dairies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128629, filed September 30, 1966. Applicant: HAROLD SPAETH, 987 Birchwood Drive, West Bend, Wis. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Butter*, from the plantsite of Level Valley Dairy located in the town of Jackson, Washington County, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and South Dakota, (2) *cardboard boxes*, from Chicago, Ill., to the plantside of Level Valley Dairy located in the town of Jackson, Washington County, Wis., (3) *salt*, from Akron, Ohio, to the plantsite of Level Valley Dairy located in the town of Jackson, Washington County, Wis., and (4) *soap*, from Wyandotte, Mich., and Chicago, Ill., to the plantsite of Level Valley Dairy located in the town of Jackson, Washington County, Wis., under contract with Level Valley Dairy, town of Jackson, Washington County, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 128634 (Sub-No. 1), filed October 5, 1966. Applicant: FIRST SCOTT STREET CORPORATION, 249 Schweizer Place, Detroit, Mich. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Detroit, Mich., to points in Ohio, Pennsylvania, New York, New Jersey, Vermont, Massachusetts, Maine, New Hampshire, Connecticut, Rhode Island, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, under contract with Great Markwestern Packing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

APPLICATION FOR BROKERAGE APPLICATION

No. MC 130018, filed September 6, 1966. Applicant: E. WILLIS AVERY, ROSE AVERY, MILLARD AVERY, RAYMOND AVERY and FRANK AVERY, a partnership, doing business as AVERY TRANSPORTATION, Beachlake, Pa. Applicant's representative: Alfred J. Howell, Foster Building, Honesdale, Pa. 18431. For a license (BMC 5) to engage in operations as a *broker* at Beachlake, Pa., in arranging for the transportation in interstate or foreign commerce, of *passengers and their baggage*, in groups, in charter operations, in round-trip tours, beginning and ending at points in Wayne and Pike Counties, Pa., and extending to points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 55236 (Sub-No. 133) (amendment), filed May 13, 1966, published in FEDERAL REGISTER issue of June 9, 1966, amended July 13, 1966, and republished, as amended, this issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer ingredients*, in bulk, from Thorntown, Eaton, and Warsaw, Ind., to points in Ohio and Illinois. NOTE: The purpose of this republication is to add Warsaw, Ind., as an origin point and Illinois to the destination territory.

MOTOR CARRIER OF PASSENGERS

No. MC 109780 (Sub-No. 65) (Correction), filed September 13, 1966, published in the FEDERAL REGISTER issue of October 6, 1966, corrected and republished, as corrected, this issue. Applicant: TRANSCONTINENTAL BUS SYSTEM, INC., doing business as CONTINENTAL TRAILWAYS, 315 Continental Avenue, Dallas, Tex. 75207. Applicant's representative: D. Paul Stafford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and newspapers and express* in the same vehicle with passengers, over new U.S. Highway 75, for a distance of approximately 3½ miles, from junction Oklahoma Highway 75A, approximately 6 miles south of Calera, Okla., to junction Oklahoma Highway 75A, approximately 1 mile south of Colbert, Okla., and return over the same route, serving all intermediate points. NOTE: The purpose of this republication is to show the correct number as MC 109780, in lieu of MC 10978.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11339; Filed, Oct. 19, 1966; 8:45 a.m.]

[Notice 1428]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 17, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69142. By order of October 17, 1966, the Transfer Board approved the transfer to E. E. Henry, Chesapeake, Va., of the operating rights in certificate No. MC-123387 issued March 9, 1961, to Vrable Motor Lines, Inc., Norfolk, Va., authorizing the transportation of: Malt beverages, and containers therefor, between points in Virginia, North Carolina, South Carolina, West Virginia, Maryland, Georgia, and the District of Columbia. Calvin H. Childress, 807 Plaza One, Norfolk, Va. 23510, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11426; Filed, Oct. 19, 1966; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 17, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40747—*Corn and sorghum grains to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8915), for interested rail carriers. Rates on corn (not popcorn), corn products, grain sorghums and grain sorghum products, in carloads, from points in Iowa, Kansas, Nebraska,

and Missouri, to points in southwestern territory.

Grounds for relief—Motortruck competition.

Tariffs—Supplement 75 to Southwestern Freight Bureau, agent, tariff ICC 4495 and four other schedules named in the application.

FSA No. 40748—*Vermiculite from Kearney, S.C.* Filed by O. W. South, Jr., agent (No. A4952), for interested rail carriers. Rates on vermiculite, in carloads, from Kearney, S.C., to specified points in Indiana and New York, also Gypsum, Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 18 to Southern Freight Association, agent, tariff ICC S–623.

FSA No. 40749—*Ethyl chloride to Gillespie, N.J.* Filed by O. W. South, Jr., agent (No. A4953), for interested rail carriers. Rates on ethyl chloride, in tank carloads, from Baton Rouge and North Baton Rouge, La., to Gillespie, N.J.

Grounds for relief—Market competition.

Tariff—Supplement 138 to Southern Freight Association, agent, tariff ICC S–384.

By the Commission:

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–11427; Filed, Oct. 19, 1966; 8:48 a.m.]

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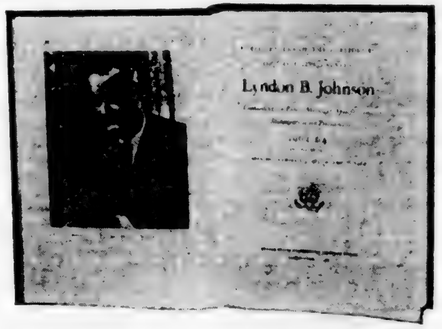
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FEDERAL REGISTER

VOLUME 31 • NUMBER 205

Friday, October 21, 1966 • Washington, D.C.

Pages 13577–13630

CORRECTION

On the cover of Volume 31, Number 204 (Pages 13517–13576) the date "October 13" should read "October 20".

Agencies in this issue—

Agricultural Stabilization and Conservation Service
Agriculture Department.
Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
Health, Education, and Welfare Department
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Land Management Bureau
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Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR DRY BEAN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for dry bean crop insurance for the 1967 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

County	*Class(es) of dry beans insured*
COLORADO	
Boulder	Pinto.
Larimer	Pinto.
Logan	Pinto.
Morgan	Pinto.
Sedgwick	Pinto.
Washington	Pinto.
Weld	Pinto.
IDAHO	
Canyon	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.
Cassia	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.[1]
Gooding	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.[1]
Jerome	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.[1]
Lincoln	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.
Minidoka	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.[1]
Owyhee	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.
Twin Falls	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.[1]
MICHIGAN	
Bay	Pea and Medium White.
Gratiot	Pea and Medium White.
Huron	Pea and Medium White.
Saginaw	Pea and Medium White.
St. Clair	Pea and Medium White.
Sanilac	Pea and Medium White.
Shiawassee	Pea and Medium White.
Tuscola	Pea and Medium White.
NEBRASKA	
Box Butte	Great Northern, Pinto.
Morrill	Great Northern, Pinto.
Scotts Bluff	Great Northern, Pinto.
Sheridan	Great Northern, Pinto.
WASHINGTON	
Adams	Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds.
Franklin	Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds.
Grant	Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds.
WYOMING	
Big Horn	Great Northern, Pinto.
Goshen	Great Northern, Pinto.
Park	Great Northern, Pinto.
Platte	Great Northern, Pinto.
Washakie	Great Northern, Pinto.

[1] Insurance is also provided on bush varieties of garden seed beans.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66-11443; Filed, Oct. 20, 1966; 8:45 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for combined crop insurance for the 1967 crop year. The crops on which insurance is offered are shown opposite the name of the county.

County	*Crop(s)*
NORTH DAKOTA	
Barnes	Barley, Flax, Oats, Rye, Wheat.
Grand Forks	Barley, Flax, Oats, Wheat.
Pierce	Barley, Flax, Oats, Rye, Wheat.
Ransom	Barley, Corn, Flax, Oats, Wheat.
Richland	Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat.
Sargent	Barley, Corn, Flax, Oats, Wheat.
Steele	Barley, Flax, Oats, Wheat.
SOUTH DAKOTA	
Day	Barley, Corn, Flax, Oats, Rye, Wheat.
Lake	Corn, Flax, Oats, Rye, Soybeans.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
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[F.R. Doc. 66-11444; Filed, Oct. 20, 1966; 8:45 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for corn crop insurance for the 1967 crop year.

COLORADO	
Boulder.	Sedgwick.
Larimer.	Washington.
Logan.	Weld.
Morgan.	
ILLINOIS	
Adams.	Lee.
Bond.	Livingston.
Brown.	Logan.
Bureau.	McDonough.
Carroll.	McLean.
Cass.	Macon.
Champaign.	Macoupin.
Christian.	Madison.
Clark.	Marshall.
Clinton.	Mason.
Coles.	Menard.
Crawford.	Monroe.
Cumberland.	Montgomery.
De Kalb.	Morgan.
De Witt.	Moultrie.
Douglas.	Ogle.
Edgar.	Peoria.
Effingham.	Piatt.
Fayette.	Pike.
Ford.	St. Clair.
Fulton.	Sangamon.
Greene.	Schuyler.
Grundy.	Scott.
Hancock.	Shelby.
Henderson.	Stephenson.
Henry.	Tazewell.
Iroquois.	Vermilion.
Jasper.	Warren.
Jefferson.	Washington.
Jersey.	Wayne.
Jo Daviess.	Whiteside.
Kendall.	Winnebago.
Knox.	Woodford
La Salle.	
INDIANA	
Adams.	Howard.
Allen.	Huntington.
Bartholomew.	Jackson.
Benton.	Jasper.
Blackford.	Jay.
Boone.	Johnson.
Carroll.	Knox.
Cass.	Kosciusko.
Clay.	Madison.
Clinton.	Marion.
Decatur.	Marshall.
De Kalb.	Miami.
Delaware.	Montgomery.
Elkhart.	Morgan.
Fountain.	Newton.
Fulton.	Noble.
Gibson.	Parke.
Grant.	Pulaski.
Hamilton.	Putnam.
Hancock.	Randolph.
Hendricks.	Ripley.
Henry.	Rush.

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Shelby.
Sullivan.
Tippecanoe.
Tipton.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
White.
Whitley.

IOWA

Adair.
Adams.
Allamakee.
Audubon.
Benton.
Black Hawk.
Boone.
Bremer.
Buchanan.
Buena Vista.
Butler.
Calhoun.
Carroll.
Cass.
Cedar.
Cerro Gordo.
Cherokee.
Chickasaw.
Clay.
Clayton.
Clinton.
Crawford.
Dallas.
Delaware.
Des Moines.
Dickinson.
Emmet.
Fayette.
Floyd.
Franklin.
Fremont.
Greene.
Grundy.
Guthrie.
Hamilton.
Hancock.
Hardin.
Harrison.
Henry.
Howard.
Humboldt.
Ida.
Iowa.
Jackson.
Jasper.
Jefferson.
Johnson.
Jones.
Keokuk.
Kossuth.
Lee.
Linn.
Louisa.
Lyon.
Madison.
Mahaska.
Marshall.
Marion.
Mills.
Mitchell.
Monona.
Montgomery.
Muscatine.
O'Brien.
Osceola.
Page.
Palo Alto.
Plymouth.
Pocahontas.
Polk.
Pottawattamie.
Poweshiek.
Sac.
Scott.
Shelby.
Sioux.
Story.
Tama.
Taylor.
Union.
Wapello.
Warren.
Washington.
Webster.
Winnebago.
Winneshiek.
Woodbury.
Worth.
Wright.

KANSAS

Atchison.
Bourbon.
Brown.
Crawford.
Doniphan.
Douglas.
Franklin.
Jackson.
Jefferson.
Johnson.
Linn.
Marshall.
Miami.
Nemaha.
Osage.
Pottawatomie.
Shawnee.
Washington.

KENTUCKY

Daviess.
Henderson.
McLean.
Union.

MARYLAND

Caroline.
Kent.
Queen Annes.

MICHIGAN

Branch.
Calhoun.
Cass.
Clinton.
Eaton.
Gratiot.
Hillsdale.
Ingham.
Ionia.
Jackson.
Kalamazoo.
Lenawee.
Livingston.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Shiawassee.
Tuscola.
Washtenaw.

MINNESOTA

Big Stone.
Blue Earth.
Brown.
Carver.
Chippewa.
Cottonwood.
Dakota.
Dodge.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Houston.
Jackson.
Kandiyohi.
Lac Qui Parle.
Le Sueur.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Mower.
Murray.
Nicollet.
Nobles.
Olmsted.
Pipestone.
Pope.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Traverse.
Wabasha.
Waseca.
Washington.
Watonwan.
Winona.
Wright.
Yellow Medicine.

MISSOURI

Adair.
Andrew.
Atchison.
Audrain.
Barton.
Bates.
Boone.
Buchanan.
Butler.
Caldwell.
Calloway.
Cape Girardeau.
Carroll.
Cass.
Charlton.
Clark.
Clinton.
Cooper.
Daviess.
De Kalb.
Dunklin.
Franklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jasper.
Johnson.
Knox.
Lafayette.
Lawrence.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Mississippi.
Monroe.
Montgomery.
New Madrid.
Nodaway.
Pemiscot.
Pettis.
Pike.
Platte.
Ralls.
Randolph.
Ray.
St. Charles.
Saline.
Scotland.
Scott.
Shelby.
Stoddard.
Sullivan.
Vernon.
Worth.

NEBRASKA

Antelope.
Boone.
Burt.
Butler.
Cass.
Cedar.
Colfax.
Cuming.
Dixon.
Dodge.
Gage.
Johnson.
Knox.
Lancaster.
Madison.
Nemaha.
Otoe.
Pawnee.
Pierce.
Platte.
Polk.
Richardson.
Saunders.
Stanton.
Washington.
Wayne.
York.

NORTH CAROLINA

Beaufort.
Hyde.
Pamlico.
Rowan.
Washington.

NORTH DAKOTA

Cass.
Ransom.
Richland.
Sargent.

OHIO

Allen.
Ashland.
Auglaize.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fairfield.
Fayette.
Franklin.
Fulton.
Greene.
Hancock.
Hardin.
Henry
Highland.
Huron.
Knox.
Licking.
Logan.
Lucas.
Madison.
Marion.
Medina.
Mercer.
Miami
Montgomery.
Morrow.
Ottawa.
Paulding.
Pickaway.
Preble.
Putnam.
Richland.
Sandusky.
Seneca.
Shelby.
Stark.
Tuscarawas.
Union.
Van Wert.
Wayne.
Williams.
Wood.
Wyandot.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.
Franklin.
Lancaster.
Lebanon.
York.

SOUTH DAKOTA

Aurora.
Beadle.
Bon Homme.
Brookings.
Charles Mix.
Clark.
Clay.
Codington.
Davison.
Deuel.
Douglas.
Grant.
Hamlin.
Hanson.
Hutchinson.
Kingsbury.
Lake.
Lincoln.
McCook.
Miner.
Minnehaha.
Moody.
Roberts.
Turner.
Union.
Yankton.

TENNESSEE

Franklin.
Obion.

VIRGINIA

Nansemond.
Southampton.

WISCONSIN

Buffalo.
Clark.
Columbia.
Crawford.
Dane.
Dodge.
Dunn.
Fond du Lac.
Grant.
Green.
Iowa.
Jackson.
Jefferson.
Kenosha.
La Crosse.
Lafayette.
Pepin.
Pierce.
Racine.
Richland.
Rock.
St. Croix.
Sauk.
Trempealeau.
Vernon.
Walworth.
Waukesha.

WYOMING

Goshen.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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Federal Crop Insurance Corporation.

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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for cotton crop insurance for the 1967 crop year.

ALABAMA

Barbour.
Blount.
Cherokee.
Chilton.
Coffee.
Colbert.
Covington.
Crenshaw.
Cullman.
Dallas.
Dale.
De Kalb.
Escambia.
Etowah.
Geneva.
Hale.
Henry.
Houston.
Jackson.
Lauderdale.
Lawrence.
Limestone.
Madison.
Marshall.
Morgan.
Pickens.
Pike.
Tuscaloosa.

ARIZONA

Maricopa.
Pinal.
Yuma.

ARKANSAS

Arkansas.
Ashley.
Chicot.
Clay.
Craighead.
Crittenden.
Cross.
Desha.
Greene.
Jackson.
Jefferson.
Lawrence.
Lee.
Lincoln.
Lonoke.
Mississippi.
Monroe.
Phillips.
Poinsett.
Prairie.
Randolph.
Saint Francis.
Woodruff.

FLORIDA

Jackson.

GEORGIA

Baker.
Ben Hill.
Brooks.
Bulloch.
Calhoun.
Candler.
Clay.
Coffee.
Colquitt
Cook.
Crisp.
Decatur.
Dooly.
Early.
Irwin.
Lee.
Miller.
Mitchell.
Randolph.
Tattnall.
Terrell.
Thomas.
Tift.
Turner.
Worth.

KENTUCKY

Fulton.

LOUISIANA

Acadia.
Avoyelles.
Bossier.
Caddo.
Caldwell.
Catahoula.
Concordia.
East Carroll.
Evangeline.
Franklin.
Madison.
Morehouse.
Natchitoches.
Rapides.
Red River.
Richland.
St. Landry.
Tensas.
West Carroll.

MISSISSIPPI

Alcorn.
Bolivar.
Calhoun.
Carroll.
Coahoma.
De Soto.
Hinds.
Holmes.
Humphreys.
Issaquena.
Jefferson Davis.
Lee.
Leflore.
Madison.

MISSISSIPPI—Continued

Monroe.
Panola.
Pontotoc.
Prentiss.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tippah.
Tunica.
Union.
Washington.
Yazoo.

MISSOURI

Butler.
Dunklin.
Mississippi.
New Madrid.
Pemiscot.
Scott.
Stoddard.

NEW MEXICO

Chaves.
Dona Ana.
Eddy.
Lea.

NORTH CAROLINA

Bertie.
Chowan.
Cleveland.
Cumberland.
Edgecombe.
Franklin.
Greene.
Halifax.
Harnett.
Hertford.
Hoke.
Iredell.
Johnston.
Lincoln.
Mecklenburg.
Montgomery.
Moore.
Nash.
Northampton.
Pitt.
Richmond.
Robeson.
Rowan.
Rutherford.
Sampson.
Scotland.
Warren.
Wayne.
Wilson.

OKLAHOMA

Beckham.
Caddo.
Grady.
Harmon.
Jackson.
Kiowa.
Tillman.
Washita.

SOUTH CAROLINA

Aiken.
Allendale.
Anderson.
Bamberg.
Barnwell.
Calhoun.
Chester.
Chesterfield.
Clarendon.
Darlington.
Dillon.
Edgefield.
Florence.
Greenville.
Hampton.
Laurens.
Lee.
Marion.
Marlboro.
Orangeburg.
Saluda.
Spartanburg.
Sumter.
Williamsburg.
York.

TENNESSEE

Carroll.
Chester.
Crockett.
Dyer.
Fayette.
Franklin.
Gibson.
Giles.
Hardeman.
Haywood.
Henderson.
Lake.
Lauderdale.
Lawrence.
Lincoln.
McNairy.
Madison.
Obion.
Shelby.
Tipton.
Weakley.

TEXAS

Austin.
Bailey.
Bell.
Brazos.
Briscoe.
Burleson.
Calhoun.
Castro.
Cochran.
Collin.
Crosby.
Dawson.
Deaf Smith.
Denton.
Ellis.
El Paso.
Falls.
Fannin.
Floyd.
Fort Bend.
Garza.
Grayson.
Hale.
Haskell.
Hill.
Hockley.
Hudspeth.
Hunt.
Knox.
Lamar.
Lamb.
Limestone.
Lubbock.
Lynn.
McLennan.
Milan.
Navarro.
Nueces.
Parmer.
Pecos.
Reeves.
Refugio.
Robertson.
San Patricio.
Swisher.
Terry.
Travis.
Victoria.
Ward.
Wharton.
Wilbarger.
Williamson.

VIRGINIA

Greenville.
Southampton.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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[F.R. Doc. 66-11446; Filed, Oct. 20, 1966; 8:45 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR FLAX CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for flax crop insurance for the 1967 crop year.

MINNESOTA

Becker.
Big Stone.
Brown.
Chippewa.
Clay.
Cottonwood.
Grant.
Jackson.
Kittson.
Lac Qui Parle.
Lincoln.
Lyon.
Mahnomen.
Marshall.
Martin.
Murray.
Nobles.
Norman.
Ottertail.
Pennington.
Pipestone.
Polk.
Pope.
Red Lake.
Redwood.
Renville.
Rock.
Roseau.
Stevens.
Swift.
Traverse.
Wilkin.
Yellow Medicine.

NORTH DAKOTA

Barnes.
Benson.
Bottineau.
Burleigh.
Cass.
Cavalier.
Dickey.
Eddy.
Emmons.
Foster.
Grand Forks.
Griggs.
Kidder.
La Moure.
Logan.
McHenry.
McIntosh.
McLean.
Mountrail.
Nelson.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.
Rolette.
Sargent.
Sheridan.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.

SOUTH DAKOTA

Brookings.
Brown.
Campbell.
Clark.
Codington.
Corson.
Day.
Deuel.
Edmunds.
Grant.
Hamlin.
Kingsbury.
Lake.
McPherson.
Marshall.
Miner.
Moody.
Roberts.
Walworth.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N LUFT,
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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for grain sorghum crop insurance for the 1967 crop year.

ARIZONA

Maricopa.
Pinal.
Yuma.

KANSAS

Atchinson.
Brown.
Butler.
Chase.
Clay.
Cloud.
Coffey.
Cowley.
Dickinson.
Doniphan.
Douglas.
Elk.
Finney.
Franklin.
Geary.
Grant.
Greenwood.
Harvey.
Haskell.
Jackson.
Jefferson.
Kearny.
Labette.
Lyon.
Marion.
Marshall.
McPherson.
Meade.
Montgomery.
Morris.
Nemaha.
Neosho.
Osage.
Pottawatomie.
Reno.
Republic.
Rice.
Riley.
Saline.
Scott.
Sedgwick.
Seward.
Shawnee.
Stafford.
Stanton.
Stevens.
Sumner.
Wabaunsee.
Washington.
Wichita.
Wilson.
Woodson.

MISSOURI

Bates.
Henry.
Vernon.

NEBRASKA

Adams.
Butler.
Cass.
Clay.
Colfax.
Fillmore.
Gage.
Hamilton.
Jefferson.
Johnson.
Lancaster.
Nance.
Nemaha.
Nuckolls.
Otoe.
Pawnee.
Platte.
Polk.
Richardson.
Saline.
Saunders.
Seward.
Thayer.
Webster.
York.

NEW MEXICO

Curry.

OKLAHOMA

Alfalfa.
Blaine.
Caddo.
Canadian.
Craig.
Delaware.
Garfield.
Grady.
Grant.
Jackson.
Kay.
Kiowa.
Mayes.
Nowata.
Ottawa.
Texas.
Tillman.
Washita.

SOUTH DAKOTA

Bon Homme.
Charles Mix.

TEXAS

Bailey.
Bell.
Briscoe.
Calhoun.
Carson.
Castro.
Collin.
Crosby.
Dallam.
Deaf Smith.
Denton.
Ellis.
Falls.
Floyd.
Grayson.
Hale.
Hansford.
Hill.
Hunt.
Lamb.
Lubbock.
McLennan.
Milam.
Moore.
Navarro.
Nueces.
Parmer.
Randall.
Refugio.
San Patricio.
Sherman.
Swisher.
Travis.
Victoria.
Wilbarger.
Williamson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR OAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for oat crop insurance for the 1967 crop year.

CALIFORNIA

Modoc.

IDAHO

Canyon.
Latah.
Owyhee.

ILLINOIS

Bureau.
Carroll.
Jo Daviess.
Henry.
Ogle
Stephenson.

IOWA

Adair.
Adams.
Allamakee.
Audubon.
Benton.
Black Hawk.
Boone.
Bremer.
Buchanan.
Buena Vista.
Butler.
Calhoun.
Carroll.
Cass.
Cedar.
Cerro Gordo.
Cherokee.
Chickasaw.
Clay.
Clayton.
Clinton.
Crawford.
Dallas.
Delaware.
Des Moines.
Dickinson.
Emmet.
Fayette.
Floyd.
Franklin.
Fremont.
Greene.
Grundy.
Guthrie.
Hamilton.
Hancock.
Hardin.
Harrison.
Henry.
Howard.
Humboldt.
Ida.
Iowa.
Jackson.
Jasper.
Jefferson.
Johnson.
Jones.
Keokuk.
Kossuth.
Lee.
Linn.
Louisa.
Lyon.
Madison.
Mahaska.
Marion.
Marshall.
Mills.
Mitchell.
Monona.
Montgomery.
Muscatine.
O'Brien.
Osceola.
Page.
Palo Alto.
Plymouth.
Pocahontas.
Polk.
Pottawattamie.
Poweshiek.
Sac.
Scott.
Shelby.
Sioux.
Story.
Tama.
Taylor.
Union.
Wapello.
Warren.
Washington.
Webster.
Winnebago.
Winneshiek.
Woodbury.
Worth.
Wright.

MICHIGAN

Gratiot.
Jackson.

MINNESOTA

Becker.
Big Stone.
Blue Earth.
Brown.
Carver.
Chippewa.
Clay.
Cottonwood.
Dakota.
Dodge.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Houston.
Jackson.
Kandiyohi.
Kittson.
Lac Qui Parle.
Le Sueur.
Lincoln.
Lyon.
McLeod.
Marshall.
Martin.
Meeker.
Mower.
Murray.
Nicollet.
Nobles.
Norman.
Olmsted.
Ottertail.
Pennington.
Pipestone.
Polk.
Pope.
Red Lake.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Traverse.
Wabasha.
Waseca.
Washington.
Watonwan.
Wilkin.
Winona.
Wright.
Yellow Medicine.

NORTH DAKOTA

Barnes.
Benson.
Burleigh.
Cass.
Cavalier.
Dickey.
Eddy.
Foster.
Grand Forks.
Griggs.
Kidder.
La Moure.
Logan.
Morton.
Nelson.
Pembina.
Ramsey.
Ransom.
Richland.
Sargent.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.

OREGON

Klamath.

PENNSYLVANIA

Chester.
Cumberland.
Dauphin.

SOUTH DAKOTA

Aurora.
Beadle.
Bon Homme.
Brookings.
Brown.
Charles Mix.
Clark.
Clay.
Codington.
Davison.
Day.
Deuel.
Douglas.
Grant.
Hamlin.
Hanson.
Hutchinson.
Kingsbury.
Lake.
Lincoln.
McCook.
Marshall.
Miner.
Minnehaha.
Moody.
Roberts.
Spink.
Turner.
Union.
Yankton.

WISCONSIN

Buffalo.
Clark.
Columbia.
Crawford.
Dane.
Dodge.
Dunn.
Fond du Lac.
Grant.
Green.
Iowa.
Jackson.
Jefferson.
Kenosha.
La Crosse.
Lafayette.
Pepin.
Pierce.
Racine.
Richland.
Rock.
St. Croix.
Sauk.
Trempealeau.
Vernon.
Walworth.
Waukesha.

WYOMING

Big Horn.
Park.
Washakie.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEA (CANNING AND FREEZING) CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for pea (canning and freezing) crop insurance for the 1967 crop year.

IDAHO

Nez Perce.

MINNESOTA

Blue Earth.
Brown.
Dakota.
Faribault.
Martin.

OREGON

Umatilla.
Union.

WASHINGTON

Columbia.
Walla Walla.
Whitman.

WISCONSIN

Columbia.
Dane.
Dodge.
Fond du Lac.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEA (DRY) CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for pea (dry) crop insurance for the 1967 crop year.

SOUTH DAKOTA—Continued

Moody.
Roberts.
Spink.
Turner.
Union.
Yankton.

WISCONSIN

Buffalo.
Clark.
Columbia.
Crawford.
Dane.
Dodge.
Dunn.
Fond du Lac.
Grant.
Green.
Iowa.
Jackson.
Jefferson.
Kenosha.
La Crosse.
Lafayette.
Pepin.
Pierce.
Racine.
Richland.
Rock.
St. Croix.
Sauk.
Trempealeau.
Vernon.
Walworth.
Waukesha.

WYOMING

Big Horn.
Park.
Washakie.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for peanut crop insurance for the 1967 crop year. The type(s) of peanuts on which insurance is offered in each county is shown opposite the county name.

ALABAMA

Barbour—Runner.
Coffee—Runner.
Covington—Runner.
Crenshaw—Runner.
Dale—Runner.
Geneva—Runner.
Henry—Runner.
Houston—Runner.
Pike—Runner.

FLORIDA

Jackson—Runner, Spanish, Virginia.

GEORGIA

Baker—Runner, Spanish, Virginia.
Ben Hill—Runner, Spanish, Virginia.
Bulloch—Runner, Spanish, Virginia.
Calhoun—Runner, Spanish, Virginia.
Clay—Runner, Spanish, Virginia.
Coffee—Runner, Spanish, Virginia.
Colquitt—Runner, Spanish, Virginia.
Cook—Runner, Spanish, Virginia.
Crisp—Runner, Spanish, Virginia.
Decatur—Runner, Spanish, Virginia.
Dooly—Runner, Spanish, Virginia.
Early—Runner, Spanish, Virginia.
Irwin—Runner, Spanish, Virginia.
Lee—Runner, Spanish, Virginia.
Miller—Runner, Spanish, Virginia.
Mitchell—Runner, Spanish, Virginia.
Randolph—Runner, Spanish, Virginia.
Terrell—Runner, Spanish, Virginia.
Thomas—Runner, Spanish, Virginia.
Tift—Runner, Spanish, Virginia.
Turner—Runner, Spanish, Virginia.
Worth—Runner, Spanish, Virginia.

NORTH CAROLINA

Bertie—Virginia.
Bladen—Virginia.
Chowan—Virginia.
Edgecombe—Virginia.
Gates—Virginia.
Halifax—Virginia.
Hertford—Virginia.
Martin—Virginia.
Northampton—Virginia.
Pitt—Virginia.
Washington—Virginia.

OKLAHOMA

Caddo—Spanish.
Grady—Spanish.

VIRGINIA

Dinwiddie—Virginia.
Greensville—Virginia.
Isle of Wight—Virginia.
Nansemond—Virginia.
Prince George—Virginia.
Southampton—Virginia.
Surry—Virginia.
Sussex—Virginia.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR POTATO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for potato crop insurance for the 1967 crop year.

CALIFORNIA

Modoc.

IDAHO

Bannock.
Bingham.
Bonneville.
Canyon.
Cassia.
Jefferson.
Minidoka.
Owyhee.
Power.
Twin Falls.

OREGON

Jefferson.
Klamath.
Malheur.

WASHINGTON

Adams.
Franklin.
Grant.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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Federal Crop Insurance Corporation.

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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR RICE CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for rice crop insurance for the 1967 crop year.

ARKANSAS

Arkansas.
Ashley.
Chicot.
Clay.
Craighead.
Crittenden.
Cross.
Desha.
Greene.
Jackson.
Jefferson.
Lonoke.
Monroe.
Poinsett.
Prairie.
St. Francis.
Woodruff.

LOUISIANA

Acadia.	Jefferson Davis.
Calcasieu.	St. Landry.
Evangeline.	

MISSISSIPPI

Bolivar.	Washington.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in §401.1 of the above-identified regulations, as amended, the following counties have been designated for soybean crop insurance for the 1967 crop year.

ALABAMA

Baldwin.	Jackson.
Escambia.	Madison.

ARKANSAS

Arkansas.	Lee.
Ashley.	Lincoln.
Chicot.	Lonoke.
Clay.	Mississippi.
Craighead.	Monroe.
Crittenden.	Phillips.
Cross.	Poinsett.
Desha.	Prairie.
Greene.	Randolph.
Jackson.	St. Francis.
Jefferson.	Woodruff.
Lawrence.	

ILLINOIS

Adams.	Livingston.
Bond.	Logan.
Brown.	Macon.
Bureau.	Marshall.
Cass.	McDonough.
Champaign.	McLean.
Christian.	Macoupin.
Clark.	Madison.
Clinton.	Mason.
Coles.	Menard.
Crawford.	Monroe.
Cumberland.	Montgomery.
De Kalb.	Morgan.
De Witt.	Moultrie.
Douglas.	Ogle.
Edgar.	Peoria.
Effingham.	Piatt.
Fayette.	Pike.
Ford.	St. Clair.
Fulton.	Sangamon.
Greene.	Schuyler.
Grundy.	Scott.
Hancock.	Shelby.
Henderson.	Tazewell.
Henry.	Vermilion.
Iroquois.	Warren.
Jasper.	Washington.
Jefferson.	Wayne.
Jersey.	Whiteside.
Kendall.	Winnebago.
Knox.	Woodford.
La Salle.	
Lee.	

INDIANA

Adams.	Knox.
Allen.	Kosciusko.
Bartholomew.	Madison.
Benton.	Marion.
Blackford.	Marshall.
Boone.	Miami.
Carroll.	Montgomery.
Cass.	Morgan.
Clay.	Newton.
Clinton.	Noble.
Decatur.	Parke.
De Kalb.	Pulaski.
Delaware.	Putnam.
Elkhart.	Randolph.
Fountain.	Ripley.
Fulton.	Rush.
Gibson.	Shelby.
Grant.	Sullivan.
Hamilton.	Tippecanoe.
Hancock.	Tipton.
Hendricks.	Vigo.
Henry.	Wabash.
Howard.	Warren.
Huntington.	Wayne.
Jackson.	Wells.
Jasper.	White.
Jay.	Whitley.
Johnson.	

IOWA

Adair.	Jefferson.
Adams.	Johnson.
Allamakee.	Jones.
Audubon.	Keokuk.
Benton.	Kossuth.
Black Hawk.	Lee.
Boone.	Linn.
Bremer.	Louisa.
Buchanan.	Lyon.
Buena Vista.	Madison.
Butler.	Mahaska.
Calhoun.	Marion.
Carroll.	Marshall.
Cass.	Mills.
Cedar.	Mitchell.
Cerro Gordo.	Monona.
Cherokee.	Montgomery.
Chickasaw.	Muscatine.
Clay.	O'Brien.
Clayton.	Osceola.
Clinton.	Page.
Crawford.	Palo Alto.
Dallas.	Plymouth.
Delaware.	Pocahontas.
Des Moines.	Polk.
Dickinson.	Pottawattamie.
Emmet.	Poweshiek.
Fayette.	Sac.
Floyd.	Scott.
Franklin.	Shelby.
Fremont.	Sioux.
Greene.	Story.
Grundy.	Tama.
Guthrie.	Taylor.
Hamilton.	Union.
Hancock.	Wapello.
Hardin.	Warren.
Harrison.	Washington.
Henry.	Webster.
Howard.	Winnebago.
Humboldt.	Winneshiek.
Ida.	Woodbury.
Iowa.	Worth.
Jackson.	Wright.
Jasper.	

KANSAS

Allen.	Franklin.
Anderson.	Johnson.
Atchison.	Labette.
Bourbon.	Linn.
Brown.	Lyon.
Cherokee.	Miami.
Coffey.	Neosho.
Crawford.	Osage.
Doniphan.	Wilson.
Douglas.	Woodson.

KENTUCKY

Daviess.	McLean.
Fulton.	Union.
Henderson.	

LOUISIANA

Acadia.	Jefferson Davis.
Avoyelles.	Madison.
Bossier.	Morehouse.
Caddo.	Natchitoches.
Calcasieu.	Rapides.
Caldwell.	Red River.
Catahoula.	Richland.
Concordia.	St. Landry.
East Carroll.	Tensas.
Evangeline.	West Carroll.
Franklin.	

MARYLAND

Caroline.	Queen Annes.
Kent.	

MICHIGAN

Clinton.	Saginaw.
Gratiot.	St. Joseph.
Hillsdale.	Shiawassee.
Lenawee.	Washtenaw.
Monroe.	

MINNESOTA

Big Stone.	Nicollet.
Blue Earth.	Nobles.
Brown.	Norman.
Carver.	Olmsted.
Chippewa.	Ottertail.
Clay.	Pipestone.
Cottonwood.	Pope.
Dakota.	Redwood.
Dodge.	Renville.
Faribault.	Rice.
Fillmore.	Rock.
Freeborn.	Scott.
Goodhue.	Sibley.
Grant.	Stearns.
Houston.	Steele.
Jackson.	Stevens.
Kandiyohi.	Swift.
Lac Qui Parle.	Traverse.
Le Sueur.	Wabasha.
Lincoln.	Waseca.
Lyon.	Washington.
McLeod.	Watonwan.
Martin.	Wilkin.
Meeker.	Winona.
Mower.	Wright.
Murray.	Yellow Medicine.

MISSISSIPPI

Bolivar.	Panola.
Calhoun.	Prentiss.
Carroll.	Quitman.
Coahoma.	Sharkey.
De Soto.	Sunflower.
Holmes.	Tallahatchie.
Humphreys.	Tippah.
Issaquena.	Tunica.
Lee.	Union.
Leflore.	Washington.
Monroe.	Yazoo.

MISSOURI

Adair.	De Kalb.
Andrew.	Dunklin.
Audrain.	Gentry.
Barton.	Grundy.
Bates.	Harrison.
Boone.	Henry.
Buchanan.	Holt.
Butler.	Howard.
Caldwell.	Jackson.
Cape Girardeau.	Jasper.
Carroll.	Johnson.
Cass.	Knox.
Chariton.	Lafayette
Clark.	Lewis.
Clinton.	Lincoln.
Cooper.	Linn.
Daviess.	Livingston.

MISSOURI—Continued

Macon.	Randolph.
Marion.	Ray.
Mississippi.	Scott.
Monroe.	St. Charles.
Montgomery.	Saline.
New Madrid.	Scotland.
Nodaway.	Shelby.
Pemiscot.	Stoddard.
Pettis.	Sullivan.
Pike.	Vernon.
Platte.	Worth.
Ralls.	

NEBRASKA

Cass.	Saunders.
Cuming.	Washington.
Dodge.	

NORTH CAROLINA

Beaufort.	Jones.
Craven.	Pamlico.
Hyde.	Washington.
Johnston.	

NORTH DAKOTA

Cass.	Traill.
Richland.	

OHIO

Allen.	Logan.
Ashland.	Lucas.
Auglaize.	Madison.
Champaign.	Marion.
Clark.	Medina.
Clinton.	Mercer.
Crawford.	Miami.
Darke.	Montgomery.
Defiance.	Morrow.
Delaware.	Ottawa.
Erie.	Paulding.
Fairfield.	Pickaway.
Fayette.	Putnam.
Franklin.	Richland.
Fulton.	Sandusky.
Greene.	Seneca.
Hancock.	Shelby.
Hardin.	Union.
Henry.	Van Wert.
Highland.	Wayne.
Huron.	Williams.
Knox.	Wood.
Licking.	Wyandot.

OKLAHOMA

Craig.	Ottawa.

SOUTH CAROLINA

Aiken.	Dillon.
Allendale.	Florence.
Bamberg.	Hampton.
Barnwell.	Lee.
Calhoun.	Marlboro.
Clarendon.	Orangeburg.
Darlington.	Sumter.

SOUTH DAKOTA

Bon Homme.	Lincoln.
Brookings.	McCook.
Charles Mix.	Minnehaha.
Clay.	Moody.
Deuel.	Roberts.
Grant.	Turner.
Hamlin.	Union.
Hutchinson.	Yankton.
Lake.	

TENNESSEE

Crockett.	Lauderdale.
Dyer.	Obion.
Fayette.	Shelby.
Gibson.	Tipton.
Haywood.	Weakley.
Lake.	

VIRGINIA

Nansemond.	Southampton.

WISCONSIN

Buffalo.	Pierce.
Dunn.	Racine.
Jackson.	Rock.
Jefferson.	St. Croix.
Kenosha.	Trempealeau.
Pepin.	Walworth.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66-11455; Filed, Oct. 20, 1966; 8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR SUGARBEET CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, the following counties have been designated for sugarbeet crop insurance for the 1967 crop year.

COLORADO

Morgan.	Weld.

IDAHO

Canyon.	Owyhee.
Minidoka.	Twin Falls.

MINNESOTA

Clay.	

MONTANA

Big Horn.	Richland.
Carbon.	Rosebud.
Custer.	Stillwater.
Dawson.	Treasure.
Prairie.	Yellowstone.

NORTH DAKOTA

Cass.	McKenzie.
Grand Forks.	Williams.

OREGON

Malheur.	

UTAH

Box Elder.	Salt Lake.
Cache.	Utah.

WASHINGTON

Grant.	Yakima.

WYOMING

Big Horn.	Washakie.
Park.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for tobacco crop insurance for the 1967 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the county name.

FLORIDA

Alachua	14	Madison	14
Columbia	14	Suwannee	14
Hamilton	14		

GEORGIA

Appling	14	Jeff Davis	14
Atkinson	14	Lanier	14
Bacon	14	Lowndes	14
Ben Hill	14	Mitchell	14
Berrien	14	Pierce	14
Brooks	14	Tattnall	14
Bulloch	14	Thomas	14
Candler	14	Tift	14
Coffee	14	Toombs	14
Colquitt	14	Turner	14
Cook	14	Ware	14
Decatur	14	Wayne	14
Irwin	14	Worth	14

KENTUCKY

Adair	31	Logan	22, 31, 35
Allen	31, 35	Madison	31
Anderson	31	Marion	31
Barren	31	Marshall	28, 31, 35
Bath	31	Mason	31
Bourbon	31	McLean	31, 36
Boyle	31	Mercer	31
Bracken	31	Metcalfe	31
Breckinridge	31	Montgomery	31
Caldwell	22, 31, 35	Muhlenberg	22, 31, 35
Calloway	23, 31, 35	Nelson	31
Carroll	31	Nicholas	31
Casey	31	Ohio	31, 36
Christian	22, 31, 35	Owen	31
Clark	31	Pendleton	31
Daviess	31, 36	Pulaski	31
Fayette	31	Robertson	31
Fleming	31	Russell	31
Franklin	31	Scott	31
Garrard	31	Shelby	31
Grant	31	Simpson	22, 31, 35
Graves	23, 31, 35	Spencer	31
Green	31	Taylor	31
Harrison	31	Todd	22, 31, 35
Hart	31	Trigg	22, 31, 35
Henderson	31, 36	Union	31, 36
Henry	31	Warren	31, 35
Jessamine	31	Washington	31
Larue	31	Wayne	31
Lewis	31	Woodford	31
Lincoln	31		

MARYLAND

Anne Arundel	32	Prince Georges	32
Calvert	32	St. Marys	32
Charles	32		

MISSOURI

Platte	31

NORTH CAROLINA

Alamance	11a	Franklin	11b
Alexander	11a	Gates	12
Beaufort	12	Granville	11b
Bertie	12	Greene	12
Bladen	13	Guilford	11a
Brunswick	13	Halifax	12
Buncombe	31	Harnett	11b
Carteret	12	Haywood	31
Caswell	11a	Hertford	12
Chatham	11b	Hoke	13
Chowan	12	Iredell	11a
Columbus	13	Johnston	12
Craven	12	Jones	12
Cumberland	13	Lee	11b
Davidson	11a	Lenoir	12
Duplin	12	Madison	31
Durham	11b	Martin	12
Edgecombe	12	Montgomery	11b
Forsyth	11a	Moore	11b

NORTH CAROLINA—Continued			
Nash	12	Scotland	13
Northampton	12	Stokes	11a
Onslow	12	Surry	11a
Orange	11b	Vance	11b
Pamlico	12	Wake	11b
Pender	12	Warren	11b
Person	11a	Washington	12
Pitt	12	Wayne	12
Randolph	11a	Wilson	12
Richmond	11b	Yadkin	11a
Robeson	13	Yancey	31
Rockingham	11a	Wilkes	11a
Sampson	12		
OHIO			
Adams	31	Highland	31
Brown	31		
PENNSYLVANIA			
Lancaster	41	York	41
Lebanon	41		
SOUTH CAROLINA			
Chesterfield	13	Lee	13
Clarendon	13	Marion	13
Darlington	13	Marlboro	13
Dillon	13	Orangeburg	13
Florence	13	Sumter	13
Georgetown	13	Williamsburg	13
Horry	13		
TENNESSEE			
Blount	31	Marshall	31
Claiborne	31	Maury	31
Carter	31	McMinn	31
Cocke	31	Monroe	31
DeKalb	31	Montgomery	22, 31
Dickson	22, 31	Obion	23, 35
Franklin	31	Putnam	31
Giles	31	Robertson	22, 31, 35
Grainger	31	Sevier	31
Greene	31	Smith	31
Hamblen	31	Stewart	22, 31
Hancock	31	Sullivan	31
Hawkins	31	Sumner	22, 31, 35
Jackson	31	Trousdale	31
Jefferson	31	Unicoi	31
Johnson	31	Washington	31
Knox	31	Weakley	23, 35
Lawrence	31	White	31
Lincoln	31	Williamson	31
Loudon	31	Wilson	31
Macon	31, 35		
VIRGINIA			
Amelia	11a, 21	Mecklenburg	11a
Appomattox	11a, 21	Nansemond	11a
Brunswick	11a, 21	Nottoway	11a, 21
Campbell	11a, 21	Pittsylvania	11a
Charlotte	11a, 21	Prince Edward	11a, 21, 37
Cumberland	11a, 21, 37	Prince George	11a
Dinwiddie	11a, 21	Russell	31
Franklin	11a, 21	Scott	31
Greensville	11a	Smyth	31
Halifax	11a	Southampton	11a
Lee	31	Sussex	11a
Lunenburg	11a	Washington	31
WISCONSIN			
Crawford	55	Richland	55
Dane	54	Trempealeau	55
La Crosse	55	Vernon	55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
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[F.R. Doc. 66-11457; Filed, Oct. 20, 1966; 8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR TOMATO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for tomato crop insurance for the 1967 crop year.

INDIANA	
Grant.	Miami.
Howard.	Tipton.
OHIO	
Fulton.	Putnam.
Henry.	Sandusky.
Lucas.	Wood.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66-11458; Filed, Oct. 20, 1966; 8:46 a.m.]

PART 402—RAISIN CROP INSURANCE

Subpart—Regulations for the 1966 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR RAISIN CROP INSURANCE

Pursuant to authority contained in § 402.1 of the above-identified regulations, the following counties have been designated for raisin crop insurance for the 1967 crop year.

CALIFORNIA	
Fresno.	Merced.
Kern.	Stanislaus.
Kings.	Tulare.
Madera.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66-11459; Filed, Oct. 20, 1966; 8:46 a.m.]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEACH CROP INSURANCE

Pursuant to authority contained in § 403.40 of the above-identified regulations, as amended, the following counties have been designated for peach crop insurance for the 1967 crop year.

ALABAMA	
Chilton.	
ARKANSAS	
Cross.	Lee.
Johnson.	St. Francis.
GEORGIA	
Peach.	Upson.
NORTH CAROLINA	
Cleveland.	Richmond.
Montgomery.	Rutherford.
Moore.	
SOUTH CAROLINA	
Aiken.	Laurens.
Allendale.	Lexington.
Barnwell.	Saluda.
Chesterfield.	Spartanburg.
Edgefield.	York.
Greenville.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66-11460; Filed, Oct. 20, 1966; 8:46 a.m.]

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR ORANGE CROP INSURANCE

Pursuant to authority contained in § 406.1 of the above-identified regulations, as amended, the following counties have been designated for orange crop insurance for the 1967 crop year.

CALIFORNIA	
Fresno.	Tulare.
Kern.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66-11461; Filed, Oct. 20, 1966; 8:46 a.m.]

PART 407—TUNG NUT CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX—COUNTY DESIGNATED FOR TUNG NUT CROP INSURANCE

Pursuant to authority contained in § 407.1 of the above-identified regulations, as amended, the following county has been designated for tung nut crop insurance for the 1967 crop year.

FLORIDA	
Jackson.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66-11462; Filed, Oct. 20, 1966; 8:46 a.m.]

PART 408—NORTH CAROLINA APPLE CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR APPLE CROP INSURANCE

Pursuant to authority contained in § 408.1 of the above-identified regulations, as amended, the following counties have been designated for apple crop insurance for the 1967 crop year.

NORTH CAROLINA	
Alexander.	Wilkes.
Henderson.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66-11440; Filed, Oct. 20, 1966; 8:45 a.m.]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 409.1 of the above-identified regulations, as amended, the following counties have been designated for citrus crop insurance for the 1967 crop year.

ARIZONA	
Maricopa.	Yuma.
CALIFORNIA	
Riverside.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

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Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

State Reserve and County Allotments for 1967 Crop of Upland Cotton

Correction

In F.R. Doc. 66-11000, appearing at page 13303 of the issue for Friday, October 14, 1966, the following correction is made in the tabular matter of § 722.469 (c): For Hampton County, S.C., the computed county allotment entry should read "6,567" instead of "6,576".

PART 722—COTTON

County Projected Yields for Upland Cotton of 1967 Crop

Correction

In F.R. Doc. 66-10999, appearing at page 13168 of the issue for Wednesday, October 12, 1966, the following correction is made in § 722.470(e) (1): The phrase reading "were revised by the State committee" should read "were reviewed by the State committee".

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.5, Amdt. 2]

PART 813—ALLOTMENT OF SUGAR QUOTAS, DOMESTIC BEET SUGAR AREA

1966

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended) hereinafter called the "Act", for the purpose of amending Sugar Regulation 813.5 (31 F.R. 6819) which established allotments of the sugar quota for the Domestic Beet Sugar Area for the calendar year 1966.

This amendment is necessary (1) to substitute final data on 1965 crop production, 1965 sugar marketings and January 1, 1966, sugar inventories on the basis of data which have become part of the official records of the Department, (2) to determine allotments of the entire Domestic Beet Sugar Area quota on the basis of such final data, and (3) to prorate deficits in the allotments of those allottees under this order. Empire State Sugar Co., Inc., Maine Sugar Industries, Inc., and National Sugar Manufacturing Co. have notified the Department in writing that they will be unable to utilize 884, 6,841 and 2,207 short tons, raw value, respectively, of their allotments and released those portions for reallocation to other allottees.

Findings heretofore made by the Secretary (31 F.R. 6819) include the provision that this order shall be revised, without further notice or hearing, for the purposes stated above.

Deficits in the allotments herein established for Empire State Sugar Co., Inc.; Maine Sugar Industries, Inc., and National Sugar Manufacturing Co. are herein reallocated to allottees that are able to utilize additional allotments. The deficits are reallocated pro rata on the basis of the allotments established herein.

Allotments set forth herein are established on the basis of and consistent with the findings previously made by the Secretary.

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment becomes effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

In accordance with paragraph (5) of the findings and conclusions set forth in S.R. 813.5 (31 F.R. 6819) and pursuant to paragraph (e) of such regulation, paragraphs (3) and (4) of such findings and conclusions are amended as follows:

1. The table included in Part II of paragraph (3) of the findings and conclusions is amended to read as follows:

Processor	Crop year	Reserve acreage		Quantity of sugar related to reserve acreage		
				Allotted	Planted	
		Allotted	Planted	Short tons, raw value	Short tons, raw value	Cwt. refined equivalent
Reserve allocated and processing started in 1964:						
Buckeye Sugars, Inc.	1964	2,415	1,867	4,430	3,425	64,019
	1965	2,415	2,412	4,430	4,424	82,692
	1966	2,415	2,415	4,430	4,430	82,804
Holly Sugar Corp.	1964	24,738	20,002	50,000	40,441	755,907
	1965	24,730	24,730	50,000	50,000	934,580
	1966	24,730	24,730	50,000	50,000	934,580
Michigan Sugar Co.	1964	4,030	3,079	8,850	6,294	97,832
	1965	4,030	4,028	8,850	8,847	127,981
	1966	4,030	4,030	8,850	8,850	126,037
Utah-Idaho Sugar Co.	1964	8,140	4,080	18,020	8,988	168,000
	1965	8,140	7,365	18,020	16,304	304,748
	1966	8,140	7,995	18,020	17,699	330,822
Reserve allocated and processing started in 1965:						
American Crystal Sugar Co.	1965	31,000	31,000	50,000	50,000	934,580
	1966	31,000	31,000	50,000	50,000	934,580
Empire State Sugar Co.	1965	20,560	20,386	50,000	4,414	82,511
	1966	20,560	6,530	50,000	11,068	206,878
Reserve allocated and processing to start in 1966:						
Maine Sugar Industries, Inc.	1966	33,000	3,431	50,000	5,198	97,159

2. Tables 1, 2, and 3 of paragraph (4) of the findings and conclusions are amended to read as follows:

TABLE 1

Processors	Processings of sugar from 1965-crop beets: Hundredweight refined [1] (1)	Processings of sugar from 1965-crop beets: Percent of total (2)	Average marketings within the quota 1961–65: Hundredweight refined [2] (3)	Average marketings within the quota 1961–65: Percent of total (4)	Base allotments: Percent of total (Col. 2× 0.75+ Col. 4× 0.25) (5)	Base allotments: Short tons raw value (Col. 5× quota) (6)	January 1, effective inventories hundredweights, refined [3]: 1966 (7)	January 1, effective inventories hundredweights, refined [3]: 1961–65 adjusted average to Col. 7 total (8)	January 1, effective inventories hundredweights, refined [3]: Inventory imbalances Col. 7− Col. 8 (9)	Adjustments to base allotments [4]: Hundredweight refined (10)	Adjustments to base allotments [4]: Short tons raw value (11)	Tentative allotments: Short tons, raw value (Col. 6+ or −Col. 11) (12)
Amalgamated Sugar Co., The	7,690,844	14.4284	6,891,985	12.7433	14.0071	423,715	7,063,196	6,365,361	+717,834	+20,324	+1,088	424,803
American Crystal Sugar Co	6,330,016	11.8754	6,948,955	12.8487	12.1187	366,591	4,645,447	5,337,277	−691,830	−66,553	−3,577	363,014
Buckeye Sugar Co	461,491	.8656	372,978	.6896	.8219	24,853	164,754	155,308	+9,446			24,853
Empire State Sugar Co., Inc	92,511	.1548	904,580	1.7290	.5481	16,580						16,580
Great Western Sugar Co	11,283,665	21.1687	13,122,188	24.2630	21.9423	663,755	10,749,236	12,644,085	−1,894,849	−183,102	−9,798	653,900
Holly Sugar Corp	8,442,712	15.8389	8,144,657	15.0666	15.6441	473,234	7,586,915	7,093,833	+463,082			473,234
Layton Sugar Co	356,150	.6682	285,390	.5277	.6331	19,151	344,427	278,804	+65,623	+9,666	+518	19,669
Maine Sugar Industries, Inc	233,645	.4383	233,645	.4320	.4367	13,210						13,210
Michigan Sugar Co	1,456,518	2.7325	1,715,231	3.1715	2.8422	85,977	1,217,352	1,497,806	−280,454	−27,101	−1,450	84,527
Monitor Sugar Co	797,274	1.4957	828,170	1.5313	1.5046	45,514	748,924	782,187	−33,263	−3,214	−172	45,342
National Sugar Manufacturing Co	151,990	.2852	205,151	.3793	.3087	9,338	39,083	136,684	−97,601	−9,431	−504	8,834
Spreckels Sugar Co	7,672,676	14.3943	6,432,617	11.8940	13.7692	416,518	6,007,238	4,491,660	+1,515,578	+266,603	+14,263	430,781
Union Sugar Division, Consolidated Foods [5]	2,234,652	4.1923	2,350,132	4.3454	4.2306	127,976	2,037,855	2,109,182	−71,327	−6,912	−370	127,606
Utah-Idaho Sugar Co	6,109,487	11.4617	5,617,444	10.3867	11.1630	338,588	5,347,793	5,060,832	+286,961			338,588
Total	53,303,541	100.0000	54,083,123	100.0000	100.0000	3,025,000	45,945,019	45,945,019	±3,069,524	±295,813	±15,869	3,025,000

[1] Includes 28 percent of the quantity pursuant to the reserve allocation for Maine Sugar Industries, Inc., equal to 233,645 cwts.

[2] The following quantities pursuant to reserve allocations have been added to average marketings: 887,851 cwts. for American Crystal; 46,577 cwts. for Buckeye; 904,580 cwts. for Empire State Sugar Co.; 525,701 cwts. for Holly; 233,645 cwts. for Maine Sugar Industries, Inc.; 73,021 cwts. for Michigan; and 159,862 cwts. for Utah-Idaho.

[3] All production attributed to reserve acreage has been deducted from inventories as follows: Jan. 1, 1966, effective inventories were reduced 700,935 for American Crystal; 62,019 cwts. for Buckeye; 82,511 cwts. for Empire; 700,935 cwts. for Holly; 95,986 cwts. for Michigan; and 228,561 cwts. for Utah-Idaho. The 1961–65 average for Jan. 1 effective inventories were reduced 9,603 cwts. for Buckeye; 113,386 cwts. for Holly; 14,675 cwts. for Michigan and 25,200 cwts. for Utah-Idaho.

[4] Plus (+) adjustments in Col. 10 = (Extent (+) quantity in Col. 9 exceeds 10 percent of Col. 8) × (25 percent); (−) adjustments in Col. 10 = the total of (+) adjustments in Col. 10, prorated to processors on the basis of minus (−) quantities in Col. 9 Plus (+) and minus (−) adjustments in Col. 11 = (Col. 10 adjustments) × (0.0535).

[5] Prior to the application of the hardship provision, 1965-crop processings were 1,922,552 cwts. for Union and the Jan. 1, 1966, effective inventory was 1,725,556 cwts. for Union.

TABLE 2

Processors	Processings of sugar from 1965-crop beets: Hundredweight refined [1] (1)	Processings of sugar from 1965-crop beets: Percent of total (2)	Average marketings within the quota 1961–65: Hundredweight refined [2] (3)	Average marketings within the quota 1961–65: Percent of total (4)	Percent of total (Col. 2× 0.75+ Col. 4× 0.25) (5)	Base allotments short tons raw value [3] (6)	January 1, effective inventories hundredweight, refined [4]: 1966 (7)	January 1, effective inventories hundredweight, refined [4]: 1961–65 average adjusted to Col. 7 total (8)	January 1, effective inventories hundredweight, refined [4]: Inventory imbalance Col. 7− Col. 8 (9)	Adjustments to base allotments [5]: Hundredweight refined (10)	Adjustments to base allotments [5]: Short tons raw value (11)	Tentative allotments: Short tons raw value (Col. 6+ or− Col. 11) (12)
Amalgamated Sugar Co., The	7,690,844	15.0904	6,891,985	13.5324	14.7009	424,475	7,063,196	6,365,361	+717,834	+20,324	+1,088	425,563
American Crystal Sugar Co	5,395,436	10.5865	6,014,375	11.8062	10.8822	304,302	4,645,447	5,337,277	−691,830	−66,553	−3,577	300,925
Buckeye Sugars, Inc	398,382	.7836	313,697	.6159	.7417	24,734	164,754	155,308	+9,446			24,734
Empire State Sugar Co., Inc						16,914						16,914
Great Western Sugar Co	11,283,665	22.1399	13,122,188	25.7655	23.0463	665,440	10,749,236	12,644,085	−1,894,849	−183,102	−9,798	655,644
Holly Sugar Corp	7,741,777	15.1903	7,470,523	14.6684	15.0598	472,337	7,558,915	7,093,833	+463,082			472,337
Layton Sugar Co	356,150	.6988	285,390	.5604	.6642	19,178	344,427	278,804	+65,623	+9,666	+518	19,696
Maine Sugar Industries, Inc						12,500						12,500
Michigan Sugar Co	1,360,532	2.6695	1,623,736	3.1882	2.7092	85,959	1,217,352	1,497,806	−280,454	−27,101	−1,450	84,509
Monitor Sugar Co	797,274	1.5643	828,170	1.6261	1.5798	45,615	748,924	782,187	−33,263	−3,214	−172	45,443
National Sugar Manufacturing Co	151,990	2982	205,151	4028	3243	9,364	39,083	136,684	−97,601	−9,431	−504	8,860
Spreckels Sugar Co	7,672,676	15.0547	6,432,617	12.6305	14.4486	417,190	6,007,238	4,491,660	+1,515,578	+266,603	+14,263	431,453
Union Sugar Division, Consolidated Foods Corp. [6]	2,234,652	4.3847	2,350,132	4.6145	4.4422	128,264	2,037,855	2,109,182	−71,327	−6,912	−370	127,894
Utah-Idaho Sugar Co	5,380,926	11.5391	5,391,354	10.5860	11.3008	338,528	5,347,793	5,050,832	+296,961			338,528
Total	50,965,304	100.0000	50,929,318	100.0000	100.0000	3,025,000	45,945,019	45,945,019	±3,069,524	±295,813	±15,869	3,025,000

[1] The following quantities pursuant to reserve allocations were deducted from 1965 crop processings: 824,580 cwts. for American Crystal; 62,019 cwts. for Buckeye; 82,511 cwts. for Empire; 700,935 cwts. for Holly; 95,986 cwts. for Michigan; and 228,561 cwts. for Utah-Idaho.

[2] The following quantities pursuant to reserve allocations were deducted from 1961–65 average marketings: 46,729 cwts. for American Crystal; 12,704 cwts. for Buckeye; 148,433 cwts. for Holly; 19,474 cwts. for Michigan and 36,628 cwts. for Utah-Idaho.

[3] Column (5) × (quota less total reserve allocation of 137,595 tons) plus individual reserve allocations of 50,000 tons for American Crystal; 3,318 tons for Buckeye; 16,914 tons for Empire; 37,500 tons for Holly; 12,500 tons for Maine Sugar Industries, Inc.; 5,135 tons for Michigan and 12,228 tons for Utah-Idaho.

[4] All production attributed to reserve acreage has been deducted from inventories as follows: Jan. 1, 1966, effective inventories were reduced 700,935 cwts. for American Crystal; 62,019 cwts. for Buckeye; 82,511 cwts. for Empire; 700,935 cwts. for Holly; 95,986 cwts. for Michigan and 228,561 cwts. for Utah-Idaho. The 1961–65 average Jan. 1 effective inventories were reduced 9,603 cwts. for Buckeye; 113,386 cwts. for Holly; 14,675 cwts. for Michigan and 25,200 cwts. for Utah-Idaho.

[5] Plus (+) adjustments in Col. 10 = (Extent (+) quantity in Col. 9 exceeds 10 percent of Col. 8) × (25 percent). Minus adjustments in Col. 10 = the total of (+) adjustments in Col. 10 prorated to processors on the basis of minus (−) quantities in Col. 9. Plus (+) and minus (−) adjustments in Col. 11 = (Col. 10 adjustments) × (0.0535).

[6] Prior to the application of the "hardship" provision, 1965-crop processings were 1,922,552 cwts. for Union and the Jan. 1, 1966, effective inventory was 1,725,555 cwts. for Union.

TABLE 3

Processor	Tentative allotments Part IIa, Table 1 (1)	Tentative allotments Part IIb, Table 2 (2)	Average tentative allotments col. (1)×0.5 + col. (2)×0.5 (3)	Adjustments to tentative allotments [1] (4)	Allotments col. (3)± col. (4) (5)
	Short tons, raw value				
Amalgamated Sugar Co., The	424,803	425,563	425,183	−459	424,720
American Crystal Sugar Co	363,014	300,925	331,970	−286	331,684
Buckeye Sugars, Inc	24,853	24,734	24,794		24,794
Empire State Sugar Co., Inc	16,580	16,914	16,747	−15	16,732
Great Western Sugar Co., Inc	653,900	655,644	654,951	−819	654,102
Holly Sugar Corp	473,234	472,337	472,786	−504	472,282
Layton Sugar Co	19,669	19,696	19,682	−21	19,661
Maine Sugar Industries, Inc	13,210	12,500	12,855	−14	12,841
Michigan Sugar Co	84,527	84,509	84,518	−90	84,428
Monitor Sugar Division, Robert Gage Coal Co	45,342	45,443	45,392	−48	45,344
National Sugar Manufacturing Co., The	8,834	8,860	8,847	+3,191	12,038
Spreckels Sugar Co	430,781	431,453	431,117	−469	430,647
Union Sugar Division, Consolidated Foods Corp	127,606	127,894	127,750	−136	127,614
Utah-Idaho Sugar Co	338,588	338,528	338,558	−261	338,297
Total	3,025,000	3,025,000	3,025,000		3,025,000

[1] Adjustments necessary to increase the allotment of National Sugar Manufacturing Co. to 12,038 tons.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act and in accordance with paragraph (e) of § 813.5 of this chapter, paragraph (a) of § 813.5 is amended to read as follows:

§ 813.4 Allotment of the 1966 sugar quota for the domestic beet sugar area.

(a) *Allotments.* The 1966 calendar year sugar quota for the Domestic Beet Sugar Area of 3,025,000 short tons, raw value is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Short tons, raw value	Equivalent in cwt. refined beet sugar
Amalgamated Sugar Co., The	426,143	7,965,290
American Crystal Sugar Co	302,786	6,781,084
Buckeye Sugars, Inc	24,876	464,972
Empire State Sugar Co., Inc	15,545	296,168
Great Western Sugar Co., The	655,290	12,266,916
Holly Sugar Corp	473,554	8,857,084
Layton Sugar Co	19,726	368,710
Maine Sugar Industries, Inc	6,000	112,150
Michigan Sugar Co	84,700	1,583,346
Monitor Sugar Division, Robert Gage Coal Co	45,495	850,374
National Sugar Manufacturing Co., The	9,831	183,787
Spreckels Sugar Co., Division of American Sugar Co	432,001	8,076,467
Union Sugar Division, Consolidated Foods Corp	128,899	2,388,252
Utah-Idaho Sugar Co	339,353	6,342,486
Total	3,025,000	56,542,056

* * * * * *

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; interprets or applies secs. 205, 209; 61 Stat. 926; as amended, 928; 7 U.S.C. 1115, 1119 and as further amended by Public Law 89-331, enacted Nov. 8, 1965)

Effective date: When filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 13th day of October, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11387; Filed, Oct. 20, 1966; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for 1966–67 Fiscal Year

Notice was published in the October 5, 1966, issue of the FEDERAL REGISTER (31 F.R. 12954) regarding a proposal to establish free and restricted percentages applicable to filberts grown in Oregon and Washington for the 1966–67 fiscal year beginning August 1, 1966. The percentages are based on recommendations of the Filbert Control Board and other available information in accordance with the applicable provisions of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Board, and other available information, it is found that to establish free and restricted percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the free and restricted percentages for merchantable filberts during the 1966–67 fiscal year are established as follows:

§ 982.216 Free and restricted percentages for merchantable filberts during the 1966–67 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1966:

Free percentage	52
Restricted percentage	48

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said amended marketing agreement and this part require that free and restricted percentages designated for a particular fiscal year shall be applicable to all inshell filberts handled during such year; and (2) the current fiscal year began on August 1, 1966, and the percentages established herein will automatically apply to all such filberts beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 18, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 66-11514; Filed, Oct. 20, 1966; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[20,233]

PART 531—STATEMENTS OF POLICY

Increases in Insurance

OCTOBER 18, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 531.6 of the regulations for the Federal Home Loan Bank System to liberalize the basis under which members of the Federal Home Loan Bank System count certificates of deposit as cash as a result of the increase in insurance afforded bank deposits by Public Law 89-695, approved October 16, 1966, and for the purpose of effecting such amendment hereby amends said § 531.6 of the regulations for the Federal Home Loan Bank System (12 CFR 531.6) to read as follows:

§ 531.6 Continued inclusion of time deposits as cash.

(a) Under § 523.12(b) of this chapter of the regulations for the Federal Home

Loan Bank System, "cash" is defined as cash on hand, unpledged deposits in a Federal Home Loan Bank or a State bank performing similar reserve functions, and unpledged demand deposits in banks not in the possession of appropriate supervisory authorities.

(b) Members of the Federal Home Loan Bank System had, under a former ruling of the Board, been permitted to count time deposits open account and time certificates of deposit as cash within specified limits

(c) In the circumstances, the Board has determined, as a matter of policy, to allow time deposits open account and time certificates of deposits to be counted as cash according to the following schedule and extent:

(1) Time certificates of deposit made or renewed prior to May 20, 1966, may be counted as cash until July 1, 1967, or their expiration date (or first alternative maturity after Sept. 30, 1966), whichever is earlier, except that such time certificates of deposit which have multiple maturity dates of not more than 90 days may be counted as cash until July 1, 1968;

(2) Time certificates of deposit dated on or after May 20, 1966, which have a single maturity date of not more than 90 days or multiple maturity dates of not more than 90 days, may be counted as cash until July 1, 1968, but only to the extent such certificates evidence the reinvestment of funds theretofore evidenced by time certificates of deposit or time deposits open account;

(3) Time deposits open account subject to a notice period of not more than 30 days and representing the reinvestment of funds theretofore evidenced by certificates of deposit or time deposits open account may be counted as cash until July 1, 1968; and

(4) No time deposit open account or deposit evidenced by a certificate of deposit shall be considered as cash unless (i) the association itself made the deposit in question, (ii) the deposit, together with all other time deposits of the association in the same bank, does not exceed the greater of one-fourth of 1 percent of such bank's total deposits as of the bank's last published statement of condition or $15,000, and (iii) no consideration was received from a third party in connection with the making of the deposit.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 66-11515; Filed, Oct. 20, 1966; 8:51 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[20,234]

PART 556—STATEMENTS OF POLICY

Continued Inclusion of Time Deposits as Cash Increases in Insurance

OCTOBER 18, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 556.1 of the rules and regulations for the Federal Savings and Loan System relating to the continued inclusion of time deposits as cash, to liberalize the basis under which Federal savings and loan associations count certificates of deposit as cash, and for the purpose of effecting such amendment hereby amends § 556.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 556.1) to read as follows:

§ 556.1 Continued inclusion of time deposits as cash.

(a) Under § 545.8-2(b) of this chapter of the rules and regulations for the Federal Savings and Loan System, "cash" is defined as cash on hand, unpledged deposits in a Federal Home Loan Bank or a State bank performing similar reserve functions, and unpledged demand deposits in banks not in the possession of appropriate supervisory authorities.

(b) Federal savings and loan associations had, under a former ruling of the Board, been permitted to count time deposits open account and time certificates of deposit as cash within specified limits.

(c) In the circumstances, the Board has determined, as a matter of policy, to allow time deposits open account and time certificates of deposits to be counted as cash according to the following schedule and extent:

(1) Time certificates of deposit made or renewed prior to May 20, 1966, may be counted as cash until July 1, 1967, or their expiration date (or first alternative maturity after Sept. 30, 1966), whichever is earlier, except that such time certificates of deposit which have multiple maturity dates of not more than 90 days may be counted as cash until July 1, 1968;

(2) Time certificates of deposit dated on or after May 20, 1966, which have a single maturity date of not more than 90 days or multiple maturity dates of not more than 90 days, may be counted as cash until July 1, 1968, but only to the extent such certificates evidence the reinvestment of funds theretofore evidenced by time certificates of deposit or time deposits open account;

(3) Time deposits open account subject to a notice period of not more than 30 days and representing the reinvestment of funds theretofore evidenced by certificates of deposit or time deposits open account may be counted as cash until July 1, 1968; and

(4) No time deposit open account or deposit evidenced by a certificate of deposit shall be considered as cash unless (i) the association itself made the deposit in question, (ii) the deposit, together with all other time deposits of the association in the same bank, does not exceed the greater of one-fourth of 1 percent of such bank's total deposits as of the bank's last published statement of condition or $15,000, and (iii) no consideration was received from a third party in connection with the making of the deposit.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 66-11516; Filed, Oct. 20, 1966; 8:51 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[FSLIC-2,781]

PART 561—DEFINITIONS

Relating to Insured Accounts

OCTOBER 18, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending §§ 561.3, 561.4, 561.5, 561.6, and 561.17 of the rules and regulations for Insurance of Accounts (12 CFR 561.3, 561.4, 561.5, 561.6, and 561.17) as hereinafter set forth to implement the provisions of Public Law 89-695, approved October 16, 1966, increasing from $10,000 to $15,000 the insurance of accounts afforded investors by the Federal Savings and Loan Insurance Corporation and for the purpose of effecting such amendments and such implementation hereby amends said §§ 561.3, 561.4, 561.5, 561.6, and 561.17 as follows effective October 21, 1966: The figure "$10,000" is hereby changed in each place in which it appears in the foregoing sections to read "$15,000".

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, inasmuch as the foregoing amendments are designed to conform the provisions of the aforesaid regulations to the provisions of Title IV of the National Housing Act as amended by Public Law 89-695, approved October 16, 1966, the Board hereby finds that notice and public procedure on the said amendments are unnecessary and would serve no useful purpose under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and 5 U.S.C. 553(a).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 66-11517; Filed, Oct. 20, 1966; 8:51 a.m.]

[FSLIC-2,782]

PART 571—STATEMENTS OF POLICY

Continued Inclusion of Time Deposits as Cash Increases in Insurance

OCTOBER 18, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 571.2 of the rules and regulations for Insurance of Accounts to liberalize the basis under which members of the Federal Savings and Loan Insurance Corporation count certificates of deposit as cash and for the purpose of effecting such amendment hereby amends said § 571.2 of the rules and regulations for Insurance of Accounts (12 CFR 571.2) to read as follows:

§ 571.2 Continued inclusion of time deposits as cash.

(a) Under § 561.18 of this chapter of the rules and regulations for Insurance of Accounts, "cash" is defined as cash on hand, unpledged deposits in a Federal Home Loan Bank or a State bank performing similar reserve functions, and unpledged demand deposits in banks not in the possession of appropriate supervisory authorities.

(b) Insured institutions had, under a former ruling of the Board, been permitted to count time deposits open account and time certificates of deposit as cash within specified limits.

(c) In the circumstances, the Board has determined, as a matter of policy, to allow time deposits open account and time certificates of deposits to be counted as cash according to the following schedule and extent:

(1) Time certificates of deposit made or renewed prior to May 20, 1966, may be counted as cash until July 1, 1967, or their expiration date (or first alternative maturity after Sept. 30, 1966), whichever is earlier, except that such time certificates of deposit which have multiple maturity dates of not more than 90 days may be counted as cash until July 1, 1968;

(2) Time certificates of deposit dated on or after May 20, 1966, which have a single maturity date of not more than 90 days or multiple maturity dates of not more than 90 days, may be counted as cash until July 1, 1968, but only to the extent such certificates evidence the reinvestment of funds theretofore evidenced by time certificates of deposit or time deposits open account;

(3) Time deposits open account subject to a notice period of not more than 30 days and representing the reinvestment of funds theretofore evidenced by certificates of deposit or time deposits open account may be counted as cash until July 1, 1968; and

(4) No time deposit open account or deposit evidenced by a certificate of deposit shall be considered as cash unless (i) the association itself made the deposit in question, (ii) the deposit, together with all other time deposits of the association in the same bank, does not exceed the greater of one-fourth of 1 percent of such bank's total deposits as of the bank's last published statement of condition or $15,000, and (iii) no consideration was received from a third party in connection with the making of the deposit.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 66-11518; Filed, Oct. 20, 1966; 8:51 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-264; Order 311-B]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B)

OCTOBER 13, 1966.

The two amendments to Annual Report FPC Form No. 1 here being considered are among those proposed in the notice instituting this proceeding,[1] but action thereon was deferred in our Order No. 311, herein, which adopted all of the other amendments that had also been proposed in that notice.[2] Only two comments on those particular proposals, i.e., the one to amend the schedule (p. 102) "Control Over Respondent," and the other which proposed to delete the schedule (p. 302), "Income From Merchandising, Jobbing, and Contract Work," were received.

The first would require the reporting of the names and businesses of companies associated, through common control, with the respondent. We find, however, that the information is sufficiently available from other sources and that, therefore, the proposed amendment to this schedule (p. 102) is unnecessary.

Although two State commissions[3] objected to the proposed deletion of the schedule on page 302 for reporting "Income From Merchandising, Jobbing, and Contract Work," we have now been informed either that the objection has been withdrawn or that the information can be obtained by the States from other sources. The schedule is, therefore, being deleted as proposed.

Since the action taken in Order No. 311, together with the two proposals with which we are here concerned completes our consideration of all the proposals made in this proceeding, it will be concluded upon the issuance of the order herein.

The Commission finds:

(1) Deletion from Annual Report FPC Form No. 1 of the schedule on page 302 thereof is necessary and appropriate for the administration of the Federal Power Act.

(2) It is in the public interest to take no further action on the proposal to amend the schedule "Control Over Respondent."

The Commission, acting pursuant to the authority of the Federal Power Act, as set out in Order No. 311 heretofore issued herein, orders:

(A) Effective for the reporting year 1966 and thereafter, Annual Report FPC Form No. 1, prescribed by § 141.1(a), Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, is revised by deleting therefrom the schedule on page 302 thereof entitled "Income From Merchandising, Jobbing, and Contract Work (Accounts * * *)".

(B) Paragraph (d) of the said § 141.1 is revised by deleting therefrom the schedule title "Income From Merchandising, Jobbing, and Contract Work."

(Sec. 309, 49 Stat. 858; 16 U.S.C. 825h)

(C) The revisions here adopted shall be effective upon the issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11474; Filed, Oct. 20, 1966; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13961]

PART 1—PRACTICE AND PROCEDURE

Television Program Form; Correction

In the matter of amendment of section IV (Statement of Program Service) of Broadcast Application Forms 301, 303, 314, and 315; Docket No. 13961.

On page 8 of the report and order in the above-captioned proceeding, FCC 66-903, released October 10, 1966, paragraph 26 should be, and hereby is, corrected to read as follows (to conform to paragraph 21 above on the same page):

26. *It is further ordered*, That applications for renewal of television license which are due to be filed on or after November 1, 1967, shall use the above revised form in its entirety.

Released: October 17, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11505; Filed, Oct. 20, 1966; 8:50 a.m.]

[1] Notice of proposed rule making, issued Sept. 21, 1965, and published in the FEDERAL REGISTER on Sept. 28, 1965, 30 F.R. 12360.

[2] Order No. 311, issued Dec. 8, 1965, 34 FPC ——, 30 F.R. 15465.

[3] Public Service Commission of the District of Columbia and the Commonwealth of Virginia State Corporation Commission.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7659; Amdt. 506]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 10 NOV. 1966.

City, Millville; State, N.J.; Airport name, Millville Municipal; Elev., 87'; Fac. Class., SBRAZ; Ident., MV; Procedure No. 1, Amdt. 8; Eff. date, 29 Feb. 64; Sup. Amdt. No. 7; Dated, 11 Aug. 62

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Salem VOR	LOM	Direct	2600	T-dn	300-1	300-1	300-1½
Carleton VOR	LOM (final)	Direct	2300	C-dn	400-1	500-1	500-1½
YIP LOM	LOM	Direct	2300	8-dn-3 L and R	400-1	400-1	400-1
Creek Int	LOM (final)	Direct	2300	A-dn	800-2	800-2	800-2
Milan Int	LOM	Direct	2300				

Radar available.
Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to Runway 3L, 032°—5.9 miles; to Runway 3R, 037°—6.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM, make left-climbing turn to 2300' and proceed to YIP VOR, or when directed by ATC, make left-climbing turn to 2300' and return to DT LOM.
MSA within 25 miles of the facility: 000°-090°—2800'; 090°-180°—2300'; 180°-270°—2300'; 270°-360°—2300'.

City, Detroit (Romulus); State, Mich.; Airport name, Detroit Metropolitan-Wayne County; Elev., 639'; Fac. Class., LOM; Ident., DT; Procedure No. 1, Amdt. 10; Eff. date, 12 Nov. 66; Sup. Amdt. No. 18; Dated, 11 June 66

AVM VOR	DW LOM	Direct	2700	T-dn	300-1	300-1	300-1½
YIP VOR	DW LOM	Direct	2700	C-dn	800-1	800-1	800-1½
CRL VOR	DW LOM	Direct	2700	8-dn-21 R and L	800-1	800-1	800-1
QO VOR	DW LOM	Direct	2700				
Royal Int	DW LOM (final)	Direct	2600	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 032° Outbnd, 212° Inbnd, 2700' within 10 miles.
Minimum altitude over facility on final approach crs, 2400'.
Crs and distance, facility to Runway 21R, 212°—5.2 miles; to Runway 21L, 205°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing DW LOM, make right-climbing turn to 2300' and proceed direct to YIP VOR, or when directed by ATC, (1) climb to 2300', proceed direct to DT LOM, (2) climb to 2600', make left turn, proceed to Rockwood Int via SVM R 141°.
¢Reduction below ¼ mile not authorized.
MSA within 25 miles of facility: 000°-090°—2800'; 090°-180°—2400'; 180°-270°—2300'; 270°-360°—2600'.

City, Detroit (Romulus); State ,Mich.; Airport name, Detroit Metropolitan-Wayne County; Elev., 639'; Fac. Class., LOM; Ident., DW; Procedure No. 2, Amdt. 6; Eff. date, 12 Nov. 66; Sup. Amdt. No. 5; Dated, 11 June 66

PROCEDURE CANCELED, EFFECTIVE 12 NOV. 1966.

City, Fort Leavenworth; State, Kans.; Airport name, Sherman AAF; Elev., 770'; Fac. Class., MHW; Ident., FRY; Procedure No. 1, Amdt. 4; Eff. date, 5 Sept. 64; Sup. Amdt. No. 3; Dated, 31 Aug. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fort Myers VOR	FMY RBn	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				8-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 221° Outbnd, 041° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 041°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing FMY RBn, climb to 1500' on crs of 057° from FMY RBn within 20 miles.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—1400'; 180°-270°—1200'; 270°-360°—1500'.

City, Fort Myers; State, Fla.; Airport name, Page Field; Elev., 17'; Fac. Class., BH; Ident., FMY; Procedure No. 1, Amdt. 4; Eff. date, 10 Nov. 66; Sup. Amdt. No. 3; Dated, 27 Nov. 65

Eagle Int	LOM	Direct	3000	T-dn	300-1	300-1	*300-1
Seward Int	LOM	Direct	3100	C-dn	500-1	500-1	500-1½
Mead Int	LOM	Direct	3000	8-dn-35 L & R	500-1	500-1	500-1
LNK VOR	LOM	Direct	2800	A-dn	800-2	800-2	800-2
Pawnee City VOR	Sprague Int	Direct	3000				
Sprague Int	LOM (final)	Direct	2800				

Radar available.
Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 2700'.
Crs and distance, facility to Runway 35L, 351°—4.8 miles; to Runway 35R, 354°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles for runway 35L or 5.8 miles for Runway 35R after passing LN LOM, climb to 3000' on the 351° bearing from LOM, turn left and return to LN LOM, or when directed by ATC, climb to 3000', proceed direct to LNK VOR.
*300-1 required Runway 17L/35R.
MSA within 25 miles of facility: 045°-135°—2800'; 135°-225°—2800'; 225°-315°—4100'; 315°-045°—2800'.

City, Lincoln; State, Nebr.; Airport name, Lincoln Municipal/AFB; Elev., 1198'; Fac. Class., LOM; Ident., LN; Procedure No. 1, Amdt. 2; Eff. date, 12 Nov. 66; Sup. Amdt. No. 1; Dated, 17 Apr. 65

MIV VORTAC	Millville RBn	Direct	1800	T-dn	300-1	300-1	200-½
				C-dn	400-1	400-1	400-1½
				8-dn-14	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 144°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Millville RBn, climb on crs, 144° to 1000', make right turn, proceed direct, Millville RBn, climbing to 1700'. Hold NW, 1-minute right turns, Inbnd crs, 144°.
NOTE: Night operations authorized on Runways 10-28 and 14-32 only.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-360°—1600'.

City, Millville; State, N.J.; Airport name, Millville Municipal; Elev., 87'; Fac. Class., MHW; Ident., MIV; Procedure No. 1, Amdt. Orig.; Eff. date, 10 Nov. 66

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fort Sill Int	LAW VOR	Direct	3700	T-dn	300-1	300-1	300-1½
Duncan VOR	LAW VOR	Direct	3000	C-dn	400-1	500-1	500-1½
Temple Int	LAW VOR	Direct	2800	8-dn-35°¶	400-1	400-1	400-1
Chattanooga Int	LAW VOR	Direct	2600	A-dn	800-2	800-2	800-2
Apache Int	LAW VOR	Direct	2800				

Radar available.
Procedure turn not authorized.
Hold S of LAW VOR, 167° Outbnd, 347° Inbnd, left turns, 1 minute, 2600'.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 354°—8.8 miles; abeam PFL RBn to airport, 354°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.8 miles after passing LAW VOR, or 2.3 miles after passing PFL RBn, turn right, climb to 2600' and return to LAW VOR on R 026°, or when directed by ATC, climb to 3500' on LAW VOR R 332° and proceed to Apache Int.
NOTE: (1) Authorized for military use only, except by prior arrangement. (2) Fort Sill approach control at Post AAF.
¢400-¾ authorized with operative high-intensity runway lights except for 4-engine turbojet aircraft; 400-½ authorized with operative SALS except for 4-engine turbojet aircraft.
¶If PFL RBn or Z marker not received, descent below 1900' not authorized and minimums are 700-2.
MSA within 25 miles of facility: 000°-090°—2700'; 090°-180°—2400'; 180°-270°—2200'; 270°-360°—3500'.

City, Fort Sill; State, Okla.; Airport name, Henry Post AAF; Elev., 1187'; Fac. Class., L-BVOR; Ident., LAW; Procedure No. 1, Amdt. 7; Eff. date, 12 Nov. 66; Sup. Amdt. No. 6; Dated, 21 July 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-da	300-1	300-1	300-1½
				C-d	1000-1	1000-1	1000-1½
				C-n	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn W side of crs, 358° Outbnd, 178° Inbnd, 4500′ within 10 miles.
Minimum altitude over facility on final approach crs, 4200′.
Crs and distance, facility to airport, 178°—12.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 12.9 miles of GSG VOR, make left-climbing turn to 4500′, return to VOR, hold N on R 358° at 4500′.
NOTE: DME not authorized. Glasgow DME not colocated with Glasgow VOR.
CAUTION: Runway 7/25 unlighted.
MSA within 25 miles of facility: 270°–090°—4400′; 090°–270°—3900′.

City, Glasgow; State, Mont.; Airport name, Glasgow International; Elev., 2298′; Fac. Class., H-VOR; Ident., GSG; Procedure No. 1, Amdt. Orig.; Eff. date, 10 Nov. 66

				T-dn%	300-1	300-1	200-1½
				C-d	600-1	600-1	600-1½
				C-n	600-1½	600-1½	600-1½
				S-dn-34	600-1	600-1	600-1
				A-dn	NA	NA	NA

Procedure turn E side of crs, 156° Outbnd, 336° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 336°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles of GPZ VOR make right-climbing turn to 3000′ on R 156° of GPZ VOR, hold SE on R 156° at 3000′.
NOTES: (1) Final approach from holding pattern at VOR not authorized. Procedure turn required. (2) Use Hibbing, Minn., altimeter setting.
CAUTION: Runways 10/28, 4/22 unlighted.
%Takeoffs, Runway 34: Westbound aircraft maintain runway heading until reaching 2000′. Takeoffs, Runway 28: 300-1 required. Restrictions due to 1549′ tower, 0.75 mile W.
MSA within 25 miles of facility: 000°–360°—2900′.

City, Grand Rapids; State, Minn.; Airport name, Municipal; Elev., 1330′; Fac. Class., L-BVOR; Ident., GPZ; Procedure No. 1, Amdt. Orig.; Eff. date, 10 Nov. 66

PROCEDURE CANCELED, EFFECTIVE 12 NOV. 1966.

City, Hopkinsville; State, Ky.; Airport name, Hopkinsville-Christian County; Elev., 541′; Fac. Class., VOR; Ident., HOP; Procedure No. 1, Amdt. 1; Eff. date, 31 July 65; Sup. Amdt. No. Orig.; Dated, 8 Feb. 64

Reef Int/DME	Taro Int/DME	Direct	1500	T-dn%	300-1	300-1	200-1½
Taro Int/DME	Kona VORTAC	Direct	500	C-dn‡	600-1	600-1	600-1½
				S-dn-11	500-1	500-1	500-1
				A-dn‡	800-2	800-2	800-2

Procedure turn S side of crs, 312° Outbnd, 132° Inbnd, 2000′ within 10 miles of Reef Int.
Procedure turn not required when cleared for an approach Inbnd on V–5, V–5W, or V–11.
Minimum altitude over facility on final approach crs, 2000′ over Reef Int; 1500′ over Taro Int/DME; 500′ over KOA VORTAC.
Crs and distance, facility to airport, 118°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of KAO VORTAC, make immediate right turn and climb to 2000′ on R 312° within 20 miles.
NOTE: Reductions not authorized. Part-time control zone only.
%Takeoff, Runway 11, turn right; all departures must climb between radials 180° to 330° clockwise.
‡CAUTION: Terrain 800′, 1.6 miles NE; circling to NE of runway centerline not authorized.
#Alternate minimums authorized only for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 340°–070°—11,000′; 070°–160°—15,000′; 160°–340°—2000′.

City, Kailua, Kona; State, Hawaii; Airport name, Kona; Elev., 16′; Fac. Class., H-BVORTAC; Ident., KOA; Procedure No. 1, Amdt. Orig.; Eff. date, 10-Nov. 66

LE LOM	LEX VOR	Direct	3000	T-dn	300-1	300-1	200-1½
Richmond Int	LEX VOR	Direct	3000	C-d	600-1	600-1	600-1½
Irvine Int	LEX VOR	Direct	3000	C-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2
				DME minimums—DME equipment required:			
				C-dn	400-1	400-1	400-1½

Procedure turn N side of crs, 124° Outbnd, 304° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′; over 5-mile DME Fix R 304°, 1600′.
Crs and distance, facility to airport, 304°—7.3 miles; 5-miles DME Fix R 304° to airport, 304°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing LEX VOR, climb to 2600′ via R 303° of LEX VOR to the Bridgeport Int. Hold W on R 080° LOU VOR, 1-minute right turns, 080° Inbnd. Alternate missed approach: Within 7.3 miles after passing LEX VOR, make left-climbing turn to 2000′, direct to Lexington LOM. Hold SW, 1-minute right turns, 042° Inbnd.
NOTE: When authorized by ATC, DME may be used within 10 miles at 3000′ to position aircraft for approach with elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—3100′, 090°–180°—2600′; 180°–270°—2300′, 270°–360°—2700′.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978′; Fac. Class., H-BVORTAC; Ident., LEX; Procedure No. 1, Amdt. 8; Eff. date, 12 Nov. 66; Sup. Amdt. No. 7; Dated, 17 Oct. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Touhy Int	LNK VOR	Direct	3000	T-dn	300-1	300-1	*300-1½
Murdock 17-mile DME Fix, LNK R 063°	7-mile DME Fix, LNK R 083°	Direct	3000	C-dn	500-1	500-1	500-1½
7-mile DME Fix, LNK R 083° counterclockwise	R 005, LNK VOR	Via 7-mile DME Arc.	3000	S-dn-17R#	400-1	400-1	400-1
				S-dn-17L##	500-1	500-1	500-1
7-mile DME Fix, LNK R 256° clockwise	R 005, LNK VOR	Via 7-mile DME Arc.	3000	A-dn	800-2	800-2	800-2
7-mile DME Fix, LNK R 005°	LNK VOR (final)	Direct	2200				

Radar available.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to Runway 17R, 185°—3.8 miles; to Runway 17L, 177°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles for Runway 17R or 4.1 miles for Runway 17L after passing LNK VOR, proceed to LN LOM climbing to 2800′, or when directed by ATC, intercept LNK VOR, R 176°, climbing to 3000′ within 10 miles, turn left and return to LNK VOR.
NOTE: Final approach from holding pattern at LNK VOR not authorized, procedure turn required.
*300-1 required Runways 17L–35R.
#400-½ authorized with operative HIRL, except for 4-engine turbojets. Reduction not authorized for nonstandard REIL.
##500-½ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—3100′; 090°–180°—2700′; 180°–270°—4100′; 270°–360°—3000′.

City, Lincoln; State, Nebr.; Airport name, Lincoln Municipal/AFB; Elev., 1198′; Fac. Class., L-BVORTAC; Ident., LNK; Procedure No. 1, Amdt. 3; Eff. date, 12 Nov. 66; Sup. Amdt. No. 2; Dated, 30 Oct. 65

				T-dn	300-1	300-1	200-1½
				C-dn	500-1	500-1	500-1½
				S-dn-3*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 197° Outbnd, 017° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 960′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over MVC VOR, climb to 2200′ on R 045° of MVC VOR within 20 miles, or when directed by ATC, turn right, climb to 2000′, return to MVC VOR and enter holding pattern.
NOTE: For weather information at this field contact MOB FSS.
*Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°–360°—1800′.

City, Monroeville; State, Ala.; Airport name, Municipal; Elev., 420′; Fac. Class., L-VOR; Ident., MVC; Procedure No. 1, Amdt. Orig.; Eff. date, 10 Nov. 66

				T-dn	300-1	300-1	200-1½
				C-dn	500-1	500-1	500-1½
				S-dn-21*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 035° Outbnd, 215° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over MVC VOR, climb to 2000′ on R 212° of MVC VOR within 20 miles, or when directed by ATC, turn right, climb to 2000′, return to MVC VOR and enter holding pattern.
NOTE: For weather information at this field contact MOB FSS.
*Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°–360°—1800′.

City, Monroeville; State, Ala.; Airport name, Municipal; Elev., 420′; Fac. Class., L-BVOR; Ident., MVC; Procedure No. 2, Amdt. Orig.; Eff. date, 10 Nov. 66

Searsdale VHF Int	Randall Int (4-mile DME Fix)	Via radar vectors	1500	T-dn	300-1	300-1	200-1½
Randall Int (4-mile DME Fix)	LGA VOR (final)	Direct	*700	C-dn	700-1	700-2	700-2
				A-dn	800-2	800-2	800-2

Radar required.
Procedure turn not authorized. Final approach crs, 230°.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 174°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LGA VOR, climb to 2500′ on LGA VOR, R 220° to Prospect Int. Hold SW Prospect Int, left turns, 1-minute Inbnd, crs, 040°.
AIR CARRIER NOTE: Adjustment of alternate ceiling and visibility minimums not authorized.
NOTE: Dual VOR receivers or VOR/DME receivers required for this procedure.
*Descent to landing minimums authorized only after passing Randall VHF Int (4-mile DME Fix).
MSA within 25 miles of facility: 045°–225°—1600′; 225°–315°—2600′; 315°–045°—2200′.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21′; Fac. Class., L-VOR/DME; Ident., LGA; Procedure No. 1, Amdt. 5; Eff. date, 12 Nov. 66; Sup. Amdt. No. 4; Dated, 27 Mar. 65

Searsdale VHF Int	City Int/3.8-mile DME Fix	Via radar vectors	1500	T-dn	500-1	500-1	200-1½
City Int/3.8-mile DME Fix	LGA VOR (final)	Direct	700	C-dn*	700-1	700-2	700-2
				A-dn	800-2	800-2	800-2

Radar required.
Procedure turn not authorized. Final approach crs, 235°
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 174°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LGA VOR, climb to 2500′ on LGA VOR R 220° to Prospect Int. Hold SW Prospect Int left turns, 1-minute Inbnd, crs, 040°.
AIR CARRIER NOTE: Adjustment of alternate ceiling and visibility minimums not authorized.
NOTE: Dual VOR receivers or VOR/DME receivers required for this procedure.
*Descent to landing minimums authorized only after passing City Int/3.8-mile DME Fix.
MSA within 25 miles of facility: 045°–225°—1600′; 225°–315°—2600′; 315°–045°—2200′.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21′; Fac. Class., L-VOR/DME; Ident., LGA; Procedure No. 3, Amdt. Orig; Eff. date, 12 Nov. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Oxford Int	RKA VOR (final)	Direct	3800	T–dn	500–1	500–1	NA
				T–n	NA	NA	NA
				C–d	1000–1⅛	1000–1⅛	NA
				C–n	NA	NA	NA
				S–dn	NA	NA	NA
				A–dn	NA	NA	NA

Procedure turn S side of crs, 257° Outbnd, 077° Inbnd, 3800′ within 10 miles.
Minimum altitude over facility on final approach crs, 3800′.
Crs and distance, facility to airport, 077°—8.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing RKA VOR, make left-climbing turn to 3800′ direct RKA VOR. Hold W of RKA VOR, 1-minute right turns, 076° Inbnd.
CAUTION: Use Binghamton altimeter setting.
MSA within 25 miles of facility: 000°–090°—3500′; 090°–180°—4000′; 180°–360°—3500′.

City, Oneonta; State, N.Y.; Airport name, Municipal; Elev., 1765′; Fac. Class., L-BVOR; Ident., RKA; Procedure No. 1, Amdt. Orig.; Eff. date, 12 Nov. 66

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn	300–1	300–1	200–½
				C–dn*	500–1	500–1	500–1⅛
				S–dn–27‡	500–1	500–1	500–1
				A–dn‡	900–2	900–2	900–2

Procedure turn N side of crs, 101° Outbnd, 281° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1103′ (1203′ when control zone not effective).
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2100′ on R 281° within 10 miles, make right turn and return to VOR.
NOTE: Use Marquette altimeter setting when control zone not effective.
CAUTION: (1) 752′ water tower, 1.2 miles NNE of airport. (2) Magnetic disturbance of as much as 14° exists at ground level at Escanaba.
*Circling and straight-in ceiling minimums are raised 300′ and alternate minimums not authorized when control zone not effective.
‡These minimums apply at all times for air carriers with approved weather reporting service.
#Reduction not authorized for nonstandard REIL.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—1700′; 180°–270°—2300′; 270°–360°—2300′.

City, Escanaba; State, Mich.; Airport name, Escanaba Municipal; Elev., 603′; Fac. Class., L-BVOR; Ident., ESC; Procedure No. Ter VOR–27; Amdt. Orig.; Eff. date, 10 Nov. 66

Elizabeth Int	FFM VOR	Direct	3000	T–dn*	300–1	300–1	200–½
				C–d	800–1	800–1	800–1⅛
				C–n	800–1⅛	800–1⅛	800–1⅛
				S–dn–35	500–1	500–1	500–1
				A–dn	NA	NA	NA

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs 1945′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FFM VOR, make left-climbing turn to 2600′ on R 179° of FFM VOR, hold S on R 179° at 3000′.
NOTE: Use Alexandria altimeter setting.
CAUTION: Runways 9–27, 15–33 unlighted.
*Takeoffs, Runways 15, 19, 35, maintain takeoff heading until reaching 2000′ before turning eastbound. 400–2 required for takeoffs Runway 9. Restrictions due to 1550′ tower, 1.3 miles E.
MSA within 25 miles of facility: 000°–180°—2900′; 180°–360°—2400′.

City, Fergus Falls; State, Minn.; Airport name, Fergus Falls Municipal (Einar Mickelson Field); Elev., 1185′; Fac. Class., T–BVOR; Ident., FFM; Procedure No. TerVOR–35, Amdt. 1; Eff. date, 12 Nov. 66; Sup. Amdt. No. TerVOR–1, Orig.; Dated, 18 Aug. 66

R 125°, FNT VOR clockwise	R 222°, FNT VOR	Via 9-mile DME Arc.	2800	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1⅛
R 340°, FNT VOR counterclockwise	R 222°, FNT VOR	Via 9-mile DME Arc.	2600	S–dn–5	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
9-mile DME Fix, FNT R 222°	4-mile DME Fix, R 222° (final)	Direct	1281	Minimums with DME:			
				C–dn	400–1	400–1	400–1⅛
				S–dn–5	400–1	400–1	400–1

Procedure turn W side of crs, 222° Outbnd, 042° Inbnd, 2100′ within 10 miles.
Minimum altitude over 4-mile DME Fix on final approach crs, 1281′.
Crs and distance, breakoff point to Runway 4, 049°—0.23 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FNT VOR make right-climbing turn and proceed to Davis Int via FNT R 078° at 2400′, or when directed by ATC, make left-climbing turn and proceed direct to FN LOM at 2100′.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—2600′; 180°–270°—2200′; 270°–360°—2600′.

City, Flint; State, Mich.; Airport name, Bishop; Elev., 781′; Fac. Class., L–BVORTAC; Ident., FNT; Procedure No. Ter VOR–5, Amdt. 4; Eff. date, 12 Nov. 66; Sup. Amdt. No. 3; Dated, 24 Sept. 66

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Owosso Int/DME Fix	10-mile DME Fix, R 283°	Direct	2600	T–dn	300–1	300–1	200–½
10-mile DME Fix, R 283°	4-mile DME Fix (final)	Direct	1281	C–dn	500–1	500–1	500–1⅛
R 172°, FNT VOR clockwise	R 283° FNT VOR	Via 10-mile DME Arc.	2600	S–dn–9	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
R 040°, FNT VOR counterclockwise	R 283°	Via 10-mile DME Arc.	2600	Minimums with DME:			
				C–dn	400–1	500–1	500–1⅛
				S–dn 9#	400–1	400–1	400–1

Procedure turn S side of crs, 283° Outbnd, 103° Inbnd, 2100′ within 10 miles of VOR.
Minimum altitude over 4-mile DME Fix on final approach crs, 1281′.
Crs and distance, breakoff point to Runway 9, 091°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FNT VOR, make left-climbing turn and proceed to Davis Int via FNT R 078° at 2400′, or when directed by ATC, make climbing right turn and proceed direct to FN LOM at 2100′.
#400–¾ authorized, with operative high-intensity runway lights, except 4-engine turbojets.
#400–½ authorized, with operative ALS except 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—2600′; 180°–270°—2200′; 270°–360°—2600′.

City, Flint; State, Mich.; Airport name, Bishop; Elev., 781′; Fac. Class., L–BVORTAC; Ident., FNT; Procedure No. Ter Vor 9, Amdt. 7; Eff. date, 12 Nov. 66; Sup. Amdt. No. 6; Dated, 24 Sept. 66

Davis Int	Plant Int (final)	Direct	1581	T–dn	300–1	300–1	200–½
R 340°, FNT VOR clockwise	R 078°, FNT VOR	Via 10-mile DME Arc.	2600	C–dn	800–1	800–1	800–1⅛
				S–dn–27	800–1	800–1	800–1
R 172°, FNT VOR counterclockwise	R 078°, FNT VOR	Via 10-mile DME Arc.	2600	A–dn	800–2	800–2	800–2
				Minimums with DME or dual VOR receivers:			
10-mile DME Fix, R 078°	Davis Int	Direct	1800	C–dn	500–1	500–1	500–1⅛
				S–dn–27	500–1	800–1	800–1

Procedure turn N side of crs, 078° Outbnd, 258° Inbnd, 2300′ within 10 miles.
Minimum altitude over Plant Int on final approach crs, 1581′.
Crs and distance, breakoff point to Runway 27, 271°—0.49 mile.
Crs and distance, Plant Int to airport, 258°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FNT VOR, make right-climbing turn to 2100′ and proceed direct to the FN LOM, or when directed by ATC, make left-climbing turn and proceed to Davis Int via FNT R 078° at 2400′.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—2600′; 180°–270°—2200′; 270°–360°—2600′.

City, Flint; State, Mich.; Airport name, Bishop; Elev., 781′; Fac. Class., L–BVORTAC; Ident., FNT; Procedure No. Ter VOR 27, Amdt. 4; Eff. date, 12 Nov. 66; Sup. Amdt. No. 3; Dated, 24 Sept. 66

Moneta Int	RIW VOR	Direct	7000	T–dn	300–1	300–1	300–1
Sweetwater Int	RIW VOR	Direct	9000	C–dn	600–1	600–1	600–1⅛
Boysen Reservoir R 180°/5-mile DME Fix	RIW VOR	Direct	7000	S–dn	600–1	600–1	600–1
Crowheart Int	RIW VOR	Direct	7800	A–dn*	NA	NA	NA
Hunt Int	RIW VOR	Direct	8000				

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 7000′ within 10 miles.
Minimum altitude over facility on final approach crs, 6100′.
Facility on airport. Breakoff point to runway, 098°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over RIW VOR, climb to 7500′ on R 103° within 15 miles.
NOTE: Use Worland altimeter setting when control zone is not effective.
*Alternate minimums of 800–2 authorized for air carrier with weather reporting service available at airport.
MSA within 25 miles of facility: 270°–180°—9600′; 180°–270°—12,200′.

City, Riverton; State, Wyo.; Airport name, Riverton Municipal; Elev., 5509′; Fac. Class., L–BVOR; Ident., RIW; Procedure No. Ter VOR–10, Amdt. 3; Eff. date, 12 Nov. 66; Sup. Amdt. No. 2; Dated, 22 May 65

Moneta Int	RIW VOR	Direct	7000	T–dn	300–1	300–1	300–1
Sweetwater Int	RIW VOR	Direct	9000	C–dn	800–1	800–1	800–1⅛
Boysen Reservoir R 180°/5-mile DME FIX	RIW VOR	Direct	7000	S–dn	400–1	400–1	400–1
Crowheart Int	RIW VOR	Direct	7800	A–dn*	NA	NA	NA
Hunt Int	RIW VOR	Direct	8000				

Procedure turn N side of crs, 103° Outbnd, 283° Inbnd, 7000′ within 10 miles.
Minimum altitude over facility on final approach crs, 5909′.
Facility on airport. Breakoff point to runway, 278°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over RIW VOR, climb to 7500′ on R 284° within 15 miles.
NOTE: Use Worland altimeter setting when control zone is not effective.
*Alternate minimums of 800–2 authorized for air carrier with weather reporting service available at airport.
MSA within 25 miles of facility: 270°–180°—9600′; 180°–270°—12,200′.

City, Riverton; State, Wyo.; Airport name, Riverton Municipal; Elev., 5509′; Fac. Class., L–BVOR; Ident., RIW; Procedure No. TerVOR–28, Amdt. 3; Eff. date, 12 Nov. 66; Sup. Amdt. No. 2; Dated, 22 May 65

5. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fort Myers RBn	FMY VOR	Direct	1500	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–4°	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
				If aircraft equipped with operating DME or ADF receivers and FMY RBn or the 4.4-mile DME Fix identified, the following minimums apply:			
				C–dn	400–1	500–1	500–1½
				S–dn–4	400–1	400–1	400–1

Procedure turn S side of crs, 214° Outbnd, 034° Inbnd, 1500′ within 10 miles.
Minimum altitude over the 4.4-mile DME Fix or FMY RBn on final approach crs, 1000′; over FMY VOR, 400′.
Crs and distance, 4.4-mile DME Fix or FMY RBn to breakoff point, 034°—3.3 miles; breakoff point to approach end of runway, 046°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, make right turn, intercept R 060° FMY VOR, climb to 1500′ within 20 miles of FMY VOR.
NOTE: When authorized by ATC, Fort Myers DME may be used for an 8-mile orbit from R 115° clockwise through R 354° at 1500′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
*Reduction not authorized.
MSA within 25 miles of facility: 000°–090°—2100′, 090°–180°—2100′, 180°–270°—1200′, 270°–360°—1500′.

City, Fort Myers; State, Fla.; Airport name, Page Field; Elev., 17′; Fac. Class., L-BVORTAC; Ident., FMY; Procedure No. VOR/DME 1, Amdt. 2; Eff. date, 10 Nov. 66; Sup. Amdt. No. 1; Dated, 25 Dec. 65

PROCEDURE CANCELED, EFFECTIVE 10 NOV. 1966.

City, Kailua, Kona; State, Hawaii; Airport name, Kona; Elev., 16′; Fac. Class., HBVORTAC; Ident., KOA; Procedure No. VOR/DME 1, Amdt. 1; Eff. date, 2 Apr. 66; Sup. Amdt. No. Orig.; Dated, 5 Mar. 66

PROCEDURE CANCELED, EFFECTIVE 12 NOV. 1966.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978′; Fac. Class., BVORTAC; Ident., LEX; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 17 Oct. 64; Sup. Amdt. No. 1; Dated, 21 Mar. 64

MGW VOR	10-mile DME Fix, MGW R 339°	Direct	4000	T–dn	300–1	300–1	200–½
20-mile DME Fix, MGW R 339°	15-mile DME Fix, MGW R 339°	Direct	4000	C–d	600–1	600–1	600–1½
15-mile DME Fix, MGW R 339°	10-mile DME Fix, MGW R 339°	Direct	2500	C–n	600–2	600–2	600–2
10-mile DME Fix, MGW R 339°	6.3-mile DME Fix, MGW R 339° (final)	Direct	1848	S–dn–18°	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 339° Outbnd, 159° Inbnd, 4000′ within 10 miles of the 10-mile DME Fix.
Minimum altitude over 15-mile DME Fix on final approach crs, 4000′; over 10-mile DME Fix, 2500′.
Crs and distance, 10-mile DME Fix to airport, 159°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.3-mile DME Fix, make right-climbing turn to 4000′ proceed to MGW RBn. Hold N, 1-minute right turns, 173° Inbnd.
NOTE: When authorized by ATC, DME may be used between MGW R 270° clockwise to 354° at 4000′ via 20-mile DME Arc to position aircraft for straight-in with elimination of procedure turn.
*Reduction based on lighting aids—not authorized.
MSA within 25 miles of facility: 000°–270°—4300′, 270°–360°—3400′.

City, Morgantown; State, W. Va.; Airport name, Municipal; Elev., 1248′; Fac. Class., L-BVORTAC; Ident., MGW; Procedure No. VOR/DME-2, Amdt. Orig.; Eff. date, 12 Nov. 66

PIR VOR	10-mile DME Fix, R 254°	Direct	3600	T–dn	300–1	300–1	200–½
R 242°, PIR VOR clockwise	R 254°, PIR VOR	Via 16-mile DME Arc.	3600	C–d	400–1	500–1	500–1½
				C–n	400–1½	500–1½	500–2
R 291°, PIR VOR counterclockwise	R 254°, PIR VOR	Via 16-mile DME Arc.	3600	S–dn–7	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2
10-mile DME Fix, R 254°	10-mile DME Fix, R 254° (final)	Direct	2600				

Procedure turn S side of crs, 254° Outbnd, 074° Inbnd, 3600′ between 10- and 20-mile DME Fix, R 254°.
Minimum altitude over 10-mile DME Fix on final approach crs, 2600′.
Crs and distance, 10-mile DME Fix, R 254° to airport, 074°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.8-mile DME Fix, R 254°, climb direct to VOR and to 3500′ on R 076° within 10 miles of VOR.
NOTE: Final approach from holding at 10-mile DME Fix, R 254° not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°–360°—3400′.

City, Pierre; State, S. Dak.; Airport name, Pierre Municipal; Elev., 1742′; Fac. Class., L-BVORTAC; Ident., PIR; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 10 Nov. 66

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Salem VOR	LOM	Direct	3000	T–dn*	300–1	300–1	200–½
YIP LOM	LOM	Direct	2300	C–dn	400–1	400–1	500–1½
Creek Int	LOM (final)	Direct	2300	S–dn–3LS**	200–½	200–½	200–½
Carleton VOR	LOM (final)	Via CRL R 010° and localizer crs.	2300	S–dn–3R#	400–1	400–1	400–1
				A–dn	600–2	600–2	600–2
Milan Int	LOM	Direct	2300				

Radar available.
Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at LOM, 2246′—5.9 miles; at LMM, 841′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM, make left-climbing turn to 2300′ and proceed to YIP VOR, or when directed by ATC, make left-climbing turn to 2300′ and return to DT LOM.
$400–¼ required when glide slope not utilized; 400–½ authorized with operative ALS except for 4-engine turbojets.
#Crs and distance, OM to Runway 3R, 037°—6.6 miles.
*RVR 2400′ authorized Runways 3L and 21R.
**RVR 2400′. Descent below 839′ not authorized unless approach lights are visible.

City, Detroit (Romulus); State, Mich.; Airport name, Detroit Metropolitan-Wayne County; Elev., 639′; Fac. Class., ILS; Ident, I-DTW; Procedure No. ILS-3L-R, Amdt. 16; Eff. date, 12 Nov. 66; Sup. Amdt. No. 15; Dated, 11 June 66

SVM VOR	DW LOM	Direct	2700	T–dn*	300–1	300–1	200–½
YIP VOR	DW LOM	Direct	2700	C–dn	400–1	400–1	500–1½
CRL VOR	DW LOM	Direct	2700	S–dn–21R**#	200–½	200–½	200–½
QG VOR	DW LOM	Direct	2700	A–dn	600–2	600–2	600–2
Royal Int	DW LOM (final)	Direct	2300				

Radar available.
Procedure turn N side of NE crs, 032° Outbnd, 212° Inbnd, 2700′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at OM, 2235′—5.2 miles; at MM, 856′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right-climbing turn to 2300′ and proceed to YIP VOR or as directed by ATC, climb to 2300′, proceed direct to DT LOM.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
*RVR 2400′ authorized Runway 21R.
**RVR 2600′. Descent below 839′ not authorized unless approach lights are visible.
#400–¾ required when glide slope not utilized. Reduction below ¾ not authorized.

City, Detroit (Romulus); State, Mich.; Airport name, Detroit Metropolitan-Wayne County; Elev., 639′; Fac. Class., ILS; Ident, I DWC; Procedure No. ILS-21R, Amdt. 5; Eff. date, 12 Nov. 66; Sup. Amdt. No. 4; Dated, 18 Dec. 65

LEX VOR	LE LOM	Direct	2600	T–dn#	300–1	300–1	200–½
McAfee Int	LE LOM	Direct	2500	C–dn	400–1	500–1	500–1½
Richmond Int	LE LOM	Direct	2600	S–dn–4#	300–¼	300–¼	300–¼
Chaplin Int	Keene Int	Via R 264° LEX VOR.	2500	A–dn	600–2	600–2	600–2
Keene Int	LE LOM (final)	Direct	2000	With glide slope inoperative: S–dn–4*	400–1	400–1	400–1

Procedure turn N side of crs, 222° Outbnd, 042° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 2000′—3.5 miles, at MM, 1190′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2800′ on crs, 042° to the Fayette Int. Hold N, 1-minute right turns, 222° Inbnd.
CAUTION: Glide slope point of touchdown approximately 1450′ in from approach end of runway.
*400–¼ (RVR 4000′) authorized with operative high-intensity runway lights except for 4-engine turbojet aircraft. 400–½ (RVR 2400′) authorized with operative ALS except for 4-engine turbojet aircraft.
#RVR 2400′. Descent below 1278′ not authorized unless approach lights visible.
#RVR 2400′ authorized Runway 4.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978′; Fac. Class., ILS; Ident., I-LEX; Procedure No. ILS 4, Amdt. 6; Eff. date, 12 Nov. 66; Sup. Amdt. No. 5; Dated, 19 June 65

Touhy Int	RAY Int	Via localizer crs	3000	T–dn	300–1	300–1	*200–½
LNK VOR	RAY Int	Direct	3000	C–dn	500–1	500–1	500–1½
LN LOM	RAY Int	Direct	3000	S–dn–17R#	400–1	400–1	400–1
Malcolm 7-mile DME Fix, LNK R 246° Clockwise.	Davey 7-mile DME Fix, LNK R 342°.	Via 7-mile DME Arc.	3000	A–dn	800–2	800–2	800–2
Waverly 7-mile DME Fix, LNK R 063° counterclockwise.	Davey 7-mile DME Fix, LNK R 342°.	Via 7-mile DME Arc.	3000				
Davey 7-mile DME Fix, LNK R 342°	RAY Int (final)	LNK localizer	2200				
Murdock 17-mile DME Fix, LNK R 063°	Waverly 7-mile DME Fix, LNK R 063°.	Direct	3000				

Radar available.
Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 3000′ within 10 miles of RAY Int.
Minimum altitude over RAY Int on final approach crs, 2200′.
Crs and distance, RAY Int to airport, 171°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing RAY Int, climb to 2600′ direct to LN LOM, or when directed by ATC, climb to 3000′ on the 171° bearing from LN LOM or S crs, LNK ILS within 10 miles, make left turn and return to LNK VOR.
NOTE: Dual VOR receivers required.
*300–1 required for Runways 17L/35R.
#400–¾ authorized with operative HIRL, except for 4-engine turbojets. Reduction not authorized for nonstandard REIL.

City, Lincoln; State, Nebr.; Airport name, Lincoln Municipal/AFB; Elev., 1190′; Fac. Class., ILS; Ident., I-LNK; Procedure No. ILS-17R (back crs), Amdt. 1; Eff. date, 12 Nov. 66; Sup. Amdt. No. Orig.; Dated, 17 Aug. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Eagle Int	LN LOM	Direct	3000	T-dn	300-1	300-1	*200-½
Seward Int	LN LOM	Direct	3000	C-dn	500-1	500-1	500-1⅝
Mead Int	LN LOM	Direct	3000	S-dn-35L@	300-½	200-½	300-½
LNK VOR	LN LOM	Direct	2800	A-dn	600-2	600-2	600-2
Pawnee City VOR	Sprague Int	Direct	3000				
Sprague Int	LN LOM (final)	Direct	2700				
Murdock 17-mile DME Fix, LNK R 083° clockwise.	Princeton 17-mile DME Fix, LNK R 174°.	Via 17-mile DME Arc.	3000				
Seward 17-mile DME Fix, LNK R 258° counterclockwise.	Princeton 17-mile DME Fix, LNK R 174°	Via 17-mile DME Arc.	3500				
Princeton 17-mile DME Fix, LNK R 174°.	LN LOM (final)	LNK localizer	2700				

Radar available.
Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2800' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at OM, 3660'—4.8 miles; at MM, 1384'—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LN LOM, proceed direct to LNK VOR climbing to 3000', or when directed by ATC, climb to 3000' on N crs, LNK ILS, make left turn and return to LN LOM.
*300-1 required Runways 17L/35R.
@300-⅝ required when glide slope not utilized and 300-½ authorized with operative ALS, except for 4-engine turbojets.
City, Lincoln; State, Nebr.; Airport name, Lincoln Municipal AFB; Elev., 1198'; Fac. Class., ILS; Ident., I-LNK; Procedure No. ILS-35L, Amdt. 2; Eff. date, 12 Nov. 66; Sup. Amdt. No. 1; Dated, 17 Aug. 65

Rochelle Int	LOM (final)	Direct	2000	T-dn*°	300-1	300-1	200-½
FLL VOR	LOM	Direct	2500	C-dn	400-1	500-1	500-1⅛
RFD VOR	LOM	Direct	2000	S-dn-36R@	200-½	200-½	200-½
Belvedere Int	LOM	Direct	2500	A-dn	600-2	600-2	600-2
JVL VOR	LOM	Direct	*2500				
Malta Int	LOM	Direct	2500				
Creston Int	S crs ILS (final)	Via R 150°, RFD VOR.	2000				

Procedure turn W side of crs, 182° Outbnd, 002° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2000'.
Altitude at glide slope and distance to approach end of runway at LOM, 1966'—4.5 miles; at LMM, 923'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make left-climbing turn to 2500', proceed direct to RFD VOR, or when directed by ATC, (1) climb to 2500' on N crs of ILS within 15 miles, (2) make left-climbing turn to 2000' direct to LOM.
NOTE: When authorized by ATC, RFD DME may be used to position aircraft for straight-in approach at 2000' between R 240° counterclockwise to R 155° via 15-mile DME Arc with elimination of procedure turn.
@300-⅝ required when glide slope not utilized, and 300-½ authorized with operative ALS except for 4-engine turbojets.
*2000' after passing RFD VOR, R 000°.
**RVR 2400' authorized Runway 36.
$RVR 2400'. Descent below 935' not authorized unless approach lights are visible.
City, Rockford; State, Ill.; Airport name, Greater Rockford, Elev., 735'; Fac. Class., ILS; Ident., I RFD; Procedure No. ILS-36, Amdt. 7; Eff. date, 12 Nov. 66; Sup. Amdt. No. 6; Dated, 29 Mar. 66

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
000°	360°	0-7 mile	1800	Surveillance approaches			
000°	360°	7-15 miles	2300	T-dn*@	300-1	300-1	200-½
000°	360°	15-30 miles	2800	C-dn-9			
				3 L and R, 21 L, 27, 33.	400-1	500-1	500-1⅛
				S-dn-9			
				3L,* 3R#, 21 L#, 27, 33.	400-1	400-1	400-1
				C-dn-21R	500-1	500-1	500-1⅛
				S-dn-21R#	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 3 L and R, 33—Left turn to 2300' and proceed to YIP VOR. Runways 21 R and L—Right turn to 2300' and proceed direct to YIP VOR. Runway 9—Left turn to 2700' and proceed direct to DW LOM. Runway 27—Climb to 2800' and proceed direct to YIP VOR.
NOTE: Radar control will provide 1000' vertical clearance within a 3-mile radius of 1311' tower, 7 miles SE, 4 towers, 1700' to 1735', 15 miles NE.
@ RVR 2400' authorized Runways 3L and 21R.
*400-1 authorized with operative ALS, 400-¾ authorized with HIRL, except for 4-engine turbojets.
#300-1 authorized with operative HIRL except for 4-engine turbojets.
**500-¾ authorized with operative HIRL, except for 4-engine turbojets. Reduction below ¾ mile not authorized.
City, Detroit; State, Mich.; Airport name, Detroit Metropolitan-Wayne County; Elev., 630'; Fac. Class. and Ident., Detroit Metropolitan Radar; Procedure No. 1, Amdt. 2; Eff. date, 12 Nov. 66; Sup. Amdt. No. 1; Dated, 6 Aug. 66

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)*	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
000°	360°	0-10 miles	1900	Precision approach			
360°	015°	10-30 miles	1900	T-dn	300-1	300-1	200-1
015°	035°	10-50 miles	2600	C-dn	400-1	500-1	500-1⅛
035°	200°	10-50 miles	1900	S-dn-6R/24L	200-½	200-½	200-½
200°	265°	10-15 miles	2100	A-dn	600-2	600-2	600-2
200°	265°	10-50 miles	2300	Surveillance approach			
265°	360°	10-50 miles	1600	T-dn	300-1	300-1	300-1
				C-dn	400-2	500-2	500-2
				S-dn-6R/24L	400-2	400-2	400-2
				S-dn-6L/24R	400-2	400-2	400-2
				A-dn	800-2	800-2	800-2

All bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished for Runway 6, climb on 065° heading to 2000'; contact Guam approach control. For Runway 24 climb on 275° heading to 2000'; contact Guam approach control.
NOTES: (1) Turbulence may be expected on final approach to Runway 24. (2) PAR glide slope 2.98°. (3) Prior approval required from Commander, Andersen AFB for civil aircraft. (4) Reductions not authorized.
City, Guam, Mariana Islands; Airport name, Andersen AFB; Elev., 605'; Fac. Class. and Ident., Andersen Radar; Procedure No. 1, Amdt. 2; Eff. date, 12 Nov. 66; Sup. Amdt. No. 1; Dated, 5 June 65

		Within:					
All directions	Radar site	25 miles	2500	Precision approach			
All directions#	Radar site	20 miles	1500	C-dn	600-1	600-1	600-1⅛
169°	223°	4-15 miles	1000	S-dn-4R**	200-½	200-½	200-½
				A-dn-4R	600-2	600-2	600-2
				Surveillance approach			
				T-dn*	300-1	300-1	200-1
				C-dn	600-1	600-1	600-1⅛
				S-dn-4L	600-1	600-1	600-1
				S-dn-13L@	500-1	500-1	500-1
				S-dn-22R	500-1	500-1	500-1
				S-dn-31R%	500-1	500-1	500-1
				A-dn-All	800-2	800-2	800-2

All bearings are from the radar site with azimuth progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 4R, 4L—Make right-climbing turn to 3000' on JFK VOR R 077° to DPK VOR. Hold E 1-minute left turns, Inbnd crs, 257°. Runway 13L—Climb straight ahead to intercept JFK R 077°, proceed to DPK VOR climbing to 3000'. Hold E DPK VOR 1-minute left turns, 257° Inbnd. Runways 22R, 31R—Make left-climbing turn to 2000' on JFK VOR R 189° to Channel Int. Hold S, 1-minute right turns, Inbnd crs, 009°.
@Except W of LGA VOR radials 045°-210°, 2500' minimum altitude required.
#Runway 13L only—Maintain 800' until passing 3-mile Radar Fix.
*RVR Runways 4R, 22L—2000' 4-engine turbojet. 1800' other aircraft. RVR Runway 31L 2000'. RVR Runway 31R 2400'.
**RVR 2000' 4-engine turbojet. 1800' other aircraft. Descent below 212' not authorized unless ALS visible.
%500-¾ (RVR 4000') authorized with operative HIRL, except for 4-engine turbojet aircraft.
City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class. and Ident., Kennedy Radar; Procedure No. 1, Amdt. 13; Eff. date, 12 Nov. 66; Sup. Amdt. No. 12; Dated, 24 Sept. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775))

Issued in Washington, D.C., on October 5, 1966.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-11062, Filed, Oct. 20, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 148k—NYSTATIN

Nystatin-Neomycin Sulfate-Gramicidin-Fludrocortisone Acetate Ointment

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507(h), 59 Stat. 463, as amended 76 Stat. 786; 21 U.S.C. 357(h)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 148k.3 is amended to provide for the certification of nystatin-neomycin sulfate-gramicidin-fludrocortisone acetate ointment by revising the section heading and paragraph (a)(1) to read as follows:

§ 148k.3 Nystatin-neomycin sulfate-gramicidin-triamcinolone acetonide ointment; nystatin-neomycin sulfate-gramicidin-fludrocortisone acetate ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* The drug is nystatin, neomycin sulfate, gramicidin, and either triamcinolone acetonide or fludrocortisone acetate in a suitable ointment base. Each gram contains 100,000 units of nystatin, 2.5 milligrams of neomycin, 0.25 milligram of gramicidin, and either 1.0 milligram of triamcinolone acetonide or 1.0 milligram of fludrocortisone acetate. Its moisture content is not more than 0.5 percent. The nystatin used conforms to the standards prescribed by § 148k.1(a)(1)(i), (iii), (iv), and (v). The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (v), (vi), and (vii) of this chapter. The gramicidin used conforms to the standards prescribed by § 148f.1(a)(1)(i), (iii), (iv), (v), and (vi) of this chapter. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * * *

The amendments in this order are, in effect, the initial issuance of a regulation providing for certification under section 507 of the Federal Food, Drug, and Cosmetic Act of a drug for which a prior approval of an application under section 505 of the act was effective the day before the effective date of section 507(h) of the act. This order is in accordance with the provision of section 507(h) that such initial issuance shall, with respect to the conditions of use prescribed, recommended, or suggested in the labeling covered by such application, not be conditioned upon an affirmative finding of the efficacy of such drug. Accordingly, I find that notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507(h), 59 Stat. 463, as amended, 76 Stat. 736; 21 U.S.C. 357(h))

Dated: October 10, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11509; Filed, Oct. 20, 1966; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 131]

LEASING AND PERMITTING

Duration of Leases; Pyramid Lake Reservation

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 22; 25 U.S.C. 2 and 9), and the Act of April 27, 1966 (80 Stat. 132), it is proposed to amend § 131.8(a), Title 25, Code of Federal Regulations, as set forth below.

The purpose of this change is to implement the Act of April 27, 1966 (80 Stat. 132), "To amend the Indian Long-Term Leasing Act." This act added the Pyramid Lake Reservation to those for which authority has been granted under section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), to make leases for terms of not to exceed 99 years for public, religious, educational, recreational, residential, or business purposes, including the development or utilization of natural resources in connection with operations under such leases, and for those farming purposes which require the making of a substantial investment in the improvement of the land for the production of specialized crops.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 131.8(a) is amended to read as follows:

§ 131.8 Duration of leases.

• • • • •

(a) Leases for public, religious, educational, recreational, residential, or business purposes shall not exceed 25 years but may include provisions authorizing a renewal or an extension for one additional term of not to exceed 25 years, except such leases of land on the Hollywood (formerly Dania) Reservation, Fla.; the Navajo Reservation, Ariz., N. Mex., and Utah; the Palm Springs Reservation, Calif.; the Southern Ute Reservation, Colo.; the Fort Mojave Reservation, Calif., Ariz., and Nev.; the Pyramid Lake Reservation, Nev.; and land on the Colorado River Reservation, Ariz. and Calif., as stated in § 131.18; which leases may be made for terms of not to exceed 99 years.

• • • • •

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

OCTOBER 17, 1966.

[F.R. Doc. 66-11477; Filed, Oct. 20, 1966; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1012]

[Docket No. AO-347-A4]

MILK IN TAMPA BAY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Tampa Bay marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the third day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Tampa, Fla., on September 13, 1966, pursuant to notice thereof which was issued August 23, 1966 (31 F.R. 11397).

The material issue on the record of the hearing relates to designating a cooperative as the handler of farm tank milk.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Designating a cooperative as the handler of farm tank milk. A cooperative association should be a handler for milk delivered from the farm to a pool plant in a tank truck owned and operated by or under contract to such association.

Currently, the operator of the plant receiving milk from producers must account for such milk and pay the producers. Once milk from a producer has been commingled with milk from other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. A similar situation prevails when the milk of an individual producer is delivered in a tank truck to two or more plants. The operator of a pool plant to which bulk tank milk is delivered has an opportunity only to determine the weight and butterfat test of the total load.

If a tank truck picking up milk at the farm is owned and operated by or under contract to a cooperative association and the association determines the weight and butterfat content of each producer's milk, a handler has no control and generally takes no part in determining the weights and butterfat tests of milk at the farm. In some instances, the handler may not even know from which farms the milk is shipped.

Making a cooperative a handler on its producers' bulk tank milk as herein provided will afford a practicable basis of accounting for such milk. In addition, it will provide flexibility to a cooperative's operations in allocating its members' bulk tank milk among handlers and facilitate the diversion of such milk to nonpool plants by the cooperative when it is not needed at regulated plants.

The milk delivered by the cooperative as a bulk tank handler should be considered as a receipt of producer milk by the operator of the pool plant at which it was physically received. The pool plant operator's obligation for such milk to the producer-settlement fund, to the administration fund and to the cooperative would be the same as for producer milk received directly from the farm of an individual producer.

The full 2 percent shrinkage allowance on farm tank milk should be permitted the pool plant operator only if he is purchasing it on the basis of farm weights and has so notified the market administrator. Otherwise, the maximum shrinkage in Class III allowed the handler on such milk would be 1.5 percent, and the cooperative would be responsible for any difference between the gross weight of producer milk received in the tank truck at the farms and that delivered to pool plants. This procedure is followed in a number of other Federal orders.

Division of the 2 percent shrinkage allowance between the original receiver and the plant at which it is used is now provided in the order on interplant shipments. It has worked satisfactorily in that regard and is equally appropriate when a pool plant operator is receiving farm tank milk on a basis other than farm weights. In that instance, the cooperative in its capacity as a handler should be allowed 0.5 percent shrinkage and the pool plant operator, 1.5 percent.

In those instances in which a pool plant operator is not purchasing farm tank milk (from a cooperative as a handler) on the basis of farm weights, any difference between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant should be considered a receipt of producer milk by the cooperative at the location of the pool plant.

The cooperative would report such differences, which may reasonably be expected to be within 0.5 percent of the quantity of producer milk determined on the basis of farm weights during the month, to the market administrator for inclusion in the monthly pool computation. Up to 0.5 percent of the total producer farm tank milk involved would be reported and pooled as Class III; any such difference in excess of the maximum allowable Class III shrinkage of 0.5 percent would be Class I.

The cooperative should be responsible for settling with the producer-settlement fund for the total quantity of shrinkage it reported. If the quantities of bulk tank milk physically received at a pool plant from a cooperative during the month are the same as or greater than farm weights, the cooperative should have no settlement to make with the producer-settlement fund on such milk. In those instances wherein the quantities of milk physically received at pool plants are greater than the farm weights, the pool plant operator's obligation to the cooperative and the producer-settlement fund should be on the basis of the weights ascertained at his plant.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of certain interested parties. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Tampa Bay marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1012.13 is revised to read as follows:

§ 1012.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(d) A cooperative association with respect to milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; and

(f) A producer-handler.

2. Section 1012.16(a) is revised to read as follows:

§ 1012.16 Producer milk.

* * * * *

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1012.13(d): *Provided*, That if the milk received at a pool plant from a handler pursuant to § 1012.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1012.13(d) at the location of the pool plant; or

* * * * *

3. Section 1012.30 is revised to read as follows:

§ 1012.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1012.13 (e) or (f), shall report to the market administrator for such month with respect to each plant at which milk is received, reporting in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (including such handler's own production) or, in the case of handlers pursuant to § 1012.13 (b), milk received from dairy farmers;

(2) Fluid milk products and Class II products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1012.16; and

(5) Inventories of fluid milk products and Class II products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

4. In § 1012.31, the introductory text of paragraph (a) is revised to read as follows:

§ 1012.31 Producer payroll reports.

(a) Each handler pursuant to § 1012.13 (a), (c), and (d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

* * * * *

5. In § 1012.32, a new paragraph (c) is added to read as follows:

§ 1012.32 Other reports.

* * * * *

(c) Each handler pursuant to § 1012.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

6. Section 1012.41(c)(5) is revised to read as follows:

§ 1012.41 Classes of utilization.

* * * * *

(c) * * *

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1012.16) but not in excess of:

(i) Two percent of producer milk (except that received from a handler pursuant to § 1012.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1012.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler;

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

* * * * *

7. The introductory text of § 1012.60 is revised to read as follows:

§ 1012.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler pursuant to § 1012.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

* * * * *

Signed at Washington, D.C., on October 17, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-11488; Filed, Oct. 20, 1966; 8:49 a.m.]

[7 CFR Parts 1106, 1126]

[Docket Nos. AO 210-A21, AO 231-A27]

MILK IN OKLAHOMA METROPOLITAN AND NORTH TEXAS MARKETING AREAS

Notice of Joint Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held in the Ramada Room, Ramada Inn, 6900 Cedar Springs Street, Dallas, Tex., beginning at 10 a.m., c.s.t., on November 9, 1966, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the North Texas and Oklahoma Metropolitan marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by North Texas Producers Association:

Proposal No. 1. Review the operation of the supply-demand adjustor in § 1126.51(a) of the North Texas order.

Proposed by Central Oklahoma Milk Producers Association and Pure Milk Producers Association of Eastern Oklahoma:

Proposal No. 2. Review the operation of the supply-demand adjustor in § 1106.51(a) of the Oklahoma Metropolitan order.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from either of the Market Administrators, Byford W. Bain, Post Office Box 35225, Airlawn Station, Dallas, Tex. 75235, or Richard E. Arnold, Post Office Box 4568, Tulsa, Okla. 74114, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on October 17, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-11489; Filed, Oct. 20, 1966; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 13, 1966.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial Number S 31, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for the construction, operation, and maintenance of the planned facilities of the Auburn-Folsom South Unit of the Central Valley Project, Calif.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 13 N., R. 10 E., Sec. 30, NE¼SE¼.

The area described contains 40 acres.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 66–11481; Filed, Oct. 20, 1966; 8:48 a.m.]

Fish and Wildlife Service

[Docket No. A–403]

SYLVESTER J. CHIESLAK

Notice of Loan Application

OCTOBER 17, 1966.

Sylvester J. Chieslak, Box 24, Cohoe, Alaska 99570, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 32-foot vessel to engage in the fishery for salmon, halibut and crab.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause economic hardship or injury.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 66–11478; Filed, Oct. 20, 1966; 8:48 a.m.]

[Docket No. G–378]

DONALD F. AND CECILIA W. KIESEL

Notice of Loan Application

OCTOBER 17, 1966.

Donald F. and Cecilia W. Kiesel, 1214 Donna Drive, Fort Myers, Fla. 33901, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 80-foot steel vessel to engage in the fishery for all commercial species of shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 66–11479; Filed, Oct. 20, 1966; 8:48 a.m.]

[Docket No. B–393]

CECIL E. PRIOR

Notice of Loan Application

OCTOBER 17, 1966.

Cecil E. Prior, Loudville, Maine 04564, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 32-foot wood vessel to engage in the fishery for lobsters.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 66–11480; Filed, Oct. 20, 1966; 8:48 a.m.]

National Park Service

[Order No. 1]

ADMINISTRATIVE ASSISTANT, TONTO NATIONAL MONUMENT, ARIZ.

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. The Administrative Assistant may execute, approve, and administer contracts not in excess of $2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 3. Southwest Region Order 4 (31 F.R. 8134))

JOHN M. BROADBENT,
Superintendent,
Tonto National Monument.

[F.R. Doc. 66–11482; Filed, Oct. 20, 1966; 8:48 a.m.]

[Order No. 2]

ADMINISTRATIVE ASSISTANT, CABRILLO AND CHANNEL ISLANDS NATIONAL MONUMENTS, SAN DIEGO, CALIF.

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. The Administrative Assistant may execute, approve, and administer contracts not in excess of $2,500 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant on behalf of any coordinated area.

2. This order supersedes Order No. 1 issued May 23, 1963.

(National Park Service Order 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2, Western Regional Order 4 (31 F.R. 5577))

Dated: September 21, 1966.

THOMAS R. TUCKER,
Superintendent, Cabrillo and Channel Islands National Monuments.

[F.R. Doc. 66–11483; Filed, Oct. 20, 1966; 8:48 a.m.]

YOSEMITE NATIONAL PARK, ET AL.

Notice of Intention To Extend Concession Contracts

Pursuant to the provisions of section 5, Public Law 89–249, public notice is hereby given that the Department of the Interior, through the Director of the National Park Service, proposes, thirty (30) days after the date of publication of this notice, to extend for the period October 1, 1966, through September 30, 1967, the concession contract under which Best's Studio, Inc., provides concession facilities and services for the public in Yosemite National Park and the following authorizations for the period January 1, 1967, through December 31, 1967:

Louis and Helen Perkins, Olympic National Park.
J. D. and Helen Robinson, Petrified Forest National Park.
Dr. Avery E. Sturm, Yosemite National Park.
Babbitt Brothers Trading Co., Grand Canyon National Park.
Hot Springs Mountain Observatory Co., Hot Springs National Park.
Majestic Hotel Co., Hot Springs National Park.
National Baptist Convention, U.S.A., Inc., Hot Springs National Park.
S. G. Leoffler Co., National Capital Region.
Ozark Bath House Co., Hot Springs National Park.
Overton Resort, Inc., Lake Mead National Recreation Area.
C. W. and M. E. Anderson, Lake Mead National Recreation Area.
Mrs. Louise Bertschy, Grand Teton National Park.
Leo N. Levi Memorial Hospital Association, Hot Springs National Park.
Quapaw Bath House Co., Hot Springs National Park.
Evelyn Hill, Inc., Statue of Liberty National Monument.
Verkamp's, Grand Canyon National Park.
C. W. Gary, Natchez Trace Parkway.
Louis J. Yelanjian, Blue Ridge Parkway.
Cape Hatteras Fishing Pier, Inc., Cape Hatteras National Seashore.
Chicamacomico Enterprises, Cape Hatteras National Seashore.
Lake McDonald Boat Co., Glacier National Park.
Rocky Mountain Outfitters, Inc., Rocky Mountain National Park.
Emery C. Kolb, Grand Canyon National Park.
Northern Consolidated Airlines, Katmai National Monument.
E. C. Koppenhafer, Mesa Verde National Park.
Harry S. and Jeannette M. Schoeffel, Olympic National Park.
Dr. Charles Woessner, Yosemite National Park.

The foregoing concessioners have performed their obligations under prior contracts to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above are entitled to be given preference in the renewal of contracts and in the negotiation of new contracts. However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: October 12, 1966.

JACKSON E. PRICE,
Acting Director,
National Park Service.

[F.R. Doc. 66–11484; Filed, Oct. 20, 1966; 8:48 a.m.]

LAKE MEAD NATIONAL RECREATION AREA

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89–249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with the Cottonwood Cove Corp., authorizing it to continue to provide concession facilities and services for the public in Lake Mead National Recreation Area for a period of twenty (20) years from January 1, 1967.

The foregoing concessioner has performed its obligations under a prior contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Director of the National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: October 12, 1966.

JACKSON E. PRICE,
Acting Director,
National Park Service.

[F.R. Doc. 66–11485; Filed, Oct. 20, 1966; 8:48 a.m.]

KINGS CANYON NATIONAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, Public Law 89–249, public notice is hereby given that the Department of the Interior, through the Superintendent of Sequoia and Kings Canyon National Parks, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue for the period January 1, 1967, through December 31, 1971, the concession permit under which Allen R. Simmons conducts pack and saddle horse operations for the public at the Cedar Grove area in Kings Canyon National Park.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: October 3, 1966.

FRANK F. KOWSKI,
Superintendent, Sequoia and Kings Canyon National Parks.

[F.R. Doc. 66–11486; Filed, Oct. 20, 1966; 8:49 a.m.]

Office of the Secretary

DIRECTOR, BUREAU OF MINES

Delegation of Authority

The following delegation is a portion of the Department of the Interior Manual and the numbering system is that of the Manual.

PART 215—BUREAU OF MINES DELEGATIONS

SEC. 215.9.1. *Delegation of authority—Federal Coal Mine Safety Act Amendments of 1965.* Except as provided in 200 DM 1, the Director, Bureau of Mines, may exercise the authority of the Secretary of the Interior under subsections (e) (1) and (2) of section 5 of the Federal Coal Mine Safety Act Amendments of 1965 (P.L. 89–376, 80 Stat. 84 through 91).

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 13, 1966.

[F.R. Doc. 66–11487; Filed, Oct. 20, 1966; 8:49 a.m.]

LOWER BRULE RESERVATION, S. DAK.

Ordinance Removing Restrictions on Non-Indians on Sale of Intoxicants

Pursuant to the Act of August 15, 1953 (67 Stat. 586), I certify that the following Ordinance, No. LB–67–B, relating to the application of the Federal Indian Liquor Laws on the Lower Brule Reservation was duly enacted on August 4, 1966, by the Lower Brule Sioux Tribal Council which has jurisdiction over the area of Indian country included in the ordinance:

Be it enacted by the Tribal Council of the Lower Brule Sioux Tribe that Chapter XIV of the Code of Law for the Lower Brule Reservation be amended as follows:

Delete in its entirety Item (2) of the third paragraph of Ordinance No. 53–1, An Ordinance Relating to the Application of the Federal Indian Liquor Laws on the Lower Brule Reservation, S. Dak., which reads "(2) that only Indians be permitted to sell intoxicants within this jurisdiction."

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

OCTOBER 14, 1966.

[F.R. Doc. 66–11511; Filed, Oct. 20, 1966; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARCANE

Notice of Hearing on Fair Prices in Puerto Rico and Designation of Presiding Officers

Pursuant to the authority contained in subsection (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held at San Juan, P.R., in the Conference Room of the Agricultural Stabilization and Conservation Service Office, Segarra Building, on November 16, 1966, at 9:30 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices for the 1966–67 crop of Puerto Rican sugarcane.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

To obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to the subject matter involved.

While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer testimony on (a) changes in the costs of producing sugarcane and of processing raw sugar; and (b) the need for continuing the alternative methods of determining the sugar yield of sugarcane delivered by individual producers, such as core sampling of cane or the use of a sample mill, or for providing other alternative methods of sampling cane and determining yields of sugar.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day-to-day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

John C. Bagwell, A. A. Greenwood, W. S. Stevenson, C. F. Denny, and Carlos G. Troche are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on October 18, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66–11513; Filed, Oct. 20, 1966; 8:51 a.m.]

Office of the Secretary

COLORADO

Extension of Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Colorado natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Colorado	Original designation	Present extension
Adams	29 F.R. 9644	30 F.R. 8282
Arapahoe	29 F.R. 9644	30 F.R. 8282
Douglas	29 F.R. 9644	30 F.R. 8282

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of October 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–11490; Filed, Oct. 20, 1966; 8:49 a.m.]

SOUTH DAKOTA AND NORTH DAKOTA

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of South Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Kingsbury. Miner.

It also has been determined that in the hereinafter-named county in the State of North Dakota natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

North Dakota	*Original Designation*
Towner	30 F.R. 9886–9887

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of October 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–11491; Filed, Oct. 20, 1966; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization and Delegations of Authority

Section 8.10 of Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050), as amended, is amended to specify the new internal organization of the Office of Information, as follows:

Office of Information:
Division of Operations.
Division of Production.
Division of Public Inquiries.
(Sec. 6, Reorg. Plan No. 1 of 1953)

Approved: October 14, 1966.

[SEAL] WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66–11510; Filed, Oct. 20, 1966; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4371]

WESTEC CORP.

Order Suspending Trading

OCTOBER 17, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is requird in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 18, 1966, through October 27, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–11512; Filed, Oct. 20, 1966; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF WASHINGTON

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Washington for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of Washington and summarizing the State's proposed program, was also submitted to the Commission. With the exception of referenced Charts 1–3 and advisory committee memberships, this resume is set forth below as an appendix to this notice. A copy of the program, including proposed Washington regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 12th day of October 1966.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF WASHINGTON FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Washington is authorized under Revised Code of Washington 70.98.110 to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Washington certified on October 3, 1966, that the State of Washington (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in

the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This agreement shall become effective on December 31, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ Day of _____.

For the United States Atomic Energy Commission.

_____

For the State of Washington.

DANIEL J. EVANS,
Governor.

FOREWORD

This document presents the current and proposed programs for managing the use of ionizing radiation in this State in a manner consistent with the paramount need in such use for the protection of the public and occupational health and safety. It includes supporting information on authority, regulation, organization, and resources available.

Washington, an early pioneer in the nuclear age, has worked closely with the Atomic Energy Commission and its contractors in assuring adequate protection through the long period of major nuclear activity in the state. As Washington progresses in the nuclear age, and invites beneficial nuclear development, it is fully aware of the responsibility to assure continuing protection in the use of both new and existing sources of ionizing radiation.

The Governor, on behalf of the State of Washington, is authorized to enter into agreements with the federal government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by the State. This authority is found in the Revised Code of Washington (RCW) 70.98.110 relating to development, regulation, and utilization of sources of ionizing radiation.

The Atomic Energy Commission is authorized to enter into an agreement with the governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control of byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass—this authority is found in section 274b of the Atomic Energy Act of 1954, as amended.

BACKGROUND

PERTINENT EVENTS AND LEGISLATIVE HISTORY

1949—The Columbia River Advisory Group (CRAG) was organized at the request of the Atomic Energy Commission Operations Office in 1949 to advise on matters of reactor waste disposal and water used in the Columbia River. Its members were from Oregon (State Sanitary Authority), Washington (Department of Health and Pollution Control Commission), and the U.S. Public Health Service (Portland Office of the Water Supply and Pollution Control).

1956—An Interim Advisory Committee on Radiation Protection and Control was formed to advise the Department of Health on initiating activity in the control of hazards from ionizing radiation.

A program was formed to undertake activity in air pollution and radiation control in the "then" Division of Engineering and Sanitation.

1957—Chapter 43.39 RCW was passed by the legislature, calling for review by named State departments, including Health, of legislative and regulatory needs, establishing the position of Coordinator of Atomic Development Activities, and creating an Advisory Council on Atomic Energy.

The Air Sanitation and Radiation Control Section was formally created in the Division of Engineering and Sanitation of the Department of Health. Staff recruitment and training were initiated.

1961—Chapter 70.98 RCW was enacted. It repealed Chapter 43.39 RCW and established the Department of Health as the radiation control agency with authority to register sources of ionizing radiation and to regulate their use. It created the Technical Advisory Board on Radiation Control, established the Department of Commerce and Economic Development as the agency for promotion and development of nuclear energy, and created the Advisory Council on Nuclear Energy and Radiation. It authorized the governor to enter into agreements with the Federal Government for transfer of authority. It provided for administrative and legal proceedings, outlawed shoe fluoroscopes, and provided for exemptions.

1964—Rules and Regulations of the State Radiation Control Agency pertaining to the registration of reportable radiation sources were adopted. These required, in addition to registration, the reporting of changes including loss of control by theft, loss, or accident. Exemptions from registration and reporting were provided.

1965—Chapter 70.98 RCW was amended. The Department of Health was named as the sole agency responsible for administrating the regulatory provisions for the protection of the public and occupational health and safety, and provided for licensing of byproduct, source, special nuclear materials and devices utilizing such materials, or other naturally-occurring or artificially-produced radioactive materials.

Chapter 43.31 RCW was amended establishing the office of Nuclear Energy Development in the Department of Commerce and Economic Development. It authorized the Department to acquire, develop, operate, lease, sublease, or sell land and facilities for nuclear development purposes and provided for perpetual maintenance and/or surveillance for radioactive material waste-management purposes.

1966—Regulations for licensing, registration, and standards for protection pertaining to the use of ionizing radiation were adopted.

From the time of the establishment of the Advisory Council on Atomic Energy, the Council and its successor, the Advisory Council on Nuclear Energy and Radiation, have provided continuous leadership in developing and improving legislation which would enable Washington to become an agreement-state and to undertake the development of its nuclear potential. The Departments of Health and of Commerce and Economic Development have worked closely with the Councils in this endeavor.

The Department of Health was an active participant in the Columbia River Advisory Group. Through this mechanism, while no formal State programs had been established, it was able to continuously review appropriate information on Hanford waste disposal practices and to advise the Atomic Energy Commission and its contractors concerning discharges to the Columbia River and significant water uses.

PREVIOUS AND CURRENT ACTIVITIES

The initiation of Departmental programs directed at the problems associated with ionizing radiation resulted in a series of activities the most significant of which are described below.

Tuberculosis chest X-ray program. Beginning in 1957, more emphasis in this long-standing program was placed on radiation protection. The continuous effort to upgrade X-ray picture quality through improved technique resulted in reducing unnecessary exposure—in participating public agency, private physician, and hospital installations. X-ray installation and operations inspections and consultation were performed by an engineer who is now a senior member of the section radiation control staff.

Environmental surveillance. The Department has participated continuously since 1956 in the U.S. Public Health Service Radiation Surveillance Network for air and precipitation sampling and coordinated local health department's participation. All of the technical staff of the section have participated in this program. Arrangements were made for regular collection of milk by local health departments in the milksheds for Seattle since 1960 and Spokane since 1958 for the National Pasteurized Milk Network.

A raw milk network was established in 1962 to provide for early detection in producing areas of elevated levels of radioactivity from fallout. It continues to operate on a flexible schedule to meet the need.

A substantial program of monitoring of surface and ground water, shellfish, and water biota was initiated in 1961. Equipment resources and part of other costs were largely supported through a contract with the U.S. Public Health Service. The total State network program includes (as of July 1, 1966), 61 active stations of which 39 are for surface water, 10 for shellfish, 9 for raw milk, 2 for air precipitation, and 1 for salt water and sediment. Ground water is sampled at random locations. Sample collection is largely dependent upon cooperators from local health and water departments and the State Pollution Control Commission. Exclusive of air and precipitation, a total of 1,167 samples were collected and analyzed during the 24 months ending June 30, 1966. Four annual reports have been prepared covering this work. Since 1958 the environmental surveillance program has been under the supervision of the staff member now serving as assistant section head and technical director and is operated by a Sanitary Engineer II.

X-ray survey. In 1958, a study was conducted in 352 dental offices using film badges for operator personnel and site exposure determinations. After a period of 1 month, the badges were collected, developed and evaluated. Thirty-eight offices with the highest personnel film badge readings were revisited for the purpose of recommending measures to reduce exposure levels. Filters and/or collimators were added as needed and protective measures for operators were recommended. All others surveyed were notified of the results by letter. This survey was conducted through joint arrangement with the Washington State Dental Association and the U.S. Public Health Service.

In 1962, Sur-Pak kits were sent to all dentists in Washington listed with the Department of Professional Licenses. A total of 1,344 Sur-Paks were returned and evaluated. The dentists were notified of the evaluation of their equipment. Where indicated, the filter and collimator, as required, were mailed to the dentist with instructions for installing them on his particular machine. Those requiring more difficult procedures were revisited by survey teams who made the modifications for the dentist.

In 1962, physical surveys were started on dental X-ray machines using U.S. Public Health Service X-ray protection survey procedures. A written report was left with the dentist and, when indicated, recommendations for compliance with the standards of the American Academy of Oral Roentgenology were included. Filters and collimators, as required, were installed.

In 1963, radiation protection demonstration surveys were started on other diagnostic X-ray installations in the healing arts. In 1966, medical X-ray therapy equipment surveys were started. The demonstration surveys are conducted in the manner of combined inspections and consultations, but without the basis of formal regulations.

Surveys were based on N.C.R.P. recommended physical standards, as published in National Bureau of Standards Handbook No. 76. A written report with recommendations was left with the user after each survey. Where filters were needed, they were furnished and installed by the survey team.

The following table indicates the number of surveys in each category that have been completed and an estimate of the degree of compliance, including corrections made as a result of the survey. Approximately 50 percent of all dental X-ray machines, 90 percent of the diagnostic equipment used by physicians, and 10 percent of the X-ray therapy equipment have been physically surveyed. Of all the remaining categories, about 95 percent have had an initial survey visit.

X-RAY SURVEYS TO JULY 1, 1966

Category	Number of facilities surveyed	Number of X-ray units surveyed	Estimated percent in compliance after survey
Physicians (M.D.)	799	1,064	70
Osteopaths	68	81	70
Chiropractors	147	180	96
Chiropodists	33	33	96
Veterinary	173	183	85
Hospitals	104	841	90
Industrial	10	23	100
Dentists	537	1,063	96
Naturopaths	9	10	70
Schools	8	12	100
Health Departments	33	36	95
Nursing Homes	2	2	100
State Institutions	12	31	90
Others	15	15	90
Totals	2,260	3,163	

Registration. Registration of all sources of ionizing radiation, with the exception of certain minor exempt sources, in accordance with Department regulations was started late in 1964. The initial registration phase has been completed. A simple return post card registration form was used to enhance a more rapid and complete response. Department of Licenses professional listings, Atomic Energy Commission licensee records, and professional and industrial society rosters were utilized to develop a mailing list. An informational program, directed through public and organizational channels, called attention to the registration requirement. Based upon registration data to July 1, 1966, the following table summarizes the radiation use picture in the state excluding uses under AEC licenses.

Category of user (Federal agencies not included)	Number of X-ray units	Number of locations with radium	Miscellaneous (other sources)
Human uses:			
Physicians (M.D.)	1,197	21	3
Other licensed Practitioners	295	1	----
Industrial medicine	20	----	----
Health programs	88	----	----
Hospitals*	667	18	----
Dentists	1,432	----	----
Industrial** (Non-medical)	88	8	4
Universities, Colleges and Schools	76	3	36
Veterinary	245	----	----
Totals	4,289	61	43

*Includes University of Washington Hospital.
**Includes commercial, Civil Defense, and miscellaneous.

Radioactive materials. With the exception of radium, essentially all radioactive material of significant quantity is under the jurisdiction of the Atomic Energy Commission. The Department section staff, starting in 1956, has regularly accompanied the AEC on licensee inspections. In the 2½-year period ending July 1, 1966, present staff members participated in 79 percent of all AEC inspections in the State. As of July 1, 1966, there were approximately 190 AEC licenses in effect in the State, including Federal installations.

ORGANIZATION AND RESPONSIBILITY

The State government organization for the purpose of development, utilization, and regulation of sources of ionizing radiation is illustrated in Chart 1.

The Advisory Council on Nuclear Energy and Radiation is appointed by the governor and advises and reports to him. It consists of seven appointed members providing representation from industry, labor, the healing arts, research, and education. In addition, the directors of the Departments of Health, Labor and Industries, Agriculture, and Commerce and Economic Development are ex-officio members. Its present membership is shown in the appendix. The Council's duties include:

1. Review and evaluation of State policies and programs.

2. Advice to the governor on matters pertaining to the development, utilization, and regulation of sources of ionizing radiation.

The Department of Health will regulate the use of all sources of ionizing radiation except those which it may exempt or are under the jurisdiction of the Federal Government. This function rests in the Air Quality and Radiation Control Section.

The Technical Advisory Board on Radiation Control is appointed by the Director of Health with the approval of the governor. It consists of nine appointed members including representatives of the healing arts, research, industrial, and other recognized users of ionizing radiation, or experts in the field of physiological effects of ionizing radiation. The Director of Health is ex-officio chairman. The head of the Air Quality and Radiation Control Section is radiation control officer and ex-officio secretary of the Board without vote. Its present membership is shown in the appendix. The Board's duties are to:

1. Furnish technical advice to the Department.

2. Advise with reference to matters of policy affecting administration of the Act.

3. Approve rules and regulations prior to adoption by the Department. In practice the Board participates in the development of proposed rules and regulations and in the public hearing.

The Department of Commerce and Economic Development is responsible for the promotion and development of nuclear energy through its office of Nuclear Energy Development. Its functions, powers, and duties are to:

1. Advise the governor and the legislature regarding nuclear progress and State policy for research, development, and education.

2. Sponsor, support, or conduct appropriate studies and issue reports on nuclear progress.

3. Develop information on sites for nuclear industry and acquire land and facilities for nuclear development use.

DEPARTMENT AND STAFF ORGANIZATION

The Air Quality and Radiation Control Section is one of three sections in the Division of Environmental Health—the other sections being Sanitary Engineering and Environmental Sanitation. The Division of Environmental Health is one of eight in the Department—the others being Health Services, Health Facilities, Nursing, Epidemiology, Laboratories, Local Health Services, and Staff Services.

Legal services are provided by assistants to the Attorney General assigned to the Office of the Director. Statistical services are provided by the Division of Staff Services.

The current organization and functions of the section are illustrated in the attached charts, 2A and 2B. The Section Head has overall administrative responsibility for Section programs. The Assistant Section Head is responsible routinely for the performance of the Air Quality Control Services and the Air-Rad Laboratory Services, and acts fully in the absence of the Section Head. He also provides technical assistance to the Radiation Control Services in instrumentation, special problems and emergencies.

The Radiation Control Services programs are supervised by the Radiation Control Specialist III who reports directly to the Section Head. He will specifically have responsibility for directing the licensing, inspection, and registration activities.

The Licensing and Compliance Unit will be staffed with a Nuclear Energy Licensing Supervisor and a Radiation Control Specialist II. The licensing supervisor position is vacant as of October 1, 1966, but it is expected to be filled before the effective date of the agreement. The Radiation Control Specialist III will initiate the organizational activity for this function and, if necessary, can carry the operating responsibility until the vacancy is filled. This unit will provide the routine review of applications for licenses, amendments, and renewals. Findings will be reported to the Radiation Control Specialist III who will recommend action to the Section Head as to issuance, modification, or denial. The Section Head will make the final determination with the cognizance of or in consultation with the Division Chief and the Director of Health.

The Licensing and Compliance Unit will also maintain the necessary records by which appropriate reviews can be made to determine compatibility with programs of the AEC and other agreement States. It will review inspection reports in order to maintain knowledge on the status of licensee operations and provide information to the Radia-

tion Control Specialist III in determining required corrective measures.

The Inspection and Registration unit is staffed with a Radiation Control Specialist II and a Radiation Control Specialist I. It will carry out the inspection functions for both licensed and registered radiation sources. Inspectors will handle minor items of noncompliance and review all findings including items of noncompliance with management at the time of inspection as outlined under Regulatory Procedures and Policy. It will prepare written reports of all inspections. This unit will also have responsibility for maintaining the registration records with statistical assistance from Staff Services.

The current staff and experience records are shown under STAFF.

Regulatory Procedures and Policy

Licensing and Registration

Licensing procedures and criteria will be consistent with those of the Atomic Energy Commission as provided in Part III of the State Radiation Control Regulations.

General licenses are effective by regulation without the filing of applications with the Department or the issuance of licensing documents. General licenses are issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public and occupational health and safety. Specific licenses or amendments thereto are issued upon review and approval of an application. A specific licensing document will be issued to named persons and will incorporate appropriate conditions and expiration date.

The Department, when it determines such to be appropriate, will request the advice of the Technical Advisory Board on Radiation Control, or appropriate members thereof, with respect to any matter pertaining to a license application, or to criteria for reviewing application.

A Review Committee on Medical Use of Radiation has been appointed by the Director of Health. All applications for nonroutine medical uses of radiation will be referred to the Review Committee for advice and consultation. Appropriate research protocol will be required as part of an application. The Review Committee is composed of persons having training and experience in nonroutine medical uses of radiation. It will at all times contain an appropriate representation of disciplines including, but not limited to, radiology, internal medicine, and pathology. The Department will maintain knowledge of current developments, techniques, and procedures for medical uses applicable to the licensing program through continuing contact and information exchange with the Atomic Energy Commission and other agreement States.

Specific licenses and amendments, or renewals thereto, will be issued for a period of time appropriate to the conditions of use and will be issued over the signature or in the name of the Director of Health.

Typical processing of applications for specific licenses or amendments is shown in Chart 3.

The registration program will be a continuation of the current activity except that it will be applicable only to sources of ionizing radiation other than radioactive material covered by licensing or sources which are exempt by regulation.

Inspection

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations, and provisions of licenses will be conducted as needed.

Inspection frequency will be based upon the extent of the hazard-potential and experience with the particular facility. It is expected that all specific licensees will be inspected at least once each 2-year period. The following frequency is anticipated:

Use of classification	*Usual inspection frequency*
Industrial radiography:	
Fixed installations	Once each 12 months.
Mobile operations	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Broad licenses — industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12–24 months.

Inspections will be made by prearrangement with the licensee or may be announced at reasonable times, as the Department, in its judgment, determines to be most constructive. Consultation visits will be made frequently in the early years of the licensing and compliance program in order to establish understanding and cooperation.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and, instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the licensee management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Department.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the section head for approval.

Compliance and Enforcement

The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license upon request by the licensee may be amended, consistent with Act or regulations, to meet changing conditions in operations or to remedy technicalities of noncompliance of a minor nature. The Department may amend, suspend, or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action, the Department shall notify the licensee of its intent to amend, suspend, or revoke the license and provide the opportunity for a hearing.

The Department will use its best efforts to attain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Whenever the Department finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Administrative Procedures Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Department, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon finding that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the attorney general in the appropriate court upon request of the Department after notice to such person and ample opportunity to comply.

Effective Date of License Transfer

Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued under this chapter which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license or, on the date of expiration specified in the Federal license, whichever is earlier.

Administrative Procedures and Judicial Review

The basic standards of procedure for administrative agencies in the State of Washington are set by the Administrative Procedures Act, Chapter 34.04 RCW. Briefly stated, this act provides for:

1. Due notice to interested persons and opportunity to present data or views either orally or in writing prior to the adoption, amendment, or repeal of any rule.
2. Adoption or amendment of rules in emergency situations without observance of the normal requirements of notice and hearing, upon a finding by the Department that immediate action is necessary for the preservation of the public health, safety, or general welfare.
3. Petition to the Department requesting the promulgation, amendment, or repeal of any rule.
4. Declaratory judgment on the validity of any rule upon petition to the Superior Court of Thurston County, or declaratory ruling by the Department upon petition of any interested person with respect to the applicability of any rule or statute enforceable by the Department.
5. Right to hearing after reasonable notice in a case in which legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined.
6. Judicial review in the appropriate superior court by any person aggrieved by a final decision of the Department, and appeal to the state supreme court for review of and final judgment of the superior court.

Compatibility and Reciprocity

In promulgating rules and regulations, the Department has, insofar as practicable, avoided requiring dual licensing and has provided for such recognition of other state and federal licenses.

Radiological Emergency Capability

Currently, the Department is equipped with suitable instrumentation for monitoring in the event of an incident, or presumed incident, involving spread of contamination, undue exposure, or loss of a radiation source. Such situations have occurred and the staff has provided assistance. By mutual agreement with the Seattle-King County Health Department and Seattle Police Department, the Department staff is on call to provide assistance in that jurisdiction. Qualified persons from the University of Washington and a major industry are likewise on call. Contact communications for that area are established. This basic type of plan with refinements is anticipated throughout the State under Department coordination. In the meantime, the staff will respond in the event of any incident in the State requiring radiological assistance.

Liaison is maintained with the Richland Operations office of the AEC and reciprocal assistance is available. Emergency instrumentation from Richland Operations is maintained in the Department office for its use and is regularly taken to Richland Operations for maintenance.

Emergency communications and transportation are available through State and local authorities including police and Civil Defense. By mutual understanding with the Department of Civil Defense, reciprocal assistance and information is available. The Department is prepared to provide or assist in public information.

The Department has authority, in emergency situations, to issue necessary orders and to impound or order the impounding of radiation sources.

STAFF

Emil C. Jensen

CHIEF, DIVISION OF ENVIRONMENTAL HEALTH

Education and Training:
- B.S. Civil Engineering, University of Washington, 1936.
- M.S. Engineering, Harvard, 1938.
- U.S.P.H.S. Basic Radiologic Health, 1963.

Experience and Related Activities:
- Washington State Department of Health:
  - District Engineer, 1941–44.
  - Head, Sanitary Engineering Section, 1945.
  - Chief, Division of Environmental Health, 1946 to date.
- Washington State representative on the Columbia River Advisory Group since its inception in 1949. This group was formed to advise the Hanford Operations Office on matters relating to the disposition of radioactivity from the production plants at Hanford.
- Participated with AEC in inspections of authorized uses of radioactive materials in early and mid-1950's.

Other:
- President, Water Pollution Control Federation, 1957.
- Chairman, Conference of State Sanitary Engineers, 1962.
- Diplomate, American Academy of Environmental Engineers.
- Licensed Professional Engineer, Washington.

Robert L. Stockman

HEAD, AIR QUALITY AND RADIATION CONTROL SECTION; SECRETARY, TECHNICAL ADVISORY BOARD ON RADIATION CONTROL; EXECUTIVE SECRETARY, STATE AIR POLLUTION CONTROL BOARD

Education and Training:
- B.S. Civil Engineering, Sanitary option, Oregon State University, 1941.
- U.S.P.H.S. Training Courses:
  - Radiological Health Training for Water Works Operators, 1953, Reed College.
  - Occupational Radiation Protection, 1956, University of Washington.
  - Basic Radiological Health, 1957, Taft Center.
  - Radiation Surveillance, 1959, Nevada Test Site.
  - Radionuclide Protection, 1959, Taft Center.
  - X-Ray Protection, 1959, Taft Center.
  - Numerous air pollution courses.
- AEC Orientation Course in Practices and Procedures of Licensing and Regulation, 1964–65 (in two parts), Bethesda.

Experience and Related Activity:
- Washington State Department of Health:
  - Public Health Engineer, 1941–42 (10 months).
  - District Engineer, 1946–48, 1950–56.
  - Head, air pollution and radiation control program development, including direction of statewide air pollution study, 1956–58.
  - Head, Air Quality and Radiation Control Section, 1958 to date.
  - Final responsibility for developing, organizing, and administering the section air pollution and radiation control programs—including technical and regulatory programs, budget, and personnel.
  - Represent the Department in liaison with the legislature, Office of Nuclear Energy Development, federal, state and local agencies, and professional, trade and business organizations.
  - Serve for the Director, in his absence, on the Advisory Council on Nuclear Energy and Radiation.
  - Serve for the Division Chief, in his absence, on the Columbia River Advisory Group and serve on its technical committee.
  - Member Working Committee on Columbia River Studies which works with Richland Operations Office of AEC to coordinate all studies and data pertaining to radioactivity in the Columbia River environs.
  - Participated with AEC in inspections of licensee users of radioactive materials starting in 1957.

Other:
- Commissioned Officer, U.S. Navy (R) Civil Engineer Corps—
  - Company Commander Seabee Battalion and Seabee Operations.
  - Officer Cinc Pac; to Lt.s.g., 1943–45.
- Employed by Consulting Engineer in municipal utilities, 1949.
- Diplomate, American Academy of Environmental Engineers.
- Licensed Professional Engineer, Washington.
- Currently, President-elect, Air Pollution Control Association.

Peter W. Hildebrandt

ASSISTANT HEAD AND TECHNICAL DIRECTOR, AIR QUALITY AND RADIATION CONTROL SECTION

Education and Training:
- B.S. Civil Engineering, University of Washington, 1954.
- M.S. Civil Engineering, University of Washington, 1964, with major work in air pollution and radiation.
- Graduate program included Radiation Biology, 3 quarters, and Control of Radioactive Waste, 1 quarter.
- U.S.P.H.S. Training Courses:
  - Basic Radiological Health, 1957, Portland, Oreg.
  - Sanitary Engineering Aspect of Nuclear Energy, 1958, University of California.
  - Individual Training in Use and Calibration of Radiation Counting Equipment for Surveillance Systems 1961, S.W. Radiological Health Lab.
- Numerous air pollution courses.

Experience and Related Activity:
- Washington State Department of Health:
  - Public Health Engineer and Sr. Public Health Engineer, 1957–62.
  - Supervising Sanitary Engineer serving as Assistant Head and Technical Director, Air Quality and Radiation Control Section, 1962 to date.
  - Conducted a major part of the 1959 occupational exposure study in dental X-ray.
  - Responsible for the performance of technical programs in air pollution and environmental radiation surveillance.
  - Designed and supervises the radiation surveillance systems, including counting facilities.
  - Assists the Section Head in overall planning, administration, and liaison functions. Acts fully as Section Head in his absence and represents him as requested.
  - Member, Working Committee on Columbia River Studies which works with Richland Operations Office of AEC to coordinate all studies and data pertaining to radioactivity in the Columbia River environs.
  - Participated with AEC in inspections of licensed users of radioactive material, 1957–60.

Other:
- Consultant to U.S. Public Health Service, Southwest Radiological Health Laboratory, in development and performance of altitude and ground-level environmental radiation sampling techniques (4 months total), 1962–65.
- U.S. Air Force Reserves, 1954–62.
- Active Duty, Pilot and Flight Line Maintenance Officer, Armament and Electronics Training; to Captain, 1954–57.
- U.S. Public Health Service Reserve, 1962 to date.
- Licensed Professional Engineer, Washington.

Arnold J. Moen

RADIATION CONTROL SPECIALIST III, SUPERVISOR, RADIATION CONTROL SERVICES

Education and Training:
- B.S. Electrical Engineering, University of Idaho, 1935.
- One Full Academic year, Radiological Health Major in Graduate School of Public Health, University of Michigan, 1961–62.
- U.S.P.H.S. Training Courses:
  - Occupational Radiation Protection, University of Washington, 1956.
  - Radiation Protection Aspects of Tuberculosis Case Finding, Taft Center, 1955.

ARNOLD J. MOEN—Continued

Education and Training—Continued

Environmental Radiation Sampling and Analysis, Reed College, 1959.
Management of Radiation Accidents, Las Vegas, 1965.
AEC Orientation Course in Practices and Procedures of Licensing and Regulation Bethesda, 1964.
Civil Defense Courses:
Medical Aspects of the Atomic Bomb, 1950.
Elements of Civil Defense and Defense Mobilization, 1959.
Radiological Monitoring for Instructors, 1960.
Radiological Defense Officers, 1960.
Medical Self-Help, 1965.

Experience and Related Activity:
Washington State Department of Health:
X-Ray Engineer, Tuberculosis Control Section, 1946–60.
Radiation protection surveys and consultation on technique for all installations participating in chest X-ray program.
Consultation and plan review service for radiation protection in hospital and clinic design.
Radiation Safety Officer for Department—Civil Defense responsibility.
Radiation Control Specialist III, Air Quality and Radiation Control Section, 1960 to date. Performance and supervision of radiation protection survey programs in healing arts and industry, dental X-ray Sur-Pak Program, radiation source registration program, and emergency service. Assists Section Head in program planning, development of regulations and represents him as requested in liaison and administrative functions.
Provides instruction for local health personnel in Civil Defense radiological monitoring. Organizes and instructs in summer training program for graduate students in radiological health at the University of Washington. Reviews all plans for radiological facilities in hospital design under Department hospital licensing and Hill-Harris programs. Responsible for inspection of radiological facilities under Medicare certification program.
Currently, primarily Section participant with AEC in inspection of licensed users of radioactive materials.
Other:
Washington Water Power Consulting and Research Division, 1943–44.
Milwaukee Road high voltage transmission engineering, 1944–45.
ARRT Firland Sanatorium, Seattle, following hospitalization, 1946.
Past president local and State societies Northwest Conference of Radiological Technologists. Currently Vice-President NWCRT.

CLIFFORD G. LEWIS

RADIATION CONTROL SPECIALIST II, LICENSING AND COMPLIANCE UNIT

Education and Training:
B.S. Technology, The University of Manchester (England) 1931. 5-year curriculum including Mathematics and Physics equivalent for engineering degree and chemistry for American General Science degree.

CLIFFORD G. LEWIS—Continued

Experience and Related Activities:
Christie Hospital and Holt Radium Institute, Manchester, England, 1933–48: Radium curator responsible for custody, care and manipulation of radium stocks, operation of radon plant, supervision of appropriate technical terms, and maintenance of all records relevant to these operations in Britain's largest radiation therapy center.
M.D. Anderson Hospital and Tumor Institute, Houston, Texas, 1948–53:
Radium curator and X-ray technician. Responsible for radium, procurement of isotopes, assisted in dosimetric problems, operated X-ray equipment and conducted superficial X-ray therapy.
Tumor Institute of the Swedish Hospital, Seattle, 1953–65:
Assistant and acting health physicist. Responsible for radium, isotope manipulations, calibration of X-ray machines, maintenance of records, dosimetry, safety surveys and direction of technicians.
As acting health physicist served as Radiation Safety Officer for the Radioisotope Committee of the Swedish Hospital complex operating under AEC license.
Washington State Department of Health starting September 1966: AEC Orientation Course in Practices and Procedures of Licensing and Regulation, Bethesda, 1966.

GROVER E. NELSON

RADIATION CONTROL SPECIALIST II, INSPECTION AND REGISTRATION UNIT

Education and Training:
B.A. Economics and Business, University of Washington, 1941.
B.S. Chemistry, Seattle University, 1952.
Creighton School of Medicine, 1953–58.
Basic Radiological Health Taft Center, 1961.

Experience and Related Activity:
Washington State Department of Health, 1964 to date:
Conduct of radiation protection surveys in X-ray installations, including industrial, dental, medical and other healing arts. Participates in the radiation source registration program and summer instruction and field training for University of Washington graduate program in radiological health.
Assists in inspection of radiological facilities for Medicare certification program.
Participates with AEC in inspection of licensed users of radioactive materials.
Other:
The Boeing Co., Seattle, Wash.:
Quality Control Chemist (1 year), 1952–53.
Industrial Hygiene Chemist (2 years), 1958–60.
Industrial Hygiene Radiation Control (2 years), 1962–63.
Semiannual certification of multicurie cobalt and iridium facilities and X-ray installation for shielding, warning and interlock systems, system controls, posting and film badge program. Regular survey and monitoring of laboratories, radiography, waste packaging and source fabrication facilities, field disposal, semiannual leak test of sealed sources. Survey instrument calibration. Inventory and monitor isotope receival.

CHARLES E. MCJILTON

RADIATION CONTROL SPECIALIST I, INSPECTION AND REGISTRATION UNIT

Education and Training:
Wisconsin State College, 1948–50, 103 credit hours biology, chemistry.
St. John's University, Minnesota, 1950–51, 40 credit hours chemistry, philosophy.
B.A. Philosophy, Carroll College, Montana, 1956–58.
B.S. Physical Science and Mathematics, University of Minnesota, 1962.
M.S. Environmental Health with Radiological Health major, University of Minnesota, 1965.
AEC Summer Fellowship in applied radiation protection. National Reactor Testing Station, Idaho Falls, 1965.

Experience and Related Activities:
Secondary Science Teacher, Dixon High School, Montana, 1962–64.
Field representative, University of Idaho Extension Service, teaching radiological monitoring and radiological defense, 1 year, 1965–66.
Washington State Department of Health: Radiation Control Specialist I, starting October 1966.

[F.R. Doc. 66–11254; Filed, Oct. 13, 1966; 8:49 a.m.]

[Docket No. 50–249]

COMMONWEALTH EDISON CO.

Notice of Issuance of Provisional Construction Permit

Please take notice that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated October 4, 1966, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR–22 to Commonwealth Edison Co. for the construction of a single cycle, boiling light water reactor, designated as Dresden Unit 3, to be located at Commonwealth Edison Co.'s Dresden Nuclear Power Station in Grundy County, Ill.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th day of October 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66–11464; Filed, Oct. 20, 1966; 8:47 a.m.]

[Docket No. 50–247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Notice of Issuance of Provisional Construction Permit

Please take notice that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated October 3, 1966, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR–21 to Consolidated Edison Co. of New York, Inc., for the construction of a pressurized water nuclear reactor, designated as Indian Point Station Unit No. 2, to be located at Consolidated Edison Co.'s Indian Point site on the Hudson River in the town of Buchanan, Westchester County, N.Y.

The construction permit is in the form set forth in Attachment "B" to the initial decision except that the allocation figure specified in paragraph 4 has been increased to reflect the greatest quantity of special nuclear material (24,325 kilograms of uranium 235) outstanding during the term of the license, and a typographical error in line 1 of subparagraph 2.B. has been corrected to change the word "operated" to "located".

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th of October 1966.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 66–11465; Filed, Oct. 20, 1966; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17673]

BRITISH OVERSEAS AIRWAYS CORP.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 25, 1966, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., October 17, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66–11496; Filed, Oct. 20, 1966; 8:49 a.m.]

[Docket No. 17657]

EXECUTIVE JET AVIATION, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on November 1, 1966, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., October 17, 1966.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 66–11497; Filed, Oct. 20, 1966; 8:50 a.m.]

[Docket Nos. 15750, 17822; E–24299]

PIEDMONT AVIATION, INC., AND WESTERN TENNESSEE SERVICE INVESTIGATION

Order Denying Motion for Expeditious Consideration and Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of October 1966.

Application of Piedmont Aviation, Inc., Docket 15750, for amendment of its certificate of public convenience and necessity for Route 87 to extend it to Nashville; Western Tennessee Service Investigation, Docket 17822.

There is pending before the Board a motion by the city of Nashville that the Board grant an expedited hearing to an application of Piedmont Aviation, Inc. (Piedmont), Docket 15750, for an extension of segments 4 and 5 of Piedmont's Route 87 from Knoxville to Nashville.

The pleadings on Nashville's motion [1] indicate that there are deficiencies in service between Nashville and points served by Piedmont in the Carolinas and Virginia. In recent years Eastern has reduced its service in several Nashville-Carolina/Virginia markets [2] and other Nashville-Carolina/Virginia markets are without single-plane service.[3] Since Piedmont already serves the Carolina and Virginia points involved, extension of Piedmont from Knoxville to Nashville would help alleviate some of these service deficiencies.[4]

However, Piedmont's proposal would result in direct competition between two subsidized carriers and a consequent diversion of revenues from Southern in the Nashville-Knoxville and Nashville-Bristol markets. Therefore, any reductions in Piedmont's need for subsidy would be offset by increases in Southern's need for subsidy. There has been no satisfactory showing that the overall result is likely to be a net reduction in subsidy.

Only one party, Nashville, forecasts an overall subsidy reduction, and for present purposes we are unable to accept this estimate because of our doubts as to the validity of some of the stimulation factors which Nashville used. The other parties forecast an increase in subsidy. Piedmont's estimate, based on a different pattern of service than that assumed by Nashville, indicates a net increase of approximately $6,000 in subsidy.[5] Southern claims that there will be a net increase in subsidy of considerably greater magnitude. Upon consideration of these estimates and the related pleadings, we are unable to conclude that Piedmont's proposed extension from Knoxville to Nashville holds sufficient promise of a net subsidy reduction to warrant expedited consideration.[6] Therefore, we will deny Nashville's motion.

However, we are concerned about the apparent need for improved service between Nashville and the Carolina/Virginia area. There is an alternative routing which holds promise of furnishing the service benefits sought by Nashville and at the same time producing a substantial net saving in subsidy. This alternative routing involves extension of Piedmont's segments 4 and 5 to Nashville and Memphis directly from Roanoke and Asheville, bypassing Bristol and Knoxville. This alternate routing would present Piedmont with the opportunity to provide the same Nashville-Carolina/Virginia service it proposed in Docket 15750 and there would be less likelihood of any significant diversion from a subsidized carrier [7] and less of a probability that subsidy savings for Piedmont will be accomplished at the expense of another subsidized carrier. While this routing would not draw traffic support from the Nashville-Knoxville/Tri-Cities markets (the principal traffic pool in Nashville and Piedmont's projections), the rich potential of Memphis for local and interline connecting traffic [8] portends more than enough traffic to indicate a substantial subsidy reduction and warrant expeditious consideration. Therefore, we are instituting an investigation to determine whether the public convenience and necessity require the extension of Piedmont's system from Roanoke and Asheville to Nashville and Memphis. Since a subsidy reduction is indicated the Board will not consider granting subsidy eligibility for any new route authority awarded in this case.

[1] Answers were filed by Asheville, N.C.; Princeton, W. Va.; Piedmont and Southern Aviation, Inc. (Southern). Southern also filed a motion for leave to file an unauthorized reply to Piedmont's answer. Southern's motion has been granted in order to give Southern an opportunity to respond to the detailed economic data which appeared for the first time in Piedmont's answer.

[2] Nashville - Charlotte, Nashville - Greensboro, Nashville-Raleigh/Durham.

[3] Nashville - Asheville, Nashville - Norfolk, Nashville-Roanoke.

[4] Southern is providing good service between Nashville and Knoxville/Tri-Cities and there is no contention that this service is deficient.

[5] Piedmont's estimate was prepared on the basis of the Board's standardized method of costing. See sections 1101 to 1109 of the Board's rules of practice.

[6] See § 399.60 of the Board's regulations, "Standards for Determining Priorities of Hearing."

[7] The only markets involved in this proposal in which a subsidized carrier has authority are Memphis-Nashville and Memphis-Charlotte, in which authority is held by Southern. Preliminary analysis, based on present patterns of service, indicates that it is unlikely that Piedmont's entry into these markets will result in diversion of a large amount of traffic from Southern. Southern does not now provide a usable service between Charlotte and Memphis and Southern presently carries only a small portion of the Memphis-Nashville traffic. In the latter market, Southern's stop-restricted service cannot compete with American's nonstop service.

[8] The Memphis traffic available includes local traffic between Carolina and Virginia points and Memphis, local traffic between Nashville and Memphis, and traffic using Memphis as an interline connecting point between Carolina and Virginia points, on the one hand, and west coast and southwest points, on the other.

In order to limit the focus of the investigation to service between Nashville-Memphis and the Carolinas and Virginia, we are providing that any Nashville/Memphis-New York authority obtained in this investigation shall be subject to a two-stop requirement, and that any Nashville/Memphis-Washington authority obtained shall be subject to a one-stop restriction.

Accordingly, it is ordered:

1. That Nashville's motion for expeditious action in Docket 15750 be and it hereby is denied;

2. That Southern's motion for leave to file an unauthorized reply to Piedmont's Answer be and it hereby is granted;

3. That an investigation designated the Western Tennessee Service Investigation be and it hereby is instituted in Docket 17822, pursuant to sections 204 (a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the amendment, alteration or modification of Piedmont's certificate of public convenience and necessity so as to:

(a) Authorize service between Memphis and Nashville, and between Memphis and Nashville on the one hand, and Roanoke and points east of Roanoke on Piedmont's segment 4, on the other;

(b) Authorize service between Memphis and Nashville, and between Memphis and Nashville on the one hand, and Asheville and points east of Asheville on Piedmont's segment 5, on the other.

4. That any authority awarded in this proceeding shall be ineligible for subsidy and shall be subject to (a) a restriction requiring a minimum of two stops between Nashville and New York and a minimum of two stops, exclusive of Nashville, between Memphis and New York; (b) a restriction requiring a minimum of one stop between Nashville and Washington and a minimum of one stop, exclusive of Nashville, between Memphis and Washington;

5. That the restrictions provided in ordering paragraph 4, above, are stated without prejudice to the right of any party to advance during the course of the proceeding appropriate evidence or argument bearing on the need for more stringent restrictions or limitations;

6. That motions to consolidate applications, motions or petitions seeking modification or reconsideration of this order, and petitions for leave to intervene shall be filed no later than 20 days from the service date of this order, and that answers to such pleadings shall be filed no later than 10 days thereafter;

7. That this proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated; and

8. That a copy of this order be served upon Piedmont Aviation, Inc., American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Southern Airways, Inc., the cities of Nashville and Memphis and all cities on segments 4 and 5 of Piedmont's Route 87.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 66-11493; Filed, Oct. 20, 1966; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16922; FCC 66M-1388]

AMERICAN HOMES STATIONS, INC. (WVCF)

Order Scheduling Hearing

In re application of American Homes Stations, Inc. (WVCF), Windermere, Fla., Docket No. 16922, File No. BP-16643; for construction permit:

It is ordered, This 14th day of October 1966, that James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 12, 1966, at 10 a.m.; and that a prehearing conference shall be held on November 14, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceeding shall be held in the offices of the Commission, Washington, D.C.

Released: October 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-11500; Filed, Oct. 20, 1966; 8:50 a.m.]

[Docket Nos. 16706-16708; FCC 66M-1390]

ATLANTIC BROADCASTING CO. (WUST) AND BETHESDA-CHEVY CHASE BROADCASTERS, INC.

Order After Further Prehearing Conference

In re applications of Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16706, File No. BP-14357, for construction permit, and Docket No. 16707, File No. BR-1513, for renewal of license; Bethesda-Chevy Chase Broadcasters, Inc., Bethesda, Md., Docket No. 16708, File No. BP-16319, for construction permit.

A further prehearing conference in the above-entitled proceeding having been held today for the purpose of considering an unopposed motion, filed October 12, by applicant Bethesda-Chevy Chase for continuance of the hearing:

It is ordered, This 14th day of October 1966, that the motion of Bethesda-Chevy Chase for continuance of the hearing, for the reasons set forth in the transcript of today's prehearing conference, is hereby granted to the extent that the hearing is postponed from October 24 until February 14, 1967, and will be convened at 10 a.m. on the latter date, at the offices of the Commission, Washington, D.C.

Released: October 17, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-11501; Filed, Oct. 20, 1966; 8:50 a.m.]

[Docket No. 16921; FCC 66-907]

ULTRAVISION BROADCASTING CO. AND COURIER CABLE CO., INC.

Order Designating Petition for Hearing

In the matter of the petition of Florian R. Burczynski, Stanley J. Jasinski, and Roger K. Lund doing business as Ultravision Broadcasting Co., Buffalo, N.Y., to stay construction and prevent extension of CATV system operated in Buffalo by Courier Cable Co., Inc.; Docket No. 16921.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of October 1966;

1. The Commission is considering here the petition filed March 18, 1966, by Ultravision Broadcasting Co., an applicant for channel 29 in Buffalo, N.Y., to prevent the expansion of the Courier Cable Co.'s CATV system in that city. The system was on February 15, 1966, serving approximately 100 subscribers and had plans for systematic growth throughout the city. On Ultravision's companion request for temporary relief, the Commission in its order released April 28 (FCC 66-377) directed Courier not to make further extension of its cable lines and to submit a map showing cable lines and connections as of February 15 and April 28, 1966.

2. Buffalo is the central city of the 22d television market. UHF interest is high—an educational station is in operation on channel 17, a construction permit is outstanding for channel *23, applications are pending for commercial use of channels 29 and 49. Upon consideration of the petition and the responsive pleadings, we are of the view that Ultravision has presented a case which falls squarely within the terms of the Commission's second report and order on the issue of whether a newly activated, but grandfathered major market system should be permitted to expand throughout the entire community before the question of impact is resolved. A hearing on this question is therefore indicated.

3. At the same time, there should also be considered a petition filed June 15 by Courier Cable for relief from the requirement of nonduplication, the Buffalo ABC station WKBW-TV having served notice upon the system that it wants protection against duplication of its programs by Rochester ABC station WOKR. The CATV system, assigning the small size of its system because of the Commission's interim restraining order, contends for relief from what it argues will be an unduly burdensome expense for having to install switching equipment. Since this request for relief arises out of our earlier temporary restraining order, it is appropriate that this matter be heard in the same proceeding.

4. *It is therefore ordered*, Pursuant to §§ 74.1107 and 74.1109 of the Commission's rules that the petitions are designated for hearing to the extent reflected in the following issues;

(1) To determine the present and proposed penetration and extent of CATV service, including television signals carried, in the market area.

(2) To determine the effects of current and proposed CATV service in the Buffalo area upon existing, proposed, and potential television broadcast stations in the market.

(3) To determine the present policy and proposed future plans of Courier Cable Co. with respect to the initiation of pay-TV operations based upon or in connection with its CATV operations.

(4) To determine whether the request by Courier Cable Co. for relief from the requirement of nonduplication shall be granted.

(5) To determine whether expansion of Courier Cable Co.'s CATV system should be limited and, if so, the appropriate conditions thereof.

Courier Cable Co., Inc., Ultravision Broadcasting Co., and Capitol Cities Broadcasting Corp. are made parties to this proceeding and to participate must comply with the applicable provisions of § 1.221 of the Commission's rules. The burdens of proceeding and of proof are assigned as follows: Courier Cable will be expected to go forward with Issues 1, 3, and 4. Ultravision Broadcasting will have the burden of proceeding with Issue 2. The burden of proof with respect to Issue 4 is upon Courier and for Issue 5 upon Ultravision. A time and place for the hearing will be specified in another order.

5. Having designated these matters for hearing, we turn now, as we indicated we would in the temporary restraining order, to consideration of the nature of the interim relief to be afforded. The terms of that order have perhaps been misunderstood. Only the expansion of trunk and feeder cable was contained. Plainly, the order did not contemplate restraint upon the continued connecting of subscribers to cable already in place. Courier's apparent stabilization of its system at the April 28 level of connections seems unnecessarily limited and does not flow from any result intended by the temporary restraint. In the interest of equitable accommodation of the conflicting interests here: *It is therefore ordered*, That, until further order of the Commission, Courier Cable Co. may continue to connect subscribers to any of its cables in place as of the date of release of this order. We are basing the relief here afforded upon our judgment that it is without serious risk to settlement of the larger questions to be resolved in this proceeding.

Released: October 17, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-11506; Filed, Oct. 20, 1966; 8:50 a.m.]

[Docket No. 16921; FCC 66M-1393]

ULTRAVISION BROADCASTING CO. AND COURIER CABLE CO., INC.

Order Scheduling Hearing

In the matter of the petition of Florian R. Burczynski, Stanley J. Jasinski, and Roger K. Lund, doing business as Ultravision Broadcasting Co., Buffalo, N.Y., to stay construction and prevent extension of CATV system operated in Buffalo by Courier Cable Co., Inc.; Docket No. 16921:

It is ordered, This 14th day of October 1966, that Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 21, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 31, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 17, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-11502; Filed, Oct. 20, 1966; 8:50 a.m.]

[Docket Nos. 15460, 16933; FCC 66-912]

SYMPHONY NETWORK ASSOCIATION, INC., AND STEEL CITY BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Symphony Network Association, Inc., Birmingham, Ala., Docket No. 15460, File No. BPCT-3238; Steel City Broadcasting Co., Birmingham, Ala., Docket No. 16923, File No. BPCT-3660; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 12th day of October 1966;

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 68, Birmingham, Ala.

2. With respect to the issues set forth below the following considerations are pertinent:

(a) Based on the information contained in the application of Symphony Network Association, Inc., cash in excess of $139,514 will be needed for the construction and first year operation of the proposed station, consisting of—down payment on equipment $25,000; first year payments on equipment, including interest—$21,407; first year payments on loan—$37,667; installation and freight—$2,700; first year cost of operation—$52,740. The applicant indicates that its estimated operating costs for the first year will be $99,950 and it has submitted a breakdown of its costs in support of this estimate. While the applicant has included in its estimate certain costs which relate to the purchase of equipment (down payment on equipment—$25,000; first year payments on equipment—$19,510; installation and freight—$2,700), such costs are not considered operating expenses and their total must be deducted from the applicant's estimated costs of operation. As a consequence, the applicant's costs of operation properly appears to be $52,740. The Commission is of the view that the $52,740 operating costs appears to be low for the operation of a television broadcast station in Birmingham, and therefore, an issue will be specified to determine the basis for the applicant's estimate of first year operating costs and whether such estimate is reasonable.

(b) To meet the applicant's cash requirements, it relies upon the availability of a $113,000 loan from one of its principals, Charles E. Carney. However, since the loan commitment is dated September 9, 1964, it cannot be determined that the loan is still available to the applicant. Moreover, Mr. Carney's balance sheet does not show current and liquid assets (as defined in sec. III, par. 4(d), FCC Form 301) in excess of current liabilities in sufficient amount to meet his commitment to the applicant. In addition, the applicant has made no showing as to the validity of its $100,000 revenue estimate. Accordingly financial issues have been specified.

(c) Symphony Network Association, Inc., has not given a responsive reply to section IV, paragraph 7, FCC Form 301, which requires a narrative statement of the policy to be pursued with respect to making time available for the discussion of public issues. An issue will be specified, therefore, to determine the policy of the applicant, with respect to making time available for discussion of public issues.

(d) Symphony's present programing proposal is substantially the same as the one it submitted when its application previously specified operation on Channel 54, Fairfield, Ala. The applicant has not submitted any showing which indicates that the programing proposal for Birmingham is based upon a survey of the needs and interests of that community. It has been held that where the programing proposal submitted by

[1] Dissenting statement of Commissioner Bartley not filed as part of original document. Commissioner Cox dissenting to the allocation of the burden of proof on Issues 2 and 3.

an applicant is similar to that which it has proposed for another community, a "Suburban" issue will be specified, in the absence of a showing by the applicant that it is familiar with the needs and interest of the community which it proposes to serve. United Artists Broadcasting, Inc. FCC 64R-551, released December 9, 1964. Therefore, since there is no indication of any efforts to ascertain the needs and interests of Birmingham, we believe that an issue is warranted to determine the efforts made by Symphony Network Association, Inc. to ascertain the programing needs and interests of the area it proposes to serve and the manner in which it proposes to meet such needs and interests.

(e) Operating as proposed, Symphony Network Association, Inc., would not provide the minimum signal strength of 80 dbu over the entire principal city of Birmingham as required by § 73.685(a) of the Commission's rules. The applicant has requested a waiver of this section and an issue has been specified to determine whether a waiver is warranted.

3. Since the tower site proposed by Steel City Broadcasting Co. will be located in the vicinity of the tower of Standard Radio Broadcast Station WJLD, Homewood, Ala., in the event of a grant of the application of Steel City Broadcasting Co., such grant shall be made subject to a proximity condition with respect thereto.

4. There appears to be a significant disparity in the proposed Grade B contours of the applicants. In accordance with the Commission's policy, evidence with respect to which of the proposals would represent a more efficient use of the frequency may be adduced under the comparative issue.[1]

5. Steel City Broadcasting Co., is qualified to construct, own and operate the proposed new television broadcast station and, except as indicated by the issues set forth below, Symphony Network Association, Inc. is qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed, would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Symphony Network Association, Inc., and Steel City Broadcasting Co., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to the application of Symphony Network Association, Inc.:

(a) The basis for the applicant's estimate of operating expenses in its first year and whether such estimate is reasonable.

(b) Whether a loan of $113,000 will be available from Charles E. Carney.

(c) If (b) above is resolved in the affirmative, whether Charles E. Carney has current and liquid assets (as defined in sec. III, par. 4(d) FCC Form 301) in excess of current liabilities in sufficient amount to meet his commitment to the applicant.

(d) Assuming that all of the funds upon which the applicant relies will be available to it, how the applicant will obtain sufficient additional funds to construct and operate the proposed station for 1 year.

(e) Whether, in the light of the evidence adduced pursuant to the foregoing, Symphony Network Association, Inc., is financially qualified.

(f) To determine whether Symphony Network Association, Inc., will afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(g) To determine the efforts made by Symphony Network Association, Inc., to ascertain the programing needs and interests of the area proposed to be served and the manner in which the applicant will meet such needs and interests.

(h) To determine whether circumstances exist which would warrant a waiver of § 73.685(a) of the Commission's rules.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of Steel City Broadcasting Co., such grant shall be made subject to the following condition: "A skeleton proof of performance shall be submitted by the permittee consisting of at least five field intensity measurements made between 2 and 10 miles distance on each of eight equally spaced radials before and after said construction to prove that the construction does not adversely effect the operation of Station WJLD."

It is further ordered, That, in the event of a grant of either application, operation of the new station shall be in accordance with offset designators to be specified in a subsequent order.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: October 18, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11503; Filed, Oct. 20, 1966; 8:50 a.m.]

[1] Harriscope, Inc., FCC 65-1165, 2 FCC 2d 223.

[1] Commissioner Loevinger dissenting to inclusion of Issue 1(g) in the circumstances of this case.

FEDERAL MARITIME COMMISSION

[Docket No. 66-54]

MEDITERRANEAN—NORTH PACIFIC COAST FREIGHT CONFERENCE

Order of Investigation and Hearing

The member lines of the Mediterranean—North Pacific Coast Freight Conference have filed with the Commission for approval, pursuant to section 15 of the Shipping Act, 1916, an agreement which has been assigned Federal Maritime Commission Number 8090-4, which amends the basic agreement to provide for an increase in the amount of the admission fee from $500 to $5,000.

It appearing that Agreement 8090-4 may establish an unreasonable and unequal term or condition for admission and readmission to Conference membership of other qualified carriers in the trade, or could be detrimental to the commerce of the United States or otherwise in contravention of the statutory requirements of section 15 of the Shipping Act, 1916, and in order that a record may be developed upon which the Commission may determine whether to approve, disapprove, or modify Agreement 8090-4.

Now, therefore, it is ordered, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation be and is hereby instituted to determine whether Agreement 8090-4 should be approved, disapproved, or modified.

It is further ordered, That the Mediterranean-North Pacific Coast Freight Conference and the member lines thereof, as listed below, are hereby made respondents in this proceeding; and

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 1, 1966, with copy to parties.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

Mediterranean North Pacific Coast Freight Conference, G. Ravera, Secretary, Vico San Luca No. 4, Genoa, Italy.
American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.
D'Amico Societa Di Navigazione Per Azioni, J. H. Winchester & Co., Inc., 351 California Street, San Francisco, Calif. 94104.
"Italia" Societa Per Azioni Di Navigazione (Italian Line), 1 Whitehall Street, New York, N.Y. 10004.
Italpacific Line, Transmarine Navigation Corp., 311 California Street, San Francisco, Calif. 94104.
Zim Israel Navigation Co., Ltd./Naviera Castellana, American Israeli Shipping Co., Inc., 42 Broadway, New York, N.Y. 10004.

[F.R. Doc. 66-11506; Filed, Oct. 20, 1966; 8:50 a.m.]

[Docket No. 66-43; Fourth Supp. Order]

ATLANTIC-GULF/PUERTO RICO TRADES

Investigation of Minimum Charges and Terminal Delivery Services

By orders served July 25, and September 12, 1966, the Commission entered into an investigation concerning the lawfulness of a $10 minimum bill of lading charge and a rule requiring receivers of minimum shipments to accept store door delivery, and named as respondents herein Helm's International, Inc., Gulf Puerto Rico Lines, Inc., and Sea-Land Service, Inc.;

On September 13, 1966, Puerto Rican Forwarding Co., Inc., filed 1st Revised Page No. 7 to Tariff FMC-F No. 3 which will upon becoming effective on October 15, 1966, increase its minimum bill of lading charge from $7.50 to $10.

The Commission is of the opinion that this amended tariff matter should be made the subject of a public investigation to the same extent as the matter currently under investigation herein to determine whether it is unjust, unreasonable, or otherwise unlawful, under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

Now therefore it is ordered, That this proceeding be, and it is hereby expanded to include Puerto Rican Forwarding Co., Inc., as a respondent herein and to include an investigation into and a hearing concerning the lawfulness of the increased minimum charge published in Item No. 45 in the aforementioned publication to the same extent as the other increased minimum charges already under investigation in this proceeding;

It is further ordered, That (I) a copy of this order shall forthwith be served upon the respondents, and any interveners herein; (II) the said respondents and interveners be duly notified of the time and place of the hearing ordered; and (III) this order be published in the FEDERAL REGISTER and notice of the said hearing be served upon all parties to this proceeding.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene herein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) with a copy to respondents and interveners.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-11507; Filed, Oct. 20, 1966; 8:50 a.m.]

[Independent Ocean Freight Forwarder License 302]

CHURCH PURCHASING & SERVICE AGENCY

Revocation of License

Whereas, Charles A. Pinkham doing business as Church Purchasing & Service Agency, 417 Market Street, San Francisco, Calif., has ceased to operate as an independent ocean freight forwarder; and

Whereas, Charles A. Pinkham doing business as Church Purchasing & Service Agency has returned Independent Ocean Freight Forwarder License No. 302 to the Commission for cancellation;

Now therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order No. 201.1, § 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 302 of Charles A. Pinkham doing business as Church Purchasing & Service Agency be and is hereby revoked, effective this date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-11508; Filed, Oct. 20, 1966; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-91]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

OCTOBER 14, 1966.

Take notice that on October 10, 1966, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP67-91 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and the operation of transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks such facilities in order to take into its certificated main transmission pipeline system natural gas which will be produced or purchased from producers in the general area of Applicant's existing system.

The total cost will not be in excess of $3,459,400 with no single project to exceed a cost of $500,000. The cost will be financed from funds on hand, from cash generated by operation, and from internal sources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 14, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11466; Filed, Oct. 20, 1966; 8:47 a.m.]

[Docket No. CP67-90]

CITIES SERVICE GAS CO.

Notice of Application

OCTOBER 13, 1966.

Take notice that on October 10, 1966, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP67-90 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to The Gas Service Co. (Gas Service) for resale and distribution by it to consumers in and about the city of Sheldon, Mo., all as more fully set forth

in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to sell and deliver gas to Gas Service through the existing Jasper-Lamar meter for resale by Gas Service to the consumers in Sheldon, Mo. and environs. No facilities will be constructed or installed by Applicant, and Gas Service will transport the gas through facilities it will construct from its 6-inch pipeline near Lamar, Mo., to the vicinity of Sheldon, Mo.

The estimated third year peak day and annual natural gas are 279 Mcf and 75,700 Mcf, respectively. The proposed sale for resale will be made under Cities' P-2, C-2, and I-2 FPC Gas Rate Schedules.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 14, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11467; Filed, Oct. 20, 1966; 8:47 a.m.]

[Docket No. CP65-377]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

OCTOBER 13, 1966.

Take notice that on October 10, 1966, Colorado Interstate Gas Co. (Petitioner), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP65-377 a petition to amend the order issued in said docket on August 24, 1965, by requesting authority to continue the delivery and sale of natural gas on an interruptible basis to Michigan Wisconsin Pipe Line Co. (Michigan), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued on August 24, 1965, in the instant proceeding Petitioner was authorized to sell and deliver on an interruptible basis for a limited period to Michigan such daily volumes of gas as Petitioner might have available from time to time and which Michigan might wish to purchase. The term was for a period of 1 year from the date of initial delivery. Such deliveries commenced on September 2, 1965, and, therefore, the authority terminated on September 2, 1966.

Specifically, Petitioner requests that the order be amended to allow it to continue making this sale until September 1, 1967, on the same basis as authorized in the order of August 24, 1965.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 14, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11468; Filed, Oct. 20, 1966; 8:47 a.m.]

[Docket No. CP67-92]

CITIES SERVICE GAS CO.

Notice of Application

OCTOBER 14, 1966.

Take notice that on October 11, 1966, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP67-92 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and operation of certain transportation and metering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate such gathering and appurtenant facilities to enable it to take into its certificated main pipeline system natural gas which will be purchased from producers in an area coextensive with its system.

The total cost of the proposed facilities will not exceed a maximum of $2,000,000, and no single project will exceed a cost of $500,000, which cost will be financed from treasury cash.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 14, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11469; Filed, Oct. 20, 1966; 8:47 a.m.]

[Docket Nos. CP65-118 etc.]

LONE STAR GAS CO. ET AL.

Order Granting Rehearing, Specifying Procedure, and Fixing Date for Rehearing

OCTOBER 14, 1966.

Lone Star Gas Co., Lone Star Gathering Co., and United Gas Pipe Line Co.; Docket No. CP65-118;[1] Lone Star Gathering Co.; Docket No. CP62-179; United Gas Pipe Line Co.; Docket No. CP62-193.

On September 21, 1966, the Public Service Commission of the State of New York (PSC) filed an application for rehearing of our Opinion No. 505 and accompanying order issued August 22, 1966, in the above-entitled proceeding. PSC's application for rehearing compares facts in the record with data taken from the applicants' Forms No. 2 (and therefore not available at the time of the hearing) and raises several important questions regarding which, under the circumstances, the record cannot afford adequate answers. We believe that the application for rehearing should be granted to afford the applicants an opportunity to present additional evidence which will provide a full and complete record on which to base our ultimate conclusions regarding the interrelated proposals in the applications involved in this proceeding.

The incomplete state of the record seems to have resulted in large part from a stipulation agreed to by the parties and staff. Although it was stipulated that the only contested issue involved in the proceeding related to the need of United Gas Pipe Line Co. (United) for the gas it seeks authorization to acquire from Lone Star Gathering Co. (Gathering), and while this was the only issue to which United addressed its direct testimony at the hearing, the arguments made in PSC's brief on exceptions and application for rehearing have challenged such matters as United's cost of service, as opposed to Gathering's cost of service, for operation of the facilities which United proposes to acquire from

[1] Pursuant to the notice and consolidation of applications issued Mar. 16, 1965, the parties should henceforth file future pleadings under lead Docket No. CP65-118.

Gathering. We would ordinarily require the parties to adhere to the stipulation, but in this instance, at the commencement of the hearing, PSC's counsel indicated that even if United showed a need for gas in the absolute sense, PSC was contesting United's need for the gas at the price it proposed to pay. Thus, from the beginning of this contested proceeding PSC has really been challenging not only the adequacy of United's markets to support the acquisition of Gathering's gas but also the economic feasibility of applicants' proposals, whereas the applicants have relied on their prepared testimony as if it constituted full answers to PSC's contentions even though their testimony was served prior to the commencement of hearing and was written under an apparently erroneous and overly narrow interpretation of the stipulation to the effect that PSC was questioning only United's physical need for Gathering's gas.

Under the circumstances described above, it is not surprising that the record is either silent or affords only partial answers to many of the questions raised by PSC. In the interest of securing a complete record, the stipulation should not govern in any way the presentation of evidence on rehearing and no party or staff should any longer consider itself bound by the stipulation. The applicants are free to augment the record to the extent they believe is essential to support their applications, but we shall hereinafter specify the areas as to which PSC has raised questions and as to which we believe additional evidence should be presented on rehearing.

The first issue raised in PSC's application for rehearing is that United's markets have not been growing as rapidly as we indicated in Opinion No. 505. PSC contends that United's Form No. 2 for 1965 shows that United's sales decreased in 1965, as compared with 1964, by 143 billion cubic feet and that this reveals a negative growth rate for United's markets over the period from 1959 to 1965. On rehearing United should present full market data showing its total sales over a period of time great enough to demonstrate a trend in growth or decline of its markets, together with testimony explaining why its sales declined sharply during 1965 and what it estimates its future market requirements will be.

PSC also contends that United's gas reserves at the end of 1964 were in excess of 23 trillion cubic feet and that only three other pipeline companies in the United States have reserves with as high a deliverability life as United. PSC claims that United should not be allowed to acquire high-priced gas reserves when it already has more than ample reserves to meet its market requirements for at least 17 years. On rehearing United should present evidence showing the number of years it can meet its customers' requirements with the existing reserves available to its system. In presenting its evidence as to deliverability and reserves, United should also explain why its reserves have declined by about 4.1 trillion cubic feet within the last 2 years even though its total sales have amounted to only 2.7 trillion cubic feet during the same period of time. United should state whether it has ever before paid as much as 21.5 cents per Mcf for gas purchased in South Texas, and if not, whether it could use, at less cost than 21.5 cents per Mcf, alternate supplies from other sources to meet its customers' requirements. United should introduce flow diagrams and maps to demonstrate the flow on its system of gas obtained from Gathering as compared with the flow of any alternate supplies which could be substituted for Gathering's gas.

The next contention PSC makes is that the cost to United of acquiring gas from Gathering cannot be determined from the record. The record shows Gathering's estimated cost of service on the facilities it proposes to sell to United and United's witness stated that United's costs would not "* * * be any higher or any lower than what it is costing" Gathering. However, PSC claims that Gathering's unit cost of service had been computed from the estimates in the record on the assumption that Gathering would deliver annually about 15.2 billion cubic feet to United, whereas Gathering's Form No. 2 for 1965 shows that Gathering delivered only 12.5 billion cubic feet to United. PSC argues that the cost of service will not vary appreciably from 1 year to another and that the unexplained reduction in the volume of Gathering's deliveries to United shows an alarming increase in the unit cost of service. In fact, PSC points out that United's estimated fixed costs would apparently amount to 4.6 cents per Mcf without any allowance for operating and maintenance expenses. If this unit cost of 4.6 cents per Mcf is added to the unit cost of purchased gas for 1965, amounting to about 17.6 cents per Mcf, the total cost to United would be 22.2 cents per Mcf, or seven-tenths of 1 cent per Mcf more than it is now costing United to purchase the gas directly from Gathering.

While it is obvious that United's estimated fixed costs are greater than Gathering's fixed costs because of United's having used a larger rate of depreciation and a much greater rate of return than Gathering, the record does not contain specific data concerning United's estimated cost of service for operation of the facilities which it proposes to acquire from Gathering. Consequently, on rehearing United should present full and complete data showing its best estimate of all costs it would incur if it were to be permitted to acquire Gathering's facilities. United's costs should be computed utilizing its authorized rate of return of 6½ percent instead of the 6¾ percent rate of return used in the record. United should calculate its income tax allowance on the basis of its up-to-date capitalization ratio and average interest rate on its long-term debt. Additionally, United should support its use of a depreciation rate of about 5.76 percent in lieu of the 4.41 percent depreciation rate employed by Gathering in its Form No. 2 for 1965 if United believes that Gathering's depreciation rate is lower than it should be.

Up-to-date cost-of-service data are required concerning Gathering's present operations in order to determine whether it is sound for PSC to conclude in its application for rehearing that Gathering's charge to United will necessarily remain at 21.5 cents per Mcf and therefore never be equal to or exceed costs comprised of United's estimated cost of service on the facilities to be acquired from Gathering plus the cost of purchased gas. In this connection we note from Gathering's Form No. 2 for 1965 that Gathering's rate of return on the facilities it seeks to sell to United was less than 4 percent.

PSC also claims that the record should be reopened in order that Gathering can explain why its peak-day delivery in the 1965–66 heating season declined to 49,755 Mcf from the much higher peak-day delivery of 65,224 Mcf for the 1964–65 heating season. While United's witness stated that South Texas reserves have a history of fast depletion, the record does not show that the reserves attached to Gathering's system were expected to become depleted as fast as is implied from a comparison of Gathering's Forms No. 2 for 1964 and 1965. Therefore, on rehearing Gathering should present evidence showing what has caused the rapid decline in peak-day and annual deliveries to United and what effect this sharp reduction in deliveries will have on the unit cost of service.

PSC also objects to our failure "* * * to afford protection to the consumer from the unprecedentedly onerous 1:6200 take-or-pay provisions" in the contract under which Gathering delivers gas to United. Gathering and United should present evidence on rehearing in support of their use of take-or-pay provisions requiring United to take 1 Mcf of gas for each 6,200 Mcf of reserves dedicated to Gathering's system.

Finally, PSC alleges that the Commission erred in asserting that United's cost of service on the facilities it seeks to acquire from Gathering would be offset by the reduction in United's cost of service on the facilities which United proposes to sell to Gathering's parent, Lone Star Gas Co. (Lone Star). This issue makes it necessary for Lone Star, Gathering, and United to present evidence on rehearing showing whether United would be willing to sell its facilities to Lone Star if United's application to acquire Gathering's facilities were to be denied. United should also introduce evidence showing its present cost of service for operating the facilities it seeks to sell to Lone Star as compared with its estimated cost of supplying gas to the customers it expects to continue serving from those facilities in the event United is permitted to abandon and sell such facilities to Lone Star. In conjunction with this evidence United should show whether the cost of the gas it expects to purchase from Lone Star for resale to its customers, to be served from the facilities it seeks to abandon, is greater than its existing costs for serving those same customers.

The Commission finds: The application for rehearing filed on September 21,

1966, by the Public Service Commission of the State of New York for rehearing of Opinion No. 505 and the accompanying order issued August 22, 1966, should be granted as hereinafter ordered for the purpose of supplementing the record in this consolidated proceeding so as to clarify the facts surrounding the questions raised by the application for rehearing.

The Commission orders:

(A) The application for rehearing filed September 21, 1966, by the New York Public Service Commission is granted.

(B) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, 16, and 19, and the Commission's rules and regulations under that Act, a public hearing shall be held before a duly designated presiding examiner, commencing December 6, 1966, at 10 a.m., (e.s.t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the matters raised by the New York Commission's application for rehearing and especially regarding the questions hereinbefore discussed in this order.

(C) The applicants shall serve upon the Examiner, the New York Public Service Commission, and the Commission's staff their supplemental evidence in answer to the questions raised by the New York Commission's application for rehearing on or before November 21, 1966.

(D) Any evidence which the New York Commission or the Commission's staff may wish to file shall be served upon the Examiner and the applicants on or before December 1, 1966.

By the Commission. Commissioner Carver not participating.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-11471; Filed, Oct. 20, 1966; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

COMMERCIAL BANCORP, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956, by Commercial Bancorp, Inc., which is a bank holding company located in Miami, Fla., for the prior approval of the Board of the acquisition by Applicant of a minimum of 80 percent of the voting shares of Bank of Palm Beach & Trust Co., Palm Beach, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 14th day of October 1966.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON, *Assistant Secretary.*

[F.R. Doc. 66-11475; Filed, Oct. 20, 1966; 8:47 a.m.]

MARSHALL & ILSLEY BANK STOCK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956, by Marshall & Ilsley Bank Stock Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Bank of Greenfield, Greenfield, Wis., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 14th day of October 1966.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON, *Assistant Secretary.*

[F.R. Doc. 66-11476; Filed, Oct. 20, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 18, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40750—*Fertilizer to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A2449), for interested rail carriers. Rates on anhydrous ammonia, dry fertilizer, and dry fertilizer materials and fertilizer solutions, in carloads, from Brandon, Manitoba, Canada, to points in western trunkline territory.

Grounds for relief—Market competition.

Tariffs—Revised pages to Canadian National Railway Co. tariff ICC W. 766 and Canadian Pacific Railway Co. tariff ICC W. 1091.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11493; Filed, Oct. 20, 1966; 8:49 a.m.]

[Notice 272]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 18, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

No. MC 665 (Sub-No. 67 TA), filed October 11, 1966. Applicant: RED ARROW TRANSPORTATION COMPANY, INC., 1700 North Jackson Street, Kansas City, Mo. 64120. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, 1 gallon or less in capacity, from Okmulgee, Okla., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Texas, for 180 days. Supporting shipper: Ball Brothers Co., Inc., Muncie, Ind. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 921 (Sub-No. 12 TA), filed October 13, 1966. Applicant: DEAN TRUCK LINE, INC., Post Office Drawer 32, Fulton Drive, Corinth, Miss. 38834. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tupelo, Miss., and Hattiesburg, Miss., from Tupelo, Miss., over U.S. Highway 45 to Shannon, Miss., thence over U.S. Highway 45W to Brooksville, Miss., thence over U.S. Highway 45 to Meridian, Miss., thence over U.S. Highway 11 and/or U.S. Interstate Highway 59 to Hattiesburg, and return over the same route, serving all intermediate points on and south of U.S. Highway 80. Restriction: The operations requested herein are to be restricted against the transportation of any traffic moving between Memphis, Tenn., or its commercial zone as defined by the Commission, on the one hand, and, on the other, Hattiesburg, Miss., and its commercial zone as defined by the Commission, and intermediate points on the described highways on and south of U.S. Highway 80, for 180 days. NOTE: Applicant states that at the present time U.S. Interstate Highway 59 is in use between Meridian, Miss., and Laurel, and the segment between Laurel and Hattiesburg is in the process of being completed. It may be 6 months before the Interstate Highway No. 59 is completed all the way from Meridian to Hattiesburg with the result that the applicant desires authority between Laurel and Hattiesburg over U.S. Highway No. 11 and over Interstate Highway No. 59 if it can be used. Supporting shippers: The application is supported by statements from 35 shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: W. W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 390 Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 41116 (Sub-No. 30 TA), filed October 13, 1966. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 603, Crowley, La. 70526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags, bagging, steel cotton bale ties, burlap, and twine*, between Crowley, La., on the one hand, and, on the other, points in Mississippi, for 180 days. Supporting shipper: Continental Bag Co., Post Office Box 491, Crowley, La. 70526, Mr. I .Garcia, Treasurer. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 52657 (Sub-No. 650 TA), filed October 13, 1966. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burial vaults*, from Wapakoneta, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Perfection Burial Vault Co., Galion, Ohio 44833. Send protests to: Charles J. Kudelka, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 59759 (Sub-No. 25 TA), filed October 13, 1966. Applicant: JONES TRUCKING CO., 500 West Edgar Road, Linden, N.J. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, for the account of Food Fair Stores, Inc., of Linden, N.J., between Linden, N.J., on the one hand, and, on the other, points in Rockingham County, N.H., for 150 days. Supporting shipper: Food Fair Stores, Inc., 320 South Stiles Street, Linden, N.J. Send protests to: Walter J. Grossman, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1060 Broad Street, Newark, N.J. 07102.

No. MC 66512 (Sub-No. 6 TA), filed October 13, 1966. Applicant: P & G MOTOR FREIGHT INCORPORATED, 450 Burnham Street, South Windsor, Conn. Applicant's representative: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic coated materials*, from the plantsite of Pervel Industries, Inc., at Plainfield, Conn., to points in the New York, N.Y., commercial zone, and Bayway, East Newark, Kearney, Passaic, Harrison, Nutley, and Newark, N.J.; and *materials, supplies, and equipment* used in the manufacture of plastic coated materials, on return, for 180 days. Supporting shipper: Pervel Industries, Inc., Plainfield, Conn. 06374. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 74647 (Sub-No. 11 TA), filed October 13, 1966. Applicant: PASCO SALVINO, doing business as P. SALVINO TRANSPORT, 5245 East Marginal Way South, Seattle, Wash. 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from La Conner, Wash., to Salem, Oreg., for 180 days. Supporting shipper: Blue Lake Packers, Inc., Post Office Box 5038, Salem, Oreg. 97304. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 85451 (Sub-No. 12 TA), filed October 13, 1966. Applicant: BLUE-BONNET EXPRESS, INC., 5009 Rusk Street, Post Office Box 18544, Houston, Tex. 77023. Applicant's representatives: Mr. David A. Sutherlund, 1120 Connecticut Avenue NW., Washington, D.C. and Mr. J. G. Fender, 2033 Norfolk Street, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, having a prior or subsequent movement by air, (1) between airports located in Harris County, Tex., on the one hand, and, on the other, points in Texas over the routes described as follows: (a) From Houston, Tex., over U.S. Highway 90 to junction U.S. Highway 59 and U.S. Highway 259, thence over U.S. Highway 259 to Henderson, Tex., and return over the same route, (b) from Houston, Tex., over U.S. Interstate Highway 10, to Orange, Tex., and return over the same route, (c) from Houston, Tex., over U.S. Highway 90, to Beaumont, Tex., and return over the same route, (d)

from junction U.S. Interstate Highway 10 and Texas Highway 73, over Texas Highway 73, to Port Arthur, Tex., and return over the same route, (e) from Houston, Tex., over U.S. Highway 75, to Galveston, Tex., and return over the same route, (f) from Houston, Tex., over Texas Highway 225 to junction Texas Highway 146, and thence over Texas Highway 146 to junction U.S. Highway 75, and return over the same route, (g) from Houston, Tex., over Texas Highway 35 to junction Texas Highway 185, and return over the same route, (h) from Houston, Tex., over Texas Highway 288 to Freeport, Tex., and return over the same route.

(i) From Houston, Tex., over U.S. Highway 59 to Goliad, Tex., and return over the same route, (j) from Houston, Tex., over U.S. Highway 90A to Shiner, Tex., and return over the same route, (k) from Houston, Tex., over U.S. Highway 90 to San Antonio, Tex., and return over the same route, (l) from Houston, Tex., over U.S. Highway 290 to Brenham, Tex., and return over the same route, (m) from Hempstead, Tex., over Texas Highway 6 to Bryan, Tex., and thence over U.S. Highway 190 to Hearne, Tex., and return over the same route, (n) from Bryan, Tex., over Texas Highway 21 to Caldwell, Tex., and return over the same route, (o) from Houston, Tex., over U.S. Highway 75 to Maddisonville, Tex., and return over the same route, (p) from Houston, Tex., over U.S. Interstate Highway 45 to junction U.S. Interstate Highway 45 and U.S. Highway 75 and return over the same route, (q) from Sealy, Tex., over Texas Highway 36 to Milano, Tex., and return over the same route, (r) from Columbus, Tex., over Texas Highway 71 to Austin, Tex., and return over the same route, (s) from Flatonio, Tex., over Texas Highway 95 to Yoakum, Tex., and return over the same route, (t) from Yoakum, Tex., over U.S. Highway 77A to Refugio, Tex., and return over the same route, (u) from Cuero, Tex., over Texas Highway 72 to Kenedy, Tex., and return over the same route, (v) from Cuero, Tex., over Texas Highway 87 to Victoria, Tex., and thence over Texas Highway 185 to Port O'Connor, Tex., and return over the same route.

(w) From Victoria, Tex., over Texas Highway 77 to junction U.S. Highway 77 and Texas Highway 9, and thence over Texas Highway 9 to Corpus Christi, Tex., and return over the same route, (x) from Sinton, Tex., over U.S. Highway 181 to Corpus Christi, Tex., and return over the same route, serving all intermediate points in (1) (a) through (x) above and points in Harris, Montgomery, Liberty, San Jacinto, Polk, Angelina, Nacogdoches, Rusk, Galveston, Brazoria, Fort Bend, Waller, Brazos, Grimes, Burleson, Washington, Austin, Colorado, Wharton, Matagorda, Victoria, Jackson, Lavaca, Fayette, Lee, Bastrop, Travis, Caldwell, Gonzales, Guadalupe, Karnes, De Witt, Goliad, Refugio, Aransas, San Patricio, Calhoun, Nueces, Burleson, Robertson, Milam, Sam Houston, Bexar, Madison, Walker, Trinity, Jefferson, Orange, and Chambers Counties, Tex., as off-route points, (2) between airports located in Bexar County, Tex., on the one hand, and, on the other, points in Texas over the route described as follows: From San Antonio, Tex., over U.S. Highway 90 to Houston, Tex., and return over the same route, serving all intermediate points on the above-described route, for 150 days. Supporting shippers: The application is supported by statements from 50 shippers which may be examined here at the Interstate Commerce Commission, Washington, D.C. Send protests to: District Supervisor John C. Redus, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 106398 (Sub-No. 342 TA), filed October 13, 1966. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 8096, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Richard O. Battles, National Trailer Convoy, Inc., 1925 National Plaza, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Stanford, Ky., to points in Ohio, Tennessee, Virginia, West Virginia, Indiana, and Illinois, for 180 days. Supporting shipper: Stanford Mobile Homes, Inc., Eugene Manigold, North U.S. 27, Stanford, Ky. 40484. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 111785 (Sub-No. 26 TA), filed October 13, 1966. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box No. 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, Rea, Cross, Knebel, and Kinnaird, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard*, on skids, on flatbed trailers, from Gassaway (Braxton County), W. Va., to points in Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and the District of Columbia, for 180 days. Supporting shipper: Mr. Lee Green, West Virginia Forest Products Co., Gassaway, W. Va. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 112520 (Sub-No. 151 TA), filed October 13, 1966. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Schwartz, Proctor, and Bolinger, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Dixie Pipe Line Terminals at or near Alma and Albany, Ga., to Madison, Tallahassee, and Quincy, Fla., for 180 days. Supporting shipper: Southern Propane Co., Post Office Drawer 427, Jesup, Ga. 31545. Send protests to: District Supervisor George H. Fauss, Jr., Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 115322 (Sub-No. 49 TA), filed October 13, 1966. Applicant: BLYTHE MOTOR LINES, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from North East, Pa., and Westfield, N.Y., to points in Virginia, for 180 days. Supporting shipper: The Welch Grape Juice Co., Inc., Westfield, N.Y. Send protests to: District Supervisor George H. Fauss, Jr., Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 115331 (Sub-No. 209 TA), filed October 13, 1966. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides*, liquid, in bulk, in tank vehicles, from Muskegon, Mich., to points in the Omaha, Nebr., commercial zone, for 180 days. Supporting shipper: Chevron Chemical Co., Post Office Box 282, Ortho Way, Fort Madison, Iowa. J. L. Roye, Traffic Representative. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 115654 (Sub-No. 7 TA), filed October 13, 1966. Applicant: TENNESSEE CARTAGE CO., INC., 815 Ewing Street, Nashville, Tenn. 37207. Applicant's representative: Walter Harwood, Nashville Bank and Trust, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment, between Nashville, Tenn., and Greenville, Ky., from Nashville over U.S. Highway 41 to Springfield, Tenn., thence over U.S. Highway 431 to Drakesboro, Ky., thence over Kentucky Highway 176 to Greenville, Ky., and return over the same route, serving no intermediate points, for 180 days. Supporting shippers: Cowden Manufacturing Co., Cowden Building, Lexington, Ky. 40501, Marvel Industries, Inc., Sturgis, Mich. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 120800 (Sub-No. 2 TA), filed October 13, 1966. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen*, moving on GBL, from Santa Susana, Calif., to Patrick Air Force Base, Fla., for 150 days. Supporting shipper: The Department of Defense, Washington, D.C. Send protests to: John E. Nance, District Supervisor, Federal Building, Room 7708, Interstate Commerce Commission, Bureau of Operations and Compliance, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 124083 (Sub-No. 32 TA), filed October 12, 1966. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Steers, Klee, Jay, 45 North Pennsylvania Street, Suite 312, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unprocessed glass cullets*, from Indianapolis, Ind., to Cincinnati, Ohio, for 180 days. Supporting shipper: Barnett & Co., Inc., 124 West McCarty Street, Indianapolis, Ind. 46225. Send protest to: District Supervisor, R. M. Hagarty, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 124218 (Sub-No. 10 TA), filed October 13, 1966. Applicant: UNIT TRANSPORTATION, INC., Ford Boulevard and North Fifth Street, Post Office Box 86, Hamilton, Ohio. Applicant's representative: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.J. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Folding camping trailers in initial movements*, from New Haven, Mo., and Elm Grove and Milwaukee, Wis., to points in the United States except Alaska and Hawaii, and (2) *folding camping trailers in secondary movements*, from points in the United States except Alaska and Hawaii to New Haven, Mo., and Elm Grove and Milwaukee, Wis., for 180 days. Supporting shippers: The Coleman Co., Inc., Wichita, Kans. 67201; H. Wenzel Tent & Duck Co., 1280 Research Boulevard, Lindbergh-Warson Industrial Center, St. Louis, Mo. 63132. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 127329 (Sub-No. 3 TA), filed October 13, 1966. Applicant: C. T. STOVER, doing business as AIR CARGO, 1810 Koch Lane, Quincy, Ill. 62301. Applicant's representative: Robert T. Lawley, Routman and Lawley, 306–308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air compressors, vacuum pumps, and parts thereof*, between Quincy, Ill., and Lambert Field, St. Louis, Mo., for the account of Colt Industries, Quincy Compressor Division, restricted to shipments having an immediately prior or immediately subsequent movement by air, for 180 days. Supporting shipper: Colt Industries, Quincy Compressor Division, Quincy, Ill. 62301. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 127625 (Sub-No. 5 TA), filed October 13, 1966. Applicant: SANTEE CEMENT CARRIERS, INC., Post Office Box 597, Holly Hill, S.C. 29059. Applicant's representative: Frank B. Hand, Jr., 921 17th Street, NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Columbia, S.C., to points in Florida, Georgia, North Carolina, and Virginia, for 150 days. Supporting shipper: Columbia Pipe Co., Columbia, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 509 Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 128631 (Sub-No. 1 TA), filed October 13, 1966. Applicant: CONARD L. DRISKELL, doing business as C. L. DRISKELL TRUCKING, 440 South Seventh Street, Monmouth, Ill. 61462. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bag and bulk, from Muscatine, Iowa, to Monmouth, Altona, and Seaton, Ill., for 180 days. Supporting shippers: Monmouth Feed Service, 602 West Fourth Avenue, Monmouth, Ill., Seaton Grain Co., Seaton, Ill., Altona Co-Operative Grain Co., Altona, Ill. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66–11494; Filed, Oct. 20, 1966; 8:49 a.m.]

[Notice 1429]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 18, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69093. By order of October 11, 1966, the Transfer Board approved the transfer to Joe Luchesi and Antionette Lucchesi, doing business as Reno Gerlach Stage Line, 835 Montana Drive, Reno, Nev. 89503, of certificate of registration No. MC–120429 (Sub-No. 1), issued November 25, 1963, to Hershel E. Rogers and Jeanne A. Rogers, doing business as Reno Gerlach Stage Line, 1835 O'Farrel Street, Reno, Nev. 89503, evidencing a right to engage in interstate or foreign commerce, in the transportation of passengers and express, between points in Nevada.

No. MC–FC–69095. By order of October 13, 1966, the Transfer Board approved the transfer to James E. Depeau Trucking Co., Inc., Lockport, N.Y., of the operating rights in permit No. MC–53978, issued June 26, 1963, to James E. Depeau, doing business as James E. Depeau Trucking Company, Lockport, N.Y., authorizing the transportation, over irregular routes, of foundry supplies from Buffalo, N.Y., to Erie, Meadville, Bradford, Clearfield, Ridgeway, and Saint Marys, Pa. William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202, attorney for applicants.

No. MC–FC–69121. By order of October 10, 1966, the Transfer Board approved the transfer to William P. Cawley, doing business as Scranton Parcel Delivery, Scranton, Pa., certificate of registration No. MC–120353 (Sub-No. 1), evidencing a right to engage in interstate or foreign commerce in Pennsylvania, issued July 8, 1965, to Stanley A. Lukas, doing business as Lukas Parcel Delivery, Scranton, Pa., in the transportation of specified commodities, between designated areas in Pennsylvania. Daniel H. Jenkins, 309 Mears Building, Scranton, Pa. 18503, attorney for applicants.

No. MC–FC–69122. By order of October 10, 1966, the Transfer Board approved the transfer to Bertie Stinson, doing business as Stinson Transfer Co., Kinsley, Kans., of the certificates in Nos. MC–52351, MC–52351 (Sub-No. 1), MC–52351 (Sub-No. 2), and MC–52351 (Sub-No. 3), issued March 12, 1943, February 3, 1940, May 4, 1943, and July 18, 1947, respectively, to O. C. Stinson, doing business as Stinson Transfer Co., Kinsley, Kans., authorizing the transportation, over irregular routes, in MC–52351, of livestock, from Kinsley, Kans., and points and places within 25 miles thereof, to Kansas City, Mo.; in MC–52351 (Sub-No. 1), of livestock, between points and places within 40 miles of Kinsley, Kans., on the one hand, and, on the other, points and places in Colorado; in MC–52351 (Sub-No. 2), of household goods and emigrant movables, between Kinsley, Kans., on the one hand, and, on the other, points and places in Colorado; and in MC–52351 (Sub-No. 3), of household goods and emigrant movables, between points and places in Kansas, except Kinsley, on and west of U.S. Highway 81, on the one hand, and, on

the other, points and places in Colorado, and new and used farm machinery and implements and parts therefor, from Kansas City, Mo., to points and places in Edwards, Pawnee, Stafford, Kiowa, Ford, Gray, Finney, Kearney, Hamilton, and Hodgeman Counties, Kans. Jerome K. Wilson, Wilson and Frame, Kinsley, Kans. 67547, attorney for applicants.

No. MC-FC-69123. By order of October 11, 1966, the Transfer Board approved the transfer to M. I. Loker and Pauline Loker, a partnership, doing business as Seaway Coach Lines, Erie, Pa., of the operating rights in certificate No. MC-3556, issued August 2, 1961, to Albert A. Prechtl, doing business as Elk-Cameron Bus Lines, St. Marys, Pa., authorizing the transportation of: Passengers and their baggage, over regular routes, between St. Marys, and Ridgeway, Pa., serving all intermediate points; between Johnsonburg and Emporium, Pa., serving all intermediate points; between St. Marys and Clearfield, Pa., serving all intermediate points, and, passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Johnsonburg, Pa., and Olean, N.Y., and between Smithport and Port Allegheny, Pa. David H. Lund, 332 East Sixth Street, Erie, Pa., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11495; Filed, Oct. 20, 1966; 8:49 a.m.]

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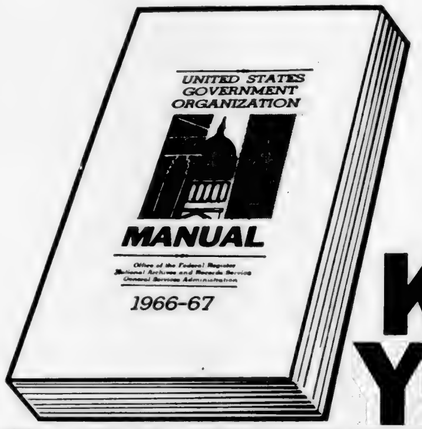
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Commodity Credit Corporation
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Federal Communications Commission
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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Volume 79

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[89th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1965, reorganization plans, a proposed amendment to the Constitution, and Presidential proclamations. Also included are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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Title 3—THE PRESIDENT

Proclamation 3752

THANKSGIVING DAY, 1966

By the President of the United States of America

A Proclamation

They came in tiny wooden ships. On an unknown and alien shore, they planted and built, settled and survived. Then they gave solemn thanks to God for His goodness and bounty. America, well over 300 years ago, had its first Thanksgiving Day.

For many years your Presidents have had the opportunity to proclaim Thanksgiving Day, to address themselves to the American people, to remind us of the blessings we enjoy and the thanks that we owe.

If we consider the fervor with which those colonists in Virginia and Massachusetts gave thanks, when they had so little, we are taught how much deeper should our thanks be—when we have so much.

Never, in all the hundreds of Thanksgiving Days, has our nation possessed a greater abundance, not only of material things but of the precious intangibles that make life worth living.

Never have we been better fed, better housed, better clothed. Never have so many Americans been earning their own way, and been able to provide their families with the marvelous products of a momentous age.

Nor has America ever been healthier, nor had more of her children in school and in college. Nor have we ever had more time for recreation and refreshment of the spirit, nor more ways and places in which to study and to enrich our lives through the arts.

Never have our greatest blessings—our freedoms—been more widely enjoyed by our people. Nor have we ever been closer to the day when every American will have an equal opportunity and an equal freedom.

No, we do not yet have peace in the world. Our men are engaged again, as they have been on so many other Thanksgivings, on a foreign field fighting for freedom. But we can be thankful for their strength that has always kept our liberty secure. We can be thankful for our science and technology that helps to guard our America.

Thanks are better spoken by deed rather than word. Therefore, it behooves a grateful America to share its blessings with our brothers abroad, with those who have so little of the abundance that is ours.

Simple justice and a concern for our fellow man require that we be ready to offer what we can of our food, our resources, our talents, our energies, our skills, and our knowledge to help others build a better life for themselves.

We should thank God that we are able.

Let us, therefore, in this splendid American tradition, thank Him who created us and all that we have. Let us do so with a firm resolve to be worthy of His abundant blessings. Let us assemble in our homes and in our places of worship, each in his own way.

Let us thank God for the America we are so fortunate to know.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in consonance with Section 6103 of Title 5 of the United States Code designating the fourth Thursday of November in each year as Thanksgiving Day, do hereby proclaim Thursday, November 24, 1966, as a day of national thanksgiving.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventeenth day of October in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66 11594; Filed, Oct. 20, 1966; 2:26 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types) [1]

On August 6, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10577) regarding a proposed revision of U.S. Standards for Grades of Onions (other than Bermuda-Granex-Grano and Creole Types) (7 CFR, §§ 51.2830–51.2854).

Statement of considerations leading to the revision of the grade standards. The revised standards incorporate a new U.S. Export No. 1 grade. It was developed at the request of representatives of onion producers and shippers in New York State and of the National Onion Association. It is designed to reflect the preferences of European buyers with respect to quality, size and packing. Except for minor changes in wording no changes are made in the existing grades.

The U.S. Export No. 1 requires the onions to be dormant, meaning that at least 90 percent of the onions in any lot show no evidence of growth as indicated by distinct elongation or distinct change in color of the growing point. This requirement assumes that the onions would be treated with a sprout inhibitor and will greatly reduce the possibility of rejection because of sprouting during overseas shipment. The dormancy requirement was changed slightly from that published in the FEDERAL REGISTER August 6, 1966, under notice of proposed rule making in response to industry requests for an allowance for onions which are not dormant. At that time no allowance had been made for onions lacking dormancy. However, onions which are not dormant must be free from damage by sprouts.

The U.S. Export No. 1 grade requires size to be specified in connection with the grade. Any minimum diameter or range in diameter may be specified in lieu of the three size classifications—Export Small, Export Medium, and Export Large. Thus European buyers may designate size by one of these classifications rather than specifying diameter ranges for each shipment. The offsize tolerances are applied on a container basis to insure the high degree of uniformity required in European markets.

Onions specified as meeting Export Packing Requirements must be packed in containers having a net capacity of 25 kilograms (56 pounds). However, since this requirement may be otherwise specified, the use of containers having different weight capacities would be permitted.

The U.S. Export No. 1 grade and the Packing Requirements should benefit the shippers and importers who choose to make use of them, and would have no adverse effect upon others. The use of these standards is optional. Industry response to the proposal as published in the FEDERAL REGISTER of August 6, 1966 was generally favorable. Comments from European and United Kingdom importers indicated the belief that the Export Grade will help improve the competitive position of U.S. onions in their markets.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Onions (other than Bermuda-Granex-Grano and Creole Types) are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.2830 U.S. No. 1.
51.2831 U.S. Export No. 1.
51.2832 U.S. Commercial.
51.2833 U.S. No. 1 Boilers.
51.2834 U.S. No. 1 Picklers.
51.2835 U.S. No. 2.

UNCLASSIFIED

51.2836 Unclassified.

SIZE CLASSIFICATIONS

51.2837 Size classifications.

TOLERANCES

51.2838 Tolerances.

APPLICATION OF TOLERANCES

51.2839 Application of tolerances.

EXPORT PACKING REQUIREMENTS

51.2840 Export packing requirements.

DEFINITIONS

51.2841 Mature.
51.2842 Dormant.
51.2843 Fairly firm.
51.2844 Fairly well shaped.
51.2845 Wet sunscald.
51.2846 Doubles.
51.2847 Bottlenecks.
51.2848 Scallions.
51.2849 Damage.
51.2850 Diameter.
51.2851 Badly misshapen.
51.2852 Serious damage.
51.2853 One type.

METRIC CONVERSION TABLE

51.2854 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.2830 U.S. No. 1.

"U.S. No. 1" consists of onions of similar varietal characteristics which are mature, fairly firm, fairly well shaped, and which are free from decay, wet sunscald, doubles, bottlenecks, scallions, and free from damage caused by seedstems, splits, tops, roots, dry sunscald, sunburn, sprouts, freezing, peeling, cracked fleshy scales, watery scales, dirt or staining, foreign matter, disease, insects, or other means. (See § 51.2838.)

(a) Size: Unless otherwise specified the diameter shall be not less than 1½ inches, and yellow, brown, or red onions shall have 40 percent or more, and white onions shall have 30 percent or more, by weight, of the onions in any lot 2 inches or larger in diameter.

(b) When a percentage of the onions is specified to be of any certain size or larger, no part of any tolerance shall be allowed to reduce the specified percentage, but individual packages in a lot may have as much as 25 percentage points less than the percentage specified, except that individual packages containing 10 pounds or less shall have no requirements as to the percentage of a certain size or larger: *Provided*, That any lot, regardless of package size, shall average within the percentage specified. (See §§ 51.2837 and 51.2838) [2]

§ 51.2831 U.S. Export No. 1.

"U.S. Export No. 1" consists of onions of similar varietal characteristics which are mature, dormant, fairly firm, fairly well shaped, and which are free from decay, wet sunscald, doubles, bottlenecks, scallions, and free from damage caused by seedstems, splits, tops, roots, dry sunscald, sunburn, sprouts, freezing, peeling, cracked fleshy scales, watery scales, dirt or staining, foreign matter, disease, insects, or other means.

(a) Unless otherwise specified, the onions meet one of the size classifications set forth in § 51.2837(a)(4).

(b) Unless otherwise specified onions are packed in accordance with Export Packing Requirements set forth in § 51.2840. (See § 51.2838.)

§ 51.2832 U.S. Commercial.

"U.S. Commercial" consists of onions of similar varietal characteristics which

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

[2] Any lot of onions quoted as being of size smaller than 1⅛ inches minimum, such as "U.S. No. 1, 1⅛ inches min.", is not required to meet the percentages which shall be 2 inches or larger as specified in the U.S. No. 1 grade.

are mature, not soft or spongy, not badly misshapen, and which are free from decay, wet sunscald, doubles, bottlenecks, scallions, and free from damage caused by seedstems, tops, roots, dry sunscald, sunburn, sprouts, freezing, cracked fleshy scales, watery scales, disease, insects, or other means, and from serious damage by staining, dirt, or other foreign matter. (See § 51.2838.)

(a) *Size.* Unless otherwise specified, the diameter shall be not less than 1½ inches. (See §§ 51.2837 and 51.2838.)

§ 51.2833 U.S. No. 1 Boilers.

"U.S. No. 1 Boilers" consists of onions which meet all requirements for the U.S. No. 1 grade except for size. (See § 51.2830.)

(a) *Size.* The diameter of onions of this grade shall be not less than 1 inch nor more than 1⅞ inches. (See § 51.2838.)

§ 51.2834 U.S. No. 1 Picklers.

"U.S. No. 1 Picklers" consists of onions which meet all the requirements for the U.S. No. 1 grade except for size. (See § 51.2830.)

(a) *Size.* The maximum diameter of onions of this grade shall be not more than 1 inch. (See § 51.2838.)

§ 51.2835 U.S. No. 2.

"U.S. No. 2" consists of onions of one type, which are mature, but not soft or spongy, and which are free from decay, wet unscald, scallions, and which are free from serious damage caused by seedstems, dry sunscald, sprouts, freezing, watery scales, disease, insects, or other means. (See § 51.2838.)

(a) *Size.* Unless otherwise specified, the diameter shall be not less than 1½ inches. (See §§ 51.2837 and 51.2838.)

UNCLASSIFIED

§ 51.2836 Unclassified.

"Unclassified" consists of onions which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE CLASSIFICATIONS

§ 51.2837 Size classifications.

(a) The size of onions may be specified in accordance with one of the following classifications:

(1) "Small" shall be from 1 to 2¼ inches in diameter;

(2) "Medium" shall be from 2 to 3¼ inches in diameter, except that for onions grown in Minnesota, Iowa, and States east of the Mississippi River, "Medium" shall be 1½ to 3¼ inches in diameter with percentage of onions 2 inches and larger in diameter as specified in § 51.2830(a); or,

(3) "Large" or "Jumbo" shall be 3 inches or larger in diameter.

(4) Size classifications for onions destined for export:

(i) "Export Small" shall be 1½ to 2 inches (approximately 40 to 50 millimeters) in diameter;

(ii) "Export Medium" shall be 2 to 2¾ inches (approximately 50 to 70 millimeters) in diameter; or,

(iii) "Export Large" shall be 2¾ to 3½ inches (approximately 70 to 90 millimeters) in diameter.

TOLERANCES

§ 51.2838 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades the following tolerances, by weight, are provided as specified:

(a) *Defects*—(1) *U.S. No. 1, U.S. Export No. 1, U.S. No. 1 Boiler, and U.S. No. 1 Pickler grades.* 10 percent of the onions in any lot may be damaged by peeling, and not more than 5 percent may be below the remaining requirements of these grades, but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay or wet sunscald (see § 51.2839); and,

Size classification / *Tolerances*

Export Small	10 percent: *Provided*, That no tolerance is provided for onions less than 1¼ inches (approximately 30 millimeters), or more than 2¾ inches (approximately 70 millimeters) in diameter.
Export Medium	10 percent: *Provided*, That no tolerance is provided for onions less than 1½ inches (approximately 40 millimeters) or more than 3½ inches (approximately 90 millimeters) in diameter.
Export Large	10 percent: *Provided*, That no tolerance is provided for onions less than 2 inches (approximately 50 millimeters) or more than 4¼ inches (approximately 110 millimeters) in diameter.
Other specified minimum diameter or minimum and maximum diameters.	10 percent: *Provided*, That no tolerance is provided for onions with a diameter more than 20 percent less than the specified minimum, or more than 20 percent greater than the specified maximum diameter.

(ii) In applying the tolerances set forth in subdivision (i) of this subparagraph no package shall fail to meet the size requirement for Export No. 1 because of one onion which is below the specified minimum diameter or above the specified maximum diameter.

APPLICATION OF TOLERANCES

§ 51.2839 Application of tolerances.

(a) Except for tolerances for off-size in the U.S. Export No. 1 grade, the contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(1) Packages which contain more than 10 pounds shall have not more than one and one-half times a specified 10 percent tolerance and not more than double a specified tolerance of less than 10 percent, except that at least one defective and one off-size onion may be permitted in any package: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade; and,

(2) Packages which contain 10 pounds or less shall have not more than three times the tolerance specified, except that at least one defective and one off-size onion may be permitted in any package: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(b) The tolerances for off-size in the U.S. Export No. 1 grade apply to individual containers and the application of tolerances set forth in paragraph (a) of this section does not apply to these tolerances.

(2) *U.S. Commercial and U.S. No. 2 grades.* 5 percent of the onions in any lot may be below the requirements of these grades, but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay or wet sunscald. (See § 51.2839.)

(b) *Off-size*—(1) *U.S. No. 1, U.S. Commercial, U.S. No. 1 Boiler and U.S. No. 2 grades.* 5 percent of the onions in any lot may be below the specified minimum size, and 10 percent may be above any specified maximum size. (See § 51.2839.)

(2) *U.S. No. 1 Pickler grade.* 10 percent of the onions in any lot may be above maximum size specified for this grade. (See § 51.2839.); and,

(3) *U.S. Export No. 1 Grade.* (i) Tolerances for onions in any container which fail to conform to the specified sizes are set forth in the following table:

Tolerances

Export Small	10 percent: *Provided*, That no tolerance is provided for onions less than 1¼ inches (approximately 30 millimeters), or more than 2¾ inches (approximately 70 millimeters) in diameter.
Export Medium	10 percent: *Provided*, That no tolerance is provided for onions less than 1½ inches (approximately 40 millimeters) or more than 3½ inches (approximately 90 millimeters) in diameter.
Export Large	10 percent: *Provided*, That no tolerance is provided for onions less than 2 inches (approximately 50 millimeters) or more than 4¼ inches (approximately 110 millimeters) in diameter.
Other specified minimum diameter or minimum and maximum diameters.	10 percent: *Provided*, That no tolerance is provided for onions with a diameter more than 20 percent less than the specified minimum, or more than 20 percent greater than the specified maximum diameter.

(ii) In applying the tolerances set forth in subdivision (i) of this subparagraph no package shall fail to meet the size requirement for Export No. 1 because of one onion which is below the specified minimum diameter or above the specified maximum diameter.

APPLICATION OF TOLERANCES

§ 51.2839 Application of tolerances.

(a) Except for tolerances for off-size in the U.S. Export No. 1 grade, the contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(1) Packages which contain more than 10 pounds shall have not more than one and one-half times a specified 10 percent tolerance and not more than double a specified tolerance of less than 10 percent, except that at least one defective and one off-size onion may be permitted in any package: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade; and,

(2) Packages which contain 10 pounds or less shall have not more than three times the tolerance specified, except that at least one defective and one off-size onion may be permitted in any package: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(b) The tolerances for off-size in the U.S. Export No. 1 grade apply to individual containers and the application of tolerances set forth in paragraph (a) of this section does not apply to these tolerances.

EXPORT PACKING REQUIREMENTS

§ 51.2840 Export packing requirements.

Onions specified as meeting Export Packing Requirements shall be packed in containers having a net capacity of 25 kilograms (approximately 56 pounds).

DEFINITIONS

§ 51.2841 Mature.

"Mature" means well cured. Mid-season onions which are not customarily held in storage shall be considered mature when harvested in accordance with good commercial practice at a stage which will not result in the onions becoming soft or spongy.

§ 51.2842 Dormant.

"Dormant" means that at least 90% of the onions in any lot show no evidence of growth as indicated by distinct elongation of the growing point or distinct yellow or green color in the tip of the growing point.

§ 51.2843 Fairly firm.

"Fairly firm" means that the onion may yield slightly to moderate pressure but is not appreciably soft or spongy.

§ 51.2844 Fairly well shaped.

"Fairly well shaped" means having the shape characteristic of the variety, but onions may be slightly off-type or slightly misshapen.

§ 51.2845 Wet sunscald.

"Wet sunscald" means sunscald which is soft, mushy, or sticky.

§ 51.2846 Doubles.

"Doubles" means onions which have developed more than one distinct bulb joined only at the base.

§ 51.2847 Bottlenecks.

"Bottlenecks" are onions which have abnormally thick necks with only fairly well developed bulbs.

§ 51.2848 Scallions.

"Scallions" are onions which have thick necks and relatively small and poorly developed bulbs.

§ 51.2849 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the onions. The following specific defects shall be considered as damage:

(a) Seedstems which are tough or woody, or which are more than ¼ inch in diameter;

(b) Splits when onions with two or more hearts are not practically covered by one or more outer scales;

(c) Tops when materially detracting from the appearance of the lot. As a guide, a lot shall be considered damaged if more than 20 percent of the tops are 3 inches in length and the remainder 2 inches;

(d) New roots when most roots on an individual onion have grown to a length of 1 inch or more;

(e) Dry roots when detracting from the appearance of the lot more than the presence of 20 percent of the onions having all roots 2 inches in length;

(f) Dry sunscald which is readily apparent without peeling the onion;

(g) Sunburn when it detracts from the appearance more than the presence of one-third of the onions in the lot showing sunburn of medium green color on one-third of the surface;

(h) Sprouts when visible, or when concealed within the dry top and more than three-fourths inch in length on an onion 2 inches or larger in diameter, or proportionately shorter on smaller onions;

(i) Peeling when more than one-half of the thin papery skin is missing, leaving the underlying fleshy scale unprotected;

(j) Cracked fleshy scales when one or more of the fleshy scales are cracked;

(k) Watery scales when more than the equivalent of the entire outer fleshy scale is affected by an off-color, watersoaked condition; and,

(l) Dirt or staining when materially detracting from the appearance of the lot. Yellow, brown, or red onions are damaged when the appearance of the lot is affected more seriously than by the presence of 20 percent appreciably stained onions. White onions are damaged when the appearance of the lot is affected more seriously than by the presence of 15 percent appreciably stained onions. Onions with adhering or caked dirt shall be judged on the same basis as stained onions.

§ 51.2850 Diameter.

"Diameter" means the greatest dimension measured at right angles to a straight line running from the stem to the root.

§ 51.2851 Badly misshapen.

"Badly misshapen" means that the onion is so misshapen that its appearance is seriously affected.

§ 51.2852 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the onions. The following specific defects shall be considered as serious damage:

(a) Watery scales when more than the equivalent of two entire outer fleshy scales are affected by an off-colored, water-soaked condition;

(b) Dirt or staining when seriously detracting from the appearance of the lot. Onions are seriously damaged by dirt or staining when more than 25 percent of onions in the lot are badly stained. Onions with adhering or caked dirt shall be judged on the same basis as stained onions;

(c) Seedstems when more than one-half inch in diameter; and,

(d) Sprouts when the visible length is more than one-half inch.

§ 51.2853 One type.

"One type" means that the onions are within the same general color category.

METRIC CONVERSION TABLE

§ 51.2854 Metric conversion table.

Inches	*Millimeters (mm)*
¼ =	6.4
⅜ =	9.5
½ =	12.7
⅝ =	15.9
¾ =	19.1
⅞ =	22.2
1 =	25.4
1¼ =	31.8
1½ =	38.1
1¾ =	44.5
2 =	50.8
2½ =	63.5
2¾ =	69.9
3 =	76.2
3½ =	88.9
4 =	101.6

The U.S. Standards for Grades of Onions (other than Bermuda-Granex-Grano and Creole Types) contained in this subpart shall become effective December 15, 1966, and will thereupon supersede the U.S. Standards for Grades of Onions (other than Bermuda-Granex-Grano and Creole Types) which have been in effect since May 15, 1961, as amended March 18, 1962 (§§ 51.2830–51.2850).

Dated: October 18, 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66-11545; Filed, Oct. 21, 1966; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 184]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.484 Valencia Orange Regulation 184.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was

held: the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 20, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 23, 1966, and ending at 12:01 a.m., P.s.t., October 30, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 21, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11630; Filed, Oct. 21, 1966; 11:30 a.m.]

[Lemon Reg. 237]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.537 Lemon Regulation 237.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 18, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 23, 1966, and ending at 12:01 a.m., P.s.t., October 30, 1966, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 79,050 cartons;

(iii) District 3: 102,300 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 20, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11604; Filed, Oct. 21, 1966; 8:49 a.m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Expenses of the Walnut Control Board and Rates of Assessment for the 1966–67 Marketing Year

Notice was published in the October 6, 1966, issue of the FEDERAL REGISTER (31 F.R. 13005) regarding proposed expenses of the Walnut Control Board for the 1966–67 marketing year and rates of assessment for that marketing year, pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Walnut Control Board, and other available information, it is found that the expenses of the Board and rates of assessment for the marketing year beginning August 1, 1966, shall be as follows:

§ 984.318 Expenses of the Walnut Control Board and rates of assessment for the 1966–67 marketing year.

(a) *Expenses.* The expenses in the amount of $124,850 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1966, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, is fixed at 0.125 cent per pound for merchantable inshell walnuts and 0.25 cent per pound for merchantable shelled walnuts.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and this part require that the rates of assessment fixed for a particular marketing year shall be applicable to all assessable walnuts from the beginning of such year; and (2) the current marketing year began on August 1, 1966, and the rates of assessment herein fixed will automatically apply to all such assessable walnuts beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 19, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 66–11546; Filed, Oct. 21, 1966; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 126]

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the North Texas marketing area (7 CFR Part 1126), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of October 1966 through March 1967: The reference "described in paragraph (a) of this section" as it appears in § 1126.10(c), relating to the pool plant status of a plant operated by a cooperative association.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order is necessary to assure consumers in the market of an adequate supply of pure and wholesome milk to meet the fluid milk needs in a period of an anticipated seasonal decline of production in relation to Class I uses. The suspension order will permit producer milk now constituting a part of the supply for fluid milk needs, plus the reserve, to be received at a pool plant with manufacturing product facilities, thereby insuring the continued pooling, efficient utilization, and availability of such milk for market needs.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (31 F.R. 13005). Views supporting this action were filed by a producer association representing more than two-thirds of the producers on the market. None were filed in opposition.

Therefore, good cause exists for making this order effective October 1, 1966.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period October 1, 1966, through March 31, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. October 1, 1966.

Signed at Washington, D.C., on October 19, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66–11547; Filed, Oct. 21, 1966; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 9]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

INCREASE IN INTEREST RATE

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 3614, as amended by 29 F.R. 4991, 8396, 15281, and 18212, 30 F.R. 14310 and 15582, 31 F.R. 474 and 10179, containing the terms and conditions for participation of commercial banks in pools of CCC price support loans on certain commodities, are hereby further amended to change from 5.2 to 5.7 percent per annum, effective October 22, 1966, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1421.3825(a) is amended to read as follows:

§ 1421.3825 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.9 percent per annum through and including July 31, 1966, 5.2 percent per annum from August 1, 1966, through and including October 21, 1966, and 5.7 percent per annum thereafter.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on October 21, 1966.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66–11612; Filed, Oct. 21, 1966; 10:02 a.m.]

[Amdt. 6]

PART 1427—COTTON

Subpart—Participation of Financial Institutions in Cotton Loan Pools

INCREASE IN INTEREST RATE

The regulations issued by the Commodity Credit Corporation published in 30 F.R. 7814, as amended by 30 F.R. 14310 and 15582, 31 F.R. 474 and 10179, containing the terms and conditions for participation of financial institutions in pools of CCC price support loans on cotton are hereby further amended to change from 5.2 to 5.7 percent per annum, effective October 22, 1966, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1421.2239(a) is amended to read as follows:

§ 1427.2239 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.9 percent per annum through and including July 31, 1966, 5.2 percent per annum from August 1, 1966, through and including October 21, 1966, and 5.7 percent per annum thereafter.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on October 21, 1966.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66–11613; Filed, Oct. 21, 1966; 10:02 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66–WE–65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Burley, Idaho, control zone.

The Federal Aviation Agency has determined that the Burley, Idaho, radio beacon is no longer required for air traffic control purposes. The approach procedures based upon this facility will be canceled effective October 22, 1966, and assignment of controlled airspace protection for the procedure is no longer justified. Action is taken herein to revoke the control zone extension based upon the radio beacon.

Since the change effected by this amendment is less restrictive in nature than the present requirements and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth:

In § 71.171 (31 F.R. 2075) the Burley, Idaho, control zone is amended as follows:

BURLEY, IDAHO

Within a 5-mile radius of Burley Municipal Airport (latitude 42°32'30" N., longitude 113°46'20" W.); within 2 miles each

side of the Burley VORTAC 112° radial, extending from the 5-mile radius zone to the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on October 13, 1966.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 66-11522; Filed, Oct. 21, 1966; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7635; Amdt. 504]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Fort Dodge, Iowa

Correction

In F.R. Doc. 66-10635, appearing at page 13116 of the issue for Tuesday, October 11, 1966, the procedural instructions for Fort Dodge, Iowa, on page 13120, should read as follows:

Procedure turn W side of crs, 300° Outbnd, 120° Inbnd, 2800' within 10 miles.

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER D—SECURITY

PART 156—DEPARTMENT OF DEFENSE CIVILIAN APPLICANT AND EMPLOYEE SECURITY PROGRAM

The Secretary of Defense approved the following on September 2, 1966:

Sec.
156.1 Purpose.
156.2 Authority.
156.3 Applicability.
156.4 Responsibility.
156.5 Definitions.
156.6 Policy.
156.7 Standard and criteria.
156.8 Personnel security investigations.
156.9 Application of Public Law 733 authority to Department of Defense employees.
156.10 Reinstatement, restoration to duty or reemployment of terminated employees.
156.11 Referral of possible derogatory information.
156.12 Security determinations concerning applicants for sensitive positions.
156.13 Notice requirements.

AUTHORITY: The provisions of this Part 156 issued under 5 U.S.C. 3571, 5594, 7312, and 7532.

§ 156.1 Purpose.

This part prescribes policies and procedures to insure that the employment or retention in employment of any civilian officer or employee in a sensitive position in the Department of Defense is clearly consistent with the interests of national security.

§ 156.2 Authority.

This part is issued pursuant to the authority vested in the Secretary of Defense by 10 U.S.C. 133, Public Law 733, 81st Congress (5 U.S.C. 3571, 5594, 7312, 7532),[1] hereafter referred to as Public Law 733, and Executive Order 10450, "Security Requirements for Government Employment," April 27, 1953, as amended by Executive Orders 10491, 10531, 10548, 10550, hereafter referred to as Executive Order 10450.

§ 156.3 Applicability.

This part is applicable to employees and applicants for employment in sensitive positions with the Department of Defense. This part is not applicable to the National Security Agency. Policies and procedures which govern the civilian applicant and employee security program of that Agency are prescribed by Public Law 88-290, directives of the Executive Branch, directives of the Department of Defense, and regulations of the National Security Agency. The provisions of Public Law 733 apply to the Agency if the Director, NSA, proposes a suspension or termination of an employee in accordance with the said law. When the Director, NSA, elects to utilize the provisions of Public Law 733, he shall consult with the DoD General Counsel prior to preparations of a letter of charges.

§ 156.4 Responsibility.

The Secretaries of the Military Departments, the Assistant Secretary of Defense (Administration) for the Office of the Secretary of Defense and other assigned activities, and the Directors of Defense Agencies, except the National Security Agency, shall implement this part and apply the policies and procedures set forth in this part.

§ 156.5 Definitions.

(a) *National security.* As used in this part, the term "national security" refers to those activities which are directly related to the protection of the military, economic, and productive strength of the United States, including the protection of the Government in domestic and foreign affairs, against espionage, sabotage, subversion, and any other illegal acts which adversely affect the national defense.

(b) *Head of DoD Component.* As used herein, the term, "Head of DoD Component" means the Secretaries of the Military Departments, the Assistant Secretary of Defense (Administration) for the Office of the Secretary of Defense and assigned activities, and the Directors of Defense Agencies.

(c) *Sensitive position.* A "sensitive position" is any position within the Department of Defense the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security. Sensitive positions are of the following two categories:

(1) *Noncritical sensitive position.* Positions so designated by authority of the Head of a DoD Component, involving the following:

(i) Any position, the duties or responsibilities of which require access to SECRET or CONFIDENTIAL defense information or material.

(ii) Any position involving education and orientation of DoD personnel.

(iii) Any other position so designated by authority of the Head of a DoD Component.

(2) *Critical sensitive position.* Positions so designated by authority of the Head of a DoD Component, involving the following:

(i) Access to TOP SECRET defense information or material.

(ii) Development or approval of war plans, plans, or particulars of future major or special operations of war, or critical and extremely important items of war.

(iii) Development or approval of plans, policies, or programs which affect the overall operations of the Department of Defense or of a DoD Component, i.e., policy-making or policy determining positions.

(iv) Investigative duties, the issuance of personnel security clearances, or duty on personnel security boards.

(v) Fiduciary, public contact, or other duties demanding the highest degree of public trust.

(vi) Any other position so designated by authority of the Head of a DoD Component.

§ 156.6 Policy.

(a) No civilian will be employed or retained in employment in a sensitive position of the Department of Defense unless his employment or retention in employment is clearly consistent with the interests of the national security.

(b) The use of the suspension and removal procedures authorized by Public Law 733 shall be limited to cases in which the interests of the national security are involved. Maximum use shall be made of normal Civil Service removal procedures where such procedures are adequate and appropriate.

(c) Nothing contained in this part shall be deemed to limit or affect the responsibility and authority of the Head of the DoD Component concerned, or his designee, to reassign persons to nonsensitive positions where the interests of national security so require.

(d) No classified defense information, nor any information which might compromise investigative sources or methods or the identity of confidential informants, shall be disclosed to any employee, his counsel, or representatives, or to any other person not clearly authorized to have access to such information.

§ 156.7 Standard and criteria.

(a) *Standard.* The standard for employment and retention in employment is that, based on all the available information, the employment or retention in employment of an individual is clearly consistent with the interests of national security.

(b) *Criteria for the application of standard.* In the application of the above standard, consideration will be given to, but not limited to, the following activities and associations, whether current or past. As the following activities and associations are of varying degrees of seriousness, the ultimate determination must be made on the basis of an overall commonsense evaluation of all the information in a particular case.

(1) Depending on the relation of the employment to the national security:

(i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(iv) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.

(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or conspiring, aiding, or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or with an espionage or other secret agent, or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of Government of the United States by unconstitutional means.

(5) Membership in, affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of Government of the United States by unconstitutional means. (These include, but are not limited to, those organizations, movements, or groups officially designated by the Attorney General of the United States pursuant to Executive Order 10450.)

(6) Intentional, unauthorized disclosure to any person of classified information, or of other information, disclosure of which is prohibited by law.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(8) Participation in the activities of an organization established as a front for an organization referred to in subparagraph (5) of this paragraph, when his personal views were sympathetic to the subversive purposes of such organization. (See Internal Security Act of 1950, as amended (50 U.S. Code 782), for a definition of Communist-front organizations.)

(9) Participation in the activities of an organization with knowledge that it had been infiltrated by members of subversive groups under circumstances indicating that the individual was part of, or sympathetic to, the infiltrating element or sympathetic to its purposes.

(10) Participation in the activities of an organization, referred to in subparagraph (5) of this paragraph, in a capacity where he would reasonably have had knowledge of the subversive aims or purposes of the organization.

(11) Sympathetic interest in totalitarian, Fascist, Communist, or similar subversive movements.

(12) Sympathetic association with a member or members of an organization referred to in subparagraph (5) of this paragraph. (Ordinarily, this will not include chance or occasional meetings, nor contacts limited to normal business or official relations.)

(13) Currently maintaining a close, continuing association with a person who has engaged in activities or associations of the type referred to in subparagraphs (2) through (11) of this paragraph. A close continuing association may be deemed to exist if the individual lives with, frequently visits, or frequently communicates with, such person.

(14) Close continuing association of the type described in subparagraph (13) of this paragraph, even though later separated by distance, if the circumstances indicate that renewal of the association is probable.

(15) The presence of a spouse, parent, brother, sister, offspring, or any person with whom a close bond of affection exists in a nation whose interests may be inimical to the interest of the United States or in satellites or occupied areas of such a nation, under circumstances permitting coercion or pressure to be brought on the individual through such persons.

(16) Willful violation or disregard of security regulations.

(17) Acts of reckless, irresponsible, or wanton nature which indicate such poor judgment and instability as to suggest that the individual might disclose classified defense information to unauthorized persons, or otherwise assist such persons, whether deliberately or inadvertently, in activities inimical to the security of the United States.

(18) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee or Federal or State Court, regarding charges of his alleged disloyalty or other misconduct relevant to his security eligibility.

(19) Any excessive indebtedness, recurring financial difficulties, unexplained affluence, or repetitive absences without leave, which furnish reason to believe that the individual may act contrary to the best interests of national security.

(20) Refusal by the individual on constitutional or other grounds, or intentional failure to complete required security forms or personal history statements, or otherwise failing or refusing, in the course of investigation, interrogation, or hearing, to answer any pertinent question regarding the matters described in subparagraphs (1) through (19) of this paragraph.

(c) *Certification.* Prior to employment, the applicant shall be required to certify in writing that he has seen, read, understood, and correctly answered the questions relating to the list of organizations designated by the Attorney General under Executive Order 10450, "Security Requirements for Government Employment."

§ 156.8 Personnel security investigations.

(a) *Investigative requirements*—(1) *General.* (i) The appointment of each civilian officer or employee in a sensitive position in the Department of Defense shall be made subject to investigation. The scope of the investigation shall be determined, in the first instance, according to the degree of adverse effect the occupant of the position sought to be filled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a National Agency Check (including a check of the fingerprint and subversive files of the Federal Bureau of Investigation), and written inquiries to appropriate local law enforcement agencies, former employers, and supervisors, references, and schools attended by the person under investigation; *Provided*, That to the extent authorized by the Civil Service Commission, a lesser investigation may suffice with respect to per diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States.

(ii) Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, the investigation will be extended as necessary to enable the Head of the DoD Component concerned, or his designee, to determine whether the employment or retention of such person is clearly consistent with the interests of the national security, or whether further actions are necessary under Public Law 733, as implemented in this part.

(iii) Investigative reports shall be forwarded by the investigative agency to employing activities, under procedures established by the Head of the DoD Component concerned.

[1] Formerly 5 U.S.C. 22-1.

(iv) The employing activity will review the investigative reports to determine whether they contain derogatory information, and, if so, if the information is of a suitability nature as defined in Chapter 731, Federal Personnel Manual, or of a security nature, as defined in Chapter 732 or both. The employing activity will, if possible, make a decision as to employing or retaining in employment on the basis of the suitability information. If it cannot make a decision on the basis of suitability information alone and the decision requires resolution of the security information, the employing activity will refer the case to the Central Clearance Group for appropriate action, as provided in paragraph (c) of this section.

(2) *Noncritical sensitive positions.* Civilian applicants or appointees to noncritical sensitive positions shall be subject to the investigative requirements as prescribed in DoD Directive 5210.8, "Policy on Investigation and Clearance of DoD Personnel for Access to Classified Defense Information," February 15, 1962, but in no event shall these requirements include less than the investigation prescribed in subparagraph (1) of this paragraph: *Provided*, That as a minimum, a National Agency Check with satisfactory results shall be completed prior to appointment, although in case of an emergency, such position may be filled for a limited period by an individual with respect to whom such investigation, including the National Agency Check, has not been completed; *Provided*, The request for a National Agency Check has been made and the Head of the DoD Component concerned, or his designee, finds that the delay in appointment pending completion of the investigation would be harmful to the national interest, which finding shall be reduced to writing and be made a part of the records of the DoD Component concerned.

(3) *Critical sensitive positions.* No civilian shall be appointed to a critical sensitive position prior to the completion with satisfactory results of a background (full field) investigation as defined in DoD Directive 5210.8, "Policy on Investigation and Clearance of DoD Personnel for Access to Classified Defense Information," February 15, 1962; *Provided*, That in case of emergency, such positions may be filled for a limited period by an individual with respect to whom a background (full field) investigation has not been completed if a National Agency Check with satisfactory results has first been completed, and the request for a background investigation has been made and the Head of the DoD Component concerned, or his designee, finds that the delay which may be caused by completion of the investigation would be harmful to the national interest, which finding shall be reduced to writing and be made a part of the records of the DoD Component concerned.

(4) *Reinvestigation of incumbents of critical sensitive positions.* The incumbent of each critical sensitive position shall, 5 years after his appointment, and at least once each succeeding 5 years, be required to submit an updated personnel security questionnaire to the appropriate security officer of his component, and the Head of the DoD Component concerned shall provide for a review of the personnel security questionnaire, together with the personnel file of the incumbent, previous reports of investigation concerning him, and other appropriate information. A determination then shall be made regarding what further action, if any, is appropriate; for example, whether a check of local police and credit records, a National Agency Check or an updated background investigation may be required.

(b) *Referral to Federal Bureau of Investigation.* Investigations which develop information indicating that an individual may be subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in § 156.7(b) (2) through (14), (16), and (18) shall be referred promptly to the Federal Bureau of Investigation for a full field investigation.

(c) *Security investigation index.* This index is maintained by the Civil Service Commission under section 9(a) of Executive Order 10450. In order to comply with section 9(b) of the said Executive Order, the investigative agencies which conduct personnel security investigations under this part, shall prepare and submit in triplicate, Standard Form 79 (Notice of Security Investigation) to the Bureau of Personnel Investigations, U.S. Civil Service Commission, Washington, D.C. 20415, on the same day the investigation is initiated. Additionally, appropriate information concerning each person who has been suspended or terminated under Public Law 733, will be furnished to the Civil Service Commission.

(d) *Custody of investigative information.* The reports and other investigative material and information developed by investigations conducted pursuant to Public Law 733, Executive Order 10450, or any other security or loyalty program relating to officers or employees of the Government, shall remain the property of the investigative agency conducting the investigations. Such reports and other investigative material and information shall be maintained in confidence, and access to them may be given to other departments, agencies, and components conducting security programs in accordance with Public Law 733, under appropriate safeguards established by the Head of the DoD Component concerned.

(e) *Central Clearance Group.* A Central Clearance Group shall be established by the Head of each DoD Component. The Group shall be composed of personnel who have been selected on the basis of maturity and demonstrated good judgment. The Central Clearance Group shall review all investigative files referred to it under this part and shall make determinations in such cases whether employment or retention in employment in a sensitive position is clearly consistent with the interests of national security. The Group may, in accordance with the policy of § 156.8(b), recommend to employing activities the use of normal Civil Service removal procedures. In the event such removal procedures are not feasible and the Central Clearance Group determines that continued employment in a sensitive position is not clearly consistent with the interests of national security, the Group shall recommend to the Head of DoD Component concerned that the case be processed under § 156.9. In the case of applicants, the Group shall process cases under § 156.12.

§ 156.9 Application of Public Law 733 authority to Department of Defense employees.

(a) *Suspension from employment.* (1) The authority to suspend an employee under Public Law 733 is based upon a determination that such action is deemed necessary in the interests of national security. This determination is to be made solely by the Head of the DoD Component concerned, or, in the case of the Military Departments, by a statutory official designated by the Secretary concerned.

(2) Normally, suspension action will be accompanied by a letter of charges. However, in exceptional cases in which there is significant evidence of espionage, sabotage, sedition, treason, or subversion, and where the individual's continued employment would pose an immediate threat to the national security, emergency suspension action may be effected without issuing concurrently a letter of charges: *Provided*, That a letter of charges is issued to the employee within 30 days of the effective date of suspension, which shall be subject to amendment within 30 days thereafter. In such cases, emergency suspension action may also be exercised by subordinate commands. A copy of the suspension action by subordinate commands shall be forwarded directly and promptly to the Head of DoD Component concerned and a copy sent to the Assistant Secretary of Defense (Administration).

(3) Before issuing a letter of charges, the Head of the DoD Component concerned will forward the proposed action, together with all supporting information, to the General Counsel of the Department of Defense. The General Counsel will consult with representatives of the Department of Justice to assure that the rights of employees are fully considered, and to determine whether the proposed charges are fully supported, and the extent to which confrontation and cross-examination of witnesses will be required. Following such consultation, the General Counsel will advise the Head of the DoD Component regarding the procedure to be followed in the particular case.

(4) Employees will not be suspended under this authority while an investigation is pending when the available information indicates that retention in a duty status during such investigation would not pose an immediate threat to the national security. When considered necessary in order to provide the maximum protection to the security of the activity or of classified defense information or material pending determination under Public Law 733, interim action other than suspension, such as withholding of access to classified defense information or material, temporary detail or reassignment will be used to the fullest practicable extent.

(5) Suspension from a sensitive position, together with temporary detail to a nonsensitive position without loss of pay, may be utilized in order to initiate action as prescribed in paragraph (b) of this section: *Provided*, The suspending authority notifies the employee that he may be suspended without pay at any time prior to the final decision of his case.

(b) *Right of employee to hearing.* A U.S. citizen employee of the Department of Defense having a permanent or indefinite appointment, irrespective of whether the employee has completed the probationary or trial period, whose termination under Public Law 733 is proposed shall be granted the following procedural benefits:

(1) The employee will be given a letter of charges in accordance with Public Law 733 which will be as specific as security considerations permit. Each charge will be directly related to one or more of the specific criteria set forth in § 156.7(b).

(2) The employee shall be informed in the letter of charges of his right (i) to a hearing, (ii) to be represented by counsel of his choice, (iii) to testify in his own behalf, (iv) to present witnesses and offer other evidence under oath or affirmation, and (v) to cross-examine any witnesses offered in support of the charges.

(3) The employee will be given 30 calendar days in which to answer the letter of charges and to request a hearing.

(4) The hearing by a duly constituted authority for this purpose provided for in Public Law 733 is construed to mean a hearing before a board established solely by the Head of the DoD Component concerned, and, in the case of the Military Departments, by a statutory official designated by the Secretary concerned. The board shall be composed of not less than three impartial and disinterested members, all or a majority of whom shall be civilians. One member shall be designated as Chairman, and, as such, is authorized to administer oaths. The members will be selected from DoD Components other than the one by which the individual is employed.

(c) *Hearing board counsel.* (1) A qualified attorney will be assigned to act as counsel for the hearing board. He will be responsible for assisting the hearing board in making certain that the record is as complete as practicable. He will question Department of Defense witnesses and cross-examine witnesses produced by the employee, although the hearing board may also question any witness.

(2) In order to reduce the issues in controversy and to simplify the hearing, the hearing board counsel is authorized to consult directly with the employee or his counsel, as appropriate, for the purpose of reaching mutual agreement on such matters as the clarification of the issues, the taking of depositions and stipulations with respect to testimony, and the contents of documents and other physical evidence. Such stipulations shall be binding upon the employee and the Department of Defense for the purpose of these proceedings.

(d) *Reply to letter of charges.* (1) The letter of charges shall notify the employee to reply to each of the charges under oath or affirmation and specifically to admit, or deny, or expressly disclaim knowledge, as appropriate, of each of the charges. The employee shall be advised to make arrangements to produce witnesses and such information in support of his reply as may be required.

(2) The letter of charges shall advise that the employee is required to give complete information and testimony regarding the allegations, and that failure to do so will necessitate a determination being made in the light of the record as it stands.

(3) Should an employee not file a written request for a hearing within 30 calendar days, the employee shall be deemed to have relinquished the right to such a hearing. In the event the employee does not avail himself of a hearing, a final determination shall be made by the official designated in paragraph (f) of this section, based upon all available information, including the employee's reply to the letter of charges and all doeuments in support thereof.

(4) Where, after due notice of the time and place set for the hearing, the employee, without explanation, fails to appear for such hearing, the hearing board shall consider the case and make its recommendation on the basis of the information available to it.

(e) *Hearing procedure.* (1) Hearings before security hearing boards shall be conducted expeditiously in an orderly manner with dignity and decorum. Should the conduct of the employee or his counsel be such that the orderly and prompt disposition of the matters before the Board are impaired, or rulings ignored or flouted deliberately, the Chairman is authorized in his discretion to recess the hearing forthwith. Further proceedings may be held only after assurances satisfactory to the Chairman are made by the offending party that he is prepared to abide by the rulings of the Chairman.

(2) Testimony before hearing boards shall be given under oath or affirmation.

(3) The hearing board shall take whatever action is necessary to insure the employee of full and fair consideration of his case. The employee will be informed by the Chairman of his rights under this part.

(4) After the hearing has been convened the letter setting forth the charges against the employee shall be read, and the statements and affidavits by the employee in answer to such charges, unless such reading is waived by mutual consent of the Chairman and the employee. In any event, such material shall be incorporated as a part of the record of the hearing.

(5) The Department and the employee may introduce evidence responsive to the issues. Rules of evidence shall not be binding on the board, but the Chairman may impose reasonable restrictions as to the relevance, competency, and materiality of matters considered, so that the hearings shall not be unduly prolonged. Unclassified investigative information not made available to the employee whose removal is sought under Public Law 733 shall not be furnished to the Board. Investigative information not made available to the employee whose removal is sought under Public Law 733 shall not be furnished the Board subject to the following exception: If the investigative information constitutes classified information the Board may receive and consider such information, provided the employee is furnished as comprehensive and detailed an unclassified summary of the information as the national security permits.

(6) The employee shall have the right to control the sequence of witnesses called by him. Reasonable cross-examination of witnesses by the employee shall be permitted.

(7) The hearing board shall give due consideration to documentary evidence developed by investigation, including but not limited to, such matters as membership cards, petitions bearing the employee's signature, personnel and security forms executed by the employee, and transcripts of relevant testimony before other duly constituted authorities. The fact that such evidence has been considered shall be made a part of the transcript of the hearing, together with a complete identification of the document in question, including date, place, and other designative information.

(8) The Chairman, in his discretion, may invite any person to appear at the hearing and testify, and may cross-examine him. The employee may be called to testify. Where an employee's refusal to testify or to answer questions regarding the issues in his case prevents the board from reaching a determination that his employment is clearly consistent with the interests of national security, the board may adjourn the hearing and take action as provided in subparagraph (14) of this paragraph.

(9) The hearing board shall conduct the hearing proceedings in such manner as to protect information, the disclosure of which would adversely affect the national security or tend to disclose or compromise investigative sources or methods.

(10) Hearings shall be private. There shall be present at the hearing only the members of the hearing board, the hearing board counsel, the stenographer or stenographers, the employee, his counsel, Department of Defense officials concerned, and witnesses when actually testifying.

(11) Where the hearing board determines that further investigation is essential in order to arrive at a proper decision in the case, the board will specify the particular areas to be investigated on an expeditious basis through the DoD Components concerned.

(12) The hearing board, in making its recommendation, shall take into consideration the fact that the employee may have been handicapped by the nondisclosure to him of classified defense information, or the inability of the employee to attack the credibility and accuracy of any person furnishing information about the employee who fails to appear as a witness. Where such persons are not confidential informants, their failure to appear, together with the reason for their absence, shall be considered by the board, as well as the fact that the board cannot pay witness fees or reimburse them for their travel or other expenses. The board shall reach its conclusions and base its determination on the transcript of the hearing, together with such classified defense information as may be submitted to it. This classified information will be identified and included in the classified portion of the record for review by the official designated in paragraph (f) of this section, together with the information disclosed to the employee pursuant to subparagraph (5) of this paragraph. Where such information has been shown to the employee, the reasons for this action will be set forth.

(13) A complete verbatim stenographic transcript will be made of the hearing by qualified reporters, which will be made a permanent part of the record. The employee will be furnished a copy of the transcript without cost. The transcript shall not include classified information submitted to the board, but shall include an unclassified summary thereof.

(14) The hearing board will make findings of fact with respect to each allegation in the letter of charges, and a recommendation whether retention of the employee is clearly consistent with the interests of the national security. The report of the board will be in writing, and will be signed by all members of the board. If a determination is not unanimous, a signed minority report shall be submitted.

(15) The record of the case, including the findings and the recommendation of the hearing board, shall be reviewed by the official designated in paragraph (f) of this section. Following such review, the employee shall be notified in writing of the final determination, and if adverse, the hearing board's report and recommendations, except for any classified portions, shall be made available to the employee.

(f) *Termination of employment.* The authority to terminate the employment of an employee of a Military Department is vested solely in the Secretary of the Military Department concerned and in such other statutory official as he may designate. Action to terminate employees of the Office of the Secretary of Defense, and DoD Components other than those of the Military Departments, shall be submitted to the Assistant Secretary of Defense (Administration) for decision.

(g) *Resignations.* A resignation submitted by an employee after notice of suspension or other proposed adverse action under Public Law 733 has been communicated to him and before final action has been taken, will be accepted. However, the Standard Form 50 effecting the resignation will bear the following Notation, "Resigned while action pending to separate for security reasons under Public Law 733."

(h) *Compensation.* In case an employee whose employment has been suspended or terminated under Public Law 733 is reinstated or restored to duty by appropriate authority, he shall be allowed compensation for the entire period of such suspension or termination in an amount not to exceed the difference between the amount such employee would normally have earned during the period of such suspension or termination at the rate he was receiving on the date of suspension or termination, as appropriate, and the interim net earnings of such employee: *Provided*, That the employee shall not be compensated for any extension of the period of suspension or termination caused by his voluntary action and not the result of the action of the DoD Component in suspending or terminating him.

§ 156.10 Reinstatement, restoration to duty or reemployment of terminated employees.

(a) Any person whose employment in the Department of Defense is terminated under Public Law 733, or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the Department of Defense unless the Secretary of Defense, or his designee for that purpose, finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the record.

(b) Any person whose employment in any other agency or department of the Government is terminated under Public Law 733, or any other security or loyalty program of the Government, shall not be employed in the Department of Defense unless the Civil Service Commission determines that such person is eligible for employment and the person's employment is approved by the Secretary of Defense, or his designee for that purpose, which determination and approval shall be made a part of the record.

§ 156.11 Referral of possible derogatory information.

Whenever there is developed or received any information indicating that the retention in employment of any officer or employee of the Department of Defense may not be clearly consistent with the interests of the national security, such information shall be forwarded to the Head of the DoD Component concerned or his designee. In such cases the Head of the DoD Component concerned or his designee, after such investigation as shall be appropriate, shall review, and, where necessary, adjudicate or readjudicate, in accordance with Public Law 733, the case of such officer or employee.

§ 156.12 Security determinations concerning applicants for sensitive positions.

Applicants being considered for a sensitive position should, whenever appropriate, have an opportunity to explain or refute derogatory security information (as distinct from derogatory suitability information) developed in an investigation before being rejected or nonselected on security grounds. The Central Clearance Group shall perform this function, by permitting the individual concerned to have an option either to appear personally and informally before a member or designee of the Group or to respond to written interrogatories to be furnished to the individual by the Group. The purpose of this provision is to prevent errors which might otherwise result from mistakes in identity or mitigating circumstances which are unknown to the prospective employing DoD Component. In the event the Central Clearance Group determines that employment of the applicant is not clearly consistent with the interests of national security, the Group shall recommend to the Head of the DoD Component concerned that the applicant be denied employment.

§ 156.13 Notice requirements.

Pursuant to Executive Order 10450, as amended, and in order to assist the Civil Service Commission in discharging its responsibilities under Executive Order 10450, Department of Defense Components will, as soon as possible and in no event later than thirty (30) days after the receipt of the final investigative report on a civilian officer or employee subject to a full field investigation under the provisions of Executive Order 10450, notify the Civil Service Commission of the action taken with respect to such officer or employee. Such notice shall be in accordance with and conform to the requirements of the Civil Service Commission as stipulated in Chapter 736, Appendix B–1, Federal Personnel Manual. The Assistant Secretary of Defense (Administration) shall be notified with regard to each suspension and/or termination under provision of Public Law 733, and of reinstatement, restoration to duty or reemployment following any suspension or termination. Such notice shall be made no later than 10 days after each such action has occurred and will include the full name, date and place of birth, grade, type of action, and the date the action was taken with respect to such employee.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 66–11536; Filed, Oct. 21, 1966; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 66–59]

PART 84—TOWING OF BARGES

Length of Hawsers on Inland Waters

A notice of proposed rule making was published in the FEDERAL REGISTER of July 22, 1966 (31 F.R. 9996), in which the Commandant, U.S. Coast Guard requested written comments on a proposal amending 33 CFR 84.10(a) regarding hawser lengths for all tows on inland waters. The proposal and comments received were considered by the Merchant Marine Council and one change was made in the proposal. The words "or otherwise" were inserted after the phrase "whether on account of the state of weather or sea" in the proviso. The master of a towing vessel has the primary responsibility for the safety of his vessel and tow, as well as a further responsibility to navigate the tug and tow in such a manner that other vessels and property are not endangered or embarrassed in their operation. The general limitation on the length of hawser between vessels of a tow is necessary, but the master needs additional discretionary authority to determine the proper length of a towing hawser under a particular set of conditions of wind, weather, traffic, etc. The proposal, as revised, is adopted and set forth in this document. The actions of the Merchant Marine Council with respect to comments received are approved.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Order 120, July 31, 1950 (15 F.R. 6521) and the statute cited with the regulations below, the following amendments are prescribed:

1. The authority note for Part 84 is amended to read as follows:

AUTHORITY: The provisions of this Part 84 issued under sec. 14, 35 Stat. 428, as amended, 33 U.S.C. 152. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

§ 84.01 [Amended]

2. Section 84.01 *Application* is amended by canceling paragraph (c).

3. Section 84.10(a) is amended to read as follows:

§ 84.10 Hawser lengths for all tows on inland waters.

(a) The length of hawsers between vessels shall be limited to no more than 450 feet (75 fathoms). This length shall be the distance measured from the stern of one vessel to the bow of the following vessel. The distance between two vessels should in all cases be as much shorter as the weather or sea will permit: *Provided*, That where, in the opinion of the master of the towing vessel, it is dangerous or inadvisable, whether on account of the state of weather or sea or otherwise, to limit hawser lengths, the 450-foot limitation need not apply.

Effective date. A finding is hereby made that delay in the effective date of the amendments in this document is unnecessary as they modify restrictions in the regulations (5 U.S.C. 1003(c)). Accordingly, the amendments in this document shall become effective immediately upon date of publication in the FEDERAL REGISTER.

Dated: October 19, 1966.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 66–11539; Filed, Oct. 21, 1966; 8:46 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Manistee River, Mich., and Mare Island Strait (Napa River), Calif.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.641 is hereby amended with respect to paragraph (f), by adding a new subparagraph (4–a) to govern the operation of bridges across Manistee River, Mich., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(4–a) **Manistee River at Manistee, Mich.; All drawbridges across Manistee River from its mouth at Lake Michigan upstream to Manistee Lake. During the winter months from January 1 to April 1, at least 24 hours' advance notice required.**

* * * * *

[Regs., Oct. 5, 1966, 1507–32 (Manistee River, Mich.)–ENGCW–ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.712 is hereby amended with respect to paragraph (l)(1) governing the operation of the Department of the Navy and the State of California highway bridges across Mare Island Strait, Napa River, Calif., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

* * * * *

(l) *Mare Island Strait, Napa River, and their tributaries.*—(1) *Department of the Navy bridge (Mare Island Causeway) and State of California highway bridge (Sears Point Cutoff Bridge) at Vallejo.* **From 6:30 a.m. to 7:30 a.m. and from 3:45 p.m. to 4:45 p.m. daily, except Saturdays, Sundays, and holidays, the draws need not be opened for the passage of vessels other than vessels owned, operated, or controlled by the United States.**

* * * * *

[Regs., Oct. 7, 1966, 1507–32 (Napa River, Mare Island Strait, Calif.)–ENGCW–ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

KENNETH G. WICKHAM,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 66–11520; Filed, Oct. 21, 1966; 8:45 a.m.]

PART 203—BRIDGE REGULATIONS
PART 204—DANGER ZONE REGULATIONS

Coos Bay, Oreg., and Chesapeake Bay, Md.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.720 governing the operation of certain bridges across South Slough and Coalbank Slough, Coos Bay, Oreg., is hereby amended in its entirety effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.720 Coos Bay, Oreg.

(a) *Highway bridge across South Slough.* (1) The bridge shall open for passage of vessels or other watercraft of any description upon verbal request to the authorized representative of the owner of or agency controlling the bridge.

(2) Notice shall be conspicuously posted on the bridge stating where the authorized representative may be found in case it is necessary for the draw to be opened.

(b) *Bridge of Southern Pacific Railroad Co. below North Bend.* (1) The drawspan of the bridge shall be kept open at all times except while actually required for the necessary passage of trains over the drawspan.

(2) During foggy weather a fog bell installed in the center of the drawspan shall be rung continuously, striking every 10 seconds.

(3) Any time during foggy weather, when the draw is closed and the passage is not clear for boats, there shall be sounded continuously a siren which may be heard at a distance of 1 mile from the drawspan. When the bridge is again opened the siren shall be stopped, indicating that the way is clear for the passage of boats.

(c) *Railroad bridge across Coalbank Slough.* (1) The drawbridge shall open for the passage of vessels or other watercraft of any description upon verbal request to the authorized representative of the owner of or agency controlling the bridge.

(2) Notice shall be conspicuously posted on the bridge stating where the authorized representative may be found in case it is necessary for the draw to be opened.

(d) *Highway bridge across Coalbank Slough.* (1) Whenever a vessel or other watercraft unable to pass under the

closed bridge desires to pass through the draw, at least 24 hours' advance notice shall be given to the authorized representative of the owner of the bridge.

(2) Upon receipt of such advance notice, the authorized representative shall in compliance therewith arrange for opening the draw at a time designation (within the 24-hour period) which will not coincide with a period of peak highway traffic.

(3) Notice shall be conspicuously posted on the bridge stating where the authorized representative may be found in case it is necessary for the draw to be opened.

[Regs., Oct. 5, 1966, 1507-32 (Coos Bay, Oreg.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 204.42 governing the use and navigation of a danger zone in waters of the Chesapeake Bay, Md., is hereby amended in its entirety, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.42 Chesapeake Bay, Point Lookout to Cedar Point; aerial firing range and target areas, U.S. Naval Air Test Center, Patuxent River, Md.

(a) *Aerial firing range*—(1) *The danger zone.* The waters of Chesapeake Bay within an area described as follows: Beginning at the easternmost extremity of Cedar Point; thence easterly to the southern tip of Barren Island; thence southeasterly to latitude 38°01'15", longitude 76°05'33"; thence southwesterly to Chesapeake Channel Buoy 50 (approximately latitude 37°59'25", longitude 76°10'54"); thence northwesterly to latitude 38°02'20", longitude 76°17'26"; thence northerly to Point No Point Light; thence northwesterly to the shore at latitude 38°15'45"; thence northeasterly along the shore to the point of beginning. Aerial firing and dropping of nonexplosive ordnance will be conducted in this area throughout the year, Monday through Saturday, except national holidays.

(2) *The regulations.* (i) Through navigation of surface craft outside the target areas will be permitted at all times. Vessels shall proceed on their normal course and shall not delay their progress.

(ii) Prior to firing or ordnance drops, the range will be patrolled by naval surface craft or aircraft to warn watercraft likely to be endangered. Surface craft so employed will display a square red flag. Naval aircraft will use a method of warning consisting of repeated shallow dives in the area, following each dive by a sharp pullup.

(iii) Any watercraft under way or at anchor, upon being so warned, shall immediately vacate the area and shall remain outside the area until conclusion of firing practice.

(iv) Nothing in this section shall prevent the taking of shellfish or the setting of fishing structures within the range outside target areas in accordance with Federal and State regulations; *Provided*, That no permanent or temporary fishing structures or oyster ground markers shall be placed on the western side of the Chesapeake Bay between Point No Point and Cedar Point without prior written approval of the Commanding Officer, U.S. Naval Air Station, Patuxent River, Md.

(v) Naval authorities will not be responsible for damage caused by projectiles, bombs, missiles, or Naval or Coast Guard vessels to fishing structures or fishing equipment which may be located in the aerial firing range immediately adjacent to the target areas.

(b) *Target areas*—(1) *Prohibited area.* A circular area with a radius of 1,000 yards having its center at latitude 38°13'00", longitude 76°19'00" identified as Hooper Target.

(2) *Restricted area.* A circular area with a radius of 600 yards having its center at latitude 38°02'18", longitude 76°09'26", identified as Hannibal Target.

(3) *The regulations.* Nonexplosive projectiles and bombs will be dropped at frequent intervals in the target areas. Hooper Target shall be closed to navigation at all times and Hannibal Target during daylight hours, except for vessels engaged in operational and maintenance operations as directed by the Commanding Officer, U.S. Naval Air Station, Patuxent River, Md. No person in the waters, vessel, or other craft shall enter or remain in the closed area except on prior written approval of the Commanding Officer, U.S. Naval Air Station, Patuxent River, Md.

(c) The regulations in this section shall be enforced by the Commander, Naval Air Test Center, and such agencies as he may designate.

[Regs., Oct. 6, 1966, 1507-32 (Chesapeake Bay, Md.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-11521; Filed, Oct. 21, 1966; 8:45 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 4—FORMS FOR TRADEMARK CASES

Application for Renewal

In the April 1, 1966 edition of the FEDERAL REGISTER (31 F.R. 5261) the phrase reading:

Subscribed and sworn to before me this ---- day of ----------, 19-----.

Notary Public (6)

was deleted from the illustrative form for a trademark application by an individual for registration on the Principal Register using an oath (§ 4.1). A substitute note was provided reading:

(The acknowledgment shall be in the form prescribed by the law of the jurisdiction where executed, and the notary's seal or stamp or other evidence or authority in the jurisdiction of execution must be affixed.)

This substitution was to be made in other forms using oaths, and a direction was included for the use of the substitute phrase in illustrative forms §§ 4.5, 4.6, 4.13, 4.17, 4.21, and 4.22.

In the same publication in the FEDERAL REGISTER (31 F.R. 5263), illustrative form § 4.13, application for renewal, as modified, was set forth. The substitute note was omitted in § 4.13 as published and, to avoid any misunderstanding, the form is set forth in its entirety, as follows:

§ 4.13 Application for renewal.

Mark ----------
(Identify the mark)
Reg. No. ----------
Class No. ----------

To the COMMISSIONER OF PATENTS:

(Insert appropriate identification of registrant in accordance with rule 4.1, 4.5, or 4.6.)

The above identified registrant requests that Registration No. ---- granted to ---------- on ----------
(Name of original registrant) (Date of issuance)
which he now owns as shown by records in the Patent Office be renewed in accordance with the provisions of section 9 of the act of July 5, 1946.

The renewal fee is presented herewith. (1)

State of ----------
County of ----------} ss.

(Name of registrant or person authorized to sign for it)
being sworn, states that ----------

(Insert "he" or name of registrant)
owns Registration No. ----; that the mark shown therein is in use in ----------
(Type of commerce) (2) commerce on each ----------
of the following goods recited in the registration ----------, the attached specimen (or facsimile) showing the mark as currently used. (4)

(Signature, and if a corporation or other organization, the official title)

(The acknowledgement shall be in the form prescribed by the law of the jurisdiction where executed, and the notary's seal or stamp or other evidence or authority in the jurisdiction of execution must be affixed.)

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

(See rules 4.2 and 4.3) (3)

NOTE: (1) The fee for renewal sought prior to expiration is $25.00 for each class; and for delayed renewal filed within 3 months after expiration, an additional $5.00 for each class.

(2) Type of commerce should be specified as "interstate," "foreign," "territorial," or such other specified type of commerce as may be regulated by Congress. Foreign registrants must specify: "commerce with the United States."

(3) If applicant for renewal is not domiciled in the United States, a domestic representative must be designated. See rule 4.4.

(4) If the mark is not in use in commerce at the time of filing the application for renewal, but there is no intention to abandon the mark, sufficient facts must be recited to show that the nonuse is due to special circumstances which excuse the nonuse.

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6; sec. 1, 78 Stat. 171; 35 U.S.C. 25)

EDWARD J. BRENNER,
Commissioner of Patents.

Approved: October 14, 1966.

J. HERBERT HOLLOMAN,
Assistant Secretary
for Science and Technology.

[F.R. Doc. 66-11519; Filed, Oct. 21, 1966; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 66-46]

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 12—CERTIFICATION OF SEAMEN

Subpart 12.15—Qualified Member of the Engine Department

DECK ENGINE MECHANICS AND ENGINEMAN RATINGS

The ratings of "deck engine mechanic" and "engineman" are established and endorsements with respect thereto may be placed on merchant mariner's documents to authorize the holders to serve in such capacities as qualified members of the engine department. Pursuant to notices of proposed rule making published in the FEDERAL REGISTER of September 9, 1964 (29 F.R. 12732–12734), and February 18, 1965 (30 F.R. 2219, 2220), and the Merchant Marine Council Public Hearing Agenda dated March 22, 1965 (CG-249), the Merchant Marine Council held a public hearing on March 22, 1965, for the purpose of receiving comments, views, and data regarding proposals for automated or partially automated steam-propelled vessels, designated Item IVg.

The proposals published on September 9, 1964, were designated as 46 CFR, Part 155 and entitled "temporary requirements for automated or partially automated steam-propelled cargo or tank vessels" (29 F.R. 12732–12734) and are withdrawn. The certificates of inspection for those vessels which show the manning to include the ratings of deck engine mechanic and engineman will continue in effect until such certificates expire. However, in the future, the ratings of deck engine mechanic and engineman will not be required by certificates of inspection issued by the Coast Guard. If the owner, operator, agent, or master of an automated or partially automated vessel requests that the manning of the vessel include a deck engine mechanic or engineman, the certificate of inspection will carry the requirement as "oilers" and a notation in the body of the certificate that "junior engineers, deck engine mechanics, or enginemen may be substituted for one or more oilers."

The proposals considered at the public hearing held March 22, 1965, were commented on extensively and the Merchant Marine Council recommended that the problem be reconsidered. The Coast Guard conducted in-person observation of automated vessels over an extended period of time and has consulted with the affected labor unions, management, and operators of automated vessels. The proposals, as revised, are approved and set forth in this document. The actions of the Merchant Marine Council with respect to comments received regarding these proposals are approved. As reflected by the regulations in this document, these actions are:

a. The ratings of "deck engine mechanic" and "engineman" are established. For seamen who meet the qualifications for such ratings their merchant mariner's documents may be appropriately endorsed except when holding the rating "QMED—any rating," or "any unlicensed rating in the engine department," which include these new ratings. No merchant mariner's document will be issued with the rating of "deck engine mechanic" or "engineman" alone, but such a document will also show the other ratings held. Such seaman may sign on a vessel in any category which is authorized by his document.

b. The ratings of "deck engine mechanic" and "engineman" as such will not be required by any certificate of inspection issued by the Coast Guard after November 30, 1966. The minimum manning requirements will be prescribed by the Officer in Charge, Marine Inspection, in accordance with 46 CFR 157.15–1 in Subchapter P (Manning) of this chapter. The minimum requirements for the engineroom will include the number of oilers needed and a notation that junior engineers, deck engine mechanics or enginemen may be substituted for one or more oilers.

c. Seamen who hold temporary letters issued by Officers in Charge, Marine Inspection, certifying to their qualifications as "deck engine mechanic" or "engineman" may continue to "sign on" under such letters until December 1, 1966.

d. The regulations for the new ratings of "deck engine mechanic" and "engineman" are added to the requirements in 46 CFR Subpart 12.15 governing qualified members of the engine department.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code and Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and others specifically listed with the various amendments to regulations below, the following amendments are prescribed and shall be effective December 1, 1966: *Provided*, That the requirements in this document may be complied with during the period prior to the effective date specified in lieu of existing requirements.

1. Section 12.15–7 is amended to read as follows:

§ 12.15–7 Service or training requirements.

(a) An applicant for a certificate of service as qualified member of the engine department other than as deck engine mechanic or engineman shall furnish the Coast Guard proof that he possesses one of the following requirements of training or service:

(1) Six months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required to have such certificated men, or in the engine department of tugs or towboats operating on the high seas or Great Lakes, or on the bays or sounds directly connected with the seas; or,

(2) Graduation from a schoolship approved by and conducted under rules prescribed by the Commandant; or,

(3) Satisfactory completion of a course of training approved by the Commandant, and served aboard a training vessel; or,

(4) Graduation from the U.S. Naval Academy or the U.S. Coast Guard Academy.

(b) For the requirements for deck engine mechanic see § 12.15–13 and for engineman see § 12.15–15.

2. Section 12.15–9 is amended by revising paragraph (c) and by adding a new paragraph (d), which read as follows:

§ 12.15–9 Examination requirements.

* * * * *

(c) Applicants for certification as qualified member of the engine department in the ratings of boilermaker and pumpman shall, by written or oral examination, demonstrate sufficient knowledge of the subjects peculiar to those ratings to satiafy the Officer in Charge, Marine Inspection, that they are qualified to perform the duties of the rating.

(d) Applicants for certification as qualified members of the engine department in the rating of deck engine mechanic or engineman, who have proved eligibility for such endorsement under either § 12.15–13 or § 12.15–15, will not be required to take a written or oral examination for such ratings.

3. Section 12.15–11 is amended by adding at the end thereof the ratings designated (k) and (l) which read as follows:

§ 12.15–11 General provisions respecting merchant mariner's documents endorsed as qualified member of the engine department.

* * * * * *

(k) Deck engine mechanic.
(l) Engineman.

4. Subpart 12.15 is amended by adding after § 12.15–11 the following new sections which read as follows:

§ 12.15–13 Deck engine mechanic.

(a) An applicant for a certificate as "deck engine mechanic" shall be a person holding a merchant mariner's document endorsed as "junior engineer". The applicant shall be eligible for such certification upon furnishing one of the following:

(1) Presentation of a temporary letter that was issued to the holder to serve as "deck engine mechanic" by an Officer in Charge, Marine Inspection, dated prior to December 1, 1966; or,

(2) Satisfactory documentary evidence of sea service of 6 months in the rating of "junior engineer" on steam vessels of 4,000 horsepower or over; or,

(3) Documentary evidence from an operator of an automated vessel that he has completed satisfactorily at least 4 weeks indoctrination and training in the engine department of an automated steam vessel of 4,000 horsepower or over; or,

(4) Satisfactory completion of a course of training for "deck engine mechanic" acceptable to the Commandant.

(b) The Officer in Charge, Marine Inspection, who is satisfied that an applicant for the rating of "deck engine mechanic" meets the requirements specified in this section, will endorse this rating on the current merchant mariner's document held by the applicant.

(c) Any holder of a merchant mariner's document endorsed for "any unlicensed rating in the engine department" or "QMED—any rating" is qualified as a "deck engine mechanic" and that endorsement will not be entered on his document.

§ 12.15–15 Engineman.

(a) An applicant for a certificate as "engineman" shall be a person holding a merchant mariner's document endorsed as "fireman/watertender" and "oiler", or "junior engineer". The applicant shall be eligible for such certification upon furnishing one of the following:

(1) Presentation of a temporary letter that was issued to the holder to serve as "engineman" by an Officer in Charge, Marine Inspection, dated prior to December 1, 1966; or,

(2) Satisfactory documentary evidence of sea service of 6 months in any one or combination of "junior engineer", "fireman/watertender" or "oiler" on steam vessels of 4,000 horsepower or over; or,

(3) Documentary evidence from an operator of a "partially automated" steam vessel that he has completed satisfactorily at least 2 weeks indoctrination and training in the engine department of a "partially automated" steam vessel of 4,000 horsepower or over; or

(4) Satisfactory completion of a course of training for "engineman" acceptable to the Commandant.

(b) The Officer in Charge, Marine Inspection, who is satisfied that an applicant for the rating of "engineman" meets the requirements specified in this section, will endorse this rating on the current merchant mariner's document held by the applicant.

(c) Any holder of a merchant mariner's document endorsed for "any unlicensed rating in the engine department", "QMED—any rating" or "deck engine mechanic" is qualified as an "engineman" and that endorsement will not be entered on his document.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, sec. 13, 38 Stat. 1169, as amended, secs. 1, 2, 7, 49 Stat. 1544, 1545, as amended, 1936, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 672, 367, 689, 1333, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-9, Aug. 3, 1954, 19 F.R. 5195; 167-14, Nov. 26, 1954, 19 F.R. 8026)

Dated: October 19, 1966.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard
Commandant.

[F.R. Doc. 66-11540, Filed, Oct. 21, 1966; 8:47 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4; Amdt. 10; Docket No. 66-31]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart B—Duties and Obligations

MISCELLANEOUS AMENDMENTS

On May 6, 1966, the Commission published a notice of proposed rule making in the captioned proceeding in the FEDERAL REGISTER (31 F.R. 6792–6793) and invited comments from interested persons. The purpose of this proceeding is the consideration of proposed amendments of paragraphs (a) of § 510.22; paragraphs (a), (f), and (j) of § 510.23; and paragraphs (a) and (f) of § 510.24 contained in its General Order 4 regulating licensed independent ocean freight forwarders. The Commission also invited comments on §§ 510.5(g) and 510.21(l) of this order, although it did not propose changes in these rules. Comments on the present rules and proposed amendments were submitted on behalf of carriers, conferences, forwarders, and forwarder associations. Replies to these comments were filed by Hearing Counsel on behalf of the Commission's staff, and several persons filed replies to these replies.

On September 7, 1966, the Commission, pursuant to notice, heard oral argument on the proposed amendments to §§ 510.22 (a), 510.23 (f) and (j), 510.24 (a) and (f), and on present § 510.21(l). The proposed amendment to § 510.23(a) and present § 510.5(g) were considered without oral argument.

The Commission has carefully considered the comments and arguments on the proposed amendments and the present rules and in light thereof herewith adopts its final amendments. No changes have been made in present §§ 510.5(g) or 510.21(l) at this time for reasons noted below. Comments and arguments not discussed or reflected herein have been considered and found not justified or not material.

The contention was made at oral argument that the Commission is without authority to amend the forwarder rules in a proceeding like the present one in which there has been no showing that forwarders' present practices result in violations of substantive provisions of the Shipping Act, 1916 (the Act). It has further been suggested that our recent decision in Docket 65–5—Proposed Rule Covering Time Limit On The Filing of Overcharge Claims, served June 28, 1966, supports this contention. The contention is incorrect. Section 44(c) of the Act requires that "The Commission shall prescribe reasonable rules and regulations to be observed by independent ocean freight forwarders * * *", and this provision has been interpreted by the Court of Appeals for the Second Circuit in New York Foreign Frgt. F. & B. Ass'n v. Federal Maritime Com'n, 337 F. 2d 289, 294, 295 (2d Cir. 1964), cert. den. 380 U.S. 910, 914 (1965), in upholding the Commission's prior promulgation of rules regulating the activities of independent ocean freight forwarders, as a "mandate" for the creation of forwarder rules by the Commission. The Court, moreover, in considering the argument that "if a practice sought to be regulated is not contrary to a substantive provision of the 1916 Act, then * * * the regulation is invalid," explicitly stated "we do not agree with this restrictive view of the agency's powers."

Nor does Docket No. 65–5, supra, support this restrictive view of our authority. In that proceeding, the Commission decided not to promulgate a rule with respect to certain carriers' practices of refusing to consider claims presented to them after the expiration of time intervals less than the 2-year period provided in section 22 of the Act for the bringing of action for reparation before the Commission. The Commission stated that the rule could not be promulgated as the carriers' present practices had not been shown to violate a substantive provision of the Act. It went on to state, however, that "a distinction must be made between a rule of this sort and rules implementing certain statutory provisions, which need no such basis * * *"

Forwarders, forwarder associations, and Waterman Steamship Corp. oppose the amendment to § 510.22(a) which would require that carriers performing any forwarding services on cargo carried under their own bills of lading free of charge specify such services in their tariffs, alleging that the amendment will damage the forwarding industry and increase freight rates.

The sole purpose of the amendment is to insure equal treatment of shippers, it is not to encourage carriers to perform forwarding services or to force them to perform such services free of charge. Carriers generally have not desired to engage in forwarding activities, and there has been no indication in this proceeding that they are now anxious to do so, although carriers occasionally file executed shippers' export declarations with customs' authorities for validation. Generally, large shippers have either their own export departments at the ports from which they ship or they make use of independent forwarders on all shipments and thus will be little affected by the amendment. Small shippers, however, could be disadvantaged if the Commission forced carriers to charge for the services they do perform. On the other hand, we will not force carriers to perform such services free of charge. Thus, the only alteration we will make in existing practice is to require publication of the particular practice in the appropriate tariff so as to insure that all shippers are apprised of the services offered and may take advantage of them. In short, any carrier who wants to include one or more forwarder services in its line-haul rate may do so and all shippers via that carrier will have an equal opportunity to procure such services.

The first sentence of § 510.22(a), which is unaffected by the amendment, was, as noted at the oral argument, inadvertently omitted when this amendment was first proposed and published. No change is made in this sentence.

The purpose of the amendment to § 510.23(a) is to insure the presence of competent personnel in forwarders' branch offices and separate forwarding establishments. It is also designed to guarantee that the Commission will have regulatory power over agents of non-vessel operating common carriers who perform forwarding services to the same extent that it does over other forwarders and to prevent abuses which occur when an individual purports to be operating a branch office for a licensed forwarder but is, in fact, carrying on a separate forwarding business without a license. It is not intended to require separate licensing of bona fide branch offices of licensed forwarders. As so interpreted, it is unopposed by any party in this proceeding.

The purpose of the amendment to § 510.23(f) is to fix a time limit within which sums advanced the licensee by its principal for freight and transportation charges must be paid over to the carrier.

The proposed amendment was opposed by forwarders who argue that the rule works an undue hardship upon forwarders by requiring them "to keep track of the day of receipt for hundreds of shipments a week and issue a multiplicity of checks in payment of ocean freight"; that the time limitations of the proposed rule are insufficient; and that the rule is unnecessary in the light of "Shipper's Credit Agreements." Suggestions have also been made that the amendment be applied only to individual shipments where the freight due exceeds a certain amount and that the proposed amendment be altered to require pay over within "business days" rather than "calendar days."

The contention that the amendment will require close track of date of receipt for hundreds of shipments and demand the issuance of a multiplicity of checks is partially incorrect, and even to the extent it is correct is without merit. The amendment allows a forwarder to pay over monies received within 7 days after receipt or 5 days after departure of the vessel, whichever is later. One check could be issued for all monies received as of the time the vessel sails. As far as monies received after the vessel has sailed are concerned, it is to be expected that such can be paid over promptly. Such monies are held in trust for the carriers and the fact that close track must be kept of their date of receipt is necessitated not by the proposed amendment but by the forwarder's fiduciary duty as a "trustee."

The purpose of "Shipper's Credit Agreements" is to require that a shipper pay over to the ocean carrier the ocean freight due within 15 days after a vessel has sailed or lose his credit status. The extent of the use of such agreements by carriers is uncertain. Moreover, they apply both to situations where shippers have advanced funds to forwarders and where they have not. The credit rule thus cannot be a substitute for the prompt payover rule even if it is widely used.

We can see no reason for a distinction between large and small shipments. The necessity that carriers be paid monies due them and that shippers' funds are delivered for the purpose for which they were intended is the same in both cases. It is for these two objectives that the change has been made in § 510.23(f). Although insolvencies may be rare, the failure to make prompt payovers has been more common, and for this reason, specific time limits for payover have been set.

It has been brought out, however, that the time limitations of the proposed rule may in some cases be insufficient for clearance of the checks from shippers which are to be used by forwarders for payments to the carriers. But as the term "business days" suggested by several parties in this proceeding to extend the payover period is somewhat ambiguous, the Commission will require payover within 7 days after receipt of monies or 5 days after departure of the vessel, "excluding Saturdays, Sundays, and legal holidays".

The purpose of the amendment to § 510.23(j) is to allow licensees maintaining and adhering to uniform fee schedules for arranging for insurance and performing other accessorial services to utilize them and to require such schedules to be filed with the Commission and posted in the forwarder's office. Under the former rule, forwarders were required to state their costs separately and hence disclose their "mark-up" (margin of profit). The amendment provides them with an alternative. Objections have been made to the filing and posting requirements of the amendment. Posting is necessary to insure that fee schedules, if adopted, are adhered to, and filing is necessary in order that shippers have one convenient location in which to inspect these schedules.

The purpose of the amendment to § 510.24(a) is to require disclosure of shippers' names on ocean bills of lading by denying compensation to forwarders who act as agents for undisclosed principals.

Rule 510.24(a), as adopted today, reflects the actual wording originally proposed by the Commission in Docket No. 973, on February 19, 1962. The rule was designed to enable carriers and the Commission to determine promptly whether direct or indirect rebates were being made to shippers through freight forwarders. In Docket No. 973, as here, contentions were raised by forwarders that valid business reasons exist for not disclosing the name of the actual shipper. None were identified or documented. In Docket No. 973 the original proposal was modified to permit the carrier to pay, and the forwarder to collect, brokerage where the name of the shipper is disclosed on the "line copy" of the bill of lading which is retained by the carrier. In such a case, the Commission could determine whether or not an unlawful rebate has been paid and received only after an individual search. The absence of valid reasons for the true shipper's nondisclosure, coupled with the Commission's positive duty to prevent unlawful rebating authorized by sections 43 and 44(c) of the Act, dictate the adoption of a rule which authorizes the payment and receipt of brokerage only where the identity of the actual shipper is fully disclosed. The purpose of the rule was clearly recognized by a forwarder's representative at oral argument: "one, to see to it people are not in the forwarding business who are shippers, and two, to see that people didn't receive compensation who are true shippers." Counsel respect this as a lawful regulatory purpose. In short, the rule adopted today does this with efficiency.

In addition to preventing the payment of illegal rebates to shippers, the rule adopted here would lend a measure of integrity to lawful dual rate contracts. Counsel for one forwarder group acknowledged that there are some instances where a shipper has been able to evade his contractual obligations, but that in such cases the forwarder was "in the middle" and has no responsibility to police dual rate agreements. While this may be true, dual rate contracts are quasi-public contracts which are valid only so long as they have Commission approval. Our action, moreover, releases forwarders from enforcing or policing dual rate contracts, takes them out of the "middle" as they themselves have stated, and places some degree of contract policing on the Commission itself which is discharged by the adoption of the rule.

The purpose of the amendment to § 510.24(f) is to require the filing of forwarding compensation rates in tariffs filed by conferences and carriers pursuant to section 18(b)(1) of the Act. This amendment is opposed by forwarders and independent carriers which allege that the Commission lacks the statutory authority to promulgate it; that it defeats efforts of independent carriers, who do not publish rates of compensation, to compete successfully with conference carriers, who do; and that it compels payment of brokerage. Various suggestions were also made that only certain minimum rates of compensation or rates on certain cargoes be required to be filed. Only one conference is opposed to the amendment, arguing that the Commission is without authority to

regulate forwarding activities of conferences or carriers.

It is plain from a reading of the legislative history of the freight forwarder amendment to the Act, P.L. 87-245 (75 Stat. 523), that the Congress intended that the Commission "oversee the reasonableness of brokerage in the light of services rendered". (H. Rept. No. 1096 to accompany H.R. 2488, 87th Cong., 1st sess. (1961)). Moreover, the House hearings on the forwarder amendment indicate that the Congress recognized that a requirement that the amount of brokerage appear in a tariff would be a reasonable and proper means of maintaining this surveillance. (See Hearings before the Subcommittee on Merchant Marine of the House Committee on Merchant Marine and Fisheries on H.R. 2488, 87th Cong., 1st sess., 95-97 (1961).) One matter of concern to the Congress at that time was the problem of the attempts of independent carriers to secure cargo by the payment of excessive brokerage. This practice may not be limited to independent carriers. In any case, such practice is, as we have had occasion to observe, "a pernicious practice, inimical to the best interest of shipping in our foreign trade and oppressive to the shipper who must eventually bear the loss". Grace Line, Inc. v. Skips A/S Viking Line, et al., 7 F.M.C. 432 451 (1962). The amendment will allow us to keep ourselves informed of any possible malpractices with respect to payment of compensation to forwarders, including the practice of paying excessive brokerage. No one is compelled under this amendment to pay brokerage for services not performed nor is it designed to defeat attempts by carriers to compete with one another by paying different levels of brokerage or varying such levels according to the services performed. All the Commission desires is that the levels of compensation be ascertainable and it be in a position to insure that such levels not be injustly discriminatory, excessive, or otherwise unlawful.

The requirement that the compensation rates be filed pursuant to section 18(b)(1) of the Act is appropriate, inasmuch as that section provides for the filing of all charges "under the control of the carrier or conference of carriers which [are] granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of [transportation] rates." Certainly, the level of compensation paid to forwarders in some wise affects or determines the level of ocean freight charges. Moreover, a rule like the present one is particularly appropriate to accomplish the filing of such rates of compensation as section 18(b)(4) specifically requires that "the Commission shall by regulation prescribe the form and manner in which the tariffs required by this section shall be published and filed * * *." It should be noted in this regard, however, that the requirement of 18(b)(2) that changes and new or initial rates may only be instituted upon 30 days' notice absent special permission from the Commission does not apply to forwarder compensation rates.

No changes will be made at this time in § 510.5(g), the bonding requirement provision, or § 510.21(l), the definition of "beneficial interest". No change in the former can be made upon our present knowledge, and a change in the latter would require legislation by the Congress. The Commission will consider the appropriateness and need for requesting such legislation.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and sections 18(b), 43, and 44 of the Shipping Act, 1916 (46 U.S.C. 817b, 841a, and 841b), Part 510 of Chapter IV of Title 46 CFR is hereby amended as follows:

1. Section 510.22 *Oceangoing common carriers and persons shipping for own account*, is amended by revising the second sentence of paragraph (a) and by inserting thereafter a new sentence. The affected portion reads as follows:

§ 510.22 Oceangoing common carriers and persons shipping for own account.

(a) * * * An oceangoing common carrier may perform freight forwarding services without a license only with respect to cargo carried under its own bill of lading, in which case the charge(s) for each forwarding service the carrier is willing to perform shall be assessed, in accordance with the carrier's published tariffs on file with the Commission. Any forwarding service on cargo carried under its own bill of lading which the carrier is willing to perform free of charge, including presentation of executed Shipper's Export Declarations to customs authorities, shall be specified in its tariffs. * * *

* * * * *

2. In § 510.23, paragraph (a) is amended by adding three new sentences at the end thereof, paragraph (f) is revised, and paragraph (j) is amended by adding a further proviso to the end thereof. The affected portions of § 510.23 read as follows:

§ 510.23 Duties and obligations of licensees.

(a) No licensee shall permit his license or name to be used by any person not employed by him for the performance of any freight forwarding service. No licensee may provide freight forwarding services through an unlicensed branch office or other separate establishment without written approval of the Federal Maritime Commission. Such approval may be granted only when it is found that qualified personnel competent to perform complete ocean freight forwarding services are employed in the branch office or other separate establishment. Applications for approval of branch offices or other separate establishment in existence on the date of adoption of this rule must be submitted within 3 months of such date.

* * * * *

(f) Each licensee shall promptly pay over to the oceangoing common carrier or its agent within seven (7) days after the receipt thereof, excluding Saturdays, Sundays, and legal holidays, or within five (5) days after departure of the vessel from each port of loading, excluding Saturdays, Sundays, and legal holidays, whichever is later, all sums advanced the licensee by its principal for freight and transportation charges, and shall disburse to other person(s) when due all sums advanced by its principal for the payment of any charges, debts, or obligations in connection with the forwarding transaction, and shall promptly account to its principal for overpayments, adjustments of charges, reductions in rates, insurance refunds, insurance money paid to the forwarder as the result of claims, proceeds of c.o.d. shipments, drafts, letters of credit, and any other sums due such principal.

* * * * *

(j) * * * *Provided further*, That a licensee who maintains and adheres to a uniform schedule of fees to be charged for arranging insurance and for performing other accessorial services (stated by dollar amount and/or percentage of mark-up) need not state separately the components of the charges for such insurance and for such other accessorial services. A licensee who elects to maintain such schedules must make the current schedule and every superseded schedule available upon request. A licensee shall not assess different fees than those specified in the effective schedules. Such schedules shall be filed with the Federal Maritime Commission and posted in a conspicuous place in the forwarder's office, and shall be mailed upon request.

* * * * *

3. In § 510.24, paragraph (a) is amended by deleting material from the end thereof and paragraph (f) is amended by adding a new sentence to the end thereof. As amended § 510.24 (a) and (f) read as follows:

§ 510.24 Compensation and freight forwarder certifications.

(a) No oceangoing common carrier shall pay to a licensee, and no licensee shall charge or receive from any such carrier, either directly or indirectly, any compensation or payment of any kind whatsoever, whether called "brokerage," "commission," "fee," or by any other name, in connection with any cargo or shipment wherein the licensee's name appears on the ocean bill of lading as shipper or as agent for an undisclosed principal.

* * * * *

(f) An oceangoing common carrier may compensate a licensee to the extent of the value rendered such carrier in connection with any shipment forwarded on behalf of others when, and only when, such carrier is in possession of a certification in the form prescribed in paragraph (e) of this section. Every tariff filed pursuant to section 18(b)(1), Shipping Act, 1916, shall specify the rate or rates of compensation to be paid licensed forwarders certifying in accordance with paragraph (e) of this section, and the conditions of payment.

* * * * *

Effective date. These rules shall become effective 30 days after date of publication of this notice in the FEDERAL REGISTER.

By order of the Commission.[1]

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-11562; Filed, Oct. 21, 1966; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16715; FCC 66-873]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Rochester, Minn.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Rochester, Minn.), Docket No. 16715, RM-965.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 66-541, issued in this proceeding on June 16, 1966, and published in the FEDERAL REGISTER on June 22, 1966, 31 F.R. 8639, inviting comments on a proposal to assign Channel 269A to Rochester, Minn. This action was taken in response to a joint petition filed on May 19, 1966, (RM-965) and amended on June 13, 1966, by Olmsted County Broadcasting Co. and North Central Video, Inc. These parties are the licensees of Station KOLM(AM) and KWEB(AM), Rochester, Minn., respectively. The proposal was to assign a fourth FM channel to Rochester as follows:

City	Channel No.	
	Present	Proposed
Rochester, Minn.	244A, 248, 296	244A, 248, 269A, 295

2. Rochester has a population of 40,663 (1960 U.S. Census) and its county has a population of 65,532. It has three AM stations, two of which are daytime-only stations [1a] and the third is a Class IV station. The two Class C FM assignments are in operation. Two applications have been filed by the petitioners for the remaining Class A channel (244A). These applications, BPH-5145 and 5192, are mutually exclusive and have been designated for comparative hearing. Petitioners state that the two remaining AM stations without an FM outlet would like "to contribute to the general diversity of program sources for their community," that they are anxious to avoid a lengthy and expensive comparative hearing, and that the proposed additional assignment will meet all the minimum mileage requirements of the rules. With respect to the city of Rochester, petitioners submit that its population has increased 17.5 percent in the last 5 years, that approximately 450,000 persons visit it each year, a large portion of this number attributable to Mayo Clinic, and that it is a very important industrial, medical, educational, and cultural center. Petitioners assert that a special 1965 census showed Rochester to have a population of nearly 48,000, and that its growth is continuing. For the above stated reasons, petitioner urges that the addition of another FM channel to the city of Rochester would serve the public interest.

3. Our notice invited comments additionally on the extent to which the proposed assignment would affect possible alternative uses of the proposed and adjacent channels in this general area. In response, petitioners submit that the proposed assignment can be used in a limited area in which only two cities of over 10,000 persons (Winona, Minn., and La Crosse, Wis.) are located and that both of these already have FM assignments. They state that the assignment in Winona has not been applied for while that at La Crosse is in use. In addition, they point out that Channel 269A could be used at La Crosse as well as Rochester if a site a few miles out of the city of La Crosse is used. No oppositions to the proposed assignment in Rochester were filed.

4. The proposal in question would provide the large and growing community of Rochester with two additional FM services at an early date, would result in the elimination of a lengthy and costly comparative hearing, and provide the area with a diversity of radio broadcast programing, without precluding future needed assignments in the general area. We are of the view, therefore, that it would serve the public interest and should be adopted.

5. Authority for the adoption of the amendment contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective November 25, 1966, § 73.202 of the Commission's rules and regulations, the FM Table of Assignments, is amended to read, insofar as the community named is concerned, as follows:

City	*Channel No.*
Rochester, Minn.	244A, 248, 269A, 295

7. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: September 28, 1966.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11549; Filed, Oct. 21, 1966; 8:47 a.m.]

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Clock Required

In the matter of amendment of Part 83, § 83.114, of the Commission's rules for the purpose of making certain editorial changes therein.

1. The Commission in this proceeding has under consideration certain editorial changes in Part 83, § 83.114, of its rules.

2. Docket 15034, released November 5, 1963, amended Part 83 of the rules to implement the radio provisions of the International Convention for the Safety of Life at Sea, London, 1960. This docket also made a number of editorial revisions in the rules to clarify them. As a result, § 83.114, the requirement that ship stations be provided with a reliable clock, was made applicable for voluntarily equipped vessels rather than all vessels.

3. Although § 83.114 was editorially amended to eliminate apparent redundancies in the rules, it appears that such amendment has deleted the clock requirements for compulsory equipped vessels subject to the Great Lakes Agreement and Title III, Part III of the Communications Act of 1934, as amended. This was not intended.

4. Accordingly, § 83.114 is editorially amended to require each ship station except those subject to Title III, Part II of the Communications Act of 1934, as amended, to be equipped with a reliable clock.

5. The amendments adopted herein are editorial in nature, and, hence, the public notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act are not applicable. The authority for this action is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules.

6. In view of the foregoing: *It is ordered*, Effective October 25, 1966, that § 83.114 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: October 19, 1966.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[1] Chairman Harllee's dissent as to Rule 510.24(a) and Commissioner George H. Hearn's dissent as to Rules 510.22(a), 510.24(f), 510.21(l), and 510.5(g)(3) filed as part of original document.

[1a] One of these (KWEB) has a construction permit for nighttime operation.

[2] Commissioners Bartley and Lee absent; dissenting statements of Commissioners Cox and Johnson filed as part of original document.

A. Part 83, Stations on Shipboard in the Maritime Services is amended as follows:

1. Section 83.114 is amended to read:

§ 83.114 Clock required.

(a) Except as provided in §§ 83.468 and 83.497, each ship station which is licensed to operate on frequencies below 515 kc/s, shall be provided with a reliable clock equipped with a seconds hand, preferably a sweep seconds hand. This clock shall be securely mounted in such a position that the entire dial can be easily and accurately observed by the operator from his normal operating position, from the operating position at which he would ordinarily transmit the international radiotelegraph alarm signal by hand, and from the position used for testing the radiotelegraph auto alarm (if installed) for response to signals from the testing device.

(b) Except as provided in §§ 83.468 and 83.497, each ship station which is licensed to operate on frequencies above 1500 kc/s, shall have available to the operator a reliable clock or timepiece, preferably equipped with a seconds hand.

[F.R. Doc. 66-11550; Filed, Oct. 21, 1966; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER F—NATIONALITY AND PASSPORTS

PART 51—PASSPORTS

Passports Invalid for Travel to Restricted Areas; Correction

In F.R. Doc. 66-11421, appearing at page 13544 of the issue for Thursday, October 20, 1966, § 51.72 should read as follows:

§ 51.72 Passports invalid for travel to restricted areas.

Upon determination by the Secretary that a country or area is:

(a) A country with which the United States is at war or

(b) A country or area where armed hostilities are in progress or

(c) A country or area to which travel must be restricted in the national interest because such travel would seriously impair the conduct of U.S. foreign affairs,

U.S. passports shall cease to be valid for travel to, in or through such country or area unless specifically validated therefor: *Provided, however,* That restrictions existing as of the effective date of these regulations on the validity of passports for travel to certain countries or areas shall remain in effect for a period of 60 days from the effective date of the regulations in this part. Any determination made under this section shall be published in the FEDERAL REGISTER along with a statement of the circumstances requiring the restriction. Any such restriction shall expire at the end of 1 year from the date of publication of such notice in the FEDERAL REGISTER, unless extended by the Secretary by public notice.

PHILIP B. HEYMANN,
Acting Administrator, Bureau of Security and Consular Affairs.

OCTOBER 20, 1966.

[F.R. Doc. 66-11632; Filed, Oct. 21, 1966; 11:59 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1013]

[Docket No. AO-286-A8]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Lauderdale, Fla., on March 3-4, 1966, pursuant to notice thereof issued on February 10, 1966 (31 F.R. 2730).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on August 30, 1966 (31 F.R. 11669; F.R. Doc. 66-9689) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (31 F.R. 11669; F.R. Doc. 66-9689) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area.
2. Class prices.
3. Butterfat differentials.
4. Location differentials.
5. Classification.
6. Enabling a cooperative to be the handler on bulk tank milk.
7. Diversion of producer milk.
8. Miscellaneous and conforming changes.

A portion (Class I price) of Issue 2 was considered in a separate decision issued June 24, 1966 (31 F.R. 8956). The remainder of that issue and all other issues at the hearing are considered in this decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The Southeastern Florida marketing area, which now contains four counties (Broward, Dade, Monroe, and Palm Beach), should be expanded by adding the counties of Glades, Hendry, Indian River, Martin, Okeechobee, and St. Lucie. The expanded marketing area comprises a contiguous area in which routes of milk handlers doing business in the area are interspersed.

The marketing area expansion was proposed by Independent Dairy Farmers' Association (IDFA), the principal cooperative in the Southeastern Florida market. It was supported at the hearing by the major handlers in the market. There was no opposition to the addition of the six counties to the marketing area.

The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products. The minimum sanitary requirements applicable to Grade A milk throughout the area are those of the State of Florida, which requirements are patterned after the U.S. Public Health Ordinance and Code.

The present marketing area does not constitute the proper marketing area under current marketing conditions. The 10-county area herein proposed as the marketing area represents more appropriately the sales area of the handlers now regulated by the Southeastern Florida order than the present 4-county area.

The total Class I distribution in Glades, Hendry, and Okeechobee Counties is by handlers presently regulated by the Southeastern Florida order. Martin, Indian River, and St. Lucie Counties are supplied from the plants of Southeastern Florida handlers and a presently unregulated plant in Indian River County. The latter plant, in addition to its Class I distribution in these three counties, has a minor amount of Class I sales in Brevard County, immediately to the north of Indian River County.

The operator of the plant in Indian River County obtains milk from four dairy farmers, all of whom are IDFA members. Settlement with the cooperative for these purchases is on the basis of Southeastern Florida order class prices. The operator of this plant indicated no opposition to the proposed expansion of the marketing area.

The present Class I distribution in the six counties proposed to be added to the marketing area is relatively small. However, their population is increasing at a much faster rate than that for the State as a whole. If these counties were excluded from the marketing area, an expanded population could provide an incentive for unregulated handlers to establish routes in the area at the expense of the regulated Southeastern Florida handlers now supplying the market. Such an unregulated handler, absent an order in the proposed area, would have a competitive advantage over the regulated handlers who would be required to pay the minimum order class prices based on their utilizations.

The proposed 10-county marketing area is the basic sales area for the operator of the plant in Indian River County and handlers presently regulated by the Southeastern Florida order. A number of such handlers, however, do have some Class I distribution outside the newly designated marketing area. All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market.

It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition. Further, the level of class price should be identical on Class I sales inside and outside the marketing area.

The essentials of the classified pricing plan for the Southeastern Florida order, and generally applicable to all Federal orders issued by the Secretary, are to establish one level of price to be paid by handlers for milk which is sold as milk or specified milk products for fluid consumption and other prices for the necessary surplus of the market which is disposed of in lower valued fluid products and in manufactured products.

It is necessary that the class prices effective under the Southeastern Florida order be established at levels which will bring forth a sufficient supply to meet the demands of milk for the particular marketing area but not necessarily to fulfill the requirements of outside markets. Nevertheless, handlers who are regulated by virtue of their sales in the marketing area may have varying proportions of their sales outside the regulated area. This is a situation normally unavoidable even in the establishment of a new marketing area. Sales areas of regulated and unregulated handlers may overlap, and it would be rarely possible,

if at all, to find a line of demarcation around an entire marketing area such that no overlapping occurs. Other considerations in establishment of a marketing area may also preclude inclusion of all sales areas of fully regulated handlers.

The problem of establishing a price to supply adequately the marketing area is thus affected by the activity of handlers in selling milk outside the regulated area and in procuring milk for such sales. There is no basis in this price determination for discrimination between milk sold inside and outside the marketing area. The milk sold outside by a regulated plant is processed in the same plant and is produced under similar conditions as milk sold in the marketing area. Thus, the milk moving through the regulated handler's plant, whether it is sold inside or outside the marketing area, is part of the same supply and demand situation upon which proper price level determination must be made.

If the price to farmers were higher for milk sold inside than for milk sold outside the marketing area, returns for disposition in the area would be bearing the greater burden of providing the incentive for milk production for both. To the extent such discrimination in pricing at the procurement level is reflected in higher prices to consumers inside than outside the marketing area, consumers in the marketing area will be subsidizing consumers outside the marketing area.

Further, it is not intended that Federal regulation be susceptible of manipulation to permit the use of adjacent outside markets as a dumping ground for milk in excess of a market's needs. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by unregulated distributors in such markets. Such action would tend to lower blended returns to dairy farmers supplying the unregulated handlers.

2(b). *Class II and Class III prices.* The Class II price should be established by adding $1, and the Class III price by adding 15 cents, to the basic formula price (Minnesota-Wisconsin manufacturing milk price).

The Southeastern Florida Class II and Class III prices are now determined by separate formulas, both based on the market prices of butter and nonfat dry milk. For the 24 months ending December 1965, the Class II price herein proposed would have averaged $4.225; the average Southeastern Florida Class II price in this period was $4.18. In the same 2-year period, the proposed Class III price averaged $3.375; the effective Class III price was $3.29.

The revised Class II and III formulas were proposed by producers and supported by the major handlers in the market. There was no opposition to the proposals.

The Minnesota-Wisconsin price series reflects the value of ungraded milk used in the production of a wide variety of manufactured dairy products in the major milk production areas of the United ate basis for establishing Class II and Class III prices than the market prices States. As such, it is a more appropri- for butter and nonfat dry milk. It is now used in establishing class prices other than Class I in 33 Federal orders. Utilizing it in the Southeastern Florida order will tend to obtain a Class II and Class III price level consistent with that prevailing in other markets and will insure an equitable return to producers for Class II and Class III milk.

The proposed Class II and Class III price formulas are the same as those in the Tampa Bay order. Southeastern Florida and Tampa Bay handlers have substantial overlapping in both their supply and sales areas. Providing for the same Class II and Class III prices in these markets will contribute to orderly marketing in these areas where the handlers regulated by these two orders compete for supplies and sales.

When local supplies are short, handlers obtain concentrated dairy products from other sources for further processing into Class II products in their plants. The cost of such supplies are affected by transportation over long distances. Local producer milk supplies used in Class II compete directly with these concentrated products delivered to Southeastern Florida. The proposed Class II formula will tend to obtain a Class II price in close alignment with the cost of these alternative supplies.

Negligible quantities of milk for Class III uses are produced in Southeastern Florida where handlers depend primarily on shipments of products in manufactured form for their Class III requirements. On these manufactured products, they incur transportation charges, although at relatively low rates in terms of dollars per hundredweight of milk equivalent.

The proposed Class III formula will tend to obtain a price at which handlers will accept and market the limited quantities of milk in excess of Class I and Class II needs that may arise from time to time. On the other hand, the proposed formula will not tend to obtain a level of price that would encourage handlers to seek milk supplies solely for the purpose of converting them into Class III products.

3. *Butterfat differentials.* Provisions for a specified butterfat differential for each class and a weighted producer butterfat differential, the same as in the Tampa Bay order, should be incorporated into this order.

The Southeastern Florida order presently makes no provision for a separate butterfat differential for each class of milk. The only butterfat differential specified in the order is the 7.5-cent differential applicable to the uniform price in paying producers.

The Southeastern Florida producers' proposal that the Tampa Bay butterfat differential provisions be adopted in the order was supported by handlers at the hearing.

As proposed, the Class I and Class II butterfat differentials would be established at 7.5 cents for each one-tenth of 1 percent variation in butterfat above or below 3.5 percent. The Class III and Class IV butterfat differentials would be determined by multiplying the Chicago butter price by 0.115.

The 7.5-cent differential on Class I and Class II milk is, in effect, the same differential that is now applicable to all milk classified under the order. There was no support for any other Class I or Class II differential.

The Class III and Class IV butterfat differential of 11.5 percent of the Chicago butter price will vary from month to month as the price of butter varies, thereby facilitating the movement of butterfat in the reserve supply of milk to manufacturing outlets. The Class III and Class IV butterfat differential, because it is based on current month prices, will not be announced until after the end of the month.

The butterfat differential to producers would be calculated on the average of the Class I, Class II, Class III, and Class IV butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Returns to producers will thus reflect the actual value of their butterfat at the class prices provided by the order.

4. *Location differentials.* The location differentials should be revised to give consideration to the current procurement and distribution practices of handlers in the proposed enlarged marketing area. The current location differentials have not been changed since the order was promulgated in 1957.

The Class I and uniform prices are now reduced 13 cents for milk received at plants from 60 to 70 miles from Boca Raton and by an additional 1.5 cents for each 10 miles or fraction thereof at plants beyond 70 miles. As proposed herein, the U.S. Post Office at West Palm Beach would replace Boca Raton's Post Office as the point from which location differential mileages are determined. The 13-cent initial rate would be retained but would be applicable at points 80 to 90 miles from the basing point instead of 60 to 70 miles as now provided. The 1.5-cent rate for each 10 miles beyond the initial 13-cent rate would be continued.

The changes herein provided are the same as those proposed by producers, with one exception. Producers proposed that the initial location differential rate be 10 cents instead of 13 cents.

West Palm Beach is 26 miles north of Boca Raton and 64 miles north of Miami, the largest city in the marketing area. Using West Palm Beach instead of Boca Raton as the basing point will result in no location adjustment at plants within approximately 106 miles of Boca Raton instead of within 60 miles as at present. This will generally reduce the location differential 6 to 7.5 cents at the various locations from which milk might be shipped to the marketing area.

The location differential is now applicable at only one pool plant, in Martin County. The relatively small quantity of producer milk received at this plant is obtained through IDFA. Although a 13-cent differential is applicable to the Class I price at this loca-

tion, the handler pays the cooperative the same Class I price that would be applicable if no location adjustment applied.

If the location differential provisions were not changed, the plant (which would become a pool plant by expansion of the marketing area) in Indian River County would be eligible for a location differential credit of 17.5 cents. However, the actual price paid by the operator of the plant, who is now unregulated, is the same as the Southeastern Florida Class I price without the application of any location differential. His producer milk supply is obtained through IDFA.

Location differentials applicable at the various plants should reflect the efficiency resulting from technological changes in the marketing of milk in recent years. The rates proposed herein to both handlers and producers more appropriately reflect the cost of efficiently moving milk in the Southeastern Florida market under present economic conditions than do the location differentials incorporated into the order in 1957.

Technological improvements such as better roads and larger tank trucks have tended to reduce unit hauling costs for both producers and handlers. The proposed location differentials are in line with the hauling charges currently in effect. The rates now charged by a major hauler in the area for a distance of 925 miles is $1.22 per hundredweight in 5,300 gallon tankers and $1.40 per hundredweight in 4,300 gallon tankers. The location differential rate proposed in this decision would result in a location adjustment of $1.29 for a plant 925 miles from Miami, the principal city in the marketing area.

It is not intended that the Class I price should be dependent on the type of plant receiving the milk. Transportation costs are involved whether supplemental supplies of milk are moved in tank trucks from faraway plants to the marketing area or whether packaged fluid milk products from processing plants at relatively closer locations are distributed on routes in the marketing area.

There was no opposition to replacing Boca Raton with West Palm Beach as the point for measuring location differential mileages. West Palm Beach is one of the larger cities in the marketing area and is more centrally located with respect to the enlarged marketing area. As such, it is a more practicable basing point for determining location differentials under current marketing conditions in the Southeastern Florida marketing area than is Boca Raton.

The producer proposal to reduce from 13 to 10 cents the initial location differential adjustment is denied. The 13-cent rate more nearly approximates the cost of hauling milk the 80 to 90 miles represented by the initial adjustment. The proposed location differential at plants more than 90 miles from West Palm Beach is an additional 1.5 cents for each 10 miles beyond 90. The 1.5-cent rate applied to the midpoint (85 miles) of the 80–90-mile range is 12.75 cents. It was not shown that there is any justification in this market for applying a location adjustment at a lower rate for the initial 80 to 90 miles than for distances beyond 90 miles.

The Southeastern Florida marketing area extends to the southernmost tip of the State. There are no plants in the proposed expanded marketing area to which a location differential as herein provided would be applicable. It would be appropriate, therefore, to specify that the location differentials be applicable only at plants north of West Palm Beach, the basing point for determining such differentials.

The location differential rates herein provided are economically sound and are representative of the cost of transporting milk to market by efficient means. They are comparable with those contained in other Federal milk orders, including the adjoining Tampa Bay order. Moreover, their compatability with location differential rates in the Tampa Bay order will insure a reasonable alignment of prices between the two orders at the various locations in which handlers under the Southeastern Florida and Tampa Bay orders compete.

5. *Classification.* (a) Producers proposed including in Class I the skim milk and butterfat disposed in the form of Class II products. They asserted that Florida statute requires that Class II products be made from Grade A milk. In practice, however, regulatory authorities permit the use of milk products other than Grade A fluid milk products in the preparation of Class II products.

Historically, Class II products have been included in a separate classification in Florida and priced significantly below the Class I price. This has been the case not only in the Southeastern Florida order since its inception but also under the Florida Milk Commission's regulations. The Tampa Bay order, which became effective at the beginning of this year, also provides a separate classification for Class II products.

No change has taken place in the application of the State statute to require any different classification of Class II products in the Southeastern Florida order than what has been effective in the order since its inception or what has been historically the practice in all Florida markets. The producer proposal to include Class II products in the Class I classification is therefore denied.

(b) Both producers and handlers proposed that the present method of classifying in Class II all skim milk and butterfat "used to produce" Class II products be changed. In its place, they propose that the Class II classification be based on the skim milk and butterfat actually disposed of by a handler in the form of Class II products. At the present time, the skim milk and butterfat used to produce a Class II product (e.g., cream) is classified as Class II even though the ultimate disposition of such product may be in a Class III classification, such as ice cream or butter.

The method herein proposed for establishing the Class II classification at a plant, on the basis of the actual disposition of the Class II product by the handler, is the same as that provided in the Tampa Bay order. Its adoption in the Southeastern Florida order provides a more equitable and appropriate basis for establishing a handler's Class II classification.

The changed basis for establishing the classification of skim milk and butterfat used to produce Class II products requires various revisions in the order. These are necessary since a handler must not only account for the Class II products produced in his plant but also must establish his actual disposition and month-end inventories of such products. The necessary changes in this regard are provided in the attached order.

In order to implement the changed basis for establishing the classification of Class II products on the basis of their disposition, a revised "other source milk" definition is necessary. Such a definition, as proposed by producers and handlers, is the same as that provided in the Tampa Bay order and is equally appropriate under this order.

As proposed and adopted herein, other source milk would include all skim milk and butterfat contained in or represented by (a) fluid milk products and Class II products utilized by the handler in his operation (except producer milk and fluid milk products and Class II products from pool plants and in inventory at the beginning of the month), (b) all manufactured dairy products from any source (including those produced in the plant) which are reprocessed or converted into another product during the month, and (c) any disappearance of nonfluid milk products in a form in which they may be converted into Class I products and which are not otherwise accounted for under the order.

So that he may verify the actual utilization of milk received from producers, the market administrator must be in a position to reconcile all receipts of milk and dairy products with the disposition records of the plant. If such records cannot be reconciled, the handler must be held responsible for the shrinkage or the overrun which occurs as the result of the discrepancy between the records of receipts and disposition. Otherwise, the handler with improper records would be in a position to gain an advantage over his competitors who properly account for all milk and other dairy products received. It is equally necessary that the handler be required to account for all nonfluid dairy products in a form in which they can be converted into Class I products. Otherwise, a handler, by failing to keep records of nonfat dry milk and similar products which can be reconstituted into skim milk or other fluid milk products, similarly would gain a competitive advantage over other handlers in the market.

(c) The shrinkage provisions should be revised to recognize current methods of handling milk in the market and to provide equitable division of shrinkage among handlers.

A handler should be permitted a Class III classification as shrinkage on quanti-

ties of skim milk and butterfat that are not in excess of 2 percent of producer milk (except that diverted to a nonpool plant), plus 1.5 percent of bulk fluid milk products received from (1) other pool plants, and (2) other order plants and unregulated supply plants (exclusive of the quantity for which a Class II or Class III utilization is requested by the handler), and less 1.5 percent of bulk fluid milk products transferred to other plants. Shrinkage assignable to any remaining receipts of other source milk would continue to be allowed a Class III classification without limit.

The order now provides a Class III shrinkage up to 2 percent of producer receipts and receipts of milk and skim milk in bulk from other order plants and unregulated supply plants (exclusive of the quantity for which a Class II or Class III utilization is requested by the handler). No provision is now made for the division of the shrinkage allowance on interhandler movements of fluid milk products.

The shrinkage provisions herein provided, which were proposed by producers, are patterned after those in the Tampa Bay order and are contained in the great majority of Federal orders. There was no opposition at the hearing to the adoption of the proposed shrinkage provisions.

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to effectuate equitably the classified pricing plan.

It is appropriate to limit the volume of unregulated supply plant milk and other order milk that may be classified in Class III as shrinkage since these types of receipts are allocated pro rata to class uses with the receipts from pool plants and producers. No specific shrinkage limit is necessary on unregulated or other order milk that does not share a pro rata assignment and thus is allocated to Class III uses. The allocation procedures assure assignment of such milk to Class III in an amount at least equal to the shrinkage that may be associated with it.

As provided in this decision, a cooperative is required to be the handler for milk of its member-producers if delivered from the farm to the pool plant in a tank truck owned and operated by or under contract to such cooperative. When a cooperative is the handler under such conditions, the operator of the pool plant receiving this bulk tank milk directly from the farm would settle with the pool and the cooperative for such milk in the same manner as a receipt from producers. However, the full two percent allowance for shrinkage would be permitted the handler only if he is purchasing the milk on the basis of farm weights and the market administrator has been so notified. Otherwise, the maximum shrinkage in Class III allowed the handler on such milk would be 1.5 percent and the cooperative would be responsible for any difference between the gross weight of producer milk received in a tank truck at the farm and that delivered to pool plants. This procedure, which is followed in a number of Federal orders, provides a reasonable basis for the allocation of shrinkage allowance in those instances wherein the cooperative is the responsible handler with respect to milk picked up at producers' farms in bulk tank trucks.

(d) The skim milk and butterfat in fluid milk products and in Class II products in inventory at the end of the month should be classified in Class II. At the present time, only the fluid milk products in inventory are classified in Class II. This is because the skim milk and butterfat in Class II products were considered as having been disposed of in the Class II classification when used to produce a Class II product. As provided elsewhere in this decision, the skim milk and butterfat in Class II products would be classified in Class II only when disposed of from the plant as a Class II product. This change makes it necessary to consider the month-end inventories of such products in determining the classification of milk handled at that plant. This manner of handling inventories is identical with that provided in the Tampa Bay order. In urging its adoption, handlers stressed the desirability of having inventories handled in this same manner in these adjacent orders.

Producers proposed that ending inventories be classified in Class I and that the differences between the Class I prices in each month be taken into account when pricing inventories classified in Class I in the following month. As outlined at the hearing, it was not shown that application of the order would be facilitated or that producers would realize any significant advantage by classifying inventories in Class I.

The fluid milk products and Class II products contained in inventory and classified in Class II might be used in the following month in a Class I, Class II, or Class III classification. On any such inventory used in Class I in the following month, handlers must pay the difference between the applicable Class I price in the month it was utilized and the Class II price at which it was priced in the preceding month. Under the three-classification system in the Southeastern Florida order, this method of handling inventories will tend to work out more practicably and equitably than classifying closing inventories in Class I in the manner proposed by producers. The producer proposal, therefore, is denied.

(e) The order should specify that skim milk and butterfat used to produce milkshake mix be classified in Class III.

Including milkshake mix in Class III was proposed by a regulated handler who recently began producing and distributing this product. Because the order does not now specify another classification for milkshake mix, it is currently classified in Class I.

Milkshake mix is a product more nearly comparable to ice cream mix, a Class III product, than to flavored milk or any other Class I product. The ingredients used in its manufacture are butterfat, nonfat dry milk, sugar, flavoring and stabilizer. The total solids in the end product are in excess of 25 percent. There is no requirement that milkshake mix be made from Grade A milk. It is free from any regulation by local health authorities other than as a food product.

Milkshake mix is generally considered in the same category as frozen dessert and ice cream mixes. As such, it is classified in the same class as such products in a number of other Federal orders. Milkshake mix is sold in Florida in competition with soft frozen desserts, which are readily available in retail food stores. Ice cream manufacturers, who are not subject to order regulation and who handle no Grade A fluid milk products, may and do market milkshake mix in the marketing area. The regulated handler is at a disadvantage in competing with these handlers when he is required to pay the Class I price for skim milk and butterfat used in the production of the milkshake mix. There was no opposition to classifying milkshake mix in Class III in the Southeastern Florida order.

(f) The order now provides a Class IV classification for that milk, the skim milk portion of which is disposed of for livestock feed or dumped. The order does not, however, make any provision for the reclassification from Class I and Class II to a lower-priced class of fluid milk products (other than milk) and Class II products, respectively, that are disposed of for livestock feed or dumped.

Handlers proposed that (except as now provided in the Class IV classification) skim milk and butterfat in fluid milk products and Class II products dumped or disposed of by a handler for livestock feed be classified in Class III.

Class III outlets often represent not only an efficient, but also at times the only, means of disposing of surplus milk and spoiled fluid milk products and Class II products. In the case of route returns of such products as homogenized milk and chocolate milk, it is difficult and impractical to salvage the butterfat for further use. Such butterfat, which is not salvable, should be classified as Class III when dumped or disposed of for livestock feed under the conditions in which a Class IV classification would not be applicable. It is equally appropriate that the skim milk in fluid milk products and Class II products dumped or disposed of for livestock feed be classified in Class III when its disposition does not meet the conditions for a Class IV classification.

A Class III classification of the skim milk and butterfat in fluid milk products and Class II products under the conditions herein proposed is comparable with that provided in Tampa Bay and other Federal milk orders.

6. *Enabling a cooperative to be a handler on farm tank milk.* A cooperative association should be required to be a handler for milk delivered from the farm to a pool plant in a tank truck owned and operated by or under contract to such association.

Currently, the operator of the plant receiving milk from producers must account for such milk and pay the producers. Once milk from a producer has been commingled with milk from other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. A similar situation prevails when the milk of an individual producer is delivered in a tank truck to two or more plants. The operator of a pool plant to which bulk tank milk is delivered has an opportunity only to determine the weight and butterfat test of the total load.

If a tank truck picking up milk at the farm is operated under the supervision of a cooperative association, it is the association that determines the weight and butterfat content of each producer's milk. Handlers have no control and generally take no part in determining the weights and butterfat tests of milk at the farm. In some instances, handlers may not even know from which farms the milk is shipped.

The milk delivered by the cooperative as a bulk tank handler would be considered as a receipt of producer milk by the operator of the pool plant at which it was physically received. The pool plant operator's obligation for such milk to the producer-settlement fund, to the administration fund and to the cooperative would be the same as for producer milk received directly from the farm of an individual producer.

In some instances, as discussed earlier in this decision, differences between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant would be considered a receipt of producer milk by the cooperative at the location of the pool plant. For such differences, the cooperative (instead of the pool plant operator) would be required to settle with the producer-settlement and administration funds.

Requiring a cooperative to be a handler on its member-producers' bulk tank milk as herein provided will afford a practicable basis of accounting for such milk. In addition, it will provide flexibility to a cooperative's operations in allocating its members' bulk tank milk among handlers and facilitate the diversion of such milk to nonpool plants by the cooperative when it is not needed at regulated plants.

7. *Diversion of producer milk.* Diversion of producer milk by a cooperative to a nonpool plant should be limited to 25 percent of the milk physically received from its producer-members at pool plants during the month. Similarly, milk diverted by the operator of a pool plant for his account would be limited to 25 percent of the quantity of producer milk physically received at his plant during the month. Unlimited diversion of producer milk is now permitted under the order.

The proposed diversion provisions are the same as those in the Tampa Bay order. They were proposed for inclusion in the Southeastern Florida order by IDFA, the principal cooperative under both orders. There was no opposition to the inclusion of the proposed diversion provisions in the order.

Milk from the farms of producers shipping regularly to Southeastern Florida pool plants may on occasion be shipped to Tampa Bay pool plants. It would be inappropriate to consider such milk received at a Tampa Bay plant as producer milk under the Southeastern Florida order. Such milk's eligibility under a Federal order would more appropriately be determined at the Federal order plant where actually received. In fact, if the Southeastern Florida order permitted the diversion of producer milk to other order plants, it could result in the pricing and pooling of the same milk under two orders.

When milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant should be facilitated. It is necessary, however, to provide reasonable limitations on the amount of milk which may be diverted so that only that milk genuinely associated with the market will be diverted and only when it is not needed in the Southeastern Florida market for Class I purposes.

On a monthly basis, Southeastern Florida producers do not produce large quantities of milk in excess of the market's fluid requirements. Diversion provisions are for the purpose of enabling handlers and cooperatives to divert producer milk on such occasions as weekends and holidays, when it is not needed in the market for Class I purposes. The limitations herein proposed will be sufficient to accommodate diversion under current marketing conditions and will facilitate the orderly disposition of producer milk.

It is important that only milk genuinely associated with the market should be eligible for diversion to nonpool plants. The order now provides such a safeguard. At least 8 days' production of a dairy farmer must be physically received at a pool plant during either the current or preceding month to qualify him as a producer. A dairy farmer shipping on an every-other-day basis would, under this standard, be required to ship only 4 days.

Milk diverted to nonpool plants in excess of the limitation provided would not be considered producer milk. Hence, eligibility for pricing and pooling under the order would be forfeited on a quantity of milk equal to such excess. In such instances, the diverting handler would specify which milk is ineligible as producer milk. If the handler fails to make such designation, thereby making it infeasible for the market administrator to determine which milk was overdiverted, all milk diverted to nonpool plants by such handler would be made ineligible as producer milk.

A high proportion of milk produced for the Southeastern Florida market is utilized for Class I purposes. Hence, it is not likely that it will be necessary to divert producer milk to nonpool plants for extended periods or that such milk will move great distances from the market. To facilitate the pricing of such milk, therefore, it is appropriate to consider it as having been received at the plant from which diverted for the purpose of applying location pricing under the order.

8. *Miscellaneous and conforming changes.* The entire order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

(a) Producers proposed that various terms be explicitly defined in the order. The definitions added pursuant to the producer proposal, and to which there was no opposition, are commonly provided in Federal orders. The definitions for "distributing plant," "supply plant," "fluid milk product," and "Class II product" incorporated into the attached order are similar to those in the Tampa Bay order. Their inclusion in the Southeastern Florida order will be helpful in the administration of the order.

(b) The changes in the reporting provisions in the attached order were proposed by producers and supported by handlers. The most significant changes in this regard are those providing for reports to the market administrator by pool plant operators and cooperatives in those instances in which the cooperative elects to be the handler on farm tank milk. These reporting provisions are commonly provided in Federal orders in which a cooperative may be the handler on farm tank milk. They are equally appropriate and necessary under this order.

Another change would require reports by cooperatives and handlers to the market administrator of milk diverted to nonpool plants. Such information is necessary in determining whether the milk moved from dairy farms regularly supplying the market to nonpool plants may be included in the pool.

(c) Elsewhere in this decision, provision is made for replacing Boca Raton with West Palm Beach as a point from which location differential mileages are determined. It it likewise appropriate, therefore, to replace Boca Raton with West Palm Beach as a point from which the surplus disposal area under the transfer provisions of the order would be based. Accordingly, a classification other than Class I or Class II would, under certain conditions, be permitted on fluid milk products or Class II products transferred or diverted from a pool plant to nonpool plants within 500 miles of West Palm Beach (instead of Boca Raton as is now provided).

(d) A dairy farmer who has shipped less than 8 days' production during the month to a pool plant does not qualify as a producer under the Southeastern Florida order. Hence, such milk received at a pool plant is not producer milk and may not be pooled. Instead, it is considered the receipt of other source milk at the pool plant. Under the present allocation provisions, such milk is subtracted from a handler's utilization in series beginning with Class IV in the same manner as are receipts of ungraded

fluid milk products. On any of such milk allocated to Class I, the handler must pay the difference between the Class I and Class III price.

Receipts at a pool plant from a dairy farmer who fails to qualify as a producer are now treated differently than if first received at an unregulated plant and then moved to a pool plant. Under the conditions in the Southeastern Florida order, it is more appropriate that such milk be treated the same as milk received at a pool plant from unregulated supply plants. In this manner, such milk would be allocated pro rata to a handler's overall utilization to the extent that not less than 80 percent of regulated milk at the handler's plants would be assigned to Class I. All additional unregulated milk would then be allocated in series beginning with Class IV. Any dairy farmer milk allocated to Class I would be subject to a payment to the pool of the difference between the Class I and uniform price.

(e) The order should provide that a dairy farmer may deliver milk to a nonpool plant during the month without losing his producer status. This was temporarily achieved by a suspension action effective April 9, 1966 (31 F.R. 5611). Prior to that time, any such delivery to a nonpool plant (except by diversion) caused a dairy farmer to lose his producer status for the month.

Until January 1, 1966, Southeastern Florida producer milk could be diverted to the unregulated Tampa Bay area plants without losing its producer milk status. This is because the milk so moved was considered as producer milk diverted to a nonpool plant. The status of such milk received at Tampa Bay area plants changed when the Tampa Bay order became effective January 1, 1966. Such milk no longer qualifies for diversion under the Southeastern Florida order because the order does not permit diversion to an other order plant. Thus, any such milk delivered by a dairy farmer to Tampa Bay pool plants is considered producer milk under the Tampa Bay order and is priced and pooled under that order. The provision under consideration, however, precludes milk delivered during the same month to a Southeastern Florida pool plant by the same dairy farmer from being producer milk under the Southeastern Florida order.

IDFA is the principal cooperative in both the Southeastern Florida and Tampa Bay orders. The marketing of its members' milk is facilitated when it can move unneeded supplies in temporary periods of shortage in the Tampa Bay market from the farms of its producers under the Southeastern Florida order. The removal of the provision in the Southeastern Florida order that causes a dairy farmer to lose his producer status under that order by a delivery to a nonpool plant will contribute to the efficient marketing of milk under the two orders.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions to the findings and conclusions were received.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Southeastern Florida Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Southeastern Florida Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of August 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Southeastern Florida marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on October 19, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

ORDER [1] AMENDING THE ORDER REGULATING THE HANDLING OF MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

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1013.2 Secretary.
1013.3 Department.
1013.4 Person.
1013.5 Cooperative association.
1013.6 Southeastern Florida marketing area.
1013.7 Fluid milk product.
1013.8 Distributing plant.
1013.9 Supply plant.
1013.10 Pool plant.
1013.11 Nonpool plant.
1013.12 Route.
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1013.14 Producer-handler.
1013.15 Producer.
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MARKET ADMINISTRATOR

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REPORTS, RECORDS AND FACILITIES

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CLASSIFICATION OF MILK

1013.40 Skim milk and butterfat to be classified.
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MINIMUM PRICES

1013.50 Basic formula price.
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1013.60 Producer-handler.
1013.61 Plants where other Federal orders may apply.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.
1013.62 Obligations of handler operating a partially regulated distributing plant.
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DETERMINATION OF UNIFORM PRICES TO PRODUCERS

1013.70 Computation of the net pool obligation of each pool handler.
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PAYMENTS

1013.80 Time and method of payment for producer milk.
1013.81 Producer-settlement fund.
1013.82 Payments to the producer-settlement fund.
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EFFECTIVE TIME, SUSPENSION OR TERMINATION

1013.100 Effective time.
1013.101 Suspension or termination.
1013.102 Continuing obligations.
1013.103 Liquidation.

MISCELLANEOUS PROVISIONS

1013.110 Agent.
1013.111 Separability of provisions.

AUTHORITY: The provisions of this Part 1013 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1013.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own production), (ii) other source milk allocated to Class I pursuant to § 1013.46(a) (3), (4), and (10) and the corresponding steps of § 1013.46(b), and (iii) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on August 30, 1966, and published in the FEDERAL REGISTER on September 3, 1966 (31 F.R. 11669; F.R. Doc. 66-9689), shall be and are the terms and provisions of this order and are set forth in full herein:

DEFINITIONS

§ 1013.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1013.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 1013.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1013.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1013.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 1013.6 Southeastern Florida marketing area.

The "Southeastern Florida marketing area," hereinafter called the "marketing area," means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all Government reservations and incorporated municipalities within this territory:

Broward.	Martin.
Dade.	Monroe.
Glades.	Okeechobee.
Hendry.	Palm Beach.
Indian River.	St. Lucie.

§ 1013.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers or milkshake mix.

§ 1013.8 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

§ 1013.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

§ 1013.10 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) that is specified in paragraph (a) or (b) of this section and which is not a facility described in paragraph (c) of this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products received at the plant during the month is disposed of on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section.

(c) Pool plant as defined in this section shall not be deemed to include any building, premises, or facilities, the primary function of which is to hold or store bottled milk or milk products in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

§ 1013.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) are moved to a pool plant during the month.

§ 1013.12 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1013.41(a), but does not include delivery to a milk receiving or processing plant.

§ 1013.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(d) Any cooperative association with respect to milk of its producer-members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(f) A producer-handler.

§ 1013.14 Producer-handler.

"Producer-handler" means any person who, during the month: (a) Produces milk; (b) distributes Class I milk on routes in the marketing area; and (c) receives no milk except from his own dairy farm, and receives no products designated as Class I milk pursuant to § 1013.41(a) from pool plants or other sources.

§ 1013.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk (as described in § 1013.63) in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable to agencies of the U.S. Government located in the marketing area for fluid consumption), and not less than 8 days' production of such person is physically received at a pool plant during the current month or was so received during the preceding month.

§ 1013.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1013.13(d): *Provided*, That if the milk received at a pool plant from a handler pursuant to § 1013.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1013.13(d) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the pool plant from which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the pool plant from which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from such producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1013.17 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products and Class II products from any source except (1) producer milk, (2) fluid milk products and Class II products from pool plants, and (3) fluid milk products and Class II products in inventory at the beginning of the month;

(b) Products other than fluid milk products and Class II products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for pursuant to § 1013.32.

§ 1013.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported for the month by the Department.

§ 1013.19 Class II product.

"Class II product" means cream, sour cream, half and half, buttermilk, acidophilus milk and chocolate drink.

§ 1013.20 Cream.

"Cream" means the product obtained by the separation of skim milk from whole milk such that the butterfat content of the remaining product exceeds 10 percent, and mixtures of such products with milk and skim milk such that the average butterfat content exceeds 10 percent.

MARKET ADMINISTRATOR

§ 1013.25 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 1013.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1013.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1013.86:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1013.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to §§ 1013.30 through 1013.32, or payments pursuant to §§ 1013.80 through 1013.86;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(h) Verify all reports and payments of each handler, by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, a notice of each of the following:

(1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month, and the Class II price, Class III price, Class IV price, and the corresponding butterfat differentials, all for the preceding month; and

(2) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

(k) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1013.46(a)(11) and the corresponding step of § 1013.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of milk products designated in § 1013.41(a) from an other order plant, the classification to which such receipts are allocated pursuant to § 1013.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped skim milk and butterfat in the form of milk products designated as Class I milk pursuant to § 1013.41(a) to an other order plant, the classification to which such skim milk and butterfat was allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1013.30 Report of sources and utilization.

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1013.13 (e) or (f), shall report to the market administrator with respect to each plant at which milk is received for such month, and for each accounting period in each month, in detail and on forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of:

(1) Producer milk (or, in the case of handlers pursuant to § 1013.13(b) Grade A milk received from dairy farmers);

(2) Fluid milk products and Class II products received from pool plants;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1013.16; and

(5) Inventories of fluid milk products and Class II products at the beginning and end of the month or accounting period;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area;

(c) Such other information with respect to receipts and utilization as the market administrator may request; and

(d) Each handler who submits reports on the basis of accounting periods of less than a month, as described in § 1013.46(d), shall submit a summary report of the same information for the entire month.

§ 1013.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler pursuant to § 1013.13 (a), (c), or (d) shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month, his producer payroll for that month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the days for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of the handler's payment with respect to such milk to the producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk as defined pursuant to § 1013.17(a) is received at his pool plants, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his sources and utilization of butterfat and skim milk and at such times as the market administrator shall prescribe.

(c) Each handler making payments pursuant to § 1013.82(a) shall report the information required pursuant to paragraph (b) of this section. In such reports receipts of Grade A milk from

dairy farmers shall be reported in lieu of those in producer milk, and payments to dairy farmers delivering such milk shall be reported in lieu of payments to producers.

(d) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler pursuant to § 1013.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

§ 1013.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to requirements of this part, including, but not limited to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items or products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions, and the disbursement of money so deducted.

§ 1013.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1013.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1013.30(a) shall be classified pursuant to the provisions of §§ 1013.41 through 1013.46.

§ 1013.41 Classes of utilization.

Subject to the conditions set forth in §§ 1013.42 through 1013.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b)(2), (c)(2), (3), and (4), and (d) of this section; and

(2) Not accounted for as Class II, Class III or Class IV milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a Class II product, except as provided in paragraphs (c)(2), (3), and (4), and (d) of this section; and

(2) In inventory of fluid milk products and Class II products at the end of the month.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product or Class II product;

(2) Except as provided in paragraph (d) of this section, skim milk and butterfat in fluid milk products and in Class II products disposed of by a handler for livestock feed;

(3) Except as provided in paragraph (d) of this section, skim milk and butterfat in fluid milk products and in Class II products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk represented by the nonfat solids added to a fluid milk product or Class II product which is in excess of an equivalent volume of such product prior to the addition;

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1013.16) but not in excess of:

(i) 2.0 percent of producer milk (except that received from a handler pursuant to § 1013.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1013.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and (6) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1013.42(b)(2).

(d) *Class IV milk.* Class IV milk shall be all milk, the skim milk portion of which is:

(1) Disposed of for fertilizer or livestock feed, or

(2) Dumped after such prior notification as the market administrator may require.

§ 1013.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1013.41(c)(5); and

(2) Other source milk exclusive of that specified in § 1013.41(c)(5).

§ 1013.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that such skim milk and butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1013.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a Class II product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1013.46(a)(11) and the corresponding step of § 1013.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1013.46(a)(3) and (4), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1013.46(a)(10) or (11) and the corresponding steps of § 1013.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 500 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach.

(c) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product or a Class II product to a nonpool plant that is neither an other order plant nor a producer-handler plant located not more than 500 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted to the market administrator pursuant to § 1013.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk; and

(v) To the extent that Class I or Class III utilization is not assigned to it, the skim milk and butterfat in Class II products so transferred shall be classified as Class II milk.

(d) As follows, if transferred in the form of a fluid milk product or Class II product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II or Class III milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1013.41.

(e) As Class II (to the extent of such utilization in the transferee plant) if transferred to the plant of a producer-handler in the form of a Class II product, unless a Class III classification is requested by the operators of both plants and sufficient Class III utilization is available in the transferee plant.

§ 1013.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1013.30(a) and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk and Class IV milk at each pool plant: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1013.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1013.45, the market administrator shall determine the classification of producer milk for each handler for each month or other accounting period described in paragraph (d) of this section as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1013.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III, the pounds of skim milk in other source milk as specified in § 1013.17(b);

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class IV, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(ii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III (and then Class II), the pounds of skim milk in Class II products received from nonpool plants for which the handler requests a Class III utilization;

(6) Subtract from the pounds of skim milk remaining in Class II, Class III and Class IV, pro rata to such quantities, the pounds of skim milk in Class II products received from nonpool plants that were not subtracted pursuant to subparagraph (5) of this paragraph;

(7) Subtract, in the order specified below, from the pounds of skim milk remaining in Class IV, Class III and/or Class II (beginning with Class IV unless otherwise specified) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers (except that subtracted pursuant to subparagraph (4) of this paragraph):

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting

from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products and Class II products at the beginning of the month;

(9) Add to the remaining pounds of skim milk in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers that were not subtracted pursuant to subparagraphs (4) and (7)(i) of this paragraph;

(11) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (7)(ii) of this paragraph:

(i) In series beginning with Class IV and thereafter from Class III and Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II, Class III, and Class IV utilization of skim milk announced for the month by the market administrator pursuant to § 1013.27(d) or the percentage that Class II, Class III, and Class IV utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(12) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and in Class II products received from pool plants of other handlers according to the classification of such products pursuant to § 1013.44(a); and

(13) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class IV. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section; and

(d) A handler may account for receipts of milk, utilization of milk and classification of milk, at his plant, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

Minimum Prices

§ 1013.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent. However, for the purpose of computing the Class I price for each month from the effective date of this order through March 1967, the basic formula price shall not be less than $4.

§ 1013.51 Class prices.

Subject to the provisions of §§ 1013.52 and 1013.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* From the effective date of this paragraph through June 1967, the Class I price shall be the basic formula price for the preceding month plus $3.20.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus $1.

(c) *Class III price.* The Class III price shall be the basic formula price for the month plus 15 cents.

(d) *Class IV price.* The Class IV price shall be computed as follows: Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 3.5.

§ 1013.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1013.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I and Class II prices, 7.5 cents; and

(b) Class III and Class IV prices, 0.115 times the Chicago butter price for the month.

§ 1013.53 Location adjustments to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant north of, and 80 miles or more from, the U.S. Post Office in West Palm Beach, Florida, shall be reduced 13 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 90 miles from the U.S. Post Office in West Palm Beach.

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the U.S. Post Office in West Palm Beach.

§ 1013.54 Use of equivalent prices.

If, for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 1013.60 Producer-handler.

Sections 1013.50 through 1013.54, 1013.61, 1013.62, 1013.70 through 1013.74, and 1013.80 through 1013.86 shall not apply to a producer-handler.

§ 1013.61 Plants where other Federal orders may apply.

Upon determination by the Secretary pursuant to this section, any plant specified in paragraphs (a), (b), and (c) of this section shall be a nonpool plant, except that the operator of such plant shall, with respect to the total receipts and disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant meeting the requirements of a pool plant pursuant to § 1013.10(b) but not pursuant to § 1013.10(a) which, if it were not a pool plant under this part, would be fully subject to the classification and pooling provisions of another order issued pursuant to the Act;

(b) Any plant meeting the requirements of a pool plant pursuant to § 1013.10(b) but not pursuant to § 1013.10(a) at which all receipts of skim milk and butterfat during the month would be priced and pooled under the terms of another order(s) issued pursuant to the Act if such plant were not a pool plant under this order: *Provided*, That such pricing and pooling results in all skim milk and butterfat disposed of from the plant in the form of milk and skim milk during the month being Class I milk under the terms of another order(s) issued pursuant to the Act; and

(c) Any plant which does not dispose of a greater volume of Class I milk on routes in the Southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

§ 1013.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1013.30 and 1013.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1013.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1013.70(e) and a credit in the amount specified in § 1013.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1013.30 and 1013.31(c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1013.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation, there will be deducted the sum of: (i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

§ 1013.63 Person producing milk.

The person who produces milk shall be considered to be the person who is responsible for the milk production enterprise on a continuing basis as to management and risk.

Determination of Uniform Prices to Producers

§ 1013.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler pursuant to § 1013.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1013.46(c), by the applicable class price;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1013.46(a)(13) and the corresponding step of § 1013.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding accounting period and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(8) and the corresponding step of § 1013.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1013.46(a)(3) and (4) and the corresponding steps of § 1013.46(b); and

(e) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(10) and the corresponding step of § 1013.46(b).

§ 1013.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1013.70 for all handlers who filed the reports prescribed by § 1013.30 for the month and who made the payments pursuant to §§ 1013.80 and 1013.82 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1013.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 1013.73;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1013.70(e); and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

§ 1013.72 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1013.46 by the respective butterfat differential for each class.

§ 1013.73 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1013.53; and

(b) For purposes of computations pursuant to §§ 1013.82 and 1013.83, the uniform price shall be adjusted at the rates set forth in § 1013.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1013.74 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price for producer milk computed pursuant to § 1013.71 and the butterfat differential to producers;

(c) The amount and value of his producer milk at the uniform price; and

(d) The amounts to be paid by such handler pursuant to §§ 1013.82, 1013.85, and 1013.86, and the amount due such handler pursuant to § 1013.83.

Payments

§ 1013.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 20th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, an

amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6, multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the fifth day of the following month to each producer who did not discontinue shipping milk to such handler before the last day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6, multiplied by the hundredweight of milk received from such producer after the 15th and through the last day of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(3) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform price computed pursuant to § 1013.71 adjusted by the butterfat and location differentials to producers, multiplied by the total pounds of milk received from such producer, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 1013.85;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1013.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall on or before the second day prior to each date on which payments are due individual producers, pay the cooperative association for milk received from the producer-members of such association as determined by the market administrator during the period for which payment is made, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of the month; and

(2) On or before the 10th day of the following month: (i) The total pounds of milk received during the month, (ii) the pounds of milk received each day, together with the butterfat content of such milk, (iii) the amount or rate and nature of any authorized deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1013.84.

§ 1013.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1013.62, 1013.82 and 1013.84 and out of which he shall make all payments pursuant to §§ 1013.83 and 1013.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1013.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That to this amount shall be added one-half of 1 percent of any amount due the market administrator pursuant to this section for each month or portion thereof that such payment is overdue: *And provided further*, That the requirement as to date of payment pursuant to this section shall be considered to have been met if the payment is made by mail postmarked not later than the required payment date:

(a) The net pool obligation computed pursuant to § 1013.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1013.80(a)(3); and

(2) The value at the uniform price pursuant to § 1013.71 at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1013.70(e).

§ 1013.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1013.82(b) exceeds the amount computed pursuant to § 1013.82(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1013.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1013.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1013.80, shall deduct 4 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association pursuant to paragraph (b) of this section; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed for each producer.

§ 1013.86 Expense of administration.

(a) As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (1) producer milk (including such handler's own production), (2) other source milk allocated to Class I pursuant to § 1013.46(a) (3), (4), and (10) and the corresponding steps of § 1013.46(b), and (3) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) With respect to payments pursuant to paragraph (a) of this section, if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the rate for monthly accounting periods multiplied by the number of accounting periods in the month, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

§ 1013.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1013.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1013.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto.

§ 1013.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1013.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1013.110 Agent.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1013.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 66-11548; Filed, Oct. 21, 1966; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-WE-54]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

In the early part of 1967, the Federal Aviation Agency proposes to commission an air traffic control tower for the Palm Springs Municipal Airport, Palm Springs, Calif. Therefore, the Agency is considering amendments to Part 71 of the Federal Aviation Regulations and proposes the following airspace actions:

1. Designate the Palm Springs, Calif., control zone as that airspace within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'-18" W.), and within 2 miles each side of the Palm Springs VOR 120° and 300° radials, extending from 3.5 miles SE to 3 miles NW of the VOR. This control zone will be effective from 0600 to 2200 hours, local time, daily.

2. Designate the Palm Springs, Calif., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.), and within 2 miles NE and 6.5 miles SW of the Palm Springs VOR 120° and 300° radials, extending from 3 miles NW to 8.5 miles SE of the VOR.

The proposed control zone and 700 foot transition area are required to protect aircraft executing prescribed instrument procedures at Palm Springs Airport.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by

contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on October 13, 1966.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 66-11523; Filed, Oct. 21, 1966; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

Proposed Classification of Public Lands

Notice is hereby given that it is proposed to classify, pursuant to section 3 of the act of August 31, 1964 (78 Stat. 751), the public lands described below for disposal in satisfaction of valid scrip rights. This publication is made pursuant to section 2 of the act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1412). For a period of 60 days from the date of this publication, interested parties may submit comments to the Director, Bureau of Land Management, Washington, D.C. 20240.

Regulations (43 CFR 2221.0—2221.2-4) governing selection of classified lands were published August 24, 1966 (31 F.R. 11178, 11179). As stated therein, scrip claimants may submit recommendations of areas to be classified for satisfaction of claims, specifying the type of claim for which the land should be classified. Recommendations should be sent to the State Director, Bureau of Land Management, of the State in which the recommended lands are located (see 43 CFR 1821.2-1).

The lands affected by this proposal are described as follows:

For Satisfaction of Valid Soldiers Additional Homestead, Isaac Crow, Merritt W. Blair, and Forest Lieu Claims.

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 12 S., R. 11 E.,
Sec. 27, W½E½, W½;
Sec. 28, E½, SW¼, S½NW¼, NE¼NW¼;
Sec. 29, S½;
Sec. 33, NE¼, S½NW¼, NE¼NW¼, lots 1 through 8 and lot 11;
Sec. 34, lots 1 through 4 and lots 6 and 7, NW¼, W½NE¼, SE¼NE¼.
T. 13 S., R. 11 E.,
Sec. 5, lots 1 through 4, S½, S½N½.
T. 15 S., R. 10 E.,
Sec. 25, NE¼;
Sec. 35, SE¼, E½SW¼, and SW¼SW¼.
T. 15 S., R. 11 E.,
Sec. 31, lots 1 through 5, E½NW¼, and SE¼SW¼.
T. 16 S., R. 10 E.,
Sec. 1, lots 1 through 4, S½N½, and SW¼;
Sec. 10, NE¼;
Sec. 11, N½;
Sec. 12, NW¼.

The areas described aggregate approximately 5,021.33 acres.

JOHN O. CROW,
Associate Director.

OCTOBER 18, 1966.

[F.R. Doc. 66-11524; Filed, Oct. 21, 1966; 8:45 a.m.]

[Group Nos. 364, 427]

ARIZONA

Notice of Filing of Plat of Survey

OCTOBER 18, 1966.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Ariz., effective 10 a.m., on November 23, 1966:

GILA AND SALT RIVER MERIDIAN

T. 38 N., R. 11 W.,
Secs. 1 to 36, inclusive.
T. 38 N., R. 13 W.,
Secs. 1 to 36, inclusive.

The areas described aggregate 46,027.01 acres of public land.

2. The land in T. 38 N., R. 11 W., varies about 800 feet in elevation. The higher area in the northeast is broken hills and flat topped mesas; the remainder is low rolling hills cut by numerous small washes and draws. Scattered junipers, buck brush, black brush, and cactus are found at the higher elevations with sagebrush the dominant vegetation throughout the township. A fair growth of native grass over most of the area affords graze and water for livestock.

The land in T. 38 N., R. 13 W., is gently rolling in the eastern portion becoming progressively more rough and broken in the area to the west. The elevation ranges from 4,500 feet to 5,500 feet. The soil is shallow clay loam and limestone cut by numerous gullies and draws. Scattered juniper and pinon is found throughout the township. Sagebrush, cacti, and brigham tea are the predominating undergrowth.

3. All rights of the State of Arizona to sections 2, 16, 32, and 36 have been conveyed to the United States for each township. Therefore, all surface and mineral rights are vested in the United States.

4. The lands described in paragraph 1 are opened to petition, application, and selection, as outlined in paragraph 5 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition-application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the manager mentioned below, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., on November 23, 1966, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

GLENDON E. COLLINS,
Manager.

[F.R. Doc. 66-11533; Filed, Oct. 21, 1966; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. C-252]

ROBERT L. GLENN

Notice of Loan Application

Robert L. Glenn, 189 Alma Avenue, Rohnert Park, Calif. 94928, has applied for a loan from the Fisheries Loan Fund to aid in financing construction of a new 48-foot steel vessel to engage in the fishery for salmon, albacore, and crabs.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may

be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

OCTOBER 19, 1966.

[F.R. Doc. 66-11531; Filed, Oct. 21, 1966; 8:46 a.m.]

[Docket No. A-404]

JACK R. SANDIN

Notice of Loan Application

James R. Sandin, Box 1223, Kodiak, Alaska 99615, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 24-foot vessel to engage in the fishery for salmon and halibut.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

OCTOBER 19, 1966.

[F.R. Doc. 66-11532; Filed, Oct. 21, 1966; 8:46 a.m.]

National Park Service

MUIR WOODS NATIONAL MONUMENT

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Director of the National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue for the period January 1, 1967, through December 31, 1967, the concession permit under which Mrs. Katherine W. Clever as Conservator of the person and Estate of Viola H. Montgomery provides concession facilities and services for the public in Muir Woods National Monument.

The foregoing concessioner has performed her obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the Service is also required to consider and evaluate all proposals received as a result of this notice.

Dated: October 14, 1966.

JACKSON E. PRICE,
Acting Director,
National Park Service.

[F.R. Doc. 66-11525; Filed, Oct. 21, 1966; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.3-W]

WHITE PORTLAND CEMENT FROM JAPAN

Determination of Sales at Not Less Than Fair Value

OCTOBER 17, 1966.

On July 30, 1966, there was published in the FEDERAL REGISTER a "Notice of Tentative Determination" that white portland cement imported from Japan, manufactured by Onoda Cement Co., Tokyo, Japan, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

White cement is used instead of gray cement where the purity of color is a paramount consideration.

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until August 30, 1966, to make written submissions or to request in writing an opportunity to present views in connection with the tentative determination.

The complainant submitted a written request for an opportunity to present views in person in opposition to the tentative determination. The opportunity was afforded to the complainant, and all interested parties of record were notified and were represented at the hearing.

After consideration of all written and oral arguments presented, I hereby determine that white portland cement imported from Japan, manufactured by Onoda Cement Co., Tokyo, Japan, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Certain contentions of the complainant with regard to adjustments for packing costs due to the use of smaller bags in some instances, even if proved, would not affect this determination. Therefore, the reasons for this determination are those stated in the tentative determination with the exception of the adjustment for such packing costs.

This determination is published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-11544; Filed, Oct. 21, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

CHINO STOCKYARDS CO. ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name, location of stockyard,	*and date of posting*
CALIFORNIA	
Chino Stockyards Company, Chino,	Oct. 12, 1966.
MISSOURI	
M.F.A. Livestock Association, Inc., Cole Camp	Concentration Point, Cole Camp, Sept. 16, 1966.
M.F.A. Livestock Association, Inc., Edon	Concentration Point, Edon, Sept. 22, 1966.
M.F.A. Livestock Association, Inc., Mansfield	Concentration Point, Mansfield, Oct. 4, 1966.
Merrigan Brothers Livestock, Auction Market, Inc.,	Maryville, Oct. 12, 1966.
NEBRASKA	
Aurora Livestock Market,	Aurora, Oct. 8, 1966.
TEXAS	
Trinity County Auction,	Groveton, Sept. 29, 1966.

Done at Washington, D.C., this 18th day of October 1966.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-11529; Filed, Oct. 21, 1966; 8:45 a.m.]

ROER LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Roer Livestock Auction, Phoenix, Ariz.
Valley Livestock Auction, Casa Grande, Ariz.
Stutz Arena, Alton, Ill.
Centerville Sale Company, Centerville, Iowa.
Golden Rule Auction Service, Crocker, Mo.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such time and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 18th day of October 1966.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-11530; Filed, Oct. 21, 1966; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 17171, 17172]

SIGNAL TRUCKING SERVICE, LTD. ET AL.

Notice of Proposed Approval

Application of Signal Trucking Service, Ltd., for approval of control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 17171.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., October 19, 1966.

[SEAL] J. W. ROSENTHAL,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Issued under delegated authority.

Application of Signal Trucking Service, Ltd.; Docket No. 17171; for approval under section 408 of the Federal Aviation Act of 1958, as amended, of its acquisition of Honolulu Air Cargo, Inc.; application of John E. Carroll, Michael D. Carroll, Signal Trucking Service, Ltd., and Honolulu Air Cargo, Inc.; Docket No. 17172; for approval of interlocking relationships under section 409 of the Federal Aviation Act of 1958, as amended.

Signal Trucking Service, Ltd. (Signal) has requested approval under section 408 of the Federal Aviation Act of 1958, as amended (the Act), of its acquisition of Honolulu Air Cargo, Inc., doing business as Aero Forwarding (Honolulu), a domestic and international air freight forwarder. The application discloses that Signal, a common carrier by motor vehicle, is 88 percent owned by the Estate of John E. Carroll.[1] Said Estate also wholly owns Signal Equipment Rental Co. (Rental) and Signal Terminals, Inc. (Terminals). Signal, in turn, wholly owns Paxton Trucking Co. (Paxton Trucking), Paxton Truck Lines, Inc. (Truck Lines), and The Carroll Co., and seeks approval herein of its proposed 100 percent ownership of Honolulu.[2]

In a related application Signal, Honolulu, John E. Carroll, and Michael D. Carroll have requested approval under section 409 of the Act of interlocking relationships involving certain of the foregoing companies. Specifically, John E. Carroll is chairman of the board of directors and chief executive officer of Signal, and a director of Signal's subsidiaries, Paxton Trucking and Truck Lines. It is proposed that he will become a director of Honolulu. Michael D. Carroll, president and a director of Signal, is vice president and a director of Paxton Trucking and Truck Lines, and it is proposed that he become a vice president and director of Honolulu:[3]

According to applicants, Signal is engaged in surface transportation wholly within the State of California as a motor carrier under authority issued by the Interstate Commerce Commission (ICC) and the California Public Utilities Commission (PUC). In addition, it derives a portion of its revenues from the rental of equipment without drivers and from "unit vehicle leasing in which Signal leases equipment with drivers with which its customers transport their own commodities."[4]

All such leases except one specifically restrict the use of the equipment to the State of California. The one exception arises from historical reasons, but Signal understands that the lessee in that instance does not use any of the leased equipment outside of the State of California. Further, while Signal has authority from the ICC to enter into interline exchange agreements with interstate motor vehicle carriers, it has not done so as its other ICC authorities are restricted in area and do not extend to state lines. And, according to the application, "Signal does not propose to enter into interline agreements with interstate motor vehicle carriers in the future nor to seek business requiring such agreements."

Paxton Trucking operates as a motor carrier wholly within the State of California under ICC and PUC authorities. The freight it transports consists principally of iron and steel products, certain nonferrous metal and clay products, heavy equipment, junk and scrap, and commodities which because of size, weight, or shape require the use of special equipment. Paxton Trucking also from time to time enters into interline arrangements with interstate motor vehicle carriers for the movement of freight between California and points in other States.[5] The commodities which can be transported in such shipments are limited, by the interstate authority of Paxton Trucking, to those which the company is permitted to carry in its intrastate service.[6] Much of the interstate freight carried by Paxton Trucking is, according to applicants, shipped to a destination which is incompatible with rail and air transportation, e.g., direct to a construction project or to the warehouse of a consignee.[7]

Applicants further state: "Paxton has the legal authority under this certificate to operate on a regularly scheduled basis, over regular routes and between fixed points. Paxton does not so operate. The nature of the freight carried by Paxton results in spasmodic and irregular traffic flow so that the maintenance of regular schedules is impossible. In practice, Paxton, and all other trucking companies in the heavy haul area of the industry, operates at irregular times over irregular routes and does not maintain any regular services between any two fixed points."

Truck Lines is authorized to engage in transportation as a motor carrier operating wholly within the State of California under authorities issued by the Public Utilities Commission of that State. According to the application, it has no ICC authorities and can only engage in operations as a common carrier "so long as it does not operate between fixed termini or over regular routes."[8] Rental acts only as a lessor of equipment without driver, holding, itself, no operating authority. Terminals is wholly inactive and holds no authorities whatever. The Carroll Co.'s sole present business is the ownership of Signal's principal terminal in Los Angeles, which it leases to Signal.

Signal indicates that it proposes to operate Honolulu as a separate business except that it will offer the forwarder financial and managerial assistance and, if desirable, space in its trucking terminals in Los Angeles County and the San Francisco Bay area. Signal believes its capabilities as a whole are such that it can be of assistance to Honolulu in expanding its forwarding services and in discovering new markets not now served by Honolulu. By the same token, Signal sees no conflict between its operations, including those of its affiliates, and the type of services rendered by air freight forwarders. Also, it states that it has no plans to enter the long haul, multiple State field for the carriage of general commodities either directly or through present or future subsidiaries. And Signal has indicated a willingness to have approval of the relationship made subject to a condition limiting its operations to the

[1] Pending probate of the late Mr. Carroll's will, Bank of America National Trust & Savings Association holds his shares as Trustee for distribution to Lenore Carroll, widow, John E. and Michael D. Carroll, sons, and Nancy Carroll Lawrence, daughter of Mr. Carroll. John E. Carroll, Michael D. Carroll, and Nancy Carroll Lawrence hold, independently, 5,000 shares, or 4 percent each.

[2] On Jan. 31, 1966, an agreement was executed between Signal and the two stockholders of Honolulu, Messrs. Paul Beidleman and Herbert H. Pierce, under which Signal was given an option within 1 year to purchase all of the issued and outstanding stock of Honolulu, i.e., 150 shares from each of the named individuals. The cash purchase price is $64,856.67, subject to tax adjustments.

[3] Both applications were filed on Mar. 31, 1966.

[4] In 1965 revenues from such activities were, respectively, $1,753,327 (16%) and $175,514 (1.6%).

[5] Drivers and equipment are leased by one participant in the haul to other participants. Approximately 30 percent of Paxton Trucking's revenue is derived from such arrangements.

[6] Interline shipments move on a through bill of lading under joint rates filed by the participating carriers.

[7] The company's equipment consists of tractors and flat rack or low bed, open trailers and special equipment. The lowest minimum weight on which freight charges are assessed on tariffs for interstate hauls in which Paxton Trucking participates is 10,000 pounds.

[8] Truck Lines has no authority to engage in interline arrangements involving freight moving in interstate commerce.

type presently conducted.[2] In sum, Signal considers the air freight forwarding business to be a potentially profitable area of diversification and believes that the acquisition of Honolulu provides an appropriate entrance.

No comments with respect to the joint applications or requests for a hearing have been received.

Notice of intent to dispose of the joint application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that Signal, Paxton Trucking and Truck Lines are common carriers within the meaning of section 408, that Honolulu is an air carrier, and that the acquisition of Honolulu by Signal is subject to section 408 of the Act. However, it has been further concluded that such acquisition does not affect an air carrier directly engaged in air transportation, does not result in creating a monopoly and does not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing.

It is found that the activities of Paxton Trucking are confined to the specialized transportation of heavy bulk commodities in motorized equipment specifically designed for such purposes, and in part involve enabling deliveries to construction sites. Accordingly, no present or reasonably foreseeable conflicts of interest with Honolulu are evident. Also, approval of the proposed relationships involving Signal itself is deemed appropriate in the light of its activities vis-a-vis those of Honolulu. We shall, however, impose the condition suggested by Signal.

It is also concluded that interlocking relationships within the scope of section 409 of the Act will exist between the last above-named companies as the result of the holding by Messrs. Carroll of the positions described above. However, it is further concluded that the parties have made a due showing in the form and manner prescribed that such relationships will not adversely affect the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the interlocking relationships should be approved under section 409.

Accordingly, it Is Ordered:

1. That the control by Signal Trucking Service, Ltd. of Honolulu Air Cargo, Inc. doing business as Aero Forwarding be and it hereby is approved.

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or hereafter amended, the interlocking relationships existing by reason of the holding by John E. Carroll and Michael D. Carroll of the positions set forth above be and they hereby are approved;

3. That the foregoing approvals shall remain in effect only so long as the operations of Signal are restricted to the State of California and the general character of the freight presently authorized to be carried by Paxton Trucking Co. in interstate commerce remains unchanged; and

4. That jurisdiction over this proceeding is retained pursuant to sections 408 and 409 of the Act for the purpose of imposing such other terms and conditions as may be reasonable.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days from the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

By J. W. Rosenthal,
Director, Bureau of Operating Rights

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-11541; Filed, Oct. 21, 1966; 8:47 a.m.]

[Docket No. 15419]

BLOCKED-SPACE AIRFREIGHT TARIFFS

Notice of Postponement of Prehearing Conference

Counsel for Flying Tiger has advised that he will file a motion to dismiss this proceeding within the next 10 days and will also request postponement of procedural dates until the Board acts on the dismissal motion. A 2-week postponement pending receipt of these motions and of answers thereto is appropriate. Accordingly, the prehearing conference is postponed to 10 a.m., November 22, 1966, in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., and the date for submission of statements concerning issues, requests for evidence, and procedural dates is postponed to November 10, 1966.

Dated at Washington, D.C., October 18, 1966.

[SEAL] RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 66-11542; Filed, Oct. 21, 1966; 8:47 a.m.]

[Docket No. 16222 etc.]

SERVICE MAIL RATES

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on October 31, 1966, is postponed to November 7, 1966, at 2 p.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

The date for submission to the examiner and the other parties of (1) proposed statements of issues, (2) proposed stipulations, (3) requests for information, (4) statements of positions of the parties, and (5) proposed procedural dates, is hereby postponed to November 1, 1966.

Dated at Washington, D.C., October 18, 1966.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 66-11543; Filed Oct. 21, 1966; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15461 etc.; FCC 66R-408]

CHAPMAN RADIO AND TELEVISION CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of William A. Chapman and George K. Chapman doing business as Chapman Radio & Television Co., Homewood, Ala.; Docket No. 15461, File No. BPCT-3282; Tele-Mac of Birmingham, Inc., Birmingham, Ala.; Docket No. 16759, File No. BPCT-3705; Alabama Television, Inc., Birmingham, Ala.; Docket No. 16760, File No. BPCT-3706; Birmingham Broadcasting Co., Birmingham, Ala.; Docket No. 16761, File No. BPCT-3707; for construction permit for new television broadcast station Birmingham Television Corp. (WBMG), Birmingham, Ala.; Docket No. 16758, File No. BPCT-3663; for modification of construction permit.

1. Birmingham Television Corp. (WBMG), one of five competing applicants in this proceeding, has petitioned for the addition of six hearing issues.[1] The applications were designated for hearing by the Commission on July 20, 1966 (FCC 66-636).

2. The first issue requested is: To determine the reasonableness of Birmingham Broadcasting Co.'s estimated construction costs and its estimated cost of operations for the first year.

The bases for addition of this issue are allegations that there are uncertainties surrounding Birmingham's proposed lease arrangements and remodeling costs; that although a letter from RCA refers to $500,000 worth of equipment, the application calls for $473,000; and that Birmingham's estimate of $150,000 to operate for an entire year is "thought-provoking" and "surprising," especially since another of the applicants expects these costs to be about $380,000. The request for this issue is based upon no significant factual allegations and is plainly inadequate. Mere doubt and surmise do not satisfy the requirements of § 1.229 of the rules.

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[1] The pleadings before the Board are: Petition to enlarge issues filed Aug. 8, 1966, by WBMG; opposition filed Aug. 29, 1966, by Birmingham Broadcasting Co.; opposition and support filed Aug. 29, 1966, by Alabama Television, Inc.; opposition filed Aug. 16, 1966, by Chapman Radio & Television Co.; comments filed Aug. 26, 1966, by the Broadcast Bureau; reply to oppositions filed Sept. 7, 1966, by WBMG; reply to opposition of Chapman filed Aug. 30, 1966, by WBMG.

[2] The condition Signal suggests is as follows:

"The approval granted herein shall be effective only so long as the operations of Signal Trucking Service, Ltd., are restricted to the State of California and the general character of the freight presently authorized to be carried by Paxton Trucking Co. in interstate commerce remains unchanged."

3. The second issue requested by WBMG proposes: To determine the reasonableness of Chapman Radio & Television Co.'s estimated cost of operations for the first year.

Petitioner contends Chapman's estimate of $50,000 "is unbelievable and absurd." For supporting factual allegations, reliance is placed on statements made in three affidavits executed in 1965 by the president and the secretary of petitioner and by an "experienced UHF broadcaster." The president of petitioner points to the experience of WBMG, as a UHF station in Birmingham, in obtaining film programing. He asserts that the lowest price WBMG has secured is $25 an hour, and he states that even if Chapman were able to obtain film for $20 an hour, the cost for the year based on the hours of film programing proposed in the application would be $52,000, an amount exceeding the total budgeted for programing material ($10,000) and operating costs ($50,000) for the first year. He also estimates that costs for live programing would exceed $30,000, showing further the inadequacies of Chapman's estimates. The secretary of petitioner, based on his experience operating a UHF television in Winston-Salem, N.C., and a television station in Puerto Rico, asserts that Chapman's hourly cost of operation figures out to $7.95 which is "totally unrealistic" based on his experience in Winston-Salem where hourly costs in a market smaller than that of Birmingham were $41.15 per hour. He also declares that Chapman's program costs of $1.59 an hour would not be possible in a major market such as Birmingham. The third affiant refers to his experience operating a television station in Raleigh, N.C., and in Erie, Pa., and challenges Chapman's first year operating expense estimate. He avers that at the Erie station, using the most rigid economy, cash operating expenses were always more than three times the Chapman figure and that with rare exceptions film programing could not be obtained for less than $25 per half hour. The Broadcast Bureau joins in the request to add an issue inquiring into the reasonableness of Chapman's first year cost estimates. Chapman's opposition challenges the affidavits because they were made a year ago and contends they contain no facts pertinent to the issue and are contrary to the facts found by the Hearing Examiner in an intial decision disposing of Chapman's application before the instant comparative proceeding was begun.[3]

4. The affidavits supporting the request for the issue directed to Chapman's first year costs contain sufficient factual allegations based on experience in the operation of television stations to satisfy the requirements of § 1.299 of the rules. The prior initial decision having been set aside by the Commission, the findings and conclusions therein provide no bases for the resolution of the petition now before the Board. This issue will be added.

5. The third issue requested by WBMG seeks: To determine the adequacy of the staff proposed by Chapman Radio & Television Co. to effectuate its proposed program schedule.

WBMG bases its request for this issue on the three affidavits previously referred to. In these, the proposal for integrated operation of the television, AM and FM stations of Chapman using 18 employees is attacked as grossly inadequate for a television schedule of 121 hours a week. It is asserted that automation and detailed staff scheduling will not be sufficient to assure adequate staffing, with 28.3 percent live programing, and comparison is made with experience in Winston-Salem where, despite automation and doubling-up on duties, an integrated AM and TV operation required a minimum of 29 full-time employees. Comparison is also made with experience in an Erie, Pa., station where a minimum of 18 employees was required to operate the television station for less hours than proposed by Chapman. The Broadcast Bureau joins in the request for a staffing issue.

6. The factual allegations supporting addition of a staffing issue are not as persuasive as those relating to the previous issue. However, enough has been alleged to cast serious doubt on the ability of Chapman to operate with the limited staff proposed. Substantial live programing is planned and no network affiliation is anticipated. Moreover, Chapman has made no effort to refute the factual allegations upon which the request is based or to challenge the inferences drawn from them as a basis for the inquiry. As noted earlier, it is insufficient to say that in the earlier proceeding the Examiner found in Chapman's favor on this issue. Thus, the staffing issue will also be added.

7. Issue (d) requested by WBMG reads: To determine whether there are differences between operation on Channel 21 and 42, by reason of technical capabilities, operating costs, advertiser preference, or otherwise, that would warrant granting Channel 21 to the pioneer UHF station in the Birmingham market.

WBMG argues that Channel 21, for which the applicants are applying, being a lower frequency, is preferable for technical and psychological reasons to Channel 42, on which WBMG operates, and that "it would be wise and equitable for the Commission to recognize and reward the efforts that WBMG has made to pioneer a UHF facility in Birmingham in competition with prefreeze VHF competitors." An engineering affidavit is submitted which purports to show that there would be an "apparent gain" in Grade B service from using 21 instead of 42; that there "tends to be" some advantages in receiver sensitivity, and that operation on 21 "is expected to provide savings in transmitter operating costs." The other parties and the Bureau oppose addition of issue (d). WBMG also desires a preference for its efforts in pioneering a UHF facility in Birmingham.

8. The request to add issue (d) will be denied. There is no Commission precedent cited for the proposition that an existing station should be given, automatically, a decisive preference over newcomers in the field. Moreover, as Chapman notes in its opposition, WBMG has been on the air less than a year, having commenced operation after Chapman received a favorable initial decision in the Homewood proceeding, Docket No. 15461. Therefore, the basis of its claim for a preference derived from its service in Birmingham is further diluted. Adoption of the requested issue would constitute a departure from existing policy which only the Commission can put into effect.

9. Proposed new issue (e) is requested: To determine on a comparative basis the areas and populations that the applicants would serve within their respective Grade B contours.

WBMG has submitted an engineering affidavit purporting to establish that there would be substantial variations, from a high of 10,177 square miles to a low of 2,444, in areas enclosed in the respective Grade B contours of the applicants. No population estimates are given.

10. The Broadcast Bureau supports the enlargement request, as does Alabama Television which also notes that comparative coverage can be investigated under the comparative issue. Birmingham Broadcasting opposes enlargement on the ground that the question can be explored under existing issues. Chapman opposes enlargement because, without population date, "area comparison as requested by WBMG will serve no useful purpose in 'developing comparative aspects of the applications' in respect to the population to be served."

11. The Commission Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 398, 5 RR 2d 1901, 1913 (1965) makes it clear that more efficient utilization of a frequency "can and should be considered in determining which of the applicants should be preferred." Where, as here, a showing of substantial disparity in coverage has been made, the Examiner may permit the adduction of evidence under the standard comparative issue, Harriscope, Inc., 2 FCC 2d 223 (1965). Therefore, enlargement of the issues is unnecessary.

12. Finally, WBMG seeks an issue: To determine on a comparative basis the efforts, if any, made by the applicants to ascertain community and area needs.

In support, petitioner describes steps it has taken to ascertain and keep current on community needs and interests. No facts are alleged concerning the survey efforts of the other applicants.

13. The Broadcast Bureau opposes enlargement because all WBMG has done is list its own efforts and has failed to

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[3] In Docket No. 15461, an initial decision favorable to Chapman was released on Aug. 27, 1965 (FCC 65D-39). At that time, Chapman was the only applicant. Thereafter, by order released Nov. 29, 1965 (FCC 65-1053), the initial decision was set aside.

demonstrate that significant differences exist which would be useful in resolving the proceeding. Chapman opposes on the ground that the inquiry can be made under existing issues. Alabama Television and Birmingham Broadcasting support the enlargement. In its replies, WBMG counters the Bureau's argument by asserting that "the application form does not require facts as to community surveys, and it was therefore impossible for WBMG to make a comparison on this matter."

14. As the Board reads the policy statement, supra, enlargement of issues to permit inquiry into this aspect of program planning will be permitted when an applicant has shown in a petition to amend the issues enough facts to indicate the likelihood of being able to establish significant differences (pp. 397, 398). The statement declares that "no comparative issue will ordinarily be designated on program plans and policies, or on staffing plans or other planning elements * * *" WBMG has not alleged sufficient allegations of fact (§ 1.299(b)) to warrant enlargement of the issues. Although WBMG attempts to excuse this failure in respect to the efforts of the other applicants to ascertain needs because such information is not required by the application form, this does not justify the total lack of factual allegations tending to show significant differences among the applicants. Thus, enlargement will not be granted.

In view of the foregoing: *It is ordered*, This 18th day of October 1966, that the petition to enlarge issues, filed on August 8, 1966, by Birmingham Television Corp., is granted to the extent indicated by addition of the following issues, and denied in all other respects:

To determine the reasonableness of Chapman Radio & Television Co.'s estimated cost of operations for the first year.

To determine the adequacy of the staff proposed by Chapman Radio & Television Co. to effectuate its proposed program schedule.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary,

[F.R. Doc. 66-11551; Filed, Oct. 21, 1966; 8:48 a.m.]

[Docket Nos. 16476—16478; FCC 66M-1404]

ARTHUR A. CIRILLI ET AL.

Further Continuance of All Procedural Dates

In re applications of Arthur A. Cirilli, Trustee in Bankruptcy (WIGL), Superior, Wis.; Docket No. 16476, File No. BR-4080, BRRE-7740, for renewal of license of station WIGL; Quality Radio, Inc. (WAKX), Superior, Wis.; Docket No. 16477, File No. BP-16497, for construction permit; Arthur A. Cirilli, Trustee in Bankruptcy (Assignor), and D.L.K. Broadcasting Co., Inc. (Assignee); Docket No. 16478, File No. BAL-5627, BALRE-1336, for assignment of license of station WIGL.

The Hearing Examiner having under consideration a "Petition for Continuance of Dates" filed by the above applicants on October 11, 1966, requesting the continuance indefinitely of certain heretofore scheduled procedural dates specified below, pending Commission action on a joint request for approval of an agreement looking toward dismissal of the Cirilli and D.L.K. applications, with the resultant elimination of the hearing;

It appearing, that counsel for the Broadcast Bureau has informally indicated that he interposes no objection to grant of the subject petition, and that "good cause" has been shown for deferring indefinitely any further procedural steps in this matter since favorable Commission action on the aforementioned joint request could moot all the hearing issues including Issue 1 on which issue Quality Radio, Inc., states it is prepared to proceed to hearing now;

Accordingly, it is ordered, This 18th day of October 1966, that applicants' "Petition for Continuance of Dates" filed October 11, 1966, is granted, and the heretofore scheduled procedural dates for exchange of exhibits, notification as to witnesses, and the commencement of hearing (October 19, November 3, and November 10, 1966, respectively) are all continued indefinitely, with the understanding that the continued dates will be rescheduled in a further prehearing conference to be convened promptly after Commission action on the pending joint request, if the need therefor arises.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11552; Filed, Oct. 21, 1966; 8:48 a.m.]

[Docket Nos. 16813-16815; FCC 66M-1402]

1400 CORP. (KBMI) ET AL.

Order Continuing Hearing

In re applications of 1400 Corp. (KBMI), Henderson, Nev.; Docket No. 16813, File No. BR-2937; for renewal of license of station KBMI; Joseph Julian Marandola, Henderson, Nev.; Docket No. 16814, File No. BP-16411; for construction permit; 1400 Corp. (Assignor); Thomas L. Brennen (Assignee); Docket No. 16815, File No. BAL-5158; for assignment of license of station KBMI, Henderson, Nev.

The Hearing Examiner having under consideration the status of the above-styled proceeding, including the prehearing conference held on this date; and

It appearing that there are presently pending before the Commission en banc certain pleadings which raise questions having a very material bearing upon this overall proceeding, the resolution of which may shorten the proceeding;

It is, therefore, ordered, This 18th day of October 1966, that, pursuant to agreement of counsel arrived at during the prehearing conference held on this date, the hearing in this proceeding presently scheduled for October 25, 1966, is hereby continued to a date to be fixed at a further prehearing conference to be held within approximately 10 days after action by the Commission on the pleadings now pending before it; the exact date of such prehearing conference to be fixed by further order.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11553; Filed, Oct. 21, 1966; 8:48 a.m.]

[Docket No. 16525; FCC 66M-1407]

JAMES L. HUTCHENS

Order Continuing Prehearing Conference

In re application of James L. Hutchens, Central Point, Oreg., Docket No. 16525, file No. BP-16640; for construction permit.

The Hearing Examiner having under consideration a request for extension of the date for prehearing conference, filed on October 14, 1966, by James L. Hutchens; and,

It appearing that counsel for the applicant and for the Broadcast Bureau are both committed to a hearing before another Examiner which commences on the same date and time as the presently scheduled prehearing conference, but that the respective counsel would be able to appear for a prehearing conference in this proceeding on October 26, 1966;

It is, therefore, ordered, This 18th day of October 1966, that the request is granted and the prehearing conference now scheduled for October 19, 1966, is hereby continued to October 26, 1966, at 10 a.m. in the offices of the Commission, Washington, D.C.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11554; Filed, Oct. 21, 1966; 8:48 a.m.]

[Docket Nos. 16876-16878; FCC 66M-1403]

LORAIN COMMUNITY BROADCASTING CO. ET AL.

Order Regarding Procedural Dates

In re applications of Lorain Community Broadcasting Co., Lorain, Ohio; Docket No. 16876, File No. BP-16940; Allied Broadcasting, Inc., Lorain, Ohio; Docket No. 16877, File No. BP-17297; Midwest Broadcasting Co., Lorain, Ohio; Docket No. 16878, File No. BP-17302; for construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held on October 18, 1966, in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 18th day of October 1966 that:

Exchange of exhibits is scheduled for November 28, 1966;

Notification of witnesses is scheduled for December 8, 1966; and

Hearing presently scheduled for November 7, 1966, is continued to December 14, 1966.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11555; Filed, Oct. 21, 1966; 8:48 a.m.]

[Docket Nos. 16890, 16891; FCC 66M-1406]

LUIS PRADO MARTORELL AND AUGUSTINE L. CAVALLARO, JR.

Order Continuing Hearing

In re applications of Luis Prado Martorell, Loiza, P.R.; Docket No. 16890, File No. BP-16000; Augustine L. Cavallaro, Jr., Bayamon, P.R.; Docket No. 16891, File No. BP-16182; for construction permits.

Pursuant to action taken during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 18th day of October, 1966, that the hearing in this proceeding now scheduled to be held on November 22, 1966, is hereby continued to December 19, 1966, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11556; Filed, Oct. 21, 1966; 8:48 a.m.]

[Docket No. 16895; FCC 66M-1401]

BCU-TV

Continuance of Procedural Date

In re application of Mary Jane Morris and James R. Searer, doing business as BCU-TV, Battle Creek, Mich.; Docket No. 16895, File No. BPCT-3654; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration a "Motion for Continuance" filed on behalf of the applicant on October 17, 1966, requesting that the prehearing conference heretofore scheduled for October 20 be continued to November 15, 1966;

It appearing, that counsel for the other parties have informally consented to grant of the subject motion and have also waived the "4-day rule" otherwise applicable so as to permit immediate consideration thereof, and that "good cause" has been stated in support of applicant's pleading even though inclusion of the reference to the distance between the principals and Washington counsel does not present a persuasive consideration in this respect;

Accordingly, it is ordered, This 18th day of October 1966, that the "Motion for Continuance" filed on applicant's behalf on October 17, 1966 is granted, and the prehearing conference heretofore scheduled for October 20 is continued to November 15, 1966, at 9 a.m., in the offices of the Commission, Washington, D.C.

Released: October 18, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11557; Filed, Oct. 21, 1966; 8:48 a.m.]

[Docket Nos. 16676, 16677; FCC 66M-1410]

ROYAL BROADCASTING CO., INC. (KHAI) AND RADIO KHAI, INC.

Order Scheduling Hearing Conference

In re applications of Royal Broadcasting Co., Inc. (KHAI), Honolulu, Hawaii; Docket No. 16676, File No. BR-4120; for renewal of license; Radio KHAI, Inc. (New), Honolulu, Hawaii; Docket No. 16677, File No. BP-16294; for construction permit.

It is ordered, This 19th day of October 1966, that David I. Kraushaar, in lieu of Sol Schildhause, shall serve as Presiding Officer in the above-entitled proceeding; and that a hearing conference in the proceeding shall be convened in the offices of the Commission, Washington, D.C., on October 25, 1966, commencing at 9 a.m.

Released: October 19, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11558; Filed, Oct. 21, 1966; 8:48 a.m.]

[Docket Nos. 16924—16926; FCC 66M-1400]

SUNSET BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of Sunset Broadcasting Corp., Yakima, Wash.; Docket No. 16924, File No. BPCT-3478; Apple Valley Broadcasting, Inc., Yakima, Wash.; Docket No. 16925, File No. BPCT-3648; Northwest Television & Broadcasting Co. (a joint venture), Yakima, Wash.; Docket No. 16926, File No. BPCT-3672; for construction permit for new television broadcast station (Channel 35).

It is ordered, This 14th day of October 1966, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 12, 1966, at 10 a.m.; and that a prehearing conference shall be held on November 8, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 18, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11559; Filed, Oct. 21, 1966; 8:48 a.m.]

[Docket Nos. 16924—16926; FCC 66-913]

SUNSET BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Sunset Broadcasting Corp., Yakima, Wash.; Docket No. 16924, File No. BPCT-3478; Apple Valley Broadcasting, Inc. Yakima, Wash.; Docket No. 16925, File No. BPCT-3648; Northwest Television & Broadcasting Co. (a joint venture), Yakima, Wash.; Docket No. 16926, File No. BPCT-3672; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications of Sunset Broadcasting Corp., Apple Valley Broadcasting, Inc., and Northwest Television & Broadcasting Co. (a joint venture), each requesting a construction permit for a new television broadcast station to operate on Channel 35, Yakima, Wash. The applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission also has before it for consideration petitions to deny filed against each of the applications and various pleadings filed in connection therewith.[1]

2. The petitioners herein are licensees of the only two television broadcast stations authorized and operating in Yakima, Wash., and the applicants seek a construction permit to construct the third UHF television broadcast station in Yakima. The petitioner, Columbia Empire Broadcasting Corp. (Columbia), is the licensee of Television Broadcast Station KNDO-TV, Channel 23, Yakima, Wash. (ABC and NBC), and its satellite, Television Station KNDU, Channel 25, Richland, Wash. Petitioner Cascade Broadcasting Co. (Cascade) is the licensee of Television Broadcast Station KIMA-TV, Channel 29, Yakima, Wash. (CBS); Television Broadcast Station KEPR-TV, Channel 19, Pasco, Wash.; Television Broadcast Station KLEW-TV, Channel 3, Lewiston, Idaho; and Standard Radio Broadcast Stations KIMA, Yakima, Wash., and KEPR, Kennewick-Richland-Pasco, Wash. Stations

[1] The numerous pleadings filed in this proceedings are listed in the Appendix hereto. The pleadings designated (g), (i), and (j), filed in connection with the Sunset application, are not authorized by § 1.45(d) of the Commission's rules and they will be dismissed.

KEPR–TV and KLEW–TV are operated by Cascade as satellites of Station KIMA–TV.

3. Petitioners allege standing in this proceeding as "parties in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended, on the basis that a grant of one of the applications would result in the diversion of viewership and advertising revenues from their respective stations and would cause them economic injury. The standing of the petitioners is not disputed and we find that the petitioners have standing. Federal Communications v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 603, 9 RR 2008. For clarity, the questions raised with respect to each application will be considered application-by-application.

4. The Sunset application (BPCT–3478): Petitioners request the specification of issues relating to the applicant's financial qualifications, the reasonableness of the estimated costs of operation for the first year and the estimated revenues in the first year, and whether the staff proposed is adequate to effectuate the type of operation proposed. In addition to these questions raised by both petitioners, Cascade alleges that the economy of the area is such that it cannot support a third television station without degradation of service to the public, thus raising a Carroll question.[1] Cascade also alleges that the applicant has not shown that it has made any efforts to ascertain the programing tastes, needs, and interests of the area it proposes to serve nor how it proposes to meet those tastes, needs and interests, raising a Suburban question.[2]

5. Subsequent to the filing of the petitions to deny, Sunset twice amended the financial portion of its application. In its present posture, the applicant will require cash of approximately $156,000 for the construction and operation of the station for the first year,[3] based upon operating costs of $100,000. To meet these cash requirements, the applicant relies upon the availability of cash on hand of approximately $34,000, a bank loan of $25,000, stock subscriptions of $84,100 from subscribers who have bank loans available to them to enable them to meet their commitments to the applicant, and a loan of $20,000 from Mr. David Z. Pugsley.[4] The applicant, therefore, appears to have approximately $163,000 available to it. In addition, the applicant has demonstrated that it can rely upon advertising commitments during the first year totaling $31,000. We conclude, therefore, that if the applicant's estimate of operating expenses during the first year is reasonable, the applicant would be financially qualified. The applicant, however, has not furnished any details with respect to the basis for its estimate of first year operating costs, notwithstanding the fact that the question was specifically raised in the petitions to deny. In its amendment October 12, 1965, the applicant increased its estimate of first year operating costs from $60,000 to $90,000 and in its amendment of July 6, 1966, increased it to $100,000, each time without an explanation. Cascade has made specific allegations with respect to costs which its experience indicates the applicant must expect, but for which the applicant has not shown that it has made provision. These allegations raise a question as to the validity of the applicant's estimate of costs. It is not sufficient that the applicant merely disputes the allegations that its estimated operating costs are unreasonably low[5] without some further showing, because the burden is on the applicant to support its application. We stated, in Ultravision Broadcasting Co. et al., FCC 65–581, 5 RR 2d 343, that "a determination as to whether there exists a reasonable likelihood of a continuing operation must rest on a realistic estimate of construction costs and operating expenses." We believe that the applicant's failure to furnish details of the basis for its estimate of operating expenses where it has been specifically questioned requires the question to be explored in the hearing. If it is determined that the estimate is unrealistic, the applicant's financial requirements would be affected.

6. Petitioners have questioned whether the staff proposed would be adequate to effectuate the type of operation proposed. The applicant proposes to operate 71 hours and 45 minutes per week, 17.9 percent of which will be local live originations (approximately 12 hours and 48 minutes). To effectuate this proposal, the applicant proposes a total staff of eight (8) persons, consisting of one comanager and engineer (Mr. Pugsley), one comanager and chief engineer (Mr. Warren C. Brown), two in copy, traffic, etc. (the wives of Messrs. Pugsley and Brown), one camera, production operator, two combination engineer-announcers, and one sales manager-salesman. Columbia points out that the proposed transmitter site will be 4 miles from the main studios and remote control operation is not proposed. It is alleged that there will be a need for a substantially larger technical staff to provide coverage at the transmitter and the studios.[6] The applicant has not furnished any information with respect to its staffing proposal which would enable the Commission to conclude, in the face of petitioner's attack, that the staff proposed would be adequate. In fact, in the July 6, 1966, amendment, applicant reduced its proposed staff from nine to eight without any explanation. Cascade alleges that, based on its own experience as well as that of other new stations, a staff of at least 15 would be necessary to effectuate the type of operation Sunset proposes. Sunset has not attempted to demonstrate, by facts and figures, its ability to effectuate the operation it proposes and we believe that the question requires resolution in the hearing.

7. Cascade alleges that the applicant has not shown that it has made any efforts to ascertain the programing tastes, needs, and interests of the area it proposes to serve. In its responsive pleading, Sunset did not address itself to this allegation and thus leaves undisputed the charge that it has failed to make the requisite efforts. The Commission, in the Report and Statement of Policy Re: Commission En Banc Programing Inquiry (FCC 60–970, 20 RR 1901), unequivocally stated that: "The broadcaster is obligated to make a positive, diligent, and continuing effort, in good faith, to determine the tastes, needs, and desires of the public in his community and to provide programing to meet those needs and interest."

In the light of this policy and in view of the applicant's failure to contest the charge that it has not shown that it has made the requisite efforts, we think that a Suburban issue is clearly indicated.

8. Other subsidiary and related questions have been raised by the petitioners. For example, petitioners challenge the applicant's estimate of its total costs of construction and the adequacy and availability of the equipment proposed. Petitioners have not alleged sufficient facts to warrant our designating specific issues with respect to these matters, but in light of the fact that a hearing is necessary, our refusal to include specific issues on these points should not be construed as precluding petitioners from moving to enlarge the issues should sufficient additional facts be presented to warrant enlargement.

9. Petitioners point out that Sunset's "Opposition to the Petitions to Deny" was not supported by affidavit as required by section 309(d)(1) of the Communications Act. An affidavit was, however, filed on March 4, 1965, in connection with applicant's pleading entitled "Further Comment on Petitions to Deny." The affidavit was specifically made applicable to the "Opposition." In view of the fact that we must designate the application for hearing, we do not believe that petitioners will be injured by our accepting the affidavit nunc pro tunc. Accordingly, in the exercise of our discretion, we are accepting the affidavit as sufficient verification to comply with the requirements of the Communications Act. Berwick et al. (ETAG Associates) v. Federal Communications Commission, 109 U.S. App. D.C. 241, 186 F. 2d. 97, 20 RR 2018.

[1] Carroll Broadcasting Co. v. Federal Communications Commission, 103 U.S. App. D.C. 346, 258 F 2d 440, 17 RR 2066.

[2] Patrick Henry et al. v. Federal Communications Commission, 112 U.S. App. D.C. 257, 302 F 2d 191, 23 RR 2016.

[3] The cash requirements consist of down payment for equipment ($45,000), principal and interest payments for equipment ($8,888), land ($300), down payment for building and tower ($620), miscellaneous costs ($1,000) and operating costs ($100,000).

[4] Mr. Pugsley is to obtain $20,000 from the sale of Radio Station KNDX–FM, which he has committed himself to lend to the applicant. The application for assignment (BALH–904) was granted Aug. 18, 1966.

[5] Northwest's estimate of first year operating cost is $450,000; Apple Valley's estimate is $360,000.

[6] Columbia also questioned the ability of Mr. Pugsley to perform his duties in connection with the proposed new station while devoting the necessary time to the operation of Radio Station KNDX–FM. The application for assignment of KNDX–FM was filed subsequent to the petition to deny and with the sale of KNDX–FM, the question is now moot. See Footnote 5, supra.

10. Finally, Cascade requests that we specify a Carroll issue, alleging that the Yakima, Wash., market is unable to support a third television broadcast station and that a grant of any of the applications would result in the diversion of viewership and vital advertising revenues from KIMA–TV, requiring petitioner to curtail certain of its programing and other services. Because a Carroll question is necessarily applicable to all three applications, we will defer discussion of this question in this opinion until we have disposed of the questions raised with respect to the Apple Valley and Northwest applications.

11. The Commission has been advised that the Federal Aviation Agency has a radio communications facility located less than 800 feet from the site proposed by Sunset for its antenna system. It is possible, therefore, that the operation of the proposed new television broadcast station by Sunset might cause interference to the FAA operation. Accordingly, we will provide that, in the event of a grant of the Sunset application, such grant shall be subject to a condition that during equipment tests which simulate normal authorized operation, the permittee will coordinate observations with the Federal Aviation Agency to determine whether interference results. In the event that it should be determined that interference does not result, the permittee shall institute appropriate corrective measures. The application for a license shall contain a report of such observations and the results of any tests and corrective measures employed.

12. The Apple Valley application (BPCT–3648): Cascade, but not Columbia, filed a petition to deny the Apple Valley application. In addition to the Carroll question, petitioner has raised, with respect to the Apple Valley application, questions concerning whether Morgan Murphy, 97.49 percent owner of the stock of the applicant's financial qualifications; and whether a grant of the application would constitute a concentration of control of the media of mass communications in the Northwestern States.

13. The Evening Telegram Co. is the sole stockholder of Apple Valley and will furnish all of the cash required for the construction and operation of the station for the first year. Mr. Morgan Murphy and his wife own 98 percent of the stock of The Evening Telegram Co. (Telegram). Petitioner alleges that Morgan Murphy, directly or indirectly, owned controlling interest in 12 broadcast properties (7 standard radio, 2 FM radio and 3 television stations) which, since 1958, he disposed of at substantial profits. Petitioner concedes that, with one exception, none of these properties was sold in less than 5 years.[8] While it is true that the length of time a licensee holds a broadcast authorization before disposing of it is not the sole factor to be considered in determining whether the licensee's conduct discloses a pattern of "trafficking," we perceive none of the elements in this case from which we could conclude that Morgan Murphy has engaged in "trafficking." Trafficking involves, among other things, intention, the element of time, and price. Harriman Broadcasting Co., FCC 66–46, 2 FCC 2d 320, 6 RR 2d 709; Atlantic Coast Broadcasting Corp. of Charleston, FCC 62–184, 22 RR 1045. The Commission will not grant broadcast authorizations to persons whose primary intent is to sell them at a profit rather than to operate their stations in the public interest. WMIE–TV, Inc., 11 RR 1091. Petitioner does not contend that Morgan Murphy acquired the various authorizations with the primary intention of disposing of them for profit nor do the facts appear to support such a conclusion. Laramie Broadcasters, FCC 60–792, 20 RR 423. In short, the mere acquisition of broadcast properties and the subsequent disposal thereof for profit over a long period of time does not raise an inference of trafficking. Petitioner has not supported its conclusions with the specific allegations of fact which would warrant our specifying an issue with respect to trafficking.

14. The Apple Valley proposal is to be financed entirely by the sole stockholder, Telegram. Telegram will purchase $50,000 in stock and will lend the applicant $450,000, for a total commitment of $500,000. The applicant requires cash of approximately $493,000 to construct and operate the proposed station for 1 year. To support its ability to meet its commitment to the applicant, Telegram submitted a financial statement showing that it has "in excess of $1,000,000" cash on hand, current liabilities of less than $50,000, and long-term liabilities ("No payment due in coming year") of approximately $950,000. The basis for the petitioner's challenge of the applicant's financial qualification is petitioner's incredulity that Telegram could have in excess of $1,000,000 cash on hand. Petitioner then contends that because the applicant will probably not require the funds for at least a year, there is no assurance that the funds will be available at that time. Petitioner then insists that Telegram must disclose the details of its long-term liabilities.

15. Petitioner has alleged no facts to indicate that Telegram does not have the cash on hand which it claims it has; it simply opines that such a situation is unusual and suggests that Telegram "• • • should be required to explain its reasons for keeping such a large amount of money on hand • • •." We find no warrant for such an inquiry and we will not require an explanation by Telegram of its business practices merely on the basis of the petitioner's curiosity.

16. Section 1.65 of the Commission's rules makes applicants responsible for the continued accuracy and completeness of their applications. If there has been a substantial adverse change in Telegram's financial position, it would be incumbent upon the applicant to reflect that change by appropriate amendment. In the absence of such an amendment, we may assume that there has been no such change. There is always an element of delay between the time an application is filed and the time committed funds are required and, in the absence of a clear showing to the contrary, we will not assume that committed funds which are presently available will not be available when required. For the same reason, we will not assume that Telegram's financial position with respect to its long-term liabilities has changed to a significant extent.

17. Petitioner states that Telegram owns Television Broadcast Station KXLY–TV (CBS), Channel 4, Spokane, Wash., which has greater coverage than any other television broadcast station in the Pacific Northwest. The station is, petitioner states, truly "the giant of the Pacific Northwest." Station KXLY–TV operates with effective radiated visual power of 48 kw and antenna height above average terrain of 3,000 feet, the maximum permissible under the Commission's rules. Petitioner contends that a grant of the Apple Valley application would place in Morgan Murphy's hands control of "• • • two media of mass communications serving substantially the same areas and populations." Petitioner further contends that it had established a "UHF island" in the Yakima area in a "sea of VHF stations" and that over the years, this "island" has gradually been eroded by VHF station encroachment. Petitioner concludes that Station KXLY–TV, "• • • through its satellite operation of a UHF station in Yakima, is a more subtle attempt to completely erode the 'UHF Island' by VHF domination."

18. The facts do not support petitioner's conclusions. There will be no overlap of the proposed Grade B contour with the predicted Grade B contour of Station KXLY–TV, there being approximately 50 miles between the nearest points of the two contours. The two communities involved are separate and distinct. Clearly, therefore, the two stations would not be serving substantially the same areas and populations. William Walker et al., FCC 59–35, 17 RR 1254. Similarly, petitioner's characterization of the proposed station as a "satellite" of Station KXLY–TV finds no support in the application, for there is no indication that the applicant will rebroadcast any of the programing of Station KXLY–TV. Moreover, it appears that, with the exception of Stations KXLY, KXLY–FM and KXLY–TV, all in Spokane, Morgan Murphy has no interest, direct or indirect, in any media of mass communication in the State of Washington. There is an abundance of competitive media in Spokane and in Yakima. In Spokane, there are nine (9) AM stations, four (4) FM stations and three (3) television stations (one of which is noncommercial educational) in addition to those in which Morgan Murphy has an interest. In Yakima, there are five (5) AM stations, one (1) FM station and two (2) television stations and Morgan Murphy has no inter-

[8] WMFG(AM), Hibbing, Minn. (23 years); WHLB(AM), Virginia, Minn. (23 years); WEBC(AM), Duluth, Minn. (34 years); WISM(AM), Madison, Wis. (11 years); WEAQ(AM), Eau Claire, Wis. (22 years); WIAL(FM), Eau Claire, Wis. (11 years); WMAM, Marinette, Wis. (2 years); KVOL (AM), Lafayette, La. (27 years); WEAU–TV, Eau Claire, Wis. (9 years); WLUK–TV, Green Bay, Wis. (7 years); and WLUC–TV, Marquette, Mich. (6 years).

ests in any of them. In view of these facts, we are convinced that there is no basis for concern that a grant of the application would result in a concentration of control of television broadcasting in a manner inconsistent with the public interest, convenience, or necessity.

19. The Northwest application (BPCT-3672): As with the Apple Valley application, Cascade, but not Columbia, filed a petition to deny. Other than to raise a Carroll issue with respect to the Northwest application, the only question raised by the petition relates to the applicant's financial qualifications. Although we find no merit in the petitioner's allegations with respect to the applicant's financial qualifications, we agree that the applicant has not demonstrated that it is financially qualified. Several inconsistencies in the application make it impossible to ascertain the applicant's financial plan.

20. We are unable to ascertain the applicant's costs because its plans for obtaining equipment and the costs thereof are vague, confusing and inconsistent. The confusion results from an unusual equipment proposal by General Electric Co. which, on its face, purports to be a "proposal submitted by Robert Manahan" (prior to applicant's Sept. 27, 1966, amendment, by "Hugh W. Granberry") with a blank space for acceptance by General Electric and Liberty Television, Inc. (one of the Northwest joint venturers). This has not been executed and no letter of credit for deferred credit has been filed. We are left to conclude, therefore, that the proposal has not been accepted by GE. Because the proposal is not clear as to what equipment is to be furnished, the costs thereof, and the terms upon which it will be available, together with the fact that the proposal has apparently not been accepted by GE, we cannot consider the deferred credit to be available to the applicant. Since we cannot determine the applicant's costs, we will specify an issue to ascertain the costs of construction and operation for the first year and, on the basis of the evidence adduced pursuant to that issue, whether the applicant is financially qualified.[9]

21. The Carroll question: Cascade alleges that the economy of the Yakima market [10] is such that it could not support a third television broadcast station without a degradation of service to the public. Cascade alleges that if a third station were to be authorized in Yakima, Station KIMA-TV would be required to eliminate certain of public service programs, change its policy of preempting network programs and reduce the number of public service spot announcements. Petitioner, however, does not explain why it would be required to take these measures and has not indicated the cost of these programs and the savings to be effected thereby. Cascade further alleges that: "The mere existence of a third television station in Yakima would divide the audience in approximately three parts with the consequent reduction of revenue to the existing stations. When stated in a more precise manner, the third television station at Yakima could be expected to acquire one-third of the audience and revenue * * *"

Although general experience is to the contrary, i.e., a new station entering a market will not acquire an equal portion of the revenues, petitioner has furnished no facts to support this conclusion.

22. Cascade has not furnished much of the vital information which the Commission indicated in Missouri-Illinois Broadcasting Co. (KZIM), FCC 64-748, 3 RR 2d 232, was the type of information which is necessary to support a Carroll issue. For example, petitioner has not indicated the amount of local advertising revenue actually earned by its station in the community and the area. In response to the question, it has stated: "Cascade's station, Station KIMA-TV, for the past 3 years has averaged earning 44 percent of its total advertising revenue from local services."

It does not disclose the amount of that total advertising revenue and would leave to conjecture information of vital significance. The availability of advertising revenues is the point at issue, yet petitioner has not indicated, with any precision, the number of businesses which could, but do not now advertise on television, although it has stated that even extremely small businesses advertise on Station KIMA-TV. Cascade has also not answered the question of its total expenses and net profits (or losses) for the preceding 3 years. It has not indicated the specific advertisers that would shift advertising to one of the proposed stations, leaving its conclusions in that respect without any factual support. The petitioner has also failed to indicate the cost of carrying the programing it alleges it would be compelled to curtail and the savings which could be effected by such curtailments.

23. The information which the petitioner has furnished does not support its conclusions. For example, petitioner shows that the unemployment rate in Yakima City and Yakima County has declined steadily since 1960, while the population has increased steadily. Petitioner alleges that retail sales in Yakima County were less in 1963 than in 1959, but what it does not point out is that its own figures show that retail sales in Yakima County increased from 1960 to 1963, and that from 1959 to 1963, there was an undiminished increase in retail sales in Yakima City. Petitioner alleges that the total advertising revenue potential in the Yakima market is less than $1,000,000, but the Commission's records indicate that Station KIMA-TV alone realized more than that amount in 1965. Moreover, if we were to accept petitioner's definition of the "Yakima market" and added the revenues of its two satellite stations and that of Station KNDO-TV, the revenue actually earned in the Yakima market in 1965 would be nearly double that figure. Cascade also quotes from the Seiden Report (Feb. 12, 1965) to the effect that if a single station requires between 22,222 and 25,000 TV homes for a minimum cash flow, a three-station market requires about three (3) times that figure and that current market rankings place the high end of this cut-off point at about the 177th market. Cascade then alleges that Yakima City has 12,717 TV homes, Yakima County has 41,200 TV homes and the Yakima market is well below the 177th market. The Seiden Report, however, refers to TV homes in the market, and not in the city or county. Cascade has itself defined the Yakima market to embrace considerably more than just Yakima City and County. Moreover, on a market basis, the 1964 American Research Bureau (ARB) figures show Yakima with 140,600 TV homes—more than double that cited in the Seiden Report as required for a three-station market. Cascade does not indicate the source of its information that Yakima is ranked well below the 177th market; the ARB figures indicate the contrary. Petitioner states that in the course of several years, it does business with less than 10 percent of the 4,000 business establishments in Yakima County, from which we may conclude that there is great potential for additional advertising revenues.

24. We conclude that the petitioner has failed to show that the Yakima market is unable to support a third station without a degradation of service to the public. The burden of supporting a request for a Carroll issue is on the party making the request and we find that Cascade has not met that burden. We also note that Columbia has not alleged that the market cannot support a third station and it has not attempted to support Cascade's position on the question.

25. The applications for renewal of the licenses of Stations KIMA-TV (BRCT-337) and KNDO-TV (BRCT-494) were placed in deferred status, the latter by memorandum opinion and order (FCC 66-131, 2 FCC 2d 638, petition for reconsideration dismissed, FCC 66-447, released May 24, 1966), pending our decision in this proceeding on whether a Carroll issue would be warranted. If we had been able to find that such an issue was warranted, these applications for renewal might have been designated for comparative hearing in this proceeding. Missouri-Illinois Broadcasting Co. (KZIM), FCC 65-437, 5 RR 2d 452; K-SIX Television, Inc. (KVER), FCC 65-1047, 1 FCC 2d 1452, 6 RR 2d 462. In view of our disposition of the Carroll question, there is no longer reason to defer action on the renewal applications and they will, therefore, be granted.

26. Except as indicated by the issues specified below, each of the applicants appears to be qualified to construct, own, and operate the proposed television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is therefore unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Sunset Broadcasting Corp., Apple Valley Broadcasting, Inc., and Northwest Television & Broadcasting Co. (A Joint Venture), are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, with respect to the application of Sunset Broadcasting Corp.:

a. The basis for the applicant's estimate of its cost in its first year of operation and whether such estimate is reasonable.

b. In the light of the evidence adduced pursuant to the foregoing issues, whether the applicant has sufficient funds available to construct and operate the proposed station for 1 year.

c. Whether the staff proposed would be adequate to effectuate the type of operation proposed.

d. The efforts, if any, which the applicant has made to ascertain the programing tastes, needs and interests of the area it proposes to serve and the manner in which it will meet those tastes, needs and interest.

2. To determine, with respect to the application of Northwest Television & Broadcasting Co., A Joint Venture:

a. The equipment to be obtained by the applicant from General Electric Co., the purchase price thereof, and the terms and conditions upon which such equipment is to be obtained.

b. The total costs of construction and the cost of operation for the first year.

c. Whether, in the light of the evidence adduced pursuant to (a) and (b), above, the applicant is financially qualified.

3. To determine which of the proposals would best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That Cascade Broadcasting Co. is made a party respondent in this proceeding with respect to the applications of Sunset Broadcasting Corp. and Northwest Television & Broadcasting Co. (A Joint Venture), and Columbia Empire Broadcasting Corp. is made a party respondent in this proceeding with respect to the application of Sunset Broadcasting Corp.

It is further ordered, That the pleadings designated (g), (i), and (j) below are dismissed, pursuant to § 1.45(d) of the Commission's rules.

It is further ordered, That in the event of a grant of the application of Sunset Broadcasting Corp., such grant shall be subject to the following condition: "During equipment test which simulate normal authorized operation, the permittee shall coordinate observations with the Federal Aviation Agency to determine whether interference results with the radio communications facility of the Federal Aviation Agency located in close proximity to the permittee's antenna system site. In the event that it should be determined that interference does result, the permittee shall institute appropriate corrective measures. The application for a license shall contain a report of such observations and the results of the tests and any corrective measures employed."

It is further ordered, That the application (BRCT-337) of Cascade Broadcasting Co. for renewal of the license of Television Broadcast Station KIMA-TV, Channel 29, Yakima, Wash., and the application (BRCT-494) of Columbia Empire Broadcasting Corp. for renewal of the license of Television Broadcast Station KNDO-TV, Channel 23, Yakima, Wash., are granted.

It is further ordered, That the petitions to deny filed herein by Cascade Broadcasting Co. and Columbia Empire Broadcasting Corp., are granted to the extent indicated herein and are otherwise denied.

It is further ordered, That, in the event of a grant of any of the applications, operation of the new station shall be in accordance with offset designators to be specified in a subsequent order.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 12, 1966.

Released: October 18, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[11]

[SEAL] BEN F. WAPLE, *Secretary.*

[11] Commissioner Bartley concurring and issuing a statement filed as part of the original document and Commissioner Cox concurring; Commissioners Loevinger and Wadsworth absent.

PLEADINGS FILED

(a) Petition to deny, filed January 27, 1965, by Columbia Empire Broadcasting Corp., licensee of Television Broadcast Station KNDO, Channel 23, Yakima, Wash., against application (BPCT-3478) of Sunset Broadcasting Corp.

(b) Petition to deny, filed January 27, 1965, by Cascade Broadcasting Co., licensee of Television Broadcast Station KIMA-TV, Channel 29, Yakima, Wash., against application (BPCT-3478) of Sunset Broadcasting Corp.

(c) Opposition, filed February 9, 1965, by Sunset Broadcasting Corp., against (a) and (b), above.

(d) Reply, filed February 19, 1965, by Cascade Broadcasting Co., against (c), above.

(e) Reply, filed February 19, 1965, by Columbia Empire Broadcasting Corp., against (c), above.

(f) Supplement to petition to deny, filed February 26, 1965, by Cascade Broadcasting Co.

(g) Further comment on petitions to deny, filed March 4, 1965, by Sunset Broadcasting Corp.

(h) Comment on supplement to petition to deny, filed March 11, 1965, by Sunset Broadcasting Corp., with respect to (f), above.

(i) Motion to strike or in the alternative for permission to file reply to the "Further Comment on Petitions to Deny," filed March 19, 1965, by Cascade Broadcasting Co., with respect to (g), above.

(j) Statement regarding further comment of Sunset Broadcasting Corp., filed March 29, 1965, by Columbia Empire Broadcasting Corp., with respect to (g), above.

(k) Reply to comment on supplement to petition to deny, filed March 29, 1965, by Cascade Broadcasting Co., against (h), above.

(l) Further supplement to petition to deny, filed November 10, 1965, by Cascade Broadcasting Co., with respect to application (BPCT-3478) of Sunset Broadcasting Corp.

(m) Petition to deny, filed November 29, 1965, by Cascade Broadcasting Co., against application (BPCT-3648) of Apple Valley Broadcasting, Inc.

(n) Comments with respect to further supplement to petition to deny, filed December 1, 1965, by Sunset Broadcasting Corp., with respect to (l), above.

(o) Opposition, filed December 20, 1965, by Apple Valley Broadcasting, Inc., against (m), above.

(p) Reply, filed January 3, 1966, by Cascade Broadcasting Co., against (o), above.

(q) Petition to deny, filed January 17, 1966, by Cascade Broadcasting Co., against application (BPCT-3672) of Northwest Television & Broadcasting Co. (A Joint Venture).

(r) Opposition, filed February 28, 1966, by Northwest Television & Broadcasting Co. (A Joint Venture).

Extensions of time within which to file various pleadings were granted where requested.

[F.R. Doc. 66-11560; Filed, Oct. 21, 1966; 8:49 a.m.]

[Docket Nos. 15460, 16923; FCC 66M-1399]

SYMPHONY NETWORK ASSOCIATION, INC., AND STEEL CITY BROADCASTING CO.

Order Scheduling Hearing

In re applications of Symphony Network Association, Inc., Birmingham, Ala.; Docket No. 15460, File No. BPCT-3238; Steel City Broadcasting Co., Birmingham, Ala.; Docket No. 16923, File No.

[9] In applicant's sec. III, par. 1(a), FCC Form 301, as amended by the applicant Sept. 27, 1966, estimated costs of operation are shown to be $450,000; applicant's Exhibit 6-A, filed that same date, shows estimated costs of operation to be $325,000. We cannot reconcile this discrepancy.

[10] Cascade defined the "Yakima market" as the entire area served by KIMA-TV and its satellites, Stations KEPR-TV (Pasco, Wash.) and KLEW-TV (Lewiston, Idaho). "Yakima City TV Area" is defined by petitioner as referring to those portions of Yakima, Benton, and Kittitas Counties which are within the predicted Grade B contours of Stations KIMA-TV and KNDO-TV (Columbia's station).

BPCT-3660; for construction permit for new television broadcast station (Channel 68).

It is ordered, This 14th day of October 1966, that H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 22, 1966, at 10 a.m.; and that a prehearing conference shall be held on December 2, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 18, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11561; Filed, Oct. 21, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

PORTWIDE EXEMPTION

Notice of Applications Filed

Notice is hereby given that the following portwide exemption applications have been filed with the Commission pursuant to § 510.22(a) of Federal Maritime Commission General Order 4; Amendment 9 (46 CFR 510.22(a)).

Each applicant contends that an adequate supply of ocean freight forwarding services is not being held out by nonagent licensed independent ocean freight forwarders domiciled at the indicated ports, and that an exemption is justified on this basis.

Application No. 1 for the Port of Wilmington, N.C., filed by Kominers & Fort on behalf of the following licensees operating at the Port of Wilmington: Wilmington Shipping Co. (F.M.C. No. 469) and Waters Shipping Co. (F.M.C. No. 70).

Application No. 2 for the Port of Morehead City, N.C., filed by Kominers & Fort on behalf of the following licensees operating at the Port of Morehead City: Morehead City Shipping Co., a branch of Wilmington Shipping Co. (F.M.C. No. 469); Waters Shipping Co. F.M.C. No. 70); and North Carolina Shipping Co. (F.M.C. No. 1079).

Application No. 3 for the Port of Tampa, Fla., filed by Kominers & Fort on behalf of the following licensees operating at the Port of Tampa: Fillette, Green & Co. of Tampa (F.M.C. No. 754); General Shipping Co. (F.M.C. No. 667); Gulf Florida Terminal Co. (F.M.C. No. 78); Hillebaum-Tampa, Inc. (F.M.C. No. 852); Marine Agency of Tampa, Inc. (F.M.C. No. 995); and A. R. Savage & Son (F.M.C. No. 855). Sack & Mendez, Inc. (F.M.C. No. 950) and Delfa Lines Agency (F.M.C. No. 1041), licensed independent ocean freight forwarders operating in the Port of Tampa, have indicated to the Commission that they have no objection to the granting of this application.

Application No. 4 for the Port of Pensacola, Fla., filed by Pensacola Steamship Association, Inc. on behalf of the following licensees operating at the Port of Pensacola: John A. Merritt & Co. (F.M.C. No. 86); Fillette, Green & Co., Inc. (F.M.C. No. 163); and Walsh Stevedoring Co., Inc. (F.M.C. No. 236).

Interested parties may inspect and obtain a copy of any such application at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609. Comments with reference to any application, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the applicant parties (as indicated herein), and the comments should indicate that this has been done.

Dated: October 18, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11563; Filed, Oct. 21, 1966; 8:49 a.m.]

[Independent Ocean Freight Forwarder License 1037]

MANACO INTERNATIONAL FORWARDERS

Order To Show Cause

On October 14, 1966, the International Fidelity Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by Melvyn Paul Cohen, doing business as Manaco International Forwarders, 9 Clinton Street, Newark, N.J. 07102, would be canceled effective 12:01 a.m., November 13, 1966.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order 201.1 (amended) § 6.03.

It is ordered, That Melvyn Paul Cohen, doing business as Manaco International Forwarders on or before October 31, 1966, either (1) submit a valid bond effective on or before November 13, 1966, or (2) show cause in writing or request a hearing to be held at 10 a.m. on November 7, 1966, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d) Shipping Act, 1916.

It is further ordered, That License No. 1037 be forthwith revoked if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-11564; Filed, Oct. 21, 1966; 8:49 a.m.]

DELTA STEAMSHIP LINES, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Thomas E. Stakem, Senior Vice President, Delta Steamship Lines, Inc., 1625 K Street NW., Washington, D.C.

Agreement 9216-3, between Delta Steamship Lines, Inc., Booth Lamport West Indies Service and Booth Steamship Co., amends the basic agreement to provide that Delta will act as the agent for Booth Steamship Co. and Booth Lamport West Indies Service in the booking and solicitations of passengers on both Booth and/or Booth Lamport vessels.

Dated: October 19, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11565; Filed, Oct. 21, 1966; 8:49 a.m.]

ITALY, SOUTH FRANCE/U.S. GULF CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. G. Ravera, Secretary, Italy, South France/U.S. Gulf Conference, Vico San Luca No. 4, Genoa, Italy.

Agreement 9522-1, between the member lines of the Italy, South France/U.S. Gulf Conference, amends Article 2 of the basic agreement to eliminate San Juan, Puerto Rico, from the range of destination ports served by the Conference.

Dated: October 19, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11566; Filed, Oct. 21, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI67-94, etc.]

H. M. GILLESPIE ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes [1]

OCTOBER 14, 1966.

The above-named Respondents have tendered for filing proposed changes in their presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-94	H. M. Gillespie,[2] 722 Union Center Bldg., Wichita, Kans. 67202.	9	2	Cities Service Gas Co. (Hugoton Field, Kearny County, Kans.).	$230	9-12-66	[3] 10-13-66	3-12-67	[4] 7.5037	[4][5] 12.5	(7)
		9	(8) 3			9-12-66	[3] 10-12-66	3-12-67			
RI67-95	H. M. Gillespie, et al.[9]	2	4	do	142	[10] 9-16-66	[3] 10-16-66	3-16-67			
		2	(8) 5			9-15-66	[3] 10-16-66	3-16-67	[4] 10.7195	[4][5] 12.5	(7)
RI67-96	Edwin L. Cox,[9] 38th Floor, First National Bank Bldg., Dallas, Tex. 75202.	2	3	Cities Service Gas Co. (Hugoton Field, Morton County, Kans.).	144	9-12-66	[3] 10-12-66	3-12-67			
		2	(8) 4			9-12-66	[3] 10-12-66	3-12-67	[4] 10.7195	[4][5] 12.5	

[2] Contract Amendment which provides for 12.5 cents per Mcf rate effective Dec. 13, 1962, through June 23, 1971, and 1.0 cent periodic increases every 5 years until June 23, 1991, in lieu of indefinite pricing during such period.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] Renegotiated rate increase.
[5] Pressure base in 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Increased rate to 14.5 cents suspended in Docket No. RI64-159 but not made effective.
[8] Signatory to contract which adopts terms and conditions of Pan American-Cities contract.
[9] Increased rate of 14.5 cents suspended in Docket No. RI63-63 but not made effective.
[10] Completes notice of change filing.

H. M. Gillespie, H. H. Gillespie, et al. (both referred to herein as Gillespie) and Edwin L. Cox (Cox) request a retroactive effective date of December 13, 1962, the contractually provided effective date, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Gillespie and Cox's rate filings and such requests are denied.

The rate filings of Gillespie and Cox constitute, in effect, proposed settlements similar to offers of settlement filed by other producers who also sell gas to Cities Service Gas Co. (Cities) pursuant to the terms and conditions of the contract contained in Pan American Petroleum Corporation's (Pan American) FPC Gas Rate Schedule No. 84. All of these producers seek the same settlement terms for the sale by Pan American under its FPC Gas Rate Schedule No. 84 that were approved by the Commission in an order issued April 13, 1966, in Docket Nos. G-9279, et al., involving Pan American's company-wide settlement. No action has yet been taken by the Commission on these settlement proposals. In the event the Commission approves these offers of settlement then the subject suspension proceedings will be terminated.

Since the proposed rates of Gillespie and Cox exceed the area increased rate ceiling for Kansas as announced in the Commission's statement of general policy No. 61-1, as amended, we conclude that they should be suspended for 5 months as ordered below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Gillespie's contract amendments dated August 24, 1966, and Cox's contract amendment dated August 17, 1966, conform their contracts to the provisions of the aforementioned Pan American settlement. Such amendments provide for a 12.5 cents per Mcf rate effective December 13, 1962, through June 23, 1971, and 1.0 cent per Mcf periodic increases every 5 years until June 23, 1991, in lieu of indefinite pricing during such period. We shall also suspend these filings.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed changes contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 1, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-11470; Filed, Oct. 21, 1966; 8:45 a.m.]

[Docket No. RI67-93]

PHILLIPS PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 13, 1966.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 1, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-93	Phillips Petroleum Co., Bartlesville, Okla. 74004.	[1] 374	4	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex.) (Permian Basin Area).	[2] $279	9-13-66	[3] 10-14-66	[4] 10-15-66	16.0 16.0	[5] [6] 16.07 [5] [7] 16.49	

[1] Contract dated Mar. 27, 1961, and covers sale of "new" gas well gas.
[2] No deliveries being made from the Pennsylvania Formation.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] The suspension period is limited to 1 day.
[5] "Fractured" rate increase. Phillips is contractually due 18.5 cents but is filing for applicable rates shown on its quality statements.
[6] Pressure base is 14.65 p.s.i.a.
[7] Pertains to gas from Devonian Formation.
[8] Pertains to gas from Pennsylvania Formation.
[9] Includes applicable tax reimbursement.

Phillips Petroleum Co. (Phillips) requests a retroactive effective date of September 1, 1965, for its proposed supplement. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Phillips' rate filing and such request is denied.

The proposed rate increases have been filed by Phillips to implement the rates set forth in its revised rate schedule quality statements (filed Aug. 1, 1966) as a result of Transwestern's proposed change in the method of determining treating and dehydration costs for nonpipeline quality gas. No action has yet been taken with respect to Phillips' revised rate schedule quality statements. In view of the possibility that Phillips' proposed rates may exceed the just and reasonable rate ceiling for these sales determined in Permian Basin Opinion No. 468, the proposed supplement is suspended herein for 1 day from October 14, 1966, the date of expiration of the statutory notice, pending action by the Commission with respect to Phillips' revised rate schedule quality statements.

Except for the stay of the moratorium in Opinion No. 468, Phillips' filing would be rejectable if the proposed rates are determined to be in excess of the applicable area rate ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review and the proposed rates are determined to be in excess of the applicable area rate ceiling determined in Opinion No. 468, the filing will be rejected ab initio.

[F.R. Doc. 66-11472; Filed, Oct. 21, 1966; 8:45 a.m.]

[Docket Nos. RI67-83, etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 13, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 1, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-83	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017, Attn: Mr. C. E. Smith.	2	11	Transcontinental Gas Pipe Line Corp. (West White Lake Field, Vermilion Parish, La.) (South Louisiana).	$195,160	9-26-66	[1] 11-1-66	4-1-67	[2] 18.75	[2] [3] 19.75	RI63-159.
	do	3	8	Transcontinental Gas Pipe Line Corp. (Tigre Lagoon Field, Vermilion and Iberia Parishes, La.) (South Louisiana).	195,563	9-20-66	[1] 11-1-66	4-1-67	[2] 18.75	[2] [3] 19.75	RI63-159.
	do	4	8	Transcontinental Gas Pipe Line Corp. (Vinton Field, Calcasieu Parish, La.) (South Louisiana).	8,660	9-20-66	[1] 11-1-66	4-1-67	[2] 18.75	[2] [3] 19.75	RI63-159.
RI67-84	Union Oil Co. of California (Operator), et al.	5	9	Transcontinental Gas Pipe Line Corp. (East White Lake Field, Vermilion Parish, La.) (South Louisiana).	30,075	9-26-66	[1] 11-1-66	4-1-67	[2] 18.75	[2] [3] 19.75	RI63-160.
	do	6	9	Transcontinental Gas Pipe Line Corp. (Fresh Water Bayou Field, Vermilion Parish, La.) (South Louisiana).	81,213	9-20-66	[1] 11-1-66	4-1-67	[2] 18.75	[2] [3] 19.75	RI63-160.
RI67-85	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001, Attn: Mr. C. W. Proctor.	2	19	Texas Eastern Transmission Corp. (Gist Field, Newton County, Tex.) (R.R. District No. 3).	146	9-23-66	[1] 11-1-66	4-1-67	16.0	[2] 16.2	RI66-151.
	do	10	16	Texas Eastern Transmission Corp. (Chevron Field, Kleberg County, Tex.) (R.R. District No. 4).	23,550	9-23-66	[1] 11-1-66	4-1-67	16.0	[2] 16.2	RI66-151.
RI67-86	Hidalgo Gas Production Corp., 1401 Elm St., Dallas, Tex. 75202, Attn: Donald K. Young, Esq.	1	10	Texas Eastern Transmission Corp. (Mercedes and Agua Dulce Fields, Nueces and Hidalgo Counties, Tex.) (R.R. District No. 4).	440	9-26-66	[1] 11-1-66	4-1-67	16.0	[2] 16.2	RI66-126.
	do	2	10	Texas Eastern Transmission Corp. (Agua Dulce Field, Nueces County, Tex.) (R.R. District No. 4).	300	9-26-66	[1] 11-1-66	4-1-67	16.0	[2] 16.2	RI66-126.
RI67-87	William Herbert Hunt Trust Estate, 1401 Elm St., Dallas, Tex. 75202, Attn: Donald K. Young, Esq.	1	15	Texas Eastern Transmission Corp. (North Cottonwood Field Liberty County, Tex.) (R.R. District No. 3).	500	9-26-66	[1] 11-1-66	4-1-67	16.0	[2] 16.2	RI66-125.
RI67-88	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202, Attn: Donald K. Young, Esq.	36	9	Texas Eastern Transmission Corp. (South Nome Field, Jefferson County, Tex.) (R.R. District No. 3).	1,020	9-26-66	[1] 11-1-66	4-1-67	16.0	[2] 16.2	RI66-127.
RI67-89	Petroleum Corp. of Texas, et al., Post Office Box 752, Breckenridge, Tex. 76024, Attn: C. R. Anderson, Esq.	18	1	South Texas Natural Gas Gathering Co. (Donna Field, Hidalgo County, Tex.) (R.R. District No. 4).	6,204	9-23-66	[1] 10-23-66	3-23-67	[2] 13.5	[2] [4] 14.5	
RI67-90	Dorsey Buttram, 1612 Camden Way, Oklahoma City, Okla. 73116.	2	6	El Paso Natural Gas Co. (Red Wash Area, Uintah County, Utah).	613	9-21-66	[1] 11-1-66	4-1-67	[5] 15.394	[6] 16.394	
RI67-91	Placid Oil Co. (Operator), et al., 2500 First National Bank Bldg., Dallas, Tex. 75202.	26	14	Texas Eastern Transmission Corp. (Lucky and Liberty Hill Fields, Bienville Parish, La.) (North Louisiana).	10,395	9-20-66	[1] 11-1-66	4-1-67	[2] 17.2366	[2] [4] 17.4417	RI66-132.
	do [7]	29	6	H. L. Hunt [8] (Whelan Field, Harrison County, Tex.) (R.R. District No. 6).	480	9-20-66	[1] 11-1-66	4-1-67	13.5	[2] 13.7	RI66-132.
	do [7]	30	6	H. L. Hunt [8] (North Lansing Field, Harrison County, Tex.) (R.R. District No. 6).	145	9-20-66	[1] 11-1-66	4-1-67	13.5	[2] 15.7	RI66-132.
RI67-92	H. L. Hunt, et al., 1401 Elm St., Dallas, Tex. 75202.	6	22	Texas Eastern Transmission Corp. (Whelan-North Lansing Field, Harrison County, Tex.) (R.R. District No. 6).	2,030	9-26-66	[1] 11-1-66	4-1-67	16.0	[2] 16.2	RI66-131.

[1] The stated effective date is the effective date proposed by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 15.025 p.s.i.a.
[4] Includes 1.75 cents per Mcf tax reimbursement.
[5] Pressure base is 14.65 p.s.i.a.
[6] The stated effective date is the first day after expiration of the statutory notice.
[7] Inclusive of a 0.25 cent dehydration allowance paid by Buyer.
[8] Subject to a downward B.t.u. price adjustment for gas having a heating content of less than 1,000 B.t.u.'s.
[9] "Fractured" rate increase. Respondent contractually due 19.5 cents per Mcf.
[10] Initial certificated rate in Opinion No. 339. (Initial contract rate is 18.5 cents per Mcf).
[11] H. L. Hunt resells the gas under its FPC Gas Rate Schedule No. 4 to Texas Eastern Transmission Corp. at an effective rate of 16.0 cates per Mcf subject to refund in Docket No. RI66-131. Hunt's related rate increase to 16.2 cents is suspended herein.
[12] Placid Oil Co. is a corporation of which the common stock is primarily owned by H. L. Hunt and Hunt Trust Estates.

Petroleum Corporation of Texas, et al (Petroleum) request that their proposed rate increase be permitted to become effective as of October 1, 1966. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Petroleum's rate filing and such request is denied.

The proposed 13.7 cents per Mcf rate contained in Supplement No. 6 to Placid Oil Co. (Operator), et al's (Placid) FPC Gas Rate Schedule No. 29, does not exceed the area increased rate ceiling of 14.0 cents per Mcf for Texas Railroad District No. 6 as set forth in the Commission's statement of general policy No. 61-1, as amended, but such increase is related to the buyer's proposed increased rate which is suspended herein because it exceeds the area increased ceiling level. The 15.7 cents per Mcf rate contained in Supplement No. 6 to Placid's FPC Gas Rate Schedule No. 30 exceeds the area increased rate ceiling for the area involved and is related to the buyer's resale rate which, as stated above, is suspended herein because it exceeds the area increased ceiling level.

Dorsey Buttram (Buttram) proposes a "fractured" rate increase, from 15.384 cents to 16.384 cents per Mcf, for a sale of gas to El Paso Natural Gas Co. in the Red Wash Field, Uintah County, Utah. No formal guideline prices have been announced by the Commission for this area. The increased rate of 16.384 cents exceeds both the adjacent Wyoming 13.0 cents increased rate ceiling and the 15.384 cents initial rate certificated in Opinion No. 359 issued June 11, 1962, for sales in the Red Wash Field, and is suspended as ordered herein.

With the exception of Buttram's proposed 16.384 cents per Mcf rate where no formal price ceilings have been announced for the area involved, and Placid's proposed 13.7 cents per Mcf rate, mentioned above, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 66-11473; Filed, Oct. 21, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

OCTOBER 18, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 19, 1966, through October 28, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11537; Filed, Oct. 21, 1966; 8:46 a.m.]

[NY-4393]

FIRST STANDARD CORP.

Order Suspending Trading

OCTOBER 18, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of First Standard Corp. otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 19, 1966, through October 23, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11538; Filed, Oct. 21, 1966; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 593]

FLORIDA

Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1966, because of the effects of certain disasters, damage resulted to residences and business property located in Monroe County in the State of Florida;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from hurricane Inez and accompanying conditions occurring on or about October 4, 1966.

OFFICE

Small Business Administration Regional Office, 51 Southwest First Avenue, Miami, Fla. 33130.

2. A temporary office will also be located in the Key West, Fla., area, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1967.

BERNARD L. BOUTIN, *Administrator.*

OCTOBER 7, 1966.

[F.R. Doc. 66-11527; Filed, Oct. 21, 1966; 8:46 a.m.]

[Declaration of Disaster Area 594]

IOWA

Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1966, because of the effects of certain disasters, damage resulted to residences and business property located in Wright County in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on October 14, 1966.

OFFICE

Small Business Administration Regional Office, Fifth and Grand Avenue, Des Moines, Iowa 50309.

2. SBA Representatives will be located in the town of Belmond, Iowa, to accept applications. Address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1967.

BERNARD L. BOUTIN, *Administrator.*

OCTOBER 17, 1966.

[F.R. Doc. 66-11528; Filed, Oct. 21, 1966; 8:45 a.m.]

NATIONAL AERONAUTICS AND SPACE COUNCIL

NORMAN SHERMAN

Notice of Appointment and Compensation

Name and title, Norman Sherman, Special Assistant to Chairman; Salary rate, $23,013 per annum; Position Number, SCS No. 5.

Authority for this appointment. Title III, section 306, subsection (c) reads: "That part of section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 428; 42 U.S.C. 2471(f)), fixing a limit of $19,000 on the compensation of seven persons in the National Aeronautics and Space Council, is amended by striking out 'compensated at the rate of not more than $19,000 a year,' and inserting in lieu thereof 'compensated at not to exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended.'"

Effective date: September 21, 1966.

E. L. LACEY, *Administrative Officer.*

[F.R. Doc. 66-11526; Filed, Oct. 21, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 19, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40751—*Perchloroethylene to Lemont, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8913), for interested rail carriers. Rates on perchloroethylene, in tank carloads, from specified points in Louisiana and Texas, to Lemont, Ill.

Grounds for relief—Market competition.

Tariffs—Supplements 35 and 112 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4564, respectively.

FSA No. 40753—*Liquid caustic soda to Enka, N.C.* Filed by Southwestern Freight Bureau, agent (No. B-8907), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, subject to minimum shipments of 294 tons of 2,000 pounds each, from Plaquemine, La., to Enka, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 36 to Southwestern Freight Bureau, agent, tariff ICC 4668.

FSA No. 40754—*Liquid caustic soda to Charleston, W. Va., district points.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2867), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from specified points in New Jersey, to Charleston, W. Va., and points in Charleston district.

Grounds for relief—Market competition.

Tariffs—Supplement 78 to Baltimore & Ohio Railroad Co., tariff ICC 24788 and supplement 167 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-383.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40752—*Perchloroethylene to Lemont, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8914), for interested rail carriers. Rates on perchloroethylene, in tank carloads, from specified points in Louisiana and Texas, to Lemont, Ill.

Grounds for relief—Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariffs—Supplements 35 and 112 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4564, respectively.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11534; Filed, Oct. 21, 1966; 8:46 a.m.]

[Notice 1430]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 19, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69067. Corrected Notice.[1] By order of September 30, 1966, the Transfer Board approved the transfer to H. A. Pierce and R. E. Schuster, a partnership, doing business as Pierce-Schuster Truck Lines, Freeborn, Minn., of the certificate in Nos. MC-114362, MC-114362 (Sub-No. 4), MC-114362 (Sub-No. 5), and MC-114362 (Sub-No. 8), issued April 6, 1956, June 19, 1957, January 8, 1959, and March 17, 1966, respectively, to H. A. Pierce, doing business as Pierce Truck Lines, Freeborn, Minn., authorizing the transportation of: Manufactured fertilizer, dry fertilizer, agricultural lime, and dry fertilizer materials, from Albert Lea, Minn., and Mason City, Iowa, as specified, to points as designated in Iowa, Minnesota, and Wisconsin, and butter, from specified counties in Minnesota and Iowa, to Albert Lea, Minn. Jack F. C. Gillard, 216 East Main Street, Albert Lea, Minn. 56007, attorney for applicants.

No. MC-FC-69173. By order of October 19, 1966, the Transfer Board approved the transfer to Greater Syracuse Moving & Storage Co., Inc., Clay, N.Y., of the certificate of registration in No. MC-120652 (Sub-No. 1), issued November 5, 1964, to Gilbert H. Gokey, doing business as Greater Syracuse Moving & Storage Co., Clay, N.Y., and corresponding in scope to the grant of intrastate authority set forth in certificate of public convenience and necessity No. 749, issued prior to October 15, 1962, and reissued December 20, 1963, by the New York Public Service Commission. J. M. Hastings, Jr., 800 Hills Building, Syracuse, N.Y. 13202, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11535; Filed, Oct. 21, 1966; 8:46 a.m.]

[1] Corrected to include MC-114362 (Sub-No. 5).

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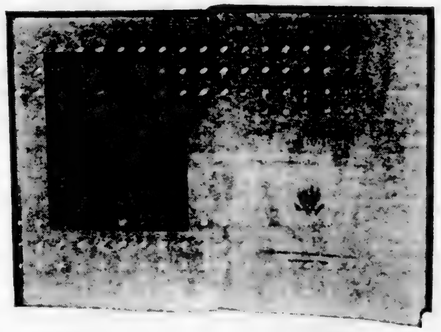
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior and Department of Health, Education, and Welfare

Sections 213.3312 and 213.3316 are amended to show the exception under Schedule C in the Department of the Interior of the position of Commissioner, Federal Water Pollution Control Administration, formerly excepted under Schedule C in the Department of Health, Education, and Welfare. Effective on publication in the FEDERAL REGISTER, a new paragraph (n) is added to § 213.3312 and paragraph (m) of § 213.3316 is revoked as set out below.

§ 213.3312 Department of the Interior.

* * * * *

(n) *Federal Water Pollution Control Administration.* (1) Commissioner.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(m) [Revoked]

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–11505; Filed, Oct. 24, 1966; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER C—DETERMINATION OF PROPORTIONATE SHARES

[940.2, Rev. 2, Supp. 2]

PART 849—DOMESTIC BEET SUGAR PRODUCING AREA PREVENTED ACREAGE CREDIT; 1964 AND SUBSEQUENT CROPS

Approved Local Areas for 1965 Crop of Sugarbeets

Pursuant to the provisions of section 302(b) of the Sugar Act of 1948, as amended, § 849.9 is added to read as follows:

§ 849.9 Approved local areas for the 1965 crop of sugarbeets.

For purposes of considering eligibility for prevented acreage credit, the respective Agricultural Stabilization and Conservation County Committees have determined with respect to the local producing areas listed herein that on 10 percent or more of the sugarbeet farms in each area, or on an acreage equal to 10 percent or more of the number of acres planted to sugarbeets on farms in each area, the planting of sugarbeets was prevented because of drought, flood, storm, freeze, disease, or insects, or the planting or harvesting was prevented by other similar abnormal and uncontrollable conditions determined by the Deputy Administrator, State and County Operations, in accordance with § 849.2.

(a) *California.*

County and Areas

Butte: Area 1; Area 2.
Colusa: Area 1.
Sacramento: Area 1; Area 2; Area 3; Area 5; T. 4 N., R. 3 E.; T. 4 N., R. 4 E.
Solano: Area 2.
Sutter: Area 2; Area 3.
Tehama: Tehama County.
Yolo: Area 6; Area 7; Area 8.
Yuba: Yuba County.

(b) *Colorado.*

County and Areas

Adams: Area 1.
Crowley: Area 1; Area 2; T. 21 S., R. 56 W; T. 19 S., R. 56 W.
Larimer: Area 1; Area 3; Area 5; T. 4 N., R. 69 W.; T. 10 N., R. 68 W.; T. 10 N., R. 69 W.
Logan: Area 1; Area 2; Area 3; Area 4; Area 5.
Morgan: Area 2; T. 3 N., R. 58 W.; T. 4 N., R. 57 W.; T. 3 N., R. 57 W.; T. 4 N., R. 56 W.; T. 4 N., R. 55 W.; T. 3 N., R. 60 W.; T. 3 N., R. 56 W.; T. 5 N., R. 59 W.
Otero: Area 1; Area 2; Area 3.
Prowers: Area 1; Area 2.
Pueblo: T. 21 S., R. 62 W.
Weld: Area 3; T. 6 N., R. 63 W.; T. 4 N., R. 64 W.; T. 5 N., R. 64 W.; T. 6 N., R. 64 W.; T. 7 N., R. 64 W.; T. 1 N., R. 65 W.; T. 2 N., R. 65 W.; T. 4 N., R. 65 W.; T. 5 N., R. 65 W.; T. 6 N., R. 65 W.; T. 7 N., R. 65 W.; T. 8 N., R. 65 W.; T. 1 N., R. 66 W.; T. 2 N., R. 66 W.; T. 4 N., R. 66 W.; T. 5 N., R. 66 W.; T. 6 N., R. 66 W.; T. 3 N., R. 67 W.; T. 4 N., R. 67 W.; T. 2 N., R. 68 W.; T. 4 N., R. 68 W.

(c) *Idaho.*

County and Areas

Bannock: T. 9 S., R. 37 E.
Franklin: Area 1; Area 4.

(d) *Illinois.*

County and Areas

Cook: Area 1.
Will: Will County.

(e) *Indiana.*

County and Areas

Lake: Ross.

(f) *Michigan.*

County and Areas

Clinton: Clinton County.
Genesee: Genesee County.
Gladwin: Gladwin County.
Gratiot: Area 1; Area 2; Bethany; Wheeler; Emerson.
Huron: Area 1; Area 2; Area 3; Area 4; Area 5; Area 6; Area 7; Colfax; Fairhaven; Lincoln; McKinley; Sand Beach; Winsor.
Isabella: Area 1; Area 2.
Lapeer: Area 1; Area 3.
Macomb: Macomb County.
Midland: Hope; Porter; Jasper.
Saginaw: Area 3; Area 4; Tittabawassee; Saginaw; Spaulding; Albee.
St. Clair: Area 1; Area 2; Area 3.
Sanilac: Area 1; Area 2; Area 3; Area 4; Area 5; Sanilac; Reed; Elmer; Lexington; Fremont; Marlette; Custer; Wheatland.
Shiawassee: Shiawassee County.
Tuscola: Area 1.

(g) *Minnesota.*

County and Areas

Big Stone: Big Stone County.
Carver: Carver County.
Chippewa: Area 1.
Faribault: Area 1; Area 2; Area 3.
Freeborn: Freeborn.
Kandiyohi: Area 1; Area 2.
Lac qui Parle: Lac qui Parle County.
Marshall: Area 5.
Martin: Area 1; Area 2.
Nicollet: Nicollet County.
West Polk: Area 9.
Renville: Area 1; Area 2; Area 3; Area 4; Area 5.
Sibley: Area 1; Area 2.
Yellow Medicine: Yellow Medicine County.

(h) *Montana.*

County and Areas

Big Horn: Area 3; Area 4.
Blaine: Area 1; Area 2; Area 3.
Lake: Lake County.
Missoula: Missoula County.
Phillips: Phillips County.
Ravalli: Area 1; T. 8 N., R. 20 W.
Treasure: Area 2.
Yellowstone: Area 3.

(i) *Nebraska.*

County and Areas

Burt: Burt County.
Dawson: Area 1; Area 2; Area 3.
Kearney: Area 2.
Sheridan: Area 1; T. 29 N., R. 45 W.

(j) *New York.*

County and Areas

Yates: Torrey; Potter.

(k) *North Dakota.*

County and Areas

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(l) *Utah.*

County and Areas

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(m) *Washington.*

County and Areas

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(n) *Wyoming.*

County and areas

Goshen: Area 1; Area 2; Area 3; Area 5; T. 22 N., R. 60 W.; T. 23 N., R. 61 W.; T. 23 N., R. 62 W.; T. 24 N., R. 61 W.; T. 24 N., R. 62 W.; T. 25 N., R. 63 W.; T. 25 N., R. 62 W.

Platte: Area 1; Area 2; Area 3; T. 24 N., R. 67 W.

Statement of bases and considerations. One of the conditions of eligibility of a sugarbeet producer for prevented acreage credit, as provided in § 849.2 of this chapter, is that the farm of such producer be located in a local producing area for which the Agricultural Stabilization and Conservation County Committee determines that the planting or harvesting of sugarbeets was adversely, seriously, and generally affected by certain uncontrollable national conditions on 10 percent or more of the sugarbeet farms in the area or on an acreage equal to 10 percent or more of the number of acres planted to sugarbeets on farms in the area.

The purpose of this supplement is to give notice that specific local producing areas have qualified under the requirements of § 849.2 with respect to the 1965 crop of sugarbeets.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 302, 61 Stat. 930, as amended; 7 U.S.C. 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on October 19, 1966.

JOHN C. BROWN, Jr.,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 66-11589; Filed, Oct. 24, 1966; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Volume Regulation for 1966–67 Crop Year

Notice was published in the October 13, 1966, issue of the FEDERAL REGISTER (31 F.R. 13244) regarding a proposal to provide free tonnage of 142,000 tons and to designate the percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the 1966–67 crop year beginning September 1, 1966, which shall be free tonnage, reserve tonnage, and surplus tonnage respectively. Interested persons were afforded an opportunity to submit written data, views, or arguments with respect to the proposal; and several comments were submitted.

The proposal was based on the recommendation of the Raisin Administrative Committee and other information. The Committee is established under, and its recommendations are made in accordance with, the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

The free, reserve, and surplus percentages, as hereinafter set forth, for natural Thompson Seedless raisins are designed to achieve a free tonage of 142,000 tons (estimated to equal trade demand) and to protect against possible under-estimation of production (presently estimated at 237,000 tons). To prevent accumulated reserve tonnage not needed to meet free tonnage requirements from continuing as reserve until August 1, 1967—the date when unsold reserve tonnage raisins become surplus tonnage raisins under this part—and becoming a threat to free tonnage prices, appropriate modification of the percentages in accordance with this part would be made during February 1967. At that time essentially all of the raisins will have been acquired by handlers. Any such modification, based on relevant information then available, will be designed in accordance with this part to provide as reserve tonnage an amount equal to the deficit in the free tonnage and add the remainder of the reserve tonnage to the surplus tonnage. Such small additional tonnage as may be accumulated thereafter due to the modified reserve percentage would, subject to § 989.67(c), become surplus tonnage on August 1, 1967.

The total supply of other varietal types of raisins is expected to approximate 21,000 tons. The 1966–67 supply of such raisins is not deemed to be in excess of the quantity that can be marketed in all outlets at reasonable prices and the quantity needed for desirable carryout. Volume regulation for these varietal types therefore, is not being established.

The Committee recommended that no change be made in the list of countries for export sale of surplus tonnage by or through handlers. The list established in § 989.224 (7 CFR Part 989) remains applicable.

After consideration of all relevant matter presented, including that in the notice, the views submitted pursuant to the notice, the information and recommendation submitted by the Committee, and other available information, it is found that to designate for natural (sun-dried) Thompson Seedless raisins the free tonnage percentage, reserve tonnage percentage, and surplus tonnage percentage for the 1966–67 crop year, as set forth below, will tend to effectuate the declared policy of the act.

§ 989.224 Free, reserve, and surplus percentages for the 1966–67 crop year.

The percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1966, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are designated as follows: Free tonnage percentage, 50 percent; reserve tonnage percentage, 15 percent; and surplus tonnage percentage, 35 percent.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (7 U.S.C. 1003(c)) in that: (1) Under this regulatory program the percentages designed for a crop year apply to all standard raisins of the applicable varietal type acquired by handlers from the beginning of the crop year, and such acquisitions for the crop year have begun; and (2) the current crop year began September 1, 1966, and the percentages herein designated will automatically apply to such raisins acquired on and after that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 19, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11590; Filed, Oct. 24, 1966; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Announcement PS–CN–2, Amdt. 8]

PART 1427—COTTON

Subpart—1964–66 Cotton Equalization Program—Payment-in-Kind Regulations

DEFINITION OF COTTON HANDLER

In order to provide for payments to cotton firms who were not cotton handlers on July 31, 1966, but who had eligible cotton in their inventories on that date, paragraph (c) of § 1427.1952 of the 1964–66 Cotton Equalization Program—Payment-in-Kind Regulations (Announcement PS–CN–2) dated July 1, 1964 (29 F.R. 8465), is amended to read as follows:

§ 1427.1952 Definitions.

* * * * *

(c) *Cotton handler.* "Cotton handler" means a person (1) who is regularly engaged in the business of buying and selling upland cotton, is an exporter, or is a domestic cotton user and (2) who has entered into an Agreement of Cotton Handler, Form CCC 853 (referred to in this subpart as "Form 853") with CCC or applies for payment only on eligible cotton in his inventory as of midnight July 31, 1966. Persons desiring to participate as cotton handlers in the program provided in this subpart should make application to the New Orleans office. Applications shall be made on Application for Approval as Cotton Handler, Form CCC 852 (referred to in this subpart as "Form 852") and must be received by the New Orleans office by December 31, 1966.

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended, sec. 101, 78 Stat. 173, sec. 203, 70 Stat. 188, sec. 401, 79 Stat. 1187; 15 U.S.C. 714b, 714c, 7 U.S.C. 1348, 7 U.S.C. 1853)

Effective date. This amendment shall become effective upon filing with the Office of the Federal Register.

Signed at Washington, D.C., on October 20, 1966.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66-11607; Filed, Oct. 24, 1966; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7162; Amdt. 11–6]

PART 11—GENERAL RULE-MAKING PROCEDURES

Issue of Airworthiness Directives by Regional Directors

The purpose of this amendment is to add a new Subpart E to Part 11 of the Federal Aviation Regulations to authorize the FAA Regional Directors within the 48 contiguous States to issue Airworthiness Directives. Airworthiness Directives are rules issued under Part 39 of the Federal Aviation Regulations when an unsafe condition exists in a product and that condition is likely to exist in other products of the same type design.

This action was published as a notice of proposed rule making in the FEDERAL REGISTER on February 18, 1966 (31 F.R. 2903).

Eighteen comments were received on the proposal and the overall reaction was one of opposition. These comments were based primarily on two points, that decentralization would lead to a lack of uniformity in the policies and procedures governing the issue of AD's and that decentralization would result in the issue of more AD's. The overall policies and procedures governing the issue of AD's will continue to be the responsibility of FAA's Washington headquarters and AD's will be issued by the regions only in accordance with these policies and procedures. Regional actions will be monitored carefully, especially in the initial stages, to assure that a lack of uniformity does not occur. In connection with its review of the comments on this proposal, the Agency has again reviewed industry comments on the proposed decentralization of airspace rule making in 1964 (Amendment 11–3, effective July 13, 1964). Many of the same organizations expressed substantially the same objections at that time. Experience since that time has shown, however, that the airspace rule writing has been handled on a more expeditious and satisfactory basis by the regions and no unjustifiable increase in the number of airspace actions has occurred. While the airspace and airworthiness regulatory functions can be distinguished in certain respects, the Agency believes it reasonable to anticipate that similar results will accrue from the decentralization of the issue of Airworthiness Directives.

No provision appears in the rule for headquarters' participation, on a case-by-case basis, in Airworthiness Directive rule making. It is the intent of the amendment to delegate complete authority to Regional Directors in these matters. Section 11.93, however, provides that petitions for reconsideration may be submitted to the Administrator within 30 days after publication of the rule. This provision should provide adequate relief for parties who feel that rule-making action taken by a Regional Director is contrary to the public interest.

The FAA regional offices are currently responsible for the original determination that an aircraft is in safe condition for operation. Both type certificates and airworthiness certificates are issued by those offices. In addition, initial responsibility for determining the need for, and the substantive requirements of, Airworthiness Directives are developed in the regional offices and are submitted to the Agency headquarters for processing and issuance. This practice has resulted in administrative difficulties and delays with no major compensating substantive benefits to the public or the Agency. Thus, the delegation of the final rule-making authority to the regions merely completes a substantive delegation that has been in effect for many years.

No redelegation of authority by a Regional Director will be authorized. With this consideration and with the distribution to the regions of internal directives on the processing of Airworthiness Directives, the Agency believes that proper control will be maintained over the program. At the same time, regional handling of cases should accelerate their processing and permit decisions to be made by Agency officials most familiar with the case.

The Alaskan, Pacific, and European Regions of the Agency are not staffed to handle the entire processing of Airworthiness Directives. For this reason, Airworthiness Directives arising in those regions will continue for the present to be developed in those regions, will be processed in the Agency headquarters, and will continue to be issued by the Director, Flight Standards Service.

A duplicate docket will be maintained in Agency headquarters for each regional Airworthiness Directive action.

In consideration of the foregoing, Part 11 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective January 1, 1967, as hereinafter set forth.

(Secs. 308(d), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1346, 1354, and 1421))

Issued in Washington, D.C., on October 21, 1966.

WILLIAM F. MCKEE,
Administrator.

Part 11—General Rule-Making Procedures, of the Federal Aviation Regulations, is amended as follows:

§ 11.11 [Amended]

(1) Section 11.11 is amended by striking out the words "Subpart D" and inserting the words "Subparts D and E" in place thereof.

(2) The title of Subpart C is amended to read as follows:

Subpart C—Processing of Rules Other Than Airworthiness Directives and Airspace Assignment and Use

(3) Section 11.41(b) is amended to read as follows:

§ 11.41 Scope.

* * * * *

(b) This subpart applies to rule-making procedures other than for Airworthiness Directives and rules relating to Airspace Assignment and Use.

(4) The following new subpart is added at the end:

Subpart E—Processing of Airworthiness Directives

Sec.
11.81 Scope.
11.83 Processing of petitions for rule making or exemption.
11.85 Issue of notice of proposed rule making.
11.87 Proceedings after notice of proposed rule making.
11.89 Adoption of final rules.
11.91 Grant or denial of exemption.
11.93 Petitions for reconsideration of rules.

AUTHORITY: The provisions of this Subpart E issued under secs. 303(d), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1344, 1354, 1421.

Subpart E—Processing of Airworthiness Directives

§ 11.81 Scope.

(a) This subpart prescribes the procedures to be followed in rule-making proceedings for Airworthiness Directives issued pursuant to Part 39 and in granting or denying exemptions from Airworthiness Directives. It also designates the persons that are authorized to act for the Administrator in connection with those proceedings and exemptions.

(b) For the purposes of this subpart, "Director" means the Director, Flight Standards Service, or a Regional Director of a region within the 48 contiguous States. The authority of the Regional Director is limited to Airworthiness Directives for products for which a type certificate was issued in his region, or in the case of a product for which no type certificate was issued, a product that was manufactured in his region.

(c) For the purposes of this subpart, "General Counsel" means the General Counsel or a Regional Counsel, or any person to whom the General Counsel or Regional Counsel has delegated his authority in the matter concerned.

§ 11.83 Processing of petitions for rule making or exemption.

Whenever the FAA receives a petition for rule making or for an exemption, a copy of the petition is referred for action, as provided in § 11.27, to the Director having Airworthiness Directive responsibility for the product involved.

§ 11.85 Issue of notice of proposed rule making.

Whenever he determines that a notice of proposed rule making is necessary or desirable, the Director may, subject to the approval of the General Counsel with respect to form and legality, issue the notice provided for in § 11.29. In addition, he may grant or deny petitions for extension of the time for comments on the notice, filed under § 11.29(c).

§ 11.87 Proceedings after notice of proposed rule making.

(a) Each person who submits written information, views, or arguments in response to a notice of proposed rule making, or during additional rule-making proceedings in connection with such a notice, must file the number of copies specified in the notice.

(b) Whenever the Director determines that additional rule-making proceedings of the kind described in § 11.33 are necessary or desirable, he may designate representatives to conduct those proceedings.

§ 11.89 Adoption of final rules.

In any case in which a notice of proposed rule making was issued, the Director completes his analysis and evaluation of the information, views, and arguments submitted with respect to the proposed rule and studies the entire matter. In any case in which the subject matter is, for good cause, submitted to the rule-making process without notice, the Director initiates the procedure. The General Counsel determines whether legal justification exists for the action proposed, and thereafter prepares an appropriate rule or notice of denial. The rule or notice of denial is then submitted to the Director for his action.

§ 11.91 Grant or denial of exemption.

(a) The Director may, subject to the approval of the General Counsel with respect to form and legality, grant or deny any petition for an exemption from an Airworthiness Directive.

(b) Whenever a petition is granted or denied under this section, the Director prepares, subject to the approval of the General Counsel with respect to form and legality, a notice to the petitioner informing him of the action taken.

§ 11.93 Petitions for reconsideration of rules.

(a) Any interested person may petition the Administrator for a rehearing on, or for reconsideration of, any Airworthiness Directive. Such a petition must be filed, in duplicate, within 30 days after the rule is published in the FEDERAL REGISTER. It must contain a brief statement of the complaint and an explanation as to how the rule is contrary to the public interest.

(b) If the petitioner requests the consideration of additional facts, he must state their nature and purpose and the reason they were not presented at the hearing or in writing within the allotted time.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator orders otherwise, the filing of a petition under this section does not stay the effect of a rule or order.

[F.R. Doc. 66-11654; Filed, Oct. 24, 1966; 8:49 a.m.]

[Airspace Docket No. 66-SW-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On August 16, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10895) stating that the Federal Aviation Agency proposed to designate the Marfa, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the Marfa, Tex., transition area is designated as follows:

MARFA, TEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marfa Municipal Airport (latitude 30°22'15" N., longitude 104°01'15" W.) and within 5 miles NE and 8 miles SW of the Marfa VOR 324° and 144° radials extending from the 7-mile radius area to 14 miles SE of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on October 14, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-11567; Filed, Oct. 24, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Douglas, Wyo., transition area.

The Federal Aviation Agency has determined that the Douglas transition area is not required for air traffic control purposes and therefore is no longer justified as an assignment of controlled airspace.

Since the change effected by this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth:

In § 71.181 (31 F.R. 2180) the Douglas, Wyo., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on October 14, 1966.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 66-11568; Filed, Oct. 24, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 10198 and 10199 of the FEDERAL REGISTER for July 28, 1966, the Federal Aviation Agency published proposed regulations which would designate a Princeton, N.J. transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., December 8, 1966.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 6, 1966.

WAYNE HENDERSHOT,
Deputy Director Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Princeton, N.J., transition area as follows:

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°23'55" N., 74°39'30" W., of Princeton Airport, within 2 miles each side of the Solberg, N.J., VOR 161° radial extending from the 4-mile radius area to the VOR; and within 2 miles each side of the runway 27 centerline extended from the 4-mile radius area to 6 miles west of the end of the runway.

[F.R. Doc. 66-11569; Filed, Oct. 24, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 11109 and 11110 of the FEDERAL REGISTER for August 20, 1966, the Federal Aviation Agency published proposed regulations which would designate a 700-foot floor transition area over Winchester-Codell Airport, Winchester, Ky.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., December 8, 1966.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 6, 1966.

WAYNE HENDERSHOT,
Deputy Director Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Winchester, Ky., described as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (38°01'20" N., 84°13'10" W.) of Winchester-Codell Airport, Winchester, Ky.

[F.R. Doc. 66-11570; Filed, Oct. 24, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Agency is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Portland, Maine, transition area.

The U.S. Navy has concurred in the deletion of the Brunswick, Maine, Caution Area C-516. The Portland, Maine, transition area includes an exclusion based on C-516 and therefore it will be necessary to alter the transition area description.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Portland, Maine, transition area the phrase, "excluding the portion within R-4901 and C-516" and insert in lieu thereof the phrase, "excluding the portion within R-4901.".

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 6, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-11571; Filed, Oct. 24, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Agency is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Falmouth, Mass., control zone.

The U.S. Air Force plans to decommission the Otis Air Force Base, Mass., VOR and to cancel associated instrument approach procedures. The Falmouth, Mass., control zone is described in part, by reference to the VOR. Before the VOR can be decommissioned, reference to the VOR in the Falmouth, Mass., control zone description must be deleted.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Falmouth, Mass., control zone the phrase, "within 2 miles each side of the Otis VOR 035° radial, extending from the 5 mile radius zone to 10.5 miles NE of the VOR;".

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 6, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-11572; Filed, Oct. 24, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Area Extension Description

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to correct the description of Control 1418 by restoring the phrase "and excluding the portion within W-460". This phrase excluding the warning area was inadvertently omitted in the amendment published on May 5, 1966, in the FEDERAL REGISTER (31 F.R. 6685).

Since this amendment is editorial in nature, imposes no additional burden on any person, and is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

In § 71.163 (29 F.R. 2050) Control 1418 is amended by adding "and excluding the portion within W-460" as the concluding phrase.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510), E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 18, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-11573; Filed, Oct. 24, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-75]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area/Military Climb Corridor

The purpose of this amendment to Part 73 is to revoke the Bangor, Maine (Dow AFB), Restricted Area/Military Climb Corridor, R-3903.

In keeping with its policy of reexamining restrictions on the public use of airspace, the Federal Aviation Agency has reviewed the utilization of R-3903 and determined that use of improved radar departure procedures devised for Air Defense Command missions at Dow AFB have negated the requirement for the restricted area/military climb corridor.

The U.S. Air Force agrees that alternate procedures in effect or planned will permit desirable interceptor departure routings from Dow AFB and that the requirement for the restricted area/military climb corridor no longer exists.

Revocation of R-3903 will permit restoration of V-39 to a direct course between the Augusta VOR and Millinocket VORTAC and thus further reduce the burden on the public. Separate rule-making action will be taken to realign the airway.

Since this restricted area/military climb corridor was designated solely for use of the military, revocation thereof will reduce the burden on the public. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.39 (31 F.R. 2315), R-3903 Bangor, Maine (Dow AFB), Restricted Area Military Climb Corridor is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 17, 1966.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 66-11574; Filed, Oct. 24, 1966; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of C.C.L. 7]

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Miscellaneous Amendments

Part 399 of Title 15 of the Code of Federal Regulations is amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

Effective date: October 12, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

Section 399.1 *Commodity Control List* is revised as follows:

Preface. With this revision the Department of Commerce made the following announcement:

Secretary of Commerce John T. Connor today announced that the Department of Commerce is revising the Commodity Con-

trol List to permit approximately 400 nonstrategic commodities to move under general license to the U.S.S.R. and other Eastern European Communist countries. Validated export licenses previously have been required for this movement. The revision does not apply to the Soviet-controlled zone of East Germany, with which the United States has no diplomatic relations. The Department of Commerce action followed President Johnson's announcement on Friday, October 7, that "we will reduce export controls on East-West trade with respect to hundreds of nonstrategic items," as one of several measures designed to facilitate trade with Eastern Europe.

In revising the List, the Department of Commerce has removed from the specific licensing requirement commodities that fall into the category of peaceful goods, which may be freely exported without any risks to U.S. national interests. The commodities which are being placed under general license include textile products, certain metal manufactures and machinery, chemical materials and products and a variety of manufactured articles. The Commerce Department consulted with other interested departments, including Defense, State, Agriculture, Interior, and the Intelligence Community, in taking this step.

Although the export of these commodities may now be made to Communist countries of Eastern Europe without prior specific approval of the Department of Commerce, the requirement continues for individual licenses with respect to other goods. Removal of the nonstrategic commodities from the Commodity Control List will reduce the administrative task of both business enterprises which sell these commodities and the Government. Business firms will no longer be required to apply for and await the issuance of a license before agreeing to a transaction. The changes in the List will also facilitate the President's objective of expanding peaceful trade with Eastern Europe.

The Commodity Control List has also been revised to remove a few commodities from licensing controls for shipments to Hong Kong, Macao, and other countries.

The details of the Commodity Control List revisions are described below.

A. *Revisions.* The Commodity Control List is revised as set forth below, effective October 12, 1966, unless otherwise specified. Exporters are advised that only the items listed below opposite the specific Export Control Commodity Numbers are affected by these changes. The unnumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two different types of explanatory numerical references are used at the end of a commodity description:

(a) A numerical reference enclosed in parentheses to indicate the entry being revised. For example, where a revised entry is followed by (1), this indicates that the new entry revises the first entry or only entry presently on the Commodity Control List under the same Export Control Commodity Number; if the entry is followed by a (2), it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote below which explains the effect of the revision.

[1] A validated license is no longer required for export of these commodities to Country Group Y.

[2] A validated license is no longer required for export of these commodities to Country Group Y, except to East Germany.

[3] A validated license is no longer required for export of these commodities to Country Groups X and Y, except to East Germany.

[4] A validated license is no longer required for export of: (a) Invert, liquid, and powdered sugar to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to County Group Y, except to East Germany.

[5] Revisions for these commodities were announced in Current Export Bulletin No. 939, dated Aug. 30, 1966.

[6] The commodity description is revised with no change in controls.

[7] A validated license is no longer required for export of these commodities to Country Group X.

[8] A validated license is no longer required for export of: (a) Natural calcium silicate, kieserite, magnesium sulphate, and sodium sulphate to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[9] Two entries are substituted for an entry presently on the Commodity Control List under this Export Control Commodity Number.

[10] A validated license is no longer required for export of: (a) Aliphatic naphthas, mineral spirits, solvents, and other light aliphatic products included in this entry, to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[11] A separate entry is established for these commodities under the same Export Control Commodity Number.

[12] A validated license is no longer required for export of: (a) Sodium pentachlorophenol to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[13] A validated license is no longer required for export of these commodities to Country Groups X and Y.

[14] The GLV dollar-value limit is increased.

[15] Other commodities formerly included in this entry are now included in other Export Control Commodity Numbers as follows: Saturating compounds, asphalt base, 33296; soil conditioners, 51206; ceramic printing paste, 53331; platinum or silver liquids for decorating china and glass, and shellac substitutes, 53332; marble polish, 55430; plant nutrients, 56100; brewers' finings (solution of isinglass), and paper-coating pastes, 59958; rosin size, 59974; pickling inhibitors, and metal patch alloys, 59994; denatured alcohol, solidified, 89933; other commodities formerly included in this entry, 59999.

[16] Bromine trifluoride and bromine pentafluoride require export authorization from the U.S. Department of State.

[17] A validated license is no longer required for export of: (a) Zinc hydroxide to Country Groups X and Y, except to East Germany, and (b) iron hydroxide and zinc peroxide to Country Group Y, except to East Germany.

[18] A validated license is no longer required for export of: (a) Potassium hydroxide to Country Group Y, except to East Germany, and (b) peroxides of potassium or sodium to Country Groups X and Y, except to East Germany.

[19] Two entries are substituted for two entries presently on the Commodity Control List under this Export Control Commodity Number.

[20] The GLV dollar-value limit is decreased, effective Oct. 19, 1966.

[21] Formerly included in Export Control Commodity No. 51309.

[22] A validated license is no longer required for export of: (a) Tannic acids and derivatives to Country Groups X and Y, except to East Germany, and (b) other tanning and dyeing extracts of vegetable or animal origin to Country Group Y, except to East Germany.

[23] A validated license is no longer required for export of: (a) Steel burnishing mixtures to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[24] A validated license is no longer required for export of: (a) Caps for cap pistols, and commercial fireworks and pyrotechnics for entertainment only, to Country Group Y, except to East Germany, and (b) other nonmilitary pyrotechnical articles to Country Groups X and Y, except to East Germany.

[25] Two entries are substituted for four entries presently on the Commodity Control List under this Export Control Commodity Number.

[26] A validated license is no longer required for export of: (a) Sodium carboxymethyl cellulose to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[27] A validated license is no longer required for export of: (a) Wood tar, tar oils, and creosote to Country Group Y, except to East Germany, and (b) wood naphtha and acetone oil to Country Groups X and Y, except to East Germany.

[28] A validated license is no longer required for export of: (a) Glass grenades for fire extinguishers to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[29] A validated license is no longer required for export of: (a) Beehives and hog troughs to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[30] A validated license is no longer required for export of man-made fiber tire cord and tire cord fabric to Country Group X.

[31] A validated license is no longer required for export of: (a) Gold thread with textile to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

[32] A validated license is no longer required for export of: (a) Nylon fishing line, twine, or rope to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

[33] A validated license is no longer required for export of: (a) Canvas sails to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

[34] A validated license is no longer required for export of: (a) Automobile seat covers and seat belts, and belts for occupational use to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

[35] A validated license is no longer required for export of: (a) Battery jars, crucibles, grinding balls, mortars, pill tiles, acid-proof pipe and fittings, porcelain ware, pyrometer tubes, raschig rings, sleeves, tanks, and water filters to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[36] A validated license is no longer required for export of: (a) Clear or tinted auto glass to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[37] A validated license is no longer required for export of: (a) Glass fiber for insulation to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[38] A validated license is no longer required for export of: (a) Walk-in coolers, or for air conditioners for nonmilitary automobiles, trucks, busses, and trailers, and parts therefor to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[39] The symbol "E" is added in the column headed "Special Provisions List," indicating that the commodity may be exported under the Periodic Requirements licensing procedure. This symbol is followed by a numerical designation to indicate the PRL Commodity Group to which this commodity has been assigned (see Part 376).

[40] The PRL Commodity Group Number applicable to magnesium alloy powder is changed (see Part 376).

[41] A validated license is no longer required for export of: (a) Woodworking power saw blades to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

[42] A validated license is no longer required for export of: (a) File blanks to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

[43] A validated license is no longer required for export of these commodities to Country Groups W, X, and Y.

[44] A validated license is no longer required for export of: (a) Hand-operated augers, bits, chisels, reamers, single point tools, and woodworking punches to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[45] A validated license is no longer required for export of: (a) Beet knives, cane knives, Maeschaert knives, and roller knives for sugar mill machines to Country Groups X and Y, except to East Germany, and (b) other machine knives and blades, except metalcutting, to Country Group Y, except to East Germany.

[46] A validated license is no longer required for export of: (a) Figures, flower racks, and mirrors of nonferrous metals to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

[47] Effective Oct. 19, 1966, a validated licence is required for export of these commodities to Country Groups T and V.

[48] The unit of quantity is changed.

[49] A validated license is no longer required for export of: (a) Boat spikes, wire nails, wire staples, and wire spikes to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

[50] Two entries are substituted for three entries presently on the Commodity Control List under this Export Control Commodity Number.

[51] A validated license is no longer required for export of: (a) Parts, accessories, and attachments for cotton gins to Country Groups X and Y, except to East Germany, (b) for gold spinnerette blanks to Country Group X, and (c) parts, accessories, and attachments for looms other than cotton looms to Country Group Y, except to East Germany.

[52] A validated license is no longer required for export of: (a) Film slitters and parts to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

[53] A validated license is no longer required for export of electroplating, stereotyping, and photoengraving machines, and printing plates and cuts, and parts and accessories therefor to Country Group X; also, photocopying machines and parts and accessories are transferred from Export Control Commodity Nos. 71420 and 71491.

[54] A validated license is no longer required for export of: (a) Refrigerated containers, or for air conditioners for nonmilitary automobiles, trucks, busses, and trailers, and parts therefor to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[55] Three entries are substituted for an entry presently on the Commodity Control List under this Export Control Commodity Number.

[56] This entry or a similar entry is transferred from Export Control Commodity No. 71911.

[57] Three entries are substituted for two entries presently on the Commodity Control List under this Export Control Commodity Number.

[58] A validated license is no longer required for export of cooling towers and cooling pond units, vegetable oil machines, and tobacco processing machines, n.e.c., to Country Group Y, except to East Germany.

[59] A validated license is no longer required for export of railroad track, motor truck, and industrial beam scales to Country Group X.

[60] A reporting requirement is added.

[61] A validated license is no longer required for export of: (a) Concrete floor finishing machines, buggies, vibrators, rotary finishers, and parts and accessories therefor to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[62] Effective Oct. 19, 1966, a validated license is required for export of these commodities to Country Groups T, V, and W.

[63] A validated license is no longer required for export of: (a) Spacer insulators of clay, and electrical insulators and fittings of asbestos or rubber to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[64] A validated license is no longer required for export of these commodities to Country Groups T and V.

[65] Fuel cells are included under Export Control Commodity No. 72911, and rechargeable cells are included under No. 72912.

[66] A validated license is no longer required for export of primary battery and cell parts to Country Group X.

[67] A validated license is no longer required for export of these commodities to Indonesia.

[68] The following modular insulator panels are no longer subject to the Import Certificate/Delivery Verification procedure (see § 373.2): Constructed of paper base phenolics, glass cloth melamine, glass cloth epoxy resins, or other materials with an operating temperature range not exceeding that of the aforementioned materials and which are not types defined in (a) of this revised entry and which do not incorporate any semiconductors, diodes, transistors, etc., which are subject to the Import Certificate/Delivery Verification procedure under Export Control Commodity No. 72930.

[69] Other electronic components formerly included in this entry are included in an entry under Export Control Commodity No. 72906.

[70] Four entries are substituted for four entries presently on the Commodity Control List under this Export Control Commodity Number.

[71] A validated license is no longer required for export of: (a) Motorcycle lighting and signalling equipment to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[72] Formerly included in the third entry under Export Control Commodity No. 86191. Electric or electronic types are transferred and consolidated with the 54th entry under No. 72952; mechanically operated types remain under No. 86191.

[73] A validated license is no longer required for export of permanent magnets of nonferrous metal which do not meet the specifications set forth in § 399.2, Interpretation 6, and for electromagnetic appliances, to Country Group X. In accordance with previously announced controls a validated license is not required for export to Country Group X of iron or steel permanent magnets which do not meet the specifications of Interpretation 6.

[74] A validated license is no longer required for export to Country Group X of parts and accessories for wheel tractors other than garden tractors included in this entry. In accordance with previously announced controls a validated license is not required to Country Group X of parts and accessories for garden tractors.

[75] This entry is deleted. Truck body tanks are included under Export Control Commodity No. 73205.

[76] A validated license is no longer required for export of: (a) Warm air furnaces, cast iron heating boilers, radiators and convectors, central heating steel boilers, rotary furnaces, floor gas furnaces, water boilers, coils and covers for fin tube radiation, and parts for the foregoing, to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[77] A validated license is no longer required for export of: (a) Metal laboratory furniture to Country Groups X and Y, except to East Germany, and (b) plastic furniture to Country Group Y, except to East Germany.

[78] A validated license is no longer required for export of: (a) Safety apparel to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

[79] A validated license is no longer required for export of: (a) Firemen's hats, miners' helmets, and other safety helmets to Country Groups X and Y, except to East Germany, and (b) other commodities included in this entry to Country Group Y, except to East Germany.

[80] A validated license is no longer required for export to Country Group X of commodities included in this entry except editing machines, preview machines, splicing kits, screen fabric, and motion picture screens other than background projection. In accordance with previously announced controls a validated license is not presently required for export of these excepted commodities to Country Group X.

[81] This entry is deleted. Extraction, production, and treatment equipment should be reported in Export Control Commodity No. 71919. Electric or electronically operated instruments for chemical analysis should be reported in Export Control Commodity No. 72952.

[82] A validated license may be required if this commodity contains technical data. See Part 385.

[83] A validated license is no longer required for export of: (a) Clocks except alarm clocks, electric mantel clocks, nonelectric novelty clocks, attendance time recorders, job cost recorders, time clocks, watchmen's clocks, and time stamp machines to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany. In accordance with previously announced controls a validated license is not presently required for export of alarm clocks,

electric mantel clocks, and nonelectric novelty clocks to Country Group X.

[46] Three entries are substituted for an entry presently on the Commodity Control List under this Export Control Commodity Number.

[47] A validated license is no longer required for export of: (a) Arm bands, bathroom fixtures, boxes, casein plastic slides, cellophane tape, frames except display frames, handles, job trays, knobs, mailing cases, nursing bottles, shower curtains, stoppers for basins and bathtubs, suspenders, toilet seats, vials, and waterproof outergarments to Country Group Y, except to East Germany, and (b) other commodities included in this entry to Country Groups X and Y, except to East Germany.

[48] A validated license is no longer required for export of: (a) Wire cloth sieves of iron or steel to Country Group Y, except to East Germany, and (b) other wire cloth sieves included in this entry to Country Groups X and Y, except to East Germany.

[49] Effective Oct. 19, 1966, a validated license is required for export of these commodities to Country Group W.

[50] This entry is transferred from Export Control Commodity No. 51500.

[51] Effective Oct. 19, 1966, a validated license is required for export to Country Groups T, V, W, and X of articles added to this entry made of magnetic materials which meet any of the specifications set forth in § 399.2, Interpretation 6. Also, effective Nov. 26, 1966, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export of these commodities to the countries specified in § 373.2.

[52] Effective Nov. 26, 1966, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export of these commodities to the countries specified in § 373.2.

Export Control Commodity Number and Commodity Description
CEREALS AND CEREAL PREPARATIONS
04811 Breakfast cereals, prepared for cooking. (1)[1]
04812 Breakfast cereals prepared for serving. (1)[1]
04840 Other bakery products. (2)[1]
FRUITS AND VEGETABLES
05420 Beans, peas, and other leguminous vegetables, dried. (2)[1]
SUGAR, SUGAR PREPARATIONS, AND HONEY
06130 Sugar, beet and cane, raw or refined. (1)[1]
06180 Sugar, invert, liquid, and powdered; lactose, crude and refined; malt sugar (maltose); maple sugar; refined milk sugar; and crude sugar of milk. (Report medicinal grades of malt sugar (maltose) in Export Control Commodity No. 51203.) (1 and 2)[1]
06201 Sugar-coated cereal foods and candied or sweetened popped corn. (1)[1]
FEEDING-STUFF FOR ANIMALS, EXCLUDING UNMILLED CEREALS
08110 Other vegetable products for animal feed, n.e.c. (2)[1]
08195 Other food wastes, n.e.c. (2)[1]
08199 Other prepared animal feed, including feather meal and alfalfa meal. (2)[1]
MISCELLANEOUS FOOD PREPARATIONS
09100 Margarine; and shortening. (1)[1]
09904 Mayonnaise; and other salad dressings. (1)[1]
09910 Canned hominy; corn chips and similar chips and sticks; and other grain food preparations and dairy food preparations. (1)[1]
HIDES, SKINS, AND FUR SKINS, UNDRESSED
21180 Leather scrap and chrome shavings for fertilizer manufacture. (1)[1]
CRUDE RUBBER, INCLUDING SYNTHETIC AND RECLAIMED RUBBER
23110 Compounds of natural rubber, balata, gutta percha and other allied gums. (2)[1]
23120 Carboxyl terminated polybutadiene; hydroxyl terminated polybutadiene; and cyclized 1,2-polybutadiene. (3 and 11)[1]
23120 Moldable copolymers of butadiene and acrylic acid; and moldable terpolymers of butadiene, acrylonitrile, and acrylic acid or any of the homologues of acrylic acid. (5 and 6)[1]
23120 Neoprene (polymers of chloroprene). (10)[1]
23140 Waste and scrap of unhardened rubber, natural and synthetic. (1)[1]
PULP AND WASTE PAPER
25160 Chemical wood pulp, dissolving grades. (1)[1]
25172 Sulphate wood pulp, bleached, other than dissolving grades. (1)[1]
25181 Sulphite wood pulp, unbleached. (1)[1]
25182 Sulphite wood pulp, bleached, other than dissolving grades. (1)[1]
TEXTILE FIBERS, NOT MANUFACTURED INTO YARN, THREAD, OR FABRICS, AND THEIR WASTE
26201 Recovered fibers, noils, and waste, n.e.c., wholly or in chief weight wool. (1)[1]
26230 Mohair and other wool-like specialty hair. (1)[1]
26240 Sheep's and lamb's wool, not carded or combed. (1)[1]
26270 Wool or other animal hair, carded or combed, excluding tops. (1)[1]
26280 Tops of wool and other animal hair, except horsehair. (1)[1]
264 Jute, including jute cuttings and waste. (1)[1]
26500 Vegetable fibers and waste of sisal, henequen, manila or abaca. (1)[1]
26621 Other man-made staple fibers, noncellulosic, not carded or combed. (2)[1]
26622 Other continuous filament tow, noncellulosic. (2)[1]
26623 Man-made fibers or waste, noncellulosic, carded or combed or otherwise processed but not spun. (1)[1]
26631 Acetate or rayon (viscose and cuprammonium) staple, not carded or combed. (1)[1]
26632 Acetate or rayon (viscose and cuprammonium) continuous filament two. (1)[1]
26633 Other man-made fibers or waste, cellulosic, carded or combed or otherwise processed but not spun. (2)[1]
26640 Waste of other man-made fibers, not carded or combed. (2)[1]
26700 Other used civilian clothing, used textile articles, n.e.c., and new or used rags. (3)[1]
CRUDE FERTILIZERS AND CRUDE MINERALS, EXCLUDING COAL, PETROLEUM, AND PRECIOUS STONES
27420 Iron pyrites, unroasted. (1)[1]
27621 Mullite grains and pellets. (1)[1]
27640 Asbestos, unmanufactured. (1)[1]
27655 Natural cryolite; and natural chiolite. (2)[1]
27698 Lithium ores and concentrates (for example, ambligonite, lepidolite and petalite). (2)[1]
27698 Arsenic bisulfide, natural; arsenic sulfide, natural; calcium silicate; kieserite, natural; magnesium chloride, natural, anhydrous; magnesium sulphate, natural; sodium sulphate, natural; soil; strontianite; strontium carbonate; and trona. (3 and 4)[1]
METALLIFEROUS ORES AND METAL SCRAP
28100 Iron ore mass. (1)[1]
28200 Terne plated scrap; and tin-plated scrap which has not been detinned. (3)[1]
28393 Tantalum ores and concentrates. (1)[1]
28398 Columbium or niobium ores and concentrates. (3)[1]
28404 Other aluminum or aluminum alloy waste and scrap. (2)[1]
28405 Magnesium alloy scrap containing 0.4 percent or more zirconium, or 1 percent or more rare earth metals (cerium misch metal). (See § 399.2, Interpretations 10 and 12.) (1)[1]
28405 Other magnesium or magnesium alloy waste and scrap. (2)[1]
CRUDE ANIMAL AND VEGETABLE MATERIALS, N.E.C.
29100 Biological supplies, animal origin; glands, crude; hoof meal; horn meal; and pancreas. (1)[1]
PETROLEUM AND PETROLEUM PRODUCTS
33210 Triisobutylene (bbl. of 42 gals.). (2)[7]
33250 Lubricating oils, petroleum based, which are or which contain as the principal ingredients petroleum (mineral) oils and having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of 75 or greater, and (c) are thermally stable at plus 700° F. (plus 371° C.). (1)[1]
33250 Lubricating oils, petroleum based, which are or which contain as the principal ingredients petroleum (mineral) oils and having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of less than 75, and (c) are thermally stable at plus 700° F. (plus 371° C.). (1)[1]
33250 Lubricating oils, petroleum based, which are or which contain as the principal ingredients petroleum (mineral) oils and having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of less than 75, and (c) are thermally stable at plus 700° F. (plus 371° C.). (1)[1]
33250 Lubricating oils, synthetic, which contain as the principal ingredient: (a) Esters of saturated aliphatic monohydric alcohols containing more than six carbon atoms with adipic or azelaic or sebacic acids, (b) esters of trimethylol propane or trimethylol ethane or pentaerythritol with saturated monobasic acids containing more than six carbon atoms, (c) fluoro-alcohol esters and perfluoro-alkyl ethers, or (d) polyphenyl ethers containing more than three phenyl groups. (2, 7, and 10)[1]
33250 Fluorinated silicone fluids; and chlorinated silicone fluids. (6)[1]
33250 Other halogenated silicone fluids. (6)[1]
33250 Lubricating greases, synthetic, which contain as the principal ingredient: (a) Esters of saturated aliphatic monohydric alcohols containing more than six carbon atoms with adipic or azelaic or sebacic acids, (b) esters of trimethylol propane or trimethylol ethane or pentaerythritol with saturated monobasic acids containing more than six carbon atoms, (c) fluoro-alcohol esters and perfluoro-alkyl ethers, or (d) polyphenyl ethers containing more than three phenyl groups. (13 and 15)[1]
33250 Lubricating greases, petroleum based, which contain as the principal ingredients petroleum (mineral) oils having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of 75 or greater, and (c) are thermally stable at plus 700° F. (plus 371° C.). (12)[1]
33250 Lubricating greases, petroleum based, which contain as the principal ingredients petroleum (mineral) oils having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of less than 75, and (c) are thermally stable at plus 700° F. (plus 371° C.). (12)[1]
33262 Paraffin wax, crystalline. (1)[1]
33291 Hydraulic fluids, petroleum based, which are or which contain as the principal ingredients petroleum (mineral) oils and having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower), (b) a viscosity index of 75 or greater and (c) are thermally stable at plus 700° F. plus 371° C.). (2)[1]
33291 Hydraulic fluids, petroleum based, which are or which contain as the principal ingredients petroleum (mineral) oils and having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of less than 75, and (c) are thermally stable at plus 700° F. (plus 371° C.). (2)[1]
33291 Other nonlubricating and nonfuel petroleum oils (bbl. of 42 gals.). (4 and 7)[16]
33292 Pitch of tar coke. (2)[1]
33293 Pitch coke. (1)[1]
33295 Petroleum bitumen and other petroleum and shale oil residues. (2)[1]
33296 Bituminous mixtures, based on asphalt, petroleum, etc. (1)[1]
GAS, NATURAL AND MANUFACTURED
34110 Natural gas liquids, including liquefied petroleum gas (L.P.G.) (bbl. of 42 gals.). (1)[1]
34120 Gas, manufactured (artificial). (1)[1]
CHEMICAL ELEMENTS AND COMPOUNDS
51202 Fluoro-alcohol esters and perfluoro-alkyl ethers. (4 and 18)[1]
51202 Ortho-aminonitro-benzene; para-hydroxy-chlorobenzene; and para-toluenesulfonylchloride. (18)[1 11]
51202 Paradow ®. (16)[1]
51202 Trimellitic acid and anhydrides; and pyromellitic acid and dianhydrides. (18)[11 20]
51203 Methionine hydroxy analogue. (5)[1 11]
51204 6, ethoxy-1,2 dihydro-2,2,4-trimethylquinoline. (3)[1 11]
51204 Other rubber compounding chemicals, n.e.c. (3)[7]
51205 Methyl stearate; and triethyl phosphate. (6)[1]
CHEMICAL ELEMENTS AND COMPOUNDS—Con.
51206 Sodium pentachlorophenol; 2,3-dichloroallyl diisopropylthiolcarbamate; and 2,3,3-trichloroallyl diisopropylthiolcarbamate. (1 and 2)[11 13]
51206 Other herbicides; fungicides; dichlorodiphenyl trichloroethane (DDT); polychlor insecticides; organic phosphate insecticides; copper (cupric) acetoarsenite (paris green); sulphoxide *N*-octyl sulphoxide of isosafrole; and fumigants (soil, grain, and industrial). (1)[1]
51206 Soil conditioners. (1)[1 12]
51207 Nerol and phenyl nerol. (2)[1]
51207 Other chemicals for flavor and perfumery use, natural origin. (3)[1]
51207 Other enzymes. (6)[1]
51208 Cadmium salicylate. (5)[1]
51209 Dibromotetrafluoroethane (e.g., Freon-114B®). (5)[1]
51209 Chlorodifluoroethane (e.g., Freon-142B®); and chlorodifluoromethane (e.g., Freon-22®). (Specify by name.) (7)[1]
51209 Trichlorotrifluoroethane (e.g., Freon-113®); and Freon-TF (Solvent R); and dichlorotetrafluoroethane (e.g., Freon-114®). (Specify by name.) (12)[1]
51209 Fluoro-alcohol esters and perfluoro-alkyl ethers. (8 and 17)[1]
51209 Vinylidene fluoride and other organic intermediates containing 10 percent or more of combined fluorine, used in the manufacture of fluorinated elastomeric products. (14 and 52)[1 14]
51209 Bromomonochlorodifluoromethane (e.g., Freon-12B1®); dibromodifluoromethane (e.g., Freon-12B2®); dibromomonchlorotrifluorethane (e.g., Freon-113B2®); difluorethane (e.g., Freon-152a®); bromotrifluoromethane (e.g., Freon-13B®); Freon-1301®; chloropentafluoroethane (e.g., Freon-115®); chloro-trifluoromethane (e.g., Freon-13®); octafluorocyclobutane (e.g., Freon-C318®); tetrachlorodifluoroethane (e.g., Freon-112®); and tetrafluoromethane (e.g., Freon-14®). (16)[1]
51209 Diethylene triamine of a purity 96 percent or higher. (28)[1]
51209 Diethylene triamine of a purity less than 96 percent. (23)[1 9]
51209 Organic chemicals, the following only: *d*, *l*-dibromopropionic acid; adenylic acid; camphoric acid; campho-sulfuric acid; corn protein denaturant; crotonaldehyde; cyanacetamide; diacetone alcohol; diethyl malonate; dimethyl glyoxime; dipentaerythritol acetate; dipentaerythritol hexapropionate; dipentaerythritol hexybutyrate; ethyl alcohol; ethyl butyrate; ethyl chloride; ethyl chloroacetate; ethyl chloro-carbonate; ethyl formate; ethyl hydrogen sulfate; ethyl lactate; ethyl malonate; ethyl mercaptan; glutaronitrile; glyceryl monostearate; methyl glutamate; methyl hydroxy acetate (methyl glycolate); methylinoylacetaldehyde; monoisopropanolamine; monopentaerythritol diacetate dibutyrate; monopentaerythritol tetrabutyrate; pentanedione 2-4 (acetylacetone); and perpinylacetate. (41)[1]
51209 Lithium salts of organic compounds. (42)[1]
51209 Boric acid esters. (45)[1]
51209 Aluminum stearate solution for water-proofing masonry; dimethylphenylbensyl ammonium hydroxide; and n-methyltaurine slurry. (48)[15]
51209 Miscellaneous organic chemicals, excluding cyclic, n.e.c., the following only: Aluminum acetate; aluminum dihydroxyamino-acetate; aluminum formate solutions; aluminum isopropylate; aluminum lactate; aluminum octoate; aluminum oxiquinolate; ammonium acetate; ammonium bitartrate; ammonium ferric oxalate; ammonium oxalate; ammonium thioglycollate; antimony lactate; cadmium acetate; cadmium octoate; calcium acetate; calcium formate; calcium linoleate, except paint and varnish dryers; calcium tartrate; chlorophyll, dry; chlorophyll solution (in oil); iron protoxalate; iron sodium oxalate; magnesium oxyphenyl arsenate; manganese acetate; potassium acetate; potassium bitartrate; potassium oxalate; potassium oxichinolin sulfonate; potassium salicylate; sodium allyl arsenate; sodium bitartrate (acid sodium tartrate); sodium formate; sodium gluconate; sodium methylate; sodium oxalate; sodium potassium tartrate; sodium salicylate; sodium stearate; tartar emetic; zinc acetate; and zinc stearate. (51)[1]
51329 Arsenic powder; pyrographite (deposited carbon); and iodine U.S.P. (resublimed). (9)[1]
51329 Sulfur, sublimed, precipitated, or colloidal. (9)[1]
51333 Sulfuric acid; and oleum. (1)[1]
51338 Fluoroboric acid, all concentrations. (1)[1]
51338 Hydrochloric or muriatic acid. (4)[1]
51340 Phosphorus oxychloride; and phosphorus trichloride. (1)[18]
51350 Iron hydroxide; zinc hydroxide; and zinc peroxide. (2 and 5)[17]
51361 Ammonia, anhydrous or in aqueous solution. (1)[1]
51362 Sodium hydroxide (caustic soda), solid and liquid. (1)[1]
51363 Potassium hydroxide; potassium peroxide; and sodium peroxide. (1 and 2)[18]
51366 Other artificial corundum (fused aluminum oxide). (3)[7]
51368 Tin oxides. (1)[1]
51369 Monocrystalline indium compounds. (3)[11 18]
51369 Lithium oxides and hydroxides. (8)[1]
51369 Oxides, hydroxides and peroxides of tantalum, niobium (columbium) or tantalum-niobium containing 20 percent or more of tantalum or niobium. (10)[1]
51369 Other oxides, hydroxides, and peroxides of tantalum, niobium (columbium), or tantalum-niobium. (10)[1 9]
51369 Molybdenum oxide. (15)[11 22]
51440 Other inorganic pigments, n.e.c. (2)[1]
51460 Potassium fluoroborates; and sodium fluoroborates. (2)[1]
51460 Sodium compounds and potassium compounds, the following only: potash-magnesia carbonate; potassium arsenite; potassium bicarbonate; potassium bisulfate; potassium meta-bisulfite; potassium phosphate, monobasic; potassium silicate; potassium sulfate; potassium sulfide; rochelle salts; sodium am-

Export Control Commodity Number and Commodity Description—Continued

CHEMICAL ELEMENTS AND COMPOUNDS—Con.

monium phosphate; sodium arsenate; sodium bisulfite; sodium chlorite; sodium orthosilicate; sodium sesquicarbonate; sodium silicate or water glass; sodium sulfate; and sodium thiosulfate. (7)[2]

51470 Boron carbides, hydrides, and nitrides, all forms. (1 and 8)[6]

51470 Boron trichloride and its complexes. (6)[5 11]

51470 Ammonium fluoroborate. (7)[6]

51470 Hydrogen peroxide in concentrations of 80 percent up to and including 85 percent. (11 and 12)[10]

51470 Hydrogen peroxide in concentrations of 86 percent up to but not including 80 percent. (11 and 12)[5 10]

51470 Hydrides in which lithium is compounded with hydrogen or complexed with other metals or aluminum hydride. (23)[5 20]

51470 Other lithium compounds, including catalysts. (Report lithium oxides, hydroxides, and peroxides in Export Control Commodity No. 51360, and isotope enriched compounds in 51500.) (23)[5 20]

51470 Tantalum, niobium (columbium), or tantalum-niobium compounds, n.e.c., containing 20 percent or more of tantalum or niobium. (Specify by name.) (24)[6]

51470 Other compounds, n.e.c., of tantalum, niobium (columbium) or tantalum-niobium. (Specify by name.) (24)[5 6]

51470 Monocrystals of ferrites, synthetic. (Specify by name.)[21]

51470 Materials suitable for application in electromagnetic devices making use of the gyromagnetic resonance phenomenon. (Specify by name.) (42)[5 11]

51470 Other molybdenum salts and compounds; nickel chloride; nickel sulfate; titanium tetrachloride; and titanium trichloride. (29 and 32)[6]

51470 Ammonium molybdate; sodium molybdate; and potassium molybdate. (32)[11 22]

51470 Ammonium metavanadate; and silicon carbide less than 99 percent purity. (34)[7]

51470 Industrial chemicals, as follows: Cadmium sulfate; calcium carbide; calcium polysulfide; calcium silicate; carbic cake; carbic carbide; carbide powder, except abrasive powders; chalk, precipitated; dicalcium phosphate, epsom salts; ferrous carbonate; ferrous chloride; ferrous sulfate; iron chloride; iron phosphate; iron sulfate; iron sulfide, artificial; lead arsenite; lime bisulfate; lime phosphate; magnesium arsenide; magnesium phosphate; magnesium silicate; magnesium sulfate; magnesium silicofluoride; magnesium trisilicate; monocalcium phosphate; monocalcium sulphate; palladium chloride; palladium salts and compounds; pea carbide; silver chlorides; silver cyanide, industrial; silver nitrate; silver sulfate; silver sulfide; sodium chlorite; sodium silico aluminate; zinc carbonate; zinc cyanide; zinc hydrosulfite; zinc nitrate; zinc phosphate; and zinc sulfate. (39)[1]

51500 Lithium as follows: (a) Lithium 6 and 7 isotopes, (b) hydrides in which lithium enriched in the 6 isotope is compounded with hydrogen or its isotopes, or complexed with other metals or aluminum hydride, (c) alloys containing any quantity of lithium enriched in the 6 isotope, or (d) any other material containing lithium enriched in the 6 isotope, including compounds, mixtures and concentrates. (8)[5 20]

51500 Compounds enriched in lithium 7 isotopes. (8)[5 20]

MINERAL TAR, TAR OILS, AND CRUDE CHEMICALS FROM COAL, PETROLEUM, AND NATURAL GAS

52130 Ammoniacal gas liquors and spent oxide produced in coal gas purification. (1)[2]

52140 Creosote or dead oil; creosote oil distillates; and resinous oil X-1. (3)[2]

DYEING, TANNING, AND COLORING MATERIALS, NATURAL AND SYNTHETIC

53101 Sulfur black. (1)[6]

53101 Alizarin sulfonic; indigo, natural and synthetic; and phenosafronine. (1)[2]

53230 Chromium tanning mixtures. (1)[6]

53290 Tannins; and tanning and dyeing extracts of vegetable or animal origin. [Report natural indigo in Export Control Commodity No. 53101.] (1 and 2)[22]

53310 Phosphor compounds specially prepared for lasers, including but not limited to: Neodymium-doped calcium tungstate; dysprosium-doped calcium fluoride; eu-trifluoroethenoylacetonate; or praseodymium-doped lanthanum trifluoride.[27]

53310 Luminescent zinc pigments, not radioactivated. (1)[2]

53320 Printing inks. (1)[6]

53331 Prepared ceramic colors, including liquid lusters. (1)[2]

53332 Varnishes, finishes, and enamels made of polyimides, polybenzimidazoles, polyimidazo-pyrrolones, aromatic polymides, and polyparaxylylenes. (1 and 8)[6]

53332 Finishes, enamels, and dispersions wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride. (Specify by name.) (See § 399.2, Interpretation 22.) (2 and 3)[6]

53332 Finishes, enamels, and dispersions as follows: (a) Partially made of polytetrafluoroethylene or polychlorotrifluoroethylene, or (b) wholly made of polyvinyl fluoride. (Specify by name.) (2 and 3)[5 20]

53332 Lacquers, except aluminum, gold, pearl, and silver, and paperbacked gold stamping foil. (4)[2]

53332 Other paints, enamels, varnishes, industrial product finishes, distempers, stamping foils, water pigments, dyes and tints, and paint products, n.e.c. (6, 7, and 8)[6]

53335 Pastes wholly made of fluorocarbon polymers or copolymers except polyvinyl fluoride. (Specify by name.) (See § 399.2, Interpretation 22.) (1)[6]

53335 Pastes wholly made of polyvinyl fluoride. (1)[5 20]

MEDICINAL AND PHARMACEUTICAL PRODUCTS

54162 Beef glands, and inedible dried pancreas, bulk. (1)[2]

54163 Animal products used for medicinal purposes, bulk, the following only: Beef brain powder; beef heart extract; bone marrow; bone marrow concentrate; brain substance powder; fibrin muscle; glycerin extract of brain and muscle; and glycerin extract, red bone marrow. (2)[2]

54163 Viruses for human, veterinary, or laboratory use, except hog cholera virus and simultaneous virus. (1)[6]

54163 Ferments, other than yeast, except potato flour ferment. (1)[2 6]

54170 Alkaloids of cinchona bark, their salts, derivatives and preparations, dosage or packed for retail sale, except parenteral solutions or ampoules. (5)[6]

54170 Pharmaceutical preparations for veterinary use, dosage or packed for retail sale, except antibiotics, sulfonamides, hormones, vitamins and minerals. (5)[5 6]

54191 Bandages and surgical dressings, not impregnated or coated with pharmaceutical products, put up for retail sale. (2)[6]

54199 Dental rubber. (6)[6]

54199 Other pharmaceutical goods, n.e.c. (3, 5, and 7)[6]

ESSENTIAL OILS AND PERFUME MATERIALS; TOILET, POLISHING, AND CLEANSING PREPARATIONS

55300 Deodorants, nonpersonal. (1)[6]

55430 Detergents, the following only: Ethomid HT® 15; Intramin® WK and Y; and Permalene® A-100, A-120, and A-180. (3)[6]

55480 Rifle cleaning compounds; abrasive pastes, compounds, and cake, except chemical; and steel burnishing mixtures. (1 and 2)[20]

FERTILIZERS, MANUFACTURED

56100 Urea fertilizer. (3)[2 22]

EXPLOSIVES AND PYROTECHNIC PRODUCTS

57130 Nonmilitary pyrotechnical articles. (1 and 2)[24]

PLASTIC MATERIALS, REGENERATED CELLULOSE, AND ARTIFICIAL RESINS

58110 Synthetic film (including metallized) suitable for dielectric use (condenser tissue) 0.0015 inch (0.038 mm.) or less in thickness, except (a) tensilized polyester film with a thickness greater than 0.001 inch (0.0254 mm.), and (b) untensilized and unmetallized polyester film with a thickness of 0.00035 inch (0.009 mm.) up to and including 0.001 inch (0.0254 mm.). (1)[20]

58110 Untensilized and unmetallized polyester film with a thickness of 0.00035 inch (0.009 mm.) up to and including 0.0007 inch (0.018 mm). (1)[5 20]

58120 Fluorocarbon polymers and copolymers, except polyvinyl fluoride, and products wholly made thereof. (Specify by name.) (See § 399.2, Interpretation 22.) (2, 3, 4, and 5)[6 25]

58120 Other fluorocarbon polymer and copolymer products as follows: (a) Polyvinyl fluoride, unfinished and semifinished, (b) molding compositions containing more than 20 percent by weight of fluorocarbon polymers or copolymers, or (c) laminates partially made of fluorocarbon polymers or copolymers, including molded, decorative, or laminated with other materials or metals. (Specify by name.) (See § 399.2, Interpretation 22.) (2, 3, 4, and 5)[6 25]

Export Control Commodity Number and Commodity Description—Continued

PLASTIC MATERIALS, REGENERATED CELLULOSE, AND ARTIFICIAL RESINS—Continued

58120 Polyimides, polybensimidasoles, polybenzimidazopyrrolones, aromatic polyamides, and polyparaxylylenes, and products made thereof. (6 and 13)[6]

58132 Other regenerated cellulose and chemical derivatives of cellulose. (2 and 4)[20]

58191 Hardened proteins. (1)[2]

58192 Modified natural resins (including ester gum), and chemical derivatives of natural rubber, all in unfinished or semifinished form. (1)[2]

58199 Ammonium alginate. (2)[2]

CHEMICAL MATERIALS AND PRODUCTS, N.E.C.

59020 *O,O*-dimethyl *O*-*P*-nitrophenyl phosphorothiate; *O,O*-diethyl *O*-*P*-nitro phenyl phosphorothiate; 3,4-dichloropropionanilide; 3-amino-2,5-dichlorobenzoic acid; 2-chloro-4-ethylamino-6-isopropylamino-*S*-triazine; 3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea; 2-chloro-*N*-isopropylacetanilide; alpha-chloro-*N*,*N*-diallylacetamide; 2-chloro-4,6-bis(ethylamino)-*S*-triazine; 4,4,4-trifluoro-2,6-dinitro-*N*,*N*-dipropyl-p-toluidine; 2-chloroallyl diethyldithiocarbamate; 2, 3, 5, 6-tetrachlorotere-phthalic acid; 2, 3-dichloroallyl diisopropylthiolcarbamate; 2, 3, 3-trichloroallyl diisopropylthiolcarbamate; and 4-chloro-2-butyinyl-*N*-chlorocarbanilate. (3)[2 22]

59951 Inulin. (1)[2]

59952 Gluten and gluten flour. (1)[2]

59958 Casein hydrolysate; casein lactalbumin; lactalbumin; lactalbumin hydrolysate; lactarene (casein); and inedible soybean protein. (1)[2]

59958 Adhesives or cements wholly made of fluorocharbon polymers or copolymers, except polyvinyl fluoride. (Specify by name.) (See § 399.2, Interpretation 22.) (3)[6]

59958 Adhesives or cements wholly made of polyvinyl fluoride. (3)[5 6]

59958 Dextrins (e.g., British gum). (5)[5 6]

59958 Other peptones, glues, and adhesives. (5)[6]

59961 Other tall oil. (2)[2]

59963 Pine oil, except pine-needle oil; terpenic solvents, n.e.c. gum turpentine; and wood turpentine. (1)[2]

59965 Wood tar; wood tar oils; wood creosote; wood naphtha; and acetone oil. (1 and 2)[20]

59966 Wood pitch and products based thereon or on rosin. (1)[2]

59973 Other animal black, except activated. (2)[2]

59975 Additives for fuel oil; and liquid gum inhibitors for treating petroleum distillates. (2 and 3)[6]

59976 Prepared rubber accelerators. (1 and 2)[2]

59977 Prepared culture media. (1)[2]

59978 Charges for fire extinguishers. (1 and 2)[20]

59994 Pickling preparations for metal surfaces; auxiliary preparations for soldering, brazing or welding (fluxes, powders, pastes), containing metal and other constituents. (1)[2]

59995 Composite solvents, paint removers, thinners, and other similar products. (1)[6]

59999 Hydraulic fluids as follows: (a) Synthetic, having a viscosity of not more than 4,000 centistokes at minus 65° F. (minus 54° C.) and not less than 1.5 centistokes at plus 302° F. (plus 150° C.) or (b) which are or which contain as the principal ingredients petroleum (mineral) oils and having all of the following characteristics: (1) a pour point of minus 30° F. (minus 34° C.) or lower, (2) a viscosity index of 75 or greater, and (3) are thermally stable at plus 700° F. (plus 371° C.). (5)[6]

59999 Hydraulic fluids which are or which contain as the principal ingredients petroleum (mineral) oils and having all of the following characteristics: (a) A pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index of less than 75, and (c) are thermally stable at plus 700° F. (plus 371° C.). (5)[6]

59999 Water softeners, water purifiers, and boiler feed water compounds. (7)[2]

59999 Chemical products or preparations, n.e.c., the following only: Brewers' tank coating compounds; chemical compounds for manufacturing ice cream; chill proofing compounds; clarifier for beer or ale; clarifying powder for wines; concrete hardeners; concrete plasticizer compounds; concrete waterproofing compounds; dental plasters and preparations; Diol oleate® (rubber thread lubricating compound); dough improvers; etching compounds; glycerol stearate (emulsifying agent); hat finishing powders; indicating pastes; ink conditioners; ink thinners for cellophane printing; iron oxide suspension (spirit dispersion); laundry sour; leather binding compounds; lipstick bases; meat curing compounds; metal patch solvents; metallic hardeners for cement floors; platinum plating solutions; road binding compounds; screening pastes; shark deterrents; shaving cream bases, concentrated; silk-stocking sewers in tablet form; and talc paste. (9)[20]

RUBBER MANUFACTURES, N.E.C.

61230 Rubber heels, soles, soling, top lifts, and top lift sheets. (1)[2]

62102 Other rubber cements. (3)[5 6]

62102 Sponge rubber, chemically blown or foam. (3)[6]

62108 Rubber thread and cord, covered or bare. (1)[2]

62910 Other tires as follows: (a) Of 10 ply rating or over, in sizes 9:00 or over, and (b) tires with a nondirectional tread design. (5)[6]

62930 Other hygienic and pharmaceutical articles of unhardened rubber. (2)[2]

62968 Packing materials and other articles of unhardened vulcanized rubber, n.e.c., wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride. (Specify by name.) (See § 399.2, Interpretation 22.) (1 and 4)[6 25]

62968 Packing materials and other articles, n.e.c., wholly made of polyvinyl fluoride. (1 and 4)[5 6 20]

62988 Other sponge rubber and foam rubber goods. (6)[6]

62988 Other articles of unhardened vulcanized rubber, n.e.c. (6)[5 6]

WOOD AND CORK MANUFACTURES, EXCLUDING FURNITURE

63120 Other plywood and wood panels, including wood-veneer and cellular panels. (1)[2]

63141 Improved wood (densified and/or impregnated with resin of resin-like materials). (1)[2]

63142 Reconstituted wood (particle board). (1)[2]

63183 Hoopwood, chipwood, wood chips; and poles, piles, posts, pickets, stakes, and similar products which are split, pointed or both, but not sawn lengthwise. (2)[2]

63240 Windmill towers. (1)[6]

63289 Wood manufactures, the following only: bee hives; boat parts, small, machined to shape; bridges; Fibrisir® laminates of melamine-phenol formaldehyde resins, sawdust, or ground wood and paper; hog troughs; patterns; propeller blades; propellers; and trestles. (1 and 2)[20]

PAPER, PAPERBOARD, AND MANUFACTURES THEREOF

64122 Fine paper (under 18 pounds), coated. (1)[2]

64130 Condenser tissue; and dielectric papers. (1)[2]

64130 Kraft paper, in rolls or sheets, uncoated, as follows: Abrasive base stock; acid proof; ammunition; antiacid manila; base wad stock; buffing; cable base stock; cable filling, electrical; cartridge stock; coil winding; document manila, file folder; dynamite; electrical insulating; emery, base stock; expanding envelope stock; flat wallet stock; flint backing; friaket; garnet; gasket; graphite; guide stock; insulating, electrical patch base stock; pattern stock, polishing; red foiling (cartridge paper); red patch base stock; sandpaper backing; shell stock; silk wrap stock; tissue; tympan; voice coil stock; wallet stock; and washer stock. (1)[20]

64180 Capacitor tissue; condenser tissue; and dielectric paper. (1)[2]

64180 Machine-made paper and paperboard, simply finished, in rolls or sheets, n.e.c., and hand made paper, the following only: Ammunition; guide stock; antiacid manila stock; armature; beaming; cable base stock; calendar roll stock; cartridge stock; coil winding; cone, yarn, designers pattern stock (except tissue); document manila file folder; dynamite; electrical; expanding envelope stock; flat wallet stock; flint backing stock; friaket; gasket; graphite base stock; gum wadding; insulating electrical interleaving for film; jute tag stock; patch base stock; polishing base stock; portmanteau; red foiling (cartridge paper); red patch base stock; rope, for sand paper backing; sandpaper backing; shell stock; shot shell stock; silk wrap stock; slot insulation; steaming; stencil (18 lbs. and over); stencil stock for oiling; tabulating-machine card stock; tape, rope stock for electrical insulating; time card stock; tympan; voice coil stock; wad base stock; wallet stock; washer stock; pattern stock; stencil blanks tabulating machine card stock; absorbent paper for matrix; interleaving; tissue paper under 18 pounds, except sanitary; ground-wood base stock for carbonizing; fine paper

Export Control Commodity Number and Commodity Description—Continued

PAPER, PAPERBOARD, AND MANUFACTURES—Con.

(uncoated for printing, writing); bible; check paper; mimeotype stencil; body stock for carbonizing, free from ground wood; box covering, carbonizing base stock; duplicating tissue; electrical insulating tissue; heat sealable tissue; imitation Japanese, India, lens, matrix tissue; pencil carbon stock; pottery tissue; press copy; rotograme tissue; stencil tissue; stereotype tissue; tea bags; fibrilse; tissue for duplex decalcomania; transfer stamping; and book lining. (1) [3 9]

64191 Kleerview® (lacquer-coated glassine paper). (1) [3]

64199 Asphalt and tar saturated paper, heavy construction type. (2) [3]

TEXTILE YARN FABRICS, MADE-UP ARTICLES AND RELATED PRODUCTS

65126 Yarn of wool or of fine animal hair. (2) [3]

65130 Cotton yarn, gray (unbleached); and unfinished cotton thread. (1) [3 9]

65130 Cotton tire cord and tire cord fabric. (1) [3]

65140 Cotton yarn, carded, combed, finished; sewing, crochet, darning, and embroidery cotton thread. (1) [3]

65166 Other noncellulosic manmade fiber filament yarns and thread; and tire cord and tire cord fabric of noncellulosic manmade fibers. (2 and 3) [3 20]

65172 Rayon or acetate monofil. (1) [3]

65176 Thread and yarns of rayon or acetate filament; and tire cord and tire cord fabric or cellulosic manmade fibers. (1 and 2) [3 20]

65177 Rayon or acetate spun yarn, including singles and plied. (1) [3]

65190 Other yarns of textile fibers, n.e.c., including yarns of vegetable fibers, n.e.c. (1 and 3) [3 21]

65211 Gauze, tobacco cloth, and cheese cloth, unbleached, wholly or in chief weight cotton. (1) [3]

65212 Terry woven fabrics, unbleached, wholly or in chief weight cotton. (1) [3]

65213 Broadwoven fabrics, unbleached, wholly or in chief weight cotton. (1) [3]

65221 Gauze, tobacco cloth, and cheese cloth, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton. (1) [3]

65222 Other terrywoven fabrics, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton. (2) [3]

65223 Pile and chenille broadwoven fabrics and corduroy, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton. (1) [3]

65229 Other broad woven fabrics, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton. (2) [3]

65230 Other broad woven remnants less than 10 yards in length, and fabrics, n.e.c., wholly or in chief weight cotton. (2) [3]

65301 Broad woven fabrics wholly or in chief weight flax (linen) or jute. (2) [3]

65321 Other broad woven fabrics, wholly or in chief weight of wool and/or fine animal hair, excluding pile or chenille. (2) [3]

65322 Pile and chenille broad woven fabrics, wholly or in chief weight of wool and/or fine animal hair. (1) [3]

Export Control Commodity Number and Commodity Description—Continued

TEXTILE YARN FABRICS, MADE-UP ARTICLES AND RELATED PRODUCTS—Continued

65370 Knit or crocheted fabrics, not elastic or rubberized, wholly or in chief weight cotton or wool. (1) [3]

65390 Other broad woven fabrics, wholly or in chief weight jute or flax. (2) [3]

65401 Nylon webbing. (2) [7]

65401 Narrow woven fabrics, nonelastic, wholly or in chief weight cotton, jute, flax, or wool. (3) [3]

65402 Woven labels, badges, emblems, and insignia, excluding embroidered, wholly or in chief weight cotton, jute, flax, or wool. (2) [3]

65403 Hat braid, all fibers, and other trimmings, nonelastic, wholly or in chief weight cotton, flax, wool, or metal. (2) [3]

65406 Embroideries, wholly or in chief weight cotton, flax, or wool. (1) [3]

65407 Lace machine fabrics, wholly or in chief weight cotton, flax, or wool. (1) [3]

65510 Other coated or impregnated felt fabrics; and felts and felt articles wholly or in chief weight cotton, jute, wool and/or wool-like specialty hairs. (4) [3]

65541 Bonded fabrics and articles wholly or in chief weight cotton or wool. (1) [3]

65542 Other textile fabrics coated with gum or amylaceous substances. (2) [3]

65543 Other textile fabrics, n.e.c., coated or impregnated with resin or other plastic materials. (3) [3]

65544 Other textile fabrics, n.e.c., coated or impregnated with oil. (2) [3]

65546 Other textile fabrics, n.e.c., coated or impregnated. (2) [3]

65550 Elastic fabrics and trimmings, woven or braided. (1) [3]

65560 Cordage, cable, rope, and twine, and manufacturers thereof, wholly or in chief weight hair, silk, paper, or manmade fibers, except nylon twine, rope, or fishing line. (3) [3]

65560 Other cordage, cable, rope, and twine, and manufactures thereof, wholly or in chief weight other textile fibers, n.e.c. (2 and 4) [20]

65570 Other hat bodies. (2) [3]

65581 Wadding and articles of wadding (excluding cellulose wadding), n.e.c., textile flock, and dust and mill neps, wholly or chief weight of other textile fibers. (3) [3]

65590 Textile tubing and hose lined with or covered with polytetrafluoroethylene or polychlorotrifluoroethylene. 2) [3]

65610 Bags, wholly or in chief weight of cotton, jute, or wool. (2) [3]

65630 Sails of canvas; and tarpaulins, tents, awnings, and other made-up canvas goods, wholly or in chief weight cotton. (1 and 2) [20]

65662 Blankets, wholly or in chief weight cotton. [Report electic blankets in Export Control Commodity No. 65663.] (2) [3]

65663 Blankets, wholly or in chief weight wool, except electric. (1) [3]

65691 Linens and other furnishing articles, wholly or in chief weight cotton or wool, excluding knit, bonded, felt, quilted or stuffed articles. (1) [3]

65692 Other made-up textile articles, n.e.c. (4 and 6) [20]

65730 Carpets and rugs, wholly or in chief weight cotton, wool, or jute. (1) [3]

65740 Vinyl asbestos tiles. (1) [3]

65770 Tapestries, hand woven or needlework, wholly or in chief weight cotton or wool. (1) [3]

Export Control Commodity Number and Commodity Description—Continued

TEXTILE YARN FABRICS, MADE-UP ARTICLES AND RELATED PRODUCTS—Continued

65780 Mats, matting, screens, and other items, n.e.c., of cotton or jute plaiting materials. (1) [3]

NONMETALLIC MINERAL MANUFACTURES, N.E.C.

66181 Asphalt and tar roofing and siding. (1) [3]

66246 Nonrefractory ceramic hollow tubes. (1) [3]

66311 Diamond grinding wheels for power-operated machines, fabricated with polyimides, polybenzimidasoles, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes, where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (2 and 4) [3]

66311 Diamond grinding wheels for hand- or pedal-operated machines, fabricated with polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes, where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) 3 and 5) [3]

66311 Diamond grinding wheels for power-operated machines, fabricated with polypyromellitimide where the contained polymeric substances is less than 50 percent of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (2) [3]

66311 Diamond grinding wheels for hand- or pedal-operated machines, fabricated with polypyromellitimide where the value of the contained polymeric substances is less than 50 percent of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (3) [3]

66312 Hand polishing stones and similar stones of natural abrasives. (1) [3]

66320 Other abrasive paper and cloth, coated with natural abrasives, except dental abrasives. (2) [3]

66381 Packing, gaskets, textiles, yarns, and other manufactures of asbestos, other than friction materials, n.e.c. (1) [3]

66391 Other laboratory and industrial ceramic wares, not refractory. (1 and 3) [20]

66420 Other optical glass and elements thereof, not optically worked. (5) [3]

66470 Other laminated glass or toughened safety glass. (3 and 5) [20]

66480 Mirrors for automotive vehicles. (1) [3]

66494 Glass fiber optic plates specially designed optically for image intensifier or image converter tubes. (4) [3 11]

66494 Other articles of glass fiber, n.e.c. [Report glass fiber yarn, roving, and strand in Export Control Commodity No. 65180, and tape in No. 65380.] (2 and 4) [20]

66512 Glass inners for vacuum vessels. (1) [3]

66581 Laboratory, hygenic, or pharmaceutical glassware. (1) [3]

66585 Articles of glass, n.e.c., the following only: Floaters, glass valves, and ballentini reflective material. (1) [3]

Export Control Commodity Number and Commodity Description—Continued

NONMETALLIC MINERAL MANUFACTURES, N.E.C.—Continued

66700 Materials suitable for application in electromagnetic devices making use of the gyromagnetic resonance phenomenon. (Specify by name.) (6) [3 20]

66700 Quartz crystals, natural and synthetic, unworked or worked, not mounted, radio grade only. [Report optical quality in Export Control Commodity No. 66111, and mounted in No. 72998.] (1) [3 14]

66700 Diamonds, rubies, and sapphires, natural and synthetic, suitable for gem stones. [Report industrial diamonds, natural, in Export Control Commodity No. 27515; and report stones, mounted or unmounted, worked so as to be recognizable as parts of meters, measuring instruments, clocks, watches, etc., in the appropriate classification provided for parts of the specific item.] (5) [3]

IRON AND STEEL

67160 Ferroboron; ferrocolumbium; ferrotantalum; and ferrocolumbium-tantalum. (Specify alloy content.) (2, 4, 5, and 6) [3]

67504 Iron based magnetic materials. (Specify thickness in decimal parts of an inch or in millimeters.) (See § 399.2, Interpretation 6.) (1) [3]

NONFERROUS METALS

68111 Silver, leaf. (2) [3]

68111 Other silver or silver alloy, unwrought or partly worked, not rolled. (3) [7]

68120 Platinum based magnetic materials. (See § 399.3, Interpretation 6.) (1) [3 11 20]

68310 Nickel based magnetic materials, unwrought. (See § 399.2, Interpretation 6.) (3) [3 11 20]

68321 Bars, rods, angles, shapes, sections and wire of nickel based magnetic materials. (See § 399.2, Interpretation 6.) (3) [3 11 20]

68322 Plates, sheets, strips, powders, flakes and foil of nickel based magnetic materials. (See § 399.2, Interpretation 6.) (7) [3 11 20]

68323 Tubes, pipes, blanks, fittings therefor, and hollow bars, of nickel based magnetic materials. (See § 399.2, Interpretation 6.) (5) [3 11 20]

68423 Aluminum or aluminum alloy foil and leaf (less than 0.006 inch in thickness). (1 and 2) [3]

68520 Other lead or lead alloys, wrought, (2 and 3) [3]

68931 Magnesium base alloys, unwrought, containing 0.4 percent or more zirconium, 1 percent or more rare earth metals (cerium misch metal), or 10 percent or more lithium. [Report scrap in Export Control Commodity No. 29405.] (1) [3 20]

68932 Magnesium base alloys, wrought, containing 0.4 percent or more zirconium, 1 percent or more rare earth metals (cerium misch metal), or 10 percent or more lithium. (1 and 2) [3 20]

68950 Cobalt based magnetic materials, wrought or unwrought. (See § 399.2, Interpretation 6.) (5) [3 11 20]

68950 Vanadium based magnetic materials, wrought or unwrought. (See § 399.2, Interpretation 6.) (22) [3 11 20]

68950 Lithium alloys containing 50 percent or more lithium. (30) [3 11 20]

Export Control Commodity Number and Commodity Description—Continued

MANUFACTURES OF METALS, N.E.C.

69110 Finished structural parts and structures, loose or steel, as follows: Architectural and ornamental work; anchors and fittings for reinforcing refractory walls; bulkhead (water gates); gangways; sluice gates; guardrails; platforms; portholes not specially designed for military watercraft; prayer rails; loading ramps (nonmechanical); and turnstiles, not electric or coin operated. (4) [3 9]

69110 Steel scaffolding equipment; and fabricated steel plate, including stacks and weldments. (4) [3]

69120 Aluminum structural parts as follows: Fencing and railing, ornamental; gangways; portholes; prayer rails; scaffolding equipment; tower sections; and turnstiles. (2) [3]

69211 Containers, iron or steel, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 320° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) stationary storage tanks with other insulating systems and designed only for liquid oxygen, nitrogen, or argon and having a capacity of 500 tons or more. (1 and 2) [3 13]

69211 Other containers, iron or steel, jacketed only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (1 and 2) [3 20]

69212 Septic tanks, iron or steel. (3) [3]

69212 Containers, copper or copper alloy, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 320° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1 and 2) [3 20]

69221 Other containers, iron or steel, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. [Report containers for mounting on trucks or trailers in Export Control Commodity No. 73163.] (1 and 2) [3 20]

69221 Other shipping containers, iron or steel. (4 and 6) [3]

69222 Containers, aluminum or aluminum alloy, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 320° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having

Export Control Commodity Number and Commodity Description—Continued

MANUFACTURES OF METALS, N.E.C.—Continued

69213 Containers, aluminum or aluminum alloy, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 320° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1 and 2) [3 20]

69213 Other containers, aluminum or aluminum alloy, jacketed only, for the storage of liquefied gases at temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (1 and 2) [3 13]

69213 Septic tanks, aluminum. (3) [3]

69221 Containers, iron or steel, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 320° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1 and 2) [3 20]

69221 Other containers, iron or steel, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. [Report containers for mounting on trucks or trailers in Export Control Commodity No. 73163.] (1 and 2) [3 20]

69221 Other shipping containers, iron or steel. (4 and 6) [3]

69222 Containers, aluminum or aluminum alloy, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 320° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having

Export Control Commodity Number and Commodity Description—Continued

MANUFACTURES OF METALS, N.E.C.—Continued

a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (2 and 3)[5 18]

69222 Other containers, aluminum or aluminum alloy, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. [Report containers for mounting on trucks or trailers in Export Control Commodity No. 73163.] (1 and 2)[5 19]

69229 Other shipping containers, aluminum, including barrels, boxes, chests, and collapsible tubes. (5)[5]

69231 Compressed gas cylinders, filled or unfilled, iron or steel, jacketed only, for the storage or transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1 and 2)[5 19]

69231 Other compressed gas cylinders, filled or unfilled, iron or steel, jacketed only, for the storage or transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (1 and 2)[5 19]

69232 Compressed gas cylinders, filled or unfilled, aluminum or aluminum alloy, jacketed only, for the storage or transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1 and 2)[5 19]

69232 Other compressed gas cylinders, filled or unfilled, aluminum or aluminum alloy, jacketed only, for the storage or transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (1 and 2)[5 19]

69299 Containers which are instruments of international trade, filled or unfilled, all metals, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1 and 2)[5 19]

69299 Other containers which are instruments of international trade, filled or unfilled, all metals, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (1 and 2)[5 19]

69510 Hand tools mainly used in agriculture or forestry, and parts, n.e.c., as follows: Cant hooks; digging bars; digging spuds; gardeners' trowels; mattocks; picks; pike poles; wheel-type cultivators; and wheel-type seeders. (1)[5]

69521 Power saw blades, woodworking; and hand-operated saws, hand saw frames, and saw blades, except hacksaw blades; and parts, n.e.c. (1 and 4)[50]

69522 Metal-cutting shears and tinmen's snips, not power-operated; wrenches; pliers, pincers, and other similar hand tools, and parts, n.e.c.; and files, rasps, and file accessories. (1 and 3)[51]

69523 Other hand tools, n.e.c., and parts. (5)[5]

69524 Drill bits, core bits, and reamers, under 4 inches o.d., containing diamonds. (9)[5 43]

69524 Other drill bits, core bits, and reamers, containing diamonds. (9)[5]

69524 Other cutting tools, dies, and parts. (15 and 16)[44]

69525 Other machine knives and blades. (2 and 3)[44]

69609 Knife blanks. (1)[5]

69791 Steel wool, pot scourers, and other polishing pads, iron or steel. (2)[5]

69794 Figures, flower racks, mirrors, trays, and photograph or picture frames of base metals, n.e.c. (1 and 2)[46]

69811 Motor vehicle locks; ignition locks; and tire locks. (1)[5]

69811 Window locks and safety hasps, nonferrous metal; and key blanks, all metals. (2)[5]

69812 Hardware and parts of base metal, as follows: Transportation hardware, all metals; furniture beading, nickel-plated steel; edgings, all metals; furniture hardware, stainless steel; builders' hardware, nonferrous metal; hand rails, all metals; and other hardware, stainless steel, except hinges and butts. (2)[5]

69830 Other chains and parts, iron and steel, n.e.c. (2)[5]

69840 Anchors, grapnels, and parts, iron or steel. (1)[5]

69854 Buckles with die-cut inserts, and belt hooks, all metals; belt fasteners (other than buckles), clasps, grommets, and similar articles of stainless steel. (2)[5]

69861 Other wire springs, iron or steel. (2)[5]

69882 Flexible tubing and piping, nonferrous metals. (2)[7]

69885 Commercial closures of metal, n.e.c. (2)[5]

69887 Nickel or nickel alloy welding and soldering rods, wire, tubes, plates, and electrodes, composed of 50 percent or more copper, and alloys of chief weight copper, irrespective of nickel content. (Also specify copper content in pounds.) (7)[5 46]

69887 Other nickel or nickel alloy welding and soldering rods, wires, tubes, plates, and electrodes, including brazing rods. (7)[5]

69891 Articles, n.e.c., of magnetic materials. (See § 399.2, Interpretation 6.) (1 and 12)[48]

69891 Containers, iron or steel, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), with multilaminar type insulation under vacuum. (3)[5 47]

69891 Other containers, iron or steel, jacketed only, for the storage of liquefied gases, designed to maintain temperatures below minus 130° C. (minus 202° F.). [Report iron or steel storage containers of 80 gallons capacity or over in Export Control Commodity No. 69211; and shipping containers regardless of capacity in 69221.] (3)[5 47]

69891 Iron or steel cargo hooks; and malleable iron manhole covers. (6)[5]

69892 Containers, copper or copper alloy, jacketed only, for the transportation or storge of liquefied gases at temperatures below minus 274° F. (minus 170° C.) as follows: With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1 and 2)[5 47]

69892 Other containers, copper or copper alloy, jacketed only, for the transportation or storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. [Report copper or copper alloy storage containers of 80-gallon capacity or over in Export Control Commodity No. 69212.] (1 and 2)[5 46]

69899 Containers, nonferrous metals, n.e.c., jacketed only, for the transportation or storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) stationary storage tanks with other insulating systems, designed only for liquid oxygen, nitrogen, or argon and having a capacity of 500 tons or more. (1 and 2)[5 19 47]

69899 Other containers, nonferrous metals, n.e.c., jacketed only, for the transportation or storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (1 and 2)[5 19 47]

69899 Other aluminum or aluminum alloy castings and forgings. (5)[5]

69899 Articles of nonferrous metals, n.e.c., other than copper or copper alloy, the following only: Boat spikes, wire nails, wire staples, and wire spikes; bolts, screws, rivets, washers and similar articles, except screw eyes and screw hooks; brackets for mounting outboard motors; bulletin boards; cans, n.e.c., made or cut from nonferrous base metals; caskets; clothes-line (dryer) reels; fog horns, nonelectric, for ships; hinge chaplets; lids for boxes; link chains; mooring swivels; carlocks; pipe hangers; ridge tile; tool boxes and tool chests, empty; and utility boxes. (37, 39, and 41)[46]

MACHINERY, OTHER THAN ELECTRIC

71142 Aircraft engines as follows: (a) Jet engines of 5,000 pounds thrust or over, and (b) turboprop and turboshaft engines of 2,500 horsepower or more or with a residual thrust of 1,000 pounds or more. (Specify make, model, and pound thrust or horsepower.) (1, 2, and 3)[5 49]

71142 Other jet, turboprop, turboshaft, and gas turbine aircraft engines. (Specify make, model, and pound thrust or horsepower.) (1, 2, and 3)[49]

71142 Parts and accessories, n.e.c., specially designed for jet, turboprop, and turboshaft aircraft engines under Export Control Commodity No. 71142 which are subject to the Import Certificate/Delivery Verification procedure. (Specify make, model, and pound thrust or horsepower of engine.) (5 and 6)[5 39]

71142 Other parts and accessories, n.e.c., specially designed for jet, turboprop, turboshaft, and gas turbine engines under Export Control Commodity No. 71142 which are not subject to the Import Certificate/Delivery Verification procedure. (Specify make, model, and pound thrust or horsepower of engine.) (6)[39]

Export Control Commodity Number and Commodity Description—Continued

MANUFACTURES OF METALS, N.E.C.—Continued

MACHINERY, OTHER THAN ELECTRIC—Con.

71150 Diesel engines, nonmagnetic, 50 brake horsepower and over, having nonmagnetic content exceeding 65 percent of total weight, or having nonmagnetic parts other than crankcase, block, head, pistons, covers, and plates, valve facings, gaskets, and fuel, lubricant and other supply lines. (Specify brake horsepower at rated r.p.m.) (1)[5]

71150 Diesel engines, nonmagnetic, 50 brake horsepower and over, having a nonmagnetic content exceeding 50 percent, up to but not exceeding 65 percent of total weight. (Specify brake horsepower at rated r.p.m.) (1)[5 6]

71150 Parts and accessories specially designed for engines under Export Control Commodity No. 71150 which are subject to the Import Certificate/Delivery Verification procedure. (4)[5]

71150 Parts and accessories specially designed for diesel engines under Export Control Commodity No. 71150 which require a license to all country groups but are not subject to the Import Certificate/Delivery Verification procedure. (4)[5 6]

71150 Other diesel engines, 1,500 brake horsepower and over, with rotary speeds of 700 r.p.m. and over; and parts and accessories therefor. (Specify make, model, and brake horsepower at rated r.p.m.) (3 and 5)[5]

71150 Outboard motors over 15 horsepower, and other internal combustion engines, n.e.c., and parts and accessories, n.e.c. (7)[46]

71180 Windmills and parts, n.e.c. (2)[5]

71420 Flexowriters® specially designed for use with electronic computers. (1)[5 52]

71422 Parts and accessories for Flexowriters® specially designed for use with electronic computers. (1)[5 52]

71510 Gear making and/or finishing machinery, as follows: (a) Gear grinding machines, generating type, capable of accepting gear blanks of 36 inches (914 mm.) work diameter or more, (b) gear grinding machines, generating type, capable of accepting gear blanks of 9 inches (228 mm.) work diameter or more, for the production of helical or herringbone gear, or (c) machinery capable of the production of gears of a module finer than 0.5 mm. (diametral pitch finer than 48) and meeting a quality standard better than AGMA 10 or equivalent. (See § 399.2, Interpretation 3.) (6)[5 9]

71510 Gear making and/or finishing machinery capable of the production of gears of a module finer than 0.5 mm. (diametral pitch finer than 48) but which are not capable of meeting a quality standard better than AGMA 10 or equivalent. (See § 399.2, Interpretation 4.) (6)[5 9]

71510 Internal grinding machines specially designed for the utilization of one or more spindle heads capable of speeds in excess of 120,000 r.p.m., except machines capable of use with hand-held tools only. (8 and 9)[39]

71510 Other internal grinding machines specially designed for the utilization of one or more spindle heads capable of speeds over 80,000 r.p.m. (8 and 9)[5 39]

71510 Machine tools designed for or equipped with numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) machining movements in a machine tool in two or more axes. (See § 399.2, Interpretation 7.) (22 and 36)[5]

71523 Flame cutting machines with tracer heads designed for or equipped with numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) movements in two or more axes; and specially designed parts and accessories, n.e.c. (See § 399.2, Interpretation 7.) (1 and 3)[5]

71711 Cotton gins. (1)[5]

71712 Looms other than cotton looms. (1)[5]

71713 Parts, accessories, and attachments for: (a) Cotton gins, and (b) looms other than cotton looms. (1, 2, and 4)[5 50]

71713 Other parts, accessories and attachments for machines for extruding manmade fibers, and for other machines for preparing and processing natural or manmade fibers into yarns, and for winding. (1, 2, and 4)[5 50]

71714 Millinery dies (hat blocks), nonferrous metal. (1)[5]

71715 Silk screen printing equipment; piecting (folding) machines; and parts and attachments, n.e.c. (3 and 6)[5]

71715 Other machines for washing, cleaning, drying, bleaching, dyeing, dressing, or finishing textile yarns, fabrics, or made-up textile articles; laundry and dry cleaning machines; and other machines for printing on textiles, leather, wallpaper, linoleum, or other materials; and parts and attachments therefor. (4, 5, and 7)[5]

71730 Domestic sewing machines, and parts, n.e.c. (1 and 4)[5]

71811 Laminators, electric, for restoring manuscripts and documents; and parts and attachments. (1)[5]

71811 Other machinery for making or finishing cellulosic pulp, paper, or paperboard; and parts and attachments. (2)[5]

71812 Paper bag-making machines; office-type cutters; and parts and attachments therefor, n.e.c. (1 and 2)[5]

71812 Other papercutting machines, and machines, n.e.c., for the manufacture of articles of paper pulp, paper, or paperboard; and parts and attachments, n.e.c. (3 and 4)[51]

71821 Bookbinding machines, and parts. (1)[5]

71822 Electroplating, stereotyping, and photoengraving machines; printing plates and cuts (electrotype, stereotype, halftone, lithographic, or engraved); fonts; handsaws; Linotype® matrices; multitype typewriters (for example, Varityper®); and photocomposing machines (for example, Cozzhesdliner®, Headliner®, and Typrose®), and parts and accessories therefor. (1 and 2)[46]

71829 Price marking machines, and plane-o-plate rotary shavers, and parts. (1)[5]

Export Control Commodity Number and Commodity Description—Continued

MACHINERY, OTHER THAN ELECTRIC—Con.

71831 Grain cleaning machines, and corn husking machines, and parts. (1) [3]

71839 Chocolate homogenizers, and parts (1) [3]

71841 Road rollers, self-propelled. (1) [7]

71842 Snow plows, farm-type; and parts, accessories, and attachments. (16) [3]

71852 Glassworking machinery and equipment (specify by name) as follows: (a) Specially designed for the manufacture of electron tubes or semiconductor devices and parts and subassemblies thereof (Export Control Commodity No. 72930), which are subject to the Import Certificate/Delivery Verification procedure, (b) specially designed for the manufacture of silicon transistors, or (c) for automatic or semiautomatic assembly and/or sorting of electronic equipment and parts and subassemblies thereof, except standard equipment designed for exhaust sealing and gettering of standard entertainment type 7-pin miniature and 9-pin noval tubes; and specially designed parts and accessories, n.e.c. (1) [3]

71915 Cryogenic refrigeration equipment consisting of, or containing as components thereof, jacketed containers for storage or transportation at temperatures below minus 274° F. (minus 170° C.) with multilaminar type insulation under vacuum; and specially designed parts, n.e.c. (3) [3 11]

71915 Air conditioners for aircraft; and specially designed parts. (4) [66]

71915 Other air-conditioning and refrigerating equipment; and parts, n.e.c., including parts for self-contained air-conditioning machines. [Report compressors in Export Control Commodity No. 71922.] (5 and 7) [66]

71919 Heat exchangers, oil coolers and liquid coolers specially designed for aircraft; and parts. (9) [66]

71919 Equipment specially designed for the production in liquid form of air, oxygen, nitrogen, and/or argon and producing in 1 ton or more per day of gas in liquid form, except equipment for plants not capable of producing more than 25 percent of their total daily product as extractable gas in liquid form; and specially designed parts. (10) [64 65]

71919 Equipment for the production of liquid hydrogen, except plants with a capacity of less than 1½ tons per 24-hour day and not designed for, or capable of, the production of hydrogen slush; and specially designed parts. (10) [64 66]

71919 Equipment specially designed for the production of liquid hydrogen and producing 1 ton but less than 1½ tons per day of gas in liquid form, except equipment for plants not capable of producing more than 25 percent of their total daily product as extractable gas in liquid form; and specially designed parts. (10) [5 64 66]

71919 Other liquid oxygen or liquid nitrogen production equipment, mobile; and specially designed parts.[66]

71919 Equipment for the production of liquid fluorine; and specially designed parts.[66]

Export Control Commodity Number and Commodity Description—Continued

MACHINERY, OTHER THAN ELECTRIC—Con.

71919 Equipment specially designed for the production and/or concentration of deuterium oxide; and specially designed parts.[66]

71919 Equipment for the separation of helium from natural gases; and specially designed parts.[66]

71919 Process vessels specially designed for chemically processing radioactive material; and specially designed parts and accessories, n.e.c. (Specify name of vessel and give full specifications.) (18) [3 11]

71919 Other machines and equipment, n.e.c., specially designed for use in processing of irradiated nuclear materials to isolate or recover fissionable materials; and specially designed parts and accessories, n.e.c. (Specify name of machine or equipment and give full specifications.) [Report countercurrent solvent extractors and centrifuges in Export Control Commodity No. 71923, and fuel chopping, disassembling, and dejacketing machines in No. 71980.] (18) [5 11]

71919 Pulp and paper mill machines, and rubber processing machines for processing by means of a change in temperature; and parts n.e.c. (16 and 18) [66]

71919 Other machines and equipment for processing materials by means of a change in temperature, for the special use of an individual industry, except vegetable oil machines and tobacco processing machines; and parts, n.e.c. (16 and 18) [66]

71919 Other machines and equipment, other than domestic, for treatment of material by a process involving a change in temperature; and parts, n.e.c. (16 and 18) [66 67]

71921 Pumps specially designed for aircraft (fuel, fuel booster, hydraulic, water, etc); and parts and attachments, n.e.c. (14) [66]

71921 Pump parts and attachments wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride. (17) [5]

71921 Pump parts and attachments wholly made of polyvinyl fluoride. (17) [5]

71922 Vacuum pumps, air compressors, fans, and blowers specially designed for aircraft; and parts and attachments therefor. (7) [66]

71922 Other ion vacuum pumps; and specially designed parts and attachments, n.e.c. (5 and 10) [5]

71922 Other parts and attachments, n.e.c., specially designed for diffusion vacuum pumps of 12 inches in diameter or larger (diameter measured inside the barrel at the inlet jet). (10) [5]

71922 Centrifugal and axial flow compressors and blowers capable of: (a) An overall compression ratio of 2:1 or more coupled with a capacity of over 372,000 cubic feet per minute, or (b) an overall compression ratio of 3:1 or more coupled with a capacity of over 106,000 cubic feet per minute; and specially designed parts and accessories, n.e.c. (13 and 14) [5 14]

71922 Compressors for jet, turboprop, and turboshaft aircraft engines under Export Control Commodity No. 71142 which are subject to the Import Certificate/Delivery Verification procedure; and parts. (Specify make, model, and horsepower of engine.) (15 and 16) [5 19]

71922 Other compressors for other jet, turboprop, turboshaft, and gas turbine aircraft engines under Export Control Commodity No. 71142 which are not subject to the Import Certificate/Delivery Verification procedure; and parts. (Specify make, model, and horsepower of engine). (15 and 16) [19]

71922 Other compressors and blowers capable of receiving a power input greater than 2,000 horsepower and designed for a discharge greater than 300 p.s.i.; and specially designed parts and accessories, n.e.c. (Specify horsepower and discharge pressure.) (17 and 18) [5]

71922 Other vacuum pumps, and parts and attachments, n.e.c. (11) [7]

71922 Compressors, refrigeration and air-conditioning type, one-fifth horsepower and under; and parts, n.e.c. (21) [5]

71922 Compressors, refrigeration and air-conditioning type, over one-fifth horsepower, and parts, n.e.c. (21) [5]

71923 Centrifugal extractors designed for commercial laundries; and parts, n.e.c.; Centrifix type RW line purifiers®. and Dri-Air units. (11, 12, and 13) [5]

71923 Laboratory centrifuges, n.e.c., and parts, n.e.c. (14) [5 11]

71931 Automobile lifts; jacks for automotive vehicles or aircraft; and parts, n.e.c. (8) [5]

71931 Other hand-operated, mechanical and hydraulic jacks; and parts, n.e.c. (10) [3]

71931 Farm elevators; and parts, n.e.c. (11) [3]

71931 Elevators and moving stairways; and parts, n.e.c. (12) [5]

71941 Butter churns, farm type; and parts. (1) [3]

71942 Condensers and evaporators for nonelectric domestic refrigerators; and parts. (1) [3]

71951 Cutting machines for ceramics and similar nonmetallic materials, except quarts crystal, masonry, or stone. (2) [3]

71951 Other machines, n.e.c., for working asbestos-cement, ceramics, concrete, quarts crystals, masonry, stone (including artificial, precious, and semiprecious stones), and similar mineral materials. [Report parts in Export Control Commodity No. 71954.] (3) [3]

71952 Other machines, n.e.c., for working bone, ebonite, hard plastics, and other hard carving materials. [Report parts in Export Control Commodity No. 71954.] (3) [3]

71954 Grinding heads and spindle assemblies for grinding machines designed or rated for operation at speeds in excess of 120,000 r.p.m., except for hand-held tools. (1 and 2) [19]

71954 Other grinding heads and spindle assemblies for grinding machines designed or rated for operation at speeds in excess of 80,000 r.p.m. (1 and 2) [5 19]

71954 Parts, accessories, and attachments for cutting machines for ceramics and similar nonmetallic materials, except glass, quarts crystal, masonry, or stone. (13) [3]

Export Control Commodity Number and Commodity Description—Continued

MACHINERY, OTHER THAN ELECTRIC—Con.

71954 Parts, accessories, and attachments for other machines for working asbestos-cement, ceramics, concrete, quarts crystals, masonry, stone (including artificial, precious, and semiprecious stones), and similar mineral materials. (16) [3]

71954 Parts, accessories, and attachments for other machines for working bone, ebonite, hard plastic, and other hard carving materials. (17) [5]

71961 Other calendering machines and similar rolling machines, n.e.c.; and parts. (3) [5]

71962 Dishwashing machines; bottling machines (washing, filling, closing, labeling); and canning, packaging, wrapping, filling, and sealing machines; and parts and attachments, n.e.c. (1 and 2) [5]

71963 Other weighing machines and scales, n.e.c. (1 and 3) [66]

71963 Lead scale weights for weighing machines. (4) [5]

71964 Hydra-blast parts cleaners, and parts therefor; and windshield washer sets. (1) [3]

71964 Sprayers and dusters, agricultural and pesticidal, except lawn sprinklers; and parts, n.e.c., except nozzles. (3) [3]

71964 Paint spraying machines; and street flushing units for truck mounting; and parts, n.e.c. (6 and 7) [6]

71964 Other spray nozzles of metal; and hand-operated spray guns; and parts, n.e.c. (5 and 9) [3]

71964 Other sprayers and spraying equipment, n.e.c.; and parts, n.e.c. (10 and 11) [3]

71970 Other ball and roller bearings, aircraft type; and specially designed parts. (6) [66]

71970 Other ball and roller bearings; and parts. (Specify inner bore diameter and tolerances.) (8) [66]

71980 Concrete and bituminous pavers, finishers, and spreaders; and parts and accessories; n.e.c. (1 and 2) [66]

71980 Machinery and equipment, n.e.c. (specify by name) for the manufacture of semiconductor devices, electronic equipment and components, and parts and subassemblies thereof, as follows: (a) Equipment specially designed for the manufacture of semiconductor devices and parts and subassemblies thereof (Export Control Commodity No. 72930), (b) equipment specially designed for the manufacture of silicon transistors, (c) equipment for slicing, dicing, scribing, slice breaking, lapping, polishing, probing, and/or sorting, (d) bonders and welders, (e) masks, or (f) equipment for the manufacture of masks or the creation of a photosensitive pattern on the surface of a semiconductor or insulating substrate; and specially designed parts and accessories, n.e.c. (15 and 16) [5]

71980 Equipment for purifying or processing semiconductor materials, except equipment specially designed for the zone purification of germanium; and specially designed parts and accessories, n.e.c. (19) [5]

71980 Hot isostatic presses (gas pressure bonding) employing pressure mediums of liquid, gas, or solid, including those presses where the work piece is only partially isostatically pressed; and specialized parts and components, n.e.c. (40) [17 66]

71980 Machinery and equipment for depositing or printing on insulating panels, plates, or wafers or otherwise forming in situ component parts other than basic wiring; and specially designed parts and accessories, n.e.c. [Report cameras in Export Control Commodity No. 86140.] (26) [5]

71980 Other equipment specially designed to produce electronic assemblies by: (a) Automatically inserting and/or soldering components on insulating panels, plates, or wafers to which wiring is applied by printing or other means; or (b) automatically or semiautomatically assembling wiring and/or packaging mounted modular insulated panels, plates, or wafers (specify by name); and specially designed parts and accessories, n.e.c. [Report cameras in Export Control Commodity No. 86140.] (26) [5 6]

71980 Nuclear reactor fuel chopping, disassembling, or dejacketing machines; and specially designed parts and accessories, n.e.c. (Give full specifications.) (40) [5 11]

71980 Machinery specially designed for the extrusion of polytetrafluoroethylene coagulated dispersions, or powders or pastes derived therefrom; and specially designed parts and accessories, n.e.c. (40) [5 11]

71980 Windshield wipers, nonelectric, and parts, n.e.c. (37) [5]

71980 Shock absorbers, mechanical or hydraulic. (38) [5]

71992 Valves, cocks, or pressure regulators (a) specially designed to operate at temperatures below minus 274° F. (minus 170° C.), except those of 2-inch diameter (50.8 mm.) or less specially designed for operation at temperatures from minus 274° F. (minus 170° C.) to minus 328° F. (minus 200° C.), or (b) with all flow contact surfaces made of or lined with any of the following materials: (i) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (ii) 50 percent or more cobalt or molybdenum, either separately or combined, (iii) polytetrafluoroethylene, or (iv) polychlorotrifluoroethylene; and specially designed parts. (Give full specifications.) (3) [5]

71992 Other valves, cocks or pressure regulators of 2-inch diameter (50.8 mm.) or less specially designed for operation at temperatures from minus 274° F. (minus 170° C.) to minus 328° F. (minus 200° C.); and specially designed parts. (3) [5]

71992 Valve parts and accessories wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride. (See § 399.2, Interpretation 22.) (4) [5]

71992 Valve parts and accessories wholly made of polyvinyl fluoride. (4) [5]

71992 Other taps, cocks, valves, and similar appliances, n.e.c., and parts. (14) [5]

71994 Gaskets (joints) as follows: (a) Wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride, or (b) made of polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (See § 399.2, Interpretation 22.) (1 and 3) [5 20]

71994 Gaskets (joints) as follows: (a) Wholly made of polyvinyl fluoride, (b) of laminated metal and polytetrafluoroethylene or polychlorotrifluoroethylene, or (c) made of polypyromellitimide or polybenzimidazole where the value of the contained polymeric substances is less than 50 percent of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (1, 2, and 3) [5 20]

71994 Other gaskets (joints), laminated metal and nonmetal material, or set of gaskets of two or more materials. (3) [3]

71999 Ships' propellers; and paddle wheels for boats and boat parts, n.e.c. (1) [7]

71999 Other machine parts, n.e.c., nonelectric. (2 and 3) [7]

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES

72210 Synchronous motors of any rating possessing any of the following characteristics; (a) of size 30 (8 inches in diameter) and smaller having synchronous speeds in excess of 3,600 r.p.m., (b) designed to operate below minus 25° C. to plus 100° C., (c) designed to operate from power sources: Of more than 400 cycles, or (d) of size 11 (1.1 inches in diameter) or smaller. (Specify by name and model number.) (1) [5]

72210 Other synchronous motors of any rating, having synchronous speeds in excess of 3,000 r.p.m. or designed to operate within a temperature range greater than minus 10° C. to plus 55° C. but not exceeding minus 25° C. to plus 100° C. (Specify by name and model number.) (1) [5]

72210 Electric motors, d.c. and a.c., specially designed for aircraft; and parts and accessories, n.e.c. (6) [66]

72210 Servo motors (gear head or plain), having any of the following characteristics; (a) Designed to operate from power sources of more than 300 cycles per second, except those designed to operate from power sources of over 300 cycles per second up to and not exceeding 400 cycles per second with a temperature range of from minus 25° C. to plus 100° C., (b) designed to have a torque-to-inertia ratio of 10,000 radians per second or greater, (c) incorporating special features to secure internal damping, (d) of size 11 (1.1 inches in diameter) and smaller, (e) employing solid state Hall effect, or (f) designed to operate below minus 55° C. or above plus 125° C. (specify by name and model number); and specially designed parts and accessories, n.e.c. (8) [5]

72210 Servo motors (gear head or plain) designed to operate from power sources over 300 cycles per second up to and not exceeding 400 cycles per second, designed to operate

Export Control Commodity Number and Commodity Description—Continued	
	ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued
	within a temperature range greater than minus 10° C. to plus 55° C. but not exceeding minus 25° C. (minus 13° F.) to plus 100° C. (specify by name and model number); and specially designed parts and accessories, n.e.c. (8)[2 9]
72210	Other generators and generator sets of ½ kilowatt or over; and parts and accessories, n.e.c. (16)[28]
72210	Parts for transformers, coils, reactors, chokes, motors, and generators (including cores, laminations, stampings, and other formed parts) composed of magnetic materials. (See § 399.2, Interpretation 6.) (21 and 24)[2 28]
72220	Other electronic and microwave switches and electronic relays, n.e.c. (16)[8]
72220	Fuses, dimmer switches, lighting switches, power relays, and other electrical apparatus for making, breaking or protecting electrical circuits on aircraft. (19)[28]
72310	Wire and cable coated with or insulated with fluorocarbon polymers or copolymers, except polyvinyl fluoride. (Specify type of metal and insulation.) (Also specify copper content in pounds.) (See § 373.43(d).) (1)[9]
72310	Wire and cable coated with or insulated with polyvinyl fluoride. (Specify type of metal and insulation.) (Also specify copper content in pounds.) (See § 373.43(d).) (1)[5 9]
72310	Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (d) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for gas pressurization for the purpose of withstanding external overpressure or for raising the maximum voltage rating of the cable, or (e) intended for submarine laying. (Also specify copper content in pounds.) (See § 373.43(d).) (2)[9]
72310	Communications cable containing more than one pair of conductors, as follows: (a) Submarine cable, or (b) cable containing fluorocarbon polymers or copolymers. (Also specify copper content in pounds.) (See § 373.43(d).) (4)[9 18]
72310	Ignition harness and cable sets, aircraft type. (12)[28]
72320	Electrical insulators and fittings as follows: (a) Wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride, or (b) made of polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes, where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (See § 399.2, Interpretation 22.) (1, 2, and 5)[5 19]
72320	Electrical insulators and fittings as follows: (a) Wholly made of polyvinyl fluoride, (b) partially made of fluorocarbon polymers or copolymers, or (c) made of polypyromellitimide or polybenzimidazole where the value of the contained polymeric substances is less than 50 percent of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (See § 399.2, Interpretation 22.) (1 and 2)[5 19]
72320	Other electrical insulators and fittings of insulating materials, n.e.c. (3 and 5)[28]
72410	Color television broadcast receivers, whether or not combined with radio or phonograph; and unassembled color television kits. (2)[3]
72491	Equipment designed to ensure the privacy or secrecy of analog and/or digital communications, except (a) voice transmission systems employing fixed frequency inversions and/or fixed band scrambling techniques in which the changes occur no more frequently than once every 10 seconds, (b) standard commercial facsimile or video systems employing only transposition of analog information, and (c) industrial and commercial video systems for pay television and similar restricted audience television in which privacy is obtained by the use of nonstandard sweep systems and not employing digital transmission or digital techniques to modify an analog transmission; and specialized components, assemblies, subassemblies, parts and accessories, n.e.c., including terminal equipment, modems, vocoders, and authentication equipment. (Specify by name.) (1)[9]
72491	Other equipment designed to ensure the privacy or secrecy of communications, except voice transmission systems making use of fixed frequency inversions and/or fixed band scrambling techniques in which the changes occur no more frequently than once every 10 seconds; and specialized components, assemblies, subassemblies, parts, and accessories. (Specify by name.) (1)[8 9 14]
72491	Terminal and intermediate repeater or amplifier equipment as follows: (a) Terminal and intermediate repeater or amplifier equipment designed to transmit, carry, or receive frequencies from higher than 16 kilocycles up to and including 150 kilocycles, and (b) terminal equipment specially designed for power lines and operating within the range of frequencies from 16 to 1,500 kilocycles; and specialized components, parts, and accessories, n.e.c. (3)[28]
72492	Telephone repeater equipment designed for frequencies from higher than 16 kilocycles up to and including 150 kilocycles; and specialized components, parts, and accessories, n.e.c. (2)[28]
72499	Radio transmitters or transceivers, including transmitter amplifiers, having any of the following characteristics: (a) Designed to operate at output carrier frequencies greater than 235 megacycles, except (i) television broadcasting transmitters and amplifiers therefor operating between 470 and 960 megacycles, (ii) frequency-modulated and amplitude-modulated ground communications equipment required for use in the land mobile service operating in the 420 to 470 megacycle band with a power output of not more than 25 watts for mobile units and 100 watts for fixed units, or (iii) amplitude-modulated radiotelephone equipment used for search and rescue work operating on a frequency of 243 megacycles with a carrier power not exceeding 100 milliwatts; (b) designed to provide any system of pulse modulation (this does not include amplitude, frequency, or phase-modulated television or telegraphic transmitters); (c) rated for operation over a range of ambient temperatures extending from below minus 40° F. (minus 40° C.) to above plus 131° F. (plus 55° C.); or (d) designed to provide a multiplicity of alternative output frequencies controlled by a lesser number of piezoelectric crystals, except equipment in which the output frequency is selected only by manual operation either on the equipment or on a remote control unit and (i) those forming multiples of a common control frequency, or (ii) those in which the output frequency is a multiple of a common frequency which is not less than 1:1000 part of the oscillator frequency and is in steps of 1 kilocycle or greater (specify by name and model number); and specially designed components, subassemblies, parts, and accessories, including but not limited to intermediate frequency and power amplifiers and their parts, modulators and modulation amplifiers, aerials, their filters, and their connecting devices, control equipment placed in racks, and maintenance equipment (specify by name). (1 and 2)[19]
72499	Other transmitters or transceivers having any of the following characteristics: (a) More than 20 channels, (b) special facilities for interconnection with land line telephone circuits or switch boards, (c) frequency-modulated or amplitude-modulated communications equipment operating in the 420 to 470 megacycles band, with a power output of 25 watts or less for mobile units and 100 watts or less for fixed units, (d) amplitude modulated radio-telephone equipment used for search and rescue work operating on a frequency of 243 megacycles with a carrier power of 100 milliwatts or less, (e) designed to operate at output carrier frequencies between 108 and 156 or from 223 up to and including 235 megacycles, or (f) designed to provide a multiplicity of alternative output frequencies controlled by a lesser number of piezo-electric crystals, except those forming multiples of a common control frequency (specify by name and model number); and specially designed parts and accessories, n.e.c. (Specify by name.) (1 and 2)[8 19]
72499	Radio (microwave) relay communications equipment designed for use: (a) At frequencies in excess of 300 megacycles but not exceeding 470 megacycles and having any of the following characteristics: (1) A power output exceeding 5 watts, (ii) a base bandwidth greater than 150 kilocycles, or (iii) for other than fixed service; or (b) at frequencies in excess of 470 megacycles (specify by name and model number), except short-range and low-power television links for transmission between the camera or studio and the television transmitter; and specially designed components, subassemblies, parts and accessories (specify by name). (5 and 6)[8 19]
72499	Other radio relay communications equipment designed for frequencies of 470 megacycles and under (specify by name and model number); and specially designed components, subassemblies, parts and accessories, n.e.c. (specify by name). (5 and 6)[19]
72499	Other radiotelephone carrier (multiplex) terminal or amplifier equipment designed to deliver, carry, or receive frequencies higher than 16 kilocycles up to and including 150 kilocycles, into or in a communications system and carrier terminal equipment specially designed for powerlines operating at frequencies below 1,500 kilocycles; and specialized components, parts, and accessories, n.e.c. (8)[28]
72499	Equipment designed to insure the privacy or secrecy of analog and/or digital communications, except (a) voice transmission systems employing fixed frequency inversions and/or fixed band scrambling techniques in which the changes occur no more frequently than once every 10 seconds, (b) standard commercial facsimile or video systems employing only transposition of analog information, and (c) industrial and commercial video systems for pay television and similar restricted audience television in which privacy is obtained by the use of nonstandard sweep systems and not employing digital transmission or digital techniques to modify an analog transmission; and specialized components, assemblies, subassemblies, parts, and accessories, n.e.c., including terminal equipment, modems, vocoders, and authentication equipment. (Specify by name.) (12)[8 9 14]
72499	Other equipment designed to insure the privacy or secrecy of communications, except voice transmission systems making use of fixed frequency inversions and/or fixed band scrambling techniques in which the changes occur no more frequently than once every 10 seconds; and specialized components, assemblies, subassemblies, parts, and accessories. (Specify by name.) (12)[8 9 14]
72499	Panoramic radio receivers (being receivers which search automatically a part of the radio frequency spectrum and indicate the signals received), except panoramic adaptors for commercial receivers which are limited to searching a spectrum of not more than plus or minus 20 percent of the intermediate frequency of the receiver and the range searched does not exceed plus or minus 2 megacycles (specify by name and model number); and specially designed parts and accessories (specify by name). (14)[8 9]
72499	Other panoramic adaptors for commercial radio receivers (specify by name and type number); and specially designed parts and accessories (specify by name). (14)[9 16]
72499	Airborne navigation and direction finding equipment, including specialized training or simulating equipment as follows: (a) Designed to make use of Doppler frequency phenomena, (b) utilizing the constant velocity and/or the rectilinear propagation characteristics of electromagnetic ways having frequency less than 4 times 10^{14} cycles per second (0.75 micron), (c) pulse modulated radio altimeters, (d) frequency-modulated radio altimeters having an electrical output accuracy better than plus or minus 3 feet over the whole range between zero to 100 feet, or plus or minus 3 percent above 100 feet, (e) frequency-modulated radio altimeters which have been in normal civil use for less than 4 years, (f) direction finding equipment operating at frequencies greater than 5 megacycles, except equipment designed for search and rescue purposes provided that the receiver operates on a crystal-controlled fixed frequency of 121.5 megacycles and that the determination of the DF bearing is not independent of the bearing of the bearing of the aircraft and provided that the DF antenna array is designed for operation at a fixed frequency of 121.5 megacycles, (g) pressurized throughout, or (h) rated for continuous operation over a range of ambient temperatures extending from below minus 67° F. (minus 55° C.) to above plus 131° F. (plus 55° C.) (specify by name and model number); and specially designed parts and accessories (specify by name). (15)[9]
72499	Ground and marine radar equipment, including specialized training or simulating equipment, having any of the following features: (a) Operating at a frequency not in normal civil use in the Western World, or at a frequency of more than 10,500 megacycles, (b) having a peak output power from the transmitter greater than 160 kilowatts, (c) having an 80 percent or better cumulative probability of detection of a 20 square meter target at a free space range of 50 nautical miles, (d) utilising other than pulse modulation with a constant pulse repetition frequency in which the frequency of the transmitted signal is not changed deliberately between groups of pulses, from pulse to pulse, or within a single pulse, (e) utilising a Doppler technique for any purpose, other than MTI (moving target indicator) systems using a conventional double pulse delay line technique, (f) including signal processing techniques which have been in normal civil use for a period of less than 4 years, or (g) having been in commercial use in the Western World for a period of less than 2 years (specify by name and model number); and specially designed parts and accessories. (Specify by name.) (19)[9]
72499	Other amplifiers, except television transmitter amplifiers, designed to operate at frequencies from 300 up to and including 500 megacycles; and specially fabricated parts and accessories, n.e.c. (27)[28]
72499	Automobile radio receiver antennas; and parts and accessories, n.e.c., specially designed for home-type radio and television receivers and automobile receivers, except communications re-receivers. (32 and 34)[3]
72499	Electronic equipment, n.e.c., containing one or more functional circuits, including integrated circuits, with a component density greater than 75 parts per cubic inch (4.575 parts per cubic centimeter); and specially designed circuit assemblies, subassemblies, and parts. (Specify by name and model number.) (35)[8 15]
72505	Galleys, buffet servers, ovens, and other equipment specially designed for aircraft; electric heaters for automotive vehicles; and parts. (4)[3]
72620	Industrial beta, gamma, and X-ray equipment capable of measuring and/or controlling the dimensions of a rolled product (including coatings) during its production (specify by name); and specially designed parts and accessories, n.e.c. (8)[28]
72620	Other industrial and scientific X-ray equipment; and parts, n.e.c. (9)[9]
72620	Other medical and dental X-ray and gamma ray equipment; and medical and dental apparatus based on the use of radiations from radioactive substances; and parts, n.e.c. (9)[8 9]
72911	Electrochemical and radioactive devices for the conversion of chemical energy to electrical energy, having any of the following characteristics: (a) Fuel cells (including regenerative cells), i.e., cells for generating electric power, to which all the consumable components are supplied from outside the cells, (b) primary cells possessing a means of activation and having an open circuit storage life in the unactivated condition, at a temperature of 70° F. (21° C.), of 10 years or more, (c) primary cells capable of operating at temperatures from below minus 13° F. (minus 25° C.) to above plus 131° F. (plus 55° C.), including cells and cell assemblies (other than dry cells) possessing self-contained heaters, or (d) power sources other than nuclear reactors based on radioactive materials systems, except those having an output of less than 0.5 watts in which the ratio of output (in watts) to weight (in pounds) is less than 1 to 2; and specialized parts, components, and subassemblies therefor. (Specify by name and type.) (1)[28]
72911	Other primary batteries and cells; and parts. (3 and 4)[28]
72912	Electrically rechargeable storage cells; hermetically sealed, designed to have a leakage rate of 10^{-6} cubic centimeters per second of gas or less when tested under pressure differential of 2 atmospheres; and specialized parts, components, and subassemblies therefor. (Specify by name and type.) (1)[28]
72912	Battery separators and blanks, wood; and battery parts made of rubber. (3)[3]

Export Control Commodity Number and Commodity Description—Continued
ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

72920 Other electrical lamps (bulbs and tubes); and parts. [Report carbons in Export Control Commodity No. 72996, and glass envelopes in No. 66492.] (5)[7]

72930 Image intensifiers, image converters, and electronic storage tubes, including memory tramsformers of radar pictures. (Specify by name and type number.) (2)[6 9]

72930 Ruggedized vidicon tubes. (Specify by name and type number.) (2)[6 9]

72930 Photomultiplier tubes as follows: (a) For which the maximum sensitivity occurs at wavelength longer than 7,500 angstrom units or shorter than 3,000 angstrom units, or (b) having an anode pulse rise time of less than 2 nanoseconds. (3 and 13)[6]

72930 Cold cathode tubes and switches as follows: (a) Triggered spark gaps, having an anode delay time of 15 microseconds or less and rated for a peak current of 3,000 amperes or more, or (b) cold cathode tubes, whether gas filled or not, operating in a manner similar to a spark gap, containing three or more electrodes and having *all* of the following characteristics: (i) Rated for an anode peak voltage of 2,500 volts or more, (ii) rated for peak currents of 300 amperes or more, (iii) an anode delay time of 10 microseconds or less, and (iv) an envelope diameter of less than 1 inch (25.4 mm.). (Specify by name and type number.) (4 and 11)[6]

72930 Thyratron and modulator gas-discharge tubes as follows: (a) Rated for continuous operation with peak current and peak voltage exceeding 100 amperes and 9,000 volts at a pulse repetition frequency of 200 or more pulses per second, or (b) hydrogen thyratrons (i) rated for a peak pulse power of 2 megawatts or more, or (ii) of metal-ceramic construction. (Specify by name and type number.) (5)[6]

72930 Other hydrogen thyratrons. (Specify by name and type number.) (5)[6 9]

72930 Electron tubes, as follows: (a) Tubes rated for continuous wave operation over the frequency range of 300 to 1,000 megacycles for which (at any part of this frequency range and under any condition of cooling) the product of frequency of operation in megacycles squared and the power output in watts from the anode(s) of a single envelope at this frequency exceeds 10^8 when the tube is operating in Class C telegraphy key down conditions or in Class C FM telephony conditions or, if performance under these conditions is not known, the product of declared maximum frequency of full ratings in megacycles squared and the maximum rated anode dissipation per tube in watts exceeds 5 times 10^7 (when applying the above criteria to external anode tubes rated without a radiator, multiply the power rating by 20, and for external anode tubes rated with radiators and optimum cooling procedures, as recommended by the manufacturer, multiply the power rating by 2), (b) tubes rated for operation above 1,000 megacycles, (c) tubes rated for pulse operation above 300 megacycles, (d) tubes constructed with ceramic envelopes and rated for operation above 300 megacycles, (e) tubes except conventional types such as diodes, triodes, pentodes, etc., in which the velocity of the electrons is utilized as one of the functional parameters (including, but not limited to klystrons, travelling wave tubes and magnetrons, except fixed frequency pulsed magnetrons designed to operate at frequencies from 9.3 to 9.5 gigacycles per second with a maximum peak output power not greater than 25 kilowatts), (f) indirectly heated tubes less than 0.283 inch in diameter, (g) tubes designed to withstand an acceleration of short duration (shock) greater than 1,000 g (accelerations under gravity), (h) tubes constructed with beryllium oxide ceramics, (i) tubes designed for operation in ambient temperatures above 212° F. (100° C.), or (j) vacuum tubes specially designed for use as pulse modulators for radar or for similar applications, having a peak anode voltage rating of 100 kilovolts or more, or rated for a peak pulse power of 2 megawatts or more. (Specify by type number.) (7)[6]

72930 Other TR and anti-TR tubes, n.e.c. (Specify by name and type number.) (11)[6 14]

72930 Commercial standard television broadcasting camera tubes. (Specify by name and type number.) (13)[6 14]

72930 Other television camera tubes. (Specify by name and type number.) (11)[6 14 24]

72930 Other cathode ray tubes with screen afterglow longer than one-half second; and other alpha-numeric and similar data or information display tubes in which the displayed position of each character is fixed. (Specify by name and type number.) (13)[6 24]

72930 Other photomultiplier tubes and phototubes, n.e.c. (Specify by name and type number.) (13)[6 24]

72930 Other cathode ray tubes, n.e.c. (Specify by name and type number.) (14)[6 9]

72930 Rectifier bulbs for automotive battery chargers, Geiger-Mueller counter tubes, proportional counter tubes, and electron tube types described or listed in § 399.2, Interpretation 13. (Specify by name and type number.) (14)[6 9]

72930 Other electron tubes, n.e.c., including military versions of types described or listed in § 399.2, Interpretation 13. (Specify by name and type number.) (11)[6 24]

72930 Semiconductor diodes, as follows: (a) Any semiconductor diode in which the bulk material is other than silicon, germanium, selenium, or copper-oxide, (b) signal diodes in which the bulk material is silicon or germanium (including mixer, frequency-changing, and switching diodes) as follows: (i) Point-contact type diodes designed for use at frequencies over 1,000 megacycles, or (ii) junction-type diodes designed for use at input frequencies greater than 300 megacycles or designed for switching rates (repetition frequency) higher than 1 megacycle, (c) power diodes in which the rated maximum recurrent reverse voltage exceeds 1,000 volts per junction at 77° F. (25° C.) under any conditions of cooling, except those in which the rated forward current per junction under continuous operation exceeds 200 amperes and the rated maximum recurrent reverse voltage does not exceed 1,300 volts per junction, (d) controlled diodes (i.e., those which operate similarly to grid controlled gas-filled tubes) designed for use at switching rates (repetition frequency) higher than 100 kilocycles, or (e) tunnel diodes. (Specify by type number.) (21)[6]

72930 Transistors and related devices (or related semiconductor amplifying devices such as fieldistors, spacistors, and technetrons) having any of the following characteristics: (a) Having four or more active junctions within any single block of semiconductor material, (b) using a bulk semiconductor material other than germanium or silicon, (c) germanium types having either (i) an average f_T of 40 to 240 megacycles and designed to have a maximum collector dissipation greater than 150 milliwatts, or (ii) an average f_T greater than 240 megacycles, or (d) silicon types having any of the following characteristics: (i) An average f_T of up to 500 kilocycles and designed to have a maximum collector dissipation greater than 5 watts, (ii) an average f_T from greater than 500 kilocycles to 3 megacycles and designed to have a maximum collector dissipation greater than 500 milliwatts, (iii) an average f_T from greater than 3 megacycles to 20 megacycles and designed to have a collector dissipation greater than 250 milliwatts, (iv) an average f_T greater than 20 megacycles, (v) majority carrier devices, including but not limited to field effect transistors and metal oxide semiconductor transistors, or (vi) a modulus of the current gain in the common emitter configuration of 10 or more for collector currents of 100 microamperes or less. (Specify by type number.) (22)[6]

72930 Integrated circuits. (Specify by name and type number.) (25)[26]

72930 Other solar cells and photosensitive semiconductor devices, n.e.c. (Specify by name and type number.) (28 and 30)[6 26]

72930 Semiconductor diodes, as follows: (a) Germanium point contact diodes designed for operation at frequencies below 250 megacycles; (b) germanium junction diodes designed for operation at frequencies of 50 megacycles or less and not designed for switching speeds (repetition frequency) greater than 1 megacycle; (c) silicon regulator (zener) diodes; and (d) silicon junction power diodes (not including radio frequency or switching diodes) having a peak inverse voltage of 1,000 volts per junction or less. (Specify by type number.) (30)[6 26]

72930 Transistors listed in § 399.2, Interpretation 18. (Specify by type number.) (30)[6 26]

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

72930 All other transistors, diodes, and solid state semiconductor devices. (Specify by name and type number.) (27 and 29)[6 26]

72941 Spark plugs, aircraft and automotive types, and parts. [Report insulators in Export Control Commodity No. 72320.] (2)[6]

72941 Other electrical starting and ignition equipment, n.e.c., aircraft type, and specially designed parts. (3)[26]

72941 Other electrical starting and ignition equipment for other internal combustion engines; and parts. (5)[6]

72942 Other motor vehicle lighting equipment, signalling equipment, horns, electrical windshield wipers, and defrosters; and parts therefor. (2, 3, and 4)[76]

72951 Other electricity supply meters. [Report parts in Export Control Commodity No. 86199.] (2)[6]

72952 Cathode ray oscilloscopes (oscillographs) possessing any of the following characteristics: (a) An amplifier bandwidth greater than 30 megacycles per second (defined as the band of frequencies over which the deflection on the cathode ray tube does not fall below 70.7 percent of that at the maximum point measured with a constant input voltage to the amplifier); (b) a time base shorter than 30 nanoseconds per centimeter, including calibrated magnified sweep factor; (c) employing accelerating potentials in excess of 10 kilovolts; (d) containing or designed for the use of a cathode ray tube with three or more electron guns; (e) containing or designed for use of (i) cathode ray memory tubes, or (ii) cathode ray tubes with traveling wave or distributed deflection structure or incorporating other techniques to minimise mismatch of fast phenomena signals to the deflection structure; (f) ruggedized to meet a military specification; (g) rated for operation over a range of ambient temperatures from below minus 13° F. (minus 25° C.) to above plus 131° F. (plus 55° C.); (h) incorporating a calibrated variable sweep delay with an incremental accuracy (measured at the 90 percent delay point) of better than 3 percent; (i) including any device which increases the capabilities of the oscilloscope to enable it to meet specifications (a) or (b) of this entry; or (j) having a rise time of less than 12 nanoseconds. (Specify by name and model number.) (5 and 7)[26]

72952 Other cathode ray oscilloscopes (oscillographs) possessing any of the following characteristics: (a) An amplifier bandwidth greater than 12 megacycles per second, (b) a time base less than 0.04 microsecond per centimeter, (c) employing accelerating potentials in excess of 5 kilovolts, (d) containing or designed for use of three or more cathode ray tubes, or (e) including any device which increases the capabilities of the oscilloscope to enable it to meet specifications (a) or (b) of this entry. (Specify by name and model number.) (5 and 7)[6 26]

72952 Magnetometers, except geophysical magnetometers, but including gaussameters, of the following types: (a) Fluxgate, (b) electron-beam sensing, (c) paramagnetic, (d) nucleonic, and (e) Hall effect. (Specify by name.) (10 and 25)[6]

72952 Instruments designed for testing or calibrating the following equipment: (a) Compasses and gyroscopic equipment, Export Control Commodity Nos. 72952 and 86191, which are subject to the Import Certificate/Delivery Verification Procedure, (b) aircraft integrated flight instrument systems which include gyrostabilizers and/or automatic pilots, (c) gyrostabilizers other than those for aircraft control or for stabilizing an entire surface vessel, (d) automatic pilots other than those for aircraft or surface vessels, (e) astro compasses, (f) star trackers, and (g) accelerometers designed for use in inertial navigation systems or in guidance systems. (25 and 79)[6 11]

72952 Measuring and controlling instruments and apparatus containing crystals having spinel, hexagonal or garnet crystal structures, or containing thin film devices, as follows: (a) Single aperture forms having (i) a switching speed of 0.5 microsecond or less at the minimum field strength required for switching at (104° F.) (40° C.), or (ii) a maximum dimension less than 45 mils (1.14 mm.), (b) multiaperture forms having (i) a switching speed of 1 microsecond or less at the minimum field strength required for switching at (104° F.) (40° C.), (ii) a maximum dimension less than 100 mils (2.54 mm.), or (iii) having 10 or more apertures, or (c) thin film memory storage or switching devices. (Specify by name and characteristics.) (25, 31, and 45)[6 32]

72952 Personal nuclear radiation monitoring instruments enabling direct reading on a graduated scale as follows: (a) Dosimeters, where more than one-fourth of the total single exposure range falls between 15 and 500 rads or roentgens, or (b) dose rate meters, where more than one-fourth of the total range falls between 1 and 80 rads or roentgens per hour, except dosimeters and dose rate meters specially designed for use with medical radiation equipment or used in food and plastics processing. (36)[6]

72952 Underwater detection apparatus, and specialised component instruments (for example, hydrophones), except marine depth sounders of a kind used solely for measuring the depth of water or the distance of submerged objects or fish and/or whales vertically below the apparatus. (Specify by name and model number.) (33)[6]

72952 Analog-to-digital and digital-to-analog converters as follows: (a) Electrical-input types possessing (i) a peak conversion rate capability in excess of 50,000 complete conversions per second, (ii) an accuracy in excess of 1 part in more than 10,000 of full scale, or (iii) a figure of merit of 5 times 10^6 or more (derived from the number of complete conversions per second divided by the accuracy), (b) mechanical-input types (including but not limited to shaft-position encoders and linear displacement encoders, but excluding complex servo-follower systems): (i) Rotary types having an accuracy of maximum incremental accuracy better than plus or minus 1 part in 10,000 of full scale, or of size 11 (1.1 inches in diameter) and smaller, (ii) linear displacement types having an accuracy better than plus or minus 5 microns, (c) employing solid state Hall effect, or (d) designed to operate below minus 67° F. (minus 55° C.) or above plus 257° F. (plus 125° C.). (Specify model or type number.) (34)[6]

72952 Numerical control systems specially designed for controlling coordinated simultaneous (contouring continuous path) machining movements in a machine tool in two or more axes. [Report machine-tool controls other than electric or electronic in Export Control Commodity No. 71964.] (See § 399.2, Interpretation 7.) (36, 40, and 79)[5]

72952 Combination balancing and correcting machines designed for or equipped with numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) movements in two or more axes. (See § 399.2, Interpretation 7.) (37)[6]

72952 Numerical control servo-driven measuring or gauging machines specially designed for measuring at any point of the contour the dimensional shape and contour characteristics of two- or three-dimensional objects, including objects of revolution. (79)[6 11]

72952 Geophysical magnetometers of the following types: (a) Fluxgate, (b) electron beam sensing, (c) paramagnetic, (d) nucleonic, and (e) Hall effect. (41 and 44)[6]

72952 Gear testers designed for the testing of gears of diametral pitch finer than 48. (See § 399.2, Interpretation 3.) (57)[6]

72952 Testing devices specially designed for testing electronic assemblies produced by depositing or printing on insulating panels, plates, or wafers or otherwise forming in situ component parts other than basic wiring. (58)[6]

72952 Testing devices specially designed for testing electronic assemblies produced by: (a) Automatically inserting and/or soldering components on insulating panels, plates, or wafers to which wiring is applied by printing or other means, or (b) automatically or semiautomatically assembling, wiring, and/or packaging mounted modular insulated panels, plates, or wafers. (58)[6 9]

72952 Environmental chambers capable of pressures of 26 Torr or less, including those with a pressure capability only and those which also have a capability of simulating other environments, such as radiation and temperature. (62)[6]

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

72952 Other industrial process indicating, recording, and/or controlling instruments containing one or more electronic components (incorporating one or more electron tubes or transistors), except large case potentiometric instruments (that is, those with one face dimension 6 inches or larger). (Specify by name.) (66)[14]

72952 Test benches, electrical, for automotive engines, brakes, pumps, and speedometers. (67)[5]

72952 Compasses and gyroscopic equipment as follows: (a) Gyrocompasses possessing one or more of the following characteristics: (i) Automatic correction for the effects on compass accuracy of changes in ship's speed, acceleration, or latitude, (ii) provision for accepting ship's data as an electrical input, (iii) provision for setting in corrections for current set and drift, (iv) utilization of accelerometer, rate gyro, rate integrating gyros, or electrolytic levels as sensing devices, (v) provision for determining and electrically transmitting ship's level reference data (roll, pitch) in addition to own ship's course data; (b) integrated flight instrument systems for aircraft which include gyrostabilizers and/or automatic pilots; (c) gyrostabilizers used for other purposes than aircraft control, excluding those for stabilizing an entire surface vessel; (d) automatic pilots used for other purposes than aircraft control excluding marine type for surface vessels; (e) gyros with a rated free directional drift rate (rated free precession) of less than 0.5 degrees per hour in a 1 g environment; and (f) gyrocompasses which incorporate gyros described in (e) above or which, when operated in a gyrocompass mode, have a compass error, before compensation, due to gyrodrift rate of less than one-thirtieth of a radian (θ/π degrees) at 0 degrees latitude. (Specify by name and model number.) (54)[71]

72952 Other electric or electronic instruments for indicating, measuring, testing, inspecting, or controlling nonelectrical quantities. (79)[7]

72960 Electromechanical hand tools; and parts. (1)[5]

72991 Permanent magnets having any of the characteristics set forth in § 399.2, Interpretation 6. (Give metal analysis.) (5, 6, and 8)[5 20]

72991 Other permanent magnets, electromagnets, and electromagnetic appliances. (8 and 9)[72]

72992 Electric vacuum furnaces as follows: (a) Consumable electrode vacuum arc furnaces with a capacity in excess of 5 tons, (b) skull type vacuum arc furnaces, (c) electron beam vacuum furnaces, (d) resistance vacuum furnaces designed to operate at temperatures higher than 1650° C. (3002° F.), except (i) furnaces for heat treatment, 12 inches x 12 inches x 12 inches (304 mm. x 304 mm.) (28,320 cubic centimeters), designed for temperatures not higher than 2300° C. (4172° F.), (ii) furnaces for heat treatment, up to 600 cubic centimeters, designed for temperatures not higher than 2700° C. (4860° F.), and (iii) melting furnaces up to 3,200 cubic centimeters, designed for temperatures not higher than 2300° C. (4172° F.), (e) cold crucible vacuum induction furnaces designed to operate at pressure lower than 0.1 millimeter of mercury and at temperatures higher than 1100° C. (2012° F.), or (f) vacuum induction furnaces other than cold crucible, designed to operate at temperature higher than 1650° C. (3002° F.), except furnaces with work piece space of 13,000 cubic centimeters or less and designed to operate not higher than 1900° C. (3452° F.), and furnaces with a work piece space of 3,200 cubic centimeters or less with no single dimension (length, width, height or diameter) of that space in excess of 10 inches and designed to operate at temperatures not higher than 2300° C. (4172° F.). (Specify by name and characteristics.) (2)[5]

72992 Electric arc devices, n.e.c., for generating a flow of ionized gas in which the arc column is constricted, except (i) devices wherein the flow of gas is for isolation purposes only, and (ii) devices of less than 80 kilowatts for cutting, welding, plating, and/or spraying; equipment incorporating such devices; and specially designed parts, accessories, and controls, n.e.c. (9)[5]

72992 Electric arc devices of less than 80 kilowatts which utilize or generate a flow of ionized gas for cutting, welding, plating, and/or spraying; equipment incorporating such devices; and specially designed parts, accessories, and controls, n.e.c. (9)[5 9]

72994 Flashing, intermittent, and rotating lights for aircraft; aircraft alarm, warning, and signaling instruments, n.e.c. (for example, fire detectors and indicators, engine failure indicators, wheel, flap, cowl flap, control position indicators, etc.); and parts. (1)[20]

72995 Tantalum or niobium electrolytic capacitors as follows: (a) Types designed to operate permanently at temperatures over 185° F. (85° C.), (b) sintered types, except those having a casing made of epoxy resin or sealed with epoxy resin, or (c) foil types. (Specify by name and type number.) (2)[5]

72995 Sintered electrolytic tantalum capacitors having a casing made of epoxy resin or sealed with epoxy resin; and specially designed parts. (Specify by name and type number.) (2 and 3)[5 9 14]

72995 Ignition capacitors (condensers) designed for aircraft, and parts. (6)[20]

72996 Other lighting carbons, brush stock, and carbon brushes. (5)[5]

72998 Quartz crystals and assemblies thereof in any stage of fabrication (worked, semifinished, or mounted), as follows: (a) For use as filters: (i) Specially designed crystals, or (ii) assemblies of crystals, or (b) for use as oscillators: (i) Designed for operation over a temperature range wider than 70° C., (ii) designed for a frequency stability of plus or minus 0.003 percent or better over the rated temperature range, (iii) mounted in glass holders, (iv) mounted in thermocompression welded metal holders, or (v) capable, when mounted, of being passed through a circular hole with a diameter of 0.42 inches (10.7 mm.). (Specify by name and type number.) (3)[5]

72998 Other quartz crystals, mounted. (Specify by name and type number.) [Report unmounted in Export Control Commodity No. 66700.] (3)[5 14]

72998 Electronic components, n.e.c., as follows: (a) Consisting of or containing assemblies and subassemblies constituting one or more functional circuits with a component density greater than 75 parts per cubic inch (4.575 parts per cubic centimeter), or (b) modular insulator panels (including wafers) mounting single or multiple electronic elements, except panels constructed of paper base phenolics, glass cloth melamine, glass cloth epoxy resins, or other materials with an operating temperature range not exceeding that of the aforementioned materials and which are not types defined in (a) above or which incorporate any semiconductors, diodes, transistors, etc., which are subject to the Import Certificate/Delivery Verification procedure under Export Control Commodity No. 72930. (4)[5 67]

72998 Other modular insulator panels (including wafers) mounting single or multiple electronic elements. (4)[5]

72998 Electronic components and parts as follows: Thin film memory storage or switching devices; electrical filters in which the coupling elements make use of the electromechanical properties of ferrites; devices employing gyromagnetic resonance effects, including microwave ferrites and garnet devices; and other electronic components and parts containing crystals having spinel, hexagonal, or garnet crystal structures, as follows: (a) Monocrystals of ferrites and garnets, synthetic, (b) single-aperture forms having (i) switching speed of 0.5 microsecond or less at the minimum field strength required for switching at 104° F. (40° C.), or (ii) a maximum dimension less than 45 mils (1.14 mm.), or (c) multiaperture forms having (i) switching speed of 1 microsecond or less at the minimum field strength required for switching at 104° F. (40° C.), (ii) a maximum dimension less than 100 mils (2.54 mm.), or (iii) having 10 or more apertures. (Specify by name and characteristics.) (5)[5]

72999 Synchros and resolvers having any of the following characteristics: (a) rated electrical error of 10 minutes or less, or of 0.25 percent or less of maximum output voltage, (b) a rated dynamic accuracy for receiver types of 1° or less, except that for units of size 30 (3 inches in diameter) or larger a rated dynamic accuracy of less than 1°, (c) multispeed from single shaft types, (d) of size 11 (1.1 inches in diameter) and smaller, (e) employing solid state Hall effect, (f) designed for gimbal mounting, or (g) designed to operate below minus 67° F. (minus 55° C.) or above plus 257° F. (plus 125° C.) (specify by name and model number); and specially designed parts and accessories, n.e.c. (5)[5]

TRANSPORT EQUIPMENT

73105 Railway cars equipped with jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed only for liquid oxygen, nitrogen, or argon and having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day. (1 and 2)[5 19]

73105 Railway cars equipped with other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases. (1 and 2)[5 19]

73163 Containers suitable for transport by rail, road, and ship, all metals, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed only for liquid oxygen, nitrogen, or argon and having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day. (1 and 2)[5 19]

73163 Other containers suitable for transport by rail, road, and ship all metals, jacketed only, 500 gallons capacity or over, for the transportation of liquefied gases. (1 and 2)[5 19]

73202 Military and nonmilitary motor vehicles equipped with jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.) as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed only for liquid oxygen, nitrogen or argon and having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day. (1 and 2)[5 19]

73202 Military and nonmilitary motor vehicles equipped with other jacketed containers of 500 gallons capacity or over, for the transportation of liquefied gases. (1 and 2)[5 19]

Export Control Commodity Number and Commodity Description—Continued

ELECTRICAL MACHINERY, APPARATUS AND APPLIANCES—Continued

(minus 55° C.) or above plus 257° F. (plus 125° C.) (specify by name and model number); and specially designed parts and accessories, n.e.c. (5)[5]

TRANSPORT EQUIPMENT

73202 Other military trucks, truck chassis, and truck tractors (assembled or unassembled). (4)[20]

73202 Nonmilitary trucks, truck chassis, and truck tractors (assembled or unassembled), having front and rear axle drive. (5)[20]

73203 Military and nonmilitary vehicles equipped with jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day, or (c) designed only for liquid oxygen, nitrogen or argon and having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day. (10 and 12)[5 19]

73203 Military and nonmilitary vehicles equipped with other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases. (10 and 12)[5 19]

73203 Truck-mounted concrete mixers (built-in mixers); mobile bituminous combination batching-mixing outfits; mobile gravel and tar spreaders; mobile derricks; snow plows, road motor, self-propelled with built-in equipment; Tower-mobile®, and rubber-tired mine shuttle cars. (19)[7]

73205 Truck bodies equipped with or consisting of jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar-type insulation under vacuum, (b) with other insulating systems having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed only for liquid oxygen, nitrogen, or argon and having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day. (1 and 2)[5 19]

73205 Truck bodies equipped with or consisting of other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases. (1 and 2)[5 19]

73205 Other military truck bodies. (3)[20]

73280 Other parts and accessories for wheel tractors, except contractors' off-highway tractors. (2 and 3)[73]

73280 Tanks designed as parts for nonmilitary or military vehicles as follows: (a) Jacketed containers of 250 to 500 gallons capacity, designed for the handling of liquid fluorine, or (b) jacketed containers of 500 gallons capacity or over designed for liquid nitrogen, oxygen, hydrogen, ozone, helium, argon, or fluorine, (excluding two-shell or three-shell containers rated for an average evaporation loss of over 5 percent per 24-hour period. (11)[74]

73280 Other liquefied gas jacketed containers of 500 gallons capacity or over, designed as parts for nonmilitary vehicles. (12)[75]

73280 Other parts and accessories designed for, or intended for use on, military vehicles. (15)[20]

73280 Other parts and accessories specially designed for front and rear axle drive nonmilitary vehicles. (16)[20]

73280 Heaters for nonmilitary vehicles; and parts. (17)[5]

73291 Other motorcycles, motor bikes, and motor scooters. (2)[5]

73292 Parts and accessories for other motorcycles, motor bikes, and motor scooters. (2)[5]

73300 Logging wagons; and parts. [Report off-highway trucks and trailers in Export Control Commodity No. 73203.] (1)[5]

73300 Military and nonmilitary trailers or other vehicles, n.e.c., equipped with jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed only for liquid oxygen, nitrogen, or argon and having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day. (3 and 4)[5 19]

73300 Military and nonmilitary trailers or other vehicles, n.e.c., equipped with other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases. (3 and 4)[5 19]

73410 Nonmilitary helicopters as follows: (a) Over 10,000 pounds empty weight, or (b) 10,000 pounds or less empty weight of types which have been in normal civil use for 1 year or less, except piston engine powered. (Specify make and model.) (1 and 2)[5 20]

73410 Nonmilitary aircraft, heavier-than-air, of types which have been in normal civil use for 1 year or less, except piston engine powered. (Specify make and model.) (1 and 2)[5 20]

73410 Other nonmilitary helicopters and aircraft. (Specify make and model.) (1 and 2)[5 20]

73492 Parts and accessories specially designed for helicopters, aircraft, airships, and balloons and wholly made of fluorocarbon polymers or copolymers (including parts for propellers, landing gear, and power transmissions). (1, 4, and 7)[5]

73492 Power transmission systems for nonmilitary helicopters over 10,000 pounds empty weight; and specially designed parts. (Specify make and model of helicopter.) (9)[5 13]

73492 Other power transmission systems for other nonmilitary helicopters; and parts. (Specify make and model of helicopter.) (9)[5]

Export Control Commodity Number and Commodity Description—Continued

TRANSPORT EQUIPMENT—Continued

73492 Rotors and rotor blades, for nonmilitary helicopters: (a) Over 10,000 pounds empty weight, and (b) 10,000 pounds or less empty weight of types which have been in normal civil use for 1 year or less, except piston engine powered; and parts. (Specify make and model of helicopter.) (3 and 5)[8 11]

73492 Other rotors, rotor blades, and propellers for helicopters, aircraft, airships, and balloons; and parts. (Specify make and model.) (3)[8]

73493 Landing gear assemblies specially designed for: (a) Aircraft which have been in normal civil use for 1 year or less, except piston engine powered, and (b) nonmilitary helicopters (i) over 10,000 pounds empty weight, and (ii) 10,000 pounds or less empty weight of types which have been in normal civil use for 1 year or less, except piston engine powered; and parts. (Specify make and model.) (6 and 8)[8 9]

73492 Other landing gear assemblies for helicopters, aircraft, airships and balloons; and parts. (Specify make and model.) (6 and 8)[9]

73492 Parts and accessories specially designed for nonmilitary helicopters (a) over 10,000 pounds empty weight, and (b) 10,000 pounds or less empty weight of types which have been in normal civil use for 1 year or less, except piston engine powered. (Specify make and model of helicopter.) (9)[8 11]

73492 Parts and accessories specially designed for aircraft, heavier-than-air which have been in normal civil use for 1 year or less, the following only: (a) Fuselages or hulls, (b) wings, wing panels, and sections, or (c) rudders, elevators, and stabilizers. (Specify make and model.) (2 and 9)[5]

73492 Other parts and accessories, n.e.c., for helicopters, aircraft, airships, and balloons. (Specify make and model.) (2 and 9)[9]

73503 Buoys, all metals; pontoons for pipelines, iron or steel; and fiberglass swimming pools, floating. (2 and 3)[8]

SANITARY, PLUMBING, HEATING, AND LIGHTING FIXTURES AND FITTINGS

81210 Central heating apparatus, n.e.c., and parts, n.e.c. (1 and 2)[13]

81230 Lavatories, sinks, and other sanitary and plumbing fixtures specially designed for aircraft; and parts. (1)[10]

81241 Vapor-proof electric light fixtures. (1)[8]

81241 Other illuminating or signaling glassware, and parts, n.e.c. (3)[8]

81242 Landing lights and other lighting fixtures specially designed for aircraft. (1)[10]

81242 Explosion-proof lighting fixtures; and vapor-proof lighting fixtures. (3)[8]

FURNITURE

82103 Mattresses, mattress supports, and similar stuffed furnishings, n.e.c., cotton. (2)[8]

82103 Other mattresses, mattress supports, and similar stuffed furnishings, n.e.c.; and bedsprings, including cushion springs and spring construction units. (1 and 3)[8]

82108 Plastic furniture; and laboratory furniture, metal; and parts, n.e.c. (1 and 3)[10]

Export Control Commodity Number and Commodity Description—Continued

TRAVEL GOODS, HANDBAGS, AND OTHER PERSONAL GOODS

83100 Travel goods, handbags, and other personal goods of cotton. (1)[8]

CLOTHING AND ACCESSORIES

84111 Men's and boys' outergarments (excludes shirts), not knit or crocheted: (a) Wholly or in chief weight of cotton or wool, or (b) safety apparel and raincoats, all materials. (1 and 2)[17]

84112 Women's, misses', girls', children's, and infants' outergarments, including blouses, waists, and blouse shirts, not knit or crocheted: (a) wholly or in chief weight of cotton or wool, or (b) safety apparel and raincoats, all materials. (1 and 2)[17]

84113 Men's and boys' undergarments, including outer shirts, not knit or crocheted, wholly or in chief weight of cotton or wool. (1)[8]

84114 Women's, girls' and infants' undergarments (excludes blouse shirts), not knit or crocheted, wholly or in chief weight of cotton or wool. (1)[8]

84121 Handkerchiefs, wholly or in chief weight of cotton. (1)[8]

84125 Corsets, brassieres, and girdles of cotton or other textile fibers, n.e.c., except rubberized. (1)[8]

84126 Gloves and mittens, not knit or crocheted, wholly or in chief weight cotton or wool. (1)[8]

84127 Cuffs and collars, wholly or in chief weight of cotton or wool; and neckties, cravats, mufflers, and scarves, not knit or crocheted, all materials. (1)[8]

84129 Clothing accessories, not knit or crocheted, wholly or chief weight of cotton or wool, n.e.c. (1)[8]

84130 Safety apparel and clothing accessories of leather. (1)[8]

84141 Gloves, knit or chocheted, wholly or in chief weight of cotton or wool. (1)[8]

84142 Hosiery, not elastic or rubberized, wholly or in chief weight of cotton or wool. (1)[8]

84143 Undergarments, including shirts, knit or crocheted, wholly or in chief weight of cotton or wool. (1)[8]

84145 Knitted or crocheted elastic fabric and articles thereof, except ankle supports, kneepads, and wristlets. (1)[8]

84146 Men's and boys' outergarments (excludes shirts), knit or crocheted, not elastic or rubberized: (a) Waterproof, all fibers, (b) neckties, cravats, mufflers, and scarves, all fibers, and (c) other outergarments, wholly or in chief weight of cotton or wool. (1 and 2)[8]

84147 Women's and misses' outergarments, knit or crocheted, not elastic or rubberized: (a) Waterproof, all fibers, (b) mufflers and scarves, all fibers, and (c) other outergarments, wholly or in chief weight of cotton or wool. (1 and 2)[8]

84148 Girls', children's, and infants' outergarments, knit or crocheted, not elastic or rubberized: (a) Waterproof, all fibers, (b) mufflers and scarves, all fibers, and (c) other outergarments, wholly or in chief weight of cotton or wool. (1 and 2)[8]

84149 Other nonapparel articles, knit or crocheted, not elastic or rubberized. (2)[8]

Export Control Commodity Number and Commodity Description—Continued

CLOTHING AND ACCESSORIES—Continued

84154 Hat and cap materials, except hat bodies, wholly or in chief weight cotton, jute, wool or textile manufactures, n.e.c. [Report hat bodies in Export Control Commodity No. 65570.] (1)[8]

84155 Other millinery, hats, caps, and other headgear, n.e.c., including helmets. (1 and 3)[19]

84160 Other apparel and clothing accessories, including surgeons gloves, rubber or rubberized. (2)[8]

84202 Artificial fur and articles thereof, wholly or in chief weight cotton or wool. (1)[8]

FOOTWEAR

85100 Nonmilitary spats, leggings, and gaiters, wholly or in chief weight cotton or wool. (1)[8]

PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS, WATCHES, AND CLOCKS

86111 Quartz crystals, radio grade only. (3)[8 14]

86120 Protective spectacles and goggles (safety equipment). (1)[8]

86134 Other microscopes, excluding electron and proton; microprojectors; and photomicrographic equipment; and parts and accessories. (2)[8]

86135 Telescopes, including astronomical telescopes. (2)[8]

86140 Cameras specially designed for: (a) Use in the manufacture of masks for semiconductor devices, integrated circuits, and similar electronic equipment and components, or (b) the creation of a photosensitive pattern on the surface of a semiconductor or insulating substrate; and specially designed parts and accessories. (8 and 14)[8 11]

86140 Streak cameras having writing speeds of less than 8 mm/microsecond, capable of recording events which are not initiated by the camera mechanism; and specially designed parts and accessories, n.e.c. (2 and 11)[8]

86140 Other high-speed cameras capable of recording at rates in excess of 2,000 frames per second; and X-ray powder cameras; and specially designed parts and accessories, n.e.c. (4 and 12)[8]

86140 Photographic microflash equipment capable of giving a flash of 1/200,000 second or shorter duration at a minimum recurrence frequency of 200 flashes per second; and specially designed parts and accessories. (Specify by name.) (10)[8 9]

86140 Photographic microflash equipment capable of giving a flash of between 1/100,000 and 1/200,000 second duration at a minimum recurrence frequency of 200 flashes per second; and specially designed parts and accessories. (Specify by name.) (10)[8 9]

86140 Other photographic cameras (except motion picture), camera parts and accessories, and photographic flashlight apparatus and parts, n.e.c. (6, 8, and 14)[7]

86150 Other motion picture cameras; motion picture projectors; and motion picture sound recording and reproducing equipment; and parts. (5)[7]

86161 Other photographic projectors, enlargers, and reducers (other than motion picture), and parts. (2)[7]

Export Control Commodity Number and Commodity Description—Continued

PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS, WATCHES, AND CLOCKS—Continued

86169 Other still picture, motion picture, photographic, and photocopying equipment, n.e.c., and parts. (1 and 3)[19]

86171 Dental hand instruments and tools for use with hand pieces, n.e.c., and parts. (3)[8]

86172 Aircraft oxygen systems, apparatus, equipment and components, n.e.c., and specially designed parts, n.e.c. (1)[10]

86172 Whirlpool baths. (2)[8]

86182 Mechanical tachometers for aircraft engines. (1)[10]

86182 Other revolution counters, production counters, and similar counting devices, n.e.c. (4)[8]

86191 Compasses and gyroscopic equipment as follows: (a) Gyrocompasses possessing one or more of the following characteristics: (i) Automatic correction for the effects on compass accuracy of changes in ship's speed, acceleration, or latitude, (ii) provision for accepting ship's data as an electrical input, (iii) provision for setting in corrections for current set and drift, (iv) utilization of accelerometer, rate gyro, rate integrating gyros, or electrolytic levels as sensing devices, (v) provision for determining and electrically transmitting ship's level reference data (roll, pitch) in addition to own ship's course data; (b) integrated flight instrument systems for aircraft which include gyrostabilizers and/or automatic pilots; (c) gyrostabilizers used for other purposes than aircraft control except those for stabilizing an entire surface vessel; (d) automatic pilots used for other purposes than aircraft control, except marine type for surface vessels; (e) gyros with a rated free directional drift rate (rated free precession) of less than 0.5 degrees per hour in a 1 g environment; and (f) gyrocompasses which incorporate gyros described in (e) above or which, when operated in a gyrocompass mode, have a compass error, before compensation, due to gyrodrift rate of less than one-thirtieth of a radian (6/π degrees) at 0 degrees latitude; and specially designed parts and accessories, n.e.c. (Specify by name and model number.) (3)[8]

86191 Other aircraft flight instruments; and specially designed parts and accessories, n.e.c. (7)[10]

86191 Range finders for other still cameras, except hand-type fixed focus; and motion picture cameras, except 16 mm. and 8 mm. (18)[7]

86193 Other drawing, drafting, marking-out and calculating instruments; clinometers; plumb bobs; tape measures, and rulers, except metal; and surveyors' trammels; and parts, n.e.c. (4 and 6)[8]

86193 Optical measuring and checking instruments; and parts. (5)[8]

86193 Other measuring and checking instruments, appliances and machines; and parts. (7)[8]

86194 Technical models for demonstration. [Report aircraft training devices and flight simulators in Export Control Commodity No. 89999.] (1)[7]

86195 Testing devices specially designed for testing electronic assemblies produced by depositing or printing on insulating panels, plates, or wafers or otherwise forming in situ component parts other than basic wiring. (6)[8]

86195 Testing devices specially designed for testing electronic assemblies produced by: (a) automatically inserting and/or soldering components on insulating panels, plates, or wafers to which wiring is applied by printing or other means, or (b) automatically or semiautomatically assembling, wiring, and/or packaging mounted modular insulated panels, plates, or wafers. (6)[8 9]

86196 Laboratory type hydrometers and similar instruments; and thermometers, pyrometers, barometers, hydrometers, psychrometers, and any combination of these. (1)[8]

86196 Aircraft instruments, n.e.c. (for example, aircraft thermometers, hydrometers, hygrometers, and psychrometers). (2)[10]

86197 Environmental chambers capable of pressures of 26 Torr or less, including those with a pressure capability only and those which also have a capability of simulating other environments, such as radiation and temperature. (1)[8]

86197 Aircraft engine instrument for measuring, checking, or automatically controlling the flow, pressure, or other variables of liquids or gases, or for automatically controlling temperature. (4)[10]

86198 Laboratory equipment specially designed for the extraction, production, or treatment of lubricants, aviation fuels or components thereof, mineral oil, natural and refinery gases, and petrochemicals; and specially designed parts, n.e.c. (Specify by name.) (4)[10]

86198 Spetrum measuring instruments, optical; and densitometers; and specially designed parts, n.e.c. (8 and 9)[8]

86198 Photographic exposure (light) meters, and parts. (17)[7]

86199 Parts and accessories wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride. (Specify by name.) (See § 399.2, Interpretation 22.) (1)[8]

86199 Parts and accessories wholly made of polyvinyl fluoride. (1)[8 9]

86199 Amplifiers, electronic or magnetic, designed for use with resolvers as follows: (a) Isolation types having a variation of gain constant (linearity of gain) of 0.2 percent or better, (b) summing types having a variation of gain constant (linearity of gain) or an accuracy of summation of 0.2 percent or better, (c) employing solid state Hall effect, or (d) designed to operate below minus 67° F. (minus 55° C.) or above plus 257° F. (plus 125° C.). (Specify by name and model number.) (7)[8]

86199 Amplifiers, electronic or magnetic, designed for use with resolvers as follows: (a) Isolation types having a variation of gain constant (linearity of gain) better than 0.5 percent and not less than 0.2 percent, or (b) summing types having a variation of gain constant (linearity of gain) or an accuracy of summation of better than 0.5 percent and not less than 0.2 percent. (Specify by name and model number.) (7)[8 9]

86199 Parts and accessories specially designed for numerical control systems designed for controlling coordinated simultaneous (contouring and continuous path) machining movements in two or more axes. (See § 399.2, Interpretation 7.) (14 and 15)[8]

86199 Parts and accessories specially designed for electronic closed loop control systems designed solely for positioning operations. (13)[8]

86243 Paper, paperboard, and cloth, sensitized, not developed. (1)[8 21]

86246 X-ray film and plates, graphic arts film and plates, and still picture film and plates, sensitized, unexposed. (3)[7]

86248 Exposed sensitized plates, and exposed and developed plates, except lantern slides. (1)[8 21]

86401 Other clocks, electric and nonelectric; and time recording and time stamp machines. (2 and 3)[10]

86402 Other clock parts. (2)[8]

MISCELLANEOUS MANUFACTURED ARTICLES, N.E.C.

89111 Television (video tape) recording and/or reproducing equipment. (Specify by name and model number.) (2)[8 10]

89111 Recording and/or reproducing equipment using electrothermal and/or electrostatic techniques employing electron beams, operating in a vacuum and/or employing other means to provide a charge pattern directly on the recording surface (for example, thermoplastic recorders), and specialized equipment for the readout of material so recorded. (Specify by name and model number.) (2)[8 10]

89111 Other magnetic recording and/or reproducing equipment, n.e.c. [Report specially designed seismograph recorders/reproducers under Export Control Commodity No. 72952.] (Specify by name and model number.) (2)[8 10]

89111 Magnetic recording and/or reproducing equipment for voice and music only. (4)[8]

89112 Parts and accessories for magnetic recording and/or reproducing equipment for voice and music only. (5)[8]

89112 Parts and accessories specially designed for television (video tape) recording and/or reproducing equipment. (Specify by name.) (2 and 6)[8 9]

89113 Parts and accessories specially designed for other magnetic recording and/or reproducing equipment. (Specify by name.) (2 and 6)[8 9]

89120 Video tape and other magnetic recording media for television recording equipment. (Specify by name and type number.) (3)[8 10]

89120 Recording media specially designed for recording equipment using electrothermal or electrostatic techniques included under Export Control Commodity No. 89111 which are subject to the Import Certificate/Delivery Verification procedure. (Specify by name.) (3)[8 10]

89120 Magnetic tape and other magnetic recording media for other magnetic recording and/or reproducing

Export Control Commodity Number and Commodity Description—Continued

MISCELLANEOUS MANUFACTURED ARTICLES, N.E.C.—Continued

equipment. (Specify by name and type number.) (3) [6] [8]

89300 Pressure sensitive synthetic tape (including metallized) suitable for dielectric use (condenser tissue), 0.0015 inch (0.038 mm. or less in thickness), except (a) tensilized polyester film with thickness greater than 0.001 inch (0.0254 mm.), and (b) untensilized and unmetallized polyester film with thickness of 0.00035 inch (0.009 mm.) up to and including 0.001 inch (0.0254 mm.). (3) [10]

89300 Pressure sensitive polyester tape suitable for dielectric use (condenser tissue), as follows: (a) Tensilized film with thickness greater than 0.001 inch (0.0254 mm.) up to and including 0.0015 inch (0.038 mm.), and (b) untensilized and unmetallized film with thickness greater than 0.00035 inch (0.009 mm.) up to and including 0.0015 inch (0.038 mm.). (4) [5] [10]

89300 Manufactures, n.e.c., of polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, and polyparaxylylenes where the value of the contained polymeric substances in 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (6 and 15) [5]

89300 Manufactures, n.e.c., of polypyromellitimide or polybenzimidazole where the value of the contained polymeric substances is less than 50 percent of the total value of the manufactured commodity. (Specify value of polymeric substances and total value of commodity) (6) [5]

89300 Manufactured products, n.e.c., wholly made of fluorocarbon polymers or copolymers, except polyvinyl fluoride. (Specify by name). (7) [5] [8]

89300 Manufactured products, n.e.c., wholly made of polyvinyl fluoride. (7) [5] [8]

89300 Other finished articles, n.e.c., of artificial plastic materials, except articles wholly or partially made of polyimides, polybenzimidazole, polyimidazo-pyrrolone, aromatic polyamide, polyparaxylylene, polytetrafluoroethylene, or polychlorotrifluoroethylene; or items wholly made of other fluorocarbon polymers or copolymers. (13 and 15) [5] [8]

89425 Artificial Christmas trees, metal; and tinsel of metal. (1) [3]

89442 Base metal wire wickets; and safety apparel and equipment for recreational purposes. (1) [5]

89512 Stapling wire (all metals) on spools; and nonferrous metal staples for hand-stapling devices. (1) [2]

89711 Jewelry and related items of carat gold, platinum, and platinum group metals, except rosaries. (1) [5]

89714 Other articles of other than precious metals, incorporating pearls or precious or semiprecious stones. (2) [5]

89715 Hollow ware, solid or plated, of precious metals; and silver leaf. (3) [5]

89715 Other goldsmiths' and silversmiths' wares, and other articles of precious metals, except jewelry. (2 and 5) [5]

89927 Hand sieves and hand riddles, laboratory types. (1) [2]

89927 Other wire cloth sieves. (3 and 4) [8]

89928 Hat braids of natural or manmade fibers. (1) [2]

Export Control Commodity Number and Commodity Description—Continued

MISCELLANEOUS MANUFACTURED ARTICLES, N.E.C.—Continued

89934 Cigarette and cigar lighters of precious metals. (1) [3]

89952 Leatherette buttons. (1) [2]

89955 Corset stays, and similar supports for apparel. (1) [3]

89994 Wool-like specialty hair prepared for making wigs and similar articles. (1) [2]

89995 Wigs, false beards, and other articles, n.e.c., of wool-like specialty hair. (1) [2]

89997 Vacuum bottles, jugs, and chests, complete (assembled or unassembled), usuable only for hot or cold food or drinks. (2) [2]

89997 Other vacuum bottles, jugs and chests; and parts, n.e.c. (3) [3]

ARMS, MILITARY VEHICLES, ETC.

95110 Survival kits, and other military equipment not identified by kind. (1) [8]

COINS, NOT GOLD, NOT LEGAL TENDER

96100 Coin, other than gold coin, not being legal tender. [Report numismatic and collectors coins in Export Control Commodity No. 89600; coins mounted in objects of personal adornment in Nos. 89711–89720; coins for legal tender in Nos. 68070 and 68080.] (1) [2]

B. *Saving clause.* Shipments of commodities removed from general license as a result of changes set forth in Part A above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., October 19, 1966, may be exported under the previous general license provisions up to and including November 14, 1966. Any such shipment not laden aboard the exporting carrier on or before November 14, 1966, requires a validated license for export.

[F.R. Doc. 66–11492; Filed, Oct. 24, 1966; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-301; Order 328]

PART 154—RATE SCHEDULES AND TARIFFS

General Terms and Conditions

OCTOBER 19, 1966.

Statement of lateral line policy in rate schedules filed by Natural Gas Pipeline Companies.

On April 12, 1966, the Commission issued in the above-entitled docket a notice of proposed rule making (31 F.R. 5972, April 19, 1966) in which it proposed to amend its regulations under the Natural Gas Act to require each natural gas pipeline company to include in its tariff a statement of its practices and policies in regard to the construction of sales lateral lines to present or prospective customers, both resale and direct. "Such a statement," the notice said, "would specify whether such laterals are to be constructed by the selling pipeline company and, if so, the specific rules or formulas under which the cost of construction will be borne or shared by the customer."

Comments were invited from interested persons, to be submitted by May 12, 1966. Responses were submitted by or on behalf of 32 companies.[1]

A substantial number of respondents supported the amendment except to the extent that it would apply to sales laterals to direct customers. They argued that the tariffs filed with the Commission by pipeline companies relate only to sales for resale, and that it would therefore be improper, under the terms of the Natural Gas Act, for the Commission to require the inclusion in such tariffs of statements regarding sales to direct customers. We proposed the amendment in the hope of eliminating, to the extent practicable, any opportunity for unjust discrimination and undue preference among customers where a pipeline company does not follow a consistent policy. We believe, insofar as data relating to a pipeline company's sales lateral arrangements with direct customers may be material in ascertaining the propriety of that company's sales lateral arrangements with resale customers, that it would not be inappropriate to require inclusion in the tariff of a pipeline company's lateral line provision, if any, pertaining to direct customers. On the other hand, because such information is normally available in pipeline certification proceedings, during which sales lateral provisions for both direct and resale customers may be compared, the direct customer provision of the proposed amendment is probably unnecessary. Accordingly, and without expressing any opinion as to its validity, we are striking from the proposed amendment the reference to sales lateral lines to direct customers.

Several respondents argued that the amendment is generally undesirable. One source of objection was the fear that the amendment would render each pipeline company's lateral line arrangements so hopelessly rigid that inherent competitive advantages would be impaired. The Commission neither seeks nor contemplates such a result. The proposed amendment would, by design, require a greater consistency in sales lateral policy than many pipeline companies have heretofore demonstrated. We believe, however, that a clear and accessible declaration of the criteria by which a pipeline company determines to what extent, if at all, it will contribute to lateral line construction is an effective means of assuring the company's customers of equitable treatment. At the same time, we do not expect the proposed requirement to produce the sort of paralysis anticipated by many respondents. A uniform lateral line policy would not require a pipeline company to enter into identical construction agreements with all of its customers. It would require only that each customer receive equitable treatment in the context of its own particular circumstances as compared with those of other customers of the same pipeline company. We are bulwarked in this view by the long-standing success of some of the pipeline companies in adopting and publicizing lateral line construction formulas. See, e.g., Michigan-Wisconsin Pipe Line Co., sub nom. Midwestern Gas Transmission Co. et al., 22 FPC 775 (1959), Kansas-Nebraska Natural Gas Co., Inc., 29 FPC 1058 (1963), Northern Natural Gas Co., 22 FPC 164 (1959).

Similarly, although the declaration by a pipeline company of a particular lateral line policy will be an element in certification proceedings brought by prospective customers under section 7(a) of the Natural Gas Act, as well as in those brought by pipeline companies themselves under section 7(c), the pipeline company will not be deprived, in 7(a) proceedings, of opportunities heretofore available to show that the certification in question is not in the public interest. The rule does not require a statement of the considerations which might lead a pipeline company voluntarily to provide new or increased service to a customer. Instead, they would be required solely to set forth the basis for the financial obligations they would assume in the event they were authorized or directed to provide such service after proceedings brought under sections 7(c) or 7(a) of the Act respectively. It is not the purpose of the proposed regulation to impose undue burdens upon jurisdictional pipeline companies; it seeks only to reduce the possibility of preferential treatment for certain customers.

We see no merit in the argument that the Natural Gas Act does not empower the Commission to promulgate the regulation in question here, even as it pertains to resale customers. Section 4(b) of the Act proscribes discrimination between customers with respect to "rates, charges, service, facilities, or in any other respect," and section 4(c) authorizes the Commission to require public disclosure of "the classifications, practices, and regulations affecting * * * rates and charges * * *." We think this is ample authority for the regulation we propose to adopt in this proceeding.

Finally, the complaint that "sales lateral" is not readily amenable to a precise definition only suggests more strongly the need for the proposed amendment. Whether all pipeline companies adhere to the same definition of sales lateral is not here in issue. We seek only to assure that each company employs the same policy for all of its customers. The definitions adopted, respectively, by the different pipeline companies subject to our regulation may therefore be expected to form an important element in their lateral line policy statements.

Of the respondents who favored the proposed amendment, some urged us to broaden the scope of the instant proceeding to encompass an investigation into the propriety of particular lateral line policies. We do not believe, however, that an inquiry into the merits of the tariff provisions to be filed would be appropriate in this proceeding.

The Commission further finds: In view of the foregoing, and upon consideration of all relevant matters presented, including the arguments, contentions, suggestions, and other views expressed in the comments received, it is necessary and appropriate for the administration of the Natural Gas Act, that the regulations under the Natural Gas Act be amended as herein provided.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16, thereof (52 Stat. 822, 823, 824, and 830, as amended, 15 U.S.C. §§ 717c, 717d, 717f, and 717o), orders:

(A) Section 154.39, Part 154, Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations, is amended by designating the existing text as paragraph "(a)" and adding a new paragraph. As so amended, the section will read as follows:

§ 154.39 General terms and conditions.

(a) This section shall contain provisions which apply to all or any of the rate schedules and which may more conveniently be arranged in a separate section of the tariff. Subsections and paragraphs shall be numbered for convenient reference.

(b) The general terms and conditions of the tariff shall contain a clear statement of the company's policy with respect to the financing and building of sales lateral pipelines to its resale customers, together with a list of the rate schedules to which the policy is applicable. If it is the company's policy to build or contribute to the financing of such sales laterals, the tariff shall clearly set forth the criteria or formula under which it determines the extent to which it will contribute to the construction. If it is the company's policy not to build or contribute to any sales lateral pipelines, that policy should be clearly set forth.

(Secs. 4, 5, 7, 16, 52 Stat. 822, 823, 824, 830, as amended, 15 U.S.C. 717c, 717d, 717f, 717o)

(B) This amendment herein prescribed shall become effective upon the issuance of this order.

(C) Each natural gas pipeline company having a tariff on file with the Federal Power Commission on the effective date of this order shall file, no later than December 5, 1966 such supplements to the tariff as may be necessary to comply with the provisions of the regulation herein prescribed.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66–11582; Filed, Oct. 24, 1966; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66–229]

PART 1—GENERAL PROVISIONS

Ports of Entry; San Diego, Calif.

OCTOBER 17, 1966.

Resolutions from the cities of Chula Vista and National City, Calif., and the Board of Port Commissioners of the San Diego Unified Port District, pointing out the need for expanding the San Diego port limits to include those tidelands in the corporate limits of the cities of Chula Vista and National City, Calif., have been received. In order to provide for the increasing need for customs services in this area, it has been decided to extend the port limits of San Diego to include the cities of Chula Vista and National City, Calif.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographical limits of the customs port of San Diego, Calif., in the San Diego, Calif., district (Region VII) comprising the territory within the corporate limits of the city of San Diego are extended to include the territory within the corporate limits of the cities of Chula Vista and National City, Calif.

Section 1.2(c) of the Customs Regulations is amended by changing the period following "San Diego (T.D. 54741)" in the column headed "Ports of entry" in the San Diego, Calif., district to a semicolon and adding "(including the territory described in T.D. 66–229)."

(R.S. 161, as amended, sec. 1, 87 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[1] Algonquin Gas Transmission Co.; Central Hudson Gas & Electric Corp.; Cities Service Gas Co.; Consolidated Gas Supply Corp.; Columbia Gas System Service Corp. (on behalf of Atlantic Seaboard Corp., Home Gas Co., Kentucky Gas Transmission Corp., Manufacturers Light & Heat, the Ohio Fuel Gas Co., and United Fuel Gas Co.); East Tennessee Natural Gas Co.; Florida Gas Transmission Co.; Iowa Public Service Co.; Kansas-Nebraska Natural Gas Co., Inc.; Lake Shore Pipe Line Co.; Lone Star Gas Co.; Midwestern Gas Transmission Co.; Minneapolis Gas Co.; Mississippi River Transmission Corp.; Mountain Fuel Supply Co.; Natural Gas Pipeline Co. of America; Northern Illinois Gas Co.; Northern Natural Gas Co.; Panhandle Eastern Pipe Line Co.; Public Service Electric & Gas Co.; Southern Natural Gas Co.; Tennessee Gas Pipeline Co.; Texas Eastern Transmission Corp.; Texas Gas Transmission Corp.; Transcontinental Gas Pipe Line Corp.; Union Gas System, Inc.; and United Gas Pipe Line Co.

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-11592; Filed, Oct. 24, 1966; 8:47 a.m.]

[T.D. 66-232]

PART 13—EXAMINATION, MEASUREMENT, AND TESTING OF CERTAIN PRODUCTS

Ascertainment of Weight of Cast, Rolled, Ordinary, Colored, or Special Glass

The purpose of this regulation is to provide a more accurate basis and uniform procedure for ascertaining the weight of cast, rolled, ordinary, colored, or special glass which is dutiable on a weight basis under Schedule 5, Part 3B, Tariff Schedules of the United States. The method prescribed retains in use the procedure prescribed in Treasury Decision 49891 for glass imported in cases weighing not more than 500 pounds per case. For glass imported in cases weighing over 500 pounds per case, a new method is prescribed under which the total weight of the shipment is determined by obtaining the actual weight in pounds per square foot of a representative sample and applying this to the total shipment. If this procedure is not practical, an alternative procedure is prescribed.

The proposed regulation in tentative form was published in the FEDERAL REGISTER on February 5, 1966 (31 F.R. 2430) at which time data, views, and arguments in writing were solicited. Upon consideration of the responses received, it has been determined that the regulation should be adopted substantially in the form proposed. Minor changes in language and arrangement have however been made.

Accordingly, Part 13 is amended by adding a new centerhead and a new § 13.20 reading as follows:

CAST, ROLLED, ORDINARY, COLORED, OR SPECIAL GLASS

§ 13.20 Ascertainment of weight: cast, rolled, ordinary, colored, or special glass.

(a) The net weight stated on the invoice or packing list covering a shipment of cast, rolled, ordinary, colored, or special glass which is dutiable on a weight basis under Schedule 5, Part 3B, Tariff Schedules of the United States may ordinarily be accepted in the discretion of the customs officer concerned when he has no reason to question the accuracy of the stated weight and shall be accepted when the net weight ascertained in accordance with the testing procedure prescribed in paragraph (b) of this section hereof does not vary by more than 5 percent from the stated weight. The net weight ascertained in accordance with paragraph (b) of this section shall be used as a basis to compute duties if it varies by more than 5 percent from the invoice net weight. Whenever the customs officer is not satisfied as to the accuracy of the stated weight and in any event from time to time on a spot-check basis, the net weight shall be ascertained in accordance with the testing procedure.

(b) In testing the net weight of a shipment under the circumstances set out in paragraph (a) of this section, the net weight of glass in one case of each size and thickness shall be determined as follows:

(1) In cases weighing not over 500 pound each: Weigh the entire amount of glass in the case or obtain the gross weight of the case, remove and weigh all coverings, and substract the weight of the coverings from the gross weight.

(2) In cases weighing over 500 pounds each: Remove and weigh 20 or more sheets aggregating not less than 100 square feet; divide the weight so found by the total area of the sheets weighed to obtain the weight in pounds per square foot; and multiply this by the total area of the sheets contained in the case. If this is not practicable, caliper the edges of at least 5 sheets chosen from the case at random, using a micrometer caliper, if available; multiply the average thickness in inches by 13 to obtain the weight in pounds per square foot; and multiply this by the total area of the sheets contained in the case. (The calipering method, when used for glass weighing 28 ounces or less per square foot, is subject to significant inaccuracies and its use with such glass should be avoided.)

(c) The customs officer concerned may exercise his discretion in selecting the method for determining the net weight based upon the availability of customs weighing facilities, availability of weighing facilities provided by importers, availability of personnel, and other considerations. (77A Stat. 14, 244; 19 U.S.C. 1202 (Gen. Hdnote. 12, Sch. 5, Pt. 3B, Hdnote. 2).)

(Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

This amendment shall become effective 30 days after its publication in the FEDERAL REGISTER.

Treasury Decision 49891 is hereby revoked, as of the effective date of this amendment.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: October 17, 1966.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-11593; Filed, Oct. 24, 1966; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

BUQUINOLATE (ETHYL-4-HYDROXY-6,7-DIISOBUTOXY-3-QUINOLINECARBOXYLATE)

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6D1851) filed by Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of buquinolate (ethyl-4-hydroxy-6,7-diisobutoxy-3-quinolinecarboxylate) in the feed of chickens as an aid in the prevention of coccidiosis. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended by adding to Subpart C a new section, as follows:

§ 121.291 Buquinolate (ethyl-4-hydroxy-6,7-diisobutoxy-3-quinolinecarboxylate).

Buquinolate (ethyl-4-hydroxy-6,7-diisobutoxy-3-quinolinecarboxylate) may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use as follows:

Principal ingredient	Grams per ton	Limitations	Indications for use
Buquinolate	75 (0.0082%)	For broiler chickens; withdraw 24 hours before slaughter; do not feed to laying hens.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix,* and *E. acervulina.*

(b) To assure safe use, the label and labeling of the additive, any feed additive supplement, feed additive concentrate, or feed additive premix prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the quantity of the additive contained therein.

(3) Adequate directions and warnings for use.

2. Based on an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner has concluded that treatment of chickens with buquinolate in accordance with § 121.291 (amendment 1 of this document) requires establishment of a tolerance limitation to assure that the edible products of chickens are safe for human consumption. Accordingly, Part 121 is amended by adding to Subpart D a new section, as follows:

§ 121.1002 Buquinolate (ethyl-4-hydroxy-6,7-diisobutoxy-3-quinolinecarboxylate).

A tolerance of zero is established for residues of buquinolate (ethyl-4-hydroxy-6,7-diisobutoxy-3-quinolinecarboxylate) in eggs and edible tissues of chickens, except for liver in which case a tolerance of 0.2 part per million is established.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: October 14, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11596; Filed, Oct. 24, 1966; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sodium Ampicillin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), the antibiotic drug regulation for the certification of sodium ampicillin is amended to provide for additional dosage sizes of the drug (125 milligrams and 1 gram) when packaged for dispensing. Accordingly, § 146a.119(b) is revised to read as follows:

§ 146a.119 Sodium ampicillin.

• • • • • •

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. If it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, and each such container shall contain either 125 milligrams, 250 milligrams, 500 milligrams, or 1.0 gram of ampicillin. If it is packaged for dispensing, it may be packaged in combination with a container of sterile water for injection U.S.P.

• • • • • •

This order provides for the certification of two additional dosage sizes of an antibiotic drug already on the market, presents no points of controversy, and is in the public interest; therefore, I find that notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: October 14, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11597; Filed, Oct. 24, 1966; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6899]

PART 147—TEMPORARY REGULATIONS UNDER INTEREST EQUALIZATION TAX ACT

Interest Equalization Tax

In order to conform §§ 147.4–1, 147.9–1, and 147.9–2 of the Temporary Regulations (26 CFR Part 147) to section 4931 of the Internal Revenue Code of 1954, as amended by the Interest Equalization Tax Extension Act of 1965, approved October 9, 1965, and the provisions of Executive Order No. 11304, dated September 12, 1966, the following amendments are adopted:

PARAGRAPH 1. Section 147.4–1 is revised by amending paragraph (c) to read as follows:

§ 147.4–1 Exclusion for original or new issues where required for international monetary stability.

• • • • • •

(c) *Notice of acquisition of Canadian issues*—(1) *In general.* Pursuant to applicable Executive orders, the exclusion from tax provided in paragraph (a) of this section applies to any acquisition of original or new Canadian stock or debt obligations except an acquisition, made on or after September 12, 1966, of such stock or debt obligations of a Canadian corporation, partnership, or trust, formed or availed of for the principal purpose of acquiring—

(i) Stock or debt obligations of a Canadian issuer or obligor, other than original or new Canadian stock or debt obligations described in such paragraph; or

(ii) Stock or debt obligations of any other foreign issuer or obligor, other than stock or debt obligations described in section 4916(a) of the Internal Revenue Code.

(2) *Manner of filing.* Except as otherwise provided in the instructions accompanying the form, each U.S. person claiming an exclusion for an acquisition of original or new Canadian stock or debt obligations under section 4917(a) in accordance with Executive Order No. 11304 (or in accordance with Executive Order No. 11175 with respect to an acquisition made before Sept. 12, 1966) shall file the notice of acquisition required under this section on Form 3779 with the Commissioner of Internal Revenue (Attention: Treasury, IET) Washington, D.C. 20224, and such notice shall set forth the information required by the form.

(3) *Time of filing.* Except as provided in paragraph (e) of this section—

(i) *Acquisitions occurring after July 18, 1963, and before June 25, 1965.* The notice of acquisition referred to in paragraph (a) of this section with respect to acquisitions occurring after July 18, 1963, and before June 25, 1965, shall be filed on or before August 2, 1965.

(ii) *Acquisitions occurring on or after June 25, 1965.* The notice of acquisition with respect to acquisitions occurring on or after June 25, 1965, shall be filed not before the date of such acquisition but on or before the last day of the month following the month in which such acquisition occurs.

(4) *Extensions of time.* Extensions of time within which a notice of acquisition must be filed will be granted for good cause upon request made to the district director (or, if applicable, the Director of International Operations, Washington, D.C. 20225) with whom the acquiring U.S. person files his income tax return.

• • • • • •

PAR. 2. Section 147.9–1 is amended by amending paragraph (c)(1), the introductory text of (c)(2), and (d) as follows:

§ 147.9–1 Imposition of interest equalization tax on commercial bank loans.

• • • • • •

(c) *Applicability to debt obligations with maturity of 1 to 3 years*—(1) *In*

general. (i) Section 3(e) of the Interest Equalization Tax Extension Act of 1965, in amending the Interest Equalization Tax Act, provides that subsection (c) of section 4931 (as originally enacted) is to remain in effect only to the extent provided in Executive Order No. 11198 and that subsections (d) and (e) of section 4931 (as originally enacted) are respectively redesignated subsections (c) and (d).

(ii) Except as provided in subparagraph (2) of this paragraph, each acquisition of a debt obligation of a foreign obligor having a period remaining to maturity of at least 1 year and less than 3 years, made on and after February 11, 1965, by a U.S. person which is a commercial bank is subject to a tax imposed under section 4931(c) (as originally enacted) and Executive Order No. 11198 equal to a percentage of the actual value of the debt obligation measured by the period remaining to its maturity and determined in accordance with the following table:

If the period remaining to maturity is:	*The tax, as a percentage of actual value, is (percent)*
At least 1 year, but less than 1¼ years	1.05
At least 1¼ years, but less than 1½ years	1.30
At least 1½ years, but less than 1¾ years	1.50
At least 1¾ years, but less than 2¼ years	1.85
At least 2¼ years, but less than 2¾ years	2.30
At least 2¾ years, but less than 3 years	2.75

The tax imposed under sections 4931(c) (as originally enacted) and Executive Order No. 11198 is treated as imposed under section 4911, subject to the limitations and exclusions contained in section 4912 through section 4920. For purposes of this paragraph, a demand deposit shall be treated as a debt obligation which is repayable within less than 1 year.

(2) *Exceptions.* The tax imposed under section 4931(c) (as originally enacted) and Executive Order No. 11198 shall not apply in the case of the acquisition by a U.S. person which is a commercial bank of a debt obligation of a foreign obligor—

* * * * *

(d) *Treatment of original or new issues of Canadian debt obligations*—(1) *Acquisitions on or after September 12, 1966.* An acquisition made on or after September 12, 1966, by a U.S. person which is a commercial bank of a debt obligation of a Canadian obligor described in Executive Order No. 11304, dated September 12, 1966 (31 F.R. 12005) shall be excluded from the tax imposed pursuant to Executive Order No. 11198.

(2) *Acquisitions before September 12, 1966.* An acquisition made before September 12, 1966, by such U.S. person of a debt obligation of a Canadian obligor described in Executive Order No. 11175 dated September 2, 1964 (29 F.R. 12605), shall be subject to the tax imposed pursuant to Executive Order No. 11198, without regard to the provisions of Executive Order No. 11175.

* * * * *

PAR. 3. Section 147.9–2 is amended as follows:

§ 147.9–2 Exclusion for export loans.

(a) *In general.* (1) Section 4931(c)(1), as amended, provides that section 4931(b) and the tax imposed by section 4931(c) (as originally enacted) and Executive Order No. 11198 shall not apply with respect to the acquisition by a U.S. person which is a commercial bank—

(i) Of a debt obligation arising out of the sale of personal property or services, or

(ii) Of a debt obligation after February 10, 1965, arising out of the lease of personal property or services,

if the requirements of subparagraph (2) of this paragraph are satisfied. For purposes of this paragraph, the acquisition by a wholly owned subsidiary of a commercial bank of a debt obligation arising out of a lease made by such subsidiary shall be treated as the acquisition of a debt obligation by a commercial bank.

(2) The exclusion described in subparagraph (1) of this paragraph shall apply only if—

(i) Not less than 85 percent of the amount of the loan, amount paid, or other consideration given to acquire the debt obligation referred to in subparagraph (1) of this paragraph is attributable to the sale or lease of property manufactured, produced, grown, extracted, created, or developed in the United States, or to the performance of services by U.S. persons, and

(ii) The extension of credit and the acquisition of the debt obligation related thereto are reasonably necessary to accomplish the sale or lease of property or services out of which the debt obligation arises, and the terms of the debt obligation are not unreasonable in light of credit practices in the business in which the U.S. person selling or leasing such property or services is engaged.

(b) *Illustrations.* The application of this section may be illustrated by the following examples:

* * * * *

Example (5). B, a domestic corporation, is a wholly owned subsidiary of C, a U.S. person which is a commercial bank. B purchases from R Corporation for $10 million five aircraft manufactured in the United States. B leases the aircraft to P, a foreign corporation, for a period of 5 years commencing May 1, 1966, at an annual rental charge of $2 million. The leasing transaction satisfies the requirements of paragraph (a)(2) of this section. B's acquisition of P's obligation to pay rent under the lease qualifies for exclusion under this section.

Because the rules prescribed in this Treasury decision are procedural and liberalizing in character, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

Approved: October 18, 1966.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 66–11499; Filed, Oct. 24, 1966; 8:45 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66–SO–82]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Shelbyville, Tenn., transition area.

The Shelbyville transition area, described in § 71.181 (31 F.R. 2149), would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Bomar Field (latitude 35°33'44" N., longitude 86°26'33" W.); within 5 miles N and 8 miles S of the Shelbyville VOR 272° radial extending from the VOR to 12 miles W; within 5 miles E and 8 miles W of the Shelbyville VOR 196° radial extending from the VOR to 12 miles S.

The proposed amendment would provide additional controlled airspace having a base of 700 feet above the surface north and east of the present transition area. This airspace is required for the protection of IFR aircraft departing Bomar Field during climb from 700 to 1,200 feet above the surface.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)))

Issued in East Point, Ga., on October 17, 1966.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66–11575; Filed, Oct. 24, 1966; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 11]

SOLICITATION OF PROXIES

Information To Be Furnished Stockholders

Notice is hereby given that the Comptroller of the Currency, pursuant to the authority contained in the National Banking Laws (R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq.) and sections 12(i), 14(a) and 14(c), Securities Exchange Act of 1934, as amended, is considering the adoption of a revision of 12 CFR 11.3 relating to the inclusion of stockholder proposals in management proxy material.

Prior to the adoption of the revised regulation, consideration will be given to any written comments pertaining thereto which are submitted within 30 days of the publication hereof to the Comptroller of the Currency, Washington, D.C. (attention Room 4126F). All national banks and other interested parties are invited to submit their comments.

The proposed section, as revised, follows:

Section 11.3 of Title 12 is revised to read "Information to be furnished stockholders".

§ 11.3 Information to be furnished stockholders.

(a) No solicitation subject to this part shall be made by or on behalf of a national bank unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the applicable information specified in Schedules A and B.

(b) The form of proxy shall afford the person solicited an opportunity to specify his choice between approval or disapproval of each matter or group of related matters referred to therein as intended to be acted upon. The proxy may provide that if the signer does not indicate a choice, the proxy confers authority to vote the shares represented thereby in favor of, or against, matters set forth therein.

(c) A proxy may confer discretionary authority with respect to matters which may come before the meeting other than those matters listed in the notice of meeting and proxy statement: *Provided*, That, except in the case of a proposal omitted from the proxy statement, notice of meeting and form of proxy pursuant to paragraph (d) of this section, the persons on whose behalf the solicitation is made are not aware a reasonable time prior to the time the solicitation is made, that any such other matters are to be presented for action at the meeting, and provided further that a specific statement to that effect shall be made in the proxy statement or in the form of proxy.

(d) If any stockholder entitled to vote at a meeting shall submit to the management of the bank at least 50 days in advance of a day corresponding to the first date on which management's proxy statement was released to stockholders in connection with the last annual meeting of stockholders, a proposal which is accompanied by notice of intention to present the proposal for action at the meeting, the management shall set forth the proposal in its proxy statement and shall identify the proposal in its form of proxy and provide means by which stockholders can specify a choice between approval or disapproval as provided for in paragraph (b) of this § 11.3. This paragraph (d) shall not apply, however, to elections to office. If the management opposes the proposal it shall also at the written request of the proponent include in its proxy statement the name and address of the proponent or a statement that such name and address will be furnished to any stockholder upon request, and a statement of the stockholder in not more than 100 words in support of the proposal. The statement and request of the stockholder shall be furnished to the management at the same time the proposal is furnished. Neither the management nor the issuer shall be responsible for such statement. Notwithstanding the foregoing, the management may omit a proposal and any statement in support thereof from its proxy statement, notice of meeting, and form of proxy under any of the following circumstances:

(1) If the management has at the stockholder's request included a proposal in the proxy statement and form of proxy relating to either of the last two annual meetings of stockholders or any special meeting held subsequent to the earlier of such two annual meetings and such stockholder has failed without good cause to present the proposal, in person or by proxy, for action at the meeting; or

(2) If the proposal as submitted is not relevant to the corporate affairs of the bank, or is not a proper subject for action by stockholders, or is otherwise legally inappropriate, or appears to be primarily for the purpose of enforcing a personal claim, redressing a personal grievance, or promoting economic, political, racial, religious, social, or similar causes; or

(3) If, as submitted, the proposal or the supporting statement contains any false, misleading, or slanderous language; or

(4) If the same proposal or a proposal substantively similar in whole or material part has previously been submitted in a management proxy statement and form of proxy relating to any annual or special meeting of stockholders held within the preceding 5 calendar years, it may be omitted from the management's proxy material relating to any meeting of stockholders held within 3 calendar years after the latest such previous submission: *Provided*, That—(i) if the proposal was submitted at only one meeting during such preceding period it received less than 5 percent of the total number of votes cast with respect thereto; or (ii) if the proposal was submitted at any two meetings during such preceding period it received at the time of its second submission less than 10 percent of the total number of votes cast with respect thereto, or (iii) if the proposal was submitted at three or more meetings during such preceding period, it received at the time of its latest submission less than 20 percent of the total number of votes cast with respect thereto; or

(5) If such proposal consists of a recommendation or request that the management of the bank take action with respect to a matter relating to the conduct of the ordinary business operations of the bank; or

(6) If the same proposal or a proposal substantively similar in whole or major part of another stockholder has been received by the bank prior to the receipt of such proposal accompanied by notice of intention to present the proposal for action at the same meeting.

Whenever the management asserts that a proposal and any statement in support thereof may properly be omitted from its proxy statement and form of proxy, it shall file with the Comptroller, not later than 20 days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to § 11.4(a), or such shorter period prior to such date as the Comptroller may permit, a copy of the proposal and any statement in support thereof as received from the stockholder, together with a statement of the reasons why the management deems such omission to be proper in the particular case. The management shall at the same time, if it has not already done so, notify the stockholder submitting the proposal of its intention to omit the proposal from its proxy statement and form of proxy and shall forward to him a copy of the statement of the reasons why the management deems the omission of the proposal to be proper.

(e) No proxy shall confer authority (1) to vote for the election to any position for which a proposed nominee is not named in the proxy statement, or (2) to vote at any meeting other than the next meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to stockholders.

(f) Any person or group of persons, including directors or attorneys for the bank may be designated to act as proxy, but not officers, clerks, tellers, or bookkeepers of the bank.

Dated: October 20, 1966.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 66-11600; Filed, Oct. 24, 1966; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1005]

[Docket No. AO-177-A27]

MILK IN TRI-STATE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Charleston, W. Va., on September 7-8, 1966, pursuant to notices thereof issued on August 18, 1966 (31 F.R. 11149), and August 24, 1966 (31 F.R. 11397).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Associate Administrator on September 27, 1966 (31 F.R. 12845; F.R. Doc. 66-10699), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (31 F.R. 12845; F.R. Doc. 66-10699) are hereby approved and adopted and are set forth in full herein, except that in the "Reload point" discussion the second sentence in the first and 14th paragraphs is revised.

The material issues on the record of the hearing relate to:

1. Reload point,
2. Pricing diverted milk,
3. Pooling standards for supply plants, and
4. Producer definition.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Reload point.* Milk moved from the farm of a producer to a reload point and then to a pool plant should be priced at the location of the reload point. A reload point should be defined as a location at which milk moved from a farm in a tank truck is transferred to another tank truck and commingled with other milk before entering a plant. A reload operation on the premises of a plant, however, would be considered a part of the plant operation and not a reload point under the order.

The order does not now define a reload point. Bulk tank milk that is assembled and reloaded at such a point for movement to a pool plant is now priced at the location of the pool plant where received. Until April of this year, there was no such operation under the Tri-State order. Since April, milk received from dairy farmers at a reload point in Madison, Wis., has been pooled under the order because of its receipt at the Athens, Ohio, plant of a Tri-State handler.

The milk of the approximately 50 producers shipping to the Madison reload point is purchased by the Tri-State handler through the producers' cooperative. The handler pays the cooperative for the milk delivered to the reload point at the f.o.b. Athens price. Milk delivered to the reload point that is not needed by the Athens handler is diverted to a nonpool plant at Norwalk, Wis., about 100 miles from Madison. The milk that is diverted to the Norwalk plant is sold back to the cooperative by the Athens handler at the Class II price.

Each producer whose milk is assigned for delivery to the Madison reload point pays 18 cents per hundredweight for hauling. This is the only hauling cost paid directly by him. All other hauling of his milk, whether to Athens, Ohio, or Norwalk, Wis., is borne collectively by the cooperative. The hauling cost for moving milk from Madison to Athens is 75 cents per hundredweight. For milk moved from Madison to Norwalk, the cooperative pays 20 cents per hundredweight.

The function of a reload point approximates that of a supply plant in that milk is assembled at such place for movement to the market. It serves for a distributing plant an essential function that is customarily performed by a supply plant. Facilities at a reload point do not have the permanence of a supply plant. This is because reload points are maintained only for the purpose of transferring milk from farm pickup tank trucks to larger tank trucks. Reload operations do not have the receiving facilities and holding tanks that supply plants must have. Hence, they cannot be expected to perform as a supply plant in all respects and should not be treated for all order purposes as a supply plant.

Currently under the order, milk which is received from the farm of a producer at a supply plant is priced at the location of the supply plant. Since the assembly function of the reload point is similar to that of the supply plant, it is appropriate that milk received at a reload point be priced in the same manner as milk received at a supply plant.

As provided elsewhere in this decision, a supply plant that qualifies monthly as a pool plant in September through March obtains pool plant status for the following April-August, whether or not any milk is shipped from the supply plant to pool distributing plants in these latter months. Producers delivering to a reload point would, in effect, receive the same consideration. That is, their milk could be moved as diverted milk to nonpool plants throughout the months of April-July if they had otherwise qualified as producers under the order. This is because the order provides for unlimited diversion during these months.

For August-March, the diversion provisions of the order enable a producer to divert up to 50 percent of his monthly deliveries. This is comparable to the actual shipments required to be made from a supply plant to qualify as a pool plant. As proposed in this decision, a supply plant would have to ship 50 percent of its monthly receipts from dairy farmers to pool distributing plants in September-November to qualify for pooling and 40 percent monthly in other months. Hence, even if it were otherwise justified, no advantage would accrue to producers delivering to a reload point by having such reload point designated as a supply plant.

Pricing producer milk at the location of a reload point was proposed by the major producer associations in the market. They claim that the present arrangement whereby producer milk may be received by a handler from a distant reload point and be priced at his plant enables the handler to purchase milk for manufacturing purposes and utilize the pool to pay for the transportation.

The present absence in the order of a provision for reload point pricing has provided an advantage to handlers. A handler in the market buying milk from a supply plant for Class II use normally would have to assume the cost of moving the milk to his plant. However, a handler receiving milk from a reload point for Class II use does not now bear the cost of hauling the milk. The outlying bulk tank producer receives the uniform price f.o.b. market and bears the cost of hauling the milk to the market, regardless of the use made of his milk by the handler. The purchasing handler, therefore, is provided a significant advantage on distant milk so assembled for Class II purposes as compared to buying distant milk through a supply plant for similar use.

Establishing the reload point as the point of pricing would reduce the incentive to move distant milk at producers' expense to the market for Class II use. Uniform prices to producers would be enhanced since milk moved through the reload point would be priced at that location and the consequent savings on transportation applicable to the Class II portion of such milk would be reflected in the uniform price.

The Class II utilization of the Athens handler receiving milk from the Madison reload point has increased greatly since he began receiving milk from the reload point in April. In April through July in 1964 and 1965, his Class II utilization was 2.45 million and 2.36 million pounds, respectively. His April-July 1966 Class II utilization was 7.84 million. In the most recent month for which data were available at the time of the hearing, July 1966, the handler's Class II utilization was 2.25 million pounds compared to 0.57 million in each of the months of July in 1964 and 1965.

In July 1966, the Tri-State Class II price was $4.05 and the Athens district uniform price $4.98, a difference of 93 cents. Producers claim that the handler's cost of the Class II milk received from the Madison reload point is now subsidized through the pool by this 93-cent difference. If the handler purchased the Class II milk at the Madison location, his cost under the order would be $4.05 plus the cost of moving the milk from Madison to Athens.

In each month since the Athens handler began receiving milk from the Madison reload point, the quantities thus received have been less than his monthly Class II utilization. Apparently, the receipts from the reload point are used primarily in the manufacture of Class II products. A representative of the Athens handler testified that the reason for the handler's expanded Class II utilization in recent months was to supply the Class II product requirements of recently acquired Class I outlets.

It is not the purpose of the order to maintain a supply of Class II milk for the market. The Class I prices in the order are established on the basis of maintaining an adequate supply, including necessary reserves, of Class I milk for the market. Including in the pool milk that is not intended to supply the market's Class I needs, but that will be used primarily for the manufacture of Class II products, will tend to reduce the uniform price to all producers. This will tend to impair the maintenance of an adequate supply of milk for Class I use from those producers on whom the market regularly depends for its Class I needs.

When milk from the producers supplying the Madison reload point is not needed by the Athens handler, it is moved as diverted milk to a nonpool plant for manufacturing purposes. It will be no less practicable to maintain in the Madison vicinity the manufacture of the Class II products that are now manufactured at the Athens plant. Unless the milk is used as part of the Class I supply of the market, it is not economically justifiable to move it in the form of whole milk from a distant location to the market for manufacturing use instead of manufacturing it at facilities in or near the production area.

The cost of moving manufactured milk products is but a small fraction of moving their whole milk equivalent. Consequently, there is little difference in the value of milk used in manufactured products that is associated with the location of the plant receiving the milk. The present location adjustment provisions of the order are established on the basis of moving only whole milk to the market for Class I purposes. Under current conditions in the Tri-State market, it is economically inappropriate to encourage through the present order provisions the movement of whole milk to the market at producers' expense for manufacturing.

It is necessary in conjunction with reload point pricing that a handler receive a location adjustment credit from the pool for moving milk from a reload point to the market for Class I use. Under reload point pricing, the producer would incur only the cost of moving the milk to the reload point and the handler would assume the cost of hauling the milk to the market where it is used. Such credit would achieve a high degree of uniformity of milk prices to handlers f.o.b. market regardless of the location where handlers may acquire the milk. The order now provides a similar location adjustment credit on milk which is moved to the market from a supply plant and assigned to Class I.

Because the pool would bear the handler's cost (the location adjustment) of moving the milk to market from a reload point, it is also necessary to assure that the location adjustment credit be allowed only when there is a bona fide need for milk for Class I use at the handler's plant. Otherwise, the handler could obtain milk from distant sources and claim Class I use for it, and thus receive the location credit, while at the same time receive milk from nearer sources and assign this milk to Class II. This would result in the pool unnecessarily bearing the cost of moving milk from the more distant sources to the market when, in fact, the milk was not needed for Class I use.

As was indicated, it is economically unjustifiable to move whole milk from a distant location to the market for manufacturing purposes. The incentive for such movement of milk would remain, however, if a handler could receive a pool credit on milk moved from a reload point without regard to actual need for Class I use. Accordingly, it is necessary as an integral part of reload point pricing that the order provide a means of determining when a handler location adjustment credit is appropriate.

Because this concept is no less applicable to receipts of milk from a supply plant than from a reload point, the provision for handler location adjustment credits should apply to both types of sources of milk.

For the purpose of computing such credit, the order should provide that fluid milk products received at a pool plant from other pool plants and reload points shall be assigned to any Class I milk at such pool plant that is in excess of the sum of producer milk receipts (except receipts from reload points) at the plant and receipts from other order plants and unregulated supply plants which are assigned to Class I. Such assignment should be made first to receipts from plants and reload points at which no location adjustment is applicable and then in sequence beginning with receipts from the plant or reload point at which the lowest location adjustment is applicable.

This sequential assignment of milk will provide an equitable basis for facilitating the movement of milk from pool plants and reload points for Class I purposes. Likewise, it will tend to discourage the unnecessary moving of milk from pool plants and reload points for other than Class I purposes at the expense of

producers supplying the Class I market. Such assignment, which is commonly provided in other Federal orders, is required to effectuate the reload point location adjustment provisions for the reasons stated.

2. *Pricing diverted milk.* Milk that is diverted from a pool plant to a nonpool plant should be priced at the location of the nonpool plant. Presently, diverted milk is priced at the location of the pool plant from which diverted.

A change in the pricing of diverted milk was proposed by cooperatives in the market. They proposed that milk diverted to a nonpool plant located more than 125 miles from the cities in the market designated as pricing points be priced at the plant to which diverted. In the case of milk diverted to less distant plants, the present manner of pricing would continue to apply.

Pricing diverted milk at the location of the pool plant from which diverted provides an incentive to both handlers and dairy farmers to pool milk supplies under the order which are not needed in the order market and which may have no real association with the Class I market. This makes it possible to exploit the pool by diverting milk to manufacturing plants and negates the incentive to make milk available for the market's Class I needs. Moreover, it results in producers in the market paying (through the pool) a transportation cost to the market on milk which is not moved to the market and on which an equivalent transportation charge is not incurred.

As indicated elsewhere in this decision, milk is now diverted from an Athens pool plant to a nonpool plant in Wisconsin, more than 500 miles from Athens. When this milk is received at the Athens pool plant, the hauling charge incurred on such milk from the farm to the Athens plant is 93 cents. However, the hauling cost incurred when the milk is moved to the nonpool plant from the farm as diverted milk is 18 to 38 cents. The Wisconsin producers supplying the Athens plant pay (through their cooperative) 75 cents per hundredweight for hauling their milk from the Wisconsin reload point to Athens. This approximates the location adjustment under the order for milk moved to Athens from the Wisconsin location. When the milk is not so moved, the cooperative saves the 75-cent hauling cost. Because the diverted milk is now priced f.o.b. Athens, the producers whose milk is diverted receive the uniform price applicable at Athens rather than that applicable at the nonpool plant where their milk was actually received. The difference between these prices (the location adjustment) is paid from the pool to these producers at the expense of all producers sharing in the pool proceeds.

The mileage limitation proposed by the cooperatives should not be adopted. For purposes of pricing diverted milk, there is no reason to differentiate in this market between various distances to which milk is diverted. The uniform price for such milk would be affected proportionately to the distance that milk is diverted.

3. *Pooling standards for supply plants.* The present basis on which a supply plant may qualify as a pool plant should be changed. A supply plant should be required to ship to pool distributing plants in September, October, and November at least 50 percent of its monthly Grade A receipts, and in any other month at least 40 percent of such receipts. A supply plant that is pooled in each of the months of September through March should be accorded pool plant status in April through August.

A supply plant may now qualify as a pool plant in any month in which not less than 50 percent of its Grade A receipts is shipped to pool distributing plants. A supply plant that is pooled in each of the months of September through December automatically qualifies as a pool plant in the following January through August period.

Several cooperatives proposed that the monthly shipping requirement be lowered to 40 percent. They proposed also that the present September–December period used for establishing automatic pool plant status be extended to include January, February, and March. Under their proposal, a supply plant qualifying for automatic pooling for the April–August period would have to ship to pool distributing plants during the September–March period an average of not less than 50 percent of its Grade A receipts.

Proponents stated that these changes are necessary to assure that a pool supply plant sharing in the Class I proceeds of the market is supplying the market when supplemental supplies are needed to meet handlers' Class I requirements. They cited recent problems which handlers operating distributing plants in the Tri-State market had in obtaining milk supplies from a pool supply plant at Circleville, Ohio.

The difficulties experienced in obtaining milk from the Circleville plant apparently stemmed from the plant's loss for a period of time of its status under the U.S. Public Health Code as a qualified "interstate milk shipper." Thus, milk from this Ohio plant was ineligible under the West Virginia health requirements to be received at distributing plants in West Virginia. The supply plant's pool status was not affected, though, as milk from the plant was eligible for distribution in the Ohio portion of the marketing area. Moreover, it was not necessary for the plant to ship milk to distributing plants at the time the milk supplies were sought because the plant was operating as an automatically qualified pool plant. A representative of the Circleville plant testified, however, that at the time of the hearing (September, a qualifying month for automatic pooling) the plant was qualified as an "interstate milk shipper."

The Circleville plant is the only supply plant that has been associated with the market on a regular basis. The plant has been customarily relied upon by Tri-State handlers as a source of supplemental milk supplies for Class I use. The plant also manufactures milk which is surplus to the fluid needs of the market.

Shipping standards are the basis used for determining which supply plants are an integral part of the market and constitute a source of regular and dependable supplies for the market. They are intended to distinguish between plants meeting a reasonable standard of regular and customary service to the market and those which do not.

Shipping requirements serve the added purpose of assuring that handlers engaged in bottling and distribution operations in the market are able to obtain milk from pool supply plants for their fluid milk requirements. Without such requirements, supply plants may tend to keep milk at their plants for manufacturing when it is to their advantage to do so. In this circumstance, milk supplies would be associated with the market for manufacturing rather than fluid purposes, and returns to producers supplying the Class I needs of handlers would be inappropriately lowered.

The present pooling standards do not provide the necessary assurance that a pool supply plant will make qualified milk available to the market on a regular and dependable basis. Extending the present qualifying period for future automatic pooling would tend to provide such assurance. The benefits received by a supply plant which is allowed to be pooled without supplying the market are generally recognized. A plant with a Class I utilization lower than the average for the market is able to provide its dairy farmers with returns higher than would be possible if the plant were not pooled. This gives the plant operator an incentive to ship milk to distributing plants during the qualifying period for automatic pooling.

Lowering the shipping requirements for the months of December through August to 40 percent of a supply plant's Grade A receipts recognizes, on the other hand, handlers' lesser need during this time than in the fall months for supplemental supplies. In December, the demand for fluid milk products drops because of the customary closing of schools and colleges. Demand is similarly affected in the summer months for this reason. During the spring months, milk production is seasonally higher while demand remains relatively constant. It is not expected that the lower shipping requirements would attract additional milk supplies to the market for manufacturing purposes.

4. *Producer definition.* The proposal which would restrict the health approval of a producer to that given by local authorities in the marketing area should not be adopted.

The order now provides that to qualify as a producer a dairy farmer must produce milk in compliance with the Grade A inspection requirements of a duly constituted health authority.

Cooperatives in the market proposed that producer status be accorded only to those dairy farmers who produce milk approved by the appropriate health authority in the marketing area. Under their proposal, those dairy farmers not having such approval, even though their milk meets the Grade A inspection requirements of another health authority, would not be eligible to qualify as producers.

Producer status under the Tri-State order should not be contingent upon the health approval of authorities in a particular area. Such agencies tend to limit the scope of their dairy farm inspection to relatively nearby farms. Adoption of the cooperatives' proposal, therefore, would tend to limit the dairy farmers who may become associated with the Tri-State market.

Any dairy farmer producing Grade A milk, wherever located, should be eligible under the terms of the order to ship milk to a Tri-State pool plant. To provide otherwise would not tend to effectuate the purposes of the Act.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

In particular, two parties filed numerous exceptions to the recommended decision. The exceptions range from procedural objections to a counter-analysis of the findings and conclusions in the recommended decision. Generally, the exceptions fall into three categories: (1) Lack of notice concerning sequential location differentials; (2) objections to the hearing examiner's rulings; and (3) objections to the analysis and logic of the findings and conclusions.

Proposal number 4 to amend the location differential sections of the order (§§ 1005.53 and 1005.72), coupled with the general provision in the notice ("The public hearing is for the purpose of receiving evidence * * * which relate to the proposed amendments * * * and any appropriate modifications thereof * * *"), refutes the allegation of lack of notice. Accordingly, this exception is overruled.

Exception is taken to approximately 21 rulings of the Presiding Officer at the hearing. After careful review of the entire record, we cannot agree that the Presiding Officer's rulings are erroneous. Accordingly, the Presiding Officer's rulings are sustained.

Exceptions to the findings and conclusions in the recommended decision attack the analysis and logic thereof. By fragmentizing the findings and reviewing individual findings out of context, the exceptions point to alleged inconsistencies throughout. We cannot agree with the analysis of the exceptors nor can we agree, as the exceptors argue, that the proposed order will frustrate the declared policy of the Act and will constitute a trade barrier. Accordingly, the exceptions concerning the findings and conclusions, the analysis and results thereof are denied.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Tri-State Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Tri-State Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of August 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Tri-State marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on October 20, 1966.

JOHN A. SCHNITTKER,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Tri-State Marketing Area

§ 1005.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decisions issued by the Associate Administrator, on September 27, 1966, and published in the FEDERAL REGISTER on October 1, 1966 (31 F.R. 12845; F.R. Doc. 66-10699), shall be and are the terms and provisions of this order and are set forth in full herein, except that § 1005.19 is revised.

1. Section 1005.11(b) is revised to read as follows:

§ 1005.11 Pool plant.

* * * * *

(b) A supply plant from which during the months of September, October, and November not less than 50 percent, and during all other months not less than 40 percent, of the Grade A milk physically received at such plant from dairy farmers, reload points and handlers pursuant to § 1005.13(d) or diverted as producer milk from such plant pursuant to § 1005.16 is shipped to and physically received in the form of fluid milk products at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through March shall be a pool plant for the months of April through August, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

2. Section 1005.15 is revised to read as follows:

§ 1005.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant, at a reload point or diverted pursuant to § 1005.16 from a pool plant to a nonpool plant.

3. Section 1005.16 is revised to read as follows:

§ 1005.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, a reload point or a handler pursuant to § 1005.13(d); or

(b) Diverted from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant. Such milk shall be deemed to have been received by the diverting handler at the location of the nonpool plant to which diverted: *Provided*, That in any month of August through March, the quantity of milk of any producer so diverted that exceeds that delivered to pool plants shall not be deemed to have been received by the diverting handler and shall not be producer milk.

4. A new § 1005.19 is added to read as follows:

§ 1005.19 Reload point.

"Reload point" means a location at which milk moved from a farm in a tank truck is transferred to another tank truck and commingled with other milk before entering a plant. A reload operation on the premises of a plant shall be considered a part of the plant operation.

5. In § 1005.32, a new paragraph (d) is added to read as follows:

§ 1005.32 Other reports.

* * * * *

(d) Each handler receiving milk from a reload point shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 6th day after the end of the month the quantities of skim milk and butterfat in producer milk received from such reload point.

6. Section 1005.53 is revised to read as follows:

§ 1005.53 Location adjustments to handlers.

(a) Except as provided in paragraph (b) of this section, the Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant outside the marketing area and more than 45 miles from all the cities listed in § 1005.51(a) shall be reduced 2 cents for each 10 miles or major fraction thereof up to 100 miles and 1.5 cents for each 10 miles or major fraction thereof in excess of 100 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, that such plant is from the city hall of the nearest of the cities listed in § 1005.51(a).

(b) For the purpose of this section, the location of the reload point (instead of the location of the pool plant) shall be used in determining the location adjustment on producer milk received at a pool plant from a reload point.

(c) For the purpose of calculating location adjustments, receipts of fluid milk products from pool plants and reload points at a pool plant shall be assigned any remainder of Class I milk at such plant that is in excess of the sum of producer milk receipts at the plant (excluding such receipts from reload points) and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made first to receipts from plants and reload points at which no location adjustment is applicable pursuant to this section and then in sequence beginning with receipts from the plant or reload point with the lowest applicable location adjustment.

7. Section 1005.72 is revised to read as follows:

§ 1005.72 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk at a pool plant shall be reduced as follows:

(1) Except as provided in paragraph (b) of this section, according to the location of the pool plant at the rates set forth in § 1005.53; and

(2) Additionally, at a pool plant at which the Gallipolis-Scioto or Athens district Class I price is applicable at the rate of 10 cents and 20 cents, respectively.

(b) For the purpose of this section, the location of the reload point (instead of the location of the pool plant) shall be used in determining the location adjustment on producer milk received at a pool plant from a reload point.

(c) For the purpose of computations pursuant to § 1005.74(b), adjustments pursuant to this section shall be computed according to the location of the nonpool plant from which other source milk was received.

[F.R. Doc. 66-11606; Filed, Oct. 24, 1966; 8:48 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARBEETS

Notice of Hearing on Prices and Designation of Presiding Officers

Pursuant to the authority contained in subsection (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held as follows:

At Omaha, Nebr., beginning on November 15, 1966, at 9:30 a.m., in the Hotel Sheraton-Fontenelle Ball Room.

The purpose of the hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining fair and reasonable prices for the 1967 crop of sugarbeets to be paid, under purchase or toll agreements, by producers who process sugarbeets grown by other producers and who apply for payments under the act.

Representatives of sugarbeet growers' associations throughout most of the United States have met with processor representatives with the view to revising sugarbeet purchase contracts which would retain the major features of the current contract, but would also establish a minimum basis for returns from sugarbeets related to average quoted raw cane sugar prices. The negotiations which have been conducted so far have resulted in the attainment of this objective only in one region of the sugarbeet area. Accordingly, officials of associations representing about 85 percent of the sugarbeet growers in the United States have requested that the Department hold an early hearing and issue a determination so that contracting and planting of beets may proceed in a normal manner.

To obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to fair and reasonable prices for sugarbeets.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

The hearing after being called to order at the time and place mentioned herein may be continued from day-to-day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by a presiding officer.

Tom O. Murphy, A. A. Greenwood, Ward S. Stevenson, and Charles F. Denny, are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on October 20, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-11605; Filed, Oct. 24, 1966; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelegation Order 1, Amdt. 21]

SUPERINTENDENTS

Redelegation of Authority With Respect to Credit Matters

Order No. 1 (20 F.R. 277), Part 2, Functions Relating to Credit Matters. Order 1, as amended, is further amended under Part 2, Functions Relating to Credit Matters, to add a new section 2.132, *Approval of mortgages and deeds of trust.* Section 2.132 reads as follows:

SEC. 2.132 *Approval of mortgages and deeds of trust.* The approval of mortgages or deeds of trust pursuant to 25 CFR 121.61 given as security for loans made by any corporation, tribe, band, or credit association, pursuant to 25 CFR 91.13 and 91.16 or under a guaranty agreement approved by the Commissioner or his authorized representative.

JAMES F. CANAN,
Area Director.

Approved: October 19, 1966.

THEODORE W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 66-11596; Filed, Oct. 24, 1966; 8:46 a.m.]

Bureau of Land Management

NEW MEXICO

Consolidation of Grazing Districts and Offices

Notice of consolidation of New Mexico Grazing Districts No. 1 and No. 7, Farmington and Albuquerque District Offices, published in 30 F.R. 13171, October 15, 1965, is hereby modified to provide for continuation of the special rules relating to the Navajo Indian grazing permits governing the administration of the lands formerly within New Mexico Grazing District No. 7 as such lands were administered prior to abolishment of New Mexico Grazing District No. 7.

JOHN O. CROW,
Associate Director.

OCTOBER 19, 1966.

[F.R. Doc. 66-11585; Filed, Oct. 24, 1966; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described applications, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

South Dakota State University, Brookings, S. Dak., File No. 172, for the establishment of a new noncommercial educational television station on Channel 8, Brookings, S. Dak.

University of Hawaii, 1801 University Avenue, Honolulu, Hawaii, File No. 173, to improve the facilities of noncommercial educational television station KHET, Channel 11, Honolulu, Hawaii.

The Trustees of Indiana University, Bloomington, Ind., File No. 174, for the establishment of a new noncommercial educational television station on Channel 30, Bloomington, Ind.

South Carolina Educational Television Commission, 2712 Millwood Avenue, Columbia, S.C., File No. 175, for the establishment of a new noncommercial educational television station on Channel 14, Allendale, S.C.

South Carolina Educational Television Commission, 2712 Millwood Avenue, Columbia, S.C., File No. 176, for the establishment of a new noncommercial educational television station on Channel 33, Florence, S.C.

Connecticut Educational Television Corp., 266 Pearl Street, Hartford, Conn., File No. 177, for the establishment of a new noncommercial educational television station on Channel 49, Bridgeport, Conn.

Kentucky State Board of Education, State Office Building, Frankfort, Ky., File No. 178, for the establishment of a new noncommercial educational television station on Channel 54, Covington, Ky.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 66-11635; Filed, Oct. 24, 1966; 8:49 a.m.]

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described application, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities is accepted for filing in accordance with 45 CFR 60.7:

University of Houston, 3801 Cullen Boulevard, Houston, Tex., File No. 179, to improve the facilities of noncommercial educational television station KUHT, Channel 8, Houston, Tex.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above application with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 66-11636; Filed, Oct. 24, 1966; 8:49 a.m.]

Food and Drug Administration

PILLSBURY CO.

Notice of Filing of Petition for Food Additive Glucan Polysaccharide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7A2098) has been filed by The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402, proposing the issuance of a regulation to provide for the safe use of a glucan polysaccharide, produced by fermentation of carbohydrate substrates by the fungus *Sclerotium rolfsii* and related species, as a suspending and emulsifying agent in food.

Dated: October 14, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11598; Filed, Oct. 24, 1966; 8:47 a.m.]

UNION CARBIDE CORP.

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Union Carbide Corp., Post Office Box 8361, South Charleston, W. Va. 25303, a temporary tolerance of 0.1 part per million in or on potatoes is established for residues of a herbicide which is a mixture consisting of 80 percent of 3,4-dichlorobenzyl methylcarbamate and 20 percent of 2,3-dichlorobenzyl methylcarbamate. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accord with the experimental permit issued by the U.S. Department of Agriculture. Distribution will be under the Union Carbide Corp. name.

This temporary tolerance expires October 14, 1967.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008).

Dated: October 14, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11599; Filed, Oct. 24, 1966; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

REGIONAL DIRECTOR OF ADMINISTRATION, REGION III (ATLANTA)

Redelegation of Authority To Execute Legends on Bonds, Notes, or Other Obligations

The Regional Director of Administration, Region III (Atlanta), Department of Housing and Urban Development, is hereby authorized within such Region to execute, on behalf of the Secretary of Housing and Urban Development, a legend on any bond, note, or other obligation being acquired by the Federal Government from a local public agency pursuant to Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note, or other obligation and its payment therefor on the date specified in the particular legend.

This redelegation supersedes the redelegation effective September 26, 1962.

(79 Stat. 670, 5 U.S.C. 624(d); Secretary's Delegation effective March 22, 1966 (31 F.R. 4814))

Effective date. This redelegation of authority shall be effective as of October 25, 1966.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 66-11603; Filed, Oct. 24, 1966; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17615]

HILO-MAINLAND TEMPORARY SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 15, 1966, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before November 8, 1966, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., October 19, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11601; Filed, Oct. 24, 1966; 8:48 a.m.]

[Docket No. 17782]

LUFTHANSA GERMAN AIRLINES

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 27, 1966, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., October 20, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-11639; Filed, Oct. 24, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC FAR EAST LINE, INC., AND TRUK TRANSPORTATION CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Howard C. Adams, Vice President, Pacific Far East Line, Inc., 918 16th Street NW., Washington, D.C. 20006.

Agreement 9586, between Pacific Far East Line, Inc. (PFEL) and Truk Transportation Co., Inc. (Transco) covers the transportation of general cargo under through bills of lading between Pacific Coast ports of the United States and Hawaii served by PFEL and ports in the Trust Territory of the Pacific served by Transco with transshipment at Guam, Marianas Islands, under terms and conditions set forth in said agreement.

Dated: October 20, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11602; Filed, Oct. 24, 1966; 8:48 a.m.]

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

FEDERAL POWER COMMISSION

[Docket Nos. CS67-16, etc.]

DEPCO, INC. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

OCTOBER 18, 1966.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 8, 1966.

Docket No.	Date filed	Name of Applicant
CS67-16 [1]	9-16-66	Depco, Inc. et al., 825 Petroleum Club Bldg., Denver, Colo. 80202.
CS67-17	10- 7-66	Jack O. McCall, Post Office Box 981, Midland, Tex. 79701.
CS67-18	9-26-66	Meadco Properties, Ltd. et al., 1210 Vaughn Bldg., Midland, Tex. 79701.
CS67-19	10-11-66	N. S. Marrow, 417 Perry Brooks Bldg., Austin, Tex. 78701.

[1] Concurrently herewith Applicant has filed petitions in Docket Nos. G-19187 and CI65-670 to amend the orders issuing certificates in said dockets by authorizing Applicant to continue the Permian Basin sales of International Oil & Gas Corp.

[F.R. Doc. 66-11577; Filed, Oct. 24, 1966; 8:46 a.m.]

[Docket No. CP62-154]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

OCTOBER 18, 1966.

Take notice that on October 12, 1966, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP62-154 a petition to amend the order issued in the instant proceeding on October 17, 1962, as amended by the order issued May 2, 1966, by requesting authorization to continue the term of service as previously authorized to Southern California Gas Co. and Southern Counties Gas Company of California (jointly "Southern"), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued May 2, 1966, amending the order issued October 17, 1962, in the instant proceeding, Petitioner was authorized to sell and deliver to Southern, under Petitioner's Rate Schedule G-X-2, FPC Gas Tariff, Original Volume No. 1, an annual maximum quantity of 63,000,000 Mcf of natural gas for a period continuing through December 31, 1966.

Petitioner, acting upon request of Southern, seeks authorization to extend the above mentioned deliveries for a further limited term commencing January 1, 1967, and continuing through October 31, 1968.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 14, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11578; Filed, Oct. 24, 1966; 8:46 a.m.]

[Docket No. CP67-94]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

OCTOBER 18, 1966.

Take notice that on October 13, 1966, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32790, filed in Docket No. CP67-94 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain lateral facilities in order to purchase natural gas from Gulf Oil Corp. (Gulf), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 18 miles of 12-inch lateral supply pipeline and appurtenances extending in a generally northwesterly direction from a point of connection with an existing delivery point in Corpus Christi Bay to a point on Applicant's mainline in San Patricio County, Tex., downstream of Compressor Station No. 2 and east of the Nueces River. By means of these facilities Applicant proposes to purchase from Gulf, transport and take into its main pipeline system a daily quantity up to approximately 31,000 Mcf of natural gas.

The estimated total cost of the proposed facilities is $1,225,000 which will be paid out of cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 14, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11579; Filed, Oct. 24, 1966; 8:46 a.m.]

[Docket No. CP67-93]

UNITED GAS PIPE LINE CO.

Notice of Application

OCTOBER 18, 1966.

Take notice that on October 12, 1966, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP67-93 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of transmission facilities for the sale and delivery of additional volumes of natural gas to an existing industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to sell and deliver additional volumes of natural gas to Southland Paper Mills, Inc. (Southland), near the city of Lufkin, Angelina County, Tex. In order to deliver the additional volumes Applicant requests permission to replace Emco regulators with Fisher Control Valves and modify header and valve arrangement at the existing meter station at Southland. No new pipe line is to be installed.

The estimated annual third year additional deliveries is approximately 2,095,100 Mcf.

The total estimated cost of the proposed facilities is $16,274.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 14, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11580; Filed, Oct. 24, 1966; 8:46 a.m.]

[Project 2614]

VANCEBURG ELECTRIC LIGHT, HEAT & POWER SYSTEM AND VANCEBURG, KY.

Notice of Application for Preliminary Permit for Unconstructed Project

OCTOBER 18, 1966.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Vanceburg Electric Light, Heat & Power System and Vanceburg, Ky. (correspondence to: Philip P. Ardery, Brown, Ardery, Todd & Dudley, 906 Kentucky Home Life Building, Louisville, Ky. 40202) for proposed Project No. 2614, known as the Greenup Project, to be located on the Ohio River at the U.S. Government's constructed Greenup Dam. The hydroelectric power facilities proposed in the application would be installed on the Ohio side of the Ohio River in Scioto County, Ohio, in the region of Greenup, Ky., and Ironton and Portsmouth, Ohio; would affect lands of the United States under the supervision of the U.S. Corps of Engineers, constructor of the Government Dam; and would utilize water from the Government Dam.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 8, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11581; Filed, Oct. 24, 1966; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST FLORIDA BANCORPORATION

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Florida Bancorporation, Haines City, Fla., for approval of the acquisition of voting shares of 11 banks in the State of Florida.

There has come before the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a), as amended by Public Law 89-485) and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), an application by First Florida Bancorporation, Haines City, Fla., for approval of action to become a bank holding company through the acquisition of a sufficient number of voting shares in each of the following banks so as to bring Bancorporation's direct ownership in each bank up to at least 51 percent: National Bank of Melbourne & Trust Co., Melbourne; Florida State Bank of Sanford, Sanford; State Bank of Haines City, Haines City; Bank of Zephyrhills, Zephyrhills; The DeSoto National Bank of Arcadia, Arcadia; Okeechobee County Bank, Okeechobee; The First State Bank, Fort Meade; Bank of Lake Alfred, Lake Alfred; Bank of Mulberry, Mulberry; National Bank of West Melbourne, West Melbourne; and The United State Bank of Seminole, Sanford.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency and the Comptroller of Florida of receipt of the application and requested their views and recommendations. Each of these authorities recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 30, 1966 (31 F.R. 10343), which provided an opportunity for submission of comments and views regarding the proposed transaction. Time for filing such views and comments has expired and all those filed with the Board have been considered by it.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 19th day of October 1966.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-11583; Filed, Oct. 24, 1966; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2618]

CONSOLIDATED FOODS CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 19, 1966.

In the matter of application of the Cincinnati Stock Exchange; for unlisted trading privileges in a certain security.

The above named national securities exhange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Consolidated Foods Corp., file 7-2618.

Upon receipt of a request, on or before November 3, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11586; Filed, Oct. 24, 1966; 8:46 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

OCTOBER 19, 1966.

The common stock, 50 cents par value, and $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 20, 1966, through October 29, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11587; Filed, Oct. 24, 1966; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Daane.

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

OCTOBER 19, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 20, 1966, through October 29, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11588; Filed, Oct. 24, 1966; 8:47 a.m.]

TARIFF COMMISSION

[332-50]

CERAMIC FLOOR AND WALL TILE

Notice of Investigation

In response to a resolution adopted October 11, 1966, by the Committee on Ways and Means, U.S. House of Representatives, the U.S. Tariff Commission has instituted an investigation of the conditions of competition in the United States between ceramic floor and wall tile (glazed and unglazed, and including trim) produced in the United States and in foreign countries. The full text of the resolution is as follows:

Resolved that the U.S. Tariff Commission is hereby directed, pursuant to section 332(g) of the Tariff Act of 1930, to make an investigation of the conditions of competition in the United States between ceramic floor and wall tile (glazed and unglazed, and including trim) produced in the United States and in foreign countries, and report the results of such investigation to the Committee on Ways and Means at the earliest practicable date.

The report of the Commission shall include factual information on domestic production, foreign production, imports, consumption, channels, and methods of distribution, prices (including pricing practices), U.S. exports, U.S. customs treatment since 1930, and on other factors of competition. In the course of its investigation, the Commission shall afford interested parties opportunity to submit pertinent information through public hearings.

Formally agreed to by Committee on Ways and Means in Executive Session October 11, 1966.

(Signed) WILBUR D. MILLS, *Chairman.*

The Commission will hold public hearings in connection with this investigation, and will give public notice thereof at least 30 days in advance of the opening date.

Issued: October 20, 1966.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 66-11591; Filed, Oct. 24, 1966; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1431]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 20, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69118. By order of October 13, 1966, the Transfer Board approved the transfer to Lester Ebright, Delmont, S. Dak., of the operating rights in certificate No. MC-102570 issued May 13, 1958, to Fred Fink, Delmont, S. Dak., authorizing the transportation of: Livestock, between Delmont, S. Dak., and 15 miles, and Sioux City, Iowa, in a radial movement, and building materials, as described by the Commission, and livestock and poultry feeds from Sioux City, Iowa, to Delmont, S. Dak., and 15 miles thereof. Don A. Bierle, 322 Walnut Street, Yankton, S. Dak. 57078, attorney for applicants.

No. MC-FC-69119. By order of October 13, 1966, the Transfer Board approved the transfer to Paramount Moving & Storage Co., Inc., Garden City, N.Y., of the operating rights in certificate No. MC-17600 issued October 23, 1963, to Levintan Moving & Storage Corp., New York, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. Jerome Greenspan, attorney for transferor, 414 Clarendon Road, Uniondale, N.Y., and Alvin Altman, attorney, for transferee, 1776 Broadway, New York, N.Y. 10019.

No. MC-FC-69120. By order of October 13, 1966, the Transfer Board approved the transfer to Mel's Moving & Storage, Inc., Brooklyn, N.Y., of the operating rights in certificates Nos. MC-

72620 (Sub-No. 1) and MC-72620 (Sub-No. 2) issued March 5, 1959 and October 14, 1959, respectively, to Rapid Furniture Transport, Inc., Elmhurst, N.Y., authorizing the transportation of: New furniture, uncrated new furniture, frames, household equipment, appliances, theater display frames, ticket booths, laboratory equipment, and hair used in furniture, between points in New York, Connecticut, Maryland, Pennsylvania, Massachusetts, New Jersey, Delaware, Virginia, and the District of Columbia. Alfonso A. Ilaria, attorney for transferor, 11 Broadway, New York, N.Y. 10004, and Morris Honig, attorney for transferee, 150 Broadway, New York, N.Y. 10038.

No. MC-FC-69124. By order of October 17, 1966, the Transfer Board approved the transfer to Braddock M. Elmquist, Warren, Pa., of certificate No. MC-74618, issued December 3, 1958, to Carl R. Elmquist, doing business as Warren Transfer & Storage Co., Warren, Pa., and authorizing the transportation, over regular routes, of shirts from Morgantown, W. Va., to Warren, Pa., and automobile seat covers from Fremont, Ohio, to Warren, Pa., and over irregular routes, of household goods, between points in Warren County, Pa., on the one hand, and, on the other, points in New York, New Jersey, Ohio, West Virginia, Maryland, Delaware, Connecticut, and the District of Columbia, and between points in Warren County, Pa., on the one hand, and, on the other, points in Massachusetts and Rhode Island, and other specified commodities, generally, from and between Warren, Pa., and points in Warren County, Pa., and points in the New England and Middle Atlantic States, Virginia, and North Carolina. S. Knox Harper, The Pennsylvania Bank & Trust Co. Building, Warren, Pa. 16365, attorney for applicants.

No. MC-FC-69126. By order of October 13, 1966, the Transfer Board approved the transfer to Delbert W. Grosse, 921 16th Avenue, Council Bluffs, Iowa, of the operating rights in certificate No. MC-105067, issued April 12, 1960, to Erwin D. Franke, Council Bluffs, Iowa, and authorizing the transportation of: Livestock, animal feeds, farm machinery and building materials, over irregular routes, between Council Bluffs, Iowa, and points in Iowa within 15 miles thereof, on the one hand, and, on the other, Omaha, Nebr.

No. MC-FC-69127. By order of October 13, 1966, the Transfer Board approved the transfer to Blincoe Trucking Co., a corporation, Stockton, Calif., of certificate of registration No. MC-120194 (Sub-No. 1) issued February 3, 1964, to Francis Earl Blincoe, doing business as Blincoe Trucking Co., Stockton, Calif., and corresponding in scope to the grant of intrastate authority in certificate of public convenience and necessity in decision No. 60184, dated May 25, 1960, as amended, issued by the Public Utilities Commission of California. Frank Loughran, 100 Bush Street, San Francisco, Calif. 94104, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11608; Filed, Oct. 24, 1966; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 20, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40755—*Class and commodity rates from and to Gapac, Fla.* Filed by O. W. South, Jr., agent (No. A4954), for interested rail carriers. Rates on property moving on class and commodity rates, between Gapac, Fla., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 40756—*Returned shipments between points in the United States.* Filed by Trans-Continental Freight Bureau, agent (No. 437), for interested rail carriers. Rates on property returned to original point of shipment, in carloads, between points in the United States.

Grounds for relief—Carrier competition.

FSA No. 40757—*Soil compounds from Wellsville, Colo.* Filed by Western Trunk Line Committee, agent (No. A-2474), for interested rail carriers. Rates on soil compounds, also kindred and related articles, in carloads, from Wellsville, Colo., to points in official (not including Illinois) territory.

Grounds for relief—Market competition.

Tariff—Supplement 23 to Western Trunk Line Committee, agent, tariff ICC A-4620.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11609; Filed, Oct. 24, 1966; 8:48 a.m.]

[Notice 273]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 19, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3961 (Sub-No. 5 TA), filed October 17, 1966. Applicant: JOHN McINTYRE, doing business as J & H McINTYRE, 261 Kearny Avenue, Jersey City, N.J. 07305. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reinforcing steel bars* (not exceeding 45 feet in length), for the account of Capitol Steel Corp., New York, N.Y., from Jersey City, N.J., to New Paltz, N.Y., for 120 days. Supporting shipper: Capitol Steel Corp., 419 Park Avenue South, New York, N.Y. 10016. Send protests to: District Supervisor Walter J. Grossmann, Interstate Commerce Commission, Bureau of Compliance and Operations, 1060 Broad Street, Room 363, Newark, N.J. 07102.

No. MC 94265 (Sub-No. 194 TA), filed October 14, 1966. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of the Kitchens of Sara Lee at Deerfield, Ill., and from warehouses storing the Kitchens of Sara Lee's products in Chicago, Ill., to points in Connecticut, Massachusetts, Maryland, Delaware, District of Columbia, Pennsylvania, Rhode Island, New Jersey, New York, West Virginia, and Virginia, for 180 days. Supporting shipper: Kitchens of Sara Lee, Deerfield, Ill. 60015. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 111069 (Sub-No. 38 TA), filed October 14, 1966. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, State Highway 131, Clarksville, Ind. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, (1) from Louisville, Ky., Atlanta, Ga., and New Albany, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) from East Greenville, Pa., to Atlanta, Ga.; New Albany, Ind., and points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: The Pillsbury Co., Post Office Box 222, Minneapolis, Minn. 55440. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 111729 (Sub-No. 173 TA), filed October 14, 1966. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.J. 11361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes, and packaging materials, and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Fitchburg, Mass., on the one hand, and, on the other, points in Connecticut; points in Ashland, Auburn, Biddeford, Bingham, Brownville Junction, Bucksport, Calais, Camden, Chrisholm, Ellsworth, Fort Kent, Greenville Junction, Hiram, Kittery, Lewiston, Locke Mills, Lubec, Machais, Madison, Mexico, Millinocket, Mount Desert, Naples, Newcastle, Newport, Norway, Oakland, Portland, Porter, Presque Isle, Rockland, Rumford, Sanford, South Berwick, South West Harbor, Warren, Waterville, Wilton, and Yarmouth, Maine; points in Ashland, Bennington, Berlin, Charleston, Chester, Claremont, Concord, Errol, Francestown, Gorham, Greenville, Hampton, Hanover, Hillsboro, Hopkinton, Hudson, Keene, Lancaster, Littleton, Manchester, Milford, Milton, Nashua, New London, New Market, Newport, North Sutton, Pittsfield, Plymouth, Raymond, Rindge, Rochester, Somersworth, Troy, Whitfield, Wilton, Winchester, Windham, Woodsville, New Hampshire; and points in Rhode Island. (2) *Business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between Paramus, N.J., and New York, N.Y., (b) between New York, N.Y., on the one hand, and, on the other, Searsport and South Portland, Maine; Fall River and Waltham, Mass.; East Brooklyn, Md.; and Springfield, Va. (3) *Checks, business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between Clifton, N.J., on the one hand, and, on the other, points in Fairfield, Litchfield, and New Haven Counties, Conn.; points in Nassau (except Great Neck), Suffolk, Richmond, Westchester, Sullivan, Rockland, Orange, and Dutchess Counties, N.Y.; and points in Bucks, Lehigh, Northampton, Chester, Delaware, Berks, and Lancaster Counties, Pa., (b) between points in Hartford County, Conn., on the one hand, and, on the other, Nassau County, N.Y., (4) *meter books, meter reading scan sheets, sales slips, cashier payment, stubs, data runs and audit media*, between Westboro, Mass., on the one hand, and, on the other, Leganon, N.H., and Providence, R.I., for 180 days. Supporting shippers: Art Photo Service, Inc., 260 Lunenburg Street, Fitchburg, Mass., Shell Oil Co., 1250 Sixth Avenue, New York 20, N.Y., Univac, 210 Washington Street, Hartford, Conn. 06106, Paramus Service, Inc., 26 Park Place, Paramus, N.J. 07652, New England Power Service Co., Westboro, Mass., Automatic Data Processing, Inc., 1040 Highway 46, Clifton, N.J. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 115917 (Sub-No. 15 TA), filed October 14, 1966. Applicant: UNDERWOOD & WELD COMPANY, INC., Post Office Box 348, Crossnore, N.C. 28616. Applicant's representative: Wilmer A. Hill, Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from points in Buncombe County, N.C., to points in Ashe, Avery, Buncombe, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Watauga, and Yadkin Counties, N.C., restricted to traffic which has had an immediately prior movement by rail, for 180 days. Supporting shipper: International Salt Co., Whitney Bank Building, New Orleans, La. 70130. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 115931 (Sub-No. 17 TA), filed October 14, 1966. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Post Office Box 1961, Billings, Mont. 59101. Applicant's representative: Stockton, Lewis & Mitchell, The 1660 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel buildings and components or parts therefor*, from points in Fayette County, Ohio, and Vigo County, Ind., to points in Montana and Wyoming, for 180 days. Supporting shippers: Curran Construction Co., Inc., 319 East Main Street, Suite A, Box 1094, Missoula, Mont. 59801; Eaton Steel Building Co., 123 North 13th Street, Post Office Box 1687, Billings, Mont. 59103; Dick Hoff Construction Co., Post Office Box 1944, Casper, Wyo.; Palmer Steel Structures, 1326 Central Avenue West, Box 2326, Great Falls, Mont. 59404. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 117136 (Sub-No. 25 TA), filed October 14, 1966. Applicant: BUSY BEE, INC., 6005 Southeast Milwaukie, Portland, Oreg. 97202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Benton, Polk, and Yamhill Counties, Oreg., to points in California, for 180 days. Supporting shippers: Griswold Lumber Co., Post Office Box 25037, Portland Oreg., Western Wood Supply, 437 Terminal Sales Building, Portland, Oreg., Fillmore Lumber Sales, Post Office Box 02006, Portland, Oreg., Patrick Lumber Co., Terminal Sales Building, Portland, Oreg. Send protests to: S. F. Martin, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 119808 (Sub-No. 4 TA), filed October 17, 1966. Applicant: ROBERT F. DuBOIS, doing business as DuBOIS TRUCKING, Stonybrook Road, Northfield, Vt. 05663. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, ground, crushed, pulverized and broken, in bulk in dump vehicles, from Swanton, Vt., to Plattsburgh, N.Y., for 180 days. Supporting shipper: Swanton Lime Works, Inc., Swanton, Vt. 05488. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 14 Parkhurst Street, Lebanon, N.H. 03766.

No. MC 123310 (Sub-No. 5 TA), filed October 14, 1966. Applicant: VERNON L. HUNT, doing business as, HUNT TRUCKING, 1014 Madison Avenue, Cheyenne, Wyo. 82001. Applicant's representative: Ward A. White, Post Office Box 568, 1600 Van Lennen Avenue, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater, Idaho, and Kootenai Counties, Idaho, to points in Colorado, for 180 days. Supporting shipper: North Idaho Cedar Sales, Post Office Box 38, Elk River, Idaho 83827. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, D & S Building, 255 North Center Street, Casper, Wyo. 82601.

No. MC 123478 (Sub-No. 4 TA), filed October 14, 1966. Applicant: CURTIS TRANSPORT, INC., Post Office Box 215, Valley Park, Mo. 63088. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic panels laminated with aluminum or wood*, from Cape Girardeau, Mo., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming, for 180 days. Supporting shipper: The Dow Chemical Co., Eastman Road Building, Midland, Mich., Joe G. Thomason, Traffic Manager. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Com-

mission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 124576 (Sub-No. 5 TA), filed October 14, 1966. Applicant: WILLIAMS TRANSPORTATION, INC., Post Office Box 182, Belle Fourche, S. Dak. 57717. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles, piling, and lumber*, from points in Lawrence County, S. Dak., and Crook County, Wyo., to points in South Dakota, Montana, Wyoming, Nebraska, Iowa, Minnesota, and North Dakota, for 180 days. Supporting shipper: Glen L. Westburg, Whitewood Post & Pole, Whitewood, S. Dak. 57793. Supporting shipper: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 127232 (Sub-No. 2 TA), filed October 14, 1966. Applicant: BELFORD TRUCKING, LTD., 3014 Cedar Creek Drive, Cooksville, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from ports of entry on the international boundary line between the United States and Canada at or near Buffalo, Niagara Falls, and Lewiston, N.Y., to points in New York, and *returned shipments* on return, for 150 days. Supporting shipper: Milton Brick Co., Ltd., Baseline Road, Milton, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 Federal Office Building, Buffalo, N.Y. 14203.

No. MC 128300 (Sub-No. 3 TA), filed October 17, 1966. Applicant: ROSS A. FISH AND JACK VERKLER, doing business as FISH & VERKLER, 1017 East Eighth Street, Mesa, Ariz. 85201. Applicant's representative: A. M. Bernstein, 1327 Guaranty Bank Building, 3550 North Central, Phoenix, Ariz. 850. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Show Low, Payson, Flagstaff, Snowflake, Fredonia, and Cutter, Ariz., to points in New Mexico, Texas, and Utah, for 180 days. Supporting shippers: Kaibab Lumber Co., Post Office Box 12196, Phoenix, Ariz., Western Pine Sales, Inc., Post Office Box 40, Snowflake, Ariz., Reidhead Lumber Co., Inc., Box E, Show Low, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 4006 Federal Building, Phoenix, Ariz. 85025.

No. MC 128610 TA (Amendment), filed September 28, 1966, published FEDERAL REGISTER, issue of October 5, 1966, and republished as amended this issue. Applicant: ALCO SHIPPING AGENCIES BAHAMAS, Ltd., Port Laudania, Dania, Fla. Applicant's representative: Bernard C. Pestcoe, Suite 412 City National Bank Building, 25 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those commodities injurious, or contaminating to other lading), from Port Laudania or Port Everglades, Fort Lauderdale, Fla., to points in Dade, Broward, and Palm Beach Counties, Fla., and from points in Dade, Broward, and Palm Beach Counties, Fla., to Port Laudania or Port Everglades, Fort Lauderdale, Fla., restricted to traffic having a prior or subsequent movement by water aboard vessels owned or operated by applicant, for 180 days. Supporting shippers: Port Everglades Steel Corp., Post Office Box 13065, Fort Lauderdale, Fla. 33316, Smith, Richardson & Convoy, Inc., 3500 Northwest 62d Street, Miami, Fla., 33147, General Electric Co., Southeastern District, 3655 Northwest 71st Street, Miami, Fla. 33147, Adobe Brick & Supply Co., 2056 Scott Street, Hollywood, Fla., Dant & Russell, Inc., Port Everglades Station, Fort Lauderdale, Fla., E & I Inc., 3000 West State Road 84, Fort Lauderdale, Fla. 33312, Coronet Kitchens, Inc., 4200 Northwest 10th Avenue, Oakland Park Station, Fort Lauderdale, Fla. 33307, J. & L. Feed & Supply, Post Office Box 568, Dania, Fla., United Purveyors, Inc., Post Office Box 593, Allapattah Station, Miami, Fla. 33142, Forest Products Corp., Post Office Drawer 1341, Fort Lauderdale, Fla., East Coast Supply Corp., 2725 Hillsboro Road, West Palm Beach, Fla., Angelo's Seafood and Frozen Foods, 500 Northeast Third Street, Fort Lauderdale, Fla. 33302, Marine Construction & Engineering Co., Ltd., Freeport, Grand Bahama Island, Causeway Lumber Co., 2627 South Andrews Avenue, Fort Lauderdale, Fla., Temcurt Import-Export Corp., 7 North Federal Highway, Fort Lauderdale, Fla. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 128633 (Sub-No. 1 TA), filed October 14, 1966. Applicant: LAUREL HILL TRUCKING COMPANY, a corporation, 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between Dover, Del.; McGuire Air Force Base, N.J.; Albany, N.Y.; Boston, Mass.; Newark Airport, N.J.; LaGuardia Airport, N.Y.; Kennedy International Airport, N.Y.; Charleston, S.C.; Norfolk, Va.; Washington, D.C.; Philadelphia International Airport, Pa.; Baltimore International Airport, Md.; Dulles International Airport, Va. Restricted to shipments having a subsequent or prior movement by aircraft, under a contract with Trans World Airlines, Inc., for 150 days. Supporting shipper: Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016. Send protests to: Walter J. Grossmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1060 Broad Street, Newark, N.J. 07102.

No. MC 128645 (Sub-No. 1 TA), filed October 14, 1966. Applicant: JOE BLATTLER, Carson, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Veneer lumber*, from Carson, Wash., to points in Oregon, for 180 days. Supporting shipper: Wilkins, Kaiser & Olsen, Inc., Goldendale, Wash. Send protests to: S. F. Martin, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 128648 TA, filed October 14, 1966. Applicant: TRANS UNITED, INC., 2531 Nebraska Street, South Gate, Calif. 90280. Applicant's representative: Murchinson and Stebbins, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractor and loader attachments or parts and articles, equipment, materials and supplies* used in the manufacture, processing, and distribution of tractor and loader attachments or parts, between points in States in the United States except Alaska and Hawaii, moving under a continuing contract with Westrac, a corporation, for 180 days. Supporting shipper: Westrac, 1309 West Sepulveda Boulevard, Torrance, Calif. 90508. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC-128649 TA, filed October 17, 1966. Applicant: JACK CHAMBLESS, doing business as CLOVIS MOVING & STORAGE, 700 East Tatum Street, Post Office Box 697, Clovis, N. Mex. 88101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, which have previously moved in unregulated freight forwarder service, between Clovis, N. Mex., and points in Curry, Quay, Roosevelt, and De Baca Counties, N. Mex., for 180 days. Supporting shippers: Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif. 90807, Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133, Asiatic Forwarders Inc., 325 Valencia Street, San Francisco, Calif. 94103. Send protests to: Jerry R. Murphy, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 109 U.S. Courthouse, Albuquerque, N. Mex. 87101.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–11610; Filed, Oct. 24, 1966; 8:48 a.m.]

[Notice 274]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 20, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub-No. 2196 TA), filed October 18, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. 64108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Clay Center, Kans., and Manhattan, Kans., serving no intermediate points, from Clay Center, in an easterly direction over U.S. Highway 24 to Manhattan, and return over the same route. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority, for 150 days. Supporting shipper: Hutchinson Manufacturing, Inc., Box 33, Clay Center, Kans. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 75330 (Sub-No. 14 TA), filed October 18, 1966. Applicant: MORRIS DRAYING COMPANY, 190 98th Avenue, Oakland 1, Calif. Applicant's representative: Marvin Handler, 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated, relocatable structures* (except buildings in sections mounted on wheeled under carriages with hitchball connecter and trailers designed to be drawn by passenger automobiles), from Newark, Calif., to points in Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, and Texas, for 180 days. Supporting shipper: Modulux Inc., 38505 Cherry Street, Newark, Calif. 94560. Send protests to: Howard O. Gaston, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif.

No. MC 78786 (Sub-No. 268 TA) (Correction), filed September 23, 1966, published FEDERAL REGISTER, issues of October 1, and October 7, 1966, and republished this issue. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: T. T. Edwards (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, commodities requiring special equipment, class A and B explosives and household goods as defined by the Commission, between points in California, Arizona, New Mexico, and Nevada, as follows: (A) (1) From San Francisco, Calif., to Stockton, Calif., over U.S. Highway 50; (2) from junction U.S. Highway 50 and California Highway 120 near Banta, Calif., over California Highway 120 to junction U.S. Highway 99, (3) from Banta, Calif., over California Highway 33 to Los Banos, Calif., (4) from Vernalis, Calif., to Modesto, Calif., over California Highway 132, (5) from Gustine, Calif., to Merced, Calif., over California Highway 140, (6) from Los Banos, Calif., to junction U.S. Highway 99 and California Highway 152 over California Highway 152, (7) from Sacramento, Calif., to Calexico, Calif., over U.S. Highway 99 to junction U.S. Highway 60, thence over U.S. Highway 60 to Coachella, Calif., thence over California Highway 86 to El Centro, Calif., thence over California Highway 111 to Calexico, Calif., (8) from Coachella, Calif., to Brawley, Calif., over California Highway 111, (9) from San Diego, Calif., to Yuma, Ariz., over U.S. Highway 80, (10) from Arcata, Calif., to Santa Ana, Calif., over U.S. Highway 101, (11) from Benson, Ariz., to Lordsburg, N. Mex., over U.S. Highway 80.

(12) From San Simon, Ariz., to junction U.S. Highway 80 near Steins, N. Mex., over Arizona Highway 86, and (13) from Casa Grande, Ariz., to Gila Bend, Ariz., over Arizona Highway 84; and return over the same routes in (1) through (13) above serving all intermediate points and off-route points in Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Marin, Mendocino, Merced, Monterey, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Benito, San Bernardino, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tulare, Ventura, Yolo, and Yuba, and the Arizona Counties of Yuma, Maricopa, Pinal, Santa Cruz, Cochise, Graham, Greenlee, Gila, and Pima which are stations on the rail lines of Southern Pacific Co. and its wholly owned rail subsidiaries (Northwestern Pacific Railroad Co., Petaluma & Santa Rosa Railroad Co., Visalia Electric Railroad Co., San Diego & Arizona Eastern Railroad, and Holton Inter-Urban Railway Co.). (B) (1) Alternate routes: From Alturas, Calif., to Reno, Nev., over U.S. Highway 395, (2) from Hawthorne, Nev., to Phoenix, Ariz., over U.S. Highway 95 to junction U.S. Highway 93 near Boulder City, Nev., thence over U.S. Highway 93 to Kingman, Ariz., thence over U.S. Highway 66 to junction Arizona Highway 93, thence over Arizona Highway 93 to junction U.S. Highway 89, thence over U.S. Highway 89 to Phoenix, (3) from Las Vegas, Nev., to Yuma, Ariz., over U.S. Highway 95, serving Las Vegas for purposes of joinder only; (4) from Indio, Calif., to Phoenix, Ariz., over U.S. Highway 60, (5) from Globe, Ariz., to Glenbar, Ariz., over U.S. Highway 70, (6) from Canby, Calif., to Susanville, Calif., over California Highway 299 to Adin, Calif., thence over California Highway 139 to Susanville, Calif.; and return over the same routes, as alternate routes for operating convenience only, serving no intermediate points, for 180 days.

NOTE: Applicant states it proposes to tack the authority sought in (A) above to authority presently held by it in its certificate MC–78786; in Items 13, 20, 22B, 34, 36, 37, 38, 40, 97, 99, 100, 102, and Sub 219, 110, 113, 115, and 116. Applicant also states it proposes to interline traffic carried under the subject authority with other connecting motor common carriers at the usual gateways, namely El Paso, Tex.; Phoenix, Yuma, and Tucson, Ariz.; San Diego, Santa Ana, El Centro, Los Angeles, Bakersfield, Fresno, Stockton, San Francisco, Oakland, Sacramento, Willits, Eureka, Red Bluff, and Redding, Calif.; and Medford, Klamath Falls, Coos Bay, Roseburg, Eugene, Albany, Salem, and Portland, Oreg. Supporting shippers: The application is supported by statements from 176 shippers, which statements may be examined here at the Interstate Commerce Commission in Washington, D.C., and at the District office named below. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102. NOTE: The purpose of this correction is to clearly set forth the off-route points proposed to be served in (A) above.

No. MC 110525 (Sub-No. 804 TA), filed October 18, 1966. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown,

Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Baltimore, Md., to Schenley, Pa., for 150 days. Supporting shipper: Schenley Distillers, Inc., Mary Street, Lawrenceburg, Ind. 47025. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 119315 (Sub-No. 7 TA), filed October 18, 1966. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Road, Toledo, Ohio 43612. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass fibers and glass fiber products*, from Vienna, W. Va., to points in Delaware, Maryland, New York, New Jersey, and the District of Columbia for the account of Johns-Manville Corp., for 180 days. Supporting shipper: Johns-Manville, Fiber Glass Division, Post Office Box 5128, Vienna, W. Va. 26105. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124111 (Sub-No. 10 TA), filed October 18, 1966. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, Ohio 44870. Applicant's representative: Earl J. Thomas, 5850 North High Street, Worthington, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, fresh*, from plantsite of Aurora Packing Co., Inc., at North Aurora, Ill., to Baltimore, Md.; Landover, Md.; Linden, N.J.; New York, N.Y., commercial zone as defined by the Commission, and Washington, D.C., for 180 days. Supporting shipper: Aurora Packing Co., Inc., Post Office Box 1263, Aurora, Ill. 60507. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124328 (Sub-No. 27 TA), filed October 18, 1966. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: Francis D. Partlan (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency and coin*, between Cincinnati, Ohio, and Barbourville, Corbin, Cumberland, Harlan, Jenkins, Lancaster, London, Middlesboro, Neon, Nicholasville, Paintsville, Pikeville, Pineville, Prestonburg, Salyersville, Somerset, Stanford, Whitesburg, and Williamsburg, Ky., for 150 days. Supporting shippers: There are 30 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1086 U.S. Courthouse, Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 127623 (Sub-No. 3 TA), filed October 18, 1966. Applicant: R & R FREIGHT TRUCKING, INC., 812 Greene Street, Cumberland, Md. 21502. Applicant's representative: Earl Edmund Manges, 120 South Liberty Street, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, sand, and gravel*, in bulk, from Frostburg and Cumberland, Md., to points in Garrett, Allegany, and Washington Counties, Md., for 150 days. Supporting shipper: International Salt Co., Clarks Summit, Pa., Attention: James F. Rehr. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1220, Washington, D.C.

No. MC 128647 (Sub-No. 1 TA), filed October 18, 1966. Applicant: JO-ED TRUCKING CO., INC., 138 Summer Street, Orange, N.J. 07050. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated cabana swimming pools* knocked-down, uncrated and *swimming pools accessories* from the plant site of Hendon Fabricating Division, Hendon, Construction Co., Monachie, N.J., to points in Connecticut, Massachusetts, Maryland, New York, Pennsylvania, Rhode Island, and Washington, D.C., restricted to deliveries to residential sites, for 180 days. Supporting shipper: Hendon Fabricating Division, Executive Offices, Little Ferry, N.J. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 66-11611; Filed, Oct. 24, 1966; 8:49 a.m.]

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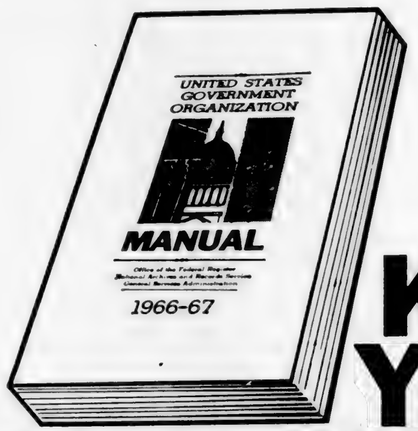
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Civil Aeronautics Board
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Title 6—AGRICULTURAL CREDIT

Chapter V—Consumer and Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 530—POULTRY AND POULTRY PRODUCTS

CROSS REFERENCE: For a document transferring the regulations in Subchapter B (consisting of Part 530) of Chapter V to Chapter I of Title 7 and recodifying these regulations in new Part 207 of new Subchapter M, see F.R. Doc. 66–11655, *infra*.

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER M—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 207—POULTRY AND POULTRY PRODUCTS

The following changes are made in the codification of Title 7 of the Code of Federal Regulations:

1. A new subchapter heading is added following Part 205 of Title 7 to read as set forth above.

2. The regulations appearing in Part 530 of Title 6 are transferred to Chapter I of Title 7 and are hereby redesignated as Part 207. Sections 530.1 to 530.19 of Title 6 are hereby redesignated §§ 207.1 to 207.19 of Title 7.

Done at Washington, D.C., this 20th day of October 1966.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 66–11655; Filed, Oct. 25, 1966; 8:46 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

NOTICE OF QUARANTINE

On September 14, 1966, there was published in the FEDERAL REGISTER (31 F.R. 12023) as F.R. Doc. 66–10042, a notice of public hearing and notice of rule making pertaining to Notice of Quarantine No. 52 relating to the pink bollworm and the regulations supplemental to said quarantine (7 CFR 301.52, 301.52–1 et seq.). After due consideration of all relevant matters presented at the hearing and in response to the notice of rule making, and pursuant to the authority conferred by sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the said notice of quarantine is hereby revised to read as follows:

QUARANTINE

§ 301.52 Notice of quarantine.

(a) Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), and after public hearing, it is determined that it is necessary to quarantine the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas to prevent the spread of the pink bollworm, a dangerous insect injurious to cotton, okra, and kenaf, and not heretofore widely prevalent or distributed within and throughout the United States, and said States are hereby quarantined or continued to be quarantined because of said insect, and under the authority of said Act and the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee) supplemental regulations are prescribed in this subpart governing the movement of carriers of said insect. Hereafter the following shall not be moved from the quarantined States into or through any other State, Territory, or District of the United States in manner or method or under conditions other than those prescribed in the regulations as from time to time amended: (1) Okra and kenaf, including all parts of the plants; (2) cotton and wild cotton, including all parts of both cotton and wild cotton plants; (3) seed cotton; (4) cotton lint; (5) cotton linters; (6) cotton waste produced at cotton gins, cotton seed oil mills, or textile mills; (7) gin trash; (8) cottonseed; (9) cottonseed hulls; (10) cottonseed cake; (11) cottonseed meal; (12) used bagging and other used wrappers for cotton; (13) used cotton harvesting equipment; and (14) other farm products, other farm equipment, farm household goods, ginning and oil mill equipment, other cotton processing machinery, and means of conveyance, and, unlimited by the foregoing, any other products and articles of any character whatsoever, not within subparagraphs (1) through (13) of this paragraph, when it is determined in accordance with the regulations (§§ 301.52–1 to 301.52–10) that they present a hazard of spread of the pink bollworm. Moreover, movement of products, articles, and means of conveyance designated above from a quarantined State or portion thereof into or through another quarantined State or portion thereof may be restricted or prohibited under the regulations. The requirements of this quarantine and the regulations in this subpart with respect to the products, articles, and means of conveyance designated above, are hereby limited to the areas in any quarantined State which may be designated as within the regulated area as provided in the regulations, as long as in the judgment of the Deputy Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated area will be adequate to prevent the spread of the pink bollworm, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of live pink bollworms and the other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine regulations and upon the State's providing regulations for and enforcing such sanitation measures with respect to such area or portions thereof as, in the judgment of said Deputy Administrator, are adequate to prevent the spread of the pink bollworm within such State. Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products, articles or means of conveyance to which the regulations apply, making it safe to modify, by making less stringent, the requirements contained in the regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for all or such portion of the regulated area and for such products, articles, and means of conveyance as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected area.

(b) Regulations governing the movement of live pink bollworms are contained in Part 330 of this chapter. Applications for permits for movement of said pests may be made to the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, in accordance with said part.

(c) As used in this subpart, unless the context otherwise requires, the term "State, Territory, or District of the United States" means State, the District of Columbia, Guam, Puerto Rico, or the Virgin Islands of the United States.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended)

This revision shall become effective October 26, 1966, when it shall supersede the notice of quarantine effective August 31, 1957, as amended, and as republished January 1, 1966 (7 CFR 301.52).

Pursuant to a notice published in the FEDERAL REGISTER on September 14, 1966 (31 F.R. 12023), a public hearing was held in San Diego, Calif., on October 4, 1966, regarding quarantining California on account of the pink bollworm. After due consideration of all relevant matters presented at the hearing and in response to the notice of rule making, it has been decided to add California to the list of States quarantined because of the pink bollworm.

Since this action imposes restrictions necessary to prevent the interstate dissemination of pink bollworm infestations, it should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause in accordance with the provisions of 5 U.S.C., section 553, that further notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of October, 1966.

[SEAL] E. P. REAGAN,
Acting Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 66-11662; Filed, Oct. 25, 1966; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 873.19]

PART 873—SUGARCANE; FLORIDA

Fair and Reasonable Prices for 1966 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence presented at the public hearing held in Belle Glade, Fla., on June 17, 1966, the following determination is hereby issued:

§ 873.19 Fair and reasonable prices for the 1966 crop of Florida sugarcane.

A producer of sugarcane in Florida who is also a processor of sugarcane (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1966 crop grown by other producers and processed by him, or shall have processed sugarcane of other processor-producers under a toll agreement, in accordance with the following requirements.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange No. 7 domestic contract, except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that such price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, he may designate the price to be effective under this section which he determines will reflect the true market value of raw sugar.

(2) "Season's average price of raw sugar" means (i) the weighted average price of raw sugar for the months in which 1966-crop sugar is delivered to the purchaser, determined by weighting the simple average of the daily prices of raw sugar for each month in which sugar is delivered to the purchaser by the quantity of 1966-crop raw sugar or raw sugar equivalent delivered during each corresponding month, or (ii) the average price of raw sugar received by a processor who disposes of all of his sugar under a single contract with a refiner.

(3) "Raw sugar" means raw sugar, 96° basis.

(4) "Net sugarcane" means the gross weight of sugarcane delivered by a producer to a processor minus a deduction equal to the average percentage weight of trash delivered with all sugarcane ground at each mill operated by a processor.

(5) "Trash" means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(6) "Standard sugarcane" means net sugarcane containing 12.5 percent sucrose in the normal juice.

(7) "Average percent sucrose in normal juice" means (i) the average percent crusher juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to factory crusher juice sucrose at the processor's mill; or (ii) the average percent sample mill juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to the average sample mill juice sucrose analyses of producers' sugarcane. However, the method of subdivision (ii) of this subparagraph shall be used by the processor where the crusher juice is diluted or where the sugarcane of one producer is commingled with the sugarcane of another producer.

(8) "Average percent crusher juice sucrose" referred to in subparagraph (7)(i) of this paragraph means the percentage of sucrose in crusher juice as determined by direct analysis. "Factory normal juice sucrose" means the percentage of sucrose in undiluted juice as derived by multiplying factory dilute juice purity by factory normal juice Brix. Factory normal juice Brix is determined by multiplying factory crusher juice Brix, as determined by direct analysis by a dry milling factor which represents the ratio of normal juice Brix to crusher juice Brix. "Factory dilute juice purity" means the ratio of factory dilute juice sucrose to factory dilute juice Brix as determined by direct analysis.

(9) "Average percent sample mill juice sucrose" referred to in subparagraph (7)(ii) of this paragraph means the percentage of sucrose in juice extracted from producers' sugarcane by a sample mill determined by direct analysis. "Factory normal juice sucrose" is derived in one of the following ways: (i) When sugarcane is washed and/or "cush-cush" is distributed in such a manner as to become commingled with sugarcane in front of the crusher mill (or first mill in the absence of a crusher), the crusher or first expressed juice is diluted and consequently cannot be used as a basis for computing factory normal juice Brix and sucrose. In such case, crusher juice Brix is derived by multiplying the daily average of all sample mill juice Brix determinations with respect to producers' sugarcane by a dilution compensation factor representing the ratio of factory crusher juice Brix to sample mill juice Brix extracted from dry sugarcane as determined by direct analysis. Such factory crusher juice Brix is multiplied by a dry milling factor to obtain factory normal juice Brix. Factory normal juice Brix is multiplied by the factory dilute juice purity to obtain factory normal juice sucrose; or (ii) where the crusher juice is not diluted due to sugarcane washing or the return of cush-cush, factory normal juice Brix is determined by multiplying factory crusher juice Brix by a dry milling factor and factory normal juice sucrose is obtained by multiplying factory normal juice Brix by factory dilute juice purity.

(10) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(11) "State Office" means the Florida State Agricultural Stabilization and Conservation Service Office, 401 Southeast First Avenue, Gainesville, Fla. 32601.

(12) "State Committee" means the Florida State Agricultural Stabilization and Conservation Committee.

(b) *Basic price for purchased sugarcane.* (1) The basic price for sugarcane purchased by a processor from producers shall be not less than $1.09 per ton of standard sugarcane for each 1-cent per pound of the season's average price of raw sugar.

(2) Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by multiplying the total quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice	*Standard sugarcane quality factor*[1]
9.5	0.70
10.0	.75
10.5	.80
11.0	.85
11.5	.90
12.0	.95
12.5	1.00
13.0	1.05
13.5	1.10
14.0	1.15
14.5	1.20
15.0	1.25
15.5	1.30

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

(3) Molasses payment: The processor shall pay to the producer for each ton of net sugarcane ground an amount equal to the product of 5.9 gallons times one-half of the excess above 4.75 cents per gallon of the weighted average net sales price per gallon of blackstrap or final molasses, basis f.o.b. tank truck or railroad car at mill, sold during the 12-month period ending May 31, 1967: *Provided*, That if the processor sells molasses for his own account and for the account of another processor the weighted average net sales price of molasses for all processors involved shall for the purpose of this paragraph be determined on the basis of the price at which all molasses was sold by such processor during such 12-month period.

(4) General:

(i) The price for sugarcane specified in this paragraph is applicable to sugarcane loaded on carts or trucks at the farm, or if sugarcane is transported by railroad, loaded in railroad cars at the railroad siding nearest the farm, and the processor is required to bear the cost of transporting sugarcane (gross weight) from such points to the mill: *Provided*, That if sugarcane is transported a distance of more than 14.9 miles to the mill by railroad or other common carrier, the producer may be required to bear the additional cost of transporting such sugarcane (based upon published tariffs): *Provided further*, That if the processor transports, in his own conveyance, or arranges for the transportation of sugarcane with other than a common carrier, he may charge the producer 5 cents per ton for each mile such sugarcane is transported in excess of 14.9 miles, or if the producer transports sugarcane to the mill by other than railroad or other common carrier the processor shall pay to the producer 5 cents per ton for each mile such sugarcane is transported, but not in excess of 14.9 miles.

(ii) Deductions for frozen sugarcane, fiber content determinations and deductions, definitions of delivery schedules and similar specifications employed in connection with the purchase of 1966-crop sugarcane shall be substantially in accordance with the general practices in Florida and as agreed upon between the producer and the processor.

(iii) Nothing in subdivision (ii) of this subparagraph shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modifiation to be reported in writing by the processor to the State Office.

(iv) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as agreed upon between the producer and the processor subject to the written approval of the State Office upon a determination by the State Committee that the payment is fair and reasonable.

(v) The processor shall submit to the State Office for approval: (a) A statement setting forth the weighted average price of raw sugar upon which settlements with producers are based; and (b) a statement setting forth the gross proceeds and the handling and delivery expenses deducted in arriving at the weighted average net sales price of blackstrap molasses.

(c) *Salvage sugarcane.* The price for salvage sugarcane shall be as agreed upon between the processor and the producer, subject to the approval of the State Office.

(d) *Toll agreements.* The rate for processing sugarcane produced by a processor and processed under a toll agreement by another processor shall be the rate they agree upon.

(e) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1966 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1966 price determination.* This determination continues the provisions of the 1965 crop determination without change.

A public hearing was held in Belle Glade, Fla., on June 17, 1966, at which interested persons were afforded the opportunity to present their views on fair and reasonable prices for the 1966 crop of sugarcane. A witness testifying on behalf of the United States Sugar Corp. recommended that the determination not be changed in any way which would add to the burden of the processor. He stated that the 1964 determination had changed the basic price per ton of cane from $1.07 to $1.09 for each 1-cent per pound of the price of raw sugar, and that the 1965 determination had denied the sharing of warehouse storage costs with producers and had changed the basic price for molasses from f.o.b. mill tank to f.o.b. tank truck or rail car, all of which influenced the sharing ratio in favor of the producer at the expense of the processor. He also recommended adoption of a standard deduction of 6 percent for trash delivered with sugarcane. He stated that all cane produced in Florida is grown on similar land and harvested in a similar manner, and that there is actually very little variation in average trash. He said that individual tests to determination for each producer the percentage of trash would be more expensive as well as less accurate.

A representative of Osceola Farms Co. recommended that the alternative method of determining the season's average price be modified by omitting the words "with a refiner" so that a company which sold all of its raw sugar production through a broker rather than to a refinery could elect this method of settlement. An independent producer of sugarcane testified that if inequities exist under the present method of trash determination, he favored individual tests only insofar as the cost of such tests are not passed on to the producer. Another witness characterized individual trash tests as unworkable.

Consideration has been given to the recommendations presented at the hearing, to data on the returns, costs, and profits of producing and processing sugarcane obtained by field survey for recent crops and recast in terms of conditions likely to prevail for the 1966 crop, and to other pertinent factors. This analysis indicates that the sharing relationship established between producers and processors provided by the 1965 crop determination continues to be equitable for the 1966 crop.

The recommendation for a standard factor or deduction of 6 percent for trash in sugarcane has not been adopted. The standard percentage method was abandoned with the 1964 crop determination in favor of the factory average method. This change was made in order to provide a more current method that will keep pace with changing harvesting conditions. A return to the earlier method of determining net sugarcane would not be in line with this objective.

Recommendations that producers share in the unusual raw sugar storage and handling costs and that the alternative method of determining the season's average price of raw sugar be modified to permit processors who sell all their sugar to a single broker have not been adopted. To allow processors to settle with producers on the basis of a single contract with a broker would not provide sufficient safeguards in the producers' interest. Storage and handling costs associated with raw sugar are considered to be normal processing costs and as such are considered in the development of the cost sharing ratio.

This determination provides that the molasses payment to producers is to be based on 5.9 gallons of blackstrap molasses per net ton of sugarcane, the same as last year. There has been no change in the 5-year average recovery of molasses from sugarcane.

On the basis of an examination of all the pertinent factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153. Interprets or applies sec. 301, Stat. 929; 7 U.S.C. Supp. 1131, as amended)

Effective date. This determination shall become effective on October 26, 1966, and is applicable to the 1966 crop of Florida sugarcane.

Signed at Washington, D.C., on October 21, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-11661; Filed, Oct. 25, 1966; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 10]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906, 21 F.R. 10461), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on October 18, 1966; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 906.322 Orange Regulation 10.

(a) *Order.* (1) During the period beginning at 12:01 a.m., c.s.t., November 1, 1966, and ending at 12:01 a.m., c.s.t., December 1, 1966, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 3;

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than $2^{7}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than $2^{7}/_{16}$ inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(2) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective terms in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective terms in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 21, 1966.

PAUL A. NICHOLSEN,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11658; Filed, Oct. 25, 1966; 8:48 a.m.]

[Grapefruit Reg. 11]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906, 31 F.R. 10461), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on October 18, 1966; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 906.323 Grapefruit Regulation 11.

(a) *Order.* (1) During the period beginning at 12:01 a.m., c.s.t., November 1, 1966, and ending at 12:01 a.m., c.s.t., December 1, 1966, no handler shall handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. Combination, with not less than 60 percent, by count, of the grapefruit in each container thereof grading at least U.S. No. 1 grade; U.S. No. 2; or U.S. No. 3: *Provided*, That not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may fail to meet the requirements of the U.S. No. 3 grade;

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than $3^{6}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than $3^{6}/_{16}$ inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(2) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.685 of this title).

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated: October 21, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11657; Filed, Oct. 25, 1966; 8:48 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Receiving of Prunes by Handlers

Notice was published in the October 11, 1966, issue of the FEDERAL REGISTER (31 F.R. 13136) regarding proposed amendment of the Subpart—Administrative Rules and Regulations (7 CFR Part 993; 31 F.R. 2777, 5751). The proposal was based on a unanimous recommendation of the Prune Administrative Committee. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. No such comments were submitted.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Prune Administrative Committee, and other available information, it is found that the amendment of the Subpart—Administrative Rules and Regulations, as hereinafter set forth, is in accordance with this part, will tend to effectuate the declared policy of the act, and for the reasons hereinafter set forth, should become effective at the time provided herein.

Therefore, it is hereby ordered, That § 993.149(b)(2) (vi) and (vii) and the first sentence of (d)(2) are revised to read:

§ 993.149 Receiving of prunes by handlers.

* * * * *

(b) *Incoming inspection—** * *

(2) *Certification.* * * * (vi) in any crop year in which a reserve percentage other than 0 percent is established, the average size count of all prunes in the lot; and (vii) if substandard, the percentage by weight of off-grade prunes (those defective pursuant to § 993.97) necessary to be removed therefrom for the lot to be standard prunes, and the percentage by weight and the average size count of those off-grade prunes with defects of mold, imbedded dirt, insect infestation, and decay, and the percentage by weight, of prunes with such defects necessary to be removed in order for the balance of the lot to be within the tolerance for such defects.

* * * * *

(d) *Prunes for nonhuman consumption only—** * *

(2) *Regulation on substandard prunes accumulated by a handler pursuant to § 993.49(c).* To satisfy the obligation imposed by § 993.49(c) to dispose of excess defective prunes, other than those of subparagraph (1) of this paragraph, each handler shall dispose of, in nonhuman consumption outlets, a weight of such prunes equal to the excess in substandard lots received and such prunes shall be prunes with defects of mold, imbedded dirt, insect infestation, or decay, as of their receipt by the handler, and shall not exceed by more than 20 prunes per pound the weighted average size count of prunes with those defects in lots with an excess of such prunes. * * *

* * * * *

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) This action will, among other things, change certain information currently required to be shown on an inspector's inspection certificate issued with respect to a lot of dried prunes not returned by a handler to the producer or dehydrator thereof; (2) this action would reduce the number of size count determinations of dried prunes which must be made by the inspection service during the current 1966–67 crop year; (3) handlers are now receiving prunes from producers and dehydrators in substantial volume; (4) reduction in the number of required size counts will result in substantial savings to the inspection service for the 1966–67 crop year; (5) these savings will be passed on to handlers with the result that the net cost to handlers of inspections during the current 1966–67 crop year will be reduced; (6) handlers will require no additional advance notice to comply with this action; and (7) this relieves restrictions on handlers as to required size counts.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated October 20, 1966, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11631; Filed, Oct. 25, 1966; 8:46 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 4]

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

Order Suspending Certain Provisions; Correction

In the suspension order issued June 29, 1966, to be effective July 1, 1966, through March 31, 1967 (31 F.R. 9045) the provision "first," was inadvertently omitted in setting forth the provisions being suspended. The wording of the suspension set forth in paragraph (a) is corrected to read:

In § 1004.50(a), all of the figures contained in the first, third, and fourth columns of the Class I price schedule in subparagraph (2) except the figure "6.20" and all of subparagraph (3).

Signed at Washington, D.C., on October 21, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-11656; Filed, Oct. 25, 1966; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7263; Amdt. 39-295]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

Amendment 39-243 (31 F.R. 7675), AD 66-16-1, as amended by Amendment 39-253 (31 F.R. 8870), requires inspection of the vertical fin rear spar attachment fittings and repair or replacement if cracks

are found on Boeing Model 707 and 720 Series airplanes. After issuing Amendment 39–253, the Agency determined that the results of evaluations conducted by the manufacturer and recent service experience made it necessary to require additional repetitive inspections of these fittings and establish a service life limit until modification. Therefore, the AD is being further amended to require repetitive inspection in accordance with Revision 7 of the manufacturer's Service Bulletin, to establish a service life limit for these fittings until modification in accordance with Boeing Service Bulletin 2422, and provide that the rework required by paragraphs (a) through (f) may be accomplished in accordance with a later FAA-approved revision of the Service Bulletin than that specified in the AD.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–243 (31 F.R. 7675), AD 66–16–1, as amended by Amendment 39–253 (31 F.R. 8870), is further amended as follows:

1. Paragraphs (a) through (f) are amended by inserting the words "or later FAA-approved revision" immediately after the words "Bulletin 2399 (R–2)" wherever they appear therein.

2. Paragraph (i) is amended to read as follows:

(i) For fittings, P N 5–84487, with the largest hole ½ inch or greater in diameter, that have never been inspected in accordance with Boeing Service Bulletin No. 2399 (R–2) or later FAA-approved revision, inspect in accordance with Part Ib of Boeing Service Bulletin No. 2399 (R–7) or later FAA-approved revision within the next 150 hours' time in service after October 26, 1966, or within the next 700 hours' time in service after rework in accordance with Boeing Service Bulletin No. 2399 (R–2) or later FAA-approved revision. Thereafter reinspect at the times indicated in Column 2 of the applicable table in paragraph (j) opposite the hours' time in service in Column 1 since rework in accordance with Bulletin No. 2399 (R–2) or later FAA-approved revision, until modified in accordance with Boeing Service Bulletin No. 2422 or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

3. The following new paragraphs are inserted after paragraph (i):

(j) For fittings P N 5–84487, with the largest hole ½ inch or greater in diameter that have been inspected in accordance with Boeing Service Bulletin No. 2399 (R–2) or later FAA-approved revision before October 26, 1966, reinspect in accordance with Part Ib of Boeing Service Bulletin No. 2399 (R–7) or later FAA-approved revision at the times indicated in Column 2 of the applicable table in this paragraph opposite the hours' time in service in Column 1 since rework in accordance with Bulletin No. 2399 (R–2) or later FAA-approved revision, until modified in accordance with Boeing Service Bulletin No. 2422 or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. However, the next inspection after October 26, 1966, need not be made until 150 hours' time in service after October 26, 1966.

REPETITIVE REINSPECTION TABLE FOR FITTINGS WITH LARGEST HOLE ½ INCH OR GREATER BUT LESS THAN 9/16 INCH IN DIAMETER

Column 1	Column 2
Hours' time in service since rework	*Repetitive reinspection requirements during periods specified in column 1*
Less than 2,100	At intervals not to exceed 700 hours' time in service from the last inspection.
2,100 or more but less than 2,400.	Within the next 700 hours' time in service from the last inspection but not later than 2,400 hours' time in service after rework.
2,400 or more but less than 3,000.	After the accumulation of 2,400 but before the accumulation of 2,500 hours' time in service after rework, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection until replaced in accordance with paragraph (k) or (l).

REPETITIVE REINSPECTION TABLE FOR FITTINGS WITH LARGEST HOLE 9/16 INCH OR GREATER IN DIAMETER

Column 1	Column 2
Hours' time in service since rework	*Repetitive reinspection requirements during periods specified in column 1*
Less than 1,400	At intervals not to exceed 700 hours' time in service from the last inspection.
1,400 or more but less than 1,700.	Within the next 700 hours' time in service from the last inspection but not later than 1,700 hours' time in service after rework.
1,700 or more but less than 2,500.	After the accumulation of 1,700 but before the accumulation of 1,800 hours' time in service after rework, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection until replaced in accordance with paragraph (k) or (l).

(k) Replace any fitting found cracked during an inspection specified in paragraph (i) or (j), before further flight, with a new uncracked fitting of the same part number or modify in accordance with Boeing Service Bulletin No. 2422 or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(l) Replace fittings, P N 5–84487, having the largest hole of the size listed in Column 1 of the following table with a new uncracked fitting of the same part number upon the accumulation of the number of hours' time in service listed in Column 2 since the incorporation of that hole until modification in accordance with Boeing Service Bulletin No. 2422 or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

REPLACEMENT TABLE

Column 1	Column 2
Diameter of largest hole in fitting	*Service life limit after modification in accordance with Boeing Service Bulletin No. 2399 (R–2) or later FAA-approved revision*
9/16 inch or less	7,000 hours.
More than 9/16 inch but less than ½ inch.	4,000 hours.
½ inch or larger but less than 9/16 inch.	3,000 hours.
9/16 inch or larger	2,500 hours.

This amendment becomes effective October 26, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on October 24, 1966.

C. W. WALKER,
Director,
Flight Standards Service.

[F.R. Doc. 66–11714; Filed, Oct. 25, 1966; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Miscellaneous Amendments

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER. The amendment adds standard reference materials 355, 356, 715, and 716, revises standard reference materials 1090, 1091, and 1092 and changes the price of standard reference material Oil I.

The following amends 15 CFR Part 230:

Subpart C—Standards of Certified Chemical Composition

Section 230.7–2 *Steels (solid form)* is amended to revise standards 1090, 1091, and 1092 in paragraph (b)(6) as follows:

(6) *Ferrous materials (for oxygen).* * * * Standards 1090 and 1092 are ⅛ inch in diameter while standard 1091 is 3/16 inch in diameter. (Note that two titanium-base standards, NBS Nos. 355 and 356, found in § 230.7–11, are available for the determination of oxygen.)

Section 230.7–11 *Titanium-base alloys* is amended to add standards 355 and 356 as follows:

(c) Titanium-base materials (for oxygen): These standards are intended to provide material of known composition primarily for the determination of oxygen by vacuum fusion or inert gas fusion. The materials are supplied in rods approximately ½ inch in diameter and 2 inches long. (Note that a group of ferrous materials, NBS standards 1089, 1091, and 1092, found in § 230.7–3, also are available for the determination of oxygen.)

Sample Nos.	Kind	Oxygen ppm	Price
355	Unalloyed	9031	$31.00
356	Alloy, 6Al-4V	1332	28.00

Subpart D—Standards of Certified Properties and Purity

Section 230.8–9 *Viscometer calibrating liquids* is amended to revise the price of Oil I as follows:

Oil	Viscosity, in poises, at—				Kinematic viscosity, in stokes, at—				Price per sample f.o.b. Washington, D.C.
	20 °C	25 °C	100 °F	210 °F	20 °C	25 °C	100 °F	210 °F	
1	0.12	0.10	0.066	0.017	0.14	0.12	0.068	0.022	$22.00

Section 230.8–9 *Glass viscosity standards* is amended to add standards 715 and 716 as follows:

Sample Nos.	Kind	Unit of issue (grams)	Price
715	Alkali-free aluminoborosilicate glass, ¼" diameter cane (13 pieces—9" long).	200	$15.00
716	Neutral (borosilicate) glass ¼" diameter cane (8 pieces—9" long).	125	15.00

(Sec. 9, 31 Stat. 1466, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.)

Dated: October 12, 1966.

I. C. SCHOOMOVER,
Acting Director.

[F.R. Doc. 66–11614; Filed, Oct. 25, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8665]

PART 13—PROHIBITED TRADE PRACTICES

Hargo Woolen Mills, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–90 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 3–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Hargo Woolen Mills, Inc., et al., Keene, N.H., Docket 8665, Sept. 13, 1966]

In the Matter of Hargo Woolen Mills, Inc., a Corporation, Wallisford Mills, Inc., a Corporation, Wallisford Mills of Vermont, Inc., a Corporation, and Walter T. Ransburg and Benjamin H. Erskine, Individually and as Officers of Said Corporations; and Peterborough Mills, Inc., a Corporation

Consent order requiring four affiliated New Hampshire and Vermont fabric manufacturers to cease violating the Wool Products Labeling Act by deceptively labeling and falsely invoicing their products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Hargo Woolen Mills, Inc., a corporation, and its officers, Wallisford Mills, Inc., a corporation, and its officers, and Wallisford Mills of Vermont, Inc., a corporation, and its officers, and Benjamin H. Erskine and Walter T. Ransburg, individually and as officers of said corporations; and respondent Peterborough Mills, Inc., a corporation, and its officers; and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce of fabrics or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, or label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Hargo Woolen Mills, Inc., a corporation, and its officers, Wallisford Mills, Inc., a corporation, and its officers, and Wallisford Mills of Vermont, Inc., a corporation, and its officers, and Benjamin H. Erskine and Walter T. Ransburg, individually and as officers of said corporations; and respondent Peterborough Mills, Inc., a corporation, and its officers; and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of woolen fabrics or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character and amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the complaint insofar as it relates to respondent Charles J. McGowan be, and the same hereby is, dismissed.

It is further ordered, That the respondents named in the order to cease and desist shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 23, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66–11619; Filed, Oct. 25, 1966; 8:45 a.m.]

[Docket No. C–1116]

PART 13—PROHIBITED TRADE PRACTICES

National Health and Life Insurance Co.

Subpart—Advertising falsely or misleadingly: § 13.260 *Terms and conditions:* 13.260–40 Insurance coverage. Subpart—Misrepresenting oneself and goods—Goods: § 13.1760 *Terms and conditions:* 13.1760–40 Insurance coverage.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, National Health & Life Insurance Co., St. Louis, Mo., Docket C–1116, Sept. 30, 1966]

Consent order requiring a St. Louis, Mo., health and life insurance company to cease misrepresenting the coverage and benefits provided in its insurance policies.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent National Health and Life Insurance Co., a corporation, and its officers, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with

the offering for sale, sale, or distribution of any insurance policy or policies, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, directly or by implication:

1. By the use of such words, terms, or phrases as, "guaranteed to pay," "Ironclad guarantee," "no gimmicks," "no exceptions," "no exclusions," "no limitations," "no ifs, ands, or buts," or of any other words, terms, or phrases that the policy provides insurance coverage broader than that which is actually provided.

2. That any policy provides for indemnification against accident, in any amount or for any period of time, unless a clear definition of the word "accident," in language understandable to persons not familiar with insurance law, is conspicuously and prominently set forth in close conjunction with the representation.

3. That any policy provides for indemnification against accident, in any amount or for any period of time, when the policy provides any limitation on coverage of a loss resulting from accident because of a prior existing condition, unless a clear disclosure of the exact nature of such limitation, in language understandable to persons not familiar with insurance law, is conspicuously and prominently set forth in close conjunction with the representation.

4. That any policy provides for indemnification, in any amount or for any period of time, unless a statement of all the conditions, exceptions, restrictions, and limitations affecting the indemnification actually provided is set forth conspicuously, prominently, and in sufficiently close conjunction with the representations as will fully relieve it of all capacity to deceive.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 30, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-11620; Filed, Oct. 25, 1966; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Product Certification Program

§ 15.96 Product certification program.

(a) The Federal Trade Commission advised a producer association that its proposed certification program for its industry product, including the award of a certification mark, would not be objected to under Commission-administered law provided certain conditions are met.

(b) Under the proposed program, certification would be based on availability of production personnel with defined minimum training and experience, the possession of minimum test and quality control equipment, and the use of recognized production techniques. A certification mark could be awarded to, and used by, those qualifying.

(c) Certified producers would be subject to periodic checks to insure that the required standards were being maintained. Failure to maintain standards could result in decertification and withdrawal of the right to use the mark.

(d) The Commission opinion contained the following conditions:

(1) All present or future producers are to have free, unrestricted, and nondiscriminatory access to the program, whether association members or not.

(2) The association will affirmatively offer and accord to nonmembers an equal opportunity for certification at a cost no greater than, and on conditions no more onerous than, those imposed upon comparably situated association members for whom comparable services are rendered.

(3) A uniform certification mark will be awarded to all who qualify.

(4) General supervision of the certification program will be vested in a policy board, or committee, substantially representative of all producers, such board, or committee, to have, among its other duties, the responsibility for insuring nondiscriminatory access to the program.

(e) Finally, the Commission noted (1) that it expresses no opinion as to the validity of the standards which are adopted, and (2) that its approval would be of no force or effect should the proposed program be implemented in a way which contravened Commission-administered law.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 25, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-11621; Filed, Oct. 25, 1966; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Trade Association Code Governing Dealings With Customers

§ 15.97 Trade association code governing dealings with customers.

(a) The Commission rendered an advisory opinion advising a trade association of suppliers that a number of serious questions would be likely to arise from an agreement by its members as to a code or set of conditions governing the members' dealings with their customers.

(b) Among the conditions singled out by the Commission for question was one creating uniformity in the terms of delivery. The Commission stated its view to be that the method and manner of delivery can be an element of competition among the members of an industry which this provision would at least have a tendency to eliminate. The creation of uniformity in the terms of delivery may be convenient for the members of an industry but this factor is outweighed by the benefits to the public of competition among those members and it is this competition which the law seeks to protect and preserve.

(c) Much the same objection was raised to the sections which provided that by accepting goods the purchaser shall be deemed to have approved them and no action shall lie against the vendor except as regards hidden defects; that claims for defects must be made within 30 days; and that the purchaser shall not be entitled to any compensation for any consequential loss whatsoever. The Commission advised that while it may be that a unilateral agreement among the members could not change the legal liabilities as between the parties when disputes arise, entering into this agreement could result in the suppliers presenting a solid front to their customers. In the Commission's view, such matters are best left to the business judgment of the individual suppliers.

(d) The Commission then singled out the provision dealing with prices, which provided that the purchaser shall pay the prices current in the relative trade area at the time of delivery and that the vendor shall, if so requested, send to the purchaser a list stating the prices of goods and the period for which such prices are to apply. Noting that the section was ambiguously worded and susceptible of more than one interpretation, the Commission concluded that the suppliers might well feel justified thereunder in agreeing among themselves to adhere to their published price lists until such are changed. Under well-settled principles of antitrust law, such an agreement would clearly be illegal.

(e) The Commission also expressed some concern with the section dealing with payments, which provides that the purchaser shall pay the invoiced amounts within 30 days after date of delivery and if payment is made at a later date the vendor shall be entitled to interest. The Commission advised that it could not put its stamp of approval upon an agreement by the members of an industry as to the length of time during which credit is to be extended, stating that it would seem such matters are best left to the independent judgment of each supplier and should not be determined adversely to the interests of the customers by agreement among those suppliers.

(f) Finally, the Commission took note of the provision dealing with contracts, which stated that all or part of the conditions could be declared applicable to a contract entered into for a specified period, which could be a calendar year unless otherwise agreed. Such contract shall imply that the purchaser agrees that during the period specified in the contract all and any goods specified "or as customarily purchased from such suppliers will be obtained solely from the vendor * * *." The Commission felt that this clearly sanctions full requirements contracts for periods of 1 year or more and that such contracts are nothing more than exclusive dealing agreements for limited periods of time. Whereas they are not per se illegal, generally, the law may be stated to be that they are illegal if they foreclose competition in a substantial share of the market. This would naturally require knowledge of a number of factors not known to the Commission and not likely to be known when dealing with a proposed course of action. In the case of any particular supplier, the Commission would need to know the duration of the agreements, the number of customers covered by such agreements and the percentage of the total market which would thereby be foreclosed to competitors. In view of these uncertainties, the Commission felt the best it could do would be to advise that the problem exists but that no opinion could be expressed on a prospective basis because of lack of knowledge of the essential factors which would need to be known before an opinion could be rendered.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 25, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-11622; Filed, Oct. 25, 1966; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-233]

PART 1—GENERAL PROVISIONS

Customs Regions, Districts, and Ports

OCTOBER 19, 1966.

The port of Tacoma, Wash., is presently servicing McChord Air Force Base, Wash., and the town of Ruston, Wash. In order to provide for the increasing need for customs services in these two areas, it is desirable to extend the port limits of Tacoma, Wash.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographical limits of the customs port of Tacoma, Wash., in the Seattle, Wash., customs district (Region VIII) comprising the territory within the corporate limits of Tacoma, Wash., are extended to include the following territory:

Ruston, Wash. (an incorporated fourth-class town), the limits of which are adjacent to those of Tacoma, Wash.; section 31, T. 20 N., R. 3 E., W.M.; section 6, T. 19 N., R. 3 E., W.M., Pierce County, State of Washington; and McChord Air Force Base.

Section 1.2(c) of the Customs Regulations is amended by inserting "(including the territory described in T.D. 66-233)" after "Tacoma" in the column headed "Ports of entry" in the Seattle customs district.

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] JAMES POSKROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 66-11651; Filed, Oct. 25, 1966; 8:47 a.m.]

[T.D. 66-235]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money, Rumania

OCTOBER 19, 1966.

The Secretary of State advised the Secretary of the Treasury on February 18, 1966, that the Department of State has obtained satisfactory proof from the Government of Rumania that no discriminating duties of tonnage or imposts are imposed or levied in ports of Rumania upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Rumania in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization given to me by Treasury Department Order No. 190, Rev. 4, December 15, 1965 (30 F.R. 15769), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of Rumania, and the produce, manufactures, or merchandise imported into the United States in such vessels from Rumania or from any other foreign country. This suspension and discontinuance shall take effect from February 18, 1966, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs Regulations, is amended by the insertion of "Rumania" immediately after "Portugal" in the list of countries exempt from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 161, as amended, 4219, as amended, 4225, as amended, 4228, as amended; sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 22, 46 U.S.C. 3, 121, 128, 141)

[SEAL] JAMES POSKROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 66-11656; Filed, Oct. 25, 1966; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16762; FCC 66-935]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Reedsburg, Wis.; Portland, Ind.; Brazil, Ind.; Winner, S. Dak.; Ardmore, Okla.; Hutchinson and St. Cloud, Minn.; Gonzales, Tex.; Cullman, Ala.; Deland, Winter Park, Live Oak, and Ocala, Fla.; Rockford, Ill.; Adrian and Jackson, Mich.; Corinth, Miss.; Albion, Chelsea, and Battle Creek, Mich.); Docket No. 16762, RM-969, RM-978, RM-984, RM-983, RM-967, RM-988, RM-971, RM-987, RM-974, RM-989, RM-977, RM-990, RM-1030.

1. In our notice of proposed rule making in this proceeding, FCC 66-637, issued on July 14, 1966 (31 F.R. 9808) we invited comments on a proposal advanced by Gerity Broadcasting Co. (RM-989), licensee of WABJ(AM), Adrian, Mich., to add FM Channel 296A to Adrian by making a change in Jackson as follows:

City	Channel No.	
	Present	Proposed
Adrian, Mich.	280A	280A, 296A
Jackson, Mich.	231, 291, 296A	231, 240A, 291

Adrian, located midway between Jackson, Mich., and Toledo, Ohio (30 miles from each), has a population of 20,347. Lenawee County, in which it is the largest community and county seat, has a population of 77,789. Station WLEN (FM) operates on the sole FM assignment (Channel 280A) and the only AM station in the community is a Class IV station (WABJ), licensed to Gerity.

2. Washtenaw Broadcasting Co., licensee of Station WPAG(AM), Ann Arbor, Mich., opposes the Adrian request and urges instead that Channel 296A be assigned to Ann Arbor. Washtenaw submits that Ann Arbor has a population of 67,340 and its SSMA has a population of 172,440; that it is one of the educational and research centers of the United States; that it is one of the few urbanized areas which does not have an FM assignment; and that while FM Station WOIA, Channel 275, is licensed to Ann Arbor, specifies the station's community as Ann Arbor, this is not truly an Ann Arbor station in view of the fact that it duplicates the programs of its AM station in Saline, WOIB, and the channel is assigned in the Table to Saline, a small community of 2,334 persons located some miles from Ann Arbor. Washtenaw urges that the assignment of Channel 296A to Ann Arbor, rather than Adrian, would represent a more fair and equitable distribution of available facilities under section 307(b) of the Act, since Adrian already has an

FM assignment which can satisfy its local needs. With respect to the Adrian proposal to assign Channel 240A to Jackson as a substitute for 296A, Washtenaw points out that this is not technically feasible since there would result a short spacing because of mileage separation requirements and principal-city signal requirements. These assertions are correct, and thus either proposed use of Channel 296A would reduce Jackson's FM assignments from three to two. This party contends that its counterproposal should be adopted even if Jackson does not obtain a substitute for Channel 296A since it still has two Clas B stations and since the city of Ann Arbor and its urbanized area are larger than Jackson and its area. As pointed out by Washtenaw, a site for channel 296A at Ann Arbor will have to be located about 4 to 5 miles west of the city to meet all the spacing requirements.[1]

3. On September 12, 1966, E. Harold Munn, Jr., one of the principals of Community Service Broadcasters, Inc., licensee of WYNZ(AM), Ypsilanti, Mich., filed still another conflicting petition for rule making, RM-1030, urging the assignment of Channel 244A to Chelsea, Mich., by making other needed changes in the Table as follows:

City	Channel No.	
	Present	Proposed
Michigan:		
Chelsea		244A
Albion	244A, 285A	285A, 296A
Jackson	231, 291, 296A	231, 291
Battle Creek	277	243, 277

Since Channel 296A cannot be assigned to Adrian, Ann Arbor, and Albion, the requests are mutually exclusive. Munn states that WYNZ, licensed as a daytime-only station in Ypsilanti, has been seeking nighttime operation, that the only hope of providing a choice of aural broadcast services to the residents of Washtenaw County is FM, and that there is a need for an FM station in the area proposed. He urges that his proposal will also result in a second Class B assignment to Battle Creek but acknowledges that Channel 243 was previously deleted from that city in view of a problem of interference to television reception on Channel 10.[2]

4. The Munn petition for a first FM assignment in Chelsea was filed on September 12, 1966, after the time for filing comments in this proceeding expired. Further, the petition was not filed as a comment and counterproposal in the proceeding; nor was it directed to RM-989, the Adrian request which initiated the proceeding. Orderly procedure and the importance of reasonably rapid provision of FM assignments, stations, and service require that allocation rule making proceedings be resolved with reasonable dispatch. On the other hand, if after a rule making proceeding is closed, but before a final decision is rendered, a highly meritorious petition is filed which conflicts with the subject matter of the pending proceeding, we cannot ignore it, if we are to make our allocation decisions in the general public interest. This has been our policy in the past. See second report and order issued on March 19, 1965 in Docket No. 15542, FCC 65-222. In this instance we do not find the Munn request to be of such merit as to warrant placing it into the proceeding involving Adrian and Ann Arbor. The proposal is to assign a first FM channel to Chelsea, a community of only 3,355 persons. The Munn proposal has other defects. For example, it would substitute Channel 296A for 244A at Albion, Mich. An application for Channel 244A for Marshall, Mich. (under the 25-mile rule) has been on file since September 30, 1965. The proposed site would not conform to the spacing requirements on Channel 296A but would on 244A. This applicant, Triad Stations, Inc., has pointed this out in an opposition to the Munn proposal. If, as the petitioner claims, the purpose of the proposal is to assign an FM channel to Washtenaw County, then the assignment of Channel 296A to Ann Arbor will result in fulfillment of this objective. He can apply for the assignment. We therefore believe that consideration of the Munn proposal should not be permitted to delay a decision in the subject proceeding and that it should be denied.

5. Our study of the comments and data submitted in the proceeding and the situation in the respective communities of Adrian and Ann Arbor leads us to the conclusion that the much larger city of Ann Arbor merits its first FM assignment before Adrian is assigned its second. In making this determination we take into account the fact that the station located in Saline and using a channel assigned there is licensed to Ann Arbor. However, we would reach the same conclusion were we to decide on a second FM assignment for Ann Arbor, much the larger of these two communities, as against a second for Adrian. While Ann Arbor has three AM stations, only one of these is an unlimited time operation. Adrian also has an unlimited time AM station. On balance then we conclude that Ann Arbor is to be preferred. Therefore, we are assigning Channel 296A to Ann Arbor by deleting it from Jackson. This will result in two Class B assignments to Jackson, two FM assignments at Ann Arbor (including the Saline channel) and one in the smaller city of Adrian, and appears to represent a fair and equitable distribution of available facilities under the circumstances presented herein.

6. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective November 30, 1966, § 73.202 of the Commission's rules and regulations, the FM Table of Assignments, is amended to read, with respect to the communities named only, as follows:

City	Channel No.
Ann Arbor, Mich.	296A
Jackson, Mich.	231, 291

8. *It is further ordered*, That the petition of E. Harold Munn, Jr., RM-1030, is denied and that this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: October 20, 1966.

Released: October 21, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11663; Filed, Oct. 25, 1966; 8:49 a.m.]

[1] Gerity's very brief comments in support of its Adrian proposal have been summarized above. After the Washtenaw counterproposal was advanced, Gerity requested and received additional time to reply, but then did not file reply comments.

[2] See supplement to third report, memorandum opinion and order in Docket No. 14185, FCC 63-765, issued Aug. 1, 1963.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order 70]

PARTS 71-79—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 11th day of October A.D. 1966.

Upon consideration of Order No. 70, Docket 3666, Explosives and Other Dangerous Articles Board, herein, dated April 14, 1966, and of:

(1) Petition for leave to file a petition for reconsideration, Association of American Railroads, filed July 11, 1966;

(2) Petition for reconsideration, Association of American Railroads, filed July 11, 1966;

(3) Letter from Radium Chemical Co., Inc., dated May 18, 1966;

(4) Letter from Eastman Kodak Co., dated June 6, 1966;

(5) Letter from Air Transport Association, dated June 7, 1966;

It appearing, that the petition for leave to file a petition for reconsideration of the Association of American Railroads presents good cause for reevaluation and reconsideration of Order No. 70, such petition is hereby granted and the petition for reconsideration of the Association of American Railroads is hereby accepted for consideration;

It further appearing, that said letters submitted by the Radium Chemical Co., Inc., Eastman Kodak Co., and Air Transport Association, although not considered as petitions, are of such substance as to warrant concurrent consideration with the petition for reconsideration of the Association of American Railroads;

And it further appearing, that the objections brought forth in the petition and letters are not of sufficient degree as to warrant revision of the provisions of Order No. 70, and that granting of the petitioners' request would not be in the public interest;

It is ordered, That the petition and letter requests in all respects be, and they are hereby, denied;

It is further ordered, That Order No. 70, which became effective on July 12, 1966, shall remain in effect until further order of the Commission;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Division 3, acting as an appellate division.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-11641; Filed, Oct. 25, 1966; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Okla.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

The public hunting of squirrels on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels subject to the following special conditions:

(1) The open season for hunting squirrels on the refuge extends from May 15 through September 30, 1967, inclusive; and from November 1, 1967, through January 1, 1968, inclusive, on Tuesdays, Thursdays, Saturdays, Sundays, and national holidays.

(2) Shotguns only may be used for hunting.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1968.

The public hunting of rabbits on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits subject to the following special conditions:

(1) The open season for hunting rabbits on the refuge extends from January 1 through January 15, 1967, inclusive, on Tuesdays, Thursdays, Saturdays, Sundays, and National holidays; and from January 16 through February 15, 1967, inclusive.

(2) Shotguns only may be used for hunting.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

The public hunting of coyotes, wolves, and bobcats on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of coyotes, wolves, and bobcats subject to the following special conditions:

(1) The open season for hunting coyotes, wolves, and bobcats on the refuge extends from January 1 through September 30, 1967, inclusive; and from November 1 through December 31, 1967, inclusive, on Tuesdays, Thursdays, Saturdays, Sundays, and National holidays.

(2) Shotguns only may be used for hunting.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

The public hunting of raccoons, skunks, and opossums on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of raccoons, skunks, and opossums subject to the following special conditions:

(1) The open season for hunting raccoons, skunks, and opossums on the refuge extends from December 1 through December 31, 1967, inclusive, on Tuesdays, Thursdays, Saturdays, Sundays, and National holidays.

(2) Shotguns only may be used for hunting.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

EARL W. CRAVEN,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

OCTOBER 11, 1966.

[F.R. Doc. 66-11639; Filed, Oct. 25, 1966; 8:45 a.m.]

Proposed Rule Making

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 6]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Manufacturer for Purpose of Bidding on Government Procurements for Aircraft and for Purpose of SBA Business Loans

Notice is hereby given that the Administrator of the Small Business Administration proposes to further amend the Small Business Size Standards Regulation (Rev. 6), as amended, by establishing a new definition of a small business manufacturer for the purpose of bidding on Government procurements for aircraft, and a new definition of a small business aircraft manufacturer for the purpose of receiving SBA business loans.

The present definition of a small business manufacturing concern for the purpose of bidding on Government procurements for aircraft is that a concern be independently owned and operated, not dominant in the field of operation in which it is bidding, and, together with its affiliates, employ no more than 1,000 employees.

The present definition of a small business concern primarily engaged in the manufacture of aircraft, for the purpose of SBA business loans, is that a concern be independently owned and operated, not dominant in its field of operation, and together with its affiliates, employ no more than 1,000 employees.

It has been brought to SBA's attention that in the past year, there has been a substantial increase in the Government purchase of aircraft. Because of this fact, small concerns with less than 1,000 employees have or will have to increase their employment to meet the increased demands. It is probable that some of the concerns qualifying under the present procurement and SBA business loan size standards will, because of the increase in production, become ineligible as small business concerns; yet their competitive positions within the industry will not have changed. Based on the foregoing, it is proposed to increase the employment size standard for the purpose of a small business manufacturer bidding on Government procurements for aircraft from 1,000 employees to 1,500 employees. It also is proposed to increase the financial assistance size standard for aircraft manufacturers from 1,000 employees to 1,500 employees.

Interested persons may file with the Small Business Administration within 15 days after publication of this proposal in the FEDERAL REGISTER, written statements of fact, opinions, or arguments concerning the new definitions.

All correspondence shall be addressed to:

Deputy Administrator for Procurement and Management Assistance, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C. 20416. Attention: Size Standards Staff.

It is proposed to change the definitions of a small business manufacturing concern for the purpose of bidding on Government procurements for aircraft and for the purpose of receiving SBA business loans as follows:

The Small Business Size Standards Regulation (Rev. 6) (31 F.R. 9721), as amended (31 F.R. 10114, 11651, 11973, 12479, 12572) is hereby further amended by:

(1) Revising the size standard for SIC Industry 3721, *Aircraft*, in Schedule B, § 121.3-8 to read as follows:

Census classification code	Industry	Employment size standard (number of employees)
3721	Aircraft	1500

(2) Revising the size standard for SIC Industry 3721, *Aircraft*, in Schedule A, § 121.3-10 to read as follows:

Census classification code	Industry	Employment size standard (number of employees)
3721	Aircraft	1500

Dated: October 19, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-11628; Filed, Oct. 25, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 912]

GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for 1966-67 Fiscal Period

Consideration is being given to the following proposals submitted by the Indian River Grapefruit Committee, established pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee, during the period beginning August 1, 1966, and ending July 31, 1967, will amount to $25,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 912.41, be fixed at $0.005 per standard packed box.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 21, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11659; Filed, Oct. 25, 1966, 8:48 a.m.]

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 947, as amended (7 CFR Part 947).

This marketing order program regulates the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 947.219 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1966, and ending June 30, 1967, by the Oregon-California Potato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $24,465.00.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be four-tenths of 1 cent ($0.004) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1967, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 21, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11660; Filed, Oct. 25, 1966; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of State Protraction Diagram

OCTOBER 17, 1966.

Notice is hereby given that effective November 28, 1966, the following protraction diagrams, approved September 14, 1966, are officially filed and of record in the Sacramento Land Office. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above date. Until this date and time, the diagrams have been placed in the open files and are available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 44

MOUNT DIABLO MERIDIAN, CALIFORNIA

T 8 S., R. 24 E.,
Sec. 33, SE¼;
Sec. 34, SW¼.
T 9 S., R. 24 E.,
Secs. 4, 5 and 8.
Sec. 9, N½.
T 9 S., R. 25 E.,
Sec. 1, N½;
Sec. 2, N½;
Sec. 3, N½;
Sec. 4, N½;
Sec. 5, N½;
Sec. 6, N½.

CALIFORNIA PROTRACTION DIAGRAM NO. 52

MOUNT DIABLO MERIDIAN, CALIFORNIA

T 15 N., R. 11 W.,
Sec. 5, All except Lots 1 and 2;
Secs. 6, 7 and 8;
Sec. 9, W½, SE¼;
Sec. 10, S½;
Secs. 15, 16, 17, 18, 19, 20, 21, 22, 27, 28 and 29.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Survey Records Office, Bureau of Land Management, Room 4025, Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

JOHN E. CLUTE,
Chief,
Branch of Title and Records.

[F.R. Doc. 66-11624; Filed, Oct. 25, 1966; 8:45 a.m.]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

OCTOBER 18, 1966.

1. The Plat of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m., on November 22, 1966.

MOUNT DIABLO MERIDIAN, NEVADA

T 45 N., R. 52 E. (Group 429).

2. The surveyed area described above aggregates 15,597.96 acres. The plat was accepted September 9, 1966. Available data indicates the land surveyed ranges from about 5,650 to 8,650 feet above sea level. The soil is sandy loam and rocky. Principal users of this area are cattlemen. Access into the township is by trail roads. The general drainage of the surveyed area is mostly westward. On the north slopes there is dense quaking aspen and scattered fir and spruce timber, and general vegetation consists of dense native grasses, wild berry bushes, and sagebrush.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract and Desert Land Laws, in accordance with the following:

Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., November 22, 1966, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

DANIEL P. BAKER,
Manager, Nevada Land Office.

[F.R. Doc. 66-11625; Filed, Oct. 25, 1966; 8:46 a.m.]

Bureau of Reclamation

WENATCHEE NATIONAL FOREST, WASH.

Order of Transfer of Administrative Jurisdiction of Land

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 213), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over those portions of the following described lands, which lie within or adjacent to exterior boundaries of the Wenatchee National Forest, Wash., and which were acquired by the Bureau of Reclamation in the development of the Keechelus and Kachess Reservoirs, Yakima Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes:

WILLAMETTE MERIDIAN

KEECHELUS RESERVOIR

T. 21 N., R. 11 E.,
Sec. 1, lots 1, 2, 3, 4, 5, N½NW¼;
Sec. 11, lots 1, 2, NW¼NE¼;
Sec. 13, W½NE¼, NE¼NW¼.
T. 22 N., R. 11 E.,
Sec. 15, SE¼NE¼, SE¼;
Sec. 23, lot 1, W½NW¼, NW¼SW¼;
Sec. 27, lots 1, 2, 3, 4, E½NW¼;
Sec. 35, lots 1, 2, 3, 4, 5, 6, 7.
T. 21 N. R. 12 E.,
Sec. 15, lot 1, NE¼, NE¼NW¼.

KACHESS RESERVOIR

T. 20 N., R. 13 E.,
Sec. 3, lot 1;
T. 21 N., R. 13 E.,
Sec. 5, lots 1, 2, 3, 4, 5;
Sec. 7, lot 1;
Sec. 9, lot 1;
Sec. 17, lots 1, 2, 3, 4;
Sec. 21, lots 1, 2, 3;
Sec. 27, lots 1, 2, 3, 4;
Sec. 33, lot 1, NW¼NE¼, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 35, W½NW¼, NW¼SW¼.
T. 22 N., R. 13 E.,
Sec. 17, lots 1, 2, 3, 4, 5, 6, 7, NE¼NE¼;
Sec. 29, lots 1, 2, 3, 4, 5, 6, 7, 8, SE¼SW¼.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest lands: *Provided*, That all lands and waters within the Keechelus and Kachess Reservoir areas needed or used for the operation of the project, or for other Reclamation purposes, shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER.

Dated: October 18, 1966.

G. G. STAMM,
Acting Commissioner of Reclamation.

[F.R. Doc. 66-11626; Filed, Oct. 25, 1966; 8:46 a.m.]

SNOQUALMIE NATIONAL FOREST, WASH.

Order of Transfer of Administrative Jurisdiction of Land

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 213), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over those portions of the following described lands, which lie within or adjacent to exterior boundaries of the Snoqualmie National Forest, Wash., and which were acquired by the Bureau of Reclamation in the development of the Tieton Reservoir, Yakima Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes:

WILLAMETTE MERIDIAN

TIETON RESERVOIR

T 13 N., R. 13 E.,
Sec. 5, S½NW¼, S½.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest lands: *Provided*, That all lands and waters within the Tieton Reservoir area needed or used for the operation of the project or for other Reclamation purposes, shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER.

Dated: October 18, 1966.

G. G. STAMM,
Acting Commissioner of Reclamation.

[F.R. Doc. 66-11627; Filed, Oct. 25, 1966; 8:46 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

The Delaware River Basin Commission will hold a public hearing on October 26, 1966, in Room 1306 of the State Office Building, Broad and Spring Garden Streets in Philadelphia, beginning at 2 p.m. Notice of this hearing was previously given which describes eight projects which are proposed to be included in the Commission's Comprehensive Plan. The following project, not listed in the previous notice, is also scheduled for hearing at the same time and place:

Neshaminy Creek Watershed. A multipurpose plan for the Neshaminy Creek Watershed in Bucks and Montgomery Counties, Pa., for the development of the water resources, including land treatment, flood control, recreation, and municipal and industrial water supply. To be phased over an 8-year development period, the plan includes eight single-purpose flood prevention structures and two multipurpose structures for flood prevention, recreation, and municipal and industrial water supply. Details of the project are set forth in a report, "Neshaminy Creek Watershed Work Plan", Bucks and Montgomery Counties, Pa., May 1966.

Documents relating to the above project may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; Telephone 609-883-9500.

W. BRINTON WHITALL,
Secretary.

OCTOBER 17, 1966.

[F.R. Doc. 66-11629; Filed, Oct. 25, 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16943; FCC 66-925]

ASSOCIATED BELL SYSTEM COMPANIES

Order Instituting Investigation

In the matter of The Associated Bell System Companies, Docket No. 16943; tariffs for channel service for use by community antenna television system.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of October 1966;

1. The Commission has under consideration Tariff FCC No. 34 of The Chesapeake & Potomac Telephone Co. of Virginia; Tariff FCC No. 27 of The Chesapeake & Potomac Telephone Co. of West Virginia; Tariff FCC No. 31 of The Cincinnati & Suburban Bell Telephone Co.; Tariff FCC No. 34 of The Diamond State Telephone Co.; Tariff FCC No. 33 of the Illinois Bell Telephone Co.; Tariff FCC No. 30 of the Indiana Bell Telephone Co., Inc.; Tariff FCC No. 33 of the Michigan Bell Telephone Co.; Tariff FCC No. 48 of The Mountain States Telephone & Telegraph Co.; Tariff FCC No. 37 of the New England Telephone & Telegraph Co.; Tariff FCC No. 34 of the New York Telephone Co.; Tariff FCC No. 37 of the Northwestern Bell Telephone Co.; Tariff FCC No. 34 of The Ohio Bell Telephone Co.; Tariff FCC No. 2 of the Pacific Northwest Bell Telephone Co.; Tariff FCC No. 119 of The Pacific Telephone & Telegraph Co.; Tariff FCC No. 52 of the Southern Bell Telephone & Telegraph Co.; Tariff FCC No. 30 of The Southern New England Telephone Co.; Tariff FCC No. 55 of the Southwestern Bell Telephone Co.; and Tariff FCC No. 32 of the Wisconsin Telephone Co.

2. The Commission also has under consideration a petition filed October 11, 1966, by International Cable T.V. Corp. requesting suspension and investigation of certain revisions to the aforementioned Tariff FCC No. 119 of The Pacific Telephone & Telegraph Co. which are published and filed to become effective October 24, 1966, namely Second Revised Page 1, Original Page 4 and Attachment C thereof. However, this petition was filed 13 days before the effective date of the tariff revision in question rather than 14 days prior thereto as required by § 1.773 of our rules and will be dismissed for noncompliance therewith.

3. The Commission has reviewed the provisions in the tariffs specified in paragraph 1 above and is of the opinion that there are numerous provisions therein that do not appear to be in conformance with the form and content requirements of Part 61 (47 CFR Part 61) of the Commission's rules and that the provisions of these tariffs present substantive questions as to whether they are lawful within the meaning of sections 201(b), 202(a), and 203 of the Communications Act of 1934, as amended, and as to whether the requirements of section 214 of that Act have been met.

4. The Commission is unable to determine at this time whether or not such tariffs are or will be just and reasonable or otherwise lawful and is concerned that, if the aforementioned Second Revised Page 1, Original Page 4 and Attachment C of Tariff FCC No. 119 of The Pacific Telephone & Telegraph Co. are permitted to become effective on the October 24, 1966, date specified thereon, substantial injury to the public may result therefrom. Pending hearing and decision thereon, the Commission is of the opinion that the effectiveness of such revised tariff schedules should be suspended in order to avoid any substantial injury to the public.

5. *It is ordered*, That pursuant to the provisions of sections 201, 202, 203, 204, 205, 214, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariffs of the Bell System companies specified in paragraph 1 hereof and any amendments thereto and reissues thereof;

6. *It is further ordered*, That, pursuant to the provisions of section 204 of the Communications Act of 1934, as amended, the aforementioned Second Revised Page 1, Original Page 4 and Attachment C of Tariff FCC No. 119 of The Pacific Telephone & Telegraph Co. are suspended until January 24, 1967;

7. *It is further ordered*, That, without in anyway limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of section 201(b) of the Act;

(2) Whether such charges, classifications, practices, and regulations will, or could be applied to, subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or prejudice to any person, class of persons, or locality, within the meaning of section 202(a) of the Act;

(3) Whether the aforesaid tariffs conform to the requirements of section 203 of the Act and Part 61 of our rules implementing that section;

(4) Whether the requirements of section 214 of the Act, and Part 63 of our rules implementing that section have been met as to the facilities used to offer channel service under the aforesaid tariffs and, if not, what action, if any, the Commission should take with respect thereto.

(5) If any of such charges, classifications, practices, and regulations are found to be unlawful, whether the Commission should prescribe charges, classifications, practices, and regulations for the service governed by the tariffs, and if so, what should be so prescribed;

8. *It is further ordered*, That, a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the examiner to be designated to preside at the hearing shall certify the record, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276, and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282;

9. *It is further ordered*, That the petition of the International Cable T.V. Corp. for suspension and investigation of the aforementioned revised pages to Tariff FCC No. 119 of The Pacific Telephone & Telegraph Co. is dismissed for noncompliance with § 1.773 of the Commission's rules;

10. *It is further ordered*, That the Bell System companies named in paragraph 1 hereof are made party respondents hereto, and that American Telephone & Telegraph Co. and the International Cable T.V. Corp. shall be granted leave to intervene upon the filing of a notice of intention to appear and participate within 20 days of the release date of this order.

Released: October 21, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-11664; Filed, Oct. 25, 1966; 8:49 a.m.]

[Docket No. 16942; FCC 66-924]

USE OF CARTERPHONE DEVICE IN MESSAGE TOLL TELEPHONE SERVICE

Order Assigning Matter for Public Hearing

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of October 1966;

The Commission having under consideration the decision of the U.S. Court of Appeals for the Fifth Circuit in Carter, et al. v. American Telephone & Telegraph Co., et al. (No. 23556, Slip Opinion, August 17, 1966), and the regulations published in American Telephone & Telegraph Co. Tariff FCC No. 132 (Message Toll Telephone Service) which purport to govern the extent to which telephone users may attach or connect devices to the facilities of the operating telephone companies for use in interstate or foreign message toll telephone service;

It appearing, that the Court, in the above-referred to decision affirmed a February 8, 1966, decision by the U.S. District Court for the Northern District of Texas, Dallas Division, wherein the District Court, in a private antitrust action for triple damages and injunctive relief filed by Thomas F. Carter and Carter Electronics Corp. against American Telephone & Telegraph Co. and the General Telephone Co. of the Southwest, invoked the doctrine of primary jurisdiction and referred to this Commission for resolution, the question of the justness, reasonableness, validity and effect of the tariff regulations and practices complained of in the aforesaid action and wherein the said District Court stayed the proceedings in the aforesaid action pending the conclusion of appropriate administrative proceedings initiated before the Commission, Carter, et al. v. American Telephone & Telegraph Co., et al., (Memorandum Order filed Feb. 8, 1966, Civil Action No. 3-1294).

It is ordered, That, pursuant to the provision of sections 201, 202, 205, 403, and 411 of the Communications Act of 1934, as amended, a public hearing shall be held at a time and place to be hereinafter designated upon the following specific issues:

Issues. 1. The nature and extent of the public need and demand for the use of the Carterphone device in connection with interstate or foreign message toll telephone service;

2. The effect of the use of the Carterphone device upon the operation of the telephone system used to provide interstate and foreign telephone message toll telephone services to the public or upon the employees and facilities of the telephone companies providing such services or upon the public in its use of such telephone system;

3. Whether the provisions of Tariff FCC No. 132 filed by American Telephone & Telegraph Co. may properly be construed to prohibit any telephone user from attaching the Carterphone device to the facilities of the telephone companies for use in connection with interstate and foreign message toll telephone services;

4. If the aforesaid tariff provisions may properly be construed to prohibit telephone users from attaching the Carterphone device to the facilities of the telephone companies for use in connection with interstate of foreign message toll telephone services:

(a) Whether such regulations are, or will be, unjust and unreasonable and, therefore, unlawful within the meaning of section 201(b) of the Communications Act of 1934, as amended, or are, or will be, unduly discriminatory or preferential in violation of section 202(a) of said Act;

(b) Whether, in the light of facts developed in connection with the foregoing issues, the Commission, in accordance with the provisions section 205 of the Act, should prescribe tariff regulations which will permit the use of the Carterphone device in connection with interstate and foreign message toll telephone service and, if so, the kind of tariff regulation which should be so prescribed;

5. If the aforesaid tariff regulations of the telephone companies may not properly be construed to prohibit telephone users from attaching the Carterphone device to the facilities of the telephone companies for use in connection with interstate or foreign message toll telephone services, what action, if any, should be taken by the Commission with respect thereto.

It is further ordered, That Thomas F. Carter, Carter Electronics Corp., the American Telephone & Telegraph Co., the General Telephone Co. of the Southwest, and the associated Bell System companies listed below are hereby made parties respondent to this proceeding and a copy of this order shall be served upon such party respondents;

It is further ordered, That any concurring, connecting and other participating carrier, listed as such in the aforesaid tariff, the United States Independent Telephone Association, the General Telephone & Electronics Service Corp., the National Association of Railroad and Utilities Commissioners and any State regulatory body is hereby granted leave to intervene upon the filing of a notice of intention to appear and participate in these proceedings within 30 days from the date of the publication of this order in the FEDERAL REGISTER;

It is further ordered, That a hearing examiner shall be designated to preside in the proceedings ordered herein who shall prepare an initial decision on all of the issues as provided in § 1.267 of the Commission's rules.

Released: October 21, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

THE ASSOCIATED BELL SYSTEM COMPANIES

The Bell Telephone Co. of Pennsylvania.
The Diamond State Telephone Co.
The Chesapeake & Potomac Telephone Co.
The Chesapeake & Potomac Telephone Co. of Maryland.
The Chesapeake & Potomac Telephone Co. of Virginia.
The Chesapeake & Potomac Telephone Co. of West Virginia.
The Cincinnati & Suburban Bell Telephone Co.
Illinois Bell Telephone Co.
Indiana Bell Telephone Co., Inc.
Michigan Bell Telephone Co.
The Mountain States Telephone & Telegraph Co.
New England Telephone & Telegraph Co.
New Jersey Bell Telephone Co.
New York Telephone Co.
Northwestern Bell Telephone Co.
The Ohio Bell Telephone Co.
Pacific Northwest Bell Telephone Co.
The Pacific Telephone & Telegraph Co.
Southern Bell Telephone & Telegraph Co.
The Southern New England Telephone Co.
Southwestern Bell Telephone Co.
Wisconsin Telephone Co.

[F.R. Doc. 66-11665; Filed, Oct. 25, 1966; 8:49 a.m.]

[1] Commissioner Bartley abstaining from voting.

[Docket No. 16495; FCC 66-926]

DOMESTIC NONCOMMON CARRIER COMMUNICATION-SATELLITE FACILITIES

Supplemental Notice of Inquiry Regarding Establishment by Nongovernmental Entities

In the matter of establishment of domestic communication-satellite facilities by nongovernmental entities; Docket No. 16495.

1. On September 21, 1965, the American Broadcasting Companies (ABC) requested an authorization in the Auxiliary Radio Broadcast Services to construct and operate a communications satellite system for television broadcast distribution in the United States. We returned the application to ABC without prejudice on March 2, 1966, and adopted on that day a notice of inquiry (FCC 66-207) into the questions raised by it, i.e., the compatibility with the Communications Satellite Act, and the technical and economic feasibility of establishing domestic noncommon carrier communication satellite facilities by nongovernmental entities.

2. Briefs and comments were timely filed by 19 parties on or before August 1, 1966. Among the comments submitted were novel concepts and proposals concerning domestic common carrier service via satellite. In this regard, the Ford Foundation submitted a proposal to create a corporate entity which would furnish satellite facilities for the transmission of commercial and educational television program material, with charges to be made for those services provided to commercial users, and part of the profits and revenues therefrom to be devoted to the support of educational broadcasting. The initial notice herein expressly limited the scope of the inquiry by providing that it "is not concerned with the question of whether communications common carriers may be authorized to construct and operate communication-satellite facilities for domestic purposes." The public notice released September 8, 1966 (FCC 66-799), gave recognition to the necessarily broadened scope of the inquiry and, our order to afford sufficient time for the preparation of comment on or counterproposals to the additional matters raised by the filings herein, extended the date for submitting reply comments to November 30, 1966. Finally, provisions were made for the filing of further reply comments on or before December 30, 1966.

3. The purpose of this supplemental notice is to clarify the intent of the Commission in its public notice of September 8, 1966, as to the nature and scope of the additional matters which interested parties are invited to address in further comments herein. Accordingly, in addition to comments on the proposals and concepts already submitted, comments are invited as to the following matters;

(a) The Commission desires to have, to the extent they are available, descriptions, from existing carriers responding to this inquiry, as well as other entities intending to seek authority to provide common carrier services, general or specialized, of their plans for using communication satellite facilities to meet domestic needs; and

(b) Whether, as a matter of law, there is any restriction on the Commission's power to authorize any communications common carrier or carriers to construct and operate communication satellite facilities for domestic communications services;

(c) Assuming legal authority, under what circumstances should the Commission issue such authorizations, and to whom (one carrier, more than one carrier, two or more carriers jointly), having due regard for, among other things:

(1) The comparative advantages of communication satellites and other communication media in meeting domestic communications needs;

(2) The effects on charges for, and quality and adequacy of, present and future public communications services;

(3) The anticipated volume of domestic communications needs through 1980, and the portion thereof that can and should be satisfied through the use of communication satellite facilities in view of expected technological developments in all media;

(4) The comparative advantages and disadvantages of meeting domestic needs (i) through the facilities of the global system; or (ii) through a separate system or systems;

(5) The effect or impact of any such authorizations upon the policies and goals set forth by the Communications Satellite Act and upon the obligations of the U.S. Government as a signatory to the Executive Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System.

(d) Whether the type of entity and service contemplated by the Ford Foundation proposal may be licensed under present statutes, and, if not, the type of legislation that would be required.

4. For the most part, comments filed thus far have not been fully responsive to the technical questions raised in the first notice of inquiry as to the adequacy of existing allocations to the communication satellite service or as to the electromagnetic interference to and from both present and projected operations of the global commercial communication satellite system and the domestic fixed public services sharing the same frequency bands. The latter question is complicated further by the fact that the plenary assembly of the CCIR (Oslo, June 1966), has recommended changes in the technical criteria applicable to the power flux density delivered at the earth's surface from space stations. Therefore, pending resolution of the legal status of the Oslo criteria vis-a-vis those criteria now in the International Radio Regulations, interested parties, in responding to the questions raised in our prior notice and herein (which include the technical questions explicitly set out in our prior notice), should direct their responses to both the present and Oslo criteria. Additionally, to permit an evaluation of the impact from proposed systems, parties should indicate as fully as they now can the planned positioning of space stations on the equator for the system under consideration if equatorial stationary satellites are involved.

5. Reply comments and comments on the above questions should be submitted to the Commission by November 30, 1966, and further reply comments by December 30, 1966. It is requested that an original and 50 copies of all reply and further reply comments be furnished to the Commission by parties filing in this proceeding.

Adopted: October 20, 1966.

Released: October 21, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-11667; Filed, Oct. 25, 1966; 8:49 a.m.]

[Docket No. 16894; FCC 66M-1422]

DR. MARVIN H. OSBORNE

Order After Prehearing Conference

In re application of Dr. Marvin H. Osborne, Jackson, Miss., Docket No. 16894, File No. BPCT-3506; for construction permit for new television broadcast station.

A prehearing conference in the above-entitled matter having been held today, as scheduled:

It is ordered, This 21st day of October 1966, that the hearing is rescheduled and in lieu of convening on November 21, 1966, it will convene at 9 a.m., on Tuesday, January 3, 1967, at the Commission's offices, Washington, D.C.; and

It is ordered further, That the applicant will supply two copies of his engineering exhibit to counsel for the Broadcast Bureau and one copy to the Presiding Officer, and one copy of his financial exhibit to each, by not later than the close of business, December 1, 1966; and, further, that he will carry out, in timely fashion, all of the prescriptions set forth in the transcript of today's prehearing conference to the end that the hearing may be expedited.

Released: October 21, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-11668; Filed, Oct. 25, 1966; 8:49 a.m.]

[1] Commissioner Cox voting to add a paragraph restricting consideration to matters on the record; Commissioner Loevinger absent.

[Docket Nos. 16924–16926]

SUNSET BROADCASTING CORP., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues; Correction

In re applications of Sunset Broadcasting Corp., Yakima, Wash., Docket No. 16924, File No. BPCT–3478; Apple Valley Broadcasting, Inc., Yakima, Wash., Docket No. 16925, File No. BPCT–3648; Northwest Television & Broadcasting Co., (a joint venture), Yakima, Wash., Docket No. 16926, File No. BPCT–3672; for construction permit for new television broadcast station.

Paragraph 12 of the memorandum opinion and order in the above-captioned proceeding (FCC 66–913, released October 18, 1966; 31 F.R. 13677), should read, and the same is hereby corrected to read, as follows:

12. The Apple Valley Application (BPCT–3648): Cascade, but not Columbia, filed a petition to deny the Apple Valley application. In addition to the Carroll question, petitioner has raised questions with respect to whether Morgan Murphy, 97.49 percent owner of the stock of the applicant's sole stockholder, has engaged in "trafficking" in broadcast authorizations, with respect to the applicant's financial qualifications, and with respect to whether a grant of the application would constitute a concentration of control of television broadcasting in a manner inconsistent with the public interest.

Released: October 21, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11669; Filed, Oct. 25, 1966; 8:49 a.m.]

[Docket No. 14368, etc.; FCC 66R-411]

SYRACUSE TELEVISION, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Syracuse Television, Inc., Syracuse, N.Y., Docket No. 14368, File No. BPCT–2924; W. R. G. Baker Radio & Television Corp., Syracuse, N.Y., Docket No. 14369, File No. BPCT–2930; Onondaga Broadcasting, Inc., Syracuse, N.Y., Docket No. 14370, File No. BPCT–2931; WAGE, Inc., Syracuse, N.Y., Docket No. 14371, File No. BPCT–2932; Syracuse Civic Television Association, Inc., Syracuse, N.Y., Docket No. 14372, File No. BPCT–2933; Six Nations Television Corp., Syracuse, N.Y., Docket No. 14444, File No. BPCT–2957; Salt City Broadcasting Corp., Syracuse, N.Y., Docket No. 14445, File No. BPCT–2958; George P. Hollingbery, Syracuse, N.Y., Docket No. 14446, File No. BPCT–2968; for construction permits for new television broadcasting stations.

1. The Review Board has before it for consideration a petition to enlarge issues filed by Syracuse Television, Inc., on June 8, 1966.[1] Prior to a discussion of the basic qualifications issues requested by the petitioner, a short history of this proceeding may be helpful.

2. At stake in this proceeding is Commission authorization to construct and operate a commercial television station on Channel 9 at Syracuse, N.Y. The above-captioned applications[2] were designated for comparative hearing by Commission orders released November 15, 1961 (FCC 61–1336), and December 20, 1961 (FCC 61–1477). During the pendency of the proceeding the Commission authorized Channel 9, Syracuse, Inc. (interim corporation), an interim operation composed of all the applicants, to construct and operate a television station on Channel 9; the interim operation commenced in September of 1962. (It is the conduct of this interim operation which has given rise to the instant petition.) After an extensive hearing an Initial Decision (FCC 63D–18, released February 7, 1963) was issued recommending a grant of the Onondaga application and a denial of the other applications. In Veterans Broadcasting Co., Inc., 38 FCC 25, 4 RR 2d 375 (1965), the Commission reversed the recommendation of the Initial Decision, supra, and granted the Baker application. Approximately 1 month after the issuance of the Commission Decision five applicants[3] filed separate petitions for reconsideration; a joint petition to stay the Decision (pursuant to Rule 1.106(n)); and a joint petition[4] to vacate the Decision and to reopen the record.

3. In response to these petitions the Commission granted a stay of the decision pending action on the petitions for reconsideration and the petition to reopen the record (FCC 65–294, released April 9, 1965). On June 17, 1965, the Commission reopened the record and added issues to determine: Whether the Edward Joy Co. or its officials or owners have engaged in antitrust violations in the State of New York; the relationship, in terms of ownership and/or control, between Edward Joy Co. and Baker; and the circumstances of Baker's failure to inform the Commission pursuant to § 1.65 of the rules of the antitrust complaint filed against Edward Joy Co.[5] by the State of New York. See Syracuse Television, Inc., FCC 65–527, 5 RR 2d 577. A hearing on these issues has been periodically postponed at the request of the applicants to facilitate their efforts to reach a merger and/or a dismissal agreement.[6]

4. In enlarging the issues and remanding this proceeding the Commission noted in footnote 6 of its memorandum opinion and order, supra, that:

> Unlike the petitioners' [requested] issues, however, the Commission's do not call for the Hearing Examiner to make a new comparative determination among the applicants. In light of the fact that a decision has already been rendered in the proceeding, it is more appropriate that the Hearing Examiner merely determine whether the evidence adduced makes advisable the selection of a new recipient for the permit.

The Commission's intention that the qualifications of applicants other than Baker were not to be reevaluated was reiterated in a subsequent Commission opinion denying Onondaga's petition for reconsideration (FCC 65–831, released Sept. 23, 1965). In that opinion the Commission refused to direct the Examiner to make a comparative reevaluation of the other applicants in the event that Baker is disqualified or assessed a comparative demerit. While it is apparent from the two opinions that the Commission is interested (at this juncture of the proceeding) only in whether conduct of Baker principals makes advisable the selection of a new permittee, the Board does not read the Commission's pronouncements as barring inquiry into the conduct of the principals of other applicants where principals of both designations are charged with the conduct and where the whole of the facts with respect to all of such principals can be ascertained with no great additional expenditures of hearing time and efforts.

5. Syracuse Television's request is based upon an alleged breach of fiduciary duty and mismanagement of the assets of the interim corporation by T. Frank Dolan, Jr., Asher S. Markson, and Edward Eagan as members of the Executive Committee.[7] Dolan is a principal of Baker; Markson is an officer, director, and principal stockholder of Onondaga; and Eagan is an officer, director, and principal stockholder of Salt City. Dolan, Markson, and Eagan have served as members of the Executive Committee since November 1962, when they were appointed by the Board of Directors of the interim corporation.[8] The Board of Directors is composed of a representative of each of the applicants. The intended function of the Committee is to supervise the daily operation of Channel 9 and the cash expenditures of the corporation. Syracuse Television alleges that in fact the members of the Committee failed to provide for "even minimal" supervision of cash disbursements and withdrawals, condoned improvident expense accounts and salary increases, failed to supervise and account for trade deals and condoned the diversion of specific funds for noncorporate purposes.

6. Syracuse Television relies upon the following facts to support its allegations: On December 17, 1962, the Board of Directors directed William H. Grumbles, president of the interim corporation and general manager of the station from 1962–66,[9] to submit periodic lists of all corporate checks to the Executive Committee; the Executive Committee was to examine these check lists as part of its supervisory function; the Committee did not verify the accuracy or completeness of lists submitted by Grumbles either by reference to consecutive check numbers or otherwise; and these lists did not include all checks drawn or disbursements made. On February 17, 1963, the Board directed the Executive Committee, at the behest of Syracuse Television, to "look into the expenses and give a report." This report was given on March 29, 1963, at which time the Board was told that the financial operation of the station was in order and there was nothing "unusual" to report. On January 6, 1966, Syracuse Television made a demand on the interim corporation and members of the Executive Committee to permit inspection of all corporate records and an examination of the minutes of the Executive Committee; this request was refused on January 11, 1966, whereupon petitioner obtained a show cause order against the interim corporation from the New York State Supreme Court. Prior to disposition of this order the parties reached a stipulation providing for the requested inspection.

7. Pursuant to this stipulation Syracuse Television retained an independent accountant to perform a sample audit. Syracuse Television reports the following results from this sample audit: During the five sample months selected[10] 133 checks in the total amount of $17,594.41 were omitted from the lists submitted to the Executive Committee; William Grumbles appropriated in excess of $29,000 in the form of purported "advances" and "prepaid salaries" for which no authorization was made by the Directors or the Committee; substantial salary increases never brought to the attention of the Board of Directors were given to key station personnel; Christmas bonuses, far in excess of the authorized 1 week's salary, were given in 1963, 1964, and 1965 and never brought to the attention of the Board of Directors; petty cash disbursements were not properly identified or substantiated (Exhibits 2, 3); expense accounts of station employees were in some cases grossly abused and in other cases unsubstantiated (Exhibits 4, 5, 6); and cash disbursements of corporate funds were made for purposes not shown to be corporate in nature (Exhibit 7). According to Syracuse Television, the Executive Committee either permitted these abuses or was negligently unaware of the actions of the station's employees with whose supervision it was charged.

8. Syracuse Television also alleges misconduct involving trade deals.[11] On April 5, 1965, the Board of Directors directed the Executive Committee to review the entire trade deal procedure. Petitioner states that a complete accounting of this procedure was never in fact made; that no accurate lists of the property or credit of the corporation were ever prepared or maintained; that no accurate records were maintained as to the disposition of the property or credit of the corporation and that no other control was maintained to insure that such property or credit would not be diverted to private use. Petitioner states that as a result of these omissions corporate property was in fact diverted to the private nonbusiness use of Grumbles and other employees. (Exhibits 9, 10, 11, 12, 13, 14, and 15) Due to the inadequacy of corporate records petitioner reports that it has been impossible to determine the actual amount of merchandise received and distributed. Moreover, petitioner asserts, the procedure followed in recording and reporting trade deals is violative of the Internal Revenue Code, as acknowledged by the corporation's own accounting firm (Exhibit 8A). In total, petitioner contends, partial examination of the corporate financial data reveals waste of corporate assets in excess of $200,000.

9. On April 5, 1966, as a result of the sample audit, Syracuse Television demanded that the Board of Directors institute the following legal actions: Against the Executive Committee members for neglect of and failure to perform their corporate functions and to recover loss or waste of corporate assets resulting therefrom; on any surety bond available; against culpable employees of the station and Grumbles' Estate to recover amounts owed the corporation. Petitioner also demanded that the Board arrange for a complete and detailed audit of the corporation by an independent accountant. At a special Board meeting held on April 14, 1966, Syracuse Television's demand was considered as a motion and rejected for want of a second. Petitioner instituted suit against the Executive Committee members in New York State Supreme Court on April 20, 1966.[12]

10. Shortly after Syracuse Television instituted the civil suit the Board of Directors resolved, over Syracuse Television's objections, to direct the interim's corporate accountant to proceed with an audit to ascertain the nature and extent of any corporate loss or waste attributable to any present or former corporate employee. Syracuse Television objected to this resolution as being too limited in scope, as including only wrongdoings of employees and not those of directors, and as not providing for a totally independent audit. In support of the proposition that the Commission gives most careful consideration to a serious breach of fiduciary duty in assessing an applicant's qualifications, Syracuse Television cites the Commission's decision in the instant case: Veterans Broadcasting Co., Inc., supra. The petitioner further notes that all of the directors of the interim corporation have ratified and condoned the actions and inactions of the Executive Committee in that they have opposed petitioner's efforts to institute remedial actions and, in fact, on May 20, 1966, over the objection of Syracuse Television, voted to reelect Dolan as president and elected the two other Committee members to the positions of vice president and treasurer of the corporation.

11. In a joint opposition to Syracuse Television's petition, the other applicants assert that: The petition is untimely and could have been filed a long

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[1] Other pleadings before the Board are as follows: Supplement to petition to enlarge issues, filed on Aug. 4, 1966, by Syracuse Television, Inc.; joint opposition, filed on Aug. 5, 1966, by W. R. G. Baker Radio & Television Corp., Onondaga Broadcasting, Inc., WAGE, Inc., Syracuse Civic Television Association, Inc., Six Nations Television Corp., Salt City Broadcasting Corp. and George P. Hollingbery; comments, filed Aug. 12, 1966, by the Broadcast Bureau; reply (opposition) to supplement to petition, filed on Aug. 17, 1966, by Baker, Onondaga, WAGE, Syracuse Civic, Six Nations, Salt City and Hollingbery; and reply, filed on Aug. 24, 1966, by Syracuse Television.

[2] Two applicants who had originally filed applications for the same facility have dropped out in the course of the proceeding.

[3] Syracuse Television, Onondaga, WAGE, Syracuse Civic and Six Nations.

[4] Hollingbery joined with the above-mentioned (Note 3, supra) applicants in this request.

[5] The Edward Joy Co. is almost wholly owned by the families of T. Frank Dolan, Jr. and Leonard P. Markert. Dolan and Markert each own 17.27 percent of Baker's stock. Dolan is president of Baker and president, treasurer, and director of the Edward Joy Co. Markert serves as vice-president of Baker.

[6] On Apr. 28, 1966, a merger-dismissal agreement was filed jointly by all of the applicants except Syracuse Television. The joint petition provided generally for the reimbursed dismissal of WAGE and Hollingbery and a request that the Commission reaffirm its original grant to Baker (sub nom. Veterans Broadcasting Co., Inc., supra) subject to the assignment by Baker of its construction permit to a new corporate entity composed of Baker (48.5 percent), Onondaga (19.9 percent), Six Nations (14.5 percent), Syracuse Civic (13.6 percent) and Salt City (3.4 percent). The parties in their joint petition also requested favorable resolution without hearing, of the issues outstanding against Baker. See Note 14, infra.

[7] Syracuse Television also requests issues as to the remaining applicants involved in the interim corporation. The issues requested as to these other applicants relate to their condonation and ratification of the actions and inactions of the Executive Committee members. At most, allegations made in this respect are relevant only to the comparative qualifications of the parties concerned. As noted above, this proceeding has been reopened for the limited purpose of determining the qualifications of one applicant; we have hereinafter broadened the scope of this reopening to include evidence as to two other applicants because the facts giving rise thereto are common to all members of the Executive Committee. However, no consideration can be given at this juncture to matters of comparative significance.

[8] Dolan has also served as treasurer (1963–65), vice president (1965–66) and president (1966–present) of the interim corporation. Markson has served as treasurer (1965–present) of the interim corporation.

[9] Grumbles resigned his positions on Feb. 28, 1966, and died on Mar. 19, 1966.

[10] The sample months selected were within the period from November 1963 to November 1965.

[11] A trade deal is a procedure whereby the station trades commercial time for the product of the advertiser.

[12] The complaint, alleging the same matters detailed above, was filed as part of petitioner's reply pleading. The defendants in the civil suit filed motions to dismiss the complaint, which were denied on July 27, 1966, by the New York State Supreme Court. In denying the motions to dismiss, the State Court held that the members of the Executive Committee are to be held to a higher standard of duty than an ordinary director. This court opinion was filed by Syracuse Television as part of a supplement to its instant petition.

time ago; the interim nature of the corporation's operation made it impossible to "centralize authority"; William Grumbles had complete authority; the members of the Committee had no more authority than any other director;[12] all the parties, including Syracuse Television, had contractually agreed prior to the commencement of the interim operation that "no preference or minus points shall accrue to any APPLICANT as a consequence of the interim operation." Moreover, respondents contend, the matters raised by Syracuse Television would be more appropriately handled in the state court than before the Commission. As an alternative to outright denial of the instant petition, the respondents have indicated their willingness to participate in an oral argument directed toward consideration of both the merger-dismissal agreement and the instant petition.[13]

12. The Broadcast Bureau contends that petitioner has adequately documented sufficient allegations to demonstrate that serious questions exist as to the management of the financial affairs of the corporation.[14] The Bureau's opinion is that the substantiation of petitioner's allegations, which appears as exhibits attached to the petition and the New York State Supreme Court opinion (see Note 12, supra) are even more persuasive when it is noted that none of the objections raised in the joint opposition questions the accuracy of the facts alleged.

13. In addition to noting the absence of factual dispute in the opposition pleading, Syracuse Television advances the following arguments in its reply pleading: The contractual provision cited in the opposition was not meant to apply to serious misconduct; private parties cannot, in any event, grant immunity to one another in matters involving the public interest; the Executive Committee members knowingly undertook to carry out a detailed supervision of the corporation's financial affairs; the Executive Committee and the Board of Directors had complete power to act and control the corporation and William Grumbles did not; and the petitioner diligently pursued his remedies within and without the corporation to correct the gross irregularities detailed in its petition. As to the timeliness argument raised in the joint opposition, petitioner notes that in view of its diligence in pursuing all available remedies it is inappropriate for the applicants who resisted its efforts and forced it to resort to legal remedies to claim the petition could have been filed earlier.

14. In view of the uncontested allegations of petitioner, the Board believes substantial questions have been raised regarding the conduct of Dolan, Markson, and Eagan while serving as officers, directors, and members of the Executive Committee of the interim corporation.[15] It is axiomatic that any contractual provisions made between the applicants cannot be binding upon those charged with protection of the public interest. It is similarly well established that merely because an applicant's actions may be pertinent to a private litigation between the parties the Commission is not precluded from determining the same factual questions in a Commission proceeding. See Community Radio of Saratoga Springs, N.Y., Inc., FCC 64R-459, 3 RR 2d 644; Syracuse Television, Inc., supra; and Report on Uniform Policy as to Violation by Applicants of Laws of the United States, 1 RR (Part 3) 91:495 (1951). Moreover, in the instant case the misconduct alleged relates directly to the operation of a broadcast facility and is clearly within the mandate of section 308(b) of the Communications Act of 1934, as amended.[17]

15. The Board cannot conclude that the petition should be dismissed for untimeliness or noncompliance with § 1.229 of the Commission rules. Although it is arguable whether Syracuse Television could have discovered the irregularities now complained of at an earlier date, it, as a member of the Board of Directors, had a right to rely on the Executive Committee "* * * to fulfill its supervisory duties." Nowhere do the opposing applicants suggest how petitioner could have discovered the corporate irregularities at an earlier date; in fact, the opposition pleading implies that even the members of the Executive Committee, and certainly the other members of the Board of Directors, knew nothing of the financial irregularities. Petitioner has documented its repeated efforts to gain the cooperation of the interim corporation's Board of Directors and Executive Committee and their repeated refusals and inaction; it would be grossly inequitable to deny the instant petition as untimely and permit the applicants who have persistently resisted petitioner's efforts to ascertain the relevant corporate information to benefit from their own delaying tactics. While some of the allegations made by petitioner have not been properly substantiated and documented, the bulk of the allegations, which are properly presented, are more than sufficient to require the addition of an issue.[18]

16. Evidentiary issues to determine whether Dolan, Markson, and/or Eagan have failed to perform their fiduciary duties and obligations will be added. Issue 4 pertains solely to the conduct of Dolan. Issue 5 pertains to the conduct of Markson and/or Eagan. The Board has so divided these evidentiary issues due to the existing ultimate disqualification issue already added by the Commission as to Baker (Dolan). Thus the issues as amended hereby require an evidentiary determination as to Dolan, Markson, and Eagan and an ultimate determination as to whether Baker should be disqualified. Since petitioner's charges "relate largely to acts of omission rather than commission", the burden of proof and the burden of proceeding with the evidence under the issues herein added are placed upon Syracuse Television. See Lamar Life Insurance Co., FCC 66-815, released September 27, 1966.

Accordingly, it is ordered, This 18th day of October 1966, that the petition to enlarge issues in reopened proceeding filed by Syracuse Television, Inc. on June 8, 1966, is granted to the extent indicated herein, and is denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following:

4. To determine whether T. Frank Dolan, Jr. has failed to perform his duties and obligations as a member of the Executive Committee, as director and/or an officer of Channel 9, Syracuse, Inc.

5. To determine whether Asher H. Markson and Edward Eagan, jointly or individually, have failed to perform their duties and obligations as members of the Executive Committee, directors and/or officers of Channel 9, Syracuse, Inc.

It is further ordered, That existing Issue (4) be renumbered as Issue (6);

It is further ordered, That the Hearing Examiner make full use of his authority to utilize, among other procedures, pre-

[12] This argument was specifically rejected by the New York State Supreme Court in its opinion denying the motions to dismiss filed by the interim corporation. See Note 12, supra.

[13] The Commission, on September 16, 1966 (FCC 66-813), denied approval of and dismissed the merger-dismissal agreement by memorandum opinion and order. In view of this Commission action the Board does not believe an oral argument would be helpful to the orderly disposition of the matters in issue.

[14] The Bureau notes certain procedural deficiencies in Syracuse Television's petition, i.e., the absence of the sample audit report and the complaint filed by Syracuse Television. In its reply pleading petitioner states that the independent auditor's report was given orally to Henry Wilcox, president of Syracuse Television, whose affidavit accompanied its petition. Petitioner also submitted a copy of the complaint as part of its reply pleading.

[15] As noted in para. 4, supra, the Board is cognizant of the Commission's general intention to limit further inquiry in this proceeding to Baker's qualifications. However, the nature of the allegations is such that the inclusion of an issue relating to Markson and Eagan would not significantly lengthen the proceeding or complicate the record. On the contrary, it appears that the complete facts as to the involvement of Dolan, Markson, and Eagan can be ascertained at only slightly more effort than as to Dolan alone; and the adduction of the complete facts at this time would save hearing time in the future should the Commission ultimately conclude that the grant to Baker should be vacated.

[17] The Board notes that in this same proceeding, Veterans Broadcasting Co., supra, the Commission expressed its serious concern with Markson's questionable conduct as president and director of a furniture company. This Commission concern leads the Board to conclude that the instant charges, which relate to the operation of a broadcast entity, must be given the most thorough and serious consideration.

[18] Even were it held that no excuse exists for the late-filing of the petition, the Board views petitioner's total showing as sufficiently compelling to warrant the inquiry requested. Cf. West Central Ohio Broadcasters, Inc., 4 FCC 2d 934 and The Edgefield-Saluda Radio Co. (WJES), FCC 66R-372.

hearing conferences and the filing of stipulations as to facts and issues, with the objective of refining the issues, expediting the proceeding, and keeping the further hearing within practicable limits."

Released: October 19, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[*]
BEN F. WAPLE,
Secretary.

[SEAL]

[F.R. Doc. 66-11670; Filed, Oct. 25, 1966; 8:49 a.m.]

[Canadian Change List 217]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

OCTOBER 7, 1966.

Notification under the provision of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Canadian Broadcast Stations modifying Appendix containing Assignments of Canadian Stations (Mimeograph No. 47214-3) attached to the Recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

Call Letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
CFAR (now in operation with increased daytime power).	Flin Flon, Manitoba	690 kilocycles 10 kw D/1 kw N.	DA-D ND-N	U	III	
CHLT (delete assignment—notified on list No. 189).	Sherbrooke, Province of Quebec.	630 kilocycles 50 kw D/10 kw N.	DA-2	U	III	
CHLT (PO: 630 kc 10 kw D/5 kw N DA-2).	Sherbrooke, Province of Quebec.	630 kilocycles 50 kw D/15 kw N.	DA-2	U	III	E.I.O. 9-20-67.
CKTS (authorized operation 900 kc 1 kw DA-1.	Sherbrooke, Province of Quebec.	900 kilocycles 10 kw	DA-2	U	II	E.I.O. 9-20-67.
CHQM (PO: 1320 kc 10 kw DA-1).	Vancouver, British Columbia.	1320 kilocycles 50 kw	DA-2	U	III	E.I.O. 9-20-67.
New	Elliot Lake, Ontario	1340 kilocycles 0.25 kw	ND	U	IV	E.I.O. 9-20-67.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11666; Filed, Oct. 25, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3245, etc.]

CUMBERLAND GAS CO. ET AL.

Findings and Order

OCTOBER 17, 1966.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, substituting respondents, making successor co-respondent, redesignating proceedings, requiring filing of agreement and undertaking, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Cumberland Gas Co., Applicant in Docket No. G-3245, proposes to continue sales of natural gas heretofore authorized in said docket to be made by Cumberland Gas Corp. By order issued November 15, 1965, in Docket No. G-4615, et al., Cumberland Gas Corp. was permitted in Docket No. CI66-214 to abandon the sale of natural gas theretofore authorized in Docket No. G-3245 and its related FPC Gas Rate Schedule No. 4 was canceled. The then effective rate under said rate schedule was in effect subject to refund in Docket No. RI61-228. Therefore, Applicant will be substituted as respondent in said proceeding, the proceeding will be redesignated accordingly, and Applicant will be required to file an agreement and undertaking in Docket No. RI61-228 to assure the refund of any amount collected by Cumberland Gas Co. in excess of the amount determined to be just and reasonable in said proceeding.

George R. Brown, Applicant in Docket No. G-18479, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to Herman Brown Estate FPC Gas Rate Schedule No. 6. Herman Brown Estate's rate schedule will be redesignated as George R. Brown FPC Gas Rate Schedule No. 19. Herman Brown Estate has filed for an increase in rate under said rate schedule which increase is suspended in Docket No. RI62-511[1] and not made effective. Accordingly, Applicant will be substituted in lieu of Herman Brown Estate as respondent in the proceeding pending in Docket No. RI62-511 and the proceeding will be redesignated.

Tenneco Oil Co. (Operator), et al., Applicant in Docket No. CI66-701, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-6591 and made pursuant to Continental Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 4. Applicant has filed an instrument of ratification of said rate schedule as its own rate schedule. The presently effective rate under Continental's rate schedule is in effect subject to refund in Docket No. RI60-340.[1] Continental has collected an increased rate under said rate schedule for a locked-in period subject to refund in Docket No. G-19666.[1] Applicant has requested to be made co-respondent in both of said rate proceedings and has submitted an agreement and undertaking to assure the refund of any amount collected by it in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Applicant will be made co-respondent, the proceedings will be redesigned accordingly, and the agreement and undertaking will be accepted for filing.

After due notice, a petition to intervene by Long Island Lighting Co. was filed in Docket No. CI66-701, in the matter of the application filed February 7, 1966, in said docket. The petition to intervene has been withdrawn and no other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on October 12, 1966, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and ex-

[*] Dissenting statement of Review Board Member Kessler, in which Board Member Nelson joins, filed as part of original document.

[1] Consolidated with Docket No. AR64-2, et al.

hibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI67–156 should be canceled and that the application filed therein should be processed as a petition to amend the certificate heretofore issued in Docket No. CI64–873.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–3245, G–3270, G–11861, G–12245, G–18479, G–18786, G–19246, G–20368, CI61–752, CI61–1650, CI62–207, CI63–415, CI63–1357, CI63–1494, CI64–873, CI65–564, CI65–956, and CI66–595 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–6591	CI66–701
G–13633	CI64–873
G–15166	CI67–145
G–15373	CI64–145
CI61–752	CI67–180
CI61–1146	CI67–180
CI64–15	CI67–113
CI64–1405	CI67–90

(8) The sale of natural gas proposed to be abandoned by Applicant in Docket No. CI67–163, as hereinbefore described, all as more fully described in the tabulation herein and in the application, is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act and the abandonment should be permitted and approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Cumberland Gas Co. should be substituted in lieu of Cumberland Gas Corp. as respondent in the proceeding pending in Docket No. RI61–220, that said proceeding should be redesignated accordingly, and that Cumberland Gas Co. should be required to file an agreement and undertaking to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in said proceeding.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that George R. Brown should be substituted in lieu of Herman Brown Estate as respondent in the proceeding pending in Docket No. RI62–511 and that said proceeding should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Tenneco Oil Co. (Operator) et al., should be co-respondent in the proceedings pending in Docket Nos. G–19666 and RI60–340, that said proceedings should be redesignated accordingly, and that the agreement and undertaking submitted by Tenneco in said proceedings should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the name of the respondent in the proceeding pending in Docket No. RI61–499 should be changed from Marshall R. Young Drilling Co. to Marshall R. Young Oil Co., and that the proceeding should be redesignated accordingly.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceeding or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 5, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 18 and 25 in the attached tabulation.

(E) The certificate issued herein in Docket No. CI66–701 involving the sale of gas by Tenneco Oil Co. (Operator) et al., to its parent Tennessee Gas Pipeline Co., a division of Tenneco, Inc., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any future rate proceeding involving either company.

(F) A certificate is issued herein in Docket No. CI67–90 and the acceptance of the related rate schedule is contingent upon Applicant submitting a billing statement.

(G) Certificates are issued herein in Docket Nos. CI67–50 and CI67–178, authorizing the respective Applicants to continue the sales of natural gas which were initiated without prior Commission authorization.

(H) A certificate is issued herein to Sun Oil Co. in Docket No. CI67–172, authorizing Applicant to continue the sale of natural gas previously covered by the Operator's certificate in Docket No. CI65–956.

(I) The certificate heretofore issued in Docket No. CI65–956 is amended to reflect Pan American Petroleum Corp. as Operator in lieu of Maytex Gas Co.; further, said certificate is amended by deleting therefrom authorization to sell gas from the interest of Sun Oil Co.

(J) Docket No. CI67–156 is canceled.

(K) The certificates heretofore issued in Docket Nos. G–11861, CI61–752, CI61–1650, CI64–873, and CI66–595 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(L) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–6591	CI66–701
G–13633	CI64–873
G–15166	CI67–145
G–15373	CI67–145
CI61–752	CI67–180
CI61–1146	CI67–180
CI64–15	CI67–113
CI64–1405	CI67–90

(M) The certificate heretofore issued in Docket No. CI65–564 is amended to include the interest of the nonsignatory coowner and the related rate schedule is redesignated as Standard Oil Co. of Texas, a division of Chevron Oil Co. (Operator) et al.

(N) The certificates heretofore issued in Docket Nos. G–3270 and G–12245 are amended to reflect the change in name from Marshall R. Young Drilling Co. to Marshall R. Young Oil Co.

(O) The certificates heretofore issued in Docket Nos. G–3245, G–18479, G–18786, G–19246, G–20368, CI62–207, CI63–415, CI63–1357, and CI63–1494 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(P) Permission for and approval of the abandonment of service by Applicant in Docket No. CI67–163, as hereinbefore described, and as more fully described, in the application herein is granted.

(Q) Cumberland Gas Co. is substituted in lieu of Cumberland Gas Corp. as respondent in the proceeding pending in Docket No. RI61–228 and said proceeding is redesignated accordingly.[1]

(R) Within 30 days from the date of this order, Cumberland Gas Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking to assure the refund, together with interest at the rate of 7 per cent per annum, of any amounts collected by Cumberland Gas Corp. in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission said agreement and undertaking shall be deemed to have been accepted for filing.

(S) Cumberland Gas Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Cumberland Gas Co. in Docket No. RI61–228 shall remain in full force and effect until discharged by the Commission.

(T) George R. Brown is substituted in lieu of Herman Brown Estate as respondent in the proceeding pending in Docket No. RI62–511 and said proceeding is redesignated accordingly.[2]

(U) Tenneco Oil Co. (Operator) et al., shall be co-respondent in the proceedings pending in Docket Nos. G–19666 and RI60–340, said proceedings are redesignated accordingly,[3] and the agreement and undertaking submitted by Tenneco in said proceedings is accepted for filing.

(V) Tenneco Oil Co. (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it in Docket Nos. G–19666 and RI60–340 shall remain in full force and effect until discharged by the Commission.

(W) The name of the respondent in the proceeding pending in Docket No. RI61–499 is changed from Marshall R. Young Drilling Co. to Marshall R. Young Oil Co., and said proceeding is redesignated accordingly.[5]

(X) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Cumberland Gas Co.

[2] George R. Brown.

[3] Continental Oil Co. (Operator) et al., and Tenneco Oil Co. (Operator) et al.

[5] Marshall R. Young Oil Co., and J. C. Trahan, Drilling Contractor, Inc.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–3245 E 8–1–66	Cumberland Gas Co. (successor to Cumberland Gas Corp.).	Pennzoil Co., Carroll District, Lincoln County, W. Va.	Cumberland Gas Corp., FPC GRS No. 1. Notice of succession 7–29–66.	1	
			Agreement 1–3–64 [1]	1	1
			Effective date: 1–3–64		
	do	United Fuel Gas Co., Scott, Carroll, Jefferson, and Sheridan Districts, Boone and Lincoln Counties, W. Va.	Cumberland Gas Corp., FPC GRS No. 3.	2	
			Supplement Nos. 1–3	2	1–3
			Notice of succession 7–29–66.		
			Agreement 1–3–64 [1]	2	4
			Effective date: 1–3–64		
	do	United Fuel Gas Co., Loudon District, Kanawha County, W. Va.	Cumberland Gas Corp., FPC GRS No. 5.	3	
			Supplement Nos. 1–3	3	1–3
			Notice of succession 7–29–66.		
			Agreement 1–3–64 [1]	3	4
			Effective date: 1–3–64		
	do	United Fuel Gas Co., Carroll District, Lincoln County, W. Va.	Cumberland Gas Corp., FPC GRS No. 6.	4	
			Supplement Nos. 1–5	4	1–5
			Notice of succession 7–29–66.		
			Agreement 1–3–64 [1]	4	6
			Effective date: 1–3–64		
G–3270 7–29–66 [2]	Marshall R. Young Oil Co., et al. (formerly Marshall R. Young Drilling Co., et al.).	United Gas Pipe Line Co., Bancroft and South Bancroft Fields, Beauregard Parish, La.	Marshall R. Young Drilling Co., et al., FPC GRS No. 2.	2	
			Supplement Nos. 1–11	2	1–11
			Notice of succession 7–29–66.		
			Effective date: 4–25–66		
G–11861 D 8–15–66	Mobil Oil Corp. (Operator) et al. (partial abandonment).	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	Cancellation 8–12–66 [3] [4]	5	11
G–12245 7–29–66 [2]	[5]Marshall R. Young Oil Co. (formerly Marshall R. Young Drilling Co.).	United Gas Pipe Line Co., Ansley Field, Hancock County, Miss.	Marshall R. Young Drilling Co., FPC GRS No. 1.	1	
			Supplement Nos. 1–5	1	1–5
			Notice of succession 7–29–66.		
			Effective date: 4–25–66		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-18479 ..... E 8-8-66	George R. Brown (successor to Herman Brown Estate).	Florida Gas Transmission Co., North Monte Christo Field, Hidalgo County, Tex.	Herman Brown Estate, FPC GRS No. 6.	19	.....
			Supplement No. 1	19	1
			Notice of succession 8-4-66.	.....	.....
G-18785 ..... E 7-25-66	Wichita Iron & Metals Corp., Inc. (successor to Henry S. Inger).	Panhandle Eastern Pipe Line Co., Wil Field, Edwards County, Kans.	Assignment 12-30-64 [1]	19	2
			Effective date: 12-30-65	.....	.....
			Henry S. Inger, FPC GRS No. 5.	4	.....
			Supplement Nos. 1-6	4	1-6
			Notice of succession 8-16-66.	.....	.....
			Assignment 12-29-66 [2]	4	7
			Effective date: 12-1-65	.....	.....
G-19246 ..... E 6-30-66	American Petrofina Co. of Texas (Operator) et al. (successor to Graridge Corp. (Operator), et al.).	Texas Gas Transmission Corp., Mallard Bay Field, Cameron Parish, La.	Graridge Corp. (Operator) et al., FPC GRS No. 1.	47	.....
			Supplement Nos. 1-13	47	1-13
			Notice of succession 1-13-66. [3]	.....	.....
			Effective date: 1-1-66	.....	.....
G-21368 ..... E 8-12-66	William C. Russell (Operator), agent for William G. Raise (successor to Haynes & V. T. Drilling Co. (Operator)).	El Paso Natural Gas Co., Fulcher Kutz Pictured Cliffs Field, San Juan County, N. Mex.	Haynes & V. T. Drilling Co. (Operator), FPC GRS No. 2.	1	.....
			Supplement No. 1	1	1
			Notice of succession 8-18-66.	.....	.....
			Assignment 10-21-65 [4]	1	2
			Assignment 10-21-65 [5]	1	3
			Assignment 11-1-65 [6]	1	4
			Effective date: 11-1-65	.....	.....
CI61-752 ..... D 6-6-66	Atlantic Richfield Co.	Michigan Wisconsin Pipe Line Co., Woodward Area Field, Woodward County, Okla.	Assignment 8-15-64 [7 11]	225	9
CI61-1650 ..... D 7-8-66	Amerada Petroleum Corp. (partial abandonment).	Lone Star Gas Co., West Velma Field, Stephens County, Okla.	Notice of partial cancellation 7-5-66. [7 12]	94	8
CI62-207 ..... E 8-1-66	Falling Rock Co. (Operator), et al. (successor to Ralph C. Halbert (Operator), et al.).	United Fuel Gas Co., Elk District, Kanawha County, W. Va.	Ralph C. Halbert (Operator), et al., FPC GRS No. 1.	1	.....
			Supplement Nos. 1-4	1	1-4
			Notice of succession 7-25-66.	.....	.....
			Assignment 6-20-66 [13]	1	5
			Effective date: 6-20-66	.....	.....
CI63-415 ..... E 7-25-66	Wichita Iron & Metals Corp., Inc. (successor to Henry S. Inger).	Panhandle Eastern Pipe Line Co., Wil Field, Edwards County, Kans.	Henry S. Inger, FPC GRS No. 3.	2	.....
			Supplement No. 1	2	1
			Notice of succession 8-16-66.	.....	.....
			Assignment 12-29-65 [8]	2	2
			Effective date: 12-1-65	.....	.....
CI63-1357 ..... E 8-15-66	Killam & Hurd (Operator), et al. (successor to The Schoolfield Corp. (Operator), et al.).	South Texas Natural Gas Gathering Co., West Mirando City Field, Webb County, Tex.	The Schoolfield Corp. (Operator) et al., FPC GRS No. 1.	2	.....
			Supplement No. 1	2	1
			Notice of succession 8-11-66.	.....	.....
			Assignment 7-21-66 [14]	2	2
			Effective date: 8-1-66	.....	.....
CI63-1404 ..... E 7-25-66	Wichita Iron & Metals Corp., Inc. (successor to Henry S. Inger).	Panhandle Eastern Pipe Line Co., Wil Field, Edwards County, Kans.	Henry S. Inger, FPC GRS No. 4.	3	.....
			Notice of succession 8-16-66.	.....	.....
			Assignment 1-14-66 [9]	3	1
			Effective date: 12-1-65	.....	.....

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65-564 ..... 6-20-66 [14 15]	Standard Oil Co. of Texas, a division of Chevron Oil Co. (Operator), et al.	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	(10)	41	.....
CI65-956 ..... E 8-1-66	Pan American Petroleum Corp. (Operator) (successor to Maytex Gas Co. (Operator)).	Southern Natural Gas Co., Quitman Bayou Field, Adams County, Miss.	Maytex Gas Co. (Operator), FPC GRS No. 1.	442	.....
			Notice of succession 7-29-66.	.....	.....
			Assignment 5-1-66	442	1
			Effective date: 5-1-66	.....	.....
CI66-239 ..... A 9-27-65 C 8-1-66 [16]	Joseph F. Fritz (Operator), et al.	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Pearl River County, Miss.	Contract 9-16-65	1	.....
			Amendment 7-27-66 [12]	1	1
CI66-595 ..... C 8-4-66 [15]	Sydney Spofforth	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Letter agreement 8-18-66 [17]	8	2
A CI66-701 ..... (G-6591) F 7-7-66	Tenneco Oil Co. (Operator), et al. (successor to Continental Oil Co. (Operator), et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., North Davenport Field, Starr County, Tex.	Ratified 12-13-65 [11]	197	.....
			Contract 11-3-53 [18]	197	1
			Letter agreement 11-3-53	197	2
			Letter agreement 12-4-53	197	3
			Notice of change (undated)	197	4
			Letter 9-15-54	197	1-4
			Notice of change 9-27-55.	197	5
			Letter 12-21-56 [19]	197	6
			Notice of change 9-18-60.	197	7
			Notice of change 4-13-60.	197	8
			Agreement 8-1-61 [18]	197	9
			Assignment 12-24-64 [11]	197	10
			Effective date: 12-24-64.	.....	.....
CI66-1013 ..... A 4-20-66 [13]	L. H. Witwer, et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 8-23-65 [18]	1	.....
			Contract 12-11-64	1	1
			Amended 4-4-66 [18]	1	2
CI66-1244 ..... A 6-7-66 [13]	Blaho Oil & Gas Co.	Carnegie Natural Gas Co., Union District, Ritchie County, W. Va.	Contract 10-2-62 [18]	5	.....
CI66-1328 ..... A 6-27-66 [13]	Sunray DX Oil Co.	Panhandle Eastern Pipe Line Co., Tangier Field, Ellis and Woodward Counties, Okla.	Contract 5-13-66	268	.....
CI67-10 ..... A 7-5-66 [13]	J. M. Hawley d.b.a., Hawley Oil Co.	Phillips Petroleum Co., West Panhandle Field, Carson and Gray Counties, Tex.	Contract 6-15-66	2	.....
CI67-50 ..... A 7-15-66 [13 17]	Texaco Inc.	Lone Star Gas Co., Henderson Field, Rusk County, Tex.	Contract 7-6-64 [18]	372	.....
			Contract 1-11-60 [18]	372	1
CI67-86 ..... A 7-15-66 [13]	Tenneco Oil Co.	Panhandle Eastern Pipe Line Co., Northeast Gage Field, Ellis County, Okla.	Contract 6-6-66	205	.....

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
A CI67-90 ..... (CI64-1405) F 7-27-66	Amax Petroleum Corp. (successor to Steve Gose (Operator), et al.).	Arkansas Louisiana Gas Co., Arkoma Basin, Arkansas and Oklahoma "Other".	Contract 3-30-64 [18]	24	.....
			Letter agreement 3-30-64.	24	1
			Various assignments [18]		
			Gose Petroleum Co., et al.:		
			5-9-66 [21]	24	2
			5-9-66 [21]	24	3
			Fain & McGaha 5-9-66	24	4
			Gose Petroleum Co., et al. 5-9-66 [22]	24	5
			Taubert and Steed 4-27-66.	24	6
			John Beaton & Wife 4-20-66.	24	7
			The Clarksons Co. 5-4-66.	24	8
			Howard Fry 4-6-66.	24	9
			Gose Petroleum Co., et al. 5-9-66 [23]	24	10
			Hastings Harcourt 4-29-66.	24	11
			John Newman 5-2-66	24	12
			Charles Wilds & Wife 4-20-66.	24	13
			Gose Petroleum Co., et al.:		
			5-9-66 [24]	24	14
			5-9-66 [24]	24	15
			John Beaton & Wife 4-20-66. [24]	24	16
			The Clarksons Co. 5-4-66 [24]	24	17
			Howard Fry 4-6-66 [24]	24	18
			John Newman 5-2-66 [24]	24	19
			Charles Wilds & Wife 4-20-66. [24]	24	20
			Effective date: 5-1-66	.....	.....
CI67-112 ..... A 8-2-66	Harold S. McKay	Consolidated Gas Supply Corp., Houston Township, Clearfield County, Pa.	Contract 12-17-56 [20]	2	.....
A CI67-113 ..... (CI64-15) F 7-25-66	Wichita Iron & Metals Corp., Inc. (successor to Henry S. Inger).	Panhandle Eastern Pipe Line Co., Wil Field, Edwards County, Kans.	Contract 12-29-58 [18]	1	.....
CI67-155 [27] ..... F CI64-673 (G-12533) C 8-11-66	Crystal Oil & Land Co. (successor to Union Producing Co.).	United Gas Pipe Line Co., Sligo Field, Bossier Parish, La.	Assignment 1-14-66 [9]	1	1
			Effective date: 12-1-65.	.....	.....
			Sublease 7-27-66 [25]	4	12
CI67-187 ..... A 8-12-66 [26]	Montlar Oil & Gas Development Co., Inc. (Operator), agent.	United Fuel Gas Co., Henry District, Clay County, W. Va.	Contract 4-22-66 [18]	1	.....

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI67-168 ..... A 8-11-66 [13]	Texaco Inc.	Texas Eastern Transmission Corp., Dallas Huksy Field, Goliad County, Tex.	Contract 6-20-53	376	.....
			Letter agreement 3-26-54.	376	1
			Letter agreement 8-29-56.	376	2
			Amendment 12-28-62 [18]	376	3
			Letter agreement 9-1-65.	376	4
			Amendment 4-4-66 [18 28]	376	5
CI67-160 ..... A 8-11-66 [13]	G. Fred Shewey	United Fuel Gas Co., Hardee District, Mingo County, W. Va.	Contract 4-6-66 [18]	1	.....
CI67-161 ..... A 8-8-66 [13]	A. G. Kirschmer	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	Contract 12-9-57 [18]	1	.....
CI67-163 ..... B 8-3-66 [1]	Allegheny Land and Mineral Co.	Carnegie Natural Gas Co., Glenville District, Gilmer County, W. Va.	(12 [4])	(29)	.....
CI67-165 ..... A 8-15-66 [13]	Delta Corp.	Cities Service Gas Co., Wakita Field, Grant County, Okla.	Contract 4-4-65	6	.....
			Supplemental agreement 5-30-66 [18]	6	1
CI67-167 ..... A 8-15-66 [13]	Goff Oil Co. (Operator) et al.	Northern Natural Gas Co., Northeast Harmon Field, Woodward County, Okla.	Contract 6-6-66	8	.....
CI67-169 ..... A 8-15-66 [13]	Allegheny Land and Mineral Co.	Carnegie Natural Gas Co., Cass, Grant, and Clay Districts, Monongalia County, W. Va.	Contract 4-4-66 [18]	10	.....
CI67-172 ..... A 8-15-66 [14] (CI65-956)	Sun Oil Co.	Southern Natural Gas Co., Quitman Bayou Field, Adams County, Miss.	Contract 2-16-65 [12]	205	.....
			Assignment 5-1-66 [12]	205	1
			Effective date: 5-1-66.	.....	.....
CI67-174 ..... A 8-15-66 [13]	Southland Royalty Co.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 7-12-66 [18]	23	.....
CI67-178 ..... A 8-9-66 [13 27]	D. D. Roberts et al.	Carnegie Natural Gas Co., Union District, Ritchie County, W. Va.	Contract 8-29-61 [18]	5	.....
A CI67-180 ..... (CI61-752) (CI61-1146 F 8-15-66 [27 28]	Mobil Oil Corp. (successor to Atlantic Richfield Co. and J. M. Huber Corp.).	Michigan Wisconsin Pipe Line Co., N. W. Quinlin Field, Woodward County, Okla.	Contract 5-27-66 Letter agreement 7-27-66 [12 28]	389	.....
				389	1
CI67-182 ..... A 8-16-66 [13]	Sinclair Oil & Gas Co.	Northern Natural Gas Co., acreage in Ellis, Dewey, and Woodward Counties, Okla.	Contract 7-27-66 [18]	357	.....
CI67-183 ..... A 8-16-66 [13]	J. D. Akin	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	Contract 8-20-66 [18]	1	.....

See footnotes at end of table.

[1] Agreement whereby Cumberland Gas Corp. was merged into Huntington Properties, Inc., with the continuing corporation being called Cumberland Gas Co.
[2] Application to amend the certificate to reflect the change in corporate name only.
[3] Source of gas depleted.
[4] Effective date: Date of this order.
[5] Transfers properties from Herman Brown Estate to George R. Brown.
[6] Conveys acreage from R. D. Reber, Trustee in Bankruptcy of the Estate of Henry S. Inger to Wichita Iron & Metals Corp., Inc.
[7] Instrument conveying property placed in Docket No. G-2947.
[8] Haynes & V. T. Drilling Co. assigns all its interest to William C. Russell.
[9] White Sands Oil & Gas Corp. assigns all its interest to William C. Russell.
[10] William C. Russell assigns all his interest to William O. Rabe.
[11] Deletes acreage assigned to Socony Mobil Oil Co., Inc. (now Mobil Oil Corp.).
[12] Gas well reclassified as oil well and the oil well gas is used for lease operations.
[13] From Ralph C. Halbert to Falling Rock Co.
[14] From The Schoenfeld Corp. to Killam & Hurd.
[15] Application to amend the certificate to add interest of a nonsignatory coowner (Mobil Oil Corp.).
[16] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[17] No related rate filing; Mobil's letter of authorization dated May 11, 1966, has been construed as an interest statement pursuant to section 154.91 and attached to Standard's FPC GRS No. 41 as an exhibit.
[18] Jan. 1, 1968, moratorium date pursuant to the Commission's statement of general policy No. 61-1, as amended.
[19] Adds acreage.
[20] Effective date: Date of initial delivery (Applicant should advise the Commission as to such date).
[21] Ratifies and amends gas purchase contract between Continental Oil Co. and Tennessee dated Nov. 3, 1953, designated Continental Oil Co. (Operator) et al., FPC GRS No. 4.
[22] Contract dated Nov. 3, 1953, between Continental Oil Co. and Tennessee.
[23] Letter requesting withdrawal of Supplement No. 5 to Tenneco's FPC GRS No. 197.
[24] Assignment of Continental's interest to a depth of 7,805 feet.
[25] July 1, 1967, moratorium date pursuant to the Commission's statement of general policy No. 61-1, as amended.
[26] Adopts terms of contract dated Dec. 11, 1964, between Harper Oil Co. and C. A. Smith, Jr., and buyer.
[27] Service being rendered without prior Commission authorization.
[28] Adopts terms of contract dated Jan. 11, 1960 between Phillips Petroleum Co. and buyer (Supp. No. 1).
[29] Contract between Steve Goss (Operator), et al., and buyer, on file as Steve Goss (Operator), et al., FPC GRS No. 1.
[30] Assignments are listed by assignors.
[31] Northern and Southern Districts, respectively.
[32] McKinnon "1-C" Unit.
[33] White "C" Unit.
[34] Kane No. 1 and White No. 1 Units, respectively.
[35] Merchant No. 2 Unit.
[36] Between L. C. Smitherman and buyer; on file as Smitherman's FPC GRS No. 3 (Inger acquired subject acreage from L. C. Smitherman and was issued a certificate in Docket No. C166-15, but never completed rate schedule filing).
[37] The application for a certificate filed in Docket No. C167-156 will be treated as a petition to amend the certificate heretofore issued in Docket No. C164-873, to include the sale of natural gas acquired from Union Producing Co. in Docket No. G-13633, and Docket No. C167-156 will be canceled.
[38] Conveys acreage from Union Producing Co. to Applicant; on file as Union's FPC GRS No. 4.
[39] Amends pricing provisions to provide for periodic increases of 0.5 cent every 5 years and eliminates indefinite pricing provisions.
[40] Provides for sale of additional gas pursuant to contract dated June 20, 1953 which is on file as Texaco Inc., FPC GRS No. 97. One lease is subject to a depth limitation of 5,600 feet.
[41] Applicant never filed for or received authorization to render sale.
[42] Production of gas no longer economically feasible.
[43] No rate schedule on file covering this sale (copy of contract dated Nov. 3, 1953 submitted with abandonment application.
[44] Sun Oil Co. is filing to cover its own interest which service is currently being rendered under Mayter Gas Co.'s certificate in Docket No. C165-956 and Maytex FPC GRS No. 1.
[45] Contract between Maytex Gas Co., as seller and Southern, as buyer. (Pan American, as assignee has filed to succeed Maytex Gas Co. as plant operator in Docket No. C165-956.)
[46] Transfers properties from Maytex Gas Co. to Pan American Petroleum Corp. and Sun Oil Co.
[47] Applicant's filing covers its own dedication of acreage in addition to acreage acquired from Atlantic Richfield Co. (Docket No. C161-752) and J. M. Huber Corp. (Docket No. C161-1146).
[48] July 1, 1967, moratorium provided by Order No. 256 for sales from Applicant's own dedication of acreage. Aug. 1, 1967, moratorium on rate increase filings for sales from acreage acquired from Atlantic consistent with Atlantic's settlement authorized by Commission order issued Oct. 8, 1964. There is no moratorium for sales from acreage acquired from J. H. Huber Corp.
[49] The contract supersedes and the letter agreement cancels the contracts on file as Atlantic Richfield Co. FPC GRS No. 225 and J. M. Huber Corp. (Operator), et al., FPC GRS No. 44 insofar as such contracts pertain to acreage assigned to Mobil Oil Corp.

[F.R. Doc. 66-11576; Filed, Oct. 25, 1966; 8:45 a.m.]

[Docket No. RI67-97]

BACHUS OIL CO.

Order Accepting Contract Amendment, Providing for Hearing on and Suspension of Proposed Change in Rate

OCTOBER 19, 1966.

On September 26, 1966, Bachus Oil Co. (Bachus)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: (1) Contract amendment, dated August 16, 1966.[2] (2) Notice of change, dated September 16, 1966.

Purchaser and producing area: Cities Service Gas Co. (Hardtner Field, Barber County, Kans.).

Effective date: (1) October 27, 1966.[3] (2) October 27, 1966.[3]

Rate schedule designation: (1) Supplement No. 3 to Bachus' FPC Gas Rate Schedule No. 7. (2) Supplement No. 4 to Bachus' FPC Gas Rate Schedule No. 7.

Amount of annual increase: (2) $1,200.
Effective rate: 12.0 cents per Mcf.[4][5]
Proposed rate: 14.0 cents per Mcf.[4][6]
Pressure base: 14.65 p.s.i.a.

Bachus requests that its proposed rate increase be permitted to become effective as of September 16, 1966. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Bachus' rate filing and such request is denied.

Bachus' proposed increased rate and charge exceeds the applicable area price level for increased rates for Kansas as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Concurrently with the filing of its notice of change in rate, Bachus submitted a related contract amendment dated August 16, 1966, providing for the 14.0 cents per Mcf increased rate as of December 22, 1964, and periodic 1.0 cents price escalations every 5 years thereafter. The amendment also deletes the favored nation provision from the contract. The contract amendment has been designated as Supplement No. 3 to Bachus' FPC Gas Rate Schedule No. 7. We believe that it would be in the public interest to accept for filing Bachus' aforementioned contract amendment to become effective on October 27, 1966, the date of expiration of the statutory notice, but not the proposed rate contained therein which will be suspended as indicated below.

The Commission finds:

(1) Good cause has been shown for accepting for filing Bachus' proposed contract amendment dated August 16, 1966, designated as Supplement No. 3 to Bachus' FPC Gas Rate Schedule No. 7, and for permitting such supplement to become effective on October 27, 1966, the date of expiration of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 4 to Bachus' FPC Gas Rate Schedule No. 7 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Bachus' contract amendment dated August 16, 1966, designated as Supplement No. 3 to Bachus' FPC Gas Rate Schedule No. 7, is accepted for filing and permitted to become effective on October 27, 1966.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Bachus' FPC Gas Rate Schedule No. 7.

(C) Pending a hearing and decision thereon, the above-designated rate supplement is hereby suspended and the use thereof deferred until March 27, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 5, 1967.

By the Commission.

(SEAL) JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-11615; Filed, Oct. 25, 1966; 8:45 a.m.]

[1] Address is: 721 East Central, Wichita, Kans.
[2] Provides that contractual price will be increased 1.0 cent per Mcf every 5 years after Dec. 22, 1964, and deletes favored nation provision from contract.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] Subject to a downward B.t.u. adjustment.
[5] Previously filed periodic rate increase from 12.0 cents to 13.0 cents per Mcf is currently suspended in Docket No. RI64-723 and not yet made effective.
[6] Renegotiated rate increase.

[Docket No. CP67-95]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

OCTOBER 19, 1966.

Take notice that on October 13, 1966, South Georgia Natural Gas Co. (Applicant), Post Office Box 1279, Thomasville, Ga. 31792, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a 2,400 horse-power reciprocating compressor station on its 12-inch main transmission pipeline at Holy Trinity, Ala., and to move the present 1,100 horse-power gas turbine driven centrifugal type compressor to a site at or near Albany, Ga.

Applicant also proposes to construct and operate approximately 2.6 miles of 3.5-inch O.D. pipeline from its existing 10¾-inch main transmission pipeline in Mitchell County, Ga., for the purpose of selling and delivering natural gas on an interruptible basis to Bridgeboro Lime & Stone Co.

Applicant further seeks authorization to construct and operate approximately 0.7 mile of 3.5-inch O.D. pipeline from its recently constructed 6-inch main transmission pipeline in Early County, Ga., for the purpose of selling and delivering natural gas on an interruptible basis to Jackson Tubing & Conduit Corp.

Applicant also requests authority to construct and operate approximately 4.9 miles of 6-inch line which will be constructed parallel to a portion of Applicant's existing 4-inch line number 19 in Gadsden County, Fla.

Metering, regulating, and related facilities are also to be installed at the place of interconnection with each proposed new customer.

The total estimated cost of the proposed facilities is $1,035,425 which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 17, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-11617; Filed, Oct. 25, 1966; 8:45 a.m.]

[Docket No. CP67-96]

SOUTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 19, 1966.

Take notice that on October 14, 1966, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-96 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period from December 30, 1966, through December 29, 1967, and operation of certain natural gas facilities used in the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate (1) facilities to make sales of gas to existing distributors in existing market areas, (2) facilities to make direct sales of natural gas to consumers located in areas outside the franchise area of any local natural gas distributor, and (3) facilities which represent miscellaneous rearrangements of existing facilities and will not result in any change in service.

The proposed construction will consist of line taps, metering and regulating stations, and various types of pipelines, including lateral and loop lines.

Applicant states that deliveries to any one distributor or consumer through the proposed facilities will not exceed 100,000 Mcf annually and will not be used by the distributor or consumer for "boiler fuel purposes", as defined in § 157.7(c)(9) of the regulations under the Act.

The total estimated cost will not exceed $300,000, with no one project exceeding $50,000. The construction will be financed from funds on hand or from funds generated from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 17, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-11618; Filed, Oct. 25, 1966; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. G-1]

MOTOR VEHICLE REPLACEMENT STANDARDS

To heads of Federal agencies:

1. *Purpose.* This temporary regulation revises the replacement standards for passenger cars, station wagons, and trucks, 1 ton and less, as set forth in FPMR 101-38.9.

2. *Background.* In accordance with the President's memorandum of September 16, 1966, to Heads of Departments and Agencies, existing replacement standards for motor vehicles have been reexamined and revised to provide for longer use of the vehicles prior to replacement.

3. *Revised replacement standards.* Replacement standards for passenger cars, station wagons, and trucks, 1 ton and less, are as follows:

a. Passenger cars and station wagons may be replaced when they have been

operated for 7 years or 72,000 miles, whichever occurs first.

b. Trucks, 1 ton and less, may be replaced when they have been operated for 7 years or 60,000 miles, whichever occurs first.

c. Irrespective of these revised replacement standards:

(1) Agencies shall retain those vehicles which are in usable and workable condition for at least 1 additional year.

(2) Vehicles which have been wrecked or damaged beyond economical repair may be replaced pursuant to the provisions of FPMR 101–38.908.

4. *Effect on other issuances.* This regulation is in consonance with the provisions of FPMR Temporary Regulation No. E–7, as it affects FPMR 101–25.402 and amends the standards set forth in FPMR 101–38.9.

5. *Effective date.* This temporary regulation is effective October 25, 1966.

6. *Expiration date.* This temporary regulation expires June 30, 1967, unless sooner revised or superseded.

Dated: October 24, 1966.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 66–11741; Filed, Oct. 25, 1966; 10:45 a.m.]

[Federal Property Management Regs.; Temporary Reg. E–7]

MOTOR VEHICLE REPLACEMENT STANDARDS

To heads of Federal agencies:

1. *Purpose.* This temporary regulation revises the replacement standards for passenger cars, station wagons, and trucks, 1 ton and less, as set forth in FPMR 101–25.402.

2. *Background.* Revision of the replacement standards for passenger cars, station wagons, and trucks, 1 ton and less, is in accordance with the President's desire to curtail expenditures by adjusting replacement standards to require longer use of equipment prior to replacement.

3. *Revised replacement standards.* Replacement standards for passenger cars, station wagons, and trucks, 1 ton and less, established by this temporary regulation, are as follows:

a. Passenger cars and station wagons may be replaced when they have been operated for 7 years or 72,000 miles, whichever occurs first.

b. Trucks, 1 ton and less, may be replaced when they have been operated for 7 years or 60,000 miles, whichever occurs first.

c. Irrespective of these revised replacement standards:

(1) Agencies shall retain those vehicles which are in usable and workable condition for at least 1 additional year.

(2) Vehicles which have been wrecked or damaged beyond economical repair may be replaced pursuant to the provisions of FPMR 101–25.402.

4. *Effect on other issuances.* This regulation is in consonance with the provisions of FPMR Temporary Regulation No. G–1, as it affects FPMR 101–38.9 and amends the standards set forth in FPMR 101–25.402.

5. *Effective date.* This temporary regulation is effective October 25, 1966.

6. *Expiration date.* This temporary regulation expires on June 30, 1967, unless sooner revised or superseded.

Dated: October 24, 1966.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 66–11742; Filed, Oct. 25, 1966; 10:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4422]

GRANITE STATE ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Increase in Authorized Shares of Common Stock and Issuance and Sale Thereof to Holding Company

OCTOBER 20, 1966.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, 441 Stuart Street, Boston, Mass. 02116, and its electric utility subsidiary company, Granite State Electric Co. ("Granite"), 65 North Park Street, Lebanon, N.H. 03766, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 6(b), 7, 9(a), and 10 of the Act and Rules 42(b)(2) and 50(a)(1) and (3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Granite proposes to authorize 5,000 additional shares of its common stock, par value $100 per share. It also proposes to issue, and NEES, the holder of all of Granite's outstanding common stock, proposes to acquire, the additional shares, for cash, at their aggregate par value of $500,000.

Granite has outstanding $3,900,000 of short-term notes payable to NEES which evidence borrowings made by Granite for construction purposes. The proceeds from the issue and sale of the additional shares will be applied to the payment, in part, of such notes.

The fees and expenses to be paid in connection with the proposed transactions are estimated to aggregate $200 for NEES and $1,250 for Granite, which latter amount includes $1,000 for services performed at cost by the system service company.

The filing states that the Public Utilities Commission of New Hampshire has jurisdiction over the issue and sale of the additional shares of common stock, and no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 10, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–11653; Filed, Oct. 25, 1966; 8:48 a.m.]

TARIFF COMMISSION

[332–51]

OLIVES

Notice of Investigation

In response to S. Res. 315 of the 89th Congress, adopted October 17, 1966, by the U.S. Senate, the U.S. Tariff Commission has instituted an investigation with respect to the importation of olives into the United States, including (but not limited to) the conditions of competition in the United States between olives bottled or canned in the United States (whether or not grown in the United States) in containers suitable for retail sale and olives bottled or canned outside the United States and imported into the United States in containers suitable for retail sale. The full text of the resolution is as follows:

S. RES. 315

IN THE SENATE OF THE UNITED STATES

October 17, 1966.

Resolved, that (a) the U.S. Tariff Commission is directed, pursuant to section 332 of the Tariff Act of 1930, to make an investigation with respect to the importation of olives into the United States, including (but not limited to) the conditions of competition in the United States between olives bottled or canned in the United States (whether or not grown in the United States) in containers suitable for retail sale and olives bottled or canned outside the United States and imported into the United States in containers suitable for retail sale.

(b) For purposes of subsection (a), the Commission may utilize all information and data previously obtained or compiled by it in carrying out the duties and exercising the power conferred on it by section 332 of the Tariff Act of 1930.

(c) The Commission shall report the results of the investigation made by it pursuant to subsection (a) to the Senate on or before March 31, 1967.

Attest:

(Signed) Francis R. Valeo, Secretary.

The Commission will consider all written submissions received from interested parties by December 15, 1966. Submissions should be addressed to The Secretary, U.S. Tariff Commission, Eighth and E Streets, NW., Washington, D.C. 20436.

Issued: October 20, 1966.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 66–11633; Filed, Oct. 25, 1966; 8:46 a.m.]

[APTA–W–4]

WORKERS' PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation and Hearing

Investigation instituted. Upon receipt on October 19, 1966, of a request therefor from the Automotive Agreement Adjustment Board, the Tariff Commission instituted an investigation pursuant to section 302(e), Automotive Products Trade Act of 1965, with respect to a petition filed with the Board on behalf of a group of workers of the Maremont Corp., Gabriel Division, Cleveland, Ohio. The petition alleged in effect that by reason of the transfer from Cleveland to Canada of the production of automotive shock absorbers, dislocation of the group of workers has occurred, and that the operation of the U.S.–Canadian Automotive Agreement has been the primary factor in causing such dislocation. The Commission is conducting the investigation to provide a factual record on the basis of which the Board may make the determinations required by section 302 of the Act.

Public hearing ordered. A public hearing, which has been requested by the petitioner in connection with this investigation, will be held at 10 a.m., on November 15, 1966, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued October 21, 1966.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 66–11634; Filed, Oct. 25, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 21, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40758—*Lime from Detroit, Mich.* Filed by Southwestern Freight Bureau, agent (No. B–8909), for interested rail carriers. Rates on common lime, including magnesium lime, hydrated, quick, or slaked, in carloads, from Detroit, Mich., to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 14 to Southwestern Freight Bureau, agent, tariff ICC 4640.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–11642; Filed, Oct. 25, 1966; 8:47 a.m.]

[Notice 418]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 21, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 629 (Deviation No. 31), HELM'S EXPRESS, INC., 1011 Lincoln Highway, West Irwin, Pa., filed October 17, 1966. Carrier's representative: Richard J. Smith, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dayton, Ohio, over U.S. Highway 35 via Xenia, Ohio, to Junction Interstate Highway 71, thence over Interstate Highway 71 to Columbus, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dayton, Ohio, over Ohio Highway 4 to Springfield, Ohio, thence over U.S. Highway 40 via West Jefferson, Ohio, to Columbus, Ohio, and return over the same route.

No. MC 2202 (Deviation No. 90), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed October 11, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Cincinnati, Ohio, over Interstate Highway 75 to junction Interstate Highway 64, thence over Interstate Highway 64 to Louisville, Ky., (2) from Cincinnati, Ohio, over Interstate Highway 75 to junction U.S. Highway 460, thence over U.S. Highway 460 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction Interstate Highway 64, thence over Interstate Highway 64 to Louisville, Ky., and (3) from Cincinnati, Ohio, over Interstate Highway 75 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction Interstate Highway 64, thence over Interstate Highway 64 to Louisville, Ky., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 50 to junction U.S. Highway 31, thence over U.S. Highway 31 to Louisville, Ky., and return over the same route.

No. MC 40719 (Deviation No. 1), R. A. PAYNE, ROY PAYNE, AND TROY PAYNE, doing business as PAYNE FREIGHT LINES, 104½ Adams, Post Office Box 562, Mount Ayr, Iowa 50854, filed October 17, 1966. Carrier's representative: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa 50309. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 34 and Interstate Highway 35, near Osceola, Iowa, north over Interstate Highway 35 to junction Iowa Highway 60, thence east over Iowa Highway 60 to Des Moines, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Mount Ayr, Iowa, over U.S. Highway 169 to Afton, Iowa, thence over U.S. Highway 34 to Osceola, Iowa, thence over

U.S. Highway 69 to Des Moines, Iowa, and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11643; Filed, Oct. 25, 1966; 8:47 a.m.]

[Notice 981]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 21, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 99610 (Sub-No. 6) (republication), filed May 25, 1966, published FEDERAL REGISTER issue of June 8, 1966, and republished, this issue. Applicant: ROSS NEELY EXPRESS, INC., 3601 Fifth Avenue North, Birmingham, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. In the above-entitled proceeding applicant, in accordance with the requirements of section 206(a)(6) of the Interstate Commerce Act, as amended, and the Commission's rules and regulations promulgated thereunder, made timely application for a certificate of registration as evidence of the right to conduct operations, in interstate or foreign commerce, within limits which do not exceed the scope of the intrastate operations for which applicant holds an order dated August 3, 1966, which amends its certificate No. 2585 dated June 25, 1958, as amended July 17, 1961, issued by the Alabama Public Service Commission, so as to authorize additional operations, as a common carrier by motor vehicle, solely within the State of Alabama as set forth below. No one opposed the State Commission application proceeding the request by applicant to conduct operations in interstate or foreign commerce corresponding in scope to those operations for which applicant has been issued an amendatory order, that the amendment to the certificate issued August 3, 1966, by the State Commission satisfies the provisions of section 206(a)(6) of the act, and that applicant has otherwise met the requirements for a certificate of registration contained in section 206(a)(6) of the act.

An order of the Commission, Operating Rights Board No. 2, dated October 13, 1966, and served October 18, 1966, finds that upon withdrawal of the temporary authority authorized in No. MC-99610 (Sub-No. 5TA), and upon full compliance with the requirements of sections 215, 217, and 221(c) of the act and the rules and regulations of the Commission thereunder, governing the filing and approval of insurance or other security for the protection of the public, common carrier rate-filing requirements, and designation of agent for service of process, within the time specified, a certificate of registration shall concurrently be issued to applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce, as a common carrier by motor vehicle, transporting general commodities, regular routes: Serving the plantsite of MacMillan, Bloedel, Ltd., near Pine Hill, Ala., as an off-route point to applicant's Alabama Highway 5 and U.S. Highway 43 routes. Because it is possible that interested parties, who have relied upon the notice of the application as published in the FEDERAL REGISTER, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of the authority granted by this order will be published in the FEDERAL REGISTER and issuance of a certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading.

No. MC 113678 (Sub-No. 162) (Republication), filed August 12, 1965, published FEDERAL REGISTER issue of September 1, 1965, and republished, this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. By application filed August 12, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of frozen foods (1) from points in Adams and Hall Counties, Nebr., to points in Washington, Oregon, Idaho, and Montana, (2) from points in Adams and Hall Counties, Nebr., to Denver, Colo., for storage in transit and subsequent shipment from Denver to points in Washington, Oregon, Idaho, and Montana, and (3) from points in Adams and Hall Counties, Nebr., to Denver, Colo., for stopping in transit for partial loading or unloading of shipments destined to points in Washington, Oregon, Idaho, and Montana. An order of the Commission, Operating Rights Board No. 1, dated September 19, 1966, and served October 17, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *frozen foods*, (1) from points in Adams and Hall Counties, Nebr., and Denver, Colo., to points in Washington, Oregon, Idaho, and Montana, and (2) from points in Adams and Hall Counties, Nebr., to Denver, Colo.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 117496 (Sub-No. 2) (Republication), filed December 14, 1965, published FEDERAL REGISTER issue of January 6, 1966, and republished, this issue. Applicant: EASTERN STATES TRANSPORTATION, INC., 1060 Lafayette Street, Post Office Box 1761, York, Pa. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. By application filed December 14, 1965, applicant sought a permit authorizing operations in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of fiber glass materials and products, including material and supplies used in the installation thereof or incidental thereto, from the site and warehouses of Certain-Teed Fiber Glass Corp., Crestwood Industrial Park, Mountaintop, Wright Township, Luzerne County, Pa., to points in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont, and pallets, platforms, skids, and refused and rejected shipments on return. By petition filed August 17, 1966, applicant seeks to amend its application to ne requesting a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a common carrier over irregular routes, of fiber glass materials and products, including material and supplies used in the installation thereof or incidental thereto, from the site and warehouses of Certain-Teed Fiber Glass Corp., Crestwood Industrial Park, Mountaintop, Wright Township, Luzerne County, Pa., to points in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont.

A supplemental order of the Commission, Operating Rights Board No. 1, dated September 22, 1966, and served October 14, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *fiber glass materials and products*, and (2) *material and supplies* used in the installation of or incidental to the commodities in (1) above, from the plantsite and warehouses of Certain-Teed Fiber Glass Corp. in Crestwood

Industrial Park, Mountaintop, Wright Township, Luzerne County, Pa., to points in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9556. Authority sought for purchase by BEAUFORT TRANSFER COMPANY, Post Office Box 102, Gerald, Mo. 63037, of a portion of the operating rights of OSCAR DUNCAN, Rolla, Mo. 65401, and for acquisition by OLIN R. FLOTTMANN, JOHN MEYER, ROY FLOTTMANN, and LEO FLOTTMANN, all also of Gerald, Mo., of control of such rights through the purchase. Applicants' attorney: Joseph R. Nacy, 117 West High Street (Post Office Box 352), Jefferson City, Mo. 65101. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Vichy, Mo., and International Stockyards, Ill.; *fertilizer, mill feed*, and *roofing*, from International Stockyards, Ill., to Vichy, Mo., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, Wisconsin, Georgia, Minnesota, Colorado, and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9557. Authority sought for purchase by LAKE SHORE MOTOR TRANSIT LINES, INC., 230 North State Street, St. Joseph, Mich., of the operating rights of ILLINOIS BEE-LINE EXPRESS, INC. (NATHAN YORKE, ASSIGNEE), 2311 South Ashland Avenue, Chicago, Ill., and for acquisition by ROBERT STAHL, 1722 Forres Avenue, St. Joseph, Mich., and KENNETH STAHL, 605 Central Avenue, St. Joseph, Mich., of control of such rights through the purchase. Applicants' attorney: William D. Parsley, 117 West Allegan Street, Lansing, Mich. 48933. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98297 Sub 1, covering the transportation of wall paper and general freight, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Michigan, and Indiana. Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-1733 Sub 8 is a matter directly related.

No. MC-F-9558. Authority sought for purchase by BEAUFORT TRANSFER COMPANY, Post Office Box 102, Gerald, Mo. 63037, of the operating rights of FISCHER TRUCKING COMPANY, 433 Elm Street, Washington, Mo. 63090, and for acquisition by OLIN R. FLOTTMAN, JOHN MEYER, ROY FLOTTMAN, and LEO FLOTTMAN, all also of Gerald, Mo., of control of such rights through the purchase. Applicants' attorneys: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101, and William J. Tate, 12th Floor, Buder Building, 7 North Seventh Street, St. Louis, Mo. 63101. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between East St. Louis, Ill., and Linn, Mo., serving all intermediate and certain off-route points, between junction U.S. Highway 50 and Missouri Highway 100 and junction U.S. Highway 50 and Missouri Highway 89, between Rosebud, Mo., and Belle, Mo., between Washington, Mo., and Union, Mo., serving all intermediate points; one alternate route for operating convenience only; and *livestock*, over irregular routes, from certain specified points in Missouri, to National Stock Yards, Ill. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, Wisconsin, Georgia, Minnesota, Colorado, and Ohio. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC-F-9548 (Philipp Transit Lines, Inc.—Purchase—Fischer Trucking Co.), filed in the October 12, 1966, issue of the FEDERAL REGISTER, on page 13187.

No. MC-F-9559. Authority sought for purchase by B AND B LINES, INC., Post Office Box 6190, Northside Station, Tulsa, Okla. 74106, of a portion of the operating rights of LEE WAY MOTOR FREIGHT, INC., Post Office Box 82488, Oklahoma City, Okla. 73108, and for acquisition by J. H. JENKINS, also of Tulsa, Okla., of control of such rights through the purchase. Applicants' attorney and representatives: Martin E. Wyatt, Parcel Post Box 771, Tulsa, Okla. 74101, Richard H. Champlin and Sidney P. Upsher, both of Post Office Box 82488, Oklahoma City, Okla. 73108. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Oklahoma City, Okla., and Stillwater, Okla., between junction Oklahoma Highway 33 and 40 near Perkins, Okla., and Drumright, Okla., serving the intermediate point of Cushing, Okla., without restriction; and the junction of Oklahoma Highways 33 and 40 only for the purpose of joining this authorized route with others of the carrier. Vendee is authorized to operate as a *common carrier* in Oklahoma and Kansas. Application has not been filed for temporary authority under section 210a(b). NOTE: If a hearing is deemed necessary, Applicants request that it be held in Oklahoma City or Tulsa, Okla.

No. MC-F-9560. Authority sought for purchase by PILOT FREIGHT CARRIERS, INC., Post Office Box 615, Winston-Salem, N.C., of the operating rights of OLD COLONY MOTOR LINES, INC., 70 Albany Street, Worcester, Mass., and for acquisition by R. Y. SHARPE, also of Winston-Salem, N.C., of control of such rights through the purchase. Applicants' attorney and representative: Jacob P. Billig, 1825 Jefferson Place NW., Washington, D.C. 20036, and Arthur A. Wentzell, 539 Hartford Pike, Shrewsbury, Mass. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-121397 Sub 1, covering the transportation of general commodities, over irregular routes, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in North Carolina, Maryland, Pennsylvania, New Jersey, Virginia, Delaware, New York, South Carolina, Massachusetts, Connecticut, Rhode Island, Maine, Tennessee, New Hampshire, Vermont, Georgia, West Virginia, Ohio, Florida, Alabama, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-61264 Sub 24, is a matter directly related.

No. MC-F-9561. Authority sought for purchase by SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219, of the operating rights of SEABOARD VAN LINES, INC., 7605 Livingston Road SE., Washington, D.C. 20022, and for acquisition by RANDOLPH A. SHERWOOD and JEAN M. SHERWOOD, both of 2639 Friar Tuck, San Antonio, Tex., of control of such rights through the purchase. Applicants' attorney and representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, and Wilfred Dyer, 3802 Silver Hill Road, Silver Hill, Md. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between Washington, D.C., on the one hand, and, on the other, points in Maryland, Delaware, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Michigan, Virginia, Kentucky, North Carolina, South Carolina, Georgia, New York, Connecticut, Rhode Island, and Massachusetts, between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia within 40 miles of Washington, D.C. Vendee is authorized to operate as a *common carrier* in all points in the United States (except

Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-9562. Authority sought for (1) purchase by JEFFERSON LINES, INC., 1114 Currie Avenue, Minneapolis, Minn. 55403, of a portion of the operating rights and property of JEFFERSON TRANSPORTATION CO., 1114 Currie Avenue, Minneapolis, Minn. 55403, and for acquisition by JEFFERSON TRANSPORTATION COMPANY, also of Minneapolis, Minn., and, in turn by EDGAR F. ZELLE, 2270 West Lake of the Isle Boulevard, Minneapolis, Minn. 55405, of control of such rights and property through the purchase; and (2) control by JEFFERSON LINES, INC., 1114 Currie Avenue, Minneapolis, Minn. 55403, of CROWN COACH COMPANY, 219 West Second Street, Joplin, Mo., and for acquisition by JEFFERSON TRANSPORTATION COMPANY, also of Minneapolis, Minn., and, in turn by EDGAR F. ZELLE, 2270 West Lake of the Isle Boulevard, Minneapolis, Minn. 55405, of control of CROWN COACH COMPANY, through the acquisition by JEFFERSON LINES, INC. Applicants' attorneys and representatives: L. M. Crouch, Jr., Professional Building, Harrisonville, Mo. 64701, Robert J. Bernard, 10 South Riverside Plaza, Chicago, Ill. 60606, J. G. Dail, Jr., 1815 H Street, NW., Washington, D.C. 20006, and Elvin Douglas, Jr., Professional Building, Harrisonville, Mo. 64701. Operating rights sought to be transferred: (1) Passengers and their baggage and express, newspapers and mail in the same vehicle with passengers, as a *common carrier*, over regular routes, between Minneapolis, Minn., and Kansas City, Mo., between Minneapolis, Minn., and Bethany, Mo., between Farmington, Minn., and Decorah, Iowa, between Rochester, Minn., and Albert Lea, Minn., serving all intermediate and certain off-route points; between Owatonna, Minn., and Waterloo, Iowa, between Decorah, Iowa, and Cedar Rapids, Iowa, serving all intermediate points, between Spencer, Iowa, and Floyd, Iowa, serving all intermediate and certain off-route points, between Minneapolis, Minn., and Rochester, Minn., serving the intermediate point of Fort Snelling Reservation, Fort Snelling, Minn., between St. Paul, Minn., and Rochester, Minn., between St. Paul, Minn., and Fort Snelling Reservation, Fort Snelling, Minn., serving no intermediate points, between Waterloo, Iowa, and Cedar Rapids, Iowa, serving all intermediate points, between Minneapolis, Minn., and Faribault, Minn., for operating convenience only, serving no intermediate points; passengers and their baggage, between Rochester, Minn., and Winona Junction (East Winona), Wis., serving the intermediate point of Winona, Minn., with restriction; and

(2) for control only: Passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Kansas City, Mo., and Little Rock, Ark., serving all intermediate and certain off-route points, between junction U.S. Highway 71 and U.S. Highway 71 Bypass and junction Missouri Highway 58 and U.S. Highway 71, serving all intermediate points, between Holmes Park, Mo., and Kansas City, Mo., serving the site of the Pratt-Whitney Plant as an intermediate point, between Harrisonville, Mo., and Clinton, Mo., serving all intermediate and the off-route point of Urich, Mo., between Clinton, Mo., and Fort Leonard Wood, Mo., serving all intermediate points, between Lamar, Mo., and Springfield, Mo., serving all intermediate and the off-route point of Everton, Mo., between Lanagan, Mo., and Siloam Springs, Ark., between Gravette, Ark., and Bentonville, Ark., between Fayetteville, Ark., and Ozark, Ark., between junction U.S. Highway 65 and Missouri Highway 52, and Clinton, Mo., serving all intermediate points, between junction U.S. Highway 65 and Missouri Highway 52, and Warsaw, Mo., serving no intermediate points; passengers and their baggage, and light express, mail, and newspapers, in the same vehicle with passengers, between Texarkana, Tex., and Fort Smith, Ark., serving all intermediate points; passengers and their baggage, and newspapers and express in the same vehicle with passengers, between Fort Smith, Ark., and Siloam Springs, Ark., serving all intermediate points, between Greenfield, Mo., and Nevado, Mo., serving certain intermediate points; and passengers and their baggage, between Little Rock, Ark., and Camp Joseph T. Robinson, Ark., serving no intermediate points. JEFFERSON LINES, INC., holds no authority from this Commission. However, it is affiliated with GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606, which is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a (b). NOTE: For the portion of the operating rights not being transferred herein, see MC-F-9475 (Scenic Hawkeye Stages, Inc.—Purchase (Portion)—Jefferson Transportation Co.), published in the July 27, 1966, issue of the FEDERAL REGISTER on page 10167.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11644; Filed, Oct. 25, 1966; 8:47 a.m.]

[Notice 963]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 21, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS FOR ASSIGNED ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 107496 (Sub-No. 502), filed October 3, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement kiln dust*, in bulk, from Selma, Mo., to points in Illinois. NOTE: Common control may be involved. *HEARING:* December 8, 1966, at the U.S. Court and Customhouse, 1114 Market Street, St. Louis, Mo., before Joint Board No. 135, or if the Joint Board waives its right to participate before Examiner Alton R. Smith.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11645; Filed, Oct. 25, 1966; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 21, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC-321 Sub 2 (Amendment), filed September 19, 1966, published in the FEDERAL REGISTER issue of September 28, 1966, amended October 13, 1966, and republished as amended, this issue. Applicant: PARKER MOTOR FREIGHT, INC., 1505 Steele Avenue SW., Grand Rapids 2, Mich. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities*, (A) (1) between Grand Rapids and Detroit, Mich., over Interstate Highway 96; (2) between Cadillac and Detroit, Mich., over U.S. Highway 131 to junction Michigan Highway 115, thence over Michigan Highway 115 to junction U.S. Highway 10, thence over U.S. Highway 10 to Detroit. Also, from junction U.S. Highways 10 and 23, over U.S. Highway 23 to junction Interstate Highway 96, thence over Interstate Highway 96 to Detroit. Also, from junction Interstate Highway 75 and U.S. Highway 10, over Interstate Highway 75 to Detroit; and (3) serving all intermediate and off-route points within 3 miles of the routes described in (1) and (2) above and including the Commercial Zones of all points therein described.

(B) For operating convenience only: (1) Between Detroit and Traverse City, Mich., over Interstate Highway 75 to junction Michigan Highway 72, thence over Michigan Highway 72 to junction U.S. Highway 31, thence over U.S. Highway 31, to Traverse City; (2) between Detroit and Petoskey, Mich., over Interstate Highway 75 to junction Michigan Highway 32, thence over Michigan Highway 32 to junction U.S. Highway 131, thence over U.S. Highway 131 to Petoskey. Also, from Detroit, over Interstate Highway 75 to junction Michigan Highway 68, thence over Michigan Highway 68 to junction U.S. Highway 31, thence over U.S. Highway 31 to Petoskey; (3) between Lansing and Traverse City, Mich., over U.S. Highway 27 to junction Michigan Highway 115, thence over Michigan Highway 115 to junction Michigan Highway 37, thence over Michigan Highway 37 to Traverse City. Also, from Lansing over U.S. Highway 27 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Michigan Highway 72, thence over Michigan Highway 72 to junction U.S. Highway 31, thence over U.S. Highway 31 to Traverse City; (4) between Lansing and Petoskey, Mich., over U.S. Highway 27 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Michigan Highway 32, thence over Michigan Highway 32 to junction U.S. Highway 131, thence over U.S. Highway 131 to Petoskey; and, (5) between Petoskey and Mackinaw City, Mich., over U.S. Highway 31 to junction Michigan Highway 68, thence over Michigan Highway 68 to junction Interstate Highway 75, thence over Interstate Highway 75 to Mackinaw City.

(6) Applicant proposes to serve all intermediate points otherwise authorized to be served together with all intermediate points and off-route points within 3 miles of the routes described on and south of Clare, Mich. (excluding intermediate points on U.S. Highway 27). Applicant also proposes to serve the commercial zones of all points herein described. NOTE: Applicant states that the service over the routes described in (A) and (B) above shall be restricted to the transportation of traffic which it either originates at or delivers to its authorized point of Cadillac, Mich., or points north of Cadillac.

HEARING: October 25, 26, 27, 1966, 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Requests for procedural information, including the time for filing protests concerning this amended application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich., and should not be addressed to the Interstate Commerce Commission.

State Docket No. M-4112 (Amendment), filed September 15, 1966, published FEDERAL REGISTER issue of October 12, 1966, and republished as amended, this issue. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 822 East Sixth Street, Little Rock, Ark. Applicant's representative: C. J. Lincoln, 1550 Tower Building, Little Rock, Ark. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between Little Rock, Ark., and Fulton, Ark., from Little Rock, Ark., over U.S. Highway 67 to Fulton and return over the same route, service authorized at Curtis, Ark., and Fulton, Ark., and intermediate points between Curtis and Fulton, Ark., (2) between Amity, Ark., and Arkadelphia, Ark., from Amity, Ark., over Arkansas Highway 8 to Arkadelphia, Ark., and return over the same route, service not authorized at intermediate points. Service not authorized at Arkadelphia except for joinder. Both intrastate and interstate authority sought.

HEARING: Wednesday, November 9, 1966, at the Arkansas Commerce Commission's Courtroom, Justice Building, Little Rock, Ark., at 10 a.m. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Arkansas Public Service Commission, Justice Building, Little Rock, Ark. and should not be directed to the Interstate Commerce Commission.

State Docket No. M-4128, filed October 12, 1966. Applicant: PLANT TRUCK LINE, Quitman, Ark. Applicant's representative: C. J. Lincoln, Tower Building, Little Rock, Ark. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between Little Rock and Guy, Ark., over Interstate Highway 40, U.S. Highway 65 and State Highway 25, serving only the intermediate points of Greenbrier and Springhill, Ark., (2) between Conway, Ark., and Guy, Ark., over U.S. Highway 65 and State Highway 25, serving only the intermediate points of Greenbrier and Springhill, Ark., and (3) between Heber Springs and Eden Isle approximately 4 miles west of Heber Springs, Ark., on Old Highway 110 for the purpose of tacking to present authority.

HEARING: Friday, December 9, 1966, at 10 a.m., at the Arkansas Commerce Commission's Courtroom, Justice Building, Little Rock, Ark. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Arkansas Public Service Commission, Justice Building, Little Rock, Ark., and should not be directed to the Interstate Commerce Commission.

State Docket No. P-43941 (Amendment), filed August 8, 1966, published FEDERAL REGISTER issue of August 24, 1966, amended October 14, 1966, and republished, as amended, this issue. Applicant: ALFRED SCHULTE, doing business as REDONDO HEIGHTS TOWING, 27803 Pacific Highway South, Kent, Wash. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *buses, trucks, trailers, and other pneumatic tired vehicles or machinery* (excluding mobile homes), in wrecker service only, in King, Pierce, and Thurston Counties, Wash.

HEARING: Not known. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash. 98501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11646; Filed, Oct. 25, 1966; 8:47 a.m.]

[Notice 1432]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 21, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69133. By order of October 20, 1966, the Transfer Board approved the transfer to Phil Wagner, doing business as Phil Wagner Truck Service, Great Bend, Kans., of the operating rights in certificate No. MO-91568, issued January 31, 1958, to W. H. McCurry, doing business as McCurry Truck Service, Madison, Kans., authorizing the transportation of: Machinery, equipment, materials, and supplies, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipelines, over irregular routes, between points and places in Kansas and Oklahoma. Jerry M. Ward, 1501 Kansas Avenue, Great Bend, Kans. 67530, attorney for applicants.

NOTE: The subject application filed September 13, 1966, was amended on October 7, 1966, to substitute the above-named individual as transferee in lieu of B & W Trucking, Inc.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11647; Filed, Oct. 25, 1966; 8:47 a.m.]

[S.O. 981, Pfahler's Car Dist. Dir. 17; Amdt. 1]

CENTRAL RAILROAD CO. OF NEW JERSEY AND LEHIGH VALLEY RAILROAD CO.

Boxcar Distribution

Upon further consideration of Pfahler's Car Distribution Direction No. 17 (The Central Railroad Co. of New Jersey—Lehigh Valley Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 17 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 13, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., October 23, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 21, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-11648; Filed, Oct. 25, 1966; 8:47 a.m.]

[S.O. 981, Pfahler's Car Dist. Dir. 18; Amdt. 1]

LEHIGH VALLEY RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Boxcar Distribution

Upon further consideration of Pfahler's Car Distribution Direction No. 18 (Lehigh Valley Railroad Co.—Norfolk and Western Railway Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 18 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 13, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., October 23, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 21, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-11649; Filed, Oct. 25, 1966; 8:47 a.m.]

[S.O. 981, Pfahler's Car Dist. Dir. 19; Amdt. 1]

NORFOLK AND WESTERN RAILWAY CO. AND ILLINOIS CENTRAL RAILROAD CO.

Boxcar Distribution

Upon further consideration of Pfahler's Car Distribution Direction No. 19 (Norfolk and Western Railway Co.—Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's Car Distribution Direction No. 19 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 13, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this direction shall become effective at 11:59 p.m., October 23, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 21, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 66-11650; Filed, Oct. 25, 1966; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16909]

MONTREAL-TAMPA/MIAMI CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be heard on November 10, 1966, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 20, 1966.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 66-11640; Filed, Oct. 25, 1966; 8:46 a.m.]

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Commodity Credit Corporation
Consumer and Marketing Service
District of Columbia Redevelopment Land Agency
Federal Aviation Agency
Federal Communications Commission
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Chapter XII—District of Columbia Redevelopment Land Agency

PART 2200—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to and in accordance with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Part 735 of Title 5 of the Code of Federal Regulations, a new Chapter XII is added to Title 5 of the Code of Federal Regulations, consisting of Part 2200, which reads as follows:

Subpart A—General Provisions

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2200.735–101 Purpose.
2200.735–102 Definitions.
2200.735–103 Interpretation and advisory service.
2200.735–104 Review of statements of employment and financial interest.
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AUTHORITY: The provisions of this Part 2200 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

Subpart A—General Provisions

§ 2200.735–101 Purpose.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of Government employees and special Government employees through informed judgment is indispensable to the maintenance of these standards. To accord with these concepts, the regulations in this part set forth the Agency's standards covering the Agency's employees and special Government employees, prescribing standards of conduct and responsibilities, and governing statements reporting employment and financial interests.

§ 2200.735–102 Definitions.

(a) "Agency" means the District of Columbia Redevelopment Land Agency.

(b) "Board Member" means a member of the Board of Directors of the District of Columbia Redevelopment Land Agency appointed pursuant to Title 5, section 703, D.C. Code 1961.

(c) "Chairman" means the Chairman of the Board of Directors of the District of Columbia Redevelopment Land Agency.

(d) "Consultant" means an individual who serves as an adviser to an officer or instrumentality of the Government, as distinguished from an officer or employee who carries out the agency's duties and responsibilities. He gives his views or opinions on problems or questions presented him by the Agency, but he neither performs nor supervises performance of operating functions. Ordinarily, he is expert in the field in which he advises, but he need not be a specialist. His expertness may lie in his possession of a high order of broad administrative, professional, or technical experience indicating that his ability and knowledge make his advice distinctively valuable to the Agency. (Chapter 304, Federal Personnel Manual).

(e) "Division Head" means the Head of a Division within the District of Columbia Redevelopment Land Agency.

(f) "Employee" means an officer or employee of the Agency, but does not include a special Government employee.

(g) "Executive Order" means Executive Order 11222 of May 8, 1965.

(h) "Expert" means a person with excellent qualifications and a high degree of attainment in a professional, scientific, technical, or other field. His knowledge and mastery of the principles, practices, problems, methods, and techniques of his field of activity, or of a specialized area in the field, are clearly superior to those usually possessed by ordinarily competent individuals in that activity. His attainment is such that he usually is regarded as an authority or as a practitioner of unusual competence and skill by other individuals in the profession, occupation, or activity. (Chapter 304, Federal Personnel Manual.)

(i) "Head of the Agency" means the Executive Director with respect to any employee or special Government employee except Board Members; and means the Chairman with respect to the Executive Director and Board Members.

(j) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(k) "Special Government employee" means a Board Member and any officer or employee of the District of Columbia Redevelopment Land Agency who is retained, designated, appointed, or employed to perform, with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time basis, or intermittent basis. (18 U.S.C. 202.)

§ 2200.735–103 Interpretation and advisory service.

(a) The General Counsel of the Agency, or such other officer as the Executive Director in his discretion shall from time to time appoint, after notification to the Civil Service Commission, shall be the Counselor for the Agency on matters of interpretation of the regulations in this part and shall be the Agency's designee to the Civil Service Commission on matters covered by the regulations in this part. The Counselor will be responsible for coordination of the Agency's counseling services provided under paragraph (b) of this section and for assuring that counseling and interpretations on questions of conflicts of interest and other matters covered by this part are available to Deputy Counselors designated under paragraph (b) of this section.

(b) The Executive Directors shall from time to time in his discretion appoint Deputy Counselors to assist the Counselor, designated in paragraph (a) of this section, in the performance of his

duties. Deputy Counselors appointed under this section shall be qualified and in a position to give authoritative advice and guidance to each employee and special Government employee who seeks advice and guidance on questions of conflicts of interest and on other matters covered by the regulations in this part.

(c) Each employee of the Agency shall be notified of the availability of counseling services and of how and where these services are available.

§ 2200.735–104 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part, except statements of the Executive Director, shall be reviewed by the appropriate Division Heads of the Agency. When this review indicates a conflict between the interests of an employee or special Government employee of the Agency and the performance of his services for the Government, the Division Head shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the Division Head shall forward a written report on the indicated conflict to the Head of the Agency through the Counselor for the Agency designated under § 2200.735–103. Statements of the Executive Director shall be submitted to the Head of the Agency for review within ninety (90) days from the date of approval of the regulations in this part as to the present Executive Director, and within thirty (30) days from the date a new Executive Director is appointed.

§ 2200.735–105 Disciplinary and other remedial action.

An employee or special Government employee of the Agency who violates any of the regulations in this part or adopted under § 2200.735–101 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(a) Changes in assigned duties;

(b) Disqualification for a particular assignment; or

(c) Divestment by the employee or special Government employee of his conflicting interest.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

Subpart B—Agency Regulations Governing Ethical and Other Conduct and Responsibilities of Employees

§ 2200.735–201 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, an employee or a member of the employee's immediate family shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Agency;

(2) Conducts operations or activities that are regulated by the Agency; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duty.

(b) The prohibitions of paragraph (a) of this section do not apply to:

(1) Obvious family or personal relationships (such as those between the employee and his parents, children, or spouse) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(3) Participation of Agency employees in widely attended lunches, dinners, and similar gatherings sponsored by industrial, technical, and professional associations for the discussion of matters of mutual interest to Government and the public. Participation by Agency employees is appropriate where the host is the association and not an individual. However, acceptance of entertainment or hospitality from private parties in connection with such association activities is prohibited.

(4) Participation of Agency employees in activities at the expense of individual contractors when the invitation is addressed to and approved by the Head of the Agency and the activities are limited to (i) public ceremonies of mutual interest to local communities and the Agency (such as ground breakings or openings), or (ii) activities sponsored or encouraged by the Government as a matter of policy (such as meetings, luncheons, or dinners on an infrequent basis when the conduct of official business will be facilitated or when no provision for individual payment is readily available); or

(5) Participation in a limited number of additional situations where, in the judgment of the employee concerned, the Government's interest would be served by participation by Agency employees in activities comparable to those enumerated above. In such cases, when the employee is in doubt as to the propriety of his actions, the employee should discuss the situation with a Counselor or Deputy Counselor.

(c) An employee shall avoid any action, whether or not specially prohibited by the regulations in this part, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(d) An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position. (5 U.S.C. 7351.)

(e) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7341.

§ 2200.735–202 Outside employment.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who engages in outside employment shall report that fact in writing to his Division Head. Incompatible activities include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(2) Any outside employment or other activities related to the urban renewal program in the District of Columbia; or

(3) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government. (18 U.S.C. 209.)

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive Order, or the regulations in this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Head of the Agency gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(d) An employee shall not engage in outside employment under a State or local government, except in accordance with Part 734 of the Civil Service Regulations (5 CFR Part 734).

(e) This section does not preclude an employee from:

(1) Receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with the regulations in this part for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits.

(2) Participation in the activities of national or State political parties not proscribed by law.

(3) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

§ 2200.735–203 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) In the event that any employee:

(1) Has investments in companies or property affected by Agency urban renewal projects within the District of Columbia or prospective projects which the employee knows to be under consideration; or

(2) Engages in other activities or has investments which might conflict or appear to conflict with any of the Agency's functions, whether or not such functions are influenced by the particular employee,

there shall be an immediate disclosure of such investment in such activity to the Counselor or Head of the Agency, as the case may be, and any conflict of interest resulting therein shall be resolved in satisfaction of the regulations in this part by the Head of the Agency.

(c) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive order, this section, or the regulations in this part.

§ 2200.735–204 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 2200.735–205 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in § 2200.735–202(c), directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 2200.735–206 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Agency determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of a dispute between an employee and an alleged creditor, this section does not require this Agency to determine the validity or amount of the disputed debt.

§ 2200.735–207 Gambling, betting, and lotteries.

An employee shall not participate while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities under section 3 of Executive Order 10927 (Staff Fund) and similar Agency-approved activities.

§ 2200.735–208 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 2200.735–209 Miscellaneous statutory provisions.

Each employee and special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of the Agency and of the Government. The attention of all employees is directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service".

(b) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The prohibition against the misuse of a Government vehicle (60 Stat. 810, as amended).

(h) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property or another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against proscribed political activities—The Hatch Act (5 U.S.C. 7324), and 18 U.S.C. 602, 603, 607, and 608.

Subpart C—Agency Regulations Governing Ethical and Other Conduct and Responsibilities of Special Government Employees

§ 2200.735–301 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business or financial ties.

§ 2200.735–302 Use of inside information.

(a) A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(b) A special Government employee may teach, lecture, or write in a manner not inconsistent with § 2200.735–202(c).

§ 2200.735–303 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself, or another person, particularly one with whom he has family, business, or financial ties.

§ 2200.735–304 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with the Agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) Exceptions for special Government employees shall be the same as for employees (see § 2200.735–201(b)).

§ 2200.735–305 Miscellaneous statutory provisions.

Each special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct as a special Government employee of the Agency and of the Government. The attention of special Government employees is directed to those statutory provisions listed in § 2200.735–209, that are applicable to special Government employees.

§ 2200.735–306 General conduct.

Special Government employees of the Agency shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 2200.735–101, except § 2200.735–202(b).

Subpart D—Agency Regulations Governing Statements of Employment and Financial Interests

§ 2200.735–401 Form and content of statements.

The statements of employment and financial interests required under this part for use by employees and special Government employees shall contain, as a minimum, the information required by the formats, prescribed by the Commission in the Federal Personnel Manual.

§ 2200.735–402 Employees required to submit statements.

Statements of employment and financial interests shall be required from the following employees:

(a) Employees in grade GS–16 or above of the General Schedule established by the Classification Act of 1949, as amended, or in comparable or higher positions not subject to that Act.

(b) Employees who are Division Heads.

(c) Positions in GS–13 and above, unless otherwise indicated, whose basic duties and responsibilities require the incumbent to exercise judgment in making or recommending a government decision or in taking or recommending a government action in regard to:

(1) Contracting or procurement, including the appraisal or selection of contractors; the negotiation or approval of contracts; the supervision of activities performed by contractors; the inspection of materials for acceptability; the procurement of materials, services, supplies, or equipment;

(2) Administering or monitoring grants (or subsidies) or relocation payments;

(3) Audit of financial transactions;

(4) Regulating or auditing private or other non-Federal enterprises;

(5) Land acquisition and disposition;

(6) Establishment and enforcement of safety standards and procedures systems; and

(7) Activities (regardless of grade) where the decision or action has an economic impact on the interests of a non-Federal enterprise.

Positions in the above categories may be excluded from the reporting requirement when the Head of the Agency determines that the duties are at such a level of responsibility that the submission of a statement is not necessary because of the degree of supervision and review over the incumbents and the remote and inconsequential effect on the integrity of the Government and the Agency.

§ 2200.735–403 Time and place for submission of employees' statements.

Except as provided in § 2200.735–104, an employee required to submit a statement of employment and financial interests under this part shall submit that statement to the appropriate Division Head not later than:

(a) Ninety days after the effective date of the regulations in this part if employed on or before that date; or

(b) Thirty days after his entrance on duty, but not earlier than 90 days after the effective date, if appointed after that date.

§ 2200.735–404 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement at the end of the quarter in which the changes occur. Quarters end March 31, June 30, September 30, and December 31. If there are no changes, or additions in a quarter, a negative report is not required. However, for the purpose of annual review, a supplementary statement, negative or otherwise, is required as of June 30 each year.

§ 2200.735–405 Interests of employee's relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 2200.735–406 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 2200.735–407 Information prohibited.

This part does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational, and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 2200.735–408 Confidentiality of employees' statements.

The Agency shall hold each statement of employment and financial interests, and each supplementary statement, in confidence. The Agency may not disclose information from a statement except as the Civil Service Commission or the Head of the Agency may determine for good cause shown.

§ 2200.735–409 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 2200.735–410 Specific provisions of Agency regulations for special Government employees.

(a) Except as provided in paragraph (b) of this section or paragraph (d) of this section, special Government employees are required to submit a statement of employment and financial interests which reports:

(1) All other employment; and

(2) The financial interests of the special Government employee which relate either directly or indirectly to the duties and responsibilities of the special Government employee.

(b) The Head of the Agency may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a Consultant or an Expert when the Agency finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government.

(c) A statement of employment and financial interest required to be submitted under this section shall be submitted not later than the time of employment of the special Government employee as provided in this part. Each special Government employee shall keep his statement current throughout his employment with the Agency by the submission of supplementary statements.

(d) A statement of employment and financial interests is not required under this part from a Board Member. Each Board Member who is subject to 3 CFR 100.735–31 is required to file a statement only if requested to do so by the Counsel to the President.

This Part 2200 was approved by the Civil Service Commission on September 20, 1966.

Effective date. This Part 2200 shall become effective upon publication in the FEDERAL REGISTER.

RICHARD R. ATKINSON,
Acting Chairman, District of Columbia Redevelopment Land Agency.

[F.R. Doc. 66–11701; Filed, Oct. 26, 1966; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

PART 775—FEED GRAINS

Subpart—1966–69 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1966–69 Feed Grain Program, 31 F.R. 8339, as amended, are hereby further amended as follows:

1. Section 775.402 is amended by adding the following:

§ 775.402 Definitions.

* * * * *

(b) * * *

(2) * * *

(vi) Barley on a privately-owned farm produced for experimental purposes only by a publicly-owned agricultural experiment station provided (a) the experimental acreage does not exceed the amount approved for such purpose for the farm by the State committee with the concurrence of the Deputy Administrator and (b) all proceeds of the crop inure to the benefit of the experiment station.

* * * * *

(c) * * *

(2) * * *

(ix) Corn on a privately-owned farm produced for experimental purposes only by a publicly-owned agricultural experiment station provided (a) the experimental acreage does not exceed the amount approved for such purpose for the farm by the State committee with the concurrence of the Deputy Administrator and (b) all proceeds of the crop inure to the benefit of the experiment station.

* * * * *

(d) * * *

(2) * * *

(viii) Sorghum on a privately-owned farm produced for experimental purposes only by a publicly-owned agricultural experiment station provided (a) the experimental acreage does not exceed the amount approved for such purpose for the farm by the State committee with the concurrence of the Deputy Administrator and (b) all proceeds of the crop inure to the benefit of the experiment station.

* * * * *

(h) * * *

(2) * * *

(v) Oats or rye on a privately-owned farm produced for experimental purposes only by a publicly-owned agricultural experiment station provided (a) the experimental acreage does not exceed the amount approved for such purpose for the farm by the State committee with the concurrence of the Deputy Administrator and (b) all proceeds of the crop inure to the benefit of the experiment station.

* * * * *

§ 775.417 [Amended]

2. Section 775.417(g) is amended by deleting the words "income-producing crop" in the third sentence and substituting therefor the words "crop for which there are marketing quotas or voluntary adjustment programs in effect".

§ 775.419 [Amended]

3. Section 775.419(b) is amended by deleting the last two words "the farm" and substituting therefor the word "farming".

§ 775.427 [Amended]

4. Section 775.427 is amended to correct the 1966 rate (dollars per bushel) for barley for all counties in Nevada from $1.07 to $1.01 per bushel.

(Sec. 105(e), 80 Stat. 202; 7 U.S.C. 1441 note)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 21, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66–11709; Filed, Oct. 26, 1966; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Area 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment for Area No. 1 to be effective under Marketing Agreement No. 97 and Order No. 948 (7 CFR Part 948), both as amended, was published in the October 5, 1966, issue of the FEDERAL REGISTER (31 F.R. 12953). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than the 15th day following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 1, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.253 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending May 31, 1967, will amount to $500.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be one cent ($0.01) per hundredweight of potatoes grown in Area No. 1 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending May 31, 1967, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began June 1, 1966, and the rate of assessment herein will apply to all assessable potatoes beginning with such date.

(Secs. 1-10, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 24, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11735; Filed, Oct. 26, 1966; 8:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Miscellaneous Amendments; Correction

In F.R. Doc. 66-10650, appearing at page 12774, in the issue for Friday, September 30, 1966, the 17th paragraph is amended to read as follows:

Sections 115.20(c), 115.24(c)(1), 115.25 (a) and (c), 115.47 (a), (b), (c), and (e) of 10 CFR Part 115 are amended by substituting the words "safety analysis report" for the words "hazards summary report" where they appear.

Dated at Washington, D.C. this 21st day of October 1966.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 66-11697; Filed, Oct. 26, 1966; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 6588 o.]

PART 13—PROHIBITED TRADE PRACTICES

Mohawk Refining Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.140 *Old, reclaimed, or reused product being new.* Subpart—Misbranding or mislabeling: § 13.1265 *Old, secondhand, reclaimed, or reconstructed product as new.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1695 *Old, secondhand, reclaimed, or reconstructed as new.* Subpart—Neglecting, unfairly or deceptively, to make material Disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Modified order to cease and desist, Mohawk Refining Corp. et al., Newark, N.J. Docket 6588. Sept. 23, 1966]

In the Matter of Mohawk Refining Corp., a Corporation, and John E. C. Stroud, C. Kenneth Johnes, and William L. Ashby, Individually and as Officers of Mohawk Refining Corp.

Order modifying a cease and desist order dated February 14, 1958, 23 F.R. 1788, requiring a processor of lubricating oil to cease advertising its product without disclosing that it is re-refined or reprocessed, and affirmatively ordering such disclosure be made on the front panel or panels of the container.

The modified order to cease and desist, is as follows:

It is ordered, That respondents, Mohawk Refining Corp., a corporation, and John E. C. Stroud, C. Kenneth Johnes, and William L. Ashby, individually and as officers of Mohawk Refining Corp., and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of lubricating oil in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, contrary to the fact, that their lubricating oil is refined or processed from other than previously used oil;

(2) Advertising, offering for sale, or selling, any lubricating oil which is composed in whole or in part of oil which has been reclaimed or in any manner processed from previously used oil, without disclosing such prior use to the purchaser or potential purchaser in the advertising and sales promotion material, and by a clear and conspicuous statement to that effect on the front panel or front panels on the container;

(3) Representing in any manner that lubricating oil composed in whole or in part of oil that has been manufactured, reprocessed or re-refined from oil that has been previously used for lubricating purposes, has been manufactured from oil that has not been previously used.

Issued September 23, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11686; Filed, Oct. 26, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Listing of Dried Inactive Torula Yeast as Optional Ingredient

In the matter of amending the standard of identity for bread (21 CFR 17.1) by listing inactive dried torula yeast (Candida utilis) as an optional ingredient:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of July 23, 1966 (31 F.R. 10039), based on a petition filed by the Lake States Division of St. Regis Paper Co., Rhinelander, Wis. 54501.

One comment was received in response to the proposal suggesting that another type of dried inactive yeast be permitted in addition to torula; however, it is concluded that such a provision requires submission of a new petition.

Based on the information submitted in the petition, the comment received, and other relevant material, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That § 17.1(a)(7) be revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) • • •

(7) Inactive dried yeast, singly or in combination, of Saccharomyces cerevisiae or Candida utilis (torula), complying with all the provisions of § 121.1125 of this chapter; but the total quantity thereof is not more than 2 parts for each 100 parts by weight of flour used.

• • • • • •

Because of cross-references, this amendment to the standard for bread (§ 17.1) has the effect of making torula yeast a permitted ingredient of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2-17.5).

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justfy the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions they may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11724; Filed, Oct. 26, 1966; 8:49 a.m.]

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Listing of Lactylic Stearate as Optional Ingredient

In the matter of amending the standard of identity for bread (21 CFR 17.1) by listing lactylic stearate as an optional ingredient:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of July 22, 1966 (31 F.R. 9998), based on a petition filed by the Panipius Co., 3414 East 17th Street, Kansas City, Mo. 64127; and it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That § 17.1(a)(15) be revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) • • •

(15) Calcium stearyl-2-lactylate, lactylic stearate, sodium stearyl fumarate, succinylated monoglycerides, alone or in combination, complying with the provisions of §§ 121.1047, 121.1048, 121.1183, and 121.1195, respectively, of this chapter; but the quantity of each is not more than 0.5 part for each 100 parts by weight of flour used.

• • • • • •

Because of cross-references, this amendment to the standard for bread (§ 17.1) has the effect of making lactylic stearate a permitted ingredient of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2-17.5).

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its pulbication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue, SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11723; Filed, Oct. 26, 1966; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1880) filed by Chemirad Corp., Post Office Box 187, East Brunswick, N.J. 08816, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of polyethylenimine-epichlorohydrin resins in the production of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2520(c)(5) is amended by alphabetically inserting in the list "Components of Adhesives" a new item, as follows:

§ 121.2520 Adhesives.

• • • • • •

(c) • • •

(5) • • •

COMPONENTS OF ADHESIVES

Substances	*Limitations*
• • •	• • •
Polyethylenimine-epichlorohydrin resins	
• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 19, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-11725; Filed, Oct. 26, 1966; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1844) filed by Nalco Chemical Co., 6216 West 66th Place, Chicago, Ill. 60638, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of a defined polyethyleneamine mixture as a retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for use in contact with aqueous and fatty foods.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

• • • • • •

(a) • • •

(5) • • •

List of substances	*Limitations*
• • •	• • •
Polyethyleneamine mixture produced when 1 mole of ethylene dichloride, 1.05 moles of ammonia, and 2 moles of sodium hydroxide are made to react so that a 10 percent aqueous solution has a minimum viscosity of 40 c.p.s. at 77° F., as determined by Brookfield Viscosimeter using a No. 1 spindle at 60 r.p.m.	For use only as a retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard.
• • •	

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786, 21 U.S.C. 348 (c)(1))

Dated October 20, 1966.

J. K. KIRK,
Associate Commissioner for Compliance

[F.R. Doc. 66-11726; Filed, Oct. 26, 1966; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Importation of Ginseng From Canada

The appendix to § 500.204 of the regulations is amended by the addition of the following item to read as follows:

(214) *Ginseng from Canada.* Ginseng is hereby authorized to be imported from Canada without a certificate of origin or specific license, provided there has been no interest therein of a designated national.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control

[F.R. Doc. 66-11713; Filed, Oct. 26, 1966; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 713—NAVAL RESERVE AND MARINE CORPS RESERVE

Physical Qualifications

Part 713 is amended by deleting the centerhead "Physical Examinations" and the note appearing thereunder, 30 F.R. 10888, August 21, 1965, and inserting in lieu thereof a centerhead and § 713.391 to read as follows:

PHYSICAL QUALIFICATIONS

§ 713.391 Physical standards and examinations.

Articles 15-74 through 15-80 of the Manual of the Medical Department, U.S. Navy (NAVMED P-117), contain applicable provisions.

(Secs. 280, 510, 591, 1004, 70A Stat. 14, 17, 24, 79, as amended, 72 Stat. 1498, sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 280, 510, 591, 1004, 5867)

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

OCTOBER 18, 1966.

[F.R. Doc. 66-11698; Filed, Oct. 26, 1966; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 96—AIR TRANSPORTATION

Air Carriers' Responsibilities; Correction

In F.R. Doc. 66-7748, appearing at page 9643 in the issue of Saturday, July 16, 1966, paragraph (b)(5) was amended instead of paragraph (b)(3) as it appeared.

NOTE: The corresponding Postal Manual section is 531.32e.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 24, 1966.

[F.R. Doc. 66-11675; Filed, Oct. 26, 1966; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15987; FCC 66-934]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Gretna and Danville, Va.

Report and order. 1. The Commission has before it for consideration its notice of proposed rule making, released April 30, 1965 (FCC 65-359), and published in the FEDERAL REGISTER on May 5, 1965 (30 F.R. 6274), proposing the reassignment of Class C Channel 277 from Gretna to Danville, Va., and its replacement at Gretna with Channel 288A, 292A or 296A. This contemplated shifting Station WMNA-FM, Gretna, Channel 277, to one of the Class A channels.

2. This is the second proceeding in which the Commission has specifically proposed and considered the making of a first FM assignment to the sizeable city of Danville. The first was Docket 15690, in which it was proposed to assign Channel 295 there by deleting adjacent channel assignments at Pulaski, Va., and Durham, N.C. (along with another substitution of one channel for another). On the record in that proceeding it was decided that the making of a first Danville FM assignment by this means would be too costly in loss of needed assignments elsewhere; see Report and Order in Docket 15690, 30 F.R. 6251, 5 R.R. 2d 1547, FCC 65-358, released April 30, 1965. The present proceeding was begun at the same time as the decision not to make the Channel 295 assignment.

3. The parties filing comments in response to the notice, and the essence of their positions, are as follows (the latter two also filed timely reply comments):[1]

(a) Piedmont Broadcasting Corp. (Piedmont), licensee of fulltime AM Station WBTM, Danville, urging that the assignment be made because of Danville's size and importance.[2]

(b) Central Virginia Broadcasting Co. (WMNA), licensee of Station WMNA (daytime-only) and WMNA-FM, Gretna, strongly opposing the proposal, which would move its Channel 277 to Danville and leave Gretna with a limited-coverage Class A channel.

(c) Virginia-Carolina Broadcasting Corp. (Virginia-Carolina), licensee of fulltime AM Station WDVA, Danville, opposing the proposal because it would create an FM monopoly and, allegedly, competitive radio imbalance in Danville, and instead urging various approaches by which more than one channel might be assigned there, none of which is consistent with present FM assignment principles with respect to mileage separations.

4. Danville, population 46,577,[3] is the largest city in its immediate area; the nearest larger centers are Lynchburg and Roanoke, Va., about 55 miles away, and Greensboro and Durham, N.C., respectively about 40 and 47 miles distant. It is one of the largest communities in the nation so situated and without an FM

[1] We do not consider herein two later documents, "Reply Comments" filed by Piedmont and "Rebuttal Comments" filed by Central Virginia. The former was not timely filed, the latter is an additional pleading forbidden by § 1.415(d) of our rules unless permission is specifically given. Neither is pertinent to the merits of the rule-making proposal.

[2] In the over-all FM allocation proceeding, Docket 14185, Piedmont sought the assignment of an FM channel to Danville. This was denied because none could be made under the mileage separation standards adopted. See third report, memorandum opinion and order in Docket 14185, 28 FR 8077, 23 R.R. 1859, FCC 63-735, released Aug. 1, 1963, Appendix E.

[3] All population figures given herein are 1960 U.S. Census data unless otherwise indicated. WMNA points out that in a sense Danville has declined in population since the 1950 Census, when its population was 35,066. The 1950-1960 Census increase reflects annexation of neighboring territory with a population of 13,482.

channel assigned. The record contains information showing the city's importance; for example, it is one of the world's two largest tobacco markets, has 101 manufacturing establishments including one of the world's largest textile mills, in 1963 had retail sales of more than $82 million, and has a college and is building a large auditorium. Not itself a part of any county, it is completely surrounded by the southern portion of Pittsylvania County (population 58,296). The city has four AM stations—fulltime Stations WBTM and WDVA, and daytime-only stations WILA and WYPR. Since the fulltime stations are directionalized at night and serve mostly to the south and east, a substantial area fairly near Danville, including much of Pittsylvania County to the north, does not receive nighttime AM primary service. As to FM service, Danville receives two 1 mv/m FM signals, from stations at Martinsville and Roanoke, Va., respectively about 28 and 55 miles from the city. There is pending an application to increase the facilities of WMNA-FM, Gretna, to 30 kw E.R.P. and 262-foot antenna height a.a.t.; if granted this would provide a third 1 mv/m FM signal to some, but not all, of Danville (it is also stated that WMNA plans a still further increase, which would cover the entire city with a signal of that intensity). Piedmont relies on data concerning Danville's size and importance as the reason for making the assignment. Letters and other material from the Danville Chamber of Commerce and two other Danville civic organizations were filed, urging that Danville needs and deserves an FM channel. It is also urged that civil defense considerations would be served by the proposal; it is asserted that with no FM station in the large city of Danville there is a big gap in the Emergency Broadcast System for the State, and that Piedmont—which has been chosen by the Army Corps of Engineers and Civil Defense authorities as the prime civil defense station in the area—would immediately apply for operation with at least 50 kw E.R.P. to cover the entire area.

5. *WMNA-FM and its area of operation.* In opposing the proposed shift, WMNA urges that the service rendered by WMNA-FM is that envisaged by the Commission for Class C stations and channels, in that it is an "area" service, which could be even more effectively rendered with increased facilities such as those applied for and contemplated, which it could not obtain if shifted to a Class A channel. It is claimed that the station is not really a Gretna station only, but a "Gretna (population 900)—Chatham (population 1,822)—Altavista (population 3,299)—Brookneal (population 1,070)—Pittsylvania County (population 58,296)—Campbell County (population 32,958) station", serving as a local outlet for communities over a wide area (the first two communities are in Pittsylvania County, Chatham being the county seat, and the other two are in Campbell County). Service to adjacent Franklin and Halifax counties is also claimed. WMNA and WMNA-FM, along with a daytime-only station at Altavista and a daytime-only station under construction at Chatham, represent the only broadcast stations and FM assignments in Pittsylvania and Campbell counties (although southern Pittsylvania County surrounds Danville, with the stations mentioned, and Campbell County is adjacent to Lynchburg, with several AM and FM stations). The other two counties mentioned have AM stations and FM assignments. The record shows that Chatham receives four FM signals (two Roanoke and one Martinsburg station); while it is not specifically covered in the record, it appears that Gretna and Altavista receive three each.

6. WMNA-FM operates with rather limited facilities (3 kw E.R.P. and 105-foot antenna height a.a.t., substantially less than the maximum for a Class A station); its 1 mv/m contour lies only about 9 miles from the transmitter.[4] In an application filed April 16, 1965 (BPH-4899) it seeks the increased facilities mentioned above; and it is stated that with these it can render more effective "area" service. It is stated that WMNA was put on the air in 1956, and WMNA-FM in 1959, by businessmen from all four of the communities mentioned (of the 12 directors, no more than 4 and no fewer than 2 come from each place), with service to these communities (not generally rendered by Danville stations) still the aim, rather than profit. It is stated that program service is provided of special interest to the various communities and the rest of the area, including farm and agricultural information for the large rural populations (e.g., the county agents of the four counties mentioned, high-school sports, and other special events from each of the four towns and rotating church services from three of them, a "swap shop" program featuring announcements from all of the towns, and similar programs). It is stated that in 1964 WMNA's AM and FM gross revenue came in percentages of from 25.9 percent to 17 percent from each of these communities, with 22.9 percent from elsewhere. There is reference to the separate programing of WMNA-FM—William and Mary College football games, Baltimore baseball, and religious and educational programs. It is stated that there are requests for public service announcements from places up to 35 miles away (Lynchburg, Charlotte Court House, etc.), and calls about the baseball broadcasts from points up to 68 miles away (Henderson, N.C.). It is claimed that WMNA could never get such coverage on a Class A channel, even with maximum facilities. Virginia-Carolina states that the hilly terrain west of Gretna would prevent service in that area for a Class A facility.

[4] Chatham, Gretna, and Altavista are located approximately on a line north of Danville, about 18, 25, and 35 miles respectively from that city. Brookneal is about 25 miles east of Gretna and 40 miles northeast of Danville.

It is also urged that—if permitted to remain on its Class C channel with increased facilities—WMNA-FM could serve as a key link in the Roanoke-Richmond leg of an FM relay network; and that already it has been rebroadcast by both fulltime Danville AM stations and other more distant stations.

7. WMNA's showing was supported in letters, resolutions, and other material including: (1) Letters from educational groups, churches, and a safety organization, at various places in Pittsylvania County, praising its service; and (2) letters, petitions, and resolutions from county boards, town councils, agricultural officials, chambers of commerce, and individuals in places served by WMNA-FM, praising its service and specifically opposing removing Channel 277 and forcing WMNA-FM to an "inferior" channel in the FM band.[5]

8. *Other arguments opposing the proposal.* WMNA and Virginia-Carolina advance a number of other arguments against the proposal. First, WMNA argues that the needs of Danville for FM service (in terms of population and existing AM services) are no greater now than they were in 1955 when Piedmont suspended FM operation and turned in the license for its station (Channel 250). It is asserted that the absence of FM in Danville is due to Piedmont's apathy, and that it would be highly inequitable to deal with WMNA—an FM pioneer which started WMNA-FM in 1959 to meet the need for full-time WMNA "area" service and to replace the loss of service when Piedmont ceased FM operation—by moving it to a Class A channel and giving its channel (which would be used no

[5] The material mentioned in (2) came from the four communities mentioned, Pittsylvania and Campbell County Boards of Supervisors, and agricultural officials in these communities and Franklin County. Often, the letters and other material seemed to assume that WMNA-FM's present service area would be curtailed if it were forced to change frequency. As to the extent to which this might be true see paragraph 10, below. Other material, including the town and county resolutions, urged that it be permitted to remain on Channel 277 so that it could improve facilities as requested in its pending application mentioned above.

It appears that WMNA serves as a local outlet for Brookneal, which is further away, to a somewhat lesser extent than the other three communities, since it maintains telephones, and presents religious services on a rotating basis, from the other three places but not Brookneal. Also, it appears possible that the operation's connection with Brookneal and more distant places is based on its wider daytime AM coverage rather than its FM service area. For example, the AM station puts a signal of nearly 2 mv/m into Brookneal compared to about 140 uv/m for the FM, and a signal of nearly 0.5 mv/m into Charlotte Court House, compared to about 50 uv/m for the FM (determined on the basis of our records and § 73.333 of the rules). It is not stated what percentage of the station's separate FM revenue comes from the various communities, and the letter from the Brookneal Chamber of Commerce expressed the hope that WMNA-FM could increase power, "since we are located 25 miles away."

more than 15 miles away),[4] to a party which has either displayed apathy (Piedmont) or has done nothing for FM. Second, WMNA urges that WMNA–FM, with its 60-mile coverage and "area" service, already qualifies as a Class C station under the concepts of the Commission's rules, and would be even more so with its requested greater facilities; whereas, in the absence of a showing of wide area service needs and with emphasis by a Danville station on serving the needs of the local Danville population, a Class A channel would be more appropriate for Danville (it is pointed out that Lynchburg, larger than Danville in area and population, has only Class A assignments). It is pointed out that in other proceedings (e.g., Dockets 15341, 15256) we have assigned wide-area Class C channels to small communities like Gretna where (as is said to be the case here) wide coverage is necessary to make the station viable. It is urged that the public interest would be better served by an area Class C station (such as WMNA–FM would be) rather than a Class A Gretna station limited to the economic support available from that small community.[5] Third, it is urged that the proposal would not bring quick FM service to Danville, since—with only one channel to be assigned—there will inevitably be a lengthy comparative hearing. Fourth, it is alleged that the proposal here, assigning only one channel to Danville, would result in an FM monopoly there and great competitive imbalance (assuming one of the AM licensees gets the channel, it would have an advantage over the others). Fifth, it is asserted that the proposed change would result in an imbalance of facilities as between the area around Danville and that around Lynchburg (there are six FM stations within 30 miles of Danville, five of them Class C, and no FM stations other than the two Lynchburg Class A stations within 30 miles of that city). Sixth, it is urged that—because of the many drawbacks to the proposal just mentioned—the Commission has a duty to consider seriously other means of providing one or more Danville assignments, even though these do not meet the separation rules (see next paragraph). Other arguments by WMNA are mentioned later herein.

9. *Suggested alternatives to the proposal.* WMNA and Virginia-Carolina urge that—in view of the many drawbacks the proposal assertedly has—the Commission is under a duty, both in furtherance of the public interest and pursuing the objectives of section 307(b) of the Act, to consider other alternatives. It is said that court cases require the Commission to be flexible, and to consider waiver or modification of its rules when the public interest requires.[6] Asserting that Danville needs two or more FM channels instead of the one proposed (which would create a monopoly), the parties urge that the following approaches should be considered (Virginia-Carolina urges this proceeding be enlarged into a general examination of possibilities in this area):

(a) Putting Danville and the rest of southern Virginia in Zone I instead of Zone II, by moving the dividing line from its present location cutting west-northwest across Virginia (approximately, Norfolk to Covington) south to the Virginia-North Carolina State line. This would shorten the separations applicable to Danville assignments. Virginia-Carolina, asserting that this change would make three Class A assignments in Danville possible, urges various advantages for such a move—efficient utilization of more channels, avoidance of a Danville FM monopoly, permitting assignments in other southern Virginia communities which are isolated and unusually dependent on FM especially at night, and avoiding the adverse impact on WMNA–FM. However, we note that Virginia-Carolina's engineering showing in this respect is deficient, in that it appears to assume that not only southern Virginia, but also all of North Carolina to the south, would be in Zone I (i.e., the spacings used in determining that three Class A assignments would thus become available at Danville were the spacings within Zone I, rather than those specified in the rules as applicable between stations in Zone I and those in Zone II (105 miles first adjacent channel C to A)). It does not appear that any of three channels suggested by Virginia-Carolina—252A, 288A, 292A—could be used at Danville if the proper across-the-zone-line spacings are used with respect to North Carolina assignments. Since most of the limitations in this area come from the large number of stations existing in North Carolina at the time the separation rules were adopted, there is little reason to believe that this approach would make possible a Danville assignment or a substantial number of stations elsewhere in southern Virginia.

(b) Including all of the southeastern United States, east of the Mississippi, in Zone I, urged by WMNA because of the great population and industrial growth in this area recently as well as because of the particular facts here. This would cure the defect in the first alternative mentioned.

(c) Assign to Danville Channel 250, Piedmont's old channel, which was contained in the Tentative Table of Assignments until 1958 (WMNA regards this as less desirable than (a) or (b) because it would only supply one channel). This would not meet the standard separation requirements of the rules for new assignments. It would meet the criteria for permitting increases and site moves by existing short-spaced stations (§ 73.213); so operating, a station at Danville could under that section use 20 kw E.R.P. at an antenna height a.a.t. of 2,000 feet.

(d) Waiver of the mileage separation rules to the extent necessary for a new assignment, possibly with "equivalent protection" by directional operation (four television cases are cited as analogous).

10. *Coverage on Channel 292A as compared to coverage on Channel 277.* As indicated above, one of WMNA's contentions—aside from the fact that it would be precluded from the substantial increase in facilities applied for—is that it would never have the coverage on a Class A channel that it has now on 277, because of the more crowded assignments on Class A channels. The facts in this connection appear to be as follows: operating on a Class A channel such as 292A with 3 kw E.R.P. and the 262-foot antenna height a.a.t. applied for, on the basis of § 73.333 of the rules, the 1 mv/m contour would lie some 13 miles from its transmitter instead of about 9 miles at present, and would include Altavista in addition to Gretna and Chatham now encompassed (it would lie about 14 miles out if maximum antenna height of 300 feet a.a.t. were used.) WMNA–FM would put a signal of around 290 uv/m (350 uv/m with 300 feet) over Brookneal, some 23 miles from its transmitter, compared to about 140 uv/m at present. Its 50 uv/m contour would lie about 45 miles out (or 47 miles using maximum antenna height) compared to about 36 miles at present.

11. On the basis of the material referred to in paragraph 6, above, WMNA claims an FM service range of 60 plus miles. We do not believe that a telephone inquiry from a point 68 miles away indicates that a station with such limited facilities renders a significant or widely useable service at or near that distance, which would mean a signal strength of considerably less than 50 uv/m. With respect to some of the claims of service to distant places, it is not clear whether

[4] As we pointed out in the notice, to meet separations to the station at Dunn, N.C., Channel 277 would have to be used 10 miles or more north of Danville, or about 15 miles from WMNA–FM. Virginia-Carolina asserts that the proposal cannot be adopted since spacing to the "Danville reference point" is not met. This argument is without merit. We have in the past made FM assignments where the channel would have to be used some miles outside of the community, when there is a reasonable likelihood that a site meeting separation requirements would be available; and, on the basis of Piedmont's showing, we find that to be the case here.

[5] With the facilities requested in its pending application, WMNA–FM claims to provide a 1 mv/m signal to 84,475 persons in 1,659 square miles, and a 50 uv/m signal to more than half a million persons in 14,191 square miles. WMNA quotes the rules describing large-facility stations—Class B in Zone I, Class C (as here) in Zone II—and points out that, whereas § 73.208(b)(2) describes a Class B station as one "designed to render service to a *sizeable* community, city, or town, or to the *principal city* or cities of an urbanized area, and to the surrounding area" (italics supplied), sec. 73.206 (b)(4) describes a Class C station as one simply "designed to render service to a community, city, or town, and large surrounding area."

[6] WMNA: "Belatedly, to correct this situation [No Danville assignment in the FM table] calls for compromises and concessions on the part of any present Danville proponents and the Commission rather than an innocent third party FM pioneer that has already fought the good FM fight for more than 6 years."

they refer to FM or the wider AM coverage area (see footnote 5, above). However, because some other assignments on the same and adjacent channels are either unoccupied or used by stations with small facilities, WMNA–FM does have a fairly wide "interference-free" area, including the four towns mentioned above. It appears that the station may render some service, in areas where terrain and local reception conditions are favorable, out to about its 50 uv/m contour, or about 35 miles.

12. Of the three Class A channels proposed alternatively herein for assignment to Gretna, it appears that Channel 292A is the least crowded, with no co-channel assignments within 100 miles (the closest is an existing station at Welch, W. Va., about 125 miles away). The chief limitations from other stations would come from Class B and C stations on first adjacent channels, at Richmond, Va. and Wilson and Salisbury, N.C., respectively about 11, 117, and 110 miles from Gretna. These stations all operate with relatively modest facilities, and if WMNA–FM employs maximum Class A facilities on Channel 292A their present operations would limit its coverage very little, compared to the 35-mile radius mentioned above. Of course these stations can increase facilities under our rules; and if they do WMNA–FM would be limited—in their directions—to a shorter distance. For example, on the basis of the signal-strength ratios used in developing the mileage-separation rules (and set forth for educational stations in the note to § 1.573 of the rules), the Richmond station operating with maximum Class B facilities (50 kw E.R.P. and 500-foot antenna height a.a.t.) would limit WMNA–FM's coverage to about 24 miles from the transmitter in the direction toward Richmond. The Wilson and Salisbury stations, if they operated with the largest facilities it appears likely they would have (such as 100 kilowatts and 1,000 feet), would create limitations in their directions in the same order. However, even under these conditions WMNA–FM would of course provide good service to three of its communities, and even at Brookneal (more distant) its signal if using maximum facilities would be well over twice that of the Richmond station (about 112 mv/m), which would be the strongest limiting signal in that locality.

Conclusions. 13. In reaching our decision herein, at the outset we conclude that all of the suggested alternative means of providing a Danville assignment—set out in paragraph 9, above—must be rejected. The fact that Channel 250 was assigned in Danville more than a decade ago, under a completely different method of making FM assignments, is no reason why it should be reassigned there now, when such a move would involve drastic violation of our separation rules (105 miles compared to 180 miles to a cochannel station at Concord, N.C., and serious adjacent-channel shortages). We have not permitted, and do not now consider favorably, creating such serious short-spaced situations as far as new assignments are concerned. The serious short spacings which would be involved in any other assignment to Danville (usually in the order of 30 miles or more, and usually involving more than one short spacing) likewise make consideration of another assignment on a waiver or "equivalent protection" basis inappropriate, at least as long as Channel 277 can be assigned consistent with the rules. We have stated the reasons for the mileage-separation policy elsewhere and need not report them here.[8] As mentioned earlier, the suggested change in the Zone I–Zone II line to the Virginia-North Carolina boundary will not in fact make possible the specific assignments claimed for it in the record, and there is little reason to believe that such a change would result in significant advantages generally. As to a general reduction in spacings in the southeastern area (such as using Zone I spacings), there is no showing that this would yield substantial overall benefits, and it is not appropriate to undertake the extensive exploration which would be required on the basis of one particular situation. As long as an assignment can be made consistent with existing rules, there is not sufficient reason to undertake such an inquiry. Therefore, in our judgment this matter must be decided under existing FM allocation principles.

14. One of WMNA's arguments is that a Class C channel is more appropriate for it, with its "area" service and need for wide coverage for economic reasons, than for Danville. We need not rule upon this argument, since it is not a question of the appropriateness of a Class C as compared to a Class A channel at Danville, but of making any Danville assignment at all. However, in passing we observe that WMNA's argument along this line is incorrect. While the rules may not be entirely clear on the point, in preparing the FM Table and subsequent FM assignment actions it has been our general policy to assign wide-coverage Class B and Class C channels to the larger centers and Class A channels to the smaller communities. We have made exceptions, as where a small community is the center of a large area rather remote from large population centers; but were it a question of assigning FM channels in this area de novo Danville would clearly be the choice for the Class C assignment. The reasons for this policy are two: the larger centers are more likely to be of economic, cultural, and other significance to persons in a larger area; and stations located there, able to draw on a larger base of economic support, are more likely to construct and operate substantial facilities from a technical standpoint, making full use of the channel assignment.

15. After careful consideration of all of the matters of record, we are of the view that the proposal should be adopted, Channel 277 reassigned to Danville and Channel 292A—which appears to be the least crowded of the three FM channels proposed—assigned to Gretna. The size and importance of Danville clearly warrant a first FM assignment, at least as long as an adequate substitute can be found. While Danville has two fulltime AM stations, it should also have the benefit of a local FM outlet, especially since these stations are directionalized at night and do not serve areas around Danville in some directions.

16. In reaching this conclusion, we recognize the nature of WMNA–FM's service, which is perhaps rather unusual for a station with its limited facilities, serving to a large extent as a local outlet for three fairly widely separated communities and, to a lesser extent, for a fourth, and covering a fairly wide area. However, as pointed out above (paragraphs 10–12) it can largely fulfill the same function on Channel 292A, since as long as adjacent-channel stations continue to operate with their present facilities it should have approximately the same service area it has now. Even if they should increase to maximum or near-maximum levels it would still have a substantial coverage area, and, of course, operating with maximum or near-maximum Class A facilities it will provide a stronger signal, and thus better service where interference is not a factor, than it does now. It is true that WMNA will be precluded from getting the improved facilities sought in its application; but instead there will be an additional and highly desirable assignment available. A Danville station may be expected to propose facilities at least as great as those specified in WMNA's application. As to economic considerations, these of course are relevant only if they affect the public interest. There is no reason to believe that the situation of WMNA or WMNA–FM will be seriously jeopardized if it operates on Channel 292A. As has been customary in cases where existing stations are required to change channels, the party ultimately becoming the Danville FM permittee will be expected to reimburse WMNA for the reasonable costs involved in changing channels.

17. The other arguments mentioned may be disposed of briefly. Equitable considerations, claimed by WMNA, must of course give way to the public interest which is clearly served by making the new assignment. While making a single assignment in Danville will create an FM monopoly as far as local service is concerned, it is still preferable to no assignment at all; and we do not consider possible "imbalance" among the AM licensees (assuming one of them becomes the grantee) a serious consideration which should stand in the way of the highly desirable allocation. The fact that service may be delayed if there is

[8] See third report, memorandum opinion and order in Docket 14185, Aug. 1, 1963, FCC 63–735, 28 F.R. 8077, 23 R.R. 1859, para. 6–10; Rock Hill, S.C., BM–974, FCC 65–587, 5 R.R. 2d 1564. In the fourth report and order in Docket 14185 (FCC 64–919, 29 F.R. 14110, 3 R.R. 2d 1571) we set forth the distinction between permitting increases in facilities of previously authorized short-spaced stations, and creating new shortages by new assignments or moves of stations. See pars. 34 and 38.

a comparative hearing is no reason not to make a start toward bringing it in the fairly near future if not immediately. The facts that Lynchburg has only Class A stations, and that the area around Danville has more stations than that around Lynchburg, are immaterial in light of the obvious need for the substantial center of Danville to have an FM station.

18. *Other matters.* The Piedmont and WMNA pleadings contain other matters not relevant to the resolution of the proceeding, including an assertion by WMNA that the proceeding is of doubtful validity because of alleged improper ex parte contacts between a representative of Piedmont and the Commission or its staff before the proceeding was begun. These assertions are patently irrelevant and of no significance. Assuming the ex parte contact occurred as intimated, there is nothing improper in Commission personnel discussing with broadcasters—before a proceeding is begun—possible means of achieving desirable allocations, even if they involve shifting another station which during its more than 5 years of operation up till then (early 1965) had demonstrated no interest in using more than Class A facilities. The ensuing rule making proceeding has been conducted entirely on the record, and all parties have had a chance to express their views and reply to the views of others. WMNA also requests oral argument in this proceeding. This request must be denied. Oral arguments are never held in proceedings of this kind. WMNA has had full opportunity to present its case, and its detailed arguments and factual showings have been fully considered.

19. The foregoing discussion has assumed that WMNA–FM will henceforth operate on Channel 292A, which we assign to Gretna herein, and its license is being renewed accordingly, subject to the usual technical conditions where a change in channel is involved. The station may wish to compete for Channel 277, which we are making a Danville assignment, along with whatever other applicants seek the facility on that channel. We believe it appropriate to permit WMNA–FM to continue on Channel 277 for a brief period, or until after a construction permit is issued to another party for Channel 277. We are specifying that it may so operate for a period of 120 days or until 45 days after such a CP is issued, whichever is later. If WMNA decides to compete for this assignment on a permanent basis and files an appropriate application, of course, in any comparative proceeding, no weight can be given to the fact that it is operating and continuing on the channel."[1]

20. With respect to WMNA's pending application to increase facilities on Channel 277 (BPH–4899), this cannot be granted since the station no longer has anything more than temporary operating authority on the channel, and if WMNA elects to compete for the Danville assignment this would amount to an undesirable prejudgment of any comparative proceeding which may result. How-However, the improvement in service which would result is clearly to be desired. Therefore, the following procedures will apply: (1) The application may be amended to specify Channel 292A and facilities up to the maximum for a Class A station (for example, the antenna height now proposed of 262 feet, a.a.t.); (2) if WMNA formally signifies its intention not to apply for Channel 277 on a permanent basis, or does not apply before any other applications which may be filed are designated for hearing, its application will be granted on Channel 277 on a temporary basis, with the understanding that it will change to Channel 292A, and reduce power, at the date mentioned above when it is required to give up Channel 277.

21. In view of the foregoing: *It is ordered*, That:

(a) Effective December 1, 1966, § 73.202 of the Commission's rules and regulations, the FM Table of Assignments, is amended, with respect to the communities listed below, to read as follows:

City	Channel No.
Danville, Va.	277
Gretna, Va.	292A

(b) Effective December 1, 1966, the license of Station WMNA–FM, Gretna, Va., is modified to specify operation on Channel 292A instead of Channel 277, subject to the following conditions:

(1) The licensee shall notify the Commission in writing by November 15, 1966, of its acceptance of this modification, which if it so requests will be without prejudice to its right to prosecute an application for Channel 277, assigned to Danville as indicated above (but with the understanding that if such application is filed and granted, Central Virginia Broadcasting Co. and its principals must thereupon divest themselves of any interest in WMNA–FM, Gretna);

(2) WMNA–FM may continue to operate under temporary authority on Channel 277 for a period of 120 days from release of this document or until 45 days after a construction permit is issued to another party for facilities on that channel, whichever is later; but if Central Virginia Broadcasting Co. or its principals file an application for Channel 277 as assigned to Danville, in any hearing with other applications for such facilities no significance will be attached to the fact that WMNA–FM is operating on Channel 277;

(3) By a date at least 30 days before it plans to commence operation on Channel 292A, or within 30 days following notification by the Commission that its operating authority on Channel 277 is about to terminate pursuant to subparagraph (b)(2), above, the licensee shall submit to the Commission the technical information normally required for the issuance of a construction permit for operation on Channel 292A, including any changes in antenna and transmission line; and within 30 days following Commission authorization of interim operating authority on Channel 292A the licensee shall submit the measurement data normally required of an applicant for an FM station license;

(c) The application of Central Virginia Broadcasting Co. for increase in the facilities of WMNA–FM on Channel 277 (BPH–4899) will be held pending, pending the developments outlined in paragraph 20, above.

(d) This proceeding (Docket No. 15987) is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: October 20, 1966.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–11729; Filed, Oct. 26, 1966; 8:49 a.m.]

[1] In a sense, this gives WMNA a "straddle" position, allowing it to compete for one channel and at the same time be assured of getting another if it should lose. Under the circumstances here, where the channel shift is on the Commission's own motion rather than at the instance of the licensee—and where other Class A channels can be assigned to the Gretna area if there is demand therefor—this course is appropriate.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Subpart 3107]

PUBLIC DOMAIN LEASING

Oil and Gas Exploration Operations

Basis and purpose. Notice is hereby given that the proposed regulations for the issuance of geophysical exploration licenses heretofore published in the FEDERAL REGISTER on September 4, 1965 (30 F.R. 11355), are hereby withdrawn. In lieu thereof, and pursuant to the authority vested in the Secretary of the Interior by section 2478 of the Revised Statutes (43 U.S.C. sec. 1201), it is proposed to add a new subpart, relating to oil and gas exploration operations to Title 43, Code of Federal Regulations.

The purpose of the proposed new subpart is to establish a procedure to be followed in conducting exploration of the public lands for oil and gas. Those desiring to conduct such operations would be required to file the prescribed "Notice of Intent to Conduct Oil and Gas Exploration Operations," which contains the terms and conditions under which such operations may be conducted. Such parties would be required to file a surety company bond to secure the faithful and full compliance with the terms and conditions set out in the aforementioned "Notice of Intent to Conduct Oil and Gas Exploration Operations". Upon completion of such operations it would be necessary for the party to file similarly, the prescribed "Notice of Completion of Oil and Gas Exploration Operations" for the purpose of obtaining a release of the bond. Examples of acceptable forms of the notice herein mentioned with the prescribed terms and conditions are appended to this subpart.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Subpart 3107—Oil and Gas Exploration Operations

§ 3107.01 Purpose.

The purpose of the regulations in this Subpart 3107 is to establish procedures to be followed in conducting exploration of the public land for oil and gas. For exploratory operations for other leasable minerals, the lease or permit required by the appropriate regulations must be secured. The regulations in this subpart are not applicable to exploration operations conducted pursuant to oil and gas lease, and also are not applicable to the exploration of public domain lands for minerals subject to location under the United States mining laws.

§ 3107.05 Definitions.

For the purpose of the regulations in this subpart:

(a) "Oil and gas exploration" means any activity, relating to the search for evidence of oil and gas which requires physical presence upon the land and which may result in damage to public lands or resources thereon. It includes, but is not limited to, geophysical operations, construction of roads and trails, and cross-country transit by vehicle over public domain. It does not include core drilling or other forms of drilling for subsurface geologic information or drilling for oil and gas; these activities will only be authorized by the issuance of an oil and gas lease. The regulations in this subpart, however, are not intended to prevent drilling operations necessary for placing explosive charges for seismic exploration, nor do they affect the exclusive right to "drill" for oil and gas by a lessee upon his leased premises.

(b) "Public Lands" means lands owned by the United States and administered by the Bureau of Land Management. It does not include retained mineral interests in lands, title to which has passed from the United States.

§ 3107.1–1 Notice of intent to conduct oil and gas exploration operations.

(a) Any person desiring to conduct oil and gas exploration operations under the regulations of this subpart shall, prior to entry upon the lands, file with the District Manager of the Bureau of Land Management for the district in which the public lands are located a "Notice of Intent to Conduct Oil and Gas Exploration Operations."

(b) The "Notice of Intent to Conduct Oil and Gas Exploration Operations" will contain the following:

(1) The name and address, including zip code, both of the person, associate, or corporation for whom the operations will be conducted and of the person who will be in charge of the actual exploration activities.

(2) A statement that the signer agrees that exploration operations must be conducted pursuant to the terms and conditions listed on the form attached to the regulations in this subpart.[1]

(c) A brief description of the type of operations which will be undertaken.

(d) A description of the lands to be explored, by townships.

(e) Approximate date of commencement of operations.

[1] Form filed as part of original document.

§ 3107.1–2 Bond.

Simultaneously with the filing of the Notice of Intent to Conduct Oil and Gas Exploration Operations, and before entry is made on the land, the party or parties filing the "Notice of Intent to Conduct Oil and Gas Exploration Operations" must file with the District Manager a surety company bond in the amount of $5,000, conditioned upon the full and faithful compliance, for each oil and gas exploration operation, with all of the terms and conditions of the regulations in this subpart and of that notice, or a statewide bond in the amount of $25,000 covering all oil and gas exploration operations in the same State, or a $50,000 nationwide bond. Holders of nationwide and statewide oil and gas lease bonds shall be permitted to amend their bonds to include exploration activities in lieu of furnishing additional bonds.

§ 3107.1–4 Completion of operations.

Upon completion of the exploratory operations, there shall be filed with the District Manager a "Notice of Completion of Oil and Gas Exploration Operations." Within 90 days after the filing of such "Notice of Completion," the District Manager shall notify the party who had conducted the operations whether all of the terms and conditions set out by the regulations in this subpart and in the "Notice of Intent to Conduct Oil and Gas Exploration Operations" have been complied with, or whether any additional measures must be taken to rectify any damage to the land, specifying the nature and extent thereof.

§ 3107.1–5 Consent to release of bond: termination of liability thereunder.

The District Manager will not give his consent to the cancellation of the bond, if an individual bond was submitted, or to the termination of liability if a State or nationwide bond was submitted, unless and until all of the terms and conditions of the "Notice of Intent to Conduct Oil and Gas Exploration Operations" have been complied with. Should the District Manager or any other authorized officer of the Bureau of Land Management fail to notify the party within 90 days from the filing of the "Notice of Completion" that all terms and conditions have been complied with or that additional corrective measures must be taken to rehabilitate the land, liability under an individual bond shall automatically terminate on the 91st day.

OCTOBER 21, 1966.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

[F.R. Doc. 66–11688; Filed, Oct. 26, 1966; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for 1966–67 Fiscal Period

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1966, through July 31, 1967, will amount to $140,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at $0.005 per standard packed box.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 21, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11704; Filed, Oct. 26, 1966; 8:47 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 33]

METERED STAMPS

Meter License

Notice is hereby given of proposed rule making consisting of a proposed amendment to Part 33 of Title 39, Code of Federal Regulations. The proposed amendment to § 33.2 will prescribe that the records relating to meter transactions of a postage meter in the custody of a licensee must be available for examination and audit by authorized employees of the Post Office Department.

Although the procedures in 39 CFR Part 33 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the Postal Service may have an opportunity to comment on the proposed amendment. Written data, views, and arguments may be filed with the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed to redesignate present paragraph (b) as paragraph (c) and insert the proposed new requirement as paragraph (b) in lieu thereof.

§ 33.2 Meter license.

* * * * *

(b) *Responsibilities of licensee.* (1) After a meter has been delivered to a licensee, he must keep it in his custody until turned over to the authorized manufacturer or to the post office. Tampering with or misuse of a meter is punishable by law.

(2) The meters in the custody of the licensee and his records relating to meter transactions must be available for examination and audit by authorized audit and inspection personnel of the Post Office Department.

* * * * *

NOTE: The corresponding Postal Manual section is 143.22.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 24, 1966.

[F.R. Doc. 66-11711; Filed, Oct. 26, 1966; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-CE-80]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Albert Lea, Minn., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Albert Lea, Minn., terminal area, as a result of the development of a public-use instrument approach procedure utilizing an "H" facility at the Albert Lea Municipal Airport as a navigational aid, proposes the following airspace action: Designate the Albert Lea, Minn., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Albert Lea Municipal Airport (latitude 43°40'50" N., longitude 93°22'05" W.) and within 2 miles each side of the 345° bearing from Albert Lea Municipal Airport, extending from the 5-mile radius area to 8 miles N of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the 165° and 345° bearings from Albert Lea Municipal Airport, extending from 6 miles S to 12 miles N of the airport, excluding the portion which overlies the Hope, Minn., transition area.

The proposed 700 foot floor transition area will provide controlled airspace protection for aircraft executing prescribed instrument approach and departure procedures during descent from 1,500 to 700 feet above the surface and during climb from 700 to 1,200 feet above the surface. The proposed 1,200 foot floor transition area will provide controlled airspace protection for that portion of the instrument approach procedure executed at and above 1,500 feet above the surface. It would also provide this protection for the holding pattern at Albert Lea Municipal Airport.

The floors of airways that traverse the transition area proposed herein will automatically coincide with the floor of the transition area. A new approach procedure is to be established. Therefore, no procedural changes will be effected in conjunction with the actions proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 13, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11676; Filed, Oct. 26, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-WE-67]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Kingman, Ariz., terminal area.

In the early part of 1967, the FAA will commission a TVOR on the Kingman Municipal Airport, Kingman, Ariz. To provide controlled airspace for instrument operations utilizing the new facility, the FAA proposes the following airspace action: Designate the Kingman, Ariz., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kingman Municipal Airport (latitude 35°15'31" N., longitude 113°56'20" W.); within 2 miles each side of the Kingman VOR 025° radial, extending from the 5-mile radius area to 7 miles NE of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Kingman VOR 115° radial, extending from the VOR to 74 miles SE of the VOR; within 5 miles SW and 8.5 miles NE of the Kingman VOR 115° radial, extending from the VOR to 19 miles SE of the VOR, and within 5 miles SE and 9 miles NW of the Kingman VOR 025° and 205° radials, extending from 38 miles NE to 13 miles SW of the VOR.

The 700-foot and 1,200-foot floor transition areas are required to provide controlled airspace protection for aircraft executing prescribed instrument approach, departure, and holding procedures utilizing the Kingman TVOR.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on October 19, 1966.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 66-11677; Filed, Oct. 26, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-77]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Marshalltown, Iowa, terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Marshalltown terminal area as a result of the planned installation by the City of Marshalltown, Iowa, of an "MH" facility to serve the Marshalltown Municipal Airport and the development of a public-use instrument approach procedure utilizing this facility as a navigational aid, proposes the following airspace action: Designate the Marshalltown, Iowa, transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Marshalltown, Iowa, Municipal Airport (latitude 42°06'45" N., longitude 92°54'50" W.) and within 2 miles each side of the 315° bearing from Marshalltown Municipal Airport, extending from the 6-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the 315° bearing from Marshalltown Municipal Airport, extending from the airport to 12 miles NW of the airport, excluding the airspace within the Waterloo, Iowa, transition area.

The proposed 700 foot floor transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,200 to 700 feet above the surface. It will also provide protection for departing aircraft during climb from 700 to 1,200 feet above the surface. The proposed 1,200 foot floor transition area will provide airspace protection for that portion of the instrument approach procedure conducted at or above 1,500 feet above the surface.

The proposed instrument approach procedure will be made effective concurrently with the designation of the proposed transition area.

The floors of the airways which would traverse the transition area proposed herein would automatically coincide with the floors of the transition area. Since a new approach procedure is to be established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details concerning the new approach procedure may be examined by contacting the Chief, Airspace Section, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 12, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11678; Filed, Oct. 26, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-76]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Olney, Ill., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Olney, Ill., terminal area, proposes the following airspace action: Designate the Olney, Ill., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Olney-Noble Airport, Olney, Ill. (latitude 38°43'20" N., longitude 88°10'25" W.); and within 2 miles each side of the 223° bearing from Olney-Noble Airport, extending from the 5-mile radius area to 8 miles SW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles NW and 8 miles SE of the

223° bearing from the Olney-Noble Airport, extending from the airport to 12 miles SW of the airport, excluding the airspace within the Evansville, Ind., transition area.

The proposed transition area is being developed for the protection of aircraft executing a new public instrument approach procedure to serve the Olney-Noble Airport, Olney, Ill., using the "MH" facility which the Airport Authority proposes to install.

The proposed transition area will provide protection for aircraft executing the prescribed instrument approach procedure during descent to 700 feet above the surface. It will also provide protection for departing aircraft during climb from 700 to 1,200 feet above the surface.

The floors of airways that traverse the transition area proposed herein will automatically coincide with the floor of the transition area. A new approach procedure is to be established. Therefore, no procedural changes will be effected in conjunction with the actions proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 12, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11679; Filed, Oct. 26, 1966; 8:47 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 66-EA-72]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-5801, Chambersburg, Pa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The U.S. Army has informed the Federal Aviation Agency that the size of R-5801 must be increased to insure adequate safety clearance for the explosive burning and demolition activities which are conducted within the area. The Army states that the requirement for an increase in the size of the area has resulted because of accelerated activity which could result in fragments going beyond the existing limits. To satisfactorily contain the hazard described above the Army has requested that the radius of R-5801 be increased from 3,000 feet to 5,000 feet.

If this action is taken the boundaries of R-5801 Chambersburg, Pa., will be changed to read "A circular area with a 5,000-foot radius centered at latitude 39°59'44" N., longitude 77°43'55" W."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 20, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-11680; Filed, Oct. 26, 1966; 8:47 a.m.]

[14 CFR Parts 121, 127]

[Docket No. 7052; Notice 66-38]

CERTAIN RECORD RETENTION PERIODS

Proposed Reduction

The Federal Aviation Agency is considering amending Parts 121, and 127 of the Federal Aviation Regulations to require holders of operating certificates issued under those parts to keep flight recorder records, load manifests, dispatch or flight releases, airworthiness releases, pilot route certifications, and flight plans for 30 days instead of the periods now required (varying from 60 days to 6 months); and to add a new requirement that the certificate holder must keep these records for a particular flight or series of flights for periods of longer than 30 days upon the request of the Administrator or the Civil Aeronautics Board.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20553. All communications submitted on or before December 30, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

At present, § 121.343(c) requires each certificate holder to keep the recorded information from flight recorders for at least 60 days and for a longer period upon the request of the Administrator or the Civil Aeronautics Board for a particular flight or series of flights. Section 121.695(b) now requires each domestic or flag air carrier to keep for at least 3 months copies of load manifests, dispatch releases, and flight plans. Section 121.697(d) now requires each supplemental air carrier or commercial operator to keep at its operations base for at least 6 months the originals or copies of load manifests, flight releases, airworthiness releases, pilot route certifications, and flight plans. Section 121.711 now requires each domestic or flag air carrier to make and keep for at least 30 days a record of each en route radio contact between the air carrier and its pilots. Section 127.307(b) now requires each air carrier (helicopter) to keep for at least 60 days copies of load manifests and flight releases.

In Advisory Circular 90-26 (issued July 1, 1965), the Agency announced that it was reducing the retention period for ATC voice recordings and flight progress strips to 15 days, and that the Agency would save thousands of dollars annually by shortening the retention period. Although the Agency had kept these records for 30 days, it was found that they were seldom consulted after 15 days, unless connected with a specific incident or accident. The Agency advised persons who want information on an incident from these records to make sure that their requests reach the ATC facility concerned within 15 days after the incident occurs.

Several months after AC 90-26 was issued, the Air Transport Association (ATA), on behalf of its member airlines, requested that §§ 121.343(c), 121.695(b), and 121.711 be amended to reduce to 15 days the period that air carriers are required to keep records under those sections. ATA stated that the amendment would conform "with the Agency's internal policy on retention of [ATC facility] records", and "would provide the airlines relief comparable to that which FAA has achieved by [its internal] policy change" in AC 90-26. ATA concluded that the "same basic cost-benefit considerations that influenced FAA's internal policy are applicable to Part 121 as well."

In general, Part 121 certificate holders are required to keep the records involved in the ATA request to enable the Agency to determine that operations are conducted in compliance with the regulations. However, unlike the records involved in AC 90-26, the Agency often consults the records involved in the ATA petition more than 15 days after they are made. These records are used to assist the Agency in its continuing surveillance of certificate holders to insure that they are maintaining the required level of safety in their overall operation. The Agency would be unable to validly determine a general trend to an unsatisfactory level of safety on the basis of records covering only 15 days of operations. The Agency also uses these records to evaluate reports of deviations from the regulations, and to investigate reports of alleged violations of the regulations. The reports of deviations and alleged violations often do not reach the Agency until more than 15 days after the event occurs. The air carrier's records often have a direct bearing on the disposition of the deviation or alleged violation involved, and their absence would handicap the Agency's enforcement program. For these reasons, the Agency believes that reducing the record retention period to 15 days, as ATA requests, is not in the public interest and may adversely affect safety.

However, the Agency believes that some reduction in the present record retention periods would be warranted. At present, the Agency requires similar records to be kept for periods that vary from 60 days to 6 months, depending on the kind of operating certificate held. In most cases, the Agency has found that it has no further need for these records more than 30 days after they are made. Therefore, the Agency proposes to reduce to 30 days the normal record retention periods in §§ 121.343(c), 121.695(b), 121.697(d), and 127.307(b). If adopted, this proposal would substantially reduce the volume of records that certificate holders must keep, and would set a uniform retention period for all certificate holders.

Under present § 121.343(c), flight recorder recordings must be kept for 60 days, but upon the request of the Administrator or the Civil Aeronautics Board, the recordings for a particular flight or series of flights must be kept for longer periods. The latter requirement permits selective record retention in those situations when 60 days have elapsed and the Agency or the Board finds that it still needs particular records. This provision would be retained in § 121.343(c), and a similar provision would be added to §§ 121.695(b), 121.697(d), 121.711, and 127.307(b). The proposed 30-day retention period would provide adequate time for the Agency to determine what particular records will be needed after 30 days have elapsed, and permitting the Agency or the Board to require selective record retention when necessary would add flexibility to these record retention requirements.

In consideration of the foregoing, it is proposed to amend Parts 121 and 127 as follows:

1. By striking out the number "60" in § 121.343(c) and inserting the number "30" in place thereof.

2. By amending § 121.695(b) to read as follows:

§ 121.695 Disposition of load manifest, dispatch release, and flight plans; domestic and flag air carriers.

* * * * *

(b) Each domestic or flag air carrier shall keep copies of the records required in this section for at least 30 days and for a longer period upon the request of the Administrator or the Civil Aeronautics Board for a particular flight or series of flights.

3. By amending § 121.697(d) to read as follows:

§ 121.697 Disposition of load manifest, flight release, and flight plans: supplemental air carriers and commercial operators.

* * * * *

(d) Each supplemental air carrier or commercial operator shall keep at its operations base copies of the records required in this section for at least 30 days and for a longer period upon the request of the Administrator or the Civil Aeronautics Board for a particular flight or series of flights.

4. By amending § 121.711 to read as follows:

§ 121.711 Communication records: domestic and flag air carriers.

Each domestic or flag air carrier shall record each en route radio contact between the air carrier and its pilots. Each domestic or flag air carrier shall keep that record for at least 30 days and for a longer period upon the request of the Administrator or the Civil Aeronautics Board for a particular flight or series of flights.

5. By amending § 127.307(b) to read as follows:

§ 127.307 Disposition of load manifest and flight release.

* * * * *

(b) Each air carrier shall keep copies of the records required in this section for at least 30 days and for a longer period upon the request of the Administrator or the Civil Aeronautics Board for a particular flight or series of flights.

This proposal is made under the authority of sections 313(a), 601, 604, 605, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424, 1425, and 1502).

Issued in Washington, D.C., on October 21, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-11681; Filed, Oct. 26, 1966; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16947; FCC 66-937]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Notice of Proposed Rule Making

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations; (Galion, Ohio; Plano-Sandwich, Ill.; Linesville, Pa.; Falmouth, Ky.; Beaver Dam, Wis.; Broken Arrow, Okla.; Union City, Kane, and Erie, Pa.; Harrisonville, Mo.; Marion, Va.; Hannibal and Fulton, Mo.; Mount Pleasant and Burlington, Iowa; Angola, Ind.; Clanton and Selma, Ala.; and Waupun, Wis.); Docket No. 16947, RM-994, RM-999, RM-1002, RM-1007, RM-1011, RM-1023, RM-1006, RM-1014, RM-986, RM-1021, RM-1020, RM-1019, RM-1041.

1. Notice is hereby given of proposed rule making in the above-entitled matters, concerning amendments of the FM Table of Assignments contained in § 73.202 of the Commission's rules. All proposed assignments are alleged and appear to meet the separation requirements of the rules. All proposed assignments which are within 250 miles of the United States-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as noted, all channels proposed for shift or deletion are unoccupied and not applied for, and all population figures are taken from the 1960 U.S. Census.

2. RM-994 Galion, Ohio (Hometown Radio, Inc.); RM-999 Plano-Sandwich,

Ill. (Kendall DeKalb Broadcasters); RM-1002 Linesville, Pa. (The Bee Bee Broadcasting Co.); RM-1007 Falmouth, Ky. (Calvin C. Smith); RM-1011 Beaver Dam, Wis. (Beaver Dam Broadcasting Co.); RM-1023 Broken Arrow, Okla. (Lee and Gretna Hopper).

In these six cases, interested parties have sought the assignment of a first Class A assignment in a community, without any other changes in the Table of Assignments. The communities are of substantial size and appear to warrant the proposed assignments. Comments are therefore invited on the following additions to the Table:

City	Channel No.
Plano-Sandwich, Ill.	296A
Falmouth, Ky.	237A
Galion, Ohio	240A
Broken Arrow, Okla.	221A
Linesville, Pa.	269A
Beaver Dam or Waupun, Wis.	[1] 237A

[1] In a conflicting petition filed on Sept. 30, 1966, Radio Waupun, licensee of Station WLKE(AM), Waupun, Wis., requests the assignment of Channel 237A to Waupun, Wis. We will consider this request in the proceeding.

3. RM-1006, Union City, Pa. In a petition filed on July 6, 1966, and amended on July 21, 1966, WBEN, Inc., licensee of Station WBEN-FM, Channel 273, Buffalo, N.Y., requests rule making to assign Channel 292A to Union City, Pa., by making two other necessary changes in the Table as follows:

City	Channel No.	
	Present	Proposed
Union City, Pa.		292A
Erie, Pa.	260, 272A, 279, 292A	260, 272A, 279
Kane, Pa.	292A	276A

Union City, a community of 3,819 persons located about 19 miles southeast of Erie, is not listed in the Table of Assignments. The Bee Bee Broadcasting Co. has filed an application for the use of Channel 272A (BPH-5396), assigned to Erie and available to Union City under the "25-mile rule". This application was granted on July 25, 1966, subject to a condition that the assigned channel may be changed as a result of any action which may be taken in the subject proceeding. WBEN states that Union City is about 15 miles within the 34 dbu (50 uv/m) contour of its FM station and since communities of less than 10,000 population are considered to receive service from such a signal, this community and others near it receive the WBEN-FM service. It urges that the use of Channel 272A at Union City would cause interference to this signal and result in the loss of service in Corry and Titusville, Pa., as well as in Union City. Petitioner contends that its proposal would have no more effect on the Erie assignments than would the Bee Bee application for 272A, that the interference which would result to WBEN-FM would be avoided, and that the same number of assignments in the general area would be maintained.

4. While FM stations are not protected at spacings beyond the minimums specified (§ 73.209) the subject propsal would remove a potential source of interference without reducing the number of assignments in the area. We therefore are of the view that comments from interested parties should be invited on the WBEN proposal as outlined above. In the event the proposal is adopted, the outstanding authorization held by The Bee Bee Broadcasting Co. for a new FM station at Union City will be modified to specify Channel 292A instead of 272A.[2]

5. RM-1014, Harrisonville, Mo. On August 11, 1966, George Vowels, a prospective applicant for a new FM station at Harrisonville, Mo., filed a request for rule making to assign Channel 264 to that community without any other changes in the Table. Petitioner states that Harrisonville has a population of 3,510, and that Cass County, in which it is located (and of which it is the county seat) has a population of 29,702. He submits that there are no broadcast facilities within the county and that the residents depend on radio service from without the area. Finally, petitioner urges that there are no Class A channels which can be assigned to Harrisonville without conflicting with other stations and assignments (the city is fairly close to Kansas City), and that the only channel which will conform to all the separation requirements of the rules is Class C Channel 264.

6. Normally, communities the size of Harrisonville are assigned Class A FM channels. However, in view of the fact that no Class A channels are available for assignment to this community, comments are invited on petitioner's proposal for a Class C assignment.

7. RM-986, Marion, Va. In a petition filed on June 15, 1966, and amended on August 4, 1966, Emerald Sound, Inc., licensee of Station WOLD(AM), Marion, Va., requests rule making to add the assignment of Channel 272A to Marion as follows:

City	Channel No.	
	Present	Proposed
Marion, Va.	230	230, 272A

Marion is a community of 8,385 persons, the county seat of Smyth County, which has a population of 31,066. Station WMEV-FM operates on Channel 230. There are also two daytime-only AM stations in the community, WOLD and WMEV, licensed to petitioner and to the FM licensee respectively. Emerald submits that Marion has no local newspaper and therefore the people are dependent upon radio for local news and civic affairs items, that there is a need for additional nighttime service, and that it will apply for a new FM station in the event the proposal is adopted. In an engineering statement Emerald shows that in the area in which the use of Channel 272A would be precluded upon its assignment to Marion there are four communities of over 1,000 population (Chilhowie, Saltville, Richlands, and Tazewell) which do not have FM assignments, but that two other Class A assignments (Channels 261A and 285A) would still be available for the future needs of such communities. No potential assignments on adjacent channels would be precluded.

8. We are of the view that comments should be invited on petitioner's proposal as outlined above in order that all interested parties may submit their views and relevant data.

9. RM-1021, Hannibal, Mo. Mark Twain Broadcasting Co., licensee of Station KHMO(AM), Hannibal, Mo., in a petition filed on August 24, 1966, requests the substitution of Channel 225 for 254 at Hannibal by making one other needed change as follows:

City	Channel No.	
	Present	Proposed
Hannibal, Mo.	254	225
Fulton, Mo.	224A	249A

Petitioner points out that due to existing stations and assignments a new FM station on Channel 254 at Hannibal would have to be located about 12 miles out of town to meet the required spacings and that the proposed assignment represents a more optimum use of both channels since Channel 254 could be used in such other cities as Jacksonville, Ill., while Channel 225 can be used in the city of Hannibal itself.

10. We are of the view that comments should be invited on the petitioner's proposal above.

11. RM-1020, Mount Pleasant and Burlington, Iowa. In a petition filed on August 5, 1966, and supplemented on August 25, 1966, Edward R. Carney, Jr., prospective applicant for a new FM station in the Mount Pleasant-Burlington area, requests the change in designation of Channel 297 from Burlington, Iowa, to Mount Pleasant-Burlington, Iowa. Burlington has a population of 32,430 and its county (Des Moines) has a population of 44,605. There is an application on file for the sole FM assignment in the community, Channel 297. The application, BPH-5224 was filed by RB, Inc., licensee of Station KBUR(AM), Burlington, a Class IV station. There is one other AM station in Burlington, KYED, a daytime-only operation. Mount Pleasant, 26 miles northwest of Burlington, has a population of 5,843 and its county (Henry) has a population of 18,187.

[2] In effect, all WBEN seeks in this case is to achieve the same result as if Bee Bee had selected Erie Channel 292A, instead of 272A, for use at Union City. Under these circumstances we believe the proposal warrants consideration. However, as we have mentioned before, FM stations are not generally entitled to such wide-area protection and we do not contemplate any nonuse of Channel 272A in Erie or elsewhere in the area if there is demand for it.

There are no AM stations in the community nor is an FM channel assigned to it.

12. Petitioner states that the assignment of Channel 297 to the combined Mount Pleasant-Burlington area would allow the residents of Mount Pleasant to share in a much needed first local radio service. It submits that Mount Pleasant has grown at a much greater rate than Burlington, that there is a great need for a local station and the necessary support for such an operation, and that it is an important educational, business, and commercial center. Letters of support for the proposed station are submitted from a number of business people in the community. Finally, petitioner states that Channel 297 is the only Class C assignment available which will meet the mileage separation rules and provide service to both Mount Pleasant and Burlington.

13. The stated purpose of the subject proposal is to make Channel 297, presently assigned to Burlington alone, available by application to Mount Pleasant as well. Rule making is necessary since the former is more than 25 miles from the latter. Since Mount Pleasant does not have either an AM station or an FM assignment available to it, we are of the view that comments on the proposal should be invited in order that all interested parties may submit their views and relevant data.[3]

14. RM-1019, Angola, Ind. In a petition filed on August 24, 1966, Steuben County Broadcasting Co., prospective applicant for a new FM station in Angola, Ind., requests the assignment of Channel 288A to Angola by its deletion from Fort Wayne, Ind., as follows:[4]

City	Channel No.	
	Present	Proposed
Angola, Ind.		288A
Fort Wayne, Ind.	236, 247, 260A, 288A	236, 247, 260A

Angola, the county seat and largest community in Steuben County, has a population of 4,746 persons, while the county has 17,184. There are no AM or FM stations or assignments in the county. Fort Wayne has a population of 161,776. It has four AM stations and four FM assignments, two of which are in operation. Petitioner urges that Angola merits its first FM assignment by the means proposed in view of the multiple assignments in Fort Wayne and the fact that the shifting of Channel 288A to Angola would also make it available in the Peru and Wabash areas of Indiana.

15. While we agree that Angola merits a first FM assignment, we do not believe that this should be accomplished at the expense of Fort Wayne. Under the criteria used in setting up the FM Table of Assignments an attempt was made to assign from four to six Class B channels to a city the size of Fort Wayne. We were only able to make four FM assignments, including only two Class B channels. The claimed efficiency of the subject proposal is not determinative here since other assignments are available to Peru and Wabash, Ind. It appears that Channel 261A could be assigned to Angola without any other changes in the Table provided a site about 2–3 miles north of the community is used (to meet the required cochannel spacing to Bluffton). In view of this we are denying the Steuben County request and instead invite comments on the following:

City	Channel No.
Angola, Ind.	261A

16. Clanton, Ala. In addition to the changes proposed above requested by interested parties, the Commission wishes to make an additional change on its own motion. Station WKLF-FM in Clanton has recently commenced operation on Channel 249A and since its previous operation was on a short-spaced assignment (Channel 265A) we propose to delete the latter channel and reassign it to Selma, Ala. Clanton has a population of 5,683 persons, while Selma, with a population of 28,385, only has one FM assignment, presently in use. We invite comments therefore on the following proposal:

City	Channel No.	
	Present	Proposed
Clanton, Ala.	249A, 265A	249A
Selma, Ala.	261A	261A, 265A

17. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

18. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before November 21, 1966, and reply comments on or before December 2, 1966. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

19. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: October 20, 1966.

Released: October 21, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11730; Filed, Oct. 26, 1966; 8:50 a.m.]

[3] On the last day for filing replies, RB, Inc., filed an opposition to the petition suggestion that either Channel 237A or 288A be assigned to Mount Pleasant. This opposition and counterproposal will be considered in the proceeding.

[4] On Sept. 20, 1966, C. P. Broadcasters, Inc., applicant for a new FM station on Channel 288A at Auburn, Ind. (available to it under the "25-mile rule") filed an opposition and a motion to strike the subject petition. In view of the action taken herein, no further consideration will be given to the C. P. Broadcasters' pleadings, Steuben's reply and other related pleadings.

[5] Commissioners Bartley and Cox dissenting to the proposal for Erie, Pa.; Commissioner Loevinger absent.

FEDERAL MARITIME COMMISSION

[46 CFR Part 525]

[Docket No. 65-5]

TIME LIMIT ON FILING OF OVERCHARGE CLAIMS

Request for Further Comment on Reopening Proceeding

On June 28, 1966, the Federal Maritime Commission issued a report and order in the subject proceeding in which it declined to promulgate at that time a proposed rule which would have prohibited the limitation of time within which claims for adjustment of freight charges may be presented to carriers to less than 2 years after date of shipment.

Ocean Freight Consultants, Inc. (OFC) petitioned on July 25, 1966, for a reopening of the rulemaking proceeding, the adoption of the proposed rule, and the institution of a Commission investigation or such further proceedings as may be necessary to outlaw the present practices of carriers with respect to claims for adjustment of freight charges.

The grounds raised in the petition for reopening are (1) that the Commission artificially limited itself to sections 14 and 18(b)(3) of the Shipping Act, 1916 (the Act) in reaching its determination; (2) that it failed to give proper weight to "evidence" submitted by OFC in response to Commission request; and (3) that the Commission failed to utilize the full scope of its rulemaking authority in this proceeding. Violations of the rules and the Act are also alleged.

The petitioner may, of course, file a complaint under section 22 of the Act and seek reparation for any harm caused him by violations of any of the Act's provisions. But if carrier-imposed time limitations are causing hardships not only to this petitioner but to other shippers, further proceedings might be required. Perhaps the failure to bring issues regarding difficulties arising from

such rules to light by other interested shippers was due to the somewhat limited scope of this proceeding. Therefore, in order to allow shippers, carriers and all interested parties to indicate their views on the full range of the rules' impact, we hereby request further comment on the question of whether to reopen this proceeding with its scope broadened to include the question of whether such rules are unlawful under any relevant section of the Shipping Act, and if the proceeding is to be reopened, whether an evidentiary hearing should be held.

All comments filed should clearly indicate (1) the sections of the Act under which the existing rules are challenged and under which the proposed rule would be promulgated together with a full statement of the facts and law relied upon; and (2) the type of hearing required if the proceeding is to be reopened.

Interested parties should submit 15 copies of their comments to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 28, 1966.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11716; Filed, Oct. 26, 1966; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 319]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Corps of Engineers, Department of the Air Force, has filed an application, serial number Arizona 319, for the withdrawal and reservation of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws, subject to valid existing claims. The lands involved, concurrent with the proposed use of the applicant, will continue to be administered for multiple resource purposes to the best interest of the public.

The Department of the Air Force desires these lands as a restrictive area and for an azimuth survey marker site to be used in connection with national defense purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 12 S., R. 9 E.,
Those portions of the east half of the east half of the southwest quarter of section 19; the southwest quarter of the southwest quarter of section 20; the northwest quarter of the northwest quarter of the northwest quarter of the northwest quarter of section 29, and of the north half of the north half of the northeast quarter of section 30, lying within the circumference of a circle, having a radius of 1,800 feet, the center of said circle being a point located S. 41°00'15" W., 1,895.18 feet from the quarter corner common to said sections 19 and 20, basis of bearings being Transverse Mercator Grid, Central Zone, Arizona.

The area described above aggregates approximately 52.17 acres in Pima County.

GLENDON E. COLLINS,
Acting State Director.

OCTOBER 21, 1966.

[F.R. Doc. 66-11689; Filed, Oct. 26, 1966; 8:45 a.m.]

[Arizona 329]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, Department of Agriculture, has filed an application, serial number Arizona 329, for a protective withdrawal of the lands described below from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the lands for the protection of scenic zone of roads and stream and public improvements within the Lynx Lake Recreation Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

PRESCOTT NATIONAL FOREST

Walker Road Roadside Zone

A strip of land 300 feet on each side of the centerline of the Walker Road through the following legal subdivisions:

T. 13 N., R. 1 W.,
Sections 5, 6, and 8.
The area described aggregates approximately 97.91 acres.

Lynx Creek Streamside Zone

T. 12½ N., R. 1 W.,
Sec. 20, lots 1, 2, 3, and 4;
Secs. 20 and 21, M. S. No. 4532, 1661, and 4408, involving the null and void Good Hope placer claim.
T. 13 N., R. 1 W.,
Sec. 5, lots 9, 12, and 13, W½SE¼ and SE¼SE¼;
Sec. 8, N½NE¼;
Sec. 16, lot 1 (except west 10 chains), lot 4, NE¼ lot 5, and E½SE¼SW¼;
Sec. 21, lots 2, 3, and 4 (except west 10 chains), E½NW¼SW¼NE¼, E½SW¼NE¼, SW¼SE¼NE¼, E½W½SE¼, and W½E½SE¼;
Sec. 28, E½W½NE¼, W½E½NE¼, NE¼NW¼SE¼, NW¼NE¼SE¼, S½NW¼SE¼, and SW¼SE¼;
Sec. 32, lot 15;
Sec. 33, lots 8, 9, 11, 13, 15, and 16.

The areas described within the streamside zone aggregate approximately 927.52 acres.

GLENDON E. COLLINS,
Acting State Director.

OCTOBER 21, 1966.

[F.R. Doc. 66-11708; Filed, Oct. 26, 1966; 8:47 a.m.]

[Nevada 051786]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 18, 1966.

The Federal Aviation Agency has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws.

The applicant desires the land for an addition to Air Navigation Site No. 265.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 41 N., R. 35 E.,
Sec. 27, E½SW¼NW¼NE¼, N½NW¼SW¼NE¼, SW¼NW¼SW¼NE¼, NW¼SW¼SW¼NE¼, NE¼SE¼SW¼NW¼, N½S½SE¼NW¼, SE¼SW¼SE¼NW¼, SW¼SE¼SE¼NW¼.

The area described contains 32.5 acres.

DANIEL P. BAKER,
Manager.

[F.R. Doc. 66-11709; Filed, Oct. 26, 1966; 8:48 a.m.]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 19, 1966.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number Oregon 461, for the withdrawal of the public lands described below, from all forms of appropriation under the mining laws (Chap. 2, 30 U.S.C.) but not from leasing under the mineral leasing laws.

The applicant desires the land in order to protect the Pearson Guard Station Administrative Site for public and administrative use and to safeguard the Government's present and future investments in the area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized office of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

UMATILLA NATIONAL FOREST

Pearson Guard Station Administrative Site

T. 6 S., R. 33 E.,
Sec. 21, N½NE¼SE¼ and N½S½NE¼SE¼.

The area described aggregates 30 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 66-11710; Filed, Oct. 26, 1966; 8:48 a.m.]

CHIEF, DIVISION OF ADMINISTRATION, SOCORRO DISTRICT, N. MEX.

Redelegation of Authority

In accordance with section 3.1 of Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Chief, Division of Administration of the Socorro District, N. Mex., is authorized to perform in accordance with existing policies and regulations of this Department and under the direct supervision of the district manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended.

(1) Section 3.2(c): Copies of records.
(2) Section 3.3(b): Contributions, donations, and refunds.
(3) Section 3.3(c): Repayments.

This order will become effective upon publication in the FEDERAL REGISTER.

VIRGIL A. PATE,
District Manager.

Approved: October 21, 1966.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-11690; Filed, Oct. 26, 1966; 8:45 a.m.]

AREA MANAGERS, SOCORRO DISTRICT, N. MEX.

Redelegation of Authority

OCTOBER 21, 1966.

In accordance with Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Area Managers of the Jornada, Salt Lake, and San Augustine Resource Areas of the Socorro District, N. Mex., are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the district manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended (including redelegations made by the State Director in accordance with Part I, section 1.1(a), together with any limitations specified below.)

(1) Section 3.3(d)—Trespass: Determine liability and accept damages for trespass on the public land and dispose of resources in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $500.

(2) Section 3.7(a): Licenses to graze or trail livestock.

(3) Section 3.7(a)(3): Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(4) Section 3.7(b): Grazing leases.
(5) Section 3.7(d): Soil and moisture conservation.
(6) Section 3.7(e): Controlled brush burning in accordance with plans and specifications approved by the State Director.
(7) Section 3.8(a): Dispose of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management under applicable portions of 43 CFR Part 5400. This authority does not include the approval of any sale of forest products exceeding $100 in value.
(8) Section 3.9(g): Material other than forest products not exceeding $100 in value.
(9) Section 3.9(o)(1): Special land use permits for public lands within the area, under 43 CFR Subpart 2236.

The district manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through the use of Form 1213-1, District Office Authority and Responsibility Guides.

This redelegation will become effective upon publication in the FEDERAL REGISTER.

VIRGIL A. PATE,
District Manager.

Approved: October 21, 1966.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-11691; Filed, Oct. 26, 1966; 8:45 a.m.]

CHIEF, DIVISION OF ADMINISTRATION, ROSWELL DISTRICT, N. MEX.

Redelegation of Authority

In accordance with section 3.1 of Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Chief, Division of Administration of the Roswell District, N. Mex., is authorized to perform in accordance with existing policies and regulations of this Department and under the direct supervision of the district manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended.

(1) Section 3.2(c): Copies of records.
(2) Section 3.3(b): Contributions, donations, and refunds.
(3) Section 3.3(c): Repayments.

This order will become effective upon publication in the FEDERAL REGISTER.

WILLIAM A. CAMPBELL,
District Manager.

Approved: October 21, 1966.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-11692; Filed, Oct. 26, 1966; 8:45 a.m.]

AREA MANAGERS, ROSWELL DISTRICT, N. MEX.

Redelegation of Authority

OCTOBER 21, 1966.

In accordance with Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Area Managers of the Carlsbad and Roswell Resource Areas of the Roswell District, N. Mex., are authorized to perform in their respective areas of responsibility, in accordance with existing policies and der the direct supervision of the district regulations of this Department and unmanager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended (including redelegations made by the State Director in accordance with Part I, section 1.1(a), together with any limitations specified below).

(1) Section 3.3(d)—Trespass: Determine liability and accept damages for trespass on the public land and dispose of resources in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $500.

(2) Section 3.7(a): Licenses to graze or trail livestock.

(3) Section 3.7(a)(3): Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(4) Section 3.7(b): Grazing leases.
(5) Section 3.7(d): Soil and moisture conservation.
(6) Section 3.7(e): Controlled brush burning in accordance with plans and specifications approved by the State Director.
(7) Section 3.8(a): Dispose of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management under applicable portions of 43 CFR Part 5400. This authority does not include the approval of any sale of forest products exceeding $100 in value.
(8) Section 3.9(g): Material other than forest products not exceeding $100 in value.
(9) Section 3.9(o)(1): Special land use permits for public lands within the area, under 43 CFR Subpart 2236.

The district manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through the use of Form 1213-1, District Office Authority and Responsibility Guides.

This redelegation will become effective upon publication in the FEDERAL REGISTER.

WILLIAM A. CAMPBELL,
District Manager.

Approved: October 21, 1966.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-11693; Filed, Oct. 26, 1966; 8:45 a.m.]

CHIEF, DIVISION OF ADMINISTRATION, ALBUQUERQUE DISTRICT, N. MEX.

Redelegation of Authority

In accordance with section 3.1 of Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Chief, Division of Administration of the Albuquerque District, N. Mex., is authorized to perform in accordance with existing policies and regulations of this Department and under the direct supervision of the district manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended.

(1) Section 3.2(c): Copies of records.
(2) Section 3.3(b): Contributions, donations, and refunds.
(3) Section 3.3(c): Repayments.

This order will become effective upon publication in the FEDERAL REGISTER.

WARREN J. GRAY,
District Manager.

Approved: October 21, 1966.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-11694; Filed, Oct. 26, 1966; 8:46 a.m.]

AREA MANAGERS, ALBUQUERQUE DISTRICT, N. MEX.

Redelegation of Authority

OCTOBER 21, 1966.

In accordance with Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Area Managers of the Chaco, Las Vegas, Rio Grande, Rio Puerco, and San Juan Resource Areas of the Albuquerque District, N. Mex., are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the district manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended (including redelegations made by the State Director in accordance with Part I, section 1.1(a), together with any limitations specified below).

(1) Section 3.3(d)—Trespass: Determine liability and accept damages for trespass on the public land and dispose of resources in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $500.

(2) Section 3.7(a): Licenses to graze or trail livestock.

(3) Section 3.7(a)(3): Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(4) Section 3.7(b): Grazing leases.
(5) Section 3.7(d): Soil and moisture conservation.
(6) Section 3.7(e): Controlled brush burning in accordance with plans and specifications approved by the State Director.
(7) Section 3.8(a): Dispose of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management under applicable portions of 43 CFR Part 5400. This authority does not include the approval of any sale of forest products exceeding $100 in value.
(8) Section 3.9(g): Material other than forest products not exceeding $100 in value.
(9) Section 3.9(o)(1): Special land use permits for public lands within the area, under 43 CFR Subpart 2236.

The district manager may at any time temporarily reserve, restrict or withhold any portion of the above delegated authority through the use of Form 1213-1, District Office Authority and Responsibility Guides.

This redelegation will become effective upon publication in the FEDERAL REGISTER.

WARREN J. GRAY,
District Manager.

Approved: October 21, 1966.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-11695; Filed, Oct. 26, 1966; 8:46 a.m.]

NEVADA

Notice of Public Sale

OCTOBER 21, 1966.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), there will be offered to the highest bidder, but at not less than the appraised value and proportionate share of publication cost, at a public sale to be held at 9 a.m., local time, on Wednesday, November 30, 1966, in the Las Vegas High School Auditorium, Ninth and Clark, Las Vegas, Nev., the tracts of land described below:

Tract No.	Acreage	Rights-of-way width-location	Appraised value per tract	Legal description
				T. 21 S., R. 61 E., MD Mer.
1	1.25	30' E.	20,000	Sec. 17: S½NE¼NW¼SW¼NW¼.
				Sec. 19:
2	2.5	50' N., 30' E.	10,000	NE¼NW¼NE¼NW¼.
3	2.5	50' N., 30' W.	10,000	NW¼NW¼NE¼NW¼.
4	2.5	50' N., 30' E.	10,000	NE¼NE¼NW¼NW¼.
5	5.0	30' W., 30' S., 40' E.	18,000	S½NE¼NE¼NW¼.
6	2.5	30' W., 30' S.	5,000	SW¼SE¼NW¼NW¼.
7	2.5	40' N., 30' W.	10,000	NW¼NE¼NE¼SE¼.
8	5.0	40' N., 30' E., 30' W.	20,000	N½NW¼NE¼SE¼.
9	2.5	30' N., 30' E.	10,000	NE¼SW¼NE¼SE¼.
10	5.0	100' S., 30' W., 30' N.	27,500	W½SE¼SE¼SE¼.
11	2.5	100' S., 50' E.	12,500	SE¼SE¼SE¼SE¼.
				Sec. 20:
12	2.5	30' S., 30' E.	12,500	SE¼NW¼NW¼NW¼.
13	2.5	30' N., 30' E.	12,500	NE¼SW¼NW¼NW¼.
14	2.5	30' E., 30' S.	7,500	SE¼SW¼NW¼SW¼.
				Sec. 24:
15	2.5	30' E., 30' S.	4,000	SE¼NE¼NW¼SW¼.
16	2.5	30' N., 30' E.	4,000	NE¼SW¼NE¼SW¼.
				Sec. 28:
17	2.5	30' E., 30' S.	10,000	SE¼NE¼SW¼NW¼.

Tract No.	Acreage	Rights-of-way width-location	Appraised value per tract	Legal description
				T. 21 S., R. 61 E., MD Mer.
18	5.0	30' E., 30' W., 40' S.	25,000	S½SE¼SW¼NW¼.
19	2.5	30' W., 30' S.	10,000	SW¼NW¼SE¼NW¼.
20	2.5	30' E., 30' S.	10,000	SE¼NE¼SW¼SW¼.
				Sec. 30:
21	2.5	50' N., 30' E.	2,500	Lot 5.
22	1.18	50' N., 60½' W.	1,250	Lot 6.
23	2.5	30' E., 30' S.	10,000	SE¼NW¼NW¼NE¼.
24	2.5	30' N., 30' W.	10,000	NW¼NE¼SE¼NE¼.
25	2.5	30' E., 30' S.	10,000	SE¼NW¼SE¼NE¼.
26	2.5	30' E., 30' N.	10,000	NE¼SW¼SE¼NE¼.
27	2.5	30' E., 40' S.	10,000	SE¼SW¼NE¼NE¼.
28	5.0	30' N., 40' E.	30,000	E½E½NE¼NW¼.
29	2.5	40' E., 30' N.	12,500	NE¼SE¼NE¼NW¼.
30	2.5	30' E., 30' S.	8,500	SE¼SE¼NW¼NW¼.
31	2.5	30' W., 30' N.	8,500	NW¼NW¼SE¼NW¼.
32	2.5	50' S., 30' E.	8,500	SE¼SW¼SE¼NW¼.
33	2.5	50' E., 30' S.	12,000	SE¼NE¼NE¼SE¼.
34	2.5	30' W., 30' S.	10,000	SW¼NW¼NE¼SE¼.
35	10.0	30' N., 30' S.	40,000	E½SW¼NE¼SE¼.
				W½SE¼NE¼SE¼.
36	2.5	30' N., 30' W.	10,000	NW¼NW¼SE¼SE¼.
				Sec. 31:
37	1.25	30' N., 30' E.	4,000	E½NE¼SW¼NE¼NE¼.
38	1.25	30' S.	5,000	E½SW¼SW¼NE¼NE¼.
39	1.25	30' S., 30' E.	3,000	E½SE¼NE¼NW¼SE¼.
40	1.25	30' S.	3,000	E½SW¼SW¼NW¼SE¼.
				Sec. 32:
41	0.63	30' W.	7,500	Lot 4.
42	0.635	30' W.	7,500	Lot 10.
43	2.5	30' S., 30' E.	10,000	SE¼NW¼SE¼SE¼[1]
44	5.0	30' N., 50' W., 30' E.	20,000	Lot 37.
45	1.25	50' N., 50' W.	5,000	W½NW¼NW¼NW¼NW¼.
46	2.5	30' W., 30' S.	10,000	SW¼NE¼SW¼NW¼.
47	2.5	30' N., 30' E.	10,000	NE¼SW¼NW¼SW¼.
48	1.25	30' S.	6,000	E½SW¼SW¼NW¼NW¼.
49	1.25	30' S., 30' E.	6,000	E½SE¼SW¼NW¼NW¼.
50	2.5	30' N., 30' W.	10,000	NW¼SE¼SW¼NW¼.
51	1.25	30' S., 30' W.	6,000	W½SW¼SE¼NW¼NW¼.
52	1.25	30' S., 30' E.	6,000	E½SE¼SE¼SW¼NW¼.
53	1.25	50' N.	7,500	Sec. 36: E½NW¼NE¼NE¼NW¼.
				T. 21 S., R. 62 E., MD Mer.
				Sec. 28:
54	10.00	50' S., 30' N.	12,000	W½SE¼SE¼SW¼.
				E½SW¼SE¼SW¼.
				T. 22 S., R. 61 E., MD Mer.
55	5.0		10,000	Sec. 8: W½SW¼SE¼SW¼.
				T. 18 S., R. 66 E., MD Mer.
56	120.0		3,600	Sec. 7: NW¼NE¼, S½NE¼.

[1] (S½ of Lot 34).

The lands will be sold subject to all valid existing rights and reservations for rights-of-way. Reservations will be made to the United States for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All mineral rights are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by the principal or his agent, either personally at the sale or by mail. Bids for a parcel must be for all the lands in the parcel. Bids sent by mail will be considered only if received at the Las Vegas District Office, 1859 North Decatur Boulevard, Las Vegas, Nev. 89107, prior to 4:00 p.m., on Tuesday, November 29, 1966. Bids prior to the public auction must be submitted in sealed envelopes, accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, made payable to the Bureau of Land Management, for the full amount of the bid, which may not be less than the appraised value and share of publication cost. The envelopes must be marked in the lower left-hand corner "Publication Sale Bid, Parcel No. ------, sale held November 30, 1966."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in increments specified by the authorized officer. After oral bids are received, the authorized officer shall declare the highest qualifying bid. The person declared to have entered the highest qualifying bid shall be allowed until 4:00 p.m., on Wednesday, November 30, 1966, to submit a guaranteed remittance in the form of a certified check, postal money order, bank draft, or cashier's check for the full amount of the bid; no personal checks will be accepted. The publication cost allocated to each parcel will be $1.

All bids, sealed and oral, must be accompanied by a certified statement indicating that the principal is a citizen or otherwise a national of the United States (or who has declared his intention to become a citizen) aged 21 years or more. A partnership or association must show that each of the members is a qualified individual, as stated above. Agents must show that their principal is qualified as above.

Parcels not sold will be reoffered at a public auction to be held the first Wednesday of each month, commencing December 7, 1966, at the Las Vegas District Office, 1859 North Decatur Boulevard, Las Vegas, Nev. 89107, until the parcels are sold or the sale terminated.

Any adverse claimants of the above-described land should file their claims, or objections, with the undersigned on or before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the Proposed Classification Decision. Inquiries concerning this sale shall be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

Daniel P. Baker,
Manager, Nevada Land Office.

By: A. John Hillsamer,
Acting Manager.

[F.R. Doc. 66-11700; Filed, Oct. 26, 1966; 8:46 a.m.]

Office of the Secretary

PONCA TRIBE OF NATIVE AMERICANS OF NEBRASKA

Notice of Termination of Federal Trust Relationship and of Supervision Over Affairs of Individual Members

Pursuant to the provisions of section 10 of the Act of September 5, 1962 (76 Stat. 429), it is hereby proclaimed that the distribution of the assets of the Ponca Tribe of Native Americans of Nebraska has been completed and the Federal trust relationship to the Ponca Tribe of Native Americans of Nebraska and its individual members is terminated. Hereafter, the tribe and the individual members whose names appear on the membership roll of the Ponca Tribe of Native Americans of Nebraska as prepared pursuant to the Act of September 5, 1962 (76 Stat. 429), and as closed and made final as of July 21, 1965 (30 F.R. 9114), shall not be entitled to any of the special services performed by the United States for Indians or Indian tribes because of their status as Indians; all statutes of the United States which affect Indians or Indian tribes because of their status as Indians shall be no longer applicable to the tribe or its members; and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other persons or citizens within their jurisdiction. All restrictions and tax exemptions applicable to trust or restricted lands or interests therein owned by the Indians who are affected by this notice are terminated.

Nothing in this proclamation shall affect the status of any member of the Ponca Tribe of Native Americans of Nebraska as a citizen of the United States.

Termination of the Federal trust relationship to the Ponca Tribe of Native Americans of Nebraska and of supervision over the affairs of the individual members thereof becomes effective as of the date of publication of this proclamation in the Federal Register.

Charles F. Luce,
Acting Secretary of the Interior.

October 18, 1966.

[F.R. Doc. 66-11687; Filed, Oct. 26, 1966; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1966 Rev., Supp. No. 9]

RANGER INSURANCE CO.

Change of Name of Company

Export Insurance Co., Houston, Tex., a New York corporation, has formally changed its name to Ranger Insurance Co., effective July 29, 1966. A copy of Certificate of Amendment of the Certificate of Incorporation of Export Insurance Co. approved by the Insurance Department of the State of New York on July 29, 1966, changing the name of Export Insurance Co. to Ranger Insurance Co., has been received and filed in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated July 29, 1966, has been issued by the Secretary of the Treasury to the Ranger Insurance Co., Houston, Tex., under the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), to replace the Certificate issued June 1, 1966, to the Company under its former name, Export Insurance Co. The underwriting limitation of $412,000 previously established for the Company remains unchanged.

The change in name of Export Insurance Co. does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on May 31 each year, unless sooner revoked and new Certificates are issued on June 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

Dated: October 21, 1966.

[SEAL] John K. Carlock,
Fiscal Assistant Secretary.

[F.R. Doc. 66-11712; Filed, Oct. 26, 1966; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 2]

SALES OF CERTAIN COMMODITIES

October Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the CCC Monthly Sales List for October 1966, as amended, is further amended as set forth below:

The Export Section for wheat is amended by adding to Item A, covering Announcement GR–345 sales, the following sentence: "Hard Red Spring Wheat will not be sold at East Coast ports."

The Export Section for wheat is further amended by adding to Item C(3), covering GR–261 sales, the following sentence: "Hard Red Spring wheat will be sold at East Coast ports for export commodity certificates and buyer must show export from an East Coast port."

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note).)

Signed at Washington, D.C., on October 21, 1966.

H. D. Godfrey,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66-11703; Filed, Oct. 26, 1966; 8:47 a.m.]

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (31 F.R. 9557, 10288, 11771, and 12651) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act, (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to calves with respect to Utica Veal Co., Inc., Establishment 88 is deleted. The reference to sheep with respect to Purnell's Packing Co., Establishment 738 is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Camp Packing Co., Inc.	174	(*)					
Azalea Meats of Georgia, Inc.	348	(*)					
New establishments reporting: 2.							
Swift & Co.	3F		(*)				
Stockmen's Meat Packing Co., Inc.	258		(*)	(*)			
Chino Valley Meat Packing Co., Inc.	336			(*)			
Samuels E-Tex Packing Co.	353		(*)				
Middletown Beef Co., Inc.	483			(*)	(*)		
McCook Packing Corp.	660		(*)				
Baum's Meat Packing	792		(*)				
Bristol Packing Co.	828			(*)			
Siouxland Dressed Beef Co.	857F			(*)			
Wells and Davies, Inc.	860			(*)			
Species Added: 12.							

Done at Washington, D.C., this 21st day of October 1966.

R. K. Somers,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 66-11705; Filed, Oct. 26, 1966; 8:47 a.m.]

Office of the Secretary

IOWA AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Iowa and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Iowa	
Wright.	
Texas	
Bell.	Terry.
Cochran.	Travis.
Falls.	Val Verde.
Terrell.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of October 1966.

Orville L. Freeman,
Secretary.

[F.R. Doc. 66-11706; Filed, Oct. 26, 1966; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2104) has been filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, proposing that § 121.2541

Emulsifiers and/or surface-active agents be amended to provide for the safe use of sorbitan monolaurate (saponification number 153–170, acid number 4–10, hydroxyl number 330–360) as an emulsifier and/or surface-active agent in the manufacture of articles or components of articles intended for use in contact with food. The petition also proposes that references to sorbitan monolaurate be deleted from §§ 121.2506, 121.2507, 121.2525, 121.2531, and 121.2557 since the proposed amendment to § 121.2541, would provide for use of the additive as contemplated.

Dated: October 19, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66–11718; Filed, Oct. 26, 1966; 8:48 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2105) has been filed by the Dow Chemical Co., Biochemical Research Laboratory, 1803 Building, Midland, Mich. 48640, proposing an amendment to § 121.1148 *Ion-exchange resins* to provide for the safe use of cross-linked epichlorohydrinammonia resin in the purification of foods, including potable water.

Dated: October 19, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66–11719; Filed, Oct. 26, 1966; 8:48 a.m.]

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0534) has been filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances for residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-*s*-triazine) in or on raw agricultural commodities, as follows:

Ten parts per million in or on asparagus.

One part per million in or on almonds, apples, artichokes, avocados, blackberries, blueberries, boysenberries, cherries, corn, cranberries, currents, dewberries, grapefruit, grapes, lemons, loganberries, macadamia nuts, olives, oranges, peaches, pears, pineapples, plums, raspberries, strawberries, sugarcane, and walnuts.

The analytical method proposed in the petition for determining residues of simazine is that of conversion of simazine to its hydroxy analog which is then measured spectrophotometrically.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66–11720; Filed, Oct. 26, 1966; 8:49 a.m.]

W. H. MINER, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2109) has been filed by W. H. Miner, Inc., Rookery Building, 209 South La Salle Street, Chicago, Ill. 60604, proposing an amendment to § 121.1088 *Boiler water additives* to provide for the safe use of sodium glucoheptonate as a boiler water additive in the preparation of steam that will contact food.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66–11721; Filed, Oct. 26, 1966; 8:49 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0524) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of a tolerance of 0.1 part per million for residues of the herbicide 2-chloro-*N*-isopropylacetanilide in or on the raw agricultural commodities cottonseed and sweet corn.

The analytical method proposed in the petition for determining residues of the herbicide is that of gas liquid chromatography, in which the amount of residue present is determined by the amount of *N*-isopropylaniline recovered from strong hydrolysis of the crop extract.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66–11722; Filed, Oct. 26, 1966; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16826, 16827; FCC 66M–1424]

BRANCH ASSOCIATES, INC., AND ASCENSION PARISH BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of Branch Associates, Inc., Houma, La.; Docket No. 16826, File No. BP–16701; R. E. Hook, trading as Ascension Parish Broadcasting Co., Donaldsonville, La.; Docket No. 16827, File No. BP–17035; for construction permits.

The Hearing Examiner having been informally advised by counsel for Branch Associates, Inc., that the applicants contemplate filing in the immediate future an agreement among themselves which, if approved, may obviate the need for hearing on some but not all of the designated issues;

It appearing, that it is appropriate under such circumstances to reconsider the procedures established to govern this hearing;

It is ordered, This 20th day of October 1966, that the procedural dates established by the Hearing Examiner's order of September 16, 1966, are set aside, and that a further prehearing conference shall convene on October 27, 1966, at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–11731; Filed, Oct. 26, 1966; 8:50 a.m.]

[Docket Nos. 16944, 16945; FCC 66–932]

PRAIRIELAND BROADCASTERS AND RICHARD P. LAMOREAUX

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Stephen P. Bellinger, Joel W. Townsend, Ben H. Townsend, Morris E. Kemper, and James A. Mudd, doing business as Prairieland Broadcasters, Monmouth, Ill.; Docket No. 16944, File No. BPH–5296; Requests: 97.7 mc, No. 249; 3 kw; 81 ft.; Richard P. Lamoreaux, Monmouth, Ill.; Docket No. 16945, File No. BPH–5441; Requests: 97.7 mc, No. 249; 3 kw(H); 3kw(V); 210 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of October 1966;

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would cause mutual destructive interference.

2. Consideration of the programing proposals is required because of the substantial and material difference between the proposals in the amount of AM programing to be duplicated. Prairieland Broadcasters proposes to duplicate its companion AM station 37.50 percent of the time, while Richard P. Lamoreaux proposes independent operation. Therefore, programing evidence will be admissible under the standard comparative issue.

3. The areas and populations to be served are markedly different in size and that for the purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM services of at least 1 mv/m in such areas will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–11732; Filed, Oct. 26, 1966; 8:50 a.m.]

[Docket Nos. 16655, 16656; FCC 66M–1425]

JONES T. SUDBURY AND NORTHWEST TENNESSEE BROADCASTING CO., INC.

Order Scheduling Further Prehearing Conference

In re applications of Jones T. Sudbury, Martin, Tenn.; Docket No. 16655, File No. BPH–5067; Northwest Tennessee Broadcasting Co., Inc., Martin, Tenn.; Docket No. 16656, File No. BPH–5174; for construction permits.

At the prehearing conference in the above-entitled proceeding held on July 18, 1966, it was decided to continue the further prehearing conference until after the Review Board had acted on the then pending petitions to modify and enlarge issues. The Review Board has now disposed of such petitions.

A further prehearing conference will be held on Friday, October 28, 1966, beginning at 9 a.m., in the offices of the Commission, Washington, D.C. The matters to be considered will include but will not be limited to those which are based on new issues which have been promulgated by the Review Board.

It is so ordered, This the 21st day of October 1966.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–11733; Filed, Oct. 26, 1966; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 473]

AFRO-ASIAN FORWARDING CO., INC.

Revocation of License

Whereas, Afro-Asian Forwarding Co., Inc., 20 Pearl Street, New York, N.Y. 10004, has ceased to operate as an independent ocean freight forwarder; and

Whereas, by letter dated October 13, 1966, Afro-Asian Forwarding Co., Inc., has requested the cancellation of its Independent Ocean Freight Forwarder License No. 473.

Now therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1, section 6.03.

It is ordered, That the Independent Ocean Freight Forwarder License No. 473 of Afro-Asian Forwarding Co., Inc., be and is hereby revoked, effective this date.

It is further ordered, That Independent Ocean Freight Forwarder License No. 473 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JOHN F. GILSON,
Deputy Director, Bureau of Domestic Regulation.

[F.R. Doc. 66–11715; Filed, Oct. 26, 1966; 8:48 a.m.]

[Docket No. 66–55; Agreement 2846–15]

WEST COAST OF ITALY, SICILIAN, AND ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE

Order of Investigation and Hearing

The member lines of the West Coast of Italy, Sicilian, and Adriatic Ports/North Atlantic Range Conference have filed with the Commission for approval, pursuant to section 15 of the Shipping Act, 1916, an agreement, which has been assigned Federal Maritime Commission Number 2846–15, to amend the basic agreement to provide for an increase in the amount of the admission fee from $3,000 to $10,000.

It appearing that Agreement 2846–15 may establish an unreasonable and unequal term or condition for admission and readmission to Conference membership of other qualified carriers in the trade, or could be detrimental to the commerce of the United States or otherwise in contravention of the statutory requirements of section 15 of the Shipping Act, 1916, and in order that a record may be developed upon which the Commission may determine whether to approve, disapprove, or modify Agreement 2846–15;

Now, therefore, it is ordered, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation be and is hereby instituted to determine whether Agreement 2846–15 should be approved, disapproved, or modified.

It is further ordered, That the West Coast of Italy, Sicilian, and Adriatic Ports/North Atlantic Range Conference and the member lines thereof, as listed below, are hereby made respondents in this proceeding; and

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 8, 1966, with copy to parties.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, in-

cluding notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX A

Mr. G. Ravera, Secretary, The West Coast of Italy, Sicilian, and Adriatic Ports/North Atlantic Range Conference, Vico San Luca, 4, Genoa, Italy.

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.

American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.

Compagnie Fabre Societe Generale de Transports Maritimes, Black Diamond Steamship Co., 2 Broadway, New York, N.Y. 10004.

Concordia Line, Boise-Griffin Steamship Co., Inc., General Agents, 90 Broad Street, New York, N.Y. 10004.

Giacomo Costa Fu Andrea (Costa Line), Overseas Consolidated Co., Ltd., General Agents, 26 Broadway, New York, N.Y. 10004.

Hansa Line—Deutsche Dampfschiffahrts, Gesellschaft "Hansa", F. W. Hartmann & Co., Inc., General Agents, 21 West Street, New York, N.Y. 10006.

Hellenic Lines, Ltd., 39 Broadway, New York, N.Y. 10006.

"Italia" Societa per Azioni de Navigazione (Italian Line), 1 Whitehall Street, New York, N.Y. 10004.

Jugoslavenska Linijska Plovidba (Jugolinija), Crossocean Shipping Co., Inc., General Agents, 17 Battery Place, New York, N.Y. 10004.

Moller-Maersk Line, A.P., Moller Steamship Co., Inc., General Agents, 67 Broad Street, New York, N.Y. 10004.

Prudential Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Van Nievelt Goudriaan & Co's Stoomvaart Maatschappij N.V. (Constellation Line), Constellation Navigation, Inc., General Agents, 85 Broad Street, New York, N.Y. 10004.

Villain & Fassio e Compagnia Internazionale Di Genova (Fassio Line), Norton, Lilly & Co., Inc., General Agents, 26 Beaver Street, New York, N.Y. 10004.

Zim Israel Navigation Co., Ltd., Mediterranean Agencies, Inc., General Agents, 42 Broadway, New York, N.Y. 10004.

[F.R. Doc. 66-11717; Filed, Oct. 26, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI67-98, etc.]

HUNT OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 19, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 7, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-98	Hunt Oil Co. (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	28	16	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (Northern Louisiana).	$1,846	9-26-66	[3] 11-1-66	4-1-67	[4] 17.2366	[5] [6] 17.4417	RI66-127.
	....do	39	9	Texas Eastern Transmission Corp. (Northeast Hallsville Field, Harrison County, Tex.) (R.R. District No. 6).	406	9-26-66	[3] 11-1-66	4-1-67	15.3378	[5] [6] 15.5410	RI66-127.
RI67-99	Hunt Oil Co	38	10	Texas Eastern Transmission Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	61	9-26-66	[3] 11-1-66	4-1-67	15.3378	[5] [6] 15.5410	RI66-127.
RI67-100	Hassie Hunt Trust (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	4	21	Texas Eastern Transmission Corp. (Northeast Lisbon Field, Claiborne Parish, La.) (Northern Louisiana).	3,078	9-26-66	[3] 11-1-66	4-1-67	[4] 17.2365	[5] [6] 17.4417	RI66-130.
RI67-101	Lamar Hunt, 1401 Elm St., Dallas, Tex. 75202.	8	14	Texas Eastern Transmission Corp. (Lucky Field, Bienville Parish, La.) (Northern Louisiana).	1	9-26-66	[3] 11-1-66	4-1-67	[4] 17.2365	[5] [6] 17.4417	RI66-134.
RI67-102	Lamar Hunt Trust Estate et al., 1401 Elm St., Dallas, Tex. 75202.	8	14	....do	686	9-26-66	[3] 11-1-66	4-1-67	[4] 17.2365	[5] [6] 17.4417	RI66-135.
RI67-103	Nelson Bunker Hunt Trust Estate, 1401 Elm St., Dallas, Tex. 75202.	7	14	....do	410	9-26-66	[3] 11-1-66	4-1-67	[4] 17.2366	[5] [6] 17.4417	RI66-136.
RI67-104	William Herbert Hunt Trust Estate, 1401 Elm St., Dallas, Tex. 75202.	10	14	....do	615	9-26-66	[3] 11-1-66	4-1-67	[4] 17.2366	[5] [6] 17.4417	RI66-125.
RI67-105	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	303	2	Natural Gas Pipeline Co. of America (Northwest Chester Field, Woodward County, Okla.) (Panhandle Area).	1,342	9-23-66	[3] 11-15-66	4-15-67	[7] 17.0	[5] [8] 19.5	
RI67-106	Rounds & Stewart Natural Gasoline Co., Inc. (Operator), Union Center Bldg., Wichita, Kans. 67202.	1	3	Cities Service Gas Co. (East Antelope, Antelope Klenda, and Hillsboro Fields, Marion County, Kans.).	14,000	9-26-66	[3] 10-27-66	3-27-67	[4] 14.0	[5] [6] 16.0	
RI67-107	Frederick C. & Ferris F. Hamilton d.b.a. Hamilton Brothers, Ltd., 1517 Denver Club Bldg. Denver, Colo. 80202.	13	6	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.) (Panhandle Area).	665	9-29-66	[3] 11-1-66	4-1-67	[7] [9] 17.8	[5] [8] [9] 18.0	RI66-133.

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-108	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	278	3	Natural Gas Pipeline Co. of America (Joiner City Plant, Carter County, Okla.) (Oklahoma "Other" Area).	12,000	9-30-66	[2] 12-1-66	5-1-67	[7] 15.0	[6] [7] [10] 18.0	
RI67-109	Russell Maguire (Operator) et al., 4200 First National Bank Bldg., Dallas, Tex. 75202, Attn: Mr. Max F. Powell.	2	12	Texas Eastern Transmission Corp. (Alco-Mag Field, Harris County, Tex.) (R.R. District No. 3).	2,160	9-23-66	[2] 11-1-66	4-1-67	[11] 16.0	[5] [11] 16.2	RI66-114.

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1.75 cents tax reimbursement.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.
[8] The stated effective date is the first day after expiration of the statutory notice.
[9] Includes 1.75 cents compression charge deducted by buyer for gas produced from the Curtis Ross No. 1 Well only.
[10] Respondent is filing from initial certificated rate to first contractual periodic increase. (Initial contract rate of 17.0 cents has not been filed for.)
[11] Includes 0.5 cent per Mcf for facilities amortization deducted by buyer.

Humble Oil & Refining Co. (Humble) requests that should the Commission suspend its rate filing that the suspension period be shortened to 1 day. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension period with respect to its rate filing and such request is denied.

Round & Stewart Natural Gasoline Co., Inc. (Operator) (Round & Stewart) requests a retroactive effective date of June 30, 1966, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Round & Stewart's rate filing and such request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 66-11616; Filed, Oct. 26, 1966; 8:45 a.m.]

[Docket No. CP67-99]

CITIES SERVICE GAS CO.

Notice of Application

October 20, 1966.

Take notice that on October 17, 1966, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP67-99 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and the operation of certain natural gas transportation and sales facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to augment its ability to act with reasonable dispatch during the calendar year 1967 in establishing new delivery points for the sale of presently authorized volumes of natural gas to existing distributors in existing market areas at filed rates for resale by them pursuant to proper local and State authorizations, for direct sales of natural gas to consumers, and to make necessary miscellaneous rearrangements on its system.

Applicant states that the maximum delivery to any one customer will not exceed 100,000 Mcf of natural gas annually, and that the gas will not be used for boiler fuel purposes, as defined by § 157.7(c)(9) of the regulations under the Act.

The total estimated cost of the proposed facilities will not exceed $300,000, which cost will be paid out of treasury cash. No one project will cost over $5,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 18, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-11682; Filed, Oct. 26, 1966; 8:45 a.m.]

[Docket No. CP67-97]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Application

OCTOBER 20, 1966.

Take notice that on October 14, 1966, Columbia Gulf Transmission Co. (Columbia Gulf), Post Office Box 683, Houston, Tex. 77001, United Fuel Gas Co. (United Fuel), Post Office Box 1273, Charleston, W. Va., 25325, and Kentucky Gas Transmission Corp. (Kentucky Gas), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP67-97 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation and sale for resale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, the Applicants request the following:

(1) Authorization for Columbia Gulf to construct and operate a main line tap on each of its two transmission lines and a measuring and regulating station, together with all appurtenant facilities, at a point on its main line transmission system near Kingston, Madison County, Ky., and to deliver volumes of gas through said facilities directly to Kentucky Gas for the account of United Fuel;

(2) Authorization for United Fuel to establish a new point of delivery to Kentucky Gas;

(3) Authorization for Kentucky Gas to deliver to Delta Natural Gas Co., Inc. (Delta) volumes of natural gas at such new delivery point near Kingston, Madison County, Ky., for resale by Delta in the unincorporated communities of Kingston and Terrill, Ky., and environs.

Columbia Gulf estimates that the cost of constructing the proposed facilities will be $36,700, which cost will be paid from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 17, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a

grant of the certificate required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11683; Filed, Oct. 26, 1966; 8:45 a.m.]

[Docket No. E-7315]

GULF STATES UTILITIES CO.

Notice of Application

OCTOBER 20, 1966.

Take notice that on October 14, 1966, Gulf States Utilities Co. (Applicant) filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act authorizing the Applicant to issue unsecured promissory notes to commercial banks and unsecured promissory notes in the form of commercial paper to commercial paper dealers up to an aggregate principal amount of $31 million.

Applicant is incorporated under the laws of the State of Texas with its principal business office at Beaumont, Tex., and is qualified to carry on its business in the States of Texas and Louisiana and is engaged principally in the business of generating, transmitting, distributing, and selling electric energy in Southeastern Texas and in south-central Louisiana.

Applicant expects to execute prior to December 31, 1966 loan agreements with Irving Trust Co. and the Chase Manhattan Bank to cover a portion of the 1967 interim financing requirements. Copies of these loan agreements will be filed as exhibits to this application. The interest rate on all borrowings under these loan agreements will be at the prime rate of the lender in effect at the time of each borrowing. The applicant also plans to issue unsecured promissory notes in the form of commercial paper at a discount to well-established investment banking firms that are engaged in the business of buying and selling commercial paper. The investment banking firms will, in turn, offer the commercial paper for sale to the investing public at a price that will provide the buyer with a lower interest yield than the interest cost to the Company. The interest cost or discount rate of issuing the commercial paper will be determined at the time it is issued. All commercial paper will have a maturity of not more than 9 months from the date of its issuance and the aggregate amount to be outstanding at any one time will not exceed the sum of (1) the dollar amount of the Company's receivables arising out of the sale of electricity, gas and merchandise, and (2) the dollar amount of the Company's fuel supply. As of August 31, 1966, the sum of these items for the Company totaled $14,418,438.

According to the application the proceeds from the borrowings under the loan agreements and from the issuance of commercial paper will be used to provide working capital and funds for corporate transactions.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1966, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11684; Filed, Oct. 26, 1966; 8:45 a.m.]

[Docket No. CP67-107]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 21, 1966.

Take notice that on October 20, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-107 an application pursuant to section 7(b) and section 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of other facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon and remove approximately 1,635 feet of its Ralston, Nebr., branchline and to install as a replacement approximately 2,260 feet of 4-inch line. Such action has been made necessary by the development of a residential subdivision over the present location of the pipeline by the Ponderosa Development Co. (Ponderosa).

The total estimated cost of the relocation is $11,017, which cost to Applicant will be reimbursed by Ponderosa.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 10, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11685; Filed, Oct. 26, 1966; 8:45 a.m.]

[Docket No. CI67-287]

SUPERIOR OIL CO.

Notice Postponing Hearing and Extending Time

OCTOBER 13, 1966.

Upon consideration of the motion filed by Staff Counsel, on October 10, 1966, in the above-designated proceeding, requesting postponement of the hearing set for November 15, 1966, by paragraph (A) of the order issued September 14, 1966, and further requesting deferral of the date within which Superior Oil Co. shall file and serve its case in chief as required by paragraph (D) of said order;

Notice is hereby given that commencement of the aforementioned hearing is postponed to January 10, 1967, and the date within which Superior shall file and serve its case in chief is extended to and including December 10, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11707; Filed, Oct. 26, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2023]

HERCULES INTERNATIONAL FINANCE CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of the Act

OCTOBER 21, 1966.

Notice is hereby given that Hercules International Finance Corp. ("applicant"), Wilmington, Del., a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The applicant was organized by Hercules Inc. ("Hercules") under the laws of the State of Delaware on October 14, 1966. The authorized capital stock of applicant consists of 1,000 shares of common stock without par value. All of such stock is to be purchased by Hercules for $6 million in cash. Any additional securities which applicant may issue, other than debt securities, will be issued only to Hercules or to a wholly owned subsidiary of Hercules. Hercules will not dispose of any of applicant's securities which it has acquired, except to applicant or to another wholly owned subsidiary of Hercules.

Hercules is primarily engaged, directly and indirectly through 18 majority-owned subsidiaries, both domestic and foreign, in the manufacture and sale of chemicals, products made from chemicals, explosives, blasting supplies, protein products, polyolefin films and fibers, and molding powders and plasticizers.

The applicant has been organized in order to raise funds abroad for financing Hercules' expanding foreign operations while at the same time, providing assistance in improving the balance of payments position of the United States in compliance with the voluntary cooperation program instituted by the President in February 1965.

Applicant intends to issue and sell $25 million of its Guaranteed Notes due December 1, 1971 ("Notes"). Hercules will guarantee the principal, interest payments and premium, if any, on the Notes. Any additional debt securities of the applicant which may be issued to or held by the public will be guaranteed by Hercules in a manner substantially similar to the guarantee of the Notes.

Applicant intends to invest its assets in stock or debt obligations of foreign corporations a majority of whose voting securities are owned directly or indirectly by Hercules and which are primarily engaged in the businesses described above in which Hercules and its subsidiaries now engage or in the business of selling products made by Hercules in the United States or by one of Hercules' subsidiaries and bearing Hercules' trademarks or brands. Prior to making investments in Hercules' majority-owned subsidiaries and in connection with changes in long-term investments, applicant will make interim investments in obligations of foreign governments or financial institutions, including interest bearing deposits in foreign banks. The applicant will not acquire the securities representing interim investments and loans for purpose of sale or distribution and will not trade in such securities.

The Notes are to be sold through a group of Underwriters for offering outside the United States. The Notes are to be offered and sold under conditions which are intended to assure that the Notes will not be offered or sold in the United States, its territories or possessions or to nationals or citizens or residents of the United States, its territories or possessions. The contracts relating to such offer and sale will contain various provisions intended to assure that the Notes will not be purchased by nationals or residents of the United States, its territories or possessions. Any additional debt securities of applicant which may be sold to the public in the future will be sold under the substantially similar conditions.

Counsel has advised the applicant that U.S. persons (as defined in the Interest Equalization Tax Act) will be required to report and pay the interest equalization tax with respect to acquisition of the Notes, except where a specific statutory exemption is available. The applicant will apply to the Internal Revenue Service for a ruling to this effect prior to the sale of the Notes. Thus, by financing its foreign operations through the applicant rather than through the sale of its own debt obligations, Hercules will utilize an instrumentality, the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting applicant from each and every provision of the Act for the following reasons: (1) A principal purpose of the applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Hercules may obtain funds in foreign countries for its foreign operations; (2) the applicant will not deal or trade in securities; (3) the public policy underlying the Act is not applicable to the applicant and the security holders of the applicant do not require the protection of the Act, because the payment of the Notes, which is guaranteed by Hercules, does not depend on the operations or investment policy of the applicant, for the Noteholders may ultimately look to the business enterprise of Hercules rather than solely to that of the applicant; (4) none of the securities other than debt securities of the applicant will be held by any person other than Hercules or a wholly owned subsidiary of Hercules; (5) the Notes will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States, its territories or possessions or to any U.S. national, citizen, or resident in connection with such offering; and (6) the burden of the Interest Equalization Tax will tend to discourage purchase of the Notes by any U.S. person.

Notice is hereby given that any interested person may, not later than November 1, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11696; Filed, Oct. 26, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 982]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 21, 1966.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served con-

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

currently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 730 (Sub-No. 273), filed September 30, 1966. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), between junction U.S. Highways 40 and 42 and Cambridge, Ohio; from junction U.S. Highways 40 and 42, at or near Lafayette, Ohio, over U.S. Highway 40 (Interstate Highway 70), to Cambridge, Ohio, and return over the same route, serving no intermediate points, but serving junction U.S. Highways 40 and 42 for purposes of joinder only, and as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Akron or Cleveland, Ohio.

No. MC 1753 (Sub-No. 3), filed October 6, 1966. Applicant: RENZ TRUCK LINES, INC., 231 Walnut Street, Pacific, Mo. 63069. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the new generating plant of Union Electric Co. northeast of Labadie, in Franklin County, Mo., and all facilities, including substations, of Union Electric Co. located within 5 miles of the site of said new generating plant, as off-route points in connection with applicant's regular-route operations between Union, Mo., and National Stockyards, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

No. MC 2900 (Sub-No. 148) (Correction), filed September 22, 1966, published in FEDERAL REGISTER, issue of October 13, 1966, and republished as corrected this issue. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: W. D. Beatenbough (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Atlanta, Ga., and New Orleans, La., (a) from Atlanta, over U.S. Highway 29 to junction U.S. Highway 80 at or near Tuskegee, Ala., thence over U.S. Highway 80 to junction U.S. Highway 31 near Montgomery, Ala., thence over U.S. Highway 31 to junction U.S. Highway 90 at or near Mobile, Ala., and thence over U.S. Highway 90 to New Orleans, and (b) from Atlanta over Interstate Highway 85 to junction Interstate Highway 65 at or near Montgomery, Ala., thence over Interstate Highway 65 to junction Interstate Highway 10 at or near Mobile, Ala., thence over Interstate Highway 10 to New Orleans, and return over the same routes, as alternate routes for operating convenience only in (1) (a) and (b) above, serving no intermediate points; and (2) between Atlanta, Ga., and Baton Rouge, La., (a) from Atlanta, over U.S. Highway 29 to junction U.S. Highway 80, at or near Tuskegee, Ala., thence over U.S. Highway 80 to junction U.S. Highway 31, near Montgomery, Ala., thence over U.S. Highway 31 to junction U.S. Highway 90, at or near Mobile, Ala., thence over U.S. Highway 90 to junction U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, and (b) from Atlanta, over Interstate Highway 85 to junction Interstate Highway 65, at or near Montgomery, Ala., thence over Interstate Highway 65 to junction Interstate Highway 10, at or near Mobile, Ala., thence over Interstate Highway 10 to junction Interstate Highway 12, thence over Interstate Highway 12 to Baton Rouge; and return over the same routes, as alternate routes for operating convenience only in (2) (a) and (b) above, serving no intermediate points. NOTE: Applicant requests the right to ingress and egress to, from, and between, points on route number (1)(a) on the one hand, and, on the other, route number (1)(b); and points on route number (2)(a) on the one hand, and, on the other, route number (2)(b); over all roads and highways connecting said routes. The purpose of this republication is to show correct docket No. MC 2900 (Sub-No. 148), filed September 22, 1966, in lieu of MC 2900 (Sub-No. 149) as shown in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 150), filed October 3, 1966. Applicant: RYDER TRUCK LINES, INC., Post Office Box 8418, Greensboro, N.C. 27410. Applicant's representative: Reagan Sayers and Clayte Binion, Post Office Drawer 17007, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk from Luling, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it would tack the proposed authority at origin and destinations with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 10761 (Sub-No. 202), filed October 6, 1966. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, from Alton and Madison, Ill., to points in Michigan, Wisconsin, Ohio, and Indiana. NOTE: Applicant states joinder is intended at points within the St. Louis-East St. Louis commercial zone to points presently authorized under MC 10761 and subs thereto (not specified). If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 13087 (Sub-No. 29), filed October 10, 1966. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street, SW., Mason City, Iowa 50401. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising matter*, from St. Louis, Mo., to Britt, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 25869 (Sub-No. 73), filed October 11, 1966. Applicant: NOLTE BROS. TRUCK LINE, INC., 2509 "O" Street, Omaha, Nebr. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and supplies* used by iron and steel manufacturers (other than oil field and pipeline commodities as defined by the Commission in *T. E. Mercer and G. E. Mercer, Extension—Oil Field Commodities*, 74 M.C.C. 459), between Chicago, Chicago Heights, Waukegan, and Joliet, Ill., on the one hand, and, on the other, points in Iowa, Nebraska, Missouri, Kansas, South Dakota, and Colorado. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 35628 (Sub-No. 272), filed October 12, 1966. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except class A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the plantsite of Essex Wire Corp. located at Purcell, Knox County, Ind. (approximately 5 miles south of Vincennes) as an off-route point in connection with applicant's regular route operations between Chicago, Ill., and Evansville, Ind., over U.S. Highway 41. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 52751 (Sub-No. 66), filed October 10, 1966. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Sterling and Rock Falls, Ill., to points in Kansas and Missouri; and (2) *refractory materials*, from Mexico, Mo., to Sterling and Rock Falls, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 52751 (Sub-No. 67), filed October 12, 1966. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50305. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facility of Monsanto Co., near Muscatine, Iowa (approximately 3½ miles south of the Muscatine city limits), to points in Illinois, Indiana, Kansas, Michigan Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necesary, applicant requests it be held at Des Moines, Iowa.

No. MC 58813 (Sub-No. 83), filed October 7, 1966. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. 10001. Applicant's representative: Solomon Granett, 1350 Avenue of the Americas, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies used in the manufacture of wearing apparel*, between Greenville, S.C., on the one hand, and, on the other, West Palm Beach, Jacksonville, Miami, and Hialeah, Fla. NOTE: Applicant states it has pending in MC 58813 (Subs 63 and 64), two applications seeking authority which includes the transportation of the same commodities, respectively, (1) between the New York, N.Y., commercial zone and points in South Carolina; and (2) between the New York, N.Y., commercial zone and points in Florida, and if the instant application and its Sub 63 (but not its Sub 64) is granted, then applicant intends to tack at Greenville with its Sub 63. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59583 (Sub-No. 109), filed October 6, 1966. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of the Tennessee Valley Authority located on the north bank of the Tennessee River at Brown's Ferry near Athens, Ala., as an off-route point in connection with applicant's presently held authorized authority between Nashville, Tenn., and Birmingham, Ala. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 61403 (Sub-No. 162), filed October 5, 1966. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diketene*, in bulk, in tank vehicles, from Meadville, Pa., to Baltimore, Md., and Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61440 (Sub-No. 106), filed October 6, 1966. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission on the one hand, and on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64994 (Sub-No. 85), filed October 13, 1966. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representatives: Frank C. Philips (same address as applicant) and Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (other than in bulk, in tank trailers), in trailers equipped with mechanical refrigeration units, from the plantsites of warehouses of The Pillsbury Co. at New Albany, Ind., and Louisville, Ky., to points in Alabama, Georgia, Illinois, Michigan, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Minneapolis, Minn.

No. MC 66512 (Sub-No. 5), filed October 7, 1966. Applicant: P & G MOTOR FREIGHT, INC., 450 Burnham Street, South Windsor, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic coated materials*, from the plantsite of Pervel Industries, Inc. at Plainfield, Conn., to points in the New York-New York commercial zone and Bayway, East Newark, Kearney, Passaic, Harrison, Nutley, and Newark, N.J., and *materials, supplies, and equipment used in the manufacture of plastic coated materials*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 75330 (Sub-No. 13) (Amendment), filed September 24, 1965, published FEDERAL REGISTER issue of October 14, 1965, amended October 7, 1966, and republished, as amended, this issue. Applicant: MORRIS DRAYING COMPANY, a corporation, 190 98th Avenue, Oakland, Calif. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, assembled or partially assembled, from Newark, Calif., to points in California, Oregon, Washington, Nevada, Arizona, Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, and Texas. NOTE: The purpose of this republication is to clarify the proposed operation. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 76032 (Sub-No. 211), filed October 13, 1966. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between Joliet, Waukegan, and Chicago, Ill., and points in their respective commercial zones, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95876 (Sub-No. 63), filed October 12, 1966. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, lumber, and millwork*, from Iron Mountain and Wakefield, Mich., and Birchwood, Dorchester, Laona, and Weyerhauser, Wis., to points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103654 (Sub-No. 121) filed October 6, 1966. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicle, from the site of the Williams Bros. Pipeline Co. terminal at or near Rochester, Minn., to points in Iowa and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105159 (Sub-No. 20), filed October 11, 1966. Applicant: LAWRENCE TRUCKING, INC., 1320 West Main Street, Red Wing, Minn. Applicant's representative: Donald B. Taylor, Post Office Box 5068, 3464 Minnehaha Avenue South, Minneapolis, Minn. 55406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bulk or bags from Red Wing, Minn., to points in Iowa, Michigan (Upper Peninsula), Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105159 (Sub-No. 21), filed October 11, 1966. Applicant: LAWRENCE TRUCKING, INC., 1320 West Main Street, Red Wing, Minn. Applicant's representative: Donald B. Taylor, Post Office Box 5068, 3464 Minnehaha Avenue South, Minneapolis, Minn. 55406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antispalling compounds (vegetable oils and petroleum naptha or mineral spirits combined), and* (2) *vegetable oils*, in bulk, in tank vehicles, between Red Wing, Minn., and points in Minnesota. NOTE: Applicant states the proposed authority herein can or will be joined at Red Wing, Minn., with its presently authorized authority in its Sub 17 wherein it conducts operations from Red Wing to points in Illinois, Indiana, Kentucky, Iowa, Michigan, Missouri, Nebraska, North Dakota, Ohio, South Dakota, West Virginia, Wisconsin, and points in Pennsylvania, on and west of U.S. Highway 219. If a hearing is deemed necessary, applicant requests it to be held at Minneapolis, Minn.

No. MC 106086 (Sub-No. 15), filed October 3, 1966. Applicant: WINANS BROS. TRUCKING CO., a corporation, Post Office Box 910, Redding, Calif. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Humboldt, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, Calif., to Port of Sacramento, Sacramento, Calif., and Port of Stockton, Stockton, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, or Sacramento, Calif.

No. MC 106373 (Sub-No. 33), filed October 6, 1966. Applicant: THE SERVICE TRANSPORT CO., a corporation, 11910 Harvard Avenue, Cleveland, Ohio 44105. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, material, and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106644 (Sub-No. 74), filed October 5, 1966. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Chattahoochee Station, Atlanta, Ga. 30321. Applicant's representative: Otis E. Stovall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt or composition lumber* (boards or sheets made from wood chips, ground wood, or sawdust), from the plant and warehouse sites of Dierks Forest, Inc., at or near Craig (McCurtain County) and Broken Bow (McCurtain County), Okla., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, (2) *gypsum wallboard, gypsum lath, and gypsum wallboard products*, from the plantsite of Dierks Forest, Inc., Briar (Howard County), Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, (3) *lumber and lumber products*, from Dierks (Howard County) and Mountain Pike (Garland County), Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, (4) *lumber and lumber products*, from Wright City (McCurtain County), Okla., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New York, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, and (5) *posts, poles, and piling and lumber*, treated and untreated, from the plantsite of Dierks Forest, Inc. at Process City (Sevier County), Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Birmingham, Ala.

No. MC 106943 (Sub-No. 88), filed October 12, 1966. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of the Essex Wire Corp. located at or near Purcell, Knox County, Ind., as an off-route point in connection with applicant's presently authorized regular-route operations to and from Vincennes, Ind. NOTE: Applicant states the authority proposed herein can or will be joined with its presently authorized authority in MC 106943 and subs (not specified). If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Chicago, Ill., or Louisville, Ky.

No. MC 107757 (Sub-No. 27) (Amendment), filed August 23, 1966, published in FEDERAL REGISTER issue of September 14, 1966, amended and republished this issue. Applicant: M. C. SLATER, INC., Post Office Box 369, Granite City, Ill. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and equipment, materials, and supplies* used in the manufacture and processing of iron and steel articles, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and Alton, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Wisconsin. NOTE: The purpose of this amendment is to broaden the base area to include all points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone in lieu of the specified points of Madison and Granite City, Ill., within said zone and to add Illinois to the radial area. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 211), filed October 5, 1966. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk in tank vehicles), from the plantsite and warehouse facilities of The Pillsbury Co. at New Albany, Ind., and Louisville, Ky., to points in Arkansas, Illinois, Iowa, Minnesota, Missouri, Nebraska, Wisconsin, and Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Minneapolis, Minn.

No. MC 108393 (Sub-No. 5), filed October 10, 1966. Applicant: SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, articles, and commodities as are dealt in by mail-order houses and retail stores, and in connection therewith, such equipment, material, and supplies used in the conduct of such business, including returned shipments*, (1) between Jamestown, N.Y., on the one hand, and, on the other, points in Erie, Warren, McKean, and Crawford Counties, Pa.; (2) between Albany, Colonie, Schenectady, and Amsterdam, N.Y., on the one hand, and, on the other, points in Berkshire County, Mass., and Bennington County, Vt.; and, (3) between Berkshire County, Mass., on the one hand, and, on the other, points in Bennington County, Vt., under a continuing contract with Sears, Roebuck & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 108884 (Sub-No. 13), filed October 12, 1966. Applicant: ROGERS AND KASPER, INC., Great Meadows, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203 (b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen foods, from Gloucester and Boston, Mass., to New York, N.Y., points in Nassau, Suffolk, Westchester, Orange, Rockland, and Broome Counties, N.Y., points in Bergen, Essex, Hudson, Union, Morris, Warren, Passaic, Middlesex, Somerset, Monmouth, Ocean, Mercer, and Atlantic Counties, N.J., and points in Pennsylvania on and east of U.S. Highway 15 extending from the Pennsylvania-Maryland State line to the Pennsylvania-New York State line, and *returned, rejected, and damaged shipments*, of (1) and (2) above on return. NOTE: Applicant states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Boston, Mass.

No. MC 110420 (Sub-No. 535), filed October 10, 1966. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Allan B. Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils and blends thereof and shortening*, in bulk in tank vehicles, from Rochester, N.Y., to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 110525 (Sub-No. 803), filed October 10, 1966. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street, Madison Building, Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, fertilizer ingredients, and fertilizer materials*, dry, in bulk, from Cincinnati, Ohio, to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 111069 (Sub-No. 37), filed October 5, 1966. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. Applicant's representative: Rudy Yessin, Post Office Box 467, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coffee whitener (coffee pak), vegetable oil base*, in ½-oz. containers, from Louisville, Ky., to points in Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Tennessee, and West Virginia under contract with Food Specialties of Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, or Frankfort, Ky.

No. MC 111729 (Sub-No. 172), filed October 10, 1966. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Opthalmic goods and commercial papers* (excluding plant removals), between Cleveland, Ohio, on the one hand, and, on the other, points in Delaware, Montgomery and Philadelphia Counties, Pa., (2) *business papers, records and audit, and accounting media of all kinds* (excluding plant removals), between Dayton, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky (except Louisville), Michigan (except Wayne, Oakland and Macomb Counties), and Pennsylvania, and (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes, and packaging materials, and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Des Plaines, Ill., and Menomonee Falls, Wis. NOTE: Applicant holds contract carrier authority in MC 112750 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Cincinnati, Ohio.

No. MC 111844 (Sub-No. 5), filed October 4, 1966. Applicant: DEAN BRENNAN, doing business as BRENNAN TRANSPORT, Route 4, Manitowoc, Wis. 54220. Applicant's representative: E. J. Gerrity, Post Office Box 914, Appleton, Wis. 54911. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk in tank trucks, from Manitowoc, Wis., to Baltimore, Md., and Omaha, Nebr., under contract with A. M. Richter & Sons Co., Manitowoc, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Milwaukee or Madison, Wis.

No. MC 113410 (Sub-No. 62), filed October 11, 1966. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Leonard Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., and points within 10 miles thereof, to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113678 (Sub-No. 266), filed October 7, 1966. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, (1) from Greeley, Colo., to points in Illinois, Indiana, Michigan, Ohio (except Cincinnati), New York (except New York City), Pennsylvania, Maryland (except Baltimore), New Jersey, Massachusetts (except Boston), and Connecticut (except New Haven); and, (2) from Denver, Colo., to points in Illinois, Indiana, Michigan, Ohio, New York (except New York City), Pennsylvania, Maryland (except Baltimore), New Jersey, Massachusetts (except Boston), Connecticut, and Wisconsin, and Davenport, Iowa. NOTE: Applicant indicates it could or would tack with its existing authority at Denver and Greeley, Colo., to provide a service to the area sought herein. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113843 (Sub-No. 122), filed October 11, 1966. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Joseph M. Cahill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in section A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from North Aurora, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 142), filed October 10, 1966. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, material, and supplies* used in the manufacture and processing of iron and steel articles, between Chicago, Ill., and points in its commercial zone, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113908 (Sub-No. 192), filed October 7, 1966. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Box 3180, Springfield, Mo. Applicant's representative: Robert K. Allen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrate* in bulk, in tank vehicles, from Chicago, Ill., to points in California, New Jersey, Tennessee, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 256), filed October 4, 1966. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from Dallas, Tex., to points in Louisiana and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114045 (Sub-No. 257), filed October 4, 1966. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned animal foods*, from Los Angeles, Calif., to points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, Missouri, Kansas, Iowa, Nebraska, Illinois, and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Dallas, Tex.

No. MC 114789 (Sub-No. 16), filed October 7, 1966. Applicant: NATIONWIDE CARRIERS, INC., 721 Second Street SE., Minneapolis, Minn. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Floor coverings, stair treads, floor covering base, flooring cement, floorstone, tile, matting, counter tops, and moulding*, and (2) *tools, materials, and supplies* used in installation, maintenance, and repair of the commodities in (1) above, from points in Maine, Massachusetts, Connecticut, New York, New Jersey, Ohio, and Chicago, Ill., and points in its commercial zone, to points in Iowa, North Dakota, South Dakota, Wisconsin, and Minnesota, under a continuing contract with General Floor Coverings Co., Minneapolis, Minn. NOTE: Applicant has pending common carrier application in MC 117940 Sub 3, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115331 (Sub-No. 210), filed October 12, 1966. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facility of Monsanto Co., near Muscatine, Iowa (approximately 3½ miles south of Muscatine city limits) to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115771 (Sub-No. 9), filed October 10, 1966. Applicant: PENBROOK HAULING COMPANY, INC., Post Office Box 1551, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers, and trailer chassis, and semitrailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service, (2) *bodies and containers* (except containers having a capacity of 5 gallons or less or 9 cubic feet or less), (3) *materials, supplies, and parts used in the manufacture, assembly or servicing of the commodities described in (1) and (2) above* when moving in mixed loads with such commodities, and (4) *tractors*, in secondary driveaway, only when drawing trailers, semitrailers or semitrailer chassis, moving in initial driveaway service, from points in Lower Swatara Township, Dauphin County, Pa., to points in the United States (except Alaska and Hawaii), and (5) *refused, rejected and damaged shipments* of the commodities described hereinabove, on return, in connection with (1), (2), (3), and (4) above. Restriction: All of the proposed authority in (2) and (3) above will be restricted against the transportation of commodities which because of size or weight require the use of special equipment. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115826 (Sub-No. 159), filed October 11, 1966. Applicant: W. J. DIGBY, INC., Post Office Box 5088 Terminal Annex, Denver, Colo. 80217. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in California, Arizona, North Carolina, South Carolina, and Georgia, restricted to traffic originating at the plantsite and storage facilities of American Beef Packers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115841 (Sub-No. 299), filed October 10, 1966. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, 1212 Bankhead Highway West, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) between Cleveland, Ohio, on the one hand, and, on the other, points in Pennsylvania, New York, Rhode Island, Massachusetts, and Connecticut, and (2) from Cleveland, Ohio, to points in Iowa, Nebraska, Illinois, Indiana, Missouri, Kansas, Wisconsin, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 115841 (Sub-No. 300), filed October 10, 1966. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, 1215 Bankhead Highway West, Birmingham, Ala. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pineapples and coconuts, when moving in mixed loads with bananas* (currently authorized), (1) from Gulfport, Miss., to Lake Charles, La., Houston, Tex., and, points in Alabama (except Montgomery), Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Tennessee, and Texas, and, (2) from Mobile, Ala., to points in Alabama, Tennessee, Arkansas, Kentucky, Ohio, Pennsylvania, New York, Michigan, Indiana, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Mobile, Ala.

No. MC 115931 (Sub-No. 15) (Correction), filed September 19, 1966, published in FEDERAL REGISTER issue of October 6, 1966, corrected and republished this issue. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue, Post Office Box 1961, North Billings, Mont. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated steel buildings and components or parts therefor*, from points in Fayette County, Ohio, and points in Vigo County, Ind., to points in Montana and Wyoming; and (2) *lumber* (a) from points in Lake, Lincoln, Mineral, and Sanders Counties, Mont., to points in Illinois, Indiana, Iowa, Minnesota, Ohio, South Dakota, and Wisconsin, and (b) from points in Flathead, Granite, Missoula, and Ravalli Counties, Mont., to points in Indiana and Ohio. NOTE: The purpose of this correction is to show the name of applicant's representative as John H. Lewis, erroneously shown as Oscar Scherer in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 115946 (Sub-No. 38), filed October 12, 1966. Applicant: GAY TRUCKING COMPANY, a corporation, Post Office Box 7055, Savannah, Ga. 31408. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and liquid acids*, in bulk, from points in Richmond County, Ga., to points in North Carolina, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 116544 (Sub-No. 82) filed October 11, 1966. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview, Post Office Box 518, Carthage, Mo. 64836. Applicant's representative: Duane W. Acklie, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of American Beef Packers located in Pottawattamie County, Iowa, to points in Alabama, Georgia, South Carolina, North Carolina, Minnesota, and Wisconsin, restricted to traffic originating at Pottawattamie County, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117815 (Sub-No. 114), filed September 26, 1966. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50316. Applicant's representative: John P. Bourroughs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches, wooden or paper, in cartons or boxes, when in combined shipments with canned foodstuffs*, from the plantsites and storage facilities utilized by Hunt Food Industries, Inc., located at Chicago and Northlake, Ill., to points in Iowa, restricted to shipments originating at the plantsites and storage facilities utilized by Hunt Foods Industries, Inc., located at Chicago and Northlake, Ill., destined to points in Iowa. NOTE: Applicant states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119226 (Sub-No. 57) (Correction), filed August 17, 1966, published FEDERAL REGISTER issue of September 9, 1966, and republished as corrected. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground barium sulfite and ground calcium carbonate*, in bulk, from points in Washington County, Mo., Scott County, Iowa, and Cass County, Nebr., to points in Illinois, Iowa, Wisconsin, and Michigan. NOTE: Common control may be involved. The purpose of this republication is to correct the spelling of Scott County, inadvertently misspelled. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123023 (Sub-No. 1), filed October 7, 1966. Applicant: DI PIETRO TRUCKING CO., a corporation, 14814 24th Avenue South, Seattle, Wash. 98168. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes and shingles*, from Quinault, Wash., to Redding, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 123061 (Sub-No. 36), filed October 10, 1966. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 600 El Paso Gas Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, between points in California, Nevada, Utah, and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Boise, Idaho, or San Francisco, Calif.

No. MC 123061 (Sub-No. 37), filed October 10, 1966. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 600 El Paso Gas Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Montana to points in Wyoming and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 123856 (Sub-No. 2) (Amendment), filed September 15, 1966, published FEDERAL REGISTER issue of October 13, 1966, and republished as amended, this issue. Applicant: WIECK'S FEED AND LIVESTOCK, INCORPORATED, Dysart, Iowa. Applicant's representative: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry ingredients* used in the manufacture of livestock feeds, (1) from Ladora, Iowa, to Salina, Kans., Kansas City, Mo., Madison, Wis., Monmouth, Danville, and Quincy, Ill., Castleton, Ind., Williston, N. Dak., Akron, Ohio, and St. Clair, Mich., and Memphis, Tenn., and (2) from Maple Park, Chicago, Springfield, and East St. Louis, Ill., Hammond, Ind., and Memphis and Covington, Tenn., to Ladora, Iowa. NOTE: The purpose of this republication is to amend the application by the addition of Quincy, Ill., and Memphis, Tenn., as destination points in (1) above and the addition of Memphis and Covington, Tenn., as origin points in (2) above. Applicant states it could or would tack insofar as it is possible to make split deliveries or pick up. Applicant further states it now has authority to serve St. Joseph, Mo., and in this application seeks authority to serve Kansas City,

Mo. If the application is granted, applicant proposes if requested on certain trips to make delivery at St. Joseph and then continue on and make delivery to Kansas City, Mo. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 123949 (Sub-No. 6), filed October 10, 1966. Applicant: CONTRACT CARRIERS, INC., 2425 Walton Street, Anderson, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois and Ohio. NOTE: Applicant holds contract carrier authority in MC 34865 Sub 39, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124218 (Sub-No. 11), filed October 10, 1966. Applicant: UNIT TRANSPORTATION, INC., Ford Boulevard and North Fifth Street, Post Office Box 86, Hamilton, Ohio. Applicant's representative: A. J. Tener, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Folding camping trailers*, in initial movements, from New Haven, Mo., and Elm Grove and Milwaukee, Wis., to points in the United States (except Alaska and Hawaii), and (2) *returned folding camping trailers*, in secondary movements, from points in the United States (except Alaska and Hawaii), to New Haven, Mo., and Elm Grove and Milwaukee, Wis. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Milwaukee, Wis.

No. MC 124692 (Sub-No. 23), filed October 11, 1966. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel scrap*, from points in Colorado, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, and Wisconsin to points in Illinois, (2) *iron and steel, iron and steel articles, and iron and steel products*, from points in Illinois to points in Colorado, Wyoming, Montana, Utah, Idaho, Nevada, California, Oregon, and Washington, and (3) *iron and steel articles including foundry castings, patterns and fireproof building materials*, from points in Iowa to points in Kansas, Montana, Nebraska, North Dakota, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Peoria, Ill., or Davenport, Iowa.

No. MC 126286 (Sub-No. 9), filed October 12, 1966. Applicant: JOHN NIX, JR., 1620 South Ferry Street, Albany, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Crook, Deschutes, and Marion Counties, Oreg., to Yaquina Bay, Coos Bay, and Portland, Oreg., and Vancouver and Longview, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126381 (Sub-No. 6), filed October 11, 1966. Applicant: FRANK RIVIELLO, 860 West Oak Street, Old Forge, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rags*, in bales from the plantsite of Scranton Wiping Cloth Co., Scranton, Pa., to Dosaga and Savannah, Ga., and Norfolk, Va., under contract with Scranton Wiping Cloth Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Scranton or Harrisburg, Pa.

No. MC 126450 (Sub-No. 6), filed October 10, 1966. Applicant: W. C. WINTER, INC., 1073 Ridge Avenue SW., Atlanta, Ga. 30315. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crowns and bottle caps, metal, crimped, not nested*, from points in Montgomery County, Ind., to points in Alabama, Florida, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 126457 (Sub-No. 2), filed October 4, 1966. Applicant: ANTHONY W. DAUITO, doing business as DAUITO'S EXPRESS, Northwest Boulevard, Vineland, N.J. 08360. Applicant's representative: L. F. Van Kleeck, 650 Main Street, Berlin, N.H. 03570. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bituminized fiber pipe and conduit*, from Lumberton, N.J., to points in Vermont, New Hampshire, and Maine, under contract with Brown Co. NOTE: Applicant states it would tack the proposed authority with its present authority at Lumberton, N.J., to points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Maryland, Delaware, Ohio, Virginia, West Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 126555 (Sub-No. 5), filed October 3, 1966. Applicant: UNIVERSAL TRANSPORT, INC., Post Office Box 268, Rapid City, S. Dak. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags or bulk, between points in Brown County, S. Dak., on the one hand, and, on the other, points in North Dakota and Minnesota. NOTE: Applicant states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Aberdeen, Rapid City, or Sioux Falls, S. Dak.

No. MC 127042 (Sub-No. 17) (Amendment), filed August 11, 1966, published in FEDERAL REGISTER issue of September 1, 1966, amended and republished as amended, this issue. Applicant: HAGEN, INC., 4120 Floyd Street, Sioux City, Iowa. Applicant's representative: J. Max Harding, Nelson, Harding, Acklie, Leonard & Tate, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the *Descriptions in Motor Carrier Certificates*, from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Illinois, Indiana, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, restricted to traffic originating at the plantsite and storage facilities of American Beef Packers, Inc., in Pottawattamie County, Iowa. NOTE: Applicant holds contract authority in MC 115915, therefore, dual operations may be involved. The purpose of this republication is to add the State of Wisconsin as a destination State, and to add the restriction. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 127616 (Sub-No. 4) (Amendment), filed August 8, 1966, published FEDERAL REGISTER issue of September 14, 1966, amended October 10, 1966, and republished as amended, this issue. Applicant: HANSON M. SAVAGE, doing business as SAVAGE TRUCKING COMPANY, Box 105, Chester Depot, Vt. 05144. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Log buildings*, from Hartland, Vt., to points in Maryland, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, Michigan, and Wisconsin. NOTE: The purpose of this republication is to add the destination State of Maryland. If a hearing is deemed necessary, applicant requests it be held at Brattleboro, Vt., or Concord, N.H.

No. MC 128270 (Sub-No. 3), filed October 6, 1966. Applicant: REDIEHS INTERSTATE, INC., 8055 South Howard Avenue, La Grange, Ill. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials and supplies* used in the manufacture and processing of iron and steel articles, between Burns Harbor and Portage, Ind., Chicago Heights, Joliet, and Waukegan, Ill., Chicago, Ill., and points in its commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128532 (Sub-No. 1), filed October 7, 1966. Applicant: ORVILLE LAMBE, doing business as, LAMBE'S TRUCKING, Box 414, Claresholm, Alberta, Canada. Applicant's representative: J. P. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile home supplies*, from Grand Island, Nebr., to the port of entry on the international boundary line between the United States and Canada, located at or near Sweetgrass, Mont., on traffic destined to Claresholm, Alberta, Canada. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 128636, filed October 3, 1966. Applicant: MARDEL TRUCKING COMPANY, INC., Mechanics Valley Road, North East, Md. Applicant's representative: Donald M. Thomey, Post Office Box 159, Elkton, Md. 21921. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone and quarry products* to present and future road construction sites and plants which use stone aggregate, from the site of Maryland Materials, Inc., Mechanics Valley, Cecil County, Md., to points in Delaware, under contract with Maryland Materials, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Wilmington, Del.

No. MC 128638, filed October 7, 1966. Applicant: CENTRAL GRAIN HAULERS, INC., Route No. 1 Van Meter Road, Winchester, Ky. 40391. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, flour, and corn meal*, in bags or containers, from Lexington, Ky., to points in Ohio, Indiana, Illinois, Tennessee, Virginia, West Virginia, and Missouri and *materials in bags, used in the processing or manufacturing of flour and corn meal*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Cincinnati, Ohio.

No. MC 128639, filed October 7, 1966. Applicant: REGINALD H. CURRIER, 103 Lancaster Road, Gorham, N.H. 03581. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips* in bulk, between points in Coos, Graton, and Carroll Counties, N.H., and points in Franklin, Lamoille, Orleans, Essex, Caledonia, and Orange Counties, Vt., and points in Oxford County, Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine.

No. MC 128640, filed October 5, 1966. Applicant: LEONARD BROS.—NATIONWIDE MOVING & STORAGE CO., a corporation, 111 South Rome Avenue, Post Office Box 1341, Tampa, Fla. 33601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* having a prior or subsequent movement in interstate commerce, between Tampa, Fla., and points in Hillsborough, Pasco, Sarasota, Hernando, Sumter, Hardee, Citrus, Manatee, De Soto, Pinellas, and Polk Counties, Fla., under contract with Western Electric Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 128641, filed October 3, 1966. Applicant: RAINEY NEYRINCK AND ALBERT NEYRINCK, a partnership, doing business as NEYRINCK BROTHERS, Route 1, Riga, Mich. Applicant's representative: Aloysius B. O'Mara, 105 West Jefferson, Blissfield, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and farm chemicals* in bag and bulk, between that part of the northwest corner of Ohio, bounded on the south by U.S. Highway 40 (including Columbus, Ohio), and, on the east by Ohio Highway 13 (including Sandusky, Ohio), on the one hand, and, on the other, the southern part of the Lower Peninsula of Michigan, located south of U.S. Highway 10 (including Bay City), under contract with The Borden Chemical Co., a division of The Borden Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 128643, filed October 10, 1966. Applicant: WARREN BALL, doing business as THE ARNEL COMPANY, 1709 Kemper Avenue, Muscatine, Iowa. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facility of Monsanto Co., near Muscatine, Iowa (approximately 3½ miles south of Muscatine city limits), to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128644, filed October 10, 1966. Applicant: E. B. KETCHUM, RICHARD E. KETCHUM AND ROBERT D. KETCHUM, a partnership, doing business as CANON VEGETABLE GROWERS, Brewster Street, Florence, Colo. 81226. Applicant's representative: D. S. Hults, Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in bulk and bags, between Chetopa, Kans., and points in Colorado, under contract with Jayhawk Charcoal Co. of Chetopa, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita or Topeka, Kans.

No. MC 128650, filed October 12, 1966. Applicant: JOHN B. JOY, INC., R.F.D. No. 1, Taneytown, Md. 21787. Applicant's representative: Donald E. Freeman, 172 East Green Street, Post Office Box No. 880, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and other clay products*, from Rocky Ridge, Md., to points in Maryland, Delaware, West Virginia, Pennsylvania, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

MOTOR CARRIERS OF PASSENGERS

No. MC 58692 (Sub-No. 11), filed October 12, 1966. Applicant: AUSTIN ROBBINS, doing business as CHENANGO VALLEY TRANSIT, 123 Eldredge Street, Binghamton, N.Y. Applicant's representative: Harry H. Frank, 12th Floor, Commerce Building, Post Office Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, from points in Chenango County, N.Y., to points in the United States, including ports of entry on the international boundary line between the United States and Canada, but excluding Hawaii and Alaska. NOTE: Common control may be involved. NOTE: If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 109014 (Sub-No. 5) (Correction), filed October 10, 1966, published FEDERAL REGISTER issue of October 20, 1966, and republished, as corrected, this issue. Applicant: GREAT SOUTHERN COACHES, INC., 900 Burke Avenue, Jonesboro, Ark. 72401. Applicant's representative: John T. Williams, 1100 Boyle Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (A) Over regular routes: (1) Between Little Rock and Newport, Ark., over U.S. Highway 67, serving all intermediate points, (2) between junction U.S. Highways 67 and 64C west of Beebe, Ark., and junction U.S. Highway 67 and Arkansas Highway 31 north of Beebe; from junction U.S. Highways 67 and 64C over U.S. Highway 64C to Beebe, and thence over Arkansas Highway 31 to junction U.S. Highway 67 and return over the same route, serving the intermediate point of Beebe, (3) between junction U.S. Highway 67 and Arkansas Highway 16 south of Searcy, Ark., and junction U.S. Highways 67 and Arkansas Highway 36 east of Searcy; from junction U.S. Highway 67 and Arkansas Highway 16 over Arkansas Highway 16 to Searcy, and thence over U.S. Highway 36 to junction U.S. High-

way 67 east of Searcy, and return over the same route, serving the intermediate point of Searcy, and (4) between junction U.S. Highways 67 and 67C southwest of Judsonia, Ark., and junction U.S. Highway 67 and unnumbered Arkansas Highway north of Judsonia; from junction U.S. Highways 67 and 67C over U.S. Highway 67C to Judsonia, and thence over unnumbered highway to junction U.S. Highway 67, and return over the same route, serving the intermediate point of Judsonia, Ark., and (B) Over irregular routes: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, in charter operations, between Little Rock and Newport, Ark. NOTE: The purpose of this republication is to show the proposed operation under the passenger section of the FEDERAL REGISTER in lieu of the property section as previously published in Notice No. 979. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 128651, filed October 10, 1966. Applicant: CONTINENTAL AIR TRANSPORT CO., INC., 300 North Des Plaines Street, Chicago, Ill. 60606. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Milwaukee, Wis., and Chicago O'Hare International Airport, Chicago, Ill., from Milwaukee over Interstate Highway 94 to junction Interstate Highway 294 (also from Milwaukee over U.S. Highway 41 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction Interstate Highway 294), thence over Interstate Highway 294 to junction Kennedy Expressway, thence over Kennedy Expressway to entrance and exit of Chicago O'Hare International Airport, and return over the same routes, serving as intermediate points junction Interstate Highway 94, U.S. Highway 41 and Wisconsin Highway 20, approximately 6 miles west of Racine, Wis., and junction Interstate Highway 94, U.S. Highway 41 and Wisconsin Highway 43, approximately 4 miles west of Kenosha, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 68183 (Sub-No. 25), filed October 12, 1966. Applicant: YANKEE LINES, INC., 1400 East Archwood Avenue, Akron, Ohio 44306. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Easton, Pa., and Newark, N.J., from Easton over U.S. Highway 22 to Newark, and return over the same route, as an alternate route for operating convenience only, in connection with applicant's regular route operations between the same points, serving no intermediate points.

No. MC 124078 (Sub-No. 250), filed October 10, 1966. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Cement, from Des Moines, Iowa, to points in Nebraska and South Dakota. NOTE: Applicant states it could tack at Des Moines, Iowa, to serve points in South Dakota and Nebraska from Davenport, Iowa, and Dixon, Ill.

No. MC 128648 (Sub-No. 1), filed October 12, 1966. Applicant: TRANS UNITED, INC., 2531 Nebraska Street, South Gate, Calif. 90280. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractor and loader attachments, and parts and articles, equipment, materials and supplies* used in the manufacture, processing and distribution of tractor and loader attachments and parts, between points in the United States (except Alaska and Hawaii), under a continuing contract with Westrac.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11638; Filed, Oct. 26, 1966; 8:45 a.m.]

[Notice 275]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 24, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 32948 (Sub-No. 14 TA), filed October 20, 1966. Applicant: P. A. K. TRANSPORT, INC., 96 Laurel Street, Post Office Box 187, Newport, N.H. 03773. Applicant's representative: Robert A. Pierce (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk, salvage, scrap, waste, and reprocessed materials*, in dump and especially designed scrap trailers, between points in New Hampshire and Vermont, on the one hand, and, on the other, Norwich, New Haven, and Hartford, Conn., and Providence, R.I., for 180 days. Supporting shipper: Barney Bass & Co., Inc., 40 Prospect Street, Claremont, N.H. Send protests to: Ross J. Seymour, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 14 Parkhurst Street, Lebanon, N.H. 03766.

No. MC 50307 (Sub-No. 32 TA), filed October 20, 1966. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. Applicant's representative: Zelby & Burnstein, 160 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture thereof, between points in the New York City commercial zone, N.Y., on the one hand, and, on the other, Edinburgh and Stanley, Va., Terra Alta, and Keyser, W. Va., for 150 days. Supporting shippers: Crestwood, Inc., Edinburg Manufacturing Corp., Keyser Garment Co., and Stanley Page Industries, Inc. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 11207 (Sub-No. 253 TA), filed October 20, 1966. Applicant: DEATON, INC., 3409 10th Avenue North, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: C. N. Knox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards, building, wall, and insulating, and parts, material, and accessories* incidental to the transportation and installation thereof, from the plant of National Gypsum Co., Mobile, Ala., to points in the counties of Searcy, Stone, Izard, Sharp, Lawrence, Greene, Craighead, Poinsett, Jackson, Independence, Cleburne, Van Buren, Faulkner, White, Woodruff, Cross, Crittenden, St. Francis, Lee, Monroe, Prairie, Lonoke, Pulaski, Saline, Garland, Hot Spring, Grant, Jefferson, Arkansas, Phillips, Desha, Lincoln, Cleveland, Bradley, Drew, Ashley, Perry, Mississippi, and Chicot, Arkansas. Lake, Obion, Weakley, Henry, Benton, Carroll, Gibson, Dyer, Crockett, Lauderdale, Haywood, Madison, Henderson, Decatur, Hardin, Chester, McNairy, Hardeman, Fayette, Shelby, and Tipton, Tennessee; and De Soto, Marshall, Benton, Tippah, Alcorn, Prentiss, Tishomingo, Lafayette, Tate, Panola, Tunica, Coahoma, Quitman, Union, Pontotoc, Lee, Itawamba, Monroe, Chickasaw, Calhoun, Yalobusha, Tallahatchie, Grenada, Webster, Clay, Lowndes, Oktibbeha, Noxubee, Winston, Attala, Carrol, Holmes, Humphreys, Sunflower, Sharkey, Washington, Bolivar, Choctaw, Montgomery, Leflore, and Issaquena, Mississippi, for 180 days. Supporting shipper: National Gypsum Co., Gold Bond Building, Buffalo, N.Y. 14202. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 124692 (Sub-No. 24 TA), filed October 20, 1966. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Van Osdel, Foss, Johnson and Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and materials and supplies* used in the installation thereof, from Sigurd, Utah, to points in Montana, for 180 days. Supporting shipper: Georgia-Pacific Corp., No. 2 Industrial Boulevard, Paoli, Pa. 19301. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 125806 (Sub-No. 1 TA), filed October 20, 1966. Applicant: WILLIAM E. SELISKI, 665 Woodworth Avenue, Missoula, Mont. 59801. Applicant's representative: Worden, Worden, Thane, and Robb, Savings Center Building, Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Butter*, from Minneapolis, Minn., to Missoula, Mont., over U.S. Highways 10 and 90, for 150 days. Supporting shipper: Community Creamery, Agent for Beatrice Foods Co., Post Office Box 1305, Missoula, Mont. 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 128655 TA, filed October 20, 1966. Applicant: MELVIN C. ISBELL, 615 Franklin Street, Campbell, Mo. Applicant's representative: John W. Noble, Bradley Building, Kennett, Mo. 63857. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry feed*, from Clinton, Iowa, to Bloomfield, Mo., for 180 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604, Attention: William H. Williams, Manager, Motor Carrier Division. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11727; Filed, Oct. 26, 1966; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 24, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40759—*Lime from Detroit, Mich.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2866), for interested rail carriers. Rates on lime, common, hydrated, quick, or slaked, in carloads, from Detroit, Mich., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 16 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-362.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11727; Filed, Oct. 26, 1966; 8:49 a.m.]

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January–September 1966

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the position of Deputy Assistant to the Secretary (Debt Management) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (25) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(25) One Deputy Assistant to the Secretary (Debt Management).

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–11769; Filed, Oct. 27, 1966; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that the position of Chief, General Litigation Section, Land and Natural Resources Division, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (h) of § 213.3310 as set out below.

§ 213.3310 Department of Justice.

• • • • • •

(h) *Land and Natural Resources Division.* • • •

(7) Chief, General Litigation Section.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–11768; Filed, Oct. 27, 1966; 8:48 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Rates of Premium Pay; Sunday Work

Section 550.144 is amended to authorize an additional percentage rate to be paid to reflect Sunday work by employees receiving an additional annual rate because of tours of duty involving substantial amounts of standby duty. Effective on the first day of the first pay period after July 18, 1966, a new subparagraph (4) is added to paragraph (a) of § 550.144 as set out below.

§ 550.144 Rates of premium pay payable under § 550.141.

(a) • • •

(4) When an agency pays an employee one of the rates authorized by subparagraph (1), (2), or (3) of this paragraph, the agency shall increase this rate by adding (i) 2½ percent to the rate when the employee is required to perform Sunday work on an average of 20 to 40 Sundays over a year's period or (ii) 5 percent to the rate when the employee is required to perform Sunday work on an average of 41 or more Sundays over a year's period but the rate thus increased may not exceed 25 percent.

• • • • • •

(5 U.S.C. 5548, except as otherwise noted. Secs. 550.141 to 550.164 also issued under 5 U.S.C. 5545(c))

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–11770; Filed, Oct. 27, 1966; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 621, 11th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

REGULATED, ERADICATION, AND GENERALLY INFESTED AREAS

Pursuant to § 301.53–2 of the regulations supplemental to the pink bollworm quarantine (7 CFR 301.52–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 303.53–2a are hereby revised to read as follows:

§ 301.53–2a Administrative instructions designating regulated area, eradication area, and generally infested area under the pink bollworm quarantine.

(a) The following States, counties, parishes, and parts thereof, in the quarantined States listed below, are designated as the pink bollworm regulated area within the meaning of the provisions of this subpart:

ARIZONA

Cochise County. The entire county.
Gila County. The entire county.
Graham County. The entire county.
Greenlee County. The entire county.
Mohave County. The entire county.
Maricopa County. The entire county.
Pima County. The entire county.
Pinal County. The entire county.
Santa Cruz County. The entire county.
Yuma County. The entire county.

ARKANSAS

Calhoun County. The entire county.
Chicot County. The entire county.
Clark County. The entire county.
Cleburne County. The entire county.
Cleveland County. That portion of Cleveland County lying west of the Saline River.
Columbia County. The entire county.
Conway County. The entire county.
Crawford County. The entire county.
Dallas County. The entire county.
Faulkner County. The entire county.
Franklin County. The entire county.
Garland County. The entire county.
Greene County. That portion of Greene County lying west of State Highway 141 and south of State Highway 25.
Hempstead County. The entire county.
Hot Springs County. The entire county.
Howard County. The entire county.
Independence County. The entire county.
Jackson County. The entire county.
Johnson County. The entire county.
Lafayette County. The entire county.
Lawrence County. The entire county.
Little River County. The entire county.
Logan County. The entire county.
Lonoke County. That portion of Lonoke County lying north of the Chicago, Rock Island & Pacific Railroad.
Miller County. The entire county.
Montgomery County. The entire county.
Nevada County. The entire county.
Ouachita County. The entire county.
Perry County. The entire county.
Pike County. The entire county.
Polk County. The entire county.
Pope County. The entire county.
Pulaski County. That portion of Pulaski County lying north and west of a line beginning at a point where the Chicago, Rock Island & Pacific Railroad intersects with the Lonoke-Pulaski County line; thence, running in a westerly direction along said railroad to the east boundary of the city of North Little Rock; thence, running in a southerly direction along said east boundary of North Little Rock to the Arkansas River; thence crossing said river to the east boundary of the city of Little Rock; thence, running in a southerly and westerly direction along the east and south boundaries of Little Rock to a point where the boundary intersects with U.S. Highway 70; thence, running in a southwesterly direction along said highway to the Pulaski-Saline County line.
Saline County. That portion of Saline County lying north and west of U.S. Highway 67.
Scott County. The entire county.
Sebastian County. The entire county.
Sevier County. The entire county.
Union County. The entire county.
Van Buren County. The entire county.
White County. The entire county.

Woodruff County. That portion of Woodruff County lying north of the north line of T. 6 N.

Yell County. The entire county.

CALIFORNIA

Imperial County. The entire county.

Riverside County. That portion of the county lying east of R. 4 E., SBBM.

San Diego County. That portion of the county lying east of R. 4 E., SBBM.

San Bernardino County. That portion of the county lying east of R. 19 E., SBBM.

LOUISIANA

Allen Parish. The entire parish.

Avoyelles Parish. All of Ward 10, and all of Ward 9 lying south of Bayou Des Glaises and west of the east line of section 2, T. 1 S., R. 4 E.

Beauregard Parish. The entire parish.

Bienville Parish. The entire parish.

Bossier Parish. The entire parish.

Caddo Parish. The entire parish.

Claiborne Parish. The entire parish.

De Soto Parish. The entire parish.

Evangeline Parish. That portion of Evangeline Parish located within the area bounded by a line beginning at a point where the north line of T. 4 S. intersects with the Evangeline-Allen Parish line; thence, running in an easterly direction along said north line of T. 4 S. to its intersection with the east boundary line of R. 1 E.; thence, running in a southerly direction along said east line of R. 1 E. to the south boundary line of T. 4 S.; thence, running west along said south line of T. 4 S. to its junction with the Bayou des Cannes; thence, running in a southwesterly direction along said bayou to its intersection with the St. Landry Parish line; thence, running in a westerly direction along the south boundaries of sections 12, 11, 10, 9, 8, and 7, T. 6 S., R. 1 W., and sections 12, 11, 10, 9, and 39, T. 6 S., R. 2 W., to its intersection with the Allen-Evangeline Parish line; thence, running in a northerly direction along said parish line to the point of beginning.

Grant Parish. The entire parish.

Jackson Parish. The entire parish.

Jefferson Davis Parish. The entire parish.

Lincoln Parish. The entire parish.

Natchitoches Parish. The entire parish.

Rapides Parish. The entire parish.

Red River Parish. The entire parish.

Sabine Parish. The entire parish.

Union Parish. The entire parish.

Vernon Parish. The entire parish.

Webster Parish. The entire parish.

Winn Parish. The entire parish.

NEW MEXICO

All counties in the State.

OKLAHOMA

All counties in the State.

TEXAS

All counties in the State.

(b) Eradication area: All regulated area within the States of Arkansas, California, and Louisiana is hereby designated as eradication area.

(c) Generally infested area: All regulated area within the States of Arizona, New Mexico, Oklahoma, and Texas, is hereby designated as generally infested area.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 29 F.R. 16210, as amended; 7 CFR 301.52–2)

These administrative instructions shall become effective October 28, 1966, when they shall supersede P.P.C. 621, 10th Revision, 7 CFR 301.52–2a, effective March 18, 1966.

The Director of the Plant Pest Control Division has determined that infestations of the pink bollworm exist or are likely to exist in the quarantined States and in the counties, parishes, and parts thereof in such States, listed in paragraph (a), or that it is necessary to regulate such localities because of their proximity to pink bollworm infestations or their inseparability for quarantine purposes from pink bollworm infested localities.

This revision adds to the pink bollworm regulated area, as eradication area, all of Imperial county and portions of Riverside, San Diego, and San Bernardino counties in California; and, as generally infested area, all of Mohave county in Arizona.

Inasmuch as this revision imposes restrictions that are necessary in order to prevent the dissemination of the pink bollworm, it should be made effective promptly to accomplish its purposes in the public interest. Accordingly, it is found upon good cause in accordance with the provisions of 5 U.S.C. section 553, that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 24th day of October 1966.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 66–11743; Filed, Oct. 27, 1966; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.7, Amdt. 4]

PART 815—ALLOTMENT OF DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Calendar Year 1966

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of amending Sugar Regulation 815.7 (31 F.R. 74, 6860, 10665, 12563) which established allotments of the direct-consumption portion of the 1966 mainland quota for Puerto Rico.

This amendment of Sugar Regulation 815.7 is necessary to: (1) Give effect to the amendment of Sugar Regulation 811, Amendment 10 (31 F.R. 13133) which established the direct-consumption portion of the 1966 mainland quota for Puerto Rico of 155,625 short tons, raw value, a quantity greater than the 154,875 short tons, raw value, previously allotted and to allot the larger quantity in accordance with findings heretofore made and (2) determine a deficit in the allotment of one allottee and prorate such deficit to other allottees that are able to utilize additional allotments.

The data in the following table show in Column (1) the allotment of 155,625 short tons, raw value, which would result if each allottee had the ability to market its full allotment; in Column (2) the quantity reported to the Department pursuant to finding (11) of Sugar Regulation 815.7 (31 F.R. 74) and in Column (3) the quantities of deficit determined and prorated:

	1966 allotments prior to determination of deficits	Maximum 1966 marketing ability	Deficits(−) and prorations of deficits(+)
	(1)	(2)	(3)
	(Short tons, raw value)		
Central Aguirre Sugar Co., a trust	6,480	10,000	+4
Central Roig Refining Co	21,691	23,000	+9
Central San Francisco	1,357	1,289	−68
Puerto Rican American Sugar Refinery, Inc	101,465	110,000	+44
Western Sugar Refining Co	24,602	25,413	+11
Liquid sugar reserve for persons other than named above	30		−0
Total	155,625	169,702	0

Findings heretofore made by the Secretary in the course of this proceeding (31 F.R. 74) provide that this order shall be revised without further notice or hearing by the Administrator, Agricultural Stabilization and Conservation Service, for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, it is hereby ordered that paragraph (a) of § 815.7 be amended to read as follows:

§ 815.7 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1966.

(a) *Allotments.* The direct-consumption portion of the 1966 mainland sugar quota for Puerto Rico, amounting to 155,625 short tons, raw value, is hereby allotted as follows:

Allottee	Direct-consumption allotment (short tons, raw value)
Central Aguirre Sugar Co., a trust	6,484
Central Roig Refining Co	21,700
Central San Francisco	1,289
Puerto Rican American Sugar Rfy., Inc	101,500
Western Sugar Refining Co	24,613
Liquid sugar reserve for persons other than named above	30
Total	155,625

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119)

Effective date. Allotments established in this order for all allottees differ from the allotments established in S.R. 815.7 (31 F.R. 12563). To afford adequate opportunity to plan and to market the different quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 25th day of October 1966.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66–11773; Filed, Oct. 27, 1966; 8:48 a.m.]

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 847.2, Rev., Supp. 12]

PART 847—PUERTO RICO

Approved Local Producing Areas for 1965–66 Crop

Pursuant to the provisions of § 847.2, as revised (27 F.R. 6080), the Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office hereby makes the following determinations:

§ 847.14 Approved local producing areas in Puerto Rico.

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on the 1965–66 sugarcane crop in Puerto Rico, each of the following named municipalities and single wards are determined to be local producing areas in which, due to drought, the actual yields of sugar for the 1965–66 crop year from 10 percent or more of the total number of farms or part of farms; or from 10 percent or more of the total planted acreage of sugarcane in each such local producing area were below 80 percent of the applicable farm normal yields:

(a) *Municipalities.* Aguada, Aguadilla, Añasco, Arroyo, Barceloneta, Guánica, Guayanilla, Gurabo, Hormigueros, Humacao, Jayuya, Las Marías, Las Piedras, Patillas, Peñuelas, Ponce, Rincón, Río Piedras, San Germán, San Sebastián, Vieques, and Yauco.

(b) *Single wards.* Wards Factor, Garrochales, Islote and Sabana Hoyos, of the municipality of Arecibo; wards Bajura and Llanos Costa, of the municipality of Cabo Rojo; wards Algarrobo and Jobos, of the municipality of Guayama; wards Amuelas, Callabo, Capitanejo and Lomas, of the municipality of Juana Díaz; wards Costa, Lajas Arriba, Llanos, Palmarejo and Plata, of the municipality of Lajas; wards Mariana and Peña Pobre, of the municipality of Naguabo; wards Guzmán Abajo and Guzmán Arriba, of the municipality of Río Grande; wards Rayo, Santana and Susúa, of the municipality of Sabana Grande; and wards Caonillas Abajo, Hato Puerto Abajo and Villalba Abajo, of the municipality of Villalba.

STATEMENT OF BASES AND CONSIDERATIONS

One of the conditions of eligibility of a farm in Puerto Rico for an acreage abandonment or crop deficiency payment in connection with the production of sugar from sugarcane is that the farm be located in a local producing area for which the Director of the Agricultural Stabilization and Conservation Service, Caribbean Area Office determines that drought, flood, storm, disease, or insects have damaged a substantial part of the sugarcane crop in such area.

The purpose of this supplement is to set forth that the specified municipalities and single wards have been determined to comprise local producing areas for the 1965–66 crop and that such areas have qualified under the requirements relating to crop damage. Any sugarcane producer on a farm which is located in whole or in part in any one of these local producing areas, and which is otherwise qualified, may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

CARLOS G. TROCHE,
Director, Agricultural Stabilization and Conservation Service, Caribbean Area Office.

OCTOBER 17, 1966.

[F.R. Doc. 66–11772; Filed, Oct. 27, 1966; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Expenses of Filbert Control Board and Rate of Assessment for 1966–67 Fiscal Year

Notice was published in the October 14, 1966, issue of the FEDERAL REGISTER (31 F.R. 13346) regarding proposed expenses of the Filbert Control Board for the 1966–67 fiscal year and rate of assessment for that fiscal year, pursuant to §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Filbert Control Board, and other available information, it is found that the expenses of the Filbert Control Board and rate of assessment for the fiscal year beginning August 1, 1966, shall be as follows:

§ 982.311 Expenses of the Filbert Control Board and rate of assessment for the 1966–67 fiscal year.

(a) *Expenses.* The expenses in the amount of $25,320 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1966, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.20 cent per pound of filberts.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable filberts from the beginning of such year; and (2) the current fiscal year began on August 1, 1966, and the rate of assessment herein fixed will automatically apply to all such assessable filberts beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 25, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11775; Filed, Oct. 27, 1966; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7676; Amdt. 507]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Dayton Int	CQN RBn	Direct	3000	T-dn	300-1	300-1	#300-1½
Chattanooga VORTAC	CQN RBn	Direct	3000	C-dn	600-1¼	700-1¼	700-2
Chickamauga Int	CQN RBn	Direct	3000	S-dn-30°	500-1	500-1	500-1
Whitwell Int	CQN RBn	Direct	3500	A-dn	800-2	800-2	800-2
Bridgeport Int	CQN RBn	Direct	3400				
Coalmont Int	CQN RBn	Direct	3000				
Georgetown Int	CQN RBn	Direct	3000				
Crandall Int	CQN RBn	Direct	3500				
Hiletown Int	CQN RBn	Direct	3400				
Dunlap Int	CQN RBn	Direct	3000				
Riceville Int	CQN RBn	Direct	3000				

Radar available.
Procedure turn E side of crs, 016° Outbnd, 196° Inbnd, 3000' within 10 miles of CQN RBn.
Minimum altitude Inbnd over CQN RBn, 3000'; over OM, 1600'; over MM, 1300'. If OM not received, descent below 1660' not authorized.
Distances to runway: CQN 7.7 miles, OM 4.1 miles, MM 0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing CQN RBn, climb to 3000' on crs of 196° within 15 miles.
CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routs W through N, should request clearance to climb on a track of 016° or 196° from LMM to 3000' before continuing climb on crs.
*Reduction below ¾ mile not authorized.
#Takeoff on Runways 14-32 with less than 300-1 not authorized.
MSA within 25 miles of facility: 000°-090°—3400'; 090°-180°—3000'; 180°-360°—3500'.

City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682'; Fac. Class., HW; Ident., CQN; Procedure No. 1, Amdt. 16; Eff. date, 19 Nov. 66; Sup. Amdt. No. 15; Dated, 18 June 66

Grantsville VOR	CBE RBn	Direct	5000	T-dn	1700-2	1700-2	NA
Huntstone Int	CBE RBn	Direct	5000	C-dn	1700-2	1700-2	NA
Keyser Int	CBE RBn	Direct	5000	A-dn	NA	NA	NA

Procedure turn E side of crs, 028° Outbnd, 208° Inbnd, 5000' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility final approach crs 3100'.
Crs and distance, facility to airport, 208°—2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2 miles after passing CBE RBn climb on 208° bearing of CBE RBn to 3300' within 10 miles, left turn to CBE RBn on 028° bearing, 5000', hold NE 208° bearing Inbnd, 5000', 1-minute left turns.
NOTE: Upon landing close out flight plan with Martinsburg, W. Va., FSS by telephone.
CAUTION: Altimeter setting from MRB FSS.
Takeoff instructions: Climb VFR to 2500' between airport and CBE RBn, proceed Outbnd from facility on 208° bearing to 3300' within 10 miles, make left turn to CBE RBn on 028° bearing to cross facility at 5000', then proceed as cleared.
MSA within 25 miles of facility: 000°-180°—3600'; 180°-000°—4300'.

City, Cumberland; State, Md.; Airport name, Cumberland Municipal; Elev., 780'; Fac. Class., MHW; Ident., CBE; Procedure No. 1, Amdt. 1; Eff. date, 19 Nov. 66; Sup. Amdt. No. Orig.; Dated, 28 Jan. 65

FAY VOR	LOM	219°, 5.4 miles	1700	T-dn	300-1	300-1	300-1½
				C-dn	400-1	500-1	500-1½
				S-dn-3	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1700' within 15 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 035°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, make right turn, intercepting 081° crs from LOM, climbing to 1700' within 15 miles, or when directed by ATC, turn right, climb to 1700' on R 091° of FAY VOR within 15 miles.
MSA within 25 miles of facility: 000°-180°—1500'; 180°-270°—1600'; 270°-360°—1700'.

City, Fayetteville; State, N.C.; Airport name, Grannis Field; Elev., 189'; Fac. Class., LOM; Ident., GR; Procedure No. 1, Amdt. 1; Eff. date, 19 Nov. 66; Sup. Amdt. No. Orig.; Dated, 10 Dec. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Key West VORTAC	EYW RBn	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 267° Outbnd, 087° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 086°—1.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles after passing EYW RBn, climb to 1500' on crs of 064° from RBn within 20 miles.
NOTE: (1) FAA control tower not operating on 24 hour basis. (2) Procedure turn nonstandard due military requirement. (3) Holding 087° crs, Inbnd to EYW RBn, 1-minute left turns may be used in lieu of procedure turn.
MSA within 25 miles of facility: 000°-360°—1400'.

City, Key West; State, Fla.; Airport name, Key West International; Elev., 4'; Fac. Class., SBH; Ident., EYW; Procedure No. 1, Amdt. 3; Eff. date, 19 Nov. 66; Sup. Amdt. No. 2; Dated, 19 Aug. 65

PROCEDURE CANCELED, EFFECTIVE 19 NOV. 1966.

City, Little Rock; State, Ark.; Airport name, Adams Field; Elev., 257'; Fac. Class., BH; Ident., LIT; Procedure No. 2, Amdt. 2; Eff. date, 6 June 64; Sup. Amdt. No. 1; Dated, 9 May 64

OKM VOR	MKO RBn	Direct	3000	T-dn	300-1	300-1	200-½
Marie Int	MKO RBn	Direct	3000	C-dn	800-1	800-1¼	800-1½
				S-dn-31	800-1	800-1	800-1
				A-dn	NA	NA	NA

Procedure turn S side of crs, 120° Outbnd, 300° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate left turn, return to the MKO RBn climbing to 2500', contact ATC for further clearance.
NOTE: Use Tulsa, Okla., altimeter setting.
MSA within 25 miles of facility: 000°-270°—2300'; 270°-360°—3700'.

City, Muskogee; State, Okla.; Airport name, Davis; Elev., 610'; Fac. Class., MHW; Ident., MKO; Procedure No. 1, Amdt. 3; Eff. date, 19 Nov. 66; Sup. Amdt. No. 2; Dated, 27 Jan. 62

OSH VOR	LOM	Direct	2600	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 089°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 3600' on 089° bearing of LOM within 15 miles, or when directed by ATC, make right-climbing turn to LOM, then continue climb to 3600' on 269° bearing from LOM within 10 miles of LOM.
NOTE: Procedure not authorized when control tower not in operation.
MSA within 25 miles of facility: 000°-360°—2700'.

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 795'; Fac. Class., LOM; Ident., OS; Procedure No. 1, Amdt. 5; Eff. date, 19 Nov. 66; Sup. Amdt. No. 4; Dated, 3 July 65

Highland Int	GP LOM (final)	Direct	3000	T-dn	300-1	300-1	200-½
Imperial VOR*	GP LOM	Direct	3000	C-dn	500-1	500-1	500-1½
Allegheny VOR*	Highland Int	Direct	3000	S-dn-28L	400-1	400-1	400-1
Ellwood City VOR*	Highland Int	Direct	3000	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 3000' within 10 miles of GP LOM.
Minimum altitude over facility on final approach crs, 3000'.
Crs and distance, facility to airport, 277°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing GP LOM, make left-climbing turn to 3000' on a 180° crs, proceed direct to AGC VOR. Hold S, 1-minute right turns, 354° Inbnd.
CAUTION: Runway 28R approach: Fluorescent street lighting aligned with Runway 28R and terminating approximately ¾ mile from runway, can be mistaken for runway lights.
*Transition from IRL VOR, EWC VOR, and AGC VOR require holding pattern entry during nonradar operation.
MSA within 25 miles of facility: 000°-270°—3100'; 270°-360°—2800'.

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203'; Fac. Class., LOM; Ident., GP; Procedure No. 1, Amdt. 7; Eff. date, 19 Nov. 66; Sup. Amdt. No. 6; Dated, 27 Mar. 65

Hookstown Int	Creek RBn (final)	Direct	2700	T-dn	300-1	300-1	200-½
Wheeling VOR	Creek RBn	Direct	3000	C-d	500-1	500-1	500-1½
Imperial VOR	Creek RBn	Direct	3000	C-n	500-2	500-2	500-2
				S-d-10L	500-1	500-1	500-1
				S-n-10L	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 277° Outbnd, 097° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 2700'.
Crs and distance, facility to airport, 097°—6.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 miles after passing Creek RBn, make left-climbing turn to 3000' on a 360° crs. Proceed direct to EWC VOR, hold N, 1-minute right turns, 182° Inbnd.
MSA within 25 miles of the facility: 000°-270°—3100'; 270°-360°—2600'.

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203'; Fac. Class., MHW; Ident., CRK; Procedure No. 3, Amdt. 1; Eff. date, 19 Nov. 66; Sup. Amdt. No. Orig.; Dated, 27 Mar. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Flat Rock VOR	LOM	Direct	2000	T-dn	300-1	300-1	300-1½
Richmond RBn	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
HPW VOR	LOM	Direct	2000	S-dn-6	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 243° Outbnd, 063° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 063°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000' on crs 063°, then right turn direct to Richmond RBn. Hold SW, 038° Inbnd, 1-minute right turns.
MSA within 25 miles of facility: 000°-090°—1600'; 090°-180°—2100'; 180°-270°—1500'; 270°-360°—2100'.
City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167'; Fac. Class., LOM; Ident., RI; Procedure No. 1, Amdt. 16; Eff. date, 19 Nov. 66; Sup. Amdt. No. 15; Dated, 8 May 65

Granger Int	LOM	Direct	2500	T-dn	300-1	300-1	300-1½
Preston Int	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
RST VOR	LOM	Direct	2800	S-dn-31	400-1	400-1	400-1
Bell Int	LOM (final)	Direct	2840	A-dn	800-2	800-2	800-2
Byron Int	LOM	Direct	2800				

Procedure turn E side crs, 127° Outbnd, 307° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 307°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, climb to 2800' on 307° crs from LOM within 20 miles of LOM, or when directed by ATC, make left-climbing turn to 3000', proceed direct to the RST VOR.
MSA within 25 miles of facility: 000°-090°—3500'; 090°-180°—3700'; 180°-270°—3100'; 270°-360°—2800'.
City, Rochester; State, Minn.; Airport name, Rochester Municipal; Elev., 1316'; Fac. Class., LOM; Ident., RS; Procedure No. 1, Amdt. 7; Eff. date, 19 Nov. 66; Sup. Amdt. No. 6; Dated, 31 March

PBI VOR	RBn (OM)	Direct	1600	T-dn	300-1	300-1	300-1½
Parkway Int	RBn (OM)	Direct	1600	C-dn	500-1	500-1	500-1½
Andrews Int	RBn (OM)	Direct	2000	S-dn-09	500-1	500-1	500-1
Shawnee Int* (final)	RBn (OM)	Direct	1660	A-dn	800-2	800-2	800-2
Morgan Int	RBn (OM)	Direct	1600				
Wolly Int	RBn (OM)	Direct	1600				
Pompano Int	RBn (OM)	Direct	2000				

Procedure turn N side of crs, 273° Outbnd, 093° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 093°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 1600' on crs of 093° within 20 miles of LOM.
*Shawnee Int may be used in lieu of procedure turn when authorized by Palm Beach approach control.
#Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°-090°—1700'; 090°-180°—2100'; 180°-270°—2100'; 270°-360°—1300'.
City, West Palm Beach; State, Fla.; Airport name, Palm Beach International; Elev., 19'; Fac. Class., HW/LOM; Ident., PB; Procedure No. 1, Amdt. 5; Eff. date, 19 Nov. 66; Sup. Amdt. No. 4; Dated, 6 Jan. 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
A X LFR	BLI VOR	Direct	2000	T-dn%*	300-1	300-1	300-1½
White Rock LF Int	BLI VOR	Direct	2000	C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				S-d-16#	700-1	700-1	700-1
				S-n-16#	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2
				DME or FM minimums, DME or FM equipment required:			
				C-dn	700-1	700-1	700-1½
				S-dn-16#§	500-1	500-1	500-1

Procedure turn W side of crs, 326° Outbnd, 146° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 146°—8.8 miles; Ferndale FM/BLI, 146°—5.6 miles; Fix to airport, 146°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Ferndale FM/BLI 146°—5.6-mile fix, or 8.8 miles after passing BLI VOR, turn right and return to BLI VOR climbing to 2000'.
%Takeoffs all runways: Climb direct to BLI VOR before proceeding on crs. V-23 southbound, climb visually to 400' over airport before proceeding on crs.
#Sliding scale not authorized.
*Visibility reduction not authorized.
§500-¾ authorized with operative HIRL except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 020°-110°—10,900'; 110°-200°—4800'; 200°-290°—2900'; 290°-020°—6600'.
City, Bellingham; State, Wash.; Airport name, Bellingham Municipal; Elev., 158'; Fac. Class., L-BVORTAC; Ident., BLI; Procedure No. 1, Amdt. 7; Eff. date, 19 Nov. 66; Sup. Amdt. No. 6; Dated, 10 Apr. 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BLI VOR	Ferndale FM/BLI, 146°—5.6-mile fix (final).	Direct	1100	T-dn%*	300-1	300-1	300-1½
				C-dn	700-1	700-1	700-1½
				S-dn-16#§	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 326° Outbnd, 146° Inbnd, 2000' within 10 miles of Ferndale FM/BLI, 146°—5.6-mile fix.
Minimum altitude over Ferndale FM/BLI, 146°—5.6-mile fix on final approach crs, 1100'.
Crs and distance, Ferndale FM/BLI, 146°—5.6 miles. Fix to airport, 146°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Ferndale FM, turn right, climb to 2000' direct to BLI VOR.
%Takeoffs all runways: Climb direct to BLI VOR before proceeding on crs. V-23 southbound, climb visually to 400' over airport before proceeding on crs.
#Sliding scale not authorized.
§500-¾ authorized with operative HIRL except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 020°-110°—10,900'; 110°-200°—4800'; 200°-290°—2900'; 290°-020°—6600'.
City, Bellingham; State, Wash.; Airport name, Bellingham Municipal; Elev., 158'; Fac. Class., L-BVORTAC; Ident., BLI; Procedure No. 2, Amdt. 1; Eff. date, 19 Nov. 66; Sup. Amdt. No. Orig.; Dated, 10 Apr. 65

				T-d	500-1	500-1	NA
				C-d	500-1	500-1	NA
				A-dn	NA	NA	NA

Procedure turn E side of crs, 202° Outbnd, 022° Inbnd, 3200' within 10 miles.
Minimum altitude over facility on final approach crs, 3100'.
Crs and distance, facility to airport, 022°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing CIP VOR, make climbing right turn to 3200', returning to CIP VOR. Hold 3, 1-minute right turns, 022° Inbnd.
UNICOM: No weather service. File and close flight plans with DuBois radio. Radio contact available at 1900'.
MSA within 25 miles of facility: 000°-360°—3100'.
City, Clarion; State, Pa.; Airport name, Rhea; Elev., 1453'; Fac. Class., L-BVOR; Ident., CIP; Procedure No. 1, Amdt. 2; Eff. date, 19 Nov. 66; Sup. Amdt. No. 1; Dated, 10 Apr. 65

Key West RBn	Key West VORTAC	Direct	1500	T-dn	300-1	300-1	300-1½
R 040°, counterclockwise	R 308°	8-mile DME Orbit	1500	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 308° Outbnd, 128° Inbnd, 1500' within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 500'.
Crs and distance, facility to airport, 128°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing EYW VORTAC, turn left, climb to 1500' on R 060° within 20 miles of EYW VOR.
NOTE: FAA control tower not operating on 24-hour basis.
MSA within 25 miles of facility: 000°-360°—1400'.
City, Key West; State, Fla.; Airport name, Key West International; Elev., 4'; Fac. Class., H-BVORTAC; Ident., EYW; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 19 Nov. 66

Tyrone VOR	PSB VOR	Direct	4100	T-dn	500-1	500-1	500-1
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn N side of crs, 074° Outbnd, 254° Inbnd, 4000' within 10 miles.
Minimum altitude over facility on final approach crs, 3800'.
Crs and distance, facility to airport, 254°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing VOR, make a right-climbing turn returning to the PSB VOR at 4000'. Hold NE, R 074°, 1-minute right turns.
CAUTION: 2300' unlighted terrain, 1.6 miles S and SE of airport.
MSA within 25 miles of facility: 000°-360°—3700'.
City, Philipsburg; State, Pa.; Airport name, Mid-State; Elev., 1942'; Fac. Class., H-BVORTAC; Ident., PSB; Procedure No. 1, Amdt. 8; Eff. date, 19 Nov. 66; Sup. Amdt. No. 7; Dated, 21 July 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d	300-1	300-1	NA
				T-n	400-1	400-1	NA
				C-dn	600-1	600-1	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs, 327° Outbnd, 147° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 147°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing PCU VOR, climb to 1700', turn right and return direct to PCU VOR. Hold NW on R 327°, 147° Inbnd, 1-minute right turns.
AIR CARRIER NOTE: Night takeoffs authorized Runway 5 only. Night landings authorized Runway 23 only.
NOTES: (1) No weather service available at this airport. Use New Orleans altimeter setting when local setting not available. (2) Flight plan must be closed with MSY FSS when visual contact established.
MSA within 25 miles of facility: 000°-360°—1700'.

City, Picayune; State, Miss.; Airport name, Picayune Municipal; Elev., 60'; Fac. Class., L-BVOR; Ident., PCU; Procedure No. 1, Amdt. 5; Eff. date, 19 Nov. 66; Sup. Amdt. No. 4; Dated, 13 Nov. 65

Lee VHF Int	VLD VOR	Direct	1900	T-dn#	300-1	300-1	200-1½
				C-dn	500-1	500-1	500-1½
				S-d/35@	400-1	400-1	NA
				S-n-35	NA	NA	NA
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 006°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing VLD VOR, turn left, climb to 1900' on R 346° within 20 miles of the VLD VOR.
NOTES: (1) No lights on Runways 12-30. Advance notice required for operation of runway lights after 2200'. (2) Night landing not authorized on Runways 35, 9, 12. Night takeoff not authorized on Runways 17, 27, 30.
CAUTION: Unlighted trees 1000' from approach end of Runway 35. Trees in all approach areas, except Runway 3.
#Reduction not authorized.
MSA within 25 miles of facility: 000°-360°—1600'.

City, Valdosta; State, Ga.; Airport name, Valdosta Municipal; Elev., 204'; Fac. Class., L-BVOR; Ident., VLD; Procedure No. 1, Amdt. 15; Eff. date, 19 Nov. 66; Sup. Amdt. No. 14; Dated, 9 Apr. 66

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Denmark Int	MKL VOR	Direct	2000	T-dn	300-1	300-1	200-1½
Anderson Int	MKL VOR	Direct	2100	C-dn	600-1	600-1	600-1½
				S-dn-2	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
				If Mercer Fan Marker is received minimums become:			
				C-dn	400-1	400-1	400-1
				S-dn-2	400-1	400-1	400-1

Procedure turn S side of crs, 204° Outbnd, 024° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1000' (800' if Mercer FM is received).
Facility on airport. Crs and distance, FM to airport, 024°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Mercer FM or within 0 mile of MKL VOR, turn left, climb to 2000' on R 204° within 20 miles.
#Reduction not authorized.
MSA within 25 miles of facility: 000°-360°—2100'.

City, Jackson; State, Tenn.; Airport name, McKellar Field; Elev., 431'; Fac. Class., T-BVOR; Ident., MKL; Procedure No. Ter VOR 2, Amdt. 1; Eff. date, 19 Nov. 66; Sup. Amdt. No. Orig.; Dated, 13 Oct. 66

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
R 057, LBL VOR clockwise	R 142° LBL VOR	Via 10-mile DME Arc.	4500	T-dn*	300-1	300-1	200-1½
				C-dn%&$	500-1	500-1	500-1½
R 223°, LBL VOR counterclockwise	R 142° LBL VOR	Via 10-mile DME Arc.	4500	S-dn-35@$&	500-1	500-1	500-1
				A-dn&	800-2	800-2	800-2
10-mile DME Fix, R 142° LBL VOR	4-mile DME Fix, R 142° LBL VOR (final).	Direct	3388	Minimums with DME:			
				C-dn%&&	400-1	500-1	500-1½
				S-dn-35&&@	400-1	400-1	400-1

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 4500' within 10 miles.
Minimum altitude over 4-mile DME Fix, R 142° on final approach crs, $3388'. ($3568' required when control zone not effective.)
Facility on airport. Breakoff point to Runway 35, 349°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LBL VOR, climb to 4500' on R 322° within 10 miles, make left turn and return to LBL VOR.
NOTE: Use Garden City, Kans., altimeter setting when control zone not effective.
CAUTION: Numerous towers to elevation of 3509' E of airport.
*When 3509' tower, 1.9 miles E of airport is not visible on takeoff, climb to 4500' on runway heading before turning toward tower.
%All circling approaches will be made to W of airport. Lights installed on Runways 35 and 17 only.
&These minimums apply at all times for air carriers with approved weather reporting service.
$Circling and straight-in ceiling minimums are raised 200' and alternate minimums not authorized when control zone not effective.
@Reduction not authorized for nonstandard REIL.
MSA within 25 miles of facility: 000°-360°—4600'.

City, Liberal; State, Kans.; Airport name, Liberal Municipal; Elev., 2888'; Fac. Class., H-BVORTAC; Ident., LBL; Procedure No. Ter VOR-35, Amdt. 4; Eff. date, 19 Nov. 66; Sup. Amdt. No. 3; Dated, 9 Oct. 65

				T-dn	300-1	300-1	200-1½
				C-dn	500-1	500-1	500-1½
				S-dn-36	500-1	500-1	500-1
				A-dn*	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 173° Outbnd, 353° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2400' on R 307° within 15 miles, or when directed by ATC, make right-climbing turn to 2600' on R 088° within 15 miles.
NOTE: Use Green Bay altimeter setting when control zone not effective.
CAUTION: Runways 4/22 and 13/31 unlighted.
*Alternate minimums not authorized when control zone not effective. These minimums apply at all times for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°-360°—2700'.

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 795'; Fac. Class., L-BVOR; Ident., OSH; Procedure No. Ter VOR-36, Amdt. 4; Eff. date, 19 Nov. 66; Sup. Amdt. No. 3; Dated, 29 Aug. 64

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELED, EFFECTIVE 19 NOV. 1966.

City, Key West; State, Fla.; Airport name, Key West International; Elev., 4'; Fac. Class., H-BVORTAC; Ident., EYW; Procedure No. VOR/DME 1, Amdt. 1; Eff. date, 27 Nov. 65; Sup. Amdt. No. Orig.; Dated, 6 Nov. 65

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Atlanta RBn	Lakeside LOM	Direct	2700	T-dn**	300-1	300-1	200-½
Atlanta VOR	Lakeside LOM	Direct	2700	C-dn	400-1	500-1	500-1½
Harrison Int	Lakeside LOM	Direct	3000	S-dn-9L#	200-½	200-½	200-½
Chattahoochee Int	Lakeside LOM (final)	Direct	2700	A-dn	600-2	600-2	600-2

Radar available.
Procedure turn S side W crs, 269° Outbnd, 089° Inbnd, 2700' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at OM, 3660'—5.2 miles; at MM, 1236'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing LOM, climb to 3000'. Proceed to Tucker Int via ATL R 033°.
NOTES: (1) TDZ-9R, CL-9R/27L, VASI-27R, REIL-27R, VASI-27L. (2) Back crs unusable.
*400-¾ (RVR 4000') required when glide slope not utilized.
#RVR 2400'. Descent below 1224' not authorized unless approach lights are visible.
**RVR 2400' authorized Runways 9L, 33. RVR (2000') 4-engine turbojet; RVR (1800') other aircraft authorized 9R.
City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Fac. Class., ILS; Ident., I-ATL; Procedure No. ILS-9L, Amdt. 29; Eff. date, 19 Nov. 66; Sup. Amdt. No. 28; Dated, 27 Aug. 66

Atlanta RBn	Red Oak LOM	Direct	2500	T-dn**	300-1	300-1	200-½
Atlanta VOR	Red Oak LOM	Direct	2500	C-dn	500-1	500-1	500-1½
Harrison Int	Red Oak LOM	Direct	3000	S-dn-9R#	200-½	200-½	200-½
Chattahoochee Int	Red Oak LOM (final)	Direct	2500	A-dn	600-2	600-2	600-2

Radar available.
Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2500'.
Altitude of glide slope and distance to approach end of runway at OM, 2500'—5 miles; at MM, 1226'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing LOM, climb to 3000', turn right and proceed direct to ATL VORTAC. Hold S on R 173°.
NOTE: TDZ 9R, CL-9R/27L, REIL-27R, VASI 27L/27R.
#RVR (2000') 4-engine turbojet; RVR (1800') other aircraft. Descent below 1224' not authorized unless approach lights are visible.
*400-¾ (RVR 4000') required when glide slope not utilized. Reduction not authorized.
**RVR (2400') authorized Runways 9L, 33. RVR (2000') 4-engine turbojet, RVR (1800') other aircraft authorized 9R.
City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Fac. Class., ILS; Ident., I-ALR; Procedure No. ILS-9R, Amdt. 6; Eff. date, 19 Nov. 66; Sup. Amdt. No. 5; Dated, 27 Aug. 66

Wrigley Int	Lakeside LOM (final)	Direct	2700	T-dn*	300-1	300-1	200-½
				C-dn	NA	NA	NA
				S-dn-9L and 9R#	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar required.
Procedure turn not authorized.
Minimum altitude at glide slope interception Inbnd, 9L—3300'; at Wrigley Int (2700' when authorized by ATC); 9R—2500'.
Crs, Lakeside LOM to Runway 9L and Red Oak LOM to Runway 9R, 089°.
Altitude of glide slope and distance to approach end of runway at OM: 9L, 2660'—5.2 miles; 9R, 2500'—5 miles; at MM, 9L, 1236'—0.6 mile; 9R, 1226'—0.6 mile.
When advised by the controller, or if visual contact not established upon descent to authorized landing minimums, or if landing not accomplished: Runway 9L—climb to 3000', proceed to Tucker Int via ATL VOR R 033°. Runway 9R—make climbing right turn to 3000' and proceed direct to ATL VOR.
NOTES: (1) TDZ-9R, CL-9R/27L, VASI-27R, REIL-27R, VASI-27L. (2) When advised by ATC, pilot shall monitor both control frequency and localizer voice continuously during the remainder of the approach. (3) Runway 9L—Back crs unusable.
#RVR (2000') 4-engine turbojet; RVR (1800') other aircraft 9R.
#RVR (2400') 9L. Descent below 1224' not authorized unless approach lights are visible.
*RVR (2400') authorized 9L, 33. RVR (2000') 4-engine turbojet; RVR (1800') other aircraft 9R.
City, Atlanta, State, Ga.; Airport name, Atlanta; Elev., 1024'; Fac. Class., ILS I-ALR; Ident., I-ALR; Procedure No. ILS-9 L and R, Amdt. 4; Eff. date, 19 Nov. 66; Sup. Amdt. No. 3; Dated, 27 Aug. 66

ATL VOR	LOM	Direct	2200	T-dn#	300-1	300-1	200-½
McDonough Int	LOM (final)	Direct	2200	C-dn	400-1	500-1	500-1½
Tucker Int	LOM	Direct	3000	S-dn-33*#	200-½	200-½	200-½
Harrison Int	LOM	Direct	3000	A-dn	600-2	600-2	600-2

Radar available.
Procedure turn E side SE crs, 149° Outbnd, 329° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2300'.
Altitude of glide slope and distance to approach end of runway at OM, 2140'—4.2 miles; at MM, 1183'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, make climbing right turn to 3000' and proceed direct to REG VOR.
CAUTION: 1185' tank, ¾ mile W of airport.
NOTES: (1) TDZ 9R, CL-9R/27L, VASI-27R, REIL-27R, VASI-27L. (2) Glide slope unusable below 1085'. (3) Back crs unusable.
*400-¾ (RVR 4000') required when glide slope not utilized; 400-½ (RVR 2400') authorized with operative ALS, except for 4-engine turbojets.
C (RVR 2400'). Descent below 1224' not authorized unless approach lights visible.
#RVR 2400' authorized Runways 33, 9L. RVR (2000') 4-engine turbojet, RVR (1800') other aircraft authorized 9R.
City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Fac. Class., ILS; Ident., I-AZA; Procedure No. ILS-33, Amdt. 11; Eff. date, 19 Nov. 66; Sup. Amdt. No. 10; Dated, 27 Aug. 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boston VOR	BO LOM	Direct	2000	T-dn%	300-1	300-1	200-½#
Millis Int	ILS 8W crs	090°	2000	C-dn#	600-1	600-1	600-1½
Whitman VOR	ILS 8W crs	345°	2000	S-dn-4R*##	200-½	200-½	200-½
ILS 8W crs	BO LOM (final)	Direct	1900	A-dn	600-2	600-2	600-2
				With glide slope inoperative:			
				S-dn-4R**##	400-¾	400-¾	400-¾

Radar available.
Procedure turn E side of crs, 215° Outbnd, 035° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1900'.
Altitude of glide slope and distance to displaced threshold of runway at OM, 1821'—5.3 miles; at MM, 270'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing BO LOM, climb to 2000' direct, Danvers Int. Hold NE of Danvers Int, 1-minute right turns, 230° Inbnd, or when directed by ATC, make right-climbing turn to 2000' direct, Skipper Int. Hold E of Skipper Int, 1-minute right turns, 279° Inbnd.
CAUTION: (1) ILS touchdown point approximately 3600' in from approach end of runway to allow clearance over ship channel. Nonstandard ALS serving Runway 4R. Displaced threshold lights 2490' from end of Runway 4R. (2) 370' stack, 1 mile SW; 508' building, 1.7 miles W; 845' building and antenna, 3.1 miles W; 1349' antennae, 10.5 miles W of airport.
%Departures from Runway 27—make left turn to heading, 260° as soon as practicable after takeoff.
#RVR 2400' authorized for Runways 4R and 33.
@No circling W of airport authorized from centerline extended Runway 4L to centerline extended, Runway 15 when ceiling is less than 800'.
*Ceiling 200' and 2400' RVR. Descent below 219' not authorized unless approach lights are visible.
##When tower advises of known surface vessels in the approach area, straight-in minimums of 400-1 and glide slope inoperative minimums of 500-1 will be authorized. Reduction not authorized.
**Reduction not authorized. Back crs unusable.
City, Boston; State, Mass.; Airport name, General Edward Lawrence Logan International; Elev., 19'; Fac. Class., ILS; Ident., I-BOS; Procedure No. ILS-4R, Amdt. 17'; Eff. date, 19 Nov. 66; Sup. Amdt. No. 16; Dated, 22 Jan. 66

Dayton Int	CQN RBn	Direct	3000	T-dn	300-1	300-1	@200-½
Halletown Int	CQN RBn	Direct	3300	C-dn	600-1½	700-1½	700-2
Chattanooga VORTAC	CQN RBn	Direct	3000	S-dn-20*	200-½	200-½	200-½
Dunlap Int	CQN RBn	Direct	3400	A-dn	800-2	700-2	700-2
Chicamauga Int	CQN RBn	Direct	3000				
Whitwell Int	CQN RBn	Direct	3500				
Bridgeport Int	CQN RBn	Direct	3500				
Coalmont Int	CQN RBn	Direct	3400				
Georgetown Int	CQN RBn	Direct	3000				
Crandall Int	CQN RBn	Direct	3000				
Riceville Int	CQN RBn	Direct	3000				

Radar available.
Procedure turn E side N crs, 016° Outbnd, 196° Inbnd, 3000' within 10 miles of CQN RBn.
Minimum altitude at glide slope interception Inbnd, 3000'.
Altitude of glide slope and distance to approach end of runway at CQN RBn, 2940'—7.7 miles; at OM, 1900'—4.1 miles; at MM, 800'—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing CQN RBn, or 4.1 miles after passing OM, climb to 3000' on S crs ILS within 15 miles, or when directed by ATC, turn left and proceed direct to CHA VORTAC at 3000'.
CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routes W through N, should request clearance to climb on a track of 016° or 196° from LMM to 3000' before continuing climb on crs.
NOTE: Glide slope unusable below 885'.
*500-¾ required when glide slope not utilized. Reduction below ¾ mile not authorized.
@Takeoff on Runways 14-32 with less than 300-1 not authorized.
City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682'; Fac. Class., ILS; Ident., I-CHA; Procedure No. ILS-20, Amdt. 17; Eff. date, 19 Nov. 66; Sup. Amdt. No. 16; Dated, 18 June 66

Papi Int	LOM	Direct	2200	T-dn%	300-1	300-1	200-½
ORD VOR	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
OBK VOR	LOM	Direct	2200	S-dn-27#	200-½	200-½	200-½
Lakewood Int	ORD VOR	Via OBK, R 271° and ORD, R 026°.	2800	A-dn	800-2	800-2	800-2
Niles Int	LOM	Direct	2800				
Warren Int	ORD VOR	Direct	2500				
Deerfield Int	LOM	Direct	2300				

Radar available.
Procedure turn N side E crs, 086° Outbnd, 266° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at LOM, 2130'—4.5 miles; at MM, 880'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3500' on a crs of 265° and proceed direct to DPA VOR, or climb to 2500' on crs of 265° and proceed to Elgin Int via ORD R 271° or make right turn, climb to 2600' proceed to OBK VOR via OBK R 176°.
NOTE: Runway 27, LOM named "Tak."
Back crs unusable.
CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD VOR R 280° and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD VOR R 306° and climb to 2000' before proceeding westbound.
%RVR 2400' authorized Runways 14L, 14R, 32L, and 27.
#RVR 2400'. Descent below 857' not authorized unless approach lights are visible.
*400-¾ required when glide slope not utilized and 400-½ authorized with operative ALS except for 4-engine turbojets.
City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-IAC; Procedure No. ILS-27, Amdt. 7; Eff. date, 19 Nov. 66; Sup. Amdt. No. 6; Dated, 26 June 66

CMH LOM	University Int	Direct	2800	T-dn	300-1	300-1	200-½
				C-dn	400-1	400-1	500-1½
				S-dn-10R	300-1	300-1	300-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2500' within 10 miles of University Int.
Minimum altitude over University Int on final approach crs, 2500'.
Crs and distance, University Int to airport, 096°—5.6 miles.
No glide slope. Back crs approach.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing University Int, climb straight ahead to 2700' on E crs ILS to CM LOM and hold E, 1-minute right turns, 276° Inbnd.
City, Columbus; State, Ohio; Airport name, Port Columbus International; Elev., 816'; Fac. Class., ILS; Ident., I-CMH; Procedure No. ILS-10R (back crs), Amdt. 8; Eff. date, 19 Nov. 66; Sup. Amdt. No. 7; Dated, 14 Mar. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
FAY VOR	GR LOM	Direct	1700	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–3°	200–½	200–½	200–½
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1700′ within 15 miles.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1678′—5.1 miles; at MM, 395′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, make right turn, intercepting 081° crs from LOM, climbing to 1700′ within 15 miles, or when directed by ATC, turn right, climb to 1700′ on R 091° of FAY VOR within 15 miles.
NOTE: Back crs unusable.
*400–¾ required when glide slope not utilized. 400–½ authorized with operative ALS except for 4-engine turbojets.

City, Fayetteville; State, N.C.; Airport name, Grannis Field; Elev., 189′; Fac. Class., ILS; Ident., I–GRA; Procedure No. ILS–3, Amdt. 1; Eff. date, 19 Nov. 66; Sup. Amdt. No. Orig.; Dated, 13 Nov. 65

Buffalo VOR	LOM	Direct	2000	T–dn¢	300–1	300–1	*200–½
Wolcottsville Int	LOM (final)	Direct	1800	C–dn	500–1	500–1	500–1½
Grand Island Int	LOM	Direct	2000	S–dn–28R¢¢	200–½	200–½	200–½
Buffalo VOR via VOR, R 347°	E crs ILS	Direct	2000	A–dn##	600–2	600–2	600–2

Radar available (Buffalo Radar).
Procedure turn N side of crs, 008° Outbnd, 278° Inbnd, 1800′ within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM, 1755′—4.2 miles; at MM, 805′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing IA LOM, climb straight ahead on crs, 278° to 2000′ within 10 miles, then make right turn and return to LOM. Hold E, 1-minute right turns, Inbnd crs, 278°.
¢RVR 2400′ authorized 28R.
¢¢RVR 2400′. Descent below 790′ not authorized unless approach lights are visible.
*300–1 required on Runways 10R, 28L.
‡400–¾ required with glide slope inoperative. 400–½ authorized with operative ALS except for 4-engine turbojets.
##All installed components of the ILS must be operating, otherwise alternate minimums of 800–2 apply.

City, Niagara Falls; State, N.Y.; Airport name, Niagara Falls Municipal; Elev., 800′; Fac. Class., ILS; Ident., I–IAG; Procedure No. ILS–28R, Amdt. 9; Eff. date, 19 Nov. 66; Sup. Amdt. No. 8; Dated, 12 Mar. 66

OSH VOR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
				C–dn‡	400–1	500–1	500–1½
				S–dn–9°‡	300–¾	300–¾	300–¾
				A–dn‡	700–2	700–2	700–2

Radar available.
Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 2498′—3.7 miles; at MM, 1001′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles of LOM, climb to 2000′ on E crs of ILS within 15 miles, or when directed by ATC, make right-climbing turn to 3000′ on R 165° OSH VOR within 15 miles.
NOTES: (1) No approach lights. (2) Use Green Bay altimeter setting when control zone not effective. (3) Circling and straight-in ceiling minimums are raised 100′ and alternate minimums not authorized when control zone not effective.
CAUTION: Runways 4/22 and 13/31 unlighted.
$These minimums apply at all times for air carriers with approved weather reporting service.

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 795′; Fac. Class., ILS; Ident., I–OSH; Procedure No. ILS–9, Amdt. 7; Eff. date, 19 Nov. 66; Sup. Amdt. No. 6; Dated, 3 July 65

Greensburg Int	McKeesport RBn (final)	Direct	3000	T–dn*	300–1	300–1	200–½
Scottdale Int	McKeesport RBn	Direct	3000	C–dn	500–1	500–1	500–1½
Allegheny VOR	McKeesport RBn	Direct	3000	S–dn–27**§	300–1½	200–½	200–½
GP LOM	McKeesport RBn	Direct	3000	A–dn	600–2	600–2	600–2
McKeesport RBn	ILS OM (final)	Direct	2700				
Imperial VOR	McKeesport RBn	IRL, R 117°	3000				
McKeesport RBn	Jeannette Int	Direct	3000				
Jeannette Int	McKeesport RBn (final)	Direct	3000				

Radar available.
Procedure turn S side of crs, 095° Outbnd, 275° Inbnd, 3000′ within 10 miles of MKP RBn. Nonstandard due to traffic.
Minimum altitude at glide slope interception Inbnd, 2700′. Glide slope may be intercepted at 3000′ over MKP RBn or 2700′ between MKP RBn and the ILS OM.
Altitude of glide slope and distance to approach end of runway at OM, 2615′—4.2 miles; at MM, 1480′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ proceeding to AGC RBn. Hold W, right turns, 1 minute, 082° Inbnd.
*RVR 2400′ authorized Runway 27.
**RVR 2400′. Descent below 1452′ not authorized unless approach lights are visible.
¢400–¾ with glide slope inoperative.
§400–½ authorized with operative ALS except for 4-engine turbojet aircraft.

City, Pittsburgh; State, Pa.; Airport name, Allegheny County; Elev., 1252′; Fac. Class., ILS; Ident., I–AGC; Procedure No. ILS–27, Amdt. 15; Eff. date, 19 Nov. 66; Sup. Amdt. No. 14; Dated, 22 May 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Wheeling VOR	Hookstown Int	Direct	3000	T–dn*	300–1	300–1	200–½
Hookstown Int	Creek RBn (final)	Direct	3000	C–dn	500–1	500–1	500–1½
Ellwood City VOR¢	Hookstown Int	Direct	3000	S–dn–10L**§	200–½	200–½	200–½
Allegheny VOR¢	Hookstown Int	Direct	3000	A–dn	600–2	600–2	600–2
Creek RBn	ILS OM (final)	Direct	2600				

Radar available.
Procedure turn S side crs, 277° Outbnd, 097° Inbnd, 3000′ within 10 miles of Creek RBn.
Minimum altitude at glide slope interception Inbnd, 3000′. (Glide slope may be intercepted at 3000′ between Creek RBn and ILS OM).
Altitude of glide slope and distance to approach end of runway at OM, 2516′—4.3 miles; at MM, 1410′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing OM, make left-climbing turn to 3000′ on a 360° crs, proceed direct to EWC VOR. Hold N, 1-minute right turns, 182° Inbnd.
¢400–¾ required with glide slope inoperative. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
¢¢Transitions from EWC and AGC require holding pattern entry for nonradar operation.
*RVR 2000′ authorized for 4-engine turbojet. RVR 1800′ authorized other aircraft. Descent below 1403′ not authorized unless approach lights visible.

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203′; Fac. Class., ILS; Ident., I–LXB; Procedure No. ILS–10L, Amdt. 8; Eff. date, 19 Nov. 66; Sup. Amdt. No. 7; Dated, 26 Feb. 66

Imperial VOR	Highland Int	IRL, R 097°	3000	T–dn**	300–1	300–1	200–½
Ellwood City VOR	Highland Int	EWC, R 153°	3000	C–dn	500–1	500–1	500–1½
Allegheny VOR	Highland Int	AGC, R 027°	3000	S–dn–28L**¢	200–½	200–½	200–½
Highland Int	GP LOM (final)	Direct	3000	A–dn	600–2	600–2	600–2

Radar available.
Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 3000′ within 10 miles of GP LOM.
Minimum altitude at glide slope interception Inbnd, 3000′.
Altitude of glide slope and distance to approach end of runway at OM, 2980′—5.6 miles; at MM, 1394′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn to 3000′ on a 180° crs, proceed direct to AGC VOR. Hold S, 1-minute right turns, 354° Inbnd.
NOTE: Holding pattern entry required at Highland Int during nonradar operation.
CAUTION: Runway 28R approach—Fluorescent street lighting aligned with Runway 28R and terminating approximately ¾ mile from runway, can be mistaken for runway lights.
*400–¾ required with glide slope inoperative. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
**RVR 2400′. Descent below 1368′ not authorized unless approach lights are visible.
¢RVR 2400′. Authorized Runway 28L.
¢¢S–dn–28L—Altitude 1368′ authorized for straight-in only (28R).

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203′; Fac. Class., ILS; Ident., I–GPB; Procedure No. ILS–28L, Amdt. 12; Eff. date, 19 Nov. 66; Sup. Amdt. No. 11; Dated, 18 Sept. 66

Flat Rock VOR	Bellwood Int	Via R 120°	2000	T–dn	300–1	300–1	200–½
Flat Rock VOR	LOM	Direct	2000	C–dn	400–1	400–1	400–1½
Richmond RBn	LOM	Direct	1389	S–dn–6	300–1½	300–1½	300–1½
Bellwood Int	LOM	Direct	(1109)	A–dn	600–2	600–2	600–2
Petersburg Int	LOM	Direct	1389	With glide slope inoperative: S–dn–6	400–1½	400–1½	400–1½

Radar available.
Procedure turn S side of crs, 343° Outbnd, 023° Inbnd, 1389′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1389′.
Altitude of glide slope and distance to approach end of runway at OM, 1376′—3.8 miles; at MM, 370′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000′ on crs 053°, proceed direct to HPW VOR. Hold NE, 025° Outbnd, 205° Inbnd, 1-minute left turns.
¢After intercept of localizer crs Inbnd, descent on glide slope to cross OM at 1370′ is authorized.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., ILS; Ident., I–RIC; Procedure No. ILS–6, Amdt. 15; Eff. date, 19 Nov. 66; Sup. Amdt. No. 14; Dated, 11 July 64

RST VOR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Bell Int	LOM (final)	Direct	2600	C–dn	400–1	500–1	500–1½
Byron Int	LOM	Direct	2600	S–dn–31¢	200–½	200–½	200–½
Granger Int	LOM	Direct	2900	A–dn	600–2	600–2	600–2
Preston Int	LOM	Direct	2900				

Procedure turn N side of crs, 127° Outbnd, 307° Inbnd, 2800′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2800′.
Altitude of glide slope and distance to approach end of runway at LOM, 2800′—4.2 miles; at LMM, 1802′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, climb to 2800′ on NW crs of ILS within 20 miles of LOM, or when directed by ATC, make left-climbing turn to 3000′, proceed direct to RST VOR.
¢300–½ required when glide slope not utilized, and 300–¾ authorized with operative ALS except for 4-engine turbojets.

City, Rochester; State, Minn.; Airport name, Rochester Municipal; Elev., 1316′; Fac. Class., ILS; Ident., I–RST; Procedure No. ILS–31, Amdt. 4; Eff. date, 19 Nov. 66; Sup. Amdt. No. 3; Dated, 31 Mar. 66

SAT VOR	LOM	Direct	2000	T–dn*	300–1	300–1	200–½
				C–dn	¢¢400–1	400–1	400–1½
				S–dn–12°¢	300–1½	300–1½	300–1½
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of NW crs, 323° Outbnd, 128° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at LOM, 2600′—5.9 miles; at MM, 1028′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 3000′ on SAT VOR, R 156° within 20 miles.
*RVR 2400′ authorized Runways 3 and 12.
¢500–¾ required when glide slope not utilized.
¢¢RVR 2400′. Descent below 1008′ not authorized unless ALS is visible.
¢¢500–1 required when glide slope not utilized.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 809′; Fac. Class., ILS; Ident., I–ANT; Procedure No. ILS–12, Amdt. 10; Eff. date, 19 Nov. 66; Sup. Amdt. No. 9; Dated, 20 Aug. 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Syracuse VOR	Syracuse RBn	Direct	3000	T-dn*	300-1	300-1	200-½
Lakeport Int	Syracuse RBn	Direct	3000	C-dn	700-1	700-1	700-1½
Woodsport Int	Syracuse RBn (final)	Direct	3000	S-dn-10**	400-1	400-1	400-1
Whitford Int	SYR RBn (final)	Direct	3000	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 3000' within 10 miles.
Minimum altitude over SYR RBn on final approach crs, 3000', over Liverpool Int, or 4-mile Radar Fix, 1400'.
Crs and distance, SYR RBn to airport, 098°—6.7 miles. Crs and distance, Liverpool Int to airport, 098°—3.4 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing SYR RBn (3.4 miles after Liverpool Int), climb straight ahead to 3000' to SY LOM, Hold E of SY LOM, 278° Inbnd, 1-minute right turns.
CAUTION: 836' antenna, 1.1 miles S of approach end of Runway 28. 2549' antenna, 10.4 miles S of airport.
AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for takeoffs to the SE.
*800-1 required for takeoff on Runway 14.
**400-¾ authorized with operative HIRL except for 4-engine turbojet aircraft.

City, Syracuse; State, N.Y.; Airport name, Clarence E. Hancock; Elev., 421'; Fac. Class., ILS; Ident., I-SYR; Procedure No. ILS-10 (back crs), Amdt. 12; Eff. date, 19 Nov. 66; Sup. Amdt. No. 11; Dated, 8 May 65

PBI VOR	RBn (OM)	Direct	1600	T-dn	300-1	300-1	200-½
Morgan Int	RBn (OM)	Direct	1600	C-dn	*400-1	500-1	500-1½
Parkway Int	RBn (OM)	Direct	1600	S-dn-9*	300-¾	300-¾	300-¾
Andrews Int	RBn (OM)	Direct	2000	A-dn	600-2	600-2	600-2
Shawnee Int# (final)	RBn (OM)	Direct	1600				
Willy Int	RBn (OM)	Direct	1600				
Pompano Int	RBn (OM)	Direct	2000				

Procedure turn N side of crs, 273° Outbnd, 093° Inbnd, 1600' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM, 1560'—8.7 miles; at MM, 217'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.7 miles after passing LOM, climb to 1600' on E crs of ILS localizer within 20 miles of LOM.
NOTE: Glide slope unusable below 150'.
*800-¾ required when glide slope not utilized. Reduction below ¾ mile not authorized.
#Shawnee Int may be used in lieu of procedure turn when authorized by Palm Beach approach control.

City, West Palm Beach; State, Fla.; Airport name, Palm Beach International; Elev., 19'; Fac. Class., ILS; Ident., I-PBI; Procedure No. ILS-9, Amdt. 7; Eff. date, 19 Nov. 66; Sup. Amdt. No. 6; Dated, 23 Apr. 66

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Surveillance approach			
0°	360°	5 miles	2500	T-dn*	300-1	300-1	200-½
195°	090°	5-10 miles	2500	C-dn	500-1	500-1	500-1½
090°	195°	5-10 miles	4000	S-dn-4L**	500-1½	500-1½	500-1½
205°	285°	10-19 miles	2500	S-dn-22R-18°◇	400-1	400-1	400-1
205°	285°	19-24 miles	3000	A-dn	500-1	500-1	500-1
285°	090°	10-20 miles	3000		800-2	800-2	800-2
330°	090°	20-30 miles	4000				
090°	205°	10-17 miles	5000				
285°	360°	10-14 miles	2500				
142°	205°	17-23 miles	7000				

Distances are from radar antenna with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 18 and 22R: Proceed to LOM, climbing to 3000'. Runway 4L: Proceed to TYS VORTAC, climbing to 3000', or when directed by ATC, climb to 3000' on 070° bearing from TYS RBn or VOR R 070° within 20 miles.
NOTE: Terrain 3686' located 15 miles SE of antenna.
*All runways.
#Runways 18, 4L, and 22R.
**400-¾ authorized with HIRL except for 4-engine turbojets. 400-1 authorized with ALS except for 4-engine turbojets.
◇, Reduction below ¾ mile not authorized Runways 22R-18.

City, Knoxville; State, Tenn.; Airport name, McGhee-Tyson; Elev., 980'; Fac. Class. and Ident., Knoxville Radar; Procedure No. 1, Amdt. 10; Eff. date, 19 Nov. 66; Sup. Amdt. No. 9; Dated, 31 July 65

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
335°	145°	16 miles	1800		Surveillance approach		
145°	335°	16 miles	1800				
145°	334°	16 miles	1900	T-dn	300-1	300-1	200-½
334°	360°	16 miles	1900	C-dn	500-1	500-1	500-1½
360°	360°	16 miles	*2000	S-dn-4, 22, 32, 36	400-1	400-1	400-1
0°	360°	20 miles	*2000	A-dn	800-2	800-2	800-2

*Radar control will provide 1000' vertical clearance within a 3-mile radius of tower 2218', 14 miles WNW and tower 2282', 16 miles S of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed direct to LIT VOR, climbing to 2000', or when directed by ATC, proceed direct to the LI LOM climbing to 2000'.

City, Little Rock; State, Ark.; Airport name, Adams Field; Elev., 257'; Fac. Class. and Ident., Little Rock Radar; Procedure No. 1, Amdt. 3; Eff. date, 19 Nov. 66; Sup. Amdt. No. 2; Dated, 19 Sept. 64

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes: From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
															Surveillance approach		
000°	340°	10	%2500	20	3000	----	----	60	3000	----	----	----	----	T-dn#	300-1	300-1	200-½
000°	340°	----	----	26	3000	30	4000	----	----	----	----	----	----	C-dn	500-1	500-1	500-1½
340°	360°	----	----	26	4000	----	----	----	----	----	----	----	----	S-dn@	500-1	500-1	500-1
														S-dn-10L## 28L, 32** and 10R	400-1	400-1	400-1
														A-dn	800-2	800-2	800-2
															Precision approach		
														S-dn-28L*	200-½	200-½	200-½
														‡-dn	600-2	600-2	600-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 5, 10R, 14: Climb to 3000' within 10 miles and proceed to GP LOM, hold E right turns, 1 minute, 277° Inbnd. Runways 23, 28R, 32: Climb to 3000' within 10 miles and proceed to Creek RBn. Hold W, right turn, 1 minute, 007° Inbnd. Runway 10L, make left-climbing turn to 3000' on a 360° crs, proceed direct to EWC VOR, hold N, 1-minute right turns, 182° Inbnd. Runway 28L, make left-climbing turn to 3000' on a 180° crs. Proceed direct to AGC VOR. Hold S, 1-minute right turns, 356° Inbnd.
CAUTION: Runway 28R approach. Fluorescent street lights aligned with Runway 28R and terminating approximately ¾ mile from runway end. Can be mistaken for runway lights.
**On approaches to Runway 32, do not descend below 1750' until radar advises passing water tank 1430', 3.3 miles from approach end of Runway 32.
*RVR 2400', also authorized for landing on Runway 28L providing all components of the P.A.R. high-intensity runway lights, approach lights, condenser discharge flashers are operating satisfactorily. Descent below 1368' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
‡RVR 2400', also authorized for takeoff on Runway 28L in lieu of 200-½, when 200-½ is authorized, providing high-intensity runway lights are operational.
@All runways except 10L, 28L, 32, and 10R.
%Radar control will provide 1000' vertical clearance within 3-mile radius of 2049' TV antenna, 10 miles E of radar antenna.
#Runways 28L, 10L, and 10R: 400-½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
@@Runways 28L, 10L: 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
##Runway 32: 400-¾ authorized, except for 4-engine turbojet aircraft, with operative REIL.

City, Pittsburgh; State, Pa.; Airport name, Greater Pittsburgh; Elev., 1203'; Fac. Class., and Ident., Pittsburgh Radar; Procedure No. 1, Amdt. 10; Eff. date, 19 Nov. 66; Sup. Amdt. No. 9; Dated, 10 July 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 13, 1966.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-11396; Filed, Oct. 27, 1966; 8:45 a.m.]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart P—Ex Parte Communications

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935,[1] the National Labor Relations Board hereby issues the following further amendments to its rules and regulations, series 8, as amended, which it finds necessary to carry out the provisions of said act, such amendments to be effective November 1, 1966.

National Labor Relations Board rules and regulations, series 8, as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated, Washington, D.C., October 24, 1966.

By direction of the Board.

OGDEN W. FIELDS,
Executive Secretary.

The Board's rules and regulations are amended by adding the following subpart:

Subpart F—Ex Parte Communications

Sec.

102.126 Unauthorized communications.
102.127 Definitions.
102.128 Types of on-the-record proceedings; categories of Board agents; and duration of prohibition.
102.129 Communications prohibited.
102.130 Communications not prohibited.
102.131 Communications by Board agents.
102.132 Solicitation of prohibited communications.
102.133 Receipt of prohibited communications; reporting requirements.
102.134 Penalties and enforcement.

AUTHORITY: The provisions of this Subpart P issued under 49 Stat. 449; 29 U.S.C. 151–166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Supp. 151–167), act of Oct. 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of Sept. 14, 1959 (73 Stat. 519; 29 U.S.C. 141–168).

§ 102.126 Unauthorized communications.

No person who is a party to, an agent of a party to, or who intercedes in, an on-the-record proceeding of the types defined in § 102.128, shall make an unauthorized ex parte communication to Board agents of the categories designated in that section, concerning the disposition on the merits of the substantive and procedural issues in the proceeding.

§ 102.127 Definitions.

When used in this subpart:

(a) The term "person who is a party," to whom the prohibitions apply, shall include any individual outside this agency (whether in public or private life), partnership, corporation, association, or other entity, who is named or admitted as a party or who seeks admission as a party.

(b) The term "person who intercedes," to whom the prohibitions apply, shall include any individual outside this agency (whether in public or private life), partnership, corporation, association, or other entity, other than a party or an agent of a party, who volunteers a communication which he may be expected to know may advance or adversely affect the interests of a particular party to the proceeding, whether or not he acts with the knowledge or consent of any party or any party's agent.

§ 102.128 Types of on-the-record proceedings; categories of Board agents; and duration of prohibition.

Unless otherwise provided by specific order of the Board entered in the proceeding, the prohibition of § 102.126 shall be applicable in the following types of on-the-record proceedings to unauthorized ex parte communications made to the designated categories of Board agents who participate in the decision, from the stage of the proceeding specified until the issues are finally resolved for the purposes of that proceeding under prevailing rules and practices:

(a) In a preelection proceeding pursuant to section 9(c)(1) or 9(e), or in a unit clarification or certification amendment proceeding pursuant to section 9(b), of the Act, in which a formal hearing is held, communications to the regional director and members of his staff who review the record and prepare a draft of his decision, and members of the Board and their legal assistants, from the time the hearing is opened.

(b) In a postelection proceeding pursuant to section 9(c)(1) or 9(e) of the Act, in which a formal hearing is held, communications to the hearing officer, the regional director and members of his staff who review the record and prepare a draft of his report or decision, and members of the Board and their legal assistants, from the time the hearing is opened.

(c) In a postelection proceeding pursuant to section 9(c)(1) or 9(e), or in a unit clarification or certification amendment proceeding pursuant to section 9(b), of the Act, in which no formal hearing is held, communications to members of the Board and their legal assistants, from the time the regional director's report or decision is issued.

(d) In a proceeding pursuant to section 10(k) of the Act, communications to members of the Board and their legal assistants, from the time the hearing is opened.

(e) In an unfair labor practice proceeding pursuant to section 10(b) of the Act, communications to the trial examiner assigned to hear the case or to make rulings upon any motions or issues therein and members of the Board and their legal assistants, from the time the complaint is issued.

(f) In any other proceeding to which the Board by specific order makes the prohibition applicable, to the categories of personnel and from the stage of the proceeding specified in the order.

§ 102.129 Communications prohibited.

Except as provided in § 102.130 ex parte communications prohibited by § 102.126 shall include:

(a) Such communications, when written, if copies thereof are not contemporaneously served by the communicator on all parties to the proceeding in accordance with the provisions of § 102.112.

(b) Such communications, when oral, unless advance notice thereof is given by the communicator to all parties in the proceeding and adequate opportunity afforded to them to be present.

§ 102.130 Communications not prohibited.

Ex parte communications prohibited by § 102.126 shall not include:

(a) Oral or written communications which relate solely to matters which the hearing officer, regional director, trial examiner, or member of the Board is authorized by law or Board rules to entertain or dispose of on an ex parte basis.

(b) Oral or written requests for information solely with respect to the status of a proceeding.

(c) Oral or written communications which all the parties to the proceeding agree, or which the responsible official formally rules, may be made on an ex parte basis.

(d) Oral or written communications proposing settlement or an agreement for disposition of any or all issues in the proceeding.

(e) Oral or written communications which concern matters of general significance to the field of labor-management relations or administrative practice and which are not specifically related to pending on-the-record proceedings.

§ 102.131 Communications by Board agents.

No Board agent of the categories defined in § 102.128, participating in a particular proceeding as defined in that section, shall (a) request or entertain any prohibited ex parte communications; or (b) make any prohibited ex parte communications about the proceeding to any person who is a party to the proceeding, any agent of any person who is a party, or any other person, whom he has reason to know may transmit the communication to a person who is a party or to an agent of a person who is a party.

§ 102.132 Solicitation of prohibited communications.

No person shall knowingly and willfully solicit the making of an unauthorized ex parte communication by any other person.

§ 102.133 Receipt of prohibited communications; reporting requirements.

(a) Any Board agent of the categories defined in § 102.128 to whom a prohibited oral ex parte communication is attempted to be made shall refuse to listen to the communication, inform the communicator of this rule, and advise him that if he has anything to say it should be said in writing with copies to all parties. Any such Board agent who receives a written ex parte communication which he has reason to believe is prohibited by this subpart shall promptly forward such communication to the Office of the Executive Secretary if the proceeding is then pending before the Board, to the chief trial examiner if the proceeding is then pending before a trial examiner, or to the regional director involved if the proceeding is then pending before a hearing officer or the regional director. If the circumstances in which the unauthorized communication was made are not apparent from the communication itself, a statement describing those circumstances shall also be submitted. The executive secretary, the chief trial examiner, or the regional director to whom such a communication is forwarded shall then place the communication in the public file maintained by the agency and shall serve copies of the communication on all other parties to the proceeding and attorneys of record for the parties. Within 10 days after the mailing of such copies, any party may file with the executive secretary, the chief trial examiner, or regional director serving the communication, and serve on all other parties, a statement setting forth facts or contentions to rebut those contained in the unauthorized communication.

(b) Upon appropriate motion to the regional director, the trial examiner, or the Board, before whom the proceeding is pending, under circumstances in which such presiding authority shall determine that the dictates of fairness so require, the unauthorized communication and response thereto may be made part of the record of the proceeding, and provision made for any further action, including reopening of the record, which may be required under the circumstances. No action taken pursuant to this provision shall constitute a waiver of the power of the Board to impose an appropriate penalty under § 102.134.

§ 102.134 Penalties and enforcement.

Upon notice and hearing, the Board may censure, suspend, or revoke the privilege of practice before the agency of any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication. To the extent permitted by law, the Board may, under appropriate circumstances, deny or limit remedial measures otherwise available under the Act to any party who shall, directly or indirectly, knowingly and willfully make or solicit the making of an unauthorized communication. The Board may censure, or, to the extent permitted by law, suspend, dismiss, or institute proceedings for the dismissal of, any Board agent who knowingly and willfully violates the prohibitions and requirements of this rule.

[F.R. Doc. 66-11737; Filed, Oct. 27, 1966; 8:45 a.m.]

[1] 49 Stat. 449; 29 U.S.C. 151–166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Supp. 151–167), act of Oct. 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of Sept. 14, 1959 (73 Stat. 519; 29 U.S.C. 141–168).

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Ridgefield National Wildlife Refuge, Wash.

On page 12533 of the FEDERAL REGISTER of September 22, 1966, there was published a notice of a proposed amendment to §§ 32.11 and 32.21 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public hunting of migratory game birds and upland game on Ridgefield National Wildlife Refuge, Wash., as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. After consideration of all comments, suggestions, and objections received, the amendment is adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i and sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d)

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * * *

WASHINGTON

RIDGEFIELD NATIONAL WILDLIFE REFUGE

* * * * * *

2. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

§ 32.21 List of open areas; upland game.

* * * * * *

WASHINGTON

RIDGEFIELD NATIONAL WILDLIFE REFUGE

* * * * * *

JOHN S. GOTTSCHALK,
Director.

OCTOBER 26, 1966.

[FR. Doc. 66-11806; Filed, Oct. 27, 1966; 8:49 a.m.]

PART 32—HUNTING

Ridgefield National Wildlife Refuge, Wash.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

WASHINGTON

RIDGEFIELD NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and gallinules on the Ridgefield National Wildlife Refuge, Wash., is permitted from October 26, 1966, through January 8, 1967, and the hunting of common snipe from October 26 through December 3, 1966, but only on the area designated by signs as open to hunting. This open area, comprising 876 acres, is delineated on maps available at refuge headquarters, Ridgefield National Wildlife Refuge, Ridgefield, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) A Federal permit is required to enter the public hunting area. Hunters must report at the check station to obtain a permit when entering the public hunting area and must return the permit when leaving the hunting area.

(2) Hunting will be restricted to Wednesdays, Saturdays, and Sundays, and November 11 and November 24, 1966, and January 2, 1967.

(3) Dogs may be used for retreiving.

(4) Vehicles may be parked in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1967.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 26, 1966.

[F.R. Doc. 66-11806; Filed, Oct. 27, 1966; 8:49 a.m.]

PART 32—HUNTING

Ridgefield National Wildlife Refuge, Wash.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WASHINGTON

RIDGEFIELD NATIONAL WILDLIFE REFUGE

Public hunting of ring-necked pheasants on Ridgefield National Wildlife Refuge, Wash., is permitted from October 26 through November 13, and from November 26 through December 31, 1966; and the hunting of cottontail rabbits is permitted from October 26, 1966, through January 8, 1967, but only on the area designated by signs as open to hunting.

This open area, comprising 876 acres, is delineated on maps available at refuge headquarters, Ridgefield National Wildlife Refuge, Ridgefield, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) A Federal permit is required to enter the public hunting area. Hunters must report at the check station to obtain a permit when entering the public hunting area and must return the permit when leaving the hunting area.

(2) Hunting will be restricted to Wednesdays, Saturdays, and Sundays, and November 11 and November 24, 1966, and January 2, 1967.

(3) Dogs may be used for hunting and retrieving.

(4) Vehicles may be parked in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1967.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 26, 1966.

[F.R. Doc. 66-11807; Filed, Oct. 27, 1966; 8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Reg. 2 (formerly NPA Reg. 2); Amdt. 9, Oct. 28, 1966]

BDSA REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

Change in List A

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was no consultation with industry because the changes affect many industries.

This amendment supersedes Amendment 8 to BDSA Reg. 2 (formerly NPA Reg. 2) of February 23, 1966. It affects BDSA Reg. 2 as heretofore amended by excluding from the category of items not subject to ratings the following, thereby making them subject to ratings under this regulation: (a) Copper intermediate shapes, and (b) radioisotopes, stable isotopes, source and fissionable materials not produced by Government-owned plants or facilities operated by or for the Atomic Energy Commission.

Item 1 of List A of BDSA Reg. 2 (formerly NPA Reg. 2) is hereby amended to read as follows:

1. The following items are not presently subject to any ratings issued by or under the authority of BDSA, and therefore no rating shall be effective to obtain any of them:

Communications services.
Copper raw materials as that term is defined in BDSA Order M-11A (as the same may be amended from time to time), except copper-base alloy ingot, shot, and waffle containing 3 percent or more of nickel (by weight), and intermediate shapes (as defined in that order), and domestic refined copper (as defined in Direction 2 to BDSA Order M-11A).
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.
Wood pulp.

Item 2 of List A of BDSA Regulation 2 is hereby amended by changing paragraph (e) thereunder to read as follows:

(e) Radioisotopes, stable isotopes, source and fissionable materials, produced by Government-owned plants or facilities operated by or for the Atomic Energy Commission.

and by deleting footnote 2 therefrom.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, P.L. 89-482, 80 Stat. 235)

This amendment shall take effect October 28, 1966.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 66-11873; Filed, Oct. 27, 1966; 8:45 a.m.]

[BDSA Order M-11A, as amended Oct. 28, 1966]

M-11A—COPPER AND COPPER-BASE ALLOYS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

BDSA Order M-11A, as amended December 18, 1956, and as further amended January 20, 1958, has been amended to correct references to DMS Regulation 1 and to change the reference in section 6(e) and section 10(d) from "calendar year 1955" to "the preceding calendar year." Section 9 has been changed to provide for the mandatory use of rated orders to obtain intermediate shapes. (BDSA Regulation 2 has been simultaneously amended to provide for applicability of rated orders to intermediate shapes.) Section 10(b) has been changed to require copper controlled material distributors to use authorized controlled material orders to replace inventory used to fill authorized controlled material orders and to provide that such authorized controlled material orders shall call for delivery of an equal weight in terms of the copper content of such copper controlled materials. Section 10 has been further changed by the addition of a new paragraph (e) to permit a distributor who is an authorized agent of a copper controlled material producer to receive and transmit authorized controlled material orders to such producer for direct shipment to the purchaser. Schedule A to BDSA Order M-11A—Set-aside Percentages—is printed separately from this order as amended, because it is published as a separate schedule and will be revised as needed from time to time. Direction 1, and Direction 2 as amended, are not affected by the issuance of this amended order.

BDSA Order M-11A is hereby amended to read as follows:

Sec.
1 What this order does.
2 Definitions.
3 Applicability of other BDSA orders and regulations.
4 Opening of order books.
5 Acceptance of orders.
6 Rejection of ACM orders.
7 Priority status of delivery orders.
8 Reserved portion of production (set-asides).
9 Rated orders for intermediate shapes.
10 Rules applicable to distributors.
11 Directives.
12 Records and reports.
13 Request for adjustment or exception.
14 Communications.
15 False statements.
16 Violations.

AUTHORITY: Sections 1 to 16 issued under sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, 80 Stat. 235, 50 U.S.C. App. 2166. Interpret or apply sec. 101, 64 Stat. 799, as amended, 50 U.S.C. App. 2071; sec. 705, 64 Stat. 816, as amended, 50 U.S.C. App. 2155; sec. 1, 80 Stat. 235, 50 U.S.C. App. 2166; E.O. 10480, as amended, 18 F.R. 4939, 6201, 19 F.R. 3807, 7249, 21 F.R. 1673, 23 F.R. 5061, 8071, 24 F.R. 3779, 27 F.R. 9683, 27 F.R. 11447; DMO 8.00:1, 28 F.R. 12164, 32A CFR Ch. I; Commerce Dept. Order No. 152, 18 F.R. 6503, as revised 29 F.R. 5408.

Section 1 What this order does.

This order supplements the DMS and priorities regulations and applies particularly to producers and sellers of intermediate shapes and to producers and distributors of brass mill products, copper wire mill products, copper powder mill products, and copper foundry products. It provides the rules for the acceptance of authorized controlled material orders. It also provides for an equitable distribution of such orders among all brass mills, copper wire mills, copper powder mills, and copper foundries. It provides limitations on the required acceptance of authorized controlled material orders by distributors. It provides a method whereby copper controlled material producers requiring intermediate shapes to fill certain orders shall obtain such shapes.

Sec. 2 Definitions.

As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or other organized group of persons, and includes any agency of the U.S. Government or any other government.

(b) "BDSA" means the Business and Defense Services Administration of the U.S. Department of Commerce.

(c) "Copper" means all unalloyed copper, including electrolytic copper and fire-refined copper.

(d) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U.S. Commercial Standard CS67-38.

(e) "Brass mill products" means copper and copper-base alloys in the following forms: Sheet, plate, and strip in flat lengths or coils; rod, bar, shapes, and wire (except copper wire mill products); anodes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, cutting to width or length, and reduction in gauge, do not constitute changes in form of brass mill products except as determined by BDSA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs (except brass military ammunition discs).
Cups (except brass military ammunition cups).
Blanks and segments.
Forgings (except anodes).
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

Allotments for the purpose of producing such related products shall be in terms of the estimated weight of the brass mill product from which such related product is made.

(f) "Copper wire mill products" means uninsulated or insulated wire and cable for transmission of electrical energy, whatever the outer protective coverings may be, made from copper or copper-base alloy, and also copper-clad steel or aluminum wire containing over 20 percent copper by weight regardless of end use. Copper wire mill products shall be measured in terms of pounds of copper content.

(g) "Copper powder mill products" means copper or copper-base alloy in the form of granular or flake powder.

(h) "Copper foundry products" means cast copper and copper-based alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any machining or further processing. For centrifugal casting the process includes the removal of the rough cut in the inner or outer diameter, or both, before delivery to a customer. Castings include anodes and shot cast in a foundry or by an ingot maker.)

(i) "Copper controlled materials" means brass mill products, copper wire mill products, copper powder mill products, or copper foundry products, and does not include "intermediate shapes."

(j) "Copper controlled material producer" means any person who produces a copper controlled material.

(k) "Intermediate shape producer" means any person who produces an intermediate shape.

(l) "Authorized controlled material (ACM) order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment, or pursuant to self-authorization, as provided in section 10 of DMS Regulation 1, or which is specifically designated to be such an order by any regulation or order of BDSA. "ACM-DX order" means an authorized controlled material order identified by the suffix "DX" as provided in section 10(b) of DMS Regulation 1.

(m) "Copper raw materials" as used in this order includes the following materials as defined below:

(1) "Refined copper"—Copper metal which has been refined by any process of electrolysis or fire-refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. This does not include copper-base alloy ingot, brass mill castings, intermediate shapes, anodes, copper powder mill products, copper wire mill products, brass mill products, or copper foundry products.

(2) "Blister copper" — High-grade crude copper in any form produced from converter operations and from which nearly all the oxidizable impurities have been removed by slagging and volatilization.

(3) "Brass mill scrap"—Uncontaminated scrap which is the waste or byproduct of the production or industry fabrication of brass mill products or copper wire mill products. It includes fired and demilitarized cartridge and artillery cases as defined below.

(4) "Other copper-base alloy scrap"—Alloyed copper scrap other than brass mill scrap. It includes contaminated fired and demilitarized cartridge and artillery cases.

(5) "Other unalloyed copper scrap"—Unalloyed copper scrap other than brass mill scrap.

(6) "Fired and demilitarized cartridge and artillery cases"—Fired and demilitarized brass cartridge and artillery cases which have been manufactured from brass mill products and are not contaminated.

(7) "Brass mill casting"—A copper-base alloy casting, from which brass mill or intermediate shapes may be rolled, drawn, or extruded, without remelting.

(8) "Copper-base alloy ingot"—A copper-base alloy used in remelting, alloying, or deoxidizing operations.

(9) "Copper or copper-base alloy shot and waffle"—Shot or waffle produced from copper or copper-base alloy, to be used in remelting, alloying, deoxidizing, or chemical operations.

(10) "Copper precipitates (or cement copper)"—Copper metal precipitated from mine water by contact with iron scrap, tin cans, or iron in other forms.

(11) "Intermediate shape" means any product which has been rolled, drawn, or extruded from refined copper or brass mill castings, which will be rerolled, redrawn, insulated, or further processed into finished brass mill or copper wire mill products by other producers of intermediate shapes or copper controlled materials. The term "intermediate shapes" includes intermediate shapes produced from other intermediate shapes. An intermediate shape is not a copper controlled material.

(n) "Distributor" means any person (including a warehouseman or jobber, but not a retailer) engaged in the business of stocking copper controlled materials received from a controlled material producer or another distributor at a location regularly maintained by him for such purpose for sale or resale in the form or shape as received, who in connection therewith maintains facilities and equipment necessary to conduct such business. For the purposes of this definition, the operations of straightening, threading, chamfering, cutting to width and length, and edging do not constitute changes in form or shape.

(o) "Average shipment" means the average monthly quantity (by weight) of each copper controlled material shipped by a producer or distributor for his own account during the base period designated in Schedule A of this order. (Copper wire mill products shall be calculated on the basis of copper content.)

Sec. 3 Applicability of other BDSA orders and regulations.

Any person operating under the provisions of this order must comply with the applicable provisions of all other BDSA and DMS regulations and orders except as otherwise specifically provided herein.

Sec. 4 Opening of order books.

Each copper controlled material producer shall open his order books for the

purpose of accepting ACM orders not later than 90 days prior to the first day of each calendar quarter for which such orders are valid pursuant to DMS Regulation 1. A copper controlled material producer may open his order books for the purpose of accepting ACM orders for any calendar quarter as long in advance of such 90-day period as he may choose, but after his order books are open, he shall accept such orders as provided in section 5 of this order: *Provided, however*, That acceptance by a copper controlled material producer prior to the date he opens his order books of (a) an ACM order placed directly by the Department of Defense or the Atomic Energy Commission, or (b) an ACM–DX order shall not affect an opening of his books so as to require acceptance of other orders for copper controlled materials.

Sec. 5 Acceptance of orders.

Each copper controlled material producer shall, after receipt of any ACM order tendered to him, promptly accept or reject such order. Receipt of an order shall not be deemed to have occurred until the order is received at the place where the producer usually processes such order. Upon such acceptance or rejection, he shall immediately notify, by letter or by telegram, the person who tendered the order, of such acceptance or rejection. For the purpose of this paragraph, the word "promptly" shall mean as soon as possible, but in no event later than 10 consecutive calendar days after receipt.

Sec. 6 Rejection of ACM orders.

Unless otherwise specifically directed by BDSA, a copper controlled material producer may reject an ACM order in any of the following cases:

(a) If it is for less than the minimum mill quantity specified in Schedule IV to DMS Regulation 1.

(b) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(c) If the order is received after the commencement of lead time for the product ordered as set forth in Schedule III of DMS Regulation 1: *Provided*, That an ACM–DX order must be accepted without regard to lead time unless it is impracticable for him to make delivery within the required delivery month in which event he must notify the person who placed the order of the earliest date upon which he can make delivery. Notification must be made within 5 calendar days of receipt of the order.

(d) If the order is received from another copper controlled materials producer who produces in his own plant the type of product ordered, except that the provisions of Direction 1 to BDSA Order M–11A shall apply to orders for ammo strip as defined in that direction.

(e) If the order is received from a distributor who has not purchased the general type of copper controlled material ordered from such producer during the preceding calendar year.

(f) Except as provided in section 8(a) of this order, if the order calls for delivery of a quantity of any product listed in Schedule A of this order which, together with the quantity of that product for which he has previously accepted ACM orders for delivery during the same month, would exceed the quantity of that product computed as provided in section 8(b) or 8(c) of this order as the case may be.

Sec. 7 Priority status of delivery orders.

(a) Except as provided in paragraph (b) of this section, ACM orders for copper controlled materials shall take precedence over all other delivery orders for copper controlled materials. All ACM orders shall have equal preferential status: *Provided, however*, That ACM–DX orders shall have priority in acceptance or delivery over all other ACM orders including carryover orders as described below: *And provided further*, That ACM orders carried over from any previous month shall take precedence over ACM orders calling for delivery during the then current month involved. Such carryover orders shall not be applied against the capacity to be reserved in accordance with section 8(b) or 8(c) of this order for the month in which such carryover orders are rescheduled but shall be in addition thereto.

(b) A delivery order for copper controlled materials pursuant to a directive issued by BDSA shall take precedence over any other delivery order (including ACM orders) previously or subsequently received unless a contrary instruction appears in the directive.

Sec. 8 Reserved portion of production (set-asides).

(a) From the date of the opening of his books for the acceptance of orders for shipment in any month for each product produced by him, each copper controlled material producer shall reserve an amount of production capacity computed as provided in paragraph (b) of this section for the acceptance of ACM orders until such reserve capacity (set-aside) is filled: *Provided*, That an ACM–DX order must be accepted even though the set-aside has been or will be exceeded by such acceptance.

(b) The production capacity to be reserved in any month by a copper controlled material producer for the production of each copper controlled material product to be delivered in that month pursuant to ACM orders shall be that capacity required to produce a quantity by weight of such product, computed by multiplying the average shipment of such product by the percentage set opposite such product in Schedule A of this order, as revised from time to time.

(c) A copper controlled material producer who did not ship a particular product listed in Schedule A of this order during the base period designated therein shall compute his average shipment as follows:

(1) If he has shipped a particular product listed in Schedule A subsequent to calendar year 1964 but prior to the effective date of this order, he shall, commencing with the first month in which shipments were made for a period of 12 consecutive months, compute his average shipment in a manner consistent with section 2(o) of this order, using such 12 consecutive months in lieu of the base period established in Schedule A. If he has not shipped a particular product listed in Schedule A for 12 consecutive months, he shall, using the greatest number of consecutive months during which shipments were made, compute his average shipment, in a manner consistent with section 2(o) of this order, in lieu of the base period established in Schedule A.

(2) If he has not shipped a particular product listed in Schedule A prior to the effective date of this order, and thereafter schedules and makes shipment of such product, he shall, starting with the second month in which shipments are made, compute his average monthly shipment (including the first month in which shipments are made) until a period of 6 months has elapsed. Thereafter, he shall compute his average shipment in a manner consistent with section 2(o) of this order, using such 6-month period in lieu of the base period established in Schedule A.

Sec. 9 Rated orders for intermediate shapes.

(a) Any copper controlled materials producer requiring intermediate shapes in his production of controlled materials to fill ACM orders or to replace in inventory intermediate shapes used to fill ACM orders must use the rating DO–D1 or DX–D1, as the case may be, to obtain such shapes, and any intermediate shape producer requiring other forms of intermediate shapes in his production to fill rated orders or to replace in inventory intermediate shapes used to fill rated orders shall use the rating DO–D1 or DX–D1, as the case may be, to obtain intermediate shapes.

Sec. 10 Rules applicable to distributors.

(a) Except as otherwise provided in this section, every distributor shall accept all ACM orders; however, he may reject ACM orders in the following cases, but he shall not discriminate among customers in accepting or rejecting such orders:

(1) If the person seeking to place the order is unwilling or unable to meet his regularly established prices and terms of sale or payment.

(2) If the order is not for immediate delivery.

(3) If he does not have the material ordered in his stock, unless he knows that it is in transit to him.

(4) If acceptance of an ACM order will cause the combined total of such order with other such orders he has accepted to exceed the percentage of his average shipments as specified in paragraph (c) of this section: *Provided*, That an ACM–DX order must be accepted even though the percentage specified in paragraph (c) has been or will be exceeded by such acceptance.

(b) During each calendar month any distributor who has delivered copper controlled materials from his inventory to fill ACM or ACM–DX orders shall, in obtaining such materials to replace in inventory the materials delivered therefrom pursuant to such orders, place an ACM order bearing the allotment number D–8: *Provided, however*, That in placing such orders a distributor may obtain any copper controlled materials only in an amount equal in weight in terms of copper content to that of the copper controlled materials which he delivered from his inventory to fill such orders, and that the orders placed shall call for delivery only during the calendar quarter in which the materials were taken from the inventory of the distributor, or in the immediately succeeding calendar quarter.

(c) No distributor shall be required to make delivery of copper controlled materials from inventory on ACM orders in any calendar month of a total combined weight of such materials in excess of 25 percent of his average shipment of copper controlled materials sold by him: *Provided*, That an order received and transmitted by a distributor pursuant to paragraph (e) of this section shall not be construed as a delivery applicable to the percentage of his average shipment stated in this paragraph; and no distributor shall be required to accept an ACM order for more than 500 pounds of any item of brass mill products or 50 percent of his inventory of such item, whichever is less, or 500 pounds copper content of any item of copper wire mill products smaller than size 4/0, or any item of copper wire mill products 4/0 and larger in excess of standard mill single-reel lengths.

(d) No distributor shall be required to accept an ACM order bearing the allotment number D–8 placed with him by another distributor unless the latter has purchased and received delivery of the types of materials so ordered from him during the preceding calendar year.

(e) Nothing in this order shall prevent a distributor who normally acts as an authorized agent of a copper controlled material producer from acting not only in the capacity of a distributor as defined in section 2(n) of this order, but also as an agent of such copper controlled material producer for the purpose of receiving and transmitting ACM orders to such producer in amounts no less than minimum mill quantities as stipulated in Schedule IV to DMS Regulation 1, for direct shipment to the person placing such order. In transmitting such orders to the producer involved, the distributor shall transmit the purchaser's allotment number rather than the allotment number D–8 authorized in this section.

Sec. 11 Directives.

BDSA may issue directives from time to time with respect to the production and delivery of copper controlled materials and intermediate shapes.

Sec. 12 Records and reports.

(a) Producers, distributors, and users of copper controlled materials, intermediate shapes, and copper raw materials shall make, and preserve for at least 3 years thereafter, accurate and complete records of purchases, receipts, inventories, production, use, sales, and deliveries of copper controlled materials, intermediate shapes, and copper raw materials. Such records shall include, but shall not be limited to, all ACM orders, rated orders, and directives received by such persons and copies of all ACM orders and rated orders placed by such persons. Records shall be maintained in sufficient detail to permit the determination upon examination or audit as to whether or not each transaction complies with the provisions of this order or any other applicable regulation or order of BDSA. This order does not specify any particular accounting method or system to be used provided the records required herein are maintained. Records may be retained in the form of microfilm or they may be converted to other recordkeeping systems which accurately reproduce or form a durable medium for reproducing the original records or the information contained therein by those persons who, at the time such microfilm or other records are made, maintain such records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the Business and Defense Services Administration, at the usual place of business where maintained.

(c) Any person who produces copper controlled materials or who uses copper raw materials (as defined herein) shall complete the following forms in accordance with the instructions applicable to such forms:

Respondent	*Form*
Brass Mills, Copper Wire Mills.	BDSAF–84 — Producers Program Report—Brass Mills and Copper Wire Mills 6—1115 MS and Supplement [1] Consumption of Copper Materials and Supplementary Report on Ownership of Refined Copper
Copper-Base Powder Mills.	BDSAF–574 — Copper Forms and Products: Report of Operations and Shipments
Brass and Bronze Foundries, Miscellaneous Users of Copper Raw Materials.	BDSAF–83 — Copper Forms and Products: Report of Operations and Shipments

[1] U.S. Department of the Interior, Bureau of mines.

(d) Persons subject to this order shall make such records and submit such reports to BDSA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U.S.C. 139–139F).

Sec. 13 Request for adjustment or exception.

Any person subject to any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The filing of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

Sec. 14 Communications.

All communications concerning this order shall be addressed to the Business and Defense Services Administration, Washington, D.C. 20230, Reference: BDSA Order M–11A.

Sec. 15 False statements.

The furnishing of false information or the concealment of any material fact in the course of operation under this order constitutes a violation of this order.

Sec. 16 Violations.

Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to require compliance with this order and correction of such violation. In addition to such administrative action, an injunction and order may be obtained prohibiting any such violation and enforcing compliance with the provisions hereof. Any person who willfully violates any provision of this order, or who willfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

NOTE: All reporting and recordkeeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect October 28, 1966.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 66-11671; Filed, Oct. 27, 1966; 8:45 a.m.]

[BDSA Order M-11A, Direction 1, as amended Oct. 28, 1966]

M-11A, DIR. 1—AMMO STRIP SET-ASIDE

This amended direction to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable because of the need for immediate action.

This amended Direction 1 to BDSA Order M-11A affects Direction 1 dated November 15, 1965 to BDSA Order M-11A by providing for the use of rated orders in lieu of certified orders to obtain ammo strip to fill ACM orders.

Direction 1 to BDSA Order M-11A is hereby amended to read as follows:

Sec.
1 What this direction does.
2 Definitions.
3 Rules for the placement and acceptance of rated orders for ammo strip.

AUTHORITY: Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, P.L. 89-482, 80 Stat. 235.

Section 1 What this direction does.

This direction, as amended, contains rules for placement and acceptance of rated orders for ammo strip (as defined). It establishes a set-aside for ammo strip which is separate from the set-aside for other copper-base alloy strip shown in Schedule A to this Order M-11A. It permits an ammo strip producer (as defined) who is also a producer of cups (as defined) to place rated orders, bearing the rating symbols DO-D1 or DX-D1, as appropriate, with other ammo strip producers if he has filled his set-aside and needs additional ammo strip to fill ACM orders for cups which he has accepted. It also preserves the status of certified orders placed prior to the effective date of this amended direction in accordance with the provisions of Direction 1 dated November 15, 1965, to BDSA Order M-11A.

Sec. 2 Definitions.

As used in this direction:

(a) "Cups" mean military ammunition cups and discs.

(b) "Ammo strip" means the types of copper-base alloy strip used in the production of cups.

(c) "Ammo strip producer" means a copper controlled material producer who has production capacity and or capability to produce ammo strip.

(d) "ACM order" means authorized controlled material order.

Sec. 3 Rules for the placement and acceptance of rated orders for ammo strip.

Notwithstanding the provisions of sections 8 and 9 of this order, the following rules shall apply to the placement and acceptance of rated orders for ammo strip:

(a) Each producer of cups shall use the rating DO-D1 or DX-D1, as appropriate, to obtain ammo strip to fill ACM orders for cups, or to replace in inventory ammo strip used for such purpose.

(b) Each ammo strip producer must reserve production capacity for the production of ammo strip in any month in a minimum amount determined by multiplying his average monthly shipments by weight of copper-base alloy plate, sheet, rolls, and strip (excluding ammo strip) and cups in the base period (January-June 1965, both inclusive), as shown in Table 1 of this direction, as amended, by the applicable percentage shown in the table. This reserved portion of his production capacity for ammo strip shall be separate from the set-aside for brass mill products—alloyed—plate, sheet, strip, and rolls, provided in Schedule A to this order, as revised from time to time.

(c) Each ammo strip producer must accept rated orders for ammo strip from producers of cups: *Provided, however,* That he need not accept such orders for delivery in any month in which the total cup weight in ACM orders which he has accepted for cups, together with the total weight of ammo strip in rated orders accepted by him for delivery in that month to other producers of cups, exceeds the weight of ammo strip which he is required to reserve pursuant to paragraph (a) of this section, except that each ammo strip producer must accept DX-rated orders for ammo strip from producers of cups who are not ammo strip producers even though his reserved production capacity for ammo strip has been or will be exceeded by such acceptance; he need not, however, accept DX-rated orders for ammo strip from other producers of ammo strip if his reserved production capacity for ammo strip would be exceeded thereby.

(d) Nothwithstanding the provisions of section 10(d) of BDSA Regulation 2, each producer of cups who is also an ammo strip producer may place with other ammo strip producers rated orders for delivery of ammo strip in any month to the extent that the total weight of cups in ACM orders for cups which he has accepted exceeds the weight of ammo strip which he is required to reserve pursuant to paragraph (a) of this section. Rated orders for ammo strip placed with other ammo strip producers in any one month by producers of cups must be restricted in quantity to the net weight of such cups.

(e) All rated orders placed pursuant to this direction shall be certified as follows:

Certified for national defense use for manufacture of cups under Direction 1 to BDSA Order M-11A.

This certification shall be signed as provided in BDSA Regulation 2 and constitutes a representation to the supplier of the ammo strip and to BDSA that the ammo strip ordered is required by the purchaser to be used in his production of cups to fill ACM orders.

(f) Nothing in this amended direction shall affect the status of certified orders placed with ammo strip producers, in accordance with the provisions of Direction 1 dated November 15, 1965 to Order M-11A, prior to the effective date of this direction, as amended.

This direction shall become effective October 28, 1966.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

TABLE 1 OF DIRECTION 1 TO BDSA ORDER M-11A

SET-ASIDE PERCENTAGES (SEE SEC. 3 OF THIS DIRECTION) BASE PERIOD JANUARY-JUNE 1965, BOTH INCLUSIVE

Calendar quarter 1966; and percentage set-aside of average monthly shipments in base period of copper-base alloy plate, sheet, rolls, strip (excluding ammo strip), and cups	
1st quarter	17
2d quarter	19
3d quarter	24
4th quarter	26

[F.R. Doc. 66-11672; Filed, Oct. 27, 1966; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 318—REINSPECTION AND PREPARATION OF PRODUCTS

Miscellaneous Amendments

On April 16, 1966, there was published in the FEDERAL REGISTER (31 F.R. 5905) a notice of proposed amendments of Part 318 of the Federal Meat Inspection Regulations (9 CFR Part 318) to prescribe the conditions for safe use of certain chemicals in the processing of products under the Meat Inspection Act. After due consideration of all relevant matters in connection with such notice and under the authority of the Meat Inspection Act, as amended and extended (21 U.S.C. 71-91, 96), and subsections 306 (b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306 (b) and (c)), Part 318 of said regulations is amended as stated below.

In § 318.7(b)(4) the chart is amended as stated in a, b, and c.

a. The information for cooling and retort water treatment agents is revised to read:

Class of substance	Substance	Purpose	Products	Amount
Cooling and retort water treatment agents.	Calcium chloride	To prevent staining on exterior of canned goods.	Various	Sufficient for purpose.
	Citric acid	do	do	Do.
	Disodium-calcium ethylenediamine-tetraacetate	do	do	Do.
	Disodium ethylenediaminetetraacetate	do	do	Do.
	Disodium phosphate	do	do	Do.
	Ethylenediaminetetraacetic acid	do	do	0.06 percent.
	Lime (calcium oxide, calcium hydroxide)	do	do	Sufficient for purpose.
	Methyl polysiloxane	do	do	Do.
	Propylene glycol	do	do	Do.
	Sodium bicarbonate	do	do	Do.
	Sodium carbonate	do	do	Do.
	Sodium dodecylbenzene sulfonate	do	do	0.06 percent.
	Sodium gluconate	do	do	Sufficient for purpose.
	Sodium hexametaphosphate	do	do	Do.
	Sodium lauryl sulfate	To prevent staining on exterior of canned goods.	Various	0.06 percent.
	Sodium metasilicate	do	do	Sufficient for purpose.
	Sodium nitrite	To inhibit corrosion on exterior of canned goods.	do	600 ppm.
	Sodium nitrite—Sodium nitrite must be denaturated with 0.06 percent ferric ammonium citrate. Bulk denaturated sodium nitrite when in stock must at all times be held in locked metal bin or container conspicuously labeled "Sodium nitrite—To be used by authorized personnel only."	do	do	
	Sodium tripolyphosphate	To prevent staining on exterior of canned goods.	do	Sufficient for purpose.
	Zinc oxide	do	do	0.01 percent.
	Zinc sulfate	do	do	Do.

b. The information for denuding agents is revised to read:

Class of substance	Substance	Purpose	Products	Amount
Denuding agents; may be used in combination. Must be removed from tripe by rinsing with potable water.	Lime (calcium oxide, calcium hydroxide)	To denude mucous membrane.	Tripe	Sufficient for purpose.
	Sodium carbonate	do	do	Do.
	Sodium gluconate	do	do	Do.
	Sodium hydroxide	do	do	Do.
	Sodium metasilicate	do	do	Do.
	Sodium pentaphosphate	do	do	Do.
	Trisodium phosphate	do	do	Do.

c. The information for hog scald agents is revised to read:

Class of substance	Substance	Purpose	Products	Amount
Hog scald agents; must be removed by subsequent cleaning operations.	Caustic soda	To remove hair	Hog carcasses	Sufficient for purpose.
	Dioctyl sodium sulfosuccinate	do	do	Do.
	Disodium-calcium ethylenediamine-tetraacetate	do	do	Do.
	Disodium ethylenediaminetetraacetate	do	do	Do.
	Disodium phosphate	do	do	Do.
	Ethylenediaminetetraacetic acid	do	do	Do.
	Lime (calcium oxide, calcium hydroxide)	do	do	Do.
	Methyl polysiloxane	do	do	Do.
	Propylene glycol	do	do	Do.
	Soap (prepared by reaction of calcium, potassium, or sodium with vegetable fatty acids of natural fats and oils)	do	do	Do.
	Sodium acid pyrophosphate	do	do	Do.
	Sodium bicarbonate	do	do	Do.
	Sodium dodecylbenzene sulfonate	do	do	Do.
	Sodium hexametaphosphate	do	do	Do.
	Sodium lauryl sulfate	do	do	Do.
	Sodium metasilicate	do	do	Do.
	Sodium pyrophosphate	do	do	Do.
	Sodium tripolyphosphate	do	do	Do.
	Trisodium phosphate	do	do	Do.

These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of October 1966.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 66-11734; Filed, Oct. 27, 1966; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 41—SERVICE IN POST OFFICES

Miscellaneous Amendments

Part 35 has been completely revised and rewritten to update instructions concerning philately and to show a new illustration for first-day covers.

Section 41.3(b)(3)(i) is amended to eliminate Social Security cards as acceptable identification from patrons applying for post office box rentals.

As the amendments and revisions to Part 35 and § 41.3(b)(3)(i) are a proprietary function of the Government and do not affect substantive rights advanced notice and public rule making procedures, as well as a delayed effective date are unnecessary and would be contrary to the public interest.

1. Part 35 is revised to read as follows:

Sec.
35.1 Commemorative stamps.
35.2 The philatelic sales unit.
35.3 New stamp issues.
35.4 Cancellations for philatelic purposes.
35.5 Inaugural covers.
35.6 Stamp exhibits.
35.7 Stamp publication.

AUTHORITY: The provisions of this Part 35 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 35.1 Commemorative stamps.

(a) *Description.* Commemorative stamps are postage stamps issued in limited quantities to focus attention on historical places, events, or personages. Widespread use of these stamps by the American public is encouraged by the Department in order that our ideals, progress, and heritage, as reflected in our stamps, are carried throughout the world. They do not displace regular stamps of like denomination, but are provided on request, if available.

(b) *Commemorative stamp supplies.* Postmasters shall carefully evaluate the philatelic demand for new stamps and shall forward a separate requisition for stock needed in addition to the automatic distribution in accordance with notices which appear in the Postal Bulletin, so that ample supplies will be available at all post offices on the day following official first-day sale. Accountable paper depositories shall make certain less-than-bulk quantities of stamps are supplied to post offices in time to permit sales the day after the official first-day sale.

(c) *Sale of commemorative stamps.* Commemorative stamps will be sold to meet the public demand until supply is exhausted, as follows:

(1) *Window service.* In post offices where full or part-time philatelic window service is provided, the sale of plate numbers and marginal markings shall be restricted according to the instructions outlined by the Philatelic Sales Unit. When notice is published in Postal Bulletin of removal of a stamp from sale in the Philatelic Sales Unit, the item will be immediately withdrawn from the philatelic window of post offices and the stock sold for regular postage purposes.

(2) *Plate number blocks.* Plate number blocks are the stamps (usually requested in blocks of four) located on one corner of a sheet of stamps with a plate number printed on the margin. Stamp clerks must not remove plate number blocks in advance from a large number of sheets for the benefit of individual purchasers. Plate blocks may be laid aside, however, as sheets are broken for regular sale purposes and may be sold as an accommodation to local stamp collectors.

(3) *Outside sales of commemorative stamps.* Postmasters shall not accept mail orders for postage stamps from patrons outside the limits of the area served by their post office, and any such requests shall be returned to the sender calling attention to the services provided by the Philatelic Sales Unit, City Post Office, Washington, D.C. 20013.

§ 35.2 The philatelic sales unit.

(a) *Establishment and purpose.* The Philatelic Unit was established on November 25, 1921, to make available to stamp collectors U.S. postage stamps of selected quality. Stamps sold by the Unit have been selected for good centering and are the best available.

(b) *Stamps available.* In addition to stamps of the ordinary series, the Unit has for sale commemorative, airmail, special delivery, and migratory-bird hunting stamps. To obtain a list of items available for sale, patrons should send a self-addressed stamped envelope and a request to the Philatelic Sales Unit, City Post Office, Washington, D.C. 20013. The list is revised when a new stamp is announced or an old one withdrawn.

(c) *Order for stamps.* All stamps are for sale at face value plus postage and handling charges listed below, for mail orders where domestic rates apply:

1 to 500 stamps	$0.50
501 to 1,500 stamps	1.00
1,501 to 3,000 stamps	1.50
3,001 to 5,000 stamps	2.50
5,001 to 10,000 stamps	3.50
10,001 to 30,000 stamps	6.50
30,001 to 100,000 stamps	[1] 6.50
Over 100,000 stamps	22.50

[1] Plus 20 cents per 1,000 stamps over 30,000.

A flat charge of 75 cents will be made on each order for registration, regardless of value of shipment, where this protection is desired. All mail orders will be returned by official mail, and postage stamps will not be affixed to covering envelopes. Address orders to Philatelic Sales Unit, City Post Office, Washington, D.C. 20013.

(d) *Remittance.* Remittance should be by money order, cashier's check, or certified check payable to Philatelic Sales Unit. Postage stamps and foreign or mutilated money are not acceptable. When cash is sent, it is suggested that the letter be registered.

§ 35.3 New stamp issues.

(a) *Notification.* Issuance of new stamps is announced by notices displayed in the lobbies of post offices, in the Postal Bulletin, and through the press and philatelic periodicals.

(b) *First-day sale.* A post office selected because of some historical connection with the person or event commemorated is authorized to have exclusive sale of a new stamp on its first day of sale. All other post offices may sell the stamp the following day.

(c) *First-day covers.* (1) First-day covers are envelopes bearing a new stamp canceled on its first day of sale with a special die reading "First Day of Issue." Patrons who want first-day cancellations of a new stamp should send addressed envelopes to the postmaster in the city where the stamp is to be placed on sale, with remittance to cover the cost of stamps. (See § 35.2(d).)



(2) Cover envelopes should be of ordinary letter size and each must be properly addressed. Place an enclosure of postal-card thickness in each envelope, and either turn in the flap or seal it. Endorse the envelope, enclosing the covers to the postmaster, "First-Day Covers." Put a pencil notation in the upper right corner of each cover to show the number of postage stamps to be stuck there.

(3) With orders for first-day covers, do not include requests for uncanceled stamps.

(4) The Philatelic Sales Unit does not service first-day covers.

§ 35.4 Cancellations for philatelic purposes.

(a) *How stamps are canceled.* Postmasters will cooperate with stamp collectors by furnishing clean and legible postmarks. They will give special attention to mail bearing an endorsement that it is of philatelic value or to a request for a light cancellation. Stamps must be canceled sufficiently to protect the postal revenue, but this should be accomplished without excessive defacement and with a minimum number of impressions.

(b) *Plain cards or slips of paper.* Postmarks will not be placed on plain slips of paper or plain cards submitted for philatelic or other purposes.

(c) *Picture post cards (maximum cards).* Picture post cards with the stamp stuck on the face of the card rather than on the address side are known as maximum cards. Postmasters may cancel these cards and hand them back to the person presenting them. Maximum cards are considered to be collectors' items and must be given special care in canceling.

(d) *Preparation requirements.* Post cards, postal cards, and envelopes submitted for philatelic or other purposes must bear complete addresses, and postage at the applicable rate, to be postmarked. (See § 36.5(a) of this chapter for postage on mail to be canceled with a special cancellation.) After they are postmarked they may be either dispatched or handed back to the person presenting them. This paragraph (d) does not apply to any arrangements made by the Department under §§ 35.3 and 35.5.

(e) *Holding the mail.* Postmasters will not hold mail to comply with patron's requests that the mail be postmarked on a particular date, except as provided for under §§ 35.3 and 35.5.

§ 35.5 Inaugural covers.

(a) *First flights*—(1) *Cachets authorized.* (i) The Post Office Department recognizes events such as new air service by applying cachets on inaugural covers. Official cachets of distinctive commemorative design are authorized, by publication of a notice in the Postal Bulletin, if notification is received from the carrier at least 20 days before the scheduled date of the new service.

(ii) Cachets are authorized for:

(*a*) All stop points on a new airmail route.

(*b*) New stop points on an existing route or on an additional segment.

(*c*) Events of national aviation interest.

(2) *Where cachets may be used.* (i) Official cachets are authorized for use at post offices and airport mail facilities on covers actually dispatched on the inaugural flights.

(ii) One or more of the following points may be authorized to use official cachets:

(*a*) *Terminal points.* Cachets will be applied to covers dispatched on the actual inaugural flight.

(*b*) *Intermediate points.* Cachet will be applied to covers dispatched to the actual inaugural flights in each direction. Directional service is not applicable to events of national aviation interest. If service is inaugurated in only one direction, cachet will not be used when service is established in the other direction at a later date.

(3) *Preparation of covers.* (i) Covers must be individually addressed to a post office.

(ii) Covers must bear postage at the airmail letter rate.

(iii) Each envelope should contain a uniform enclosure of the approximate weight of a postal card to assure a good impression.

(iv) A space should be provided on the address side, at least 4 inches to the left of the right end of the envelope and 1½ inches to the left of the innermost stamp to permit a clear impression of the postmark.

(v) A clear space 2½ by 2½ inches must appear to the left of the postmark and address area for application of the cachet. If this clear space is not provided, the cachet will not be applied.

(4) *Submission of covers.* (i) Send the items for inaugural cachets under cover to the postmaster or superintendent, airport mail facility, at the point where service is to be inaugurated. Envelope enclosing items for cachet should bear endorsement "First Flight Covers or Philatelic Mail."

(ii) Include a letter requesting the holding of the covers for the inaugural service and stating the cachet desired.

(iii) Indicate directional service desired, if applicable. (See subparagraph (5)(i) of this paragraph.)

(5) *Compliance with collectors requests*—(i) *Directional covers.* Requests of collectors for dispatch in a particular direction will be complied with to the greatest extent practicable. No directional service is available for events of national aviation interest.

(ii) *Point-to-point covers.* Requests of collectors for point-to-point covers will not be observed. Request that a dispatching office send one each of several covers to each stop point will not be honored.

(iii) *Direction not specified.* In the absence of specific requests, covers will be dispatched on the actual first flight, regardless of direction.

(iv) *Incomplete instructions.* If the collector's request is not clear, covers will be dispatched in accordance with the judgment of the dispatching office.

(v) *Color of ink.* Requests for the use of a color of ink other than that authorized by the Post Office Department can not be complied with. The authorized color of ink will be used in applying the cachet to all covers.

(vi) *Position of cachet.* Cachets will be applied legibly and neatly to left portion of address side of cover. Cachets will not be applied to:

(*a*) Covers for immediate return to sender; covers must receive dispatch on first flight.

(*b*) Covers bearing a previous official or unofficial cachet.

(*c*) Covers lacking sufficient clear space for application of cachet without obscuring the address.

(*d*) Double postal or post cards intended for return reply purposes.

(*e*) Covers received after first flight.

(*f*) Covers on which postage is not fully prepaid.

(*g*) Anything other than an inaugural cover.

(vii) *Backstamping.* All inaugural covers will be backstamped at a designated post office and forwarded to address destination. Requests for additional or special backstamping will not be honored.

(b) *First highway post office trips*—(1) *Announcement of service.* The Post Office Department recognizes events such as new HPO service by applying special postmarks to inaugural covers. A notice that new service will be established is published in the Postal Bulletin when the decision to establish service is made, far enough in advance of the beginning date so that the notice will reach most subscribers in time to permit them to send covers for dispatch on first trips.

(2) *Special postmark.* No official cachets are applied to first-trip covers, but when time permits procuring distinctive first-trip postmarking stamps for each trip, impressions of them are used to postmark all covers carried on the first trips.

(3) *Preparing covers.* Prepare covers as described in paragraph (a)(3) of this section except postage will be at the first-class rate.

(4) *Submitting covers.* Patrons should send first-trip covers to the postmaster at the initial terminal of the trip on which the covers are to be carried, with a letter or note instructing the postmaster to dispatch covers on the desired trip.

(5) *Complying with collectors' requests.* (i) All covers received at the initial post office or by the crew en route will be carried to the end of the run and dispatched to addressees from that point. Requests for different dispatch will not be honored. No backstamps will be applied to first-trip HPO covers.

(ii) The first-trip stamp is evidence that the cover was carried on the trip indicated.

§ 35.6 Stamp exhibits.

(a) *Loan exhibits.* The Post Office Department has a set of valuable stamp exhibit frames which are available for display at stamp exhibitions and conventions. These are sent upon request to national and international exhibits as well as to the conventions of the larger stamp societies. Requests should be addressed to the Director, Division of Philately, Post Office Department, Washington, D.C. 20260.

(b) *Philatelic exhibit.* The Office of the Special Assistant to the Postmaster General maintains a comprehensive exhibit of U.S. postage stamps, containing die proofs of all domestic stamps since 1847. There are also approximately 40,000 stamps of other countries in this exhibit, from every postal administration in the world. Equipment used in the production of postage stamps, such as a plate and transfer roll, is shown to illustrate methods of manufacture. Philatelic publications are on file for the benefit of students and collectors.

§ 35.7 Stamp publication.

The Department issues a publication (POD–9 rev.) entitled "United States Postage Stamps," 1847–1965, containing reproductions and information of interest to collectors on all U.S. stamps issued from 1847 through the Abraham Lincoln stamp of the "Prominent Americans" series of regular stamps, issued November 19, 1965.

NOTE: The corresponding Postal Manual part is 145.

2. Section 41.3(b)(3)(i) is revised to read as follows:

§ 41.3 Post office boxes.

* * * * *

(b) *How to rent a box*— * * *

(3) *Unknown applicant.* Applications from unknown applicants must be treated as follows:

(i) The applicant must present his driver's license, military identification card, or other identification document.

* * * * *

NOTE: The corresponding Postal Manual section is 151.323a.

(5 U.S.C. 301, 39 U.S.C. 501.)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 24, 1966.

[F.R. Doc. 66–11674; Filed, Oct. 27, 1966; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

FROZEN FRENCH FRIED POTATOES

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering several amendments to the U.S. Standards for Grades of Frozen French Fried Potatoes (7 CFR 52.2391–52.2405) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same in duplicate, not later than January 1, 1967, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed amendment. On August 31, 1966, the Northwest Canners & Freezers Association in behalf of their potato processor members requested the Department to again amend the U.S. Standards for Grades of Frozen French Fried Potatoes which became effective on July 1, 1966. The Department was asked especially to distinguish between french fried potatoes for retail and for institutional use and to adjust the defect tolerances for the institutional type to a level similar to that proposed prior to revising the standards on July 1.

That Association claims that studies conducted by the packers indicate that the current standards are much more restrictive, with respect to defect requirements in the institutional pack, than is necessary for proper competitive marketing, thus impairing the usefulness of the standards for marketing the institutional product.

Defect allowances for the institutional type as proposed by the Department on September 10, 1965, were listed as "Defectives in a 1-pound sample unit,". It is contended by the Northwest Canners & Freezers Association that the tightening effect of defect allowances on this basis, as compared to a larger sample as customarily used for institutional products, was not properly evaluated by many of the packer members. This misunderstanding resulted in very few comments on the proposal.

In consideration of the request of the Northwest Canners & Freezers Association and in recognition of the very small participation of interested persons in the rule making procedure proposing revised standards, the Department now proposes to amend these standards, with respect to permitted defects in the institutional pack, in much the same form and level as was proposed on September 10, 1965, prior to the promulgation of the currently effective standards.

This proposal would:

(a) Reestablish the two types—"retail" and "institutional"—with separate defect allowances for each type.

(b) Change the sample unit size for the Institutional type from 1 pound to 2 pounds of product, and adjust the defect allowances.

The proposed amendments are as follows:

1. The following new section would be inserted:

§ 52.2392a Types.

(a) Frozen french fried potatoes are of two types, based principally on intended use, as follows:

(1) *Retail type.* This type is intended for household consumption. It is normally packed in small packages which are labeled or marked for retail sales. It may be otherwise designated for such use.

(2) *Institutional type.* This type is intended for the hotel, restaurant, or other large feeding establishment trade. Primary containers, usually 5 pounds or more, are often not completely labeled as for retail sales.

(b) If it is not possible to ascertain the type, the quality requirements of the retail type apply.

2. In § 52.2396, paragraph (b) would be revised to read as follows:

§ 52.2396 Ascertaining the grade of a sample unit.

* * * * *

(b) *Sample unit size.* For purposes of rating the quality factors sample units are established as follows:

(1) *Retail type.* One pound of product (16 ounces) selected from a production line or from one or more market packages.

(2) *Institutional type.* Two pounds of product (32 ounces) selected from a production line or from one market package.

* * * * *

§ 52.2400 [Amended]

3. In § 52.2400, Table I and Table II would be deleted in their entirety and the following revised tables substituted therefor:

TABLE I—MAXIMUM ALLOWANCES FOR DEFECTIVES IN ALL STYLES EXCEPT SHOESTRING STYLE STRIPS AND DICES

Grade classification	Type of defects	Retail type	Institutional type
		Defectives in a 1-lb. sample unit	Defectives in a 2-lb. sample unit
A and A short	Minor and major	5 defectives	18 defectives.
	Limit for major	1 defective	4 defectives.
B	Minor and major	9 defectives	28 defectives.
	Limit for major	2 defectives	8 defectives.

TABLE II—MAXIMUM ALLOWANCES FOR DEFECTIVES IN SHOESTRING STYLE STRIPS AND DICES

Grade classification	Type of defects	Retail type	Institutional type
		Defectives in a 1-lb. sample unit	Defectives in a 2-lb. sample unit.
A and A short	Minor and major	9 defectives	28 defectives.
	Limit for major	2 defectives	8 defectives.
B	Minor and major	18 defectives	36 defectives.
	Limit for major	5 defectives	12 defectives.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: October 24, 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66–11744; Filed, Oct. 27, 1966; 8:45 a.m.]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Marketing Order No. 959, both as amended (7 CFR Part 959).

This marketing program regulates the handling of onions grown in designated counties in south Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 959.207 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning August 1, 1966, through July 31, 1967, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $34,000.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be one cent ($0.01) per 50-pound sack of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1967, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 25, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11776; Filed, Oct. 27, 1966; 8:48 a.m.]

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in south Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 959.307 Limitation of shipments.

During the period beginning March 1, 1967, through June 15, 1967, no handler may (1) package or load onions on Sundays, or (2) handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraph (d) or (e) of this section.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) 2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25-pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls*—(1) *Experimental shipments.* Onions may be handled for experimental purposes as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a certificate of privilege to make such shipments.

(ii) After obtaining an approved certificate of privilege, each handler may handle onions packed in 3- or 5-pound consumer size containers, or 50-pound cartons, if they meet the grade and size requirements of paragraphs (a) and (b) of this section and if they are handled in accordance with the reporting requirements established in subparagraph (2) of this paragraph on such shipments: *Provided*, That shipments of 3- and 5-pound containers shall not exceed 10 percent of a handler's total weekly onion shipments, and provided further that shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments, of all onions allowed to be marketed under this section.

(iii) The average gross weight of master containers per lot, as computed by multiplying the number of packages therein by their weight classification, plus the weight of the master container, may not exceed 15 percent over the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(2) *Reporting requirements for experimental shipments.* Each handler who handles such experimental shipments of onions shall report thereon to the committee on forms and at such times as the committee prescribes, as follows:

(i) The number of the inspection certificate showing the grade and size of onions so packed and the size container in which such onions were handled.

(ii) Prices received for each such shipment on a f.o.b. basis and prices paid to growers of such onions.

(iii) Any adjustments from the original sales price agreement for such onions on each shipment, with reasons therefor, and the final net prices paid to the grower of such onions.

(iv) Such other incidental and related information necessary to provide the foregoing data on prices received by growers, as requested by the committee.

(v) The time and location at which such shipment may be reinspected at destination.

Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner or form and in such time as it may prescribe. Also, each handler of experimental shipments of onions shall maintain records of such markings, pursuant to § 959.80(c). Such records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and are not exempted under paragraph (d) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) No handler may handle any onions regulated hereunder (except pursuant to paragraph (d) or (e)(3) of this section) unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purpose of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(g) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or in the U.S. Standards for Grades of Onions (§§ 51.2830–51.2850 of this title), whichever is applicable to the particular variety. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 25, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11777; Filed, Oct. 27, 1966; 8:48 a.m.]

[7 CFR Parts 1003, 1016]

[Docket Nos. AO–293–A14, AO–312–A10]

MILK IN WASHINGTON, D.C., AND UPPER CHESAPEAKE BAY MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Marriott Twin Bridges Motor Hotel, 333 Jefferson Davis Highway, Arlington, Va., beginning at 10 a.m., on November 2, 1966, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Washington, D.C., and Upper Chesapeake Bay marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Maryland & Virginia Milk Producers Association, Inc.:

Proposal No. 1. Section 1003.50(a) be amended so that the Class I price December 1966 through June 1967 be set at $6.40 for 3.5 percent milk f.o.b. city.

Proposed by Maryland Cooperative Milk Producers, Inc.:

Proposal No. 2. Revise § 1016.50(a) to read as follows:

§ 1016.50 Class prices.

* * * * * *

(a) *Class I price.* The price per hundredweight for Class I milk for the months of December 1966 through March 1967 shall be $6.40 and for the months April through June 1967 the Class I price shall be the same as that provided under Federal Order No. 4 for Class I sales in the Delaware Valley marketing area.

* * * * * *

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the respective orders may be procured from the Market Administrator, Post Office Box 9245, Rosslyn Station, 1801 North Moore Street, Arlington, Va. 22209, from the Market Administrator, Post Office Box 6848, Towson Station, 20 East Susquehanna Avenue, Baltimore, Md. 21204, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on October 25, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66–11779; Filed, Oct. 27, 1966; 8:48 a.m.]

[7 CFR Part 1013]

[Docket No. AO–286–A11]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Governors' Club Hotel, 236 Southeast First Avenue, Fort Lauderdale, Fla., beginning at 10 a.m., on November 9, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Southeastern Florida marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Borden Co.; Foremost Dairies of the South, Division of Home Town Foods, Inc.; Sealtest Foods, Division of National Dairy Products Corp.; and the Southland Corp.:

Proposal No. 1. Revise § 1013.50(a) to read as follows:

§ 1013.50 Class prices.

* * * * * *

(a) *Class I milk price.* The Class I price through the month of June 1967 shall be $7.25 per hundredweight.

* * * * * *

Proposed by the Milk Marketing Orders Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Post Office Box 4886, Room 113, Professional Building, Sunrise Center, Fort Lauderdale, Fla. 33304, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., or may be there inspected.

Signed at Washington, D.C., on October 25, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66–11778; Filed, Oct. 27, 1966; 8:48 a.m.]

[7 CFR Parts 1063, 1070, 1078, 1079]

[Docket Nos. AO-105-A24, AO-229-A15, AO-272-A10, AO-295-A12]

MILK IN QUAD CITIES-DUBUQUE, CEDAR RAPIDS-IOWA CITY, NORTH CENTRAL IOWA, AND DES MOINES, IOWA, MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Roosevelt Hotel, 200 First Avenue Northeast, Cedar Rapids, Iowa, beginning at 10 a.m., local time, on November 15, 1966, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Des Moines Cooperative Dairy:

Proposal No. 1. Delete all sections 50 (c) of Parts 1063, 1070, 1078, and 1079 and substitute therefor the following language:

(c) *Class II milk price.* The Class II milk price shall be the higher of the prices computed as follows:

(1) The average of prices reported to have been paid per hundredweight for milk received from farmers in bulk during the month at the following plants or places for which prices have been reported to the market administrator or to the Department: Carnation Co., Waverly, Iowa; Amboy Milk Products Co., Amboy, Ill.; Kraft Foods Co., Galena, Ill.; Maquoketa Valley Cooperative Creamery, Strawberry Point, Iowa; Jesup Cooperative Creamery, Jesup, Iowa; Hudson Cooperative Creamery, Hudson, Iowa; and Kraft Foods Co., Stockton, Ill.

(2) The basic formula price for the month.

Proposed by Cedar Valley Co-operative Milk Association, Inc.:

Proposal No. 2. Delete § 1078.50(c) and substitute therefor the following:

§ 1078.50 Basic formula and class prices.

* * * * *

(c) *Class II milk price.* The Class II milk price shall be the higher of the prices computed as follows:

(1) The average of prices reported to have been paid per hundredweight for milk received from farmers in bulk during the month at the following plants or places for which prices have been reported to the market administrator or to the Department: Carnation Co., Waverly, Iowa; Amboy Milk Products Co., Amboy, Ill.; Kraft Foods Co., Galena, Ill.; Maquoketa Valley Cooperative Creamery, Strawberry Point, Iowa; Jesup Cooperative Creamery, Jesup, Iowa; Hudson Cooperative Creamery, Hudson, Iowa; and Kraft Foods Co., Stockton, Ill.

(2) The basic formula price for the month.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Watch Tower Plaza, 924 37th Avenue, Post Office Box 691, Rock Island, Ill. 61201; 202 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402; Cedarloo Shopping Center, 3536 Waterloo Road, Cedar Falls, Iowa 50613; and 6000 Douglas Avenue, Room 190, Des Moines, Iowa 50322; or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on October 25, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-11781; Filed, Oct. 27, 1966; 8:49 a.m.]

[7 CFR Part 1068]

[Docket No. AO-178-A18]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the East Room of the Curtis Hotel, Third Avenue and 10th Street South, Minneapolis, Minn., beginning at 10 a.m., local time, on November 3, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Twin City Milk Producers Association, et al.:

Proposal No. 1. Amend § 1068.53 to provide that the Class I price differentials shall be $1, for each of the months of December 1966 through June 1967.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Sanford A. Balgaard, 7703 Normandale Road, Room 100, Minneapolis, Minn. 55435, or from the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on October 25, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-11780; Filed, Oct. 27, 1966; 8:49 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Parts 170, 174]

WATCHES, WATCHCASES, AND WATCH MOVEMENTS

Trade Practice Rules Respecting Terms Waterproof, Shockproof, Nonmagnetic, and Related Designations; Extension of Time for Comments

A public hearing was held on July 26, 1966, to consider proposed revision of trade practice rules pertaining to the watch and watchcase industries. Notice of the hearing was published on page 8882 of the FEDERAL REGISTER issued June 25, 1966, 31 F.R. 8882.

Notice is hereby given that the Commission has extended the closing date for submission of written views concerning the proposed revised rules until November 25, 1966.

Approved: October 19, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11756; Filed, Oct. 27, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 251; Delegation of Authority 107-1]

MIGRATION AND REFUGEE ASSISTANCE

Delegation of Functions

By virtue of the authority vested in me by the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601 et seq.) (hereinafter referred to as the Act), Executive Order No. 11077 of January 22, 1963, entitled "Administration of the Migration and Refugee Assistance Act of 1962" (hereinafter referred to as the order), section 4 of the Act of May 26, 1949, as amended (5 U.S.C. 151c) and as Secretary of State, it is ordered as follows:

SECTION 1. *Statement of purpose.* It is the intention to delegate to the Special Assistant to the Secretary of State for Refugee and Migration Affairs all statutory and other authorities of the Secretary of State for the overall direction, coordination, and supervision of interdepartmental refugee and migration activities of the U.S. Government, to the full extent permitted by law.

In particular, the Special Assistant is delegated the function assigned to the Secretary of State by section 1(c) of the order to "assume the leadership and provide the guidance for assuring that programs authorized under the Act best serve the foreign policy objectives of the United States."

SEC. 2. *Functions of the Special Assistant to the Secretary of State for Refugee and Migration Affairs.* (a) Exclusive of the functions otherwise delegated herein, there are hereby delegated to the Special Assistant to the Secretary of State for Refugee and Migration Affairs all functions conferred upon the Secretary of State by the Act and the order.

SEC. 3. *Functions of the Deputy Under Secretary of State for Administration.* (a) The following functions are delegated to the Deputy Under Secretary of State for Administration:

(1) The functions enumerated in section 5(a)(1) of the Act and reserved to the Secretary of State by section 1(a)(3) of the order insofar as they relate to compensation, allowances, and travel of personnel whose services are utilized primarily for the purpose of the Act.

(2) The functions enumerated in sections 5(a)(2), (3), (4), and (5) of the Act and reserved to the Secretary of State by section 1(a)(3) of the order.

(3) The functions delegated to the Deputy Under Secretary of State for Administration by subsection 3(a)(1) and (2) of this Delegation of Authority may be exercised by the organizational components vested with functions of that nature by the Organization Manual and other delegations of authority.

SEC. 4. *General provisions.* (a) Any officer to whom functions are delegated by this Delegation of Authority may, to the extent consistent with law, delegate any of the functions delegated to him by this Delegation of Authority.

(b) Except to the extent that they may be inconsistent with this Delegation of Authority, all delegations, determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken or entered into with respect to any functions affected by this Delegation of Authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(c) This Delegation of Authority supersedes and cancels Delegation of Authority No. 107 of April 1, 1963 (Public Notice No. 217, 28 F.R. 3674, on Apr. 13, 1963) and shall be deemed to have become effective on the date of signature.

Dated: October 17, 1966.

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-11753; Filed, Oct. 27, 1966; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. LW-18]

OLAF M. JOHNSON

Notice of Loan Application

OCTOBER 25, 1966.

Olaf M. Johnson, Rural Route 2, Oconto, Wis. 54153, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a used 52.3-foot registered length vessel to engage in the fishery for alewives.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 66-11745; Filed, Oct. 27, 1966; 8:45 a.m.]

ADOLPH G. OLOFSON

[Docket No. A-405]

Notice of Loan Application

OCTOBER 25, 1966.

Adolf G. Olofson, 1516 Tongass Avenue, Ketchikan, Alaska 99901, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 38-foot wood vessel to engage in the fishery for salmon, halibut, crab, and shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 66-11746; Filed, Oct. 27, 1966; 8:45 a.m.]

[Docket No. C-247]

FRED SCHNEIDER

Notice of Loan Application

OCTOBER 25, 1966.

Fred Schneider, 12809 Kalnor Avenue, Norwalk, Calif. 90650, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 63-foot steel vessel to engage in the fishery for albacore, yellowfin and skipjack tuna, swordfish, groupers, squid, anchovies, and bonito.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 66-11747; Filed, Oct. 27, 1966; 8:45 a.m.]

[Docket No. Sub-C-16]

SEVEN SEAS, INC.

Notice of Hearing

Seven Seas, Inc., Box 1243, Ponce, P.R. 00712, has applied for a fishing vessel construction differential subsidy to aid in the construction of a 153-foot overall length steel vessel to engage in the fishery for tuna.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on December 8, 1966, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

OCTOBER 25, 1966.

[F.R. Doc. 66-11748; Filed, Oct. 27, 1966; 8:46 a.m.]

[Docket No. G-379]

ROBERT A. AND BILLIE S. THACKWELL

Notice of Loan Application

OCTOBER 25, 1966.

Robert A. and Billie S. Thackwell, 1417 Brookhill Drive, Fort Myers, Fla. 33901, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 55.1-foot registered length wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 66-11749; Filed, Oct. 27, 1966; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF DISTRIBUTORS STOCKS OF CANNED FOODS

Notice of Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct its usual annual survey of inventories covering 30 canned and bottled products, including vegetables, fruits, juices, and fish as of December 31, 1966, under the provisions of the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225. This survey, together with the previous surveys, provides the only continuing source of information on stocks of the specified canned foods held by wholesalers and in warehouses of retail multiunit organizations.

On the basis of information received by the Bureau of the Census, these data will have significant application to the needs of the public, industry and the distributive trades, and governmental agencies and are not publicly available from nongovernmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide yearend inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, a number of multiunit firms will be requested to provide information on the location of establishments maintaining canned food stocks that are not currently reporting in the Canned Food Survey.)

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census within 30 days after the date of this publication and will receive consideration.

Dated: October 17, 1966.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 66-11736; Filed, Oct. 27, 1966; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF WASHINGTON

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Washington for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of Washington and summarizing the State's proposed program, was also submitted to the Commission. With the exception of referenced Charts 1-3 and advisory committee memberships, this résumé is set forth below as an appendix to this notice. A copy of the program, including proposed Washington regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons

should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 12th day of October 1966.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF WASHINGTON FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Washington is authorized under Revised Code of Washington 70.98.110 to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Washington certified on October 3, 1966, that the State of Washington (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This agreement shall become effective on December 31, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ day of _____.

For the United States Atomic Energy Commission.

_____

For the State of Washington.

DANIEL J. EVANS,
Governor.

FOREWORD

This document presents the current and proposed programs for managing the use of ionizing radiation in this State in a manner consistent with the paramount need in such use for the protection of the public and occupational health and safety. It includes supporting information on authority, regulation, organization, and resources available.

Washington, an early pioneer in the nuclear age, has worked closely with the Atomic Energy Commission and its contractors in assuring adequate protection through the long period of major nuclear activity in the State. As Washington progresses in the nuclear age, and invites beneficial nuclear development, it is fully aware of the responsibility to assure continuing protection in the use of both new and existing sources of ionizing radiation.

The Governor, on behalf of the State of Washington, is authorized to enter into agreements with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by the State. This authority is found in the Revised Code of Washington (RCW) 70.98.110 relating to development, regulation, and utilization of sources of ionizing radiation.

The Atomic Energy Commission is authorized to enter into an agreement with the Governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control of byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass—this authority is found in section 274b of the Atomic Energy Act of 1954, as amended.

BACKGROUND

PERTINENT EVENTS AND LEGISLATIVE HISTORY

1949—The Columbia River Advisory Group (CRAG) was organized at the request of the Atomic Energy Commission Operations Office in 1949 to advise on matters of reactor waste disposal and water used in the Columbia River. Its members were from Oregon (State Sanitary Authority), Washington (Department of Health and Pollution Control Commission), and the U.S. Public Health Service (Portland Office of the Water Supply and Pollution Control).

1956—An Interim Advisory Committee on Radiation Protection and Control was formed to advise the Department of Health on initiating activity in the control of hazards from ionizing radiation.

A program was formed to undertake activity in air pollution and radiation control in the "then" Division of Engineering and Sanitation.

1957—Chapter 43.39 RCW was passed by the legislature, calling for review by named State departments, including Health, of legislative and regulatory needs, establishing the position of Coordinator of Atomic Development Activities, and creating an Advisory Council on Atomic Energy.

The Air Sanitation and Radiation Control Section was formally created in the Division of Engineering and Sanitation of the Department of Health. Staff recruitment and training were initiated.

1961—Chapter 70.98 RCW was enacted. It repealed Chapter 43.39 RCW and established the Department of Health as the radiation control agency with authority to register sources of ionizing radiation and to regulate their use. It created the Technical Advisory Board on Radiation Control, established the Department of Commerce and Economic Development as the agency for promotion and development of nuclear energy, and created the Advisory Council on Nuclear Energy and Radiation. It authorized the Governor to enter into agreements with the Federal Government for transfer of authority. It provided for administrative and legal proceedings, outlawed shoe fluoroscopes, and provided for exemptions.

1964—Rules and Regulations of the State Radiation Control Agency pertaining to the registration of reportable radiation sources were adopted. These required, in addition to registration, the reporting of changes including loss of control by theft, loss, or accident. Exemptions from registration and reporting were provided.

1965—Chapter 70.98 RCW was amended. The Department of Health was named as the sole agency responsible for administrating the regulatory provisions for the protection of the public and occupational health and safety, and provided for licensing of byproduct, source, special nuclear materials and devices utilizing such materials, or other naturally-occurring or artificially-produced radioactive materials.

Chapter 43.31 RCW was amended establishing the office of Nuclear Energy Development in the Department of Commerce and Economic Development. It authorized the Department to acquire, develop, operate, lease, sublease, or sell land and facilities for nuclear development purposes and provided for perpetual maintenance and/or surveillance for radioactive material waste-management purposes.

1966—Regulations for licensing, registration, and standards for protection pertaining to the use of ionizing radiation were adopted.

From the time of the establishment of the Advisory Council on Atomic Energy, the Council and its successor, the Advisory Council on Nuclear Energy and Radiation, have provided continuous leadership in developing and improving legislation which would enable Washington to become an agreement-state and to undertake the development of its nuclear potential. The Departments of Health and of Commerce and Economic Development have worked closely with the Councils in this endeavor.

The Department of Health was an active participant in the Columbia River Advisory Group. Through this mechanism, while no formal State programs had been established, it was able to continuously review appropriate information on Hanford waste disposal practices and to advise the Atomic Energy Commission and its contractors concerning discharges to the Columbia River and significant water uses.

PREVIOUS AND CURRENT ACTIVITIES

The initiation of Departmental programs directed at the problems associated with ionizing radiation resulted in a series of activities the most significant of which are described below.

Tuberculosis chest X-ray program. Beginning in 1957, more emphasis in this long-standing program was placed on radiation protection. The continuous effort to upgrade X-ray picture quality through improved technique resulted in reducing unnecessary exposure—in participating public agency, private physician, and hospital installations. X-ray installation and operations inspections and consultation were performed by an engineer who is now a senior member of the section radiation control staff.

Environmental surveillance. The Department has participated continuously since 1956 in the U.S. Public Health Service Radiation Surveillance Network for air and precipitation sampling and coordinated local health department's participation. All of the technical staff of the section have participated in this program. Arrangements were made for regular collection of milk by local health departments in the milksheds for Seattle since 1960 and Spokane since 1958 for the National Pasteurized Milk Network.

A raw milk network was established in 1963 to provide for early detection in producing areas of elevated levels of radioactivity from fallout. It continues to operate on a flexible schedule to meet the need.

A substantial program of monitoring of surface and ground water, shellfish, and water biota was initiated in 1961. Equipment resources and part of other costs were largely supported through a contract with the U.S. Public Health Service. The total State network program includes (as of July 1, 1966), 61 active stations of which 39 are for surface water, 10 for shellfish, 9 for raw milk, 2 for air precipitation, and 1 for salt water and sediment. Ground water is sampled at random locations. Sample collection is largely dependent upon cooperators from local health and water departments and the State Pollution Control Commission. Exclusive of air and precipitation, a total of 1,167 samples were collected and analyzed during the 24 months ending June 30, 1966. Four annual reports have been prepared covering this work. Since 1958 the environmental surveillance program has been under the supervision of the staff member now serving as assistant section head and technical director and is operated by a Sanitary Engineer II.

X-ray survey. In 1958, a study was conducted in 352 dental offices using film badges for operator personnel and site exposure determinations. After a period of 1 month, the badges were collected, developed and evaluated. Thirty-eight offices with the highest personnel film badge readings were revisited for the purpose of recommending measures to reduce exposure levels. Filters and/or collimators were added as needed and protective measures for operators were recommended. All others surveyed were notified of the results by letter. This survey was conducted through joint arrangement with the Washington State Dental Association and the U.S. Public Health Service.

In 1962, Sur-Pak kits were sent to all dentists in Washington listed with the Department of Professional Licenses. A total of 1,344 Sur-Paks were returned and evaluated. The dentists were notified of the evaluation of their equipment. Where indicated, the filter and collimator, as required, were mailed to the dentist with instructions for installing them on his particular machine. Those requiring more difficult procedures were revisited by survey teams who made the modifications for the dentist.

In 1962, physical surveys were started on dental X-ray machines using U.S. Public Health Service X-ray protection survey procedures. A written report was left with the dentist and, when indicated, recommendations for compliance with the standards of the American Academy of Oral Roentgenology were included. Filters and collimators, as required, were installed.

In 1963, radiation protection demonstration surveys were started on other diagnostic X-ray installations in the healing arts. In 1966, medical X-ray therapy equipment surveys were started. The demonstration surveys are conducted in the manner of combined inspections and consultations, but without the basis of formal regulations.

Surveys were based on N.C.R.P. recommended physical standards, as published in National Bureau of Standards Handbook No. 76. A written report with recommendations was left with the user after each survey. Where filters were needed, they were furnished and installed by the survey team.

The following table indicates the number of surveys in each category that have been completed and an estimate of the degree of compliance, including corrections made as a result of the survey. Approximately 50 percent of all dental X-ray machines, 90 percent of the diagnostic equipment used by physicians, and 10 percent of the X-ray therapy equipment have been physically surveyed. Of all the remaining categories, about 95 percent have had an initial survey visit.

X-RAY SURVEYS TO JULY 1, 1966

Category	Number of facilities surveyed	Number of X-ray units surveyed	Estimated percent in compliance after survey
Physicians (M.D.)	799	1,064	70
Osteopaths	68	81	70
Chiropractors	147	150	95
Chiropodists	33	33	95
Veterinary	173	183	95
Hospitals	104	441	90
Industrial	10	33	100
Dentists	837	1,053	95
Naturopaths	9	10	70
Schools	8	12	100
Health Departments	38	36	95
Nursing Homes	2	2	100
State Institutions	12	31	90
Others	15	16	90
Totals	2,260	3,163	.....

Registration. Registration of all sources of ionizing radiation, with the exception of certain minor exempt sources, in accordance with Department regulations was started late in 1964. The initial registration phase has been completed. A simple return post card registration form was used to enhance a more rapid and complete response. Department of Licenses professional listings, Atomic Energy Commission licensee records, and professional and industrial society rosters were utilized to develop a mailing list. An informational program, directed through public and organizational channels, called attention to the registration requirement. Based upon registration data to July 1, 1966, the following table summarizes the radiation use picture in the State excluding uses under AEC licenses.

Category of user (Federal agencies not included)	Number of X-ray units	Number of locations with radium	Miscellaneous (other sources)
Human uses:			
Physicians (M.D.)	1,197	31	3
Other licensed Practitioners	396	1	.....
Industrial medicine	20	.....	.....
Health programs	88	.....	.....
Hospitals*	667	18	.....
Dentists	1,652	.....	.....
Industrial** (Non-medical)	48	8	4
Universities, Colleges and Schools	76	3	36
Veterinary	245	.....	.....
Totals	4,389	61	43

*Includes University of Washington Hospital.
**Includes commercial, Civil Defense, and miscellaneous.

Radioactive materials. With the exception of radium, essentially all radioactive material of significant quantity is under the jurisdiction of the Atomic Energy Commission. The Department section staff, starting in 1956, has regularly accompanied the AEC on licensee inspections. In the 2½-year period ending July 1, 1966, present staff members participated in 79 percent of all AEC inspections in the State. As of July 1, 1966, there were approximately 190 AEC licenses in effect in the State, including Federal installations.

ORGANIZATION AND RESPONSIBILITY

The State government organization for the purpose of development, utilization, and regulation of sources of ionizing radiation is illustrated in Chart 1.

The Advisory Council on Nuclear Energy and Radiation is appointed by the governor and advises and reports to him. It consists of seven appointed members providing representation from industry, labor, the healing arts, research, and education. In addition, the directors of the Departments of Health, Labor and Industries, Agriculture, and Commerce and Economic Development are ex-officio members. Its present membership is shown in the appendix. The Council's duties include:

1. Review and evaluation of State policies and programs.

2. Advice to the governor on matters pertaining to the development, utilization, and regulation of sources of ionizing radiation.

The Department of Health will regulate the use of all sources of ionizing radiation except those which it may exempt or are under the jurisdiction of the Federal Government. This function rests in the Air Quality and Radiation Control Section.

The Technical Advisory Board on Radiation Control is appointed by the Director of Health with the approval of the governor. It consists of nine appointed members including representatives of the healing arts, research, industrial, and other recognized users of ionizing radiation, or experts in the field of physiological effects of ionizing radiation. The Director of Health is ex-officio chairman. The head of the Air Quality and Radiation Control Section is radiation control officer and ex-officio secretary of the Board without vote. Its present membership is shown in the appendix. The Board's duties are to:

1. Furnish technical advice to the Department.

2. Advise with reference to matters of policy affecting administration of the Act.

3. Approve rules and regulations prior to adoption by the Department. In practice the Board participates in the development of proposed rules and regulations and in the public hearing.

The Department of Commerce and Economic Development is responsible for the promotion and development of nuclear energy through its office of Nuclear Energy Development. Its functions, powers, and duties are to:

1. Advise the governor and the legislature regarding nuclear progress and State policy for research, development, and education.

2. Sponsor, support, or conduct appropriate studies and issue reports on nuclear progress.

3. Develop information on sites for nuclear industry and acquire land and facilities for nuclear development use.

DEPARTMENT AND STAFF ORGANIZATION

The Air Quality and Radiation Control Section is one of three sections in the Division of Environmental Health—the other sections being Sanitary Engineering and Environmental Sanitation. The Division of Environmental Health is one of eight in the Department—the others being Health Services, Health Facilities, Nursing, Epidemiology, Laboratories, Local Health Services, and Staff Services.

Legal services are provided by assistants to the Attorney General assigned to the Office of the Director. Statistical services are provided by the Division of Staff Services.

The current organization and functions of the section are illustrated in the attached charts, 2A and 2B. The Section Head has overall administrative responsibility for Section programs. The Assistant Section Head is responsible routinely for the performance of the Air Quality Control Services and the Air-Rad Laboratory Services, and acts fully in the absence of the Section Head. He also provides technical assistance to the Radiation Control Services in instrumentation, special problems and emergencies.

The Radiation Control Services programs are supervised by the Radiation Control Specialist III who reports directly to the Section Head. He will specifically have responsibility for directing the licensing, inspection, and registration activities.

The Licensing and Compliance Unit will be staffed with a Nuclear Energy Licensing Supervisor and a Radiation Control Specialist II. The licensing supervisor position is vacant as of October 1, 1966, but it is expected to be filled before the effective date of the agreement. The Radiation Control Specialist III will initiate the organizational activity for this function and, if necessary, can carry the operating responsibility until the vacancy is filled. This unit will provide the routine review of applications for licenses, amendments, and renewals. Findings will be reported to the Radiation Control Specialist III who will recommend action to the Section Head as to issuance, modification, or denial. The Section Head will make the final determination with the cognizance of or in consultation with the Division Chief and the Director of Health.

The Licensing and Compliance Unit will also maintain the necessary records by which appropriate reviews can be made to determine compatability with programs of the AEC and other agreement States. It will review inspection reports in order to maintain knowledge on the status of licensee operations and provide information to the Radiation Control Specialist III in determining required corrective measures.

The Inspection and Registration unit is staffed with a Radiation Control Specialist II and a Radiation Control Specialist I. It will carry out the inspection functions for both licensed and registered radiation sources. Inspectors will handle minor items of noncompliance and review all findings including items of noncompliance with management at the time of inspection as outlined under Regulatory Procedures and Policy. It will prepare written reports of all inspections. This unit will also have responsibility for maintaining the registration records with statistical assistance from Staff Services.

The current staff and experience records are shown under STAFF.

REGULATORY PROCEDURES AND POLICY

LICENSING AND REGISTRATION

Licensing procedures and criteria will be consistent with those of the Atomic Energy Commission as provided in Part III of the State Radiation Control Regulations.

General licenses are effective by regulation without the filing of applications with the Department or the issuance of licensing documents. General licenses are issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public and occupational health and safety. Specific licenses or amendments thereto are issued upon review and approval of an application. A specific licensing document will be issued to named persons and will incorporate appropriate conditions and expiration date.

The Department, when it determines such to be appropriate, will request the advice of the Technical Advisory Board on Radiation Control, or appropriate members thereof, with respect to any matter pertaining to a license application, or to criteria for reviewing application.

A Review Committee on Medical Use of Radiation has been appointed by the Director of Health. All applications for nonroutine medical uses of radiation will be referred to the Review Committee for advice and consultation. Appropriate research protocol will be required as part of an application. The Review Committee is composed of persons having training and experience in nonroutine medical uses of radiation. It will at all times contain an appropriate representation of disciplines including, but not limited to, radiology, internal medicine, and pathology. The Department will maintain knowledge of current developments, techniques, and procedures for medical uses applicable to the licensing program through continuing contact and information exchange with the Atomic Energy Commission and other agreement States.

Specific licenses and amendments, or renewals thereto, will be issued for a period of time appropriate to the conditions of use and will be issued over the signature or in the name of the Director of Health.

Typical processing of applications for specific licenses or amendments is shown in Chart 3.

The registration program will be a continuation of the current activity except that it will be applicable only to sources of ionizing radiation other than radioactive material covered by licensing or sources which are exempt by regulation.

INSPECTION

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations, and provisions of licenses will be conducted as needed.

Inspection frequency will be based upon the extent of the hazard-potential and experience with the particular facility. It is expected that all specific licensees will be inspected at least once each 2-year period. The following frequency is anticipated:

Use of classification	*Usual inspection frequency*
Industrial radiography:	
Fixed installations	Once each 12 months.
Mobile operations	Once each 6 months.
Operations involving waste disposal.	Once each 6 months.
Board licenses — industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12–24 months.

Inspections will be made by prearrangement with the licensee or may be unannounced at reasonable times, as the Department, in its judgment, determines to be most constructive. Consultation visits will be made frequently in the early years of the licensing and compliance program in order to establish understanding and cooperation.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and, instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management level whenever possible. Following the inspections, results will be discussed with the licensee management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Department.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the section head for approval.

COMPLIANCE AND ENFORCEMENT

The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

Where there are items of noncompliance, the licensee shall be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

The terms and conditions of a license upon request by the licensee may be amended, consistent with Act or regulations, to meet changing conditions in operations or to remedy technicalities of noncompliance of a minor nature. The Department may amend, suspend, or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act, or regulations or failure to take adequate action concerning items of noncompliance. Prior to such action, the Department shall notify the licensee of its intent to amend, suspend, or revoke the license and provide the opportunity for a hearing.

The department will use its best efforts to attain compliance through cooperation and education. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, will the full legal procedures normally be employed.

Whenever the Department finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may, in accordance with the Administrative Procedures Act, without notice of hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Department, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon finding that the possessor is unable to observe or is not observing the provisions of the Act or regulations issued thereunder.

A court order directing a person to comply, or enjoining practices in violation of the Act or regulations, may be sought by the attorney general in the appropriate court upon request of the Department after notice to such person and ample opportunity to comply.

EFFECTIVE DATE OF LICENSE TRANSFER

Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued under this chapter which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license or, on the date of expiration specified in the Federal license, whichever is earlier.

ADMINISTRATIVE PROCEDURES AND JUDICIAL REVIEW

The basic standards of procedure for administrative agencies in the State of Washington are set by the Administrative Procedures Act, Chapter 34.04 RCW. Briefly stated, this act provides for:

1. Due notice to interested persons and opportunity to present data or views either orally or in writing prior to the adoption, amendment, or repeal of any rule.

2. Adoption or amendment of rules in emergency situations without observance of the normal requirements of notice and hearing, upon a finding by the Department that immediate action is necessary for the preservation of the public health, safety, or general welfare.

3. Petition to the Department requesting the promulgation, amendment, or repeal of any rule.

4. Declaratory judgment on the validity of any rule upon petition to the Superior Court of Thurston County, or declaratory ruling by the Department upon petition of any interested person with respect to the applicability of any rule or statute enforceable by the Department.

5. Right to hearing after reasonable notice in a case in which legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined.

6. Judicial review in the appropriate superior court by any person aggrieved by a final decision of the Department, and appeal to the state supreme court for review of and final judgment of the superior court.

COMPATIBILITY AND RECIPROCITY

In promulgating rules and regulations, the Department has, insofar as practicable, avoided requiring dual licensing and has provided for such recognition of other state and federal licenses.

RADIOLOGICAL EMERGENCY CAPABILITY

Currently, the Department is equipped with suitable instrumentation for monitoring in the event of an incident, or presumed incident, involving spread of contamination, undue exposure, or loss of a radiation source. Such situations have occurred and the staff has provided assistance. By mutual agreement with the Seattle-King County Health Department and Seattle Police Department, the Department staff is on call to provide assistance in that jurisdiction. Qualified persons from the University of Washington and a major industry are likewise on call. Contact communications for that area are established. This basic type of plan with refinements is anticipated throughout the State under Department coordination. In the meantime, the staff will respond in the event of any incident in the State requiring radiological assistance.

Liaison is maintained with the Richland Operations office of the AEC and reciprocal assistance is available. Emergency instrumentation from Richland Operations is maintained in the Department office for its use and is regularly taken to Richland Operations for maintenance.

Emergency communications and transportation are available through State and local authorities including police and Civil Defense. By mutual understanding with the Department of Civil Defense, reciprocal assistance and information is available. The Department is prepared to provide or assist in public information.

The Department has authority, in emergency situations, to issue necessary orders and to impound or order the impounding of radiation sources.

STAFF

EMIL C. JENSEN

CHIEF, DIVISION OF ENVIRONMENTAL HEALTH

Education and Training:
- B.S. Civil Engineering, University of Washington, 1936.
- M.S. Engineering, Harvard, 1938.
- U.S.P.H.S. Basic Radiologic Health, 1953.

Experience and Related Activities:
- Washington State Department of Health:
  - District Engineer, 1941–44.
  - Head, Sanitary Engineering Section, 1945.
  - Chief, Division of Environmental Health, 1946 to date.
- Washington State representative on the Columbia River Advisory Group since its inception in 1949. This group was formed to advise the Hanford Operations Office on matters relating to the disposition of radioactivity from the production plants at Hanford.
- Participated with AEC in inspections of authorized uses of radioactive materials in early and mid-1950's.

Other:
- President, Water Pollution Control Federation, 1957.
- Chairman, Conference of State Sanitary Engineers, 1962.
- Diplomate, American Academy of Environmental Engineers.
- Licensed Professional Engineer, Washington.

ROBERT L. STOCKMAN

HEAD, AIR QUALITY AND RADIATION CONTROL SECTION; SECRETARY, TECHNICAL ADVISORY BOARD ON RADIATION CONTROL; EXECUTIVE SECRETARY, STATE AIR POLLUTION CONTROL BOARD

Education and Training:
- B.S. Civil Engineering, Sanitary option, Oregon State University, 1941.
- U.S.P.H.S. Training Courses:
  - Radiological Health Training for Water Works Operators, 1952, Reed College.
  - Occupational Radiation Protection, 1956, University of Washington.
  - Basic Radiological Health, 1957, Taft Center.
  - Radiation Surveillance, 1959, Nevada Test Site.
  - Radionuclide Protection, 1959, Taft Center.
  - X-Ray Protection, 1959, Taft Center.
  - Numerous air pollution courses.
- AEC Orientation Course in Practices and Procedures of Licensing and Regulation, 1964–65 (in two parts), Bethesda.

Experience and Related Activity:
- Washington State Department of Health:
  - Public Health Engineer, 1941–42 (10 months).
  - District Engineer, 1946–48, 1950–56.
  - Head, air pollution and radiation control program development, including direction of statewide air pollution study, 1956–58.
  - Head, Air Quality and Radiation Control Section, 1958 to date.
  - Final responsibility for developing, organizing, and administering the section air pollution and radiation control programs—including technical and regulatory programs, budget, and personnel.
  - Represent the Department in liaison with the legislature, Office of Nuclear Energy Development, federal, state and local agencies, and professional, trade and business organizations.

ROBERT L. STOCKMAN—Continued

Experience and Related Activity—Continued

Serve for the Director, in his absence, on the Advisory Council on Nuclear Energy and Radiation.

Serve for the Division Chief, in his absence, on the Columbia River Advisory Group and serve on its technical committee.

Member Working Committee on Columbia River Studies which works with Richland Operations Office of AEC to coordinate all studies and data pertaining to radioactivity in the Columbia River environs.

Participated with AEC in inspections of licensee users of radioactive materials starting in 1957.

Other:

Commissioned Officer, U.S. Navy (R) Civil Engineer Corps—

Company Commander Seabee Battalion and Seabee Operations.

Officer Cinc Pac; to Lt.s.g., 1913–45.

Employed by Consulting Engineer in municipal utilities, 1949.

Diplomate, American Academy of Environmental Engineers.

Licensed Professional Engineer, Washington.

Currently, President-elect, Air Pollution Control Association.

PETER W. HILDEBRANDT

ASSISTANT HEAD AND TECHNICAL DIRECTOR, AIR QUALITY AND RADIATION CONTROL SECTION

Education and Training:

B.S. Civil Engineering, University of Washington, 1954.

M.S. Civil Engineering, University of Washington, 1964, with major work in air pollution and radiation.

Graduate program included Radiation Biology, 3 quarters, and Control of Radioactive Waste, 1 quarter.

U.S.P.H.S. Training Courses:

Basic Radiological Health, 1957, Portland, Oreg.

Sanitary Engineering Aspect of Nuclear Energy, 1958, University of California.

Individual Training in Use and Calibration of Radiation Counting Equipment for Surveillance Systems 1961, S.W. Radiological Health Lab.

Numerous air pollution courses.

Experience and Related Activity:

Washington State Department of Health: Public Health Engineer and Sr. Public Health Engineer, 1957–62.

Supervising Sanitary Engineer serving as Assistant Head and Technical Director, Air Quality and Radiation Control Section, 1962 to date.

Conducted a major part of the 1959 occupational exposure study in dental X-ray.

Responsible for the performance of technical programs in air pollution and environmental radiation surveillance.

Designed and supervises the radiation surveillance systems, including counting facilities.

Assists the Section Head in overall planning, administration, and liaison functions. Acts fully as Section Head in his absence and represents him as requested.

Member, Working Committee on Columbia River Studies which works with Richland Operations Office of AEC to coordinate all studies and data pertaining to radioactivity in the Columbia River environs.

Participated with AEC in inspections of licensed users of radioactive material, 1957–60.

PETER W. HILDEBRANDT—Continued

Experience and Related Activity—Continued

Other:

Consultant to U.S. Public Health Service, Southwest Radiological Health Laboratory, in development and performance of altitude and ground-level environmental radiation sampling techniques (4 months total), 1962–65.

U.S. Air Force Reserves, 1954–62.

Active Duty, Pilot and Flight Line Maintenance Officer, Armament and Electronics Training; to Captain, 1954–57.

U.S. Public Health Service Reserve, 1962 to date.

Licensed Professional Engineer, Washington.

ARNOLD J. MOEN

RADIATION CONTROL SPECIALIST III, SUPERVISOR, RADIATION CONTROL SERVICES

Education and Training:

B.S. Electrical Engineering, University of Idaho, 1935.

One Full Academic year, Radiological Health Major in Graduate School of Public Health, University of Michigan, 1961–62.

U.S.P.H.S. Training Courses:

Occupational Radiation Protection, University of Washington, 1956.

Radiation Protection Aspects of Tuberculosis Case Finding, Taft Center, 1958.

Environmental Radiation Sampling and Analysis, Reed College, 1959.

Management of Radiation Accidents, Las Vegas, 1965.

AEC Orientation Course in Practices and Procedures of Licensing and Regulation, Bethesda, 1964.

Civil Defense Courses:

Medical Aspects of the Atomic Bomb, 1950.

Elements of Civil Defense and Defense Mobilization, 1959.

Radiological Monitoring for Instructors, 1960.

Radiological Defense Officers, 1960.

Medical Self-Help, 1965.

Experience and Related Activity:

Washington State Department of Health: X-Ray Engineer, Tuberculosis Control Section, 1946–60.

Radiation protection surveys and consultation on technique for all installations participating in chest X-ray program.

Consultation and plan review service for radiation protection in hospital and clinic design.

Radiation Safety Officer for Department—Civil Defense responsibility.

Radiation Control Specialist III, Air Quality and Radiation Control Section, 1960 to date. Performance and supervision of radiation protection survey programs in healing arts and industry, dental X-ray Sur-Pak Program, radiation source registration program, and emergency service. Assists Section Head in program planning, development of regulations and represents him as requested in liaison and administrative functions.

Provides instruction for local health personnel in Civil Defense radiological monitoring. Organizes and instructs in summer training program for graduate students in radiological health at the University of Washington. Reviews all plans for radiological facilities in hospital design under Department hospital licensing and Hill-Harris programs. Responsible for inspection of radiological facilities under Medicare certification program.

ARNOLD J. MOEN—Continued

Experience and Related Activity—Continued

Currently, primarily Section participant with AEC in inspection of licensed users of radioactive materials.

Other:

Washington Water Power Consulting and Research Division, 1943–44.

Milwaukee Road high voltage transmission engineering, 1944–45.

ARRT Firland Sanatorium, Seattle, following hospitalization, 1946.

Past president local and State societies Northwest Conference of Radiological Technologists. Currently Vice-President NWCRT.

CLIFFORD G. LEWIS

RADIATION CONTROL SPECIALIST II, LICENSING AND COMPLIANCE UNIT

Education and Training:

B.S. Technology, The University of Manchester (England) 1931, 5-year curriculum including Mathematics and Physics equivalent for engineering degree and chemistry for American General Science degree.

Experience and Related Activities:

Christie Hospital and Holt Radium Institute, Manchester, England, 1933–48; Radium curator responsible for custody, care and manipulation of radium stocks, operation of radon plant, supervision of appropriate technical terms, and maintenance of all records relevant to these operations in Britain's largest radiation therapy center.

M.D. Anderson Hospital and Tumor Institute, Houston, Texas, 1948–53:

Radium curator and X-ray technician.

Responsible for radium, procurement of isotopes, assisted in dosimetric problems, operated X-ray equipment and conducted superficial X-ray therapy.

Tumor Institute of the Swedish Hospital, Seattle, 1953–66:

Assistant and acting health physicist.

Responsible for radium, isotope manipulations, calibration of X-ray machines, maintenance of records, dosimetry, safety surveys and direction of technicians.

As acting health physicist served as Radiation Safety Officer for the Radioisotope Committee of the Swedish Hospital complex operating under AEC license.

Washington State Department of Health starting September 1966: AEC Orientation Course in Practices and Procedures of Licensing and Regulation, Bethesda, 1966.

GROVER E. NELSON

RADIATION CONTROL SPECIALIST II, INSPECTION AND REGISTRATION UNIT

Education and Training:

B.A. Economics and Business, University of Washington, 1941.

B.S. Chemistry, Seattle University, 1952.

Creighton School of Medicine, 1953–56.

Basic Radiological Health Taft Center, 1961.

Experience and Related Activity:

Washington State Department of Health, 1964 to date:

Conduct of radiation protection surveys in X-ray installations, including industrial, dental, medical and other healing arts. Participates in the radiation source registration program and summer instruction and field training for University of Washington graduate program in radiological health.

Assists in inspection of radiological facilities for Medicare certification program.

GROVER E. NELSON—Continued

Experience and Related Activity—Continued

Participates with AEC in inspection of licensed users of radioactive materials.

Other:

The Boeing Co., Seattle, Wash.:

Quality Control Chemist (1 year), 1953–53.

Industrial Hygiene Chemist (2 years), 1956–60.

Industrial Hygiene Radiation Control (2 years), 1962–63.

Semiannual certification of multicurie cobalt and iridium facilities and X-ray installation for shielding, warning and interlock systems, system controls, posting and film badge program. Regular survey and monitoring of laboratories, radiography, waste packaging and source fabrication facilities, field disposal, semiannual leak test of sealed sources. Survey instrument calibration. Inventory and monitor isotope receival.

CHARLES E. MCJILTON

RADIATION CONTROL SPECIALIST I, INSPECTION AND REGISTRATION UNIT

Education and Training:

Wisconsin State College, 1948–50, 103 credit hours biology, chemistry.

St. John's University, Minnesota, 1950–51, 40 credit hours chemistry, philosophy.

B.A. Philosophy, Carroll College, Montana, 1956–58.

B.S. Physical Science and Mathematics, University of Minnesota, 1962.

M.S. Environmental Health with Radiological Health major, University of Minnesota, 1965.

AEC Summer Fellowship in applied radiation protection. National Reactor Testing Station, Idaho Falls, 1965.

Experience and Related Activities:

Secondary Science Teacher, Dixon High School, Montana, 1962–64.

Field representative, University of Idaho Extension Service, teaching radiological monitoring and radiological defense, 1 year, 1965–66.

Washington State Department of Health: Radiation Control Specialist I, starting October 1966.

[F.R. Doc. 66–11254; Filed, Oct. 13, 1966; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

SOCIETY CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956, by Society Corp., which is a bank holding company located in Cleveland, Ohio, for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of The First National Bank of Ashland, Ashland, Ohio.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 25th day of October 1966.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON, *Assistant Secretary.*

[F.R. Doc. 66–11818; Filed, Oct. 27, 1966; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW DRUGS

Notice of Approvals of Applications

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33), notice is given of the following new drugs for which applications, or supplemental applications for substantive labeling changes, have been approved on the dates specified:

DRUGS FOR HUMAN USE

Active ingredients (as declared on label)	Trade name or other designated name and dosage form	Principal indication or pharmacological category	Applicant	Date approved	How dispensed [1]
Meprobamate, 200 and 400 mg.	Pas-Cile 200 and Pas-Cile 400 (tablet).	Tranquilizer	Schlicksup Drug Co., Inc.	June 23, 1966	Rx
Epinephrine bitartrate	Medihaler-Epi (inhalant).	Bronchodilator	Riker Laboratories.	June 27, 1966 [2]	OTC
Lyophilized urea, 90 gm., to be reconstituted with 310 cc. of 10% invert sugar.	Urevert (intravenous solution).	To reduce intracranial pressure.	Baxter Laboratories.	do. [3]	Rx
Anticoagulant acid citrate dextrose solution in plastic containers.	Blood Pack (disposable plastic blood collection unit).	Unit for storage of whole blood.	do	June 29, 1966 [2]	Rx
Chlordiazepoxide hydrochloride, 5, 10, and 25 mg.	Librium (capsule)	Tranquilizer	Hoffmann-La Roche, Inc.	July 1, 1966 [2]	Rx
Furosemide, 40 mg.	Lasix (tablet)	Diuretic agent	Hoechst Pharmaceuticals, Inc.	July 1, 1966	Rx
Pipobroman, 10 and 25 mg.	Vercyte (tablet)	Antineoplastic agent.	Abbott Laboratories.	do	Rx
Sulfametin, 500 mg.	Sulla (tablet)	Long-acting sulfonamide for genitourinary tract infections.	A. H. Robins Co., Inc.	do	Rx
Meprobamate, 400 mg. per 5-cc. ampule.	Miltown Intramuscular (intramuscular injection).	Adjunct in the treatment of tetanus.	Wallace Laboratories, division of Carter-Wallace, Inc.	July 14, 1966 [2]	Rx
Acetoheramide, 250 and 500 mg.	Dymelor (tablet)	Hypoglycemic agent.	Eli Lilly & Co.	July 18, 1966 [2]	Rx
Chlordiazepoxide, 5, 5, and 10 mg.; water-soluble conjugated estrogens (expressed as sodium estrone sulfate), .3, .4, and .4 mg., respectively.	Menrium (tablet)	Tranquilizer-estrogen combinations for management of menopausal syndrome.	Hoffmann-La Roche, Inc.	July 28, 1966	Rx
Hydroxyzine hydrochloride; 25 and 50 mg. per cc., 1 cc. per unit, and 100 mg. per 2 cc., 2 cc. per unit; 25 and 50 mg. per cc. in 10-cc. vials.	Vistaril, Atarax (parenteral).	Tranquilizer	Chas. Pfizer & Co., Inc.	Aug. 2, 1966 [2]	Rx
Zinc pyrithione (zinc 2-pyridinethiol-1-oxide).	ZP-11 Antidandruff Hairdressing (cream).	Antidandruff hairdressing.	Revlon, Inc.	Aug. 2, 1966	OTC
Hydroxyzine hydrochloride 10 mg. per teaspoon (5 cc.).	Atarax (syrup)	Tranquilizer	Chas. Pfizer & Co., Inc.	Aug. 5, 1966 [2]	Rx
Hydroxyzine pamoate equivalent to hydroxyzine hydrochloride, 25 mg. per 5 cc.	Vistaril (oral suspension).	do	do	do. [3]	Rx

See footnotes at end of table.

DRUGS FOR HUMAN USE—Continued

Active ingredients (as declared on label)	Trade name or other designated name and dosage form	Principal indication or pharmacological category	Applicant	Date approved	How dispensed [1]
Hydroxyzine pamoate equivalent to hydroxyzine hydrochloride, 25, 50, and 100 mg. per capsule.	Vistaril (capsule)	do	do	do [2]	Rx
Betamethasone, 0.4%	Celestone Aerosol (aerosol spray).	Anti-inflammatory corticosteroid.	Schering Corp.	Aug. 18, 1966	Rx
Hydroxyzine hydrochloride, 10, 25, 50, and 100 mg.	Atarax (tablet)	Tranquilizer	Chas. Pfizer & Co., Inc.	Aug. 18, 1966 [2]	Rx
Allopurinol, 100 mg.	Zyloprim (tablet)	Antihyperuricemic agent.	Burroughs Wellcome & Co. (U.S.A.), Inc.	Aug. 19, 1966	Rx
Diazepam, 5 mg. per cc.	Valium Injectable (injection).	Tranquilizer; muscle relaxant in cerebral palsy and athetosis.	Hoffman-La Roche, Inc.	Aug. 24, 1966	Rx
Pyrimethamine, 25 mg.	Daraprim (tablet)	Antimalarial; treatment of ocular toxoplasmosis.	Burroughs Wellcome & Co. (U.S.A.), Inc.	do [2]	Rx
Codeine sulfate, 1 gr.; bromodiphenhydramine hydrochloride, 24 mg.; diphenhydramine hydrochloride, 56 mg.; ammonium chloride, 8 gr.; and potassium guaiacol sulfonate, 8 gr., per fluid ounce.	Ambenyl Expectorant (solution).	Expectorant	Parke, Davis & Co.	Aug. 25, 1966 [2]	Rx

[1] The abbreviation "Rx" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.
[2] Supplemental application, labeling change.

Correction. In the notice of approvals published in the FEDERAL REGISTER of April 30, 1964 (29 F.R. 5769), the class of compound "Vitamin; antibacterial" for the drug PAS–C (Pascorbic) should have read "Antituberculosis agent."

Dated: October 19, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66–11637; Filed, Oct. 27, 1966; 8:45 a.m.]

ABRIL INDUSTRIAL WAXES LTD.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2106) has been filed by Abril Industrial Waxes Ltd., Queens Road, Industrial Estate, Bridgend, Glamorgan, England, proposing an amendment to § 121.2507 *Cellophane* to provide for the safe use of stearamido-ethyl stearate as a component of vinylidene chloride coatings on cellophane for food-contact use.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66–11763; Filed, Oct. 27, 1966; 8:47 a.m.]

GENERAL ELECTRIC CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2112) has been filed by General Electric Co., 1 Plastics Avenue, Pittsfield, Mass. 01201, proposing the issuance of a regulation to provide for the safe use of polyphenylene oxide resins as components of articles for food-contact use.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66–11764; Filed, Oct. 27, 1966; 8:47 a.m.]

W. R. GRACE & CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2107) has been filed by W. R. Grace & Co., Dewey & Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, proposing an amendment to § 121.2550 *Closures with sealing gaskets for food containers* to provide for the safe use of diisodecylphthalate as an optional component of closure-sealing compounds for food containers.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66–11765; Filed, Oct. 27, 1966; 8:47 a.m.]

ROHM & HAAS CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2102) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing an amendment to § 121.2520 *Adhesives* to provide for the safe use of the sodium salt of sulfonated octadecylene and 1,3-butylene glycol dimethacrylate as optional components of food-packaging adhesives.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66–11766; Filed, Oct. 27, 1966; 8:47 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petitions Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that petitions (PP 7F0537, 7F0538) have been filed by Union Carbide Corp., Agricultural Products, Post Office Box 8361, South Charleston, W. Va. 25303, proposing the establishment of a tolerance of 0.5 part per million for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate), including its hydrolysis product 1-naphthol (calculated as 1-naphthyl *N*-methylcarbamate), in or on the raw agricultural commodities eggs, potatoes, and sweetpotatoes.

The analytical method proposed in the petitions for determining residues of the insecticide is a colorimetric determination using p-nitrobenzenediazonium fluoroborate as the reagent. This is accomplished after the residues have been separated from the crop by means of extraction, vacuum distillation, and precipitation.

Dated: October 20, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66–11767; Filed, Oct. 27, 1966; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15356 etc.]

NORTHEAST-BAHAMAS SERVICE CASE

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing, heretofore assigned in the above-entitled proceeding for November 14, 1966, is hereby postponed and reassigned for November 28, 1966, at 10 a.m., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

Dated at Washington, D.C., October 24, 1966.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 66–11754; Filed, Oct. 27, 1966; 8:46 a.m.]

FOREIGN AND OVERSEAS INCLUSIVE TOUR CHARTERS

Applications To Be Accepted for Statements of Authorization

OCTOBER 25, 1966.

On September 30, 1966, Board decisions were issued in the foreign and overseas phase of the Supplemental Air Service Proceeding, Docket 13795, etc.,[1] and in the Reopened Transatlantic Charter Investigation (All-Expense Tour Phase), Docket 11908 etc.,[2] granting authority, effective November 26, 1966, to supplemental air carriers to engage in foreign and overseas inclusive tour charters in conjunction with tour operators. Concurrently therewith, the Board amended Part 378 of the Board's Special Regulations to expand its coverage to inclusive tours in foreign and overseas air transportation, also effective November 26, 1966.[3]

Under Part 378, as a condition to the advertisement, solicitation, or operation of any inclusive tour charter, a statement of authorization issued by the Board must be in effect for the particular tour or tours involved.[4] Subsequent to the issuance of the above decisions, the Board has received a number of inquiries from interested persons as to whether the Board will accept, prior to November 26, 1966, applications for statements of authorization to engage in foreign and overseas inclusive tour charters filed pursuant to Part 378. In response thereto, and in order to remove any uncertainty which might exist in this area, the Board hereby gives notice that it will accept and process the aforesaid applications, effective immediately.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66–11755; Filed, Oct. 27, 1966; 8:46 a.m.]

[1] Orders E–24237, E–24238, and E–24239.
[2] Orders E–24240 and E–24241.
[3] Reg. No. SPR–16.
[4] Sec. 378.10 provides that no tour or series of tours "shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there shall be in effect a statement of authorization issued by the Board authorizing the specific tour or series of tours"; in addition, sec. 378.11 provides that "[a]pplications for a statement of authorization shall be filed with the Civil Aeronautics Board (Director, Bureau of Operating Rights) jointly by the supplemental air carrier and the prospective tour operator at least 90 days in advance of the date of commencement of the proposed tour or series of tours."

CIVIL SERVICE COMMISSION

ADMINISTRATIVE MANAGEMENT ADVISER

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective October 19, 1966, that there is a manpower shortage for the positions of Administrative Management Adviser (ADP-Public Welfare), GS–301–13, Department of Health, Education, and Welfare, Washington, D.C.

Appointees to these positions may be paid for the expenses of travel and transportation to their first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–11771; Filed, Oct. 27, 1966; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 66–923]

RADIO AND TV STATIONS

Statements of Proposed Commercial Practices

OCTOBER 24, 1966.

As part of the Commission's overall review of aplications for renewal of licenses of commercial radio and television stations, it has heretofore been considering representations as to commercial practices made in response to the inquiries contained in section IV of Form 303 as it has been in effect during prior years. The Commission has recently amended this section so that the representations and data now sought are stated in terms of minutes of commercial matter rather than the number and length of commercial announcements. The Commission believes it would be more fair and efficient to base its review of a licensee's performance on the factors and data included in the new program forms as quickly as possible, without waiting for all licensees to file renewal applications on the new forms in the normal course of business.

Accordingly, the Commission hereby requests all commercial television and radio (AM and FM) stations, without exception, to file with the Commission prior to January 1, 1967, a statement of their proposed commercial practices in accordance with the requirements of the recently adopted program forms. The applicable items to which response is sought are set forth in Appendix A below.

All statements filed in response to this public notice will be considered as amendments to licensees' most recent applications for license or license renewal. Any evaluation of commercial practices will be made on the basis of the representations contained in the response to this public notice.

Appendix A requires, in addition to a statement as to proposed commercial practices, a statement, where appropriate, as to the basis on which a licensee has concluded that a maximum amount of commercial matter in excess of 18 minutes per hour for radio (AM or FM) or 16 minutes per hour for television (rounded to the nearest minute) as a normal practice would be consonant with the needs and interests of the community which licensee serves. These limits are in general accord with those accepted by the industry generally as appropriate, as expressed in codes adopted by the National Association of Broadcasters. The Commission gives great weight to such industry judgment, without denying the right of each broadcaster to make his own different judgment on any reasonable basis in terms of his particular situation.

Licensees are cautioned that responses to Appendix A should not be in terms of vague generalities or references to industry codes, but should be as precise as possible. If in response to Question B below the licensee proposes to exceed his normal limits other than in special and limited situations, then a question may arise as to whether the proposal is in fact an established norm. By this action the Commission does not imply or seek to impose any particular requirement or limitation on the commercial practices of licensees, but does seek a full, specific, and responsive statement as to licensee's commercial practices.

Adopted: October 12, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Appendix A

INQUIRY CONCERNING PROPOSED COMMERCIAL PRACTICES OF COMMERCIAL BROADCASTING STATIONS

Name of licensee _____
Call letters of station _____
City and State which station is licensed to serve _____

A. State the maximum amount of commercial matter in any 60-minute segment which licensee proposes normally to allow _____

B. If licensee proposes to permit this amount to be exceeded at times, state under what circumstances and how often this is expected to occur, and the limits that would then apply.

C. If licensee proposes a normal hourly maximum in excess of 18 minutes for radio (AM or FM) or 16 minutes for television (rounded to the nearest minute) state the basis on which licensee concluded that such proposed commercial practices will be consonant with the needs and interests of the community which licensee serves.

Dated _____

_____
(Name of licensee)

By: _____
(Signature)

_____
(Name (printed))

_____
(Title)

NOTE: If space is insufficient use additional sheets and attach to this sheet. This statement will be considered an amendment to

the most recent application for a license or renewal.

[F.R. Doc. 66-11757; Filed, Oct. 27, 1966; 8:46 a.m.]

[Docket No. 16943; FCC 66M-1429]

ASSOCIATED BELL SYSTEM COMPANIES

Order Scheduling Hearing

In the matter of The Associated Bell System Companies, Docket No. 16943; tariffs for channel service for use by community antenna television system.

It is ordered, This 21st day of October 1966, that Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the initial prehearing conference herein shall be convened on November 9, 1966; that the formal hearing is scheduled to commence on December 19, 1966; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11758; Filed, Oct. 27, 1966; 8:47 a.m.]

[Docket No. 16942; FCC 66M-1430]

MESSAGE TOLL TELEPHONE SERVICE

Order Scheduling Hearing

In the matter of use of the carterphone device in message toll telephone service; Docket No. 16942.

It is ordered, This 21st day of October 1966, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 28, 1966, at 10 a.m.; and that a prehearing conference shall be held on November 9, 1966, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11759; Filed, Oct. 27, 1966; 8:47 a.m.]

[Docket Nos. 16824, 16825; FCC 66M-1437]

FOX RIVER BROADCASTING CO. AND RADIO OSHKOSH, INC.

Order Continuing Hearing

In re applications of Sterling H. Saunders and Stanley H. Krinsky, doing business as The Fox River Broadcasting Co., Oshkosh, Wis., Docket No. 16824, File No. BP-15129; Radio Oshkosh, Inc., Oshkosh, Wis., Docket No. 16825, File No. BP-15805; for construction permits.

Upon written "Petition For Continuance Of Pre-Hearing Date" filed in this matter by The Fox River Broadcasting Co. on October 21, 1966,

It is ordered, This 24th day of October 1966, that the aforesaid petition is granted and, accordingly, the prehearing conference now scheduled for October 25, 1966, is rescheduled to commence at 9 a.m., November 15, 1966, in the Commission's offices in Washington, D.C., and the hearing now scheduled for November 15, 1966, is postponed to a date to be determined at the aforementioned prehearing conference.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11760; Filed, Oct. 27, 1966; 8:47 a.m.]

[Docket Nos. 16944, 16945; FCC 66M-1434]

PRAIRIELAND BROADCASTERS AND RICHARD P. LAMOREAUX

Order Scheduling Hearing

In re applications of Stephen P. Bellinger, Joel W. Townsend, Ben H. Townsend, Morris E. Kemper, and James A. Mudd, doing business as Prairieland Broadcasters, Monmouth, Ill., Docket No. 16944, File No. BPH-5296; Richard P. Lamoreaux, Monmouth, Ill., Docket No. 16945, File No. BPH-5441; for construction permits.

It is ordered, This 21st day of October 1966, that Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 5, 1966, at 10 a.m.; and that a prehearing conference shall be held on November 9, 1966, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 24, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11761; Filed, Oct. 27, 1966; 8:47 a.m.]

[Docket No. 16785; FCC 66M-1440]

RICE CAPITAL BROADCASTING CO.

Order Continuing Hearing

In re application of Barton W. Freeland, Sr., L. O. Fremaux, and Edmond M. Keim doing business as Rice Capital Broadcasting Co., Crowley, La., Docket No. 16785, File No. BP-15130; for construction permit.

In order to avoid a possible conflict with a prehearing conference in Docket No. 16070 which is scheduled to commence at 9 a.m., November 29, 1966,

It is ordered, This 24th day of October 1966, on the Hearing Examiner's own motion, that the hearing in the above-entitled matter now scheduled for 10 a.m. on November 29, 1966, is rescheduled to commence at 11 a.m., November 29, 1966, in the Commission's offices, Washington, D.C.

Released: October 25, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-11762; Filed, Oct. 27, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4424]

IROQUOIS GAS CORP.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

OCTOBER 24, 1966.

Notice is hereby given that Iroquois Gas Corp. ("Iroquois"), 10 Lafayette Square, Buffalo, N.Y. 14203, a gas utility subsidiary company of National Fuel Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6 thereof as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Iroquois proposes to issue and sell during November and December 1966 its unsecured promissory notes to the banks named below in an aggregate amount not to exceed $2,500,000. The notes will mature not more than 9 months from the date of issuance and will bear interest at a rate equal to the prime rate (presently 6 percent) in effect at The Chase Manhattan Bank, New York, on the date of issuance. The borrowings will be made from three Buffalo, New York banks in the following proportions: Marine Midland Trust Co. of Western New York, 47 percent; Manufacturers & Traders Trust Co., 45 percent; Liberty National Bank & Trust Co., 8 percent.

It is stated that Iroquois presently has $5 million of short-term bank notes outstanding which were issued pursuant to the 5 percent exemptive provision of the first sentence of section 6(b) of the Act; that of the $2,500,000 of notes presently proposed to be issued only the first $500,230 will be so exempt; and that any such notes issued in excess of $500,230 requires the authorization of this Commission. Upon the issue and sale of the proposed $2,500,000 of short-term notes, the aggregate amount of such notes then outstanding will be equal to approximately 6.8 percent of the principal amount and par value of the other outstanding securities of Iroquois.

It is stated that the proceeds of the proposed notes are to be applied by Iroquois toward plant construction. It is also stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated by the company at $300.

Notice is further given that any interested person may, not later than November 14, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11738; Filed, Oct. 27, 1966; 8:45 a.m.]

[File No. 70-4423]

NEW ENGLAND POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

OCTOBER 24, 1966.

Notice is hereby given that New England Power Co. ("NEPCO"), 441 Stuart Street, Boston, Mass. 02116, an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rules 42(b)(2) and 50 as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

NEPCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $10 million principal amount of First Mortgage Bonds, Series L, _____ percent due December 1, 1996. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under an Indenture of Trust and First Mortgage dated November 15, 1936, between NEPCO and New England Merchants National Bank of Boston (successor to New England Trust Co.), Trustee, as heretofore supplemented and as to be further supplemented by an 11th Supplemental Indenture to be dated December 1, 1966.

The net proceeds from the sale will be applied to the payment of NEPCO's short-term notes evidencing borrowings made to pay for capitalizable expenditures or to reimburse the treasury therefor. Such notes are expected to be outstanding in the amount of $16 million at the time of the proposed issuance and sale of the bonds.

The fees and expenses to be paid in connection with the proposed transactions are estimated at $75,000, including $34,000 for legal, accounting and other services to be rendered at cost by the system service company. The fees and expenses of independent counsel for the underwriters, to be paid by the successful bidders, are to be supplied by amendment.

The filing states that the Massachusetts Department of Public Utilities, the New Hampshire Public Utilities Commission, and the Vermont Public Service Board have jurisdiction over the proposed issuance and sale of bonds and no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 16, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11739; Filed, Oct. 27, 1966; 8:45 a.m.]

[File No. 70-3945]

SOUTHERN ELECTRIC GENERATING CO., ET AL.

Supplemental Notice Proposing Additional Reduction of Par Value of Common Stock

OCTOBER 24, 1966.

Notice is hereby given that Alabama Power Co. ("Alabama") 600 North 18th Street, Birmingham, Ala. 35203, and Georgia Power Co. ("Georgia"), 270 Peachtree Street NW., Atlanta, Ga. 30303, public-utility subsidiary companies of The Southern Co., a registered holding company, and Southern Electric Generating Co. ("SEGCO"), 600 North 18th Street, Birmingham, Ala. 35203, a public-utility subsidiary company of Alabama and Georgia, have filed with this Commission a supplemental declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act"). All interested persons are referred to the said supplemental declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated April 25, 1961 (Holding Company Act Release No. 14417), this Commission authorized SEGCO to reacquire limited amounts of its common stock from Alabama and Georgia, commencing in 1967. To create capital surplus against which to charge the resultant decrease in capital, there was also authorized a reduction of the par value of the outstanding common stock from $100 to $4.50 per share. To date, the par value has not been reduced, and SEGCO now proposes to reduce the same, prior to January 1, 1967, to $1 per share, instead of $4.50 as heretofore authorized. It is stated that such further reduction in the par value will enable SEGCO to effectuate substantial savings in state taxes. In all other respects, the transactions as heretofore authorized will remain unchanged.

Notice is further given that any interested person may, not later than November 9, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said supplemental declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as supplemented, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption

from such rules as provided in Rules 20(a) and 100 thereof or take such action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11740; Filed, Oct. 27, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 25, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40760—*Class and commodity rates from and to South Columbus, Ga.* Filed by O. W. South, Jr., agent (No. A4955), for interested rail carriers. Rates on property moving on class and commodity rates, between South Columbus, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 40761—*Class and commodity rates from and to Salem, S.C.* Filed by O. W. South, Jr., agent (No. A4956), for interested rail carriers. Rates on property moving on class and commodity rates, between Salem, S.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 40762—*Substituted service—Camas Prairie RR., et al., for Asbury Transportation Co., et al.* Filed by William M. Larimore, agent (No. 6), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flatcars, between specified interchange points west of the Mississippi River, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motortruck competition.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11750; Filed, Oct. 27, 1966; 8:46 a.m.]

[Notice 276]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 25, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67, (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 97357 (Sub-No. 17 TA), filed October 20, 1966. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, Calif. 90059. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen and liquid nitrogen*, in bulk, in specially designed trailer equipment, from Santa Susana, Calif., to Cape Kennedy, Patrick Air Force Base, Fla., for 150 days. Supporting shipper: The Department of Defense, Washington, D.C. 20423. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 97357 (Sub-No. 18 TA), filed October 20, 1966. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, Calif. 90059. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen and liquid nitrogen*, in bulk, in specially designed trailer equipment between New Orleans, Lake Charles, and Baton Rouge, La., and Huntsville, Ala., on the one hand, and, on the other, Patrick Air Force Base, Cape Kennedy, Fla., for 150 days. Supporting shipper: The Department of Defense, Washington, D.C. 20423. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 115931 (Sub-No. 18 TA), filed October 20, 1966. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Box 1961, Billings, Mont. 59101. Applicant's representative: Stockton, Lewis & Mitchell, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Lake, Lincoln, Mineral, and Sanders Counties, Mont., to points in Illinois, Indiana, Iowa, Minnesota, Ohio, South Dakota, and Wisconsin; and from points in Flathead, Granite, Missoula, and Ravalli Counties, Mont., to points in Indiana and Ohio, for 180 days. Supporting shippers: St. Regis Paper Co., Libby, Mont. 59923, Plum Creek Lumber Co., Columbia Falls, Mont. 59912, Forest Products Co., Post Office Box 1039, Kalispell, Mont. 59901, Intermountain Lumber Co., Post Office Box 1347, Missoula, Mont. 59801, C & C Plywood Corp., Route 1 Sunset Drive, Kalispell, Mont. 59901, Diamond National Corp., Post Office Box 548, Superior, Mont. 59872, Bitteroot Timber Industries, Inc., Post Office Box 395, Darby, Mont. 59829, Broeder Brothers Lumber Co., Route 4, Kalispell, Mont. 59901, Diehl Lumber Co., Inc., Plains, Mont. 59859, General Construction Co., Post Office Box 2427, Great Falls, Mont. 59401. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 117815 (Sub-No. 115 TA), filed October 21, 1966. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50316. Applicant's representative: John P. Burroughs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches, wooden or paper*, when in combined shipments with "canned foodstuffs", with the weight of the matches not to exceed twenty-five percent (25%) of the total weight of the shipment, from the plantsites and storage facilities utilized by Hunt Foods and Industries, Inc., located at Northlake and Chicago, Ill., to points in Iowa. Restricted to shipments originating at the plantsites and storage facilities utilized by Hunt Foods and Industries, Inc., at Northlake and Chicago, Ill., and destined to points in Iowa, for 180 days. Supporting shipper: Hunt Foods and Industries, Inc., 1645 West Valencia Drive, Fullerton, Calif. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 119777 (Sub-No. 71 TA), filed October 20, 1966. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer 31, U.S. Highway 41 South, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, Suite 202-204 Court Square Office Building, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard*, from the plantsite of Superwood of Arkansas, in Pulaski County, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Texas, for 180 days. Supporting shipper: Mr. Glenn Bennewise, Traffic Manager, Superwood of Arkansas, Post Office Box 3095, North Little Rock, Ark. 72117. Send protests to: Wayne L. Merliatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 126256 (Sub-No. 3 TA), filed October 20, 1966. Applicant: ARLAN KIRK, Spencer, Nebr. 68777. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, from Rapid City, S. Dak., to O'Neill, Nebr., for 180 days. Supporting shipper: Fuller & Son, O'Neill, Nebr. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 126474 (Sub-No. 2 TA), filed October 21, 1966. Applicant: C. M. CARPENTER, doing business as CARPENTER TRUCKING CO., Annville, Ky. 40402. Applicant's representative: Fred F. Bradley, 202-204 Court Square Office Building, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, limestone, gravel, aggregate, and agricultural lime*, from the site of Smith's Branch Stone Co., Inc., U.S. 60, Carter County, Ky., to points in Lawrence, Scioto, and Gallia Counties, Ohio, and Cabell, Putnam, Wayne, Lincoln, and Kanawha Counties, W. Va., for 180 days. Supporting shipper: G. C. Fluty Jr., Secretary-Treasurer, Smith's Branch Stone Co., Inc., Grayson, Ky. 41143. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 207 Exchange Building, 147 North Upper Street, Lexington, Ky. 40507.

No. MC 115992 (Sub-No. 3 TA), filed October 21, 1966. Applicant: L. M. PEPPER, doing business as, Pep's Kerosene Service, 2300 Tidelands Avenue, National City, Calif. 92050. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Magnesium chloride*, in bulk, in tank trucks, from Chula Vista, Calif., to the port of entry on the international boundary between the United States and Mexico at or near Calexico, Calif., destined to Baja, California, Mexico, from Chula Vista over U.S. Highway 80 to Mountain Springs, Calif., and thence over California Highway 98 to the port of entry at or near Calexico, serving no intermediate points, for 180 days. Supporting shipper: FMC Corp., Inorganic Chemicals Division, 2121 Yates Avenue, Los Angeles, Calif. 90022. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 111981 (Sub-No. 15 TA), filed October 21, 1966. Applicant: ROBIDEAU'S EXPRESS, INC., 460 Oregon Avenue, Philadelphia, Pa. 19148. Applicant's representative: Vincent D'Anella (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk and milk products and fruit juices*, in containers, from Riverside, N.J., to points in Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill and York Counties, Pa., and New Castle County, Del., for 180 days. Supporting shipper: Hernig Milk Co., Inc., 3175 John F. Kennedy Boulevard, Philadelphia, Pa. 19104. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 128630 (Sub-No. 2 TA), filed October 21, 1966. Applicant: COMMODITY CARRIERS, INC., 700 Denargo Market, Denver, Colo. Applicant's representative: Euvell Oldham, 700 Denargo Market, Denver, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, frozen foods, and bakery goods* (frozen and not frozen), from Denver and Colorado Springs, Colo., to points in Kansas, Missouri, and Indiana, for 180 days. Supporting shipper: Johnson Food Co., 201 Lee Street, Colorado Springs, Colo., Colorado Pizza Co., 2143 Court Place, Denver, Colo. 80205. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Office Building, Denver, Colo. 80202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11751; Filed, Oct. 27, 1966; 8:46 a.m.]

[Notice 1433]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 25, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69182. By order of October 13, 1966, Division 3, acting as an Appellate Division, Approved the transfer to Raymond B. Long, Inc., of Tylersport, Pa., of a portion of the operating rights in certificate No. MC-109973, issued November 24, 1964, to Michael Sadowski, doing business as Michael Sadowski Trucking, of Morrisville, Pa., authorizing the transportation of: Building and road construction materials in bulk, between points in Bucks County, Pa., on the one hand, and, on the other, points in New Jersey within 35 miles of Bristol, Pa. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11752; Filed, Oct. 27, 1966; 8:46 a.m.]

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Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Initial Apportionment of Food Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1967

Pursuant to section 11 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1967, are apportioned among the States as follows:

State	Initial apportionment	State agency	Withheld for private schools
Alabama	$55,315	$54,209	$1,106
Alaska	6,975	6,975	
Arizona	22,680	19,064	3,615
Arkansas	53,985	52,383	1,602
California	39,142	39,142	
Colorado	11,062	9,229	1,833
Connecticut	4,130	4,130	
Delaware	802	786	16
District of Columbia	15,204	15,204	
Florida	93,053	90,934	2,129
Georgia	113,745	112,745	
Guam	166	94	72
Hawaii	5,804	3,183	2,621
Idaho	2,058	1,852	206
Illinois	18,543	18,543	
Indiana	14,649	14,649	
Iowa	13,084	9,354	3,730
Kansas	6,908	6,908	
Kentucky	79,363	79,363	
Louisiana	128,267	128,267	
Maine	10,210	7,612	2,598
Maryland	10,985	8,182	2,803
Massachusetts	22,428	22,428	
Michigan	25,054	19,545	5,510
Minnesota	16,626	12,351	4,275
Mississippi	51,459	51,459	
Missouri	24,075	24,075	
Montana	7,118	5,647	1,471
Nebraska	9,985	8,963	2,022
Nevada	1,320	1,308	12
New Hampshire	3,589	3,589	
New Jersey	12,895	6,554	6,341
New Mexico	25,473	25,473	
New York	356,750	356,750	
North Carolina	98,946	98,946	
North Dakota	5,391	3,758	1,633
Ohio	44,095	33,543	10,552
Oklahoma	25,513	25,513	
Oregon	3,798	3,798	
Pennsylvania	62,719	41,136	21,583
Puerto Rico	87,987	87,987	
Rhode Island	731	731	
South Carolina	115,986	114,550	1,436
South Dakota	6,056	6,056	
Tennessee	91,947	90,813	1,134
Texas	83,335	78,324	5,011
Utah	10,441	10,328	113
Vermont	3,115	3,115	
Virginia	41,011	39,961	1,050
Virgin Islands	1,589	1,589	
Washington	9,162	7,652	1,510
West Virginia	45,423	44,634	789
Wisconsin	34,256	6,218	7,037
Wyoming	807	807	
Samoa, American	308	308	
Total	2,000,000	1,905,011	94,989

(Secs. 2–12, 60 Stat. 230–233, as amended, 75 Stat. 944; 42 U.S.C. 1751–1760)

Dated: October 26, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-11823; Filed, Oct. 28, 1966; 8:48 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Black Stem Rust

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 38 relating to black stem rust and the regulations supplemental to said quarantine (7 CFR 301.38, 301.38–1 through 301.38–11) are hereby amended to read as follows:

Subpart—Black Stem Rust

QUARANTINE AND REGULATIONS

Sec.
301.38 Quarantine; restriction on interstate movement of specified articles.
301.38–1 Definitions.
301.38–2 Authorization for Director to list rust-resistant plants, specifically approved sources, and eradication areas; cancellation of approval of specifically approved sources.
301.38–3 Conditions governing the interstate movement of regulated articles.
301.38–4 Inspection of regulated articles and issuance and withdrawal of certificates and limited permits.
301.38–5 Inspection and disposal of regulated articles and pests.
301.38–6 Special provisions governing the interstate movement of regulated articles for scientific purposes only.
301.38–7 Movement of live black stem rust spores.
301.38–8 Division policies relating to compliance agreements; cancellation of such agreements.
301.38–9 Nonliability of the Department.

AUTHORITY: The provisions of this subpart issued under sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee; 29 F.R. 16210, as amended; 30 F.R. 5799, as amended. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161.

QUARANTINE AND REGULATIONS

§ 301.38 Quarantine; restriction on interstate movement of specified articles.

(a) *Notice of quarantine.* Pursuant to section 8 of the Plant Quarantine Act, as amended (7 U.S.C. 161), the Secretary of Agriculture heretofore determined, after public hearing in accordance with said section 8, that it was necessary to quarantine all States within the conterminous United States and the District of Columbia in order to prevent the spread of black stem rust (Puccinia graminis), a dangerous plant disease of small grains; and accordingly quarantined said States and District. Under the authority of said section 8 and section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee), the Secretary hereby continues such quarantine in effect with respect to the interstate movement from the quarantined areas of the articles specified in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restriction on interstate movement.* No common carrier or other person shall move interstate from any quarantined State or District of the United States, any plants, seeds, fruits, or other parts of plants which are capable of propagation, and belong in the genera Berberis, Mahoberberis, or Mahonia (other than Mahonia cuttings for decorative purposes), except in accordance with the conditions prescribed in this subpart.

§ 301.38–1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice-versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Black stem rust.* The disease commonly known as the black stem rust of grains (Puccinia graminis).

(b) *Certificate.* A document issued or label authorized by an inspector to allow the movement of regulated articles to any destination.

(c) *Compliance agreement.* A written agreement between a person engaged in growing, dealing in, or moving regulated articles, and the Plant Pest Control Division, wherein the former agrees to comply with conditions specified in the agreement by the inspector who executes the agreement on behalf of the Division, to prevent the dissemination of black stem rust.

(d) *Director.* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(e) *Eradication area.* Any State, or portion of any State, or the District of

Columbia, listed as an eradication area in § 301.38–2c by the Director in accordance with § 301.38–2.

(f) *Inspector.* Any employee of the U.S. Department of Agriculture, or other person, authorized by the Director to enforce the provisions of the quarantine and regulations in this subpart.

(g) *Interstate.* From any State into or through any other State or the District of Columbia, or from the District of Columbia into or through any State.

(h) *Limited permit.* A document issued by an inspector to allow the interstate movement of certain regulated articles to a specified destination for particular handling or utilization.

(i) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved. "Movement" and "move" shall be construed accordingly.

(j) *One year's growth.* The growth of a plant during all growing seasons of any calendar year.

(k) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(l) *Regulated articles.* All plants, seeds, fruits, and other parts of plants which are capable of propagation, and belong in the genera Berberis, Mahoberberis, or Mahonia, except Mahonia cuttings for decorative purposes.

(m) *Rust-resistant plants.* Berberis, Mahoberberis, and Mahonia plants listed as rust-resistant plants in § 301.38–2a by the Director in accordance with § 301.38–2.

(n) *Scientific permit.* A document issued by the Director to authorize movement of regulated articles to a specified destination for scientific purposes.

(o) *Seedlings.* Any plant within the genera Berberis or Mahoberberis of less than 2 years' growth and any plant within the genera Mahonia of less than 1 year's growth.

(p) *Specifically approved source.* Any nursery, dealer's establishment, or other establishment, listed as a specifically approved source in § 301.38–2b by the Director in accordance with § 301.38–2.

(q) *Two years' growth.* The growth of a plant during all growing seasons of 2 successive calendar years.

§ 301.38–2 Authorization for Director to list rust-resistant plants, specifically approved sources, and eradication areas; cancellation of approval of specifically approved sources.

(a) The Director shall publish and amend from time to time as the facts warrant, the following lists:

(1) *List of rust-resistant plants.* The Director shall list as rust-resistant plants, in a supplemental regulation designated as § 301.38–2a, the species and horticultural varieties of Berberis, Mahoberberis, and Mahonia, which he has found are rust-resistant.

(2) *List of specifically approved sources.* The Director shall list as specifically approved sources, in a supplemental regulation designated as § 301.38–2b, nurseries, dealers' establishments, and other establishments which are found to be growing or handling plants and/or seed of species or horticultural varieties of Berberis, Mahoberberis, and Mahonia only if they have been designated as rust-resistant in § 301.38–2a, and which are found to be otherwise operating in accordance with a compliance agreement.

(3) *List of eradication areas.* The Director shall list as eradication areas, in a supplemental regulation designated as § 301.38–2c, the States, or portions of States, or the District of Columbia, which have adopted and are enforcing specific procedures to eradicate Berberis, Mahoberberis, and Mahonia plants susceptible to black stem rust, in cooperation with the Plant Pest Control Division.

(b) The approval of any establishment as a specifically approved source may be canceled by the inspector who is supervising the enforcement of the compliance agreement with such establishment, whenever he finds, after notice and reasonable opportunity to present views has been accorded to the operator of the establishment, that such operator, while his establishment was listed as a specifically approved source, has grown or handled any plants or seed of species or horticultural varieties of Berberis, Mahoberberis, or Mahonia which were not then designated as rust-resistant by the Director, or has failed to comply with any other condition stated in the compliance agreement. When approval of any establishment as a specifically approved source is canceled under this paragraph, the name of such establishment shall be deleted by the Director from the listing of specifically approved sources in § 301.38–2b.

§ 301.38–3 Conditions governing the interstate movement of regulated articles.

The following regulated articles may be moved interstate under this subpart if all of the applicable conditions as specified below have been fulfilled: [1]

(a) *Rust-resistant Berberis and Mahoberberis plants.* (1) Seedlings of rust-resistant Berberis and Mahoberberis plants originating at a specifically approved source may be moved interstate, if accompanied by a limited permit, to a destination specified in the permit. Such a permit will be issued only if the recipient has entered into a compliance agreement with the Plant Pest Control Division which will include requirements for holding such seedlings by the recipient at such destination until the plants have completed 2 years' growth.

(2) Rust-resistant Berberis and Mahoberberis plants of at least 2 years' growth, and cuttings taken from such plants, may be moved interstate to any destination if an inspector determines that the plants and cuttings are true to type and if the plants and cuttings are accompanied by a certificate: *Provided, however,* That such plants and cuttings originating at a specifically approved source may be moved interstate without a certificate if the outside of the container in which they are moved is labeled with the name and address of the specifically approved source and the species and horticultural variety of the plants and cuttings contained therein.

(b) *Rust-resistant Mahonia plants.* Rush-resistant Mahonia plants of at least 1 year's growth, and cuttings taken from such plants, may be moved interstate to any destination if an inspector determines that the plants and cuttings are true to type and if the plants and cuttings are accompanied by a certificate: *Provided, however,* That such plants and cuttings originating at a specifically approved source may be moved interstate without a certificate if the outside of the container in which they are moved is labeled with the name and address of the specifically approved source and the species and horticultural variety of the plants and cuttings contained therein.

(c) *Seeds and fruits of rust-resistant Berberis and Mahoberberis plants.* (1) Seeds and fruits of rust-resistant Berberis and Mahoberberis plants originating at a specifically approved source within an eradication area may be moved interstate between eradication areas if accompanied by a limited permit.

(2) Seeds and fruits of rust-resistant Berberis and Mahoberberis plants may be moved interstate between noneradication areas and from any eradication area to any noneradication area without restriction under this subpart.

(d) *Seeds and fruits of rust-resistant Mahonia plants.* (1) Seeds and fruits of rust-resistant Mahonia plants originating at a specifically approved source within an eradication area may be moved interstate between eradication areas if accompanied by a limited permit.

(2) Seeds and fruits of rust-resistant Mahonia plants originating at a specifically approved source in a noneradication area may be moved interstate into any eradication area if accompanied by a limited permit. Such a permit will be issued only if the recipient has entered into a compliance agreement with the Plant Pest Control Division which will include the requirement for holding plants from such seed at his establishment until they have completed 1 year's growth.

(3) Seeds and fruits of rust-resistant Mahonia plants may be moved interstate between noneradication areas and from any eradication area to any noneradication area without restriction under this subpart.

§ 301.38–4 Inspection of regulated articles and issuance and withdrawal of certificates and limited permits.

(a) If a certificate or limited permit is required to accompany the interstate movement of regulated articles, such certificate or permit shall be issued or authorized by an inspector only if he has examined the regulated articles and determined that such articles are eligible for such movement under this subpart. Certificates will be issued or authorized if the regulated articles are found upon such examination to be free from evidence of black stem rust; to be rust-resistant; and to be otherwise eligible for the proposed interstate movement under this subpart. Limited permits will be issued to allow interstate movement of regulated articles not eligible for movement under certificate to specified destinations for specific handling or utilization in accordance with provisions specified in this subpart and with additional conditions specified in any applicable compliance agreement. Any certificate or limited permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any conditions for the use of such documents as specified in this subpart or with any applicable compliance agreement.

(b) Persons desiring to move interstate regulated articles which must be accompanied by a certificate or limited permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement.

(c) If a certificate or limited permit is required to authorize the interstate movement of regulated articles, the certificate or limited permit shall be firmly attached to the outside of the container in which such articles are moved, except that, where the certificate or limited permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, limited permit, or shipping document, the attachment of the certificate or limited permit to each container of the articles shall not be required. Certificates or permits attached to the waybill or other shipping document shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.38–5 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and live black stem rust spores, as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd).

§ 301.38–6 Special provisions governing the interstate movement of regulated articles for scientific purposes only.

Regulated articles may be moved interstate for experimental or scientific purposes under such conditions as may be prescribed by the Director if a scientific permit issued by the Director is attached to the container of such articles or the article itself.

§ 301.38–7 Movement of live black stem rust spores.

Regulations requiring a permit for and otherwise governing the movement of live black stem rust spores (Puccinia graminis) in interstate or foreign commerce are contained in the Federal Plant Pest regulations in Part 330 of this chapter. Applications for the movement of such spores may be made to the Director.

§ 301.38–8 Division policies relating to compliance agreements; cancellation of such agreements.

(a) The policies of the Division as to the conditions that may be included by the inspectors in compliance agreements are outlined in instructions issued to the inspectors. Information thereon may be obtained upon request to the Division or the inspectors.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with any of the conditions of the agreement.

§ 301.38–9 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections required under the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

The primary purpose of this amendment is to simplify and clarify the black stem rust quarantine and regulations. The only substantive changes made are as follows:

The term "eradication area" is substituted for the term "eradication States" and provision is made whereby the Director of the Plant Pest Control Division may limit designation of an eradication area to the portion of a State in which a cooperative eradication program is being conducted, if the entire State is not within such program. This would enable imposition of more stringent requirements than now apply to interstate shipments from points within the portions of the States which would be excluded from designation as "eradication areas" and in this respect the amendment should be made effective as soon as possible in order to prevent the spread of black stem rust. The amendment would enable relieving of restrictions for shipments into portions of former "eradications States" which would be excluded from the "eradication areas."

The amendment also relieves restrictions by allowing regulated nursery stock to be moved interstate by any person instead of limiting shipments to those made by approved nurseries and dealers. This will involve no increase in pest risk because adequate restrictions are provided by the regulations to prevent the spread of black stem rust.

To the extent that the amendment relieves restrictions it should be made effective as soon as possible in order to be of maximum benefit to persons subject to the requirements of the quarantine and regulations.

Therefore under administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of October 1966.

[SEAL] E. P. REAGAN,
Acting Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 66–11798; Filed, Oct. 28, 1966; 8:46 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Black Stem Rust

RUST RESISTANT PLANTS

Under authority conferred by § 301.38–2 of the Black Stem Rust Quarantine regulations, 7 CFR 301.38–2, as amended, 31 F.R. 13888, the following supplemental regulation is hereby issued to appear in 7 CFR 301.38–2a:

§ 301.38–2a Rust-resistant Barberry, Mahoberberis, and Mahonia plants.

On the basis of evidence satisfactory to the Director, the following species and horticultural varieties of Berberis, Mahoberberis, and Mahonia have been found to be resistant to black stem rust. Accordingly, such species and horticultural varieties are hereby listed as rust-resistant:

SCIENTIFIC NAME
Berberis aridocalida.
B. beaniana.
B. buxifolia.
B. buxifolia nana.
B. calliantha.
B. candidula.
B. cavallieri.
B. chenaulti.
B. circumserrata.
B. concinna.
B. coxii.
B. darwini.
B. dasystachya.
B. dubia.
B. formosana.
B. franchetiana.
B. gagnepaini.
B. gilgiana.
B. gladwynensis.
B. heterophylla.
B. horvathi.
B. hybrido-gagnepaini.
B. insignis.
B. julianae.
B. koreana.
B. lempergiana.
B. lepidifolia.
B. linearifolia.
B. linearifolia var. Orange King.
B. lologensis.
B. manipurana.
B. media "Park Juweel."
B. mentorensis.
B. pallens.
B. potanini.
B. Renton.
B. replicata.
B. sanguinea.
B. sargentiana.

[1] However, requirements under other applicable Federal plant quarantines must also be met.

SCIENTIFIC NAME—Continued

B. stenophylla.
B. stenophylla diversifolia.
B. stenophylla gracilis.
B. stenophylla irwini.
B. stenophylla nana compacta.
B. tallensis.
B. telomaica artisepala.
B. thunbergi.
B. thunbergi aurea.
B. thunbergi "Kobold."
B. thunbergi argenteo marginata.
B. thunbergi atropurpurea.
B. thunbergi atropurpurea erecta.
B. thunbergi atropurpurea "Golden Ring."
B. thunbergi atropurpurea nana.
B. thunbergi atropurpurea "Redbird."
B. thunbergi atropurpurea "Zebra."
B. thunbergi "Dwarf Jewell."
B. thunbergi erecta.
B. thunbergi "globe."
B. thunbergi "golden."
B. thunbergi maximowiczi.
B. thunbergi minor.
B. thunbergi pluriflora.
B. thunbergi "Rose Glow."
B. thunbergi "thornless."
B. thunbergi "Upright Jewell."
B. thunbergi "variegata."
B. thunbergi xanthocarpa.
B. triacanthophora.
B. triculosa.
B. verruculosa.
B. virgatorum.
B. wokingensis.
B. xanthoxylon.
Mahoberberis aqui-candidula.
M. aqui-sargentine.
M. miethkeana.
Mahonia amplectens.
M. aquifolium.
M. aquifolium atropurpurea.
M. aquifolium compacta.
M. aquifolium "Donewell."
M. aquifolium "Orangee Flame."
M. beallei.
M. dictyota.
M. fortunei.
M. japonica.
M. lomariifolia.
M. nervosa.
M. pinnata.
M. piperiana.
M. pumila.
M. repens.

(29 F.R. 16210, as amended; 30 F.R. 5799, as amended; 7 CFR 301.38-2, as amended, 31 F.R. 13888)

This list of rust-resistant Barberry, Mahoberberis, and Mahonia plants supersedes the list of rust-resistant plants in P.P.C. 577, 8th revision, effective May 20, 1964 (7 CFR 301.38–5a).

This supplemental regulation shall become effective October 29, 1966.

The purpose of this regulation is to add the following species and horticultural varieties of Berberis and Mahonia to the list of rust-resistant plants: B. thunbergi "Kobold," B. thunbergi atropurpurea "Golden Ring," M. aquifolium "Donewell," and M. aquifolium "Orangee Flame," and to delete the reference to M. compacta since it is synonymous with M. aquifolium compacta. The format of this supplemental regulation has been changed in accordance with the black stem rust-quarantine and regulations (7 CFR 301.38, 301.38–1 et seq.) as recently amended.

The designation of rust-resistant species and varieties constitutes a relaxation of the restrictions of the regulations since it permits the interstate movement of such species and varieties under less stringent requirements of the regulations than otherwise apply. Such designation is based on tests conducted by the U.S. Department of Agriculture to determine the susceptibility of such species and varieties to black stem rust. Such tests show there is no unwarranted pest risk involved in such movement of the species and varieties listed above, and authorization for their movement under the lesser restrictions of the regulations should be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning this regulation are impracticable, and since it relieves restrictions it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of October 1966.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 66-11801; Filed, Oct. 28, 1966; 8:46 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Black Stem Rust

SPECIFICALLY APPROVED SOURCES

Under authority conferred by § 301.38–2 of the Black-Stem Rust Quarantine regulations (7 CFR 301.38–2, as amended, 31 F.R. 13888), the following supplemental regulation is hereby issued to appear in 7 CFR 301.38–2b:

§ 301.38–2b List of specifically approved sources.

The following nurseries, dealers' establishments, and other establishments have been found to be growing or handling plants and/or seed of species and horticultural varieties of Berberis, Mahoberberis, and Mahonia only if they have been designated as rust resistant in § 301.38–2a and such establishments have been found to be otherwise operating in accordance with a compliance agreement. Accordingly, each establishment listed herein is hereby designated as a specifically approved source. (The listing for Montgomery Ward & Co., Inc., and Sears, Roebuck & Co. under the heading "Illinois" applies to all their outlets in the United States.)

SPECIFICALLY APPROVED SOURCE, ADDRESS

ALABAMA

Abbot's Nursery, Route 4, Box 550, Mobile.
Athens Nursery Co., Box 107, Athens.
Azaleawood Nursery, Elmore County.
Bradford's Blue Spring Nursery, Route 2, Box 548, Huntsville.
Byers Nursery Co., Huntsville.
Chase Nursery Co., Chase.
Cottage Hill Nursery, 4000 Japonica Lane, Mobile.
Crossville Nurseries, Box 127, Crossville.
Tom Dodd Nurseries, Inc., Semmes.
Eva Nurseries, Post Office Box 65, Eva.

ALABAMA—Continued

Flowerwood Nursery, Inc., Route 1, Box 130, Mobile.
Fraser Nurseries, Inc., 630 Montevallo Road, SW., Birmingham.
Grimes Nursery, Semmes.
Guthrie-Barton Nursery, Inc., Route 2, Box 42–A, Tuscaloosa.
Joppa Nursery Co., Joppa.
A. L. Kendrick Retail Nursery, Irvington.
King's Nursery, Auburn.
Loop Nursery, 2406 Grant, Mobile.
Monroe Nurseries, Inc., Crossville.
Overlook Nurseries, Inc., 4125 Overlook Grove, Mobile.
Harry A. Partridge Nursery, 1955 Springhill Avenue, Mobile.
Semmes Nurseries, Inc., Semmes.
Silver Bay Nurseries, Route 1, Daphne.
Stephens Nursery, Semmes.
Strain and Son Nursery, Highway 31 South, Athens.
Tallapoosa County Nursery, R.F.D. 1, Dadeville.
Webb Nursery and Landscape Co., 4501 Blue Spring Highway, NW., Huntsville.

ARKANSAS

Piggott Nursery Co., Piggott.

CALIFORNIA

Armstrong Nurseries, Inc., 1265 South Palmetto Street, Ontario.
Bee Line Nursery, 1160 North Amelia, San Dimas.
Bordier's Nursery, Inc., 7231 Irvine Boulevard, Santa Ana.
Carpinteria Nursery, 3798 North Via Real, Carpinteria.
Christensen Nursery Co., 935 Old County Road, Belmont.
J. Clarke Nursery Co., Post Office Box 343, San Jose.
Coast Wholesale Nursery, 5006 North Bartlett Avenue, San Gabriel.
Leonard Coates Nurseries, Inc., Post Office Box 231, San Jose.
Delgaard Nurseries, Inc., Post Office Box 582, Monrovia.
Descanso Nurseries, 12492 Pipeline Avenue, Chino.
Descanso Nurseries, North Benson Lane, Fort Bragg.
Edenvale Nursery, Inc., 40160 Mission Boulevard, Fremont.
Eggli Nursery, 110 East 25th Avenue, San Mateo.
Hemet Wholesale, Post Office Box 37, Hemet.
Hines Nurseries, 301 North San Gabriel Boulevard, San Gabriel.
Hines Wholesale Nurseries, 12621 Jeffrey Road, Santa Ana.
Hubbard Wholesale Growers, Inc., Post Office Box 116, Duarte.
J & J Nursery, 13521 South Crenshaw, Hawthorne.
K. M. Nursery, Inc., Post Office Box 847, Carpinteria.
Mayflower Nurseries, Inc., 16908 South Normandie Avenue, Gardena.
Medallion Nurseries, Route 4, Box 409N, Escondido.
L. B. Merrick Nurseries, 9531 East Whittier Boulevard, Pico Rivera.
Monrovia Nursery Co., 18331 Foothill Boulevard, Azusa.
Nelson Nursery, 32149 Alvarado Boulevard, Union City.
F. L. Norman's Nursery, 3343 Del Mar Boulevard, Pasadena.
Frank H. Ogawa, Inc. (dealer), 2221 73d Avenue, Oakland.
Oki Nursery, Inc., Post Office Box 7118, Perkins Branch, Sacramento.
Olle Olsson Nursery, Inc., 2154 Peck Road, Monrovia.
Pomona Wholesale Nursery, 1480 East Fifth Street, Pomona.

CALIFORNIA—Continued

Ponto Nursery, Inc., 2545 Ramona Drive, Vista.
San Gabriel Nursery & Florist, Inc., 632 South San Gabriel Boulevard, South San Gabriel.
Select Nurseries, Inc., 12631 East Central Avenue, Brea.
Skylark Nursery, 6735 Sonoma Highway, Santa Rosa.
Stribling's Nurseries, Inc., 1620 West 16th Street, Merced.
Sunnyside Nursery, 1650 West El Segundo Boulevard, Gardena.
Ben Taketomo Nursery, 14417 South Budlong Avenue, Gardena.
Tom's Nursery, Inc., 13021 Doty Avenue, Hawthorne.
Twin Pines Nursery, 2707 West Olive Avenue, Fresno.
The White Flower Nursery Co., Inc., 1535 West 120th Street, Los Angeles.

COLORADO

Alameda Nursery, 3160 South Zuni Street, Englewood.
Fort Morgan Nursery, West Platte Avenue, Fort Morgan.
Iliff Garden Nursery, 4750 East Iliff, Denver.
Virgil Johnson Wholesale Nursery (dealer), 4400 Wynkoop, Denver.
Kroh Bros. Nurseries, Box 536, Loveland.
Marshall Nurseries, 5825 West 16th Avenue, Denver.
Northern Nursery, 6364 North Washington, Denver.
Nuzum Nurseries, 96 Arapahoe, Boulder.
Shapard's Gardens, 5350 East Arapahoe, Boulder.
Tower Nursery & Greenhouse Inc., 17050 Smith Road, Aurora.
Western Evergreens, Inc., 14201 West 44th Avenue, Golden.
W. W. Wilmore Nurseries, Inc., 7615 West 38th Avenue, Wheat Ridge.

CONNECTICUT

Brimfield Gardens Nursery, 245 Brimfield Road, Wethersfield.
Brouwer's Nurseries, Box 25, New London.
Brouwer's Nurseries, Jack, 55 Lester Street, New London.
Brouwer's Nurseries, Peter, 24 Lester Street, New London.
Burr, C. R. & Co., Inc. (dealer), 276 North Main Street, Manchester.
Hoyt's Sons Co., Inc., Stephen, 529 Carter Street, New Canaan.
Imperial Nurseries, Post Office Box 1000, East Hartford.
Oliver Nurseries (dealer), 1159 Bronson Road, Fairfield.
Reynold's Farms Nurseries, Box 30, South Norwalk.
Verkade's Nurseries, 98 Gardner Avenue, New London.
White Flower Farm (dealer), Route 63, Litchfield.
Woodcock's Nurseries, Danbury Road, Ridgefield.
Young's Nursery, 211 Danbury Road, Wilton.

DELAWARE

Weaver Valley Nursery, Inc. (dealer), 5601 Concord Pike, Wilmington.
Buntings Nurseries, Inc., Selbyville.
Danegger's Hi-Way Nursery, Inc., Post Office Box 336, Milford.
Del-Mar-Va Nurseries, DuPont Boulevard, Lincoln.
Diamond State Nurseries, Rehoboth Road, Milford.
Evergreen Acres, Inc., R.F.D. 2, Middletown.
Huber Nurseries, 703 Boxwood Road and Dodson Avenue, Wilmington.
Millcreek Nursery, Inc., Route 3, Pleasant Hill Road, Newark.
Peninsula Nurseries, Hoosier Avenue, Selbyville.

DELAWARE—Continued

Phillips Nurseries, Inc., 5014 Concord Pike, Wilmington.
J. R. Warrington & Son, Inc., Greenwood.

DISTRICT OF COLUMBIA

Bolgiano, F. W. & Co. (dealer), 411 New York Avenue NE, Washington.
Hecht Co., Arcadian Gardens (Goldfarb) (dealer), 4143 Branch Avenue SE., Washington.

FLORIDA

Monticello Nursery Co., Monticello.

GEORGIA

Alcova Nurseries, 614 Emory Street, Covington.
Beadford Nursery, 1023 Oleander Drive, Augusta.
Cato's Nursery, Hall Street, Post Office Box 573, Bainbridge.
Chatham Nursery, Route 1, Box 480, Bloomingdale.
Chews Nursery, Bartow.
Covington Nursery, Inc., Route 4, Covington.
Dudley Nurseries, Inc., Box 609, Athens.
Evergreen Nursery, 206 Pine Valley Drive, Athens.
Flowerwood Nursery, Post Office 206, Cairo.
Fruitland Nurseries, Box 3506, Augusta.
Green Thumb Gardens, 2841 Central Avenue, Augusta.
Calvin Harman Nursery, Stovall.
McCorkle Nurseries, Fort Gordon Highway, Augusta.
Miller Nursery, Post Office Box 5203, Augusta.
Monroe's Landscape Nursery Co., 1808 Monroe Drive, Atlanta.
Mountville Nurseries, Mountville.
Northeast Georgia Nursery, Jefferson Road, Athens.
Patch Nursery & Landscaping Co., Route 2, Leesburg.
Powell's Nurseries, Thomasville.
P. L. Smith Nursery, Box 276, 906 South Drive, Albany.
Wight Nurseries, Inc., Box 390, Cairo.

ILLINOIS

Anna Nursery, Anna.
Beloit Nurseries, South Beloit.
Bergman Nurseries, Inc., 3607 North 12th Street, Quincy.
Bork Nursery, 500 North Oak, Onarga.
Egyptian Nursery & Landscaping Co., Farina.
Walter Ebner Landscape Co., 10214 South Bell Avenue, Chicago.
Chas. Fiore Nurseries, Inc., Post Office Box 67, Prairie View.
Frese Bros. Nursery, Route 6, Quincy.
Hanley's Nursery (dealer), Carbondale.
H. B. Hartline Farm, Route 1, Makanda.
Henry Nurseries, 1023 College, Henry.
D. Hill Nursery Co., Dundee.
Home Nursery Greenhouses, Inc., Box 181, Edwardsville.
Ireland's Nursery, Onarga.
Kankakee Nursery Co., Box 288, Kankakee.
Lafayette Home Nursery, Lafayette.
Leesley Nurseries, Inc., Route 1, Box 289, Libertyville.
Maywood Nursery Co., Box 322, Maywood.
Montgomery Ward & Co., Inc. (dealer), Main office: 619 West Chicago Avenue, Chicago (all outlets in United States).
Jim Moorhead's North Park Gardens, Inc., Route 1, Poplar Grove.
Onarga Nursery Co., Onarga.
Sapp's Nursery, Post Office Box 706, Mount Vernon.
Sears, Roebuck & Co. (dealer), 925 South Homan Avenue, Chicago Main Office: (all outlets in United States).
R. H. Shunway Seedsman (dealer), 626 Cedar Street, Rockford.
Eugene A. de St. Aubin & Bros. Inc., Box 1, Addison.

ILLINOIS—Continued

Sunnyside Nursery, Route 1, Troy and Edwardsville.
Ralph Synnestvedt & Assoc. Inc., 3602 Glenview Road, Glenview.
Vienna Nursery, Vienna.
Wandell's Twin City Nursery, Route 3, Urbana.
Waukegan Nursery, 220 North Green Bay Road, Waukegan.
Westman Evergreen Nurseries, 13700 South Street, Woodstock.
Wheeling Nurseries & Sky-View, Wholesale Nursery Sales Co., Inc., 642 South Milwaukee Avenue, Wheeling.

INDIANA

Bebee Nursery, Route 3, Box 452, Alexandria.
Billings Nursery, Rural Route 4, Muncie.
Chesterton Nursery, R.F.D. 1, Box 314, Chesterton.
Crousore Nursery, Route 5, Kokomo.
Gar Creek Nursery, Rural Route 2, New Haven.
Hillside Nursery, Box 603, Dublin.
C. M. Hobbs & Sons Inc., 9300 West Washington Street, Indianapolis (Bridgeport).
The Krider Nurseries, Inc., Middlebury.
Littleford Nurseries, Route 1, Vincennes.
Mathews Nursery & Landscape Service, 3100 West Ridge Road, Gary.
Whiteman's Gardens, Plymouth.

IOWA

Earl Ferris Nursery, 811 Fourth Street NE, Hampton.
Henry Field Seed & Nursery Co., Shenandoah.
Inter-State Nurseries, Inc., Hamburg.
Linn County Nurseries, Center Point.
May Seed & Nursery Co., Shenandoah.
Mount Arbor Nurseries, Shenandoah.
Shenandoah Nurseries, 301 Wabash Avenue, Shenandoah.
Sherman Nursery Co., 1300 Grove Street, Charles City.
Smith Nursery Co., Post Office Box 511, Charles City.

KANSAS

N. E. Bird Nursery, 8910 West 80th Street, Overland Park.
Blueville Nursery, Route 1, Manhattan.
Borst Nursery & Garden Center, 5118 South Broadway, Wichita.
Gabler's Nursery, 8131 Metcalf, Overland Park.
The Garden Shop, Inc., 6315 West 75th Street, Overland Park.
Goodland Greenhouse & Garden Center, 508 East 12th Street, Goodland.
Grutzmacher Nursery, 405 Webster Street, Clay Center.
Hillside Nursery, 2200 South Hillside, Wichita.
Holsinger Nursery Co., 2405 Merriam Lane, Kansas City.
Kansas Landscape & Nursery Co., 1416 East Iron, Salina.
Leavenworth Nurseries, 12th and Vilas, Leavenworth.
M. Meyer's Nursery, 5439 South Hydraulic, Wichita.
Ralph's Nursery & Garden Shop, 7929 Leavenworth Road, Bethel.
Rieke Nursery, 7036 Nieman Road, Shawnee.
Schnitsler Nursery Co., 2011 South Hillside, Wichita.
J. H. Skinner & Co., Route 6, Topeka.
Smith Floral Nursery, East 23d Street, Box 308, Lawrence.
Sunnyside Nursery, Inc., 6750 South Broadway, Wichita.
Twin Cedar Nursery, 120th Street and I35 Highway, Olathe.
Williams & Harvey Village Nursery, 7223 Mission Road, Prairie Village.
Willis Nursery Co., Fifth and Cherry, Ottawa.

KENTUCKY

Arrow-Wood Nurseries, East River Road, Warsaw.
Boone-Gardiner Nurseries, 9409 Shelbyville Road, Louisville.
Elkhorn Nursery, Route 4, Lexington.
Hill's Nursery, Warsaw.
Hillenmeyer Nurseries, Lexington.
Donald Hillenmeyer Nursery, Lexington
Holiday Garden Nursery, 809 Lyndon Lane, Louisville.
Theodore Klein Nurseries, Crestwood
Leichhardt Hillview Nursery, Nashville Road, Bowling Green.
Lillard Nursery, Jeffersontown.
J. L. Morrill Nursery, R.F.D. 1, Cunningham.
Nick's Nursery, Route 2, Anchorage.
Sanders Bros. Nursery, Rural Route 4, Benton Road, Paducah.
Lawrence Sanders Nursery, 721 Kentucky Avenue, Paducah.
Schneidman Nursery, R.F.D. 8, Paducah.
Willadean Nurseries, Inc., Sparta.

LOUISIANA

Bailey's Nursery, Route 1, Box 84B, Forrest Hill.
Casadaban's Nurseries, Abita Spring.
Clegg's Nursery, 4411 Florida Boulevard, Baton Rouge.
C & G Landscape Co., Inc. (dealer), 900 East 70th Street, Shreveport.
Grandview Nursery, R.F.D. Box 54, Youngsville.
Hillside Nursery, Folsom.
Jenkins Nursery, Route 2, Box 140-A, Amite.
Kraak Nursery, 1019 Central, Metairie.
Magnolia State Nursery, 8820 Greenville Springs Road, Baton Rouge.
McKee's Nursery, Post Office Box 749, Covington.
Mizzell's Nursery, Folsom.
Poole Brothers' Nursery, Lecompte.
Purkey's Nursery, Route 1, Forest Hill.
Richard's Nursery, Forest Hill.
Ronch Nursery, Highway 80 West, West Monroe.
Straugham's Nursery, Loranger.
Tammia Nursery, Post Office Box 157, Slidell
Williams' Nursery, Route 1, Forest Hill.
Windmill Hill Nursery, Route 4, Box 180, Franklinton.

MARYLAND

Andover Nurseries, Massey.
Angelica Nurseries, R.F.D. 1, Kennedyville.
Bountiful Ridge Nursery (dealer), Princess Anne.
Carroll Gardens (dealer), Box 310, Westminster.
Chesapeake Nursery, Inc., Salisbury.
Dolan's Evergreen Gardens, 1701 Bedford Street, Cumberland.
Dubbert's Nursery (dealer), 5424 Falls Road, Baltimore.
Eastern Shore Nursery, Box 743, Easton.
C. T. Fooks Nursery, Route 4, Johnson Road, Salisbury.
Glencoe Gardens, York and Ensor Mill Road, Baltimore.
Greenwood Nursery, 316 Talbot Avenue, Laurel.
Gude, A. Sons Co., Route 355, Box 1010, Rockville.
Holloway Nursery, South Second Street, Delmar.
Holly Gardens Nursery, 83 Frost Avenue, Frostburg.
T A Kalmia Farms Nursery (Kimburthill, Inc.), Post Office Box 96, Clarksville.
Kelly's Nursery (dealer), Millington.
Kingsville Nurseries, Inc., Kingsville.
S. Klein Nursery & Greenhouse (dealer), 6000 Greenbelt Road, Greenbelt.
Longwood Nursery, Inc. (dealer), Route 1, Waldorf.
Meekins Evergreen Nursery, Post Office Box 254, Cambridge.
Pine Arbor Nursery, Dickerson Church Road, Dickerson.
Quaint Acres Nurseries, 11800 New Hampshire, Silver Spring
Sehman's Nursery, Route 13A, Delmar.
Small, J. H. & Sons, 15910 Georgia Avenue, Rockville.
Smith's Garden Center (dealer), 1120 Shades Lane, Cumberland.
Stock Bros., Inc., 10500 Boswell Lane, Rockville.
Sudlersville Nursery, Sudlersville.
Ten Oaks Nursery & Gardens, Inc., 10 Oaks Road, Clarksville.
Tingle Nursery Co., Pittsville
Towson Nurseries, Inc., Paper Mill Road, Cockeysville.
Westminster Nurseries, Inc., Post Office Box 227, Westminster.
Wye Nursery, Route 50, Queenstown.

MASSACHUSETTS

Adams Nursery, Inc., Springfield Road, Westfield.
Atwater Nursery, 368 South Street, Agawam.
Cherry Hill Nurseries, Cherry Hill Street, West Newbury.
Corliss Bros., Inc., Essex Road, Ipswich.
Hunting Hills, Federal Street, Montague.
Littlefield-Wyman Nursery, Inc., 227 Centre Avenue, Abington.
Stobbart's Nurseries, 444 East Central Street, Franklin.
Weston Nurseries, Inc., 93 East Main Street, Hopkinton.
Winslow Nurseries, Inc., Pilgrim Road, Needham.

MICHIGAN

Ackerman Nurseries, 1013 Lake Street, Bridgman.
Berg Nursery, Star Route 2, Box 85A, Norway.
Carleton Nursery Co., 11529 Jones Road, Carleton.
Chiles Nursery, 24355 Telegraph Road, Flat Rock.
The Cottage Gardens, 2707 West St. Joseph Street, Lansing.
Dutch Mount Nursery, Route 1, Box 167, Augusta.
Emlong Nursery, Inc., Stevensville.
Farmington Gardens Nursery (dealer), 35620 Grand River, Farmington.
Larry Ganun Nursery, 3307 North Adrian Highway, Adrian.
Grootendorst Nursery, Box 123, Lakeside.
Housels Nursery & Garden Center, 8519 Lewis Avenue, Temperance.
M. J. Hunziker & Sons Nursery, Box 313, Niles.
Inland Orchards & Nurseries, Post Office Box 288, Marshall.
Lakeside Nursery, Route 1, Sawyer.
Ed LaVigne & Son Nursery, 1555 Toben Road, Carleton.
Lincoln Nursery & Landscaping, Grand Rapids.
The Monroe Nursery Co., and Ilgenfritz Nurseries, Inc., Post Office Box 665, Monroe.
Pine Mountain Nursery, Star Route 2, Iron Mountain.
Art Plucinski & Son (Plutter Nursery), 14680 Hall Road, Mount Clemens.
Ray & Fischer Nurseries, Route 1, Rothbury.
Scherff's Nursery, 1605 North Monroe, Monroe.
South Michigan Nursery, New Buffalo.
Spielman's (dealer), 2170 North Main, Adrian.
Earl Steinkopf Nursery, 14780 Hall Road, Mount Clemens.
Zilke Bros. Nursery, Baroda.

MINNESOTA

Abrahamson's Nursery, Scandia.
Anderson's Nursery, 6555 Arrowhead Road, Duluth.
Andrews Nursery Co., Box 446 Faribault.
Bachman's Inc. (dealer), 6010 Lyndale Avenue South, Minneapolis.
J. V. Bailey Nurseries, St. Paul and Newport.
Bergeson Nursery, Pertile.
Blacks Market and Nursery (dealer), Lakeland.
Bulger Garden Center, Inc. (dealer), 1887 Rice Street, St. Paul.
Cross Nursery, Box 193, Lakeville.
Donaldson's Flower Shop and Garden Lot (dealer), 601 Nicollet, Minneapolis; also Southdale, Minneapolis.
Donaldson's Garden Lot and Flower Shop (dealer), Miracle Mile, Rochester.
Duluth Glass Block Store (dealer), 128 West Superior Street, Duluth.
Elmore Nursery Co., Elmore.
Farmers Seed & Nursery Co. (dealer), Faribault (and all retail outlets in Minnesota).
Ferndale Nursery, Askov.
Fillmore County Nursery, Canton.
Flowerland Farms and Nursery, Shafer.
Fritz' Farm and Garden Center (dealer), Newport.
Galloway Nursery, Route 2, Lake Crystal.
Garden and Lawn Center (dealer), Box 295, Wheaton.
Golden Rule Flower Shop and Garden Lot (dealer), Eighth and Robert, St. Paul.
Goldfine's Inc., 700 Garfield Avenue, Duluth.
Grussendorf Nursery, 4022 Midway Road, Duluth.
Home Landscape Supply (dealer), R.F.D. 1, Ortonville.
Jewell Nurseries, Inc., Box 457, Lake City.
H. L. Johnson Garden Store and Nursery (dealer), 3625 West Lake Street, Minneapolis.
Killmer Northern Nurseries, 500 Parkwood Road, Rosemount.
Lake Agassiz Nursery (dealer), Moorhead. Also Retail Sales Yard at Fargo, N. Dak.
Lake City Nurseries, Inc., North Sixth Street, Lake City.
Law's Valley View Nurseries, Inc. (dealer), Box 271, Hastings.
Lindstrom Nursery, Post Office Box 266, Lindstrom.
Meehan Bros. Nursery (dealer), 1215 Oakbury Road, Lake Elmo.
North Central Nursery Sales (dealer), Owatonna.
Owatonna Nursery Co., Inc., Box 330, East Rose Street, Owatonna.
The Park Nurseries, 1200 St. Clair Avenue, St. Paul.
Peters Evergreen Nursery, Box 337, Sherburn.
Rose Hill Nursery, 2380 West Larpenteur, St. Paul, also Box 495, Minneapolis.
Sargents Red Wing Nursery, Red Wing.
Scheidler F-M Nursery (dealer), 825 North Highway 75, Moorhead.
Seeferts Hudson Road Nursery (dealer), Highway 12 and White Bear Avenue, St. Paul.
Shoppers' City Garden Center (dealer), c/o Donald Fritz, Glen Road, Newport; also outlets in Minneapolis and St. Paul.
Shoreacres Gardens (dealer), 640 Shoreacres Drive, Fairmont.
Springvale Nursery, 2627 Springvale Road, Duluth.
Summit Nurseries, Inc., Route 4, Stillwater.
Swedberg Nursery, Battle Lake.
Trapper Hunt's Nursery, Bagley.
Valley Nursery, 3855 Sixth, Goodview.
Wedge Nursery, Route 2, Albert Lea.
The Willmar Nursery (Irv Hanson) (dealer), Route 2, Box 31, Willmar.
Wrights Nursery & Landscape Service, 2602 London Road, Duluth; also Larsmont.
Wy's Gardens (dealer), East Grand Forks.

MISSISSIPPI

Big River Nursery, Lula.
Gilmer Brothers Nursery, Route 2, Caledonia.
A. P. Miller & Sons Nursery, 1506 Main Street, Columbus.

MISSISSIPPI—Continued

T. G. Owen & Sons, Inc., Box 946, Columbus.
C. W. Stuart & Co. (dealer), Bell Avenue and South 19th Street, Columbus.

MISSOURI

Bruening Nursery, Higginsville.
Houlihan Nursery Co., Mosley Road, Creve Coeur.
Forrest Keeling Nursery, Elsberry.
Logan's Nursery & Landscape Service, 1631 Independence Street, Cape Girardeau.
McCoy Nursery, Box 257, R.F.D. 3, Joplin.
Neosho Nurseries Co., Neosho.
Roller Nursery, Seligman.
Sarcoxie Nurseries (Wild Bros. Nursery Co.), (also seed grower), Sarcoxie.
Stark Bros. Nursery & Orchards Co., Louisiana.

MONTANA

Billings Nursery, Route 1, Box 47, Billings.
Holland Nursery, Route 4, Kalispell.
E. C. Moran (seed dealer), Stanford.
Pierce's Nursery, 352 Highway 2 East, Kalispell.
Frank H. Rose Native Evergreens (seed dealer), 1020 Poplar Street, Missoula.

NEBRASKA

ABC Nursery, Route 1, Box 113, Scotts Bluff.
Marshall Nurseries, Arlington.
Plumfield Nursery, Inc., 2105 Nye Avenue, Fremont.

NEW JERSEY

Akerboom, Klaas, Route 1, Bridgeton.
Arcadian Gardens (Goldfarb) (dealer), Menlo Park Shopping Center, Route 1 and Parsonage Road, Menlo Park.
Arcadian Gardens (Goldfarb) (dealer), Garden State Plaza, Paramus.
Behren, E. H., Rural Delivery 1, Newfield.
Blair's Nurseries, Inc., 652 Center Street, Nutley.
Bobbink's Nurseries, Inc., Box 124, Freehold.
Bongarzone Nursery, Wayside Road, Eatontown.
Bulk's Nurseries, Inc., Rural Delivery 3, Smithburg-Manalapin Road, Freehold.
Calgo Gardens Nursery, North Maple Avenue, Toms River.
Conifer Nursery, Rural Delivery, Mays Landing.
Cumberland Nurseries, Rural Delivery No. 1, Millville.
Cy's Nursery, Box 301, R.F.D. 4, Sewell.
D & D Rose Garden, 42 Monmouth Road, Eatontown.
Deerfield Nurseries, Box 32, Deerfield.
deWilde's Rhodo-Lake Nursery, Rural Delivery No. 1, Bridgeton.
F & F Nurseries, Box 126, Holmdel.
Happy Hill Nursery, Box 54, Alloway.
Hess Nurseries, Cedarville.
Hess Nurseries, Post Office Box 128, Wayne.
Hogbin Nursery, Frank, Black Horse Pike, R.F.D., Williamstown.
Holly Ravine Nursery, R.F.D., Monroeville.
Homestead Nursery, N. Pemberton Road, Rural Delivery No. 1, Pemberton.
Howe Nurseries, 304 Burd Street, Pennington.
Jackson & Perkins Corp., Perkins-de-Wilde Division, Shiloh.
Jones Nursery, Harvey, Black Horse Pike, R.F.D., Williamstown.
Jones Nursery, Maurice, Black Horse Pike, R.F.D., Williamstown.
Jones Nursery, Wes, Black Horse Pike, R.F.D., Williamstown.
Kelsey Nursery Service (dealer), 104 Portland Road, Highlands.
Lovett's Nursery, Inc., Phalanx Road, Rural Route No. 1, Colts Neck.
McCarty Gardens, R.F.D., Mays Landing.
Medford Nursery, Rural Delivery No. 1, Medford.
Morestown Gardens, Inc., 55 East Oak Avenue, Morestown.
Oakview Nursery, Inc., R.F.D., Sewell.
Obert's Nursery, J., 169 Chestnut Street, Somerville.
Osterman Nursery, 525 Bound Brook Road, Middlesex.
Prickett's Nursery, Mantua Boulevard, Sewell.
Princeton Nurseries-William Flemer's Sons, Inc., Post Office Box 191, Princeton.
Somerset Rose Nursery, Inc., Post Office Box 608, New Brunswick.
South Jersey Colonial Nurseries, Inc., Rural Delivery No. 1, Salem.
Split Rock Nursery, 216 Farview Avenue, Paramus.
Straub Nursery, Lambs Road, Sewell.
Sonnybrook Nursery, Inc., Rural Delivery No. 1, Route 45, Swedesboro.
Vermeulen, John & Son, Inc., Post Office Box 267, Neshanic Station.
Wells Nursery, Inc., James S., Nutswamp Road, Red Bank.
Whip-Poor-Will Nursery, Buck Hill and River Roads, Woodbine.
Wilton, Michael F. & Son, Sugarman Avenue, Rural Delivery No. 1, Millville.

NEW YORK

Arcadian Gardens (Goldfarb) (dealer), South Highland Avenue, Ossining.
Arcadia Rose Co. (dealer), 1000 South Main Street, Newark.
Babcock, Charles E., North Clinton Street, Dansville.
Bagatelle Nursery, Half Hollow Hills, Huntington Station (Box 196).
Buck & Son, William, Rural Delivery 3, Dansville.
Bulk's Nurseries, Inc., 610 West Montauk Highway, Babylon, Long Island.
City of Glass (Goldfarb) (dealer), Melville Road, Farmingdale, Long Island.
Congdon & Weller Wholesale Nursery, Mileblock Road, North Collins.
Congdon's Wholesale Nursery, Mileblock Road, North Collins.
Finnerty Nursery, 50 New York Avenue, Rensselaer.
Garden Galleries, Inc. (dealer), 572 Castle Street, Geneva.
Garden World, Inc. (dealer), Francis Lewis Boulevard and 46th Avenue, Flushing.
Hathaway, Harry M. (dealer), Rural Delivery 5, Amsterdam.
Hoffman's Nursery, 921 Hoffman Street, Elmira.
Jackson & Perkins Co., 1000 South Main Street, Newark.
Johnson Avenue Nursery, Johnson Avenue, Sayville.
K & B Gardens, Rural Delivery No. 1, Falconer.
Kelly Bros. Nursery, Inc., Box 430, 23 Maple Street, Dansville.
Laurel Hill Nurseries, Elwood Road, East Northport, Long Island.
Lehde Nurseries, Edward, 86 French Road, Buffalo.
Maney's Nurseries, Pre-Emption Road, Geneva.
Maxwell, Bowden & Rice, Inc., Pre-Emption Road, Geneva.
McNair Nurseries, C. W., Rural Delivery 3, Dansville.
My Florist, Inc. (Goldfarb) (dealer), 160 East 57th Street, New York City.
Rosedale in Dutchess, Route 44, Millbrook.
Rosedale Nurseries, Inc., Sawmill River Road, Hawthorne.
Shemin, Emanuel, 3990 Boston Road, Bronx.
Shepard Nurseries, Rural Delivery 1, Skaneateles.
Smith, W. T. Corp. (dealer), 572 Castle Street, Geneva.
Stern's Nurseries, Inc., 404 William Street, Geneva.
Stuart, C. W., & Co., 165 East Union Street, Newark.

NEW YORK—Continued

Westbrook Assoc., Inc., 33 Stony Hollow Road, Greenlawn.
Westbury Rose Co., Inc., Jericho Turnpike and Rose Avenue, Box 277, Westbury, Long Island.
Wheelock & Turnbull, Inc., Versailles Road, North Collins.
Woodlea Nursery, 615 Higbie Lane, West Islip.
Woodlea Nursery, Moriches.

NORTH CAROLINA

Gilmore Plant & Bulb Co., Inc., Julian.
Lindley Nurseries, Inc., Greensboro.
Knox Porter Nursery, Post Office Box 1242, Rocky Mount.
Robbins Nursery, Inc., Willard.
Tinga Nursery, Route 1, Box 255, Castle Hayne.

NORTH DAKOTA

Christianson Landscape Service (dealer), Box 244, Fargo.
Lake Agassiz Nursery Retail Sales Yard, Fargo.
Northwest Nursery Co., Valley City.
Talbott Drive-In Nursery (dealer), Route 2, Minot.

OHIO

Bentley's Hardy Plants, 4640 Lane Road, Perry.
The Berryhill Nursery Co., Route 6, Box 696, Springfield.
Bo-Jo Acres Nursery, 4197 Middle Ridge, Perry.
John Bos Nursery, 603 West Maple Street, Clyde.
Bosley Nurseries Inc., 9579 Mentor Avenue, Mentor.
L. P. Brick Nurseries, 483 Park Road, Painesville.
Champion's Lakeview Nursery Co., Post Office Box 772, Painesville.
Champion Nurseries Inc., 3689 Main Street, Perry.
Louis Colavecchio (also seed grower), 1487 North Ridge Road, Painesville.
The Cole Nursery Co., Circleville.
Cole Nursery Co., 2000 West Jackson Street, Painesville.
Donewell Nurseries, 2168 Mentor Avenue, Painesville.
Dugan Nurseries, Center Street, Perry.
Fairview Floral Nursery, 27819 Center Ridge Road, Westlake.
The French Nursery Co., Race Street, Clyde.
Girard Bros. Nursery Co., Route 20, Geneva.
Gwenn-Gary Nursery, Route 2, Columbiana.
Hollandia Gardens, Inc., South Vienna.
Holly Gardens (Wm. A. Karolyi), Route 2, Perry.
Horton Nurseries, Inc., Route 20, Madison.
Edw. Y. James & Son Nursery, 25346 Butternut Ridge, North Olmsted.
The Kallay Brothers Co., Painesville.
Joseph J. Kern Rose Nursery, Center Street, Box 33, Mentor.
Kingwood Nurseries (also seed grower), South Center Street, Mentor.
Gerard K. Klyn, Inc., Box 200, Mentor.
Lakewood Nursery, 18105 Detroit Avenue, Lakewood.
Lake County Nursery Exchange, Box 22, Route 84, Perry.
McGuff Nursery, Route 3, New Carlisle.
Mellinger's Inc., Route 1, North Lima.
Mentor Heights Nursery, Chillicothe Road, Mentor.
Mentor Nurseries, Inc., Chillicothe Road, Mentor.
Mentor Rose Growers, Inc., 7711 Little Mt. Road, Mentor.
Moretti Nursery, 10 Fairport Nursery Road, Painesville.
The William A. Natorp Co., 4400 Reading Road, Cincinnati.
Ralph T. Norman Nurseries, Post Office Box 104, Painesville.

OHIO—Continued

Paul F. Otto Nursery, Lane Road, Perry.
Ramsey's Nurseries, 7927 Madison Road, Thompson.
Rocknoll Nursery, Morrow.
Joe Sabo & Son Nursery, 365 Bowhall Road, Painesville.
Scarff's Nursery, Inc., New Carlisle.
The Siebenthaler Co., 3001 Catalpa Drive, Dayton.
Spring Brook Gardens, Heisley Road, Mentor.
Spring Hill Nurseries Co., Elm Street, Tipp City.
Paul J. Square Nursery, 120 Fairport Nursery Road, Painesville.
State Line Nursery, 6205 Lewis Avenue, West Toledo.
J. G. Stropkey & Sons Nursery, 485 Bowhall Road, Painesville.
Frank Toreki & Sons Nursery, 294 Bowhall Road, Painesville.
Wade & Gatton Nursery, Route 3, Bellville.
Warmer Nursery, Route 4, Willoughby.
Wayside Gardens Co., 9456 Mentor Avenue, Mentor.
Wilms Nursery, Depot Road, Salem.
York Nurseries, 895 Elm Street, Painesville.

OKLAHOMA

Emil R. Bresser, Florist and Nurseryman, 1718 Locust, Box 973, Muscogee.
Capitol Garden Farms, 4200 North May Avenue, Oklahoma City.
Durant Nursery Co., Box 24, Durant.
Greenleaf Nursery Co., Route 1, Box 98 Park Hill.
Keyon's Nursery, Dover.
Luke Nursery, Pauls Valley.
Ozark Nursery Co. (Ozanco Nurseries), c/o J. E. Davis, Post Office Box 381, Tahlequah.
Sneed Nursery Co., Box 798, Oklahoma City.
Stark Nursery Co., Post Office Box 345, Porum.

OREGON

Arneson Nursery, Route 1, Box 111, Canby.
Aurora Nurseries, Route 2, Box 141, Aurora.
E. P. Baltz Nursery, Route 1, Box 748, Gresham.
Beaver Creek Nursery, Route 1, Box 1118, Gresham.
Benedict Nursery Co., 735 Northeast 87th Avenue, Portland.
Bixby Nursery, 6424 Monroe Road, Milwaukie.
E. J. Burnacci Nursery, Route 2, Box 840, Troutdale.
George Caldwell Wholesale Nursery (dealer), 4229 Southeast Division, Portland.
Calorwash Nursery, Route 1, Box 291A, Aurora.
Canby Evergreen Nursery, Route 1, Box 152, Canby.
Carlton Nursery Co. (dealer), Post Office Box 8, Forest Grove.
Clinton Nursery, 2630 Southeast 75th Avenue, Portland.
F. A. Doerfler & Sons Nursery, 250 Lancaster Drive NE, Salem.
Doty & Doerner, Inc., 6891 Southwest Capitol Highway, Portland.
Drew's Nursery, 13765 Tualatin Valley Highway, Beaverton.
Carl Elkstrom Nursery, Route 2, Box 840, Gresham.
Fenrite's Nursery, Route 2, Box 355, Troutdale.
Ferris Quality Nursery, 448 Northeast Loomis Street, Newport.
Field Nursery, Route 2, Box 1107, Troutdale.
Four-Mile Nursery, Route 3, Box 121, Canby.
Garden Center Nursery (dealer), 4631 South Pacific Highway, Medford.
Gasser's Nursery, Route 2, Box 128, Oregon City.
Eddie Handy Nursery, 16440 SE Main Street, Portland.
Handy Nursery Co., 17216 Northeast Sandy Boulevard, Portland.
Hazel Dell Gardens, Route 1, Box 465, Canby.
Hood View Acres, Route 5, Box 498, Oregon City.
Kelso Nursery, Route 1, Box 205, Boring.
Jack Leslie, 382 Northeast Third Street (Post Office Box 404), Cornelius.
Le-Ge-Pa Nursery, Inc., Route 1, Box 339, Forest Grove.
Lindstrom's Nursery, Post Office Box 92, Seaside.
Mason's Nursery, 13890 Southeast Ambler Road, Clackamas.
Milton Nursery Company, Box 7, Eastside Road, Milton-Freewater.
Mitsch Nursery, Route 2, Box 34, Aurora.
Motz & Son Nursery, Route 2, Box 54, Portland.
Harry Park Nursery, Route 2, Box 829, Gresham.
H. L. Pearcy Nursery Co., Route 2, Box 97, Salem.
Portland Wholesale Nursery Co. (dealer), 5050 Southeast Stark Street, Portland.
Powell Valley Nursery, Route 2, Box 257, Gresham.
The Rhododendron Nursery, 2332 Southeast 42d Avenue, Portland.
Rich Northwest Nurseries, Inc., Route 1, Box 330, Hillsboro.
Rich & Sons Nursery, Route 1, Hillsboro.
W. B. Sanders Nursery, 11165 Southwest Nueve Street, Tigard.
Schmidt Brothers Nursery, Route 2, Box 390, Troutdale.
Sharp's Nursery, 7430 Southeast Powell Boulevard, Portland.
Sherwood Nursery Co., Corbett.
Staab's Nursery, Route 1, Box 27, Boring.
Floyd Stafford's Nursery, Route 2, Box 1075, Troutdale.
Paul Stenzel, 14110 Northeast Glisan, Portland.
Surface Nursery, Route 1, Box 832, Gresham.
Alfred Teufel Nursery (dealer), 12345 Northwest Cornell Road, Portland.
Alfred Teufel Nursery, 12345 Barnes Road, Portland.
Villa Nursery, Box 5137, Portland.
Glenn Walters Nursery, Route 4, Box 142, Hillsboro.
Vern W. Wasson, Route 2, Box 1035, Troutdale.
West Oregon Nursery, 3550 Northwest Saltzman Road, Portland.
Mel Wills Nursery, Route 2, Box 113, Troutdale.
Wil-Chris Acres, Route 2, Box 105, Sherwood.

PENNSYLVANIA

Angelica Nurseries, Inc., Rural Delivery 1, Mohnton.
Appalachian Nurseries, Box 87, Waynesboro.
Barrcrest Nursery, 1725 Marietta Avenue, Lancaster.
Bercaw's Nursery, Route 4, Waynesboro.
Bloodgood Nurseries, Rural Delivery 1, Route 313, Doylestown.
Blooming Valley Nurseries, Route 1, Meadville.
Braine & Foreman, Rural Delivery 2, Sharon.
Percy Brown Nursery, Inc., Gibralter.
Cacoosing Nurseries, Rural Delivery 1, Sinking Springs.
The Conard-Pyle Co., West Grove.
Darlington Nursery, Inc. (dealer), 1400 Beechwood Boulevard, Pittsburgh.
Dauber's Nurseries, 1705 North George Street, York.
DeKalb Nurseries, Inc., 2700 De Kalb Street, Post Office Box 67, Norristown.
Fairview Evergreen Nurseries (seed grower), 131 East Water Street, Fairview.
Farr Nursery, Womelsdorf.
Fetherolf's Nurseries, Rural Delivery 4, West Chester.
Gimbel Bros (dealer), Eighth and Market Streets, Philadelphia.
W. S. Hamilton & Son (dealer), 278 Bridgewater Road, Chester.
Hansen Brothers Nurseries, Inc., 472 South Gulph Road, King of Prussia.
Hansen's Ground Covers, 1268 Montgomery Avenue, Narberth.
Harborcreek Nursery, Route 20, Harborcreek.
King Nursery, Rural Delivery 5, Greensburg.
King Wholesale Nursery, Beatty Farm, Latrobe.
Kraynak Nursery, 2525 East State Street, Sharon.
LaBars' Rhodendron Nursery, West Bryant Street, Stroudsburg.
Lincoln Way Nursery, Rural Delivery 2, West Lincoln Highway, Coatesville.
Mayfair Nurseries, Rural Delivery 2, Nichols New York (Bradford County).
Musser Forests, Inc. (seed grower), Box 640, Route 110, Indiana.
Paint Creek Nursery, Shippenville.
Pallach Bros. Nurseries, Inc., Route 1, Harmony.
Pendale Nurseries (dealer), 5081 Brightwood Road, Bethel Park.
Pikes Peak Nurseries (division of Clearfield Bituminous Coal Corp.), Post Office Box 670, Indiana.
Pitzonka Nurseries, Inc., Bristol-Oxford Valley Road, Bristol.
Richard Schwoebel, 20 North Haverford Avenue, Ardmore.
Sears, Roebuck & Co. (dealer), Roosevelt Boulevard and Adams Avenue, Philadelphia.
Slater Supply Co., Inc. (dealer), 5081 Brightwood Road, Bethel Park.
Star Rose Garden Center, Route 230, Lancaster.
J. Franklin Styer Nurseries, Inc., Concordville.
John F. Styer Landscape Nurseries, Box 37, Route 1, Concordville.
John F. Styer Nurseries, Flagg Manor Road, Rural Delivery 2, Cochranville.
Upper Bank Nurseries, Inc., South Orange Street, Media.
Woodland Nursery, Rural Delivery 1, Perkiomenville.

RHODE ISLAND

Bald Hill Nurseries, Inc., Bald Hill Road, Pontiac.
Boulevard Nurseries, 389 West Main Road, Newport.
Forest Hills Nurseries, Inc., 1073 Reservoir Avenue, Cranston.
Hoogendoorn, C., 408 Turner Road, Newport.
Rhode Island Nurseries, Inc., East Main Road, Newport.
Sowams Nursery, 82 Sowams Road Barrington.
Van Hof Nurseries, 54 Bristol Ferry Road, Portsmouth.

SOUTH CAROLINA

Carolina Floral Nursery, Mount Holly.
Green Nursery, West Poinsett (Old Highway 29), Greer.
Magnolia Gardens & Nurseries, Route 2, Johns Island.
Owens Nursery, Wiskey Road, Aiken.

SOUTH DAKOTA

Bob's Nursery (dealer), South 22d Avenue, Brookings.
Brookings Nursery (dealer) (also known as Modern Landscaping Service), Box 359, Brookings.
Arthur Christensen (dealer), 4010 Jackson Boulevard, Rapid City.
Gunderson's Inc. (dealer), 2040 West Main, Rapid City.
Gurney Seed & Nursery Co., Second and Capitol Streets, Yankton.
Jake's Nursery (dealer), 2404 South West Avenue, Sioux Falls.

SOUTH DAKOTA—Continued

Johnson Nursery (dealer), 3013 East 10th, Sioux Falls.
Purington Nursery (dealer), 508 Lacrosse, Rapid City.

TENNESSEE

Adcock Nursery, Route 3, McMinnville.
Barker Bros. (dealer), Route 2, McMinnville.
Vernon Barnes Nursery (dealer), Post Office Box 250, McMinnville.
Boyd Nursery Co., Inc., Box 71, McMinnville.
John D. Boyd, Bone Cave.
Braswell Nursery, Smithville.
Cartwright Nurseries, 10650 Poplar Street, Collierville.
Arnold C. Clark Nursery, Route 2, McMinnville.
Commerical Nursery, Dechard.
Crimson Dale Nursery, Winchester.
Easterly-Varnell Nurseries, Route 6, Box 543, Cleveland.
Evergreen Nurseries, 7433 Poplar Pike, Germantown.
Faulkner Springs Nursery, Post Office Box 242, McMinnville.
Fairview Nursery (dealer), Route 2, McMinnville.
Flower City Nurseries, Route 3, McMinnville.
Forest Nursery Co., Inc., Box 311, McMinnville.
Globe Wholesale Nursery, Post Office Box 249, McMinnville.
Groves Nursery, Winchester.
H. G. Hallum Nursery (dealer), Route 3, McMinnville.
Hawkersmith & Sons Nursery, Route 2, Tullahoma.
Haynesfield Nurseries, Route 4, Bristol.
Howell Nurseries, Inc., 2407 Brooks Road, Knoxville.
C. A. Jones Nursery (dealer), Route 2, McMinnville.
H. R. Judkins Nursery, Route 1, Smithville.
Morning Star Nursery, Hwy. 45 West, Rives.
Morse Bros. Nursery, Route 8, Chattanooga.
Mountain Wholesale Nursery, Bone Cave.
Murphy Nursery Co., Smithville.
Osban Scott Nursery (dealer), Box 123, McMinnville.
Parsley Bros. Nursery, Route 5, Smithville.
Phytotaktor Inc., Winchester.
The H. R. Potter Nursery, Route 1, Joelton.
John Richardson Nursery (dealer), Route 2, McMinnville.
The Rigney Nursery, Route 4, Manchester.
Ernest Rubley, Route 2, McMinnville.
Sanders Nursery, Winchester.
Savage Farm Nursery (dealer), Box 125, McMinnville.
Scott Bros. Nursery Co. (dealer), Route 2, McMinnville.
Scruggs Nursery, Route 2, McMinnville.
Smith Bros. Nursery, Box 221, McMinnville.
Southern Nursery & Landscape Co., Winchester.
Stewart's Nursery Co., Route 4, McMinnville.
J. P. & Claude Stubblefield, Route 6, McMinnville.
Tate & Dykes Nursery (dealer), Route 2, McMinnville.
Tate Nursery, Route 2, McMinnville.
Tennessee Valley Nursery, Winchester.
The Triangle Nursery (dealer), Route 2, McMinnville.
Warren County Nursery, Route 6, McMinnville.

TEXAS

Aldrige Nursery, Von Ormy.
Baker Bros. Co., Box 826, Forth Worth.
Grace Nursery (dealer), Route 2, Box 58, Willis.
Lambert Landscape Co. (dealer), Valleyview Road, Dallas.
Magnolia Plant Farm (dealer), Route 3, Box 449, Conroe.
Pope Nursery, 4020 Race Street, Forth Worth.
Twitty Nursery, Box 777, Texarkana.
Verhalen Nursery Co., Scottsville.
Walton Nursery & Greenhouse, Route 3, Box 77, Conroe.
Wise Adkinson & Sons, 1605 Walnut Street, Greenville.
Wolfe Nursery, Inc., Box 811, Stephenville.
Glover's Nursery & Floral, 7195 South State Street, Midvale.
Fehrson Floral & Nursery, 1180 Canyon Road, Logan.
Pinese Greenhouses, Inc., 675 North Main, Centerville.
Porter-Walton Co., Post Office Box 1619, Salt Lake City.
Wuthrick Nursery, 1115 North Main, Logan.

VIRGINIA

Blue Ridge Gardens, Inc., 1830 Apperson Drive, Salem.
Blue Ridge Nurseries, Elliston.
Capper's Nursery, McLean.
Cole Nurseries, Inc., Post Office Box 449, Bluefield, W. Va. (nursery in Tazewell County, Va.).
Cole Nurseries, Inc., Route 1, Box 332, Bristol.
Cox's Nursery, R.F.D. 2, Box 386A, Christianburg.
Davis Bros. Nursery, R.F.D. 2, Rose Hill.
Eastern Shore Nursery of Virginia, Post Office Box 48, Keller.
Enterprise Nursery, Hiltons.
Gladagay Garden Nursery, 6311 Three Chopt Road, Richmond.
Greenbrier Farms, Inc., 2145 Thrasher Road, Cheaspeake.
Gresham's Nursery, Inc., 6801 Midlothian Pike, Richmond.
Gulf Stream Nursery, Wachapreague.
Hecht Co. Arcadian Gardens (Goldfarb) (dealer), 620 North Randolph Street, Arlington.
Holly Creek Nursery, Route 1, Melfa.
Ingleside Plantation Nurseries, Oak Grove.
John Kluis Nurseries, Post Office Box 428, Onancock.
Laird's Nurseries, 8900 Broad Street Road, Richmond.
J. Lewis & Sons Nursery, Cascade.
Phillipswood Garden Center, 1845 Abingdon Highway, Bristol.
South Side Nurseries, Inc., Route 15, Box 471, Richmond.
Tankard Nurseries, Exmore.
Watkins Nurseries, Inc., R.F.D. 2, Midlothian.
Waynesboro Nurseries, Inc., Waynesboro.
Williams & Harvey Nursery, 3608 West Cary Street, Post Office Box 7037, Richmond.
Winn Nursery, Inc., 6926 Granby Street, Norfolk.
Wood-Howell Nurseries, Inc., 4461 Lee Highway, Bristol.
Yeatts Nursery Inc., Martinsville.

WASHINGTON

Norman Anderson Nursery, Route 1, Box 212, Orchards.
Briggs Nursery, 4407 Gleason Road, Olympia.
Chenoweth's Mount Vernon Nursery, Second and Taylor, Mount Vernon.
Columbia & Okanogan Nursery, Box 116, 1700 Wenatchee Avenue, Wenatchee.
Gothman Nursery, 3000 Inland Empire Way, Spokane.
A. H. Hembree Nursery, East 7809 Indiana, Spokane.
Inland Empire Nursery, East 17313 Sprague, Greenacres.
Kent Nursery, 8813 South 218th Street, Kent.
Krause Nursery, Inc., East 3900 Sprague Avenue, Spokane.
May Nursery Co., 212 North Third Avenue, Yakima.
Mayhan Nursery, East 15723 Sprague Avenue, Veradale.
Mayhan Nursery (seed grower), East 15723 Sprague Avenue, Veradale.
Pioneer Nursery, Route 1, Box 666, Ridgefield.
Stanek's Nursery, East 2929 29th Avenue, Spokane.
Vibert's Nursery, 15025 124th Avenue NE, Woodinville.
Viewcrest Nursery, 9617 Northeast Borton Road, Vancouver.
Walter's Nursery, 7405 Stewart Avenue, Puyallup.
Wells Nursery, 424 East Section Street, Mount Vernon.

WEST VIRGINIA

Conner and Amos Garden Center, 129 Old Dutch Road, Charleston.
Conner and Amos Nursery Co., Route 2, Elizabeth.
Gold Chestnut Nursery, Cowen.
Home Nursery Co., Box 126, Fort Gay.
Kenova Gardens, 1601 Sycamore Street, Kenova.
Lavalette Landscape Nursery, Fifth Street Hill, Lavalette.
Myer's Nursery, Route 2, Huntington.
Pike Vue Nursery (dealer), 1691 Washington Pike, Wellsburg.
White Sulphur Springs Nursery, Box D-540, White Sulphur Springs.

WISCONSIN

Dunne's Nursery, Stateline Road, Beloit.
Dunne's Nursery & Greenhouse (dealer), Highway 15 West, Delavan.
Evergreen Nursery Co., Route 3, Sturgeon Bay; also at Wisconsin 42 and 14th Avenue, Garden Center.
Fancher's Nursery, Sturtevant.
Frantal's Nursery & Garden Center, 6627 75th Street, Kenosha.
Johannsen Garden Centers, 2600 West Beltline Highway, Madison; also outlet at Highway 16 and Sussex Road, Pewaukee.
J. W. Jung Seed Co., Randolph.
McKay Nursery Co., Waterloo.
L. L. Olds Seed Co. (dealer), Madison; also at Beltline and Fish Hatchery Road, Garden Center.
Pippert Nurseries, Inc., Cleveland.
Suthers Moundview Nursery, Route 4, Platteville.

(29 F.R. 16210, as amended; 30 F.R. 5799, as amended; 7 CFR 301.38-2, as amended, 31 F.R. 13888)

This list of specifically approved sources shall become effective October 29, 1966.

The purposes of this document are to list specifically approved sources from which regulated articles may be moved under less stringent provisions of the black stem rust quarantine regulations than would otherwise apply, and to revise the format of the list in accordance with the revised black stem rust quarantine and regulations. The list of specifically approved sources is completely revised each year based on an annual inspection.

Insofar as this list omits certain establishments included on the previous list and thereby imposes additional restrictions with respect to shipments from such establishments, it should be made effective promptly to prevent spread of the black stem rust disease. Insofar as this list relieves restrictions of the black stem rust quarantine regulations, it should be made effective promptly to be of maximum benefit to persons subject to the restrictions which are being relieved. To the extent that this list involves a nonsubstantive change of format, notice and other public procedure would serve no useful purpose. Accordingly, it is found

upon good cause under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with regard to this regulation are impracticable and unnecessary, and good cause is found for making this regulation effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 25th day of October 1966.

E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 66-11802; Filed, Oct. 28, 1966; 8:47 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Black Stem Rust

ERADICATION AREAS

Under authority conferred by § 301.38-2 of the Black Stem Rust Quarantine regulations (7 CFR 301.38-2, as amended, 31 F.R. 13888), the following supplemental regulation is hereby issued to appear in 7 CFR 301.38-2c:

§ 301.38-2c List of eradication areas.

The States and portions of States designated below have adopted and are enforcing specific procedures to eradicate *Berberis, Mahoberberis,* and *Mahonia* plants susceptible to black stem rust, in cooperation with the Plant Pest Control Division. Therefore, such States and portions of States are listed as eradication areas:

All counties within the States of:

Colorado.	Montana.
Illinois.	Nebraska.
Indiana.	North Dakota.
Iowa.	Ohio.
Kansas.	South Dakota.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	Wyoming.

All counties within the following States except the counties specified below:

Pennsylvania. Except Delaware and Philadelphia counties.

Virginia. Except Accomack, Amelia, Brunswick, Caroline, Charles City, Charlotte, Chesterfield, Cumberland, Dinwiddie, Elizabeth City, Essex, Gloucester, Goochland, Greensville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Northampton, Northumberland, Norfolk, Nottoway, Patrick, Pittsylvania, Powhatan, Princess Anne, Prince Edward, Prince George, Richmond, Southampton, Sussex, Surry, Warwick, Westmoreland, and York counties.

Washington. Except Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom counties.

(29 F.R. 16210, as amended; 30 F.R. 5799, as amended; 7 CFR 301.38-2, as amended, 31 F.R. 13888)

This regulation implements the black stem rust quarantine and regulations (7 CFR 301.38, 301.38-1 et seq.) as recently amended, by listing eradication areas. It omits from listing as eradication areas certain portions of States, previously classed as "eradication States" under the prior quarantine and regulations, and thereby relieves restrictions of the regulations which would be applicable to interstate shipments of regulated articles into such portions of the States if they were included within the eradication areas. Insofar as the regulation thus relieves restrictions it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are relieved.

This regulation also imposes restrictions with respect to establishments located in, and with respect to interstate shipments of regulated articles from, those portions of the States which are excepted from the listing as eradication areas. These restrictions are necessary to prevent the spread of black stem rust and should be made effective promptly in the public interest.

Accordingly, it is found upon good cause under the administrative procedure provisions in 5 USC 553, that notice and other public procedure with regard to this regulation are impracticable, and good cause is found for making the regulation effective less than 30 days after publication in the FEDERAL REGISTER.

This regulation shall become effective October 29, 1966.

Done at Hyattsville, Md., this 25th day of October 1966.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 66-11800; Filed, Oct. 28, 1966; 8:46 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—White-Pine Blister Rust

REVOCATION OF QUARANTINE AND REGULATIONS

The subpart captioned "White-Pine Blister Rust" of Part 301, Chapter III, Title 7 of the Code of Federal Regulations (7 CFR 301.63, 301.63-1 through 301.63-9), is revoked, effective October 29, 1966. However, such subpart shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

(Secs. 103, 106, 71 Stat. 32, 33, sec. 9, 37 Stat. 318; 7 U.S.C. 150bb, 150ee, 162. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended)

All States concerned with or having plants known to be afflicted by white-pine blister rust are presently cooperating with the Department to prevent the spread of such disease. A review of the white-pine blister rust quarantine and supplemental regulations with State regulatory officials, various regional Plant Boards, and the National Plant Board has indicated that it is advisable to revoke such quarantine and regulations and have the States responsible for measures to prevent the dissemination thereof. Accordingly, it has been decided to revoke said quarantine and regulations.

Inasmuch as this action relieves restrictions presently imposed and it appears that notice and other public procedure would not make additional information available to the Department, it is found upon good cause in accordance with the provisions of 5 U.S.C., section 553, that notice and other public procedure concerning such action are impracticable and contrary to the public interest, and the revocation should be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of October 1966.

[SEAL] E. P. REAGAN,
Acting Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 66-11799; Filed, Oct. 28, 1966; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER C—DETERMINATION OF PROPORTIONATE SHARES

[Amdt. 1]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1967 Crop

Pursuant to section 302 of the Sugar Act of 1948, as amended, §§ 855.25, 855.29, 855.31 and 855.32 (31 F.R. 11967) are amended as follows:

1. Paragraph (a) of § 855.25 is amended to read as follows:

§ 855.25 State acreage allocations.

* * * * *

(a) 197,400 acres for Florida and 316,300 acres for Louisiana.

* * * * *

2. Paragraph (a) of § 855.29 is amended to read as follows:

§ 855.29 Shares for reconstituted farms.

* * * * *

(a) *Subdivisions.* The share for each subdivision of a farm which is subdivided shall be the portion of the 1967-crop share established for the farm pursuant to § 855.27 including any adjustments made in such share pursuant to § 855.31 or § 855.33, determined for each subdivision in accordance with the method used for dividing the accredited acreage record of the farm set forth in paragraph (d) of § 892.1 of this chapter. However, if the share as so determined for any subdivision is greater than the acreage growing on the subdivision for the 1967-crop harvest, the county committee shall reduce the share for such subdivision to the acreage growing thereon except that such reduction shall not be made if the county committee determines that acreage on the subdivision has been plowed down in order to obtain

larger proportionate shares on the other subdivision or subdivisions. If such reduction is made the acreage made available shall be used to increase the share of each of the other subdivisions of the parent farm on which the acreage growing for the 1967-crop harvest exceeds the share determined for such subdivision, and such distribution of acreage by the county committee shall be prorated on the basis of the acreage growing on each subdivision and shall not result in the sum of the shares of the subdivisions exceeding the parent farm's share before division.

* * * * *

3. Paragraph (b) of § 855.31 is amended to read as follows:

§ 855.31 Reallotment of unused acres.

* * * * *

(b) *Filing requests for additional acreage.* Requests shall be filed at the ASCS county office in which the farm headquarters is located (in Florida, at the Hendry ASCS Office) not later in Florida than June 30, 1967, and in Louisiana not later than 10 days after the notice of 1967-crop farm share is mailed to the farm operator. However, late requests filed by operators before a distribution of unused acreage may be accepted as timely filed requests if the State Committee determines that such operators delayed filing for reasons beyond their control, and late requests may be accepted prior to harvest if there is acreage still available after filling all requests considered as timely filed under this paragraph.

* * * * *

4. Paragraph (a) of § 855.32 is amended to read as follows:

§ 855.32 Establishment of shares for new-producer farms.

(a) *Filing requests.* A person desiring a share for a new-producer farm shall file a request at the local county office (in Florida, at the Hendry ASCS Office) not later in Florida than November 15, 1966, and in Louisiana not later than November 1, 1966. However, late requests may be accepted if the State committee determines that the persons delayed filing for reasons beyond their control and there is acreage still available after filling all timely filed requests.

* * * * *

STATEMENT OF BASES AND CONSIDERATIONS

The 1967-crop acreage allocations to Florida and Louisiana were established at the same level as the 1966-crop allocation to each State. One of the items comprising the 1966-crop allocation is the sum of the 1965-crop accredited acreage records within the shares established for old and new-producer farms in each State. Inadvertently about 700 acres were not included in the 1965 accredited acreage for Louisiana in computing that State's 1967-crop allocation in the original regulation. This amendment increases the 1967-crop allocation to Louisiana by such an amount. This amendment makes certain that adjustments in proportionate shares determined for parts of a subdivided farm may be made by the county committee on the basis of sugarcane acreage growing for 1967-crop harvest, only to the extent of the unused portion of the proportionate share determined for any subdivision. This provision is designed to minimize plowing out of excess sugarcane acreage on some parts of a subdivided farm if the proportionate share for another part of the parent farm is not fully used.

The original regulation provided that the State committees (Louisiana and Florida) shall fix the closing dates for filing requests for additional proportionate share acreage and for proportionate shares for new-producer farms. This amendment establishes these closing dates as determined by the respective State committees.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., October 26, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-11820; Filed, Oct. 28, 1966; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 63, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 31, 1966. Shipments of Florida grapefruit are currently regulated pursuant to Grapefruit Regulation 63 (31 F.R. 11971) and, unless sooner terminated, will continue to be so regulated until August 1, 1967, determinations as to the need for, and extent of, continued regulation of Florida grapefruit shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of grapefruit shipments subsequent to October 31, 1966, and in the manner herein provided, were promptly submitted to the Department after an assembled meeting of the Growers Administrative Committee on October 25, 1966, held to consider recommendations for regulation; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(a) *Order.* (1) In § 905.485 (Grapefruit Regulation 63, 31 F.R. 11971) the provisions of paragraph (a)(1) are amended by (1) deleting subdivision (iii) and substituting in lieu thereof new subdivisions (iii) and (iv) as set forth below, and (2) renumbering (iv) as (v):

§ 905.485 Grapefruit Regulation 63.

(a) *Order.* (1) * * *

(iii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1 Russet;

(iv) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least Improved No. 2; or

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated October 27, 1966, to become effective at 12:01 a.m., e.s.t., October 31, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-11851; Filed, Oct. 28, 1966; 8:49 a.m.]

[Valencia Orange Reg. 185]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.485 Valencia Orange Regulation 185.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 27, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 30, 1966, and ending at 12:01 a.m., P.s.t., November 6, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 400,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 28, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11890; Filed, Oct. 28, 1966; 11:35 a.m.]

[Lemon Reg. 238]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.538 Lemon Regulation 238.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 910, as amended), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 25, 1966.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., October 30, 1966, and ending at 12:01 a.m., P.s.t., November 12, 1967, no handler shall handle any lemons, grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at right angles to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure less than 1.82 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 2," and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 26, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11824; Filed, Oct. 28, 1966; 8:48 a.m.]

[Lemon Reg. 239]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.539 Lemon Regulation 239.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 25, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 30, 1966, and ending at 12:01 a.m., P.s.t., November 6, 1966, are hereby fixed as follows:

(i) District 1: 10,230 cartons;
(ii) District 2: 79,980 cartons;
(iii) District 3: 109,740 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "Carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 27, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11852; Filed, Oct. 28, 1966; 8:49 a.m.]

[Grapefruit Reg. 5]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.305 Grapefruit Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913; 30 F.R. 15204), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 25, 1966.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period beginning at 12:01 a.m., e.s.t., October 31, 1966, and ending at 12:01 a.m., e.s.t., November 7, 1966, is hereby fixed at 350,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 28, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11889; Filed, Oct. 28, 1966; 11:35 a.m.].

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 5]

PART 1005—MILK IN TRI-STATE MARKETING AREA

Order Amending Order

§ 1005.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than November 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Associate Administrator was issued September 27, 1966, and the decision of the Under Secretary containing all amendment provisions of this order was issued October 20, 1966. The changes effected by this order will not

require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1005.11(b) is revised to read as follows:

§ 1005.11 Pool plant.

* * * * *

(b) A supply plant from which during the months of September, October, and November not less than 50 percent, and during all other months not less than 40 percent, of the Grade A milk physically received at such plant from dairy farmers, reload points and handlers pursuant to § 1005.13(d) or diverted as producer milk from such plant pursuant to § 1005.16 is shipped to and physically received in the form of fluid milk products at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through March shall be a pool plant for the months of April through August, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

2. Section 1005.15 is revised to read as follows:

§ 1005.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant, at a reload point or diverted pursuant to § 1005.16 from a pool plant to a nonpool plant.

3. Section 1005.16 is revised to read as follows:

§ 1005.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, a reload point or a handler pursuant to § 1005.13(d); or

(b) Diverted from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant. Such milk shall be deemed to have been received by the diverting handler at the location of the nonpool plant to which diverted: *Provided*, That in any month of August through March, the quantity of milk of any producer so diverted that exceeds that delivered to pool plants shall not be deemed to have been received by the diverting handler and shall not be producer milk.

4. A new § 1005.19 is added to read as follows:

§ 1005.19 Reload point.

"Reload point" means a location at which milk moved from a farm in a tank truck is transferred to another tank truck and commingled with other milk before entering a plant. A reload operation on the premises of a plant shall be considered a part of the plant operation.

5. In § 1005.32, a new paragraph (d) is added to read as follows:

§ 1005.32 Other reports.

* * * * *

(d) Each handler receiving milk from a reload point shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 6th day after the end of the month the quantities of skim milk and butterfat in producer milk received from such reload point.

6. Section 1005.53 is revised to read as follows:

§ 1005.53 Location adjustments to handlers.

(a) Except as provided in paragraph (b) of this section, the Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant outside the marketing area and more than 45 miles from all the cities listed in § 1005.51(a) shall be reduced 2 cents for each 10 miles or major fraction thereof up to 100 miles and 1.5 cents for each 10 miles or major fraction thereof in excess of 100 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, that such plant is from the city hall of the nearest of the cities listed in § 1005.51(a).

(b) For the purpose of this section, the location of the reload point (instead of the location of the pool plant) shall be used in determining the location adjustment on producer milk received at a pool plant from a reload point.

(c) For the purpose of calculating location adjustments, receipts of fluid milk products from pool plants and reload points at a pool plant shall be assigned any remainder of Class I milk at such plant that is in excess of the sum of producer milk receipts at the plant (excluding such receipts from reload points) and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made first to receipts from plants and reload points at which no location adjustment is applicable pursuant to this section and then in sequence beginning with receipts from the plant or reload point with the lowest applicable location adjustment.

7. Section 1005.72 is revised to read as follows:

§ 1005.72 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk at a pool plant shall be reduced as follows:

(1) Except as provided in paragraph (b) of this section, according to the location of the pool plant at the rates set forth in § 1005.53; and

(2) Additionally, at a pool plant at which the Gallipolis-Scioto or Athens district Class I price is applicable at the rate of 10 cents and 20 cents, respectively.

(b) For the purpose of this section, the location of the reload point (instead of the location of the pool plant) shall be used in determining the location adjustment on producer milk received at a pool plant from a reload point.

(c) For the purpose of computations pursuant to § 1005.74(b), adjustments pursuant to this section shall be computed according to the location of the nonpool plant from which other source milk was received.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: November 1, 1966.

Signed at Washington, D.C., on October 27, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-11844; Filed, Oct. 28, 1966; 8:49 a.m.]

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own production), (ii) other source milk allocated to Class I pursuant to § 1013.46(a) (3), (4), and (10) and the corresponding steps of § 1013.46(b), and (iii) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than November 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued August 30, 1966, and the decision of the Under Secretary containing all amendment provisions of this order was issued October 19, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective November 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

[Milk Order 13]

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Order Amending Order

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AUTHORITY: The provisions of this Part 1013 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1013.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

DEFINITIONS

§ 1013.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1013.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture

§ 1013.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1013.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1013.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 1013.6 Southeastern Florida marketing area.

The "Southeastern Florida marketing area," hereinafter called the "marketing area," means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all Government reservations and incorporated municipalities within this territory:

Broward.	Martin.
Dade.	Monroe.
Glades.	Okeechobee.
Hendry.	Palm Beach.
Indian River.	St. Lucie.

§ 1013.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers or milkshake mix.

§ 1013.8 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

§ 1013.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

§ 1013.10 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) that is specified in paragraph (a) or (b) of this section and which is not a facility described in paragraph (c) of this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products received at the plant during the month is disposed of on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section.

(c) Pool plant as defined in this section shall not be deemed to include any building, premises, or facilities, the primary function of which is to hold or store bottled milk or milk products in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

§ 1013.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) are moved to a pool plant during the month.

§ 1013.12 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1013.41(a), but does not include delivery to a milk receiving or processing plant.

§ 1013.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(d) Any cooperative association with respect to milk of its producer-members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(f) A producer-handler.

§ 1013.14 Producer-handler.

"Producer-handler" means any person who, during the month: (a) Produces milk; (b) distributes Class I milk on routes in the marketing area; and (c) receives no milk except from his own dairy farm, and receives no products designated as Class I milk pursuant to § 1013.41(a) from pool plants or other sources.

§ 1013.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk (as described in § 1013.63) in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable to agencies of the U.S. Government located in the marketing area for fluid consumption), and not less than 8 days' production of such person is physically received at a pool plant during the current month or was so received during the preceding month.

§ 1013.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1013.13(d): *Provided*, That if the

milk received at a pool plant from a handler pursuant to § 1013.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1013.13(d) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the pool plant from which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the pool plant from which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from such producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1013.17 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products and Class II products from any source except (1) producer milk, (2) fluid milk products and Class II products from pool plants, and (3) fluid milk products and Class II products in inventory at the beginning of the month;

(b) Products other than fluid milk products and Class II products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for pursuant to § 1013.32.

§ 1013.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported for the month by the Department.

§ 1013.19 Class II product.

"Class II product" means cream, sour cream, half and half, buttermilk, acidophilus milk and chocolate drink.

§ 1013.20 Cream.

"Cream" means the product obtained by the separation of skim milk from whole milk such that the butterfat content of the remaining product exceeds 10 percent, and mixtures of such products with milk and skim milk such that the average butterfat content exceeds 10 percent.

MARKET ADMINISTRATOR

§ 1013.25 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 1013.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1013.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1013.86:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1013.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to §§ 1013.30 through 1013.32, or payments pursuant to §§ 1013.80 through 1013.86;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(h) Verify all reports and payments of each handler, by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, a notice of each of the following:

(1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month, and the Class II price, Class III price, Class IV price, and the corresponding butterfat differentials, all for the preceding month; and

(2) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

(k) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1013.46(a)(11) and the corresponding step of § 1013.46(b), the market administrator shall estimate and publicly announce the utilization (to

the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of milk products designated in § 1013.41(a) from an other order plant, the classification to which such receipts are allocated pursuant to § 1013.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped skim milk and butterfat in the form of milk products designated as Class I milk pursuant to § 1013.41(a) to an other order plant, the classification to which such skim milk and butterfat was allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1013.30 Report of sources and utilization.

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1013.13 (e) or (f), shall report to the market administrator with respect to each plant at which milk is received for such month, and for each accounting period in each month, in detail and on forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of:

(1) Producer milk (or, in the case of handlers pursuant to § 1013.13(b) Grade A milk received from dairy farmers);

(2) Fluid milk products and Class II products received from pool plants;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1013.16; and

(5) Inventories of fluid milk products and Class II products at the beginning and end of the month or accounting period;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area;

(c) Such other information with respect to receipts and utilization as the market administrator may request; and

(d) Each handler who submits reports on the basis of accounting periods of less than a month, as described in § 1013.46 (d), shall submit a summary report of the same information for the entire month.

§ 1013.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler pursuant to § 1013.13 (a), (c), or (d) shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month, his producer payroll for that month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the days for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of the handler's payment with respect to such milk to the producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk as defined pursuant to § 1013.17(a) is received at his pool plants, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his sources and utilization of butterfat and skim milk and at such times as the market administrator shall prescribe.

(c) Each handler making payments pursuant to § 1013.62(a) shall report the information required pursuant to paragraph (b) of this section. In such reports receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk, and payments to dairy farmers delivering such milk shall be reported in lieu of payments to producers.

(d) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler pursuant to § 1013.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

§ 1013.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to requirements of this part, including, but not limited to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items or products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions, and the disbursement of money so deducted.

§ 1013.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1013.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1013.30(a) shall be classified pursuant to the provisions of §§ 1013.41 through 1013.46.

§ 1013.41 Classes of utilization.

Subject to the conditions set forth in §§ 1013.42 through 1013.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b)(2), (c) (2), (3), and (4), and (d) of this section; and

(2) Not accounted for as Class II, Class III or Class IV milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a Class II product, except as provided in paragraphs (c) (2), (3), and (4), and (d) of this section; and

(2) In inventory of fluid milk products and Class II products at the end of the month.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product or Class II product;

(2) Except as provided in paragraph (d) of this section, skim milk and butterfat in fluid milk products and in Class II products disposed of by a handler for livestock feed;

(3) Except as provided in paragraph (d) of this section, skim milk and butterfat in fluid milk products and in Class II products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk represented by the nonfat solids added to a fluid milk product or Class II product which is in excess of an equivalent volume of such product prior to the addition;

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1013.16) but not in excess of:

(i) 2.0 percent of producer milk (except that received from a handler pursuant to § 1013.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1013.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1013.42(b)(2).

(d) *Class IV milk.* Class IV milk shall be all milk, the skim milk portion of which is:

(1) Disposed of for fertilizer or livestock feed, or

(2) Dumped after such prior notification as the market administrator may require.

§ 1013.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1013.41(c)(5); and

(2) Other source milk exclusive of that specified in § 1013.41(c)(5).

§ 1013.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that such skim milk and butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1013.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a Class II product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1013.46(a)(11) and the corresponding step of § 1013.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1013.46(a) (3) and (4), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1013.46(a) (10) or (11) and the corresponding steps of § 1013.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 500 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach.

(c) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product or a Class II product to a nonpool plant that is neither an other order plant nor a producer-handler plant located not more than 500 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted to the market administrator pursuant to § 1013.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk; and

(v) To the extent that Class I or Class III utilization is not assigned to it, the skim milk and butterfat in Class II products so transferred shall be classified as Class II milk.

(d) As follows, if transferred in the form of a fluid milk product or Class II product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization

filed with their respective market administrators, transfers in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes shall be classified in a comparable classification as Class II or Class III milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1013.41.

(e) As Class II (to the extent of such utilization in the transferee plant) if transferred to the plant of a producer-handler in the form of a Class II product, unless a Class III classification is requested by the operators of both plants and sufficient Class III utilization is available in the transferee plant.

§ 1013.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1013.30(a) and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk and Class IV milk at each pool plant: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1013.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1013.45, the market administrator shall determine the classification of producer milk for each handler for each month or other accounting period described in paragraph (d) of this section as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1013.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III, the pounds of skim milk in other source milk as specified in § 1013.17(b);

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class IV, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(ii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III (and then Class II), the pounds of skim milk in Class II products received from nonpool plants for which the handler requests a Class III utilization;

(6) Subtract from the pounds of skim milk remaining in Class II, Class III and Class IV, pro rata to such quantities, the pounds of skim milk in Class II products received from nonpool plants that were not subtracted pursuant to subparagraph (5) of this paragraph;

(7) Subtract, in the order specified below, from the pounds of skim milk remaining in Class IV, Class III and/or Class II (beginning with Class IV unless otherwise specified) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers (except that subtracted pursuant to subparagraph (4) of this paragraph):

(a) For which the handler requests such utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products and Class II products at the beginning of the month;

(9) Add to the remaining pounds of skim milk in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers that were not subtracted pursuant to subparagraphs (4) and (7)(i) of this paragraph;

(11) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (7)(ii) of this paragraph:

(i) In series beginning with Class IV and thereafter from Class III and Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II, Class III, and Class IV utilization of skim milk announced for the month by the market administrator pursuant to § 1013.27(i) or the percentage that Class II, Class III, and Class IV utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(12) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and in Class II products received from pool plants of other handlers according to the classification of such products pursuant to § 1013.44(a); and

(13) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class IV. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section; and

(d) A handler may account for receipts of milk, utilization of milk and classification of milk, at his plant, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

MINIMUM PRICES

§ 1013.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent. However, for the purpose of computing the Class I price for each month from the effective date of this order

through March 1967, the basic formula price shall not be less than $4.

§ 1013.51 Class prices.

Subject to the provisions of §§ 1013.52 and 1013.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* From the effective date of this paragraph through June 1967, the Class I price shall be the basic formula price for the preceding month plus $3.20.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus $1.

(c) *Class III price.* The Class III price shall be the basic formula price for the month plus 15 cents.

(d) *Class IV price.* The Class IV price shall be computed as follows: Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 3.5.

§ 1013.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1013.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I and Class II prices, 7.5 cents; and

(b) Class III and Class IV prices, 0.115 times the Chicago butter price for the month.

§ 1013.53 Location adjustments to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant north of, and 80 miles or more from, the U.S. Post Office in West Palm Beach, Florida, shall be reduced 13 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 90 miles from the U.S. Post Office in West Palm Beach.

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the U.S. Post Office in West Palm Beach.

§ 1013.54 Use of equivalent prices.

If, for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1013.60 Producer-handler.

Sections 1013.50 through 1013.54, 1013.61, 1013.62, 1013.70 through 1013.74, and 1013.80 through 1013.86 shall not apply to a producer-handler.

§ 1013.61 Plants where other Federal orders may apply.

Upon determination by the Secretary pursuant to this section, any plant specified in paragraphs (a), (b), and (c) of this section shall be a nonpool plant, except that the operator of such plant shall, with respect to the total receipts and disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant meeting the requirements of a pool plant pursuant to § 1013.10(b) but not pursuant to § 1013.10(a) which, if it were not a pool plant under this part, would be fully subject to the classification and pooling provisions of another order issued pursuant to the Act;

(b) Any plant meeting the requirements of a pool plant pursuant to § 1013.10(b) but not pursuant to § 1013.10(a) at which all receipts of skim milk and butterfat during the month would be priced and pooled under the terms of another order(s) issued pursuant to the Act if such plant were not a pool plant under this order: *Provided*, That such pricing and pooling results in all skim milk and butterfat disposed of from the plant in the form of milk and skim milk during the month being Class I milk under the terms of another order(s) issued pursuant to the Act; and

(c) Any plant which does not dispose of a greater volume of Class I milk on routes in the Southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

§ 1013.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1013.30 and 1013.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1013.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1013.70(e) and a credit in the amount specified in § 1013.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1013.30 and 1013.31(c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1013.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation, there will be deducted the sum of: (i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

§ 1013.63 Person producing milk.

The person who produces milk shall be considered to be the person who is responsible for the milk production enterprise on a continuing basis as to management and risk.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1013.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler pursuant to § 1013.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1013.46(c), by the applicable class price;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1013.46(a)(13) and the corresponding step of § 1013.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding accounting period and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(8) and the corresponding step of § 1013.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1013.46(a) (3) and (4) and the corresponding steps of § 1013.46 (b); and

(e) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(10) and the corresponding step of § 1013.46(b).

§ 1013.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1013.70 for all handlers who filed the reports prescribed by § 1013.30 for the month and who made the payments pursuant to §§ 1013.80 and 1013.82 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1013.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 1013.73;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1013.70(e); and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

§ 1013.72 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1013.46 by the respective butterfat differential for each class.

§ 1013.73 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1013.53; and

(b) For purposes of computations pursuant to §§ 1013.82 and 1013.83, the uniform price shall be adjusted at the rates set forth in § 1013.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1013.74 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price for producer milk computed pursuant to § 1013.71 and the butterfat differential to producers;

(c) The amount and value of his producer milk at the uniform price; and

(d) The amounts to be paid by such handler pursuant to §§ 1013.82, 1013.85, and 1013.86, and the amount due such handler pursuant to § 1013.83.

PAYMENTS

§ 1013.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 20th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6, multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the fifth day of the following month to each producer who did not discontinue shipping milk to such handler before the last day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6, multiplied by the hundredweight of milk received from such producer after the 15th and through the last day of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(3) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform price computed pursuant to § 1013.71 adjusted by the butterfat and location differentials to producers, multiplied by the total pounds of milk received from such producer, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 1013.85;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1013.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall on or before the second day prior to each date on which payments are due individual producers, pay the cooperative association for milk received from the producer-members of such association as determined by the market administrator during the period for which payment is made, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of the month; and

(2) On or before the 10th day of the following month: (i) The total pounds of milk received during the month, (ii) the pounds of milk received each day, together with the butterfat content of such milk, (iii) the amount or rate and nature of any authorized deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1013.84.

§ 1013.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1013.82, 1013.82 and 1013.84 and out of which he shall make all payments pursuant to §§ 1013.83 and 1013.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1013.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That to this amount shall be added one-half of 1 percent of any amount due the market administrator pursuant to this section for each month or portion thereof that such payment is overdue: *And provided further*, That the requirement as to date of payment pursuant to this section shall be considered to have been met if the payment is made by mail postmarked not later than the required payment date:

(a) The net pool obligation computed pursuant to § 1013.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1013.80(a)(3); and

(2) The value at the uniform price pursuant to § 1013.71 at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1013.70(e).

§ 1013.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1013.82(b) exceeds the amount computed pursuant to § 1013.82(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1013.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1013.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1013.80, shall deduct 4 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association pursuant to paragraph (b) of this section; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed for each producer.

§ 1013.86 Expense of administration.

(a) As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (1) producer milk (including such handler's own production), (2) other source milk allocated to Class I pursuant to § 1013.46(a) (3), (4), and (10) and the corresponding steps of § 1013.46(b), and (3) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) With respect to payments pursuant to paragraph (a) of this section, if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the rate for monthly accounting periods multiplied by the number of accounting periods in the month, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

§ 1013.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant

to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1013.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1013.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto.

§ 1013.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1013.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1013.110 Agent.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1013.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: November 1, 1966.

Signed at Washington, D.C., on October 26, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-11826; Filed, Oct. 28, 1966; 8:48 a.m.]

[Milk Order 103]

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Mississippi marketing area (7 CFR Part 1103), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the month of November 1966.

(1) That part of the text in § 1103.51 (a) which reads, "For the first 18 months in which the order is effective, * * *".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) Class I price provisions of the order would otherwise expire at the end of October 1966.

(4) A public hearing was held at Jackson, Miss., on September 13, 1966. On the basis of the evidence adduced at the hearing a recommended decision was issued October 14, 1966, containing findings and conclusions as to appropriate Class I milk price provisions after October 31, 1966 (31 F.R. 13476), and parties were allowed through October 24, 1966, to submit exceptions. The decision contained a conclusion which would provide in November 1966 a continuation of the existing price formula.

(5) The procedure for amending the order cannot be completed before the October 31, 1966, expiration of the present Class I price provisions; and this suspension order is necessary to insure the continuation of Class I milk pricing after October 31, 1966.

Therefore, good cause exists for making this order effective for the month of November 1966.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of November 1966.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: November 1, 1966.

Signed at Washington, D.C., on October 26, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-11825; Filed, Oct. 28, 1966; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed

This subpart (30 F.R. 11315) is revised as follows:

Sec.

1421.5551 General statement and administration.
1421.5552 Basic standards.
1421.5553 Bonding requirements.
1421.5554 Inspection of warehouses.
1421.5555 Basis for approval.
1421.5556 Basis for disapproval.
1421.5557 List of approved warehouses.
1421.5558 Waiver of requirements.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b.

§ 1421.5551 General statement and administration.

(a) This subpart prescribes the requirements of Commodity Credit Corporation (hereinafter referred to as "CCC"), and the procedure to be followed by warehousemen who desire initial or continuing approval of their warehouses by CCC, for the storage and handling of (1) wheat, corn, oats, rye, barley, grain sorghums, flaxseed, and soybeans under a Uniform Grain Storage Agreement, (2) rough rice under a Uniform Rice Storage Agreement, (3) milled rice under a Milled Rice Storage Agreement, (4) dry edible beans under a Bean Storage Agreement, and (5) seed under an Agreement for Cleaning and Storage of Seed (such commodities are referred to collectively in this subpart as "grain"), owned by CCC or held by CCC as security for price support loans. This subpart does not apply to the storage and handling of grain outside of the limits of the several States of the United States and the District of Columbia or to grain handling of a temporary nature.

(b) Warehousemen desiring to secure approval of their warehouses under this subpart may obtain information and application and other prescribed forms from the Kansas City Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, 8930 Ward Parkway, Post Office Box 205, Kansas City, Mo. 64141 (hereinafter referred to as the "Kansas City Office"). A warehouse must be approved by the Kansas City Office before such warehouse will be used by CCC for the storage and handling of grain. The approval of a warehouse or the execution of an agreement with the warehouseman does not constitute a commitment that the warehouse will be used by CCC and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

§ 1421.5552 Basic standards.

Initial approval of a warehouse, and the continued approval of an approved warehouse, are conditioned upon conformance with the following standards. The standards specified in paragraph (a) (8) and (9) of this section are not applicable to a warehouseman licensed under the U.S. Warehouse Act.

(a) The warehouseman shall:

(1) Be an individual, or an existing legal entity organized in good faith to operate a public warehouse business and, if organized in the corporate form, be chartered with authority to conduct a public warehousing business.

(2) If State or local law requires a license to operate a public warehousing business, furnish CCC evidence that the warehouse is so licensed by the appropriate licensing authority.

(3) Have sufficient experience, in and knowledge of, the warehousing business to assure that proper protection and adequate service will be rendered in the storage and handling of the commodity involved.

(4) Have satisfactorily complied with all previous CCC or USDA agreements and instructions issued thereunder: *Provided, however*, That this subparagraph shall apply only in circumstances excepted from CCC regulations governing suspension and debarment (31 F.R. 4950) unless suspension or debarment action has been taken as provided in such regulations.

(5) Have a net worth equal to at least 4 percent of the total value of the principal commodity which may be stored (computed as provided in this subparagraph), with a minimum net worth of $10,000. A deficiency in net worth above the $10,000 minimum requirement may be compensated for by additional bond coverage. The total value of the principal commodity which may be stored in a warehouse shall be computed by multiplying the unit price of such commodity, as determined annually by the Executive Vice President, CCC, by the total capacity of the warehouse which can be used to store such commodity. The unit price used for such purpose may be obtained from the Kansas City Office.

(6) Have sufficient funds available to meet ordinary operating expenses.

(7) Submit a completed Form CCC-24, "Application for Approval of Warehouse Grain, Rice, Dry Edible Beans, and Seed", for each type of agreement and for each location; a completed Form CCC-24-1, "Supplement to Application for Approval of Warehouse Grain, Rice, Dry Edible Beans, and Seed", for each section of the warehouse; and such other documents or information as CCC may require.

(8) Furnish a financial statement, Form TW-51 "Financial Statement", supported by such supplemental schedules as may be requested. Subsequent financial statements shall be furnished annually and at such other times as may be required by CCC. The financial statement shall show the financial condition of the warehouseman as of a date not earlier than 90 days prior to the date of the statement. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the accountant's verification of facts contained in the statement. Such certification or authentication may be separate from the financial statement. In the case of a chain of warehouses owned or operated, or both, by a single business entity, only one financial statement is required for all such warehouses. (9) Furnish CCC such surety bonds as may be required under § 1421.5553.

(10) Use only prenumbered warehouse receipts and scale tickets.

(11) Maintain adequate inventory and operating records.

(b) Supervisory employees of the warehouse shall meet the requirements of: (1) Paragraph (a)(3) of this section, and (2) paragraph (a)(4) of this section. Directors, responsible officers and employees of the warehouse shall meet requirements of paragraph (a)(4) of this section.

(c) The warehouse shall:

(1) Be of sound construction with equipment in good repair.

(2) Be under the control at all times of the warehouseman who executes the agreement.

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

(4) Have adequate fire-fighting equipment.

(5) Be located on a railroad or waterway or have a suitable rail loadout point under the complete control of the warehouseman.

(6) Have adequate equipment to assure that, within approximately thirty (30) working days, the quantity of grain for which the warehouse is or may be approved can be loaded out except that the maximum load-out capacity of any warehouse need not be more than 200 cars per day.

(d) Notwithstanding any other provision of this section, a Certificate of Competency issued by the Small Business Administration with respect to a warehouseman will be accepted by CCC as establishing conformance with the standards prescribed in paragraphs (a) (1), (3), (5), and (6); (b)(1); and (d) (1), (2), (3), and (4) of this section and such warehouseman will not be required to furnish bond coverage for deficiency in net worth.

§ 1421.5553 Bonding requirements.

(a) CCC has a Blanket Insurance Policy which covers a warehouseman operating under a Uniform Grain Storage Agreement, a Uniform Rice Storage Agreement, or a Bean Storage Agreement during the effective period of such policy. (The blanket policy protects CCC against losses up to $2 million for each warehouse having a separate CCC warehouse code number, with a maximum aggregate annual liability to the insurance company of $50 million. The coverage, however, does not relieve any warehouseman from his obligation to insure the grain against loss or damage as specified in the applicable CCC storage agreement.) A warehouseman seeking approval under such agreements, who otherwise meets the requirements of this subpart, will not be required to furnish bonds to CCC. Approval of a warehouse whose coverage under the CCC Blanket Insurance Policy has been terminated by the underwriter may be continued if (1) it is determined that such warehouse is essential in carrying out the functions and responsibilities of CCC and is in the public interest and (2) the warehouseman furnishes a performance bond on CCC Form 33, "Warehouseman's Bond—Storage Agreement", or acceptable substitute security in lieu of such bond in accordance with paragraph (c) of this section. CCC Form 33 shall be executed by a surety company which has been approved by the U.S Treasury Department (Circular No. 570) and which maintains an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(b) Except as provided in paragraph (c) of this section, an applicant for a Milled Rice Storage Agreement, an Agreement for Cleaning and Storage of Seed, or both, shall furnish a performance bond on CCC Form 33. Such bond shall be executed by a surety specified in paragraph (a) of this section. Bond coverage for an applicant for such agreement(s) who fully conforms with all of the standards and requirements prescribed in this subpart, shall be in the amount of 6 percent of the total value of the principal commodity which may be stored computed as provided in § 1421.5552(a)(5). Such bond coverage shall not be less than $5,000 and need not be more than $200,000.

(c) Warehouse bonds furnished under State law (statutory bonds) or under operational rules of nongovernmental supervisory agencies, cash, negotiable securities, or legal liability insurance policies may be substituted for bonds on CCC Form 33 under the following conditions:

(1) A bond offered in lieu of a CCC Form 33 bond must provide protection equivalent to that afforded by a CCC Form 33 bond and must be executed by a surety specified in paragraph (a) of this section or have a blanket rider and endorsement executed by such a surety. The liability executed by the surety under a blanket rider and endorsement shall be the same as that of the surety under the original bond. Such substitute bonds also must be noncancelable for not less than 90 days and include a rider providing for not less than 90 days' notice to CCC before cancellation. If the warehouseman has more than one warehouse in the same State and has State warehouse bonds covering such warehouses which are determined to be acceptable to CCC, the excess coverage on one warehouse may not be applied against insufficient bond coverage on another warehouse.

(2) CCC will determine the amount of cash and the acceptability of and valuation to be placed on negotiable securities offered in substitution for bond coverage. When the period for which the bond was required has ended and it is determined that all liability under the agreement has terminated, such cash or securities held by CCC will be returned to the warehouseman.

(3) Legal liability insurance policies must show CCC as the insured and be approved for legal sufficiency by the Regional Attorney or the Attorney-in-Charge, Office of the General Counsel, U.S. Department of Agriculture for the region or area in which the warehouse for which approval is requested is located.

(d) In the case of a warehouseman applying for approval of more than one warehouse in the same State, the total capacity of all such warehouses shall be considered as one warehouse in determining bonding requirements.

(e) Notwithstanding any other provisions of this subpart, CCC may, after considering all the circumstances relating to the operation of the warehouse and determining that the amount of bond coverage required under this section is not sufficient to protect adequately the interests of CCC, require additional bond coverage.

§ 1421.5554 Inspection of warehouses.

Unless a warehouse is licensed under the U.S. Warehouse Act, the warehouse will be examined by a person designated by CCC before it is approved for the storage and handling of grain. The warehouse examiner will make recommendations regarding the approval or disapproval of the warehouse. Such other action as considered necessary will be taken to determine whether the requirements of § 1421.5552 have been met.

§ 1421.5555 Basis for approval.

A review and analysis will be made of the information disclosed by the warehouseman's application, warehouse examiner's report and recommendation, financial statement, credit reports, and other pertinent information. If it is determined that the warehouseman and the warehouse conform with the standards and other requirements set out in this subpart, the warehouse will be approved. The applicant also may be approved, if one or more of the standards of § 1421.5552 are not met, if it is determined that the warehouse storage and handling conditions provide satisfactory protection for grain, that the services of the warehouseman are required by CCC in fulfilling its responsibilities under the grain price support program, and additional bond coverage or acceptable substitute security (including coverage for any deficiency in net worth) is furnished in an amount determined to be sufficient to protect the interests of CCC.

§ 1421.5556 Basis for disapproval.

A warehouse will not be approved (or its present approval will be terminated) if:

(a) The warehouseman is in violation of any provisions of the regulations of the licensing authority, or if any condition which has resulted or may result in the refusal, suspension, or revocation of the applicable warehouse license has not been corrected. (Correction of any such condition shall not result in automatic approval of the warehouse and CCC may require the submission of a new application, such additional information as it considers pertinent, and a new inspection of the warehouse to determine whether the warehouse meets the requirements of this subpart.)

(b) The warehouseman or any of the directors, responsible officers, and employees of the warehouse are suspended or debarred under regulations issued by CCC.

§ 1421.5557 List of approved warehouses.

(a) After a warehouse has been approved and the applicable storage agreement has been signed by CCC, a notice of approval will be forwarded to the warehouseman by the Kansas City Office. The warehouse will then be eligible to store and handle CCC-owned grain and grain under CCC's price support programs. A list of approved warehouses will be maintained by the Kansas City Office.

(b) The financial condition and the amount of bond or substitute security furnished by an approved warehouseman will be reviewed from time to time to determine that the requirements of CCC are being met. If a net worth deficiency is determined to exist, the warehouseman shall furnish any additional bond coverage or substitute security required under the provisions of this subpart. The warehouse will be reexamined from time-to-time to determine its continued compliance with the standards and requirements of this subpart. If at any time it is determined that a warehouseman or a warehouse does not conform with the standards and other requirements set out in this subpart, CCC shall remove the warehouse from the list of approved warehouses and take such other appropriate action as may be necessary to protect the interests of CCC. If a warehouse is removed from the list of approved warehouses under this section, the Kansas City Office will inform the warehouseman of the reasons therefor and the warehouseman may obtain reinstatement on presentation of information satisfactory to CCC that the warehouseman or warehouse or both again comply with the standards and requirements of this subpart.

(c) Approval of the warehouse will remain in effect until the warehouse is removed from the list of approved warehouses, or the storage agreement is terminated, or the warehouseman is suspended or debarred from contracting with CCC under applicable regulations.

§ 1421.5558 Waiver of requirements.

If the warehousing services required in fulfilling responsibilities under CCC programs cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available, CCC may exempt the applicant from one or more of the provisions of this subpart and may establish such other requirements in lieu thereof as determined necessary to safeguard the interests of CCC. Such action shall be authorized only by the Executive Vice President, CCC.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 26, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-11821; Filed, Oct. 28, 1966; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7306; Amdt. 39-296]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman Model G-164 and G-164A Airplanes

Amendment 39-225 (31 F.R. 6200), AD 66-11-1, requires repetitive inspection for cracks of the torque tube and repair as necessary until modification on certain Grumman Model G-164 and G-164A airplanes. Subsequent to the issuance of Amendment 39-225, the Agency has determined that no cracks have occurred in airplanes with less than 500 hours' time in service, and that the present AD does not permit modification in accordance with FAA-approved revisions of the applicable Service Bulletin. Therefore, Amendment 39-225 is being superseded by a new AD that relaxes the initial inspection requirement on low-time airplanes, and that permits modification in accordance with later FAA-approved revisions of the applicable Service Bulletin.

Since this amendment relieves a restriction, provides an alternative means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN. Applies to Model G-164 and G-164A airplanes that have elevators with S/N 461 and below.

Compliance required as indicated.

To prevent failure of the elevator torque tube due to cracks, accomplish the following:

(a) For airplanes with 1,000 or more hours' time in service on April 22, 1966, comply with paragraph (d) within the next 25 hours' time in service after April 22, 1966, and at intervals not to exceed 100 hours' time in service from the last inspection until modified in accordance with paragraph (e).

(b) For airplanes with 500 or more but less than 1,000 hours' time in service on April 22, 1966, comply with paragraph (d) within the next 100 hours' time in service after April 22, 1966, or before the accumulation of 1,025 hours' time in service, whichever occurs first, and at intervals not to exceed 100 hours' time in service from the last inspection until modified in accordance with paragraph (e).

(c) For airplanes with less than 500 hours' time in service on April 22, 1966, comply with paragraph (d) before the accumulation of 600 hours' time in service and at intervals not to exceed 100 hours' time in service from the last inspection until modified in accordance with paragraph (e).

(d) Remove two inboard blind rivets that attach the elevator leading edge skin cover; P/N A1205-49, to the right-hand elevator torque tube, P/N A1205-11. Visually inspect the torque tube for cracks where inboard elevator rib, P/N A1205-17, is welded to the torque tube and between the two inboard blind rivets. If no cracks are found, install new rivets before further flight. If cracks are found, comply with paragraph (e) before further flight.

(e) Modify torque tube in accordance with Grumman Model G-164 Alert Service Bulletin No. 33, dated March 8, 1966, or later FAA-approved revision, or an equivalent approved by an FAA Aircraft Engineering Division or Engineering and Manufacturing Branch.

This supersedes Amendment 39-225 (31 F.R. 6200), AD 66-11-1.

This amendment becomes effective October 29, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 21, 1966.

W. E. ROGERS,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-11774; Filed, Oct. 28, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WA-2]

SUBCHAPTER E—AIRSPACE

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On November 2, 1965, Airspace Docket No. 65-WA-60, which designated the Nashua, N.H., Temporary Restricted Area R-4902, from November 4, 1965, through February 4, 1966, was published in the FEDERAL REGISTER (30 F.R. 13864). On January 25, 1966, Airspace Docket No. 66-WA-2, which extended the time of designation of R-4902 through April 30, 1966, was published in the FEDERAL REGISTER (31 F.R. 958). The time of designation of R-4902 was further extended, to October 31, 1966, by Airspace Docket No. 66-WA-2 which was published in the FEDERAL REGISTER (31 F.R. 6355) on April 27, 1966. The area was designated to accommodate a classified operation involving unusual maneuvers by jet aircraft that would be hazardous to nonparticipating aircraft.

The Department of the Navy on October 25, 1966, advised the Federal Aviation Agency that it has a continuing urgent military requirement for R-4902. Although the Navy in April 1966, informed the Agency that action was being taken to transfer the operation conducted within R-4902 to another restricted area, it now states that because of unforeseeable technical difficulties, a new test site in preparation cannot become operational until November 1967. Accordingly, the Navy requests that the designation of R-4902 as presently configured and controlled be extended to November 1967.

Since the Department of the Navy has stated that the continued designation of the area is of urgent military necessity, the Administrator has determined that it is contrary to the public interest to comply with the notice, public procedure, and effective date requirements of the Administrative Procedure Act. Therefore, this amendment may become effective in less than thirty days.

In consideration of the foregoing, effective immediately, Part 73 of the Federal Aviation Regulations is amended as hereinafter set forth.

In § 73.49 (31 F.R. 2322, 958, 6355), R-4902 Nashua, N.H. (Temporary) is amended as follows: "*Time of designation.* 0900 local time to sunset, November 4, 1965, through October 31, 1966," is deleted, and "*Time of designation.* 0900 local time to sunset, November 4, 1965, through October 31, 1967," is substituted therefor.

(Secs. 307(a), 307(f), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 26, 1966.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 66-11833; Filed, Oct. 28, 1966; 8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7649; Amdt. 505]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

Correction

In F.R. Doc. 66-10766 appearing in the issue for Friday, October 14, 1966, at page 13316, make the following change: On page 13322, in the fourth line following the last table, the reference to "R 311°" should read "R 321°".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Removal of Foreign Origin Disclosure and Use of Word "Manufacturing"

§ 15.98 Removal of foreign origin disclosure and use of word "manufacturing."

(a) The Commission advised a distributor of imported time clocks that the "removal or obliteration of foreign origin disclosures on imported products is under certain circumstances a violation of the Tariff Act which is administered by the Bureau of Customs" and invited the distributor to contact that Bureau on this particular point. The distributor wanted permission to remove the foreign origin label prior to reselling the time clocks in the United States. "Regardless of the position of that Bureau," the Commission added, "such removal or obliteration in the circumstances you describe may result in a deception of the purchasing public as to the country of origin" and might be found to be in violation of the FTC Act.

(b) Permission was also requested to use the word "manufacturing" in the trade name of the company and in advertising, even though the time clocks are imported in their finished state. The Commission was of the opinion that the use of such word "would have the tendency to lead consumers and others into the belief, contrary to fact, that they are dealing directly with the manufacturer and so to mislead or deceive them. In these circumstances, it would not be proper to use the word 'manufacturing' or any other word of similar import in your trade name or in your advertising or to otherwise represent your company as a manufacturer."

(c) Finally, the distributor wanted to know if it would be proper to represent his company as a manufacturer if it performed a "small part" of the manufacturing process on the time clocks. In regard to this question, the Commission reached the following conclusion:

(d) "The amount of manufacturing which a concern must engage in to justify representing itself as a manufacturer will vary from case to case, depending on the specific circumstances. Your question, however, indicates you intend to operate as a manufacturer only in the technical sense and not in a substantive way, in an attempt to justify the use of a term not otherwise a correct description of your business. We likewise do not believe, in these circumstances, that it would be proper to represent your company as a manufacturer."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 28, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-11812; Filed, Oct. 28, 1966; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Retailer's Advertising of "Reward" Approved

§ 15.99 Retailer's advertising of "reward" approved.

(a) The Commission advised a retailer of mobile homes and house trailers that he might properly advertise a $100 "reward" to be paid to anyone referring a purchasing prospective customer pro-

vided such offer was a bona fide offer implemented in good faith. In the Commission's view, such advertisement would amount to the offering of a finder's fee or, perhaps, a commission on a sale.

(b) The Commission pointed out that the prospective purchaser might himself claim the "reward." In such case, the purchaser must realistically benefit in the amount of $100.

(38 Stat. 717, as amended. 15 U.S.C. 41–58)

Issued: October 28, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66–11813; Filed, Oct. 28, 1966; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Importation of and Dealings in Certain Merchandise

BEADED ARTICLES

The terms cotton manufactures, linen manufactures, and silk manufactures in § 500.204(a)(3) are interpreted to include beaded articles, such as beaded bags, if the backing to which the beads are attached is cotton, linen, or silk. Accordingly, an additional item is being added to the interpretations under § 500.204 which reads as follows:

(29) *Beaded articles.* Beaded articles, such as beaded bags, are regarded as cotton, linen, or silk manufactures subject to § 500.204(a)(3) if the fabric to which the beads are attached is cotton, linen, or silk.

[SEAL] MARGARET W. SCHWARTZ, *Director, Office of Foreign Assets Control.*

[F.R. Doc. 66–11817; Filed, Oct. 28, 1966; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular No. 2216]

PART 1720—PROGRAMS AND OBJECTIVES

Subpart 1727—Designation of Areas and Sites

On May 12, 1966, there was published in the FEDERAL REGISTER a notice of proposed rule making defining the circumstances and procedures under which specific areas of public or other Federal land exclusively administered by the Secretary of the Interior through the Bureau of Land Management may be designated. Only one comment relating to the definition of "recreation lands" was received. After study of this comment, it was determined that no change should be made in this definition. Accordingly, the regulations are adopted without change and are set forth below.

Effective date: These regulations shall be effective on publication in the FEDERAL REGISTER.

CHARLES F. LUCE, *Acting Secretary of the Interior.*

OCTOBER 25, 1966.

Part 1720 is amended to add a new Subpart 1727 to read as follows:

Subpart 1727—Designation of Areas and Sites

§ 1727.0–1 Purpose.

This subpart defines the circumstances and procedures under which specific areas of public and other Federal lands exclusively administered by the Secretary of the Interior through the Bureau of Land Management may be designated and identified.

§ 1727.0–2 Objective.

The objective is to provide guidelines for the designation and identification of such areas, and to specify the nature and effect of such designations.

§ 1727.0–3 Authority.

(a) Section 1(b)(1) of the Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1411) provides that none of the public or other Federal lands exclusively administered by the Secretary of the Interior through the Bureau of Land Management shall be given a designation or classification unless such designation or classification is authorized by statute or defined in regulations promulgated by the Secretary of the Interior. Classifications are described in Part 2410 of this chapter.

(b) Section 2478 of the Revised Statutes, as amended (43 U.S.C. 1201), authorizes the Secretary of the Interior to enforce and carry into execution, by appropriate regulation, every part of the provisions of the public land laws not otherwise specially provided for.

§ 1727.0–5 Definitions.

(a) "Designation" refers to the official identification and naming of a general area or site on public land or other Federal land exclusively administered by the Secretary through the Bureau of Land Management.

§ 1727.1 Areas or sites that may be designated.

(a) No lands may be designated under the regulations in this subpart unless they are either (1) classified for retention for multiple use management under the regulations and criteria in Part 2410 of this chapter, or (2) withdrawn or reserved under the regulations in Subpart 2311 of this chapter or other appropriate authority, or (3) given special status by act of Congress such as the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands or lands acquired under the Bankhead-Jones Act and transferred to the Bureau of Land Management for administration.

(b) The following types of areas and sites may be designated under the regulations in this subpart:

(1) *Recreation lands.* A tract of land usually several thousand acres in size where recreation is or is expected to be a major use, and designation will assist the public by making the areas known to them. Some examples of areas which may be designated as recreation lands follow: Scenic areas of natural beauty such as waterfalls; habitat of interesting, rare or unusual plants or animals; gorges; natural lakes; geological areas of outstanding structural or historical features of the earth's development such as caves, glaciers and other phenomena; roadless areas in which the primitive environment is preserved, sometimes referred to as wilderness, wild, primitive, roadless or virgin areas. Recreation lands will contain one or more of the six classes adopted by the Bureau of Outdoor Recreation. These classes will be identified and described at the time an area is designated. These lands may be defined briefly as follows:

(i) Class I—High-density recreation areas: Areas intensively developed and managed for mass use.

(ii) Class II—General outdoor recreation areas: Areas subject to substantial development for a wide variety of specific recreation uses.

(iii) Class III—Natural environment areas: Varied and interesting land forms, lakes, streams, flora, and fauna within attractive natural settings suitable for recreation in a natural environment and usually in combination with other uses.

(iv) Class IV—Outstanding natural areas: Areas of outstanding scenic splendor, natural wonder, or scientific importance that merit special attention and care in management to insure their preservation in their natural condition. These usually are relatively undisturbed, representative of rare botanical, geological, or zoological characteristics of principal interest for scientific and research purposes.

(v) Class V—Primitive areas: Extensive natural, wild, and undeveloped areas and settings essentially removed from the effects of civilization. Essential characteristics are that the natural environment has not been disturbed by commercial utilization and that the areas are without mechanized transportation.

(vi) Class VI—Historic and cultural sites: Sites of major historical or cultural significance, either national, regional, or local. These are usually small tracts of lands containing significant evidence of American history, such as battlegrounds, mining camps, cemeteries, pioneer trails, and trading posts; or lands which contain significant evidence of prehistoric life such as pictographs, petroglyphs, burial grounds, prehistoric structures, middens, fossils, paleontological remains, and any other evidences of prehistoric life forms.

(2) *Recreation sites.* These are relatively small tracts of land which have value for concentrated and intensive recreation use that usually requires construction and maintenance of public facilities. Recreation sites will contain Class I, II, III, or VI recreation lands under the Bureau of Outdoor Recreation classification system described in subparagraph (1) of this paragraph.

(3) *Resource conservation areas.* These are relatively small areas of land which include a variety of resource management activities demonstrating multiple use and sustained yield conservation in action.

§ 1727.2 Standards for names.

(a) To the fullest extent possible, standards established by the Board on Geographic Names will be followed in naming special management areas.

(b) First preference will generally be given to a geographic feature within the site or area if the feature significantly affects the utilization of the natural resources of the area.

(c) No site or area will be named after a living person. An area may be named after a deceased person if that person made a personal contribution to the utilization or management of the natural resources in the area.

(d) For public identification purposes, names of sites and areas designated in accordance with the regulations in this subpart shall be brief and descriptive.

§ 1727.3 Standards for identification.

Lands designated in accordance with the regulations in this subpart may be—

(a) Posted by means of entrance and boundary signs sufficient to make the lands and the reason for posting known on the ground.

(b) Identified on maps or diagrams sufficient to make the existence and locations known to the general public.

§ 1727.4 Procedure for designating areas and sites.

The sites and areas defined under § 1727.1 may be designated, named, and posted by the authorized officer, after consultation and coordination with the authorized users and any other parties, organizations, and units of government which may have an interest in such action.

§ 1727.5 Effect of designations.

(a) Designation under this section will have no effect upon established use or management of the areas or sites involved.

(b) If changes in the status of the land or use arrangements are desired, such changes must be accomplished by—

(1) Segregation under the Classification and Multiple Use Act regulations in Part 2410 of this chapter;

(2) Withdrawal or reservation under regulations in Subpart 2311 of this chapter or other appropriate authority;

(3) Modification of existing use arrangements, to the extent authorized by existing authority and regulations, such as Subchapter D—Range Management (4000) of this chapter for livestock grazing.

[F.R. Doc. 66–11792; Filed, Oct. 28, 1966; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Coast Guard

[46 CFR Parts 10, 11, 12]

[CGFR 66-62]

APPRENTICE ENGINEERS

Licensing and Certificating of Merchant Marine Personnel

1. In the FEDERAL REGISTER of September 3, 1966 (31 F.R. 11665; vol. 31, No. 172), a notice of proposed rule making was published regarding the establishment of a seaman's entry rating as apprentice engineer and recognition of training programs for prospective third assistant engineers, as well as acceptance of the completion of an approved training program as qualifying experience for a license as a third assistant engineer. This announcement requested submission of written comments prior to October 1, 1966. Many requests were received asking for an extension of time for submission of comments and for consideration of the proposals at a public hearing.

2. The Merchant Marine Council will hold a public hearing on Tuesday, November 22, 1966, 9:30 a.m. in the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C., for the purpose of receiving comments, views and data on the proposed rules and regulations regarding engineers which were published in the FEDERAL REGISTER of September 3, 1966 (31 F.R. 11665) as proposed changes to 46 CFR 10.10-21(a)(8), 11.10-50(a), and 12.25-35. Copies of these proposals have been mailed to persons and organizations who have expressed an active interest in this subject. Copies of the proposals may be obtained upon request from the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20226, so long as they are available. After the supply of extra copies is exhausted, copies will be available for reading purposes only in Room 4211, Coast Guard Headquarters or at the offices of the various Coast Guard District Commanders. The written comments and requests to submit oral comments should be submitted in triplicate to the Commandant (CMC), prior to November 18, 1966, in order to assure consideration or scheduling of witnesses before the Merchant Marine Council.

3. The public hearing held by the Merchant Marine Council is informal and intended to obtain views and information from those who will be directly affected by the proposals under consideration. Each oral or written comment received is considered and evaluated. If it is believed the comment, view or suggestion clarifies or improves the wording of a proposed regulation, such proposal is changed accordingly, and after adoption by the Commandant, the regulations, as revised, are published in the FEDERAL REGISTER. If the proposals are not accepted by the Commandant, the proposals are rejected or withdrawn.

Dated: October 26, 1966.

[SEAL] P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 66-11819; Filed, Oct. 28, 1966; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1068]

[Docket No. AO-178-A18]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Notice of Rescheduled Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice was issued October 25, 1966, giving notice of a public hearing to be held in the East Room of the Curtis Hotel, Third Avenue and 10th Street South, Minneapolis, Minn., beginning at 10 a.m., local time, on November 3, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area.

Notice is hereby given that the said public hearing is rescheduled to be held on November 9, 1966. Also, the hearing will begin at 10 a.m., local time, at a new location in the President Lincoln Room of the Leamington Hotel, 10th and 11th Streets and Third Avenue South, Minneapolis, Minn.

Signed at Washington, D.C., on October 27, 1966.

S. R. SMITH,
Administrator.

[F.R. Doc. 66-11885; Filed, Oct. 28, 1966; 9:16 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-WE-66]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Montrose, Colo., transition area.

The Frontier Airlines ADF-1 (Special) approach procedure for Montrose County Airport, in addition to the holding and departure procedures, have recently been revised to utilize the 315° M (329° T) bearing from the Montrose RBN. Therefore, the FAA proposes the following airspace action:

Redesignate the Montrose, Colo., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Montrose County Airport (latitude 38°29'55" N., longitude 107°53'35" W.); within 8 miles SW and 5 miles NE of a 329° bearing from the Montrose RBN (latitude 38°-30'00" N., longitude 107°54'00" W.), extending from the RBN to 13 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 9 miles SW and 6 miles NE of the 329° and 149° bearings from the Montrose RBN, extending from 19 miles NW to 8 miles SE of the RBN.

The proposed 700-foot and 1,200-foot floor transition areas will provide controlled airspace protection for aircraft executing the Special approach, departure, and holding procedure established on the Montrose RBN.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on October 20, 1966.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 66-11783; Filed, Oct. 28, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-79]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Faribault-Owatonna, Minn., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Faribault-Owatonna terminal area, as a result of the planned installation by the State of Minnesota of a VOR facility to serve the Faribault and Owatonna Municipal Airports, and the development of public-use instrument approach procedures at both airports utilizing this facility, proposes the following airspace action:

Designate the Faribault-Owatonna, Minn., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'35" N., longitude 93°18'30" W.); within a 5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'15" W.); within 2 miles each side of the 200° bearing from Faribault Municipal Airport, extending from the Faribault 5-mile radius area to 9 miles S of the airport; and within 2 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5-mile radius area to 9 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 200° bearing from Faribault Municipal Airport extending from 9 miles to 21 miles S of the airport; within 5 miles NE and 8 miles SW of the 315° bearing from Owatonna Municipal Airport extending from the airport to 21 miles NW of the airport; within 5 miles each side of the 015° bearing from Faribault Municipal Airport, extending from the airport to the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'08" N., longitude 93°13'11" W.); and within 5 miles each side of the 140° bearing from Owatonna Municipal Airport, extending from the airport to 12 miles SE of the airport, excluding the portion which overlies the Hope, Minn., transition area.

The proposed 700-foot floor transition area would provide controlled airspace protection for aircraft executing prescribed instrument approach and/or departure procedures during descent from 1,500 to 700 feet above the surface and during climb from 700 to 1,200 feet above the surface. The proposed 1,200-foot floor transition area would provide controlled airspace protection for the procedure turn and missed approach areas of the prescribed instrument approach procedures and for aircraft holding at the Halfway VOR.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Since new approach procedures are to be established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details concerning the new approach procedures may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 13, 1966.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 66-11782; Filed, Oct. 28, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-7984]

BROKERS AND DEALERS NOT MEMBERS OF NATIONAL SECURITIES ASSOCIATIONS

Conduct, Supervision and Records

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rules 15b10-1 (17 CFR 240.15b10-1, Definitions), 15b10-2 (17 CFR 240.15b10-2, General Business Conduct), 15b10-3 (17 CFR 240.15b10-3, Suitability of Recommendations), 15b10-4 (17 CFR 240.15b-10-4, Supervision of Associated Persons), 15b10-5 (17 CFR 240.15b10-5, Discretionary Authority), and 15b10-6 (17 CFR 240.15b10-6, Record Keeping), under the Securities Exchange Act of 1934 as amended and more particularly sections 15(b)(10), 17(a), and 23(a) thereof.

These proposed rules would establish standards of supervision, general business conduct, and suitability of recommendations; regulate discretionary accounts; and impose record keeping requirements upon brokers and dealers who are registered with the Commission and not members of a registered national securities association.[1] Section 15(b)(10) of the Exchange Act authorizes the Commission to regulate certain activities including the selling practices of nonmember brokers and dealers. That section provides:

> No broker or dealer subject to paragraph (8) of this subsection shall effect any transaction in, or induce the purchase or sale of, any security (otherwise than on a national securities exchange) in contravention of such rules and regulations as the Commission may prescribe designed to promote just and equitable principles of trade, to provide safeguards against unreasonable profits or unreasonable rates of commissions or other charges, and in general to protect investors and the public interest, and to remove impediments to and perfect the mechanism of a free and open market.

Proposed Rule 15b10-1 (17 CFR 240.-15b10-1). *Definitions.* Proposed Rule 15b10-1 (17 CFR 240.15b10-1) defines the terms "nonmember broker or dealer," "associated person," and "complaint" as they are used in rules promulgated pursuant to section 15(b)(10) of the Act. It is contemplated that, as new terms are introduced in future rules, new definitions will be added to Rule 15b10-1 (17 CFR 240.15b10-1).

Proposed Rule 15b10-2 (17 CFR 240.-15b10-2). *General business conduct.* Proposed Rule 15b10-2 (17 CFR 240.-15b10-2) requires that nonmember brokers and dealers and their associated persons adhere to high standards of commercial honor and just and equitable principles of trade in the conduct of their business. The proposed rule is intended to impose a general ethical standard of fair dealing on such persons.

Proposed Rule 15b10-3 (17 CFR 240.-15b10-3). *Suitability of recommendations.* Proposed Rule 15b10-3 (17 CFR 240.15b10-3) is intended to require a nonmember broker-dealer, or an associated person, to concern himself with securing the facts and circumstances pertaining to the transaction and the customer to permit him to make a reasonable judgment as to the suitability of the recommended transaction for the customer. Under this proposed rule the broker or dealer, and his associated per-

[1] At present, the National Association of Securities Dealers, Inc. ("NASD"), is the only such association.

sons, when recommending a transaction to a customer, would be expected to make reasonable inquiry concerning the customer's investment objectives, and his financial situation and needs. Information concerning financial situations and needs would ordinarily include information concerning the customer's marital status, the number and age of his dependents, his occupation, his earnings, the amount of his savings and life insurance, and his security holdings and other assets. The broker-dealer and his associated persons may rely on the information furnished by the customer.

The proposed suitability rule would supplement existing rules under the Exchange Act[2] which prohibit or prevent fraudulent conduct.

Proposed Rule 15b10–3 (17 CFR 240.15b10–3) is not an attempt to second-guess the exercise of the reasonable business judgment of a broker-dealer or to make him an insurer of favorable investment performance. The suitability of his recommendations must be judged in the light of the information available to him after reasonable inquiry as to the customer's situation at the time of the recommendation and not by reference to subsequent events. The proposed rule would not affect legitimate sales efforts in the securities industry.

The proposed rule is responsive to the recommendation by the Special Study of Securities Markets ("Special Study") that, "Greater emphasis should be given by the Commission and the self-regulatory bodies to the concept of 'suitability' of particular securities for particular customers."[3]

Proposed Rule 15b10–4 (17 CFR 240.15b10–4). *Supervision of associated persons.* Proposed Rule 15b10–4 (17 CFR 240.15b10–4) would impose a general duty on nonmember brokers and dealers to supervise diligently the securities activities of their associated persons.[4] As part of this general duty each nonmember broker-dealer would be required to maintain and enforce written procedures which would set forth the measures adopted by the broker-dealer to comply with the duties imposed by the rule. Each nonmember broker-dealer must keep a copy of these procedures in each business office. Furthermore, each such broker-dealer would be required to designate certain of his associated persons as supervisors. Every associated person of the broker-dealer would be subject to the supervision of one such supervisor and there would be at least one such supervisor in each business office of the broker-dealer.

With regard to the activities of the associated persons subject to his supervision, the rule would require each supervisor to review and approve by signature the opening of new customer accounts; provide frequent examination of these accounts; and review and endorse promptly by signature all securities transactions and correspondence pertaining thereto. Endorsements may be made on copies of order tickets or confirmations, the daily blotter, or by any other method which would indicate a proper review of the transactions by the designated supervisor.

The proposed rule would require special supervisory treatment of discretionary accounts. The supervisor would be required to approve by signature the delegation by any customer of discretionary authority with respect to his account to a stated associated person of the broker-dealer and would be required to approve by signature on the day the order is entered every discretionary transaction effected on behalf of such customer.

The supervisor would also be required to review and approve the handling of all customer complaints which are handled by or pertain to the associated persons subject to his supervision. A complaint shall be considered to be any statement pertaining to a customer's grievance involving the securities activities of the broker-dealer or of any associated person.

The proposed rule contemplates that every customer account and all transactions, correspondence and complaints pertaining to that account shall be subject to the supervision of at least one such supervisor. In selecting the individuals to carry out the required supervisory procedures, the broker-dealer should take into consideration the need for qualified individuals in such positions.[5] Furthermore, the Commission has recognized the need for special qualifications for supervisors by imposing higher passing grade requirements for principals and supervisors who must take the Commission's examination. Full compliance with the proposed rule, therefore, will involve careful selection of only the most qualified individuals to perform the required supervisory functions.

In addition to requiring the direct supervision over the securities activities of the broker-dealer's associated persons by the supervisor, the proposed rule would also require that broker-dealers with more than one business office maintain a secondary level of overall supervision in order to review and supplement the supervision effected by the supervisors. In particular, an individual or group of individuals chosen from among the partners, officers or other qualified associated persons of the broker-dealer would have to supervise and review periodically the activities of the aforementioned supervisors; review and approve by signature the opening of each new customer account; review and approve promptly by signature the opening of each new discretionary account; and review and approve promptly each discretionary order entered. The overall supervisor or supervisors would be required to inspect each business office of the broker or dealer periodically. This office inspection would include but not be limited to the examination of the customer accounts and complaints handled in such office. This inspection should be undertaken on no less than a quarterly basis.

Proposed Rule 15b10–5 (17 CFR 240.15b10–5). *Discretionary authority.* Proposed Rule 15b10–5 (17 CFR 240.15b10–5), which governs discretionary accounts, is intended to safeguard against malpractices and abuses that occur in the creation and handling of such accounts. It would require the person who is to exercise discretionary authority in any account to be specifically so authorized in writing by the customer. The proposed rule would also require that the broker-dealer's records state the reasons given by the customer for granting discretionary authority in his account. Every transaction effected in a discretionary account would have to be approved, on the day the order is entered, by a person with supervisory responsibility.

Excessive trading or "churning" in discretionary accounts is prohibited by applicable antifraud provisions of the Exchange Act including Rule 15c1–7 (17 CFR 240.15c1–7).

Proposed Rule 15b10–6 (17 CFR 240.15b10–6). *Record keeping.* Proposed Rule 15b10–6 (17 CFR 240.15b10–6) would impose record keeping requirements on nonmember brokers and dealers designed to complement certain provisions of the proposed rules on suitability (Rule 15b10–3; 17 CFR 240.15b10–3), personnel supervision (Rule 15b10–4; 17 CFR 240.15b10–4), and discretionary accounts (Rule 15b10–5; 17 CFR 240.15b10–5). It would not duplicate any of the record keeping requirements to which nonmember brokers and dealers are already subject under Rule 17a–3 (17 CFR 240.17a–3) of the Exchange Act.

The proposed rule would require that a record be kept for each customer maintaining an account with the firm which would contain the customers' name, age, address, nationality or citizenship, and social security number. Where the broker-dealer, or any associated person, has made any recommendation to the customer to purchase or sell any security, the record would also have to indicate the customers' occupation, marital status, investment objectives, and information concerning the customers' financial situation and needs which the broker-dealer or associated persons considered in making recommendations; but there would be no obligation to record any such information which the broker-dealer does not have because the customer declines to furnish it if the record contains a statement to that effect. Further, where the customer has delegated discretionary authority to the broker-dealer or any associated person, the proposed rule would also require, that in addition to the information mentioned above, broker-dealer records must also contain the customers' written delegation of discretionary authority, a statement of the reasons given by the customer for granting such authority, and the signature of the persons with supervisory responsibility over that account.

The proposed rule would also require that, for each new customer acquired after the effective date of the rule, the customer account record would have to include the signature of the customer, the signature of the associated person who introduced the new account, and the signature of the person with primary supervisory responsibility over that particular account.

The proposed rule would also require a separate complaint file, to be kept alphabetically by customers' names, and to include copies of all material relating to complaints, and a record of what action, if any, has been taken by the broker or dealer.

All of the records to be maintained under this proposed rule would be required to be preserved for a period of not less than six years, the first two years in an easily accessible place.

The text of the proposed rules would be substantially as follows:

§ 240.15b10–1 Definitions.

(a) For the purposes of all rules issued pursuant to section 15(b)(10) of the Act:

(1) The term "nonmember broker or dealer" shall mean any person registered as a broker or dealer under section 15 of the Act who is not a member of a national securities association registered with the Commission under section 15A of the Act.

(2) The term "associated person" shall mean any partner, officer, director, or branch manager of a nonmember broker or dealer (or any person occupying a similar status or performing similar functions), or any natural person directly or indirectly controlling or controlled by such nonmember broker or dealer, and shall include any employee of such nonmember broker or dealer (other than employees whose functions are clerical or ministerial).

(3) The term "complaint" shall mean any statement pertaining to a customer's grievance involving the securities activities of the nonmember broker or dealer or any of his associated persons.

§ 240.15b10–2 General business conduct.

Every nonmember broker or dealer and associated person shall observe high standards of commercial honor and just and equitable principles of trade in the conduct of his business.

§ 240.15b10–3 Suitability of recommendations.

Every nonmember broker or dealer and every associated person who recommends to a customer the purchase, sale or exchange of any security shall have reasonable grounds to believe that the recommendation is suitable for such customer on the basis of information furnished by such customer after reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other information known by such broker or dealer or associated person.

§ 240.15b10–4 Supervision of associated persons.

Every nonmember broker or dealer shall exercise diligent supervision over the securities activities of all of his associated persons. As part of his responsibility under this section:

(a) Every such broker or dealer shall establish, maintain and enforce written procedures, a copy of which shall be kept in each business office, which shall set forth the procedures adopted by the broker or dealer to comply with the duties imposed by this section.

(b) Every associated person of the nonmember broker or dealer shall be subject to the supervision of a supervisor designated by such broker or dealer. There shall be at least one such supervisor in each business office of the nonmember broker or dealer. The supervisor may be the broker or dealer in the case of a sole proprietor, or a partner, officer, office manager, or any other qualified associated person.

(1) Every such supervisor shall:

(i) Review and approve by signature the opening of each new customer account handled by the associated persons whom he supervises;

(ii) Examine frequently all such customer accounts to detect and prevent irregularities or abuses;

(iii) Review and endorse promptly by signature, all securities transactions and correspondence pertaining to the solicitation and execution of all securities transactions by associated persons subject to his supervision;

(iv) Review and approve by signature the delegation by any customer of discretionary authority with respect to his account to a stated associated person or persons of the broker or dealer and approve by signature each discretionary order on the day entered on behalf of that account as required by § 240.15b10–5; and

(v) Review and approve the handling of all customer complaints relating to the associated persons subject to his supervision.

(c) Every nonmember broker or dealer with more than one business office shall designate from among his partners, officers or other qualified associated persons, a person or group of persons who shall:

(1) Supervise and periodically review the activities of the supervisors designated pursuant to paragraph (b) of this section in order to insure that they are discharging their supervisory duties;

(2) Review and approve by signature the opening of each new customer account;

(3) Review and approve promptly by signature the delegation by any customer of discretionary authority with respect to his account to any associated person of that broker or dealer; promptly review and approve each discretionary order entered on behalf of that account as required by § 240.15b10–5; and review all discretionary accounts at frequent intervals, but not less than once a month; and

(4) Periodically inspect each business office of the broker or dealer. Such inspection shall include but not be limited to the examination of the customer accounts and customer complaints handled through each such office.

§ 240.15b10–5 Discretionary authority.

(a) No nonmember broker or dealer, or any associated person, shall exercise any discretionary power or authority for any customer unless such customer has given prior written authorization to exercise such power or authority to a stated associated person or persons, and has indicated the reasons for such authorization.

(b) This section shall not apply to transactions in which the broker-dealer's discretion is limited to the price at which or the time when an order given by a customer for the purchase or sale of a definite amount of a specified security shall be executed.

§ 240.15b10–6 Record keeping.

(a) Every nonmember broker or dealer shall make and keep current in the office through which the customer account is handled:

(1) (i) A record for each customer which shall state the customer's name, age, address, nationality or citizenship and social security number; and in the case of a person who becomes a customer after the effective date of this section, the record shall also contain the signature of the customer, the signature of the associated person introducing the account, the signature of a supervisor designated pursuant to paragraph (b) of § 240.15b10–4, and, if appropriate, the signature of the person or persons exercising supervisory authority as designated pursuant to paragraph (c) of § 240.15b10–4,

(ii) If the broker or dealer, or any associated person, has made any recommendation to the customer to purchase or sell any security, the record shall also state the customer's age, occupation, marital status, investment objectives and other information concerning the customer's financial situation and needs which the broker-dealer or the associated person considered in making recommendations;

(2) A record or records with respect of each discretionary account which shall include:

(i) The customer's written authorization to exercise discretionary power or authority with respect to such account,

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[2] Rule 10b–5 (17 CFR § 240.10b–5) and Rule 15c1–2 (17 CFR § 240.15c1–2).

[3] Report of the Special Study of Securities Markets, H R. Doc. No. 95, 88th Cong., 1st sess., pt. I, p. 329 (hereinafter cited as "Special Study").

[4] The Commission in its decisions has continually recognized the need for greater broker-dealer supervision and the Special Study emphasized the need for such supervision:

> The supervision by the broker-dealers of the selling activities of their personnel, particularly in branch offices, should be generally strengthened by the adoption of appropriate procedures. The Commission should adopt rules to facilitate and reinforce controls by firms, the self-regulatory bodies and the Commission over selling practices. (Special Study, pt. I, pp. 328, 329.)

[5] The Special Study urged that those persons who are branch office managers should be relieved of ordinary selling responsibilities. See Special Study, pt. I, p. 328.

(ii) The reasons given by the customer for granting discretionary authority in his account,

(iii) The signature of a supervisor designated pursuant to paragraph (b) of § 240.15b10–4, and if appropriate, the signature or signatures of the person or persons designated pursuant to paragraph (c) of § 240.15b10–4, approving the delegation of discretionary authority,

(iv) The approval by signature of a supervisor designated pursuant to paragraph (b) of § 240.15b10–4 of each transaction in said account indicating the exact time and date of such approval;

(3) A separate file for all complaints by customers and persons acting on behalf of customers, which shall be filed alphabetically by customer's name and shall include copies of all material relating to the complaint, and a record of what action, if any, has been taken by the broker or dealer;

(4) Every nonmember broker or dealer shall preserve all records to be required by this section for a period of not less than 6 years, the first 2 years in an easily accessible place.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, as amended, sec. 203(a), 49 Stat. 704, secs. 4, 8, 49 Stat. 1379, sec. 5, 52 Stat. 1076, sec. 6, 78 Stat. 570, 15 U.S.C. 78o, 78q, 78w)

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before December 5, 1966. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 25, 1966.

[F.R. Doc. 66–11793; Filed, Oct. 28, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

AGREEMENT WITH AMERICAN SHEEP PRODUCERS COUNCIL, INC.

Determination of Producers' Approval on Referendum

Pursuant to section 708 of the National Wool Act of 1954, as amended (68 Stat. 912; 7 U.S.C. 1787), a referendum was held among producers of sheep and wool in the United States to determine whether they approved a proposed agreement by the Secretary of Agriculture with the American Sheep Producers Council, Inc., for developing and conducting advertising and sales promotion programs and for deductions from payments to such producers to be made pursuant to the act for the marketing years 1966, 1967, 1968, and 1969. Notice of the referendum (31 F.R. 10202), published July 28, 1966, included the text of the proposed agreement.

In the referendum held pursuant to the notice, 79.9 percent of the voting producers who were engaged in the United States in the production for market of sheep or wool (i.e., anyone who owned sheep or lambs, 6 months of age or older, located in the United States, continuously during a single period of at least 30 days between January 1, 1966, and the date his ballot was cast) voted in favor of the agreement, and those voting in favor owned 79.5 percent of the sheep owned by all the voting producers. The period from January 1, 1966, to the time the ballots were cast is a representative period of production.

Accordingly, I hereby determine that the agreement has the approval of the requisite number of producers as required by said act since in said referendum more than two-thirds of the total number of producers voting and producers of more than two-thirds of the total volume of production represented in the referendum indicated approval of the agreement.

I have this day signed the agreement and it became effective upon my signature.

(Sec. 708, 68 Stat. 912; 7 U.S.C. 1787)

Signed at Washington, D.C., on October 25, 1966.

JOHN A. SCHNITTKER, *Acting Secretary.*

[F.R. Doc. 66–11808; Filed, Oct. 28, 1966; 8:47 a.m.]

Consumer and Marketing Service

PAYNES LIVESTOCK AUCTION, TUCSON, ARIZ., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ARIZONA	
Paynes Livestock Auction, Tucson, Oct. 15, 1957	Nelson Livestock Auctions, Inc., July 30, 1966.
Willcox Livestock Commission Company, Willcox, Oct. 15, 1957.	Nelson Livestock Auctions, Inc., July 30, 1966.
IDAHO	
Tink's Livestock Commission, Inc., Jerome, Mar. 29, 1950.	Jerome Producers Livestock Marketing Association, Sept. 6, 1966.
ILLINOIS	
Stoutenborough Sale Pavilion, Springfield, Nov. 18, 1959.	Stoutenborough Sales, Inc., Oct. 10, 1966.
IOWA	
Leon Livestock Market, Leon, May 18, 1959	Leon Sale, Sept. 1, 1966.
Low Moor Sales Company, Low Moor, Apr. 3, 1957	Low Moor Sales Company, Inc., Aug. 3, 1966.
MASSACHUSETTS	
Michelson's Cattle, South Easton, Apr. 26, 1960	Michelson's Livestock Commission Auctions, Inc., Jan. 1, 1966.
MINNESOTA	
Terminal Auction Market, Thief River Falls, Sept. 21, 1959.	Joppru Sales Barn, Aug. 31, 1966.
MONTANA	
Miles City Stockyards Company, Miles City, Nov. 9, 1951.	Miles City Salesyards Company, June 23, 1966.
NEW MEXICO	
Albuquerque Livestock Auction, Inc., Albuquerque, N. Mex., Jan. 24, 1957.	Albuquerque Livestock Commission Company, Inc., Jan. 11, 1966.
OKLAHOMA	
Oklahoma Stockyards, Inc., Comanche, Sept. 2, 1964.	Cattleman's Stockyards, Sept. 1, 1966.
Madill Horse Auction, Madill, Nov. 6, 1964	Marshall County Livestock Auction, Aug. 1, 1966.
PENNSYLVANIA	
Greenville Livestock Market, Inc., Greenville, Jan. 15, 1960.	Greenville Livestock Auction, May 1, 1966.
SOUTH DAKOTA	
Hub City Livestock Sales Pavilion, Inc., Aberdeen, Nov. 29, 1949.	Hub City Livestock Sales, Inc., May 2, 1966.

Done at Washington, D.C., this 24th day of October, 1966.

CHARLES G. CLEVELAND, *Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.*

[F.R. Doc. 66–11822; Filed, Oct. 28, 1966; 8:48 a.m.]

Office of the Secretary

NEBRASKA

Extension of Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Nebraska natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Nebraska, Sheridan; original designation, 29 F.R. 11934; first extension, 30 F.R. 7616; present extension, 31 F.R. 5642–5643.

Pursuant to the authority set forth above, emergency loans will not be made

in the above-named county after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of October 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-11804; Filed, Oct. 28, 1966; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SACRAMENTO, CALIF., DISTRICT OFFICE

Change of Location

Notice is hereby given that the Sacramento District Office, Bureau of Land Management, 4516 U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814, will be moved to Folsom, Calif., and the name will be changed to the Folsom District. No change in administrative responsibilities is involved.

The Sacramento District Office will close at 4:30 p.m., P.s.t., November 4, 1966. The Folsom District Office, 63 Natoma Street, Folsom, Calif. 95630, will open at 7:45 a.m., P.s.t., November 7, 1966. The Folsom District Office will be open to the public between the hours of 7:45 a.m. and 4:30 p.m., daily, Monday through Friday, excepting Federal holidays.

JOHN O. CROW,
Associate Director.

OCTOBER 27, 1966.

[F.R. Doc. 66-11875; Filed, Oct. 28, 1966; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16187]

COMPANIA DE AVIACION "FAUCETT," S.A.

Notice of Hearing

Application for a renewal of foreign air carrier permit to engage in foreign air transportation with respect to persons, property, and mail between a point or points in Peru, the intermediate point Panama City, Panama, and the terminal point Miami, Fla.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 4, 1966, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Hearing Examiner.

For further information concerning the issues involved and other matters in this proceeding, interested persons are referred to the Report of Prehearing Conference, served June 6, 1966, and other documents on file in the above docket in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 26, 1966.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 66-11814; Filed, Oct. 28, 1966; 8:47 a.m.]

[Docket No. 17728]

OZARK-CENTRAL MERGER CASE

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding will commence on Monday, November 21, 1966, at 10 a.m., l.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report and all other documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 26, 1966.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 66-11815; Filed, Oct. 28, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-98]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

OCTOBER 20, 1966.

Take notice that on October 17, 1966, Midwestern Gas Transmission Co. (Applicant), Post Office Box 774, Chicago, Ill. 60690, filed in Docket No. CP67-98 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of increased volumes of natural gas to existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to increase peak day sales authorization on its northern system by 75 Mcf per day, commencing November 1, 1966, and by a subsequent increase of 3,246 Mcf, commencing November 1, 1967, amounting to a total increase of 3,321 Mcf. Applicant is presently authorized to make sales from its northern system of 213,796 Mcf.

Applicant states that no new facilities are needed to meet the proposed increased deliveries.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 18, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11785; Filed, Oct. 28, 1966; 8:45 a.m.]

[Docket No. CP67-101]

TRUNKLINE GAS CO.

Notice of Application

OCTOBER 20, 1966.

Take notice that on October 17, 1966, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission for the abandonment of sale of natural gas to Transcontinental Gas Pipe Line Corp. (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon sale of natural gas to Transco from Luby Field Area, Nueces County, Tex., which sale was authorized in Docket No. CP62-281. Applicant states that it is no longer economically feasible to continue delivery of natural gas from this area.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 18, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11786; Filed, Oct. 28, 1966; 8:45 a.m.]

[Docket No. CP67-100]

WISCONSIN POWER AND LIGHT CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

OCTOBER 21, 1966.

Take notice that on October 17, 1966, Wisconsin Power and Light Co. (Applicant), 122 West Washington Avenue, Madison, Wis., filed in Docket No. CP67-100 an application pursuant to section 7(a) of the Natural Gas Act requesting the Commission to order Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection with facilities to be built by Applicant and to sell and deliver to Applicant volumes of natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests that Respondent extend its gas transportation facilities by constructing 7.8 miles of 4-inch line and a gate station to and at a point near the villages of Cambria and Randolph, Wis., establish physical connection of such facilities with facilities to be constructed by Applicant in and about the villages of Cambria and Randolph, and sell and deliver natural gas to Applicant for distribution and sale in Cambria and Randolph and the towns of Springvale, Courtland, and Randolph, Columbia County, and the towns of Fox Lake and Westford, Dodge County, Wis.

The estimated third year peak-day and annual requirements of the new service is 878 Mcf and 234,320 Mcf, respectively.

The estimated cost of Respondent's construction is $156,213.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 18, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11787; Filed, Oct. 28, 1966; 8:45 a.m.]

[Docket Nos. RI67-110 etc.]

L. E. SMITH, ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 21, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 7, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-110	L. E. Smith, et al., Commercial National Bank Bldg., Shreveport, La. 71101.	1	4	Southern Natural Gas Co. (Bear Creek Field, Bienville Parish, La.) (Northern Louisiana).	$24,150	9-22-66	[2] 10-23-66	3-23-67	[3] 11.85	[4] [5] 18.75	
RI67-111	David Crow (Trustee) et al., 200 Beck Bldg., Shreveport, La. 71101.	2	6	do	214,314	9-22-66	[2] 10-23-66	3-23-67	[3] 11.85	[4] [5] 18.75	
RI67-112	H. T. Shalett and David Crow, et al., 200 Beck Bldg., Shreveport, La. 71101.	1	5	do	64,101	9-22-66	[2] 10-23-66	3-23-67	[3] 11.85	[4] [5] 18.75	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Unilateral rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 2.0 cents deductible by buyer for dehydration (not provided by contract) (also includes 1.75 cents tax reimbursement).
[6] Includes 1.5 cents tax reimbursement, which portion of rate was collected subject to refund in Docket Nos. G-17679 and RI60-356 (Smith), G-17714 and RI60-355 (Crow), and RI60-393 (Shalett).

The Respondents herein request that their proposed rate increases be permitted to become effective on October 22, 1966. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for these producers' rate filings and such requests are denied.

The producers herein, claiming that their gas sales contracts are either invalid or have terminated, propose unilateral rate increases from 10.35 cents (at 15.025 p.s.i.a.), plus 1.5 cents tax reimbursement, to 17 cents per Mcf, plus 1.75 cents tax reimbursement, totalling $302,565 annually, for sales to Southern Natural Gas Co. (Southern) in Northern Louisiana.

Southern, by letters filed October 13, 1966, urges rejection or, in the alternative, suspension of each of the instant filings, stating that it denies that the contracts have terminated.

All of the producers' proposed increased rates and charges exceed the applicable area price level for increased rates in Northern Louisiana as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

Under the circumstances, we shall provide that the hearings ordered above shall in-

volve not only the justness and reasonableness of the producers' proposed rate increases, but also the question of the right of each producer to make the unilateral filings involved here.

[F.R. Doc. 66-11789; Filed, Oct. 28, 1966; 8:45 a.m.]

[Docket Nos. G-6352, etc.]

CONTINENTAL OIL CO. ET AL.

Findings and Order; Correction

OCTOBER 12, 1966.

Continental Oil Co., et al., Docket Nos. G-6352, etc.; Houston Natural Gas Production Co. (Operator), et al., Docket No. G-10181; Herman Geo. Kaiser (Operator), et al., Docket No. G-12663.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, reinstating certificate, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successor co-respondent, redesigning proceedings, requiring filing of agreements and undertakings, accepting offer of settlement and accepting related rate schedules and supplements for filing, issued August 30, 1966 and published in the FEDERAL REGISTER September 8, 1966 (F.R. Doc. 66-9749; 31 F.R. 11774-11780); in paragraph 4 change Emerald Oil & Carbolc Co. (Operator), et al., FPC Gas Rate Schedule No. 5 to read "FPC Gas Rate Schedule No. 2".

In the chart FPC Gas Rate Schedule No. "1" to read No. "5" after Herman Geo. Kaiser, Docket No. G-12663.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11784; Filed, Oct. 28, 1966; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

DEPOSITORS TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Depositors Trust Co., for approval of merger with First Maine Trust Co.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c), as amended by Public Law 89-356), an application by Depositors Trust Co., Augusta, Maine, for the Board's prior approval of the merger of that bank and First Maine Trust Co., Augusta, Maine, a newly organized bank, under the charter and title of Depositors Trust Co. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's statement[1] accompanying its order of this date concerning the application of Depositors Corp., Augusta, Maine, to become a bank holding company, that said application for merger be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 24th day of October 1966.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-11790; Filed, Oct. 28, 1966; 8:45 a.m.]

DEPOSITORS CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Depositors Corp., Augusta, Maine, for approval of action to become a bank holding company through the acquisition of 100 percent of the outstanding voting shares of Depositors Trust Co., Augusta, Maine, and at least 80 percent of the outstanding voting shares of the Liberty National Bank in Ellsworth, Ellsworth, Maine.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), as amended by Public Law 89-485), and § 222.4(a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), an application by Depositors Corp., Augusta, Maine, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the outstanding voting shares of Depositors Trust Co., Augusta, Maine, and at least 80 percent of the outstanding voting shares of the Liberty National Bank in Ellsworth, Ellsworth, Maine.

As required by section 3(b) of the Act, the Board notified the Bank Commissioner of the State of Maine and the Comptroller of the Currency of receipt of the application and requested their views and recommendations. The Commissioner expressed no objection to approval of the application; the Comptroller recommended its approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 11, 1966 (31 F.R. 10704), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. Time for filing such views and comments has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the transaction so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 24th day of October 1966.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66-11791; Filed, Oct. 28, 1966; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. D-3]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority

1. *Purpose.* To delegate to the Secretary of Health, Education, and Welfare authority to assist in controlling violations of law.

2. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Health, Education, and Welfare to appoint uniformed guards as special policemen and to make all needful rules and regulations for the protection of the National Institutes of Health facilities at Bethesda and Poolesville, Md., over which the Federal Government has exclusive or concurrent jurisdiction.

b. The Secretary of Health, Education, and Welfare may redelegate this authority to any officer, official, or employee of the Department of Health, Education, and Welfare.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration.

3. *Effective date.* This delegation of authority is effective immediately.

Dated: October 25, 1966.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 66-11805; Filed, Oct. 28, 1966; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Daane.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Daane.

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1966]

BOWSER, INC., ET AL.

Notice of and Order for Hearing on Application for Order Exempting Proposed Transaction

OCTOBER 25, 1966.

Notice is hereby given that Bowser, Inc. ("Bowser"), 400 West Madison Street, Chicago, Ill. 60606, an Indiana corporation, the Equity Corp. ("Equity"), 26 Broadway, New York, N.Y. 10004, a registered closed-end nondiversified investment company, Sterling Precision Corp. ("Sterling"), 103 Park Avenue, New York, N.Y. 10017, Mr. J. Russell Duncan, 4 Riverview Terrace, New York, N.Y., chairman of the board of directors of Sterling, and Jardun Corp. ("Jardun"), 4 Riverview Terrace, New York, N.Y., wholly owned by Mr. Duncan, have filed jointly an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the purchase by Bowser of an aggregate of 222,600 shares of its common stock from a group consisting of Equity, Sterling, Duncan, and Jardun at $13 per share, or an aggregate price of $2,893,800.

Sections 17(a) and 17(b) of the Act, make it unlawful, with certain exceptions, for any affiliated person of a registered investment company (as defined in section 2(a)(3) of the Act), or any affiliated person of such a person, to sell to or purchase from such registered company, or any company controlled by such registered company, any security or other property, or to borrow any money or other property therefrom, unless the Commission upon application grants an exemption from such prohibitions after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act. All interested persons are referred to the application on file with the Commission for a full statement of the representations made therein, which are summarized below.

The purchases by Bowser are proposed to be made pursuant to an agreement dated February 24, 1966, between Bowser and the sellers providing for the purchases by Bowser of its common stock in the following amounts:

Sellers	Shares of common stock of Bowser	Sale price
Equity	30,000	$390,000
Sterling	144,200	1,874,600
Duncan	3,400	44,200
Jardun	45,000	585,000
Total	222,600	2,893,800

At the time of the agreement, Equity owned 11.8 percent of Sterling's voting securities, and Sterling, in turn, owned 19.98 percent of Bowser's voting securities. Mr. Duncan at that time was a director of Bowser as well as chairman of the board of Sterling.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to said application.

It is ordered, Pursuant to section 40(a) of the Act that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 14th day of November 1966, at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, Washington, D.C. 20549, on or before the 9th day of November 1966, his request as provided by Rule 9 of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses noted above, and proof of service (by affidavit, or, in case of an attorney at law, by certificate) shall be filed contemporaneously with such request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Investment Company Act of 1940; and

(3) Whether the proposed transaction is consistent with the general purposes of the Investment Company Act of 1940.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to Bowser, Equity, Sterling, Mr. J. Russell Duncan, and Jardun and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-11794; Filed, Oct. 28, 1966; 8:46 a.m.]

[812-1996]

CONTINENTAL ASSURANCE CO. SEPARATE ACCOUNT (B)

Notice of Application for Order of Exemption

OCTOBER 25, 1966.

Notice is hereby given that Continental Assurance Co. Separate Account (B) ("Applicant"), 310 South Michigan Avenue, Chicago, Ill. 60604, an open-end investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order exempting it from the provisions of sections 14(a), 15(a), 16(a), 22(d), 22(e), 27(c), and 32(a)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was established on June 1, 1966, under the provisions of Article XIV-½ of the Illinois Insurance Code by Continental Assurance Co. ("Company"), a stock life insurance company organized under the Illinois Insurance Code and licensed as a life insurance company in all states of the United States. Section 857.51 of Article XIV-½ of the Illinois Code authorizes a domestic life insurance company to establish a separate account to fund group variable annuity contracts. Applicant proposes to engage in the sale of group variable annuity contracts in connection with annuity purchase plans adopted by public school systems and tax exempt organizations which satisfy the requirements of sections 403(b) and 501(c) of the Internal Revenue Code ("Code").

Section 14(a) of the Act provides in substance that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. Applicant represents that since the Company and its employees are not entitled to tax deferred treatment under section 403(b) of the Code, the Company cannot advance funds to meet the requirements of section 14(a) of the Act. Applicant further states that under the Illinois Insurance Code, the Company, which has capital and surplus in excess of $100 million is liable for all the expenses and liabilities of the separate account.

Sections 15(a), 16(a), and 32(a) of the Act, respectively, provide for the owners of the outstanding voting securities of a registered investment company to: (1)

Approve its investment advisory contract, (2) elect its directors and (3) ratify the selection of its independent public accountant. Applicant will not, initially, have any voting securities and Applicant therefore requests a temporary exemption from these sections. Applicant represents that the first annual meeting of participants in the group variable annuity contracts in the Separate Account will take place on the first Wednesday in April 1967. Applicant further represents that by that time it expects to have sold some group variable annuity contracts so that the participants therein can then vote on such matters. In the interim the Company has chosen a Committee for the management of the separate account, 60 percent of the members of which are persons not affiliated with the Company. The Committee has entered into an investment advisory and management contract with the Company and has appointed independent public accountants.

Section 22(d) of the Act provides that no registered investment company shall sell any redeemable securities except at a current offering price described in its prospectus which is required to state separately the sales charges on the sale of its securities. Applicant represents that the only charge which will be made against contributions by participants is a 6-percent combined sales and administrative fee payable to the Company as principal underwriter, which fee cannot be increased by virtue of the Company's guarantee that no further deductions will be made for sales or administrative expenses. Applicant further represents that it is not possible to set forth in advance a single rate of sales charge applicable to all group variable annuity contracts it may sell. Applicant intends to employ full-time salaried salesmen compensated by Continental Assurance Co. for sale of its group variable annuity contracts to large school systems in the Midwest. In other areas Applicant intends to enter into brokerage contracts under which commissions will be paid at varying rates, depending in part upon the expenses incurred by individual brokers for printing and other items, and no salaried salesmen will be used. Applicant further represents that mortality guarantees will be made under group contracts which might adversely affect the reserves for the separate account and necessitate holding subsequent expenses to a minimum, including further commissions payable.

Section 22(e) of the Act prohibits a registered investment company issuing redeemable securities from suspending or postponing the right of redemption for more than 7 days after the tender of such security to the investment company for redemption. Applicant states that annuity benefits under the proposed contracts will be freely redeemable for cash prior to retirement. However, once annuity payments guaranteed for the life of the annuitant have commenced, cash surrender of such annuities would interfere with the actuarial computations upon which the lifetime guarantee is based and might exhaust the actuarial reserves set aside for the purpose before the death of the last member of the retired group. Accordingly, Applicant requests exemption from section 22(e) with respect to the right of redemption of retired persons who have commenced to receive annuity payments.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a) (2) and (3) for a unit investment trust. Section 26 (a)(2) places certain restrictions on charges which may be made against the trust income and corpus and prohibits the trustee from charging as an expense to the fund any payment to the depositor or principal underwriter of the trust except for bookkeeping and other administrative services in such reasonable amount as the Commission may prescribe. Section 26(a)(3) requires certain arrangements to assure the continuity of the trustee or custodian.

Applicant represents that the Company, as a life insurance company, is subject to extensive regulation by the Insurance Department of the State of Illinois and by all the other 49 States in which it is licensed to do business and that such control furnishes ample protection to the participants against embezzlement and misfeasance. Applicant also represents that it has no expenses other than the investment advisory fee since all other expenses are paid by the Company, for which the Company receives a maximum fee (including sales charges) of 6 percent from each contribution made by participants. Moreover, Applicant states that, for the purposes of the Illinois Insurance Code, applicant is a part of the Company and therefore all of the Company's assets are available to meet applicant's obligations. Applicant further represents that the Company is contractually obligated to the participants and cannot resign or otherwise avoid its contractual obligation.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 10, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11795; Filed, Oct. 28, 1966; 8:46 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

OCTOBER 25, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended this order to be effective for the period October 26, 1966, through November 4, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11796; Filed, Oct. 28, 1966; 8:46 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

OCTOBER 25, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 26, 1966, through November 4, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11797; Filed, Oct. 28, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 26, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40763—*Tea or tea dust to Peoria, Ill.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2868), for interested rail carriers. Rates on tea or tea dust, in carloads, from North Atlantic ports and points grouped therewith, to Peoria, Ill.

Grounds for relief—Market competition and port equalization.

Tariffs—Supplement 129 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-236 and 2 other schedules named in the application.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11809; Filed, Oct. 28, 1966; 8:47 a.m.]

[Notice 277]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 26, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67, (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 31389 (Sub-No. 82 TA), filed October 24, 1966. Applicant: McLEAN TRUCKING COMPANY, a corporation, Post Office Box 213, 617 Waughtown Street, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Boone, N.C., and Mountain City, Tenn., from Boone, over U.S. Highway 321 to Vilas, N.C., thence over U.S. Highway 421 to Mountain City, and return over the same routes, serving no intermediate points. Note: Applicant states tacking will take place at Boone, N.C., for points throughout the McLean system to points in numerous eastern, southeastern, Middle Atlantic, New England and central territory States, for 180 days. Supporting shipper: Southern Glove Manufacturing Co., Inc., Post Office Box 397, Conover, N.C. 28613. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 111057 (Sub-No. 4 TA), filed October 24, 1966. Applicant: EAST EXPRESS, INCORPORATED, Post Office Box 923, Thomasville, N.C. 27360. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated in mixed loads with uncrated new furniture, from High Point and Thomasville, N.C., to points in New York, New Jersey, Pennsylvania, Delaware, Maryland (except Baltimore and Annapolis), Virginia (except Richmond) and the District of Columbia. Note: Applicant states it holds authority under its certificate No. MC-111057 covering the transportation of *new furniture*, uncrated, from High Point and Thomasville, N.C., to all of the destinations here involved. The sole purpose of the authority sought is to enable handling crated new furniture in mixed loads with the already authorized uncrated new furniture. Supporting shippers: B & H Manufacturing Co., Inc., 1430 Trinity Avenue, High Point, N.C. 27260, Burton Upholstery Co., Inc., Post Office Drawer 1150, High Point, N.C. 27261, Carsons of High Point, Post Office Box 150, High Point, N.C. 27261, Crestwood Furniture Co., Post Office Box 590, High Point, N.C. 27260, Erwin-Lambeth, Inc., Thomasville, N.C. 27360, Lincoln Lounge Co., Post Office Box 975, High Point, N.C. 27261, Pilgrim Furniture Co., Post Office Box 246, High Point, N.C. 27261, Security Upholstering Co., Post Office Box 246, High Point, N.C. 27261. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 115654 (Sub-No. 8 TA), filed October 24, 1966. Applicant: TENNESSEE CARTAGE COMPANY, INC., 815 Ewing Avenue, Nashville, Tenn. 37201. Applicant's representative: Walter Harwood, Nashville Bank & Trust Building, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment, (1) from Nashville, Tenn., over U.S. Highway 41 to Springfield, Tenn., thence via U.S. Highway 431 to Drakesboro, Ky., thence over Kentucky Highway 176 to Greenville, Ky., thence over U.S. Highway 62 to junction with U.S. Highway 41, thence over U.S. Highway 41 to Madisonville, Ky., and return over same route, serving no intermediate points, (2) between Springfield, Tenn., and Hopkinsville, Ky., over U.S. Highway 41, serving no points on said route, but to be used for joinder only, (3) between Princeton, Ky., and Hopkinsville, Ky., over U.S. Highway 62 from Princeton to its junction with U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, serving Princeton, Ky., except the site of the Princeton Co., at or near Princeton; and serving Hopkinsville for joinder only, (4) between Princeton, Ky., and Nashville, Tenn., over Kentucky Highway 91 to Hopkinsville, thence over U.S. Highway 41A to Nashville, Tenn., serving Nashville, Tenn., and Princeton, Ky., except the site of the Princeton Co., at or near Princeton, and serving Hopkinsville for joinder only. Note: Applicant states that by this application the applicant seeks authority only between Nashville, Tenn., on the one hand, and, on the other hand, Madisonville, Ky., and Princeton, Ky., except the site of the Princeton Co., at or near Princeton, Ky., but it does seek the right to operate over any and all routes set out above in providing service to the points to be served, for 180 days. Supporting shippers: Hart Equipment Co., Inc., Bearings Service Co., J. C. Penney Co., Inc., Austin Powder Co., Madisonville, Ky., Princeton Hosiery Mills, Inc., and Cumberland Manufacturing Co., Inc., Princeton, Ky. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn.

No. MC 116949 (Sub-No. 6 TA), filed October 24, 1966. Applicant: BURNS TRUCKING, INC., Route No. 1, South Sioux City, Nebr. 68776. Applicant's representative: Paul W. Deck, 222 Davidson Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New, used and/or wrecked semitrailers, parts and equipment therefor*, between the plantsites of Jason Manufacturing, Inc., at or near

Hampton, Iowa, on the one hand, and, on the other, points in the United States including the District of Columbia, for 180 days. Supporting shipper: Jason Manufacturing, Inc., Hampton, Iowa 50441. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 124983 (Sub-No. 7 TA), filed October 24, 1966. Applicant: CLARENCE NEWLUN, doing business as NEWLUN TRANSPORT SERVICE, 119 Lincoln Street, North Pekin, Ill. Applicant's representative: Donald S. Manion, 53 West Jackson Boulevard, Chicago, Ill. 60604. Authority sought to operate as as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and supplies*, between Indianapolis, Ind., and Pekin, Ill., for 150 days. Supporting shipper: The Borden Co., 231 Elizabeth Street, Pekin, Ill. 61555. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, U.S. Courthouse, Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128656 TA, filed October 24, 1966. Applicant: CASKET TRANSPORT COMPANY, INC., 1610 Southwest Evans, Des Moines, Iowa. Applicant's representative: Russell H. Wilson, Suite 200, 3839 Merle Hay Road, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, casket parts, and burial vaults* (1) from Arthur, Ill., to Little Rock, Ark., Ottumwa, Iowa, and Omaha, Nebr., (2) between Arthur, Ill., Little Rock, Ark., Ottumwa, Iowa, and Omaha, Nebr., (3) from Omaha, Nebr., to points in that part of Iowa West of U.S. Highway 63 and on South of Interstate Highway 80, except Des Moines, Iowa, for 180 days. Supporting shipper: Progress Industries, Inc., 400 East Progress Street, Arthur, Ill. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 227 Federal Office Building, Des Moines, Iowa. 50309.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11810; Filed, Oct. 28, 1966; 8:47 a.m.]

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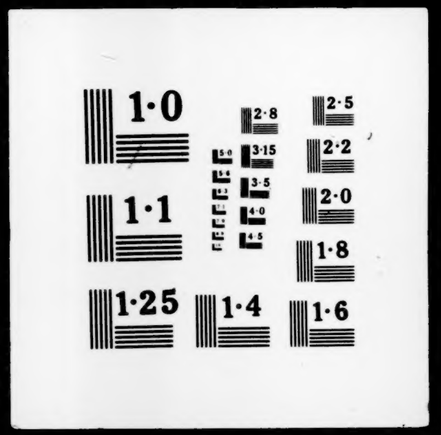
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and $100/20 = 5$.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and $7.9 \times 5 = 39.5$ lines per millimeter recorded satisfactorily. $10.0 \times 5 = 50$ lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.